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HOUSE OF REPRESENTATIVES—*Thursday, June 7, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In everything by prayer and supplication with thanksgiving let your requests be made known unto God.—Philippians 4: 6.

Eternal God, our Father, whose love never lets us go and beyond whose brooding care we cannot drift, with the vision of a new day and in the vigor of a new beginning we lift our hearts unto Thee ere we set our faces toward the tasks that confront us. Quiet our spirits in Thy presence and may Thy still, small voice transform our fears into faith, our ill will into good will, and our worries during the day into wisdom for the day.

Not only for ourselves do we pray but also for the common interests which bind us together as a nation. For our Republic and her leaders, for all our citizens in this time of trial and testing we seek the guidance of Thy wise and wonderful spirit. Grant that we may not miss the way to enduring justice, redeeming peace, and never-failing good will.

In the spirit of the Master we offer this, our morning prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2246) entitled "An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period."

The message also announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 1570. An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes.

HON. CARDISS COLLINS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois, Mrs. Cardiss Collins, be permitted to take the oath of office today. Her certificate of election has not arrived, but there is no contest, and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mrs. COLLINS appeared at the bar of the House and took the oath of office.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device and the following Members failed to respond:

[Roll No. 193]

Andrews, N.C.
Badillo
Blatnik
Bolling
Carter
Chisholm
Clark
Cochran
Davis, Ga.
Dennis
Diggs
Dingell
Erlenborn
Fish
Fisher
Foley
Giaimo
Gibbons
Gray
Harrington
Harsha
Hébert
Heinz
Howard
Ichord
Johnson, Colo.
Karth
McDade
Macdonald
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Minshall, Ohio
Mosher
Murphy, N.Y.
Nedzi
O'Brien
Patman
Pepper
Peyser
Podell
Powell, Ohio
Reid
Rooney, N.Y.
Rostenkowski
Saylor
Skubitz
Stuckey
Sullivan
Teague, Tex.
Thompson, N.J.
Towell, Nev.
Widnall

The SPEAKER. On this roll call 380 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

OPPORTUNITY TO BE HEARD

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, yesterday my distinguished colleague from California (Mr. McCloskey) and I each requested and were granted time to speak to the Members of this House on a matter of grave importance to our constitutional form of democracy. The subject of our proposed remarks was the crisis precipitated by the President and high administration officials acting on behalf of the President; and the consideration of the constitutional duty of the House of Representatives to assess the conduct of the President in executing the laws and obligations of his office.

Mr. McCloskey had barely begun his speech on the history, constitutional duty, and precedents for House investigation when he was interrupted by the gentleman from Indiana (Mr. Landgrebe) demanding a quorum call and thus causing adjournment. Apparently Mr. Landgrebe was not eager to hear what Mr. McCloskey and I had to say.

Whatever differences Members of the House may have, we must be prepared to listen to the views of our colleagues, especially where serious issues arise affecting the Nation, the Constitution, and the people of our country.

I object to the use of parliamentary procedure to deprive a Member of an opportunity to be heard as counterproductive. Indeed this is the time for us to discuss the issues so that we can be in a better position to assert the responsibilities of this body.

THE AMERICAN DOLLAR

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GONZALEZ. Mr. Speaker, I take this opportunity to say that I am happy to see the dollar gaining strength in the world monetary market.

But I want also to say that it should not take private meetings and secret deals in foreign capitals to defend the value of our dollar. If there is need to change our policies, the place to do it is in Washington, and with the proper actions of this Congress—not in closed meetings with private bankers or with foreign officials.

Much as I respect Secretary Shultz and Dr. Burns and the others who are involved in managing our national economic affairs, I respectfully remind them that if the dollar is in trouble, Congress ought to know about it first, not last, and that Congress ought to be consulted about defensive actions and policy changes first—not last.

I expect in the future that Congress will have much closer communication with the Executive on monetary matters. Heretofore, Congress has been notified of policy changes only after they have been made in Brussels or Paris or Tokyo—and that is not what the Constitution contemplates or we expect. As a reminder of all this, I believe that the next time our money men travel abroad they should take with them a copy of the Constitution. It would be instructive to them and to foreign officials as well.

SHEEP DEATHS CAUSED BY HALOGETON POISONING

(Mr. OWENS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. OWENS. Mr. Speaker, I introduced yesterday a bill concerning a claim against the Government to allow its referral to the Chief Commissioner of the Court of Claims.

On January 21, 1971, the Bureau of Land Management reported to the office of the Animal Health Division, USDA, the overnight loss of over 1,100 sheep in Millard County, Utah. The animals were on Federal land, and the owners had Federal grazing permits covering the area. Investigations by relevant agencies have concluded the deaths were caused by halogeton poisoning. Since the forage paid for by the owners to the Government became poisonous, the owners believe their unique loss should be compensated by for the Government, and are, I believe, entitled to their day in court on that issue.

The Court of Claims does not have jurisdiction over this particular type of claim. In order that the court may hear the case, a resolution referring a claims bill must be approved by the Congress, in accordance with sections 1492 and 2509 of title 28 of the United States Code. I am, therefore introducing H. Res. 429 so that Congress can ask the court to determine the merits of the case and decide what action is appropriate. Similar proposals, S. 1592 and Senate Resolution 97, have been introduced in the Senate.

I am hopeful that such action by the Congress will enable the issue to be resolved fairly to both citizens involved and the Government.

WEAPONS AND ORDNANCE DEVELOPMENT

(Mr. HUBER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HUBER. Mr. Speaker, I rise to associate myself with the remarks of the gentlemen from South Carolina. If we are indeed preparing to phase out some of these advanced weapons wherein we now possess a marked technological superiority over the Soviet Union, then our national security is in grave danger. As a former ordnance officer, I know something of the time and effort that goes into weapon development. To assemble teams of technical personnel to work on a weapons system is a very time consuming and expensive process, but in some cases it is even more expensive to disband this team. In this particular instance it could be tragic.

We need the further development of Minuteman III, Poseidon, and Trident, and their associated multiple warhead missile programs. While our armed services are shrinking, the Soviet Union is continuing to turn out new weapons on an assembly line basis, and this includes such large items as nuclear submarines. While we try to decide if the volunteer army is going to work, the Soviet Union continues to draft more than a million men a year for their armed forces. While we continue to study our needs for a new battle tank, the Soviet Union pours new T–64 tanks into their garrisons in Eastern Europe.

Mr. Speaker, the questions the gentlemen from South Carolina has asked deserve answers on an urgent basis. The future of many generations of Americans may depend upon the outcome of the second round of the SALT talks and we should not make any unilateral concessions such as have been suggested are in the offing.

STATEMENT ON QUORUM CALL ACTION TAKEN ON JUNE 6, 1973

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. LANDGREBE. Mr. Speaker, referring to my call for a quorum during the special order proceedings in the House Wednesday evening, let me first make it clear that my action was taken only in the interest of good government and fairness to the American people.

The House of Representatives has two very basic functions—the first is to control spending and the other is to deal with the impeachment process.

In my judgment, the discussion of impeachment of any President is of such great importance that in the interest of America, a majority of their elected representatives should be present to hear and participate in that discussion.

My action was certainly not an attempt to block an open discussion of possible impeachment proceedings, but, rather to make sure that if such a discussion is held as part of the official business of the Congress, that it should not be heard by only a handful of the Members.

What a Member of the House of Representatives may say about a given subject in his own district, in the press or elsewhere outside of these Chambers is his own personal business. But, when that Member chooses to discuss that subject as part of the official business of this House, then I believe it becomes my business and the business of every Member of this body.

Aside from that, in my own judgment, there is no constitutional grounds upon which the House can consider impeachment of Richard Nixon.

SENATE CONFIRMATION OF CERTAIN EXECUTIVE OFFICES

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference a bill which would require Senate confirmation of future appointments to five offices in the Executive Office of the President: the Director and Deputy Director of the Office of Management and Budget, the Executive Directors of the Domestic and International Economic Policy Councils, and the Executive Secretary of the National Security Council.

As you will recall, the Congress recently sustained the President's veto of an OMB confirmation bill which would have applied to the existing Director and Deputy Director of that agency. When that bill was on the floor of the House, I voted for the amendment offered by the gentleman from Texas (Mr. STEELMAN) to make the confirmation requirement prospective only; and I have subsequently joined with him in cosponsoring that approach. My own bill simply combines that with confirmation requirements for the three other offices. These latter three are the subject of S. 590 as introduced by the senior senator from Illinois, Mr. PERCY, and passed by the Senate on May 9.

I think these three offices, while not as important as OMB, are of sufficient importance to merit Senate confirmation because of their significant operational and policymaking responsibilities in the executive branch. I would therefore like to see this body consider these as a package bill.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DEVINE. Mr. Speaker, last night, after we got into special orders of the House, the gentleman from California (Mr. McCLOSKEY) took a special order and asked unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and so forth, and then proceeded to get into his special order. After five paragraphs he was interrupted by the gentleman from Indiana (Mr. LANDGREBE) who raised the question of the absence of a quorum, whereupon the Speaker ordered a quorum call, and less than a quorum was present.

Now, Mr. Speaker, my parliamentary inquiry is directed to today's RECORD.

The quorum that was requested by Mr. LANDGREBE appears at a remote section of the RECORD, on page 18402. It is out of order. It does not truly reflect what occurred on the floor of the House last night.

Mr. Speaker, I am wondering if the only way to correct this is to ask unanimous consent that the request for a quorum call appear at that point in the RECORD where it appeared last night.

The SPEAKER. Will the gentleman from Ohio (Mr. DEVINE) allow the Chair to take the matter under advisement with the CONGRESSIONAL RECORD authorities? It is the Chair's understanding that this is the gentlemanly way to handle it.

The Chair will take the matter under advisement with the CONGRESSIONAL RECORD authorities.

Mr. DEVINE. Mr. Speaker, I would certainly accede to the Chair's request, except that I think the permanent RECORD should truly reflect the proceedings as they occurred and in the order in which they occurred last night.

The SPEAKER. The Chair will inform the gentleman from Ohio (Mr. DEVINE) that he will take the matter under advisement.

MAJORITY LEADER THOMAS P. O'NEILL, JR., COMMENDS THE HOUSE FOR ITS ACTION ON MINIMUM WAGE

(Mr. O'NEILL asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I think commendations are in order to the House membership for its fine work in passing the minimum wage bill yesterday.

The House took a very conscientious approach to this very important legislation. The bill was thoroughly debated, and the House acted upon the bill as a whole and upon various parts of the bill by means of 10 recorded votes, three yea-and-nay votes, and two quorum calls.

The result is a strong and equitable bill that reaffirms our commitment to economic justice for the working men and women of America. The bill increases the minimum wage for 45 million workers and more than half a million agricultural employees. It extends minimum-wage coverage for the first time to almost 1 million household domestics and to about 5 million Federal, State, and local employees.

Speaking for the majority leadership, I want to extend my thanks to all the members of the whip organization and to all the other Members of the House who voted for this bill and who worked so hard for it. Yesterday's action was an outstanding display of unity and single-minded purpose on the part of all the Members who support this legislation.

DISAPPROVING REORGANIZATION PLAN NUMBERED 2 OF 1973

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 382) disapproving Reorganization Plan No. 2 of 1973, and pending that motion, Mr. Speaker, I ask unanimous consent that debate on the resolution may continue for not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. HORTON) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Speaker, reserving the right to object, I will ask the gentleman from Texas (Mr. BROOKS) does not the rule provide for 10 hours of debate?

Mr. BROOKS. Mr. Speaker, at the time the Reorganization Plan Act was passed, the rule provided for the possibility of 10 hours of debate, up to 10 hours of debate. The Republican ranking minority member of the committee on Government Operations and the distinguished chairman of the committee, Mr. HOLIFIELD, agreed, and I agreed with them, that 1 hour on each side would be adequate.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 382, with Mr. BRADEMAS designated as Chairman, and Mr. CAREY of New York (Chairman pro tempore) in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Texas (Mr. BROOKS) will be recognized for 1 hour, and the gentleman from New York (Mr. HORTON) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, I rise in support of House Resolution 382, a resolution to disapprove Reorganization Plan No. 2 of 1973.

In considering this disapproval resolution and its accompanying reorganization plan, we are confronted today with such diverse, but vastly important, issues as drug abuse control, the entry of illegal aliens into our country, and, ultimately, the integrity of the legislative process.

Reorganization Plan No. 2 deals basically with two areas of government operations. The first of these is drug abuse control. Very briefly, this reorganization plan would establish within the Department of Justice a Drug Enforcement Administration which would absorb the existing Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence, all presently located in the Justice Department. In addition, the Justice Department would be given the intelligence, investigative, and law enforcement functions relating to drugs presently residing in the Treasury Department. This would involve the transfer of approximately 500 special agents from the Customs Bureau to the Justice Department.

Second, this reorganization plan would transfer to the Secretary of the Treasury functions now vested in the Department of Justice regarding the inspection of persons and documents at ports of entry. In effect, a one-stop check would be established at ports of entry. This move would involve the transfer of approximately 900 agents from the Immigration and Naturalization Service in the Justice Department to the Customs Bureau.

The Committee on Government Operations, after careful consideration of this plan, determined that it presented too many questions and problems to warrant its acceptance by the Congress, since we had no opportunity to correct its deficiencies by amendment. As a result, the committee reported the disapproval resolution favorably by a vote of 23 to 17.

Mr. Chairman, no one questions the need for improved drug abuse prevention. We all recognize that drug abuse is a serious malady facing our Nation, and certainly we want to take steps to correct it. Heroin use has increased despite a substantial increase in programs and funds aimed at drug abuse control. Total Federal resources appropriated for drug control increased from $65.2 million in 1969, to over $600 million in fiscal year 1973. In a supplemental appropriation bill for fiscal year 1973, Congress added $45 million for the Special Action Office for Drug Abuse and Prevention, located in the Executive Office of the President. Congress is indeed aware of the drug problems in this country and has shown its willingness and its desire to do something about them. The record just does not support claims that any Member failing to support this reorganization plan is not interested in controlling drug abuse.

During the committee consideration of Reorganization Plan No. 2, it became apparent that there were questions as to whether this reorganization would in fact enhance drug abuse prevention, or whether it could jeopardize drug control efforts. It was noted that the three offices within the Justice Department that would form the nucleus of the Drug Enforcement Administration were all created by reorganization plan or executive order, two of these within the last 18 months. In addition, it was noted that there would be no independent internal security division, there would be no increase in total manpower devoted to drug control efforts, and that there was confusion over the separation of investigatory and prosecutory functions within the Department. In short, it is too complex an issue to be dealt with by a reorganization plan, but should be the subject of substantive legislation.

Even greater objections were raised with regard to the changes proposed in the Immigration and Naturalization Service and the Customs Bureau. A number of witnesses voiced concern about the effect of the removal of INS inspections on the entry of illegal aliens into this country. In 1972, the INS deported 505,949 illegal aliens. This was an increase of 20 percent over the 420,000 illegal aliens deported in 1971. These people have a tremendous impact on our labor market, our welfare rolls, and often our law enforcement efforts. Proponents of the plan were unable to establish that combining immigration functions and customs functions would result in a level of immigration control equal to that we now have.

The administration recognized some of the problems with Reorganization Plan No. 2, and in a letter to the Speaker of the House, dated May 29, 1973, after the plan was disapproved by the committee on May 22, the Director of OMB said that he had concluded that the transfer envisioned by section 2 of the plan should not take place.

Events leading to Mr. Ash's communications with the Speaker are most unusual and disturbing to me as a Member of Congress. It seems that subsequent to the committee's acting on the disapproval resolution, the OMB continued to negotiate with outside parties concerning Reorganization Plan No. 2, and, on Tuesday, May 29, OMB entered into some kind of written agreement to seek the repeal of section 2 of the plan, or, if that failed, OMB agreed not to implement that part of the plan.

I am appalled that the OMB would enter into a written agreement not to implement an act of this Congress. This is not the first time that OMB has refused to carry out a congressional directive, but it is the first time of which I am aware that they have entered into a written public agreement to follow that course. It is also the first time in my experience in over 20 years in Congress that a bill to repeal an act of Congress was pending prior to the enactment of the provision by Congress.

The real problem lies at the very root of our legislative process. The Constitution of the United States provides in article I, section 4, that "each House may determine the rules of its proceedings." Pursuant to that authority, the Congress has enacted sections 909 through 913 of the Executive Reorganization Act as rules of the House and Senate. Those provisions spell out very clearly the procedure we must follow in considering reorganization plans. Those rules lay down a hard and fast principle that reorganization plans cannot be amended by either the administration or by the Congress. We had no opportunity in the Government Operations Committee to amend this plan to cure its defects. Nor do we have that opportunity today.

The maneuverings which I have just discussed amount to an attempt by the OMB to change the rules of this House or, at best, an arrogant attempt to prevail upon us to violate our own rules. I, for one, will not impugn the integrity of the legislative process in that manner. The question becomes very simply, are we going to write the rules of the House, or is the OMB going to write the rules of the House?

Ironically, 2 years ago, when an extension of the Executive Reorganization Act was being considered, I testified in favor of modifying that act to provide for an opportunity for Congress to amend reorganization plans. Unfortunately, I lost. Now, I am simply asking that we respect the provisions of that act and that we abide by the rules that were adopted at the time and under which we are bound to proceed today.

There is a legitimate way to achieve the results of the proposal that will be advocated by the proponents of this reorganization plan. A number of bills on drug abuse are pending in Congress, at least one of which is identical to section 1 of this reorganization plan.

We should approve this disapproval resolution and then proceed under our normal legislative procedures to take up these bills. In that way, Congress, the representatives of the people, can make an input into our drug laws.

Certainly, we should act, and act soon, to provide the best drug control program possible. But, we will gain nothing to enact a hastily conceived, badly designed, reorganization plan at the expense of the integrity of the legislative process.

Mr. Chairman, I respectfully urge my colleagues to join me in voting in favor of this resolution disapproving Reorganization Plan No. 2.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Texas (Mr. BROOKS).

Mr. Chairman, I rise in opposition to Reorganization Plan No. 2. When this plan was first submitted to the Congress, I was extremely concerned by the proposed transfer of 900 immigration inspectors to the Bureau of Customs, thereby placing the entire port of entry function within the Customs Bureau.

While I am not in disagreement with the idea of concentrating all drug enforcement efforts within the Department of Justice, I was opposed to the transfer of immigration inspectors out of the Department of Justice since this transfer would severely hamper the Immigration and Naturalization Service's efforts to control the illegal alien problem. For over 2 years my Subcommittee on Immigration and Nationality has been studying the illegal alien problem and just last month the House passed a bill designed to eliminate this serious problem. Therefore, I believe the original plan to be quite inconsistent in that the administration supports the so-called illegal alien bill, H.R. 982, and at the same time they proposed to drastically reduce the already depleted Immigration and Naturalization Service's work force, which is responsible for controlling this problem.

Our hearings clearly revealed that the Service is greatly understaffed and has been continuously plagued by a severe lack of funding as a result of the actions of both the Department of Justice and the Office of Management and Budget.

Yet we now see OMB at this late date—2 years after the commencement of our hearings—coming forward with promises to actively consider the budgetary problems confronting the Immigration and Naturalization Service.

Furthermore, the procedures which we are being asked to follow to prevent the transfer of INS personnel to Customs are unprecedented. We are today asked to support the reorganization plan based upon the contingency that subsequent legislation will be enacted to revoke section 2 of the plan. This 11th-hour move in itself is clear indication that this plan was hastily drafted and ill-conceived and it is an apparent admission as to the weaknesses and inadequacies of this plan. I would urge my colleagues to reject the administration's plan in order that Congress may take the initiative in drafting its own plan after detailed consideration is given to all the ramifications of concentrating all drug enforcement efforts in one division of the Department of Justice.

I wish to also state that I am extremely pleased by the extensive discussion which has been engendered by this reorganization plan with respect to stemming the illegal alien problem. I am hopeful that the discussion here today will convince OMB and the Department of Justice as to the need for greater funding and manpower for the INS.

Mr. HORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman. I support this reorganization plan and I urge the defeat of the disapproval resolution. We will hear arguments this afternoon which will range from staunch defenses of existing bureaucratic structures to characterizations of this plan as an issue which involves the power of Congress and the Executive. I am prepared and I will answer to these and other points, but I want first to state loud and clear that this reorganization plan to consolidate drug law enforcement responsibility into a new agency in the Justice Department is really concerned with one issue and only one. That is whether or not the United States of America will create and create quickly a law enforcement structure to combat heroin and hard drug trafficking, which corrects the widely known and nearly universally recognized deficiencies resulting from the present organizational hodgepodge of drug enforcement agencies.

This reorganization plan is about heroin, hashish, drug trafficking, our young people and crime in America. If we separate fact from fiction and look objectively at this plan, it has only one important impact—it would very quickly take the simple step that is necessary to transform our present machinery for combating heroin trafficking into a sensible, well-coordinated structure.

What, you may ask, is wrong with our present structure? Is it not working? Is it not succeeding in seizing large quantities of drugs? Is it not better to have three agencies fighting heroin trafficking than a single agency? The answer is that while we are making slow progress against international heroin traffickers and domestic pushers and dealers, that progress is not sufficient. One reason it is not sufficient is that with Customs, the Bureau of Narcotics and Dangerous Drugs and ODALE—Office of Drug Abuse Law Enforcement—all in the act, their competition and lack of full coordination has actually impeded progress against heroin traffickers and other drug violators. At best, there is not full or timely coordination, cross-checking and collaboration between the enforcement agencies in sharing information and intelligence or in making cases. At worst, an unhealthy rivalry between Customs and BNDD here in the United States has contributed to lower morale and has resulted in too many instances where, in the zeal to beat the other agency to an arrest, our agents have tripped over each other and have let valuable enforcement opportunities slip away from them.

Many of you have seen the fact sheet which I distributed to all our colleagues yesterday citing some of the better known cases of bureaucratic jealousy and rivalry which have resulted in enforcement snafus. The cases I cited in the fact sheet, and the many more cases not cited do not throw all or even most of the blame for foulups on one agency or another. Both BNDD and Customs have tried to do a good and vigorous job of nabbing traffickers. Both BNDD and Customs have contributed to the progress that has been made. However, both BNDD and Customs have contributed their share of bureaucratic stupidity to a tug of war which has often resulted in no winner and a torn rope. Let me cite two well-known examples:

Customs learned of a large heroin shipment to be sent over the Mexican border and sold inland. They planned to keep the shipment under observation from the time it crossed the border, and to nab the purchaser as well at the rendezvous. Unfortunately, unknown to Customs, BNDD staff in Mexico also knew of the shipment and decided to give this case to the Mexican police. As a result, the shipment never got to the U.S. border—BNDD agents and the Mexican police stopped the shipment just south of the border.

In another example, it was Customs which was to blame for putting its agency pride and competitiveness in the way of effective law enforcement.

The Jaguar Case: BNDD learned overseas that a Jaguar automobile loaded with heroin was due in New York on the Queen Elizabeth II. They wanted to "convoy" the car—that is, to let it pass unmolested through the port of entry—and follow it until it led them to major heroin dealers in New York. Customs was told the car was coming and requested to let the car pass through untouched, so that Customs and BNDD could jointly convoy it. A major bureaucratic hassle ensued, with Customs insisting that it be permitted to seize the heroin on the pier and substitute worthless white powder. BNDD objected, saying the seizure was not only unnecessary at that point in the car's transit, but that it could jeopardize possibly important arrests. After days of haggling, at high bureaucratic levels, Customs leadership assented to let the Jaguar pass through. But local Customs agents boarded the ship before it docked, searched the car, and removed, marked, dated, and replaced one packet of heroin. Arrests were finally made and the car was searched and seized again. The earlier "sneak peek" by Customs of the car's contraband contents was raised by attorneys for the defense as an illegal double search of the car. The case was nearly thrown out of court on this point.

In instances like these, neither agency wins or loses. The only winners are the international heroin smuggling and trafficking organizers. The only losers are American drug addicts and the victims of the crimes they commit in order to support their dependency on hard drugs.

I have cited just two of the seven such cases contained in the fact sheet. Senator Ribicoff, earlier this year, entered material on countless other cases of poor coordination and bungling between these two agencies.

A recent report issued by the General Accounting Office concluded that:

> Cooperation and coordination between law enforcement agencies are vital in the government's battle against heroin trafficking. To the extent that cooperation is not fully realized, the government's effort is impeded. The mere existence of overlapping jurisdiction is always a threat to cooperative efforts. Sometimes, as has been the case with these two agencies (BNDD and Customs), the threat becomes actual.

GAO is not the only authoritative body which sees a need for urgent action to correct this problem. One area where the administration and the National Commission on Marihuana and Drug Abuse are in agreement is in this need for sensible and coordinated organizing of our drug enforcement effort. The Commission has testified in support of this plan. Also strongly supportive is the chairman of the department of government at Harvard, Prof. James Q. Wilson, who serves as chairman of the congressionally constituted National Advisory Council on Drug Abuse Prevention.

The Association of the Chiefs of Police, the head of the National Conference of Mayors, individual Mayors of drug-infested cities—all of these support the plan because they see the obvious need for a single Federal drug enforcement agency with which local and State law enforcement bodies can cooperate. In some ways even more important is the fact that we need a single drug enforcement agency to cooperate with foreign police forces in the apprehension of those foreigners who grow, process, package, and ship tons and tons of heroin into the United States each year—at handsome profit to themselves, and at horrifying social, human, and economic cost to our own society.

Perhaps this would be a good time to talk just briefly about heroin addiction and what it means in terms of human costs. I would like to share with you an experience I had just a few months ago when I was in South Asia as part of a trip to investigate the effectiveness of our drug enforcement efforts in that part of the world. While I was at our Embassy in New Delhi, I was told that a young American had just been released from a New Delhi jail where he had served a month or so on drug problems. I asked if I could talk with him. He agreed, and we spent about an hour and a half closeted in an embassy conference room talking about his life and his past. The lad, whom I shall call John, was 23 years old. He has been a heroin and morphine addict for about 8 years—since he was 15. John told me that a friend of his in high school outside Los Angeles had given him some LSD. He was caught with it and subsequently jailed in California. He said he became addicted to heroin in jail at that time, and that since then he had been in at least 13 jails in seven different countries around the globe.

Although he is from an upper-middle class American family, he has stayed abroad most of the past few years because of his fear of jail in America. The young man is physically horrifying to behold. Even allowing for the effects of the Indian jail he had just departed, he looked at least 10 to 15 years older than his actual age. He was gaunt and thin, as well as filthy. Most noticeable about his appearance was his extreme nervousness. It seemed that all four of his limbs were shaking or tapping all at once.

John told me he had hoped the jail in India would be good for him, so it would enable him to reduce his morphine habit. He said he could not get heroin in India, so he used morphine as a substitute. When he entered the jail, John said, he was taking 40, I repeat 40 intramuscular shots of morphine per day. He could not shoot intravenously since his veins had long since collapsed due to needle punctures—a fact that was plainly evident by glancing at him. He was literally polka-dotted with needle scars.

John apologized to me for his dirty appearance. He said he normally dressed in the finest clothes, proudly stated that he and his wife, a French girl who specialized in forging passports, always flew first class and ate in the best restaurants. He freely admitted that his sole source of income was in moving hashish and some heroin into the United States—a profession from which he claimed an income of some $50 to $60,000 per year.

He said he was talking so freely to me because he wanted someone in authority to know about the horror of drug abuse. He said it had been years since he got any feeling of "high" from drugs, that they now simply took away the horrible feeling of pain which the absence of drugs produced. He said that his mind has wanted to kick the habit many times, and for many years, but as this pitiful specimen related to me, his body could not and would probably not ever permit him to withdraw from drugs.

He expressed a fatalistic philosophy of life, a hopeless detachment from reality, and freely admitted his own human tragedy. He said he frequently fell to tears when he thought of his own black future and that of his 3-year old son.

If you multiply this tragic sampling of the poison of drugs to include the approximately half-a-million heroin addicts in the United States today, you will sense why I am so committed to stamping out this sickness.

I believe that the simple reorganization proposed in this plan would yield results in combating international trafficking in these drugs.

WHAT THE PLAN DOES

Reorganization Plan No. 2 of 1973 would consolidate the drug law enforcement programs in a newly-created Drug Enforcement Administration in the Department of Justice. Transferred to the new Administration from agencies now operating in the Justice Department would be the functions, involving approximately 3,000 personnel, of the Bureau of Narcotics and Dangerous Drugs—which would be abolished as a statutory entity—the Office of Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence. Transferred to the new Administration from the Treasury Department would be Customs Bureau authority for domestic and foreign narcotic law enforcement, involving approximately 500 investigators. Thus, the Plan would end the duplication of narcotics investigative authority between BNDD and Customs, which has been the principal cause of fouled-up narcotics cases and inefficient operations.

Section 2 of the plan would transfer to the Bureau of Customs authority of the Immigration and Naturalization Service for primary document inspections at ports of entry.

Under the terms of the Executive Reorganization Authority (5 U.S.C. 901), this reorganization plan will take effect on July 1, 1973, unless either House of Congress adopts a resolution of disapproval before June 11, 1973. No disapproval resolution has been introduced in the Senate.

EXPLANATION OF THE AGREEMENTS ABOUT THE REORGANIZATION

During committee hearings, the American Federation of Government Employees, with the support of the AFL–CIO, informed the Government Operations Committee that they felt implementation of section 2 would probably result in a loss of control over incoming illegal aliens and that they had to, therefore, oppose the plan. At the insistence of committee members, organized labor and the Administration negotiated on this issue. In an attempt to carry out the major purpose of the plan, which is the consolidation of drug law enforcement programs, an agreement was reached to remove consideration of the INS transfer from debate over the plan.

I said at the outset that arguments would also be raised seeking to preserve the status quo in drug law enforcement organizations, and seeking to protect existing bureaucratic entities from any loss of function or personnel. As one who has served on the Government Operations Committee for 11 years, I can tell you that there has never been a reorganization proposed where there was not at least some disgruntled opposition. This case is no exception. But while I tell you that we cannot afford to endure any longer the senseless rivalry and duplication between Customs and BNDD, I will also tell you that this plan does not weaken the Customs Bureau. In fact, according to a preliminary draft of the determination order by OMB which, if the plan is approved must determine which men and what material are transferred from Customs to the new DEA, Customs will be left with more investigators, laboratories and equipment to carry out its non-narcotics investigative and enforcement responsibilities than it has ever before had available for these purposes. After this reorganization, Customs will be a strong agency capable to fully meet its broad range of responsibilities.

I think our decision today should not be based on a desire to avoid offending or disturbing existing bureaucracies. We cannot permit normal bureaucratic bickering and inertia to stand in the way of sensible and urgently needed reorganization of Government functions.

What should decide the fate of this plan is how strongly we feel about doing the best job we can, as soon as we can, about heroin addiction and drug trafficking in the cities, suburbs, and rural areas of our country.

Yesterday in Annapolis, I had the honor to attend the graduation and commissioning ceremony at which my younger son became a naval officer. The picture of American youth that one gets from the high-spirited, well-motivated and well-trained men at Annapolis and from men and women at other colleges throughout the Nation, is a far, far different picture than one gets in talking to a young American named John whose greatest goal and ambition and training is aimed at the procurement, abuse, and sale of heroin, hashish, and morphine.

That, Mr. Chairman, is part of the choice we are facing today. Do we or do we not act as quickly as possible to strengthen our efforts to apprehend and punish the bigtime dealers and pushers who profit from the poisoning and criminalizing of nearly half a million American heroin addicts—the majority of whom are young people?

Mr. Chairman, we have heard that legislation can solve this problem, but everybody in this House knows that it takes time to get legislation through. We can vote today to effectively take a very important step to stop this trafficking, and we can do it by voting "no" on this disapproval resolution; in other words, vote for the plan.

Mr. Chairman, it is highly important to stop this very damaging menace to our country.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I will yield to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, I would like to congratulate the gentleman from New York (Mr. HORTON) on his remarks and associate myself with those remarks.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I will be glad to yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, has the gentleman seen a copy of the purported agreement between Mr. Malek of the Office of Management and Budget?

Mr. HORTON. Yes, sir. I have seen that.

Mr. GROSS. And certain officials of the American Federation of Government Employees Union.

Mr. HORTON. Yes. I have seen that.

Mr. GROSS. If it is valid, that agreement is in the nature of a sweetheart contract between the Government and Federal employees. It provides concessions to them in the absence of legislation on this subject. Would that be a correct summary of what took place?

Mr. HORTON. I am glad the gentleman brought that up, because what that involves is a transfer under section 2 of the plan, of some 900 people from INS. Those are the people at the initial inspection points at ports of entry.

Certain questions about this transfer were brought out during the course of our hearings. The chairman and I were very concerned about these issues, particularly about the problem of illegal aliens entering the United States.

The administration did work out with the representatives of organized labor an agreement that they would not implement section 2 pending action by the Congress to repeal section 2. Organized labor then felt they could withdraw their opposition to the plan.

The chairman and I introduced H.R. 4285 to repeal section 2 if this plan goes into effect. The important thing I would like to leave with the gentleman from Iowa and other Members of the House is that the essential thrust of this plan is to put BNDD and Customs together. The agreement the gentleman was talking about involves section 2 of the plan, which is a very minor part of the overall reorganization plan.

Mr. GROSS. I would say to the gentleman that I happen to be a member of the House Post Office and Civil Service Committee which ought to have something to say about what takes place between the executive branch and the Federal employees.

Mr. HORTON. I agree with the gentleman.

Mr. GROSS. Under the terms of this agreement we are left completely out of the act and I do not like it.

Mr. HORTON. I certainly do not think the gentleman's committee should be ruled out of any action concerning Federal employees. The gentleman and others on that committee have done an excellent job in protecting the interests of employees in the Federal service, and I certainly agree with the gentleman that they should have a part in it.

Mr. GROSS. Under the terms of this agreement——

Mr. HORTON. As I indicated, this agreement would have to be augmented by the Congress; we would have to act on it. Because if we approve this plan today, section 2 would go into effect. But this particular bill, H.R. 4285, would not go into effect without action by the Congress.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. HOLIFIELD. I want to compliment the gentleman on his presentation.

We are faced with two problems in regard to this legislation. One is the transfer of 900 people over into the law-enforcement administration from the Immigration and Naturalization Service. We did not think that was wise. The unions that were involved did not think it was wise. They negotiated with the people downtown and the people downtown finally said it was not wise to do this and agreed not to do it. That is the reason why we have introduced a bill which we expect to bring to the floor of the House very shortly which would repeal that section.

We are faced with a problem in a reorganization plan that you cannot amend it on the floor, but many times in the past we have amended reorganization plans subsequent to their passage.

So this is not anything startlingly new or anything underhanded to get around Congress. In fact, it is bringing back to the Congress the effective power with regard to the original provisions in the plan which all of us agreed should not be there.

Mr. HORTON. I thank the gentleman.

Mr. KEATING. Will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from New York.

Mr. KEATING. I would like to be associated with the remarks of the gentleman from New York, and I strongly support his position. We should vote down the reorganization plan.

Mr. Chairman, I rise in opposition to the resolution of disapproval and in support of Reorganization Plan No. 2.

I congratulate the gentleman from New York (Mr. HORTON) on his support of the plan and wish to be associated with his remarks.

It is absolutely essential that all Federal drug law enforcement functions be in one department if this Nation is to be successful in its effort to curb the drug abuse in this country.

The General Accounting Office has been very clear in its criticism of the inefficient operation and the external bickering of the agencies involved. I join in that criticism.

It is a failure to recognize the full extent of the drug problem to vote against reorganization. It is the most certain way to combat the problem. As early as 1949 recommendations were made to organize into one unit the attack on drugs. To say that this body should wait for Congress to pass the legislation is to be responsible for further delay.

People of all ages are not willing to wait any longer for action to consolidate the fight against drug abuse.

The opportunity is now—vote "No" on the resolution of disapproval.

Mr. SCHERLE. Will the gentleman yield for a question?

Mr. HORTON. I am glad to yield to the gentleman.

Mr. SCHERLE. Will you explain to the House what you mean by illegal aliens and how they would benefit from the agreement between the executive branch and the unions?

Mr. HORTON. I have a limited amount of time, but I will be glad to try to explain it as best I can.

The thing we were concerned about was the removal of agents from INS who were skilled in detecting the entry of illegal aliens into this country.

It was important, we felt, that those personnel not be transferred.

Mr. SCHERLE. Does the gentleman mean that the administrative agencies were not doing their job?

Mr. HORTON. No, I did not say that. It is a very important job, and it is difficult to do this screening. Those people are skilled, and it was felt that that manpower had to be allocated to the ports of entry in order to try to continue to hold down the illegal immigration of aliens into the country.

Mr. SCHERLE. Under what authority did they agree upon this new agreement to subvert section 2?

Mr. HORTON. They had no authority, it is up to the Congress. I hope the gentleman will support the reorganization plan.

Mr. SCHERLE. There was an agreement made. I am wondering under what authority that agreement was made.

Mr. HORTON. They have no authority to make an agreement that binds the Congress. Congress must act if section 2 is to be repealed.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise in support of the Waldie resolution.

Quite interestingly enough there is very little that I disagree with the gentleman from New York (Mr. HORTON) on the substance of what he said about the discouragement of drug use in the United States, and about the sad story he told about the young man he met overseas. Indeed, something must be done about this. My personal view is that this administration and previous administrations have failed to offer the depth of commitment to do something about the problem. It is not the issue here today whether anyone in the House wants to fulfill the Federal responsibility in meeting this problem.

The issue is whether we are going to maintain the dignity and the substance of the legislative process. It would be very terribly appealing to vote for this reorganization plan and salve our consciences and say, "Well, I did something about drugs." But what one would be doing by approving this plan is to destroy the integrity of the congressional process because that is exactly what this plan does.

We begin by understanding that reorganization plans must be handled very carefully, whether they are meritorious or not, because with a reorganization plan Congress gives away prerogatives that I think it ought to very jealously regard. For instance, we give up the right to amend. We give up the ability to change, at the committee level, the proposals. We give up the right to change on the floor level any of the proposals.

This reorganization plan, while it has some very good segments in it, does fall gravely short of other things that I would have wanted the opportunity to change, in the committee or on the floor.

The reorganization plan, I hesitate to say, in my judgment was rather speedily assembled, so it could be submitted before the cutoff date. It was done so that no amendments could be offered, and it was done after four and a half years of this administration's failure to show initiative in doing something about the drug problem.

What is specifically wrong with that plan? In an effort to make use of the word "coordination" the plan creates two new drug administrations. It puts in one body both the investigators and the prosecutors.

Now, is there anything wrong in that? We have established a precedent in the strike force against organized crime where both investigatorial and prosecutorial lawyers work together. That may be very good in ordinary criminal cases where the FBI conducts an investigation and brings the evidence to the U.S. Attorney in the District, and then the U.S. Attorney says to the FBI, "You have a good case, and, yes, we will prosecute it," or "You have a bad case, and we will not prosecute it," or "You have a fairly good case, go back and get some more evidence."

What we would be doing in this plan is building a high-level force independent of the U.S. attorney's department. By doing that we present a situation of permitting this new administrator, who is responsible only to the Deputy U.S. Attorney General, and permitting this new administrator to have the whole say-so of making the decision as to whether these cases should be prosecuted or not.

To me this does violence to our system of jurisprudence; to me it centralizes power in an area where it should not be centralized; and to me this is an area of discussion in which we should have had the opportunity to offer amendments on the floor. That is one of my objections.

The second objection I have, and very strongly, is to section 8 of the plan—and I read it to you—it says:

> Section 8 provides that the Director of the Office of Management and Budget shall determine the allocation of personnel, property, records, and unexpended balances of appropriations, allocations, and other funds used in connection with the transferred functions.

What we are doing here is giving legislative authority to the Office of Management and Budget to decide what funds shall be appropriated, what funds shall be used, or what funds shall be impounded, and what personnel shall be transferred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOKS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York (Mr. ROSENTHAL).

The CHAIRMAN. The gentleman is recognized.

Mr. ROSENTHAL. I do not think anyone realized this when he voted even for the plan in committee, but we are delegating to them a basic congressional authority to handle balances of appropriations, allocations, other funds, and personnel.

If we take the legislative route, and there are bills pending—and I think someone on this side asked the question—this committee could report out a bill in 2 or 3 weeks if anybody really wanted to do that. We could solve some of the problems that some of the Members have, and we would not delegate to the Office of Management and Budget legislative authority to handle appropriations in the way that we have done here under the bill.

There is much good in this plan, but if it were handled 3 weeks from today in a legislative fashion, then the defects in the plan could be improved upon.

Please do not be misled by the cry that this plan is the only way to solve the drug problem in the United States. It is really not that at all. Everyone of us wants to do as much as this plan does, and, frankly, far more than this plan does. But let us maintain the dignity of the legislative process, even the majesty of these Chambers. Let us not further erode the power that we have by giving to the Office of Management and Budget absolutely clear and uncontrolled legislative power.

I urge the Members to vote for the Waldie resolution, and I guarantee the Members that the Committee on Government Operations will shortly report back to the Members a bill that does as well as this, and even goes further than this plan does, and yet still maintains the control Congress really ought to have.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I thank the gentleman from New York for this opportunity to address a problem which has been a very serious one for me for a very long time. It is even encouraging to see that now law enforcement is raising some serious constitutional questions in this body. I must say however that it has been a long time since I have seen this Congress get very excited about providing the type of leadership which I had hoped that they would have provided many years ago in the area of effective law enforcement, as it relates to narcotics.

I come to this body as someone who comes from a community that has almost been totally destroyed by the epidemic of drug addiction. I found myself, in discussing this very same bill, arguing with Members of this Congress as though it were a labor dispute. Now I find there is some question of how closely should a prosecutor's office work with investigative offices.

Yet, as a former Federal Prosecutor, I found that throughout the jurisdictions of this country that relationship has been very close, as I think that it should be. It seems to me that there were many arguments that came out of "Dear Colleague" letters that have not reached the floor of this House.

The only argument that I see, the only question that I have been asked, is whether the plan as brought forth by this administration would streamline and make more effective those line organizations that have the responsibility of prosecuting violations of the Federal narcotic law.

If we now want to decide whether it is going to be the legislative branch to do it or the administrative branch to do it, I have no track record as a Congressman to run on, but if we are going to just argue about a jurisdictional dispute I think we will lose sight of the battle we are facing in the metropolitan areas. We now find the Customs Department investigators are using informers who are now being used by the Bureau of Narcotics and Dangerous Drugs. We have in the U.S. attorney's office, in the southern district of New York, where I served as the assistant U.S. attorney, prosecutors being forced to make a decision as to which case they are going to prosecute based on rivalry between the BNDD and the Customs Department.

It seems to me everybody is for the concept, and it seems to me that this congressional body will have the opportunity to provide oversight and to legislate and to do those things which are necessary to make certain that we stop the influx of narcotics into this country and curtail and eventually stop the interstate trafficking in narcotics.

I am not prepared to get involved in any political argument. God knows that this should have happened in the legislative body. I do not like the idea of the White House suggesting to us what we should do, but I have not seen the exciting leadership coming from this august body in dealing with the problem which is tearing my community apart and in dealing with problems faced by the youth in my community.

We are talking about what has become a national issue, but to be honest it was not a national issue until drug addiction kind of seeped out of my community and looked like it might threaten somebody who does not live in the central Harlems throughout the country. But now it is a national problem and I as one Member of the House am not prepared to wait until some jurisdictional problems might be settled. It is my belief that the Federal law enforcement agencies of this country can do better in dealing with this problem by consolidating their efforts. I believe this plan will allow us to do the job, and besides it is the only plan before us.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am deeply concerned about the problem. Is the gentleman aware that in the appropriate committee in this Congress there is legislation that will accomplish precisely what the gentleman seeks to do?

Mr. RANGEL. I am aware that within the House of Representatives there are so many wonderful people who are prepared to do all the things that I assure the people who reelect me will make this a better country. I see and I know what I have now, and I do not know that the legislation to which the gentleman refers will ever reach the floor of this House, much less become law.

Mr. CONYERS. Does the gentleman know about the work that has gone on in the Government Operations Committee and that this Reorganization Act, after careful study by that committee, was rejected?

Mr. RANGEL. That disturbed me more than anything else because the word I got from Government Operations was it appeared as though it was before the Education and Labor Committee rather than a consolidation. I got the clear impression that there was a labor dispute and not more effective law enforcement.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, in all the years I have been here, almost 25, I do not believe that there has ever been a time when I have made a talk to this House that I considered more important than the one I am making now.

I know I have been associated with a great many of the agencies involved in this issue here today, longer than anybody in the House, the Senate, or the administration, and while I may not be the most intelligent person around here I believe having associated with all the people I have on the matters concerned for so long that I have absorbed a little bit of knowledge about it, and I hope I can give my colleagues some information that might be useful to them.

Let me say that I believe that if this reorganization plan is allowed to take effect by the defeat of this resolution, that it will be the single worst mistake that the House of Representatives will have made in my whole 25 years here. If I knew any other way to stress how strongly I feel about this than that, I would say it. I think it is of the utmost danger, and I cannot believe that anyone who really understood what is at stake here could possibly want this plan to go into effect.

One thing the Members can bet on: If this goes into effect, we are going to wreck the U.S. Customs Service. I have chaired the subcommittee which handles their budget for the last 17 years. Time after time after time, I brought that bill to the floor, and some Members know that we fought over and over and over again to get the resources and the manpower they have to have in order to do the job they do for this country.

Here is what we will have if this plan goes into effect for the U.S. Customs Service: it will punch out their eyes. In the first place, 700 or 800 of their force of 1,100 special agents will be transferred out. About 150 or 200 clerical people will go. About 300 of their narcotics activated patrol officers will go. All their radio equipment will go. All their computer equipment will go, computer equipment that is used a large part of the time. All the clerical people from the administrative center, all aircraft and pilots and all their boats and boatcrews will go.

Mr. Chairman, we have fought year after year after year to get these materials and these resources for the Customs Service because there is a lot of other smuggling besides narcotics going on. They have a tremendous job to do manning the borders of this country, and they need this equipment. If they want this equipment over in some other agency of the Department of Justice, they should get it by the legal, legislative process, not by this grand theft proposed in this reorganization plan No. 2.

Let me tell all the members about all this hysteria about narcotics. My subcommittee provides the money that goes into the drug abuse program and the drug educational program and the Customs Service, and we did have the Bureau of Narcotics. I have helped participate and have chaired committees making more money available to fight the narcotic problem in this country than almost anyone here.

Throughout the Nixon administration, we gave them new agencies and increased the amount of money that goes into the battle on narcotics from about $150 million to $750 million per year. For anyone to say that we are not concerned about the narcotic problem shows they do not know the facts.

There was a conflict between the Bureau of Customs and the BNDD at the beginning, but I, knowing what the trouble was, went to the late Frank Bow, ranking Republican member of the Committee on Appropriations. We enlisted the aid of the present minority leader of the House, and we went to the administration. As a result of that, they called in the Attorney General and the Secretary of the Treasury in the presence of the President, and made them write guidelines, and since that date this friction has not existed.

They are telling us about case histories two or three years old. They do not tell us about what the record for the last year has been. I cannot understand why anybody in the Nixon administration would go to the fantastic and hysterical steps to which they have gone in the last three or four days trying to get support for this reorganization plan No. 2, when probably there is no program in the Nixon administration that is working any better than the narcotic program is right now.

They did not tell us about the big kill 2 weeks ago and the big kill a few days ago in Arizona.

Mr. Chairman, we have got a winning team. This will tear it up. I think at best that this plan is hysteria.

At worst, it is fraught with danger. I urge every member to vote for the Waldie resolution and let us get rid of this monstrosity.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, although some controversy exists with regard to the reorganization plan before us today, it has the overwhelming support of the law enforcement community, the support of organized labor, and it has my support.

As I understand it, opponents of this reorganization plan base their opposition on the fact that if we were to enact it, we would allow the Office of Management and Budget to write the rules of the House. They further go on to say that we would be giving up our prerogatives to legislate in the very same area. All of the speakers that I have heard in the well today say the plan has merit, and all of the literature I have received in connection with this plan states it has merit.

My friends, this dispute did not arise today. I have been getting mail on this reorganization plan for the last month or so, and I heard one speaker say that if we had 2 or 3 weeks, we could have our own plan, put forth by the appropriate legislative committee.

However, we do not have our own plan, and this is the only plan before us this afternoon.

Mr. Chairman, the issue before us is a very simple one: Whether or not it is preferable to have fragmentation with respect to the investigation, apprehension, and prosecution of individuals involved in narcotics traffic or to have one consolidated system. At the present time there are some 12 Federal agencies charged with the authority to apprehend and prosecute narcotics offenders. Coexisting as these agencies do, there is much jurisdictional dispute over the pursuit of suspects. Obviously when more than one team of investigators is working on a single case, each independent of the other, confusion is bound to result, and all too often it does.

Before I was elected to Congress, I was an assistant district attorney in Kings County and assistant chief of the Rackets Bureau, and in that capacity I have had the opportunity to direct raids where such confusion did exist. I have had the opportunity to send a team of investigators in the front door to apprehend suspects when the neighboring jurisdiction was coming in the back door at the same time, and we had investigators bumping into one another, each thinking they were on opposing sides of the fence. It led to danger, as well as confusion with respect to ultimate prosecution.

Mr. Chairman, I had another situation where I put an undercover man out around the high schools in Brooklyn posing as a junkie, attempting to get information about narcotics pushers.

We found out that he was being investigated by other agents. They were wasting time on our man who was out on the street, and he was almost arrested for doing his duty.

I have had the opportunity to see the kind of rivalry that produces lack of good judgment when one agency wants to get credit for an arrest over another agency and when there is this competition between agencies, sometimes cases are completely blown.

I have seen us go in too quickly because we had that kind of pressure; I have seen the insufficient gathering of evidence because of the rush to get there first. Further, I have seen all these things used in courtrooms, as parts of legal defenses, all to the detriment of effective prosecution.

Mr. Chairman, interestingly enough, in New York City we have five counties and there are five district attorneys elected by the people they represent in those counties. They do not have the opportunity to consolidate, as we do here under the Federal Government, with jurisdiction in the entire United States.

Today, I called an old friend of mine the district attorney of Kings County, Eugene Gold, to discuss some of these things with him and get his impression of the plan, and he said very simply that he thought it was an excellent plan, that he was for it, and that we should enact it. As a matter of fact, he said:

> Do you know what we did, Frank? The five district attorneys got together with the district attorneys in Nassau, Suffolk, and Westchester counties to get a better coordinated effort with respect to the prosecution of cases.

He also said:

> I wish we could have the consolidation that the Congress can enact today.

Mr. Chairman, he further said the spirit of cooperation has improved, and the number of cases prosecuted successfully has gone up. I suggest that is a good reason why we ought to go ahead with this plan.

In conclusion, let me point out to my friends what we are dealing with, as my good friend from New York, Representative RANGEL, has already indicated is this an epidemic whose appetite just cannot be satisfied. These appetites are being manipulated by a group of criminals who are squeezing the last dollar out of the misery of the American people.

Mr. Chairman, I am here because I

sincerely believe that we have a plan that is workable, a consolidation that will make our fight against drug traffic more effective, and I urge my colleagues to vote against the resolution.

Mr. CONYERS. Would the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. Conyers, Mr. Brasco was allowed to proceed for 1 additional minute.)

Mr. BRASCO. I yield to the gentleman.

Mr. CONYERS. I would like to ask the distinguished speaker in the well, did he say all of labor supports this plan?

Mr. BRASCO. I said organized labor supports the plan. Further, I called the director of the New York Immigration Service, and they said they supported it. The AFL-CIO indicated in correspondence and conversation that they did not oppose it. The American Federation of Government Employees said they do not oppose it. Being fair to them, they said, "We are staying neutral but do not oppose it."

Mr. CONYERS. That is very interesting. Then, the gentleman makes a distinction between not opposing and endorsing the reorganization plan, or is that minor?

Mr. BRASCO. If my friend thinks that all we are talking about is that minor kind of distinction, then we are not really in the same ball park.

Mr. CONYERS. Well, maybe we are not.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. Robison).

Mr. ROBISON of New York. Mr. Chairman, as have others in expressing their opposition to this reorganization plan, I suppose I should begin by saying my intended vote for the disapproval resolution is not to be taken as objection to a stronger and more effective Federal drug-control program than we have had up to now. No one here takes such a position.

To my friends on my left—especially to my distinguished colleague from New York (Mr. Horton), whose work and judgment I value—let me say, also, I understand full well the personal interest the President has in this legislation. It is necessary, however, in a matter as important as the subject area we are dealing in—involving as it does the lives of many young Americans—for each of us to use our own judgment, and particularly to call upon such experience as we may have gained here in this field of concern.

My experience, like that of the gentleman from Oklahoma (Mr. Steed), comes from some 9 years of service on an appropriations subcommittee handling the budgetary affairs of the Bureau of Customs. In this function, we annually become involved in some oversight of such agency operations and, of late for the Bureau of Customs, this has tended to focus on their work in the overall Federal effort to keep illicit drugs off the streets of our Nation.

Customs can be considered, in this context, as being in the frontline of this effort since all so-called hard drugs come into this country from abroad. I have seen the Bureau's effectiveness in intercepting such illicit shipments—which is such a difficult task—improve, year by year, until it has reached a point with help, of course, from other participating agencies, where we are close to being able to claim that the war at least against heroin is being won. Essential to this improvement, in my judgment, has been Customs' own development of an investigative and intelligence capacity to broaden its ability to intercept the larger drug shipments, and to get at the murderers who are the bigtime traffickers.

Time does not permit me to go into detail, but key to recent successes by Customs—such as in the Aguste Ricord case, one of the biggest of them all—has been the rapport Customs can develop with the customs services of foreign nations, a specialized sort of rapport that I personally doubt agents of the proposed Drug Enforcement Administration could duplicate. The lead information thus obtained by the limited number of customs agents we now have abroad has been, and can continue to be, most valuable.

If I understand correctly the present proposal, however, all of Customs drug investigatory and intelligence authority and apparatus—both at home and abroad—would go to the proposed DEA, and I feel this is too valuable a resource to throw away, especially now that it has developed the momentum that it has.

The major argument for doing so is that our drug-enforcement activities must be brought under a unified, national—and international—agency, with clear lines of authority for direction, strategy, investigatory programs, and preparations for prosecution. Certainly there is, Mr. Chairman, good and sufficient reason now for ending the present fragmentation of effort within the Department of Justice in regards to the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and, even, certain aspects of the Law Enforcement Assistance Administration.

But I very much believe it would be a mistake to also include the Bureau of Customs enforcement authority—and its specialized investigatory and intelligence capacities—in that kind of a reorganization. I might have felt differently about this a year ago, or even 6 months ago, when there was solid evidence to the effect that a jurisdictional struggle was still going on as between Customs and BNDD.

That there used to be such jockeying for position and credit is an unfortunate fact—one that Mr. Steed and I have known about, fretted about, and sought every way we knew to eliminate ever since it became apparent. Without meaning to cast aspersions on anyone, to an uncertain degree this kind of conflict—and its resulting foulups—evidently reflected some personality clashes at higher levels. But under the present Commissioner of Customs, Vernon Acree, and Treasury Secretary Shultz the present situation as to this seems to be markedly improved. Let me quote you what Commissioner Acree told me, just a few days ago, in subcommittee session. In answer to my query about the relations as between Customs and BNDD he said:

> I can tell you flatly and positively that for at least the last 7, 8, or conceivably 9 months we have not had a difference, a flap, if you will, worthy of the name. We have continued the kind of relationship that I think really needs to be carried out between two professional law enforcement organizations.

A self-serving declaration, Mr. Chairman?

One could claim so, and dismiss it as only that, of course, even as one could claim my intended vote is dictated only by my interest, developed over the years, in what might be called a constituent agency.

But the latter is not the case, Mr. Chairman—my only concern being not to lose the momentum we have now built up in the overall fight against illicit drugs by cutting one key participant out of it, and then waiting months for the new organization to get rolling; and, as to the former possible claim, let me say you only need to get to know Vernon Acree to have confidence not only in what he says but in what he will do.

So, in short, Mr. Chairman, I think the situation that dictated, in large part, this reorganization has changed in the last few months; that, curtailed as it has also since been for other reasons, there are less reasons for approving it than before; and that, being unable to amend it here directly, so as to keep Customs in the drug fight, pure commonsense dictates that the plan should be rejected for further, and more careful, consideration.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, I rise in strong support of the reorganization plan, and against the resolution in disagreement.

Mr. Chairman, in augmenting our fight against drug abuse it is essential that we provide the tools and authorize the techniques that can enable us to effectively wage that fight.

Mr. Chairman, the sophisticated system devised by those engaged in the trafficking of drugs cannot be destroyed as long as we continue a fragmented and uncoordinated program. It is apparent that a transfer of a substantial number of customs agents from the Treasury Department to the Department of Justice poses a tacit roadblock to this reorganization plan.

Mr. Chairman, in the course of reviewing the actions of the customs office in reducing discrimination at a recent meeting of my House Judiciary Committee, it was shown that there was no valid objection to the transfer of customs agents to Department of Justice jurisdiction. This is the attitude of all who have viewed this reorganization plan—objectively.

Mr. Chairman, this is no time to assert

the jealousies inherent in departmental prerogatives and traditions. The seriousness of drug addiction—and the complexity and extent of the illegal traffic in drugs demands action now. Departmental jealousies must be submerged in providing a workable and coordinated program which can enable us to win the battle against the scourge of drugs.

Mr. Chairman, I urge a "no" vote on the resolution of disagreement—which, in effect, is a vote in support of Reorganization Plan No. 2 of the 93d Congress.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I am pleased to note the bipartisan support for the pending Reorganization Plan No. 2, and particularly I want to congratulate the gentleman from New York (Mr. RANGEL) who I believe spoke very lucidly in the well a short time ago in explaining the very reasons that I would endorse, as to why we should support this plan.

Yes, there is legislation pending in various committees that might accomplish part or all of this reorganization plan. We all know, however, from the past performance of this Congress, that this is a common device when one is trying to defeat a reorganization plan to introduce legislation along the same lines, and say "There it is, we can do it." The fact is we have not done it. This is something that we have now that we can work with. It is available. Let us take this opportunity. And as the gentleman from New York has suggested, let us not get involved in a wrangle between unions or between organized labor and the administration.

Mr. Chairman, I would like to urge my colleagues to vote against House Resolution 382.

House Resolution 382 would defeat pending Reorganization Plan No. 2, which is the most significant step this country has proposed to take in the area of law enforcement in a long time. The plan would consolidate all Federal narcotics law jurisdiction under one single agency within the Department of Justice, thus giving a greater cohesiveness to the Federal effort against drugs.

Probably the most outstanding characteristic of the current approach to narcotics enforcement is fragmentation. This fragmentation came about quite naturally—due to the gradual nature of the realization that what was needed was to attack the narcotics network at all levels—but it has presented a severe impediment to the development of a cohesive and unified Federal enforcement effort.

Unfortunately, while the component parts of narcotics trafficking organizations were tight-knit, well-integrated, and well-coordinated, our enforcement endeavor consisted of a group of disparate agencies and divisions, characterized at times by jealousy and rivalry, and consequently, a form of interagency competition that sometimes centered more on who "won" than the effect on the total narcotics picture.

In the main, Reorganization Plan No. 2 is aimed at eliminating just these kinds of impediments to the success of our war on narcotics. In establishing the Drug Enforcement Administration, the plan merges the currently divergent jurisdictions in the narcotics field, maintains the multilevel, multifaceted nature of our attack on the drug problem, but eradicates the jealousies and rivalries that have thus far rendered what was a valid theoretical approach practically ineffective.

The concept of a unified Federal narcotics drive is not without support, both historical and contemporary—

In 1949, the Hoover Commission recommended a single Federal narcotics effort in the Department of Justice;

Consolidation, such as is contained in Reorganization Plan No. 2, was recommended by a committee established in 1963 by President Kennedy;

Last year, the Government Accounting Office studied reports of rivalry and disagreement between the two major Federal agencies with narcotics enforcement responsibility, the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs, and found not only that the existing jurisdictional competition between the two was not healthy for the total narcotics effort, but that any overlapping or competition between enforcement groups was likely to present overwhelming problems; and

The members of the Shaffer Commission have come out in support of both the single agency approach in general, and the specific provisions of the reorganization plan.

In conjunction with the establishment of the new Drug Enforcement Administration, the Attorney General has provided for a new Narcotics Division, which would function much like the Criminal and Tax Divisions do now. The Narcotics Division attorneys would assist the investigators by providing necessary advice and assistance in preparation of search and arrest warrants, and on the complex legal concepts involved in narcotics cases. Prosecution of those indicted through the efforts of the Drug Enforcement Administration would still be handled by the 92 U.S. attorneys offices as they always have been. This will not change.

The kind of effort envisioned here is much like that which has proven so successful in the prosecution of organized crime figures. Through close cooperation between attorneys and agents and the use of innovative investigative techniques, the organized crime strike forces of the Justice Department have been remarkably successful in prosecuting syndicate figures that had previously seemed to be above the law. In fact, many U.S. attorneys offices have now set up special squads to deal with more complex criminal matters in just this way. Virtually every major indictment and conviction in recent years has occurred when the U.S. attorneys offices has utilized these investigative teams.

It is this close coordination and cooperation that will bring us success in the war on narcotics, not the fragmentation and rivalry that we are experiencing now.

The time has come for the Federal Government to adopt a single unified approach to narcotics law enforcement, with the flexibility to stop the major importer as well as the street level pusher. The time has come for the Federal Government to have a single narcotics agency that can work overseas with foreign governments, that can bring intensive pressure on big time dealers in this country, and one that can work with State and local police in cracking down on the street pushers. The experts all agree that this is the right approach. The time to act is now. There are over one-half million addicts in this country. To delay this plan is only to sit back and permit their numbers to increase.

I believe that the vehicle for the reorganization—the proposed Drug Enforcement Administration—is the best possible one for the task.

The centralized policymaking and unitary direction embodied in the DEA, as well as the planned assistance that enforcement body will receive from the new narcotics division, give it the potential for being the most efficient, most effective enforcement effort we have seen to date.

I strongly urge you to consider the magniture of the problem with which we are dealing here—a problem that is sapping some of our Nation's most vital resources and will continue to do so unless we muster up the kind of retaliatory forces contemplated in Reorganization Plan No. 2.

I urge you to support this vital plan—I urge you to vote "no" on Resolution 382.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I want to make clear that the discussion, particularly from my colleagues from New York, is one with which I completely agree. We have a very serious problem. We have to have very serious drug enforcement. And that is all the gentlemen here are saying. As a matter of fact, that is all our colleagues who have spoken in favor of Reorganization Plan No. 2 are saying. I find it very interesting that we are prepared to have the Office of Management and Budget replace us as one of the three branches of Government, and that is one of the things the Members are voting for today. Of course, I object to that. I believe that in the efforts to attempt to create a Drug Enforcement Administration, which we all desperately want, we are just saying, this is a plan; let us take it.

What is this plan? Is it a plan? This subject matter requires authorizing legislation in which both the public and the Congress have input, and I am not willing to give up that input.

I have been sitting in hearings at the Special Studies Subcommittee on Government Operations, and I am very concerned. We are dealing with the issue of drugs, and with the necessity for developing a drug and enforcement plan.

But no one can tell me what is really being proposed under this reorganization plan. All we know that is being proposed is that the prosecutive and investigative functions will be wedded together.

I think the question of due process of law is seriously endangered in this plan. I agree we have to go very strongly in pursuit of the major drug traffickers. But Reorganization Plan No. 2 attempts to create a Drug Enforcement Administration which is in reality a national police force without the guarantees of due process. We were recently treated to an awful display of just such an abuse of police powers in the drug enforcement area by agents of the Office of Drug Abuse Law Enforcement. These agents broke into the homes of two innocent families in Collinsville, Ill., without a warrant, and tormented the occupants.

Our mayor in the city of New York is under a misapprehension. Somehow or other he has been told that as a result of this plan we are going to get more money and more manpower in order to expand our existing city-Federal task force which seeks to find a way in which we can go after the large-scale drug dealers. There is no evidence of this in the plan.

I challenge the Members to show me anything in this reorganization plan that promises that. As a matter of fact—and the House should know this—the Reorganization Plan No. 2 is nothing more than a budgetary gimmick and is not a thoughtful piece of legislation. The administration has merely developed an outline of a plan for a "war on drugs," but feared that the costs of the enforcement plan might be too high in light of this fiscal year's budget requests.

Therefore, it decided to go on the reorganization route and has placed no detail into the plan. Interestingly enough, the budget for this plan is still being contemplated by the Office of Management and Budget. We do not know how many people will be transferred to this new administration. We do not know how many new positions may be created, nor do we know what the operating costs will be.

I believe that we have to recognize that we are dealing with generalities when we say, this is great; this is a plan; it is concrete; let us take it.

It is not concrete. It is merely a very improper way for this body to act, and it is not going to solve the tremendous problem we have in drugs, drug abuse prevention, and drug enforcement in this country.

I am supporting the Waldie resolution, and I oppose this plan.

Mr. HORTON. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. STEELE).

Mr. STEELE. Mr. Chairman, I rise in support Reorganization Plan No. 2 and urge every Member on both sides of the aisle to support the plan by casting a negative vote on House Resolution 382. The plan is the result of long and numerous studies going back to the Hoover Commission in 1949, which recommended a single narcotics investigating unit in the Justice Department. A committee established by President Kennedy in 1963 recommended the consolidation proposed by the plan. The Government Accounting Office in 1972 conducted a lengthy study of the disputes between the Bureau of Customs and the Bureau of Narcotics and Dangerous Drugs and concluded that the jurisdictional competition between Customs and BNDD was detrimental to the total narcotics effort.

The current, revised plan also closely follows the one the distinguished gentleman from Illinois (Mr. MURPHY) and I proposed following our special fact-finding mission to Latin America for the Foreign Affairs Committee in January of this year.

Virtually every witness who testified at the committee hearings on the merits of the proposed Drug Enforcement Administration supported the plan, including the representative of the Shaffer Commission. The only adverse testimony on the plan came from representatives of organized labor, who, while agreeing that narcotics reorganization was vital and imperative, objected to section 2 of the plan which would have transferred approximately 900 immigration inspectors from the Immigration and Naturalization Service to the Bureau of Customs, and, thereby, in labor's view, weakened the Nation's capability to deal with the problem of illegal alien control. I believe this was a legitimate concern and deserved to be met by corrective action.

After consideration and discussion of this provision between the administration and the AFGE, it was agreed that this portion, section 2, would not be implemented. There has been submitted to Congress by the Office of Management and Budget proposed legislation which would repeal section 2 of the plan. You are all aware that under the Executive Reorganization Act of 1966, which authorizes the President to submit reorganization plans, this is the only method by which a reorganization plan can be amended, namely by the enactment of other legislation. As a result of this agreement and the proposed legislation, organized labor has now withdrawn its opposition to the plan.

Reorganization Plan No. 2 has received the enthusiastic support of State and local law enforcement agencies throughout the country, as well as the International Association of Chiefs of Police, and local district attorneys' offices.

In fact, the New York City Police Department, the largest in the country, not only enthusiastically supported the plan in testimony before the Senate, but also has recommended that the entire New York City narcotics effort be combined under the DEA and be a joint Federal-local effort.

We have made important strides in the war on drugs in the past 24 months through a combination of stepped up enforcement, treatment and prevention programs. In particular, every indication is that we have begun to turn the corner in our new national offensive against heroin. But greater effort against heroin and other drugs, including particularly cocaine and barbiturates and barbiturate-type drugs is essential.

In the course of two special narcotics fact-finding missions for the Foreign Affairs Committee, in conjunction with Mr. MURPHY of Illinois and on the basis of extensive work with drug enforcement authorities here in Washington and in Connecticut, I have had occasion to observe firsthand the counterproductive results which stem from our divided Federal enforcement programs. Reorganization Plan No. 2 and the establishment of the Drug Enforcement Administration would end that division and go a long way toward helping rid this country of those dealers in death and misery who are feeding off our children. To reject this plan is to turn our backs on these children.

I caution you not to be beguiled by talk of substitute legislation. The fact is that there are only a very limited number of options for reorganization, and these have all been exhaustively considered, with each of them being rejected as less effective than the creation of the proposed Drug Enforcement Administration. Reorganization Plan No. 2 is the result of this lengthy consideration process and offers the only realistic opportunity for effective and urgently needed reorganization now.

Time is a luxury that the drug enforcement effort cannot afford.

I am deeply concerned that our choice this afternoon may well be Reorganization Plan No. 2 or no reorganization either now or at any time in this Congress.

I urge that every Member support the reorganization plan by casting a "no" vote on House Resolution 382.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I served on the subcommittee that heard this legislation, and I want first of all to state that I join with I am sure every Member of this House in trying to fight as vigorous a fight against drugs as we can. That is not the issue we are fighting here. I think we all recognize we should have more effective programs to combat the drug problem we have in this country. We can hear all kinds of talk about having a more effective program and I think we are all speaking the same language.

This has come about through a rather strange device of the OMB and certain elements that were affected by this program trying to make an agreement about this reorganization plan. Sitting through the hearings we heard the OMB witnesses and others who were very adamant that this was a perfect plan. It was not until after the subcommittee met and the disapproval resolution was denied in the subcommittee and later, on a tie vote, in the committee, and then later the disapproval resolution was approved, and it was only then, when the cloud on the horizon came about, that OMB started to negotiate a compromise so they could save this reorganization plan.

There is legislation pending which I have introduced and others, which is in the Government Operations Committee. We can have thorough hearings and we can thoroughly review all of the programs, the good programs and the bad programs, and have a consolidated effort so that we can more effectively fight drug traffic in this country. We can bring it to this floor and everybody can participate so that the House can work its will, rather than having it done in some office of OMB without the benefit of having the majority of the Members of this Congress having any opportunity to participate in this compromise.

I hope the Members of this House will not be taken in by the OMB and the other people making statements that, gentlemen, this is what we have agreed to and now take it hook, line and sinker. I do not go that way and I hope the majority of the Members of this House will not. We have a proper procedure we can bring a bill before this Congress. It is in the committee now and I cannot speak for the chairman but he is a very responsible chairman and we can have hearings and we can report a bill to the House so the House can work its will and so we can do something about streamlining and coming up with an effective drug control program.

A vote against this is not a vote for more drug traffic, even though some people have tried to insinuate that, but we can by voting for the Waldie resolution provide a mechanism whereby we can bring forth a bill in which we can have all of the Congress work its will.

Mr. Chairman, if we pass this executive reorganization plan today we will be guilty of the grossest capitulation to the dictates of interests outside of Congress. It has been said many times today that the White House and labor have been able to accomplish something which we are precluded from doing—amend an executive reorganization plan. I want my colleagues to know that I am not prepared to accept the so-called deal which has been reached between and administration and organized labor any more than I would be willing to accept the legislative wheelings and dealings of any other special interest groups. It is this "dealism" mentality which has this administration in the trouble it is in already.

On May 10, 1973, I addressed this body and explained my position on the reorganization plan. I recognized then, as I do today, that the proliferation of narcotics and dangerous drugs is the Nation's No. 1 law enforcement problem, and the abuse of these drugs has been called the Nation's No. 1 health problem. It is, indeed, time that we face up to this serious threat and muster every resource available to us in dealing with the problem of dangerous drugs. The first necessary step is, as the President has recommended, the realinement of current Federal law enforcement functions. For this reason, I have introduced the Federal Drug Abuse Enforcement Reorganization Act of 1973. This measure is designed to promote more effective management of drug law enforcement efforts by reorganizing and consolidating these efforts in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice.

This measure is but one of many sound proposals which have been introduced and which would provide the necessary consolidation of our drug law enforcement effort. It appears to me, as it did to a majority of the members of the House Committee on Government Operations, that this task is of such importance and magnitude that an executive reorganization plan is hardly the vehicle for action. My 10-year-old son knows that the executive branch proposes and the legislative branch disposes. Mr. Ambrose and the other administration witnesses were unable or unwilling to give the committee any indication of the scope of the proposed reorganization plan or, for that matter, the reason why it was proposed.

Then, we find out that the administration is ready to completely revamp what was already a hastily prepared reorganization plan and promise not to implement section 2 transferring some 900 Immigration and Naturalization inspectors to the Customs Bureau. This same section was denoted as the very heart of the reorganization plan during the hearings and now the administration is ready to throw it by the wayside. What exactly is the administration's position? I am fed up with eleventh-hour tactics on this reorganization plan. The very morning of the executive session on the disapproval resolution, Director of OMB Ash sent the chairman a letter which appeared to give a commitment that the Immigration positions would be restored during the next budget cycle. When the disapproval resolution was approved by the full committee, negotiations began behind our backs. I have news for the administration and for labor—I have not been sent here to do the biddings of any individual, organization, or interest group. I recognized the shortcomings of the reorganization plan and took appropriate action. In the subcommittee, I was the only member to vote in favor of the disapproval resolution, and I did so because I do not believe this is a good plan.

The agreement itself is a thing to behold. Item No. 2 states that the administration agrees—

> To avoid discussion of . . . labor being "against better drug enforcement" in conjunction with organized labor's position on Reorganzation Plan No. 2 of 1973.

In other words, the administration is admitting that they were employing underhanded tactics of innuendo and dirty play to gain approval of the reorganization plan.

Again, I want my colleagues to understand that I share their desire to provide a strong and unified program of drug law enforcement. There is little question but that Federal law enforcement in the field of drug trafficking has suffered as a result of the duplcation of efforts and diffuse nature of the present drug law enforcement effort. The measure I have introduced provides for improved performance, coordination and evaluation of drug enforcement functions at the Federal level, more effective coordination between Federal, State, and local law enforcement agencies, and the development of innovative approaches to the problems of controlling international and interstate commerce in licit and illicit drugs.

Presently the Federal fight against drug trafficking has been fragmented and less effective than would otherwise be possible. The Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforecment, and the Office of National Narcotics Intelligence are involved in this fight within the Department of Justice alone. The Treasury Department, through the Bureau of Customs, is also involved in this effort. It is apparent then that greater coordination must be forthcoming.

While I feel that Congress has an obligation to design the appropriate mechanism for our efforts against drug trafficking, I also support legislation providing stiffer deterrents, including mandatory sentences for drug pushers.

The need for consolidation is apparent, therefore. How this consolidation will be effected is a question for the Congress and not a matter to be thrust upon us and the American people. This is especially true when you consider the manner in which it was drafted and the agreements reached between parties outside of this body. I remember another reorganization plan which was presented to this body without a full disclosure of its scope. It is interesting to note that a representative of the Office of Management and Budget, created by that reorganization plan, signed the so-called agreement. It is not bad enough that the Office of Management and Budget has taken away our power of the purse, now it is trying to relieve us of our authority to approve or disapprove reorganization plans.

I strongly urge my colleagues to support the disapproval resolution so that the appropriate congressional committees can provide their collective expertise and wisdom to attacking the menace of drug trafficking and abuse. Certainly, this is the proper course for a policy decision of such import.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, it seems to me that what we have been doing here today and in recent days is talking about a number of side issues on related aspects of this particular reorganization plan, and giving too little consideration to the merits of the plan and the reorganization itself.

For example's sake, we have been making a number of allegations. I have heard it said that the reorganization plan breaks up the Immigration and Naturalization Service and severely impacts their deportation function. Well, I suppose that it does to a point affect the Immigration and Naturalization Service, but they will still function effectively.

We have heard it said that the reorganization plan will allow a flood of illegal aliens to enter the United States because of the loss of inspectors with immigration experience at the ports of entry. This is some sort of problem, but it certainly is one that can be handled at least as effectively as at the present.

We have heard it said that customs inspectors will not be able to effectively perform the immigration inspections function. I do not know what that argument is. I do not know what "effectiveness" is. Certainly there is no reason they cannot do the job.

We have heard it said that present immigration inspectors are not qualified to do customs cargo inspection. I cannot conceive of that. If they are qualified to be immigration inspectors involving personnel, it is beyond comprehension that they would not be able to inspect cargo.

We have heard it said that customs inspectors will not be able to handle complicated immigration problems. I am about to conclude that the customs inspectors we have now are unqualified to do their jobs to which they are assigned if they cannot do some of these things. I do not, however, consider them unqualified. I do believe they can do the job.

Then, we have heard it said that under the terms of the reorganization plan, that immigration officers not assigned regularly to inspection work will no longer be eligible for 1931 act premium pay. I just mention that to provide the point that we are really dealing with some very minor aspects of the problem.

Mr. Chairman, out of the clear blue this week, I had walk into my office a gentleman who put this in context for me. I am not prone to agree with Harvard professors, as most of the Members know, but in this instance I have to say that this gentleman informed me to a point. He was Dr. James Wilson, professor of government at Harvard University. He is chairman of the National Advisory Council for Drug Abuse Prevention.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. HORTON. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, this is a Council which was created by the Congress. He sent a telegram to the members of the committee on May 18, which I have here and will include in the RECORD, but, because of the lack of time, I am not going to read all of it at this moment.

He concludes and strongly urges that we support the proposed reorganization of the drug enforcement agencies.

This gentleman has had a great deal of experience in this field. He was first appointed to this Council as its Chairman, by President Johnson, and we in the Congress created this Council.

His conclusion is that what we are doing is not working.

You may ask all the questions you want to ask, but the fundamental question is simple: Is what we are doing working? The answer has to be "No." No one here would say that what we are doing has maximum effectiveness.

Mr. Chairman, the telegram from Professor Wilson follows:

TELEGRAM

(Telegram sent to all Democratic members of the House Organization Committee, May 18, 1973.)

As Chairman of the National Advisory Council for Drug Abuse Prevention, a council created by Congress, I strongly urge you to support the proposed reorganization of the drug law enforcement program. As a scholar interested in narcotics and crime and as chairman of the council I have had occasion to observe the confusion and conflict that now results from our divided federal enforcement programs. On a recent trip to confer with French police authorities, I learned at first hand of their strong belief that our overseas enforcement program insofar as it involves collaboration with them would be greatly aided by consolidation of the American effort. Local police authorities in this country also are concerned about our divided federal programs. If defeated now, the reorganization plan may well languish for several years at great cost to our struggle against heroin. Whatever difficulties may exist in working out the details of this plan and its impact on other policies, I am sure that you believe as I do that the public interest requires giving highest priority to improving our ability to reduce trafficking in products that are now destroying thousands of lives.

JAMES O. WILSON,
Professor of Government, Harvard University, Chairman, NACDAP.

The second question is: Will reorganization be better or will it be better to continue as is? I think any reorganization that provides for centralized direction would be better, and the plan provides for that.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield me for 1 more minute?

Mr. HORTON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. WAGGONNER. Mr. Chairman, with some the question is: Should we have a congressional plan to supersede this? That is a moot question.

The question before us today, and we are going to have to vote one way or the other on this issue, is whether this proposed reorganization plan is better than what we are presently doing. I think it is. If other Members think it is, then we should support this reorganization plan. A congressional plan is not before us.

Then if the Congress does not like what is being done, the Committee on Government Operations can bring to the floor a plan to improve upon what is proposed in this reorganization plan.

I sincerely believe we can help to fight the problem of narcotics by adopting this plan and coordinating our effort. God knows we need to do a better job.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Government Operations, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, what we are confronted with now is a reorganization plan which must be voted up or down today and which, by broad consensus, contains a section which should have been omitted in the first place.

We can vote to save the plan and remove the objectionable part of the legislation, or we can vote to kill the plan and try to salvage the drug enforcement part through separate legislation.

As Members know, the plan cannot be amended today on the floor.

I have made my decision with two overriding considerations in mind: To do everything I can and to support every reasonable measure to strengthen drug law enforcement, and to do everything I can and to support every reasonable measure to strengthen the Immigration and Naturalization Service, particularly in its work in suppressing illegal alien traffic.

In my considered judgment, the best way to accomplish these purposes at this stage is to let the plan go into effect, thereby creating a new Drug Enforcement Administration, which will bring together these separate groups and prevent the confusion and chaos which exists at this time.

Then I believe we should work separately to build up the Immigration and Naturalization Service. The number of illegal aliens in this country apprehended has increased from 80,000 per year 10 years ago to 506,000 people last year.

There has been much talk about improvements in the Immigration and Naturalization Service and Customs Bureau. There has been some improvement, yes; 25 percent improvement in personnel in 10 years and 600 percent improvement in the workload.

They tell us that they apprehended 506,000, and they believe more than 1 million are still here illegally. These millions that get in bring in contraband. Many of them bring drugs. They walk across the border at night. We have more than 2,000 miles of border. We do not have enough manpower to keep them out.

The committee concerned—the Appropriations Committee—has not given us the manpower to do this job and to do it right.

It is penny wise and pound foolish, because for every one of these aliens who comes in it costs all the way from $100 to $1,500 to get him out. If they go out voluntarily, that is cheaper. Then they come back 2 weeks later, and they have to go out again. We have some people on the books in Los Angeles who have entered illegally six times in 1 year. They have been deported five times, and they come back the sixth time and are arrested again. So we have a problem in this country. We have two problems:

Illegal aliens coming in, some of them with drugs; and the importation of illegal drugs. The great problem before us today is to prevent the flow of dangerous drugs into our country.

The second problem, as I said, is to prevent the flood of illegal aliens across our borders. Those two problems are related.

Mr. Chairman, dangerous drugs are frequently smuggled through our ports of entry by aliens carrying forged entrance papers. Dangerous drugs are also often brought across our borders between ports of entry by illegal aliens. Most illegal aliens and aliens transporting drugs slip across our borders at night.

The reorganization plan before us involves in part the transfer of 900 men from the Immigration and Naturalization Service into the Customs Bureau. I oppose that part. I oppose this 900-man transfer from the Immigration and Naturalization Service. It would strengthen our fight against drugs, it is true; but it would weaken our fight against illegal aliens crossing our borders.

Mr. Chairman, the American Federation of Government Employees, representing employees in the Immigration and Naturalization Service, opposes the transfer of these people for the same reason. They had a succession of conferences with the officials in OMB. The gentleman from New York (Mr. Horton) and I agreed with their views and so informed the OMB. As a result of the OMB conference and our expression of objection to section 2 of the plan, the INS transfer section, an agreement was reached between all concerned that the 900-man transfer was unwise and should not be made. That is when organized labor said, "We will go along with the plan; we will not oppose it any longer."

Mr. Chairman, we were then faced with a legislative problem, based on the provisions of the basic Executive Reorganization Act. A President cannot withdraw a plan, as was suggested in the letter of the gentleman from California (Mr. Waldie) which was circulated to his colleagues.

The CHAIRMAN. The time of the gentleman from California (Mr. Holifield) has expired.

Mr. BROOKS. Mr. Chairman, I yield 5 additional minutes to the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. At the present time, the President is not authorized to present any new plans, since the basic Reorganization Plan authority expired on March 31 of this year. Our only practical solution today is that the principles of the plan on dangerous drugs should be adopted, that we accept the plan and then subsequently repeal the part involving the transfer of the 900 men, that is, section 2 of the plan.

I know there is an attack and there will be further attacks on this procedure, but I believe the attack is an effort to becloud the issue by the implication that this procedure is somehow reprehensible or in violation of the precepts and rules of the House. I state categorically that this is and has been a procedure used many times.

The Members may look at the remarks of the gentleman from New York (Mr. Horton) in the June 4 Record, which is underneath the Members' seats, and they will find a number of instances which he recounts in the Record. We have passed amendments to reorganization plans a number of times subsequent to the adoption of the plan. The method of negotiation and compromise is an honorable and normal process in achieving a legislative purpose.

Mr. Chairman, in this case, we have openly announced that part of the President's Reorganization Plan has been deemed to be unwise by the administration, by the employees affected, and by members of our committee.

Mr. Chairman, there is nothing subterranean about that procedure; it is all out in the open.

We are also openly stating our intent to repeal sectiont 2 of the plan, and I promise that I can bring that bill to the floor in a very few days if this plan is sustained. If not, I will have to go into long hearings over a number of different types of bills that are before the committee, and then I do not know what they will do in the other body. I had a bill passed in this House several years ago by 340 to 44, and it lay inactive in Congress for 12 to 13 months, because in the other body they never got it up for a vote.

Mr. Chairman, a bill has already been introduced by the gentleman from New York (Mr. Horton) and myself to accomplish this purpose of repealing section 2 of the plan. In my opinion, this is a justifiable procedure. If we are to move expeditiously in our fight against the terrible scourge of illegal dangerous drugs, and if we are to try to save the hundreds of millions we are spending annually to stop this terrible scourge, we must proceed as rapidly as possible.

Now, the argument is made that the plan once passed is the law of the land and that the President must enforce it immediately. As a practical matter, I know it will take several months to institute organizational changes of this size, but what we have is an aspect of the willingness to modify the plan before complete implementation takes place if the Congress passes the bill which Congressman Horton and I have introduced to repeal section 2 of the plan as submitted. Therefore, I ask you today to vote "no" on the Waldie resolution, with the pledge that we will proceed in the next few days to report a bill which will have broad bipartisan support to delete section 2 of the plan and achieve a strengthening of our capability to control and at least partially eliminate the traffic in dangerous drugs.

Now I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the distinguished chairman for yielding to me.

It bothers me a little bit that allegations are being made that the proper legislative procedure is being circumvented by this resolution. I refer to a letter from the distinguished gentleman from Texas (Mr. Brooks) of June 5, 1973, in which he says:

> Under the statutory authority for Executive reorganization (Title 5, Chapter 9, U.S.C.) reorganization plans once submitted cannot be amended by either the Congress or the Executive.

Then he goes on to say:

> Subsequent to the Committee's action, the Administration continued to negotiate with outside parties regarding the plan's deficiencies and ultimately entered into a written agreement to seek legislation to repeal part of the plan, and if that failed, to simply refuse to implement that part of the plan. In other words, the Administration is attempting to amend the plan while it is pending before Congress.

How do you answer that?

Mr. HOLIFIELD. I may say to the gentleman that is not true. They are not trying to amend the plan while it is here in the Congress. We are voting on the plan just as it was submitted by the administration and we are going to vote it either up or down. Subsequently we can come in and repeal any part of it or all of it if the Congress so desires, and the administration has said they are willing to go along with the repeal of section 2 of the plan, which is the transfer section.

Mr. HORTON. Mr. Chairman, I yield such time as he may use to the gentleman from Louisiana (Mr. Treen).

Mr. TREEN. Mr. Chairman, the history of nations teaches us that the forces which have the greatest potential for destroying a society are not its foreign adversaries in openly hostile confrontation, but the corrosive elements within the society itself. A nation's will to resist aggression is a function of its vitality, of the sense of purpose and community felt by its individual citizens.

If an enemy were to set about deliberately to undermine the foundations of a nation's spirit, I am convinced that it could employ no more effective weapon than a plague of drug addiction. The experience of the United States in the last few years—of many thousands of human beings reduced to lives in which animal instinct has supplanted rational thought, of a huge increase in the violent crime rate, of junior high school students accepting widespread hard drug addiction as a fact of their environment, of newborn infants who have become addicts in the womb—is enough to justify treatment of the drug problem as vital to our national survival.

The administration has addressed itself most forcefully to the drug situation, with particular attention to cutting off major sources of heroin importation and distribution. There is evidence that these efforts have been to some extent successful. But it is important that we keep the pressure on, that we not allow the momentum of our antidrug offensive to diminish. To this end, the proposed reorganization plan would seem to be the obvious next step.

It makes no sense to approach a problem of this magnitude on a piecemeal, catch-as-catch-can basis. By combining the numerous Federal units which have been working on cutting off the drug supply into a single agency under the Department of Justice, we will eliminate a good deal of duplicated effort, and give this undertaking the coordination and the resources it deserves.

This single agency approach has the backing, not only of the Nixon administration, but of a great many experts of every partisan and philosophical inclination—including the chairman of the Government Operations Committee, Mr. Holifield, and the ranking minority member, Mr. Horton; Prof. James O. Wilson of Harvard, chairman of the National Advisory Council for Drug Abuse Prevention, a Council created by the Congress; and the National Commission on Marihuana and Drug Abuse. The American Federation of Government Employees, AFL-CIO, has withdrawn its original objections to the plan as a result of a compromise reached with the administration; the willingness of both the AFGE and the administration to modify their original positions on this proposal is evidence, along with the scope of support for the reorganization plan, of the nonpolitical nature of this matter.

I would suggest to my colleagues who still harbor objections to some aspects of the reorganization plan that we refrain from throwing the baby out with the bathwater. The scourge of drug addiction is not a matter of exclusive concern to Republicans or Democrats, to labor or management, to advocates of congressional or executive prerogatives; this is a deadly corrosive force which does not quibble or discriminate over where it will strike next, and I hope we can set aside our political disputes and work out our substantial objections to present a united front against this ghastly peril.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. Brown).

Mr. BROWN of Ohio. Mr. Chairman, opposing this reorganization plan because one wants to preserve the dignity of the legislative process seems a little hollow to me after last night.

The reorganization procedure is a sound one and it has been used to good purpose for several years, ever since the Hoover Commission. If we oppose the reorganization route, the legislation authorizing the reorganization procedure can be opposed when or if next it arises, but the chance for action on better drug enforcement is here and now. As Mr. Rangel pointed out very eloquently, the need is now and it is pressing.

The reorganization plan addresses that need, and we should address ourselves to the purposes of the legislation. To suggest that the coordination of the attack on the traffic in drugs that this plan provides for should be further delayed because of committee jurisdiction or because it does not come to us in the pure legislative form we may think is perfect is not the way to serve our constituencies and to meet this serious need.

That jurisdictional dispute is exactly why this plan should be sustained now, because there are jurisdictional disputes in drug law enforcement, too, and the result in that field is about the same as it is in this body. Where such jurisdictional disputes arise the result is delay and inaction.

In recent months, when we were debating the situation in Vietnam and the draft, my sister used to say to me. "You know, you have no idea how dovish you become when you have a youngster approaching draft age."

Well, the same is true about the narcotics problem today, I venture, for most of us, if we have children of the age where drugs begin to become a danger, and a real danger to them, and a threat from pushers and those who profit from this cruel, criminal traffic, then one is justified, I think, in becoming a little hysterical, at least hysterical enough to want action, or better action, on investigation and enforcement, even if the legislative form is not just the way we think it ought to be, or because it hurts the jurisdictional feelings of a congressional committee.

Mr. Chairman and my colleagues, I urge a "no" vote on the resolution of disapproval of this Reorganization Plan No. 2.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, when the gentleman from Ohio said that opposition to the Reorganization Plan No. 2 seems a little hollow after what happened last night, to what does the gentleman refer?

Mr. BROWN of Ohio. I refer to the precedent set last night by permitting——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. CONYERS. Would the gentleman yield to the gentleman in the well an additional minute to respond?

The CHAIRMAN. The Chair will state that the time is controlled by the gentleman from New York (Mr. Horton) and the gentleman from Texas (Mr. Brooks).

Mr. HORTON. Mr. Chairman, I would like to yield to the gentleman from Ohio, but I have no additional time because I have allocated the balance of the time that I have.

Mr. BROOKS. Mr. Chairman, the same situation exists here, because we are overallocated.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Chairman, just a moment ago in response to a query directed to the distinguished chairman of the Committee on Government Operations regarding the language contained in the letter signed by the gentleman from Texas, and other Members of this House, including this Member, the statement was made by the chairman, the gentleman from California (Mr. Holifield) that this quotation is incorrect. In other words, the administration is attempting to amend the plan while it is pending before Congress.

In a technical sense, only, is the gentleman from California (Mr. Holifield) correct. Because the fact is that an agreement has been signed. The administration agrees to make section 2 of the plan inoperative. And then it says that we will introduce legislation and will work with the AFL–CIO and others to secure enactment,

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I would like to yield to the gentleman from California, but the gentleman had 10 minutes, and I have only 3 minutes allotted to me.

Mr. Chairman, the fact is that the Members really do not know what they are voting on, but the Members do know that they are confronted with a most extraordinary procedure: A plan has been submitted under the authority of the Congress, and then has been amended by no authority but the usurpation of authority by the Director of the Office of Management and Budget, and private outside parties in no way a part of the Government.

This is the most extraordinary legislative route. In my 21 years in the Congress I have never seen anything that even approached it, in the arrogance—and I use the term advisedly—the arrogance of the Office of Management and Budget which now undertakes a power greater than that conferred upon this House under the reorganization authority. Because we are confronted with the fact that we must take the plan without any chance to modify it in any way, shape, or form. We may not change a dot on an "i" or a cross on a "t." We take it. But the Office of Management and Budget can change it without our leave. The Office of Management and Budget and persons who are not even a part of Government can change it substantively but, even more surprising, they can, by edict, say that it is inoperative. Is that not amazing? Thus, the legislative body is being told that the Executive is going to make it inoperative.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, this is one of the rawest deals that has been submitted to Congress in a long, long time. I concur with the gentleman's statement.

Mr. MOSS. I concur with the gentleman from Iowa.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. Randall).

Mr. RANDALL. Mr. Chairman, I rise to urge a "no" vote on House Resolution 382. Because of the wording of the resolution, to be in favor of the reorganization plan, a Member must vote "no." The Record will show that I opposed this resolution in committee. I did so reluctantly at that time. I opposed it in committee because I realized what this plan would do to the Immigration and Naturalization Service.

Mr. Chairman, there are features of the reorganization procedure which I dislike. One feature is that under the present reorganization authorization any plan which has been submitted is not subject to amendment. Another objection which I believe is valid is that there should be no effort to legislate in a reorganization plan but simply present the reorganization scheme with its framework and let it go at that.

However, it is my understanding that the old reorganization procedure has lapsed since April 1 and I strongly recommend to the members of the House Government Operations Committee, of which it is my privilege to be a part, that in any new reorganization procedure the details be spelled out carefully so as to permit amendment and to limit any legislative provisions being provided by the administration under the guise of reorganization.

As I related earlier, my objection to Reorganization Plan No. 2 when it came before the Government Operations Committee was because of its section 2 which called for the displacement of about 980 or 1,000 Immigration and Naturalization personnel. They were to be brought over into the Customs Service and primarily engaged in drug control. Regardless of the charges and counter-charges that have been passed back and forth as to whether or not the happenings that have occurred since this resolution was before our committee. The facts are that there has been an agreement entered into which has been endorsed by the administration and certain organizations involved that deletes section 2.

Again, to repeat, my opposition to the proposal was the fact that as it was written in the beginning, it would weaken the Immigration Service. I do not claim to be an expert as to the efficiency of our immigration people but I do know that as the result of some hearings that I have been privileged to chair, the Immigration Service is undermanned both in the border patrol and in all the major cities in the United States.

Now that the threat to the Immigration Service has been relieved, my own opposition to the plan is accordingly withdrawn.

Mr. Chairman, the Nation's pressing need for an effective, unified drug enforcement agency is so great as to override any objections that might be raised to the collateral issues surrounding reorganization plan No. 2. By voting down House Resolution 382, the resolution to disapprove that plan, we take positive action to quickly create such an agency and mount a concentrated war against the ravages of illegal drugs. But if we allow ourselves to bog down in a debate over legislative purism then we resign this Nation to an indefinite postponement of a better chance to win the war against drugs.

I was one of the 23 members of the Government Operations Committee who voted to press for agreement to this disapproval resolution. My position was arrived at reluctantly and was based upon opposition to section 2. That section proposed to transfer 900 to 1,000 positions out of the Immigration and Naturalization Service. As chairman of the Legal and Monetary Affairs Subcommittee, which is conducting a study of operational and managerial problems in INS, I saw in that transfer a serious impairment of INS capacity to deal with the runaway problem of illegal aliens. There is substantial reason to believe that the proliferating illegal alien problem is inseparable from the traffic in illicit drugs. It was inconceivable to me that further crippling that already under-manned agency would result in greater effectiveness in controlling drugs. With section 2 out, I endorse that plan and will vote against the disapproval resolution.

While each of us may have our own theories as to the details that should be included in the creation of a strong central drug enforcement agency and its administration, there can be no disagreement that such an agency is urgently needed. Reorganization plan No. 2 will give the Nation such an agency.

That leaves us with two other issues, one of which can be resolved in the regular order of congressional procedure.

There is a glaring weakness in the statutory method under which reorganization plans are sent to the Congress. The authority under which the present plan was submitted permits no amendments by the Congress. That authority has now expired.

I have no doubt that it will be renewed because for a quarter of a century, under all of our Presidents, it has been recognized that there should be authority for the White House to make administrative changes in the operations of the executive branch of the Government. When that authority is renewed and extended the law should specify that Congress has the right to improve upon reorganization plans through the amendment process. I have been among those who oppose "gag rule" procedures in the House. We should not impose "gag rules" upon ourselves; we should not permit the Executive to deny the Congress the right to fully work its will. When we renew the President's authority to submit reorganization plans, we should reserve the right of Congress to modify those plans.

The second issue goes to the question of the irregularities surrounding reorganization plan No. 2 of 1973.

It must be acknowledged that there was great singularity in the method by which agreement was reached to eliminate from reorganization plan No. 2 an objectionable feature that threatened, or promised defeat of that plan. But instead of setting up those negotiations as a straw-man that will send that plan to defeat, I believe we should rejoice that an obstacle has been removed which leaves in that plan the single goal of a coordinated fight against use of and traffic in illegal drugs.

If reorganization plan No. 2 should go down to defeat, then no one among us can predict when legislation might be passed which will put more muscle into the effort against drugs. Will it be 3 months? A year? Perhaps longer. If we let just 1 more week go by without strengthening our drug-fighting capability, how many new addicts will come into being? How many more drug-related deaths will occur? How many more families will be touched by the tragedies that are inevitable in the presence of illegal drug use?

Some criticism against the administration is justified for its handling of this plan. Yet I remain confident that Chairman Holifield will see to it that OMB keeps its part of a rather unusual bargain.

All of us should rise above the resentment we might feel that there have been encroachments upon the customs and traditions of the Congress. We can survive the indignity that may come because of the most unusual contract offered by the OMB and accepted by those who oppose section 2 of Reorganization Plan No. 2. On the other hand it will be most difficult if not impossible to go back home and tell our concerned constituents that we voted against creation of a new and better weapon for fighting drugs merely because our principles of orderly parliamentary procedure were offended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. Dellums).

Mr. DELLUMS. Mr. Chairman, I oppose the reorganization plan because I cannot sanction murder among other vicious criminal acts in the guise of law enforcement and drug trafficking prevention.

To be more specific, as long as BNDD maintains and protects its "killer strike forces" I shall strongly fight against any legislation giving unchecked sanction to that agency.

My vote today is not one which should be seen as labeling me "soft" on drug abuse prevention. Any person who grows up in the ghetto and who represents a district with a large urban population is all too knowledgeable about the dangers and effects of drugs in our communities. But in our zeal to eradicate this menace, there can be no justification to utilizing equally brutal and murderous tactics.

As for the merits of Reorganization Plan No. 2, I realize that there are valid arguments for its passage. We obviously need better coordination of existing Federal antidrug programs. And I salute the efforts of my colleague from New York (Mr. Rangel) to insure that minority recruiting and hiring would be increased—although I note that given existing equal opportunity laws such actions should have been made years ago and should never have to be the subject of any sort of informal discussion or agreement.

Nevertheless, despite these "good intentions" of the reorganization plan, nothing in my view can offset the blatant—even criminal—activities of BNDD and its friends in the Justice Department.

In northern California, BNDD and its allies in the State drug enforcement agencies have undertaken so-called antidrug campaigns that should be compared to Hitler's Storm Troopers and other gestapo activities. In these campaigns, any sense of "justice" and "constitutional" and "civil" rights have been more than just ignored; they have simply all been violated.

And who are the targets of these BNDD killer strike forces. Certainly, not organized criminal syndicates and mobs who control the huge inflow of drugs into this country. Instead, the targets—for the most part—have been those persons whose lifestyles happen to be different from the mainstream—that is, young persons with long hair, antiwar types, other activists, black, chicano, and white.

As such, BNDD and its friends seem more interested in warring on a particular lifestyle than in serving justice and in stopping the real flow of drugs. And BNDD is not alone in this absurd quest. The Customs Bureau also seems more keen on harassing long-haired individuals through its search procedures than in effectively preventing the entry of drugs into this country.

The point here should be simple. As long as drug traffickers realize that the obvious target for harassment and strike forces are those persons who prefer an alternative lifestyle, then it is very simple for them to get these drugs into the United States via so-called straight individuals.

In sum, while I realize that existing drug enforcement programs are not effective and while I know that something better must be enacted by Congress, I have no assurance whatsoever that the murder and other goon-squad tactics of BNDD and its friends will be controlled under the proposed new agency. There is no way that I can ever condone those actions and Congress should not condone them.

Finally, and without much comment—because these articles are so poignant and telling—I now want to insert as part of my position on this legislation, two articles on activities of BNDD and the Customs Bureau. The first article, "Death in the Wilderness: The Justice Department's Killer Nark Strike Force" by Joe Eszterhas from the May 24, 1973, issue of Rolling Stone magazine, describes a series of the most outrageous activities ever condoned by Government. I commend Mr. Eszterhas and Rolling Stone for this outstanding and courageous piece of journalism. The second article is "Customs Searches: Border of the Law" by Ms. Harriet Katz Berman and appeared in the April 1973 issue of Civil Liberties.

I hope we vote down this proposed reorganization plan.

The articles follow:

Death in the Wilderness—The Justice Department's Killer Nark Strike Force

(By Joe Eszterhas)

They were asleep in their cabin, at the edge of a woodline of sequoia and madrone, tucked safely into that vastitude of green darkness. Something woke her. He was staring at the ceiling, eyes large and unblinking. He was trembling.

"Tell me," she said.

. . . An execution squad was coming for him. Shotguns in their hands, hair as long as his own, wearing jeans, Army jackets, holstered .38s on their hips. They shouldered the cabin door, ripped it from its hinges, and kicked at the dogs with steel-toed combat boots. They saw him and stopped. He was on the back porch, frozen by panic, and couldn't move. They said nothing. Their faces were blank and waxy. They aimed and fired. He heard the gunshots and saw the glop of his own blood. He was dying. . . .

She held him and shushed him, and, together, they sought the familiar reassurances of their pitchblack nights: Susurrus of coastal wind, the languid woosh of redwoods, the thud and patter of their two St. Bernards, the moon's gentle white eye.

She thinks about his dream when she visits him these days. Judy Arnold looks at Dirk Dickenson's grave, on a plot of tacky suburban land far from his rugged proud mountains, and she remembers how she calmed him.

"You aren't going to die, babe, its just a dream, a lousy, rotten, silly dream."

Stretching along the fog-shrouded Mendocino coastline to the Oregon border, Humboldt County, California, is a wilderness of skyscraping trees, rich green and russet foliage, and rock strata stark and magnificent. Sheep graze the hills and, except for US 101, the roads are knife-thin, veinous and steep. Parenthesized by mountains, the countryside is velvet-like and soothing. It is easy to be charmed here, to observe that all this polychrome beauty exudes a serenity: a nimbus of peace which hovers protectively over the treetops.

But there is little harmony in Humboldt; its spendor is a cruel mirage. Acres of redwoods have fallen victim to conglomerate cash registers and their arsenals of chainsaws. So there are hillsides which form sad and gutted bleakscapes of stumps, profound testament to the unending savagement of the big trees. The sound of sawtoothed metal screaming into wood has been echoed by the screams of dying men and their killers' weapons.

On the evening of February 26th, 1860, a delegation of Humdoldt sourdoughs, white settlers, visited a tribal celebration of Mad River and Yurok Indians. A young newspaperman named Bret Harte recorded their visit in the Arcata Northern Californian: "A report was brought from Eureka during the night that nearly all the Indians were killed by persons unknown. A few loaded canoes bringing the dead bodies to Mad River confirmed the report. A more shocking and revolting spectacle never was exhibited to the eyes of a civilized people. Old women lay weltering in blood, infants scarce a span long with their faces cloven with hatchets and their bodies ghastly with wounds." Two hundred Indians died—massacred, a local historian wrote, because they were Indians.

Decades later, in 1885, another posse of sourdoughs collected 480 "Mongolian Highbinders" as guilty as the Indians—of being Chinese. Accused of practicing amoralism and smoking heathen opium, the Chinamen were herded into a warehouse on the Eureka waterfront and banished to the San Francisco Bay aboard two barely worthy steamers. In that year, the Eureka City Council passed a law which ordered: 1. Expelling all Chinamen from the city and that none be allowed to return. 2. Appointing a committee for one year whose duty it shall be to warn all Chinamen who may attempt to come to this place to live and to use all reasonable means to prevent their remaining. 3. Issuing a notice to all property owners through the daily papers asking them not to lease or rent property to Chinese."

In 1937, Eureka's Chamber of Commerce was still pointing with pride to the success of its program: Eureka is the only community in the country in which there are no Oriental colonies." No pigtail infected the city until 1945.

Says another newspaperman, Dan Walters, the managing-editor of the daily Eureka Times-Standard, a man with tublike shape, moony face and spontaneous warmth: "Until about ten years ago, when US 101 was built through here, Eureka and much of Humboldt was a very insular place. Understandably. Not many people ventured through. We had two-lane roads often blocked by mudslides. Lumber trucks would barrel and rocket up and down and some people would suddenly find themselves sandwiched in some tiny car between tons of wood and steel. The world stayed away from Humboldt. The ideas and, I suppose, the prejudices folks had suckled since the days of their grandpappies were allowed to stand unchallenged. Then they built the superhighway and the world rushed in full chisel. Tourists, money, crime, thousands of students to Humdoldt State University, and, worst of all, hippies."

The hippies came in the fall of 1969, refugees on the autobum up the Coastal Highway from Marin and Mendocino, ragged out and ——— elegant in surplus-store finery, some so thin and wasted the lumberjacks claimed they could smell the ——— right through them. They were, by and large, aging kids who'd left the ghettoized hippie hellholes they'd found in the cities and, seeking transcendence and salvation, carrying joints, snorebags and little else, they came to the high, deep parts of the wilderness, to towns like Garberville and Alderpoint and Whitethorn, places so tiny you could just about ——— from one end of town to the other. Adventurous freak pioneers, the survivors of other trips, they came to grub for survival. Seduced by the meretricious charms of the land, they came joyously to settle and discovered themselves despised and unwanted aliens . . . the Mongolian Highbinders incarnate . . . furry-faced *redniks* among redwoods rednecks . . . ——— brains no-accounts leaving their ——— all over the doright folks' tidy acres.

The new pioneers picked their shady spots and tumbledown cabins, paid their few city-earned dollars, and moved in, befouling the countryside with packs of unleashed dogs and birdlike women, the child-eyed nymphets they ruefully called old ladies. They made crowbait homes like the one inspected by Eureka architect William Van Fleet: "The place was a pleasant area carved out in the madrone trees, remotely situated on an old dirt road, with little more than a lean-to for inclement weather. Though they had to carry water a mile from the nearest river, their sanitation facilities seemed quite adequate. They had no electricity, but they were well-stocked with candles."

Many settled in Southern Humboldt, about 100 miles south of Eureka, around Garberville and Alderpoint, and the sourdoughs responded predictably. Storeowners claimed they were being "stolen blind" and filed insurance claims; Garberville Chamber of Commerce members said they were "scared to death"; a real-estate agent said: "The county would be better off if they'd never started coming here. A couple of hard winters ought to be enough to phase them out." But the new pioneers had an old-fashioned settler's sticktoitiveness which wouldn't countenance "phasing out." More and more of them arrived, some of them apostatized dopers who craved the sanctum of the woods; others banded together in free-flowing communes where, the sourdoughs were sure, the dope addicts humped like rattlesnakes, fed their women at both ends, and ceremonially group ——— on the American flag.

While a lonely county official defended the "invaders"—"They are young, college-educated and pessimistic. They are trying to live their own lives. They feel misunderstood"—other residents saw whorls and splotches of blood: Sheep were being cannibalized, packs of wild starved hippie dogs stalked their ranches like mountain cats, feasting on their livestock.

On February 26th, 1971, a ramshackle farmhouse in Whitmore Valley burned to the ground. It was the home of a Christ-bitten freak commune. On March 18th, near Maple Hill, down the road from Alderpoint, another house burned. Occupants: a long-haired family. March 19th, a farmhouse between Briceland and Ettersburg; occupants: a black man and three white women. March 22nd, two fires in Briceland: a garage occupied by a bearded poet and a house which the Division of Forestry defined as "a hippie domicile." There were more fires: on April 5th, April 12th, April 19th, April 20th. On May 24th, three houses burned at the same time. All the fires were the result of "suspected arson." No one was arrested. A Division of Forestry spokesman said: "No, we never discovered who set the fires. The woods are very dry that time of year." The freak pioneers were systematically being burned out.

On June 22nd, near Garberville, three freaks hitchhiking at dusk along a hinterland road were met by a pickup truck. The truck carried six men, several of them wearing black cowboy hats, all of them armed and drunk. The longhairs were pistolwhipped and left semi-conscious in the middle of the road, easy targets for cars barreling around the blind curves.

But the new settlers found one unlikely friend, the Garberville Justice of the Peace, William Thomas, a former sawmill operator who watched the influx and said: "In the past, when I was working in the woods here, this area was filled with drunks, parole violators and pranksters. I think these longhairs have upgraded the place." A recall drive was initiated against Thomas in the fall of 1971, spearheaded by a rancher named Archie Brunkel, who was also a Humboldt County Sheriff's deputy. Thomas, now called The Just-Ass of the Peace, was accused of not knowing his ——— from teabags, of letting hippiedogs ravage the hillsides, of "constantly rendering decisions that in the opinion of the large segment of the community tend to favor the lawbreakers." Archie Brunkel, as florid as his television almost-namesake, put it more bluntly. "The judge is soft on hippies," he said. The recall failed, but emotions grew more fevered. Loaded shotguns were racked into pickup trucks; longhairs stockpiled their cabins with ammunition.

Into this landscape of soaring beauty, arson-charred houses, and the pastime of shed blood, came one more settler in the fall of 1971. He sought anonymity and quietude like all the others, yet in another year his name would be a woods-legend.

Dirk Dickenson was 24 years old. Auburn-red hair poured down his back; his face was long and drooping; his eyes were hooded and simmered like charcoals. He was six feet tall and weighed 165 pounds. He grew up around Sacramento, a child of suburbia, and was married and divorced by the time he was 21. "I don't want to be just another patsy working 40 hours a week with a house and two cars and not much to live for," he told his friends. He decided he "had to learn how to live."

He came to the wilderness with his girlfriend, Judy Arnold, whom he often called his wife. She was 23 years old, a nurse's daughter who met him soon after she graduated from high school. Her blonde hair was as soft as gossamer; she was lithe and sloe-eyed and lovely and she spoke to him in hushed half-sentences. "We don't need to talk," she'd say to him, "we don't need words."

They came to Humboldt to get away from the gaseous shrouds of the city, from the hassles and scams and fears of making it in the urban streets. They wanted their own back porch at sunset, where they could sip Jack Daniel's and live happily ever after.

PATRICK BERTI—1948–1970

We drink Hippie Blood, the sign said at the Ivanhoe Bar in Ferndale, a few miles south of Eureka. Backpacking caravans of barefooted freaks trudged through the weatherworn town in the summer of 1970 and the louse-infested hordes were obviously spreading their crotchrot and inner decay.

During commencement ceremonies at the local high school, the senior class had the brazenness to castigate its own administration. . . . At College of the Redwoods, Ferndale's new business school, four students showed up at graduation carrying a coffin with a placard that read: College of the Redwoods, Business as Usual. An enraged off-duty Ferndale policeman hastily performed a citizen's arrest and took the pallbearers to the pokey. The local paper urged readers to defend themselves: "For years we have been warning children not to accept rides from strangers. In today's world we must also tell them not to accept anything from strangers. Dispensers of drugs seem to not only frequent the big cities or some place miles from here, but have been known to recently approach local students with the idea of selling to them."

On Sunday, October 4th, 1970, an ambitious and hardworking Humboldt County sheriff's deputy sat on a dope stakeout in the deadfall on the banks of the Eel River near Ferndale. Two four-foot high marijuana plants were in full bloom, in clear violation of the State of California's Criminal Code. Watching the plants that week was sheriff's inspector Mel Ames, a hardnosed 15-year veteran of the department. Ames asked deputy Larry Lema, new to the force and eager, to watch the plants while he rested his eyes and took the weekend off.

On Sunday afternoon two young men came to the riverbank and began examining the plants in obvious merriment. One of them was Pat Berti, 22 years old, born and raised in nearby Ferndale, a member of Tau Gamma Theta fraternity, a graduate of Chico State College, and about to enter San Diego Law School.

Deputy Sheriff Larry Lema knew Pat Berti (they were lifelong acquaintances) and saw him holding a twig of marijuana.

Lema thought the twig was a gun, a deadly weapon in the hands of a dope-grower. The deputy drew his gun and fired once from the bushes. Pat Berti, blood oozing from his chest, saw Lema as he bent over him. "Christ, Larry," he gasped, "you've shot me," and died.

Humboldt County District Attorney William Ferroggiaro, a former public defender elected to office in 1967, took the case to the Humboldt County Grand Jury. The shooting was ruled "justifiable homicide."

Deputy Sheriff Lema was transferred off patrol to guard-duty at the crumbling Humboldt County Jail; a griefstruck young man confessed responsibility for cultivating the two plants; Pat Berti, who'd visited the riverbank because he couldn't imagine marijuana growing beanstalk-high, paid the price of his curiosity . . . and was buried.

Dirk Dickenson and Judy Arnold found the cabin at the very heart of the area scorched by the house-burnings. It was perched on the eastern slope of Pratt Mountain, 80 miles south of Eureka in the Humboldt hinterland, 13 miles from Garberville on the road to Alderpoint. They chose it for its view: Their back porch commanded a panoramic expanse of valley, woodline and mountain. They had no electricity, used a woodstove for heat, and piped the water from a hilltop a thousand feet away.

They faced immediate problems when they moved in. To get to their 40 acres from the road, they had to drive a snaking gravel path through the property of the rancher who had supplied water and electricity to their cabin's previous tenants. The rancher disliked longhairs and welcomed his new neighbors by shutting the water and electricity off. They answered him by making do. They built their own pipeline and didn't really need electricity. "After that," Judy Arnold says, "he let us alone."

They furnished their place as best they could. They lugged in a seven-foot redwood table and built a crude addition they called a living room. A bathroom was their next project. They already had a tub, but it was still out on the back porch. Until the new bathroom was ready, the living room would serve as their Saturday night bathing spa.

They missed the plastic comforts of their apartment in Hayward, a place of billboards and hamburger stands southeast of San Francisco, but it was an easy sacrifice. They were happy. Dirk was learning the woodworking craft and, most important, he had cleaned up his private life. He knew his way around drugs and, for a while in Hayward, he was next to people who were stuffing pillow covers with dope-deal money. But he was tired. He decided to strike out as a backwoodsman. He badly wanted to live in the mountains, and thanks to the growing redwood burl industry, he could make solid money and still open his eyes each morning to a lofty view.

The redwood burl business was booming in Humboldt. Demand for the burl tables in the city increased rapidly and some tourist-galleries on Ghirardelli Square and Union Street in San Francisco sold the tables for as much as $800. Crafting burls was a relatively simple process. You picked out a good burl tree, cut it up, smoothed the wood, and stood to make as much as $10,000 on that single tree. Or you could buy dry burls for $20 apiece, take them home, polish and smooth them up for two or three days, and sell each burl for a minimum $200. Dirk Dickenson figured he'd even have an additional income from the hundreds of Christmas trees crowded onto his 40 acres. You didn't need a potful of money to survive in the wilderness.

While Dickenson happily scouted his burls, the San Francisco office of the United States Department of Justice's Bureau of Narcotics and Dangerous Drugs was feverishly trying to locate what it believed to be the largest manufacturing plant of PCP in California. Phencyclidine hydrochloride is a hallucinogen, an animal tranquilizer which provides an acidlike high and, doctors say, gradually damages the brain.

An informer providing "hard intelligence" told the BNDD the "million dollar" PCP-operation was rigidly organized and lethally dangerous; that members of this organization were armed and "would not hesitate to use guns." The ring's "master chemist," according to this informer, was Dirk Dickenson. His 40 acre site was allegedly the location of a "giant lab," supposedly guarded by Dickenson's St. Bernards, Boogie and Vernon, both "trained to go for the throat."

BNDD agents got in touch with the Humboldt County Sheriff's Department, specifically with Undersheriff Bob Bollman, 58 years old, hulking and plainspoken, the number two badge in the department, a hardline law and order man who made no secret of his belief that hippie-dopers were turning Humboldt County into a nightmarish scumpit.

Bollman assigned one of his most trusted men, Inspector Mel Ames, to liaison with the Feds. Mel Ames was his "dope expert," the cop who'd kept himself concealed in the bushes, eyes trained on the two marijuana plants, for a full week—before Deputy Sheriff Larry Lema shot and killed Pat Berti.

In February and March of 1972, Mel Ames scouted Dirk Dickenson's property three times, seeking a single glimpse of the "giant lab." He saw nothing but treetops and foliage. For reasons known only to Mel Ames, all the reconnaissance was done from an airplane; no traditional surreptitious visits were paid to the property itself, though Dickenson was away for days at a time visiting his parents.

It was Mel Ames who devised the ploy of an "inside man" to help the future bust on the Dickenson property. The "inside man" was tailor-made for the job. He was the county dogcatcher, squarefaced Bill Bushnell, who held office hours at the Garberville Sheriff's Substation, headquarters of the sourdoughs recall campaign against Just-Ass of the Peace William Thomas.

Dogcatcher Bushnell knew of traps and secrets of the rugged terrain and often hiked miles to some isolated laid-back leanto. He'd arrived sweating like a bull, armed with a gun in one hand and a complaint about an unleashed/untagged hippie dog in the other. He'd finagle his way inside the house, with radar-eyes zooming in on ashtrays to spot a few suspicious cigarette butts. He'd come back hours later with Jeepsful of sheriff's deputies.

Fate provided Bill Bushnell the final qualification for being the inside man on the Dickenson raid. The BNDD informer said Dickenson kept those two go-for-the-jugular St. Bernards. Bushnell was expert at "incapacitating" dangerous dogs.

Undersheriff Boliman added another gothic wrinkle to the case. He neglected to tell the District Attorney about it. In the undersheriff's opinion. William Ferroggiaro was a liberal soft on law and order, a Hightalian egghead who talked like he'd swallowed a dictionary and more often than not acted like a pure-grade horse's ass. He could somehow botch the whole investigation and what the EDA didn't know wouldn't hurt anygoddam body . . . neither the Sheriff's Department nor the United States government.

Undersheriff Bollman saw no need, either, to concern the sheriff much with the Dickenson case. For all practical purposes, Humboldt County was without a sheriff. Oh sure, there was a man sitting in a courthouse office, behind the fancy door that said "Sheriff" on it, but Sheriff Gene Cox looked eroded and sallow and had all-consuming problems of his own. Sheriff Gene Cox drank too much and spent a few weeks in Napa now and then under clinical supervision—as even the Eureka Times-Standard was forced to report—drying out.

BUNKY FERRIS—1950–1971

On December 4th, 1971, in a ——kicker Willow Creek bar near Hoopa in Northern Humboldt, site of the largest Indian reservation in the State of California, a fistfight broke out between Indians and local sourdoughs.

One participant was Bunky Ferris, a 21-year-old Indian, a UCLA student back at the reservation during semester break. Ferris was militant, longhaired and tough.

Robert Marmon, the jowly bartender, tried to "break up" the fight. Ferris and some of his friends disliked and distrusted Marmon who they said liked to taunt them with racial slurs.

Marmon tried to "break up" the fight with a gun. The gun "went off" and Bunky Ferris was dead.

Indian activists demanded District Attorney William Ferroggiaro seek a murder indictment against Robert Marmon. Ferroggiaro took the case to the Humboldt County Grand Jury.

One of the witnesses on the bartender's behalf, Indian militants claimed, was so drunk she fell off a chair. The District Attorney let the pratfallen lady's testimony stand, and, an Indian leader alleged, "He played to the majority around here who still feel the only good Indian is a dead Indian."

Ferroggiaro said he did the best he could. The death of Bunky Ferris, the grand jury ruled, was "accidental."

"If it wouldn't have been for Undersheriff Bollman's ego," says portly Dan Walters, managing editor of the Eureka Times-Standard, "chances are the world never would have found out about Dirk Dickenson. Chances are things might have been, you might say, *tidied up*."

On Friday, the 24th of March, 1972, in McKinleyville, a tanktown 20 miles outside Eureka, a crewcutted 20-year-old named Allen Thornhill became despondent, went berserk, barricaded himself in his house, and started shooting target-practice at passersby with two pelletguns and a rifle.

All available sheriff's deputies surrounded the house and were pinned down by Thornhill's gunfire. It was a moment of high frontier drama, a carnival-like siege just like the ones produced periodically in Brooklyn, Detroit City and Chicago. The whole town buzzed about the shootout and reporters and photographers from the Times-Standard flitted grimly around the scene.

After several melodramatic hours, Thornhill, as a deputy said, "came crawling out." Times-Standard photographers recorded his capture and next day's front page was plastered with three- and four-column pictures of guntoting deputies leading the sniveling owly-eyed sniper off to jail.

"Bollman loved the publicity," says Dan Walters, "I mean, he thought it was the greatest thing to ever happen to the sheriff's department to get splashed like that all over the paper."

"Of course," adds Dan Walters sardonically, "I thought they looked like a bunch of ——."

The reason Dan Walters, who likes policemen and types himself a political conservative, thought the deputies looked like —— was directly because of Undersheriff Bollman.

The undersheriff, more than anxious to command his forces in battle, never made it to the shootout. He didn't make it because, speeding to McKinleyville, he crashed a red light at 5th and V Streets in Eureka.

His patrol car glanced off one car, careened into another, then flipped like a jumping bean and tumbled 50 feet. Three Eurekans were rushed screaming to the emergency room, casualties in the war against crime. The Times-Standard ran a picture of Bollman's belly-up sheriffmobile with a headline that said: The Undersheriff Didn't Make It."

On the night of April 3rd, Undersheriff Bollman called Dan Walters and said he was giving him a good story, a story even better than the McKinleyville shootout. Undersheriff Bollman was officially in charge of the department, Sheriff Cox had temporarily exiled himself to a rehabilitation center called Duffy's in Calistoga.

Bollman dramatically told the managing editor to assign a reporter to him the next day and make sure the man brought his camera. He couldn't say why, but it was *big*.

Walters pressed for details. All right, Bollman said, I'll tell you: The Sheriff's Department was going to be involved in the biggest narcotics bust in the history of Humboldt County! Maybe the biggest bust in the history of the State of California!

The undersheriff didn't tell Dan Walters anything else, except that the bust would take place "up in the boonies."

On the morning of April 4th, 1972, a bright and sunny day, Dirk Dickenson and Judy Arnold got up at nine o'clock and decided to visit their tree. It was a splendrous majestic burl stretching high into the cloudless sky . . . perfect, Dirk thought, for eight to ten tables.

"It was so big we couldn't believe it," Judy Arnold says. "We stood there and looked up at it. Dirk was really jazzed, he was so excited."

They decided to buy it and inquired at a nearby ranch after the burl's owner. It belonged to Bill Bushnell, the dogcatcher.

They drove to Garberville looking for Bushnell and found him at the sheriff's substation. Bill Bushnell had time to talk to them; he was killing time. He was waiting to hook up with the Fed/sheriff posse which would raid Dirk Dickenson's property with a warrant for his arrest in less than three hours.

But the cagey dogcatcher said nothing to Dirk Dickenson about that and when Dickenson asked if the tree was for sale, Bushell said sure—"No problem, you wanna buy it, it's yours."

They agreed to finalize their deal "tomorrow."

They shook hands on it; the dogcatcher smiled.

Dirk Dickenson and Judy Arnold climbed back into their blue Scout and drove down the street to a craft shop, listening studiously to the owner's advice about smoothing their burls.

"Then we went home," Judy Arnold says. "We stopped at the liquor store and Dirk bought me a real big bottle of Jack Daniel's. We were going home to celebrate our tree."

When Kenny Krusco, the pint-sized boss of the federal narcotics team, heard that the undersheriff of Humboldt County has invited three newsmen to accompany and film the mountain raiders, he was furious. The bust would be a high-tension commando-like operation; they were going after criminals their intelligence said were armed and dangerous; they would be exposing their throats to the fury of homicidal St. Bernards. The newsmen would foul everything up; the witnesses would have to stay behind.

But Undersheriff Bollman, his eyes trained on Sheriff Cox' wobbly job, insisted the reporters go. There were some harsh words and Krusco, perhaps not wanting to offend a cooperating agency, backed off. No sweat, Bollman assured him, the reporters would take orders: They had promised to ask questions of no one except the two of them. There would be three reporters: two Eureka television news-photographers, Ron Rose and Carol Oslon, and Richard Harris, the sour ace of the Eureka Times-Standard staff, a former Vietnam Public Information Officer, so straight he didn't even drink, a young man with an old man's love of the golf course.

Krusco would honcho the bust. The raid would be composed of two assault teams, a total of 19 men: five Bureau of Narcotics and Dangerous Drugs narks, two federal chemists, nine sheriff's deputies and an IRS agent one of the reporters would describe as "a grayhaired Dustin Hoffman." Plus Bushnell, the dogcatcher. They would all be armed with shotguns, revolvers and rifles; fed narks would be camouflaged in longhair, Levis and tie-dyed T-shirts.

Two platoons were needed because of the logistical importance of the element of surprise. No one knew how many bigtime dopers would be holed up in the cabin. Gunplay, their intelligence said, was a probability since the members of the "Dickenson Ring" were thought to be armed. One nark team would drive to the cabin, lurk in the trees, and strike as grunts from the road. The other would be airlifted in a Huey helicopter borrowed from the US Army. When the chopper touched down in a clearing near the cabin, both teams would run for the cabin door. The St. Bernards, it was clear, might have to be shot. The killing of the dogs was the dog-catcher's special responsibility. The agents were certain the raid would uncover the "million dollar . . . giant lab." The three reporters would stay the hell out of the way and would under no circumstances take pictures which showed any of the agents' faces.

If there were any problems, Kenny Krusco would bark all the signals. Krusco was an experienced federal narcotics agent, the little big man of the BNDD's San Francisco office, a legend among his colleagues: the man who had put the cuffs on the Acid King himself, Owsley Stanley. He had also participated in the Kafkaesque 1970 arrest of Bay Area attorney Michael Metzger, the former assistant US District Attorney who had waged a one-man war against narcotics agents' tactics, a war directed primarily against Kenny Krusco and his drinking buddy, state narcotics agent Gerritt Van Raam. Metzger had called Krusco a liar several times in court (on one of those occasions the government couldn't even deny the allegations) and when the posse came for Michael Metzger, Kenny Krusco was there.

On this sunflecked day in the mountain town of Alderpoint, as the three reporters waited for the land/air assault to be launched, they kept hearing federal agents refer to the suspects they'd find in Dirk Dickenson's cabin. The agents kept describing these suspects with a hissed single word: "Creeps."

Richard Harris, the golf-loving reporter, had an unnerving flash of deja vu. It was Vietnam all over again. They were going to take a remote hooch with a kind of helicopter strike; this time, instead of gooks, they were hunting creeps.

DIRK DICKENSON—1948–72

When they got back to their cabin, Jack Daniel's No. 7 Tennessee Sourmash in hand, Dirk Dickenson and Judy Arnold stretched out on the back porch, cracked the seal on the new bottle, and toasted the burl tree that would make them rich. The bathtub was sitting out there too, incongruous and absurd in the noonday sun, and they decided to devote a lazy afternoon to building a room for it.

But the gunmen were coming for them. While Undersheriff Bollman, Inspector Mel Ames, and seven federal agents were airborne in the Huey, cameraman Ron Rose was near the rear of an elaborate nark caravan. "A blue Ford pickup with Bushnell, the animal control officer, leading us," says Ron Rose, "the bed of the pickup had regular facilities for carrying animals. Then there were two sheriff's cars and a green Ford van plastered with tourist stickers that had two federal agents in it, followed by a Scientific Ident man's station wagon. Then us—Carol Olson, Rich Harris and I.

"We stopped twice, once a half a mile from the cabin. The deputies were trying to make radio contact with the chopper. The chopper was about ten minutes out. We sat there for two or three minutes and then the caravan moved on to another clearing. There was a house on the right, people were out mowing their front lawn. This clearing came back to a point. At the end of that, a dirt road went on through the trees. We stopped the cars there. We still couldn't see the house. We got out of the cars and started walking. This was a heavily wooded area. We went from the roadway onto a hillside and we kept concealed in the trees waiting for the helicopter."

Judy Arnold says: "We were clearing the bathtub out and we were going to bring it inside, trying to figure out where to put it, and that's when we heard the helicopter."

Aboard the Huey, federal narcotics agent William Filben, gangling and carotene, looked down and saw armed longhairs hanging like apes out of the trees surrounding the cabin. Krusco's briefing had been less than complete and Filben got nervous. He thought the longhairs were creeps. "I really didn't think the whole time in the air we'd find anybody in the place at all," he'd say later. "But when I saw the bunch in the trees, I thought—'Oh. boy, we really walked into it.' It wasn't until we got down and I saw the TV cameras that I realized they weren't hostile."

"We heard the helicopter," Judy Arnold says, "and we'd just come inside. So we went out on the back porch again. We had our two dogs, Boogie and Vernon, with us. We weren't afraid. Dirk wanted to show the dogs; they'd never seen a helicopter before. He said—'Come on, you guys, wanna see a helicopter?'

"The copter was coming toward the house. It was a long green unmarked copter. The door opened. It got right over the cabin and they looked down and smiled and waved at us. We smiled and waved back. They didn't look like police people at all. They all had fairly long hair and most of them had moustaches and they looked happy. They looked like they were having fun.

"Dirk said—'It looks like it's gonna land.' It was over the house and it was really low. We left the back door open and came back inside the cabin. Boogie and Vernon weren't barking. They were calm. Our front door was open and the copter was starting to land. Dust and dirt were coming into the cabin. Dirk walked over and closed the front door. Most of the door was glass. We stood at the corner of the big redwood table in the kitchen facing out the front door. We could see out the door. The copter set down and the men jumped off."

Landing the big Huey in the clearing next to the cabin wasn't easy; Mel Ames' skybound surveillance had miscalculated the length of their chaparral landing zone. When the chopper finally touched ground, the grunt assault team raced from the trees toward the cabin. Nine gunmen scrambled out of the Huey. It was a distance of 60–90 feet; a five second dash. The noise was deafening; agents couldn't hear each other from the shrill kuh-chook-chook-chook whirring of the blades. At the crest of the hill overlooking the cabin, a logger named Ronnie Robertson looked at the figures scurrying below and thought: "It's like some stupid rabbit hunt, all those people running around like crazymen this way and that." Times-Standard reporter Richard Harris watched the attack and jotted a nervous scribbled sentence into his notebook: "Looks like an assault on an enemy prison camp in Vietnam."

Both film photographers, Ron Rose and Carol Olson, saw the Huey land and the men running but both failed to catch the full sequence of the action with their cameras. The gust from the force of the chopper-blades knocked Carol Olson to the ground. Her pictures blurred. "Just as the helicopter touched down," Ron Rose says, "something happened. It was the wind. It blew a large branch off a tree and it started showering down on me, so I turned my back and shut my camera off momentarily. And then I turned back around and started filming."

Judy Arnold says: "I didn't have anything to be afraid of until I saw the guns and I got petrified then. The guns were drawn, shotguns and rifles and everything. I thought it was some kind of ripoff."

As the commandos vaulted from the Huey toward the cabin door, agent William Filben allegedly stumbled and fell. "I did a belly-flop," he'd say later, "I just outran my feet."

Three men allegedly saw Filben fall—agents Krusco and Lloyd Clifton, a beefy 30-year-old former Berkeley policeman with a drooping moustache and long hair stickily layered with hairspray, and Undersheriff Bollman. No one else saw Filben's fall; neither camera recorded it.

Bollman, who said he had to step over Filben, said he didn't think Filben was hurt.

But Lloyd Clifton, as he was to testify, thought Filben had been shot by a sniper in the cabin.

Krusco backed him up and said he, too, thought Filben had been hit.

Judy Arnold says: "I saw a foot come through the door, the foot and then the door was pushed open. It was busted open. And at that time Dirk turned and ran and told me to run."

The man who busted the door down, shattering its plywood paneling and cracking the jamb, was Lloyd Clifton. Right behind him were Krusco, Bollman and federal agent Ed McReedy, 37 years old, a former Arizona highway patrolman, bearded, frizzy-haired, and looking a dozen years younger.

"Before I could do anything," Judy Arnold says, "they had me. Dirk jumped off the back porch and ran. There's a terrace back there and a slope toward the woodline. They told me to freeze. There were at least ten of them inside by now. The one who broke the door down, Clifton, ran through the house after Dirk. He wore a pair of Levis, a T-shirt, corduroy jacket and hair down to his chin. His size struck me. He was big, really big.

"It was terrifying. I was shaking. It was like some terrible storm had crashed down out of the sky at us. They held me. The dogs got excited and they were barking. There was mad confusion in the place."

Lloyd Clifton was standing on the back porch.

He saw Dickenson running for the treeline.

He raised his snubnosed .38 revolver.

He aimed it at Dickenson's back.

He yelled, "Stop or I'll fire!"

He fired one shot.

Kenny Krusco, standing next to Clifton on the porch, had his shotgun trained on Dickenson's back but didn't pull the trigger.

The roaring kuh-chook-chook-chook of the helicopter had muffled the gunshot and, some said later, Clifton's order to stop. "I heard a crack," says Carol Olson, "which at the time in the rush I interpreted as a tree breaking. Agents were running around. Then I saw somebody down on the ground. It didn't occur to me that it could have been the sound of a shot until I actually saw somebody down on the ground."

"I heard somebody say—'He's been hit!'," Judy Arnold says, "I didn't hear the shot. The copter was taking off again and making this insane noise and the dogs were really barking. It was chaos."

Dickenson was shot in the back at a distance of 40 yards from a position 40 feet higher in elevation. He dropped 25 yards short of a steel and wire fence at the woodline, face down, and crawled forward a few inches. He wore a pair of Levis, work boots and a brown T-shirt. The bullet entered his back three inches above the waist next to the spinal cord, sliced down at a 60 degree angle, and exited through a small bloodless hole in the lower groin.

Undersheriff Bollman, gun in hand, ran toward the body "sure I'd find some sort of weapon." He found nothing. Incredulous, he scrambled down on his hands and knees and searched the entire area. Still nothing. Bollman, a newsman noted, was ashen.

Dirk Dickenson was still writhing on the ground, barely alive. "I was shooting film at close range," Ron Rose says, "Rich Harris and I were both asked to help hold his head. I heard Dickenson say—'I can't breathe, it's hard to breathe.' A deputy said—'He's already urinated his pants, he's in bad shape.' The deputy said—'Get the ——— first-aid kit and stretcher down here fast.' He was yelling. Another deputy said—'There's a stretcher in my car,' threw the key to someone else, and this guy started running up the embankment to where the cars were parked." Dickenson needed a doctor immediately. He couldn't be rushed to a hospital; the Huey had taken off again and had to be summoned back by radio.

Inside the cabin, Judy Arnold couldn't comprehend what was happening. "I heard he was out there and he'd been hit and I asked if I could go out there and see him." They said no. I said—"Well, can I at least go out on the back porch and see how he is? So they held me and took me to the back porch. I looked off and I could see him. I saw him move his leg. It was spasmodic, like a twitch. They said—'Oh, it's OK, he's gonna be all right,' Clifton was leaning over him, saying something. I don't know what, he was too far away.

"They took me back to the cabin, they still hadn't identified themselves. I finally saw a badge on the inside of this guy McReedy's coat, but they still hadn't said who they were. So McReedy goes—'I'm gonna take you outside, ask you a few questions.' There were a couple more of them leaning in the door and they asked me if I was the only one there. As they were taking me out, I asked—'How's Dirk?' They wouldn't tell me how he was, wouldn't say anything. So they took me outside. There was an orange truck out there, Dirk's, with a busted motor. They put me in the orange truck and I said again—'Well, who are you?' That's the first time they officially told me who they were."

The three reporters, critically important eyewitnesses at the scene of a killing, were behaving less than authoritatively. They asked no questions. "I didn't ask anyone about the shot," Ron Rose says. "I didn't know who was who. I didn't know whether I'd be talking to an agent or a suspect. And we were told not to question anyone except Under-sheriff Bollman and agent Krusco."

"The narks were treating me all right," Judy Arnold says. "They said—'If you promise not to run, we won't handcuff you.' So I told them OK, I wouldn't run. The guy said—'We're federal narcotics agents looking for a PCP lab.' And I just laughed. I just laughed in his face and I said—'Well, you blew it this time, there's no lab here.' And he goes—'Well, we know there is.' And I said—'There isn't, there's no lab.' So they took me out of the truck to the other side of the cabin."

Ron Rose says: "I started working myself down the hillside and onto the flat portion where there were some rabbit hutches and a chicken coop. They were going into the chicken coop and around it and into the woods. I presumed they were looking for something other than eggs."

"Then this agent, McReedy," says Judy Arnold, "starts talking to me about the land, how much he liked the land, wasn't this beautiful country, how much he'd like to live here. He was trying to act super-nice. He started telling me where he was from, his experiences in Arizona and all this. It was a big sick game. He was supposed to charm me into giving them information while they took my old man's body away. I kept asking how Dirk was and they wouldn't tell me. The copter was back and they were taking Dirk away and I said—'Can I go with him in the copter?' They said, 'No, you'd just be in the way.' One of the dogs, Boogie, was out there running around Dirk's body. They were carrying Dirk onto the copter and Boogie was crying. I guess he wanted to go along. The copter took off and Boogie stood undernearth it, looking up—the roar wasn't scaring him at all now and he was howling."

As the agents continued interrogating Judy Arnold, Dirk Dickenson—who had to wait 20 minutes before the Huey came back—was dying. The bullet did not strike any bones or vital organs but had punctured major blood vessels in the abdomen, causing massive internal bleeding. When the chopper touched down in Eureka, Dickenson was dead. ("There was absolutely no chance of saving him," the coroner, Ed Nielson would say. "He would have died if he'd been shot in downtown Eureka.")

Kenny Krusco, meanwhile, ordered the three reporters off the property. "The cameras bothered the Feds," reporter Richard Harris would write, "and a half hour after we got there, we were told to leave the cabin area." Says Ron Rose: "We were asked by Krusco, through Bollman, to leave the area so that 'they could go about their work.' We went back to the Feds' van. We got into it because it was cold. The wind had come up and there was some cloud cover. We waited there quite a length of time."

"The copter took off," says Judy Arnold, "and they took me back to the other side of the cabin and took me back in the truck and a guy said—'I wanna ask you a few more questions.' Vernon, the other dog, was superprotective of me and he wanted to get in the truck with me. So they let Vernon in with me and the agent had the door open and he was talking to me about the dogs and everything. At one point, I got really mad, I don't remember about what the dog could feel my vibes and he tried to bite him. And so the agent slammed the door of the truck and he goes—'If you don't take care of the dog, I will. I'll have to shoot him.' "

"So McReedy goes—'Well, we better take you out of the truck. I can't talk to you with your dog snapping at me in there. They locked Vernon in the truck and took me back to the cabin again. Then they left me by a tree while they searched the cabin. I was standing by that big tree looking up into the sun and starting to cry. I just kept thinking about Dirk, you know, wondering how he was, being scared, trying to feel myself together with him."

Ron Rose says: "We were sitting in the Feds' van and then Undersheriff Bollman came out and he gave us a very minor briefing. Then Kenny Krusco came out and at that time we were allowed to ask any questions we had. We asked what the weapon was. We wanted to make sure of our own hearing. We ask how many shots were fired. We did not ask who did the shooting. I think we all had enough common sense about us to know we would not get an answer. We were more interested, at this point, whether they'd found the lab or not." Adds Carol Olson: "I don't think we asked who did the shooting or why. Maybe we should have."

"We were asked at the scene," Rose says, "to have our film processed and before it was shown take it over to the sheriff's office so that Krusco and Bollman could look at it—and more or less—not censor it, but point out where we might have inadvertently gotten an agent's face into the picture. We agreed to this request."

"They packed me in a squad car and took me to the county jail in Eureka," says Judy Arnold, "and after a while, I'm not sure how long because I lost track of the time, they called me out and told me he was dead. Just like that. No beating around the bush. No softening it. He's dead. Almost like—'By the way, you know that guy you were with, well, he's dead.' I never felt that bad before in my life. The hurt was so bad I wouldn't believe it. I got sick. I was in a trance. I was a puppet and they had to guide me everywhere."

The fed/county raiders had a serious public relations problem. They had one dead body and they had no PCP lab. Their "master chemist" had been shot in the back as he ran unarmed. An extensive search of the area netted only a penny-ante stash. The contents of the "master chemist's" stash were neatly cataloged and listed in a summary some of Dirk Dickenson's friends would view as a grotesque requiem.

No. 1—One hand-rolled cigarette suspected marijuana.

No. 2—Excedrin bottle containing one partially smoked cigarette suspected marijuana.

No. 3—Plastic bag containing suspected marijuana.

No. 4—Plastic bag containing suspected marijuana.

No. 5—Bottle containing suspected marijuana.

No. 6—Bottle containing suspected peyote buttons.

No. 7—Bottle containing two suspected LSD tablets.

No. 8—Tin can containing five suspected peyote buttons.

No. 9—Brown jacket containing plastic bag suspected marijuana.

No. 10—Bottle containing partially-smoked cigarette suspected marijuana.

That day in Lincoln, California, 25 miles north of Sacramento, Mrs. Mittie Dickenson, the wife of a Chrysler Motors manufacturer's representative, got a phone call from a friend. Her friend was listening to the radio and humming along with the music and, as was her custom, she listened only half-mindedly when the news came on. That's how she found out, between jingles and commercials, that Mittie's son was dead. She called only to tell Mittie how sorry she was. Mittie Dickenson gasped. No one had bothered to notify her.

Her husband, Chester, was on a business trip in Nevada. She dialed the phone and told him. Chester Dickenson heard his son was dead and said nothing for a very long time.

"Chester?" his wife finally said.

"I heard you," he said, "I heard you."

While they had a bullet-holed corpse and no PCP lab, the Feds made much of $1500 cash found in Dickenson's wallet, as well as what they called a "small arsenal"—three rifles, a crossbow and a shotgun—stockpiled in the cabin. Their emphasis of these discoveries implied this was enough to circumstantially prove Dickenson was indeed involved in a nefarious dope ring. The implication carried a sneaky bottom line: *Think about it, pal, if the guy was a dope merchant in the business of corrupting your children, his corpse wasn't worth shrieking about.*

The shooting catalyzed Humboldt and, in the weeks afterward, as investigations were demanded and proclaimed, civil libertarians (mostly at Humboldt State College in Arcata and in the Bay Area), replied to the Fed innuendos by pointing out that in the primordial part of the wilderness where Dirk Dickenson lived, everyone was well-armed, especially those longhairs who survived the vigilante terrorism and the house burnings. Besides, as one attorney later said, "I don't care if the ——— hippie was a Mafia kingpin second only to Lucky Luciano's heirs, I still worry about that bullet in his back."

Civil libertarians were troubled by unanswered and nagging questions:

Since he knew a raid on the Dickenson property was imminent, knew there was a warrant for Dickenson's arrest, why didn't dogcatcher Bushnell arrest Dickenson? At least turn him over to a sheriff's deputy when Dickenson sauntered into the Garaberville substation wanting to buy the burl tree?

What happened to the infallible "hard intelligence" which was the basis for the search warrant, which said the property housed a million-dollar lab? Why didn't the agents conduct a land survey before 19 men hit the cabin with their trigger-fingers ready?

Why didn't agents identify themselves when they came hurtling out of the sky to the cabin door? Why didn't they state their warrant and demand entry instead of savaging the door from its hinges?

Why did the reporters permit agents to view their films before those agents made their statements about the shooting (a question made critical by the fact Filben claimed he fell at the exact moment the two films blurred)?

Why did it take three days after the shooting . . . and after the agents had viewed the films . . . for Filben to reveal his fall and for Bollman, Krusco and Clifton to say they saw it happen?

Why did only three men out of a 19-man party—the killer, his superior and a raid organizer—see Filben's fall?

Why, if Filben did indeed fall, didn't Krusco and Clifton check him? Make sure he had been hit? Lean down and check the wound before one of them shot an unarmed man in the back?

Why, if the gunplay was thought probable, was no provision made for the aid and evacuation of wounded men?

Why were the three reporters and their cameras suddenly ordered off the property after the raid? After it was clear there would be no more shooting and the reporters' lives wouldn't be endangered? Was there something to hide?

And those three lily-livered reporters? What about their sense of professionalism? How could they have agreed to an arrangement not to ask questions of anyone but Bollman and Krusco. How could they honor that agreement once they realized they had witnessed a killing? How could they, as Ron Rose admitted, still be concerned with the lab after two of them helped hold a dying man's head? Why didn't they even ask Krusco who had done the shooting or why shooting was necessary?

Local police officials quickly tried to explain the shooting by blathering on about the "Uptight Society." By this convoluted rationale, Dirk Dickenson was killed because of the policemen who'd been killed in America in the past. "You can't blame officers for being uptight," said Undersheriff Bollman. "They're aware of the situation today. Officers don't go out on duty thinking they're going to shoot someone, but many times they may wonder if they're going to return home that night. 'Is today my day?' they ask themselves."

Agents who participated in the raid said very little, except for Ed McReedy's comment that "the idea of shooting to wound is bush league. You just get more people killed that way." Lloyd Clifton, who had pulled the trigger, became very unavailable and was transferred from door-stomping duty to anonymous safety of the BNDD chemical lab.

His fate rested with two agencies: the United States Department of Justice and the Humboldt County District Attorney's Office. Both announced high-priced investigations; no taxpayer dollars would be spared in the pursuit of "the facts." The Feds could technically indict Clifton on charges of violating Dirk Dickenson's constitutional rights, of "summarily executing" him. District Attorney Ferroggiaro could seek charges ranging from involuntary manslaughter to first degree murder. Or both agencies could do nothing, find the shooting regrettable and tragic, shed public crocodile tears, and conclude Lloyd Clifton's muted gunshot was "justifiable homicide."

Thirty-seven-year-old Bill Ferrogiaro, looking paler each day, his horn-rimmed glasses sliding in sweat off his spoon-shaped nose, was on the hot grill again. He was a man whose once grandiose political ambitions . . . the United States Congress, the Senate . . . were being sandbagged by twists of violent circumstance. He announced, with a fine sense of politic, that he would do nothing . . . until the Feds concluded their own investigation. Clifton, after all, was a federal agent and the Humboldt County DA said: "We're waiting for the Department of Justice to act and then we'll make our decisions."

In San Francisco, United States Attorney James K. Browning Jr. flashily told the press the government investigation would be far-reaching and fair. The fact that no federal narcotics agent anywhere in America had ever been charged by the government with violating a suspect's constitutional rights was coincidental and irrelevant. Browning admitted a rather brain-scalding conflict of interest: As the US Attorney, he was responsible for determining whether Dickenson's constitutional rights had been violated; and as the US Attorney, he was dutybound to act as defense counsel for all governmental personnel—including Lloyd Clifton.

A few weeks after the shooting, as the federal investigation got under way, US Attorney Browning said: "We are attempting to be as impartial as possible. We've got an open mind."

In the next sentence, long before the government's probe was even halfway complete, he demonstrated his impartiality. "Nevertheless, on the basis of incomplete reports received by this office, I suspect it will fall into the category of justifiable homicide."

It didn't look like either Lloyd Clifton, who pulled the trigger, or Kenny Krusco, his boss and chief corroborative witness, had much to worry about.

The sourdoughs of Humboldt were sharing their feelings about the dead hippie who'd kept marijuana in his home and lived in belly-to-belly sin with his sweetfaced girlfriend. The Times-Standard, which called vehemently for an investigation, was getting fat sacksful of letters to the editor.

"Why all the sympathy for a dope pusher escaping arrest? It's because of bleeding hearts like you that our valued lawmen are hampered by over-lenient courts and laws . . . It's about time that we started thanking the federal agencies instead of criticizing them. *So hang in there, guys, you're all doing a great job.*"

Meanwhile, not long after the shooting, five lonely longhairs stood in bereavement outside the Eureka courthouse with a sign that said: "Oh no, Dickenson goodbye."

WILLIAM SMITH—1934–1972

Three weeks after Dirk Dickenson's death . . .

On the evening of April 25th, 1972, 18 miles north of Eureka, in Arcata, the home of Humboldt State University, an adrenalized SRO crowd jammed into a college auditorium to hear America's most renowned Marxist. Herbert Marcuse, the grand old ideologist of the American Left, mentor to Angela Davis and hero to millions of Third World peoples, drove a lot of sourdoughs raving ga-ga with his visit. A celebrated Red was in their hometown, brainwashing their kids with sin and sedition. Police cruised the campus in teams, ready for action.

At 8:30 that night, while Marcuse stood at a speaker's stand less than 500 yards away, a 43-year-old California Highway Patrolman named Robert Hahn, with 13 years' service on the force, noticed a scruffy motorcyclist driving south on Highway 101 near the University gates.

The patrolman watched the cyclist ditch his machine on the side of the road and run through the brush. He thought the cyclist's actions suspicious and gave chase, gun in hand. The patrolman caught up with him on the embankment of the highway and yelled to the man to stop. The cyclist stopped and turned.

When he turned, Patrolman Robert Hahn shot him between the eyes with his Colt Officer's Model Match .38 Special revolver.

Patrolman Hahn walked back to his squad car and drove away; the cyclist's body was found later that night by a passing motorist. The motorist called the Highway Patrol. The dead man was identified as William Smith, 38 years old, a Win-Ton Indian, the father of five, an employee of the Simpson Lumber Company.

The first patrolman on the scene, Edward Radelich, listed the death as a hit and run accident until the coroner washed the corpse's face and found the bullet hole in middle of the forehead. Radelich called another Highway Patrolman to help him with the investigation. He was Robert Hahn.

For three days, Patrolman Hahn investigated the killing with his colleagues. On the morning of the fourth day, he confessed to killing the Indian because, he said, "I couldn't sleep." He confessed, too, to falsifying his log, placing himself 20 miles away in McKinleyville at the time of the shooting. Why did he kill the Indian? "I don't know why I shot him," he said in a statement "whether it was the heat of the chase or what."

District Attorney Ferroggiaro had a unique case: The cop who killed an innocent man, walked away from the bleeding body, made up an alibi, and then began investigating his victim's murder.

Yet the District Attorney only referred to the killing as an "accident" and called Hahn "negligent." In light of those statements, some thought it not very surprising that Hahn was charged only with involuntary manslaughter—a legal slap on the wrist when it comes to dealing with a homicide.

American Indian activists said: "The indictment is a joke. Hahn killed Bill Smith in cold blood. Smith's body actually landed at Hahn's feet. It was a senseless murder."

Hahn was dismissed from the Highway Patrol and there was a trial. His counsel was James McKittrick, in his mid-30s, an icepick-thin, vitriolic man who like to run the table at George's Pool Hall on Third Street, drove a Lincoln Continental, wore suspenders like a Roaring Twenties gambler, and kept a private eye on his staff.

Hahn testified that when he asked Smith to stop and Smith turned, he felt an "object" strike his leg. The object, a stone, caused his gun to "discharge." He admitted the Colt was cocked and his finger was on the trigger when Smith turned. He did not say why he was chasing a man who had violated no law with a cocked gun . . . if he didn't intend to fire. (A Highway Patrol official testified: "It is extremely dangerous for an officer to cock a pistol unless he intends to fire it.")

The gun discharged, the hatchet-faced McKittrick maintained, because of a "faulty trigger mechanism." More exactly, the gun had been honed so that it could be fired "with less than standard trigger pressure." It had, in short, been hair triggered . . . souped-up the way Billy the Kid and Wyatt Earp and their gunslinging Wild West sidekicks doctored their Colts . . . and a Eureka gunsmith testified that honing guns was "a common practice among law enforcement personnel." No one knew, it turned out, who had hair triggered Hahn's gun, though it developed the patrolman had failed to turn in his weapon for its annual Highway Patrol inspection.

And Hahn?—the District Attorney questioned—Was he asked during his confession whether he shot Smith intentionally or whether the gun accidentally discharged? Both witnesses to the confession, another highway patrolman and an Arcata policeman, said they "couldn't remember" whether Hahn had ben asked that seemingly routine and all-important question.

In his summation, defense attorney McKittrick dwelled on "the hundreds of policemen slain in America in the line of duty." He did not, understandably, tell the jury there had never been a cop killing in the history of Humboldt County.

He concluded: "The fact that people have been killed by officers is too bad, but I would say by and large they have brought their unhappy fates upon themselves."

The jury deadlocked 10–2 for acquittal.

District Attorney Ferroggiaro announced he would not ask for a new trial; Robert Hahn filed suit to regain his job with the Highway Patrol; Bill Smith's widow wondered how she'd feed her five children.

Pool-playing Jim McKittrick scored the biggest victory of his distinguished courtroom career, a victory which would take him a long way . . . to the Justice Department in Washington and the bullethole in Dirk Dickenson's back.

Bay Area attorney Phil Ryan was representing Judy Arnold, who had been charged after the raid with possession of marijuana and LSD, but the way he saw it, his real client was the dead man, Dirk Dickenson. Phil Ryan swore to himself he would not let a man get shot in the back without making every effort to bring his killer to justice.

He knew that two federal narcotics agents slept in Dirk Dickenson's cabin the night he was killed. They stayed on his land the next day, searching (with what must have been some desperation) for the million-dollar PCP lab their intelligence promised. They found nothing. A few days later, Undersheriff Bollman announced the property had been sealed off.

But nearly a full month after the shooting, District Attorney Ferroggiaro made his own inspection outing to the cabin site. He wanted to diagram the shooting. As the DA wandered around making his precise drawings, he stumbled onto a long black hose 200 feet from the cabin. He wondered where it would lead and—sweet creeping Christ!—it led to the million-dollar lab . . . at least part of it. The DA tracked the wondrous hose 200 yards into the woods and found a tent platform, two cans of a chemical component of PCP, a shattered measuring flask, and jagged bits and pieces of laboratory bottles.

Now this miraculous development was very strange. The entire 19-man nark posse had somehow overlooked the hose the day of the shooting, as did the two agents who scoured the ground the next day—even though the hose was right at their toes, 200 feet from the cabin! Unless, of course, the hose, the tent platform, and the whole suspicious jimbang hadn't been there that day. Unless someone had sneaked back onto the property to leave these incriminating little items . . . ready and waiting for the DA to come out to make his drawings.

According to courthouse insiders, District Attorney Ferroggiaro was apoplectic he had blundered onto the ruins of that alleged lab. He felt he'd been set up, suckered into making a highly dubious discovery. Publicly, the DA said: "There's a certain taint to the discovery" and "the possibility must be considered that the materials were planted on the Dickenson property subsequent to the initial search."

When Phil Ryan heard the DA had found the lab, he laughed. He had no doubts the evidence was planted; no doubts the United States government would "obviously try every dirty sleazoid trick" to get one of its hired guns off the hook.

Ryan is a crusty Black Irishman who sees, in the attempted enforcement of drug laws, "the massive corruption of law enforcement." He likens agents to an "armed clergy" who have "a macabre lust for the death forces." He believes agents have a single rule of conduct: "You tell a lie often enough, everyone will believe it," and once told a judge while court was in session: "I don't want any agents in this room. thev're all liars."

When he heard once that narcotics agents were investigating him for his oft-expressed views, Ryan confronted the agent in charge, ambled genially close to him, and said: "Now let me give you some advice. If you bust me, you better have that search warrant pinned to your lapel. Because if I don't know who you are and you come crashing through my door, I'm liable to blow your ——— head off."

Ryan had examined the details of the Dickenson case, guessed at the extent to which the government would go to defend one of its own, and decided he needed some help. He asked attorney Michael Metzger, victim of one of the most tainted busts in BNDD history, a raid led by BNDD agent Kenny Krusco . . . who led the raid on Dick Dickenson's cabin and was now agent Lloyd Clifton's superior and chief witness.

The two men made their own investigation of the case and reached very personal conclusions. They alleged that the raid on the Dickenson cabin was a twisted Keystone Kops affair: Krusco had been a miserable quarterback and no one knew exactly what was going on; that Lloyd Clifton shot Dickenson because he got carried away by the thrill and expectation of battle.

That neither Clifton nor Krusco believed agent Filben had been shot and that they had worked out their alibis afterwards; that Clifton was lying to save his skin and Krusco was lying to save one of his men and his own reputation; and that the "PCP lab" had been planted for District Attorney Ferroggiaro because the government itself didn't want to "find" a lab a month late and badly wanted to soften the impact of the killing by sullying Dickenson's reputation at all costs.

(Metzger, who had worked with Krusco while a United States Attorney in San Francisco, had long alleged Krusco was a liar—"he never looked you in the eyes"—and had weakened Krusco's clout by forcing the government into a position where it could not defend some statements made by the agent in an affidavit. As a result, Krusco had been summoned to the office of the United States Attorney and questioned about his tactics and inconsistencies.)

Ryan went into high gear. He discovered a few words that seemed to weigh heavily against Lloyd Clifton, words contained in the BNDD's own manual to its agents. A paragraph of the manual (Subsection 42–23) said: "The agent should not shoot at any persons except to protect his own life or that of some other person. The agent will not fire at fleeing automobiles, suspects or defendants."

Lloyd Clifton had killed Dirk Dickenson, Phil Ryan underlined, in violation of his own agency's regulations. He had fired at a "fleeing suspect."

Defending Judy Arnold, Ryan and Metzger were able to prove that Clifton smashed the cabin door down without identifying himself or stating his warrant. The charges against Judy Arnold were dismissed by Federal District Court Judge William T. Sweigert, who reprimanded Clifton for his tactics.

In addition, Ryan filed a $2 million wrongful death suit against the federal government on behalf of Dickenson's family.

But the case seemed a bottomless pit and needed a herculean investigative job, and Ryan turned for further help to another man who'd had dealings with narcotics agents in the past. He was Michael Murphy, 27 years old, retired private detective, graduate of the Haight-Ashbury, a rail-thin longhair who had once convinced one of the California Bureau of Narcotics Enforcement's star informers to testify against her own superiors.

The informer was once asked by a reporter how many times she'd heard Murphy's name mentioned in the narcotics squad.

"At least 20," she said, "maybe 30."

"How many times were threats leveled against him?"

"Every time," she said.

A field supervisor for that agency had turned to the informer and said—"I want Murphy done." Murphy became such a thorn in the bureau's side he was shadowed everywhere and one top nark bragged: "We know every time Murphy takes a ———."

Murphy's constant companions were Terror and Paranoia. The job devoured him and his personal life was in ruins. His wife, who complained she hardly saw him anymore, walked out. So, in the spring of 1972, Michael Murphy dropped out of the gumshoe business, stopped investigating narks, stopped investigating anything, and laid back doing odd jobs.

When Phil Ryan asked him to help with the Dickenson investigation, Murphy refused.

Ryan outlined the case to him, described the gruesome way the bullet ripped into Dickenson's back and exploded his insides, and Murphy changed his mind.

On a muggy summer day in 1972, he sat with a reporter who was also a friend—the two had helped derail one particularly sinister narcotics agent's high-speed career—and Murphy said he was happy to be investigating again. He had gotten himself together; he had patched fences with his wife; he believed in what he was doing.

The reporter asked to buy him a drink and Murphy refused. He was on the wagon, he said, no booze. Besides, he was busy, he had to run, no time to ——— off. He wanted to devote as many hours as he could to this particular job.

He was investigating BNDD agent Lloyd Clifton.

For five long months, working 12 hours a day, Michael Murphy delved into Lloyd Clifton's police background. When he began his digging, Clifton's image was snow-white: the hardworking Brigham Young sociology grad who had devoted his life to upholding the law. But as Murphy turned his reports in to Phil Ryan, agent Clifton didn't look immaculate anymore.

This is what Murphy found:

In the winter of 1968, while a Berkeley policeman, Lloyd Clifton stopped a man named James Baird for a traffic violation. He found a bottle of gas in Baird's car.

On February 21st, 1969, Clifton was questioned about the arrest by Baird's attorney, James Giller, in the Superior Court of the State of California. A court transcript revealed this dialogue:

"*Giller*. Did you ask him [Baird] a question?

Clifton. Yes.

Giller. And what question did you ask him?

Clifton. I asked him what was in the bottle.

Giller. Did he reply?

Clifton. Yes.

Giller. What did he say?

Clifton. He said 'Gas.'

Giller. Did you call him a name at that point?

Clifton. I referred to him as a 'murderer.'

Giller. After you referred to him as a murderer, what did you do?

Clifton. He smirked at me and I hit him.

Giller. Where did you hit him?

Clifton. In the stomach.

Giller. What with?

Clifton. My baton.

Giller. Prior to beating him in the stomach with your baton, at any time did you choke him with your baton?

Clifton. No.

Giller. When you hit him in the stomach, he had made no gestures or any attempt to do anything to you, did he?

Clifton. No.

Giller. You just did that on your own?

Clifton. Yes.

Giller. You had never seen the man before?

Clifton. No.

Giller. Yet you called him a murderer?

Clifton. Yes.

Giller. What else did you do to him? How many times did you hit him after that? You hit him more than that one time, didn't you?

Clifton. Not that I recall.

Giller. You don't recall that, huh?"

A few months later, a young black named Steven Wilson was arrested by the California Highway Patrol for ignoring some traffic warrants.

Wilson was taken to the Berkeley police station. He told the patrolmen the car in question wasn't his anymore and asked their permission to make a phone call. He said he could establish the identity of the new owner. The arresting officers said fine, he could make the call.

He used the phone at the booking desk. He was going back to the patrolmen when policeman Lloyd Clifton walked into the room.

Steven Wilson alleged that Lloyd Clifton . . .

Grabbed him by the shirt and said: "What the ——— are you walking around here for?" Threw him into an open elevator and smashed his head against the side of it. Took him upstairs and continued beating and slapping him on the way up.

When they got off the elevator, Steven Wilson said several Berkeley policemen saw Clifton beating him. They grabbed Clifton and told him to "let the guy go."

The policemen told Lloyd Clifton to let him go because his victim was the son of Superior Court Judge Lionel J. Wilson.

(Judge Lionel Wilson, ironically, had been sitting on the bench when Clifton admitted hitting James Baird because "he smirked at me.")

Steven Wilson filed a formal complaint with the Berkeley Police Department; Lloyd Clifton was officially reprimanded for his conduct.

On March 24th, 1970, another young black man named Jemeral Young was being released on bond at the Berkeley City Jail. Present were Mrs. Edna Young, his mother, a bailbondsman and Lloyd Clifton.

Mrs. Young alleged that as they were getting ready to leave, Lloyd Clifton began beating her son with his fists. When she tried to stop him and screamed she'd bring charges. Clifton said her son was under arrest. The bailbondsman, streetwise and shrewd, talked him out of it.

Questioned by his superiors, Clifton did not deny the beating. He said he beat Young "because he called me a ———."

As he read Murphy's reports, Phil Ryan was sickened. The bullet in the back was not an isolated incident. Ryan saw a "pattern of conduct." Dirk Dickenson's killer was a man who had assaulted one suspect for a smirk, another for an obscenity, and a third for no discernible reason at all.

The Department of Justice, meanwhile, seemed in no hurry to conclude its investigation of Dirk Dickenson's death. A flurry of press releases in the spring and summer of 1972 announced the Feds were coordinating a task force of bigwigs to sift facts: A Department attorney from San Diego was assigned exclusively to the case; a BNDD Division of Inspection agent flew from Los Angeles to Garberville; all government investigators, the Department said, were "fully cooperating" with District Attorney Ferroggiaro.

In June, an assistant US Attorney in San Francisco said a decision whether Clifton would be indicted would be reached within three weeks. At the end of September, there was still no decision and a public relations assistant to Attorney General Richard Kleindienst in Washington hinted at an even lengthier delay: "We've had recent cases in which indictments have been obtained on one-year old cases."

At the same time, also in Washington, BNDD chief counsel William Lench said the Bureau had made no formal decision whether Clifton had violated its internal regulations "but on the basis of reports we've reached a preliminary conclusion Clifton was justified in shooting." The chief counsel obviously did not attach much significance to BNDD manual Subsection 42–23 which forbid agents to shoot "fleeing suspects."

On the 15th of November, Attorneys Phil Ryan and Michael Metzger wrote Attorney General Kleindienst demanding the government conclude its investigation "without further delay."

The letter also detailed the fruits of hardworking Michael Murphy's labors. "Our investigation," concluded the letter to Kleindienst, "has established that the violence which agent Clifton perpetrated on April 4th was part of a pattern of behavior in which he has engaged for some time and about which his superiors at the Bureau of Narcotics and Dangerous Drugs should be familiar."

Ten days later, in San Francisco, the bespectacled US Attorney for Northern California, Nixon-appointee James L. Browning, made the announcement which Ryan and Metzger feared and expected: In the government's eyes, Lloyd Clifton had done nothing wrong. He was cleared. The fatal bullet in the back had not violated Dirk Dickenson's constitutional rights.

While federal civil rights statutes prohibited an officer from acting "with the specific intent of depriving another of a federal constitutional right," Browning explained, Lloyd Clifton did not act with an intent to purposely inflict "punishment without trial."

Browning went to great pains to describe the scope of the Justice Department probe (if they put so much effort into it, they couldn't have been wrong): "Extensive independent investigation" by his office and the BNDD over a six-month period; interviews with more than 25 witnesses and the collection of scores of exhibits; the results of all this digging reviewed by Browning's office as well as by the Department of Justice in Washington.

Lloyd Clifton was off scot-free, unless the shellshocked Humboldt County DA, Bill Ferroggiaro . . . who was at that moment losing ingloriously to Jim McKittrick in the involuntary manslaughter trial of Highway Patrolman Robert Hahn . . . took some action. But Ferroggiaro said not surprisingly again that he would do nothing . . . for the time being, until he concluded the Hahn case.

Ryan and Metzger watched this legal tapdance with some alarm; they were being kept directly out of the case by their real client's fate (dead men don't testify) and they were thus powerless to go after Clifton in a criminal courtroom. That, if he chose, would be the task of the rather vague and muddling Mr. Ferroggiaro, who could seemingly do nothing right: branded a gutless voteseeker by those decrying the premature deaths of Pat Berti, Bunky Ferris and Bill Smith . . . and damned as soft on law and order by Undersheriff Bollman and most of the sheriff's department.

As the District Attorney weighed his decision—sure to cause him further grief from either sourdoughs or creep lovers—the routine of life in the Humboldt wilderness continued:

Another Highway Patrolman stopped a Wyot Indian for drunk driving. This Indian, flashing on the bullet in the forehead the other Indian got, asked the patrolman if "I'm going to get shot too." The drunken Wyot was not shot, but was allegedly beaten to the ground.

In the Eureka jail, a policeman was questioning an Indian named Merrifield. Merrifield wasn't very cooperative. The policeman kicked the Indian black and blue and was charged with assault.

And then there was the newest caper pulled by sheriff's investigator Mel Ames . . . who had staked out that marijuana plant for a whole week . . . who had been Undersheriff Bollman's liaison with Kenny Krusco and Lloyd Clifton . . . who had conducted the airborne surveillance of the "million dollar lab."

One night Mel Ames and another sheriff's detective named George Gatto collared a kid they heard was dealing grass. They asked him to score for them. The kid was no dummy. "You kidding?" he said, "you guys smell like cops."

At which point Mel Ames and his partner threw the kid up against the car, put guns to his head, and said they were "Mafia gunrunners from Portland." Unless the kid scored, they said, "we'll blow your brains out."

The kid scored and, naturally, they arrested him. They offered him a deal. If he turned informer, they'd let him off. The kid turned informer, served them well in a dozen cases, so well that Mel Ames lent him out to other agencies.

When the kid was burned out and everyone in Humboldt County knew he was a nark (of no further use to any agency), Mel Ames arrested him again. The kid was charged with dealing grass.

An incredulous judge listened to these surreal details in court with eyes popping out of his skull, heard how Mel Ames had identified himself as a "Mafia gunrunner from Portland," shook his head, and threw the case out of court.

Michael Murphy—1945–1972

Michael Murphy, the gangleshanked private eye, relentlessly continued his investigation of Lloyd Clifton. He was sure the narks were aware he was mining Clifton's past, and he warned his wife, Pam, to remember all the old safeguards: Never let anyone into the house, always assume the phone is tapped, keep a close eye on schleppy salamander-like door-to-door salesmen. It was the same tired energy-draining game, but, remembering the threats agents had leveled against him in the past, he knew the game was high-staked. He knew, too, that the allegations he had unearthed impugning Lloyd Clifton's professional competence, allegations which Phil Ryan publicized in a press conference, had given the BNDD a black eye at a time they were most interested in sanctifying their public image.

Murphy believed in his job and was content. Doing investigative work for a cause he felt righteous gave him a deep sense of satisfaction; his work on the Clifton case even convinced him to apply for a California detective's license, the kind Lew Archer carried, to enable him to work as a full-fledged private investigator. He enjoyed Christmas with his wife and two-year-old son, told friends he spent too much but, what the ———, playing Santa Claus was a small way of making up for a stormy year.

He took his state investigator's exam four days after Christmas, on the 29th of December. He didn't study hard because he assumed the test, mostly designed for Popeye-biceped yoyos, would be a mickey mouse exercise. He'd put in over 4000 man hours of grueling investigative work and he figured if he didn't know the basics after all that sweat and worry, he never would. He got up a few minutes after 7 AM on the 29th, a ridiculous hour for Irishmen, and left his home in Berkeley just after eight.

The test began at nine o'clock. He had two and a half hours to finish it. The bozos sat at the desks around him and fidgeted. Murphy was through in an hour. He called Phil Ryan and suggested they meet for lunch to celebrate. "The test was a crock of ———," he said.

They met at Perry's, a flashy and celeb-gathering restaurant on Union Street, a block from Ryan's office, and Ryan was more than an hour late. Murphy was sitting at the bar, sipping a beer. The bartender, a professional Irishman named Shamus, leaned over to Phil Ryan and cracked: "What the ——— kind of Irishman is this guy? He's been here two hours and he drinks two beers."

Perry's was filled with junior execs and hustling salesmen so they walked a block to a less-popular place, Thomas Lord's. Murphy drank a glass of mountain red burgundy wine with lunch and a single Irish coffee. They talked about the Dickenson case.

Murphy was chagrined Clifton had been cleared by the government and, cynical and bitter, he said: "No one really cares. That's the trouble with nark cases. People say, 'Yeah, yeah, yeah, it's terrible.' but there's no movement against their excesses. People shake their heads but don't get involved and the narks move on to slap up the next guy."

Ryan complimented him for his painstaking research. Murphy said he "hoped it would help."

Around 2:30, Phil Ryan went back to his office and Murphy said he was headed for a music store to price guitars. "I can't work 24 hours a day," he laughed. "When he left," Phil Ryan was to remember, "he was stone sober."

Around 6:30, Pam, out visiting a girlfriend, called him at home. They spoke for a few minutes and Murphy told her he'd take her to a movie.

Then he said: "Listen, something came up. I've got to go out for a little while to meet a guy, I'll be back by 7:30 and we can go to the show."

Pam didn't ask who the "guy" was and didn't ask what "came up." She remembered his fears about the phone being tapped and assumed from his tone it was "business."

"Watch yourself," she said.

"I always do," Murphy laughed.

At 8:25, 19 miles from home, Michael Murphy drove his Volvo station wagon onto the MacArthur Freeway in San Leandro. He drove it onto an exit ramp—the wrong way. He raced it at speeds up to 75 mph—the wrong way—for two and a half miles. Cars swerved out of his way. Horns blared; tires screeched. Murphy drove on.

Two and a half miles down the freeway, he hit a Toyota head-on. He was killed instantly; so were two people in the other car.

An autopsy by the Alameda County Coroner's Office showed he had a blood decibel count of .29 when he died. A blood alcohol count of .10 is enough for a drunk-driving arrest. At .20 the function of the motor area of the brain is depressed and the individual staggers. At .30 the more primitive perceptive areas of the brain are dulled and the person is stuporous.

Phil Ryan, notified that Michael Murphy was dead, was in shock. It was, he thought, a most suspicious accident. The guy had taken his test that morning, he had gotten his loose-jointed life together, he was hardly drinking, he was cold sober when he left lunch that afternoon . . . and now Phil Ryan was told Murphy died because he got stuporously drunk.

He didn't buy it. He thought Murphy could have been lured from home by a suckering phone call and drugged. He knew Murphy had made powerful enemies.

Ryan hired a nationally respected toxicologist to examine the body. Dr. Charles Hines' tests showed no traceable drugs in the blood or internal organs—except the booze. Pam Murphy went to the newspapers and asked the "guy" who met her husband that night to come forward. She got no response.

Michael Murphy's death was ruled "accidental."

Michael Murphy was buried in the first week of 1973. That same week, the Humboldt County Grand jury indicted Lloyd Clifton for the murder of Dirk Dickenson. The charge was second-degree murder—an involuntary manslaughter charge was tacked on later—and Clifton became the first agent in the five-year history of the government's Bureau of Narcotics and Dangerous Drugs to face homicide charges.

District Attorney Ferroggiaro also charged that the Department of Justice had very definitely *not* cooperated with his investigation; that the Department "sat on its hands for a day and a half" after the shooting; that the BNDD purposely withheld its internal regulations manual from him; that "there was a delay" before the Department allowed him to interview federal agents who had participated in the raid.

The government expressed surprise: "It's a classical case of justifiable homicide under state law," said James Browning, the federal attorney for Northern California. "I've seen almost the same exact facts considered by almost every other district attorney in the state and it's been held to be justifiable homicide."

"That," said Ferroggiaro, "is ———."

The District Attorney told Phil Ryan he sought the murder charge on the basis of Michael Murphy's research. Clifton's record of past brutality, he thought, was most relevant to the single shot on Pratt Mountain.

The District Attorney, courthouse observers noted, was not in good humor. He felt he'd been tricked into finding the lab; he felt the government was treating him like a smalltown briar. He felt he'd done his best in the trial of Highway Patrolman Hahn; yet he had been made to look foolish. The high-pitched Jim McKittrick, rocking back and forth on his heels like legendary San Fransisco cop-lawyer Jake Ehrlich, had run dizzying legal circles around him. According to some courthouse analysts, the DA would not have pushed on the Clifton case if he had won a conviction on Hahn.

On January 16th, agent Lloyd Clifton, looking paunchier, with a new haircut but the same overdose of hairspray, was arraigned at the Humboldt County Courthouse. He was released on bond on his own recognizance and was never even booked at the county jail. The courtesies he received had been afforded no other indicted murderer in the history of Humboldt County.

At Clifton's side were a nondescript government attorney and the man who would be in charge of his defense. He was James McKittrick, who had concluded his summation in the Hahn case by saying: "The fact that people have been killed by officers is too bad, but I would say by and large they have brought their unhappy fates upon themselves."

Why was Humboldt County's hot-shot mouthpiece defending Lloyd Clifton if the government was responsible for the agent's defense? The US Attorney quickly answered that intriguing question. Jim McKittrick was now a part of the government: He had been deputized as a special United States Attorney. He had been whisked to Washington, where he had taken the oath and met with Attorney General Richard Kleindienst. The federal government was paying all the costs.

The People vs. Lloyd Clifton was based on these arguments:

Lloyd Clifton had violated his own department's regulations—first by breaking down the Dickenson cabin door, then by firing at the fleeing Dirk Dickenson even though BNDD regulations specifically warned against "firing at a fleeing suspect."

In shooting Dirk Dickenson, Lloyd Clifton demonstrated an "abandoned and malignant heart," as the District Attorney later explained, "that he had a coldness or cast of heart by which he didn't exhibit care." This coldness was the basis of the second-degree murder charge. The other charge, involuntary manslaughter, was based on viewing Clifton's action as "without due caution and circumspection, a criminal negligence-type situation."

The government answered. Jim McKittrick, now a special United States Attorney, wrote a letter to the editor of the Times-Standard: "I should like to point out . . . that all of our institutions in this country are under fire today and that the police perhaps more than any other are called in question by *radical elements* in our society, who for reasons of their own desire *to bring our country down*. I do not include Mr. Ferroggiaro in this category, but I must say that his efforts during the past year must have been viewed with satisfaction by such persons."

The government argued that the District Attorney had not presented *all the facts* to the grand jury. He had not asked Lloyd Clifton to testify. Replied the DA: "It is poor practice to request or require prospective defendants to be subject to grand jury questions because they cannot be represented by an attorney at the hearing."

At the same time, the government argued the DA had given the grand jury *too many facts*—specifically the BNDD internal regulations manual forbidding the shooting of "fleeing suspects." To support this argument, McKittrick presented two letters. The first was from Attorney General Richard Kleindienst, which said BNDD regulations were "internal guidelines . . . not intended to negate any common-law rights or defenses." (The regulations make nice reading, Kleindienst seemed to be saying, but should not be taken too seriously.)

The other letter was even more remarkable. It was from Andrew Tartaglino, the acting director of the BNDD. Notwithstanding subsection 42–23, wrote Tartaglino, Clifton "properly and necessarily discharged his weapon . . . in accordance with BNDD regulations."

The usually low-key District Attorney seemed a bit riled by all of that and said "the statements are beyond belief, a brazen attempt to bootstrap an employee out of a situation created by that agency and that employee." The letters were "self-serving," the DA said, because Dickenson's family had sued the BNDD for $2 million. Ferroggiaro shook his head and said: "I expect next we'll have a letter from Nixon himself explaining how this whole thing falls under the jurisdiction of his heroin hotline."

The government argued that the prosecution of Lloyd Clifton was interfering with the process of Justice. To wit: Lloyd Clifton's reputation was being impeached in other cases involving other busts he had participated in. Attorneys representing those clients were moving to impeach Clifton's testimony by revealing that the man who had busted their client was an alleged murderer. The government expressed fear that if the murder/manslaughter charges weren't dismissed, then they'd lose a whole year's worth of narcotics cases.

But the government's main argument was a black humorist's dream: The charges against Lloyd Clifton had to be dismissed because of the . . . Civil Rights Movement!

It worked this way: Lloyd Clifton was acting as a federal agent, a man in the employ of the United States government, when he fired his revolver. The United States government's investigation absolved him of any wrongdoing. The County of Humboldt and the State of California had no right to institute proceedings . . . because Lloyd Clifton was a federal employee.

What would have happened, McKittrick asked, if civil rights registrars and federal marshals in the Deep South would have been arrested for "spitting on sidewalks" by redneck deputies and badge-wearing Klansmen in Selma, Montgomery, and Neshoba County, Mississippi? As McKittrick put it: "The Department of Justice is extremely concerned with Mr. Clifton's case. The Attorney General feels he has as great an obligation to protect Lloyd Clifton from prosecution here in Humboldt as he does in protecting federal voting rights officials. . . ."

McKittrick added: "If we are not to permit the Southern states to prosecute such federal officers, are we in a position to say—'Well, our motives are more pure than theirs and therefore we can do it while they can't?' "

In reply to that, a member of the DA's staff posed this question: Say, just as illustration, that a government agency, like the FBI for instance, is taken over by evil and corrupt men who form its agents into execution squads. Say that these FBI assassins spread out around the country and kill ten men in ten different states. The FBI director announces an extensive impartial investigation which finds the agents innocent of wrongdoing.

Assume now that the government's argument in the Clifton case has been upheld: States cannot prosecute federal employees for alleged crimes committed in the performance of duty. What happens then? According to the government's argument, nothing. The murderous FBI men go on to their next hit.

Almost as afterthought, in reply to McKittrick's Civil Rights analogy, District Attorney Ferroggiaro pointed out the charges against Lloyd Clifton were not charges of "spitting on the sidewalk."

At the same time, the government reiterated Federal Attorney Browning's claim that the shooting of Dirk Dickenson was not in violation of state law and should have been ruled justifiable homicide. At issue were State Penal Codes 196 and 197 which said:

"Justifiable homicide by public officers is . . .

". . . when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest . . . when necessarily committed in attempting, by lawful ways and means, to apprehend any person for a felony committed . . . or in lawfully keeping and preserving the peace."

The District Attorney said the key word was "necessarily" and asked: How did Lloyd Clifton know the man fleeing toward the woodline was Dirk Dickenson, accused felon? How did he know the running man 50 yards from him wasn't a visitor to the cabin terrified by the roaring helicopter and the gunmen who never identified themselves?

Ferroggiaro referred, too, to the regulations of other police agencies. The Highway Patrol Enforcement Tactics Manual said to justify shooting, "There must be actual fear for one's own life or serious bodily injury. . . ." The Humboldt County Sheriff's Firearm Regulations said: "Members must exhaust every other means of apprehension before resorting to the use of firearms . . . Firearms may be discharged in the defense of one's own life when all other reasonable means have failed." Was Lloyd Clifton's life threatened, the DA asked. Why didn't agents use a bullhorn to order Dickenson to stop when they admitted the helicopter was so loud they "couldn't hear each other"? Why wasn't Dickenson chased by the 19-man posse instead of shot in the back?

The District Attorney argued that his interest was to pose these questions to a jury and let them decide. Why did the government want to quash the charges before the case ever got to a jury?

The government's first formal step in trying to get the charges dismissed was to ask on January 22nd for the disqualification of a Superior Court Judge "for prejudice." He was William Watson, the man who had tossed Mel Ames' "Mafia gunrunner" drug case far out of court, who raised goats and was sometimes seen at a place called The Keg in Arcata, eating spaghetti and listening to a rock band. Watson didn't want the hassle and agreed to a disqualification.

That put the case before Superior Court Judge Thomas Montgomery, who had just returned from a New Zealand vacation and who said, the first time he heard the DA and McKittrick hammer away at each other, "I hope I don't have a Pentagon Papers trial on my hands." In mid-March, Montgomery denied the government's motion to dismiss the charges, which was not unexpected. The denial made it possible for the government to appeal and seek dismissal in more friendly territory—in federal court. In mid-February, Federal Attorney Browning had said: "We don't want to give the appearance of being heavy handed by asking a federal judge to take the play away from the state courts, but we don't want to rule that possibility out."

At the same time, Phil Ryan was informed that the government's file contained the transcript of a taped conversation between Judy Arnold and Dirk Dickenson's parents. Their dialogue was taped at Undersheriff Bollman's direction three days after the shooting, as Chester and Mittie Dickenson waited to post bond for Judy at the Humboldt County Jail. It was the first time they had seen each other since Dirk's death. They spoke over a telephone, separated by a pane of glass.

Judy. Hello [sobbing].

Mittie. Hi, honey. We're going to take you home . . . Cry, I know.

Judy. I have to get out of here, I'm going crazy.

Mittie. What, dear?

Judy. I said, I have to get out of here. I'm going crazy.

Mittie. I know you are.

Judy. All I can think about is Dirk.

Mittie. It's a nightmare. I'm so sorry, Judy, so terribly sorry. [crying] Let daddy talk.

Chester. Hi, hon. We'll have you out of here in a little bit. We're going home as soon as we can get the papers taken care of.

Judy. How long will it be?

Mittie. It shouldn't take very long. I'm going to check.

Chester. Just a little while, sweetheart.

Judy. It wouldn't be so bad if they just. . . . They have the radio on and it seems like the news about it comes on every 30 minutes.

Mittie. I don't know why they had to kill him.

Judy. There was no reason.

Mittie. [crying] No.

Judy. No reason, no reason.

Mittie. Have you eaten?

Judy. No, I haven't eaten in three days. I can't.

Mittie. You've got to have something to eat, honey. We haven't eaten either. Drank coffee and that's about it.

Judy. I don't think I even want to go to the funeral. I can't.

Mittie. I'm thinking of having a closed casket. I don't think I want it open.

Judy. I don't think I want to see him [softly]. I feel terrible saying that but I just don't.

Mittie. No, honey, I know what you mean. I understand. I understand, darling.

Judy. We had everything worked out. It was all going to be all right. And then it had to happen. It's horrible.

Chester. Ask her about his dogs and everything.

Judy. Uh, we have a friend taking care of the dogs.

Mittie. Oh, God, I'm so shocked, Judy.

Judy. Yeah. It was quite a shock. It happened so fast. And they wouldn't even tell me. I didn't know he was dead 'til about seven o'clock. And they knew when they brought me here that he was. And they wouldn't even tell me.

Mittie. Did you have to identify him?

Judy. [crying]. No.

Mittie. Well. . . .

Judy. But there were so many of them; I couldn't believe it.

Mittie. Senseless, it was just a senseless killing.

Judy. I know. That's what I told them. That's what they kept asking me—why did he run? I go—What would you do if 20 men come bursting in your front door with shot guns? What would you do? And they go—Well, just what would you do if you were in his place? It was horrible. It was just no need for it to happen at all.

Mittie. What will we do?

Judy. I didn't get to make a phone call until yesterday. Last night was the first one I got to make. My lawyer just really flew apart at that. He raised a big stink about that and told them they had no right not letting me call. Because I asked as soon as I got here if I could make a phone call and they wouldn't let me.

Mittie. God.

Judy. It's been awful in this place. People were taking pictures and stuff. It was like a bunch of vultures. They acted like I committed murder or something.

Mittie. Are you warm enough?

Judy. Yeah, I have one blanket. It stays pretty warm in there. It's just an Army blanket.

Mittie. What clothes do you have?

Judy. Just what I had on me. I couldn't even—they wouldn't let met bring my purse or nothing.

Mittie. Would you like a Coke or something? My mouth tastes like, I've smoked so many cigarettes my mouth tastes like a. . . .

Judy. I've had sips of coffee and that was it. The coffee tastes so bad. . . . We just didn't know what was happening. I couldn't believe it. You know, Dirk didn't run until they were inside the house, 'til they busted the door in and then, you know, he jumped off the back porch. Then they were trying to do me, you know, like—Oh, did Dirk have a gun with him? They were just trying to get me all confused and everything.

Mittie. Dirk never carried any gun.

Judy. No, he never had no gun with him. We were getting the house fixed up. We were going to put the bathroom in. It was awful.

Mittie. Oh, God.

Judy. I wonder if they are going to do anything about what happened to Dirk?

Mittie. Somebody else told us too that it was just out and out murder.

Judy. Yeah, that's it.

Mittie. Cold-blooded murder. Some gung-ho jerk.

Judy. I can hardly talk about it?

Mittie. Where's Dirk's clothes?

Judy. A lot of his clothes are in Garberville.

Mittie. Well, he's got quite a few clothes at home, too. I've cried when I didn't think I could. I'm just numb.

Judy. [crying] Just think of how happy we were.

Mittie. I know it. Daddy and I were talking about that. You were just so happy.

Judy. It's going to be so hard.

Mittie. Yes, Judy, it's going to be awfully hard on you, honey.

Judy. I just can't make it without him.

Mittie. What?

Judy. I just can't make it without him [crying].

Mittie. I'll be so glad when you get out of here so I can just love you.

Now, in May of 1973, more than a year after the shooting, the United States government's motion to dismiss the case of *The People* v. *Lloyd Clifton* is pending in federal district court. All sides agree it could take as long as two years for a final decision.

Asked whether he is optimistic, the weary District Attorney Ferroggiaro, his political ambitions a memory, answers with a wry, "No comment."

"I'm optimistic," McKittrick bubbles, "we'll win."

Says Phil Ryan: "The real victory of the people in this case was actually the indictment itself. To expect that Clifton is really going to be put on trial is to entertain illusions about how the system operates. I am saddened but hardly surprised."

The sun shines on Humboldt in the spring; rivulets of spunkwater dot the meadows; herds of deer lope through the sequoias searching for lily ponds; sheep wander the bleakscapes of stumps; canyons echo the chain saws' screams.

In the spring of 1973, at a meeting of the county planning commission, a logger named Pete Johnson gets up to speak his piece. "Sometimes I get in trouble because of talking too much," the logger says, "but I call it like I see it. It is those hippies against us straights, and the rednecks around here better wise up. Those hippies don't contribute one thing to the area except dope."

In Whitethorn, Ms. Elaine Lester, a veteran of New York and Berkeley, a grade-school teacher at an alternative school, is asked about life in the wilderness. She doesn't want to talk about it. "Things are hard enough for people just to survive," she says, "without media intervention—even the hip media."

On the nearby Samoa Peninsula, the coroner recovers another body. The body had a broken nose, broken hands, battered ears, startlingly blue eyes and Indian features. The body waits for an identification. Weeks pass and it is assumed the dead Indian will never be identified, just like the murdered Indian found near Kneeland four years ago.

A militant Indian named Russ Redner says: "We don't want to tear the whole damn thing apart, we aren't revolutionaries, but we will if that's the only way we can reach our goals. I wouldn't feel bad at all if we marched on the Humboldt Courthouse again and this time burned down the damn thing to the ground."

In early March, 1973, Mrs. Mittie Dickenson writes Phil Ryan a letter. Attached to it is a newsclip, a letter to the editor of the Times-Standard from a Eureka housewife.

"Lloyd Clifton has been charged by our DA Ferroggiaro with the unnecessary killing of Dirk Dickenson. . . . I have been under the impression that we elect a DA for our protection and the grand jury is chosen to make our decisions. . . . From my point of view, Clifton was justified and did the public a big favor. . . . The past few years' record proves that it takes a lot of guts to enforce the law. So let's back 'em up and now mow 'em down."

Mittie Dickenson writes:

"I want so much to answer that letter. Lord, it's almost a year and it all still seems like a nightmare. Dirk had a right to a trial by jury, not death. I wonder if I'll ever accept his passing. The tears seem to flow more often instead of less."

In a cemetery in Lincoln, Calif., Judy Arnold stands in front of a gravestone, looking at the ground. She has lost weight; her eyes are sunken and hollow. She lives in Berkeley, taking the days "one by one, slowly." She is thinking about Dirk's dream . . . *They were coming for him. It was an execution squad. They shouldered the cabin door. Their faces were blank and waxy. He heard the gunshots and saw the glop of his own blood* . . . Judy Arnold stands by his grave and remembers how she comforted him: *You aren't going to die, babe, it's just a dream, a lousy, rotten, silly dream.*

In mid-March, a helicopter hovers over the eastern slope of Pratt Mountain between Garberville and Alderpoint. It is headed for a cabin. It is a long green Huey borrowed from the Presidio of San Francisco. The chopper touches down in a clearing and armed men leap from it and run for the cabin door. Leading the charge is BNDD agent Lloyd Clifton. Behind him are Undersheriff Bollman and agent Kenny Krusco. Suddenly Lloyd Clifton is on the back porch, and there is a shot.

It is a carefully orchestrated replay of the shooting. Watching everything is attorney James McKittrick. It ends when the Huey takes off again. There is a man inside playacting Dirk Dickenson's death. The government wants no loose ends.

CUSTOMS SEARCHES: BORDER OF THE LAW

(By Harriet Kat Berman)

"Patience Please," reads the sign in the U.S. Customs Office on the Canadian-American border at Blaine, Wash., "A Drug Free America Comes First."

There are other signs, with much smaller print, one warning that it is an offense to interfere with or resist an officer, another citing statutory authority for customs searches. They are undecipherable from more than two or three feet away, but the drug sign can be easily read from anywhere in the room.

There is a counter, on which the contents of many a pocket had been emptied, and a wooden bench for waiting. Two young women and a baby were waiting while a strip search was being performed in a basement room on the young man they were traveling with; a customs inspector had noticed old needle tracks on his arm.

"Interdiction of narcotics is a big mission," according to Masao Watanabe, port director for the Blaine office, "but the bread and butter here is the commercial traffic. We're not experts in drugs."

MARIJUANA

Blaine is not considered a focal point for major drug smuggling. There is apparently no heroin manufacturing to speak of in Canada, according to Edward Gilmore, regional counsel for the Bureau of Customs in San Francisco, and "it would first have to be smuggled into Canada, then across to the U.S." The greater problem is at the Mexican border. "A very large amount of heroin is produced in Mexico and brought across." Drug seizures on the Canadian border are "mostly marijuana," and, again, come nowhere near the scale found at the Mexican border.

Nevertheless, Blaine is part of the nationwide effort by the Bureau of Customs and the Nixon Administration to crack down on drug traffic. In Blaine, as in the customs posts throughout the country, the number of customs inspectors has "increased tremendously," Gilmore noted, with "most of our energy and manpower on interdiction of narcotics."

The Blaine office today employs 65 customs inspectors. Located on Interstate 5, the Blaine port collects $27 million a year in revenue, mostly on commercial shipments of steel sheets and lumber. Commercial trucks are routed to an entry about a mile away from the crossing point for passenger vehicles.

QUESTIONING

Enter the traveler, driving up to a customs inspection booth. Initially, the inspector asks questions to determine the traveler's citizenship status. (People who are not U.S. citizens are referred to the immigration authorities stationed at the border.)

After U.S. citizenship is determined at Blaine—the person's word will usually suffice—a second line of questioning is pursued for standard customs purposes: "How long were you in Canada?" "Did you purchase anything in Canada that you're bringing back with you?" (Customs inspectors also administer the regulations of dozens of federal agencies concerning importation, such as animal quarantines.)

Many travelers are then simply waved through. But many are not. Customs inspectors may ask more questions, check identification, and search, with any degree of thoroughness, the vehicle and luggage.

Under statutes dating from Prohibition, which the courts have upheld, customs inspectors have the authority to search the vehicle and luggage of every person crossing a border into the United States. At the border, everybody is a "suspect," who may be trying to avoid paying a duty on undeclared merchandise or who may be sneaking in contraband. The only standard for customs inspectors to search cars and luggage is "mere suspicion," and you are suspicious merely by your presence at the border.

DISCRETION

But the customs inspectors obviously pick and choose which cars and which people they are going to subject to further screening.

"We're very limited in time," Watanabe points out, "and a lot depends on the volume of traffic."

Built into their broad powers to search are equally broad powers of discretion. Who gets searched? On what basis do the customs inspectors decide?

Custom officials insist there are no general guidelines, that each interrogation and search depends on particular circumstances. Further, the approaches and procedures vary from one inspector to another, with "different modes of operations," according to the port director, "different lines of questioning—you're not talking to 65 robots."

While declining to generalize, officials indicate that the inspectors pay attention to personal demeanor, such as "nervousness"; such signs of narcotics use as "fresh needle marks, the appearance of the eyes"; and incongruities like "a clean license plate on a dirty car" or "a fat man who doesn't have a double chin." Watanabe sums up: "So much of it is feel and experience."

LOCAL EXPERIENCE

Many members of the counter-culture population in Bellingham, Wash., a college and paper mill town 30 miles south of Blaine, disagree. To Kenneth Fox, a 28-year-old "retired graduate student," there is "almost an unwritten law that says, 'If you have a VW bus, you get stopped.'" He says his van is searched nearly every time he crosses the border, and he often has to empty his pockets. "One night they went through our VW bus for 45 minutes, while we watched other people pass right through."

One evening Gerry Booth and his friends were in a long line at the customs booth during rush hour. "We had plenty of time to observe. The straights were waved on; we were stopped, and the others we saw stopped were also freaks." He adds, "It seems like people are always talking about being hassled at the border."

Ron Sorenson, 25, staff worker for the ACLU chapter in Bellingham, thinks that a lot of counter-culture people are hassled at the border because they "have apprehensions about authority and law enforcement, and don't come off well during the inspector's questioning." Other people have similar explanations for who gets stopped, such as, "It's a matter of self-confidence," or, "You don't get stopped if you have good vibes in your attitude towards them."

Dr. Robert Marx, 30, a bearded, long-haired assistant professor of psychology at Bellingham's Western Washington State College, drives a Ford camper. He likes to visit Vancouver, 40 miles north of Blaine, and estimates that he is stopped in at least half of his frequent border crossings back from Canada. "I have to get out of my car, empty my pockets, give them my wallet. Once they opened a personal letter I had in my wallet and read it—I could see his eyes moving. The whole process usually takes half an hour. Once an inspector told me he was searching me because I was wearing patchouli oil. He said it is likely to be covering up other odors, like marijuana. Another time, they asked me why I used patchouli oil; I said I liked the way it smells."

Customs officials categorically deny that long-hairs are singled out for closer scrutiny than straight-looking people. "We're pretty much human beings with kids ourselves," the port director stresses. "Long hair is not a big thing these days."

EXPERIMENT

Donning hippie garb, I joined a group of long-hairs for a drive to the border in Bob Marx's van. In Canada, the seven of us bought some sparkling cider. When we crossed back to the U.S., we had two bottles left (a non-dutiable amount). In addition to asking if we were all U.S. citizens, the inspector asked the driver for identification. When he asked about purchases, we told him about the two bottles of cider, which he wanted to see. Coming into the back part of the van, he asked each of us our names, beaming a flashlight on our faces, and looked through my purse. He didn't examine it very thoroughly; he seemed to be searching it just because it was there. We were then allowed to pass through.

I returned the next day dressed in straight clothes, driving a standard compact car. The inspector simply asked the routine questions as to citizenship, purchases and length of visit in Canada, inquired whether the briefcase on the front seat was mine; and then waved me on.

When I described the difference in treatment to customs officials, they repeated that they could not generalize; that any of a myriad of particular details could have accounted for the difference.

The ACLU of Washington did a preliminary survey of border searches at Blaine last Veteran's Day. "The data are of course crude," notes Lauren Selden, the affiliate's executive director, "but still suggestive of a discriminatory pattern." Out of a total number of 125 cars entering the U.S. during a two-hour period, 99 had straight-looking occupants, 26 hippies. Of the 125 cars, 28 were given trunk searches—appproximately one out of five. Trunk searches were performed on 18 of the 99 straight cars—slightly less than one out of five. On the 26 hippie cars, 10 trunk searches were performed—about two out of five.

STRIP SEARCHES

Border searches are by no means limited to vehicles and belongings. "Mere suspicion" is sufficient for a pat-down or frisk for weapons, inspection of shoes and outer clothing. Then there is the strip search, where the traveler has to take off all his clothes and bend over so that the inspector can observe his rectum. As strip searches can obviously yield little in the way of illicit booze, they were not a subject of much litigation during Prohibition. In recent years, courts have upheld strip searches in countless narcotics cases. The governing standard is "reasonableness," and a "reasonable search" is one based on "*real* suspicion." "Real suspicion" means that the inspector can recite "articulable, objective facts" in support of the strip search. The facts must refer specifically to the particular individual. The "recitable facts" can be simply what the person answered to the inspector's questions; "nervousness" can be considered an objective fact justifying a strip search.

To perform a legal search of the scope of a strip search, a police officer on American soil would need probable cause—objective facts that would arouse the suspicions of an ordinary, prudent person. A customs officer just needs reasons that would arouse the suspicions of a customs officer.

A few summers ago, several thousand young people were returning across the border between Washington and British Columbia from Strawberry Mountain Rock Festival, held just outside Vancouver. Elizabeth Daugert, now a freshman at Western Washington State, was 15 at the time. "It seemed like everybody coming back was stopped. We had to go inside and wait, and then we were brought to another room in groups of three or four girls and a matron asked us to take our clothes off. They could have been more thorough; it just seemed like kind of a gesture. We all thought it was ridiculous, kind of a joke, yet scary—we didn't know they could do that. It was a kind of authority I hadn't encountered. It was strange seeing that they have so much control over you. Afterwards, I was outraged by the idea, by the thought that they could do that, though at the time it seemed so ridiculous that I didn't take it seriously."

The same thing happened coming back from that rock festival to Linda Cash, now a legal worker in the ACLU office in Seattle. "We were waiting in line in the car for a full hour. As soon as we got to the inspection booth, we were pulled out of the car and taken into the building. Then they took me off alone, told me to take all my clothing off, made be bend over and looked up my butt."

The regional counsel for the Bureau of Customs recalls no discussions or evaluations within the bureau after this set of wholesale strip searches. "I assume whatever happened was appropriate."

CAVITY SEARCHES

Strip searches pale in comparison to the "intrusive body cavity search." Customs officers can take border crossers to a local physician for rectal and vaginal examinations, and for stomach pumpings. The governing standard for body cavity searches is a "clear indication" that contraband will be found. In many court cases, the "clear indication" has been "a greasy substance on the buttocks." Body cavity searches must conform to acceptable medical practice, and are not supposed to entail "unnecessary force." (A court upheld a vaginal search performed by a doctor as six people, including two men, held the woman down.)

The "clear indication" test apparently leaves a lot to be desired. A federal appeals judge in a recent dissenting opinion noted that contraband is actually found in only 15 to 20 percent of body cavity searches.

The U.S. Supreme Court has never decided a customs body cavity case.

At no point in any level of search by customs officials is a warrant necessary.

Customs officials refused to discuss whether there are many body cavity searches initiated at Blaine, nor would they discuss the frequency of strip searches.

YIELD

According to Rod Hawkes, a third-year law student at the University of Washington and a legal intern researching border law for the ACLU, what little published data there are on border searches indicate that the yield on all personal searches is about as low as on body cavity searches—80 to 85 per cent negative. "That percentage is probably not much better than you'd find from a random search of people on any college campus," Hawkes commented.

Of the narcotics seizures made at Blaine, customs officials readily acknowledge that most are of marijuana for personal use, rather than hard drugs or commercial amounts of marijuana.

If a commercial cache is found, or if any amount of heroin is found, customs personnel call in the U.S. attorney's office. If a small amount of marijuana or hashish is found, the question of prosecution "may vary from jurisdiction to jurisdiction," according to their regional counsel. "Customs may have an arrangement with the local U.S. attorney, with guidelines indicating the circumstances under which the office wants to be notified. The customs inspector may decide to make an administrative disposition."

At Blaine, "administrative disposition" frequently means confiscating the car. Under the basic customs statute, any vehicle in which contraband is brought to the border is subject to seizure. Technically, it is a forfeiture. An apparently common practice is to "remit the forfeiture"—return the car—upon payment of $100.

One Bellingham resident told of being held for about five hours when customs inspectors found "a joint of grass, a few tabs of acid," then being "fined" $100 and released.

When four marijuana seeds were found on the floor of one young woman's car, she was told it would cost her "$25 a seed" to get her car back.

A young man walked into the ACLU office in Seattle; his car had been seized at the border because some marijuana was found on his car, and he didn't have the $100 he was told he would have to pay to get it back. He hadn't even been to Canada; he had been turned away at the Canadian border because he had no money with him, but he had to go through U.S. customs to turn around.

NO STANDARD

The $100 is not a fixed rate, according to Gilmore. The customs inspectors do receive "general guidelines," but they are "not published, not available"; they are "internal memoranda strictly for customs."

Cars can be seized when a small amount of marijuana is found on the person of a passenger. John Wiren's 1970 Volkswagen was seized last February when a strip search at Blaine revealed that one passenger had an ounce of hashish concealed in his crotch. Wiren didn't know that the passenger was carrying contraband. He was never charged for anything, and charges against the passenger were later dropped. The Bureau of Customs still has Wiren's car.

When administrative appeals on Wiren's behalf were unsuccessful, the Washington ACLU in November filed suit in Federal court, charging that Wiren was deprived of his property without due process of law.

The affiliate is preparing another suit against the customs bureau, with Hawkes as a plaintiff, to compel the agency to make reliable data on border searches available to the public under the Freedom of Information Act.

Meanwhile, Ann Nugent from the Billingham, ACLU chapter, is preparing a pamphlet on border rights. Or, rather, the lack of them.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. Frey).

Mr. FREY. Mr. Chairman, I would like to compliment both sides on this debate. I do not think there is a question on anybody's part about the deep concern and the sincerity of everybody who is taking part in this issue on the question of drug abuse. I think probably there are a few facts which should be emphasized in considering this issue.

We have about 560,000 Americans mostly young people who are involved with heroin. It has been a problem in the ghettos for years which has been ignored by the rest of America until recently. As the gentleman from New York (Mr. Rangle) has said, the problem is now spreading across the country and we have finally become excited about it. I suppose we are paying for our sins for not doing something about this before.

We have about 170,000 tons of illegal poppies being grown in the world today and we need only about 60,000 tons to supply this country.

The gentlemen from New York (Mr. Hastings) and Maine (Mr. Kyros) and I have traveled to places where poppies are grown to study the problem. We desperately need to strengthen and make more effective our efforts to control the narcotics problem. In our report to the Congress we stated:

> It is our firm conclusion that unless drastic changes are made we will continue to be plagued by the supplies of illegal drugs in the United States for some time to come.

We learned in Thailand that poppy could be purchased for $250 which could be brought into the United States and sold for between $250,000 and $1,000,000.

The problem we have had between BNDD and Customs personnel still exists. The individual agents in the field are all working hard but the friction increases in intensity the closer one gets to Washington, D.C. This must cease. Any time an effort lost is too much.

We have had a great deal of talk concerning how this bill arrived on the floor. Frankly if the Members want to know, I really do not care. This is not a problem that should have been taken care of a day ago or a week ago or a month ago or a year ago. It should have been taken care of years and years ago. This problem has been around and nothing has been done about it.

My feeling is there is a tremendous urgency to the drug problem. If I am wrong and the Members feel differently, then we can afford to wait, but if I am right, if the facts I have highlighted are significant, I think the time to act is now. If there are legislative problems, certainly we can correct them as we go along.

As I said in the beginning, I know there are Members who feel differently than I do—but honestly I believe we need action—action now. I urge a vote for the reorganization—and against the Waldie resolution.

Mr. MURPHY of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FREY. I yield to the gentleman from Illinois.

Mr. MURPHY of Illinois. Mr. Chairman, during the past 2 years, I have familiarized myself with the workings of agencies responsible for drug enforcement. Beginning in 1971, I watched the U.S. Government initiate a worldwide program to stop the illegal international trafficking in narcotics, particularly heroin.

U.S. Bureau of Narcotics and Dangerous Drugs (BNDD) and customs agents were sent to the far corners of the globe to work with law enforcement officials in those areas in a mutual effort to eradicade the scourge of heroin from the world.

This effort, although commendable, has been only partially successful. Although there are several factors limiting the effectiveness of the U.S. international narcotics control effort, the most serious problems involve the differences which developed within the U.S. Cabinet Committee of International Narcotics Control, particularly between BNDD and U.S. Customs.

There has been evidence of petty jealousies as well as vying for positions of leadership and authority. Rather than concentrating energies on eliminating drugs, men are expending their energies on bureaucratic rivalries. Grappling with the drug problem becomes secondary in importance. Taking credit for dramatic drug seizures or significant breakthroughs is of utmost importance. Rather than coordinate efforts to eliminate the problem of drugs, agents contribute to already deep divisions between agencies, thus precluding effective antidrug activities.

Bureaucratic tensions are nowhere more evident than in certain countries of Latin America. Congressman ROBERT STEELE accompanied me to Latin America this past January to investigate steps being taken there to control the production of and trafficking in heroin and cocaine.

Jurisdictional disputes and strained relations between BNDD and Customs agents were common. The first recommendation of our study mission was that President Nixon reorganize the U.S. antinarcotics effort in order to end "overlapping responsibilities, eliminate bureaucratic friction, and increase the efficiency of the Federal Government's war against illicit drugs." Our specific suggestion was that a new Office of Drug Abuse Investigation and Enforcement be established in the Department of Justice.

It became apparent to many that such a reorganization was needed to integrate the activities of these two Bureaus. This was one of the most significant features of Reorganization Plan No. 2.

Unfortunately, there were those in the executive branch who objected to the loss of personnel resulting from the transfer of 500 customs personnel to the Department of Justice. To eliminate these objections, it was decided to transfer between 900 and 1,000 individuals from the Immigration and Naturalization Service to the Treasury Department.

As we all know, this led to serious reservations in Congress and several labor unions regarding the illegal alien problems facing the United States—reservations which threatened the approval of Reorganization Plan No. 2.

To alleviate congressional and union concerns, the administration agreed to make section 2 of the reorganization plan "inoperative" after passage of the bill. In essence, this means that there will be no transfer of Immigration and Naturalization Service inspectors to the Bureau of Customs.

Certain Congressmen objected to executive behavior in neutralizing labor opposition to Reorganization Plan No. 2. There was much talk about the Executive's contempt for Congress and the legislative process. I believe such objections should be heard but I would caution my fellow colleagues not to permit the central issue of the reorganization plan to be forgotten in the midst of hot debate.

The momentum that is developing in the antinarcotics struggle must be maintained and accelerated. Consolidation of drug enforcement activities into one strong central drug law enforcement agency is crucial to the success of this process.

Congress led the battle for immediate and effective legislation to coordinate and strengthen the Federal drug law enforcement effort. The controversial section 2 of the Reorganizational Plan was hastily and, I might add, poorly conceived. Such difficulties are to be expected when gearing up forces to combat a crisis situation.

While this development was regrettable, it must not jeopardize passage of Reorganization Plan No. 2. The Congress, and I emphasize the Congress, must approve the Reorganization Plan with the understanding that section 2, which is not critical to the success of the antidrug effort, will not be implemented.

Drugs have never been a partisan issue. At a time when real progress is being made on all fronts in the fight against drug abuse, we have a responsibility to keep the issue nonpartisan.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. Mr. Chairman, I call on my colleagues to support a much-needed reorganization of the Federal Government's drug enforcement programs by voting "no" on Resolution 382, before you this morning.

Reorganization Plan No. 2 is not only a major step in streamlining our Nation's drug enforcement capability, it is vital if we are to continue moving forward in our war on drugs.

I do not think anyone in this Chamber will disagree as to the severity of the drug problem in our country today, nor will they disagree as to the absolutely critical need to marshal the most coordinated and effective attack possible on this complex problem. Moreover, our present line of attack is fragmented and, in some respects, loosely alined. Some half dozen different Federal agencies have overlapping responsibilities for various aspects of the drug problem.

As the newspaper, Newsday, pointed out repeatedly in an excellent series of articles recently which traced the drug problem from the poppy fields of Turkey to the sidewalks of New York, such division in our enforcement effort has of necessity led at times to duplication of effort, jealousy over roles and functions and, at times, less than maximum efficiency. Without favorable action for Reorganization Plan No. 2, these jurisdictional problems will remain.

The plan before us today provides us with a solution, logical and workable, to these problems. It calls for the creation of the Drug Enforcement Administration, which by the way does not have prosecutor authority which will operate as a single unified command post within the Department of Justice to direct all Federal drug enforcement. Such a consolidation is consistent with recommendations going back as far as the first Hoover Commission in 1949, to President Kennedy's National Advisory Commission in 1963, and much more recently, to the recommendations of the Shafer Commission in March of this year.

Mr. Chairman, it is deeply significant that Reorganization Plan No. 2 has received the enthusiastic support of State and local law enforcement agencies throughout the country, as well as the International Association of Chiefs of Police, and local district attorneys offices. In my own State, in fact, the New York City Police Department, the largest in the country, not only is enthusiastically supporting the plan, but has also recommended that the entire New York City antinarcotics effort by combined under the proposed Drug Enforcement Administration and be a joint Federal-local effort.

In summary, I submit that there have been great strides in the war on drugs in the last few years, but greater efforts are needed. Establishment of the Drug Enforcement Administration will go a long way toward helping to rid this country of a menace that we can ill afford.

I urge my colleagues to support the organization by voting "no" on resolution 382.

Mr. WYDLER. Mr. Chairman, I rise in opposition to the resolution of disapproval and in support of the plan.

There is no good justification to delay action on a reorganization that everyone agrees is needed. The men in the field, who live with the problem, the men who have the responsibility to protect the public are for the reorganization. Some of them are as follows:

SUPPORT FOR THE REORGANIZATION PLAN

The following is a partial list of those who urge that Reorganization Plan No. 2 of 1973 be allowed to take effect:

The National Commission on Marihuana and Drug Abuse.

Professor James Q. Wilson, Chairman of the Department of Government, Harvard University, and Chairman of the National Advisory Council for Drug Abuse Prevention.

Mr. Don Derning, Chief of Police of Winnetka, Illinois, and President of the International Association of Chiefs of Police.

Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police.

Mr. E. M. Davis, Chief of Police of Los Angeles, California.

Mayor Louis Welch of Houston, Texas, who also serves as Chairman of the National Conference of Mayors.

Mayor Richard Hatcher of Gary, Indiana.
Mr. John Belizzi, Director, International Narcotics Enforcement Officers Association.
New York State Narcotics Board.
Frank Rogers, Chief Prosecutor, New York Criminal Courts.
Cook County, Illinois, States Attorney.
Executive Director of Chicago Crime Commission.
The Chicago Police Department.
The Illinois Bureau of Investigation.
The New York City Police Department.
The Atlanta Police Department.
Director of Public Safety, Dade County, Florida.
Director of Public Safety, Broward County, Florida.
Miami Beach Police Department.
Florida Department of Law Enforcement.
DeKalb County, Georgia, Police Department.
Mayor John V. Lindsay, New York City.
Executive Director, Atlanta Crime Commission.
District Attorney, Fulton County (includes Atlanta).
President, Georgia District Attorneys' Association.
Illinois Law Enforcement Commission.
Kansas City Police Department.
Mayor Stephen May, Rochester, New York.
Mayor Frank Rizzo, Philadelphia, Pa.

We should heed their advice.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, in 1968 President Johnson proposed Reorganization Plan No. 1, that transferred the Bureau of Narcotics to Justice and established a Bureau of Narcotics and Dangerous Drugs. I recognize that some of the Members on the other side may not want to talk about this, because I recall vividly that when the plan was proposed, they said that it was creating another bureaucracy.

Let me say this: It was urgent then, and it is more urgent now.

However, this is legislation which we need now, not tomorrow. This is the No. 1 killer in the United States, drugs, and we ought to do something about it here and now.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I am pleased to note what I trust is the presence of a quorum.

Mr. Chairman, in committee I voted against this plan, and today I will vote for the plan. I want to say that when the Waldie resolution of disapproval was first presented, I felt it proper in view of section 2 of the bill, which took away from the Immigration and Naturalization Service some 900 inspectors at a time when they desperately needed far more than they have today. On the merits of this bill, however, approximately 95 percent of the effect of the bill, to consolidate the drug abuse enforcement section under Justice, is highly appropriate. The proposed transfer of Immigration Service personnel was not.

The reorganization plan will become effective on July 1 if we enact it into law today. We are assured by the chairman of the subcommittee that a bill to repeal the defective section 2 will be reported out by his subcommittee, hopefully next week, and will be on the floor of the House before the date the law becomes effective, July 1.

Therefore, we have the legislative power and the ability, to remedy this defect legislatively before the bill itself goes into effect.

If I believed that the administration meant what it said in this agreement that they were not going to faithfully execute section 2 of the bill, I would vote against it regardless, believing such an agreement to be an outrageous violation of proper governmental process. There is a provision of law that we ourselves have given the administration, however, section 686, title 31 of the United States Code, where services of one department can be performed by employees of another.

In talking with the Office of Management and Budget, and the Justice Department, I am informed that it was this law they were relying on when they agreed to make section 2 "inoperative." The administration guarantees that they will faithfully execute this law as we enact it until such time as we pass a bill, or until it is clear we do not pass a bill, and they will perform lawfully under this section by using other personnel to perform the tasks assigned by section 2.

Under those circumstances I believe we should vote against this resolution of disapproval.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, we are presented with what is agreed by all parties as being a badly flawed plan of reorganization. The plan of reorganization should be voted down and the disapproving resolution should be supported by this body.

If drug abuse is a major problem, and I agree that it is one of the great single problems in our Nation, then it is a matter which should be legislated upon by this body.

I would challenge anybody on the committee which has considered this matter, or in this body, to point out a failure by this Congress to give this administration, or anything else, that which they have sought in terms of legislative authority or in terms of money or personnel to combat the problem.

There will be no inaction if Congress legislates on this matter, yet we are presented with a very clearly and admittedly flawed device. Indeed, the committee says:

> If the plan is not approved by the Congress, the committee is prepared to consider legislative proposals within its jurisdiction upon the matters in question.

The chairman of the committee, who speaks in favor of the reorganization plan, clearly points out the defects.

Lest it be the impression of my colleagues that there are not others who agree the plan is badly flawed, I have here a copy of an agreement between a representative of the administration, the Deputy Head of the Bureau of the Budget, Fred Malek, and a number of representatives of labor organizations, wherein the administration agrees, and I now quote—

> to make section 2 of the Plan inoperative.

"Inoperative" happens to be a very new and a very good word in the Washington lexicon.

Nevertheless, it should be known that we can legislate. We can legislate well, and we can legislate on a plan which will do what the Congress believes should be done in the public interest.

The reorganization plan device is fundamentally a defective device. We vote "yes" or we vote "no." As my colleague from California pointed out, we can neither cross a "T" nor dot an "I," yet here the Bureau of the Budget makes "inoperative" a major section of the bill.

The proposal is defective. It guts the Bureau of Customs. It guts the Immigration and Naturalization Service.

It says, "We will consider the problem of drugs," and I agree it is important, "but we will disregard the problems of illegal immigration and other smuggling into this country in defiance of our customs laws and other laws of the United States."

Let us come forward with a balanced plan. Let us legislate. Let us carry out the function of the Congress by doing that with which we are charged with doing under the Constitution. Let us come forward with a program which will strike at the heart of drugs and which will also protect the other agencies which are involved here.

Mr. Chairman, I support and I urge the Members of the House of Representatives to support House Resolution 382, Disapproving Reorganization Plan No. 2. The White House has declared Plan No. 2, "inoperative" in part.

I believe that the efficiency and the expertise of the Immigration and Naturalization Service would be greatly reduced or totally eliminated if Reorganization Plan No. 2, section 2, were to be allowed to go into effect on June 11, 1973.

I support the efforts by the administration, the Congress and State and local drug law enforcement officials to combat the flow of dangerous drugs into and through the United States, but I cannot support what I believe would be the dismantlement of the INS under the Administration's Reorganization Plan. Section 2 of the plan would remove the front line security for the United States against entry into this country by illegal aliens.

The whole plan, as I understand it now, has been riddled with what I would term, "questionable deals" purposely circumventing the legislative prerogatives of the Congress and deals made by the Office of Management and Budget which simply wants to avoid political embarrassment by the possible, and I would hope, actual defeat of the Reorganization Plan No. 2 with the House approval today of House Resolution 382, which disapproves the entire Reorganization Plan.

I urge the Members of the House to move to the introduction of positive legislation to strengthen the law enforcement arm of the Federal Government in halting the flow of dangerous drugs into the United States. Certain legislation along these lines has already been introduced in the House and deserves the respective legislative committee action and cooperation from the administration anti-drug forces in the formulating of a solid piece of legislation.

First, however, Mr. Chairman, the House must adopt House Resolution 382.

We must stop this ill-conceived move by the administration, under section 2 of the Reorganization Plan, to transfer the almost 1,000 INS forces from their necessary duty of inspection of persons and their documents to prevent the entry of illegal aliens into the United States.

As we know, the duties of the INS officers includes the apprehension of aliens who have entered the United States illegally. In 1972, according to figures I obtained Tuesday of this week from the INS office in the Department of Justice, the Service apprehended approximately 506,000 such aliens who have been deported or are subject to deportation.

As a comparison, in 1957 the INS apprehended 59,000 such aliens. Eight years later in 1965, 110,000 aliens were apprehended. Then, 506,000 aliens were apprehended in 1972. The growth of the illegal alien problem is obvious.

The number of illegal aliens entering the United States since 1957 has increased while the INS has continuously suffered a shortage of manpower to seek out these undesirables who would and who do cause, in many cases, the serious problems the United States faces with increased welfare roles, poor working wages, crime problems and the unemployment of American citizens.

I wish to point out in one area of the United States during calendar year 1972 that the Detroit district of the INS was responsible for the rejection of approximately 20,000 aliens who were attempting to come to this country for one or more reasons contrary to the immigration laws and, therefore, against the best interests of the United States.

Instead of transferring the INS officials to other cumbersome duties under the Reorganization Plan No. 2, I urge Congress to strengthen the Service and increase the tools needed to halt the illegal alien problems.

Today, the INS reports there is no set figure on the number of illegal aliens residing in the United States although some estimates years earlier were set at from 2 to 5 million. I am told by INS in Washington that the figure is actually closer to 1,014,000 illegal aliens based on percentages of foreign visitors and foreign students who have stayed illegally, along with other factors. These figures are based on the INS comparison with the total U.S. population.

I urge that the whole Reorganization Plan No. 2 be thrown out and Congress and the administration work hand in hand with drug law enforcement officials toward a strong drug law enforcement program without curtailing the necessary work of the INS.

The legislative process of the Congress must be included in such a massive reformation and merging of U.S. drug law enforcement planning.

Pursuant to permission granted I insert into the records of this session, relevant papers and correspondence on this matter:

U.S. Department of Justice,
Washington, D.C., June 1, 1973.

Mr. Frederic V. Malek,
Deputy Director,
Office of Management and Budget,
Washington, D.C.

Dear Mr. Malek: In accordance with our discussions, the Office of Legal Counsel has been requested to rule on the legality of deferring the physical transfer provided for in Section 2 of Reorganization Plan No. 2 of 1973.

The opinion in response to my inquiry is attached.

Sincerely,
Glen E. Pommerening,
Acting Assistant Attorney General for Administration.

Attachment.

June 1, 1973.

Reorganization Plan No. 2 of 1973

Glen E. Pommerening,
Acting Assistant Attorney General for Administration.
Robert G. Dixon, Jr.,
Assistant Attorney General,
Office of Legal Counsel.

In response to your memorandum of May 30, 1973 raising certain questions covering the implementation of Reorganization Plan No. 2 of 1973, we have the following comments:

Under the terms of Reorganization Plan No. 2 of 1973, certain functions now performed by the Immigration and Naturalization Service will transfer automatically on July 1, 1973, from the Department of Justice to the Department of the Treasury, unless a repealing statute has been enacted prior to that date. It is anticipated that even if a statute is not enacted by July 1, 1973, one will be enacted soon thereafter. Therefore, it is the apparent desire of all concerned that although the function would transfer automatically by operation of law on July 1, 1973, absent timely repealer, the resources and personnel associated with that function should remain in the Department of Justice pending enactment of a repealer statute. You have raised the question of how this desire can be accomplished.

A similar problem arose under Reorganization Plan No. 1 of 1968 concerning the transfer into the Department of Justice from the Departments of Treasury and Health, Education, and Welfare of certain drug functions and related administrative components to become the new Bureau of Narcotics and Dangerous Drugs in the Department of Justice. In that instance, the matter was worked out satisfactorily by a Memorandum of Understanding between the Department of the Treasury and the Department of Justice. We feel that the present problem, should it actually arise because of congressional inaction prior to July 1, 1973, can be resolved in similar fashion.

Specifically, we would propose the following language as appropriate for inclusion in the new memorandum of understanding:

"Until such time as the Director of Office of Management and Budget issues his final Order of Determination specifying what positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of the Treasury, the Attorney General agrees to provide continuing support for such personnel of the Immigration and Naturalization Service as are affected by the transfer provisions of the Plan, at the levels previously programmed, including but not limited to the designation of specific officers within the Department of Justice to certify the payroll and vouchers of such personnel."

Any memorandum of understanding between the two departments regarding Reorganization Plan No. 2 of 1973 should be coordinated with the authority of the Director of the Office of Management and Budget under section 8 of the Plan to fix the times and nature of transfer of personnel and resources.

We assume that the Secretary of the Treasury will take appropriate administrative action to clothe the Immigration personnel involved with necessary authority. The Attorney General would issue any needful implementing orders to carry out the cooperative effort during the interim period.

Examples of Negotiating Congressional Concerns With Reorganization Plans

1. ACTION—PLAN NO. 1 OF 1971

Concerns were expressed notably by Senators Javits and Ribicoff as to whether or not the existing volunteer programs would disappear following approval of this plan.

To allay this fear, the Administration agreed that the implementation of ACTION, if approved, would retain VISTA, PEACE CORPS, SCORE and ACE. It was also agreed that there would be two Associate Director positions established—one for International Operations and one for Domestic and Anti-Poverty Operations.

These concessions were able to be effected administratively, but they were not intended by the Administration prior to the expression of Congressional concern.

2. OFFICE OF DEFENSE AND CIVIL MOBILIZATION—PLAN NO. 1 OF 1958

Plan No. 1 of 1958 combined the Federal Civil Defense Administration and the Office of Defense Mobilization into a single Office of Defense and Civilian Mobilization. During the Congressional consideration of this Plan, some dissatisfaction was expressed in Congress to the effect that the civil functions should be primary and that this should be reflected in the title. Consequently, it was agreed that the name should be changed to Office of Civil and Defense Mobilization. Legislation to make this adjustment was enacted immediately following the approval of the Plan.

3. OMB/DOMESTIC COUNCIL—PLAN NO. 2 OF 1970

Congressmen Holifield and Brown, as well as others, had serious concerns about this Plan. Among these was their concern that the Bureau of the Budget—now to be converted to the Office of Management and Budget, as well as the Council of Economic Advisers would not continue to have a significant role in policy formulation due to the creation of the Domestic Council. BOB and CEA were familiar institutions with a statutory existence and usually available to Congressional inquiry.

Mr. Ash (as head of President's Advisory Commission on Executive Organization) and other Administration witnesses assured Congress that OMB, as well as CEA, would continue to have a vital role in policy formulation and that they would have direct access to the President and not be channelled through the Domestic Council. Subsequently, it was agreed that both OMB and CEA would be represented as members of the Domestic Council and thus be included in any policy deliberations of that body as well as having a role in their own right.

May 29, 1973.

Agreement Re Reorganization Plan No. 2 of 1973

The Administration Agrees:

I. To make Section 2 of the plan inoperative.

A. We will have introduced and will work with the AFL-CIO to secure passage of a separate bill prospectively repealing Section 2.

B. If this approach does not yield results by July 1, 1973, we will postpone implementation of the transfers mandated by the plan by having Customs contract immigration primary inspection to INS until such time as Section 2 is repealed by statute.

II. To avoid public discussion of "featherbedding" or labor being "against better drug enforcement" in conjunction with organized labor's position on Reorganization Plan No. 2 of 1973.

III. To honor OMB Director Ashe's commitment of May 17, 1973 to Chairman Holifield with respect to strengthening the country's illegal alien control capability.

IV. To give careful study to those other problems and suggestions for more effective illegal alien control and for better labor/management relations in INS which have been advanced by the labor representatives in the course of discussions to date.

V. To review seriously and sympathetically any other proposals for more effective illegal alien control.

VI. To continue to support H.R. 982 (Rodino bill) restricting employment of illegal aliens within the United States.

The AFL-CIO and AFGE Agree:

I. To cease all lobbying and other activities designed to defeat Reorganization Plan No. 2 in the Congress.

II. Accompanied by an Administration representative to visit personally before Thursday with the Speaker of the House, and key supporters of the Waldie Resolution in the House informing them that the AFL-CIO and AFGE have withdrawn their opposition to the reorganization plan. Similar steps will be taken in the Senate.

III. To inform member unions and affected membership immediately of the withdrawal of labor opposition to the plan.

IV. To assist actively and publicly in securing passage of legislation prospectively repealing Section 2 of the plan.

Mr. HORTON. Mr. Chairman, I yield 4 minutes to the distinguished minority leader (Mr. GERALD R. FORD) which I believe is all my remaining time.

Mr. GERALD R. FORD. Mr. Chairman, if we vote for Reorganization Plan No. 2 by voting "no" we in effect provide for the consolidation and the unification of our Government-wide effort against drug abuse and for drug control. On the other hand, if we vote "yes" on the resolution we in effect are agreeing to a continuation of a proliferated effort to do something about drug control and drug abuse.

Mr. Chairman, this controversy within several Federal departments came to my attention about a year and a half ago when two very high ranking officials in two departments of the Government came to my office in the Capitol and asked if I would help to mediate this dispute. I could not believe that such a condition existed in the Federal Government, and I could not believe that somebody in the legislative branch was being asked to try to find an answer to this internal conflict.

These were fine administrative people. They conscientiously wanted to solve their problem, but because of vested interests there was no way at that point that they could get together. Considering the seriousness of the problem, it was an indensible condition in the Federal Government. Reorganization Plan No. 2 is the only solution.

Mr. Chairman, there has been some indication that there was not full support within the Government for this reorganization plan. I finished talking with the Secretary of the Treasury personally a few moments ago, and George Shultz reported to me that I could say on his behalf that he supported the President's affirmative action on Reorganization Plan. No. 2.

In the past, when the drug problem was not nearly as serious as it is today, we could justify the luxury of having part of the antidrug effort in one department, the luxury of having part of the effort in another department, and the luxury of having another part of the total effort in some other department.

But as the drug problem has accelerated nationwide, as the difficulties have gotten far more serious everywhere, we cannot afford that luxury of a proliferated, divided attack against the problem.

Therefore, I think if we want to achieve some results, we will have to unify, we will have to consolidate, and Reorganization Plan No. 2 seeks to achieve that result.

Mr. Chairman, earlier in the discussion today, the allegation was made that the better procedure would be to defeat Reorganization Plan No. 2 and go through the regular legislative process. Let me tell the Members what one of the problems will be if we follow that procedure.

In the first place, we have no assurance that we are going to get the job done following that course of action.

Second, I am told that Mr. Myles Ambrose, the Commissioner of the Bureau of Customs in the Department of the Treasury, has submitted his resignation and is planning to leave the Government. He has been an outstanding person in that job. Can we suppose that the President can get another man to fill that job while Congress debates whether we are going to have a new agency or not?

Of course, no person would take a job that may have only a life of 2 months, 4 months, or 6 months. In the interm the agency will be without any leadership or any direction.

Mr. Chairman, it just seems to me that the alternative approach, if it is successful, will take too much time, and in the meantime there will be nobody directing that vital part of the Federal effort against the drug problem.

Mr. Chairman, I urge a "no" vote on the resolution.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the author of the resolution, the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman and Members of the Committee, I confess to a certain amount of procedural confusion. I understand that a reorganization plan must be voted up or voted down, that it cannot be amended, and yet I understand there is an amendment that is in the works here.

The administration says it will not enforce section 2, no matter what happens, and if they do not, as our chairman says, we can probably pass a bill to repeal it but the administration says it still will not enforce section 2 even if we refuse to repeal section 2.

The real question I am asking is this: No one has spoken up on behalf of section 2. But suppose there are members in this House who sincerely think the way to fight the drug problem is to enact the reorganization plan that the administration submitted in its entirety, one that was not emasculated by a labor organization; suppose they think the entire plan is the only real way to fight the drug problem and to give up on any portion of the fight against that drug problem is a compromise that is unworthy and, therefore, they will vote for the reorganization plan, because that entire plan is before them, not with section 2 omitted.

Mr. Chairman, they will not get their wishes fulfilled because the administration says, "We do not care what you want in the House. We agree with the labor union involved, and we will not enforce section 2."

And then if the bill to repeal section 2 is unsuccessful, they will go one step further in this incredible agreement and have said they will still not enforce section 2.

So do not be misled by this hypocrisy I have been hearing on the floor that this drug issue is so critical that we must have action without conformance to the rules. We will be acting without conformance to the rules.

The administration has given up to a labor union a major portion of that which they said was absolutely essential to meet the problem. If they can compromise with a labor union because of the threat of a loss of jobs to them, then this House can insist on compliance with its rules. If they cannot come in with a reorganization plan which is acceptable to the House in its entirety, it ought to be voted down.

The distinguished chairman, of the Government Operation Committee, for whom I have a great deal of respect and, in fact, for whom I have as much respect as for anyone in this House, on this issue has been enormously cooperative and responsible in terms of my presentations and approaches to him.

The chairman suggested that the thing to do if we do not like a portion of this plan is to vote it in anyway and we can come back and repeal portions of it; but he says we cannot, if we do not like a portion of the plan, defeat it and come back and enact those portions we do like.

The inconsistency is why can we repeal those things we do not like in subsequent actions but we cannot enact those things we do like and reject the plan now?

The majority leader and the distinguished chairman said it was because the House would not enact the consolidation proposed in this Reorganization Act They said it is doubtful that we can get the House to go along with that.

If that is really true—and I do not believe it is true—that the House will not in fact enact this consolidation, then we darned well ought not to be enacting a reorganization plan that the House under normal processes and procedures would not enact.

Yet that is what I have heard here today. We must pass this reorganization plan because, if it was presented as a legislative issue to the House of Representatives, it would not be enacted. I do not believe that to be so, but, if it is so, then it is proof that the reorganization process is not the process that ought to be undertaken.

The reorganization process is an extraordinary process. It is really a refutation of the legislative process. It should only be taken when the legislative process is deemed by a majority of the House not to be necessary because the subject matter that is undertaken by reorganization is not that important or not that controversial. Yet I am told today that the reason why we cannot turn it down, despite the amazing flaw created by this wild agreement, is because the House will not in fact enact a consolidation of the narcotics and enforcement activities.

Well, maybe if the House will not, then we should not permit the administration to do it by the reorganization process. And if the House will do it, then we ought to insist on a compliance by the administration with a strict reorganization process.

Why did the administration give up to the labor union involved here? If the fight against drug addiction and against heroin transport in this country is so incredibly important, as everyone in this House has said today, then why did the administration succumb? They succumbed because they did not have the courage to stand up against a labor union, and we are succumbing if we do not have the courage to stand up against the administration.

Mr. Chairman, I ask for an aye vote on the resolution.

Mr. BROOKS. Mr. Chairman, this is a pretty bad reorganization plan, horribly altered, and it has not been handled properly. The integrity of this House, be it Republican or Democrat, demands that we defeat this reorganization plan by supporting the Waldie resolution.

There has been a massive lobbying effort by the administration, not just from the Treasury Department but from the Department of Justice and the Department of Agriculture; do not ask me what their interest is but apparently they are interested, they have been hustling the Members. We've also been lobbied by the HEW, and of course the OMB, and Mr. Malek. There are several Members who have met Mr. Malek this week though they never heard of him before.

I hope we will understand that this reorganization can be accomplished by the legislative method. I am not opposed to trying to accomplish the results, but I want it done under the rules.

Mr. CAREY of New York. Mr. Chairman, Reorganization Plan No. 2 before us today is not only a major step in streamlining our Nation's drug enforcement capability, it is of vital importance if we are to continue moving forward in our war on drugs.

The menace of drug abuse, and the heartbreak it breeds, are problems which affect the entire Nation. One needs look no further than my own State of New York to gage the proportions of drug abuse in America. Federal drug abuse agencies estimate the number of heroin users to be some 550,000 nationally, with roughly half of the total in the New York City area. Estimates of heroin consumption range from 4 to 6 tons a year.

New York City, Mr. Chairman, counted upward of 1,250 deaths in 1971 directly attributed to narcotics. While that number failed to grow materially in 1972 for the first time in years, drugs still were the city's largest single cause of death among citizens aged 15 to 35. Moreover, a national survey conducted by the Response Analysis Corp. of Princeton, N.J., showed that 6 out of every 100 youths of high school age have used heroin at least once.

Federal drug enforcement officials estimate that heroin users probably spend from $3 to $50 a day to support their habit, with the average addiction cost set at about $30 a day. Addicts must "feed" their habit every day of the year. So the annual amount spent on narcotics tops some $6 billion. Another Government estimate is that 60 percent of heroin users are physically or mentally unable to work and must steal to buy drugs. Normally, "fences" pay one-fifth or one-sixth the actual worth of stolen goods. Therefore, the total annual crime cost to the country, largely crime on the streets, is roughly $18 billion directly traceable to the drug problem.

Creation of the Drug Enforcement Administration within the Department of Justice will consolidate under a unified command all Federal drug enforcement efforts, thus assuring maximum efficiency and eliminating duplication and overlapping. That is why it is so important to vote "no" on the resolution of disapproval on the floor today. A vote in favor of that resolution is a vote against the drug reorganization plan.

The Drug Enforcement Administration as proposed by the plan is overwhelmingly supported by the law enforcement community across the country. The reorganization is consistent with recommendations going back as far as the first Hoover Commission in 1949, President Kennedy's National Advisory Commission in 1963, and more recently, the Shafer Commission in March of this year.

We have had a fragmented approach to the narcotics problem for some years, a point on which most of the experts agree. We can go a long way toward obtaining a solution to the problem through a cohesive, well-managed effort; and the reorganization plan will do just that. One of the key concepts behind the Drug Enforcement Administration has been a "coordinated" Federal-State-local approach to the drug abuse problem. I urge you to give this approach an opportunity to be implemented by supporting the plan.

It is imperative that we defeat Resolution 382 and allow that plan to take effect. I strongly urge my colleagues support of the plan with a "no" vote on Resolution 382.

Thank you.

Mr. PRICE of Illinois. Mr. Chairman, the plan to reorganize the Federal drug enforcement apparatus is worthy of our support as an important step in stopping the flow of illegal drugs which cripple and criminalize an ever-growing segment of American society. But whatever the organizational scheme, it is essential that enforcement be carried out with due regard for basic constitutional safeguards against unreasonable searches and seizures.

The gravity and insidious nature of a crime must never become an excuse for flagrant violations of the citizens' right to the security of their homes and property. As many will recall, it was less than 2 months ago that officers of Drug Abuse Law Enforcement, an agency which will be absorbed into the proposed Drug Enforcement Administration, violently raided the homes of innocent citizens in Collinsville, Ill. The public indignation at this abuse of police authority was more than justified. While the great majority of citizens are resolute in their support of strict enforcement of drug laws, they are equally unwavering in their abhorrence of the injustice which results when the fourth amendment is so ruthlessly disregarded.

After the Collinsville incidents I requested that the Judiciary Committee investigate their circumstances and also look into the administrative controls, guidelines, training procedures, and operating directives established by the Office of Drug Abuse Law Enforcement. I would strongly suggest that this inquiry be extended, if necessary, to any new drug enforcement agency. By locating the source of possible further drug enforcement excesses, we may prevent a recurrence of the Collinsville incidents. If training procedures, administrative controls, and operational guidelines are now insufficient to screen out those who would willfully flout the Constitution and dishonor the sincere efforts of most drug enforcement officers, they must be revised to reassure citizens of the safety of their homes.

Mr. BRADEMAS. Mr. Chairman, this morning my legislative assistant received a telephone call from Mr. George Hooper, special assistant to the Assistant Secretary for Legislation of the Department of Health, Education, and Welfare.

Mr. Hooper asked that I be informed that the administration had agreed to withdraw—or not implement—section 2 of Reorganization Plan No. 2, dealing, among other things, with the transfer of Customs Bureau agents to the Department of the Treasury. Mr. Hooper indicated that the distinguished chairman of the Committee on Government Operations, Mr. HOLIFIELD, had favorably received this change in administration plans, and Mr. Hooper urged that I reconsider my intention to vote in favor of House Resolution 382.

Mr. Chairman, I do not know what the interest is of the Department of Health, Education, and Welfare in this matter, for to my knowledge neither Reorganization Plan No. 2 nor House Resolution 382 would affect the operation of that Department in any way. I do think it is, to say the least, rather strange that the Department of Health, Education, and Welfare should be injecting itself into this matter, and at this point think it might be appropriate to share with my colleagues—and the appropriate officials of the Department of Health, Education, and Welfare—the following language from section 1913 of title 18 of the United States Code:

> § 1913. Lobbying with appropriated moneys.
>
> No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.
>
> Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by superior officer vested with the power of removing him, shall be removed from office or employment. (June 25, 1948, ch. 645, 62 Stat. 792.)

This kind of lobbying by non-interested Departments is clearly a violation of the Code, and in view of recent events bringing into question the understanding of the present administration of the laws of this land, I would hope that the Secretary of Health, Education, and Welfare would inform himself as to the activities of his legislative staff and take steps to see that events such as this one do not reoccur.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to this resolution which would disapprove the administration's Reorganization Plan No. 2, a proposal to consolidate our anti drug abuse enforcement efforts in a single new agency.

Some of the arguments in favor of opposing the plan are valid, particularly with respect to the way in which the President handled the presentation of his proposals to Congress. It is true that a new reorganization plan could be submitted for a vote in another few months. However, I cannot vote against the plan in light of the urgent need for implementing the President's proposal as soon as possible. Even 2 months would be an unnecessary delay.

A Joint Narcotics Enforcement Task Force has been operating in New York for some time. It has been highly successful in the fight against the sale and distribution of illegal drugs and narcotics. Through its efforts numerous drug pushers have been rounded up. This reorganization plan would, in effect, apply this program on a national basis, pulling together the multitude of enforcement units now operating independently of one another.

Despite the fact that the press has chosen to contribute most of its news space to the Watergate issue, drug abuse continues to be a serious problem in our country. It is particularly serious in our grade and high schools and our colleges and universities. Increasing numbers of young people are getting involved with illegal drugs and narcotics. Heroin continues to be a major killer among the young—particularly in poverty areas.

Voting for adoption of this reorganization plan would help get the Federal enforcement machinery moving against the kingpins of the illegal narcotics business. Combined with tough enforcement of the laws in the courts, we can hope for an end to this menace to our society.

I hope that in carrying out the provisions of this reorganization plan, the President will be cautious not to drain too many people away from the enforcement of laws against the entry of illegal aliens into this country. This, too, is a serious problem that cannot be ignored. If more personnel are needed in the fight against drug abuse, I am certain that Congress will respond with sufficient funds to staff the new agency.

Mr. Chairman, I urge rejection of this resolution so the reorganization plan can be implemented with all due haste. Drug abuse is an epidemic in our land and it will take massive efforts at all levels of government if it is to be eradicated from our midst.

Mr. RANGEL. Mr. Chairman, I rise in support of the President's reorganization plan to consolidate existing Federal drug abuse law enforcement agencies into a single Drug Enforcement Administration. I was born, grew up, live in and now have the honor to represent in the Congress, Harlem. Long before the national recognition that drug abuse had reached crisis proportions, we in Harlem knew about the crisis. We were living it; it had devastated, and almost destroyed our community. Heroin, or "horse" was a reality in my community when I was a young man, I have seen it transform Harlem.

According to an extensive survey of Harlem conducted by the Small Business Chamber of Commerce in 1971, 51.2 percent of those interviewed said they had been victims of criminal assault in 1970 and 69 percent named the narcotics addict as a prime offender. In 1971 the National Institute of Mental Health estimated that there were 18,000 narcotics addicts living in a 40-block area in central Harlem. Of these, approximately 6,000 were estimated to be between the ages of 16 and 21 and 2,000 to be between 7 and 15 years of age. In 1972 the New York City Addiction Services Agency estimated that there were 40,000 narcotics addicts in all of Harlem. That is about one out of every six people.

The statistics, however, do not tell the full story. You need to walk the streets of my community to see the human cost of narcotics addiction. Walk along nearly any street from 110th Street to 155th Street in central Harlem and you will see them—curled up in doorways, nodding in front of bars, standing in the cold without enough clothes or stumbling along in a trance.

This is Harlem's great addict army. And you will probably see other, all too familiar Harlem scenes—a 15-year-old addict pursued by a woman yelling "Stop, thief"—the dope pusher who sets up shop on the corner and deals like he has a license—the junkies who have established residence in the abandoned buildings which are the legacy of urban renewal in my community—the junkie who has overdosed and is lying unconscious in an alleyway—the kid just out of his teens who is wearing $200 alligator boots with his complete "Super Fly" outfit as he steps out of his Eldorado, admired, envied, and hereto, to every kid who sees him—the once beautiful, and now zombie like soul sister who is soliciting to support her habit—the mysterious Cadillac that pulls up to a street corner at the same time every day and is immediately surrounded by a horde of desperate men, a scene that attracts the notice of everyone in the community except the local police. This is my community, Harlem, today as a result of narcotics addiction. It is also, gentlemen, your own communities, for the phenomenon of heroin addiction has not been contained in Harlem—it has spread throughout the Nation.

I give you this picture of Harlem not to educate you, because I know that you are familiar with the societal and human tragedy of narcotics addiction. I remind you of what drugs have done to Harlem and to other urban communities throughout the country to give you a picture of the size of the stake we in the black community have in finding a successful approach to effective law enforcement against the illegal heroin traffic.

I have long been concerned about the ineffectiveness of the Federal Government's drug abuse law enforcement effort. I have been aware that a large cause of this ineffectiveness has been rivalry between the Federal agencies with responsibility for drug law enforcement that has gotten in the way of effective law enforcement. The Bureau of Narcotics and Dangerous Drugs has generally been responsible for narcotics traffic investigation within the borders of the United States while the Bureau of Customs has been responsible for international investigations. This is how it was supposed to work in theory. In actual practice, however, the jurisdictional lines are not so easily placed and this, along with the very human as well as organizational proclivity toward turf rivalry, has led to intense jurisdictional disputes and rivalries which has led to ineffective law enforcement.

Jurisdictional fights have caused delays which have resulted in lost cases. There have been instances where BNDD has had some information on a narcotics traffic investigation and Customs has had some on the same case, but because agents from the two agencies were in competition to get credit for breaking it and were not talking to each other, the information was not pooled and the traffickers were not apprehended.

Both personally, as a life-long resident of the Harlem community, and professionally, as an assistant U.S. attorney, I have worked to increase the effectiveness of this effort but have been frustrated by the petty rivalries, bureaucratic jealousies and corruption which have helped permit the scourge of heroin to infect the lifeblood of my community.

In 1971, I asked the Comptroller General of the United States to investigate the problem of successful smuggling of heroin into New York City. In its report, issued in December of 1972, the General Accounting Office identified ineffective law-enforcement activity by Federal agencies as one of the basic causes for the successful flow of heroin into New York City. It further pointed to the existing jurisdictional rivalry between the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs as the primary reason for ineffective Federal law enforcement against the heroin traffic in New York.

Consolidation of Federal agencies with law enforcement responsibility over narcotics trafficking is not a new idea, or one which originated with this administration. As early as 1949 the Hoover Commission recommended the creation of a single narcotics investigating unit in the Justice Department. In 1963 the National Advisory Commission, established by President Kennedy, made a similar recommendation. By statute the Congress has consolidated in a single agency, the Special Action Office for Drug Abuse Prevention, total responsibility for the coordination of drug abuse rehabilitation and treatment programs. Reorganization Plan No. 2 proposes the same unified approach to the enforcement side of the narcotics problem.

Every law-enforcement witness who testified before the Government Operations Committees of the House and Senate on Reorganization Plan No. 2 supported the plan. The professional law-enforcement community, including the New York City Police Department, the International Association of Chiefs of Police and other law-enforcement organizations support the plan and urge its adoption. I am unaware of any opposition by professional law-enforcement people to this plan.

I am convinced from my personal experience that the present fragmentation of Federal drug law-enforcement activities in a half-dozen offices in two different departments must be replaced by an integrated, consolidated Federal approach to investigation, intelligence, strategy, and enforcement against the sophisticated international traffic in narcotics. This must be done now. We cannot wait for congressional legislation to do this for we have already waited too long. Every day of delay means continued ineffectiveness and more heroin in our communities.

I am afraid that objections to the plan based on the now resolved labor and immigration aspects and resentment arising from the way its submission has been handled by the administration have clouded and prevented discussion on the major issue—the need to create a single Federal narcotics agency to replace the present ineffective fragmented efforts.

I believe the new drug-enforcement agency is needed to increase our effectiveness in the fight against the illegal narcotics traffic. I urge you to support its creation by opposing and defeating House Resolution 382.

Ms. HOLTZMAN. Mr. Chairman, I am deeply concerned about drug addiction and the crime associated with it.

I am compelled, however, to oppose the administration's Reorganization Plan No. 2. Clearly there is a strong need to unify and coordinate our Federal anti-drug effort. The reorganization plan, however, will not achieve this. The actual control over the implementation of the plan lies not with the Justice Department and Customs officials but with the Office of Management and Budget—an agency that is not related to the fight against crime and drugs. As a result, under this reorganization proposal we do not have any way of knowing if such coordination of our anti-drug effort will be achieved. In fact, I understand legislation has already been submitted that will clean up many of the problems in the administration's scheme and will permit us to deal with our serious and crucial anti-drug effort in a manner consistent with our legislative responsibilities.

In addition, the administration's plan was developed in a great haste and by people who have since resigned from the administration under the cloud of Watergate. It is not surprising, therefore, that the plan has provisions that may affect principles of due process. We must carefully deliberate before we give the Department of Justice—which has performed so badly under this administration—such hastily thought-out new powers.

Finally, this plan permits the OMB to impound funds for the anti-drug effort—a policy I strongly oppose.

I have listened to the debate very carefully and have given this matter much thought. My concern about crime is so great that I successfully persuaded the House Judiciary Committee to adopt an amendment to the Safe Streets Act that would get Federal crime fighting funds much more quickly to localities that need it. I therefore would have been delighted to vote for a plan that would have provided for real coordination among our drug enforcement agencies and permitted us at the same time to exercise control of unbridled powers in the Justice Department. This plan would not accomplish this result, and I regrettably must oppose it.

Mr. GILMAN. Mr. Chairman, drug abuse and addiction, with all their attendant evils, scar the lives of every American.

An estimated half million heroin addicts prowl our cities and schools in seach of means to satisfy their habit. The number of drug abusers who jeopardize our lives every day remain uncounted. The need for the Federal Government to mount an effective attack is plain. That attack requires a unified effort.

The magnitude of our drug problems makes a systematic and orderly approach imperative. Therefore, I wholeheartedly support the President's efforts to consolidate our existing enforcement programs in calling for passage of Reorganization Plan No. 2.

We presently have five agencies to enforce the laws against drug abuse: The Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, the Law Enforcement Assistance Administration, and the Bureau of Customs. Each one acts independently; each conducts its own operations.

The five agencies are almost like five fingers acting without the control of the brain. It is impossible for them to accomplish much. However, if they are coordinated and act together to achieve a common purpose, the results will be far more satisfying. The five agencies must, likewise, be controlled by a single source in order to eliminate the rampant abuse of drugs.

The new Drug Enforcement Administration will be that source of control and coordination. However, we cannot allow it to become simply another layer of bureaucracy. The DEA has an awesome responsibility to free our citizens from the bondage of drugs. It must be able to effectively perform that task.

Having created the Drug Enforcement Administration, let us now use it effectively. The time has come for an all-out war on drug abuse and addiction. We must mobilize all of our resources and manpower in this important battle.

The Drug Enforcement Administration can and should be a command post in this war, using the five agencies as spearheads in the attack against drugs. We must prevent drug abuse from becoming our national albatross.

The CHAIRMAN. All time has expired.

The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 382

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 2 transmitted to Congress by the President on March 28, 1973.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Brademas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 382, expressing the disapproval of the House of Representatives of Reorganization Plan No. 2, had directed him to report the resolution back to the House with a recommendation that the resolution be agreed to.

The Clerk reported the resolution.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, for the information of the Members of the House, is it true that a vote "aye" on the resolution is a vote against Reorganization Plan No. 2, and that a vote of "no" is a vote to approve the President's reorganization plan?

The SPEAKER. In response to the parliamentary inquiry of the gentleman from Michigan (Mr. Gerald R. Ford) the Chair will state that the gentleman is correct; that a vote of "aye" on the pending resolution is a vote against Reorganization Plan No. 2, and a vote of "no" is a vote for the reorganization plan.

The question is on the resolution.

The question was taken; and the

Speaker announced that the ayes appeared to have it.

Mr. HOLIFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 130, nays 281, not voting 22, as follows:

[Roll No. 194]

YEAS—130

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Aspin
Boggs
Bolling
Brademas
Bray
Breckinridge
Brooks
Brown, Calif.
Broyhill, Va.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Casey, Tex.
Chappell
Clawson, Del
Clay
Conte
Conyers
Corman
Cronin
Culver
Davis, S.C.
de la Garza
Dellums
Denholm
Dent
Derwinski
Dingell
Donohue
Drinan
Dulski
Eckhardt
Edwards, Calif.
Eilberg
Evans, Colo.
Fish
Ford, William D.
Fountain

Fraser
Fulton
Fuqua
Gonzalez
Griffiths
Gross
Gude
Haley
Hansen, Wash.
Harrington
Hechler, W. Va.
Helstoski
Holtzman
Howard
Johnson, Calif.
Jones, Okla.
Jordan
Kastenmeier
Kazen
Kyros
Leggett
Lehman
Long, Md.
McCormack
McFall
McSpadden
Macdonald
Mahon
Matsunaga
Meeds
Melcher
Mezvinsky
Miller
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Moss
Myers
Nedzi
Obey
O'Neill
Owens
Patten
Poage

Rarick
Rees
Reuss
Riegle
Roberts
Robison, N.Y.
Rodino
Roncalio, Wyo.
Rose
Rosenthal
Roybal
Ryan
St Germain
Sarbanes
Scherle
Schroeder
Seiberling
Stanton, James V.
Stark
Steed
Stokes
Studds
Sullivan
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Waldie
White
Whitehurst
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.

NAYS—281

Abdnor
Alexander
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bowen
Brasco
Breaux
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio

Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Cotter
Coughlin
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Wis.
Delaney
Dellenback
Devine
Dickinson
Diggs
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Flood
Flowers
Flynt

Foley
Ford, Gerald R.
Forsythe
Frelinghuysen
Frenzel
Frey
Froehlich
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hawkins
Hays
Heckler, Mass.
Heinz
Henderson
Hicks
Hillis
Hinshaw
Hogan

Holifield
Holt
Horton
Hosmer
Huber
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Pa.
Jones, Ala.
Jones, Tenn.
Karth
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Landgrebe
Landrum
Latta
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McKay
McKinney
Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mayne
Mazzoli
Metcalfe
Michel
Milford
Mills, Ark.
Minish
Mitchell, N.Y.
Mizell
Montgomery

Moorhead, Calif.
Morgan
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
O'Hara
Parris
Passman
Pepper
Perkins
Pettis
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reid
Rhodes
Rinaldo
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
Sandman
Sarasin
Satterfield
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk

Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symington
Symms
Talcott
Taylor Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wyatt
Wydler
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S C.
Zablocki
Zion
Zwach

NOT VOTING—22

Ashbrook
Badillo
Carter
Cochran
Crane
Davis, Ga.
Dennis
Fisher

Hébert
Ichord
Johnson, Colo.
Jones, N.C.
McEwen
Mathis, Ga.
Minshall, Ohio
Mosher

O'Brien
Patman
Peyser
Rooney, N.Y.
Rostenkowski
Saylor

So the resolution was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ashbrook.

Mr. Rooney of New York with Mr. Peyser.

Mr. Rostenkowski with Mr. Crane.

Mr. Davis of Georgia with Mr. O'Brien.

Mr. Fisher with Mr. Carter.

Mr. Mathis of Georgia with Mr. Saylor.

Mr. Ichord with Mr. Mosher.

Mr. Badillo with Mr. Dennis.

Mr. Jones of North Carolina with Mr. Minshall of Ohio.

Mr. Patman with Mr. McEwen.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of the resolution just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON H.R. 5610, FOREIGN SERVICE BUILDINGS

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 5610) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman from Ohio intends to take some time to explain what transpired in the conference on the bill?

Mr. HAYS. I will.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 6, 1973.)

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers, which was printed in yesterday's CONGRESSIONAL RECORD, be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, the Senate amended this bill in 16 instances. We had a conference, and the Senate receded on all 16 amendments. The bill is identically the same as the bill that passed the House a few weeks ago. As I recall, there were few, if any, votes against it. It authorizes the appropriation of money for the next two years for the foreign buildings Programs.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7645, DEPARTMENT OF STATE AUTHORIZATION ACT OF 1973

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 425

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other pur-

poses, and all points of order against section 103 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 425 provides for an open rule with 1 hour of general debate on H.R. 7645, to authorize appropriations to the Department of State. All points of order against section 103 of the bill are waived for failure of the bill to comply with the provisions of clause 4, rule XXI of the Rules of the House, which prohibits appropriation language in an authorization bill.

I will say to my able friend from Iowa, Mr. GROSS, who is often interested in why we bring out rules with waivers of points of order, this is due entirely to the fact that on account of the devaluation of the dollar, in order to pay the share of contributions we have committed our country to pay for the support of the Interparliamentary Union Office in Geneva. We have to provide $18,000 more than we have previously made available. That is the reason for the waiver of points of order in this case because we provide those additional funds in this authorization bill.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I ask the gentleman, what does this waiver deal with?

What does section 103——

Mr. PEPPER. This waiver of points of order deals only with the provision in the bill providing $18,000 additional funds on account of the dollar devaluation for our contribution to the Interparliamentary Union.

Mr. GROSS. Section 103 deals with what?

Mr. PEPPER. Yes, Mr. Speaker, I will yield to the gentleman from Ohio (Mr. HAYS) for a written answer to that question.

Mr. HAYS. Mr. Speaker, section 103 deals with the American contribution to the Interparliamentary Union. The contribution is paid in Swiss francs, and because of the dollar devaluation, which Mr. Shultz keeps saying is not going to cost anybody anything, we have to have $18,000 more to buy the appropriate number of Swiss francs, compared to what we had to have before the dollar was devalued. This simply, in contravention of the rules, appropriates an additional $18,000. That is why we are asking for a waiver of a point of order in section 103.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, this is one of the leading junketing organizations, is it not?

Mr. HAYS. I would refer the answer to that question to my dear colleague from Chicago, the gentleman in the green jacket, the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, the gentleman from Florida knows that the gentleman from Ohio deals with legislation of this type, and the gentleman and I also appreciate the fact that the gentleman from Illinois always looks after the best interests of the Treasury and of the taxpayers, and he certainly would not be supporting this item unless he thought it was in the national interest.

Mr. GROSS. Well, Mr. Speaker, if the gentleman will yield, I am not too sure about that.

Mr. Speaker, will the gentleman yield further?

Mr. PEPPER. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, if I remember correctly, when I first came to Congress, the appropriation for this junketing organization was about $30,000 a year, and now the amount representing the adjustment in the devaluation of the dollar is many times that amount. That is evidenced by the bill.

Mr. PEPPER. Mr. Speaker, I will reply to my able friend, the gentleman from Iowa (Mr. GROSS) that my understanding is that this is not to pay the traveling expenses of Members of Congress who go to the meetings of the Interparliamentary Union in other parts of the world at different times. This is our share of the agreed contributions to the Interparliamentary Organization located in Switzerland.

Mr. GROSS. But, if the gentleman will yield, if there was no headquarters of the outfit some place, there would not be so much junketing, would there?

Mr. PEPPER. I believe that is logical. If there were no such organization, there would not be anything to which to go.

Mr. DERWINSKI. Mr. Speaker, will the gentleman from Florida (Mr. PEPPER) yield for a comment so that I will not have to take the time to state it in general debate?

Mr. PEPPER. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I will just advise the gentleman from Florida (Mr. PEPPER) and the gentleman from Iowa (Mr. GROSS) that unlike our participation in the U.N. where we have a contribution of what is now 25 percent, which was previously much higher, our contribution to the Interparliamentary Union is only 15 percent, and by anybody's calculation that becomes a bargain.

Mr. GROSS. Mr. Speaker, will the gentleman from Florida (Mr. PEPPER) yield?

Mr. PEPPER. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not know of any greater authority on the U.N. than the former Ambassador, our colleague, the gentleman from Illinois (Mr. DERWINSKI).

Mr. PEPPER. Mr. Speaker, I will finish my statement. House Resolution 7645 authorizes a total appropriation in the amount of $687,432,000. That is the total cost of the bill. Some of the highlights of the authorizations are as follows:

A total appropriation of $282 million for the administration of foreign affairs, including salary and expense payments of the officers of the Department of State; $59,800,000 for the Education Exchange program; $50 million for security provisions to provide greater protection for personnel abroad; $12,307,000 to offset increased costs abroad resulting from the devaluation of the U.S. dollar; and $1,165,000 for the establishment of a liaison office in the People's Republic of China.

Mr. LATTA. Mr. Speaker, I think the gentleman from Florida has adequately covered the provisions of this rule and has outlined very accurately the amount of money that is authorized, $687,432,000. It makes it a little noncontroversial that we have waived all points of order, and that has already been explained.

Mr. Speaker, House Resolution 425 provides for the consideration of H.R. 7645, the Department of State Appropriations Authorization Act of 1973, which is scheduled to be considered today. House Resolution 425 is an open rule with 1 hour of general debate. In addition, the rule waives points of order against section 103 for failure to comply with clause 4, rule XXI, dealing with appropriations in a legislative bill.

The primary purpose of H.R. 7645 is to authorize appropriations for the Department of State, for fiscal year 1974.

The total recommended authorization in this bill is $687,432,000. Major categories include:

Administration of foreign affairs, $282,565,000. This figure covers funds for the salaries, expenses, and allowances of the officers and employees of the Department, both in the United States and abroad.

$211,279,000 to defray the assessments of the United States in international organizations and to pay the costs of U.S. participation in international conferences—includes United Nations, SEATO, NATO, et cetera. During hearings last year the subcommittee stated they expected a reduction from 31.52 to 25 percent in the U.S. assessment for the U.N. The Assistant Secretary of State stated this year in testimony that the Administration expects to meet that request.

$15,568,000 is authorized for international commissions that deal with U.S. boundaries with Mexico and Canada. These funds will permit the United States to fulfill its treaty and other international obligations.

$59,800,000 is authorized appropriations for "educational exchange." This includes educational and cultural exchange programs, grants, fellowships, and scholarships.

There is also an authorization for $8,800,000 to provide assistance to migrants and refugees, both on a multilateral basis through contributions to organizations, and on a unilateral basis through assistance to refugees designated by the President. This amount also includes a contribution to the International Committee of the Red Cross.

$9,328,000 is authorized to cover salaries and related costs resulting from the pay increase effective January 1, 1973.

To offset increased costs abroad resulting from the dollar devaluation, there is an authorization of $12,307,000.

There is also an authorization of $1,165,000 for the establishment of a liaison office in the People's Republic of China.

For security, there is a $50,000,000 amount to permit the Department to strengthen its facilities to combat acts of terrorism and provide protection for personnel abroad. This is needed because of recent kidnapings et cetera.

$36,500,000 is provided to furnish assistance for the resettlement of Soviet-Jewish refugees in Israel.

$120,000 is authorized for the U.S. participation in the Interparliamentary Union.

The bill also includes a section that requires a nominee for an ambassadorship who is not a career officer of the Foreign Service or who is given the rank of ambassador for a temporary mission to file a verified report of his campaign contributions as well as those of his immediate family covering 4 calendar years preceding his nomination.

Mr. Speaker, I urge the adoption of the rule.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7446, ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules and on behalf of the distinguished gentleman from New York, Mr. DELANEY, I call up House Resolution 424 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 424

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, and all points of order against section 12 of said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 424 provides for an open rule with 1 hour of general debate on H.R. 7446, a bill to establish the American Revolution Bicentennial Administration.

All points of order against section 12 of the bill for failure to comply with the provisions of clause 4, rule XXI, of the Rules of the House of Representatives, which prohibits appropriations language in an authorization bill, are waived.

The American Revolution Bicentennial Administration will be a temporary, independent agency and will be headed by a fulltime, paid administrator. It will assume the functions of the present American Revolution Bicentennial Commission.

H.R. 7446 also provides for an 11 member policymaking American Revolution Bicentennial Board, and a 25 member Advisory Council.

The cost of the bill is estimated at $7,100,000 for fiscal year 1974. Costs projections may be found on page 8 of the report.

Mr. Speaker, I urge adoption of House Resolution 424 in order that we may discuss and debate H.R. 7446.

Mr. Speaker, I will say to my distinguished friend from Iowa, who is always interested in the proposed waiver of points of order, that the reason for the waiver in this case is that on page 15, section 12, of the bill it is provided:

> Except for members of the Commission, the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed.

In other words, previously made available to the existing Revolution Commission are to be made available to this new administration, and since that is dealing with unexpended appropriation balances, that would be technically a breach of the rules without a waiver of points of order.

Mr. GROSS. Will the gentleman yield?

Mr. PEPPER. I am glad to yield.

Mr. GROSS. Did the Committee on Rules in its consideration of the bill and in justification of a rule ascertain how much has already been expended on the bicentennial promotion and the balance left in the fund that makes the waiver of points of order necessary?

Mr. PEPPER. Mr. Speaker, if the gentleman from Iowa will permit me to yield to the gentleman from Massachusetts (Mr. DONOHUE) I believe that the gentleman can give us those figures. It is a small amount.

Mr. DONOHUE. Mr. Speaker, if the gentleman will yield, through 1973 $11,541,000 was spent. Of that amount, $4,800,000 was granted to the 50 States for planning purposes.

Mr. GROSS. $11 million has already been spent—$11 million plus?

Mr. DONOHUE. Through fiscal year 1973.

Mr. GROSS. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 424, which we will consider today, is the rule on H.R. 7446, establishing the American Revolution Bicentennial Administration. The rule is an open rule with 1 hour of general debate. It also contains a provision which waives points of order against section 12 for failure to comply with clause 4, rule XXI, which deals with transfer of funds.

The primary purpose of H.R. 7446 is to establish the American Revolution Bicentennial Administration, which would be a temporary, independent, Government agency headed by a full-time, paid Administrator.

The American Revolution Bicentennial Administration provided for in this bill would assume the functions and responsibilities of the present American Revolution Bicentennial Commission. This is being done on the theory that a unified organizational entity can better meet the pressing demands of accelerated decisionmaking which will be necessary in the next 3 years. The Chairman and the Vice Chairman of the Commission support this recommendation.

This bill also provides for the creation of an 11 member American Revolution Bicentennial Board to make policy for the Administration. The Board is to consist of the Administrator, two House Members, two Senate Members, Chairman and Vice Chairman of the Council, the Secretary of the Interior, and three people appointed by the President from officers or staff of State bicentennial commissions. A 25-member American Revolution Bicentennial Advisory Council would also be created. The council members would be appointed by the President from private life.

The cost of this bill is estimated at $7,100,000 for fiscal year 1974, the amount which the Commission had expected to spend.

Mr. Speaker, I urge the adoption of this rule.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF STATE AUTHORIZATION ACT OF 1973

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7645, with Mr. ECKHARDT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Ohio (Mr. HAYS) will be recognized for 30 minutes, and the gentleman from Wisconsin (Mr. THOMSON), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 7645 authorizes appropriations for the Department of State for fiscal year 1974. As presented to the Congress in an executive communication, the draft legislation would have provided an open-ended authorization for fiscal year 1975. The subcommittee rejected the request for an unspecified amount for a second year. What we have recommended is a specific sum for 1 year.

In the hearings before the subcommittee we took testimony from a principal officer from each of the several geographic and functional bureaus in the Department. Our concern was not only on the sums requested by each of these bureaus but also upon aspects of our foreign policy for which they are primarily responsible.

Each of the witnesses submitted for the record a breakdown of the costs of operation of his bureau and the reasons for any increase that may have been presented. We have incorporated these in the hearings so that Members of the House will have a better idea of the use of the funds requested.

For the usual range of departmental functions, we recommended an authorization of $578,012,000, an increase of about $48,000,000 over last year's appropriation for these same activities.

Members will recall that last year, when I presented this bill, I reported that the committee, by a very narrow vote, had defeated my proposal to reduce the United States share for the support of the United Nations. Although I lost that round, I think the record will show that the subcommittee drove home the point that we were going to get tough on this one. This year we pursued the matter again. I am happy to report it is expected that in 1974 our share will fall from 31.25 percent to 25 percent. This percentage, incidentally, is in line with the recommendations of the Lodge Commission that studied the subject in great detail. Further, we were told that our share of the costs of the various specialized agencies would be reduced in the next few years. It was estimated that if the United States is successful in its purpose, there would be a saving of about $26 million, based upon current assessments.

Perhaps I should make one further point about our payments for participation in international organizations. The sum of $211,279,000 recommended by the committee is just about half of our total contributions to these organizations. The reason is that many of them are funded under other authorizations, principally the Foreign Assistance Act. I am not certain that all these international organizations are necessary. Perhaps at the time of their establishment they could be justified. Like so much in the bureaucratic world, they have their own life cycle that assures not only their survival but their growth. I think it is about time for Congress to give closer attention to them.

The basic budget for Government agencies is prepared in the fall of each year. In the interval between that preparation and consideration by the Congress contingencies do arise. That is what happened with the State Department request. The Department sought to meet this situation by requesting an open-ended authorization. We turned them down on that and made the Department come in with specific sums. Four items are included in this bill to meet these contingencies.

The first, section 101(b)(1), will cover salary increases that became effective on January 1 of this year. The second, section 101(b)(2), is to meet increased costs abroad resulting from the devaluation of the dollar early this year. The third, section 101(b)(3), is to finance the cost of establishing a liaison office in China. The fourth, section 101(c), is for the cost of additional security measures abroad to minimize the danger of violence to our personnel and facilities. The total authorization recommended for these four contingency items is $72,800,000.

The gentleman from New York (Mr. BINGHAM) appeared before my subcommittee to ask for the inclusion of $36,500,000 to continue the program of assisting Soviet Jewish refugees in Israel. Last year Congress appropriated $50,000,000, of which $45,000,000 went for this program.

Over the last decade or more there has been a notable tendency to award contributors to political candidates with an ambassadorship. This demeans that office. Foreign governments have a right to wonder about the importance we attach to our representation. As the committee report notes, there have been and are individuals drawn from private life to serve as ambassadors who have done so with distinction to themselves and to the country. But there have been and are others whose qualifications are open to serious question.

Section 106 is an attempt to deal with this problem. We discussed several different approaches before agreeing on the language in that section. Let me say that it is not a penal provision in that it carries a fine or other penalty for having given to political candidates. It is intended to be simply a complete and accurate reporting requirement. It is drafted so that it will always include contributions to a Presidential campaign. The verified report that it requires be submitted to the House and the Senate should bring together in one document the contributions made by the appointee and his immediate family as defined in this bill from the date of his nomination through the four preceding calendar years. We use the term "contribution" as it is used in the Federal Election Campaign Act of 1971 and which is reprinted in our report.

I do not want to exaggerate the effect of this provision should it find its way into law. It will not bar heavy contributors from an ambassadorship, but it should be possible to relate better their contribution with their ability. Hopefully, the Senate which must pass on these nominations would have a more complete body of information before it to make a judgment on the nominee.

Mr. Chairman. I ask the Members to support H.R. 7645.

I yield to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support passage of H.R. 7645.

This legislation would authorize appropriations for the operation of the U.S. Department of State for the fiscal year 1974.

An authorization of $687,432,000 is recommended for the agency. The money would be spent for the direction and conduct of the Department's operations, including the conduct of diplomatic relations with other countries.

As noted in the committee report, the authorization would provide funds for U.S. assessments in international organizations and U.S. participation in international commissions that deal with U.S. boundaries with Mexico and with Canada.

In addition, the legislation authorizes an appropriation of $50 million to enable the Department of State to strengthen its facilities to combat terrorism and provide greater protection for personnel abroad. In view of various tragedies—most recently in the Sudan—these additional funds are obviously needed.

The subcommittee under the leadership of Chairman HAYS has carefully scrutinized this authorization request as has the full committee, and I urge its approval.

Mr. Chairman, I have no further request for time.

Mr. HAYS. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of State Appropriations Authorization Act of 1973".

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1974, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $282,565,000;

(2) for "International Organizations and Conferences", $211,279,000;

(3) for "International Commissions", $15,568,000;

(4) for "Educational Exchange", $59,800,000;

(5) for "Migration and Refugee Assistance", $8,800,000.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated for the Department of State for the fiscal year 1974 the following additional or supplemental amounts:

(1) not to exceed $9,328,000 for increases in salary, pay, retirement, or other employee benefits authorized by law;

(2) not to exceed $12,307,000 for additional overseas costs resulting from the devaluation of the dollar; and

(3) not to exceed $1,165,000 for the establishment of a liaison office in the People's Republic of China.

(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Department of State $50,000,000 for protection of personnel and facilities from threats or acts of terrorism.

(d) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Secretary of State for the fiscal year 1974 not to exceed $36,500,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, relating to Russian refugee assistance.

(e) Appropriations made under subsections (a), (b), and (c) of this section are authorized to remain available until expended.

TRANSFER OF APPROPRIATION AUTHORIZATION

SEC. 102. Any unappropriated portion of the amount authorized to be appropriated for the fiscal year 1974 under any of the paragraphs (1) through (5) of section 101(a) of this Act may be appropriated, in addition to the amount otherwise authorized for such fiscal year, under any of the other paragraphs in that section; except that the aggregate of amounts appropriated under any such paragraph shall not exceed by more than 10 per centum the amount authorized by such paragraph for such fiscal year.

USE OF FOREIGN CURRENCY

SEC. 103. Subsection (b) of section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1954) is amended—

(1) by striking out "$50" in the first sentence of such subsection and inserting in lieu thereof "$75"; and

(2) by striking out "published in the Congressional Record" in the last sentence of such subsection and inserting in lieu thereof "available for public inspection".

AMBASSADORS AND MINISTERS

SEC. 104. From and after the date of enactment of this Act, each person appointed by the President as ambassador or minister shall, at the time of his nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such person and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination, which report shall be verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. The preceding sentence shall not apply with respect to any person who, during the three-year period ending on the date of his nomination, has performed continuous and satisfactory service as an officer or employee in the Foreign Service of the United States under the provisions of the Foreign Service Act of 1946, or in any case in which the personal rank of ambassador or minister is conferred by the President in connection with special missions for the President of a limited and temporary nature of not exceeding six months. As used in this section, the term "contribution" has the same meaning given such term by section 301(e) of the Federal Election Campaign Act of 1971, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them.

Mr. HAYS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 2, paragraph 2, lines 16 and 17, as being in violation of the law and therefore not authorized.

Mr. Chairman, section 286(c), title 22, United States Code, which is derived from section 5 of the Bretton Woods Agreement Act, provides as follows:

> Unless Congress by law authorizes such action neither the President nor any person or agency shall on behalf of the United States propose or agree to any change in the par value of the United States dollar.

Mr. Chairman, I repeat "propose or agree to any change." Mr. Chairman, reading from the report accompanying this bill on page 6:

> Paragraph (2) authorizes an appropriation not to exceed $12,307,000 to offset increased costs abroad resulting from the dollar devaluation . . .

Mr. Chairman, I ask that my point of order be sustained on the ground that the purpose of this specific authorization is the result of a change in the par value of the dollar which has not been validated.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. HAYS. I do.

Mr. Chairman, I recall a previous ruling in which the Chair at one time ruled that the question of the constitutionality did not have any bearing on the point of order if the language were properly included in the bill and were not on an amendment subject to a point of order.

This is an amount of money put in at the request of the State Department. It has nothing to do with any possible action by the Banking and Currency Committee one way or the other.

Whether we like it or not, whether there has been any congressional action or not, in order to carry on the normal operations at the present time, it is going to require $12 million more to purchase the foreign currency necessary than it would have.

This is not a devaluation by an act of Congress. This is a pragmatic recognition of the loss of value of the dollar. And when the State Department buys foreign currency with which to pay its bills, it has to pay this much additional. By the time this becomes enacted into law, if the present policies continue, it may cost a great deal more than this.

So, it has nothing to do with any action of Congress or any law.

Mr. GROSS. Mr. Chairman, may I be heard further, briefly?

I point out to the Chair that no legislation has been approved by Congress and signed by the President changing the par value of the dollar.

Mr. HAYS. Mr. Chairman, may I be heard further?

The action of the Congerss and the President has nothing to do with the purchase of foreign currency. When we go to buy it, we do not set the rate of exchange. The President of the United States and the Secretary of the Treasury have allowed the dollar to float, and it did not float; it sunk.

Therefore, this is a pragmatic situation. We have to pay what the market price is. Under a float, there is no fixed currency exchange rate. This has nothing to do in any way with any action of Congress.

The CHAIRMAN (Mr. ECKHARDT). The Chair is ready to rule.

The bill provides an authorization for an appropriation for expenses of the Department of State overseas. The expenditures are merely referred to as resulting from the devaluation of the dollar and do not bring about that devaluation. The language in the bill simply authorizes expenses of the Department of State, and is in order in a bill of this type.

All the Chair can do is interpret the rules of the House. There is no rule of the House called in controversy here.

The Chair overrules the point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the bill be considered as read, printed in the RECORD, and open to amendment at any point?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 3, immediately after line 21, insert the following:

INTERPARLIAMENTARY UNION

SEC. 103. The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union," approved June 28, 1935 (22 U.S.C. 276), is amended—

(1) by striking out "$102,000" and inserting in lieu thereof "$120,000";

(2) by striking out "$57,000" and inserting in lieu thereof "$75,000".

STUDY COMMISSION RELATING TO FOREIGN POLICY

SEC. 104. Section 603(b) of the Foreign Relations Authorization Act of 1972, relating to the reporting date for the Commission on the Organization of the Government for the Conduct of Foreign Policy, is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

Page 4, line 15, strike out "SEC. 103." and insert in lieu thereof "SEC. 105.".

Page 4, line 16, strike out "1954" and insert in lieu thereof "1754".

Page 4, line 24, strike out "SEC. 104." and insert in lieu thereof "SEC. 106.".

The committee amendments were agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2, line 4, strike out "$211,279,000" and substitute "$199,787,000".

Mr. GROSS. Mr. Chairman, this is one of several amendments I will offer. I am sure they will all be defeated, but I am going to offer them and if anyone wants to do something about them by way of support I will be appreciative. I would be less than faithful to myself if I did not offer amendments to this bill because it is, while not the worst bill that has come before the House, bad enough.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I thought perhaps I could make some kind of friendly little deal with the gentleman.

Someone asked me a short time ago how we got the Senate to recede on its 16 amendments on the pending bill. I just took a page out of George Allen's book and traded them two future draft choices on some other bill for these.

I thought maybe I could trade the gentleman a draft choice or two for this amendment.

Mr. GROSS. I am afraid I am not as easily influenced as some of the Members of the other body may be, especially on a subject of this kind.

This authorization is for $211,279,000 for the United Nations. There may be some other organizations financed from these funds. It is hard to tell in these lump-sum appropriations just who gets what, but the United Nations will get the bulk of it, I believe.

Incidentally, it is my understanding that Russia is $105 million in arrears in its obligations to the United Nations, the largest debtor to the total of $170 million.

Red China already owes $480,000. They have only gotten their chairs warm in the United Nations but they already owe $480,000.

My amendment would simply bring this bill down to the administration request that I understand was made to the Appropriations Committee for $199,787,000. The amendment would thereby save about $11.5 million.

That is the sum and substance of what the amendment will do. I believe the international organizations, and particularly the Tower of Babel otherwise known as the United Nations, can take a cut of $11.5 million. So far as I am concerned, we could end our contribution to it altogether, and urge it to move out of the country.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. HAYS. I do not quite understand the gentleman's statement that they only asked the Appropriations Committee for $199 million.

Mr. GROSS. I said that was my understanding.

Mr. HAYS. I know what they asked of this committee, and I know they detailed it.

Of course, the whole $211 million is not for the United Nations. There are many other international organizations involved.

Mr. GROSS. Yes.

Mr. HAYS. I find myself in a rather anomalous position, trying to defend the gentleman's administration from the gentleman, but that is the way we heard the explanation and that is what we are trying to do, to give them an amount of money which they say they can operate on.

Whatever justifications they make to the Appropriations Committee, or whatever amounts they ask, and it may well be they asked for $199 million for certain categories, there is more money in this than for the U.N. There are some sums for international conferences and contingencies.

As the gentleman knows, all sorts of conferences come up all the time, like the one last week in Reykjavik, Iceland. We cannot flatly cut those out and say, "You cannot have them." It might be very important to have them.

That is why the amount is what it is. I would oppose the gentleman's amendment.

Mr. GROSS. First let me say in response to the gentleman I am sure the gentleman from Ohio shares some concern for what he calls my administration.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. I wish these lump-sum appropriations were spelled out, so that we in the House could get at them and know specifically who is getting what. I thought I said when I started that there might be other international organizations that got something out of this, but I am sure the United Nations gets the lion's share.

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would not want this debate to show that the United Nations gets most of this money. As a matter of fact, in this item in this authorization, the United Nations gets less than 24 percent of it.

Much of it goes for such things as the World Health Organization. The World Health Organization, the Food and Agriculture Organization, the International Atomic Energy Agency, the Pan American Health Organization, the Organization of American States, and the North Atlantic Treaty Organization are among those that are participating in this item in this particular bill.

Mr. Chairman, it is all detailed in the presentation that was made to the subcommittee. It is available to all the members of the Committee and to the Congress, and although it is a lump sum appropriation, it is all accompanied by a line item and spelled out in line items in the presentation that was made to this Committee.

Now, this House and the subcommittee of the Committee on Foreign Affairs have been very concerned about the contribution that this country has been making to the United Nations, and as the chairman of the committee, the gentleman from Ohio (Mr. HAYS) has pointed out, we were assured that the contribution from America, from this country, to the United Nations would be reduced next year from the 31 percent we are now paying to 25 percent. So we are making some progress even in the contributions to the United Nations, and I believe these authorizations are well justified. They have been established before our committee, and I would hope that this amendment to cut a small part out of it would be defeated.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman from Wisconsin (Mr. THOMSON) yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Chairman, since this is roughly a mere cut of 5 percent I rise in support of the amendment of the gentleman from Iowa. Since we are cutting many of our domestic programs at present—and I assume the gentleman from Wisconsin supports most of the President's efforts to economize, and since the gentleman from Iowa is suggesting a responsible cut and since we have asked the American people to tighten their belts in other programs, is it really going to do great damage to all these international institutions if we only effect a cut of 5 percent?

Mr. THOMSON of Wisconsin. Mr. Chairman, I think the amount that is requested here has all been justified and is in the President's budget, with the exception of $50 million for protection against terrorism and the $30 million that was added later, to assist in resettlement of Jewish emigrants from Russia.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield to me?

Mr. THOMSON of Wisconsin. I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, is it not true that the lion's share of this dollar figure is for assessments to international organizations? As I understand it, there is no way by which assessments that a country has agreed to can be unilaterally reduced without very disastrous consequences. This is not simply a question of the level of spending we wish to maintain and one that we may, therefore, cut, even if we want to cut it back as much as that.

Mr. THOMSON of Wisconsin. That is correct.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman yielding to me.

Is it not true there are many of the other participating nations that do not always come through with their assessments, and that the United States has ended in the past to be the major supporter of most of the programs. We really are not asking for a huge cut; this is only a small cut.

The gentleman from Iowa (Mr. GROSS) is on the Committee on Foreign Affairs and has listened very intently and carefully, to all of the deliberations of the committee on this subject, it really is not too unreasonable to ask for a 5-percent cut like this. The amendment deserves support.

Is it unreasonable, I will ask my colleague, the gentleman from Wisconsin (Mr. THOMSON)?

Mr. THOMSON of Wisconsin. Well, I am opposing it. I think it is unreasonable.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I agree with the gentleman. It seems to me also that the fact that there are some nations which are delinquent in their assessments to the United Nations should not constitute a precedent that we should desire to emulate, which is basically what the gentleman from California and the gentleman from Iowa seem to be suggesting.

If there is an organization like the World Health Organization and we agreed to support it at a certain level, I think we would have a very chaotic situation if we should unilaterally be obliged to reduce our assistance by 5, 10, or 15 percent, whatever the amount would be. The situation does not lend itself to that procedure, and the fact that there may be some delinquency with respect to some of these organizations should not be a precedent.

Mr. HAYS. Mr. Chairman, will the gentleman yield to me?

Mr. THOMSON of Wisconsin. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I would like to make two points.

I do not always follow everything the President has said, but in his attempted explanation on April 30, he said, "Two wrongs do not make a right." So I think that disposes of the argument.

More seriously, let me say to this House that if the Members are really interested in some cuts, do not attack these items where we have fixed contributions, but look at the foreign aid bill; and I will have an amendment to every section of that, not a little cut, but a big cut.

Mr. Chairman, I rise in opposition to the amendment.

Just let me give you one example. We had a $10-billion plus deficit in foreign trade last year, which affected our balance of payments and affected the dollar's value on foreign markets. But at the same time we had a $10 billion plus. We made a cash contribution to Ghana to help them with their foreign trade deficit. Now, if you really want to get into an area where you can save some substantial money, just let us give the State Department some money to operate with.

I have some confidence in Bill Rogers and told him the other day at the hearing:

> You know, you stand head and shoulders above everybody in that Cabinet down there.

I said:

> Of course, that may be faint praise, really, when you look at the others.

He said:

> Well, at this point I am willing to take any praise I can get.

And I want to give him a little bit. I think he is doing a good job under the circumstances; I have confidence in him. I do not think he asks for any more money than he needs. I cannot say the same about all the Cabinet officers, but I can say that about this one.

Mr. ROUSSELOT. I do not believe there are many. But I would be more than happy to assist the gentleman in his efforts to cut the entire foreign aid program.

Mr. HAYS. I will say to the gentleman if he has any influence among his colleagues, he should use it, because I think we can really cut that one good.

You did not let me finish about Ghana. We have had considerable testimony about foreign aid. Yesterday we had a fellow telling us about what a great country Ghana was and how much it needed the money. I asked him if he knew how much they had in the till when the British cut loose. He did not have the information, so I supplied it. It was 500 million pounds, about $1¼ billion. They got rid of all of it, and now we are helping them with their balance of payments deficit.

Mr. ROUSSELOT. Will the gentleman yield further?

Mr. HAYS. I yield to the gentleman.

Mr. ROUSSELOT. All I was trying to inject a little further here is that I really do not believe the gentleman from Iowa's suggestion for a cut here is a great deal. It would be in compliance. I feel, with the follow-up of what the gentleman from Ohio's feelings are on the foreign aid program. This is another form of foreign aid on this type of thing.

Mr. HAYS. I cannot let the statement stand that this is another type of foreign aid. We make a contribution to these organizations. If we do not want to make a contribution, then we ought not to belong to them. By treaty or legislation we become members of these organizations. Every one of these organizations has Americans on the staff. If we do not want to belong to these organizations, we ought to get out. But that is a different subject. If we do belong, we ought to pay our dues. It is just that simple.

Mr. SEIBERLING. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. SEIBERLING. Is it not also correct some of these organizations do work which in the absence of the organization the United States would have to do itself and not be able to do as effectively? I am thinking, for example, of the International Atomic Energy Agency, which, as I understand it, has among its responsibilities helping to assist the surreptitious diversion of fissionable materials around the world which others used to create a real threat to this country. Is that not correct?

Mr. HAYS. The gentleman is eminently correct.

I do not want to go over this whole list laid out here, but let me pick out just one—the International Bureau for the Protection of Intellectual Property.

You might think it does not amount to anything, but that is the bureau that finally got the Russians to recognize American literary copyrights, and they have been working a long time on them. We only pay $23,000 a year to that, but it is doing valuable work and far out of proportion, in my judgment, to the amount of money we put into it.

These are the kinds of things you are saying we should cut. Every other country that belongs to it puts money in, and in many cases—and I think especially in the case of the United Nations—you can make an argument our share is too high, but in many others we are cutting it down.

For example, in NATO, which is only a 15-nation organization, in the infrastructure, the running of it, we only put in 24.1 percent, and that is only 15 members. That is a lot less than we put in the U.N. In fact, it is 7 percent less, and it has 132 members. So it is up to the people who serve in these to cut our percentage down.

Mr. GROSS. If the gentleman will yield further, I am awaiting with great anticipation consideration on the House floor of the foreign aid authorization bill.

Mr. HAYS. That is what I am trying to trade you for; to trade a couple of future draft choices so the gentleman will let me get this one past, and I will join forces with the gentleman from Iowa.

Mr. GROSS. I want to support the gentleman in that effort, and I may well add to the cuts he is promising in the foreign handout bill. But I see no reason why some of these other bills cannot take a cut here and there.

Mr. HAYS. When the gentleman sees how much I want to cut from the foreign aid bill the gentleman may be ashamed of this proposed cut.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Iowa (Mr. GROSS).

Mr. Chairman, I support the amendment, I welcome the statement of the distinguished gentleman from Ohio that he will seek to give us cuts in the foreign aid bill. And I applaud the gentleman's commendation for Secretary of State Rogers. I, too, feel that Secretary of State Rogers is one of the better Secretaries of State. I know that he is a very conscientious, and hard-working gentleman. My disappointment is that there have not been cuts in this bill in the area of international organizations and U.N. payments. I think the time to start is now.

Mr. Chairman, for years the United States has made a topheavy contribution to the operating costs of the U.N. and world organizations. We have paid much more than anybody else. We agreed to pay 31 percent. No other nation has come close to this amount. Many failed to pay the modest amounts they had agreed to assume. Our 31 percent direct contribution was not the end of our payments to the U.N. Through additional loans and grants we sometimes paid as much as 40 percent. Two years ago the Congress insisted that our share of the cost of the U.N. be reduced to 25 percent in direct payments. Last year after extended discussions, the U.N. very reluctanctly agreed.

I want to call attention to the fact we still are paying 31 percent and there will be loans and grants in addition. Actually the amount of our payment has gone steadily upward. Not until next year do we benefit from the 25 percent payment rate. At that time the U.N. budget committee meets to draw new assessment figures. Unfortunately, if history repeats itself, 25 percent in fiscal year 1975 will be about as high as 31 percent in fiscal year 1974 in actual dollars. The U.N. is a free-spending organization.

There is no rhyme nor reason to continue the topheavy payments which the United States makes to the U.N. and to world organizations. Except in the very rare instances when we have exercised the veto power, we have in recent years had little influence in the decisions of the U.N. It has been but a short time since our friend, the Republic of China, was kicked out of that organization and Red China, a nation which had been very hostile to us, was seated instead, despite our objections. This is only one instance. At 25 percent we will be paying about three times as much as our share on a per capita basis.

I hope this amendment will carry. It will serve to demonstrate our intention to achieve reductions in our payments to world organizations.

In addition, it is time now to make plans for further reduction in the contributions of the United States to the U.N. The new 25-percent figure becomes effective next year. We should serve notice not later than next year that we will insist on a further cut to 20 percent. We do not have the money to hand out in the generous manner which characterized our former actions. We are broke, in debt, overtaxed. Our dollar is skidding all over the world. Let us begin to use a little more commonsense and keep more dollars at home.

I urge the Committee on Foreign Affairs to take the lead in demanding a further reduction in our payments to the U.N. It is properly within their jurisdiction to do so. I would hope there will be positive leadership from the administration on this matter. Let us not wait and waste U.S. dollars unnecessarily.

Fiscal restraints have resulted in the impoundment of funds for farmers, cities, schools, roads, health care, and a wide range of activities the people of our own country depend upon. But even as these funds lie fallow in the fiscal deep freeze, we continue to pour unjustified amounts into the U.N., a moribund organization where enemies flail us on our own shores. It will be hard even for the most determined supporters of the U.N. to justify this situation to the American taxpayer. Let us try to correct it.

So, Mr. Chairman, I respectfully suggest that if we want to make reductions, this is a good place to begin.

Now, Mr. Chairman, I yield to the gentleman from Ohio (Mr. HAYS) whom I respect very much.

Mr. HAYS. I thank the gentleman from Florida for yielding to me, and I, too, respect the gentleman from Florida. But I think that when the gentleman says that we do not have any money to throw around that the gentleman must have forgotten about the Lockheed bailout.

Mr. SIKES. I did not know that Lockheed was involved in this bill. However I voted against it.

Mr. HAYS. That is correct, but we threw the money around.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. GROSS).

Mr. Chairman, I too am impressed by the statement made by the gentleman from Florida that we do not have a lot of money to throw around. I hope that when the defense appropriation bill hits the gentleman's committee the gentleman will apply that same philosophy to the overbloated, overextended, overrun defense budget, which is the single biggest item and the most wasteful item in our entire Federal budget.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 29, noes 41.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 2, strike all of lines 16 and 17.

Mr. GROSS. Mr. Chairman, I offer this amendment because, first of all, there is no lawful authority for the authorization for an appropriation of $12,307,000 for this purpose. As stated in the bill, this is for the purpose of taking care of the shortfall due to the devaluation of the dollar. I know of no legislation pending and, I know of no effort on the part of any committee in Congress, to provide that the citizens of this country, whose dollars have been equally devalued, are going to get any kind of an adjustment in any way, shape, form, or manner. We are in the trouble that we are in—and this expenditure is here proposed—because this Government has stupidly and foolishly spent far beyond its means through this process and others. That is the reason for wild inflation and why we have had devaluations of the dollar. Charity, as far as I am concerned, begins here at home. And the sad part of it is that this is but a small part of the money this Government is going to ship abroad to take care of the devaluation of the dollar.

I say to the Members that adoption of the amendment is the least we can do as far as the taxpayers of this country are concerned, that is, to chop out this $12,307,000 and give them a break. Just once in awhile let us give them a break instead of funneling more money overseas to further devalue the dollar. That is what this kind of business means.

Mr. HAYS. Mr. Chairman, I rise to oppose the gentleman's amendment. I hate to defend this administration when he says they are stupid. I feel that maybe he is right about that, but, nevertheless, he said the stupid actions of this administration; did he not?

Mr. GROSS. No, I did not say the administration. Congress can take its share of the blame.

Mr. HAYS. All right. I do not take much share for the devaluation of the dollar, but it is not as simple as the gentleman says. It is not going to save anybody here anything. We are sending these people overseas to work for the State Department. I have been as big a critic of them, probably, as anybody in this House from time to time, and I think they need criticism. But what we are asking them to do is to go over there and take a pay cut in a rising, inflated market, where they have to buy groceries, and other necessities. This is one of the fruits of devaluation.

The gentleman is exactly right, but I do not think we ought to take it out on the employees of the State Department.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I just want to say that I agree with the gentleman completely. In the supplemental bill we took care of some of the devaluation. That is pending now in Congress. The gentleman states it exactly correct. We have a large number of fine citizens who are representing us overseas. The gentleman has met as many of them as I have. They have their families there; they move every 2 or 3 years, whatever it might be. They are, I think, rendering a great service, and to put them to an additional hardship because of this, and not recognize this devaluation that has taken place, and to make them take a pay cut, as the gentleman has stated, I think, is absolutely unreasonable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

Mr. RARICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to propound a question to the chairman of the committee, the gentleman from Ohio (Mr. HAYS). I would ask if there are any funds contained in this authorization for the aid or reconstruction of the Democratic Republic of Vietnam—North Vietnam?

Mr. HAYS. I make the gentleman the categorical answer: There are none.

Mr. RARICK. Mr. Chairman, I thank the gentleman very much.

AMENDMENT OFFERED BY MR. RARICK

Mr. RARICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RARICK: Page 5, after line 20, add:

SEC. 107. No funds authorized by this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Mr. RARICK. Mr. Chairman, I believe this amendment is self-explanatory. The chairman has indicated there are no funds in the bill for the aid or reconstruction of North Vietnam, and I feel the intention of the committee and the intention of this Congress would be emphasized by the adoption of the amendment.

I urge the adoption of the amendment.

Mr. HAYS. Mr. Chairman, as I explained to the gentleman, there is absolutely no way on this earth they can get any money out of here for North Vietnam. I think his amendment is unnecessary, but I have no strong feelings about it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 44, noes 18.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 2, strike line 25 and on page 3 strike all of lines 1 through 5.

Mr. GROSS. Mr. Chairman, this amendment would strike $36,500,000 which has been put in this bill allegedly for the purpose of relief for Jewish emigrees from Russia and going to Israel.

Last year, the request was for $85 million. As I recall it, the Committee on Appropriations provided $50 million, and of that amount some $11½ million was unexpended. The language in the bill would make the balance from this year available for next year.

Mr. Chairman, the Russians have, as I understand it, modified the conditions of their exit visas very substantially. To now give Israel $36,500,000 in addition to the unexpended balance from the funds of last year would provide, if my figures are correct, approximately $48 million.

My amendment would cut them back to $11½ million, or approximately that amount, and that amount, in all conscience, ought to be sufficient.

I urge the adoption of my amendment in the interest of economy and responsible handling of the taxpayers' money in this country, Mr. Chairman.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

Let me say to the committee, this amendment authorizes an amount of money. I do not know what the Committee on Appropriations will appropriate. It did not recommend the full amount last year.

This figure is based on the best estimate we have of the amount of money needed. This is a one-shot operation. It is to help Israel get these people settled and started.

As the Members know, we have been spending various amounts; this year I think they are asking for about $14 million, and I am not going to oppose it, for Arab refugees. It has been an ongoing program since 1948 in various amounts, seldom less than $15 million, I believe.

We do not continue to support these people once they get there. It is merely to get them there and help pay a fraction of the cost of getting them assimilated into the population.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, is it not true that this bill contains $8,800,000 for all of other refugee relief around the world?

Mr. HAYS. Yes, that is right, but there will be some more in the foreign aid bill, as the gentleman knows.

Mr. GROSS. No, I do not know it.

Mr. HAYS. Well, I am sure there will be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 4, strike out lines 14 and 15, and on line 16, strike the (2) and substitute (1).

Mr. GROSS. Mr. Chairman, this bill provides, and again allegedly because of the devaluation of the dollar, that the per diem expenses for overseas junketeers from Congress be increased from $50 to $75 a day.

This provision will set a pattern for junketeers throughout the Federal Government. Of course, the argument will be made that the striped pants crowd from Foggy Bottom, the State Department, have no compunctions about spending all kinds of money and that we should take care of the House and Senate junketeers by increasing the per diem $25 a day.

I do not believe that simply because those in one area of government do something that ought to be stopped, that Congress should try to keep up with the Joneses over in Foggy Bottom or wherever they may be in Government. That is one of the reasons why I have offered the amendment.

Mr. HAYS. Mr. Chairman, I rise in opposition to the amendment.

This amendment, as the gentleman says, raises the per diem to $75 which is to cover all expenses of a Member of Congress traveling outside the country.

When the bill was originally passed $50 a day was adequate. One could get along on that.

The last time I was in London at a meeting of the North Atlantic Assembly the same hotel room I used to rent for $17 a day was $51. So on a $50 per diem I lost a dollar on the hotel room, and all the rest of my expenses, including local transportation and meals.

There was considerable pressure, may I say, on the part of some Members to raise this to more than $75, but I believe we can get by on $75.

The gentleman himself made reference to executive branch travel. I want him to know he is exactly right. I agree with him.

Last year when we published the travel expenses of Congress in the CONGRESSIONAL RECORD, I made available to the press the amount of travel of the AID Agency. The press did not use it. One paper said I put it in in an effort to obscure the amount of money Congress used.

The amount of money we used was a mere fraction of the amount that one agency used.

We are awfully good to the people downtown. I guess most of them get their actual expenses when they travel. But when it comes to ourselves we have to really demean ourselves a little bit.

I just do not buy that. I will stand on this. I believe it is a good amendment. I believe it is long overdue. The Senate put it in its bill, and I believe we ought to vote to sustain it. Nobody will get rich on it.

Mr. BUCHANAN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Will the chairman tell me if it is not correct that this merely authorizes up to $75 a day, and Members do not automatically get $75 a day.

Mr. HAYS. The gentleman is wrong. A Member automatically gets $75 a day unless he prefers to take a lesser amount. Realistically, I do not believe many do.

Mr. BUCHANAN. If a Member signs and says he has expenses of $75 a day he would get it.

Mr. HAYS. I will say that unless the gentleman is on a very strict diet he will not have any to turn back.

Mr. BUCHANAN. I would agree with the chairman that one can go in the hole in many places.

If my friend from Iowa would travel more it would broaden his outlook.

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa.

Members of Congress should set an example as far as spending is concerned. We should reassert our control over Federal spending and keep it within our revenues. While this amount is small in comparison to the amount requested in the bill, one of our first priorities should be for Congress to set an example on spending. To increase the per diem allowance for foreign travel by 50 percent is not setting a good example. The gentleman from Iowa (Mr. GROSS) has a good amendment and I support him.

Mr. MAYNE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa (Mr. GROSS).

While there may be a few countries in which $50 a day, the currently authorized per diem rate for congressional travel abroad, sometimes proves inadequate, there are many more countries in which the current per diem rate of $50 is quite ample and overly generous. The $50 per diem rate in fact may frequently permit a far more luxurious style of living than the Member of Congress would enjoy while traveling in the United States or than the Member would require were he traveling for pleasure abroad at his own pocket expense. On the overall balance, Members of Congress can travel on the present $50 per diem rate without any hardship whatsoever.

It is true that devaluation of the American dollar and the rapidly increasing cost of accommodations and other costs of the traveler in many countries abroad may have cut into the purchasing power of the $50 per diem rate. However, this certainly does not justify a 50 percent increase in the per diem, to the proposed $75 rate. Furthermore, the grave stresses upon the American dollar in the international exchange markets and the need to improve our balance-of-payments picture make it increasingly urgent for each and every Member of the Congress as well as any other Federal official traveling abroad at the taxpayers' expense to make every effort to hold down his expenditures abroad. Congress should be setting the example by exercising fiscal restraint not only in its legislation affecting other agencies but also in its own housekeeping. The proposed increase in the congressional travel per diem rate is utterly inconsistent with the need to limit Federal spending.

I commend my colleague from Iowa (Mr. GROSS) on his amendment to delete this unwise increase in per diem, and I strongly urge all Members of the House to support the adoption of this amendment.

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to the amendment.

I should like to ask the gentlemen supporting the amendment, who want to cut the money for Members of Congress traveling abroad on official business, if they would also be prepared to cut the funds for Air Force One and the staff the President takes along with him when he goes to these trips to Iceland and other places, and for the Vice President and his staff, when they go to Africa and take tours around the world? Are the gentlemen prepared to make similar cuts there?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman from Iowa.

Mr. GROSS. In the first place, this does not cut anything. This is an increase yet to be provided.

If the gentleman from Ohio will offer an amendment or legislation, I will join him in shortening the trips of the Presidential airplanes and a lot of other airplanes, including those congressional junketeers use on their trips abroad.

Mr. SEIBERLING. Well, Mr. Chairman, I am one Member who has never taken a trip abroad on official business, although I have traveled in the United States.

I believe that the President is entitled to get whatever he needs to do his job and to pay the expenses of doing that job, and I think the Members of Congress should do likewise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 23, noes 54.

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. O'HARA. Mr. Chairman, while we all recognize that the devaluation of the dollar has made travel outside the United States more expensive, I do not believe that it should be necessary to raise the per diem for Members of Congress travelling on official business. It would be no great hardship on anyone if the $50 a day per diem were to be retained, and the amendment which will be offered to eliminate the increase ought to be agreed to.

Mr. PODELL. Mr. Chairman, in the bill we are considering today, there is a provision, added by the House Foreign Affairs Committee, that would give $36.5 million in aid to Israel for assistance in the resettlement of Soviet Jewish refugees.

Last year, $50 million in aid was appropriated by the Congress for this purpose. Of that amount, only $31 million has been spent to date. The remaining $19 million is scheduled to be transferred to the Israeli Government during fiscal 1974.

This may seem like a lot of money. However, we should recall that the original amount requested for refugee resettlement was $85 million. A majority of the Members of the House and Senate voted for this $85 million authorization. However, it was reduced by the administration to $50 million, and, as we can see, this greatly reduced amount is being doled out to the Israeli Government in dribs and drabs. The amount proposed by the Committee would restore the resettlement aid to its original level.

An overwhelming majorty of us have joined in cosponsorship of the Freedom of Emigration Act. It is sufficient to say that we are all deeply committed to the principles that no one should be harrassed or intimidated because he seeks to express his religious identity, particularly when that means leaving the country of one's birth to emigrate to one's spiritual homeland. This is what the struggle for Soviet Jewry is all about: Simply a fight to enjoy basic human rights.

But we should be aware that the problem does not end when the visas are granted. Almost every Jewish emigrant from the Soviet Union leaves that country with hardly more than the clothes on their backs and the few possessions they can cram into a valise. I met a number of these men, women and children at Schonau, the Austrian half-way station where the emigrants are housed for a few days on their way to Israel. Many of them are undergoing a profound "culture shock." They all know that they want to be in Israel, and that Israel means a kind of freedom that they have never before known. They have literally sacrificed their past, their fortunes, in the name of freedom.

Yet for so many of them, the future is uncertain. Will they be properly housed? Will there be schools for their children and jobs for them? For those who cannot be employed in the fields in which they were trained, will there be retraining programs? How long will it take them to learn a new language, a new way of life? Where are the teachers to come from? Who will help them readjust? What kind of counseling services will be provided for those who cannot readjust easily?

The Israel Government has done a job that is nothing short of miraculous in accommodating the new immigrants. The financial strain put on that country is staggering to the imagination, and yet Israel is anxiously awaiting ever-greater numbers of Soviet Jewish immigrants.

Israel's burden was created in part by the noble actions of this body in continually working on behalf of Soviet Jewry. Indeed, if it were not for our actions, in combination with the skillful negotiations of the administration and the activism of many Jewish groups around this Nation, it is doubtful that we would ever have seen so many Jews being permitted to leave the Soviet Union.

Since this Congress has played a material role in winning the freedom of the Soviet Jews, it is only logical that we should now lend assistance to Israel in providing for their resettlement. True, the Israel economy is growing by leaps and bounds. True, we are already giving Israel substantial sums in military and economic assistance. However, what other assistance we give that nation is already earmarked for other purposes. This is a unique form of assistance, one which we should willingly provide. It is an indication of our faith in the strength of a people to overcome incredible adversity and build a new life for themselves out of the ashes of their past.

There is an old proverb in the Talmud, which says that the greatest charity that one can give is to help a man so that he can help himself. This $36.5 million appropriation would do exactly that, and I hope that my colleagues will join me in supporting it.

Mr. VANIK. Mr. Chairman, I rise in support of the continuation of the authorization of funds for the resettlement of Soviet Jewish citizens in Israel.

As has been eloquently indicated by my colleague (Mr. BINGHAM) these funds have been prudently utilized to help resettle over 35,000 immigrants sorely in need of such assistance. Israel had an enormous task before it in that it has had to create from ground up new facilities for absorption centers, educational and housing facilities, training and retraining programs, and many related items too numerous to recount.

It is indeed a tribute to Israel and its people, that this enormous task has gone so smoothly and with such a high degree of success. For those of us who strongly support the right of emigration, this program and America's commitment to it are all the more important. Without such a well-organized, properly funded effort, it is doubtful, in my judgment, that the meaning of the "right to emigrate" could so easily be translated into reality.

Through this vital effort, the Congress is providing the means by which Soviet Jewish emigrants can find new life. This amount of support serves in very tangible ways to express our Nation's strong desire to nurture freedom and liberty for a people who express their wish to live in Israel rather than the Soviet Union. It is the least our country can do to further their goals which are our own as well.

It is also my fervent hope that the Soviet Union will see the positive import which is derived from the continual reunion of families, long separated, and from the exercise under their own constitution, of the right to emigrate freely, by opening up the gates even further.

Israel can and will accept greater numbers of Soviet Jewish immigrants if only the Soviets will allow them to leave. If significant progress can be made, the Soviet Government and the United States can begin to enjoy a relationship free from suspicion and mistrust, based upon more humanitarian grounds rather than a relationship grounded solely upon crass economic considerations.

I strongly urge my colleagues to support this important section of the H.R. 7645 to allow further resettlement of Soviet Jews in Israel.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ECKHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes, pursuant to House Resolution 425, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 57, not voting 45, as follows:

[Roll No. 195]

YEAS—331

Abdnor
Abzug
Adams
Alexander
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Cotter
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Kastenmeier
Kazen
Keating
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Madden
Madigan
Mahon
Mailliard
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Quie
Railsback
Randall
Rangel
Rees
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Rooney, Pa.
Rose
Rosenthal
Roy
Roybal
Ruppe
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zion
Zwach

NAYS—57

Ashbrook
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Burlison, Mo.
Camp
Clancy
Collins, Tex.
Daniel, Dan
Dellenback
Devine
Dickinson
Duncan
Froehlich
Goodling
Gross
Hanrahan
Harsha
Huber
Hunt
Hutchinson
Ketchum
Landgrebe
Lott
Lujan
Mallary
Miller
Mizell
Montgomery
Nichols
Powell, Ohio
Price, Tex.
Pritchard
Quillen
Rarick
Regula
Roncallo, N.Y.
Rousselot
Ruth
Satterfield
Scherle
Shoup
Shuster
Sikes
Snyder
Spence
Steiger, Ariz.
Symms
Taylor, Mo.
Towell, Nev.
Treen
Whitten
Wylie
Young, Fla.

NOT VOTING—45

Addabbo
Anderson, Ill.
Aspin
Badillo
Bolling
Brooks
Brown, Ohio
Carter
Chisholm
Cochran
Conyers
Corman
Crane
Davis, Ga.
Dennis
Edwards, Ala.
Evans, Colo.
Fisher
Gettys
Hawkins
Hébert
Hillis
Ichord
Johnson, Colo.
Jones, N.C.
Karth
King
McEwen
Macdonald
Mathis, Ga.
Minshall, Ohio
Mosher
O'Brien
Patman
Peyser
Reid
Rooney, N.Y.
Rostenkowski
Roush
Runnels
Saylor
Stephens
Stuckey
Waldie
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Mathis of Georgia.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Addabbo with Mr. Runnels.

Mr. Brooks with Mr. McEwen.

Mrs. Chisholm with Mr. Waldie.

Mr. Hébert with Mr. Carter.

Mr. Gettys with Mr. Brown of Ohio.

Mr. Reid with Mr. King.

Mr. Hawkins with Mr. Karth.

Mr. Stephens with Mr. Edwards of Alabama.

Mr. Evans of Colorado with Mr. Crane.

Mr. Stuckey with Mr. Dennis.

Mr. Badillo with Mr. Conyers.

Mr. Corman with Mr. Peyser.

Mr. Davis of Georgia with Mr. Aspin.

Mr. Fisher with Mr. Minshall of Ohio.

Mr. Ichord with Mr. Hillis.

Mr. Macdonald with Mr. Saylor.

Mr. Roush with Mr. Mosher.

Mr. Young of Texas with Mr. Patman.

Mr. Jones of North Carolina with Mr. O'Brien.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. DONOHUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7446, with Mr. GONZALEZ in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. DONOHUE) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. BUTLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusettts.

Mr. DONOHUE. Mr. Chairman, the bill (H.R. 7446) would establish the American Revolution Bicentennial Administration, a new agency for the observance of the Bicentennial. The Committee will recall the purposes of this legislation. They are the same as they were when the bill was originally passed in 1966, for the purpose of planning, encouraging, developing, and coordinating observances and activities commemorating the historic events that preceded and are associated with the American Revolution. It would assume the functions and the responsibilities of the present American Revolution Bicentennial Commission.

The new American Revolution Bicentennial Administration would be temporary in nature, an independent agency however, and would be headed by a full-time Administrator who would be nominated by the President along with the Deputy Administrator, and both would have to be confirmed by the Senate.

The policies of the Administration would be defined by an 11-member American Revolution Bicentennial Board, and that Board would also set the policy and guidelines which the Administrator would follow in the operation of the new agency.

Also a 25-member Advisory Council would be created by this Board and that Council would have the function of advising the Board and the Administrator on all matters provided for in the bill.

The creation of the policymaking Board as provided in section 10 is a distinguishing feature of the bill as reported by the Judiciary Committee. The 11-member Board is intended to be broadly representative so that the people of our Nation may contribute to the formulation of policy having to do with the Bicentennial observance.

There will be two House Members on the Board selected by the Speaker, and two Members from the Senate selected by the President pro tempore of the Senate. The Administrator is to be a member of the Board so that his expertise and his knowledge of the day-to-day operation of the agency will be most directly available to the Board.

The elected Chairman and Vice Chairman of the 25-member Advisory Council will also be members of the Board. The Secretary of the Interior will be a member so as to provide a spokesman of Cabinet rank to present the views of the various departments and agencies of the Federal Government.

Finally, in order to give the statewide centennial organizations a voice, three members are to be appointed by the President from among those persons who are officers or staff members of the State bicentennial commissions.

The bill defines the functions of the new agency. Section 2 of the bill states its basic purposes when it states that the new Administration is to coordinate, facilitate, and aid in the scheduling of events and projects of local, State, National or international significance. One of its primary functions is stated to be the maintenance of a master calendar of events during the period from March 1975 to December 31, 1976.

Section 4 outlines these functions, and in subsection (C) of that section, the bill provides that the Administrator is not to operate any program unless specifically authorized by law.

In line with the stated purpose of coordinating bicentennial activities, the bill in section 5 provides that the Administrator will consult and cooperate with appropriate groups and agencies. He is to consult, cooperate with and seek the advice and assistance from the American Revolution Bicentennial Advisory Council and the American Revolution Bicentennial Board.

He is also to establish similar relationships with Federal departments and agencies, State and local bodies, including State bicentennial committees, and of private organizations and groups.

The bill authorizes annual appropriations. This, of course, is only until the termination of the agency, which section 7 provides that this will come about on June 30, 1977.

Section 9 of the bill provides authority to use nonappropriated funds to carry out programs of grant-in-aid to nonprofit entities, including States and territories or their subdivision, for bicentennial programs or projects.

Section 12 provides for the transfer of personnel, property and unexpended balances of the present Bicentennial Commission.

Section 13 provides for the appointment of a temporary or Acting Administrator.

Section 14 abolishes the present Commission.

Finally, section 15 makes the name changes in the law, authorizing the striking of Bicentennial medals by making appropriate references to the "American Revolution Bicentennial Administration", and limits the period of the medal's program to that ending June 30, 1977.

Mr. Chairman, the committee has worked long and hard on this bill. It commends it to the Committee of the Whole. It is hoped that this Committee will decide to act favorably upon it.

Mr. HENDERSON. Mr. Chairman, will the distinguished gentleman from Massachusetts yield?

Mr. DONOHUE. I am pleased to yield to the gentleman from North Carolina.

Mr. HENDERSON. I should like to pose a question to the gentleman, but first I commend him and his committee for the fine work that has been done on this legislation. It was before us last year.

With respect to the language in section 2(d) of the bill, relating to the five appointments that may be made at grades GS-16, GS-17, and GS-18 of the general schedule, I construe such language as being merely a limitation on the total number of supervisory appointments that may be made by the Administrator. In other words, this language is not intended to authorize five additional supergrade positions for the Bicentennial Administration; rather, the Administration will have to compete with other agencies for supergrade positions from the general supergrade pool authorized and established under the United States Code, title 5, section 51. Is my construction of this language correct?

Mr. DONOHUE. My answer to the gentleman is "Yes."

Mr. HENDERSON. I thank the gentleman. He was most cooperative last year and I appreciate his assistance this year.

Mr. COTTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Connecticut.

Mr. COTTER. The gentleman in his statement made reference to medals being struck Are these struck by the U.S. Mint?

Mr. DONOHUE. Would the gentleman mind repeating the question?

Mr. COTTER. The gentleman made a statement about commemorative bicentennial medals being struck. Are these manufactured by the mint or through a concessionnaire?

Mr. DONOHUE. The U.S. Mint.

Mr COTTER What about the revenues from sales?

Mr DONOHUE. They will go into the Treasury of the Administration.

Mr. COTTER. I thank the gentleman very much.

Mr. BUTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 7446. The basic policy decision as to whether or not the Federal Government would undertake to participate in the celebration of the 200th anniversary of the American Revolution was made by the Congress in 1966 by the creation of the American Revolutionary Bicentennial Commission, a 50-man commission broadly representative of all interests involved and indeed including Members of the Congress.

The Commission has accomplished much during its existence. It has distributed grants pursuant to appropriation of some $90,000 of seed money to each of the 50 States with which each State was to proceed to develop their own bicentennial plans. Each of the States presently has its own bicentennial plan underway and has undertaken to coordinate and encourage all efforts nationwide.

The Commission has proven extremely unwieldy; and it has been subject to much criticism often justified. The principle internal problem of the Commission has been a determination of exactly what is the Commission's responsibility in the overall picture of the celebration of the American Revolution. Many proposals were explored and many rejected.

The size of the Commission, the limitation of authority in its executive committee, its chairman and its directors, its lack a clear policy directives created many administrative problems.

Several studies have been made including the staff report by a Judiciary Committee as to the effectiveness of the Commission. There is almost universal agreement that the Commisson as presently structured is not equipped to do that phase of the work toward which we must now point ourselves. Specific execution of the bicentennial plans.

There were two legislative solutions suggested: The administration approach—veto of the Rodino bill—provided for the designation of an Administrator with virtually unlimited discretion to make such decisions as may be appropriate to complete the work of the Bicentennial Administration.

And the bill, sponsored principally by Congressman WILLIAMS, was directed also to the creation of an Administrator but with a large number of safeguards to the end that the democratic procedures might be preserved.

The subcommittee held 2 days of hearings. There were extensive discussions within the subcommittee. There was no disagreement about the need for a strong Administrator. There was a clear preference for the Williams approach placing limitations on the action of the Administrator. This was resolved by the creation of a board of directors, making the policy decisions its name implies. This has been outlined very ably by the gentleman from Massachusetts (Mr. DONOHUE).

In summary, this legislation, passed unanimously by the subcommittee and the committee, represents a consensus, after careful examination, as to the best approach to this problem.

In fact, it does create a strong Administrator, but limitations have been placed on him to allay the fears of those who are concerned about excesses in that office.

The Administrator must be confirmed by the Senate; he serves at the pleasure of the President; his deputy must be confirmed by the Senate; there are limitations on the number of supergrade employees he may have; he cannot purchase real estate; he must consider the advice of the advisory council which meets bimonthly; he is expressly prohibited from operating any programs not specifically authorized by law; he must make an annual report; all basic policy and guidelines including the annual budget are subject to review by the Board of Directors; and the Board of Directors must report at least semiannually to the Judiciary Committees and the Congress.

While I personally have reservations about whether the sum total of these restrictions has placed such limitation on the discretion of the Administrator that we will find ourselves in a position where we cannot attract to the job the quality person necessary to administer the job. This was a matter, however, which was explored thoroughly by the Judiciary Committee and I accept its judgment.

We have effectively created an Administration which can assume the responsibilities under this act to proceed to a proper celebration of the American Revolutionary Bicentennial.

The basic responsibility of the Administration will now be to coordinate, facilitate, and aid in the scheduling of events and projects throughout the country dealing with the American Revolutionary Bicentennial.

As indicated by the gentleman from Massachusetts the effective period of the bicentennial celebration begins in March 1975 which is less than 2 years from now.

Under the circumstances if we are to get on with this business of participation in the American Revolutionary Bicentennial then we have got to take prompt action on this legislation.

The occasion of the 200th anniversary of the birth of the American Nation imposes a responsibility on the Congress of the United States to make certain that we do not pass by this tremendous opportunity to remind ourselves and the American people of our great heritage, of those things which made our Nation great and, indeed, to articulate for the whole world the principles of American democracy which have served us so well.

I urge the prompt enactment of this legislation.

Mr. DONOHUE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. DONOHUE) the chairman of the committee, for yielding this time to me.

I rise in support of this bill and associate myself with the remarks both of my chairman, Mr. DONOHUE, and of my distinguished colleague, the gentleman from Virginia (Mr. BUTLER).

Both of these gentlemen have described the purposes and the functions of this bill very well and very accurately.

Mr. Chairman, I wish to emphasize that the big problem with the existing commission has been that it has been so large and unwieldy that it simply could not cope with the problems of discharging its responsibility effectively.

As a result, after a start in 1966 we are now in 1973, less than 2 years from the date on which this celebration should commence, and we do not have an effective organization to direct and bring it into being.

We feel in our committee that the solution provided by H.R. 7446 is as close to ideal as we can come. The important change to be brought about by this bill is that we have done away with the unwieldy 50-man Commission, which was made up almost entirely of a highly dedicated and motivated and outstanding group of citizens from all over the United States, but people whose responsibilities in their private lives and in their primary endeavors were such that they did not have the time to devote to the responsibilities of the Commission. As a result, it was seldom possible to get a quorum, people could not attend regularly. You never had the same group present on any two occasions, and the Commission floundered.

Under the format provided in this bill, we attempted to resolve the problem as follows: We created the 11-member American Revolution Bicentennial Board. It is largely composed of people who are located near the Nation's Capital, so that it is physically possible for the members to get together frequently. It will consist of the Administrator himself, four Members of Congress, two from the House and two from the Senate, the Chairman and the Vice Chairman of the Council to which I will allude, the Secretary of the Interior, and three members appointed by the President from the staffs of the State bicentennial commissions. This board will be able to meet in Washington most of the time and will be able to be responsive to the needs of the Administration in passing on day-by-day decisions that have to be made.

At the same time we have preserved the feature of broad citizen participation through a 25-member Council. These are people from throughout the United States who will form an Advisory Council. They will not be needed for consultation on the regular decisions of administration, but they do serve as a conduit through which people from throughout the Nation can provide advice, assistance, and consultation to the Administration.

Mr. Chairman, I think we have come up with a good solution to this problem. I am acutely aware that this is the 7th day of June and June 30 is upon us. We have to get on with the work of the bicentennial, and I urge the support of all the Members of the House for this legislation.

Mr. BUTLER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. HUTCHINSON) the ranking member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I am in agreement with the bill as reported by the Committee on the Judiciary.

I feel it is essential that new legislation be enacted at this time if there is to be Federal coordination of events within the several States within the American Revolution bicentennial period.

As both Mr. BUTLER and Mr. DANIELSON have already pointed out, there is not very much time left before the beginning of that period—only 21 months remain before the 19th of April, 1975, marking the bicentennial and the Battles of Concord and Lexington.

When President Johnson signed the original Bicentennial Commission into law on July 4, 1966, there were then 10 years in which to prepare for the 200th anniversary of the Declaration of Independence.

Now, only 3 years remain.

The chief difficulty with the Commission law that has been on the books has been the difficulty in decisionmaking. The bill now before us will correct that fault. The power of day-to-day decisions will vest in a single Administrator. A Board of Directors will define basic policies. A Council from the country will provide an input of ideas. The Administrator will be a member of both the Council and the Board.

This bill was unanimously reported by both the subcommittee and the full committee, and has the support of the Administration downtown.

Mr. Chairman, I urge the adoption of the bill in its present form.

Mr. DONOHUE. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding to me. I rise in support of the bill we now consider, the American Revolution Bicentennial Administration.

We have heard a lot about what this bill does, but I think it is important to know what it is that this bill does not do, and that is good, also.

I have been concerned about the unnecessary proliferation of bureaucracy in Washington, but we can see by this bill with a definite termination date of the 31st of December 1976, that the administration will go out of existence, and its functions will be turned over to the Department of the Interior. In that sense we will not be appropriating money for a bureaucracy or an agency which is going to continue ad infinitum into the future, and that will be a continuing drain on our Treasury.

Now, the Members might think that certainly this kind of a measure would make sense, but the subcommittee had to resist all kinds of efforts to prevent a bill from being created and drafted which would continue to celebrate the American Revolution Bicentennial for the next several years, specifically to 1985. It was my view then, and it is my view now that this country does have something to celebrate in 1976, and that it is not necessary for us to try to reconstruct the ride of Paul Revere or anybody else's ride for days and years to come. If we are going to have some celebrations, then we ought to have them, and be done with it. This is a country that has a lot to be proud of, and this celebration should be in the true spirit of the revolution, of what it meant in the terms of the establishment of a new nation.

This is a bill which is not designed to create and to develop social programs that last forever. We were confronted by many witnesses who wanted to use this Administration to create a model cities program, and to create all kinds of socially oriented and socially utilized programs.

This bill is for the observance in a very dignified manner of the birth date of our Nation. Hopefully we will be able to do that with all of the dignity this country can command.

We are not trying to appropriate enough money to wrap this country in silver and gold tinsel so that everybody can see how they look in that atmosphere, but we hope that this observance will be of a return to that which many of us have so long sought, a return to the principles of truth and honesty and dignity which the Founding Fathers of America did assert in the Declaration of Independence, and in all of the other documents which relate to the independence of this country and its birth.

I do hope that the Members will support the bill as the committee has presented it.

Mr. BUTLER. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I rise to support H.R. 7446, which establishes an American Bicentenial Administration. Our committee has worked many weeks in trying to work out the best possible bill that we could, meeting all of the objections that people on both sides of the aisle had to the arrangements that had been originally proposed. It became evident to us that the Bicentennial Commission that is now operating inefficiently could not put on the kind of celebration that Americans desired. That Commission was inefficient because there was a lack of quorums at various meetings and because there was not a strong administrative head.

The bill that was first proposed to us lacked the protections that many people on our committee felt were necessary to make sure that we were not running a dictatorship in this particular area, so we formed a Board that will have strong powers to decide how much money is necessary and what programs we are going to have to go forward.

An Advisory Council has been formed to also give advice to the Administrator of the program, but the Administrator that we have created will have an opportunity to do a job, because he sits on the Council; he sits on the Board; and he will have great discretion for himself in controlling this very important celebration that we hope to have here in the United States in less than 3 years.

The Board that we create will have the power to review, approve, disapprove, or ratify from time to time all basic policy and guidelines that the Administrator forms, but he will be the one who is presenting these ideas to the Board and to the Nation.

We believe that through H.R. 7446 the tools are provided to accomplish the purpose that all Americans have in celebrating our bicentennial celebration here in America, so that we all can be proud of that celebration.

In the end the success or failure of this bicentennial celebration will rest upon the interest and activities of patriotic-minded groups in each of the 50 States of the Union. The Bicentennial Administration will stimulate and assist in these activities.

I ask for the adoption of H.R. 7446.

Mr. BUTLER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, nearly 200 years ago a small band of brave men led their friends and neighbors into a rebellion against the British Crown. Throughout the Thirteen Colonies those men ignited a spark which has never been extinguished.

That spark became the light which has guided men for 200 years. It has led men such as Lafayette to leave their native lands and to come to our shores to offer their very lives to see that it would never be snuffed out.

That flame, Mr. Chairman, is freedom itself.

If we Americans were asked to name our most valuable export throughout the years I think we must say that it has been freedom. We can be proud that for two centuries we have served as an example to men who love liberty everywhere.

In only 22 months we will reach the 200th anniversary of the dash of Paul Revere to give alarm that the British were moving to seize the arms of our forebearers. As all of the world knows, that valiant band of minutemen on April 19, 1775, stood fast before the might of the British lion.

Just as those brave men met the challenge on their day, we in the Congress must meet the challenge facing us today.

In 1966 the Congress established the American Revolution Bicentennial Commission to plan a proper commemoration of our revolution across this Nation.

Now, 7 years later, we find that nothing has happened. The only thing that the ARBC has truly accomplished is the establishment of a State Bicentennial Commission in each of the States.

For this single accomplishment we should be thankful. Since the national commission has failed to adopt a national program there remains no alternative, but to rely totally on the programs that each of the State commissions has developed.

Today, let us not rehash the many problems that the ARBC has suffered over the past 7 years. Rather, let us do the best we can to make sure that the bill before this House is the strongest possible legislative vehicle we can construct.

I commend the Committee on the Judiciary, and particularly the members of subcommittee No. 2 for their work on this bill. They took a very poor piece of legislation and have modified it to a point where it is far, far better.

For almost 2 years now I have served as one of the four members of this body appointed by the Speaker to serve on the current ARBC. I have served actively and thus have become familiar with both the strengths and the weaknesses of our bicentennial effort.

Last March 15 I appeared before the Donohue subcommittee to share my views on the proposed legislation which Chairman RODINO had introduced by request. I am pleased to say that many of the recommendations I made that day have been incorporated within the bill before us today.

We carefully sought out the comments and ideas of the representatives of the State bicentennial commissions across the Nation. When added to the comments of the other congressional commissioners, the public members of the Commission and my frequent communications with many of the representatives of the Federal agencies who have served on the ARBC, they have shown me several ways which we could strengthen this bill.

First, and foremost, let me say that I support the idea of an administration and a full time administrator for the bicentennial. Sadly enough, there has been more than enough negative notice of the ARBC here in the Congress, in the media and by various interest groups to necessitate a change.

One of the most important aspects of this entire bicentennial effort should be to get the people of this Nation involved in the commemoration. I believe that by the establishment of the new Bicentennial Administration we will do much to increase public confidence and participation in the entire bicentennial.

At the same time, we have reached a point where the Congress must act to make sure that the bicentennial will actually be something that can be reached by all Americans. This is a celebration of more than a military struggle or a single political event such as the Declaration of Independence. It is the commemoration of a spirit of accomplishment.

For 200 years the world has known the United States as a nation of doers. We have won our current position because of our accomplishments, not because we were willing to sit back and observe the world pass us by.

But today we stand in danger of letting the bicentennial pass us by. Unless we act today we will be guilty of leaving this Nation without any meaningful bicentennial observance.

Without a positive action from the House today we will leave our country with a bicentennial that will be about as exciting as a wet firecracker. Can we go back to our constituents and tell them that the entire national observance will consist of everyone lighting a sparkler and singing the "Star Spangled Banner" at high noon on July 4, 1976?

In a few minutes I will offer an amendment to this bill to fund the necessary programs. I urge all of my colleagues to support me at that time.

I will also offer amendments to strengthen the Board of Directors established in this bill. I support the concept of the Board, in fact, I recommended that it be added to the original bill.

But the Board in the current bill troubles me. It does not seem to utilize the great strength available for an effort as important as the bicenennial through the various Federal agencies. I also fear that the representatives of the State bicentennial commissions may not be representative.

Before coming to the Congress I served on a number of regional boards and commissions. Because I was able to meet regularly with the people I was representing I was able to articulate their views and needs. But there is no provision for such meetings in the current legislation.

The fact of the matter is that there is no provision detailing how the representatives of the State bicentennial commissions shall be selected. Who shall serve and how they shall be selected is left entirely to the discretion of the President.

I will offer amendments to correct both of these problems. One will establish a special bicentennial Federal Agency Organization. This will not cost a single thing, but it will return great value. As we all know, among the bureaucrats in the various agencies there is constant competition for attention and money. We will leave the bicentennial to founder on the shoals of routine priorities in the Federal triangle if we do not act now to show the executive branch that we are interested in the total bicentennial effort.

By regularizing what has been an effective working group for several years we will reap huge dividends.

I am troubled that this bill would commemorate the revolution to establish democratic government by setting a quorum at well under half. This seems a most undemocratic move and has no place in this bill. I will offer an amendment to correct this matter, and will also suggest that we allow the members of the Board to designate an alternate to represent them in any necessary absence.

Since any Board must have reasonable control of the purse, I am glad to see that the committee has given this Board the final approval of budgets and all grants. However, I believe that they missed the matter of final approval of transfers from the proposed Bicentennial Administration to other agencies in the executive branch. Since this could be a major portion of the Federal effort, I will give the House the opportunity to add final approval for all transfers of funds to the other financial duties of the Board.

My final amendment will deal with the Presidential waiver authority contained in section 11 of this bill. The House has already stated its feeling on this matter when it has come before us in the past. This House has always been against such broad powers for any President.

When I asked the ARBC staff and the White House why this provision was included in the draft legislation I was told that the main reason it was sought was to allow the bicentennial logo to be printed in the Government Printing Office. The problem, I was told, is that there is a restriction at the GPO against any print job having more than two colors. Since the logo, which is a very patriotic symbol, is red, white, blue and black printing, it cannot be produced at GPO.

This has made it necessary to either send the job out to a private printer, a very expensive proposition, or to consider it as two separate jobs at the GPO. Neither procedure makes sense.

But, why should we give a blank check to any agency to correct such a minor problem? It is somewhat like issuing 500 pound bombs to kill flies.

I will offer an amendment to strike all of section 11 and add at the proper place sufficient language to give the Public Printer the authority to print the logo of the bicentennial.

In conclusion, Mr. Speaker, let me remind all of our colleagues that this bill will do much to mold the National effort for our bicentennial. We must make it as strong as possible since time is now too short to keep patching up the effort. We have only 22 months to the start of the commemoration. We cannot delay time. If we do not do it right the first time, there will be no second time. If we fail at our efforts we will have to wait another hundred years for the tricentennial.

Mr. DOWNING. Mr. Chairman, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I wish to commend the gentleman for his statement.

Mr. Chairman, I rise in support of a completely meaningful bicentennial, one which would carry a meaningful story about the realization of our independence almost 200 years ago.

I realize as well as anyone that our national effort has been plagued almost from the beginning. There have been substantial changes in the membership of our national commission. We have had three Chairmen, and I do not know how many administrative heads.

I am most interested in establishing a group of workable size which will plan and direct the national part of the celebration.

If the bicentennial years are to be meaningful to the citizens, however, I feel it is essential that the progarm get close to the people. A number of our States have been doing remarkable jobs for years. Our own commission in Virginia has been active since 1967 with a continuing membership under one chairman. They are embarked on a sizable publications program and are underway with plans for the construction of three major visitor centers. And Virginia certainly is not alone in this regard.

Since there is to be no national exposition and no national focal point for the celebration, I feel it is altogether appropriate and necessary that Federal funds be used to assist the States which seem to be carrying by far the major share of the burden to date. It is my conviction that reasonable Federal initiative stimulates rather than replaces local effort. This is why I favor appropriated grants to the States which would be used as matching funds for their bicentennial capital improvements. For these reasons I introduced legislation which would provide for appropriated grants to the States in the amount of $275 million. This would by no means cover even 50 percent of the construction costs of badly needed structures in the States, but it will, in my estimation, provide the reasonable Federal initiative. This seems to me to be the least that we should do.

Mr. DONOHUE. Mr. Chairman, I yield one minute to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I want to explain briefly why I plan to vote against this legislation. As a former teacher of history, as a student of history, and as a writer, I am deeply interested in the preservation of historical materials and commemorating great and inspiring events which contribute to the heritage of the United States of America.

I do not believe the American Revolution Bicentennial Commission has brought us any closer to a meaningful celebration of the great events of 1776. In many ways, the early politicizing of the commission and its clumsy efforts to pump up somewhat extravagant projects has cheapened the very principles we seek to honor.

The most inspiring, patriotic celebrations that I have seen and in which I have participated have been planned and carried out within local communities. At the grass roots, we find the clearest understanding and most meaningful commemoration of the great principles of life, liberty and the pursuit of happiness embodied in the Declaration of Independence.

I believe that it is a waste of money to expend millions of Federal dollars on this bicentennial celebration. I believe, that a much more meaningful series of celebrations in keeping with the spirit of the Declaration of Independence and the Spirit of 1776 may be obtained without bureaucratizing and nationalizing these celebrations, which should spring from the hearts of the people in every local community throughout the land.

Mr. Chairman, I plan to vote against this legislation.

Mr. DONOHUE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, I think there is a definite need for a national board or commission. I can appreciate the point which the gentleman from West Virginia made, that in the final analysis the real celebration will come in our communities and in our cities but we must have some kind of national commission or national board to give direction and coordinate these various functions.

I have been active with the Texas Bicentennial Commission. We have, I think, more projects planned on a State basis than perhaps any other State in the Union. These projects are coming from the local communities, but the local people still look to the national board and national commission for direction.

If we do not have that direction on the national level, I am afraid that the local communities are going to flounder in carrying out celebration projects. There must be some way to bring this problem of national leadership to a head. We can all deplore the time we have lost during the last 6 months. Even so, we have learned a lot.

I think this new approach, this new national board, gives us the direction we need. For that reason, I think it is mandatory that we pass this legislation. My State commission strongly supports the legislation before us here today. I am glad to join in that support, and I am hoping that some of the amendments we have been talking about also might be added to give this legislation more force.

I therefore rise in support of this legislation. I hope the House will join in passage of H.R. 7446 for I want to start work immediately in all these communities having bicentennial projects so that their efforts can be coordinated.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New York (Mr. Fish).

Mr. FISH. Mr. Chairman, I think the gentleman from Texas might be interested in the fact that Gene Jones Riddle, executive director of the American Revolution Bicentennial Commission of Texas, testified March 14 before our committee. She said just what the gentleman was saying. She went on to say:

> We have encouraged our citizens to celebrate our cultural diversity. In Texas we have 26 separate ethnic and national cultures which go to make up the fabric of our state. In honor of this diversity, plays are being written, pageants are being created, scholarly works are being produced, local histories are being compiled and our architectural heritage is being preserved.

Mr. PICKLE. Mr. Chairman, I am glad the gentleman mentioned that. She did testify, and she is, I believe, one of the ablest commissioners in America.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DONOHUE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. Pickle).

Mr. PICKLE. Mr. Chairman, I thank the gentleman from Massachusetts.

I am also glad to mention the fact that we have some 26 ethnic groups within our own State. Every State perhaps has a similar number, perhaps not as many. To mark the State's ethnic diversity, the Texas Legislature has endorsed the idea of a folkloric ballet troupe such as the famous troupe in Mexico. We in Texas are going to attempt to have such troupe, but we need funds.

But we do have this kind of productive cooperation within our State. Mrs. Riddle has also said a national commission is needed very much to work with the Texas State agency, so I believe it is mandatory that we go forward and pass this legislation creating a National Bicentennial commission.

Mr. BUTLER. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. Whitehurst).

Mr. WHITEHURST. I thank the gentleman.

Mr. Chairman, I rise in support of this legislation. I can only reiterate the comments of my colleague from Pennsylvania (Mr. Williams), with whom I have served on the American Revolution Bicentennial Commission. There is a sense of direction that is badly needed.

I know the people in my own district of Tidewater Virginia and the surrounding area, an area that was the cradle of the American Revolution. Those people now cry out to us and ask us what is going to happen and what we are going to do. We need to give them better direction.

Mr. Chairman, I appreciate this opportunity to comment on H.R. 7446, the bill to reorganize the national bicentennial planning body. As a member of the American Revolution Bicentennial Commission I appreciate the effort the Donohue subcommittee and the full Judiciary Committee have given to this bill.

I support the effort to reorganize the bicentennial national planning body. However, my experience in working with the present Commission supports my belief that the bill before us today is in need of some modification.

The bill is silent in three important areas, and two other changes should be made to tighten the bill. With the cancellation of the exposition in Philadelphia and the bicentennial parks program, we no longer have a program for nationwide celebration that is a product of the national bicentennial planning body. In my view we still have one alternative, and it is a bicentennial programs of the 50 States and territories.

The State programs are reflective of the priorities and goals of the various peoples of the State. The programs have been created under a minimum of Washington interference, and are programs the State people will support.

This is the nucleus of the nationwide celebration that is truly reflective of this Nation, a union of different States, each celebrating in its own way that union. I think it proper for the Federal Government to help the States observe the commemoration and I believe a provision for such help should be included in this bill. I support a program of bicentennial grants to the States given under guidelines of the Bicentennial Board of Directors and the Administrator of the Bicentennial Administration.

Three other amendments, whose function is tied closely together, will be offered by Congressman Williams. Their function is to provide for important sectors of those organizations heading the bicentennial observance to have an input to the Administrator and the Board of Directors.

The bill before us provides for three members of State bicentennial organizations to be placed on the Board. The Board is charged with fulfilling a role of policy and guidance. It is possible the three State members might find themselves in a position of approving policy that could have great benefit to their States. It is possible they would face accusations of conflict of interest. I believe we can amend H.R. 7446 to provide a mechanism for a more meaningful input from the State bicentennial organizations. I support the Williams amendment to form a State council to advise the Administrator. The Chairman and Vice Chairman would be elected by the members, and these two would serve on the Board.

As elected representatives of the States they would serve the interests of all the States, and be answerable to them. The Council would be made up of one member from each State bicentennial commission. They would meet in Washington periodically.

In my view, a second organization is also needed, an organization of the Federal departments and agencies presently serving on the Bicentennial Commission. These departments represent the expertise and assistance available in the Federal Government. Those bicentennial programs that are moving well are those of the departments. As members of the Commission they have a means of communications between themselves to prevent duplicating programs, and in addition allow greater access to resources of the departments in carrying out the bicentennial projects. Their presence at the present Commission meetings is invaluable in the form of guidance and assistance to the Commission. In my view the bicentennial commemoration will fall far short of its possibilities if the departments do not have a direct input to the Board and Administrator. Therefore I support the formation of a Federal representatives organization, as will be offered by Congressman Williams.

The third of the three closely related amendments is to change the membership of the Board to reflect the addition of the Chairman and Vice Chairman of the State Council, and the Chairman and Vice Chairman of the Federal Representatives organization, and the deletion of the three members from the Board who would be representing only their three States.

The fifth amendment which will be offered by Congressman WILLIAMS to strengthen the bicentennial administration bill is to strike section 11 and substitute language allowing the Public Printer to reproduce the bicentennial logo and other printing in four colors. It is my understanding after talking with Bicentennial Commission staff members that the original purpose of this section was to allow the waiving of regulations which prevent the Printer from printing in more than two colors. However, this section is so strong as to allow the President to waive the enforcement of so many other regulations and laws in such a broad coverage of all government that I find it not in the best interest. As written, it is, in my view, much too broad. The language of the fifth Williams amendment will accomplish what the Bicentennial Commission says it wants without opening a Pandora's box. The House has not looked with favor on similar attempts by the Commission in past bills.

I urge my colleagues to support these amendments. As a member of the American Revolution Bicentennial Commission I believe it will strengthen the bill before us, adding to the important work that went into this bill, and will provide for a nationwide observance of a commemoration worthy of the 200th anniversary of this Nation.

Mr. DRINAN. Mr. Chairman, I rise on the occasion of our consideration of H.R. 7446, a bill to establish the American Bicentennial Administration. I wish to speak in favor of this bill, and in support of an important amendment to it which has been offered.

Nearly 200 years ago the great struggle for freedom that marked the American Revolution began. I am proud to say that my home State of Massachusetts played a vital role in the events of 1776. It was in Boston that rebellious colonists staged the Tea Party. It was in Lexington and Concord where American blood was shed in the first major battle of the Revolution.

While my State served as the cradle of the Revolution, it is true that the spirit of the Revolution extends nationwide, for there is no part of America that does not share in the American experience that started with the sound of muskets in Lexington and Concord.

Recognizing the need to commemorate the bicentennial of the Revolution, Congress enacted legislation in 1966 to begin preparations for the ceremony of our heritage in 1976. Public Law 89–461 established the American Revolution Bicentennial Commission.

The activities of the Bicentennial Commission have been less than what might be desired. Despite a host of vague dreams and promises, confusion has been the predominant motif of the Commission. There has been ample evidence that the basic structure of the Commission is inadequate, and the greater coordination of Bicentennial activities as well as greater independence of operation are necessary for a successful Bicentennial celebration.

Subsequently, Congress took on the responsibility to reorganize the Bicentennial Commission, a task which was handled by the House Judiciary Committee, of which I am a member. The result of the considerations of the Judiciary Committee, led by the subcommittee chaired by my Massachusetts colleague, HAROLD DONOHUE, is the legislation that is before us today.

H.R. 7446 would establish an independent American Revolution Bicentennial Administration, to be headed by a full-time and independent Administrator, who would be appointed by the President with the advice and consent of the Senate. An American Revolution Bicentennial Advisory Council, to be composed of 25 members, would be created. The primary task of the American Revolution Bicentennial Administration would be to "coordinate implementation" of the nationwide activities commemorating the events of 1776.

The Bicentennial Administration would operate only with respect to activities specifically authorized by Congress. Most of the activities of the bicentennial will be performed by the appropriate State and local private and public agencies. Thus, a major function of the Bicentennial Administration will be to provide overall policy and program direction. The inability to carry out this function has been one of the major criticisms levelled against the American Revolution Bicentennial Commission—ARBC—since subsequent to the ARBC's cancellation of the Philadelphia Expo and the Bicentennial Parks program, no national bicentennial program has existed. Under the provisions of this bill, policy recommendations to the Administrator would be forthcoming from an 11-member American Revolution Bicentennial board, constituted so as to represent a broader scope of interest than did the ARBC.

While I support the proposal to reorganize the ARBC into the American Revolution Bicentennial Administration, nonetheless I wish to point out what I view to be substantial weaknesses in this bill. My primary concern deals with financing. Many States expect to receive thousands of tourists during the bicentennial celebrations. For example, in Massachusetts, two towns, Lexington and Concord—suburban communities—expect to be visited by millions of people. Yet the funding mechanisms of H.R. 7446 are inadequate to assist States in planning for the many needs that must be met. The bill allows Federal financing only from receipts from the expected sales of medals and other officially sanctioned mementos. Thus State and local planning, which should begin, if it has not already, immediately, would be predicated on the many uncertainties of how much revenue will be brought in through these sales. I believe it is necessary, in order to give the States a sufficient opportunity to prepare for the celebrations, that the Congress appropriate funds for grants for the Bicentennial Administration.

I hope that my colleagues will pass this bill, along with those amendments that would make the Bicentennial Administration more representative and more productive. Our States have much to do to prepare for the bicentennial. Without this bill, and without adequate funding, these tasks will not be done, and the quality or our 200th anniversary celebration will suffer.

Mr. RODINO. Mr. Chairman, today the House will consider the bill H.R. 7446, a bill to establish an American Revolution Bicentennial Administration. This bill embodies the provisions approved by the Committee on the Judiciary after extended consideration of the bill recommended in executive communication and companion measures. The bill is intended to provide a logical and practical organization for the observance of the Bicentennial. This is its principal purpose. At the same time I think it is relevant to note that the purpose defined in this bill reflect the aims stated in 1966 when legislation was recommended in an executive communication to provide for the observance of the American Revolution Bicentennial. In the communication sent to the Congress on March 10, 1966, it was stated that it was only fitting that we plan for the 200th Anniversary of the American Revolution. It is noted that in the rich diversity that is America, each community will celebrate in its own way and will draw its own inspiration from the Revolution. The President's message in 1966 also stated that the Federal Government must be prepared to act in concert with the States, local communities, historical societies and others across the Nation. The communication visualized the bicentennial celebration as a truly national effort. In its conclusion the executive communication contained this assessment of the significance of the events which led to the founding of our Nation:

> From 1776 on, whenever human beings have dreamed of a better society, wherever they have determined to bring reality to their dreams, they have been moved by the eloquence of the Declaration of Independence. They have found guidance and sustenance in the actions of the men who saw our Nation through the crisis of its birth.

The need for an improved organization in connection with the performance of functions relating to the Bicentennial was emphasized in a staff study made by the staff of the House Committee on the Judiciary. A report of that study was issued December 21, 1972, which made suggestions for a reorganization of the structure of the American Revolution Bicentennial Commission. The staff suggested that there should be a clear definition of the role of the organization and that further there be an unambiguous mechanism for executive direction in the revised structure.

The American Revolution Bicentennial Administration would assume the task of coordinating, scheduling and facilitating activities related to the observance of the Bicentennial and for planning and implementation in connection with the observance.

The American Revolution Bicentennial Administration would take the place of the American Revolution Bicentennial Commission and assume its functions and responsibilities in the manner provided for in this bill. The basic purpose of the bill is to provide for an improved and more appropriately organized Federal agency to perform the functions and duties related to the bicentennial observance. I feel that is fair to say that in the past the diffused authority and responsibility of the present commission has served to inhibit the work of that body in attempting to plan and prepare for the bicentennial observance. The American Revolution Bicentennial Administration, as provided for in the bill now under consideration, will have an improved structure and organization which can successfully prepare for the Bicentennial in the short time now remaining for the accomplishment of that vital work. This aim was summarized in the executive communication proposing the legislation early this year, when it stated that the new agency is intended to be a unified organization which will be better suited to meet the demands for accelerated decisionmaking in the less than 3 years remaining to accomplish that work.

The bill provides for the organization of this new and temporary agency. The American Revolution Bicentennial Administration would be headed by a full time Administrator who would be appointed by the President with the advice and consent of the Senate, and there would be a deputy appointed in the same manner. Basic policy for the Administration would be set by an 11-member American Revolution Bicentennial Board, and it would also set guidelines for the Administrator. A 25-member Advisory Council would be created which is intended to be broadly representative of our Nation's people. It would advise the Administrator on matters coming within the responsibility of the Administration, and its elected Chairman and Vice Chairman would be members of the Board.

In order to clarify the role of the new Administration, section 4 of the bill provides that the Administrator is not to operate any programs unless specifically authorized by law. It is further provided that he is to limit his functions to stimulating and encouraging appropriate public and private authorities and organizations to assume the operational responsibility for particular programs. Other provisions of the bill define the functions and responsibilities of the new Administration.

I urge the approval of the bill with the committee amendments. This legislation is needed so that we can proceed with the observance of the Bicentennial. The importance of this observance was emphasized in the original Executive communication in 1966, and the statement made at that time bears repeating here today. The communication stated:

> Nothing in our proud heritage surpasses the significance of that great struggle for freedom nearly 200 years ago. The Colonies at that time contained hardly more than 3 million people. Yet they also contained the greatest group of leaders ever assembled on the stage of history: men like Washington, Jefferson, Adams, Paine, Franklin, and Mason. These were men of vision. They were men of courage. They were men of ideas.
>
> These great leaders, warmed by the love of liberty, gave to their fellow Americans a driving force which inspired them to move from a colony of limited horizons to a powerful and mighty nation of free men and abundant opportunity.

Mr. PRICE of Illinois. Mr. Chairman, the American Revolution Bicentennial will be perhaps the most extensive nationwide celebration in U.S. history. In establishing a bicentennial administration we must take care that it remains unencumbered by partisan prejudice and that the bicentennial machinery does not become a self-serving vehicle for the dissemination of propaganda by any political party. In appointing the Administrator, the Deputy Administrator, and the members of the Advisory Council, the President should be encouraged to select men of principle who will view their duty as one to the Nation rather than to a particular party or administration.

1976 will mark the 200th birthday of a political system characterized by partisanship and advocacy of opposing viewpoints, but distinguished by its disposition to concerted effort in times of crisis, willing cooperation for mutual welfare, and unselfish good cheer on occasions of national celebration. It would be a sad irony indeed if we allowed the very observance of the birth of this tradition to be the occasion of its violation.

It is, of course, entirely fitting that the Bicentennial be a time for reflection upon and thanksgiving for the strong heritage fashioned by Americans and American leadership during two centuries of national life. But it would be inappropriate to emphasize the accomplishments or supposed accomplishments of any specific party or administration. In order to coordinate the numerous and diverse activities of the Bicentennial, a centralized administration is desirable and necessary. If conscientiously conducted, the Bicentennial administration will be an effective organizing agent which can give impetus and unity to the national celebration. The Bicentennial will fulfill all of its promise so long as we insure that this 200th anniversary of the American Revolution remains as free of partisan politics as was the revolution itself.

Mr. BUTLER. Mr. Chairman, we have no further requests for time.

Mr. DONOHUE. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as this Nation approaches the bicentennial of its birth and the historic events preceding and associated with the American Revolution which are of such major significance in the development of our national heritage of individual liberty, representative government, and the attainment of equal and inalienable rights and which also had so profound an influence throughout the world, it is appropriate and desirable to provide for the observance and commemoration of this anniversary and for those activities of local, State, National, and international significance to be coordinated, scheduled, and facilitated by a governmental unit, drawing on the resources of public, private, civic, and other organizations for planning and implementation, to insure that the appropriate observances take place.

SEC. 2. (a) There is hereby established an independent establishment to be known as the American Revolution Bicentennial Administration (hereinafter referred to as the "Administration") to coordinate, to facilitate, and to aid in the scheduling of events, activities, and projects of local, State, National, and international significance sponsored by both governmental and nongovernmental entities in commemoration of the American Revolution Bicentennial.

(b) The Administration shall be headed by an Administrator (hereinafter referred to as the "Administrator") who shall be appointed by the President within sixty days after the effective date of this Act by and with advice and consent of the Senate. The Administrator shall serve at the pleasure of the President and shall be compensated at the rate now or hereafter prescribed for offices or positions at level III of the Executive Schedule.

(c) The President shall appoint a Deputy Administrator by and with the advice and consent of the Senate who shall be compensated at the rate now or hereafter prescribed for offices or positions at level IV of the Executive Schedule. The Deputy Administrator shall perform such duties as the Administrator may prescribe. The Deputy Administrator shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or during a vacancy in the office of the Administrator.

(d) The Administrator shall have power to appoint and fix the compensation of such personnel as he deems advisable, however, not more than five such appointments may be placed in grades GS–16, GS–17, and GS–18, to carry out the functions of the Administration. The authority with reference to appointments in grades GS–16, GS–17, GS–18 will be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions of the Administration. The Administrator shall have power to appoint such advisory committees as he deems necessary.

(e) The Administrator may procure services as authorized by section 3109, of title 5, United States Code.

(f) The Administrator, to such extent as he deems necessary, may procure supplies, services, and personal property; make contracts; expend funds appropriated, donated, or received in pursuance of contracts hereunder in furtherance of the purposes of this Act; and exercise those powers that are necessary to enable him to carry out efficiently and in the public interest the purposes of this Act.

(g) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Administration by the Department of the Interior, for which payment shall be made in advance, or by reimbursement, from funds of the Administration in such amounts as may be agreed upon by the Administrator and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments made to or on behalf of an Administration employee and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Administration: *And provided further,* That the Administrator shall not be required to prescribe such regulations.

(h) Any property acquired by the Administration and which remains upon its termination shall be transferred to the Secretary of the Interior for use by him under section 7(b) of this Act, or shall be disposed of by the Secretary as excess or surplus property as otherwise provided by law.

(i) Whoever, except as authorized under rules and regulations issued by the Administrator, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Administrator for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or holds out to the public objects in such a manner as to suggest any such logos, symbols, or marks not officially authorized by the Administrator, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided*, That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Administrator with respect to each such logo, symbol, or mark.

SEC. 3. (a) There is hereby established an American Revolution Bicentennial Advisory Council (hereinafter referred to as the "Council") to be composed of twenty-five members appointed by the President, no more than fifteen of whom shall be appointed from the same political party. The members shall serve at the pleasure of the President, and their terms of office shall not extend beyond the termination date of the Administration. Members of the Council shall be chosen from private life and shall be broadly representative of the Nation's people. In appointing persons to the Council, the President shall give due consideration to the contributions, among others, of the Nation's youth, women, elders, racial and ethnic minorities, artists and craftsmen, and learned professions. The Administrator shall serve as an ex official member of the Council. The Council shall meet at least once every two months and shall hold other meetings at the call of the Chairman, the Administrator, or a majority of its members, and shall render advice to the Administrator on all matters relating to the purposes of this Act.

(b) Vacancies on the Council shall be filled in the same manner in which original appointments were made.

(c) The Members of the Council shall receive no compensation for their services as such, but shall be allowed such necessary travel expenses and per diem as are authorized for individuals serving without pay under section 5703, of title 5, United States Code.

(d) The chairman and vice chairman and other appropriate officers of the Council shall be elected by and from members of the Council other than the Administrator.

SEC. 4. (a) In order to assure a balanced program for the bicentennial commemoration, encompassing the themes of "Heritage '76", "Festival USA", and "Horizons '76", and in furtherance of the purposes outlined in section 2(a) of this Act, the Administration as a primary function shall prepare the master calendar of events of local, State, National, and international significance which will take place between March 1975 and December 31, 1976. In carrying out the purposes of this subsection, the Administrator shall—

(1) provide for the bicentennial master calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance;

(2) coordinate, facilitate, and aid in the scheduling of events, programs, and projects of States and private citizens, and national and international programs, which commemorate the bicentennial; and

(3) develop standards for, and evaluate the feasibility, relevance, status, and desirability of various programs and projects associated with the bicentennial commemoration, acting in conjunction with the Office of Management and Budget in cases where Federal department or agency activities are involved.

(b) In addition the Administrator shall—

(1) provide for the coordination of non-Federal bicentennial programs and projects with appropriate Federal programs and projects;

(2) provide recognition as deemed appropriate in connection with bicentennial related programs or projects;

(3) provide for competitions and similar projects relating to the bicentennial;

(4) provide for the preparation, distribution, dissemination, exhibition, and sale of commemorative medals and other historical, commemorative, and informational materials and objects which will contribute to public information, awareness, and interest in the bicentennial.

In performing the duties set forth in subsections (a) and (b) of this section, the Administrator shall not operate any programs unless specifically authorized by law, but shall limit his functions to stimulating and encouraging appropriate public and private authorities and organizations to assume operational responsibility for particular programs.

(d) In the Administration's planning activities, the Administrator shall give special emphasis to the ideas associated with the Revolution which have been so important in the development of the United States in world affairs and in mankind's quest for freedom.

SEC. 5. (a) In fulfilling his responsibilities, the Administrator is authorized to consult, cooperate with, and seek advice and assistance from (1) the American Revolution Bicentennial Council and the American Revolution Bicentennial Board, (2) appropriate Federal departments and agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations, and (3) bicentennial commissions of the several States, the District of Columbia, the Commonwealth of Puerto Rico and the territories, either collectively or individually. The Administrator may authorize travel as he deems appropriate for representatives and staff of such bicentennial commissions and may pay travel expenses and per diem therefor as authorized for individuals serving without pay under section 5703 of title 5 of the United States Code. Federal departments and agencies are authorized and requested to cooperate with the Administrator in carrying out his duties under this Act.

(b) The Chairman of the Federal Council on the Arts and the Humanities, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities are authorized and requested to cooperate with the Administrator, especially in the encouragement and coordination of scholarly works and presentations focusing on the history, culture, and political thought of the Revolutionary War period.

(c) The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States are authorized and requested to cooperate with the Administrator, especially in development and display of exhibits and collections and in the development of bibliographies, catalogs, and other material relevant to the period of the Revolutionary War.

SEC. 6. (a) The Administrator is authorized to accept donations of money, property, or personal services.

(b) Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials donated to the Administration may be deposited for preservation in National, State, or local libraries, archives, museums, or other public or nonprofit institutions or be otherwise disposed of by the Administrator in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

SEC. 7. (a) There are hereby authorized to be appropriated annually such sums as the Congress may deem necessary to carry out the purposes of this Act.

(b) An annual report of the activities of the Administration, including an accounting of funds received and expended, shall be furnished by the Administrator to the Congress and a final report shall be made to the Congress no later than June 30, 1977. The Administration and the Board shall terminate on June 30, 1977, or on the date of the filing of the final report, whichever is sooner. In order to effect an orderly transfer, the President is authorized to transfer to the Secretary of the Interior on or after January 1, 1977, such powers and functions as he shall deem necessary for a continuation of appropriate commemoration of events relating to the American Revolution until December 31, 1983. All personnel, records, property, and appropriations of the Administration as relate to the transferred functions shall be transferred to the Secretary of the Interior and shall be available for carrying out such transferred functions.

SEC. 8. Appropriations or other funds available to the Administration for carrying out the purposes related to or in furtherance of the bicentennial commemoration may be transferred to another Federal department or agency as may be mutually agreed upon between the Administration and the Federal department or agency concerned. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of the transferee department or agency or under the authorities of this Act, providing that the activities so funded come within the purposes of this Act.

SEC. 9. The Administrator is authorized to use non-appropriated funds to carry out a program of grants-in-aid in furtherance of the purposes of this Act. Subject to such regulations as he may prescribe, the Administrator may—

(a) make grants to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

(b) in any case where money or property is donated, bequeathed, or devised to the Administration, and accepted by it for the purpose of assisting a non-profit entity, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivision thereof), for a specific bicentennial program or project, make a grant of the money or property for the purpose specified, plus an amount from otherwise available nonappropriated funds not to exceed the value of the donation, bequest, or devise: *Provided*, That the recipient agrees to match the total value of the grant for such bicentennial program or project.

SEC. 10. (a) There is hereby established the American Revolution Bicentennial Board (hereinafter referred to as the "Board"). The Board shall be composed of eleven members as follows:

(1) the Administrator;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives. Members appointed under this paragraph shall not be of the same political party;

(3) two Members of the Senate appointed by the President of the Senate. Members appointed under this paragraph shall not be of the same political party;

(4) the Chairman and the Vice Chairman of the Council;

(5) the Secretary of the Interior; and

(6) three members appointed by the President from officers or staff of State bicen-

tennial commissions or comparable State bodies.

(b) The members of the Board shall serve for the length of time the Board is in existence.

(c) Any person appointed to fill a vacancy on the Board shall be appointed in the same manner as the member whose vacancy he is filling.

(d) Members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Board, but not exceeding the maximum amounts authoried under section 5703(b) of title 5, United States Code, and, in addition thereto, each member of the Board shall receive $100 per day for each day he is engaged in the performance of duties vested in the Board, including traveltime; however, members of the Board who are officers or employees of the United States shall receive no additional compensation for their services.

(e) Four members of the Board shall constitute a quorum.

(f) The Chairman and Vice Chairman of the Board shall be elected by members of the Board from members of the Board other than the Administrator.

(g) The Board shall meet at least once each month and shall hold other meetings at the call of the Chairman, the Administrator, or a majority of its members.

(h) The Board shall be empowered to—

(1) receive advice and information from the Council and the Administrator with respect to the development of policy and guidelines to carry out the purposes of this Act; and

(2) give final approval to grants to be made under the authority of section 9 of this Act;

(3) review, approve, disapprove, or ratify from time to time, all basic policy and guidelines, including the proposed annual budget, to be presented by the Administrator in carrying out the purposes of this Act.

(i) It shall be a duty of the Board to make a continuing study of the activities of the American Revolution Bicentennial Administration. The Board shall, from time to time, but not less than every six months, report to the Committees on the Judiciary of the Senate and the House of Representatives, and to the Senate and the House of Representatives concerning the results of its studies, together with such recommendations as it may deem desirable. It shall make a final report thereon by June 30, 1977.

Sec. 11. At the request of the Board, the President may, when he determines it to be in furtherance of the purposes of this Act, direct that the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, and the expenditure of Government funds as he may specify.

Sec. 12. Except for members of the Commission, the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held available or to be made available to the American Revolution Bicentennial Commission, established by Public Law 89–491, approved July 4, 1966, and the amendments thereto, shall be transferred to the Administration upon the effective date of this Act to be used for the purposes of this Act and to liquidate any outstanding obligations of the American Revolution Bicentennial Commission.

Sec. 13. (a) The President may authorize any person, including any person who immediately prior to the effective date of this Act held a position in the executive branch of the Government, to act as Administrator during the sixty-day period referred to in subsection (b) of section 2 of this Act, or until the office of Administrator is for the first time filled pursuant to the provisions of this Act.

(b) The President may authorize any person who previously held a position in the executive branch of the Government who serves in an acting capacity under the provisions of subsection (a) of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

Sec. 14. The joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", Public Law 89–491, approved July 4, 1966, as amended, is hereby repealed, and the American Revolution Bicentennial Commission is hereby abolished.

Sec. 15. The Act entitled "An Act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution", Public Law 92–228, approved February 15, 1972, is amended as follows:

(a) Section 1 of such Act is amended by striking out "American Revolution Bicentennial Commission (hereinafter referred to as the 'Commission')" and inserting in lieu thereof "American Revolution Bicentennial Administration (hereinafter referred to as the 'Administration')".

(b) Section 3 of such Act is amended—

(1) by striking out, in the first and second sentences, "Commission" and inserting in lieu thereof "Administration", and

(2) by striking out, in the second sentence, "December 31, 1983" and inserting in lieu thereof "June 30, 1977".

Sec. 16. The provisions of this Act shall become effective thirty days following the date of enactment.

Mr. DONOHUE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments. The Clerk read as follows:

Committee amendments:

Page 2, line 17, strike "appointed" and insert "nominated".

Page 2, line 18, after "Act" insert "and appointed".

Page 8, line 20, after "Bicentennial" insert "Advisory".

Page 10, line 1, after "accept" insert "on behalf of the Administration".

Page 11, line 13, strike "fund." and insert "fund,".

Page 14, line 18, strike "budget," and insert "budget".

Page 14, line 19, strike "ministrator" and insert "ministrator,".

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Williams: On page 10, line 15, add:

"There are further authorized to be appropriated four hundred and ninety million dollars, ($490,000,000) for the purpose of making matching grants under the provisions of Section 9 of this Act, such funds to remain available until expended, but not later than the end of fiscal year 1976, (June 30, 1976.)"

In page 11, line 19, following, "The Administrator is authorized to use" add: appropriated and

On page 12, line 13 following, "otherwise available" add: appropriated or

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the three amendments I am offering be considered en bloc inasmuch as they all have to do with the same subject.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WILLIAMS. Mr. Chairman, for the last 2 years, since September of 1971, I have represented this House on the current American Revolution Bicentennial Commission. The task has been difficult and time consuming. Like other Members of this body who have served on this particular Commission, I have at times been blamed for the actions of the rest of the Commissioners.

Today we are considering H.R. 7446, a bill to establish the American Revolution Bicentennial Administration. I wish to commend the members of the Donohue subcommittee for their efforts in producing this bill. They have taken what I considered to be a very poor proposal from downtown and made it workable. Many of the provisions the subcommittee adopted were ones our colleague, Bill Whitehurst, and I suggested when we appeared before the subcommittee while it was holding hearings.

I am particularly glad to see that the subcommittee agreed with us that we should not commemorate the bicentennial of the revolution to overthrow kings by establishing a new "Bicentennial King."

There are, however, three areas in which this bill must be strengthened, Mr. Chairman. They are all crucial to a meaningful commemoration of our bicentennial.

The first, and by far the most important, is the failure to provide for any meaningful assistance to the many imaginative and exciting programs that the States have developed. This, Mr. Chairman, is a tragic error.

The Bicentennial Commission has failed to provide this Nation with any program that is national in scope. In fact, the Commission has killed two major programs within the past 13 months.

My native Pennsylvania was deeply committed to hosting an International Exposition in Philadelphia in 1976. The Bicentennial Commission voted against the Philadelphia Exposition just a year ago last month.

Last month the same Commission voted that the proposal to construct "Bicentennial Parks" in each State was not feasible. These two negative votes killed the two major federally supported projects just as surely as the people of Colorado killed the 1976 Winter Olympic Games for Denver in a vote last November.

It is now far too late to reopen discussion on these proposals. In only 22 months we will reach the Bicentennial of the date on which that embattled farmer stood and fired "the shot heard round the world." Realistically we must face the fact that the Federal Government has no program to commemorate the Bicentennial, and even worse, we do not have enough time to plan anything with even faint hopes for success.

That, Mr. Chairman, leaves the burden entirely on the States. We must count on the individual State American Revolution Bicentennial Commissions to adequately celebrate and commemorate the anniversary of the National Bicentennial. This is our last chance to have a National Bicentennial commemoration and to accomplish this, we must offer financial assistance to each State.

I am glad to report that it can be done. Each State has set up its own Bicentennial Commission, or has placed the function in an existing office, and these State organizations have developed programs that will make all Americans proud. From the State of Maine to the far reaches of Alaska these State Commissions have worked out exciting plans.

Every State in our Union, from the First State, Delaware, to the most recent addition, Hawaii, has planned its own program.

At a time when we are moving toward a "new federalism" this is fitting. Each State has its own history and its own heritage to celebrate and commemorate. We are, after all, the United States, not the uniform States.

I have seen the current plans for many of these State commemorative programs and they are excellent. They will provide lasting value to the people of this country. There are historic preservation programs, programs to explain our diverse pasts and a hundred others.

They all suffer from the same drawback: lack of funding. On the Federal level we have failed to provide any meaningful plan for the bicentennial, and thus, left the burden on the States. And then, we failed the States again by not including any appropriated funds to help finance State programs.

The Bicentennial Parks would have cost us at least $1.3 to $1.5 billion, and probably more. The ARBC staff and the staff at OMB estimated costs of the Philadelphia Expo to run between $1.52 and $1.74 billion. The parks would have forced the States to accept a uniform design dreamed up in Washington, and the Philadelphia Expo would have tended to have focused the bicentennial in a single city.

On the other hand, by falling back on the State programs, we have a bicentennial program in each of the States, and that program is being planned and implemented by the citizens of the individual State. This will indeed make it a bicentennial "of the people, by the people, and for the people."

There is little left for the Congress to do to insure that the commemoration takes place, with one exception. Without funding assistance the States will not be able to carry out their plans. Without funding assistance the Federal Government will have abandoned the bicentennial entirely. Gentlemen, without funding assistance, there will probably be no bicentennial.

The critical first step is to commit the Federal Government to its rightful job of assistance to the States in financing the Federal bicentennial. We must take it here today.

Until only a few days ago, we had to rely on guesswork to estimate the cost of the State programs. At my request, the ARBC staff has contacted the Bicentennial Commissions of the individual States and requested information on the cost of their programs, their need for Federal assistance, and the purpose of the programs.

The cost, Mr. Chairman, is really quite low. As I said earlier, the cost of the International Exposition would have been somewhere between $1.52 and $1.74 billion; the cost of the Bicentennial Parks would have been at least $1.3 to $1.5 billion, and probably much more. The total estimated Federal Share of the State bicentennial programs would be $490 million, well under one-third of the cost of the other programs.

This expenditure would provide jobs for people in constructing, making or restoring the bicentennial programs of the various States. Since these would be permanent installations, people would be employed to conduct and maintain the State bicentennial commemorations, from nominal admission fees and concessions, the States would regain their investment and increase employment.

If anyone is of the opinion that $490 million paid out to the States in a period of three fiscal years is too much money, please keep in mind that the administration has assured Philadelphia over $100 million, and this money has been included in the 1974 budget of the various branches of the executive departments and Philadelphia must apply to these departments for grants.

While I favor Philadelphia and its historic tradition, how can we possibly say that Philadelphia should get $100 million and yet deny the various States an average of less than $10 million, paid over a period of 3 years, to assist them in staging their own Bicentennial commemoration.

Every State commission has assured the ARBC that with assistance, they will carry out their programs, but that without it, it is doubtful that they will be able to accomplish much, if anything.

The ARBC adopted a resolution at its last meeting which endorses a program of grants to the States from appropriated funds for the operation of State programs.

The National Governors Conference held its annual meeting this week and called for matching grants from appropriated funds for the operation of the State programs. The National Association of Mayors is expected to pass the same resolution next week.

Congress must now act to meet our responsibility to the people of this Nation. We must accept the fact that it is a national bicentennial and it demands national participation in the funding.

Mr. WYLIE. Mr. Chairman, I would like to ask the gentleman a question. Will the gentleman from Pennsylvania (Mr. WILLIAMS) yield?

Mr. WILLIAMS. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, in the resolution which we passed today providing for the rule in connection with this bill, we waived points of order which prohibit the appropriation of money in an authorization bill.

We were told the reason for the necessity of the waivers is so that a certain amount of money now on hand can be spent by the Bicentennial Commission during fiscal year 1974. Do you know what I am talking about?

Mr. WILLIAMS. I know this: There are regional offices that have frequent contact with the representatives of many State American Revolution bicentennial commissions. We know the projects they have planned and what those projects are going to cost, and the money we have in this bill here, $490,000, is 50 percent or one-half of the cost of their projects in all 50 States, Puerto Rico, and Guam.

Mr. WYLIE. What I am trying to find out is how much money is presently in the fund maintained by the American Revolution Bicentennial Commission? I understand about $11 million has been spent already by the ARBC. Do you know how much is in the fund at the present time?

Mr. WILLIAMS. At the present time there is very little money in the fund to operate the Federal ARBC.

Mr. WYLIE. I still have not found out how much.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

I wonder if the gentleman from Pennsylvania would answer a question or two for me.

Mr. WILLIAMS. I will be happy to.

Mr. STUDDS. I have the list to which you presumably referred, labeled State and Territorial Commissions with estimates of funds. Could you tell us the source of these figures?

Mr. WILLIAMS. The source is the State Bicentennial Commissions themselves. In other words, right now the Federal ARBC has five regional offices, and they are setting up a sixth regional office. We will eventually have 10. The man here in Washington in charge of the State contacts is Mr. Charles Goodspeed. Contacts have been made with every one of the State ARBC's, and the amount of money in the list you have is the same as the list I have. The money is the amount furnished by the State.

Mr. STUDDS. So these requests State by State are the only criteria used for the actual figures for each individual State?

Mr. WILLIAMS. That is right.

Mr. STUDDS. So there was no overall national attempt to set the priorities as to where the funds should go, but simply passive acceptance of these figures of the States?

Mr. WILLIAMS. Not exactly passive, because there have been some guidelines set up that the celebration by the States for the commemoration must be directly connected with the American Revolution if it was one of the original 13 Colonies or with something important to the history of the State that joined the Union later and permitted or caused it to become a State. These various commemorations should be permanent in nature. So a lot of these funds will be the amount that a State itself wanted to spend. For example, Virginia estimates that to restore Yorktown, which is their project, will cost $10 million. The Federal Government will provide $5 million of that under this proposal.

Mr. STUDDS. The reason I asked the gentleman the question, among other things, is it seems to me, in skimming the list, to be an interesting and not easily comprehensible diversity of figures State by State. There seems to be almost $44 million for Minnesota, which was not one of the 13 Colonies, and $23 million for Massachusetts, $23 million for Kansas, $27 million for Kentucky, $6 million for Hawaii, whose role in the Revolution I am not sure I understand.

Mr. WILLIAMS. Keep in mind that we have taken the State's figures and if the State wanted to spend more money with us picking up half of it, fine; that was their privilege. It has been the general understanding that these States will receive some Federal funding but no action has ever been taken to appropriate any money for the States beyond the $90,000 for planning.

So, there is a discrepancy, and if one State wants to spend more than another State then that is the desire of that State.

Mr. STUDDS. I thank the gentleman from Pennsylvania. I would like to state that it does seem to me not to be a particularly rational approach simply to base the allocation of these funds on the requests of individual States without an attempt to look at the comprehensive national picture.

I thank the gentleman for responding to my questions. I would like to associate myself with the remarks made earlier by the gentlewoman from Texas (Miss JORDAN).

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to commend the Committee on the Judiciary for coming in with a very excellent bill.

I want to point out that there has been a reference regarding the expenditures of money. I want to read from the hearings before the Committee on Appropriations held just about 6 weeks ago. I stated:

> The question arose in the Committee a moment ago about your appropriations. In the 1968 second supplemental, $150,000 was appropriated. In 1970—and bear this in mind this is 1 to 2 years that the regular bill carried the item—there was $175,000 appropriated. In 1971, $373,000. In the 1971 second supplemental, $267,000 was appropriated which means that this was added in the last of the year, long after the fiscal year began.
>
> In the 1972 supplemental $1.4 million, again long after the year began.
>
> The second 1972 supplemental, again long after the year began, $2.4 million was appropriated. If I recall correctly the $1.4 million was for operations and the $2.4 million was the grants.
>
> Mr. HALL. That is correct.
>
> Mrs. HANSEN. The 1973 supplemental was $3,356,000. Again this was, as I recall, at the very end of the year.

You will find the financial story right there.

Interestingly enough, the sale of the medals by the Bicentennial Committee has raised more money than the money which was brought in through the appropriations process.

I would just say to the gentleman from Pennsylvania that in the Park Service budget of the Committee on the Interior, which will be before the House very shortly, the Members will find item after item in all the 13 original States with funds for the restoration, repair, and renovation of all the bicentennial facilities that are known in our American history. This goes the length of the Nation.

The Members will find that the humanities program does carry money this year for a program that the gentleman from West Virginia (Mr. HECHLER) mentioned. The Members will find that other agencies are very busy trying to implement this money.

But I certainly cannot imagine being chairman of the subcommittee of the Committee on Appropriations which would handle $490 million and just casually dish it out to anybody that came in, with whatever Pennsylvania wanted, with whatever Washington wanted, and with whatever Oregon wanted, and so forth. I think that one of the problems the Bicentennial Commission has had from the beginning is that some people in the country think that there is nothing involved in this bicentennial but bricks and mortar, covered with gold dust. I do not know where they are going to get the gold dust.

So again I want to say to the Committee on the Judiciary that I think they did an excellent job and a sensible job. But please do not think that in this critical budgetary year where budgets have been sliced that $490 million is going to appear like magic, particularly when the authorization bill was so late.

I yield back the balance of my time.

Mr. FROEHLICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for a number of years I stood as an average citizen wondering about the priorities set by Congress. Through the goodness of the people in the Eighth Congressional District of Wisconsin, I joined the Members on January 3. But to stand here today and see an amendment before this House for $490 million that anticipates equal funding of another $490 million by the various States, with $45 million anticipated for administrative expenses from this day to the end of this Administration, means that we are talking about a billion dollar birthday party. What are our priorities? One billion dollars to celebrate the 200th anniversary of this Nation? When we are cutting back in all areas, when we are trying to stop inflation, we address ourselves to amendments like this.

Mr. Chairman, this amendment should be defeated.

Mr. BUTLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will try not to trespass on the Members' time too long, but I do think it important that we recognize exactly what is asked of us. There are two operative figures in the mind of the gentleman from Pennsylvania. One was in the bill which he introduced originally on March 21 asking for grants-in-aid of $275 million. Now, today he asks $490 million. In a short period of 2 months the ante has been raised that much. What happened? What happened?

I will tell the Members what happened. The people on the commission, at his request, made these phone calls to the State commissions and said, "Have you got any requests for money? How much would you want?"

They scratched their heads and came back with a total of $490 million, and that is how fast it grew. They did not expect that money; they are not counting on it; and there is no reason to think that they are going to get it.

The people in Virginia know what is going to happen. I should like to read a letter to the House from the chairman of the Virginia Independence Bicentennial Commission. It reads as follows:

> Actually, we of the 13 original states are determined to be prepared to be the hosts for the Bicentennial regardless of whether Congess appropriates any money or not, but if money is appropriated, we can use it in Virginia by reducing the necessity of additional State appropriations.
>
> I do believe that the Bicentennial is a national event, and something that Congress should fund to the extent they feel they can afford to.

Of course, if you give it to us, we will take it, and who will not? But we have not any business in giving it. It is not in the budget; it is not in anybody's budget. This was one phone call to 50 States, but there are 40,000 governmental units in the United States who expect to have a bicentennial or be invited to have a bicentennial of their own. Now they are all going to try to get into the act, and there will be no end to this. There is no index in this for distribution as to who gets how much. We in the 13 States originally expected the lion's share, but that may not be. The Federal money is not there. It is not in anybody's budget. The celebration begins in 1975. That is less than 2 years away. We just cannot give away money that fast in this day and age. The Federal Government just cannot give it away that fast. There is no way to do it.

All this would be a magnificent giveaway.

Another problem in the creation of this Federal program of the indeterminate amount is that it whets the appetites of the States. The grants men will have their field day parading to Washington to try to get in the act. Every State program will stand still now with the thought that because here may be bigger Federal money, we had better get a bigger program.

The States have never been led to expect these Federal grants, and they are making their plans without them. Now to give this $500 million to the States would be a magnificent waste of Federal funds. I will agree that this may not be an inappropriate way to characterize much of American history, but we do not have to do it that way. The States are not expecting it, and we cannot afford it.

I hope the Members will give a big "no" to this amendment.

Mr. MANN. Mr. Chairman, I rise in opposition to the amendment. I hope I correctly sense the feeling of those present for a quick negative vote on this amendment. However, I wanted to rise to express for the RECORD the opposition of the majority members of the committee who worked on this bill. We think it is a good bill.

Instead of associating myself with the remarks of the Congresswoman from Texas (Mrs. JORDAN), I think I will just say amen to her remarks and ask for a vote.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I lost out temporarily on what was going on with respect to this bill while I was in the rear of the Chamber recovering from the shock of my amendments to the State Department bill being adopted, but I am entranced by the display of forensics just put on by my two freshmen colleagues on the Republican side of the aisle. I welcome them with open arms to the ranks of those who would like to save the taxpayers from the beating they are taking.

Now what is the situation? What does the committee bill call for? What does the committee advocate? Is it $9 million a year?

Mr. DONOHUE. The estimated figure for the fiscal year 1974 would be $7.1 million. They anticipate that the average for 1974, 1975, and 1976 will be approximately $9 million a year.

Mr. GROSS. What is that total?

Mr. DONOHUE. It is $27 million.

Mr. GROSS. It is $27 million?

Mr. DONOHUE. For the 3-year period.

Mr. GROSS. And what does the gentleman from Pennsylvania want to do here?

Mr. DONOHUE. I defer to the gentleman for a reply on that.

Mr. WILLIAMS. Mr. Chairman, I welcome the opportunity to reply for this reason. On page 10, section 7, it says:

> SEC. 7. (a) There are hereby authorized to be appropriated annually such sums as the Congress may deem necessary to carry out the purposes of this Act.

Mr. GROSS. What are the gentleman's figures for spending on this badly managed enterprise?

Mr. WILLIAMS. The figures the gentleman has just heard are the figures to keep our Federal ARBC operating. The figures the gentleman has heard from me are the $490 million over a 3-year period, for less than $10 million per State. It goes for an entirely different purpose. These figures were not gotten by a number of phone calls. The figures were gotten from the ARBC itself, which had them available because of the close cooperation with the State ARBC's.

Mr. GROSS. I thought the States were already tuned in on a $5 to $6 billion a year in revenue sharing.

Mr. WILLIAMS. We are not talking about revenue sharing. The gentleman is talking about revenue sharing. We are talking about funds through which a State can put on its commemoration of our bicentennial.

Mr. GROSS. Does the gentleman believe with $490 million there could be erected in each State a monument to inflation and the devalued dollar; a monument to the financial catastrophe that this country is facing? Does the gentleman believe we ought to take some cognizance of what we would be doing if we coughed up $490 million more to the States?

Mr. WILLIAMS. Let me say this, if the gentleman will yield. Most of the projects planned by the States are permanent in nature. They will be producing revenue for many years and the States will recover their money and we will have something of a permanent nature to point to in commemoration of our 200th birthday.

Mr. GROSS. In the name of a bicentennial celebration or any other guise I am not ready to vote another $500 million to the States for a glorified WPA.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. A recorded vote has been demanded.

Mr. WILLIAMS. Mr. Chairman, I withdraw that. I make the point of order that a quorum is not present, and I object to the vote on that basis.

The CHAIRMAN. The Chair advises the gentleman from Pennsylvania that that procedure is not in order in the Committee of the Whole.

Mr. WILLIAMS. Mr. Chairman, I make a point of order. I object to the vote on the ground that a quorum is not present, and I request a rollcall vote.

I can object to the vote on the grounds that a quorum is not present, and insist on my point of order.

The CHAIRMAN. Not in the Committee of the Whole, the Chair wishes to advise.

The gentleman may be advised that he may wish to raise a point of order that a quorum is not present.

Mr. WILLIAMS. That is exactly what I have done.

The CHAIRMAN. But the gentleman must be advised that during proceedings of the Committee of the Whole, an automatic vote is not a proper request.

Mr. WILLIAMS. Mr. Chairman, I make a point of order against the vote previously taken on the basis that a quorum is not present.

The CHAIRMAN. The gentleman from Pennsylvania raises the point of order that a quorum is not present. Is that what the gentleman wishes?

Mr. WILLIAMS. No. I demand a recorded vote.

The CHAIRMAN. The Chair will remind the gentleman from Pennsylvania that that demand has been withdrawn.

Mr. WILLIAMS. I did withdraw it before. I am now requesting a recorded vote.

The CHAIRMAN. The gentleman from Pennsylvania now demands a recorded vote on his amendments.

A recorded vote was refused.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. MANN

Mr. MANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. MANN: Page 11, line 19, after "use", insert "appropriated and."
>
> And on page 12, line 13, after "available", insert "appropriated or".

POINT OF ORDER

Mr. BUTLER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Mr. Chairman, I believe this amendment was disposed of in the last amendment considered, addressed to the same point.

The CHAIRMAN (Mr. GONZALEZ). The amendments presented by the gentleman from Pennsylvania were presented, three in number, en bloc. This amendment is one which may be presented separately.

The Chair overrules the point of order.

Mr. MANN. Mr. Chairman, first let me assure the House that I am not in collusion with the gentleman from Pennsylvania in this matter, and I hope that the debate just concluded will not unduly confuse the issue here.

This amendment appropriates no money.

This is an authorization bill. When the Bicentennial Advisory Commission and the Administrator and the Board get a handle on the problem they may find it appropriate to come to the House through the appropriations process and ask for funds for the purpose of matching grants for nonprofit entities, States or subdivisions, grants-in-aid to carry on programs that they consider appropriate and vital for the celebration of the bicentennial of this Nation.

This House by passing this authorization bill without this amendment will find it necessary to go back and amend the authorization bill to make such a step possible. I am suggesting by this amendment making it possible that the House have the option and the Congress have the option in the future of appropriating funds for the purpose of grants-in-aid so that the Commission, the administration, may use those funds for matching grant programs.

That is what this amendment does. That is all it does. It unties our hands. It gives us the additional option of appropriating funds for grant-in-aid programs in the future should they become necessary or desirable.

I must state that although this matter was discussed in the subcommittee it was not thoroughly discussed. I am in a position to report that the majority are accepting this amendment.

I should be pleased to answer any questions concerning it.

Mr. BUTLER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take a full 5 minutes.

I do not think we have any different problem from the one we had before. It is simply the same raccoon with another ring on his tail.

Basically the problem is very simple. Instead of having the integrity of a fixed authorization limitaton of $490 million we would have a blanket authorization. This would mean in the appropriations process we could appropriate money for grants-in-aid, revenue sharing to the States, without coming back here and going through the traditional authorization process.

I believe it would be the same mistake, for the same reasons I offered a moment ago in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS). I believe it is the same problem.

Instead of telling the States how big the amount is, we would just be saying, "There it is; you can expect it." We would create an expectation.

As I judge from the remarks of the gentleman from South Carolina, we would create an expectation he does not really think we are going to carry through on. That is too cruel, and I do not want to be a part of it.

I urge a "no" vote on the amendment.

Mr. PEPPER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, all of us are aware of the enormous significance not only to this country but also the world of the United States of America celebrating its bicentennial.

A new kind of force for liberty and for freedom of men came into existence when men of unparalleled genius brought forth this United States of America. Today liberty prevails in many parts of the world which would not exist had not this country been willing to make the sacrifice of its sons and of its treasury in order to make that liberty possible and to preserve the freedom that had been attained.

I believe this amendment wisely approaches the problem of how to provide additional help to those States which do come up with meritorious plans in the national as well as the State interest.

Mr. Chairman, it was the United States of America that was formed 200 years prior to 1976. Why should we expect the States to be able to put on all of the celebrations except from such funds as can be provided by the provision in this bill, which amounts to about a million dollars, that is, from the sale of various plaques and coins and that sort of thing?

That is correct, if I am not in error. I will ask the able gentleman from Massachusetts (Mr. DONOHUE) who is on the Committee on Rules, about how much he anticipated the funds will be, the voluntary funds derived from these various things that are considered as revenue from sales in this celebration. If I am not in error, I believe the able gentleman gave me an estimate of about a million dollars.

Mr. DONOHUE. Fifteen million dollars.

Mr. PEPPER. Fifteen million dollars. Again I was in error.

Mr. Chairman, $15 million would be the total amount of the bill for the Federal Government to provide matching the efforts of the various States to try in an appropriate way to celebrate the bicentennial of the United States of America.

Now, this amendment, as the able gentleman from South Carolina (Mr. MANN) has said, does not specify any particular amount. I imagine that the States will come up with their proposals. They will submit them to the administrator, to his advisory council, and probably they will make recommendations. Then the Committee on Appropriations in the House and Senate will determine, no doubt, upon the recommendation of the administrator and his advisory council, how much it is in the national interest through the Congress to provide along with the States for the glorification of America.

Mr. Chairman, that seems to me to be a worthwhile objective to be incorporated in the bill, and I support the amendment offered by the gentleman from South Carolina (Mr. MANN).

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, is the gentleman from Florida (Mr. PEPPER) aware that the State of Florida has a land acquisition program at various sites throughout the State amounting to approximately $14 million, according to estimates that are provided to the ARBC, and is the gentleman aware also that the State of Florida, in undertaking this land acquisition program——

Mr. PEPPER. Land acquisition program. What is the significance of that?

Mr. BUTLER. Mr. Chairman, it was my understanding the residents of Florida were hoping they would pick up some money from this, and I am suggesting to him that this is improper.

Mr. PEPPER. Mr. Chairman, under this amendment, if the gentleman will allow me to reply, the Congress would decide how much the Federal Government would put up.

If Florida is putting up $14 million or if they want to spend $100 million—as a matter of fact, Florida will spend a million, two hundred thousand dollars for this purpose, but under this amendment, the Congress will decide what the Federal contribution will be.

Mr. BUTLER. Mr. Chairman, the Congress has decided in the passage of this legislation that no Federal money can be used for the acquisition of real estate. So I suggest that the gentleman is about to be taken in by this thing, and I submit to the gentleman that it is improper.

Mr. PEPPER. Mr. Chairman, I am not aware that the amendment offered by the gentleman from South Carolina (Mr. MANN) provides for the acquisition of real estate. The Committees on Appropriations in the House and the Senate would determine for what purpose the Federal money was appropriated.

Mr. PICKLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Carolina (Mr. MANN).

As far as appropriated or nonappropriated funds are concerned, he did not set a sum specific. But unless we make this authorization, it seems to me that we will either operate totally from non-Federal funds, or we will not have much of an operation at all.

Mr. Chairman, I think this is an amendment that contains safeguards as far as appropriating funds, and at least it gives the Congress the right to do something about it later.

This seems to me to be a fair approach, and I think it would be desirable in each State.

The various statements that have been made about the sums that the States are going to receive for the Bicentennial is something the Bicentennial authorities have been talking about and hoping to have resolved. If we pass Mr. MANN's amendment, the Committee on Appropriations can review the amount to be spent and decide the proper level of spending. But unless we pass the authorization amendment offered by Mr. MANN, we will limp along in a manner that will not be a credit to this country.

Mr. Chairman, I therefore think the amendment offered by the gentleman from South Carolina (Mr. MANN) is a good amendment, and I am going to support it.

Mr. FROEHLICH. Mr. Chairman, I rise in opposition to the amendment.

If I understand the argument of the gentleman from Florida, he indicated an estimated $15 million may be raised through the sale of various medals and so forth, and the purpose of this amendment would be to allow that money to be disbursed for grants-in-aid to States for special projects.

If I understand the bill, that can already be done. Under section 9, these types of funds raised by the commission can be used for grants-in-aid. This amendment is not necessary for that purpose. This amendment is only necessary if this Congress intends to appropriate additional funds for the grants-in-aid. I think that is wrong.

In this bill, if we accept it today and pass it, approximately $11 million has already been spent, and an appropriation of $7.1 million requested for fiscal year 1974 with the anticipation of $9 million for the next 3 years, 1975, 1976, and 1977. We are talking about a $45 million appropriation by this Congress for the 200th birthday party right now. This is an open-ended amendment to create unlimited spending of additional amounts of grants-in-aid. I think it should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. MANN).

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 31, noes 51.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GONZALEZ, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, pursuant to House Resolution 424, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DONOHUE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 14, not voting 75, as follows:

[Roll No. 196]

YEAS—344

Abdnor
Abzug
Adams
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Bafalis
Baker
Barrett
Bell
Bennett
Bergland
Bevill
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Cotter
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Grover
Gubser
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hays
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kuykendall
Kyros
Landgrebe
Latta
Lehman
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Mezvinsky
Michel
Milford
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Neill
Owens
Passman
Patten
Pepper
Perkins
Pettis
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Ware
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zion
Zwach

NAYS—14

Anderson, Calif.
Beard
Camp
Froehlich
Gross
Hechler, W. Va.
Leggett
Long, Md.
Miller
O'Hara
Rangel
Shuster
Steiger, Ariz.
Van Deerlin

NOT VOTING—75

Addabbo
Anderson, Ill.
Ashbrook
Aspin
Badillo
Biaggi
Blackburn
Brooks
Brown, Calif.
Brown, Ohio
Carter
Chisholm
Clay
Cochran
Conyers
Corman
Coughlin
Crane
Cronin
Daniel, Robert W., Jr.
Davis, Ga.
Delaney
Dennis
Diggs
Edwards, Ala.
Evans, Colo.
Evins, Tenn.
Fisher
Flood
Fraser
Fuqua
Griffiths
Gude
Harrington
Hawkins
Hébert
Hillis
Ichord
Johnson, Colo.
Jones, N.C.
King
Kluczynski
Koch
Landrum
Litton
McEwen
Martin, Nebr.
Mathis, Ga.
Metcalfe
Minshall, Ohio
Mosher
O'Brien
Parris
Patman
Peyser
Reid
Riegle
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Ruppe
Saylor
Stuckey
Symington
Teague, Calif.
Thompson, N.J.
Waldie
Wampler
Whitten
Wilson, Charles H., Calif.
Wyatt
Wyman
Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson.

Mr. Thompson of New Jersey with Mr. Wyman.

Mr. Hébert with Mr. Ashbrook.

Mr. Addabbo with Mr. King.

Mrs. Chisholm with Mr. Fraser.

Mr. Delaney with Mr. Gude.

Mr. Evins of Tennessee with Mr. Martin of Nebraska.

Mr. Fuqua with Mr. Carter.

Mr. Kluczynski with Mr. O'Brien.

Mr. Mathis of Georgia with Mr. Blackburn.

Mr. Reid with Mr. Peyser.

Mr. Rooney of Pennsylvania with Mr. Coughlin.

Mr. Rostenkowski with Mr. Crane.

Mr. Diggs with Mr. Riegle.

Mr. Charles H. Wilson of California with Mr. Mosher.

Mr. Young of Texas with Mr. Teague of California.

Mr. Metcalfe with Mr. Badillo.

Mr. Flood with Mr. Saylor.

Mr. Evans of Colorado with Mr. Brown of Ohio.

Mrs. Griffiths with Mr. Dennis.

Mr. Harrington with Mr. Cronin.

Mr. Hawkins with Mr. Biaggi.

Mr. Conyers with Mr. Waldie.

Mr. Davis of Georgia with Mr. Parris.

Mr. Corman with Mr. Wampler.

Mr. Clay with Mr. Aspin.

Mr. Ichord with Mr. Ruppe.

Mr. Whitten with Mr. Edwards of Alabama.

Mr. Symington with Mr. Hillis.

Mr. Stuckey with Mr. Robert W. Daniel, Jr.

Mr. Roush with Mr. McEwen.

Mr. Brooks with Mr. Minshall of Ohio.

Mr. Brown of California with Mr. Wyatt.

Mr. Jones of North Carolina with Mr. Fisher.

Mr. Koch with Mr. Landrum.

Mr. Litton with Mr. Rogers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

CLEANEST INDUSTRIAL PORT IN AMERICA

(Mr. YOUNG of Texas asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. YOUNG of Texas. Mr. Speaker, there is nobody on Earth, no group on Earth which is more interested in ecology and the environment than is the House of Representatives of the United States. Yet, there is no group, I think, that is more conscious of the need of continuing industrial progress and a wholesome economy that goes with the development of deep ports along our seacoast.

Mr. Speaker, the Port of Corpus Christi, Tex., is recognized by Exxon, the largest shipper in the world of petroleum products, to be the cleanest industrial port in America.

Mr. Speaker, I have entered in the RECORD an article in Exxon USA, first quarter 1973, which follows:

CLEANEST INDUSTRIAL PORT IN AMERICA

A lot of oil moves into and out of American ports every day, right? Right!

And where you've got oil, you've got pollution, right? No! Not necessarily.

Oil shipments and pollution don't go hand in hand, as nearly 100 American ports are proving. How? By forming cooperatives which serve, much like volunteer fire departments, to combat oil spills and prevent pollution of port waters.

Do they really work?

Well, take Corpus Christi for example. This Texas city of 204,000 is a major port, ninth largest in the U.S. in volume. And the petroleum industry is the ports heaviest user. The chamber of commerce reckons that of Corpus Christi's manufacturing gross ($280 million annually) and shipping tonnage (30 million tons) 80 per cent is oil-related. Each year, some 300 million barrels of crude oil and oil products traverse the port's waters.

Furthermore, Corpus Christi's city limits enclose several oil and gas fields, with 200 wells in the bay and 400 on land. Gas reserves in the bay are estimated at 3 trillion cubic feet and valued at $912 million. Which, as Mayor Ronnie Sizemore has observed, "is no small increment in our economy."

And what has this done to the marine environment of this Texas city?

Says Commander M. H. "Mike" Eaton, "Corpus Christi is probably the cleanest industrial port in America." The captain of the port and the Coast Guard's chief pollution control officer for the Coastal Bend of Texas, Commander Eaton points to a spirit of community cooperation and concern in Corpus Christi as the key to the port's cleanliness. "My counterparts in other ports are frankly envious when I describe the broad-based pollution control programs that are in action down here," he says.

His views are seconded by Jerry Thornhill, chief of the Emergency Response Branch, Region II, Environmental Protection Agency. "The Corpus Christi experience proves dramatically that industry, government, and a concerned public can work together harmoniously to achieve a clean environment," he says. "Wherever ecologists deliberate, the Corpus Christi story should be told," Thornhill adds.

Perhaps it's the location which inspires those who live and work in Corpus Christi to be especially concerned with the quality of the city's environment.

A split-level, high-rise downtown rises on the shores of Corpus Christi bay which was first discovered by Spanish explorer Alonzo Alvarez de Pineda in 1519. Handsome resort hotels look down on palm-shaded beaches and marinas filled with pleasure craft. Miles of stately dwellings line Ocean Drive, termed by one travel writer as "America's loveliest residential drive."

Across a causeway is Padre Island, a mile-wide sliver of beaches and sand dunes stretching virtually untrammeled for 110 miles along the South Texas coast. Within it is the 80-mile long Padre Island National Seashore, which hosts more than a million visitors a year. They come to swim, surf, fish, sunbathe, birdwatch, shellhunt, and sightsee, and in the process, help to make tourism Corpus Christi's second largest industry. Last year, tourists pumped $161 million into Corprus Christi's economy.

Occasionally a Padre Island beachcomber will find a golden Spanish doubloon surfacing from the wrecks of 16th century treasure ships. And if he looks sharp, for they are hard to see, he may see evidence of a modern treasure—the control valves of gas wells producing from beneath the dunes.

James M. McLaughlin, Padre Island National Seashore superintendent, observes that a number of recreation areas within the National Park System support mineral activities. This is in concert with the National Park Service's commitment to conservation. "We have working agreements with nine oil companies and four oil and gas transmission companies, and have had excellent cooperation from all of them. The 43 gas wells operating within the National Seashore testify to the fact that their mission is not in conflict with ours. You simply can't see the wells unless you search for them," McLaughlin says.

On the northern shore of Corpus Christi Bay sprawls the fishing village of Aransas Pass, home of one of the world's largest shrimping fleets, and the town of Port Aransas, a sportsman's haven. Between the two communities a vistor may see a number of major oil storage and shipping terminal installations. One of the largest is operated by Exxon Pipeline Company. Every two weeks an Exxon USA tanker takes on a half-million barrel load of crude oil. The cargo only partially depletes the 1,600,000-barrel storage capacity of Exxon Pipeline's Harbor Island tank farm. The equipment and technology of oil is everywhere. Yet, on almost any sunny day (of which there were 241 last year) a giant tanker may share dockside space with numbers of small sports fishing boats which cluster at a productive fishing hole close by. And in the waters of the nearby channel, porpoises frolic.

In the Gulf of Mexico east of Padre Island, sports fishermen often anchor alongside drilling platforms where fish congregate. And on Laguna Madre, the lagoon between the island and the mainland, anglers drive to the water's edge on private roads built by Exxon USA for servicing wells in its Flour Bluff field. The company even provides litter barrels.

All this, then, is the scene of operations for what Commander Eaton believes to be the nation's best example of cooperative oil spill readiness. It is called the Corpus Christi Area Oil Spill Control Association.

No other group has brought together such a broad representation to combat oil spills, Commander Eaton says. "All levels of government are involved, and so is the oil industry, both financially and philosophically," he reports. "No other oil spill cooperative can make that statement," he adds with a grin.

The association's five-man board represents the interests of the Coast Guard, the U.S. Army Corps of Engineers, and the Environmental Protection Agency, at the federal level; the Texas Parks and Wildlife Department, Texas Water Quality Board, Texas Railroad Commission, and the General Land Office, at the state level; two navigation districts; the seaside counties of Aransas, Nueces, and San Patricio; the cities of Corpus Christi, Rockport, Aransas Pass, and Portland; and 12 oil producing companies, four refineries, and three pipeline firms.

Getting these numerous entities together was the idea and the challenge of Harry Franklin, a retired petroleum engineer. Soft-spoken and friendly, Franklin draws upon a lifetime of experience in oilfield jobs ranging from roustabout to advisor to the President of Brazil on oil producing problems. His petroleum engineering know-how is helping Corpus Christi to recover its oil and gas wealth while preserving the quality of its environmental assets.

Franklin went to work on the problem in 1967. As the city's first petroleum superintendent, he had the job of implementing a new ordinance hammered out by the Bay Drilling Committee, a group of prominent local citizens appointed by the mayor. "It was a realistic ordinance that both community and industry could live with," he recalls. The rule prohibited drilling within a mile of shore, limited the number of production platforms within a certain area of the bay, required a low-profile design with minimum visual effect, established lighting and safety standards, and required the clustering of well locations within each state tract. "All this meant more expense for the oil producers," Franklin says, "but they were happy to go along with it. This spirit of togetherness set the stage for the oil spill cooperative later on."

What really brought the cooperative into focus, however, was a widely publicized blowout in 1969 of an oilwell being drilled in California's Santa Barbara Channel. The city sent Harry Franklin to Santa Barbara to study the mishap and to learn from its consequences. "It isn't likely that such a thing could happen in Corpus Christi," he thought, "but we ought to be ready just in case."

Franklin points out that he wasn't concerned about spills from bay wells. Vast differences in both geology and circumstances make a repetition of the Santa Barbara blowout virtually impossible in Corpus Christi Bay. And wells producing in Corpus Christi waters all have automatic shutoff devices to prevent uncontrolled flow of oil. But the high volume of barge and tanker traffic and the large numbers of oil and gas pipelines, he felt, were a more likely source of oil spills.

Returning to Corpus Christi, Franklin reported his concern to Ed Harte, publisher and editor in chief of the Corpus Christi *Caller-Times*, and chairman of the Bay Drilling Committee. The two men recommended that the city take the initiative in setting up a meeting of representatives from federal, state, county, and local governments, and the oil industry. "Every oil company and every refinery had a man there," Franklin recalls.

"It was mostly industry," he recollects, that put up an initial $20,000 to "finance a study to see where to begin." Exxon USA and Exxon Pipeline each chipped in $1,000, plus the services of an Exxon USA manager, Jeff Barrett. He became a member of a five-man committee drawn from all segments of the community. The men visited every port in the country that had experienced a sizable oil spill. They talked with commercial fishermen, marine scientists, and petroleum chemists. They visited manufacturers of oil spill cleanup equipment. They interviewed port authorities, oceanographers, and maritime experts. They learned at first hand what could be done and what should be done to cope with spilled oil.

The CCAOSCA was the result. Franklin deplores the name. "We tried to get an acronym out of it," he smiles, "but it kept coming out CHAOS. That seemed counter to our purpose."

Because its members had done their homework, CCAOSCA was able to obtain federal grants to help defray the cost of acquiring suitable equipment. Sustaining memberships purchased by oil companies and local government bodies help pay administrative, training, and maintenance costs, Franklin explains.

Two metal warehouses, one at the Port of Corpus Christi and the other at Rockport, house a formidable arsenal: 8,000 feet of container boom, 5,000 bales of straw, a portable skimmer designed to operate in the bay's choppy waters, a straw blower, and assorted mixers, sprayers, anchors, cables, hand tools, radio equipment, and a 38-foot crew boat.

And were he to need them, Franklin could call upon other resources available in the area. For example, at its Laguna Madre field headquarters, Exxon USA maintains a special warehouse for its oil spill recovery and containment equipment. Along with 50 bales of straw for an unlikely but conceivable shore cleanup, the warehouse holds 1,000 feet of boom to "fence in" spilled oil and a quantity of manufactured absorbents.

Recently, fishermen plying the clear waters of the lagoon paused to stare at an odd sight. Exxon USA employee Irwin Glasser was casting puffed rice upon the waters.

A new way to chum fish?

No. He was testing a skimmer that Exxon USA would rush into service in the event of an oil spill in the lagoon. Mounted on a modified houseboat, the skimmer can get into shallow waters where heavier vessels would run aground, in order to retrieve lost oil. Glasser is Exxon USA's fulltime environmental specialist for the Corpus Christi area.

"Our men are trained to get the skimmer and container booms into action in minutes," he explains. Because oil spills are rare, however, the men seldom have a chance to practice on the real article. "In training sessions, we used puffed rice," says Glasser. "It makes a good substitute for oil, for it acts in the same way as a slick does."

Except for continuing practice sessions, the equipment has been called into service only once. In October, 1972, Exxon USA received word that a small diameter pipeline was leaking into bay waters near the resort community of Fulton Beach. As Exxon USA wells were nearby, employees hastened to the scene and shut down the wells. They captured the slick and recovered the oil with a skimmer. In the meantime, others were attempting to learn who owned the pipeline. They found that it belonged to another company, but completed the cleanup regardless. "What was needed at the time was quick response," says Glasser. "With possible Exxon USA involvement and with our equipment available we felt a responsibility to act."

In the spirit of "We're all in this together," Exxon USA led a drive in 1972 to organize the Baffin-Laguna Oil Control Cooperative, known more simply as BLOC. Its seven members are companies with oil and gas interests along the Laguna Madre and further south in Baffin Bay. This is an area of sparse development and population where no one company has much exposure or any major facility. But acting in concert, the group can provide adequate spill response.

"BLOC constitutes a pool of equipment and trained manpower standing ready to control any oil spill that might occur in our area," explains Jim Flatt, Exxon USA operations manager, who points out that waters in the Laguna-Baffin area are so shallow that special equipment and expertise are needed. "Of course we would help elsewhere in the event of an emergency," he says. "And we in turn would look to our 'neighbor,' the CCAOSCA, for any support we might need."

For its part, CCAOSCA, can cope with anything short of a spill of the greatest magnitude, "a *Torrey Canyon* sort of thing," Franklin feels. "And were that to occur, we could combine our equipment and personnel with Exxon USA's and BLOC's and hold the effects of such a massive spill to a minimum."

Franklin has the authority to call his forces into action the moment an emergency occurs. He does not have to clear his decision through governmental agencies. "Responsibility for a spill can always be fixed after it has been contained," he points out.

Operation of the association's standby equipment rests with crews of two marine engineering firms. In a series of "fire drills" during the past year, the crews have learned to deploy equipment and begin skimming within 45 minutes of their arrival at the scene of a "spill." "That's good," Franklin grumbles, "but not good enough. We'll keep practicing until we get the time down to 30 minutes."

If a massive spill should occur in the bay, Franklin reports that more than 500 volunteers would be called to the scene immediately. They would be supplied by Navy and Coast Guard units, police and fire departments, and civic groups. Among the latter are groups of students who have been taught how to clean oil-soaked birds by Dr. Henry Hildebrand, of the University of Corpus Christi, and Dr. John White, of Del Mar College. "We've even assembled a supply of bird cages," Franklin says.

All of which delights Coast Guard Commander Eaton. "These efforts make our job easier," he says. "If industry doesn't take care of these things, we'll have to do it. We're pleased that industry here is proving itself responsible by getting ready for emergencies before they happen. And then, of course, we work to make sure they don't happen."

Exxon USA's South Texas Division manager, W. D. Stevens, underscores Franklin's and Eaton's enthusiasm for CCAOSCA. "The association represents a level of preparedness far beyond that which any one industry or individual governmental body acting independently could reasonably attain in one locality," Stevens says. He points out that CCAOSCA, BLOC, and Exxon USA's facility at Flour Bluff complement each other geographically and technically. He believes that each individual company, such as Exxon USA, should be prepared to deal with its own infrequent minor problems in areas where its operations are concentrated, and no other interests are involved. "This is why we have equipment at Flour Bluff," he says. And where no single company has extensive operations, then an industry group, such as BLOC, may be the best approach. Lastly, where companies are numerous and operations intensive, and both industry and public interests are involved. Stevens suggests that working together through a comprehensive organization such as CCAOSCA leads to the optimum level of preparedness.

For an emergency which it expects never to occur, Corpus Christi is ready. "It is the best example of environmental preparedness I have seen," Commander Eaton says. "And it took government and industry, working together, to accomplish it."—Keith Elliott.

A LIGHT AT THE END OF THE CULEBRAN TUNNEL

(Mr. LEGGETT asked and was given permission to address the House for 1 minute to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, in acting to halt the shelling of Culebra, outgoing Secretary of Defense Elliot Richardson has ended his brief tenure in the Pentagon on a very sound note.

For the past 37 years this small island off the coast of Puerto Rico has been subjected to an intense naval and aerial bombardment by the U.S. Navy as part of the Navy's Atlantic Fleet Weapons Range. Secretary Richardson's courageous decision ends this needless shelling that threatened the lives of 1,000 Puerto Rican citizens and mars one of the prettiest beaches in the Caribbean.

To many mainlanders, the issue of Culebra seems inconsequential. It is, after all, only a very small island. To the 1,000 inhabitants of Culebra and the entire Puerto Rican population, however, the issue is anything but minor. From the viewpoint of many Latin Americans, the shelling of Culebra was another example of American insensitivity to the rights of the Latin American people. This feeling was only exacerbated last December when the Pentagon reneged on an earlier pledge to close the Culebra range in 1975. Instead, it was decided that the firing would go on until 1985.

This is all behind us now. Secretary Richardson has wisely realized that the short-term advantages associated with continued shelling of Culebra are clearly outweighed by the long-term disservice that shelling will do to the U.S. position in Latin America. As, Jamie Benitez, Puerto Rico's Resident Commissioner has asserted, The Culebra decision "reinforces our faith in the basic integrity of the American system with its profound commitment to the fulfillment of understandings reached in good faith and in the pursuit of human values."

The Pentagon has done their part in this issue: Now it is up to the Congress to do theirs. Secretary Richardson decided it would be in the long range interest of the various parties to move the current Navy training activities by July 1, 1975 from the Culebra complex east of Puerto Rico to the uninhabited islands of Desecheo and Monito off the western coast of Puerto Rico, provided that the Congress authorizes and appropriates the funds required.

The move to Desecheo and Monito is going to cost us about $10 million, but this is a small price to pay for the improved relations between United States and Puerto Rico that will clearly result from this decision. I am convinced that the Congress will want to move swiftly on this appropriation request, and I am sure that Defense Secretary-designate James Schlesinger will be a forceful advocate for the move.

We have passed a watershed in the Culebra issue. The end of the shelling, however, will only come when the money for the move has been funded, and when a satisfactory overall arrangement can be worked out with the government of Puerto Rico for carrying out the proposed move and for ensuring the long-term continuation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area and this proposed agreement has many mutual advantages.

The Defense Department has seen the light on this issue. They should be commended for it. A quick solution to the loose ends that still remain will end whatever lingering doubts the Puerto Rican people have about U.S. sincerity in this area, and will close the book on 37 years of hostility between these two countries.

Secretary Richardson spelled out his decision in a letter to Senator Stennis dated last week as follows:

The Secretary of Defense,
Washington, D.C., May 24, 1973.

Hon. John C. Stennis,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: During the course of my confirmation hearings before the Senate last January, I promised that I would carefully study the necessity of continuing to conduct Navy weapons training operations on and near the Island of Culebra. My commitment was subsequently reaffirmed to other members of the Congress who requested my views on legislation proposed in both the

House and the Senate which would require the Navy to terminate its Culebra operations by July 1, 1975.

I have completed my review. In the process, I have given careful consideration to the conclusions of the studies of the problem completed in the Department of Defense at the direction of the Congress. I have discussed the matter with Navy officials and members of my office. I have also consulted various members of the Congress and met with Puerto Rican officials.

Culebra cannot be considered in isolation from other Navy interests in the area. Its target complex and supporting facilities are important parts of the Atlantic Fleet Weapons Range and are closely related to the Fleet Marine Force training areas on the nearby island of Vieques. These vital Navy and Marine Corps facilities provide the training required to maintain the Atlantic Fleet in a high state of operational readiness. Their continued operation in the years ahead is essential. This operational readiness goal, which has been the primary consideration in my review, involves many factors.

Consequently any move of Naval activities from Culebra must be to a location in the area of Puerto Rico which would satisfy the foregoing military operational requirements. The most recent study forwarded to the Secretary of Defense by the Navy in December 1972 concluded that although there were some operational and cost advantages to remaining on Culebra, several alternative sites using other islands off Puerto Rico were also suitable from an operational viewpoint and would meet military requirements.

But once military requirements are met, other considerations must be addressed. The Senate Committee on Interior and Insular Affairs has directed that the Department of the Interior and the Commonwealth of Puerto Rico conduct a joint study to determine the optimum land use for Culebra. I understand that study will consider the opportunities available on the island for plant and wild life conservation and public recreation.

Finally, there is the common aim of Puerto Rican and Defense officials, as well as members of the Congress, to reduce as much as possible the impact of Navy training activities on local inhabitants. All four governors of Puerto Rico, past and present, regardless of party, have joined in support of the proposed legislation that the Navy move its activities from Culebra. This legislation has attracted substantial support in the Senate and the House.

A solution to the problem which should reconcile all the relevant factors involved would also, in my judgment, facilitate the continued long-term operation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area.

Accordingly, I have decided it would be in the long-range interest of the various parties to move the current Navy training activities by July 1, 1975 from the Culebra complex east of Puerto Rico to the uninhabited islands or Desecheo and Monito off the western coast of Puerto Rico, provided:

1. That the Congress authorizes and appropriates the funds required, and

2. That a satisfactory overall arrangement can be worked out with the Government of Puerto Rico for carrying out the proposed move and for ensuring the long term continuation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area.

Until these provisions are met and the requirements of section 1022c of the National Environmental Policy Act of 1969 are satisfied, current Navy readiness training in the Culebra complex must continue.

I have informed Secretary of Defense-designate, James R. Schlesinger, of this decision.

With best regards,
Sincerely,
ELLIOT RICHARDSON.

THE BIG OEO PUSH—OR SAVE OUR JOBS, PLEASE!

(Mr. BAKER asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BAKER. Mr. Speaker, in the event they are not already aware, I want to alert my colleagues to the fact that they are going to be subjected to an intensive lobbying effort over the next few weeks in order to save OEO, or more appropriately, to save the jobs of the OEO staff.

The national council of OEO locals and State CAA directors' associations have formed a Coalition for the War on Poverty and have hired a lobbyist to assist in the fight to save OEO.

The coalition's long-range goal is to obtain an OEO appropriation as close to the present one as possible. For the short term, the coalition will be seeking a continuing resolution by the end of this month to keep intact the OEO organization.

The coalition has hired our former colleague, the Honorable William "Bill" Anderson of Tennessee, to organize, stimulate and coordinate the lobby efforts on the Hill. I understand he has already arranged for witnesses before the Appropriations Subcommittee and has provided them with backup information. It remains to be seen how successful these efforts will be. The coalition contract with Mr. Anderson is for 90 days, starting on May 1 of this year. It has escape clauses for either party at 30 and 60 days. Thirty days have already passed so that clause is inoperative. Depending on what happens by June 30, we will know whether or not the 60-day clause will be used.

The maximum amount of the contract is $27,669. In addition to Mr. Anderson, it calls for nine staff people, most of whom have been hired. It should be noted, however, that 15 percent of the personnel costs are being donated by Mr. Anderson because "of his dedication to the concept of the war on poverty."

According to the contract, monthly installments of $6,800 are due the ninth of each month. Then there are variable costs up to about $2,000 per month. By May 10, the coalition had collected $6,400 and had turned $6,000 of this over to Mr. Anderson. He has another payment due on June 9, It is scheduled to be $7,600, plus up to about $4,000 in variable costs.

The question immediately arises, "from what source is Mr. Anderson paid?" Any of the OEO locals and the State CAA director's associations belonging to the coalition and supporting the objectives in the effort to save OEO can become a voting member by contributing $2,000 to the "OEO Defense Fund." It is not known how many of these have done this, or where they got the money.

In addition a call has gone out to all OEO employees to "put a little more into the effort." A national goal has been set which calls for each employee to contribute $3 per grade, spread over three pay periods, or $1 per grade per pay period. As those pleading for funds state:

> This is not much to ask, considering that you will be the beneficiaries and that every pay check you get from OEO from now on is due only to the lawsuit filed by your union and supported financially by some of you.

They go on to say:

> If you are willing to reap the rewards, you should be willing to pay the price. We are working now to ensure that you have a job for next year. Three dollars per grade is a small price to pay for that assurance.

So, what we have here, Mr. Speaker, is a little in-house lobbying to perpetuate a program, not so much for the beneficiaries as for the employees. Jobs are apparently more important than delivery of services and assistance to the disadvantaged. This verifies the common complaint against programs of this kind. So much is spent on personnel and administration that precious little is left for those who need the help.

Instead of the "OEO Defense Fund" this effort should be called "save our jobs fund." That is where all the emphasis is. That is why Mr. Anderson has been hired for 90 days with 30-day and 60-day escape clauses in a contract which pays pretty well regardless of when it is terminated and regardless of a 15 percent kickback for "faith in the concept" reasons.

POSITION OF THE UNITED STATES IN THE SALT TALKS

(Mr. SPENCE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SPENCE. Mr. Speaker, as a member of the Subcommittee on Research and Development of the Committee on Armed Services, the appropriateness of our defense posture to the threat we face has been a matter of constant concern to me.

There has been no more important recent diplomatic influence on the defense posture of the United States than the strategic arms limitation accords which President Nixon concluded with the Soviet Union in May of 1972. These agreements were subsequently ratified by both Houses of the Congress. One of the accords banned the antiballistic missile except for small numbers permitted to each side, and the other limited certain types of offensive strategic nuclear weapons.

At the time ratification was requested, these agreements were presented with very clear evidence that the United States was bargaining from a position of weakness. Since 1966, the United States had not deployed a single additional missile. During that same time, we had watched a truly extraordinary momentum develop in Soviet strategic nuclear force deployments. At the beginning of 1966, the Soviets had only 270 intercontinental ballistic missiles. By June of 1972, they had 1,618, while the United States did not increase the number of its ICBM's beyond the 1,054 we had in 1963.

In addition, at the beginning of 1966, the Soviets had fewer than 125 submarine launched ballistic missiles; by the time the Strategic Arms Limitation Accords were signed in Moscow in the Spring of 1972, the Soviets had over 450 submarine launched missiles on perhaps 25 missile-firing submarines. At the time, the United States had 41 submarines carrying 656 missiles. The Strategic Arms Limitation Accords, however, provided that the Soviet Union could continue to build its missile-firing submarine force up to a total of 62 "modern" Polaris-type submarines, while the United States would be limited to only 41. Further, the accords permitted the Soviets to dismantle 200 of their obsolete land-based ICBM's and include 200 additional missiles in their submarine force. The result is that the accords would leave the Soviets with 1400 ICBM's against the 1054 we possess; the Soviets could have 62 modern submarines and retain an additional 22 older diesel submarines carrying a total of 1,016 submarine-launched ballistic missiles, while the United States could only have 41 submarines with a maximum of 656 missiles.

A further manifestation of our weak negotiating position is clear from the fact that the much larger payload capacity of the individual Soviet missiles permits their force to retain a payload capacity which is at least four times our own. It was widely understood at the time that, given sufficient Soviet scientific effort, it would be possible for the Soviets to convert their 4-to-1 payload capacity advantage into a 4-to-1 advantage in the number of deployed multiple warheads—MIRV—on board these missiles.

Although the United States maintained a lead in the number of deployed multiple warheads—MIRV's—the likelihood that the Soviets could, in time, close the gap in the number of MIRV's was given as the compelling reason for negotiating a 5-year executive agreement on strategic nuclear weapons instead of a treaty. The Congress was told that the only reason we, as a nation, could accept the manifest one-sideness of the Strategic Arms Limitation Accords which emerged from the first round was our technological superiority in warhead miniaturization, ballistic missile guidance and control, and rocket propellant technology. These, it was argued would permit us to maintain an unambiguous qualitative advantage over our numerically superior Soviet adversary.

It was the one-sided nature of the accords that led the Congress to adopt by a wide margin, the so-called Jackson amendment. That amendment expressed the sense of the Congress that the second round of the strategic arms limitation negotiations, which have been underway in Geneva since last fall, should reflect an agreement of a permanent nature only if that agreement was based upon equality, with no disadvantage explicit or implied, in its terms to either side.

In the past 2 days, Mr. Speaker, it has come to my attention that procedures have been set in motion which could result in further arms limitation agreements with the Soviet Union of such a nature as will dissipate the qualitative advantage the President insisted, only last year, we must maintain in order to insure our security. It is my understanding that the United States has advanced proposals at the second round of the strategic arms limitation talks in Geneva which would have the effect of disastrously limiting the U.S. multiple warhead missile programs—including the Minuteman III missile, the Air Force land-based ICBM, and the Navy's submarine-based Poseidon, and the yet-to-be deployed Trident submarine-launched ballistic missile. Efforts appear underway to reach an accord on the limitation of at least some portion of our multiple independently targeted reentry vehicles—MIRV's—the very heart of our technological superiority over our Soviet adversaries—in conjunction with the forthcoming Brezhnev visit. Preparations have been so far advanced toward the limitation of multiple warhead missiles, that the armed services are reportedly investigating the means whereby existing production contracts can be canceled on the Minuteman III program. It is, in fact, rumored that such contract cancellation efforts may be extended to the Poseidon and Trident programs as well. It is time for the Congress to get some straight answers about what is going on in Geneva.

In testimony before the House Defense Appropriations Committee last year following President Nixon's signing of the Strategic Arms Limitation Accords, Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, stated that the Strategic Arms Limitation Accords were a viable instrument of U.S. policy only if the United States "moved ahead" with our Minuteman III, Poseidon, Trident, and other modernization programs for our strategic nuclear forces, to insure that our technological superiority would continue to offset overwhelming Soviet numerical superiority.

Mr. Speaker, I believe it is vital that the Congress get some straight answers to some of the following questions:

First. To what extent are we proposing limitations on our deployments of multiple warhead missiles including Minuteman III, Poseidon, and Trident at the second round of the Strategic Arms Limitation talks?

Second. Are the alleged U.S. proposals on multiple warhead missile limitations consistent with the congressionally endorsed "Jackson amendment"?

Third. What effect would the proposed limitations, if agreed to, have on the United States-Soviet strategic nuclear balance?

Fourth. How would such a change in the composition of U.S. strategic nuclear forces which might emerge from such an agreement affect our ability to fulfill our nuclear "guarantee" to our NATO allies?

Fifth. To what extent will we receive offsetting concessions from the Soviets, or to what extent are our proposals unilateral?

Sixth. If my understanding is correct, what effect will the early termination of the U.S. multiple warhead missile programs including the Minuteman III, the Poseidon, and the Trident missiles have on the adequacy of our forces to meet the Soviet threat in the late 1970's and 1980's?

In an effort to get some answers, I am writing to the chairman of the committee responsible for congressional oversight on the Strategic Arms Limitation Talks, the Senate Armed Services Subcommittee on SALT chaired by Senator HENRY M. JACKSON, to urge that he convene hearings at the earliest possible opportunity. I would urge the committee to call those responsible within the National Security and Arms Control bureaucracy to account for the nature of the accords they seek. It is high time we make certain that the secrecy which justifiably surrounds international diplomacy does not become a means of concealing a negotiating position that would not stand the light of day within the Congress. I feel this is both reasonable and prudent inasmuch as the Congress will be called upon to support any such accords.

SOMETHING MUST BE DONE—IMMEDIATELY

(Mr. PODELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, yesterday this body voted to increase the minimum wage and to extend the coverage of the minimum wage law to millions more American workers, including household workers. This increase was long past due, as we agreed yesterday.

One of the pressures that militated in favor of increasing the minimum is the outrageously high cost of living particularly in large cities such as New York. In the month of May, the average cost of feeding a family of four in New York City rose by 3.3 percent. During the week of May 3–9, the cost of the weekly market basket of food staples was put at $50.68. By the week of May 24–30, the cost of this same market basket had risen to $52.35.

This inflation has become unconscionable. The minimum wage increase we have just approved will be meaningless unless there is immediate action to control inflation. A worker earning the current minmum wage has less buying power that did his counterpart 7 years ago when the minimum wage was much lower.

I fail to understand the gladhanding statements issued from the White House, the Council of Economic Advisors and the Department of Agriculture. They fly in the face of reality. We are told time and again that things will be getting letter soon. How long can we wait for the flood of inflation to reach its crest? We are all drowning now.

Not only is the domestic economy in sad shape, but the dollar is taking the worst beating in its history in the European money markets. Foreign investors are losing confidence in the American Government and its currency, apparently because of the administration's unwillingness or inability to come to grips with the problem of inflation.

Unless something is done, and done soon, the dollar will be devalued again, leading to another level in the inflationary spiral as the cost of imports rises. This fiscal irresponsibility must come to an end for the good of this Nation.

It would be missing the point entirely to blame this Presidential paralysis on the current Watergate investigations. Congress cannot merely affix blame for failure to act. We must take up the burden if the administration will not. Unless we address ourselves to the problem of controlling inflation, the blame we place on the administration can and should be placed on us as well. Let us not forget that the Congress of the United States is a coequal branch of the Government. We need not wait for the Executive to initiate a proposal. If, as in this case, it is obvious that they will not or cannot, it then becomes incumbent upon the Congress to fill the void.

The Senate Democratic Caucus has unanimously adopted a resolution calling for a 90-day freeze on wages, prices, profits, rents, and consumer interest rates. This proposal is long overdue. Legislation putting this resolution into effect will be attached as a rider to a bill in the Senate in the near future. I urge my colleagues here in the House to support this new 90-day freeze wholeheartedly. It is not a radical proposal. We have gone through one already, with no ill effects on the Nation.

Each day makes it more and more apparent that we are in desperate need of another such freeze. With every increase of food prices or interest rates, with each new onslaught on the dollar overseas, delay increases the possibility that the American economy will soon be reduced to a shamble. We cannot afford to wait longer. We need immediate action to control inflation.

CBS CAVES IN

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. VAN DEERLIN. Mr. Speaker, as a vigorous champion of the rights of free speech, the Columbia Broadcasting System has been virtually without peer in American broadcasting.

It was, therefore, especially distressing to learn that CBS apparently has become the first of our three major networks to surrender to the Nixon administration, in the latter's continuous campaign against a free and untrammeled press.

In what can only be regarded as a copout—to borrow one of Mr. Nixon's expressions—CBS announced that it will no longer provide "instant analyses" following televised Presidential addresses. These often illuminating discussions by seasoned network correspondents have been especially bothersome to the White House, perhaps because they add perspective and additional viewpoints to what otherwise would be strictly a one-man show by and for the President.

CBS says that to replace the post-speech commentary by its own reporters, it will offer time to the President's critics "as soon as practicable, but generally no later than 1 week after the President speaks."

A fine idea in theory—but who will be watching this inherently dull fare days after the Presidential remarks around which the controversy is focused? Stale news is no news, especially in retrospect.

And by what logic should viewers be denied the views of men such as Eric Severeid and Dan Rather, who as veteran "President watchers" for a great network, are surely as competent as anyone to interpret a Presidential address, in a fashion that is both stimulating and informative? If you do not like Mr. Rather's views, then take them with a grain of salt, just as you would the thoughts of a newspaper columnist or other news commentator with whom you disagree.

But it is both illogical and downright dangerous, if you are a vast operation like CBS, to deny these seasoned professionals their usual forum, if—as I suspect—the purpose is simply to appease Mr. Nixon, Mr. AGNEW, Mr. Buchanan, and their allies in the administration.

Since Mr. AGNEW's initial forays against the networks nearly 4 years ago, those sessions offered by the networks for analyzing Presidential addresses have lost a great deal of their incisiveness. Only public television seems still to have the heart for dissecting these addresses, but that is certainly no excuse for CBS to muzzle its own correspondents.

I hope this network, which in the recent past so staunchly upheld its right to broadcast, free of governmental intimidation, controversial programs like "Selling of the Pentagon," will both regain its courage and reaffirm the principles it once so eloquently championed.

A pertinent article from this morning's Washington Post follows:

CBS DROPS INSTANT ANALYSES, WILL OFFER FREE EQUAL TIME

(By Peter Milius)

The Columbia Broadcasting System yesterday announced a new system for giving the President and his critics equal time on the air.

In the future, CBS said, after every presidential radio or television speech "on matters of major policy concerning which there is significant national disagreement," it will give free time to holders of opposing views.

At the same time, the network said it will no longer broadcast the familiar instant analyses "immediately after presidential appearances." It will offer such analyses instead during its normal news programs, it said.

The ability of presidents almost to commandeer free television and radio time has been a touchy and increasing problem for the networks for years. The problem has been how to give the opposition equal access to the public. CBS said its new policy was a step in that direction.

The network, in a statement by its chairman, William S. Paley, said it will decide which presidential broadcasts are significant and controversial enough to merit free time for reply. It will also determine the length and format of replies, it said, and choose the person or persons to make them.

Those chosen to reply, said Richard W. Jencks, CBS' vice president here, will not necessarily be members of the opposing political party. Paley said replies will be scheduled "as soon as practicable, but generally no later than one week after the President speaks."

Jencks said the new policy would be suspended during presidential election years, when the Federal Communications Commission's "equal time" regulations apply.

The custom of providing instant analysis immediately after presidential speeches was one of the things Vice President Agnew criticized the networks for during his attacks on the media in President Nixon's first term.

In a speech in Des Moines in November, 1969, the Vice President lashed out at what he called "a small and unelected elite" of television commentators; he complained of their "querulous criticism" of a presidential speech on Vietnam.

Jencks said the new policy of free time for opposing views goes farther than the old one of simply providing comment. He added that, if the network continued to provide immediate analysis of the President's speeches, it would have to do the same for the replies. Now it will do neither.

NBC and ABC said late yesterday, in response to queries, that they had no plans to change the way they handle presidential speeches. NBC said through a spokesman that it would "continue to evaluate each presidential speech on its own, and what response is required."

William Sheehan, senior vice president of ABC news, said much the same, adding that "we do not believe in setting a blanket policy."

Jencks said CBS' new policy was not that great a change from its past policy. He noted that the network announced in 1970 a plan to give members of the opposition party time to reply to the President on "controversial issues." The first such bloc of free time that it gave away was to Democratic National Chairman Lawrence O'Brien. The Republicans complained to the FCC that the plan was unfair, and the FCC agreed, Jencks said.

CBS then took the case to court and finally won, but by then, the 1972 campaign was about to begin, Jencks said. More recently, he noted, various members of Congress have demanded free time to reply to the President on issues. The networks have for some years given the opposing party time to reply to the President's State of the Union address, and Jencks said CBS would probably continue that.

ANTI-IMPOUNDMENT LEGISLATION AND SPENDING CEILING

(Mr. MADDEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MADDEN. Mr. Speaker, today the Democratic members of the House Rules Committee introduced new anti-impoundment legislation which also imposes a spending ceiling of $267.1 billion for fiscal 1974.

The spending limit is $1.6 billion lower than the administration's request and $900 million less than the Senate has enacted.

The clean bill, successor to H.R. 5193, was worked out by the Democratic members of the Rules Committee after it had concluded extensive hearings on the original bill. Altogether, the committee heard numerous witnesses, including Members of the House, administration spokesmen, and outside constitutional experts.

We have produced a stronger, more workable procedure which can command wide support among Members of all political and economic philosophies. This bill demonstrates congressional commitment to fiscal responsibility and its concern for the separate and equal status of the executive and legislative branches. A great number of Members and other witnesses deserve our thanks for the constructive suggestions and commentary which helped the committee frame a balanced and fairer bill.

Other new provisions of the clean bill would:

Require the President to impound appropriated 1974 funds, within specified limits, if necessary to keep fiscal 1974 spending within the ceiling.

Direct the Comptroller General to assist with the enforcement of this legislation and authorize him to bring lawsuits if necessary to force compliance.

Disclaim any intent to deal one way or the other with the constitutional powers of either the President or the Congress, or to ratify past executive impoundments, or to affect any pending claims against impoundment, including those now undergoing litigation.

Three revisions in procedures would—

Make the congressional veto of an impoundment contingent upon action by only one House instead of both Houses, as provided in the earlier bill.

Require Congress to consider each impoundment message as a whole and prohibit Congress from disapproving only part of an impoundment.

Require the Appropriations Committees of either House to act on a disapproving resolution within 30 days or surrender it to a discharge motion supported by one-fifth of the Members of the affected House.

Impoundment of fiscal 1974 funds is restricted as follows: The President is directed to impound such sums as necessary to keep spending within the $267.1 billion ceiling; however, the President must make his cuts proportionally in budget categories across the board, except that he must exempt from impoundment funds for interest, veterans' benefits, social insurance payments, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

Further, the President may cut no individual program or activity by an amount which would be 10 percentage points greater than the total impoundment percentage. Thus, if the President must cut spending by an overall 3 percent to stay within the budget ceiling, he could cut no single account by more than 13 percent.

Fiscal year 1974 impoundments, made in accord with this law, would be exempt from impoundment review by the Congress. However, 1974 impoundments in violation of the law and impoundments occurring in future years would be subject to congressional review, as follows.

Within 10 days of an executive impoundment, the President would be required to transmit to both Houses of Congress and the Comptroller General a notice giving detailed information on the impoundment. If the President later decides to revise the impoundment message, he would have to submit within 10 days a supplementary message explaining the changes.

Upon receipt of an impoundment notice, the Congress would have 60 days to consider a resolution of disapproval. Such resolutions may originate in either House and must be referred to the Appropriations Committee which would have 30 days in which to act, failing which a discharge motion supported by one-fifth of the Members of the affected House would free the resolution for floor consideration. The resolution is highly privileged and debate would be strictly limited. A resolution passed by majority vote of either House would require the President to cease the impoundment.

The Comptroller General would be assigned two major functions by the new law: He would submit to Congress an analysis of each executive impoundment message, including his opinion as to whether the impoundment is in accordance with law. Second, the Comptroller General is empowered to inform Congress of any impoundment not reported by the executive branch, and such action would trigger the review procedures outlined in this law. The Comptroller General is authorized to choose his own attorney and to sue any agent of the executive branch to force compliance with this impoundment law.

COMMUNICATION WITH ILLINOIS 20TH DISTRICT

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, each year since I first came to Congress I have presented to my constituents a questionnaire in which I place questions dealing with the major issues before Congress.

The response is always substantial and helpful. It shows reaction to issues by my constituents, and this is vital to anyone sincerely trying to be a representative of the people.

It causes citizens to ponder these issues to try to decide how they would vote if they were in Congress, and that is all to the good.

Finally, it stimulates constructive suggestions. At least one-third of those responding go beyond the printed questions. They add comments and suggestions, many of them original and worthwhile.

My 13th annual survey is now underway. Here is the information printed on the questionnaire:

Spring 1973.

District Opinion—13th Annual Survey

Dear Friend: Each year since first coming to Congress I have asked everyone from Illinois' 20th Congressional District to answer a number of important questions which may come before the Congress. On the opposite side of this letter you will find nine questions upon which I would like your opinion. You may find that a simple "yes" or "no" answer is difficult to give, but I must so vote when they are before the House of Representatives.

Your response will be kept completely confidential. When all the responses are in, I will total them up and send you the results.

This questionnaire is designed for your ease in replying. You do not need an envelope (although you may use one if you desire). Simply refold the sheet, affix a stamp, and mail.

(Note.—Answers provide for yes, no, undecided in "his" and "hers" categories.)

1. To reduce federal spending and help control inflation, President Nixon has cut subsidies for REAP, REA, housing, Model Cities, urban renewal, welfare, Medicare, new hospitals, Job Corps, OEO, and certain special education programs. Do you agree with his decision?

2. The peace agreement our government signed includes a commitment to help repair war damage in Indochina, including North Vietnam. President Nixon describes it as an "investment in peace." Should Congress support this commitment?

3. The Supreme Court has stated that during the first three months of pregnancy, a woman and her doctor should have the right to decide whether she will have an abortion. Only in the last three months can states prohibit all abortions. Do you feel this decision is right?

4. Do you favor using some money from the Highway Trust Fund to construct mass transit in major cities?

5. The Mideast experienced a shortage of natural gas, fuel oil, and propane this winter. If the shortage occurs next winter, should air quality standards be delayed to permit the burning of more coal for electric generation?

6. Should the death penalty be permitted for certain crimes (sky-jacking, kidnapping, and treason)?

7. Economists agree that one reason for rising food prices, particularly meat and poultry, is the strong demand, both foreign and domestic, for a limited supply of wheat and feed grains. To reduce the pressure on feed and food prices, farmers are being encouraged to plant 40 million additional acres this year. Is that wise policy?

(Note.—The following questions contained "his" and "hers" categories.)

8. In agricultural policy, which do you favor:

a. Phasing out in 4 years all direct income-supplement payments to farmers; after that, pay farmers only a fair rental for cropland actually idled under government contract.

b. Extension of the present program with little or no change.

9. Many young men evaded the draft rather than serve in Vietnam. What should be done about them?

a. Let them face criminal penalties now in law.

b. Let them clear their record by three years' military (or other compulsory government) service.

c. Grant them amnesty.

These surveys are, of course, an important part of my official work. Together with taped and filmed reports for radio and television use, and the distribution of newsletters, they help me to communicate with my constituents.

These surveys and reports cost money. The allowance of funds for such purposes provided by the government is limited. In fact, the National Republican Congressional Committee regularly supplements such funds by establishing a special public relations account in my name. I am notified of deposits in the account, and bills approved by me are paid directly by the committee.

While disclosure of this type receipt and expenditure is not required. I feel it is in the public interest. Today I am summarizing the account for 1972 and will continue this practice each year:

Summary

Receipts from the National Republican Congressional Committee:	
Annual allocation	$2,000.00
Agricultural and dairy, educational, and political trust	900.00
American Tobacco Institute	500.00
Donor unknown	500.00
Total	3,900.00
Expenditures during 1972:	
Paper and envelopes	1,343.20
Ward Printing Co.	1,000.00
House of Representatives recording studio	500.00
Video tapes	156.80
Total	3,000.00

Balance December 31, 1972—$900.

NO PHANTOM JETS TO SAUDI ARABIA AND KUWAIT

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. KOCH. Mr. Speaker, the administration's statement that it will sell Phantom jets to Saudi Arabia and Kuwait should be rejected by Members of the Congress. Yesterday, Assistant Secretary of State Joseph J. Sisco appeared before the House Near East Subcommittee defending the proposed sale. His defense gives me even greater alarm. He conceded—

> There is no guarantee, and there is no one who can guarantee, that they (the F-4s) will not go to third parties.

He knows as does every Member of this Congress, that when the French Government provided Mirages to the Libyan Government, it too assured those who objected, that the agreement between the French and Libyan Governments provided that the planes could not be given to parties directly involved in the Arab-Israeli dispute. Today everyone concedes, except the French Government, that as many as 38 Mirages have been shifted by Libya to Egyptian bases.

To describe Saudi Arabia as a country not deeply involved in the Arab-Israeli dispute, as State Department spokesmen have done, is ridiculous. Saudi-Arabian moneys fund the Palestinian terrorist organizations such as Al-Fatah and the Saud Arabian Government has been vociferous in its denunciations of Israel.

Our own experience with the Kingdom of Jordan, to which we have given and are giving arms, shows that these promises that the arms will not be used against Israel are of no value. The American tanks furnished to Jordan with the express promise that they could not be used on the Israeli side of the Jordan River, were in fact, captured by Israel on the Israeli side of the Jordan River when Jordan entered the war against Israel in 1967.

Mr. Speaker, the administration may be sending up trial balloons to see what the climate would be here in the Congress if there were a change in our current policy of maintaining Israel's military superiority in the area. This Congress should make certain through its leadership and the individual statements of its Members that any such change will be resisted.

I urge the administration to review its decision and to announce that it will not sell Phantom jets to the Arab States.

THE TRUMAN MASONIC SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, within the past few days, the House has passed a resolution which authorizes the printing of President Truman's memorial volume. Hopefully, the other body of Congress will also concur in our action to enable the work to be started to assemble all of the contents which should appropriately be included within that volume.

One most important entry to be included in the volume is the content of the Masonic service at the final rites on December 28, 1972, as presented by Grand Master W. Hugh McLaughlin of the Grand Lodge of Missouri. While there have been several different reprints of this service, it has been noted that in some of these there were errors of content, and for that reason I have personally requested M. W. Brother McLaughlin to indicate to me which is the true and accurate wording of the Masonic service. He has advised me that the words of the service as he delivered them appear in the spring 1973 issue of the Freemason which is the official publication of the Grand Lodge A.F. and A.M. of Missouri, at page 51 and concluded on page 52.

I was one of those seated in the small auditorium of the Truman Library in Independence who heard delivered from the stage of that auditorium the words of our Grand Master, W. Hugh McLaughlin. It is my high privilege and great honor to read into the RECORD at this point the words of the Masonic service as I heard them delivered on Thursday, December 28, 1972:

THE MASONIC SERVICE

(By W. Hugh McLaughlin)

The Grand Lodge of Ancient, Free and Accepted Masons of the state of Missouri shares the grief and sorrow of Mrs. Truman, Mrs. Daniel and her family, Miss Mary Jane Truman and other family members in the loss of our beloved and cherished native son. This expression comes from the Grand Lodge officers and from more than 108,000 of his Masonic brothers in Missouri.

We express our gratitude to the family, to Father Lembcke, and to all other participants for the privilege of sharing in this service. We join, humbly and reverently, in paying lasting tribute to a great American and a renowned world statesman.

Masons are taught never to engage in any solemn, great or important undertaking without first invoking the aid and blessing of Diety. Shall we pray?

We hail you, Supreme Architect of the Universe. We come to you with spirits bowed low and ask the bounty of Thy Grace and mercy in our bereavement. May our deeds be such as to prepare us for entry into Your spiritual kingdom, that house not made with hands, eternal in the heavens. Amen!

President Truman distinguished himself in many Masonic services, the most laudable of which was that of Grand Master of Masons of this state in 1940 and 1941. At that time he was also a member of the United States Senate. We express our gratitude to Mrs. Truman and Mrs. Daniel for sharing a portion of his exciting, magnificent life with us. He was our brother by adoption. He was our companion by choice.

The tenets of a Mason's profession are Brotherly Love, Relief and Truth. There abide with us Faith, Hope and Charity. The greatest of these is Charity for it extends through the boundless realms of eternity. Our notable brother exemplified Charity in a universal way when he directed relief to be administered, on an unprecedented scale, to alleviate human degradation in the aftermath of World War II.

The lambskin or white leathern apron is the badge of a Mason, more ancient than the Golden Fleece or Roman Eagle. It is white to admonish us to keep our personal lives pure. Our exalted brother wore it proudly and worthily.

The evergreen symbolizes a Mason's belief in immortality of the soul. It represents that vital spark of our spiritual life which shall never be quenched. President Truman expressed that belief.

The Beehive is an emblem of a Mason's industry. By it we are taught to be workers in the great hive of nature. Even in his later years our distinguished and beloved citizen practiced that teaching. No more striking example than this great edifice, named for him, in which he performed his last labors, could conceivably be demonstrated to us today.

It is, therefore, fitting that we should assemble here to pay this deserved tribute. We, as Masons, extol his many virtues, not the least of which was his recognition of the high level of individual dignity. May we emulate him in his simple, sincere, sturdy and forthright conduct. May all our good intention be crowned with success. May Brotherly Love prevail in all the earth and every moral and social virtue cement us.

TRIBUTE TO HARRY E. OLSON, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. ANDREWS) is recognized for 5 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, a very good friend of mine, Harry E. Olson, Jr., senior pastor of Messiah Lutheran Church in Fargo, N. Dak., some time ago wrote "Beatitudes for Businessmen." With the present day tension and atmosphere of distrust, I felt that I would like to share these thoughts with my colleagues and friends so I am including them at the conclusion of my remarks.

Harry Olson, incidentally, is the first clergyman from North Dakota to have been invited as guest Chaplain for a session of the House of Representatives. We are very proud of him and I am sure that his words will continue to have a profound effect on people everywhere:

BEATITUDES FOR BUSINESSMEN

(By Harry E. Olson, Jr.)

Blessed will be the man who will trust other men.

Blessed will be the man who is determined to control himself.

Blessed will be the man who not only counts his blessings but makes his blessings count.

Blessed will be the man who can turn his barricades into bridges.
Blessed will be the man who works hard but does not press.
Blessed will be the man who does not demand achievement but deserves it.
Blessed will be the man who is willing not only to improve his circumstances but more willing to improve himself.

SALE OR ABANDONMENT OF CERTAIN RAILROAD LINES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Speaker, I am today introducing a concurrent resolution, in which I am joined by many of my colleagues. It declares that it is the sense of Congress that no petition for the sale or abandonment of all or any portion of any railroad be allowed by the courts or Interstate Commerce Commission until Congress has acted on legislation dealing with the current railroad crisis in the northeastern United States.

Two pending events have made this resolution vital. The first is the hearing on Thursday, June 7, before Judge John P. Fullam of the eastern district court in Philadelphia, to decide the fate of the Lehigh Valley Railroad. The trustees of the railroad have petitioned the court for liquidation of the entire system after ceasing all operations on October 1.

The second event is scheduled to occur July 2, when the Penn Central Railroad will appear in the same court before the same judge for pretty much the same reason—to present a plan of liquidation.

Mr. Speaker, we are all aware that committees of the House and Senate are now in the process of holding hearings on the entire northeast railroad situation. I feel it would be premature to permit the liquidation of any major rail service in this area until the Congress has completed its deliberations on the matter.

I totally disagree with the mistaken notion that liquidation will solve the basic problem of the Northeastern railroad dilemma, of which the Lehigh Valley and Penn Central are inseparable parts. The situation would, in fact, worsen rather than improve.

To cite an example, I use the Lehigh Valley's pending petition. The type and location of future rail service in the Northeast would be dependent upon chance if this railroad is plowed under before essential services in the area are identified and incorporated into a survival plan.

The Lehigh Valley is providing competitive and necessary service in the three States it serves—New York, New Jersey, and Pennsylvania—and in contrast to some other lines, is showing traffic growth rather than decline.

Last year the Lehigh Valley was responsible for origination, and termination of about 49,000 carloads of material in New York State alone, nearly half of which was consigned by the more than 200 firms within the State which have no other possible rail source for shipment or receipt of goods.

Additional crises would be created with respect to the environment and the energy shortage if the Valley were to shut down. Just consider one customer, the Milliken Generating Station of the New York Electric and Gas Corp. located on Cayuga Lake. Officials of the utility predict that over 870,000 tons of coal—all delivered by the Lehigh Valley—will be burned there this year to generate electricity.

If rail service ends, and the utility is forced to use trucks, more than 60,000 truckloads of coal would be required to transfer the requisite amount. Exhaust pollution would climb dramatically and the amount of gasoline burned would skyrocket. And, in addition, the residents of the surrounding small towns would hear the incessant rumble of trucks on roads not built to handle that type of traffic.

Mr. Speaker, it seems to me that only Congress has the broad authority to act to alleviate the rail crisis in the Northeast. We have not yet arrived at a final determination and a decision to liquidate any major rail service would preempt our right to make this decision.

In addition, until we come up with an overall plan, every effort must be made to prevent the damaging impact on shippers and employment in these areas that liquidation would entail.

Mr. Speaker, I urge the House of Representatives to take the lead in this matter and call on my colleagues to pass this resolution with the utmost haste. Failure to act may mean the death knell of essential rail service, the loss of jobs, the irreparable damage to vital business and industry.

AID CHARTS NEW STEPS TO CONSERVE U.S. FERTILIZER SUPPLIES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. NELSEN) is recognized for 15 minutes.

Mr. NELSEN. Mr. Speaker, this past April 18, I wrote Dr. John Hannah, Administrator of the Agency for International Development, to request an immediate suspension in U.S.-financed fertilizer exports because of developing domestic fertilizer shortages.

I pointed out that shortages in our supplies of boxcars and natural gas—the latter used in the production of nitrogen fertilizers—were producing a related fertilizer shortage for U.S. farmers at a critical planting time. Domestic fertilizer prices had jumped between 3 to 10 percent, and it appeared possible that some farmers might not obtain all the fertilizer they needed for spring planting no matter what the price.

At that time, at least one fertilizer dealer in my congressional district had already reported a critically tight fertilizer supply, and others had indicated they had none to spare even though much expanded acreage this year made their estimates rougher and more uncertain.

Also at that time, it was my understanding that approximately 462,000 tons of fertilizer valued at approximately $58 million had already been authorized by AID for shipment to several foreign nations by the end of July. It was my further understanding that AID anticipated financing around 430,000 more tons of fertilizer exports by the end of this year.

All this explains why I felt that future AID-financed fertilizer exports should be halted at least until our domestic needs were met.

In the reply I received from Dr. Hannah on May 2, he indicated his Agency shared my concern over domestic shortages, but the problem was primarily attributable to the boxcar shortage.

He stated further:

> Fertilizer for spring shipment under AID financing has been contracted for by AID-recipient countries, and there is no legal way to break these contracts. Other than this contracted material, no further fertilizer shipments are expected this spring. Other shipments later in this year will be made in the off-season when the American fertilizer factories need the business. You will find it of interest to know that fertilizer purchases financed by AID during FY 1972 were approximately 1.9 percent of total U.S. domestic consumption.

He also stated:

> In guiding cooperating countries abroad, AID consistently endeavors to encourage procurement on time-tables which will meet their varying planting seasons, but which will not further tighten the U.S. availabilities of fertilizer—and the means of moving the products to port. We shall continue this guidance for the benefit of all.

Subsequently, I wrote Dr. Hannah again on May 11 to express my view that his explanation had missed the point. The Agriculture Department in my State of Minnesota had already reported that an even tighter fertilizer supply situation is expected this fall as our farmers start the normal fall applications beginning in September. There has been some indication that the shortage could last as long as 18 months.

Since the first concern of our Government must be to meet the needs of our own people, I again urged Dr. Hannah to halt these tax-supported fertilizer exports in order to preserve supplies for domestic use.

I also asked Dr. Hanna for additional information on the operations of the AID-financed fertilizer export program.

On May 31, I received a second letter from Dr. Hannah assuring that AID is making every effort to avoid aggravating the situation in any way. More significantly, however, Dr. Hannah reported his Agency is taking two new steps. In his words:

> 1. We are directing our overseas Missions to review host country fertilizer requirements, limiting all new procurements to material needed for the coming planting season. Supplies beyond normal inventories will not be authorized.
>
> 2. Effective immediately, and continuing as long as the tight U.S. supply situation exists, AID will authorize all procurements from certain less developed countries with surplus production capacity available for export and from the U.S. We estimate that one half of such procurements will be from offshore sources.

Dr. Hannah also reported that the Fertilizer Institute estimates:

> That 75% of this season's fertilizer needs have been met in Minnesota and that barges and rail cars have been loaded and are en-

route to deliver the balance as soon as weather permits.

He promised:

> We will continue to observe this situation and, if necessary, take such additional steps as are required to protect the U.S. farmer.

Certainly, AID's new moves are a welcome step in the right direction and may help ease pressures a bit for farmers here at home, even though the Agency has avoided action of the kind it has been my feeling is required.

I insert the full text of Dr. Hannah's most recent letter in the CONGRESSIONAL RECORD at this point, along with accompanying data on the AID fertilizer program:

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., May 30, 1973.

Hon. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: I share the concern expressed in your letter of May 11, 1973, over domestic shortages of fertilizer and wish to assure you that A.I.D. is making every effort to avoid aggravating the situation in any way. In determining A.I.D.'s impact on the U.S. fertilizer situation it is important that we review total U.S. exports and A.I.D.'s participation in such exports. In Fiscal Year (FY) 1973 the Department of Agriculture "Fertilizer Supply Report" of April 1973 estimates that total U.S. exports of fertilizer will be 19% of net domestic supply. Less than 2% of the total U.S. net domestic supply will be exported with A.I.D. financing. While A.I.D.'s role in U.S. fertilizer exports is relatively small, we have, nonetheless, taken action to minimize any adverse effect A.I.D. exports could on total U.S. supply availability.

In late 1972, realizing the critical domestic and international supply situation for fertilizer, we met with The Fertilizer Institute who represent 80% of U.S. fertilizer producers. Our meeting resulted in adjustments in our authorized procurement sources for fertilizer, permitting increased competition from designated offshore fertilizer producers. As a result of this action approximately 25% of the total fertilizer tonnage financed by A.I.D. in FY 1973 is being procured from offshore sources.

With regard to our near term requirements (next 6–9 months) the U.S. fertilizer industry has requested A.I.D. not to eliminate U.S. competition in A.I.D.-financed fertilizer procurement. Their rationale is that economic considerations compel certain U.S. fertilizer producers, particularly in Alaska, the West Coast and the U.S. Gulf, to market a portion of their production offshore. Logistics costs do not permit them to compete domestically with plants in the heartland of the U.S.; and, we understand, that in some cases these logistic considerations together with present economic controls actually preclude profitable domestic sales even in unlimited demand situations. Not only did the industry request appear to be reasonable, therefore, but in view of A.I.D.'s mandate from Congress to maximize U.S. exports when practical and our traditional emphasis on financing U.S. source commodities, we were not in a position to limit new A.I.D.-financed procurement to offshore.

To further ensure that our current and longer term planning reduces the pressure on U.S. fertilizer supplies, we are taking the following steps:

1. We are directing our overseas Missions to review host country fertilizer requirements, limiting all new procurements to material needed for the coming planting season. Supplies beyond normal inventories will not be authorized.

2. Effective immediately, and continuing as long as the tight U.S. supply situation exists, A.I.D. will authorize all procurements from certain less developed countries with surplus production capacity available for export and from the U.S. We estimate that one half of such procurements will be from offshore sources.

In line with long standing A.I.D. regulations, fertilizer is procured under formal public bidding with contract awards made on the basis of the lowest landed cost per nutrient ton. There is no element whatsoever of U.S. subsidy included in the cost of fertilizer financed by A.I.D.

All proposed fertilizer awards are reviewed by the A.I.D. Fertilizer Committee who scrutinize all bids to ensure that contracts are awarded in accordance with A.I.D. regulations. This same committee also remains abreast of the U.S. and worldwide fertilizer supply situation and recommends changes in the authorized sources of procurement, U.S. and offshore, as dictated by the supply situation.

While we do not have a firm budget figure for fertilizer in FY 73, total A.I.D.-financed fertilizer for this period is estimated at $89 million or some 910,000 metric product tons. We estimate the same or higher level of requests for A.I.D.-financed fertilizer in FY 1974. Actual procurements will be subject to the availability of A.I.D. funds and worldwide fertilizer supplies. For your information, I am enclosing additional statistics containing A.I.D. purchases for the period 1966–1972.

In conversations with Mr. Ed Wheeler, President of The Fertilizer Institute, we are pleased to hear that they estimate that 75% of this season's fertilizer needs have been met in Minnesota and that barges and rail cars have been loaded and are enroute to deliver the balance as soon as weather permits.

It is our belief that the measures discussed above will keep any possible A.I.D. impact on domestic fertilizer supplies at an absolute minimum. We will continue to observe this situation and, if necessary, take such additional steps as are required to protect the U.S. farmer.

I will be pleased to furnish any additional information desired on this subject.

Sincerely yours,

JOHN A. HANNAH.

AID FINANCED FERTILIZER SHIPMENTS (AWARDS) TO ALL COUNTRIES, 1966-72 (FISCAL YEARS)

Fiscal year and product	Metric tons: Bulk	Metric tons: In bags	Metric tons: Total	Total value
1966:				
Ammonium sulfate	884,000		844,000	$31,303,610
Urea		68,783	68,783	7,914,840
DAP 18-46-0		110,270	110,270	10,517,011
AP 20-20-0; 25-25-0; 16-20-0	86,340	162,500	248,840	21,168,068
Triple superphosphate	393,290		393,290	23,207,909
Phosphate rock		20,000	20,000	378,600
Potassium chloride	164,475	8,000	172,475	5,732,687
Potassium sulfate	65,000	500	65,500	3,031,060
Mixed fertilizer		20,000	20,000	1,868,600
Total	1,553,105	390,053	1,943,158	105,122,385
1967:				
Ammonium sulfate	315,000	265,000	580,000	24,816,440
Urea		313,643	313,643	28,223,675
DAP 18-46-0	5,000	283,970	288,970	23,719,990
AP 20-20-0; 25-25-0	5,000	133,000	138,000	11,523,570
Triple superphosphate	307,000	50	307,050	15,297,950
Phosphate rock		59,760	59,760	1,110,369
Potassium chloride	112,000	9,230	121,230	3,393,695
Potassium sulfate		1,200	1,200	64,344
Mixed fertilizer		195,600	195,600	15,834,648
Total	744,000	1,261,453	2,005,453	123,534,681
1968:				
Ammonium sulfate	1,179,700	13,510	1,193,210	35,252,044
Urea		717,510	717,510	56,811,940
DAP 18-46-0; 16-48-0	85,000	590,670	675,670	49,454,722
AP 20-20-0; 25-25-0; 16-20-0; 30-10-0		171,460	171,460	12,047,625
Triple superphosphate	226,200	204,000	420,200	19,922,119
Potassium chloride		113,010	113,010	4,545,510
Potassium sulfate		10	10	662
Mixed fertilizer		122,180	122,180	8,761,931
Total	1,490,900	1,932,350	3,423,250	186,796,553
1969:				
Ammonium sulfate	824,200	23,000	847,200	$18,657,421
Urea		780,060	780,060	62,357,710
Ammonium nitrate		8,940	8,940	356,885
DAP 18-46-0; 16-48-0		20,100	20,100	2,011,558
Triple superphosphate	67,500	66,500	134,000	5,386,445
Phosphate rock		49,000	49,000	871,600
Potassium sulfate		6,600	6,600	503,470
Mixed fertilizer		303,638	303,638	20,445,719
Total	891,700	1,257,838	2,149,538	110,590,808
1970:				
Ammonium sulfate	30,000	44,400	74,400	1,607,480
Urea		400,300	400,300	29,802,464
DAP 18-46-0	100,000	85,500	185,500	10,619,570
AP 16-20-0		950	950	53,837
Triple superphosphate	6,000	56,600	62,600	3,153,292
Potassium chloride	13,200	1,000	14,200	378,708
Potassium sulfate		6,500	6,500	471,925
Mixed fertilizer	31,965	263,733	295,698	16,516,712
Total	181,165	858,983	1,040,148	62,603,988
1971:				
Ammonium sulfate	60,000	4,022	64,022	468,782
Urea		268,000	268,000	15,508,070
Anhydrous ammonia	13,500		13,500	363,825
DAP 18-46-0	90,000	15,000	105,000	5,955,545
AP 20-20-0; 16-20-0		631	631	37,117
Triple superphosphate		33,760	33,760	1,770,148
Potassium chloride	7,300	1,200	8,500	264,080
Potassium sulfate		8,622	8,622	589,264
Sulfate of potash-magnesia		700	700	33,355
Magnesia sulfate		44	44	3,239
Mixed fertilizer	97,500	40,600	138,100	8,096,766
Total	268,300	372,579	640,879	33,090,091

Fiscal year and product	Metric tons			Total value
	Bulk	In bags	Total	
1972:				
Ammonium sulfate		7,800	7,800	$395,266
Urea		217,100	217,100	14,829,350
Anhydrous ammonia	13,500		13,500	430,650
DAP 18-46-0	295,000	48,775	243,775	16,943,507
AP 16-20-0		270	270	20,118
Triple superphosphate		31,000	31,000	$3,117,420
Potassium chloride		4,400	4,400	240,988
Potassium sulfate	4,500	3,700	8,200	546,265
Mixed fertilizer	125,000	57,450	182,450	12,343,594
Total	338,000	370,495	708,495	48,867,158

AN ANNIVERSARY SALUTE TO SISTER MARY ANGELA CANAVAN AND ROSARY HILL COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, of the many fine institutions of higher learning which are in or near my 38th District of New York, I am especially proud of Rosary Hill College and its great and dedicated president, Sister Mary Angela Canavan, OSF.

Now celebrating its 25th anniversary, Rosary Hill is an outstanding example of the contribution which the private college can make to the community. Private schools, such as Rosary Hill, are an educational whetstone serving to hone the educational process, helping to improve the public tax supported system and keeping it competitive in the drive for excellence. By their very competition, these private schools help preserve the public institutions from political interference, guaranteeing a measure of academic freedom that the public system could never attain by itself.

Institutions like Rosary Hill are essential to America. They provide leadership out of all proportion to their size and America will be needing them more and more in the days ahead. As a new member of the Rosary Hill board of trustees and as a member of the House Education and Labor Committee, I plan to help assure the success of not only Rosary Hill, but also of other institutions of private education, including such outstanding western New York colleges and universities as Canisius, D'Youville, Houghton, Hilbert, Medaille, Trocaire, Niagara, Villa Maria, and St. Bonaventure and others like them across our country.

It is for this reason that I have cosponsored legislation that would allow tax credits for a portion of the tuition fees and other expenses of higher education that are paid by parents sending their sons and daughters to college.

During Sister Angela's 20 years of committed leadership, Rosary Hill's buildings have expanded, the faculty has increased, academic selections have multiplied and the school has grown from a women's college of slightly more than 200 students to a coeducational college with a student body of 1,400.

Sister Angela, a native of nearby Niagara Falls, received her Bachelor of Arts Degree from Ohio Dominican College, her Master of Arts Degree from St. Bonaventure University, and was awarded the honorary degree of Doctor of laws by St. John's University, Brooklyn. She also attended Catholic University, University of Michigan and Syracuse University for further studies.

An ardent advocate of woman's right to play an effective role in every area of human endeavor, Sister Angela has been a catalyst for change in the woman's role within her international religious community. In 1966, as an elected delegate to the international meeting in Rome, she was a leader in urging the implementation of the decisions of Vatican II regarding the role of religious women in society and in the church.

Sister Angela's boundless enthusiasm for improving educational facilities, opportunities and administrations has not been limited to her own campus. Her activities have included the conducting of administration workshops for officers from other colleges in New York, Pennsylvania, and New Jersey at the request of the Middle States Association. She has also served on the Middle States Evaluation Committee for many colleges in the Eastern area, and the board of directors of the Association of Independent Colleges and Universities of the State of New York. Sister Angela has also traveled extensively both in the United States, Europe, and Africa.

Her community activities include membership on the board of trustees of the Western New York Educational TV Association, Inc., the Suburban Millard Fillmore Hospital Board, membership in the Buffalo Philharmonic Orchestra Society, Inc., the Amherst Symphony Orchestra Association, and Zonta of Amherst.

Sister's many honors for her selfless work in the community include the Susan B. Anthony Award of the Interclub Council of Western New York, the national award of the Buffalo-Niagara Frontier Business Federation, the "Service Above Self" award from the Rotary Club of Amherst, the University of Buffalo 125th anniversary award in Recognition of Distinguished Services and the Amherst Citizen of the Year Award in 1972. She is also listed in "Who's Who of American Women," "Who's Who in the East," and "Who's Who in American College and University Administration."

Now Sister Angela is retiring. But the things she has stood for—her personal commitment of love, understanding, and skill as an educator, will go on. Rosary Hill and the contributions to our community of its many graduates are living monuments to her dedicated and imaginative leadership.

Although I greatly regret Sister Angela's relinquishment of the presidency of Rosary Hill, I was pleased to hear that she has accepted the appointment of President Emeritus of the College. Knowing Sister Angela's sense of personal dedication, I feel sure that her indispensable contributions to Rosary Hill College and to education in Western New York will continue.

I salute Sister Angela and Rosary Hill on the occasion of their anniversaries.

VETERANS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, we have recently celebrated Memorial Day, a time when the Nation honors the more than 1 million Americans who have fallen in the service of their country. They have made the supreme sacrifice.

There are 28 million living veterans of our Armed Forces who have also made a sacrifice and who also deserve to be honored, in this case by the enactment of veterans legislation now pending before the Congress.

We must never permit the passing of time to obscure or minimize the extent of our gratitude to all of our veterans. Our country exists today, proud, free, and unafraid because of their sacrifices. We have an obligation to them, an obligation recognized by Teddy Roosevelt when he said that:

> No other citizen deserves so well of the Republic as the veteran. They did the one deed which, if left undone, would have meant all else in our history went for nothing. But for their steadfast promise, all of our annals would be meaningless, and our great experience in popular freedom and self-government would be a gloomy failure.

We should also be well aware that the contribution of our veterans to the national welfare is not limited only to wartime. The evidence of their leadership is all about us, in business, in public life, and in the professions. Our last five Presidents have been veterans. Many Congressmen, Governors, and judges are veterans. Today, veterans are contributing to a stronger and better America through their efforts in every form of human endeavor.

Despite their record of service, veterans are faced with Presidential vetoes of their legislation, a $1 billion reduction for the Veterans' Administration in the President's fiscal 1974 budget, and the impounding of $54 million for veterans medical care at a time when 45 percent of the veterans applying for admission to VA hospitals are being rejected.

The 93d Congress has already taken several helpful steps to meet its obligation to the Nation's veterans, all of which I support.

First, both the House and the Senate have passed and sent to the President a bill to provide a $150 burial plot allowance for veterans buried in private cemeteries. The bill also instructs the VA to recommend to the Congress a program to meet burial site needs.

Second, the House has passed a bill to extend full-time GI life insurance coverage to members of the Reserves.

Third, passed by the Senate and awaiting action in the House is a bill to increase the availability of drug treatment and rehabilitation programs for veterans.

Fourth, the Senate has also passed a bill expanding and improving medical care benefits for veterans and dependents, including a doubling of VA-authorized nursing care beds from 4,000 to 8,000 beds.

The prospects for final congressional passage of all of these measures are good, but their future with the President is uncertain. Bills similar to this year's cemetery and medical care legislation were vetoed by the President last year, and the White House has expressed disapproval of the drug rehabilitation bill.

In additional congressional action, both the House and the Senate Veterans' Affairs Committees will hold hearings this month on legislation to exempt veterans pensions from reductions brought about by increased social security benefits, and to increase the income limitation by at least $400.

Pending before the Senate Veterans' Committee is a bill to raise non-service-connected disability pensions of World War I veterans, their widows and children by 10 percent.

Pending before both Veterans' Committees is the Veterans Accountability Act of 1973, which would make the Executive Office of Management and Budget accountable to the Congress when major changes affecting veterans rights or programs are under consideration in the executive branch.

I believe the legislation passed during the 93d Congress, and the bills we hope to pass, will help insure that this country is living up to the responsibility it owes to the fighting men on whom we have all depended.

Let us live up to this responsibility and obligation by taking prompt and affirmative action on these pieces of veterans legislation.

FUEL AND ENERGY CRISES: A CALL FOR ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, the energy crisis which grips this country now is one of the most serious problems this Nation faces. For too long we have ignored the signals which should have foretold our need to take positive action to avert the crisis we are now in. Although those signals have been somewhat vague, the beginning of this session of Congress saw many responsible Members of Congress attempting to draw attention to the need to act. Senator FRANK E. MOSS, from my State, in a statement on January 29, 1973, entitled "Environmental Blackmail" cited the administration's failure to act, as a contributing factor to pressure placed by major oil companies on five New England States for a relaxation of air pollution control standards. At that time, it was apparent that the fuel shortages of last winter would be followed by gasoline shortages in the spring and summer months.

We are now suffering the consequences of inaction on the part of the administration as well as an oil and gas shortage which is alleged by some to be created by major oil companies in this country. The Senator from South Dakota, Mr. ABOUREZK, charged last Monday that major oil companies have "artificially contrived" the oil and gas shortage by deliberately withholding crude oil supplies from independent refineries in the Midwest. In a letter to President Nixon, he called for immediate investigation by the Justice Department for antitrust violations. Although apparently unrelated, I noted that the Washington Post carried an article this morning which reported the Justice Department's action in suing nine major oil firms to prove that claims of natural gas shortages are valid.

The Senator from Washington, Mr. JACKSON, also on Monday called for the Federal Power Commission to prepare a report within 30 days regarding the relationship between the structure of the petroleum industry and related industries and the current and prospective shortages of petroleum products. Although stopping short of accusing the major oil companies of a calculated conspiracy, he indicated that the so-called conspiracy theory is supported by circumstantial evidence and that it does have credibility among knowledgeable observers of the industry.

The situation we now find ourselves in is part of a much larger energy resources issue which must be addressed soon. Although the pressure for finding solutions to the immediate problem of gas shortages is great and must be addressed, we must, I believe, move forward along parallel courses to assure that the long-range needs for energy in this country are not pre-empted by short-term solutions. I have joined with Congressman LES ASPIN in a petition which will be forwarded to President Nixon in the next day or two. That petition urges the President to exercise authority contained in the Economic Stabilization Act of 1973 to immediately impose a system of mandatory allocations of gasoline. But the lack of action by President Nixon to avert the problem does not offer encouragement to the theory that he will now act to solve it.

I applaud the action taken by the Senate yesterday in passing S. 1570 which would increase the President's power to deal with the emergency shortages of petroleum products. This measure, which requires to the degree practicable that equitable distribution of available supplies among independent refiners and dealers be accomplished, passed the Senate overwhelmingly. I would hope that the House can take up action on this bill soon.

At the same time, however, I believe that additional measures must be taken to meet our responsibility. I think there are three things which need to be done:

First. I favor an immediate investigation by the appropriate Senate and House committees to determine in fact if the shortage of gas has been contrived by the major oil companies. My own chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO) has assured me today that the Antitrust Subcommittee of the Judiciary Committee will begin such an investigation by the first week of July.

Second. I favor legislation which will require that the majors share with the independent oil companies such gas reserves as are available and call for early action on the just-passed Senate bill S. 1570.

Third. I support legislation which will constitute a major effort to solve the energy crisis by developing the commercial use of five new energy sources. The Environment Subcommittee of the House Interior Committee, of which I am a member, is presently considering H.R. 6602 introduced by the gentleman from Washington (Mr. FOLEY) as a companion bill to Senator JACKSON's S. 1283. That bill would establish a national program for research and development of five new potential sources of energy, consistent with environmentally sound principles: First, shale oil; second, coal gasification; third, advanced power cycle; fourth, geothermal steam, and fifth, coal liquefaction. I hope that early action can be taken on this very important legislation.

The crisis we face is real; in Utah, gas rationing is a reality which will produce acute problems if we do not move quickly. The benefits to Utah and the Nation are quite obvious; Utah can have a great role in helping to meet the energy needs of the Nation, consistent with protection of environmental values. But we must act quickly. The time for action is now.

THE GAS BUBBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the Coastal States Gas Co. was one of the truly remarkable stock market performers of recent years. Coastal is a young company, formed only in 1955. Its growth has been enormous. Its stock has been a high flier. But today the Coastal gas bubble seems to have burst.

Where formerly Coastal stock traded at prices of more than $50 a share, this year it opened in the mid-1930's. Today it was last traded at $8.50 a share, and halfway through the day, the Securities and Exchange Commission ordered suspended for the next 10 days. Where once

Coastal had all of south Texas in its domain, today it may have nothing at all. Whole cities and great companies depending on Costal for fuel now find that they are receiving little or nothing, despite long-term contracts for fuel supply. Where once there was a scramble to buy Coastal stock there is now a scramble to unload it.

How did all this happen?

The founder and chairman of Coastal is Oscar Wyatt, an engineer and former salesman of oil-well drilling bits. He started the company in 1955, based on the idea of tapping gas from a large number of gas wells that were inaccessible. Wyatt proposed to build a vast number of small pipelines to these wells—creating a gas gathering company. Once the gas was thus "gathered" it would be sold to big users—cities, industries and utilities. Wyatt would contract to sell gas at a fixed price over long terms—often as much as 20 years—and use the contracts in turn to attract purducers.

The early days of Coastal were probably not easy. In 1959 the company had sales of only about $2.5 million, but 2 years later annual sales reached $5 million. Then came Coastal's big break—a chance to supply gas to the San Antonio City Public Service Board. This was to be a 20-year contract and the successful bidder could expect it to be worth more than a half billion dollars.

The City Public Service Board of San Antonio operates that city's gas and electric utilities. Since the electricity used by the utility is generated by gas-fired generators, the gas supply contract is very substantial.

The City Public Service Board contracted in 1947 with United Gas Pipeline Co. for a 15-year gas supply. Actually, United had been the city's supplier since 1922. For reasons that are still unclear, in 1960 the Public Service Board decided to ignore a 1953 consultant's recommendation that the United contract be extended for 20 years and elected to seek new bids. This was the big break that Coastal needed.

As it happened, the Public Service Board seemed much more concerned about the price of gas than it did about the supplier's ability to deliver. At the time it apparently seemed that if a supplier did not have the necessary reserves to deliver on his contract or needed financing, he could get it. This attitude did not take into account the growing demand for gas which would 1C years later show up as part of a growing national energy crisis.

The San Antonio City Public Service Board received six bids on its gas supply invitation—five from actual companies and one from two persons who were forming a company. The bids ranged from $482,200,000 from the two individuals up to $603,100,000 from Intra-Tex. Coastal's bid was fourth. On January 14, 1961, the Public Service Board announced it would award the gas supply contract to "a group of San Antonians who will supply gas to the city through a corporation to be known as the Alamo Gas Supply Co." At this point, Alamo had only its good wishes and intentions to back up its contract. The award was conditioned upon the bidder meeting a number of conditions—among them adequate financing and proved reserves of 1.2 trillion cubic feet of gas.

As it developed, Alamo was unable to obtain its financing; Coastal then stepped in, acquiring 25 percent of the Alamo stock in exchange for entering into a joint venture to construct the gas lines needed to fulfill the San Antonio contract. The joint venture meant that Coastal was undertaking to make good the Alamo contract—at a price of 14 percent less than Coastal had originally bid. In June, 1961 a contract was signed, binding Coastal to make good the commitment of Alamo Gas. Two years later Alamo's entire stock was bought up by Coastal.

Thus, in this strange way, Coastal entered the first step toward the big leagues.

As it developed, the San Antonio contract was not an unusual coup for Coastal.

In Corpus Christi, a similar set of events occurred: the local utility sought bids, let a contract to an unknown newcomer, which was then acquired by Coastal, which then agreed to take up the responsibilities of the fledgling bidder. In retrospect, one can only wonder if there was some kind of collusion involved. Some observers believe that the successful initial bidders in both San Antonio and Corpus Christi were mere fronts, set up by Coastal as a means of ousting long-established incumbents.

Whatever the case may be, Coastal had revenues by 1969 amounting to $250 million. The company's stock was a high flier, and a great many institutional investors bought the stock. At that time about one share out of every five was held by an institutional investor. But cautious observers felt that Coastal might not have all the gas reserves it needed to support its long term, fixed-price contracts. If the company had the reserves, it would be all right. If it did not, Coastal would be forced to bid for gas in the growing atmosphere of shortage—and would surely lose money if it could not find gas at prices that would allow a profit on sales.

There was good reason to worry.

In the winter of 1968 a cold wave hit South Texas. For a 27-hour period the San Antonio City Public Service Board found its gas supply for electrical generation cut off. Few people noticed, because the generators were switched to an emergency fuel oil reserve.

I was one of those who took notice. In fact, had done so since 1963.

Early in 1969 I wrote the utility manager, asking about the gas supply. "No problem" came the reply. Coastal claimed that the sudden curtailment had been due to technical difficulties. The Coastal chairman, by then worth roughly $100 million, predicted a rising profitability for his company.

But I still kept asking questions, and finally suggested that the City Public Service Board should not trust the claims of Coastal at all—that it should go out and buy its own gas reserves.

In 1971 it became clear that Coastal might not be able to deliver the gas it had contracted to sell to San Antonio.

That year, Coastal's friends in the Texas legislature introduced a bill that would have enabled the company to break all its long-term contracts. The City Public Service Board, which had contracted in good faith, opposed the bill, along with other affected utilities. No action was taken.

At that time Coastal began curtailing San Antonio's gas supply more frequently, all along suggesting things would be better if the city would only raise its prices. San Antonio was not about to do this, unless Coastal could show that it needed more money to buy gas with. San Antonio asked Coastal for an independent audit of the company's gas reserves—which Coastal refused to allow. Suspecting that Coastal was merely trying to bludgeon the city into paying higher prices, the Public Service Board continued to refuse to renegotiate their contract. The board even demanded that Coastal compensate it for the out-of-pocket expenses involved in adjusting to Coastal's curtailments of gas deliveries.

By last year, Coastal had annual sales close to half a billion dollars. By last year too, Coastal was pressing harder for San Antonio to renegotiate its contract for gas. Service continued to deteriorate. In its annual report, Coastal made it clear that it expected to renegotiate its long term contracts, and that this would remove the company from bumpy weather that was pressing its earnings—and stock—down. Early this year, the company's bill to permit cancellation of contracts again came to light in the Texas legislature. At the same time the company pressed the State railroad commission for an increase in rates—and for the utilities, the company promised continued curtailments.

Then a few weeks ago, Coastal virtually cut off supplies of gas to San Antonio. No one yet knows why—but it appeared that the company was saying that if it got the money demanded and a modified contract that would allow it to switch off gas supplies at will—everything would be all right.

But I am not willing to see San Antonio throw away a long-term contract that is only halfway through its term. Nor am I willing to believe the claims that Coastal has been making.

If Coastal does not have the reserves it has been claiming, or claims not to have reserves to meet its contracts, it is guilty of filing fraudulent documents with Federal regulatory agencies. This is because the company claims in filings with the Securities and Exchange Commission to have enormous reserves—but in filings with the Federal Power Commission claims to have hardly any reserves. Apparently the company has been hoping to look very healthy in matters relating to selling its securities—but at the same time look distinctly frail when in comes to asking for higher rates. Unless the company has been hiring imbeciles for engineers, it cannot claim to be rich and poor at the same time without lying to one agency or the other.

It is possible that Coastal does have the gas reserves needed to meet its obligations, but is simply holding its gas off the market in order to force consumers to pay higher prices. That would be simple blackmail in the classic sense of the robber barons of days gone by.

It is also possible that Coastal at one time had reserves, but sold them in the spot market in order to boost earnings—thus making things look better than they really were. This would make sense for a company that is a high flier, trying to stay that way. It also involves the company in selling twice what can be sold only once—a situation that eventually will destroy any company sooner or later.

It is possible that Coastal never had the gas reserves it claimed to have, which would if true go a long way toward explaining all those technical difficulties Coastal has been having in delivering gas. It could also explain why the company has been so anxious to break its contracts.

It is possible that Coastal merely wants to sell a lot of fuel oil to its big gas customers, and is using gas curtailments to force them to buy—in the case of San Antonio, this would be a neat way of selling up to 20,000 barrels of fuel a day.

Nobody really knows which of these possibilities is true. All we really know is that hundreds of thousands of people are facing absolute disaster as a result of Coastal's inability or unwillingness to deliver fuel to San Antonio and other customers.

The cloud of uncertainty has burst the Coastal bubble.

I think that the people of San Antonio have a right to know the truth—is Coastal guilty of fraud, or blackmail or both? In either case, they have a right to expect responsible public officials to protect them.

I think that Coastal has an obligation to live up to its contracts, unless it can prove this to be impossible—in which case it seems only logical that the company should be placed in receivership.

I think that the whole Nation should be watching this crisis—because it may be the prototype of others to come.

Over the years I have warned of the possible default of Coastal. I am sorry to say that my worst fears have been realized. I can only hope that from this tragic mess San Antonio can emerge healthy and a little wiser about the predators who take advantage of—or create—situations which may be to their temporary advantage, but can mean catastrophe for whole communities.

Mr. Speaker, in these remarks I have outlined some of the background of the San Antonio power crises, and why the Coastal bubble has burst. In the future I will detail how it all happened, and what I have had to say about it.

PROTECTION OF POLAR BEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, widespread public interest in new measures to protect the polar bear has come to my attention recently. The communications I have received from the public urge passage of House Joint Resolution 118 calling for a moratorium on the killing of polar bears in both the circumpolar pack ice area and landed territory.

The House Foreign Affairs Subcommittee on International Organizations and Movements, which I chair, held hearings last July on a resolution similar to House Joint Resolution 118, calling for an international moratorium on killing of polar bears. This resolution was passed by the House on September 19, 1972, and, in a slightly different version, by the Senate in October. We believe that these two resolutions had some effect toward moving the State Department to take more vigorous action on the subject. With active U.S. support, considerable progress was made toward an agreement to protect these animals at the November 1972 meeting of the International Union for Conservation of Nature and Natural Resources, IUCN.

Our Government was hopeful that the circumpolar nations—U.S.S.R., Canada, Denmark, Norway, and the United States—might announce their approval of the IUCN draft agreement at the International Endangered Species Conference held in Washington this February. This did not occur, however, nor was the polar bear included in the endangered species listed in appendix I to the Convention on Trade in Endangered Species agreed to by the Conference. We have been told by the State Department that negotiations are continuing on an interim agreement to bar the killing of polar bears in the circumpolar pack ice area, and that if these negotiations are successful it is intended that a special meeting of the circumpolar nations will be held in November of this year in Oslo at which time the interim agreement would be signed.

We also understand that the Governments of the United States and other nations are collaborating informally with the International Union for the Conservation of Nature and Natural Resources, IUCN, in developing a working document for that meeting.

The difference between House Joint Resolution 118 and the resolution passed last September by the House is that House Joint Resolution 118 calls for a moratorium on killing in landed territories and in the circumpolar pack ice area whereas last year's resolution covered only the pack ice area on the high seas. Although some 90 percent of the sport killing of polar bears takes place in the pack ice area, I believe that all sport killing of these animals should stop whether on sea or on land. But before we in Congress consider taking further action on this subject, it seems to me wise to wait until present negotiations for an interim agreement have been concluded. At that time we will be in a much better position to determine whether additional protective measures for these animals are necessary and what would be the best way to go about taking such measures. For example, if the interim agreement does not cover killing on landed territory, then Congress might consider domestic legislation which would ban killing on our own national territory, whether land or sea. After last year's approval by Congress of the resolution calling for an international agreement to stop killing polar bears in the pack ice area, our Government has been committed to an agreement of that nature. While international negotiations pursuant to that resolution are in progress additional legislative action does not seem to me to be in order.

I am asking the State Department to report to me periodically on the progress of the negotiations. In taking an interest in this subject, effective protection for the polar bear against extinction is and always has been my objective. Accordingly, I intend to watch all developments in this field very closely and seek the best means for assuring effective action.

INCREASE IN GAS AT THE WELLHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, the Federal Power Commission's decision on Thursday, May 1, to allow a 73 percent increase in gas at the wellhead for three natural gas producers was an outrageous misjudgment of what is in the Nation's best interest by this "regulatory agency."

The Nixon administration has proposed the idea of deregulating the natural gas industry, thus allowing the price of natural gas to be decided by the forces of the market. The resulting price increases would hopefully serve as a stimulus for increased exploration and development of new energy sources.

However, in 1972 the FPC initiated the "optional-price" ruling—which allows producers and pipelines to negotiate prices regardles of production costs. The ruling has been attacked as an agency through appropriate legislation. This price increase was made pursuant to the attempt to achieve the deregulation that only the Congress has the power to do "optional-price" procedure and, as Chairman Nassikas noted in his partial dissent, amounts to de facto deregulation.

The increase also violates the voluntary phase III guidelines which the President established in January 1973. A 73 percent increase in just about any commodity or raw material is virtually criminal in these inflationary times; yet this decision is being tolerated by a President who claims to be solidly committed to stemming the tide of inflation.

On May 30, Chairman WILBUR MILLS of the House Ways and Means Committee, in a speech on the House floor analyzed our current economic woes. His assessment demonstrated that the phase 3 policy is in fact no policy at all. Prices have risen unchecked and the administration cannot decide how to handle the crisis. Whether this indecision is a result of the Watergate scandal or an internal White House power struggle remains a mystery to the public. However, the results are obvious to every American consumer.

Chairman Mills then called upon the Congress to reinstate economic controls to give the economy time to stabilize itself. Government controls are not the ultimate answer but they will buy us the time we need to cool the economy down to a smooth and gradual growth rate. Surely a 73-percent increase in the price of natural gas made through a highly suspect procedure is not the way to achieve these goals.

I would therefore urge the Congress to reinstate a phase I-type wage-price freeze and especially a freeze on the prices of all federally regulated industries. This move will "buy us the time" to have a full congressional hearing on the question of price increases in the energy industry; insist upon a full inquiry by the Cost of Living Council; and establish a coordinated economic program which will provide effective guidelines for all facets of the economy. The power to initiate these programs also rests with the President. He sought the power to manage the economy through the Economic Stabilization Act and Congress assented. But the administration has refused to act and I therefore urge the Congress to heed Chairman Mills' call to firm economic action, and to observe carefully what abuses of the public interest can occur when our regulatory agencies are allowed to drift without a clear national economic policy guiding their efforts.

COTTER PREDICTS SOYBEAN SHORTAGE IN SEPTEMBER—RENEWS CALL FOR TEMPORARY EXPORT CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. Cotter) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, unless steps are taken now to break the soybean price spiral the United States is going to face a protein food crisis of major proportions within a very short time. Soybean meal, of course, is the leading protein component of animal and poultry feed.

The results of higher soybean prices are already apparent.

Egg and broiler producers are cutting back their flocks because they can no longer afford soybean meal mix. What eggs are produced will be selling for $1 a dozen in September.

Hog farmers who had been expected to expand production 6 to 8 percent this year are now selling breeding stock for slaughter. The same situation prevails in the cattle industry.

And even more ominous is the possibility that this September there will be no soybeans to crush into meal for those few farmers still producing. If present projections of carryover stocks are correct, we will have less than a 1 week supply of soybeans available during the crucial weeks in September before the harvest of the new 1973 crop—which was planted late to begin with.

Any delay in the harvest or transportation of the soybean crops will have a dramatic effect on farmers and ranchers who will further be forced to cutback their herds and flocks. The ultimate result is that the American housewife will have to pay much more for meat, pork, eggs, and poultry or be faced with empty meat cases this fall.

Mr. Speaker, while soybean prices reach ever new and absurd heights and while cattle, hog, and poultry producers trim back their plans for expansion, the administration is doing absolutely nothing. They are waiting for more information from the marketplace, for the hog and pig report later this month, for the July 6 report of forward grain and soybean export sales and for the corn planting report in mid-July.

I submit, Mr. Speaker, that we know enough now about the effects of soybean prices to warrant strong, swift action. We know that farmers will not raise protein products at a loss. We know that the Agriculture Department has revised upwards from 6.5 to 10 percent its estimate of the aggregate food price rise this year. Sources in the Agriculture Department tell me unofficially they are looking for a 13- to 15-percent rise and a former high Department of Agriculture official is predicting a 20-percent increase.

My constituents were angry this spring and that is why I vigorously supported the meat boycott and the price rollback amendments to the Economic Stabilization Act. They are going to be hopping mad this fall.

Last Friday I wrote to the Secretaries of Agriculture and Commerce urging immediate implementation of the provisions of the Export Administration Act with respect to soybeans and soybean meal. A licensing and temporary export control system for export of soybeans—even if it would cover only a few million bushels of the 1972 crop not yet committed—must be imposed immediately. To delay, I predict, is courting disaster.

I urge my colleagues to join me in calling upon the administration to impose temporary export controls on soybeans until we can assure the American farmer and rancher and the American homemaker that our supply of this crucial product is adequate for domestic demand.

For the long term, I believe the Congress should pass the 48-hour export commitment notification bill introduced by my distinguished colleague from Iowa, Neal Smith.

THE UNITED STATES, GREAT BRITAIN, AND NATO: ARE WE CARRYING SOMEONE ELSE'S BURDEN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Wolff) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I wish to bring to your attention, and to the attention of my colleagues, a matter relating to our troop commitment to NATO.

In recent discussions with Gen. Andrew J. Goodpaster, Supreme Allied Commander, Europe, in the North Atlantic Treaty Organization, I was told that Great Britain still regularly rotates 3,000 NATO troops on the Rhine River to active duty in Northern Ireland.

I do not intend to comment on the difficulties in Northern Ireland. That is a problem which is the concern of the British and the Irish.

However, it would seem these troops are unnecessary in Germany, or somebody would have raised questions about their rotation. If these British troops are not needed, Mr. Speaker, the United States should be able to reduce its own troop levels.

As a member of the Foreign Affairs Committee, I have been involved in discussions and legislation which includes NATO and I have consistenly supported strengthening of our ties to Western Europe. I have recently returned from meeting with the European Parliament and I believe we have concluded some very worthwhile discussions with them.

What irks me is that we keep sending money overseas, we keep sending our men overseas, we keep our Army at artificially high levels. We have always been cooperative in carrying our NATO burden. I am concerned now that the United States is being forced to take up the slack for these troops going to Northern Ireland. It seems like the same old story of Americans carrying someone else's burdens as well as our own.

I believe the administration should reconsider our present commitment to NATO. The British reduction along with our balance of payments, the decrease in the size of our Armed Forces now that our involvement in Southeast Asia is drawing to a close, and changes which have taken place in Europe since NATO was organized in 1949, warrant that reconsideration.

I have written the Acting Secretary of Defense, William Clements, and Secretary of State Rogers about this matter. I shall include these letters be included at the conclusion of my remarks.

I am sure my colleagues share my concern about this matter. It is not something to be overlooked.

The letters follow:

Washington, D.C.,
June 6, 1973.

Hon. William P. Clements, Jr.,
Acting Secretary of Defense, the Pentagon,
Washington, D.C.

Dear Mr. Secretary: I want to indicate my concern about the number of American troops assigned to NATO and how that number is affected by British participation.

I recently returned from a study mission to Europe where I met with General Andrew J. Goodpaster, Supreme Allied Commander of the NATO forces. General Goodpaster indicated that the British government is regularly rotating three thousand of their troops committed to NATO back to Northern Ireland for duty relating to the civil strife in that country.

This information raises a number of questions. First, how long has this policy been followed by the British? Second, has the United States registered any formal comment or complaint with NATO? Third, has the United States been forced to raise its own troop levels in Europe, particularly along the Rhine, to fill any gap created by the British rotations? Finally, what adjustments other than troop levels, have been made—and by whom—in the American role in NATO?

As you know recent disclosures have revealed that funds which the Congress has appropriated for NATO have been used to train British troops at Camp Lejune. It was further revealed that these troops then served in Northern Ireland. I have joined with a number of colleagues in cosponsoring legislation to prohibit any further activities like this.

I am concerned that the United States is becoming further involved in Britain's domestic difficulties by, in effect, subsidizing a decreased British role in NATO to free their troops for duty in Northern Ireland. This involvement is not desirable.

I would appreciate your reply to my questions at your earliest convenience.

Sincerely,

Lester L. Wolff,
Member of Congress.

Washington, D.C., *June 6, 1973.*

Hon. William P. Rogers,
Secretary of State, Department of State,
Washington, D.C.

Dear Mr. Secretary: I am enclosing a copy of a letter I have sent to William P. Clements, Jr., Acting Secretary of Defense, regarding a reduced NATO role for Great Britain.

This British action has, I believe, injected the United States further into Britain's difficulties with Northern Ireland.

I would appreciate your comments on the present American position vis-a-vis Britain and Northern Ireland, as well as an interpretation of how this NATO policy coincides with that position.

Sincerely,

Lester L. Wolff,
Member of Congress.

VETERANS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. Breaux) is recognized for 5 minutes.

Mr. BREAUX. Mr. Speaker, on June 4, 1973, I reintroduced legislation which, if accepted by Congress, would have a direct effect on a number of veterans in our Nation. I was especially pleased to reintroduce my two bills with over 30 cosponsors on each piece of legislation.

The first is a bill which I introduced on January 18, H.R. 2254. This legislation would amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed. My bill would allow that educational assistance afforded to eligible veterans remain available until used. Many veterans are not able to begin their education immediately upon discharge for various reasons. Later on, when they would like to enroll for improvement of skills, or change their career field, the benefits are no longer available. In order to encourage veterans to continue upgrading their skills throughout their lifetime, thereby increasing the effectiveness of their contribution to the Nation, I believe there should be no time limitation on the veterans' use of the educational benefits of the GI bill. If this allowance were instituted, veterans would use the benefits to suit their individual requirement, rather than merely to use those benefits before the time limitation is over.

The second bill which I introduced, H.R. 8071, would bring relief to a number of veterans with service-connected disabilities. Presently, a veteran who resides a lengthy distance from a VA hospital is left helpless should an emergency arise. Speaking now only of those veterans with 100-percent service-connected disabilities, this man would receive no compensation should emergency arise resulting in hospital care in a hospital other than VA-operated. This type of person in question is one who receives no reasonable income as his disability left him jobless, he cannot purchase insurance, and has no means of reaching a VA hospital in case of emergency.

My bill would provide reimbursement to any 100 percent disabled veteran who through threat of loss of life must be admitted to a private hospital for immediate care. This bill would affect only a very small number of individuals. For example, I have only received comment on two cases of this nature at one hospital since 1969. Agreed, this is a small number of people affected, but there should be assistance to these individuals when threat of life occurs.

Our veterans have served their country with great dedication and service, and I think it is now time that we in government pay more attention to their particular problems and needs as they return to civilian life.

I am pleased to release the names of those colleagues who joined in cosponsorship of this legislation and look forward to even more Members being included when I again reintroduce these two bills in the near future.

Cosponsors of H.R. 2254

Rep. Abzug, Rep. Alexander, Rep. Boggs, Rep. Bowen, Rep. Brown, Rep. Chisholm, Rep. Cleveland.

Rep. Cochran, Rep. Davis, Rep. deLugo, Rep. Denholm, Rep. Drinan, Rep. Fauntroy, Rep. Froehlich, Rep. Grasso, Rep. Harrington.

Rep. Harvey, Rep. Horton, Rep. Ketchum, Rep. Lehman, Rep. Long, Rep. Moakley, Rep. Moss.

Rep. Pepper, Rep. Podell, Rep. Rarick, Rep. Studds, Rep. Thone, Rep. Tiernan, Rep. Whitehurst, Rep. Won Pat, Rep. Wyatt.

H.R. 8071

Rep. Abzug, Rep. Alexander, Rep. Boggs, Rep. Bowen, Rep. Brown, Rep. Chisholm, Rep. Cleveland, Rep. Cochran, Rep. Davis.

Rep. deLugo, Rep. Denholm, Rep. Derwinski, Rep. Drinan, Rep. Fish, Rep. Froehlich, Rep. Grasso, Rep. Harrington, Rep. Harvey.

Rep. Horton, Rep. Kemp, Rep. Ketchum, Rep. Lehman, Rep. Long, Rep. Moakley, Rep. Moss, Rep. Pepper, Rep. Podell.

Rep. Rarick, Rep. Reuss, Rep. Studds, Rep. Thone, Rep. Tiernan, Rep. Treen, Rep. Whitehurst, Rep. Won Pat.

NIXON BUDGET CUTS HIT COLUMBIA MEDICAL SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, the House has wisely authorized the continuation of several medical programs that were slated by the administration for drastic cuts or outright abolition. The attached statement prepared by the office of the vice president in charge of medical affairs at Columbia University shows how essential it is that the authorized funds be appropriated immediately:

Nixon's Budget Cuts Hit Columbia Medical Services

Of the sudden and massive reductions in funding proposed in President Nixon's amended DHEW budget, the most severe and serious in their import for the College of Physicians and Surgeons are those affecting training programs and scholarships for education in the health sciences.

Training programs have been a major focus of activity of the College of Physicians and Surgeons, as is appropriate for a faculty with a tradition of excellence in medical education and leadership in many areas of biomedical research. The productivity and significance of the many individual programs have been substantial. In addition, these programs, which have been supported at the level of $6.3 million in fiscal year 72-73, are crucial to the effective pursuit of programs designed to produce the necessary manpower for medical research and research in health care, which are vital to the maintenance of high-quality patient service, students, and house staff education.

In toto, the College expects to lose $10,140,000 in support which had been anticipated and used as a basis for committed staffing and operations until quite recently. The funds which are to be curtailed are very substantial in relation to the College's need and solutions to the suddenly acute problems of maintaining financial solvency have yet to be achieved. Indeed, because of the abruptness of the decision to terminate these programs, the College is suddenly confronted with a most serious, almost critical, fiscal situation. The pertinent time constraints permit neither exploration and possible development of alternative sources of funding, nor rational program phase-out and termination.

Yet these considerations reflect only some of the dimensions of the probable consequences of the proposed rebudgeting. Extremely important, in relation to the College's ongoing programs, long-term goals, and mandated functions, will be the complete disruption of what up to now have been effective teams of researchers and teachers.

In particular, several consequences can be projected:

1. A substantial number of key faculty members will be obliged to redirect their activities, or to leave the College, voluntarily or otherwise.
2. The College's ability to train individuals for academic positions in medical education will weaken, and qualified candidates will no longer seek such training.
3. The pool of future researchers crucial to implementation of existing and forthcoming technology for the improvement of health delivery systems and health care will be significantly diminished.
4. The effectiveness of mission- or target-oriented research programs will be severely compromised, since the most efficient mechanism for disseminating new or improved techniques, i.e., the activities of individuals specially *trained* in these areas, will become less and less applicable.
5. The short-run and long-run effects of the above developments will be such as to make it extremely difficult for the College to accomplish the objective of increasing the production of physicians, an objective mandated by both the Executive and the Congress.

The impact of the budgetary cutbacks can also be examined in relation to discrete program areas within the College.

UNDERGRADUATE MEDICAL EDUCATION

In these times of increasing costs to the student it is imperative that Congress increase funding of the Health Professions Scholarship Program, as well as support the National Health Program as *parallel* methods for providing financial assistance to medical students. Otherwise, student aid programs at institutions like the College of Physicians and Surgeons will be affected immediately and for the worse. Perhaps more important in the long run, there may be deleterious changes in the performance of the American medical education system.

Because of the substantial and immediate reduction in scholarship funds, students who are needy will have to choose between borrowing and therefore incurring heavy debts, or opting for either the National Health Service Corps or the Armed Forces Programs and the several-year period of "involuntary servitude" these agencies will require. The latter choice will probably be inescapable for most *needy* students, who tend to be members of minority groups. Although there are no hard data from which to predict the effect of scholarship reduction on enrollment patterns, it can be ventured that fewer minority students will find it acceptable to attend high-cost institutions, particularly those like P&S, which would attract primarily the well-to-do. Although low-income students in principle could borrow in order to attend private schools which are higher in cost to the student, it has been abundantly documented in recent years that they are reluctant to do so. In addition, because of the comparatively high tuition costs at private institutions, *middle-income* students will be driven to attend lower-cost schools, since they will have to rely preponderantly on loans to pay for their medical education. The College of Physicians and Surgeons will consequently find it increasingly difficult to continue its momentum toward providing equal educational opportunity to *all*, regardless of socioeconomic background. If these changes were to be carried further, private medical schools might be transformed into citadels for the well-to-do and a token few of the poor.

GRADUATE EDUCATION PROGRAMS

Implementation of the proposed budget cuts would have extremely serious consequences for the College's Graduate Education Programs. Among 15 programs in basic sciences and human nutrition which were surveyed, 5 would probably have to be discontinued entirely; 4 would have to be discontinued or greatly reduced in scope; and 6 would be moderately to severly curtailed. Of 29 clinically oriented programs surveyed, 13 would probably have to be abandoned; 4 would be discontinued or sharply curtailed; and 12 could be moderately to severely curtailed. The impending changes in these programs would cause a serious decline in the level and quality of education, patient care, and research at this and affiliated institutions.

OTHER EDUCATION PROGRAMS

Several other programs will feel the impact of budgetary retrenchment very keenly.

Perhaps the impact on the School of Nursing will be most dramatic. Its undergraduate Psychiatric Program will have to be discontinued as of July, 1973. At the same time, capitation and scholarship funds will no longer be available. The status of previously approved funds for the reorganization and extension of the undergraduate nursing curriculum is now uncertain; this program would have permitted a significant reduction in teaching costs per student while it would also have allowed offering nursing education to a large number of economically disadvantaged and minority students. Also to be discontinued are the funds for RN Professional and Undergraduate Public Health Traineeships. The status of funding for the Graduate Program in Maternity Nursing and Midwifery is uncertain. Loss of these funds would probably compel the immediate cessation of all graduate education in the School of Nursing. The aggregate impact of these cutbacks is such as to make inescapable consideration of the possibility that the entire School of Nursing may have to close its doors.

The programs of the *School of Public Health* would also be markedly reduced. Of 15 programs surveyed, 4 would probably have to be dropped entirely, and the remaining 11 would be markedly to drastically curtailed. Although difficult to quantify, these reductions are likely to have an adverse impact on all areas of Public Health, but particularly in relation to environmental problems, planning health care systems, and training much-needed professional managers with problem-solving orientations.

The *Rehabilitation Medicine* program would be significantly reduced in scope.

The *Allied Health Traineeship* in Dental Hygiene could be continued, but on a very limited basis.

The *Clinical Cancer Training—Dental* program would also probably have to be curtailed.

Research programs

As noted above, the effect of the revised budgets on research programs will be profound and immediate. No funds will be available to support "start-up" or pilot studies in promising new avenues of research, nor the work of younger investigators. Because funds for training will no longer be provided, physicians who can be prepared to take on independent biomedical investigation may have to be drawn from the ranks of the economically advantaged. At the same time, the College's ability to offer high-quality training in research will weaken as faculty members who lose salary support reduce their activities or leave. It is not feasible to forecast in precise terms how many faculty members will be obliged to leave, but it is evident that the number will be substantial. More than 90 faculty members will be obliged to leave within the next 2 years, unless new sources of funding can be *rapidly* developed. The outlook for this is extremely poor.

It is also difficult to quantitate the effects of the budgetary changes on research momentum. It is apparent that a number of programs will be crippled immediately, as investigators depart and the replacement pool declines precipitously. One must in addition note that intangible effects of the abrupt cutbacks will probably also operate. Even if the reductions were restored immediately, it is doubtful that young investigators and students would have sufficient confidence in the stability of the nation's commitment to biomedical research to entrust their professional lives to these fields. Thus decades might be needed to make up for the cumulative loss in research momentum which the amended budget will probably cause.

HEALTH SERVICES AND COMMUNITY PROGRAMS

A number of important research and service programs based at our affiliated hospitals will be affected immediately. Exemplary programs such as: the Harlem Region Stroke Program, which has proved to be a model for the country in early case detection and treatment of hypertension and comprehensive stroke management; the neighborhood health centers program, which provides medical services to the medically indigent in four boroughs of New York City (Eligible recipients have no other means of support for medical care.); communicable disease control other than venereal diseases is being cut back, which will affect inner city centers where the incidence of communicable diseases (e.g., tuberculosis) is far higher than in more affluent populations; and social services extending the reach of medical care—all these will be curtailed. Additionally, such programs as Model Cities, community action programs (such as HAR–YOU and its subsidiaries) are affected by the new federal budget.

PHYSICAL FACILITIES

The College's physical facilities were designed in the 1920's. At that time there were 400 medical and 160 dental students. The ensuing four decades have witnessed an almost 50 percent increase in the student populations, major advances in educational technology with consequent changes in the characteristics of teaching areas, and greatly increased utilization of space for research activities. The College's facilities are now on the verge of obsolescence and without extensive renovation can accommodate no further increment in student load. In addition, the lack of the facilities for utilization of contemporary educational technology seriously limits the College's ability to increase its teaching productivity.

The urgency of improving and expanding teaching facilities is reinforced by current governmental policies which emphasize expanded education of health professionals and redirection of training and research activities. A careful renovation, expansion, and upgrading of its teaching facilities is imperative if the College is to implement these policies in a manner consistent with improved teaching productivity and favorable cost-effectiveness ratios. Such renovation presupposes relocating ongoing mission- or target-oriented research programs which currently occupy overcroweded or otherwise inadequate facilities in order to free needed space. However, because of the deletion of construction from research program grant funding, such relocation is impossible. In turn, the required renovation cannot be performed. Consequently, the College's ability to carry out the mandated increases in health science education and to redirect its training and research activities is critically constrained.

ALTERNATIVE SOURCES OF SUPPORT

The College has no non-federal sources of funds that would begin to offset the federal funding reductions. Indeed, the pattern of funding has required full commitment of University funds as well as external funds. Thus, there are no residual sources to draw upon.

FOOTWEAR ARTICLES RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, despite the growing adverse impact of imports on the domestic nonrubber footwear industry over the last many years, this industry has received no relief from disruptive imports. As such it is unique among major industries which have been accorded relief by the Nixon administration and its predecessors.

Over 2 years ago the Tariff Commission handed down a split decision in the escape clause case on nonrubber footwear initiated by President Nixon, the only such case ever initiated by a President of the United States. No action has been taken on that case by the President since the Tariff Commission submitted its report to him on January 15, 1971, although the split decision would permit the President to provide import relief for the nonrubber footwear industry.

The situation facing the companies and their workers in this industry has continued to deteriorate significantly over the last 2 years since the Tariff Commission's split decision.

Net imports of nonrubber footwear in 1972 reached almost 300 million pairs, valued at $825 million. In 1970, net imports totaled 240 million pairs, valued at $550 million. Five years ago, in 1968, net imports totaled 180 million pairs, valued at $325 million.

The import penetration of the U.S. market reached 36 percent in 1972; it was

30 percent in 1970. In 1968 it was 22 percent.

Domestic production fell to 527 million pairs in 1972, the lowest since 1954. Production in 1970 was 559 million pairs. In 1968 it was 642 million pairs.

Imports have continued to rise and production has continued to fall in 1973. In the first quarter of 1973, nonrubber footwear imports increased 8 percent. Production fell in the first 2 months of this year—latest data available—by 5 percent compared to the same period of 1972.

About 200,000 workers were employed in 1972; there were 219,000 in 1970. In 1968 there were 233,000 workers. An additional 100,000 workers are employed in allied supporting industries for a total of 300,000 workers dependent on the domestic footwear industry for their jobs.

The net number of nonrubber footwear plants which closed in 1972 came to 37. Over the last 5 years the net closings in this industry totaled 181 plants.

Over the last 5 years, the industry has lost enough capacity to produce 100 million pairs of shoes annually.

President Nixon is asking Congress for new authority to deal with problems of disruptive import competition. He asked Congress on April 10, 1973 for new legislation to "deal effectively with rapid increases in imports that disrupt domestic markets and displace American workers." He said that—

> Damaging import surges, whatever their cause, should be a matter of great concern to our people and our government. I believe we should have effective instruments readily available to help avoid serious injury from imports and give American industries and workers time to adjust to increased imports in an orderly way.

But the instruments exist now for dealing with the disruptive imports which have captured over a third of the domestic nonrubber footwear market. The pending Tariff Commission case under existing trade legislation is one means of providing this relief.

Another instrument exists in the action taken by the U.S. Government at the end of 1972 to reserve its rights under GATT—General Agreement on Tariffs and Trade—to modify its tariff schedules. The domestic legislative authority to do this presently exists in section 255 of the Trade Expansion Act of 1962, one of the authorities used by the President on August 15, 1971, to establish an import surcharge.

Nevertheless, the administration has not seen fit to provide this industry with relief. In the light of these circumstances the nonrubber footwear industry cannot accept the proposition that the administration's new legislative proposals, if enacted, will provide it with import relief denied to it over the last several years in the face of existing legislative authority to provide such relief.

The experience of the nonrubber footwear industry should be a matter of concern to other industries facing import problems in considering the intentions of the administration to meet these problems under the administration's proposed trade bill (H.R. 6767).

Accordingly I am introducing this bill to provide a remedy in the form of legislation that would provide for the orderly marketing of nonrubber footwear imports in a manner fair to producers, workers, and consumers.

GUARDING OUR LAST CONSTITUTIONAL PREROGATIVE

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I have today written to Chairman Dixy Lee Ray of the Atomic Energy Commission, and I think the letter has severe significance for every Member of Congress. It is my feeling that an indemnity provision in the proposed agreements now planned by the AEC for the construction of an LMFBR would abrogate the Antideficiency Act and leave the United States liable by means of indemnification for cost overruns, expenses of additional construction, and all contractual obligations included by the operating partners in this project. This would, in effect, be destroying the last vestige of justification for the existence of this House of Representatives, and I think the letter, as I said, is of severe interest, and I hope that Members will read it. It follows my remarks in the Record today:

Congress of the United States,
Washington, D.C., June 7, 1973.

Hon. Dixy Lee Ray,
Chairman, U.S. Atomic Energy Commission,
Washington, D.C.

Dear Chairman Ray: As you are well aware the Joint Committee on Atomic Energy is most concerned about the success of the construction and eventual operation of the Liquid Metal Fast Breeder Reactor (LMFBR) Demonstration Plant. The proposed agreement between the A.E.C. and Commonwealth Edison Company (CE), the Tennessee Valley Authority (TVA) regarding the Project Management Corporation (PMC) is almost a reality. However, as the Chairman of the Committee, Mr. Price, informed you in his letter of May 24, one of the major obstacles, (in my mind the primary obstacle) which blocks the way to a fruition of these negotiations is TVA, CE and PMC's position on indemnity.

The indemnity to which I refer is not that covered by the Price-Anderson Act which encompasses public liability in the event of a nuclear incident. It is rather an indemnity agreement which would leave the United States liable for cost overruns, expenses of additional construction, and contractual obligations incurred by parties whom the government would not control.

I draw your attention to Section 9 of the proposed agreement, AT (49-18)-12. Paragraph 9.1, Page 18, stipulates that indemnity will not be inconsistent with 31 USC 665, the Anti-Deficiency Act. Paragraph 9.2, Page 19, draws out the contingencies under which indemnity is extended to January 13, 1972. Paragraph 9.3 allows an extension by PMC of indemnity to third parties when authorized by its Board and the Project Steering Committee.

These indemnification clauses, I am sure you will agree, are quite favorable to the industry interests expressed throughout AT (49-18)-12. But the proposed indemnity agreement goes too far. The revised Justification Data Arrangement, No. 72-106 illustrates the problem. Section 4(e) of the arrangement states:

"(e) The *additional legislative authorization* which AEC will endeavor to obtain prior to the start of construction of the demonstration plant will include authorization for AEC to agree to indemnify and hold harmless PMC against claims, expenses, and liabilities arising out of project activities, including liabilities, claims or expenses incurred by PMC under indemnities similarly extended to CE and TVA; and AEC will also so indemnify CE and TVA."

What PMC, TVA, CE, and perhaps AEC desire is legislative exemption from the Anti-Deficiency Act. It is only through congressional fiat that the industries can accomplish token compliance with Paragraph 9.1 of the proposed contract. Subsection (a) of 31 USC 665 provides that no officer or employee of the United States shall make or authorize expenditures or obligations in excess of any appropriation or in advance of any appropriation. Subsection (c) (1) of the same act specifically prohibits the creation of a deficiency in an appropriation established for a definite period of time. Subsection (c) (2) does allow for apportionment of appropriations but such an undertaking must comply with the strict notice requirements spelled out in Subsection (d) (2).

Apportionment of appropriations is safeguarded from abuse by legislative standards. Deficiency expenditures are disallowed on grounds of public policy. For years the munitions industry and airplane manufacturers have attempted to avoid the Anti-Deficiency Act and only rarely have they achieved their goals. The Boeing SST project two years ago and government subsidization of Lockheed last year are examples of the circuitous routes which these industries are prone to take in order to obtain direct grants in aid from the Congress and thus circumvent the Anti-Deficiency Act. The indemnity agreement now sought would raise the specter of deficiency expenditures and open this Pandora's Box to innumerable government contractors, many of whom would take advantage of the situation. The shortcoming of such a system in the financing of government sponsored projects can readily be appreciated by noting the recent revelation of Department of Defense overruns and DOD's failure to report the manner in which they were financed in the past two fiscal quarters.

The proposed indemnity agreement is contrary to AEC and general government cost principles. This is not to say that "open-ended" financing is undesireable in itself. Only when the allocation of risk becomes arbitrary and unreasonable does such budgetary conduct become inherently dangerous. An unappropriated indemnity agreement, however, is clearly in the realm of arbitrary and unreasonable.

Mr. Price has spoken for the Joint Committee and I reaffirm our position: An indemnity agreement of the nature now requested is not acceptable until Congress appropriates funds which will satisfy liabilities incurred by the AEC through indemnification. If this is not agreeable to TVA, CE, and PMC then it is my firm belief that the LMFBR contract can be renegotiated with any number of utility companies which will take a reasonable stance on this matter.

Our governmental scheme of checks and balances necessitates strict budgetary control by means of authorization and appropriation. The power of the purse is the last significant constitutional power retained by the legislative branch. To permit deficiency expenditures would dilute this authority and set a precedent which would be difficult if not impossible to overcome. The Congress of the United States must not give a blank check to any individual or body, public or private.

Respectfully,

Teno Roncalio,
Congressman for Wyoming.

A HOMESTEAD PATENT FOR RUSSELL G. WELLS

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, today I am introducing legislation which would authorize the Secretary of the Interior to convey certain lands in Wyoming. This proposal is in behalf of Mr. Russell G. Wells, of Converse County, Wyo., who has spent the past decade trying to reinstate, establish, and prove up his homesteads north of Douglas.

Russell G. Wells commenced his homesteads in 1934 near Bill, Wyo. Because of the depression and drought he was unable to make a living off the homesteads so he went into the Civilian Conservation Corps camp and later joined the U.S. Navy in the late 1930's. Mr. Wells served on active duty in the combat areas of the South Pacific during World War II and in Korean waters during that conflict. In 1957 he was retired and transferred to the Naval Reserve where he remains today.

In 1951 the Bureau of Land Management canceled Mr. Wells' homestead entries claiming that he failed to keep them notified of his whereabouts. It later turned out that Russell Wells was on secret duty in Korean waters and was unable to even advise his own family of his whereabouts. When the entries were canceled in 1951 the lands in question were taken up for leasing under section 15 of the Taylor Act and have continued—even to this date—to be leased to a third party to the exclusion of the homesteader. Due to leasing, some of the fence improvements of the homesteader were moved or torn down, and grazing livestock did some damage to the homesteader's cabin.

This leasing, naturally, caused Mr. Wells some difficulty in his proof. Yet, in spite of these difficulties, he has been successful in meeting the residence requirements and the cost of valuable improvements required by the Homestead law. After 1965 hearings, the BLM Director in Washington reversed the earlier cancellation decision of the Cheyenne Land Office, and admitted error in canceling his entries.

There are two issues remaining: First, whether or not the homesteader's cabin was "habitable" on July 8, 1966—the date of submitting final proof; and second, whether or not the homesteader's cabin is located exactly on the entry lands, and if not, the significance thereof.

It is a fact that Russell Wells' cabin is not luxurious; it was put there in 1934 as a homesteader's shack and has naturally deteriorated over the years. However, in the hearing record Mr. Wells and three witnesses stated that the cabin is habitable.

As to whether or not the cabin is on the entry lands, the controlling question should be the good faith of the homesteader in placing the cabin where it is, believing it to be on the entry lands. The Government has never questioned Mr. Wells' good faith in locating the cabin where he did. It may be that the cabin is not on the entry lands by possibly as far as 1,600 feet, for the custom in 1934 in the area was to establish locations as nearly as possible using existing fences and other markers, some of which were incorrect. However, Mr. Wells placed his cabin in good faith, believing it to be on his lands.

In view of the establishment by Mr. Russell G. Wells of all the other requirements of the Homestead Law and his excellent record of service to his Nation, I feel the Secretary of the Interior should convey these lands to Mr. Wells. The land involved is plain, old Wyoming dry grazing land—no water—except the wells and dikes placed on it by the homesteader. The lands are situated 65 miles from the nearest town, and contain no known mineral value. The value of the 639.52 acres involved would total approximately $6,400.

I am hopeful Congress will see fit to act on this matter, and that it can be dispensed with equitably and promptly.

WYOMING'S SCENIC AND WILD CLARK'S FORK RIVER

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, today I am introducing legislation which would designate a portion of the Clark's Fork River in my State of Wyoming for potential addition to the National Wild and Scenic River System.

The Clark's Fork River flows through the Shoshone National Forest in northwest Wyoming, the first national forest in the United States, created by President Benjamin Harrison on March 30, 1891.

Outstanding recreational opportunities abound along the river. The river itself boasts superb fishing; the canyon serves as the habitat for several species of both large and small game and wildlife. And because the Shoshone National Forest borders on Yellowstone National Park, there is a high rate of visitor usage in the Clark's Fork River area.

Clark's Fork River is unique in its outstanding scenic beauty, and it surely qualifies for inclusion in the National Wild and Scenic Rivers System.

WYOMING'S SCENIC AND WILD GREEN RIVER

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, when the Wild and Scenic Rivers Act was established in 1968 the Department of the Interior and the Department of Agriculture embarked upon a nationwide search for potential rivers that might be suitable for wild and scenic classification.

In September 1970, the Secretary of the Interior and the Secretary of Agriculture announced the joint identification of all or portions of 47 rivers in 24 States as potential additions. One of these was the Green River in my State of Wyoming.

This initial identification simply says that the Green River may have some characteristics which might make it worthy for inclusion in the National Wild and Scenic Rivers System, and is, in effect, a holding category. My bill seeks to move the Green River from this holding category to an "active" category so that a detailed and specific study can get underway.

THE NEED FOR FAIRNESS IN SBA LOAN POLICY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Tuesday, June 5, Thomas Kleppe, Administrator of the Small Business Administration, appeared before the House Small Business Subcommittee, of which I am a member. At that time I raised with him a problem that has long concerned me: The SBA's allocations of direct loan funds under the economic opportunity loan and section 7(a) programs that discriminate against some persons because of their race or national origin.

Presently, funds are allocated in these programs in two categories: 0–2, the minority category; and 0–1 and 0–3, the nonminority category. Some administrative flexibility is given to the regional offices in that 0–1 and 0–3 funds can be moved to the 0–2 category; but funds cannot be moved from the 0–2 into the 0–1 and 0–3 category. In recent years a far greater percentage of the funds has been allocated to the 0–2 category. For instance, in the third quarter of this fiscal year, $275,000 was allocated to the New York region for direct loan assistance for the nonminority category; $2,425,000 was allocated for the minority category.

The effect of such a rigid separation between so-called minorities and nonminorities is that there is a large backlog of applications and tentatively approved requests for assistance in the nonminority category and no backlog in the minority category. In fact there have been instances when regional offices have had to turn back to the Treasury funds that had been allocated to the 0–2 category because they could not be used; there was no demand for them.

The intent of Congress in passing the direct loan program was to provide incentives for investment in small business concerns owned by persons who are socially or economically disadvantaged. The SBA's concern should be with persons who are held back from the economic mainstream because they are socially or economically disadvantaged, not simply that they are members of a minority group. The effect of drawing distinctions and limiting the definition of minority brings you to the absurd situation in which an Eskimo living in the city of New York could receive a loan under 0–2 while an Italo-American in much greater financial need could not. Indeed, there was the case of Lou Brock who received a direct loan in 1969 under the 0–2 category while his own financial situation was enviable. Mr. Brock was a St. Louis Cardinal with an annual salary of approximately $125,000.

Let me tell you when I first became aware of this problem. It was when some people who are Hasidic Jews came to me because they were unable to qualify as minority members and because of the funding situation were unable to get needed assistance from the SBA. Hasidic Jews are a small group of highly orthodox Jews with special customs. Many have suffered economic hardships because of their minority status and distinct attire.

At first I requested that they be added to the list of minorities. But as I examined the matter, I came to the conclusion that this was the wrong approach because in almost every place in this country some group constitutes a minority even when it may be a majority elsewhere. So, for example, there are towns across this country where Catholics and Jews are still discriminated against—where those of Irish, Italian, and Slavic backgrounds are not held in the highest regard and suffer economic and social ostracism. That is not to say that the blacks, Spanish surnamed and other minority groups have not and are not being discriminated against at the present time. On examination I came to the conclusion that just as I am opposed to quotas at the university level for either students or teachers or in any job or profession, I am opposed to quotas in the Small Business Administration too. We have a responsibility to every American who is economically or socially disadvantaged whether or not he happens to fit into a defined minority group.

Indeed, it seems to me that to make distinctions between individuals otherwise eligible and in need of financial assistance on the basis of their race, color, creed, or national origin, is unconstitutional in that it would be a denial of equal protection of our laws. An individual socially or economically deprived who files his application for Federal assistance must have it treated on the merits. Let me indicate what happens when it is not so treated.

I have been told of the following which, if true, is surely bizarre. An Hasidic Jew in the city of New York not eligible under 0–2 because he was an Hasidic Jew, later became eligible and received assistance under 0–2 when he established that he had been born in Uruguay and thus fit in the Spanish-surname category.

Therefore, in committee Tuesday, June 5, I introduced an amendment to the bill extending the SBA's authorization, to prohibit the SBA from making special distinctions between persons, otherwise eligible for assistance under these programs, who are members of a so-called minority group and those who are not members of a minority group. The amendment was accepted.

I want to reiterate, as I have on many occasions that while I oppose rigid quotas, I am for reaching out and taking affirmative action to encourage and assist minorities, and make them aware of programs that are available and help them apply for assistance. But it is only fair to those competing for funds that what limited financial aid is available, goes to those individuals who are the most economically or socially disadvantaged.

NEW YORK CITY MASS TRANSIT CRISIS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, New York City is confronted by a serious mass transit financing crisis which threatens to push the fare price way over its presently too-high level of 35 cents.

What New York's bus and subway system needs is an infusion of funds from the Federal Highway Trust Fund in order to modernize outdated equipment, track, stations, and terminals. Moreover, Federal operating subsidies should be provided to prevent the public transportation system of America's largest city from pricing its ride at a level which will seriously burden working people, senior citizens, and schoolchildren. I urge the Congress to devote serious attention to these proposals.

Mr. Theodore W. Kheel, the noted New York attorney and labor mediator and an expert on transportation, has written a fine article for New York Magazine in which he stresses that the 35 cents fare must not be increased, a position which I strongly support.

In his article of April 13, 1973, entitled "A Fare Question: The Issue the Candidates Don't Discuss," Mr. Kheel suggests additional ways of preserving the 35 cents fare. I request that the article be printed in the CONGRESSIONAL RECORD:

A FARE QUESTION: THE ISSUE THE CANDIDATES DON'T DISCUSS

(By Theodore W. Kheel)

Any number can play musical chairs for Mayor. All one has to do is choose the party he wants to play in and find 10,000 people to sponsor him. This year the line-up of players and parties has been so filled with hilarity and surprise that we have forgotten, apparently, that there is a serious side of the game. It's called speaking on the issues. The primary election is less than six weeks away now, and no end to the frivolity is in sight. If we encourage the candidates to go on entertaining us instead of demanding that they speak plainly about real issues, we shall soon pay a heavy price for their folly, and our own.

My agenda of real issues is probably no different from anyone else's—I've got crime high up on my list, along with children who can't read and housing that isn't getting built. But because it is so fundamental to everything else that happens in New York City, my list also includes, at the very top, the cost of a subway and bus ride. No serious candidate for Mayor thus far is even talking about, much less proposing a program for, the preservation of the 35-cent fare. Under present arrangements, the 35-cent token is almost certainly doomed at the end of the year. One might think someone running for high office would give a damn.

We have to count ourselves lucky that the fare is "only" 35 cents right now. It went from 30 cents to 35 cents on January 5, 1972—instead of 45 or even 50 cents—only because in late 1971 for the first time in history the City of New York granted, in effect, a direct, outright subsidy of $200 million to the New York City Transit Authority to cover the operating deficit of the city's transportation system. The state came through for us then, over the prostrate bodies of a lot of upstate legislators, only because Governor Rockefeller was trying to buy our votes for a $2.5-billion transportation bond issue he had hoped to peddle. That bond issue, which paid lip service to the idea of a balanced transportation system, actually would have chiefly benefited the highway lobby, and it was defeated. As a practical matter, though, the Governor couldn't "undiscover" the money he had just "found" to help us, and so we got a small break.

Such luck won't happen again. In 1971 Rockefeller promised to make a comprehensive study of ways to finance mass transportation on a regional basis—the only sensible way to plan. He made that promise to the Regional Plan Association in return for R.P.A.'s support of his bond issue. After voters turned him down on the bond issue. R.P.A. reminded him of his promise, and so did I. If such a study has been made or is under way, it is even less in evidence than White House testimony on Watergate.

To keep the fare at 35 cents for another two years would take about twice as much—$400 million—in direct operating subsidies, even if the transit unions win no increases when their contracts expire next April. Even if the Governor wanted to help the city out again—without the incentive of another bond issue to sell—that kind of help from Albany is simply not in the cards.

But we need not wait for the Governor. There are things we can do on our own.

My premise is that clean, pleasant, efficient mass transportation is essential to the prosperity of the city and that, at the same time, in a free society people should not be ordered to ride subways or forbidden to drive their cars. Instead, we can influence people's choice by structuring the prices of those choices.

Today there are about one billion fewer riders per year on our subways than there were in 1947. The fare went from a nickel to a dime that year. With each successive fare increase the number of riders has declined. And no wonder. It not only costs seven times as much to ride the subways, but we get half as much in service for the price, making the real fare 70 cents, not 35 cents.

At the same time, we continue to build up our central city, the hub that makes New York unique, all the while making it more difficult to get to and from it.

True, we have put a shovel in the ground for the Second Avenue subway after talking about it for 54 years and, more than twenty years ago, voting $500-million to build it. But that is comfort of a very remote kind. It will be at least the year 2,000 before that subway is fully operational, if then. The city's health and well-being simply cannot afford that long a wait. Besides, with current use of our existing system down some 40 per cent from its 1947 peak, how do we know that people will use the Second Avenue subway in numbers large enough to justify its cost? We must find a way to improve the *existing* subway facilities and lower the price so that people now attracted to automobiles will return to mass transit. If the subway system could recover even half the riders it had in 1947, we could realize great financial benefits. The capital cost of these facilities (the total runs into the billions) has already been paid.

Is it financially feasible to provide better, cleaner, and more attractive subway service? The answer depends on the accounting system we use. Yes, it will cost the Transit Authority more money to run the subways, even taking into account added revenues from more passengers. But it is bound to save the users and other taxpayers billions of dollars in lower fares, less crowded streets, reduced air pollution, and improved business conditions.

This is not wishful thinking. Atlanta has demonstrated that such accounting is real. Last year that city cut its bus fare from 40 to 15 cents. Representative Andrew Young of Atlanta, who considers improved and less costly transportation the major issue of the moment for minorities, believes this cut has done more to promote Atlanta's current renaissance and boom than any other single factor.

As part of a program for our subway system, I propose a fare reduction to 15 cents in the non-rush hours. This will encourage riders to use the system precisely when it can handle them, and it will bring customers to entertainment, cultural attractions, and the fabulous shopping in our central city. It will do more for business in New York City than a dozen convention centers and other structures built without thought about their impact on the means of getting to and from them.

Equally important, the 35-cent fare must be kept at its present level after December 31, 1973, when the pressure for a hike will be on. Where will the money come from? For reasons of fairness as well as need, there is one main source which must be tapped: the drivers of private automobiles who choose to commute to and from the central city, usually one to a car. Considering the benefits they receive and the costs they impose on the public as compared with users of mass transportation, they are being subsidized on a ratio of at least 10 to 1.

The price they pay must be brought into at least rough balance with the cost to the taxpayers of the facilities the public provides, and that must include the cost of traffic congestion and air pollution. It can be done with equitable and workable taxes, fees, tolls, and charges related to what automobile users get in return for what they pay. (As a point of comparison, if we had raised the tolls on the George Washington Bridge at the same rate that we raised the subway fare, it would now cost $7 a roundtrip instead of $1.)

This is a tough program for politicians. It means stepping on the toes not only of those affluent enough to use a car to get to work but also on the toes of the most effective propagandists in the country, the highway lobby. The Senate vote last month to open up the Highway Trust Fund at least partially to mass transportation is encouraging. But the House shot down a similar measure last year and may again. The Highway Trust Fund, created in 1956, takes in some $6 billion annually in taxes on automobiles and gasoline which can only be used for highways planned and subsidized by the Fund. Although the money is now being spent at the rate of just $4 billion a year, its powerful supporters, needless to say, are not about to give any of it up quietly. The only organized opponent the highway lobby has is the Highway Action Coalition headed by John Kramer, a young and skillful Californian. I am chairman of his Advisory Committee. But the funds this group has to spend on lobbying are insignificant compared to the resources of the proponents of the Highway Trust Fund. Opening the Highway Trust Fund to mass transportation should be a matter of discussion in the mayoral election.

The mayoral candidates must also be asked to support the suit the City has brought against General Motors Corporation. New York has instituted a class action in behalf of all cities similarly situated against G.M. for monopolizing and overcharging in the buses it manufactures and sells. (G.M., for openers, is claiming that it cannot get a fair trial in New York City because of some of the statements I myself and others have made. It believes it can get a fair trial in Detroit.) G.M. makes more than half of all cars manufactured and sold in this country, and the City alleges that G.M. has a virtual monopoly of bus manufacturing as well. But these two businesses are in sharp competition with each other. The more buses that are sold, the less the demand for cars. Given the length of time it takes to build a commuter railroad or a new subway, or even to improve existing ones, bus transportation may well be the last hope for America's cities. There is room for great improvement in bus technology. And competition would surely bring the price down. But with a strangle hold on the market, General Motors has no real incentive to promote buses; that would merely reduce car sales. This, too, must be made a subject of political debate this year.

One additional point: regardless of who is Mayor, the city alone cannot do the job. Transportation must be approached regionally, since people move around without regard to the city's geographical boundaries, crossing state and city lines. There are, besides, alternative ways of getting about. This calls for a central agency with the power to plan a balanced, coordinated system on a regional basis. The Port Authority, created for that very purpose, has the mandate, the jurisdiction, the resources, and the talents to do the job.

For one brief moment, when Governor Rockefeller got New York to repeal its side of the 1962 statutory covenant limiting the Authority's role in mass transit, I thought we were going to get the Port Authority back to its original mandate. But under pressure from Governor Cahill of New Jersey and the bond market, Rockefeller retreated. The battle to get the Port Authority to plan and develop a coordinated system of transportation for the metropolitan area must continue.

By doubling the tolls on Port Authority bridges and tunnels, we can raise an additional $75 million that would help mass transit if (1) applied directly to subsidize the fare; or (2) used to support another $1 billion in Port Authority bonds for capital improvements in mass transit facilities. (If the new revenues were used to support additional bonds, it would raise the Port Authority's borrowing capacity to more than $3 billion.) The candidates for Mayor should speak to this issue as well.

These proposals, alas, have one serious drawback—they aren't very funny. They merely concern the very circulatory system through which the city's lifeblood flows. And this just happens to be the year we pick a new Mayor. What a dumb time to raise serious issues.

PRESIDENT SHOULD CANCEL SALE OF PHANTOMS TO ARABS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the proposed sale of 24 to 30 F–4 Phantom jet fighter-bombers to Saudi Arabia is deeply disturbing. Insofar as the U.S. posture in the Middle East to date has been one of maintaining a regional military balance and providing Israel with military assistance to enable that country to preserve its independence and territorial integrity, the recently publicized administration decision to furnish Phantoms to Saudi Arabia appears to represent a total aboutface in our established policy.

The sale serves no purpose from the standpoint of American interests, and the Saudi Arabians face no realistic external or internal threat which warrants furnishing them with this sophisticated supersonic aerial weaponry.

A very real danger exists that these aircraft may someday be utilized against Israel, for the Phantoms possess the capability of attacking Israel and returning to Saudi Arabia without refueling. We also must not overlook the possibility that the Saudis may transship these planes to other Arab states which are hostile to Israel, despite any "guarantees" in sales contracts that this would not happen. Let us not forget that in 1967, Jordan utilized its American-supplied tanks to mount an offensive land assault against Israel.

Today I have written to the President urging him not to proceed with this sale of Phantoms to Saudi Arabia, and I encourage my colleagues in the Congress to take similar action. As a member of the Near East Subcommittee of the Foreign Affairs Committee, I intend to exert every effort in the committee and in the full Congress to persuade the administration to reverse its dangerous new policy.

The text of my letter to the President follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am deeply concerned by the Administration's reported decision to sell 24 to 30 F–4 Phantom jet fighter-bombers to Saudi Arabia. The sale of these jets would serve no useful purpose from the standpoint of American interests, and the danger exists that they would be utilized in an armed conflict against Israel.

The proposed sale to Saudi Arabia appears to represent a complete reversal of our U.S. Middle East policy of maintaining a military balance in the region. No valid reason has been advanced for arming the Saudi Arabians with Phantom bombers at this time. The Saudis face no realistic external threat which justifies providing them with this sophisticated aerial weaponry, and the F–4 would be of little use in meeting the threat of a domestic guerilla insurrection. Furthermore, there is absolutely no reasonable assurance that the Phantoms will not be employed someday against Israel, a fact to which Jordan's offensive use of American-supplied tanks against Israel in 1967 bears testimony.

Your past efforts to extend military assistance to Israel in order to aid that nation in preserving its independence and territorial integrity are to be commended. In light of your Administration's past policies, which on balance were fair from the standpoint of Israel's interests, I urge that you not proceed with the sale of Phantoms to Saudi Arabia.

With best wishes,
Sincerely,
JONATHAN B. BINGHAM.

FRIDGE LEO JESTER

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, I was saddened to learn today of the death early Wednesday of Mr. Fridge Leo Jester, the "Billy Sunday" of Capitol Hill, who made so many friends among Members of the Congress and their staffs and visitors while serving as an attendant to the Prayer Room in our U.S. Capitol.

Mr. Jester had been ill for several years and had to give up the position he loved so much—that of keeper of the Prayer Room—in 1970 because of poor health. His death was blamed on burns he suffered accidentally recently.

Mr. Jester came to Washington in 1941 to serve on the police force. He left that position to attend the Prayer Room. He loved telling visitors of the history of the Prayer Room and his lectures on special occasions such as Mother's Day and Father's Day were especially meaningful and effective.

Born in Dye Mound, Tex., in 1892. Mr. Jester moved to Elk City, Okla., at an early age. His father was a prairie physician. His brothers also are doctors and are well known in the Elk City area.

Mr. Jester was very active in Masonic work and was proud of his 50-year pin. He leaves his wife, Mildred, and two daughters. To them and his other loved ones, we extend sincere sympathy.

PENTAGON DEFIES CONGRESS ON THE F-111

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I am simply appalled by the announcement by Deputy Defense Secretary Clements that the Pentagon will close down the production line for the F-111, America's fastest and most modern operational combat aircraft.

What is most appalling of all is that this announcement was made at the very time when the House Armed Services Committee was seriously deliberating whether to include further funds in the defense authorization bill to keep the F-111 production line open for 1 year, until the Pentagon gets around to making a final decision on putting the new B-1 bomber into actual production.

Certainly the Secretary knew what was going on in the House committee, so his announcement is just one more act of arrogant defiance on the part of the executive branch. Apparently some of the lessons of Watergate, which have persuaded some executive departments to demonstrate less defiance of and more respect for the Congress, have still failed to waft across the river to the Pentagon.

I for one intend to challenge the Secretary's defiant action and will move to include funds for the F-111 in the authorization bill. If there is any one thing that contributes more to inflated defense budgets these days it is this weird logic now employed by the Secretary that you should abandon weapons systems that finally have been made to work and sink all your billions into building dream weapons in the future, which generally prove to involve costly overruns and a myriad of operating bugs.

The real truth of the matter, as Mr. Clements knows, is that the Air Force is so desperate to build the B-1 that it is determined that when 1975 rolls around there will be no viable alternative in sight to full B-1 production. To do this it has to kill off the F-111 now, no matter how much the ultimate cost to the taxpayers may be.

Mr. Clements ought to know, however, that by thumbing his nose at the Congress in this way he has actually jeopardized, rather than enhanced, the future of the B-1 as far as Congress is concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Charles H. Wilson of California (at the request of Mr. McFall), from 4 p.m. today through June 8, on account of official business.

Mr. Addabbo (at the request of Mr. O'Neill), from 4 p.m. today through Friday, June 8, on account of official business.

Mr. Burgener (at the request of Mr. Gerald R. Ford), for tomorrow, June 8, on account of official business.

Mr. Dennis (at the request of Mr. Gerald R. Ford), on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Dingell, for 30 minutes, on Wednesday, June 13, 1973.

Mr. Randall, for 30 minutes, and to include extraneous material.

(The following Members (at the request of Mr. Pritchard) to revise and extend their remarks and include extraneous material:)

Mr. Andrews of North Dakota, for 5 minutes today.

Mr. Walsh, for 15 minutes, today.

Mr. McCloskey, for 60 minutes, June 18, 1973.

Mr. Nelsen, for 15 minutes, today.

Mr. Kemp, for 15 minutes, today.

Mr. Findley, for 5 minutes, today.

(The following Members (at the request of Mr. Studds), to revise and extend their remarks, and to include extraneous matter:)

Mr. Hamilton, today, for 5 minutes.

Mr. Owens, today, for 5 minutes.

Mr. Gonzalez, today, for 5 minutes.

Mr. Eilberg, today, for 5 minutes.

Mr. Fraser, today, for 5 minutes.

Mr. Tiernan, today, for 5 minutes.

Mr. Cotter, today, for 5 minutes.

Mr. Wolff, today, for 5 minutes.

Mr. Breaux, today, for 5 minutes.

Ms. Abzug, today, for 5 minutes.

Mr. Fulton, today, for 5 minutes.

Mr. Dent, on June 12, for 30 minutes.

Mr. Gaydos, on June 12, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes to revise and extend his remarks made in debate on H.R. 7645.

Mr. Froehlich to revise and extend his remarks on H.R. 7446.

Mr. Randall in two instances.

Mr. Conlan, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $807.

(The following Members (at the request of Mr. Pritchard) and to include extraneous material:)

Mr. Veysey in four instances.

Mr. Derwinski in three instances.

Mr. Burgener.

Mr. Snyder in four instances.

Mr. Anderson of Illinois in three instances.

Mr. Wyman in two instances.

Mr. Symms.

Mr. Huber in two instances.

Mr. Goodling.

Mr. Collier in five instances.

Mr. Gilman.

Mr. Crane in five instances.

Mr. Kemp.

Mr. Camp.

Mr. Pettis.

Mr. Hogan in two instances.

Mr. Froehlich in two instances.

Mr. Martin of North Carolina.

Mr. Smith of New York.

Mr. McClory.

Mr. Landgrebe.

Mr. Steele.

Mr. Beard.

Mr. Sarasin.

Mr. Bob Wilson.

Mr. Hosmer in three instances.

Mr. Goldwater.

(The following Members (at the request of Mr. Studds) and to include extraneous matter:)

Mr. Delaney.

Mr. Leggett.

Mr. Taylor of North Carolina.

Mr. Downing.

Mr. Burke of Massachusetts.

Mr. Patten.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Waldie in three instances.

Mr. Harrington.

Mrs. Mink in two instances.

Mr. Corman.

Mr. Eckhardt in two instances.

Mr. Gaydos in 10 instances.

Mr. Breckinridge in 10 instances.

Mr. Hamilton in 10 instances.

Mr. Dominick V. Daniels.

Mr. Roy.

Mr. Vanik in two instances.

Mr. Young of Georgia in six instances.

Mr. Edwards of California.

Mr. Mollohan.

Mr. Madden.

Mr. Owens in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1570. An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Friday, June 8, 1973, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 12, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation for purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 93d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948; Cardiss Collins, Seventh District, Illinois.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1009. A communication from the President of the United States, transmitting an amendment to the request for appropriations to liquidate contract authority for fiscal year 1974 for the Environmental Protection Agency (H. Doc. No. 93–112); to the Committee on Appropriations and ordered to be printed.

1010. A letter from the Acting Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the destroyer escort ex-U.S.S. *Osterhaus* (DE 164) to the Little Rock Chamber of Commerce, Little Rock, Ark., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

1011. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report for the period December 1972 through April 1973 on Export-Import Bank approved loans, guarantees, and insurance in support of U.S. exports to Yugoslavia, Romania, Union of Soviet Socialist Republics, and Poland, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular affairs. H.R. 6129. A bill to amend section [illegible] of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; with amendment (Rept. No. 93–263). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interior and Insular Affairs. H.R. 2096. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes; with amendment (Rept. No. 93–264). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 8476. A bill to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. ANDERSON of Illinois (for himself, Mr. Brown of Michigan, Mr. Broyhill of Virginia, Mr. Butler, Mr. Chamberlain, Mr. Cohen, Mr. Collier, Mr. Conte, Mr. Cronin, Mr. Derwinski, Mr. Erlenborn, Mr. Froehlich, Mr. Heinz, Mr. Horton, Mr. Hudnut, Mr. Kemp, Mr. McKinney, Mr. Mosher, Mr. O'Brien, Mr. Quie, Mr. Sarasin, Mr. Sebelius, Mr. J. William Stanton, Mr. Steele, and Mr. Steiger of Wisconsin):

H.R. 8477. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of Illinois (for himself, Mr. Williams, and Mr. Zwach):

H.R. 8478. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 8479. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. MADDEN (for himself, Mr. Bolling, Mr. Sisk, Mr. Young of Texas, Mr. Pepper, Mr. Matsunaga, Mr. Murphy of Illinois, Mr. Long of Louisiana, and Mr. McSpadden):

H.R. 8480. A bill to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures; to the Committee on Rules.

By Mr. BURKE of Massachusetts (for himself, Mr. Breaux, Mr. Mezvinsky, and Mr. Quillen):

H.R. 8481. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibilty of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. Diggs, Mr. Helstoski, Mrs. Schroeder, Mr. Danielson, Mr. Obey, and Mrs. Hansen of Washington):

H.R. 8182. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. GILMAN (for himself, Mr. Robison of New York, Mr. Biester, Mr. Won Pat, Mr. Hawkins, Mr. Wolff, Mr. Mollohan, Mr. Walsh, Mr. Fish, Ms. Abzug, Mr. Shuster, Ms. Chisholm, Mr. Cohen, Mr. Burton, and Mr. Roncallo of New York):

H.R. 8483. A bill to amend section 402 of title 23, United States Code, and section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, relating to schoolbus safety; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 8484. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. HUBER:

H.R. 8485. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement periods of service performed in nonappropriated fund instrumentalities of the Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Miss JORDAN:

H.R. 8486. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

H.R. 8487. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes; to the Committee on Armed Services.

H.R. 8488. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

H.R. 8489. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Badillo, Mr. Brown of California, Mr. Burton, Mr. Dellums, Mr. Diggs, Mr. Edwards of California, Mr. Gibbons, Mr. Harrington, Mr. Hawkins, Mr. Metcalfe, Mr. Moakley, Mr. Pepper, Mr. Rangel, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Waldie, Mr. Won Pat, and Mr. Yatron):

H.R. 8490. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Badillo, Mr. Brown of California, Mr. Burton, Mr. Dellums, Mr. Diggs, Mr. Edwards of California, Mr. Gibbons, Mr. Harrington, Mr. Hawkins, Mr. Metcalfe, Mr. Moakley, Mr. Pepper, Mr. Rangel, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Waldie, Mr. Won Pat, and Mr. Yatron):

H.R. 8491. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Badillo, Mr. Boland, Mr. Brown of Californa, Mr. Burton, Mr. Dellums, Mr. de Lugo, Mr. Diggs, Mr. Edwards of California, Mr. Gibbons, Mr. Harrington, Mr. Hawkins, and Mr. Lehman):

H.R. 8492. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Metcalfe, Mr. Moakley, Mr. Pepper, Mr. Rangel, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Waldie, Mr. Won Pat, and Mr. Yatron):

H.R. 8493. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of eduction to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Badillo, Mr. Boland, Mr. Brown of California, Mr. Burton, Mr. Dellums, Mr. de Lugo, Mr. Diggs, Mr. Edwards of California, Mr. Gibbons, Mr. Harrington, Mr. Hawkins, and Mr. Lehman):

H.R. 8494. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Metcalfe, Mr. Moakley, Mr. Pepper, Mr. Rangel, Mr. Riegle, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Waldie, Mr. Won Pat, and Mr. Yatron):

H.R. 8495. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. Aspin, Mr. Badillo, Mr. Boland, Mr. Brown of California, Mr. Burton, Mr. Dellums, Mr. de Lugo, Mr. Diggs, Mr. Edwards of California, Mr. Gibbons, Mr. Harrington, Mr. Hawkins, Mr. Metcalfe, Mr. Moakley, Mr. Pepper, Mr. Rangel, Mr. Rodino, Mr. Rosenthal, Mr. Roybal, Mr. Sarbanes, Mr. Schroeder, Mr. Seiberling, Mr. Waldie, and Mr. Yatron):

H.R. 8496. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era; to the Committee on Veterans Affairs.

By Mr. NIX:

H.R. 8497. A bill to designate the birthday of "Martin Luther King, Jr." as a legal public holiday; to the Committee on the Judiciary.

By Mr. NIX (for himself, Mr. Carney of Ohio, Mr. Derwinski, Mr. Dulski, Mr. Eilberg, Mrs. Green of Oregon, Mr. Green of Pennsylvania, Mrs. Heckler of Massachusetts, Mr. Hungate, Mr. Moakley, Mr. Pepper, Mr. Podell, Mr. Rhodes, Mr. Roberts, Mr. St Germain, Mr. Symington, Mr. Veysey, Mr. Ware, and Mr. Won Pat):

H.R. 8498. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 8499. A bill to abolish the library of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. ROBISON of New York:

H.R. 8500. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. RONCALIO of Wyoming:

H.R. 8501. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Clark's Fork River, Wyo., for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8502. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Green River, Wyo., and its tributaries, for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 8503. A bill to restore to certain Governmental employees the right to participate as private citizens, in the political life of the Nation, and for other purposes; to the Committee on House Administration.

H.R. 8504. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8505. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8506. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

By Mr. JAMES V. STANTON (for himself and Mr. Burton):

H.R. 8507. A bill to amend the Public Works and Economic Development Act of 1965 to establish a program to assist municipalities and businesses in urban industrial development, and for other purposes; to the Committee on Public Works.

By Mr. STEELMAN (for himself, Mr. Wylie, Mr. Miller, Mr. Rinaldo, Mr. Mitchell of Maryland, Mr. Pepper, Mr. Ashley, Mr. Bevill, Mr. McKinney, Mr. Quie, Mr. Biester, Mr. Aspin, Mr. Murphy of Illinois, and Mr. Heinz):

H.R. 8508. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. SYMMS:

H.R. 8509. A bill to amend the act of June 4, 1897, to increase the value limitation on the amount of forest products which the Secretary of Agriculture may sell without advertisement; to the Committee on Agriculture.

By Mr. TEAGUE of Texas (for himself, Mr. Davis of Georgia, and Mr. Mosher):

H.R. 8510. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WYATT:

H.R. 8511. A bill to restrain the Nation's fuel consumption rate by providing for the lowering of the maximum speed limit within each State; to the Committee on Public Works.

By Mr. BARRETT:

H.R. 8512. A bill to amend the Economic Stabilization Act of 1970 to provide for a 90-day freeze on rents at levels prevailing on January 10, 1973; to the Committee on Banking and Currency.

By Mr. BROWN of Michigan:

H.R. 8513. A bill to amend the Housing and Urban Development Act of 1968 by exempting certain industrial and commercial sales and leases; to the Committee on Banking and Currency.

By Mr. CLANCY:

H.R. 8514. A bill to amend title II of the Social Security Act to increase to $3,400 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 8515. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 8516. A bill to amend title 5, United States Code, to provide for equality of treatment with respect to married women Federal employees in connection with compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 8517. A bill to provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946; to the Committee on Foreign Affairs.

By Mr. FULTON:

H.R. 8518. A bill to provide effective relief from disruptive imports of nonrubber footwear in a manner that will be fair to producers, workers, and consumers; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 8519. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. HANLEY:

H.R. 8520. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 8521. A bill to authorize the District of Columbia to enter into a compact with a State with respect to cooperative efforts and mutual assistance in the prevention of crime; to the Committee on the District of Columbia.

By Mr. MARTIN of Nebraska:

H.R. 8522. A bill to authorize the Secretary of the Interior to transfer title to Mirage

Flats Irrigation project works to the landowners within the Mirage Flats Irrigation District; to the Committee on Interior and Insular Affairs.

By Mr. MILFORD:

H.R. 8523. A bill to amend the Mineral Lands Leasing Act of 1920; to the Committee on Interior and Insular Affairs.

By Mr. RANGEL:

H.R. 8524. A bill the Adequate Income Act of 1973; to the Committee on Ways and Means.

By Mr. SARASIN:

H.R. 8525. A bill to repeal the bread tax on 1973 wheat crops; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. Devine):

H.R. 8526. A bill to provide for the restructuring of the rail system in the Northeast; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK:

H.R. 8527. A bill to assist the conduct of the official business and activities of the House of Representatives by establishing an emeritus status for certain former Members of the House, and for other purposes; to the Committee on House Administration.

By Mr. STRATTON (for himself and Mr. Hunt):

H.R. 8528. A bill to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home; to the Committee on Armed Services.

By Mrs. SULLIVAN (for herself, Mr. Grover, Mr. Dingell, Mr. Forsythe, Mr. Jones of North Carolina, Mr. Breaux, and Mr. Young of South Carolina):

H.R. 8529. A bill to implement the shrimp fishing agreement with Brazil; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. Bergland, Mr. Bevill, Mr. Boland, Mr. Burke of Massachusetts, Mr. Cotter, Mr. Danielson, Mr. Dellums, Mr. de Lugo, Mr. Evans of Colorado, Mr. Fraser, Mr. Giaimo, Mr. Gibbons, Mrs. Grasso, and Mr. Harrington):

H.R. 8530. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. Howard, Mr. Kyros, Mr. Lehman, Mr. Metcalfe, Mr. Moakley, Mr. Mollohan, Mr. Owens, Mr. St Germain, Mr. Studds, Mr. Tiernan, Mr. Ullman, Mr. Won Pat, and Mr. Yatron):

H.R. 8531. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 8532. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. WALDIE:

H.R. 8533. A bill to amend the Internal Revenue Code of 1954 to allow a refundable credit against the individual income tax for expenses paid in connection with the adoption of a child; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 8534. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 8535. A bill to amend title 10 of the United States Code to include, for purposes of determining entitlement to nonregular retired pay, participation in the Civilian Military Training Camp program; to the Committee on Armed Services.

By Mr. FASCELL:

H.R. 8536. A bill to establish the Fort Zachary Taylor National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HÉBERT (for himself and Mr. Bray) (by request):

H.R. 8537. A bill to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes; to the Committee on Armed Services.

By Mr. MACDONALD:

H.R. 8538. A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. Biaggi, Mr. Roybal, Mr. Yatron, Mr. Metcalfe, Mr. Brooks, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Diggs, Ms. Abzug, Mr. Rees, Mr. Lehman, Mr. Sarbanes, Mr. Hicks, Mr. Addabbo, Mr. Waldie, Mr. Riegle, Mr. Dellums, Mr. Downing, and Mr. Corman):

H.R. 8539. A bill to provide for the continued operation of various Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. WYLIE (for himself, Mr. Gross, Mr. Ketchum, Mr. Rousselot, Mrs. Holt, Mr. Ginn, Mr. Lott, Mr. Young of Georgia, Mr. Young of Florida, Mr. Froehlich, Miss Jordan, Mr. Esch, Mr. Hinshaw, Mr. Miller, Mr. Hunt, Mr. Goodling, Mr. Talcott, Mr. Devine, Mr. Maraziti, Mr. Robinson of Virginia, Mr. Young of Alaska, Mr. Del Clawson, and Mr. Symms):

H.R. 8540. A bill to prohibit travel at Government expense outside the United States by Members of Congress who after the adjournment sine die of the last session of a Congress are not candidates for reelection in the next Congress; to the Committee on House Administration.

By Mr. QUIE:

H.J. Res. 603. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 604. Joint resolution designating the second Sunday in June of each year as "Children's Day"; to the Committee on the Judiciary.

By Mr. SNYDER:

H.J. Res. 605. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (for himself, Mr. Robinson of Virginia, Mr. Walsh, and Mr. Brown of California):

H. Con. Res. 241. Concurrent resolution expressing the sense of Congress regarding the conservation of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H. Con. Res. 242. Concurrent resolution expressing the sense of the Congress with respect to the sale or abandonment of certain railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. SARASIN:

H. Con. Res. 243. Concurrent resolution requesting the President to proclaim August 29, 1973, as National Prevention of Cruelty to Animals Day; to the Committee on the Judiciary.

By Mr. WALSH (for himself, Mr. Dulski, Mr. Hastings, and Mr. Stratton):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress with respect to the sale or abandonment of certain railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H. Res. 428. A resolution to amend the Rules of the House of Representatives to provide, as an item of the order of business of the House, for a period in which heads of executive departments and agencies are questioned in and report to the House; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

242. By the SPEAKER: A memorial of the Legislature of the State of California, relative to acquiring land in the Lake Tahoe Basin for public purposes; to the Committee on Agriculture.

243. Also, memorial of the Legislature of the State of California, relative to the Office of Saline Water; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 8541. A bill for the relief of Eleanor P., and Theodore R. Coleman; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 8542. A bill for the relief of Jorge I. Fuksman; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 8543. A bill for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu; to the Committee on the Judiciary.

By Mr. MYERS:

H.R. 8544. A bill for the relief of Abelardo Aguilar; to the Committee on the Judiciary.

By Mr. RONCALIO of Wyoming:

H.R. 8545. A bill for the relief of Russell G. Wells; to the Committee on Interior and Insular Affairs.

By Mr. OWENS:

H. Res. 429. Resolution to refer the bill (H.R. 8474) entitled "A bill for the relief of J. Clarence Ingram, Don W. Ingram, and Dick L. Ingram of Nephi, Utah" to the Chief Commissioner of the U.S. Court of Claims for a report thereon; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

234. By the SPEAKER: Petition of the council of the county of Maui, Hawaii, relative to the definition of "secondary treatment" in water pollution control; to the Committee on Public Works.

235. Also, petition of the city council, Anchorage, Alaska, relative to the establishment of a national cemetery at Fort Richardson, Alaska; to the Committee on Veterans' Affairs.

SENATE—*Thursday, June 7, 1973*

The Senate met at 11:30 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Reverend Thomas A. Stone, Ph. D., associate minister, the National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal God, who art the God of all time and Creator Lord of all space, this day give us to forget no one in our prayers to Thee.

In this place we pray for all branches of the Government of this country and all citizens over which it rules in Thy name attempting to be just. As tasks are faced, may they be performed by Thy people as very channels of Thy grace that Thy blessing may be upon their acts and that we may be able to commit ourselves at the end of our time into Thy hands. Praying for our leaders, we likewise pray for the servants of the people on land, at sea, and in the air. Thus we pray Thee to rule in and over our lives so that from the least of us to the greatest we may see ourselves within Thy purpose and supported by Thy love. Teach us to support one another so that we give unto others that for which we pray.

Just as we have prayed for our people, we pray for all the people of Thy hand in countries throughout the world. May they know us as a nation whose god is the Lord.

And thus may Thy benediction rest upon Thy whole creation, seeing it is very good. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 6, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1321. An act for the relief of Mrs. Doninga Pettit;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong;

H.R. 1462. An act for the relief of John R. Poe; and

H.R. 7935. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 1321. An act for the relief of Mrs. Doninga Pettit;

H.R. 1322. An act for the relief of Jay Alexis Caligdong Siaotong; and

H.R. 1462. An act for the relief of John R. Poe; referred to the Committee on the Judiciary.

H.R. 7935. An act to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes. Referred to the Committee on Labor and Public Welfare.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendars Nos. 182 and 183.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RONALD K. DOWNIE

The bill (S. 802) for the relief of Ronald K. Downie was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States is authorized to settle and adjust the claim of Ronald K. Downie, of Oklahoma City, Oklahoma, for the amount to which he would be entitled under section 5724a(a) (4), title V of the United States Code, and the regulations issued thereunder without regard to section 4.1d of the Bureau of the Budget Circular Numbered A-56, revised October 12, 1966, representing expenses he incurred in selling his residence in Virginia and buying another in Fremont, California, incident to his transfer in June of 1967 as an employee of the Federal Aviation Administration from Leesburg, Virginia, to Fremont, California, for the convenience of the Government.

SEC. 2. No part of the amount disbursed in the first section of this Act shall be paid or delivered to or received by any agent or attorney on account or services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. MANSFIELD. Mr. President, I ask of one year, and (B) any member appointed RECORD an excerpt from the report (No. 93-193), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

PURPOSE OF THE BILL

The purpose of the proposed legislation is to authorize the Comptroller General to adjust and settle the claim of Mr. Ronald K. Downie for expenses he incurred in selling his residence in Virginia and buying another in California incident to his transfer in June of 1967 as an employee of the FAA.

STATEMENT

Mr. Ronald K. Downie, an employee of the Federal Aviation Administration, was transferred in June of 1967 from the Washington Air Route Traffic Control Center in Leesburg, Va., to the Oakland ARTCC in Fremont, Calif. When he was advised of this transfer, Mr. Downie was given only 10 days notice prior to his departure. He leased his home to a fellow employee for a 1-year period with an option-to-buy clause. The lease was effective on July 1, 1967, and would expire on June 30, 1968.

Mr. Downie purchased a home in Fremont, Calif., on May 1, 1968, with the final settlement postponed until the closure of the sale of his Virginia home. Settlement procedures on the sale of the Virginia house were not completed until June 24, 1968, through the mail; therefore, settlement on the Fremont home was not made until July 2, 1968.

On July 2, 1968, when he applied for reimbursement for his expenses on the Virginia house, his request was denied. The basis for the refusal of the claim was FAA Order 1520.3, dated October 21, 1966, which was in effect at the time of Mr. Downie's transfer.

Mr. Downie was obviously mistaken as to the time limit on purchasing a new residence. Section 10a(4) of FAA Notice 1520.3 provides that the agency will reimburse an employee for expenses incurred in the sale of one residence at his old official station; in the purchase of one dwelling at his new official station; or in the settlement of an unexpired lease at his place of residence at the old official station provided that the settlement dates for the sale and purchase or lease termination transactions are not later than 1 year after the date on which the employee reported for duty at the new official station. An appropriate extension of time may be authorized by a duly authorized official when settlement is necessarily delayed because of litigation.

Mr. Downie stresses that the FAA regulation was not clear with respect to the time limits due to a typographical error in section 10a(4) which resulted in a reading of "settlement dates for the sale and purchase *of* lease termination transactions" as opposed to the FAA's intended reading of "settlement dates for the sale and purchase or lease termination transactions."

The General Counsel of the Department of Transportation admits that Mr. Downie's misinterpretation of section 10a(4) of notice 1520.3 was not unreasonable.

Mr. Downie's claim would qualify under the current Office of Management and Budget circular which allows agencies to extend, up to an additional year, the 1-year limitation to employees who, due to "circumstances justifying the exception," could not settle their real estate sale, purchase, or lease termination arrangements within the initial 1-year period. Had this amendatory language been in effect at the time of Mr. Downie's real estate transactions, he could have requested from the FAA an extension beyond the 1-year limitation. Unfortunately, however, the new OMB directive could not legally be made retroactive and therefore could not be applied to Mr. Downie, whose settlement dates were more than 1 year after he reported for duty to his new official station. The FAA, therefore, has no authority to reverse its previous denials of Mr. Downie's claims. The only recourse for Mr. Downie is through private legislation.

The General Accounting Office in its report on the bill made the following comment and recommendation:

"Ordinarily we do not favor legislation which authorizes payment to an employee for amounts in excess of his entitlement under pertinent regulations because such legislation is preferential in nature in that it favors the employee involved over the many others whose claims under substantially similar circumstances have been denied. However, in view of the particular circumstances here involved we see no objection to enactment of S. 995.

"We have no information as to the expenses included in the $2,412.60 specified in the bill. Thus, in order to insure that Mr. Downie will receive reimbursement of those expenses allowable under the applicable regulations except for the 1-year limitation, we suggest that the language of the first section be revised as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Comptroller General of the United States is authorized to settle and adjust the claim of Ronald K. Downie, of Oklahoma City, Oklahoma, for the amount to which he would be entitled under section 5724a(a)(4), title V of the United States Code and the regulations issued thereunder without regard to section 4.1d of Bureau of the Budget Circular No. A-56, revised October 12, 1966, representing expenses he incurred in selling his residence in Virginia and buying another in Fremont, Calif., incident to his transfer in June of 1967 as an employee of the Federal Aviation Administration from Leesburg, Va., to Fremont, Calif., for the convenience of the Government.'"

After considering the reports of the Department of Transportation and the General Accounting Office, the committee believes that legislative relief is appropriate in this case. Accordingly, it is recommended that the bill do pass.

UHEL D. POLLY

The Senate proceeded to consider the bill (S. 71) for the relief of Uhel D. Polly which had been reported from the Committee on the Judiciary with an amendment on page 1, line 9, after the word "patent.", strike out "This bill for the relief of Uhel D. Polly shall not bar any person from having intervening rights if this relief is granted." and insert "Nothing contained in this Act shall bar any person from exercising any rights which vested prior to the effective date of this Act."; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the patent laws of the United States, with respect to United States patent numbered 3,459,614 (Uhel D. Polly, of Fort Lauderdale, Florida, patentee) that the period in regard to public use or sale in this country as stated in section 102(b), title 35 of the United States Code be enlarged to two years prior to the date of the application of aforesaid patent. *Nothing contained in this Act shall bar any person from exercising any rights which vested prior to the effective date of this Act.*

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-194), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Excerpt

PURPOSE OF AMENDMENT

The amendment is a perfecting amendment relating to the preservation of any intervening rights which vested prior to the enactment of this legislation.

PURPOSE

Section 102 of title 35 provides that a patent application on an invention must be filed within 1 year after public use or sale in the United States. S. 71 would enlarge the period during which public use may occur from 1 to 2 years with respect to the subject patent. The remedy is required due to the fact that the patent agent of the applicant was derelict in his duties and as a result the patent resulting from the application apparently is invalid.

STATEMENT

The patentee Uhel D. Polly, of the subject patent, retained Ernest C. Edge at a time well within the limitation of 1 year imposed by title 35, United States Code, section 102 (b). Ernest C. Edge prepared a patent application and prepared it for Uhel D. Polly's execution on March 2, 1964, at which date it was duly executed. All this occurred well within the 1-year limitation on public use and sale. An averment on the part of Ernest C. Edge that the patent application had been submitted to the Patent Office by March 28, 1964, is stated in an affidavit of Mr. Lewis M. Evans. Throughout the dealings with Ernest C. Edge, there was no reason not to rely on the fact that Ernest C. Edge was carrying out his responsibilities in accordance with the authorization given by the applicant and/or his assignee. It is the practice of the Patent Office, within a period of a few weeks, after filing of a new patent application, to forward a filing receipt as acknowledgement of receipt of a complete new patent application. The filing receipt and subsequent documents from the Patent Office were sent to Ernest C. Edge because the rules of the Patent Office require that all communications intended for the applicant be sent to the attorney or agent of record not to the individual applicant or assignee. Therefore, the false serial number provided for the stated March 28, 1964, filing would not have been questioned by either the applicant or assignee.

In fact, Ernest C. Edge defaulted on his responsibilities in spite of the fact that he had been duly registered to practice before the Patent Office. The application of Uhel D. Polly was, in fact, not filed until March 15, 1965, 1 year and 13 days after execution. This additional period of time exceeded the limitation on public use and sale imposed by title 35, United States Code, section 102(b). It is the usual practice to require a reexecution of a patent application if the execution date is more than 6 weeks prior to the filing of a patent application. It may be assumed that Ernest C. Edge knew about this requirement as a review of the file of the subject patent reveals that the date of execution had been modified so that the digit "4" of 1964 had been changed to "5", and that the vestiges of the "4" are still discernible. By this change, the Patent Office was not alerted to the true facts that the application had in fact been executed more than 6 weeks prior to filing of the patent application. As a result, Ernest C. Edge did not have to go back to Uhel D. Polly for reexecution, which would have given an indication to Uhel D. Polly that the application papers had not actually been filed as purported by Ernest C. Edge. While a reexecution would not have corrected the untimeliness of the application, the facts are clear that Ernest C. Edge was aware that he was in error in not filing the application for a period of 1 year and 13 days. An additional evidence of a pattern, it is further understood that Ernest C. Edge neglected to file a patent application for one Frederick Weseman, even after the payment therefor had been made and even after averments were given to the said Frederick Weseman that a patent application had been filed. As the condition precedent of title 35, United States Code, section 102(b) had not occurred, Frederick Weseman's patent application was timely filed at a later date. During the latter part of 1968, Ernest C. Edge reportedly suddenly absconded with files belonging to an attorney with whom he was sharing office space. Ernest C. Edge was officially removed from practice before the Patent Office on April 3, 1969. At the present time, his whereabouts are unknown and he cannot be found even after diligent search.

CONCLUSION

The committee recognizes that the United States cannot guarantee the competence or integrity of patent attorneys or agents. However, the committee recommends relief in this instance where there has been an obvious and deliberate breach of the responsibilities of the patent agent and the patent applicant had no reasonable way of protecting himself from the failures of the agent. The committee's favorable action in this extraordinary case should not be regarded as a change in the committee's general opposition to private patent relief bills, particularly those providing for exceptions to the general requirements of title 35.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to consider executive business.

NOTIFICATION TO PRESIDENT OF NOMINATIONS CONFIRMED YESTERDAY

Mr. MANSFIELD. Second, Mr. President, I ask unanimous consent that the President now be notified of the nominations which were confirmed by the Senate on yesterday.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF LABOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of today's Executive Calendar beginning with Department of Labor.

The PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will state the first nomination.

The second assistant legislative clerk read the nomination of Carmen Maymi, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL MEDIATION BOARD

The second assistant legislative clerk read the nomination of David H. Stowe, of Maryland, to be a member of the National Mediation Board.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

The second assistant legislative clerk read the nomination of Robert L. Du Pont, of Maryland, to be Director of the Special Action Office for Drug Abuse Prevention.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

The second assistant legislative clerk proceeded to read sundry nominations in the National Council on Educational Research.

Mr. JAVITS. Mr. President, as the Senate moves to confirm the 15 members of the National Council on Educational Research appointed by the President in March, I am pleased to include in my remarks brief biographical information on each nominee together with the text of the provision of the Education Amendments of 1972, Public Law 92–318, establishing the Council and describing its responsibilities. The National Institute of Education holds much promise of fulfilling the goal contemplated by the Congress in establishing it—that of helping the Federal Government fulfill its responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

I urge the confirmation of the nominees to the Council.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE

Members of the National Council on Educational Research, for the terms indicated.

FOR A TERM OF 1 YEAR

Dr. James S. Coleman, of Baltimore, Maryland; Professor of Social Relations, Johns Hopkins University, Baltimore, Maryland.

Vincent J. McCoola, of Camp Hill, Pennsylvania; Director, Office of Aid to Nonpublic Education, State Department of Education, Harrisburg, Pennsylvania.

Vera M. Martinez, of Albany, California; Student, Graduate School of Public Policy, University of California at Berkeley, Berkeley, California.

Carl H. Pforzheimer, Jr., of Purchase, New York; Senior Partner, Carl H. Pforzheimer and Company, and President, Carl and Lily Pforzheimer Foundation, Inc., New York, New York.

Dr. Wilson Riles, of Sacramento, California; State Superintendent of Public Instruction, Sacramento, California.

FOR A TERM OF 2 YEARS

Dr. William O. Baker, of Morristown, New Jersey; President, Bell Telephone Laboratories, Murray Hill, New Jersey.

Dr. T. H. Bell, of Salt Lake City, Utah; Superintendent Granite School District, Salt Lake City, Utah.

Dr. Dominic J. Guzzetta, of Akron, Ohio; President, University of Akron, Akron, Ohio.

Dr. Charles A. LeMaistre, of Austin, Texas; Chancellor, University of Texas System, Austin, Texas.

W. Allen Wallis, of Rochester, New York; Chancellor, University of Rochester, Rochester, New York.

FOR A TERM OF 3 YEARS

Ralph M. Besse, of Shaker Heights, Ohio; Attorney, Squire, Sanders and Dempsey, Cleveland, Ohio.

Dr. John E. Corbally, Jr., of Urbana, Illinois, President, University of Illinois, Urbana, Illinois.

Patrick E. Haggerty, of Dallas, Texas; Chairman of the Board, Texas Instruments, Inc., Dallas, Texas.

Mrs. Ruth Hurd Minor, of Roselle, New Jersey; Principal, Locust Street School, Roselle, New Jersey.

Dr. John C. Weaver, of Madison, Wisconsin; President, University of Wisconsin, Madison, Wisconsin.

The President also announced his intention to designate Mr. Haggerty as Chairman of the Council upon his confirmation by the Senate. Upon the expiration of the initial, staggered one and two-year terms, members are to serve terms of three years. The Director of the Director of the National Institute of Education serves as an ex officio member of the Council.

The National Council on Educational Research was established by the Education Amendments of 1972 (PL 92–318), which also established the National Institute of Education in the Department of Health, Education and Welfare. The purpose of the Council is to establish policies for the Institute and advise the Assistant Secretary for Education and the Director of the NIE on development of the Institute's programs. The Council is to report annually to the President and the Congress.

SEC. 405(c)(1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. Eight members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council.

(2) The term of office of the members of the Council (other than ex officio members) shall be three years, except that (A) the members first taking office shall serve as designated by the President, five for terms of three years, five for terms of two years, and five for terms of one year, and (B) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

(3) The Council shall—

(A) establish general policies for, and review the conduct of, the Institute;

(B) advise the Assistant Secretary and the Director of the Institute on development of programs to be carried out by the Institute;

(C) present to the Assistant Secretary and the Director such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research and of insuring the implementation of educational renewal and reform based upon the findings of educational research;

(D) conduct such studies as may be necessary to fulfill its functions under this section;

(E) prepare an annual report to the Assistant Secretary on the current status and needs of educational research in the United States;

(F) submit an annual report to the President on the activities of the Institute, and on education and educational research in general, (i) which shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

(G) meet at the call of the Chairman, except that it shall meet (i) at least four times during each fiscal year, or (ii) whenever one-third of the members request in writing that a meeting be held.

The Director shall make available to the Council such information and assistance as may be necessary to enable the Council to carry out its functions.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations will be considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The SECOND ASSISTANT LEGISLATIVE CLERK. Nominations placed on the Secretary's desk in the National Oceanic and Atmospheric Administration and in the Coast Guard.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

DISCHARGE OF COMMITTEE ON THE JUDICIARY FROM CONSIDERATION OF H.R. 4704

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 4704, that the bill be held at the desk for further consideration.

The PRESIDENT pro tempore. Without objection, it is so ordered.

QUIET MAN BEHIND THE TAX LAWS

Mr. MANSFIELD. Mr. President, probably the quietest man around the Halls of Congress, but one of its most able and respected, is Laurence Woodworth, Staff Director of the Joint Committee on Taxation, and principal adviser and consultant to the Senate Committee on Finance, and the Committee on Ways and Means of the House.

No one is more knowledgeable in tax matters than Dr. Woodworth. No one is more courteous; no one is more free with information or more helpful to all Members of Congress.

An excellent article entitled "The Quiet Man Behind the Tax Laws" was published in Dun's magazine for June 1973. The subtitle of the article is "No other civil servant in Washington has the clout of Laurence Woodworth. Neither, in fact, do most politicians." The so-called "clout" of Larry Woodworth comes from the respect he has earned from Members of Congress who value his advice, judgment, and fairmindedness.

I am sure it was quite difficult to obtain this interview with Dr. Woodworth because his satisfaction comes from outstanding work and not from the limelight, but I am delighted that after these many years some small public recognition has been given to him. He is a man to whom all of us owe a great deal; a man whom we all appreciate; a man who is entitled to more recognition than has been his lot to this time.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE QUIET MAN BEHIND THE TAX LAWS—NO OTHER CIVIL SERVANT IN WASHINGTON HAS THE CLOUT OF LAURENCE WOODWORTH. NEITHER IN FACT, DO MOST POLITICIANS

(By Gerald R. Rosen)

When the 25 members of the House Ways and Means Committee gather around the curved rostrum in the high-ceilinged hearing room of Capitol Hill's Longworth Building to take testimony on tax legislation, a slight, bespectacled man with a graying mustache is always seated against the wall just behind Chairman Wilbur Mills. As the hearings proceed, the man constantly gets up, walks the few paces to the Chairman, and whispers in his ear.

Months later, a similar scene unfolds on the other side of the Capitol. At the Senate Finance Committee hearings to shape the upper chamber's version of the measure, the same unobtrusive man can be seen whispering into the ear of Chairman Russell B. Long. And when the five senior members of each Committee go behind closed doors to reconcile the House and Senate versions of the bill, there once again sits the mild-mannered man.

The man is Laurence Woodworth, the Chief of Staff of the Joint Committee on Internal Revenue Taxation. Never heard of him? Neither has hardly anybody else not intimately connected with the inner workings of Congress. Yet for nearly three decades, every major tax bill passed by the Congress has been stamped with the imprint of the 55-year-old Woodworth. "Larry Woodworth," says John S. Nolen, a Washington tax lawyer who served as Deputy Assistant Secretary of the Treasury for tax policy in the first Nixon Administration, "is one of the most important men in Washington. He has played a major behind-the-scenes role in shaping every tax measure since the 1940s."

To some extent, of course, a man in Woodworth's position is expected to be self-effacing. He is, after all, a civil servant, not a legislator. But even in the halls of Congress, where staffers are expected to be the eyes and ears of the men they serve and keep their mouths shut, Woodworth's modesty is extreme. He is known never to take credit for any piece of Committee business—although obviously responsible for much of it—always giving credit to a Committee member. He is also notorious for resisting interviews, and even after granting one to DUN'S, it look a half-hour of coaxing before he would allow his picture to be taken. Then when his secretary handed us a copy of his official biography. Woodworth instructed her to first tear off an item on the bottom. That item revealed that Woodworth has won the coveted U.S. Civil Service League Award and the $10,000 Rockefeller Award, which is often called the "Nobel Prize" of the civil service. Chuckles Thomas Martin, a top tax lawyer for the American Petroleum Institute who knows Woodworth well, "I think Larry was a little embarrassed by the Rockefeller Award because the money was tax free."

AN ALTER EGO?

What makes the unassuming Woodworth so powerful stems first of all from the power of the men he serves. While he ostensibly works for 41 members of the Ways and Means and Finance Committees, his real bosses are Wilbur Mills and Russell Long, who rotate annually at the helm of the Joint Committee (it is Mills' turn this year). And in the final analysis, the man he must really satisfy is Mills. Since all revenue measures must originate in the House, the Ways and Means Chairman always plays a greater role in tax matters than his Senate counterpart. Moreover, Mills has few other legislative interests than taxation; Long has many other Senatorial concerns, including small business and the merchant marine.

In fact, the enigmatic, soft-spoken Woodworth, who comes from Ohio, is sometimes described as a Northern version of his mentor from Arkansas. Both are closemouthed and cautious, and rarely tip their hand. Having worked together on tax matters for nearly three decades, each man instinctively knows what the other thinks about virtually any aspect of the internal revenue code. "Woodworth and Mills seem to think so much alike," points out Herman Schneebeli, Ways and Means' ranking Republican, "I don't know who influences whom more."

Some of the newer members of Ways and Means and Finance figure that Woodworth simply knows what Wilbur Mills wants to do and then works towards that end. But those who have watched this relationship over the years take a different view. "The people who think Larry is merely executing the Chairman's wishes have it all wrong," says former Representative John W. Byrnes, who put in two decades as a committee member before retiring from Congress last year. "Sure, he tends to support Mills' position. But it was probably Larry's position in the first place."

Mills and Woodworth are so close that when the Chairman is too busy to keep a speaking engagement, he just sends Woodworth in his place. It was Woodworth, substituting for Mills at Harding College in the Chairman's Arkansas district, who shook up the White House in 1969. Reading the Chairman's speech, Woodworth stated that Ways and Means would not go along with the White House' request to extend the surtax unless the budget were cut still further. It was.

Although Congress has been Democratically controlled for most of Woodworth's tenure, he goes out of his way not to show partisan preference. He is not registered in either political party, and even his closest friends do not know how he votes. "I can't guess how he votes," says Wilbur Mills. "He goes out of his way not to let on."

One Congressman recalls the time a few years ago when the Johnson Administration's tax program was being presented to the Ways and Means Committee. As the proposals were being ticked off, a new staff member kept nodding his head and smiling. Suddenly, he felt a sharp jab in his ribs. "Stop smiling and nodding," rasped the usually even-tempered Woodworth, "you're working for the Joint Committee now."

So successfully has Woodworth managed to remain nonpolitical that if the Republicans took control of Congress and Pennsylvania's Herman Schneebeli and Utah's Wallace Bennett took over from Mills and Long, nobody believes they would replace Woodworth. "They would need him more than he needed them," says one of Woodworth's staffmen.

POINTING OUT THE OPTIONS

Much of Woodworth's influence, then, stems from the nature of his job. As Chief of Staff of the Joint Committee, he holds the most powerful and, at $40,000 a year, the highest-paid staff position on Capitol Hill. It is the job of Woodworth and his staff of some two dozen lawyers, economists, accountants and statisticians to microscopically examine every item in a proposed tax measure. This not only involves estimating the revenue gain or loss, but determining precisely how much will be gained or lost by the various income brackets and, in the case of business taxes, individual industries.

Woodworth, moreover, plays a major role in drafting that legislation. Sitting in his cramped basement office in the Longworth Building, adorned only with pictures of long-forgotten Joint Committee chairmen along the walls, Woodworth describes his role simply. "It is my job," he says, "to point out the options to the members. They write the tax laws; I don't.."

Maybe so. But long before a tax measure is even presented to Ways and Means, the Treasury Department's tax experts consult him on every provision of the bill they are putting together. Says a member of Woodworth's staff: "Stan Surrey [the top Treasury taxman in the Kennedy and Johnson Administrations] and Eddie Cohen [who held the same post in the first Nixon Administration] always went over a bill with Larry before sending it up. And so does Fred Hickman [Cohen's successor]."

None of these men deny that they consulted Woodworth. But they refuse to pinpoint any changes that have been made in tax proposals as a result of these deliberations. According to other sources, though, several changes that the Treasury made in its 1971 tax recommendations were the result of Woodworth's suggestions. Specifically: The investment credit was not denied to used machinery, saving untold millions for small companies that cannot afford new equipment; the repeal of the auto excise tax did not include heavy trucks—a heavy blow to the nation's truck manufacturers; the proviso permitting the creation of short-term trusts for dependents was tightened so that the wealthy could not set up transitory arrangements to avoid taxes; the proposed statute governing Domestic International Sales Corporations—popularly known as Discs—was redrawn so they could not be used as a tax loophole for companies doing business overseas.

Woodworth, of course, would never admit to being responsible for those provisions. His only comment, "I generally know what the Treasury is going to propose beforehand because of the questions its staff asked me along the way."

The Treasury's taxmen are, however, not free agents. For whatever they recommend must ultimately be cleared by the President. So even if they are convinced that Woodworth is right, or believe it is more politic to go along with him on a point, they can be overruled by the White House. At that point, the Treasury comes before the Committee with its views. But if Woodworth disagrees, he quietly points out to the members what the flaws are. "When Larry has differences with the Treasury," says Wilbur Mills, "Larry is usually right."

Woodworth also had a major influence on the massive 1969 tax-reform act. While the 1964 law brought the maximum tax rate down from a confiscatory 91% to 70%, Woodworth felt that this was still too high. To the relief of top-bracket executives, he devised the idea of the 50% maximum tax on earned income. But Woodworth is not only a master of the Internal Revenue Code; he is also very conscious of the political realities. To pass tax relief for the upper brackets without something for middle and lower-income wage earners would have been politically impossible. So he devised a package that included a raising of the standard deduction from 10% to 15% and a low-income allowance for the poor. "A lot of people's ideas went into it," says John Nolen, "but it was Larry who put together the package. It was an ideal combination of what should be done and what could be done."

THE NEW TAX BILL

Right now, the Ways and Means Committee is hard at work drafting another major tax bill that could significantly affect such things as capital gains, estates and gifts and the always thorny question of tax shelters—all of major concern to top-bracket executives. Business is further concerned about what changes will be made in depreciation schedules and the investment credit, as well as the tax liabilities of multinational corporations.

Larry Woodworth obviously has a very good idea of what is ahead for executives and industry. But, needless to say, he refuses to be drawn into any discussion of specifics. His only hint: "Over the years, the Committee has consciously narrowed the gap between the rates on earned income and capital gains. This trend could certainly continue."

Narrowing the gap between the two—which would mean higher capital-gains rates but lower levies on earned income—would be a big step towards something Woodworth deeply believes in: tax equity. Although he is keenly aware of the need for investment incentives, Woodworth still fundamentally believes that in a perfect world, a given amount of income would be taxed at the same rates no matter how it is derived. "A guy with a $20,000 income should pay the same tax as any other guy with a $20,000 income," he argues.

Little known to businessmen, Woodworth and his staff also play a key role in corporate and individual tax refunds. Under the law, all refunds over $100,000 must be approved by the Joint Committee. Consequently, three Woodworth staffers are stationed at the Internal Revenue Service so that they can screen all of these major refunds. Whatever decisions they make are then subject to Woodworth's approval. While copies of these decisions are routinely sent to the committee members, Woodworth is the final arbiter. The committee has never held a meeting to question a Woodworth refund ruling, and none has ever been reversed.

Many of these decisions—and there are hundreds of them each year—involve substantial sums for many companies. For example, over the years Woodworth has approved a $1.9-million refund for oil-equipment maker J. Ray McDermott, $3.9 million for Shell Oil and $3.8 million for Monsanto.

Woodworth also acts as a lightning rod for the Committee members, who are continually besieged by constituents to either help them settle their problems with the Internal Revenue Service or write a special provision into a tax law. What the typical member does is to shake the constituent's hand, sympathize with his problem, and then say it is a very technical matter only Woodworth can handle.

There are times, however, when a Committee member feels that politically he must introduce a bill that will benefit an individual or a company in his district. These are controversial private bills that Ways and Means is particularly heir to. If it is a bad bill or an outrageous raid on the Treasury, Woodworth will advise the member to withdraw it. Although the diplomatic Woodworth will generally soften his views by suggesting that the bill might embarrass the member, everybody knows that his close relationship with Mills gives him virtual veto power over these private bills. According to Woodworth, "These member's bills have a worse name than they deserve. But," he adds, smiling, "I have knocked down a few of them."

Washington's top tax lawyers, fully aware of Woodworth's influence, are continually trying to get his ear. And except during the busy weeks when the Committee is marking up the final draft of a bill, Woodworth is generally available.

When the mining industry had a tax problem last year, it made Larry Woodworth's basement office its first stop. In writing the 1969 tax law, Congress somehow eliminated the carryback provision in the foreign tax credit for mining companies; thus, a company that had a loss in the current year could no longer apply it against a profit in a preceding year.

So last year, Fred Peel, the mining industry's tax lawyer, talked to Woodworth about restoring the provision. Woodworth voiced no objections to the change. So Peel got Oregon's Democratic Congressman Al Ullman to introduce it as an amendment to the House bill. While the entire tax measure eventually died in the Senate, Peel believes that the major hurdle against the change has been overcome. "Larry was the key," says Peel. "For if we went to Ullman or any other member to introduce it, they would have gone to Larry to ask his opinion. If he really objected, I don't think that there is a member of that committee who would have introduced the change."

THE MINISTER'S SON

Woodworth, a Methodist minister's son from Loudenville, Ohio has spent virtually his entire adult life working for the Joint Committee. With a bachelor's degree from Ohio Northern University and a master's in government management from the University of Denver, he joined the staff as a tax economist in 1944. By the 1950s, he was the Number Two staffman under stiff-necked Colin Stam.

When Stam retired in 1964, Woodworth was the only man who was even considered for the top spot. By that time he had added a Ph. D. in public administration from New York University to his academic credentials. But he was an anomaly in a legislative world in which virtually every Committee member and top staffman was a member of the bar. According to others, though, Woodworth's lack of academic legal training has never hurt him. "It doesn't matter that he didn't go to law school," says Thomas Martin. "Larry Woodworth is still one of the best tax lawyers in the country. If a statute has to be drafted, he can do it better than any lawyer."

Woodworth lives modestly in the house he bought 25 years ago in suburban Cheverly, Maryland, about a twenty-minute drive from his Capitol Hill office. Long active in civic affairs, he served as mayor of Cheverly, a predominantly working-class community, for five years. Since Cheverly politics are strictly nonpartisan, Woodworth did not have to run under a party label. "I would not have run on a partisan basis," he points out. "Anyway, it gave me great exposure to the kind of political problems that confront the members of the Committee."

The Joint Committee staff, in fact, has a long-time nonpartisan reputation. Woodworth has a completely free hand in hiring staff members, and neither Long nor Mills ever send over anybody for a job. Nor does Woodworth ask a job applicant his political preferences. "If Larry has any ideology," laughs Stanley Surrey, who now teaches at the Harvard Law School, "it is keeping the Internal Revenue Code in good shape."

Other than his civic concerns, Woodworth has few outside interests. He rarely takes a vacation and, much like his boss Wilbur Mills, seldom takes a pleasure jaunt. While most of his friends are involved in tax work, he is extremely careful not to discuss specific issues with them. "Larry is so wrapped up in his work," says Washington lawyer Fred Peel, who has known Woodworth for 25 years, "that he can't understand why people want to be off Saturday and Sunday when they could be sitting around talking about the tax system."

At this point, Woodworth could retire on a generous government pension and take one of the lucrative corporate offers that are constantly dangled before him. It is an open secret around Washington that he has rejected an extremely high bid from General Motors. "He turns them all down," says John Nolen, "because money is not what motivates him. He would much prefer to influence the nation's future tax laws."

A long-time Woodworth goal has been to simplify the arcane tax code. But as a realist he knows that sometimes the code has to be further complicated to accomplish a worthwhile social purpose. This problem came to the fore in 1969 when the Administration wanted a proviso granting rapid amortization for both pollution equipment and rehabilitated housing. While Woodworth recognized that the aim was worthwhile, he instinctively shied away from the idea of complicating the code still further. Over the years, he had seen other similar provisions written into law and then remain there long after the problem was resolved. So he suggested a five-year cutoff. "That five-year cutoff is pure Woodworth," says Eileen Shanahan, *The New York Times*' knowledgeable economics reporter.

While waiting for the tax system to arrive in Utopia, Larry Woodworth will continue to be the fulcrum of whatever changes are finally made in the Internal Revenue Code. For nobody believes that he will ever succumb to those high-powered corporate offers. "He has to cater to 525 egomaniacs [the members of Congress]," says Michigan's Martha Griffiths, a member of Ways and Means. "But this quiet man has more knowledge than practically all of them."

UNITY OF PURPOSE

Mr. MANSFIELD. Mr. President, the Christian Science Monitor for June 6, 1973, contains an article entitled "Unity of Purpose," written by William H. Stringer. It relates to the present situation in which the Nation finds itself.

The article urges us to adhere to such documents as the Declaration of Independence, the Constitution, the Bill of Rights, and other similar documents. We are reminded that we are operating under a system of checks and balances and that so long as we hew to these basic documents we shall be able to come out of any difficulty which confronts us, and come out of it stronger than ever.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

(By William H. Stringer)

UNITY OF PURPOSE

We can be clear about one thing, in these unsettling weeks of Watergate probes. There is no reason why human lives, the affairs of state, or the activities of American institutions, need to be halted and paralyzed because some evil is being uncovered. And Americans will be helped in maintaining their equilibrium and forward movement, I believe, if they give a little less credence to the constant assertion that there is a serious, lacerating, "adversary relationship between the White House and the press, between the government and the news media. It doesn't need to be so.

There is always the necessity for alertness to what the government is doing, and the press supplies that alertness, in great measure. But need the "adversary relationship" be dangerous, savagely controversial, blindingly distrustful? No.

And why? Because the American system, with all its doctrine of separation of powers, is built on, and requires, unity of purpose. And the purpose is the perfecting of institutions and government which carry forward the fundamental principles imbedded in those basic documents promulgated by the Founding Fathers.

These documents—the Declaration of Independence, the Constitution, the Bill of Rights, plus the Civil War amendments—cannot be stressed too often. They speak of remarkably moral and spiritual objectives: that all men are created equal; that they are endowed with basic rights, among them life, liberty, and the pursuit of happiness (translated, in these years, as pursuit of the quality of life); the guarantees of freedom of religion, of speech, of the press; The right to fair trial, to be free from illegal search and seizure; the amendments abolishing slavery and providing equality of opportunity.

These documents didn't just happen. They matured out of mankind's historic experience and, I believe, out of inspiration. A thoughtful Englishman once said to me, "As long as America hews to these aims, she is safe." On a Fourth of July anniversary, Prof. Eugene V. Rostow of Yale, speaking at Jefferson's home, Monticello, said:

"The principles of liberty and equality set out in the Declaration of Independence and codified in the Constitution are the strongest force in our history. Year after year, they burst the bonds of hatred and of habit, reshaping our minds and then our institutions. Their moral power gives coherence and direction to our public life."

A superb student of constitutional law at Harvard Law School, Prof. Thomas Reed Powell, used to tell us that "America's great legal principles and Supreme Court decisions are not pulled down from the heavens by some skyhook." I learned a lot from him but I beg to differ on this point. There is a leaven, a gradual perfecting, an impetus in men's affairs which comes not from creatures formed in some primeval ooze. Beyond the brain, there is a high intelligence, always available, usable now as ever.

The unity of purpose is appearing in many ways. Labor unions make more use of compulsory arbitration instead of savage infighting. Some Black Panthers seek to work "inside the system." In the churning realm of journalism, a national press council will begin functioning, along about midsummer, hearing complaints for or against news media performance and issuing adjudications whose only sanction will be their fairness and their publicity.

If this press council functions successfully, and if President Nixon holds more press conferences, some of the pent-up mean-mindedness can drain out of White House-media relations. Maybe even some political cartoonists will temper their vicious jabs.

The United States can come through its ordeal, its necessary inquiry, undevasted. Unity of purpose surfaced many times during the Eisenhower and Kennedy administrations—with understanding of each other's problems and aims, between White House and the media. It can happen again. It will take effort, reformist legislation, and less seeing of "the other guy" through veils of suspicion. But there is a common purpose.

Hewing to its basic documents, America will be safe.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the Senator from Michigan desire recognition?

Mr. GRIFFIN. No, Mr. President.

The PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized for not to exceed 15 minutes.

Mr. GRIFFIN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. On whose time?

Mr. GRIFFIN. Let the time be charged to the Senator from Oklahoma.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AN ORDERLY SUCCESSION AT THE FBI

Mr. PROXMIRE. Mr. President, in connection with the service by William Ruckelshaus as Acting Director of the Federal Bureau of Investigation, it is essential that the Senate's constitutional prerogative of advising and consenting to top executive appointments be fully protected.

I had intended to introduce today a resolution which would have preserved this prerogative, and yet permitted Mr. Ruckelshaus to serve until a successor could be named. However, the Senate leadership has received assurances that a nominee will be submitted to the Senate no later than this Saturday, and this will satisfy the statutory requirements.

The United States Code requires the President to move quickly on executive appointments. It does not allow the President to fill top posts for an indefinite period on a "temporary" basis, and thereby sidestep the Senate confirmation process.

Section 5503 of title 5, United States Code, covers temporary appointments while the Senate is in recess. That section provides:

> A nomination to fill a vacancy [as a recess appointment] . . . shall be submitted to the Senate not later than 40 days after the beginning of the next session of the Senate.

William Ruckelshaus was designated Acting Director of the FBI, on a temporary basis, on April 27, 1973. The Senate was on its Easter recess when that designation was made. It returned from its recess on April 30, 1973. The 40 days permitted by the statute will thus expire this Saturday, June 9, 1973.

Unless there is some change in the law, or unless a nomination is submitted to the Senate, Mr. Ruckelshaus would have to step down.

Mr. President, I have had a joint resolution prepared which would allow Mr. Ruckelshaus to serve in the FBI post for an additional 30 days beyond June 9, 1973. Such a resolution would protect the Senate's constitutional advise and consent function, and yet would allow for the smooth and orderly functioning of the executive branch in this instance.

This resolution has been approved by the Senate leadership on both sides of the aisle, and I am informed that the administration would welcome our action. However, we have today received assurances that a new nominee will be submitted to the Senate by this Saturday, the date on which the 40-day period expires. Such a submission will toll the statute, and will give the Senate the opportunity to act as a partner in the appointment process.

In light of these assurances, there is no need to submit the resolution, and we will withhold it pending the submission of the new FBI director.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond 12 o'clock noon, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following communication which was referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1973, FOR SMALL BUSINESS ADMINISTRATION

(S. DOC. NO. 93-20)

A communication from the President of the United States, transmitting a proposed amendment to the budget for the fiscal year 1973, in the amount of $300 million, for the Small Business Administration (with an accompanying paper). Referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 268. A bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes (Rept. No. 93-197), together with minority and additional views.

Mr. JACKSON. Mr. President, today I filed the report on the Land Use Policy and Planning Assistance Act, S. 268, a bill to authorize the Secretary of the Interior, pursuant to guidelines established by the Executive Office of the President, to make grants to assist the States to develop and implement State land use programs and to coordinate land use planning in interstate areas; to coordinate Federal programs and policies which have land use impacts; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; to make grants to Indian tribes to assist them to develop and implement land use programs for reservation and other tribal lands; to encourage research on and training in land use planning and management; and for other purposes.

Mr. President, I urge early Senate consideration of this measure. I first introduced it in 1970. The administration submitted a similar proposal in 1971. The Interior Committee has now reported land use policy legislation three times. The Senate passed it last year by a vote of 60 to 18. This year we must enact national land use policy legislation if we are to truly meet our responsibilities to provide a better legacy to our children than the unsightly, unproductive, and unrewarding land resource we are shaping today.

For over a century after the birth of our Nation, Americans enjoyed a superabundance of relatively free land. Today, there is no longer land enough for all people and all uses. Gone are the days when there was always more land over the next rise.

Land has become this Nation's most valuable resource—an all too finite resource. Unlike air and water and many minerals, land cannot be regulated. Mountains carved by strip mines, wetlands dredged and filled, or streams channelized frequently cannot be returned to their former use or beauty. Land once committed to a use today, be it social, economic, or environmental, may be unable to support a different use in the future more closely attuned to the then prevailing national values or goals.

The Land Use Policy and Planning Assistance Act will insure that the policies adopted toward the land and its use will no longer evolve from the slash and burn and move on type of decisionmaking developed in the days when land was plentiful. Certainly, no one should dispute that we no longer can afford the chaotic, ad hoc, short-term, case-by-case, crisis-to-crisis land use decisionmaking which all levels of government have indulged in in the past.

We can no longer afford to absorb the enormous costs in economic losses, delays, resource misallocations, and adverse social and environmental effects which have been exacted by our failure to plan for the sound and balanced use of our land.

The land use crisis is bearing down on America with the inexorable force of a tidal wave. Land use problems which once appeared only local are now national in compass. We are now faced with a national land use crisis. Consider these statistics—

By 1990, urban sprawl will consume an area of land approximately equal to all the urbanized land now within the 228 standard metropolitan statistical areas—the equivalent of the total area of New Hampshire, Vermont, Massachusetts, and Rhode Island;

Each decade alone, new urban growth will absorb an area greater than the entire State of New Jersey;

The equivalent of 2½ times the housing in the Oakland-San Francisco metropolitan region must be built each year to meet the Nation's housing goals;

In the next two decades, one industry alone—the electrical power industry—will need 3 million acres of new rights-of-way for additional high voltage transmission lines and more than 140,000 acres of potential prime industrial sites for over 200 new major generating stations; and

In short, between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools, and hospitals in the next three decades as we built in the previous three centuries.

Costs rise and needs go unmet while the courts attempt to deal with a growing backlog of hotly contested cases involving land use for new suburban housing developments, highways, airports, factories, powerplants, transmission lines and pipelines. Failure to pass this legislation when I first introduced it 3 years ago has already resulted in needless, incalculable waste, inefficiency, and environmental damage.

It has now become obvious to both environmental advocates and industrialists, as well as to most Members of Congress that this 20th century problem of exponential growth cannot be met with 19th century laws, institutions, and procedures.

There are, however, a few who still contend that social and environmental change cannot or should not be consciously planned or given direction. They make dire prediction of ruin—destruction of property values, surrender of local control, socialism—should the laws of the free market be amended, no matter how slightly, by the laws of society. They argue that public planning and implementation of policies to protect the public interest and the environment somehow invade constitutionally protected rights.

These contentions are wrapped in constitutional phrases to obscure the simple fact that the vested and special interests want to maintain the status quo. The Nation, however, can no longer afford the status quo. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment. The status quo is farmers' groups opposing real estate developers; environmentalists fighting the electric power industry; homeowners colliding with highway planners; the mining and timber industries struggling with conservationists; shoreline and water recreation interests pitted against oil companies; cities opposing the States; and suburbs opposing the cities.

The Land Use Policy and Planning Assistance Act is the Nation's last chance to preserve and to invigorate local land use decisionmaking and to insure that basic property rights are not infringed by bureaucrats in places as far removed as Washington, D.C.

The Land Use Policy and Planning Assistance Act is an affirmation of States' rights. It provides grants to the States to assist them to develop their own innovative land use policies and procedures to meet the land use crisis. It is a statement of belief that, if urged and aided, State and local government, working together can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local and national.

If State and local governments do not accept this challenge and do not implement this bill, the only solution will be the usual solution for national problems: Federal control. No one wants national zoning, but, I say here today, that if we turn our backs on the opportunity and run from our responsibility to improve land use decisionmaking, that is what we will have by the end of the decade.

The Land Use Policy and Planning Assistance Act has as its basic purpose the improvement of State and local land use procedures and institutions to provide for a truly balanced, democratic land use decisionmaking. It fosters a decisionmaking about land use of more than local concern which balances all competing demands for the land—economic and noneconomic—and which provides for the participation of all people who would feel the impacts of land use decisions and of the officials whom those people have elected—not just the citizens of the smallest denominator local government and the members of its local zoning board.

In recognition that many land use decisions today have major impacts on the citizens, the economy, and the environment beyond the jurisdiction of the local zoning board or other land use decisionmaker, S. 268 encourages the States, as representatives of the wider interests, to formulate State land use programs for five categories of critical areas and uses of more than local concern—areas of critical environmental concern—flood plains, shorelands, wildlife habitats, historic areas—key facilities—major airports, highway interchanges, recreation facilities, and energy facilities—large-scale development—large industrial parks or subdivisions—public facilities or utilities of regional benefit, and land sales or development projects—installment land sales and massive recreational homesite projects in rural areas. S. 268 provides grants totalling $100 million per year for 8 years, at 90 percent Federal share of cost to the States to develop these programs.

In addition, the States are asked to coordinate State and local land use planning in interstate regions—$15 million annually for 8 years at 90 percent. Indian tribes are provided funds to develop programs for Indian land similar to the State land use programs—$10 million annually for 8 years at 100 percent. The act also provides $2 million a year in grants or contracts for research and training in land use related subjects. Mechanisms would be established for coordinating planning and management of Federal lands with State and local planning and management of adjacent non-Federal lands.

In the floor debate last year on S. 632—S. 268's predecessor—several new issues were raised and a number of Senators expressed concern about the legislation's failure to address those issues. After careful consideration of those issues, the committee adopted a series of amendments which I believe will not only answer the concerns of a number of my colleagues but which will also measurably strengthen the act. Among the amendments are new provisions which ensure the safeguarding of the traditional rights of property owners, give sensitive consideration to the protection of the local property tax base and revenues, and guarantee full participation of all interested parties—property owners, users of the land, and the public.

At the urging of several Senators, a number of Governors and leading environmental organizations, the Committee adopted an amendment which established a fifth category of land uses which must be included in the State's land use program—land sales or development projects. We presently have a Federal law which attempts to end the fraud and misrepresentation too frequently associated with the selling of large-scale installment land sales and recreational homesite projects. But the regulation this law calls for is after-the-fact for the purposes of protection of the environment and maintenance of public services, such as education, police and fire protection, and sewer and water systems. Full and intelligent consideration must be accorded projects at the initial stages of development rather than at the later sales stage. The decision to site the project comes before the decision to sell, and it is this first decision which determines the eventual environmental and public service impacts of the proposed projects. New provisions in the Act require the State to assist rural, local governments to assess the full range of favorable and adverse impacts of proposed projects, and to hold developers of these projects to a number of substantive standards concerning environmental quality, provision of public services, and financial capability to complete all promised improvements.

The Council on Environmental Quality is mandated to conduct a one year study of the feasibility and possible substance of national land use policies. The results of that study, together with the reports of State and local governments must be submitted to Congress within three years of enactment of S. 268. To insure an in-depth rather than a pro forma study, we have in the Act twelve possible national standards which must be considered by all the parties to the study.

Finally, new amendments, adopted by the committee, would provide grant assistance to Indian tribes to plan Indian land and funds for research on and training in land use planning and management, and would give, for perhaps the first time, statutory recognition to and consideration of the inefficient costly, time-consuming, and conflicting licensing requirements at all levels of government.

S. 268, which I first introduced in January 1970, has enjoyed 3 years of careful consideration and honing in hearings and Committee markup. This makes the third time the Committee has reported it. Last year the Senate voted in favor of it by a vote of 60 to 18. It has received the endorsement of the administration, the National Governors' Conference, 30 individual Governors, and Council of State Governments, the League of Cities, the Conference of Mayors, the AFL–CIO, the National Farmers Union, National Association of Industrial Parks, League of New Community Developers, and all the major environmental organizations and such diverse publications as the New York Times and Wall Street Journal, the Washington Post, and Business Week.

I commend the bill to my colleagues in the hope of its early enactment.

By Mr. PACKWOOD, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 1033. A bill to amend the Export Administration Act of 1969 (50 App. U.S.C. 2401–2413), as amended, to control the export of timber from the United States (Rept. No 93–198), together with additional views.

By Mr. BEALL, from the Committee on Commerce, with amendments:

S. 797. A bill to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such system if such study demonstrates their feasibility (Rept. No. 93–199).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CURTIS (for himself and Mr. HRUSKA):

S. 1956. A bill to authorize the Secretary of the Interior to transfer title to Mirage Flats Irrigation Project works to the landowners within the Mirage Flats Irrigation District. Referred to the Committee on Interior and Insular Affairs.

By Mr. McCLELLAN:

S. 1957. A bill to amend title 35, United States Code, "Patents", and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MOSS:

S. 1958. A bill to encourage State and local governments to provide relief from real property taxes for elderly individuals. Referred to the Committee on Finance.

S. 1959. A bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular dystrophy, and other diseases. Referred to the Committee on Labor and Public Welfare.

S. 1960. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home. Referred to the Committee on Finance.

By Mr. McCLELLAN:

S. 1961. A bill to amend the Flood Control Act of 1938. Referred to the Committee on Public Works.

By Mr. MAGNUSON:

S. 1962. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

By Mr. BELLMON:

S. 1963. A bill to provide for legislative budget review by the General Accounting Office. Referred to the Committee on Government Operations.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1964. A bill to establish the Tijuana National Wildlife Refuge. Referred to the Committee on Commerce.

By Mr. ERVIN:

S. 1965. A bill to ensure the separation of Federal powers and to protect the legislative function by abolishing the Subversive Activities Control Board. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 1966. A bill for the relief of Miss Leticia Del Carmen Chavez. Referred to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself and Mr. TOWER):

S. 1967. A bill to amend title V of the Housing Act of 1949 to expressly authorize the collection of taxes and insurance from rural housing borrowers, to authorize fees and charges to be available for administrative expenses, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

S. 1968. A bill to amend title V of the Housing Act of 1949 to transfer certain farm labor housing and rural rental housing loans and related liabilities from the Agricultural Credit Insurance Fund to the Rural Housing Insurance Fund, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. McCLELLAN:

S. 1957. A bill to amend title 35, United States Code, "Patents," and for other purposes. Referred to the Committee on the Judiciary.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights I introduce, for appropriate reference, a bill to amend title 35, United States Code, "Patents," and for other purposes.

This bill is identical to S. 1254 of the 92d Congress, as passed by the Senate on April 29, 1971. The legislation makes a number of minor and miscellaneous amendments to title 35 and establishes the position of Assistant Secretary of Commerce for Patents and Trademarks, who shall ex officio be the Commissioner of Patents.

The Committee on the Judiciary in its report on S. 1254, concluded that a change in the status of the Patent Office within the Department of Commerce was necessary because of "the urgent administrative problems confronting the patent system." During my service as chairman of the subcommittee there have been five Commissioners of Patents. A chronic unsatisfactory relationship has existed between the Department of Commerce and the Patent Office. This has contributed to frequent changes in the office of Commissioner of Patents, and instability in the administration and programs of the Patent Office.

When S. 1254 was being considered in the House of Representatives the Department of Commerce informed the House Committee on the Judiciary that it was opposed to altering the structure of the Patent Office at that time because—

> It is the position of the Administration that while the President's recommendations for reorganization of the executive branch are under consideration, there should be no new proposals for restructuring of executive level positions in those Departments which would be affected by the reorganization.

I found the explanation of the Department of Commerce particularly unpersuasive. At that time I was chairman of the Committee on Government Operations, before which the reorganization plans were pending. It was readily apparent that there was no likely prospect of favorable action on the Department of Commerce reorganization plan, and the administration could not be described as diligently pursuing the Commerce Department reorganization.

I subsequently discovered that there was no absolute moratorium on restructuring departments involved in the reorganization plans. I was then advised by the Office of Management and Budget that—

> Exceptions to this policy have been made where special conditions require immediate realignment of positions.

In other words the moratorium only applied when it served the purposes of the Executive branch.

Legislation is now pending before the subcommittee to remove the Patent Office from the Department of Commerce and establish it as an independent agency. It is anticipated that the subcommittee will consider that proposal later this session in connection with the general revision of the patent laws.

In view of the apparent inability of the Department of Commerce to develop and maintain an effective working relationship with the Patent Office, such action may be required and desirable. The bill which I am introducing today provides an alternative approach, in the event the subcommittee decides to retain the Patent Office within the Department of Commerce.

By Mr. MOSS:

S. 1958. A bill to encourage State and local governments to provide relief from real property taxes for elderly individuals. Referred to the Committee on Finance.

ELDERLY HOMEOWNERS PROPERTY TAX RELIEF ACT

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to encourage State and local governments to provide relief from the property tax for the elderly.

The problem of escalating property taxes has gained wider recognition since I introduced this proposal in the 92d Congress as S. 3088. American citizens are becoming more aware of the inequity which results when elderly individuals living on fixed incomes have to pay 30 or even as much as 50 percent of their incomes for property taxes.

While thousands of senior citizens fall into this category, the aged homeowner, on the average pays 8.1 percent of his income for property taxes. The typical urban family by contrast pays out 3.4 percent of their income for taxes.

Moreover, these taxes have been increasing at a rapid rate. Since January 1969 they have increased by 36 percent, nearly twice as fast as the rise in overall cost of living. In many communities real estate taxes have doubled and tripled in the past 10 years.

It is when these statistics are reduced to concrete examples that the full effect of the property tax on the elderly can best be seen. One individual was found in a midwest State with an income of $1,000 a year who paid 30 percent of his income in property taxes. Others with less income were found to be paying 58 percent of their incomes in property taxes. It is likely that these examples will multiply in the future since public education apparently will continue to be supported by the property tax.

Last year when I introduced S. 3088 I noted the President's reference in his state of the Union message to some sort of reform of property taxes. This year, another statement has been issued by the White House that the President supports proposals granting property tax relief for the elderly. Once again we have the rhetoric, but where is the action?

Because this problem cries out for redress, I am introducing my own proposal which I do not consider the final answer, but which I hope will serve as a basis for discussion.

In introducing this bill, I accept the assumption that the property tax is particularly damaging because it is regressive in nature. My bill would therefore require the Federal Government to replace, within limits, the amount of collected money a State would lose in granting a property exemption to the elderly. These losses would be made up with general tax revenues. Philosophically, this would replace to a degree the regressive property tax in favor of the progressive Federal income tax.

The bill requires that if a State enacts legislation to exempt from taxation the first $5,000 in actual value of the property held by one of its over-65 citizens, the Federal Government would be obligated to replace these funds. However, the Federal Government's replacement would not be on a 1-to-1 basis. The bill contains a ratio of reimbursement formula which favors the lowering of effective property tax rates in general.

Since most real estate taxes are imposed on a local basis the bill makes States responsible for certifying to the Treasury such amounts as are lost by extending a $5,000 exemption on the property taxes of its senior citizens. The Secretary of the Treasury would pay the State the amount of the qualified reduction attributable to the exemption plus:

First, 13 percent of the qualified reduction, if the applicable tax rate does not exceed $1 per $100 of actual value of the property.

Second, 12 percent of the qualified reduction if the applicable tax rate exceeds $1 but does not exceed $2 per $100 of actual value of the property.

Third, 11 percent of the qualified reduction, if the applicable tax rate exceed $2 but does not exceed $3 per $100 of actual value of the property.

Fourth, 10 percent of the qualified reduction, if the applicable tax rate exceeds $3 but does not exceed $4 per $100 of actual value of the property.

Fifth, 7 percent of the qualified reduction if the applicable tax rate exceeds $4 but does not exceed $5 per $100 of actual value of the property.

Sixth, 5 percent of the qualified reduction if the applicable tax rate is $5 or more per $100 of actual value of the property.

The bill provides, however, that in no case shall the qualified reduction attributable to the exemption, plus the bonus, exceed $200 for each over-65 property taxpayer in the State.

In short, the bill provides positive incentives to the States to enact senior citizen exemptions for the first $5,000 actual value of real property on the assurance that the Federal Government would replace these funds from general revenues, and would also pay a bonus of up to 13 percent depending on the effective tax rates within the States. States would certify these amounts to the Secretary of the Treasury. The Secretary would pay over to the State such funds as are indicated by the States, provided, of course, the State gives assurance that the Federal money will be paid over to the appropriate political subdivisions of the State. As a cost control, the Secretary would not be allowed to pay to the State more than $200 per certified over-65 property taxpayer.

As I have stated, I have no illusions that this bill is the entire answer to the problem of increasing property taxes. Perhaps also the amounts in the bill should be changed. But I do hold that the philosophy of this bill, which seeks to substitute the progressive income tax for the regressive property tax, is sound—that this is the right way to go—if we are to help our senior citizens whose fixed retirement incomes in recent years have been ripped to shreds by the twin buzz saws of inflation and escalating real estate taxes.

Finally, I ask unanimous consent to have printed in the RECORD at this point two articles by columnist Sylvia Porter entitled: "Property Taxes Become Crushing" and "Rising Taxes on Homes, and the Search for a Way Out."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PROPERTY TAXES BECOME CRUSHING

(By Sylvia Porter)

The strong controls of Phase 2 must moderate the pace of upsurge in over-all housing costs, but they cannot even touch one of the most painful and ever more expensive items in our lives—property taxes. These taxes will not be frozen, not ever. And property taxes will continue rising—for several reasons—for the foreseeable future.

Simply to suggest the intensity of the squeeze on many of us, in all income groups and all age brackets:

Our total property tax bill hit $37.5 billion in 1970, up 35 percent since 1967 alone, a rate nearly twice the average increase in the cost of living during the period. And the pace is quickening: 1970's bill was nearly 12 percent higher than 1960's.

In many cities, the property taxes on a medium-priced house and lot have crossed $1,000 a year. In virtually every major city, a homeowner's property taxes now exceed $500 a year.

Some cities and towns have raised tax assessments as much as 20 to 25 percent in a single year, and in some cases reassessments designed to spread the tax burden have meant doubling, tripling or even quadrupling the taxes of certain homeowners.

Next to your mortgage payment your tax bill today is likely to be your biggest homeownership cost, and property taxes have for years been among the fastest rising items in total living costs. The Washington-based Advisory Commission on Intergovernmental Relations reported not long ago that the city family pays an average of $1 in $25 earned by the household on local property taxes, including the taxes hidden in the rent of non-homeowners.

Why, obviously, behind soaring property taxes are the rising costs of health, education, welfare and public services. Contributing are rising crime rates and mounting needs for more and better paid police. Part of the pattern is the rising need for more and better paid firemen, road construction and sanitation workers, similar workers.

On top of this, many towns and cities are struggling under staggering interest loads on bond debts run up to build schools, help finance new hospitals and transit systems, comply with tough new Federal, state and local antipollution laws, satisfy the demands of the public for a cleaner environment.

Making the massive burden feel even heavier is the fact that many homeowners are carrying too much of the load, and many too little. The injustices and the inequities as follows:

Our elderly, for instance—for many of whom school ended after the 8th, 10th or 12th year, who tend to use expensive highways much less than younger Americans and who are least able to bear any extra financial burdens—are probably the hardest hit of all.

Numbers of elderly, in fact, are being compelled to give up owning and living in their own homes primarily because they can't take the climbing property taxes.

Farmers also are often victims, especially in recreation-oriented areas where land is increasingly being assessed and taxed on the basis of its real estate potential, instead of its meager return as pure farm land.

In a cross-section of cities and towns, the poorest are shouldering a disproportionately large share of property taxes while mobile homeowners—whose homes are taxed as personal property rather than in the form of real estate taxes—are not bearing their full share of local tax costs.

And while those citizens who have fled to suburban bedroom communities may squawk about their own property taxes, they also are escaping the heavy burdens in the cities to which they commute daily to earn their incomes.

All sorts of suggestions are being tossed around. One would junk the property tax system entirely by "piggy-backing" on state incomes taxes and giving the states responsibility for paying certain costs now being borne by cities and towns. Another would have the federal government take over responsibility for paying public school costs in the nation's 25 biggest cities. A third, cited recently by Norman Karsh, executive director of President Nixon's Commission on School Finance, would equalize tax rates for education throughout the United States and would have the states in areas of low property values kick in extra funds. And, of course, pressure continues for more federal revenue sharing.

But while the system remains as is—which it will for quite a while—can you, a househunter, curb the cost of your property taxes? Indeed, you can.

Rising Taxes on Homes, and the Search for a Way Out

Anger over real estate taxes is boiling up, setting off a scramble for alternative. A new study reveals a wide range in burdens on homeowners.

A homeowners' revolt against rising property taxes is forcing cities to seek other sources of revenue.

How poorly they are succeeding is suggested by the fact that the real estate tax still accounts for $8.50 of each $10 in local taxes collected.

In most cities beset by soaring expenses, property owners have been hit by a long string of property-tax boosts.

A look at what is happening has just been made public by the International City Management Association and other local-government organizations. They conducted a survey of cities all over the country. Some of the findings:

The typical property tax on a house and lot with a sale value of $25,000 was $595 in the year ended in mid-1969. A Census Bureau study for the year ended in mid-1966 indicated a typical tax of $495 on that home.

The tax tends to be higher in suburbs than in central cities—typically $632 for a $25,000 home in the outskirts, against $563 in the city.

Mark Keane, executive director of the city-management group, ascribed the difference to school levies. "On the average," he said, "the suburbs raise almost $100 more in school taxes per $25,000 home than the central cities."

Property taxes vary, too, from area to area. For Northeastern cities surveyed, the typical tax on a $25,000 home was $851, more than 40 per cent above the nationwide average. For Southern cities, the typical real estate tax on such a home was $450—nearly a fourth below average.

Size of communities also shows up as a factor. The smallest cities studied—with populations of 25,000 to 50,000—had a typical tax of $702 on a $25,000 home. Lowest level was in cities with more than 500,000 population, a typical tax of $534.

The list of cities on page 71 shows the wide spread in homeowners' tax burdens.

SPREADING REVOLT

Cities that depend most heavily on the real estate levy for revenue find boosts now are coming with increasing difficulty as voters' ire grows.

In States that require voter approval in tax referendums, rejections have been frequent recently. In some communities—in Ohio, for example—schools have been shut down for varying periods because voters have withheld operating funds.

Recently, the plight of homeowners has been cited more and more in support of proposals for the Federal Government to share its revenues with State and local units. On June 25, President Nixon told an audience:

"Approximately 70 per cent of Americans over 65 own their own homes. This means that the growing burden of property taxes falls on their shoulders with special weight.

"When a person retires, his income goes down—and so do most of his tax bills. But his property taxes keep right on climbing—and he may even be forced out of the home he has paid for. This is one reason I want revenue sharing."

RELIEF SOUGHT

Nearly everywhere, property-owner complaints and local-government frustrations have become commonplace. In the past week or so—

Homeowners in Florida's Dade County, which includes Miami, have complained bitterly about increases in property assessments—up to 27 per cent or more in 1971 over 1970.

Georgia's municipal association and county commissioners' association have urged that the State's sales tax be boosted from 3 per cent to 4 in order to make way for property-tax relief.

In Virginia, civic and political groups have called on a State tax commission to relieve property owners by pushing for a law giving localities power to impose a piggyback surtax on top of the State's income tax.

On June 28, Philadelphia's school board adopted a new budget calling for elimination of all extracurricular activities—including sports, music, arts, dramatics and debating—and the use of school facilities after school hours.

For local officials, County Judge William O. Beach, of Montgomery County, Tennessee, summed it all up recently when he said:

"The painful fact is that we have reached the limits of political tolerance with respect to property taxation."

By Mr. MOSS:

S. 1959. A bill to amend the Public Health Service Act to enlarge the authority of the National Institute for Neurological Diseases and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular dystrophy, and other diseases. Referred to the Committee on Labor and Public Welfare.

THE NATIONAL MULTIPLE SCLEROSIS AND EPILEPSY ACT OF 1973

Mr. MOSS. Mr. President, I introduce for appropriate reference, a bill to amend the Public Health Service Act to enlarge the authority of the National Institute of Neurological Disease and Stroke in order to advance a national attack on multiple sclerosis, epilepsy, muscular dystrophy, autism, and other neurological diseases. The short title of this bill is, the National Multiple Sclerosis and Epilepsy Act of 1973.

I first introduced this bill in the 92d Congress as S. 3664. It is estimated that anywhere from 23 to 45 million Americans suffer from chronic neurological or disabling sensory disorders. Impairments range from speech defects and hearing problems to disorders of the nervous system causing crippling and death.

These conditions include multiple sclerosis, cerebral palsy, epilepsy, stroke, muscular dystrophy, Parkinson's disease, spinal injury, mental retardation, hearing impairment, autism, hearing disorders, and many others.

Mr. President, I ask unanimous consent to have printed in the Record at this point a table showing the incidence of Neurological disorders in the United States.

There being no objection, the table was ordered to be printed in the Record, as follows:

INCIDENCE OF NEUROLOGICAL DISORDERS IN THE U.S.

(Source U.S. Public Health Service Publication No. 1427)

Major Neurological Disorders:	
Cerebral palsy	750,000
Epilepsy	4,000,000
Mental retardation	6,000,000
Multiple sclerosis	500,000
Muscular dystrophy	200,000
Parkinson's disease	1,000,000
Spinal cord injury	100,000
Strokes	2,000,000
Hearing impairments	8,549,000
	23,099,000
Other Neurological Disorders:	
Amytrophic lateral sclerosis	9,000
Head injuries	3,053,000
Huntington's disease (chorea)	14,000
Myasthenia gravis	30,000
Reading disabilities (school child)	8,000,000
Spinal bifida	27,500
Brain tumors	140,000
Speech impairments	10,000,000
Visually impaired (cannot read newsprint with visual aids)	1,239,000
	22,512,500
Total individuals affected	45,611,500

Mr. MOSS. Mr. President, as chairman of the Subcommittee on Long-Term Care of the Senate Special Committee on Aging I have found that it is not uncommon for individuals affected by these conditions to have multiple handicaps. In fact, I am told that people affected by these chronic, long-term care conditions are confined more to bed, chair, and house, and need more assistance in daily living, than victims of most all other diseases combined.

Unfortunately, there are no known cures for the vast majority of these ills. This means that millions of individuals continue to suffer grave disabilities and that millions of families must struggle to provide them with the assistance they need. Since there is a distinct absence of Government programs to help families support these individuals in their own homes, great numbers turn to nursing homes for assistance. Most families cannot afford the cost of nursing home care.

These disabilities take their toll not only from the individual and his family but deplete the wealth of the Nation as well. They produce long-term disability often lasting from childhood throughout life. The estimated cost of care for these neurological and sensory disorders is about $10.5 billion yearly. Multiple sclerosis alone accounts for a $2 billion economic loss.

It is clear, therefore, that it is very much in the interest of the people of the United States to conduct an all out attack against these disorders. This is the purpose of my bill.

In terms of measuring our present effort I would acknowledge the great strides made by the National Multiple Sclerosis Society which, since 1947, has awarded more than $16 million in grants for research and post-doctoral fellowships to develop cures for these conditions.

We are still a long ways from finding a cure for multiple sclerosis, or MS, which is a disease characterized by the progressive deterioration of the central nervous system. However, our knowledge is increasing by leaps and bounds. Most investigators presently believe that MS is probably the result of an infection contracted at an early age, which does not usually appear as an overt disease until sometime between the ages of 20 and 40. MS is known as the great crippler of young adults striking them down in their prime; there are almost no cases of the onset of MS after age 50.

Fortunately, there is an excellent program of research underway at the National Institutes of Health, specifically within the National Institute of Neurological Diseases and Stroke—NINDS. However, NINDS is just 1 of the 10 Institutes at the National Institutes of Health and has received the least favored treatment in terms of publicity or appropriations.

This is particularly true now that the Congress has authorized major attacks on cancer and heart disease. Last year NINDS received only $116 million as compared for example with $379 million for the National Cancer Institute.

My bill would provide a $100 million increase in the authorizations for NINDS for the next fiscal year, followed by a $125 million increase and a $150 million increase for the second and third year respectively. The measure would authorize six new centers for clincal research into, training in and demonstration of, advanced diagnostic and treatment methods for multiple sclerosis and 14 new clinical research and treatment centers for other neurological and sensory disorders which I have mentioned previously.

In introducing this bill today I hope to give some visibilty to the NINDS and to focus public attention on the need to overcome this series of chronic and crippling diseases. I do not suggest that other diseases or disorders are unimportant, nor do I suggest that other institutes at the National Institutes of Health should be neglected. On the contrary, I believe that they too should receive special attention from the Congress and increased funding. Partcularly is this true for the National Institute for Arthritis and Metabolic Diseases which is almost as underfunded as the National Institute of Neurological Disease and Stroke.

As I noted earlier, arthritis and neurological disorders are quite commonly found in nursing homes and perhaps this accounts for my interest in this bill. I add in closing that I have introduced legislation earlier this session (S. 1825) that would expand the scope of Medicare to provide nursing home and in-home supportive services for disabled individuals. This would be greatly beneficial to families who struggle to help take care of their loved ones who fall victims to these diseases. The bill I introduce today would increase our knowledge and tools to give them better care. I urge its prompt enactment.

By Mr. MOSS:

S. 1960. A bill to amend title XIX of the Social Security Act to require any nursing home, which provides services under any State program approved under such title, to submit to the State agency administering such program an annual report on the costs incurred in the operation of such nursing home. Referred to the Committee on Finance.

DISCLOSURE OF NURSING HOME COSTS

Mr. MOSS. Mr. President, I introduce for appropriate reference a bill to require nursing homes receiving Federal funds under title 19 of the Social Security Act to submit to the State agency administering the program an annual report of the costs incurred in the operation of such nursing home.

This bill is introduced in recognition of the fact that the taxpayers have a substantial interest in the nursing home industry. In fact, 2 out of every 3 dollars in nursing home revenues come from the public coffers. By reason of this substantial contribution, which amounts to almost $3 billion yearly, the taxpayers are entitled to an accounting of how these funds are spent.

I have said many times that I believe the vast majority of nursing home administrators are honest, and that by and large nursing home rates are too low. On the other hand, there continues to be some indications that a few operators are growing rich at the expense of their patients.

This question of possible profiteering by some health providers is very inflammatory. There is intense feeling on all sides. The latest chapter in this controversy concerns a report prepared by Geomet, Inc. on behalf of the Cleveland Federation for Community Planning, Cleveland, Ohio.

This report was presented to me earlier this year, along with the Federation's summary of it. It proved to be a useful, if controversial document. The report and the summary took a hypothetical nursing home, representing averages in Ohio, and attempted to measure what it would cost an administrator to meet State and Federal standards. The report concluded that if an operator just barely met or did not meet such standards, then substantial profits were possible.

The American Nursing Home Association immediately challenged the assumptions made in the report, and sought to limit the conclusions and implication that might flow from such a report.

I asked the General Accounting Office for an evaluation of the accuracy of the accounting method employed, and the extent to which national implications could be drawn. I received the GAO's report the first week in May and directed that advance copies be made available to the Federation and to the American Nursing Home Association. I am today releasing the GAO evaluation and the reaction to it by both associations.

In my covering letter releasing this document, I state that the controversy over this report points out just how little we know about nursing home costs and profits. If there is greater access to actual books and records, statistics on costs and profits could be developed easily.

The solution to this problem, it seems to me, is simply to require every nursing home to file a financial statement with the State in which it is located. Some States have such a requirement at the present time, but it should be uniform, applying to every State. HEW and the GAO would have access to this material as a matter of course.

It would, of course, be impractical to audit each statement every year, but such statements, in my judgment, would qualify as documents affecting a person's rights to benefits. A false statement with intent to defraud would carry the 1 year in jail and a $10,000 fine now in section 242 of Public Law 92–603. If not, then false reports would qualify as "false reporting of a material fact as to conditions or operations of a health care facility" which is a misdemeanor subject to up to 6 months imprisonment, a fine of $2,000, or both.

There are, of course, other ways to accomplish these purposes and I am pleased to know that HEW is conducting its own study of nursing home costs and profits. I am most anxious to have the results of any such objective studies.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the GAO evaluation of the Geomet study and the Cleveland Federation summary of it along with the reaction by the American Nursing Home Association and the Cleveland Federation for Community Planning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF GEOMET AND CLEVELAND FEDERATION REPORTS BY THE GENERAL ACCOUNTING OFFICE

(Prepared at the request of Senator Frank E. Moss, Chairman of the Subcommittee on Long-Term Care, April 15, 1973.)

STATEMENT OF FACTS

(1) GEOMET report: GEOMET Inc. issued a report entitled "An Evaluation of the Operating Costs and the Cost Impacts of Regulations on Nursing Homes in the State of Ohio" dated September 1972. Their study approach was typical of studies of this nature.

The overall methodology appears reasonable and the findings and conclusions were properly qualified in recognition of the extent and availability of supporting data. However, much of the data presented in the study is based on statistical sampling and analysis and can be misused by persons not familiar with statistical analysis.

Also, in our review of the GEOMET report several questions were raised as follows.

A. The baseline nursing home was assumed to be of the least expensive type of construction. A substantial number of nursing homes in the sample (almost 50 percent) had a more expensive classification of construction than that of the assumed baseline home. Costs related to construction classification would, therefore, tend to be understated. In addition, it appears highly unlikely that a wood frame nursing home with 100 beds would have been built in 1966.

B. A large proportion (30 of 74) of the proprietary homes in the sample were listed as offering only intermediate care yet the baseline home was established as offering only skilled care. This would appear to underestimate the costs for skilled nursing care.

C. The GEOMET report indicated that the sample of nursing homes used to estimate non-personnel costs had significantly greater average bed capacities than would be expected when compared to the nursing homes listed in the State Directory. This would appear to result in lower patient-day costs than would normally prevail for the smaller homes because of economies of scale and spreading fixed costs over a larger patient base.

D. The GEOMET report indicated that about 40 percent of the homes sampled by questionnaire housed neither Medicare nor Medicaid patients. Costs for Medicare and Medicaid could be distorted by the inclusion of nonprovider homes in the cost-estimating procedures.

(2) Federation report: The Federation for Community Planning issued a report entitled "Cost of Nursing Home Care" dated December 1972. The material presented in the Federation report can be traced to figures cited in the GEOMET study report. The Federation, however, did not give adequate consideration to the variations inherent in the GEOMET results, nor did it qualify its conclusions to the extent that GEOMET qualified its data elements.

The Federation's claim of "excess profits" by nursing homes is based on a specific set of assumptions concerning nursing home operations.

The Federation does not state what happens to profits as a result of altering the assumptions nor does it provide evidence to show that its assumptions best describe operating conditions of nursing homes in Cleveland or in the State of Ohio.

The Federation's report appears to overstate revenues in its analysis. It assumed that all patients receive reimbursement for maximum care. It also assumed an occupancy rate of 92 percent. We calculated an average occupancy rate of 85 percent based on data which GEOMET considered more representative of the nursing homes in Ohio. All of GEOMET's cost computations are based on averages and the variation around those averages lead to wide variations in the average total per diem cost. The Federation accepted the average costs computed by GEOMET but did not indicate the range of costs and resultant profits that could exist.

The Federation's report concerns a hypothetical nursing home because the Federation was unable to get either actual costs or revenues of the nursing homes in Ohio. The Federation does not present data to justify that such a home typifies Medicaid skilled nursing homes in Ohio.

(3) Arthur Young report: Arthur Young and Company issued a letter dated February 16, 1973 commenting on the GEOMET and Federation reports. The main points raised by Arthur Young question the applicability of the given sets of assumptions, estimates and data taken out of context by the Federation. These generally correspond with questions raised by our review. Certain items included in the Arthur Young report were based on information not contained in the GEOMET and Federation reports and, therefore, were not subject to evaluation without more background knowledge or more detailed review.

(4) Additional data furnished by the Federation: As a result of our discussion, the Federation provided us with additional data to support the 92 percent occupancy rate for the Cleveland area. While this data tends to support the Federation's claim in this regard, the data was incomplete. In addition, the data furnished by the Federation does not provide a basis to change any of the other weaknesses which we found with the Federation and GEOMET reports.

FEDERATION FOR COMMUNITY PLANNING,
April 30, 1973.

Hon. FRANK E. MOSS,
Chairman, Senate Subcommittee on Long Term Care, New Senate Office Building, Washington, D.C.

DEAR SENATOR MOSS: The Nursing Home Committee has reviewed the advance copy of the GAO's comments on the GEOMET Report and the Federation Statement. We have the following observations.

1. The purpose for the GEOMET Report, and our subsequent statement of interpretation have been lost in the wake of partisan controversy. GEOMET was hired only to ascertain the cost of each federal and state standard in the total expense of operating nursing homes. The Federation wanted to learn whether the amount paid for welfare supported patients was sufficient to reimburse nursing homes for government imposed standards. Upon receipt of the GEOMET Report, the Federation concluded that the income from government payments alone (without consideration of additional income from private paying patients) more than compensate nursing homes for the expense involved in complying with each government imposed standard. The validity of the Report turns upon the accuracy of the price tag placed by GEOMET on the applicable standards and not on the profit and loss statement of any nursing home in actual existence. The accuracy of that price tag has not been challenged by anyone, including the GAO which in fact supports GEOMET's methods and approach.

2. The Report not only priced the standards but in the process also disclosed that 36% of the homes in the official Department of Health data did not hire the required numbers of nursing staff in spite of the more than adequate income from government payments.

3. In order to price the government imposed standards, GEOMET had to develop a hypothetical home which would meet building standards and which then was staffed in accordance with applicable federal and state requirements. The persistent attempt by those who have reviewed the Report to match the cost figures estimated by GEOMET for the operation of its 15, 25, 50 and 100 bed size homes with actual homes of the same bed size avoids facing up to the true meaning and purpose of the Report and, in addition, is a futile exercise because of the myriad of possible variations from the hypothetical. Since, however, this has been the approach of the critics, and is reflected in the GAO comments, the Nursing Home Committee offers the following as samples of the errors which have resulted from a failure to comprehend the thrust of the GEOMET Report and the facts on which it is based.

A. It is suggested that the type of construction used for the hypothetical home resulted in lower estimated costs than would be true in reality. This charge is baseless. As reported by the Ohio Department of Health, 68% of nursing homes in Ohio are in fact the very type of construction used for the hypothetical home. This data is also reflected in the sample used by GEOMET. Furthermore, in the GEOMET sample 15 homes range in bed capacity from 90 to 200. Of these homes, seven are of the least expensive construction; some were in fact built after the base year of 1966; and the largest home in the sample, a 200 bed home, was built in 1968 of the cheapest construction.

B. The presence of intermediate care homes in the GEOMET sample has no effect whatsoever on the costs of operation of any classification of home. The standards which determine the costs of operation, and which were the subject of the GEOMET study, vary with the bed capacity of the home and not with the needs of the patients. Approximately 95% of government supported patients are classified by the Welfare Department as needing only general nursing care. That type care is given in any Ohio nursing home regardless of its certification as "intermediate", "skilled" or "extended". The certification classification therefore primarily affects the income and not the costs of operation under the standards.

C. The Ohio building standards require much less footage per bed than that assigned by GEOMET to the hypothetical home. To the extent that existing nursing homes are no larger than required by the building code, the costs of operation will be less than estimated by GEOMET. Furthermore, the GEOMET home is built on much larger acreage than would be found in reality for the majority of small nursing homes in urban settings. Again the impact on actual costs would be less, not more, than those estimated by GEOMET.

D. The GEOMET Report stated that 94% of the homes in the questionnaire sample had Medicaid or Medicare patients, rather than 60% as asserted by GAO. More important, however, the questionnaire sample was not the basis for determining the costs of the standards. The cost of each standard is constant regardless of the needs of a patient and of the amount or source of revenue generated by that patient for the home. Therefore, GEOMET quite properly estimated the cost by an objective method independent of the profit and loss statement of any nursing home.

4. In its Statement, the Nursing Home Committee used the GEOMET figure of 92% for average occupancy in computing the estimated 1970 income of a 50 and 100 bed home in the Cleveland area. Because the Committee's concern is with the adequacy of the government reimbursement rates, the income was figured only as the amount paid for "intermediate" care; and in a second computation, the amount paid for Medicaid "skilled" care. The Committee's method in fact understated the income. Those homes in the Cleveland area which take Medicaid patients ("intermediate" or "skilled") had a 94%—not 92%—occupancy in 1970. A significant majority of the homes had additional income from private paying patients. In the few homes in which the number of private patients were insignificant, the general occupancy rate was higher than 94%. Thus the assumptions used by the Committee were clearly conservative.

5. The GEOMET Report was designed to show the costs of applicable standards. Where, therefore, the costs of operation for an actual home varies from the same size home in the GEOMET cost estimations, it is the burden of the home to show the cause which underlies this variance. A home may, for example, operate with staffing above the minimum required; the type construction may be more expensive; the occupancy rate may be less than 92%; management may be inefficient; the quality and quantity of food or other supplies may be different than averaged by GEOMET; or the amount of wages may be greater than the mean. All of these factors, and many more, may account for a cost variation in a real home from the home hypothesized by GEOMET. Nevertheless, the cost of the standard in each home which pays the average estimated cost will be the same. That government induced cost, and not the cost of an individual operation, was the subject of the GEOMET Report.

Yours very truly,
MARY ADELAIDE MENDELSON,
Staff Director, Nursing Home Project.

GAO REPORT VINDICATES NURSING HOME POSITION

WASHINGTON.—The American Nursing Home Association today hailed a General Accounting Office report strongly challenging the accuracy of charges made by a Cleveland consumer action group that Ohio nursing home profits are excessive.

Dr. Thomas G. Bell, ANHA executive vice president, said, "Today's GAO report supports what we have been saying all along: that the allegations made by the Federation of Community Planning are totally misleading. We are happy that the GAO report supports us in setting the record straight."

The GAO report was released today by Sen. Frank Moss (D-Utah), chairman of the Subcommittee on Long Term Care of the Senate's Special Committee on Aging.

"I am happy to receive the results of the General Accounting Office's review, made at my request," said Sen. Moss "because it does focus our attention on the need for objectivity in evaluating reports such as the one put out by the Cleveland Federation of Community Planning."

The Cleveland organization's charges were made last December in a report entitled "Cost of Nursing Home Care."

Dr. Bell, in welcoming the GAO report, was highly critical of statements made in a memorandum and a press release accompanying the Cleveland group's report. He said the statements "in no way are supported by facts."

The FCP statements to which Dr. Bell referred indicated that Medicaid and Medicare reimbursements were excessive in that they permitted Ohio nursing homes to meet all federal and state standards and still make excessive profits.

By Mr. MAGNUSON:

S. 1962. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce. Referred to the Committee on Finance.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference the State taxation of multistate taxpayers Act of 1973 and ask that it be printed in the RECORD.

(See exhibit 1.)

INTRODUCTION

Mr. MAGNUSON. Mr. President, the bill, hereinafter referred to as "the act," was drafted by an expanded Ad Hoc Committee on Taxation of Interstate Business which met in Seattle on June 8–9, 1971, to reconcile differences of opinion which had developed over the original ad hoc proposal. The ad hoc committee, as originally constituted and as expanded for the Seattle meeting has no official status. It is a volunteer and self-appointed group of State tax administrators and business representatives.

The original ad hoc committee grew out of conversations early in 1969 between the cochairmen, George Kinnear, director, Department of Revenue, State of Washington, and then chairman of the Multistate Tax Commission, and Leonard E. Kust, a partner in the New York law firm of Cadwalader, Wickersham & Taft, and then vice president and general tax counsel, Westinghouse Electric Corp. These conversations were concerned with the seemingly unbridgeable gap between the views of State tax administrators and business, and the stultifying effect of the conflicts involved on the prospects for reasonable solutions for the problems of taxation of interstate business. The conversations culminated in agreement to strive jointly to organize a committee which would seek to bridge the gap in views by identifying the areas of agreement and of disagreement and working out some reasonable accord in the areas of disagreement.

The original ad hoc committee was organized with the understanding that the members were not representing the organization with which they were connected nor any other organizations with which they were associated. The members represented only their own views based upon their concern with the problems involved, their experience and knowledge with respect to such problems and their good will in committing themselves to seeking a reconciliation of views as to solutions for these problems.

After a year's exposure of the original ad hoc proposal and its consideration by various interested groups, an expanded ad hoc committee met in Seattle, Wash., on June 8 and 9, 1971. Attached is a list of the members of the committee. The purpose of this meeting was to reconcile differences of viewpoint and to develop necessary changes in those provisions of the original proposal which, despite the effort of the original ad hoc committee, remained unacceptably controversial. In addition to the 12-months exposure of the original proposal, the expanded committee also had the benefit of the plan developed by the Multistate Tax Commission as a guide in its deliberations.

The new expanded ad hoc committee did not purport to represent any viewpoint other than that of its individual members. While the revised ad hoc bill purports to be a result of a consensus of opinion expressed at the Seattle meeting, it has been aptly referred to as representing an uneasy consensus. There was no formal vote taken or record made of the proceedings. It was recognized at the meeting that those in attendance were completely free to voice later objection to any provision of the draft. This commentary must necessarily reflect the understanding of its authors. The provisions of the revised ad hoc bill and the commentary herein pertaining to the same has been developed within this context after giving ample opportunity to members of the committee to comment on an initial draft of the revised ad hoc bill.

GENERAL

The general conception of the proposals to which the original ad hoc committee was committed from its beginning in 1969, is that the solutions to the problems of multistate taxation of interstate business should be implemented through a merger of the multistate tax compact approach and the Federal legislation approach. The objective of such a merger of approaches is to preserve as far as possible administrative authority in the States by requiring the States to act, in certain areas, through the machinery of an interstate tax compact consented to by the Congress and serving as the agency to implement uniform standards established under Federal legislation.

Such a structure would provide flexibility for adjustment and evolution to improve the system for taxation of interstate business. With the Multistate Tax Commission under the compact acting as the administrative agency it could implement and modify, within the limits of permissible administrative interpretation, the legislative standards under Federal law, and when the need for changes exceeded the bounds of permissible administrative interpretation the Commission could seek amendments to the Federal legislation.

Moreover, under the committee structure of the multistate tax compact any proposal for amendment of the Federal legislation will have been preceded by extensive discussions between State administrators and business representatives and will presumably, therefore, be presented to the Congress with a substantial consensus of support.

Under this conception, it was agreed by the original ad hoc committee and the expanded ad hoc committee that Public Law 86-272 was adequate as a jurisdictional standard for income taxes; that Federal legislation should codify the existing judicially prescribed jurisdictional standard for sales and use taxes; and that it should provide an optional uniform apportionment formula for income taxes eliminating the distinction between "business" and "nonbusiness" income. It was further agreed that Federal legislation should prescribe standards for sales and use taxes; grant authority to the Multistate Tax Commission to promulgate rules and regulations implementing the Federal legislation; and that the Federal standards should be applicable to all businesses irrespective of size.

There were divergent opinions concerning the tax status of dividends for income tax purposes, both in the original ad hoc committee and in the expanded committee as well as differences concerning the question of the need for and standards for requiring State income taxes to be imposed on the basis of consolidated or combined reporting. There were also unresolved differences of opinion concerning the taxation of so-called foreign source income and foreign corporations. There was also no general agreement pertaining to modification of the Uniform Division of Income for Tax Purposes Act as set forth in article IV of the multistate tax compact. Members of the business community wanted to eliminate the attribution of sales to the State of origin if the destination State lacked jurisdiction to tax. State representatives on the other hand were desirous of having all sales attributable only to a State which had jurisdiction to tax under Public Law 86-272.

Both the original and expanded ad hoc Committee proposals contemplate that the Congress will direct the House Judiciary Committee and the Senate Finance Committee to continue to evaluate the progress being made and, if at the end of 5 years the progress is not satisfactory, it is assumed that legislation implementing an alternative approach to reliance on the multistate tax compact will be developed.

The following comments on specific provisions, unless otherwise indicated, pertain to the work of the original ad hoc committee as revised by the expanded ad hoc committee:

COMMENTS ON SPECIFIC PROVISIONS

TITLE I.—*Consent to enter into Compact and conferral of powers upon Compact Commission.*

Title I is structured on the Magnuson Bill (S. 1883) and is designed to provide for the consent of Congress to the existing Multistate Tax Compact.

Sections 101 and 102 provide for Congressional consent to and identification of the Multistate Compact.

The purpose of Section 103 is to prevent a corporation from electing to have its income tax liability determined by reference to the allocation and apportionment provisions of the existing Compact. Alternatively, Title III provides a maximum for income attributable to taxing jurisdiction computed under the provisions of this Act. Thus, for taxable years ending after the effective date of the Act the allocation and apportionment rules of the proposed Act rather than those set forth in the existing Compact would be applicable.

Thus, Section 103 prevents a corporation from having, in effect, a three-way choice in compact states, *i.e.*, state laws apart from the Compact, Article IV of the Compact, and Title III of the proposed federal Act. Accordingly, Section 103 restricts a corporation to the choice of either state law apart from the Compact, or Title III of the federal Act.

Section 104 confers on the Commission the power to adopt rules and regulations for the administration of the federal standards set forth in the Act. The question of whether Congress may delegate this power to the Commission was considered by the original ad hoc committee. The ad hoc committee satisfied itself with the advice of eminent counsel that this delegation is constitutional. See *Parden v. Terminal R. of Alabama Docks Dept.*, 377 U.S. 184, 12 L. Ed. 2d 233, 84 S. Ct. 1207 (1964). Section 104 provides, however, that no rule or regulation adopted by the Multistate Tax Commission (hereinafter referred to as the Commission) will be in effect in any state if that state rejects the rule or regulation in accordance with the procedures it would use in the adoption of any rule or regulation in its administration of the tax law which constitutes the subject matter of the Commission rule or regulation.

Also, section 104 provides for the participation of all the states whether or not regular members of the Commission in those deliberations and procedures to be followed by the Commission in the adoption of any rule or regulation. State sovereignty is thus preserved by affording each state the opportunity (1) of participating in the rule or regulation making function, (2) to administratively reject any rule or regulation adopted by the Commission, and (3) to use its own procedures in any proceedings pertaining to the rejection of any proposed rule or regulation. This approach, embodied in section 104, represents the rejection of the original ad hoc proposal, which would have made the Commission's regulations automatically binding on all states, and acceptance of the position that the Commission's rules and regulations should be essentially advisory. However, non-uniformity resulting from state administrative inaction, if any, is prevented.

TITLE II.—*Jurisdiction to Tax.*

Title II is limited in its appplication to the codification of existing sales and use tax jurisdictional standards, except that it prescribes the "business location" or regular delivery other than by common carrier or U.S. mail standards for local sales or use taxes which are not imposed by uniform state law and collected by the state. This standard is set forth in section 405. Any reference to capital stock and gross receipts taxes in the original ad hoc bill have been deleted with respect to the sales and use tax jurisdictional standards. No substantive change has been made from the original ad hoc proposal.

Under the Rodino Bill (H.R. 1538) the jurisdictional standard for net income taxes would be applicable only to "small" corporations but the jurisdictional standard with respect to collection of sales or use taxes would be generally applicable. As with respect to all provisions of the Act, the jurisdictional standard proposed by the Committee are, as in the Ribicoff Bill (S. 317), applicable wtihout distinction betwen large and small corporations.

In the case of net income taxes, this gave rise to little difference of view among members of the Committees. In order, however, to minimize changes in existing law, it was agreed the jurisdictional limitations of Public Law 86-272 are adequate for purposes of the net income tax and are preferable to the "business location" tests of the Rodino and Ribicoff Bills.

In the original ad hoc committee, the major controversy as to jurisdiction arose with respect to the imposition of the obligation to collect a sales or use tax on interstate sales of tangible personal property. The Rodino and Ribicoff Bills would not permit States or political subdivisions to impose on a seller such an obligation unless the seller has a business location in the State or regularly makes household deliveries in the State. The Talcott Bill (H.R. 4267), on the other hand, would enlarge regular deliveries to cover all deliveries in the State other than by common carrier or United States mail, and in addition would extend jurisdiction to regular solicitation by means of salesmen, solicitors or representatives in the State, except where the solicitation is solely by direct mail or advertising by means of newspapers, radio or television. Thus, the Talcott Bill in effect codifies the decisions of the Supreme Court in *Scripto, Inc.* v. *Carson* and *National Bellas Hess, Inc.* v. *Illinois Department of Revenue.*

The merits of the differing standards were debated at length in the meetings of the regional ad hoc committee. It was recognized that the conflict was between the interests of business, mainly of small business, opposing undue burdens of collection of tax on interstate sales and the interests of the States in assuring reasonable effective enforcement of their tax with respect to interstate sales. In analyzing the problems it became clear, however, that neither the Rodino nor the Ribicoff Bills dealt effectively with the far more important problem of the power of political subdivisions to impose the obligation to collect sales and use tax on the interstate seller.

It is one thing for the small interstate seller to contend with the collection requirements of 50 states and quite another, and more serious matter, for both small and large business to deal with the varying collection requirements of thousands of political subdivisions. The trend among States toward allowing political subdivisions to impose sales and use taxes and to require collection of such taxes by the seller is accelerating. The Committee felt that this problem was a more serious problem than the question of whether the jurisdictional standard with respect to State power should be that in the Rodino and Ribicoff Bills or that in the Talcott Bill.

Consequently, there was a consensus that the jurisdictional standards of the Talcott Bill, codifying existing law, should be adopted but that the power of a State or a political subdivision with respect to an interstate sale should be made clearly subject to the limitations of Section 405 of the Act, similar to Section 205 of the Talcott Bill. That Section provides, as does Section 305 of the Rodino and Ribicoff Bills, that a seller need not classify interstate sales according to geographic areas of a State, except those sales with destinations in political subdivisions in which the seller has a business location or regularly makes deliveries.

By cross-referencing the jurisdictional provisions of Section 201 to the classification provisions of Section 405, political subdivisions will be effectively prohibited from imposing the obligation on a seller to collect tax on an interstate sale unless that seller has a business location or makes regular deliveries in the political subdivision. However, where the local tax is imposed in all geographic areas of the State on like transactions at the same combined State and local rate, administered by the State, and uniformly applied so that a seller would not be required to classify interstate sales according to geographic areas of the State, the jurisdictional standard in Section 201 would apply.

Under the jurisdictional standards of Section 101 of the Rodino and Ribicoff Bills, a political subdivision has power to impose the obligation to collect tax on an interstate sale if the seller is subject to the jurisdiction of the State, regardless of whether or not the jurisdictional standard is satisfied in the political subdivision. The effect of the classification provisions of those Bills is obscure, particularly since they refer to classification for "tax accounting" rather than for "tax collection" purposes. The latter term is used in Section 405 of the Act.

The Committee believes that both small and large business are more interested in limiting the power of political subdivisions to require collection of tax on interstate sales where there is not a clear jurisdictional presence in the political subdivision than they are in "rolling back" the present judicially prescribed jurisdictional standard with respect to State-level taxes.

In order to permit States and political subdivisions to adjust to the limitations on the power to require collection of sales or use taxes on interstate sales imposed by political subdivisions, Section 405 of the Act is not effective until July 1, 1976.

While Sections 101 of the Rodino and Ribicoff Bills, as well as comparable provisions of the original Ad Hoc Bill, prescribed jurisdictional standards for both capital stock and gross receipt taxes, the expanded ad hoc committee deleted all references to capital stock and gross receipts taxes as it was deemed more prudent to lay the proper foundation in dealing with the substantive provisions relating to the more pressing problems of income and sales and use taxes, perhaps as a future guide for resolutions of the many other interstate business tax problems.

TITLE III.—*Maximum Income Attributable to Taxing Jurisdiction.*

The first problem with which the original Ad Hoc Committee was confronted regarding a uniform apportionment formula for income tax purposes was the question of whether the formula should include only two factors, property and payroll, or should include a third factor, sales. The 2-factor formula which was included for general application in the original Willis Bill (H.R. 11798) encountered the determined opposition of the states and much of the business community.

The original Ad Hoc Committee agreed from the outset that there should be no distinction between large and small business and that the 3-factor formula, since it represented the practice of most of the states having corporate net income taxes, was to be preferred to the 2-factor formula.

The Uniform Division of Income for Tax Purposes Act (UDITPA) was taken as a guide. UDITPA has been adopted by a number of states, although with variations, and is incorporated in the existing Multistate Tax Compact.

One of the least satisfactory aspects of UDITPA has been its attempted distinction between "business" and "nonbusiness" income, the latter the subject of specific allocation rather than apportionment under the formula. The Committee decided that with the exception of dividends all of the taxable income of corporations subject to the Act should be apportioned among the several states in accordance with the apportionment formula. There was a sharp divergence of opinion in regard to the question of exclusion of any income from the tax base ceiling such as foreign source and divided income.

Title III sets forth the ceiling beyond which a state or a political subdivision cannot go in imposing its income tax for any taxable year on a corporation taxable in more than one state. References in the original ad hoc bill to capital stock and gross receipts taxes have been deleted for the reasons previously stated. As in the original proposal, the Title is not applicable to "excluded corporations" which are defined in section 504. No state or political subdivision is required to incorporate into their income tax law any of the provisions of this Title. The limitations imposed on a state's political subdivisions are identical with those limitations imposed on a state (section 305). This Title (1) sets forth an optional three factor apportionment formula; (2) exempts from state and local taxation income described in section 951(a)(1) of the Internal Revenue Code (section 306(a)); (3) exempts dividends paid by a corporation in which taxpayer owns 80% of the voting stock relating thereto and prohibits any offsetting adjustments related to such dividends; and (4) assigns all other dividend income, otherwise taxable, to the commercial domicile. In the original ad hoc proposal all dividends were subject to tax at the commercial domicile of the corporation.

The committee deemed it advisable to adopt provisions similar to the "taxable in more than one state" concept embodied in UDITPA, so as to describe the circumstances under which the apportionment formula would apply, and for purposes of determining whether interstate sales were assignable to destination or subject to the "throwback" provision. Such concept is incorporated in section 301(d). Provision is also made for tolling the statute of limitation where the taxpayer's liability changes due to the reassignment of sales.

One of the most controversial problems considered by the Committee was the question of the consolidation or combination of income of related corporations, where one corporation is subject to the jurisdiction of the State but the other corporation is not. Conflicting and apparently irreconcilable views are held with respect to the solution of the problems involved.

It is obvious that if one or more States consolidated related companies and other States do not, the application of even a uniform apportionment formula will result in taxation of either more or less than 100% of the consolidated income. On the other hand, nationwide uniformity will eliminate the problem. Whatever the standards for consolidation may be, they must be uniformly applied among the States. Related corporations should either be consolidated in all of the States or in none of the States, unless a particular State and the taxpayer agree otherwise.

There was agreement within the Committee that potential "whip-sawing" of a taxpayer should be eliminated. The intransigent controversy centered on whether consolidation should be permitted and if it was on what should be the standards applicable to determination of when consolidation was appropriate.

The initial Ad Hoc Bill sought to bridge the differences in view by permitting consolidation subject to rebuttable presumptions based upon quantitative tests of intragroup flow of goods and services. These standards, however, continued to be controversial and have been abandoned in the revised Ad Hoc Bill.

Section 301(d) permits apportionable income, at the option of either the state or the taxpayer, to be determined by reference to the combined apportionable income and apportionment factors of all corporations of an affiliated group of which the taxpayer is a member. Affiliated group as used in section 301(d) is defined in section 505 to include corporations meeting the 80% of the voting stock ownership test (corporate or noncorporate) exclusive of the affiliated corporations deriving income from sources outside the United States.

This is a substantial change from the original Ad Hoc proposal which had contained the quantitative flow of goods and services test to determine when a corporation's income tax liability should be determined on a combined basis. In order to assure uniform application of combined reporting requirements under the quantitative flow of goods and services rebuttable presumption tests, the original Ad Hoc Bill would have created a Multistate Tax Appeal Board as an independent agency of the Commission to adjudicate disputes arising under such proposal. Since section 301(d) has been redrafted to permit any corporation of an affiliated group to elect or be required by a state to file a combined report, the need for the appeal board has been eliminated and the title providing for such agency has been deleted.

It was agreed that in a consolidation dividends from affiliates should be excluded from consolidated income.

It was also agreed that foreign source income should be excluded, since consolidation should legitimately seek only to bring income earned within the United States into the consolidated income to be apportioned among the 50 States. There was strong disagreement, however, as to whether foreign source income should be defined according to Federal source rules or whether sole reliance should be placed upon the appointment formula to determine foreign source income of affiliated corporations included in the consolidation.

The disagreement with respect to foreign source income was finally resolved by the proposal that in the case of affiliated corporations, such as Western Hemisphere Trade Corporations, possessions companies and China Trade Act Corporations under the Internal Revenue Code, where the Internal Revenue Service would of necessity in each year determine the amount of foreign source income of such companies and under Section 482 would determine that such income was clearly reflected in such companies, the Federal rules would be accepted and such companies would be excluded from a consolidation. On the other hand, any other foreign or domestic company would be excluded from a consolidation only if at least 90% of its income was from foreign sources, determined by separate application to it of the apportionment formula under Title III of the Act. For this purpose the "throw-back" rule, with respect to the location of sales for purposes of the numerator of the sales fraction, would be inapplicable, since this rule is not pertinent to the determination of where income is earned by application of the apportionment formula.

These provisions designed to eliminate foreign source income are incorporated in the definition of an affiliated corporation in Section 505 of the Act.

The optional three factor apportionment formula consists of the factors or property, payroll, and sales. The property factor is based upon the valuation of property at its original cost and leased property at eight times the gross rental. The payroll factor includes the total amount paid as compensation. Full accountability of the property and compensation factors is required since the sum of the numerators for the states in which the corporation is taxable, must be the same as the denominator used in those factors. This was not expressly provided for in the original ad hoc proposal.

Section 304, the sales factor, achieves full accountability through the "throw-back rule" which assigns sales to the origin state if the destination state lacks jurisdiction to impose tax. Export sales, however, other than export sales to the U.S. Government, are assigned to the foreign destination. The committee agreed that export sales, except for export sales to the U.S. Government, should not be subject to the "throw-back" provisions. The "throw-back" provisions properly apply where the nationally imposed jurisdictional standards prevent the destination state from imposing tax, but such justification is lacking where sales have a destination in foreign countries, since such countries are subject neither to the jurisdictional standards nor the uniform apportionment formula imposed on the states.

The sales factor is generally defined as the fraction the numerator of which is the sales of the corporation which are located in the state during the tax year and the denominator of which is the total sales by the corporation everywhere during the tax year. The original ad hoc proposal did not contain any special provision for either sales to the United States Government or to foreign countries.

Sales of services are assigned to the state where services are performed based on direct costs of performance and receipts from rentals of tangible personal property are assigned to location of the property. Sales of real estate, if the corporation is engaged primarily in the sale of real estate, are assigned to location of the real estate. Sales of other tangible personal property are assigned on a destination basis. All other receipts are eliminated from both the denominator and numerator of the sales factor.

Section 305 of the Act is based upon Section 206 of the Rodino Bill.

As discussed earlier, Section 306, dealing with exclusions from apportionable income, exempts foreign source income and assigns dividends received from subsidiaries meeting the 80% ownership test to the taxpayer's commercial domicile. Offsetting adjustments for interest and other expenses are prohibited.

TITLE IV.—*Sales and Use Taxes.*

Uniform standards with respect to sales and use taxes were perhaps less controversial than any of the areas to which the Committee addressed itself. The Committee was largely able to agree on the standards contained in the Rodino, Ribicoff and Talcott Bills, with some modifications deemed to be an improvement.

The provisions of this title in the draft are comparable to the provisions in the original ad hoc bill, and the Talcott Bill. Section 401 (a) defines a location of a sale to be in the destination state and permits a contiguous state or political subdivision thereof to enter into reciprocal collection agreements as provided for in Section 406. Section 406 in turn, when authorized by state law and reciprocal agreement, requires a seller with a business location to collect use tax on sales he makes into a state which does not have jurisdiction to require collection under Section 201. Section 401(b) provides a use tax credit for prior sales taxes to another state. Section 401(c) provides for a refund for the overpayment of a use tax. Section 401(d) places a limitation on credit for prior taxes for the respective taxes which are measured by periodic payments made under a lease. Section 401(e) exempts vehicles and motor fuels from the provisions of Title IV.

Section 402 is the same as Section 202 of the Talcott Bill. It exempts household goods and motor vehicles from use tax if acquired and used by the person for a period of 90 days or more before he brings the property into the state for use there as a resident.

Section 403 deals with the treatment of transportation charges with respect to interstate sales. This section conforms to Section 203 of the Talcott Bill without precluding a state from requiring an instate purchaser to pay tax on freight charges.

Section 404 concerns the use tax collection liability of sellers on sales claimed to be exempt by the purchaser. It relieves the seller from any liability if the purchaser of the property furnishes to the seller a certificate or other written form of evidence indicating that the property is acquired for an exempt purpose.

Section 405 has been commented on in reference to jurisdictional limitations provided in Section 201. It should be noted that while Section 405 by its language only precludes classification of interstate sales for use tax collection purposes by a seller, the purpose of Section 405 is to require uniform state collection and administration of local sales or use taxes imposed on interstate sales. Because the provisions of Section 405 may have some significant effect on local revenues, Section 523 postpones its effective date to on or after July 1, 1976.

TITLE V.—*Definitions and Miscellaneous Provisions.*

The definitions contained in part A of this Title generally are those set forth in the original ad hoc proposal which were based upon the definitions contained in Part A, Title V of the Rodino and Ribicoff Bills, with minor changes except any references to gross receipts or capital stock taxes are deleted from the definitions. Section 501 defines a net income tax, Section 502, a sales tax, and Section 503, a use tax. Section 504 defines an excluded corporation which term is used in Section 301(a) to delineate the scope of Title III. Thus, the income tax provisions of the proposed bill do not pertain to an excluded corporation. An excluded corporation generally includes various financial organizations and public utilities.

Section 505 defines an affiliated corporation and is based upon Section 1504 of the Internal Revenue Code with changes in structure and modifications to take into account companies controlled by a noncorporate common owner. The term "affiliated corporation" defines corporations which can be required or permitted to file a combined report, as provided in Section 301(d). There is expected from an affiliated corporation (1) excluded corporations defined in Section 504, (2) Western Hemisphere Trade Corporation as defined in Section 921 of the Internal Revenue Code, (3) possession companies as defined in Section 931 of the Internal Revenue Code, (4) corporations entitled to the special deduction for China Trade Act corporations under Section 941 of the Internal Revenue Code, and (5) corporations substantially all of the income of which is derived from sources without the United States.

Section 506 defines sale to include leases and rental payments under leases for the purposes of Title IV. Section 507 defines an interstate sale and Section 508 defines destination.

Section 509 defines business location. This term is used in the Act only in regard to sales and use tax jurisdiction. Section 510 defines the location of property and Section 511 defines the location of an employee for Title III income apportionment purposes. Section 512 defines state and Section 513, state law, Section 514, taxable year, Section 515, compensation, Section 516, commercial domicile and Section 517 defines dividends.

Part (b) of Title V contains the miscellaneous provisions. Section 518 permits the imposition of franchise tax as a revenue measure even though technically imposed on the privilege of engaging exclusively in interstate commerce. Section 519 prohibits geographical discrimination. Section 520 indicates that the proposed act does not repeal Public Law 86–272 with respect to any person or to increase or otherwise affect the power of any state or political subdivision to impose or assess a net income tax with respect to an excluded corporation. Section 521 prohibits out of state audit charges. Section 522 limits the liability with respect to unassessed taxes which a state or political subdivision would have no power to impose after the date of the enactment of the proposed Act. Section 523 pertains to effective dates. The provisions of the Act will take effect on the date of its enactment unless otherwise provided. Section 405 (pertaining to local sales and use taxes) is to be effective for unassessed taxes as provided in Section 522.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

EXHIBIT 1

S. 1962

TITLE I—GENERAL PROVISIONS

DEFINITIONS

SEC. 101. As used in this Act—

(1) "Affiliated", with respect to two or more corporations, means that they are not excluded corporations, are members of the same group, and that such group is comprised of one or more corporate members who are connected through stock ownership with a common corporate or noncorporate owner to the extent that fifty per centum or more of the voting stock of each member other than the common owner is owned directly by one or more of the other members and fifty per centum or more of the voting stock of at least one of the members other than the common owner is owned directly by the common owner.

(2) "Arm's length transaction" means a transaction between two or more affiliated corporations which is consummated at a consideration which is substantially equivalent to the amount which would have been charged in a similar transaction under similar circumstances, with respect to all relevant facts, between two or more unrelated corporations; a "non-arm's-length transaction" means a transaction between two or more affiliated corporations which is consummated at a consideration which is larger or smaller than the amount which would have been charged in a similar transaction under similar circumstances, with respect to all relevant facts, between two or more unrelated corporations.

(3) "Base of operations", with respect to a corporation's moving property, means the premises at which any such property is regularly maintained by such corporation or any other person, except that if the premises are maintained by an employee of such corporation primarily as a dwelling place they shall not be considered to constitute a base of operations.

(4) "Business location within a State", with respect to any person, means that such person—

(A) owns or leases real property within such State;

(B) has one or more employees located in such State;

(C) regularly maintains a stock of tangible personal property in such State for sale in the ordinary course of his business except that such property which is on consignment in the hands of a consignee and is offered for sale by such consignee on his own account is not such stock; or

(D) regularly leases tangible personal property to other persons for use in such State, except that such person shall be considered to have a business location within such State only with respect to such leased property.

(5) "Capital account tax" means any capital stock tax which is measured by number of shares, par or nominal value of shares, paid-in capital, or the like, not including any tax the measure of which includes any element of earned surplus.

(6) "Capital stock tax" means any tax which is measured in any way by the capital of a corporation.

(7) "Commercial domicile" means the principal place from which the trade or business of a taxpayer is directed or managed.

(8) "Destination", with respect to a sale,

means the point within a State or political subdivision thereof in which possession of the property is physically transferred to the purchaser, or to which the property is shipped by the seller to the purchaser, regardless of the free on board point or other conditions of such sale.

(9) "Dividends" shall have the same meaning as that term has under the Internal Revenue Code of 1954, including any sum treated as a dividend under section 78 of such Code (26 U.S.C. 78).

(10) "Employee" shall have the same meaning as that term has for purposes of Federal income tax withholding under chapter 24 of the Internal Revenue Code of 1954.

(11) "Excluded corporation" means a bank, trust company, savings bank, industrial bank, land bank, safe deposit company, private banker, small loan association, credit union, cooperative bank, small loan company, sales finance company, investment company, any type of insurance company, a corporation which derives ninety per centum or more of its gross income from interest (including discount), or a corporation which derives fifty per centum or more of its ordinary gross income for the taxable year from regularly carrying on the transportation for hire of property or passengers (including the rendering of services incidental to such transportation) or from the sale of electrical energy, gas, or water.

(12) "Gross receipts tax" means any tax, other than a sales tax, which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which no deduction is allowed which would constitute the tax a net income tax.

(13) "Income from sources without the United States" shall have the same meaning as that phrase has in the Internal Revenue Code of 1954, except that section 638 of such Code (26 U.S.C. 638) shall not apply.

(14) "Interstate sale" means a sale in which the tangible personal property sold is shipped or delivered to the purchaser in the State from a point outside such State.

(15) "Localized in a State", with respect to the operation of property, means that during the taxable year such property is operated entirely within such State, or is operated both within and without such State provided that the operation without such State is occasional, incidental to its use in the transportation of property or passengers from points within such State, or incidental to its use in the production, construction, or maintenance of other property located in such State.

(16) "New income tax" means a tax which is imposed on or measured by net income, including any tax which is imposed on or measured by an amount arrived at by deducting from gross income expenses one or more forms of which are not specifically and directly related to particular transactions.

(17) "Ordinary gross income" means gross income as determined for the taxable year under the applicable provisions of the Internal Revenue Code of 1954, except that there shall be excluded therefrom—

(A) all gains and losses from the sale or other disposition of capital assets; and

(B) all gains and losses from the sale or other disposition of property of a character described in section 1231(b) of the Internal Revenue Code of 1954 (26 U.S.C. 1231(b)) (determined without regard to holding period).

(18) "Person" means an individual, corporation, partnership, joint-stock company, business trust, estate, association, or any organized group of individuals whether or not incorporated.

(19) "Sale," for purposes of Title III of this Act, shall be deemed to include leases and rental payments under leases.

(20) "Sales tax" means a tax imposed with respect to sales which is measured by the sales price of tangible personal property or services with respect thereto and which is required by State law to be stated separately from the sales price by the seller or which is customarily stated separately from the sales price.

(21) "State" means any State and the District of Columbia.

(22) "State law," "the laws of the State," and similar phrases in this Act shall be deemed to include a State constitution, the statutes and other legislative acts, judicial decisions, and the administrative regulations and rulings of a State and any political subdivision thereof.

(23) "Taxpayer" means any person subject to a tax under the applicable State law.

(24) "Taxable year," with respect to a corporation, means the calendar year, fiscal year, or other period upon the basis of which its taxable income is computed for purposes of the Federal income tax.

(25) "United States" includes only the States and the District of Columbia.

(26) "Use tax" means a nonrecurring tax, other than a sales tax, which is imposed on or with respect to the exercise or enjoyment of any right or power over tangible personal property incident to the ownership of such property or the leasing of such property from another person, including any consumption, keeping, retention, or other use of such property.

LOCATION OF PROPERTY AND EMPLOYEES

Sec. 102. (a) (1) Except as otherwise provided in this subsection, property shall be considered to be located in a State if it is physically present in such State.

(2) Personal property which is characteristically moving property, such as a motor vehicle, rolling stock, aircraft, vessel, or mobile equipment, shall be considered to be located in a State if the operation of the property is localized in such State or if the operation of the property is not localized in any State but the principal base of operations from which the property is regularly sent out is in such State. If the operation of the property is not localized in any State and there is no principal base of operations in any State from which the property is regularly sent out, such property shall not be considered to be located in any State for purposes of inclusion in either the numerator or the denominator of the property factor.

(b) An employee shall be considered to be located in a State if—

(1) the employee's service is performed entirely within the State;

(2) the employee's service is performed both within and without the State, but the service performed without the State is incidental to the employee's service within the State; or

(3) some of the employee's service is performed within the State and—

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled, is in the State; or

(B) the base of operations or the place from which the service is directed or controlled is not in any State in which some part of the service is performed, but the employee's residence is in the State.

An employee shall not be considered to be located in a State if his employer has no business location in such State and if his only business activities within such State on behalf of his employer consist exclusively of

(i) the solicitation of orders, for sales of tangible personal property, which orders are sent outside the State for approval or rejection and which (if approved) are filled by shipment or delivery from a point outside such State;

(ii) the solicitation of orders in the name of or for the benefit of a prospective customer of his employer, if orders by such customer to such employer to enable such customer to fill orders resulting from such solicitation are orders as described in paragraph (i) of this subsection; or

(iii) the installing or repairing of tangible personal property which is the subject of interstate sale by the employer, if such installing or repairing is incidental to the sale.

UNIFORM JURISDICTION STANDARD FOR TAXATION

Sec. 103. No State or political subdivision thereof may—

(a) impose a net income tax or a capital stock tax on any corporation unless such corporation maintains a business location therein during a substantial portion of the taxable year;

(b) impose a gross receipts tax with respect to any sale of tangible personal property unless the seller of such property maintains a business location therein;

(c) require any person to collect and remit a sales or use tax with respect to an interstate sale of tangible personal property unless such person—

(1) maintains a business location therein;

(2) regularly makes household deliveries therein other than deliveries by common carrier or the United States Postal Service; or

(3) regularly engages therein in soliciting orders to buy tangible personal property unless such solicitation of orders is carried on exclusively by direct mail or by advertising in newspapers or printed periodicals or on radio or television; or

(d) require any seller without a business location therein to collect or pay a sales or use tax when such seller has obtained in writing the buyer's registration number in accordance with section 304 of this Act.

An advance payment of a sales or use tax to a seller, as agent for a State, made by a purchaser of tangible personal property for resale shall not constitute a sales or use tax for purposes of this Act if credit for the advance payment is allowed in determining sales tax liability of the purchaser under statutory provisions in effect in any State prior to January 1, 1973. A State or political subdivision shall have power to impose a corporate net income tax or a capital stock tax, or a gross receipts tax with respect to a sale of tangible personal property or to require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property, subject to the limitations of section 306 of this Act, if it is not denied the power to do so under the Constitution of the United States or any Federal statute.

TITLE II—MAXIMUM INCOME OR CAPITAL ATTRIBUTABLE TO TAXING JURISDICTION

OPTIONAL THREE-FACTOR FORMULA

Sec. 201. A State or a political subdivision thereof may not impose on a corporation with a business location in more than one State a net income tax (or capital stock tax) measured by an amount of net income (or capital) in excess of the amount determined by multiplying the corporation's base by an apportionment fraction which is the average of the corporation's property, payroll, and sales factors for the State or political subdivision thereof for the taxable year plus, in the case of a tax measured by income, the amount of income allocable to the State or political subdivision thereof for the taxable year. For this purpose the base to which the apportionment fraction is applied shall be the corporation's apportionable income as defined in this Act for the taxable year (or its entire capital, reduced by investments in and advancements to subsidiary and affiliated corporations, as determined under State law for the valuation date at or after the close of that taxable year).

PROPERTY FACTOR

Sec. 202. (a) In General.—A corporation's property factor for any State is a fraction, the numerator of which is the average value of the corporation's real and tangible personal property owned and used or rented and used in that State and the denominator of which is the average value of all of the corporation's real and tangible personal property owned and used or rented and used during the taxable year and located within the United States.

(b) Standards for Valuing Property in Property Factor.—

(1) Owned Property.—Property owned by the corporation shall be valued at its original cost.

(2) Rented Property.—Property rented to the corporation shall be valued at eight times the net rents payable by the corporation during the taxable year. Net rent is the gross rent payable by the corporation less rent received by the corporation from subrentals.

(c) Averaging of Property Values.—The average value of the corporation's property shall be determined by averaging values at the beginning and ending of the taxable year; except that values shall be averaged on a semiannual, quarterly, or monthly basis if reasonably required to reflect properly the location of the corporation's property during the taxable year.

PAYROLL FACTOR

Sec. 203. (a) In General.—A corporation's payroll factor for any State is a fraction, the numerator of which is the amount of wages paid by the corporation to employees located in that State and the denominator of which is the total amount of wages paid by the corporation to all employees located within the United States during the taxable year.

(b) Payroll Included.—The corporation's payroll factor shall include all wages paid by the corporation during the taxable year to its employees, except that there shall be excluded from the factor any amount of wages paid to a retired employee.

(c) Definition of Wages.—The term "wages" means wages as defined for purposes of the Federal Unemployment Tax Act in section 3306(b) of the Internal Revenue Code of 1954.

SALES FACTOR

Sec. 204. (a) In General.—A corporation's sales factor for any State is a fraction, the numerator of which is the total sales of the taxpayer in the State during the taxable year and the denomination of which is the total sales of the taxpayer within the United States during the taxable year.

(b) Sales Included.—

(1) Sales of tangible personal property are in the State if such property is received in the State by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered as the place at which such property is received by the purchaser. Direct delivery in the State, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in the State and direct delivery outside the State to a person or firm designated by a purchaser does not constitute delivery to the purchaser in the State, regardless of where title passes or other conditions of sale.

(2) Sales, other than sales of tangible personal property, are in the State if—

(A) the income-producing activity is performed in the State, or

(B) the income-producing activity is performed both in and outside that State and a greater proportion of the income-producing activity is performed in that State than in any other State, based on costs of performance.

(3) Sales shall include receipts from the rental of tangible personal property, and such receipts shall be considered to be in the State in which the property is located.

ZERO DENOMINATORS

Sec. 205. If the denominator of any factor is zero, then the other factors shall be used as the apportionment fraction for each State and political subdivision. If the denominators of all factors are zero, then the apportionment fraction for the State where the corporation has its business location shall be 100 percent.

LOCAL TAXES

Sec. 206. The maximum percentage of net income (or capital) of a corporation attributable to a political subdivision for tax purposes shall be determined under this title in the same manner as though the political subdivision were a State; except that the denominators of the corporation's property, payroll, and sales factors shall be the denominators applicable to all States and political subdivisions. For this purpose the numerators of the corporation's property, payroll, and sales factors shall be determined by treating every reference to location in a State as a reference to location in the political subdivision.

APPORTIONABLE INCOME

Sec. 207. (a) Apportionable Income—Apportionable income means taxable income as determined under State law, except there shall be excluded—

(1) income from sources without the United States provided that all expenses, losses and other deductions are properly apportioned or allocated thereto in accordance with Section 862(b) of the Internal Revenue Code, and

(2) dividends.

However, dividend income shall be treated as apportionable income if the taxpayer's principal business activity is dealing in securities. No State shall, because of the exclusion of this section, make any offsetting adjustment of an otherwise allowable deduction. Apportionable income of a taxpayer shall not include or be measured by all or any part of the income of any other corporation except as provided in section 209 of this Act.

(b) Adjustment of Apportionment Factors—If apportionable income includes income derived from the sales of tangible personal property, the ultimate destination of which is outside the United States either the taxpayer or the State may adjust denominators of the factors described in sections 202 through 204 of this Act to include payrolls, sales, and property attributable to such sales.

ALLOCABLE INCOME—DIVIDENDS

Sec. 208. Dividends, other than dividends which constitute income from sources outside the United States, received from corporations in which the taxpayer owns less than 50 percent of the voting stock are allocable to the State of commercial domicile of such taxpayer. Dividends which constitute income from sources without the United States as defined by the Internal Revenue Code of 1954, as amended, and dividends received from corporations in which the taxpayer owns 50 percent or more of the voting stock shall not be allocable to any State.

CONSOLIDATED APPORTIONABLE INCOME

Sec. 209. (a) Consolidated Apportionable Income.—Except as provided by subsection (b) if either a State or a taxpayer establishes that a taxpayer has engaged in non-arm's-length transactions, as defined in section 507, which cause a material distortion of income apportioned to the State the State may require or the taxpayer may elect to determine apportionable income by reference to the consolidated apportionable income and apportionment factors of all parties to the non-arm's-length transactions. In no event shall this section be construed to alter the effect of the provisions of this Act relating to allocable income. For purposes of this Act, consolidated apportionable income is the sum of the apportionable income of all corporations consolidated with all intercorporate transactions eliminated.

(b) Adjustment of Income.—A State or political subdivision thereof may not require a corporation with a business location in the State or political subdivision to combine or consolidate, for the purpose of determining or measuring any tax, its gross receipts, income, capital, or net worth with the gross receipts, income, capital, or net worth of the following:

(1) a corporation which is incorporated outside the United States,

(2) any corporation, 50 percent or more of the ordinary gross income of which is excludable under section 207(a)(1) of this Act, or

(3) excluded corporations.

However, a State or political subdivision may, upon a specific finding, adjust the income of a corporation to correct any transaction with any other party consummated in the manner of a non-arm's-length transaction.

(c) Permitted Consolidated Income—Nothing contained herein shall prevent any State from permitting by statute or otherwise one or more affiliated companies as defined in section 508 to elect to file a return based on consolidated income.

TITLE III—SALES AND USE TAXES

REDUCTION OF MULTIPLE TAXATION

Sec. 301. (a) Location of Sales.—A State or political subdivision thereof may impose a sales or use tax or require a seller to collect a sales or use tax with respect to an interstate sale of tangible personal property only if the destination of the sale is—

(1) in that State, or

(2) in a contiguous State or political subdivision of a contiguous State for which the tax is required to be collected under reciprocal collection agreements.

(b) Credits For Prior Taxes.—The amount of any use tax imposed with respect to tangible personal property shall be reduced by the amount of any sales or use tax previously incurred and paid by a person with respect to the property on account of liability to another State or political subdivision thereof.

(c) Refund.—A person who pays a use tax imposed with respect to tangible personal property shall be entitled to a refund from the State or political subdivision thereof imposing the tax, up to the amount of the tax so paid, for any sales or use tax subsequently paid with respect to the same property on account of prior liability to another State or political subdivision thereof. For purposes of this subsection, the person seeking the refund from a State or political subdivision imposing the tax shall apply for the refund within one year from the date of payment of the sales or use tax to such other State or political subdivision.

(d) Limitation on Credit for Prior Taxes.—A credit or refund otherwise permitted under subsections (b) and (c) shall not be allowed with respect to taxes which are measured by periodic payments made under a lease to the extent that the taxes imposed by the other State or political subdivision thereof were also measured by periodic payments made under a lease for a period prior to the possession, storage, use, or other consumption of the property in the State or political subdivision thereof imposing the tax.

(e) Vehicles and Motor Fuels.—

(1) Vehicles.—Nothing in subsection (a) shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to vehicles that are registered in the State.

(2) Fuels.—Nothing in this section shall affect the power of a State or political subdivision thereof to impose or require the collection of a sales or use tax with respect to motor fuels consumed in the State.

EXEMPTIONS FOR HOUSEHOLD GOODS, INCLUDING VEHICLES, IN THE CASE OF PERSONS WHO ESTABLISH RESIDENCE

Sec. 302. No State or political subdivision thereof may impose a sales tax, use tax, or other nonrecurring tax measured by cost or value with respect to household goods, including motor vehicles, brought into the State by a person who establishes residence in that State if the goods were acquired and used by that person 90 days or more before use of the property in the State in which he establishes such residence.

TREATMENT OF TRANSPORTATION CHARGES WITH RESPECT TO INTERSTATE SALES

Sec. 303. Where the freight charges or other charges for transporting tangible personal property from the seller or supplier directly to the purchaser incidental to an interstate sale are separately stated in writing by the seller to the purchaser, to the extent that such charges do not exceed a reasonable charge for transportation by facilities of the seller or the charge for the transportation by the carrier when the transportation is by other than the seller's facilities, no State or political subdivision may include such charges in the measure of a sales or use tax imposed with respect to the sale or use of the property.

REGISTRATION PROCEDURE

Sec. 304. A person with a business location in a State and purchasing goods in interstate commerce must obtain a registration number from that State. Persons without a business location in the State may rely upon such registration, as evidenced by receiving the registration number from the buyer, in writing, as conclusive authority for not charging and collecting a sales or use tax.

LIABILITY OF SELLERS ON EXEMPT SALES

Sec. 305. No seller shall be liable for the collection or payment of a sales or use tax with respect to an interstate sale of tangible personal property if the purchaser of such property furnishes or has furnished to the seller a certificate or other written form of evidence indicating the basis for exemption, or the reason the seller is not required to pay or collect the tax. Any such certificate or writing shall give the name and address of the purchaser, his registration number, if any, and shall be signed by the purchaser or his representative.

LOCAL SALE, AND USE TAXES

Sec. 306. (a) Limitation of Seller Collection.—Notwithstanding the provisions of section 101(3)(C), no seller shall be required by a State or political subdivision thereof—

(1) to collect a sales or use tax of a political subdivision with respect to interstate sales, or

(2) to classify interstate sales for sales or use tax purposes according to geographic areas of the State in any manner,

except with respect to those interstate sales with destinations in political subdivisions in which the seller has a business location, or regularly makes deliveries other than by common carrier or United States Postal Service.

(b) Local Taxes Treated as State Taxes.—Notwithstanding the limitations in subsection (a), to the extent that State and any local sales and use taxes are imposed in all geographic areas of a State upon like transactions at the same combined State and local rate, are administered by the State, and are otherwise applied uniformly so that the seller is not required to classify interstate sales according to geographic areas of the State in any manner whatsoever, such sales or use taxes, whether imposed by the State or by political subdivisions, shall be treated as State taxes for the purposes of this Act.

TITLE IV—JURISDICTION OF FEDERAL COURTS

JUDICIAL REVIEW

Sec. 401. Notwithstanding section 1251(a) of title 28, United States Code, the United States Court of Claims shall have jurisdiction to review de novo any issues relating to a dispute arising under this Act or under Public Law 86–272, as amended. Within 90 days of the decision of a State administrative body from which the only appeal is to a court, any party to the determination may petition the Court of Claims for a review de novo of any such issues. The findings of fact by the State administrative body shall be considered with other evidence of the facts. The judgment of the Court of Claims shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code, as amended.

EFFECT OF FEDERAL DETERMINATION

Sec. 402. The determination of a dispute arising hereunder by the Court of Claims shall be binding for the taxable years involved on any State given notice or appearing as a party, notwithstanding any prior determinations of the courts or administrative bodies of that State completed after notice to that State. No statute of limitations shall bar the right of a State or a corporation to an amount of tax increased or decreased in accordance with the determination, provided action is begun within one year after the determination has become final.

TITLE V—MISCELLANEOUS PROVISIONS

PERMISSIBLE FRANCHISE TAXES

Sec. 525. The fact that a tax to which this Act applies is imposed by a State or political subdivision thereof in the form of a franchise, privilege, or license tax shall not prevent the imposition of the tax on a person engaged exclusively in interstate commerce within the State; but such a tax may be enforced against a person engaged exclusively in interstate commerce within the State solely as a revenue measure and not by ouster from the State or by criminal or other penalty for engaging in commerce within the State without permission from the State.

PROHIBITION AGAINST GEOGRAPHICAL DISCRIMINATION

Sec. 526. (a) In General.—No provisions of State law shall make any person liable for a greater amount of sales or use tax with respect to tangible personal property, by virtue of the location of any occurrence in a State outside the taxing State, than the amount of the tax for which such person would otherwise be liable if such occurrence were within the State. For purposes of this subsection, the term "occurrence" includes incorporation, qualification to do business, and the making of a tax payment, and includes an activity of the taxpayer or of a person (including an agency of a State or local government) receiving payments from or making payments to the taxpayer.

(b) Computation of Tax Liability Under Discriminatory Laws.—When any State law is in conflict with subsection (a), tax liability may be discharged in the manner which would be provided under State law if the occurrence in question were within the taxing State.

APPLICABILITY OF ACT

Sec. 527. Nothing in this Act shall be considered—

(1) to repeal Public Law 86–272, as amended, with respect to any person;

(2) to increase, decrease, or otherwise affect the power of any State or political subdivision to impose or assess a net income tax with respect to an excluded corporation;

(3) to give any State or political subdivision the power to impose a gross receipts tax with respect to a sale of tangible personal property if the seller would not be subject to the imposition of such a gross receipts tax without regard to the provisions of this Act; or

(4) to prevent a State or political subdivision from enacting legislation that would result in a lesser tax liability than that provided by this Act.

PROHIBITION AGAINST OUT-OF-STATE AUDIT CHARGES

Sec. 528. No charge may be imposed by a State or political subdivision thereof to cover any part of the cost of conducting outside that State an audit for a tax to which this Act applies including a net income tax imposed on an excluded corporation.

LIABILITY WITH RESPECT TO UNASSESSED TAXES

Sec. 529. (a) Periods Ending Prior to Enactment Date.—No State or political subdivision thereof shall have the power, after the date of the enactment of this Act, to assess against any person any tax for any period ending on or before such date in or for which that person became liable for such tax if during such period the State or political subdivision would not have had the power to assess such tax had the provisions of title I of this Act been in effect during such period.

(b) Certain Prior Assessments and Collections.—The provisions of subsection (a) shall not be construed—

(1) to invalidate the collection of a tax prior to the time assessment became barred under subsection (a), or

(2) to prohibit the collection of a tax at or after the time assessment became barred under subsection (a), if the tax was assessed prior to such time.

CAPITAL ACCOUNT TAXES ON DOMESTIC CORPORATIONS

Sec. 530. The State in which a corporation is incorporated may impose a capital account tax on the corporation without division of capital, notwithstanding the jurisdictional standard and limitation on attribution otherwise imposed by this Act.

EFFECTIVE DATES

Sec. 531. (a) Except as provided in section 529, this Act shall apply only with respect to taxable years beginning on or after one year from the date of the enactment of this Act.

(b) Section 306 of this Act shall be effective with respect to taxable periods beginning on or after July 1, 1978.

By Mr. BELLMON:

S. 1963. A bill to provide for legislative budget review by the General Accounting Office. Referred to the Committee on Government Operations.

Mr. BELLMON. Mr. President, I am today introducing a bill to provide for the creation of a budget review capability in the General Accounting Office. The purpose of this bill is to strengthen the effectiveness of the Congress in its efforts to control Federal spending and to make certain the programs which Congress authorizes and funds are carried forward as Congress intends.

Briefly, the bill does three things: First, it creates within the General Accounting Office a division of legislative budget review; second, this division is authorized to continuously review and analyze the operation of the agency in the use of its funds; and, third, the division's principal responsibility is to prepare an independent budget estimate with supporting facts for the use of the

Congressional Appropriations Committees and the full Congress.

Mr. President, the need for this new service arises because of the fact that at the present time the Appropriations Committees of Congress normally have access only to the information which the executive branch voluntarily brings forth. From time to time additional information is forthcoming from disenchanted elements of the executive branch, or from "leaks" developed by the news media.

Without full information regarding the operation of Government it is difficult for Congress to take an aggressive, constructive role in the appropriation process. The small staffs of the appropriations committees are able to make a limited contribution by relying upon their longtime experiences. Unfortunately, these staffs are so small that most of their time is occupied with administrative duties. They rarely have the time or opportunity to go into the field to gain firsthand information regarding the operations of Government.

The result of this paucity of information is that not only the Appropriations Committees but the entire Congress is virtually at the mercy of the executive branch so far as development of the Federal budget is concerned. Plainly, if the Congress intends to take an effective, meaningful role in the governmental process, we must begin by equipping ourselves to fully and intelligently control Federal spending. We cannot do this without creating an effective fact gathering organization inside the legislative branch.

Intelligent control is impossible unless and until the Congress has the full facts as to the needs of Government agencies, the effectiveness with which these agencies are using their resources, and the fidelity with which the agencies are carrying out the will of Congress. As a practical matter, it is probably impossible to adequately reinforce the Appropriations Committee staffs of the House and Senate so they can fully provide the service which the Congress needs.

In studying the matter, my conclusion is that Congress needs to reorient and strengthen the function of the General Accounting Office. At the present time, the GAO performs only an occasional and generally negative role by undertaking investigations upon request and generally for the purpose of ferreting out wrong doing. I believe that this narrow role overlooks a major contribution the GAO could and should make.

The purpose of this bill is to give the General Accounting Office a continuous and constructive responsibility for observing the operation of Government and bringing to the Congress an independently gathered set of facts against which we will be able to review the President's budget request.

Mr. President, Members of the Senate may be surprised, as I was, to learn of the small size of the Senate Appropriations staffs. Therefore, I ask unanimous consent that a list of the names of professional staff members along with a listing of their assignments be printed at the conclusion of my remarks. I believe it will become apparent to others, as it has to me, that it is totally impossible for a staff this small to deal effectively with the more than $258 billion budget which the Congress must consider this year.

It is a little less than ludicrous to assume that a staff of this size can ever go beneath the surface of the agency request. The appropriations responsibilities of Congress could be better administered if this staff and the members had access to an independent report on the budgetary need of the various agencies. As it is now, we get only one side of the matter: The side the agency wants us to have.

Mr. President, nothing in these remarks is in any way intended to be critical of the hard-working members of the Appropriations Committee nor of the dedicated efforts of this small but competent staff. Rather, my hope is to alert the Congress to the fact that as the size of the Federal budget has grown, we have been tardy in increasing the capacity of the Congress to deal with these huge sums of money and the complex governmental services which they support.

There is currently much interest in this body in seeing Congress reassert its once dominant role in the governmental process. I strongly support this development. Based upon my experience in government I have come to the conclusion that Congress can never effectively extend its influence over government operations until it regains control of the Federal bureaus. To capture this control and to exercise it responsibly and effectively will necessitate the gathering of accurate, complete, and objective information regarding the operation of all governmental agencies. That is the purpose of this bill.

Mr. President, the bill is short and I ask unanimous consent that it be printed in full in the Record.

There being no objection, the list and bill were ordered to be printed in the Record, as follows:

SENATE APPROPRIATIONS COMMITTEE MAJORITY PROFESSIONAL STAFF AND ASSIGNMENTS

Scott, Thomas J., Chief Clerk, Professional Staff, Legislative.

Calloway, James R., Professional Staff, Counsel.

Witeck, John M., Professional Staff, Transportation.

English, James H., Professional Staff, Transportation.

Rexroad, Vorley M., Professional Staff, Mil. Construction.

Jones, Proctor, Professional Staff, Public Works.

Miles, Dudley D., Professional Staff, Agriculture.

Hewitt, Francis S., Professional Staff, Defense.

Jordan, William H., Professional Staff, Foreign Operations.

McConnell, Guy G., Professional Staff, Defense.

McDonnell, Joseph T., Professional Staff, State-Justice-Commerce.

Merrick, Harold E., Professional Staff, State-Justice-Commerce.

Pujol, Maurice P., Professional Staff, HUD-Space-Science-Veterans.

Gonzales, Joseph E., Professional Staff, Treasury-Post Office.

Dirks, Harley M., Professional Staff, Labor-HEW.

Sauvain, Terrance E., Professional Staff, District of Columbia.

Dyer, Dwight E., Professional Staff, Interior.

Gunn, Thomas M., Professional Staff, Defense.

Smith, Arnold S., Professional Staff, Defense.

McGown, Neilson, Professional Staff, Editing and Printing.

SENATE APPROPRIATIONS COMMITTEE MINORITY PROFESSIONAL STAFF AND ASSIGNMENTS

Kennedy, William J., Professional Staff (Counsel), Foreign Operations and State-Justice-Commerce.

Bonner, Pete, Professional Staff, Defense-Mil. Construction.

Clark, Robert, Professional Staff, HUD-Space-Science-Veterans, Transportation, and District of Columbia.

Bond, James, Professional Staff, Public Works, Interior, and Agriculture.

Kane, Warren, Professional Staff, Labor-HEW, Legislative, and Treasury-Post Office.

S. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of this Act—

(1) "Executive agency" has the same meaning given that term by section 105 of title 5, United States Code; and

(2) "Budget means the Budget of the United States Government transmitted to Congress by the President under the Budget and Accounting Act, 1921.

Sec. 2. (a) There is established within the General Accounting Office a Division of Legislative Budget Review. The Division shall be headed by such individual as the Comptroller General of the United States may designate, and that individual shall be directly responsible to the Comptroller General.

(b) Within the Division there shall be a separate office for each Executive agency which shall—

(1) continuously observe and study the operation of the agency to determine the efficiency and effectiveness of the agency in the utilization of appropriated funds;

(2) review and analyze the budget estimates submitted by that agency for inclusion in the Budget and in supplemental and deficiency requests;

(3) review and analyze budget requests for that agency included in the Budget and in supplemental and deficiency budget requests submitted to Congress; and

(4) make its own present and future budget estimates with respect to that agency, based upon observations of the agency's operations, specifying the differences between its estimates and the estimates of that agency and those estimates and requests submitted to Congress with respect to that agency with the reasons for such differences;

(5) develop, establish and maintain an up-to-date inventory of executive branch fiscal, budgetary, and program related information; and

(6) review these agency operations on a continuing basis and determine whether the agency is satisfying Congressional intent and requirements.

(c) The Comptroller General shall transmit to Congress, as soon as practicable, each review, analysis, and estimate of each such office.

Sec. 3. (a) Substantially all of the personnel of an office for an Executive agency shall be located in the main office building of that agency. That Executive agency shall provide to the office such space within its main building as the Comptroller General considers appropriate to enable the office to carry out its duties under this Act.

(b) Each office for an Executive agency is authorized to request and obtain such information, with respect to such agency, from any Executive agency as the Comptroller General considers necessary to carry out the duties of that office under this Act. Any information so requested shall be provided by any such agency.

SEC. 4. An officer or employee in an office for an Executive agency shall not serve in that office for more than 36 consecutive months. Upon termination of service in that office, such officer or employee shall not be appointed, detailed, assigned, or otherwise made available to perform duties with respect to that same agency unless at least 6 years have elapsed since the date of such termination of service.

SEC. 5. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than 10 per centum of the funds utilized by the various agencies of the Executive Branch in the formulation, presentation, and justification of agency estimates within the various agencies and departments; presentation and justification to the Office of Management and Budget; and presentation and justification to Congress.

By Mr. TUNNEY (for himself and Mr. CRANSTON):

S. 1964. A bill to establish the Tijuana National Wildlife Refuge. Referred to the Committee on Commerce.

Mr. TUNNEY. Mr. President, I am pleased to introduce legislation which will establish a national wildlife refuge in the Tijuana estuary, a natural salt water marsh south of San Diego, Calif., in the southwesternmost corner of the continental United States.

In no way will the creation of this wildlife refuge interfere with our Governments' agreement to accept flood waters from the Mexican portion of the Tijuana River flood control channel. Nor will it dictate what type of system the United States should build to accept these waters. The decision as to what type of channel will best serve the area is presently under discussion by the San Diego City Council which will soon make specific recommendations.

Mr. President, this estuary is one of the finest salt water marshes remaining along the California coastline. Due to its size and its natural, open mouth to the Pacific Ocean, the Tijuana estuary is a valuable habitat for a large variety of birds, fish, invertebrates, and other wildlife, as well as a valuable natural attraction and scientific and educational asset to the San Diego community. The estuary is made increasingly more valuable by the fact that it is one of very few such natural habitats which are in a natural state, relatively untouched by the effects of man and his technology.

Large salt marshes such as the Tijuana estuary historically existed in all major bays, but few have not been destroyed or severely damaged by harbor construction and pollution. In San Diego Bay alone, 80 to 85 percent of the bay's tidelands have been bulkheaded or filled for industrial and commercial purposes. This situation is typical of southern California as a whole: While California's coastal wetlands and estuarine acreage is about 422,000 acres—less than half of 1 percent of the State's land area—only about 31,700 acres of this is in southern California. This figure is less than 25 percent of that which existed in 1900, and a large portion of that has been highly modified, resulting in greatly decreased fish, and wildlife values.

Such drastic alteration of estuarine environments ignores the fact that they rank with forests and rivers as vital natural resources, and outrank both in productivity and versatility: Estuaries are among the most naturally fertile and shared-use areas of the world. However, due to man's disinterest and misinformation, coastal wetlands have been largely ignored as a resource in need of protection, while development of all sorts continues, carving up and destroying the habitat.

While there is a vital need to preserve these natural habitats all along the coast, the Tijuana estuary is particularly deserving of governmental protection. As Sanford Wilbur, a wildlife biologist, stated in a Bureau of Sport Fisheries and Wildlife memorandum:

> I doubt there is a better place on the West Coast to use Land and Water Conservation Fund monies for habitat really essential to wildlife.

The area, abundant in plant life indigenous to a free-flowing salt water marsh, provides an excellent feeding ground and gathering place for all types of wildlife. The Tijuana River estuary and adjacent uplands are occupied seasonally or continually by at least 173 species of water fowl and other birds; 26 species of fish, and 42 species of large invertebrates such as clams, snails, crabs, and shrimp are known to live in the estuary, feeding on or dwelling within habitats created by 31 species of marsh plants. All this is made possible by the high quality of the marsh, a result of the rapid tidal flushing and relative absence of pollution. In addition, four species of birds known to inhabit the estuary and adjacent beach and uplands are on the official U.S. Fish and Wildlife list of endangered species: The California clapper rail, the brown pelican, the California least tern, and the American peregrine falcon. Four more species are listed as rare or endangered. The estuary is considered one of the most important lightfooted rail areas remaining.

Our duty to preserve this natural habitat is one we owe not only to the wildlife themselves, although that is a major responsibility in itself. The migratory shorebirds and water fowl, part of the Pacific flyway, are protected by international treaties, obligating us as a Nation to adequately protect these species. And this protection cannot be accomplished without preservation of the habitat on which they depend.

We also have a responsibility to the quality of human life when considering the role played by such natural environments. The tidal ebb and flow through the marsh carries algae and eel grass plants communities and plankton, which, as basic energy for a wide variety of fish and bird life, form the bottom of our food chain. The fish which swim into the estuary to feed are a link in the chain supporting the fish industry on which many depend for food and a livelihood. Even more important, perhaps, is the need we as humans have of such areas for more esthetic reasons. The Tijuana estuary is now used for a number of scientific and educational purposes, as an open air laboratory for scientists and school children alike. It also serves as an escape for those who seek out a place for walking, for sitting in solitude, or merely observing the natural world in a pleasurable surrounding, away from, although close to, the complex world they are a part of.

Our need of areas such as the Tijuana estuary certainly is not going to diminish as time passes. The San Diego South Bay area, like all urban areas, is becoming increasingly more urbanized and complex, with open space diminishing and natural environments disappearing under the high priority of land for industrial and residential development. Such a transformation of our environment is, we must recognize, irreversible, and this is particularly true of our coastal wetlands. It does not take much in the way of human interference to substantially alter—forever—the fragile ecosystem of an estuary. All along the coast, draining, diking, filling, and dredging of the coast line is continuing, as development is given top priority. It is time to reverse this trend, by protecting our resources from such thoughtless destruction.

The need for official protection of the Tijuana estuary has been recognized by all levels of Government. In Bureau of Sport Fisheries and Wildlife plans for a national coastal estuarine refuge complex, the Tijuana estuary is strongly recommended as an important element. The State of California Department of Fish and Game and the Department of Parks and Recreation are also strongly supportive of preservation of the natural habitat, and city of San Diego planners recently recommended protection of the estuary in the city plan. A Bureau of Sport Fisheries and Wildlife official stated it well:

> Time is running out for key estuarine habitats . . . and they need protection now.

We can take a step in this direction by taking rapid action on this legislation. The Tijuana estuary is a valuable resource, and it must be protected before irreversible damage is done.

Mr. President, I ask unanimous consent that the text of my bill may be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the preservation and enhancement of highly significant wildlife habitat in the area known as Tijuana Estuary in the State of California, for the protection of migratory waterfowl and other wildlife, including species known to be threatened with extinction, and to provide an opportunity for wildlife-oriented recreation and nature study within the open space so preserved, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized and directed to establish, as herein provided, a national wildlife refuge to be known as the Tijuana National Refuge (hereinafter referred to as the "refuge").

SEC. 2. There shall be included within the boundaries of the refuge those lands, marshes, and waters in the southwesternmost area of San Diego County generally depicted on the map entitled "Boundary Map, Proposed Tijuana Slough National Wildlife Refuge", dated June 1972, and which comprise approximately 1500 acres. Said boundary map shall be on file and available for public inspection in the offices of the Bureau of Sport Fisheries and Wildlife, Department of the Interior.

Sec. 3. (a) The Secretary shall establish the refuge by publication in the Federal Register at such times as he determines that lands, waters, and interests therein to constitute an efficiently administrable refuge have been acquired for administration in accordance with the purposes of this Act. The Secretary may from time to time make corrections in the boundaries of the refuge.

(b) The Secretary shall administer the refuge in accordance with the provisions of the Act entitled "An Act to provide for the conservation, protection, and propagation of native species of fish and wildlife, including migratory birds, that are threatened with extinction; to consolidate the authorities relating to the administration by the Secretary of the Interior of the national wildlife refuge system; and for other purposes", approved October 15, 1966 (16 U.S.C. 668dd et seq.), to the extent that such Act is not inconsistent with the operation of the Secretary may utilize such additional statutory authority as may be available to them for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate to carry out the purposes of this Act.

Sec. 4. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. ERVIN:

S. 1965. A bill to insure the separation of Federal powers and to protect the legislative function by abolishing the Subversive Activities Control Board. Referred to the Committee on the Judiciary.

Mr. ERVIN. Mr. President, at the end of the current fiscal year, on June 30, 1973, the Subversive Activities Control Board will cease to have funds with which to operate, since the 1974 Federal budget included no money for its use. For all practical purposes, the SACB has been abolished and it is now time to remove from the statute books the provision which authorizes its existence.

I introduce for appropriate reference a bill to be known as the "Subversive Activities Control Board Termination Act," which would amend section 12(i) of title I of the Internal Security Act of 1950 (64 Stat. 997 (1950); 50 U.S.C. 791(i).

On a number of other occasions, in hearings and on the floor of the Senate, I have made known my views concerning the SACB; therefore, I shall not burden you with a long repetition of them now. Suffice it to say that the Board continued to exist for years without serving any useful purpose. During the past 23 years it has cost the American taxpayers millions of dollars, and the only persons or institutions that have benefited from these expenditures of public funds have been the Board's members and employees who have continued to draw their salaries for doing virtually nothing. Furthermore, the very aims of the SACB long since have become repugnant to all men who cherish freedom of thought, speech, and association, and the Supreme Court has declared unconstitutional the actions the Board did undertake.

At long last the Congress saw the wisdom of putting an end to this waste, and thus provided it no appropriation for fiscal year 1974. Now it is time to remove this superfluity from the statute books. The SACB must be laid to rest.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Subversive Activities Control Board Termination Act.

Sec. 2. Section 12 (i) of the Subversive Activities Control Act (50 U.S.C. 791 (i)) is amended to read as follows:

"(i) The Board shall cease to exist, and all proceedings before the Board shall abate, on the date of enactment of the Subversive Activities Control Board Termination Act."

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 1967. A bill to amend title V of the Housing Act of 1949 to expressly authorize the collection of taxes and insurance from rural housing borrowers, to authorize fees and charges to be available for administrative expenses, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and Senator Tower a bill to amend title V of the Housing Act of 1949 to expressly authorize the collection of taxes and insurance from rural housing borrowers, to authorize fees and charges to be available for administrative expenses, and for other purposes.

The bill was recommended to the Congress by the Department of Agriculture. I ask unanimous consent that the letter from the Department of Agriculture transmitting the measure be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., March 19, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed are proposed amendments to Title V of the Housing Act of 1949, as amended, to update and clarify: (a) the authority of the Farmers Home Administration to collect prepayments of property taxes and insurance from borrowers, (b) the timing of payments to purchasers of insured notes; and (c) the Congressional intent relating to the assessment and use of fees on rural housing loans paid by applicants and borrowers.

The increased volume of loans for the past ten years has made the property tax and property insurance servicing a time-consuming job for county office personnel. Specifically, a survey showed that the servicing of property insurance required about seven hours per week in each of the 1,751 county offices, or a total of 667,131 hours at a cost to the Government of approximately $2.8 million. This is time that could be better utilized in loan making and supervision of borrowers.

The proposed amendment would specifically authorize FHA to make monthly collections of property taxes and insurance premiums on rural housing loans along with the regular monthly payments on the loan. It would authorize FHA also to pay amounts to which the holder of a note is entitled in accordance with the insurance or sales agreement without reference to the payment terms of the insured note.

The adoption of monthly instead of annual installments on notes and the prepayment of taxes and insurance will permit us to automate or contract loan servicing and thus simplify the work of the county supervisor in the servicing of accounts and release the time now devoted to tax and property insurance servicing for loan making and supervision of borrowers.

The Housing Act authorizes the Secretary to establish installments of principal and interest in accordance with schedules and repayment plans he deems advisable. Since most of the rural housing loans are made to rural residents who are not farming, we find it advisable to prepare notes in those cases with monthly installments to better protect the interests of the Government.

In an audit of the housing programs of the Farmers Home Administration, Audit Report No. B–114873, dated January 23, 1970, the General Accounting Office recommended that Farmers Home Administration assess fees under its rural housing program to bring its practices in line with those of the Federal Housing Administration. The GAO recommendation for user fees has appeal because it would shift part of the cost of administration from direct appropriations to user fee funding; and it would be self-regulating, since income from fees and interest service charges would rise or fall in direct proportion to changes in program volume. The proposed amendment to Title V of the Housing Act of 1949 would update and clarify the Congressional intent relating to the assessment of fees on rural housing loans. We recommend further that income from fees be credited to the rural housing fund and be available for use in administering the program.

Section 102(2) (c) of P.L. 91–190 does not apply to this legislation; therefore an environmental statement is not enclosed.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's objectives.

Sincerely,

J. Phil Campbell,
Under Secretary.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 1968. A bill to amend title V of the Housing Act of 1949 to transfer certain farm labor housing and rural rental housing loans and related liabilities from the agricultural credit insurance fund to the rural housing insurance fund, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, I introduce for myself and Senator Tower a bill to amend title V of the Housing Act of 1949 to transfer certain farm labor housing and rural rental housing loans and related liabilities from the agricultural credit insurance fund to the rural housing insurance fund, and for other purposes.

The bill was recommended to the Congress by the Department of Agriculture. I ask unanimous consent that the letter from the Department of Agriculture transmitting the measure be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of Agriculture,
Washington, D.C., March 23, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed is a proposed amendment to Title V of the Housing Act of 1949, as amended, which would amend section 517(b) of the Housing Act of 1949 to transfer from the Agricultural Credit Insurance Fund to the Rural Housing Insurance Fund the assets, rights, and liabilities of the Government with respect to those few farm labor housing loans and rural rental housing loans that were insured through the Agricultural Credit Insurance Fund prior to the establishment of the Rural Housing Insurance Fund in 1965.

As of June 30, 1972, the loans in question had aggregate principal balances of approximately $3.1 million divided evenly between labor housing and rental housing. The purpose of the transfer is to simplify administration of the Rural Housing Insurance Fund by making all insured Title V loans uniformly subject to the loan insurance provisions of Title V of the Housing Act of 1949. At present all information and certain other issuances covering Title V insured housing loans must deal with labor and rental housing loans in question as special exceptions. If any notes in the Agricultural Credit Insurance Fund are transferred, the Fund would be reimbursed for the unpaid principal of such notes plus accrued interest.

Section 102(2) of Public Law 91–190 does not apply to this legislation. Therefore, an environmental statement is not enclosed.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. Phil Campbell,
Under Secretary.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 176

At the request of Mr. Hartke, the Senator from South Dakota (Mr. McGovern), was added as a cosponsor of S. 176, a bill to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I.

S. 268

At the request of Mr. Jackson, the Senator from Nevada (Mr. Bible) was added as a cosponsor of S. 268, the Land Use Policy and Planning Assistance Act of 1973.

S. 351

At the request of Mr. McGee, the Senator from Maine (Mr. Hathaway), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 351, to provide for improved labor-management relations in the Federal service, and for other purposes.

S. 1125

At the request of Mr. Hughes, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 1125, to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism.

S. 1192

At the request of Mr. Cook, the Senator from Illinois (Mr. Percy), the Senator from Montana (Mr. Metcalf), and the Senator from New Mexico (Mr. Domenici) were added as cosponsors of S. 1192, the Federal Amateur Sports Act of 1973.

S. 1293

At the request of Mr. Brooke, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1293, to create a National Historic Records Commission.

S. 1637

At the request of Mr. Bayh, the Senator from New Jersey (Mr. Case) was added as a cosponsor of S. 1637, to discourage the use of painful devices in the trapping of animals and birds.

S. 1687

At the request of Mr. Proxmire, the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Massachusetts (Mr. Kennedy), the Senator from Alaska (Mr. Gravel), the Senator from Minnesota (Mr. Mondale), the Senator from South Dakota (Mr. Abourezk), the Senator from West Virginia (Mr. Randolph), the Senator from Minnesota (Mr. Humphrey), the Senator from Rhode Island (Mr. Pell), and the Senator from California (Mr. Tunney) were added as cosponsors of S. 1687, a bill to repeal the act terminating Federal supervision over the property and members of the Menominee Indian Tribe of Wisconsin as a federally recognized, sovereign tribe.

S. 1835

At the request of Mr. Hartke, the Senator from South Dakota, (Mr. McGovern) was added as a cosponsor of S. 1835, a bill to amend title 38, United States Code, to increase the maximum amount of servicemen's group life insurance to $20,000 to provide full-time coverage thereunder for certain members of the Reserves and National Guard, to authorize the conversion of such insurance to veterans' group life insurance, and for other purposes.

S. 1914

THE RIGHT TO KNOW

Mr. PERCY. Mr. President, as we consider S. 1914, to establish a Board for International Broadcasting and to provide for continued assistance to Radio Free Europe and Radio Liberty, I call the attention of my colleagues to the excellent report of the Presidential Study Commission on International Radio Broadcasting, chaired by a distinguished public figure, Dr. Milton Eisenhower.

The Commission supports the principle that "peace is more secure in well-informed societies and that uninformed societies may more easily be manipulated in directions threatening world peace."

The section of the Study Commission's report which I ask unanimous consent to be printed in the Record today discusses the role which the radios have played and can play in the improving relations between East and West. The section is entitled "The Special Role of Radio Free Europe and Radio Liberty," which, without objection, I submit for the Record at this point.

I also ask unanimous consent that Senators Stevenson, McIntyre, McGee, Cook, and Griffin be added as additional cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Special Role of Radio Free Europe and Radio Liberty

The corporate entity under which Radio Free Europe operates is "Free Europe, Inc," incorporated under the laws of the state of New York as a private, non-profit organization.

Radio Liberty is incorporated as "Radio Liberty Committee" under the laws of the the state of Delaware as a private, non-profit corporation.

Radio Free Europe broadcasts from its studios in Munich, Federal Republic of Germany, via transmitters in Germany and Portugal to Poland, Czechoslovakia, Romania, Hungary, and Bulgaria in six languages (including Czech and Slovak). Radio Free Europe has a license agreement with the Federal Republic of Germany, and broadcasts from Portugal are transmitted by a local corporation, RARET, which is licensed by the Portuguese Government.

Radio Liberty broadcasts to the Soviet Union. It has its primary studios in Munich and transmitters in Germany, Spain, and Taiwan. Radio Liberty, like Radio Free Europe, is licensed by the host governments.

More than half of Radio Liberty's broadcasts are in Russian, which is spoken by the majority of the Soviet Union's population. In addition to Russian, Radio Liberty broadcasts in 17 other languages spoken in the Soviet Union by significant non-Russia ethnic groups. Each such broadcast is tailored to the special problems of its audience. (The latest Soviet census indicates that almost half of the population is ethnically non-Russian. The overwhelming majority of these peoples speak their own tongue in preference to Russian as their first language.)

RL and RFE devote major attention to Soviet and East European domestic affairs, providing listeners with news withheld or distorted by their own media and at the same time presenting documented analytical interpretations to help listeners better understand developments and trends within their country.

Both RFE and RL have developed special knowledge and capabilities. A trained staff of specialists from each area to which the stations broadcast reads most of its nation's important newspapers, magazines, and specialized publications (including provincial, regional, and national materials). It monitors international and international broadcasts and reads many of the books published, whether fiction, non-fication or science. RFE and RL subscribe to most major Western wire services and also utilize those of the communist regimes. They have news bureaus in the major European capitals, at the United Nations and elsewhere in the United States. These sources have been utilized by formidable research organizations that enable RFE and RL to provide their listeners (and concerned scholars) with full and objective information on a wide range of subjects.

The particular attractiveness of the stations to their listeners is the fact that they are not considered official "spokesmen" for government. Rather, they are thought of as independent and more credible media. For example, RFE's Polish-langauge transmissions are known in Poland as "Warsaw Four."

("Warsaw One", "Warsaw Two", and "Warsaw Three" are Polish Government stations.) Reliance on RFE as a source of news was particularly demonstrated at such times as the August 1968 Soviet invasion of Czechoslovakia and the December 1970 Polish workers' uprising on the Baltic coast.

RL's approach is conditioned by the huge area and diversity of the population of the Soviet Union. It is essentially "selective," based on a number of assumptions in regard to maximum broadcast effectiveness. RL tailors broadcasts specifically to the interests of students, scientists, technicians, intelligentsia, artists, middle levels of the bureaucracy, and professionals. Echoing the guarantees of the Soviet constitution, RL emphasizes the rights of all nationalities in the USSR to full information, without attempting to influence the future political status of any group.

RFE, for reasons explained later in this report, is able to maintain more intimate knowledge of listening conditions in its area. There is also less jamming of its broadcasts. These considerations permit a broader mass appeal than RL finds possible. However, RFE too addresses itself to specific audiences such as youth and the intelligentsia.

RL, by careful monitoring of domestic radio transmissions, and by screening of limited-circulation and non-Russian Soviet publications, is frequently in a position to cross-report news available in one part of the Soviet Union but withheld elsewhere. RL and RFE engage in similar cross-reporting among other communist countries as another means of filling the information gap. Listeners in Poland can thus learn what Radio Bucharest is saying about matters that may have been discreetly overlooked by Radio Warsaw.

Both stations also specialize in programs which provide their listeners with information on developments in communist parties such as the Italian, French, and Swedish, which operate outside the Soviet sphere. Information on Yugoslav internal and foreign policy developments is also regularly presented. Such broadcasts, often containing criticisms by communists of Soviet and East European internal affairs, are particularly effective, coming as they do from "fraternal" rather than "capitalist-imperialist" sources.

Because of their concentration on internal events, their broadcast patterns, and their extensive research, Radio Free Europe and Radio Liberty exercise a function in communicating with East Europeans that official broadcasters do not undertake.

RFE does not broadcast to East Germany, since this has been done effectively since the end of World War II by RIAS. RIAS (Radio in the American Sector) first began broadcasting in 1946 to provide an independent, Western-oriented voice to the people of Berlin and to offset the tendentious broadcasts emanating from radio facilities controlled by Soviet occupation forces. The role of RIAS expanded as various periods of crisis and tension threatened the viability of Berlin, and as parts of the city and East Germany were ever more forcefully sealed from the West. The station eventually became a major noncommunist source of information for the 17 million people in East Germany. It has helped to explain and interpret the United States and its policies to the people of East Germany.

The United States Government and the Government of the Federal Republic of Germany still consider this role crucial in the development of improved East-West relations. The Federal Republic continues to confirm its strong support for RIAS by providing substantial material contributions, such as facilities, equipment, communications lines, and subsidies to music ensembles.

The situation and circumstances of RIAS are of a very special nature. Besides serving as our only communications link with the people of East Germany and being an integral part of the life of Berlin, RIAS has a symbolic significance. It serves as solid evidence of the United States Government's continuing concern for Berlin. The role of RIAS has been publicly supported by all former and present Chancellors of the Federal Republic and Mayors of Berlin.

POLICY SAFEGUARDS

The correct tone is just as important for maximum effectiveness of RFE and RL as the truthful content of their broadcasts. Therefore, the stations follow a number of self-imposed rules which restrain them from inflammatory, strident, or belligerent language, blatant propaganda, rumor and scandal mongering, and petty attacks on the personal lives of the listener countries' leadership. Incitement to revolt or violence is completely off limits. The stations do, however, condemn specific instances of the violation of human rights.

The stations are run by American management both in New York and in Munich. The executives of the stations as well as the members of their boards are Americans of the highest professional competence and standing. The stations regularly receive background information from the Department of State.

In the daily management of their affairs, RFE and RL in Munich rely heavily on the professional integrity of their staffs. Their policy control mechanisms are different because of differences in audience areas, organizational structure, and program patterns. RFE generally uses post-audit analysis whereas RL makes substantial pre-checks of its transmissions. In crisis situations programs at both stations are vigorously pre-audited.

We have examined the editorial policy controls established by both radios and find them to be consonant with the objectives of improved relations between East and West. We have extensively reviewed program scripts selected by the Commission on the basis of dates, events, and also of random choice. In addition, the Commission's staff conducted a broader review of scripts. Despite occasional aberrations from policy guidelines, we are satisfied that both radios have established procedures for review, evaluation, and consultation with program scrip writers to insure compliance with basic editorial policy. (See Appendix E for RFE and RL internal policy guidelines.)

The governments of the countries to which they broadcast have, of course, accused them of distortions and provocations. The Commission believes that such accusations are almost entirely unwarranted. That communist governments are super-sensitive goes without saying—otherwise they would let their citizens have free access to the news, and RFE and RL would indeed be superfluous.

The task of the stations is to provide that which is not available in the media of the countries to which they broadcast—full and honest information, interpretation, and analysis. Thus, the stations should continue to serve as a surrogate free press under the policy guidelines appended to this report.

SAMIZDAT

An important new phenomenon significantly affecting the role of Radio Liberty is *samizdat*. *Samizdat*, literally "self-publishing," means the circulation of manuscripts in typescript by individuals to avoid official censorship in the Soviet Union. *Samizdat* may range from a full book to an open letter. It has become the most effective expression of dissent in the Soviet Union. Radio Liberty has the largest collection of *samizdat* in the West. As part of Radio Liberty's effort to keep Soviet citizens informed about what is being done and said in their own country which goes unreported in the official media, Radio Liberty devotes an average of 25 percent of its Russian and other language feature programming to readings or discussions of these indigenous Soviet works. In addition, RFE uses relevant *samizdat* material in its transmissions.

Although many of the documents of *samizdat* reaching the West come from a small group of activists fighting for human rights, writers of *samizdat* are by no means in agreement on points of view or possible solutions to problems.

Following are some examples of the wide variety of *samizdat* materials have been regularly broadcast recently:

Aleksandr Solzhenitsyn's novels and unpublished works of other literary figures.

Letters and petitions of Jews wishing to emigrate.

Letters and petitions as well as actual prayer books and newsletters of Baptists.

Protests of Lithuanian Catholics against persecution.

Protest letters from relatives and friends concerning political dissenters placed in prison or mental hospitals without trial or medical cause.

Essays, petitions, and letters of protest written by members of the Soviet "Committee on Human Rights," founded in 1970 by a group of scientists headed by Andrei Sakharov, the Soviet physicist known as the "father of the Soviet H-bomb."

Samizdat circulated in collections as periodicals, letters, and essays on scientific and social problems.

In introducing *samizdat* broadcasts, Radio Liberty makes it clear that the opinions expressed do not necessarily represent those of the station. Radio Liberty serves merely as an "echo chamber," beaming texts back to the Soviet Union, often into tape recorders (popularly known as "magizdat" or tape-publishing), from which many transcripts are typed and reproduced.

At the present time Radio Liberty has a collection of approximately 2,000 *samizdat* documents. New documents come in every week. In the past year an archive has been created in the Central Research Department of Radio Liberty in Munich. Radio Liberty considers its collection in the public domain and seeks to make the materials broadly available to the world academic community.

EVOLUTION OF RFE AND RL

RFE went on the air in July 1950 as a division of the National Committee for a Free Europe, which had been founded a year earlier at the height of the Cold War in the wake of the Berlin Blockade and the communist seizure of power in Czechoslovakia.

From its "Cold War" beginning, RFE has evolved into a "home service" broadcaster. Though the first changes in this direction can be traced to the period before the Hungarian uprising in 1956, that event—in which RFE's role was severely criticized—marked a turning point for the station. Thereafter, RFE saw its role increasingly as comparable to a free press working from outside, not to overthrow the communist system but to spread truthful information which could help bring about peaceful improvements in internal and international relations.

What is now called Radio Liberty was initiated organizationally with the incorporation of the "American Committee for Freedom of the Peoples of the USSR, Inc.," on January 18, 1951. One of the purposes of this committee was to sponsor shortwave broadcasts to the USSR by former Soviet citizens living in the West. Broadcasts of "Radio Liberation" began two years later, on March 1, 1953, just a few days before Stalin's death. The name was changed to Radio Liberty in December 1963. The name change is just one indication of the policy evolution at Radio Liberty, too, over the years.

DÉTENTE AND THE CONTINUING NEED FOR RFE AND RL

It has been argued that recent improvements in relations between the Soviet Union and the United States of America dictate termination of Radio Free Europe and Radio Liberty. Why continue an alleged irritant when things seem to be getting better? Why continue programs that were started in the Cold War period now that the Cold War is seemingly being replaced by serious efforts to increase detente?

The Commission is satisfied that the two radio operations have adjusted progressively to meet the requirements of changing times, that they do not operate to keep alive Cold War animosities, and that they can contribute to detente by adding to knowledge and understanding.

But the road to detente is a two-way street. A most important consideration for the future role of RFE and RL is the fact that Soviet and East European leaders and media have made it clear, even after the thaw in East-West relations began, that the principles of coexistence do not "offer possibilities of relaxing the ideological struggle." "On the contrary," Party leader Leonid Brezhnev stated at the time of Castro's visit to Moscow on June 27, 1972,

". . . we must be ready to see the (ideological) struggle intensify, become an ever sharper form of antagonism of two social systems. And we have no doubt in the outcome of this antagonism, for the truth of history, the objective laws of social development are on our side."

In reporting to Congress in June 1972, after his visit to the Soviet Union, President Nixon confirmed that the attitude of the Soviet leaders in this respect had not changed:

". . . We must remember that Soviet ideology still proclaims hostility to some of America's most basic values. The Soviet leaders remain committed to that ideology. Like the nation they lead, they are and will continue to be totally dedicated competitors of the United States."

Whether we like it or not, therefore, we must recognize that detente in relations with the outside world is for the communist governments by no means congruent with relaxation of restrictions, censorship, and all the other inhibitions which impede the right of their own people to be informed. We see this in the Soviet Union itself and typically in Romania, which pursues a fairly independent foreign policy but continues its restrictive policies inside its borders. In Poland, jamming has been reinstituted. It has continued in Czechoslovakia and Bulgaria. In recent debates in the United Nations General Assembly and UNESCO, the USSR has advocated the strictest censorship over international television by satellite.

Despite such developments, the Commission, after careful study, believes that the broadcasts of RFE and RL in recent years have not deterred but rather have contributed to the search for long-term detente that we witness today.

First of all, it is a fact that the recent improvement in East-West government relations has taken place while these stations were operating and some communist governments were denouncing them bitterly. Furthermore, the Soviet Union apparently does not think its own international broadcasts have a damaging effect. After all, it devotes a major effort—as described in Section II of this report—to the conduct of what it continues to call its "ideological struggle against imperialism." The West has not objected and should not object in view of its acceptance of the principle of the free flow of information.

The Commission believes that peace is more secure in well informed societies and that uninformed societies may more easily be manipulated in directions threatening world peace. Access to information is necessary to East European societies in order that citizens there may form sound and responsible judgments about their own and world affairs.

The two radios, by providing a flow of free information and interpretation, have enabled the peoples to whom they broadcast to remain informed and to judge for themselves which policies may contribute to social change and genuine improvement of peaceful relations.

These stations are dedicated to providing full information to peoples who otherwise would be deprived of it. They have informed their audiences of developments and conditions in the world outside. They have conducted extensive research to provide these peoples with news and authoritative interpretations of events within their own countries which otherwise they would not have received. Ample testimony supports the claim that RFE and RL are regarded by many of their listeners as "our radio."

In the post-Stalin period, East European party leaders, while seeking to maintain their control, sometimes by means of coercion, have been obliged increasingly to take popular "pressures" into consideration. They can no longer manufacture history to suit their needs. Brezhnev, for instance, felt it necessary to justify the invasion of Czechoslovakia; Stalin, in contrast, never felt compelled to explain or justify anything—he operated in an air-tight public opinion vacuum.

The Commission, therefore, is confident that the radios, by providing information and interpretation, will continue to be of help in future negotiations and cooperation between the Soviet Union and the United States in such areas as strategic arms limitation, trade, European security, and environmental protection.

The Commission has also addressed itself to the question of how long RFE and RL must or should continue. It is our judgment that until the Soviet Union and East European countries change their attitudes and permit a free flow of truthful information, it is in the interests of the United States for the stations to continue. It may be envisioned that one or the other of the RFE audience countries will progress in its "relaxation" policy to such a degree as to permit discontinuation of broadcasts in that country's language. Such a change in the Soviet Union is probably more remote. The Commission feels that plans for the stations should be of a long-range nature, and the recommendations in the following sections are made on that basis. However, the Executive Branch and the Congress must remain alert to changes within the countries to which the stations broadcast and review the situation at regular intervals.

EFFECTIVENESS

Evaluating listenership and reactions is, of course, most difficult in the "muffled zones," but the stations attempt to evaluate their impact. RFE's task in this respect is considerably easier than is RL's.

In summary, RFE's surveys of East European listening habits show a listenership (one or more times a month) of more than 30 million people, which represents 50 percent of the over-14 population of the five audience areas. Surveys indicate that daily listenership is substantial; in Poland on an average day 38 percent of the RFE listenership can be expected to tune in; in Hungary, 43 percent; in Romania, 59 percent. There is evidence that in times of crisis listenership increases sharply.

RFE's opinion-sampling methods have been examined and endorsed by outside specialists in the field. For example, one report—by Oliver Quayle and Company in October 1970—said in part:

"RFE management can take pride and place confidence in this phase of operation. . . . Opinion research procedures at Radio Free Europe are sound."

The methods and validity of RFE's audience research were also favorably commented upon in the Library of Congress' Congressional Research Service Report of March 22, 1972. The study concluded that the "weight of the evidence is that RFE has a substantial and growing popular audience in the five East European countries."

Radio Liberty faces a more difficult task in evaluating the impact of its broadcasts. Soviet citizens travel abroad much less than other East Europeans. They are also more likely to be watched when they are abroad, and they are more averse to interviews than East Europeans. Despite these limitations, however, Radio Liberty is still able to conduct audience surveys of some value.

The Congressional Research Service, which employed a specialist in audience analysis, endorsed the view that available evidence of mail, refugees, defectors, recent emigres to the West, and the "negative" indicators of continuous jamming and regime attacks testify to the impact of Radio Liberty. Furthermore, since the report of the Congressional Research Service was prepared, Radio Liberty has initiated more extensive and more sophisticated evalaution procedures.

Reports from Soviet and East European visitors to the West who are or have been in a position to know attest that RFE and RL are monitored in each country and transcripts are circulated daily or weekly in high party and government circles. These reports are confirmed by frequent verbatim references in Eastern media. In two speeches, for example, Czechoslovakia Party leader Gustav Husak has referred to "reading" monitorings of RFE, while former Polish Party leader Gomulka is reported by his former private secretary to have been a regular reader. Moreover, Gomulka once knowledgeably discussed a broadcast by the RFE Polish chief with a leading West German journalist.

SAMPLES OF EFFECTIVENESS

The listenership and impact of the two stations can be supported by many examples. We have selected some examples of effective programming from hundreds that could be cited.

The Soviet mass media have constantly reported all economic and military aid given by the United States to Israel but have not informed the people of the massive help given by the USSR to the Arab nations, especially Egypt. Hence, when the Soviet government has accused the United States of being "Zionist" and the "imperialistic power in the Middle East," many have believed the propaganda. Radio Liberty has given all the facts. Its analyses, based on careful research, have shown the vastness of the Soviet commitment of resources to the Arab states at a time when these resources are badly needed at home and have shown that this aid was not contributing to a peaceful solution of the Arab-Israeli conflict. Broadcasts on this topic have been of particular interest to the Soviet Moslem populations, for most of whom Radio Liberty represents the only non-communist source of information in their native languages. Among them and other Soviet citizens RL's broadcasts gave a realistic basis for understanding the Arab-Israeli conflict and eased the way for the shock of the Egyptian ouster of Soviet troops and advisers in the summer of 1972.

When President Sadat announced the expansion of the Soviet military on July 18, 1972, Soviet and East European media delayed an average of 24 hours in reporting the story. The controlled media had to wait for the development of an official policy toward the event even though it had already made headlines in the non-communist world. When the controlled press reports finally did appear, they claimed that the

Soviet military contingent had "completed its functions" and that the USSR and Egypt had agreed it was "expedient to bring back to the Soviet Union the military personnel who had been sent to Egypt for a limited period." The long stony silence of the communist media gave Radio Liberty and Radio Free Europe the opportunity to fill the information gap in a situation of international importance. Hence domestic media had to broadcast the news, depriving the Soviet government of the opportunity to take decisions undisturbed by general public knowledge.

One of the most effective programs of Radio Liberty and Radio Free Europe in the last few years has been the broadcasting of criticisms by Western communist parties, particularly by the large Italian and French parties. Such criticisms have special impact, coming as they do from what the communists call "fraternal" organizations. In September 1971, Mario Dido, an official of Italy's major communist-dominated labor federation, led a delegation of trade unionists on a visit to the new Soviet automobile factory at Togliattigrad, a factory built by the Italian Fiat company. (The city was named after the late leader of the Italian Communist Party, Mario Togliatti.) On his return, Dido, a Marxist-socialist, in the Italian weekly magazine *L'Expresso,* expressed highly critical views of Soviet methods of dealing with workers and Soviet trade unionism in general. Radio Liberty gave extensive coverage to Dido's observations, emphasizing the communist source of the criticism. Said Dido: "Whereas in Italy unions struggle against management in order to humanize work conditions, in the USSR the unions were working to enforce the capitalist methods without regard for the workers' interest." He stressed the lack of basic rights by Soviet workers and declared: ". . . In the Soviet Union, the fatherland of Socialism, the workers cannot express their point of view." Radio Free Europe pointed out that Dido's observations applied not only to the USSR but to the Eastern communist countries as well.

A classic example of why Radio Free Europe and Radio Liberty have a large listenership occurred during the "Prague Spring" of 1968. The removal of Stalin-type communist leader Antonin Novotny and his replacement by the more liberal Alexander Dubcek brought about a sudden and unexpected experimentation with genuinely free media in a country which had not experienced a free press for twenty years. In those twenty years, Radio Free Europe had become the main source of uncensored "home" news. It is significant that during this shortlived Dubcek period listening to Radio Free Europe declined steadily in Czechoslovakia, from approximately 60 percent at the beginning of 1968, before information controls had been lifted, to an estimated 37 percent of the politically aware population in the early summer period when domestic media became substantially free. But with the Soviet occupation of Czechoslovakia and the reimposition of rigid information controls, an immediate upsurge in the listening to RFE occurred.

Radio Liberty has devoted numerous programs to petitions, letters of protest, and appeals by individuals and groups of Russian Jews demanding the right to emigrate to Israel. By broadcasting such documents and reporting the revulsion of American and Western public opinion against the new exit tax, Radio Liberty provided encouragement to the aspirations of Jews inside the Soviet Union. The story of the Soviet education exit tax shows how Radio Liberty has filled the information gap on a question of vital interest to a certain segment of its listeners and may have played a role in bringing about greater official Soviet attention to the rights which the education tax violated. Soviet media never directly mentioned the enactment of the education tax law of August 3, 1972, by the U.S.S.R. Supreme Soviet Presidium until January 1973, although it leaked the fact of the law and its provisions to Western correspondents. Many Jews in the USSR and in the West believe that Radio Liberty, by spreading knowledge of protests and dissent, has been instrumental in protecting the people involved from the persecution to which they might otherwise have been exposed. One example: Isai Averbukh and his wife, Jewish activists, after many efforts, managed to reach Israel in early 1972. In Israel, Mr. Averbukh reported that in October 1971 he signed a petition defending another activist dissenter. The next morning on Radio Liberty he heard the text of the petition and the names of the signatories. He recalled how elated he felt that their action thus became known and said, "They (the Soviet police) can arrest us now, but our testimony will stand in history."

A striking example of a communist media "omission" and subsequent RFE "rectification" occurred in May 1972 after official discussions in Warsaw aimed at encouraging scientific exchanges. On that occasion, the U.S. Academy of Sciences offered a generous gift to the Polish government to build an astronomical research center in Warsaw to honor the 500th anniversary of the birth of the famous Polish astronomer, Copernicus. The offer of $1 million was gratefully accepted. Strangely, however, the Polish media, though reporting the Polish-American scientific talks, made no mention of the offer or its acceptance by the Polish government. RFE provided the detailed facts and asked why the Polish press found the gift lacking in newsworthiness.

On May 20, 1972, anticipating the visit of President Nixon, Polish TV prepared a special program on post-war U.S.-Soviet relations which was full of distortions. Two days later, RFE broadcast a carefully documented program which corrected the distortions and filled in the omissions. While the Polish government desired President Nixon's visit for political and economic reasons, it was not eager to see a repeat performance of the tumultuous welcome given him when he had visited Poland as Vice President in 1959. Consequently, the local press and radio refrained from giving information about the President's program or the route the motorcade would take after the arrival in Warsaw. About 1,000 selected persons formed the "welcoming audience" at the airport. RFE's broadcasts, concentrating on the President's trip and providing information on the arrival schedule, contributed to a popular outpouring thereafter. A crowd variously estimated at 100,000 to 300,000 viewed the motorcade and greeted President and Mrs. Nixon enthusiastically.

Visiting Moscow in May 1972 President Nixon addressed the Soviet people via TV. It was characteristic of normal "restrictions" on information that *Pravda* left out a number of the most significant passages in its report on the President's address. Radio Liberty and Radio Free Europe laid particular stress on the omitted passages, especially one in which the President stressed that the goal of the two nations "should be to discourage aggression in other parts of the world, and particularly among those smaller nations that look to us for leadership and example. . . ."

In the wake of a regime announcement of substantial price increases on food and other consumer goods on December 12, 1970, workers in the Polish Baltic seacoast cities exploded into a series of angry demonstrations. The regime used severe police measures to suppress the demonstrations and imposed strict censorship on the information media outside the local area with a view to achieving a blackout of knowledge about these events. RFE, y monitoring radio broadcasts in the disturbed area, was able to inform the Polish population generally about the protests, the substance of the workers' demands, and the measures taken to crush them. Soon nationwide dissatisfaction of workers forced the government to stop its repressive actions and eventually to replace Chairman Wladyslaw Gomulka with Edward Gierek, who adopted new policies, negotiated with the workers, and accepted most of their demands. The RFE broadcasts were cautious and scrupulously accurate. The facts contributed to the cessation of government repression and the improvement of living conditions in Poland.

In an interview with *The New York Times* published April 2, 1972, the famous Russian novelist and author, Aleksandr Solzhenitsyn, whose writings are banned in his own country, attributed great importance to Radio Liberty's broadcasts, saying: "If we ever hear anything about events in this country (USSR), it's through them (Radio Liberty broadcasts)." Solzhenitsyn, in a speech on the occasion of his receiving the 1970 Nobel Prize for literature, made a passionate plea for freedom of information, pointing out why in an era of negotiation freedom of information has even greater importance: "Suppression of information renders international signatures and agreements illusory. Within a muffled zone it costs nothing to reinterpret any agreement, even simpler—to forget it, as though it had never really existed." The speech, never delivered in the USSR because the authorities cancelled the award ceremonies, was later published in *Les Prix Nobel,* the publication of the Nobel Foundation in Stockholm. Solzhenitsyn attacked all governments which suppress the free flow of information and said that there are "no internal affairs left on our crowded earth." He asked fellow writers all over the world to use their literary talents "to conquer falsehood" and described how the international intellectual community during the time of his persecution at home put up a "wall of defense" around him. His address was broadcast by Radio Liberty.

Alexey Vasilevich Levin, a nuclear physicist who left the Soviet Union in 1968, in testimony before the Foreign Affairs Committee of the House of Representatives on September 14, 1971, described the all-encompassing atmosphere of indoctrination in the Soviet Union. In his youth, he believed, as did all his friends, everything the Soviet government proclaimed. Up to age 19, he was convinced that the United States was "prepared at any moment to let fall an atomic bomb." Mr. Levin said that at that age he would have been ready to put down the uprising in Hungary or to march into Czechoslovakia, believing every word the Soviet news media were saying about American "intelligence operations" and "provocations by anti-socialist elements." "If I am not now sitting in a Soviet tank in Czechoslovakia, or being expelled from the Sudan as a Soviet advisor implicated in an attempted communist takeover, or fulfilling some other imperialist role, I owe that fact entirely to the information which seeps into the Soviet Union from abroad. It was only because of that uncensored information that I started to think about the reality of Soviet life around me." By pure chance, when he was 19, he heard from a student friend about a broadcast from abroad that dealt with the rights of American workers. This induced him to listen to Radio Liberty. Gradually he came to realize that the Soviet media had been misleading him all his life. He began to understand that there was another world outside the Soviet Union, a world of human well-being and freedom. He described movingly how, because of Soviet jamming, he sometimes went to the suburbs where it was easier to receive Radio Liberty broadcasts. From the vantage point of his present residence in the United States, he emphasized that his country "needs Radio Liberty" and that without a free flow of information the Soviet Union "just as any other country, would be in danger of having its people turned into blind fanatics."

The population structure of Eastern Europe is young. In Poland, for example, 46 percent of the nation is under 26 years of age. Communist media have tried to indoctrinate youth, and the government has sought to isolate them from contacts and influences from the outside. Radio Free Europe penetrates this wall of isolation with broadcasts of facts and interpretations designed for young people, presentations of controversial points of view, and programs of popular Western music. Such programs have a particular appeal to Eastern European youth, since they give a picture of the aspirations and hopes of young people in the free world. It is worth noting that of the nearly 8,000 persons in Eastern Europe who, on the average, write to RFE annually, about 85 percent are under 25. Eastern European government stations have recently been providing modern music and other stimulating programs for youth—apparently to "compete" more effectively for the audience with RFE.

In midsummer 1972, the Czechoslovak regime brought to trial and sentenced to prison 46 persons, many of them well-known supporters of the short-lived 1968 liberal Dubcek reforms. The people on trial were ostensibly charged with violations of the "Socialist constitution" for distributing pamphlets in connection with state-wide elections in the fall of 1971 rather than for their opposition in 1968 and 1969 to the Soviet invasion and the reimposition of Stalinist methods. The trials negated party leader Gustav Husak's promise that no one would be prosecuted for his views or actions in 1968 and 1969. The trials had a profound impact both in Czechoslovakia and abroad, not only because they abrogated Husak's promises, but because they signified the regime's decision to end its toleration of political dissidence. Radio Free Europe, in a major effort to fill the information gap, broadcast to Czechoslovakia the sharply negative reaction of practically the entire political spectrum in the West. Particularly effective was the communication of critical views of Western communist parties, such as a sharp condemning statement by the Italian communist party. A significant part of Radio Free Europe's treatment of the story was the parallel drawn between the recent Angela Davis trial (which resulted in her acquittal) and the Czechoslovak trials (which resulted in prison sentences). It cannot be proved that Radio Free Europe's public airing of the trials and the sharp criticism by the entire West, including Western communist parties, prevented even harsher sentences and saved additional persons from prosecution. It is a fact, however, that the Czechoslovak regime had given only sparse coverage to the trials and that only Radio Free Europe brought the detailed facts into the open.

As of early 1973, Soviet media had not yet informed their domestic audiences about the massive Soviet grain purchases in the United States, although they have made a point of reporting similar purchases by China. Radio Liberty has given all available information on the negotiations which led to grain purchases in the United States and elsewhere, highlighting statements of Soviet officials at home and abroad pertaining to the purchases and to crop failures—statements about which the Soviet press and radio have not informed their own people.

S. 1920

At the request of Mr. METCALF, the Senator from Oregon (Mr. HATFIELD), and the Senator from North Carolina (Mr. ERVIN) were added as cosponsors of S. 1920, to require the advice and consent of the Senate for future appointments to the offices of Director and Deputy Director of the Office of Management and Budget.

SENATE CONCURRENT RESOLUTION 29—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS

(Referred to the Committee on Rules and Administration.)

Mr. ERVIN submitted the following concurrent resolution:

S. CON. RES. 29

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Select Committee on Presidential Campaign Activities not to exceed five thousand additional copies of all parts of its hearings on illegal, improper, or unethical activities during the presidential election of 1972.

SEC. 2. The authorization conferred by section 1 of this concurrent resolution shall terminate on February 28, 1974.

SENATE RESOLUTION 124—SUBMISSION OF A RESOLUTION TO IMPROVE MEDICARE COVERAGE

(Referred to the Committee on Finance.)

SENATE RESOLUTION TO IMPROVE MEDICARE COVERAGE AND TO EXPRESS OPPOSITION TO CUTBACKS IN COVERAGE

Mr. CHURCH. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE) and myself, I introduce for appropriate reference a resolution to:

Call upon the administration to submit legislative recommendations to improve medicare coverage; and

Oppose the administration's proposals to increase out-of-pocket payments for the elderly and disabled under medicare.

A few days ago, the Senate Committee on Aging—of which I am chairman—issued its annual report concerning developments in aging.

One of the most startling findings in that report is: Older Americans now pay more in out-of-pocket payments for medical treatment than the year before medicare became law.

At that time they paid $234 from their own resources. In fiscal 1972, that figure had soared to $276, or $42 more than in 1966.

This amount, I should add, does not include the part B premium charge, which will reach $75.60 on an annualized basis for elderly persons, beginning this July.

On top of all this, the administration has proposed to weigh down the aged and disabled with new additional costs for hospital and medical treatment.

Under the administration's proposal, medicare patients would pay for hospital room and board charges for the first full day, plus 10 percent of all subsequent charges. Now they pay a $72 deductible for hospitalization and nothing thereafter until the 61st day.

Massive constriction is also urged by the administration for the part B supplementary medical insurance program. Specifically the administration would make the elderly and disabled pay the first $85 of their doctor and other medical bills, instead of the current $60 deductible. Moreover, after this deductible is met, medicare patients would pay 25 percent of the balance under the administration's proposal, instead of 20 percent.

In terms of dollars and cents, these recommended changes would saddle the elderly and disabled with added out-of-pocket payments amounting to $516 million for the first 6 months in 1974. But for a full year, these proposals would cost medicare patients more than $1 billion.

Few Americans dispute the need for trimming wasteful and unnecessary Federal funding, but surely a better target could have been selected than the medicare program.

Despite its valuable protection, medicare still only covers about 42 percent of the elderly's health care expenditures. If the administration's shortsighted proposals should be approved, the program could be severely crippled.

Instead of cutting back essential protection for the aged, our goal should be to improve the medicare program.

This point cannot be minimized because health care expenditures for persons 65 or older average about $981 a year, approximately 6⅔ times that for individuals under 19 and about 2⅔ greater than for persons in the 19-to-64 age category.

Older Americans now account for 27 percent of all medical expenses, although they constitute only 10 percent of the entire population.

These statistics underscore a very harsh fact of life: illness strikes with far greater frequency and severity at a time in life when its victims can least afford it.

Quite clearly, true economic security in retirement can never be achieved until we resolve the serious medical cost problems which impose an intolerable drain upon the limited incomes of older Americans.

Even with medicare, the threat of costly and catastrophic illness is all too real for millions of older Americans. That threat—intensified by the rapid rise in health care costs—must be effectively dealt with at the earliest possible time.

For these reasons our resolution would call upon the administration to submit their recommendations by September 1 to strengthen medicare coverage. Moreover, our proposal would also put the administration on notice that the Congress will not be a party to any efforts to torpedo the medicare program by ill-conceived cutbacks in coverage.

Mr. President, I urge prompt consideration of this measure and ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 124

Resolution to urge the President to submit recommendations to the Congress for legislation to improve the Medicare program

Resolved, Whereas, average medical expenditures for persons aged 65 or older in fiscal year 1972 amounted to $981, about six and two-thirds times those for individuals under the age of 19 and nearly two and two-thirds times those for individuals between the ages of 19 and 64;

Whereas, out-of-pocket, per capita direct payments for medical treatment for individuals aged 65 or older amounted to $234 in fiscal year 1966;

Whereas, such out-of-pocket payments for medical treatment increased to $276 by fiscal year 1972, nearly $42 more than for the fiscal year before Medicare became effective;

Whereas, Medicare covered only 42 percent of the health care expenditures for elderly individuals in fiscal year 1972;

Whereas, the President has proposed to increase the out-of-pocket payments for the aged and disabled by requiring Medicare patients to pay the first full day's hospital charge for room and board, plus 10 percent of all subsequent charges;

Whereas, the President has also recommended that the deductible charge for supplementary medical insurance under part B of Medicare be raised from $60 to $85 and that the patient's coinsurance charge be raised from 20 to 25 percent;

Whereas, such proposed cutbacks in Medicare coverage would increase out-of-pocket payments for aged and disabled individuals for hospital and medical services by an estimated $516 million for the first 6 months in the calendar year 1974, and more than $1 billion annually thereafter: Now, therefore, be it

Resolved by the Senate, That it is the sense of the Senate that the President is urged and requested to submit proposals to the Congress, beginning with extending the coverage provided under the supplementary medical insurance program of part B of Medicare to cover essential out-of-hospital prescription drugs.

SEC. 2. The President is further urged and requested to submit additional recommendations to the Congress for legislation to strengthen and improve Medicare coverage by September 1, 1973.

SEC. 3. The recommendation of the President to increase out-of-pocket payments for the aged and disabled under Medicare should be withdrawn.

AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENT

AMENDMENT NO. 209

(Ordered to be printed, and referred to the Committee on Finance.)

EQUITY FOR NURSING HOMES UNDER MEDICAID

Mr. HUMPHREY. Mr. President, I submit for appropriate reference an amendment to H.R. 3153, amending the Social Security Act to make certain technical and conforming changes, to amend section 1903 of the Social Security Act by repealing statutory limitations on Federal financial participation in payments to skilled nursing homes and intermediate care facilities under the medicaid program.

Other bills have been introduced for this purpose, and I am aware that my amendment proposes a substantive change under legislation which otherwise would be limited to technical and conforming changes in the Social Security Act.

However, my purpose in introducing this amendment is to emphasize the urgency of providing effective relief to nursing homes and intermediate care facilities which have confronted sharply rising costs for the provision of services under medicaid.

The provision at issue here was enacted into law as part of H.R. 1—Public Law 92-603—last year, and it limits increases in the Federal matching portion for nursing home care to 105 percent of the previous year's commitment. When the Senate originally passed H.R. 1, this particular section was deleted from the bill because it was recognized that such a limitation was unrelated to patient needs and inconsistent with ongoing efforts to upgrade facilities and expand services to the elderly.

Mr. President, I believe that it is unrealistic for the Federal Government to arbitrarily set in advance a percentage ceiling on its commitment to assist the provision of vitally needed services in our long-term care facilities.

Section 1903(j) became part of statutory laws at a time when it was generally acknowledged that medicaid rates already were too low, failing in many States to meet the actual costs incurred by providers. Another provision of H.R. 1—section 249—addressed the question of adequate nursing home rates by providing that reimbursement be on a basis reasonably related to cost by July 1976. I believe this approach is more logical and responsible, and the limitation imposed by section 1903(j) would appear to be in conflict with this mandate for cost-related reimbursement.

Because a number of States are presently operating with cost-related reimbursement formula, it has been suggested that an amendment to waive section 1903 (j) for those States would be appropriate. There are, however, two key problems with that suggestion. First, such an amendment would provide no resolution of reimbursement problems in other States. Second, the Department of Health, Education, and Welfare has not made a determination as to what an acceptable cost-related reimbursement system will be.

Members of the American Nursing Home Association and the Minnesota Association of Health Care Facilities have challenged section 1903(j) as arbitrary and inequitable. I concur with their position and believe the provision should be repealed.

There are several additional specific reasons which support the reform I am proposing.

First, the provision in question applies only to nursing homes. It does not apply to hospitals, although nursing homes must compete with hospitals for skilled personnel and face similar costs for food and supplies.

Second, there is no consideration given under this provision to cost increases necessitated by new and higher federally imposed standards.

Third, there is no concession in the 5-percent limitation for inflationary increases beyond this level in the costs of food, supplies and services used by nursing homes. These increases in operating costs have been particularly serious during the current inflationary spiral.

It should be noted that a number of cost control mechanisms exist relative to nursing homes, other than section 1903(j). Utilization review and PSRO's are two salient examples under H.R. 1. Further, phase III controls remain on the health services industries.

I feel that all these considerations form a compelling case for the repeal of section 1903(j). Congress has made a promise to assist the provision of needed services to our indigent elderly citizens through medicaid. I intend to do everything possible to help insure that long-term care facilities are places where our elderly can be cared for with dignity and security. Repeal of section 1903(j) is a major step in this direction.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 209

On page 9, between lines 5 and 6, insert the following:

"SEC. 5. Section 1903 of the Social Security Act is amended by striking subsection (j) thereof in its entirety."

On page 9, line 6, renumber SEC. 5 as SEC. 6.

ESTABLISHMENT OF A FEDERAL FINANCING BANK—AMENDMENT

AMENDMENT NO. 210

(Ordered to be printed, and to lie on the table.)

Mr. JACKSON. Mr. President, I submit an amendment to S. 925, a bill to establish a Federal Financing Bank which would mandate a freeze across the board of wages, prices, rents, interest rates, and dividends for a period of 90 days. And it would direct the President to use this period to develop and implement a long-range, fair, workable plan to control inflation and protect the purchasing power of the dollar.

I may state for the record, Mr. President, that I am prepared to offer this amendment to any other appropriate bill in order to secure immediate action by the Congress. Today's announcement that wholesale prices soared at the extraordinary annual rate of 24 percent last month makes clear that inflation has become so critical that we are confronted with a national emergency.

I point out, Mr. President, that 12 months ago I proposed an overall freeze of this kind to the Senate and it was rejected by a narrow margin of two votes. Today, the evidence is more clearcut than ever that Congress must take this initiative to protect the consuming public and maintain a viable economy.

Even before today's announcement we had known that prices have been rising at the fastest rate in more than two decades. The consumer price index rose 8.8 percent in the first quarter of this year, almost three times the rate of increase for the last quarter of 1972.

As a result, real wages are lower now than they were 6 months ago. People who put their savings in accounts paying 5-percent interest actually lost money in the first quarter of 1973. And workers who settled for 5-percent wages increases are still losing ground.

I would remind my colleagues that we have been through this before—and much too recently. We are in the midst of a rerun of the 1969–71 inflation-tight money recession performance turned in by the first Nixon administration. That performance cost the American people hundreds of millions of dollars in lost wages, lost purchasing power, and lost GNP. But it did little to change the stone age thinking of the textbook theorists now directing a repeat performance of that economic tragedy.

Clearly, Mr. President, we are on the brink of another round of cost-push inflation that will put the consumer price index into orbit. The general freeze I am proposing is the only kind of shock treatment that will forestall this happening and give us time to develop a new counter inflation strategy. It is the best way we can show the world we intend to control inflation and avoid continued upheavals in world money markets.

The record is all too clear that Congress was right—and the administration dead wrong—about controlling inflation 3 years ago. Once again we must take the initiative to protect our economy and our pocketbooks. I strongly urge the Senate to vote this mandatory freeze and do so now.

Mr. President, I ask unanimous consent that an article written by Lee M. Cohn entitled "Farm Goods Lead Sharp Price Increase," published in the Washington Star-Daily News of June 7, 1973, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Farm Goods Lead Sharp Price Rise

(By Lee M. Cohn)

Wholesale prices soared at an annual rate of 24 percent last month, with farm prices leading the way, the Labor Department reported today.

The acceleration of price increases heightened pressure on President Nixon to take stronger action against inflation.

Wholesale prices, which inevitably influence price inflation at the retail level, had risen a bit more slowly in April, but the figures reported today for May indicated that there has been no real break in the inflation spiral.

Among other records set, the 12-month increase in consumer food prices was the greatest since 1947.

Prices of farm products and processed foods and feeds surged 4.1 percent in May—an annual rate of 49.2 percent—after increasing only 0.1 percent in April.

Prices of industrial products rose 1.2 percent in May, an annual rate of 14.4 percent, following a 1.3 percent rise in April.

The increase in wholesale prices paid by supermarkets for food at the stage just before the retail level increased only 0.3 percent in May, off from 1.4 percent in April. But the accelerating increases at the farm level indicate that supermarket prices will rise more rapidly in the months ahead.

Prices of consumer goods other than food at the wholesale level increased 1.1 percent in May following a 1.4 percent rise in April.

The overall wholesale price index rose 2 percent on a seasonally adjusted basis in May, which works out to a seasonally adjusted annual rate of 24 percent. The April increase was 1 percent.

This index has soared at an annual rate of 23.4 percent in the last three months, up from a 17.6 percent rate in the preceding three months.

In absolute terms, without adjustment to discount seasonal influences, wholesale prices rose 2.1 percent in May and 0.8 percent in April. This put the index 12.9 percent above a year ago.

None of the major price categories registered record increases on a seasonally adjusted basis last month. But the increases were only a shade smaller than those recorded in March, which generally was the worst month in 22 years.

Major elements in the acceleration of price increases last month included animal feeds, oilseeds, grains and fuels.

On an unadjusted basis, livestock prices rose 2.5 percent in May to a level 35 percent above May 1972.

The broad category of meat, poultry and fish declined 0.4 percent at the wholesale level. However, animal feeds spurted 26.8 percent, to a level 94.9 percent above May 1972, which indicates that livestock and meat prices will accelerate in the months ahead.

Fuel and related products rose 2.8 percent last month, increasing these prices 15.3 percent above May 1972. Within this category, tight oil supplies were reflected in a 4.7 percent rise in prices of refined petroleum products, to level 24.8 percent above a year earlier.

Wholesale prices of farm products and processed foods and feeds, which rose 4.1 percent seasonally adjusted in May (an annual rate of 49.2 percent) increased 4.7 percent on an unadjusted basis.

These prices rose at a seasonally adjusted annual rate of 43.4 percent in the last three months and at a 51.5 percent in the preceding three months. The price level in May was 29.1 percent above May 1972.

Although price increases in May for most categories were slightly smaller than those in March, several records were set for 12-month rises.

The 18.7 percent rise in consumer food prices over May 1972 was the biggest since the government started keeping records on this basis in 1947.

The rise of 29.1 percent over the year for farm products and processed foods and feeds also was a record.

The 12.9 percent increase in the total wholesale price index from May 1972 to last month was the biggest for any 12-month period since 1951.

(The AP quoted a government economist as calling the increase "horrendous.")

Chairman Herbert Stein of the Council of Economic Advisers, who usually finds some signs of hope in price reports, issued a statement merely noting some of the highlights without offering any interpretations.

When a moderation of wholesale price increases was reported a month ago, Stein said, "The rate of increase of farm product prices has passed its peak."

In today's statement, Stein said the Cost of Living Council is investigating the "unsatisfactorily high rate" of increases in industrial prices, and is meeting with representatives of key industries.

The over-all wholesale price index rose at a seasonally adjusted annual rate of 22.8 percent in the first four months of the Phase III control program, up from an annual rate of 6.9 percent in the 14 months of tighter Phase II controls.

Congressional reaction was swift. Senate Democratic leader Mike Mansfield said Nixon must act immediately to halt the upward trend of prices. "Something has to be done and done soon," Mansfield said, adding that if Nixon fails to move, Congress must act.

Sen. William Proxmire, D-Wis., also called upon the President to act now. Proxmire noted that Senate Democrats unanimously adopted a resolution last week calling for a 90-day congressionally imposed freeze on wages, profits, prices and interest rates.

Proxmire indicated he would be willing to offer that resolution as an amendment to the farm bill, now being debated by the Senate, if Nixon fails to act.

AFL–CIO President George Meany said the index report was "another clear indication of the utterly lopsided nature of the administration's economic program . . ." He said only workers' wages are under control, "while prices, profits and interest rates are soaring."

The Nixon administration has been trying to fight the farm and food price spiral by encouraging increased production, but the price figures so far offer little evidence to support predictions that farm and food prices will level off later this year.

Wholesale prices of consumer finished goods, including food and other products increased 0.7 percent seasonally adjusted and 1 percent unadjusted in May. These essentially are the prices paid by retailers, and are most directly linked with movements in consumer prices.

These prices have risen at a seasonally adjusted annual rate of 18.8 percent in the latest three months following a 14.6 percent rate of increase in the preceding three months. Prices in May were 10.7 percent above May 1972.

Within this category, wholesale prices of consumer foods rose 0.3 percent seasonally adjusted and 0.9 percent unadjusted last month. Food prices have risen at a seasonally adjusted annual rate of 27.3 percent in the latest three months following a 28.8 percent rate of increase in the preceding three months. The food price index last month was 18.7 percent above May 1972.

Prices of industrial goods, which are considered the best gauge of underlying inflationary trends, rose only moderately last year but accelerated starting in February.

The acceleration continued in May, with industrial prices rising 1.2 percent seasonally adjusted and 1.1 percent unadjusted.

This sector accelerated to a 15.9 percent seasonally adjusted annual rate in the latest three months from a 5.8 percent rate in the preceding three months. Prices in May were 7 percent above a year earlier.

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE—AMENDMENT

AMENDMENT NO. 211

(Ordered to be printed, and to lie on the table.)

Mr. HARTKE. Mr. President, I submit an amendment to S. 1248, the State Department authorization bill, and ask that it be ordered to be printed and to lie on the table.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record at this point.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 211

On page 14, after line 8, add the following new section:

RESTRICTIONS OF ILLICIT OPIUM PRODUCERS

Sec. 19. (a) No foreign assistance shall be furnished by the United States Government under any provision of law (other than under chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control) to Iran, Afghanistan, Pakistan, Burma, Thailand, or Laos.

(b) If the President finds that any of the foreign countries referred to in subsection (a) of this section has taken adequate steps to prevent the production, transportation, and sale of illicit opium and its derivatives, he may ask Congress to waive the restrictions of such subsection (a), and if Congress concurs, the restrictions shall not apply to that country.

(c) For purposes of this section—

(1) "foreign assistance" means any tangible or intangible item provided by the United States Government (by means of gift, loan, credit sale, guaranty, or any other means) to a foreign country; and

(2) "adequate steps" means such steps as the enactment of public criminal laws, establishment of a viable agency to prevent the production, transportation, and sale of illicit opium and its derivatives, vigorous enforcement of the public laws, and full cooperation with all United States departments and agencies involved in the interdiction of the supply of illicit opium and its derivatives into the United States.

AMENDMENT NO. 214

(Ordered to be printed, and to lie on the table.)

Mr. BAYH submitted an amendment, intended to be proposed by him, to Senate bill 1248, to authorize appropriations for the Department of State, and for other purposes.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973—AMENDMENTS

AMENDMENT NO. 212

(Ordered to be printed, and to lie on the table.)

Mr. PROXMIRE (for himself, Mr. Hughes, Mr. McGovern, Mr. Clark, Mr. Humphrey, and Mr. Abourezk) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

AMENDMENT NO. 213

(Ordered to be printed, and to lie on the table.)

Mr. PEARSON submitted amendments, intended to be proposed by him, to Senate bill 1888, supra.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 163 TO S. 1888

At the request of Mr. Bayh, the Senator from Iowa (Mr. Hughes), the Senator from Virginia (Mr. Harry F. Byrd, Jr.), and the Senator from New York (Mr. Buckley), were added as cosponsors of amendment No. 163 to the Agriculture and Consumer Protection Act of 1973 (S. 1888) to limit payments to individual producers to a total of $20,000.

AMENDMENT NO. 199 TO S. 1888

At the request of Mr. Helms, the Senator from Oklahoma (Mr. Bartlett), the Senator from Arizona (Mr. Fannin), the Senator from Wyoming (Mr. Hansen), and the Senator from South Carolina (Mr. Thurmond) were added as cosponsors of amendment No. 199, to Senate bill 1888.

ADDITIONAL STATEMENTS

THE FUTURE OF AMERICA'S OLDER PEOPLE

Mr. CLARK. Mr. President, this week members of the National Council of Senior Citizens have assembled in Washington to attend a legislative conference in order that they may set out their proposals for the future of America's older people.

During the 3-day session, alternatives to present living conditions and social situations now encountered by the elderly and to be encountered by all approaching their later years have and will be discussed within the framework of social and public policy reform at the local, State, and Federal levels. Today, thousands of senior citizens have gathered on the steps of the Capitol to show their dedication and interest toward this reform.

In accordance with these goals, the National Council has set forth in "A Program for the 93d Congress," the many critical problems facing senior citizens that require our attention. In view of the universality of the aging process—the fact that the conditions surrounding poverty, health, loneliness, and fear know no geographic, hereditary, or political boundaries—these proposals ought to be given the most careful attention by all of us in public and private life.

I ask unanimous consent that the text of the issues paper set out by the National Council of Senior Citizens be printed immediately following my statement.

There being no objection, the paper was ordered to be printed in the Record, as follows:

[From the Senior Citizens News, June 1973]

A Program for the 93d Congress—From Members of the National Council of Senior Citizens

To the Congress and the People—

The delegates to the 1973 Legislative Conference of the National Council of Senior Citizens have come to the seat of government to present to the Congress and the nation our proposals for a better life for America's older people. This Conference would not have been necessary but for the failure of the President of the United States to live up to his pledges, enunciated at the 1971 White House Conference on Aging.

During that meeting, the President, referring to the platform adopted by the delegates pledged that "1972—the post-conference year—would be a year of action." Action was evident, but not the sort we had been led to expect.

Among the major accomplishments of the 92nd Congress were the enactment of the 20 per cent increase in Social Security cash benefits and the Supplemental Security Income program which will, on January 1, 1974, establish a floor of income for all elderly Americans. The Social Security boost became law not with the blessings of the President but in defiance of his threats of a veto.

No clearer indication of the intention of the President to abandon the principles of the White House Conference on Aging exists than the President's own message upon reluctant approval of the 20 per cent increase. In that message the President warned that "since the increase now brings the income of the retired Americans up to a reasonable level, offsetting cuts in other programs can be made. Administration officials criticized what they described as "the alarming trend of certain elected officials to attempt to solve all our domestic problems by throwing dollars at them."

Since then, the President has vetoed the budgets for the Labor and Health, Education and Welfare Departments which contained $100 million for the nutrition program. Therefore, a year after Congressional enactment of the Nutrition Act, there is still no nutrition program for the elderly.

Further, the President later that same year vetoed the Older Americans Act Comprehensive Services Amendments—which would have set up the first nationwide Older American Community Services program—despite overwhelming support by members of both major parties in the Congress. It is true that the President has since signed into law a second version of this Act, but only after forcing a reduction of some $1.5 billion in funding and exclusion of the mature workers training provisions. And, even with this greatly reduced bill, the President approved it only when he became aware of such overwhelming opposition to another veto that it seemed politically unwise to refuse to sign.

THE BUDGET AND TAXES

The President's budget message for 1974 follows in that same vein—and warns that only by allowing the President to arbitrarily determine where to cut back on spending, in order to attain a selected ceiling of $269 billion in expenditures, can Americans hope to avoid a massive tax increase. The President's message can only be viewed by senior citizens as a studied attempt to dismantle social programs designed to improve the quality of life for all Americans. Viewed in conjunction with other Presidential actions, this message must be interpreted as an attempt on the part of the President to usurp the powers of the Congress as a co-equal branch of government and establish government by executive order.

The President opened 1973 by declaring an absolute moratorium on all new commitments for money—already approved by Congress—for public housing, rent supplements, homeownership, water and sewer construction, and water pollution clean-up facilities. The President cited the few cases where these programs have not been completely successful as sufficient reason to cripple or do away with—by executive fiat—virtually all the educational, manpower, health, poverty and environmental protection programs enacted by the Congress over the period of the last several decades.

No one, especially the members of the National Council of Senior Citizens, wants Federal dollars spent wastefully. But the evidence of wasteful spending for domestic assistance programs thus far depicted by the Administration is spurious in many instances and unconvincing in others.

We are particularly dismayed to have observed the pledge of the President to reform the Federal tax system structures to place a greater burden on those more able to pay, only to see the President's latest tax proposals contain no meaningful provisions for taxing the rich. In addition, the President's property tax reform provisions for home-owning and apartment-dwelling low-income seniors are destructive of the current wave of local government initiatives and make no effort to place a reasonable share of the property tax burden where it belongs—upon the shoulders of the rich.

THE FISCAL SHELL GAME

Older Americans across the length and breadth of this nation have become increasingly disturbed by the efforts of the Administration to convince the public by the use of deception, distortion and outright falsehood that it is dedicated to the welfare of older Americans.

As an example, we cite the repeated allegation by Mr. Nixon's surrogates that Federal budget outlays for the aged are soaring under the Nixon Administration. Attention is repeatedly called to a total of $50 billion for the elderly in fiscal year 1973—and nearly $56 billion for fiscal '74. What is not mentioned is that well over 90 per cent of Federal outlays for the aged are for Social Security, retirement income supplements, and health programs. Further, the Administration has neglected to cite that the overwhelming proportion of such outlays represent funds contributed by the seniors themselves during their working years and established in trust funds.

The most flagrant use of the fiscal shell game has been in the use of the Revenue Sharing Act to justify cutbacks in domestic spending. The President has stated that Federal funds provided to States and communities through this program should be used to take the place of so-called "narrow categorical" programs previously used by the Federal Government to provide services to the nation's needy. In adopting this stance, the President is deceiving the public in two ways.

First, it always was and will continue to be the Constitutional duty of the Federal Government—the Executive and Legislative branches in particular—to be the primary responsible agency for attacking national problems. To simply hand over Federal dollars to the various local governments with a mandate to solve problems as best they can is in direct contradiction to this Constitutional principle.

Further, the Administration has attempted to convince local government officials that the funds from revenue sharing will stretch to cover the vast holes in social program financing—when, in fact, mayors and governors are awakening to the harsh reality that they are now being required to operate previously Federally-financed domestic programs such as senior centers and senior nutrition programs with fewer dollars than they had before. Whenever one of the high Administration officials has gone to Congress to explain the reasoning behind Federal budget cutbacks, he has used, in part, the excuse that "revenue sharing" will take care of the loss. Yet, when all the dollar figures are added together, it becomes clear the Administration excuse is spurious—there aren't enough dollars.

The repeated assertions by the Administration, that the President's program objectives reflect his determination to provide sufficient income to assure that seniors will have enough money to secure needed services for themselves, we find self-deceiving.

The National Council of Senior Citizens heartily agrees that adequate income is the first priority for all older people. But we reject the notion that income alone will insure availability of services. Adequate income for seniors will not solve the transportation problem if vehicles are unavailable at any price. More and more dollars in the pockets of the elderly will not answer the problem of many infirm elderly who are forced into institutions simply because the services necessary to independent living are not available at any price.

HEALTH CARE NEEDS—SECOND ONLY TO INCOME

The most shocking single proposal brought forward by President Nixon so far is his proposed reduction in Medicare benefits. It is inconceivable to members of the National Council of Senior Citizens that President Nixon would, on December 2, 1971, pledge to bend every effort to reduce the out-of-pocket expenses of needy older people for medical treatment under Medicare—as well as eliminate the co-insurance payments required under Medicare Part B (doctor insurance)—and less than 18 months later propose to increase these charges by more than a billion dollars a year out of the already inadequate income of large numbers of older people.

The justification for such a proposal—as enunciated by Secretary of Health, Education, and Welfare Caspar Weinberger reveals a callous lack of regard for these guidelines established by the elderly at the 1971 White House Conference and supposedly supported by the White House. Ignoring the fact that patients—under Medicare, Medicaid or private insurance—can enter hospital only at the direction of a doctor, the Secretary explained that the increases in out-of-pocket payments for hospital care for the elderly were proposed because some hospitals were taking advantage of Medicare provisions to unnecessarily hospitalize some seniors and thus gain more dollars from the government through Medicare repayments. Thus, supposedly in an effort to force hospitals to become more responsible in their admissions policies, the Nixon Administration plans to have the victims of this alleged irresponsibility—the elderly patients—bear the costs.

The fiscal aspects of the proposal are as frightening as the medical features. The changes in Medicare would, according to Administration sources, save about 850 million dollars in fiscal '74. But the payroll tax for the hospital insurance under Medicare (recently increased by 54 per cent) and the premiums for medical insurance (scheduled to go up July 1 to a figure more than double the original amount) are not to be reduced.

So the increased income to the system combined with the reduction in benefits would show a plus item in the President's budget which would, on paper, reduce the deficit created by over spending in other areas. Thus the poor sick elderly, by the two-edged thrust of reduced benefits and increased costs, are asked to make their contribution to a less unbalanced budget!

The Secretary of Health, Education, and Welfare on April 27, 1973 released a report entitled "Toward a New Attitude on Aging: A Report on the Administration's Continuing Response to the Recommendations of the Delegates to the 1971 White House Conference on Aging." As part of this report, the Administration actually had the temerity to mislabel this attempted raid on the pocketbooks of the elderly through Medicare charges as a "Reduction in Income Drains." This has not deceived the members of the National Council of Senior Citizens—and we hope it will fail to deceive both the members of Congress and the general public.

TO THE CONGRESS

We salute and support the actions taken by Congress in recent months to re-establish the delicate balance of controls between the Executive and Legislative branches of government—recently placed in such great peril by the President. We continue to look to this great deliberative body as the best hope for realization of the theme of the 1971 White House Conference on Aging—to establish and maintain such programs as necessary to insure that older Americans may live their retirement years out with dignity and security.

Towards that objective, we present on the following pages an outline of specific goals for programs at both the national and local levels which will, in fact, enhance the dignity of all Americans. We call upon the members of the Congress from both major political parties, and from the many sections of our land, to consider these proposals on their merits. Poverty, health, loneliness and fear know no geographic or political boundaries—neither, then, should the programs designed to fight these evils.

We urge the 93rd Congress not to abandon the trend toward a better life for the elderly established in the decade of the 60s. You have the opportunity—and the duty—to pick up the mantle of leadership toward a better life for all which has been shunned by the nation's President. We urge you to fearlessly put on that mantle.

The goals and specific proposals which follow here are not those which seek to serve only the interests of the elderly. We do not ask for charity. We ask only for the opportunity to continue to contribute as best we can to a nation which we helped to build and defend.

We urge you specifically not to be deceived by false claims and distorted facts. Instead, join us in our effort to establish a society which honors its commitments to all its people—young and old alike. These programs for which we work will help all Americans in their youth and as they come of age.

INCOME

The 20 per cent across-the-board increase in Social Security benefits in 1972 represented a significant milestone in progress toward the goal of an adequate benefit level. Yet the Administration fought this increase tooth and nail, the President reluctantly signing the increase rather than vetoing the debt ceiling measure to which it was attached and which he sorely needed.

This was not the first time that the Congress had to resort to the device of attaching Social Security improvements to other legislation the President wanted. In 1969 and again in 1971, the Congress had used this method to achieve improvements that—although modest—were above the level acceptable to the Administration.

Subsequently, the President has made much of the rise in Social Security benefits that was forced upon him by a Congress that is more responsive to the needs of the elderly population. Repeatedly he has claimed credit for an increase of more than 50 per cent during his first term. And he also uses this increase as justification for cutting back on Medicare and other essential services for older people.

Clearly, the National Council of Senior Citizens' hopes for further progress toward the goal of adequate income in old age depend on the Congress. That we are still far from this goal is obvious.

INCOME ADEQUACY

Every older person should have sufficient income to assure the American standard of living. Achievement of this goal requires a standard no lower than the Bureau of Labor Statistics moderate level—a level which is adequate to maintain health and enable an individual to be self-sufficient. This is the standard of adequacy first proposed by the National Council in the Platform For the Seventies, adopted by the White House Conference and then reaffirmed at the 1972 Convention. In 1973, this modest standard of living would require an income of $5,200 for elderly couples and $2,860 for single persons—amounts beyond the reach of about half of all aged people.

ELIMINATING POVERTY

As an immediate step toward the goal of income adequacy, the Federal Government must provide a guarantee that no one need live in poverty. The new Supplementary Security Income program enacted in 1972 and to be effective January 1, 1974, would for the first time provide a Federal guarantee of a floor of income for all aged, blind and disabled, but it fails to set the floor above the poverty level.

The National Council of Senior Citizens therefore urges that the Congress make appropriate adjustments in the level of payments under the new program and assure that recipients do not lose present protection such as food stamps and Medicaid and do not suffer a loss in payments as a result of cost-of-living increases in Social Security benefits.

ADJUSTING SOCIAL SECURITY BENEFITS

The Social Security Amendments of 1972 include an automatic escalator clause which will raise cash benefits whenever the cost-of-living index increases by more than three per cent during the previous year. However, the law provides that the first automatic cost-of-living increase in benefits is not possible until January 1975. At the rate prices have been soaring, benefits will have been most tragically eroded long before that date (see section on Cost of Living).

The National Council therefore urges the Congress to enact an appropriate cost-of-living increase in Social Security benefits during this session. It urges further that the Congress give due consideration to the recommendation in the NCSC Platform For the Seventies, endorsed by the White House Conference, that benefits be adjusted not only to rising prices but to rising standards of living.

GENERAL REVENUE SHARING IN SOCIAL SECURITY COSTS

As is the case in other industrialized countries, general revenues should help support the costs of this nation's social insurance program because the whole society benefits from this program. The National Council of Senior Citizens has long recommended that Social Security financing include a substantial amount of Federal general revenues to augment employee-employer contributions. This too was a recommendation in which the White House Conference concurred.

Over the long run, it is reasonable to expect the Federal Government to become a financially-equal third party. The Federal general revenues should be used to eliminate the need to increase the payroll tax as a result of expanded protection and benefits and to reduce the heavy burden of the payroll tax on low-income workers.

RETIREMENT TEST

We recognize that the retirement test, which results in a loss of Social Security benefits for those who earn more than the designated amount, sometimes serves as a barrier to seeking employment beyond retirement age. But we also recognize that the test conserves funds for payment to beneficiaries who are unable to supplement low retirement incomes with earnings. Elimination would place unfair higher tax burdens on younger workers for the purposes of paying full retirement benefits to the comparatively few who continue to work at full earnings.

We therefore continue to support the basic principles of the retirement test and urge their continuation. The Congress should, however, periodically review the test for purposes of liberalization—perhaps raising the earnings level or lowering the age at which the test is no longer applicable.

OTHER PUBLIC BENEFITS

The National Council pledges its wholehearted support in efforts to uplift and update the benefits of the Railroad Retirement system and the Federal Civil Service system, and pensions or compensation paid to veterans and their survivors.

PRIVATE PENSIONS

We recommend Congressional action to improve the protection of private pension plans, especially by setting standards in the areas of vesting (guarantee of pension rights), portability (continuance of pension rights upon changing employers), survivors benefits, and by providing a system of Federal reinsurance. In addition, there should be complete disclosure to beneficiaries of eligibility requirements and payment provisions and Federal regulations to assure fiduciary responsibility, including adequate funding.

NCSC urges immediate Congressional action on the Retirement Income Security for Employees Act (S-4), sponsored by Senators Harrison Williams (D., N.J.) and Jacob Javits (R., N.Y.), which represents a significant step forward in this area.

Additional legislation is needed to achieve pension protection for employees of small businesses as well as individual workers and to set up a time-table for pension portability to become compulsory. These steps would constitute the development of a national portable pension system open to any worker as a companion to the Social Security system.

The National Council rejects, however, heavy reliance on voluntary savings—as in the President's proposal—because the wage earners who most need the protection do not have sufficient margin between income and outgo to permit any significant savings for retirement. We further reject the President's proposal for a "Rule of 50" (under which a worker would be assured of receiving at least half his pension upon retirement if the sum of his age and years of coverage equaled 50) because such a provision would make many employers reluctant to hire older workers.

The National Council of Senior Citizens pledges its continued support of Congressional efforts to achieve early and meaningful reform so that retirees of the future can count on private pensions to supplement their Social Security benefits.

EMPLOYMENT . . . RETIREMENT

The President's veto of the 1972 Amendments to the Older Americans Act was a serious blow to improved employment opportunities for older workers. These amendments not only would have provided special projects to delve into employment problems of older people but they would have established two new manpower programs to maximize employment opportunities for middle-aged and older workers.

One of these, included in the new bill signed by the President in May, was the Older American Community Service Employment program to promote useful part-time work opportunities in community service activities for the low-income elderly. This is a national continuing program to build upon the enormously successful pilot projects such as the National Council of Senior Citizens' Senior AIDES program.

The other is the Middle-aged and Older Workers' Training Act to provide comprehensive mid-career development services for unemployed or under-employed mature workers.

When the present session of the Congress opened, Congressional leaders—supported by the National Council of Senior Citizens and other spokesmen for older persons—worked vigorously and successfully to achieve legislation that would be acceptable to the President. Lost in the accommodation was the Middle-aged and Older Workers' Training Act. Deep cuts were made in the authorized funding of the new bill, and the problem of employment is no longer specified as one of the special problems of the elderly to which model projects will be directed.

The National Council of Senior Citizens continues to look to the Congress for legislative action that fully accomplishes its objectives of meaningful employment opportunities, whether full time or part time, for the elderly. This is our position, built upon the promises of the Comprehensive Older Americans Services Amendments of 1973.

FREE CHOICE

Functional ability, not chronological age, should be the test of employability. Every older American should have a choice of continuing to work as long as able or to retire on adequate income with opportunities to pursue worthwhile activities. Achievement of this goal requires that we reverse the trend toward involuntary retirement on permanently reduced income.

MIDDLE-AGED AND OLDER WORKERS' TRAINING

To provide manpower training, counseling and special supportive services to middle-aged and older workers who are unemployed or under-employed, the National Council of Senior Citizens urges that the Mid-Career Development Service Program (eliminated from the Older Americans Act amendments in order to avoid a Presidential veto) be enacted promptly as separate legislation or that the basic thrust of this proposal be incorporated in comprehensive manpower legislation.

PUBLIC SERVICE EMPLOYMENT

We believe that the Federal Government should actively promote—not just underpin—the development of public services that are generally unavailable but urgently needed. Such public service employment provides essential job opportunities for older workers, still plagued by heavy long-term unemployment and inadequate representation in retraining programs.

The President has decided that the problem of unemployment is no longer serious and therefore the Emergency Employment Act can be phased out. The National Council of Senior Citizens is acutely aware of heavy unemployment among older workers and of the large numbers who have become discouraged and dropped out of the labor force, despite the unavailability of a substitute income. Therefore, we urge that the Emergency Employment Act be continued and every effort be made to implement this act in such a way that older people be given a full opportunity to participate.

ASSISTANT SECRETARY OF LABOR

Congress should create the Office of Assistant Secretary of Labor for Older Workers and provide this office with necessary staff and authority to plan, develop, and coordinate Federal manpower and employment programs for the elderly.

LOCAL AND STATE ACTION . . .

Better programs and services for the nation's elderly are the responsibility of State and local as well as national officials. NCSC clubs can provide local leadership to secure action.

The enactment of State legislation is critical at the present time in three areas.

SUPPLEMENTAL ASSISTANCE

Beginning January 1974, the Social Security Administration will administer a new Federal program of assistance to needy aged, blind and disabled persons. The program, enacted in October 1972 as part of the H.R. 1 Social Security Amendments, replaces the current State-Federal adult categories of public assistance.

An excellent model State statute is available to supply the legislative framework to enable States to supplement the Federal payment to seniors under the Supplemental Security Income provisions of the 1972 law. State supplements are especially urgent because the new system in 40 States produces less income for beneficiaries than previously produced by Federal benefits combined with categorical public assistance. In addition, H.R. 1 renders most elderly ineligible for food stamps and curtails eligibility for public housing and Medicaid.

There is probably no more critical issue affecting millions of aged and disabled persons. There is less than six months to protect beneficiaries by the passage of appropriate State legislation.

PROBATE REFORM

No group in America need be more concerned about our archaic, costly and agonizingly lengthy system of inheritance which is regulated by State law than the aged.

Since 1969, the American Bar Association and the National Conference of Commissioners on Uniform State Laws have been promoting adoption of the Uniform Probate Code. It has been enacted in Idaho and Alaska and introduced in several other States.

The Uniform Probate Code, as recently enacted in Idaho, simplifies, hastens and drastically reduces the cost of passing on estates.

The most significant features of the Code are:

(1) A modern substantive and procedural plan for intestate estates that should relieve most persons of the pressure to make wills.

(2) A procedural system that will enable survivors to secure quick marketable title to inherited assets—as early as a week after death.

(3) Relief from most concerns about guardianships made possible via provisions for durable powers of attorney and a modern conservatorship code and clear new provisions validating transfers after death outside of probate via savings and other accounts and contracts.

REVENUE SHARING

Another critical local action, not legislative, is the need to demand a fair share of money under the Revenue Sharing Act of 1972.

Under this Act, nearly $27 billion has been authorized for State and local governments to distribute through June 30, 1976 for eight categories, one of which is the aged.

Funds are available, therefore, but only if there is sufficient political muscle to secure them.

National Council clubs and members should join with other senior citizen organizations and allied forces in presenting the case for the elderly before the proper State and local officials. Otherwise, the needs of older persons may go unmet.

Services that could be funded include transportation, free "dial-a-bus" programs, improved police protection for seniors and better health, recreational and educational services.

HEALTH CARE

In the dozen years since the National Council of Senior Citizens was organized to launch the grass-roots struggle in support of the enactment of Medicare, our organization has never lost sight of the essential importance of adequate protection against health costs in the struggle for economic security.

In developing "A Platform For the Seventies" for the White House Conference on Aging, we said:

"The nation will continue to fall short of a reasonable goal of income security so long as heavy and unpredictable health costs threaten fixed incomes."

And the White House Conference endorsed this philosophy in almost identical language.

To implement this important principle requires the reduction or elimination of heavy and unpredictable costs—that is, costs not covered by insurance, such as co-insurance and deductibles plus billings above the amount allowed by the insurance.

Another important principle guides the National Council's recommendations on health care and the financing of health costs: to the maximum extent possible, older people should participate on equal terms in programs for the total population. We want for our children and grandchildren an improved health care system with protection against the crushing burden of health costs. The extra-heavy burden of health care for long-term illness—especially prevalent among the aged—should be lifted from all, whether old or young.

Only the financial muscle of a single system for the total population can effect reform in the delivery of health care and the control of costs that is so essential. National Health Security assures economic delivery of health services and control of costs by providing health care directly with no waste of health dollars on private insurance carriers as middlemen and by using advance budgeting to assure effective controls on all health costs.

THE NIXON ADMINISTRATION PROPOSAL

The Administration recognizes that the time is ripe for National Health Insurance, but it would merely attempt to patch up the present "non-system" in a half-hearted way. Primary reliance would continue to be placed on the private insurance industry—the shakiest pillar in the whole structure—thus inviting rising fees and increasing the bonanza for the insurance industry.

The President has rejected the principle of a single universal system for all—old and young, rich and poor. Through a means test as well as the criterion of age, the White House proposes various systems which would perpetuate invidious distinctions in health care and which, even in combination, would fall far short of the goal of universal coverage.

Of even more immediate concern, the President would weaken the protection of Medicare, which will continue to be our older population's prime defense against skyrocketing health costs until National Health Security is achieved.

He has proposed cutbacks in Medicare benefits that would more than double the out-of-pocket payments for an average hospital stay and substantially increase the proportion of doctor bills not covered by the program.

In attempting to justify these cutbacks he has said that unnecessary use of services will be deterred if patients are more conscious of costs. But patients are already aware of costs and their responsibility for cost-sharing, since Medicare now leaves uncovered more of the costs of medical care than the average total health bill for an aged person prior to enactment of the Medicare legislation in 1965.

As further justification for the proposed cutbacks in Medicare benefits, the Administration makes much of increases in cash Social Security benefits since the enactment of Medicare (increases that were far beyond the amount the Administration wanted and must therefore be negated through reductions in other benefits).

But of what good is it to provide an individual with several hundred dollars in additional income if, faced with a medical bill well into the thousands, his health insurance is virtually nullified.

We would remind President Nixon that the White House Conference recommended that co-insurance and deductibles under Medicare be eliminated, not further increased to add to the burden carried by the sick individual.

And we will continue to look to the Congress for improvements in Medicare—instead of a weakening of the program—pending the enactment of National Health Security for people of all ages.

NATIONAL HEALTH SECURITY

The National Council of Senior Citizens will lend its wholehearted support to efforts to enact the Kennedy-Griffiths proposal for National Health Security for the total population including the aged. We are committed to this approach as the only effective means of building a health care system that assures all Americans equal access to comprehensive and continuous health services of high quality at economical costs. We are committed to the basic principles embodied in this legislation: no deductibles, co-payments or co-insurance; no billing of the patient; financing through payroll taxes and general revenue rather than through premiums taken out of retirement incomes.

IMPROVING MEDICARE AND MEDICAID

Until a National Health Security system is established, the benefits of Medicare and Medicaid should be expanded to cover prescription drugs; care of the eyes, ears, teeth and feet (including eyeglasses, dentures and hearing aids); long-term care (see also the section on Long-Term Care); and expanded services in the home with other alternatives to institutional care. These benefits should be provided without deductibles, co-payments or co-insurance.

Improvements in Medicare-Medicaid are urgently needed now and cannot await reform of the total health system.

To the extent possible, the remodeling of Medicare and Medicaid should be along lines that—if not actually paving the way for National Health Security—at least assure that we are not taking divergent paths.

The National Council therefore urges serious consideration of its proposal for merging Medicare-Medicaid in a Federally-administered program covering all residents 65 and older, all younger Social Security beneficiaries, as well as all other recipients of the new Federal program of Supplementary Security Income.

Under such a program, doctors and others who provide services would have to agree to accept the program's payment as full payment for a given covered service. Participating physicians who chose to be remunerated on a fee-for-service basis would have their fees predetermined on a negotiated basis. Hospitals and other institutional providers would be paid on a prospectively approved budget basis. Thus, the beneficiaries would be assured that they will not be billed for any covered services; at the same time, cost controls would be built into the system.

In this program—as in National Health Security—incentives would be included for both providers and beneficiaries of comprehensive prepaid group practice (Health Maintenance Organizations), thus emphasizing preventive care and reduction of institutional care.

PRESCRIPTION DRUGS AS THE NO. 1 PRIORITY

Again recognizing that any real reform in our health care program is not likely to be attained without a lengthy struggle, the National Council of Senior Citizens identifies out-of-hospital drug coverage as its number one priority in immediate improvements in Medicare—and here too we rely on the Congress to improve Medicare rather than weaken it as proposed by the Administration. Even a special advisory group named by this Administration—to say nothing of the White House Conference and numerous other spokesmen for the aged—has recommended that the coverage of Medicare be extended to certain prescription drugs that are so essential to the well-being of older people and that now claim such a large portion of the incomes of the afflicted.

During the last Congress, the hope of coverage of out-of-hospital maintenance drugs came close to realization. The National Council will therefore press for enactment at the earliest possible date of legislation that would extend Medicare coverage to essential drugs under reasonable conditions.

LONG-TERM CARE: NURSING HOMES AND ALTERNATIVES TO INSTITUTIONAL CARE

Countless older Americans are living out meaningless days in institutions simply because our nation lacks alternative arrangements for more appropriate care. There is a dearth of protective and supportive services, especially homemaker-home health aide services, that permit the frail older person to live independently at home.

This nation has only begun to recognize the value of neighborhood centers and programs of day care that make it more feasible for three generations to live together. We lack alternatives to expensive nursing homes and mental hospitals for the older person who needs sheltered care.

The need for long-term care arrangements that permit options to institutional care is felt by Americans of all ages, not just the very old and chronically ill. Regardless of age, millions of our citizens are haunted by the fear that they may have to spend their last years in a substandard nursing home or that they may have no alternative but to sentence an aged parent to such an existence.

And the need grows greater as more and more people live to the advanced ages where chronic illness is so prevalent.

To achieve health care appropriate to the needs of the elderly requires more than the development of broad interrelated programs of health care and social services. Also required is a change in Medicare-Medicaid and other financing arrangements that now put a premium on expensive institutionalization, thus wasting millions of dollars from public funds and the fixed incomes of the elderly. Sound economics, as well as concern for the well-being of the individual, demands immediate action—not just rhetoric.

NURSING HOMES

Until this nation achieves both the policy and the programs that would emphasize alternatives to institutional care, hundreds of thousands of our elderly will necessarily rely on nursing homes for long-term care.

Nearly one million older Americans are now in nursing homes. The typical nursing home patient is age 82, a widow with no family in the immediate area, suffering from one or more physical ailments, and dependent—at least partially—on public assistance. The typical nursing home is a privately owned facility operated for profit, remote from the mainstream of health care and not accountable to the community.

Small wonder then that countless thousands of nursing home patients are now living out their last days under conditions that result in malnutrition, dehydration, oversedation and neglect, if not abject abuse; small wonder that nursing homes have been labeled "warehouses for the dying."

The quality of care in nursing homes continues to be very poor, and the Administration has not been very responsive to the need for change. Pending a broad National Health Security program which incorporates adequate provisions for long-term care in its continuum of health services, we must work to improve the present Medicare and Medicaid programs. Three things are needed to improve care: stronger broad regulations that are diligently enforced; adequate reimbursement rates under Medicaid; and a mechanism to secure patients' rights and permi-public scrutiny of nursing homes.

In dealing with nursing home questions the Administration seems to consider budgetary factors as primary and patient care as secondary. Some progress has been made by the Administration, particularly through its training programs for nursing home inspectors and through its demonstration ombudsman program, but both of these are low cost and do not confront the basic need of providing nursing home patients with good medical care and rehabilitative services and with a living environment conductive to a satisfying life.

Therefore, the fight for better nursing home care—as well as the fight for alternatives to institutional care—must be made through the Congress.

A COORDINATED, COMPREHENSIVE PROGRAM OF LONG-TERM CARE

The National Council of Senior Citizens, as a wholehearted supporter of National Health Security, nevertheless considered the original proposal as introduced in the last Congress deficient with respect to its provisions for long-term care and especially for the personal or social care that can be so much more beneficial than medical care. We are delighted to see that the bill introduced in the 93rd Congress includes a provision for studies to prepare for a long-term care program.

A new section of the National Health Security bill would give the National Health Security Board authority to make grants for pilot projects to test the feasibility of home maintenance care for chronically ill or disabled people. Home maintenance services would include homemaker services, home maintenance, laundry services, meals, on wheels, assistance with transportation and shopping, and such other services as the Board deemed appropriate. If experience under these projects proved that home maintenance services reduced the need for institutional care (hospital, skilled nursing home) and could be administered in such a way as to effectively control inappropriate or unnecessary utilization, the Board would be authorized to recommend expansion of these services to the entire population.

Immediately—without waiting for the enactment of National Health Security—the Congress should call on the Secretary of Health, Education, and Welfare to develop a program of coordinated, continuous, comprehensive health and social services for the aged and other persons suffering from chronic illness, which will include a uniform benefit package guaranteeing the full range of services needed for ambulatory, home, and institutional care.

High priority should be given to the development and financing of the non-medical services that would make it possible for the chronically ill to live independently, thus saving countless dollars now spent on institutional care as well as providing a more satisfying life for the individual.

The Secretary of Health, Education, and Welfare together with the Secretary of Housing and Urban Development should be directed by Congress to conduct a joint study of the extent of the need for appropriate facilities of various kinds required by the program and of equitable means of meeting both capital and operating costs of such additional facilities.

We believe it should be possible for the Secretaries to develop, and transmit to Congress within the next two years, a consistent and coordinated program to meet the long-term care needs of all older Americans.

We believe that legislative proposals to get this program under way should be enacted as quickly as possible. Some work in this area has already been undertaken and further studies can be initiated immediately—without waiting for final enactment of National Health Security. Our hope is that the long-term care program which is developed can be meshed quickly and easily into the National Health Security program.

IMPROVED NURSING HOME CARE

As the National Council of Senior Citizens works toward the development of a national policy and coordinated program of long-term care, it must diligently continue its efforts to effect immediate improvements in nursing home care.

QUALITY OF CARE

We need legislation to assure that patients in nursing homes will receive rehabilitative services, such as physical therapy, speech therapy, etc. Currently, there is no requirement (except for Medicare patients, who can stay in a nursing home for a maximum of 100 days) that nursing home patients receive rehabilitative services, and hence stroke victims and others have no opportunity to regain their lost functions. Some States purport to require therapy but permit therapy to be administered by untrained nursing aides, so that the requirement in practice is false. (On March 5, 1973, HEW proposed regulations for Intermediate Care Facilities (nursing homes for people not needing extensive professional nursing services) that would require that rehabilitative services be offered. However, the proposed regulations did not require the employment of qualified therapists, and there is every indication that HEW will succumb to the opposition of the nursing home industry and to the pressures to hold costs down and delete the requirement for therapy in the final versions of the regulations.)

Federal legislation is needed to require that: (1) every nursing home patient be examined to determine whether he could benefit from therapy; (2) for patients who need therapy, a plan should be written that includes measurable goals to be achieved and the frequency with which therapy should be administered; (3) therapy should be provided by a qualified therapist, or if that is impossible, under the supervision of a qualified therapist, who must see the patient no less than weekly.

In some States and some remote rural areas, there are insufficient therapists to meet the need. In those States and areas, provision should be made through Federal funding for the training of additional therapists.

ANCILLARY SERVICES

Federal law and regulations require that nursing home patients be provided with needed dental and eye care. In most cases, this requirement is not carried out, primarily because there is no provision for reimbursing nursing homes for the cost of transporting patients to the offices of dentists and eye doctors. Therefore, legislation is needed to provide Medicaid reimbursement for transportation expenses in providing eye care, dental care and other ancillary medical services.

We must also oppose the Administration's proposal to remove dental services for adults from the Medicaid program.

MEDICAID REIMBURSEMENT OF NURSING HOMES

The Social Security Amendments of 1972 (P.L. 92–603) contain a provision that in effect prevents States from raising Medicaid reimbursement rates to nursing homes to a level adequate to assure needed services. That provision, Section 225, provides that the average per diem costs for skilled nursing homes and intermediate care facilities which can be counted for Federal financial participation under Medicaid would be limited to 105 per cent of such costs for the same quarter of the preceding year.

Not only does this section prohibit all States from keeping up with inflation, but it also prevents states whose Medicaid reimbursement rates are now too low from raising them to a reasonable level. Senator Strom Thurmond has introduced a bill (S-1624) to provide that the limitation on increases in Medicaid reimbursement rates to nursing homes would not apply to any State whose reimbursement rates were determined on a reasonable cost-related basis. This bill should be supported.

PATIENTS' RIGHTS

Although theoretically, nursing home patients enjoy all of the rights of people living outside of institutions, in practice, because of control by the administrator, the life of many nursing home patients comes to resemble that of a prisoner. Nursing home administrators frequently forbid entry into the home by people working to secure patients' rights, and they often prohibit patients from making even the smallest decisions about their life or care.

What is needed is a Federal law granting access to nursing homes by interested members of the community and a law specifically guaranteeing to a patient such basic rights as the right to be informed of treatment he is receiving; the right to change doctors or refuse treatment; the right to privacy in examination; the right to privacy in his communications with the outside, etc.

The American Medical Association has recently drafted a bill of rights for hospital patients. The Federal Government should assure through legislation that all nursing home patients have comparable rights.

OTHER IMPROVEMENTS

Senator Moss has introduced a number of bills to improve nursing home care. These are S-512, to give grants to nursing schools to develop in-service training programs for nursing home aides; S-764, to give grants to medical schools for courses in geriatrics; S-765, to train veterans who were medics to be long-term care assistants; S-766, to give grants to universities to train physicians' assistants; S-763, to require that the names of all owners of nursing homes be publicly disclosed; and S-513, to provide loans to nursing homes to purchase fire safety equipment. These bills all should be supported.

General Tax Reform

In December of 1971, President Nixon told the White House Conference on Aging that he was supporting "a series of tax reform proposals which would enable a single person aged 65 or older to receive up to $5,100 of tax-free income. A married couple, both of whom are 65 or older, would receive over $8,000 in tax-free income."

Contrary to his promise, since the White House Conference not only has the President not reformed the Federal tax code toward this goal—he has adopted a strategy of using the threat of a tax hike as a club to beat to death Federal programs of assistance for all Americans—especially the elderly—which were developed during the decade of the 1960s.

The National Council of Senior Citizens rejects the President's contention that a tax increase will be necessary to fund adequately such programs as the Comprehensive Services Amendments to the Older Americans Act, the Office of Economic Opportunity, or the other domestic assistance programs which the President has proposed destroying in the name of "fiscal responsibility."

FISCAL RESPONSIBILITY

We agree that fiscal responsibility requires additional revenues be brought into the Federal Treasury. This is now necessary due to the massive deficit spending in which this Administration has indulged. However, it has not been the spending for domestic programs that has resulted in a Federal deficit of $74 billion since mid-1969.

Rather, this revenue loss has occurred from two sources: First, the massive cost overruns and wasteful spending in the defense industry—in support of projects favored by the Nixon Administration—has accounted for nearly half that deficit.

Second, the disastrous Tax Reform Act of 1971—endorsed by the President—has created the largest single force for deficit spending.

In 1971, at the insistence of the White House, Congress passed amendments to the Internal Revenue Code which created new loopholes benefiting the wealthy and the large corporations. These amendments created provisions which established the base for the nation's current economic imbalance and placed billions of potential tax dollars, needed to meet the nation's requirements for essential public facilities and services, beyond reach of the Federal Government.

Because of the so-called Tax Reform Act of 1971, corporations have succeeded in reducing their share of the national tax burden from a traditional one-third—as existed through the 1960s—to a present rate of only one-fourth. The tax burden on individuals has correspondingly increased from slightly less than two-thirds to three-fourths of the entire national tax burden.

ADMINISTRATION TAX PROPOSALS

The President's new tax reform plan, submitted to the House Ways and Means Committee on April 30, nowhere attacks the real inequities in the tax system. There is no plan by the President to end the "welfare for the rich" capital gains provision. We reject the President's contentions that a continuation of the oil and chemical depletion allowance is necessary in face of the so-called energy crisis now facing America.

If it were advisable to continue this special tax break as an incentive to oil companies to develop new sources for oil and gas, then why has the current allowance failed to motivate these companies to avoid the energy crisis?

We note with dissatisfaction the absence of any reform in the corporate tax structure. There are no meaningful provisions to insure that American corporations do not continue to find it more profitable to rob American working men and women of their jobs in order to reap tax benefits from goods produced by foreign subsidiaries. There are also no reforms of the tax shelter provided big business through the accelerated depreciation allowance.

Most disturbing, however, is the President's exclusion of any proposal to limit or remove taxes upon the pensions and annuities of the elderly.

In general, the National Council of Senior Citizens views the tax package presented by the Administration as merely an extension of the philosophy of the tax reforms of 1971—reforms which put even larger numbers of the wealthy and the corporations on government subsidy at the expense of the working people and the elderly. We reject its provisions and call for enactment of meaningful tax reform under guidelines listed as follows.

SOME SUGGESTED REFORMS

To reverse the inequitable trend in Federal taxation created by the 1971 Tax Reform Amendments Act, the National Council of Senior Citizens supports the following reforms in the Internal Revenue Code:

Taxes on annuities and/or pensions for men and women ages 65 or over should be abolished, at both the Federal and State levels.

Preferential treatment of corporations and wealthy individuals under the 1971 amendments to the Internal Revenue Code should be revoked.

A tax should be enacted on the excess profits of corporations for as long as wages and salaries are subject to any form of control or restraint. This tax would help rectify the imbalance currently existing in the economic recovery and stabilization programs.

Preferential tax treatment of income derived from so-called "capital gains" transactions should be eliminated. For too long, those wealthy few whose income is derived from investments have been supported by an increasingly large tax burden being placed upon the income of those who are wage earners or salaried employees.

We support a strengthened "minimum" tax on those very large corporations and extremely wealthy individuals who have for so long avoided the payment of any form of income tax.

The National Council of Senior Citizens believes that the nation's retired persons and wage earners have for too long—through unfair tax loopholes—supported a wlefare system for the rich. We therefore commend the House Ways and Means Committee for its investigation into tax reform. We urge this Committee to develop tax reform amendments along the lines recommended by the National Council and that the Congress of the United States adopt such legislation.

Finally, we call upon the President of the United States to abandon his strategy of using the threat of a tax increase to bludgeon to death the hard-won assistance programs for seniors and other Americans. We urge you, Mr. President, to support tax reform in the spirit and the word of the 1971 White House Conference on Aging.

Property Tax Reform

The 1972 Constitutional Convention of the National Council of Senior Citizens adopted a strong stand on the need for reform of the local property tax system, based upon the assumption that "older persons should be enabled to live in their own homes as long as they can." There was good reason to hope, at that time, that this goal was shared by the President of the United States.

As a major portion of his address to the White House Conference on Aging, President Nixon told those elderly assembled. "the time has come to stop talking about the impact of property taxes on older Americans and to act in their behalf and in behalf of other citizens in similar circumstances."

Specifically, the President pointed to his then proposed—later adopted—Revenue Sharing Act as helping to relieve the pressure of property taxes. But he went even further. "I believe," the President told the Conference, "we have to move on another front, more directly on the problem of property taxes. I am therefore working with our Domestic Council and working specifically with the Secretary of the Treasury in preparing specific proposals to ease the crushing burden of property taxes for older Americans and for all Americans.

Recent months have seen considerable activity around the nation to provide property tax relief for elderly homeowners and renters. Many State, county and municipal governments have enacted or are considering legislation.

The reasons why include the following:

Many elderly homeowners now find themselves financially paralyzed by escalating property taxes.

Since January 1969 property taxes have increased by 36 per cent, nearly twice the rise in the overall cost of living. All in all, they are now at an all-time record high of more than $41 billion.

In many communities throughout our nation, this tax bite has doubled—and in some cases tripled—during the past decade. And older Americans have been harder hit than any other age group in our society because they are living on reduced incomes.

Aged homeowners pay, on the average, about 8.1 per cent of their incomes for real estate taxes. In sharp contrast, the typical urban family of four turns only 3.4 per cent of its family income to the local tax assessor.

A recent study by the Advisory Commission on Intergovernmental Relations shows that aged homeowners living on less than $2,000 a year pay almost 16 per cent of their meager incomes for this regressive tax. Perhaps even more startling, more than 1 out of every 5 elderly homeowners—or approximately 1.3 million aged households—fall within this category.

Low and moderate income renters also feel the squeeze from high property taxes, because the landlord may shift the lion's share of this burden to them.

Assuming that 25 per cent of gross rent constitutes property tax, nearly 70 per cent of all aged renters living on less than $5,000—or more than a million households headed by a person age 65 or older—pay the equivalent of 8.75 per cent or more of their incomes for property tax.

There are basically two systems used in reforming property taxes. The first is the "homestead" tax. It embodies the idea that a certain part of the assessed value of a homeowner's property should be ignored when collecting property taxes. Thus, for instance, a home owned by a senior couple—normally and properly assessed at $30,000—might under the homestead system be valued, for taxing purposes only, at $20,000. This system of property tax reform retains a basic inequity as an integral part of the system.

Since the "homestead" system is usually based upon owners having attained a specified age—or other nonfinancial status to be qualified—the system provides property tax relief not only for the needy elderly but for all elderly persons including those whose income place them in the top earnings brackets. This tends to perpetuate the inequitable concept of the property tax—taxing an individual's shelter at a rate which disregards income.

The other system, adopted by many States, is termed the "circuit breaker" tax. Under this approach, the value of a piece of property, regardless of its true market value, would be based upon its assessed value less whatever per cent the owner's taxable income falls below established minimum guidelines for income. Thus, for instance, a couple owning a home valued at $30,000, but whose taxable income fell some 50 per cent below the guideline, could have their property assessed, for tax purposes, at only $15,000. Since Social Security benefits and Railroad Retirement income are not currently taxable, this major portion of most elderly people's income would not count at all toward the taxable value of their homes.

The "circuit breaker" formula attempts to reform the entire concept of property taxes, since it bases the tax on residential property upon the income of the owner rather than solely upon the "resale value" of the property itself.

To help local governments recoup revenues lost through property tax reform, some members of Congress are moving to insure that States will receive at least some rebate. The most promising of these proposals has been introduced by Senators Frank Church (D., Idaho) and Warren Magnuson (D., Wash.). The bill would provide that States and local jurisdictions which enact property tax reform for senior citizens who have a low or moderate income have some portion of their resultant revenue loss returned from the general revenues of the U.S. Treasury. However, the Church-Magnuson bill does not provide sufficient safeguards to insure that non-elderly needy will receive property tax relief.

PRESIDENT NIXON'S PLAN

As part of his general tax reform package, the President has proposed legislation to reform the property tax system. This plan, however, does not give the impetus needed to insure that States and local governments will base their reforms upon the concept of need. There is no provision in the President's proposal to insure that those elderly homeowners with the least income are treated any differently from retired professional people who have more than adequate retirement finances and expensive homes. Further, the Administration plan fails to recognize that younger homeowners and renters with low incomes are also in need of property tax reform to enable them to keep their homes.

In addition, there is no realistic provision within the President's proposal to insure that local governments are reimbursed for their lost income. The absence of such provisions mean that long-term property tax reform will remain a dream in light of the fiscal reality of local government.

NCSC PROPOSALS

The National Council of Senior Citizens is not a narrow special-interest group. We recognize that the problem of high property taxes is not confined to those who have attained age 65.

Older persons should be enabled to live in their own homes as long as they can. State and local units of government should be encouraged to continue efforts at property tax reform. The members of the National Council of Senior Citizens approve of and support property tax reform which remits, to all low income individuals, a substantial portion of their property taxes, regardless of age, sex, or race. The National Council of Senior Citizens also supports that form of property tax reform which will remit portions of property taxes to renters and to residents of Federally subsidized housing, as well as homeowners.

In determining income levels for property tax rebate, the National Council of Senior Citizens will support all those measures which disregard income from Social Security, Railroad Retirement, veterans pensions, employee contributory retirement plans or child support programs.

The National Council of Senior Citizens urges Congress to adopt legislation similar to the Church-Magnuson bill, providing Federal funds to compensate local taxing authorities for reduced revenues where taxes on homes or apartments occupied by all low-income individuals and families are reduced.

Housing

The history of the Nixon Administration is one of lack of concern for the housing needs of the elderly. When the White House Conference on Aging convened in late November 1971, the delegates found that funds for the Section 202 program were impounded, thus cancelling out a program whose unique characteristics made it especially attractive to non-profit sponsors of elderly housing.

The first and key recommendation on housing of the WHCOA was that "a fixed proportion of all government funds, Federal, State and local—allocated to housing and related services, shall be earmarked for housing for the elderly, with a minimum production of 120,000 units per year."

On January 5, 1973 the Administration, under the claim that housing programs were inefficient and duplicative, slapped a moratorium on all housing and community development programs.

In imposing this moratorium, the Nixon Administration cited no chapter and verse—indicating instead that it is undertaking "a major housing study." The recommendations of this study are not expected until September, if then. Thus, for the better part of a year, planning and action are suspended for public housing, elderly housing, rent supplements and other housing programs.

It is of interest to note that when proven charges of inefficiency and gross cost overrides were made against the Department of Defense and its corporate contractors, no moratorium was proposed on defense expenditures—on the contrary, they were increased by $4 billion.

The moratorium is deadly and devastating. Hundreds of thousands of dollars, if not millions, and months and years of time have been spent by sponsoring organizations and State housing agencies and under the urban renewal programs in planning housing for the elderly. These plans cannot be put on a shelf and pulled down at a future time. Building costs rise, options run out, sponsors disband, houses earmarked for rehabilitation deteriorate beyond repair—chaos results.

ADMINISTRATION RESPONSES

The Housing Panel of the Post Conference Board of the White House Conference on Aging—of which the NCSC's Housing Chairman was an active member—on April 5, 1973, reviewed the responses of the Nixon Administration to the WHCOA recommendation on housing.

The panel found that a number of Administration responses—"were exceedingly distressing. In many instances responsibility was simply passed on to the State and local governments by stating that housing needs of the elderly could, or might, be met with revenue sharing funds, or through the mechanism of a proposed Better Communities Act yet to be submitted to Congress. Both of these responses are dubious and offer no hope of immediate or reliable action."

The panel further reported the Nixon Administration responses to the WHCOA and recommendations on housing were "a major study, now under way," while in other instances—for example, impoundment of funds, expansion of the rent supplement program—there was no response at all.

In mid-March representatives of the principal organizations in the field of aging indicated their serious concern about the impact of the moratorium on housing for the elderly to the Secretary of the Department of Housing and Urban Development.

In April, NCSC's Executive Director William R. Hutton and NCSC's Housing Committee Chairman Abe Isserman testified before the Subcommittee on Housing and Urban Affairs of the Senate Banking, Housing and Urban Affairs Committee as to the dire effect of the moratorium on housing for the elderly. The Chairman of this Senate Committee, Senator John Sparkman (D., Ala.), has decided to conduct his own appraisal of existing programs and present and future needs.

NCSC RECOMMENDATIONS

A minimum annual production of 120,000 units should be made an integral part of a comprehensive national policy for housing for the elderly.

Before the moratorium was applied, the Administration had talked about an annual goal for senior housing at about half the proposed minimum annual production rate of 120,000 units.

The position of Assistant Secretary for Housing for the Elderly should be established at HUD.

A special assistant for housing for the elderly was appointed who does not however have the authority and status of an Assistant Secretary.

The Section 202 Housing Program for the Elderly should be restored with an increased level of funding. (This program has for all practical purposes been abolished.)

Up to 60 per cent of subsidized housing units occupied by the elderly should be eligible for rent supplement.

Funds for this program have been impounded.

Federal funding should be made available to provide trained security personnel at public housing projects.

Federal operating subsidies to local housing authorities that could have been used for guard and other services related to the physical security of residents have been curtailed or denied by the Nixon Administration.

The congregate meals provisions of the 1970 Housing Act should be amended to include funding for the cost of food.

NCSC POLICY ON GOVERNMENT OPERATIONS

Our Constitution clearly intended that the government of the people of the United States was to be shared among the Presidency, the Congress and the courts; and that no branch of government was to usurp the power of the others. The ultimate power, however, rests with us—the citizens of our country, as so eloquently enunciated in Lincoln's Gettysburg address—"a government of, by and for the people."

When, as now, the Presidency threatens to subvert this Constitutional intention, we must urge and support Congress in every effort to assert and maintain its powers to make laws, appropriate monies and maintain oversight over the administration of government programs, and declare as the people's parliament what should be and must be our national priorities in all areas affecting the well-being of our nation.

The members of the National Council of Senior Citizens will continue to support Congress in every appropriate action taken to maintain its Constitutional power to oversee the government, establish priorities and to appropriate funds.

Specifically we support enactment of several specific proposals.

We call upon Congress to immediately pass the Impoundment Control Bill (H.R. 5193) as introduced by Representative George H. Mahon (D., Texas).

Senior citizens, in concurrence with the intent of the Impoundment Control Bill, agree that the President should have limited powers to reserve appropriations in the interest of sound management of public funds. However, there is an urgent need to halt unilateral impoundments.

H.R. 5193 would establish the necessary impoundment controls by providing a standard operating procedure for Congressional review of impoundment actions. Further, it would require action only when Congress disapproves an impoundment; action would not be required for the numerous routine shifts of minor amounts of money.

The Impoundment Control Bill is not a matter of partisan politics, but a matter of democratic principles—and we believe its provisions are reasonable and necessary.

Transportation

Following the problems of income and health care, the greatest concerns of nearly all America's elderly is transportation. The problem of transportation for the elderly is many-sided.

Ever since the 1950s, when the nation made a commitment to develop a system of interstate highways, the Congress has regularly appropriated huge sums of money toward accomplishment of this goal. This fund—generally known as the National Highway Trust Fund—has grown to the point where the dollar figure for highway construction reached $7 billion in the appropriation bill just passed by Congress.

This massive amount of Federal money has attained a certain sacredness about it. Recent attempts in the current funding bill to insure that a mere 10 per cent of the fund could be used to develop mass transit systems met with vociferous opposition and were ultimately defeated.

Although the years have seen the progress of the nation's inter- and intra-state highway system grow to near completion, a coalition of special interests commonly known as the "highway lobby" has so far successfully opposed any attempt to divert some of these highway construction dollars for the purpose of aiding communities in the maintenance or expansion of any mass transit system.

This lack of Federal aid has severely hampered local government initiatives at providing either low-fare or no-fare mass transportation for the needy elderly.

Consequently, in the heart of the most mobile nation on earth, many older Americans—either too infirm or too poor to own and drive an automobile—are isolated from the services intended for them by the Congress. At a time when our nation faces a fuel shortage, and Federally-subsidized highways are now being built literally to nowhere, the continued opposition to mass transit construction is viewed by the National Council of Senior Citizens as foolhardy in the extreme.

Also of concern to the nation's elderly is the unwillingness of the Civil Aeronautics Board and the Interstate Commerce Commission to allow common carriers to establish reduced fares during non-peak periods on interstate planes, buses, and trains. The high cost of coast-to-coast travel is prohibitive to older persons who must use virtually all their income to provide basic necessities.

With funds actually available in the Civil Aeronautics Board budget to subsidize reduced fare senior rates, the opposition of this agency to implement such a plan is even more disturbing.

Another major area of concern is transportation for seniors is private transportation. Many senior citizens are either too infirm to drive or cannot afford to operate automobiles. Yet for many others who are more fortunate, State and local governments—and major insurance companies—have erected barriers to licensing operation of a motor vehicle after an individual reaches a certain arbitrary age.

Although States have theoretically been prohibited from confiscation of an individual's driver's license for reasons of chronological age, the practice is still enforced through various subterfuges. Also of concern is the practice of most insurance companies to either raise premiums enormously or cancel the insurance automatically of all persons who have attained an arbitrarily designated age—regardless of an individual's retention of good driving abilities.

Architectural barriers which prevent those persons confined to wheelchairs from entering many public buildings is yet another area of concern.

A provision of the Vocational Rehabilitation Act—vetoed by the President—would have made it public policy to eliminate such barriers, or at least provide alternate entrances and exits to all public buildings, for the handicapped.

It is of the highest irony that the offices of many Congressmen and Senators, who supposedly represent the handicapped equally with non-handicapped constituents, are inaccessable to many persons in wheelchairs. Further, the U.S. Capitol and even the U.S. Supreme Court building present almost insurmountable barriers to entrance by persons in wheelchairs.

These transportation problems facing the elderly and handicapped Americans have been, for too long, placed at the bottom of the priority list of programs by Federal, State, and local governments.

NCSC recommendations. The National Council of Senior Citizens recommends the following to correct these grievous errors:

Federal, State, and local governments should adopt a policy of improving transportation services for the elderly in both rural and urban areas.

The Highway Trust Fund should be converted into a general transportation fund to be utilized for both highways and mass transit systems. Funding should be made available for the development of new, innovative types of transportation such as personal rapid transit and dial-a-bus as well as the improvement of existing transit services for operating subsidies as well as capital improvement grants.

Financial support should be directed toward providing reduced- or no-fare transit for the elderly, especially at non-peak hours. NCSC supports a measure (S-885) introduced by Senator Philip A. Hart (D., Mich.) to test the feasibility of fare-free mass transportation.

Federal, State, and local government should require coordination of transportation with publicly funded facilities or programs for the elderly, such as housing, health clinics, and senior centers. New programs should require the consideration of transportation availability before final funding authorization. Top priority for Federal mass transportation funds should be given to those systems which provide reduced senior citizens fares and satisfy the special transportation needs of seniors. Also, Federal funds should be appropriated to assist private non-profit and public organizations meet the special needs of the elderly passenger.

The National Council of Senior Citizens supports Congressional efforts to authorize the Civil Aeronautics Board and the Interstate Commerce Commission to establish reduced fares for elderly passengers on trains, buses, and planes, especially on a space-available basis during non-peak periods.

It should be public policy to eliminate all architectural barriers to the mobility of elderly and handicapped persons, especially in public buildings and services. NCSC endorses the concept of the Architectural and Transportation Barriers Compliance Act.

Nationwide standards for licensing automobile drivers on the basis of driving ability and not age are recommended by the National Council of Senior Citizens. Such standards are long overdue because elderly drivers are often discriminated against by State licensing agencies.

The Federal and State Governments should prohibit insurance companies from increasing car insurance premiums or cancelling car insurance policies solely on the basis of the driver's age.

Because drivers, especially elderly drivers, would benefit from a cheaper insurance protection and more simplified and equitable procedures for collecting accident claims, NCSC supports the National No-Fault Motor Vehicle Insurance Act (S–354) introduced by Senator Warren Magnuson (D., Wash.), and H.R. 10 by Rep. John E. Moss (D., Calif.). These bills establish uniform national standards for no-fault auto insurance which would permit unlimited or high medical and rehabilitation compensation, adequate compensation of income loss, and restrictions on lawsuits thereby eliminating costly and unnecessary legal action.

The Cost of Living

Embodied within the specific resolutions of the members of the National Council of Senior Citizens is a common theme. This theme was articulated at the White House Conference on Aging by none other than President Nixon. In his speech to the Conference, the President stated "Any action which enhances the dignity of older Americans enhances the dignity of all Americans, for unless the American dream comes true for our older generation, it cannot be complete for any generation."

Today, the specter of uncontrolled inflation has done more to hamper the quest for that dream than any single strategy or plan of those who oppose progress for older Americans. The rapid, uncontrolled rise in the cost of the basic necessities of life for older Americans has made a mockery of all the legislative intent embodied in the 1972 Amendments to the Social Security Act.

There is no joy for senior citizens in receiving a 20 per cent increase in Social Security benefits—only to see those benefit increases literally consumed in just a few short months in the flames of inflation.

Senior citizens know there is no practical relief offered by the new "escalator clause" in Social Security benefits unless inflation can be brought under reasonable control. Older Americans do not fool themselves into believing that the United States can long hope to reimburse seniors with increases in their Social Security benefits based upon completely uncontrolled increases in the cost of living.

Although the Administration has taken credit for making any further payments under Social Security "inflation proof," such claims are misleading in the extreme.

Since the 20 per cent increase in Social Security, the cost of living has risen out of control to the point where annual projections now put the rate of increase at about 10 per cent.

However, the escalator clause as now written will not take into account cost-of-living hikes during 1973 when determining if benefit increases starting in January 1975 are warranted. Only such increases and resulting inflation during 1974 will be viewed.

The Administration has ignored these facts in its opposition to any significant improvement in the floor of protection afforded by Social Security. Any improvement has been opposed on the grounds that older people have other sources of income—savings, private pensions, etc. However, such sources are particularly vulnerable to loss through inflation and are not automatically adjusted to reflect increases in the cost of living and far too many elderly citizens do not have these sources of additional income.

Multiplying the financial woes for seniors has been the nature of recent cost-of-living increases. The biggest expenses for most seniors—food, health care, and shelter—are the biggest contributors to the current overall rise in prices.

Earnings and rising wage levels are the best hedge against inflation, but only a small proportion of the aged have any significant amount of earned income.

Therefore, while recent jumps in the cost of living have had a deleterious effect on all Americans, the impact has been especially great on the incomes of senior citizens.

The Bureau of Labor Statistics budgets for an elderly couple at both the lower and the intermediate level indicate that about eight out of every ten dollars are allocated to housing, food, transportation and medical care. These are the costs of surviving from day to day. They are not expenditures that can be postponed until "the price is right."

FOOD

The Secretary of Agriculture recently countered complaints about rapid increases in food costs by telling housewives that Americans still spend only about 17 per cent of their income for food. This estimate is patently not valid for the older American. The rapid increase in food costs has raised the percentage of the older person's income devoted to food costs to about 28 per cent. This figure is expected to go still higher.

Yet, just as older people reject the Administration contention that consumers set food cost levels, we also reject the idea that farmers set these prices.

The true villain in recent food price surges is the lack of control over basic food and fiber supply. It is only through the establishment of a system whereby the quantities of food produced can be regulated to insure against vast surpluses and disastrous shortages that American consumers and American agriculture can both survive.

Therefore, the National Council of Senior Citizens supports Congressional efforts to establish a national strategic reserve of basic food stocks—secure from price suppressing dumping yet available in case of shortages caused by blight or drought, etc.

Coupled with establishment of a strategic reserve, the National Council of Senior Citizens calls upon the Congress to amend the Marketing Agreements Act of 1937 to extend marketing order authority to all commodities and to further amend the Act to provide for bargaining between elected producer committees and food "middlemen" to determine adequate prices and production to meet consumer demands.

But stabilization of our nation's agriculture system—with its resulting stabilization of food prices—will not solve the problem of obtaining a balanced diet for many seniors. The Supplemental Security Income (SSI) provisions recently signed by the President will, in many cases actually work against the best interests of some seniors. Since these supplements will still leave many older Americans perilously close to abject poverty, we call upon the Congress to insure that the additional income to seniors at the lowest income levels through SSI will not render them ineligible to obtain food stamps.

The food stamp program—though villified by the Nixon Administration—has proved the key factor to continued existence of many of our nation's poorest elderly individuals. Elimination of the program will undo whatever good might be accomplished by enactment of the Supplemental Security Income provisions.

SHELTER

Aside from specific proposals regarding reform of property taxes (see section on Property Tax Reform), the National Council of Senior Citizens calls upon the Congress to enact legislation insuring that owners of rental property are prohibited from inordinately raising the cost of apartments. The cost of shelter is the biggest item in the budget of the elderly, claiming an average of 34 cents out of every dollar. As long as there exist controls upon the wages and salaries of America's working men, similar controls regulating rent increases should be applied.

COMMUNITY OPERATIONS

A wide range of services to help older people maintain a maximum degree of independent living is essential. While adequate income is a first priority, it is no substitute for programs which provide senior centers, nutrition programs, day care, foster care, homemaker, transportation, educational and legal services. These are the programs that offers an alternative to nursing home care and assure that the latter years shall be years of dignity and security.

Over the past several years, under the Model Cities program, the Economic Opportunity Act, the Older Americans Act, the Nutrition Act, and the Social Services Amendments to the Social Security Act, there has been initiated the beginning of a set of constructive services for older people.

The White House Conference on Aging inspired the hope for the further expansion and development of these services when the Conference essentially endorsed the declaration on services in the National Council of Senior Citizens' "Platform For the Seventies": "A wide and adequate range of facilities and services appropriately designed to meet the needs of older people, through consultation with older people, must be developed and financed."

This hope was given further impetus when President Nixon pledged: "We plan to give special emphasis to services that will help people to live decent and dignified lives in their own homes—these services being home health-care, homemaker and nutrition services, home delivered meals and transportation assistance."

Less than a year later Mr. Nixon revoked the pledge he had so earnestly made.

The President vetoed the Labor-HEW Departments appropriation bill. This bill was to have provided $100 million for a nutrition program for the elderly. To date—more than a year after the Nutrition Act was passed—there is no money available for a meals program.

Then he pocket-vetoed the Older Americans Act Services Amendments, which include a wide range of services designed to aid the older American.

The President sought to soften these blows by arguing that the Revenue Sharing Act, which included services for seniors as one of the eight areas which might be financed out of the Federal funds made available to local communities, would substitute for these cutbacks. To date, however, there is no evidence that seniors have benefited much from revenue sharing funds.

1973 was begun by Mr. Nixon ordering a moratorium on housing and community development, including the Model Cities program.

This moratorium on housing was shortly followed by Mr. Nixon's negative budget in which he proposed to abolish the Community Action Programs of the Office of Economic Opportunity. This spells the end for several hundred senior services programs directed primarily to low-income elderly and operated by the Community Action Agencies.

This was followed by the issuance of a set of regulations that will severely limit the availability of services for the elderly under the Social Services Amendments to the Social Security Act. These regulations completely eliminate as a Federal reimbursable program information and referral services which are designed to help older persons identify and find programs and services that will be helpful to them. Also, these regulations together with the $2.5 billion ceiling placed on services for families, the young and the old by Congress at the Administration's urging have the effect of confining services to welfare receipients only and cutting in half for the current year the estimated $700 million spent on services for the elderly in 1972.

White House interference with the Corporation for Public Broadcasting and the unwillingness of the White House to support a program of long-range finance for public television have seriously limited the capacity for public broadcasting to develop and promote educational programming for the nation's senior citizens.

These actions by Mr. Nixon not only constitute a rejection of his pledge at the White House Conference on Aging but have reversed a slow upward trend in services for the elderly. Despite the passage of the Older Americans Services Amendments, the President's negative budget for the elderly in areas of housing and community development, OEO and social services threatens to put us back to at least the 1970 level of funding.

NCSC RECOMMENDATIONS

Congress must stop the abolition of OEO's Community Action Programs with their Senior Opportunities Services. A Federal court has already ruled that the Acting Director of OEO has acted illegally in abolishing the CAP programs as of June 30, 1973. Now the Congress should insure the future of these programs by refunding them.

The nutrition program which has been delayed for over a year should be funded through securing a supplemental appropriation and not be further delayed by waiting for the regular FY 1974 appropriation.

The National Council of Senior Citizens calls upon the Department of Health, Education, and Welfare to rescind its proposed regulations for social services.

The Administration has made some modifications in the regulations, but these do not significantly lift the serious restrictions placed on services for the elderly. Consequently, the NCSC is prepared to seek Congressional relief through amending the Social Security legislation.

Congress should insure that the Public Broadcasting System be completly removed from political influence and financed on an adequate and long-range basis. Further, the Corporation for Public Broadcasting should devote specific dollar grants to local stations and public interest organizations for the purpose of developing programming related to the needs of older people.

FROM SITTING ON TOP OF THE WORLD TO SITTING IN A WHEELCHAIR

Mr. DOLE. Mr. President, recently an article was brought to my attention concerning an outstanding young woman from my own State of Kansas. This young woman, Miss Linda Light, a former Miss Kansas, who, at the age of 23, was told she had multiple sclerosis. Since contacting this disease Linda has been bravely building a new life.

Multiple sclerosis is a crippling neurological disease. According to the National Health Education Committee, it would be a reasonable estimate to say that 250,000 people are currently suffering from multiple sclerosis. Multiple sclerosis is most often a chronic, progressive, and crippling neurological disease making its initial appearance 70 percent of the time in individuals between the ages of 20 and 40 years. The disease is characterized by relatively brief periods—usually 4 to 6 weeks—of increasing disability, followed by much longer periods—months to years—of stability of improvement. Its causes remain obscure. The National Multiple Sclerosis Society and National Institute of Neurological Disease and Stroke have set the following basic goals on multiple sclerosis research:

First. To find the factor or factors that may initiate or perpetuate multiple sclerosis disease process;

Second. To find an effective means of arresting multiple sclerosis; and

Third. To find an effective preventative for the disease.

In addition to these basic objectives, it would be extremely valuable for both present research and future therapy to have an accurate laboratory test for multiple sclerosis that would distinguish it from other neurological diseases.

Victims of multiple sclerosis have many adjustments to make. Social aspects and regular day-to-day activities can pose great problems. Rehabilitation of these victims can be depressing and seemingly impossible. But Linda Light had the confidence in herself to build her new life. The strength and dedication it takes to cope with this disease certainly could not be better exemplified than by Miss Light. The following story, "From Sitting on Top of the World To Sitting in a Wheelchair" by Gerald Astor, taken from Today's Health, March 1973, describes the former Miss Kansas who contracted multiple sclerosis after a glamorous career and provides some insight into some of the personal problems of those afflicted by multiple sclerosis.

I ask unanimous consent this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

FROM SITTING ON TOP OF THE WORLD TO SITTING IN A WHEELCHAIR

(By Gerald Astor)

(The story of Linda Light, a former Miss Kansas, who, at 23, was told she had multiple sclerosis and ever since has been bravely building a new life.)

It's a long way from the corn fields of Kansas to the warm waters of Miami, but twice, Linda Light has made the journey. She was only 19 the first time, when she strode across the Convention Hall stage vying for the title of Miss Universe. But the former Miss Kansas, a vivacious blonde with big blue eyes, didn't bring home the trophy until 10 years later. Then, in the fall of 1972, propelling herself in a wheelchair, Linda rolled onstage to accept a graceful silver loving cup. Its rather meaningful inscription: "To Linda Light, Miss Universe of the National Multiple Sclerosis Society in deep appreciation for her courageous contributions . . ."

The award notwithstanding, the glamor days of entering beauty contests and working as an airline stewardess are over for Linda. She spends most of her time in a wheelchair and, at 29, is studying for a college degree so she can make a career as an elementary or pre-school teacher.

Linda is one of an estimated 500,000 Americans known to have multiple sclerosis, a disease of unknown origin that attacks the central nervous system, disrupting or blocking messages from the brain. There is still no cure and no known treatment—only clues, theories, and a new discovery, all of which scientists hope are bringing them closer to unraveling the mystery of this debilitating disease. As happened with Linda, MS usually strikes people between the ages of 20 and 40—the prime years.

But Linda didn't just wake up one morning with all the symptoms. Rather, there was a gradual deterioration, confusing to an energetic young stewardess who, as a teenager, had been able to bounce from a backyard football game into an evening of dancing. Now she seemed to have lost her zip. The trips she loved to plan to New York, San Francisco, and Phoenix; the picnics and swimming outings with her friends—they all seemed too much for her. She was bewildered and worse. Depressed, she'd close herself up in her Kansas City apartment and have the most serious kinds of doubts about her life and career. "At first," Linda says, "I thought it was a temporary thing, something everyone goes through."

Finally, though, she quit her job, hoping her condition would improve; it worsened. Linda began stumbling, bumping into walls. Then she had a series of fainting spells and, with that, went home to consult her doctor in Topeka.

The doctor ordered Linda to the local hospital. She walked in under her own power. A few days later, Linda Light, so recently a picture of the active all-American girl, could not stand unassisted. And for eight months,, Linda lay there, the victim of "hysterical paralysis," while doctors tested and probed and puzzled. For as obvious as the ravages of MS so often are, the disease itself is extremely difficult to diagnose. (In fact, there are no specific or unique symptoms limited to MS which positively identify the presence of the disease, explains John F. Kurtzke, M.D., professor of neurology at Georgetown University's School of Medicine.)

There was little physical pain involved. The emotional pain, however, was almost unbearable. "I had no idea what was going on," says Linda now. "No one seemed to know the answer."

The same year, even as Linda was suffering through her ordeal, a special medical committee headed by George Schumacher, M.D., chairman of the division of neurology at the Vermont College of Medicine, was settling on a list of specific criteria for determining the presence of MS. All these symptoms can arise from other maladies, but all are also connected with MS. First of all, there must be some objective nuerological abnormality, such as an abnormal reflex response, present. Then, the problem must exhibit multiplicity since the ravages of MS invariably involve several areas of the central nervous system. Third, the white matter or fiber tract portions of the central nervous system must be involved. Fourth, deterioration must occur over a period of time. Fifth, the initial onset of the symptoms must be between the ages of 10 and 50. Finally, a physician must determine that no other disease but MS can account for the problem. Linda Light, it was discovered, met all six criteria.

Neither Linda nor her parents had ever heard of MS. What they learned was not very promising. Multiple sclerosis damages either the brain or the spinal cord, the chief passageway for messages from the brain. It attacks the axons, fibrous units that relay electrical impulses from the brain to various parts of the body. If the impulses don't get through, the muscles and glands cannot function properly. These messages from the brain move through the core of the axon, which is insulated by a myelin sheathing. When MS hits, it breaks down the myelin, gradually turning it into hardened scare tissue.

At first, the communications simply become weaker as partial interruption of service occurs. Linda's depressions, stumbling, and fainting spells could be attributed to this early stage of MS. But as MS progresses, the pathway along the core becomes blocked by an impenetrable mass of scar tissue. Communications with an area of the body become permanently lost. Although drugs can lessen muscle spasms and physiotherapy can help build muscle strength, nothing can be done to repair the damage once incurred.

"When the doctor told me that I had multiple sclerosis, I didn't know what to do," says Linda. "At first I was just relieved to have an answer. Later, I thought about suicide."

Seeing her now, it's difficult to believe that this beautiful young woman could have considered such an alternative. She smiles and talks so easily—and looks so healthy. But listening to her description of those months in the hospital when she lay there with her legs shriveled, her voice husky and barely audible, unable to walk unassisted and weighing a gaunt 85 pounds, it is easier to understand why.

Once the diagnosis was made, Linda remained in the hospital for seven more months, devoting all her energy to rebuilding her body strength. Weakened by the initial MS attack and the long months in bed, Linda had to retrain her flabby muscles. She spent hours every day in physical therapy learning mobility from a wheelchair, teaching the body that had walked so proudly in the Miss Universe contest to totter along, one step at a time, on crutches.

Slowly her body responded, but, in her darkest moments, Linda seemed to have surrendered. She went home to die. Only no one would let her. Her mother fixed her favorite meals, tempting her to regain at least a few of those precious lost pounds. The counselors from the Kansas State Rehabilitation program badgered her to get involved again, convincing her that she could still lead an active life. For more than a year, they kept after her. Finally the positive pressure reached home and her inner toughness came through.

Linda's first adventure back into the world led straight to the doorstep of the local Veterans Administration hospital, only a few blocks from her parents' home. "I volunteered to work in the ceramics department," Linda says. "I was still weak and could only go in for half days. There wasn't much running around I could do, but I could work with my hands."

That was five years ago. Today, Linda is enjoying one of the remission periods characteristic of the disease. There is no way of knowing how long this will last. It could go on for years, even a lifetime. It could end tomorrow, but it has given her hope for continued improvement.

She carries a full schedule of classes (12 hours a semester) at Kansas State Teachers College in Emporia where she hopes to graduate in June of 1975 with a degree in elementary education. "The only problem I can foresee," she says, "is with my voice. I still can't talk very loudly, and I'll have to find a way to amplify it so I can be heard in a room full of children."

At first, the idea of going back to school seemed absurd. Linda thought she was too weak and too old, although the 29-year-old coed could easily pass for a student several years her junior. But, Linda, who maintains a solid B average, finds herself right at home on the campus. She shares a first-floor dorm room with two other juniors, both younger than she, and does most of her local traveling in a $1,000 motorized wheelchair (which is paid for by the state). Theirs is a typically functional dorm room, but Linda's mark is everywhere: Her metal crutches lean against the wall, a collapsible wheelchair sits folded up in the corner and, instead of the fourth bed that would normally occupy the room, there's a stationary exercise bike that Linda pedals every day until the odometer registers exactly one mile. All these Linda accepts now, without a second thought. Instead, she draws her guest's attention to the silver MS trophy that sits on her half of the wall shelf and the wall-hanging, a Christmas present from her sister Janet, that reads simply: "God grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference."

It gets a bit tight at times, but Linda has enough room to maneuver about. There's a small refrigerator in the corner, where she keeps skim milk and wheat germ for breakfast, and even a small bathroom with both tub and shower. Last semester, Linda drew the unlucky lot of the trio—early classes. That meant not only getting up first, but having to get dressed in the bathroom where Linda is on her own—a wheelchair doesn't fit very easily. "I just hang on to towel racks a lot," says Linda, who is strong enough now to stand, as long as she has some support.

But Linda, who admits to being somewhat of a perfectionist, is going to try to arrange her class schedule a bit differently this semester. "Putting on makeup in the bathroom is a real hassle," she says. "The lighting is terrible."

Linda has had to learn to accommodate herself to her new situation. Instead of skirts and dresses for daily wear, she chooses slacks and pullover tops and sweaters. She enjoys bright, lively colors—her favorite is orange—but is also partial to blue. "It accents my eyes," she says. And last summer, she unwillingly gave up her long, flowing hair for a short layered cut. Now she occasionally indulges in the luxury of having a friend shampoo and set it. ("It's so easy to take care of now," she explains. "I can't believe all the time I spent before, setting it when it was long—though I do miss it sometimes.")

Usually, however, Linda insists on trying to do everything for herself. Even when it hurts. And she has learned to be resourceful. For two-and-a-half years, the ex-beauty queen laboriously changed the linen on her own bed every week, when the clean sheets arrived from the school linen services. She did it all different ways, pushing the bed away from the wall and sometimes leaning against the head board pulling the sheets down, sometimes on her knees for nearly an hour, slowly crawling around the circumference: once to get the old sheets off, once again to put the clean sheets on. This past Christmas, Linda hit on a new idea—contoured sheets for top and bottom. She'll have to launder them herself—"but I'm sure it's going to be worth it," she says.

Schools like Kansas State Teachers College help people like Linda maintain their independence and train for useful, productive careers. Each of the 120 special students (called rehabs—as opposed to ABs. "Able Bodies."—two terms coined by the student body) is enrolled in a regular academic program and must meet all academic requirements. They are also required to fulfill standard physical education requirements and spend a minimum of two semesters in a special adaptive phys-ed program headed by instructor John Baxter. Baxter, a 33-year-old native of New Mexico, has been implementing his corrective therapy and muscular rehabilitation program at the school for six years.

"A rehabilitation program for handicapped people must involve more than just playing games," he says. "It's important to get them out of the wheelchairs and build their flexibility and endurance."

Baxter, whom Linda describes as a man who is "genuinely concerned," doesn't do it just to build healthy bodies. He believes that for a handicapped person, physical well-being is a crucial ingredient to independence and a sense of personal dignity. To help them keep active in later life, Baxter designs individual exercise programs that the students can continue long after graduation.

Even though she's already fulfilled school requirements, twice a week Linda labors to reach the second floor gymnasium for her 40-minute workouts. Most of the students who use motorized chairs are carried both up and down the stairs before and after class by campus ABs. Baxter, however, insists that Linda walk. Two students accompany her, but she does all the work herself, using the handrail for support. Once in the gym, her program varies: isometrics, weight lifting, leg lifts, leg cross-overs, sit-ups. Linda must do the exercise to keep her body strong but she admits there's another motivation for it—keeping her figure in shape. "I've always been extremely figure-conscious," says Linda. "I guess I still am."

Last summer, Linda started swimming, under Baxter's supervision. "When he told me to jump in the pool, I was scared to death," she says. "It's nine feet deep all around." But she did it and now, every day for the first nine weeks of summer, Linda goes swimming. When her instructor leaves for vacation, the sessions end for the year. Linda, not willing to chance a cold, doesn't swim in the winter.

The young Kansan also imposes her own therapy routine on herself. For one hour a day she works out in the dorm. "Sometimes I'm just too tired to exercise, but make myself do it," she explains. "I want to remain as normal as possible. I have to."

Although the campus is specially designed for the handicapped, and the downtown shopping center of Emporia is only a few blocks away via sidewalks with sloped curbs, life is still full of frustraions. Every time Linda goes through a door (even an extra-wide one) or around a corner, she stands a chance of smashing a finger between the wheelchair and a wall. Then there are the grocery-store shelves and the library shelves that can't be reached from a sitting position. Buildings without elevators are off limits, too, for wheelchair people. Linda once had to forgo observation of a special Head Start program because it was held on the third floor of a building without an elevator—and she couldn't chance going that far on her own. Respiratory problems, too, minor for most people, can be disastrous for MS patients. Twice common colds have led to pneumonia for Linda. And for all its good points, even a motorized wheelchair can't go through snow. All are things that seem unimportant—until one has to cope with them.

Linda came through the last semester with more injuries than a halfback might sustain in a season of ball-carrying. First, there was the broken finger, suffered when she smashed her hand between the wheelchair and a wall. Then, over Thanksgiving holidays. Linda, who was visiting her sister in Cleveland, momentarily forgot herself, stood, up to go to the bathroom and fell—cracking a couple of ribs and fracturing her foot.

The breaks and bruises took their toll on Linda's energy reserve and made a not-so-easy life even more difficult. She found herself unable to keep up with all the accelerated activity of the semester's end, and slowly the room became littered with books, papers, and clothing she didn't have the time, or the energy, to put away. With three people all working to meet the same deadlines, the situation in 103-East became more and more tense. Neither of Linda's roommates knew how to handle the situation.

"Linda is very independent and we thought she might get angry or insulted if we straightened up after her," says Nina Sloan, a 20-year-old from Overland Park, Kansas, who's been Linda's roommate for more than two years. "But we also thought that maybe she wanted us to help, but didn't want to have to ask."

Finally, the girls sat down together and talked things over. Nina's second theory had been correct.

As time goes by, Linda finds it a little easier to accept a helping hand from Nina. The girls do their laundry together and, in the winter, when there's snow on the ground Nina usually pushes Linda to class in the manual chair—but Linda still doesn't like to have to ask. "When I said I wanted her to be my maid of honor next December at my wedding, she refused, saying she'd be too much trouble," says Nina. "But whether she knows it or not—she'll be there."

From the moment she was born. Linda Light was a prime candidate for multiple sclerosis. Research has shown that MS is more prevalent in the higher socio-economic groups; it tends to hit people with higher IQs, greater education, and those in more stressful occupations. It also tends to strike those who have had German measles.

Where you live makes a difference, too. According to Geoffrey Dean, M.D., director of the Medico-Social Research Board of Ireland, and a practicing physician in South Africa, areas 40 degrees north or south of the equator are higher risk areas than those closer to the equator. That makes the top half of the United States a high-risk section, the lower half more moderately threatened. As a Kansas girl, Linda Light grew up on the edge of the high-risk portion of the country. Great Britain, Iceland, Denmark, New Zealand, and parts of Australia all qualify as high-risk. Dr. Dean also notes that when people over the age of 15 migrate from high-risk to low-risk areas, they run the same chance of contracting MS as those who stayed behind. But the children of these newcomers or immigrants under 15 demonstrate a markedly lower rate of MS.

Linda may also have been more vulnerable to the disease because of a hereditary predisposition. Familial incidence of MS averages about 6.5 percent, says Dr. Schumacher. No one in Linda's family has MS, but there have been instances of central nervous system disorders. Perhaps the grimmest genetic identication belongs to Notre Dame football coach, Ara Parseghian, who, by some blow of fate, counts three MS cases in his immediate family. But doctors feel there is no need for a couple to refrain from having children even if there is an instance of MS in the family. In fact, a number of MS women have borne children with no ill effects for either themselves or their offspring.

Good news for Linda, who still retains her all-American-girl looks and still cherishes the traditional American girl's dream of a husband and family.

"I still like to dance, too," says Linda. Sometimes she dances alone in her room, turning the radio to a romantic song. Taking care to lean against the bed frame for support, she'll sway gently to the rhythm of the music. If she's with a date, she leans against him.

When Linda first came to Emporia, one of her old boyfriends from Kansas City used to come out to visit. He's married now and Linda's current escorts are usually students around her own age, both rehabs and ABs. She dates only occasionally, but finds that men tend to be more considerate than before, something she thinks may be attributable to maturity. Nina and her finance often invite Linda out for a night on the town. "But often she doesn't want to come," says Nina, "claiming that she'll just be a nuisance."

Linda enjoys her social life, but doesn't lose sight of her highest priorities—getting her degree and battling against MS. In 1970, she went to Washington to formally appoint Mrs. Nixon as campaign chairman of the MS fund-raising drive, and last fall she participated in the National Multiple Sclerosis Society convention in Miami. Linda also addresses state and local groups and recently traveled to Cleveland for the statewide meeting of the Ohio Jaycees and their announcement that they were adopting MS as their annual project.

These few moments Linda can gather together and generously label "spare time" are often spent in reading books on nutrition and exercise—two areas that are vital to her life. Memories are important, too, for Linda, and she's finally startng now to gather together all the pictures and mementos that will tell the story of her life. She stops for a moment and pulls out the photo of herself taken for the Miss Universe contest. "I was a very self-centered person then. Frivolous, concerned only with myself. It would never have occurred to me to aid old people or the handicapped," she admits. "But my experience with MS has matured me. I want to work with others." And so, twice switching majors, she has decided to become a teacher and, after becoming involved with the campus Handicapped Students Group, is running for vice-president of the organization.

Sure I have my doubts, but I can't afford to dwell on them," she explains. "I read a lot of inspirational literature, like Dr. Norman Vincent Peale, and that helps."

"There are so many people now battling against MS," says Linda, "that I feel we're very close to understanding the cause." She shares her hopes with Sylvia Lawry, founder and executive director of the National Multiple Sclerosis Society, and the thousands of members across the country. Twenty-seven years ago, MS victims and their families had no one to turn to for counsel and aid. Miss Lawry, whose brother was an MS patient, ran a four-line ad in the New York Times asking anyone who had recovered from the disease to contact the listed box number. The mail brought no word of a cure, only hundreds of letters asking for the same answer. The response was so overwhelming that the NMSS was established to promote research and care. Today, there are more than 200 chapters located throughout the country. No one knows better than their members the agony of the quest and the magnitude of the problems.

Since the first written description of multiple sclerosis was recorded nearly 150 years ago by a young Englishman who was keeping a diary of his own symptoms, scientists have searched for the cause of MS. Diet, vitamin deficiencies, soil composition, sunlight or the lack of it were all, at one time or another, thought to be the culprit. The search has so far been fruitless.

Today, however, scientists have reason to believe that multiple sclerosis could be caused by a virus. Researchers in England and Australia have detected suspicious viral bodies in MS patients. And Hilary Koprowski, M.D., director of the Wistar Institute in Philadelphia, recently succeeded in isolating a para-influenza virus that may be involved.

Unfortunately, simply finding a viral agent does not solve the problem. According to Dr. Koprowski, the virus may not actually attack the myelin itself. Instead, he suggests, it may somehow alter the signals that alert the body's defensive forces, the immune system which attacks foreign matter. As a result, the immune system destroys the very territory it is supposed to defend—the myelin sheath.

The geographical distribution studies of MS add support to the viral theory. "There is," points out Dr. Dean, "an interesting parallel between the epidemiology of multiple sclerosis and that of poliomyelitis." Populations with high standards of domestic hygiene also run a greater risk of contracting MS, while those with lower standards of hygiene run a lesser risk, leaving scientists like Dr. Dean to conclude that MS is a virus infection of childhood, one of the little understood "slow" or latent agents that lie dormant for years before attacking the body.

The mystery of multiple sclerosis is still to be unraveled, but at least part of the answer is never to lose hope. As of January 1, 1973, the NMSS has committed four-and-a-half million dollars in research funds to some 71 institutions and scientists throughout the world for work in immunology, virology, biochemistry, epidemiology, and many other scientific fields. This money, which will cover some projects through 1974, comes from private foundations, corporations, and the general public, which contributes the largest share. Last October, the federal government finally added its support to the fight with the establishment of the National Commission on Multiple Sclerosis. According to Sylvia Lawry, this is one step forward in the struggle to "produce the kind of results we've been seeking for so long."

All the triumphs, no matter how seemingly large or small, will lead to the defeat of MS. But even if a cure is found, it will not help Linda Light—and she knows this. Often, like any roommate of long standing, she sits up late talking with her friend Nina, sharing her confidences and disappointments. It is then, in the privacy of the solitary night, that any tears to be cried must surely be cried. It's difficult, says Nina, to fathom the depths of Linda's occasional depressions. "Because," Nina says, "I'm not in the chair."

"But I think her attitudes are changing. I think Linda really wants to start her life all over again."

THE MARYLAND MOTHER OF THE YEAR AWARD

Mr. **BEALL.** Mr. President, recently Mrs. Esta Hyre Fox, of Lutherville, Md., was named the Maryland Mother of the year. To mark this significant honor, Maryland's poet Laureate, Vincent Godfrey Burns, composed a poem on the occasion, and I ask unanimous consent that it be printed in the Record.

There being no objection, the poem was ordered to be printed in the Record, as follows:

What Does It Mean To Be a Mother?

(A poem for a wonderful mother, Esta Hyre Fox, Maryland Mother of the Year, May the 2, 1973, by Vincent Godfrey Burns, poet laureate of Maryland)

1

What does it mean to be a mother,
To endure agony to bear a life?
It means to be more than any other
A victor over all pain and strife!

2

How does it feel in that moment of grace?
Will my precious baby be girl or boy?
The time when first she sees her baby's face—
Oh what a moment of wonderful joy!

3

A mother gives of abundant treasures—
As bountiful as her God above—
Placing first all her children's pleasures,
With gentle healing and patient love!

4

Patience and tenderness light all her days—
These are the qualities this sad world needs—
The heart of a mother who kneels and prays,
Asking God's help for unselfish deeds!

5

Sweeter than in the honeycomb,
Or all that grows from the earth and sod,
Like holy Mary, within her womb,
She cradles a blessed child of God!

UTAH'S DIXIE PROJECT GOES LOCAL

Mr. **MOSS.** Mr. President, I have spoken many times in the Senate about the proposed Dixie reclamation project for Washington County in southern Utah, discussing at length the monumental pioneer efforts dating from 1868 by which local residents had sought to divert and store the waters of the Virgin and Santa Clara Rivers at flood times and put them to beneficial use.

When the Federal project was authorized, in 1964, by a bill which I had introduced, there was great rejoicing. After almost a hundred years of struggle and sweat, it appeared that the Dixie project—so named because the area it would serve once grew cotton, and is known as Utah's Dixie—it would at last become a reality. Construction funds in the amount of $1,500,000 were appropriated in 1965.

But the Dixie project has been beset with one difficulty after another. Three possible reservoir sites on the Virgin River have been investigated by the Bureau of Reclamation, and two of them abandoned, either because of excessive leakage in the highly fractured subsurface formation or because of sedimentation and spillway problems. In 1969, the Dixie project had to be reauthorized, because of accelerating costs.

Finally, in 1972, the Bureau found a satisfactory offstream site in the Warner Valley, and it appeared that the Dixie project, at long last, was fully feasible and could be built.

However, when it came time to negotiate a water repayment contract based on the costs of constructing the dam at the new site, the Washington County Conservancy District advised the Bureau of Reclamation that neither the city of St. George nor the State of Utah would enter into a repayment contract for municipal and industrial water at the prices proposed by the Bureau. The years of effort to build the Federal project collapsed, and the Bureau of Reclamation subsequently closed its St. George Dixie project office.

But though the Federal project appeared dead, the pioneer spirit of the Dixie residents was far from quenched. Now they have come up with a new plan—a non-Federal, revised version of the Dixie project, to be called the Washington County project, and to be built with financial assistance from a power project jointly owned by the Nevada Power Co. and the city of St. George. The Utah State Board of Water Resources has been asked for assistance in implementing this local plan.

The project would be considerably smaller than the Bureau of Reclamation proposal and makes no attempt to "maximize development" of the available water resource, as the Bureau plan did, but only to provide a high degree of utilization of the water available. It would provide firm additional supply of 43,500 acre-feet of water per year at a reasonable cost. It would satisfy present irrigation shortages along the Virgin River estimated at about 8,500 acre-feet per year, provide 10,000 acre-feet of water for power production, and 25,000 acre-feet to meet expanded irrigation, future municipal and industrial uses, and recreation uses, each year.

While I regret that, after so many years of hard work, on the part of so many people, the Federal project was found too costly, I am delighted that Washington County continues to pursue its long-sought goal. There are some environmental and other problems to be worked out—but I am confident that work them out they will.

I commend my good friends, Wayne Wilson, chairman of the Washington County Water Conservancy District; Rudger McArthur, St. George public works director; and the other water leaders in Washington County for their unquenchable spirit, and I stand ready to help them in any way I can. The fact that Dixie project has not "gone under" but has just "gone local" is one of the best pieces of news I have had in a long time.

I ask unanimous consent that a news story which appeared in the Deseret News of June 5 entitled "New Dam May Control the Virgin River" be printed in the RECORD. It will give my colleagues full information on the brave, new water development plans astir in Washington County, Utah, and demonstrate, far better than I can, the spirit and determination of the people who live there.

There being no objection, the newsstory was ordered to be printed in the RECORD, as follows:

NEW DAM MAY CONTROL VIRGIN RIVER

(By Rod Decker and Bill Heaton)

ST. GEORGE.—A new coal fired electric power plant may provide the wherewithal to dam and finally control the Virgin River which flows through Utah's Dixie.

"For most of my life I have worked to help develop a way to control and use our maverick run-off water," Wayne Wilson, chairman of Washington County Water Conservatory District said. "I feel we are nearer that goal now than we have ever been."

A river of floods and droughts, the Virgin has co-existed uneasily with men since pioneer times. "The fight against the river was as certain as death," Andrew K. Larsen wrote in "Agricultural Pioneering in the Virgin River Basin."

The original settlers of St. George were not even permanently encamped when the river first flooded them out. Even now, during the wet part of the year, thunder showers carry off the topsoil. Dry washes which cut jaggedly across the landscape fill suddenly with foaming brown water, and farmers watch as the water froths past fields and towns to drain into the Colorado and be lost.

Then, during the torrid summers, crops wither for lack of the water which cannot be stored from the wet seasons.

"We've got plenty of water," Wilson said. "What we need is storage."

When the federal government began financing reclamation projects on western rivers, citizens from Utah's Dixie asked for a dam on the Virgin. For 40 years they coaxed and cajoled. The government named the proposed public works the "Dixie Project", and spent $2.5 million on studies, but it never built a dam.

Wilson and other Dixie water men have now pinned their hopes on a plan involving the Utah State Board of Water Resources, the City of St. George, the Washington County Water Conservancy District and Nevada Power Co.

Engineering studies are in process, government permits have been applied for, financing seems to be available. The largest remaining question is the effect of the project on the environment.

If successful, the plan would meet culinary water needs in Dixie for the next 50 years, Wilson said. It would lengthen the farmers' short growing season and provide revenue from power area for other smaller projects on tributaries to the Virgin. "We'll get just about everything out of this we would have got out of the Dixie Project," he noted.

Although the details have yet to be worked out, the general outlines of the plan are clear.

A dam will be built in Warner Valley about 12 miles southeast of St. George. No water flows year-round through the valley so water from the Virgin will be fed into the reservoir by means of a canal.

The Hurricane Ditch, which has been in service since pioneer times, will be enlarged and lengthened to transport water from the Virgin above LaVerkin to Warner Valley, a distance of about 22 miles.

The dam will be 170 feet high and back up 35,000 to 45,000 acre-feet of water. Together with the canal, it will cost about $13 million, according to current projections.

Near the dam, a 500 megawatt power plant would be built. The plant would use about 10,000 acre-feet of water a year from the reservoir for steam and cooling.

The power company already owns rights to millions of tons of coal near Alton, Kane County. An open pit mine will be built there to extract the coal, which will be crushed, mixed with water to form a "slurry", and pumped through a pipeline about 70 miles to the plant.

Present cost estimates for the plant are $150 million, but John Gibbs, vice president of Nevada Power, says that figure is probably low as power plant construction costs are rising at about six percent per year. The first of two units of the plant is scheduled for completion by the end of 1977, if all goes well.

St. George will receive 125 megawatts from the output of the plant. The rest will be conducted by power line to the Las Vegas area and sold.

The need for power in St. George is more pressing than the need for water, though perhaps of lesser long-term significance. The town's present peak use limit is under 17 megawatts. Population has increased from 10,080 to 12,000 since the 1970 census and future growth seems likely. More power is needed to accommodate newcomers.

Water rights on the Virgin River have been appropriate in trust by the Utah Board of Water Resources. Last March, the board endorsed the concept of the dam and power plant.

"We're really excited about," said Daniel Lawrence, director of the board. The water rights may be assigned to the Washington County Water Conservancy District which would then sell water to the power company.

Still in negotiations between St George, the power company, the water board and the conservancy district is the question of who will pay what to get the project going. Most of the money will be put up by Nevada Power.

St. George and the Water Conservancy District may sell bonds to provide their share of project expenses, said Wilson.

"The Nevada Power people are not hard to deal with," Lawrence reports, and most participants believe the question of money will be satisfactorily resolved.

Less tractable is the problem of environmental effects. Rudger McArthur, St. George public works director, claims the plant will put out less pollution than the city dump now does. Officials of Nevada Power are more cautious.

James H. Zornes, vice president in charge of environmental protection, said the company will aim to build a plant with no visible emissions. He notes that technology in the field of emission control is changing rapidly, and the company is now experimenting with several types of scrubbers which would clean the gasses as they leave the furnace.

Zornes pointed out that emission standards in Clark County, Nevada, where the company now operates a large plant, are stiffer than those near St. George, and he is confident the company can meet Utah's emission standards.

Lloyd Gordon, Cedar City, executive director of citizens Interested in Saving Southern Utah's Environment (ISSUE) said no analysis has yet been made of the coal the plant will burn to see what gasses it will give off. Such analysis is now in process by scientists working for ISSUE as well as by power company experts. Until he see the figures, Gordon says he is suspicious of pollution control claims made on behalf of the plant.

Marga Raskin, Salt Lake City, of the Sierra Club opposes the plant.

"It will use Utah's water, Utah's coal and pollute Utah's air," she notes. "And most of the power will go to Nevada." Together with power plants which have already been constructed in the Southwest, Mrs. Raskin believes the plant may lead to severe deterioration of the air in the region.

NEW U.S. APPROACH TO LATIN AMERICA

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a speech I delivered before the annual meeting of the Council of the Americas.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NEW U.S. APPROACH TO LATIN AMERICA

(Speech of Senator JACOB K. JAVITS)

There is a new U.S. interest in Latin American relations as has been signalled by Secretary Rogers' recently concluded trip to Latin America and by the announcement that a visit by President Nixon is in the offing.

These travel plans are significant in that they seem to be accompanied by a shift of U.S. policy towards Latin America from what has been characterized as a low profile policy—approaching a non-policy—to a more active involvement.

In this regard, U.S. policy towards Latin American economic integration is a paramount importance. For those of us who have long favored the economic integration of Latin America and have been concerned about the perhaps excessive recent emphasis in U.S. policy on bilateral relations between the U.S. and individual nation states of Latin America, Secretary Rogers' visit to the headquarters of the Andean Pact on May 16, 1973 must be viewed as an important signal.

During this visit and in addressing the members of the Andean Pact Junta and later in Bogota, Secretary Rogers stated:

". . . our policy is to encourage regional cooperation . . . In some cases, such as the OAS, regional cooperation involves the United States. But we also favor regional cooperation not involving participation by the United States. Thus we welcome growing regional efforts as in the Central American Common Market, the Andean Pact and the Caribbean."

In my opinion this emphasis on regional integration does represent a policy shift. To indicate the progress that has been made in one year, I ask your indulgence as I quote from a speech I made exactly one year earlier than Secretary Rogers' statement and visit. On May 16, 1972 in a speech entitled *The Crises Facing Regional Integration in the Americas,* and after strongly supporting greater emphasis on Latin American integration I stated:

"Over the short term I share the view that Dr. Joseph Grunwald put forward in his perceptive new book, *Latin American Economic Integration and U.S. Policy,* that the United States, because of the Vietnam War and the Congress' attitude towards foreign aid, was in no position to make substantial and definite commitments in support of Latin American integration!"

I then stated

"I would like to add that these factors constraining U.S. policy are not likely to alter significantly over at least the short run. New bi-lateral and multilateral aid programs remain in deep trouble in the Congress, trade preferences remain down the road as long as the present protectionist mood persists and there is an emphasis in the Administration on bi-lateral relations rather than more ambitious integration plans."

Today, in light of the Rogers visit and since generalized trade preferences for the countries of the developing world have been included in the Trade Reform Act of 1973, my May, 1972 remarks may have been too pessimistic. In this regard, I also note that the Group of Twenty is making progress on the monetary front on issues of interest to the developing world and that the concept of an SDR-development assistance "link" has moved further down the road towards world acceptance.

This again represents progress and gives meaning (though not yet fulfillment) to another pledge Secretary Rogers made in Bogota when he said:

"The United States intends to give substantial support to Latin American efforts to assure a decent life to all the citizens of the hemisphere."

In this regard, I believe the Congress will do its part. In the hearings before the House Ways and Means Committee on the Trade Reform Act of 1973, the generalized preference titles have support and have not been the focus of critical attention. With the gifted leadership of Chairman Wilbur Mills, I am optimistic that these provisions will pass the House and thus have a good chance to become law.

I am also encouraged by the very recent initiative of the House Foreign Affairs Committee to re-structure our bi-lateral assistance program towards the end of establishing an Export Development Credit Fund to finance exports of U.S. goods at low interest rates and *easy* repayment terms to the world's economically poorest nations. In addition to this fund, remaining bi-lateral development assistance would be channeled into such areas as food, rural development, population control, and health and education while the multilateral lending institutions would be deemed a proper source for financing major infra-structure projects such as transportation and power.

Now I am not saying that it is certain that this new House Foreign Affairs Committee approach will carry, but I am saying it is a positive and welcome approach which creatively addresses an area which in the recent past has been characterized by a generally negative Congressional reaction.

It is my hope that the Congress soon will also address itself to 19th century anachronisms in our laws as they relate to development assistance. I refer to amendments such as the Hickenlooper amendment to the Foreign Assistance Act and the Gonzales amendment to the bills funding the International Financial institutions. This legislation mandates an aid cutoff of a negative U.S. vote on a loan, in the case of outstanding investment disputes. I suggest that the business community should make key members of the Congress aware that such inflexible and mandating legislation serves neither our broader national interest in terms of our relations with Latin America nor our business interests. Such legislation is a continuing and unnecessary irritant to good bi-lateral relations with nations adversely affected by these laws.

These comments led me into an area that I would like to discuss in slightly greater detail and this concerns the future role of private foreign investment in Latin America. I have little doubt that on all our minds is the recent decision of the Ford Motor Company to give $1 million in goods to worthy Argentine institutions as the result of the extortionist demands of Argentine terrorists after two Ford executives in Argentina were shot.

Clearly this could be the prelude to a new type of international terror by ransom aimed at the international business community.

What often is not recognized is that such terrorist tactics serve poorly those very segments of the society—the economically and socially depressed or oppressed—which have the most to gain from economic stability and economic growth which is threatened by the acts of terrorism.

But let us not underestimate the appeal to the "marginal man" of Latin America of this Ford case.

The Robin Hood legend is a popular legend in our societies—the glamorous bandit who takes from the rich to give to the poor. This helped explain the early success of the Tupamaro movement in Uruguay. But what is overlooked is that such tactics disrupt the economy and such economic disruption helps insure that "marginal men" and their children remain on the margin. Public and private capital is frightened and it moves elsewhere; jobs are not created, production is not increased but reduced, and through this destructive cycle, economic and political havoc is caused.

A key concern in Latin America today is the high rate of unemployment and the possibility that the rapid rate of population increase will continue to outrun the capability of many of the countries of Latin America to provide jobs. In turn, those who cannot find work are on the margin of any society.

To those on the margin, be they in New York City, or in the larger Latin American cities, the law is often viewed as an oppressor and sometimes felt as an oppressor.

I have always viewed one of the functions of the middle class to insure that the law does not become an instrument of oppression. It would be my hope that the growing middle classes in Latin America will be increasingly active in this respect. It should also become the function of the new middle class to create conditions that insure that the marginal men and women of Latin America have a good opportunity for fruitful integration into their respective societies. This is the only effective approach to conditions which breed desperate acts and terrorism. Those who had insured that the Palestinian refugees would never have the chance to leave their camps and integrate into a viable economic and political structure, have had a diabolical understanding of this principle.

But let me turn from this disturbing subject to a foreign investment topic which continues to provide me, and I hope many others, with grounds for hope. I refer to the fine work that the ADELA continues to carry out in Latin America and in this connection note that the ADELA concept is now operative in Asia through the Private Investment Corporation of Asia and in Africa through the SIFIDA.

The judgment of even the most critical of my friends has been that ADELA's contribution to socio-economic progress in Latin America, while hard to measure, has definitely been positive, both by providing funds for projects and by raising the general level of management skills through its consulting as well as its employee training program.

However, let me also say at the outset that I am under no illusions that there is a real difficulty in combining even within a private profit-oriented investor group, the objectives of furthering both socio-economic progress and the profit motive in investing in viable new projects and the expansion of existing enterprises.

Most if not all of the strain between management, shareholders and boards of directors has been caused by the lack of clarity of priority of objectives.

If you look at the lists of directors you will see that they represent investor groups. Even though many of the investors mentally wrote off their investments when made, their representative directors nevertheless continue to press the managements for performance, and the performance most easily measured is the profit performance. Somehow socio-economic justification is not adequate when an investment made by an ADELA type company in a developing area goes sour, nor, indeed, perhaps is there any real socio-economic justification for making bad investments. The balance between these objectives remains the challenge for each of the companies, and perhaps, the time is ripe for further discussion with the shareholder groups and with managements, to clarify policy within the broader context of the need for closing the gap which continues to widen between developing and developed countries, as was done at the time of founding these institutions.

These problems of priorities, of course, are not unique to ADELA. They are found in all international private investment concerns.

I ask the business leaders present at this meeting to give their serious consideration to this question of the balance of objectives.

In this connection, the international business community also should be reminded that in addition to highly important trade and tax proposals now being considered by the Ways and Means Committee, the House Foreign Affairs Committee and the Senate Foreign Relations Committee are reviewing the programs and mandate of the Overseas Private Investment Corporation in the context of their legislative review of the new Foreign Assistance authorization bill. Also, that the multi-national corporation and its operations is itself under intensive review in the tax writing committees of the Congress and by a special Senate subcommittee.

My question is whether in view of the current trend of thinking in our country and the substantial discussion of the role of multi-national corporations in economic and political development, the time has not come to convene an international conference of ADELA shareholders, very much like the one in Paris in January, 1962 which resulted in the organization of ADELA as a business concern, to discuss the emerging problems and to determine whether in the light of changed world conditions the original objectives should be re-affirmed or changed?

I would very much like to hear from you on this suggestion.

DEMOCRACY AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, would the ratification of the Genocide Convention mean the end of democracy in the United States? Foolish as this question seems, some of those who oppose the Genocide Convention do so because they believe ratification would cause the American people to lose rights guaranteed them under the Constitution.

To decide if there is any basis for this fear, consider the other nations which are democracies and which have ratified the Genocide Convention.

Both the United Kingdom and Canada have ratified the convention. Citizens of these nations have rights very similar to those granted to citizens of the United States. Both Canada and the United Kingdom guarantee freedom of speech, press, religion, assembly, and the right to a fair trial by an impartial jury.

Canada has been a party to the Genocide Convention since 1952. England ratified in 1970. No Canadian or British citizen has been extradited for genocide. No Canadian or British citizen has had his freedom of speech abridged because of this convention. No Canadian or British citizen has been denied his right to a fair trial because his country ratified the Genocide Convention.

The convention has not threatened or reduced the democratic system of government in these countries. It is reasonable to believe that it will not do so in the United States. Rather, the Genocide Convention will protect the people of Canada, the United Kingdom, and the United States from the prospect of mass murder. Instead of denying freedom, it will increase freedom by helping to protect the greatest freedom of all—the freedom to live.

Mr. President, I call upon the Senate to ratify the Genocide Convention without delay.

THE U.S. PRESENCE IN THAILAND

Mr. MATHIAS. Mr. President, the former Minister to Thailand, Thanat Khoman, who negotiated the original U.S. base agreements there, has written an important article which appears in the editorial pages of the June 7, 1973, New York Times. Thanat Khoman represents a significant opinion in Thailand and his views deserve the respect and consideration of the U.S. Government and all those involved in the Southeast Asia conflict. According to Thanat Khoman, the United States has violated the cease-fire agreements and international law. He argues that from a practical standpoint the bombing has failed because "manmade weapons alone are insufficient to decide the outcome of a war in which human beings play a major part."

Thanat Khoman's conclusion deserves the closest study and consideration by the Congress and the administration:

> In my opinion, now is the time for both the United States and Thailand to cast off the cold war shackles and look ahead into the new world of coexistence and peaceful cooperation. Indeed, our two countries have much worthier objectives to work for than just one using the other as a launching pad for dropping bombs or recruiting "mercenaries" for fighting proxy wars. That is why the American Congress, thinking as many of us do in Thailand, adopted resolutions unmistakably expressing views and aspirations which are fortunately shared by a large number of the Thai people.

Because of the importance of this article I ask unanimous consent that it be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indochina: The Moral Difficulties

(By Thanat Khoman)

Bangkok, Thailand.—While Europe basks in the sun of détente and, in the United States, people breathe more easily after the rapprochement with the People's Republic of China and improved Soviet relations—developments which led to the halt of hostilities in Vietnam—Thailand still remains bogged down, neck-deep, in the cold war quagmire because of a massive American military presence and unwarranted use of Thai territory for war operations in Indochina.

Why? Despite the cease-fire in Vietnam and the return of the American prisoners of war, the United States claims that its continued military presence in Thailand and air attacks launched from Thai territory are necessary to ensure strict observance of the cease-fire agreements. This explanation is likewise dutifully echoed by Thai official circles. The question is whether this contention is admissible on legal, moral and practical grounds.

Under the cease-fire agreements, it behooves the signatories, including the United States, to use the peace-keeping machinery, notably the International Commission for Control and Supervision. Or, violations may be referred to a reconvened peace conference.

By any legal standard, cease-fire violations cannot justify, still less exonerate, international law violations. These have been caused by aerial bombings originating from Thailand by American forces. This matter becomes even more serious for my country since it was not party either to the cease-fire agreements or the Paris conference. The fact that the United States armed forces have been admitted by the Thai authorities on a verbal basis, without written official agreements specifying the purposes, duration and other conditions of their stay, does not entitle them to commit acts of war against third parties with which Thailand is not in conflict. By so doing, they implicate the host country in a de facto state of war without its consent or approval.

Legally, therefore, the United States authorities will probably have to face responsibility for multiple violations, first, against the agreements they have voluntarily signed and, second, for perpetrating acts of war from a neutral state without its approval.

Morally, it is difficult to find valid explanations. American prisoners of war have been safely repatriated. By signing the cease-fire and withdrawing its troops, the United States explicitly recognized the end of its military role in Vietnam and Indochina. This would conform to the policy of disengagement enunciated at Guam. Now the United States can hardly invoke the right of self-defense. No American nationals are in danger. How, then, can the United States justify its current actions, particularly in Cambodia? Nowhere does the American Constitution provide that the United States is duty-bound to ensure the survival or maintenance in power of generals and marshals in various parts of the world. Obviously, the moral basis is sadly lacking.

From the practical standpoint, long years of intensive employment of air power, exceeding even the tonnage of World War II, should clearly indicate that man-made weapons alone are insufficient to decide the outcome of a war in which human beings play a major part. Instead of continuing bombing, the United States could more usefully provide assistance to those willing to fight for their survival and independence. If people lack that will, no amount of bombs can save them. In Cambodia, despite sustained bombings, Communist forces are ever closer to their objectives.

As for Thailand, it stands to gain little, if anything, politically, economically or in security. Serving as a launching pad for air war casts a distinct opprobrium on the entire nation. Financially, the figure of $200 million cited without details as American annual military expenditures here is doubtful, to say the least. Anyhow, there are better ways to earn a living than depending on foreign soldiers' spending which brings a sequel of social ills, moral deterioration and economic disturbances.

From the security standpoint, since United States forces play no role in our insurgency problem, they do not enhance our security. On the contrary, their threatening presence and air operations call for reprisals and counterattacks that endanger our well-being. In fact, by embroiling relations with our neighbors, Thailand's position is unfavorably affected without effective help from allies, since existing treaty obligations provide only for "consultation" which may or may not lead to any concrete action. Concerning regional security, if any other country feels that its security is served by having foreign forces stationed on its territory, Thailand should promptly concede the honor.

In my opinion, now is the time for both the United States and Thailand to cast off the cold war shackles and look ahead into the new world of coexistence and peaceful cooperation. Indeed, our two countries have much worthier objectives to work for than just one using the other as a launching pad for dropping bombs or recruiting "mercenaries" for fighting proxy wars. That is why the American Congress, thinking as many of us do in Thailand, adopted resolutions unmistakably expressing views and aspirations which are fortunately shared by a large number of the Thai people.

ALCOHOLISM AND BEHAVIOR

Mr. MOSS. Mr. President, an awareness of a few of the unique problems that alcoholics face is known by all Americans. But in our alcohol-oriented society many well-meaning individuals refuse to see the full impact and scope of the problem. Refusals to accept alcoholism as an illness are common. To many, the alcoholic is an individual to be forgotten. When he is remembered it is with ridicule and derision. The heartache, tragedy, and expense as a result of alcohol abuse is to many just another statistic.

On May 10, Dr. Steven J. Wolin, assistant clinical professor of medicine and psychiatry at George Washington University; and Dr. Peter Steinglass, head of the clinical program, Laboratory of Alcohol Research, National Institute on Alcohol Abuse and Alcoholism, presented an interesting and informative paper entitled "Interactional Behavior in an Alcoholic Community" at the annual meeting of the American Psychiatric Association. The paper was the result of many interviews by the authors taken over a period of several weeks in 1972 with alcoholics, law enforcement officials, alcoholic treatment center workers, and social welfare workers. The purpose of the paper was to demonstrate some aspects of the "deviant social community" of the alcoholic as he attempts to "preserve" his community, and the "distinct relationship" of the alcoholic community "with the greater conforming community."

Although the study was done in Alexandria, Va., the situation examined is not atypical. Most urban communities have similar "skid row" districts that include a rather significant alcoholic population. The study gives insight into what a "typical" day on "skid row" is like. The concomitant human and physical waste that results from alcoholism is evident.

Mr. President, I ask unanimous consent that excerpts from the insightful study by Dr. Wolin and Dr. Steinglass be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Interactional Behavior in an Alcoholic Community

(By Dr. Steven J. Wolin and Dr. Peter Steinglass)

A TYPICAL DAY ON SKID ROW

For the alcoholic resident of skid row, the typical day begins between 6 and 7 a.m.. when he wakes up to find yesterday's alcohol supply exhausted and his body experiencing the onset of withdrawal symptoms. Despite the repetitious occurrence of this experience, he has once again failed to keep a reserve supply of alcohol to ward off the increasing tremulousness, anxiety and weakness which is rapidly besetting him. All thoughts, therefore, turn to the earliest possible acquisition of the deterrent supply of alcohol.

Since he is often penniless, the addict will awaken from the jalopy lot or the cemetery or his boarding house room or the bedroom in a family apartment and will head for the primary street for some early morning panhandling.

At 7 a.m., the manager of the local grocery store will arrive to open his shop and will invariably be greeted by a group of men standing on the corner in front of his store, to buy the 7 percent wine that the grocery store can legally sell; and although the store will not officially open until 8 a.m., the managers will sell the men some wine earlier than that for some extra consideration or because he also is an alcoholic and understands their plight. With their initial thirst now quenched, our men will spread out . . . to do more serious panhandling. Some of the men might go down to the waterfront or the local labor-pool office where they can receive part-time employment.

By 10 a.m., small groups of 3 to 5 men have begun to congregate on the corner near the state liquor store. These groups, which will form and then break up numerous times during the course of the day, provide a major source of social interaction for members of the skid-row community. Although the composition of such a group is constantly changing, the format governing its formation, its operation, and its dissolution appears to be remarkably reproducible:

After an initial period of conversation, during which time each member of the group identifies himself and justifies his inclusion in the group, money is pooled for the purchase of a bottle of liquor or wine. Each member's contribution to the pool depends upon his financial resources at the time and seems to bear no resemblance to the amount of alcohol he will drink from the group bottle after it has been purchased. Following the collection of money, one man is entrusted with the position of "runner". He will now make his way into the state liquor store and purchase the bottle. When the purchase has been made, the runner returns to the group with the bottle of liquor or wine wrapped in a brown paper bag, which he has stuck into his overcoat pocket. The bottle is turned over to the group which then proceeds with the ritual of consuming the alcohol. Consumption may take place at the same street corner where they have been congregating, or they may retire to a place like the jalopy lot. Shortly after the alcohol has been drunk, the group splits up with each individual going off to obtain more money via panhandling or to his family.

Although individual alcoholic persons will also purchase individual supplies which they can consume by themselves either in their rooms or on the streets, the "bottle gang" remains the major source of social interaction for these men.

As the day progresses, this cycle of building up resources, forming the bottle gang, purchasing and consuming alcohol and breaking up to earn more money occurs repeatedly. Although disruptions occur which break up the routine, such as an intrusion by a representative of the non-alcoholic society (the police), or a need to satisfy a basic necessity of life such as shopping, food, etc., the basic repetitious pattern remains remarkably the same. Levels of intoxication may fluctuate from day to day and individual drinking patterns may vary within the group, but the basic interactional behavior seems unchanged. Because this interactional behavior is geared so much towards the acquisition and consumption of alcohol, a remarkable degree of stability is created within the skid row community. The cast of characters change, the individual lives are chaotic; yet, the basic form and structure of the interactional behavior, on the level of the bottle gang, looks remarkably stable from day to day.

The State Liquor Store, as the local representative of the government, and, consequently, of the society as a whole, plays a crucial and interesting role in this story. As is true of many governmental agencies, its cold, impersonal glass window is unadorned except for its seal and registry number. Its employees resemble state troopers, wearing a uniform, badge and often sunglasses. Racks of bottles line the rear half of the store and are separated from the patrons by a solid, long counter which also prevents the staff from mingling with customers or from observing any events outside their shop window. This fact is crucial. Since a sign over the head of the salesman indicates that the local law is quite explicit, no one who appears intoxicated shall be sold alcoholic beverages.

This physical setting sets the tone for the rest of skid row. To purchase alcohol, not only must the addict panhandle, but he must also corral someone to buy the bottle for him. Fortunately, he can remain on this corner all day, since no one inside the store can see him and he is usually ignored by the police. Similarly, the store itself, knowing its clientele, makes little pretense of its intention to supply alcohol to the local addicted population. It carries cheap wines and whiskeys almost exclusively and remains uncommercial and uninviting. So the day proceeds with behavior almost entirely geared toward the acquisition and consumption of alcohol. The daily routine is simple, routinized and rigid. Available options for behavior seem minimal. Human life has been reduced to a remarkably low level of complexity. For the individual living in this society, decisions are easy because the course of action is to such a great extent predetermined by the requirements attendant to purchasing alcohol and the rules for how one must consume it.

Alcohol as an organizer of object relations

Off the central corner, in the alleyways, unkept lots and deserted parking areas of the skid row neighborhood, most of our subjects congregate for the business at hand, group consumption of alcohol. The men, sitting together in a jalopy which looks almost as disabled as they do, are excessively polite, even formal with each other. Most have some significant physical illness related to chronic alcoholism, such as gastritis, peripheral neuropathy, hepatic failure or an organic brain syndrome, or suffer the indirect effects of their chronic inebriation, such as the pains and cuts resulting from being nightly assaulted on the street. Nevertheless, while sharing their alcohol, they talk little to each other and complain less. One man's withdrawal tremulousness, because he was unable to keep the alcohol down, becomes indistinguishable from a second man's frostbite, a third's ataxia and a fourth's shaking depression. No one appears scape-goated and the bottle is offered freely and equally to all. They look as if they have been doing this for years together, with little group upheaval and little differentiation from man to man.

The group we studied appeared united in their complaints against the rest of society. They charged the police with harassment and lack of understanding for their problems; they blamed the black population for "ruining" their once safe and clean neighborhood; they saw the alcohol rehabilitation center as alien territory, not as a liaison for treatment. Thus, most of all, they understood their common fate as occupying the lowest rung on the social ladder.

Alcohol serves as the anesthetic and filmy substance that successfully obliterates the differences between one man and another; and allows these men, so different as individuals, to function as a stable organization.

Men who apparently wouldn't consider coexisting with each other within the framework of a traditional relationship, accept each other easily when the framework is that of the acquisition and consumption of alcohol.

It is easy to see that anyone can plug into this system as long as he follows the simple and clearly defined rules and is willing to relate through alcohol. Some men apparently use the skid-row community as a full-time environment, others float in and out for a two-week binge or on weekends only. But two men might have been drinking together for 10 years in this setting, yet respond, when questioned, that they know nothing more about the other man than his name and how he is handling his current drinking spree.

This pocket of deviancy within the larger community is maintained not only by its inhabitants, but also by the entire society, as represented by the State Liquor Store and the police. The labelling of these acts as deviant depends upon the perspective through which it is viewed and the feedback of other performers involved in the interactional system.

SPENDING, INFLATION, AND PRIORITIES

Mr. BROCK. Mr. President, a few days ago the chief executive officer of the Chamber of Commerce of the United States, Arch Booth, addressed the Executives Club of Chicago.

Speaking as the "Voice of American Business," Mr. Booth stressed in his remarks this point: "Take Your Choice. Control Spending or Raise Taxes."

He endorsed on behalf of businessmen—and all citizens—legislation introduced by myself in the Senate and many of my fellow Congressmen in the House, including Representative Robin Beard, of Tennessee, Kenneth Robinson of Virginia, and Charles Bennett, of Florida. The reforms proposed by our measure are long overdue and will go a long way to restoring congressional control over spending, waging the battle against inflation, and meeting national priorities in an orderly fashion.

I ask unanimous consent that the text of the speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

TAKE YOUR CHOICE

(By Arch Booth)

I want to talk with you today about a great opportunity that is within the reach of the people of this great country.

And a choice.

The opportunity I want to discuss is the program for a New Federalism offered by President Nixon to rebuild, modernize and bring under more effective management our creaking government system.

The choice is whether we are going to capitalize on the first big chance that people—and that means us—have had in many decades to make some real improvements in our government—or whether we will go on to tolerating a government structure that just grows and grows, costs more and more, yet delivers less and less.

As I have said, we have a great opportunity—an opportunity we may not have again for many years. And this brings up Watergate. Watergate, as we can see almost every day, is taking its toll in human terms. This is tragic.

Watergate is slowing down the wheels of government, at least for the present. No doubt it is also generating new inspiration and hopes among those in Congress who don't go along with the President's programs.

This, too, would be tragic—if the Watergate scandals turn the tide against the New Federalism and many other good programs which the President has planned, and obscure the many good things he has achieved.

THE NEW FEDERALISM

Just what is this New Federalism? What are we talking about?

The New Federalism represents the first serious attempt in many decades to revamp the institutions and mechanisms that make up our political system. This includes bringing government spending under effective control, achieving better management of government operations, getting better balance between the federal, state and local levels of government and, most important, improving the delivery of services to the people, at less cost.

The National Chamber recently released an ad which we hope will be seen in parts of the country.

The headline says: "Take Your Choice. Control Spending or Raise Taxes."

Federal spending was the subject of that ad. It was designed to support the President in his "Battle of the Budget."

But the headline is prophetic. Americans face some important choices in many areas of economic and political policy today. They are all by no means as limited and clear-cut as the one between federal budget control and higher taxes, although that, too, is involved.

What are these choices?

First, we must review the problems we face and choose the level of government best equipped to deal with each of them.

Second, we must choose between an economy regulated by the marketplace and one run by a staff of central economic planners.

Third, we must decide the proper division of resources between the public and the private sectors of our economy.

These questions are not new. And that is itself a problem. They have been around for so long now that they are a part of the background, unnoticed.

But if the questions are old, the conditions that confront us today are not. Our society, our economy and the world have changed dramatically.

Have we made an effort to adapt? Have we changed our institutions to reflect the new shape of reality? Have we even examined—seriously examined—the need for such change?

No. The present course of our ship of state was set 40 years ago.

We know where we have been since then. Do we know where we are going? Are there icebergs ahead? Is there a more favorable route? Should we switch to smaller boats? Are we burning too much fuel? Does the machinery need an overhaul?

OUTMODED ASSUMPTIONS

For 40 years, our course has been guided by three assumptions:

That all social problems are susceptible of quick solution, given sufficient resources;

That in resolving social problems, the public sector is superior to the private sector; and,

That action by the Federal Government is more effective than action at the state or local level.

Those assumptions were discredited in the flames, failures and fragmentation of the late 1960s. Even so, by and large, we still operate under them. And it's understandable. Politicians, administrators and voters cannot be blamed for clinging to the flawed but familiar in the absence of appealing alternatives. Then too, there is great inertia to overcome in anything as massive as this society.

President Nixon is trying to slow the growth of the federal establishment, to increase the relative power and responsibility of the other levels of government.

Notice that I said "slow the growth," not "cut." In all the fuss and feathers over what the President is doing, one simple fact is universally ignored: The Administration's budget for next year is 9% bigger—*bigger*, not smaller—than what he proposed a year ago.

Ten years ago, there were 160 individual federal grant programs. Now, there are over 1,000. The President has proposed reducing, reorganizing or eliminating only 113 programs. And in many cases, the objective of these programs will continue to be served in another way, such as through revenue sharing. So even the terminations do not necessarily spell the end of a particular category of aid.

Roy Ash, the new director of the Office of Management and Budget, offers some dramatic evidence on this point: Even with the so-called cuts, President Nixon is still budgeting 66% more to help the poor than did President Johnson, 67% more to help the sick, 71% more to help the aging, and over 130% more to help the hungry and undernourished.

So let's keep things in some kind of perspective. The infamous budget "slashes" are in fact scarcely visible scratches on the surface. The question could very well be asked, "Have we cut enough?"

Let's look at the growth of the federal budget. Since 1954, federal spending has increased 280%. In the past 10 years it has more than doubled, from $111 billion to $250 billion. And the President is asking for $19 billion more—or $269 billion—for the coming fiscal year.

State and local government expenditures have also ballooned from $30 billion to about $200 billion since 1954.

Today, over 40% of the income dollar is spent by government, compared with 31% 20 years ago.

There is one government employee for every four in private industry.

Recent figures show that we are paying more for government than we pay for food, clothing, shelter and automobiles.

Another interesting fact, when you consider the great public concern over inflation, is that the cost of government during the inflationary period that began in the mid-60's has risen faster than the cost of living.

People demand more service from their governments. They don't want cuts in existing programs. But, people are fed up with higher taxes, fed up with deficits, fed up with inflation.

MORE GOVERNMENT FOR LESS

What do we do? Well, what does any businessman do when he wants to expand but can't borrow and can't raise prices?

He looks for ways to become more efficient, to increase productivity.

And that's just what we have to do in government.

There's plenty of opportunity. Take the Federal Government. For 40 years it "just growed." Pieces were added here and there—for transitory reasons. They stuck.

Representative Roth of Delaware made a study of federal assistance programs a few years ago.

He found that no one, anywhere, knows exactly how many programs there are.

There is no central, comprehensive repository of information on all programs.

Members of Congress do not have enough meaningful information.

The executive branch does not have enough meaningful information.

Potential beneficiaries have virtually no hope of finding out about all programs for which they qualify.

And sometimes as many as 10 Cabinet-level departments and 15 or more agencies have programs devoted to the same area of activity.

That was in 1968. Representative Roth is now Senator Roth, but the organization of the Federal Government is largely unchanged.

There is an anecdote about Edison . . .

You know, the first man to use an anecdote is original, the second is a plagiarist, the third is drawing from a common stock, and the fourth is engaged in research . . .

Anyway, it seems that Edison tried 50,000 different combinations before he came up with a successful new storage battery.

Somebody asked him if that wasn't a big waste of time. "Nonsense," he said, "I now know 50,000 things that don't work."

Well, that's pretty much the national government's method of testing programs. There is really no accurate mechanism for measuring the effectiveness of a program. Or for comparing one method to another. Or for avoiding duplication.

REORGANIZE EXECUTIVE BRANCH

To end this confusion, President Nixon has proposed major changes in the executive branch, as you know. He wants to create four new Cabinet departments. These Departments would be organized on functional lines, reflected in their names: Human Resources, Community Development, Natural Resources, and Economic Development.

They would incorporate under one roof many presently diversified, overlapping existing activities.

All the details of this reorganization have not been resolved. When they are, I'm sure we'll find some we like and some we don't.

But I think the concept itself is worthy of support. Your support. My support. The support of the business community. The support of all Americans.

We need fundamental changes in the structure of our governments at all levels, changes to do two things:

First, to make the organs of government more sensitive to genuine, broadly based needs, and less sensitive to concentrated pressure.

Second, to better adapt the structure of government to the nature of the problems it confronts.

As things stand now, the various levels of government often combine to hide the true cost of programs.

It works like this: The responsibility for a new program is shifted to Washington primarily because the local voters won't pay for it. The program then comes back from Washington in the form of matching grants. Then, the local voters have to scrape up the local share, or lose the entire grant.

Ideally, the local tax dollar should support directly those local programs desired by the local voters. Too much is lost in overhead—and in control—when that tax dollar makes a round-trip to Washington.

But such sensible simplicity is probably more than we can get in one step.

President Nixon has proposed going halfway first. He wants to reduce federal responsibilities by apportioning federal money to the other political jurisdictions, with no strings, or fewer strings, attached.

This "revenue sharing" is a good idea for two reasons: First, it would let localities set their own priorities. Second, it would deter special interest groups from achieving at the federal level what they cannot justify at the local level.

An improvement, yes. But some problems remain. Revenue sharing still divorces taxation from appropriation. It places the onus of tax collection on the *Federal* Government, while *reducing* competition among states and localities in providing public services efficiently. This weakens an important advantage of our federal system: The ability of people and industry to vote with their feet by moving away from areas where public services are too costly and taxes too high. So revenue sharing is a move in the right direction, but not the final answer.

IMPROVING CONGRESSIONAL COST CONTROL

Our present federal budget problems are the result of the worst features of the executive branch interacting with the worst features of Congress.

Congress, too, needs an organizational overhaul. Badly.

Incredible as it may seem, at the present time neither the Congress nor any of its committees looks at the budget as a whole.

The House Ways and Means Committee and the Senate Finance Committee decide tax policy.

The legislative committees—such as Commerce, Agriculture, and Defense—authorize spending.

And the House and Senate Appropriations Committees recommend how much of the authorization to appropriate.

This is a point that often confuses people. A big authorization is meaningless without an appropriation to match it. Knowing this, congressmen will often pass an outlandish authorization as a political gesture, expecting the appropriations committees to cut it down to size.

As you can see, the proces runs backwards. Congress first decides what it is going to spend, then considers whether there is enough money. A more rational approach would be to start with a list of priorities—based on what the people are willing to pay for—and then divide up the available money accordingly.

But before that can happen, it is necessary to get the money-raisers together with the money-spenders. It is necessary to consider income and outgo at the same time. There is a committee charged with this responsibility—the Joint Committee on the Legislative Budget—but it is inactive. It should be revived.

To get a clearer picture of what's happening to the budget, Congress should insist on five-year budget projections—for both expenditures and obligational authority. These projections should be public.

Under present procedure, programs with big *future* costs but small *initial* outlays are passed and forgotten. The budget is so complex that it's hard enough to focus on the additions each year, without having to recall what's happening to a program begun in the past.

It would also help to have all special programs, such as Social Security, included in the same budget.

Thanks to the gradual accumulation of long-term programs, nearly three-quarters of the budget is "out of control." For this part of the budget, Congress has no choice but to pay the bills as they come due.

This leaves only a quarter of the budget available for economy moves—and a large part of that quarter is the defense budget.

If this situation sounds frightening, it should.

Another important reform is to stop automatically refunding old programs when their authorizations expire. Each and every program should be measured against a standard of need and effectiveness, *every* time it's up for an appropriation. This is called "zero-based budgeting." Using this technique, those programs that can no longer justify their place at the feed trough would be ended, not rubber-stamped for another year.

Finally, expensive new programs should be pilot-tested before they are launched full-scale. And the testing agency should not have any stake in the outcome of the test. This is such an obvious matter of common sense that I can only wonder, sadly, why it has to be proposed at all.

So that's the package:

1. Consideration on the budget as a whole.
2. Detailed, five-year projections.
3. Zero-based budgeting.
4. Pilot testing.
5. Inclusion of all federal commitments in one budget.

It wouldn't solve the deficit problem overnight, but it *would* help to correct the conditions that cause it. It would give us a more efficient, more capable Congress.

There are some hopeful signs that these reforms have a chance of enactment.

A Joint Study Committee on Budget Control has recommended ways to improve congressional authorization and appropriation procedures. The committee bills are S. 1641, introduced by John McClellan of Arkansas, and H.R. 7130, by Al Ullman of Oregon.

And there are many other bills embodying some—or all—of the five points I mentioned.

To name a few: There's S. 40 by Bill Brock of Tennessee, and H.R. 2406 by Kenneth Robinson of Virginia. Also H.R. 5388 by Charles Bennett of Florida.

But there are some discouraging signs, too. Congress, so far, has taken no action on the President's proposed reorganization of the Executive Branch. And for the worst of reasons . . . pressure from some special interest groups that benefit—or think they benefit—from the *present* setup.

So we do have a great opportunity to make some far-reaching structural reforms in our national government. But it will be an uphill fight.

If we do nothing, the unit cost of public service will go on climbing. But if we demand reform—if we keep up the pressure for it—we will get it. Take your choice.

HELPING THE STATES AND CITIES

But let's not spend all of our time on the Federal Government and forget the states and localities.

Decentralized inefficiency is no better than centralized inefficiency.

The states, counties, and cities share many of the organizational problems of the Federal Government. And they have some that are entirely their own.

For one thing, they must deal with problems that neither begin nor end at their borders.

Transportation, utilities, housing, pollution, crime, employment, and many other problems are *regional* in nature. Try telling a cloud of smoke to stop at the county line.

Regional problems need regional solutions. Regional solutions need regional authorities.

I know it's hard to get excited about things like regional sewage treatment. But let me tell you, if more people don't get excited about it, there's going to be a big stink.

Businessmen have a special opportunity—and a special obligation—to contribute to their local governments. Besides taxes, I mean.

Many of the special techniques and skills that can be found in any large business organization are vitally needed in state and local government.

For example, you wouldn't believe the results that "loaned executive" programs have achieved.

One hundred top executives spent six months of their time helping the State of Minnesota save some 65 million dollars. Governor Reagan says 250 volunteer experts have saved California "hundreds of millions."

And I could list many more examples.

What kind of advice produces these savings? Systems analysis. Data processing techniques. Contract writing procedures. Sophisticated cost control. Distribution. Warehousing. Food service. Personnel. You name it in business, and chances are there's a need for it in government.

What it all comes down to is this: As businessmen, we have a choice to make. We can give up a little of our time to do these things for our community . . . and get a better community. Or we can do nothing, and pay higher taxes for less service. Take your choice.

THE HIDDEN PROBLEM

Now we come to a hidden problem. I doubt if one American in a hundred knows it. Yet it may be the most important problem we face, because it is central to many of our other problems. This is the problem of capital formation.

An examination of this problem provides the most compelling reasons of all for finding more effective, more efficient ways to deliver public service.

For 40 years, our politicians have tried to aid the poor by providing services for them with money taken from the middle classes, the rich and the corporations.

Despite the heroic size of this effort, the distribution of income in this country has not changed much since World War II.

Obviously, something went wrong.

What happened to all that money? Well, most of it went for overhead.

For example, 80% of the money for the Community Action Program was siphoned off in salaries and other expenses.

Government grew enormously to provide all those services. From 1947 to 1971, more than one-third of all new jobs were government jobs. Very few of these jobs went to the poor.

And many of the new aid programs mostly helped the affluent.

In "The Retreat from Riches," economists Passell and Ross put it this way: Quote.

"Federal transportation subsidies overwhelmingly aid the automobile, not the subway; farm programs sustain the squire, not the serf; urban renewal assuages the middle classes and dispossesses the poor. Federal housing programs confer 20 times as much benefit on a family earning $50,000 as on one earning $5,000. National health insurance proposals would multiply the burden of the payroll tax, heavily concentrated on the working poor."

Now, I would not necessarily want to endorse the judgment that Passell and Ross make on *each of those programs*—not without independent study. But I do agree with their general conclusions.

You would think that after 40 years of failure, proponents of income redistribution would be ready to try something else to aid the poor. But no, they insist that we simply haven't tried hard enough.

How hard have we tried? Government spending today equals about one-third of the Gross National Product. If the GNP and government spending continue to grow at current rates, by 1986 government spending will equal 50%—one-half—of the GNP.

What's wrong with that?

Several things.

First, as government gets bigger, more economic decisions are made by government, leaving fewer decisions in private hands. This is an ominous trend, because of the key difference between decisions made by business and those made by government.

Business mistakes may be disastrous to a particular business, but they are usually not harmful to society, and they are always self-limiting. On the other hand, government mistakes are seldom harmful to the people who make them, but they may be disastrous to society, and they are *never* self-limiting.

Furthermore, government decisions preclude competition. You can't tell if something else would have worked better, because you don't get to try it.

The second thing wrong with growing government dominance of the economy is that government increasingly competes with private borrowers for funds.

This competition is aggravating an intense demand for capital. And that's likely to be very hard on the poor.

Why? Because increases in our standard of living correlate more closely with the growth of the private economy than with any other single factor.

The private economy grows through increases in productivity. Productivity grows in proportion to capital investment.

The poor will be worse off because when capital is scarce, it becomes more valuable compared to the other factors of production. So, less of it is available to improve productivity.

With a lower rate of capital investment, labor becomes relatively less productive, therefore less valuable.

I know that sounds complicated, but it is really a simple function of supply and demand: If labor is in short supply, employees benefit. If capital is in short supply, investors benefit. And our recent "altruistic" government policies have insured a shortage of capital.

There you have it: The "hidden" problem. The path from riches to rags.

CONCLUSION

We *can* give the poor genuine help, we can all continue to enjoy a rising standard of living, we can improve our performance in world markets . . . *if* we stop discouraging savings and investment. Or we can allow government to starve the private sector, we can watch the economy stagnate, and we can accept a lower standard of living. Take your choice.

I do not call for greater self-reliance from blind devotion to principle. I call for it because I sincerely believe that it is the best route to a better life for all Americans.

We have tried centralization and it has not worked. Now let's free ourselves from the shackles of outmoded doctrine and get back to the questing, venturesome spirit that once made life here a thrilling challenge.

We have an opportunity today that may not come again in our lifetime. It is the product of many factors.

Most important among them is a President who is committed to a major reorganization of the executive branch.

Next are the congressmen who are learning that Congressional power can best be guarded by improving Congressional performance.

Finally, there's us. You and me and our friends and relatives and neighbors. We're disillusioned by inexorable government growth. We're tired of higher taxes. But we're still determined to have better communities for ourselves and our children.

Well, let's do something about it. Let's not let the Watergate—or anything else—interfere with this peaceful revolution. Let's see how far back toward the people we can push the level of public decision-making. Let's see where performance contracting and business skill can make public services more efficient. Let's see what a growing, healthy economy can do for the poor.

I do not ask that we accept these things on faith. I ask only that we try them, and accept the results.

I would like to share with you a few of the most encouraging sentences that have ever crossed my desk. They come from a letter written recently by the chief executive of the chamber of commerce in one of our biggest cities.

"We agree the growth explosion affecting the metropolitan areas creates tough problems," he writes. "But, we also agree with the philosophy which President Nixon is trying to get the country to accept—that it's high time we begin to resolve our problems locally and stop the process of looking to another source, both for expertise and financing.

"We're going to continue to look to the National Chamber for leadership and we're doing one other thing which is beginning to get acceptance and will have pay-off. We're involving the savvy and understanding of our own people in analyzing both the problems and suggested solutions. And, we're going to make it work."

Ladies and gentlemen, that's the Spirit of '76. The Spirit of 1976. Are we going to make it work? Take your choice.

NATION'S GOVERNORS CALL FOR FEDERAL ALLOCATION OF PETROLEUM SUPPLIES

Mr. HUMPHREY. Mr. President, the Nation's Governors have called for mandatory allocation of petroleum supplies by the Federal Government. The Governors urged this in a policy resolution at the closing session of their conference in Lake Tahoe, Nev., yesterday. This action is encouraging, for it gives further support to the Emergency Petroleum Act of 1973, which passed the Senate by a wide margin—85 to 10—on Tuesday.

Mr. President, it is urgent that a mandatory fuels allocation plan go into effect as soon as possible. The administration's voluntary program for fuel distribution—even though its top officials are hardworking and cooperative, clearly is not working. Daily, I receive phone calls, telegrams and letters from Minnesotans who say they have not received fuel supplies under the voluntary plan. For instance, just a few moments ago I received a call from an independent oil company in St. Cloud, Minn. The company has only enough gasoline and diesel fuel supplies to stay in business 1 more day. If something is not done to reverse this situation, not only will the company go under, but it will be disastrous for the farmers in the St. Cloud area of Minnesota—for the company predominantly services the agricultural community.

I have asked the Office of Oil and Gas to immediately assist this company. And they will try. But there simply are too many cases of unfair allocation for the voluntary system to be effective.

Mr. President, I ask unanimous consent that an article describing the Governors' endorsement of mandatory allocation from the New York Times, of June 7, 1973, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOVERNORS URGE FUEL REGULATION

(By Seth S. King)

LAKE TAHOE, NEV., June 6. — The nation's Governors called today for mandatory allocation of petroleum supplies by the Federal Government.

Adopting a policy resolution at the closing session of the 65th National Governors Conference, the Governors demanded that the Nixon Administration go beyond the current voluntary allocation program and insure adaptable gasoline supplies for retailers in all parts of the country this summer.

Gov. John A. Love of Colorado, a Republican, questioned the action, saying the resolution implied support for gasoline rationing. He warned that an attempt by the Federal Government to ration fuel supplies in any part of the nation could stifle production.

But the Governors overwhelmingly defeated his amendment and supported in general, the Senate's vote yesterday to authorize Federal regulation of crude-oil supplies.

CLEARINGHOUSE URGED

Putting aside their bipartisan concerns over the effect the Watergate scandal has had on Federal-state relations this spring, the Governors also urged the Nixon Administration to adopt a national energy policy that would include the establishment of an interstate energy clearinghouse at least to provide an inventory of available fuel supplies and where they were located.

Several Governors, both Republicans and Democrats, criticized the Nixon Administration for failing to put teeth in its new petroleum allocation program, which urges the petroleum industry to distribute, voluntarily, at least as much fuel as users received last year.

Gov. William G. Milliken of Michigan, a Republican, prepared the mandatory allocation clause that the Governors adopted, saying the Federal Government should have the authority to force the entire petroleum industry to "meet its responsibilities."

The Nixon Administration sent the Secretary of Health, Education and Welfare, the Secretary of Housing and Development and the executive director of the Domestic Council to discuss its New Federalism concepts with the Governors.

COMPLAINT SESSION

This quickly developed into a complaint session, with several Governors contending that the new Federal regulations for special revenue sharing of welfare funds were so complex and restrictive that the states could not spend the Federal money they were getting.

Gov. Philip W. Noel of Rhode Island, a Democrat, said the Administration was attempting to transfer to the states responsibility for social services without providing a workable system for spending the money.

Even Gov. Ronald Reagan of California, a champion of the New Federalism, complained that the states were not getting enough information from Washington on using revenue-sharing funds.

The Governors unanimously adopted a policy resolution complaining that, after Congress had put a ceiling of $2.5-billion on revenue sharing for social services, the Administration had imposed implementing regulations that had effectively cut this further to $1.3-million.

THE WHOLESALE PRICE INDEX

Mr. JAVITS. Mr. President, the drastic increase in the Federal Wholesale Price Index published this morning by the U.S. Department of Labor, showing a 2.1-percent increase in only 1 month, April–May 1973, is so steep as to require no further argument for abandoning phase III of price and wage controls—the voluntary phase—and going back to phase II mandatory wage and price controls.

I ask unanimous consent to have the Wholesale Price Index report by the Bureau of Labor Statistics of June 7, 1973, printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Wholesale Price Index, May 1973

The Wholesale Price Index for All Commodities rose 2.1 percent from April to May, the U.S. Department of Labor's Bureau of Labor Statistics announced today.

Prices of farm products and processed foods and feeds advanced 4.7 percent, principally because of increases for animal feeds, oilseeds, and grains.

Industrial commodities increased 1.1 percent.

Consumer finished goods, a selection of food and nonfood commodities closely comparable with those in the commodity component of the Consumer Price Index, were up 1.0 percent.

Of the 15 major commodity groups meassured by the Wholesale Price Index, 14 advanced from April to May and one declined.

In May, the All Commodities WPI was 133.5 (1967—100), 12.9 percent above a year earlier; the industrial commodities index was 7.0 percent higher than in May 1972.

SEASONALLY ADJUSTED CHANGES

On a seasonally adjusted basis, the All Commodities Wholesale Price Index rose 2.0 percent in May.

Farm products and processed foods and feeds increased 4.1 percent.

Industrial commodities advanced 1.2 percent.

Consumer finished goods were up 0.7 percent.

In the 6-month period ended in May, the All Commodities Wholesale Price Index rose at a seasonally adjusted annual rate of 20.5 percent. Prices in the last 3 months of the period rose more than in the first 3 months because of an acceleration in prices of industrial commodities. During the 6 months ended in May, the index for farm products and processed foods and feeds advanced at a seasonally adjusted annual rate of 47.4 percent. In the last 3 months of the period, the annual rate was 43.4 percent compared with 51.5 percent for the first 3 months, reflecting declines for animal feeds and meats in April. The industrial commodities index rose at a seasonally adjusted annual rate of 10.7 percent from November to May. Within this 6-month period, the annual rate of increase was 5.8 percent in the 3 months ended in February and 15.9 percent in the 3 months ended in May. The consumer finished goods index rose at a seasonally adjusted annual rate of 16.7 percent in the 6 months ended in May. The index increased at a higher rate in the last 3 months of the period (18.8 percent) than in the first 3 months (14.6 percent). (For changes over 3-, 6-, and 12-month spans, see table 2; for changes before and during the Economic Stabilization Program, see table 4.)

CALIFORNIA'S LARGE DITCH

Mr. MOSS. Mr. President, hailing, as I do, from a water short State like Utah, I look with some envy on the gala ceremony held recently in California to mark the completion of the California Aqueduct, the network of canals, pipelines, dams, and reservoirs that will carry fresh water from the Feather River in northern California to water have-nots in the southern part of that State.

The California Aqueduct, which has been called the "world's largest irrigation ditch" has not been built without controversy. But the feud has ended—for the present, at least.

We have a similar controversy building in Utah. I am making every effort to get funds to complete as quickly as possible the Bonneville unit of the central Utah project so water can be brought from it, to the Great Basin, including the Salt Lake Valley through the Salt Lake Aqueduct.

There are many who oppose this project on environmental and other grounds. Yet without it, the Salt Lake Valley will soon be as short of water as some areas of southern California.

Evidently there has been some environmental damage in building the California project. This we must guard against in Utah—at all costs. Our problem is to make sure we build our much-needed water developments with as little damage to the environment as possible. But build them we must—as California has done—and with all possible speed.

Mr. President, I ask unanimous consent that the article on the California Aqueduct, which appeared in the Deseret News of June 5, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

California Feud Is Over, Land Ready for Drink

(By Carl J. Sitomer)

Lake Perris, Calif.—Water—the issue that for decades has split California, swayed state and local elections, triggered lawsuits, and focused legislative feuds—may no longer swell the stormy controversy it used to here.

Why? The have-nots in southern California—where 70 per cent of the state's 20 million people live—will soon be haves as northern water running through the new California Aqueduct starts to wet down the up-to-now parched lands in Los Angeles, San Diego, and other metropolitan areas.

A gala ceremony here at this manmade lake east of Riverside marked the completion of the world's longest irrigation ditch—the California water project. Gov. Ronald Reagan turned on the spout that now will bring to this desert clear, fresh Feather River water from 600 miles away.

The event marks a technological achievement perhaps unmatched in Western civilization. Health, Education, and Welfare Secretary Caspar Weinberger calls the vast network of dams, canals, power plants, pipelines, and reservoirs that tote water the length of this state the "current wonder of the world."

Why is it so important? Among other things, it means:

Millions of acre-feet of water for home, farm, industrial, and recreational uses in southern California. Fruit and vegetable growers in the farm-rich San Joaquin Valley say that the first trickle of Feather River water that flowed their way last year averted millions of dollars of crop losses during a long summer drought.

Flood control for rain-drenched northern California. The Oroville Dam has already saved much of the surrounding area from water damage and destruction.

Smog-free electric power.

Expanded recreational opportunities. Fishing, swimming, boating, and hiking facilities are being provided along the water trail. And state officials boast that California soon will have a 44-mile uninterrupted bikeway—the longest in the world.

Despite these pluses, many here still consider this giant waterway a mixed blessing. Some have fought it all along the way, trying to block the use of public funds for it in the Legislature, the courts, and through ballot initiatives.

They charged the project costs too much—almost $2.3 billion so far; its stone and concrete has scarred California's natural beauty and often disturbed nature's balance; and its gobbling up of energy could trigger a major power shortage.

THE ENVIRONMENTAL IMPACT STATEMENT FOR THE BONNEVILLE UNIT OF THE CENTRAL UTAH PROJECT

Mr. BENNETT. Mr. President, the Bureau of Reclamation has just advised me that they have returned the environmental impact statement for the Bonneville unit of the central Utah project to the region for "further clarification" before it can be forwarded to the Council on Environmental Quality.

The action was greeted with concern by many Utahans who fear that a small group of environmentalists are attempting to raise questions concerning the project with the objective of delaying approval of the environmental impact study to the point where they will bring the project to a halt.

The central Utah project was authorized by Congress 17 years ago yet its most complex unit—the Bonneville unit—stands only 14 percent complete. Construction was not started until 1966 and the Bureau of Reclamation's funding and construction program since then has been both unrealistic and uneconomical.

Approximately 40 percent of this unit's initial deliveries are needed to meet municipal and industry water requirements today, not some time in the future.

No new contracts can be let for construction on the central Utah project until the environmental impact study on the Bonneville unit has been filed with the Council on Environmental Quality. The time for completing this statement has already been excessively long; and there is a distinct possibility that work on the central Utah project will come to a halt by September this year.

If Utah is not to stagnate, it must have more water for the future. Even though the central Utah project was conceived long before the general public became concerned about protecting the environment, planning is continuing even today to make modifications which will make the project current with contemporary development. Every feasible step will and should be taken to keep environmental damage to a minimum. But the damage that must be sustained must be balanced against the gains in new recreation areas, in adequate water supplies, and in increased power facilities.

The proper development of Utah's water resources has been essential to its orderly growth since the first pioneers diverted water into the first irrigation system.

The challenge now is to move ahead expeditiously with the central Utah project. The objectives of more water and a better environment need not be mutually exclusive.

THE FUTURE OF NORTHERN IRELAND

Mr. RIBICOFF. Mr. President, my distinguished colleague, the senior Senator from Massachusetts (Mr. Kennedy) has written an unusually perceptive article on the White Paper for Northern Ireland and the future of Ulser.

Senator Kennedy, writing in the current issue of Foreign Policy, expresses his optimism that there is now an historic opportunity "for constructive new steps toward peace" in strife-torn North Ireland. I join him in this hope, and in his condemnation of all the violence and terror in Ulster.

I also agree with Senator Kennedy's observation that "the most negative single aspect of the White Paper is its lack of commitment to the unification of Ireland." As I have stated before, the crux of the matter is a united Ireland, an Ireland free of repression, discrimination, and sectarian strife.

In this connection I welcome the recent accession to the presidency of the Irish Republic of Mr. Erskine Childers—a Protestant. This is an important symbol of future harmony and peace. But before peace can be achieved, there must be greater wisdom, courage, and compassion displayed by those who now hold Ulster's fate in their hands.

There must also be continued American concern voiced over this issue. The role Senator Kennedy has assumed in bringing the continuing tragedy in Ulster to the attention of the American people and our Government is in the highest tradition of our Nation's humanitarian and moral principles.

His very fine article should be read by all those with an interest in the people and future of Ireland. I ask unanimous consent that the article, "Ulster Is an International Issue," by Senator Edward M. Kennedy be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

ULSTER IS AN INTERNATIONAL ISSUE

(By Edward M. Kennedy)

The White Paper for Northern Ireland, announced last March, comes as Great Britain's most constructive initiative in nearly four years of bloodshed and tragedy in Ulster. Yet, since the White Paper leaves for future resolution virtually all the details of legislative and executive power-sharing between the majority and the minority, the proposals are still far more shadow than substance. Nevertheless, they form a hopeful foundation on which both sides can now begin to build their future.

In a sense, British policy toward Ulster bottomed out last March. Gone, or virtually gone, are the years of repressive measures and abdication of responsibility. If the Council of Ireland, the most hopeful recognition Britain has yet given to the Irish dimension in Ulster, still seems far from reality in the White Paper, it is also clear that the old Stormont is dead, and with it has died the principle of absolute Protestant supremacy in Northern Ireland. The bitterness and tragedy and sectarian violence that have wracked the province since 1969 may linger on, but at least Britain has now succeeded in wiping the slate largely clean, so that a new compact of future representative government is capable of being written. In light of the historic opportunity now available for constructive new steps toward peace, it helps to look back over the path traveled so far, in order to see more clearly the direction in which future policy of the United States and Great Britain should move.

There is a fundamental analogy between America's experience in Indochina and Britain's experience in Northern Ireland. In a sense, Ulster is Britain's Vietnam, and the tragedy of Britain in Ulster is the tragedy of the United States in Indochina.

The Vietnam analogy, of course, is not precise, but it is easy to draw the parallels, because so many of the arguments over Ulster—the spectre of the bloodbath, the pursuit of the phantom of military victory, the growing domestic disenchantment in Britain with rising casualties in Ulster, the benevolent but often desperate efforts of British leaders to impose a solution on Irish parties who have not yet learned to resolve their age-old differences and live together—are similar to the arguments made years ago over America's role in South Vietnam.

To countless Americans, Ireland has long seemed an incurable and interminable cancer on Britain's body politic, an issue destined to bring turmoil to unending generations of British and Irish people and their leaders. To many, Ireland has been the exception to Britain's outstanding reputation for resourceful and successful diplomacy. As Gladstone put it in the nineteenth century:

"Go into the length and breadth of the world, ransack the literature of all countries, find if you can find a single voice, a single book . . . in which the conduct of England towards Ireland is anywhere treated except with profound and bitter condemnation. Are these the traditions by which we are exhorted to stand? No. They are a sad exception to the glory of England. They are a broad and black spot upon the pages of history."

Half a century ago, the world witnessed the traumatic upheaval that gave birth to the cruel experiment of partition. Over the past few years, a new and even more brutal chapter of terror has been written in the history of Ireland.

Were I neither Catholic nor of Irish heritage, I would feel compelled as a member of the Senate to protest against the killing and violence in Northern Ireland, just as I have protested at other times in my years in the Senate against killing and violence in Vietnam, Biafra, the Middle East, Bangladesh, and many other parts of the world.

The violence and terror must be ended. I condemn the brutality in Northern Ireland. I condemn the violence of the IRA. I condemn the violence of the UDA. I condemn the violence of the British troops. I condemn the guns and bombs and wanton killings. I condemn the flow of arms or any funds for arms from the United States or any other country to Northern Ireland. I share the words of Cardinal Conway, who spoke eloquently against the Ulster terror in his Christmas message in 1971: "To kill a man deliberately—to snuff out an innocent life—is a terrible deed. . . . And this is true, no matter who does it, no matter what side he is on."

Because the crisis in Ulster is a crisis in human rights, it is a crisis of the sort that has always triggered strong involvement of American citizens. The concern in this country over violence in Ulster is part of the long and distinguished record of America's concern for justice in other lands, especially Ireland.

Throughout our history, and especially in periods of intensifying violence in Ireland, resolutions have been introduced in both Houses of Congress supporting the cause of Irish freedom. The platforms of the Democratic and Republican parties in 1888 gave strong encouragement to the historic home rule campaign for Ireland led by Gladstone and Parnell. Later, when the United States entered World War I, President Woodrow Wilson instructed our ambassador in London to urge Prime Minister Lloyd George to settle the Irish question.

Perhaps the high-water mark of American concern over Ireland in the past was the investigation carried out in 1920 by the Committee of One Hundred Fifty on Conditions in Ireland, a private group of distinguished Americans organized by *The Nation*. From its members, the Committee elected a smaller Commission to conduct a public inquiry, including Jane Addams of Hull House; Senator George W. Norris of Nebraska and Senator David I. Walsh of Massachusetts, a man whose Senate seat I hold today.

The Commission's hearings and subsequent report had enormous impact in mobilizing public opinion. The descriptions of cruelty and violence, especially of the murderous raids carried out by the Black and Tans, brought home the horror of events in Ireland, and were an important influence leading toward the settlement of the conflict, under the pressure of world opinion.

The expressions of concern voiced in America over Ulster in recent years thus follow in a long line of precedents. The United States has a clear and useful role to play in helping to bring the situation in Northern Ireland to the attention of the American people and the world community, and we should not hesitate to exercise it.[1]

THE SHAME OF INTERNMENT

The nadir of British policy in Ulster was the imposition of internment without trial in August 1971. Since then, the toll of bloodshed, bullets and bombing in Ulster has been a continuing reminder of how wrong that policy was at its inception, and how wrong it is to allow it to continue.

Day after day, week after week, month after month, the nation that gave Magna Carta, habeas corpus, due process and the common law to the world imprisoned hundreds of citizens in Northern Ireland without warrant, charge or trial, often on evidence of the rankest hearsay and deception.

Apart from the unjustifiable deprivation of liberty, the most unconscionable aspect of internment as a policy was its discriminatory application to the Catholic minority. Between August 1971 and December 1972, a total of more than two thousand Catholics were detained, but only one Protestant.[2]

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[1] Although President Nixon and his Administration have been silent over Ulster, the President himself has not always been reluctant to speak on the Irish question or to urge Britain to modify its course. Two months before the Presidential election in 1952, Mr. Nixon, as candidate for Vice President, stated that he was "against the partition of Ireland absolutely." He said, "Of course, it is not easy to suggest practical steps to end partition right away. But one thing that occurs to me is the possibility of putting pressure on the British when it comes to handing them out American money. Then it could be made clear we do not favor their policy in relation to the division of Ireland."

Mr. Nixon was also reported as saying he thought the United States could exercise considerable moral influence on the demand for a united Ireland, and he said he was in favor of such action. Mr. Nixon also stated in the interview: "It can be said that there is a better chance of a Republican Administration doing something about partition than the Democrats. . . . We are more honestly concerned in trying to help in this partition than the Democrats."

It is difficult to imagine a policy more clearly calculated to alienate the religious minority in Ulster. In spite of the violence perpetrated by the Protestants, in spite of the rising spectre of Protestant extremist organizations, in spite of the reign of sectarian murders by assassination squads—one of the ugliest and most dangerous recent developments in Ulster—internment still persists today as almost entirely a "Catholics Only" policy.

There were other sinister ramifications of internment for British law and justice. In February 1972, for example, there was the spectacle of Parliament rushing midnight legislation into law to reverse a decision by the High Court of Northern Ireland earlier that day, holding that British troops in Ulster had exceeded their authority in carrying out arrest, internment, and certain other orders.

And then, compounding the crime of internment, there were the initial reports of torture in the camps, as British intelligence tried to learn the secrets of the IRA by methods no civilized people can countenance.

On the heels of the first reports of torture came the outraged British denials. But many of the worst fears were confirmed in all but name by the report of the Compton inquiry.

Again and again, the Compton Report found the immoral and inhuman facts of torture. Yet, it denied their meaning by Alice-in-Wonderland logic, by obscure and hypocritical phrases that whitewashed the brutality and spoke only of "ill treatment" and "deep interrogation"—rhetoric seeking to justify obviously barbarous means by resort to a worthy end.

No nation that calls itself a democracy can justify a policy of internment for its citizens. And so, one of the most applauded parts of Prime Minister Heath's initiative on Ulster in March 1972 was the promise to end internment, and thereby bring back to Ulster evenhanded justice. Significant progress has been made in recent months toward redeeming that promise. Methods have become more rigorous for issuing internment orders. A number of quasi-judicial procedures have been adopted, in accord with the report of the Diplock Commission in December 1972. The verdict is not yet in on the operation of these procedures. The hope is that they mark a *de facto* end to internment. The fear is that they are simply a new disguise for the old internment policy. Some 700 internees have been released, but nearly 400 are still detained, many of whom are now nearing the end of their second year of imprisonment without charge or trial. Internment by Lord Diplock's or any other name is still internment, and it is past time to end all the vestiges that remain.

BRITISH TROOPS IN ULSTER

When I first spoke out on Ulster in October 1971, I included as part of my recommendations a call for the withdrawal of British forces from Northern Ireland, and the institution of appropriate procedures for law enforcement and criminal justice, acceptable to all the parties. Such procedures would be consistent, for example, with a United Nations peacekeeping force, a Common Market force, or the formation of a reconstituted Ulster constabulary as an even-handed police service.

It is now four years since Britain first introduced its substantial military presence in Ulster. As we know from first-hand experience in the United States, military forces are not trained police. They do not know how to keep the peace on a continuing daily basis. On several occasions in the 1960's, President Lyndon Johnson was obliged to order Federal troops into American cities to maintain law and order. But always, whether in Detroit or Baltimore or Chicago or Washington, D.C., the troops were deployed only to deal with a sudden crisis, and they were removed as soon as the emergency was over.

But that was not the case in Ulster. By early 1972, the British troops in Northern Ireland were seen as a permanent army of occupation, not the transient peace-keeping force they were supposed to be. The Army's role in maintaining the internment policy contributed to the alienation of the minority. Inevitably, the confrontation came. On Bloody Sunday, in January 1972, 13 Ulster Catholics, participants in a civil rights demonstration, were killed by gunfire by British troops. Just as the brutality in the internment camps was compounded by the Compton inquiry, so the slaughter in Londonderry was compounded by the inquiry carried out by Lord Widgery's tribunal, an inquiry that had many of the hallmarks of our own limited and ineffective investigations of Kent State and My Lai. Perhaps the cruelest statement in Lord Widgery's report was the sentence that begins his Summary of Conclusions:

"There would have been no deaths in Londonderry on 30 January if those who organized the illegal march had not thereby created a highly dangerous situation in which a clash between demonstrators and the security forces was almost inevitable."

Those few words, given such symbolic prominence in the report as Conclusion Number One, spoke volumes about Lord Widgery's approach to the entire inquiry. In a sense, the United States has heard it all before, from American Widgeries investigating American tragedies. You might as well say that there would have been no killings at Kent State if American students had not been demonstrating against the war, no killings at My Lai if Vietnamese civilians had nor been living in that tragic hamlet. But in the years that have passed since Kent State and My Lai, we have learned that such official rationalizations cannot conceal the true horror of events like those at Kent State or My Lai, and the same is true of Londonderry.

Res ipsa loquitur, the lawyers say—"The thing speaks for itself." Only the most compelling circumstances of mortal danger to the troops could possibly justify resort to the use of deadly force. There were no such circumstances at Kent State or at My Lai. And so far as the Widgery Report proves, there were none at Londonderry.

Perhaps the most distressing result of the Widgery Report is the congenital bias it demonstrates in favor of the government. Once again, we see the inability of British justice to deal fairly and impartially with events in Northern Ireland. The Widgery Report, the Compton Report, the midnight session of Parliament called to reverse an inconvenient court decision—these and other events show that British justice is apt to bend to the prevailing official winds when the Irish issue is involved.

The events of Bloody Sunday were a watershed. Calls increased for the withdrawal of British troops as an essential step toward restoring peace in Ulster. Yet, just as the British government argued that it could not end internment because it would mean the return of gunmen to the streets, so the government also argued that it could not withdraw the troops because of the bloodbath that would follow. And so for months we saw a policy that condemned hundreds of innocent men and women and children to die in the streets of Londonderry, Belfast, and other cities, towns and villages in Northern Ireland, because London feared that even more might die if the policy on troops were changed. To prevent the hypothetical bloodbaths of the future, the leaders of Britain and Northern Ireland sought to rationalize the very real bloodbaths of the present, thereby adding unnecessary new fuel to the deepening agony of the province, and jeopardizing future initiatives in British policy.

At the same time, however, the new intensity of violence triggered by Bloody Sunday was probably responsible, as much as any single event, for Britain's decision in March 1972 to suspend the Ulster Parliament at Stormont and launch the policy of "direct rule" of Northern Ireland by the British Parliament at Westminster.[3] In a sense, therefore, Bloody Sunday was the event that precipitated Britain's first positive step to end the deadly slide of Ulster into chaos—some comfort, perhaps, to the family and friends of those who died, to know that the White Paper is their monument.

ABOLITION OF STORMONT

The most positive single aspect of the recent White Paper is its abolition of Stormont and the formation of a new Northern Ireland Assembly, to be elected under a system of proportional representation designed to assure a fair role for both the majority and the minority.

Apart from the presence of British troops, there was no more odious symbol of the half century of massive injustice in Ulster than the Parliament at Stormont. Throughout its history, Stormont had been a device for continued oppression of the minority, a classic example of John Stuart Mill's tyranny of the majority. The circumstances of the creation of Northern Ireland and the religious and class divisions ingrained by centuries of history had left no realistic possibility that the processes of parliamentary government and democratic elections could function to establish a role for the minority in Ulster. As a result, through Stormont, the minority endured virtually limitless subjugation during 50 years of absolute apartheid rule by the Unionists.

In recent years, before the beginning of internment, Stormont had failed to function as an effective legislature, because the small band of members representing the minority had refused to participate in the parliamentary charade the Unionists wished to play. Stormont was defunct in all but name. At last, by assuming direct rule, Britain recognized that fact, and the White Paper delivered the coup de grace.

UNIFICATION OF IRELAND

The most negative single aspect of the White Paper is its lack of commitment to the unification of Ireland. If anything, the White Paper is a retreat from the Green Paper of 1972, with its imaginative discussion of the "Irish Dimension" in Ulster and its proposal for a Council of Ireland, in which representatives of both Ulster and the Republic could discuss and act on matters of common interest.

A distressing sign of the British attitude toward unification is the latitude given to the growth of militant Protestant organizations through 1972. In effect, by the long delay in announcing its White Paper, Britain gave time to the die-hard Protestant extremists to "play the Orange Card" again, just as Lord Randolph Churchill played that card in the 1880's by stirring up the Protestant Orange Order against Gladstone's Home Rule Bill for Ulster.

For nearly a hundred years, British policy toward Ireland has been paralyzed by the fear that the Protestants of Ulster will play the Orange Card and fight to preserve their British tie. But Ulster is not about to commit suicide over the unification of Ireland. I do not believe that the vast majority of Ulster Protestants are prepared today, or were prepared at any time in the past four years, to plunge their homeland into civil war for the sake of the Union Jack. Unification may not be at hand today, but neither is civil war over the initial steps that can and should be taken in that direction. If Britain is resolute and evenhanded in her policy, the Protestant extremists will not succeed in the violent path of opposition they have chosen.

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[2] In the early months of 1973, a handful of Protestants were interned, in circumstances involving sectarian assassinations. At the end of March 1973, Prime Minister Heath told Parliament that, of a total of 389 persons detained or held under interim custody orders awaiting hearings, 367 were Catholics and 32 were Protestants.

[3] At the time, I welcomed Prime Minister Heath's initiative of direct rule. I have also praised the subsequent actions of Mr. William Whitelaw, Britain's Secretary of State for Northern Ireland, for the skillful way in which he has administered the province since direct rule was established.

We know that the extremists of the IRA failed to capture the hearts and minds of the Catholic minority in their brutal campaign of 1955–1962. They succeeded in recent years, but only because the peculiar blindness of the Stormont and Westminster leadership made it almost totally resistant to the legitimate demands of the Catholic minority.

If, as progress toward unification of Ireland grows, the Republic demonstrates its willingness and ability to protect the political, economic and social rights of the Ulster Protestants in a united Ireland, I believe that the extremists on the Protestant side in the North will never succeed in any campaign of violence designed to play the Orange Card today.

Given the history of partition, the White Paper's reaffirmation of the Attlee declaration and the use of plebiscites on self-determination for Ulster is a travesty of a noble principle. If there is to be self-determination for Ulster, why not self-determination for Londonderry, or County Tyrone, or any other predominantly Catholic area in Ulster?

Seen in this light, the plebiscite last March on the border issue was a quixotic gesture. Voters were asked two questions—Should Northern Ireland remain a part of the United Kingdom? Should Northern Ireland become a part of the Republic of Ireland? At best, the questions were ambiguous and misleading, since the voters did not know the terms of the possible links to the United Kingdom or to the Republic of Ireland. At worst, the questions were inflammatory, since the plebiscite simply reinforced the existing passions over the border.

We know the calculated and cynical gerrymander that produced Ulster 50 years ago. The only self-determination applicable today is self-determination for all of Ireland, not just for the uncouth entity that Britain spawned in 1920. Half a century is not enough to stamp the Ulster state with any acceptable seal of legitimacy in the eyes of those who truly believe in self-determination.

Thanks to the impetus of their new membership in the Common Market, basic change is already well under way for Britain and Ireland in modern Europe. That is why I hope that the Republic will progress as rapidly as possible toward comprehensive resolution of all the issues that divide North and South, so that Protestants and Catholics alike in Ulster may see that genuine progress is possible through reconciliation instead of violence.

The process has already begun. In December 1972, the citizens of the Republic, by a majority of more than 5 to 1, voted to delete two provisions granting a special position for the Roman Catholic Church in the Republic's Constitution. The vote was a gesture of good will toward Protestants in Northern Ireland, a symbolic step in recognition of the Republic's own important obligations if unification is to materialize. Manifold other accommodations must take place as well—best summarized in the fertile concept of a "New Ireland" promoted by leaders in both North and South.

As former Prime Minister John Lynch of the Republic of Ireland has stated:

"The only solution is an Ireland united, by agreement, in independence; an Ireland in a friendly relationship with Britain; an Ireland which will be a member with Britain of the enlarged European communities. I hold this view because I believe that there is no other way to dispose of the contentious and difficult legacy which history has left to our two islands—certainly no way which will not compound the problem for our children."[4]

There are those who say that some middle ground for Ulster is still a possibility, that unification is not the only road to peace, that the White Paper, with its guarantee of adequate minority representation in the new Northern Ireland Assembly, is all that can be achieved today.

To me, such an attitude is another example of the years of missed opportunity toward Ulster. Other reforms may be important short-run steps, but an open road to unification is the only present step that can cement permanent peace in Ireland. With Ireland exhausted by civil war in the 1920's, participation worked for almost 50 years. Perhaps, with Ulster exhausted by the violence and terror of 1969–1973, partition can continue under a reformed assembly to tide Ulster over for another generation. But it can do so only at the certain cost of a new long-run crisis, and a new convulsion for some future Ulster.

Such steps today would be more of the too little and too late approach that Britain has taken toward Northern Ireland throughout the present crisis. It is not enough to end internment, to withdraw the troops, to reconstitute the Assembly, to bring the minority into the executive, to offer massive economic aid, or to adopt any of the other reforms proposed in years gone by. It would not be enough to attempt total assimilation of Ulster into Britain as a way of guaranteeing full minority rights. It would not be enough even to redraw the Ulster boundary, as some have proposed, in a desperate attempt to find a formula that will keep some corner of Ulster forever British.

The test of British intentions is, at minimum, whether present policy will create an effective device, such as the Green Paper's Council of Ireland or some comparable all-Ireland institution, which can hold out the promise, however dim today, of eventual Irish unity.

If her sights are kept high, if her leaders have the courage to embrace the opportunity, Britain can make a commitment to unification, to an end to Westminster rule in Ireland, to an end to the unnatural partition forced on Ireland in the 1920's.

A VOICE FOR AMERICA ON ULSTER

There are those who say that America should stand silent in the face of the daily tragedy taking place in Northern Ireland. I do not agree, and I do not think that most Americans agree. Our heritage as citizens in a nation that has been a spokesman for peace and human liberty in the world for two centuries requires us to speak out and find a helpful role to play in contributing to a permanent peace in Ulster.

A larger issue is the question of what kind of foreign policy we want for America as we enter the final quarter of this century. I believe we want a policy that places far more emphasis on the billions of ordinary people throughout the world who seek a decent life. If America needs President Thieu in South Vietnam or Lon Nol in Cambodia, if we need Greece to stand against Russia, if we need Arab oil when the life of Israel is at stake, if we need Pakistan to arrange our summit in Peking, if we need military dictators to preserve our corporate interests in Latin America, if we need chrome from Rhodesia and sugar from South Africa, if, finally, we stand silent before killing and repression and brutal religious conflict in Northern Ireland, then we do not understand the direction of the world. We deny our heritage.

It cannot be seriously maintained that Ulster is the internal affair of Britain. Beyond dispute, Ulster is an international issue. The involvement of the Republic of Ireland, a sovereign and independent nation, is as current as the daily headlines. No British settlement in Ulster can ignore the Republic's rightful role.

Moreover, in an indirect but not insignificant way, the United States also has an interest in the early peaceful resolution of the Ulster crisis. The thousands of British troops now tied down in Ulster are of obvious importance to the level of troop commitments in NATO, an issue of growing concern between the United States and Europe.

What, then, is the proper present role for the government of the United States to play with respect to Northern Ireland? In my view, it is time to let America's voice be heard. We should establish a continuing policy of the Administration, a tone that reflects the legitimate concern of millions of American citizens for an end to the violence in Northern Ireland and a recognition that the minority in Ulster is entitled to participate fully in the government of their province. To this end, we should convey to Britain our concern for effective and evenhanded peace-keeping arrangements and for the fair implementation of the power-sharing arrangements to be established in the legislative committees and the executive departments of government once the new Northern Ireland Assembly is elected.

In the long run, we should leave no doubt of our support for unification as the ultimate goal for Ireland. To this end, we should urge the generous implementation of the provisions of the White Paper dealing with the creation of a Council of Ireland, capable of holding out the promise of steady future progress toward unification. And once the Council is established, we should join in encouraging North and South to bring their differences and common problems to the Council table for discussion and solution.

Neither urgent protests against the violence nor the use of overwhelming military force to contain it is enough alone to end the crisis. Until a political solution is implemented that is seen to be fair and evenhanded by both sides, the search for peace will be in vain. Fifty-five thousand Americans died before we learned that tragic lesson in Vietnam, and four years of needless violence and destruction have passed while Britain learned that lesson in Northern Ireland.

CHAIRMAN OF ANTI-DEFAMATION LEAGUE—SEVEN DAYS IN THE SOVIET UNION

Mr. JAVITS. Mr. President, recently Seymour Graubard, Esq., of New York, national chairman of the Anti-Defamation League of B'nai B'rith visited Moscow, accompanying New York City's Mayor John V. Lindsay who was there on a city to city visit. The report and commentary on his visit is published in the May 1973 issue of the ADL Bulletin, the national publication of the Anti-Defamation League. I ask unanimous consent that it be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

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[4] "The Anglo-Irish Problem," Foreign Affairs, July 1972.

SEVEN DAYS IN THE U.S.S.R.

(By Seymour Graubard)

It is one thing to read about the courage of a people and quite another to see it for oneself. During seven days in Moscow and Leningrad I met with 30 Soviet Jews. I am filled with admiration for their courage, exhilarated by it, and at the same time profoundly depressed that in our contemporary world there is still need for Jews to be courageous if they want to remain Jews.

Last February, Vladimir F. Promyslov, Mayor of Moscow, paid an official visit to John V. Lindsay, Mayor of New York. They discussed city planning, housing, transportation and the many problems common to large cities throughout the world. Mayor Lindsay, invited to visit Moscow, made as a condition of the return visit that he be permitted to bring with him at least one American Jewish leader, that they would be allowed to meet with Soviet Jews and to discuss with Soviet officials the situation of Soviet Jews. It was on that explicit understanding that I was invited by Mr. Lindsay to join his delegation, and that the visit took place.

We arrived in the Soviet Union May 3. In Moscow and then in Leningrad, we met with Jewish activists—mostly scientists, artists, journalists and other professionals—who had applied for and been denied permits to leave the U.S.S.R. for Israel and with those whose applications had been pending for long periods of time. The members of neither group had given up hope. And, despite the fact they they knew the government was aware of our "private" meetings, and, indeed, that the KGB was recording every word said, they spoke frankly. "After all," one man explained in almost flawless English, "we have already made our feelings clear to the officials, which is why the secret police has files on us."

I don't know what I expected—maybe highly emotional meetings, tears, raised voices, expressions of indignation. But it wasn't that way at all. Each person I spoke with recited his story quietly, factually, often with humor and with a perspective of the problems faced not only by Soviet Jews but by the Soviet Union.

They had made their choice deliberately and after much thought. They knew that to apply for emigration meant dismissal from their jobs, isolation from their fellow professionals, harassment by the KGB and, most likely, imprisonment on a variety of trumped up charges. Still they had applied. They accepted the certainty of those difficulties because they sought individual freedom for themselves and especially for their children.

When questioned about anti-Semitism, each gave the same answers. It was pointed out that in the first years of the revolution, Lenin did his best to eradicate the centuries old anti-Semitism that existed under the Czars. But under Stalin there was a resurgence of anti-Semitism, with official approval. The post-war alleged "Jewish Doctors Plot" engineered by Stalin was the signal for the suppressed anti-Semitism to become overt once more.

Thereafter, I was told, many Jewish students found it difficult to obtain admission to universities. Jewish administrators discovered that they were no longer considered eligible for promotion. Anti-Semitic publication became common under the euphemism of "anti-Zionism." Matters worsened after the Six Day War when Soviet policy became even more aligned with the Arabs.

I was told repeatedly that the head of each family, if he remained quiet, could have continued without difficulty in his present position, but that his children and their children inevitably would suffer the consequences of anti-Semitism and of a systematic destruction of their cultural heritage. So they could not remain quiet or close their eyes to what the future held. Each had gone through the arduous procedures of amassing the necessary documentation and applying for the papers that would allow emigration to Israel.

They told me that the government had long considered the desire to leave an act of disloyalty to the Soviet Union. From the Kremlin's point of view, they said, if so many Jews were permitted to leave, the government might have problems with other ethnic groups. From their point of view, they said, this was unlikely since official exit permits are granted only to those seeking to rejoin their families. "The other ethnic groups," said one man with a taut grin, "do not have many relatives in Israel or elsewhere." He said, too, that of all the ethnic groups in the Soviet Union, only the Jews are landless, another reason for wanting to go to Israel, to their own nation.

In an interesting departure, we met with seven of the Soviet Jews, not in their own homes, but in the state suite of the plush Hotel Sovietskaya where the government puts up its honored guests. Mayor Lindsay had made plans to meet them in their homes but his host, Mayor Promyslov, was concerned about "propriety" and insisted that they come to see us instead. The seven, led by Dr. Benjamin Levich, the world-famed theoretical physicist who was fired by Moscow University after applying for an exit visa in 1972, included some of the most outspoken critics of Soviet emigration policies. They came to the hotel—and Mayor Lindsay provided cake and wine, at the expense of his Soviet hosts.

Professor Levich is now a scientific worker at the Soviet Academy of Sciences, a lowly job ($536 a month against the $1200 he formerly earned) from which he may also be ousted. His wife, a translator, is now without work. His sons, one of whom won his doctorate when he was 20, the youngest in Soviet history, are both being harassed because of the application to leave and have been removed from positions commensurate with their training. (Several days after returning to the United States, I received a telephone call from Mrs. Levich who told me that her son, Yevgeny, had been arrested and taken to a military post in Siberia.) Others in the group, also ousted from their professional jobs, are now unemployed or working as laborers and dishwashers.

At Mayor Lindsay's insistence, I was permitted to join him at a conference held with Boris T. Shumilin, deputy minister of internal affairs. (I was refused permission to attend Mayor Lindsay's meeting with Prime Minister Alexei Kosygin.) Mr. Shumilin, in answer to arguments in behalf of Soviet Jews, stressed that the right to exit was a matter of internal Soviet concern and that the great majority of people who submitted their papers in proper form were allowed to leave. He pointed out that nearly 30,000 had left last year and that they were leaving at the same rate in 1973. He asked Mayor Lindsay how many Jewish New Yorkers left to reside in Israel. Mr. Lindsay pointed out that the U.S. government allows its citizens to go and come freely. He said that perhaps 1,000 New York Jews a year go to Israel for permanent residence but many more go to visit and our government does not keep track.

He told Mr. Shumilin that giving Soviet Jews the right to leave would vastly improve the U.S.S.R.'s image throughout the world. He said that Americans in particular simply cannot understand why restrictions should be imposed, why Jews who apply for exit immediately lose their jobs.

Mr. Shumilin reminded us that the education tax had been dropped and that this new policy will probably continue for the next several years. He made no comment on the fact that lifting the education tax is unimportant if Soviet Jews are still prevented from leaving and discriminated against for even trying to leave.

There was nothing new or different in Mr. Shumilin's statements. They followed the official Soviet line. What was new and different was the meeting itself, the candidness of Mayor Lindsay's comments, and my participation as an American Jew. In this nation which deals in Realpolitik, the deputy minister of internal affairs was willing to discuss the topic of Soviet Jews with us. What did it mean?

To me it meant that the joint efforts of the Anti-Defamation League and other American Jewish agencies to keep the plight of Soviet Jews before the public has had even more effect than we realized. At a time when the U.S.S.R. is seeking American acceptance in order to improve its economy, western reaction to restrictions against Soviet Jews can stand in the way. The Soviets, then, have a choice. They can either keep trying to convince us that there are no restrictions, or they can remove them. I believe that continued pressure by Americans, backed by the leaders of our government, can lead to a lifting of the restrictions as a quid pro quo for United States trade.

Hopefully, a result of our seven days may be the granting of relief to a number of Soviet Jews awaiting exit permits. From the Soviet point of view, that would be an important symbol of good will toward New York City, the center of trade and, in large measure, of the American Jewish community.

In the end, it would seem, western morality will have little to do with U.S.S.R. attitudes toward its Jewish citizens. If Americans find this hard to accept, the Soviet Jews have accepted it long ago. This is why they can talk about their situation so matter of factly, without emotion, and with such a clear perspective of the linkage between their own problems and those of the Soviet Union itself.

SOCIAL SERVICES

Mr. HUGHES. Mr. President, I was most gratified to learn that the Senate Finance Committee voted unanimously to approve legislation, perhaps as an amendment to the debt ceiling bill, which would postpone the effective date of the HEW social services regulations until January 1, 1974, so as to give Congress time to act in this area. I heartily endorse this action.

It became abundantly clear to all of us, I think, when the final regulations were published on May 1 that the administration had no real intention of changing the appalling regulations promulgated in February. Despite the fact that the Social and Rehabilitation Service received an unprecedented 200,000 protests, despite the fact Members of Congress spoke almost daily on the adverse effects of the February regulations, the administration offered very little in the way of substantial revision in the May 1 proposals. One can only speculate as to the reasons for this lack of responsiveness to public outrage, but to me, at least, it is but another example of this administration's contempt for "people programs."

Since the administration has claimed that its authority for the restrictive regulations derives from the social services provisions of the Revenue Sharing Act, I know the Finance Committee will be taking a careful look at the present language so as to prevent unnecessarily restrictive interpretations in the future.

One of the major concerns in Iowa has been the so-called 90–10 provision, which limits Federal funds under the "potential" category, with certain exemptions, to 10 percent. I hope that the Finance Committee will consider changing this provision, perhaps by changing the exemption list or altering the percentage distribution in the use of Federal funds so as to assure that unwanted results do not occur, such as increased institutionalization of the elderly. In short, given the wide differences among our States as to which types of social services are most needed, I hope we can amend present law so as to give the States as much flexibility as possible in the use of the $2.5 billion we have already agreed upon as a ceiling.

Once again, Mr. President, I congratulate the Finance Committee on its timely action with regard to the postponement of the effective date of the May 1 regulations. I feel sure it will receive the overwhelming support of both the House and the Senate when it comes before us for action.

RETIREMENT OF BILL DICKINSON, EXECUTIVE EDITOR OF THE PHILADELPHIA BULLETIN

Mr. SCOTT of Pennsylvania. Mr. President, Bill Dickinson, a very good friend and a highly respected newsman, has retired as executive editor of the Philadelphia Bulletin. He has contributed much to journalism and has earned the great affection of all those who know him and who have worked with him over the years.

Mr. Dickinson received the 1973 Pennsylvania Distinguished Service Award as "the outstanding Pennsylvania editor who has given distinguished service in journalism to his community."

When I visited China last year, Premier Chou En-lai discussed with me the possibility of exchange of editors between our two countries. This was an idea that Bill Dickinson conceived of, brought to my attention, and has worked hard to promote, through his leadership in the American Society of Newspaper Editors. We have seen that idea come to fruition, as journalists from the United States, including Bill Dickinson, went to China. And last week Senator MANSFIELD and I were pleased to host a visiting delegation of editors from China.

I congratulate Bill on a long and distinguished career and wish him a happy retirement.

Mr. President, I ask unanimous consent to print in the RECORD, the following three articles about Mr. Dickinson from the May 13, 1973 Philadelphia Bulletin.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

Dickinson To Receive Award From Editors

William B. Dickinson, executive editor of The Evening and Sunday Bulletin, was named winner yesterday of the 1973 Pennsylvania Distinguished Service Award.

Dickinson will receive the award tonight in Harrisburg from G. Richard Dew, general manager of the Pennsylvania Newspaper Publishers Association at the annual Press Conference, a two-day seminar of editors and publishers.

Dickinson was the unanimous choice of the awards committee. He is being honored as an "outstanding Pennsylvania editor who has given distinguished service in journalism and to his community."

Dickinson came to The Bulletin in 1940 as news editor and moved through the ranks as Washington bureau chief, associate city editor, assistant managing editor and managing editor. He became executive editor in 1969.

He began his newspaper career as a reporter on his hometown newspaper, the Kansas City Star, where he worked for two years.

Between 1930 and 1949 he worked for the United Press, starting as bureau manager in Denver, then moving to Minneapolis and New York. He was UP business representative in Chicago, news editor in London, and served as a war correspondent and manager in the Southwest Pacific, and as foreign news editor.

Dickinson is a member of the advisory board on the Pulitzer Prizes, and was on the selecting committee for the Nieman Fellowships. He was a Nieman Fellow at Harvard University in 1939 and '40.

Under his leadership, The Bulletin has won two Pulitzer Prizes and a National Headliner Public Service Award. He is a past president of the Associated Press Managing Editors Association, and a former director of the American Society of Newspaper Editors.

He and his wife, Joan, are the parents of a son and four daughters.

Dickinson plans to retire at the end of this month.

Bill Dickinson Retires

As William B. Dickinson retires from the executive editorship of The Bulletin, it is not only his colleagues of this newspaper family who pay tribute to him.

Newsmen of the tristate area served by The Bulletin, and newsmen throughout the country who have recognized and repeatedly honored him, share the respect and affection in which we hold him.

He has earned that respect as a first-rate newsman. Even before he joined The Bulletin staff, almost a quarter-century ago, Bill Dickinson had made his mark as an accomplished professional with the United Press.

Serving at home and abroad, in peace and in war, he covered some of the great events of our times. He was present when the Japanese surrendered to General MacArthur aboard the battleship Missouri. As an editor he handled much of the story on the creation of the United Nations Charter.

He brought to the service of this newspaper and its readers great skill as a newspaperman. His experience, his insight, and his cool judgment have set a high standard of performance for us.

The impress of his influence, brought daily to bear, and always calmly exercised amid the rush and confusion of unfolding events, has contributed immeasurably to that fair and balanced presentation of the news which has been The Bulletin's aim.

To him and to the members of his accomplished family—a family steeped in the journalistic tradition—we wish the best in the years ahead. To a great gentleman and a great newsman, we say thanks from his larger family here at The Bulletin.

Dickinson Retires at the Bulletin; Packard Named Executive Editor

William B. Dickinson, executive editor of The Evening and Sunday Bulletin, retires today.

Dickinson, 65—Midwest-born, widely traveled and a newsman all his working life—has been with The Bulletin 24 years, holding a succession of news executive positions.

While he was managing editor and executive editor. The Bulletin won consecutive Pulitzer Prizes in 1964 and 1965, and many other local and national journalistic awards.

SUCCESSOR IS NAMED

He turns over the paper's news operations to George R. Packard, 41, whose appointment as executive editor was announced today by Robert L. Taylor, president and publisher of The Bulletin.

Packard has been managing editor since 1969, when Dickinson moved up from that post to the executive editorship.

Dickinson, a native of Independence, Mo., worked as a reporter for the Kansas City Star before beginning 19 years' service with United Press, now United Press International.

He filled posts from Minneapolis, where he once was bureau manager, to the South Pacific, where he covered the U.S.' island-hopping military campaign in World War II.

KNEW GENERAL MAC ARTHUR

He became well acquainted with General Douglas MacArthur and flew with the Pacific commander from Okinawa to Tokyo to cover the surrender on the battleship Missouri.

His UP assignments also included the jobs of London news editor earlier in the war, and of foreign news editor in New York after the conflict.

Dickinson came to The Bulletin as news editor in 1949, headed its Washington bureau from 1953 to 1955, became assistant managing editor in 1956 and was named managing editor in 1959.

WROTE SERIES ON CHINA

When his duties have allowed, Dickinson has kept his hand in as reporter. Last year he wrote a series on his 23-day trip to the People's Republic of China. Yesterday he wrote of President Nixon's meeting with Chinese journalists.

Dickinson is a past president of the Associated Press Managing Editors Association. He won a Nieman Fellowship for a year's study at Harvard, was a director of the American Society of Newspaper Editors, and served on the American Committee of the International Press Institute.

More recently he has served on the boards which pass on both the Nieman grants and the Pulitzer Prizes.

REMARKS BY PUBLISHER

At a reception for Dickinson yesterday at the Barclay Hotel, Taylor, the publisher, said, "Bill Dickinson is recognized through the U.S. and the world as one of the very top newspaper editors, and we will miss him sorely. He has always championed enthusiastically The Bulletin's traditional standards of quality, fairness and integrity."

Dickinson and his wife, author Joan Younger Dickinson, live in center-city Philadelphia. They have a son, four daughters and five grandsons.

Packard, the new executive editor, was born in Philadelphia and grew up in Valley Forge. He did his first newspaper work young: at 16, as a high school editor, he worked in the composing room of the Concord (N.H.) Monitor.

AUTHORITY ON JAPAN

A Phi Beta Kappa Princeton graduate in 1954, he served as a second lieutenant in the army and wound up as an intelligence officer in Japan.

From 1958–60, he attended Tufts University's Fletcher School of Law and Diplomacy, then won a two-year Ford Foundation scholarship to study and write in Japan. In 1963 he got a Ph.D. in international relations from Fletcher and finished a book.

He spent the next two years in Japan as special assistant to U.S. Ambassador Edwin O. Reischauer, and did freelance writing for Atlantic Monthly, the New York Times Magazine and other publications.

JOINED BULLETIN IN 1967

Returning to the U.S. in 1965, he was chief diplomatic correspondent for Newsweek magazine in Washington, and also wrote a weekly column for the Phoenixville Daily Republican.

Joining The Bulletin in 1967, he became White House correspondent and covered the last year of the Johnson administration.

The following year he returned to Philadelphia, spent six months working on all the desks in the newsroom, and studying seven other newspapers' operations before becoming managing editor in May 1969.

The new executive editor, his wife, Minney Lloyd Packard, and their five sons and one daughter live in Villanova.

CITATION FROM CITY

(NOTE.—Mayor Rizzo attended the reception for William B. Dickinson, retiring executive editor of The Bulletin, held at the Barclay Hotel last night, and presented the following citation on behalf of the city of Philadelphia:)

In the recent history of Philadelphia, The Evening and Sunday Bulletin has been a consistently constructive force dedicated to the advancement of the highest ideals of publishing, community progress and public service. One of the guiding lights of good journalism at The Bulletin for nearly a quarter-century has been William B. Dickinson, under whose leadership The Bulletin won two Pulitzer Prizes and a National Headliner Public Service Award.

Prior to coming to Philadelphia in 1949, Mr. Dickinson held posts around the world as a newspaperman and as a war correspondent. At The Bulletin he has served as news editor, Washington bureau chief, assistant city editor, managing editor and, since 1969, as executive editor. Over the years he also has contributed creatively on behalf of the American Society of Newspaper Editors and the Associated Press Managing Editors Association.

Mr. Dickinson has received the Distinguished Service Award of the Pennsylvania Newspaper Publishers Association and was cited recently by the Philadelphia Public Relations Society as the "epitome of the professional newsman and concerned citizen." He is a member of the advisory board for the Pulitzer Prizes.

In the light of his many contributions to his profession, to government and to the community, and on the occasion of his retirement, it is most fitting that the City of Philadelphia extend this official citation to its longtime friend and mentor, William B. Dickinson.

A FIRSTHAND REPORT ON SOVIET EMIGRATION POLICY

Mr. JACKSON. Mr. President, Mr. Paul Sann, executive editor of the New York Post, spent May 3–9 in the Soviet Union. Focusing on the plight of Soviet Jewry, Mr. Sann visited Moscow and Leningrad. On his return he prepared a series of articles which provide a realistic picture of Soviet emigration policy in general and also give revealing and dramatic detail of individual cases. This series of articles was printed in the New York Post.

In connection with our East-West trade and freedom of emigration amendment, which would deny the extension of most-favored-nation tariff treatment and U.S. Government credits to Communist nations which deny their citizens the right or opportunity to emigrate, I believe these articles will be of interest to Members of Congress.

I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Post, May 21, 1973]

THE SOVIETS AND THE JEWS

(By Paul Sann)

ARTICLE I: WHO GETS THE VISA?

Dr. Benjamin Levich, the world-famous Russian physicist, received a letter a couple of weeks ago from Moscow's Minister of Communications informing him that if his home phone ever was used again for any purpose "inimical to the interests of the Soviet Union" the service would be cut off.

The professor ran a hand over his thinning gray hair, dropped the letter on the cluttered desk in his tiny living room, and called his wife in from the kitchen.

"More bad news, Tatiana," he said, pointing to the flimsy paper. Mrs. Levich read the letter and then they both enjoyed a somewhat restrained laugh.

What was so funny?

The Levich phone, complete with the KGB tap that went on it in March, 1972, when they applied for exit visas to go and live in Israel, had been "out of order" since August, 1972. Now it sits atop a high bookcase, all but out of the mild-mannered 56-year-old scientist's reach.

Like that precious visa.

Along with Prof. Alexander Lerner, a colleague in the Academy of Sciences, Ben Levich is one of the more glittering personalities in the raging open battle between the Soviet government and some 223 Jewish families among the four or five hundred professional men and women who have been denied visas for a variety of unwritten reasons ranging from "state security" to such frivolous answers as "we don't have to tell you why we can't let you go to Israel."

The Soviet's selective emigration policy, withholding exit permits from several hundred highly educated Moscow, Leningrad and Kiev Jews while letting out as many as 2,500 a month from such areas as the Baltic states and Georgia, has had repercussions all the way from the Kremlin to the White House, even bearing on Leonid Brezhnev's scheduled June visit to President Nixon.

The issue figured somewhere in Henry Kissinger's 25 hours of preparatory talks with Brezhnev in Moscow two weeks ago and John Lindsay, as Mayor of a city with two million Jews, almost as many as the Soviet itself lists, talked to Premier Kosygin about it at the same time. It is very much alive in Congress as well, because the fate of the Soviet-American trade agreement may eventually hinge on it.

And it is nowhere near any kind of resolution, despite the impression that was floated last April 19 when Nixon summoned a group of Jewish leaders to Washington to tell them that he had prevailed upon the Russians to drop the "education" tax which had been put in the path of the departing professional people.

That head tax—meant to repay the Soviet for one's free education and running in some reported cases as high as $60,000—is indeed suspended.

But when I was in Moscow and Leningrad with John Lindsay I found that the shelving of the tax hasn't made any difference at all because the Jews it was initially aimed at aren't getting those exit visas anyway.

All they're getting are the same answers they got before—or no answers at all—while they're being stripped of their high posts and in effect reduced to non-persons whose only remaining close associates are the secret police trailing in their footsteps and wired in to their homes (how else would the government know that Ben Levich was saying naughty things about Soviet emigration policy?).

The much-heralded Brezhnev-Nixon compact had a twofold purpose:

1—It was meant to still the clamor in the American Jewish community over the plight of the Soviet Jews and hopefully create a warmer climate for the Brezhnev visit in mid-June and, even more critically for the long run—

2—Put a dent in the strong backing in both houses for the amendment through which Sen. Jackson (D-Wash.) is seeking to force the Soviet Union to open its doors a little wider as a condition of winning the "most favored nation" status it needs in that trade bill.

Whatever its effect on this side of the water, I found nothing changed—nothing—for the 29 Jews I was able to talk to over there (with the not-so-secret police one step behind me all the way). Nor did Lindsay in the midnight session he had with seven of them on his last night in Moscow with the acquiescence of his Soviet hosts.

What it adds up to is that there is no tax beyond the normal 900-ruble bite ($1170) for anybody who wants to buy back his Soviet citizenship—and no visa either if you happen to be among those the Kremlin has in mind when it talks about the "brain drain" a looser emigration policy would produce.

The "brain drain" bit is one of the more curious items in this deeply tragic and potentially dangerous situation, because it has in fact occurred even with the tight rein around the necks of the educated Jews. Without exception, such outstanding scientists as Levich and Lerner, as well as scores of others on less elevated level, are no longer being allowed to use their brains in meaningful purposes for the state in any case.

When Levich applied for his visa he was head of the Dept. of Chemical Hydrodynamics at Moscow University and chief of the Academy of Sciences Theoretical Dept. of Electrochemistry. He lost his chair at the university immediately and later was demoted to a mere hired hand in his own department in the AOS, working alongside his own former students.

The day before I left Moscow the Academy initiated what may be a move—unprecedented in the case of active members—to throw Levich out and thus deprive him of his one remaining post.

Prof. Lerner, like Levich, held dual posts in the University and the Academy when he applied for visas for his family on Nov. 5, 1971. The University fired him 10 days later and by Dec. 1 he was out of the AOS as well; he left there when they took away the four laboratories he headed in the Institute of Controls and assigned him to do some elementary abstracts in cybernetics—the very field which established his renown in the world scientific community.

Levich's income has dropped from 750 rubles a month to 400 ($520), Lerner's from a towering 1000 rubles to zero, while the families of both men also paid dearly once they looked toward Israel.

Yevgeny Levich, an astrophysicist who won his doctorate five years ago at the age of 20, the youngest in Soviet history, was killing time on a do-nothing 140-ruble job in the AOS's Institute of Chemistry and Physics ("I may continue my work as an astronomer," the handsome, wafer-thin youth told me, "but without a telescope") when I talked to him in Moscow.

But that was two weeks ago.

Last Wednesday, enroute to a hospital, Yevgeny was picked up by the KGB—and on Thursday he was on the way to the Baikal military district on the Soviet-Mongolian border (yes, Siberia) as a private in the Army.

I had to wonder about that.

Yevgeny and his parents told me that he had certification from Moscow Central Hospital that he was suffering from a nonmalignant tumor of the rectum and diverticulitis, as well as a suspected brain tumor.

Originally, the young physicist, who is married, was called up as an Army lieutenant after his visa application was filed. He told me that when he protested that the call-up was illegal, since he had never served in the Army, he was informed that he would be drafted as a private—despite any medical claim.

The older son of Dr. Levich, Alexander, 28, a corrosion engineer, lost his job in the Moscow Institute of Planning and Sewage a month after he put in for his visa.

Lerner's son Vladimir, 28, a systems engineer in the AOS while working on his doctorate, was dropped to a minor service bureau job, while the professor's married daughter Sonya, 24, a mathematician doing graduate work at the AOS, has lost her job altogether.

In fairness to the Soviet authorities, it must be noted that the heads of both families have done classified work in their time, Levich 23 years ago in nuclear physics and Lerner 10 years ago in the automation of power stations.

Levich says that what he did is entirely outmoded now. Lerner says the fruits of his researches are in use today in power plants everywhere. Both scientists have lectured widely in the U. S. and Europe without encountering any visa problems with the Soviets along the way.

Levich says that when he asked why his exit visa had been denied he was told on one occasion that "we can't let you work in a fascist country like Israel or the U.S.A." and on another that it was because of his work, however long ago, in nuclear physics.

Lerner has had at least four different oral answers that he can recall from OVIR (the Office for Visas and Registration):

"No leading Soviet scientists can be given as a gift to such a poor country as Israel."

"It is not in the interest of the Soviet Union."

"There is no need to give you a reason. You must know it."

"Security."

To the mild, soft-spoken Levich, there's something of Catch-22 in the security issue.

"Everybody here knows something," he says, while his wife, a translator when she was permitted to work, patches up his English as he goes along, "because here *everybody* is in the government, so everybody has secrets, not like in your country. But what is the secret I know? I asked the government and they couldn't tell me.

"And what do I know that hasn't been published all over the world? I have five monographs and 300 papers—everything I know, all published. What can I tell them in Israel that they don't already have?"

The chunkier Lerner, somehow in quiet good humor for all the travail of the past two years, put it another way.

"What is the reason to keep us here now?" he says. "We're living in a ghetto—not a Jewish district but a ghetto in reality, a ghetto in our relations with others. We have no contact except with ourselves. Our colleagues won't talk to us because they are afraid. We are untouchables now, so it's nonsense to keep us here when the danger for national security is equal to zero if we left the Soviet Union."

Scientists around the world, including a scattering of Nobel Prize winners, have appealed to the Soviets on behalf of Levich and Lerner without any response.

In Levich's case, the clamor in the scientific community may prove costly. When he asked the board in the Academy of Sciences why his membership suddenly appeared to be in jeopardy he was told that he had caused embarrassment to the Soviet Union when he failed to disavow the pleas made in his behalf.

"I don't know how to answer that," he told me later that night, "so I went home."

THE SOVIETS AND THE JEWS

ARTICLE II: WHAT IT'S ALL ABOUT

How serious is the problem of the Russian Jews who want to go to Israel and start over?

Well, the other Russians—in the government, that is—will tell you that there is no problem at all. They say there are nothing more than minimal restrictions on exit visas for Jews, and they can produce statistics which make that statement look like Biblical truth.

Their figures show that 28,000 Jews were permitted to emigrate last year—and that is a modest count at best. The real figure is somewhere between 31,000 and 32,000. The Soviets very likely understate it to soothe the passions of their allies in the Middle East, since the Arabs tend to feel that there are already too many Jews in that part of the world.

In any case, the emigration rate, in Soviet terms, continues to run rather high—around 2500 per month or so since last January, topped by 2820 last month.

Stay with that last figure for a moment. The question is, 2820 out of how many who want to go?

American Jewish organizations say that there are 110,000 visa applications stacked up in the Soviet, all supported by the required affidavits from relatives in Israel.

If that is so, and there is no way to check it in Moscow, then one has to wonder about this statement made last Dec. 29 to the Novosti Press Agency by Boris T. Shumilin, the USSR's Deputy Minister of the Interior:

"Bourgeois propaganda is making noises that citizens of Jewish nationality willing to go to Israel are allegedly not let out of the Soviet Union. I can say that in 1972 permission to go was given to 95.5 per cent of the people of Jewish nationality who applied to go to Israel. The other applications are being considered. Restrictions apply only to those who have a certain military training or by nature of their work are connected with jobs affecting state interests."

Shumilin, a key man in the emigration battle, noted at the same time that "hundreds of former Soviet citizens who left for Israel at different times and who came across the true Zionist 'paradise' there, sent in applications for permission to return to the Soviet Union."

To nail that down, the Minister listed actual names: Y. Gait, I. Goldblat and I. Fleisher "and others."

There surely were "others," but the Soviets and Israel will never agree on the real figures in the turnaround cases.

The Israelis insist that less than 1 per cent of the 60,000 Jews who arrived from Russia in the past three years eventually left. They say that in the past two years no more than 120 or 130 headed back to the Soviet. Israel does concede at the same time that 303 Jews with 1972 exit visas never arrived there at all, electing to settle in the U.S. or other Western nations.

On the emigration issue itself, actually, the record doesn't speak so badly for the Soviet.

It doesn't speak so badly, that is, for a nation steeped in anti-Semitism going back to the Czars, only a generation or so away from the virulent anti-Semitism of the Stalin era, occasionally peddling the anti-Semitic Protocols of Zion under its own imprimatur and still keeping the doors slammed on Jewish schools, Jewish books, Jewish newspapers (except for one in Jewish Birobijan), Jewish plays and Jewish films.

Until the Sixties drew to a close, remember, the Russians would not let more than a handful of Jews pull up stakes and settle in Israel, but 3000 Jews were let out in 1969 and the figure mounted to 14,000 in 1971—and then it more than doubled in the two years after that.

Now the issue turns.

It is not just a matter of how many Jews are getting out, or how fast, or how hard it is (it takes the patience of Job and miles of Red tape) but *which* Jews.

The modern Exodus from Russia, dating back to Israel's victory over the Arabs in the Six Day War of 1967, evidently has been highly selective from the start. The great majority of the emigrants up to now have come from such areas as the Baltic states and Georgia, confronting Israel with serious problems in assimilation. The Israelis say, for example, that 54 per cent of the Soviet Jews still speak only Russian a year after they have arrived.

On the other hand, the Israeli headcount shows only a trickle of migration from Moscow (815 in 1972 out of a population of 500,000 Jews) and Leningrad (520 out of more than 300,000). The figures are also said to be very low for the other major centers of Jewish population in the Soviet, such as Kiev and Odessa.

For their part, the Soviets say that no distinction whatever is made, although the count clearly indicates that the more culturally advanced Jews, especially those with the highest training and skills, are being held out of the exodus with some care. For Israel, that's where the catch is.

The Israelis, from hard experience in recent years, understand quite clearly what the Kremlin means when it talks about the "brain drain" inherent in the current migration. They keep finding out that the Soviet Union is indeed intent on keeping as many of its educated Jews as it can—even while stripping them of their jobs in the universities and elsewhere as a penalty for asking for exit visas.

Soviet officials concede none of this.

While Jewish sources on this side of the water say that the 60,000 permitted to leave so far came off a list of 170,000 applicants, there are people in the Soviet government who will go beyond the Shumilin figure and tell you that not 95.5 but 98 per cent of all the Jews who want to go are getting that precious piece of paper with no trouble at all.

And there are others who, with a surprising touch of candor, will tell you that everything would be even simpler for the Soviet Jews if the situation in the Middle East could get solved. The meaning of that statement is crystal clear: The Soviet Union has to go slow on emigration to Israel because the Arabs don't want any more Jews in uniform than the Israelis can now muster.

In this respect, the Russians are in a curious position indeed. On the one hand, the Kremlin is shoveling the most sophisticated weapons of war into the Middle East in never-ending quantities. On the other, it is contributing somewhat handily to a manpower buildup which the Israelis must indeed relish. There are youth of fighting age in the exodus; make no mistake about it.

Thus the Soviet Union is sending soldiers to Israel and bullets to the Arabs who are sworn to annihilate the Jewish State. And the U.S., for its part, is sending Phantom Jets to Israel and exerting pressure on the Russians, in effect, to send the Israelis more kids who might be taught to fly them.

It would be a nice piece of irony if it didn't have such ominous overtones for the future.

There is one delicate area in the present controversy, among many others, which the Soviet Union does not care to dwell on openly, and that is the impact of the current Jewish emigration on the other nationalities there.

U.S. sources say that the Russians openly fear that a truly unfettered emigration policy, with no roadblocks and no built-in traps, might kick off a much larger exodus—Ukrainians, Lithuanians, Georgians, Armenians, even some Russians. They point out that only half of the Soviet Union's 250 million people are ethnic Russians and Russian-speaking.

So you are asked to believe that if the Soviet Union lets out too many of its Jews (listed at 2.1 million in the 1970 census but thought to be closer to three million) then a large part of the USSR might empty out overnight. That's a rather hard concept to swallow, especially since over the years the Russians have permitted other ethnic groups—Germans on the Volga, for example—to go back to the lands of their fathers. This policy is presumably still in effect.

The larger question, of course, is what the Soviet Union is going to do to still the current clamor, which centers mainly around the Jews of Moscow and Leningrad. Mayor Lindsay invested considerable time in trying to find that out when he was over there and couldn't come up with any hard answers, although his sessions with Premier Kosygin, Shumilin and others sent him away with the feeling that the Russians might let the bars down a little more after a while.

One thing is certain:

The Russians cannot afford to let the pending Soviet-American trade agreement founder on the emigration issue. They imported $500 million in U.S. goods last year (apart from the wheat deal) and sold us only $93 million worth of exports. They need a better balance of trade and they need the "most-favored nation" status which is enjoyed by some of the other Communist nations, such as Tito's Yugoslavia.

But they have a whale of a problem on Capitol Hill.

The Jackson amendment, endorsed by 77 Senators and 281 members of the House on the last count, would withhold trade concessions from the USSR unless the President could certify every six months that emigration from the Soviet is continuing without hindrance.

The heavy backing for the Jackson amendment evidently had a good deal to do with the Soviet Union's recent suspension of the prohibitive "education" tax it began to impose last August on Jews who applied for visas.

Whether that move in itself will douse the flames in Congress is something else. Many of Sen. Jackson's most influential supporters in organized Jewry want to see the Soviets go a good deal further: they want the Russian door kicked open wide enough to break down the current selective emigration practices altogether.

Seymour Graubard, the New York attorney who is national chairman of the Anti-Defamation League of B'nai B'rith, went to Moscow with Mayor Lindsay and did not come away with any notion that the Soviet Union was about to change its ways appreciably. His report to the other Jewish organizations may be on the dim side; if it is, there will continue to be lots of heat behind the Jackson amendment.

And that isn't all.

Even more melancholy from the point of view of the Administration, the ADL and the National Conference on Soviet Jewry and the other leading Jewish groups might elect to generate a rather frosty welcome for Leonid Brezhnev, the Soviet party secretary, when he comes to these shores next month to repay President Nixon's visit of last spring.

The last thing the White House—not to mention Brezhnev—wants to see is a show of unfriendliness in public places in a time of conciliation (detente is the fancier word) between the two great powers.

It makes the emigration issue more explosive than it seemed.

The Soviets and the Jews

ARTICLE III: THE VISA THAT GOT AWAY

Call them militants, activists, dissenters, anything you want (some of them have done 10- and 15-day prison terms as "hooligans"). There are at least 223 families like that in Moscow and Leningrad openly battling the Soviet government for exit visas, and perhaps twice that number behind them—and thousands more in the wings, waiting to see how it comes out.

There's nothing furtive at all about those 223 families. They're both visible and vocal and they don't even care about the ever-present snoops from the KGB. They'll make their case anywhere, even on Soviet TV if anybody will show up with a camera.

The Khenkins are one of those families—Kirill, 57, Paris-educated linguist, philologist, reporter-commentator on Radio Moscow from 1945 to 1965, later a freelance journalist and translator, and his wife Irene, 35, who used to make TV documentaries over there and now can't get invited to a screening of her last one.

The most interesting question about this couple, and one they can't answer themselves, is what they're doing in Moscow today in the first place.

The Khenkins, you see, applied for their visas last Sept. 10, got them with uncommon speed on Nov. 20, paid their 1800 rubles in tax-and-exit fees ($2340), and then turned in their identity documents, as required, in exchange for a piece of paper that said they were no longer citizens of the Soviet Union because they were going to resettle in Israel.

In the two weeks after Nov. 20, the Khenkins sold off most of the furniture in their unusually large apartment in the October District on the Moscow Embankment—the poet Yevtushenko and many other artists and writers live in the same complex—as well as most of their books, paintings and winter clothes.

Then they bought tickets for a Dec. 4 Aeroflot flight to Vienna for the El Al connection to Tel Aviv.

On Dec. 2 the Office of Visas and Registration (OVIR) called Khenkin in and told him that his visa had been canceled. "All they said was that they had changed their mind. I asked why and I was told that "we don't have to give you any explanation.'"

Since then, the way the stocky Khenkin tells the story, it has been pure Kafka all the way, or perhaps made-in-Moscow blend of Kafka and Catch–22.

Despairing of any kind of answer from the unfriendly types in OVIR after four to five more tries, Khenkin proceeded to go all the way up and down the line in the Soviet hierarchy. Citing his long and untarnished service to the USSR, including frontline action as a Red Army private in World War II, Khenkin first tried to lay the matter before the Presidium of the Supreme Soviet through the office of its chairman, Nikolai V. Podgorny, the Soviet President.

When nothing happened in that quarter, he took his case to the Soviet department more immediately involved in visa problems, the Ministry of the Interior. This was another zero, so Khenkin sought to put the matter before the man at the very top of the Soviet pyramid, Leonid Brezhnev, the party secretary.

"What I wrote to Mr. Brezhnev," Khenkin told me, "is that he was the highest moral authority in the Soviet Union as the general secretary of the party and that ours was a case involving the highest morality. I drew attention to the way our lives were being ruined and to the absolutely desperate position we were in.

"A special decision of the Supreme Soviet says that any petition to the government must be answered within 30 days but I wrote to Mr. Brezhnev in January and heard nothing—not a word—until March 7.

"But that wasn't really an answer to what I had written. It was just a call from the local police major to come in and see him. I was sick in bed so Irene went herself, and what did the major tell her? He said, 'You have no visa so you have to bring back the document we gave you (the one that said they weren't citizens any more) and take back your identity papers.'

"We refused to do this, naturally, because there is no law in the Soviet that we know of to enable the government to restore citizenship once it has been taken away, so our papers are still in the safe in the police station and we are here. Look at the way we're living."

We were in the bedroom then and the furnishings consisted of a king-sized mattress, a rickety little pigeonhole desk and an ancient, collapsing Morris chair the Khenkins wouldn't even have tried to palm off on the man from OVIR. In the other room, just as spacious, there was a larger desk (not in much better shape), a badly beat-up sofa, another broken-down Morris chair, a bench and some folding chairs borrowed from neighbors because after a while 16 other Moscow Jews, all on the visa line, would filter in to talk to the reporter from the U.S.

In the foyer, there was more stark evidence of the Khenkins' plight—two fully packed steamer trunks and a large crate that was meant to carry their huge black Chow to Israel.

I asked the deeply intense Khenkin why he thought the visa had been withdrawn.

"How would I know?" he said. "I never did any classified work here. I never knew any of the secrets of the Soviet Union. Neither did my wife. Why do they want to keep us here? Well, we see the handwriting on the wall. The meaning is clear for all of us involved in this struggle.

"Perhaps they want to build a conspiracy case toward a big Jewish trial—maybe not for all of us but for some of us. It's so easy to link us together. There have been other trials already—in Minski, in Vilna, in Riga, even in Leningrad. There are 40 of us in prison, maybe 45, not less, but not in Moscow. Moscow is under Western eyes, but they can try us anywhere. All they have to do is charge us with the circulation of false information about the Soviet Union, or derogation of the Soviet, even high treason.

"You know," he went on, "they can make any case they want. They know who to pick on and when to pick, maybe after Brezhnev's visit to Nixon is over and the Jackson amendment in your Congress is out of the way and they have their trade bill. That's why I stopped worrying about not having any winter clothes any more. We will not have to walk the Moscow streets through another winter. Either we will get out or we will be inside—in prison. I hate to think what will happen."

I made pictures of the couple at the window in the bedroom and while I was focusing my camera Mrs. Khenkin motioned to her husband and he in turn pointed to a short man in a dark suit coming down the stairs of a playground across the street.

"KGB," Khenkin said, not without a touch of cheer. "They know we're here—where can we go?—but they never rest."

I saw Khenkin again four nights later in considerably more splendid surroundings—in the suite in the Hotel Sovetskaya which the Soviet sets aside for its visiting VIPs. John Lindsay, guest of Moscows Mayor Vladimir Promyslov, had the suite then, and Promyslov had insisted that if he was intent upon talking to the embattled Moscow Jews it might as well be in the hotel.

In shirt sleeves and an open white collar somewhat wilted at the end of a long day that included a tour of the Kremlin, a formal luncheon at the U. S. Embassy, a meeting on the Jewish problem with Deputy Minister of Interior Boris T. Shumilin, a hastily summoned audience with Premier Kosygin and an elaborate farewell dinner staged by his hosts, Lindsay talked to Khenkin and six others for 2½ hours.

"Can you tell me why you're kept here?"

he asked Khenkin toward 1 o'clock in the morning.

"Why?" the writer replied. "Because we are a certain group—a warning, an intimidating example to any others who might apply for exit visas. Keeping us here tells those others not to apply because it's too much trouble. There can't possibly be any other reason for keeping us. We are useless—of no possible value to the Soviet Union any more."

The Mayor turned to Yevgeny Levich, the young astrophysicist, and asked him what reason he had been given for the refusal of a visa.

"Two reasons," said Yevgeny, who was born on the same day as the State of Israel itself, May 14, 1948. "One was that I have a high information potential in the field of the stars—yea, the stars—and the other that the Soviet doesn't want to split up any families."

"But your whole family applied?" the Mayor said.

"The whole family," said Yevgeny, who was drafted into the Red Army six days later and sent to a post in Siberia despite very serious medical claims. "Father, mother, brother, even our wives, of course."

Lindsay swung around to Dr. Benjamin Levich, the renowned theoretical physicist, on his right around the crowded table, and put the original question to him.

"Secrets," Levich said. "Everything is a secret here. In your country everyone knows about national security, here it is known only to the government. Here everybody in science—even the humanitarian sciences—needs clearance to read the New York Times or even the Bible. If you obtain permission to read one of those in a library here you are involved in secrecy, so every one of us can be detained."

Levich, 57, has lost his chair at Moscow University as well as the department he headed in the Soviet Academy of Sciences and is facing eviction from the Academy on top of that, so Lindsay asked why he has put such a prestigious career in jeopardy at this stage of his life.

His English imperfect, the little professor asked his blond wife, Tatiana, to explain the question. Then, eyes gleaming, he answered the Mayor.

"You understand," he said, "that the Jews here are in a very special position. It is the feel of the homeland—Israel, a new country to help build. Now it is possible to have feelings of human rights in the Soviet Union—and the first freedom is to choose the place where you can live. We have chosen Israel . . ."

Mrs. Levich broke in.

"So our children will be no worse off than anybody else, Mr. Mayor," she said "Not second-class citizens or third-class citizens but like everybody else."

Levich leaned forward toward Lindsay and went on, slowly.

"It is not easy at my age to have lost the results of my life," he said, "but the person behaves as in his heart, not his physical direction. It is difficult to explain such kind of feeling, but this is a real necessity for me—to follow my heart. It is my moral duty."

There seemed to be more, and Lindsay waited.

"Everybody has some moment," the professor said after a while. "This is our moment." Then he leaned back.

The Mayor poured two vodkas out of the stock furnished by his Moscow hosts. He wanted to have one with that brave man.

THE SOVIETS AND THE JEWS

ARTICLE IV: FOUR MORE ON THE LINE

Lev Libov is a laborer in a Moscow plant that makes small river boats. The job pays 70 rubles a month, $93 or so. That's about as far down the scale as you can get over there, and it's nowhere near enough to make ends meet for Libov, his pretty brunette wife Natalya and their son Dan, who is 9.

Before the bearded Libov caught on in the boat plant he had held some other jobs that appeared to require more muscle than could possibly reside in his small, rail-thin frame. He's been a repairman working on apartment doors (80 rubles), a plumber (70 rubles, and he freely admits that his talents in that area didn't merit much more), and a cargo-weigher in a factory (90 rubles, but that was outdoor work in below-zero winter).

None of this would be especially noteworthy—except that this man has to be one of the very few people in the Soviet's work force of 132 million who ever held jobs like that and had a "Dr." in front of his name.

Lev Libov, who is 32, has a Ph.D. in metallurgy.

He was a sector chief in the State Institute of Rare Metals (300 rubles a month) until a couple of years ago, and he is beyond doubt the only laborer-plumber-repairman-cargo weigher in the USSR who has had 20 papers printed in scientific journals.

For Libov, the downhill journey began in July, 1971, when he applied for an exit visa because he wanted to fulfill a long-time dream and resettle his family in Israel.

"There was a meeting in the plant immediately," Libov told me in his Moscow apartment, "and three days later the director called me to his office and said I was dismissed on the grounds [Libov paused here to consult a Russian-English dictionary in a bookcase across the room] of redundancy and because the other men didn't want to work with me anymore. He said I could stay until I trained someone else to be sector chief.

"On the 40th day I was called in again and told that I was fired, that it was a reduction of the work force. I told them I would work for less money, not to be a sector chief, just to work. They said to me I could work in the factory, but not in my field, for 90 rubles. I cannot live on this money. That was my first reaction and I refused, but the next day I changed my mind. I said I would take the job but the director said it was too late."

Libov says it took him three months to find another job, the one slinging cargo, but he had to quit after five months because he couldn't take the bone-chilling cold. The plumbing bit came next but by that time Libov had joined the ranks of the Jewish activists in the visa battle and he was about to acquire an introduction to the Soviet prison system.

He says that five policemen dropped in on him before dawn on May 21, 1972, and hauled him away to a prison outside Moscow without pausing to tell his wife where he was going. He says it was part of a general roundup of militants—and potential demonstrators—in advance of President Nixon's visit to Moscow.

Out after 10 days, Libov got the repair job but then in November he was arrested during a sit-in staged in the Central Telegraph Building to protest the continued imprisonment of 40 other Jews caught up in the emigration fight. He did two weeks on that one and presently was picked up in another KGB sweep apparently intended to get the activist types off the broad and spotless Moscow streets before last December's celebration of the Soviet Union's 50th anniversary. He says he did 13 days this time and couldn't get the repairman's job back when he came out.

"They said I was fired for absenteeism," he told me, smiling wanly while his wife clasped his shoulders, "and I had to admit I was absent. After all, I wasn't even in Moscow. The prison where they took me is very far from here. "Of course," he went on, "I can keep getting jobs—but not in my profession."

While the State Institute of Rare Metals could have the sound of something super-secret, Libov says that nothing he ever did, there or on the way up, had anything to do with classified matters. He says that his specialty was transistors, diodes and semiconductors used in television sets made for commercial sale.

"My work was open, not secret," he says. "I have no secrets to take to Israel."

Why Israel?

Libov was in Moscow's Great (and only) Synagogue on the night of May 14, 1948, when they lowered a clapboard sign from the ceiling proclaiming the birth of the new nation in the Middle East.

"That was the first time I knew of the Jewish State," he told me. "I was 7 years old then but I wanted to go to Israel. Nobody would dare to ask in those days but after Stalin died it changed, and then after the Six Day War they began to accept applications for Israel from those who had mothers, fathers or children there. And later you could apply if you had other relatives there. My father is here, on a pension, but I have an aunt and uncle in Israel, so I applied and here I am—making small boats."

Boris Ainbinder, 33, and chunky, was one of three men who slipped into chairs around the fragile table in the band-box Libov living room while we were talking. A physicist out of Moscow University, the bearded Ainbinder was a fellow in the Institute of Physical Chemistry in the Soviet Academy of Sciences until he applied for visas for himself, his wife Marianna and their son, Jacob, 2, back in December, 1971.

"I never had any access to classified materials," he told me. "I was a theoretician, a specialist in the field of solids. I have never worked in applied science but the director of the Institute called me in and said I couldn't work there if I wanted to leave for Israel. I said I couldn't see any connection but he repeated his opinion."

That opinion, as Ainbinder tells it, enjoyed rather wide support in the Soviet capital.

"The chief of the passport office told me in February, 1972, that I was too valuable a specialist to be supplied to 'such a fascist state as Israel,'" he said, "but I have made 15 requests to labor agencies and they tell me there are no jobs even though we all know that physicists are very much in demand in this country. How valuable can I be to the Soviet Union if there's no work for me in my field? Nobody can give me an answer to that."

Ainbinder is another activist who has done time since his fall from grace. He shared a cell with Libov after one of those forced journeys out of Moscow. He says he made 135 rubles a month in the Academy and has since supported himself tutoring in physics and math.

"On the side," he went on, "I teach Hebrew, although when I registered for that in the tax office I was told that I had no right to teach that language because it is not part of any official program here, it's not taught in the Soviet schools. So I teach it anyway. I just don't pay the tax because they tell me I'm not supposed to teach Hebrew. I don't know that I'm breaking any law by doing it."

Victor Polsky, another scientist, is also tutoring in physics, math and Hebrew, but he had a different experience than Ainbinder with the language bit. He said he had no trouble getting permission to teach Hebrew in 1971 and 1972 but that it was withdrawn last January when the Ministry of Education said it could not continue to sanction it.

Polsky, 43 and, like Libov and Ainbinder, burdened with three arrests, is a physicist and engineer who was a 350-ruble-per-month laboratory chief in the Soviet Institute of Introscopy until he put in for exit visas for himself, his wife Helen and his daughter, Marina, 15, in November, 1970. He said he was demoted to a junior fellow then, down to 170 rubles, and asked for a hearing before the responsible Communist Party committee.

"That wasn't such a good idea," Polsky said. "I pleaded my case for two hours and then I was told to leave. But first my boss in the Institute said to me, 'You can't even work in this place as a night watchman now, but you can go out and look for a job as a bus driver.'

"That's not the worst job here. I think I could make 200 rubles—only I never drove a bus. My speciality in the Institute was working on X-ray equipment for medicine and civilian industry."

Like many of the others, Polsky's income at present is supplemented by handouts from what is loosely described as "relatives" or "friends" in such places as Israel, the U.S. and England. It is a good assumption that the "friends" in these instances often have some connection with organized Jewry in the U.S., but the Soviet authorities have done nothing to interfere with the flow of postal orders to the Jews on the spreading visa line, even while fine-combing their mail rather thoroughly.

Dr. Vladimir Abramovitch, known under the nickname of "Mash" in and out of Soviet scientific circles, was chief of the Acadamy of Science's Central Economic-Mathematical Institute (500 rubles) until he applied for his marching papers in April, 1972. He had held the post for nine years and had 25 men working under him, he says, when he was demoted to a place on the staff at about half pay.

Since that time, he says, the Soviet authorities have stopped publication of his latest book on economics after removing his name from an earlier work he had co-authored and from two co-authored papers. As in the cases of the even more renowned Dr. Benjamin Levich and Prof. Alexander Lerner, some Nobel Prize winners have joined in the vain appeal to the Soviet on his behalf.

Abramovitch, who is 47 and has a wife, Sima, and a 15-year-old son, Victor, was one of those stashed away by the KGB for 10 days before the big 50th anniversary party. He says that has been his only formal brush with the men in the dark suits.

The wavy-haired, stocky professor was head of the planning office in the Soviet fish industry before moving on to the Academy, where he says his work had to do with long range planning in refrigeration, agriculture and food processing, not to mention some researches in nitrogen fertilizer. He says that while he has been told twice that he can't get an exit visa because of security considerations, "I never saw a secret in my life."

Oh, yes, about that staff job Abramovitch was dumped into after he applied for the exit visa: he lost it a week ago Monday, eight days after I talked to him.

THE SOVIETS AND THE JEWS

ARTICLE V: THE MAN ON THE WINDOWSILL

It is on Leningrad's Nevsky Prospekt, No. 98, and the KGB men who trailed you there in the chill, windswept rain, sitting in their Volga, a short distance back, seem mildly amused that you're having so much trouble finding it.

But you do find it and you push open the huge double door with some effort and you're in a 30-foot foyer, facing a broad, sweeping stairway with scarred banisters and marble steps that are chipped and worn and a bit hazardous. They say it was one of the Tolstoy mansions in Czarist times but as you climb the stairs, assailed by the odor of cooking and other things, you know you are in a communal tenement in Leningrad that makes the seediest welfare hotel in your own city seem almost respectable.

On the top floor, on your left in the half light, you find Apartment 7, which has a whole array of nameplates along its battered door because seven families live inside, sharing a single kitchen and a toilet you're never going to see in House and Garden. One of the name plates says Tarassuk, and that one's pretty imposing, not only in the Soviet Union but elsewhere.

Dr. Leonid Tarassuk was curator of European Arms and Armor in Leningrad's showpiece Hermitage Museum until 11 months ago.

Anxious to resettle in Israel since its very birth, Tarassuk applied for an exit visa on April 17, 1972, whereupon the directors of the Hermitage gave him 60 days to clear the inventory on the 10,000 pieces in that priceless arms collection and break in some subordinates (he says there was no other specialist of his rank to step into the post).

Tarassuk, who is 48 and not at all reluctant about lifting up his T-neck shirt to exhibit a chest caved in by shell fragments in the Red Army's campaign in Czechoslovakia late in World War II, is living in that less-than-luxurious Nevsky Prospekt flat to look after his 68-year-old mother, invalided by arthritis. His wife Nina, 34, and their daughters, Irene, 7, and Ilia, 2, are staying with her mother and sister in two common rooms some distance away. Tarassuk spends two nights a week with them while a neighbor (there's no shortage in Apartment 7) looks after his mother.

Along with Valery Panov, the 33-year-old dancing star who was thrown out of the Kirov Ballet after he applied for an exit visa for Israel in April, 1972, Tarassuk is at the center of a small band of Leningrad Jews in open warfare with the Soviet regime.

Tarassuk calls them *"refusniks,"* but the secret police evidently don't see the joke. Panov, in particular, has been kept pretty busy answering official summonses for speaking out too freely about his plight. The KGB had him in again only a week ago today to read him some newly-promulgated law evidently intended to deal with the people who have been saying bad things about the Soviet on the emigration issue. Panov's wife, by the way, hasn't escape the Kirov's wrath either; she was initially fired from the ballet and then reinstated—as its lowest-paid member.

Two others in the Leningrad group—Polina Epelman, a pretty pharmacist whose husband is in Israel, and Boris Rubinstein, a scientist—were in the one-room Tarassuk flat when I came in with two members of John Lindsay's touring party, Seymour Graubard, national chairman of the Anti-Defamation League of B'nai B'rith, and Jay L. Kriegel, the Mayor's special counsel.

The wiry, highly energetic Tarassuk, who got his master's in history at Leningrad University, dominated the SRO gathering, even managing to find some space to move around in so that he could occasionally whisper something he said he wouldn't want recorded on a KGB bug. Actually, there was very little the busted curator didn't say out loud in his halting English.

"As near as I can find out, I was declared a unique specialist," he said, "but the last job I was offered was that of a loader in a store. That didn't seem at all unique to me, so I refused it."

He earned 220 rubles a month, about $286, in the Hermitage. The loader's job would have paid about 70 rubles. He said he had a whole flock of better offers—but they're from museums in places like Haifa, Israel, and Liege, Belgium.

Tarassuk at one time owned a 30-piece collection of antique armor, as well as some 16th Century engravings and a coin collection amassed since his boyhood in Odessa. He sold it all off to raise the money the exit visas for his family would have cost—900 rubles each for the three adults and 200 each for the children, something over $4000. The split-up family has been living on that money since last June.

There is a new collection which Tarassuk displays now—eight cards from OVIR, the visa office, telling him that the answer is still no (the Russian word for the turndown is *otkazniky*) on his insistent appeals. He has a huge rubber stamp a friend in the U. S. sent him and he affixes the one-word legend on it (it starts with "bull") on each card as it arrives.

Wouldn't he be in trouble if the police dropped in (Tarassuk has done a little time in the past for stepping out of line, as far back as 1959) and came upon that show of disrespect? Tarassuk had a fast answer for that.

He climbed the sill of the narrow window in the room, leaned out over the wilted flowers in the window box on the ledge, and called out to the KGB men on the street four floors below him: "Cuckoo, cuckoo."

I asked him why he had done that.

"So they'll know I'm here," he said, "and they won't worry."

"Don't you have to worry?" I asked.

"No," said the fragile, balding Tarassuk, producing a small transistor radio with a shortwave band. "I listen to the Voice of America, the BBC and the Israeli radio—when they don't jam it. There are people on our side everywhere."

The streaked-blond Polina Epelman, 34, a vibrant woman in an amply filled blue sweater over black slacks, is in a position that appears even more sticky than the others. Her husband Michael, a mathematician, went off to Israel on a tourist visa more than two years ago and stayed there. The affidavit he sent back, saying that he would just love to be joined by his wife and daughter Julia, 9 then, fell on extremely unfriendly ears.

With Tarassuk translating for her, Mrs. Epelman said that when she asked for an exist visa she was told that the very application constituted an "immoral act" because her husband was a traitor to the Soviet Union.

Since that time, she has received something like 14 to 17 turndowns from OVIR—she couldn't remember exactly how many—and she says that last July she was ousted from her job as the chief pharmacist of a Leningrad hospital.

She appealed that to the Ministry of Labor but the postman hasn't brought an answer yet.

Boris Rubinstein, 47, used to work in a research institute in Leningrad, specializing in magnetism and solid state physics. He quit in December, 1971, on the notion that it would remove any security claim when he tried for his visa. He put the papers in for himself and his wife Natasha, 35, the following May, only to find that he was indeed regarded as the custodian of some state secrets. He says that all his secrets have been set forth in 30 scientific papers published in the Soviet Union and elsewhere.

As for Mrs. Rubinstein, she was a scientific assistant in the Pushkin Memorial Museum, earning 110 rubles a month, when the Rubinsteins decided that Israel would be better. She's a library clerk now, down to 90 rubles. Rubinstein is making up the difference by tutoring. He says the last thing OVIR told him, two months ago, was not to come around again for another year. This is standard procedure over there.

In Moscow, I talked to a radio-TV engineer who also tried quitting his job before applying for an exit visa—the bushy-bearded Vladimir Slepak, 45, whose wife, Maria, is a doctor on a 76-ruble-per-month early retirement because her medical career involved X-ray work.

Slepak, one of the militants who has sampled the low-calorie diet in a couple of Soviet prisons, gave up a 300-ruble job as a laboratory chief in 1969 and put in his visa in April, 1970. He didn't get it, of course.

Since then, Slepak has had a variety of jobs. On two occasions he was able to work briefly in his own field until the record caught up with him. Then he dropped down the economic scale rather rapidly, working as a maintenance engineer for 150 rubles and later as a tool sharpener for 70.

Now he's idle and he says he has been threatened with arrest as a "parasite." The penalty for that low estate in the Soviet is assignment to a labor camp.

But Slepak has other troubles as well:

He says that his son Alexander, 22 has been turned down twice for Moscow University and on one occasion was told, "We are not going to educate specialists to go to Israel." Slepak also has a daughter, 14, in high school.

His father, who is 80, stopped talking to him when he first mentioned that new life in Israel four years ago, and he has no chance whatever for a visa as long as papa won't endorse it. That happens to be another one of the gimmicks in the bewildering maze of regulations governing applications for exist visas in the Soviet: you need your parents' permission *at any age* if you want to make that farewell trip.

Slepak's income is being supplemented by contributions from friends in the U.S. and elsewhere, so money isn't that much of a problem for him at the moment. The only trouble is, there isn't enough money in the world to buy a visa when the word is "nyet."

HEALTH INSURANCE: CAN THE GOVERNMENT DO IT CHEAPER?

Mr. COOK. Mr. President, the distinguished Senator from Massachusetts (Mr. Kennedy) has proposed a far-reaching system of National Health Insurance. His efforts in this regard are to be applauded, because the health of our Nation must always be a top priority item of the Congress. One of the issues involved in such a proposal is whether any system of national health insurance can be more effectively operated by Government or private institutions. A very significant discussion of this question appeared in the January 1973 edition of Best's Review.

I ask unanimous consent that this article by Mr. John Krizay, research director of the Twentieth Century Fund, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Health Insurance: Can the Government Do It Cheaper?

(By John Krizay)

At the opening of his subcommittee's hearings on the so-called health crisis in February 1971, Senator Edward Kennedy claimed that a universal health insurance program operated by the federal government would provide employers and employees with more medical care than a program operated by the private sector. In support of his argument, the Senator cited figures presented in the Social Security *Bulletin* showing that operating costs of commercial insurance carriers under group policies amounted to 13% of premium income in 1970 and operating costs of Blue Cross amounted to 6% of subscription income in the same year. At the same time, he claimed that the operating cost ratio of the Medicare program was only 2 to 3%.

The figures cited by Senator Kennedy are correct as far as they go, but do they prove that the federal government can operate a universal health insurance program at a lower cost to the insured than either the private carriers or the non-profit Blues? The answer to this question cannot be simply stated, because the public and private sectors are not at all comparable. But to the extent that one can find some common basis for measurement, contrary to Senator Kennedy's claim, it is more likely that the private sector has demonstrated superior operating efficiency in administering comparable programs.

A principal factor to be considered in explaining why aggregate operating figures—such as those used by Senator Kennedy—cannot be taken at face value is that the average size of claims may vary substantially from program to program. Yet, the cost of handling claims varies little whether the claim is large or small. The insured's eligibility must be established, duplication checks must be made, fee profiles or hospital costs must be verified where appropriate, deductibles and co-payments must be calculated and applied, and the payment must be made and posted for both large and small claims. This factor is particularly important to bear in mind in comparing Medicare operating cost ratios with those of the private sector, because Medicare claims tend to be higher than average claims filed under private sector coverage due to the longer hospital stay of patients in the over-65 age group. In fact, according to data published in the Social Security *Bulletin* of May 1971 (Medical Care Outlays for Three Age Groups), the average length of hospital stay of patients over 65 has consistently approximated twice that of the under-65 age group—e.g., 12.8 vs 6.6 days in 1970; 13.2 vs 6.8 days in 1969. Thus, if all other things were equal, the operating cost ratio under Medicare Part A—Hospital Insurance—should be approximately half that of other hospital insurance plans at a comparable level of efficiency.

SUPPLEMENTARY COSTS HIGHER

It should be noted at this point that the illustrative Medicare figures mentioned in the Kennedy subcommittee hearings showing Medicare operating costs to be between 2 and 3% of premiums refer only to hospital coverage (Part A). The operating cost ratio of Medicare Part B—Supplementary Medical Insurance (SMI)—presents quite a different picture. According to the SMI trust fund data published by the Social Security Administration, Part B operating costs have ranged from 10.3 to 12.2% of benefit payments. (The ratio would be only slightly lower if operating costs were measured against premiums. However, benefit payments are preferred here since there is no true premium income under Medicare in the same sense premium income exists in the private sector.) Here, of course, the average size of claims is much smaller than under Part A since Part B involves, principally, physicians' services.

Simply correcting for differences in length of stay, however, would still not provide us with a basis for judging whether the private sector or the public sector had demonstrated the greater operating efficiency. In the first place, the operating costs of the private carriers and—to a much lesser extent—of the Blue Plans include certain taxes and fees which, for the private carriers, average about 2.5% of benefits paid under group coverage. Additionally, advertising costs, acquisition costs and profit or risk charges are included in private sector operating costs but do not appear in Medicare operating costs.

Moreover, the Medicare program does not include in its operating expenses any amortization for its own buildings or equipment (although the fiscal intermediaries may properly include amortization in charging the U.S. government for the cost of administering the Medicare program). A number of minor personnel costs are likewise not included in calculating Medicare operating expenses: the staff of the Office of Management and Budget concerned with Medicare, personnel of the General Accounting Office who deal with Medicare matters, and members of the staffs of Congressional committees who spend all or part of their time working on Medicare legislation and related issues.

UNDERCHARGING SUSPECTED

There is also some reason to believe that the Treasury Department undercharges the Medicare trust funds for the collection and management functions it performs on behalf of the Medicare program. For example, in fiscal year 1969, Treasury was reimbursed only $26,000 for all services performed for the SMI program. While this amount may truly reflect the additional costs to Treasury for handling one *additional* trust fund operation (Treasury manages all trust funds of Social Security Administration programs), it is doubtful that this surprisingly small amount represents the true share of Treasury costs attributable to SMI operations alone.

On the other side, the Medicare program, by virtue of its public sector sponsorship, is saddled with certain costs which the private sector can avoid. The most prominent of these are the costs of more complete recordkeeping and publication of data required of public sector programs funded through trust funds, and the support of policy objectives of the government which may have no direct relation to health care. The large civil rights compliance operation which is part of the Medicare program is an example of the latter.

More interesting is the fact that the uniform coverage of the Medicare program—which contrasts with the extreme heterogeneity of private sector plans—eases the task of processing and handling claims and permits cost savings. The maintenance of claimants' files and records is simplified, interpretations are minimized, and various other claims handling tasks are less complicated and less costly because all participants belong to one plan with the same benefits.

An additional factor is that a minority of the private sector programs provide coverage as comprehensive as Medicare, particularly where physicians' visits are concerned. This means that while hospital claims under private insurance are probably much smaller than under Medicare Part A, non-hospital claims in the private sector are probably largely surgical expense claims and hence are probably larger than Medicare Part B. But because the variations in coverage in the private sector plans are so great, there is no way of reaching a common denominator which would permit a comparison to be made on an aggregate basis.

There thus appears to be no satisfactory way to compare the operating efficiency of the public sector as reflected in the Medicare experience with the aggregate operating cost experience of the private sector. However, a somewhat more precise basis for measuring what the private sector can do can be found in a comparison of Medicare operating cost performance with the operating cost performance of a specific segment of the private sector; viz., the Blue Cross and Blue Shield program offered under the Federal Employees Health Plan (FEP). The number enrolled under this program is only a fraction of the Medicare enrollment (about 6.6 million under the "high option" plan compared with approximately 20 million under Medicare).

IMPERFECTIONS STILL EXIST

Although the FEP is a special program, strictly regulated by the federal government, it is private-sector underwritten and administered. Moreover, it is at least as comprehensive as Medicare, it provides uniform coverage to a sizable group, and it has many other characteristics similar to the Medicare program. In addition, it is possible to separate hospital (Blue Cross) and non-surgical (Blue Shield) claims and compare average claim size with those of Medicare Part A and Part B on roughly the same basis.

This still leaves many imperfections in the comparative model because of all the reasons stated above, because of the problem of mixing calendar and fiscal year data, and because of some important differences in coverage. Whether the additional costs inherent in Medicare because of these differences offset the additional costs inherent in FEP cannot be judged. Nonetheless, this is the best basis that could be found for comparison of public and private sector operating costs.

What are the results of this comparison? An "uncorrected" comparison of Blue Cross against Medicare Part A and Blue Shield (plus supplementary coverage) against Medicare Part B for the years 1968, 1969, and 1970 is presented in the table below. Only "high option" plans are considered because high option coverage is more similar to Medicare coverage. It should also be noted that Medicare experience is based on fiscal year data while the Blue Plan experience represents calendar year data.

[In percent]

	1968	1969	1970
Medicare part A	2.2	3.1	2.7
Blue Cross	5.6	6.3	5.2
Medicare part B	11.8	11.0	12.2
Blue Shield [1]	5.6	5.9	5.1
Combination Medicare	4.7	5.4	5.3
Combination Blue Plans	5.1	6.2	5.6

[1] Includes claims experience under supplementary coverage.

The discrepancy in the operating cost ratios is due in part to differences in claims size. As one would expect, the average claim paid under Part A was much higher than the average claim paid by Blue Cross under FEP, even though claims under each plan consist mainly of hospital claims. In fact, the average Medicare Part A claim size was approximately three times higher in all three years. At the same time, the average claim paid by Medicare under Part B was roughly the same as the average claim paid by Blue Shield under its basic and supplementary coverage. Here is how the average claim size compares under each program:

	1968	1969	1970
Medicare part A	$597	$668	$722
Blue Cross	216	219	2[illegible]
Medicare part B	58	62	61
Blue Shield supplement	55	52	54

Note: All figures rounded off to nearest dollar. Medicare figures based on fiscal year data.

We can compensate for this difference in average claims size by adjusting the Medicare Part A operating costs by a factor equal to the ratio of Part A to Blue Cross average claims. If this adjustment is made, the resulting operating cost ratio is much higher than that of Blue Cross-Blue Shield, as indicated below:

[In percent]

	1968	1969	1970
Part A (adj.)	6.3	9.6	8.5
Blue Cross	5.6	6.3	5.2
Combination part A (adj.) and part B	7.7	10.0	9.5
Combination Blue plans	5.1	6.2	5.6

It is worth noting that the operating cost ratio of the high option Aetna plan—the second largest plan offered under FEP—approximated the combined Blue Cross-Blue Shield experience in the years cited. Since the Aetna plan offers coverage similar to the high option Blue plans and insures members of the same population, it is likely that the average claim paid for both hospital and non-hospital benefits is also similar. However, since there is no "natural" division between hospital and non-hospital claims in the Aetna plan, the experience of the Blue plans was used in this exercise.

Once the figures are adjusted in the manner described above, they show a surprising difference in the operating cost ratios of the two programs. Blue Shield, in particular, demonstrates a decided superiority over Medicare Part B. Nonetheless, in spite of the many similarities in the FEP and Medicare programs, they are sufficiently different in coverage as well as in administrative requirements to make it hazardous to take these figures at face value. It should be borne in mind that FEP is atypical of private sector health insurance programs and that its enrollment consists of a highly literate population which can be counted on to cooperate more effectively in the claims handling process than, say, the Medicare enrollment where a substantial information program is needed.

NO "PROOF" OF SUPERIORITY

What can we conclude from this presentation? First, it is clear that the 2 to 3% operating expense ratio of Medicare Part A is by no means indicative of a public sector managerial superiority or proof that a universal health plan could be administered at lower cost by the Social Security Administration. By the same token, our comparison of private sector experience (adjusted to make average claims values comparable) does not definitively prove greater private sector operating efficiency, even though it is strong circumstantial evidence. Rather, each sector sees its responsibilities differently, and these different attitudes affect operating costs. It is clear that one cannot make a persuasive case for a public-sector operated universal health insurance program on the theory that its operating cost would be lower. The claim that the Medicare experience offers such proof is unquestionably outlandish. The case for a public sector program, therefore, will have to be based on other arguments.

SPEECH BY SENATOR JACOB K. JAVITS BEFORE THE EIGHTH ANNUAL WASHINGTON MEETING OF THE COUNCIL OF THE AMERICAS

Mr. CHILES. Mr. President, I had the honor and pleasure of appearing on the same platform with Senator JACOB JAVITS yesterday to speak to the Council of the Americas. The distinguished Senator from New York spoke with great perception on some of the important issues before us in our relations with Latin America drawing on his remarkable experience and understanding of this hemisphere.

I would like to bring to the attention of my colleagues this speech by Senator JAVITS by asking unanimous consent to print his remarks in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE NEW U.S. APPROACH TO LATIN AMERICA

(By Senator JACOB K. JAVITS)

There is a new U.S. interest in Latin American relations as has been signalled by Secretary Rogers' recently concluded trip to Latin America and by the announcement that a visit by President Nixon is in the offing.

These travel plans are significant in that they seem to be accompanied by a shift of U.S. policy towards Latin America from what has been characterized as a low profile policy—approaching a non-policy—to a more active involvement.

In this regard, U.S. policy towards Latin American economic integration is of paramount importance. For those of us who have long favored the economic integration of Latin America and have been concerned about the perhaps excessive recent emphasis in U.S. policy on bilateral relations between the U.S. and individual nation states of Latin America, Secretary Rogers' visit to the headquarters of the Andean Pact on May 16, 1973 must be viewed as an important signal.

During this visit and in addressing the members of the Andean Pact Junta and later in Bogota, Secretary Rogers stated:

". . . our policy is to encourage regional cooperation . . . In some cases, such as the OAS, regional cooperation involves the United States. But we also favor regional cooperation not involving participation by the United States. Thus, we welcome growing regional efforts as in the Central American Common Market, the Andean Pact and the Caribbean."

In my opinion this emphasis on regional integration does represent a policy shift. To indicate the progress that has been made in one year, I ask your indulgence as I quote from a speech I made exactly one year earlier than Secretary Rogers statement and visit. On May 16, 1972 in a speech entitled *The Crises Facing Regional Integration in the Americas*, and after strongly supporting greater emphasis on Latin America integration I stated:

"Over the short term I share the view that Dr. Joseph Grunwald put forward in his perceptive new book, *Latin American Economic Integration and U.S. Policy*, that the United States, because of the Vietnam War and the Congress' attitude towards foreign aid, was in no position to make substantial and definite commitments in support of Latin American integration!"

I then stated:

"I would like to add that these factors constraining U.S. policy are not likely to alter significantly over at least the short run. New bi-lateral and multilateral aid programs remain in deep trouble in the Congress, trade preferences remain down the road as long as the present protectionist mood persists and there is an emphasis in the Administration on bi-lateral relations rather than more ambitious integration plans."

Today, in light of the Rogers visit and since generalized trade preferences for the countries of the developing world have been included in the Trade Reform Act of 1973, by May, 1972 remarks may have been too pessimistic. In this regard, I also note that the Group of Twenty is making progress on the monetary front on issues of interest to the developing world and that the concept of an SDR-development assistance "link" has moved further down the road towards world acceptance.

This again represents progress and gives meaning (though not yet fulfillment) to another pledge Secretary Rogers made in Bogota when he said:

"The United States intends to give substantial support to Latin American efforts to assure a decent life to all the citizens of the hemisphere."

In this regard, I believe the Congress will do its part. In the hearings before the House Ways and Means Committee on the Trade Reform Act of 1973, the generalized preference titles have support and have not been the focus of critical attention. With the gifted leadership of Chairman Wilbur Mills, I am optimistic that these provisions will pass the House and thus have a good chance to become law.

I am also encouraged by the very recent initiative of the House Foreign Affairs Committee to re-structure our bi-lateral assistance program towards the end of establishing an Export Development Credit Fund to finance exports of U.S. goods at low interest rates and *easy* repayment terms to the world's economically poorest nations. In addition to this fund, remaining bi-lateral development assistance would be channeled into such areas as food, rural development, population control, and health and education while the multilateral lending institutions would be deemed a proper source for financing major infra-structure projects such as transportation and power.

Now I am not saying that it is certain that this new House Foreign Affairs Committee approach will carry, but I am saying it is a positive and welcome approach which creatively addresses an area which in the recent past has been characterized by a generally negative Congressional reaction.

It is my hope that the Congress soon will also address itself to 19th century anachronisms in our laws as they relate to development assistance. I refer to amendments such as the Hickenlooper amendment to the Foreign Assistance Act and the Gonzales amendment to the bills funding the International Financial institutions. This legislation mandates an aid cutoff or a negative U.S. vote on a loan, in the case of outstanding investment disputes. I suggest that the business community should make key members of the Congress aware that such inflexible and mandating legislation serves neither our broader national interest in terms of our relations with Latin America nor our business interests. Such legislation is a continuing and unnecessary irritant to good bilateral relations with nations adversely affected by these laws.

These comments led me into an area that I would like to discuss in slightly greater detail and this concerns the future role of private foreign investment in Latin America. I have little doubt that on all our minds is the recent decision of the Ford Motor Company to give $1 million in goods to worthy Argentine institutions as the result of the extortionist demands of Argentine terrorists after two Ford Executives in Argentina were shot.

Clearly this could be the prelude to a new type of international terror by ransom aimed at the international business community.

What often is not recognized is that such terrorist tactics serve poorly those very segments of the society—the economically and socially depressed or oppressed—which have the most to gain from economic stability and economic growth which is threatened by the acts of terrorism.

But let us not underestimate the appeal to the "marginal man" of Latin America of this Ford case.

The Robin Hood legend is a popular legend in our societies—the glamorous bandit who takes from the rich to give to the poor. This helped explain the early success of the Tupamaro movement in Uruguay. But what is overlooked is that such tactics disrupt the economy and such economic disruption helps insure that "marginal men" and their children remain on the margin. Public and private capital is frightened and it moves elsewhere, jobs are not created, production is not increased but reduced, and through this destructive cycle, economic and political havoc is caused.

A key concern in Latin America today is the high rate of unemployment and the possibility that the rapid rate of population increase will continue to outrun the capability of many of the countries of Latin America to provide jobs. In turn, those who cannot find work are on the margin of any society.

To those on the margin, be they in New York City, or in the larger Latin American cities, the law is often viewed as an oppressor and sometimes felt as an oppressor.

I have always viewed one of the functions of the middle class to insure that the law does not become an instrument of oppression. It would be my hope that the growing middle classes in Latin America will be increasingly active in this respect. It should also become the function of the new middle class to create conditions that insure that the marginal men and women of Latin America have a good opportunity for fruitful integration into their respective societies. This is the only effective approach to conditions which breed desperate acts and terrorism. Those who had insured that the Palestinian refugees would never have the chance to leave their camps and integrate into a viable economic and political structure, have had a diabolical understanding of this principle.

But let me turn from this disturbing subject to a foreign investment topic which continues to provide me, and I hope many others, with grounds for hope. I refer to the fine work that the ADELA continues to carry out in Latin America and in this connection note that the ADELA concept is now operative in Asia through the Private Investment Corporation of Asia and in Africa through the SIFIDA.

The judgment of even the most critical of my friends has been that ADELA's contribution to socio-economic progress in Latin America, while hard to measure, has definitely been positive, both by providing funds for projects and by raising the general level of management skills through its consulting as well as its employee training program.

However, let me also say at the outset that I am under no illusions that there is a real difficulty in combining even within a private profit-oriented investor group, the objectives of furthering both socio-economic progress and the profit motive in investing in viable new projects and the expansion of existing enterprises.

Most if not all of the strain between management, shareholders and boards of directors has been caused by the lack of clarity of priority of objectives.

If you look at the lists of directors you will see that they represent investor groups. Even though many of the investors mentally wrote off their investments when made, their representative directors nevertheless continue to press the managements for performance, and the performance most easily measured is the profit performance. Somehow socio-economic justification is not adequate when an investment made by an ADELA type company in a developing area goes sour, nor, indeed, perhaps is there any real socio-economic justification for making bad investments. The balance between these objectives remains the challenge for each of the companies, and perhaps, the time is ripe for further discussion with the shareholder groups and with managements, to clarify policy within the broader context of the need for closing the gap which continues to widen between developing and developed countries, as was done at the time of founding these institutions.

These problems of priorities, of course, are not unique to ADELA. They are found in all international private investment concerns.

I ask the business leaders present at this meeting to give their serious consideration to this question of the balance of objectives.

In this connection, the international business community also should be reminded that in addition to highly important trade and tax proposals now being considered by the Ways and Means Committee, the House Foreign Affairs Committee and the Senate Foreign Relations Committee are reviewing the programs and mandate of the Overseas Private Investment Corporation in the context of their legislative review of the new Foreign Assistance authorization bill. Also, that the multi-national corporation and its operations is itself under intensive review in the tax writing committees of the Congress and by a special Senate subcommittee.

My question is whether in view of the current trend of thinking in our country and the substantial discussion of the role of multi-national corporations in economic and political development, the time has not come to convene an international conference of ADELA shareholders, very much like the one in Paris in January, 1962 which resulted in the organization of ADELA as a business concern, to discuss the emerging problems and to determine whether in the light of changed world conditions the original objectives should be re-affirmed or changed?

I would very much like to hear from you on this suggestion.

DINNER FOR DUKE

Mr. SCOTT of Pennsylvania. Mr. President, a column entitled, "Dinner for Duke" appeared in the Sunday Pittsburgh Press of June 3, 1973. It is one newsman's opinion about another newsman, Duke Kaminski, who retires this year after covering the Pennsylvania legislative scene for the Philadelphia Bulletin over the last 26 years. I like them like Duke. No punches pulled, no awe of anybody, but mutual respect for candor. Mr. President, I ask unanimous consent that the column written by Pat Boyle, legislative correspondent for the Press, be printed in today's RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

DINNER FOR DUKE

(By Patrick Boyle)

HARRISBURG.—The adversary position Capitol newsmen have toward politicians was put aside briefly the other night to honor one of the most probing reporters who has covered state government.

Duke Kaminski was calling it quits after 26 years as Harrisburg bureau chief of the Philadelphia Bulletin only because of his papers mandatory retirement policy at age 65.

The Capitol Newsroom got the idea to set up a dinner party and this was done first-class at the Hershey Hotel, although no one was sure if anyone would show up to pay tribute to him.

The reason: Mr. Kaminski, who claims he was born in the unlikely place called Minersville, Schuylkill County, has been critical of most political and governmental officials.

Nevertheless, about 120 persons, including Gov. Milton J. Shapp, House Speaker Kenneth B. Lee, Treasurer Grace M. Sloan, Aud. Gen. Robert P. Casey, and nearly all of the 50 state senators, were there.

They and others were highly complimentary of Mr. Kaminski as a fair and objective writer, despite his ability in press conferences to rattle the most confident of politicians.

His tight-wad attitude toward state spending probably had many public officials wondering if he thought the state budget was something financed by his personal checking account.

If that doubt lingers in anyones mind, I, as a personal friend and beneficiary of his long experience in Harrisburg, can clear it up by saying that indeed that was Duke's conviction.

He often told those "bummers and boobies," as he referred somewhat jokingly to legislators, governors, judges and others, that the only ones protecting the people from outrageous taxation were the newspapermen assigned to the Capitol.

At the dinner, Mr. Kaminski, breaking away from his tradition, had mild praise for the higher caliber of legislators today compared with those he first encountered in the late 40s.

But the next day, at a press conference with Gov. Shapp, he was back to his penetrating questions. "When you fired Rocco (Urella), you knew all this hanky panky, didn't you? Why the six-month delay?"

Like my predecessor here for The Press, L. R. Lindgren, was to me, Mr. Kaminski's cranky attitude toward sprawling government has served as an inspiration to younger reporters to dig for the truth.

The healthy irreverence toward all politicians, and the politicians' awareness that the news media eventually will learn about governmental hanky-panky, is what it's all about in Harrisburg.

ON THE NOMINATION OF ROBERT H. MORRIS

Mr. MOSS. Mr. President, the Senate will soon be called upon to exercise its judgment on the nomination of Robert H. Morris to be a Federal Power Commissioner.

I have previously indicated that I intend to cast my vote in opposition to his confirmation. To further inform my colleagues in the Senate about this important nomination, I ask unanimous consent that an editorial which appeared in today's Washington Post, and letters from Ralph Nader and the Consumer Federation of America be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The Wrong Man for the FPC

Regulatory agencies frequently fall captive to the industries that they are supposed to regulate. But even by the regrettable standards of that tradition, the present state of the Federal Power Commission is extraordinary. The chairman is a New Hampshire lawyer who, in his private practice, was counsel to a gas utility. One member is a lawyer from a Texas firm that specializes in representing gas and oil interests. Two other members are Republicans from Capitol Hill, one of them a retired Illinois congressman and the second a senator's former administrative assistant. Among the four there is none who can properly be called a critic of the industry, or a spokesman for its customers.

The fifth seat on the commission is vacant. Last December the President nominated Robert H. Morris, a San Francisco lawyer who has spent much of his career representing Standard Oil of California. Several senators have carried on a long delaying action against confirmation of Mr. Morris. But now his nomination is about to come to the Senate floor. The question is not whether the industry's view deserves representation within the FPC. It is whether any other view is to be represented. Mr. Morris' integrity and competence are not in question. But at a time when public confidence in the federal government is not high, the Senate would make a grievous error in awarding still another seat on the FPC to a lawyer who, in his private career, spoke for the oil and gas industry.

That industry might usefully ask itself whether its own interests are really served by this crude tactic of excluding all dissent from the commission. Over the next several years, the federal government is going to have to make a series of hard decisions regarding prices and taxation of gas and oil. These decisions will be political. They will reflect voters' impressions as to whether they are being treated fairly. It is something of an understatement to say that currently the oil and gas industry does not enjoy any great degree of public trust and affection. The industry might consider whether anyone will put much credence in the findings and rulings of an FPC dominated by lawyers who, before coming to Washington, worked for the gas and oil companies. The senators ought not have much trouble answering that question. The proper course for the Senate is to reject Mr. Morris' nomination.

June 4, 1973.

Hon. Mike Mansfield,
Majority Leader, U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: The Senate should reject the nomination of Robert H. Morris to the Federal Power Commission. Mr. Morris has spent the great bulk of his professional career as a lawyer promoting the interests of the oil and gas industry. The Commission's present membership and the confirmation of William Springer provide the FPC with an overwhelming pro-industry bias without adding another such advocate. What is needed is an appointee who will keep inflation at bay and regulate in the broad consumer interest as the law requires.

For fifteen years Mr. Morris was a member of the San Francisco firm of Pillsbury, Madison and Sutro, which represents Standard Oil of California and their subsidiaries, notably the California Company, which is one of the nation's largest natural gas producers. He has frequently appeared before the FPC on behalf of his client and has been a counsellor to Standard's management in their policy decisions.

Mr. Morris is a prototype of the breed of lawyers who have trampled the consumer's interests while achieving overwhelming advantage for the oil and gas industry. Such a man is unfit to now assume a position on the public agency which has been chartered by Congress to protect the consumer. President Roosevelt said that the regulatory agencies must be "a tribune of the people . . . for protection of the people against private greed." President Nixon has nominated a counsel of the privileged to the FPC when the agency is already overwhelmingly burdened with such advocates.

It is argued that Mr. Morris' background should not disqualify him, that a lawyer should not be judged by his clients. This is a diversionary argument. An appointment to the FPC carries a five-year term; it does not carry with it the security of a life-long appointment to the federal bench. Mr. Morris' professional past has been intertwined with the oil and gas industry.

His future clearly lies with the industry after his proposed term on the Commission would expire. Indeed, the majority of former commissioners have returned to the industry arena that nourished them. Service on the Commission should be more than a benchmark in a career with the industry that is supposedly regulated.

It is naive, if not calculating, to suggest that Mr. Morris can be expected to adjudicate the matters that would be before him with even a modicum of open-mindedness. If Mr. Morris were a federal judge faced in federal court with the cases he will hear at the FPC, judicial propriety would require him to disqualify himself often.

The FPC's May 30 decision in the Belco case vividly underlines how now, more than ever before, the Commission needs commissioners who can be counted on to represent the public interest. In approving a 73% rate increase that will yield the companies involved an average 27.5% return on their investment (one company will get a 48% return), the majority of the Commission rebuffed the recommendations of its own staff for a 15% increase, dispensed with a recommendation from the administrative law judge who heard the case, closed its eyes to obvious collusion among the companies, and displayed utter contempt for the public interest. As the dissenting Chairman warned, there is little reason to doubt that this Commission largesse to the particular applicants will not be extended to the entire industry at a staggering cost of billions to consumers.

The time has come for the Senate to restore the FPC to its statutory role of protecting the people from private greed. Chairman Magnuson, along with Senators Hollings, Hart, and Moss, having reviewed Mr. Morris' nomination in the Commerce Committee, have announced their intention to oppose Mr. Morris. I urge you and your colleagues to defeat the nomination and make it clear to the President that you will only accept a person who can be counted on to serve the consumer rather than the special industry interest on the Federal Power Commission.

Sincerely,

Ralph Nader.

Consumer Federation of America,
Washington, D.C., June 6, 1973.

Dear Senator: As the Senate prepares to consider the nomination of Robert Morris to be a member of the Federal Power Commission. Consumer Federation of America wants you to have its views and attitudes regarding Mr. Morris before you.

When the President named both former Congressman Springer and Mr. Morris to the two vacancies on the FPC at the same time, CFA was stunned and disappointed particularly in light of the effort we had made to get the President to name to that important regulatory body at least one member with a consumer background, interest or orientation. At the very minimum, we would have expected both or either of the candidates to have neutral backgrounds.

To have named a retired Congressman, whose voting record on consumer matters was deplorable, and a California attorney, who had, for many years, been a member of a law firm representing Standard Oil of California in FPC cases, was an insult to the Senate and a double-barreled shot at consumers. This is especially so because of the background and the track record of the three other members of the Commission.

With energy costs escalating and with significant policy decisions to be reached, CFA believes that it is absolutely essential that there be at least one member of that body who can be expected to understand and express the consumers' view of issues that come before the Commission. The FPC, which was established by Congress to protect the consumers of this country, has heavy responsibilities in fixing natural gas rates and electric rates. Its decisions have immediate and direct impact on what the consumers pay for energy.

It has been suggested that Mr. Morris has some interest in environmental problems, although we do not know how deep and extensive this interest may be. Quite obviously, we support environmental efforts, but in our view it is far more significant in passing on Mr. Morris' qualifications to consider his background and his attitude on issues involving all consumers. The enclosed copy of a recent article in the *Sacramento* (California) *Bee* focuses on that point and I believe you will find it instructive.

The Senate has an opportunity to hold one position on the FPC open for a candidate whose background and prior experience indicates that he or she would recognize and give proper consideration to legitimate consumer concerns.

To the extent we can speak for our member groups, we regard this vote as extremely important and believe it will be one of the tests by which Senate members are judged in their attitude toward consumer interests.

Sincerely,

Erma Angevine, *Executive Director.*

[From the Sacramento Bee, May 29, 1973]

Defeat of Morris for FPC Is Urged

(By Leo Rennert)

Washington.—Lee White, former chairman of the Federal Power Commission, today said the Senate should not be diverted by environmental arguments in considering the FPC nomination of San Franisco attorney Robert Morris.

It is far more important, he said, for the Senate to defeat the nomination to prevent a total anticonsumer stance by the commission than to approve it on the theory that Morris may add a conservationist dimension to FPC deliberations.

Morris, who has done extensive legal work for the Standard Oil Co. of California, has urged support for his appointment on the ground that the time has come for the commission to shift its primary role from consumer to environmental watchdog.

LETTER TO CRANSTON

He spelled out this view in a letter to Sen. Alan Cranston, D-Calif., a pivotal figure in the fight over the controversial nomination.

Cranston, who still has not made up his mind, arranged to confer with Morris during the weekend in California. He met here last week with White to hear the opposition side.

The Senate is tentatively slated to vote on the nomination tomorow.

White said environmental concerns "should not be controlling" because the FPC already is under sufficient pressure from Congress, the courts and citizens' groups to proceed in an ecologically sound direction.

"Environmental protection is fine but it is not at the moment the commission's greatest need," he remarked in an interview with The Bee.

"From this standpoint, it doesn't make a bit of difference who's on the commission. The sheer force of events and pressures from other institutions provide sufficient guarantees that the FPC cannot ignore."

CONSUMER VOICE

White, who headed the commision during the last three years of the Johnson administration, said the Senate instead should focus on the need for at least one strong consumer voice on the FPC.

"Morris doesn't look like the guy I would seek out," he remarked.

Like other opponents of the nomination, White expressed concern that approval of Morris would give the FPC a complete pro-industry bias in setting regulatory policies for oil, gas and electric utility companies.

Because President Richard Nixon's first four appointees to the commission appear to be "peas from the same pod," he said, it is critical that the last vacancy be filled with someone who would provide some diversity of viewpoint.

White said an articulate consumer spokesman is particularly necessary at a time of rising rates to help brake the FPC's readiness to rubber stamp industry requests for sharp price boosts.

IMPORTANT ASSET

Based on his own experience, he added, a single dissenting member of a regulatory body can be an important asset because he can have a beneficial impact on his colleagues' decisions and improve public understanding of vital issues.

White recently was selected by the Consumer Federation of America to head its energy policy task force. The federation has mounted a major compaign against Morris.

Sen. John V. Tunney, D-Calif., has endorsed Morris. In so doing, he has parted company with several other liberals on the Commerce Committee, including Chairman Warren Magnuson, D-Wash., who are leading the fight against the nomination.

White said there is a chance that opponents may be successful with a motion to recommit the nomination to the committee—a move which would virtually kill it. Sen. Frank Moss, D-Utah, a leader of the anti-Morris forces, believes the outcome may hinge on Cranston's decision.

MANDATORY SAFETY BELT REQUIREMENT

Mr. COOK. Mr. President, on May 15 a 7-week-old baby, Samuel St. Aubin, of Calumet City, Ind., was killed in an automobile accident. Ordinarily 1 of 55,000 annual auto deaths in this country would not be newsworthy, but this one is. Little Samuel was killed while riding in a General Motors car equipped with air bags, but no safety belts.

General Motors has placed 1,000 of these experimental vehicles into use throughout the country. The driver of the vehicle, Mrs. St. Aubin, survived the accident with only a fractured leg, and the police speculated that she would have been killed had it not been for the deployment of the bag. There was no speculation made as to whether a belt system could also have saved her, and maybe even have prevented the leg fracture.

The crucial point here, however, is that the baby was lying on the front seat—totally unrestrained. When the driver slammed on the brakes, Samuel was thrown forcefully down under the dashboard. He may well have died prior to impact—the time of deployment for air bags.

General Motors offers a safety carrier for infants—called "loveseat." It is held in position by ordinary lap belts. Many experts have claimed General Motors' infant carrier to be the most effective on the market. But even if Mrs. St. Aubin had wanted a "loveseat" she could not have used it for the General Motors car had no belts.

Although this car was an experimental one, it is the same type that will be marketed by all manufacturers beginning on August 15, 1975, unless Federal Motor Vehicle Safety Standard 208 is changed.

That is right, Federal Motor Vehicle Safety Standard 208 eliminated the mandatory seat belt requirement now in existence. Despite myriads of evidence which show safety belts to be the greatest life-saver in existence, the Department of Transportation persists in the pipe dream that air bags will be able to do what belts do. I do not believe Mrs. St. Aubin, despite the fact that air bags saved her life, is ready to agree with the Department of Transportation. Neither am I.

Last year, I introduced legislation limiting the Department of Transportation's authority to eliminate the mandatory safety belt requirement. It was not acted upon by the Commerce Committee, despite considerable testimony as to its timeliness and desirability. This year I introduced S. 1173, which again seeks to preserve this lifesaving regulation. I trust that the Commerce Committee, and the Senate, will realize the necessity of this legislation, and will approve its passage this year.

I seek unanimous consent that two articles concerning the aforementioned accident be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Chicago Tribune, May 19, 1973]

Death in Air Bag Car Probed

(By Thomas Connor)

Officials of General Motors Corp. and the federal government yesterday were examining a demolished experimental automobile equipped with air bags in which an infant was killed following a three-way collision last Tuesday in Schererville, Ind.

The seven-week-old baby, Samuel St. Aubin, of 313 Lawrence St., Calumet City, died of head injuries, thus becoming the first auto fatality in a car equipped with the inflatable bags.

The victim's mother, Mrs. Mary St. Aubin, the driver, was released from the hospital yesterday with a fractured leg and officials say the bags saved her life.

Schererville Police Chief Philip Spivak theorized that Mrs. St. Aubin may have applied her brakes prior to the actual collision, causing the infant to hit his head on the dashboard or floor. Without the impact, the bags would not have inflated.

The four bags are located beneath the dashboard and automatically inflate during a crash, filling the entire front seat and cushioning any shock the rider might otherwise experience. They are designed to inflate at the equivalent of an impact of 11 miles per hour.

"But the driver would have suffered serious chest injury if not death without the bags. The front of the car was totally demolished and the steering wheel was broken off," Spivak added.

George R. Smith, executive engineer in charge of the General Motors program, said there were 1,000 experimental cars in the nation which have logged more than 6.2 million miles without a single death.

Mrs. St. Aubin was northbound on U.S. 41 near U.S. 30 when she collided with a United Parcel truck which was forced into her lane after being hit from the rear by a second truck.

[From the Detroit News, April 29, 1973]

Eaton Chairman Thinks Air Bag System Here To Stay

(By Paul Gainor)

Eaton Corp., which will supply 100,000 air bags to GM for 1973 model production, apparenty feels confident enough that its passive restraint safety system will work.

Two top Eaton executives have been driving bag-equipped cars and both vouch for the reliability of the system.

Eaton Board Chairman E. M. de Windt and Executive Vice-President Paul A. Miller were in Southfield last week for Eaton's first stockholder meeting outside Cleveland when they discussed their experiences with the system.

De Windt says he has had the system in his car for 2½ years and Miller has been using one for eight months.

"It's time we toss out all this nonsense about air bags of the past few years," de Windt said. "The real problems is that seat belts will not do the job. The air bag is the solution."

De Windt and Miller say the bags in their cars have never inadvertently fired.

"We're more confident of the air bag today than we were a year ago," Miller said. "Nobody knows their ultimate price (as options on 1974 GM models), but I think they (GM) can sell them."

Miller notes that Eaton has fleet tested bag-equipped cars for more than 13 million miles without one accidental firing.

Besides the GM order, Eaton will supply bags to Ford Motor Co.'s Mercury Division for experemntal use.

The air bag discussion took place after Eaton stockholders saw a film on the success of air bag tests.

In the film, a test driver and his female passenger crashed a car traveling about 30 miles per hour into a concrete block without apparent injury. The bags inflated on impact and deflated within ½-second, as they are designed to do, deWindt said.

De Windt recalled an auto crash in Chicago recently in which an Eaton employe in one of the firm's air bag-equipped cars blacked out at the wheel and struck a parked police car.

Though the driver had "circumvented" the car's seat belt system and was traveling at 68 miles an hour, de Windt said, he was uninjured except for a wrist fracture caused when his hand struck the dash board.

Other air bag applications may be in the works.

In response to a stockholder's question, Eaton's engineering and research vice-president Robert G. Brown said the company is studying the possibility of rear seat and anti-whiplash uses for the bags.

The rear seat bags are "in the 'possible' class," Brown said, "but are not proposed at the present time. There has been a fair amount of work on this."

Brown noted that crash injuries are less likely to occur and usually are less severe than front seat injuries. "Substantial changes" in front seat design would be needed to "stabilize" the rear seat bags, he said.

Also, Brown said, "a lot of consideration" has been given to installing sensors in the rear of cars to head off "whiplash" neck injuries which occur from rear end collisions.

Such bags would work in tandem with front seat head rests to support the head and neck in such crashes, he said.

As for the company's fiscal outlook, de Windt said he is "extremely optimistic" that 1973 profits will be "well ahead" of 1972, when Eaton's sales increased 18 percent to $1.2 billion and net earnings grew 23 percent to $70.3 million.

Eaton previously had announced first quarter 1973 net income of $23.1 million, or $1.26 per share, up from $18.2 million, or 98 cents per share, for first quarter 1972.

First quarter sales were $370.6 million, up from $293.4 million.

Eaton, a Cleveland-based manufacturer of automobile and truck components, industrial and consumer products and a materials handler, held its meeting in the Detroit area, de Windt said, because it has more stockholders in Michigan than in any state except Ohio.

The meeting was held at Eaton's research center in Southfield to familiarize directors and stockholders with Eaton facilities, de Windt said.

OUR RELATIONS WITH LATIN AMERICA

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the Record the text of an address delivered by the Senator from Florida (Mr. Chiles) at the Council of the Americas.

There being no objection, the address was ordered to be printed in the Record, as follows:

Our Relations With Latin America

(By Senator Lawton Chiles)

My interest in Latin America stems in part from the fact that Florida serves as a gateway to Latin America for many of our companies, so I am happy to have this opportunity to speak with you today. We live in very challenging times in our relations with Latin America, as the topics you are considering in this Conference suggest. In no other part of the developing world has the drive toward development been so clear and at the same time so laced with controversy over the role of private investment. Latin American countries are searching for their separate identities and are exploring many different systems and styles of development. As this has occurred they have become increasingly sensitive about determining their own priorities, controlling their own resources and deciding their own destinies. This is undoubtedly to the benefit of the process of development as nothing will make development efforts falter so much as lack of will. But these factors have made our relations with Latin America more complicated.

The question you have all been facing, I am sure, is: what should be our response. Can we continue to act in relation to Latin America as we have in the past? Should we back off from Latin America altogether? Do we need a totally new approach? Should we keep a low profile? What in the end should we do in the government and in the business community to better relate to Latin America?

The first thing we need to do is to stop thinking of Latin America as if it were one place like the United States. We are talking about more than 25 countries which are as different geographically, economically and politically as can be imagined. My first fact finding trip to Latin America was to Peru and Brazil. These both have military governments. And yet these governments are very different. We need to approach each government in a different way.

Just think of the vast difference between such places as Brazil and Barbados, Mexico and Nicaragua and Argentina and the Antilles. But we go on talking about Latin America as if it were a unified continent or a single nation. In fact Mexico has more in common with Canada than with the rest of Latin America in terms of its relations with the United States. The Caribbean countries, because of their size as much as anything else, have more in common together than they do in relation to South America. The same holds for the Central American Countries.

So we need to look at our relations with Latin America as to what the differences are between types of countries and make our policies appropriate to the differences rather than force fit uniform policies on a region of diversity. This should apply to both our bilateral relations with individual countries and our relations through international institutions with the region as a whole. Such an approach seems to me to be a vital basis for relations with a hemisphere experiencing rapid change, rising nationalism and increasingly experimentation in its approaches to development.

Second, these changes occurring in Latin America require not withdrawal and neglect on our part but high level attention and definite policies. Events in recent months have shown that we reap no reward by standing aside as an observer in our own hemisphere. In the OAS Inter American Economic and Social Council meeting in Bogota in February, we found that we had to abstain from the final resolutions of the meeting. How could this be? Are we unable to define our interests and pursue them actively with governments of our own hemisphere to find some basis for common action?

The same thing occurred in Panama in March at the abortive meeting of the U.N. Security Council. We had to exercise our veto in order to put down a Security Council resolution regarding the Panama Canal. This was a very trying and difficult situation. The U.N. Security Council is hardly the place to be establishing the terms of agreement between the United States and Panama over the Canal. But again, we were alone—isolated from other nations—appearing to hold a much more negative position on the Canal than we really do.

The whole meeting was staged by Panama to pressure the U.S., which was a highly questionable tactic on their part if they really want to settle the Canal issue on reasonable terms. But the other nations went along with holding the meeting in Panama in order to try to flush out the U.S. on what its policy is toward Latin America in general. It seems to me that if our policy had been more defined and if we were more engaged in inter-American relations, we would not have gotten manuevered into such a difficult position. There would not have been the generalized frustration for Panama to exploit to its own propaganda advantage.

So the second thing we need to do is to have an active foreign policy involvement with Latin America. We can no longer afford to stand in the middle of the ball field and be yelled at for doing nothing. We need to get into this new ball game and play as if we mean business.

What are some of the things we could do which would be in our interests and constructive from the point of view of our relations with Latin America?

First, we need to redefine our role in the Organization of American States, using that institution as a means of pursuing our policies with countries in Latin America. William D. Rogers, a man who carried major governmental responsibility for the Alliance for Progress in the early sixties, has suggested that we withdraw from the OAS and take on an observer status but that we keep the OAS in Washington and continue to contribute to it on a reduced basis. I disagree. By our lack of policy we have already achieved in fact observer status in the OAS. To make this a formal step would be to confirm Latin America's suspicion that we really don't care anymore.

I feel that we need a political forum to work on problems within the Western Hemisphere family without the distractions and posturings which usually take place when other nations outside the region are involved.

Turning to economic policies, we have a number of options to exercise in the way we go about our economic relations with Latin Amerca.

AID

In the area of aid, it seems clear that some significant cut in the foreign assistance budget request will take place in FY 1974. The Chairman of the Appropriations Committee, Senator McClellan has received preliminary budget estimates by the chairmen of the various subcommittees of appropriations. The President's aid request is for $4.4 billion. This has been cut by 30 per cent to $3.1 billion in this preliminary budget estimate.

Now this may not be the final figure but the strong feeling in the Congress is that the American people will not support a major effort in foreign assistance. With great pressure on us to keep total spending down and give priority attention to domestic programs, it is hard to see how this can change much as far as the *amount* of aid is concerned.

The real options are aid for what and through what channels. In my position on the Foreign Operations Committee of Appropriations I have had an opportunity to give some thought to these issues. It seems to me there are a number of things we can do.

MILITARY AID

We can take a close look at military assistance and see to what extent this can be cut and even turned over to military sales. Our whole aid program suffers from the fact that it is a creature of the immediate Post War period and military aid probably is more in need of an overhaul after nearly three decades than other parts of the aid program. Many experts in aid have concluded that the whole rationale for military aid is now obsolete. The President has asked for $652 million in military grant funds for FY 1974. A good test of the real need for military hardware is to place them on a sales basis and see to what extent the purchases remain at the same level of military preparedness. If not, then it is highly likely that military preparedness is not as important to many of the countries now getting military aid as we previously thought.

A second factor which should allow us to reduce military aid is the tremendous stock we now have of excess defense articles. The General Accounting Office in a recent report has informed the Congress that at the end of Fiscal Year 1971 there were about $17.8 billion worth of excess defense articles available. These excess supplies are not now closely enough related to military assistance program requests to Congress, so that much more transfer of military goods occurs than the Congress is aware. The Congress must insist on knowing about these transfers and attempt to reduce military aid by making effective use of excess military supplies.

Whatever military aid we do give I think should be totally separate from economic assistance. Confusing military aid and supporting assistance for security purposes with economic aid for development serves neither program well. We need to be clear about our objectives and relate more tightly different programs to their respective goals.

BILATERAL AID

My own feeling is that we would do better to trim back our bilateral aid to meet the more liimted goals of disaster relief and humanitarian assistance. We have gained respect as a people for our generosity to those in times of acute suffering. I think this is a proper role for our bilateral program. Also we need to have a strong technical assistance program and some limited funds as trigger money to build momentum in certain cases of real importance that can bring in international agencies to keep the ball rolling once we have gotten it started. I have in mind here health, education, population and nutrition programs which directly affect poor people abroad. Many times but not always these might be part of our relief efforts. But once they begin to acquire an ongoing character our bilateral aid should be phased out and the international financial institutions brought in. The American public simply won't stand for what they see to be a permanent give-away program. Not even our voluntary agencies should stay on the ground long in a developing country. Our test should be either the program is good enough to pick up momentum of its own or we drop it.

Our aid program has become too bureaucratic, too cumbersome, and too top heavy a way of helping people. It is clear that we need to cut back the bureaucracy, especially abroad. I have been told that we have more than twenty two of AID people in Asian countries who earn over $35,000 a year. We have to bring these people home and put them to work with a limited funds we have on pressing domestic needs.

INTERNATIONAL FINANCIAL INSTITUTIONS

The international financial institutions—the World Bank, the Inter American Development Bank, the Asian Development Bank and the like—have important roles to play. They should be the principal means of channeling the world's financial resources for development. An important part of this is credit for projects in developing countries which pay back the money put into them. This kind of credit serves as an important pump priming mechanism to bring in local and foreign capital. These credits and the negotiating process that goes into them often helps countries see their own probelms more clearly and take often difficult measures to better their economic situation. This too is helpful for the flow of foreign capital. This kind of development credit is good business. It is not a give away and it helps bring still more resources to the development process.

But clearly these development banks should play a broader role than the commercial banks that work on an international basis. The World Bank should not be a competitor of Chase Manhattan Bank but play a role not fulfilled by commercial banks. These institutions are not just banks but development agencies. They should address their resources to the developing country as a whole and not just to individual companies, agencies, or groups. A significant share of their resources should go into social development projects which benefit the lower income groups in these countries. In this respect the U.S. contribution to the International Development Association (IDA) of the World Bank and the Social Progress Trust Fund of the Inter American Development Bank are important. Also of importance are the instructions we give to our directors in regard to policy decisions made regarding the Fund for Special Operations of the IDB and the regular development lending operations of the World Bank.

Despite the importance of their credit operations, these banks need to keep their broadly developmental focus, especially as we trim back our bilateral aid programs. Development in poor countries is more than simply the commercial activity we know in the United States. There are many cases abroad of adequate economic growth and insufficient social development. As our own resources become more limited we need to make sure that some of the world's development resources work for the world's poor.

OPIC

I have given some thought in the course of the Foreign Operations Subcommittee Hearings to our overseas investment insurance program administered by OPIC. I approached this issue feeling there were some very strong reasons for supporting OPIC as it is one of the useful instruments we have to help our businesses compete with the Europeans and the Japanese in foreign markets. On the other hand, though, it looks as if in some of the more controversial investment disputes that we have had government-to-government confrontation in part because of OPIC exposure. It is not clear that it is in our broader public interest to have this kind of difficulty with foreign nations over matters involving a private U.S. interest.

Now that I have gone into it some with Mr. Mills and his staff it does appear that there are other cases where OPIC has served as a means of resolving investment disputes. I was told of an expropriation case where OPIC insured loans by American banks to a foreign government to pay off an American company for their expropriated holdings. So the role OPIC plays depends on the circumstances, which tend to be fairly complicated.

It does seem to me that as far as future investment and the possibility of their expropriation, OPIC could play a preventive role. One way to do this in future OPIC insurance agreements would be to negotiate with the foreign government a requirement that, in cases of expropriation where no settlement can be reached, the case go to international arbitration. This would give OPIC a second line of defense in case they could not achieve a negotiated settlement on a bilateral basis.

Secondly, we share an interest in this area with the Europeans and the Japanese. It seems to me that we could try to form a consortium with these other governments to see that none of these governments would insure a loan unless the host country agreed to international arbitration. This would put tremendous pressure on host governments because they are looking for investment. Many times expropriation cases achieve an importance which seriously outweighs our national interest. So it often becomes a serious problem in our relations with countries that we would like to get around. But if we alone insist on some international solution it looks as if we are being paternalistic, especially in Latin America. But if that kind of demand is made on behalf of all developed countries then it would be more persuasive and take us off the hook as being the only stern-minded folk around. If we move along these lines, I think OPIC could be the most useful channel to work through in keeping expropriation cases to a minimum and getting better treatment when they occur.

TRADE

I just want to say a few words about trade. Trade is obviously of great importance in our relations with Latin America and it is something we are going to get deeply into in the Congress later this year. I feel that this is one area where we can indicate to Latin America that the region is of importance to us. This means that we should keep a special watch on the GATT negotiations as they begin and see that the agreements reached do provide access and opportunity for Latin American exports.

Another way to show we mean business with Latin America is to fulfill our long-term promise to implement a generalized system of tariff preferences. In doing this I think we must insist that the Europeans dismantle their special preference arrangements with Mediterranean countries. I don't see any reason why we should give preferences to countries in the Mediterranean who are giving European exports preference over our exports.

If we cannot get better access to the European and Japanese markets, especially in agricultural products, I think we should then look even more to how we can reduce our trade deficits with these two areas by getting some goods from Latin America that we are now getting from them Europe and Japan.

Finally, I feel that the Congress must play an active and important role in trade negotiations. Senator Long and Congressman Mills have introduced legislation to establish a Joint Committee on Foreign Trade which would provide a means by which the Congress could send delegates to the negotiation, exercise oversight and make analyses which will enable us to play a real role in setting our trade policy. This seems to me to be absolutely vital. The Congress has too often in the past—on war and the budget—given too much authority to the Executive on matters of great concern to the Congress. The Congress must play a significant part in deciding the major questions before us on trade policy.

This is precisely the difficulty now with some of the policy issues before the Congress. I want a strong trade bill. I think we need to give our negotiators at least as much leverage as their counterparts have to get concessions and changes from trading partners.

But there is now a much larger issue of how our government should operate and what the relationship should be between the different branches of government. For our government to function properly, there has to be respect between the different branches. Each branch must play its role. The Congress is given the authority by the Constitution "to regulate commerce with foreign nations". Yet the Executive Branch must be the one to negotiate trade agreements with other countries. The only way each branch can fulfill its responsibilities in the trade area is if there is comity between the branches.

The only way we will get the changes we want in trade is if the Executive Branch and the Congress can work together and if the Congress is fully involved in the process. This means that there has to be some change in the way the Executive Branch goes about its relations with the Congress from the way it has been in the recent past on issues of war and the budget. Unless there is some change, I would take the position that we have to wait a few more years to begin trade negotiations even though I think we have some urgent trade problems to resolve with other countries. The Congress cannot be in the position again of surrendering power and authority to the Executive without assurances that its own prerogatives are going to be protected.

The Congress has a role to play also in our general policy toward Latin America. The Executive Branch is not giving much attention to Latin America these days. This in itself it seems to me gives those of us in the Congress who feel that Latin America should have a larger place in our foreign policy a role in filling this void created by the Executive.

Our business community has significant interests and challenges in Latin America. It would be both wrong and unwise for the government to abandon any interest in the region at this moment in history.

I thank you for the opportunity to share thoughts and views with you and I wish you well in an area of mutual interest and concern.

BOMBS CONTINUE TO FALL IN CAMBODIA

Mr. **KENNEDY**. Mr. President, there is no more pressing business before the Congress than the legislative effort to end the continued bombing of Cambodia. And there is no better evidence of the need for such legislation than the mounting statistics on the bomb tonnage dropped by American planes on the land and people of Cambodia.

According to the most recent statistics released by the Department of Defense, it is clear that every day the Congress delays the tonnage of bombs increases. Last month saw the tonnage of bombs over Cambodia up 38 percent, from 39,539 tons of bombs in March to 54,725 tons in April.

Mr. President, these statistics serve as a graphic reminder of the legislative duty before us, to end this senseless bombing of Cambodia. I ask unanimous consent that an important news report on the Cambodia bombing by Thomas Oliphant of the Boston Globe be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Boston Globe, June 5, 1973]

Cambodia Bomb Tonnage Up 38 Percent—Air War Intensified in April

(By Thomas Oliphant)

Washington.—The intensity of the American bombing of Cambodia increased sharply in April, according to statistics now on file at the Pentagon.

The Defense Dept's numbers show an increase of more than 38 percent in the tonnage of bombs dropped on the tiny nation—54,725 compared with 39,539 tons in March.

The April figures were collected before it became known at the end of May that the number of daily B52 missions had been reduced sharply. However, there has been no reduction in fighter—bomber missions and there is some indication the smaller number of B52 raids is being compensated for by much bigger bomb payload per plane.

Significantly, the tonnage total for the first third of 1973 is also not appreciably less than for the same period in 1971. It is almost the same as for 1967, and is much larger than the same period in 1966.

The numbers below are the Indochina bomb tonnage totals for the first four months of each of the last eight years:

1966—148,741
1967—285,314
1968—447,127
1969—500,674
1970—414,166
1971—315,493
1972—286,690
1973—265,658

Monthly figures do not exist for the first year of the air war, 1965, but the figure for the first four months of this year is only slightly less than the 315,000 tons of bombs the Pentagon says were dropped on Indochina that entire year.

So far this year, and especially since the cease-fire agreement took effect at the end of January, the monthly tonnage data has been similarly revealing.

For example, during January, when all four Indochina countries were being bombed, 101,392 tons were dropped. In April, however, even though only the smallest of the nations, Cambodia, was being bombed, the tonnage was more than half as large.

The enormity of the bombing's impact on Cambodia can be underscored when it noted that the tonnage total so far this year is far larger than the 160,800 tons of conventional bombs dropped on Japan during all of World War II.

The Japanese islands contain nearly 145,000 square miles, moreover, while Cambodia is less than half as big.

Should the bombing of Cambodia continue at roughly its present level for the rest of this year, more tons of bombs will have fallen than fell during the entire Korean War, when slightly less than 700,000 tons were dropped.

With the addition of April's figure, the bomb tonnage total for the entire Indochina conflict stands at about 7.7 million tons. This is about 2⅓ times as much as all the tonnage dropped by the US and British air forces on Europe and the entire Pacific theater during all of World War II.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

The **PRESIDING OFFICER**. Under the previous order, the hour of 12 o'clock having arrived, the Senate will now resume its consideration of the unfinished business, S. 1888, which the clerk will state by title.

The assistant legislative clerk read as follows:

> S. 1888, to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

Mr. **ROBERT C. BYRD**. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The **PRESIDING OFFICER**. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **TALMADGE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **TALMADGE**. Mr. President, what is the pending amendment?

The **PRESIDING OFFICER**. The pending question is on agreeing to the amendment by the Senator from New York (Mr. Buckley), amendment No. 188.

Mr. **TALMADGE**. That is a 3-hour limitation?

The **PRESIDING OFFICER**. That is correct.

Mr. **TALMADGE**. I thank the Chair.

Mr. President, I yield 5 minutes to the acting majority leader.

Mr. **ROBERT C. BYRD**. I thank the distinguished Senator from Georgia.

Mr. President, I ask unanimous consent that I may speak out of order, notwithstanding the Pastore rule of germaneness.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

RESTORATION OF PHASE II ECONOMIC CONTROLS

Mr. **ROBERT C. BYRD**. Mr. President, on March 8, in remarks I made in this Chamber, I said that the administration acted prematurely in lifting phase II economic controls, and I urged that those controls be restored. I did so because I seriously questioned whether or not the administration's phase III controls could halt inflation.

I specifically raised the question with respect to food prices. I believe the answer is now self-evident. The phase III controls have not halted inflation. The price of food has increased beyond the ability of the poor to pay for it, and hardships are being worked upon American wage earners, and especially upon our citizens who have to depend upon fixed incomes for their livelihood.

At the time when I spoke previously, the U.S. Department of Agriculture was projecting a retail food price level for 1973 at 6 to 6½ percent above the level of retail prices in 1972. I was informed on this past Tuesday by the Department that that projection has now been revised upward to approximately 10 percent—and 1973 is not yet 6 months old.

When I spoke on March 8 on this subject, the Department of Labor was reporting that wholesale food prices during January of this year—the month in which the phase II controls were imprudently and prematurely removed by the administration—increased at an annual rate of 39.6 percent. That exceeded the 26.4 percent increase in December, which in itself was an intolerable rise.

But now, Mr. President, I am informed that the January through May increase—the period of the so-called controls employed in phase III—is estimated to be at an annual rate of 43.2 percent. I believe that figure was scheduled to be released by the U.S. Department of Labor today.

There is only one word to describe such an increase. It is outrageous. And action must be taken to halt this runaway spiral. American wage earners—and most certainly citizens who are not wage-earners—cannot stand the strain which is being put upon their meager resources.

I think we have had enough of cheery predictions and reassurances from the executive branch that all is well, or is going to be all right. I think we have had enough of the kind of nonsense that has been coming this week from Mr. Herbert Stein, chairman of the Administration's Council of Economic Advisers. I noted a statement in the Washington Post in which Mr. Stein was quoted as having said that the largely voluntary phase III wage-price controls have been generally effective despite soaring prices. I further have noted that he is quoted in this week's U.S. News & World Report as having said that there is no evidence that the American consumer "is suffering," and that "nothing could be further from the truth." He ought to visit a grocery store and hear what housewives are saying about food prices.

It is not necessary, Mr. President, to draw one's conclusions from the statistics compiled by Federal agencies about the trend of inflation in the price of groceries. All one needs to do is to make a trip to his own foodstore. The continuing increase in the price of the food on its shelves is appalling. The worst aspect of the situation is that among the foodstuffs which have advanced the most in price are those basic to the diets of poor and average-income Americans. I am not talking about lobster and fillet mignon. I am talking about the price of beans, cabbage, potatoes, and hamburger—and the other common everyday staples. Compared with, say, 1967, the price of these basic foods is today astronomical—an estimated one-third more than it was then. Think of what that means in terms of modest incomes, out of which must also come the cost of the other necessities of life, such as rent, clothing, transportation, and doctors' bills—all at the highest levels they have ever been.

Phase III is a shambles. It has failed utterly to meet the glowing predictions made by the administration at the time the mandatory controls were lifted in January. And what is the administration doing now about the situation other than issuing rosy reassurances? It is reminiscent of the depression years when the Nation was told that prosperity was "just around the corner." Now we are told that the control of inflation is just around the corner, but we have never seemed to reach that corner in the 6 years in which inflation has steadily grown worse.

It would appear that the administration has become incapable of timely, firm, and decisive economic action? The President reversed himself and acted with courage and forthrightness when he instituted his first freeze of prices and and wages in August 1971. I commended him then, and I continue to think that he acted in the best interests of all of the American people. I would urge him now to act as effectively and decisively again.

Today, prices are racing upward at the fastest pace since the Korean war 22 years ago. That fact alone ought to be enough to prompt quick and effective action. This is not a partisan matter. Members on both sides of the aisle. I am sure, are equally and deeply concerned about a situation which has obviously gotten out of hand. We simply cannot as a nation afford to allow the continuation of a situation in which workers' pay checks will buy less and less and less of the necessities of life. The cost of living must be brought under control. Yet the only action which has been taken toward that end was the—for all practical purposes—superficial gesture of the meat price ceilings. As everyone knows, the ceilings were put on, and with considerable fanfare, at a time when meat prices had reached an all-time high. The administration must not wait any longer with regard to food prices, and with regard to the increasing cost of the other necessities of life.

What we have had in effect, Mr. President, in the 5 months that have elapsed since the ending of phase II's mandatory controls is 5 long months of economic foot dragging, optimistic rhetoric, and skyrocketing prices. Virtually everything upon which the administration is now depending to cool the fires of inflation—stratagems such as boosting farm production—is long-range in nature. What the country needs is action—and action now—to bring relief. We have had enough of fiddling while inflation burns us all. The stick in the closet is a joke.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

The Senate continued with the consideration of the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

Mr. BUCKLEY. Mr. President, last night I called up my amendment No. 188. At this time, I should like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. BUCKLEY. I am permitted, am I not, under the rules, to modify my amendment?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order for the Senator from New York (Mr. BUCKLEY) to modify his amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BUCKLEY. I send to the desk a number of clearly technical changes in amendment No. 188 in the interest of accuracy. These changes do not change the substance of the amendment, and I ask that they be stated.

The PRESIDING OFFICER. The modifications to amendment No. 188 will be stated.

The assistant legislative clerk read as follows:

MODIFICATIONS TO AMENDMENT No. 188

On page 1, line 7, substitute for "25" the figure "24" and add the following after the word "strike", "all after the comma through 'wage rates', on page 14, line 2".

On page 2, lines 13 and 14, delete all after the word "out" and substitute therefor " 'through 1978 crops' and insert 'crop'."

On page 2, lines 17 and 18, delete all after the word "out" and substitute therefor " 'through 1978 crops' and insert 'crop'."

On page 5, lines 5 and 6, delete all after the word "out" and substitute therefor " 'through 1978 crops' and insert 'crop'."

On page 5, lines 7 and 8, delete all after the word "out" and substitute therefor " 'through 1978 crops' and insert 'crop'."

On page 6, line 17, substitute for the figure "14" the figure "13" and add the following after the word "out", "all after the comma through 'wage rates', on line 16."

On page 6, lines 21 and 22, delete all after the word "out" and substitute therefor " 'through 1978 crops' and insert 'crop'."

Mr. BUCKLEY. Mr. President, before discussing the details, in order to put them in proper context, I should like to make a few remarks about the bill itself. I find a double irony in the title of S. 1888, the "Agricultural and Consumer Protection Act of 1973." Far from protecting the farmer and consumer, some of provisions of the bill will, instead, hurt them. In short, Mr. President, S. 1888 as it now stands is not in the interest of the farmer or consumer. With this in mind, I intend to offer other amendments to the act, not just those now pending.

I want to begin by pointing out that the use of the word "consumer" presents problems when we talk about the high cost of food. We tend to think of the food-cost problems of the housewife and the breadwinner only in terms of consumption. But the American who goes to the supermarket is not only a consumer but a taxpayer as well. The housewife's pocketbook is hurt just as much by high taxes as it is by high prices. This is why there is an urgent need to amend S. 1888. No matter what happens to prices under the "target-price" provision of the bill as it now stands, the family budget is in danger of being hurt.

We are told that the bill does not stop prices from going down and this is supposed to be reassuring to the consumer. But it is also true that if prices do go down, payments to subsidized farmers will grow. These payments do not drop from heaven like the gentle rain; they come from the same place as the money needed to buy food: the breadwinner's earnings. So it is of no benefit to the average housewife that under this bill food prices can drop.

If prices drop, money will be taken out of her husband's paycheck in order to give payments to subsidized farmers. It will be of small comfort to the housewife to know that the food which she cannot afford, because of high taxes, costs less. More than that, to the extent that high subsidy payments add to inflationary deficits, the subsidies will contribute to the increase in cost of every other item of household expense.

We are told, of course, that if market forces happen to result in agricultural prices at or above the target prices provided for in the act, and if those price levels keep up with the escalative provisions, then there will be no cost to the taxpayers. We are further told that the Federal Government can insure that "market" forces will hold prices at the required levels by the mechanism of withdrawing acreage from production.

I regret to say that I—and I suspect the great majority of other taxpayers and consumers—draw little consolation from either of these reassurances. In the first place, it is highly unrealistic to believe that market forces will continue, in respect to every affected crop, to maintain the current high price levels that have resulted, in significant part, from highly unusual factors. I need cite only the coincidence of bad growing seasons in Australia, Southeast Asia, and Russia last year, and the unexpectedly large grain purchases made by the Soviet Union. In the second place, the withdrawal of acreage as a device to maintain prices at artificially high levels will not only not do anything for the consumer in terms of prices, it will inhibit the export of agricultural commodities in which all Americans have a critical stake in view of our balance-of-payments problems.

There is no doubt about it, Mr. President. The target price concept developed in S. 1888 is one that will deny the American consumer the full benefits that would accrue from a return to a free-market agriculture in which advances in productivity would be shared by consumer and producer alike. Quite clearly, S. 1888 not only does not help the consumer, but it continues an environment of governmental tinkering with agriculture that is bad for the producer as well.

In the first instance, the cost to the consumer is not offset by direct benefits to that sector of the farming community in whose name so much of the existing Federal intervention is justified. I speak of the smaller family farms.

This fact has been documented by D. Gale Johnson, professor of economics at Chicago University and past president of the American Farm Economic Association. In a recent study entitled "Farm Commodity Programs," Professor Johnson notes that:

> The major farm commodity programs for cotton, wheat and feed grains impose substantially greater costs upon taxpayers and consumers than the benefits realized by farm families.
>
> In recent years commodity programs have attempted to increase farm incomes by supply management and by direct payments. Supply management was designed to reduce supplies and increase market prices, and direct payments were to compensate farmers for idling part of their land.
>
> A large fraction of the total or gross income transfer to agriculture has gone to replace income foregone, to induce production that would not have been undertaken in the absence of the payments, and has been paid to landlords who own approximately two-fifths of all farm land. With a total cost to consumers and taxpayers for the three programs of $3 billion to $4 billion in recent years, it is estimated that farm operators have retained a maximum of $1 billion to $2 billion. Most of the net benefit has been capitalized into the value of farm land. Little has been left for payment to human resources.
>
> Moreover, most of the benefits of farm programs have gone to farm families who have incomes larger than the national average family income. Almost none has gone to low-income farm families, whether farm operators or hired farm workers . . .

But that is only part of the story. The introduction of price supports or incentives, and the accompanying system of acreage allotments and acreage withdrawals, have to too great an extent divorced American agriculture from the influences of the marketplace. These practices first came into existence almost 40 years ago, when the effort was to protect the small farmer from the consequences of an overproduction that forced prices below levels that permitted smaller farming units to survive. I will not now argue the merits of the measures then taken, or point to some of their unexpected consequences—especially as they have adversely affected the smaller family farms they were designed to protect.

Today, however, it is generally conceded that the enormous efficiency of American agriculture in the context of a sustained and growing market at home and abroad for the commodities American farmers are ideally equipped to produce has effected fundamental changes. As Secretary of Agriculture Butz pointed out in his testimony before the Agriculture Committee last March, the agricultural successes of the past 2 years demonstrate the response our farmers have been able to make to a loosening up of controls. To quote Secretary Butz:

> As farmers ignored their historical acreage allotments and bases, they began to employ their land, capital and labor more efficiently and effectively. They turned to the crops best suited for their land and operations. Farm income benefited from more efficient use of farm resources.
>
> As crop acreages shifted on individual farms, so too have they shifted regional . . . bringing new income and vitality to local areas.
>
> Though substantial acreages have shifted, runaway surpluses have not developed as some had feared if acreage restrictions were loosened.
>
> Plantings of profitable, needed crops have been encouraged. Farmers could turn to the market as a guide in production patterns rather than continuing to produce the same old crops on the same old acreage for fear of losing government program benefits as under former programs . . .
>
> We are convinced that American agriculture can achieve true prosperity only if farm programs intrude minimally into farm decision making and market pricing.
>
> As agriculture responds to the growth of markets, more idled acres will go back into production, earning more income for farmers. Production to meet market needs in combination with favorable price is the key to a continuing enhancement of farm income.

The farmer needs freedom to utilize his talents and assets, Mr. President, and this is the time to begin to give him that freedom by moving away from subsidy programs and acreage policies which have bound him in the past. What the Nation needs now is a farm program that frees rather than further restricts the initiative and energy of the American farmer. As of the moment, the bill does not do this.

I know, Mr. President, that many, perhaps most of my colleagues will think it presumptuous of a Senator from the State of New York to speak on behalf of the farmer. New York, after all, is associated in the popular mind with congested cities, industry, and high finance. In the Nation at large, there is a tendency to view my State as a vast urban sprawl extending some 500 miles from Buffalo to Manhattan.

In point of fact, however, New York is not only an urban State, it is also one of the Nation's most important agricultural States. Its 65,000 farms produce over $1,100,000,000 in gross farm sales. Milk sales of $625,000,000 make dairying the State's leading industry. Its dairy industry marks second only to Wisconsin's. New York also ranks second in the Nation in the production of apples and grapes, fifth in the production of potatoes, and 13th in livestock. New York, in short, boasts a large and varied agriculture that supports the equivalent of 150,000 full-time jobs.

More than 60 percent of our State's farmers are represented by the New York Farm Bureau. Over the years, this organization has been an active champion of its members' interests which it believes are best served by liberating American agriculture from undue governmental interference. It is clear from a letter I recently received from this organization that the farmers of my State do not want special privileges at the expense of the public-at-large. New York farmers in fact oppose just about every innovation contained in S. 1888.

The letter addressed to me by the New York Farm Bureau, under date of June 1, 1973, makes the following specific criticisms of the Agricultural and Consumer Protection Act of 1973:

> 1. The proposal to initiate "Target Prices" is wrong in **principle**. It would initiate a politically determined standard of living for America's farm families promoting dependence on Government for the difference between Target Prices and available market prices.
>
> 2. Payments to farmers should represent compliance with needed adjustment performance relative to land set aside and adjustment to market needs. Income supplement payments should be discontinued.
>
> 3. Extension of the Agricultural Act of 1970 should provide opportunities to expand foreign markets—adoption of 'Target Price' philosophy as proposed in S. 1888 would jeopardize expansion of foreign trade.
>
> 4. Dairy price supports should not be frozen at a raised level, but left to the discretion of the Secretary to be adjusted between 75–90% of parity. Specific dairy import quotas should not be enacted as proposed by S. 1888.
>
> 5. Proposals for initiating an international grains agreement through allocation of markets and price fixing will not work as has been demonstrated by past attempts.

Mr. President, we have today a unique historical opportunity to shift farm policy based on the "over-production" philosophy to one that reflects the realities of today's agricultural markets. We have the opportunity to seize the precise historical moment and liberate the American farmer thereby turning loose the tremendous energy and capacity for innovation that is unequaled anywhere on the globe.

The subsidy system inhibits the flexibility and the freedom of choice that have made American agriculture one of the wonders of the world. Let the American farmer be free to choose the kind of farmer he wants to be. Let him choose which crops are going to be most profitable for him to grow based on the facts of the marketplace. Allow the farmer to stand, once more, free of the shackles of Government intervention and we will benefit all Americans and the rest of the world as well.

Mr. President, it is usually not my custom to quote from Shakespeare on the Senate floor. But today I feel I would be remiss if I did not remind you of those famous lines:

> There is a tide in the affairs of men
> Which, taken at the flood, leads on to fortune;

> Omitted, all the voyages of their life
> Is bound in shallows and miseries.

Mr. President, the tide of freedom for the farmer is now at the flood. If we take it, at this moment, it can lead to good fortune for all Americans. But if we decline to take this opportunity, if we are content to retain the restraints and artificial stimuli reflected in S. 1888, we will regret it. What is more important, the American farmer and the American consumer and taxpayer will have great cause to regret our lack of will and purpose.

INTRODUCTION FOR "TRANSITIONAL TARGET-PRICE" AMENDMENT

The purpose of my amendment No. 188 is basically to provide a transition period at the end of which direct supplementary income payments to farmers will be terminated. I hasten to add that in terminating direct income payments my amendment does not eliminate price support in the form of nonrecourse loans. These loans offer the farmer a stop-loss mechanism that protects him from major risks while providing a kind of insurance that the consumer will have food and fiber available. Thus, I want to emphasize that this amendment, while removing artificial incentives for the planting of crops for sale to the Government rather than in response to consumer demand, in no way leaves the farmer without the basic protection provided him by the no-recourse loan system.

Before I describe the mechanics of the amendment, however, I think it is necessary to sketch in, as it were, some details that will place this amendment in proper historical perspective.

The Agricultural Adjustment Act of 1933 was designed to meet an emergency. Although there have been many changes in details, the major farm commodity programs of today are based on the same philosophy that Government must intervene, to either adjust supply to maintain prices that are politically acceptable or, failing in that, to make payments to producers of certain farm crops to bring returns to an acceptable level. This is the philosophy behind supply management prior to the adoption of the 1970 Agricultural Act.

Since acreage allotments for the individual crops did not act as a restraint on production—advances in agricultural technology having made it possible to produce more and more on the designated acreage—the 1970 Act attempted to remedy this situation by moving to a set-aside program. Participation in the program requires that a percentage of the base acreage be set aside for either producing whatever the farm operator wishes, producing nothing, or, in the case of the feed grain program, producing other designated crops.

While this "set-aside" program was a welcome change from the restrictive policies of the past, it was, I am convinced, only a first step toward liberating the farmer. The time has now come to move forward not by an abrupt termination of income supplements but through a period of transition that will move us toward the desired end of a flexible agricultural system keyed to market influences rather than to meet Federal goals.

Proponents of Senate bill 1888 espouse the theory that if market prices of wheat, feed grains, and cotton remain at present levels, costs to the Government would be negligible. In the words of the committee report:

> The country appears to be moving toward a period of shorter supplies of food and fiber with consequent higher prices to consumers. The purpose of this bill is to assure the production of adequate supplies at reasonable prices to consumers by insuring producers against losses if their expanded production results in prices below the target prices.
>
> If market prices rise above the target prices, the cost to the government will be nothing. If prices fall below the target prices, the consumer will reap the advantage and the persons meeting the consumers' needs for food and fibre will have been protected from the price effects of excess production.

This reasoning, Mr. President, completely ignores the mechanism of the marketplace. Producers, whether they be farmers or any other group engaged in economic activities, will, under the stimulus of high prices, respond to shortages by increasing production; and as production rises, the unit cost of production should decline. Thus the benefits of higher productivity can be shared by the consumer in the form of stable or lower prices, and by the producer in the form of greater income resulting from increased production. This is fundamental to our whole economic system that depends on the sensitive interplay of market forces to assure that production meets demand at the most reasonable price consistent with a fair return on investment.

It is well known, of course, that farming is subject to special risks which justify special measures. And this, of course, is why we have programs designed to protect the farmer on the downside, such as the provision of no-recourse loans. The target price technique, however, does not address itself to these special problems unique to agriculture but introduces an entirely new concept that could be applied to almost any sector of our economy—in some cases with far greater justification than in agriculture.

The passages I have cited from the committee report also fail to describe the impact of applying the target price mechanism to just a few farm commodities. It fails to mention the inhibitions artificially created to switch acreage from the production of the crops affected to other crops which in a free market might be equally profitable at such times as a response to market conditions eliminates the shortages which are spoken of as justification for the target price system in the first instance.

A real danger of S. 1888 that the report does not dwell upon is the potential that exists for astronomical Government costs which could very easily occur in a year when, because of favorable crop conditions in this Nation and in other grain-producing nations of the world, the market price would dip below currently prevailing levels.

Assuming that market prices for wheat, corn, and cotton should recede only to levels approximately 10 percent above the average of prices for these crops during the 1965–72 period, reliable estimates indicate that by 1978 Government costs through direct payments would approximate between $7 and $8 billion given an assumed yearly increase in the cost of production of 4 percent. Based on these estimates, 1978 feed grain costs would total between $4 and $5 billion, wheat costs would amount to over $2 billion, and cotton costs would be over $1 billion. However, this estimate of potential cost does not by any means represent the maximum that could occur under an overproduction situation. If prices of these crops should recede to near current loan levels, as was the case only a few short years ago, costs to the Government could very well increase by an additional 30 percent.

If significant acreage set-asides were resorted to to minimize subsidy payments, the resulting high prices would hurt not only the American consumer but our Nation's agricultural exports as well. Given the great and growing importance of these exports in helping redress our imbalance of payments, we ought to think carefully before we either price our products out of international markets, or create disincentives to the growing of products which the marketplace indicates are in great demand. To put it another way, we should think twice before discouraging a switch to soybeans.

Last year, the sale of agricultural products accounted for $9.4 billion out of a total of $43.9 billion in foreign sales, which meant that agricultural exports made up 19 percent of the whole. Last year, of course, was not an ordinary year as we all know. But the signs are clear. As the Japanese, the Russians and others seek to upgrade their diets, the overall demand for reasonably priced American farm products can only grow.

There will, of course, be a period of adjustment to the new, freer conditions. This is why my amendment is designed to provide a period of transition during which American agriculture can once again become fully market oriented.

This amendment retains for the 1974 crop year the target price concept of the Agricultural and Consumer Protection Act of 1973 as it concerns wheat, feed grains and cotton, including elimination of the wheat certificates.

In 1975, payments for the above mentioned commodities will be gradually reduced in accordance with rates of payments designated by the Secretary of Agriculture based on existing market conditions over a 3-year period. The Secretary must, however, end payments at the end of 3 years.

This procedure will eliminate the use of historical assignments of acreage allotments for the above commodities as a basis for computing how much is to be paid.

It is of the utmost importance to understand this amendment does retain the authority for the Secretary of Agriculture to put into action a standby program for acreage diversion to be utilized when unusual demand or supply conditions have prevailed and stocks have accumulated. Payments under the standby program will be only those necessary to induce farmers on a voluntary basis to reduce output to the desired level. Summer fallow will no longer be counted as set-aside acreage.

As I have emphasized previously, price supports in the form of nonrecourse loans will continue to be provided on specified commodities for farmers who participate in the programs.

Mr. President, this amendment will enable the American farmer to make a rational and orderly transition to a market-oriented agriculture, and away from a philosophy of agriculture economy that, whatever its reason for being in the past, has outlived its usefulness.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Mr. President, this amendment would retain the target price level only for the 1974 crops of wheat, feed grains, and cotton. Subsequent target price levels and payments, if any, would be at the discretion of the Secretary in order to achieve a complete phaseout of payments to producers after the 1977 crop.

The amendment also authorizes a set-aside program for the 1975 through 1978 on a cropland basis.

Mr. President, this is but another variation of the several amendments to the bill offered by the distinguished junior Senator from New York.

It too in effect condemns farmers to the vagaries of the marketplace.

On the one hand, we have our Government exhorting farmers to produce at record levels. And this is right and proper, because our stocks are at very low levels and we want to assure our people that there will be an abundance of food and fiber at their disposal.

But on the other hand, this amendment says to farmers—Oh yes. We want you to plant—but—at your own risk. Your Government is not going to help you at all.

Go broke producing bumper crops. Just so we can give away all we want to some of our so-called foreign friends. They need this food—but we do not want them to have to pay very much for it.

This amendment also tells our domestic consumers that you will have an abundance of food this next year. And if farmers go broke that is alright. The big conglomerates will buy them out. Those people can stand to lose a little money in agriculture.

The family farm? Well, that will be the thing of the past.

Mr. President, this is essentially the same proposal made by the Department of Agriculture and was rejected unanimously by your committee.

It was rejected for a number of reasons:

First, it did not assure our consumers of a continuing ample supply of food and fiber for the future.

Second, it seems counter to the protection of our family-farm system of agriculture.

Third, it was not geared to the challenges of the future for both domestic and export requirements.

Fourth, it did not provide our Nation's farmers with any real protection whatsoever.

Fifth, it did not provide the incentives our farmers must have if they are to gear up to produce as their Government asks.

Mr. President, the Committee on Agriculture and Forestry has been made acutely aware of a possible permanent upward surge in the demand for food and fiber both at home and abroad.

With this in mind, your committee has designed a bill whose main purpose is to induce greater productivity on our Nation's farms, thereby assuring consumers of an abundance of food and fiber at reasonable prices, not only next year but in later years as well.

At the present time there are only 2.8 million farms left in the United States and the farm population is now less than 5 percent of the total population.

And yet this small number of farms and farmers must now feed 210 million persons in this country and many more millions throughout the world who depend upon these farms and operators for most of their food and fiber.

By the time the provisions of this bill fully expire, there will be in this country an estimated additional 20 million Americans and hundreds of millions more throughout the world who must be fed.

Therefore, the thrust of the bill is to the future.

Admittedly difficult, we could live without a television set, but without a doubt, we cannot live without bread.

It is in the national interest to maintain a strong and viable and productive agriculture. This is becoming increasingly evident as more and more people depend on fewer and fewer farms for their very life blood.

To accept the amendment now before the Senate would expose this Nation to a possible disastrous situation.

Imagine if you can, prices 10 or more times higher than they are today.

Imagine if you can, long lines of people waiting to buy a loaf of bread.

Imagine if you can, in this land of plenty, empty grocery store shelves.

Now, Mr. President, this may sound farfetched, but I can assure you that there is much truth in it.

Our Nation's farmers cannot produce the food and fiber we so sorely need unless some protection is provided. And only the bill approved by your committee and reported unanimously does this.

I urge you for the sake of the future of this Nation to reject this amendment.

I reserve the remainder of my time.

I yield such time to the Senator from North Dakota (Mr. Young) as he may desire.

Mr. YOUNG. Mr. President, I shall take only a few minutes.

Mr. President, this amendment would be a disaster not only for farmers but consumers as well. Because of the farm programs we have had for years and which are being opposed today, our farmers are the most efficient producers in the entire world. We have exported more than $11 billion worth of farm commodities this year. It has been tremendously helpful in our balance-of-payments problem.

With respect to wheat, after all these huge exports, we still have on hand approximately 450 million bushels.

Farmers are asked to increase their production in an effort to make greater supplies available to consumers and to level off prices. Farmers cannot take the risk of increasing production and wind up with price-busting surpluses.

The target price amendment in the bill meets with consumer opposition. If prices remain high, there will be no production payments to the farmers. As it is now under the present program even with these higher prices, there are some production payments. The target price provisions of this bill give some assurance that prices will remain good. The only time farmers will receive payments is when prices go down below established prices.

I know there is opposition to this bill by the American Farm Bureau Federation. I have been here 28 years. I remember the times when President O'Neal, of Alabama, was president of the American Farm Bureau Federation that organization supported these programs. The target price provision opposed by Farm Bureau is the guts of this bill. The farmers themselves do not run this organization. I notice the Senators from southern States, where Farm Bureau is the only farm organization, have been unanimously supporting these price support programs. This has been true for years.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. YOUNG. I yield.

Mr. TALMADGE. As the Senator knows, the Georgia Farm Bureau has not supported the National Farm Bureau Federation for 20 years.

Mr. YOUNG. My own State farm organization does not support the organization position either.

I might go a bit further. When I came to the Senate, in the six States surrounding the St. Paul-Minneapolis area, there were 12 Republican Senators. I am the only one left. The major reason for it was that Republicans followed bad farm recommendations too much. The voters stopped voting for them.

Mr. President, from any standpoint, this amendment would be a disaster.

Mr. TALMADGE. Mr. President, I reserve the remainder of my time.

Mr. PERCY. Mr. President, would the distinguished Senator from New York yield me 5 minutes?

Mr. BUCKLEY. Mr. President, I yield to the distinguished Senator from Illinois such time as the Senator requires.

Mr. PERCY. Mr. President, I am very appreciative of the arguments that have been advanced by my distinguished colleagues who have for so long represented the interests of the country and the American farmer on the Committee on Agriculture and Forestry.

I am not a dirt farmer myself, although I try very hard to reflect the viewpoints and the attitudes of the many, many farmers in the State of Illinois, which is my duty and responsibility.

Mr. President, I also have an agricultural advisory committee that I keep in very close touch with, which represents a cross section of some of the most able and sound farmers in the State of Illinois.

I support the Buckley amendment, because I feel that it represents the viewpoint of most of the farming community in Illinois.

I do feel that it is inaccurate to assume, as some persons have, and wrongly so, that S. 1888 simply extends for 5 additional years the Agricultural Act of 1970. While S. 1888 does extend the Agricultural Act of 1970, it makes several significant changes in that legislation. And it is one of those very significant changes that the Senator from New York (Mr. BUCKLEY) is now focusing on in his amendment.

The major change is the method used to determine payments to individual farmers. Through changes the bill makes, it carries the potential of becoming very costly to taxpayers and detrimental to the expansion of world markets for U.S. farm commodities. One careful estimate indicates that taxpayers could be paying farmers as much as $7 billion a year by 1978 under provisions of the bill.

This major change in S. 1888, compared with the Agricultural Act of 1970, is the provision to make "deficiency payments" to eligible farmers. The payment provisions of the act of 1970 are wiped out by S. 1888.

The bill would set up deficiency payments to eligible farmers based upon the difference between "target prices" and weighted market prices.

Target prices for 1974 are included in the legislation. These initial target prices would be changed annually during the 4-year period ending in 1978 by a formula contained in the legislation. The formula merely ties target prices to an index—and other factors—indicating average farm production cost changes.

The target prices contained in S. 1888 for corn and wheat are $1.53 and $2.28 per bushel, respectively, and 43 cents per pound for cotton. Other feed grain target prices are based on their equivalent value to corn.

The weighted average annual market price to farmers, for the purpose of calculating deficiency payments, is based on actual market prices over the first 5 months of each year.

The payment to be made to a farmer would be based on the difference between this average weighted market price and the target price for that year times his acreage allotment times his normal yield.

Mr. President, I have asked the Department of Agriculture to provide to me estimates of what this would actually mean.

Based on estimated weighted market prices of $1.50 per bushel for wheat in 1974; $1.29 for corn and $.29 a pound for cotton, the program is estimated to cost taxpayers $3.7 billion in 1974 compared to a 1973 cost, under the act of 1970, of $2.8 billion.

But as target prices escalate from year to year, the cost of the program likewise would escalate unless prices in the marketplace also moved up. For instance, if farm production costs rise at a 4-percent inflation rate in 1974 and a somewhat lower rate after that, the 1978 cost of the program could reach $7.0 billion unless prices of the involved commodities escalated beyond the relatively "strong" levels now prevailing.

Here is the way the program would affect farmers and consumers:

If open market prices increased, the farmer would get more money from the marketplace and less from taxpayers through deficiency payments. In short, he would get the target price—"no matter what." This is the price floor.

Consumers or users of the involved commodities would pay the annual target prices either in the marketplace or in tax expenditures.

Hence the committee report on S. 1888 is somewhat incomplete in that it overlooks these facts. The purpose of the legislation, as explained in the report:

> Is to assure the production of adequate supplies (of food and fiber) at reasonable prices to consumers by insuring producers against losses if their expanded production results in prices below the target prices.

The point is that consumer users would pay target prices either in the marketplace or in the tax payment checks written to the Internal Revenue Service.

S. 1888 would put the Government in the position of being a cost fixer to consumers and an income guaranteer to producers. And both of these processes would take place without reference to the real demands of users. Such cost and income fixing gives these feed and fiber items a public utility status in that a public body—Congress—decides target prices.

Mr. President, I feel very strongly about this principle. I am not without sympathy for what goes on inside an industry, when people many times are not willing to undergo the rigors of a free market. That is really what we are facing with the farmers, although all the people in this country at various times have been subjected to a very, very difficult condition in free markets, based on our past experience.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. YOUNG. Is the Senator aware that the Department of Agriculture, through Secretary Brunthaven, testified before the House Agriculture Committee yesterday in favor of the target price concept? The only difference between their position and my position is the level of the target price. They favor $1.86 a bushel for wheat and the recommendation in the Agriculture Committee bill is $2.28 a bushel. They have recognized that the target price feature is a good feature.

Mr. PERCY. I am glad to be reminded of that. I was aware of it; but I do point out that there is a whale of a difference between those two prices. One can be for something in principle, I suppose, but when he gets down to implementing it, the dollars and cents figure is very, very crucial.

But I have seen the thinking that goes on inside an industry, such as industries I have been associated with. We certainly did a great deal of thinking along with other manufacturers of photographic materials. Other companies said they simply could not be expected to compete with companies in the world market. They had to be protected. They did not seek a guarantee. They wanted a little old tariff which would be imposed on all products coming into this country, a tariff so great that no one else could really effectively compete in the free market. That was their way of saying there was an assured market; that there would be no competition from people who compete from abroad.

My feeling on this subject, and my conviction that the amendment is right, is based on some 25 years' experience in the talking and thinking within my own industry and community. If one wants a free market, he has to believe in it and have faith in it.

If we look at the strength of the 112 or 114 agricultural products that engage in the free market and then look at the strength of soybeans, that have not been subjected to this kind of control of surplus products, we can see the advantages of free markets. It seems to me that the products that have been protected for some 30 years have been the problem crops.

Mr. BUCKLEY. Mr. President, I find the Senator's comments most interesting. First of all, one of the great problems of tax reform is that just about every industry has its own little shelter, its little privileges. It is almost impossible to legislate generally for them.

We found that businessmen were recommending a continuation of those controls which were affecting their own freedom of action, because they would rather have the Government take over the problems of negotiating with labor, with contracts coming due involving some 4.5 million workers.

But getting on to the example of a free commodity which the Senator has cited; namely, soybeans. We come to a situation here where not only do we see the fervent way in which agricultural communities react to a felt need, but in point of fact is it not so that the existing regulations and legislation introduced affect a vast acreage which, in effect, commits them to continued growth of special commodities which has inhibited a transfer from wheat or from the feed grain or whatnot to soybean and other commodities? Thereby we have, by protecting some commodities, in a sense caused the public to sustain a shortage in another.

If the farm community could be freed up, then, of course, they would respond the way any other business enterprise, any other economic enterprise in our country does to market need.

I would like to say also that the distinguished Senator from Georgia and the distinguished Senator from North Dakota stated that at least in their areas, the Farm Bureau did not speak for the farmers. I will state categorically that it does speak for the farmers in New York State, and it is a very large farming community, because these farmers have found themselves helped, historically, by the Farm Bureau.

Mr. PERCY. Mr. President, I would like to state that the assumptions made by my colleague from New York are absolutely correct. I have, in the past, declared a conflict of interest in these matters, because, while I do not own a farm, my wife does and I have actually checked to see what the farm managers were doing. With $10.45 soybeans, I should think they would plant soybeans in lieu of any other crop. But, no, they really feel that when we are talking about greater commercial possibilities of other crops, they should not move dramatically in favor of the crop which the market says we are in short supply of, with expanding world markets, a high protein crop, with high meat costs, and a fine food product.

No, we are somehow interfering with the free food market by these high support prices in other areas, and my own experience, limited as it is, would certainly bear out the comments that have been made.

In my industrial experience, I would say that had we permitted those protectionists in my own industry who controlled the industry for years and whom I had to come down and testify against before congressional committees, if we had permitted them to protect that industry, to keep the tariffs artifically high, the industry would never have been forced into the tremendous technological advances which have made us once again the preeminent manufacturers in the world of this particular type product. It is even to the point now where the main thing I have recently seen about Kodak is the fear that America is dominating the world markets, whereas, had we been protected and restricted in that area, without the benefit of research and development, we would not have been in that preeminent position.

If I could make one comment about the testimony my colleagues heard yesterday before the committee, S. 1888 would put the Government in the position of being a cost fixer, as I have pointed out.

The Department of Agriculture, in testimony before the Committee on Agriculture and Forestry, suggested that income or deficiency payments to farmers should be gradually phased out which is what this amendment does. It suggested that authority to make payments to farmers should be limited in the next 2 or 3 years to that needed to place acres in the set-aside so that the set-aside system could be used if and when needed. S. 1888 moves farm programs in the opposite direction from that suggested by the Agriculture Department.

Furthermore most farmers do not wish to rely upon funds appropriated by Congress as a major source of income. And taxpayers may well rebel at anything like a $7 billion annual farm program cost, in which case resulting action would prove harmful to farmers and consumers alike.

Besides, the need to curtail Government spending in the interest of curbing inflation is imperative. The country is demanding an end to deficit spending by the Federal Government. And this legislation hinders rather than helps Congress balance the budget.

It appears also that the deficiency payment portion of S. 1888 would do violence to the current GATT negotiating position of the United States. In an effort to persuade foreign consumers, of U.S. food, feed grains, and fiber to lower or eliminate trade barriers, the United States is currently making overtures to these importers of our farm exports.

These overtures imply that because we are reducing and eliminating subsidies to farmers on U.S. agricultural exports that they should remove protective measures designed to preserve their market for their domestic products.

S. 1888 tends to destroy this essential negotiating tool.

And this prospect is particularly alarming for the reason that farmers and the Nation need expanded foreign markets. Agriculture, with its enormous productive capacity, needs expanding export markets to prevent burdensome surpluses. The national interest is served directly by the contribution that added global markets may make toward eliminating our balance-of-trade deficit.

It is essential to understand that current agricultural exports are running at near the $1 billion per month level and that production from about 85 million U.S. crop acres, out of a total of 330 million such acres, is going to foreign customers.

Mutually advantageous world trade is desirable any way you look at it. Such trade means a higher standard of living for Americans. Since farmers are the world's most efficient producers of feed grains and cotton, it is in the national interest that exports of these commodities be expanded. S. 1888 tends to erode the United States' position in taking advantage of these economic facts.

Therefore, Mr. President, I strongly support the amendment of the Senator from New York (Mr. BUCKLEY).

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. BUCKLEY. Mr. President, may I suggest that the Senator from North Dakota operate on the time of the proponents of the bill?

Mr. TALMADGE. Mr. President, I yield the Senator from North Dakota such time as he may require.

Mr. YOUNG. Mr. President, it is not true that the Secretary of Agriculture would phase out all production payments over a 3-year period. In this connection, I would like to comment on the soybean situation which the Senator has mentioned. Soybeans have been rightfully called a miracle crop. We have increased production year after year, but domestic and worldwide demand is such that we have never had a surplus. We have a severe shortage now. Soybeans can be used for so many things. The only problem with soybeans today is that if they had had a more decent and realistic price support level in the past we would have had more production. Any farmer will tell you that.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield 5 minutes to the distinguished Senator from South Dakota.

Mr. McGOVERN. Mr. President, I just want to take a few minutes to emphasize a point that I think needs to be understood, especially by the Members of the Senate who come from urban areas and who understandably are especially concerned about the consumer impact of this bill.

The first thing that needs to be said about it is that farmers are consumers as well as those who live in the cities. Most farmers buy their groceries in the supermarket, the same as the rest of us, so they are interested in the consumer aspects of this bill as well as in the income support features of it that relate to them as producers. But for many years consumer groups, those speaking for urban interests, when farm legislation has been debated, have appealed to us to use the very formula that is in this bill. They have said, "Instead of putting a high price support on agricultural produce, which forces the consumer, in effect, to pay that high price support, what we ought to do is provide a guaranteed reasonable income for the farmers in the form of direct payments that would come out of the general treasury."

That, in effect, is the provision in this bill. It is a fact that we set a target price on corn of $1.53 a bushel and a target price on wheat of $2.28 a bushel, but that is not a price support level. That is a target price, which the bill says, in effect, the farmer will either get in the marketplace or, if the market is not sustained at that level, the difference will be made up by a direct payment, not from the consumer but from the general treasury.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. BUCKLEY. Where would the Treasury get that money, except from the consumers?

Mr. McGOVERN. The Treasury gets it from the same place it gets funds to operate the Defense Department, our education programs, our health programs, our transportation system, or anything else that is regarded as an important public responsibility.

I think the preservation of a decent income for our farmers is a legitimate public responsibility. You cannot have it both ways. You cannot argue, as many consumer advocates have, that the price support program is wrong and that we ought to insure farmers a decent return on their investment and their labor by direct payments out of the Treasury, and then argue, on the other hand, that that is a public burden on the taxpayer.

The truth is that when you set a target price of $1.53 on corn or $2.28 on wheat, or the 43 cents a pound target price on cotton, that is a reasonable price. As a matter of fact, if you look at the committee's report, and compare the income of the farmer over the past year with the increases which are taking place in industrial wages and other costs, we discover that farm price increases have lagged behind the increases of other things in the economy.

For example, if food prices had gone up at the same pace as the average hourly wage in industry, we would now be paying 38 cents for a 1-pound loaf of bread, not 25 cents as we pay today, we would pay 55 cents for a quart of milk instead of 31 cents, and we would pay $1.61 for a dozen eggs instead of 69 cents.

So, even if one assumes that the increase in the price of food could be blamed entirely on the farmer—which it cannot—but let us assume that, for purposes of the argument, the facts are that industrial wages have gone up at a much more rapid rate over the past few years than have food prices.

The facts are that the farm income in this country is still about two-thirds the per capita income of the Nation as a whole.

What we are attempting to do in this bill is to put some reasonable guarantee into the farm structure so that farm families can stay on the land and survive.

I really do not see how anyone can vote in favor of the action the House took yesterday to increase the minimum hourly wage to $2.20 an hour and then say that the farmer is not entitled to $1.53 on a bushel of corn or $2.28 on a bushel of wheat. We cannot say to the farmer, "Go out into the free market and take whatever you get for your production, but we will protect the industrial workers, we will see to it that those who work in the industrial side of the economy, those who work in the great cities, will be guaranteed a certain level of income, but the several million people who live on the land and provide food supply will have to take whatever they get without any protection at all."

Again I want to stress to the Senator from New York that the predictions the Department of Agriculture have made to us in recent months indicate that the market level will be somewhere close to the target price in this bill and will not cost the taxpayer one dime. If the market holds at a reasonable level and the farmers sell their wheat somewhere around $2.28 a bushel or their corn around $1.53 a bushel, that is a reasonably fair price. That is about where projections indicate the market will be. If that is the case——

Mr. TALMADGE. Mr. President, will the Senator from South Dakota yield at that point?

Mr. McGOVERN. I yield.

Mr. TALMADGE. Is it not a fact that the futures market, all three commodities, cotton, wheat, and corn, is much higher than the target price in the bill?

Mr. McGOVERN. That is absolutely correct.

Mr. TALMADGE. I thank the Senator.

Mr. McGOVERN. The futures market indicates that the market price will be somewhere above what this bill provides for.

What I am trying to say to the Senator and to others concerned about the cost of the bill, laying aside the matter of justice to the farmers, but to those concentrating on the cost of the bill, if present projections hold and the market prices are somewhere at a reasonable level, this bill will be cheaper than the present program. It will not cost the taxpayers one dime.

On the other hand, if, in order to provide an adequate supply of food for this country so that we do not risk running out of food, our calculations or projections err a little bit on the side of producing more than the market actually requires, that does two things: One, it protects the consumer against a shortage; but, second, it may jeopardize the farmers' market and we may have a modest skidoff in market prices. If there is a miscalculation and the market does slide off a little below the $1.53 a bushel for corn, or the $2.28 a bushel for wheat, I cannot imagine any taxpayer being so stingy that he would say to the farmer: "You should take the loss. We asked you to go out and produce enough so that we would not have to go hungry, but now we are saying to you, since you did that and increased production, you take the loss involved in a decrease in the price of corn, wheat, or cotton, or whatever the case may be."

I cannot believe that our taxpayers would be that selfish. I think they are willing to underwrite an agricultural program that will provide a decent return to the farmer and provide an adequate supply of food for our consumers that will help to halt the steady migration of people from the farms to the cities which are already overcrowded.

I think the bill is well named, I would say to the Senator from New York. It is the Agricultural and Consumer Protection Act of 1973. That is exactly what it is. It is designed to protect the most important industry in this country, which is our food-producing industry. It is also designed to protect the consumers, whose lives depend on an adequate supply of food.

Yesterday, the Wall Street Journal reported that in India, Bangladesh, and Pakistan, in that part of the world, perhaps as many as 220 million people face the prospect of serious food shortages, perhaps outright starvation.

Fortunately, in this country we have farmers who have steadily increased their production and have given us the best supply of food in the world.

We do not want that industry to be eroded by unfair prices, or unfair income assurances. I think that this bill is a fair one to all concerned, and I earnestly hope that the Senator's amendment will be rejected.

Mr. President, I resent the assertions that the prices of farm products are too high. In most instances, they are not high enough.

Certainly farm prices are higher than they were last year at this time. And they are higher than last fall. But, in relationship to other products, the prices of farm products and food are not high.

No one likes to pay $1 a pound for hamburger, 69 cents a pound for lettuce or 65 cents a half gallon for milk. But neither does anyone like to pay 9 percent interest rates on loans, $5,000 for an automobile or $30 for a pair of shoes.

Let us look at the price of food in relationship to the price of other commodities since 1950:

If the price of choice steers had gone up as much as the price of a first-class postage stamp, steers would bring $77 per hundred pounds instead of $45.

If beef prices had increased as much as the cost of medical care, steers would sell for $72.34.

If the increase had been as great as hourly manufacturing, steers would sell for $80.69.

Compared with the cost of having a baby, the figure would be $119.13.

Compared to the daily cost of hospital service, cattle would sell for $179.69.

One can also compare the cost of beef in the United States with the cost of beef in other countries. Only in Australia and Argentina, to my knowledge, are beef prices as comparatively cheap as they are in the United States.

For instance, the live cattle price in Western Europe at the beginning of this year was $56 per hundredweight.

It is a mistake to blame the farmer for higher food prices. They are not protected by franchises, patents, licenses or by seniority. They do not enjoy industry-wide contracts, escalator clauses, cost of living increases in salaries, nor the economic ability to force higher prices and hold them. The target price concept, for the first time, provides a minimum wage with a cost-of-living increase.

Theirs is a risky business. That is because farmers deal largely in perishable products that must be sold when ready and they are less able to pass along their costs than most other major economic groups.

If farmers really had the ability to pass on higher costs, farm policy as we know it would not exist. Instead, farm policy would likely be a series of antitrust cases. Food costs would have increased in line with other prices in the United States.

What has happened is that, in recent months, demand for available supplies of livestock, poultry, eggs, soybeans and grains has been unusually strong. Prices on livestock and soybeans in particular moved to new record highs.

The publicity offered by actions of a few frustrated consumers often suggests erroneously that farmers can raise their prices in response to rising input costs. For example, we have read or heard such statements as: "Since the farmer has to pay three times as much for his feed as he previously did, he is passing along the price increase to the consumer." This type of pricing just had not worked in agriculture; however, many other parts of the nonagricultural economy have been able to gear their output to the amount demanded at a set price.

Instead, farmers produce the commodity, then accept whatever the market is willing to pay them at the time the product is ready to sell. The problem is that the farmers are about a year or two behind in market planning. That is, their production plans for specific farm products are based on the price and profit levels experienced in the previous production marketing period.

Farmers may have a price advantage right now, but they are expanding breeding herds and may respond so well to the greater demand that the farm prices they receive may, within the next few years, swing all the way back to the unprofitable levels of the last cattle cycle. Experience has taught farmers that all too often farm prices can fall very rapidly if production expands too much. However, farmers also note that they have never experienced a corresponding drop in production expenses.

Most of the time the consumer has the advantage over the farmer in the American production and marketing system. Agriculture's large capacity to produce had more often than not provided more products than could be marketed at reasonably profitable prices. More often than not consumers as a group enjoy relatively low prices for food.

Because of the Cost of Living Council's action, the retail price ceiling and the packer margin freeze, live cattle or hog prices can move in two directions—steady or down, assuming retailer margins do not shrink.

Mr. President, I ask unanimous consent to have some pertinent data on this subject printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From South Dakota Wheat Grower, May, 1973]

IF YOU BELIEVE IT'S THE FARMER . . . YOU'RE WRONG!

Since 1950 Farm Income has gone up only 6% but . . . all farm costs have increased 109%; farm taxes have risen 297%; farm labor costs have gone up 141%; farm machinery prices are up 100%.

A late March snowstorm hit at the peak of calving. Thousands and thousands of cattle were killed. Many more are dead as a result of pneumonia and scours. The equivalent of one million cattle are lost as the result of adverse weather in a five-state area.

No. It's not the farmer. He's doing today what he's been doing all along; providing you with the best bargain there is—FOOD—and at the most reasonable prices ever!

Don't knock him. Support him.

COLLEGE OF AGRICULTURE
AND BIOLOGICAL SCIENCES,
Brookings, S. Dak., May 5, 1973.

MR. AL HAUFFE
Leola, S.D.

DEAR MR. HAUFFE, This letter responds to your inquiry of April 16, 1973. We have assembled information on farmers' and consumers' prices for food and farm inputs from 1950 to 1973. We are also including data on personal incomes of the farm and nonfarm population.

The rest of the letter describes the information and points out some conclusions that can be drawn from the data.

THE DATA

All data are annual averages except 1973. The data for 1973 are estimates of annual rates during the first quarter. They are all drawn from official government sources.

BASE PERIOD

Price data expressed as index numbers were computed on a 1950 base, i.e. 1950 equals 100. A common base facilitates comparison of relative changes in the price of items with considerable different absolute prices. A 1950 base shows at a glance the price current levels and the patterns of change over a long period.

CONSUMERS' INCOME AND EXPENDITURES (TABLE 1)

Disposable personal income per capita (after taxes) reached a record high level during the first quarter of 1973. For the first time the annual rate was over $4,000 per person. Expenditures for food per capita in 1973 were *double* the 1950 rate while disposable personal income expanded *three fold* during the same period.

TABLF 1.—CONSUMER'S PER CAPITA INCOME, EXPENDITURES FOR GOODS AND SERVICES AND FOOD EXPENDITURES AS A PERCENTAGE OF INCOME

Year	Disposable personal income (dollars)	Expenditures: For goods and services (dollars)	Expenditures: For food (dollars)	Food expenditures in relation to income: All food (percent)	Food expenditures in relation to income: Farm food (percent)
1947	1,178.0	1,153.0	303.[illegible]	25.7	24.7
1948	1,290.0	1,184.0	316.0	24.5	23.7
1949	1,264.0	1,185.0	300.0	23.8	23.0
1950	1,364.0	1,259.0	303.0	22.2	21.[illegible]
1951	1,468.0	1,337.0	338.0	23.0	21.7
1952	1,518.0	1,381.0	348.0	23.0	21.4
1953	1,58[illegible].0	1,441.0	347.0	22.0	20.2
1954	1,585.0	1,[illegible]56.0	348.0	22.0	19.9
1955	1,666.0	1,539.0	351.0	21.1	19.3
1956	1,743.0	1,585.0	359.0	20.6	18.9
1957	1,801.0	1,643.0	373.0	20.7	18.9
1958	1,831.0	1,666.0	383.0	20.9	19.1
1959	1,905.0	1,758.0	386.0	20.3	18.9
1960	1,937.0	1,800.0	388.0	20.0	19.1
1961	1,984.0	1,8[illegible]5.0	392.0	19.8	18.8
1962	2,066.0	1,903.0	398.0	19.3	18.5
1963	2,138.0	1,981.0	404.0	18.9	18.3
1964	2,284.0	2,091.[illegible]	419.0	18.4	17.7
1965	2,437.0	2,228.0	442.0	18.1	17.[illegible]
1966	2,605.0	2,372.0	473.0	17.2	16.3
1967	2,751.0	2,476.0	473.0	17.2	16.3
1968	2,946.0	2,671.0	497.0	16.9	15.9
1969	3,130.0	2,85[illegible].0	524.0	16.7	15.6
1970	3,358.0	3,010.0	557.0	16.6	15.4
1971	3,595.0	3,211.0	567.[illegible]	15.8	14.9
1972	3,807.0	3,453.0	597.0	15.7	0
1973	4,364.0	0	632.0	15.6	0

Note: Compiled from Federal and State official data.

Source: Economics Department, South Dakota State University.

FARMERS; WHOLESALE, AND CONSUMERS PRICES FOR FOOD

During the 1950–1973 period the changes in prices ranked as follows:

	Percent
Prices paid by farmers	81.6
Consumers' prices for all goods and services	78.5
Consumer prices for all foods (including imported, sea foods, and meals away from home)	76.0
Farm-Retail Spread (Marketing, transportation, and processing cost between farm and consumer)	72.8
Retail store prices for food produced on U.S. farms	61.0
Wholesale prices for all goods and services	53.7
Prices received by farmers	48.4
Price (farm value) of food at the farm	48.0

Prices paid by farmers, consumers' prices and the farm-retail spread advanced steadily during the 1950–73 period. Prices received by farmers for all products and for food were nearly stable from 1949 to 1969. Their increase for the entire period has occurred during the last five years.

TABLE 2.—FARMERS', WHOLESALE, AND CONSUMERS PRICES, 1947–73

[1950=100]

Year	Received by farmers	Paid by farmers	Wholesale	Consumers'	All food	U.S. farm originated food	Farm value of food	Farm-retail spread
1947	107.0	93.8	93.9	92.8	54.5	98.9	108.0	90.7
1948	111.2	101.6	101.2	100.0	102.8	106.5	114.9	98.9
1949	96.9	98.0	96.2	99.0	98.7	89.6	100.7	100.6
1950	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1951	117.1	110.2	111.4	107.9	111.1	111.0	114.9	107.6
1952	111.6	112.1	108.3	110.3	113.2	112.2	111.6	112.7
1953	98.8	108.2	106.8	111.1	111.4	108.9	103.1	114.0
1954	95.3	108.6	107.1	111.7	111.1	106.9	97.6	115.3
1955	89.9	107.8	107.3	111.2	109.5	105.1	91.3	117.5
1956	89.1	108.6	110.9	112.3	110.3	105.5	90.4	119.0
1957	91.1	112.1	114.1	115.5	114.0	109.3	93.5	123.5
1958	96.9	114.8	115.6	117.1	118.8	115.6	100.7	128.9
1959	93.0	116.4	115.9	119.4	116.9	112.9	92.8	130.9
1960	92.6	117.2	116.0	121.8	118.1	113.4	94.7	130.2
1961	93.0	118.0	115.5	122.7	119.6	113.8	93.0	132.4
1962	94.6	119.9	115.9	123.6	120.7	114.9	95.2	132.6
1963	94.6	121.9	115.9	138.1	122.4	114.7	91.1	135.9
1964	91.9	122.3	115.8	127.6	124.0	114.9	90.8	136.5
1965	96.1	125.4	118.1	130.7	126.7	118.1	100.2	134.1
1966	103.1	130.5	122.0	134.8	133.0	124.4	107.2	139.7
1967	98.4	133.6	122.2	138.7	134.2	123.1	101.0	143.0
1968	101.2	138.7	125.3	144.5	139.1	127.6	106.3	146.4
1969	106.2	145.7	130.2	152.3	146.2	134.3	115.9	150.8
1970	108.5	152.3	135.0	161.3	154.2	139.9	115.2	162.0
1971	110.5	137.5	139.2	168.2	158.9	142.5	115.7	166.5
1972	123.6	169.1	145.6	173.8	165.8	149.3	125.5	170.4
1973	148.4	181.6	153.7	178.5	176.0	161.0	148.0	172.8

Note: Compiled from Federal and State official data.

Source: Economics Department, South Dakota State University.

INCOME OF THE FARM AND NONFARM POPULATION

Personal income of farm population from farm sources includes all income received by farm residents from nonfarm sources such as wages and salaries from nonfarm employment, nonfarm business and professional income, rents from nonfarm real estate, dividends, interest, royalties, unemployment compensation and Social Security payments.

Personal income of farm population from nonfarm sources includes returns from farming operations to resident farm operators for their capital, labor and management, after deduction of farm production expenses (there is no allowance in the item farm production expenses for a return on investment in farm capital). Also includes farm wages and other labor income received by hired farm-resident workers.

Disposable personal income is personal income after deduction of taxes.

Personal income of the farm population has increased from 57.7 per cent to 82.9 per cent of personal income of the nonfarm population since 1950. This rise has occurred mainly because of the rapid increase in income of the farm population from nonfarm sources. From 1950 to 1972, personal income of the farm population from nonfarm sources rose *5.4 times*, personal income of the farm population increased *2.7 times*, and personal income of the nonfarm increased *2.6 times*.

TABLE 3.—PER CAPITA PERSONAL INCOME OF FARM, AND NONFARM POPULATION, 1947–72

Year	Personal income of farm population: From farm sources (dollars)	From nonfarm sources (dollars)	From all sources (dollars)	Disposable personal income: Farm population (dollars)	Nonfarm population (dollars)	Farm as a percentage of nonfarm (percent)
1947	613.0	205.0	818.0	774.0	1,267.0	61.1
1948	737.0	239.0	976.0	913.0	1,365.0	66.9
1949	549.0	256.0	805.0	758.0	1,362.0	55.7
1950	612.0	272.0	884.0	841.0	1,458.0	57.7
1951	740.0	297.0	1,037.0	990.0	1,548.0	64.0
1952	706.0	309.0	1,015.0	952.0	1,609.0	59.2
1953	672.0	324.0	996.0	918.0	1,677.0	54.7
1954	658.0	312.0	940.0	886.0	1,678.0	52.8
1955	597.0	325.0	922.0	854.0	1,772.0	48.2
1956	600.0	352.0	952.0	885.0	1,850.0	47.8
1957	625.0	375.0	1,000.0	927.0	1,902.0	48.7
1958	747.0	390.0	1,137.0	1,062.0	1,915.0	55.5
1959	664.0	425.0	1,089.0	1,001.0	1,998.0	50.1
1960	737.0	458.0	1,195.0	1,100.0	2,017.0	54.5
1961	824.0	509.0	1,333.0	1,226.0	2,050.0	59.8
1962	856.0	573.0	1,429.0	1,308.0	2,128.0	61.5
1963	906.0	637.0	1,543.0	1,410.0	2,193.0	64.3
1964	875.0	718.0	1,593.0	1,462.0	2,343.0	62.4
1965	1,096.0	812.0	1,908.0	1,772.0	2,481.0	71.4
1966	1,243.0	903.0	2,146.0	1,985.0	2,643.0	75.1
1967	1,209.0	1,001.0	2,210.0	2,032.0	2,791.0	72.8
1968	1,266.0	1,137.0	2,403.0	2,200.0	2,985.0	73.7
1969	1,442.0	1,231.0	2,673.0	2,406.0	3,169.0	75.9
1970	1,546.0	1,357.0	2,903.0	2,600.0	3,404.0	76.4
1971	1,651.0	1,478.0	3,129.0	2,832.0	3,662.0	78.0
1972	0	0	0	3,179.0	3,837.0	82.9

Note: Compiled from Federal and State official data.

Source: Economics Department, South Dakota State University.

PRICES PAID BY FARMERS

The following ranking shows the changes in prices paid by farmers for items used in farm production since 1950.

	Percent
Interest payable per acre	788
Taxes payable per acre	347
Wage rates for hired farm labor	191
Farm Machinery	134
Motor Vehicles	98
Building and fencing materials	74
Autos and auto supplies	70
Livestock (mainly feeder livestock)	65
Feed	41
Seed	39
Motor supplies	38
Farm supplies	28
Fertilizer	9

(A new survey of fertilizer price in April may show considerable change.)

TABLE 4.—PRICES PAID BY FARMERS

[1950 = 100]

Year	Feed	Livestock	Motor supplies	Motor vehicles	Farm machinery	Farm supplies	Building and fencing materials	Fertilizer	Seed	Autos and auto supplies	Interest payable per acre	Taxes payable per acre	Wage rates for hired farm labor
1947	112.4	77.6	86.6	81.3	74.9	89.9	88.8	93.1	99.1	83.9	85.4	74.1	98.6
1948	119.0	96.3	96.6	90.9	87.3	95.5	98.7	101.4	115.4	92.9	87.6	86.2	104.0
1949	98.1	85.6	98.0	100.0	98.2	99.6	97.4	104.2	104.4	98.8	92.1	93.1	101.2
1950	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
1951	112.4	121.9	104.7	106.9	108.0	106.9	110.9	105.6	102.2	105.1	110.1	104.7	110.6
1952	119.5	102.2	105.4	111.9	112.0	113.4	111.5	108.3	115.4	111.0	121.3	109.4	118.4
1953	108.1	73.6	107.4	110.9	113.1	110.5	112.5	109.0	105.3	113.0	131.5	114.1	120.7
1954	107.6	75.1	108.7	110.9	113.5	106.9	111.5	109.7	98.2	115.0	140.4	120.0	120.0
1955	100.5	73.9	110.1	111.9	113.5	104.9	114.1	107.6	103.1	116.9	152.8	125.9	121.4
1956	98.1	68.7	112.1	114.7	117.8	105.3	118.9	105.6	91.2	118.5	169.7	135.0	126.1
1957	95.7	77.1	116.1	123.4	123.6	106.1	122.8	106.3	94.3	124.4	187.6	144.4	131.3
1958	94.3	94.5	115.4	128.7	128.7	106.9	123.4	106.3	93.0	126.4	204.5	154.4	135.1
1959	94.8	94.5	116.1	132.8	134.5	106.1	126.0	105.6	88.6	129.9	224.7	166.2	144.0
1960	92.4	89.1	117.4	131.3	138.5	106.1	126.0	105.6	92.5	128.3	248.3	183.4	148.5
1961	93.3	88.8	118.1	130.0	142.2	107.3	125.3	106.9	91.7	125.6	271.9	193.1	150.8
1962	94.3	92.3	116.8	135.3	144.7	107.3	125.0	106.3	95.2	127.6	301.1	205.0	155.3
1963	98.6	87.3	117.4	139.7	147.3	107.7	124.7	105.6	101.3	129.5	337.1	212.8	159.3
1964	97.6	77.6	116.8	141.9	150.5	108.5	124.4	104.9	100.4	130.3	380.9	221.9	163.1
1965	98.6	85.6	118.1	145.0	154.9	109.3	125.3	105.6	103.9	131.1	430.3	236.2	171.3
1966	103.3	95.3	118.8	150.0	160.7	109.7	127.9	105.6	101.8	132.7	482.0	255.9	184.7
1967	101.0	92.5	121.5	155.6	168.0	110.9	130.4	106.3	103.5	136.2	537.1	277.5	199.3
1968	96.7	96.8	123.5	164.1	176.0	113.0	138.1	102.8	109.6	143.3	589.9	808.4	215.8
1969	97.6	108.5	127.5	170.3	185.1	115.8	148.7	98.6	111.4	148.0	639.3	342.8	227.6
1970	102.9	111.9	130.2	177.2	195.3	118.2	150.3	102.8	116.2	154.3	686.5	372.2	254.8
1971	105.7	116.9	137.6	192.2	214.5	123.5	166.3	107.6	124.1	166.1	739.3	400.3	272.0
1972	106.2	136.3	138.3	198.1	224.4	127.5	174.4	109.0	131.1	169.7	811.2	420.6	283.1
1973	141.0	165.4	138.3	198.1	234.2	127.5	174.4	109.0	138.6	169.7	887.6	447.2	291.1

Note: Compiled from Federal and State official data.

Source: Economics Department, South Dakota State University.

CHOICE BEEF AND PORK PRICES

The retail price of beef is a weighted average price of retail cuts from Choice beef carcass. The gross farm value is payment to farmer for quantity of Choice steer equivalent to 1 pound of retail cuts sold to consumers—2.12 pounds in 1949–51, gradually increased to 2.28 pounds from 1962 on. The byproduct allowance is the portion of gross farm value attributed to edible and inedible byproducts.

The retail price of work is a weighted average price of loin cuts; ham (whole, center slices, butts, and shank ends); picnics (smoked); butts; spareribs; bacon squares; sausage; neckbones; forefeet; and pigtails. The gross farm value is payment to farmer for quantity of live hog equivalent to 1 pound of pork sold to consumers—2.13 pounds in January-June 1949, gradually decreased to 1.97 pounds in 1969. The byproduct allowance is the portion of gross farm value attributed to lard and other edible and inedible byproducts.

The net farm value is gross farm value minus byproduct allowance.

The rise of 54.6 cents per pound in the retail price of choice beef from 1950 to 1973 is a percentage increase of 73 per cent. This change compares with an increase of 78.5 per cent for all goods and services and an increase of 76 per cent for all food during the same period.

The retail price of pork increased 44.3 cents per pound from 1950 to 1973. This rise in retail pork prices was 82.3 per cent. The percentage change from 1950 to 1973 in the component of the retail price (net farm value) going to the farmer was 58 per cent for choice beef and 85 per cent for pork.

Sincerely yours,

ROBERT E. OLSON,
Associate Professor.

TABLE 5.—CHOICE BEEF-RETAIL PRICE, FARM-RETAIL SPREAD, NET FARM VALUE, BYPRODUCT ALLOWANCE, GROSS FARM VALUE, AND PRICE RECEIVED BY FARMERS FOR BEEF CATTLE IN SOUTH DAKOTA

Year	Retail price per pound (cents)	Farm-retail spread (cents)	Choice beef net farm value (cents)	Byproduct allowance (cents)	Gross farm value (cents)	Prices received by South Dakota farmers for beef cattle (cents)
1949	67.8	18.7	49.1	5.8	54.9	20.0
1950	74.6	19.4	55.2	6.7	61.9	23.9
1951	87.3	20.3	67.0	8.6	75.6	29.7
1952	85.7	22.7	63.0	5.8	68.8	24.9
1953	68.4	23.1	45.3	4.6	49.9	17.0
1954	67.8	21.4	46.4	4.4	50.8	16.9
1955	66.8	22.4	44.4	4.1	48.5	16.1
1956	65.4	23.2	42.2	4.1	46.3	15.2
1957	69.9	24.5	45.4	4.4	49.8	17.4
1958	80.2	26.2	54.0	5.0	59.0	22.4
1959	82.0	27.6	54.4	5.5	59.9	23.0
1960	80.2	28.1	52.1	4.6	56.7	21.1
1961	78.4	29.6	48.8	4.8	53.6	20.9
1962	81.7	26.5	55.2	4.9	60.1	22.4
1963	78.5	30.1	48.4	4.2	52.6	20.8
1964	76.5	30.3	46.2	4.1	50.3	18.7
1965	88.1	28.3	51.8	4.7	56.5	20.5
1966	82.4	30.1	52.3	5.3	57.3	22.8
1967	82.6	29.6	53.0	4.0	57.0	22.7
1968	86.6	29.9	56.7	3.8	60.5	24.0
1969	96.2	34.0	62.2	4.7	66.9	26.5
1970	98.6	37.1	61.5	4.8	66.3	27.2
1971	104.3	36.4	67.9	4.5	72.4	29.3
1972	113.8	41.3	72.5	7.4	79.9	33.8
1973	129.2	41.8	87.4	9.4	96.8	43.2

Note: Compiled from Federal and State official data.

Source: Economics Department, South Dakota State University.

TABLE 6.—PORK-RETAIL PRICE, FARM-RETAIL SPREAD NET FARM VALUE, BYPRODUCT ALLOWANCE, GROSS FARM VALUE, AND PRICE RECEIVED BY FARMERS FOR HOGS IN SOUTH DAKOTA

Year	Retail price per pound (cents)	Farm-retail spread (cents)	Net farm value (cents)	Byproduct allowance (cents)	Gross farm value (cents)	Prices received by South Dakota farmers for hogs (cents)
1949	54.5	19.7	34.8	4.3	39.1	17.2
1950	53.8	19.4	34.4	4.6	39.0	17.3
1951	57.8	21.3	36.5	5.8	42.3	19.2
1952	56.2	22.2	34.0	3.8	57.8	17.0
1953	62.1	20.6	41.5	4.5	46.0	20.6
1954	63.4	22.3	41.1	5.1	46.2	20.7
1955	53.6	24.9	28.7	3.1	31.8	14.4
1956	51.4	24.8	26.6	3.1	29.7	13.7
1957	59.4	26.6	32.8	3.7	36.5	17.4
1958	63.8	26.9	37.0	3.9	40.9	19.0
1959	56.3	30.4	25.9	2.4	28.3	13.5
1960	55.9	27.2	28.7	2.7	31.4	14.9
1961	58.4	27.9	30.5	3.0	33.5	16.1
1962	58.8	28.7	30.1	2.6	32.7	15.6
1963	56.6	29.2	27.4	2.5	29.9	14.4
1964	55.9	29.1	26.8	2.5	29.3	14.3
1965	65.8	27.7	38.1	3.5	41.6	20.2
1966	74.0	31.8	42.2	3.7	45.9	22.4
1967	67.2	32.4	34.8	2.5	37.3	18.1
1968	67.4	32.9	34.5	2.2	36.7	18.9
1969	74.3	32.0	42.3	3.2	45.5	21.9
1970	78.0	38.5	39.5	3.4	42.9	21.4
1971	70.3	38.0	32:3	2.7	65.0	17.
1972	83.2	35.3	47.9	3.5	51.4	24.6
1973	98.1	34.4	63.7	4.9	68.6	38.2

Note: Compiled from Federal and State official data.

Source: Economics Department, South Dakota State University.

Mr. BUCKLEY. Mr. President, I yield myself such time as I may use.

The statement just made by the distinguished Senator from South Dakota (Mr. McGOVERN) is an eloquent one, but I am not sure that his arguments are always logically consistent. He did concede that this program will either cost the consumer or cost him indirectly in the form of taxes, if prices go below the target price structure.

I want to see our farmers get a good income. I want to see the consumers paying fair prices. I want to see those who raise poultry, those who need feed grain for their cattle, paying a decent price for it.

What I am saying is that we need to liberate agriculture and give it the flexibility to allow the farmer to move his acreage to those crops in response to demand.

We have heard all kinds of startling statements about food shortages, and sections of the American population going hungry. That is pure nonsense.

If there is a shortage and prices go up, if prices go up there is then the incentive not only of larger incomes for the farmers, but also the incentive to grow more so that the shortages will be eliminated and a greater profit balance struck.

I have tried to emphasize in my remarks directed to my amendment that it was not designed to strip the agricultural community of each and every protection. Of course not. We have, in fact, the no-recourse loan system which is designed to give farmers flexibility to tide them over situations of temporary surpluses and to enable them to be guaranteed a basic bottom price for their commodities.

If that loan level is no longer realistic, let us address ourselves to that problem and see to it that it is raised to the point where it performs, in fact, its function of giving the farm communities the minimum assurance that will justify their being allowed to raise crops.

We also hear a great deal about the flight from the farm, the disappearance of the small farm in America. This is the same kind of phenomenon we have seen with regard to small tailor shops going out of business, or cobblers going out of business, because we were able to be productive and do things on a larger scale which requires more capital, requires a larger acreage.

It requires all sorts of things that tend to encourage the grouping together of acreage. This is part of the miracle that has made it possible for 5 percent of our population to feed the other 95 percent and many foreigners as well.

I think we should also understand that as production increases, we will be seeing a greater efficiency per unit of production. Historically, this in our system has been divided, through the market mechanism, between the producer and the consumer.

If we had to pay for a Chevrolet today based on production methods of 30 or 40 years ago, no American could afford a Chevrolet. But what has happened? Through economy, through efficiency, through larger scale operations, we have been able to increase the quality of the product disproportionate to the increase in price.

The same advantage of a free economic system ought to continue to be made available to the American people.

We have heard the statement that there is not adequate protection. But, as I said earlier, let us provide that protection, not by seizing on what has been a rather high price—I do not begrudge the farmer that price—but using that as a norm, instead of recognizing that there ought to be fluctuation. Frankly, if this system is so desirable, I cannot see why it is not extended to lettuce growers, apple growers, sheep growers, and so forth down the line.

Also, why should it not be extended to any other area of our economy where there is risk-taking, where some element is having its problems? If it is a sound system to encourage and maintain a source of supply for the benefit of the country as a whole, why should we not, for example, extend it to oil and gas producers? We are running into real shortages in these two commodities in this country, which cannot be said at the present time in terms of agriculture, which can respond by bringing more acreage into production.

Perhaps we should adopt this principle and state that each will have a target price of $5 for a barrel of oil and 50 cents for a thousand cubic feet of gas and let the taxpayers subsidize the difference. It certainly would stimulate production.

I say that this is an unnecessary principle, a dangerous principle, one that should not be adopted, especially at a time when we have seen American agriculture emerge from the historic period that gave rise to the special protections and controls that have in many ways hobbled it over the years. I say the time is now to begin to move into the position where the genius of the American farmer can have the fullest possible play in the utilization of his assets in order to meet most efficiently the growing and growing demands, both here and abroad.

I reserve the remainder of my time.

Mr. TALMADGE. Has the Senator from New York completed his argument?

Mr. BUCKLEY. I said that I am reserving the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TALMADGE. How much time does the Senator desire?

Mr. DOLE. Five or 10 minutes. I wonder whether we might have a quorum call. I am waiting for some material.

Mr. TALMADGE. Mr. President, I ask unanimous consent that we may have a very brief quorum call, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the Senator's amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I take this time to express my opposition to the amendment of the distinguished Senator from New York. As I stated earlier in the debate, the so-called target price concept was the result of considerable discussion in the committee during literally weeks of hearings. We pointed up the urgency of having farm legislation passed at the earliest possible time. It is my understanding that there are efforts underway in the House to move quickly on at least a portion of the Senate bill, and it is possible that for once, for the first time in many, many years, there might be a farm bill enacted before farmers in States like mine, the State of Kansas will know the provisions of the new farm bill before they have planted their winter wheat.

I do not quarrel with the objective, necessarily, of the Senator from New York. In fact, I believe the so-called target price concept can achieve the dual objective of more flexibility for the farmer, with more decisionmaking by the farmer, and at less cost to the Government.

As the distinguished Senator from Nebraska pointed out in his opening statement, this is a so-called risk sharing and benefit sharing program, and if the projections of the experts in the USDA are accurate there will be benefit with no cost to the Government, but if they are not accurate we in the committee felt they could very properly share some of the risks and burdens.

Also I would like to announce at this time that I intend to offer amendment No. 186, which would restore a portion of the rural environmental assistance program—REAP—program. To give some background, it is well to point out that the U.S. Department of Agriculture terminated the REAP program last December 22, 1972. That was followed by the passage of H.R. 2107, which mandated the expenditure of REAP funds, and that bill was passed by the House and the Senate.

Since that time, there has been consideration of the report from the joint conference committee, and this final action of the conference committee has been delayed because of the feeling that a veto, which probably will come, would probably be sustained. So we are at an impasse where the conference report is still pending consideration by the House. However, there is a strong feeling it may never be considered by the House.

In the meantime, all REAP programs are suspended and this includes cost-sharing in the construction of water retention dams, terracing, and other one-time permanent type practices. Many watershed plans are contingent on the use of the REAP program for their run-off control with these measures.

Much of the objections to REAP by this administration and the past three administrations has been the annual repetitive or production type practices, such as liming, tree planting, seeding, mulching, and so forth. They are practices that enhance production of crops in some uses; however, they also are of great value in establishing a permanent cover to control erosion.

Mr. President, my amendment would limit cost sharing to 50 percent for approved practices. Plans will be approved by the Soil Conservation Board and coordinated with the appropriate local or area committee. Planting trees, the liming, and other practices would be authorized as long as they were for the purpose of establishing permanent cover or other function as part of a Soil Conservation Service approved permanent practice. Cost estimates for this reduced program are approximately $70 million compared with $140 million required if the entire program were reinstituted.

Mr. President, I think it is a good program. It is a program established by Congress in 1935. The first appropriation was made for fiscal year 1937. Its name was changed from the agricultural conservation program or ACP, to the rural environmental assistance program or REAP on January 6, 1971.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the budget estimates, appropriations, and program levels for the years 1960 through fiscal year 1973.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

	Budget estimate	Appropriation	Program love.
1960	100	250.0	250.0
1961	100	250.0	250.0
1962	150	250.0	250.0
1963	150	250.0	250.0
19 4	150	250.0	250.0
1965	120	220.0	220.0
1966	120	220.0	220.0
1967	100	220.	220.
1968	100	220.0	195.5
1969	100	195.5	195.5
1970	[1] 0	195.5	185.0
1971	[1]	195.5	150.0
1972	140	195.5	195.5
1973	140	225.	[2] 140.0

[1] The origina lrequest was $100,000,000. It was amended to 0.

[2] Program terminated Dec. 22, 1972.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, first of all I wish to express my vigorous opposition to the amendment that has been presented by the Senator from New York. I think it would, for all practical purposes, end the farm program. That is really what it would do.

The PRESIDING OFFICER. The 5 minutes of the Senator from Kansas have expired.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, secondly, as was so well pointed out, the target price system is possibly the best system we have been able to fashion thus far. It places great emphasis on the Department of Agriculture to give us accurate and prompt projections, so that acreage can be adjusted to meet needed supply. If the Department's estimates relating to acreage and supply are anywhere near accurate, then the cost to the Government is nothing or negligible. It is entirely possible in the coming year that the cost will be practically negligible because of the high demand for agriculture products. Therefore, I hope the Senate overwhelmingly rejects the amendment before us.

Second, I wish to say to the Senator from Kansas that I recognize the problems we are having with the REAP program. While I have been a strong supporter for the program as it is or should be operative, I am hopeful we can get something going. I think the Senator's approach offers us a chance to get some kind of rural environmental assistance program underway, not as large as I would like and I am sure not as large as the Senator from Kansas would like, but I believe it offers something, and I intend to support the Senator's amendment.

Mr. DOLE. Mr. President, I appreciate the comment of the Senator from Minnesota. It does give us something to start on. I think it is hopeful we can secure the adoption of the amendment later.

With respect to the amendment of the Senator from New York, it is my understanding that as of yesterday the USDA indicated no objection to the target price concept. The objection, if any, of the USDA is the price established, the so-called target price. I am of the opinion, since the administration now seems to have changed its position on the so-called target price concept—we are not really arguing about the amendment of the Senator from New York, because I assume it is an amendment suggested by the administration—and if they have now changed their position, it seems to me the only dispute would be as to whether the price for wheat should be, for example, $2.20 or $2.50, or whether it should be, for example, $1.53 for corn, or some other price for corn.

So I would hope, notwithstanding the sincere efforts of the Senator from New York, that his amendment would be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I am prepared to yield back my time and vote, if the Senator from New York is.

Mr. BUCKLEY. Mr. President, I suggest the absence of a quorum, chargeable to me.

The PRESIDING OFFICER. On whose time?

Mr. BUCKLEY. On my time.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I am prepared to yield back my time and proceed to a vote, if the Senator from New York is.

Mr. BUCKLEY. Mr. President, I am prepared to yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from New York (No. 188), as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Delaware (Mr. BIDEN) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Virginia (Mr. SCOTT) is detained on official business.

The result was announced—yeas 14, nays 80, as follows:

[No. 176 Leg.]

YEAS—14

Beall
Buckley
Case
Dominick
Goldwater
Mathias
Pastore
Pell
Percy
Ribicoff
Roth
Saxbe
Taft
Weicker

NAYS—80

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Domenici
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
McClellan
McClure
McGee
McGovern
McIntyre
Magnuson
Mansfield
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pearson
Proxmire
Randolph
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NOT VOTING—6

Biden
Cotton
Fulbright
Muskie
Scott, Va.
Stennis

So Mr. BUCKLEY's amendment was rejected.

Mr. TALMADGE. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PERCY. Mr. President, I have amendment No. 191 at the desk. I ask that it be stated.

The PRESIDING OFFICER. The clerk will read.

The legislative clerk read as follows:

On page 10, line 19, strike out all through page 12, line 8, and renumber the succeeding paragraphs accordingly.

Mr. PERCY. Mr. President——

Mr. TALMADGE. Mr. President, will the distinguished Senator from Illinois yield?

Mr. PERCY. I am happy to yield.

Mr. TALMADGE. Is it agreeable to the Senator to shorten the time on this amendment?

Mr. PERCY. Mr. President, I do not feel that the amendment would require much time. I have three amendments—Nos. 190, 191, and 192. In order to move the bill toward final passage, obviously if the distinguished chairman of the committee will accept any of the amendments, there will be no need for rollcall votes. If the chairman objects to that, would he be willing to limit the time to 20 minutes on each amendment?

Mr. TALMADGE. Mr. President, I ask unanimous consent that on each of three amendments to be proposed by the distinguished Senator from Illinois there be a limitation of 40 minutes, 20 minutes to a side.

Did the Senator say 20 minutes to an amendment?

Mr. PERCY. Twenty minutes on each amendment, the time to be equally divided—10 minutes to a side.

Mr. TALMADGE. Mr. President, I modify my unanimous consent request accordingly.

The PRESIDING OFFICER. Is that for all three amendments?

Mr. PERCY. Twenty minutes for each amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, would it be agreeable to Senators to limit the time on each rollcall for the remainder of the day to 10 minutes?

Mr. PERCY. That is certainly acceptable to the Senator from Illinois.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on each rollcall for the remainder of the day be limited to 10 minutes.

Mr. CURTIS. Mr. President, reserving the right to object—and I shall not object—will a notice go out to the various offices?

Mr. ROBERT C. BYRD. The warning bell will be sounded after 2½ minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. Mr. President, very simply, amendment No. 191, a copy of which is on the desk of each Senator, is supported by the Department of Agriculture. It strikes the language in the bill beginning on line 19, page 10, through line 8, on page 12. This is the section of the bill that prohibits the quantity of dairy imports which may be imported in any calendar year for food use from exceeding 2 percent of the total annual consumption of dairy products in the preceding calendar year, except that the President may increase the total quantity which may be imported if he determines that such increases are required by overriding economic or national security interests of the United States.

Dairy products included in the import quotas would include first, all forms of milk and dairy products, butterfat, milk-solids-not-fat, and any combination or mixture thereof; second, any articles, compound, or mixture containing 5 percent or more of butterfat, or milk-solids-not fat, or any combination of the two; and third, casein, caseinates, lactose, and other derivatives of milk, butterfat, or milk-solids-not-fat, if imported commercially for any food use. Dairy products would not include those dairy products for industrial use—not to be used as an ingredient of food, or articles not normally considered to be dairy products, such as candy, bakery goods, and so forth.

Mr. President, I have five major objections to this section of S. 1888.

FOOD VERSUS INDUSTRIAL USES

The Foreign Agricultural Service of the Department of Agriculture points out to me that there is very likely to be confusion between food use and industrial use of dairy products. Some dairy products are used for both purposes and final usage is not known at the time of importation. Thus, the administering authorities would either have to assume that all imports of such articles were for food use, or, alternatively, set up policing machinery to check on declared intentions of industrial use.

ADMINISTRATION

The Department has also informed me that controls established under the proposed legislation would be extremely difficult to administer. The new law would require the extension of import quotas to cover all dairy products. The new feature of linking the permissible import total to the preceding year's consumption would involve additional complications, in that milk consumption estimates separating food and nonfood usage are not presently available and, even if constructed, would be of questionable reliability. Also, the bill would in effect require administrative limitation of imports during the first half of the year until the total permissible amount could be determined on the basis of domestic production and consumption reporting. Furthermore, a running tally of imports on a milk equivalent basis would be necessary unless the whole import pattern was frozen in advance by quotas and licensing—and in the event of licensing the resulting inflexibility would prevent the maximum overall level from ever being reached.

In other words, the department responsible for administering the law that we would be passing, says they do not know how it can equitably be administered, that they do not see how they can make the law work and carry out and implement it. If there is that much fuzziness over definitions and terms and products that would be classified, or that they would be required to classify, then I think this provision is unsound.

Because of the enormous diversity of dairy products and of food products containing milk solids, the bill would have to be administered on the basis of "milk equivalent" of the various products. This would force construction of a complex and highly red tape restrictive system of recordkeeping and licensing control which would throttle business and, in effect, make full utilization of the 2-percent limit nearly impossible.

The clause allowing the President to increase imports on grounds of "overriding economic or national security grounds" would be cumbersome to use particularly in dealing with spot shortages and temporary situations.

Mr. President, let us face it. What would be the situation today? What do we have existing today that might be considered overriding economic or national security grounds? If we look at it from the standpoint of the producer, they would obviously say no. If we look at it from the standpoint of the consumer faced with a threatened 7 or 8 cents a gallon increase in milk in Chicago within the next few weeks, they obviously would say yes. For the lower income families this would mean, of course, that it would be an economic factor. But how do we really determine what is fair under those conditions? The Department of Agriculture objects because of that particular provision.

Mr. AIKEN. Mr. President, will the Senator from Illinois yield?

Mr. PERCY. I am very happy to yield to the distinguished Senator from Vermont.

Mr. AIKEN. I simply want to say that I am bothered somewhat by this provision in the bill because I do not think it will work. Five years ago, we were importing milk products at the rate of approximately 4 percent. Only 5 years ago it got up to the rate of 9 billion pounds of milk equivalent a year. Then President Johnson stepped in and put the import quota back to where it should have been. He had to do that twice. When President Nixon came in, he carried out the policy as provided by law very well. Now we have had to import a great deal of dry milk for cheese and the candy manufacturers. If we had not done that, there would have been a tremendous demand for the import of the finished product from overseas. A big increase in the importation of finished dairy products would seriously injure our own industry.

Now during the last 4 months we have imported about 1 billion pounds of milk equivalent in the form of powdered skim milk, from other countries, but it has not reduced the price to the American farmer in any way. It has simply prevented an acute shortage of domestic cheese. The price is still up considerably more than it was a year or so ago. So I think we would be taking quite a risk in restricting the importation of all dairy products to 2 percent milk equivalent. We may be up pretty nearly to that now in all imports of cheese and other milk products.

Mr. PERCY. I think it is running about 1½ percent now.

Mr. AIKEN. It is not quite 2 percent, I believe. We hope that we will not have to import more than that, but milk production is dropping and then it will become infinitely more costly, with the price of grain and everything else that goes into the making of milk products going up. So I think we had better leave that law as it is now, because I have confidence that whoever is President in the future—and we cannot see very far ahead—will see to it that the American dairy industry is protected from dumping of foreign imports such as was underway 5 years ago when President Johnson stepped into the picture and put a stop to it.

Mr. PERCY. I thank my distinguished colleague who, as in the past, has been the ranking minority member of this very important comittee.

The point he has made leads directly to the third reason why I oppose this section of the bill.

TRADE

Trade problems are at the forefront of this amendment. Section 22 controls now in effect—and which the Department feels are working well to protect America's dairy industry—have been regularized under the General Agreement on Tariffs and Trade—GATT—through a waiver by the contracting parties—the countries of GATT. Section 22 of the Agriculture Adjustment Act permits quotas to be imposed after certain procedures have been followed to determine their need. The purpose of these quotas is to prevent imports from disrupting a U.S. domestic support system. Such quotas are allowed under GATT article XI if production of the commodity protected by quotas is being controlled. The United States obtained a GATT waiver, and it submits to annual review of its section 22 quota program in GATT.

Unquestionably our trading partners would view the proposed legislation as being outside the waiver and unnecessarily restrictive of trade. Therefore, if enacted, the legislation would probably be used by other countries as a rationale for restrictions that would hamper U.S. agricultural exports. In brief, the United States could well lose more than it would gain through this legislation because the restrictions on our export trade could well more than offset any possible advantage gained by more rigorous restrictions on dairy imports.

By legislatively freezing import limits, the bill would tie the hands of U.S. negotiators at the forthcoming trade negotiations. This should not be done for any commodity, including dairy products.

At this very time we are trying to persuade our European trading partners to lower their import barriers to our agricultural goods, so why at this very time should we put a legislated quota on dairy imports. Any retaliation that might occur could have more harm on other U.S. agricultural exports.

UNNECESSARY

The Department further feels that this 2-percent limit is unnecessary for protection of the domestic dairy industry. Existing section 22 import quotas effectively control imports, which in most recent years have been held to 1.4 to 1.8 percent of domestic dairy industry.

COST

By having a legislated limit on imports, this could limit supplies thus increasing the price of dairy products.

I realize that current dairy imports are running at the level of about 1½ percent of domestic consumption and that this provision of the bill would not appear to reduce dairy imports. However, it would fix a limit in a law for the level of dairy imports and not allow flexibility to the Department of Agriculture to adjust import levels as conditions might warrant. Further, as I have already pointed out, the provisions of the bill would be in contradiction to our GATT obligations, thus legally sanctioning retaliation by other countries against other U.S. agricultural exports,

Therefore, Mr. President, I urge adoption of my amendment.

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield to me?

Mr. TALMADGE. I promised to yield to the Senator from Kansas (Mr. Dole) in view of the fact that it is his amendment. How much time does the Senator from Kansas desire?

Mr. DOLE. Five minutes.

Mr. TALMADGE. I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, I rise in opposition to the amendment of the senior Senator from Illinois to strike from the bill the 2-percent limitation on imports of dairy products.

Under existing law, section 22 of the Agricultural Adjustment Act of 1933, quotas can be imposed on dairy products as a means of limiting imports when it is found that they are interfering with the operation of the dairy price support program. In 1972 dairy imports represented about 1.5 percent of the total domestic consumption of dairy products in this country.

The committee bill would prohibit imports of dairy products in excess of 2 percent of domestic consumption. However, it would permit the President to increase the total dairy imports if he found that such an increase were required by overriding economic or national security interest of the United States.

The pending amendment would strike the above provisions of the committee bill.

The dairy industry has become increasingly alarmed by expanded imports of dairy products such as the increase of the quota on non-fat dry milk from 1.8 million pounds to 25 million pounds. Therefore, they felt that the provisions of section 22 of the Agricultural Adjustment Act of 1933 need strengthening. The dairy farmers of this country have a great deal of difficulty staying solvent and they are in a particularly bad position now because of dramatically rising feed prices. I think there was an example yesterday in which soybean meal had gone from about $90 a ton last year to about $430 a ton this year. During the past 2 years, dairy production in this country has been decreasing at a time when both population and demand for dairy products has been increasing. It will be a very bad situation, indeed, if we fail to give dairy farmers in this country the income protection to meet domestic needs for dairy products. It would be extremely unfortunate if we allow our dairy farmers to go out of business and come to rely heavily on foreign countries for a basic food such as milk.

Moreover, American dairy farmers look with alarm at the prospect of increased imports because they know that many countries which export dairy products provide heavy subsidies for their dairy farmers. The European Common Market countries operate under a clearly posted system of export subsidies. For example, the posted subsidy for butter from the Common Market as of November 20, 1972, was 54.18 cents per pound. The subsidy for non-fat dry milk was 5.91 cents per pound. The Swiss cheese export subsidy was 22.31 cents per pound.

Mr. President, we cannot allow the American market to become the dumping ground for the surplus dairy products of the world. Not only will this have an adverse impact on our already tenuous trade position and our shaky American dollar, but it will not serve the long-term best interests of the consumer. The American consumer can be assured of a stable supply of dairy products only if it is produced in this country. Therefore, I hope the Senate will uphold the committee position and reject the pending amendment.

Mr. President, I ask unanimous consent to have printed in the Record a letter from R. F. Anderson, of the National Cheese Institute, and further explanatory material with reference to the amendment.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Cheese Institute, Inc.,
May 1, 1973.

The Hon. Richard M. Nixon,
President of the United States,
Washington, D.C.

Dear Mr. President: The National Cheese Institute is a non-profit corporation whose members are broadly representative of the cheese industry. They include small and large dairy cooperatives, processors large and small, foreign and domestic producers as well as importers. But most of our members represent medium-sized operations that make and sell cheese in America.

The industry's reaction to the cheese import proclamation has been mixed. Makers of specialty-type cheese expressed the gravest doubts. Others said the unilateral trade concession seemed unnecessary in that the United States gave away a valuable trading chip for nothing. Others felt we should wait and see the results and offer our suggestions when appropriate.

We have just held our 46th annual meeting. The final session Tuesday evening, April 24, was climaxed by an address by Senator Bob Dole. Senator Dole admonished us to be more energetic in telling our side of the story. To emphasize this point he said, "President Nixon has observed 'The continued success of our free enterprise system depends in large measure, upon mutual trust and goodwill of those who consume and those who produce or provide.'" (Senator Dole went on to say) "I would state it in the negative. What the consumer doesn't know, hurts you."

And we must carry the Senator's thought another step and say "What the government doesn't know, hurts us!" To illustrate we quote Commissioners Leonard and Young in their additional statement regarding the Tariff Commission's April 9, 1973 report to you, . . . "we cannot make a determination that each cheese's annual quota . . . may be increased by 50 percent for 1973 without reducing substantially the amount of product processed in the United States from domestic milk . . . We are unable to make that further determination because the investgation . . . did not reveal sufficient information . . ."

The Tariff Commission's report (page 7) said "Imports of the specialty-type cheese, chiefly blue-mold, 'aged' Cheddar, Edam and Gouda (whether or not processed), and Italian-type cheese (whether or not in original loaves), are priced substantially above comparable domestically produced cheeses."

Therefore, it is difficult to imagine these higher priced cheeses holding down prices. Consumers of specialty cheese apparently are willing to pay the substantial price differential. If this is correct then the overall average food costs will increase under the new quota arrangement, contrary to the expectations of the Cost of Living Council.

Furthermore the potential havoc to the domestic producers of these specialty cheeses is awesome. For example, there are only twelve plants producing blue-mold cheese in the United States. They make about 25 million pounds of cheese a year. The new annual import quota for this specialty cheese is 7.5 million pounds or about ⅓ of the U.S. production. Or consider the manufacturers of Edam and Gouda, the overall new import quota for these types for 1973 is 18.5 million pounds which equals or exceeds domestic production.

We are concerned that certain imported specialty cheese, even though higher priced, may, because they do appeal to the gourmet's desire for imports, replace comparable domestic specialty cheese. The end result would be a reported higher average price for all cheese which could unfairly trigger government action to control the entire cheese industry. The domestic cheese industry is and has cooperated with the goals of the Cost of Living Council to hold down food prices and supply the growing demand for protein rich food.

Therefore, Mr. President, we will follow the advice of Senator Dole and keep the consumer advised about our efforts to supply cheese at a reasonable price. We will also keep you informed about the impact of specialty cheese imports and whether they reduce substantially the amount of those cheeses produced in the United States from domestic milk.

Respectfully,

R.F. Anderson,
Executive Director.

Background on Imports of Dairy Products

Present permanent quotas for dairy imports have a milk equivalency of 1,303,987,000 lbs. In addition certain exotic cheeses (pecorino, roquefort, etc.) and other cheeses having a cost of over 69¢ per lb. are non-quota. As a result the actual imports in 1971 were 1,346,957,000 lbs. and in 1972 1,683,585,000 lbs.

The proposed amendment would do two things.

It would limit the permanent dairy import quotas to 2% of the domestic consumption of dairy products. (Presently this would mean a limit of about 2.3 billion lbs.) Such a limit, we feel, is reasonable. It covers present permanent quotas and recent imports of 60 million pounds of nonfat dry milk.

The amendment also provides that a portion of any additional permitted imports be first made available to producers and processors of like dairy products. This would insure that such products would expeditiously find their way into existing commercial channels. In so doing protection would be automatically given to existing licensed importers and their operations. It would also provide automatic growth in their volume as the domestic market grows. Present licensing system allows import licenses to be granted only to those who have a history of importing. This proposal would enable both the historical importer and the domestic industry to share in expanded imports.

An overall limitation on import quotas is sound because of the impact imports have on the price support program. One billion lbs., milk equivalent, of imports reduces the price of milk about 20 cents per hundredweight. As this occurs more domestic dairy farmers quit dairying, forcing us to rely even more on imported products. This is contrary to the intent of Congress in existing farm acts (but is precisely the pattern the Flanigan Report recommends).

Mr. DOLE. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TALMADGE. I yield the remainder of my time to the distinguished Senator from Minnesota.

Mr. HUMPHREY. Mr. President, this provision in the bill before the Senate is designed to take care of the realities that face the dairy market and the dairy industry in this country. It is not designed to impede trade. It is not designed to be adverse to our national interests. It is designed, however, to give the American producer a fair chance.

Let us face it: There is a scheme afoot in this country to get the American farmer out of the dairy business, and it was outlined very succinctly and cleverly in the so-called Flanigan Report. That report said that we will have a trade-off between the export of American grains to Europe bringing in their cheese and their milk products into the United States. It sounds good theoretically, if no people were involved. The trouble is that a large number of the best farmers in America are involved.

Dairy farming represents the best of farming in America. However, it is high cost, heavy investment, high technology, but the best. Dairy farming produces the most nutritious product. However, dairy farming is filled with risks.

The Government of the United States has been telling our dairy farmers for years to reduce production, and they have done so. Now that we have reduced production, they say, "We have to have imports," and we get them.

This amendment does not restrict the imports on the basis of any historical base. As a matter of fact, the provision in the bill to which I refer provides for a 2 percent limitation, which goes beyond present levels. At the present time, our imports are equivalent to about 1½ percent of domestic consumption. This provides that as domestic consumption increases, you can go up to 2 percent of the total domestic consumption.

One other thing: When the European countries export dairy products into this country, they are highly subsidized through variable import levies—namely the revenues from those levies. Europe can dump butter in this country at 10 cents a pound, and Europe has dumped butter in other parts of the world at 10 and 12 cents a pound while selling it to its own people as high as $1.20 per pound. That sounds great, except that it drives people out of business here in this country. It destroys thousands of American producers.

All we are suggesting here is that we stop, look, and listen. This is an amendment to basic law. The law is very clear as to the products that are affected. Despite all the difficulties the Senator from Illinois indicates the Department would have in determining what these products are, they are listed in the legislation. They are also listed under the act that relates to dairy products, under the Agricultural Adjustment Act of 1933, section 22. It is all described. There is no confusion about it. The difference is, are we going to be cognizant of the threat that comes to the economic viability of the dairy industry of this country? We have already taken out of this bill measures that should have remained.

I assure the Senate that this particular provision in the bill which comes from the Committee on Agriculture and Forestry will not be injurious in any way to our foreign trade. It provides for expansion. It permits the President, if he finds there is compelling economic and national need, to go beyond the 2 percent; and it provides for the sharing of the market.

I think the question the Senator has to face is whether it wishes to drive U.S. dairy farmers off the farm. When it gets through doing that, the dairy industry will be corporatized; and when the dairy industry gets into the corporate board rooms, some people are going to be much more considerate of it. Today, the dairy industry is out in the barns and the fields, because it is out there where you will find dairy farmers who have the cows. We think we can play willy-nilly with them. But the minute it gets to be a product strictly of the big corporation, we will have lobbyists down here who will make what we have seen in the past look like child's play.

I am for the dairy farmer. I am for the family farmer. I am against corporate agriculture. I am against letting subsidized agriculture come into this country and destroy our producers.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. DOLE. Another important provision, which the Senator is aware of and is partly responsible for, in this bill, is that when the President issues licenses for increased quantities authorized by this amendment, he must give priority for a limited time to domestic producers and processors who are in that business and take it away from the so-called special interest groups. So that the licenses may be issued to those who can use these imports in their normal business. The reason is to perpetuate the dairy industry and not destroy it, as the Senator has so well stated.

The PRESIDING OFFICER. All time of the Senator from Georgia has expired.

Mr. HUMPHREY. Mr. President, could we have a minute on the bill?

Mr. CURTIS. I yield the Senator 2 minutes.

Mr. PERCY. Mr. President, will the Senator yield me 2 minutes on the bill, also?

Mr. CURTIS. Yes.

Mr. NELSON. Mr. President, I endorse the statement of the distinguished Senator from Minnesota, and I wish to add another point to his very thoughtful comments.

My State, Wisconsin, is the largest producer of milk in this country. For years, the Department of Agriculture has been advising the dairy farmers in this country to bring their quantity of production milk into conformance with demand. That has been the answer to getting a fair price for milk.

The farmers have done that. We were producing in this country in the early 1960's and in the mid-1960's 126 billion pounds of milk. Out of that figure my State was producing something over 20 billion pounds of milk. Wisconsin's production has now gone down to about 18 billion pounds. National production has gone from 126 billion pounds 8 or 9 years ago to about 120 billion pounds in the last year, with a projection of 117 billion pounds this year. That is a 9-billion-pound reduction on the part of dairy farmers, the Department of Agriculture has advised.

But as fast as farmers cut the production of milk a lot of people want to import milk and milk products into this country, defeating the whole program. If anyone thinks that city folks are subsidizing the farmers they have another thought coming. The farmers are subsidizing the city folks. They are always getting under 90 percent of parity. It has been 20 years since the farmers in this country, in most products produced, approached 90-percent parity.

If anyone thinks it is profitable to be a dairy farmer, it must be explained to me why in the last 20 years, since 1952, we have gone in Wisconsin from 133,000 dairy producers down to 66,000 dairy producers. The same thing has happened in the State of Minnesota. We want to keep a dairy industry that is healthy and to allow farmers a fair return for their investment.

We do not require that dairy products coming into this country meet the same standards that we meet. We want to require dairy products coming into this country from Europe, from Switzerland, Belgium, Holland, or Italy to meet the same standards that we meet here. Here we require that they keep milk cows separate in the barn.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. NELSON. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. CURTIS. I yield.

Mr. NELSON. Mr. President, none of the sanitation standards which impose higher costs on production of Wisconsin dairy farmers are imposed on those who produce the same products abroad and send them here for sale. If the same standards applied, these dairy imports would not qualify to get into the marketplace in this country. I have advocated for years that we require the same sanitary standards among competitors in

Europe as are required in this country. That would be fair and equitable.

A total national production of 120 billion pounds would allow imports of 2.4 billion pounds of milk or dairy equivalent products, and that is one-half percent more than came in last year. I think the provision should stay in the bill as it is.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. PERCY. Mr. President, I understand the distinguished Senator from Nebraska has yielded 3 minutes. It may be that I will not use the entire 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. PERCY. Mr. President, I would like to respond in this way to my distinguished colleague from Minnesota and my distinguished colleague from Wisconsin. I am for the dairy farmer, particularly in Illinois. I am all for them. Even though I voted against the 80-percent figure yesterday, and I believe 75 percent was adequate, the Senate, in its wisdom, decided to reaffirm the committee, raising the dairy support price to 80 percent of parity, assuring milk producers higher prices and assuring and guaranteeing the milk producer that he will not be exposed to the ravages of a free market or unlimited milk imports.

Also I am for another group of people. I certainly would not say I would be second to the distinguished Senator from Minnesota or the distinguished Senator from Wisconsin. We are for the consumers. We have always stood for the consumers. We are for the low-income expectant mothers, who have to pay good hard cash for milk, and it is going up in price. As the distinguished Senator from Massachusetts pointed out the other day in the committee hearings of the Committee on Nutrition and Human Needs, when he showed a carton of milk, this shows the disaster it means for low-income families as prices go up.

We are for all growing children in America that drink milk. Every time the price of milk goes up taxes go up because we are paying for a lot of the milk we supply.

I am not saying we have to put the dairy farmers ahead of them, but both groups have to be taken into account. However, if we arbitrarily limit dairy imports to 2 percent we are removing the flexibility which we have. It means that 98 percent must be domestic production, regardless of what happens to prices. If we put that arbitrary limitation on, unquestionably our trading partners would view it as being an unnecessary restriction of trade. I would say to the distinguished Senator from Minnesota, who along with the Senator from Illinois, has been a proponent for freer trade, it would be handing an ax or a weapon to our allies abroad, all of whom are more ingenious than we at restricting markets. We would be giving them an invitation to restrict imports to our country, and we would have set the pattern, and we would have handed the hatchet to them to chop off our exports.

Mr. President, for those reasons I hope very much that the Senate will support the amendment.

Mr. President, I ask unanimous consent that my assistant, John Childers, be allowed the privilege of the floor during the presentation of my amendments, including rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, will the Senator from Georgia yield to me for 1 minute? I want to say something in response to the distinguished Senator from Illinois.

Mr. TALMADGE. I yield.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, one, when the European Common Market is willing to take off all their restrictions on the importation of American agricultural products, I will consider getting rid of the 2 percent import limitation. I want to have something to bargain with them.

Two, they subsidize their dairy farmers to the point where no American producer can compete.

Three, as the Senator from Wisconsin said, their sanitary standards are not the same as ours.

Four, they will share in the U.S. market under the committee bill.

Five, the consumer of dairy products in America will benefit by continuing to have U.S. dairy farmers.

Mr. President, you are not going to make dairy products out of thin air. Milk comes from cows. It takes farmers to work with cows. Cows do not sit on cartons. They have to be milked, and they have to be fed and cared for. We already are losing cows. The numbers are down. We are losing dairy farms. The figures are down. We are losing dairy production. The figures are down. The consumption is up, and I think the Senate had better make up its mind whether it is going to have a dairy industry in this country or phase it out. I do not believe in the Flanagan report which says we must get rid of dairy farmers and ship the grain, because in the process it would destroy people.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), is necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Ohio (Mr. TAFT) is necessarily absent.

The Senator from New York (Mr. BUCKLEY) is detained on official business.

If present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 23, nays 71, as follows:

[No. 177 Leg.]

YEAS—23

Aiken
Bartlett
Beall
Bellmon
Biden
Brooke
Case
Cranston
Hatfield
Javits
Kennedy
Mathias
Moss
Packwood
Pell
Percy
Ribicoff
Roth
Saxbe
Stafford
Stevenson
Tunney
Williams

NAYS—71

Abourezk
Allen
Baker
Bayh
Bennett
Bentsen
Bible
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hathaway
Helms
Hollings
Hruska
Huddleston
Hughes
Humphrey
Inouye
Jackson
Johnston
Long
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Nelson
Nunn
Pastore
Pearson
Proxmire
Randolph
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—6

Buckley
Cotton
Fulbright
Muskie
Stennis
Taft

So Mr. PERCY's amendment (No. 191) was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLINGS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 192

Mr. PERCY. Mr. President, I have amendment No. 192 at the desk, and I ask that it be called up and stated.

The PRESIDING OFFICER (Mr. NUNN). The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 40, line 3, strike out all through line 23, page 41.

On page 41, line 24, strike "813" and insert in lieu thereof "812".

On page 42, line 20, strike "814" and insert in lieu thereof "813".

On page 43, line 15, strike "815" and insert in lieu thereof "814".

On page 44, line 11, strike "816" and insert in lieu thereof "815".

On page 45, line 11, strike "817" and insert in lieu thereof "816".

Mr. PERCY. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, this amendment is a very simple amendment. It strikes section 812 from the committee bill. This involves striking the language from line 3 on page 40 through line 23 on page 41. That provides that we negotiate another international grains agreement which would set minimum and maximum prices.

The inclusion of such a recommendation in 1973 farm legislation would severely undercut the U.S. position in the article 24:6 trade negotiations now underway in the GATT as a result of the enlargement of the European Community, as well as in the multilateral trade negotiations scheduled to begin later this year and continue into 1974. In order to acquire the best possible terms for U.S. grains in these negotiations, U.S. negotiators must not be hampered by their not having available to them all possible options.

Any attempt to negotiate an international grains arrangement in the months immediately ahead would enormously complicate our existing grain trade problems with the United Kingdom. The United States has certain trade rights for grains in the United Kingdom as a result of earlier trade negotiations. The continuation of these rights is in question as a result of the United Kingdom's accession to the European Community and its acceptance of the Community's common agricultural policy. The United States will attempt to preserve and protect those rights in the trade negotiations with the enlarged Community—an effort that could be defeated if complicated by parallel negotiations on an international grains agreement.

There is ample evidence that an international commodity agreement for grains, which includes minimum and maximum prices, does not offer U.S. producers their best international trading advantage. The International Grains Arrangement of 1967—IGA—did not open new markets, nor did it keep open old markets for U.S. grain producers. In fact, it led to a contraction of export markets for U.S. grains.

Many of the advantages which have accrued to U.S. grain producers during this past year and which are expected to continue during the coming year, would not have been possible under the IGA of 1967. If the IGA of 1967 were still in effect today, the U.S. Government would be in the position of having to pay large export subsidies in order to meet its international treaty obligations. It is doubtful that the U.S. Government would be able to meet such obligations since domestic consumers would be put at a severe disadvantage relative to foreign buyers.

The experience of the past year has illustrated that U.S. grain producers are best served by having ready access to a rapidly growing world grain market. This access cannot be assured by an international commodity agreement which merely attempts to maintain world grain prices within a prescribed range.

Furthermore, the volatile world grain supply-demand situation is likely to continue in some degree through the 1973–74 season. This situation creates an extremely poor climate for an international negotiation on grain. In such a climate, the United States could be drawn into commitments which, while appearing useful in the context of a limited world grain supply, might severely jeopardize America's future ability to compete with other suppliers and to pursue our goal of continued grain export expansion.

It is useful to look at fairly recent history to see why such an International Grains Agreement should not be included in this bill.

On June 30, 1967, the United States and other countries signed an International Grains Agreement. It took effect on July 1, 1968. There were two parts to the agreement—the Wheat Trade Convention and the Food Aid Convention. Only the Wheat Trade Convention is pertinent to our discussion today. This convention, basically, was a price agreement for wheat on the world market. In retrospect, and even according to criticisms at the time, there was no need to negotiate a price agreement as the United States as an efficient producer was competing aggressively in world markets. By participating in such an agreement, the United States was giving away comparative advantage to those countries which could produce only at a higher cost. What happened?

By July 1968, world wheat prices had fallen below the IGA minimums. The United States, therefore, had to raise its prices by means of an export tax, to the level of the specified minimum prices. Not all other countries did so, however. Several countries deliberately sold at less than the minimum prices, taking away sales from the United States. As a result of this price undercutting by other countries and in the face of increasing supplies that put further downward pressure on prices, the IGA pricing provisions were completely abandoned in mid-1969.

When the IGA terminated on July 1, 1971, it was replaced by a new International Wheat Agreement which has no pricing provisions. It is under this agreement that we are now operating. This new approach is basically one of monitoring the world wheat market and reporting signs of instability—and was adopted because the rigid provisions of the former International Grains Agreement with minimum and maximum prices proved unworkable and contributed to market instability in 1968 and 1969.

Therefore, the question is: Why should we want to go back to a price-fixing system that failed once before? Why, when we have had experience which has proven so disastrous to us should we want to go back to the same old agreements that have been proven to produce the disastrous results I have enumerated?

I think American agriculture has clearly demonstrated that it is the most efficient in the world and is best served by having ready competitive access to the world market. Why should we bind ourselves to international price-fixing which can only work to the advantage of other countries which are not as efficient.

Mr. TALMADGE. Mr. President, would the Senator yield so that I might yield some time from my side to the majority leader to propose a unanimous-consent request?

Mr. PERCY. I yield.

Mr. TALMADGE. Mr. President, I thank the Senator from Illinois.

I yield such time to the distinguished majority leader as he might require on the bill.

SUCCESSFUL RELEASING OF WING ON SKYLAB

Mr. SCOTT of Pennsylvania. Mr. President, if the distinguished majority leader would yield for a moment, I would like to report to the Senate that the news ticker announces that the astronauts have released the wing on the Skylab and, with the use of some body English, have locked the wing in place. I thought I should say some word for the English.

ORDER FOR ADJOURNMENT TO 10 A.M.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I would like to propose a unanimous-consent request. First, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

The Senate continued with the consideration of the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on all amendments from here on out there be a time limitation of 25 minutes, 20 minutes for the sponsor of the amendment and 5 minutes for the manager of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. CASE. Mr. President, would it be understood that if exigencies should arise we may have a little consideration from the manager of the bill?

Mr. MANSFIELD. Yes, indeed.

Mr. JAVITS. Mr. President, would the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, reserving the right to object, I would point out that we always protect ourselves on amendments to amendments.

Mr. MANSFIELD. Yes.

Mr. JAVITS. What is the understanding on that?

Mr. MANSFIELD. Fifteen minutes, 10 to the sponsor of the amendment and 5 to the manager of the bill.

Mr. JAVITS. Mr. President, may I suggest to the majority leader that it would be better to make the whole unanimous consent request as to the whole bill rather than just a piece of it to be approved on amendments? I gather the Senator is about to do that.

Mr. MANSFIELD. I am, but I did not want to go too far if I could not get very far.

I ask unanimous consent that the Senate vote on the pending business not later than 2:30 p.m. tomorrow afternoon.

The PRESIDING OFFICER (Mr. DOMENICI). Is there objection?

Mr. MANSFIELD. And that rule XII be waived.

Mr. MATHIAS. Mr. President, reserving the right to object, if there be some flexibility in this matter to be implemented, would that be by the majority leader or the manager of the bill?

Mr. MANSFIELD. The manager of the bill.

Mr. JAVITS. Mr. President, further reserving the right to object, should not the Senate know how many amendments there are, and then Senators would have a chance to have their amendments considered?

Mr. MANSFIELD. May I say that both sides used the hot line this morning to inform Senators that this would happen this afternoon. So far as I know, all Senators have indicated a reasonable attitude, including the Senator from New York, and when I looked at the amendments on yesterday, I think there were about 13 at that time, but we have disposed of 5 or 6 in the meantime.

Mr. SCOTT of Pennsylvania. Mr. President, if the majority leader will yield, I would like to point out that in the lobby now is the information tape machine, which I have just christened with that name for lack of another, and on that Senators may inform themselves as to how many amendments have been disposed of already with respect to any particular time during the day.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. CURTIS. I am very much in favor of the unanimous-consent request. I might suggest to the majority leader that insofar as the minority are concerned, if Senators wish to remain here tonight to offer their amendments in order to be sure they will be heard, we are not pressing for early adjournment.

Mr. MANSFIELD. Surely.

Mr. SCOTT of Pennsylvania. But is it expected that votes will occur late tonight?

Mr. CURTIS. I do not know, but if Senators want to stay late tonight, we are not objecting.

Mr. SCOTT of Virginia. Mr. President, will the majority leader tell us, is the 2:30 vote tomorrow intended to be the last vote, or would we have votes on other matters?

Mr. MANSFIELD. No, that would be the final vote, and we would follow that on Monday with the Morris nomination, and that would be followed by the State Department authorizaton bill.

Mr. MATHIAS. Mr. President, can the majority leader advise us whether amendments now printed and pending will be granted 25 minutes, notwithstanding the agreement to vote at 2:30 tomorrow?

Mr. MANSFIELD. Yes, on the same basis.

Mr. PERCY. Mr. President, reserving the right to object, and I do not intend to object, would it be possible that the previous order whereby the Senator from Illinois limited himself to 20 minutes, 10 minutes on a side, could now be set aside and replaced by this new order, so that the third and last amendment that I intend to offer today could have that additional time?

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT of Pennsylvania. Mr. President, I think it should be made clear that the intent of the majority leader's proposal for a unanimous-consent agreement embraces within it the idea that the vote on passage will occur not later than 2:30 tomorrow. Therefore, if we are confronted with a situation which would put it past 2:30, it would be necessary to set aside the unanimous-consent agreement, although the managers of the bill have agreed to yield time on the bill and we are meeting 2 hours earlier than at first intended.

Mr. MANSFIELD. As a matter of fact, we can come in at 9.

Mr. SCOTT of Pennsylvania. I have no objection to that, but the majority leader is reaching the limits of my tolerance, as one who stays up late at night.

Mr. MANSFIELD. Mr. President, I renew my request, ask that rule XII be waived, and that the unanimous-consent request be in the usual form, and that debatable motions and appeals be limited to 20 minutes under the same breakdown as amendments.

The PRESIDING OFFICER. As second-degree amendments?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the hour for the vote on passage of the bill tomorrow be changed from not later than 2:30 to not later than 3 p.m. and I do so with the concurrence of both sides.

The PRESIDING OFFICER. And that rule XII be waived?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later in the day, on request by Senator MANSFIELD and by unanimous consent, the time for the vote tomorrow was restored to the original 2:30 p.m.)

The text of the unanimous consent agreement is as follows:

Ordered, That, during the further consideration of S. 1888, a bill to extend and amend the Agricultural Act of 1970, debate on any amendment shall be limited to 25 minutes, to be divided and controlled with 20 minutes to the mover of such and 5 minutes to the manager of the bill, the Senator from Georgia (Mr. TALMADGE), and that debate on any amendment in the second degree, debatable motion or appeal shall be limited to 15 minutes, to be divided and controlled with 10 minutes to the mover of such and 5 minutes to the manager of the bill, Mr. TALMADGE: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Georgia (Mr. TALMADGE) and the Senator from Nebraska (Mr. CURTIS): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Ordered further, That the vote on final passage of the said bill shall occur no later then 2:30 p.m. on Friday, June 8, 1973.

The PRESIDING OFFICER. The Senator from Illinois may proceed.

Mr. PERCY. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. PERCY. Mr. President, I yield myself the time I have remaining.

As I have stated, I think American agriculture has clearly demonstrated that it is the most efficient in the world and is best served by having ready competitive access to the world market. Why should we bind ourselves to international price-fixing which can only work to the advantage of other countries which are not as efficient?

Mr. BIBLE. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. DOMENICI). The Senate will be in order. The Senator will suspend until order is restored. The Senator is entitled to be heard.

Mr. PERCY. I am particularly pleased that the distinguished Senator from Minnesota (Mr. HUMPHREY) is present on the floor. Senator HUMPHREY himself, in remarks on the floor Tuesday, supporting such an international agreement as mentioned in section 812 of S. 1888, did say that a number of unsuccessful agreements have littered the world trading market. My point is that the International Grains Arrangement of 1967 is one such agreement and that what the committee bill proposes to do is re-create such an agreement. Again, I ask—why resurrect something that has failed before?

I realize that the section of the bill in question only recommends such a conference rather than directing for such a conference to take place. But why even recommend something that is bad?

Let us have faith in the competitive ability of the American farmer and let us not have a price-fixing arrangement that can only play us into the hands of less efficient foreign countries.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. PERCY. I am delighted to yield to my colleague, the senior Senator from New York.

Mr. JAVITS. There is one problem in this matter that I have not heard mentioned by the Senator, and that is the language which the State Department, I think very properly, objects to on unduly binding our negotiators.

The whole theory which we now have and the Europeans have is that the only way we are going to get anywhere in these negotiations that are so critical to agriculture is that their hands be free, subject to congressional veto or whatever congressional action, but free.

Is it not a fact that the real difficulty with this amendment is the upper and lower limits, which in advance instruct our negotiators, even should there be a negotiation?

Mr. PERCY. Absolutely. The Senator from New York is absolutely correct.

Mr. JAVITS. It seems to me, then, that in the interests of American agriculture itself, the amendment of the Senator should be agreed to by the Senate.

Mr. PERCY. Absolutely.

Mr. JAVITS. I thank my colleague for yielding.

Mr. TALMADGE. Mr. President, I yield such time as I may have remaining to the distinguished Senator from Minnesota, the author of the proposition the amendment seeks to strike.

Mr. HUMPHREY. Mr. President, may I respectfully inquire if my time is limited to 5 minutes?

The PRESIDING OFFICER. No, the Senator has 10 minutes on this amendment. Starting with the next amendment, it will be 5 minutes.

Mr. HUMPHREY. Mr. President, this amendment was not added to this bill as a mandatory requirement to the President, but it was added to the bill first as an authorization and then as a recommendation to the President to initiate a conference of the major grain exporting and importing countries, including two that traditionally have not been partners to GATT in the past, the Soviet Union and the People's Republic of China.

The Soviet Union is a big producer of grain, and in many years has been a net exporter and not an importer. Recently, because of unfavorable weather conditions, it has been an importer.

We know very little about the People's Republic of China, but we do know that every producer of feed grains and wheat in this Nation is affected by world market conditions, and we do know that those world market conditions will inevitably be affected by the supply and demand requirements of the U.S.S.R. and the People's Republic of China.

What is the purpose of this provision in our bill? It is to give this Government of ours some encouragement to move ahead on the question of world grains before concluding discussions and agreements under GATT which will be started at the ministerial level beginning this fall in Tokyo and which will probably not be concluded until nearly 1975.

Under the GATT agreements, we hope to come to some agreement relating to grains, but we have no assurances of that and that is why, in my judgment, we need to begin pursuing a world grains agreement as soon as possible which will include nations who in the past have not been included in the arrangements under GATT.

It is my judgment that all we are doing here is trying to stake out for ourselves some of the perimeters in which we will have to market our grains in world markets in the near future. We have much at stake in operating under international rules and agreements. We are not going to do too well if we are forced to operate under the law of the jungle. That is what we have been doing recently. The agreement of 1971 broke down primarily for two reasons; namely, because there were vast grain surpluses and the United States of America along with others started to dump onto the world market which contributed to the breakdown of earlier agreements.

I submit that what we are asking for here is a sensible, negotiating approach to a matter of international trade that basically will affect our future trade balances and our balance of payments. I do not think that we should leave this to accident or good luck.

What we are trying to do is what the Senate has done on several previous occasions, to advise the executive branch that we would like it to proceed on the basis of seeking workable understandings on production and supply, and on the minimum and maximum perimeters of price fluctuation in world market conditions.

This is not price fixing. This is an effort to give some sense of standard and direction in the field of international trade. It is not a quota. It is not a restriction. It is not a hindrance. What it amounts to is something that we have done with many other commodities, to have some understanding as to the rules by which we play the international trade game.

That seems to be where we have so much at stake, as we do in the field of agriculture, and grains especially, so that this makes a great deal of sense.

I am prepared to yield back my time, Mr. President.

Mr. PERCY. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. I yield 1 minute on the bill to the Senator from Illinois.

The PRESIDING OFFICER (Mr. HELMS). The Senator from Illinois is recognized for 1 minute.

Mr. PERCY. Mr. President, once again I thank my distinguished colleague from Minnesota, but I find myself once more in the position where I have shared so many interests with the distinguished Senator from Minnesota as the distinguished chairman of the Subcommittee on Consumer Interests of the Joint Economic Committee. I also believe that producers have certain rights, but when it comes to consumers versus producers, I come down on the side of the consumer every time.

Every time we introduce these agreements where minimum prices are established, I am afraid we tend to drive prices up. I am all for the bread eater—who wants to keep the cost down. That is the overriding thing today. I know that the Senator from Minnesota subscribes to that. He is a great advocate of the consumer. He always has been.

I believe that the producer will make out all right. It is the consumer that is hurting terribly today under present conditions.

Mr. HUMPHREY. Mr. President, I must have another minute left on the amendment, or on the part of the bill that we are talking to.

I am an advocate of the consumer and the way the consumer can have something to consume is to have a producer to produce something. There is no great battle going on between the farmers and the consumers. In fact, farmers are some of the greatest consumers in the world. They consume more steel, rubber, petroleum, and chemicals than any other segment of our national economy.

Let me say further that we do not have any minimum standards in agricultural trade such as they have in labor. We have fair labor standards. We do not hesitate to establish standards on interest rates. But when it comes to having some trade standards, for example, to assume that our producers are not the victims of mass dumping and unfair trade practices, we hesitate.

This amendment does not order anything; it merely authorizes the President to pursue early negotiations, negotiations which hopefully will include the Soviet Union and the People's Republic of China, regarding grains for export or import. Mr. President, up to the present moment, the People's Republic of China and the U.S.S.R. have been chosen not to participate under GATT. It is imperative, in light of their mass consumption and also the possibilities of their mass production, that they be included in future negotiations relating to international trade, particularly with respect to agricultural products.

Again, I urge the Senate merely to take what I consider a flexible, advisory position, and to advise the Chief Executive that he should proceed early to negotiate the best conditions that will permit some stability—some stability of production, some reasonable stability of price. That does not mean fixed prices; it means flexible prices, prices that will at least allow people to have some chance to engage productively in enterprise.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. PERCY. I yield back the remainder of my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the remaining time on the bill be equally divided between the distinguished Senator from Georgia (Mr. TALMADGE) and the distinguished Senator from Nebraska (Mr. CURTIS).

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY). The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT) is necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Ohio (Mr. TAFT) is necessarily absent.

If present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 30, nays 65, as follows:

[No. 178 Leg.]

YEAS—30

Baker
Bartlett
Beall
Bellmon
Bennett
Biden
Brock
Brooke
Buckley
Byrd,
Harry F., Jr.
Case
Curtis
Dominick
Fannin
Goldwater
Gurney
Hansen
Hatfield
Hruska
Javits
Mathias
Packwood
Percy
Ribicoff
Roth
Saxbe
Scott, Pa.
Scott, Va.
Thurmond
Weicker

NAYS—65

Abourezk
Aiken
Allen
Bayh
Bentsen
Bible
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cranston
Dole
Domenici
Eagleton
Eastland
Ervin
Fong
Gravel
Griffin
Hart
Hartke
Haskell
Hathaway
Helms
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Pastore
Pearson
Pell
Proxmire
Randolph
Schweiker
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Williams
Young

NOT VOTING—5

Cotton
Fulbright
Muskie
Stennis
Taft

So Mr. PERCY'S amendment (No. 192) was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. YOUNG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PERCY. Mr. President, I send to the desk an amendment to section 808(c) of the pending bill, S. 1888.

The PRESIDING OFFICER. The amendment will be stated.

Mr. PERCY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 38, line 7, insert the following word "nonprofit" before the word "private."

On page 38, line 9, insert the words "public and nonprofit private" before the word "establishments."

On page 38, line 10, add at the end of Sec. 808(c) the following: "When an appropriate state or local agency contracts with a private establishment to offer, at concessional prices, meals prepared especially for elderly persons during regular or special hours, the Secretary shall permit eligible households who are 60 years of age or over or elderly persons and their spouses to use coupons issued to them to purchase such meals."

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. PERCY. I am delighted to yield.

Mr. TALMADGE. Mr. President, I have examined the Senator's amendment. The staff has examined the Senator's amendment. I have discussed it with the ranking minority member of our committee. I think it is a worthy amendment. I can see no objection to it. We are prepared to accept it and to propose it in conference with the House.

Mr. PERCY. Mr. President, I wish to express my appreciation.

Mr. President, the bill, as reported out by the committee, would authorize persons over 60 years of age—and their spouses—to use food stamps to purchase meals prepared by public and private establishments for the elderly. The purpose of this amendment, which has the full support of the Department of Agriculture, is to make clear that it is not the intent to extend this new authority to profitmaking food service concerns in general, but only to those which may enter into contracts with State and local agencies to provide low-cost meals to the elderly.

The food stamp program was specifically designed to give assistance to poor families to improve their home consumption of food. When the Congress was considering major amendments to the Food Stamp Act in 1970, it was pointed out that many of the aging faced special food problems growing out of their loneliness and isolation. It was further indicated that efforts to improve their food consumption, if correctly designed, could be the basis for efforts to combat the other problems of the poor—bringing them more fully into the mainstream.

As a result, the Congress, by amendment to the Food Stamp Act, made it possible for elderly persons who were participating in the food stamp program to use their stamps to purchase meals delivered to their homes by public and nonprofit private organizations. Congress also amended the Older Americans Act to provide a special program of Federal assistance to public or nonprofit private agencies preparing meals for the elderly in schools, senior centers, et cetera. Up to 90 percent of the costs of these programs can be paid out of Federal funds to bring the program within the economic reach of the low-income aging. Again, the focus is not on food alone—but on food as an integral part of a broad program of social assistance for the elderly.

Under the bill we are considering today, the Food Stamp Act would be further amended to permit elderly persons who are participating in the food stamp program to use their food stamps to purchase meals outside the home. The bill specifically mentions senior citizens' centers, apartment buildings occupied primarily by elderly persons, and schools. However, the language of the bill does not restrict the eligible agencies to those public and private groups which would operate these programs on a nonprofit basis or to those establishments which would enter into a contract with a State or local agency to provide low cost meals to the elderly.

The purpose of my amendment would be to make it clear that this new authority is extended only to nonprofit organizations which are preparing and serving meals for the elderly or to those establishments which have entered into contracts for that purpose of providing these services. I believe such action is necessary if we are to maximize the usefulness of the food stamp program to the elderly and give maximum encouragement to the use of Federal food programs to build a program of community social services that will meet the needs of the elderly.

The restrictions proposed in my amendment also would make the new authority more consistent with that now authorized in connection with the use of food stamps for prepared meals delivered to the homes of elderly food stamp participants. In this latter case, the food stamp amendments passed by the Congress in late December 1970, limited that authorization to public and nonprofit private agencies.

My amendments will help USDA avoid the problem of adding thousands of additional organizations, most of which would be doing a minimal food stamp business. It should be recognized, of course, that the new authority contained in this bill will increase USDA's cost of administering the food stamp program, because its staff will need to authorize and monitor the participation of these new agencies.

My amendment is designed to maximize food assistance benefits to the elderly and I urge its adoption by the Senate.

Mr. McGOVERN. Mr. President, as chairman of the Senate Select Committee on Nutrition and Human Needs, and as a Senator from a rural State with over 110,000 elderly persons, I am acutely aware of the food needs of our older citizens.

In a phrase, Mr. President, good food and good fellowship are more important to maintaining the health and well-being of the elderly than anything else.

It is for this reason that I moved within the Agriculture Committee to restore food stamp eligibility to about 1.5 million elderly persons now participating, but, as of January 1, 1974, barred from participating by the new supplemental security income program.

Mr. President, I support the interest of the SSI program to provide better and uniform cash assistance to millions of our older citizens.

But I do not believe that, in achieving that objective, it is necessary to risk the nutritional security of the elderly.

Yet, when we restore them to food stamp eligibility, I fear we will be subjecting the elderly to just such a risk.

Let me explain what I mean.

There is, at this very moment, great confusion regarding the implementation of the SSI program. Indeed, at the Governors' conference in Lake Tahoe this week there has been considerable discussion regarding a request that SSI implementation be pushed back to January 1, 1975.

The Governors are considering this move, because they understand just how complicated is this question, and how little time their State legislators have had to consider or act on it.

Indeed, as I understand it, not a single legislator has yet taken the actions necessary to implement the program as intended.

The primary reason for this delay has been the difficulty the Department of

Health, Education, and Welfare has encountered in reaching some basic decisions regarding program regulations.

It was only last week that the Department announced its decisions on critical cost-sharing formula provisions. And there are still other important unanswered questions that State legislators will want to be informed on before they act.

It is not clear, for instance, what kinds of special needs categories will be accounted for. It is not clear how the outreach provisions, vital to actual participation of the elderly poor, are going to be worked out. It is yet to be decided what assets will be permitted or excluded.

These are not easy decisions but, until they are made, I believe we must protect the nutritional needs of the elderly.

The Department of Agriculture, in publishing its food stamp eligibility guidelines, has determined what income level is required for a single elderly person or for an elderly couple to live and eat on. These levels are $178 for a single person and $232 for a couple.

If the elderly have less income than that, and no food assistance, they are almost certain to end up skimping on food, and, next, likely to end up lethargic and ill.

Mr. President, the vast majority of States, under the SSI program, will not have payment levels that meet the USDA guidelines. Yet, after all the talk about ending hunger, we are on the way to insuring, via a Government program, that millions of the elderly end up malnourished.

I do not believe that is wise. The major national organizations who represent the elderly do not think that is wise.

In fact, it is not only unwise but directly contrary to what the Government set out to do last year through Project Find. Project Find was a multimillion-dollar outreach program conducted last year which enrolled 190,000 elderly persons in the food assistance programs.

Now, after all that effort, those same persons are being told they cannot have those food benefits. This is nothing less than giving with the one hand and taking away with the other.

I understand that the administration's position is that restoring food benefits somewhat undermines the workings of the SSI program, giving the States disincentives to meet their obligations.

Frankly, I find these kinds of intricate accounting questions difficult to follow.

What is clear though is that unless the Congress acts decisively to protect its commitment to the hungry poor, then we will be risking hunger and malnutrition for over a million of our elderly.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HART. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield 30 seconds to the Senator from Michigan for a unanimous-consent request.

Mr. HART. Mr. President, I ask unanimous consent that access to the floor be granted to a staff member, Shirley Johnson.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. McGOVERN. Mr. President, I ask that privilege of the floor be granted to two staff members, Marshall Matz and Ken Schlossberg.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, I ask unanimous consent that privilege of the floor be granted to my assistant Steve Bryen.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I call up my amendment to section 815 of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 43, section 815, after line 24, add the following new paragraph:

"All exporters of wheat and wheat flour, feed grains, oil seeds and products thereof, produced in the United States shall, within 72 hours after a contract for such a commodity has been concluded with a foreign buyer, report as to the kind, class, quantity, and destination of that commodity to the Secretary of Agriculture. The Secretary shall promptly make public such reports. The Secretary shall further determine and make public the effect of such exports on domestic supply and demand of such commodities at regular intervals, but not less than twice each month. Any person who knowingly fails to report export sales pursuant to the requirements of this section shall be subject to penalties not to exceed $25,000 or one year in jail, or both."

Mr. JACKSON. Mr. President, I am introducing an amendment to S. 1888, the Agriculture and Consumer Protection Act of 1973, which is designed to insure the American public of an adequate supply of domestically produced foodstuffs including wheat and wheat flour, food grains, oilseeds and products thereof. The bill requires all exporters of agricultural commodities produced in the United States to report to the Secretary of Agriculture within 72 hours after a contract with a foreign buyer has been concluded the kind, class, quantity, and destination of that commodity. The amendment also requires the Secretary of Agriculture to promptly report export sales and to determine and make public the effect of such exports on the domestic supply and demand, at least twice each month. The amendment also includes strict penalties for exporters who do not report their sales within the 72-hour time period.

At the present time, the Export Administration Act allows the Secretary of Commerce to place controls on scarce commodities, including those encompassed in my amendment, but the act has no provisions which would enable the Department to determine where, how or when a shortage occurs. The Department has asked the exporters to "voluntarily" report their foreign sales, but I am convinced this is neither adequate nor fair to the American consumer. By requiring the exporters to promptly report their sales, we will assure the Department of Commerce the necessary information to determine whether export controls should be placed on the commodity in question.

Mr. President, I do not want a repetition of the failures of the famous Soviet "wheat deal"—a deal that shuffled our own consumers to the bottom of the deck. Last year's Soviet wheat sale may have solved their problems, but it created problems for the United States. For example, there are millers and independent bakers throughout the country who either cannot get delivery on soft white wheat—the prime ingredient in baking—or are forced to pay such high prices for wheat that they cannot compete with the large corporate firms. In my own State which produces the majority of soft white wheat in this Nation, one of the major millers wrote me earlier this month saying:

> Today in asking for quotas on white wheat, we were informed that there is no wheat to be had at any price.

This problem, however, is not limited to wheat.

As chairman of the Senate Permanent Investigations Subcommittee, I have been deeply concerned that new and unprecedented rises in the prices of grains on the Nation's commodities exchanges could result in food prices rising even 15 to 20 percent higher this year. As a result, I have had the committee staff looking into activities of the Commodity Exchange Authority and the Nation's commodity exchanges. What troubles me greatly is that despite the chaotic situation in an area which affects all Americans, the Government seems powerless to even attempt to control the commodity industry which does $200 billion in business annually.

The best way to demonstrate how speculation in the commodities market has affected the wholesaler—and in turn the consumer—is to point out some statistics. At my request, Mr. John Heily, president of Continental Mills, Inc., in Seattle, detailed the percentage cost increases to him of several agricultural products during the last year. Between June 1, 1972, and June 1, 1973, egg solids rose 87 percent, flour 59.8 percent, soya 161.3 percent, shortening 42.9 percent, powdered milk 35.4 percent, and whey products 35.9 percent. The tragedy of this is that these increases must be passed on to the consumer in the form of higher priced baking products.

I believe that much of the speculation in the commodities market has stemmed from the inability or reluctance of the Nixon administration to assess and control foreign sales of agricultural commodities. Voluntary reporting of foreign sales by agricultural commodity exporters is not enough. If the job is to be done right—if we are to protect the consumer, and indeed our entire economy—the reporting procedures must be mandatory.

I have always supported and will continue to support the exportation of our surplus agricultural commodities as an integral part of our agricultural policy. However, I believe it is imperative that we first assure our country of an adequate supply of foodstuffs.

I believe my amendment will help insure that the domestic demand will be met and will reduce the speculation now occurring on agricultural commodities.

Mr. TALMADGE. Mr. President, I have examined the amendment. It seeks to get information when exporters make contracts for wheat and products, feed grains, and oilseeds and products in the United States, by requiring them to report that fact to the Department of Agriculture within 72 hours. I think the purpose of the amendment is wise. I do not think I would be violating a confidence when I state that Secretary Brunthaver came by my office this morning to report certain information to me, and I asked him what steps they were taking to try to get information about commodity markets of this country, as to what foreigners were purchasing, and to what extent they are preparing regulations at the present time mandating these reports.

I have no objection to making it on a 72-hour basis. If the Senator from Nebraska has no objection, I have no objection to taking it to conference. If at that time it turns out there is some reason administratively this cannot be done but it can be done on a weekly basis, we can take another look at it at that time.

Mr. JACKSON. I thank the distinguished chairman. The permanent Subcommittee on Investigations, which I chair, has been looking into certain activities in connection with the foreign purchases of grain last year—purchases which neither we nor the Department of Agriculture had knowledge of for weeks. I was recently told that it would still take at least 30 days to find out when foreign sales were made. With what has been happening in the commodity futures markets, the amendment I am offering today is absolutely essential.

Mr. TALMADGE. That lack of knowledge and information is what causes the Department of Agriculture to pay export funds that cost this country $297 million on the wheat deal.

Mr. JACKSON. Mr. President, I ask unanimous consent that the name of the Senator from Washington (Mr. MAGNUSON) may be added as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALLEN. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 38, between lines 10 and 11, insert the following subsection:

"(d) by adding at the end of subsection (b) of section 3 the following: 'It shall also include seeds and plants for use in gardens to produce food for the personal consumption of the eligible household.'"

Mr. ALLEN. Mr. President, compared with many far-reaching provisions of the bill and many far-reaching amendments, this is, indeed, a minor amendment.

Mr. President, the bill before the Senate extends the food stamp program and the purpose of the amendment is to allow food stamp recipients to use stamps to purchase seeds and plants for use in their gardens. The recipients of food stamps would thus be able to use their own initiative to produce fruits and vegetables needed to provide variety and nutritional value for their diets.

While this amendment does broaden the definition of food items which may be purchased with food stamp coupons, I would expect that the food stamp recipients would be able to purchase the seeds and plants they need from grocery stores who are now participating in the food stamp program. I would not expect the Department of Agriculture to undertake the administrative costs of certifying those thousands of additional stores to supply the seeds and plants that food stamp recipients might wish to purchase.

Mr. President, the amendment would allow the food stamp recipient to purchase with his food stamps seeds and plants for the purpose of growing food for consumption by himself and his household. It would allow a person to buy $1 or $2 worth of seed or vegetable plants and possibly have available a plot of land and be able to raise $50 or $100 worth of food for himself and his family. It would encourage industry on the part of the food stamp recipient and it would be at no cost to the Federal Government.

I have spoken to the manager of the bill, the distinguished Senator from Georgia (Mr. TALMADGE) and also the ranking member of the committee (Mr. CURTIS). I would hope they would offer no objection to the amendment.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. I am delighted to yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I would like very much to be a cosponsor of the amendment with my distinguished colleague.

Mr. ALLEN. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Rhode Island may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, does the distinguished Senator yield the floor?

Mr. ALLEN. I yield the floor.

Mr. CURTIS. Mr. President, I rise briefly in opposition to the amendment. I am very reluctant to do so. I think there is much to be said for the Senator's amendment. On the other hand, this program has been consistently confined to the purchase of food. The people who use food stamps, for the most part, have some money, because they have to match money with stamps, not entirely but for the most part. So it does not mean they cannot get garden seeds.

One of the reasons I feel as I do about this amendment is that the distinguished Senator from Alaska (Mr. STEVENS) presented to the Committee on Agriculture and Forestry a case for our Eskimo citizens the opportunity to trade food stamps for ammunition in order to kill certain animals as part of their regular diet. As I see it, both amendments are identical. Both seek food stamps as a means to get food, one for ammunition and the other for seed. Inasmuch as we turned down one and it has been the view that we should not go beyond that, I wish to state my opposition to the amendment. I do so reluctantly because I realize it is a worthy objective.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. PASTORE. Mr. President, with all respect to my colleague from Nebraska, I think he is stretching the point a little bit when he compares garden seed with bullets. There is a big difference. After all, this is an amendment that promotes self-sufficiency and everyone knows the cost of food is going up by leaps and bounds. All this amendment does is to help these poor people who have to depend upon food stamps to go out and buy some garden seed and cultivate a little plot in their backyards. It encourages self-sufficiency. After all, this is an agricultural bill. We are talking about crops and food and we are not talking about bullets. I hope this will pass.

Mr. ALLEN. Mr. President, I yield back the remainder of my time.

Mr. CURTIS. Mr. President, I yield back my time.

Mr. TALMADGE. Mr. President, I yield myself some time very briefly.

I have studied the Senator's amendment. Various proposals have been made to extend the food stamp program to include soap, toothbrushes, toilet paper, perfumes, and ammunition that I have consistently opposed.

I think it is a mistake to greatly broaden the food stamp program. The Senator's amendment does have considerable appeal. If someone can buy some seeds and produce more food, he could perhaps get more value with those food stamps than by trading them in the store.

I am grieved to differ with the ranking minority member of the committee, but I have no objection to the amendment.

I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Alabama.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New Jersey (Mr. CASE) is recognized.

Mr. CASE. Mr. President, if it is not out of order, I ask unanimous consent that the Senator from Minnesota (Mr. HUMPHREY) may be permitted to intervene.

The PRESIDING OFFICER. The Chair did not understand the unanimous-consent request.

Mr. CASE. I ask unanimous consent that the Senator from Minnesota be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I have an amendment at the desk, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be read.

The legislative clerk read the amendment, as follows:

On page 46, between lines 17 and 18, insert the following:

"SEC. . In carrying out the direct commodity distribution program under section 416 of the Agricultural Act of 1949, as amended, the Secretary of Agriculture shall use funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and funds of the Commodity Credit Corporation as authorized by section 709 of the Food and Agriculture Act of 1965 to purchase on the open market those agricultural commodities, and the products thereof of the types customarily available and authorized to be purchased under such section 416 but necessary to provide recipient household members with 125 per centum of their daily nutritional requirements as prescribed by the recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences-National Research Council. To the extent that funds in addition to those referred to above are needed to carry out the provisions of this section, the Secretary of Agriculture shall use any other funds authorized to be used for such purpose."

Mr. HUMPHREY. Mr. President, this amendment, very simply, would authorize the Secretary of Agriculture, with respect to the commodity distribution program to be able to purchase those products which are customarily made available under the commodity distribution program. Many of the commodities normally made available under that program are not available today because of tighter food supplies.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TALMADGE. Mr. President, I have studied the amendment. The staff has studied it. I have talked with the distinguished ranking minority member of the committee, the Senator from Nebraska. We have checked with the Department on it. There is no objection to the amendment. I hope the Senate will accept it.

I yield back my time.

Mr. HUMPHREY. Mr. President, let me make a fuller statement on this amendment.

Mr. President, my amendment relates to the commodity distribution program through which low-income families in many parts of the Nation receive food commodities that are in surplus.

My amendment which is cosponsored by Senators KENNEDY, CASE, McGOVERN, MONDALE, PERCY, HART, and HUGHES is designed to insure that recipients under this program receive enough food to meet their daily nutritional requirements.

As all of us know, due to the tightening of available surplus foods, recipients under this program have had the supply of foods they receive under this program cut back drastically in recent months. What my amendment would authorize and require is for the Secretary of Agriculture to guarantee the supply of foods made available under that program to insure that recipients get enough to meet their daily nutritional requirements. To the extent commodities needed to fulfill these requirements are not available under so-called surplus criteria, the Secretary, under my amendment, would be required to go out and purchase whatever additional foods may be needed to meet those daily nutritional requirements.

The 125 percent of daily nutritional requirements does not mean that recipients under this program will receive 25 percent over what they need. The nature of this particular program is such that the 125 percentum requirement is needed to make allowances for insuring that 100 percent of daily nutritional requirements are actually met. The 125 percentum figure is exactly the percentage amount that USDA is operating under presently in order to insure delivery of 100 percent of daily nutritional requirements.

Thirty-five States still have counties operating under the commodity distribution program. There are still 2.5 million Americans who rely upon this program as their only source for food. When this program was initiated, its sole goal was to provide outlets for farm production. Throughout the course of years it seems clear that the goal has at least become twofold: to provide outlets for farm surpluses, but also to provide the recipients of commodities the tools necessary for a nutritionally adequate diet.

Although the commodity distribution program has suceeded in its first goal, it has failed miserably in its second. The list of approved commodities is long but the list of commodities actually being delivered is growing shorter by the day.

In the last 18 months, many commodity programs have been unable to deliver vegetables, juices, dairy products, fortified macaroni, and other foods. Senate hearings have revealed the unavailability of those commodities necessary to provide a nutritionally adequate diet. It is obvious that something needs to be done to guarantee the availability of these foods to persons dependent on them for their sole source of nutrition.

For that reason, I am introducing this amendment which authorizes the Secretary of Agriculture to purchase commodities in the private market and make them available, along with existing commodities, to eligible recipients. The Secretary shall make such purchases when sufficient surpluses do not exist to guarantee the recipients of the program a nutritionally adequate diet. This bill attempts to expand and improve the present commodity distribution program so that it is of sufficient quantity and variety to constitute a nutritionally adequate diet as prepared and served.

If anyone has any doubts about the availability of surplus commodities today, I wish to call to their attention the fact that yesterday, USDA announced that they are going to discontinue their so-called plentiful foods program, an advertising program financed by USDA to advertise the availability of food commodities in surplus. The reason given yesterday by USDA for discontinuing this particular program was that there is not enough foods considered to be in surplus today to warrant continuation of the program.

I understand that the U.S. Department of Agriculture is willing to accept my amendment with the understanding that the foods to be supplied in the future for this program will consist of those foods or commodities that they normally have made available under this program in the past. I believe I understand their concern in that regard and have modified my amendment accordingly.

I ask unanimous consent that the list of States having counties still operating under this program along with a list of commodities now provided under that program be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

COMMODITY DISTRIBUTION PROGRAM

Alabama, Arizona (Navajo tribe), California, Delaware, Georgia, Guam, Idaho, Indiana, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, North Carolina, New Hampshire, Nevada, Nebraska.

North Dakota, Oklahoma, Oregon, Puerto Rico, South Dakota, Texas, Trust Territories, Virginia, Virgin Islands, Tennessee, Washington (dual operation—food stamp state with 3 counties operating both programs), Wisconsin and Wyoming.

Commodity distribution foods.

The foods currently on the list under the commodity program are as follows:

Food and recommended amount per person per month (pounds):

dry beans	2
bulgar	½
butter	1¼
cheese (not available in all areas)	1¼
corn meal	2½
egg mix (not available in all areas)	½
flour	5
canned fruits (i.e. pears, peaches)	1.8
fruit-vegetable juices	3
grits	½
split peas	½
macaroni	1
canned lunch meat (running out)	1.9
canned poultry (if lunch meat runs out, may get 3.6 lb.)	1.8
evaporated milk	1.8
nonfat dry milk (not available in all areas)	4
rolled oats or wheat	½
peanut butter	1
instant potatoes (not available in all areas)	1
rice	1½
shortening	1½
corn syrup	1½
canned vegetables	1
Total	38

As of May 25, there were 2.6 million people receiving commodities through 992 projects (counties and Indian reservation).

Mr. HUMPHREY. Mr. President, this list is the latest available, but it only covers the year ending July 1, 1972. Due to rapidly rising food prices, recipients of surplus commodities are undoubtedly getting fewer items now than they were last year.

Also, the recommended amounts listed are the maximum amounts allowed to any one person. Most States report that a smaller per person amount actually leaves their warehouses. The amount leaving the warehouses of each State varies, but the nationwide average is 75 percent of the recommended amounts. Program participants probably do not even get this much; by the time the commodities filter down through the entire distribution system, participants may receive as little as 50 percent of the recommended amounts.

The recommended by USDA amounts of the listed commodities provide:

Recommended daily allowance for:	*Percent*
Calories	80
Protein	144
Calcium	122
Iron	121
Vitamin A	127
Vitamin C	106
Thiamine	140
Riboflavin	142
If recipients receive 75 percent of the recommended amounts, they are getting:	
Calories	58
Protein	100
Calcium	76
Iron	86
Vitamin A	91
Vitamin C	82
Thiamine	98
Riboflavin	90

Mr. PERCY. Mr. President, I am delighted to join as a sponsor of the amendment proposed by the distinguished Senator from Minnesota (Mr. HUMPHREY).

As my colleagues know, in the 92d Congress and earlier this year I introduced legislation to expand and improve the surplus commodity program. On January 23, the Senator from Kentucky (Mr. COOK) and the Senator from South Dakota (Mr. MCGOVERN) joined me in introducing S. 549 to make the food distribution program more responsive to the recipients of these surplus foods and to make the delivery of food to the poor and ill fed the major aim of the program. Although I strongly support final adoption of this amendment, I will continue to urge the Senate Agriculture Committee to hold hearings on S. 549 which establishes a new program with specific standards for not only nutritional content but for consumer acceptability, packaging, and delivery as well.

I want to reiterate that neither my bill nor this amendment are intended to reverse the trend away from the food distribution programs and toward the food stamp program. However, as the Senator from Minnesota pointed out yesterday in his introductory remarks, over 2.5 million Americans still rely upon the surplus commodity program as their only source of food, and in the last 18 months many commodity programs have been unable to deliver adequate supplies of those commodities necessary to provide a nutritionally adequate diet.

I hope that food stamps will eventually replace commodity distribution entirely, and I hope that cash benefits to the poor will eventually eliminate the need for food stamps. But the record indicates that these developments are a long way off. Action is needed now by the Congress to authorize the Secretary of Agriculture to use already appropriated funds to make purchases in the private market when sufficient surpluses do not exist. We must guarantee the 2.5 million individuals who depend on the surplus commodity program a nutritionally adequate diet.

Mr. HUMPHREY. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

Mr. CASE. Mr. President, on behalf of the Senator from Massachusetts (Mr. KENNEDY) and myself, I call up my modified amendment No. 175, and ask to have it stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. CASE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendment No. 175, as modified is as follows:

> "(d) by amending subsection (a) at section 7 to read as follows·
>
> "'(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted semi-annually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor: *Provided*, That a special adjustment will be implemented on August 1, 1973, and shall incorporate the changes in the price of food through April 30, 1973.'."

Mr. CASE. Mr. President, this amendment to the farm bill, S. 1888, is designed to raise the value of food stamp coupons commensurate with the cost of food increases incurred since last July. My amendment is cosponsored by Senator KENNEDY.

Under the law, food stamp coupons are adjusted each year to reflect changes in the cost of food. This year, as we are all painfully aware, food costs have gone up dramatically. Since April of last year, food purchased for home use has increased 13.3 percent—and the cost of essential protein items has gone up even more. Broiling chickens, for example, are up 21 percent; hamburger is up 21 percent and eggs have gone up at least 35 percent.

In the face of these increases the Department of Agriculture proposes to raise the value of food stamp coupons only 3.6 percent—an increase to go into effect on July 1 and remain in effect until July 1, 1974, regardless of any further increases in food costs.

Nothing could be more cruel to the poor and the elderly living on fixed incomes. Most have already been forced to reduce their diets to the bare minimum. Many have eliminated from their diets foods such as hamburger, chicken, eggs, milk, and fresh vegetables.

The purpose of the food stamp program is to insure a nutritionally adequate diet. Accordingly, the Department of Agriculture is authorized to raise coupon allotments to keep pace with any changes in the cost of food. Sadly, the Department of Agriculture has flouted this mandate through a series of administrative regulations that emasculate the intent and letter of the law.

First of all, the Department of Agriculture figures food costs on the so-called economy diet plan. The economy diet plan is, as the Department tells us, intended for use during emergencies. The Department admits it is an inadequate diet, lacking the kind and quality of protein essential to good health on a long term. Because the food in this diet is considerably less desirable than that purchased by the ordinary family, food price increases under this diet plan do not reflect the cost increases sustained by the average consumer.

Moreover, the Department compounds the unfairness of reliance on the economy diet plan by using food costs in December as the basis for coupon allotments the following July. Thus the Department arrived at its 3.6 percent figure to take effect next month by using the cost of the economy diet plan for December, 1972—a figure that totally ignores the dramatic food price increases in January, February, March, April, and May of this year.

On February 23 I sent a telegram to Secretary Butz when news of the Department's planned 3.6 percent increase leaked to the press. I urged the Secretary to revise the scheduled updating of food stamps in keeping with the Department's own prediction earlier in February that food prices would go up at least 6.5 percent in calendar 1973. In fact, the cost of food has soared well beyond the Department's projection. For calendar 1973 alone food prices are up 9.9 percent.

My suggestion to the Secretary was rejected. And it was rejected despite the Department's awareness of deep congressional concern over the impact of food price increases on the poor and elderly. The Department has not merely rejected a more equitable basis for estimating food costs. It is even actively campaigning among State welfare agencies to urge their Senators to reject this amendment. Its appeal is not that the amendment is unworthy but that there is not time to implement a larger increase.

I have therefore modified the amendment I earlier submitted to take account of the Department's complaint. Instead of using the March 31 estimate of food costs as a guide, my amendment would permit the Department to proceed with the 3.6-percent increase already scheduled but would require it to update costs on the basis of the cost of food on April 31 and to put into effect the increase indicated on August 1, 1973. This will allow food stamp recipients to get the 3.6-percent increase already programed on July 1 and to get the further increase to which they are entitled on August 1.

Specifically, what will this amendment mean to recipients of food stamps? Currently, a family of four can purchase up to $112 in food stamp coupons per month. The actual amount they pay for food stamps depends, of course, on the income and assets of the family. The scheduled July 1 increase will raise the monthly allotment for a family of four only $4 or up to $116 per month. My original amendment would have brought the coupon allotment up to approximately $123 per month. The modifications I now propose will provide for an allotment of about $124 per month, starting in August rather than July.

Last year the Department of Agriculture did not spend over $255 million appropriated for the food stamp program. A year before the Department did not spend $368 million appropriated for the food stamp program. While additional funds will be needed to carry out the provisions of this amendment—one estimate places the amount at $288 million, the actual amount needed in increased apppropriations will be slight indeed.

A second and equally important provision of this amendment requires the face value of coupon allotments to be determined semiannually, rather than as at present on an annual basis. This change will benefit consumers if food prices continue to go up—or it can benefit the treasury in the happy event of a decline in food prices. I would hope, too, that the necessity to confront food costs every 6 months might stir the Department of Agriculture to greater efforts to reduce the price of food to all consumers.

The food stamp program, Mr. President, is vital to the health and well-being of millions of Americans. To remain a meaningful program, however, the benefits provided to recipients must keep pace with changes in the cost of living. I urge adoption of this amendment.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. CASE. I yield.

Mr. KENNEDY. Mr. President, I am delighted to join the Senator from New Jersey on this amendment. It seems to make eminently sound sense. What we are attempting to do is to assure that those who are on minimum emergency diets are going to be able to upgrade them in relation to food stamps as there is an escalation in the cost of living for basic food commodities.

This amendment will insure that at least twice a year there is a review of the increase in the cost of food for those who are eligible to receive food stamps. The practical situation is that the adjustment which will be made on July 1 of this year will be made upon an increase in cost between December of 1971 and 1972. That will increase the basic amount from $112 to $116. Even the Department of Agriculture has stated that the increase from December to July will make that $125.

We know that those who are going to receive food stamps have to wait too long to have increases in their food stamp allotment, while we have enormous increases in costs of food. All we are trying to do is to assure that an adjustment will be made twice a year to equate the increase in food prices with the allocation of food stamps.

It certainly seems there is no group in our society who are more deserving or in greater need than those who are on a marginal level in terms of food sustenance.

I hope the amendment will be adopted.

Mr. CASE. I thank my colleague.

Mr. President, I would only point out that last year the department did not use some $255 million which was appropriated for the food stamp program. I think that is a pretty shocking thing. The year before, $368 million went unused.

The extension of the food stamp program is probably the most important provision of the whole bill. I hope when we do extend it, we will extend it effectively.

Mr. PERCY. Mr. President, will the Senator yield for a unanimous consent request?

Mr. CASE. Yes, with the understanding that I do not lose the floor.

Mr. PERCY. Mr. President, I ask unanimous consent that Vernon Goetcheus, of the Nutrition Subcommittee, be allowed the privileges of the floor, including rollcall votes, during consideration of the food stamp provisions of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield myself 2 minutes.

Since 1968 the cost of the food stamp program has gone up from $172 million to $2.106 billion. Purchases under the food stamp program and all the commodity programs for our adult citizens now runs $4 billion a year. We are providing either free food or reduced price food or donated food now for some 42 million American citizens—school lunch program, 25.4 million, food stamps, 12.3 million, donated commodities, 4.4 million.

The cost of this additional amendment will be another $608 million.

I am totally sympathetic with what my friend seeks to achieve, but at a time when we cannot balance our budget, when we have had a devaluation of our dollar twice in 14 months, and a de facto devaluation which makes the devaluation 30 percent, I find it difficult to support programs that continue to escalate the cost of this program beyond the bounds of reason.

I yield back the remainder of my time.

Mr. CURTIS. Mr. President, the Senate should reject the amendment. I sympathize with the objective of the Senator's amendment. The fact remains that not all the responsibility for good works in the United States should rest on the U.S. Government. We still have 50 States. We still have cities and counties. We still have neighbors. There are still charitable organizations in the land. Not every burden in the world should fall on the shoulders of Uncle Sam.

As we look at the picture of what has been done in this field alone, in addition to all the other social programs and welfare and benefits, back in 1968, just before the present administration came to power, we were spending $172 million in food stamps. This year it is expected to be $2.1 billion, an increase of about 9 fold. The adoption of this amendment—and it is not without merit—would add $600 million more cost.

Mr. KENNEDY. Mr. President, will the Senator yield on that point on my time?

Mr. CASE. Mr. President, I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not know where the Senator from Nebraska gets the figure of $600 million. The figure that has been supplied to the committee shows about $350 million.

Mr. CURTIS. It is $600.9 million.

Mr. President, yesterday the Senate rejected an agricultural provision on the grounds that the hearings were not adequate. There have been no hearings in support of this amendment. This is not a small item. This program is increasing in the amount of a half billion dollars annually and without any hearings.

I realize that there are those who would contend that if one raises his voice to speak against an amendment including food stamps, he is for starvation. That is not true.

The proponents of the amendment have pointed out that not all of the money we have allotted in the past could be spent. Again, I say that not all the burdens of the world should fall on the shoulders of Uncle Sam. Uncle Sam has gone from $170 million to $2.1 billion, plus almost a like amount for commodity distribution in a very similar program. I therefore think the Senate should reject the amendment. It would be my hope that a bill could be introduced and that hearings could be held by the Committee on Agriculture and Forestry, which has the legislative jurisdiction.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. Mr. President, how much time remains to both sides?

The PRESIDING OFFICER. The Senator from Georgia has 3 minutes remaining. The Senator from New Jersey has 13 minutes remaining.

Mr. CASE. Mr. President, I do not think that we need to take much more time. I yield myself such time as I shall require.

The fact is that we are not attempting to expand the program to take care of all poverty. I wish there was some way to take care of all poverty. I do not know of any way to do that.

We are trying to make the food stamp program live up to its own promise, the promise of providing a nutritionally adequate diet for people who need it. This is not done under the administration by the Department of Agriculture. I have been working with them for a long time, for many months, trying to get them to administer the law in accordance with what I think is the clear intention of the law. I have not been successful. That is the reason that I have joined with the Senator from Massachusetts in proposing this amendment. It is not for the purpose of going hog wild, but it is for the purpose of giving an adequate diet to the people who need it as the law intends.

Mr. KENNEDY. Mr. President, will the Senator yield me 3 minutes?

Mr. CASE. Mr. President, I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, there is no more ridiculous argument that I have heard on the floor of the U.S. Senate than the argument that this proposal has not had any hearings. We need only to ask any housewife in the country about the increased cost of food commodities. We are trying to provide a minimum standard for people so that they can survive.

The Senator talks about the fact that

we have not had any hearings. We have all the evidence we need on this matter in the Nutrition Committee, headed by the Senator from South Dakota. Why should we blame the devaluation of the dollar and the balance of payments on the fact that poor people are trying to get enough to survive?

The Department of Agriculture has indicated that there are 3 million households receiving food stamps. The estimates of the USDA indicate that this adjustment is going to result in an increased cost that comes to a total of $324 million. We have all of the figures. According to the Department of Agriculture, they returned $208 million this year. The Senator from New Jersey said that they returned $300 million last year.

We are trying to find a bare minimum standard diet for the American people. We have many poor people in the country who are just trying to survive. Many of our fellow Americans need enough food to survive on. Why should we blame the balance of payments or the devaluation of the American dollar on the need of hungry people? That is one of the most ridiculous arguments made in the debate.

Mr. President, I fully support the distinguished Senator from New Jersey (Mr. CASE) and I am pleased to have this opportunity to explain why I believe the Senate is obliged to adopt amendment No. 175 to S. 1888, the Agriculture Act amendments.

Amendment No. 175 is designed to provide assistance to participants in the food stamp program in meeting the rapidly rising cost of foods. Department of Agriculture officials currently update food stamp allotments once each year based on food prices recorded during the previous December.

Probably, that procedure is acceptable during periods when price rises are not so dramatic. But the current food price crisis has so severely affected all consumers that many poor people are practically priced out of the food market completely. The purpose of this amendment is to enable food stamp participants to more nearly keep pace with rising food costs by adjusting food stamp allotments on a more timely basis.

Earlier this week, Agriculture Department officials testified before the Select Committee on Nutrition and Human Needs, that revised allotments would take effect on July 1, 1973. At that time the monthly allotment for a family of four would be raised to $116 in stamps, up from the current monthly figure of $112. That means those families would be forced to live with the $116 allotment through June 1974. Yet the Department has already revealed that $125 is actually required to purchase the quantity of food specified by the Department's own economy food diet. Already, we have seen a 13.3 percent rise in food prices since April 1972. And by June 1974, some observers project another 10 percent rise in food prices.

In order to insure that food stamp allotments will fairly begin to respond to real market prices, this amendment would authorize the Department to update benefits twice each year, beginning with the cost levels recorded at the end of March 1973.

When this amendment goes into effect, it will mean that food stamp participants will hopefully have a better chance to get decent nutrition, even during those times when food costs are unusually high.

This provision will offer vitally needed help for hundreds of thousands of elderly citizens living on fixed incomes, and for millions of poor families whose meager incomes fall short of meeting the pressures of today's distorted price structure.

I urge the Senate to adopt this amendment because of its importance to so many needy people.

Mr. CASE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CASE. Mr. President, is the Senator prepared to yield back his time?

Mr. TALMADGE. Mr. President, I ask unanimous consent that a tabulation showing the increased annual costs of this amendment be printed in the RECORD at this point.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

ESTIMATED ADDITIONAL COSTS FOR FISCAL YEAR 1974 OF SENATE AMENDMENTS NOS. 175 AND 176 TO S. 1888

SENATE AMENDMENT NO. 175 TO S. 1888

	million
1. Base July 1, 1973, adjustment in coupon allotments on March 1973 cost of the Economy Food Plan ($125 for a family of four):	
(*a*) Increased annual costs for 12.5 million participants	$375.0
(*b*) Increased annual costs for 56-percent increase in participation	135.7
2. Semi-annual adjustment in coupon allotments would require new allotments for January–June 1974 ($130 for a family of four):	
(*a*) Increased costs for 13.1 million participants	98.2
Total additional Federal costs of No. 175	608.9

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. CASE. Mr. President, I yield 1 minute to the distinguished Senator from South Dakota.

Mr. McGOVERN. Mr. President, I would like to add one additional point to what has been said by the Senator from New Jersey and the Senator from Massachusetts.

It should be understood that what is proposed here is an increase in the food stamp allowance that is no more than the increase in the cost of food. We are not attempting to upgrade the budget or the content of the diet or anything of that kind. We are just saying that with the increased cost of food, we have to allow more food stamps for people just to stand still and be where they were last year.

That same logic applies to the farmers covered in the pending bill. The committee wrote a provision into the bill that if the cost of producing food goes up, we will increase the target price, the farm prices, and we will raise the price of feed grains, wheat, cotton, and the other things covered by the bill in accordance with the increased cost of production. That seemed to me to be a fair argument, that if the farmers' costs go up, the price ought to go up.

The Senator from Massachusetts and the Senator from New Jersey are saying that the same principle ought to apply to the poor people who are hungry. If we want them to stay as well off as they are today, it will require an escalating cost to be written into the bill so that the food stamps do not depreciate in value.

Since we are talking about poor people here, it seems to me that with the increasing cost of food, it is only fair. I think that it is a reasonable provision.

The Senator from Nebraska expresses the fear that we all feel about the cost of Government. Some 2 or 3 years ago there was a study made by the Budget Bureau that, for some reason unknown to me, is not available.

That study showed that it costs the taxpayers of this country 3½ times as much to deal with the cost of malnutrition as it would cost to prevent it. In other words, the cost of these various social programs to deal with people who were damaged by malnutrition would cost 3½ times as much. Some of them are mentally retarded because of an inadequate diet, and they are not productive people and are not able to put in a full day's work for a full day's pay. All of this is a cost to our society.

I think the money invested in this program will come back to us several times over in the form of healthier and more productive people and will reduce the cost of some of the other programs we have on the statute books to deal with the damage that is brought about by malnutrition and bad diets.

Mr. CASE. Mr. President, how much time remains to me?

The PRESIDING OFFICER. The Senator from New Jersey has 5 minutes remaining.

Mr. CASE. Mr. President, I yield to the Senator from Minnesota such time as he might require.

Mr. HUMPHREY. I think the Senator from South Dakota has struck the note that symbolizes to me the justice of this proposal: That is, in the bill as it was reported from the committee, we have a provision that when the cost of production goes up, we increase the target price of the commodity accordingly. If we can do that for the producer, then when the cost of living goes up, I think we ought to have an escalator clause for the recipient of food stamps that mean so much to that needy person.

This is a very humanitarian amendment. I think it is economically desirable and sound. We have done the same thing, by the way, in other amendments that came from the Committee on Finance relating to social security; namely, we have an escalator clause in the social security program. This proposal has been advanced time after time. We have escalator clauses in contracts such as that of the United Automobile Workers, tied to the cost of living. What we would do here is to provide an escalator clause for those needy persons who are so dependent on food stamps for their daily food requirements.

I compliment the Senator from New

Jersey and the others who have joined in this amendment. I just could not stand here today, fighting as I always have for our farm people because I believe it is necessary that they have a chance to make a good living, and not at the same time speak up for those who suffer more than anyone else from inflation: The people on fixed incomes, the poor, and the people who are disabled.

Mr. CASE. Mr. President, I thank my colleague. I want to make just this additional remark, that as the Senator from Minnesota, the Senator from South Dakota, and the Senator from Massachusetts have very well pointed out, the essence of this proposal is just barely keeping the food stamp program even with the economic cost of living, and that is all. We are not trying to enrich it or anything else; we are just keeping the poor person who is on this program, or trying to keep him, in roughly the same position as others who are benefiting from the provisions in this bill, to guard against the penalty of his paying the full cost of inflation.

I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. CASE. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The PRESIDING OFFICER (Mr. Helms). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from New Jersey (Mr. Case). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright) is necessarily absent.

I further announce that the Senator from Maine (Mr. Muskie) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Nebraska (Mr. Hruska) and the Senator from Ohio (Mr. Taft) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. Hruska) would vote "nay."

The result was announced—yeas 56, nays 38, as follows:

[No. 179 Leg.]

YEAS—56

Abourezk
Aiken
Bayh
Beall
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Eagleton
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Saxbe
Schweiker
Scott, Pa.
Stafford
Stevens
Stevenson
Tunney
Williams

NAYS—38

Allen
Baker
Bartlett
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Johnston
Long
McClellan
McClure
Nunn
Proxmire
Roth
Scott, Va.
Sparkman
Symington
Talmadge
Thurmond
Tower
Weicker
Young

NOT VOTING—6

Cotton
Fulbright
Hruska
Muskie
Stennis
Taft

So Mr. Case's amendment was agreed to.

Mr. CASE. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 208

Mr. AIKEN. Mr. President, I call up my amendment No. 208, sponsored by Senators Humphrey, Dole, and myself, and ask that it be stated.

The PRESIDING OFFICER (Mr. Saxbe). The amendment will be stated.

The assistant legislative clerk read as follows:

On page 46, between lines 17 and 18, insert the following:

Sec. 818. The Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, is amended by:

(1) amending section 8c(5)(A) to read as follows:

"(A) Classifying milk in accordance with the form in which or the purpose for which it is used, and fixing, or providing a method for fixing, minimum prices for each such use classification which all handlers shall pay, or without fixing or providing a method for fixing minimum prices in the case of an order limited to milk products or milk used for manufacturing requiring announcement by handlers of prices to be paid producers and cooperative associations delivering to them, and fixing, or providing a method for fixing, minimum rates of payment to producers or associations of producers for services performed for a handler who is given the opportunity to purchase the milk with or without such services and elects to receive such services, such services to include, but not be limited to, (1) providing specific quantities of milk on designated days and providing milk of a specified grade, quality, or composition and (2) performing special services, such as, but not limited to, milk assembly, refrigeration, storage, laboratory work, quality supervision and accounting, and the time when payments shall be made for milk purchased from producers or associations of producers, and for services performed by producers or associations of producers. Such prices and rates shall be uniform as to all handlers, subject only to adjustment for (1) volume, market, and production differentials customarily applied by the handlers subject to such order, (2) the grade or quality of the milk purchased, (3) the locations at which delivery of such milk, or any use classification thereof, is made to such handlers, and (4) services utilized by a handler as provided by the order."

(2) amending section 8c(5)(E) by inserting before the period at the end thereof a comma and the following: "from producers or associations of producers, and (iii) for payment from the total use value of milk under paragraph (A), before computing uniform prices under paragraph (B) and reflecting adjustments in payments as among handlers under paragraph (C), to cooperative marketing associations qualified as provided in paragraph (F) of this subsection for services of marketwide benefit, including, but not limited to, the following:

"(a) handling of milk on specific days in excess of the quantities needed by handlers;

"(b) transporting milk from one location to another for the purpose of fulfilling requirements for a higher class utilization or providing a market outlet at any class of utilization; and

"(c) performing special market services, such as laboratory work, quality supervision, and accounting;

but excluding (i) providing economic, education, and legal services for the benefit of all producers, (ii) furnishing other services of an intangible nature not hereinbefore specifically included, and (iii) providing any services, whether of a type hereinbefore specifically included or not, which handlers are ready and willing to perform without charge.".

Mr. AIKEN. Mr. President, what this amendment would do would be to restore, after modification, two milk marketing provisions that were struck from S. 1888 by the Hart amendment yesterday.

HANDLER PAYMENTS

This would provide permissive authority to establish under Federal milk marketing orders rates of payment that handlers would be required to pay independent producers or associations of producers for services that they perform for the handler—milk dealer—in the marketing of the dairy farmers' milk. The handler would have to be given the choice of taking milk with or without the service, so that his election to take the service would be completely voluntary.

The handler payment provision would merely provide that all producers will receive the full price for their milk intended by the Federal order. This amendment would prevent handlers from requiring independent producers, or cooperatives, to render services for the handler for the benefit of the handler at rates below costs. Because of this, farmer prices under the milk order are impaired.

Any handler charge would have to be fully justified on both a cost and need basis at a full public hearing and could only be put into effect by a two-thirds vote of the producers.

MARKETWIDE SERVICES

This would establish permissive authority permitting Federal milk orders to provide for payments from the pool to cooperatives for services of marketwide benefit to all producers.

The payment would only be allowed if all the pool members—co-op and nonco-op—benefited from the services provided by the association of producers. No payment would be allowed for services which handlers were ready and willing to perform without charge.

Services envisioned would include inspection, laboratory work, quality supervision and accounting, and transporting milk from one location to another if this would result in a higher class utilization, thus insuring greater returns for all producers in that Federal order. Specifically excluded by the amendment are economic, education, and legal services.

Since this is permissive authority, it could only be included after full public hearings and the Secretary must establish from the hearing record that the services to be performed are of benefit to all producers before a payment could be included in the order. The Secretary must also establish the reasonable value for the services in setting the rates of payment.

The amendment also would permit an order covering manufacturing milk to provide for price posting rather than for minimum prices. This would permit the handler to fix any prices he saw fit, but he would have to let all producers know the prices he was paying.

Finally, it must have approval of two-thirds of the producers subject to the order before it could be effective.

Mr. President, I have been asked, does this provide for block voting?

It does not change the present law in any respect in regard to block voting.

Now, Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 16 minutes remaining.

Mr. AIKEN. I yield 6 minutes to the distinguished Senator from Minnesota (Mr. Humphrey).

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 6 minutes.

Mr. HUMPHREY. Mr. President, as was stated by the distinguished Senator from Vermont (Mr. Aiken) yesterday, we indicated some of the features of the dairy section which were being eliminated by the Hart amendment which should be retained in this bill.

Efforts were made to prepare the proper amendment to do this, but unfortunately time ran out, and the vote on the Hart amendment was called for before this material was completed.

The amendment now before us is intended to retain in the bill those features which Senator Aiken discussed yesterday, and those features which were adopted unanimously by the Senate in the form of the Talmadge amendments which were offered on Tuesday.

As has been pointed out on all features being considered to modify the Agricultural Marketing Agreement Act of 1937, these are permissive. They do not oblige any order to include them but do permit their consideration under the normal procedures for amending a milk marketing order, which include full justification in an open hearing where witness be heard, approval by the Secretary of Agriculture, and final approval by a two-thirds vote of producers in a referendum.

Let us now look at some of the provisions of the amendment submitted by Senator Aiken, for myself, and for Senator Dole:

MANUFACTURED MILK ORDERS WITHOUT MINIMUM PRICING

Presently, any milk order must establish minimum prices. However, this is impractical for any milk order which would apply only to manufactured milk products—such as butter, cheese, and nonfat dry milk—because the prices paid for such milk reflects a national market and a national competition, thereby making it substantially uniform.

Nevertheless, there is a need for orders for manufacturing milk to protect these producers from unfair or discriminatory practices and to insure that they are properly paid—both as to announced price from their buyer as well as on weights and tests. This amendment would permit such an order to be established, if two-thirds of the producers or of the participants so agreed. It would also authorize the posting of the price being paid by a handler in order to protect against discrimination among producers and to assure that producers are fully and properly paid.

SERVICE PAYMENT BY HANDLERS

Again, this is permissive authority to establish under Federal milk marketing orders rates of payment handlers would pay to independent producers or to associations of producers for the actual cost of services which they perform for the handler—milk dealer. In other words, all they are saying here is that a handler who gets the product from producers or an association of producers will pay for those services which are absolutely necessary under law to make that milk a desirable product in commerce. These services must have been requested by the handler. However, he cannot be obliged to pay them as a condition of acquisition of milk. In other words, he is permitted to buy his milk with or without the prescribed services; but if he elects to take such services, this would determine the basic rate of payment for such services.

This is necessary to protect the basic objective of the act to establish minimum prices—which is the present law, since 1937—which farmers will receive for their milk. Presently, handlers or dealers can exert pressure to receive such services free or at less than actual cost. These costs must then be borne by the producers and in so doing actually reduce their return to less than the minimum price prescribed in the order. This is particularly true in the case of small cooperatives or individual producers, and they will most benefit from this modification. Types of services which are contemplated are spelled out in the amendment. I emphasize that this particular provision is for the benefit of the small cooperative that has no real bargaining power with the handler whatsoever.

MARKETWIDE SERVICES

Again I emphasize—as did the Senator from Vermont—that this is permissive authority under the Agricultural Marketing Agreement Act. It does not by its passage automatically establish marketwide services in any milk marketing order. They would have to be developed as we have outlined earlier.

To clear up any misunderstanding, they could be charged only when it is clearly determined in the public hearing and by the Secretary of Agriculture that all producers on the market will benefit. All producers must benefit. If it is determined that any producers do not benefit, they cannot be invoked.

This seems only reasonable. If all benefit, then all should bear their share of the cost.

The amendment has eliminated some proposed marketwide services which had been questioned. Stricken were those provisions which relate to handling and disposing of milk supplies in excess of quantities needed by handlers and the furnishing of additional supplies of milk needed by handlers. Also stricken were the provisions relating to milk assembly, refrigeration, and storage services formerly shown in (2)(d) on page 6 of S1888.

Types of services covered—and again which must be proven to have marketwide benefit—are the handling of milk on specific days in excess of handler needs, transporting milk to obtain a higher class utilization or providing other market outlets when necessary, and special market services such as lab work, quality supervision, and accounting.

In response to Senator Hart's query about such services being available—that is, laboratory services—where a handler did not use them "because his brother was a veterinarian," permit me to point out that such a situation would automatically disqualify "laboratory work" as a marketwide service because in his illustration it would not then be marketwide.

We welcome any opportunity at this point to make completely clear in the Record of this bill that these can only apply if they are truly and completely marketwide and benefit the producer.

So I believe this amendment is scaled down to where it is imminently fair and is limited to specific cases.

Mr. TALMADGE. Mr. President, in view of the fact that the distinguished ranking minority member of the committee, the distinguished Senator from Nebraska (Mr. Curtis) and I, as chairman of the committee, both support the amendment, and it has already been approved by the committee, I desire that the time the Senator from Nebraska and I control be yielded to the Senator from Michigan (Mr. Hart).

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Michigan has 5 minutes remaining.

Mr. HART. Mr. President, I thank the distinguished Senator from Georgia and the distinguished Senator from Nebraska for their courtesy.

First, let me bring to the attention of the Senate the position of the departments of Government whose interests are involved in the amendment: First, the Department of Agriculture; second, the Department of Justice.

The position of the Department of Agriculture is addressed to the section of the language stricken yesterday without the modification reflected in the offering today.

The position of the Department of Justice is in response to the explicit language that we are now considering be reincorporated. I read, first, the impression of the Department of Justice with respect to the Aiken-Humphrey-Dole amendment.

The Department of Justice opposes amendment to the general farm bill which would provide for the setting of minimum prices for services to handlers and for a levy of charges against nonmembers for expenses incurred by a cooperative for the activities of that cooperative.

The setting of minimum prices for services to handlers amount to legalized price fixing and prevents nonmembers or smaller co-ops from competing with the dominant co-op by offering more efficient services to the handler, which would ultimately redound to the benefit of the consumer.

This amendment not only sets the price for providing specific quantities of milk "on designated days and providing milk of a specified grade, quantity or composition," but would arguably legitimize and create an antitrust exemption for the practice of charging a very high additional price over the co-op's handling charge for any additional supplies needed by a handler who is not committed to an exclusive contract with the co-ops. These charges, absent enactment of this amendment, would amount to price discrimination unless cost justified. Such practices are the subject of the Department's suit against Associated Milk Producers, Inc.

With respect to the second feature of the amendment, no showing has been made to require nonmembers to support the activities of a cooperative. The amendment provides, in part, that nonmembers must make payments to co-ops for handling milk on specific days in excess of quantities needed and for transporting milk from one location to another to increase the class utilization in one market—that is, raise the price—and thus depressing it in another.

This amendment would require nonmembers to support activities—such as "loading the pool," or controlling the resale price of milk—which are the subject of the Department's antitrust suit against Associated Milk Producers, Inc. Such an amendment would tend to legitimize these activities.

Mr. President, yesterday the Senator from Oklahoma (Mr. BELLMON) inserted in the RECORD at pages 18532 and 18533 the position and recommendation of the Department of Agriculture. I shall not repeat that material but I ask unanimous consent that the position of the Department of Agriculture with respect to the two features be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1888—MILK MARKETING ORDER PROVISIONS

(Discussion is by page number of the bill)

I.[1]

P. 2 ". . . . Such order . . . may provide . . . that the bases of producers shall be allocated to the cooperative association while they are members thereof."

a. *Intent*—to permit the cooperative to offset underdeliveries of base milk by one member with overdeliveries of base milk by another. Under a Class I base plan, a producer receives a lower price for overdeliveries, i.e., the amount delivered in excess of his Class I base. The intent of this provision is of course, to prevent overproduction. The proposed change would give members of cooperatives a tremendous advantage over non-members. An individual coop member would not receive a lower price for excess milk so long as his excess were offset by the underproduction of other members. The non-member could not, of course, avail himself of such an offset. He and his fellow nonmembers would be at such a competitive disadvantage that they would eventually be forced into joining a coop. The provision would also allow a cooperative to transfer milk off the market and allocate such transfers to the excess deliveries of its members leaving its milk left on the market as base milk. Non-members would have their history of marketing automatically reduced if they took their base milk off the market.

Depending on how the provision is utilized by the cooperative, it could also deprive the coop member of the right to buy or sell base so long as he is a member of the cooperative. In other words, allocation of a members base to the coop could give the latter full control of the base, and the right to make decisions on transfer of base between and among members. This right, if it exists, could be used both as a carrot and as a stick by the coop leadership.

The legislative history to date implies that a producer can take his base with him when he terminates membership in the cooperative. But this is not explicit, and needs clarification. Furthermore, there is no showing as to what base he takes with him—his original base, the original base as altered under the base plan, the original base as altered by the cooperative, or something else.

b. *Recommended USDA position*—Opposition based primarily on (1) the potential adverse impact on non-coop members, and (2) ambiguities in potential treatment of the coop members themselves.

II.

P. 2 ". . . Such order may provide that a producer who has acquired a base under a cooperative marketing associations base plan . . . shall . . . be entitled to the history of marketing represented by the base held by him . . ."

a. *Intent*—To avoid difficulties that cooperatives have heretofore experienced in phasing into class I base plans. We have been unwilling to automatically transfer bases from a coop base plan into a successor Class I base plain, first, because there has been no legislative authority for doing so and, second, because to do so may not be fair to nonmembers. For example, a non-member buying a farm just before a Class I base plan is initiated would not be credited with the production history of that farm in determination of his base; the coop member buying a farm would, on the other hand, have been permitted an adjustment in his base and, on the basis of the above provision, this adjustment would carry forward into his new Class 1 base.

b. *Recommended USDA position*—Opposition, based primarily on possible inequities to non-members. We have no information with respect to the grounds on which the bases of cooperatives have been established. Frequently a producer will be given special considerations in computing his base as an enticement to join the cooperatives. We recognize that the problem of the transition from a cooperative base plan to a Federal Class I plan is difficult for everyone; the coop bases have value, and that value is lost or diminished in the transfer. Aside from this, it is difficult to evaluate farm transfers and a myriad of other factors that can affect production history. We recognize these problems, for we've been experiencing them in the implementation of Class I base plans. But thus far we've been able to work them out on an ad hoc basis, and hopefully in a fair and just way. Since each situation is somewhat different, we believe that the present system is preferable to legislating a solution that, though definitive, may not be fair to some or all of the producers involved.

III.

P. 3 ". . . The Secretary of Agriculture . . . may provide a price to be paid for milk in excess of base . . . at such level as he deems appropriate without regard to prices established for each class of milk. . . ."

a. *Intent*—To provide an additional tool for supply reduction under Class I base plans. Under such a plan, producers already get a lower price for their excess milk, i.e., milk produced in excess of base, than they do for milk produced in accordance with their base allocation. But they are, nevertheless, entitled to the Class II price (established under the milk marketing order as representing the market value of the milk) for that excess milk. The cooperatives argue that this may not be enough of a production disincentive and that the Secretary should, therefore, have authority to establish the price for excess milk at a level below that of the market value. Otherwise, say the cooperatives, the Class I base plan may fail for lack of production disicpline.

b. *Recommended USDA position*—Opposition, for several reasons. The cooperatives argue that if producers vote for a Class 1 base plan, production discipline is inherent therein, and that there ought to be available in the system sufficient authority to make that discipline effective. Hence, this additional provision. Notwithstanding this line of reasoning, it would not be in the public interest to favor additional production discipline at a time when food prices, including milk prices, are rising, and milk production is already on the decline. Any producer in the market—whether or not a member of a coop—would have the incentive to sell his excess milk to a nonregulated plant willing to pay more than the "below Class II" price established in the order—if there is such a plant in the vicinity. But this in itself would lead to inefficiencies in milk marketing. In order to avoid the low price for excess milk in their home areas, producers would begin to transport that milk to nonregulated plants further away, so long as the price differential would more than offset the additional transportation costs.

In summary, additional production control is incongruous at the moment, and the additional level of prices would probably lead to marketing inefficiencies.

IV.

P. 4—States that a milk marketing order may "provide a method for fixing minimum rates of payment to producers or associations of producers for services performed for a handler, including but not liimted to (1) providing specific quantities of milk on designated days and providing milk of a specified grade, quality or composition and (2) performing special services, such as but not limited to, milk assembly, refrigeration, storage, laboratory work, quality supervision and accounting . . ."

a. *Intent*—To require cooperatives to collect "service charges" from handlers under the order. At present, cooperatives must negotiate with handlers for the collection of such charges. This has been done successfully in some markets, for some items of "service." The degree of success is, of course, dependent on the respective bargaining power of the two parties as well as the competition among cooperatives if several are operating in the same market. Under the above provision, service charges could be authorized in the order itself. For cooperatives "selling" such services might be easier through a hearing procedure than through negotiation. It would also tend to make the charges more uniform if there were several cooperatives operating in the market.

We believe that we already have this authority under present law, though the language is not as specific as that quoted above.

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[1] Section I through III apply to Class I base plan legislation. Page 4 of the bill extends such legislation for an additional five years. Though Class I base plans, which inherently are production control oriented, are difficult to justify at the present time, the extension will probably incur only limited opposition.

There is no doubt that cooperatives now perform many marketing functions that years ago were carried out by the handlers themselves. And there is no doubt that many, if not all, of these "services" are beneficial to handlers. If they were not performed by the cooperative, or by someone else, they would have to be performed by the handlers. The difficulty comes in identifying and quantifying the "services" so that fair and just payments are made under the order. For example, how does one quantify the value to a handler of being provided specific quantities of milk on designated days.

b. *Recommended USDA position*—Opposition, based on our position that these charges should be negotiated between cooperatives and handlers, rather than determined under the order. Negotiation is the free enterprise way of doing this, and it avoids the difficult, if not impossible, problem of identifying and quantifying "services" under the order. The Department of Justice points out that this provision is, in essence, legalized price fixing in an area that should be left to free competition. If, however, the Congress desires to pursue this course, the above language would be preferable to that of the existing law.

V.

P. 5—States that a milk marketing order may provide payment to producers or associations of producers ("before computing uniform prices") ". . . for services of marketwide benefit, including, but not limited to, (a) providing facilities to handle and dispose of milk supplies in excess of quantities needed by handlers and to furnish additional supplies of milk needed by handlers; (b) handling of milk on specific days in excess of the quantities needed by handlers; (c) transporting milk from one location to another for the purpose of fulfilling requirements for a higher class utilization or providing a market outlet at any class of utilization; and (d) performing special market services, such as, but not limited to, providing milk assembly, refrigeration, storage, laboratory work, quality supervision, and accounting; but excluding (i) providing economic, education, and legal services for the benefit of all producers. . . ."

a. *Intent*—To provide that cooperatives may collect "service charges" from the pool, i.e., from the milk proceeds prior to their distribution to producers. In other words, this gives cooperatives two options for obtaining reimbursement for such "services:" (1) from handlers, under the provision discussed in section IV, and (2) from all producer members and non-members, under this provision. With the exception of (c) above, the language of the two provisions is virtually identical. But the impact is considerably different. A non-coop member may well have no major objections to the provision of section IV, i.e., to the collection of service charges from handlers. But such member may object vigorously to the collection of such charges from the pool. The latter would directly reduce the amount of money that the non-coop member would receive for his milk. The cooperatives argue, of course, that these are services of benefit to all producers in the market, both members and non-members. Therefore, say the co-ops, non-members should have no objection to deduction of such charges from the pool. Some non-members would probably agree—but many would not. This is a highly controversial issue.

Note that this provision specifically excludes charges for economic, education and legal services. (A deduction for such services is now authorized in one of our orders.) Apparently this was added at the behest of some members of the Ag Committee in order to make sure that present dairy lawsuits are not financed from the pool.

This provision has many aspects of a "subsidy" for cooperatives. In the long run cooperatives would be weakened by their dependence on government regulation for operating income with its accompanying increased government supervision.

b. *Recommended USDA position*—Opposition, based (1) on the problems of identifying and quantifying such services (already discussed in section IV), and (2) more importantly, on grounds that such services are not necessarily beneficial to non-coop members. Even if they do have marketwide benefits, it is difficult to justify imposing those benefits on the non-member who does not want them.

In addition, most of these services are of primary benefit to the handler, rather than to the producer. Therefore, they should be collected from the handler. As indicated in section IV, our preference is that this be done by negotiation, rather than through the marketing order.

P. 6—Provides for the establishment of ". . . a reserve supply management program . . . designed to prevent unwarranted fluctuations in supplies . . . . by compensating cooperating dairy farmers cooperatives and handlers . . . . who . . . make their milk available in an efficient and orderly manner as needed.

a. *Intent*—To put under Federal regulation a so-called "standby pool," one form of which is now being operated on a voluntary basis by the cooperatives. The purpose of the standby pool is to ease new Grade A milk producers into the market system without unduly disrupting that system. This has been precipitated by the rapid conversion by producers in recent years from Grade B to Grade A, especially in some areas. If these new Grade A milk supplies were absorbed into the fluid milk market immediately, an excess of milk would have to be pooled under certain marketing orders, and producers in those orders would suffer. Thus, producers now operating under those orders are not anxious to have new Grade A producers enter. But they are willing to pay a few cents per hundredweight to keep that new supply in reserve. In addition, distant producers in an area where milk is in short supply during part of the year are also willing to pay a few cents per hundredweight to keep that new reserve supply available for use when needed. If they can call upon that supply on a moment's notice at a reasonable price, they can keep their handlers happy. Thus, nearby producers pay a little to keep this new supply from coming to their markets; distant producers pay a little to have it come to theirs, but only when needed.

Producers in the standby pool sell their milk to nearby manufacturing plants except when it is needed by the distant market(s). But they receive enough in payments from the other producers that their total returns are approximately comparable to those of their neighbors who are already in the nearby fluid milk market.

The standby pool does ease the transition from Grade B to Grade A, a transition with which dairy producers will have to live until (1) virtually all producers are Grade A, and (2) such producers are gradually absorbed into the marketing system. But such a pool does constitute a modification of the free market system and is, therefore; objectionable to the Justice Department. If standby pools are to be permitted to operate, Justice would much prefer that they operate under USDA jurisdiction, as provided in this legislation, than by the cooperatives themselves.

b. *Recommended USDA position*—Opposition to the legislation, on grounds that it needs greater public exposure and a careful hearing. It is very clear that some kind of Grade B-Grade A transitional mechanism is needed; but it is not at all clear that this provision is the proper mechanism. If government is to operate standby pools or "reserve supply management programs", whichever they are called, how do we decide (1) which producers can come into the fluid milk markets; (2) which must stay out of those markets; (3) which distant markets must contribute to the standby pool; (4) how much the producers must contribute; (5) how much the standby pool recipients are to receive; (6) at what prices will the standby pool reserve milk be made available to fluid markets; and a whole host of additional questions. In our judgment, legislation at this point would be premature. In addition, cooperatives could lose their Capper-Volstead exemption if proprietary concerns were to be included in the voluntary standby pool. If operated under a Federal program proprietory concerns would be permitted to participate.

VII

P. 8—". . . [I]f one-third or more of the producers . . . in a milk order apply in writing for a hearing on a proposed amendment . . . the Secretary shall call such a hearing . . . [T]his section shall not be construed to permit any cooperative to act for its members. . . ."

a. *Intent*—Self explanatory. USDA now has discretionary authority in the calling of hearings, and hearing requests are occasionally refused. The above provision would remove that discretionary authority.

There are a number of reasons why hearings may be refused. If, for example, the action requested would not be legal, there is no point in holding a hearing. Likewise, if the action would be clearly contrary to the general philosophy of the Administration, or specific policies of the Department, there is no point in holding a hearing. Hearings cost the government money, and cost producers and handlers money. Those costs simply should not be incurred when there is no chance that the requested action will be granted

b. *Recommended USDA position*—Opposition, based on (1) potential abuse of the provision, and (2) absence of proven need. As presently written, the provision withdraws all the Secretary's discretion. He could not refuse a hearing for any reason, even illegality of the proposed action. And, if one hearing were held and a request denied, a third of the producers could force the Secretary to immediately call another hearing on the very same issue. Thus, hearings could be used to harass the Department, at great expense to the taxpayer. (Fortunately, this risk is somewhat minimized by the provision which prevents cooperatives from acting for their members.)

This legislation was probably precipitated by our denial some weeks ago of hearing requests on Class I prices. Producer associations sought an increase in such prices, an impossible request under the circumstances. Nevertheless, they argued vigorously that they should have had a chance to present their case, even if it would not have been favorably received

We have an obligation not to be precipitous and arbitrary in evaluating hearing requests. When in doubt, we ought to grant such requests, for it is essential in a free society that people be able to enunciate their views. But neither should we waste time and money in useless proceedings. The application of proper administrative judgment would seem to be preferable to legislating an inflexible approach, as is done in this provision.

VIII

P. 9—Provide that the Secretary shall fix prices under the orders that will ". . . insure a sufficient quantity of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs and be in the public interest."

a. *Intent*—Perhaps simply to clarify the section, but probably also to justify higher order prices. The added language starts with "to meet" and ends with "future needs." Presumably references to levels of farm income are intended to enhance producer arguments for higher order prices. The recent requests for a Class 1 price increase were based primarily on (1) higher feed costs, and (2) an expected decline in net income to dairying.

b. *Recommended USDA position*—Neutrality. We believe that the factors encompassed in the amendment are already implicit in the current language. Thus, the amendment adds nothing substantive to the section. If costs of production are not met, and if an adequate income is not provided to dairy producers, productive capacity will decline, and consumer needs will not be met. The Department now has an obligation to make sure that those needs are met, and this obligation will remain unchanged. Nevertheless, if the amendment is simply to clarify or make more explicit the present language, we see no harm in that.

IX

The Justice Department, in a recent letter to Senator McGovern, has indicated its opposition to these amendments on specific grounds, as well as its general opposition to the anticompetitive tone of the amendments. The Department is also concerned that the intent of at least some of the provisions may be to authorize certain cooperative conduct which is now under prosecution. Several of the specific provisions are directly involved in the litigation. These include the cooperative base plan, the operation of the voluntary standby pool, and the amount of the service charges to handlers.

It is noteworthy that no hearings were held on any of these amendments.

Senator Hart's proposed amendment would delete all these provisions except: (1) the one on productive capacity in fixing Class I prices [Section VIII]; (2) mandatory hearings on [Section VII]; and (3) the five year extension of Class L base plans.

Mr. HART. Mr. President, I know that the Department of Justice can be thought to be oversensitive to any legislative proposal which would tend to jeopardize actions which it has filed and which are pending in court. I urge my colleagues to reject this amendment for the reason that it is unwise. The Department of Agriculture shares my feeling that the features, even with the modifications, would be objectionable. I hope we reject the amendment.

Mr. AIKEN. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, for the last 20 years I have heard that certain Department of Justice representatives have taken this position in every way they can think of. This is a war that has been going on between them and the farm cooperatives for almost a generation.

Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I am one of the few Senators who found merit in the amendment as it was before it was stricken by the action of the Senate yesterday. I felt the colloquy I had on two occasions with the chairman had at least laid to rest some of the arguments by supporters of the amendment. Now we are back to what I consider to be a very realistic compromise.

As the distinguished Senator from Vermont said yesterday, there was certain merit to the committee amendment.

These are, as the distinguished Senator from Minnesota just pointed out, permissive amendments, providing permissive authority. There must be hearings, there must be a two-thirds vote. All possible questions have been raised and properly answered.

I hope the Senate in its wisdom would adopt this compromise.

Mr. President, in my discussions with several of my colleagues the past few days as we considered various amendments to this farm legislation it has become apparent that some are not aware of the situation that these hardworking dairy farmers face.

Toward clarification of this fact I would like to cite the fact that the number of dairy cows in the Nation have decreased constantly in recent years, from approximately 22 million in 1950 to 17.5 million in 1960 and 12.5 million in 1970.

In my State of Kansas the number of cows have decreased 40 percent in the last 10 years, and the number of farms have decreased from 46,889 in 1960 to only 12,563 in 1970.

I would list four factors which have contributed most to the decline in numbers of dairy farms and milk producing cows:

First. The operation of a dairy farm is perhaps the most confining occupation in existence, requiring the dairy farmer or his employee to be present twice a day for milking.

Second. The work is physically hard, far more than nonfarm occupations paying considerably higher wages.

Third. Feed prices have continually increased along with other inflationary trends.

Fourth. This same inflation has required further investment by the dairy farmer till the average investment is well over $200,000.

Mr. HUMPHREY. Mr. President, will the Senator yield to me for 1 minute?

Mr. AIKEN. I yield 1 minute to the Senator from Minnesota.

Mr. HUMPHREY. I want to say with reference to the Department of Justice that the Senator from Vermont is so eminently correct. They have been waging this battle for as long as I have had the privilege to serve here. But this is the same Department of Justice that did not have the courage to pursue its case against ITT's merger involving the Hartford Life Insurance Co. The Department of Agriculture will have to sanction adoption of these provisions and the Secretary of Agriculture will have to be assured that these provisions benefit every producer, marketwide—yet the Department of Justice says this is a conspiracy. We have looked over this amendment and taken out anything that would give preference to just big cooperatives. It has been trimmed to benefit all cooperatives, big and small ones.

When I hear it will cause minimum payments for services, the Federal Marketing Act provides for minimum prices for milk and it has since 1937.

Mr. AIKEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. AIKEN. Mr. President, I would like to say that the argument made about the Department of Justice, which is the usual argument against this amendment, could be made equally against the present law which provides for the establishing of marketing orders. The Justice Department has never indicated enthusiasm for marketing orders. I do not think that position has been changed much, if any.

This amendment will be beneficial to the dairy industry without doing any harm to the rest of the population.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. AIKEN. I have 1 minute remaining.

Mr. HUMPHREY. Is it not true that under the terms of this amendment any association of farmers, whether they are called cooperatives or not, if they are an associated group, could qualify to benefit under the provisions of this amendment.

Mr. AIKEN. Yes, that is right and they have to make their case before they can get approval, with public hearings and a decision made by the Secretary. Then it has to be approved by two-thirds of the producers.

Mr. HUMPHREY. In other words, the National Farmer Organization, or a cooperative, if they can make their case, under the terms of the Marketing Act of 1937, would qualify?

Mr. AIKEN. That is right.

Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. AIKEN. Does the Senator from Michigan want to yield back his time?

Mr. HART. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. Mr. President, will the Senator yield to me for 1 minute?

Mr. AIKEN. I yield 1 minute. I will probably disagree with what the Senator says, but I yield 1 minute.

Mr. HART. Mr. President, we have had reaction with respect to the attitude of the Department of Justice. In substance it is opposed to cooperatives, and, second, it is prone to look the other way with respect to other antitrust settlements.

Mr. AIKEN. I agree with that.

Mr. HART. But what about the Department of Agriculture? Whose side are they supposed to be on? They say with respect to both of these, these charges should be negotiated. Those who spoke in support of the amendment know the Department of Agriculture better than I do, but they are much more harsh in their condemnation of the proposal pending here than the Senator from Michigan. We have the Department of Justice saying, "Do not take this amendment." We have the Department of Agriculture saying, "Do not take this amendment."

I did not have a chance to poll the Treasury. Have we not come about as far as we can to establish the fact that those not directly involved say this is a bad idea?

The PRESIDING OFFICER. All time has expired.

Mr. CURTIS. Mr. President, I yield 1 minute to the Senator from Vermont on the bill.

Mr. AIKEN. Mr. President, I have discussed this matter with people in the Department of Agriculture I have not discussed it with the Department of Justice. I am sure if there is any opposition to it, it is extremely luke warm on the part of the people in the Department of Agriculture who are responsible for handling marketing orders and carrying them out.

Mr. HUMPHREY. Mr. President, will the Senator yield me the other half-minute?

Mr. AIKEN. I yield.

Mr. HUMPHREY. Is it not true that the language the distinguished Senator from Michigan read related to the amendment that was in the original text of S. 1888? This is a revised amendment that is much more limited.

We have discussed this amendment with the people in the Department of Agriculture who work in the dairy section. They did not put out any huge bombast against it. We have eliminated most of the criticisms the Senator from Michigan asserted. Under the amendment the individual still preserves his rights.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment (putting the question.)

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All the time on the amendment having expired and the yeas and nays having been ordered, the question is on agreeing to amendment No. 208, offered by the Senator from Vermont (Mr. AIKEN) for himself and other Senators. The clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), is necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is about to attend the funeral of a friend.

The Senator from Nebraska (Mr. HRUSKA) and the Senator from Ohio (Mr. TAFT) are necessarily absent.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) would vote "nay."

On this vote, the Senator from Nebraska (Mr. HRUSKA) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 38, nays 54, as follows:

[No. 180 Leg.]

YEAS—38

Abourezk
Aiken
Baker
Bayh
Bible
Brock
Buckley
Byrd, Harry F., Jr.
Clark
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Goldwater
Gravel
Hansen
Huddleston
Hughes
Humphrey
Jackson
Johnston
Long
Magnuson
Mansfield
McClure
Mondale
Montoya
Nelson
Nunn
Pearson
Proxmire
Scott, Va.
Stafford
Stevens
Talmadge
Young

NAYS—54

Allen
Bartlett
Beall
Bellmon
Bennett
Bentsen
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cranston
Eagleton
Fong
Griffin
Gurney
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Javits
Kennedy
Mathias
McClellan
McGee
McGovern
McIntyre
Metcalf
Moss
Packwood
Pastore
Pell
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Sparkman
Stevenson
Symington
Thurmond
Tower
Tunney
Weicker
Williams

NOT VOTING—8

Cotton
Domenici
Fulbright
Hruska
Inouye
Muskie
Stennis
Taft

So the amendment was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5610) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 533) authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

The enrolled joint resolution was subsequently signed by the President pro tempore.

COST INFORMATION ON S. 354, THE NATIONAL NO-FAULT MOTOR VEHICLE INSURANCE ACT

Mr. MAGNUSON. Mr. President, when the no-fault bill was considered on the floor last year, many of my colleagues expressed concern over the cost implications of a Federal bill. I am pleased to report that the Senate Commerce Committee has received information which should completely dissipate such concern and demonstrate to my colleagues the dollar savings potential of the Federal standards legislation.

In October 1972, the firm of Milliman & Robertson, Inc., was retained by the National Association of Insurance Commissioners to establish a credible procedure for costing various no-fault proposals. The NAIC felt that conflicting cost estimates offered by different special-interest groups had posed an obstacle to legislative progress concerning no-fault.

In early May of this year, I asked Commissioner Van Hooser, president of the NAIC to provide the Senate Commerce Committee with certain cost information on S. 354. Commissioner Van Hooser kindly agreed to do this and asked Milliman & Robertson, Inc., to work up the data requested for five States differing in size, geography, and other particulars. The States selected were California, Kentucky, New Hampshire, Pennsylvania, and Texas.

Because the Federal standards approach incorporated in S. 354 gives the States considerable flexibility in designing their own State plans which comply with the Federal standards, a number of different alternatives which a State might choose were tested.

The results were dramatic.

Costs of S. 354 assuming each of the five States chose unlimited medical expense protection, up to $50,000 of wage loss protection for each accident victim, loss of services protection at $15 per day up to 3 years, and up to $50,000 in survivor loss protection when compared with costs for bodily injury insurance under the present lawsuit insurance system were as follows:

	Percent
California, decrease	11
Kentucky, decrease	1
New Hampshire, increase	9
Pennsylvania, decrease	8
Texas, decrease	17

(SOURCE: Exhibit II.)

If the States for cost reasons trimmed back the benefit package as permitted under S. 354 to unlimited medical expense protection, up to $25,000 of wage loss protection, loss of services protection at $12 per day up to 1 year, and survivors loss benefits up to $5,000, then the following results have been projected:

	Percent
California, decrease	33
Kentucky, decrease	29
New Hampshire, decrease	21
Pennsylvania, decrease	30
Texas, decrease	37

(SOURCE: Exhibit II.)

What about the relative value between no-fault insurance and the present system?

Milliman & Robertson, Inc., estimate that a no-fault package as in the first illustration above would give consumers much more value for their premium dollars.

Percent of additional people compensated and percent increase in amount of compensation:

California	88	81
Kentucky	98	110
New Hampshire	80	99
Pennsylvania	75	90
Texas	100	114

In other words, in Texas where the cost is estimated to go down 17 percent, the number of people compensated is projected to go up to 100 percent and the amount of dollars paid to those who are injured is expected to go up to 114 percent from the existing fault insurance system in that State.

That is what I call a pretty good deal.

I ask unanimous consent that the entire submission by Milliman & Robertson, Inc., submitted to the Senate Commerce Committee be printed in the Record at this point. I call particular attention to the caveats pertaining to S. 354 cost estimates that have been attached to the original submission by the reviewing actuaries, particularly the caveat that begins "S. 354 is a powerful piece of consumer legislation * * *."

There being no objection, the report was ordered to be printed in the Record, as follows:

Final Report of Milliman & Robertson, Inc. Concerning Senate Bill 354, Cost Estimate Study

SUPPLEMENTARY STATEMENT PERTAINING TO S. 354 COST ESTIMATES

On May 23, 1973, we asked that the attached statement and its conclusions be regarded as tentative and that we be given two weeks to prepare our final report. This statement, together with the amended and augmented attached statement, constitutes that final report.

Amendments to the original statement consist solely of the note on page 12 of the text, and the corresponding asterisks and footnotes in Exhibits I and II. No numbers or words have been changed from the original. Augmentation, other than this statement, consists solely of the attached "Caveats Pertaining to S. 354 Cost Estimates." No other changes have been made. The significance of these additions should not be minimized, however, for they constitute an important and inseparable part of our final report.

Withholding our prepared statement at the eleventh hour was an unusual and unexpected action that requires explanation. Such is intended here.

It became clear only on the morning of May 23 that our level of confidence in the prepared statement was not sufficiently great to authorize its release. This unfortunate and embarrassing situation developed in spite of our diligent efforts over the preceding several days to bolster that confidence level, but instead it sagged. Once made, the decision that confidence was lacking compelled the decision to withhold the report, irrespective of any consequences.

It should be noted and emphasized, as was stated at the hearing on May 23, that our action (or better, inaction) did not constitute disagreement with the actuarial assumptions or any other aspect of the report including its conclusions, but only that the prepared statement could not be submitted as final until it had undergone further review.

It is understandable that the chain of events might in some persons' minds conjure visions of pressure or inducements or threats aimed at preventing release of a report deemed objectionable. We can state categorically that no such pressure or inducements or threats were received from anyone at all in connection with the report (original or revised); nor, to the best of our knowledge, have any such been received by anyone working on the project from any quarter whatsoever at any time. Our asking for additional time for review was dictated solely by our need for additional confidence that our conclusions were reasonably accurate and not misleading.

There were a number of reasons for our uncertainty regarding the original report and its conclusions. Some have diminished or disappeared with our subsequent review, and more may do so with the passage of time, but all were important on the morning of May 23 and, taken together, were compelling. These reasons fall generally into three categories, discussed below.

(1) *Crisis atmosphere.* For a variety of reasons relating mainly to the disparity between size of task and time available, a crisis atmosphere has permeated this entire no-fault costing project. This was first viewed as an intolerable situation, however, on or about May 22 when it became apparent that effective peer review would not be possible in time for the May 23 hearing. Since no consulting actuarial firm can afford to turn out reports bearing a high risk of error, the crisis atmosphere and resulting lack of review dictated by itself the necessity for additional time before release. Our concern over report accuracy should not be considered academic, moreover, for one no-fault costing report recently was delivered by us to a client state, with the stated conclusion that the proposed legislation would decrease costs by 8%, whereas the correct conclusion based on report data was that it would increase costs by that amount. The error was discovered within a week or so and correction made, but a repeat performance would clearly be unacceptable. Thus, the crisis atmosphere loomed large as the hearing drew near.

2.) *Reconciliation with Prior Reports.* A second problem area contributing to uncertainty was the apparent fact that the report conclusions did not reconcile well with those of prior reports. In an attempt to resolve this problem we used the model to cost S. 354 for a "sixth state" for which we had already priced another no-fault bill. Since S. 354 and this other bill were both based on the same model legislation we expected fairly close agreement, but instead found a 24-percentage-point spread between our conclusions. In the course of our subsequent investigations we found that there were indeed serious questions concerning our determination of death costs, particularly where survivor benefits were large. We also found that we were largely able to reconcile the spread after all, the difference being due in large measure to benefit limitations contained in S. 354 and absent in the other bill. Even if this reconciliation had been available on May 23, it still would probably have been incumbent upon us to point out the reasons for our apparent discrepancy with an earlier report. The fact that it was not then available, however, added to our uncertainty at the critical time.

(3) *Potentially costly provisions in S. 354.* The third problem area dealt with S. 354 provisions having potential cost implications that might or might not be significant, but which generally were so susceptible to judicial interpretation or legislative actions or administrative procedures as to be beyond the current capabilities of our model. A number of such provisions gave us concern in our eleventh-hour review, but subsequent consideration results in the following categorization of those provisions (parenthetical references are to bill section).

The following provisions of S. 354 were believed on May 23 to have been potentially costly to a significant extent, but further review leads us to conclude that this is probably not so or that sufficient recognition has already been made within the input assumptions:

(a) Nonenforcement of the mandatory coverage feature of the bill (102e) may result in few new entrants to the insurance premium pool.

(b) Presumably-settled claims may be reopened if the claimants' condition deteriorates or perhaps even if medical cost inflation outstrips expectations (104b2).

(c) New entrants (204a1) to the assigned claims plan (106) may result in added costs beyond the current system.

(d) The deductible on pain and suffering losses (206a7) may be nullified (111b) or may be effectively eliminated by juries.

(e) Work loss benefit restrictions do not necessarily ensure avoidance of premium increases (210a2).

The following provisions of S. 354 were believed on May 23 to have been potentially costly to a significant extent, and further review leads us to conclude that this could well be so, particularly in the aggregate. These have not generally been included in our model processing and thus are not generally reflected in our conclusion. This should not be construed, however, as any denial on our part that these provisions might well have very significant cost implications:

(a) Loss includes maintenance as well as use of a motor vehicle (101–10). While the workmen's compensation offset covers much of this cost, there well may be a residual cost increase of appreciable proportions.

(b) The work loss benefit for an unemployed or occasionally employed person could often become the statewide average income, with the burden of proof that it should be a lower amount falling on the carrier (101–18).

(c) Premium rates for economically disadvantaged persons as a class (teenagers, for example?) must not be so great as to deny them access to the highways (103a4). Presuming that there is now such denial, this provision would add new entrants to the driver class, as well as to the claimant class. This provision, by the way, potentially requires a rating subsidy, which appears to conflict with the earlier requirement that the rates not be unfairly discriminatory.

(d) Several provisions require the carrier to make payments in questionable cases and then later be entitled to recovery from others (104a3, 109c, 205d). Such reimbursement will often not be forthcoming, and the resulting costs will make their way into the basic premium pool.

(e) Late payments bear interest at 18% per annum (104a2) and probably will involve an attorney since his fees must be paid by the carrier (105a1). This inevitably means that more questionable claims will be paid, or that interest and attorney's fees will be paid, either of which adds to the cost of the system.

Mention was made above of our having serious questions regarding death costs where extensive survivor benefits are provided. In the course of our review subsequent to May 23 it was decided that certain changes should be made in the death cost processing, and S. 354 was rerun in the five test states using the new basis. Since the results were not significantly different from those originally presented, it was decided to submit the original conclusions, subject to certain caveats, as has been done here. For this purpose, a "significant" difference may be taken to be one that is greater than 10%. It should be clear from statements in this report that this is well within our range of confidence in the conclusions presented.

Statement of W. James MacGinnitie, Representative of Milliman & Robertson, Inc.

My name is James MacGinnitie. I am an actuary by profession. I am a member of the American Academy of Actuaries, a Fellow of the Casualty Actuarial Society, and a Fellow of the Society of Actuaries. I am a consulting actuary with the firm of Milliman and Robertson, Inc.

BACKGROUND

One obstacle to legislative progress concerning no-fault insurance in the various states has been controversy over the cost implications of particular bills. Conflicting cost estimates have been offered by different special interest groups. Last fall the National Association of Insurance Commissioners decided to sponsor an independent and objective costing program, in an attempt to remove this obstacle. Thus, in October, 1972, Milliman & Robertson was retained by the NAIC to develop a computerized model that would be capable of evaluating the cost implications of a wide variety of different no-fault proposals. Financial support for the work has been provided by the Department of Transportation and the Ford Foundation.

Milliman & Robertson, Inc. was chosen because of its size, independence and professional qualifications. It is a Seattle-based firm with offices in fourteen cities staffed by more than forty fully qualified professional actuaries. The no-fault model has been the professional responsibility of Messrs. James R. Berquist, Frederick W. Kilbourne and myself. All three of us are members of the American Academy of Actuaries, which is the generally recognized certifying body for actuaries in the United States. All three of us are also Fellows of the Casualty Actuarial Society, which required us to pass a series of examinations over several years. Together we have nearly 40 years of experience in casualty actuarial practice.

The model has been programmed by the staff of Milliman & Robertson's computer services affiliate, M&R Services, Inc., and runs on the Boeing Computer Time Sharing Network. In a matter of seconds it can accomplish many man-days of work, and this has permitted the design of a model that operates at a level of considerable detail, taking into account a myriad of factors in developing cost evaluations. The model became operational on March 28, 1973, and we have continued to develop and improve it since that time. Thus far, we have submitted cost studies of no-fault proposals in the District of Columbia, and the states of Hawaii, Illinois, Louisiana, Minnesota, Tennessee and Washington.

When this assignment was given to us, the officers of the NAIC made plain to us that our sole responsibility was the evaluation of the cost implications of no-fault bills submitted to us by legislative and regulatory bodies. We were not to express any opinion as to the merits or demerits of any particular legislative proposal. In this area, the NAIC position was one of neutrality. Identification of the NAIC or of Milliman & Robertson with any particular proposal could jeopardize our objectivity and the acceptability of any studies we issued. It was explicitly agreed by all parties that we would be given complete professional freedom in expressing our views.

Consistent with its policy of having an objective, independent study, the NAIC has in no way attempted to influence the results of our study. The testimony which follows is based solely upon the results of Milliman & Robertson's efforts, and is directed solely to cost considerations, not to the merits of any particular bill nor to policy judgments thereon. The comments are ours, not those of the NAIC, whose role in the costing programs from the outset has been solely to sponsor the program in an effort to minimize the debate over cost figures as an impediment to progress.

However, Commissioner Van Hooser of Michigan, President of the NAIC, has asked me to submit a letter for the record summarizing the NAIC's position on federal no-fault legislation.

BRIEF DESCRIPTION OF THE MODEL

Our study of no-fault started with a thorough, critical evaluation of the previous work of other professional actuaries. These actuaries were very cooperative, providing us with complete explanations of their work. With the benefit of their experience, they were able to make many valuable suggestions for improvement in methodology and data sources. While we have drawn on some of the previous work of others, and are indebted to them for many of their suggestions, the model is our own professional work, for which we take full professional responsibility.

In basic terms, the model postulates a distribution of persons injured in automobile accidents. The cost of these injuries is then evaluated for the two insurance systems: tort and no-fault, and total costs are then compared.

The distribution of injuries recognizes such factors as vehicle type, severity of injury and number of vehicles involved. The cost of each injury recognizes the amounts being paid under the current tort system, the first party benefit provisions in the proposed no-fault legislation, and any residual tort rights under no-fault. The model also takes into account such factors as the eligibility for first party benefits of various vehicle types, the percentage of vehicles insured, the provisions of the assigned claims plan, the number of injuries in the state involving out-of-state vehicles, and the number of injuries occuring outside the state.

In addition to bodily injury liability coverage, the model also recognizes the presence of uninsured motorist and medical payments coverages under the current system, and makes assumptions about the extent to which they will be continued under the proposed system. Changes in loss adjustment expense levels are also taken into account.

This description covers the logic of the model; it must also have data to which the logic is applied. The principal data base has been the accident statistics developed by the state motor vehicle departments, and the closed claim survey conducted in 1969 as part of the Department of Transportation study of automobile insurance. This data has been analyzed on both a nationwide and state-by-state basis, and is specifically tailored to each state for which a cost evaluation is made. Other data sources, both insurance and non-insurance, have been utilized, as has a fair amount of considered professional judgments.

This professional judgment is an inescapable part of any cost evaluation of no-fault proposals. The model attempts to predict costs under a new and substantially changed system, and while we believe that we have been as independent and objective as possible in our judgments, they are judgments nevertheless. To improve our judgments, we have visited the states of Massachusetts, Delaware and Florida, each of which has had a no-fault law in effect for over one year. We have reviewed our model with numerous other casualty actuaries familiar with no-fault costing, employed by both insurance companies and insurance departments. But, in the last analysis, these are our own independent conclusions.

It should also be noted that the model does not project costs by class or territory, but rather works on a state-wide average basis.

The effect of a change to no-fault may vary considerably by class and territory, depending on benefit levels, tort limitations and amount of subrogation or loss shifting retained, for example.

As we have worked with the model, we have become increasingly aware of how sensitive it is to these judgment factors. The average values in death cases, for example, are based on relatively small samples of data and many important assumptions, and have a substantial impact on the overall system cost. Anyone who utilizes these findings should be aware of the importance of these judgment factors and of the variability they introduce into the results.

BILL ANALYSIS

Senate Bill 354 is a federal standards bill that incorporates many of the provisions of the Uniform Motor Vehicles Accident Reparation Act approved last year by the National Conference of Commissioners on Uniform State Laws. In our evaluation of S. 354, we have utilized the following major interpretations and assumptions.

1. Provision for rehabilitation benefits (Sec. 101(2)) will result in payment of allowable (medical) expense 5% greater than contemplated in the data base. Allowable expense is payable without limit.

2. There is a 15% maximum Federal income tax offset on work loss (Sec. 209(b)(2)) which is already contemplated in the data base.

3. Work loss and survivor's economic loss are limited to $1,000 per month, modified by the state per capita factor (Sec. 210(a)(1)). For today's testimony, we have prepared estimates for California, Kentucky, New Hampshire, Pennsylvania and Texas. For California, the $1,000 monthly limitation becomes $1,116; for Kentucky, $796; for New Hampshire, $913; for Pennsylvania, $1,000; and for Texas, $897.

4. Social security and workmen's compensation benefits are substracted in calculating new loss (Sec. 209(b)(1)). It is estimated that this will remove 7% of all medical expense claims (5% for workmen's compensation and 2% for social security), 5% of wage loss claims for workmen's compensation plus 15% of wage loss after the fifth month of disability for social security. State non-occupational disability plans are also primary, and in the case of California, it has been assumed that this will cover 35% of work loss for the first 6 months of disability.

5. Tort actions for general damages can generally be sustained only in the case of "death, significant permanent injury, serious permanent disfigurement, or more than 6 months of complete inability of the injured person to work in his occupation." (Sec. 206 (a)(7)). This should permit all of the serious injuries contemplated in the data base to seek tort recovery. However, it has been assumed that only 75% of those who are entitled to seek tort recoveries will actually do so. General damages are subject to a $5,000 deductible (Sec. 206 (a)(7)), and it has been assumed that this will be effective to the extent of $4,000, giving some allowance for inflation in general damages to overcome the deductible.

6. Bodily injury liability limits have been assumed to effectively average $20,000 per person, under the current system, and $30,000 per person under the proposed no-fault system (Sec. 203 (a)(1)).

7. The ratio of vehicles insured should increase under no-fault; how much will depend on the efficacy of procedures and regulations adopted to enforce Sec. 102. The insured percentages assumed are shown by state and vehicle category in Exhibit II. Overall insured ratios for all vehicle categories were projected to increase as follows:

[In percent]

	Present	Proposed
California	83.4	91.7
Kentucky	68.2	84.6
New Hampshire	90.3	94.6
Pennsylvania	82.4	90.9
Texas	69.2	84.6

8. Costs for death cases should increase sharply because of the long term benefits payable to survivors under the base plan. The average values utilized for death claims at various levels of survivors benefit maximums are shown in Exhibit IV.

9. Although a state could exclude certain classes of vehicles from eligibility for no-fault, by appropirate adjustment of its motor vehicle registration laws, we have assumed that all classes of vehicles contemplated in the model, including motorcycles, are eligible. (Sec. 101 (13)).

10. There is no significant subrogation of first party benefits between vehicles (Sec. 109 (a)(4)).

11. Uninsured drivers and passengers have limited access to the assigned claims plan (Sec. 106). This has been assumed to be

equivalent to a recovery percentage of 30% for drivers, and 60% for passengers, in uninsured vehicles.

12. First party benefits are applicable to out-of-state accidents for drivers and passengers (Sec. 204 (a) (2)).

13. First party benefits are payable to out-of-state vehicle occupants involved in instate accidents in the same manner as they would be for in-state residents (Sec. 204 (a) (1)).

14. Non-occupants have relatively complete coverage, either from the adverse vehicle, if insured, their own insurance, or the assigned claims plan (Sec. 204 (a) (1), 204 (b) (2)).

15. Loss adjustment expenses will decrease under no-fault. The current tort system requires an additional 19% of BI claims for adjustment expense. The proposed system will require 11% for first party benefits other than deaths, 10% for deaths, including general damages, and 25% for general damages. The large figure for general damages is due to the tort nature and the severity of these cases.

16. Losses under medical payments coverage have been taken as the following percentage of current bodily injury liability losses for private passenger and non-occupants:

	Percent
California	19.0
Kentucky	11.8
New Hampshire	8.0
Pennsylvania	15.5
Texas	24.1

These percentages have been developed from recent industry data. Under no-fault, medical payments coverage is assumed to disappear.

ALTERNATIVES

We have been asked to evaluate several alternatives for each of the five states. These alternatives are briefly described below (the numbering system corresponds to that used in Senator Magnuson's request):

1. Work loss and survivors' economic loss are limited to $50,000, and replacement services are limited to $15 per day for 3 years.

2. Work loss is limited to $25,000, and replacement services loss is limited to $12 per day for one year. Survivors' loss is limited to:

A	$10,000
B	5,000
C	1,000
D	Zero

3. The same as Alternative #2C, where work loss is limited to $25,000, replacement services loss is limited to $12 per day for one year, and survivors' loss is limited to $1,000. The tort exemption is changed, however, to permit suits for non-economic detriment if medical expenses exceed $1,000.

(Alternatives 4 and 5 are different bases of comparison)

6. The same as Alternative #1, (where work loss and survivors' economic loss are limited to $50,000, and replacement services are limited to $15 per day for 3 years), but assuming that everyone in the state selects a deductible on economic loss of—

A	$50
B	100
C	250

7. The same as in Alternative #3 (where work loss is limited to $25,000, replacement services loss is limited to $12 per day for 3 years, survivors' loss is limited to $1,000, and tort recovery is permitted where medical expense exceeds $1,000), but also assuming that everyone in the state selects a deductible on economic loss of—

A	$50
B	100
C	250

8. The same as Alternative #1 (where work loss and survivors' economic loss are limited to $50,000, and replacement services are limited to $15 per day for 3 years), but also assuming that everyone in the state elects a one week waiting period for work loss and replacement services loss.

FINDINGS

Our basic analysis encompasses the following coverages under each system:

Tort:
Bodily injury.
Uninsured Motorist.
Medical payments.
Loss adjustment expenses.
No-fault:
First party no-fault.
Residual bodily injury.
Uninsured motorist.
Loss adjustment expense.

The results of this analysis are adjusted to reflect the increase in the proportion of vehicle insured. On this basis, we project S. 354, Alternative #1 ($50,000 of work loss and survivors' economic loss, 3 years of replacement services at $15 per day) would result in the following changes in loss and loss adjustment costs:

	Percent
California (decrease)	11
Kentucky (decrease)	1
New Hampshire (increased)	8
Pennsylvania (decreased)	8
Texas (decrease)	17

NOTE.—See Exhibit I footnote before using or releasing these numbers.

It is a reasonable assumption that insurance company expenses, other than loss adjustment expenses, will vary in direct proportion to loss costs, so that total premiums for these coverages should show about the same change as loss costs.

The number of injuries (other than deaths) receiving compensation for economic loss should increase substantially, as should the amount of economic loss compensated. For the 1st alternative, no-fault would result in the following increases:

[In percent]

	Number	Amount
California	88	81
Kentucky	98	110
New Hampshire	80	99
Pennsylvania	75	90
Texas	100	114

The attached Exhibits I detail our findings by state for Alternative No. 1, for an assumed 100,000 injuries. This radix of 100,000 is highly arbitrary, of course, and it also includes many "injuries" where only general damages have been paid under the tort system.

Exhibit II shows the changes for all the alternatives.

To improve the revelance of our figures, we have also adjusted them to show the impact on the average private passenger insured. This has required us to assume that the no-fault plans adopted by the various states will contain enough loss shifting to keep the relativities between vehicle classes the same as they now are, even though such loss shifting is prohibited by Sec. 109(a). In the absence of such loss shifting, it is likely that rates for commercial vehicles would decrease relative to those for private passenger vehicles, while those for private passenger vehicles would increase relatively. However, we have assumed that there will be a loss shifting mechanism, and hence that private passenger rates for the "people damage" portion of the premium will increase or decrease as the model projects the average to increase or decrease.

We have then added in the premium for property damage liability, comprehensive and collision, and have put our comparisons on that basis in Exhibit IIA. This has also required the assumption that the abolition of tort liability for property damage to automobiles will not change costs of the system, nor costs per insured vehicle, appreciably. The only effect of this change in method of presentation is to improve its utility for you.

In Exhibit IIA, full coverage under the tort system includes bodily injury and property damage liability, medical payments, comprehensive and collision insurance. Medium coverage includes bodily injury and property damage liability and medical payments, while minimum coverage drops off the medical payments. Under no-fault, full coverage includes the compulsory coverages (first party and residual tort), inverse liability automobile physical damage, comprehensive and collision. Medium and minimum coverage drops off the comprehensive and collision.

Exhibits V shows the distribution of injuries assumed, given the 100,000 injury radix.

EXHIBIT I—COMPARISON OF PRESENT VERSUS PROPOSED INSURANCE SYSTEMS

Benefi:	Tort			No-fault		
	Number	Average	Amount	Number	Average	Amount
CALIFORNIA—PLAN 1						
Medical expenses	43,643	$445	$19,407,000	81,924	$484	$39,627,000
Wage loss	17,134	775	13,282,000	34,347	493	16,948,000
Loss of services	4,737	462	2,190,000	19,344	335	6,481,000
Total economic loss	44,506	784	34,879,000	83,740	753	63,056,000
Death costs	795	16,587	13,187,000	1,960	24,351	47,731,000
General damages	41,341	1,282	52,981,000	5,995	2,235	13,400,000
Total BI/PIP	48,576	2,080	101,047,000	85,700	1,449	124,187,000
Medical payments			18,085,000			0
Total including medical payments			119,132,000			124,187,000
Loss adjustment expense			22,635,000			15,060,000
Total including medical payments and loss adjustment expense			141,767,000			139,247,000
Overall insured ratios (percent)			(83.4)		(91.7)	
Decrease in cost, per insured vehicle (percent)				[1](11)		

Footnotes at end of table.

Benefit	Tort			No-fault		
	Number	Average	Amount	Number	Average	Amount
KENTUCKY—PLAN I						
Medical expenses	39,751	412	$16,363,000	78,600	442	$34,764,000
Wage loss	15,513	707	10,964,000	33,801	609	10,587,000
Loss of services	4,310	425	1,832,000	18,835	315	5,941,000
Total economic loss	40,502	720	29,159,000	80,345	763	61,291,000
Death costs	1,253	15,040	18,883,000	2,911	21,581	62, 23,000
General damages	37,759	1,194	45,066,000	5,833	2,028	11,833,000
Total BI/PIP	44,719	2,082	93,108,000	83,256	1,633	135,948,000
Medical payments			10,353,000			
Total including medical payments			103,461,000			135,948,000
Loss adjustment expense			19,657,000			15,982,000
Total including medical payments and loss adjustment expense			123,118,000			151,930,000
Overall insured ratios (percent)			(68.2)		(84.6,	
Decrease in cost, per insured vehicle					[1] (1)	
NEW HAMPSHIRE—PLAN I						
Medical expenses	46,066	350	16,127,000	82,399	382	31,436,000
Wage loss	17,722	605	10,715,000	35,323	568	20,053,000
Loss of services	4,957	362	1,794,000	19,703	283	5,569,000
Total economic loss	46,928	610	28,636,000	84,237	677	57,057,000
Death costs	1,292	12,716	16,430,000	2,751	18,832	51,810,000
General damages	43,723	1,060	46,364,000	6,035	1,659	10,013,000
Total BI/PIP	51,663	1,770	91,430,000	86,988	1,367	118,880,000
Medical payments			6,903,000			
Total including medical payments			98,333,000			118,880,000
Loss adjustment expense			18,683,000			13,960,000
Total including medical payments and loss adjustment expense			117,016,000			132,840,000
Overall insured ratios (percent)			(90.3)		(94.6)	
Increase in cost, per insured vehicle (percent)			[1] (8)			
PENNSYLVANIA PLAN I						
Medical expenses	46,865	412	19,299,000	81,732	449	36,665,000
Wage loss	17,948	717	12,875,000	34,467	655	22,564,000
Loss of services	5,023	429	2,155,000	19,360	318	6,166,000
Total economic loss	47,751	719	34,330,000	83,546	783	65,395,000
Death costs	1,013	15,264	15,456,000	2,169	22,487	48,776,000
General damage	44,435	1,183	52,565,000	6,000	2,036	12,214,000
Total BI/PIP	52,285	1,958	102,351,000	85,715	1,474	126,386,000
Medical payments			14,944,000			0
Total including medical payments			117,295,000			126,386,000
Loss adjustment expense			22,286,000			15,125,000
Total including medical payments and loss adjustment expense			139,581,000			141,511,000
Overall insured ratios (percent)			(82.4)		(90.9)	
Decrease in cost, per insured vehicle (percent)				[1] (8)		
TEXAS—PLAN I						
Medical expenses	39,956	319	12,736,000	79,581	340	27,084,000
Wage loss	15,770	554	8,730,000	33,377	512	17,094,000
Loss of services	4,348	331	1,438,000	81,795	256	4,805,000
Total economic loss	40,749	562	22,904,000	81,339	602	48,983,000
Death costs	783	11,881	9,302,000	2,029	16,667	33,816,000
General damages	37,864	942	35,677,000	5,282	1,433	7,571,000
Total BI/PIP	44,527	1,525	67,883,000	83,368	1,084	90,370,000
Medical payments			15,335,000			0
Total including medical payments			83,218,000			90,370,000
Loss adjustment expense			15,811,000			10,663,000
Total including medical payments and loss adjustment expense			99,029,000			101,033,000
Overall insured ratios (percent)			(69.2)			(84.6)
Decrease in cost, per insured vehicle (percent)				[1] (17)		

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[1] Neither this number nor the other numbers in this or the other exhibits should be used or released except in conjunction with a thorough reading and understanding of the attached statement, entitled "Caveats Pertaining to S. 354 Cost Estimates."

EXHIBIT II.—SUMMARY OF FINDINGS, BI LIABILITY, MEDICAL PAYMENTS ONLY

[In percent]

Alternative	Work loss, maximum	Services limit		Surv's loss, maximum	Other	California	Kentucky	New Hampshire	Pennsylvania	Texas
		Period, years	Amount, per day							
1	$50,000	3	$15	$50,000		[1] −11	[1] −1	[1] +9	[1] −8	[1] −17
2A	25,000	1	12	10,000		−30	−26	−18	−27	−35
2B	25,000	1	12	5,000		−33	−29	−21	−30	−37
2C	25,000	1	12	1,000		−35	−33	−26	−33	−39
2D	25,000	1	12	None		−35	−34	−27	−34	−40
3	25,000	1	12	1,000	$1,000 med. threshold	−34	−31	−24	−31	−39
6A	50,000	3	15	50,000	$50 deduct.[2]	−13	−2	+5	−11	−20
6B	50,000	3	15	50,000	$100 deduct.[2]	−15	−5	+3	−13	−22
6C	50,000	3	15	50,000	$250 deduct.[2]	−19	−9	−3	−18	−22
7A	25,000	1	12	1,000	$50 deduct.,[2] $1,000 med. threshold	−35	−34	−28	−34	−47

Footnotes at end of table.

Alternative	Work loss, maximum	Services limit: Period, years	Services limit: Amount, per day	Surv's loss, maximum	Other	California	Kentucky	New Hampshire	Pennsylvania	Texas
7B	$25,000	1	12	$1,000	$100 deduct.,[2] $1,000 med. threshold	−37	−36	−29	−36	−44
7C	25,000	1	12	1,000	$250 deduct.,[2] $1,000 med. threshold	−41	−40	−35	−40	−49
8	50,000	3	15	50,000	1 wk. elim. period [3]	−13	−3	+5	−11	−20

[1] Refer to Exhibit I footnote.

[2] Deductible applies to all economic loss.

[3] Elimination period applies to work loss and replacement services only.

EXHIBIT IIA.—SUMMARY OF FINDINGS, PASSENGER CAR ONLY: TOTAL PREMIUM BASIS (INCLUDING PHYSICAL DAMAGE)

[In percent]

Alternative	Work loss, maximum	Services limit: Period, years	Services limit: Amount, per day	Surv's loss, maximum	Other	California	Kentucky	New Hampshire	Pennsylvania	Texas
1	$50,000	3	$15	$50,000		−5	[1] 0	[1] +3	[1] −3	[1] −5
2A	25,000	1	12	10,000		−13	−8	−7	−10	−10
2B	25,000	1	12	5,000		−14	−8	−8	−11	−10
2C	25,000	1	12	1,000		−15	−10	−10	−12	−11
2D	25,000	1	12	None		−15	−10	−10	−13	−11
3	25,000	1	12	1,000	$1,000 med. threshold	−13	−9	−9	−12	−11
4 medium	50,000	3	15	50,000		−8	−1	+6	−5	−10
4 min	50,000	3	15	50,000		+4	+6	+11	+4	+2
5 medium	25,000	1	12	1,000		−25	−20	−17	−22	−23
5 min	25,000	1	12	1,000		−15	−14	−13	−14	−9
6A	50,000	3	15	50,000	$ 50 deduct.[2]	−6	−1	+2	−4	−6
6B	50,000	3	15	50,000	$100 deduct.[2]	−6	−1	+1	−5	−6
6C	50,000	3	15	50,000	$250 deduct.[2]	−8	−3	−1	−7	−7
7A	25,000	1	12	1,000	$50 deduct.[2] $1,000 med. threshold	−15	−10	−11	−13	−12
7B	25,000	1	12	1,000	$100 deduct.[2] $1,000 med. threshold	−16	−10	−11	−14	−12
7C	25,000	1	12	1,000	$250 deduct.[2] $1,000 med. threshold	−18	−12	−13	−15	−14
8	50,000	3	15	50,000	1 wk. elim. period [3]	−6	−1	+2	−4	−6

[1] Refer to exhibit I footnote.

[2] Deductible applies to all economic loss.

[5] Elimination period applies to work loss and replacement services only.

EXHIBIT III

INSURED PERCENTAGES

	Present: BI	Present: UM	Proposed: BI/PIP	Proposed: UM
CALIFORNIA				
Private passenger	82	78	91	87
Nonoccupant	77	73	88	84
Commercial	92	88	96	92
Motorcycle	68	64	84	79
Other (public)	98	94	99	95
Out-of-State vehicle	80		80	
KENTUCKY				
Private passenger	67	64	84	80
Nonoccupant	63	60	82	78
Commercial	75	72	88	84
Motorcycle	55	52	78	74
Other (public)	91	87	96	92
Out-of-State vehicle	70		70	
NEW HAMPSHIRE				
Private passenger	89	85	94	90
Nonoccupant	84	80	92	87
Commercial	99	95	99	95
Motorcycle	73	69	86	81
Other (public)	99	95	99	95
Out-of-State vehicle	90		90	
PENNSYLVANIA				
Private passenger	81	77	90	86
Nonoccupant	76	72	88	84
Commercial	91	87	96	92
Motorcycle	67	63	84	79
Other (public)	97	93	98	94
Out-of-State vehicle	80		80	
TEXAS				
Private passenger	68	65	84	80
Nonoccupant	64	61	82	78
Commercial	76	73	88	84
Motorcycle	56	53	78	74
Other (public)	96	92	98	94
Out-of-State vehicle	70		70	

EXHIBIT IV

AVERAGE VALUES FOR DEATH CLAIMS, $50,000 MAXIMUM

	Tort	Nofault: 1st party	Nofault: Residual Tort
California:			
Private passenger, driver	$22,081	$24,319	$12,000
Private passenger, passenger	15,786	19,817	12,000
Nonoccupant	10,618	14,279	7,200
Commercial	23,035	24,655	12,000
Motorcycle	15,786	18,385	12,000
Other (public)	15,786	18,169	10,800
Kentucky:			
Private passenger, driver	19,321	21,279	10,500
Private passenger, passenger	13,813	17,340	10,500
Nonoccupant	9,290	12,494	6,300
Commercial	20,156	21,573	10,500
Motorcycle	13,813	16,087	10,500
Other (public)	13,813	15,898	9,450
New Hampshire:			
Private passenger, driver	16,561	18,239	9,000
Private passenger, passenger	11,840	14,863	9,000
Nonoccupant	7,963	10,709	5,400
Commercial	17,276	18,491	9,000
Motorcycle	11,840	13,789	9,000
Other (public)	11,840	13,627	8,100
Pennsylvania:			
Private passenger, driver	20,241	22,293	11,000
Private passenger, passenger	14,471	18,165	11,000
Nonoccupant	9,733	13,089	6,600
Commercial	21,116	22,601	11,000
Motorcycle	14,471	16,853	11,000
Other (public)	14,471	16,655	9,900
Texas:			
Private passenger, driver	15,641	17,226	8,500
Private passenger, passenger	11,182	14,037	8,500
Nonoccupant	7,521	10,114	5,100
Commercial	16,317	17,464	8,500
Motorcycle	11,182	13,023	8,500
Other (public)	11,182	12,870	7,650

AVERAGE VALUES FOR DEATH CLAIMS, $10,000 MAXIMUM

	Tort	Nofault: 1st party	Nofault: Residual Tort
California:			
Private passenger, driver	22,081	8,443	12,000
Private passenger, passenger	15,786	7,152	12,000
Non-occupant	10,618	5,480	7,200
Commercial	23,035	8,140	12,616
Motorcycle	15,786	6,407	12,000
Other (public)	15,786	6,517	10,800
Kentucky:			
Private passenger, driver	19,321	7,388	10,500
Private passenger, passenger	13,813	6,258	10,500
Non-occupant	9,290	4,795	6,300
Commercial	20,156	7,122	11,039
Motorcycle	13,813	5,606	10,500
Other (public)	13,813	5,703	9,450
New Hampshire:			
Private passenger, driver	16,561	6,332	9,000
Private passenger, passenger	11,840	5,364	9,000
Non-occupant	7,963	4,110	5,400
Commercial	17,276	6,105	9,462
Motorcycle	11,840	4,805	9,000
Other (public)	11,840	4,888	8,100
Pennsylvania:			
Private passenger, driver	20,241	7,740	11,000
Private passenger, passenger	14,471	6,556	11,000
Non-occupant	9,733	5,024	6,600
Commercial	21,116	7,461	11,564
Motorcycle	14,471	5,873	11,000
Other (public)	14,471	5,974	9,900
Texas:			
Private passenger, driver	15,641	5,981	8,500
Private passenger, passenger	11,182	5,066	8,500
Non-occupant	7,521	3,882	5,100
Commercial	16,317	5,766	8,936
Motorcycle	11,182	4,538	8,500
Other (public)	11,182	4,616	7,650

AVERAGE VALUES FOR DEATH CLAIMS, $5,000 MAXIMUM

	Tort	Nofault: 1st party	Nofault: Residual Tort
California:			
Private passenger, driver	22,081	6,426	13,375
Private passenger, passenger	15,786	5,494	12,000
Nonoccupant	10,618	4,415	7,200
Commercial	23,035	5,122	15,634
Motorcycle	15,786	4,495	12,000
Other (public)	15,786	4,817	10,800
Kentucky:			
Private passenger, driver	19,321	5,623	11,703
Private passenger, passenger	13,813	4,807	10,500
Nonoccupant	9,290	3,863	6,300

	Tort	Nofault: 1st party	Nofault: Residual Tort
Commercial	20, 156	4, 481	13, 679
Motorcycle	13, 813	3, 933	10, 500
Other (public)	13, 813	4, 215	9, 450
New Hampshire:			
Private passenger, driver	16, 561	4, 820	10, 031
Private passenger, passenger	11, 840	4, 120	9, 000
Nonoccupant	7, 963	3, 311	5, 400
Commercial	17, 276	3, 841	11, 725
Motorcycle	11, 840	3, 371	9, 000
Other (public)	11, 840	3, 613	8, 100
Pennsylvania:			
Private passenger, driver	20, 241	5, 890	12, 261
Private passenger, passenger	14, 471	5, 036	11, 000
Nonoccupant	9, 733	4, 047	6, 600
Commercial	21, 116	4, 695	14, 331
Motorcycle	14, 471	4, 121	11, 000
Other (public)	14, 471	4, 415	9, 900
Texas:			
Private passenger, driver	15, 641	4, 552	9, 474
Private passenger, passenger	11, 182	3, 891	8, 500
Nonoccupant	7, 521	3, 127	5, 100
Commercial	16, 317	3, 628	11, 074
Motorcycle	11, 182	3, 184	8, 500
Other (public)	11, 182	3, 412	7, 650

AVERAGE VALUES FOR DEATH CLAIMS, $1,000 MAXIMUM

	Tort	Nofault: 1st party	Nofault: Residual Tort
California:			
Private passenger, driver	22, 081	3, 109	16, 692
Private passenger, passenger	15, 786	3, 008	12, 000
Nonoccupant	10, 618	2, 641	7, 200
Commercial	23, 035	2, 342	18, 413
Motorcycle	15, 786	2, 330	12, 000
Other (public)	15, 786	2, 624	10, 882
Kentucky:			
Private passenger, driver	19, 321	2, 721	14, 606
Private passenger, passenger	13, 813	2, 632	10, 500
Nonoccupant	9, 290	2, 311	6, 300
Commercial	20, 156	2, 050	16, 111
Motorcycle	13, 813	2, 039	10, 500
Other (public)	13, 813	2, 296	9, 521
New Hampshire:			
Private passenger, driver	16, 561	2, 332	12, 519
Private passenger, passenger	11, 840	2, 256	9, 000
Nonoccupant	7, 963	1, 981	5, 400
Commercial	17, 276	1, 757	13, 810
Motorcycle	11, 840	1, 748	9, 000
Other (public)	11, 840	1, 968	8, 161
Pennsylvania:			
Private passenger, driver	20, 241	2, 850	15, 301
Private passenger, passenger	14, 471	2, 758	11, 000
Nonoccupant	9, 733	2, 421	6, 600
Commercial	21, 116	2, 147	16, 878
Motorcycle	14, 471	2, 136	11, 000
Other (public)	14, 471	2, 406	9, 975
Texas:			
Private passenger, driver	15, 641	2, 202	11, 824
Private passenger, passenger	11, 182	2, 131	8, 500
Nonoccupant	7, 521	1, 871	5, 100
Commercial	17, 317	1, 659	13, 042
Motorcycle	11, 182	1, 651	8, 500
Other (public)	11, 182	1, 859	7, 708

AVERAGE VALUES FOR DEATH CLAIMS, NO SURVIVOR'S BENEFITS

	Tort	Nofault: 1st party	Nofault: Residual Tort
California:			
Private passenger, driver	22, 081	2, 192	17, 609
Private passenger, passenger	15, 786	2, 250	12, 000
Non-occupant	10, 618	2, 090	7, 200
Commercial	23, 035	1, 596	19, 159
Motorcycle	15, 786	1, 710	12, 000
Other (public)	15, 786	1, 976	11, 530
Kentucky:			
Private passenger, driver	19, 321	1, 918	15, 408
Private passenger, passenger	13, 813	1, 969	10, 500
Non-occupant	9, 290	1, 829	6, 300
Commercial	20, 156	1, 396	16, 764
Motorcycle	13, 813	1, 496	10, 500
Other (public)	13, 813	1, 729	10, 088
New Hampshire:			
Private passenger, driver	16, 561	1, 644	13, 207
Private passenger, passenger	11, 840	1, 688	9, 000
Non-occupant	7, 963	1, 568	5, 400
Commercial	17, 276	1, 197	14, 369
Motorcycle	11, 840	1, 282	9, 000
Other (public)	11, 840	1, 482	8, 647
Pennsylvania:			
Private passenger, driver	20, 241	2, 010	16, 141
Private passengor, passenger	14, 471	2, 062	11, 000
Non-occupant	9, 733	1, 916	6, 600
Commercial	21, 116	1, 463	17, 563
Motorcycle	14, 471	1, 568	11, 000
Other (public)	14, 471	1, 812	10, 569
Texas:			
Private passenger, driver	15, 641	1, 553	12, 473
Private passenger, passenger	11, 182	1, 594	8, 500
Non-occupant	7, 521	1, 481	5, 100
Commercial	16, 317	1, 130	13, 571
Motorcycle	11, 182	1, 211	8, 500
Other (public)	11, 182	1, 400	8, 167

EXHIBIT V—PRIVATE OCCUPANT TABLES

[Radix=100,000]

	Fault: Yes	Fault: No	Fault: Maybe	Total
CALIFORNIA				
Sec. 1—Not serious				
Single car:				
Driver	9, 278. 0	0	480. 3	9, 760. 3
Passenger	5, 039. 0	0	265. 3	5, 305. 2
Multiple car:				
Driver	9, 200. 7	20, 207. 1	3, 269. 7	32, 697. 5
Passenger	7, 215. 5	15, 812. 7	2, 508. 7	25, 086. 8
All accidents (single and multiple):				
Driver	18, 498. 7	20, 207. 1	3, 758. 1	42, 063. 8
Passenger	12, 050. 4	15, 812. 7	2, 823. 9	30, 892. 0
Sec. 2—Serious				
Single car:				
Driver	1, 287. 7	0	67. 8	1, 350. 6
Passenger	69. 5	0	36. 8	736. 3
Multiple car:				
Driver	682. 6	1, 495. 8	242. 0	2, 420. 4
Passenger	534. 1	1, 070. 5	189. 4	1, 894. 1
All accidents (single and multiple):				
Driver	1, 970. 3	1, 495. 8	309. 8	3, 705. 9
Passenger	1, 230. 6	1, 070. 5	206. 2	2, 630. 4
Sec. 3—Death				
Single car:				
Driver	374. 0	0	19. 7	393. 7
Passenger	203. 2	0	10. 7	213. 9
Multiple car:				
Driver	109. 8	240. 7	38. 9	389. 4
Passenger	85. 9	180. 3	30. 5	304. 7
All accidents (single and multiple):				
Driver	483. 8	240. 7	58. 6	783. 1
Passenger	289. 1	180. 3	41. 2	518. 6
Private occupant grand total				81, 063. 8
Nonoccupant injuries:				
Not serious	2, 387. 6	3, 585. 0	1, 197. 4	7, 170. 0
Serious	316. 4	475. 0	158. 7	950. 0
Death	132. 7	190. 3	6. 6	398. 6
	Not serious	Serious	Death	Total
Other injury categories:				
Commercial	6, 097. 8	677. 5	210. 1	6, 985. 4
Mortorcycle	2, 392. 3	490. 0	69. 8	2, 952. 0
Other, miscellaneous	451. 6	23. 8	4. 8	480. 1
KENTUCKY				
Sec. 1—not serious				
Single car:				
Driver	12, 691. 1	0	607. 9	13, 059. 0
Passenger	6, 893. 9	0	362. 8	7, 256. 7
Multiple car:				
Driver	7, 977. 9	17, 483. 6	2, 829. 1	28, 290. 6
Passenger	6, 243. 0	13, 681. 4	2, 013. 8	20, 138. 2
All accidents (single plus multiple):				
Driver	20, 609. 0	17, 483. 6	3, 497. 0	41, 649. 6
Passenger	13, 136. 9	13, 681. 4	2, 576. 7	29, 305. 0
Sec. 2—Serious				
Single car:				
Driver	2, 024. 2	0	106. 5	2, 130. 7
Passenger	1, 090. 6	0	57. 9	1, 057. 4
Multiple car:				
Driver	761. 8	1, 609. 6	270. 2	2, 701. 5
Passenger	596. 2	1, 306. 5	219. 4	2, 104. 0
All accidents (single plus multiple):				
Driver	2, 786. 0	1, 609. 6	376. 7	4, 832. 3
Passenger	1, 695. 7	1, 306. 5	269. 3	3, 271. 5
Sec. 3—Death				
Single car:				
Driver	621. 8	0	32. 7	654. 5
Passenger	307. 8	0	17. 8	350. 5
Multiple car:				
Driver	181. 3	397. 4	64. 3	643. 0
Passenger	141. 9	310. 9	50. 3	503. 2
All accidents (single plus mulitple):				
Driver	803. 1	397. 4	97. 0	1, 297. 5
Passenger	479. 7	310. 9	68. 1	858. 7
Private occupant grand total				81, 304. 5
Nonoccupant injuries:				
Not serious	1, 720. 0	2, 585. 5	863. 6	5, 171. 0
Serious	238. 2	342. 6	104. 0	685. 2
Death	142. 4	213. 8	71. 4	427. 7
	Not serious	Serious	Death	Total
Other injury categories:				
Commerical	7, 804. 4	876. 0	367. 3	9, 127. 7
Motocycle	2, 206. 8	456. 1	91. 2	2, 774. 1
Other—miscellaneous	477. 4	25. 1	7. 2	509. 7
NEW HAMPSHIRE				
Sec. 1—Not serious				
Single car:				
Driver	10, 723. 6	0	617. 0	12, 340. 7
Passenger	6, 368. 4	0	305. 2	6, 703. 6
Multiple car:				
Driver	8, 300. 2	18, 255. 5	2, 954. 0	29, 539. 7
Passenger	6, 518. 6	14, 285. 5	2, 310. 6	23, 105. 7
Al accidents (single and multiple):				
Driver	20, 053. 8	18, 250. 5	3, 571. 0	41, 800. 4
Passenger	12, 807. 0	14, 285. 5	2, 646. 7	29, 819. 3
Sec. 2—Serious				
Single car:				
Driver	1, 815. 4	0	95. 5	1, 910. 0
Passenger	986. 2	0	51. 9	1, 038. 1
Multiple car:				
Dirver	739. 4	1, 620. 3	262. 2	2, 621. 9
Passenger	578. 6	1, 267. 9	205. 2	2, 051. 7

EXHIBIT V—PRIVATE OCCUPANT TABLES

[Radix=100,000]

	Fault			
	Yes	No	Maybe	Total
NEW HAMPSHIRE—Continued				
Sec. 2—Serious—continued				
All accidents (single and multiple):				
Driver	2,544.8	1,620.3	357.7	4,532.9
Passenger	1,564.7	1,267.9	257.1	3,089.8
Sec. 3—Death				
Single car:				
Driver	501.6	0	29.0	580.6
Passenger	290.6	0	15.8	315.4
Multiple car:				
Driver	161.1	352.9	57.1	571.1
Passenger	126.0	276.2	40.7	406.9
All accidents (single and multiple):				
Driver	712.6	352.9	86.1	1,051.7
Passenger	425.6	276.2	60.5	762.3
Private occupant grand total				81,236.3
Nonoccupant injuries:				
Not serious	1,910.6	2,868.8	958.2	5,737.6
Serious	253.2	380.1	127.0	760.3
Death	139.7	209.7	70.8	419.4
	Not serious	Serious	Death	Total
Other injury categories:				
Commercial	7,378.0	819.8	322.8	8,520.5
Motorcycle	2,273.7	465.7	85.1	2,824.5
Other—Miscellaneous	470.1	24.7	6.5	501.3
PENNSYLVANIA				
Sec. 1—Not serious				
Single car:				
Driver	9,061.4	0	524.3	10,485.6
Passenger	5,410.1	0	284.8	5,695.9
Multiple car:				
Driver	8,971.9	19,601.8	3,181.5	31,815.2
Passenger	7,020.8	15,385.9	2,489.6	24,896.3
All accidents (single + multiple):				
Driver	18,930.2	19,601.8	3,705.8	42,300.8
Passenger	12,431.9	15,385.9	2,774.4	30,592.2
Sec. 2—Serious				
Single car:				
Driver	1,435.2	0	75.5	1,510.7
Passenger	779.6	0	41.0	820.6
Multiple car:				
Driver	698.4	1,530.6	247.7	2,476.7
Passenger	546.5	1,097.8	193.8	1,938.1
All accidents (single + multiple):				
Driver	2,133.6	1,530.6	323.2	3,987.4
Passenger	1,326.1	1,197.8	234.8	2,758.7
Sec. 3—Death				
Single car:				
Driver	423.6	0	20.3	405.9
Passenger	230.1	0	12.1	242.2
Multiple car	124.1	272.0	44.0	400.2
Passenger	97.1	212.9	34.4	340.5
All accidents (single + multiple):				
Driver	547.8	272.0	60.3	806.1
Passenger	327.3	212.9	46.6	586.7
Private occupant grand total				81,002.0
	Yes	No	Maybe	Total
Nonoccupant injuries:				
Not serious	2,054.3	3,084.9	1,030.5	6,709.7
Serious	298.7	408.5	149.8	897.0
Death	134.7	202.2	67.5	404.0
	Not serious	Serious	Death	Total
Other injury categories:				
Commercial	6,450.5	717.3	241.6	7,414.4
Motorcycle	2,359.1	483.2	74.1	2,916.4
Other—miscellaneous	456.8	24.0	5.2	486.0
TEXAS				
Sec. 1—Not serious				
Single car:				
Driver	9,706.9	0	510.9	10,217.8
Passenger	5,272.9	0	270.5	5,000.4
Multiple car:				
Driver	9,064.5	19,864.8	3,214.4	32,143.7
Passenger	7,093.3	15,040.8	2,515.3	25,153.4
All accidents (single and multiple):				
Driver	18,701.4	19,864.8	3,725.2	42,361.5
Passenger	12,360.2	15,040.8	2,792.9	30,703.8
Sec. 2—Serious				
Single car:				
Driver	1,380.3	0	72.6	1,452.9
Passenger	749.8	0	39.5	789.2
Multiple car:				
Driver	692.5	1,517.7	245.6	2,450.8
Passenger	541.9	1,087.6	192.2	1,921.7
All accidents (single and multiple):				
Driver	2,072.8	1,517.7	318.2	3,908.7
Passenger	1,291.7	1,087.6	231.6	2,710.9
Sec. 3—Death				
Single car:				
Driver	405.2	0	21.3	426.5
Passenger	200.1	0	10.6	231.7
Multiple car:				
Driver	108.8	260.4	42.1	421.3
Passenger	93.0	203.7	30.0	329.7
All accidents (single and multiple):				
Driver	524.0	260.4	63.5	847.8
Passenger	313.1	203.7	40.6	561.3
Private occupant grand total				81,094.0
Nonoccupant injuries:				
Not serious	2,300.9	3,459.4	1,050.4	6,918.8
Serious	305.3	458.4	153.1	916.8
Death	134.0	201.1	67.2	402.3
	Not serious	Serious	Death	Total
Other injury categories:				
Commercial	6,320.3	702.5	229.9	7,254.7
Motorcycle	2,371.5	485.7	72.5	2,929.6
Other—Miscellaneous	454.8	23.9	5.1	483.8

CAVEATS PERTAINING TO S. 354 COST ESTIMATES

The attached statement and exhibits present findings resulting from the application of actuarial judgment and statistics to a computerized model developed for the specific purpose of estimating the cost of proposed no-fault automobile insurance legislation. We believe that judgment and those statistics to have been the very best available, and the model to be the most powerful tool yet developed for its purpose. We know that the results reflect actuarial work that is completely professional and entirely indepedent of any outside interference or involvement whatsoever. Accordingly, subject only to the caveats below, we release and stand behind our attached statement and findings dated May 21, 1973.

Although our attached conclusions as to the likely cost implications of enactment of S. 354 are probably the best estimates available, it must be recognized that they are nonetheless subject to a rather high degree of variability, as well as being very susceptible to misinterpretation. We thus feel compelled to specify that those conclusions not be used nor released except in conjunction with the following caveats:

(1) Our conclusions apply only to the "people damage" portion of the average automobile insurance premium, except in Exhibit IIA which includes as well the dampening effect of the more-costly "automobile damage" portion. They do not deal with the expected changes in rating classification and territorial relativities, which well may be profound. The numbers in our report will be misleading to the individual insured motorist unless he is aware of these facts.

(2) S. 354 is a powerful piece of consumer legislation that would, if effective, force insurance carriers to deal more liberally with their policyholders and claimants. Provisions accomplishing this feat are particularly difficult to price, however, and their cost implications are generally beyond the capabilities of our model and thus are not reflected in our premium change conclusions. The important thing to recognize is that increased or accelerated payments by the carriers sooner or later must result in corresponding premium increases.

(3) S. 354 would provide federal standards for state enactment of no-fault automobile insurance legislation. Our conclusions in general show that premium decreases could be expected from enactment of these standards. It should be noted that these conclusions result largely from a substantial abolition of tort liability coupled with significant no-fault benefit limitations, however, and not in the slightest from anything inherent in federal no-fault legislation that saves more money than corresponding or other cost-conscious state legislation.

(4) S. 354 provides first-party benefits that would in some cases be very extensive. Our costing methodology and the underlying data base are weakest in the large loss area. Accordingly, our conclusions are drawn and submitted in the understanding that there may be a significant, and perhaps even misleading, degree of variability in those numbers that depend in part on future large loss costs. On the other hand, of course, actuarial uncertainty is not the only factor to consider when designing insurance benefits.

(5) Our model and its output attempt only to predict the cost implications of passage of a particular piece of no-fault legislation, and not the implications of various other influences on automobile insurance premiums. Such influences are many, and include

changes in automobile safety features, enforcement of driver standards, and general economic conditions, to name a few. The insured motorist will, therefore, be misled if our attached conclusions are used or released as being percentages that can reliably be applied to this year's automobile insurance premium for purposes of next year's budget.

RETIREMENT OF DR. FRANK STANTON

Mr. MAGNUSON. Mr. President, last month Dr. Frank Stanton retired as vice chairman of the board of CBS. He had been with that organization for 38 years, and those years were filled with courage and innovation. Nearly everyone who has heard the word "broadcaster" knows Frank Stanton's name and reputation, but I find particularly moving the tribute Eric Sevareid paid his boss. On April 2, Mr. Sevareid had the opportunity to say many things which Frank Stanton did not let him say earlier; not because of false modesty but because of the sincerity of his wish for a free and vital electronic press, unencumbered by rulers of any kind. And today perhaps the highest praise we can give him is expressed in the words of a thoughtful, intelligent, and free journalist, who is heard and trusted even as all our institutions, including the fourth estate suffer a time of doubt and distrust.

I ask unanimous consent that Mr. Sevareid's remarks on that occasion be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

CBS Evening News With Walter Cronkite—Excerpt

Cronkite. Dr. Frank Stanton has retired as Vice-Chairman of the Board of CBS, and Eric Sevareid has some thoughts about the occasion.

Sevareid. This is the first Monday in about twenty-eight years that this broadcasting network has opened for business with a different man at the organizational and intellectual controls. Dr. Frank Stanton wrote the retirement rule a long time ago, so he obeyed it last Friday when his own calendar came around. He discouraged all company presentations, farewell luncheons, or even clusterings of friends. He did that with the same discreet firmness with which he had turned down things like Cabinet posts under past presidents. He would discourage this short utterance too, if he had anything to say about it.

From the bear pit of the news departments to the thirty-fifth floor where the chief corporate operating officer sits is a ninety-degree angle. But when the news people got themselves in trouble or somebody tried to get them in trouble, it was an easy horizontal walk. Stanton was always the backstop and—in a crisis—the front line.

Sometimes you didn't even know who had silenced an enemy's guns 'til the fight was long over. Once, in the hysterical Joe McCarthy days, a powerful senatorial committee chairman proposed a deal to Stanton: he would leave CBS alone, provided it got rid of two people—Ed Murrow and that fellow Sevareid. Stanton not only didn't accept it; he didn't even mention it to Murrow or me.

When electronic journalism—the only truly new form of journalism in generations—got started, a great many station and a good many network executives found themselves, to their distress, co-trustees of the First Amendment. Nothing has given them more headaches. Dr. Stanton never questioned the role—and, over the years, the news operations became the soul and the identifying insignia of the different networks. The leaves and the branches are still whipped by the wind, but the roots are down.

Stanton became the spokesman for the whole broadcasting industry by unspoken consent, because he has that quality the old Romans called "gravitas"—patience, solidity, weight of judgment. He even acquired a little eloquence along the way, probably because he was always a teacher at heart.

He was thirty-eight years with CBS. He spent his last day on the job flying down to Florida for the funeral of the retired president of NBC.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

The Senate continued with the consideration of the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

AMENDMENT NO. 199

Mr. HELMS. Mr. President, I call up my amendment No. 199 and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 35, strike out lines 16 through 25.

On page 36, strike out lines 1 and 2, and insert in lieu thereof the following: "Notwithstanding any other provision of law, the President may enter into a sales agreement under title I of this Act with a country with which he could not otherwise conclude a sales agreement if interest is charged at a rate which will, as nearly as practicable, be equivalent to the average cost of funds to the United States Treasury, as determined by the Secretary of the Treasury, on outstanding marketable obligations of the United States having maturities comparable to maturities of credits extended under this section. In carrying out the provisions of this section, all sales shall be for dollars.".

Mr. HELMS. Mr. President, this amendment is designed to protect the U.S. consumer and taxpayer against the types of abuses which resulted from last year's Government-subsidized sale of wheat to the Soviet Union. The U.S. Government contributed millions of the taxpayers' dollars in export subsidies to the Soviet wheat deal. The sale also resulted in inflation in the price of bread and related items, to the detriment of the consumer.

The farm bill proposes the extension of Public Law 480, the food for peace program. The Soviet wheat deal was not consummated under authority of Public Law 480, but changes in Public Law 480 as reported by the Agriculture and Forestry Committee, open the door to the same type of sales to underdeveloped Communist countries.

The committee, in proposing the extension of Public Law 480, acted quite properly to cure an anomalous situation in the law which currently allows the donation of food under title II to some Communist countries to which the United States could not sell food under title I. The committee amended Public Law 480 to allow sales under title I to any country which can receive donations under title II.

I agree with the committee that we should not be able to give food to Communist countries under authority of Public Law 480 and not be able to sell it to the same countries under the program. However, title I of Public Law 480 allows sales under long-term credit arrangements with interest rates as low as 2 percent. My amendment would allow sales to these countries, but at an interest rate equivalent to that being paid by the U.S. Government on money it borrowed at the time of the sales agreement. The amendment simply substitutes language to this effect for the committee's amendment to Public Law 480.

There has recently been an outcry in Congress and among the public against the Government subsidy involved in the Soviet wheat sale. Many of our national leaders resent the use of the taxpayers' money for such a subsidy when we have so many unmet needs at home.

I agree with them. I believe Congress should assert its prerogative to prevent this and future administrations from subsidizing sales to Communist countries. The adoption of my amendment would be an assertion of that prerogative and would prevent any such subsidized sale under authority of Public Law 480.

Mr. CURTIS. Mr. President, if the Senator would yield, I commend the Senator in offering this amendment. He offered the amendment in the committee. I supported it then and I expect to support it now.

We are faced with a situation where grain, food, and other commodities can be given to certain Communist countries but cannot be sold under Public Law 480. For that reason, among others, the committee bill does extend Public Law 480 to Communist countries.

What the amendment of the distinguished Senator would do is say that these sales have to be at the same rate of interest that the Government has to pay. I think in the light of many of our domestic programs such as REA and other matters, the amendment merits support, and I expect to vote for it.

Mr. HELMS. I thank the distinguished Senator.

I ask unanimous consent that the names of the following Senators be added as cosponsors of this amendment: Mr. Hansen, Mr. Bartlett, Mr. Thurmond, and Mr. Fannin.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. HELMS. I yield to the distinguished Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I applaud the amendment offered by the distinguished Senator from North Carolina. It seems to me that this is the least Congress can do on behalf of the taxpayers. I see no reason in the world why the wage earners of this country, through their tax funds, should be subsidizing deals made with Communist countries.

I am tired of our Government borrowing money at 7 percent interest and loaning it to foreign countries for 2 percent.

The Senator from North Carolina mentioned the 2 percent grain deal with Russia. That 2 percent compares with

7 percent that the Federal Government is now paying in interest when it borrows money to operate the Government.

I think this is a desirable amendment. I hope it will be adopted, and I commend the able and distinguished Senator from North Carolina for presenting it today.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Mr. President, this amendment would require interest rates to some countries under Public Law 480 dollar credit sales to be higher than for others.

Public Law 480 has had a long history. It began in 1954 with sales for foreign currencies only.

In 1965 the thrust of Public Law 480 sales was changed to require that by December 31, 1971 such sales be on a dollar or convertible currency basis. This has been accomplished and now all sales are made on a dollar credit, long-term basis.

Since these sales are still intended to be concessional, a low interest rate is charged.

Any change in this rate or other terms would defeat the purposes of Public Law 480.

It would cause hard feelings between those countries which must pay higher rates and the United States.

This is at a time when we are trying to improve our relations with all other nations throughout the world.

The committee felt that it was better to sell commodities than to give them away. That is why the committee permitted sales to these countries. If we make the sales provisions too hard, we may end up giving the commodities.

This amendment does not relate to the sale to the Soviet Union. That was made through commercial channels on a commercial basis. I hope that all countries that can afford to pay those terms will deal on that basis, and that Public Law 480 will be used only when it is necessary because they cannot afford to make these purchases on that basis.

We have accumulated billions of dollars of soft currency over a period of years that are wholly unconvertible and unusable. Now these sales are being made in dollars.

Therefore, Mr. President, I must oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield myself such time as I may require.

Mr. President, the Senator from Georgia knows there is no Member of this body I respect more than he. On the other hand, I believe it is time this country recognized its fiscal plight.

As one example, consider the carrying charges on the national debt already accumulated for this generation. Simple arithmetic discloses that it costs the taxpayers of America $40,000 a minute simply to pay the interest alone on money spent in excess of receipts by the Federal Government. Mr. President, this must stop. There is no earthly reason satisfactory to me why we should subsidize other countries, and particularly Communist countries, with a 2-percent interest rate, when the taxpayers of this country are being required to pay 7 percent, roughly, for the money which the Government borrows in their name.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator yield back the remainder of his time?

Mr. HELMS. Yes, Mr. President.

The PRESIDING OFFICER (Mr. SAXBE). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina (Mr. HELMS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from Iowa (Mr. HUGHES) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is absent to attend the funeral of a friend.

The Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) would vote "yea."

On this vote, the Senator from Nebraska (Mr. HRUSKA) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Nebraska would vote "yea" and the Senator from Ohio would vote "nay."

The vote was announced—yeas 39, nays 52, as follows:

[No. 181 Leg.]

YEAS—39

Allen
Bartlett
Bennett
Bentsen
Bible
Biden
Brock
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Curtis
Dole
Dominick
Ervin
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Hartke
Helms
Hollings
Inouye
McClellan
McClure
Montoya
Pastore
Randolph
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Thurmond
Tower

NAYS—52

Abourezk
Aiken
Baker
Bayh
Beall
Bellmon
Brooke
Burdick
Case
Church
Clark
Cook
Cranston
Eagleton
Eastland
Hart
Haskell
Hatfield
Hathaway
Huddleston
Humphrey
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McGee
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Ribicoff
Saxbe
Stafford
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams
Young

NOT VOTING—9

Cotton
Domenici
Fulbright
Griffin
Hruska
Hughes
Muskie
Stennis
Taft

So Mr. HELM's amendment (No. 199) was rejected.

AMENDMENT NO. 202

Mr. MOSS. Mr. President, I call up my amendment No. 202 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and I should like to explain it.

The PRESIDING OFFICER. Without objection, further reading of the amendment will be dispensed with, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 51, line 16, strike out the words "This Act" and in lieu thereof insert the following: "Section 1 of this Act".

At the end of the bill add a new section as follows:

"SEC. 3. (1) This section may be cited as the 'Food Labeling Act of 1973'.

"(2) (A) The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows—

"(i) by inserting 'TITLE I—FAIR PACKAGING AND LABELING' immediately above the heading of section 2;

"(ii) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

"(iii) by striking out 'section 3' in section 103(a) (as designated by clause (ii) of this section) and inserting in lieu thereof 'section 102';

"(iv) by striking out 'section 3' in section 103(b) (as redesignated by clause (ii) of this section) and inserting in lieu thereof 'section 103';

"(v) by striking out 'section 4' and 'section 2' in section 104(b) (as redesignated by clause (ii) of this section) and inserting in lieu thereof 'section 103' and 'section 101', respectively;

"(vi) by striking out 'section 4' in section 104(c) (as redesignated by clause (ii) of this section) and inserting in lieu thereof 'section 103'; and

"(vii) by adding immediately after section 104 (as redesignated by clause (ii) of this section) the following new titles:

" 'TITLE II—LABELING OF FOOD PRODUCTS TO DISCLOSE INGREDIENTS

" 'UNLAWFUL ACTIVITIES

" 'SEC. 201. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"'(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"'INGREDIENTS LABELING PROGRAM

"'Sec. 202. No person subject to the prohibition contained in section 301 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying all the ingredients contained in such food products in the order of their predominance, that the label on such product appear in a uniform location on the package and that such label—

"'(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"'(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"'(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"'TITLE III—NUTRITIONAL LABELING OF FOOD PRODUCTS

"'DEFINITIONS

"'Sec. 301. For the purpose of this title—

"'(1) The term "nutritional value" means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in such food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare.

"'(2) The term "nutrient" includes protein, vitamin A, B vitamins (thiamin, riboflavin, niacin), vitamin C, vitamin D, carbohydrate, fat, calories, calcium, iron, and such other nutrients as may be prescribed by regulation.

"'UNLAWFUL ACTIVITIES

"'Sec. 302. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"'(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"'LABELING REQUIREMENTS

"'Sec. 303. (a) No person subject to the prohibition contained in section 302 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Commerce pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food product contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"'(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"'(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"'(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed; and

"'(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food product which bears a representation as to the number of servings of the food product contained in the package.

"'(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional value appearing on the the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food product. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food product contained in such package.

"'TITLE IV—LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"'DEFINITIONS

"'Sec. 401. For purposes of this title—

"'(1) The term "food" has the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"'(2) The term "perishable or semiperishable food" means any food which the Secretary determines has a high risk of any of the following as it ages:

"'(A) spoilage;

"'(B) significant loss of nutritional value; or

"'(C) significant loss of palatability.

"'(3) The term "expiration date" means the last date on which a perishable or semiperishable food can be consumed without a high risk of spoilage or significant loss of nutritional value or palatability.

"'LABELING REQUIREMENTS FOR PERISHABLE AND SEMIPERISHABLE FOODS

"'Sec. 402. (a) No person who manufactures or packages a perishable or semiperishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) in commerce for purposes of sale a perishable or semiperishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (1) the expiration date of such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer.

"'(b) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food subject to the provisions of subsection (a) may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with this title.

"'(c) No person engaged in business as a retail distributor of any packaged perishable or semiperishable food may sell, offer to sell, or display for sale any such food whose expiration date, as specified on its package's label, has expired.

"'(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semiperishable foods may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the expiration date on the labels of such packages.

"'(e) No person may change, alter, or remove, before the sale of a packaged perishable or semiperishable food to the ultimate consumer, any expiration date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"'(f)(1) The expiration date and the storage instructions required to be on the label of a packaged perishable or semiperishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"'(2) An expiration date shall, in accordance with regulations of the Secretary—

"'(A) be (i) in the case of the month contained in the expiration date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combination of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the expiration date; and

"'(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"'(3)(A) Any regulation under paragraph (1) prescribing the manner in which expiration dates for a packaged perishable or semiperishable food shall be determined may include provisions—

"'(i) prescribing the time periods to be used in determining the expiration dates for such food,

"'(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its expiration dates, or

"'(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its expiration dates using such time periods and data as such person considers appropriate.

"'(B) If such regulation includes provisions described in subparagraph (A)(iii) of this paragraph, such regulation shall also contain—

"'(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in expiration date determinations; and

"'(ii) provisions for regular review by the Secretary of the expiration date determinations and the time periods and data upon which they are based.

"'PENALTIES AND INJUNCTIONS

"'Sec. 403. (a) Any person who knowingly or willfully violates any provision of section 402, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"'(b) Any packaged perishable or semiperishable food that is distributed in violation of section 402 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 504 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334, (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

" '(c) (1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 402 and regulations made thereunder.

" '(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 402 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

" '(d) (1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

" '(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district.'

"(3) (A) The Fair Packaging and Labeling Act is further amended by inserting 'TITLE V—GENERAL PROVISIONS' above the heading for section 6, and by redesignating sections 6 through 13 as sections 501 through 508, respectively.

"(B) Section 501(a) of such Act (as redesignated by subsection (3) (A) of this section) is amended by striking out 'section 4 or section 5 of this Act' in subsections (a) and (b) and inserting in lieu thereof 'sections 103, 104, 202, 303, or 402 of this Act'.

"(C) Section 502(a) of such Act (as redesignated by subsection (3) (A) of this section) is amended by striking out 'section 3 of this Act,' and inserting in lieu thereof 'sections 102, 201, or 302 of this Act. The provisions of this subsection shall not apply with respect to title IV.'

"(D) Section 502(c) of such Act (as redesignated by subsection (3) (A) of this section) is amended by striking out 'sections 4 and 5' and inserting in lieu thereof 'sections 103, 104, 202, 303, or 402'.

"(E) Section 503 of such Act (as redesignated by subsection (3) (A) of this section) is amended by striking out 'section 5(d)' and inserting in lieu thereof 'section 104(d)'.

"(F) Section 505 of such Act (as redesignated by subsection (3) (A) of this section) is amended by adding at the end thereof the following:

" '(g) The terms "food" and "food product" mean any article used for food or drink for man or other animals, and any article used as a component of such article.'

"(G) Section 507 of such Act (as redesignated by subsection (3) (A) of this section) is amended to read as follows:

" 'SEC. 507. It is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may provide for (1) the labeling of the net quantity of contents of the package of any consumer commodity as provided in title I of this Act; (2) the labeling of the ingredients contained in food products as provided in title II of this Act, (3) the labeling of the nutritional value of food products as provided in title III of this Act; (4) the labeling of perishable and semiperishable foods as provided in title IV of this Act, which are less stringent than or require information different from the requirements of the appropriate title or regulations promulgated pursuant to such title.'

"(H) Section 508 of such Act (as redesignated by subsection (3) (A) of this section) is amended by striking 'This' and inserting in lieu thereof '(a) Except as provided in subsection (b), this'; and by adding at the end thereof a new subsection as follows:

" '(b) The provisions of titles II, III, and IV shall become effective twelve months after the date of enactment of such title.' "

Mr. MOSS. Mr. President, I ask unanimous consent that the Senator from Indiana (Mr. HARTKE) and the Senator from Delaware (Mr. BIDEN) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I ask unanimous consent that Carl Braithwait and Edwin Merliss of the committee staff and my staff be granted the privilege of the floor on this and other amendments that I may call up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, the amendment I offer is one that I think is worthy of the fine work the Committee on Agriculture and Forestry has done in developing S. 1888.

The bill before the Senate is called the Agriculture and Consumer Protection Act of 1973. While S. 1888 is designed to provide adequate supplies of products on the market and to encourage fair prices, it offers additional assistance which can be provided to the American consumer to help in making decisions in the marketplace. The amendment which I offer would place no burden at all upon the farmer. Rather the amendment would go to the middleman between the retailer and the laboring farmer. The amendment is designed to enable the consumer to have all pertinent information at his disposal when he shops at the supermarket or the corner grocery store.

We live in an age in which people are demanding to know more about their environment, yet we know so little of the food we eat. We are ignorant of its quality, of its nutritional value, of its ingredients, and of its freshness. These are crucial facts, yet they remain hidden from most consumers.

The food labeling amendments would end the mystery which surrounds the food we eat. In essence, it requires that basic information about the contents of the food be printed on the package label in plain and concise language. Specifically, the amendment accomplishes the following objectives:

First, the amendment requires that the labeling of food products disclose the ingredients. There is no reason to ask the consumer to buy a product whose contents are not known in full.

Second, the amendment requires that food product labels contain information about the nutritional content of that product. The consumer should have access to that information so that nutritionally sound meals can be planned. The Department of Agriculture has for many years labored to provide important information to the consumer with which a well-balanced meal can be designed. But, not everyone is aware of the availability of that information or is able to translate that information to the specific food products. Americans are eating more food than ever, yet there is ample proof that the nutritional content of our diets is decreasing. If the consumer is to become nutrition conscious, then he must have available the nutrition content of foods prominently displayed on the food package.

Third, the amendment requires that all perishable and semiperishable foods contain an expiration date on the label of the product. This date represents the latest date on which that product can be used and still be consumed without a high risk of spoilage, significant loss of nutritional value, or palatability.

The food labeling amendment would lessen substantially the difficulties which consumers face when purchasing food. It will assist in making the consumer informed and knowledgeable about what he buys at the store. The doctrine of "caveat emptor" is only valid so long as the consumer has at his disposal adequate information about which to make a rational purchase judgment. The only realistic means by which the consumer can obtain that information is through a system of product labeling.

I firmly believe that the product labeling system proposed by amendment No. 202 would benefit consumers by promoting competition among manufacturers and processors. Nothing in the bill imposes an unreasonable requirement on the food industry nor does it impose any requirement whatsoever on the farmer.

Many voluntary efforts have been made to date, mostly by retailers. Although retailers have made great strides, the progress of the manufacturers providing this information has been relatively slow. Most of the needs of the consumer with regard to the information required by this amendment can best be done at the manufacturing level rather than at the farming level or the retail level. We need the food labeling, and I hope my colleagues will join in with me in supporting this important consumer amendment to an otherwise fine consumer and agriculture protection bill.

Mr. President, I reviewed the history of this legislation and the hearings which have been held on it in the Senate. Jurisdiction has been divided among a number of committees, but a quick review indicates that at least 15 days of hearings have been held on this and other similar legislation over the past 7 years.

A distinguished roster of Senators has sponsored this legislation. In the current Congress, Senators HARTKE, WILLIAMS and SCHWEIKER are sponsoring legislation which embodies the thrust of this amendment. In the 92d Congress, Senators BAYH, COOK, HART, HATFIELD, HOLLINGS, KENNEDY, MATHIAS, MONDALE, PERCY, GRAVEL, MONTOYA, NELSON, and TUNNEY sponsored legislation which embodied the concepts espoused in this amendment. And looking back through early Congresses, I note that other sponsors of this legislation have included Senators MCINTYRE, METCALF, MUSKIE, and RIBICOFF.

This amendment has been considered in one way or another by many Members of the Congress and by several committees. At a time when the consumer is crying out about high food prices, let us provide some means of assistance so that the consumer will know, once and for all, what he is getting for the money he parts with.

The amendment is a response to the high food prices which the consumer is forced to pay in this time of high demand and reduced supply. The bill itself should help to match supply to demand, but until we grow the crops and get them to the market, and even after that has been accomplished, let us see if we can provide the consumer with the information he needs in order to make intelligent decisions. All Americans, from the farms in Iowa to the businessman on Wall Street, deserve to know what they are getting.

This amendment will help to keep costs down by encouraging intelligent purchases. An informed consumer is an important asset to our economy. Amendment 202 will provide for better informed consumers.

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. MOSS. I yield.

Mr. PASTORE. Has the Senator's amendment to do only with packaged food?

Mr. MOSS. Yes—anything that is packaged and placed for use in a package, can, or container.

Mr. PASTORE. Does not the Senator feel that the public or the consumer or the purchaser should be told or notified as to whether or not the food has been prefrozen?

Mr. MOSS. Yes, indeed. That would be part of the information on there, because it would have a terminal date on which it could be used. Of course, if it had been prefrozen, it would have to have a terminal date.

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I make the point of order that the amendment is not in order, inasmuch as it is not germane to the bill.

The PRESIDING OFFICER. The Chair states that until the proponent's time has expired, the point of order is not in order, and the Senator from Utah has reserved the remainder of his time.

Mr. MOSS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. MOSS. I yield 3 minutes to the Senator from Indiana.

Mr. HARTKE. Mr. President, I am pleased to join the distinguished Senator from Utah as a sponsor of amendment No. 202 which is now before the Senate. This amendment embodies several of the provisions of the Food Consumers' Protection Act—otherwise known as the Truth-in-Food Labeling Act—which I introduced in the form of S. 1197 on March 14 of this year.

The pending amendment is based on the principle that consumers have a right to know every bit of pertinent information about the food they eat. This is an age when people are demanding to know more about their environment, yet we know so little about the food we consume. We are ignorant about its quality, its nutritional value, its ingredients and its freshness.

The pending amendment puts an end to much of the mystery which envelopes the food we eat. In essence, it requires that basic information about the contents of that food be printed on the package label in plain and concise language.

Mr. President, while I am pleased that the pending amendment incorporates many of the provisions of the Hartke Food Consumers' Protection Act, including open dating of perishable and semiperishable foods and nutritional and content labeling, there is one provision of that bill which was not included in the Moss amendment. I refer to the provisions of my bill which establish a program of quality grade labeling.

Mr. President, I believe that grade labeling is essential if consumers are to know about the quality of the food they are buying. Accordingly, I had intended to offer an amendment to the pending amendment and but i view of the parliametary situation, I shall not to do so.

Mr. President, quality labeling of food products is not a new idea. It was first proposed in the early 1930's by Rexford Tugwell, who was then in charge of the Food and Drug Administration. Mr. Tugwell thought that it was not enough to tell a consumer that there were peaches inside a can. There are good peaches and there are bad peaches with other peaches falling into the tolerable range in between, and the price differential can be considerable.

One single canner or packer can send his product to many different distributors. If a big-name canner of peaches, for example, wants to do so, it can take its own best peaches and pack them under its own name, and then have other lesser grade peaches packed under other brand names. It can also take some of its best peaches and pack them under a name other than its own. This is done every day of the week. How is a consumer to know whether there is any difference in quality between the national brand name can of peaches and the store brand name? Price alone is not a good indicator. Some high quality peaches sell at lower prices than peaches of lower quality. In fact, it is the brand label that goes on a can that determines the price, not the food that goes inside the can.

Mr. President, if we ended the chaos which presently exists at the supermarket, the consumer could ignore the brand name and buy on the basis of quality. I know that fact may cause alarm among some packers and distributors of food products, but it would be a most welcome and helpful change for the consumer.

The proposal that would have been made by my amendment is a reasonable one. It calls for all food products to contain a grade label—A, B, C, D, E, or substandard. Any or all of those designations could be used. The standards for all food products already exist. There is already in use a grade labeling program under the auspices of the U.S. Department of Agriculture. Unfortunately, grade labels can be used only by packers who are under continuous inspection by the Department of Agriculture. The continuous inspection program is a permissive one which is not used by all packers. For packers under the continuous inspection program, grade labeling is optional.

Mr. President, the pending bill is a consumer protection bill. I can think of no more appropriate amendment than one which will save the consumer money at the supermarket. One consumer group has estimated that quality grade labeling would save the consumer as much as 20 percent, which is the difference in what the consumer pays for brand name products and what he could pay for the same food marketed under a private brand name.

I had thought about introducing an amendment. As I understand the parliamentary procedure, what is going to happen to the amendment may even jeopardize it still further. I hope that when the time comes, we can go ahead with the other part of the bill, which would provide that we would have this grading of food.

I ask the sponsor of the amendment whether or not he is in favor of having hearings on a measure of that kind.

Mr. MOSS. Indeed, we have held some hearings already and we may have further hearings if there is additional material to be gathered. But as I pointed out in my statement, this matter has been considered in a number of ways and a number of Senators have offered the basic thrust of this amendment, including the Senator from Indiana who has pending a measure of this sort.

Mr. HARTKE. Mr. President, I withhold this amendment at this time, but I do hope the manager of the bill does not raise the point of order. The title of the bill states that it is to protect consumers and that is all the Senator from Utah is intending to do, to try to provide additional protection for consumers in the field of food.

Mr. MOSS. Mr. President, the Senator is correct. On lines 16 and 17 of page 51 of the bill it states that this may be cited as the Agricultural and Consumer Protection Act of 1973. I submit nothing is closer to consumer protection than the amendment offered now, amendment No. 202.

Mr. HARTKE. Mr. President, I wish to point out that we have the ridiculous situation where pineapples which heretofore have been grown in Hawaii will no longer be produced there because we do not permit DDT to be used. DDT is permitted to be used in Taiwan and the Philippines. Therefore, the Stokely people, who used to grow pineapples in Hawaii, are going out of business, so that all the pineapples, instead of coming from Hawaii, are going to come from Taiwan and the Philippines. But we will not permit them to use DDT on Hawaiian pineapples. This points out how ridiculous the situation is which exists at the present time.

I hope the manager of the bill does not raise a procedural point. Let us vote on the amendment. If the Senate rejects it, that will be the will of the Senate.

Mr. MOSS. Mr. President, I ask unanimous consent that the name of the Senator from Connecticut (Mr. RIBICOFF) be shown as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOSS. Mr. President, I reserve the remainder of my time on the amendment, and I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time, and I make the point of order that the amendment is not in order because it is not germane to the bill.

The PRESIDING OFFICER. The Chair will state that the amendment does introduce completely new subject matter in regard to food packaging and labeling, and that there is no such subject matter in the bill. Therefore, it is not germane and the point of order is sustained.

Mr. MOSS. Mr. President, I want to appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, how much time is available on the appeal?

The PRESIDING OFFICER. The proponents have 10 minutes and the opponents 5 minutes.

Mr. TALMADGE. Mr. President, I yield 1 minute to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I am a little embarrassed because of the request which I am now about to make.

The original unanimous-consent request was for a vote at 2:30 p.m. tomorrow. Then, because of certain situations which had arisen I established contact with the managers of the bill and asked if they would mind if the vote were set at 3 p.m. tomorrow. One of them indicated that he had to check with a Senator. He did. It was satisfactory, and the Senate granted that unanimous-consent request.

Since that time it has been brought to my attention that we would not have gotten the 2:30 vote, let alone the 3 o'clock vote, as far as some other Senators are concerned. So there is a choice of being between the devil and the deep blue sea. I ask unanimous consent that the original time of 2:30 p.m. again be designated, under the same regulations, waiving rule XII, and in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if the Senator will yield to me for one-half minute.

Mr. TALMADGE. I do.

Mr. MANSFIELD. I wish to state that on Monday we will take up the Morris nomination. It is quite possible we will not get to a vote on it until Tuesday, but we will after a reasonable amount of debate on the nomination turn to the authorization bill for the State Department on Monday. There may be votes on that business that day.

The PRESIDING OFFICER. Who yields time?

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will state it.

Mr. CURTIS. On the appeal from the ruling of the Chair, how would a Senator vote to sustain the Chair?

The PRESIDING OFFICER. The vote to sustain the Chair would be a vote of "yea."

Mr. MOSS. Mr. President, I shall be brief. I am sure that the committee in its work on the bill—and it is a very important and excellent bill—I am sure that in their consideration the committee members were deliberate in setting out the title as an Agricultural and Consumer Protection Act. If we are dealing with a Consumer Protection Act, certainly the amendment is germane. It is also germane in that the amendment deals with agricultural food products. The amendment provides that when products are sold in packages or cans or containers, where it is not possible to see them—it is not like cabbages or lettuce, or produce of that kind—but if they are processed and placed in a package which contains the nutritional content; or if it is the type of food product that will spoil; or if it contains, prominently, a date when its usefulness will expire, then the amendment would apply. It applies to food and is for the protection of the consumer.

For that reason, I appeal to Senators, on the vote to appeal from the ruling of the Chair to vote "no." I understand that the vote would be no; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MOSS. Mr. President, I would hope that a "no" vote would enable us to proceed immediately to vote on the amendment. I expect the amendment to be adopted by a voice vote. There are some 22 Senators who have already sponsored or cosponsored legislation that has the same force to it as does the amendment before us today.

Mr. TALMADGE. Mr. President, I ask Senators to look at amendment No. 202, by the Senator from Utah. The Chair has correctly ruled that the amendment is not in order, because it is not germane to the bill.

I know nothing of the merits of the amendment. It might be a good one. But it contains 15 pages, and the committee had no opportunity to look at it. I have looked at it hurriedly today.

The amendment says that it is to the farm bill. But, this is a labeling amendment.

Follow with me, on page 1, line 7: "The Fair Packaging and Labeling Act is amended as follows."

Then, if Senators will follow with me to page 2, line 21: "Title II—Labeling of Food Products to Disclose Ingredients."

Then follow with me further to page 3, line 15: "Ingredients Labeling Program."

Turn over to page 4, line 13: "Title III—Nutritional Labeling of Food Products."

If Senators will proceed further, on page 7, line 9, we read: "Title IV—Labeling Requirements for Perishable and Semiperishable Foods."

Let us proceed further to page 8, line 3: "Labeling Requirements for Perishable and Semiperishable Foods."

And so on.

So the Chair has correctly ruled that this is a labeling amendment, not a farm amendment. Frankly, I do not know where jurisdiction lies. I do not know whether it is in the Committee on Agriculture and Forestry; I do not know whether it is in the Committee on Commerce; or whether it is in some other committee.

But I do know that the amendment is not germane to the bill pending at the desk. The Chair has correctly ruled. This is a matter that needs study by the appropriate committee.

It is nongermane to this bill, and I hope Senators will correctly uphold the ruling of the Chair, because the Senate rules are very important to this body. We cannot conduct our business properly without a fair Presiding Officer and without a fair Parliamentarian who will apply the rules that have been written by the Senate and built up over two centuries of procedure by this body.

I yield the floor.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MOSS. Mr. President, I will take just 1 minute, if I may. Then I shall be willing to yield back the remainder of my time.

The Senator from Georgia, manager of the bill, read a number of subheadings in the amendment. I would simply like to stress the word that appears in practically every paragraph, "food"—food products, perishable food products—in the subheadings.

What is more germane to the agriculture bill we are talking about, which is trying to get a program for the production of food for our people, than this matter of having a labeling of food products? I say it is germane to do that here, particularly when it is called a Consumer Protection Act. It has to do with food labeling and protecting the consumer of those foods.

Therefore, I think we should vote "nay," call the amendment germane, and then have an up or down vote in the Senate as to whether we are willing to adopt the amendment.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on sustaining the ruling of the Chair.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, I yield back my time.

Mr. MOSS. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Iowa (Mr. HUGHES), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is absent to attend the funeral of a friend.

The Senator from Michigan (Mr. GRIFFIN), the Senator from Nebraska (Mr. HRUSKA), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

If present and voting, the Senator from Nebraska (Mr. HRUSKA) and the Senator from Ohio (Mr. TAFT) would each vote "yea."

The yeas and nays resulted—yeas 59, nays 31, as follows:

[No. 182 Leg.]

YEAS—59

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Brock
Buckley
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Clark
Cook
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Humphrey
Jackson
Johnston
Long
Mansfield
Mathias
McClellan
McClure
McIntyre
Metcalf
Nunn
Pearson
Randolph
Roth
Saxbe
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—31

Abourezk
Bayh
Bible
Biden
Brooke
Burdick
Cannon
Case
Cranston
Eagleton
Hart
Hartke
Inouye
Javits
Kennedy
Magnuson
McGee
McGovern
Mondale
Montoya
Moss
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Schweiker
Stevenson
Williams

NOT VOTING—10

Cotton
Domenici
Fulbright
Griffin
Hruska
Hughes
Muskie
Stennis
Symington
Taft

The PRESIDING OFFICER. On this vote the yeas are 59, the nays 31. The decision of the Chair stands as the judgment of the Senate.

Mr. PEARSON. Mr. President, this legislation is of first importance to the 4.5 million Americans who are employed on our Nation's 2.9 million farms.

Most farms in the United States are family owned and operated, with an average family investment of $112,000. The family farmer must have the opportunity to produce crops which are best suited to his land and equipment. The farmer must have the opportunity to market his commodities freely for a reasonable price—a fair return on investment, skills, and labor. And the farmer, finally, must be protected against the overproduction of those commodities which the Nation has the capacity to supply in excess of foreign and domestic demand.

The Senate Agriculture Committee has reported a bill which accomplishes these objectives. The committee bill extends for 5 years the best features of the 1970 Agriculture Act. It contains new provisions, however, which eliminate some of the inequities in the current programs. It will promote stability in agricultural production and increased farmer income without imposing excessive governmental regulations or regimentation upon producers.

Mr. President, this legislation increases reliance upon the marketplace, and diminishes reliance upon program payments for a fair price. Farmers will welcome this change in policy. They have never asked for more than a fair price and an opportunity to supply consumers with food and fibre at levels proportionate to their needs. Farmers generally have disapproved of past programs which have permitted market prices to fall below the cost of production.

The committee bill establishes a "target market price," or goal, for wheat, feed grains and cotton. The 1974 crop year target price is $2.28 per bushel for wheat; $1.53 for corn; and $1.46 for grain sorghum. The target price for succeeding years, of course, would be increased to reflect increases in the cost of production. This legislation is based upon the reasonable assumption that national average market prices will not fall below these target levels if set-aside requirements for program participation are responsibly established each year based upon projected foreign and domestic demand.

Farmers who participate in the wheat and feed grains programs will be guaranteed payment if the national average market price falls below the target price level for a designated commodity. The payment to each producer will equal the difference between the average market price and the target price level established for that commodity. And payment will be made to insure a fair return on each farmer's share of the national allotment for domestic and export production.

Mr. President, based upon recent experience under the terms and conditions of the 1970 Agriculture Act, it is reasonable to assume that well-managed commodity programs, under the new legislation before the Senate, will result in fair market prices. The committee bill is premised upon that assumption. But the Congress and the Nation must not abandon the commitment to insure a fair return to producers in the event the USDA projections of domestic and foreign demand are seriously in error. The committee bill provides adequately for that eventuality.

Mr. President, many citizens from urban America often ask why it is necessary for Congress to fashion legislation to protect the incomes of our Nation's farmers. They are generally aware that while our agricultural production is enormous, the actual number of farmers is relatively small. Out of a work force of 83 million in the United States, only 4.5 million are employed in farming. The urban American knows that food prices are increasing, and assumes, therefore, that farmers are doing rather well.

These urban citizens generally are not aware that prices for raw agricultural products have not kept pace with other price levels in the economy. In 1950 the wheat farmer received 2.4 cents for his essential contribution to a 1-pound loaf of bread. In 1972 the farmer received 2.9 cents for the wheat in a 1-pound loaf. The farmer's share of the price actually declined from 17 percent to 12 percent over the 22-year-period as the retail price of a 1-pound loaf of bread increased from 14.3 cents to 24.7 cents.

Dramatic increases in farm productivity have made it possible for the family farm as an economic unit to survive. The target prices established in the committee bill will permit our Nation's farmers to achieve a fair return in 1974, and increases in farm productivity as well as increases in farm costs will be calculated each succeeding year to establish future "target market price" levels.

The average American family spends only 16 percent of its disposable income on food. This may be compared to 18 percent in Canada, 25 percent in England, about 30 percent in Western Europe, about 50 percent in the Soviet Union and as high as 90 percent in the underdeveloped countries. And out of the $116 billion which Americans spent in 1972 for U.S.-produced food, only $39 billion went to the farmer as gross income. The remaining $77 billion was attributable to transportation, processing, manufacturing, wholesaling, retailing and profits to the middle-man.

The urban American, if he learns the facts, will recognize the great contribution which U.S. agriculture has made to his high standard of living. He will acknowledge the obligation of Congress to promote fair farm prices. He will understand the threat of overproduction to the agricultural economy in the event the USDA miscalculates foreign and domestic demand. In short, Mr. President, the Agriculture and Consumer Protection Act of 1973 is legislation which all Americans—urban and rural—can support.

HUMANITARIAN CONSIDERATIONS

Mr. President, the committee bill continues the great humanitarian programs which have been established and maintained by succeeding Congresses.

The author of the historic Public Law 480, now called "Food for Peace," was the late distinguished chairman of the House Committee on Agriculture, Clifford Hope of Kansas. Under this program, more than $20 billion in concessional sales and donations of American food has gone to the desperately needy and hungry throughout the world. Food for Peace is unique in the history of human experience: never before has a people shared so unselfishly its bounty with its neighbors. This great program is continued.

The American people have made a deep commitment to insure that families, regardless of their means, have adequate and nutritious diets. The food stamp program is our principal weapon against hunger in America.

The Nixon administration is to be congratulated for its efforts to expand the benefits of food stamps to all Americans who are genuinely in need of the program. In 1969, only 3.2 million citizens received food stamps.

The peak-month participation in the food stamp program during 1973 is estimated to top 12.3 million. There are no more hungry or needy people in the country today than in 1969; indeed, there are less. But today more of the hungry are being served.

I commend the committee for continuing this program, and I commend the Nixon administration for carrying it out with such commitment and dedication.

CONCLUSION

Mr. President, I have highlighted only some of the major features of the Agriculture and Consumer Protection Act of 1973. The bill contains other amendments to and extensions of existing law which are important. Under the committee measure, for example, the dairy farmer is guaranteed 80 percent of parity for his manufacturing milk during the 1973–1974 marketing year.

This provision is one which I introduced, as separate legislation, earlier this year. In view of escalating costs to the dairyman, I believe the increase in the support price is justified.

The Senate Agriculture Committee has met its responsibility both to consumers and farmers in recommending enactment of the pending bill. I commend my colleague from Kansas (Mr. Dole), and other Senators on the committee for their diligence in reporting promptly this bill which will insure stability in agriculture in the years ahead.

It is important now to proceed with congressional action on this farm legislation. If we delay too long, farmers will not have the opportunity to plan adequately for the 1974 crop year.

I support the Agriculture and Consumer Protection Act of 1973, and I urge its passage by the Senate.

Mr. ALLEN. Mr. President, I rise today to support in the strongest terms S. 1888, the Agriculture and Consumer Protection Act of 1973.

This bill was developed within your Agriculture and Forestry Committee in a bipartisan fashion. I am confident that this spirit of bipartisanship will carry over into the widespread support here on the floor that this bill undoubtedly deserves.

May I say that in the new farm legislation there is much of the experience and wisdom of the chairman of the Senate Committee on Agriculture and Forestry, the distinguished senior Senator from Georgia (Mr. Talmadge). The farmers and farm families of America have no greater friend than Herman Talmadge. His name stands near the top of any rollcall of Senators who have authored and worked and voted for farm programs.

Through the years the distinguished Senator from Georgia has been a most effective and eloquent spokesman in the battle to enable the farmers of our Nation to obtain their fair share of the national income and to enjoy the fruits of American prosperity.

A few weeks ago I was privileged to conduct a formal hearing in Montgomery, Ala., for our Senate Committee on Agriculture and Forestry on new general farm legislation. It was an outstanding hearing, perhaps the finest I have ever attended.

The grassroots testimony gathered at the hearing was of inestimable value to me at markup on S. 1888. We heard from some 22 witnesses, including the Governor of the State of Alabama, the Honorable George C. Wallace. I have a copy of the statement Governor Wallace delivered at the Alabama hearing and ask unanimous consent that his splendid remarks be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Statement of Gov. George C. Wallace

Mr. Chairman, first I must express my appreciation to you and to the entire membership of the Senate Committee on Agriculture and Forestry for holding these important hearings on the farm situation in Alabama, the Southland and throughout our country. Your interest in the problems of agriculture and rural America and the outstanding job you personally are doing offer some measure of reassurance to this Nation's farmers who must have been surprised and alarmed, as I was, by recent proposals that farm commodity and supply-adjustment programs be abandoned.

Senator Allen, as I have travelled the length and breadth of this land time and again in recent years, I have become increasingly alarmed also by the lagging growth rates in rural areas and the corresponding concentration of population in the cities which has caused significant and deleterious effects on the various aspects of American society.

Many rural areas which were heavily dependent on farming have experienced large declines in total population and purchasing power as well as political influence. Here in our own State of Alabama we have, just in the two decades since 1952, lost more than one-half million of our rural citizens to other states. This mass migration described in a study by the University of Alabama as the FLIGHT FROM THE SOIL has already resulted in the loss of two seats in the Congress of the United States from Alabama. So severe is the impact of our loss that if you began with the 1950 Census figures and added all births and subtracted all deaths within our States since that date, the calculation would result in a figure equivalent to the present population of Alabama plus the population of a city the size of Atlanta. Think of the social, economic and political loss to our State because of this drastic and unnecessary depopulation of our rural areas—a loss we can never make up.

Mr. Chairman, the question before us today is why must it go on? Why must our Alabama farms continue to disappear at the rate of 5,000 per year? Why must some of our finest and most patriotic and God-fearing citizens be driven off their land where they have known a cherished and respected way of life and into the cities that can only provide ghettoes and welfare roles? Why must local business firms disappear from the rural scene in numbers so large as to cause the per capita cost of maintaining necessary local services such as roads, schools, mail deliveries and electricity to be raised to prohibitive levels? Why must those left on the land suffer the personal hardships of being stranded in rural areas where there is little or no demand for their services and where depopulation has caused local governments to be hard pressed to raise funds necessary for continued functioning, much less provide quality services?

Why, Mr. Chairman, must our federal Government compound the gravity of the problems of our people by condoning the jamming of these souls into the large metropolitan centers only to cause serious and costly problems of traffic congestion, air and water pollution, increased criminal activity, worsened race relations and swollen welfare roles?

It has been said that "land without people is a wilderness and people without land is a mob." Surely there is a better way than creating wilderness out of our fertile fields and making mobs out of our cherished children!!! Surely, Mr. Chairman, this country has something better to offer our citizens than more of the same.

There is a better way. Senator Allen, members of this distinguished Committee, together, let us find the better way, and I will help you to find the public acceptance you need across this great land of ours to make things right in rural America once again.

The better way lies with the quality of rural life. People everywhere are just like our own noble Alabama farm folk. They would rather live in the fresh air, on their own soil, enjoying the gifts of God and nature, provided they could once again expect the economic opportunity to provide their families with the quality of life enjoyed by their fellow citizens in the suburbs.

Quality rural life begins with economic opportunity. A day's pay for a day's work. Automobiles and the gas they burn, television sets and the electric power they consume, health care with its medical bills, all cost the rural American just as much as his city cousins. Yet most urban workers have higher returns per hour of labor than most rural workers. And, almost all urban workers enjoy greater purchasing power per hour of labor than do their brothers who diligently till the soil to produce the food and fiber so vital to the well-being, let alone the safety and security of this great country. Now don't misunderstand me, I am happy to see the urban workers receive good pay. But quality rural life, equal quality. is necessary to save our country from the wilderness of rural depopulation and the mobs of urban overpopulation.

Mr. Chairman, while rural population has declined so markedly in recent years, the actual farm population has declined even more critically. During the decade from 1960 to 1970, when urban population swelled by more than 19 percent, rural population fell off 4 percent, actual farm population dropped a whopping 38 percent. Here in Alabama, studies by your own staff economists reveal that this State's total farms have dropped to an alltime historic low of only 76,000 working farms in 1973. This compares to approximately one-quarter of a million Alabama farms scarcely more than 30 years ago—an average loss of 5,000 farms per year for over three decades.

Certainly it doesn't take any educated economist to look at these figures and determine why our housewives should indeed be concerned over the price of meat and groceries.

But, if they would look ahead just a few years further with the continuing trend, they could find something much more serious than even high prices with which to concern themselves—the prospect of no meat, not enough groceries at any price. The prospect of nobody left on the farms to produce the abundance of food and fiber which this country and its people have come to take for granted.

Gentlemen of this Committee, I implore you, your colleagues in the Senate, yes even the President, I say to all—you must not, you cannot let this happen.

You gentlemen set the public policies which our farmers must live and die with; your actions will determine whether this country will be guided in the future by legislation and the resulting farm programs enacted in the total national interest so as to enable this Nation and its people to continue to enjoy the Lord's blessing of the highest living standard in the history of the world.

Across the board inflation unbridled by sensible public policies, an unexpected world demand for wheat, feed grains and meat, coupled with a long-time public policy of imposed deferred-maintenance on our farm caused by low farm prices has brought us for the first time in this generation to the brink of food shortages.

Food prices resulting from these factors have gone up, week by week, and every family—city and farm—feels the impact on the pocketbook. And even though everything else has gone up too, a clamor has arisen, making out the farmer as the villain, solely responsible for rising food costs.

As responsible public servants, we here today cannot indulge ourselves in the luxury available to those less responsible of wantonly blaming any particular segment of our economy excluding all others.

Rather, together we must seek, we must find a remedy.

Thoughtful farmers and those of us who are truly concerned with public agricultural policies that are in the total national interest for the long run must think of terms of assuring this Nation a continued abundance of food and fiber so as to prevent the grave national risk of potential shortages we are now facing.

But, to accomplish this, public policy so parsimonious and niggardly as to force our farmers into continuous posture of deferred-maintenance must be supplanted with sound long-range legislation that is keyed to demand, assures stable production and provides adequate income for the farmer who is prudent with his investment, energetic with his labors and productive with his resources.

Mr. Chairman, we don't have enough farmers left to lose any more as we did during that horrible flight from the soil of the 1950's and still have enough farmers equipped to supply this Nation with adequate food and fiber.

Gentlemen. there is a serious problem confronting our peanut farmer in Southeast Alabama and Georgia known as the A-Flavus Mold. This could have a serious effect on our 18,000 families producing peanuts in Southeast Alabama. In Alabama we have approximately 200,000 acres planted to peanuts and the yield is approximately 200,000 tons yearly. Last year approximately one-third of the total tonnage was affected by this disease. This could be a loss in income from between $3 to $10 million depending upon the severity of such disease. The annual income from peanuts in 1972 was between $50 and $60 million. This year, in 1973, a penalty has been imposed on those farmers in which, through the sampling process, it is found that the peanuts are diseased at the expense of $65 per ton.

It is very necessary that we do something and something immediately to protect so many people from so much hurt. Research in our laboratories is seeking a control of the A-Flavus Mold, but as of today they have not come up with any solution.

This problem could spread to all the peanut producing states that we have and would be a very serious problem to the economics of the peanut producers. I know that this Committee is studying this problem with concerned interest and hopefully will come up with a solution.

Just recently, scientists concerned with the energy crisis have calculated that because the chief source of energy used in the production of cotton comes from the radiant sun, the nourishing earth and the refreshing rains that cotton production consumes only one-tenth as much commercial energy as does synthetic fiber production.

With both an increased per capita fiber demand and a serious potential energy shortage, it would be less than prudent for our government to continue to curtail cotton production so drastically.

As an indication of the drastic impact of the present cotton acreage control and price support program, I cite you the figures of your own Committee study indicating that the cost of production of cotton in Alabama amounts to 31.6 cents per pound in the northern part of the State where two-thirds of the production takes place and exceeds 46.5 cents per pound in Southern Coastal Plains. Yet the average price of cotton received by farmers in the marketplace was only (23.6 cents per pound in 1968; 21.0 cents per pound in 1969; 21.9 cents per pound in 1970; 28.1 cents per pound in 1971 and only) 26.5 cents per pound in 1972.

Without the price support payments provided by the current federal programs, our farmers would have lost from 5 cents to 15 cents per pound on every pound of cotton they produced since 1968.

No wonder then that Alabama's farm acreage devoted to cotton has declined from nearly two million acres in 1949 to scarcely half a million acres for 1973; a 75% reduction in land resources devoted to cotton in less than 25 years.

Public policies which would worsen farm conditions like those experienced by our Alabama cotton farmers cannot be expected to assure this country the abundance of food and fiber so vital to our safety and security.

Gentlemen, as always our patriotic farmers will serve this country well if we will but give them the economic opportunity of fair prices—prices that will assure them a return on their labor, capital and management at least equivalent to their fellow workers, professional people and businessmen in the cities.

It is certainly in the total national interest to make the best possible use of public policy to preserve our independent farms and farmers. Our country's "free market" was long ago modified and circumvented in various ways by corporate structures for big business conglomerates, by tariffs and import restrictions, by laws for "fair trade pricing and fair competition" by exclusive franchises and an assured return on investment for the utilities, and by restriction of entry into certain trades and professions. And, these things are all here to stay. The independent farmer stands almost alone as the surviving example of free enterprise competition in the United States economy.

For all these and many more reasons, if this Nation is to continue to be the best fed and best clothed, and if our people are to continue to spend less of their total take-home pay for food and fiber than any nation in the world, ever in history; then certainly the power of public policy must be used to sustain the independent farmer in our economy which is otherwise so strongly organized—an economy in which almost all other production is planned, where most marketings are regulated, where most prices are administered where most other profits are by fiat added on to the cost of production.

It is in the total national interest to assure the citizens of this country an abundant supply of food and fiber at reasonable prices by enacting government programs and policies such as may be essential to protect independent farmers against the hazards of the marketplace where almost everyone else except the agricultural producer is protected.

Certainly, no one can successfully dispute that it is in the total national interest to maintain an agricultural plant capable of producing the food and fiber needs of this country plus adequate reserves to sustain us through any emergency. To accomplish this, our government must provide its rural citizens with programs and policies which they can understand and which will guarantee them the opportunity for a QUALITY OF LIFE not less than that enjoyed by our suburban citizens.

In summary, this is the course of action which I recommend to you, the members of this Committee, the elected representatives of the people.

Provide farmers and rural Americans the opportunity for a QUALITY OF LIFE equal to their city cousins and they will continue to provide this country with the best food at the cheapest real cost of any country in the world at any time in history. If you do this, you will stop the depopulation of rural America. You will halt the overcrowding of our cities with all the attendant evils. You will be making an investment for posterity rather than incurring an expense for the taxpayer.

Agriculture has no better friends than the members of this Committee; the farmers of America have no greater champion than Alabama's own Senator James B. Allen; the citizens of this country have no stronger defenders of their liberty than the farmers of this Nation who, if allowed to do so by prudent public policy, will continue to produce the abundance of food and fiber so essential to our national welfare and at prices we all can afford.

Mr. Chairman, members of the Committee, I am grateful for this opportunity to share these views with you, and I offer you my full support as you go about your task of effecting long-range public policies necessary to the very survival of our way of life itself.

Mr. ALLEN. Mr. President, I also ask unanimous consent to have printed in the RECORD at this point a list of those who personally testified at the Alabama hearing.

There being no objection, the list was ordered printed in the RECORD, as follows:

M. D. (Pete) Gilmer, Commissioner, Alabama Department of Agriculture and Industries

J. D. (Jimmy) Hays, President, Alabama Farm Bureau Federation

Amzi Rankin, Dairy farmer, Faunsdale, Alabama

Clinton Berry, Beekeeper, Montgomery, Alabama

G. O. Long, farmer, Smiths, Alabama

Ralph Martin, farmer, Catherine, Alabama

Albert McDonald, farmer, Huntsville, Alabama

Wheeler Foshee, farmer, Red Level, Alabama

Wilbur Nolen, Soil Conservation Director, Montgomery, Alabama

George Tibbetts, cattleman, Theodore, Alabama

Dennis Bragg, farmer, Toney, Alabama

Maston Mims, farmer and state legislator, Uriah, Alabama

O. H. (Dick) Bowen, Cooperative Manager, Atlanta, Georgia

George N. Robinson, Cotton Warehouseman, Huntsville, Alabama

George C. Wallace, Governor, State of Alabama

David Osment, Poultryman, Cullman, Alabama

E. H. (Ham) Wilson, Vice President, Alabama Cattleman's Association

W. M. (Bill) Brown, cattleman, Atmore, Alabama

T. O. Owen, farmer, Brewton, Alabama

Ben Reynolds, Jr., farmer, Childersburg, Alabama

Dr. Fred Robertson, Vice President for Extension Service, Auburn University, Auburn, Alabama

Ed Mauldin, farmer, Town Creek, Alabama

Mr. ALLEN. Mr. President, American agriculture is the marvel of the civilized world. It is a remarkable fact that less than 5 million U.S. farm producers have fed and clothed more than 200 million Americans and fed and clothed them better than any people have been fed and clothed in all the history of the world.

It goes without saying that most of us today are feeling the effects of the high cost of living. A great deal of attention is being paid right now to food prices, and properly so, in my opinion. We can consider food prices a crude index of the effectiveness of economic stabilization. On the other hand, we cannot consider food prices as an index of farm income.

Yet, many segments of the national news media and so-called consumer advocates are pointing their fingers at American farmers and livestock producers charging them as being the villains of the rise in retail food prices. Nothing could be further from the truth as I believe debate on S. 1888 will reveal. What the national news media should be extending to the American farmer is a deep appreciation for his role in providing the food and fiber to feed and clothe the people of America and much of a hungry world as well.

When we closely investigate the stories and shrill cries of those who seek to place the blame for food costs on the shoulders of American farmers, we find that they have greatly distorted the picture by the omission of some relevant facts. When we put things in proper perspective, food prices come out all right.

Yes, food prices have gone up. But the average American's paycheck has gone up faster. In 1947, Americans spent 25 percent of their paycheck for food. By 1950, this had dropped to 22 percent, by 1959 to 20 percent. And today food expenses take about 16 percent of the U.S. wage earner's paycheck. That is an amazing record when you consider that many people of the world spend over half their income for food.

The issue of food prices in relation to the income of Americans is the subject of an editorial in this month's issue of The Progressive Farmer, one of the most distinguished publications in the United States. I commend the editorial to the Senate and ask unanimous consent that it be printed in the Record at this point:

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Nowhere Else Is Food So Reasonable

The other day a plumber came to our house to fix a leaky pipe. He worked an hour and, on leaving, presented a bill for $26, which included $12.50 for himself, $6.50 for his helper (who wasn't needed), and $7 for parts.

As he left, we wondered how much beef would have to sell for if farm labor cost $12.50 an hour. Few would argue that plumbing requires any more intelligence, skill, and training than farming. Yet these are the people—the people responsible for the services of daily life—who are wailing so loudly about the cost of food and whose wives are participating in the beef boycott.

Between 1961 and 1973, food prices increased about 30%. Meanwhile, the cost of home maintenance and repairs increased 73%; auto repairs and maintenance 45%; physicians' fees 54%; public transportation 63%; and hospital room charges 163%.

If there is one thing that has contributed to higher food prices over the years, it is the marked increase in labor costs all up and down the line from farm to consumer.

As pointed out by the Ohio Farm Bureau: "The very people who have had tremendous increases in wages over the past 20 years are now trying to ruin the food increases of the past few months."

Of every $4 spent for food at the retail level, about $3 is added after the product leaves the farm. So if consumers join campaigns (lettuce and grape boycotts) designed to add to the cost of food production and unions keep demanding huge wage increases, they should be willing to pay for these labor-induced costs in the marketplace.

Both boycotts of beef and price ceilings on red meats are unfair and discriminatory. Farmers and feedlots are at the end of the line, and are certain to be victimized by any price rollback. However, one good thing about the boycott is that it is not likely to last long. Those who can afford beef will soon have it back on their tables. Moreover, neither ceilings nor boycotts will solve the problem. As H. Emmet Reynolds, president of Georgia Farm Bureau, concludes: "Farmers are in the process of increasing red meat, but if the door to opportunity is shut in their faces they will have no alternative but to reduce production."

Food prices have indeed taken a big jump in recent months. But even so, wage increases over the years have far outstripped the boost in food costs. Despite the increased variety and "maid service" added to foods in recent years, an hour of factory labor buys more food than ever before.

Compare what an average industrial worker's hour of labor would buy in 1972 with what it bought in 1947–49:

	1947–49 (hourly wage $1.30)	1972 (hourly wage $3.25)
Bread (loaves)	9.6	9.3
Milk (quarts)	6.5	11.0
Eggs (dozen)	1.8	7.2
Pork cuts (pounds)	2.2	3.5
Choice beef (pounds)	1.9	2.7
Tomatoes (cans)	6.2	10.5

Nowhere else in the world is food produced more skillfully and reasonably than in the United States. When it comes to beef prices, we can thank our lucky stars that we live in the United States. In mid-March, USDA reported sirloin costing $1.59 in Washington compared with $2.45 in Brussels, with T-bone $3.57 per pound in Tokyo.

Why are we telling you all this? You already know it. But apparently a lot of people don't. Our hope is that you will drive home these points to all people. Let's repeat them over and over again until our city friends understand the importance of agriculture and how fortunate they are to live in a country where agriculture is so strong and progressive. For truly, nowhere in the world except in the United States do so few farmers produce so much quality food and fiber to feed and clothe so many people at such reasonable prices.

Mr. ALLEN. Thus, Mr. President, we see that food prices have actually risen at a much slower rate than other goods. Yet, food is bought almost daily by all families, and food purchases have to be made. They cannot be delayed to await more favorable prices as the purchase of other consumer goods can be. Consequently, food prices are quickly noticed. No price mark-up escapes the eye of the housewife.

But trying to tell someone who remembers 60 cents a pound beef that food is still a bargain is a frustrating, if not impossible task. Facts and figures have little effect on the housewife who watches her grocery bill climb.

Reminding housewives that suntan lotion, nonprescription drugs, tobacco, pet food, hardware items, household supplies and countless other items available at the supermarket and classified by them as part of their "food" bill, has no appreciable effect either despite the fact that they make up one-third of the grocery list.

As we know, the products of the farm are the essentials of life. From the farm come the food for our sustenance, fiber for our clothing, leather for our shoes, and other necessities of living.

The people of this great Nation of ours have, in the past, recognized the importance of the farmer to the strength and health and security of our Nation. We know, too, that the farmer is subject to greater hazards than most other segments of our economy. Not only is the farmer subject to ordinary economic risks and the uncertainties of the marketplace, but he is often beset by natural calamities such as drouth, hailstorms, insect pests, crop blight, and floods such as a great part of our Farm Belt has experienced in recent weeks. The farmer cannot stop production by throwing a switch. In large measure, he must follow the pattern dictated by nature, planting in the spring and harvesting months later in the fall.

Therefore, Mr. President, the citizens of this country, acting through their Government have taken steps to stabilize the agricultural economy, assure the farmer of a fair share of the national income, and enable him and his family to know the benefits and comforts of modern living. Time and again, the Congress has enacted programs to help achieve these objectives.

The purpose of our farm programs has not been to treat the farmer differently, but to help put him into a position from which he can bargain as effectively as the other more favorably placed segments of our economy. This is necessary because agriculture is composed of many thousands of individual producing units. To date, our farmers have no effective way of joining together in sufficient numbers to have a say on price or demand.

Although the legislation now before us does not contain all of the provisions which I feel are needed to round out our farm program, it is a good bill and basically a sound bill. It is a bill which will continue many of the tried and proven programs of American agriculture, programs which will permit American consumers to enjoy the best food buys in the world.

For wheat, feed grains, and cotton, S. 1888 adopts a new "package" of programs built around the single concept of target prices.

The target prices for the first year are

$2.28 per bushel for wheat, $1.53 per bushel for corn, and 43 cents per pound for cotton. For subsequent years, these target prices will be adjusted each year in relation to a "cost of production" index, which would reflect changes in interest rates, taxes, wage rates and production items.

Prices to the farmer for wheat, feed grains, and cotton will be underwritten at the target levels for full projected U.S. needs—for both domestic consumption and export. If the average market price during the first 5 months of the marketing season is below the target price, a production incentive payment will be made to the farmer equal to the difference between the target price and the average market price actually received by farmers. These payments, if any, will be direct payments; the bill makes no change in the loan levels of $1 per bushel for corn, $1.25 per bushel for wheat, and 19.5 cents per pound for cotton.

Mr. President, this direct payment-target price aspect of the bill is intentionally designed to protect the farmer from disastrously low prices and, at the same time, to protect the interests of consumers and taxpayers:

It protects the farmer from ruinously low prices because farmers are guaranteed the target levels of prices for that portion of their production that is required to meet national needs;

It protects consumers because the direct payment approach allows the prices of cotton, wheat, and feed grains to reach their natural levels in the market place. Indeed, the bill is designed to encourage lower prices to consumers, because the target price guarantees are an incentive to farmers to produce abundantly to meet the full demand for food and fiber;

It protects the interest of broiler, livestock, and dairy farmers in reasonably-priced feedstuffs. By encouraging ample production of feed grains, and by refraining from any increase in the loan rates, the broiler, livestock and dairy farmers should be assured of feed at lower prices.

This is of particular concern to my State of Alabama, which is the third-highest broiler producing state in the nation.

The bill's impact on feedstuffs also will be a strong aid to consumers, since lower feed costs to livestock growers should be passed along to consumers in the form of lower meat and poultry prices.

Furthermore, because S. 1888 would allow prices of feed grains, wheat and cotton to reflect natural market conditions, it would not hamper the export of United States farm products. Under this bill, the United States would not price itself out of competition in world markets, and large export subsidies would not be required to market our produce abroad.

And, S. 1888 would accomplish these objectives without placing an excessive burden upon the taxpayer. It is difficult to predict exact costs because the amount of payments will depend upon actual market prices. But assuming a 1.657 billion bushel wheat crop with 95 percent program participation by farmers; a 5.805 billion bushel corn crop with 85 percent participation; and 5.145 billion pound cotton crop with 98 percent participation, the cost of the program based upon market prices during the recent 5-month period, December 1972 to April 1973, would be:

[*In millions*]

Wheat	$125.9
Corn	690.2
Cotton	931.2
Total	1,747.3

Grain sorghum could push the total cost for feed grains up another $115 million—about one-sixth of corn. This would mean a total cost for wheat, feed grains, cotton below $1.9 billion, or about one-half of the 1972 program costs. Payments to farmers under the 1972 feed grain, wheat, cotton programs totaled some $3.7 billion.

Program costs could be lower. Indeed, if current market prices prevailed in 1974, for example, the total cost of the feed grain, wheat, cotton package would be minimal. There would be virtually no cost.

Of course, the program could and probably would cost more in some years, but to the extent that it did it would mean lower prices to consumers at the same time.

S. 1888 includes authority for cropland to be set aside as required from year to year, and there is standby authority for the Secretary of Agriculture to apply commodity-by-commodity production controls if necessary to prevent market glut.

I am pleased that your Agricultural Committee rejected the administration's proposal for a general cropland retirement program, which approved to be disastrous for farmers and taxpayers when attempted during the 1950's. One experiment with Bensonism was enough for our farmers and for our Nation.

Title II of S. 1888, the dairy section, is very important to my State of Alabama and to the Nation. The bill contains several technical amendments to class I and seasonal base plan authority, which will enable cooperatives to market milk in an orderly fashion. It is essential that the cooperatives have authority to manage bases and production, so that they can direct fluid milk to the marketing areas where it is needed to meet consumer demand. And this affords to dairy farmers in Alabama and elsewhere a measure of badly-needed price and income stability and protection.

Title II also provides for milk price support at not less than 80 percent of parity for the current marketing year, and restricts dairy imports to 2 percent of domestic consumption. In view of escalating production costs faced by our dairy farmers, these are badly-needed measures to maintain a healthy and viable economic climate in dairying.

The section of this bill on cotton insect eradication is particularly important to my State of Alabama. The bill authorizes and directs the Secretary of Agriculture to carry out programs to destroy and eliminate cotton boll weevils, pink boll worms and other major cotton insects in infested areas. Cotton producers would share with the Federal Government the cost of the eradication program.

Such program is vital to the cotton producers of Alabama, because tens of dollars are added to his production costs of each bale of cotton to control cotton insects. Our farmers will be able to produce cotton much more efficiently if the boll weevil and boll worm are eradicated. And the environment will be better protected in the process, since volume application of chemical insecticides would no longer be necessary each year.

A similar eradication program has been accomplished for the screw worm in livestock, so the cotton insect eradication program proposed in S. 1888 is feasible. I hope that we can enact and fully fund this program, so that the eradication effort can get underway without delay.

Mr. President, we are currently in an unsettled period, when it is difficult to predict whether the next few years will carry with them shortages of food and fiber, or a return to market glut and ruinously low farm prices and income. S. 1888 is intentionally designed to help us to cope with either of these eventualities.

I would hope that the Senate will pass this measure, so that the carefully designed and balanced package that S. 1888 represents can serve farmers, consumers, and the Nation in the years ahead.

A healthy agricultural sector is vital to rural revitalization in the United States. Farming is the No. 1 employment activity in rural America, and the family farm pattern of agriculture is the nucleus around which rural development and geographical balance of population must be built and achieved. We cannot stop the migration of people into urban areas—and the aggravation of urban problems that greater congestion of population causes—unless we strengthen farming and agriculture in the countryside.

Mr. President, today the demand for food and fiber is greater than ever before. People are eating more, and more people are eating. There are about 70 more people sitting around the American family table now than when I started this speech. This time tomorrow there will be 6,500 more. That adds up to over 2 million a year. And the world population increases that much every month. These are mouths that must be fed if democracy is to continue to flourish at home and be strengthened and extended abroad.

Shall we eat and wear less in the days to come, or shall we raise more products as the need for them arises? The answer is obvious. This will present an even greater challenge to the American farmer who up until now, has been able to sustain us by providing us, often at sacrifice to himself, with the food and fiber necessary to life itself. But the continued ability of our farmer to feed and clothe the growing population of our Nation and much of a hungry world is contingent upon a sound and sensible agricultural policy which will maintain and improve farm income.

We must never forget that the strength and prosperity of agriculture is basic to the strength and prosperity of our country. In times of crisis and war, the American farmer has toiled selflessly to produce the goods to meet the needs of the hour. The farmer has never failed our country, and now the country must not fail him.

Mr. TUNNEY. Mr. President, the Agriculture and Consumer Protection Act of 1973 provides a much needed opportunity to examine the Nation's farm policies. The problems we face are by no means new. Since 1933, the Federal Government has attempted to stabilize the flow of food to consumers. The intent of these efforts—whatever the words used to justify them—traditionally was based on the fact that large and important parts of the farm economy are inherently unstable. This has been especially true of cotton and wheat—where prices jump or plunge at the slightest change in demand.

While it is true that we now have more large farms, we must keep in mind that a substantial element of the agricultural economy remains in the hands of relatively small business. These small farms would founder without reasonable price support.

Until recently, agricultural price supports have been generally successful, and problems have resulted, not from program failure per se, but from poor management. This does not mean that price supports should continue unchanged.

It is both impractical and unrealistic to talk about "permanent programs." All programs require periodic review and evaluation. Future price support payments must be examined in the context of developing trends in the world market. Today, when agricultural prices are skyrocketing, is a good time to look to ward reducing governmental intervention over the agricultural economy by letting the world free markets set prices. Essentially this is what the committee bill does. It sets "target prices" for commodities: 43 cents per pound for cotton, $2.28 per bushel for wheat, and $1.53 per bushel for corn. While prices remain at or above these target levels, no payments are made. This approach is consonant with my belief that payments simply are not justifiable when prices are high. The Consumer Federation of America, in their statement of full support for the committee bill, pointed out that the target price strikes the necessary balance between the consumer's concern with high food prices and the farmer's need for an adequate income. They accurately stated that the legislation's potential effect on meat prices may be the best example of the bill's importance to consumers. High feed prices mean high meat prices and increased production of feed grains would be reflected in cheaper prices at the meat counter.

The committee bill recognizes, however, that when prices fall, flexible price protection is a vital necessity. Only when prices, averaged over a 5-month period, fall below target levels, would the Government stabilize the economy through direct payments. Again, because large sections of the agricultural economy are unstable, an immediate phaseout or abrupt elimination of support would result in wide price fluctuations. Ultimately, many of the smaller producers would be forced out of farming because they lack adequate capital.

Mr. President, there continues to be some misunderstanding over the relationship between the level of the subsidy payment and, unfortunately, the consumer prices. The administration's sleight-of-hand and questionable tactics with the Soviet wheat deal has left many people with the impression that all stabilization efforts are aimed at reducing production.

In no way is the guaranteed "target price" of S. 1888 intended to reduce production, thereby increasing prices. The cotton price guarantee, for example, is intended to increase the supply of cotton at lower prices for domestic consumers. In addition, more cotton will be available for export, thus helping our balance of payments. If cotton and other agricultural commodities are to be exported in greater quantities, then production must be strongly encouraged—and this means that the farmers need some protection against the economic uncertainties of wide price fluctuations.

Eliot Janeway stated before the Senate Finance Committee on June 1 that "American agriculture is arming American policy with unique and unprecedented strength." He elaborated that agriculture represents the same resource to America as oil to the Middle East and that we must expand production for marketing abroad.

It is expected that in 1973, nearly 4.7 million bales of cotton will be exported. At $175 per bale, this will mean $882 million in exchange. For California, the cotton industry will have over $350 million in sales in 1973, creating over $1 million in new business including equipment, retail sales, and purchasing power.

I have stated in the past that I favor a gradual phaseout of the support program. But I do not think that 3 years is enough time to establish independent stability of the agricultural economy. If the market remains as it is—and there is little doubt that it will—no payments will be made next year. It is unlikely that there will be payments the following year. The bill only provides a guarantee to the farmer who is keeping his production high that if prices fall drastically, he will stay in business. For the sake of producer and consumer alike, this is not an unreasonable compromise.

AMENDMENT NO. 176

Mr. KENNEDY. Mr. President, I send to the desk amendment No. 176, as modified, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment as modified, is as follows:

On page 37, line 7, delete line 7 through line 20 and insert the following:

(b) By amending subsection (e) of section 3 to read as follows:

"The term 'household' shall mean a group of related individuals (and their foster children) other than migrants and other laborers, public assistance recipients, and unemployed persons over thirty years of age subject to section 5c who are not residents of an institution or boarding house but are living as one economic unit whether or not they occupy an entire dwelling unit and for whom food is purchased in common.

"The term 'household' shall also mean (1) a single individual living alone who purchases and prepares food for home consumption, or (2) an elderly person who meets the requirements of section 10(h) of this Act."

(c) By adding at the end of section 3, the following:

"(n) The term 'program of distribution of federally donated foods' means any program promulgated pursuant to section 32 of Public Law 74–320, as amended, or section 416 of the Agricultural Act of 1949, as amended, that involves the distribution of federally donated foods to households.

"(o) The term 'paraprofessional' means a lay person who operates under the direction and supervision of a professionally trained social worker."

(d) By amending subsection (b) of section 5 to read as follows:

"(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and the program of distribution of federally donated foods, and that shall apply wherever those programs are in effect, and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. However, in no event shall the resource eligibility criteria, for liqiud and nonliquid assets, established by the Secretary be less than $3,000 for each individual sixty years of age or over, except that the Secretary shall establish a uniform limitation of $5,000 for all households in political subdivisions that are experiencing economic disasters, including rates of unemployment substantially higher than the national average. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period. The Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are the victims of a mechanical disaster which disrupts the distribution of coupons, and for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: *Provided*, That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States. Notwithstanding any other provision of law, households in which members are included in a federally aided public assistance program pursuant to title XVI of the Social Security Act shall be eligible to participate in the food stamp program or the program of distribution of federally donated foods if they satisfy the appropriate income and resources eligibility criteria."

(e) By adding at the end of subsection (a) of section 7, the following: "*Provided*, That the Secretary shall raise the face value of the coupon allotment to be issued to a household that includes a person who is medically certified as requiring a special diet by such amount as the Secretary shall establish for each such person in order to assure a nutritionally adequate diet."

(f) By amending subsections (c) and (e) of section 10 to read as follows:

"(c) Each household desiring to participate in the food stamp program shall be certified for eligibility solely upon completion of a simplified application form seeking data on sources of income, deductions, household size, and composition coupled with the presentation of reasonably available documentation verifying income, which application shall be acted upon and eligibility certified or denied within fifteen days following the date upon which the request for food stamp assistance is initially made, except that any household which is receiving public assistance from any State under a program approved pursuant to title IV of the Social Security Act and which makes application for the benefits of this Act shall be certified for eligibility upon request.

"In the case of any application with respect to which certification or denial is not made within fifteen days after the date on which such application is filed, provide temporary certification of eligibility to such household until a final decision on the merits of the application can be made.

"The income of any household earned on a seasonal basis shall be averaged on a three-, six-, or twelve-month basis as the applicant may elect, and certification for eligibility of such household shall be made for a like period of time. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal. No household's certification shall lapse or be otherwise adversely affected except pursuant to a fair hearing held in accordance with subsection (e) of this section or because of a failure to comply with the reporting provision below. Each participating household whose income or resources increase or whose size decreases or whose composition is affected in such a manner as to lower the coupon allotment value to which it is entitled pursuant to section 7(a) of this Act, shall be required, no later than thirty days after the close of each quarter in which such change of circumstances occurs, to submit a report to the appropriate State agency containing such information, including the reporting of such change, and in such form as the Secretary may prescribe in order to enable the State agency to determine the household's continued eligibility for the program and the value of the coupon allotment such household should receive and the amount it should be charged therefor pursuant to section 7 of this Act. In the event that any household required to submit such a report fails to do so, such household shall not be eligible to participate in the program so long as such failure continues.

"(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such State intends to conduct the program and the Secretary shall, upon approval of the plan, permit the State or any political subdivision within such State which wishes to institute the program to do so within ninety days of requesting institution of the program, unless the State or political subdivision wishes to delay such institution. Such plan of operation shall provide, among such other provisions as may by regulation be required the following: (1) the use of the eligibility standards promulgated by the Secretary under section 5 of this Act and the certification procedures specified in subsection (c) of this section; (2) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (3) pursuant to guidelines issued by the Secretary employment by the State agency in each political subdivision in which the program is in effect of one worker (including paraprofessionals) per year for each one thousand participating households for the purpose of undertaking the certification of applicant households, and one worker (including paraprofessionals) per year for each five hundred households in that subdivision whose incomes are under the income poverty guidelines reported by the Census Bureau of the United States Department of Commerce, but who are not participating in the food stamp program, for the purpose of informing such households of the availability and benefits of the program and encouraging their participation; (4) granting a fair hearing, and prompt determination thereafter, to any household aggrieved by any action of a State agency under any provision of its plan of operation as it affects the participation of such household in the program, including the granting of Federal reimbursable retroactive relief wherever appropriate by reducing the amount to be charged for the household's coupon allotment pursuant to section 7(b) of this Act, if any; (5) issuance of coupon allotments no less often than two times per month; (6) notwithstanding any other provision of law, the institution of procedures under which any household participating in the program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under title IV of the Social Security Act and have its coupon allotment distributed to it with such grant or payment; and (7) the submission of such reports and other information as may from time to time be required."

(g) By amending section 15 to read as follows:

"SEC. 15. Each State shall be responsible for financing, from funds available to the State or political subdivision thereof, 20 per centum of the costs of carrying out the administrative responsibilities assigned to it under the provisions of this Act. The Secretary shall pay to each State 80 per centum of such costs, including, but not limited to, the certification of households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; the issuance of such coupons to eligible households and the control and accounting thereof; and the performance of outreach and fair hearing requirements contained in subsections (e)(3) and (e)(4) of section 10 of this Act."

(h) By striking out in the first sentence of subsection (a) of section 16, "June 30, 1972, and June 30, 1973" and inserting in lieu thereof "June 30, 1972, through June 30, 1978", and by inserting at the end of the first sentence of subsection (a) the following new sentence: "Sums appropriated under the provisions of this Act shall, notwithstanding the provisions of any other law, continue to remain available until expended.", by deleting subsection (b), and by relettering subsection (c) as (b) and subsection (d) as (c).

Mr. KENNEDY. Mr. President, it is my intention to lay this amendment before the Senate and have it voted on tomorrow. However, while the Senators are present, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I intend to have an opportunity to explain the amendment tomorrow. I understand that we are on controlled time now with 20 minutes allowed for the sponsor of the amendment.

The amendment is sent to the desk on behalf of myself, the distinguished Senator from New Jersey (Mr. CASE), the distinguished senior Senator from Iowa (Mr. HUGHES), the distinguished junior Senator from Iowa (Mr. CLARK), and the distinguished Senator from New Jersey (Mr. WILLIAMS).

Mr. President, I ask unanimous consent that the Senators I have just mentioned be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I intend to discuss this matter tomorrow and the Senate will then vote on it.

May we have an understanding with the manager of the bill that we will adjust the time tomorrow morning when the Senate convenes? I yield a minute or 2 minutes to the assistant majority leader so that the Senators present will know about this matter.

Mr. BAYH. Mr. President, I ask unanimous consent that immediately following the vote on the Kennedy amendment tomorrow, the Bayh amendment dealing with the limitation on farm payments, amendment No. 163, be the next item considered by the Senate.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I do not think there will be any objection to that from the other side of the aisle; it is merely a request that the amendment by Mr. BAYH be in order immediately upon the disposition of the amendment by Mr. KENNEDY. The distinguished Senator from Indiana could obtain recognition at that time in any event, and call up his amendment.

Mr. BAYH. Mr. President, I withdraw my request.

Mr. ROBERT C. BYRD. I thank the Senator for doing that.

The PRESIDING OFFICER. The request is withdrawn.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that no time be charged against the amendment or the bill for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as I understand it, my amendment will be the first order of business. The yeas and nays have been ordered, and time will start running tomorrow.

The PRESIDING OFFICER. The Senator is correct.

ORDER FOR ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until the hour of 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, the Senate will resume the consideration of the unfinished business, S. 1888, at 10 o'clock tomorrow morning.

ORDER FOR RECOGNITION OF SENATORS HOLLINGS, PROXMIRE, MONTOYA, AND HARRY F. BYRD, JR. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order on tomorrow, the following Senators be recognized, each for 15 minutes and in the order stated: Senators Hollings, Proxmire, Montoya, and Harry F. Byrd, Jr.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE SENATE TO RESUME CONSIDERATION OF THE UNFINISHED BUSINESS, S. 1888 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at 10 a.m. tomorrow the Senate proceed to the consideration of the unfinished business, S. 1888.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absent of a quorum.

The PRESIDING OFFICER. The clerk will read the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF CERTAIN FORMER EMPLOYEES OF THE SECURITIES AND EXCHANGE COMMISSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4704, which is at the desk.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

> H.R. 4704, a bill for the relief of certain former employees of the Securities and Exchange Commission.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the bill (H.R. 4704) was considered, ordered to a third reading, read the third time, and passed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Senators Hollings, Proxmire, Montoya, and Harry F. Byrd, Jr.

At the conclusion of the orders for the recognition of Senators, the Senate will resume its consideration of the unfinished business, S. 1888. The pending question at that time will be on agreeing to the amendment of the Senator from Massachusetts (Mr. Kennedy), on which the yeas and nays have been ordered.

There will be several yea-and-nay votes tomorrow. The first yea-and-nay vote could occur as early as 10:25 a.m., and the vote on passage of the bill will occur not later than the hour of 2:30 p.m. tomorrow.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 5:52 p.m. the Senate adjourned until tomorrow, Friday, June 8, 1973, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1973:

Civil Service Commission

Robert E. Hampton, of Maryland, to be a Civil Service Commissioner for the term of 6 years expiring March 1, 1979, reappointment.

U.S. Tariff Commission

George M. Moore, of Maryland, to be a Member of the U.S. Tariff Commission for the term expiring June 16, 1979, reappointment.

Department of Housing and Urban Development

Sheldon B. Lubar, of Wisconsin, to be an Assistant Secretary of Housing and Urban Development, vice Eugene A. Gulledge, resigned.

Export-Import Bank of the United States

Mitchell Kobelinski, of Illinois, to be a Member of the Board of Directors of the Export-Import Bank of the United States, vice Tom Lilley, resigned.

In The Navy

The following-named midshipmen—Naval Academy—to be permanent ensigns in the line or staff corps of the Navy subject to qualification therefor as provided by law:

Steven A. Klein
David W. Perrich
John D. Rush
James E. Russell
William E. Short, Jr.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 7, 1973:

Department of Labor

Carmen Maymi, of the District of Columbia, to be Director of the Women's Bureau, Department of Labor.

National Mediation Board

David H. Stowe, of Maryland, to be a member of the National Mediation Board for the term expiring July 1, 1976.

Special Action Office for Drug Abuse Prevention

Robert L. DuPont, of Maryland, to be Director of the Special Action Office for Drug Abuse Prevention.

National Council on Educational Research

The following-named persons to be members of the National Council on Educational Research for the terms indicated:

FOR A TERM OF 1 YEAR

James S. Coleman, of Maryland.
Vincent J. McCoola, of Pennsylvania.
Vera M. Martinez, of California.
Carl H. Pforzheimer, Jr., of New York.
Wilson Riles, of California.

FOR A TERM OF 2 YEARS

William O. Baker, of New Jersey.
T. H. Bell, of Utah.
Dominic J. Guzzetta, of Ohio.
Charles A. LeMaistre, of Texas.
W. Allen Wallis, of New York.

FOR A TERM OF 3 YEARS

Patrick E. Haggerty, of Texas.
Ralph M. Besse, of Ohio.
John E. Corbally, Jr., of Illinois.
Ruth Hurd Minor, of New Jersey.
John C. Weaver, of Wisconsin.

(The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

In the National Oceanic and Atmospheric Administration

National Oceanic and Atmospheric Administration nominations beginning Phillip C. Johnson, to be commander, and ending Denis A. Redwine, to be lieutenant (jg.), which nominations were received by the Senate and appeared in the Congressional Record on May 16, 1973.

In the Coast Guard

Coast Guard nominations beginning Ronald L. Endsley, to be chief warrant officer, W-2, and ending Harvey F. Moore, to be lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on May 29, 1973.

EXTENSIONS OF REMARKS

INTEGRITY

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, June 7, 1973

Mr. METCALF. Mr. President, on May 23, 1973, Herblock, Pulitzer Prize-winning cartoonist of the Washington Post, addressed the National Press Club on a subject which is making news these days. Excerpts from his talk were printed in the June 4 issue of the Post.

I call the attention of my colleagues to his reference to Senator Clinton P. Anderson who served his Nation with distinction as a bureaucrat, a Cabinet officer, a Congressman and a Senator from New Mexico.

"Clint" Anderson personified the integrity the public has a right to expect in its public officials. The incident Herblock relates from Clint's early life as a reporter for the Albuquerque Journal who helped take the lead in exposing Teapot Dome gives insight into this man who lived by the truth.

To Clint Anderson the truth was a weapon that never had to be cleaned or adjusted. To Clint Anderson the truth was always "operative."

The misdeeds of some are a lesson in what not to do. However, the deeds of men like Clint Anderson are lessons in what we all should do. In the months ahead much will have to be done to restore the public's confidence that the majority of the people serving in Government are honorable people who live by the truth. Clint Anderson, now retired from public life by his own choice after almost four decades of dedicated public service, is such an example.

Mr. President, I ask unanimous consent that the article headlined "On Watergate and Snooperstate" in the June 4 issue of the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed as follows:

ON WATERGATE AND SNOOPERSTATE

(By Herblock)

I hope you don't mind meeting here in this unusual way. I was originally going to follow the normal procedure of asking each of you to go to a telephone booth on a parkway near your home, and to wait for me to put in a conference call under the name of Watson.

After I said, "Hello, Watson, this is Watson speaking," you were supposed to give the code words, "Who's on first?" and then I would proceed to talk.

The job of a cartoonist is not to recite good news or to say, "Let us now praise famous men." A cartoonist should really be the kid in the Hans Christian Anderson story who says, "The emperor has no clothes on."

People keep telling me that I should be having a great time these days, and I wish I were. But it gets to be too much to have to keep saying the emperor has no clothes on and to keep adding, "Good grief—the whole bunch have no clothes on!"

Cartooning is an irreverent form of expression—and I think most needed when high officials seem to get higher and higher from inhaling power.

Americans who used to ask each other "What do you think Roosevelt will do?" or "What's Truman up to?" or "What do you think Eisenhower will say?" now ask each other what they think *The President* will do. In some way the office has become so sacred, that any occupant becomes a kind of Mr. President Superstar. And an ordinary mortal name is not good enough any more.

We should have known something was wrong when we heard about a "Committee to Re-Elect the President." If they didn't even want to mention the name of the candidate, we might have guessed they weren't going to want to name his campaign contributors either.

It is 10 months since President Nixon referred to Watergate as a "very bizarre incident," and it is two weeks since he referred to it as a "very deplorable incident." That shows progress. But not very much. And the recent White House comments on the good work of the press are already on the verge of becoming "misspoken" or "inoperative."

In any case I cannot say that I feel gleeful, or even complacent.

For one thing, the present administration is still pushing in Congress what has been called an "official secrets act." The proposed law would make it a criminal offense to disclose anything marked with a classified stamp, however wrongly it might be classified. It would provide the complete cover-up for all government mistakes and misdeeds. And with 20,000 rubber stamps, it would stamp-out the people's right to know about their government.

I don't think our real national security is to be found in the use of rubber stamps—or rubber gloves.

Several people have recently expressed a proper concern for the reputations of public officials. And Vice President Agnew has specifically warned that "many in public life are damaged by snide remarks." Recently he also referred to "personal abuse" and "innuendo."

I think this is certainly something to watch out for; and I can think of some awful examples:

Such men as Cyrus Vance, Sen. Edward Kennedy, Sen. William Fulbright and New York Mayor John Lindsay have been accused of being "sunshine patriots" and "summertime soldiers."

A man who has served his country as wisely and well as Averell Harriman—among the first Americans to warn of the danger of Stalin's policies, and a man highly praised by Winston Churchill—was not spared from the smear-gun. It was carefully implied that he sold out Poland to Stalin for a pair of horses, and that the Ho Chi Minh Trail should be called Harriman's Highway.

The name of Republican Congressman Paul McCloskey, a Korean war hero, was publicly linked to that of Benedict Arnold.

These are among the snide innuendos and reflections on the characters of public officials which came from one source—Spiro T. Agnew.

The constant cry of this administration has been that there is bias in the news and that they want better balance in the media. So do I. Before Watergate, most of what we got in the way of news about government every day, every week, every year, was news *of, by and for* the executive branch of government—and that is the news that has needed to be balanced.

Most of the news from Washington is what the President says, what his press secretary says, what his Vice President says, what his cabinet members say, what the Pentagon says, and so on. I don't recall any of these people talking about the administration not doing a fine job.

I don't know why *any* President should have all three major networks at his disposal any time he chooses to speak, except in case of national emergency. And I've always felt that presidential speeches not only should be analyzed but that the people should be given a chance to hear a reply.

The present administration has not cared much for answering questions from the press or from Congress. But it's been big on giving out statements. It has created *communications* staffs—all of them engaged in one-way communications.

Washington Post columnist Mike Causey has written of how the White House communications department has set quotas for speeches and propaganda material to be filled by information chiefs and department heads. There have been handy-dandy ready-prepared "communications" kits to help out these officals—and also handy aids for the media. Free recorded news items have been provided for radio broadcasting—and free government-produced canned editorials have been sent broadside to small newspapers. In that way, the executive branch, not only makes its own news, but also creates its own editorial comment on the news.

These are examples of *your tax dollars at work*—often against you or against your congressmen. It is sort of a switch on the Marshall McLuhan idea that the medium is the message: The administration idea has been that the media should be the messenger boy.

From all its crying about the media you would not know that in the 1968 election, 80 per cent of U.S. newspapers (with 82 percent of newspaper circulation) endorsed President Nixon, or that more than 92 per cent endorsed him in 1972.

So if the administration had 80 per cent of the press, all it wanted was just a fair 50–50 split of the remaining 20 per cent. And then half of the remaining 10 per cent and so on—until it would have $99\frac{44}{100}$ per cent of a not-very-pure press.

Through more than one administration there's been a trend toward what I've called the Secret Snooperstate—in which the government pries more and more into the lives of private citizens, while keeping more and more of the government's business *from* the people. In the past four years this trend has been stepped up by officials who have acted as if the U.S. government was their private property.

Privacy has been for government people. And after reading the disclosures of some of the methods used, it's easy to see why they wanted it. Never did so many people *need* so much privacy.

I recall Mr. Nixon frequently reminding us that he is a lawyer. And he has referred to some of his advisers as "lawyers' lawyers." It's surprising in this law-and-order administration how many of those *lawyers' lawyers* now seem to need *lawyers' lawyers' lawyers* to keep them out of jail.

Incidentally, in the future, newsmen who are sent to jail for not disclosing their sources might find jail a pretty good place to get acquainted with some interesting sources.

Lately there has been a rash of articles anguishing over the possibility of what is called a crippled presidency. The only way the presidency can be damaged is by making the White House a "safe house" for wrongdoing.

The role of the free press in all this has been to do exactly what it was set up to do—to act as a check on all government.

When the Watergate disclosures began, I did a kind of cram course on comparative corruption and read up on the Harding administration, which was widely regarded as holding the record up to that time. I discovered that one of the people who took the lead in disclosing Teapot Dome was a man who later became a U.S. Senator Clinton Anderson—just recently retired.

In the early 1920s Clinton Anderson was reporting and editing on The Albuquerque Journal, published in the home state of Secretary Albert B. Fall. This paper suffered severe reprisals for exposing the scandals. In a book titled "Teapot Dome," by M. R. Werner and John Starr, there is a short description of a brief encounter:

After The Albuquerque Journal began writing about the lease to Teapot Dome, Fall came into the newspaper office one day and asked in his characteristic loud tones, "Who is the son of a bitch who is writing those lies about me?" Anderson, a tall man, stood up and said, "I'm the son of a bitch, and I don't write lies." Fall left the office quickly.

Clinton Anderson certainly knew how to make himself perfectly clear.

A LEGENDARY POLITICIAN

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. CORMAN. Mr. Speaker, on May 30 a legendary American, Jim Farley, celebrated his 85th birthday. Through over 60 years of dedicated service to America, this remarkable Democrat has symbolized this Nation's belief in the ability of an individual from a disadvantaged background to rise to the pinnacle of success in business and in the public service. After spending years helping his widowed mother support the family, he experienced his first political victory in his election in 1912 as town clerk of Stony Point, N.Y.—despite the fact that no Democrat had held the position since 1894.

With his phenomenal memory for names—a trait to be envied by any politician—and a reputation for honesty, Jim Farley held many posts as a Democrat. Among these were his chairmanship of the Democratic National Committee in 1932, as well as of the New York State Democratic Committee, and his tenure as Postmaster General during F.D.R.'s first two administrations. In 1936, he left his Cabinet post to manage President Roosevelt's bid for reelection, returning to this post afterwards. Today, he is still at work.

Even though he spent so much of his life in domestic politics, Jim Farley distinguished himself at this particular period in American history by demonstrating a sensitivity—not then prevalent among politicians—to the need for America to turn her attention to international affairs. In October 1944, for example, he acted as chairman of the celebration held in New York City in honor of the 33d birthday of the Chinese Republic. Two months later, he spoke at the 26th annual Guadalupe Day of the Mexico Pilgrims Organization and warned Americans not to "talk down" to their Latin American neighbors, but rather "to cement the ties between nations with true friendship."

Jim Farley is indeed a legend in American politics, and I take great pleasure in joining my colleagues in wishing him continued success in his endeavors.

JOB OUTLOOK FOR THE SEVENTIES

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, June 7, 1973

Mr. JAVITS. Mr. President, every 2 years the Department of Labor publishes the "Occupation Outlook Handbook" containing up to date information on qualifications and prospects for a wide range of occupations.

The publication is very helpful to young people in making career choices; and is I understand not otherwise available in adequate quantity.

I commend the Labor Department for their work in this area, and ask unanimous consent that a summary of the handbook, entitled the "Occupational Outlook Handbook in Brief," be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION

Occupation	Estimated employment 1970	Average annual openings to 1980 [1]	Employment prospects [2]
PROFESSIONAL AND RELATED OCCUPATIONS			
Business administration and related professions:			
Accountants	491,000	31,200	Excellent opportunities. Strong demand for college trained applicants. Graduates of business and other schools offering accounting should have good prospects.
Advertising workers	141,000	5,400	Slow growth. Opportunities will be good, however, for highly qualified applicants, especially in advertising agencies.
Marketing research workers	23,000	2,600	Excellent opportunities especially for those who have graduate degrees. Existing marketing research organizations are expected to expand and new research departments and independent firms set up.
Personnel workers	160,000	9,100	Favorable outlook, especially for college graduates with training personnel administration. More workers will be needed for recruiting, interviewing, and psychological testing.
Public relations workers	75,000	4,400	Rapid increase due to population growth and rise in level of business activity. An increasing amount of funds will be allocated to public relations work.
Clergymen:			
Protestant ministers	295,000	9,700	Competition keen in some denominations. Many clergyemn will find work in social work, education, and as chaplains with the Armed Forces.
Rabbis	6,500	300	Number of rabbis probably will be inadequate. Growth in Jewish religious affiliation and in the number of synagogues, along with demand for rabbis to work with social welfare and other Jewish affiliated organizations, should continue.
Roman Catholic priests	60,000	2,000	Growing number needed. Number of priests ordained insufficient to meet the needs of newly established parishes, expanding colleges, and growth of the Catholic population.
Conservation occupations:			
Foresters	22,000	1,000	Number of forestry graduates may more than meet demand. Private owners of timberland industries should employ increasing numbers of foresters. Demand in the Federal Government is expected to remain stable.
Forestry aides	11,000	1,300	Favorable opportunities, especially for those who have post-high school training in forestry. The number of aids required by forest products industries and the Federal Government is expected to increase.
Range managers	3,600	60	Declining employment opportunities in the Federal Government because scientific and technical duties will be done increasingly by natural scientists. The decline will be somewhat offset by increasing employment opportunities in the private sector.
Counseling occupations:			
Employment counselors	8,000	1,100	Excellent opportunities for those who have master's degrees or experience in the field. Graduates with bachelor's degrees and 15 hours of counseling-related courses will find favorable opportunities in State and local employment.
Rehabilitation counselors	13,000	1,600	Shortage occupation. Excellent opportunities for those who have graduate work in rehabilitation counseling or in related fields.
School counselors	54,000	5,200	Very rapid employment increase, reflecting continued growth of counseling services and some increase in secondary school enrollments.

Footnotes at end of table.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION—Continued

Occupation	Estimated employment 1970	Average annual openings to 1980[1]	Employment prospects[2]
Engineering occupations (Estimated employment, 1970=1,100,000; average annual openings to 1980[1]=58,000.):			
Aerospace engineers	65,000	1,500	Long-run outlook favorable but employment opportunities fluctuate periodically. Currently, openings may fall short of the number seeking employment.
Agricultural engineers	13,000	600	Rapid increase due to the growing mechanization of farm operations, increasing emphasis on conservation of resources, and the broadening use of agricultural products and wastes as industrial raw materials.
Biomedical engineers	3,000	120	Excellent prospects for those who have graduate degrees. Increased research and development expenditures will create new jobs in areas such as prosthetics, cybernetics, instrumentation systems, computer usage and environmental pollution.
Ceramic engineers	10,000	500	Rapid increase in requirements due to growing use of ceramic materials, nuclear energy programs and electronics as well as in consumer and industrial uses.
Chemical engineers	50,000	1,700	Moderate growth from expansion of the chemical industry and large expenditures for research and development. Opportunities also will arise in new areas of work such as environmental control.
Civil engineers	185,000	10,000	Expanding opportunities from growing needs for housing, industrial buildings, and highway transportation systems. Urban environmental problems such as air pollution also should require additional civil engineers.
Electrical engineers	235,000	12,200	Very rapid growth related to demand for electrical equipment to automate and mechanize production processes, especially for items such as computers and numerical controls for machine tools, and for electrical and electronic consumer goods.
Industrial engineers	125,000	8,000	Very rapid growth in employment resulting from the increasing complexity of industrial operations, expansion, of automated processes, and continued growth of industries.
Mechanical engineers	220,000	10,100	Rapid employment growth due to demand for industrial machinery and machine tools and increasing technological complexity of industrial machinery and processes.
Metallurgical engineers	10,000	500	Rapid increase in number of workers needed by the metalworking industries to develop metals and new alloys as well as adapt current ones to new needs, and to solve metallurgical problems in the efficient use of nuclear energy.
Mining engineers	5,000	100	Favorable opportunities through the 1970's. The number of new graduates in mining engineering entering the industry may be fewer than the number needed to replace those who retire or die.
Health service occupations:			
Chiropractors	16,000	900	Favorable outlook although only a small growth in demand is expected. Anticipated number of new graduates will be inadequate to fill openings.
Dental assistants	91,000	9,200	Excellent opportunities, especially for graduates of academic programs.
Dental laboratory technicians	33,500	2,900	Very good outlook for well-qualified technicians and trainees. Best opportunities for salaried positions in commercial laboratories and the Federal Government.
Dental hygienists	16,000	3,100	Supply will continue to be inadequate to meet demands of the growing population. Very good opportunities both for full-time and part-time workers.
Dentists	103,000	5,400	Very good opportunities. Limited capacity of dental schools will restrict supply of new graduates.
Dietitians	30,000	2,300	Very good opportunities for both full-time and part-time workers due to expanding programs in hospital and nursing facilities and in other institutions.
Electrocardiographic technicians	9,500	1,600	Excellent opportunities due to increased reliance by physicians upon electrocardiograms in diagnosing heart disease and upon electrocardiographs in monitoring patients under intensive care.
Electroencephalographic technicians	3,000	950	Excellent opportunities as EEG's are used more to diagnose brain diseases and to monitor brain activity.
Hospital administrators	17,000	1,000	Very good opportunities for those who have master's degrees in hospital administration. Applicants without graduate training will find it increasingly difficult to enter this field.
Medical assistants	175,000	20,000	Excellent opportunities, especially for graduates of 2-year junior college programs. The shortage of physicians, the increasing complexity of medical practice, and the growing volume of paperwork will add to demand.
Inhalation therapists	10,000	2,100	Excellent opportunities related to the greater demand for health services. The benefits derived from releasing nurses and kindred personnel to perform their primary duties should also increase demand.
Medical laboratory workers	110,000	13,500	Excellent opportunities for new graduates with bachelor's degrees in medical technology. Demand will be particularly strong for those who have graduate training in biochemistry, microbiology, immunology, and virology.
Medical record librarians	13,000	1,500	Excellent opportunities for graduates of approved medical record librarian programs.
Occupational therapists	7,500	1,150	Excellent opportunities. Demand is expected to exceed supply as interest in the rehabilitation of disabled persons and the success of established occupational therapy programs increases.
Occupational therapy assistants	6,000	1,300	Excellent opportunities, particularly for graduates who have received the title of Certified Occupational Therapy Assistant (C.O.T.A.) from the American Occupational Therapy Association.
Optometrists	18,000	800	Favorable outlook. By the mid-1970's, new graduates may approximate demand because of expected expansion of optometry schools.
Optometric assistants	5,000	300	Moderate employment increase resulting from an expanding population, more elderly people and white-collar workers, and a wider recognition of the importance of good vision for efficiency at work and in school.
Osteopathic physicians	13,500	950	Excellent opportunities. Greatest demand in States where osteopathy is widely accepted as a method of treatment.
Podiatrists	7,000	250	Favorable opportunities for new graduates to establish their own practices as well as to enter salaried positions in other podiatrists' offices, hospitals, extended care facilities, and public health programs.
Pharmacists	129,000	5,100	Employment will grow as a result of new drugs, increasing numbers of pharmacies, and insurance plans covering prescriptions.
Physical therapists	15,000	1,600	Excellent prospects as demand continues to exceed supply. Increased public recognition of the importance of rehabilitation will result in expanded programs to help the disabled.
Physical therapy assistants	10,000	2,200	Excellent opportunities, particularly for graduates of 2-year junior college programs.
Physicians	305,000	22,000	Shortage occupation. Excellent opportunities for employment, as limited capacity of medical schools restricts supply of new graduates.
Veterinarians	25,000	1,500	Very good outlook. Supply will be restricted by limited capacity of schools of veterinary medicine.
Radiologic technologists	80,000	7,700	Very good outlook for both full-time and part-time workers, primarily as a result of the expansion in the use of X-ray equipment to diagnose and treat diseases.
Registered nurses	700,000	69,000	Very good outlook. Opportunities as administrators, teachers, clinical specialists, public health nurses, and in research are excellent for nurses who have graduate training.
Sanitarians	15,000	1,100	Very favorable opportunities for college graduates. A bachelor's degree in environmental health is preferred, although a degree in one of the basic sciences generally is accepted.
Speech pathologists and audiologists	22,000	2,200	Good opportunities, especially for those who have completed graduate study. Increasing emphasis on the master's degree by Federal and State governments will limit opportunities at the bachelor level.
Surgical technicians	25,000	2,600	Excellent opportunities, particularly for junior college graduates.
Mathematics and related occupations:			
Actuaries	5,200	300	Excellent opportunities. Strong demand for recent college graduates who have backgrounds in mathematics and have passed actuarial examinations.
Mathematicians	75,000	4,600	Favorable outlook for Ph.D. graduates to teach and do research. Because of the large number of mathematicians projected to receive bachelor's degrees, competition for entry positions will be keen.
Statisticians	24,000	1,400	Very good opportunities for new graduates and experienced statisticians in industry and government.
Natural science occupations:			
Geologists	23,000	500	Favorable prospects for graduates with advanced degrees; those who have bachelor's degrees probably will face competition for entry positions.
Geophysicists	8,000	500	Favorable outlook, especially for those who have graduate degrees. Geophysicists will be needed to operate highly sophisticated equipment to find concealed fuel and mineral deposits; explore the outer atmosphere and space; and solve problems related to water shortages, flood control, and pollution abatement.
Meteorologists	4,400	200	Favorable outlook. Space-age activities contribute to demand. Those who have advanced degrees will be in special demand to conduct research, teach in colleges and universities, and engage in management and consulting work.
Oceanographers	5,400	300	Favorable outlook for those who have advanced degrees. The importance of the ocean in national defense as well as a source of energy, minerals, and food will open up new opportunities for specialists.
Life science occupations:			
Biochemists	11,000	800	Good employment opportunities especially for those who have Ph. D. degrees to conduct independent research or to teach. The greatest growth will be in medical research.
Life scientists	180,000	9,900	Rapid increase in employment through the 1970's. However, the number of life science graduates also is expected to increase rapidly and result in keen competition for the more desirable positions. Those who hold advanced degrees, especially Ph. D.'s, should have less competition than those who hold bachelor's degrees.

Footnotes at end of table.

Occupation	Estimated employment 1970	Average annual openings to 1980[1]	Employment prospects[2]
PROFESSIONAL AND RELATED OCCUPATIONS—Continued			
Physical scientists:			
Astronomers	1,300	100	Employment opportunities will be favorable but higher level positions will be filled by persons with a doctorate. Bachelor's or master's degree recipients will have favorable prospects primarily as research and technical assistants.
Chemists	137,000	9,400	Favorable outlook. Chemists will continue to be needed to perform research and development work. They also will be needed to teach at colleges and universities, where the strongest demand will be for those who have Ph. D. degrees.
Food scientists	7,300	400	Favorable employment outlook at all degree levels as a result of an expanding population demanding a greater variety of quality convenience foods—both in and outside the home.
Physicists	48,000	3,500	Favorable opportunities, particularly for those who have advanced degrees to teach at colleges and universities. Physicists will be required in substantial numbers to do complex research and development work.
Performing artists:			
Actors and actresses	15,000	800	Applicants greatly outnumber jobs available. Moreover, many actors are employed in their profession for only a small part of year.
Dancers	23,000	1,500	Limited opportunities. The number of applicants exceeds the number of jobs available. Best outlook is for those trained to teach.
Musicians and music teachers	210,000	11,100	Overcrowded field. Keen competition among performers. Some openings may result from the expanded use of video cassettes and cable T.V. Best prospects are in teaching.
Singers and singing teachers	75,000	4,300	Highly competitive field. Some opportunities should result from the expanded use of video cassettes and cable T.V., but best prospects remain in teaching.
Social scientists:			
Anthropologists	3,100	200	Rapid increase, especially in the college teaching field. Some positions will be found in museums, archeological research programs, mental and public health programs, and in community survey work.
Economists	33,000	2,300	Excellent opportunities for those who have graduate degrees in teaching, government and business. Young people with bachelor's degrees will find employment in Government and as management trainees in industry and business.
Geographers	7,100	500	Favorable outlook. Demand will be strong in teaching and research for those who have Ph. D.'s. Those who have master's degrees or less face competition. Colleges and universities will offer the greatest number of opportunities, although employment is expected to rise in government and in private industry.
Historians	15,500	1,000	Favorable opportunities in teaching and archival work for experienced Ph. D.'s. New Ph. D. recipients and those with lesser degrees will encounter competition; teaching positions available for those meeting certification requirements.
Political scientists	11,000	700	Very good prospects for those who have Ph. D. degrees and are interested in college teaching. More limited prospects for those with master's degrees or less.
Sociologists	12,000	800	Good prospects for those who have Ph. D. degrees, but those with only master's degrees will face considerable competition. Very good opportunities in college teaching and in nonteaching fields dealing with social and welfare problems and the implementation of legislation to develop human resources.
Teachers:			
College and university teachers	336,000	22,000	Good employment prospects at 4-year colleges for those who have Ph. D. degrees and at 2-year colleges for those who have master's degrees. New Ph. D.'s will face stronger competition for openings as their numbers grow each year.
Kindergarten and elementary school teachers	1,260,000	52,000	New graduates may face keen competition for jobs during the 1970's. Young people seeking their first teaching assignment will find schools placing greater emphasis on their academic work and the quality of their training. Nevertheless, employment opportunities may be very favorable in urban ghettos, rural districts, and in geographic areas where teaching salaries are low and better paying opportunities are available in other fields. The outlook also will be favorable for teachers who are trained to work with handicapped children. Many students, however, who are preparing for elementary teaching as a career will have to direct their studies toward other careers.
Secondary school teachers	1,015,000	38,000	Opportunities will be very favorable in some geographic areas and in subject fields such as the physical sciences. Increased demand for teachers trained in the education of mentally retarded or physically handicapped children is expected. Nevertheless, if past trends of entry and reentry continue, the supply of secondary teachers will significantly exceed requirements.
Technicians:			
Draftsmen	310,000	16,300	Favorable outlook, especially for those having posthigh school training in drafting.
Engineering and science technicians	650,000	33,000	Favorable opportunities. Demand strongest for graduates of postsecondary technician training schools to fill more responsible jobs. Industrial expansion and complexity of products and manufacturing processes will increase demand.
Food processing technicians	3,400	150	Favorable opportunities, especially for graduates of postsecondary technical training programs. The complexity of processing convenience foods under higher quality and safety standards will result in a need for more technicians in many areas of the food industry.
Writing occupations:			
Newspaper reporters	39,000	1,650	Favorable opportunities for young people with exceptional talent and ability to handle news about highly specialized and technical subjects. Weekly or daily newspapers in small towns and suburban areas offer the most opportunities for beginners.
Technical writers	20,000	1,000	Good prospects for those having college courses in writing and technical subjects plus writing ability.
Other professional and related occupations:			
Airline dispatchers	1,200	60	Few openings because field is very small.
Air traffic controllers	20,000	800	Moderate increase as a result of growth in the number of airport towers and the need to provide services for private planes.
Architects	33,000	2,700	Favorable opportunities for registered architects. Growth in nonresidential as well as residential construction. Homeowners' growing awareness of the value of architects' services also will spur demand.
Broadcast technicians	22,000	500	Technical advances, such as automatic programing and remote control of transmitters, will keep employment from growing. However, deaths and retirements will create some openings.
College career planning and placement counselors	2,800	200	Very rapid increase in employment as students and colleges increase in number and as greater recognition is given to the need for counseling—especially of minority group students and students of low income families.
Commercial artists	60,000	2,500	Favorable outlook for well-trained and qualified workers. Young people with only average ability and little specialized training will face keen competition and have limited opportunity for advancement.
Flight engineers	8,500	500	Very rapid increase due to the rise in the number of large jet-powered aircraft that require flight engineers.
Ground radio operators, and teletypists (civil aviation)	7,850	50	Overall employment will decline because of the use of more automatic communications equipment. A small number of workers will be needed each year to replace those who retire or die.
Home economists	105,000	6,700	Favorable prospects. Greatest demand for teachers, but business also should increase demand for these workers especially in research and development.
Industrial designers	10,000	300	Favorable opportunities for talented college graduates. Those with training in industrial design may face competition from architectural and engineering graduates who have artistic talent.
Interior designers and decorators	15,000	700	Good opportunities, but those without formal training will find it increasingly difficult to enter this field. The number employed by department and furniture stores is expected to rise.
Landscape architects	10,000	600	Professional opportunities will expand due to continued growth of parks and recreation facilities in metropolitan areas and the rising interest in city and regional planning.
Lawyers	280,000	14,000	Good prospects in salaried positions with well-known law firms and as law clerks to judges for graduates of outstanding law schools, or for those who rank high in their classes. Growth in demand will stem from business expansion and the increased use of legal services by low- and middle-income groups.
Librarians	125,000	11,500	Good opportunities, especially in school libraries for those who have advanced degrees.
Library technicians	76,000	7,200	Outlook excellent, particularly for graduates of academic programs. The increasing needs of a growing population for library services will contribute to demand.
Photographers	65,000	2,000	Competition in commercial and portrait fields is keen but opportunities exist for those who are talented and well trained. Demand for industrial photographers is expected to be strong.
Pilots and copilots	49,000	4,800	Rapid increase because of growth in the number of aircraft as well as in the increasing number of flights.
Programers	200,000	34,700	Very rapid employment growth, especially in firms that use computers to process business records or to control manufacturing processes. Professionally trained personnel to handle both programing and system analysis will be increasingly in demand.

Footnotes at end of table.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION—Continued

Occupation	Estimated employment 1970	Average annual openings to 1980[1]	Employment prospects[2]
Psychologists	40,000	3,700	Excellent opportunities for those who have a doctorate; less favorable for those with only a master's degree Strong demand in mental hospitals, correctional institutions, mental hygiene clinics, and community health centers.
Radio and television announcers	17,000	1,000	Moderate increase in employment as new radio and television stations are licensed. Entry jobs easier to get in radio than in television because of the greater number of radio stations, especially small ones, that hire beginners.
Recreation workers	13,500	1,700	Excellent opportunities for the well qualified and good opportunities for those without related training in local governments and voluntary agencies, religious groups, and the Federal Government.
Social workers	170,000	18,000	Very good prospects for those who have training in city and bachelor's degrees in social work. Many part-time jobs for qualified women with experience.
Surveyors	52,000	2,400	Best prospects for persons with postsecondary school training in surveying. Demand will be stimulated by urban development and highway construction.
Systems analysts	100,000	22,700	Excellent opportunities due to rapid expansion of electronic data processing systems in business and government.
Underwriters	55,000	2,740	Favorable opportunities especially in metropolitan areas.
Urban planners	8,000	750	Very good prospects for those who have training in city and regional planning. Construction of new cities and towns, urban renewal projects, and beautification and open space land improvement projects will spur demand for these workers.
MANAGERIAL OCCUPATIONS			
Bank officers	174,000	11,000	Employment is expected to grow rapidly as the increased use of computers enables banks to expand their services.
City managers	2,600	200	Excellent opportunities especially for persons with master's degrees in public or municipal administration.
Conductors (railroad)	37,500	1,200	Moderate number of opportunities resulting from the need to replace workers who retire or die.
Industrial traffic managers	18,000	700	Moderate employment increase. Strong demand is expected for specialists who can classify products to obtain the lowest possible freight rates.
Licensed Merchant Marine Officers	11,000		Employment decline due to competition from foreign ships and construction of new ships that can operate with fewer officers. Employment decline will more than offset openings from retirement and deaths.
Managers and assistants (hotel)	195,000	14,400	Favorable outlook, especially for those who have college degrees in hotel administration.
Purchasing agents	167,000	5,400	Good prospects Demand strong for business administration graduates who have courses in purchasing. Demand also will be strong for graduates with backgrounds in engineering or science to work in firms manufacturing chemicals, complex machines, and other technical products.
CLERICAL AND RELATED OCCUPATIONS			
Bank clerks	510,000	29,600	Employment will increase slowly. Introduction of data processing equipment, will decrease demand for check sorters and bookkeeping machine operators but increase demand for electronic data processing workers.
Bank tellers	153,000	14,700	Very rapid increase as banks continue to expand their services. An increasing proportion will be employed part-time during peak hours.
Bookkeeping workers	1,340,000	74,000	Slow growth. Use of electronic data processing equipment and other bookkeeping machines will limit employment increase.
Cashiers	847,000	64,000	Very favorable outlook expecially for those with typing or other special skills. Many opportunities for part-time workers.
Claim adjusters	114,000	4,500	Rapid employment growth due to expanding insurance sales and resulting claims.
Claim examiners	29,000	780	Limited opportunities. Fewer examiners will be needed to process claims due to the increasing use of computers. Some openings will result from deaths or retirements.
Electronic computer operating personnel	200,000	34,200	Employment will increase very rapidly due to growth in the number of computer installations. Beginners may find it easier to qualify for openings because technological advances have made computer equipment easier to operate.
File clerks	169,000	15,300	Rapid employment growth resulting from the long-term growth of business and the need for more and better recordkeeping. However, the increasing use of computers to arrange, store, and transmit records may begin to limit growth.
Front office clerks (hotel)	61,000	4,500	Rapid increase in employment as number of hotels, motels, and motor hotels increases.
Office machine operators	365,000	20,800	Moderate increase as the growing volume of paperwork more than offsets the effect of automated recordkeeping systems and advances in office automation and inter-office communications.
Receptionists	298,000	23,500	Moderate increase in employment. Young applicants may face competition from more experienced workers. Automation should not affect receptionists as their work is of a personal nature.
Shipping and receiving clerks	379,000	12,000	Slow increase as labor-saving equipment enables large firms while using fewer clerks to handle a greater volume of merchandise.
Station agents (railroad)	9,900	100	Although employment will continue to decline, a limited number of opportunities will result from the need to replace experienced agents who retire or die.
Stenographers and secretaries	2,833,000	247,000	Rapid employment growth. Best opportunities for those with stenographic skills.
Stock clerks	500,000	23,000	Moderate increase in employment. Growth will be due to business expansion. However, electronic computers that control inventories can be expected to limit growth.
Telegraphers, telephoners, and towermen (railroad)	12,000		Mechanization of yard operations, new communications devices, and other innovations will continue to reduce the number of workers needed. Employment decline will more than offset openigs from retirements and deaths.
Telephone operators	420,000	28,000	Large number of openings to replace women who leave work due to family responsibilities. However, direct dialing and other automatic devices will restrict employment growth in telephone companies. Most growth will occur in stores, factories, and other businesses that use private branch exchange (PBX) switchboard.
Traffic agents and clerks (civilian aviation)	45,000	4,800	Rapid increase in employment because of anticipated growth in passenger and cargo traffic.
Typists	671,000	61,000	Favorable outlook especially for typists who have other office skills. Increasing use of duplicating machines will eliminate some routine typing.
SALES OCCUPATIONS			
Automobile parts countermen	68,000	2,600	Continued employment growth related to increasing number of motor vehicles and a growing variety of replacement parts.
Automobile salesmen	120,000	4,300	Moderate employment increase as car sales rise over the long run, but most openings will result from turnover.
Automobile service advisors	20,000	700	Moderate increase as a result of more automobiles. Opportunities best for those who have some experience in automobile repair.
Insurance agents and brokers	350,000	19,000	Moderate employment increase. Despite an expected increase in the number of policies, insurance selling will remain keenly competitive.
Manufacturers salesmen	510,000	25,000	Favorable opportunities for well-trained workers, but competition will be keen. Best prospects for those trained to handle technical products.
Real estate salesmen and brokers	226,000	14,800	Many new positions will be created to serve growing population, but most openings will result from turnover.
Retail trade salesworkers	2,500,000	131,000	Good prospects for both full-time and part-time workers. Most demand for workers who are skilled in salesmanship and well informed about their merchandise.
Securities salesmen	200,000	11,800	Good opportunities.
Wholesale trade salesworkers	539,000	27,700	Good opportunities. Demand will be stimulated by increase in business activity and the growth of specialized services offered by wholesale houses.
SERVICE OCCUPATIONS			
Barbers	180,000	7,700	Slow increase in employment. Trend to longer hair will keep employment from growing as fast as male population.
Bartenders	160,000	8,700	Moderate increase as new restaurants, bars, and hotels open.
Bellmen and bell captains (hotel)	33,000	1,500	Slow employment increase. Although some openings will result as new hotels and motor hotels are built, the fast growing motel business, with its emphasis on informality, employs few bellmen.
Building custodians	1,100,000	70,000	Opportunities will be favorable due to the construction of new apartments, hospitals, offices, recreation centers, and other buildings. Improvements in cleaning and maintenance technology will limit growth.
Cooks and chefs	740,000	49,000	Moderate increase as new restaurants and hotels open. Opportunities will be especially good for the well qualified because highly skilled cooks and chefs are in short supply.
Cosmetologists	484,000	43,000	Very good opportunities for beginners as well as experienced workers. Part-time work also available.
FBI special agents	7,900	(3)	Employment expected to rise as FBI responsibilities grow. Turnover rate is traditionally low.
Firefighters	180,000	11,800	Many new job openings as fire departments enlarge staffs or paid workers replace volunteers. Competition in large cities will be keen.

Footnotes at end of table.

Occupation	Estimated employment 1970	Average annual openings to 1980 [1]	Employment prospects [2]
SERVICE OCCUPATIONS—Continued			
Guards and watchmen	200,000	15,700	Moderate growth due to the increasing number of plants, offices, banks, stores, and schools as well as the mounting incidence of crime and social unrest.
Hospital attendants	830,000	11,000	Very rapid rise in employment. Most openings occur in hospitals, but some exist also in nursing and convalescent homes and other long-term care facilities.
Housekeepers and assistants (hotel)	33,000	2,600	Most openings will occur from the need to replace workers who retire or die. Some new openings will become available in newly built hotels, motor hotels, and luxury motels.
Police officers (municipal)	332,000	17,000	Very good opportunities for qualified applicants. Trained specialists in electronic data processing, engineering, and social work are becoming essential.
Licensed practical nurses	370,000	58,000	Good opportunities as health facilities continue to expand and as licensed practical nurses are increasingly used in work not requiring the skills of a registered nurse.
Models	58,000	1,900	Moderate increase in employment. Although full-time work should remain highly competitive, part-time opportunities will be favorable.
Private household workers	1,558,000	16,000	Excellent employment opportunities. Demand will be stimulated by rising family incomes and larger numbers of women working outside the home. However, many jobseekers are unwilling to accept domestic work despite its availability.
Social service aides	50,000	(2)	Many jobs have been generated by antipoverty legislation. A wide variety of new jobs for unemployed and low-income persons is expected to result from the New Careers program.
State police officers	41,000	2,900	Very rapid increase in employment. The greatest demand will be for highway patrol officers.
Stewardesses	35,600	(3)	Very favorable job opportunities because of expected increases in air travel and the 30 percent turnover each year.
Waiters and waitresses	1,040,000	67,000	Moderate employment increase as new restaurants and hotels open. Many additional openings will arise because of high turnover.
CRAFTSMEN			
Building trades:			
Asbestos and insulating workers	25,000	900	Moderate growth resulting from the anticipated rise in volume of construction. Increasing use of pipe in manufacturing processes and in air-conditioning and refrigeration installations will spur demand for these workers.
Bricklayers	175,000	8,500	Rapid employment increase is expected as construction activity expands along with the popularity of structural and ornamental brickwork in buildings.
Carpenters	830,000	46,000	Rapid employment increase resulting from rise in construction activity.
Cement masons (cement and concrete finishers)	65,000	3,500	Very rapid increase resulting from construction expansion and growing use of concrete and concrete products.
Electricians (construction)	190,000	12,000	Very rapid increase in employment as construction expands and more electric outlets, switches, and wiring are needed for appliances, air-conditioning systems, electronic data processing equipment, and electrical control devices.
Elevator constructors	15,000	6,000	Moderate employment increase resulting from the anticipated expansion in new industrial, commercial, and large residential building, and from the modernization of older installations.
Floor covering installers	40,000	2,000	Rapid employment increase resulting from expansion of construction and wider use of resilient floor coverings and wall-to-wall carpeting.
Glaziers	10,500	500	Rapid increase in employment. Expansion of construction and the increasing use of glass in building construction will create very favorable long-range outlook.
Lathers	30,000	1,500	Rapid increase related to anticipated growth in construction and to new plastering methods that require lathing.
Operating engineers (construction machinery operators).	310,000	15,000	Rapid employment growth resulting from increasing use of machinery for construction, particularly for highways and heavy construction.
Painters and paperhangers	390,000	22,000	Rapid employment increases are expected as construction expands and more use is made of new materials such as polyester and vinyl coatings, and fabric, plaster, and other wall coverings. Painters also will be needed for maintenance work.
Plasterers	35,000	1,000	Slow increase resulting from growth in construction. New materials and methods have expanded use of plaster, but drywall construction will limit employment growth.
Plumbers and pipefitters	350,000	20,000	Rapid growth as construction increases. Increasing industrial activities related to nuclear energy and the greater use of refrigeration and air-conditioning systems will provide many job opportunities. Maintenance, repair, and modernization of existing plumbing and heating systems also will create additional jobs.
Roofers	60,000	3,000	Rapid increase resulting mainly from new construction growth and repairs on existing structures. Technological innovations may limit growth somewhat.
Sheet metal workers	60 000	2,500	Rapid increase due to greater use of heating, air-conditioning, and refrigeration systems required in all types of structure.
Stonemasons, marble setters, tile setters, and terrazzo workers.	30,000	1,000	Little increase in employment due to decline of stonemasonry in modern architecture.
Structural-, ornamental-, and reinforcing-iron workers, riggers, and machine movers.	85,000	4,000	Rapid increase due to expansion in construction. Improved competitive position of steel as a construction material will spur demand for these workers.
Machine occupations:			
All-round machinists	530,000	16,600	Slow growth expected as metalworking activities expand. Much of the growth will occur in maintenance shops where more workers will be needed to repair machinery.
Instrument makers—mechanical	8,000	400	Rapid increase resulting from the growing use of instruments in manufacturing processes and research and development work.
Machine tool operators	425,000	9,600	Technological developments, such as numerically controlled machine tools, will limit need for additional operators. However, many openings will result from retirements or deaths.
Setup men (machine tools)	70,000	2,600	Moderate increase due to expansion of metalworking activities. Numerically controlled machine tools may change job duties.
Tool and die makers	165,000	4,700	Despite technological advances in toolmaking, which restrict growth, employment is expected to increase slowly because of expansion of metalworking industries.
Mechanics and repairmen:			
Air-conditioning, refrigeration, and heating mechanics.	115,000	7,900	Very rapid increase in air-conditioning mechanic employment due primarily to continued growth of home air-conditioning. Oil burner mechanics may find openings limited since relatively few new homes have oil heating systems.
Aircraft mechanics	140,000	6,000	Rapid growth because of substantial increase in the number of aircraft in operation. Openings will occur in both firms providing general aviation services and in independent repair shops.
Appliance servicemen	220,000	11,000	Rapid increase as a result of growth in the number and variety of hosehold appliances.
Automobile body repairmen	100,000	4,500	Moderate increase as a result of growing number of traffic accidents.
Automobile mechanics	610,000	23,300	Moderate increase as a result of more automobiles and added features such as air-conditioning and exhaust control devices. Greater shop efficiency will limit growth.
Bowling-pin-machine mechanics	6,000	140	Little or no change in employment due to improved pinsetting machines which require fewer repairs. A small number of openings will occur as a result of retirements or deaths.
Business machine servicemen	80,000	6,000	Very rapid growth. Outlook particularly favorable for those trained to service computers and associated equipment.
Diesel mechanics	85,000	4,100	Rapid increase due to expansion of industries that are major users of diesel engines.
Electric sign servicemen	8,000	450	Rapid increase due to business expansion and increasing use of electric signs.
Farm equipment mechanics	53,000	1,400	Slow increase due to declining number of farms and increased reliability of farm machinery.
Industrial machinery repairmen	180,000	9,000	Rapid increase due to growing amount of machinery needed to fabricate, process, assemble, and inspect industrial production materials.
Instrument repairmen	95,000	5,900	Very rapid growth due to the increase in use of instruments for scientific, industrial, and technical purposes.
Jewelers and jewelry repairmen	15,000	500	Little or no employment change. Despite growing demand for jewelry, greater efficiency will limit the need for new workers. Turnover will create a small number of openings.
Maintenance electricians	250,000	11,000	Moderate increase mostly from the need to replace workers who retire or die.
Millwrights	80,000	3,100	Moderate increase, related to new plants, additions of new machinery, changes in plant layout, and maintenance of increasing amounts of complex machinery.
Motorcycle mechanics	5,000	250	Rapid increase due to growing popularity of motorcycles, minibikes, and snowmobiles. Seasonal fluctuations in the demand for workers because cycling activity increases in summer and declines in winter.

Footnotes at end of table.

OCCUPATIONAL OUTLOOK HANDBOOK IN BRIEF—1972-73 EDITION—Continued

Occupation	Estimated employment 1970	Average annual openings to 1980 [1]	Employment prospects [2]
Television and radio service technicians	132,000	4,500	Rapid increase related to growing number of radios, televisions, phonographs, and other consumer electronic products.
Truck and bus mechanics	115,000	5,200	Rapid increase in truck mechanic employment resulting from more freight transportation by truck. Little change in bus mechanic employment because decline in local bus transit is expected to offset increased intercity bus travel.
Vending machine mechanics	18,000	700	Moderate increase due to expansion of automatic merchandising.
Watch repairmen	15,000	500	Little or no employment change because most new watches will cost little more to replace than repair. Replacement needs will create small number of job opportunities.
Printing (graphic arts) occupations:			
Bookbinders and related workers	30,000	700	Increasing mechanization of bindery operations will reduce employment.
Composing room occupations	185,000	3,400	Slow employment decline despite greater volume of printing. Technological changes in equipment make it possible to set type faster using fewer operators. Knowledge of electronics and photography increasingly important for operation of new equipment. Openings will result from need to replace workers who die or retire.
Electrotypers and stereotypers	5,000	....	Moderate decline in employment caused by technological change, despite increased printing volume. Employment decline will more than offset openings from retirements and deaths.
Lithographic occupations	80,000	2,600	Moderate increase as more commercial printing firms and small and medium size newspaper publishers use offset presses.
Photoengravers	17,000	60	Slow decline as a result of more efficient equipment and the increasing use of offset printing which requires no photoengravings.
Printing pressmen and assistants	85,000	2,400	Moderate employment increase because of growth in the amount of printed materials.
Telephone industry occupations:			
Central office craftsmen	92,000	3,700	Rapid growth in employment due to increasing demand for telephone service and data communication systems.
Central office equipment installers	22,000	675	Moderate growth resulting from the need to install equipment in new central offices and replace obsolete equipment in existing offices. Knowledge of electronics becoming increasingly important in this occupation.
Linemen and cable splicers	40,000	900	Little or no change in the number of linemen due to greater use of laborsaving devices such as pole-lifting equipment and earth-boring tools. Moderate increase in number of cable splicers. Replacement needs will create some openings.
Telephone and PBX installers and repairmen	102,000	5,300	Rapid increase due to demand for telephones and PBX and CENTREX systems.
Other craft occupations:			
Automobile trimmers and installation men (automobile upholsterers).	9,000	400	Moderate growth due to increased demand for replacement and repair of automobile upholstery and convertible tops. More durable fabrics will limit growth.
Blacksmiths	12,000	400	Mass-production of metal parts should reduce employment. A small number of openings, however, will occur as experienced blacksmiths retire or die.
Boilermaking occupations	25,000	700	Slow growth. More efficient production techniques will keep employment from growing as fast as demand for boilers and related products.
Coremakers (foundry)	26,000	550	Little or no change due to the growing use of machine-made cores. Nevertheless, openings will occur as workers retire or die.
Dispensing opticians and optical mechanics	26,000	700	Moderate increase in dispensing optician employment as a result of rising demand for eyeglasses and contact lenses. However, more efficient methods of producing lenses will keep optical mechanic employment from growing.
Foremen	1,488,000	56,500	Moderate increase due to industrial expansion and the need for increased supervision as industrial production processes become more technical.
Furniture upholsterers	33,000	750	Opportunities favorable. Demand for qualified workers is expected to continue to exceed supply despite little or no change in employment. Openings will occur as workers die or retire.
Locomotive engineers	35,000	1,400	A limited number of openings will occur each year, primarily as a result of the need to replace engineers who retire or die.
Locomotive firemen (helpers)	17,200	....	Limited opportunities for employment.
Molders (foundry)	55,000	1,500	Little or no change because of the trend toward machine molding and the increasing use of permanent molds and shell molds. Openings will develop, however, as workers retire or die.
Motion picture projectionists	15,000	625	Slow growth in employment. Stiff competition from experienced projectionists who are unemployed or underemployed.
Patternmakers (foundry)	21,000	600	Little or no change due to the greater use of metal patterns that can be used many times to make identical molds. However, openings will arise as workers retire or die.
Shoe repairmen	25,000	1,000	Little or no increase because more people buy new shoes rather than repair old ones. Nevertheless, opportunities are favorable for the highly skilled because the number being trained is insufficent to meet replacement needs.
Shop trades (railroad)	82,500	800	The need to replace experienced workers who retire or die will create a limited number of openings.
Stationary engineers	200,000	4,500	Little or no change because larger boilers and automatic controls make it possible to increase capacity without corresponding increases in employment. However, openings will become available as workers retire or die.
OPERATIVES			
Driving occupations:			
Intercity busdrivers	25,000	700	Most job opportunities in this slowly growing occupation will result from the need to replace drivers who retire or die.
Local-transit busdrivers	69,000	300	Although the number of local bus drivers is declining, a few opportunities exist for new workers to replace drivers who retire or die.
Local truckdrivers	1,200,000	35,000	Moderate increase as a result of anticipated growth in volume of freight.
Routemen	240,000	2,600	Little change in overall employment. However, many job opportunities will result from the need to replace routemen who retire or die.
Taxi drivers	100,000	1,800	Although number of drivers is declining, high turnover results in need for some replacements.
Truckdrivers, over-the-road	655,000	21,000	Moderate increase. Economic growth of the Nation and continued decentralization of industry will increase demand for intercity trucking.
Other operative occupations:			
Assemblers	865,000	44,000	Moderate long-run increase despite continuing automation of assembly processes. Employment sensitive to changes in business conditions and national defense needs, particularly in plants that produce automobiles, aircraft, and other durable goods.
Automobile painter	30,000	1,100	Moderate increase due to growing number of traffic accidents.
Brakemen (railroad)	75,000	800	Opportunities in this declining occupation will result from the need to replace brakemen who retire or die.
Electroplater	17,000	650	Moderate increase, related to expansion of metalworking industries and use of the electroplating process on a greater variety of metals and plastics.
Gasoline service station attendants	410,000	13,300	Moderate increase for both part-time and full-time workers resulting from growing consumption of gasoline and other service station products.
Inspectors	665,000	29,700	Moderate employment increase due to industrial expansion, the growing complexity of manufactured products, and rising quality standards.
Meatcutters	190,000	5,000	Little or no employment change. More efficient meat cutting and distribution methods will limit the need for new workers, but openings will arise as experienced meatcutters retire or die.
Parking attendants	52,000	600	Slow growth as most new parking facilities are expected to be the self-park variety.
Production painters	115,000	3,700	Slow employment increase as greater use of automatic sprayers and other laborsaving innovations curb need for additional workers.
Photographic laboratory occupations	37,000	2,200	Rapid increase despite greater mechanization of film processing equipment.
Power truck operators	200,000	5,100	Employment increase will be slow, as more efficient power trucks and other mechanized materials-handling equipment are developed. Most openings will result from the need to replace workers who retire or die.
Signal department workers (railroad)	11,200	....	Improved signaling and communications systems, which require less maintenance and repair, will reduce the number of workers needed. Employment decline will more than offset openings from retirements and deaths.
Stationary firemen (boiler)	71,000	100	Employment expected to decrease moderately as result of more automatic centralized equipment, but some openings will occur from the need to replace workers who retire or die.
Unlicensed merchant seamen	31,000	....	Employment decline due to competition from foreign ships and construction of new ships which can operate with fewer men. Small number of openings due to deaths and retirements. However, on net balance employment decline will more than offset openings from retirements and deaths.

Footnotes at end of table.

Occupation	Estimated employment 1970	Average annual openings to 1980 [1]	Employment prospects [2]
OPERATIVES—Continued			
Waste water treatment plant operators	30,000	2,100	Rapid employment growth resulting from the construction of new treatment plants and the modernization of existing ones.
Welders and oxygen and arc cutters	535,000	22,000	Rapid increase in welder employment, related to growth in metalworking industries and wider use of welding. Growth in cutter employment, on the other hand, will be restricted by greater use of mechanized cutting equipment.
Laborers (nonfarm):			
Bridge and building workers (railroad)	10,500		Employment decline due to increased use of power tools and other laborsaving equipment, and new materials which require less maintenance. Employment decline will offset openings resulting from retirements and deaths.
Track workers (railroad)	54,900	400	Mechanized equipment and new materials for roadway construction will continue to reduce employment. Several thousand workers are hired each year to handle seasonal rush, but opportunities for year-round employment are limited.
Construction laborers and hod carriers	815,000	25,500	Despite large increases in construction, mechanized equipment may limit demand for these workers. Nevertheless, thousands of openings will arise annually.

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[1] Due to growth and death, retirement, and other separations from the labor force. Does not include transfers out of the occupation.

[2] The Bureau of Labor Statistics assessment of the 1980 occupational and industry outlook is based on a projected labor force of 100.7 million in 1980, Armed Forces of 2.7 million, and a resulting labor force of 98 million. The employment outlook presented in the Handbook also assumes: (a) maintenance of high levels of employment through the 1970's, (b) that no major event will alter economic growth substantially, (c) that economic and social patterns and relationships will change at about the same rate as in the recent past, (d) that scientific and technological advancement will continue at about the same rate as in recent years, and (e) that the United States will no longer be fighting a war. Defense expenditures will be reduced from the peak levels of the Vietnam conflict but a still guarded relationship between the major powers will permit no major reduction in armaments.

[3] Estimate not available.

THE CONTINUING TRAGEDIES IN NORTHERN IRELAND

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. HELSTOSKI. Mr. Speaker, a constituent of mine has sent me two letters he received pointing out the continuing tragedy in Northern Ireland.

Indeed, these letters point out man's inhumanity to man and the suffering of innocent people.

I should like to call these letters to the attention of my colleagues. I have deleted the last names in letters to preserve the anonymity of the principals involved.

Mr. Speaker, the letters follow:

SUFFOLK, BELFAST,
February 23, 1973.

DEAR MISS POOLEN: First of all let me say how nice it is to hear from you again. When your first letter arrived out of the blue offering to send clothes for myself and family, I took it for granted that you were aware of what happened to us last November, so I will try to convey to you in simple terms exactly what took place.

On the evening of November 6th, I was sitting at home watching television along with my two young daughters while my wife was busy in the back kitchen. At about half-past nine, there was a knock at our front door. I myself opened it and was immediately set upon by a gang of young men all of whom were masked and armed with large clubs, with the exception of one who carried a large bottle containing a clear liquid which turned out to be of a highly inflammable nature.

I shouted to my wife to get herself and the children out of the house but my wife, being stubborn, refused to go until she was threatened and abused by one of these brave men. In the meantime, I was being badly beaten on all parts of my body and finally ended up lying in the front garden where I was forced to watch the last act, the burning of my home, for which I had worked so hard to make as comfortable as possible for my family.

As a result of my injuries, I was forced to sign on what is commonly called the sick as I was unfit for my work as a stell-erector, and after two weeks my employer declared me redundant and I have not worked since. Although my injuries have healed, there are very few vacancies going.

I would like to state that what happened to myself and family is only one of many cases, and in some ways we were lucky. I see by your letter you are planning a visit to Ireland and that you hope to include Belfast in it. I know you will call on us and I can assure you will be most welcome. So I will end by wishing you a safe journey and may God look after you.

Yours sincerely,
ANTHONY MCCANN.

P.S. You can show this letter to anyone you wish as our case, like so many others, was spotlighted on television and in the local press.

BELFAST, NORTHERN IRELAND,
February 27, 1973.

DEAR MARGARET MARY: Thanks a lot for your ever welcome letter. I will write a more detailed letter later, but I am very worried about this family, Mrs. X and Mrs. X, Senior.

Mrs. X, Senior, has a very young, beautiful and intelligent daughter in Armagh Prison (political prisoner). She is only 20 years old and is now serving a 12-year sentence, on the evidence of the infamous "Special Branch." Her name is XX. She remained silent through the hearing to show her contempt for the "court," which judged her so harshly. Her mother is now on her own and cannot sleep in her own home at night for fear of the British soldiers raiding. (By the way, the Brits raided my home today. They put everything back in place). I would really love to have someone "adopt" her; also, if you would send her clothes. She is a size 14.

Now we come to the saddest part of all, and of which you already know. On February 5, 1973, just a few weeks ago, six men were murdered on the New Lodge Road. Well, Margaret, John X was her son. It happened like this.

Someone banged on Mrs. X's door and asked her to phone the ambulance as a man was shot. She did this and went in next door to her son John's house. She knocked on John's door and he came out. John and his mother dragged the shot man into John's house. The shooting was very heavy. They went out again and brought in another shot man. Then once more they brought in the third shot man and put him on the floor. He was screaming as he was shot in the thigh and he thought he was dying.

John tried to calm him. John's young wife came down from bed. She is 25 years old and has little children. They were all crying. John told his mother to see to the other two men, but they were dead. He went outside as the ambulance came out he said, "Don't come out, Mum." She followed him and as she came to the door, he was directing the ambulance to his house. Then he was shot. Mrs. X ran to him and screamed to him, but he was dead. She said an act of contrition in his ear and said, "I'm sorry son that I knocked on your door tonight." She told me all this last week.

Now, we come to John's wife. After the funeral, John's wife was sitting in a chair at home. She said to Mrs. X, "When will John be home from work?" And she started to talk to the chair as her mind went. She was admitted to the hospital where she thought she had her child and asked why John did not come. After treatment, she seemed well and got home after one week, but the first day out when she came to the corner where John was shot, her mind slipped again. She was in the hospital for one more week and now is with her mother for awhile. The doctors do not know if she will remain well and they worry for the unborn child due March 27th. Also, what the birth will do to her.

I spoke to Mrs. X tonight on the phone and said you would write and send help. She thanked me. The Brits said they killed six top Provisionals that night. John was never involved and two other men, as well. The other three were Provisionals but all tests prove that they had no lead on their hands. The Brits say they were armed. This is a lie. Police say they were clean. The U.D.A. started the shooting, the Brits finished it. All men were murdered.

Here are the addresses:

Mrs. X, Senior, Belfast, N. Ireland.
Mrs. John X, Belfast, N. Ireland.

Margaret, I would appreciate you or friends taking an interest in both. I will find out about letters. If you have posted the clothes, it takes eight weeks for them to be shipped to here. If you have any men's good clothes you could mail them to me for Long Kesh and Belfast Prison, if you wish. Our U.S. visit is postponed so I will be at home on those dates. Look forward to seeing you. Will write later.

God Bless you,
MARGARET.

STOCKHOLDERS STYMIED BY NORTHERN STATES POWER

HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

Thursday, June 7, 1973

Mr. METCALF. Mr. President, Northern States Power Co., a $1.6-billion monolith, has enjoyed a regal existence in the North Central States for decades. Centered in Minnesota, the power company's utility poles and pipelines stretch into four States, bringing illumination, comfort, and the wonders of the 20th century to thousands of homes.

NSP's royal calm has been disrupted in recent months, however. The insurgents, a collection of consumers and lawyers going by the name of Coalition To Advocate Public Utility Responsibility, have been working for the election of a consumer-endorsed candidate to the NSP board of directors.

Some corporations would welcome such an effort for the publicity and "good guy" image.

Not NSP. It has gone on record as opposing consumer participation in management decisions. And it has opposed the coalition—or CAPUR—at every opportunity.

Northern States Power Co. has conducted an annual election of its board of directors since 1909. At the present time, 14 directors are serving 1-year terms. Last December, in anticipation of the spring elections, CAPUR began negotiations with NSP to put a consumer-selected director on the company's board. CAPUR offered to screen nominees and propose a slate from which the NSP board could pick a new member. The offer was politely refused. NSP did suggest that CAPUR supply a list of acceptable nominees, however. CAPUR complied with the request. All five names were rejected.

Cooperation seemed out of the question, so CAPUR went out and found a candidate. Her name was Alpha Smaby, a former Minnesota State legislator and an outspoken champion of the little people.

Mrs. Smaby's election seemed assured. Since 14 board members would be selected, Mrs. Smaby would have to get only about 6.76 percent of the vote, using cumulative voting, to win a seat. At the annual meeting in the spring of 1972, a shareholder's proposal to expand the NSP board to include an acknowledged environmentalist and a consumer advocate had received 9.2 percent of the vote.

A New York consulting firm, hired by NSP for $50,000 to assist in proxy matters, confirmed the prediction that Mrs. Smaby would win unless something was done.

The firm provided a solution to this threat to corporate government. The board of directors election was set for May 9.

On April 7, NSP announced that it was preparing a proposal for the May meeting to amend its articles of incorporation and bylaws. Under the amendments, the number of directors would be reduced to 12, and the directors would be divided into three groups to serve staggered terms.

The effects of the amendments meant that Mrs. Smaby would need just over 20 percent of the vote to win a seat on the board of directors.

The utility admitted that the purpose of the amendments was to keep Mrs. Smaby off the board. Its explanation was not quite that blunt, however. A spokesman said that NSP was planning to change the structure of the board of directors "to make it more difficult for small groups of shareholders who oppose management to gain representation on the board." In another euphemism, the spokesman said the move was designed to assure future continuity of experience on the board.

CAPUR immediately took NSP to court. On April 12, a Federal district judge in Minnesota issued a temporary injunction which prohibited NSP from mailing proxy statements. On April 24, the same judge enjoined NSP from proceeding with the proposed reshuffling of directors. In his order, the Federal judge said:

> Not only did the defendants change the rules in the middle of the game, but they refused to disclose the existence of the changes when approached by the plaintiffs. Both of these actions served to frustrate the plaintiff shareholders' legitimate efforts to run for the Board of Directors.

The order cited alleged misrepresentations on the part of NSP, failure to cooperate with CAPUR and its legitimate efforts to participate in the election of board members and failure to give CAPUR time to prepare for a proxy solicitation. While none of those actions violated Minnesota law, CAPUR observed, they might well violate Federal security law and the fiduciary duty a corporation owes to all of its stockholders. The judge thought the coalition could have a case, and issued the injunction.

NSP went ahead with its May 9 meeting—if a meeting that immediately adjourns without conducting business can be called a meeting. Northern Power allegedly spent $17,000 to inform its stockholders that the meeting was "canceled" because the court injunction prevented mailing the company's proxies. The explanation was only half-true, since the injunction only stopped NSP from mailing amendments to restructure the board of directors.

NSP and CAPUR are about even now. NSP cannot modify the board of directors, and CAPUR cannot elect Mrs. Smaby to the board. The annual meeting has been postponed indefinitely. Everything is pretty much as it was in 1909.

But NSP is apparently planning to drain CAPUR dry through extended and costly legal battles. It has undertaken a concerted effort to reverse the injunction decision. In early May, the plaintiffs in the action were served with notices of deposition. NSP has its own professional legal department, paid for by consumers; CAPUR will have to depend on the donated efforts of interested attorneys and the nickels and dimes of interested citizens.

The NSP–CAPUR story illustrates the extent to which some corporations will go to stifle the most modest proposals for stockholder and consumer participation in corporate government. I commend CAPUR for its initiative. Hundreds of such actions must be initiated and pressed in order to broaden the base of decisionmaking in companies whose actions affect the public interest.

Mr. President, I ask unanimous consent to print in the RECORD articles from the Minneapolis Tribune and Taking Stock, a publication of the Council for Corporate Review, concerning the dispute.

There being no objection, the articles were ordered to be printed as follows:

[From the Minneapolis Tribune, April 13, 1973]

NSP ORDERED TO POSTPONE MAILING PROXY STATEMENTS

(By Jim Fuller)

Northern States Power Co. (NSP), sued Wednesday by a Twin Cities consumer organization, was ordered Thursday not to mail proxy statements to shareholders until at least next Wednesday.

U.S. District Judge Miles Lord, who presided at a lengthy hearing yesterday on the consumer group's motion for the restraining order, scheduled a second hearing for 10:30 a.m. Wednesday.

Judge Lord also ordered attorneys for NSP and the Coalition to Advocate Public Utility Responsibility Inc. (CAPUR) to get together before then and to "follow reasonable discovery rules," implying that he would like to see the suit settled by Wednesday.

CAPUR asked for the restraining order because it did not learn until last Saturday of NSP's plans to change the election method for its board of directors and to cut the number from 14 directors to 12.

The consumer group, which is backing former State Rep. Alpha Smaby for the NSP board, said it did not have enough time to prepare its own proxy statements, mail them and get a return before the May 9 annual meeting.

In a suit field at the same time, CAPUR alleged that NSP had "fraudulently and intentionally" misled CAPUR about plans to change the election system and asked that NSP be enjoined from making the change this year. Punitive damages also were asked. NSP announced late Friday that it would ask stockholders to reduce the board from 14 to 12, with three groups of four directors elected for staggered terms of one to three years.

In its announcement NSP said the changes were proposed partly to "make it more difficult for small groups of shareholders who oppose management to gain representation on the board."

NSP attorney Edward J. Schwartzbauer agreed under questioning yesterday that they could "assume for the minute" that the purpose of the changes is to prevent Mrs. Smaby's election. However, he insisted that the change also is intended to "preserve continuity" on the board.

Under present procedures, all directors are elected for one-year terms and shareholders may cast all of their votes for one candidate. Mrs. Smaby's backers figured that she would need just 7.15 percent of the total vote to win under that system.

The proposed system would provide in effect, three elections for four directors each. Under that system Mrs. Smaby would have to get more than 20 percent of the votes to win. CAPUR said 20 percent is out of reach.

Early in yesterday's hearing NSP attorneys said they had planned to mail proxy statements "imminently", arguing that time is of great importance.

After a recess the company attorneys said they might have a "solution," adding that they wanted to consult "another authority," presumably NSP officers.

They returned after lunch with an offer to postpone the annual meeting until June 6, if CAPUR would agree not to cause further delays. They also asked that CAPUR agree to observe unspecified rules the parties had worked out earlier in mailing proxy statements.

CAPUR attorneys rejected the offer. They maintained that it did not deal with the "deliberate attempt" to block Mrs. Smaby's "legitimate candidacy" for a board seat.

William M. Mahlum, speaking for the CAPUR lawyers, suggested that NSP continue its present election system this year, with the understanding that CAPUR would not oppose a change in 1974, when Mrs. Smaby—if she is elected in 1973—"would take her chances" on reelection.

"We can never agree to that," Schwartzbauer said. He said NSP is acting legally in seeking a change in its election system now.

Judge Lord noted that is was "quite a coincidence" that no change had been suggested in election methods until a candidate from outside the business world appeared. He also said that he had not had enough time to understand fully the arguments of the opposing sides.

[From Taking Stock, April-May 1973]

Alpha Opens New Frontier

"It is the nature of human beings to look for new things and to ask questions. We are no longer accepting our institutions without question, we are looking at them carefully. These are the new frontiers: educational, social and business institutions." These comments were made by Alpha Smaby as she talked about her candidacy for the Board of Northern States Power Company. Mrs. Smaby was selected and endorsed by the Coalition to Advocate Public Utility Responsibility (CAPUR), to run as a consumer endorsed candidate for the Board of Directors of NSP.

Alpha's activist career began 50 years ago when she and her friends circulated a petition in their high school calling for resignation of their principal. The school Board intimidated most of the students into withdrawing their names and apologizing to the principal. However, Alpha stood firm and refused to withdraw her name. She was expelled for the rest of the year, but was victorious. The school did get a new principal, and she went on to graduate Magna Cum Laude with a degree in English at the University of Minnesota.

With a strong interest in education, Alpha seriously pursued her responsibilities as a parent, community citizen and legislator. In 1949, she helped start a co-operative nursery school with 20 other families. When conditions in the neighborhood elementary school had deteriorated to the point where her daughter's class had six teachers within a single year, Alpha joined with other concerned parents in calling for a new principal.

As a legislator (1964–68) she served on the University and College Committee. She opposed unjustified tuition hikes and a cutback in University appropriations. She adamently defended the right of the Minnesota Daily to print without censorship.

Reflecting on her two terms in the legislature, she said, "My voice had credibility with the conservative leadership. I was a spokesperson of a liberal group, but I was not tied to any special interest group."

It is this ability to work well with others who may or may not share her views, yet maintain an independence that makes Alpha Smaby such a viable candidate for the Public Director. She is concerned with the institutions that effect her life, the lives of her three daughters and now her two granddaughters, as well as the lives of the people who live in the community around her.

Shortly after the Smaby's moved to the East River Road in Minneaoplis in 1952, Alpha and some of her neighbors tried to facilitate the acceptance of the Glendale Housing Project residents in the formerly, homogeneous neighborhood. She had just joined the Minneapolis chapter of the League of Women Voters, and began working to get the League to take a stand in favor of fair housing. For the first time in Alpha's experience with the League, the League took a position on an issue.

Alpha's willingness to take stands on issues that may not have popular support makes her an excellent candidate for NSP's Board. Arthur, her husband, spoke at the opening ceremonies of the Elk River Plant, the first nuclear power plant in Minnesota which was owned by the United Power Association. Alpha remembers that, "It seemed like a beautiful use of nuclear energy, much better than blowing up the Japanese." Yet, in 1968, when some of the dangers of nuclear energy were becoming apparent to environmentalists and independent scientists, she spoke at the licensing hearings for the nuclear plant at Monticello.

CAPUR began negotiating with NSP in December to place a consumer-selected Director on the Company's Board. The Board rejected a proposal that CAPUR screen nominees and select a slate from which the present Board would pick its new member. However, CAPUR was invited to submit nominations for the Board, which it did. But all five names which it submitted were rejected.

Since NSP refused to select a candidate, CAPUR chose Alpha. She commented, "I am very pleased to be a candidate for NSP's Board because this is the new frontier. We can no longer run away from our problems, we have to face them; we have to examine and change our institutions. This is very exciting."

WISCONSIN FARMERS FIGHT NSP

"If the people here decide we don't want the plant built in our area, will NSP respect our wishes and go somewhere else?"

This question was on the minds of over 500 farmers and citizens who attended a public meeting in Durand, Wisconsin on March 29 to discuss plans by NSP to build a huge nuclear power plant on the nearby Chippewa River.

Citizens' for the Future, a new organization of farmers and concerned citizens who live near the proposed site, are fighting to preserve their land and prevent uncontrolled NSP growth.

Edwin Branter, chairman of the new group, saw the problem facing Durand residents as "the power of big money rolling easily over the people's wishes." Citizens' for the Future hopes to get the facts out to the community so that NSP can't manipulate community sentiment to its side.

GUN CONTROL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. WOLFF. Mr. Speaker, I would like to share with my colleagues the resolution recently adopted by the board of trustees of the Village of Great Neck Estates in my district on the subject of gun control. In my own efforts to keep guns out of the hands of criminals and prevent their wanton use in our society, I am deeply heartened to see this expression of concern from my constituents and their support for Federal restrictions on the sale, use and licensing of hand guns. Their resolution, adopted May 7, 1973, follows:

Resolved that the Village of Great Neck Estates urge the representatives of New York State in Congress to support proposed Federal legislation designed to impose restrictions on unregulated possession, sale, use, and licensing of hand guns.

GASOLINE RATIONING BY THE END OF 1973

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. SNYDER. Mr. Speaker, with the increasing prices of gasoline and the shortages of this and other fuels, I wish to bring to the attention of the Members a very thought-provoking article which appeared in a recent issue of The National Tattler:

Government-Industry Conspiracy Charged: Gasoline Rationing by the End of 1973—Price May Jump to $1 Per Gallon

(By Todd Sanchez and Durant Imboden)

A conspiracy by the oil industry and its sympathizers in the federal government may force you to pay up to a dollar per gallon for gasoline by the end of this year.

Or, if prices are held at present levels by the government wage-price freeze, you could be hit with an even more painful alternative: The actual rationing of badly needed gasoline, to be matched by similar rationing of fuel oil used in heating homes.

Such a step could come before the end of 1973, some experts warn.

As Tattler went to press, America's refineries were running at virtually 100 percent of effective capacity. The development of new domestic oil fields has been held up by expenses and environmentalists, and a lackadaisical oil industry hasn't built a single major refinery in three years.

Furthermore, it would take at least 2½ to 3 years to open new domestic oil sources and to build additional refineries.

This means that there is no way to avert a major oil crisis, short of importing vast quantities of Middle East crude oil at the risk of endangering America's economic posture and international security.

John O'Leary, a member of Atomic Energy Commission and an expert on America's energy needs, described the coming crisis in these terms:

"Any way you look at it, we can't sustain current consumption through domestic resources."

He added that he "wouldn't be surprised" to see gasoline rationing as early as this summer.

O'Leary's boss, AEC Chairman James R. Schlesinger, has stated that "oil production, domestically, has topped out."

And Byron Tunnell, chairman of the Texas Railroad Commission, which sets oil production quotas for the state, summed up the domestic petroleum situation in a few blunt words:

"We feel this to be a historic occasion. Historic, and a sad one. Texas oil fields have been like a reliable old warrior that could rise to the task when needed. That old warrior can't rise any more."

Why has the oil industry permitted itself to get into such a bind? The answer is simple, say observers of the American energy scene.

The oil industry has been caught with its pants down only because it has dropped its pants on purpose.

Environmentalists say the oil tycoons are sitting back and letting the situation get out of hand in hopes of frightening the American people into giving the fuel industry what it wants.

When people discover that gasoline is going to cost 75 cents to $1 per gallon in some places, and when they find that fuel oil for heating homes is considerably more expensive if it's available at all, they—the freezing, gasoline-hungry consumers—will be in a more sympathetic mood when the oilmen ask permission to build pollution-causing refineries, the Alaskan Pipeline and off-shore oil rigs.

The oil tycoons and their sympathizers in Washington will get what they want, the environmentalists will be sent backpacking, and the beleaguered consumers will be given their gas and oil along with dirtier air, oil-slickened water and a damaged ecological balance.

That's the scenario as the antipollution forces see it. They add that the oil industry has little to lose from its own failure to build up adequate oil reserves, reserves that should have been built up not so many months ago when refineries were running at a mere 80 per cent of capacity.

Why won't the oil tycoons lose out?

Simple, say the environmentalists: If the price of gasoline doubles because of increased demand and inadequate supplies, the oil companies will make as much money as they would have made by selling more fuel at lower prices. Indeed, they may actually profit from the coming energy crisis.

Independent chains of service stations and some small fuel oil companies are quick to agree with the environmentalists, even if they don't agree with ecologists' cries for fewer gas stations.

As the independents see it, the big oil companies—companies like Shell, Mobil and Gulf—may be using the fuel crisis as an excuse to knock the smaller chains out of business, thus reducing price competition in the marketplace.

Today, price competition comes mostly from the "little guy" in the gasoline business—that is, from smaller chains that depend on volume sales to keep them from going under. If it weren't for the competition offered by these smaller chains, the big oil companies would have a virtual monopoly.

And as any resident of a small town without price competition can tell you, gas stations with a near-monopoly can and do charge more than stations in cities where competition is fierce.

The major oil companies can destroy the independent dealers by refusing to sell gasoline to them. When gasoline is in short supply, the big refineries insist that they need all their output for their own stations.

This means the independents can't buy gas. And if they can't buy it, they certainly can't sell it.

So the "little guy" goes under while the major brand-name station down the street—the station subsidized by a big oil company—jacks up its prices and squeezes more money out of the hapless consumer.

Already, the Phillips Petroleum Co.—makers of Phillips 66 and several lesser-known gasolines—has announced its intention to stop selling gas to three major independent customers on the West Coast.

These customers will have to look elsewhere for their gasoline. And, if they can't buy from other refineries, they'll go out of business. Gas stations will stand empty, employees will stand in unemployment lines and customers will be forced to deal with major dealers and pay higher gas prices.

AEC Chairman Schlesinger says that, at current prices, it is uneconomical for oil companies to develop new domestic reserves while maintaining safeguards that will satisfy environmentalists.

The alternative, says Schlesinger, is to increase imports of oil and refined gasoline from the fuel-rich Middle East, where 80 per cent of the world's reserves are located. But even this wouldn't keep prices down.

An Associated Press writer, Larry Heinzerling, recently described a meeting of the Organization of Petroleum Exporting Countries, a group of nations that thrive on the sale of their most important natural resource. He described the meeting this way:

"The group made clear that its 11 members, who produce more than 80 per cent of the world's oil exports, intend to dig deeper into your wallet in coming years.

"They know they are still dependent on continued investment and expertise from the developed world. So they won't 'kill the golden goose,' but just fleece it a little.

"They are going to charge as much as possible for their oil and ultimately plan to take over the foreign-run oil companies operating in their countries. Then they will have the last say on the supply of the world's most important source of energy," the AP writer quoted oil experts as saying.

And that's risky, insists Sen. Henry M. Jackson of Washington, who has studied the problem carefully.

Jackson recently pointed out that oil imports are expected to rise from 4.5 million barrels a day right now to an incredible 11 million barrels a day by 1980.

Sen. Jackson added, "There is too much optimism about the long-term reliability of such supply source."

The Senator was no doubt thinking of America's friendship with Israel—a country often at odds with Middle Eastern oil sheikdoms—but a heavy reliance on outside oil might also be unwise because of military security.

If war should break out in the Middle East or on the high seas, where would America's fuel come from?

It certainly wouldn't come from domestic oil-fields—projections by the National Petroleum Council show that a reliance on foreign sources could result in U.S. dependence on those sources for two-thirds of our oil requirements by 1985!

Furthermore, say economic experts, a heavy dependence on oil imports could literally shatter the value of the dollar.

Why? It's because of the balance of payments situation, which has been in a crisis of its own for years.

Former Secretary of Commerce Peter G. Peterson has said that heavy oil imports could result in an additional international dollar deficit of $15 billion a year.

Is there any real hope for averting a severe fuel crisis?

No.

That's what the experts say.

Peterson had promised that President Nixon would soon present an energy policy and program "fully equal to his initiatives involving the Soviet Union and the People's Republic of China."

But those in the know say it's a lot easier to shake hands with Mao Tse-tung than it is to squeeze oil from refineries that don't exist.

Only three things are likely to happen, and here they are:

(1) The President will continue to restrict import oil quotas, allowing domestic gasoline and fuel oil prices to seek their own level. As prices go up, this will cut into the demand for such fuels.

(2) The President may continue to restrict oil import quotas while refusing to let gasoline prices rise by much. After all, allowing prices to double or triple could destroy his fight against inflation.

If President Nixon picks this second alternative, it will mean some form of rationing. Most likely, this would involve fixed allotments to individual dealers. When each dealer used his week's quota of gasoline, the pumps would remain dry until the following week. Consumers would have to watch their gas gauges carefully and learn to walk or use public transportation.

(3) The President could drop most or all restrictions on oil imports. Prices would go up, but perhaps by less than would be the case if choice 1 went into effect.

It's unlikely the President will take this third possible course, observers feel however, for the simple reason of dollar stability and national security.

Indications are that anyone who works for a small independent service station or chain had better start watching the employment ads unless he knows his company has a steady source of gasoline to rely on in 1973 and 1974.

And, if you heat your home with fuel oil, prepare for some chilliness next winter.

You could be like the 84-year-old woman in Ottumwa, Iowa, who has always bought her fuel oil in five-gallon batches.

A few weeks ago, this woman went into the office of her local independent fuel oil dealer and asked him for another five-gallon supply.

He sadly replied that he couldn't—the refinery supplying his firm with oil had already put him on a quota, and he's sold his quota for the week.

Heavy individual users of gasoline had better prepare for the same situation. If actual physical rationing of petroleum products doesn't go into effect by summer or fall of this year, a price rationing of some sort probably will.

And few Americans can afford to pay up to a dollar a gallon of gas for long-distance commuting.

What can you do about the fuel crisis?

Not much. Because of a shortage of refinery facilities, created over the years by industrial and governmental complacency and conspiracy, the innocent consumer is about to get a painful lesson in elementary economics: the law of restricted supply and increased demand.

You could write your congressman and senators in Washington, suggesting that the government keep a closer eye on corporations that put short-range dividends ahead of serving the American people.

And you can learn to walk, or take the bus.

FEDERAL INCOME TAXES OF LARGEST OIL COMPANIES 1971

	Net income before tax	Federal tax percent
Standard (New Jersey)	$2,736,717,000	7.7
Texaco	1,319,468,000	2.3
Gulf	1,324,914,000	2.3
Mobil	1,152,639,000	7.4
Standard (California)	855,692,000	1.6
Standard (Indiana)	437,021,000	14.5
Shell	292,175,000	14.9
Arco	295,245,000	3.8
Phillips	217,303,000	15.0
Sun	236,070,000	17.4
Union (California)	147,357,000	7.9
Amerada Hess	240,003,000	9.3
Getty	209,439,000	15.1
Conoco	292,428,000	2.1
Cities Service	117,574,000	8.4
Marathon	229,390,000	6.1
Standard (Ohio)	60,462,000	2.0
Ashland	51,788,000	46.3
Total	10,215,685,000	6.7

Mr. Speaker, it is not fair for wage earners, farmers, and small businessmen in the lowest income figures to pay a higher Federal income tax than the big international oil companies.

We need tax reform legislation to require that every penny of the 22½ percent depletion allowance be used by the companies for domestic exploration.

BUSINESS AND CLEVELAND'S BIGGEST MINORITY

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. STOKES. Mr. Speaker, it has often been my privilege to share with this House the wisdom of Mr. W. O. Walker, editor and publisher of the Cleveland Call and Post. Today, I would like to take this opportunity to do so again.

On April 9, 1973, Mr. Walker presented a symposium address to the Dyke College and Spencerian Alumni Association and the Dyke College Division of Continuing Education. He spoke on the subject of "Business and Cleveland's Biggest Minority."

In this address, Mr. Walker drew on his own wealth of experience and on his knowledge of local history to discuss the present position of black Clevelanders in the economic life of our city.

The text of Mr. Walker's remarks follows:

BUSINESS AND CLEVELAND'S BIGGEST MINORITY

(By William O. Walker)

Dr. Corfias; Faculty; Students and Guests: I am honored by your invitation to participate in your forum. It is only by discussing the issues of the day in their right prospective, that we can get the proper focus on the problems that confront us. This series of talks, is in the best tradition of Dyke College, an institution that has been serving the business community of northeastern Ohio for 125 years.

Briefly, I want to discuss with you: "Business and Cleveland's Biggest Minority."

Cleveland has long been a hospitable town for the immigrants of the world. These immigrants brought, besides their skills and strong arms, their cultures, their mores and languages.

These immigrants were welcomed and easily absorbed into the social, educational, business and political fabrics of this city.

However, such was not the fate of the migrants, who, because of World War One and World War Two, were much sought after by the industries of this area to fill the labor gap caused by the stopping of the European immigrants.

During these two wars, labor agents were sent scouting into the South with free railroad tickets and money, to recruit laborers for the mills and factories of this area.

These black workers came by the thousands. They served in the army of industrial workers here with the same loyalty of their brothers who served in this nation's armies, fighting for democracy.

These migrant workers made northeastern Ohio one of the main war production centers in this nation and, helped lay the foundation for the great wealth and prosperity that has continued to flourish here.

I say these migrant workers were not welcomed and treated as generously as the European immigrants. This is true. While business welcomed these migrant workers in a time of great need, they exploited them ruthlessly.

Atty. James C. Davis, chairman, Greater Cleveland Growth Board, in a speech, March 13, 1967, in speaking about the treatment of the Negro, said:

"The final difference between the Negro migrant and his white counterpart is, of course, the difference in the color of their skins. The white immigrant had no need for governmental or other outside assistance to qualify him either for a job or a place to live. The anonymity of his white skin gave him free and unrestricted access to whatever job his skills, education and personality permitted him to hold and to whatever housing accommodation his resources permitted him to enjoy. Not so with the Negro."

These new people, in a new environment, found: inadequate housing; racial segregation; crime infested areas; little or no police protection and, a total indifference to their new social and education needs.

They were ruthlessly exploited by business shysters. Garnishees and repossession robbed many of them of their hard earned wages. High prices for them was the general rule.

Coming from areas where schools were poor and inadequate these labor-agent recruited workers, mostly from the South, who were ill equipped to establish themselves in an area that was just as cold in climate as it was in its treatment of them.

Those who were thrifty and sought to purchase homes, found that banks and real estate agents refused them housing except in the ghettoes. Carnegie Ave., was the northern boundary as late as 30 years ago. When I tried to buy a house in 1946 on Ashbury Ave., in Glenville, no bank would finance my mortgage. After I was able to get financing through a Negro insurance company and moved in the white neighbors held a protest meeting.

Things had not improved too much in 1954, when I bought a lot on Ashwood Rd., in the now Ludlow Road area. Again I had to get my financing through a Negro bank to build my home. In the construction, the picture window was shot out. Atty. John Pegg, suffered worse than I did when he purchased a lot in the same area on Corby. He had a Negro contractor who couldn't even purchase needed materials and plumbing fixtures in Cleveland. Before his house was completed, a dynamite blast wrecked much of it.

This was the fate of Negroes trying to "make it" in Cleveland. No bankers protested this treatment. They sat back smugly in the Union Club and paid not the slightest attention to our plight.

Housing was not the only area where the Negro workers were exploited or ignored. Hotels and restaurants openly refused to accept or serve Negro guests.

One of the big political fights we had in the early thirties, was to get Negro doctors admitted as interns in Cleveland City Hospital, now Metropolitan General on Scranton Road. Negro women were refused admittance into the hospital's School of Nursing. When one finally got admitted and graduated, she was refused employment as a registered nurse.

The Chamber of Commerce, was unconcerned about the plight of Cleveland's biggest minority. We were beyond their realm of interest. In fact, the Chamber itself refused Negroes membership. Of course this is changed now.

Forty years ago, a Negro Businessman could not rent or buy a good business location. In 1943, a Negro pharmacist, Robert Shauter, bought a run-down drug store at E. 93rd and Cedar. He turned it into a thriving business.

Later he had an opportunity to purchase a drug store at E. 55 and Woodland. The white owner could not sell it to him because the downtown bank that controlled the property, would not consent to transferring the lease to a Negro tenant. At this time, E. 55 and Woodland was a teeming Negro ghetto.

Not to be outdone, Robert Shauter came to me and we got to some Negro numbers operators and we raised the money to buy the building. Only in this way could a Negro druggist get a decent location in his own area.

In the early depression thirties, the Future Outlook League was organized here. Its slogan was: "Don't Spend your money where you can't work." Stores of all kinds were doing a thriving business on 100 percent Negro trade, yet, they would not hire Negro clerks.

The Future Outlook League, through picketing and protest, broke up much of this discriminating practice and opened up hundreds of jobs for Blacks.

As a part of this crusade, the Ohio Bell Telephone Co., was picketed and, we won the first jobs for Negro women with this company. The Cleveland Trust was also challenged, as well as Woolworth and others. Through political might as a City Councilman, the League and I were able in 1943 to breakdown the barriers to Negro employment on the Cleveland Railway Company, now CTS.

I could cite many more instances of how business interests of Cleveland treated its Negro citizens and workers, but, the ones I have cited, should give you some idea of the kind of handicaps and hardships Cleveland's biggest minority had to endure just to be good citizens and good workers.

So, those who are so eager to criticize and berate our minorities, should take into account what we have had to endure to try to make it in this affluent society.

The bitter and costly protests of Hough and Glenville, were but the harvest of the seeds of neglect, exploitation and discrimination that a new generation was not any longer willing to accept.

Cleveland business has profited greatly from the spending power of the Negro in this town. But, it has grudgingly given back to us even a modicum of the fruits of our spending.

No other racial group has had to pay such a high price in heartaches and despair just to try to be good citizens.

A NEW ERA

All of the racial problems and protests that errupted in the sixties and began to diminish in the seventies, brought on some drastic changes in the attitude and policies of business as they related to minorities.

"Fair Employment Practices;" "Equal Opportunity Employers;" became a part of the new lexicon of business. Tokenism became a part of the practices of every employment office.

Negroes were employed and their desks located so that they would be visible. High sounding titles were freely given out, but, in the main, most of these jobs were just token employment and, the holders of them, in all too many cases, were just glorified flunkies.

This band-aid treatment of the cancer of unemployment that the Negro has so long suffered from, was supposed to assuage the conscience of long indifferent business.

Fair housing has opened up the satellite cities and suburban areas for Negro residence. Long closed plush apartments on the Lakewood Gold Coast and elsewhere, are now, thanks to FHA proding, accepting Negro tenants. Fifty to $100 thousand homes in Shaker, Beachwood and other hitherto off-limits suburbs, now also have Negro residents.

Most hospitals now accept Negro professionals. In fact, if it wasn't for Negro help, few of our hospitals could serve their patients today.

The newly opening doors of opportunity, are arousing the Negro's interest. He must first rationalize as to whether they are real and permanent. People who have been exploited and hurt so long, must be reasonably tolerated as they readjust to their new situations and environments.

The election of a Negro mayor was a shock to this community. Like all firsts, this was the big test. A test not only for the business community, but for Negroes themselves.

City Hall didn't blow up when Carl Stokes walked in. It was still there intact, when he turned it over to Ralph Perk, four years later. Oh, yes, they tried to pretend that there was wide spread extravagance. But, the fact that Ralph Perk's extravagance is way ahead of that alleged to Carl Stokes, evokes no outcry from the news media or the public. White does make a difference.

Negroes take due note of these kind of inconsistencies or double standards.

The businessmen of this city have lots more purging to do before equality and civil rights are a reality for Cleveland's minorities. We are making progress, but, it is much too slow.

Atty. James C. Davis, in the same speech mentioned above, in placing the responsibility for action on the minorities problem said: "The white man must be brought to believe that his own selfish interest require that he recognize Negroes as people—as having the same rights as other people—to live in areas of their choice, limited only by their economic status and abilities."

Andrew F. Brimmer, the Negro member of the Board of Governors of the Federal Reserve System, in a recent lecture at the University of California, said: ". . . in general, blacks are moving ahead on the economic front."

Mr. Brimmer, then said: "I am personally convinced that the time has come for this nation to assign a much higher priority to efforts to open up genuine opportunities for those groups that have failed to share equitably in the benefits of economic growth.

In his talk, Mr. Brimmer stated the real income Blacks received in 1972, was $51 billion. He gave the median family income as $6,440.00. A recent study of income of Negroes in Cleveland, estimated it here at $7,717.00 per family. The Census Bureau estimates that there were 86,474 minority families in Cleveland. Multiplying these figures, you get $655,672,458 as spending power of our minorities here.

That businessmen of Cleveland are so indifferent over this kind of spending power, is amazing to me. Only Cincinnati, Columbus and Toledo have a larger total population than just the Negro population of Cleveland.

If there is to be equity in the treatment of minorities, not only must the Negro get his share of the jobs his spending creates, but he must also get back his share of supplying of goods and services and construction, etc. In other words, the Negro must share in the spending as well as the purchase of business if equity is to obtain.

Therefore, it seems to me, that the whole stability of Cleveland's economy, is inextricably tied to its biggest minority. So the sooner we recognize that the Negro is here to stay and, begin to deal with the social, educational, political and economic problems affecting these minorities, the sooner will this cease to be a panic community, a declining city.

There is a Biblical quote from Jesus, that says: "For inasmuch as ye do this unto the least of these my brethren, ye do it also unto me."

To paraphrase this, I say to Cleveland business and its power structure: As you measure to the minorities, they will measure back to you.

I thank you.

MORE ABOUT THE VITAMIN BILL

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. HOSMER. Mr. Speaker, the FDA's adamant position on the vitamin issue daily become more ridiculous as succinctly pointed out by Nicholas von Hoffman in the following commentary appearing in the Washington Post on June 6:

A AND D AS MOTHER'S LITTLE HELPERS

(By Nicholas von Hoffman)

The government is making a new class of criminals. They are the hundreds of thousands, perhaps millions, of vitajunkies who take high-potency megashots of vitamins.

Starting next year the Food and Drug Administration has put high potency vitamin A and D pills on a prescription-only basis. Low potency A and D, that is pills containing 150 per cent or less of the "recommended daily allowance," will still be available without prescription.

So if your bags are searched at the airport and they discover a bottle of potency A or D in them you'd better have a doctor's prescription or they might throw you in jail with the scag shooters, speed freaks and Quaalude poppers.

After the fingerprinting you'll be publicly labeled a vitajunkie. If you don't get a year in jail the judge'll force you into group therapy; once a week your probation officer will strip you down to make sure you haven't started sneaking hard stuff back into your diet.

The new FDA regulations also require that all other vitamins in pills containing more than 150 per cent of the recommended daily allowance—a figure, one suspects, they arrive at by lottery—must be labeled and sold as drugs. No matter what's written on the bottle, you're not going to be able to buy these vitamins freely for long because the agency says, they too will be "reviewed by experts who will judge their safety and effectiveness and advise the FDA whether any of them should require a prescription."

The reason offered for making A and D more expensive and much harder to get is the evidence that, taken in massive amounts, they are toxic. But so is spinach. If you drink enough water you can kill yourself; so, by the same reasoning, the FDA is obliged to put doses of H2O exceeding the recommended daily allowance under prescription. But as with vitamins, no one can recommend a daily allowance with confidence because we're all, each of us, different with different needs, and because they haven't spent the money to do the research to make more than an educated guess.

This solicitude for the safety of what we eat comes well from an agency that for years was willing to let the public ingest meat contaminated with a deadly substance like DES. The FDA has looked on while we gorged ourselves on cyclamates, dyes, preservatives and noxious additives of any sort that could be concocted in a chemistry lab.

Opponents of the new regulations don't have it easy. Even publications like The New York Times refer to them as "food faddists" in the news columns, while the FDA accuses the National Health Federation, the main organized group in opposition, of being quacks and charlatans. The agency is circulating a memorandum saying that some of the federation's leaders have been convicted of such things as practicing medicine without a license, misbranding health products and making false claims for them.

It does indeed sound bad that a former National Health Federation board member was convicted of promoting a "worthless" cancer remedy, until you recollect the number of equally worthless cancer remedies being promoted by members of the American Medical Association.

Twenty years ago the viral theory of cancer was regarded as quackery, and acupuncture was considered a species of Red Chinese witchcraft. Millions of us are walking around with our tonsils cut out because doctors knew those funny lumps in our throats have no physiological function. The naturopaths, the chiropractors and the other people who give themselves queer-sounding titles disagreed.

This is not to say that everyone who disagrees with a doctor is right. Doubtless many who're fighting the FDA will ultimately be found to be in serious error; but right or wrong, it is medieval to put people with unpopular scientific opinions in jail. It is equally irrational and antiscientific to settle complex, widely disputed and underresearched questions of great difficulty and importance by ridicule or by promulgating new rules and regulations in the Federal Register.

But if we are going to go back to deciding scientific disputes in the courtroom, let's go all the way: Let's extend the death penalty for heroin pushing to the operators of health food stores and we can save our young people from being enslaved by vitamin C and wheat germ.

MISS GINGER ROGERS AT THE CONGRESSIONAL CLUB

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. McCLORY. Mr. Speaker, a special feature in this year's program series at the Congressional Club was today's appearance of Ginger Rogers.

This celebrated star of motion pictures, the theater, and television devotes a great deal of her time these days to benefit her fellow citizens.

Today she spoke to a distinguished audience of congressional wives on the role which women may play as volunteers in aiding the disadvantaged and other unfortunate members of our society. Her remarks were received enthusiastically according to my report—and I congratulate her on this appearance in our Nation's Capital.

Mr. Speaker, my wife Doris, who serves as the club's program chairman, was privileged to introduce Ginger Rogers—and to enjoy the warmth of her company during much of the day. Mr. Speaker, when not engaged actively in one form or another of the performing arts, Ginger Rogers serves as a fashion consultant for the well-known firm of J. C. Penney, another great American institution.

Mr. Speaker, it has been a proud day for the Congressional Club and its president, Mrs. Lee Talcott, wife of our colleague from California, Representative BURT TALCOTT. Also, we may join in welcoming Ginger Rogers to Washington today. We look forward to reading the text of her sincere and thought-provoking remarks.

OEO LEGAL SERVICES REGULATIONS

HON. JOHN B. CONLAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. CONLAN. Mr. Speaker, I wish to call the attention of my colleagues to some of the very useful and significant reforms which have been made in the legal services program in recent months. Under the leadership of J. Laurence McCarty, who is Associate Director of OEO for Legal Services, important changes have been introduced to assure that available resources will be assigned to assist needy clients on matters of concern to them and not be diverted to the political or ideological priorities of attorneys in the program.

In a manner fully consistent with the original intent of Congress, the emphasis of the program is being returned to service to individual clients. This is reflected in regulations removing "group representation," "law reform," and "community education" as separate program goals. Other important changes relate to assuring high standards of qualification for legal services attorneys, limits on pro or antiunion organizing activities and prohibitions against the use of Federal funds as dues or subsidies to private organizations of a political character.

I commend the text of these important regulations to the attention of my colleagues:

TITLE 45—PUBLIC WELFARE; CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY; PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS: AND SUBPART—ECONOMIC DEVELOPMENT

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding six new sections. The sections establish uniform Office of Legal Services policy governing the types and limits of legal assistance that can be provided by Legal Services attorneys to groups whose purpose is self-help in the economic sphere. The sections are as follows:

Sec.
1061.9-1 Applicability.
1061.9-2 References.
1061.9-3 Purpose.
1061.9-4 Definitions.
1061.9-5 Policy.

AUTHORITY.—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.9-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if the assistance is administered by OTO.

§ 1061.9-2 References.

Economic Opportunity Act of 1964, as amended, section 222(a)(3); OEO Instruction 6140-02 (Guidelines for Legal Services Programs), 6140-3 (Group Representation), 6140-5 (Goals of the Legal Services Program), and 6803-5 (Use of Federal Funds for Union Activities) and the "Law Office Administrative Manual" of the Office of Legal Services, published by the National Clearinghouse for Legal Services.

§ 1061.9-3 Purpose.

The purpose of this subpart is to outline the conditions under which Legal Services projects may furnish assistance to individuals or to groups engaged in economic development. Those portions of the Office of Legal Services "Law Office Administration Manual" (sec. 5201 C and D) which relate to economic development are hereby rescinded, as are all policy statements on economic development contained in evaluation handbooks, work statements, grant conditions, etc. Economic development will no longer be a separate goal of the Legal Services program.

§ 1061.91-4 Definitions.

For the purposes of this subpart, economic development: (*a*) Includes any activity carried on in the economic sphere (as distinguished from the social and political sphere) by an individual or group for the purpose of improving the material well-being of the individual or of the members of the group, but (*b*) excludes any union-related activities covered by the restrictions in OEO Instruction 6803-5, as well as such activities as consumer or tenant strikes, boycotts, demonstrations, etc. Typically, economic development consists of efforts to form and conduct business enterprises whether of the profit or nonprofit variety. Legal assistance in the area of economic development usually consists of advice, planning, and aiding in the preparation of incorporation papers.

§ 1061.9-5 Policy.

(a) Individuals or groups seeking economic development assistance from Legal Services projects must meet all the eligibility requirements listed in paragraph 5a of OEO Instruction 6140-3.

(b) Individuals and groups who are otherwise eligible and who have been awarded funds from local, State, or Federal governmental sources where such funds have been designated for use in profit or nonprofit business enterprises for the purpose of enabling said individuals to escape from poverty, shall be eligible for such legal assistance as will enable them to commence operations. Legal Services projects may provide further assistance for such enterprises during their formative stages but will encourage their clients to seek help from a private attorney or from other governmental agencies.

(c) In any event, Legal Services projects shall discontinue assistance at such time as the economic circumstances of the individual or group change sufficiently to disqualify the client if an application were then being made. It shall be the responsibility of the project to devise a system for regularly verifying the economic status of individuals or groups receiving assistance and for terminating such assistance in an orderly manner.

(d) Legal services will not be provided to any individual or group receiving economic development assistance when such legal services are sought for the furtherance of the political and/or legislative aims of the individual or group.

This subpart shall become effective on July 5, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-11207 Filed 6-1-73; 8:45 am]

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS AND SUBPART—EDUCATIONAL AND PUBLIC RELATIONS ACTIVITIES

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding five new subparts. The subparts establish a uniform Office of Legal Services policy outlining the conditions under which Legal Service attorneys may (a) conduct legal education programs for clients and potential clients and (b) publicize the availability of legal assistance for the poor. The subparts are as follows:

Sec.
1061.10-1 Applicability.
1061.10-2 References.
1061.10-3 Purpose.
1061.10-4 Policy.

AUTHORITY.—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.10-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if assistance is administered by OEO.

§ 1061.10-2 References.

Economic Opportunity Act of 1964, as amended, section 222(a)(3); OEO Instruction 6140-2 (Goals of the Legal Services Program) and 6140-02 (Guidelines for Legal Services Programs); Canon 2 of the ABA's Code of Professional Responsibility, Informal Opinion 179 and 1234 of the ABA's Committee on Ethics and Professional Responsibility, and guidelines for permissible advertising and "community education" activities issued in November 1972 by the Supreme Court of the State of Montana.

§ 1061.10-3 Purpose.

The purpose of this subpart is to provide guidance for Legal Services line projects and backup centers respecting the provision to indigent persons of "legal education," hitherto referred to informally in program documents as "community education." "Legal education" or * * * "community education" is no longer a separate goal of the Legal Services program but is subsumed under the single goal of quality services to individual clients or potential clients who meet the income eligibility criteria. Relevant portions of OEO instruction 6140-02 (pp. 24-25, Guidelines for Legal Services Programs) and all other statements of general policy on the subject of "legal education" or "community education" found in internal memoranda, grant conditions, work statements and evaluation handbooks are hereby rescinded.

§ 1061.10-4 Policy.

All grantees/contractors funded in whole or in part through the Office of Legal Services will adhere to the following policies:

(a) The staffs of line projects and backup centers, and no others, may conduct, through publications and through participation in public meetings and private conferences, educational programs for the sole purpose of apprising eligible persons of their legal rights and obligations, and of the opportunities for legal assistance available to such persons through the Legal Services program. Particular emphasis should be placed on preventive education so that legal remedies, including litigation, sought after involvement will be the exception rather than the rule. Projects will include specific plans for preventive education activities in their requests for refunding.

NOTE.—In informal opinion 179, dated May 8, 1938, the ABA's Committee on Ethics and Professional Responsibility stated that: "* * * because of the trouble, disappointments, controversy and litigation it will prevent (preventive education), will enhance the public esteem of the legal profession (and) * * * will also improve the social order."

(b) Line attorneys and backup attorneys will insure that any legal education programs they conduct:

(1) Do not have as their purpose or probable result the instigation of litigation which is frivolous and without merit.

(2) Do not have as their purpose or probable result litigation which is brought merely to injure or harass other persons, groups, or institutions.

(3) Relate only to general legal problems

and do not attempt to advise specific persons concerning individual legal problems in the absence of any attorney-client relationship.

NOTE.—To advise a person that he should take legal action is proper only when an attorney-client relationship has been established.

(4) Do not have as their purpose or probable result the organizing of groups for political action, lobbying, labor or antilabor activities, strikes, picketing, boycotts, demonstrations, etc.

(5) Do not, under guise of disseminating information, advocate political, or social causes or reforms allegedly designed to make the legal system more responsive to the needs of the poor.

NOTE.—It is the policy of the Office of Legal Services that all legal services line projects and backup centers conform to the requirements of section 501(c)(3) of the Internal Revenue Code.

(6) Are not for the purpose of locating potential clients who might be useful to an attorney in his efforts to raise certain issues before the courts.

NOTE.—In informal opinion 1234, dated July 19, 1972, the ABA's Committee on Ethics and Professional Responsibility, in response to the question "whether lawyers are permitted to decide in the abstract what legal propositions should be placed before the courts, and then seek out litigants who are willing to have these issues raised," declared that: "The legal aid lawyer who desires to raise certain issues in litigation but who is handling no litigation involving such issues may not seek out indigents and request the indigence to, or advise the indigents to, become as clients, parties to such litigation."

(c) Educational activities of nonattorney personnel (including paralegal and outreach staff) assigned to legal services projects will be subject to the same restrictions as apply to such activities when conducted by attorneys.

(d) To increase awareness among the indigent not only of their legal rights and responsibilities but of the availability of assistance from neighborhood law offices, Legal Services projects may advertise the existence, location, telephone numbers, and services of its offices, using any recognized advertising medium: *Provided*,

(1) The materials used scrupulously avoid naming individual attorneys.

(2) The materials used are understandable to those to whom directed, and are accurate, practical, and not prepared in such a way as to arouse unrealistic expectations.

(3) The materials and presentation are dignified and professional in tone.

(4) The materials do not violate any of the restrictions listed in paragraph 4b, 1 through 6 above.

This subpart shall become effective on July 5, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-11206 Filed 6-1-73; 8:45 am]

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS AND SUBPART—ATTORNEY PERFORMANCE APPRAISAL

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding nine new subparts. The subparts establish a uniform Office of Legal Services policy for an annual evaluation (*a*) of all Legal Services project attorneys by the Project Director and (*b*) of the Project Director by the Project Board. The subparts are as follows:

Sec.
1061.11-1 Applicability.
1061.11-2 Purpose.
1061.11-3 Board of directors review.
1061.11-4 Attorney personnel file.
1061.11-5 National office file copy.
1061.11-6 Annual evaluation schedule.
1061.11-7 Attorney appraisal.
1061.11-8 Supply of forms.

AUTHORITY.—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.11-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1061.11-2 Purpose.

In order to accomplish a regular evaluation of attorney staff in accordance with the requirements of section 901 of the EOA, as amended, an attorney performance appraisal shall be prepared at least once a year (*a*) for each project attorney by the Legal Services Project Director or his designee and (*b*) for each Legal Services Project Director by the governing Board of the project.

§ 1061.11-3 Board of Directors Review.

Attorney performance appraisals of staff attorneys other than the Project Director are subject to review and concurrence by the Legal Services Project Board of Directors. Attorney performance appraisals shall be submitted for comment at the meeting of the Board following the attorney performance appraisal by the Project Director of his designee.

§ 1061.11-4 Attorney personnel file.

The performance appraisals of each attorney shall, for the duration of the attorney's employment by the project, be retained as a part of his personnel record, in the files of the Legal Services project. Performance appraisals will be made available, if requested, to monitoring and evaluation teams conducting on-site visits for the Office of Legal Services.

§ 1061.11-5 National office file copy.

One copy of the completed attorney performance appraisal shall be sent to the Office of Legal Services for the purposes of OEO Instruction 6900-02 whenever a request for a salary increase above $10,000 per annum is forwarded.

§ 1061.11-6 Annual evaluation schedule.

The attorney performance appraisal shall be conducted annually at least 90 days before the project year ends and in no event shall a Legal Services project be refunded without having conducted a complete annual attorney performance appraisal.

§ 1061.11-7 Attorney Appraisal.

There are six choices for each category of appraisal in parts I and II of the form. The categories are as follows: (*a*) Outstanding, (*b*) above average, (*c*) average, (*d*) below average, (*e*) unsatisfactory, (*f*) unobserved/not applicable. The standards against which the appraisals are to be made are the performance standards which would be considered appropriate for an attorney of the same experience, salary level, etc., as the attorney ranked.

§ 1061.11-8 Supply of forms.

OEO Form 464 may be obtained from the OEO Distribution Center.

This subpart shall become effective on July 5, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-11208 Filed 6-1-73; 8:45 am]

TITLE 45—PUBLIC WELFARE; CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY; PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS; AND SUBPART—GROUP REPRESENTATION

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding five new sections, reading as follows:

Sec.
1061.6-1 Applicability.
1061.6-2 References.
1961.6-3 Purpose.
1061.6-4 Definitions.
1061.6-5 Policy.

AUTHORITY: Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.6-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if assistance is administered by OEO.

§ 1061.6-2 Reference.

Economic Opportunity Act of 1964, as amended, section 222(a)(3), OEO Instruction 6140-4, 6140-02, and 6803-5, and the Law Office Administrative Manual of the Office of Legal Services, published by the National Clearinghouse for Legal Services.

§ 1061.6-3 Purpose.

The purpose of this instruction is to outline the conditions under which legal services attorneys may serve a group of indigent persons as a group distinguished from the individuals comprising it. Those portions of OEO Instruction 6140-02 (p. 21, guidelines for legal services programs) and of the Office of Legal Services Law Office Administrative Manual (section 5201c) which deal with group representation are hereby rescinded, as are all parallel statements on group representation found in grant conditions, policy memoranda, evaluation handbooks, etc.

§ 1061.6-4 Definitions.

For the purpose of this instruction, group representation is defined as legal counseling, education and advocacy including litigation, provided by Legal Services line attorneys and backup attorneys to any association, organization, cooperative, or group, incorporated or unincorporated, profit or nonprofit. Group representation is not synonymous with class action litigation. Class actions will be treated in a separate instruction.

§ 1061.6-5 Policy.

(a) *Eligibility requirements.*—Legal services projects or programs funded in whole or in part by OEO grants may furnish legal representation to groups provided:

(1) All the individual members of the group or organization meet the standards of income eligibility established for individuals receiving assistance from the legal services project in question.

NOTE.—Such eligibility will be determined in the manner in which it is determined for an individual who seeks assistance as an individual rather than as a member of a group.

(2) The group as an entity lacks resources or assets or expected income to pay for representation by a private lawyer, and cannot practicably raise from among its members, by contributions or otherwise, funds sufficient to defray the costs of representation.

NOTE.—The burden of establishing eligibility rests with the group seeking representation. Procedures, type of evidence required, etc., will be determined by the project's board of directors. The fact that a group pays any staff members will create a presumption that the group can hire its own attorney.

(3) A majority of members of the group seeking assistance reside in the area served by the legal services project providing the assistance.

(4) The group is either (i) a religious, charitable, scientific, or educational organization as defined in section 501(c)(3) of the Internal Revenue Code, in which case it must be able to meet the organizational and operational tests, for tax exempt status contained in the Code, or (ii) a group whose sole purpose is economic development (see OEO Instruction 6140-4) or (iii) a group

which fits into neither of the categories described in paragraph (a) (4) (i) and (ii) of this section but which does not engage in lobbying or political activities.

(5) The activity for which the group seeks legal representation does not fall into any of the following categories: Political action, lobbying, violent or disorderly protests or demonstrations, civil disobedience, or other unlawful or improper conduct.

(b) *House counsel.*—The practice of permitting legal services attorneys to be used by various groups on a continuing basis as general counsel or "house counsel" is prohibited. Assistance to eligible groups will be furnished only on an ad hoc basis and will be addressed to specific grievances.

(c) *Group organizing.*—Legal assistance furnished to groups will not include assistance in organizing groups except as specified in OEO Instruction 6140-4.

(d) *Other assistance.*—Project funds, supplies, equipment, space, or staff personnel shall not be made available to or be utilized by any groups ineligible for legal services.

This subpart shall become effective on June 29, 1973.

Howard Phillips,
Acting Director.

[FR Doc. 73-10814 Filed 5-29-73; 8:45 am]

Part 1061—Character and Scope of Specific Community Action Programs and Subpart—Maintenance of Attorneys Logs and Record of Authorized Leave

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding new sections, reading as follows:

Sec.
1061.7-1 Applicability.
1061.7-2 Purpose.
1061.7-3 Policy.
1061.7-4 Forms supply.

Authority: Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.7-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1061.7-2 Purpose.

To establish requirements for the maintenance of attorney logs and record of authorized leave.

§ 1061.7-3 Policy.

Every legal services project attorney shall be required to maintain a log of his working activities and of all leave taken. Every legal services project shall provide each attorney with a standardized form which shall be set up on a day to day basis (including Saturdays and Sundays) and which shall be broken down into sections designated "morning," "afternoon," and "evening." The following information shall be entered by each attorney in his log on a daily basis:

(a) Day and date.

(b) A notation for all work activities for each section of the day showing the matter worked on and the approximate time spent.

(c) A notation of the type of leave taken for each section of the day (such as, annual, administrative, compensatory, leave without pay).

It shall not be necessary to break down work activities but only to indicate in general the area of work done. It shall not be necessary, in recording leave records, to note the specific purpose for the leave beyond its general classification. All records and logs shall be maintained on file by each project for a minimum period of 2 years.

§ 1061.7-4 Forms Supply.

OEO form 463 may be obtained from the OEO Distribution Center.

This subpart shall become effective June 29, 1973.

Howard Phillips,
Acting Director.

[FR Doc. 73-10813 Filed 5-29-73; 8:45 am]

Part 1061—Character and Scope of Specific Community Action Programs and Subpart—Qualifications of Legal Services Attorneys

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding 3 new sections, reading as follows:

Sec.
1061.8-1 Applicability.
1061.8-2 Purpose.
1061.8-3 Policy.

Authority.—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.8-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act as amended, if assistance is administered by OEO.

§ 1061.8-2 Purpose.

To establish minimum qualifications for legal service attorneys.

§ 1061.8-3 Policy.

(a) The attorneys engaged in the legal services program must be admitted to practice in the State in which they are employed. They are encouraged to become members of the State and local bar associations of the State and local community in which they are employed. The Office of Legal Services views State and local bar membership as very important since contact between lawyers working in the same community is considered an essential element of effective representation of persons residing in that community.

(b) OEO has not established national salary standards for attorneys. However, salaries should be competitive for the level of experience of other attorneys in the community. To this end, salaries earned by private attorneys and salaries of the county attorney, city attorney, district attorney, or States attorney may be used as guidelines and as representative of the local salary structure for attorneys of comparable experience.

(c) A legal services attorney on a full-time salaried basis shall not maintain an outside practice of any kind, nor shall he be associated for the practice of law in any way with an attorney engaged in the private practice of law.

Effective date.—This subpart shall become effective June 29, 1973.

Howard Phillips,
Acting Director.

[FR Doc. 73-10812 Filed 5-29-73; 8:45 am]

Chapter X—Office of Economic Opportunity; Part 1061—Character and Scope of Specific Community Action Programs; and Subpart—Goals of Legal Services Program

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding six new subparts, reading as follows:

Sec.
1061.5-1 Applicability.
1061.5-2 References.
1061.5-3 Purpose.
1061.5-4 Background.
1061.5-5 Definitions.
1061.5-6 Policy.

Authority.—Sec. 602, 78 Stat. 528; 42 U.S.C. 2942.

§ 1061.5-1 Applicability.

This subpart applies to all OEO Legal Services programs.

§ 1061.5-2 References.

Economic Opportunity Act of 1964, as amended, section 222(a)(3), 232(a), OEO Instruction 6140-02, January 15, 1968, and evaluation handbook (revised January 1973).

§ 1061.5-3 Purpose.

The purpose of this subpart is (a) to define in broad outline, and formally promulgate, the goals of the Legal Services program and (b) to acquaint Legal Services employees, grantees, contractors, and clients with these goals. That portion of OEO Instruction 6140-02 which lists the five "overall objectives" of the program and that portion which describes the "Scope of Legal Services Rendered" is hereby rescinded. That portion of the evaluation handbook (revised 1973 edition) which lists the five unofficial "goals" of the program—law reform, economic development, group representation, individual legal services, and community education—is also rescinded, as are parallel passages in all internal working documents (grant applications and grant conditions, policy memoranda, etc.).

§ 1061.5-4 Background.

Five "objectives" of the Legal Services program were officially promulgated in OEO Instructions 6140-02, January 15, 1968 (*Guidelines for Legal Services Programs*). The statement of these objectives merely paraphrases sections 222(a)(3) and 232(a) of the Economic Opportunity Act. The five so-called goals of the Legal Services program—law, reform, service to individual clients, group representation, community education, and economic development—were never officially promulgated in the form of an OEO instruction and were never published in the Federal Register or in the Code of Federal Regulations. They were inculcated unofficially as was the primacy of law reform, by way of evaluation handbooks, memoranda, and other informal working papers. This subpart contains the first formal pronouncement of the Office of Legal Services on the question of goals.

§ 1061.5-5 Definitions.

For the purpose of this subpart, law reform is defined as any change in a statute, in an administrative rule or practice or in a judicial rule or decision whether such change is brought about by (a) litigative advocacy, where the instrument used is typically a test case or a class action, or (b) legislative advocacy which includes legislative drafting, and advocacy in the strict sense; i.e., efforts to effect passage or stimulate adoption of proposals by legislative bodies, or (c) administrative advocacy which includes rule drafting, and formal/informal participation in administrative proceedings.

§ 1061.5-6 Policy.

(a) The Legal Services program has only one major goal and therefore only one overriding objective for the line attorneys and backup attorneys employed in the program: To provide quality legal services in noncriminal matters to individuals who meet the eligibility criteria established by the Office of Legal Services and who are otherwise unable to afford counsel. The services will include legal education, advice, representation, litigation, and appeal.

(b) Law reform will no longer be a primary or separate goal of the program or the chief criterion in evaluating or refunding projects. This policy is not intended to ban all resort by attorneys to class actions, suits against the government, test case litigation, etc. Such advocacy will be permitted when it is undertaken on behalf of specific eligible clients with standing to sue, is fully understood and approved by the client, and is consistent with guidelines established by the project board and the Office of Legal Services. Legal Services attorneys will not engage under any circumstances in non-client-initiated advocacy; i.e., all advocacy must be solely in response to a client-initiated request for legal help.

(c) The three remaining goals which were promulgated unofficially in the past: Group representation, community education, and economic development, will no longer be separate goals.

Effective date.—This subpart shall become effective June 25, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-10403 Filed 5-24-73; 8:45 am]

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY; PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT; AND SUBPART 1068.8—USE OF FEDERAL FUNDS FOR UNION ACTIVITIES

Chapter X, part 1968 of title 45 of the Code of Federal Regulations is amended by adding five new sections, reading as follows:

Sec.
1068.8-1 Applicability.
1068.8-2 Policy.
1068.8-3 Restrictions on the use of program funds for union activities.
1068.8-4 Restrictions on use of equipment and facilities.

AUTHORITY.—Secs. 213, 602; 81 Stat. 695, 78 Stat. 530; U.S.C. 2796, 2942.

§ 1968.8-1 Applicability.

This instruction does not apply to the unionization of grantee employees or OEO employees with non-Federal funds or check-off for such employees or payment of such employees while performing union duties under a valid negotiated contract.

§ 1068.8-2 Policy.

Use of EOA funds for purposes not related to the elimination of poverty is inappropriate. Additionally, there is a special danger in allowing the use of Federal moneys by a particular group to support or oppose any other faction or group.

§ 1068.8-3 Restrictions on the use of program funds for union activities.

Grantees and their delegate agencies and employees of grantees or delegate agencies may not permit the use of program funds for:

(a) Support of any activity the purpose of which is to unionize or attempt to unionize any group or faction;

(b) Opposing any group or faction attempting to unionize any other group or faction;

(c) Influence of any union election;

(d) Discrimination or threat or promise of discrimination, against any person, including beneficiaries of the program, because of the person's opinion or view or action or inaction relating to unions, union activity, or the labor movement;

(e) Employment of any individual based upon his support or opposition to unions, union activity, or the labor movement;

(f) Payment of the salary of any employee of a grantee or delegate agency for any period of time during which he engages in any union activity or advocacy of a particular view toward unions or the labor movement;

(g) Presentation of any union educational program designed to impress any person or party with a particular view in such dispute;

(j) Any demonstration, rally or picketing activity to promote a particular point of view in regard to unions, union activity or the labor movement;

(k) Any advertising campaign designed to promote a particular view in regard to unions, union activity or the labor movement;

(l) Any lobbying activity or campaign of mass letter writing directed toward any local, State or Federal Government officials for the purpose of influencing them as to unions, union activity, the labor movement or any issue pertaining to unions, union activity or the labor movement;

(m) Payment of membership fees, initiation fees, dues, assessments, contributions or similar payments to any union or labor organization;

(n) Payment of membership fees, initiation fees, dues, assessments, contributions or similar payments to any organization or group which devotes or contributes any of its resources, from whatever source, to any activity which the grantee or delegate agency is prohibited from engaging in by this instruction. For purposes of the above, the amount of resources devoted to such activity is immaterial.

§ 1068.8-4 Restrictions on the use of equipment and facilities.

(a) Grantees and their delegate agencies and employees of grantees or delegate agencies may not permit equipment or facilities, purchased or leased, with Federal funds, in whole or in part, to be used for support of or opposition to any union activity, during such period as the equipment or facilities are under the control and/or direction of grantees and their delegate agencies.

(b) Such equipment and facilities shall not be used for, nor shall Federal funds be used to sponsor or conduct, any meeting relating to union activity, labor disputes or the labor movement, even if provision is made for all points of view with regard to such.

This subpart shall become effective June 1, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-8545 Filed 5-1-73;8:45 am]

TITLE 45—PUBLIC WELFARE; CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY; PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS; AND SUBPART—LEGAL SERVICES PROGRAM

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the Federal Register. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover in view of the nature of the problem which these regulations are designed to remedy, having been advised by counsel I find that to publish them in the Federal Register 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the Federal Register. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, D.C. 20506, in time to arrive on or before April 25, 1973.

After careful consideration is given to all relevant material submitted, and such other information as may be available, the Acting Director of OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the Federal Register.

Chapter X, Part 1051 of title ——— the Code of Federal Regulations is amended by adding a new subpart, reading as follows:

Sec.
1061.4-1 Policy

AUTHORITY: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1061.4-1 Policy.

No program or project, involving legal service to the poor, shall henceforth be funded, in any manner, except through the Office of Legal Services.

Effective date. This subpart shall become effective April 2, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-6231 Filed 3-30-73; 8:45 am]

TITLE 45—PUBLIC WELFARE; CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY; PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT; AND SUBPART—ALLOWABILITY OF COSTS FOR ORGANIZATION DUES, MEMBERSHIP FEES, AND DONATIONS

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by me as Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the Federal Register. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the Federal Register 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent reguations published in the Federal Register. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW, Washington, DC 20506, in time to arrive before April 25, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the Federal Register.

Chapter X, Part 1068 of Title 45 of the Code of Federal Regulations is amended by adding four new sections, reading as follows:

Sec.
1068.7-1 Purpose.
1068.7-2 Applicability of this subpart.
1068.7-3 Policy.
1068.7-4 Form of requests for authorization.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1068.7-1 Purpose.

The purpose of this subpart is to establish restrictions on charging donations, organization dues, and membership fees to project funds.

§ 1068.7-2 Applicability of this subpart.

This subpart applies to all programs affording legal assistance which are funded until title II of the Economic Opportunity Act as amended, if the assistance is administered by OEO.

Project funds shall not be expended to pay for membership fees or dues or make contribution to any person, organization, association, or entity without the written authorization of the Associate Director for the Office of Legal Services, or his designee. (Project funds include both funds derived from the Federal grant and required matching share.)

§ 1068.7-4 Form of requests for authorization.

Requests for authorization shall state the name and address of the organization, function and nature of the organization's activities, the purpose of the request, and the itemized cost to be charged against project funds.

This subpart shall become effective on March 28, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-5941 Filed 3-27-73;8:45 am]

PART 1070—COMMUNITY ACTION PROGRAM GRANTEE OPERATIONS AND SUBPART—USE OF OEO GRANT FUNDS FOR THE PURPOSE OF PROGRAM OR OTHER INVOLVEMENT IN ALL COMMUNICATIONS MEDIA

Notice is hereby given that the regulations set forth below are promulgated as interim regulations by the Acting Director of the Office of Economic Opportunity. As a result of the prospective delegation of certain programs to other Federal departments, prospective funding changes, and changes in the management and administration of certain programs, the Office of Economic Opportunity has been required to institute emergency guidelines and instructions in advance of 30-day prior notice in the Federal Register. Accordingly, the regulations published below are effective on the dates indicated therein. Moreover, in view of the nature of the problems which these regulations are designed to remedy, having been advised by counsel, I find that to publish them in the Federal Register 30 days prior to their effective date would be impracticable and contrary to the public interest.

The regulations below will remain in effect unless and until superseded by permanent regulations published in the Federal Register. Interested persons wishing to comment before permanent regulations are promulgated may submit written data, views, and comments by mailing them to the Acting Director, Policy Regulation, Office of Program Review, Office of Economic Opportunity, 1200 19th Street NW., Washington, D.C. 20506, in time to arrive on or before April 25, 1973.

After careful consideration is given to all relevant material submitted, and to such other information as may be available, the Acting Director of the OEO may modify these interim regulations as he deems appropriate and publish them as permanent regulations in the Federal Register.

Chapter X, Part 1070 of Title 45 of the Code of Federal Regulations is amended by adding five new sections, reading as follows:

Sec.
1070.4-1 Purpose.
1070.4-2 Applicability.
1070.4-3 Background.
1070.4-4 Definitions.
1070.4-5 Policy.

AUTHORITY: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

§ 1070.4-1 Purpose.

This subpart provides policy governing the funding by OEO of all grantees in relation to all communications media, as defined herein, and all newsletters or house organs of OEO grantees.

§ 1070.4-2 Applicability.

This subpart applies to all grantees funded by OEO.

§ 1070.4-3 Background.

(a) The earlier draft Instruction 7044-1, which this subpart supersedes, covered only newspapers and newsletters or house organs. Further, it was applicable only to grantees funded under title II and title III-B of the Economic Opportunity Act of 1964, as amended. This did not provide a policy for title VII grants for Community Economic Development, nor for Special Impact grants under former title I-D, which has been repealed. Funding of such other communications media as general coverage magazines, radio, television and cable television, are, in effect and in terms of policy, no different than funding newspapers. This policy is set forth under § 1070.4-5(a) below.

(b) Experience also indicated that it is necessary and desirable to define further and reiterate OEO policy concerning the publishing with OEO funds of newsletters and house organs in order to establish clear lines of responsibility for same. This policy is set forth under § 1070.4-5(b) below.

(c) With specific reference to cable television (CATV) it should be noted that based on discussion between Federal Communications Commission (FCC) staff and OEO, there is reason to doubt that the FCC would issue necessary certificates of compliance for CATV projects subject to the restrictions contained in section 603(b) of the Economic Opportunity Act and the OEO implementing regulations.

§ 1070.4-4 Definition.

"Communications media" as used herein is confined to communications that are directed, or made readily available, to the general public. It specifically includes all radio broadcasting and telecasting, general coverage newspapers and magazines. The term "Communications media" excepts house organs or newsletters, bulletins, etc. which are specifically addressed to an organization's constituency and which are not given external distribution by the organization beyond its constituency. Policy on such publications, based largely on former draft Instruction 7044-1 which has been in effect, is covered in this subpart under § 1070.4-5(b).

§ 1070.4-5 Policy.

(a) Concerning *"communications media."* It is OEO policy not to provide funds to establish or operate any mass communication medium such as a general coverage newspaper or magazine, radio station or television station including a cable television system. However, under special circumstances and with the express written approval of the Director, OEO may make grants to help establish such a medium if such action is in furtherance of the grantee's approved OEO program, by assisting in the planning and initial expenses provided that: (1) The grantee agrees that OEO funds are to be provided only on a minimum, one-time basis, and not to provide long-term (over 1 year) operational or other support. (2) The grantee shall make a showing of interest by other investors and assure early divestiture from the grantee to a local public corporation with communitywide ownership not under the control of the CDC or other OEO grantee. (3) Ownership and management of the physical assets be separated from control of publishing or programing and the latter be under the control of a separate entity over whom the grantee cannot exercise any influence. This may be effected by the use of an "arms length" contract with some independent organization, or by the grantee-owner of the physical assets subcontracting the use of its assets to such an organization. In either event, OEO shall have the right of prior approval or disapproval of the entity which would control the output of the medium.

(b) *Concerning newsletters or house organs.* (1) OEO grantees may determine that publishing newsletters or house organs is essential to the accomplishment of the grantee's approved program. The OEO grant office reserves the right to review the grantee's justification of its need to publish a newsletter or house organ. Newsletters are under local grantee control as are all other program activities. While they reflect the policies and opinions of the local grantee, newsletters also are subject to the same laws and regulations, such as those restricting political activity, which govern all OEO funded programs.

(2) The grantee's principal representative board and boards of limited purpose agencies and community development corporations have the ultimate responsibility of insuring that the content of all grantee publications coming under their jurisdiction reflect the policies and opinions of the local program and are in accord with OEO policy. To accomplish this, the board may elect to delegate the review function to the Executive Director. In all cases, publications must be reviewed prior to printing to assure compliance with this policy and the sanction of the board.

(3) Responsibility for the content and distribution of such publication must be established. Arrangements shall be made by the grantee with each of its delegate agencies, neighborhood councils, and any other group it funds which are or may be publishing a newsletter or house organ to expedite this review process.

(4) Newsletters or house organs shall not be prepared or circulated for purposes other than informing the grantee's constituency on the program of the grantee and reporting information of direct use to the grantee's constituency in the accomplishment of the grantee's stated program.

(5) Project funds will not be spent for newsletters or house organs unless a review procedure has been established in accordance with this subpart.

(c) *Use of advertising time and space as non-Federal share.* OEO does not credit as an in-kind contribution for a grantee's non-Federal share requirement any news coverage, editorial comment, advertising or public service time or space in any communications media such as radio, television, magazines, wire services and news services. This policy does not, however, prohibit a grantee from suing Federal or non-Federal funds for publicizing or advertising program activities when the grantee can show that the expense is the best way of achieving a legitimate program purpose. This is an allowable expenditure although not an allowable in-kind contribution for a grantee's non-Federal share requirement. This policy also does not prohibit a grantee from accepting public service time or notices in the mass media, as long as such activities are not treated as in-kind, non-Federal share contributions.

Effective date. This subpart shall become effective April 1, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc. 73-5840 Filed 3-27-73; 8:45 am]

IN HONOR OF FATHER KEANE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. BROWN of California. Mr. Speaker, our Nation has produced its fair share of religious leaders of all faiths. There are many stories of such leaders who have shared in one way or another in the national limelight.

It is my great pleasure today to insert into the RECORD a resolution which I have addressed to the mayor and city council of Colton, my hometown, concerning one of my constituents, Father Michael Keane of Immaculate Conception Catholic Church. The resolution reads as follows:

> Whereas, Father Keane is the present "dean" of ministers in San Bernardino County, the longest serving clergyman in the area; and,
>
> Whereas, Father Keane is the founding pastor of Immaculate Conception Catholic

Church (1943) which has a current congregation of some 1400 families; and,

Whereas, Father Keane has extended the use of the facilities of said church to the community at large; and,

Whereas, Father Keane has carried on a youth program second to none; and,

Whereas, Father Keane has exercised his civic responsibility by serving unselfishly on numerous boards and committees; be it therefore

Resolved, That June 16, 1973, be recognized by the Mayor and City Council as a day of celebration for the Colton community in honor of the 35th Anniversary of Father Keane's ordination and for his enthusiastic service and devotion to his church and community.

George E. Brown, Jr.,
Member of Congress.

FISHING RIGHTS?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DERWINSKI. Mr. Speaker, when giving attention to foreign affairs, we are naturally preoccupied with the remaining problems in Southeast Asia and the constant explosive situation in the Middle East.

However, we should be mindful of the unfortunate confrontation between Iceland and Great Britain over the subject of territorial waters and related fishing rights.

The Chicago Daily News, in a very timely and effective editorial on Friday, June 1, properly makes the point that through the United Nations, an effective way must be made to solve the lengthy disputes in this and similar confrontations.

I include the editorial at this point in the Record:

[From the Chicago Daily News, June 1, 1973]

Fishing in Troubled Seas

As battles go, the "cod war" between Iceland and Britain isn't any great shakes. A few nets cut, a few shots fired, fishing trawlers damaged, no casualties so far. But it's serious enough to divert the attention of President Nixon and French President Pompidou during their Iceland summit meeting, for this "war" between allies has disruptive potentials for NATO and European politics.

It's serious, too, in that it is symptomatic of a global struggle over fishing rights and territorial waters. Iceland, where fishing is a primary industry, last year announced that no other nation could fish within 50 miles of its shore. Britain refused to recognize the new limit, which would rob British fishermen of grounds they have fished for centuries.

Similar disputes have cropped up all around the globe. Some Latin American countries claim as their exclusive fishing grounds all the sea within 200 miles of their coast. Ecuador and Peru have seized many an American tuna boat found within that limit, and assessed huge fines. Canada has just served notice it intends to claim exclusive rights to fishing out to 200 miles, which would bar other nations from the Grand Banks of Newfoundland, one of the world's most productive fishing grounds.

Behind all this concern lies the fact that commercial fishing is undergoing a revolution similar to the agricultural revolution on land. Fishing is no longer a matter of a few brave men, a small boat and a net. Bigger boats, equipped with elaborate electronic gear for locating fish and machinery for catching and processing them, now roam the seas. Their increased catches help meet the increased world demand for food, but they also threaten to upset the natural balance in the seas. Already there is a grim possibility that "factory ships" and improved technology have doomed the great whales to extinction.

Neither Iceland nor Canada can be blamed for wanting to preserve their traditional fishing grounds and the industry they support. Nor can any other nation stand by and see highly mechanized fleets rob its coastal waters of marine life. At all costs, the vast resources of the sea must be preserved for the benefit of all mankind.

But for any nation to make a unilateral grab for ocean territory violates all the traditions of international access to the seas. What is missing, and sorely needed, is international agreement on territorial limits and the regulation of the fishing industry.

The United Nations has nibbled at the edges of this problem, but so far to no avail. Another try will be made later this year. And with the example of the cod war before them, illustrating how ugly fishing disputes can become, the world's nations should put regulation at the top of their "urgent" list.

AN INTERNATIONAL ORGANIZATION OF OIL IMPORTING NATIONS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. YOUNG of Alaska. Mr. Speaker, on May 17, 1973, I introduced a bill (H. Res. 403) asking the President to call a conference of oil-importing nations for two purposes. First, to establish an international organization of oil-importing countries, and, second, to establish common practices and policies affecting oil prices, importation, and consumption. The following Congressmen joined me in cosponsorship of that bill: Mr. Ketchum, Mr. Gunter, Mr. Derwinski, Mr. Cochran, Mr. Gude, Mr. Won Pat, Mr. Whitehurst, Mr. Huber, Mr. Frenzel, Mr. Froehlich, Mr. Shoup, Mr. Harrington, Mr. Duncan, Mrs. Grasso, Mr. Moakley, Mr. Riegle, Mr. Parris, and Mr. Cleveland. In addition to these Members, Congressmen Roe, Winn, Gilman, Kemp, Rinaldo, and Seiberling have asked to join the legislation should I reintroduce the bill. In light of recent development borne out in the following Washington Post article, I do intend to reintroduce the bill a week from today and would welcome further cosponsorship. I commend your attention to the following article:

A Three-Way Oil Scramble Looms

(By David B. Ottaway and Ronald Koven)

After having pressed during the past year for a common front with Western Europe and Japan to meet the current energy crisis, the United States now appears to have growing doubts that such an approach is feasible or desirable.

With less than 10 days to go before a critical meeting of the major oil-consuming nations in Paris, the U.S. government has so far failed to do more than draw up a restricted list of areas in which some cooperation might be possible.

On the key issues of dealing with spiraling oil prices and of international sharing of the available oil in times of emergency, the U.S. government has no concrete proposals to present to the conference.

The irony of the situation is that Washington, which had been stressing the urgency of establishing a common policy, seems to be playing for time while administration energy planners figure out where American interests really lie.

The upshot may well be what Under Secretary of State for Economic Affairs William J. Casey has called "an increasing Balkanization of the oil market" as each country seeks its own private oil preserves.

There is a real danger that, as decisions are put off and deadlines for studies on both sides of the Atlantic are pushed back, the competitive scramble may come and go before governments have even drawn up their plans for cooperation.

Solutions that seemed self-evident as recently as two months ago now seem, under closer scrutiny, to pose as many problems as they may solve. The resulting internal debate among U.S. policy planners has left the Nixon administration with no clear policy.

Middle-level officials who once had a clear run of U.S. oil policy have been displaced since the energy shortage has become a pressing political issue. White House national security adviser Henry A. Kissinger and Secretary of the Treasury George P. Shultz are currently grappling with the complex issue.

While the middle-level officials had relatively clear ideas, and even detailed proposals, about U.S. oil policy, their top-level successors are only beginning to think the question through as they engage in a process of self-education.

"We should not minimize the issues we face in considering cooperative measures" with Europe and Japan, Under Secretary Casey recently testified.

Among the questions he listed were whether Washington is ready to accept "binding arrangements" with Europe for sharing oil imports in an emergency, whether Americans are ready to accept transatlantic petroleum rationing and whether U.S. business is ready to share its fuel-industry patents and technology with foreign nations.

"We have not even finished inventing the questions" about dealing with the energy crisis, said one top-level government adviser.

As for earlier governmental consideration of forming what Walter Levy, possibly the top American private oil consultant, has called a "countervailing power" to the oil-producers cartel (OPEC—the Organization of Petroleum Exporting Countries), most top U.S. oil officials have concluded that such a "confrontation organization" would be counterproductive.

Instead, U.S. officials are talking at least as much about how to establish cooperative relations with the oil-producing nations as with our fellow consumers.

LONG DEADLINE

The Europeans are in no better shape than the Americans. A recent session of the energy ministers of the nine-nation European Economic Community failed to agree on a common policy. They set Dec. 31 as a deadline for drawing up a plan for a community oil market. At the earliest, proposals will be set before the ministers in the autumn.

Henri Simonet, the Common Market's energy commissioner, who is just finishing a round of talks with Washington officials, concluded that the Americans are "quite far away" from establishing a petroleum foreign policy. "I suppose they are probably in the same state as we are," he said.

NO SPECIAL RELATION

This week, the State Department's top oil expert, James E. Akins, said that the United States, in an effort to avert cut-throat competition for exclusive oil supplies, had turned down a Saudi proposal last fall for a "special relationship." The Americans asked the Europeans and Japanese to shun similar offers, he said.

The U.S. effort failed, Akins said, and "The scramble started anyway." American companies are also involved, he said.

Starting a year ago, the United States twice issued urgent calls at meetings of the Organization for Economic Cooperation and Development, the 23-nation club of this world's industrialized nations, for the establishment of close cooperation in petroleum policy.

Saudi Petroleum Minister Sheikh Zaki Yamani denounced what he took to be an American plan as a call for economic "war." Backing off, American officials said that Yamani had misunderstood the most militant position expressed in America—an oil consumers' cartel to deal directly with OEC—as representing U.S. policy.

Nevertheless, President Nixon dispatched former Commerce Secretary Peter G. Peterson to Japan and Europe as a special ambassador to explore prospects for policy coordination.

In testimony before Congress this week, Deputy Treasury Secretary William E. Simon indicated U.S. official reluctance to make any speedy commitments to its European and Japanese partners.

For example, on the question of emergency oil sharing, he said, "If we should agree to serious negotiations with European members of the OECD over a sharing formula, these negotiations can be expected to be difficult and protracted."

A major dilemma for the United States is whether to include American domestic petroleum reserves in any common oil pool.

U.S. government staff studies have shown that the United States—still the world's largest oil producer, although its production has plateaued—would probably lose more oil than it would gain in any sharing formula likely to be acceptable to the other industrialized nations. Except for the North Sea area now under development, neither Europe nor Japan has any substantial oil sources to share.

If Arab oil to the West were cut off, the United States could therefore be called upon to contribute a disproportionate share of everyone's oil rations.

American reluctance may stem from a growing awareness that the United States is in the best position to go it alone in any oil scramble. Not only does it have its own domestic oil production and the as yet untapped Alaskan deposits, it also has a preponderant position with the top three oil-exporting nations—Saudi Arabia, Iran and Venezuela. American companies are the major producers in Saudi Arabia and Venezuela and share the wealth with the British in Iran. Washington exercises the preponderant foreign political influence in all three.

The United States is considering its own plans for stockpiling a 90-day oil supply against an emergency, at an estimated cost of about $3 billion. Stockpiling is one of the issues that Washington says it is ready to discuss with OECD nations, most of which already have their own stockpiling plans.

The other major topic at the forthcoming OECD oil committee meeting in mid-June is expected to be joint plans for international cooperation in research and development of alternatives to oil.

But U.S. officials see no way of coming to grips with what is perhaps the most intractable issue of all—the ever-rising price of oil. Independent American oil companies are in the forefront of the scramble to sew up oil at almost any price.

In the past three years, the price of oil has doubled, and it may more than double again to $10 a barrel or more by 1980. But in a world sellers' market, U.S. and European officials doubt that prices can be held down even if bidding among consumers is eliminated. None seriously believes that an oil-consumers' organization could stand up to the steady OPEC demands for ever higher prices.

In 1980—when most estimates are that the United States will be importing about half of a total oil consumption of around 26 million barrels a day—it is calculated that every one-dollar increase in the price of a barrel of oil would add $7 billion to America's foreign oil bill.

Deputy Secretary Simon testified that U.S. oil imports are expected to reach about 33 per cent of our total consumption this year. State's Akins suggested last week that this might reach 50 per cent even before 1980—by 1976. According to Simon, U.S. payments for foreign oil should reach about $7 billion this year, $10 billion in 1975 and $17 billion by 1980.

Nor do U.S. planners see precisely how the oil consuming nations, widely divergent in their interests and their internal economic organizations, can mesh their policies. Some countries, like France and Italy, have government-directed oil industries, while others, like the United States, have thus far largely left the making of oil policy to private companies.

Even the interests of private companies have often been widely divergent. Oil-producers like Iraq and Iran have been very successful in playing the members of oil-company consortia off against each other. In Libya, major American companies now face the threat of nationalization, the big, established oil companies like Exxon fear that the small U.S. independent companies will cave in and make separate deals.

The European nations, suspicious of the motives behind American calls for cooperation, point out that the Anglo-American companies dominate the international oil industry. So long as there was plenty of oil to go around, this was tolerable to the Europeans. With shortages looming, however, they inevitably suspect that the major companies will be forced to supply their own countries first in any emergency.

Jean Leclerq, a Common Market energy expert, recently remarked, "Any cartel we formed would be under American controls." Such distrust is mutual. One American official said, "The Europeans don't want us to make special relationships, but they don't want to forgo any special relationships of their own."

Atkins testified, "The Europeans don't like seeing us in the market competing for the available energy. They wanted us to find more sources at home."

U.S. officials often cite the French deals to buy petroleum directly from Iraq behind the back of the Western consortium to which they belonged after most Western oil holdings were expropriated last year.

Inside the Common Market, the French accuse Britain, West Germany and the Netherlands of wanting to come to terms with the United States even before there is an agreed European community oil policy. The French favor establishment of a centralized community petroleum marketing organization, a supranational agency that would regulate exports and imports and perhaps make direct deals with the oil-producing nations.

Such an organization could severely restrict the freedom of action of such major companies as British Petroleum and Royal Dutch Shell and could also displace the positions of the European market.

One of Europe's worries, Commissioner Simonet said, is that if there is no control of exports from the Common Market, U.S. companies will buy up Middle East crude oil imported for refining on the Continent. He said that there are already large American gasoline purchases in France, Italy and the Netherlands.

DISTANCE FROM ISRAEL

Perhaps the overriding European objection to tying themselves up to the Americans is U.S. backing for Israel in the Middle East. Britain, France and Italy have grown more distant from Israel in their drive to secure assured sources of Arab oil. They argue that any Arab oil embargo would more likely be aimed against the United States than against Europe or Japan.

Therefore, any oil-sharing alliance under which a boycott of one is seen as boycott of all would serve primarily as an oil insurance policy for the United States.

The Japanese seem to be the only ones who know exactly what they want and are going all-out to get it. They have told the Arabs that Japan rejects a consumers' organization. While professing the need for cooperation among the industrial oil-consumers, the Japanese have been feverishly staking out their own exclusive sources up and down, the Persian Gulf and elsewhere.

Although no clear U.S. policy line has been set out, there has been a definite change in tone toward the oil-producers, especially Saudi Arabia, which is widely regarded as holding the key to an adequate U.S. oil supply in the coming decade.

Significantly, the United States has announced, over strenuous Israeli objections, its willingness to sell the Saudis the most advanced war planes available to Israel.

There has been a multiplication of welcoming official statements about Saudi ideas of investing their funds in America.

There has also been a multiplication of statements that Washington wants cooperation, not confrontation, with the Arab oil-producers.

In private conversation, U.S. officials now place a new stress on the need for "understanding" of the Arab nations' needs and psychology. There is talk of a new kind of foreign-aid approach for countries that do not need U.S. money grants but do need American technology and know-how to develop their societies.

Although U.S. officials still say for the record that "special relationships" with the producing nations may be destructive of consumer-nation unity, nevertheless there is increasing evidence that the Americans are now quietly exploring such relations. Akins testified that the United States had told the Saudis they can get everything they want from the United States "without a formal special relationship."

In a hint that Washington is already thinking beyond focusing its efforts on cooperation with Europe and Japan. Deputy Secretary Simonet said that, if those areas will not agree to eschew special deals with the producers, then, "Obviously, if the world disagrees, we will have to revise our plans."

BRAY'S 1973 PUBLIC OPINION POLL

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. BRAY. Mr. Speaker, next to the mailman the Member of Congress is the Federal official closest to the individual citizen. This is often overlooked or ignored. Also seldom realized is the fact that through the Congressman the citizen has a direct and rapid pipeline to the Federal Government—any part of it—at any time on any matter. This is a very real freedom that must be preserved and strengthened.

A public opinion poll is probably the very best way of keeping this pipeline open and in constant use. It enhances the regular communication I have with my constituents and generates new and widespread interest in pending issues. As in past years, the results from the poll will be tabulated and inserted into the CONGRESSIONAL RECORD, with everyone being polled getting a copy of the insert.

The questions follow:

QUESTIONS

(1) If busing school children for racial reasons is *not* banned by the Supreme Court, would you favor a constitutional amendment?

(2) Do you think wage/price controls are necessary to fight inflation?

(3) Do you favor national health insurance paid by increased Social Security and other taxes?

(4) Do you think the energy crisis has passed pollution in importance?

(5) Do you feel world tensions are relaxed to the point where we can afford major cutbacks in our defenses?

(6) Some say there are "victimless" crimes—marijuana, prostitution, pornography, for example—that should *not* be considered as crimes, nor prosecuted. Do you agree?

LEGAL AID FOR POOR

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, the House will soon be considering legislation to establish an independ Legal Services Corporation in place of the present legal services program in the Office of Economic Opportunity. On April 16, 1973, the Chicago Daily News carried an editorial endorsing the important concept of providing legal assistance for the poor and urging continuation of the present program until Congress does establish the new corporation. At this point in the RECORD I include the full text of that editorial and commend it to the reading of my colleagues. The editorial follows:

RETAIN LEGAL AID FOR POOR

Of all the programs of the war on poverty, one that has done much good for poor people has been Neighborhood Legal Services. The program put some 2,500 lawyers (most of them young and eager) to work counseling the poor in 900 neighborhood offices in 300 cities. The result, as noted on this page the other day by columnist James J. Kilpatrick, has been "to foster a sense of confidence not only in the courts, but also in what is known vaguely as 'the system.'"

As the Nixon administration dismantles the Office of Economic Opportunity, however, the $70 million Neighborhood Legal Services program is in danger of lapsing. Authority for it runs out in June, and despite a lot of talk about saving or replacing it, nothing concrete is before Congress.

The legal aid program is in hot water mainly because its enthusiastic young staffers stepped on a lot of political toes in expanding the rights of consumers, tenants, workers and welfare recipients. An outspoken critic of the program has been Vice President Agnew, who has wrongly accused legal aid lawyers of pursuing social reform to the neglect of poor people.

But President Nixon has on several occasions endorsed the concept of making legal aid to the poor "a permanent, responsible and responsive component of the American system of justice." The President has promised a plan for a permanent legal services corporation. But the hour is getting late and the need for the program continues. At the very least, Neighborhood Legal Services should be retained under some federal agency while the work continues toward a permanent, independent and well-funded success. As Kilpatrick, a leading conservative writer, said: Only in this way can the promise of "equal justice under law," chiseled onto the face of the U.S. Supreme Court building, be assured.

SALUTE TO THE FLAG

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. HOGAN. Mr. Speaker, recently the Disabled American Veterans met to honor John Jay Daly of Washington, D.C., I wish to extend my warm congratulations to Mr. Daly and share with my colleagues a salute to the flag written by him:

A TOAST TO THE FLAG

(By John Jay Daly)

Here's to the red of it—
There's not a thread of it,
No, not a shred of it
In all the spread of it
From foot to head,
But heroes bled for it,
Faced steel and lead for it,
Precious blood shed for it,
Bathing it Red!

Here's to the white of it—
Thrilled by the sight of it,
Who knows the right of it
But feels the might of it
Through day and night?
Womanhood's care for it
Made manhood dare for it
Purity's prayer for it
Keeps it so white!

Here's to the blue of it—
Beauteous view of it,
Heavenly hue of it,
Star-spangled dew of it
Constant and true;
Diadems gleam for it,
States stand supreme for it,
Liberty's beam for it
Brightens the blue!

Here's to the whole of it—
Stars, stripes and pole of it,
Body and soul of it,
O, and the roll of it,
Sun shining through;
Hearts in accord for it,
Swear by the sword for it,
Thanking the Lord for it,
Red White and Blue!

DECLINE OF SMALL TOWNS

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Thursday, June 7, 1973

Mr. DOMENICI. Mr. President, when I came to the Senate I was already concerned that the inordinate growth of our supercities was accompanied by a consequent and unfortunate decline in the Nation's small towns, which have long embodied many of our truly national virtues.

I wish it were possible to tell you that during my service here that concern has declined. Unfortunately, that is not so.

In fact, I have become increasingly aware that most of our Nation does not understand the dimensions of the problem—what it stands to lose if rural and small-town America continues to wither and die.

I note with dismay in the June 11 issue of U.S. News & World Report the Census Bureau figures which illustrate this trend so dramatically—and indeed so frighteningly.

Since I feel it incumbent on the Nation to establish a national policy of balanced growth which faces this problem squarely and attempts to solve it, I ask unanimous consent that this article be printed in its entirety in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GETTING BIGGER ALL THE TIME: U.S. SUPERCITIES

The big city areas of the U.S. are growing in number and population, while the rural areas are still shrinking.

That's the latest word from the Census Bureau—and it has wide implications for the business community.

These supercities are what the Government calls Standard Metropolitan Statistical Areas. In essence, they include central cities combined with vast stretches of suburban neighborhoods. Now these suburban portions are spreading farther out—into what some authorities call "exurbia"—and that is a major reason for the latest shift in SMSA's.

The list on this page shows how the largest of the SMSA's have changed, based on 1970 Census calculations.

On April 27, the Office of Management and Budget—the agency responsible for the naming of SMSA's—redefined the areas involved.

A total of 26 new areas were created, 12 previous areas were merged into 6 and others were expanded. Some regard this as just statistical juggling. But it contains these hints of shifting values for both businessmen and local officials:

When an SMSA rises in population—or is created for the first time—it becomes a more attractive target for marketing, advertising and industry.

Monthly data on unemployment in each SMSA, gathered by the Labor Department, determines its eligibility for certain types of preference in federal procurement contracts.

Population of an SMSA is part of the planning criteria in determining how much money will be dispensed to the area in federal grants for housing and environmental projects.

Some shifts in the SMSA figures now made by the Census Bureau require explanation. For example—

The New York City metropolitan area—containing part of New Jersey—has dropped

approximately 14 per cent in population. Reason: A new SMSA was created on Long Island, comprising the counties of Nassau and Suffolk, which now becomes the ninth-largest such grouping in the U.S. That area's population was subtracted from the New York metropolitan area.

Major changes also were made in Texas and Utah. The Dallas and Fort Worth areas are now combined into one. Similarly, the Salt Lake City and Ogden areas have been merged.

THE NEW "TOP 50" METROPOLITAN AREAS

Metropolitan area	Population		Change (percent)	Old rank
	Old definition	New definition		
1. New York	11, 571, 899	9, 973, 577	Down 14	1
2. Los Angeles-Long Beach	7, 032, 075	7, 032, 075		2
3. Chicago	6, 978, 947	6, 978, 947		3
4. Philadelphia	4, 817, 914	4, 817, 914		4
5. Detroit	4, 199, 931	4, 431, 390	Up 6	5
6. San Francisco-Oakland	3, 109, 519	3, 109, 519		6
7. Washington, D.C	2, 861, 123	2, 908, 801	Up 2	7
8. Boston	2, 753, 700	2, 899, 101	Up 5	8
9. Nassau-Suffolk, N.Y	(1)	2, 553, 030		
10. St. Louis	2, 363, 017	2, 410, 163	Up 2	10
11. Pittsburgh	2, 401, 245	2, 401, 245		9
12. Dallas-Fort Worth [2]	2, 318, 036	2, 377, 979	Up 3	
13. Baltimore	2, 070, 670	2, 070, 670		11
14. Cleveland	2, 064, 194	2, 064, 194		12
15. Newark	1, 856, 556	2, 054, 928	Up 11	14
16. Houston	1, 985, 031	1, 999, 316	Up 1	13
17. Minneapolis-St. Paul	1, 813, 647	1, 965, 159	Up 8	15
18. Atlanta	1, 390, 164	1, 597, 816	Up 15	20
19. Seattle-Everett	1, 421, 968	1, 421, 968		17
20. Anaheim-Santa Ana-Garden Grove	1, 420, 386	1, 420, 386		18
21. Milwaukee	1, 403, 688	1, 403, 688		19
22. Cincinnati	1, 384, 851	1, 384, 851		21
23. San Diego	1, 357, 854	1, 357, 854		23
24. Buffalo	1, 349, 211	1, 349, 211		24
25. Kansas City	1, 253, 916	1, 271, 515	Up 1	26
26. Miami	1, 267, 792	1, 267, 792		25
27. Denver-Boulder	1, 227, 529	1, 228, 801		27
28. Riverside-San Bernardino-Ontario	1, 143, 146	1, 143, 146		28
29. Indianapolis	1, 109, 882	1, 109, 882		29
30. Tampa-St. Petersburg	1, 012, 594	1, 088, 549	Up 8	32
31. San Jose	1, 064, 714	1, 064, 714		30
32. New Orleans	1, 045, 809	1, 045, 809		31
33. Columbus	916, 228	1, 017, 847	Up 11	35
34. Portland, Oreg	1, 009, 129	1, 009, 129		33
35. Phoenix	967, 522	967, 522		34
36. Rochester, N.Y	882, 667	961, 516	Up 9	37
37. Providence-Warwick-Pawtucket	910, 781	905, 558	Down 1	36
38. San Antonio	864, 014	888, 179	Up 3	38
39. Louisville	826, 553	867, 330	Up 5	40
40. Dayton	850, 266	850, 266		39
41. Memphis	770, 120	834, 006	Up 8	42
42. Sacramento	800, 592	800, 592		41
43. Albany-Schenectady-Troy	721, 910	777, 793	Up 8	45
44. Birmingham	739, 274	767, 230	Up 4	44
45. Toledo	692, 571	762, 741	Up 10	46
46. Greensboro-Winston-Salem-High Point	603, 895	723, 304	Up 20	56
47. Hartford	663, 891	720, 581	Up 9	49
48. Salt Lake City-Ogden [2]	683, 913	705, 458	Up 3	
49. Nashville-Davidson	541, 108	699, 144	Up 29	59
50. Oklahoma City	640, 889	698, 180	Up 9	50

[1] Newly established SMSA.

[2] New area created by merging 2 areas previously measured separately; old definition includes population of both areas.

Source: Based on new, broadened definition of standard metropolitan statistical area by the Office of Management and Budget and computed by the U.S. Census Bureau.

THE SAM SACKMAN SCHOLARSHIP FUND FOR UNDERPRIVILEGED ISRAELI STUDENTS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. KEMP. Mr. Speaker, this Saturday evening I will have the honor of speaking at a testimonial dinner dance which will pay tribute to Samuel H. Sackman, commissioner of the Federal Mediation and Conciliation Service and an outstanding figure in labor-management circles in western New York.

Sam has been involved in collective bargaining since his 1949 graduation from the School of Industrial and Labor Relations at Cornell University—first with the International Ladies' Garment Workers' Union, AFL–CIO and then with the Pennsylvania Bureau of Mediation. He was assigned to Buffalo, N.Y., after joining the Federal service in 1964.

Sam is also a cofounder of the Industrial Relations Research Association of Western New York and is a vocal backer of labor relations education in the schools.

Several awards have been presented to Sam for his mediation work. He has often said that part of the pleasure in his job is the creativity involved in aiding the two sides involved in bargaining to reach an agreement and much of this creativity lies in analayzing and pointing out solutions to the parties so they can work out the situation.

The proceeds of the testimonial dinner honoring Sam will go for the Samuel H. Sackman Perpetual Histadrut Scholarship Fund. Free education in Israel stops at the age of 16 and these scholarships will enable underprivileged students to complete their last years of high school or vocational school.

I would like to speak for a few moments about the General Federation of Labor in Israel, better known as Histadrut. Histadrut is a highly developed trade union movement which differs greatly in its organizational structure and scope of activities from most other free trade union movements. It is more than just a trade union, however, for in addition to its normal trade union functions, it also engages in large-scale entrepreneurial operations in agriculture, industry, finance, social and cultural services. Membership in Histadrut is open to "all men and women workers 17 years of age and above who live on the earnings of their own labor without exploiting the labor of others, and who abide by the discipline of Histadrut in accordance with its rules and the decisions of its authorized institutions."

Perhaps the best way to describe what Histadrut is would be to point to its many accomplishments. From the original 4,433 members who first came together in 1920 under the leadership of David Ben-Gurion, Histadrut has grown almost 300 times, to more than 1.2 million members. Present membership comprises some 85 percent of the total working population. Members of all the trade unions belong as do the management echelons of the many business enterprises owned by Histadrut. Many members of Knesset, the Israeli parliament, have joined, including cabinet members and Premier Golda Meir.

Histadrut has bargained and gained fair labor conditions and wages for its members. Nearly all of Israel's wage earners are under collective agreements covering wages, fringe benefits such as health insurance, paid vacations, and pension funds, and the country's labor legislation is the most advanced in the Middle East. Histadrut's health organization insures over 2,000,000 people, about 70 percent of the total population. Histadrut's educational and vocational training programs offer a "second chance" to those who have missed a regular education. And in the industrial sector Histadrut affiliates manufacture a fifth of Israel's industrial output. Histadrut's greatest accomplishment, however, has been the important role it has played in the building of Israel as a free and independent nation.

Buffalo has become the third city in New York State to form a council to help Histadrut by promoting the goals of the national organization which is headquartered in Tel Aviv. There are other councils for Histadrut in 21 States and in two Provinces in Canada.

The testimonial dinner for Sam Sackman is being held in cooperation with the newly formed Buffalo branch of the American Trade Union Council for Histadrut. Its secretary, and my friend, James E. Lindsay, who is also president of Service Employees Local 227, AFL–CIO, has described Sam as an outstanding representative of the Federal mediation service,

> We think he's done an outstanding job as a man who gives 150 percent and has helped to avoid many strikes.

The union president explained that Sam Sackman could not be given any money because he is a Federal employee. So the scholarship fund was chosen "knowing Sam is dedicated to education."

Sam agreed to the testimonial dinner because its proceeds would be used for education and because it would ultimately benefit a nation "that protects the right of collective bargaining." He has never been to Israel, but plans to go in the near future to visit relatives there.

I would like to add my commendation to those of the many representatives of labor, business, government, civic, and academic life who will join in honoring Sam Sackman on June 9. Congratulations, Sam, for your outstanding service to labor and management in western New York and to Histadrut.

Mr. Speaker, I include at this time for the information of my colleagues an article concerning Sam Sackman and Histadrut which recently appeared in the Buffalo Evening News:

New Buffalo Council Adds Its Support to Israel's Histadrut Social Agency

(By Ed Kelly)

Buffalo is taking its place among the cities in the United States where branch councils assist the work of Histadrut in Israel.

Histadrut, a Hebrew word meaning federation, is a national organization in which labor figures prominently and which is dedicated, above all, to the general improvement of life—social and economic—for all in Israel, from ditchdigger to nuclear scientist, truck driver to head of state.

Members of all the trade unions there belong to Histadrut. So do the management echelons of the many business enterprises owned there by Histadrut. So do thousands of professional people, lawyers, doctors, dentists, writers.

So do the Israeli police. So do many members of Knesset, the Israeli parliament, including cabinet members and Premier Golda Meir.

Histadrut has three major roles: Providing medicare coverage "from womb to tomb" for its members; participating in varied cultural and educational programs; and providing jobs, especially for new immigrants, by bringing new businesses into the land on the Mediterranean.

Here in North America, several units—known as councils—have been formed to help Histadrut by promoting the goals of the national organization headquartered in Tel Aviv.

One such unit is the New York City-based American Trade Union Council for Histadrut whose honorary chairmen are Presidents Frank Fitzsimmons of the Teamsters, Donald MacDonald of the Canadian Labor Congress, George Meany of the AFL-CIO and Leonard Woodcock of the United Auto Workers.

There's also a national Civil Service Council for Histadrut operating in the U.S. It's made up of persons in the public sector and is chaired by Lou Levine, New York State industrial commissioner.

There are councils for Histadrut in 21 states of the U.S. and in two provinces—Ontario and Quebec—in Canada.

With formation of the council here, Buffalo becomes the third city in the state to have such a unit. The others are in Greater New York and Rochester.

The councils for Histadrut here and elsewhere aim at popularizing Histadrut's programs and raising funds for the national organization's use in Israel.

None of the funds are used for trade union or political purposes.

Instead, they're used solely to advance the humanitarian and social programs of Histadrut, especially in the educational area.

Because the Republic of Israel has to use so much of its treasure for defense, it can't provide a complete free secondary school education for its younger citizens.

Students in the junior and senior years of high school in Israel must pay tuition.

Histadrut uses much of the money raised for it by its supporting councils abroad to give scholarship aid to such juniors and seniors. The scholarships are based on merit and need and everyone in Israel—Jew, Christian, Moslem—is eligible to receive them.

This scholarship program, incidentally, will be the beneficiary of any proceeds—after expenses—realized on June 9 when the labor-management community of Western New York holds a testimonial dinner in the Statler Hilton's Golden Ballroom for Sam Sackman, a federal mediator here.

The proceeds will establish a perpetual Histadrut scholarship in Sackman's name for underprivileged Israeli children. Each dollar will be matched by Histadrut itself, the money invested and the grant supported in future years by earned dividends.

Supporting the Sackman dinner, which is being held in cooperation with the newly-formed Buffalo branch of the American Trade Union Council for Histadrut are representatives of this area business, industrial, governmental, civic and academic life as well as its trade union movement.

This broad cross-section of Western New York citizenry parallels, in microcosm, the broad cross-section of Israeli citizenry embraced by Histadrut itself.

For labor is only one component of Histadrut, albeit a major one, says Eddie Rosenberg, field director of the American Trade Union Council for Histadrut, who helped set up its Buffalo unit.

Histadrut, says he, is more than the sum of its parts. It is, he declares, a cause that seeks nothing less than the betterment of man.

With the establishment of Histadrut's supportive council here, area labor, management and public have joined that cause.

THE EASTERN ORTHODOX MEN'S SOCIETY 11TH ANNUAL AWARDS DINNER

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Sunday, May 20, 1973, I had the pleasure and the privilege of attending the 11th annual awards dinner of the Eastern Orthodox Men's Society, which was held at St. Michael's Hall in Youngstown, Ohio.

The Eastern Orthodox Men's Society presented me with the Community Service Award. Mr. Speaker, I am very proud and deeply grateful to the society for bestowing this honor upon me.

The Eastern Orthodox Society also honored Mr. Jacob Gricuk and Mr. Harry Kiddon with their Man of the Year Award for outstanding lay activity in the Eastern Orthodox Church and for their personal achievements.

Dr. James W. Kiriazis, associate professor of sociology and anthropology at Youngstown State University, lauded the three award recipients for maintaining "a consistent sense of responsibility." He noted that it is important to honor individuals who uphold the values of society "at a time when the Nation is going through a period of permissiveness."

In addition, Dr. Kiriazis observed that—

> America is moving away from an internalized conscience but our church maintains that we should try to regain this aspect because we are responsible in our actions to God and to our fellow man.

The society arranged for the families of the three honorees to be present for the award presentation, bringing some family members from out of town. Mr. Nick Pavelko, president of the Eastern Orthodox Men's Society, was acknowledged for his efforts in organizing the awards dinner.

Mr. Speaker, I heartily commend the Eastern Orthodox Men's Society and the Orthodox faith for attempting to cultivate what is best in the various ethnic groups and for their efforts to promote greater understanding among people of different faiths.

Mr. Speaker, I insert my address to the Eastern Orthodox Men's Society and parts of the program in the RECORD at this time. The address and excerpts from the program follow:

An Ancient Faith and Its Modern Message: Address to Eastern Orthodox Men's Club of Greater Youngstown

It is a great privilege for me to be with you here today, to share in your community service program, and, needless to say, to be a recipient of your community service award. In sponsoring a program of this kind, you are upholding and advancing the finest ideals of your faith and of your nation alike—ideals of service to God and country, ideals too often neglected these days in our land. I am delighted therefore to accept this award as evidence of your deep concern for the well-being of the local community, knowing that the basic health of American society is to be found in the local community. It is here that citizenship finds its first and immediate obligation and opportunity.

I am especially pleased to commend your men's society and all that it represents of dedicated service to what has sometimes been called our fourth faith—the rich heritage of the Orthodox tradition, which in recent decades has taken its rightful place alongside "Catholic, Protestant, and Jewish" as one of the principal communities of faith here in America.

During the last few decades we have seen the Orthodox community in America developing new strength and purpose, adapting itself with fresh vigor to the conditions of American life, applying the spirit and wisdom of an ancient faith to the contemporary scene. Our common religious heritage is at once ancient and ever-new, traditional and timeless. It is the special character of Orthodoxy to have preserved a continuity with the fathers of the church, the ancient liturgies, and the fullness of apostolic tradition. In our ecumenically minded age, orthodoxy has much to say and to offer.

Moreover, the Orthodox communities in this nation are all, historically speaking, associated with distinctive ethnic and national origins. While orthodoxy itself is transnational, in common with every form of Christian belief, it has always accepted and honored the contribution which ethnic communities can make to the larger Christian commonwealth. For example, worship in the vernacular is a venerable part of the Orthodox tradition.

Today in America we are more conscious than ever before of the special values which belong to our ethnic communities with their varying customs and traditions. The idea of the "melting-pot" has given way to a new image of America as a mosaic or tapestry, a kind of rich symphony in which the unity of all is built upon a creative diversity.

Yet, at the same time, within the family of Orthodox churches, there is a renewed sense of unity, of things held in common, of identity and self-consciousness, of pride and of purpose. Here in metropolitan

Youngstown your own Eastern Orthodox Men's Society demonstrates that new spirit of unity.

You have brought together members of churches representing many ethnic traditions: Carpatho-Russian and Russian, Bulgarian-Macedonian, Greek, Serbian, and Syrian, an impressive and wonderfully rich spiritual patrimony. I believe that this may well be the wave of the future for a united orthodoxy in America, preserving each distinctive tradition yet acting together for the common good.

Many Americans think of the Orthodox Church as a newcomer to these shores, an exotic element from abroad. In fact, a temporary Greek community was established as early as 1767—before the Revolution!—at New Smyrna, Florida, followed by one at New Orleans, in 1864, which has flourished to this day. The first Russian Church in America was a mission of the Moscow Patriarchate, set up on Kodiak Island in 1794; it has had a continuous existence to this day. From these pioneering Orthodox communities the faith has taken root in America until today there are over 1,000 parishes and well over three million communicants. The first saint officially to be canonized on American soil was Father Herman of Kodiak, an Orthodox missionary.

You who are members of Orthodox churches must assume chief responsibility for communicating a better knowledge and understanding of orthodoxy to the larger community. An organization such as this is especially valuable, since it makes possible the fulfilling of your religious and civic duties alike, relating your faith to good citizenship.

The task of translating an ancient, timeless faith into the language of the present day is not easy. It demands dedication, intelligence, and prayer. These are qualities which are found in full measure within the treasury of Orthodox history and tradition.

And yet let me sound a warning note: It is easy to lose sight of spiritual disciplines in these troubled times. The great strength of orthodoxy in the past has been its fidelity to a spiritual tradition and the priority it has given to the life of prayer. Cultivate that spirit in today's noisy, anxious age for it is desperately needed.

An eminent American Orthodox scholar (Theodore Stylianopoulos) has written these words: "if orthodoxy constitutes a small minority in the broad context of American life, it is an aggressive, forward-looking minority which *dares* to dream. . . . Orthodoxy (is being prompted to raise) questions of change and renewal, as it (continues) to explore its task and its place in the new world." The creation of the standing conference of Orthodox Bishops, the rise of other intra-Orthodox activities and the like all indicate that there is a growing feeling of common purpose and evidence of greater cooperation.

Your program here in the Youngstown area is an impressive sign of this renewal. Civic concern, civic loyalty, civic responsibility—these are all a part of the great Byzantine heritage, embracing under God the civic ideals of Greece and Rome, baptized into the Christian commonwealth. Believe me when I say that America needs civic integrity and community involvement more today than ever. I congratulate you for your loyalty to your Nation, your concern for your community, and your faith in God. May these ideals ever flourish in our land.

EASTERN ORTHODOX MEN'S SOCIETY

The idea of forming the E.O.M.S. was conceived by a group of dedicated Orthodox laymen. The purpose being to effect a more perfect and harmonious understanding between ourselves and the members of the various Eastern Orthodox Churches of the Valley; to stimulate the spirit of good fellowship and cooperation and to serve the Community and Country by taking a more active role in Community affairs.

The Eastern Orthodox Men's Society has become the first organization of its kind in this part of the country. It has effectively become the instrument by which its members, representing the Orthodox Churches in Mahoming County, are able to join together as one family of brothers in Christ.

The official motto of the Society is "Unity Through Truth", signifying its existence because of the truth our faith represents and through truth alone can unity come about.

CONGRESSMAN CHARLES J. CARNEY, 19TH OHIO DISTRICT

Charles J. Carney, Democrat, of Youngstown, Ohio; born in Youngstown, Mahoning County, Ohio, April 17, 1913; educated at Sacred Heart School, Youngstown, Ohio, 1927; graduated from Memorial High School, Campbell, Ohio, 1931; attended Youngstown State University night school for 3 years; recipient of honorary Doctor of Humanities, Central State University, 1962 and honorary Doctor of Laws, College of Osteopathic Medicine and Surgery, 1972; elected to the Ohio State Senate and served from 1950 to 1970; elected Senate Democratic leader, 1969–70; author or coauthor of over 300 laws on the Ohio statute books.

He joined the United Rubber Workers Union in 1934 and served as vice president and president, Local Union No. 102; president, District Council No. 1, United Rubber Workers Union, 1940–43; also served as staff representative and district director of that Union, 1942–50; for many years served as vice president or trustee, Mahoning County CIO Industrial Council; staff representative, United Steelworkers of America, 1950–68; member, Youngstown Catholic Service League, K. of C. No. 274, B.P.O.E., Loyal Order of Moose, and Farm Grange No. 1548; recipient of over 100 community and civic awards.

In 1938, he married Mary Lucille Manning. He has two daughters, Mrs. John (Mary Ellen) Leshinsky, and Mrs. James (Ann) Murphy, and seven grandchildren.

He was elected to the 91st Congress November 3, 1970, to fill the vacancy caused by the death of Michael J. Kirwan, and also to the 92nd Congress. Representative Carney currently serves on the House Committee on Interstate and Foreign Commerce, the House Committee on Veterans' Affairs, and the House Select Committee on Small Business. He is Chairman of the House Subcommittee on Veterans' Housing. Also, he is a member of the National Fisheries Center and Aquarium Advisory Board, and the Commission on Review of National Policy Toward Gambling.

1972 Eastern Orthodox "Community Service" Award

The Eastern Orthodox Men's Society is concerned with Civic and Community matters, both as citizens and participants. The "Community Service" Award this year is awarded to Congressman Charles J. Carney in recognition of the outstanding contributions he has made to our Community.

JACOB GRICUK

Born October 8, 1895 in the Village of Podrechije, Kobrinskji uezd, Grodnenskaya Oblast, Russia. Jacob migrated to the United States in 1913, and directly from the port of entry in New York he came to New Castle, Pennsylvania. He worked in the New Castle area and in Ambridge. In 1920 he moved to Youngstown. On May 30, 1927, he married Mary Handziuk at Holy Trinity Church in New Castle. Mary fell asleep in the Lord in 1971. "Jack," as he is popularly known to his friends, retired from the Sheet & Tube in 1962 after having worked in the steel mill for 36 years.

In 1967 Mary and Jack took an extended tour of Europe which included a visit to Russia.

For 9 years, after his retirement from the mill, Jack was the Sexton at Nativity of Christ Church. During the time of his membership in the parish, he held various parish offices, and together with Father Feodor Kovalchuk, helped in visiting homes to collect monies toward the building of the new church. Mr. Gricuk expressed his confidence in the project by loaning the church $1,000.00 on a note, which he donated to the burning urn during the mortgage burning ceremonies in 1964.

Until recently Jacob was an enthusiastic hunter; while in recent years he has acquired a new hobby, needle-point work in creating Russian-styled beautiful covers, scarfs, etc., one of which adorns and covers the Holy Altar in his church.

Mr. Jacob Gricuk and Mr. Harry Kiddon have been close friends since 1919.

1972 Eastern Orthodox "Man of the Year" Award

With the objective in mind of rewarding service performed, as well as providing incentive. The Eastern Orthodox Men's Society annual honors a "Man of the Year."

The Eastern Orthodox Men's Society "Man of the Year" Award is given to Jacob Gricuk for outstanding Lay activity and personal achievement.

HARRY (GABRIEL) KIDDON

Born July 23, 1897 in Novosandetsky povit in Galicia, which was the eastern part of the Austro-Hungarian Empire prior to World War I. His parents were Stephan and Theodosia Kiddon. In 1913, Harry, as he was to be known in America, migrated to the United States and worked in the hard coal region of eastern Pennsylvania, primarily at Shamokin. In making visits to friends from the "old world" in Passaic and Clifton, New Jersey, he met and married Antonia Repella in 1918. They have 6 daughters, one son, another son Michael fell asleep in the Lord in 1961, 25 grandchildren and 10 great-grandchildren.

In 1918 the Kiddons moved into the Pittsburgh area where Harry found employment at various jobs, among them a street car motorman. He soon found employment in the steel mills where he worked for over 50 years. During the depression years he came to the Youngstown area and worked at Sheet & Tube until his retirement in 1961. He then served as the city schools patrolman in Struthers for 6 years.

In 1968 he joined the Lemko Group Tour of Russia.

Many years ago he was instrumental in organizing the Holy Trinity Russian Orthodox Parish in Ellwood City, Pennsylvania. At Nativity of Christ, his home parish, he served on the Parish Council and during the building program he, with Father Feodor Kovalchuk, assisted in visiting people to collect monies toward the building of the new church. Harry set the pattern for offerings by himself being among the first to loan the church $1,000.00 on a note, which, when the mortgage burning banquet took place in October 1964, he donated his "note" to the burning urn and said it was "holy smoke."

Among his hobbies, in addition to playing with the many grandchildren, he loves to do gardening.

1972 Eastern Orthodox "Man of the Year" Award

With the objective in mind of rewarding service performed, as well as providing incentive, The Eastern Orthodox Men's Society annually honors a "Man of the Year."

The Eastern Orthodox Men's Society "Man of the Year" Award is given to Harry (Gabriel) Kiddon for outstanding Lay activity and personal achievement.

EASTERN ORTHODOX MEN'S SOCIETY

Officers 1973

President, Nicholas Pavelko.
1st Vice-President, Steve Serednesky.
2nd Vice-President, Steve Kiddon.
Treasurer, William Sywy.

Financial Secretary, William Karelin.
Recording Secretary, James W. Kiriazis.
Corresponding Secretary, Steve Gorol.
Captain of the Guard, Michael Baltic.
Warden, Jacob Gricuk.

Board of trustees

Chairman, Matthew Siman.
Trustee, John Parimucha.
Trustee, George Mirich.
Trustee, John Wasylko.
Trustee, Nick Deniakis.
Trustee, Thomas Kristian.
Trustee, John Bilas.
Trustee, Edward Phillips.
Trustee, George Nicholis.

Committee chairmen

Social, George Mays.
Scholarship and Education, J. Kiriazis, M. Siman.
Civic, Dan Altemese.
Athletic, Theodore Baxevandes.
Cultural, Steve Varmega.
Membership, John Parimucha.
Welfare, Nicholas Pavelko.
Public Relations, George Meshel.
Investigation, Gregory Demetri.

Banquet committee

Chairman, Nicholas Pavelko.
Cochairman, George Mays.
Tickets, John Tilea.
Program Book, Nicholas Pavelko.
Publicity, James W. Kiriazis, Matthew Siman.
Flowers, Gregory Demetri.
Refreshments, Steve Gorol, William Sywy.
Arrangements, George Meshel, Dan Altemese.
Dinner, John Yurchyk, Steve Serednesky.
Financial, William Karelin, Nick Deniakis.

Reception committee

All Past Presidents.

EASTERN ORTHODOX "MAN OF THE YEAR" AWARD RECIPIENTS

1963—Harry Meshel.
1964—Nicholas Pavelko.
1965—Theodore Baxter.
1966—Dr. A. K. Phillips.
1967—Attorney Charles Zubyk.
1968—William Karelin.
1969—George Mays.
1970—James W. Kiriazis, Ph. D.
1971—Matthew Siman, Ph. D.

"COMMUNITY SERVICE" AWARD RECIPIENTS

1963—William F. Maag, Jr.
1964—Samuel C. Sharp.
1965—The Hon. Anthony B. Flask.
1966—Dr. Howard W. Jones.
1967—The Hon. Michael J. Kirwan, The Hon. David G. Jenkins.
1968—John W. Powers.
1969—John Parimucha.
1970—Leonard P. Caccamo, M.D.
1971—Ray T. Davis.

OUR SINCERE CONGRATULATIONS

To Congressman Charles J. Carney, Jacob Gricuk, and Harry Kiddon.

Harry Meshel—1962–63.
Nick Pavelko—1964.
Ted Baxter—1965–1966.
Charles Zubyk, 1967.
George Mays—1968.
James W. Kiriazis—1969–1970.
Matthew Siman—1971–1972.
E. O. M. S. Past Presidents.

CONGRATULATIONS

Congressman Charles J. Carney and Jacob Gricuk and Harry Kiddon.

Best wishes to Eastern Orthodox Men's Society.

God grant you many years.
Nativity of Christ Orthodox Church.
Pastor, Very Rev. Feodor Kovalchuk.
Parishioners and Council.

CONGRATULATIONS

To Congressman Charles J. Carney, Jacob Gricuk, Harry Kiddon.

Our best wishes to the Eastern Orthodox Men's Society.

Parish Board and Members, Holy Trinity Romanian Orthodox Church, 626 Wick Avenue, Youngstown, Ohio.

CONGRATULATIONS

Congressman Charles J. Carney and Jacob Gricuk and Harry Kiddon.

May the Lord be with you.

St. Michael's Carpatho-Russian Orthodox Greek Catholic Church, 125 Steel Street, Youngstown, Ohio.

Rev. Dean George Hutnyan, Pastor.
Joseph Bilas, Choir Director.
John Belley, President.
Anthony Fusco, Vice-President.
Joseph Sevachko, Rec. Secretary.
Stephen Kiddon, Treasurer.
Helen Swertfager, Fin. Secretary.
Olga Friedman, Ass't Fin. Secretary.

Auditors

Peter Bilas Jr., Chairman.
Anna Bova.
Julie Kimoetk.
Theresa Slovesko.

CONGRATULATIONS TO THE RECIPIENTS

Congressman Charles J. Carney, Community Service Award Recipent; Jacob Gricuk, Harry Kiddon, Orthodox Men of the Year Recipients.

Our sincere compliments to the Eastern Orthodox Men's Society.

Sts. Peter and Paul, Ukrainian Orthodox Church, Church Board, 1025 N. Belle Vista, Youngstown, Ohio.

BEST WISHES

From Parish Council—Rev. George Pappas and Members.

Archangel Michael Greek Orthodox Church.

Socrates Karavokiros, Sec'y.
William Arfaras, Treas.
401 12th Street, Campbell, Ohio.

WE ARE MOST PROUD TO HONOR

Congressman Charles J. Carney, Community Service Award Recipient, and Jacob Gricuk and Harry Kiddon, Orthodox Men of the Year Recipients.

Best wishes to the Eastern Orthodox Men's Society.

Helen Senediak, President, Sts. Peter and Paul Ukrainian Orthodox Church.

Julia Kimotek, Vice President, St. Michael's Carpatho-Russian Orthodox Church.

Helen Mays, Treasurer, St. Nicholas Greek Orthodox Church.

Alexandria Siman, Secretary, Nativity of Christ Russian Orthodox Church.

Officers of the Eastern Orthodox Women's Society.

CONGRATULATIONS

Congressman Charles J. Carney, Community Service Award; Jacob Gricuk, Harry Kiddon, Orthodox Men of the Year.

St. John Greek Orthodox Church.
Father John Alexandrou.
The Board of Trustees.
The Members.

CONGRATULATIONS

Congressman Charles J. Carney, Community Service Award; Jacob Gricuk, Harry Kiddon, Orthodox Men of the Year.

Best wishes, St. Nicholas Greek Orthodox Church.

Father George K. Kostan.
Board of Trustees.
The Parish.

PROGRAM

Pledge of Allegiance.

Invocation: Rev. George Pappas, Pastor, Archangel Michael Greek Orthodox Church.

Dinner Music: Johnny Vogrin.

Welcome: George Mays, Co-Chairman.

Toastmaster: Harry Meshel, Ohio State Senator, 33rd District.

Remarks: Rt. Rev. Feodor Kovalchuk, Pastor, Nativity of Christ Russian Orthodox Church.

Rev. Richard Madden, Superior of Carmelite Monastery.

Mr. Anthony B. Flask, Friend of Congressman Charles J. Carney.

Mrs. Theodore Senediak, President of the Eastern Orthodox Women's Society.

Presentations:

Community Service Award to the Honorable Charles J. Carney, Presented by Nick Pavelko, President.

Eastern Orthodox Man of the Year Award to Mr. Jacob Gricuk. Presented by Dr. Matthew Siman.

Eastern Orthodox Man of the Year Award to Mr. Harry Kiddon.

Main Address: Dr. James W. Kiriazis, Associate Professor, Dept. of Sociology and Anthropology of Youngstown State University.

Benediction: Rev. George Hutnyan, Pastor, St. Michael's Carpatho-Russian Orthodox Church.

MONTHLY CALENDAR OF THE SMITHSONIAN INSTITUTION

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. SMITH of New York. Mr. Speaker, it is my privilege to insert in the RECORD each month the monthly calendar of the Smithsonian Institution. The June Calendar of Events follows:

JUNE AT THE SMITHSONIAN

FRIDAY, JUNE 1

Insect Zoo. Live insects on display with emphasis on their behavior and natural environmental setting. Included are a bee colony in a transparent beehive, tarantulas, termites, cockroaches, beetles, a colony of ants building a nest in a plexiglass enclosure and other assorted insects and arthropods. New this year are ant-lions, orb weaving spider, and walking sticks. Volunteers will be available to answer questions on the insects and their biology, 10 a.m. to 5 p.m., daily, Museum of Natural History. Through August 31.

Exhibition: *The Arts and Crafts Movement in America 1876–1916*. Approximately 300 objects trace the arts and crafts movement that developed in part as a result of the machine age. Furniture, stained-glass windows, metalwork, leatherwork, textiles, and art pottery represent designers John LaFarge, Louis Comfort Tiffany, Will Bradley, Gustav Stickley, the Roycroft Shops, Dirk Van Erp, Frank Lloyd Wright and Robert Jarvie. Sponsored jointly by Princeton University, the Art Institute of Chicago, and the Renwick Gallery. Through September 9, The Renwick Gallery.

Exhibition: *Three Contemporary Printmakers: Jacob Kainen, Albert Christ-Janer, Tadeusz Lapinski*. Recent lithographs by three American artists showing their highly personal reaction to images, ideas, and the surrounding world. Prints are by Jacob Kainen, former Curator of Prints and Drawings for the National Collection; Albert Christ-Janer, professor of art at the University of Georgia; and Tadeutsz Lapinski, University of Maryland. National Collection of Fine Arts, through July 1.

SATURDAY, JUNE 2

Museum Lecture: *Early European and American Looms*. Speaker: Rita J. Adrosko, Associate Curator, Division of Textiles. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, JUNE 3

Concert: *Piano Rags by Scott Joplin*, performed by *Joshua Rifkin*, pianist, conductor, musicologist and member of the faculty of Brandeis University. 7:30 p.m. Music Machines—American Style exhibit hall, Museum of History and Technology. Free.

MONDAY, JUNE 4

Concert: *Contemporary Chamber Music for the Harpsichord*, with *Robert Conant*, harpsichord, assisted by *Betty Allen* and other artists. $3 general admission; $1 students. Hall of Musical Instruments, History and Technology Building. For reservations call 381–5398. 8:30 p.m.

TUESDAY, JUNE 5

Gregg Smith Singers: *The Great Sentimental Ages*, featuring selections from Stephen Foster to Charles Ives. The New York Vocal Arts Ensemble will appear as guest artists. The most recorded professional chorus in the world and winner of three Grammy Awards, the Gregg Smith Singers perform using a technique of "live stereo" with small groups of singers placed around the concert hall. Tickets include a reception in the Gallery's Palm Court following the concert. 8 p.m., Grand Salon, The Renwick Gallery. $5 general admission, $4 Associates. Proceeds will provide for the restoration of an 1873 Steinway grand piano for permanent use in the Salon. For reservations call 381–5157. Sponsored by the Smithsonian Resident Associate Program.

THURSDAY, JUNE 7

Creative Screen: *With These Hands*. Eight contemporary artist-craftsmen express their ideas and motivations and provide insights into the creative processes. 11 a.m., 12:15, 1:30 p.m., The Renwick Gallery.

SATURDAY, JUNE 9

Museum Lecture: *Patents, Productivity and Prosperity*. Speaker: Edwin A. Battison, Associate Curator, Division of Mechanical and Civil Engineering. 10:30 a.m., History and Technology Building auditorium.

SUNDAY, JUNE 10

Expand: An environmental education program for students sponsored by the National Capital Parks, will hold open house at the Anacostia Neighborhood Museum, 2405 Martin Luther King, Jr. Avenue. Elementary students from Anacostia schools will demonstrate and participate in environmental activities developed by the program, including dances and dramatic sketches interpreting nature. Students will also conduct tours and perform some of the Expand activities through the coming week. An exhibit of art works, terrariums, and other items resulting from the program as well as a related slide program will be on view. Open House begins Sunday, 3 p.m.; related activities continue through June 16.

MONDAY, JUNE 11

Concert: *Eighteenth Century Music* performed on antique instruments from the Smithsonian and the Stearns Collection of the University of Michigan. Premiere modern performances of works by Paisiello, Rosetti; also Salve Regina by Domenico Scarlatti. Soloists: Cynthia Munzer, contralto and James Weaver, harpsichord. 8:30 p.m. Hall of Musical Instruments, Museum of History and Technology Building. Free. Directed by Eugene Enrico.

THURSDAY, JUNE 14

Lecture: *Bungalow and Prairie Houses: Architecture of the Arts and Crafts Movement in America*. Robert Judson Clark, Department of Art and Archeology at Princeton University, will show slides and lecture on aspects of this school of architecture in America. 8 p.m., The Renwick Gallery. Free. Presented in conjunction with the exhibition *Arts and Crafts Movement in America 1876–1916* currently on view.

FRIDAY, JUNE 15

Exhibition: *Lilly Martin Spencer (1882–1902); The Joys of Sentiment*. Retrospective exhibition of some 30 paintings, 28 drawings, and 10 prints, all of pretty, sentimental and anecdotal subjects—children, animals, and happy family scenes. The first exhibition ever accorded Lilly Martin Spencer. National Collection of Fine Arts, through September 3.

Exhibition: *Divergent Representation: Five Contemporary Artists*. Joseph Shannon, Robert Gordy, Ralph Goings, Gage Taylor and Darryl Abraham. The first National Collection exhibition organized by Walter Hopps, Visiting Curator of Contemporary Art, focuses on the very divergent directions of these five representational American artists. National Collection of Fine Art, through September 3.

Concert: In Memoriam Andy Razaf, born Washington, D.C. 1895; died Los Angeles 1973. Performers: *Claude Hopkins*, piano and *Laura Watson*, singer. Lyricist Andry Razaf wrote the words for numerous popular songs including "Ain't Misbehavin," and "What Did I Do, To Be Black and Blue," 7:30 p.m., Music Machines—American Style exhibit hall, Museum of History and Technology. Free.

SATURDAY, JUNE 16

Museum lecture: *Printing for Fun*. Speaker: R. Stanley Nelson, Museum Technician, Division of Graphic Arts. 10:30 a.m., History and Technology Building auditorium.

Dance: *Aesop's Fables*. Performed especially for children by the Washington Dance Theatre. *A Noisy Hello, The Fox and the Grapes, The Frog and the Ox* and *Big and Little* (The Lion and the Mouse). Refreshments served following the performance. 3 p.m., National History Building auditorium. $2 general admission, $1.50 Associate members. For tickets, call 381–5157.

MONDAY, JUNE 18

Concert: *Eighteenth Century Music*, performed on antique instruments from the Smithsonian and the Stearns Collection at the University of Michigan. Soloists: Ruth Drucker, soprano; David Flowers, baroque trumpet; Linda Jonas, baroque flute; Jacqueline Z. Anderson, baroque violin. Hall of Musical Instruments. Museum of History and Technology. Free. Directed by Eugene Enrico, 8:30 p.m.

TUESDAY, JUNE 19

Lecturer: In commemoration of *Blaise Pascal* (1623–1662) on his 350th birthday, for his contributions to Mathematics and Mathematical Technology. Speaker: Dr. Uta C. Merzbach, Curator, Section of Mathematics. 2:30 p.m., History and Technology Building auditorium. Free.

THURSDAY, JUNE 21

Creative Screen: *Frank Lloyd Wright*. In the film, one of the world's most original and influential architects displayed his agile wit and eloquence as he discussed his theories of functional architecture and analyzed contemporary styles. 11, 11:45 a.m., 12:30 and 1:15 p.m., The Renwick Gallery.

SATURDAY, JUNE 23

Boomerang Throwing Contest. Contestants are participants in Associates boomerang workshop. 2 p.m., Washington Mall. Free to spectators. Rain or wind date June 24. (Postponement information only: 381–6481)

Museum Lecture: *History of the First Ladies Hall*. Speaker: Barbara J. Coffee, Museum Specialist, Division of Political History, 10:30 a.m. History and Technology Building auditorium.

MONDAY, JUNE 25

Exhibition: *Five Years Later*. The fifth anniversary of the founding of Federal City College Art Department is celebrated with the exhibition of outstanding works by students since 1968, when the art department was founded. National Collection of Fine Arts, through August 5.

SATURDAY, JUNE 30

Museum Lecture: *The Well-Equipped Astrologer*. Speaker: Sharon Gibbs, Visiting Post-Doctoral Research Fellow, Section of Mathematics. 10:30 a.m., History and Technology Building Auditorium.

Festival of American Folklife (Opening day). The seventh annual festival features four program themes: "Regional America"—horses, tobacco, bourbon making, crafts, food and music of Kentucky; "Old Ways in the New World"—musicians and dancers from Yugoslavia join their counterparts from Serbo-Croatian communities in the U.S.; "Native Americans"—past and present culture of ten tribes of Northern Plains Indians; "Working Americans": *Workers Who Build Our Shelters*—representing the traditional skills of the American workers. Through July 8. Along the Reflecting Pool between the Lincoln Memorial and the Washington Monument. Cosponsored by the Smithsonian and the National Park Service.

ADDITIONAL INFORMATIONS

PUPPET THEATRE

"Alice in Wonderland." Lewis Carroll's dream fantasy featuring all the favorite characters insulting, advising and delighting Alice as she tumbles after the White Rabbit into an incredible dream world of eternal tea time. A new production for children by Allan Stevens and Company, presented by the Division of Performing Arts. Performances Wednesdays, Thursdays and Fridays, 10:30 and 11:30 a.m., Saturdays and Sundays, 11 a.m., 12:30 and 2:30 p.m. Beginning June 13—Wednesdays through Sundays, 11 a.m., 1 and 2 p.m. Admission $1 children; $1.25 adults. Group rates available. For reservations call 381–5395. Arts & Industries Bldg.

SUMMER HOURS

Museum of History and Technology, Museum of Natural History, Arts and Industries Building, National Air and Space Museum—10 a.m.–9 p.m., seven days a week.

Freer Gallery of Art, National Collection of Fine Arts, The Renwick Gallery, National Portrait Gallery, Smithsonian Institution Building—10 a.m.–5:30 p.m.

National Zoo buildings—9 a.m.–6 p.m., seven days a week.

Anacostia Neighborhood Museum—10 a.m.–6 p.m., weekdays; 1–6 p.m. weekends.

DEMONSTRATIONS

Museum of History and Technology

Steam Engines. Wednesday through Friday, 1–2:30 p.m. 1st floor.

Machine Tools. Wednesday through Friday, 1–2 p.m., 1st floor.

Spinning and Weaving—Tuesday through Thursday, 10 a.m.–2 p.m. 1st floor.

Hand-Set Printing Presses, Monday, Tuesday, Thursday, Friday, 2–4 p.m., 3rd floor.

Musical Instruments. A selection of 18th and 19th century instruments, and American folk instruments. Hall of Musical Instruments, 3rd floor, 1:30 p.m., Mondays and Fridays—keyboard instruments; Tuesdays—wind instruments; Wednesdays—lutes and guitars; Thursdays—folk instruments.

Music Machines—American Style. Mechanical and electronic music machines. Monday through Friday, 1:00 p.m., 2nd floor. As part of this exhibit, excerpts from musical films are shown continuously:

June 1–7: Disney Film Highlights I.
June 8–14: Disney Highlights II.
June 15–21: MGM Musical Highlights.
June 22–28: Disney Highlights II.
June 29–30: Disney Highlights I.

Experimentarium

An experimental adaptation of the spacearium. The half-hour demonstration programs, entitled *New Born Babe*, are presented weekdays at 4 and 4:30 p.m., and touch briefly on three subject areas: an introduction to the experimentarium and what it can do; the history of air and space flight; and future study in astrophysics. National Air and Space Museum. Schedule additions or changes will be announced on Dial-A-Museum, 737-8811.

OTHER EVENTS

(Sponsored by the Smithsonian Associates. For reservations call 381-5157.)

Theatre Series. Four evenings of musical comedy, opera and dance at Wolf Trap Theatre and four evenings of discussions on the productions. A reception with Mrs. Jouett Shouse will be held after the first performance. Discussions: June 14, July 12, Aug. 9, Aug. 23. Performances: June 21, July 19, Aug. 16 and Aug. 30. $60 general, $50 members.

Jonas Mekas on July 15 will screen his recently completed feature work *Reminiscence of a Journey to Lithuania*, filmed upon his return to his homeland after a long exile. Mr. Mekas is film critic of *The Village Voice*, and founder of Anthology Film Archives in New York City. 5:30 p.m., Museum of History and Technology Auditorium. $2 general admission, $1.50 Associate members, $1.75 students with ID. This begins the summer film series to be shown on six successive Sundays.

Tours, classes and workshops are also offered by the Smithsonian Associates. For a complete schedule of available activities, call 381-5157.

MUSEUM WALK-IN TOURS

Museum of History and Technology

Highlights of the Collections: Weekends—10:30 a.m., 12, 1:30 and 3 p.m., through June 15.

First Ladies Gowns: Same times as *Highlights.*

The National Portrait Gallery

Highlights: 11 a.m., 1 and 2 p.m., seven days a week. *Mini-Tours:* Noon.

RADIO SMITHSONIAN

Radio Smithsonian, a program of music and conversion growing out of the Institution's many activities, is broadcast every Sunday on WGMS-AM (570) and FM (103.5) from 9-9:30 p.m. The program schedule for June:

3rd—*The Museum as an Iceberg.* Paul Perrot, Assistant Secretary of the Smithsonian for Museum Programs, focuses on the role of a museum—beyond exhibiting objects.

10th—*The New Federalism.* Highlights from a conference held at the Smithsonian by the Woodrow Wilson International Center for Scholars. Among the participants are Governors Nelson Rockefeller of New York and Jimmy Carter of Georgia.

17th—*The History of News Reporting.* A look at the growth of American journalism, from the earliest colonial newspapers to "live" pictures from the moon.

24th—*A Trip to Northern Africa.* Jim Cornell, of the Smithsonian Astrophysical Observatory, and his wife, Carol, talk about Smithsonian studies in Egypt and Tunisia, against a background of music from both countries.

Radio Smithsonian can also be heard over WAMU-FM (88.5), Fridays at 2 p.m.

FOREIGN STUDY TOURS

For further details write Miss Schumann, Smithsonian Institution, Washington, D.C. 20560.

African Safari: July 17-Aug. 8. Waiting list only.

Mexico and Guatemala: Aug. 27-Sept. 14.

International Aerospace Tour: Sept. 17-Oct. 3.

Copernicus: The cities in Poland and Italy where he lived and worked. Oct. 1-23.

West Africa: Jan. 8-Feb. 1, 1974.

India and Nepal: Jan. 18-Feb. 10, 1974.

Sites of Civilization, Cruise from Rome to Athens: April 6-22.

Greece, Sites and Flowers on the mainland and Peloponnesus: April 27-May 12.

Ethiopia and Africa: May 23-June 14.

Black Sea Cruise: Sept. 17-Oct. 6.

Afghanistan and Pakistan: Oct. 21-Nov. 11.

DOMESTIC STUDY TOURS

For further details write Mrs. Kilkenny, Room 106-SI, Smithsonian Institution, Washington, D.C. 20560.

Alaska Float Trip: July 18-Aug. 1. Waiting list only.

New Hampshire Archaeology Dig: One week, Aug. 5 or 12. Students only, Aug. 19.

Acadia National Park: Sept. 9-15.

California Colonial History: Sept. 16-23.

Sea and Shore Laboratory: Oct. 11-18.

Big Cypress Swamp and Everglades National Park: Nov. 11-18.

Louisiana Plantation Architecture: November.

FOURTH ANNUAL BOOMERANGING

Benjamin Ruhe of the Smithsonian Institution this year again leads the boomerang activities sponsored by the Smithsonian Resident Associates. Series includes lecture (June 9), workshop (June 9 or 10), and throwing competition (June 23). $7.50 general, $6.50 Associate members. For registration call 381-5157.

TELEPHONE SERVICE

Dial-a-phenomenon—737-8855 for weekly announcements on stars, planets and worldwide occurrences of short-lived natural phenomena.

Dial-a-museum—737-8811 for daily announcements on new exhibits and special events.

DALLAS FETES POW'S TEXAS STYLE

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. TEAGUE of Texas. Mr. Speaker, I had the privilege recently of attending a ceremony last week honoring the thousands of men who served in the Vietnam conflict. The event was held in the Cotton Bowl at the State Fair Grounds in Dallas, Tex. The event itself was spectacular and heartwarming, primarily because a crowd estimated at 60,000 attended in honor of those men.

I believe Congress and the general public should be aware of the warm welcome and respect paid to our servicemen and the former prisoners of war at this event. I recommend the accurate accounts of the event printed by two Dallas newspapers, the Dallas Morning News and the Dallas Times Herald, be read by every Member.

The articles follow:

[From the Dallas Times Herald, June 3, 1973]

VETERANS HAILED DALLAS STYLE: BIG—60,000 LAUGH, APPLAUD, CRY

(By Larry Grove)

DALLAS—and the United States—showed the world Saturday night this nation remembers its Vietnam War veterans.

A gala celebration, one of the biggest nonathletic events ever for the Cotton Bowl, packed in a crowd estimated at 60,000 as Bob Hope and dozens of other big name entainers staged the main event of a weekend Vietnam Veterans Homecoming Celebration.

The national event, in a city that feels strongly about heroes, had been months in the planning.

And it showed.

The huge crowd responded to the Cotton Bowl spectacular despite a tornado watch which covered most of North Central Texas—including Dallas—and lasted throughout the show.

And while the Vietnam War may have been opposed on some fronts, there was no opposition to the ringing tributes paid its veterans.

Time and again the crowd broke into applause.

The guests of honor, 450 former American prisoners of war in Vietnam, were delighted.

They were all smiles; they were obviously pleased by the city's show of gratitude to them, and they continued to try to please.

In every instance they succeeded.

John Connally, the featured speaker, told his audience it was honoring "a signal group of Americans."

"We salute them not just as warriors; most Americans salute these particular Americans because they kept the faith when many turned their backs and copped out," Connally said.

The former Texas governor said there would be no victory celebration for Vietnam but declared, "During the last quarter century we gave of our strength, we shielded the weak with our arms. We weren't the world's policeman, but the world's best friend. We possess the power to become a tyrant, but we did not. We have given a more lasting example of freedom to the world."

Hope, as always, was the star.

He followed Connally to the speaker's stand and immediately broke into the fast routine of wisecracks, known the world over as his trademark.

"It's nice to have a warm-up man like that," Hope said in reference to Connally. "You'd think a fellow like that would have a job."

Then, boring in, Hope continued:

"I understand Gov. Connally joined the Republicans. It's the first time the Democratic party got a Dear John letter.

"He (Connally) joined the Republican party—he was waiting until they got the bugs out."

"It's nice to be here in the Cotton Bowl," Hope said in running to another subject. "You know, it's the sports model Astrodome."

"There's 60,000 people here tonight—did they come to see the POWs or the blob?"

Not even the POWs escaped Hope's jibes.

"I have a message from the President to you," he said. "It's to return the silverware you took last week (when the President honored the POWs with a reception at the White House)."

Acting Secretary of Defense William P. Clements of Dallas perhaps best expressed the glowing sentiment of the crowd.

"We look up to you, every one of us," Clements told the former POWs. "The President extends to you again his respects, his compliments and his regrets at not being able to be here with you tonight."

Mayor Wes Wise thanked the crowd for attending despite the weather threat, then turned to the former POWs and declared:

"You courageous men have rewarded this city, this state and this country in so many ways. The heart and soul of all America went into your prison cells. A country without your bravery and courage in the face of danger could not stand."

Wise earlier had told newsmen he was "extremely proud" of both the former prisoners and Dallas.

"Each has paid tribute to the other," the mayor said, "the city by hosting this homecoming celebration and the prisoners by their presence here. It's a thrill to me and my family just to be a part of it.

"If you can't get teary eyed or choked up over what we've seen this weekend, then you're dead," he said.

One of the more moving moments of the program came when four wine-colored convertibles slowly circled the Cotton Bowl field in a silent tribute to Vietnam War casualties.

In the lead car, symbolically representing the families of all GIs killed in Southeast Asia, were Mr. and Mrs. Harold Sides, whose son was killed in action in Vietnam. A second car, occupied by Vietnam War double amputee Allen Clark, represented the wounded.

Mrs. Charles Stratton, whose husband is still among those missing in action, rode in the third car to represent that segment.

And Brig. Gen. John P. Flynn, the ranking officer in Southeast Asia among the POWs, occupied the fourth car to provide representation for all POWs in the war.

The stands were hushed as the four vehicles made their single round.

Flynn, speaking in behalf of the POWs, expressed his gratitude to the citizens of Dallas and said he and the other POWs were "humble and grateful" for the tribute.

He added:

"To those who have lost loved ones, if they were here, they would say to their bereaved, 'I could not have loved thee near so well, loved I not honor more.' "

"To the wounded I would say, 'Not even a sparrow falls that He does not know.' "

And, in closing, Flynn said, "We are the people and we will stand by the people should they ever need us again. God bless you all."

The stage was the largest ever installed on the artificial turf of the big bowl. And, from the stage, the largest cheer of all for the sponsors came from the former POWs.

The Sheppard Air Force band entertained the early arrivers along with Ed Bernet's Levee jazz band.

The U.S. Marine Corps' drill team, from Washington, D.C., brought a big round of applause and then, with the Air Force band providing background music, the 450 uniformed former POWs marched into the bowl in sharp, military fashion.

The crowd came to its feet instantly.

And the applause, which followed only a split second later, thundered more than three minutes over the vast stadium.

A panorama of American flags, held at attention by Boy Scouts and the girls of the W. T. White High School drill team, encircled the stadium floor and the flags of all 50 states fluttered from the stage.

The Marine Drum and Bugle Corps, also from Washington, added to the color with red tunics, white trousers and white hats.

By the time most of the crowd had arrived, Wise was introducing Gov. Dolph Briscoe who, in turn, was introducing the featured speaker.

Among the POWs honored was Navy Lt. Comdr. Al Kientzler of San Diego, Calif., the last U.S. pilot to be shot down before the Vietnamese ceasefire was signed.

Kientzler, shot down only 15 hours before the truce was signed, also claimed the youngest member of a POW family in attendance.

Christopher Kientzler, only 28 days old, slept quietly in an infant seat during most of the two-hour salute.

"Baby sitters are hard to find," said his father.

Another of the former POWs, Capt. James E. Ray of Conroe, sat happily with his fiancee, Becky Laughter, a Houston native who also is a member of the U.S. Air Force.

The couple will be married July 14.

Clements was the President's official representative at the celebration.

Along with Hope, who headlined the show that producer Charles Meeker said combined "a quarter-million dollars worth of talent for an evening," there were other stars who did their thing: TV's Mike Connors (Mannix), Gloria Loring, Barbara McNair, George Kirby, Charro Cugat, The Dawn, Marty Allen, Lynn Anderson and the Sound Generation.

For this night, everyone was a favorite.

The weekend celebration, which ends Sunday with the POWs returning to their homes, began Friday with the arrival of distinguished visitors from 80 points of origin.

During the day Saturday, with high winds whipping across a city under humid temperatures and the threat of thundershowers, the former POWs converged for breakfast at the Marriott Motor Hotel and met H. Ross Perot and W. W. Clements, chairman of the Dallas Salutes Committee that arranged the party with the help of hundreds of volunteers.

After breakfast, the guests had several options—from lounging in the pool to various tours to Six Flags, North Park and the Quadrangle. Or, if they preferred, there was an open house at Perot's home.

Nothing was mandatory.

Throughout the day, as the former POWs relaxed, Wise went on radio and urged: "The party will go on rain or shine. If it's raining, come on out. Show our guests we are not fair weather friends. They served in all kinds of weather for us. . . ."

During the late afternoon the visitors and special guests had a taste of Texas barbecue at the Convention Center, then loaded into buses for the ride to the Cotton Bowl.

[From the Dallas Morning News, June 3, 1973]

DALLAS SALUTES VIETNAM VETERANS

(By Doug Domeier)

An enthusiastic crowd at the Cotton Bowl gave a roaring salute Saturday night to the thousands of American men who served in Vietnam.

Speaking for more than 400 prisoners of war in the audience, ranking former POW Brig. Gen. John P. Flynn said:

"It's more fitting that we salute you, the people. We will stand by the people should they or the President ever need us again. And God bless you all."

Police estimated the Dallas Salute turnout as 30,000 to 35,000, far short of the expected 72,000 capacity crowd.

But those who came arrived early and sustained frequent strong outbursts of applause for the veterans and guests.

A tornado watch, windy weather and threatening rainclouds also hovered round the Vietnam Veterans Homecoming Celebration.

The crowd stood to applaud each group of former POWs and their wives as they arrived at the field by bus, from a barbecue dinner at the Dallas Convention Center.

Each of the men stood later as their names were read, with especially loud applause for Dallas area men.

Slowed somewhat by speeches, the salute was sparked by Bob Hope, jauntily swinging a golf club, who led more than an hour of free entertainment.

"Each one of you courageous guys deserves applause," Hope said, and the crowd responded.

Special representatives of killed, wounded and missing men also drew heavy cheers as they stepped from convertibles to pass through a Marine honor guard.

These included the wife and parents of Sgt. Harold E. Sides, Airborne Ranger killed in 1970, who represented 45,933 U.S. combat dead (his wife, Christina, and parents Mr. and Mrs. John Sides live in Dallas).

Also of Dallas were double amputee Capt. Allen B. Clark Jr., representing more than 300,000 wounded, and Mrs. Charles Stratton, whose pilot husband represented over 1,300 men still missing in action.

Former Texas Gov. John Connally said, "Vietnam veterans demonstrated to us the basic fiber of the American people is as strong as it has ever been.

"They kept the faith at a time of great crisis in America: they served when some of less faith turned their backs and copped out."

Of the POWs, Gov. Dolph Briscoe said, "In the darkness and bitterness of enemy prison camps, these men endured and survived."

The POWs appeared to enjoy the cheers from the crowd and many waved in response.

On-field representations of the outline of the United States and the American flag, and other pageantry, were performed by the Temple High School Band and Pepperettes, Marine Silent Drill Team, Marine Drum and Bugle Corps, multi-service color guard, Boy Scouts, Girl Scouts and Camp Fire Girls.

The evening closed with set fireworks and the singing of "God Bless America."

Many families came more than an hour before the program began on time at 7:30 p.m.

LEGAL SERVICES AND LAW REFORMS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. LOTT. Mr. Speaker, many concerns have been expressed about the legal services program as it has been administered within OEO. It seems to me that one of the most serious concerns relates to attempts by legal services attorneys to legislate without ever having been elected to office. In the name of law reform, the legal services attorneys direct their energies and their efforts at changing the law. Purportedly, these efforts come in response to the needs and problems of clients who are served by legal services attorneys. In reality, though, the pattern of cases brought by these attorneys makes it clear that they are determined to remake the legal fabric of society.

Now, I am prepared to assume good will on the part of these young attorneys. I am prepared to take it for granted that they are motivated entirely by the interest of their clients. But the facts, the records bear out that the legal services lawyers are impatient. If they feel that the law, the system of justice, does not correspond perfectly to their concept of the way it ought to be, rather than relying on the elected representatives of the people, they assume for themselves the responsibility to change the law. The phrase "law reform" is attractive, Mr. Speaker, and appealing. But there is a vast difference between bringing an action in behalf of a client which results in a change in the law and setting out with the avowed purpose of remaking the law, and subsequently finding a client to use as the excuse. The latter, which I observe all too often in the legal services program, represents self-appointment as a legislator, rather than the slow, democratic process of getting elected to the legislature.

Every periodic survey of important cases brought by legal services attorneys demonstrates the number of attempts each week and each month to substitute the policy judgments of legal services attorneys for the established governmental bodies. For example, in a span of weeks recently, legal services attorneys brought actions which were directed at striking the State residency requirements for obtaining a divorce; at requiring the establishment of an affirmative action plan; at compelling the police department to hire minorities; at defending the rights of homosexuals to government employment; at securing the right to public housing for emancipated minors under the age of 18; at protecting the right to wear hair longer than allowed by the applicable dress code; et cetera, et cetera.

Now, Mr. Speaker, it may well be that these causes are worthy, although in some of these cases, I think not. But the important thing to note is that these matters ought properly to be debated in a legislative forum, with opposing points of view considered as a matter of policy. When such things are in court, the judge has little flexibility and often has no other option than to strike down or sustain a statute. However worthy, these efforts at law reform result in imposing a serious strain on our system. The entire program of law reform is one that must be subjected to some measure of accountability, and I hope, Mr. Speaker, that the future of the legal services program will be such as to address the concerns which I have expressed on the subject of law reform.

CONGRESSMAN BROWN FIGHTING OIL AND GAS INDUSTRY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DELLUMS. Mr. Speaker, I would like to acknowledge the efforts which our colleague from Colton, Calif. (Mr. BROWN) is making on behalf of the consumers of this country, particularly in the area of natural gas prices.

Congressman GEORGE BROWN, who won a seat this year on the new Energy Subcommittee of the House Science and Astronautics Committee, is rapidly acquiring a reputation as one of the oil and gas industry's toughest foes in the battle between industry and consumer interests currently underway in Washington.

In February, Congressman BROWN intervened in a Federal Power Commission hearing on natural gas companies' requests for a 73-percent rate increase—an increase which would nearly double the average family's gas bill. The Washington Post, in reporting Congressman BROWN's testimony, noted that he was the first Member of Congress ever to participate in an FPC hearing.

The gas companies took the position that the FPC should stop regulating gas prices, arguing that competition between the companies would keep prices down. Congressman BROWN countered by pointing out that there is no serious competition between the major gas producers. Submitting a documented 10-page legal brief prepared by his administrative assistant—Ontario attorney Terry Goggin—he described in detail the incestuous relationships between the companies, revealing the close ties between such companies as Texaco, Exxon, Amoco, Shell, Mobil, Atlantic, Chevron, Getty, and Union. In fact, Congressman BROWN pointed out, some of the firms which claim to be dealing with one another in the open marketplace of the free enterprise system are actually owned by the same giant corporations.

Unfortunately, the gas producers were holding an ace up their sleeve. Although this industry is already the second most profitable in the country—the drug industry is No. 1—gas industry executives threatened to curtail production of natural gas in the future, causing vast fuel shortages for home heating next winter, unless the rate increase was approved. The Federal Power Commission, bowing to this blackmail, granted the increase.

CONGRESSMAN BROWN DEMANDS CONSUMER REPRESENTATION ON THE FEDERAL POWER COMMISSION

Congressman BROWN decided that a consumer representative was badly needed on the Federal Power Commission. The FPC at that time had three members and two vacant seats. Two of the three members were lawyers who were closely tied to oil and gas interests. The third was a former aide to a Republican Senator. President Nixon had already nominated two men to fill the vacant seats: A retired Republican Congressman and another lawyer who has represented Standard Oil of California for 15 of his 16 years of legal practice.

The nominations had to be approved by the Senate before the President's men could take their seats. So on March 19 Congressman BROWN went before the Senate Commerce Committee to testify against the nominees.

Terry Goggin was once again called in to provide information that might help persuade some Senators to oppose the Nixon men. Bruce Bolinger, GEORGE BROWN's legislative assistant, who built a reputation during the 1960's in California as a researcher, investigated the nominees' proindustry backgrounds.

After Congressman BROWN had given his testimony, several Senators decided to oppose at least one of the nominees. The first nominee, former Representative William Springer, was voted on late in May. Despite the fact that he had many friends in Congress due to his many years of service in the House of Representatives, Mr. Springer was opposed by 12 Senators, including both Senator CRANSTON and Senator TUNNEY of California. But there were still more who voted to confirm his appointment, based in part upon a vigorous counter campaign led by some of Mr. Springer's Republican colleagues, and so only one seat remains vacant.

Congressman BROWN has concentrated extensive efforts in his battle to keep this last vacant seat on the FPC from being given to another industry ally. As this is written, the opposition to the President's last nominee includes several Senators, Ralph Nader, and the Washington Post, which has taken an editorial stand against the confirmation of Standard Oil attorney Robert Morris. The vote has been delayed several times, and will come any day now. GEORGE BROWN has done all he can; it is now in the hands of the Senate. It will soon be seen whether or not there is even the slimmest possibility that one seat on the Federal Power Commission will be reserved for a consumer-oriented member.

THE "L. MENDEL RIVERS" NUCLEAR SUBMARINE

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DOWNING. Mr. Speaker, last Saturday the great shipyard at Newport News, Va., in my congressional district, launched the latest of a long succession of naval vessels which are part of our national defense. This modern nuclear attack submarine bears a great name, a name that is well recognized in this House and one which will be long remembered whenever men speak of our national defense. It is the name of our late colleague and former chairman of the Committee on Armed Services, the Honorable L. Mendel Rivers of South Carolina.

The christening address was made by another great Member of the Congress from South Carolina, one who also has never failed to rise in support of a strong national defense, a close personal friend as well as colleague, the senior Senator from South Carolina, STROM THURMOND. Senator THURMOND's address was most inspiring to all of us who heard it just prior to the moment of christening by the two daughters of the late Mr. Rivers. I am honored to include the text in the RECORD so that all of the Members might have an opportunity to read it:

ADDRESS OF SENATOR STROM THURMOND OF SOUTH CAROLINA AT LAUNCHING AND CHRISTENING OF THE "L. MENDEL RIVERS"

This is a happy and historic occasion. First, we are recognizing at this launching the great contributions to national defense of our late and esteemed friend, L. Mendel Rivers. Second, we are sending into the Fleet the 36th ship of the *Sturgeon* class nuclear attack submarines.

In the days, months and years ahead the 114 men and officers of the L. Mendel Rivers will be sailing the waters of the world in defense of our government and the hope of freedom it holds out to other nations.

No man in America has done more for national defense than Mendel Rivers. He stood watch for three decades at the frontier of our national security. In a challenge to all Americans he stated on the House floor September 28, 1970, "The American people stand to lose everything if we fail to discharge our awesome responsibilities in respect to our national defense."

Because of this leadership, because of his record of achievements, and because of the challenge he left for us today, it is appropriate that this submarine should be named in his honor. Mendel Rivers was a leading exponent of the fullest development of nuclear power for Naval ship propulsion. He recognized the importance of a strong Navy to the security of the United States. Several years ago, he stated: "The success of our foreign policy and to a considerable extent our economy has depended on control of the seas."

This same theme is being espoused today

by the current Chief of Naval Operations, Admiral Elmo Zumwalt. Before our Senate Armed Services Committee last month he stated: "The Navy has a responsibility not only to contribute to the deterrence of nuclear war, but also to assure our free use of the seas and continued support for our allies."

In efforts to maintain our position, however, Mendel Rivers recognized that only nuclear powered ships, both submarines and surface vessels, could make our future control of the seas possible. Congressman Edward Hébert, the able Chairman of the House Armed Services Committee, further emphasized this point at the keel laying of this submarine. On that occasion he stated, "We do not build nuclear ships for the fun of building ships. If there were no threat to our freedom of the seas, there would be no naval shipbuilding program."

Whenever we launch a nuclear submarine, our minds turn naturally to that eminent scientist and great American, Admiral Hyman G. Rickover—the father of the nuclear Navy. Each nuclear ship the Navy launches is a tribute to Admiral Rickover's foresight and determination. We are sorry he is unable to be here today.

* * * * *

As you can see around you, there *is* a naval shipbuilding program, it is a response to the challenges we face at sea. The Soviet Union has pursued a vigorous ship construction program since the end of World War II. The Soviets now maintain a total submarine force level nearly three times that of the U.S. Also, they have surged past us in the numbers of nuclear submarines, now having 110 nuclear subs to our 101. Even more disturbing is the fact the Soviets are currently outbuilding us in submarines by a ratio of about 3 to 1.

However, this is only one facet of Soviet naval strength. In area after area, they have surpassed the United States. They have a larger and more modern merchant marine fleet. They have thousands more naval architects and marine engineers than the U.S. They possess the world's largest and most modern submarine shipyards. By combining these great technical and production resources with an extensive research and development program, the Soviets have introduced a number of new design warships, including submarines, with a wide variety of capabilities.

This rapidly growing Soviet naval strength means that the United States is no longer guaranteed control of the seas. Further, this serious development could have profound consequences for our nation's ability to survive in the years ahead.

Ladies and gentlemen, we must never forget that the United States is, in effect, an island surrounded by the world's two largest oceans. While this expanse of water offered us security from powerful European countries up until World War II, it now serves to isolate us from those overseas countries which trade with us. Also, the oceans now serve as bases for Soviet missile launching submarines which routinely patrol our coasts. It is a different ball game from 10 or even 5 years ago.

The loss of our sea lines of communication would not be economically severe if we imported only foreign automobiles and television sets. However, our nation is increasingly dependent on the Middle East and other areas for oil, and on the entire world for the raw materials which supply our industries. Our industrial strength would be weakened by a curtailment of these resources. Our military system would be crippled. The very fact that auto and home fuel rationing is being seriously discussed serves to emphasize the seriousness of our dependence on imports for our fuel needs.

The conclusions from these facts are clear: Only with a strong Navy can we control the lines of communication to our political and military allies and to commercial trading nations. To counter this threat to our national security, we must continue to modernize our Navy. Mendel Rivers clearly recognized this requirement and he vigorously supported programs to build the most potent ships technologically possible. Today, the most potent ships are nuclear submarines and nuclear surface warships.

A nuclear powered ship does not need oil for propulsion. Consequently, it is not hampered in its operation by an umbilical tie to a petroleum source. A nuclear Navy is neither dependent on Middle-East oil nor affected by rising fuel oil costs. This non-reliance on oil gives nuclear ships a critical mlitary advantage over conventional ships—the ability to steam at high speeds with virtually unlimited endurance.

Foremost before the Congress this year is a budget request to build the first nuclear powered *Trident* ballistic missile submarine. We need to move forward now in building these *Trident* submarines. This is necessary to assure that in the 1980's our nation will have an effective seaborne deterrent missile force.

In a new class Soviet submarine, with 4,000 mile missiles, the Soviets have their own version of the *Trident*. In the next four years, I expect we will see even more dramatic developments. To delay modernizing our strategic submarine force is to take a real chance, that years hence, our survival as a nation may no longer be for us to determine.

Our nation came close to losing two world wars largely because of a lack of U.S. submarines and an excess of enemy submarines. Enemy submarines paralyzed our merchant-military ship movements at the beginning of both world wars. The time required to achieve our victories was adversely affected by this fact.

The USS *L. Mendel Rivers*, her sister ships, and the ships of the new high-speed class—the first of which, the *Los Angeles*, is on the ways to your right—are our most effective weapons to counter the Soviet submarine threat. We are building five *Los Angeles* class submarines a year, and we must continue to do so.

Meeting the Soviet threat requires not only the construction of new and more potent ballistic missile submarines such as the *Trident*, but also accelerated programs for attack submarines and a new cruise missile submarine. Further there is a requirement for a fourth nuclear carrier and additional nuclear frigates.

This was an area in which Mendel Rivers worked aggressively. He spearheaded the nuclear frigate program but unfortunately the Defense Department has failed to go forward with two of these ships, although Congress has already appropriated advance procurement funds. I hope the new Secretary of Defense, Dr. James R. Schlesinger, a nuclear expert himself, will reverse this decision. Nuclear frigates are needed to support our nuclear carriers in order that the carriers may take the fullest advantage of their own nuclear propulsion.

The first priority of any society must be to provide for its own survival. We can only accomplish this through a strong defense posture. Therefore, defense must come first. As this audience fully realizes, winning and holding the peace is a challenge for the leadership of the nation. Our success or failure in meeting this challenge will determine whether or not the blood of our brave young men must be sacrificed.

In meeting this solemn obligation, Mendel Rivers set for us a worthy example. We must be prepared to counter the challenge to our control of the seas. The continued existence of our nation will depend on our ability to meet that challenge.

Thank you.

FARLEY FINE AT 85

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DELANEY. Mr. Speaker, relative to our congressional salute to the Honorable James A. Farley on his 85th birthday, May 30, under permission to extend my remarks, I wish to insert an article written by James L. Kilgallen, who interviewed this esteemed gentleman a few days prior to his special occasion, as he has done for about 40 years. The article appeared in the San Antonio Light, San Antonio, Tex., last week and I believe my colleagues will enjoy reading it as much as I did. The text is as follows:

Jim Farley Feels Fine at 85

(By James L. Kilgallen)

New York.—James A. Farley, legendary political figure and top business executive said today he "feels fine" and "can't realize" he will be 85 years old next Wednesday, May 30.

"I intend to take my birthday in stride," Farley told the writer in an interview at his mid-Manhattan office where he serves as honorary chairman of the board of Coca-Cola Export Corporation. He has been an executive with the company since Sept. 1, 1940.

Asked if it is true he plains to retire, "Genial Jim" declared:

"Of course not. I'll never retire while I am physically and mentally able to carry on. God willing, I will keep on working, and enjoying it. Hard work and devotion to your job never hurt anybody."

The strapping, 6-foot-2½-inch former Democratic National Chairman and Postmaster General, revealed that his weight dropped 25 pounds—from 205 to 180—since suffering a heart attack on April 21, 1972. He was in the hospital five weeks and spent another five weeks recuperating at his apartment in the Waldorf-Astoria.

"Asked what he thought will be the long-range effect of the Watergate affair on the presidency, Farley said:

"I think it is the most sordid story in the history of American politics insofar as it affects the office of the presidency. It is far more serious than the scandal in President Grant's Administration and the Teapot Dome scandal of President Harding's Administration.

LONG REMEMBERED

"Apparently, from what I have read and heard, the Watergate problem will be with President Nixon during his term in office. Unfortunately for him, it will be referred to throughout his lifetime.

"As a result of Watergate, the Republicans are likely to suffer a great loss in the Senate and the House elections and also in the elections of governors in 1974. It can very well affect the chances of the Republican party for the Presidency in 1976."

Farley attributed his longevity partly to the fact he never smoked nor drank. Looking back on his remarkable career, he said, "I've kept busy all my life since I was a bookkeeper in New York City in 1906. Apart from my work, I never had hobbies such as fishing, hunting and playing golf. I liked the theater and sports—particularly baseball, football and boxing."

Farley, who was born in Grassy Point, N.Y., in 1888, recalled that after his father died his mother bought a small grocery store and saloon in his home town and that as a boy he tended bar before and after school. His mother asked him not to smoke or drink and he never did. He said he is grateful that he kept his promise to his mother. As a youth he played first base on the semi-professional teams of Grassy Point and nearby Haverstraw. His formal education ended after two and one-half years in high school when he was 17.

"I never went to college," he remarked. "But I have received 25 college honorary degrees throughout the United States."

IMPRESSIONS

Nostalgically, Farley recalled his impressions when he came from Grassy Point to New York City to make his way in the world.

"I liked the theater and I vividly recall seeing the show business notables of those early days at Hammerstein's and the Ziegfeld Follies such as Fanny Brice, Harry Lauder, John McCormick and Caruso.

"The first show I took my wife, Bess, to see was a musical comedy called "The Chorus Lady" at the old Academy of Music. (His wife died in 1955.)

Because of his interest in boxing, he made a point of paying a visit to saloons then run by James J. Corbett, Kid McCoy and Tom Sharkey, all famous fighters.

"Jack Dempsey in his prime was the greatest fighter I have known in my time," he said.

After entering politics, Farley was elected to the New York General Assembly from Rockland County in 1925. The late Gov. Al Smith appointed him a member of the New York State Athletic Commission, a post he held for years.

Farley became an ardent fan of the New York Yankees and still is to this day.

"Babe Ruth," he said, "was the greatest ball player I have ever seen even though I also watched such stars as Joe DiMaggio, Ty Cobb, Tris Speaker, Stan Musial and others too numerous to mention. I saw Ruth hit his first home run in the Yankee Stadium."

GREATEST THRILLS

Recounting the greatest thrills of his long political career, Farley said:

"One of them was when I became campaign manager for Franklin D. Roosevelt in 1932 when he was nominated for the presidency in Chicago. Another thrill was when, as chairman of the Democratic National Committee, I managed his successful campaign for the presidency.

"An even greater thrill was when I predicted FDR would not only win the election but that he would carry every state in the union with the exception of Maine and Vermont. I always felt this was the most accurate prediction any National Chairman ever made. Future generations may never see that prediction equaled or surpassed."

Farley said he had no regrets over breaking with FDR on the third term issue, a position he took as a matter of principle. He added, however, that his personal relationship with Roosevelt was always "Delightful." He said he saw FDR only briefly—on four or five occasions—after his retirement from politics in 1940 as Postmaster General and National Chairman.

Asked what persons most impressed him during his political career. Farley said:

"Franklin D. Roosevelt, Vice President John Garner of Texas, Harry S Truman, Lyndon B. Johnson, Secretary of State Cordell Hull, Al Smith and Jimmy Walker, one-time mayor of New York City."

Outside the realm of politics, the most impressive person, he added, was Pope Pius XII, whom he first met in 1933 when the future Pontiff was Secretary of State for the Vatican. Subsequently, he had many private audiences with Pope Pius at the Vatican.

CURRENT POLITICS

Discussing current politics, Farley said that in his option the two-party system will prevail in the United States despite the party switches of such individuals as Mayor John V. Lindsay of New York and John Connally of Texas.

"I can't see Republican leaders in the north going for Connally as a presidential candidate," said Farley. "Neither can I see any political future for Lindsay after the poor administration he has given the city of New York in the last eight years.

OBJECTS TO GRANTING AMNESTY TO DRAFT EVADERS AND DESERTERS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. YOUNG of Florida. Mr. Speaker, the Florida State Legislature recently adopted a memorial objecting to granting amnesty to draft evaders and deserters from the armed services of the United States. Inasmuch as the sentiments expressed therein reflect the mood of the people in my own Sixth Congressional District, I am inserting the text of this memorial for our colleagues to see. Following the State legislature's memorial on amnesty is the text of the legislature's resolution requesting Congress to exempt Florida from the phaseout of Federal support and funding for the Cuban refugee assistance program, which I feel also merits the attention of my colleagues.

The articles follow:

SENATE MEMORIAL NO. 615

A memorial to the Congress of the United States objecting to the granting of amnesty to deserters and draft evaders from the armed services of the United States

Whereas, over two million young Americans have served in the armed forces of the United States of America in the Republic of Vietnam, and

Whereas, thousands of these young Americans have given of their careers and lives in the service of the United States, and

Whereas, only now are we seeing the return of those brave Americans who were held as prisoners of war by the adversary in Southeast Asia, and

Whereas, hundreds of other Americans, refusing to serve in the armed forces of the United States have either obtained conscientious objector status or paid the necessary criminal penalties for violating the laws of our land, and

Whereas, civil disobedience calls for disobeying a law because one believes that it is immoral and then accepts the punishment for violating that law, it is quite another matter to expect the society that made the law not to punish one for that disobedience, and

Whereas, for a democratic government to be viable its citizens cannot pick which laws they will obey and which laws they will ignore, now, therefore, be it

Resolved by the Legislature of the State of Florida: That we are firmly opposed to the granting of amnesty to those individuals who left the United States of America rather than serve in the armed forces or pay the criminal penalties for violating the laws of the land in regard to military service, and, moreover

We call upon the members of the United States House of Representatives and United States Senate from the State of Florida to oppose any legislative proposal which would grant amnesty to those draft dodgers and deserters who left the United States of America rather than pay the penalties for their actions, and, moreover, be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate and to the Speaker of the House of Representatives of the United States and to each member of the Florida delegation to the United States Congress.

SENATE CONCURRENT RESOLUTION NO. 1344

A concurrent resolution urgently requesting the Congress of the United States concur that the State of Florida be made exempt from the phaseout of federal support and funding for the Cuban Refugee Assistance Program

Whereas, the President of the United States, and subsequently the congress, established a Cuban Refugee Assistance Program providing a welfare program for needy Cuban refugees; and

Whereas, the federal government contracted with the State of Florida to serve as the agent of the department of health, education and welfare in administering this program of financial assistance and social services; and

Whereas, the congress and the department of health, education and welfare have reaffirmed their responsibility for this program by funding one hundred percent of all its costs since its inception in 1961; and

Whereas, more than one-half of all Cuban refugees now in the United States already reside in Florida and there is a tendency for refugees to return to Florida from resettlement outside the state; and

Whereas, the federal government now proposes to phase out federal support for the welfare component of the Cuban Refugee Assistance Program beginning July 1, 1973; and

Whereas, such action would place an inequitable and undue burden on the taxpayers of the State of Florida; and

Whereas, the immigration of Cuban refugees is controlled by the federal government and such policy decisions are made in the national interest, and thus, should be funded from federal revenues, now therefore, be it

Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

1. That the Congress of the United States concur that the State of Florida be made exempt from the phaseout of federal support and that federal funding of one hundred percent of the costs be continued for the welfare programs serving needy Cuban refugees in Florida admitted to this country under the Cuban Refugee Assistance Program.

2. That the department of health, education and welfare be requested to cooperate with appropriate Florida officials in presenting this need to the Congress of the United States so the taxpayers of the State of Florida will not have to carry the burden of the United States foreign policy at a projected annual cost for 1973–74 in excess of ten million dollars ($10,000,000).

3. That a copy of this resolution be sent to each member of Florida's delegation in the congress and the secretary of the department of health, education and welfare.

4. That the governor of the State of Florida proceed expeditiously to present this matter to the appropriate federal officials so that a solution can be obtained as soon as possible prior to July 1, 1973.

SURVEY RESULTS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. GAYDOS. Mr. Speaker, for the past 2 years I have periodically polled several thousand residents of the 20th Congressional District of Pennsylvania for their opinion on topical issues facing the Congress and the Nation.

I have found the results of these surveys interesting and enlightening and have forwarded them to the President and inserted the material in the RECORD for the consideration of my colleagues.

Today, I would like to direct their attention to the results of the latest poll, dealing with the continuation of wage and price controls. I would like to point out the survey was a followup to one conducted in 1971 to determine public support of President Nixon's sudden decision to impose phase I of his economic program.

At that time, 67 percent of the people contacted expressed their support of the President's action. The latest survey showed nearly 70 percent favored continuing or broadening the controls at the time the President removed them under phase III of his program.

Mr. Speaker, I am inserting the survey results and an exchange of correspondence with the White House into the RECORD for the consideration of my colleagues:

THE WHITE HOUSE,
Washington, D.C., April 28, 1973.

Hon. JOSEPH M. GAYDOS,
House of Representatives,
Washington, D.C.

DEAR MR. GAYDOS: I wish to acknowledge and thank you for your April 24 letter to the President informing him of the results of the recent opinion poll regarding wage and price controls that you conducted in your Congressional District.

It was thoughtful of you to provide this information for the President and it will be called to his early attention.

With kind regards,
Sincerely,
MAX L. FRIEDERSDORF,
Special Assistant to the President.

CONGRESS OF THE UNITED STATES,
Washington, D.C., April 24, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Once again it is my pleasure to convey to you an expression of opinion registered by residents of the 20th Congressional District of Pennsylvania on an issue of national importance.

My office recently completed another "Telephone Poll" project designed to determine public opinion on the question of extending and broadening wage and price controls. The results are most interesting, particularly when compared to a similar poll taken in the summer of 1971, shortly after you imposed a wage-price freeze.

Our latest survey, conducted among 2,166 people, revealed the following: 1,510 (69.7%) favored the continuation of controls; 346 (16.0%) wanted them discontinued; and 310 (14.3%) expressed no opinion. In comparison, the 1971 poll listed 67% supporting your decision to impose controls, while 24% opposed it and 9% had no opinion. It is apparent that an overwhelming majority of our people wanted controls enacted in 1971, while an even greater number want them now.

In the past, the people of the 20th Congressional District of Pennsylvania have not hesitated to share with you their views on controversial issues such as foreign aid cutbacks, voluntary prayers in schools, U.S. membership in the United Nations, opposition to a federal value added tax and the listing of national priorities.

Mr. President, these people have demonstrated their willingness to share in the responsibilities of our government. I trust you will give their opinions your sincere consideration.

Respectfully submitted.
JOSEPH M. GAYDOS,
Member of Congress.

A SALUTE TO DR. BENJAMIN WATKINS, HARLEM'S DISTINGUISHED MAYOR, AND THE FIGHT FOR A NATIONAL CHILDREN'S DAY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. RANGEL. Mr. Speaker, the children of the 19th Congressional District and the rest of the Nation represent our Nation's greatest resource. It is unfortunate that the world in which these young citizens find themselves often leaves much to be desired.

All too often, this Government has forgotten the young in its rush to please big business and big money interests.

But above the insensitivity and callousness stands Dr. Benjamin Watkins, the distinguished mayor of Harlem. The determined efforts that he and others in my district have waged to have the second Sunday in June designated as "National Children's Day" is a prime example of the kind of leadership that gives hope and encouragement to the leaders of tomorrow.

The celebration of this day in our Nation would serve as a clear reminder to the individuals and institutions who make up America that our future can be no better than our children. The celebration of this day in my district has certainly been of great benefit to all involved.

I, therefore, place before this distinguished body a resolution proclaiming the second Sunday in June of each year as "Children's Day" and recommend it for careful consideration and passage:

H.J. RES. 604

Joint resolution designating the second Sunday in June of each year as "Children's Day"

Whereas our children are the future of the world; and

Whereas our children have a right to quality education, decent housing, comprehensive health care, freedom from hunger, freedom from poverty, freedom from discrimination, and a world at peace; and

Whereas our children are entitled to every opportunity to develop their full potential: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second Sunday in June of each year is designated as "Children's Day" and the President is authorized and requested to issue annually a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities to renew our commitment to guarantee our children a better life.

PUBLIC HOUSING CRISIS IN CALIFORNIA

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. WALDIE. Mr. Speaker, in the National Housing Act of 1968, Congress committed the Federal Government to a schedule of housing construction that would adequately provide for projected housing needs. The national housing goals production schedule adopted by the administration in 1970 called for the production of approximately 600,000 low- and moderate-income housing units in each year from 1973 through 1980. After the careful calculation of what our housing needs will be and the establishment of programs to administer funding, the Nixon administration announced in January of this year that it was cutting off funds for all newly approved projects for subsidized housing, water and sewer grants, open space grants and public facility loans.

Mr. Speaker, I have become greatly concerned with not only the dismantling of the present Federal public housing programs, but with the lack of commitment to the goal of providing adequate housing for all citizens that this action signifies. I have written all the directors of housing authorities in California requesting information as to how the freezing of funds has specifically affected their programs. Their response was one of deep disappointment over the administration's actions and of unanimous support for actions of Congress that would reinstate these appropriations.

For example, the Housing Authority of Contra Costa County is having "to trade off units now under contract for assistance because of the administration's continuing refusal to consider any increase in subsidy to cover the increase of rentals in the private market."

In Kings County, the housing authority reports that the President's impoundments have "stopped all proposed plans for additional housing."

The director of the housing authority of the city of Madera expressed his frustration well:

> As I am sure you are well aware, many efforts have been made on the part of housing authorities and redevelopment agencies toward the release of these impounded funds. All their efforts have been to no avail. We don't know yet from one day to the next where we stand in this particular situation.

From the San Joaquin County Housing Authority, I have learned that "production of housing for low income and the elderly has come to a standstill."

Within the jurisdiction of the Imperial Valley Coordinated Housing Authorities, there are 626 units of public housing currently available and there are 448 families on waiting lists for housing—all additional production has been brought to a halt due to the funding freeze.

In Kern County, the administration has stopped the expenditure of $6,630,000—$3,250,000 for new housing construction and $4,764,000 for modernization of housing built prior to 1954.

The Housing Authority of Yolo County has had to reduce its operating reserves to what they consider to be a critical level of only $31,920. Additionally, HUD has informed them that they will not be allowed to exceed operating subsidies of $25,608 in the next fiscal year, while the authority has determined that an operating subsidy of $103,000 is needed.

The housing authority of the city of Eureka has applied for $451,500 to build 250 units which are urgently needed to replace a part of the 430 housing units deleted by the construction of a freeway through Eureka—their application has been denied by HUD. This authority, which also operates housing projects for Humboldt County, has been denied $271,500 for the construction of 150 units in the county. To put these funding denials in perspective, there are 500 applications for public housing on file with the Eureka Housing Authority.

Mr. Speaker, the widespread ramifications of these actions by the administration are self evident when we consider that fully 30 million Americans are inadequately housed in unsafe, unhealthy, overcrowded quarters. The administration's actions will make it nearly impossible for many low- and middle-income Americans to find reasonably priced housing in the foreseeable future.

For example, in some metropolitan areas construction costs are so high that it is impossible to build multifamily housing at a cost that would permit rents to be held under $125 a room per month without Government assistance. But, when Federal subsidies are combined with State and local subsidies, rents can be reduced to approximately $45 a room per month.

The elimination of these programs will, therefore, retard greatly the level of construction that can be maintained in the future. In HUD's regional area No. 9, including Nevada, Arizona, and California, the number of funded applications as of January 5, 1973, the cutoff date, was 38,129 units, while unfunded applications numbered 31,887 units—nearly 46 per cent.

Nationally, the estimated reduction in total new subsidized housing starts in calendar year 1973 would be about 72,000 from 1972. In the first half of 1974 an estimated 129,000 units might be started and in the second half of 1974 perhaps enough additional starts might be made to produce an annual total of roughly 200,000 starts making for another 72,000 decline between 1973 and 1974, or a decline of 144,000 from 1972 to 1974. Most significantly, this policy leads to the expectation of practically no subsidized starts in the latter part of 1974 and in 1975.

The cutback in the Federal Government's funding of housing construction is unfortunately taking place at a time of high prices and low production in the nonsubsidized housing market. My State of California accounts for more than one-half of the new units built in the Western region of the country. During the last quarter of 1972, the median price of a house sold in the west was $28,900, about 13 percent higher than a year previously.

At the same time, mortgage interest rates have been increasing. In San Diego, San Francisco, and San Jose the effective interest rates on FHA-insured and VA-guaranteed home loans closed in February of this year averaging close to 7¾ percent. As a result, the inventory of unsold homes has been building up, and the rate of building permit issuances has been dropping off. In the early part of this year, the units in structures for which building permits were issued in the West were at a seasonally adjusted annual rate of 507,000, compared with 609,000 a year earlier. The alternative of renting also has become more expensive as rents have risen about 2.7 percent a year in San Francisco and slightly over 2 percent a year in San Diego.

Mr. Speaker, in view of the obvious need for the funding of programs to keep housing construction at a level that will produce enough units for the Nation's future needs, what possibly could be the reasons for the administration's reasons for cutting off funds for Federal housing.

When former Secretary Romney announced the administration's actions, he noted that budgetary considerations had contributed to the decision to cut housing funds, but then, most disturbingly, he referred to fraudulence connected with the administration of the program and to the rapes, thefts, and muggings that seem to plague subsidized housing projects as having also contributed to this decision.

In reference to the issue of fraudulence, the Secretary was clearly using an administrative problem, arising from inadequate quality standards and regulations, as a basis for dismissing the value of the entire concept of federally funded and administered subsidized housing programs. Secondly, with respect to the crime problem, this unfortunate circumstance cannot in any way be logically considered to have resulted from the construction of multifamily housing, for such housing will have to be built to meet future needs whether it is built by the Federal, State, or local governments. Instead, our failure to adequately provide community development and supportive social programs for those citizens for which we construct new housing has allowed criminal activity to focus in these housing projects.

Under examination the reasons appear incredibly weak, and yet it is for these reasons that the administration has curtailed housing funding and has so adversely affected the total economy. It is estimated that these actions will cost the economy $8 billion over the 18-month period. However, just as importantly, it is estimated that 230,000 jobs will be lost over the next 2 years due to the cut off of funds. With unemployment running at extremely high levels and interest rates and building costs ever increasing, the administration's insensitivity to the problems of the citizens and local communities of this country is revealed in a most disturbing light.

To this point I have been limiting my remarks to the termination of Federal funding for subsidized housing, but the administration has also cut off funds for sewer and water grants and public facility loans. As long as no new approvals are permitted under these programs, nonsubsidized housing will also be slowed down. In a number of metropolitan areas, a shortage of adequate sewage facilities has caused State and county authorities to place a moratorium on new building permits. Restrictions on the issuance of these funds is expected to reduce nonsubsidized housing production by 11 percent from 1972 to 1973, 10 percent from 1973 to 1974, and 20 percent between 1972 and 1974.

Mr. Speaker, we cannot allow the President through his totally arbitrary exercise of power to frustrate the will of Congress and disregard the needs of the poor and the inadequately housed of our Nation. The same authority we used to originally fund the Federal housing assistance programs must be exercised to enact anti-impoundment legislation which will require the President to spend the appropriations Congress makes.

I urge all Members of Congress to fully weigh the harmful affects of the administration's actions on communities throughout the Nation, when Congress considers anti-impoundment legislation. tion.

GIVE "WATER" THE "GATE"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DERWINSKI. Mr. Speaker, the Life newspapers serving suburban Cook County, Ill., regularly features a special column in which their staff members have the opportunity to provide individual viewpoints on matters of current interest.

Naturally, political and governmental developments are often covered by these staff members, Emil Krejcu, a promising young journalist with the Life chain, authored a very penetrating column on the Watergate question in the June 3 edition of the Life newspaper chain.

I commend this article to the attention of the Members:

GIVE "WATER" THE "GATE"

(By Emil Krejcu)

It seems sad to me that the television networks and the newspapers continue to give the Watergate break-in such a nice play.

After all, nobody was killed and no money was stolen.

What the Watergate mess is doing is really hurting the country. Most of the testimony is speculation to date and a court has already tried and convicted seven Watergate participants.

Not that sweeping something under the rug is an advisable way of going about things. But the fact is that the Richard Nixon haters and mindless politicians are having a field day at the country's expense.

President Nixon has ended the Vietnam war, something the Democrats find distasteful to admit, because it robs them of a solid campaign issue for 1974. He started the peace program with the Soviet Union and Communist China, and he brought back an air of calm in our cities and at our universities.

All things aren't as good as we would like them, but they are much better since President Nixon took over.

Sen. Charles Percy of Illinois has been among the leaders in the senate denouncing Watergate. He has that right, but most people believe that he is just out to make a solid bid for the Republican nomination in 1976.

Percy has gone against the President on a number of "gut" issues such as selection of Supreme Court justices, and his latest back-biting of the President should surprise no one.

One of my friends claims that he is offended by Watergate because the guilty parties were 'stealing freedom.' How can he be serious? America is still the land of the free and all of the sensation-seeking newspapers won't change that fact. This country has too many checks and balances that prevent President Nixon or any other President from becoming too powerful.

If the charge is that Congress has become too weak, then it is because men like Charles Percy are too busy running for President and playing great moral leader rather than tending to the affairs of the country. Politicians should try to solve people's problems for a change rather than continually running for office.

CONFIDENCE IN PRESIDENT NIXON

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. LANDGREBE. Mr. Speaker, the following letter which I received this morning expresses very clearly and succinctly the feelings of the many Americans, both in my district and across our Nation, who have written to me to convey their love for and their confidence in President Nixon.

Therefore, I wish to submit it for publication in the CONGRESSIONAL RECORD.

CHICAGO, ILL.,
June 4, 1973.

DEAR MR. LANDGREBE: What can we do to help the President in these dark hours? My heart is so heavy as I think of his tremendous accomplishments which could have made him one of the greatest presidents in this century and the problems he now faces. How can we help him? Do you believe that all must go down the drain because he was perhaps loyal to men who have now in a sense betrayed that trust?

In my own heart I cannot believe that he was a part of the original plans for the bugging. Yet I can understand that if he delved into it and then tried to save the men who perpetrated the mess he may have sought to cover it up to save them. But now what do we do? What could a groundswell of public confidence do to help him?

As I knelt at the altar for communion yesterday my prayers were all for him, for his honesty and integrity. And with them went the prayers for our country and its standing in the world for so much depends upon the impression his leadership and integrity gives to the world.

Is the Republican Party working on any plans to build not only confidence in other Republicans but in the President?

I am writing to you because of your faith in God. I am sure that every sincere person of every faith wants the Lord to guide President Nixon and to bring him through a successful second term.

It would be hard for me to believe that the opposition is blameless. "Let him who is without sin cast the first stone." I am not saying that the truth should not come out now—but the whole truth. What did the Democrats do to discredit the President and the party? What bugging did they do? How did they misuse their funds?

Will this turn into a case where everyone deserts the President?

What can I as a private citizen do to help other than to pray?

Sincerely yours,
EMILIE LEPTHIEN.

H.R. 643

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. FROEHLICH. Mr. Speaker, I have received a considerable number of letters over the past months since I took office, from constituents who urged that I cosponsor the Hosmer bill, H.R. 643. Because of this overwhelming support for the legislation, I became deeply interested in the controversy regarding Federal regulation of food supplements and, in order to get an expert outside opinion, I wrote to Dr. Linus Pauling, the renowned chemist and Nobel Prize winner, to ask for his views on the regulations recently announced by the Food and Drug Administration. His response to my inquiry follows:

STANFORD UNIVERSITY,
Stanford, Calif., February 26, 1973.

HAROLD V. FROEHLICH,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN FROEHLICH: In answer to your letter, I may tell you that I believe that the recently proposed rules set out by the U.S. Food and Drug Administration dealing with dietary supplements of vitamins and minerals, their definition, identity, and label statements, would, if they are put into effect, do great harm to the American people.

When I heard that regulations controlling the non-prescription sale of vitamin A and vitamin D were in prospect, I sent a letter to the Food and Drug Commissioner, together with a statement about vitamin A. I received no reply. I enclose a copy of the letter and statement.

In the letter I mention that it would be asinine to regulate the sale of vitamin C in the way proposed. There is no doubt that the rate of intake of vitamin C that leads to the best of health is for most people in the range between 1,000 mg and 10,000 mg per day, far larger than the amounts, 60 mg or 120 mg, that could be obtained in tablets or capsules sold without prescription as the daily dose. The result would be that many people would go without an adequate supply of vitamin C, and others, who obtained prescriptions, would no doubt have to pay a considerably higher price than at present, in addition to having to pay the doctor. My feeling about other vitamins is that the optimum intake of several of them, including vitamin A, is greater than the maximum daily allowance permitted for sale under the proposed rules.

It is very hard for me to understand why the Food and Drug Administration should be taking these actions. Some steps might be taken, as I advocated in my book Vitamin C and the Common Cold, to prevent people from being bilked into paying excessively high prices for vitamins. Much money is wasted in this way. The Food and Drug Administration is taking the wrong steps, moving in a direction that could be calamitous for the American people.

Sincerely,
LINUS PAULING.

DECEMBER 19, 1972.

DR. CHARLES C. EDWARDS,
Food and Drug Commissioner, Department of Health, Education, and Welfare, Food and Drug Administration, Washington, D.C.

DEAR DR. EDWARDS: I have read in the newspapers that the Food and Drug Administration is proposing to limit the sale of tablets and capsules without a prescription to those containing not more than 10,000 IU of Vitamin A.

I think that such a regulation would be asinine—not quite as asinine as to make a similar limit of 100 mg for Vitamin C, as was proposed by the Food and Drug Administration on 9 December 1966, but almost as asinine.

I enclose a statement by me opposing the proposed limitation on the sale of vitamin A, and ask that this statement be included in the evidence, and that I also be invited by you to present oral arguments.

Sincerely,
——— ———.

STATEMENT ON THE PROPOSED FDA REGULATION LIMITING THE SALE OF VITAMIN A

(By Linus Pauling, Professor of Chemistry in Stanford University)

I am Linus Pauling, now Professor of Chemistry in Stanford University. I was for 42 years at the California Institute of Technology (for 22 years Chairman of the Division of Chemistry and Chemical Engineering), and have taught in Cornell University, Oxford University, University of California, and other universities. I was born in Portland, Oregon, on 28 February 1901, and educated in the public schools of Condon and Portland, Oregon, in Oregon Agricultural College (B.S. in chemical engineering, 1922), and in the California Institute of Technology (Ph. D. in chemistry, minors in physics and mathematics, 1925).

I received the Nobel Prize for Chemistry in 1954, and have received many other awards in chemistry. I also received the 1962 Nobel Peace Prize in 1963, and have a number of other awards for work for peace and better international relations. I also received the Presidential Medal for Merit, the Naval Ordnance Development Award, and several other awards from the United States Government. I also received the Phillips Medal of the American Academy of Physicians, the Modern Medicine Award, and several other medical awards. I am an honorary member of the Harvard chapter of the medical honor society Alpha Omega Alpha, a corresponding member of the French Academy of Medicine, an honorary member of the American Association of Clinical Chemists, an honorary member of the American Society for Pharmacology and Experimental Therapeutics, honorary president of the Academy of Orthomolecular Psychiatry, and a member of about fifty other scientific and medical societies. I have written about 500 papers and a dozen books on physics, chemistry, medicine, and world affairs.

For 35 years much of my work has been on chemistry in relation to medicine. During recent years I have been especially interested in the possibility of achieving a significant improvement in the health of the American people through improved nutrition, with special reference to the proper role of the vitamins.

THE PROPOSED REGULATION OF THE SALE OF VITAMIN A

I am opposed to the proposed limitation of non-prescription sale of vitamin A to tablets and capsules containing not more than 10,000 IU for the following reasons:

1. The optimum daily intake of vitamin A is, in my opinion, about 25,000 IU for many people. The FDA has no convincing evidence that this opinion is not correct. The FDA should not make a regulation that interferes with the proper nutrition of the American people.

2. If the proposed limitation of the sale of vitamin A were extended to foods, a prescription would be required for a serving of one half of one ounce of broiled lamb liver or two ounces of sweet potatoes. The FDA is either wrong in proposing the limitation of the sale of vitamin A tablets or capsules or remiss in not also proposing the equivalent limitation of the sale of liver, sweet potatoes, and other foods rich in vitamin A.

3. There is very little chance of damage to humans from ingesting too much vitamin A—far less chance than for many drugs that are sold over-the-counter. The argument that the proposed regulation would significantly protect the American people from a serious danger, that of hypervitaminosis A, is invalid.

4. The proposed regulation would be largely ineffective, and would be economically damaging to the public.

5. The proposed action would, without justification, limit the freedom of the people.

THE OPTIMUM INTAKE OF VITAMIN A

The optimum intake of a vitamin is the intake that leads to the best of health. This optimum intake is probably different for different persons. The average value of the optimum intake of vitamin A for an adult is not known. I estimate it to be about 25,000 IU per day.

Some evidence to support this value is provided by the work of H. C. Sherman and H. Y. Trupp with rats, Proc. Nat. Acad. Sci. USA *35,* 90 (1949). Additional evidence is provided by the consideration of the average amount in a day's ration of 110 raw natural plant foods, in the same way as described for vitaman C in my paper Evolution and the Need for Ascorbic Acid, Proc. Nat. Acad. Sci. USA *67,* 1643 (1970), and my book Vitamin C and the Common Cold, 1970. This average for vitamin A is 110,000 IU. When the 16 plant foods with the highest values, above 200,000 in a day's ration, are omitted, the average for the other 94 is 29,000 IU. Even with consideration of the contribution of meat to the diet, there is strong indication that primitive man ingested much more than 10,000 IU of vitaman A per day.

Further evidence that the optimum intake of vitamin A is larger than 10,000 IU per day is that the "therapeutic dose" prescribed by many physicians to improve the health of some patients is usually 25,000 or 50,000 IU per day.

That the optimum intake of a vitamin may be considerably greater than the amount needed to prevent overt A vitaminosis or the "recommended daily allowance," which is usually two to five times greater, is shown by the effectiveness of ascorbic acid in amounts 20 to 100 times the "recommended daily allowance" in providing protection against the common cold. The older evidence is summarized in my book Vitamin C and the Common Cold. The new evidence reported by Charleston and Clegg, Lancet *1,* 1401 (1972), and by Anderson, Reid, and Beaton, J. Canadian Med. Assn. *107,* 503 (1972), leaves little basis for skepticism.

The Food and Drug Administration, in justice to the American people, could ethically restrict the non-prescription sale to tablets or capsules containing no more than 10,000 IU of vitamin A only if the FDA had convincing scientific evidence that the optimum daily intake for most people, leading to the best of health, were less than 10,000 IU. The Administration does not have such evidence. In fact, the existing evidence indicates that the optimum daily intake is greater than 10,000 IU. It would accordingly be wrong for the FDA to limit the sale of vitaman A in this way.

WHY SHOULD THE SALE OF TABLETS BE RESTRICTED AND NOT THAT OF FOODS?

It is proposed that the non-prescription sale of tablets or capsules containing more than 10,000 IU of vitamin A be forbidden, but not that of portions of foods containing more than 10,000 IU of vitamin A.

Either the FDA is wrong in forbidding the sale of the tablets, or it is remiss in not forbidding the sale of a portion of certain foods.

Occasionally I eat a serving of one-half pound of liver. According to the book Metabolism of the Federation of American Societies for Experimental Biology, a one-half pound portion of raw beef liver contains 100,000 IU of vitamin A, of fried beef liver 121,000 IU, of raw lamb liver 115,000 IU, and of broiled lamb liver 169,000 IU. To be consistent, the FDA should propose restricting the sale by butcher shops and restaurants of beef or lamb in portions greater than half of one ounce (for broiled lamb liver) and 0.8 ounce (for raw beef liver), except when prescribed by a physician.

I also occasionally eat a half pound serving of sweet potatoes. According to the book Metabolism, this serving contains between 18,000 and 45,000 IU of vitamin A. To be consistent, the FDA should restrict the non-prescription sale of sweet potatoes to about two ounces per portion.

THERE IS LITTLE DANGER OF HYPERVITAMINOSIS A

A reason given for restricting the sale of vitamin A is that very large amounts are damaging to the health of human beings.

In fact, there is very little danger of damage through hypervitaminosis A, whereas much damage (ulcers, deaths) is done by aspirin and other drugs that are sold over-the-counter.

So far as I am aware, no person has been killed by taking too many tablets or capsules of vitamin A.

An intake by an adult of 200,000 IU of vitamin A over a period of a year or more has caused some cases of hypervitaminosis A. A somewhat smaller intake, down to about 100,000 IU per day, has caused hypervitaminosis A in infants. A single dose of several million IU causes illness. The disease is brought under control in a few days by decreasing the intake of the vitamin.

Many people have ingested 50,000 to 100,000 IU per day (by eating one-half to one pound of liver per day, for example) over long periods of time, without developing hypervitaminosis A.

The facts show that the danger of hypervitaminosis A is not great enough to justify the proposed restriction on the sale of this vitamin.

THE PROPOSED REGULATION WOULD BE LARGELY INEFFECTIVE BUT WOULD BE ECONOMICALLY DAMAGING TO THE PUBLIC

It is customary now for people who recognize improvement in their health with increased intake of vitamin A to purchase capsules containing 25,000 IU, at a retail price of about $5.00 for a year's supply (365 capsules).

If these capsules could not be obtained, many people probably would take five 5,000 IU capsules per day. The regulation would be ineffective, but it would have some nuisance value in discouraging some people from improving their health by reaching the optimum intake of this vitamin.

Inspection of price lists show that the cost per unit of vitamin capsules containing 5,000 or 10,000 IU is two or three times that of capsules containing 25,000 IU. Accordingly the proposed regulation, if put into effect, would mean for many people only an unnecessary cost of $5.00 or $10.00 per year paid for this important nutrient.

A fraction (rather small) of the American people might rely upon their physicians to prescribe vitamin A for them. They also would suffer financially, in having to pay the physician for writing the prescription and in having to pay the customary overcharge for prescriptions as compared with over-the-counter items.

THE PROPOSED ACTION WOULD LIMIT THE FREEDOM OF THE PEOPLE

The proposed restriction on the sale of vitamin A would, if it went into effect, limit the freedom of the American people, with no discernible advantage to the country or the government, and with disadvantage to the people themselves. It probably would lead to a black market in vitamin A capsules, and to increase in crime that is associated with the development of a black market. The Volstead Act, which limited the sale of alcoholic liquors except on a physician's prescription, had some justification, but it failed. The proposed limitation of the sale of vitaman A has no justification.

For the reasons given above, this proposed regulation should be rejected.

LINUS PAULING.

Mr. Speaker, while I am not a chemist or a physician, I have very considerable respect for Dr. Pauling's views on health and medicine. His judgment and the judgments of a vast number of my constituents have convinced me that the FDA regulations should not be permitted to take effect until a great many fundamental questions are answered.

Frankly, at this point, I am not persuaded that the FDA regulations are either wise or fair, for they unquestionably impinge on personal freedom. Government has a heavy burden of justification when it acts to limit the rights of individuals to make personal choices that do not affect or injure others. In this case, that burden has not been met.

I have therefore cosponsored the Hosmer bill, and I want to commend the gentleman from California for his leadership on this issue. It is imperative that hearings on this legislation be held in the near future. I hope they will be scheduled and that immediate favorable consideration can be given to the Hosmer bill.

SPACE INSTRUMENT PROVIDES FIRE ALERT

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. GOLDWATER. Mr. Speaker, unfortunately, this is the time of year when many areas of the country are especially vulnerable to forest fires. It is encouraging to note that space technology is being applied to efforts to control forest fires.

I think it is interesting and certainly laudable that the National Aeronuatics and Space Administration is involved in just such a project in California, and as a part of my remarks I would like to include at this point a NASA statement describing it:

SPACE INSTRUMENT PROVIDES FIRE ALERT

One of the oldest threats to life on Earth, forest fires, is now being attacked by the newest of man's tools, space technology.

Instruments developed to sense conditions when fires start easily are being teamed with a satellite relay station and computers to give the California Division of Forestry (CDF) a "Fire Index Measurement" from an experimental unmanned remote station in a fire area near Sunol, Calif.

Foresters say that knowing where fires are probable and how they might act is almost as important as men and equipment actually fighting fires. An unmanned station to establish the fire index in remote areas is doubly important because it gives timely readings which have in the past been made by forestry personnel as only one of their many duties, and it has been a problem for them to get the information to their headquarters by telephone. Important, too is the idea that when fires occur, forestry personnel are often pulled into firefighting duties and can no longer monitor their areas.

The system is based on sensors developed by the CDF and NASA's Ames Research Center, Mountain View, Calif., to check wind velocity and direction, air temperature, relative humidity, and fuel moisture content, a measure of the flammability of forest floor litter. Under an agreement between Ames and the Division Forestry, Ames aerospace technologists have joined the CDF instruments with a NASA "black box" which converts their measurements into data which is beamed to the Earth Resources Technology Satellite (ERTS) at least twice a day.

The ERTS, orbiting Earth every 100 minutes 915 kilometers (540 miles) overhead, picks up the signals with special receiving equipment. The satellite automatically relays the information to a NASA tracking station in the Mojave Desert which passes it along electronically to NASA's Goddard Space Flight Center in Maryland. The coded data is sorted out by computer and sent to Ames back in California where it is processed by computer and sent to Forestry headquarters in Sacramento, in a useable form. In the Sunol experiment, the fire index information is passed to Sacramento on a daily basis, but it could be made available within an hour after an ERTS pass if need be.

The sensing unit in the Sunol area has been operating successfully for several weeks and the experiment has been termed by the CDF "highly successful." The Ames center has assigned a team of experts to study the design of a network of the sensing units which would cover several critical fire areas.

The success of the project is also sparking interest in the possibility of using the system to monitor air pollution.

The fire index project is an example of a continuing program at Ames to identify problems of public interest and concern and help local agencies find practical solutions through aerospace technology.

Heading the joint effort for the California Division of Forestry is William Innes, research meteorologist. Henry Lum, Jr., research scientist, at the Ames Research Center is the NASA project manager.

JIMMIE FLEMING: TALENTED WRITER AND REAL GENTLEMAN

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. PATTEN. Mr. Speaker, recently an article by Leonard Sime, of the Home News, N.J., appeared in that distinguished newspaper about Jimmie Fleming, a talented writer and a real gentleman.

Jimmie is one of the most versatile reporters I have ever known, his writing talents ranging from sports to human interest, so I was pleased to read Mr. Sime's article of May 27, 1973. I always look forward to reading Jimmie's articles because his style of writing is really beautiful—almost reminding one of Hemingway—clear, lean, and moving.

One of Jimmie's present assignments is to handle the Got-A-Problem—GAP—column in the Home News. Almost 11,000 readers have written to Jimmie for help and guidance. I am not surprised, because he is a superb newspaperman and a great human being—his love for people is deep and real. It is a rare honor to know Jimmie Fleming. The article by Leonard Sime follows:

BEHIND THE BYLINE

(By Leonard Sime)

NEW BRUNSWICK.—Jimmie Fleming has a great many friends, most of whom he's never met.

And thousands of them write him angry letters.

That's the way he likes it. For Jimmie's got the biggest crying towel in town and often has just the right medicine to make a friend feel better.

Five years ago next month the opening gun was fired on the front page of The Home News in a war against frustration, a war in defense of the little guy. GAP (Got a Problem) column was launched upon the sea of human woes, with Jimmie Fleming at the helm.

That first column reported on four problems, all of them cured. A family got back its $140 deposit on undelivered furniture. A group of merchants was stopped from putting garbage out on Sundays. The case of the missing mail box was solved. A confused water customer got a sensible explanation of a new mixed-up billing procedure.

Thousands more cures, solutions, answers and explanations have been pouring from Fleming's typewriter ever since.

To date, nearly 11,000 people have written in sheer desperation to GAP. In almost every instance, the person had exhausted all his own avenues of relief and felt he was batting his head against a stone wall. He was hoarse from yelling and could hardly speak above a whisper, as the saying goes. His letter to GAP was just one, last, feeble effort, as it were, to "see if that newspaper column could do anything." Most of the time, helpless and hopeless, the letter writers expected no results at all.

But results they got, in about half the cases. That's a batting average in the neighborhood of .500, high in any league.

And the results are appreciated. You ought to read some of Fleming's daily mail:

". . . lo and behold . . . through your help . . . this miracle occurred."

"I can't thank you enough . . . I am completely free from a debt . . . one that was draining me of hard-earned money."

". . . this makes me feel good . . ."

"You are an answer to a prayer."

"Many thanks on behalf of our church choir."

"I received $11.02. Thank you. I was getting nowhere, myself."

". . . a psychological boost of confidence for the little man, enabling him to stand up for his rights, knowing he'll be backed up when it's needed."

"You saved me much frustration."

"The man came and fixed the door . . ."

"My daughter got her swimmers' card . . ."

He gets hundreds of letters such as these.

All this didn't come about overnight.

When the idea arose in the spring of 1968 at The Home News that the paper should carry a service column for its readers, Jimmie Fleming's name just naturally became a part of the thing. He was writing a daily column about people, "Round About Town," as he had done for quite a few years, and a Sunday column, "People, Places and Things," too. Everybody knew how he liked people, and how people liked him. He knew his way around New Brunswick like nobody else. A bachelor, he had moved into the downtown YMCA some 15 years before, just for a weekend, and has made it his home ever since.

He was the right man for the job. No question about it.

"I decided right at the start that the only way to do it was to make a sincere effort to get some sort of answer to every person who wrote in with a problem," Fleming says.

Publisher Hugh N. Boyd agreed wholeheartedly with Fleming's approach. "It makes people feel that someone cares about them."

He was determined to be fair at all times. He would give every government agency, or store or manufacturer or whatever a fair chance to make good on the customer's complaint. He wouldn't hit them over the head with a club.

On the other hand, "It's the little guy who needs us. The big guy, with his big deal, has the money and the know-how to fight his own fight. But the little guy, who is out four or seven bucks or something, he's in a jam and worried. The dough is important to him and he can't hire a lawyer, doesn't know where or how to fight and nobody will listen to him anyway."

Fair.

Sincere.

These are words Jimmie Fleming uses every day.

These are words other people use to describe Jimmie Fleming.

Born March 11, 1907, in New Brunswick, the hometown lad took from the first to sports. By the time he was 10, he was good with any kind of ball and during basketball season was a popular little guy at most of the local games, doing his dribbling and shooting act between halves. The teams of the time all wanted Jimmie as mascot. He was mascot to 10 or a dozen teams, history now shows, even to the first girls' basketball team at New Brunswick High.

New Brunswick High was Jimmie's school, and Jimmie, a three-sport man, was an all-state high school quarterback in 1925.

The smallest quarterback in New Jersey, he was, "The best 107 lb. quarterback in the state," they said at the banquet honoring the all-state team.

"The worst one, too," quipped one of Jimmie's coaches, the late Harry W. (Doc) Baldwin, for, he reasoned, there were no others at that weight. He was one of Jimmie's greatest boosters.

The quarterback broke his left leg the next year, playing for St. Benedict's Prep in Newark.

After school let out in the summer of 1926, Jimmie thought he'd "just play baseball for the summer, loaf around a lot," and was loafing one night at the movies in the old Bijou Theater downtown.

The man sitting in front of him was John Quad, then sports editor for The Home News. "So what are you going to do?" he inquired of Jimmie.

Jimmie told him about the loafing plan.

"Why don't you come work for us?"

So he did. He was a "stringer" for the sports department, chasing three ball games every Sunday afternoon in New Brunswick, Perth Amboy and South River, writing about them far into the night.

Stringers got paid by the amount of space they filled in the paper. Jimmie filled so much, worked so loyally, that he earned as much as a salaried reporter. Elmer Boyd, then publisher, called him in one day in 1928 and put him on the regular payroll.

In 1932 he was named sports editor. Later, he served on the copy desk, and was in the

Army for a couple of years during World War II.

After his return to newspapering and civilian life, Fleming wrote the daily column "Round About Town." Through the years, many had known him. Through the column, many more got acquainted. Not many folks lived in New Brunswick very long without knowing who Jimmie Fleming was.

He still writes his Sunday column, on top of the multitude of detail and hours of effort the GAP column demands.

He's the first one to tell you that he doesn't do it all alone. His assistant from the beginning has been Isabel Brylawski, another longtime employe of the newspaper (22 years), who came to The Home News after a career as a violinist, became expert in research as a member of the newspaper library staff. "I'd be lost without her," Fleming admits.

Fleming got his 45-year pin this month, shortly after he'd replied to his 10,000th GAP letter. The word "sincere" came into play again.

Said Hugh Boyd, "The incident I remember best about this man that shows his attitude toward others happened many years ago, when the paper was located on Church Street.

"I was standing in front of the office one afternoon and Jimmie drove by, slowly. Then he passed by again and a few minutes later, again. When he came by the fourth time, I waved him down and asked him why he was just going round and round the block."

Jimmie stopped and grinned his famous grin. "I've got my two nephews asleep on the back seat," he whispered to Boyd. "I was afraid to stop the car for fear I'd wake them up."

The gentle hand is firm, however, and the other day he got his most interesting case to solve.

It seems someone stole his income tax refund check.

Said the columnist, with another grin, "I've got GAP working on it and the Secret Service is already busy and will get my check back. Saved myself a lot of frustration."

A SALUTE TO GOLD STAR MOTHERS

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. MATHIS of Georgia. Mr. Speaker, a short time ago, I had the privilege of attending a dinner meeting of the Ashburn, Ga., American Legion, for the purpose of honoring Gold Star Mothers of Turner County, Ga. As Members of this House are aware, the Gold Star Mothers are those mothers who have lost sons in the service of this Nation. At that meeting, presided over by my dear friend Lamar Haman, his wife, Marie, had words for that gathering that I would like to share with my colleagues. I think Marie Haman's words are worth your consideration:

Speech by Marie Haman

The American Legion and Auxiliary welcome this opportunity to pay tribute to a group of Ladies who have given to America and to freedom the most precious gift there is. Some thirteen years ago a very unpopular war began in Viet Nam. As the draft rolls increased in number so did the complexities of the moral issues attached to the war.

Soon young men all over the country were burning their draft cards and private corporations and even politicians were crying that America had no place in Viet Nam. But America was there and while hundreds of men deserted their country, fled to Canada and shirked the call to duty, some had the courage to stand by their country's commitment, right or wrong.

This is what America is all about. A strong free people who sometimes make mistakes, but who always stand together. The price to these young men in many cases was death.

During the first world war things were different. America was backed into a corner and we had to fight. The country supported its military men because the issues were clear.

It was either forsake the heritage of our forefather and accept an alien way of life—or fight. We chose to fight.

Though the issues were clear in World War I, they were nonetheless the same as in Viet Nam, and we sent our Armed Forces into battle. The price to many of these young men?

When it was over and the smoke had cleared the world resolved there would never be another world war. But there was.

In World War II we stood idly by and watched the Nazis take over country after country without firing a shot.

Finally we came to our senses and realized that somewhere on that list was the United States. Off again we went, but was almost too late.

The years of bloodshed which followed caused many to say, "If we had only acted sooner."

Our brave young men said nothing. They just fought.

There are people in this room tonight who remember Korea. Both the men who were there and the wives and mothers who waited.

Life is a question of give and take, cost and reward, what you pay for is what you get.

But there are very few rewards worth the price of life. Freedom is one. It is something that is difficult to achieve and easily lost. It is also easily taken for granted. It is a maxim of human life that precious possessions come only at precious cost. Certainly freedom to Americans is the most treasured of our wealth. But how dearly it cost us. No one knows better the price of freedom than the Gold Star Mothers. These are mothers who have lost their sons in service to America.

And so, as another chapter of American history comes to a close and the Viet Nam War winds to a tiring halt, the American Legion and its Auxiliary choose to honor these Ladies—the mothers of our bravest sons. The Mothers of America.

ECONOMY BEGINS SOON

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. MIZELL. Mr. Speaker, an article in the Mount Airy, N.C., News recently came to my attention, concerning President Nixon's effort to dismantle the Office of Economic Opportunity.

This article, by Milton Sewell, news editor of the News, expresses my feelings on the subject rather well, as I am sure will be the case for many of my colleagues in this body.

For their benefit and information, I am enclosing the text of this article in the Record at this point.

The article follows:

Economy Begins Soon

(By Milton Sewell)

OEO, CAA, CAP, YVEDDI?

Do you know what those initials stand for?

How about one million dollars-plus per year of your tax money, right here in Surry, Stokes, Yadkin and Davie counties?

OEO stands for Office of Economic Opportunity, a federal agency formed with high ideals in fighting poverty in the nation. YVEDDI is no less than the Yadkin Valley Economic Development District, Inc., a Boonville based agency administering the federal anti-poverty programs in the four counties cited above. CAA is the Community Action Agency which carries out a CAP, that is, a Community Action Program.

President Nixon, since his reelection has asked Congress to "dismantle OEO", in the words of a local memorandum from the Boonville based arm of the organization. While Congress has not yet acted, nor indicated what it may eventually do, those whose paychecks depend on the federal hand-out of tax monies are crying the blues.

A memorandum from YVEDDI has gone out to various agencies in the area plugging for support for continuing the programs that have been functioning under the program. The memorandum bears the name of L. H. Jones, chairman of the YVEDDI board of directors and a Mount Airy educator, and Jimmy R. Hutchens, executive director of the organization and protege of former executive director Bob Campbell, who resigned minutes before being ousted after he received a "letter of understanding" from his superiors and criticism locally for questionable procedures in the operation of the agency.

One paragraph in the memorandum reads: "We ask that you review our efforts and the effects that the stated intentions will have in our area. We hope you will send your written views to our President, Governor, Congressman, Legislators, and County Commissioners."

We'd like to cooperate with YVEDDI by doing just that.

Dear President, Governor, Congressman, Legislators, and County Commissioners:

The expressed intent to dismantle OEO brings an immediate reaction from this writer—one of elation and approval.

Although we have read the high ideals incorporated in the goals of the local OEO agencies, we have yet to see them implemented with any degree of efficiency in the local communities. For each nickel's worth of good that emerges from the local agency's efforts, we're investing a dollar in supporting a "paycheck empire".

During the past several years YVEDDI has been administering programs in this area, we have received repeated complaints by professional men formerly involved with the agency that the agency manipulates its directors and actually practices a "misuse of the poor" whom it is engaged to help.

If there be any program of value within the agency's scope, we suggest it be transferred to some other agency staffed by professional, trained personnel able to demonstrate some reasonable degree of accomplishment in the fields wherein they are laboring.

Mr. President, we have often disagreed with you in the past. In this expressed intent to dismantle OEO, however, we agree with your purpose. We hearby, in writing, call upon the Governor of our state, our Congressman, Legislators and County Commissioners to lend support to efforts to eliminate a million dollars annual drain in this area on the taxpayers' pocketbooks.

A BILL TO GRANT TAX CREDITS FOR THE ADOPTION PROCESS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. WALDIE. Mr. Speaker, today I am introducing legislation that would allow a refundable credit on individual income tax returns for expenses paid in connection with the adoption of a child. This is an effort to make the adoption process less of a financial burden upon those individuals who are interested in adoption.

The most important problems in America are human problems. Problems such as crime, poverty, education, freedom and the like. Many of these problems can be solved by governmental aid on various levels. However, everything cannot be solved by direct government intervention; some of our problems have to be handled on the individual and family level. Children who have grown up in an atmosphere of mutal respect and love tend to become productive members of our society. Children who have been neglected, on the other hand, are more apt to become society's drug addicts and criminals. One method to decrease the number of neglected youth is to encourage adoption. I feel that this legislation, with the promise of tax credits would aid this effort.

Children have a right to be born healthy—physically, mentally and emotionally—and to be born to parents who want them and can and will love them. It is far healthier for a small child to begin his life in the loving arms of a mother and father, than within the confining walls of an institution with paid professional staff.

What better way to help a despondent child than to assure him a strong, loving, happy family? However, the cost of adoption is not a minimal one. If a family wishes to adopt a child, they must go through a lengthy, involved process. A process that can be fairly costly. There is no reason why the humanitarian process of adoption should be that expensive. The legislation that I am introducing today would encourage adoption by allowing tax credits for the cost incurred in the process of adopting a child. The bill follows:

H.R. 8533

A bill to amend the Internal Revenue Code of 1954 to allow a refundable credit against the individual income tax for expenses paid in connection with the adoption of a child

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by redesignating section 42 as section 43, and by inserting after section 41 the following new section:

"Sec. 42. Adoption Expenses.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed to an individual as a credit against the tax imposed by this chapter for the taxable year, the amount of adoption expenses (as defined in subsection (b)) paid by the taxpayers during the taxable year.

"(b) DEFINITIONS.—For purposes of this section, the term 'adoption expenses' means adoption agency fees and expenses, incidental to the legal adoption of a child by the taxpayer, which are incurred during the taxable year in accordance with applicable State law—

"(1) for reasonable and necessary court costs, attorneys' fees, and other costs and fees in connection with legal proceedings for the adoption of the child, and

"(2) for medical care (as defined in section 213(e)) of the child, and of the child's natural mother, in connection with the birth of the child.

"(c) LIMITATION.—The credit allowed by subsection (a) for a taxable year shall not exceed $200 ($100 in the case of a married individual who files a separate return).

"(d) AMOUNTS NOT TO BE TAKEN AS DEDUCTIONS.—Any payment allowed as a credit under this section shall not be treated as an amount paid by the taxpayer for purposes of determining whether the taxpayer is entitled to (or the amount of) any deduction (other than for purposes of determining support under section 152)."

(b) The table of sections for such subpart A is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 42. Adoption expenses.
"Sec. 43. Overpayments of tax."

(c) Section 6401(b) of such Code (relating to amounts of excessive credits treated as overpayments of tax) is amended—

(1) by inserting after "lubricating oil)" a comma and "42 (relating to adoption expenses),", and

(2) by striking out "other than the credits allowable under sections 31 and 39" and inserting in lieu thereof "other than the credits allowable under sections 31, 39, and 42".

SEC. 2. The amendments made by the first section of this Act shall apply to taxable years ending after the date of the enactment of this Act.

WESTERN NORTH CAROLINA SINCE THE CIVIL WAR

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. TAYLOR of North Carolina. Mr. Speaker, western North Carolina, like many other sections of our Nation, has a rich and interesting history. Unfortunately, however, not a great deal of research into the history of this area has been done.

For the first time since 1914 a complete history of the political, economic, social, and cultural progress of the region has been written. Dr. and Mrs. John J. Van Noppen, both professors at Appalachian State University, Boone, N.C., have written the new book entitled, "Western North Carolina Since the Civil War." The Van Noppens were not content to rely only on sources found in regional libraries and State archives. They traveled, talked to people of the area, and to descendants of those left behind in England, Scotland, and Wales. They did intensive research in the Library of Congress.

Their history also includes a treatment of the differentiating qualities of the mountain people, their institutions, traditions, customs, folklore, arts and crafts, ways of life, and the literature written about them and by them. The book has been endorsed by the Western North Carolina Historical Association. It is aimed primarily at the reading public and should be of value to the historian and the student of local cultures.

I commend it to my House colleagues as informative reading about one of the most scenic parts of our Nation and the proud and independent Appalachian people who have so enriched its heritage.

THE INNER CITY MOTHER GOOSE

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. GOODLING. Mr. Speaker, I would like to take this opportunity to compliment the Philadelphia School Board for its action in banning a particular nursery rhyme book from the classrooms of the city's public schools.

The book concerned illustrates ghetto life in a series of rhymes and drawings, and is titled "The Inner City Mother Goose."

It is distressing to observe that the American Civil Liberties Union has protested the ban of this publication, arguing that the action of the school board was not in compliance with regular school board procedure for banning books.

It is difficult to understand why the ACLU would object to having this publication banned from the school shelves, for it is not of a nature that would bring forth the best in the children exposed to it.

It is recognized as a fundamental truth that schoolchildren are impressionable. If this is so, then it follows that children should be exposed to those things that encourage them to the right and not the wrong thing. That the publication concerned would be a bad influence on these children is evidenced by its nature.

Here is a line-by-line diagnosis of one of the versus extracted from the book titled "Jack Be Nimble":

> Jack be nimble, Jack be quick, snap the blade and give it a flick . . .

This represents an outright invitation to a youth reading this line to get a knife if he does not already have one, and nimbly and quickly ready it for use.

One can easily see what such an invitation would do to some of the marginal youths in the classrooms who might have been entertaining the idea of obtaining a knife for evil purpose, but had not convinced themselves that they should do it. Encouragement like this would prompt them to shed any doubts or reservations they had about owning a knife and getting it ready for use.

The next line urges the knife owner accordingly:

> Grab the purse, it's easily done . . .

This language serves as an inducement for the reader to take his newly acquired knife and use it as an instrument of evil for personal gain. The knife owner is given the subtle assurance that the theft is easily executed, because the victim whose purse is being stolen is deathly afraid of the knife.

The last line of the verse implores the knife-wielding purse snatcher to broaden the base of his new-found pleasure as follows:

> Then just for kicks, just for fun, plunge the knife and cut and run . . .

This is, on the very face of it, an outright invitation to murder or, at the very least, to mayhem. It further encourages the newly cast criminal to beat it fast before the cops come on the scene and catch him. In essence, the sentence encourages criminal action in the first instance and avoidance of penalty in the second.

In summary, then, there is enough evidence in these lines to show that this book has an evil theme; that is, an invitation to criminal conduct on the part of our youth. Not too many months ago juvenile delinquency was a plague on the American society, but through public cooperation and education it has been reduced to moderate proportions. If, however, we submit to the pleadings of the American Civil Liberties Union on books like "The Inner City Mother Goose," the evil of juvenile delinquency will be resurrected. My compliments to the Philadelphia School Board for setting a good standard.

I include an article from the Gettysburg Times that deals with this matter and encouraged this insertion:

> NEW "MOTHER GOOSE" BOOK IN CONTROVERSY
>
> PHILADELPHIA.—The American Civil Liberties Union, ACLU, is protesting the ban of a nursery rhyme book from the shelves of Philadelphia's public schools.
>
> Titled "The Inner City Mother Goose," the book by Eve Merriam depicts ghetto life in a series of rhymes and drawings.
>
> The school board ordered the book stricken from the shelves last October. On Wednesday the ACLU issued a protest, arguing the action did not follow established school board procedure for banning books.
>
> Here is an example of the book's verse, a poem titled "Jack Be Nimble."
>
> "Jack be nimble, Jack be quick, snap the blade and give it a flick. Grab the purse it's easily done. Then just for kicks, just for fun, plunge the knife and cut . . . and run."

RETIREMENT OF DILLON GRAHAM, A FINE NEWSMAN

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 1973

Mr. MATHIS of Georgia. Mr. Speaker, my Georgia colleague, JACK FLYNT, was kind enough recently to call my attention to the retirement of Dillon Graham after 44 years of service with Associated Press.

Although his assignment kept him busy all over Capitol Hill, Dillon always seemed available for consultation with Members of the Georgia delegation and we all hold him in the highest esteem. Having once served with the AP bureau in Georgia, Dillon maintained a strong interest in what took place in our State and kept a close eye on those of us privileged to come to the Halls of Congress from Georgia and from the South.

In a time when newsmen are not generally in the business of making friends and influencing people, Dillon Graham did both. He worked hard to get the facts, and seemed always to try to report a story as it happened. We knew in dealing with Dillon Graham that he was knowledgeable and capable, and his desire for accuracy was always reflected in the thousands of stories he "put on the wire" from the Nation's Capital.

Upon retirement, Dillon and Mrs. Graham will be living in our neighboring State of South Carolina, so we hope we can maintain a frendship with them for a long time to come. We commend Dillon Graham for his great service as a reporter. We wish for him many happy years of reflecting on his accomplishments as a newsman—and as a gentleman.

LET JAPAN SOLVE OUR TRADE IMBALANCE PROBLEM

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. LEGGETT. Mr. Speaker, John Davenport of the Western Forest Industries Association recently presented me with what I consider to be the most novel approach to the timber supply crisis that I have seen yet.

Mr. Davenport suggests that the current inflation in wholesale lumber prices could be solved in two ways:

First. Private timber must be banned from export.

Second. All log exports should be restricted to public lands. The administration should allow Japan to have all the logs she wants but the price should be $2,000 per thousand board feet. The volume exported should be divided evenly among all the national forest throughout the United States.

Mr. Davenport points out:

> The immediate benefit from such a system, assuming Japan needs 3.2 billion board feet, would be a $6 billion swing in the balance of payments. The adverse trade balance now outstanding would be eliminated. Japan needs lumber. Japan has dollars. We have the timber. We need dollars. Let them have the logs, but at our price. Log exports would finally make sense.

This proposal may seem extreme, but it certainly makes more sense than the position that the administration has taken on this issue. Despite massive increases in the price of lumber over the last year, that mysteriously corresponds to the increased log export to Japan, the Nixon administration has continued to argue that an annual export of 3.2 billion board feet has little influence on the overall price of domestic lumber. The administration's answer to the problem is not to decrease the amount of log exports, but rather to increase the timber supply by raising the allowable cut from 10 billion to 11.8 billion board feet annually. They hold this position, incidentally, while at the same time the President has reduced the Forest Service request for reforestation by better than $10 million.

Frankly, the logic of this position escapes me. Either the reduced supply of timber has an effect on the price of lumber or it does not. You cannot have it both ways. It seems to me that for the administration's argument to be consistent they would have to support a reduction in log exports, an escalation in reforestation practices, and an increase in the allowable cut. So far, the President has only chosen to support the last of the three aproaches.

It may be, of course, that there are certain "national security" reasons for the President's continued opposition to a reduction in the amount of log exports going to Japan. If that is the case then perhaps Mr. Nixon should consider Mr. Davenport's proposal. It does offer a solution to Japan's problems, our problems, and the problems of the American taxpayer.

At this point in the RECORD, I would like to share with my colleagues the full text of Mr. Davenport's proposal:

> LOG EXPORTS
>
> Something's been overlooked.
>
> The drain on the nation's timber supply created by log exports to Japan is adversely affecting the nation's balance of payments, because it necessitates importing more expensive finished lumber from Canada. It is senseless to let the existing situation continue because only certain timber owners in the Northwest, such as Weyerhauser Company and the State of Washington, reap windfall benefits to the detriment of the full national interest.
>
> Since the Nixon administration seems determined to supply Japan's needs for softwood timber, two things must be done if the public interest is to be served.
>
> Private timber must be banned from export.
>
> All log exports should be restricted to public lands. The administration should allow Japan to have all the logs she wants but the price should be $2,000 per thousand board feet. The volume exported should be divided evenly among all the National Forests throughout the United States.
>
> The immediate benefit from such a system, assuming Japan needs 3.2 billion board feet, would be a 6 billion dollar swing in the balance of payments. The adverse trade balance now outstanding would quickly be eliminated. Japan needs lumber. Japan has dollars. We have the timber. We need dollars. Let them have logs, but at our price. Log exports would finally make sense.
>
> Under such a system most of the money would go directly to the federal treasury instead of to a few timber owners, and the amount would be over 4.5 billion dollars. Shared timber receipts would flow to the states and would amount to over 1.5 billion dollars. That would eliminate the need for all property taxes in many states and be the single most significant form of tax relief ever achieved by the citizens of my state of California.
>
> The log flow would not be predominantly from the state of Washington as it is now, but could be spread evenly over all the United States. Even Duluth, Minnesota, could get in on the act.
>
> The money in the federal treasury could be used to retrain unemployed sawmill workers, homebuilders, carpenters, and contractors. Many more could be employed in the national forests cleaning up after the logging and improving the environment so that more timber could be grown on our national forests to meet Japan's future homebuilding needs.

This makes much more sense than what we are doing now.

RELIGIOUS HERITAGE OF AMERICA HONORS MRS. VONETTE BRIGHT, CHURCHWOMAN OF THE YEAR FOR 1973 AND DR. WILLIAM R. BRIGHT, SPECIAL AWARD FOR EVANGELISM

HON. JERRY L. PETTIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. PETTIS. Mr. Speaker, tonight the national awards banquet of the Religious Heritage of America will honor two longtime friends and constituents of mine, Mrs. Vonette Bright and her husband, Dr. William R. Bright, for their outstanding contributions to America's religious traditions.

Mrs. Bright was named "Churchwoman of the Year" for her work in founding the Great Commission Prayer Crusade, a movement which seeks to unite the Christians of our Nation in prayer to overcome the ills plaguing our society.

Dr. William R. Bright, who with his wife founded Campus Crusade for Christ International, will be given a special award for his contribution to the Youth of America through the impact of EXPLO '72, an International Student Congress on Evangelism. Held in Dallas in June 1972, EXPLO brought together 85,000 young people from 100 countries for training in evangelism.

Others to be honored tonight include hoteller Conrad Hilton, who was named "Churchman of the Year," and Dr. Oswald C. J. Hoffman of St. Louis, Mo., who received RHA's "Clergyman of the Year" award.

Awards are given each year to the men and women who have made the greatest contributions in religious and humanitarian service in the highest tradition of our religious heritage. Americans receiving these awards in the past include Billy Graham, Norman Vincent Peale, Dale Evans, and Lenore Romney.

It is with great pride that I share with my colleagues the remarks prepared by Vonette Bright in anticipation of tonight's award. It emphasizes America's great religious heritage and a solution to today's problems:

RENEWING AMERICA'S HERITAGE

(By Vonette Bright)

This nation was built on a Christian foundation. The late President Woodrow Wilson said, "Ours is a Christian nation, built upon Christian principles." President Andrew Jackson said, "The Bible is the book upon which this republic rests." One hundred and four of the first 119 colleges and universities in America were established as Christian schools. Harvard, Princeton, Dartmouth, Yale, William and Mary, those great institutions of higher learning produced the first great leaders of our nation.

During that historical winter at Valley Forge, one-third of George Washington's troops died, many of them were young lads only in their early teens. Another one-third deserted and the rest were sick, ragged, cold and starving men. It was a hopeless cause. But, General Washington knelt in the snow at Valley Forge and prayed out to God and God heard his prayers. Soon after, God delivered victory into his hands. It was not until I began an intensive study of the life of George Washington that I realized that he had a profound faith in God. His heritage was a Christian heritage.

As the Continental Congress and representatives of various colonies met together in an effort to protect the union they came to an impasse. There was discord, no harmony or agreement. Benjamin Franklin stood to his feet and said, "Gentlemen, I have lived long enough to know that God rules in the affairs of men and nations. If a sparrow cannot fall to the ground without God's attention, neither can a nation rise without His benediction." He said, "I move that we adjourn for prayer." History records that they adjourned and prayed and when they reconvened, the barriers were removed. In a very real sense, our nation is here today because of their prayers.

Our nation was built upon righteousness. The famous historian and writer, DeTocqueville, came from France to discover as he said, "The greatness of America." Why is America great? He said, "I visited her factories, I visited her broad plains, I studied everything about America, but I did not find the secret of her greatness until I visited her churches and saw her pulpits aflame for God and holiness and righteousness." He said, "I concluded that America is great because America is good and if America ever ceases to be good, then America will cease to be great."

America indeed is ceasing to be good. America is becoming a decadent nation. She exports pornographic films and literature and is contributing to the decadency of the youth of many of the nations of the world. America's strength is ebbing. But it is no small thing to recognize that with 6% of the world's population, we own 54% of the world's wealth. As we visit many countries of the world, we see that we are blessed of God beyond the stretch of our fondest imagination. I believe that we are clipping the coupons, both spiritually and materially of the investments of our fathers.

Today, our nation has turned from its heritage. We are even ashamed oftentimes, to mention the God who brought about the very creation of our nation. God will withdraw His blessing from any nation who turns from Him.

Much of what our parents and grandparents desired for us materially has become a reality in our lives. You and I have the advantage of helping to provide luxuries for our children that we did not have, only to find we have neglected, forgotten, and ignored the most important aspect, the spiritual aspect of life. As a result, our young people many times are turning their backs on what we no longer consider luxuries, but necessities in life. Our young people feel we have failed to give them love and meaning to life. They could not find these in material possessions. They have lost confidence in the establishment because they see us voicing one thing, but living quite another.

One of the great tragedies of our times is that we have forced the God who made America great out of the classrooms and do not even allow the students the privilege of prayer in many parts of our nation. Removing prayer and the lack of acknowledgement of God and a faith in Christ has resulted in the undermining of the teaching of the moral foundation on which our nation was built. God has blessed us because of the personal dedication, strong Biblical belief and commitment of the founders of our country.

Several years ago when we began to see such rapid increases in crime, teenage suicides, and the beginning of the radical student movement, it became very evident that no single authority ruled our conduct. People, particularly our young people, wanted to live moral lives but were no longer certain what was right or what was wrong.

Dr. Bell, one of America's leading missionary statesmen, analyzed our problem well, when he said, "Modern men have turned from the authority of the Bible to human authority. Man no longer asks, what is God's will, but what do I think is best for me?"

We as a people and as a nation have lost contact with God. Our souls are not keeping pace with the physical and material advances of our society. What happens when a society ignores its God-given powers? An article came to my attention recently which stated, "History shows that the average age of the world's great civilizations has been 200 years." These nations passed through 10 stages:

1. From bondage to spiritual faith,
2. From spiritual faith to great courage,
3. From great courage to liberty,
4. From liberty to abundance,
5. From abundance to selfishness,
6. From selfishness to complacency,
7. From complacency to apathy,
8. From apathy to moral decay.
9. From moral decay to dependence,
10. From dependence back to bondage.

In less than three years, the United States of America will be 200 years old as a nation. It is painfully obvious that we could well be in one of these last stages.

Arnold Toynbee, the eminent historian of our day, says that 19 of the 21 great civilizations that preceded ours fell from within—not from without. They were overcome by inner decadence rather than by an outside military force.

J. D. Unwin of Cambridge University has made a study of civilization ranging over a several thousand year period. He concluded that a society either chooses sexual promiscuity and declines or sexual discipline which produces a surge of creative energy."

A few years ago we were having to convince people that we were in the midst of a moral crisis. Now everybody is concerned—alarmed. More people are involved in issues, but for the most part man feels inadequate and unequipped to offer any solution to the problems facing our nation.

As one outstanding theologian of our nation has written, "I firmly believe that if ever this nation is going to be saved from utter catastrophe and bloodshed, the like of which no other nation has ever experienced, it will be through prayer. The answer—citizens of this nation praying together without ceasing until God opens the windows of heaven and stems the tide of iniquity that is inundating us and drowning us in this very hour."

Today, individuals are conscious of the need for prayer. They have seen many measures initiated at great expense to solve racial, social, political, economic, and moral problems, all too often to little avail. The Scriptures seem to indicate that God largely responds to the needs of His people in response to their prayers.

Students at Harvard and Radcliffe asked the Christian students on other campuses to join with them in prayer. They prayed for the date of the opening of Congress last year and again this year. The following is a portion of the letter making this request: "I for one have raged against the weariness and uncertainty that blights this land, but have prayed about it little."

As men and women have gathered in small prayer groups around the country and prayed about our crime rate, God answered these prayers. For the first time in 17 years, crime increased only in proportion to the growth of our population. The praying people of our nation also saw another answer to prayer, the longest war in our nation's history came to an end this year.

Women across the nation are beginning to pray specifically for their local government officials. They are praying that God's direction, viewpoint and control will bring lasting solutions to the problems of our communities that will benefit all factions.

The greatest need of the hour is prayer. Prayer individually and corporately is almost extinct today because God is not a reality in individual lives of many. God states in II Chronicles 7:14, "If my people who are called by my name will humble themselves and pray, and seek my face and turn from their wicked ways, then I will hear from heaven, will forgive their sin, and heal their land."

There was another time of crisis in our nation's history. During the days of the Civil War when our nation was torn asunder because of the issue of slavery, President Lincoln knelt in the White House and prayed to God. God heard that prayer and healed our nation. Today we are faced with another crisis one of the greatest in our nation's history. The word of God commands us to pray for those in authority over us. We must be on our knees for our nation, for our president, and for our country's leaders.

As we look at our heritage, it is obvious that Jesus Christ is the cornerstone upon which this nation was built. We must return to the faith of our fathers. We must humble ourselves and confess our sins to God and ask Him to forgive us and to restore our nation to its place of righteousness in His sight.

OKLAHOMA GIRLS' STATE

HON. JOHN N. HAPPY CAMP

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. CAMP. Mr. Speaker, last week I had the privilege of setting up the legislative program for the 32d annual Oklahoma Girls' State. I have participated in this program for the last 24 years and believe that Girls' State, sponsored by the auxiliary of the American Legion, is the best educational program that we have in the State of Oklahoma for young ladies.

Girls' State is set up for girls who will be entering their senior year in high school to instruct them in some of the basics of city, county, and State government. Girls' Nation, held later in the year in Washington, D.C., deals more extensively with the processes of the Federal Government.

As the program works, the girls choose their political party—in Oklahoma, the Sooners or the Boomers. They are assigned to cities and the operation starts from there. Elections are held for the positions of councilmen, mayors, county officers, and State officers and instruction is given in each of these areas.

One of the most important facets of the program is the thorough study of the relationship of city, county, and State governments and of the interaction between the executive, legislative, and judicial branches within these governments.

I was joined in presenting the legislative program by five members of the Oklahoma Legislature: Representatives James Townsend, Joe Johnson, Howard Cotner, and Charlie Morgan; and Senator Donald F. Ferrell; and by Lt. Gov. George Nigh.

While every participant of Girls' State is a leader and an outstanding citizen of her community, several girls were selected for special honors. Miss Sheryl Sears from McGuiness High School in Oklahoma City was elected governor, with Miss Paula Price from Shawnee High School in Shawnee serving as her lieutenant governor. Sheryl Sears and Miss Kathy Page of Ponca City were selected from the 415 members present to represent Oklahoma as senators at Girls' Nation scheduled to be held July 12–19.

I am proud to congratulate every girl chosen for Girls' State and feel it is the finest program for young people with which I have ever been associated. I was gratified to have the opportunity to work with these fine young ladies and believe that their experience at Girls' State will better qualify them to play an active and responsible role in our governmental processes.

LAW DAY SERVICES

HON. CLAIR W. BURGENER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. BURGENER. Mr. Speaker, the first Presbyterian Church in San Diego, Calif., under the inspirational leadership of the Rev. Dr. Robert Mayo, pastor, sponsors an annual event known as Law Day Services. On Sunday, May 27, 1973, Dr. Mayo conducted a truly outstanding service. In addition to the chief of police, the highway patrol commissioner, the chief FBI agent of the area, and the county sheriff, Congressman Bob Wilson of California's 40th District was a key speaker at these unique services.

The pastor's query of Congressman Wilson and the Congressman's response were so timely and so unique, I felt compelled to share them with my colleagues and all the readers of the Congressional Record.

The query to Congressman Bob Wilson by the Rev. Dr. Robert Mayo:

As a member of Congress charged with the responsibility of making the laws of this great country, the Athenian Oath sounds like one which you men on the platform might have taken.

Certainly your contributions to our beloved San Diego are manifold. "You will never bring disgrace to this, our city, by any act of dishonesty or cowardice. You will fight for the ideals and sacred things of the city, both alone and with many."

We respect all of you on this platform. There is an atmosphere of distrust and uncertainty on the part of the public toward government today. It's almost as though the words of the Athenian Oath have come to pass in our generation—"That those above us are prone to annul or set at naught the laws of the land."

What do you think will be the effect of Watergate on the average citizen's respect for authority, judging from the letters which you have received? Has it shaken his respect for government?

The response by Congressman Bob Wilson:

This is a non-election year and this is a non-political forum. I feel a little like a backwoods politician who ran for county treasurer during the depression. He ran on the slogan, "I'll be as honest as the times will allow." I will be as non-political as the times will allow. This is a political question and a morality question I think should be understood and answered.

When I first ran for Congress 20 years ago, I think the situation nationally and the attitude of the public toward government was quite comparable to what it is today. I remember so well a national poll taken among mothers, asking them what professions their sons should be in, and 68% said they didn't want their sons to be politicians. We had a little saying I remember in those days, "Don't tell my mother I'm in Congress; she thinks I'm a bookie!" I had that same general cynicism toward government when I first went into government. And yet when I got to Washington I found that, for the most part, we had good, hardworking men and women who were trying to do a job, who worked long hours. We had a few rotten apples in the barrel, of course, and they got their due as they should. But I really was surprised at how many political figures in government did not deserve the cynicism others felt about them.

We never hear about the Prayer Breakfasts that members of the Senate and the House attend on Thursday mornings in the Capitol. And we never hear about the little chapel we built a few years ago, only for members of Congress to use when they want to meditate or pray about a momentous decision they might have to make.

My son, Bryant, who went to Washington with me as a preschool child, is back here in San Diego. He lived with me in Washington for many years. He was a page in the House of Representatives, and I had a sort of hope that he would enter politics, but he went into the ministry instead. He is an ordained minister here in San Diego in another denomination, Brand X. He wants to help young people, and that's his main purpose, but I also think he might have wanted to just put in a word with the Higher Authority for his Dad and some other politicans because of the pressures they face in Washington, because all of us do face tremendous pressures from one side or the other. You may have read in the paper that one of my colleagues who became involved in Watergate indirectly came to me and said, "What shall I do?" I said, "Just tell the truth and stick to it." He did tell the truth, but he couldn't stand the pressures. He went home and put a bullet in his heart.

When I first went to Washington I didn't know whether I could stand the pressures. I ran across a saying by Abraham Lincoln that went like this: "If I were to read, much less answer, all the complaints made against me, this shop would be closed for any other business. I do the best I can, the best I know how, and I intend to keep doing so until the end. If the end brings me out right, nothing that is said about me will matter. If the end brings me out wrong, ten angels swearing that I was right would make no difference." That little saying has helped me and many people in public life because of its truth.

I think all of us are at fault for Watergate. Unfortunately, we expect the worst of people in government and then are happy when our expectations come true, when those things happen to a few of the people involved. How do you explain Watergate? How do you explain the almost inexplicable things that went on in connection with the Watergate case? There is one word I can think of that might explain it. It's a long word, but it is a meaningful word, and that's "unaccountability." I'm accountable as a Congressman to my constituents and they get a chance to defeat me every two years if they want to get rid of me. Bob Mayo is accountable to his Session and By-Laws and he certainly is accountable to you as members of his congregation. President Nixon is accountable to the people. It's true he is elected and he won't be running again, but under the laws, the laws Dr. Mayo spoke of, we have impeachment proceedings that are available if it proves, and I pray and hope and am sure it won't prove, that he has broken the law. But so many of the people involved in the Watergate incident at the high level took the attitude that they were unaccountable. Somehow they didn't have to account to anyone for their actions, and they put themselves above the law. As a result, many of them, because they took the law into their own hands, are going to jail, in my opinion. Some of them are already in jail, those who took the orders down the line, but the others who gave the orders are the ones who still have to be called to account. I predict that some of them will serve time because they broke the law.

Now, is this our responsibility? I think in a way it is. I think we have to begin to expect the best from our political leaders, not the worst, and I think that rather than being happy when we find that one strays, because they will—they are fallible as all of us are—that's the time to step in and see that the proper changes are made to keep this government on the track.

This is the greatest democracy in the world. This whole idea of democracy started back in Athens, when the people had a chance to vote. Unfortunately the people of Greece don't have that opportunity now, as it has become a dictatorship. It's not a government by laws in Greece now; it's a government by men. Our country has had government by laws, not men, for almost 200 years, the longest time in history; it will always stay that way if all of us bear some responsibility to see that the people who represent us live up to the law, and if they don't, are replaced.

I have great faith and confidence in our country. I know we are going to survive the unhappiness and misfortune and misery of Watergate and take it in our stride. We will move on to the many more serious problems we have. I have faith, and I know the Lord is with us in this great nation, and I thank you for giving me the opportunity to talk with you this evening.

MRS. EMMETT AWLINE HUTTO

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. ECKHARDT. Mr. Speaker, one of joys of life in a smaller city is the friendship which develops among people in business and their customers.

In Baytown, Tex., thousands of people had, through the years, come to know, love, and respect a most warm, and gentle lady, Mrs. Awline Hutto, who with her husband, Emmett Hutto, owned and operated the Tower Restaurant. The whole community has been saddened by her recent death.

The lives of Awline and Emmett Hutto personify so much of what has made this country. They met in high school, married during World War II while he was in the Air Force and opened their own restaurant shortly after the war. The business prospered and the Tower Restaurant was enlarged five times until today it is a thriving business in Baytown.

A great deal of the success of the restaurant must be credited to the personality of Awline Hutto. A meal in the restaurant was like a meal in someone's home presided over by a charming hostess. Mrs. Hutto always enjoyed visiting a moment with the customers, making them feel at home. Many Baytown youngsters ate their first meal out at the Tower Restaurant. They continued to return and now are taking their children.

In addition to her work at the restaurant she was a mother to three sons, Dean and Drs. Rodney and Richard Hutto. She had two grandchildren.

I have had the privilege of knowing the Huttos and know how much Mrs. Hutto has meant to Baytown.

A TRANS-CANADIAN PIPELINE WOULD RESULT IN A 10-YEAR TIME DELAY

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. YOUNG of Alaska. Mr. Speaker, many colleagues have asked me to compare a Trans-Alaskan route to a Trans-Canadian route in terms of time. Should Congress act on legislation to authorize the construction of a Trans-Alaskan pipeline within 90 days, Alyeska will be able to begin construction on the pipeline and within 3 years will have an oil flow to the U.S. market. I can give you this time table with certainty.

The best estimates available indicate that the Trans-Canadian route would take considerably longer—10 years in fact is the time estimate which has been given to me by the Department of Interior and by British Petroleum. I myself find it difficult to quantify the time in light of all of the known variables: First, the Canadian Native Claims settlement which is presently being litigated; second, a decision by the Parliament; third, consideration by the Canadian National Energy Board; fourth, possible litigation of Canadian environmental laws—the Arctic Waters Pollution Prevention Act, the Yukon Northwest Territories and Territorial Lands Amendment Act, et cetera; fifth, another U.S. Environmental Impact Statement must be filed over the 300 miles from Prudhoe Bay to Canada; sixth, the Trudeau government is unwilling to make an issue of or give a commitment to a Trans-Canadian line because of the tenuous balance of power in its coalition; seventh, negotiations between governments over ownership and use of the line; eighth, labor negotiations; ninth, purchase of materials; tenth, mile by mile surveying and soil boring of the land; eleventh, financing; twelfth, finally a consortium must be formed and an application must be filed by the oil companies themselves not by the U.S. Government. To date, the oil companies which own the leases up on the Northslope have given no indication to the Canadian Government, to the Secretary of Interior, to the Senate and House that they intend to file an application.

In short, these many variables with which we have to contend should we consider a Trans-Canadian line mean the American people will be without Northslope oil and Northslope natural gas for 10 years or longer. It will be difficult enough to explain the energy shortage to our constituents during the winters and summers of 1974, 1975, and 1976. I hate to imagine what we will be saying in the early 1980's should the U.S. markets still be awaiting Prudhoe Bay oil.

I respectfully call your attention to the following article submitted to me by B.P. which outlines a 10-year delay:

ESTIMATED TRANS-CANADIAN TIMETABLE [1]

BACKGROUND AND SUPPORTING DETAIL

1. *Decision Point and Reorganization—Three Months Required.*

(First month of year 1 through third month of year 1)

If a governmental edict to route the pipeline through Canada were to be issued and all appeals were to be exhausted, the participants in the Trans-Alaska pipeline would have to reorganize since companies with potential oil production in the general vicinity of the pipeline's route through Canada or with existing pipeline facilities in Canada might desire to participate in the Trans-Canada system. Canadian requirements of ownership and control, if any, would have to be ascertained and taken into account. Ownership and operating agreements would have to be renegotiated and a corporate entity formed to undertake the responsibilities associated with designing, financing, and constructing the Trans-Canada pipeline.

2. *Obtain Permits (Preliminary)—Three Months Required.*

(Fourth month of year 1 through sixth month of year 1)

Application for United States and Canadian permits would have to be submitted and permits obtained in order to make aerial reconnaissance surveys, on-ground verification of prelimianry route selection, physical survey, and soil borings.

3. *Preliminary Reconnaissance — Four Months Required.*

(Fifth month of year 1 through eighth month of year 1)

Field work already completed by the Canadian Arctic Gas Study Ltd., and Mackenzie Valley Pipeline Research Ltd. would be reviewed. Preliminary route selection would be either verified or changed by careful field reconnaissance. Additional aerial surveys of basic route, where needed, or alternate routes, where changes have been made, would be obtained.

4. *Soil Analysis Program—Two Years and Nine Months Required.*

(Ninth month of year 1 through fifth month of year 4)

A detailed soil boring program would have to be undertaken to determine the proper construction mode, slope stability, differential settlement, and other environmental information needed to meet the pre-construction requirement for a mile-by-mile design. (The implicit assumption has been made that the Canadian requirements for soil mechanics laboratory analysis of the cores of each bore hole and the subsequent interpretation of the laboratory data for design purposes will be as sophisticated as the analysis required by the U.S. Department of Interior.)

Alyeska, as agent for the participants in the Trans-Alaska pipeline, developed its design data from approximately 4000 bore holes, averaging 50 feet in depth with core samples taken at various depths throughout the bore hole, along approximately 700 miles of the proposed route which traverses permafrost and discontinuous permafrost zones. The Canadian route would traverse approximately 1100 miles of continuous permafrost and 300 miles of discontinuous permafrost, thus requiring twice the number, or 8000 soil borings. Assuming some of the previous test work would be acceptable, this number could be reduced by approximately 30% to 5500 borings. Depths averaging fifty feet are required since the thaw bulb created by the hot oil line could reach fifty feet over the life of the line, making it imperative to know soil conditions to that depth in order to determine whether above ground or buried construction would be required.

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[1] Time expressed in years after a final decision barring construction of the Trans-Alaska pipeline is reached and all appeals are exhausted.

The following description of the physical effort required to drill 5,500 soil borings is provided as support for our estimate of the time required for this pre-construction activity:

Initially, 40 drilling rigs would have to be ordered. Contracts would have to be prepared; bids solicited, received, evaluated, and contracts awarded. Winning bidders would have to mobilize equipment and crews.

Soil boring must be carefully drilled to preserve soil samples and cores in frozen condition for laboratory analysis. Such soil analysis includes tests for ice content, shear strength when frozen, subsidence upon melting, and pile creep.

Drilling operations are generally helicopter-supported (one larger unit for transporting equipment and a smaller personnel unit). The two helicopters would service a unit of 4 drilling rigs, leap-frogging them ahead. Three trips for each helicopter would be required to move one rig, all support equipment, fuel, and personnel.

It is impractical to drill after November 15 in the frigid Arctic weather, with minimum daylight. Work could commence about March 15.

There would be numerous days when little or no progress could be made because of a number of factors, including mechanical breakdowns and adverse weather conditions which would prohibit utilization of the support helicopters.

The crew for a unit would consist of about 15 men requiring food and lodging support involving several hours of commuting time per day. A crew would be needed to clear the brush of trees in the drilling area to enable support helicopters to reach the operation. A mechanic would maintain the drilling, refrigeration, and other support equipment. A geologist in the field, plus laboratory personnel, would be necessary to provide the geotechnic support for the four-rig unit.

A standard drilling rig modified for Arctic work has been found to be the most practical, A 2½ inch split spoon would run through the 9-inch auger for the purpose of driving ahead to test soil strength. The auger would be replaced with a core barrel and drill for taking core samples.

Working 10 hours per day, each drilling rig would require an average of four days to drill one hole 50 feet deep with core samples preserved in a frozen state. For a total unit of 4 drilling rigs, working 7 days per week, the production will be one hole per day for the 220 days during the time of year when operations could be maintained. Forty rigs (ten units of 4 rigs each) working two seasons, would finish about 4500 holes. The remaining 1000 holes would be drilled in the third season as scattered verification holes, re-route holes, side-hill checks, bridge foundation checks, pump station soils analysis, and re-runs on defective samples.

The cost of drilling each hole would be about $10,000 with the cost of geotechnic field and lab support amounting to $2,500 per hole. Supervision and technical backup would add another $1,500 for a total of about $14,000 per hole, or $77 million for 550 soil borings.

5. *Preliminary Survey—Two Years and Nine Months Required.* (Ninth month of year 1 through fifth month of year 4)

Contracts would have to be prepared for a physical survey and mapping for all civil work including river crossings, road crossings, property surveys, profiles, access roads, material sites, station sites and the main haul road.

6. *Prepare Project Description—One Year and Three Months Required.* (Sixth month of year 2 through eighth month of year 3)

Assuming the description prepared for the Trans-Alaska pipeline would provide a meaningful base, it would require approximately fifteen months to develop the additional information required. This time requirement fits within the time frame necessary to accomplish other pre-construction activities and consequently does not add to the overall time estimate.

7. *Environmental Impact Statement Preparation—One Year and Three Months Required.* (First month of year 3 through third month of year 4)

Requisite information for the Environmental Impact Statement would be prepared and preliminary information would be submitted to the authorizing agencies in the United States and Canada beginning in the middle of the third year. This time requirement fits within the time frame necessary to accomplish other pre-construction activities and consequently does not add to the overall time estimate.

8. *File Canadian and U.S. Applications—Permits.* (Applications filed in fourth month of year 4)

Following preparation of the Environmental Impact Statements (U.S. and the Canadian equivalent) application for permits would be made.

9. *Canadian Native Claims—Two Years and Six Months Required.* (Seventh month of year 1 through twelfth month of year 3)

This time requirement fits within the time frame necessary to accomplish other preconstruction activities and consequently does not add to the overall time estimate. Note, however, that the Canadian Native Claims issue would have to be completed prior to start of construction.

10. *U.S. Permit Granted.* (Permit issued in middle of year 4)

We assume that the main U.S. right-of-way permit would be issued without unreasonable delay.

11. *Canadian Permit Granted.* (Permit issued at the end of year 4)

We assume that the main Canadian right-of-way permit would be issued without unreasonable delay, but we allow more time for the Canadian Government to act since there would be more data to consider and review on the longer segment of line through Canada.

12. *Mile-by-Mile Design—Two Years Required.* (First month of year 3 through twelfth month of year 4)

A detailed mile-by-mile design would have to be completed and approved prior to the issuance of U.S. and Canadian notices to proceed with construction (See Item 13). We would plan to complete the mile-by-mile design shortly before the main right-of-way permits are issued, so that we could immediately submit this detailed design to the U.S. Department of Interior (and its Canadian equivalent) for its review and approval. This design would utilize the results of the comprehensive soil boring program.

13. *Notices to Proceed—Nine Months Required.* (Fourth month of year 5 through twelfth month of year 5)

After issuance of the main right-of-way permits, the U.S. Department of Interior (and its Canadian equivalent) would conduct a comprehensive review of the mile-by-mile design. This review would be made to ensure that the design would comply with the rigorous criteria and strict construction stipulations established by the U.S. Department of Interior. (We assume that Canada will require the same review procedure and further, that its design criteria and its construction stipulations would be comparable to those required by the U.S. Department of Interior.) After this review, the governmental agencies would issue notices to proceed with construction for those sections where the design has been given final approval. We assume that notice to proceed on the civil work—haul roads, access roads and camps, for example—would be issued before review of pipeline design is completed. Further, we assume that notice to proceed with pipeline construction would be issued by sections, recognizing that notice to proceed with construction of certain pipeline sections in particularly delicate areas might be delayed pending verification of data.

14. *Road Construction—Two Years and Nine Months Required.* (Seventh month of year 4 through third month of year 7)

Construction of roads in the United States would begin as soon as the main U.S. right-of-way permit and notices to proceed were issued. Construction of roads in Canada would commence immediately after receipt of the main Canadian right-of-way permit and appropriate road permits. A main haul road would be required from Prudhoe Bay to the Mackenzie Valley south of Innuvik. We assume that the Canadian Government would overcome the current opposition by environmentalists which has halted construction of a road paralleling the Mackenzie Valley north to Innuvik, and would complete this section of Canadian highway.

15. *Construction Surface—Two Years and Four Months Required.* (Seventh month of year 4 thorugh tenth month of year 6)

A gravel pad averaging two to three feet in thickness to permit movement of construction equipment would have to be laid alongside the pipeline route. It would be connected by access roads to the main haul roads. This gravel pad would allow year-round access by maintenance equipment after operations begin.

16. *Rights-of-Way Purchase—Three Years Required.* (Tenth month of year 2 through ninth month of year 5)

The Canadian pipeline would cross mostly private lands south of Edmonton to Chicago requiring acquistion of pipeline rights-of-way. Land would also have to be acquired for other purposes such as pump stations, terminals, communication sites, block valve installations, warehouses, and pipe storage yards.

17. *Commitments for Camps and Buildings—Seven Months Required.* (First month of year 5 through seventh month of year 5)

Commitments for camps and supporting services would not be made until the main right-of-way permits were received from the United States and Canada.

18. *Commitment for Construction Equipment and Manufacture—Nine Months Required.* (First month of year 5 through ninth month of year 5)

Commitments for construction equipment such as ditchers, pipe benders, drilling rigs, and automatic welders would not be made until the main right-of-way permits were received from the United States and Canada. Such equipment would not be generally available and would require modification for cold weather utilization.

19. *Negotiate Construction Contracts—Six Months Required.* (First month of year 5 through sixth month of year 5)

Serious negotiations with contractors for pipeline construction would not begin until main right-of-way permits were issued and attendant stipulations were known. This time requirement fits within the time period necessary for obtaining construction equipment, building camps, and mobilizing crews, and consequently would not add to the overall time estimate.

20. *Main Line Construction, South of Edmonton—Two Years and Ten Months Required.* (First month of year 6 through tenth month of year 8.)

Pipeline construction would start south of Edmonton after obtaining construction equipment, materials, and mobilizing contractors and crews. Construction progress in the south could reach 4000 feet for each spread per day. Considering the congested area near Chicago, the possibility of adverse weather, labor disruption, and rigid inspection by governmental agencies, we assume that construction would proceed at this level for 300 days of the year. Assuming four spreads would begin working after four months of mobilization, it would take over two years to complete the 1550 miles from Edmonton to Chicago. Testing, clean-up, revegetation, and demobilization would add another nine months.

21. *Main Line Construction, North of Edmonton—Three Years and Three Months Required.* (Second month of year 7 through fourth month of year 10.)

Pipeline construction could begin north of Edmonton as additional equipment becomes available and piling is installed in those areas where above ground construction is required. If, for example, 50% of the northern segment would be above ground, some 160,000 to 170,000 holes of 24 inch diameter to a depth of fifty feet would be required. Assuming 400 rigs, each drilling one hole per ten-hour day during the 220 days available each year, it would take about two years to drill the requisite piling holes, thereby restricting the ultimate progress in the north.

We assume a pipeline construction rate of 2500 feet per day for each northern spread and further assume that climatic conditions would preclude economic construction during the severe winter months. Thus, three additional spreads could complete approximately 220 miles during the first northern construction year allowing four months to mobilize equipment and crews. During the following year, the eighth project year, these three northern spreads could complete another 330 miles. In the ninth project year assuming the four southern spreads would move north, another 770 miles could be finished for a total of 1320 miles. Completion of construction would occur by the middle of the tenth project year.

22. *Line Test.* (Tenth month of year 9 through tenth month of year 10.)

The medium to be used for testing the line; i.e., gas or liquid, has yet to be selected. If a liquid medium were to be used, testing in the mountainous areas would have to be done by sections. Moreover, if a liquid medium were to be employed that is sensitive to freezing temperatures, there might be certain times during the year when testing would be impossible unless a freeze point depressant were added. Although such depressants would be available, disposing of the test medium contaminated with such depressants would present a problem. In any event, we assume testing could be started during the final stages of construction and finished shortly after completion of construction of the pipeline.

23. *First Oil to Chicago.* (End of tenth year.)

Filling the line and debugging the system for routine operations would take three months, allowing for cleaning and fixit repairs.

MELVIN R. LAIRD

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. FROEHLICH. Mr. Speaker, 4 years ago a very competent Wisconsin Congressman accepted the most difficult and unpopular Cabinet position in the Government. Five months ago Mel Laird left the Pentagon where he served as Secretary of Defense, having done a tough job well. Yesterday, Mel Laird returned to public service to become Counselor to the President for Domestic Affairs. In the aftermath of Watergate it will be up to him, in large measure, to restore public confidence in the White House staff. At a time when it is absolutely essential that we get about the business of Government, I know of no man better suited for that task.

Twenty weeks ago when this House paid tribute to Mel Laird on his retirement from the Defense Department I stated:

> If we closed the books on Melvin Laird . . . and never heard from him again—he would have to be ranked as one of the greatest men Wisconsin has produced. But what is so intriguing . . . is that we are not going to close the books on Melvin Laird. We are going to keep the books open and wait with anticipation for a new chapter in his life.

Mr. Speaker, that new chapter was begun yesterday. Our Nation is indebted to him for his unselfish service to this country.

COMMUNITY ACTION AGENCIES

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. HUBER. Mr. Speaker, on June 5, my good friend and colleague, the Honorable JOHN ASHBROOK, was granted permission for a special order concerning OEO Community Action Agencies. Unfortunately, I was not able to be present for the discussion as I had to be back in my district that evening. Since I still would like to make some comments regarding Community Action Agencies, I would now like to insert into the RECORD the remarks I would have made had I been present in the late afternoon of June 5:

THE OEO AND POLITICS

It seems that all too often the answer to any and all problems is more federal money. The critics of the President's reorganization plan are saying that the Office of Economic Opportunity wasn't successful, but the reason was that $11 billion just wasn't enough money.

The OEO has been a product with just too few good things in it.

The centralized, bureaucratized, expensive "War on Poverty" has proved itself to be a colossal disaster.

The effort—waged primarily through the Community Action Agencies—has been attempted, to the tune of 11 billion dollars; and we are certainly now in a position to determine whether we got our money's worth. Once we have done so, I am confident that we will never buy such a program again.

The success of the Community Action Agencies in their objective of reducing poverty would be difficult to measure. Comparisons of pre-OEO income statistics with today's would reflect the influence of so many variables that the OEO factor—if one exists—would be impossible to isolate. However, there are many manifestations of OEO's influence which *can* be isolated and studied; and these results are disappointing indeed.

High on the list of unfortunate side-effects of the poverty program is a shocking panorama of political abuse. The history of numerous CAA's is a testimony to the travesties which spring up when billions of federal dollars are funneled through middle-level bureaucrats who receive little or no supervision from federal officials, much less from elected local authorities. Combine this lack of supervision with the underlying CAA philosophy that a poverty program must engender and organize political power for the poor, and one can scarcely be surprised to find OEO funds and other resources being used to support such activities as the siege of Wounded Knee, the counselling of draft evaders, or the Black Panther Party.

While activities of this nature, if and when they are legal, may have a legitimate place in our society, there is no justification for forcing millions of taxpayers who had no sympathy with these objectives to subsidize them, especially when they are conducted under the pretext of helping the poor.

Yet with the OEO philosophy in operation, we should not be surprised to learn that an assistant director of a Community Action Program in Texas, conducted his duties as Chairman and Secretary of the County Democratic Committee from the CAP headquarters, or that the Chairman of an OEO agency in Wisconsin who was running for a state position ordered OEO employees to report to his campaign headquarters for work, and rented a sound truck with OEO funds.

Neither should it startle us to find a CAP Director in California, admitting in 1972 that he had instructed his staff to organize opposition to Republican Representative reelection campaign, and had been involved in unauthorized political activity for five years.

Fueling these fires of political abuse is still another problem: the natural attraction of dissidents and political activists to poverty programs, given one of the basic assumptions behind the demand for a "was on poverty"—the belief that American society has failed the poor, and needs to be restructured. With such attitudes taken for granted by many poverty warriors, again we should not be surprised to find the Director of an OEO agency in New York leading eight of his employees in a sit-in demonstration at which they took over the rental office of a private apartment complex for 24 hours. Or an OEO agency in Montana allowing the American Indian Movement to use its telephone and run up a long distance bill of $970 in one month. Or a city in Ohio withdrawing from all participation in Community Action Agency anti-poverty ventures because the CAA Board set up a list of political goals which the city attorney felt violated the Hatch Act.

With such a background we might expect as a matter of course that the Executive Director of an OEO agency in Wisconsin would lead a protest march on the state capitol and violently disrupt a meeting of state officials.

While it is true that we should no longer be surprised to learn of such activities by OEO employees and grantees, it is by no means true that they should be tolerated. As Nathan Glazer wrote in the "New York Times" as early as 1966, a democratic government *"cannot take the position that the major way to improve its institutions of government and welfare is to finance guerrilla warfare against them."*

By our continued support for OEO's Community Action Agencies, we have taken that very position for too long. Even if the kinds of political abuses which I have cited were the only bitter fruits of OEO, we could see that it is time to apply a little of the common sense we would use in everyday life, and reject the defective merchandise of the war on poverty.

TOM BRAUN DAY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. SNYDER. Mr. Speaker, because of a serious illness, Mayor Tom Braun of the city of Villa Hills, in Kenton

County, Ky., has been forced to retire from his public duties. Tom Braun has been a tireless worker for the people of Kenton County and for our entire Fourth Congressional District.

In recognition of his years of service, the citizens of the area recently designated Sunday, May 20, as Tom Braun Day. I wish to extend my thanks to Tom—and to include here in the Record the resolution passed on that occasion by Mayor Braun's friends and colleagues in the Kenton County Republican Party:

Resolution

Whereas, Thomas Braun has devoted countless hours in service to his City, County and to his Commonwealth and,

Whereas, Sunday, May 20, 1973, was designated Tom Braun Day in the City of Villa Hills, in appreciation and recognition of his services to his people and,

Whereas, such tribute to his untiring efforts for his City are long deserving and

Whereas, the Republican Party of Kenton County join with the Citizens of Villa Hills in recognition and tribute to Mayor Thomas Braun, now therefore,

Be it resolved by the Republican Party of Kenton County in Executive Session Assembled this 21 day of May, 1973 that they do hereby express the Appreciation and thanks to Thomas Braun for his service to his City, County and Commonwealth.

Be it further resolved that a copy of this Resolution be addressed to the Honorable M. Gene Snyder, M.C., the Honorable Marlowe Cook, United States Senator and the Honorable Richard M. Nixon, President of the United States of America.

MURDER HAS TO START SOMEWHERE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. HOGAN. Mr. Speaker, since the January 22 Supreme Court decision on abortion, this issue has aroused the sense of justice in many concerned individuals across the country. One of the leaders in the pro life movement is an organization called the National Right-to-Life, which is holding its national convention in Detroit on June 8–10.

In light of this event, I would like to call the following article to the attention of my colleagues. Nick Thimmesch's column portrays the thrust of the crisis facing humanity today and the necessity to correct this inequity. This will be the subject of the convention being held this weekend.

The article follows:

Murder Has To Start Somewhere

(By Nick Thimmesch)

Washington.—Out in Detroit there will soon be a powwow which, to my mind, is as important a story as Watergate, only it won't get the same attention. The event is the National Right-to-Life Convention whose participants represent all religious faiths (or none), political views, ages and eccentricities—a humanity interested in humanity.

They are united in common respect for human life and the right to life for all fellow humans. In this secular, computerized, clinical and seemingly insensitive age, they see increasing disrespect for human life, indeed, new sanitized cruelties which amount to barbarism.

No, it's not all over abortion. Though this movement began with Roman Catholic coloration and focused mainly on the issue of abortion-on-demand, it left that religious connection and widened its scope to cover a variety of medical and legal areas. Examples which anger right-to-lifers:

—"DES" and Depo-Provera"—experimental birth-control drugs—are used on prisoners, students, military personnel and institutionalized patients for purposes not currently approved by the Food and Drug Administration, but legal anyway.

Injurious side effects often results, and there have even been deaths.

In the prestigious New England Journal of Medicine. Franz Ingelfinger, M.D., recently advocated removing the World Medical Assn.'s absolute ban on experimenting with children and mental incompetents and hoped that "some broadly based system can be set up to determine under what conditions children or mentally incompetent persons can be used for experimentation not primarily designed for their benefit . . ."

"Psycho-surgery" to alter human behavior is performed on hundreds of Americans annually with some advocates even citing the possible role of brain disorders in "rioters who engaged in arson, sniping and physical assault." Funding of research or performance of spycho-surgery has been stopped on the federal and state level, but when the uproar subsidies, advocates will seek funds again.

A bill to legalize voluntary euthanasia was introduced in Oregon by State Sen. Ted Hallock. The bill would provide for euthanasia to be performed on any person who voluntarily requests it and has or develops an irremedial condition. The Oregon Department of Human Resources would administer the program.

Dr. James D. Watson of Harvard, Nobel laureate and co-discoverer of DNA, was recently quoted as saying that in primitive times deformed babies were left on a hillside to die ("infanticide") and now, perhaps, such babies should not be declared alive until three days after birth. Reason? So the parents would have the choice of letting their doctor allow the child to die and thus "save a lot of misery and suffering."

Laboratory experiments to produce human life outside the womb, test-tube babies, continue, and when human embryos are formed, the "human life" is disposed of by pouring the solution down the sink drain.

Increasing evidence shows significant post-abortion problems in aborted women. Induced abortions, according to London's Foundation for Education and Research in Childbearing, "increases the risk to children born prematurely or because the mother's reproductive organs were damaged." In countries with large numbers of abortions—Hungary, Japan and Great Britain—admonitions to put a brake on "abortion-on-demand" are being made.

Witnesses, usually nurses, verify stories of healthy, living babies being "born" during abortions, with the attendant physician leaving the child to die. In New York, a 20-week-old fetus was killed by saline injection, but its twin soon emerged and lived 15 hours. In Washington, D.C., one unnerved legal abortionist ordered that a live baby be placed in a medical refrigerator.

In Virginia, an aborted 6-month-old boy described by the abortionist as "a specimen" was left to die and then placed in a plastic bag.

A few years ago, right to life sounded Roman Catholic, but as greater knowledge spread among non-Catholic thinkers and activists about the broader area of the value of human life the movement's appeal similarly broadened. This year, the National Right to Life organization ended its tie with the Family Life Bureau of the U.S. Catholic Conference and is now independent.

The featured speaker at the Detroit conference (June 9–10) will be Sen. Mark Hatfield, a thoughtful convert to the belief that abortion should be limited and that other areas of life questions should be examined. Keynote speaker is Dr. Mildred Jefferson, a black surgeon, president of the Massachusetts Value of Life Committee. Karen Lebacoz, a Protestant professor of Christian ethics, is a participant, and so is Prof. Victor G. Rosenblum, law professor at Northwestern University. Best known Catholic thinker who will speak is John T. Noonan, professor of law and chairman of religious studies at University of California, Berkeley.

It isn't farfetched to point out that Hitler's slaughter of an estimated 12 million people can be traced, in large part, to medical experimentation and mercy-killing practices in German institutions on "German" Germans considered worthless, that is, the mentally ill and defective. When Hitler subsequently found he had millions of ailing slave laborers on his hands, there was medical precedent in Germany for their mass execution.

Everything, including the most barbaric acts of man, has to start somewhere.

LAW ENFORCEMENT SUNDAY

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. BOB WILSON. Mr. Speaker, I was privileged to participate in the Law Enforcement Sunday observance at the First Presbyterian Church in San Diego on May 27.

The minister of First Presbyterian, Dr. Robert H. Mayo, is a respected member of the community and a prominent christian leader. Some elements have tried to equate government with evil and to imply that obedience to the laws of our society is inimical to the christian teachings of love. Dr. Mayo's Law Enforcement Sunday sermon lays this myth to rest and I would commend his remarks on the interaction between love and observance of law to my House colleagues. I ask to include Dr. Mayo's sermon at the conclusion of my remarks.

The sermon follows:

Law and Order and Love

(By Dr. Robert H. Mayo)

In the ancient city-state of Athens, the Athenians bound themselves by the Athenian Oath: "We will never bring disgrace to this our city, by any act of dishonesty or cowardice, nor ever desert our suffering comrades in the ranks. We will fight for the ideals and sacred things of the city both alone and for the many. We will revere and obey the city's laws and do our best to incite a like respect in those above us who are prone to disobey them or to annul them. We will strive unceasingly to quicken the public's sense of civic duty. And thus in all of these ways we will transmit our city not only not less but greater and more beautiful than it was transmitted to us."

"Not less but greater!" That's our legacy to the future. It is the goal of every parent to present a better world to his children than the one he received from his parents. It is the goal of every generation to present a better world than the one they received. For the Athenian, this legacy was to be fulfilled through the law: "We will revere and obey the city's laws and do our best to incite a like respect in those above us who are prone to disobey them or to annul them." And the Christian also builds his legacy to the future through the laws.

A Christian can never live outside the law. That statement from my sermon was quoted in the newspaper yesterday. Did it pique your curiosity? The very title of Jesus as Lord implies authority, and for us, as Christians, that means a just authority which is administered through the law. Jesus is not only Teacher, He is Master. "Fairest Lord Jesus, Ruler of all nature," and as Ruler of all nature that implies ruling our natural world with its laws; it also implies ruling over the underworld of Satan, for when He sent out His disciples He "gave them power and authority over all demons." (Lk 9:1) But it also most certainly implies that He is the Ruler of our personal world, in all our interpersonal relationships, as the laws seeks to set boundaries on our sins.

Thus, you see, the Lordship of Jesus Christ means absolute authority on His part and perfect loyalty on ours. The motto for Christians must be, "I believe; therefore I obey."

The Christian response to the law has always been one of obedience under the law. Paul said, "Let every person be subject to the governing authorities." (Rom. 13:1) And when the priests and scribes asked Jesus about the Christian response to authority He replied, 'Render therefore to Caesar the things that are Caesar's.' " (Mt. 22:21)

The principle of law and obedience to law is certainly not unique with us. Both the Hebrew world and the Roman world linked law and obedience together. Rome had the power and authority to compel obedience to the law, and the Hebrew world had the ideals of righteousness and justice to encourage respect for the law. But in both instances this was not enough.

With all her power and authority, and with the great legacy of law which she bequeathed to us, Rome nevertheless deteriorated because of the injustice with which she administered the law. And Israel, despite her lofty ideals of justice and righteousness, nevertheless let the law disintegrate into hypocritical casuistry. Are you familiar with the term "casuistry?" It simply means "drawing moral lines." I think I can illustrate it best through a personal family illustration. When our children were younger, we would not let them swim on Sunday. They debated the issue with us: Something like this, "But Daddy, is it all right to take a bath on Sunday?" "Certainly it is all right to take a bath on Sunday." "Well, Daddy, when you take a bath, can't you have a good time?" "You should have a good time all the time." "Well, Daddy, does the size of the bath tub make any difference?" "No, I don't think the size of the tub makes any difference." "Then, Daddy, why can't we take a bath on Sunday like everybody else, in a swimming pool?" Doesn't that sound very much like the Jewish lawyer. "And behold a lawyer stood up to put him to test, saying, 'Teacher, what shall I do to inherit eternal life?' " (Vs 25) It was to such as these that Jesus addressed His strongest language: "Woe to you, scribes and Pharisees, hypocrites! . . . You serpents, you brood of vipers." (Mt 23:13–33) "Woe to you lawyers also." (Lk 11:46) In the application of law and order in both the Roman and Jewish world, one very important ingredient was missing—the ingredient which Christianity provides—obedience to the law in love.

My text is the preface to the parable of the Good Samaritan, which makes these words of Jesus perhaps the best-known and best-loved of all the Scriptures, because the theme of the parable is love. When the lawyer, in my text, asked Jesus the question, "What shall I do to inherit eternal life?" Isn't it interesting that Jesus' reply was a question concerning obedience to the law. "What is written in the law?" The lawyer's answer, linked the law and love; "You shall love the Lord your God with all your heart, and with all your soul, and with all your strength, and with all your mind; and your neighbor as yourself." (Vs 27) Love is the foundation of all the laws as expressed through the Commandments. If you love God with all your heart, strength, mind, and soul, then you won't have any other gods before Him. You won't make graven images. You won't take the Lord's name in vain. And if you love your neighbor as yourself, you won't steal; you won't seduce his wife; you won't covet what he has. Someone has pointed out that we have 35 million laws to enforce the Ten Commandments. None of these laws would be necessary, if we obeyed the Commandments in love.

It is a statistical fact that the Jewish Torah is composed of 365 "Thou Shalt Nots" and 248 "Thou Shalts," or a total of 613 laws. The Rabbis pointed out that these were all cemented together in love. The Commandments are merely expressions of what love has already demanded from us. That's why the lawyer here, and Jesus elsewhere, could reduce all the Commandments and all the laws, to four words: "Love God; love others." Law and love are not opposites; they are complements. They need each other. Love without the law is mere sentiment. The law without love is sterile. All the law can do, standing by itself, is to prevent ills against the neighbor, negatively. But love seeks the neighbor's good, positively.

It's because God is love that He rules by law. It is through the law that He expresses His love for us, just as parents express, through the rules set down for their children, what love permits and what it disallows, in order that the children may derive the benefits from life. Do you recall in your childhood games, that if you suspended the rules, it took all the fun out of the games? And the disastrous effect of a cheater? When he disobeyed the rules he spoiled the games for everyone. So when we disobey the Commandments, it causes tension in our relationship with each other. Paul asks the Romans, "What then shall we say? That the law is sin? By no means! Yet if it had not been for the law, I should not have known sin. I should not have known what it is to covet if the law had not said, 'you shall not covet.' " (Rom 7:7) When we disobey the Commandments, it also causes guilt in our relationship with God. When David broke the Commandments through his relationship with Bathsheba, he cried out, "Against thee, thee only, have I sinned," (Ps 51:4) God gives us laws because God is love. And we obey those laws because we love.

How coldly impersonal our relationships with one another would be if they were based upon the law alone! That's where the Pharisees got into trouble. For them the law became nothing more than theological riddles or mental gymnastics devoid of love and faith. They were "straining out a gnat and swallowing a camel." (Mt 23:24) Small sins were magnified, while greater sins were ignored, so Jesus said, to them, "Truly, I say to you, the tax collectors and the harlots go into the kingdom of God before you." (Mt 21:31) When the error of the religious world is the law without love, the result is hypocrisy; we become guilty of greater sins than the sins we seek to ferret out. When the error of the secular world is the law without love, it becomes recrimination and revenge, reacting with indignation and violence, without forgiveness and patience. Law and love have to be the characteristics of both worlds. A Christian can never ignore or set aside the law. So also the law enforcement officer, in his zeal for the law, cannot set aside love.

The principle of civil disobedience which became such a fad several years ago was nevertheless a non-Christian principle, a rationalization of the principle of Publilius Syrus that the end justifies the means. Jesus insisted on our obedience to the law and He said, "Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfill them . . . not an iota, not a dot, will pass from the law until all is accomplished." (Mt 5:17–18)

Occasionally, I am asked the question, "Why do we celebrate Law Day? Why don't you stick to the Gospel?" The law *is* the Gospel. There is nothing more Gospel than the law, because the law is the very warp and woof of the Gospel. Think how much of the Gospel is concerned about the law! Paul said, "Law came in, to increase the trespass; (Rom 5:20a) In pointing out the sin it reminds us of how great is our need of a Saviour. But that's not enough. The Christian therefore also recognizes that the law all by itself is sterile, "where sin increased, grace abounded all the more." (Rom 5:20b) The law has absolutely no power in itself. It can only point out the wrong. It cannot command obedience; it has no power to forgive the wrong or to right it. That's why Paul said, "The law was our custodian (our baby-sitter, our governess) until Christ came. (Gal 3:24) The law is an abstraction; it's impersonal—but Christianity is not based upon an abstraction, but upon a Person, a Person who is dynamically alive, a Person who is vitally real, a Person who is right here in the sanctuary with us in these moments, and who puts flesh and blood upon the structure of the law and makes our obedience to it alive with love. The law enforcement officers attitude also clothes the law with flesh and blood in person-to-person relationships. One of the reasons we have Law Day and invite law enforcement officers to worship with us, because it clothes the law with flesh and blood, as we become intimately acquainted with these officers and their personalities. Paul said, "But if you are led by the Spirit you are not under the law," (Gal 5:18) In other words Spirit, whether it be the Spirit of Christ or the spirit of the law enforcement officer, is what fills the law with meaning.

William Barclay told a war story of a British burial detail which had the responsibility of burying one of their fallen comrades after a battle in France. They asked a Roman Catholic priest if they could have permission to bury him in the Catholic cemetery. The priest reluctantly said, "No," because the deceased was not a Roman Catholic. Sadly the British soldiers buried their comrade just outside of the cemetery fence. When they went back the next morning they couldn't find the grave. They knew there had to be freshly dug soil somewhere along the fence, but they couldn't find it. As they stood there in bewilderment the priest approached and said he had been so unhappy about the decision he had made the day before that he couldn't sleep, so before dawn he moved the fence to include the grave of the soldier who had died fighting for France. That is what love does. Love moves the fence! The law builds up the barriers beyond which we cannot trespass, but love moves the fence. "For he is our peace, who has made us both one, and has broken down the dividing wall of hostility." (Eph. 2:14) So in Christ "there is neither Jew nor Greek, there is neither slave nor free, there is neither male nor female; for you are all one in Christ Jesus." (Gal 3:28)

Love, then, becomes the fulfilling of the law. Love fulfills the law by *going under* the law to undergird it with strength and power. Love fulfills the law by *going between* the laws, weaving them together with love. Love fulfills the law by *going beyond* the laws beyond obedience to forgiveness, service, and salvation. Thus our Christian faith deepens the relationship which we sustain with the law and also with those who enforce the law. That's how we will transmit this city, "not less but greater and more beautiful than it was transmitted to us," through our love and respect for one another within the law.

I pray that somehow these Law Day services may be a reaffirmation of those two great pillars of Law and Love, enriched and deepened by our relationship with Christ; and thank you Kiwanians, and thank you law enforcement officers, for making possible a service which reaffirms these relationships.

FOOD STAMPS PROBLEMS REQUIRE ANSWERS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. COLLINS of Texas. Mr. Speaker, food stamps now exceed $2 billion and the program requires answers. Its broad extensions now provide food stamps for communes of hippies, for workers out on strike, and for college students not working.

I just read an interesting article. In the May 24, 1973 issue of the West Texas Livestock Weekly the following story was written on food stamps:

FOOD STAMPS

Food stamps have become big business. They are probably the biggest factor in increasing the market demand for food.

The USDA's Food and Nutrition Service, which administers the food stamp program, reports that the most frequent complaint they get is from other shoppers who say they see food stamp users selecting the most expensive cuts at meat counters.

Well, the 12.5 million food stampers are splurging away to the tune of $2.1 billion for fiscal 1973–74.

A typical four person family, a couple and two children, can get $112 worth of food stamps per month free if the family's 'calculated income' is less than $30. The 'calculated income' is arrived at by subtracting, from an initial monthly income of $500 or less, such things as any medical payment of more than $10 per month, any amount in excess of 30 percent of the income that goes for shelter, federal and state income taxes, contributions toward mandatory retirement programs, including social security, union dues, and cost of a nurse or caretaker, if he needs special care. Also, deducted is tutition and mandatory fees for education, but not cost of textbooks.

Food stamp programs operate in 1509 counties and cities in the United States. It has been projected that nearly 500,000 applicants are expected to be added to the program before the end of the year. There is no estimate available on how many people are actually being fed under this program since it is set up for family units from one person to an indefinite number.

A recipient's eligibility certification is made by county food stamp technicians who must determine the income and resources of applicants.

Welfare offices must certify or refuse to certify an applicant within 30 days of receiving his application for stamps.

Grocery stores are licensed to accept stamps, and the license may be revoked or suspended if it is abused.

Regulations allow stamp customers to purchase all domestically produced food and two foreign foods, bananas and coffee. They cannot purchase such items as magazines, beer or liquor with the stamps.

Communes, students and transient groups of young people can be eligible for food stamps under a recent federal court decision that ruled unconstitutional a new regulation requiring household members under 60 to be related. The regulation was developed to prevent unrelated groups of people from qualifying for stamps. Food stamp sales are expected to increase at a rapid rate, particularly if the household eligibility decision is upheld in higher courts.

Congress has expanded the program greatly since 1969 when the government spent about $250 million to help 3.2 million persons.

Four years ago a family of four with a calculated income of $50 to $60 per month had to pay $20 to get stamps worth $58 at food stores. Beginning July 1, the same household will have to pay only $10 for stamps worth $116 per month.

This money for food spending did not exist a few years ago. The free stamps are equivalent to more than two percent of what Americans spend for food at retail stores, which last year totalled $97.8 billion.

And there are indeed many abuses by recipients.

Last month in Albuquerque, N.M., a man was charged with unlawfully acquiring $3000 worth of food stamps by buying them at a cash discount of $1200. In another county in the same state, the food stamp supervisor pleaded guilty to a charge of unlawfully issuing himself $552 worth of food coupons for $144.

In Bernalillo County, of which Albuquerque is a part, 40,224 persons received food stamps in February. An audit in that county, using a sampling of 350 "cases," reported 48 percent of those studied are receiving the amount of free stamps to which they were entitled. Most of the other 52 percent are getting more. The audit showed 16.3 percent of the 350 were not eligible for stamps in the first place.

Of the welfare recipients, 51,954 received food stamps in addition to financial payments during December. This brought the total food stamp recipients to 161,806, or 16 percent of the state's population.

Another 4000 were added to this before the end of April.

In Colorado last month, records at the Department of Social Services showed unauthorized stamps worth $127,234 have been issued in 36 of the 60 participating counties since 1969. Uncollected claims against those to whom the stamps were improperly issued ranged from $4 to nearly $2000. Claims totaling $16,871 were paid in full by ineligible recipients during the period.

The food stamp program puts about $37 million annually into the Colorado economy, including $16 million spent in stamps by the recipients and $21 million given to them as free 'bonus' coupons. In March, 122,408 people purchased $3.3 million in stamps.

The general reference to a 'cost-of-living' index is based on 100 for the 1967 calendar year. In February of 1972 the index stood at 123.80 and in February of 1973 it has gone up to 128.06, a rise of 3.9 percent.

The increased allowance will boost the cost of the overall program by $140 million.

Because of the low wage scale on the average farm and ranch operation, most employees would be eligible for food stamps, but comparatively few apply. A man supporting a family of four on as much as $500 a month, with normal 'calculated deductions' for social security, medical expenses, state and federal income taxes and possibly tuition for a child in school, could qualify almost every month of the year.

They are, however, far from the lowest on the I.Q. scale.

For each applicant there are from 17 to 20 different forms that may have to be filled out by the certification worker. The first four-page form resembles the long-form version of the federal income tax form, requiring such calculations as G. TOTAL of 5A, B.C.D.E. and F. . . or Income After Exclusion (Line 4 minus Line 5G) .

BOB CROWN: FRIEND OF THE FRIENDLESS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. STARK. Mr. Speaker, on Monday, May 21, 1973, Assemblyman Robert W. Crown, one of California's most outstanding legislators, died from injuries received when struck by a car. Following is a tribute to Assemblyman Crown by a man who knew him well, Ed Salzman, veteran Capitol reporter for the Oakland Tribune. The tribute follows:

"BOB CROWN: FRIEND OF THE FRIENDLESS"

The death of Assemblyman Robert Warren Crown, D-Alameda, came as an especially shocking blow to the California political community.

Bob Crown was probably the healthiest member of the legislature. At the age of 54, he could have passed for 39. He was the prime physical fitness fanatic in California politics (with apologies to United States Sen. Alan Cranston).

Three days a week, he put himself through vigorous gymnasium workouts. Three other days he would jog for 45 minutes, finishing with a sprint of about 100 yards. Thursday he called his day off.

How ironical that Crown, who survived the Battle of the Bulge in World War II, would be struck down while jogging on the streets of Alameda.

Two other Democratic assemblymen, Charley V. Porter and L. L. Townsend, both from Los Angeles County, had died earlier this year. Their passing had relatively little impact. Porter was getting along in years and had a record of medical problems. Townsend, although only 42, had suffered a near-fatal illness last year.

Bob Crown was unique among politicians. He felt that smoking was abhorrent, and he adamantly refused to support any bill that would broaden gambling in California. His lips never touched hard liquor and only occasionally a glass of wine.

When things were going well, he often cracked to his friends: "Not bad for a poor Jewish boy from Alameda."

While he was known as one of the most liberal members of the legislature, he broke away from the liberal bloc on the issue of narcotics. No amount of pleading from his best friends could get him to vote for the bill to decriminalize marijuana. "I just don't believe in smoking," he would explain.

A bachelor, he had a reputation as something of a ladies' man. His close friend and long-time seatmate, Assemblyman John T. Knox, D-Richmond, likes to tell the story about the time Crown arrived in the assembly chamber one Monday and told Knox: "I'm in love." Knox asked, "Who's the lucky girl?" The reply: "It's a six-way tie for first place."

Bob Crown was perhaps best known among his colleagues for his voracious appetite for learning. He was among the best trivia players in the legislature, and he could rarely be stumped on a question in the field of history.

He had his political peaks and valleys. Riding high as chairman of the Ways and Means Committee and falling low when he went out of favor with the assembly leadership.

As chairman of Ways and Means, he hated to kill a bill because it pained him to hurt the feelings of a colleague. He would simply tell the author that he didn't have enough votes and that he would give him a second chance whenever he could muster the necessary support. The result was the same so far as the bill was concerned, but it didn't hurt a bit to extend the hand of courtesy.

Crown was known as both the unofficial leader of the Jewish delegation in the legislature and as the leader of the ecumenical movement. Every year, he led a Passover Seder dinner for legislators of all religions and dedicated it to freedom for all mankind. Next year's dinner will be a sad memorial to Bob Crown rather than an evening of rejoicing.

Bob Crown should best be known as the champion of the underdog. It was he alone who has led the fight for state funds for crippled children. It was he who in his travels around the world sent back postcards to the little people in the capitol, like shoeshine man Earl Reeves. It was he who always gave a word of encouragement to the capitol's angry old man, Bob Simpson.

Bob Crown befriended the friendless. When a colleague found himself an outcast—like the late Louis Francis of San Mateo County or Charles Meyers of San Francisco—Crown made a special effort to befriend them.

These are a few of the reasons why Bob Crown's death brought tears to the eyes of even the toughest gladiators in the political arena.

COL. WALTER J. RILEY, EAST CHICAGO, IND.

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. MADDEN. Mr. Speaker, on June 1, Col. Walter J. Riley, pioneer banker, lawyer, businessman, philanthropist, died at his home in East Chicago, Ind. He was in his 97th year.

His business acumen and generosity participated in the growth and well-being of the Indiana Calumet Region for more than six decades. For several generations he was one of Indiana's outstanding citizens and he was in the forefront as a financier and railroad founder. He was active and participated in his business affairs up until a short time before his death.

In 1909, Colonel Riley and C. C. Hotchkiss, a railroad executive and promoter, pioneered a belt railroad and ship canal in the Calumet Region in order to hasten the development of one of the great industrial areas in the Midwest in the Calumet area of Indiana.

His two nephews, William J. Riley and Walter J. Riley, II, have for years been active in conducting the banking and insurance business along with the colonel.

Colonel Riley was probably the last of the pioneers in northwest Indiana who participated in the growth of our great industrial area since the beginning of this century.

Mr. Speaker, I include with my remarks an editorial concerning Col. Walter J. Riley which appeared in the Gary, Ind., Post Tribune on June 4:

HE HELPED MAKE US STRONG

There probably are a number in our area's current generation to whom Col. Walter J. Riley was at most an echo. There are few, though, doing business or holding jobs in the Calumet Industrial Region and its abutting territory who were not affected by his energy. There are many not at all aware of it who were beneficiaries of his generosity and civic energy.

The "colonel" (whose military title came from a World War II National Guard appointment) made his money in banking and real estate, but it was what he did to make money for others which made his imprint on Northwest Indiana enduring. It was his work and energy combined with that of W. C. Hotchkiss which made the Indiana Harbor Belt Railroad and the Indiana Ship Canal realities. It was those developments which made the East-Chicago-Indiana Harbor area one of the three highly productive triplets of Northwest Indiana—the other being the steel mills of Gary and the much more recent ones of Porter County.

But Colonel Riley never confined his energies to money making. He played important roles in the founding of the Carmelite Home for Girls and Boys in East Chicago and of East Chicago's St. Catherine Hospital. A recent $50,000 gift in his honor to St. Joseph Calumet College was not his first to that institution.

With him politics was almost an avocation. A lifelong Republican, he nevertheless was named the first city judge of East Chicago by a Democratic governor, Thomas Marshall, who later became vice president. Riley was a delegate to Republican National Conventions of 1928, 1932, 1948 and 1952, but he was frequently consulted by Indiana political leaders of both parties.

On the occasion of his 90th birthday, Colonel Riley said, "This area faces many bright tomorrows." We feel sure it was a vision to which he clung up to the time of his death last Friday.

ROBERT KENNEDY

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. OWENS. Mr. Speaker, 5 years ago this week Robert Kennedy died in Los Angeles, literally at the hour of his greatest political triumph. In my judgment his death was the greatest political loss of this decade. Part of the tragedy of his death was the fact that the country was just awakening to the realities of his leadership potential. Hence, the country will never know what it lost.

I worked on the staff of Robert Kennedy after having run the Colorado River, water skied, tramped through Indian reservations, and hiked the mountains of Southeastern Utah with him. It was my opportunity to coordinate his brief presidential campaign in six western States.

Those of us who knew him personally still feel keenly his loss. The problems which bothered him the most—poverty and deprivation, racism and injustice, war and hate—are still with us. Hence, it seems appropriate to reflect upon the ardor and compassion with which he attacked these human failings and to resolve to emulate the strong self-discipline and determination which made him such a leader.

I am inserting excerpts from some writings of his younger brother, Senator EDWARD KENNEDY, on whose staff I also had the honor of serving. I wish more people could have known Robert Kennedy.

SEEKING A NEWER WORLD

(By Edward M. Kennedy)

(NOTE.—A few months after the death of Sen. Robert F. Kennedy, five years ago today, his brother Sen. Edward M. Kennedy set down some recollections of their lives together, addressing them to Robert Kennedy's children. These are excerpts from his reminiscences, which were originally printed in a memorial volume, "That Shining Hour.")

Nothing your father achieved in life and nothing that hereafter be achieved in his name would have mattered more to him than how his children would develop and the kind of lives they would lead.

His own relationships with his brothers and sisters and his parents were a source of strength and meaning. From his father, he gained an iron will and toughmindedness and from his mother, a tender heart and gentleness. From his older brothers he gained a competitive spirit and a desire to pursue excellence. From his sisters, he received a certain charm and warmth. His character was formed in the crucible of family relationships although it had its own distinct identity, and a strength that was particularly his. Certainly he would expect each of you to be a source of strength and understanding and love to each other, as he was to us. He would want you to help one another in time of difficulty and uncertainty, and be generous to one another almost to a fault.

He lived his faith and his religion and he was prepared to defend that faith, not only to the doubters but even to the theologians.

Your father viewed public service as the means to help the disadvantaged, the poor and the victims of discrimination. He was totally involved and totally committed to their cause. But although politics was his whole life, he did not feel his children had to follow in his footsteps—any more than our father felt we had to go into business. He would have been distressed, however, if you did not involve yourself in some way in the problems of mankind. He truly lived for his own children and the next generation of the world. He would expect you to devote your lives to continuing his search for a newer world.

This, then, is the challenge of your father's life. It is a lesson and a responsibility for all who loved him—for me and my sisters—for you and your cousins. It is your inheritance and it is mine that he has left behind—along with the times and the feelings we can only recapture in memory.

I'll miss the Sunday afternoons at Hickory Hill when he would break away from playing touch football with his children, and we would play tennis . . . I'll miss those sailing trips off the beautiful coast of Maine, using roadmaps for sailing charts. More than once we were lost in fog and howling winds, but he would console our guests and, sure enough, we would soon find a safe port-of-call . . .

But most of all I shall remember our walks through the park from the Senate floor to the Senate office building in every kind of weather. He would suggest that I speak at an early morning assembly at a local high school here in Washington, urging the students to stay in school and continue their studies. He would remind me to give whole-hearted support to a fund-raiser to be held in Boston for Caesar Chavez' farmworkers. He would tell me of a recent trip to the Mississippi Delta, describing the extraordinary conditions of hunger, malnutrition and poverty he saw, and he would talk about the forgotten Indians in our country, and the injustices and indignities they suffered. These moments of conversation as much as any speech be made revealed his deep feeling and passionate concern for the forgotten American. And no words can describe his purpose better than those written by Tennyson of Ulysses: "How dull it is to pause, to make an end, to rust unburnished, not to shine in use as tho' to breathe were life!"

All of us will miss him, and each will remember him in a different way. When I think of Bobby, I shall always see Cape Cod on a sunny day. The wind will be from the southwest and the white caps will be showing and the full tide will be sweeping through the gaps in the breakwater. It will be after lunch, and Bob will be stripped to the waist and he'll say, "Come on Joe, Katheen, Bobby and David, Courtney, Kerry, come on Michael and even you Chris and Max—call your mother and come on for a sail." One of the children would say, "What about the baby?" and the father would reply, "Douglas can come next year." They push off from the landing. The sails of the *Resolute* catch the wind, and the boat tips and there are squeals of laughter from the crew. And Bob says, "I think today is the day we'll tip over" and there are more squeals and the *Resolute* reaches toward the end of the breakwater with a bubbling wake left behind. Beyond the breakwater, its bow rises and falls with the rhythm of the sea, the children are covered with spray, and he will dive overboard and catch hold of the line that trails behind, inviting the children to join him. Child after child jumps into the water, grabbing for the line, and those who appear to miss it are pulled toward it by his strong and suntanned arms. The boat heads out into Nantucket Sound. The tide is gentle—the sand shifts—the sky is blue—the seagulls watch from above and the breeze is warm. And there will be happiness and love and we are together again.

INTRODUCTION OF SCHOOLBUS SAFETY BILL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. GILMAN. Mr. Speaker, I am pleased to reintroduce today, with several of my colleagues, a comprehensive schoolbus safety bill. The need for stringent schoolbus safety regulations is all too evident. Time is long overdue for taking corrective steps to provide our children with safer vehicles, more qualified drivers, proper maintenance, and danger-free routing.

Preliminary estimates from the Department of Transportation indicate that in 1972, over 56,000 schoolbuses were involved in accidents, causing the deaths of 94 individuals.

Obviously a great many factors contribute to this appalling number of accidents and fatalities. High on the list are the structural deficiencies of the bus itself. Anyone who can remember being conveyed in the shoddily constructed yellow vehicles can understand the great frequency with which floors are separated from siding, rough panels are twisted and bent at relatively mild impacts, causing the schoolbus to cave in like a cardboard box.

Standards for drivers of our Nation's most valuable resource, its children, are also long overdue. I am amazed to learn that in many States, requirements for truck drivers are more rigid than requirements for schoolbus drivers. Accordingly, physical, psychological, and visual testing of schoolbus drivers on an annual basis is provided for in this bill.

Another provision in this measure which would greatly enhance safety features of schoolbusing is the addition of monitors insuring adherence to safe riding practices and facilitating the loading and discharging of passengers.

Parents of schoolchildren, manufacturers of schoolbuses, school administrators, and the press have been clamoring for the Federal Government to assume its responsibility in establishing a reasonable schoolbus safety program. I am pleased that the Transportation and Aeronautics Subcommittee of the House Interstate and Foreign Commerce Committee has responded to this clamor by recently holding hearings on the problems of schoolbus safety. I am hopeful that this fine subcommittee will recommend that Congress legislate in the area of schoolbus safety at some time in the near future.

Mr. Speaker, I am pleased to reintroduce this schoolbus safety bill accompanied by several of my colleagues. Those Members who have indicated their concerns for safer schoolbuses by joining in sponsoring of this bill are: Mr. ROBISON of New York, Mr. WON PAT, Mr. HAWKINS, Mr. WOLFF, Mr. MOLLOHAN, Mr. WALSH, Mr. FISH, Ms. ABZUG, Mr. SHUSTER, Ms. CHISHOLM, Mr. COHEN, Mr. BURTON, Mr. BIESTER, and Mr. RONCALLO of New York.

OPPOSITION TO BLUE RIDGE POWER PROJECT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. MIZELL. Mr. Speaker, the General Assembly of North Carolina recently passed a joint resolution supporting Ashe and Alleghany counties, N.C., and the States of North Carolina and Virginia, in opposing the construction of the controversial Blue Ridge power project which I have spoken of so many times in this chamber.

With this action, the General Assembly joins a large and still growing number of public officials and environmental groups who have expressed their opposition to this massively destructive project, which threatens a way of life and a land of beauty in the most ominous and terrifying way.

I have been on record against this project, as many of my colleagues know, since 1969, and I am pleased with every new addition to the ranks of the opposition. I have legislation pending before this body which would prohibit the construction of this project, and I hope for action on my proposal in the near future.

At this time, for the benefit of my colleagues, I am inserting in the RECORD the text of the Assembly's joint resolution.

RESOLUTION 79—SENATE JOINT RESOLUTION 668

A Joint Resolution supporting Ashe and Alleghany Counties, and the States of North Carolina, Virginia and West Virginia in opposing the construction of the Blue Ridge project

Whereas, Appalachian Power Company of Roanoke, Virginia, a wholly-owned subsidiary of American Electric Power Company of New York City, has filed an application before the Federal Power Commission requesting a license to construct two dams on the New River in the State of Virginia, the upper dam site to be about six miles downriver from the Virginia-North Carolina State Line and the lower dam site about eight miles downriver from where the river again crosses the North Carolina-Virginia State Line, both impoundments being partly in North Carolina and partly in Virginia, the water in the lower impoundment to be pumped back into the upper impoundment during the hours of minimum demand for power; and

Whereas, said upper lake or impoundment extends approximately 35 miles up the New River from the proposed upper dam site, taking in a segment of the river in Alleghany and extending approximately 15 miles up the North and South Forks of the river into Ashe County; and the lower impoundment would take in all the balance of the New River in Alleghany County of approximately six miles; and

Whereas, the New River is of great scenic value unmatched in the Eastern United States, is the last unpolluted and unspoiled river of its kind in the Eastern United States, is of great recreational value for canoeing, fishing and boating, resources for which are now rapidly disappearing; and

Whereas, said proposed impoundments would have a total water surface area of 40,000 acres, and vertical drawdown of 44 feet in the water level of the lower impoundment and 12 feet in the water level of the upper impoundment, thereby degrading and destroying the natural environment of a scenic and unspoiled river; and

Whereas, flat-water lakes already abound in the region, and we deem that huge lakes with drawdown are neither necessary nor desirable for recreation; and

Whereas, said project would result in the taking of some 60,000 acres in the two states, approximately one-third of said land being in North Carolina; and

Whereas, said taking from the people of North Carolina of their much-needed and valuable land in Ashe County and Alleghany County would benefit a power company which sells power in the States of Michigan, Indiana, Ohio, Kentucky, Tennessee and West Virginia, but would provide no significant economic benefits to the people of North Carolina; and

Whereas, the proposed project would cause over 3,000 people to lose their homes and farms;

Now, therefore, be it resolved by the Senate, the House of Representatives concurring:

Section 1. That the proposed use of the New River Valley in Northwestern North Carolina for the benefit of the people of the Midwestern United States would cause a great and perpetual hardship and loss to the people of the Northwestern section of the State.

Sec. 2. We do solemnly and vigorously protest any appropriation of the resources of the Northwestern section of our State for the sole benefit of the people of the Midwestern United States.

Sec. 3. We do solemnly and vigorously oppose the proposed Blue Ridge Project.

Sec. 4. We recommend to Governor Holshouser and Attorney General Morgan that they promptly and vigorously continue the opposition of this State against the proposal to construct the Blue Ridge Project.

SEC. 5. That copies of this resolution be filed with the Federal Power Commission, the Environmental Protection Agency, the U.S. Department of Interior, Appalachian River Company of Roanoke, Virginia, and all members of the United States Senate and United States House of Representatives from North Carolina.

SEC. 6. This resolution shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of May, 1973.

THE OTHER SIDE OF THE FOOD STAMP QUESTION

HON. BOB ECKHARDT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. ECKHARDT. Mr. Speaker, there is a concerted effort these days to portray the food stamp program as a Government benefit to strikers and an encouragement to work stoppages. The impression being conveyed is that Government assistance is provided to one side in a labor-management dispute.

The campaign against food stamps for strikers who qualify for the stamps has presented a biased picture. For the record, I would like to call attention to the following editorial which appeared in the May 17, 1973, issue of the Machinist, the excellent publication of the International Association of Machinists and Aerospace Workers:

FAIR PLAY

Efforts by the U.S. Chamber of Commerce to cut off strikers and their families from all forms of public assistance, including food stamps, is based on the concept that government should be neutral in labor disputes. The truth is, the United States government has never been neutral in any labor dispute. The government always lines up financially on the side of the employer. The welfare window is always open to the corporations.

Tax laws help the employer. There are no penalities, no loss of rights to an employer because he has forced his employees on strike or locked them out.

When an employer buys newspaper space to advertise an attack on a striking union, the government helps to foot the cost of that ad. It does so by tax regulations that permit the employer to deduct the cost of advertising as a normal business expense. Because of the ad, the employer pays that much less income tax.

TAX DEDUCTIONS

When an employer hires scabs during a strike, their wages are deductible as a business expense. The government doesn't cancel a corporation's rights because its regular employees are out on strike. It doesn't matter whether or not the employer is responsible for the strike.

A corporation's right to tax deductions for amortizing or depreciating its plant and equipment continue throughout the period of any strike. If the plant closes for the duration after normal "shut down" procedures including greasing, oiling and weatherproofing, wear and tear is almost nil during a strike. Yet, the corporation is allowed to take its normal depreciation allowances.

The Farah Pants Co. has enjoyed a 7% depreciation allowance during the year when it has operated with scabs. It doesn't lose any rights because its union employees are on strike for a decent wage.

GOVERNMENT CONTRACTS

The government makes no effort to penalize employers who bid on government contracts during strikes. Even if the corporation is convicted of unfair—and illegal—labor practices, its government contracts continue. Under cost-plus contracts, the government has actually paid the additional expenses of the employer during a strike.

The most blatant example of government intervention on the employers' side must be the Mutual Assistance Pact maintained by the major airlines with formal government approval.

Under this pact, a struck airline receives a share of the profits of non-struck airlines—profits which the airlines would otherwise have to pay out as Federal income taxes. In this instance, the amount by which the income tax is reduced is a direct contribution by the government to help the airline defeat its employees.

NEUTRAL GOVERNMENT

If the government is to remain truly neutral in every labor dispute, then it will have to suspend the rights of employers as well as employees when they are involved in any labor dispute.

If only the rights of strikers and their families are suspended, the government will become even more partisan against workers. And that is just what the Chamber of Commerce wants.

INTERIOR DEPARTMENT REDTAPE STALLS GEOTHERMAL POWER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. HOSMER. Mr. Speaker, there follows a Christian Science Monitor article reprinted by the Daily Pilot Newspaper of Orange County on June 3 explaining that 3 years after passage by Congress of the law authorizing leases on Federal lands for geothermal steam development not one single such lease has been granted. This is solely due to bureaucratic bungling and not to troubles with NEPA as claimed in the article by an Interior Assistant Secretary.

The truth is that the bureaucrats down in the Interior Department are seizing an opportunity to make a lifetime career out of this authority for a lot of their fellows. They are trying to make a fine tune classification of practically the whole country into known geothermal areas and those not known. Then they would establish different, but none-the-less complicated, leasing procedures for each classification.

The excuse is that they say they want to make sure they will not give away any valuable Government land. The result is that nobody is getting any leases and no one is producing any geothermal power as the Nation sinks deeper into its energy shortage.

The few bucks one way or another involved in these leases are peanuts compared to the need for the power by the whole Nation. Time and again I have brought this matter to the attention of the Secretary of the Interior, the Bureau of the Budget people, and anyone else who will listen. Still nothing is done.

Can't someone in the administration get these bureaucrats off the dime and the leases started? When Senator BIBLE and I pushed this legislation through over 3 years ago we expected some action. Instead, we find it has turned into a grant factory for manufacturing bureaucratic redtape.

The article follows:

BUREAUCRATIC PIPELINES BLOCK GEOTHERMAL POWER

PALM SPRINGS.—In spite of a growing energy shortage in the United States, the federal government appears to many to be dragging its feet unnecessarily on the matter of geothermal power.

This theme dominated the recent National Conference of Geothermal Energy sponsored here by the University of California, Riverside.

For example, N. B. Livermore, Secretary for Resources of the State of California, commented, "After a three-year review period, they (the federal government) are going to withhold for another extended period the availability of federal lands." Since 58 million acres of federal lands with geothermal resources are involved, this represents a considerable amount of energy potential lying fallow.

Rep. Victor V. Veysey (R-California) criticizes government bodies for their slowness in developing geothermal resources in the U.S. He points out that the federal legislation to permit leases on federal lands has been in effect for 2½ years. But no leases have been issued.

Even the oil companies, which have traditionally been reluctant to push alternative sources of energy, express concern about federal slowness in clearing the bureaucratic pipes to release underground steam.

PESSIMISTIC ESTIMATE

A recent report from the National Petroleum Council contends that geothermal resources will provide only 1 percent of national energy needs by 1985. It blames environmental impact statement requirements and bureaucratic problems for putting on the brakes.

In an interview, Sen. Paul J. Fannin (R-Arizona), former governor of the state, said he has been quite disappointed with the slow pace of the Interior Department in implementing the Geothermal Steam Resources Act of 1970.

Answering some of the criticism of federal policies, John B. Rigg, Deputy Assistant Secretary, Energy and Materials, U.S. Department of the Interior, also blames the delay on the environmentalists. He notes, "We must conform to the requirements of the National Environmental Policy Act of 1969 and prepare an environmental statement for the leasing program.

"The requirements of the Act are constantly being modified and clarified as experience is gained in preparing statements as court decisions are rendered on statements that have been issued."

DELAY "INCOMPREHENSIBLE"

But are environmental concerns really causing the delay?

"The delay is incomprehensible," complains Livermore. "It took only nine months to write environmental impact statements, hold public hearings, offer leases, and hold sales for federal oil and gas leases on properties offshore of the state of Louisiana, and yet geothermal leasing is completely stymied at the federal level."

FAIR LABOR STANDARDS AMENDMENTS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. KEMP. Mr. Speaker, yesterday, the House considered numerous floor amendments to H.R. 7935, Fair Labor Standards Amendments of 1973. I was absent for rollcall Nos. 179–185. Because of my very strong feelings on revision of minimum wage provisions, only the most extraordinary circumstances would have called me away from the floor of the House for these critical votes. As it happened, I was attending the funeral Mass of a very dear and close personal friend. Had it not been for so serious a personal obligation, I would have supported the amendment offered by Mr. ERLENBORN in the nature of a substitute bill to provide a gradual rate increase in the minimum wage. Upon failure of that amendment, I would have supported subsequent amendments that were offered to soften the blow of the committee bill to our efforts to bring inflation under control. My votes would have been as follows: Rollcall No. 179, Talcott amendment to Erlenborn substitute to increase the minimum wage rates for agricultural employees equal to that of industrial employees: "No"; rollcall No. 180, Erlenborn substitute: "Yea"; rollcall No. 181, Erlenborn amendment to set minimum wage rates for employees covered before 1966 at $1.90 an hour for the first year, $2.10 an hour the second year and $2.20 thereafter: "Yea"; rollcall No. 182, Quie amendment to set the minimum wage rates for employees covered before 1966 at $2.10 an hour beginning July 1, 1974 and $2.20 per hour thereafter: "Yea"; rollcall No. 183, Erlenborn amendment to set the minimum wage rate for agricultural workers at $1.60 per hour for fiscal year 1974, $1.70 for fiscal year 1975 and $1.75 an hour thereafter: "Yea"; rollcall No. 184, Talcott amendment regarding agricultural employees: "No"; rollcall No. 185, Henderson amendment to strike out extended coverage for Federal employees: "Yea."

The objectives of the bill reported by the Education and Labor Committee are worthy and reflect legitimate concern with the problems of marginal employees. That labor conditions exist in this country which are detrimental to the maintenance of even the most minimal standard of living for some workers cannot be disputed. The American worker must get more mileage out of his paycheck. Inflation is continually eating away at the purchasing power of his dollar. The resolution of these problems constitute goals which have my wholehearted support. In fact, it is my commitment to these goals which compels me to reject the committee bill. The bill's precipitous minimum wage increases, the absence of needed differential wage rates to save jobs for teenagers, the unacceptable broadening of coverage and the phasing out of overtime exemptions which will strain local governmental budgets run counter to the attainment of the bill's objectives. The committee bill, which the House approved yesterday, can only result in more inflation, price increases and unemployment. This legislation is a classic example of "too much of a good thing." I cannot help but be convinced that its inflationary impact on the economy will negate the very objectives it seeks to achieve.

I believed the Erlenborn substitute, which contained no such inflationary and job-eliminating provisions, to be an appropriate increase in minimum wage rates, paralleling the rise in productivity and cost of living. The substitute bill called for a total increase in the minimum wage rate of 31 percent stretched over 3 years; the committee bill calls for a total increase of 37.5 percent in a little over 1 year. For covered agricultural workers, the substitute increased wages by a total of 50 cents an hour; the committee bill represents a total increase of 90 cents an hour, or 69.2 percent.

The National Federation of Independent Businesses recently had a survey conducted among a representative cross section of their membership to determine the effect of these increases. It was found that 37 percent of all respondents indicated that their major response would be a forced reduction in their labor force, or in the number of hours their employees worked.

Coupled with the bill's inevitable tendency to reduce employment opportunities is the fact that the additional costs to management represented by the increases will ultimately be passed on to the consumer. We thus find ourselves in the position of offering marginal workers extravagant wage increases and at the same time insuring extravagant price increases: "the law giveth and the law taketh away."

Another area of the committee bill which is of particular concern to me is the youth differential permitting employment at an hourly rate of 80 percent of the applicable minimum wage or $1.60 an hour, whichever is higher. In my opinion, this amounts to legislating young people out of jobs rather than into them. The minority views of the committee report refer to a recent statement by the American Association of Presidents of Independent Colleges and Universities. The association indicated that—

> An increase in the minimum wage to $2 per hour will result in the curtailment of employment of student youths in every category of college operations. This is so, they indicate, because an increase in the minimum wage if applied to their student employees would cost each of their members anywhere from $53,000 to $2.5 million; and they simply do not have these additional funds.

The youth employment problem deserves a more realistic approach than proponents of H.R. 7935 are offering.

I am additionally opposed to the committee bill's extension of wage and overtime coverage to Federal, State, and local employees. Most State and local governments are already operating within the confines of a very tight budget. Imposing overtime coverage on their already strained budgets, I am afraid, will incur reduction in services or employment.

I returned to the House yesterday afternoon in time to vote on final passage of the bill. Failure of the House to adopt any of the amendments offered to address the inadequacies of the bill as reported by the committee forced me to the difficult decision to vote against final passage of H.R. 7935. The timing of minimum wage increases must take heed of our legislative efforts in other areas, including the maintenance of a high rate of employment and control of inflation; otherwise, we hurt those we purport to help.

INDONESIANS STILL WARY OF PEKING

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DERWINSKI. Mr. Speaker, it is important that we not form false illusions regarding the People's Republic of China, Red China today is embarked on an adjusted foreign policy stimulated primarily by fear of aggression from the Soviet Union.

One country which has good reason to remember previous aggressive acts of the Red Chinese is Indonesia. Therefore, I direct to the attention of the Members a column by Charles Bartlett carried in the Chicago Sun-Times of June 4, which is significant since it reports the Indonesian Government's view of the situation in Red China:

INDONESIANS STILL WARY OF PEKING

(By Charles Bartlett)

JAKARTA.—The Indonesians do not frown on Washington's great adventure with the Chinese Communists, but they are taking it very slowly on their own.

They remember well in Jakarta that Premier Chou En-Lai, who now enjoys such rapport with President Nixon and Henry Kissinger, was the leader who attempted only eight years ago to arm the Indonesian peasants against their army. If he had succeeded, the islands would be in the frozen clutch of communism and the whole region would have receded from Western influence.

The failure of the 1965 coup was such a bitter blow to Peking that some believe it enabled chairman Mao Tse-tung to launch the Cultural Revolution and draw China into the shell whence it is only now emerging. They know here Peking has a high priority on avenging this temporary setback and they have a natural anxiety to remain as invulnerable as possible.

"The American initiative toward Peking is good because it will temper the aggressive sentiment of these people," says Adam Malik, the Indonesian foreign minister. "We are moving slowly because we want to be sure. We have contact with the Chinese at the UN and we want good channels of communication but *nothing* more for the present."

Malik, who adroitly froze relations instead of breaking them after the bloody confrontation of 1965, see no reason to rush into closer dealings that may bring more problems than advantages to Indonesia. The Chinese offer no trade lure and Peking has not renounced the expansionism which prompted the bold intervention in Indonesian affairs, so the installment of a Chinese mission in Jakarta will raise security problems.

The four million overseas Chinese in Indonesia, who dominate its commerce and live apart, rich but suspect, are an added complication. They constitute only one-thirtieth of the population, but their control of capital and their skill at dealings for which the Javanese show slight talent make them a formidable background force.

"Hang Chinamen" read the signs that blossomed in 1965 and the spirit lingers. So the Chinese who control wide areas of the economy, from the casinos to the pedicabs, take pains to be almost invisible. They shrink from displays of wealth, live in small homes, and deal usually through front men. But they remain disliked by the natives as aliens loyal only to themselves.

President Suharto, relying on the Chinese for economic progress but wary of their tendency to absorb most of the fruit of progress, is trying to strike a balance. The Chinese are pressed to take Indonesian names and nationallity as the price of doing business. Native businessmen are given special incentives to facilitate their success at claiming a share of the results of development.

The racism will gradually subside if there is no political tension, if the affluence spreads and the Chinese are melded into the population. But the rigidity against communism will persist because the Indonesians learned the price of Sukarno's flexible ways in the Long Night of 1965. A presumption that Peking has not lost its eagerness to enlist 120 million Indonesians in the Communist cause has deep roots in the national outlook. This is why the Indonesians strongly endorse President Nixon's bombing of Cambodia. They insist it is important to give the Cambodians time to rally their leadership.

Gathering hopes for regional stability are pinned to the new League of Asian Nations. But Indonesia's ultimate reliance, in the crunch of a Chinese move, will be on the firmness of American anti-communism.

A REMARKABLE MAN

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. STOKES. Mr. Speaker, Mr. Edward D. Dickson of Cleveland, Ohio, is a remarkable man. I hope that all of my colleagues in this Chamber will join with me today in congratulating him upon his receipt of a college degree.

At first glance, that may not seem so outstanding. But, then, you have to understand that Mr. Dickson, the 45-year-old superintendent of the University Circle postal station, began working on his college degree 13 years ago. Today, after taking one night course a semester, Mr. Dickson is a college graduate. Furthermore, he plans to pursue a master's degree and, perhaps, his doctorate.

I am including below an article about Mr. Dickson which appeared in the Cleveland Plain Dealer on May 27, 1973.

Edward Dickson, I am sure you will agree, is a most remarkable man.

The article follows:

Postal Aide Earns Degree After Work

(By Deena Mirow)

Edward D. Dickson considers himself proof that the American dream is still an obtainable goal.

The 45-year-old superintendent of the University Circle postal station, reared in Cleveland's black ghetto by a widowed mother, today will receive a sociology degree from John Carroll University after 13 years of evening study.

"I acquired the motivation many years ago when I was a black youngster living in the ghetto," Dickson said. "I believed that self-improvement would help me get into the mainstream.

"I felt I could be of service to society and could help bridge the gaps in an integrated society where there would be a need for educated blacks as well as educated whites," he added.

Dickson started his education in 1947 at Fenn College but had to drop out for financial reasons after two semesters.

However, the motivation "to become an educated, intelligent human being" never left him. In 1960 he enrolled at John Carroll and began taking one course each semester.

Encouragement came from his mother, who wanted at least one of her children to get a degree; his wife, who was willing to forgo vacations and family outings while he studied, and his daughter, now working on her master's degree in sociology at the University of Wisconsin.

His schedule, which also included teaching Sunday school and working a second job at the Cleveland Clinic, left little leisure time. But Dickson is confident the sacrifice was worth it.

"The post office is a people organization, any my sociology courses which dealt with working with people and groups definitely have helped me," he said. "I think my rise in the department is directly related to my courses at John Carroll."

He started as a postal clerk 24 years ago and was promoted to foreman, then assistant superintendent and a year ago to superintendent. He received an "outstanding manager" award several months ago.

However, Dickson's drive for self-improvement is still not over.

This fall he will begin work on a master's degree in sociology at Cleveland State University. When that is finished—hopefully in less than 13 years—a doctorate is a distant possibility.

PROGRESS IN CANCER RESEARCH AND THE NEED FOR FUNDS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DULSKI. Mr. Speaker, 2 years ago the National Cancer Act was enacted into law as the cornerstone of a drive to conquer the scourge of cancer.

In the 2 years that have passed, there have been some disappointments for those of us who supported the program wholeheartedly and looked forward to steady, sympathetic implementation.

Roswell Park Memorial Institute is located in the heart of my Buffalo district and is a facility of which our community is most proud. Just a month ago, this facility—the first and one of the largest of its kind—marked its 75th anniversary.

On that gala occasion in Buffalo, the main speaker was our distinguished colleague and the author of the National Cancer Act, the Honorable Paul G. Rogers of Florida, chairman of the Subcommittee on Health and Environment.

Mr. Rogers laid it on the line in a hard-hitting speech. He said the law provides the mechanism, but the shortcomings lie in the lack of support from key areas, in particular the Office of Management and Budget in the White House.

The remarks of Mr. Rogers should be read in full context and I respectfully refer my colleagues to the text which begins on page 14546 of the May 7 Congressional Record.

Mr. Speaker, the director of Roswell Park Memorial Institute, Dr. Gerald P. Murphy, subsequently was a witness at hearings on the fiscal 1974 budget before the Appropriations Subcommittee for the Departments of Labor, and Health, Education, and Welfare.

Dr. Murphy has detailed the great work that is and can by done by systematic implementation of the National Cancer Act. I include the text of his excellent and detailed prepared statement as part of my remarks:

Statement by Gerald P. Murphy, Director, Roswell Park Memorial Institute

Mr. Chairman and esteemed members of the Committee, I am Dr. Gerald P. Murphy, Institute Director of Roswell Park Memorial Institute. Roswell Park Memorial Institute is one of the oldest and one of the largest Comprehensive Cancer Centers in the world since its inception a vital part of the New York State Department of Health.

The Institute, May 2nd of this year, celebrated its 75th Anniversary as a cancer center. The center is located in Buffalo, New York. As a member of the National Cancer Advisory Board I have been familiar with several aspects of the National Cancer Program.

Prior to my appointment to the Board, the staff of Roswell Park Memorial Institute and myself testified in hearings held by Congressman Rogers and his Committee at Roswell Park Memorial Institute, October 11, 1970 in support of legislation that eventually resulted in the National Cancer Act of 1971.

As for my own background I have been an active physician and scientist. I have been associated with Johns Hopkins University School of Medicine and Walter Reed Medical Center and since 1967 I have been affiliated with Roswell Park Memorial Institute. My primary medical and research interests have been in urological cancer. Currently, I head the N.C.I., National Prostatic Cancer Project funded for 1973 to the level of $750,000 and I am chairman of the National Cancer Institute Advisory Committee associated with the Cancer Control Program.

I am here this morning with two major objectives, one to give you a broad overview as I see it, of where centers, particularly comprehensive centers stand such as Roswell Park Memorial Institute in relation to the National Cancer Act and to voice my support of an expanded Cancer Control Program. Both of these objectives assume the persistence in some form of associated and specific cancer training programs.

CURRENT CANCER CENTER ACTIVITIES

Today existing Comprehensive Cancer Centers, without more extensive surveys or studies, are prepared immediately to engage in technology transfer, in getting essential cancer research and treatment messages to practicing physicians, nurses, medical technicians, and other supporting medical personnel.

For example, at Roswell Park Memorial Institute we established three years ago a Wide Area Telephone Service (WATS) line so that physicians and others directly treating cancer patients can telephone directly to our center in Buffalo from any place in New York State and get immediate, personalized, patient-oriented answers to cancer treatment questions.

The physician can receive updated assistance over the telephone. He can be lead directly to the most helpful current research reports. He can make repeated calls as the patient's condition changes.

It is a private consultation. It costs him nothing. If he has knowledge gaps, they are not unfairly displayed to his patient or to his colleagues, and this private consultation maintains important private physician-patient relationship.

From 1970 we have accepted over 15,000 calls since establishing the WATS line for health care professionals in New York State. This is a good system and can be effectively used and should be fiscally supported at newly Comprehensive Cancer Centers throughout the country.

The M. D. Anderson Hospital and Tumor Institute in Houston, Texas, has done a similar job with a multi-state approach keyed to programed professional education taps supported to date by the Regional Medical Program.

To those of us in the Comprehensive Centers, working directly with patients we believe cancer control spending could well be used to assist patients immediately. There is no need for untimely delays with complex overly-centralized planning.

The American Cancer Society in which I serve at the state and national level estimates today that about 33% of today's cancer patients survive long enough to be considered cured or under control but that providing optimum treatment for more patients could raise that percentage to 50%.

Thus, about 111,000 more cancer deaths might be spared this year if optimum treatment methods were more effectively and immediately disseminated to all of those who treat cancer patients.

CONTROLLING CANCER

At Roswell Park Memorial Institute we are prepared to further develop and rapidly implement different types of demonstration teams that would provide physicians in the outlying communities the latest methods of cancer therapy, for example, in Hodgkins Disease and several other solid tumors.

We are prepared to further demonstrate newly available screening techniques to determine whether cancer is present and, if so, how extensive it is; we are also prepared to demonstrate the newly developed rehabilitation techniques and prostheses for a patient ready to resume a workaday existence but in need of cosmetic or functional counselling.

Such demonstration teams are currently located at such centers as Roswell Park Memorial Institute, Sloan-Kettering Memorial Center, and M. D. Anderson Hospital and Tumor Institute. These demonstration teams can further accomplish two things:

1. Conduct regional workshops or seminars, with the aid of the American Cancer Society and State Health officials, that would inform practicing physicians about the latest instruments and methods. This would immediately, through this type of orientation, provide better knowledge to the physician on how to treat cancer patients more effectively in their own community.

2. This type of orientation could rapidly update the physician and demonstrate current limitations, if any, of their available community cancer hospital equipment and resources. They would be better informed when a patient could be sent to a larger, more specialized Comprehensive Cancer Center. Patients could stay close to home and family with confidence, knowing that their physician is aware of the best time for the patient to go to a center for special diagnosis or treatment. These same techniques, in my opinion, can be effectively employed at newly designed Comprehensive Cancer Centers. The public at large must also be similarly educated.

France, with only a fraction of comparable resources, has for some time used such demonstration teams for cancer control and has found this an effective approach in transferring current technology on cancer therapy to the practicing physician.

THREEFOLD TARGET

What I have described is directed toward the individual patient, the health care professional as well as the public at large. There is not one target. Center demonstration teams and travelling demonstration teams could also address their work beyond the individual to all aspects of the health care team.

Today, technology is such that a cancer patient is best treated by a coordinated group of individuals. You are all familiar with the new importance of nurses and others who monitor television screens and other devices in intensive care units for heart disease. Often the support personnel are the troops on the firing line while the physician is the officer, the necessarily remote leader with multiple responsibilities, possibly with patients at several different locations.

Close monitoring of body functions, body fluids, chemical balance, metabolism, and other body indices are just as necessary on an hour-by-hour basis for some of the cancer patients as it is for the heart patient.

Cancer centers use the team approach routinely. Our cancer control outreach work would be directed to spreading the team idea to the community hospital. Travelling demonstration teams would go beyond transfer of technology to practicing physicians. They would also promote the establishment in community hospitals of coordinating methods, of teamwork, of changing the very assignments of various care personnel to fit the team idea.

Under our present medical care system, the achievement of teamwork can come only by persuasion, by demonstration of superior results, and cannot be dictated or effected by publication of "guidelines".

Lest you gain the wrong impression and feel those of us in cancer centers think we know how to do everything in cancer, I want to say that cancer centers are not immediately prepared to carry out all phases of urgently-needed mass screening procedures.

For that reason, research and development is needed for screening techniques at cancer centers and perhaps other institutions.

These centers should receive support in order to explore ways to screen the patient and the public at large that will (a) attract a maximum of participants, (b) identify the largest possible proportion of those people with the disease, while (c) producing the fewest mistakes—or "false positives", all at (d) a cost for original equipment and staff that will enable public health services to program the work.

We realize we cannot provide adequate screening studies that are complex or expensive; that is, to know that the best screening imaginable would be a waste of money without staff and systems to fill the all-important gap between the identification of the person who has cancer without knowing it and the placement of that person under the care of a doctor.

Follow-up evaluation of regional impact is also vital. This is a crucial area which also needs research and development support. Such a program also requires input from the American Cancer Society and individual State Health Departments.

Comprehensive Cancer Centers should have active cancer control programs and can be in an excellent position to bring a newly identified patient together with the right physician or right community hospital program.

Other important regions and partners in this vital area are, the American Cancer Society and State Health Departments, and school systems who can and are doing things to increase the general public's willingness to get cancer check-ups. We know more work needs to be done.

COMPREHENSIVE CANCER CENTERS

To the credit of Dr. Rauscher, an official Cancer Centers Program booklet of the National Cancer Institute, approved by the Advisory Board, requires that an institution or program designated as a "cancer center" must "maintain a statistical base for evaluation of the results of its program activities", and this base is supposed to rest on standardized "disease classification to enable exchange of information between institutions".

Further, there is the requirement that centers "provide leadership in developing community programs involving active participation by members of the medical profession practicing within the area served by the centers".

Both of these requirements strengthen the center directors' hands in planning cancer control work in their areas.

The same booklet provides that "costs necessary to develop community services, such as programs of early diagnosis; demonstration of new or improved treatment methods; data collection and analysis; and the provision of unique or highly specialized regional resources may be funded by a Cancer Center Support Grant", another provision that strengthens a center's outreach program.

As you know, Mr. Chairman, Comprehensive Cancer Centers are supposed to conduct long-term programs in pure biomedical research, clinical services and research, training, perform studies in epidemiology, and in prevention.

This means centers are looking forward to obtaining core grants to provide support for central services and program development. They need construction grants. They need program grants and contracts. In addition, many of the staff of these centers will obtain individual research grants, but these are not tallied by the budgeters as "center" grants.

At present, apart from the National Cancer Institute, there are only three existing institutions in the country that meet NCI's definition of Comprehensive Cancer Centers: Roswell Park Memorial Institute, the oldest cancer center in the world; Sloan-Kettering Memorial Center and M. D. Anderson Hospital and Tumor Institute.

The provisions of Section 408 of the National Cancer Law of 1971 provide that 15 new centers be created for clinical research, training, and demonstration of advanced diagnostic and treatment methods. Dr. Rauscher has announced that eight centers have been selected and await board approval in 1973. This must be promptly implemented and fiscally supported.

Truly, the scientific and clinical communities are eager to proceed with the Conquest of Cancer. I hope that this committee in its considered judgment will specifically appropriate more center grant funds.

My contacts with cancer groups around the country leads me to believe that $100 million for direct center support could be economically and productively spent in fiscal 1974.

Thank you, Mr. Chairman and members of your Committee for giving me the opportunity to present some of my views on implementation of the National Cancer Program.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES AMENDMENTS OF 1973

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. PRITCHARD. Mr. Speaker, one of the most difficult tasks facing the 93d Congress is the setting of national budget priorities. With soaring inflation, the disposition of Federal funds deserve the most careful consideration of the Congress.

The authorization bill (H.R. 3826) for the National Foundation on the Arts and the Humanities provides funding to encourage American advancement and participation in the arts and humanities. The United States currently spends less in these areas than any other country in the Western World.

The work of the National Foundation of the Arts and the Humanities is a valuable asset to our cultural life. The President 3½ years ago decided the program deserved greater funding in order that the arts and humanities would become a greater part in the lives of all Americans.

The Federal Government has an important role to play in this cultural effort, and this has been recognized in the funding increases over the past 2 years. The Federal-State partnership established under the National Foundation on the Arts and the Humanities Act of 1965 deserves even greater support and encouragement, because every dollar invested by the Federal Government is matched by the State, and that $2 is in turn matched by the ultimate recipient, with the result that a single Federal dollar becomes a $4 expenditure for the arts. There are very few Federal programs that can generate $4 of revenue from State and private institutions for every dollar paid by the Federal Government.

In a year of budget reform with increasing pressure on the Members of Congress to spend more and more money on various Federal programs, it is wise that the Congress question the efficacy of any increase in any program. Yet when we look at the relative amounts of money spent to preserve and expand our cultural heritage, we have in the past spent sums which are insignificant. Because of this past failure the President's budget provides for an orderly but rapid increase in the effective level of spending for the arts and the humanities over a period of several years.

I support the President's initiative and will support his request with a vote for authorization of the amount requested in the President's budget proposal—$145 million for the coming fiscal year. This is the amount authorized in H.R. 3826.

However, I prefer the bill (S. 795) already passed by the Senate which would authorize $600 million over the next 3 years for the National Foundation. The House version, approved by the Committee on Education and Labor, would authorize no expenditure levels for 1975 and 1976.

The increased spending levels in the Senate version of the bill for the next 3 years are justified, as the National Endowment for the Arts expects to approve nearly $30 million of its budget for the next year for projects connected with the Nation's bicentennial celebration in 1976.

The National Endowment for the Arts is the only Federal agency working toward a meaningful commemoration of the national bicentennial. At a time when the National Commission for the Bicentennial is failing, we ought to at least encourage the efforts of the National Endowment for the Arts to develop programs to commemorate the bicentennial in 1976. I think this function is an enormously important one, in addition to all the others which the National Foundation, and especially the National Endowment for the Arts within the Foundation, have undertaken.

REORGANIZATION—A CRUEL HOAX?

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, recent news releases have detailed a plan of reorganization within the Interior Department creating the Mining Enforcement and Safety Administration. This transfer, within the Department, a Department which has historically been too closely alined with private mining interests, is merely an empty attempt to appease critics of the present administration.

Ideally speaking, the patrol of mine safety should be left to an unbiased Federal agency embodying strict standards and stiff penalties. On January 11, 1973, I introduced legislation (H.R. 1720) to repeal the Metal and Non-Metallic Mine Safety Act, and place the responsibility for mine safety in the hands of the Occupational Safety and Health Administration. This, I feel is our only sure guarantee for the impartial enforcement of safety procedures within America's mining industry.

It has long been evident to those connected with the field of safety, that the Bureau of the Mines has been lax in its patrol of the mining industry. It took the Bureau 4 years to even begin developing its standards, yet there are still no mandatory interim standards, and no time limit for the setting of mandatory standards. There are also surprisingly no emergency temporary standards.

Under the present law, an inspector is required to make one inspection of a particular mine, per year. Unfortunately, this very rarely occurs. No provision exists requiring an inspector to reinspect to determine if an employer has corrected a violation of a standard. Why bother to inspect at all, without a follow-up inspection, you are only giving lipservice to the problem.

The fact that only six imminent danger orders were issued in 6 years, hints at the Bureau's rather sketchy inspection procedures. As a result of our hearings during the last session, we also discovered that the Bureau has never issued a closure order for a major mining company, their practice being to cite mineowners only for a very limited range of mandatory standards. No violations are issued for the bulk of standards which are advisory. A transfer within the Department will not alter these situations. The Secretary will still have the ultimate power over the creation of standards and all enforcement.

State plans under the Metal and Non-Metallic Mine Safety Act allow for equally negligent enforcement. States are not required to adopt new or amended Federal standards or their equivalent, neither are they required to set penalties or abatement periods equivalent to those in the Federal program. OSHA on the other hand requires a State plan to be at least as effective as the federally administered act. It also requires a 3-year trial period for State plans, allowing the Labor Department to supervise a State's enforcement proceedings.

This lack of penalties on both the State and the National level under the Metal and Non-Metallic Mine Safety Act make it more expensive for the mine operators to run a safe shop than a hazardous one. The answer to this problem is the establishment of economic disincentives for noncomplying operators. Under the Occupational Safety and Health Act, all standards promulgated by the Secretary are mandatory, the violation of which results in a fine.

The mineworker, who has virtually no rights under the Metal and Non-Metallic Mine Safety Act, would benefit greatly by the transfer to OSHA. He would then be able to request the creation of standards, testify in Labor Department hearings, appeal Secretary decisions, as well as being able to accompany the safety inspector. Under OSHA, it would also be the employer's responsibility to inform his employees of anything in his work environment that could be hazardous to his health, as well as his protections and obligations under the act.

One of OSHA's most effective and relevant clauses states that it is the responsibility of the employer to provide a safe and healthful place of employment; this is where the responsibility belongs and where the buck ends. The existing mine safety legislation does not make the employer accountable. This on top of everything, demonstrates the need for change, a complete change, not just a superficial one. American mineworkers deserve the protection of an unbiased, up-to-date administration. They are not getting this protection through the Department of the Interior.

SMOG ATTACKS CONTINUE IN SOUTHERN CALIFORNIA

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. BROWN of California. Mr. Speaker, I wish to remind our colleagues that southern California is still suffering from serious air pollution, most of which is caused by the automobile. I have spoken of this problem in the past, most recently on May 14, and I will continue to do so in the future, until this deadly problem is solved. I have nothing new to add today; I merely wish to remind this distinguished body of what is happening back in my district while we meet here today.

Yesterday, June 6, the San Bernardino Sun-Telegram carried the headline, "Smog Alert Strikes Again." The article beneath that headline reported that San Bernardino County's second smog alert of 1973 was called at 2:25—Pacific Daylight Saving Time—on Tuesday afternoon, and lasted for 2 hours and 40 minutes. During the alert, oxidant readings peaked at 0.45 parts per million in Upland, 0.38 ppm in Chino, 0.33 ppm in San Bernardino, and 0.30 ppm in Redlands.

I would remind those who maintain that the smog situation is improving that there had been no alerts called in San Bernardino County as of this date in 1972.

The Riverside Daily Enterprise of the same date reported that the Riverside area alert, which lasted from 2 p.m. until 5:10 p.m., reached an oxidant level of 0.37 ppm, recorded at 3:20 p.m. The Corona-Norco alert was called at 12:52 p.m. and ended at 3:30 p.m. The oxidant level peaked at 0.33 ppm at 2:25 p.m.

If anyone still doubts that the smog levels in southern California are causing health damage, I would like to invite that Member to return with me to California's 38th Congressional District. I will be happy to provide evidence for disbelievers. We must act now to reduce air pollution. Clean air is not a luxury item.

A TRIBUTE TO SENATOR WILLIAM BENTON

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mrs. GRASSO. Mr. Speaker, former Senator William Benton served the United States and Connecticut well. People everywhere—from his close friends to the man in the street whose interests he never forgot—were touched by his work.

In an editorial on March 20, 1973, the Bridgeport Post stated that—

> The prolific talent and sincere interests of William Benton knew no bounds. To say that he was a man of many successful careers is to state the truth.

At various times he was a Senator, university vice-president, advertising executive, and the heard of a publishing empire. He was an ambassador and philanthropist, art collector, traveler and lecturer, as noted in the Hartford Courant on March 21:

> Mr. Benton crammed five diverse careers into his almost 73 years whetted by an insatiable thirst for activity abetted by seemingly unlimited energy.

In all these occupations he committed himself totally, earning respect and admiration in everything he did.

Senator Benton was truly a statesman. He is well known for his courage and foresight, and will forever be remembered for his courageous stand in a time of silence and fear. When few dared to speak out against the tactics of McCarthyism, Bill Benton, who passionately believed in the American ideals of freedom of speech and association, had the courage to act on those beliefs. Connecticut poet and former governor Wilbert Snow states:

> I admired him especially as a Senator. The way he stood up to Joe McCarthy delighted me more than I can express. . . .

The same kind of admiration for Bill Benton is reflected in some of the comments which distinguished citizens in Connecticut made at the time of his death. I am inserting in the RECORD at this point some excerpts from a few of these statements:

> The Connecticut poet and former Governor Wilbert Snow wrote to Mrs. Benton: ". . . This devastating news . . . In the 1940's when we were both active in Connecticut politics I had many fine long talks with him about life in general and politics in particular which I remember and cherish.
>
> "I admired him especially as a Senator. The way he stood up against Joe McCarthy delighted me more than I can express for I felt that McCarthy was a sinister influence poisoning the very heart of American life. I have a letter from President Truman about him which I am including in my autobiography which is coming out this fall.
>
> "Every room in our old colonial house here in Middletown is full of books, and many of the choicest of these books were gifts from your husband. He encouraged me in my work as a poet and made it possible for me to go and give readings to institutions that could not afford to bring visiting firemen to their campuses."
>
> From the Board of Trustees of the University of Connecticut: "Only a man of unusual energy, ability, and dedication could accomplish in one lifetime the unbelievable combination of achievements which William Benton took in stride. Advertiser, author, publisher, educator, philanthropist, ambassador, senator, industrialist, genius at corporation organization and management, moving picture and radio executive—his achievements in any one of these fields alone would have merited acclaim, and the newspapers of the nation and of the world required columns of small type to list his accomplishments and the honors which had been his.
>
> "This is not the place to speak of his national and international prominence—of the great personal courage with which he challenged a popular demagogue at the risk of his personal political fortunes—of the uncanny skill with which he re-vitalized ailing business ventures—of his dedication to human welfare and international amity which made him a pioneering spirit in diverse adventures at home and abroad. We have watched his far-flung activities with amazement and admiration.
>
> "The Trustees of the University of Connecticut, however, naturally remember his abiding and deep-seated interest in education, evidenced by his distinguished service as the first U.S. Ambassador to UNESCO, by his long service as a senior administrator of one of the most prestigious universities in our country, by his service as a member of the governing boards of five institutions of higher learning other than our own, or by the honorary degrees with which five colleges and universities endeavored in some meassure to show their admiration for him.
>
> "Especially we remember the warm personal associations which we enjoyed with him during his fifteen years of faithful and dedicated service as a member of the Board of Trustees of this University. He repeatedly made clear that his membership on our Board held a high place in his esteem among his manifold interests and responsibilities. He early instituted here a series of lectures on matters of international importance in honor of his former colleague in the United States Senate, Brien McMahon, and more recently he has evidenced his continuing interest and generosity in gifts to the University's Museum of Art which appropriately bears his name. In view of his long and superior service to our University be it
>
> "*Resolved,* That the Board of Trustees of The University of Connecticut notes with sorrow the recent death of William Benton; and be it further
>
> "*Resolved,* That we acknowledge with thanks the long-continued contributions which he has made to our University and the deep sense of personal loss which we experience in his passing; and be it further
>
> "*Resolved,* That a copy of these resolutions be spread on the permanent Minutes of the Board of Trustees, and a copy sent to Mrs. Benton and her family."
>
> From James Elliott, director of the Wadsworth Atheneum: ". . . I write on behalf of the Museum, its staff and its Trustees . . . We were so saddened to learn of Senator Benton's death.
>
> "Senator Benton's dynamic personality and infectious good will made his visits very special for the Museum family. Everyone seemed to be more lively and optimistic after talking with him."
>
> From the Noah Webster Foundation and Historical Society of West Hartford: ". . . The Senator was an honorary trustee of our Foundation and we were honored to have him as a member of our group. He always seemed to have a great interest in what we were doing and he did contribute to our activities when he was here in Hartford.
>
> "We shall miss him as a trustee . . . He was a great and rare individual and did much for his country and fellow man."
>
> From Harry S. Gaucher, Jr., President of the Connecticut Bar Association: ". . . The Connecticut Bar Association, in 1971, was honored to have Senator Benton accept its Distinguished Public Service Award. Those of us who attended the program at which that award was presented will long remember Senator Benton's gracious and eloquent acceptance remarks . . . Sorrow in the passing of Senator Benton is shared by members of the Bench and Bar, as well as by the Connecticut and world communities at large."
>
> From the Board of the Corporation for Public Broadcasting, taking note not only of his public spirit but of his unflagging concern with his state: ". . . It was his vision, in 1967, that resulted in the initiation of coverage of the activities of the Connecticut General Assembly by the Connecticut Public Television Network. Sen. Benton's concept of this service, and his support of it among his many friends in the Legislature, enabled Connecticut public television to pioneer in providing this window onto legislative bodies.
>
> "In 1969, Sen. Benton, through the William Benton Foundation, began the annual grant to Connecticut public televsion to underwrite this high calibre of coverage of state government. He was a great believer in freedom of information for the citizens of his state and this nation.
>
> "In addition, the Senator's many interests and accomplishments in education, in communications in all senses, and his representation of the public interest in broadcasting were of enormous significance."

A SOUTH VIETNAMESE CONGRESSMAN WRITES OF CONDITIONS IN HIS COUNTRY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. RARICK. Mr. Speaker, since the peace-with-honor program in South Vietnam has brought most of our men home, the American people hear little news as to what is taking place in that country for which thousands of American men gave their lives so that the South Vietnamese people might be free.

Last January, I had the opportunity of meeting with several members of the Congress of the Republic of Vietnam. We discussed at great length their country's future following withdrawal of American men, and what perils lay ahead for the people of that country.

I recently received a letter from Dr. Dinh Xuan Minh, First Vice Speaker of the House of Representatives of the South Vietnamese Congress, which points out most succinctly the problems which face their country and the determination of its elected leaders to perpetuate our investment in their freedom.

I insert the text of the letter at this point:

Congress of the Republic of Vietnam, House of Representatives,
Saigon, South Vietnam.
Hon. John R. Rarick,
The House of Representatives,
Washington, D.C., U.S.A.

Dear Sir: May I take this opportunity to renew our brief acquaintance which I regard as one of the most rewarding experiences of my visit to your country last January.

The deep impression that you have left on me and members of my delegation has prompted me to write you this letter hoping it will not be an imposition on your precious time. In our brief exchange of views on Capitol Hill you had shown me and my delegation an impartial attitude toward the major issues confronting our country but you also made us feel that you were not without understanding and, may I say, sympathy for the plight of our people.

We are a free people victim of a worldwide conspiracy: international communism. North Vietnam with the all-out support of the communist camp, has been trying since the partition of our country in 1954 to take behalf of the VietNamese people in South over South Vietnam through different means including two naked military invasions in 1968 and 1972. With the help of America and other friends we have managed to keep ourselves free. If the communists have not been able to subdue us it was because we, the VietNamese people in the South, are deeply attached to the cause of freedom.

In 1954 one million of our compatriots had voted for freedom when they moved South in the biggest exodus of history. Since then, hundreds of thousands of us have died defending this freedom.

Now even as the communists have been forced to take a respite from their military adventures, we the free people of South Viet-Nam are not at the end of our plight. Although large-scale military offensives of the scope of the 1968 Tet offensive and the 1972 Easter offensive seem to be out of the way for the time being, our people, especially our rural people, still die every day of communist harassment attacks, terrorist activities and indiscriminate shelling.

Meanwhile, awesome economic and social problems are facing us: one million of war victims to be rehabilitated, hundreds of thousands of war-damaged buildings and bridges to be rebuilt, hundreds of thousands of hectares of land to be reclaimed or restored to cultivation, hundreds of thousands of children to be given education and cared for. Against heavy odds, our people are stoically and confidently rebuilding our war-ravaged country. Disregarding the communists' obdurate efforts to mine our roads, shell our villages and outposts, assassinate our rural leaders, our people are courageously going ahead with our post-war reconstruction plan. Evidences of this effort and this determination to live as a free people can be seen everywhere in our country. Ours is an open society, our friends all over the world have no difficulty finding the truth once they come to visit our people.

But in this world, interdependence is the rule. Much as the communist countries gather themselves into a more or less cohesive bloc, we the freedom-loving countries must stand together in a freedom-loving community if this freedom is to survive the communist threat. That is why we look to America for guidance and support, as to other countries of the Free World. We are thankful for the lofty and generous assistance which the American people have been giving us since our country emerged as a free nation in South East Asia.

This assistance has helped frustrate the communist conquest in this part of the world. Now, the first time in history, America can defend freedom at one point beyond her borders without requiring the sweat and blood of her sons. Our people have realized the necessity to take a fuller responsibility in the defense of our liberty which is also the common heritage of the freedom-loving peoples in this part of the world. We are proud of our new responsibility and we are determined to carry it out.

However, facing an international conspiracy, our national resources largely depleted by two decades of war are no match for the awesome amount of human and material resources which the communist camp are investing in the conquest of South VietNam while we can mobilize all our sons to man our front lines against an eventual communist offensive, we can not muster overnight the necessary resources to keep our national economy alive. We need time to make ourselves self-sufficient economically. Only America can give us this precious time.

Confident in your profound knowledge of the VietNamese situation and the sympathy you have shown for the plight of our people, I take the liberty to write you this letter in behalf of the Republic of VietNam House of Representatives, and therefore in VietNam to tell you that our entire people is looking with anxiety and hope toward the United States Congress at this critical time when crucial actions are about to be taken which will have a decisive bearing on the fate of a free nation in this part of the world.

For me personally, on the basis of my memorable meeting with you on Capitol Hill last January, I am convinced that your valuable knowledge of the VietNam situation and your sympathy for our struggle in defense of peace and freedom in South VietNam and above all your personal prestige will exert a decisive influence on forthcoming congressional actions in favor of economic aid to our country. May I in behalf of my people express our thanks for any action you care to take in support of our just cause and our determination to help ourselves with the help of generous America.

I am hopeful to be able to personally bring you in a very near future additional reports on the situation of my country.

Looking forward to seeing you soon, I beg to remain, dear Mr. John R. Rarick.

Yours sincerely,
Dr. Dinh-Xuân-Minh.

THE RELIGIOUS COMMUNITY: RECONCILIATION AND AMNESTY

HON. ANDREW YOUNG

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. YOUNG of Georgia. Mr. Speaker, I am constantly reminded of the gulf of divisiveness that exists in our country. Much of it can be traced directly to our tendency to over-extend our resources abroad, while domestic problems are ignored or subjected to archaic treatment. My colleagues, we have got to get this Indochina war behind us if we are ever to begin to heal the ugly wounds of discord.

Two sources of deep division today are our policy on North Vietnam and our attitudes toward the young Americans who chose not to participate in the war. I rise today not to dispute a moral obligation to rebuild and make right what we have destroyed and scarred, but only to point out the administration's terrible contradiction in offering to "forgive" North Vietnam, but refusing forgiveness within our own shores. As a minister, I recognize that forgiveness is a natural process of this life.

The Reverend Robert V. Moss, president of the United Church of Christ, speaking in Chicago on February 5, 1973, concluded his remarks by saying:

> Unless the religious community takes the lead, it (reconciliation) will be delayed and may fester in the nation's soul indefinitely. For understandable reasons both Congress and the President are reluctant to take leadership on this issue. And so I believe the religious groups of this nation are called to create the climate for amnesty. We owe our country and ourselves no less.

I take pleasure in submitting Reverend Moss' complete address for inclusion in the Record, and urge my colleagues to examine it carefully:

RECONCILIATION AND AMNESTY

(By Rev. Robert V. Moss)

Two recent events point up the crisis of confidence between young people and America's institutions today. On the first of January of this year, thousands of eighteen-year-olds in New Jersey stood in line to get into bars, legally open to them for the first time.

Two months before that, when first they had the right to vote, those same eighteen-year-olds significantly failed to stand in line in any great numbers. Perhaps their acceptance of the institution of drinking, coupled with their rejection of the institution of voting, tells us something of the mood of young people today.

The generation now reaching its majority seems to have lost faith in its institutions. This is not a bomb throwing, or even a marching generation. Its mood is not yet apathetic—it might more accurately be termed quiecent—ominously so.

The fact that these youngsters can look forward to college, a job and a future free of the threat of the draft should not lead us to conclude that they are unaware. I believe they are acutely aware of the grievous wrongs committed in the name of America in the past decade. They are aware of the near destruction of the tiny country of Vietnam and its people. They are aware of the tremendous burden shouldered by their older brothers and uncles who fought in Vietnam. They are aware of the violation of their own moral values committed in the name of "peace with honor." And I believe they long for reconciliation in America today.

Now that the hostilities have ceased in Vietnam and the way is open for peace in Southeast Asia, I want to speak of the need for reconciliation at home, and to suggest ways of achieving it. To heal America's wounds in the wake of the Vietnam war we dare not try to hide our differences; rather we must recognize those differences and face them squarely. It is in this context that we speak of reconciliation.

I want particularly to speak about amnesty for those who have resisted this war. But resisters are only one of a number of groups who have been damaged by the war.

There are first the men who have died in this war, and their families. The wives, the parents and the children of those who gave their lives want desperately to believe that their sons and husbands have not died in vain. What can we say to these people, to ease their deep grief? Certainly there is no glib answer. They did die in the service of their country. For many this may be enough. But for those who believe that the war was unjust this may not be an adequate understanding. I know that among those whose sons will never come home there are parents who say their sons did not die in vain . . . because they died in a war that was so despised that there may never be another. I can only pray that that is so. But I suggest that it is the responsibility of the religious community to wrestle with the question of the meaning of the sacrifice which these men have made. It may very well be that we shall not find that meaning until we consider their sacrifice in the context of that which Vietnamese young men made in devotion to their own native land. We are dealing not just with a national tragedy but a human tragedy with world dimensions.

Other victims of the war include the men who have been taken prisoner and their families. Thank God they are now on the way home. It is clear that the military and the government recognize our special responsibility to them.

Then there are the more than six million veterans of the Vietnam era. One in four of these veterans hasn't even a high school diploma. Yet. only about fifteen percent of the non-graduates make use of the G.I. Bill to further their education. The rest have little to offer the job market.

Why aren't Vietnam era veterans using the G.I. Bill, as did the veterans of World War II and Korea? Possibly because the present bill offers too little help. Another reason, according to Richard Killmer of the National Council of Churches, is that colleges and universities have been slow in responding to the special needs of veterans. Until recently, few institutions had developed preparatory programs or changed admissions requirements, set up counselling programs or hired tutors for the veterans.

Reflecting their mistrust of government and other established institutions, veterans have made far less use of the Veterans Administration than did those of past wars. The Veterans Administration is looked upon as more of the same old "army game," and they have had their fill of games.

Until 1972 the unemployment rate for Vietnam veterans was substantially higher than for non-veterans of the same age. But as a result of efforts made by the Federal government, the states and business and industry, the jobless rate among veterans has fallen substantially and is now below that of non-veterans of the same age. But for blacks and other minority veterans the problem persists, with unemployment greater than that of non-veterans of the same age group.

Estimates of the number of Vietnam era veterans addicted to heroin range from 60,000 to as high as 100,000. Most of these men were not using drugs before they went to Vietnam. Some turned to heroin to fight boredom. Others used it to blot out the agony of war. Now it is the major factor in their daily lives.

Most Federal agencies have not dealt with the problems of veterans on drugs. Senator Cranston and other Congressmen have accused the Veterans Administration and other agencies of dealing inadequately with the addicted veterans. There are waiting lists for methadone treatment at Veterans Administration hospitals in New York City, with only some 50 beds available.

But drug abuse is only the symtom of the verteran's problem. Psychiatrists working with veterans have identified what is now called the "post Vietnam syndrome"—which includes guilt feelings; frustration at having been made a scapegoat for the country's failures; rage at having been duped and manipulated; a feeling of having been brutalized by combat; alienation from oneself and from society; an inability to think well of oneself, and thus to love others and accept love in return.

The veteran cannot understand why he is rejected by the society he thought he was fighting for. Even worse, rather than expressing outright hostility toward the veteran, our society is even more prone simply to ignore him.

One problem, of course, is that a high proportion of veterans are black, Puerto Rican, Chicano, or from another minority. Some of these men actually thought they could win freedom and respect by going to Vietnam. Imagine their rage and frustration upon their return home to nothing but apathy, rejection and unemployment.

If we are really to meet their needs we are going to have to return to our domestic priorities. We have lost the vision of the great society and we need badly to recover it and to move toward it. Essentially the responsibility is going to lie with the President and the Congress, but particularly with the President and much will depend upon the kind of leadership that he offers during the next four years. I hope he will give us a reconciling kind of leadership as we face the future perils and problems.

But in addition to the men who have died in combat, those taken prisoner, and the millions of discharged veterans, others have been victimized by this war. They include the draft resisters who have fled into exile, those who have gone underground, and those who have deserted the armed forces. The Seventh General Synod of the United Church of Christ, meeting in Boston in the summer of 1969, recognized the plight of these men when it urged the President to grant "at the earliest possible opportunity, amnesty and pardon for those who, for actions witnessing to their beliefs, have been incarcerated, deprived of the rights of citizenship, or led by their conscience into exile . . . We urge these bold actions because this nation needs, and is strong enough to embrace, both those who have engaged in the Vietnam conflict and those who have opposed it.

As a result of this action, I was asked in the fall of 1969 to serve on the team of church leaders who, representing the National Council of Churches, met in Windsor, Ontario, with representatives of the Canadian Council of Churches, and with representatives of the draft exile community there, to determine what ministry the churches could perform. We reported to the Assembly of the National Council in December, 1969, recommending that the Canadian Council of Churches engage in a ministry to the deserters and draft exiles in Canada, and that the National Council in this country concentrate on a ministry to the families of those men.

I was able to do this without question, largely because of the action taken by our General Synod. It fell to me as executive officer to move forward, carrying out that resolution in ways that seemed appropriate.

And, of course, the United Church of Christ was not alone. Strong pleas for amnesty have been made by the General Assembly of the United Presbyterian Church in the USA; by the United States Catholic Conference; the National Council of Catholic Bishops; the American Baptist Convention; the United Methodist General Conference; the Lutheran Council in the USA and others. The National Council of Churches, through its General Board, recommended in December, 1972, amnesty for:

Draft resisters and deserters who have exiled themselves to other countries;

Those currently in prison or military stockades, those on probation, those who have served their sentences, and those who are subject to prosecution for violations of the draft or military law;

Draft resisters and deserters who have gone underground to avoid prosecution;

Vietnam era veterans with less than honorable discharges; and those who have committed civilian acts of resistance to the war or are being prosecuted upon allegations of the same.

One of the most moving pleas for amnesty came from Cardinal Cushing of Boston, in his Easter message of 1970; "Would it be too much," he asked, "to suggest that we empty our jails of all the protesters—the guilty and the innocent—without judging them, call back over the border and around the world the young men who are called deserters, drop the cases that are still awaiting judgment on our college youth? . . . Could we not do all this in the name of life, and with life, hope . . . ?"

In my denomination questions were raised, of course, by people who felt these men were traitors. But in trying to answer the questions, we were able to establish a dialogue within the church. Out of that dialogue came the realization that many families in our churches, particularly in Ohio and Pennsylvania, would not be in the United States if their grandparents had not fled Germany in the nineteenth century, at a time when conscription was imposed on the men. Many of the exiles themselves recognized that they were carrying on a family tradition.

After the events of the Spring of 1970, I proposed that some of the same people who had been in Windsor, Ontario, go to Vietnam. Dr. Robert J. Marshall, president of the Lutheran Church in America, Dr. William P. Thompson, stated clerk of the United Presbyterian Church in the USA and I were finally able to get clearance through the Chiefs of Chaplains, and we spent a week in Vietnam, talking to over 200 chaplains.

The point we tried to make in those two visits—one to Canada, one to Vietnam—was that the church must be concerned for all human beings, regardless of the positions they may have taken. Although we may not be able to sympathize with, or even understand their positions or actions, we recognize that they are children of God and created in his image. The church provides a chaplain for men in prison, even—or especially—for convicted criminals. On that basis we were able to convince some of our people of the need for a ministry to resisters, deserters and exiles. But the time has come to move beyond ministry to amnesty.

Amnesty, of course, does not mean forgiveness. Its root word is related to amnesia, and it means "to forget." Amnesty concerns the law's ability to undo what it has done in the past. To forgive a violation is to pardon. But amnesty is to forget, to erase, to blot out in recognition of a greater interest—in this case the reconciliation of the nation.

Forgiveness implies guilt, and this is highly offensive to all potential recipients of amnesty. They admit to *illegal* acts, but not to immoral acts. Amnesty has to do with the legality of the act. One of the points that impressed me in our discussions in Windsor was a statement of one of the exiles, who said, "We're not particularly interested in amnesty—we're really interested in adequate draft counselling. We worry about our younger brothers and others who will go through this. Many of us would not have been here if we had known all the alternatives open to us."

Many of the Canadian exiles have become landed immigrants, some have become Canadian citizens. But even they want the right to travel back and forth to their homeland.

I am reminded that in ancient Israel the year of jubilee was celebrated every 50 years. On that occasion all Hebrew slaves were given their freedom. The poor were restored to their ancestral homes which they may have been forced to sell. The land was permitted to lie fallow. It marked a blotting out of the past and a new beginning for the whole nation. I believe that we should view amnesty in that same spirit: as a fresh start and a step into the future.

The history of amnesty is illuminating. During and after the Revolutionary War, some 80,000 Loyalists fled the country, mainly to Canada. Some eventually returned, but public opinion and oppressive laws kept the vast majority in exile. Yet deserters were not punished, and shortly after the new republic was founded President Washington proclaimed amnesty for participants in the Whiskey Rebellion. Thus was the tradition of amnesty established. In the Civil War, desertion ran to more than ten percent, while draft evasion was rampant. No action was taken against their deserters or draft evaders in the North after the war. And President Lincoln proclaimed a series of amnesties for Confederate soldiers throughout the war. Afterward, no rebel leaders were executed, no one was brought to trial for treason, there were no mass arrests, and no one was deprived of property or forced into exile by government policy.

Presidents Harding and Coolidge granted amnesties after World War I, and President Truman appointed a commission which reviewed individual cases and granted pardons for some of the deserters of World War II.

In this war, a total of from 350,000 to 400,000 need some sort of amnesty. Such a large group could not be dealt with on a case-by-case basis. What is needed is a class action that would include everyone mentioned in the National Council of Churches policy statement that I quoted before. That statement recognizes that "genuine reconciliation demands that amnesty be granted to all who are in legal jeopardy because of the war in Indochina."

Many of these men are suffering in one way or another for having adopted too soon, positions which a great number of Americans have since adopted. The nation's self interest requires that they be granted amnesty in the name of reconciliation.

For the issue of amnesty will be with us—dividing us—until it is resolved. Amnesty has been an issue after every other war, and will be more of an issue after this war, simply because this war has been the most divisive the nation has fought. The churches and the synagogues have a role to play in this reconciliation. Unless the religious community takes the lead, it will be delayed and may fester in the nation's soul indefinitely. For understandable reasons both Congress and the President are reluctant to take leadership on this issue. And so I believe the religious groups of this nation are called to create the climate for amnesty. We owe our country and ourselves no less.

(Additional copies may be obtained from the Council for Christian Social Action, United Church of Christ, 110 Maryland Ave. N.E., Washington, D.C. 20002)

REALITIES BEHIND THE OIL CRISIS

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. SNYDER. Mr. Speaker, in the ongoing controversy over energy in general and the gasoline shortage in particular, I want to share with my colleagues the following interview on the subject featuring Lowell Thomas, Ed Wimmer and Mike Kunnen—president, Greater Cincinnati Gasoline Dealers Association. The text of the interview follows:

REALITIES BEHIND THE OIL CRISIS

ED WIMMER. Mr. John (Mike) Kunnen, President of the Greater Cincinnati Gasoline Dealers Assn., is as familiar with the gasoline business as the "experts" who have been making the headlines.

Mike is not only a dealer himself, but he has been a student of the petroleum industry for 29 years, and his appearances before investigative committees has brought commendation from government officials that is enjoyed by few people.

Before turning you over to Mike, however, I want to lay some groundwork by quoting a few rather sensational remarks by John McLain, Chairman, Continental Oil Co., from statements he made in September 1972:

"There are enough potentially recoverable *oil* reserves in the U.S. to last for 65 years. . . . Potentially recoverable *gas* reserves in the U.S. to last 50 years—at preesnt rate of consumption.

"Measured coal reserves, 300 years. Uranium reserves sufficient for electric power needs for 25 years. Recoverable shale oil reserves (and here is something to think about) sufficient to last 35 years after all other natural reserves are exhausted—at present rate of consumption.

"The total resources in the U.S., alone, are enough to supply all our needs (at present rate of consumption) for 300 years.

"Present trends indicate mobility to meet these needs which are going to be doubled by 1985—a period in which domestic production will decline 30%—in the next 15 years. By 1975 we will be 50% below median gas needs; imports of crude oil will have to be quadrupled—which we cannot do."

Mr. McLain emphasized that he wants private enterprise to be allowed to meet this crisis, and future needs, and in his final statement, he said:

"We have an adequate source base. Our problem is to get new supplies at a faster rate."

Perhaps we can clear up what seems to be some striking contradictions here, and what bothers me, if we have domestic resources in such quantity, what has happened to exploration and development, and why are we risking a balance of trade crisis in getting imports that could border on a monetary disaster?

LOWELL THOMAS. First of all, Mr. Kunnen, what can we expect in the price of gasoline, this year and next?

Mr. KUNNEN. I can go only by estimates which at the moment run from 4-to-10-cents a gallon more, but who can really foretell the future in all this energy confusion. I hate to say it but I think we will find some planned shortages in this picture to cause a price increase.

We need to consider that in the State of Ohio there are five billion gallons of gas sold annually by all suppliers. If the state collects 7c a gallon in taxes, and if supplies are reduced, what is the state going to do but increase the tax to offset the deficit? Estimates of 2c a gallon have already been made. Most of the states around us are already collecting 9c a gallon.

There also is the problem that if a retail dealer suffers a loss through allocation, his income will be substantially cut, which means increased prices in order to stay in business.

LOWELL THOMAS. True, but, Mike, what happens if consumers start boycotting gasoline dealers as they did with meat, and drive less?

Mr. KUNNEN. Our fears are that boycotts will do with gasoline what meat boycotts did to the weaker dealers and already distressed smaller suppliers. They will hit the canvas, which we have seen on a wide scale in gasoline even without boycotts or shortages. Most big suppliers created thir own price-cutting outlets, and these people are suffering widespread cut-offs and closings.

LOWELL THOMAS. What is your answer, Mike, to the charge that some of the majors in the oil industry are using this situation to put the independents out of business?

Mr. KUNNEN. No one in this industry wants to believe such charges, but we all know, and Congress knows, that this sort of thing goes on. But I see the picture in a broader light; the Alaskan Pipeline controversy, for example; the recent cut in the depletion allowance; the change in import quotas—are all factors needing more exploration. Crude oil from Venezuela cost us 10c a barrel 10 years ago. It is now headed for $3 a barrel, which is only one warning that we've got to speed up exploration in this country.

LOWELL THOMAS. You have been talking about the effects of devaluation and the dollars piling up in the hands of oil exporting countries. How do you view this situation?

ED WIMMER. According to the exporters, devaluation has cost them an 11% loss, and they claim they are asking for only 50% of the loss. What seems to worry a lot of Congressmen at the moment, are the billions of so-called floating dollars they hold which they get rid of by increasing their already tremendous holdings in this country.

Population in most oil producing countries is too small to absorb our goods in amounts that would even jar our unbalanced trade situation, so why not follow the pattern of British Petroleum, and get control of American corporations? Look at the hold the Japanese are getting in this country with their surplus dollars, and you will get some idea of what all this multinational, corporate empire—building is going to do to the whole world.

The Japanese made a joking statement they didn't know whether to buy GM or IBM, and the oil producing countries have more of our dollars than Japan. We have reached a point where even the Swiss bankers are predicting a dollar crisis of unimaginable proportions; so how can we treat this situation with anything but the deepest concern?

Another factor at least suspected by most informed people, is the subservience of "Big Oil" to many governments of countries in which they do business. How can they carry the American Flag anywhere today and do business, or be loyal to any private enterprise ideals they might hold? The bigger they are the greater their involvement in foreign governments, so where does that leave the United States?

So why shouldn't this country have been spending the $30 billion a year mentioned by Mr. McLain, in domestic exploration and development? He said we are spending only $14 billion; yet, the depletion and special depreciation allowances of the last few years make that figure look like peanut money. Some of the biggest paid—virtually no federal income taxes, so where did the money go? You know where a lot of it went: into mergers with insurance companies, opening shopping centers, chains of restaurants and motels; land development; billions into unneeded service stations, catalogue businesses, et cetera, et cetera.

Mr. KUNNEN. An outstanding study in this field was done by Dr. Walter Adams, Michigan State University, in which he said there are 25 major oil companies that control 95% of all petroleum sales—which companies have bought up 226 other assorted companies. This money should have gone in to exploration and development, so what happens? . . . To help meet the crisis, the President lifts the oil import quotas which didn't do anything because the facilities are not available to process any flood of imports. Instead, we should be creating facilities to meet such a situation.

This may sound like I am anti-oil industry. I'm not, but no one can tell me that an industry as powerful and as integrated as petroleum could not have foreseen exactly what is happening, and what could happen to the motoring public in this decade. It all points to a man-made crisis. Listen to the oil industry as they shout fuel crisis, so everybody with the news media estimates gasoline prices up to $1 a gallon. Suppose it goes to 50¢—a 7¢ increase, but multiply that by billions of gallons of gasoline, and what do you come up with? You come up with consumers screaming and independents going broke, and the "bigs" getting richer and bigger. What we are going to see is an investigation of the oil industry that will blow the lid sky high.

Lowell Thomas. Mr. Kunnen, how would a 10% cut in supplies across the board affect the independent dealer?

Mr. Kunnen. There is a failure rate right now in our retail business of 35%. That should answer your question; and look at the staggering number of terminal operators and jobbers who have gone down in the last few months.

Ed Wimmer. We saw this process in the fall-out of the wildcatters these past several years, who were once the backbone of the discovery of petroleum, gas and other hidden resources. Consider what happened when Standard Oil was broken up in 1911. Over 2500 new companies sprung up out of nowhere, and wildcatters were like gophers.

Mr. Kunnen. I say restore the depletion cut and confine it to exploration and development, and increase it if necessary. This will turn the wildcatters loose, and you will increase incentive and build up domestic resources—which would keep foreign imports at reasonable price levels and protect our balance of payments. Since 1947 the so-called wildcatter has gone down more than 50% in number, and we ought to learn the reasons why.

Instead, we get such silly proposals as reducing speeds to 50 m.p.h. which would create traffic jams on super-highways that would burn twice what could be saved. We need to expedite traffic, unless we take half the cars off the expressways, not jam it.

JOSEPH TRIANO "MAN OF THE YEAR"

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. SARASIN. Mr. Speaker, the fifth district of Connecticut is proud to note that this year one of its resident's, Joseph Triano of Naugatuck, has been recognized for his accomplishments in the field of boxing.

Mr. Triano, selected as the Connecticut Boxing Guild's "Man of the Year," has directed the YMCA's youth boxing program since he returned from serving in the Army during World War II.

I am including in my remarks the article published in the Naugatuck Daily News citing Joe Triano's record.

The text follows:

The Connecticut Boxing Guild, celebrating their 25th anniversary, will honor Naugatuck's Joe Triano April 30 as their "Man of the Year" at the Waverly Inn, Chesire.

Past recipients of Connecticut Boxing Guild Awards were Charley Pilkington, Louis "Kid" Kaplan, William "Billy" Conway, George Mulligan, Dennis T. McMahon, Christopher "Bat" Battalino, Arthur B. McGinley, Gus Browne, Father Robert G. Keating, William "Billy" Prince, D. J. "Pete" Perone, Gerald Crean, Domenic J. Diucco, Val Callahan, Joe Cassano, "Wally" Bonola, Walter E. Johnson, Willie Pep, Johnny Mack, Bob Steele, Billy Taylor and Chico Vejar.

Joe Triano is well known throughout the state for his Naugatuck YMCA "Golden Gloves" boxing shows. Triano has been instructing youth in the art of self defense for 27 years.

Triano was born and raised on the East side of Naugatuck, October 21, 1916 and is the son of the late Domenic and Catherine Triano. He attended Central Avenue School and later graduated from Naugatuck High School in 1935. While attending high school, he was active in track and football. During his senior year, he began boxing as an amateur and following graduation continued in the sport, defeating some of the leading welterweights in Connecticut and New York. In 1937 he finished runner-up in the Connecticut state tournament.

In 1941, Joe entered the armed forces, serving in the United States Army. He served overseas in Australia, New Guinea and in the Pacific Islands. While in the service, he won the Middleweight Championship of Australia and the Southwest Pacific. He was honorably discharged in June of 1945.

Returning to Naugatuck, he wanted to do something for the youth of the town and with the help of Fritz Klambt, YMCA Director, after much deliberation he came upon the idea of forming boxing classes for boys 6 to 14 years of age. Joe wanted the boys to learn the art of self defense. His motto always has been never start a fight, but know how to finish one. Knowing the boys would grow to be the future leaders of Naugatuck, he wanted to instill within them development of character, sportsmanship, courage, honesty and the ability to be a good loser.

The response was small at first, but he held his first "Golden Gloves Tournament" that year. He purchased trophies with his own money so the boys could have a momento of their success.

As time passed, the program became more successful and with the help of local merchants has bloomed to the largest boxing class of its type in New England and possibly the United States. Thousands of Naugatuck boys have participated in the classes and in some cases, the children of the fathers he first taught are now attending his weekly training program.

On Saturday night, June 2, I had the privilege of participating in Joe's wonderful Golden Gloves program as his guest and also had the opportunity to referee two bouts on the card.

Joe's devotion to the youth of Naugatuck is to be commended and I would like to take this opportunity to extend to him my personal congratulations and bring to the attention of my colleagues the outstanding contributions of this fine individual.

JOHN D. MONTGOMERY OF KANSAS RECEIVES DESERVED PRAISE

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. ROY. Mr. Speaker, few Kansans in the history of our State have had the number of friends and the universal respect of his fellow Kansans and his fellow Americans as has John D. Montgomery of Junction City.

John has friends because he is a friend. He has respect because of his great abilities and integrity, as well as his great personal warmth. His partner in life, Mary Liz, shares the same great human traits, and complements him in every endeavor.

I am submitting for the Record a summary of editorials by the editors of prominent Kansas newspapers, written on John's retirement as State highway director.

When these editorials are read, it should be realized that nearly without exception, they were written by men of strong Republican conviction and identification. And John D. Montgomery is a man of strong Democratic conviction. Only in this context can a reader gain the true stature of this great Kansan.

Gov. Robert B. Docking, a four-term, highly respected and able chief executive, has appointed A. J. "Andy" Gray to succeed John Montgomery. It is our State's good fortune that he is a man cut from the same cloth as his predecessor.

The editorials follow:

[From the Wichita Eagle and The Beacon, May 20, 1973]

John and Andy

John D. Montgomery, Junction City publisher and businessman is honest, able, hard-working and would be a tough man to run against in any Kansas popularity contest. He has served Gov. Robert Docking as state highway director since shortly after the governor started his first term in 1967.

His experience with highways goes even farther back. He served Docking's father, the late Gov. George Docking, as a highway commissioner. He has been as loyal to his party as he has to the governors he served, and he has always been concerned with the best interests of all of Kansas in the important positions he has held.

So his resignation as highway director leaves Kansans with a sense of loss. Fortunately, this is tempered by Docking's choice of Montgomery's successor.

He is A. J. (Andy) Gray of Topeka, a banker, businessman and entrepreneur, who has been serving on the Kansas Turnpike Authority.

Gray will bring a sharp intelligence, tireless energy and an uncommon facility for accomplishment to the high position he has been accorded. And what may be equally important, he has a long background of experience in working with federal agencies and personages, dating back for at least a quarter of a century to when he was a public relations executive in Washington. In ensuing years he has been influential in securing appropriations and other federal beneficences for Kansas projects, and he should be able to do as well for highways.

It is rare in state government when one truly outstanding man is replaced with another of the same caliber. This is one time when it happened.

[From the Wichita Eagle and Beacon, May 27, 1973]

John Montgomery and Andy Gray

(By Charles Pearson)

A number of the state's editors were moved to comment last week when Gov. Docking announced the resignation of John Montgomery as state highway director and the appointment of Andy Gray to succeed him.

Dolph Simons in the Lawrence Journal-World mentioned Montgomery's 6½-year tenure in the job, and said:

"In addition to his stewardship of the highway department, the well-liked Montgomery also has been a strong asset to the Docking administration as well as all of Kansas. Montgomery's friendships and acquaintances extend throughout the country and abroad, and on numerous occasions these contacts with individuals in positions of leadership in state and national political and business operations have benefited his home state.

"Montgomery will be missed, but fortunately Docking has been able to call on another highly talented individual to chair the highway department operation . . .

"Andy Gray of Richland and Topeka is a strong booster of the state, is a loyal friend of Docking, he has many friends and acquaintances in government and politics throughout the country and he is a promoter and an entrepreneur. This likely will pay handsome dividends for the state and the highway department . . . Gray, the . . . banker, can be expected to do a first-class job in heading up the highway department. He is fortunate to be able to follow such a man as Montgomery who leaves the department in a strong, healthy and vigorous position."

Jim Petterson in the Topeka Capital said:

"Kansans owe John D. Montgomery a debt of gratitude for his fair, honest and dedicated direction of the State Highway Dept. for the past 6½ years. . . . Montgomery, whose agility as a successful businessman has been demonstrated time and again, will leave a gaping void when he steps down at the end of this month so he can avoid the travel from his hometown to Topeka and be with his family more.

"But there will be little or no hitch in operations as Andrew J. 'Andy' Gray, Topeka banker and businessman, takes over as highway director. Gray now is a member of the Kansas Turnpike Authority, and will continue as an ex officio member in his new post.

"Montgomery, who must have a million friends, will not leave the Topeka scene entirely. He will take over the Turnpike Authority membership vacated by Gray.

"Gray, husband of Mrs. George Neese Gray, banker and former U.S. Treasurer, has demonstrated his ability to initiate new projects and get them completed. His seemingly tireless efforts will be welcomed in his new highway post.

"One thing Montgomery and Gray have in common. Both are loyal Democrats, always willing to serve their party, but both number hosts of equally dedicated Republicans among their good friends.

"Gray can be expected to continue the even-handed administration of the state's biggest agency and careful stewardship of its huge budget, the state's largest."

Ray Call, in the Emporia Garzette, said that when Docking named Montgomery to the highway post he did him no favor.

"Granted, both men are Democrats," said Call. "Yet the Montgomery appointment was not strictly political. Governor Docking wanted an honest man with strong administrative abilities, so he asked Mr. Montgomery to take the job . . . Of course he has handled it well. He watched over the highway system of Kansas like a mother hen, being careful that one chick does not get more than another . . . Now John Montgomery is retiring . . .

"Mr. Montgomery will be replaced as highway director by A. J. 'Andy' Gray. Mr. Gray is a Topeka businessman who is described by those who know him as an 'excellent choice, cast in the same mold as John Montgomery.'"

Bill Colvin in the Manhattan Mercury said:

"Not the least, by any means, of Gov. Robert Docking's talents has been his ability to pick the right people for the right places in his administration that is now well into the fourth term.

"No greater example of that observation can be found than in the person of John Montgomery, who was Docking's first and only choice as director of highways until today—six and one-half years later—when our neighbor from Junction City decided to retire from his strenuous activities to be succeeded by A. J. 'Andy' Gray, a Topekan who is cast in much the same mold as Montgomery.

"The appointment of Gray, by the way, is also an excellent one. The Topekan has many of the same admirable inclinations as Montgomery and is also a knowledgeable person who will provide smooth transition in the highway department and quickly adapt to the administrative duties. . . .

"We have seldom, if ever, . . . had a head of the highway administration with all the smoothness, savvy and organizational abilities of John Montgomery. In a position where any decision, no matter how worthy, is bound to disturb, to say the least, others who by necessity are denied their own projects, Montgomery has operated in a fashion commensurate with the highest demands of the diplomatic service. . . .

"There is no testimonial sufficient to express the gratitude that needs to be conveyed to a man respected and esteemed by so many in Kansas."

And Rolla Clymer, in The El Dorado Times, remarked:

". . . Mr. Montgomery has handled that important post to the satisfaction of the public. There have been no public outcries against the Junction City publisher. He has been honest and straightforward in his dealing—just as his newspaper friends predicted he would be. . . . He can step out of the highway director's office with the satisfaction that he has helped materially in the laying of foundation stones that will support a far greater state highway system in future years.

"And now comes the bell-ringer, Mr. Montgomery will be replaced as director by A. J. 'Andy' Gray, who is presently a member of the Turnpike Authority and one of the most prominent Democrats in the Kansas party. As the husband of Georgia Neese Gray, he is vice president of the Capital City State Bank and Trust Company of Topeka. He is not as widely known over Kansas as John Montgomery, but all the friends he has swear by his ability and integrity. He is a lively, fast-moving man—one who gets along with the public and who deals with others on the basis of good will and fair dealing. Trained in the business of public relations, he has the knack of making friends and allies—which means that Governor Docking has made another ten-strike with an appointment to a major administrative post."

And Clyde Reed of the Parsons Sun said:

"John D. Montgomery of Junction City by all measure is one of the most active and productive Kansans navigating on two legs and for the past 6½ years has directed the State Highway Commission through the busiest period in its history. . . .

"Few Kansans of their day pursue more active lives or careers than John Montgomery. He has richly earned a rest, as Gov. Robert Docking duly noted in making the change. But the state will expect to call upon him in the future as in the past, fully confident that he won't let it down. He never has."

MIDDLE AMERICANS HAVE VALUES, TOO

HON. ROBIN L. BEARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. BEARD. Mr. Speaker, middle America and its representatives often find themselves on the defensive in discussions of the country's present problems. Intellectual elitists purport that the genesis of problems such as violence, moral confusion, and the polarization of classes rests in the bigotry, narrow-mindedness, and violence of the temperament of middle America. On the other hand another point of view has been receiving attention which is equally plausible and to my mind, a more logical theory in view of historical fact.

Many prominent historians of American past, contend that one of the chief reasons for political stability in the United States is its large, strong, viable, and easily accessible middle class. This element is singularly absent from many countries where political upheaval is a fact of everyday life. A proper analogy is that middle America has been the ballast giving the ship of America the modulation, cushion, temperateness, responsiveness, and sobriety which have long characterized our passage through stormy waters.

In contrast, the intellectual in America has also played a dramatic and often turbulent role. Either as the purveyor of new ideas or pure theory, the American intellectual has always ridden stormy waves at the prow of our vessel, sometimes forcing us toward our limits to test the application of a theory or concept. Specific instances of this might be the Roosevelt era or during the Kennedy administration when America was led through periods of tumult and upheaval as they sought to redirect the course of the Nation.

The ascendancy of the intellectual has often been characterized by a lack of touch with reality, an intensity and sense of purpose that could be described as manic. Such an adjective has been used by Dr. Herman Kahn, termed one of our most creative thinkers.

I recently read an interview of Dr. Kahn by James Nathan Miller in the Readers Digest. The article is a springboard for discussion which I feel has considerable merit. During the interview Kahn concludes that this country is being polarized not by the middle class which has been our ballast point, but the failure of what he calls the upper middle class to recognize any validity in middle class values.

The interview's preface establishes that Dr. Kahn is not altogether unfamiliar with the backlash of his intellectual peers when he attempts to counter the vogue thoughts of his contemporaries. While this is not unusual, the pointed criticisms which Kahn directs at the upper middle class—a class which is deign to self criticism and because of its high educational status perhaps the most rectitudinal of our various societal classifications, he is to be congratulated for opening the door on a new pattern of thinking. I would hope that Dr. Kahn's opinions will be given close examination by all of us and I submit a reprint of this article for the benefit of my colleagues:

[From the Reader's Digest, April 1973]

THE UNTHINKABLE THOUGHTS OF HERMAN KAHN

(By James Nathan Miller)

In 1961 a book was published, "On Thermonuclear War," that brought on its author one of the most venomous critical attacks in publishing history and overnight made his name a dirty word among a large group of U.S. intellectuals. Today the book is recognized as one of the most important and constructive works of our time, and its author, a 50-year-old physicist named Herman Kahn, is widely considered one of the Western world's most creative thinkers.

But it looks as if Kahn may soon be back in the intellectual doghouse. Recently he has been investigating a new field—the roles of intellectuals and Middle Americans in present internal problems—and his conclusions put him on a collision course with most of the scholars, editors and writers who make up America's "intellectual elite." Before examining these conclusions, take a brief look at the book that got Kahn into the doghouse the first time. It tells a lot about the way he thinks.

"On Thermonuclear War" was a cool, objective analysis of a subject which, at that time, hardly anybody could think coolly or objectively about: how an atomic war might start, how many people might be killed, how it might be avoided. To intellectuals of the era, atomic war meant the end of the world, period; anyone who even speculated on H-bomb strategies was a madman.

Kahn's book looked squarely at this basic assumption and found it dead wrong. In a series of hard-headed analyses of blast damage and fallout, Kahn demonstrated that mankind would not be wiped out. Therefore, said the book, in order to lessen both the probability and potential damage of atomic war, we must face up to the realities of how to prepare for it, respond to the threat of it and even how to wage it.

The critics went wild. One said that Kahn had disqualified himself as a member of the human community. Another proclaimed himself ashamed to be a citizen of the same country as Kahn, and a third said the book was a collection of "criminal lunacies, a moral tract on mass murder."

But Kahn never backed down from his views, and today the book is widely praised as marking an important turning point in the world's thinking about nuclear war. Harvard Prof. H. Stuart Hughes, a leading advocate of disarmament, has said it is "one of the great works of our time." Among other things, its concept of a slow and "survivable" response to a nuclear threat (as opposed to the old idea of quick, "massive retaliation") is given major credit for the coolness and flexibility of our reactions to Russian challenges in Cuba and Berlin.

But now, once again Kahn is thinking the unthinkable, examining the basic assumptions of our intellectuals and telling them that they are dead wrong—this time in their interpretation of what's wrong with America. It is their view that behind all the country's present problems—violence, moral confusion, the polarization of class against class—lie the bigotry, narrowness of view and violence of temperament of Middle Americans, otherwise known as hard hats, ethnics or the Silent Majority. Kahn has one word for much of the basic thinking that underlies this interpretation: "It's manic."

Recently I spent a day talking about this with Kahn at the Hudson Institute, the research "think tank" he heads, near New York City.[*]

Kahn feels that the country is being polarized by the failure of what he calls the upper-middle-class to recognize any validity in middle-class values. Because he uses the terms upper-middle and middle in a special way, I began my interview on this point:

Q. Whom are you talking about when you refer to the upper-middle and middle classes?

A. I use the terms to define attitudes, not income levels. In fact, I'd say half the people whose incomes put them in the upper-middle class have what I'd call middle-class attitudes. Let me give you a sort of thumbnail sketch of the two groups.

Typically, an upper-middle-class, "progressive" person went to a prestige college, lives in a city or suburb on the East or West coast, and reads Newsweek, the New York Times or the New Republic. He has a job in academia, in the media, or as a teacher or social-welfare bureaucrat. Politically, he fits into that part of the middle-to-left spectrum that runs from the Kennedys to Students for a Democratic Society.

The middle-class individual has "square" values. He is likely to be a city ethnic or to live in the rural Midwest or South. He went to a square college, reads U.S. News & World Report, The Wall Street Journal or the Reader's Digest, has a job as an engineer, businessman or assembly-line worker, and is middle-to-right in his politics, somewhere between Hubert Humphrey and George Wallace on the one hand or the Buckleys on the other.

Q. "Manic" is a pretty strong word to apply to a group that's widely regarded as comprising our intellectual elite. Do you really mean it?

A. I use the word seriously. It refers to their lack of touch with reality and the intensity of their commitment. Take their escalation of the language. The word "genocide," for instance, means something very specific; the deliberate annihilation of a race or nation. Since Hitler, it's became the ugliest word in the English language. Yet we have intellectuals today, people trained in the meaning of words, who say that the treatment of criminals in this country—the maladministration of our courts and the backwardnes of our prison systems—represents a governmental policy of "genocide" toward minority groups.

"Fascist" is another word. Intellectuals are constantly searching for things that will show us to be a totalitarian state. In 1970, I had at least two dozen phone calls from college-faculty people asking if it was true that the Hudson Institute had done a study for the Nixon Administration on how to call off the 1972 elections. It was a crazy rumor, of course, and nobody paid any attention to it *except* for a few of the biggest minds on the campuses. When you suffer from nightmares like that, you're at least paranoiac if not manic.

In judging the United States, the upper-middle class has lost the ability to draw lines of gradation between completely good and completely bad. Because America isn't perfect, we're the world's worst. It is this inability to distinguish degrees between best and worst in things American, combined with the tendency to lump everything American in the bad extreme, that I call manic.

Q. How much responsibility would you say our educational system bears for our present problems?

A. A great deal. One reason is that many progressively run schools in upper-middle-class suburbs put too much emphasis on the principle of self-actualization—the truism that a person will learn better if he actually wants to learn than if he's forced to. Now, there's no question that kids *do* learn better when a school can get them interested than when it can't. But it's also a very important purpose of education to teach kids how to handle the frustration of working when they are not interested. Progressive educators often forget this.

Up to the 1960s, college was the first place where many upper-middle-class kids met frustration and resentment in the learning process. They came out of high schools where teachers treated them with friendship and reassurance, and they ran into college faculties who subjected them to skepticism and objective evaluation. This was healthy, but the kids thought it was awful, and in the 1960s, when they rebelled, many colleges caved in and became as permissive as the high schools. As a result, for many kids today the entire educational experience provides no preparation for the frustrations and resentments of the real world.

Incidentally, we're talking about a very small group of kids mostly in the prestige colleges—but a very important group, because of its privileged place in society and high visibility in the media.

Affluence is another factor insulating them from reality. For example, most kids growing up in this class never come into involuntary contact with the human condition: they're never hot, never cold, never hungry, never wanting of anything within reason—like a bike at the age of 10, or a car at 20.

Now, these three elements—manic thinking on the part of parents and teachers, plus an educational system and an affluence that insulate against the reality of discomfort—make a pretty explosive mixture when exposure to the real world suddenly comes. When these kids finally do see human tragedy, they can't believe it. They think it's totally unfair. Because they can't cope with it, they can't conceive of anyone coping with it or accepting it as part of the human condition. So they rebel and demand an immediate care for everything that isn't perfect, and they don't understand why the working class and the minority groups aren't rebelling with even greater intensity.

Q. A recurrent theme in your lectures is the upper-middle class's feeling of guilt. Where does this guilt come from?

A. It stems mainly from their emphasis on conscience rather than punishment. A middle-class parent spanks his child; an upper-middle-class parent withdraws his love or approval. Also, upper-middle-class people are actually trained to feel guilt even when the conditions are not their fault and there's nothing for them to feel guilty about. And this guilt makes it imposible for them to rebuke a member of a minority group, instead, they tend to absolve the poor and the minorities of any responsibility for their acts.

For example, if a kid from a disadvantaged family fails to learn at school, or if he causes trouble in the classroom, it's never the child's or the family's fault, it's the school's. If we've got junkies in the streets, they're not guilty; the police are guilty for not catching the pushers. If there's a high crime rate in the ghetto, it's not only understandable (which, of course, it is) but largely justified (which, of course, it isn't) because of society's guilt.

Q. Would you, then, put more faith in the values and judgments of the middle class than in those of the "elite"?

A. I would on what I call black-and-white issues, but on gray issues the upper-middle class is often better equipped to make decisions. First let me give you an exaggerated version of what I call a black-and-white question.

You see it's raining. No problem. You put on a raincoat. But if you're a really bright guy and have graduated *summa cum laude* from a prestige university with a degree in raincoat science, you know it's not that simple. You figure maybe the raincoat will leak, or keep in water rather than keep it out, or maybe poor people will resent your having a raincoat. All kinds of crazy arguments. Now, maybe one of these ideas will turn out to be right, but 99 percent of the time they're wrong and you just tie yourself in knots thinking about them. The smarter you get, the harder it becomes to make simple decisions. This is what I call educated incapacity, and it's what paralyzes the upper-middle class on simple issues.

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[*] Many of the facts and surveys on which Kahn bases his conclusions are contained in the Hudson Institute's recent study. The Forgotten Americans: A Survey of the Values, Beliefs and Concerns of the Majority, published by Frank E. Armbruster (Arlington House, 81 Centre Ave., New Rochelle, N.Y. 10801. $9.95).

Q. What are some *real* black-white questions?

A. Is fornication on the stage pornography, and should it be banned? Given the current and continuing value systems of the great majority of Americans, and the unchanged legal system, it is and it should be. But the courts and the upper-middle class don't know where to draw the line between what's racy and what's dirty, between soft-core and hard-core, so they don't draw any line at all.

Are you a racist if you object to being mugged or raped? It happens that at the moment a good deal of this crime is by Negroes. When it was by whites, nobody criticized you for not wanting to be a victim of it. But until the last year or two, when they finally learned better, the people who are terribly smart and guilt-ridden said that if you talked about law and order you were using a racist code phrase.

The basic thing is, you have to be smart in a reasoned way. If you're smart in an illusioned way, you're smart and crazy. That's today's American upper-middle class.

Q. What are the gray-area issues?

A. These are genuinely complex questions, like the need for contra-cyclical spending or the economic harm that tariffs can do. Should the government spend more in a depression than in boom times? Yes. The upper-middle class knows this, but the middle class still doesn't understand it. Can we actually create more jobs in the United States if we buy from overseas than if we just buy at home? Yes, at least when the other side buys from us where we have a comparative advantage. These are questions on which middle-class judgment tends to be bad.

Now, in a well-run society the black-white issues are taken care of almost automatically, and the country can give its attention to the gray issues. Which gets us to the root of the real sickness in America today: the upper-middle class has done such a bad job with the black-white issues that the country is still being polarized by them. In fact, 95 percent of today's polarization has been caused by upper-middle-class failure to recognize that the middle class possessers intelligence, judgment and moral values. Let me give you an example.

During the last election, Senator McGovern told a union audience that he wanted to impose a 100-percent inheritance tax on all legacies over $500,000. He was amazed to find that these working people flatly opposed the idea. The reason they opposed it was purely moral. They knew that few of them would ever be affected by such a law; they just felt it wasn't fair to use their votes to take someone else's money away.

But McGovern couldn't understand this. You know what his explanation was? "They must think they're going to win a lottery." You have no idea how mad union people get when they hear this story. But it's a sincere and typical upper-middle-class viewpoint. They think they're the only moral people around, and everybody else just has biases and prejudices. Their idea of uniting the country is for the majority to adopt the minority view on issues like pornography laws and busing, amnesty for draft evaders, capital punishment and legalizing marijuana.

I think a classic case of this kind of upside-down thinking has been the response to some of Vice President Agnew's speeches analyzing upper-middle-class attitudes—the papers they read, their interests and prejudices, and so forth. Some of these speeches are as accurate as a sociologist's research report, and I've shown them to people who accuse Agnew of polarizing the country by saying these things. I've asked them to show me one line that was inaccurate. They can't. They accuse the other side of everything from genocide to a conspiracy to call off the elections, and then when the other side replies they accuse *it* of polarizing the country.

Q. Then do you think President Nixon and Mr. Agnew have been doing what the President says he set out to do—to "bring the country together"?

A. Only in part. They've brought the middle class back into the picture, which is very important. But they have not tried hard enough to explain to the upper-middle class the legitimacy of their message, and that's essential.

This failure is the most legitimate part of the polarization charge against the Administration. There's a difference between telling the truth and telling it persuasively, and much of what Nixon spokesmen say is said in a way that is persuasive only to middle-class voters. You don't get people to listen by calling them effete snobs, even if the term happens to be accurate.

I think one of the most important jobs facing President Nixon and Mr. Agnew is to initiate some process of genuine communication with the upper-middle class. They should say, "Look, don't get angry. We're not trying to be demagogic. But the 'forgotten man' really *has* been forgotten and really *does* have some legitimate kicks. Nor is he as racist, violent and selfish as you believe. And here is the evidence."

Then maybe we could pull these people back to working with the rest of society, the way they did in Roosevelt's day. It could be the best thing that's happened to the country in a long time.

SOLUTIONS TO PROBLEMS FACING TIMBER INDUSTRY

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. SYMMS. Mr. Speaker, I am introducing a bill today to allow Forest Service rangers to increase the value of small unadvertised timber sales by five times. It updates a limitation on these sales set at $2,000 in 1952 to a limit which better reflects today's needs and prices—$10,000.

The mechanics of the so-called ranger sales are not changed. Local Forest Service personnel may still at their own discretion contract these sales directly with an applicant without advertising, or they may advertise locally for a short period of time. Sales exceeding the proposed $10,000 limitation will still continue to be advertised for at least 30 days in a newspaper of general circulation in the appropriate State.

Gentlemen, I think this bill offers solutions to quite a number of problems we are experiencing in our timber industry.

Our national forests are heavily dotted with small stands of trees that are rapidly approaching overmaturity. Gypo loggers can make this kind of cut pay off, while big operators pass these stands by as low-profit timber. Eventually, these stands die out if not harvested, and many are reaching that point. What hikers and campers will be seeing if we do not act are hot spots of dead, decaying timber attacked by insects and disease. Eventually, we can expect these isolated areas to trigger forest fires which will not discriminate between good timber and bad.

Present Forest Service budget levels are making it difficult for rangers to justify advertising, impact statements, and preparation of these low-value sales. These men are professional technicians—highly skilled in sound resource management and dedicated to the improvement and protection of our environment. I believe they need the kind of flexibility offered in my proposal. I believe they need the confidence and support of this Congress to make needed decisions on the spot, without the interference of desk-bound bureaucrats who cannot themselves be out in the field to make an accurate judgment of conditions.

Times are changing, gentlemen, and our approaches to resource management and economics must change with them. I think this is a good bill, and I hope it will have your support.

THE PENSION REINSURANCE AND PROTECTION ACT OF 1973

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 7, 1973

Mr. VANIK. Mr. Speaker, today, I am retintroducing legislation which I sponsored in the previous Congress which would strengthen and improve the protection and interests of participants and beneficiaries of employee pension plans. This bill, if passed, would remedy many of the problems now existing in the private pension system—a system that covers nearly 30 million employees and has assets of $130 billion. The importance of the private pension system can be further seen by the fact that the total assets of all private pension plans is expected to grow to $200 billion by the end of this decade.

In the last Congress, this legislation received thorough study and review by the Senate Labor and Public Welfare Committee. It has also been carefully and exhaustively studied by a Subcommittee of the House Education and Labor Committee.

Time is of the essence, because every day reveals new cases in which American workers are denied pension benefits which they had contributed to and relied on. Every day brings new horror stories of a plan that has failed, of a worker laid off just before earning eligibility for benefits.

I am sure that every Member of Congress has received letters from constituents describing these problems. Certainly my office has received dozens of complaints in recent years revealing the many inadequacies that exist in some of the private pension plans.

WEAKNESS IN SOME PRESENT-DAY PLANS

The key fact, Mr. Speaker, is that many of our Nation's pension plans are operated on the basis of several questionable assumptions: first, the assumption that an employee is going to work for one company all or most of his career, and second, that a company will stay in business forever in the same or expanded condition as it was when it installed its pension plan.

We must realize, as the American worker has realized, that we are in a mobile job market economy, where men and women frequently change their jobs. We must realize too that our economy is going through constant overhauling, which affects the security and stability of the Nation's workers. With such mobility and such change in our economic policies, we must improve the system of private pension plans. We need to give to the American worker the security he is entitled to, so that when he retires he will be able to support himself adequately.

Last year the Senate Labor Subcommittee released a preliminary report on the private pension plan system. The study reviewed 51 plants having a total of $10 billion in assets. The private pension plans at these plants provided for no vesting or 11 or more years of employment before vesting. Over a 20-year period, only 5 percent of all participants who left their jobs between 1950 and 1970 received benefits from their pension plan. In contrast, in 36 plants with assets of $6 billion with 10 years of vesting or less, 16 percent of all participants who left since 1950 have received benefits. Workers who have participated in pension plans have seen their retirement income go down the drain due to either layoffs, job switches, early retirement, or faulty employer practices.

THE PENSION REINSURANCE AND PROTECTION ACT OF 1973

The bill I am introducing today would help to remedy this problem. It would give the participant a vesting right after 8 years of service at 30 percent, with a yearly increase of 10 percent thereafter. Thus a participant in any private pension program would receive some money from the pension fund after his 8th year, and would have 100-percent vestment after 15 years of service.

Many private pension plans lack adequate funding. Some companies put less money in the fund than they are required to do by the pension agreement. Others switch the money to different accounts for their own purposes. Consequently, at times of financial crisis, a company may not be able to meet its obligation to pay the participant the money he is owed. If a company goes bankrupt pension plans are at the bottom of the list of debts to be paid off. It is the interest of employers to provide adequate financing of pension plans. A 65-year-old retiree with 35 years of work credit, on a pension plan of $300 a month will, on the average, receive $51,840 during the remainder of his life. If the company, in order to insure this payment, puts away the money at the time of his retirement and not before, the total amount required to pay this employee this money would be $38,675. But if the company puts the money into a fund in each of the 35 years this person is employed, it would cost the firm only $16,640 or $475.44 a year. In other words, the funded cost is only 32 percent of the pay-as-you-go or unfunded cost.

REINSURANCE PROTECTION

The assets of private pension plans are larger than the assets of the federally run social security program, yet no Federal insurance is available for these plans. We insure the banks of this country, and require their proper management, why not the pension plans which cover millions of workers and contain billions of dollars? The bill I am proposing will require sound management and Federal reinsurance of these pension plans.

PORTABILITY

Finally we come to one of the most important aspects of this bill—portability. Many a worker has three, four, five, or more jobs during his lifetime due to the mobility of this country's job market. Often a person will join a pension plan each time he is employed and then forfeits that money when he moves to a new place of employment. Consequently, when he retires, all that money is lost. This is obviously unfair. Thus, this bill creates a fund where deposits will be made by a member plan upon request of the participant, equal to the current discounted value of the participant's vested right under the plan. I cannot stress strongly enough the importance of this type of program. If such a program is not passed with the other proposals in this bill, the problems that now confront us in the pension plan system will remain unsolved. A worker may have all the vesting rights he deserves, the adequate funding necessary to meet the requirements of his pension agreement, a federally backed guarantee, but still not receive one penny of pension money because during his lifetime he has a number of different jobs.

CONCLUSION

Our end goal—the spirit of this bill—is to provide the needed security the retired worker is entitled to have. The recent social security benefit increases were in this spirit. But more must be done. We must protect the worker from the policies of some employers who do not adequately fund pension plans. We must provide the American worker with the right to receive these payments if he desires to retire before the age of 65 or is laid off prematurely. A few years ago Congress passed the Securities Investor Protection Act establishing a Federal Insurance corporation to guarantee stock market investors and market speculators against losses due to financial difficulties in brokerage firms. It is time we pass a Pension Protection Act that will protect the millions of American workers from inadequate pension funding and give to these many million people the security to which they are entitled.

HOUSE OF REPRESENTATIVES—*Friday, June 8, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

I will lift up mine eyes unto the hills, from whence cometh my help.—Psalms 121: 1.

O God, our Father, we thank Thee for the morning and for the gift of another day. Through all its hours help us to walk humbly with Thee and to live happily with our fellow men. Give to us health of body, cleanliness of mind, and generosity of spirit that we may do our work with all our hearts. We would work to make our dreams come true and dream to make our work worth doing.

Deliver us from fears that frustrate us, from bitterness that belittles us, and from worries that weary us and wear us out. Grant unto us the faith that fortifies, the hope that heartens, and the love that lifts us up.

Let Thy presence live in our hearts that our coming in and our going out may be in the path of Thy holy will ministering to the welfare of our country and meeting the needs of our people; through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4704. An act for the relief of certain former employees of the Securities and Exchange Commission.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 71. An act for the relief of Uhel D. Polly.

INFLATION AND PRICES REACH NEW HIGHS

(Mr. TAYLOR of North Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TAYLOR of North Carolina. Mr. Speaker, news that wholesale prices last month soared at an annual rate of 24 percent emphasizes again that inflation has become our Nation's most pressing problem. Obviously, there has been no break in the inflation spiral.

I am informed today by the Economic Research Service of the U.S. Department of Agriculture that soybean meal has jumped from $93.50 per ton in June 1972 to a recent high of $450 per ton and No. 2 yellow corn from $1.25 to $2.59 per bushel during the same period. Such wild price increases in feed grain costs spell disaster for the farmer producing livestock, milk, and poultry products and for the consumer.

We read that the President is considering steps to cool the economy, but so far administration policies have been too weak and too late.

The President's advisers are clinging to scraps of favorable news and ignoring the daily evidence that their economic policies are not working. This is not only wishful thinking, but it is willful denial of obvious facts.

The President should scrap phase III of his price control program and go back to wage, price, rent controls, at least as tough as phase II and broader in scope.

When Congress extended the President's power to control prices some 2 months ago, I voted for mandatory price controls at the existing levels, and when that was defeated, I supported a 12-month extension of existing authority. Since then, each day has brought bad news in regard to inflation, with food prices, feed grain prices, lumber prices, and many other prices out of control. The economy had gained reasonable stability under phase II, but phase III is a hopeless failure. President Nixon should admit this and go back to tougher controls.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS WHOLESALE PRICE INDEX IS ECONOMIC WARNING SIGNAL TO THE NATION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, may I say that I must concur with the remarks of the gentleman from North Carolina (Mr. Taylor).

Mr. Speaker, alarm signals continue to go off in all sectors of the economy. Today it is the wholesale price index which is flashing red.

The Labor Department reports that the index jumped another 2 percent in May and is now 13 percent higher than a year ago. Over the past 3 months the wholesale index has risen at an annual rate of 23 percent.

What that is going to mean is higher prices for consumers when those goods and foodstuffs finally get to the stores and supermarkets. Instead of relief from inflation, as the Nixon administration was predicting earlier this year, the American people have nothing to look forward to except more inflation.

I have already pointed out the inequity in the economy, as Mr. Nixon is managing it. Prices are rising at the fastest peacetime rate since World War II. Corporate profits are up 26 percent in the first quarter of this year. Executive pay went up 13½ percent in 1972. And the working men and women of America are taking home less today in real wages than they were 6 months ago.

Yet the President still refuses to impose wage-price controls, as the Congress has authorized him to do, or to deal in any way with this major problem. The economy has become a national crisis.

CONFERENCE REPORT ON H.R. 2246, EXTENDING PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. BLATNIK. Mr. Speaker, I call up the conference report on the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. GROSS. Mr. Speaker, reserving the right to object, may I correctly assume that the gentleman will take some time to explain what transpired in the conference?

Mr. BLATNIK. If the gentleman will yield, we will have for the Record the full story and, of course, we will be present to answer any questions on the floor, and if we do not have the answers, we will be glad to supply them for the Record.

Mr. GROSS. Mr. Speaker, I thank the gentleman and withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 5, 1973.)

Mr. BLATNIK. Mr. Speaker, we bring before the House the conference report on H.R. 2246, which is a bill to extend the Public Works and Economic Development Act of 1965 for an additional year, through fiscal year 1974.

First, I wish to express my sincere appreciation to my colleague, "Bizz" Johnson of California. Bizz Johnson has carried much of the burden of this important legislation over the last few years and he was floor manager for our economic development legislation in the House last year. I also wish to thank the other conferees, Robert E. Jones, of Alabama, a strong supporter of economic development legislation who managed H.R. 2246 on the floor earlier this year, and who was one of the initiators of the Appalachian Regional Development Act; William Harsha of Ohio, and John Paul Hammerschmidt of Arkansas, for their efforts in effecting a prompt resolution to the differences between the House and Senate. I wish particularly to thank the Republican Members for their continued efforts to find common ground with the administration to insure the continuation of this vitally needed and proven successful program.

On June 5, Members of the House and Senate Public Works Committees met in conference and reached agreement on a compromise version of H.R. 2246.

This conference agreement contains a bare-bones authorization of $430 million to continue the economic development programs—reduced by more than 60 percent from the $1.2 billion which the House approved last March. The $430 million in the bill now is the absolute minimum required to keep the economic development programs alive while Congress conducts an in depth review of all aspects of our efforts to promote economic growth in lagging areas.

The conference agreement represents our sincere—but final—effort to cooperate with the administration in balancing our shared goal of economy with the need to maintain these absolutely essential economic development programs. We have worked hard with the Members of the Senate to find some common ground with the administration on this much needed legislation, and we have lowered authorizations to the absolute minimum possible while still maintaining our commitment to economically distressed areas throughout the Nation, to the regional commissions, and to the nearly 300 communities affected by the recent closing of defense installations.

The drastic reduction in the authorizations from the House bill should not in any way imply a diminution in the need for these funds, but rather indicates our steadfast commitment to working at achieving a budget level acceptable to all parties. The economic development program has been a great success—communities across the Nation have created effective development organizations at the local level, and it is imperative to maintain funding for these organizations over the coming year even at the cost of lowering authorizations in order to seek compromise with opponents of this development strategy.

It was the sense of the conferees that these authorizations represent a minimum of what is needed for this program and that, with careful division of whatever funds are available among the various titles, it should be possible to continue all the current economic development programs at somewhere near their current level of funding. It may require careful allocation of funds to assure that no program under the various titles of the act receives a disproportionate share of the available funds, and that all titles have sufficient funds to continue both existing EDA and regional commission programs at meaningful levels. The authorizations as agreed to by the conferees will themselves provide an indication of the approximate emphasis which we believe should be placed on each of the programs.

Following is an outline of what the conference agreement on H.R. 2246 does.

The agreement extends the Economic Development Act of 1965 for an additional year, through fiscal year 1974, by authorizing a total of $430 million. Authorizations for the programs under the act as recommended in the conference report are as follows:

Two hundred million dollars is authorized for public facility grant programs, far below the amount currently authorized by law and close to the amount that could be appropriated while staying within the limits of the budget;

Fifty-five million dollars is authorized for business development programs, $1.5 million above the amount appropriated this year; and

Thirty-five million dollars is authorized for technical assistance under title 3. This amount is $15 million less than the original house bill, and current law, and is $3.5 million above the amount appropriated in 1973.

It is from this authorization that funding for the relief of areas affected by recent defense installation closings must come. There have been 274 actions to consolidate, reduce, realine, or close military and civilian positions in 32 States, the District of Columbia, and Puerto Rico. This authorization is also necessary to retain funding for the economic development district program so this structure can be carried over into future legislation.

Forty-five million dollars is authorized for growth centers under title 4. This is $5 million below the amount authorized in the house bill, in the current law, and appropriated for fiscal year 1973. This funding must be continued at least at this reduced level because it is the sole source of project funds for growth centers under the legislation.

Ninety-five million dollars is authorized for the title 5 regional commissions. This is a minimum level considering the progress that has been made in regional planning and the increase in the number of commissions operating under the authority of the act. Two new commissions were created recently, at the administration's initiation, and there are now 29 State members of the seven existing regional commissions. The five original commissions, which have been in existence for several years, have completed their development plans—plans which must now be funded under this authorization.

The amount of money authorized in this bill is modest compared to the payoff that we can expect from the operation of these programs in areas of high unemployment and economic distress.

In addition to the simple extension with new authorizations, the bill reinstates a moratorium on the dedesignation of redevelopment areas or other areas that are eligible for assistance under the act.

Three miscellaneous amendments made by the Senate were constructive and were accepted by the conferees.

One such amendment requires a report to the Congress within 30 days after enactment from the Inter-Agency Economic Adjustment Committee listing details of utilizing unused defense property and other efforts to assist each community affected by defense installation closings.

Another amendment contained in the Senate amendment and accepted by the conference requires the President to instruct the Secretary of Commerce and Office of Management and Budget to examine past and current Federal efforts to secure balanced national economic development and to submit a proposal to the Congress within 6 months for restructuring Federal economic programs into a coordinated plan for assistance.

The bill, as reported by the conference, also permits the Secretary, at his discretion, to pay up to 100 percent of administrative expenses of Indian organizations eligible to receive technical assistance under the act. The current law authorizes the Secretary to pay up to 75 percent of administrative expenses to such organizations.

This vitally needed program of economic development assistance has received strong support in both Houses on previous occasions.

The House considered and passed H.R. 2246 on March 15 by a vote of 278 to 108. That bill authorized a total of $1,222.5 million for the programs I have outlined above.

On May 8, the Senate took up the House bill, and amended and passed it by a vote of 81 to 16, substantially reducing the total amount authorized by the bill to $362.5 million.

In the short life of EDA, since 1965, evaluations have demonstrated that these programs have created over half a million new jobs and there is no other existing Federal program that could perform the function carried out by this legislation.

The transfer of these programs to other agencies, as recommended by the President in his budget, is extremely unrealistic, and can never carry out the work now being performed by existing programs. I therefore hope you will join with me in voting to accept the conference report on H.R. 2246 and for the continuation of our valuable and badly needed economic development effort.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, the extension of the Public Works and Economic Development Act of 1965, as amended, is both necessary and desirable. This act has allowed the greatest flexibility of any Federal program in local decisionmaking for rifleshot aid to economically distressed areas of the country. EDA is a Federal-local partnership in action; this valuable planning and technical assistance vehicle has proven itself a responsible tool for delivering the Federal dollar to meet local needs. It is totally coordinated with the needs of the local community.

We have heard unfounded statements that EDA programs have been ineffective and have failed in their intended purpose. However, evidence presented to the Congress indicates that the agencies established under this legislation have been responsible for the creation of more than half a million jobs in lagging areas since they began work in 1965.

The Adminstration has suggested that various other programs, some untried and even not yet existent, should be substituted for the tested and successful economic development programs we have now.

The Rural Development Act, the Small Business Act, the Better Communities Act, the Responsive Governments Act, and the Federal Water Pollution Control Act have been so mentioned. Although the existing programs mentioned fulfill the purpose for which they were enacted, they cannot substitute for the current economic development programs. We, therefore, find the administration proposal far from satisfactory.

One current argument for this proposed substitution is that the Rural Development Act will offer the same dollar amount as does EDA, that it is rural in nature, and that it allows greater local decisionmaking. Any comparison, however, between these two acts cannot be entirely valid. Most fundamentally, EDA has gotten people to think about economics. We cannot say that the Rural Development Act will do the same. Through self-assigned goals of development under existing economic development programs, these communities, areas, and regions lagging in the natural process of growth and development could measure the results.

Under proposed RDA guidelines, in place of existing substate districts, the States' Governors will be asked to designate an area or areas within their respective states for RDA funds. These areas may be multicounty, a county, or a small area and may be designated without regard to economic distress. On the basis of such designations, allocations of industrial and municipal 5 percent interest loan money will be made to the Governors who will, in turn, allocate to the designated areas. It is not known at this time what the formula for the allocation of the grant money—a mere $10 million—will be.

RDA is, in its present form, clearly not a program designed to replace the only Federal program devoted to upgrading the lagging economies of areas through Federal-local partnership as contained in EDA.

Rural Development money is loan and loan-guarantee money. Any economically distressed community would be reluctant to take on the burden of loans for development of public facilities. Without the grants, technical assistance and planning money offered by EDA, these lagging communities have a slim chance for economic recovery under this proposed alternative.

The administration's proposal to increase funding under the Small Business Act certainly cannot adequately compensate for the loss of the business development loan authority under the Economic Development Administration. EDA loans are aimed at creating jobs in lagging areas of the Nation. SBA loans, on the other hand, do not have job creation as a requirement, nor are they restricted to economically distressed areas. Also, the average effective job-creating EDA loan has been for an amount in excess of $1 million, whereas SBA is restricted by law to loans not larger than $350,000.

Another substitution, the proposed Better Communities Act—if it were passed by the Congress, which is by no means certain—could not possibly go into effect until fiscal year 1974. Even the President's budget recognizes this fact. This would leave a gap of a full year between the termination of existing programs and the beginning of a new program. This alone is certainly a compelling reason to continue the existing legislation for another year, in order to retain the momentum of existing programs and to provide orderly transition to any new programs the Congress may establish.

The Housing and Urban Development Act's section 701 program has a proposed $110 million appropriation for fiscal year 1974, $10 million over the fiscal year 1973 appropriations. This additional $10 million is provided specifically to permit the States to support activities of regional commissions, if they wish. This is an effort to replace title V under the economic development legislation, currently being funded at a $41 million annual appropriation. Furthermore, the $10 million is to be allocated equally among the 50 States, whereas the $41 appropriation is currently being allocated only to distressed areas within the 29 States participating in the seven regional commissions now in existence. Consider that the regional commission grant program now in the law permits the commissions to take action on projects identified by their plans as worthwhile. Without the ability to make grants, the regional commissions would become impotent planning agencies, without the power to act on their plans, which have been prepared over the last several years and which are now complete and ready to be implemented.

Another of the administration's proposed substitutes, the Responsive Governments Act, has not even been written yet, much less approved by the Congress, so it is difficult to comment on it.

Grants under the Federal Water Pollution Control Act are necessarily aimed at correcting existing pollution problems. The construction of new sewage treatment facilities necessary to job creation in lagging areas has a low priority in this program.

Finally, the administration has stated that the Public Works and Economic Development Act programs are inflationary. The authorizations contained in the conference report on H.R. 2246 for these programs for next year is $430 million. The administration's proposed substitutes, on the other hand, carry a much higher price tag, in excess of $3 billion. Certainly, if there is to be criticism of spending which fosters inflation, that criticism would be better directed at the administration's $3 billion proposal than at the bill recommended by the conferees.

Also, the administration's proposals do not allocate funds differently between lagging economies, which are not prone to inflation, and those which are already laboring at the limits of productive capacity and are inflating rapidly. For example, under the $2.3 billion Better Communities Act, a revenue sharing proposal, funds would be allocated as freely to a community with full employment and a spiralling wage scale as to a depressed community with high unemployment and a declining wage and price structure. Such a program defies commonsense with regard to inflation, as well as equity.

Existing economic development programs, on the other hand, focus Federal funds specifically on lagging areas, areas which have large unused manpower and other resources, where there is little danger of stimulating inflation because of competition for scarce resources.

Economic, social and political factors all play a role in location patterns of new industries. EDA has contributed to this pattern by offering assistance to distressed communities in their efforts to attract industries through industrial parks, water and sewer lines and basic facilities which are essential to a community's viability. This program has been highly successful; it is unique; it has the development of these lagging areas in mind; it is needed; and there is currently no acceptable alternative either in existence or proposed.

For the remainder of the year, the Committees on Public Works of the Senate and House plan extensive review and investigation of Economic Development legislation to see if any changes are needed to further the efforts of domestic development. Additionally, the committees will review any proposed alternatives to EDA. If, in the wisdom of the Congress, changes are needed to streamline development legislation, or to reduce or eliminate any duplication, then action will be taken.

Overall, a 1-year extension of the existing economic development programs has much to recommend it, especially in light of the economic difficulties which it now appears we will be experiencing in the next 6 to 12 months. These include a possible decline in the overall economy, severe economic dislocation caused by closing of military installations, and damage caused by flooding in certain portions of the Nation.

Certainly, there is every reason to prefer extension of the existing economic development legislation to a series of not yet existent or inadequate programs which may or may not be able to deal effectively with our economic problems. I respectfully submit that the conference report should be approved and the bill to extend the Economic Development Act be sent on to the President.

Following are a section-by-section analysis of H.R. 2246 as agreed to in conference and a chart showing the funding authorizations of the existing economic development program and of H.R. 2246 at each stage of development:

SECTION BY SECTION ANALYSIS OF H.R. 2246 AS AGREED TO AND REPORTED BY THE CONFERENCE

SECTIONS OF BILL

1—Amends Title I (Public Facility Grants and Supplemental Grants) by amending Section 105 of the Act to authorize $200 million for fiscal year ending June 30, 1974 to carry out title.

2—Amends Title II (Public Facility Loans and Financial Assistance for Business Development) by amending Section 201(c) to authorize $55 million for fiscal year ending June 30, 1974 to carry out title.

3—Amends Title III (Technical Assistance, Research, and Information)

3(a)—Amends Section 301(b) to permit the Secretary to pay up to 100% administrative expenses of an Indian tribe.

3(b)—Amends Section 302 to authorize $35 million for fiscal year ending June 30, 1974 to carry out title.

4—Amends Title IV (Area and District Eligibility) by amending Section 403(g) to authorize $45 million for fiscal year ending June 30, 1974 to carry out title.

5—Amends Title V (Regional Action Planning Commissions) by amending Section 509 (d) to authorize $95 million for fiscal year ending June 30, 1974 to carry out title.

6—Amends Section 2 of the Act of July 6, 1970 (P.L. 90-304) to reinstate a moratorium on de-designation of "redevelopment areas" to June 30, 1974.

7—Requires a report to Congress within 30 days after enactment from the "Inter-Agency Economic Adjustment Committee" listing details of utilizing unused defense property and other efforts to assist each community with plans for its economic development.

8—Requires the President to instruct the Secretary of Commerce and the Office of Management and Budget to examine past and current Federal efforts to secure balanced national economic development and to submit proposal to Congress within six months for restructuring Federal economic programs into coordinated plan for assistance.

Total funds authorized, $430 million.

H.R. 2246 TO EXTEND THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT THROUGH FISCAL YEAR 1974

[In millions of dollars]

	Current authorization in act	Bill as passed by House	Bill as passed by Senate	Compromise of authorizations in bill	Actual 1973 appropriation
Title I: Public facility grants	800.0	800.0	200.0	200	166.5
Title II: Business development	170.0	170.0	50.0	55	53.5
Title III: Technical assistance	50.0	50.0	25.0	35	31.5
Title IV: Growth centers	50.0	50.0	12.5	45	50.0
Title V: Regional commissions	152.5	152.5	75.0	95	41.7
Total	1,222.5	1,222.5	362.5	430	343.2

Mr. BLATNIK. Mr. Speaker, will the gentleman yield on that point concerning the amount finally agreed upon in the conference?

Mr. JOHNSON of California. I yield to the gentleman from Minnesota.

Mr. BLATNIK. The gentleman from California raises a very good point when he states that the House made considerable concessions to the conferees of the Senate and yet also tried to meet the wishes of the administration. In short, from the approximately $1.2 billion in the House bill, which received approximately 70 percent of the vote in the House when it was considered by the body on March 15th, we went all the way down, by two-thirds, by cutting out 792.5 million and we come in with a bare-bone, skin and scalp operation of one-third of the amount. Is that correct?

Mr. JOHNSON of California. The gentleman is correct.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Iowa.

Mr. GROSS. Do I understand that in all categories, or the titles, or whatever they are in this bill, that the present funding level is $400 million and some odd dollars?

Mr. JOHNSON of California. $343.2 million.

Mr. GROSS. $434.2 million? That is what the conference report calls for?

Mr. JOHNSON of California. No. The conference report calls for $430 million in all categories.

Mr. GROSS. That is the figure that I want. The Senate had originally passed a bill for $250 million; is that correct?

Mr. JOHNSON of California. No. The Senate had passed a bill for $362.5 million, in all categories.

Mr. GROSS. But the House was called upon to vote on $1.2 billion; is that correct?

Mr. JOHNSON of California. The bill called for $1,222,500,000 as it passed the House, and 70 percent of the Members of the House voted in favor of it.

Mr. GROSS. So this is in the neighborhood of one-third of the amount that the Committee on Public Works submitted to the House and asked the House to vote on.

My question is, were the heads of the members of the House Committee on Public Works in the clouds or were they in orbit when they submitted the original bill to the House?

Mr. JOHNSON of California. No. I would answer the gentleman from Iowa that that figure was the amount authorized by existing law in effect in 1973. The program has never been funded to the extent of its full authorization in any of its categories, but they have carried on a very active program of assistance throughout the United States in the areas most in need of help.

The amount of money that has been spent in this program has created over half a million jobs throughout the United States. The people who testified in support of the bill were very much in favor of it. The administration people who testified said that they were going to replace this particular act with other special revenue-sharing programs that they were going to bring before the Congress later, and that amounted to a good many billion dollars, probably $4 billion in the overall, about $3 billion more than the EDA bill as it passed in the House.

Since that time these programs have not come up, so in our deliberations with the Senate in conference we agreed to cut the amounts back to take care of the needed programs until these other programs are brought before the Congress and considered by this body.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I voted against the bill when it was before the House, and for the reason that I thought it was unconscionably high. I want to commend the committee for capitulating and reducing this bill to within some area of reason.

I thank the gentleman for yielding.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Texas.

Mr. KAZEN. There is an amendment that the Senate put on this bill and that the House accepted which requires a report to Congress within 30 days after enactment from the Inter-Agency Economic Adjustment Committee, listing details of utilizing unused defense property and other efforts to assist each community that has lost a military installation. My city is one of those that has had a base ordered closed.

My question is this: Our closing becomes effective on Sept. 30. Is there any way that we can slow that process down in order to find out what the Federal Government is actually going to do with that property and how best we may be able to utilize that property to obtain jobs in my community?

Mr. JOHNSON of California. We did adopt the amendment that calls for this study to be made, but I do not think there is any way we can slow down the closing of these bases that have been selected. They have been ordered closed, and they are on phaseout at the present time.

The bill calls for a study to be made, and a report submitted to Congress within 30 days from date of enactment.

Mr. KAZEN. I also understand that there will be some money authorized under this bill in order to assist those communities in planning the development of these properties that have been closed in order to best utilize them to alleviate the economic impact which the base closing will have on the community.

Mr. JOHNSON of California. That is right. Under title III, technical assistance, there is $35 million authorized, and some of this money could be made available for this type of thing.

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Minnesota, the chairman of the Committee on Public Works.

Mr. BLATNIK. Mr. Speaker, the House insisted on this amount, realizing the need of the additional communities that do not have industrial development committees and which need technical assistance. The authorization is closer to the current appropriation of $31.5 million and is $10 million more than the Senate provided. That is why we insisted on the additional $10 million.

Mr. KAZEN. I thank the chairman.

Mr. McFALL. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from California (Mr. McFALL).

Mr. McFALL. Mr. Speaker, I congratulate the members of the Public Works Committee on both sides of the aisle, especially my colleague from California, Mr. JOHNSON, the floor manager of the bill, for their exceptionally good work on this important and necessary legislation. On March 15 I reintroduced H.R. 2246, designed to extend the life of the Economic Development Administration 1 year. Over 100 of my colleagues joined with me in cosponsoring this proposal.

At the time, my statement on the floor urged the administration to confer with the Governors of Appalachia, city managers in Michigan, county administrators in California, mayors in New England, and EDA regional directors to "tell it like it is," in order that the administration would better realize the success of EDA.

Since that time, the House and Senate have passed this bill and the Senate has already acted favorably on the conference report. I urge my colleagues in the House to give the House conference report an overwhelming vote of approval today.

Mr. Speaker, the Public Works and Economic Development Act of 1965 is scheduled to go out of existence on June 30 of this year. The agencies created by this act, the Economic Development Administration, EDA, and the Regional Economic Development Commissions, have done a fine job in bringing a better economic future to hundreds of communities across our land. The work of these agencies should be continued.

President Nixon's budget advocates ending the work of EDA and the regional commissions at the end of this fiscal year. To accept this proposal would be a very grave error.

Unemployment—even during the current overheated economic boom—continues at the level of 5 percent nationally and is much higher in the distressed areas of our Nation, in the central cities, and in much of rural America. In my home district, Stanislaus and San Joaquin counties have been rated high on the Department of Labor's unemployment list.

Even now, more than 4.4 million of our citizens are out of work, and the outlook for the next year indicates a rapidly approaching slowdown in the economy during which unemployment could be heading back up toward 6 percent once again.

Under these circumstances, it would be very unwise to dismantle the one program which can respond to the coming economic slowdown, and which can help alleviate the suffering visited upon families when work cannot be found.

The administration wants to discontinue the work of EDA and the regional commissions in the name of fighting inflation. This is a fallacious argument. Inflation comes from putting too great a strain on existing resources—and the EDA and regional commission programs work in distressed areas of the Nation where resources are not strained, where there are large pools of idle manpower.

Bringing the unemployment rate in a distressed area down from 15 percent to, say, 6 percent through the EDA program is not going to bid up wages and is not inflationary.

In fact, if EDA and the regional commissions had been funded at higher levels over the last 8 years and had been able to build up more of our distressed areas, perhaps we would not now be facing the prospect of rapid inflation. We would have built up our productive capacity through EDA and regional commission projects to such an extent that current production levels would not be bumping against overall capacity. In short, the EDA and regional commission programs are just about the opposite of inflationary.

Instead of continuing these proven existing programs, the administration has proposed replacing them with a number of unproven alternative programs given the concern we all have over the current high rate of inflation.

Under these circumstances, it appears much the wiser course for the Congress to continue the EDA regional commission programs, rather than to trust our future to the uncertain alternatives being proposed by the administration. For this reason, I hope you will join me in voting to accept the conference report on H.R. 2246.

Mr. HARSHA. Mr. Speaker, I yield to the distinguished gentleman from Arkansas, the ranking minority member of the subcommittee and the minority floor manager on this bill, who has done an outstanding job on this legislation and who has given us his great assistance on this. I yield to the gentleman from Arkansas (Mr. HAMMERSCHMIDT) such time as he may consume.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of the conference report to H.R. 2246. The Public Works and Economic Development Act has been highly effective in creating jobs in economically distressed areas of the Nation. Evidence presented to the Congress indicates that the agencies established under this legislation have been responsible for the creation of more than half a million jobs in lagging areas since they began work in 1965.

The conferees have reached agreement on a 1-year extension measure which recognizes the importance of carrying on this work and acknowledges the need for fiscal responsibility in congressional authorizations.

On March 15 of this year, the House passed by a margin of over 2 to 1 the 1-year extension of the Public Works and Economic Development Act of 1965, as amended. This extension was designed to allow time for the committee to conduct investigations and hearings on the issue of domestic development and to make subsequent recommendations for any changes, if the necessity is indicated. H.R. 2246 extended the act at current authorization levels of over $1.2 billion.

The Senate amended the bill and reduced authorizations to $362.5 million. H.R. 2246, as amended, passed the Senate on May 8 by an overwhelming vote.

In my judgment, the conference report represents a sound compromise for the EDA extension. The other body added two very important study provisions which the House conferees found desirable. One would require a report to Congress within 30 days from the Inter-Agency Economic Adjustment Committee listing details of utilizing unused defense property and other efforts to assist each community with plans for its economic development. The other would require the President to instruct the Secretary of Commerce and OMB to examine current and past Federal efforts to secure balanced national economic development and submit a proposal to Congress within 6 months for restructuring Federal economic programs into a coordinated plan for assistance.

The authorization agreed to by conferees for H.R. 2246 totals $430 million for fiscal year 1974. This reduces by $792.5 million the initial authorization approved by the House on March 15. The report before us today would authorize $200 million for title I public facility grants, $55 million for title II business development, $35 million for title III technical assistance, $45 million for title IV growth centers and $95 million for title V regional commissions.

This total of $430 million will provide for a viable economic development program in the coming fiscal year. The amount of EDA funding actually appropriated for fiscal year 1973 substantiates this fact. The current fiscal year appropriation includes: $166.5 million for title I, including $30 million for disaster assistance, $53.5 million for title II; $31.5 million for title III; $50 million for title IV; and $41.7 million for title V. Therefore, if the total authorization in H.R. 2246 is appropriated, we would have an increase of $86.8 million in EDA funds in fiscal year 1974.

The extension of EDA into 1974 and the expenditure of $430 million is justified by its superior record of accomplishment. I strongly disagree with the administration's proposal to abolish the existing EDA programs as of June 30 of this year. Although there are reasons to examine the effectiveness of the existing programs and make selective improvements, there is no justification for wholesale abandonment of our efforts to stimulate the creation of jobs in lagging areas of the Nation.

The administration has suggested that various other programs be substituted for EDA assistance. In effect, we are asked to discard a tested and successful program for other untried and even not yet existent programs. For example, the Better Communities Act, the Responsive Government Act, the Rural Development Act, and Small Business Administration Act have been mentioned. The Better Communities Act is currently a proposal before Congress, and the Responsive Governments Act has not even been written yet. By abolishing EDA on June 30, we would be faced with a gap of at least a year before the beginning of new programs.

The administration has further recommended replacing existing regional commission programs with an additional $10 million for use by all 50 States under the Housing and Urban Development Act's section 701 planning program. This will not work. Current programs provide more than four times this amount for use only in lagging portions of only 29 States. How, therefore, can we cut funding from $41.7 to $10 million and add another 21 States to the program? This would dilute the regional commission program as well as leave it powerless by removing the ability to make grants to carry out their approved planning.

I am a strong supporter of the Small Business Administration, as well as EDA. However, they have two different sets of criteria aimed at meeting different needs. The administration's proposal to increase funding under the Small Business Act would not compensate for loss of the business development loan authority under EDA. While EDA loans are aimed at creating jobs in economically depressed areas, SBA loans do not have a job creation requirement and they are not restricted to distressed areas of the country. While the SBA loan is restricted by law to $350,000, the average effective job-creating EDA loan has been for an amount in excess of $1 million. By any definition, a workable program to create employment is not small business.

Many highly distressed urban areas have benefited from the public facility grant program under the Economic Development Act. The proposal to fund public facility assistance under the Rural Development Act would not compensate for EDA in urban areas, because the rural development program is a rural loan program.

Grants for correcting pollution problems under the Federal Water Pollution Control Act cannot adequately replace EDA assistance. Construction of new sewage treatment facilities necessary to job creation has a low priority in this program. In addition, the budget authority for 1974 and 1975 under the 1972 Water Pollution Control Act represents a decrease of more than one-half the amount authorized by Congress.

The administration has stated that the Public Works and Economic Development Act programs are inflationary. With a 1974 authorization of less than half a billion dollars, I do not agree. Additionally. EDA funds are not fed into the general economy of the Nation. They are funneled into areas with severe economic depression. All Federal funds under EDA programs are focused specifically upon lagging areas where there exists a large pool of unused manpower and other resources. Inflation is not stimulated by the EDA approach. It is stimulated by competition for scarce resources and allocating Federal funds to areas with full employment and a spiraling wage scale. EDA directs its assistance to communities wth high unemployment and a declining wage and price structure.

The Economic Development Administration and its programs exemplify the administration's concept of "new federalism." EDA has proven itself as a responsible vehicle for delivering the Federal dollar to meet the local need. It allows the greatest flexibility of any Federal program in local decisionmaking.

In conclusion, the transition to a peacetime economy is increasingly more evident. We still have severely depressed areas in America and the increasing removal of military activities from other areas promises to create new threats to those areas which have been economically sound. Certainly, this is no time to abandon the sole Federal program devoted to job creation and economic growth. I strongly urge my colleagues, in the best interests of the Nation, to vote in favor of the conference report on H.R. 2246.

Mr. HARSHA. Mr. Speaker, I rise in support of this conference report.

As it has been indicated, it is a bare bones authorization. We have cut the original House version down by practically two-thirds, recognizing of course the economic situation of the Nation and the budgetary impact this program would have upon the administration's budget.

For several months the gentleman from Arkansas (Mr. HAMMERSCHMIDT) and I have been negotiating with the administration in trying to determine a position they would accept so we could proceed with enacting this legislation and proceed with the very vital work and accomplishments that have been rendered by the Economic Development Administration. I am advised that the appropriate officials of the administration will recommend to the President that he sign this measure into law.

I am also advised, and the members of the conference committee were advised by me, that the administration would seek an appropriation of $200 million and that they would commit themselves to spend that $200 million. Of course, we here cannot write that limitation into the legislation because that is a matter for the Appropriations Committee and a matter for the administration to justify before that committee, but I mention it here so that all Members are put on notice that the administration does intend to request an appropriation of $200 million, and it will, as I understand it, fully expect to spend that $200 million.

There is one other caveat which is this: the administration expects to implement this legislation through the transition period until such time as it gets its own programs of special revenue sharing, of assistance under the 701 HUD planning procedures, and additional funding under the Small Business Administration Act and the Rural Development Act. Particularly, the special revenue sharing has not been enacted and we do not know whether it will be enacted. The Rural Development Act is not functioning as yet. Until those programs are written into the law and functioning properly I think it is only proper that we have a transition period and proceed with this act until such time as some other procedure can take its place.

But while that is the intention of the administration, Mr. Speaker, I would like to point out that I believe the Public Works Committee chooses to treat this as a transition period until such time as we can write a more effective and productive Economic Development Act. The Public Works Committee has great faith in this act.

Mr. BLATNIK. Mr. Speaker, will the gentleman yield?

Mr. HARSHA. I yield to the gentleman from Minnesota.

Mr. BLATNIK. Mr. Speaker, I want to express my appreciation of, and indebtedness to, the gentleman from Ohio for clarifying the bill in detail and very logically, we feel, and for emphasizing this very important aspect of the need for a transition period, which this bill will permit.

We have conducted a most careful consideration, scrutiny, and evaluation of those bills. They will not come up for another year. In the meantime, the EDA program will be studied to see where it can be improved and strengthened, so we are not lagging behind in economic development.

Mr. Speaker, I thank the gentleman from Ohio for giving me the time to explain this at this point.

Mr. HARSHA. Mr. Speaker, the gentleman is particularly correct in saying that we hope to improve what we think is already a very workable program.

Mr. Speaker, one other point I would like to make is that, while the administration will ask for an appropriation of $200 million and intends to spend that much money, we do not know what the title or program breakdown of that appropriation will be. Here again, that is the work of the Committee on Appropriations. We in the legislative committee cannot mandate where that money is placed, but we fully expect that the administration will prorate that $200 million to a great degree throughout the entire bill.

Again, we leave that possibility up to them. Mr. Speaker, I urge my colleagues to approve this conference report.

Mr. JONES of Alabama. Mr. Speaker, the Public Works and Economic Development Act of 1965 has served us well for almost a decade. This act and its predecessors, the area redevelopment and accelerated public works legislation, have created jobs for literally hundreds of thousands of Americans at a cost that is almost insignificant in view of the tremendous results that have been accomplished.

I am not sure that the suffering of a work can be measured in dollars and cents. But if it could be, the sum of money requested for authorizations for H.R. 2246 would seem unimportant indeed when compared with the great good achieved by relieving the anguish of the jobless families helped by this program.

The Public Works and Economic Development Act has produced more than half a million jobs in the few short years since its creation.

More than 500,000 jobs have been created in less than 8 years—a tremendous achievement.

To put this accomplishment into perspective, consider that our current national unemployment is about 4.4 million persons. Without EDA's job creation efforts, that number would be above 5 million persons. Our current unemployment rate is 5 percent, a figure which is already too high. But, if it were not for EDA's efforts in past years, unemployment would now be running well above 6 percent.

When one considers that EDA's job-producing efforts have been limited to the most depressed areas of our Nation, the agency's achievement appears even more remarkable.

EDA is confined by legislation to working in communities which have severe economic problems; for example, unemployment well in excess of the national average, very low median family income, or sudden drastic rise in unemployment, as caused by the recent severe flooding in Mississippi, or by close-down of a factory or a military installation. The communities in which EDA works are among the very hardest in the Nation in which to stimulate economic growth.

Nevertheless, EDA and the regional commission have done their job and done it well. People who were previously unemployed and who were taking more from our society in the form of unemployment compensation payments and welfare than they were giving back have been made into productive members of society who are able to contribute to the well-being of all.

In essence, the EDA and regional commission programs offer us the opportunity to convert unproductive expenditures, such as welfare and unemployment compensation into investments in productive jobs. The same funds which are now used to keep a man on the dole can be used to put him to work on a job producing the goods we all need.

The real intent and purpose in forming the regional commission on a multistate basis is to establish the Federal-State partnership closer to the people. They are patterned after the Appalachian Regional Development Act that established the Appalachian Regional Commission.

Like the Appalachian Regional Development Act, the economic development programs are widely supported by the State Governors, by mayors of large and small cities, and by the citizenry at the local level. The existing legislation must be continued until adequate improved legislation can be enacted to fill the vital job now being performed by this act in assisting communities to improve their economic environment.

In the long run, if the jobs that these agencies have created last long enough—and the record shows that these jobs do last—the individual so employed will pay back the cost of creating their jobs several times over through Federal, State, and local taxes.

The EDA and regional commission programs are really investment programs—investment of otherwise unproductive funds in the creation of useful jobs which will repay their cost many times over.

There are not many Federal programs which offer this kind of bargain. The EDA and regional commission programs, however, truly are a bargain, a bargain we should take advantage of by passing H.R. 2246 now.

Mr. WRIGHT. Mr. Speaker, unless we pass H.R. 2246 today, we are threatened with imminent loss of one of the most valuable programs in Government today—the job-creating program of the Economic Development Administration, and the regional economic development commissions.

The Economic Development Administration is empowered to cooperate with the local leadership of any community in the Nation which is suffering from excessive unemployment to work to bring new jobs to the area. Whether EDA takes action in any particular community is based on various realistic measures of need, such as high unemployment, low family income, and threatened sudden rise in unemployment.

This last criteria—sudden rise in unemployment—is particularly important at this point in time.

As we are all well aware, the Department of Defense has recently announced 274 separate actions in 32 States concerning realinement of Defense facilities. These actions will result in the elimination of more than 42,000 jobs and the transfer of thousands more out of communities in which they are presently located.

It goes without saying that loss of a substantial number of jobs deals a severe blow to any community.

To my knowledge, the Economic Development Administration is the only program in Government available to counteract this sudden employment loss in many communities. EDA is empowered to move into action quickly to develop new jobs in these areas which have been severely affected by defense realinements.

It would be ironic indeed if, at the very time that many communities are newly in need of the assistance that EDA can offer, we allowed this valuable program to expire.

The heart of the matter is that the Federal Government has created an economic crisis in hundreds of communities across the Nation, and it is the Federal Government's responsibiilty—a responsibility in which it must not fail—to help solve the severe problems it has created.

There is little doubt but that EDA can do the job. When similar problems have arisen in the past, for example in Seattle, EDA has been ready and able to give the affected community technical assistance in planning for new economic activity to replace that which has been lost. And then, when the planning is done, EDA has the tools to see to it that the planning can be translated into action. Through the public works grant and business loan programs, EDA can bring new economic life to these communities.

With continuing high unemployment and Government dislocation of existing job patterns, there is little question but that a program of economic readjusment assistance continues to be strongly needed in this Nation. We can best assure that such a program will continue by passing H.R. 2246 without further delay.

Mr. DORN. Mr. Speaker, EDA and the Regional Commissions such as Coastal Plains have helped to bring good jobs, steady income, and more economic security than ever before to thousands of families in South Carolina and throughout the Nation. I am proud to be a cosponsor of this legislation. Our people in the formerly less-developed areas can now hope to find good employment close to home. EDA, the Regional Commissions and the Appalachia program are helping to stop the great out-migrations of our people to the crowded metropolitan areas. Today, people who had left our area in search of better jobs have been able to return home and find beneficial employment.

Mr. Speaker, when our Public Works Committee considered this legislation last year one of the most eloquent witnesses to appear before the committee in support of the bill was our own great Gov. John West. Our Governor has firsthand knowledge of the tremendous accomplishments of the EDA and of the Regional Commissions.

EDA grants have greatly assisted the development of technical education centers all over the Nation. For example, in our hometown of Greenwood, an EDA "growth center," EDA assistance has been instrumental in the development of a tremendously successful technical education program. In South Carolina we are proud of the Nation's leading technical education program, a program that has received important EDA assistance. Employees can be trained to accept good-paying positions with industry even before the plant's construction is completed Time and again in South Carolina we have seen that technical education quickly leads to industrial jobs with high pay. Other eligible EDA counties in our area have recently received tremendously important public facility grants for continued economic progress.

Mr. Speaker, the conference report now before the House authorizes a total of $430 million for next year, including $200 million for public facility grants such as municipal water treatment plants and $95 million for the several regional commissions.

This is good legislation and a wise investment in continued economic progress, Mr. Speaker, and we urge its passage.

Ms. ABZUG. Mr. Speaker, as a member of the Subcommittee on Economic Development of the Public Works Committee and as a representative from an area which has had some good experience with the economic development program and looks forward to having much more in the future, I rise in support of the conference report.

The Nixon administration is out to kill the EDA program, claiming that it lacks local control and does not sufficiently coordinate projects. Both of these claims are false. EDA is an excellent example of a program which coordinates numerous projects being conducted within a given target area, including public works and facilities construction, loans and loan guarantees to small businesses, and the creation of employment. As for local control, the local economic development agencies have ample say in how the Federal funds are to be spent.

It is tragic that we must be here today trying to keep EDA alive, when what we should be doing if we really care about our people is expanding it, especially in urban areas. We also should be giving it full funding, for only with enough money to really do the job will EDA reach its full potential.

To pass the conference report now before us is the least we should do with respect to EDA, and I urge your affirmative vote this afternoon.

Mr. GINN. Mr. Speaker, my purpose today is to speak on behalf of H.R. 2246 which extends the life of two vital and essential economic development programs: EDA and the Title V Regional Commissions. I studied the report of the conferees very carefully and find myself in total agreement with their recommendations to this distinguished body. I am very familiar with the agencies provided for in this piece of legislation. I am convinced their work is essential and must be carried on if we are to alleviate economic inequities facing many of the underdeveloped regions of our Nation. The projects funded by both EDA and the Title V Regional Commissions have attracted thousands of jobs and provided economic benefits for many of our citizens which may not have happened had it not been for the existence of these agencies.

Especially valuable has been the demonstration grant authority invested in the Title V Commissions which has permitted funding of a variety of worthwhile projects. In my district in Georgia, for example, this demonstration grant authority made possible the construction of a marine resources extension center which seeks to make optimum use of one of our greatest natural resources—the Atlantic Ocean and nearby estuary waters. At the same time, we have been able to secure much needed scheduled air service to connect many of our smaller growth centers with major metropolitan centers in and adjacent to the coastal plains region. Without this authority, these projects would never have come to pass.

I urge my fellow Members of Congress to join with me in supporting these vital programs. The economic benefits derived far outweigh the dollars we will invest to continue these programs for another year. In addition, I want to urge the President, upon passage of this bill, to not only sign it and make the extension of these programs a reality but to carefully consider the appropriation of these funds authorized to assure fair and equitable distribution of the moneys to all the agencies provided for in each title of the act. It is essential that each of these programs receive their fair share of the funds authorized so that they may continue to work in the best interests of the citizens of the Nation.

Mr. PRICE of Illinois. Mr. Speaker, today we are called upon to act on the conference report on H.R. 2246, extension of the Public Works and Economic Development Act of 1965. This legislation would authorize $430 million for economic development assistance to depressed areas. In addition, a provision is included to require the Secretary of Commerce and the Office of Management and Budget to report to the Congress on Federal efforts to achieve balanced economic development, including the proposed restructuring of certain economic development programs.

The purpose of the Economic Development Act is to provide Federal assistance to State and local governments so that they may more easily develop the planning and financing for solid and lasting economic improvement and the creation of permanent jobs. The employment situation in my congressional district, the 23d of Illinois, is more serious than in most other areas of the United States, but clear progress may be directly attributable to the Economic Development Act. The long-range planning for economic growth and technical assistance made possible by the Economic Development Act has proven itself in southern Illinois.

Mr. Speaker, I know this legislation has overwhelming support in the House, and I feel confident that we will adopt this measure today and send it to the President. The present economic situation is too serious and this program too effective to take any action other than the adoption of this conference report. In addition, the congressional oversight provision is a plus for our constitutional system of checks and balances, which has been distorted by the Executive in recent years. This legislation is needed, and it has my unqualified support.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in strong support of the conference report to extend the authorization for the programs of the Economic Development Administration.

While I commented in depth on the substance and need for this legislation when it was first before the House earlier this year, I would like to reiterate my support at this time and to extend my personal appreciation to the conferees for being able to develop a viable compromise bill.

I do not believe that the bill goes far enough in promoting EDA's work toward economic development and stabilization, because I am convinced the EDA has been one of the most effective Federal agencies in the effort to revitalize our rural areas by reducing the trend toward migration to already crowded cities.

However, I recognize the realities we face and I do believe the legislation before us will permit EDA to continue its work in assisting local governmental agencies meet their needs for planned economic development.

It is, of course, these local entities which must provide the impetus for achieving our economic potential. EDA has shown it can complement the local effort effectively. I hope this bill will have the support of every Member of this body.

Mr. JOHNSON of California. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 2, not voting 155, as follows:

[Roll No. 197]

YEAS—276

Abdnor
Abzug
Adams
Anderson, Calif.
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashley
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biester
Blatnik
Boland
Bolling
Bowen
Brademas
Breaux
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chamberlain
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Ill.
Conlan
Conte
Coughlin
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Froehlich
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Grover
Gubser
Guyer
Haley
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Hosmer
Huber
Hungate
Hunt
Hutchinson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Kyros
Latta
Leggett
Lehman
Long, La.
Long, Md.
Lujan
McCollister
McCormack
McFall
McKay
McKinney
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Mezvinsky
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mizell
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Runnels
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Van Deerlin
Vanik
Vigorito
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zwach

NAYS—2

Gross
Landgrebe

NOT VOTING—155

Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Aspin
Badillo
Bafalis
Baker
Biaggi
Bingham
Blackburn
Boggs
Brasco
Bray
Breckinridge
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Carter
Cederberg
Chappell
Chisholm
Clancy
Clawson, Del
Clay
Cochran
Collins, Tex.
Conable
Conyers
Corman
Cotter
Crane
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Delaney
Denholm
Diggs
Donohue
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Fish
Fisher
Flood
Flynt
Foley
Ford, William D.
Fraser
Frey
Fulton
Fuqua
Gilman
Goldwater
Goodling
Gray
Griffiths
Gude
Gunter
Hamilton
Hanna
Harrington
Harvey
Hastings
Hays
Hébert
Hillis
Holifield
Horton
Howard
Hudnut
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Kluczynski
Koch
Landrum
Lent
Litton
Lott
McClory
McCloskey
McDade
McEwen
McSpadden
Madden
Maraziti
Mathis, Ga.
Mazzoli
Melcher
Metcalfe
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Mosher
O'Brien
Parris
Passman
Patman
Pettis
Peyser
Rangel
Reid
Rhodes
Riegle
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
Saylor
Scherle
Sebelius
Skubitz
Staggers
Stanton, James V.
Steed
Stuckey
Symington
Symms
Ullman
Vander Jagt
Veysey
Waggonner
Waldie
Ware
Whitten
Wiggins
Wilson, Charles H., Calif.
Winn
Wyatt
Wydler
Wyman
Yatron
Young, Tex.
Zion

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Rogers with Mr. Minshall of Ohio.

Mr. Rosenthal with Mr. Peyser.

Mr. Staggers with Mr. Goodling.

Mr. Rostenkowski with Mr. Mitchell of New York.

Mr. Steed with Mr. Edwards of Alabama.

Mr. Roush with Mr. Mosher.

Mr. Symington with Mr. McEwen.

Mr. James V. Stanton, with Mr. Brown of Ohio.

Mr. Waggonner with Mr. O'Brien.

Mr. Stuckey with Mr. Lott.

Mr. Waldie with Mr. Horton.

Mr. Alexander with Mr. Parris.

Mr. Flood with Mr. Pettis.

Mr. Harrington with Mr. Robison of New York.

Mr. Evans of Colorado with Mr. Scherle.

Mr. Conyers with Mr. Milford.

Mr. Corman with Mr. Rousselot.

Mr. Hamilton with Mr. Vander Jagt.

Mr. Kluczynski with Mr. Fish.

Mr. Landrum with Mr. Ruppe.

Mr. Fisher with Mr. Sebelius.

Mr. Madden with Mr. Williams.

Mr. Diggs with Mr. Ryan.

Mr. Metcalfe with Mr. Foley.
Mr. Mathis of Georgia with Mr. Passman.
Mr. Flynt with Mr. Skubitz.
Mr. Mazzoli with Mr. Roybal.
Mr. Roy with Mrs. Griffiths.
Mr. Jones of North Carolina with Mr. Symms.
Mr. Riegle with Mr. Badillo.
Mr. Biaggi with Mr. Aspen.
Mr. Jarman with Mr. Blackburn.
Mr. Bingham with Mr. Burke of California.
Mr. Clay with Mr. Ichord.
Mr. Fraser with Mr. Hanna.
Mr. Moorhead of California with Mr. Patman.
Mrs. Boggs with Mr. Arends.
Mr. Rooney of New York with Mr. Rhodes.
Mr. Fulton with Mr. Anderson of Illinois.
Mr. Hays with Mr. Saylor.
Mr. Addabbo with Mr. Cederberg.
Mr. Howard with Mr. Maraziti.
Mr. Brasco with Mr. Gude.
Mr. Mollohan with Mr. Baker.
Mr. Rangel with Mr. Lent.
Mr. McSpadden with Mr. Andrews of North Dakota.
Mr. Koch with Mr. McCloskey.
Mr. Brooks with Mr. Collins of Texas.
Mr. Breckenridge with Mr. Frey.
Mr. Whitten with Mr. Bray.
Mr. Yatron with Mr. Eshleman.
Mr. Rooney of Pennsylvania with Mr. McDade.
Mr. Charles H. Wilson of California with Mr. Del Clawson.
Mr. Chappel with Mr. Ashbrook.
Mr. Young of Texas with Mr. Clancy.
Mrs. Chisholm with Mr. William D. Ford.
Mr. Cotter with Mr. Brotzman.
Mr. Davis of Georgia with Mr. Hudnut.
Mr. Delaney with Mr. Conable.
Mr. Denholm with Mr. Broyhill of North Carolina.
Mr. Davis of South Carolina with Mr. Robert W. Daniel, Jr.
Mr. Eilberg with Mr. McClory.
Mr. Fuqua with Mr. Broyhill of Virginia.
Mr. Donohue with Mr. Hastings.
Mr. Gray with Mr. Michel.
Mr. Gunter with Mr. Bafalis.
Mr. Hébert with Mr. Carter.
Mr. Holifield with Mr. Goldwater.
Mr. Litton with Mr. Crane.
Mr. Melcher with Mr. Harvey.
Mr. Moakley with Mr. Hillis.
Mr. Reid with Mr. Gilman.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MARITIME AUTHORIZATION

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 426

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Commitee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7670) to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. LONG of Louisiana. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 426 provides for an open rule with 1 hour of general debate on H.R. 7670, a bill to authorize appropriations for fiscal year 1974 for certain maritime programs of the Department of Commerce. The bill also increases the ceiling of the title XI Government guarantee program from $3 to $5 billion.

H.R. 7670 provides for a total authorization of $531,315,000. There is no increased cost to the Government associated with section 3 of the bill that increases the authority of the Government's title XI guarantee program from $3 to $5 billion.

The bill's authorization includes $275 million for ship construction and modernization and $221,515,000 for ship operation subsidies. The bill also authorizes $20 million for research and development activities; and $3,773,000 for reserve fleet expenses. The bill authorizes $8,600,000 for maritime training at the Federal Merchant Marine Academy, and $2,427,000 for financial assistance to State marine schools.

Mr. Speaker, I urge adoption of House Resolution 426 in order that we may discuss and debate H.R. 7670.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 426 provides for the consideration of H.R. 7670, the maritime authorization for fiscal year 1974. This is an open rule with 1 hour of general debate.

The purpose of H.R. 7670 is to authorize appropriations for programs of the Maritime Administration within the Department of Commerce for fiscal year 1974, and to increase the ceiling of the title XI Government guarantee program from $3 to $5 billion.

The total cost of this bill is $531,315,000. This cost is broken down as follows:

$275,000,000 for acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships. Three is a proviso stating that the appropriation act may provide that unobligated balances previously appropriated for purchase of modern or reconstructed U.S.-flag vessels for layup in the National Defense Reserve Fleet, may also be used for construction-differential subsidy.

Payment for obligations incurred for ship operation subsidies is in the amount of $221,515,000.

$20,000,000 is authorized for expenses necessary for research and development activities. This amount includes reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operations.

For reserve fleet expenses, the amount if $3,773,000.

There is $8,600,000 authorized for maritime training at the Merchant Marine Academy; and $2,427,000 for financial assistance to State marine schools.

There is also authorized such supplemental amounts for the increases in salary, pay, retirement, or other employee benefits authorized by law.

Title XI of the Merchant Marine Act of 1936, authorizes the Maritime Administration to guarantee loans placed commercially for funds used for the construction of U.S.-flag vessels. The title XI program has been so successful that the authorized ceiling has been increased from $3 billion to $5 billion.

Mr. Speaker, I know of no objection to this rule and urge its adoption.

Mr. LONG of Louisiana. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. YOUNG of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 274, nays 0, not voting 159, as follows:

[Roll No. 198]

YEAS—274

Abdnor
Abzug
Adams
Anderson, Calif.
Annunzio
Archer
Armstrong
Ashley
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biester
Blatnik
Boland
Bolling
Bowen
Brademas
Breaux
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chamberlain
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Ill.
Conlan
Conte
Coughlin
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Froehlich
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Guyer
Haley
Hammerschmidt

Hanley
Hanrahan
Hansen, Idaho
Harsha
Hawkins
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Hosmer
Huber
Hungate
Hunt
Hutchinson
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Kyros
Landgrebe
Latta
Leggett
Lehman
Long, La.
Long, Md.
Lujan
McCollister
McCormack
McFall
McKay
McKinney
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Mezvinsky
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mizell
Montgomery
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Pickle
Pike
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Runnels
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stubblefield
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Van Deerlin
Vanik
Vigorito
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Wylie
Yates
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zwach

NAYS—0

NOT VOTING—159

Addabbo
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Arends
Ashbrook
Aspin
Badillo
Bafalis
Baker
Biaggi
Bingham
Blackburn
Boggs
Brasco
Bray
Breckinridge
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Calif.
Carter
Cederberg
Chappell
Chisholm
Clancy
Clawson, Del
Clay
Cochran
Collins, Tex.
Conable
Conyers
Corman
Cotter
Crane
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Delaney
Denholm
Diggs
Donohue
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Fish
Fisher
Flood
Flynt
Foley
Ford, William D.
Fraser
Frey
Fulton
Fuqua
Gilman
Goodling
Gray
Griffiths
Gude
Gunter
Hamilton
Hanna
Hansen, Wash.
Harrington
Harvey
Hastings
Hays
Hébert
Hillis
Holifield
Horton
Howard
Hudnut
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Kluczynski
Koch
Landrum
Lent
Litton
Lott
McClory
McCloskey
McDade
McEwen
McSpadden
Madden
Maraziti
Mathis, Ga.
Mazzoli
Melcher
Metcalfe
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Mosher
Nichols
O'Brien
Parris
Passman
Patman
Pettis
Peyser
Rangel
Reid
Rhodes
Riegle
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
Saylor
Scherle
Sebelius
Sisk
Skubitz
Staggers
Stanton, James V.
Steed
Stephens
Stratton
Stuckey
Symington
Symms
Ullman
Vander Jagt
Veysey
Waggonner
Waldie
Ware
Whitten
Wilson, Charles H., Calif.
Winn
Wyatt
Wydler
Wyman
Yatron
Young, Tex.
Zion

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Arends.

Mr. Rooney of New York with Mr. Rhodes.

Mr. Hébert with Mr. Michel.

Mr. Addabbo with Mr. Fish.

Mr. Fisher with Mr. Bafalis.

Mr. Gray with Mr. Gude.

Mrs. Griffiths with Mr. Brown of Ohio.

Mr. Chappell with Mr. Broyhill of North Carolina.

Mrs. Chisholm with Mr. Hanna.

Mr. Davis of Georgia with Mr. Bray.

Mr. Delaney with Mr. Cederberg.

Mr. Diggs with Mr. Madden.

Mr. Holifield with Mr. Del Clawson.

Mr. Howard with Mr. Maraziti.

Mr. Johnson of California with Mr. Harvey.

Mr. Kluczynski with Mr. Clancy.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Rooney of Pennsylvania with Mr. McDade.

Mr. Koch with Mr. Gilman.

Mr. Brasco with Mr. Conable.

Mrs. Boggs with Mr. Broyhill of Virginia.

Mr. Nichols with Mr. Baker.

Mr. Clay with Mr. Riegle.

Mr. Harrington with Mr. Brotzman.

Mr. Alexander with Mr. Andrews of North Carolina.

Mr. Biaggi with Mr. Conyers.

Mr. Cotter with Mr. Ashbrook.

Mr. Fuqua with Mr. Carter.

Mr. Fulton with Mr. Robert W. Daniel, Jr.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. McSpadden with Mr. Crane.

Mr. Fraser with Mr. McCloskey.

Mr. Mollohan with Mr. Collins of Texas.

Mr. Rangel with Mr. Foley.

Mr. Flynt with Mr. Blackburn.

Mr. Flood with Mr. Eshleman.

Mr. Roush with Mr. Hillis.

Mr. Brooks with Mr. McClory.

Mr. Bingham with Mr. Mosher

Mr. Breckinridge with Mr. Wydler.

Mrs. Hansen of Washington with Mr. Hastings.

Mr. Ichord with Mr. McEwen.

Mr. Landrum with Mr. Aspin.

Mr. Litton with Mr. O'Brien.

Mr. Roybal with Mr. Peyser.

Mr. Roy with Mr. Vander Jagt.

Mr. Mazzoli with Mr. Wyman.

Mr. Whitten with Mr. Parris.

Mr. Charles H. Wilson of California with Mr. Pettis.

Mr. Yatron with Mr. Goodling.

Mr. Young of Texas with Mr. Zion.

Mr. Eilberg with Mr. Saylor.

Mr. Donohue with Mr. Minshall of Ohio.

Mr. Denholm with Mr. Ruppe.

Mr. Davis of South Carolina with Mr. Badillo.

Mr. Ullman with Mr. Scherle.

Mr. Waldie with Mr. Robison of New York.

Mr. Passman with Mr. Skubitz.

Mr. Moakley with Mr. Mitchell of New York.

Mr. Evans of Colorado with Mr. Horton.

Mrs. Burke of California with Mr. Ware.

Mr. Corman with Mr. Rousselot.

Mr. Hamilton with Mr. Hudnut.

Mr. Jarman with Mr. Lott.

Mr. Jones of North Carolina with Mr. William D. Ford.

Mr. Mathis of Georgia with Mr. Sisk.

Mr. Metcalfe with Mr. Milford.

Mr. Patman with Mr. Winn.

Mr. Reid with Mr. Lent.

Mr. Rogers with Mr. Symms.

Mr. Gunter with Mr. Sebelius.

Mr. Ryan with Mr. Wyatt.

Mr. Staggers with Mr. Stratton.

Mr. James V. Stanton with Mr. Symington.

Mr. Steed with Mr. Stuckey.

Mr. Stephens with Mr. Frey.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mrs. SULLIVAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7670) to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce.

The SPEAKER. The question is on the motion offered by the gentlewoman from Missouri (Mrs. SULLIVAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7670, with Mr. CULVER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentlewoman from Missouri (Mrs. SULLIVAN) will be recognized for 30 minutes, and the gentleman from New York (Mr. GROVER) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to urge the passage of H.R. 7670, a bill to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce. H.R. 7670 would authorize these funds for the Maritime Administration in the total amount of $531,315,000, to be apportioned as follows:

Construction subsidy --------	$275,000,000
Operating subsidy ------------	221,515,000
Research and development----	20,000,000
National Defense Reserve Fleet	3,773,000
Federal Maritime Academy----	8,600,000
State Marine Schools----------	2,427,000

Before going into some of the important elements of this fiscal year 1974 maritime authorization bill, Mr. Chairman, I would like to put the U.S.-flag maritime situation into proper perspective.

I think this is best done by comparing the existing U.S.-flag fleet to the surging Soviet Russia merchant marine. The comparative figures which I am about to give between the two fleets will be for merchant vessels over 1,000 gross tons, as of June 30, 1972.

As of that date, the U.S.-flag merchant fleet had 659 privately owned vessels, as against 2,079 Russian-flag merchant vessels. Of course, it must be noted that none of the Russian vessels are privately owned and the entire Russian merchant fleet is State owned. The 659 privately owned U.S.-flag merchant vessels totaled 9,149,000 gross tons, as compared to 11,941,000 gross tons for the 2,079 Russian vessels. We now rank seventh in the total order of world merchant fleets, and the Russians now rank sixth. We have, unfortunately, changed ranking with the Russians in the last year.

I would like to point out that in 1947 there were 5,000 merchant vessels under the U.S. flag. The fact that we have dropped to 659 indicates that there is something wrong with our merchant ship program and that we are approaching a dangerously low figure of U.S.-flag merchant vessels. I think it should be pointed out, however, Mr. Chairman, that there is a considerable difference in the quality and type of ships between the U.S.-flag and Russian-flag fleets. We have one of the most, if not the most, modern and efficient containership fleets in the world. The Russians are just now beginning to build container vessels for their merchant marine. These capital intensive, quick turn around, highly efficient vessels are obviously much more productive than the old style break bulk vessels, which comprise most of the present Russian-flag merchant fleet.

In addition to being in the vanguard of the container vessel development, the United States has also been the chief proponent of the LASH and SeaBee vessel concepts. The U.S.-flag merchant fleet now boasts some 19 Lash vessels and 3 SeaBee vessels. The Lash and SeaBee, of course, are barge-carrying vessels embodying the concept of the mother cargo and the barges then being towed back and forth for loading and unloading, while the mother ship makes various calls. As with the container ships, the Lash and SeaBee are much more efficient than the old style break bulk vessels, so the numerical superiority of the Russian fleet is mitigated to a considerable extent by the more modern and efficient cargo technique vessels just mentioned, which comprise a good share of the U.S.-flag merchant marine.

While the U.S.-flag fleet has much to be proud of as a result of these innovative concepts, still the numbers are dwindling dangerously and the U.S. Merchant Marine is still beset by a number of problems.

Before moving on to the main elements of this authorization bill, I wanted to give some background to the U.S.-flag merchant fleet which I thought might be helpful to an understanding of the purposes and elements of the maritime authorization bill before us for our consideration.

With respect to the construction program, the administration requested $275 million for vessel construction for 1974. Although this $275 million is $180 million less than the funds appropriated in the last fiscal year, these funds, together with $50 million of unobligated 1973 funds carried forward, would allow the Maritime Administration to contract for 17 bulk vessels in 1974. The Maritime Administration contemplates that these 17 vessels would be a mix of the following: 2 OBO's (oil-bulk-ore carriers); 3 tankers (up to 100,000 DWT); 3 VLCC's; 6 LNG's; and 3 dry bulk carriers.

As to the operating subsidy program, the Maritime Administration requested $221,515,000, which is $10,485,000 less than the funds appropriated last year, but is augmented by an estimated appropriation carry-over balance of $25,485,000, which would provide for a total of $247 million.

I think it is important to note, Mr. Chairman, that U.S. containerships are now operating on the North Atlantic trade route without operating subsidy, which is resulting in a savings to the U.S. taxpayers of $25.6 million annually. In addition, I think it is important to note that considerable progress has been made in reducing manning on new vessels currently used in the U.S.-flag fleet so that the crews on some 86 new ships have been reduced by an average of 4.2 crew members per ship, which amounts to a savings of more than $110 million in operating differential subsidy costs over the lives of these vessels.

With respect to the research and development activities of the Maritime Administration, your committee favorably reported the request of $20 million for R. & D., which is $9 million less than the appropriation for fiscal year 1973. This $20 million will be augmented by $5 million carried over from 1973. The major emphasis in fiscal year 1974 will be on such projects as the development of nuclear and automated merchant ships, improvement of shipbuilding techniques and materials, and various pollution abatement measures.

The House Merchant Marine Committee favorably reported the Administration's request of $3,773,000 for reserve fleet expenses, which was a decrease of $127,000 from the previous year, due to the declining number of ships in the National Defense Reserve Fleet. These funds will maintain preservation measures on about 323 retention ships in three active Reserve Fleet sites. I would like to note, Mr. Chairman, that the declining numbers of National Defense Reserve Fleet ships is of great concern to our Members because of the possible future necessity to break out such ships in future crises.

Finally, the Administration requested, and your committee approved, $8,600,000 for the maritime training of future merchant marine officers at the Merchant Marine Academy at Kings Point, N.Y.; and $2,427,000 for financial assistance to the six State marine schools. These funds are used for the upgrading of these facilities and for the training of cadets at these various maritime academies.

The Merchant Marine Committee favorably reported section 2 of H.R. 7670, without amendment. This section authorizes additional supplemental amounts for fiscal year 1974 for the activities specified in section 1 of the bill to the extent necessary for increases in salaries, pay, retirement, or other employee benefits authorized by law.

The purpose of this section is to avoid amending the fiscal year 1974 authorization bill if supplemental appropriations for fiscal year 1974 are sought for this purpose.

Section 3 of H.R. 7670 would amend section 1103(f) of the Merchant Marine Act of 1936, as amended, by striking the figure $3 billion and inserting in lieu thereof the figure $5 billion. Title XI of the Merchant Marine Act of 1936 authorizes the Maritime Administration to guarantee loans placed commercially for funds used for the construction of U.S.-flag vessels. The Government's guarantee, secured by a mortgage on the vessel, enables vessel owners to obtain needed investment capital at competitive interest rates. This aid is available in financing the construction of unsubsidized as well as subsidized vessels. The title XI program has been very successful so that in the Merchant Marine Act of 1970 we increased the authorized ceiling of the Maritime Administration from $1 billion to $3 billion and the program has continued to grow and diversify.

The Maritime Administrator testified that under the present contract schedule, the existing title XI authority of $3 billion would be "exhausted sometime during the early fiscal year 1974, perhaps July, August or September," and that if the title XI authority is not forthcoming, the impact on MARAD's construction program "would be a disaster." This program has historically never cost the taxpayer any funding. The title XI program is funded by a revolving fund and this fund has been continually growing. At present, this fund has accumulated over $40 million.

The increase in the title XI ceiling from $3 billion to $5 billion would involve no additional cost to the Federal Government.

You will note, Mr. Chairman, that the above items of expense in this maritime authorization bill does not relate directly to the improvement of port facilities. I mention this because the Congress at present, right now, is faced with the critical issue of offshore port terminals for the importation of raw materials, especially petroleum products. There is no port on the east or gulf coasts of the United States which can handle a tanker over about 100,000 DWT. There are hundreds of foreign-flag tankers over this tonnage and we are right now engaged in construction of a number of U.S.-flag tankers up to 285,000 DWT. Obviously, our runaway energy needs are going to require tremendous imports of petroleum products in the immediate future. If we do not construct several port terminals off our coasts to handle these large capacity tankers, then the importation of petroleum products will be largely by foreign-flag tankers via such non-American port areas as Nova Scotia and the Bahamas. I submit that this is totally unacceptable.

Although the offshore port terminals problem is not within the funding of the maritime authorization bill, the House Committee on Merchant Marine and Fisheries is vitally involved in such matters relating to this offshore port terminals facilities as their relation to maritime trade, to traffic separation schemes, to vessel utilization and safety, to transfer operations, to port safety and security, and to disposal of waste materials.

Our committee is also concerned with these terminals with respect to their impact on ocean pollution, their impact on site selection of potential marine sanctuaries, their impact on site selection of adjacent shore areas, their impact on fisheries, and the impact of the National Environmental Policy Act on these terminals. I recognize, Mr. Chairman, that other committees of the Congress also have legitimate interests with respect to the offshore terminals problem. Our committee has been working with these committees on this problem and it is my fervent hope that these committees can continue to work together on the crucial issue so that we may jointly produce a responsive and responsible piece of legislation dealing with this critical matter.

H.R. 7670 was reported unanimously from the House Merchant Marine and Fisheries Committee. After full and careful consideration of the record, I strongly urge my colleagues in the House to support H.R. 7670 so that the Maritime Administration can continue to successfully implement the Merchant Marine Act of 1970, and so that we may restore this country to its rightful place as a leading maritime nation.

Mr. WYLIE. Mr. Chairman, will the gentlewoman from Missouri (Mrs. SULLIVAN) yield?

Mrs. SULLIVAN. Yes, I will be happy to yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, recently I received a copy of an article which appeared in a newspaper at home concerning some money in this bill for reimbursing U.S. shipowners for carrying wheat to Russia. As I understand, there is or has been already appropriated $35 million for this purpose, and that there is another $26.9 million authorized for this purpose in this bill.

I wonder if the gentlewoman would explain the situation in this regard to me for the RECORD.

Mrs. SULLIVAN. Yes, I would be happy to explain. There is no funding in this 1974 fiscal year authorization of appropriations bill for the Russian wheat sales. This is so because we do not know what is to be sent in the future.

Mr. WYLIE. Have we paid the owners of U.S.-flag ships carrying wheat to Russia money to subsidize the operation?

Mrs. SULLIVAN. Owners of U.S.-flag ships, yes. And I may say one of the reasons the subsidy cost has been so high is that when the ships got to port to be loaded with the wheat they had to wait sometimes between 25 and 50 days in port to be loaded, and all the while they are in port waiting that subsidy is being paid.

Mr. WYLIE. Is the U.S. Government being reimbursed by the Soviet Union for any money spent to subsidize these wheat shipments? I am trying to establish the situation for the record.

Mrs. SULLIVAN. Not for the subsidy, no.

Mr. GROVER. Will the gentlewoman yield?

Mrs. SULLIVAN. I yield to the gentleman from New York.

Mr. GROVER. I understand that there has been a new agreement and a new revised formula revising downward the subsidy to ships of the United States and substantially upward the recapture or reimbursement by the Soviet Union for the subsidies.

Mr. WYLIE. In other words, we are paying American-flag shipowners money to transport wheat to the Soviet Union. Is that correct?

Mrs. SULLIVAN. That is correct. Yes.

Mr. WYLIE. I thank the gentlewoman.

Mr. GROVER. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, it is a pleasure for me to join the distinguished chairman of the Merchant Marine and Fisheries Committee, the gracious lady from Missouri (Mrs. SULLIVAN) in support of this maritime authorization bill for fiscal year 1974.

I am sure that I speak for my colleagues on both sides of the aisle in extending to our chairman my very best wishes. We share a common goal—the expansion of our merchant marine—and we are equally determined to achieve this goal as embodied in the Merchant Marine Act of 1970.

H.R. 7670 authorizes funds for the third year of expanded ship construction since enactment of the Merchant Marine Act of 1970. The act recognized our overwhelming dependence on foreign flag tankers and highlighted the staggering increase in foreign oil imports which would be experienced during the decade of the 1970's. That, of course, was 2 years before the words "energy crisis" became a household term.

Thus, the primary emphasis of our construction program has been directed toward providing ships to transport a substantial share of this ever-growing volume of oil and other bulk commodities essential to our economy. These include the first VLCC's, the largest crude carriers ever built in this country, the first OBO's—ships capable of carrying oil, bulk commodities and grain, and the first liquid natural gas carriers to be built in the United States.

Approximately 90 percent of our foreign trade is in the area of bulk commodities. Only 10 percent of our trade is capable of being transported in our liner vessels. That 10 percent of our trade was virtually the entire focus of our shipbuilding effort before the 1970 Act.

The funds authorized to be appropriated for fiscal year 1974, together with unexpended balances carried forward, will provide for the construction of 17 ships. This will probably include three very large tankers, six liquid natural gas carriers, two OBO's, three moderate-size tankers and three dry bulk carriers. This mix of ships demonstrates our continued focus on obtaining ships to move our vital energy supplies, primarily liquid petroleum.

These ships will be built at a subsidy rate of 39 percent or less. Actually, contracts already have been awarded for the construction of three LNG carriers at a rate of 23.7 percent, well below our final target CDS rate of 35 percent to take effect in 1976. Bear in mind that the subsidy rate averaged 53.6 percent in 1969.

This program is working, Mr. Chairman. We are making steady progress. Nearly 40 ships have been ordered and an additional 16 converted into modern container ships under the provisions of the Merchant Marine Act of 1970. This building rate is, of course, below the 30-ship per year forecast when the program began; however, numbers do not tell the full story. In terms of productivity, we are surpassing the carrying capacity of the 30-ships contemplated in 1970. We are building much larger and faster ships than our maritime industry was expected to utilize when the act was in its formative stages 4 years ago.

The operating subsidy level authorized for fiscal year 1974 will cover our liner fleet as it has traditionally, as well as a steady growth in bulk carriage on the Great Lakes and in world-wide trades.

Realistically, what are we aiming toward? The Assistant Secretary for Maritime Affairs has expressed a goal of lifting 17 percent of our total trade by the end of this decade. We now hover at about 3 percent due, of course, to our negligible carriage of bulk imports. At the end of this decade, our total trade will be perhaps a billion tons of cargo annually.

Given this perspective, 17 percent will indeed be a respectable share for our merchant marine.

I will turn briefly, Mr. Chairman, to section 3 of this legislation, which is in effect a committee amendment to the bill originally submitted by the Administration. Section 3 increases the ceiling on Federal ship mortgage insurance from $3 billion established by the Merchant Marine Act of 1970 to $5 billion. The importance of title XI of the Merchant Marine Act cannot be overemphasized. Ship mortgage insurance is, of course, an essential element of our subsidized shipbuilding program. Equally important, however, is its impact upon domestic unsubsidized shipping. This includes the construction of tankers for coastwise service and for the existing Alaskan oil movement from the Cook Inlet fields; barges and towing vessels for the inland and intercoastal waterways; and a wide variety of watercraft such as hydrofoil commuter ships which are stimulating such high interest around the country.

Without title XI, it is doubtful that many avenues of financing would be open to American ship operators. In the 92d Congress, legislation was enacted to simplify the documentation required under title XI, Public Law 92-507. That legislation brought ship financing into the 1970's and substantially broadened the market for title XI debentures. The stimulus provided by the Merchant Marine Act of 1970 coupled with greater institutional investor acceptance has virtually used up the current obligational authority of the Government. If this program is to continue without pause, the authority of the Government to guarantee title XI mortgages must be extended. The $2 billion increase provided in section 3 of this legislation will insure the continued viability of both the subsidized and domestic shipbuilding programs.

Our distinguished chairman has fully explained the various provisions of this authorization bill, and I, of course, concur in her estimation of the need for these funds. We have begun to develop a maritime presence calculated to fulfill our essential ocean shipping requirements. I, therefore, urge my colleagues to continue the strong support they have given to this effort.

Mr. Chairman, I yield such time as he may use to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, I also wish to add my support for H.R. 7670, the Maritime Authorization bill for fiscal year 1974.

The Merchant Marine Act of 1970 is indeed resulting in the construction of a record number and variety of ships primarily to meet our energy and raw materials needs. The impact of this effort is most clearly measured in terms of cargo-carrying capacity.

For example, had the very large tankers now under construction been in service in 1972, they could have increased the U.S.-flag share of our oil trade from 2.2 to 23.1 percent.

Similarly, the annual cargo capacity of the ships now on the ways would have increased our share of all U.S. trade from 5.3 to 8.9 percent, almost doubling during that year.

Of course, as these ships enter service, our total trade as the gentleman from New York (Mr. GROVER) has indicated will be rising at a dramatic rate. We cannot say, therefore, that upon delivery of these ships the percentages I have used will hold, but they are very indicative of the growth taking place in the fleet.

The impact of this program upon our shipyards has been equally impressive. U.S. shipyards have committed over $120 million in investments since 1960 in order to expand and improve facilities and to gain in productivity. It is estimated that some $350 million will be required in shipyard expansion for LNG and large tanker construction by our major yards during the next few years.

Currently, commercial shipbuilding is at the highest level in U.S. peacetime history. There are presently on order or under construction 80 ships in excess of 4 million deadweight tons valued at $2.5 billion. This compares with orders of 1.8 million tons worth $1.1 billion just 3 years ago.

It is worth noting here that over 40 percent of the value of these orders represents purchases of steel, machinery and other ship components from suppliers throughout the United States. The impact of this program is, therefore, spread throughout the economy.

This legislation has received careful consideration by the Committee on Merchant Marine and Fisheries. It has broad bipartisan support, and I commend it to my colleagues.

Mrs. SULLIVAN. Mr. Chairman, I yield such time as he may use to the chairman of the Subcommittee on Merchant Marine, Mr. CLARK.

Mr. CLARK. Mr. Chairman, in the interest of time I will be brief and ask unanimous consent to revise and extend my remarks. I rise to join our distinguished Chairman in urging the strong support of the House for H.R. 7670. As the Gentlewoman from Missouri has gone into some detail on the various elements of the bill, and I know there are Members on both sides of the aisle who wish to speak in support of it, I wish to say I am 100 percent in support of H.R. 7670—a bill to get our merchant marine back in business. I will limit myself to a few general remarks on what I consider to be the more important provisions of this legislation.

Mr. Chairman, in the 91st Congress, this House was instrumental in the landmark legislation enacted as the Merchant Marine Act of 1970. As you know, that act provided for the new Maritime program that was to revitalize the U.S.-flag merchant marine. It was the most significant Act with respect to our merchant marine in over 30 years, and long overdue.

The bill before us this afternoon, H.R. 7670, includes requirements for the 4th year of expanded activities under the new Maritime program.

Mr. Chairman, $275 million would be authorized by the bill for so-called construction subsidy. This amount, together with $50 million carried forward, would provide a total of $325 million, and permit the Maritime Administration to contract for 17 new vessels in fiscal year 1974. I strongly believe that these funds are the minimum required to carry on the building program envisioned by the Merchant Marine Act of 1970.

In this regard, I am pleased to be able to inform the House that the American shipbuilding industry has successfully met the challenge of the new maritime program. As you will recall, when the Merchant Marine Act of 1970 was enacted, construction subsidy as high as 55 percent of the cost of a vessel was being paid. The new maritime program provides for the gradual reduction of this subsidy to 35 percent in fiscal year 1976, and thereafter. As of July 1 of this year, the construction subsidy rate will be reduced from the present level of 41 to 39 percent. Therefore, the construction subsidy funds to be authorized by H.R. 7670 would be expended at the 39 percent rate—a vast improvement over previous construction subsidy rates.

Mr. Chairman, $221,515,000 would be authorized by the bill for so-called operating subsidy. This amount, together with about $25 million carried forward would provide a total of about $247 million, and permit the continued operation of our two remaining passenger liners, about 195 freighters, and 9 bulk vessels. After careful review, I am convinced that these funds are eminently justified and I strongly urge the House to support the requested amount of $221,515,000.

It should be noted that it was the Merchant Marine Act of 1970 that authorized, for the first time, the payment of operating subsidy to bulk carriers, and I am pleased to inform the House that this part of the program has now taken hold. I am also pleased to inform my colleagues that not all U.S.-flag merchant vessels require operating subsidy. Nineteen vessels formerly operated under subsidy no longer receive this form of Government aid. Additionally, a number of other capital intensive American vessels, such as containerships, are successfully competing in our foreign trade without such subsidy.

Mr. Chairman, as the chairman of the Subcommittee on Merchant Marine, I can assure the House that all the provisions of the bill were given careful study. Witnesses for the Maritime Administration, the Shipbuilder's Council of America, the Marine Trades Department, the American Institute of Merchant Shipping, and the American Maritime Association testified in support of the requested amounts. The bill was reported unanimously, after full and careful consideration of the entire record. As the chairman of the Merchant Marine and Fisheries Committee has pointed out, we are of the strong view that the authorization for the requested funds and the increase in the authority of the Government's title XI guarantee program are essential for the continuation of the new maritime program provided by the Merchant Marine Act of 1970.

I strongly urge the House to support H.R. 7670.

Mrs. SULLIVAN. Mr. Chairman, I yield such time as he may need to the gentleman from Virginia (Mr. DOWNING).

Mr. DOWNING. Mr. Chairman, I would like to take this opportunity to commend our distinguished chairman, the gentlewoman from Missouri (Mrs. SULLIVAN). She has done an outstanding job since she has taken over the chairmanship of the full committee. She has made what I think are some brilliant innovations which I think will make the committee function better and allow us more efficiently to build up our merchant marine.

Mr. Chairman, I rise to join our distinguished chairman and colleagues on both sides of the aisle to urge passage of H.R. 7670.

The bill contains a provision for $275 million for so-called construction subsidy. These funds would be used to generally make up the difference between United States and foreign shipbuilding costs for the 1974 building program, and would be paid directly to the American shipyard.

When the Merchant Marine Act of 1970 was enacted, the construction subsidy rate was as high as 55 percent. In other words, when a subsidized vessel was constructed, the Government paid for about 55 percent of the cost. I am pleased to inform the House that pursuant to that act, the construction subsidy rate has declined and will be 39 percent in fiscal year 1974. Indeed, on certain vessels, our shipyards have been able to reduce this rate to about 25 percent.

Your committee is of the strong view that the $275 million authorization for construction subsidy funds are the minimum required to carry on the building program envisioned by the Merchant Marine Act of 1970.

Mr. Chairman, the $275 million in construction subsidy would be used to pay up to the 39 percent of the cost of the vessel. The vessel operator would pay the balance; generally over 60 percent of the cost, and raising funds in the private money market for such large sums is not easy these days. In this regard, the title XI Government guarantee program has been of great assistance to the vessel operator and without cost to the Federal Government.

Under title XI of the Merchant Marine Act of 1936, the Maritime Administration guarantees loans placed commercially for funds used for the construction of American-flag vessels. The vessel operator is charged a modest fee for this guarantee, and these moneys go into a revolving fund that is used to fund the program. Since the inception of the title XI program, defaults have amounted to less than one-half of 1 percent, and there are current assets in the fund of over $48 million.

The title XI program was so successful that in the Merchant Marine Act of 1970, the authorized ceiling on such outstanding loans was increased from $1 to $3 billion. This $3 billion authority has almost been exhausted, and H.R. 7670 would increase it to $5 billion.

Mr. Chairman, I strongly urge the House to support H.R. 7670, so that the new maritime program provided by the Merchant Marine Act of 1970 can be carried forward.

Mrs. SULLIVAN. Mr. Chairman, I yield such time as he may need to the gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Chairman, I would like to join my colleague from Virginia in commending the chairman on the excellent way in which she has managed the overall operations of the committee for the first time this year and particularly for the emphasis which she has given to this very important aspect of merchant marine development.

I think we have to work within the framework of some of the tools given to us and the budgets which are available. While we do this year have a very substantial budget for ship construction, I think everybody is a little bit concerned that we are only constructing some 17 ships albeit they are large and expensive.

These ships are not really going to make a noticeable dent in the 6-percent overall carriage of cargo, which is the position the United States currently occupies in the carriage of goods around the world, particularly American goods.

So, Mr. Chairman, I think that, for my part, I certainly want to encourage the administration to consider taking further and more concrete steps in this formidable area of trying to gain back part of the cargo carriage capability in American bottoms.

I would also like to state that I am pleased to note that the chairman is contemplating the appointment of an ad hoc committee with regard to State maritime school education programs. I think that the State schools, as is indicated in the report, have capacity to educate young people at $5,000 or $6,000 per year, and turn them out as deck officers, and is very competitive to the costs in the national school.

Mr. Chairman, the United States Merchant Marine is a vital link in America's role in international and domestic commerce. We once were a major merchant ship power and yet today we are a pygmy in the family of maritime nations. This fact, fortunately, has been recognized and steps are being taken to improve our position but sizable improvement is seemingly taking a long time. The vessels of the U.S. flag at this time comprise only about 5 percent of the world's merchant marine. Bulk cargo in our import-export trade is being carried by U.S.-flag ships only about 4 percent of the time. Although we have perhaps the most modern and efficient cargo liner vessels in the world and these are now carrying about 21 percent of our foreign liner cargo trade by value, this is not adequate and certainly our bulk cargo capability is even further from being adequate. In other words, Mr. Chairman, our maritime industy still needs encouragement and expansion.

The Merchant Marine Act of 1970 specified construction of 30 new merchant ships each year for a period of 10 years. This seems a reasonable approach to our merchant marine problem providing we carry out the intent of this act. As you know, this is only a couple of years after implementation of this highly commendable act, yet we are still far behind in our merchant marine capability. It is for this reason I am most concerned as to the pace of our buildup. I note that H.R. 7670 provides new funds in the amount of $275 million for construction subsidy and that, with $50 million left over from fiscal year 1973, a total of $325 million is expected to be available for construction subsidies in fiscal year 1974. This amount is planned for assistance in the construction of 17 new vessels. The planned number of 17 instead of 30, as called for in the 1970 act, is deemed appropriate by the administration, using a formula relating larger fiscal year 1974 ships to smaller ones as described in the 1970 act. The formula, Mr. Chairman, is based on 1970 act ships which are being called modern ship equivalents—MSE—sized at 17,000 deadweight tons for general cargo ships, 65,000 deadweight tons for dry-bulk carriers, and 70,000 deadweight tons for tankers. A fiscal year 1974 ship which is planned to be larger than these values is credited as being more than one MSE. Using this rationale, it can easily be seen that the intent of the 1970 act is in dire jeopardy. Building 17 fiscal year 1974 ships and calling them equal to some 30 fiscal year 1970 ships is one thing, but where will we be in later years when one 500,000 deadweight ton ship is equated to 7 MSE's? Under such a condition I can foresee the administration building only four or five new ships and calling them equal to 30 MSE's. Clearly the intent of the 1970 act was to upgrade the merchant marine, and I fail to see that fewer and fewer ships will be moving us in the proper direction. We need not only more ships but more big ships, and I believe this was the real intent of the 1970 act.

I support H.R. 7670 but with considerable regret. I would hope that by the time of the next maritime authorization bill the administration would see the wisdom of a more rapid pace in rebuilding the merchant fleet and that we will return to the already modest goal of 30 new ships a year regardless of the likelihood that such ships will be far larger than those described in the 1970 act.

Mrs. SULLIVAN. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I have asked for this time in order to discuss with this body the problem that we see often arising when ships are under charter to the Government, and these ships are being paid a subsidy while they lay idle, as many ships did last year in Houston during the shipment of grain to Russia.

I think if we make a close review of the massive rail tieup that occurred last year when we entered into this huge sale of wheat and other grains to Russia and a few other countries, we can see that this grain movement also caused massive tieups of all other commodities.

Many ships which were receiving subsidies from the Maritime Administration laid idle for days in the Gulf of Mexico, because the rail-grain-elevator facilities were incapable of loading the wheat onto those waiting ships fast enough. Thus those idle ship days have added to the cost of the ship operation subsidy program.

This fact became known to the public, and I am sure that many of our colleagues received letters wanting to know why the taxpayers were having to pay for this ship subsidy as part of the Russian grain deal, which was not popular in some sections. I do not address myself directly to the merits of wheat exports to Russia, for I am more concerned about the transportation snarl caused by the massive shipment of this grain without a proper transportation plan being submitted and approved.

The Special Subcommittee on Investigations of the House Interstate and Foreign Commerce Committee on March 26 of this year held a hearing on the transportation tieup and during the hearing an assistant to the Deputy Secretary of Maritime Affairs appeared before the subcommittee in that meeting. He could not say or did not say that sufficient planning went into the coordinating of the ships which arrived at the port of Houston waiting for loading with the rail cars arriving in Houston from the Midwest. He just simply said that no plans were prepared at the time that would have been workable, and there are no complete plans in the offing now for next year, so far as we know.

So the question I raise with the House is, why is not there a transportation plan for moving grain exports? Since we are talking about subsidy programs in the Maritime Administration and although it does not involve this legislation, as such, I think my question is a serious question for this House to consider.

On March 26 there were 14 American ships idle in the gulf, and on May 25, 1972, 15 ships were waiting. On March 26 the waiting time was 45 days average. This state of affairs was costing the American taxpayer, as I remember it, during that general period, anywhere from $50,000 to $75,000 a day in subsidies. I think this cost could have been prevented, or a great deal of it, if we had

had a proper plan for transportation coordination. This is the point I wish to make with this body today.

The Commerce Committee within the last few days has indicated to me that certain grain exporters are going to enter into another sale of grain to Russia, and perhaps other commodities which would include soybeans and rice. They do not have, so far as we know, any plan for moving these commodities. If there is anything that has been embarrassing to this administration this past year, I think it was last year's massive sale of grain to Russia without a transportation plan to show that the commodity could be moved wihout causing great disruption to our general economy. This sale probably caused more inflation the past year than anything else. I think it sparked the spiraling cost in food prices.

The average shipper in this country, whether he was in the fertilizer business, the agriculture business, the lumber business, the building material business, could not get his commodities shipped, at least in the Southwest and Midwest areas because all the rail cars were tied up carrying the grain.

The Department of Agriculture and the Department of Transportation have never been required to submit any kind of plan for the movement of any commodity; and when there is a massive sale of a commodity for export, no planning is poor planning. The administration admits that it was poor planning, but I do not think they are going to do anything about the transportation problem until Congress passes some kind of legislation requiring the submission and the approval of a plan for transporting exports.

It looks to me like whenever a grain exporter contracted to export over 1 million bushels per harvest, he would have to submit a transportation plan for moving that grain to the Department of Agriculture or to the Department of Transportation to be certified by the Department of Transportation as representing a plan that would not severely jeopardize the availability of freight cars for moving other commodities in the area affected by the grain movement.

Until the DOT certified the plan, no subsidy would be paid to the exporter by the Department of Agriculture.

In the last few days the Department of Commerce said:

> We are going to change the ship subsidy program, and we are going to save the taxpayers some money.

I hope this is a good improvement, but it does not go to the heart of the problem that there is no overall transportation plan submitted. Taking what I am saying one step further, we conclude that we have no national transportation policy. There is no one agency that is pulling these things together and coordinating them.

The DOT has been directed by Congress to come up with a transportation policy, a national transportation policy, but it has not.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. SULLIVAN. I yield 2 additional minutes to the gentleman from Texas.

Mr. PICKLE. I thank the gentlewoman from Missouri.

So far the DOT has never announced a transportation policy. We have problems with transportation, indeed we do, but until we force some kind of a transportation plan from DOT in an instance such as the mass grain shipment then I think we are going to be faced with the same general problem, the same kind of congestion, either in Houston, or in New Orleans, or in other parts of the country. I say it is time for legislation that would require a plan if we are going to sell this kind of commodity in this big volume.

If we are going to help other countries by selling them large amounts of grain—and that is commendable—then it should be required that a transportation plan be submitted by the big exporter for the approval of the DOT before we pay any subsidies or, indeed, maybe even before the contract is finalized.

Mrs. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the chairman of the committee, the gentlewoman from Missouri.

Mrs. SULLIVAN. I should like to commend the gentleman for bringing up this terribly important subject, because it just seems to me there has not been any kind of coordination in Government agencies that should be concerned about this. The gentleman is so right that if we have a Department of Transportation, there is no reason why they should not be involved in seeing that there are sufficient railroad cars, docking space, and ships available. I am glad the gentleman brought that up.

Mr. PICKLE. I thank the gentlewoman. We are going to be faced with the same problem this summer and this fall unless a plan is approved.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Iowa.

Mr. GROSS. I want to commend the gentleman for his observations.

Last winter there were 10,000 rail cars loaded with grain stacked up at Gulf ports that could not be unloaded partly because of a lack of vessels. Those rail cars were badly needed to move more grain in the Middle West. We are still suffering from a rail car shortage.

Mr. PICKLE. It is an indictment of Government policy to realize that anywhere from 2,000 to 10,000 rail cars are stacked up on siding unable to move. I am not criticizing the railroad industry, but when a sale of this magnitude is made and the commodity cannot be moved within a certain time, then we are going to have this congestion.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GROVER. Mr. Chairman, I yield to the gentleman from Texas 2 additional minutes.

Mr. PICKLE. The number of cars stacked up now has been reduced from that estimated 8,000 to 10,000 down perhaps to 2,500 and they are unloading faster now. The port elevators have loaded about 80 percent of the grain, that is by May 31, which was the target date for complete shipment but there is still 20 percent of the original contract amount that has not moved. Also they are going to extend the subsidy another period of time at the same price, because that is already contracted for.

Mr. GROSS. Does the gentleman know whether the Government paid demurrage to the owners of the railcars?

Mr. PICKLE. Yes. The testimony before our committee indicated ships lying idle in the harbor cost the Government between $50,000 and $75,000 per day.

Mr. GROSS. I am talking about the railcars. Was demurrage paid on the railcars, because they could not unload them?

Mr. PICKLE. Yes. The ICC issued orders saying the shippers had to immediately load and unload, and the shippers immediately complied so they would not have to pay this demurrage. But when the shippers did load and unload as best they could, they could see boxcars idle on the rails that were not being sent back. So while the railroads received more demurrage, the transportation tie-up worked against the railroads because they make more money when their cars move. It was a mess all the way around.

We did sell a great deal of grain to Russia and have filled 80 percent of the contract. We are now extending the contract by about three-quarters for next year.

This country exported 1.15 billion bushels of wheat this year, and it is estimated to be about 0.95 billion bushels next year. The 422 million bushels sold to Russia was about one-third of the total. So we are faced this year with the same problem without any plan for moving the grain. I think a plan should be required.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I commend the gentleman for his excellent statement. I would like to point out one other implication of the pileup of the railcars that had grain in them. We had a critical lumber shortage and it increased the lumber prices due to the fact that the Western suppliers of lumber simply did not get the lumber here to the East. This is another aspect of this problem.

Mr. PICKLE. I can appreciate that addition, but I also say with due respect to the gentleman that the people in the East could be moving the boxcars faster than they do.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GROVER. Mr. Chairman, I yield the gentleman 2 additional minutes to respond.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Ohio.

Mr. WYLIE. The wheat sale to Russia is mentioned in the report accompanying this bill. It is not clear to me and it was not in the earlier response to my previous question: Is there money provided for in this bill to subsidize United States shipowners to carry wheat to Russia?

Mr. PICKLE. I would have to defer to the chairwoman on this.

Mrs. SULLIVAN. Mr. Chairman, if the gentleman will yield, there is no money in this authorization bill for a subsidy for the wheat sales to Russia. If they need it they are going to have to pay for it.

Mr. PICKLE. But certain American ships are on contract for the movement of commodities of grain or anything else.

Mrs. SULLIVAN. That is correct.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New York.

Mr. GROVER. Mr. Chairman, I commend the gentleman for making a very sound and valid observation not particularly relevant to this bill, but relevant to the economy of the country, and I agree with the gentleman.

Mr. PICKLE. I thank the gentleman from New York.

Mrs. SULLIVAN. Mr. Chairman, I have no further request for time.

Mr. GROVER. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1974, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $275,000,000: *Provided,* That the appropriation Act may provide that unobligated balances previously appropriated for purchase of modern or reconstructed United States-flag vessels for layup in the National Defense Reserve Fleet, may also be used for construction-differential subsidy;

(b) payment of obligations incurred for ship operation subsidies, $221,515,000;

(c) expenses necessary for research and development activities (including reimbursement of the vessel operations revolving fund for losses resulting from expenses of experimental ship operations), $20,000,000;

(d) reserve fleet expenses, $3,773,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $8,600,000; and

(f) financial assistance to State marine schools, $2,427,000.

SEC. 2. In addition to the amounts authorized by section 1 of this Act, there are authorized to be appropriated for fiscal year 1974 such additional supplemental amounts for the activities for which appropriations are authorized under section 1 of this Act as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

SEC. 3. Section 1103(f) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1273(f)), is amended by striking the figure "$3,000,000,000", and inserting in lieu thereof the figure "$5,000,000,000".

Mrs. SULLIVAN (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to ask someone knowledgeable about this bill the present subsidy percentagewise for the construction of ships in United States yards? Is it 75 percent, 55 percent, or what is it?

Mr. GROVER. If the gentleman will yield, I understand it is 41 percent, to be phased down to 39 percent.

Mr. GROSS. It is being phased down to 39, is that what the gentleman says?

Mr. GROVER. In fiscal 1974.

Mr. GROSS. And what is the status of the loan guarantee fund? Has the $3 billion been exhausted?

Mr. GROVER. No, it is not exhausted, it is my understanding, but it is getting close.

Mr. GROSS. And this bill provides for an additional $2 billion for the loan guarantee fund?

Mr. GROVER. That is correct.

Mr. GROSS. How many ships have we gotten as a result of the guarantee program and where are they? And how much longer is his loan program supposed to run?

Mr. GROVER. It is my understanding that there are quite a number of applications pending for construction of ships. Under the present bill, we will not be able to build them unless we increase the loan guarantee fund.

Mr. GROSS. What happens in the event a vessel is constructed under the loan guarantee program and then there is a default?

Mr. GROVER. The law provides for a recapture provision. It is my understanding, and the chairman can verify it, that in the history of the long program, I believe the default net losses which are ship losses, because of the revolving fund provision, have been less than one-fourth of 1 percent.

Mr. GROSS. But, if a vessel is returned to the Government which guarantees 90 percent—is that the guarantee, or is it 100 percent?

Mrs. SULLIVAN. That is right.

Mr. GROSS. If a vessel is turned back to the Government, to whom does the Government sell that vessel? What kind of price do they get for it under those conditions?

Mrs. SULLIVAN. I cannot tell the gentleman the individual price in their effort to sell the ship that was defaulted. We have a revolving fund of some $40 million right now on this new program, so there has been no overall net loss.

Mr. GROSS. Could a vessel that is built 90 percent guaranteed by the Federal Government be sold to foreigners and used under a foreign flag?

Mrs. SULLIVAN. No, it cannot be sold to foreign buyers.

Mr. GROSS. Where do they get the U.S. vessels that are presently flying Panamanian and Liberian flags?

Mrs. SULLIVAN. They can build them themselves, any place.

Mr. GROSS. There are no American vessels being sailed under foreign flags?

Mrs. SULLIVAN. There are American-owned vessels that are registered and sailing under foreign flags, yes.

Mr. GROSS. So, what is accomplished other than giving jobs to shipyard workers by constructing vessels in U.S. yards at a subsidy of 41 percent?

Mrs. SULLIVAN. Most of those ships are constructed in foreign yards for American owners, and they do not get subsidies. They are not subsidized.

Mr. GROSS. It is proposed to continue this guaranteed loan program endlessly and forever? Is there no end in sight?

Mrs. SULLIVAN. It would be just like we guarantee the FHA loans. Those Americans come in to build ships, and in order to get the financing, they must have a guarantee.

Mr. GROSS. Of course, under the FHA loan program, we presumably would have a house which could be sold to any number of people, but with this kind of a program, and in case of default, we would have a vessel that only a very few individuals could own and operate.

I suggest there is quite a difference.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CULVER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 7670) to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce, pursuant to House Resolution 426, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. DU PONT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 266, nays 10, not voting 157, as follows:

[Roll No. 199]

YEAS—266

Abdnor
Abzug
Anderson, Calif.
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashley
Barrett
Bell
Bennett
Bergland
Bevill
Biester
Blatnik
Boland
Bolling
Bowen
Brademas
Breaux
Brinkley
Broomfield
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Casey, Tex.
Chamberlain
Clark
Clausen, Don H.
Cleveland
Cohen
Collier
Collins, Ill.
Conlan
Conte
Coughlin
Cronin
Culver
Daniel, Dan
Daniels, Dominick V.
Danielson
Davis, Wis.
de la Garza
Dellenback
Dellums
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fascell
Findley
Flowers
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Froehlich
Gaydos
Gettys
Giaimo
Gibbons
Ginn
Goldwater
Gonzalez
Grasso
Green, Oreg.

Green, Pa.
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harsha
Hawkins
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hinshaw
Hogan
Holt
Holtzman
Hosmer
Huber
Hungate
Hunt
Hutchinson
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Kyros
Latta
Leggett
Lehman
Long, La.
Long, Md.
McCollister
McCormack
McFall
McKay
McKinney
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Meeds
Mezvinsky
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mizell
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Perkins
Pickle
Poage
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rarick
Rees
Regula
Reuss
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rose
Rosenthal
Runnels
Ruth
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Stanton, J. William
Stark
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Studds
Sullivan
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Van Deerlin
Vanik
Vigorito
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Wolff
Wright
Wylie
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zwach

NAYS—10

Beard
Drinan
Gross
Hechler, W. Va.
Kastenmeier
Landgrebe
Lujan
Shuster
Skubitz
Yates

NOT VOTING—157

Adams
Addabbo
Alexander
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Aspin
Badillo
Bafalis
Baker
Biaggi
Bingham
Blackburn
Boggs
Brasco
Bray
Breckinridge
Brooks
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Carter
Cederberg
Chappell
Chisholm
Clancy
Clawson, Del
Clay
Cochran
Collins, Tex.
Conable
Conyers
Corman
Cotter
Crane
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Delaney
Denholm
Diggs
Donohue
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Fish
Fisher
Flood
Flynt
Foley
Ford, William D.
Fraser
Frey
Fulton
Fuqua
Gilman
Goodling
Gray
Griffiths
Gunter
Hamilton
Hanna
Harrington
Harvey
Hastings
Hays
Hébert
Hillis
Holifield
Horton
Howard
Hudnut
Ichord
Jarman
Johnson, Colo.
Jones, N.C.
Karth
Kluczynski
Koch
Landrum
Lent
Litton
Lott
McClory
McCloskey
McDade
McEwen
McSpadden
Madden
Maraziti
Mathis, Ga.
Mazzoli
Melcher
Metcalfe
Michel
Milford
Minshall, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Mosher
Nichols
O'Brien
Parris
Passman
Patman
Pepper
Pettis
Peyser
Pike
Rangel
Reid
Rhodes
Riegle
Robison, N.Y.
Rogers
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Roybal
Ruppe
Ryan
Saylor
Scherle
Sebelius
Staggers
Stanton, James V.
Steed
Stephens
Stuckey
Symington
Symms
Treen
Ullman
Vander Jagt
Veysey
Waggonner
Waldie
Ware
Whitten
Wilson, Charles H., Calif.
Winn
Wyatt
Wydler
Wyman
Yatron
Young, Tex.
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Arends.

Mr. Rooney of New York with Mr. Rhodes.

Mr. Hébert with Mr. Michel.

Mr. Addabbo with Mr. Brown of Ohio.

Mr. Roush with Mr. Brotzman.

Mr. Gray with Mr. Anderson of Illinois.

Mr. Rooney of Pennsylvania with Mr. Cederberg.

Mr. Davis of Georgia with Mr. Robert W. Daniel, Jr.

Mrs. Chisholm with Mr. William D. Ford.

Mr. Delaney with Mr. Gilman.

Mr. Brasco with Mr. Fish.

Mr. Diggs with Mr. Madden.

Mr. Holifield with Mr. Del Clawson.

Mr. Howard with Mr. Maraziti.

Mr. Kluczynski with Mr. O'Brien.

Mr. Rostenkowski with Mr. Bray.

Mr. Koch with Mr. McCloskey.

Mr. Nichols with Mr. Ashbrook.

Mrs. Boggs with Mr. Carter.

Mr. Clay with Mr. Riegle.

Mr. Alexander with Mr. Broyhill of Virginia.

Mr. Cotter with Mr. Mazzoli.

Mr. Biaggi with Mr. Eshleman.

Mr. Fuqua with Mr. Bafalis.

Mr. Fulton with Mr. Baker.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. McSpadden with Mr. Clancy.

Mr. Fraser with Mr. Conyers.

Mr. Mollohan with Mr. Minshall of Ohio.

Mr. Rangel with Mr. Foley.

Mr. Flynt with Mr. Broyhill of North Carolina.

Mr. Flood with Mr. Saylor.

Mr. Fisher with Mr. Collins of Texas.

Mr. Harrington with Mr. Conable.

Mr. Chappell with Mr. Blackburn.

Mrs. Griffiths with Mr. Crane.

Mr. Brooks with Mr. McEwen.

Mr. Bingham with Mr. Mitchell of New York.

Mr. Breckinridge with Mr. Aspin.

Mr. Eilberg with Mr. McDade.

Mr. Ichord with Mr. Horton.

Mr. Landrum with Mr. Edwards of Alabama.

Mr. Litton with Mr. Hudnut.

Mr. Roy with Mr. Sebelius.

Mr. Whitten with Mr. Zion.

Mr. Charles H. Wilson of California with Mr. Pettis.

Mr. Yatron with Mr. Goodling.

Mr. Young of Texas with Mr. Scherle.

Mr. Denholm with Mr. Ruppe.

Mr. Donohue with Mr. Hastings.

Mr. Davis of South Carolina with Mr. Treen.

Mr. Ullman with Mr. Harvey.

Mr. Waldie with Mr. Rousselot.

Mr. Moakley with Mr. McClory.

Mr. Evans of Colorado with Mr. Wyatt.

Mr. Waggonner with Mr. Lott.

Mr. Corman with Mr. Wydler.

Mr. Hamilton with Mr. Hillis.

Mr. Jarman with Mr. Symms.

Mr. Jones of North Carolina with Mr. Hanna.

Mr. Metcalfe with Mr. Milford.

Mr. Reid with Mr. Lent.

Mr. Rogers with Mr. Frey.

Mr. Gunter with Mr. Vander Jagt.

Mr. Ryan with Mr. Mosher.

Mr. Staggers with Mr. Parris.

Mr. James V. Stanton with Mr. Robison of New York.

Mr. Steed with Mr. Ware.

Mr. Stephens with Mr. Passman.

Mr. Mathis of Georgia with Mr. Winn.

Mr. Symington with Mr. Peyser.

Mr. Stuckey with Mr. Wyman.

Mr. Badillo with Mr. Montgomery.

Mr. Adams with Mr. Patman.

Mr. Karth with Mr. Pepper.

Mr. Pike with Mr. Roybal.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) the program for the rest of the week, if any, and the program for next week.

Mr. O'NEILL. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I am happy to announce the program for next week.

The program for the week of June 11, 1973, is as follows:

Monday is District day, and there are four bills:

H.R. 4083, insurance regulations;

H.R. 6713, primary election for Delegate;

H.R. 8250, authorizing certain District of Columbia programs; and

H.R. 4771, rent regulation and stabilization.

On Tuesday we will consider H.R. 77, jointly administered trust funds for Legal Services plans, with an open rule, 1 hour of debate.

For Wednesday we will have:

H.R. 8410, debt limit temporary increase continuation, subject to a rule being granted; and

H.R. 3926, National Foundation on the Arts and Humanities, subject to a rule being granted.

On Thursday we will have Flag Day ceremonies.

We will then consider H.R. 8152, Law Enforcement Assistance Amendments, subject to a rule being granted;

H.R. 5464, saline water program authorization, subject to a rule being granted; and

H.R. 5094, deputy U.S. marshals reclassification, also subject to a rule being granted.

On Friday we will have the fiscal year

1974 Agriculture, Environmental, Consumer Protection appropriations.

Of course, conference reports may be brought up at any time, and any further program will be announced later.

ADJOURNMENT OVER TO MONDAY, JUNE 11, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PIOUS, HYPOCRITICAL PRATINGS ABOUT WATERGATE

(Mr. DEVINE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, since some of the media appears to have only one objective in the Watergate matter—that is to destroy the President—it might be well to take a brief look at history prepared by the very talented, Mrs. Mildred C. Murphy of Mount Gilead, Ohio. Mrs. Murphy researched some of the events in the 1959–62 period which could be valuable in refreshing the recollection of the public.

I am attaching a copy of Mrs. Murphy's letter to the editor of the Columbus Dispatch early this month which I am happy to share with my colleagues and others that may read the CONGRESSIONAL RECORD.

> To the EDITOR:
>
> Why is Watergate so important it has saturated the news coverage and caused liberal writers to opine that faith in our government has been destroyed?
>
> The Democratic National Headquarters was bugged.
>
> So what?
>
> There was no concern in 1964 when Sen. Barry Goldwater's headquarters was bugged. And when, halfway through his campaign, he discovered a spy on his campaign train—a spy who reported daily to the Democratic National Committee—the news media considered the incident amusing.
>
> When Otto Otepka's office was not only bugged but broken into and his files stolen, little was reported on the incident.
>
> Let's not have such a glaring double standard of political morality.
>
> Besides, a moral justification is far more easily made for the bugging of the Democratic headquarters in 1972 than for the bugging of Senator Goldwater's headquarters in 1964.
>
> I listened to the Watergate television coverage from 8:30 p.m. Thursday until 1:15 a.m. Friday.
>
> As I listened to an emotional plea for a free Cuba, I reflected bitterly on the role of the liberals in bringing Fidel Castro to power. I remembered the New York Times' "Crusade for Castro."
>
> So, I spent the following day in a city library researching some of the events of that 1959–62 period.
>
> In 1959 the New York Times carried three front page articles extolling the virtues of Castro. Its editorial writer, Herbert B. Matthews, had had exclusive interviews with Castro in his mountain hide-out and reported that Castro definitely was not a Communist but a glorious political Robin Hood.
>
> Castro became the darling of the news media, the colleges and the liberal churches. The few voices raised in warning were sneered at.
>
> Sen. Sam Ervin said, belittlingly, during testimony being given, that some people, unfortunately, saw a Communist under every bed.
>
> It is more unfortunate that some people of influence don't see the Communists with whom they are walking.
>
> Our ambassador to Cuba, Earl E. T. Smith, said in September, 1960: "Until Herbert Matthews of the New York Times eulogized Castro as a political Robin Hood. Castro was just another bandit in the Oriente Mountains of Cuba. The American press and news media, following the New York Times lead, bestowed the role of crusader and social reformer upon Castro. Then, certain members of Congress picked up the torch for him."
>
> I was most interested in the library in learning the names—in 1960—of many members of the Fair Play for Cuba Committee.
>
> Many of these people were active in the burnings and bombings of the 1960s and were active in the liberal wing of the Democratic party in 1972. Why not investigate that?
>
> Better still, why not investigate why President Kennedy sent more and more troops to Vietnam "to stop the thrust of communism" while he was afraid to give the promised air support at the Bay of Pigs.
>
> Never forget—Presidents Kennedy and Johnson had more than 543,000 men in Vietnam when Richard Nixon took office. Mr. Nixon brought them home.
>
> I'm tired of this pious hypocritical prating about Watergate.
>
> MILDRED C. MURPHY.
>
> Mt. Gilead, Ohio.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object to the majority leader's latter request, there is a bill in the Committee on Rules on which it has been impossible to obtain a vote of approval or disapproval, although that bill came out of the House Post Office and Civil Committee by a vote of 22 to 1, with only two members of the Committee being absent.

Mr. Speaker, under the circumstances, I object.

The SPEAKER. Objection is heard.

WHAT IS THE PURPOSE OF SALE OF F–4 PHANTOM JETS AND F–8 CRUSADERS?

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, the State Department has just authorized the sale of F–4 Phantom jets to Saudi Arabia and F–8 Crusader jets to Kuwait.

These arms sales can only threaten the shaky peace in the Middle East first by fueling an arms race among Arab nations, and, second by threatening Israel, our closest ally in the Middle East.

What is the purpose of these arms sales? Are they to aid these two countries in their own defense? Then why sell them sophisticated offensive fighter bombers instead of defensively oriented weapons, such as the F–5E jet?

Are these sales designed to improve the national security of the United States? It is certainly not in the national security interests of the United States to have war break out in the Middle East between heavily armed Arab nations. It is certainly not in the national security interests of the United States to have war break out between our ally, Israel, and greatly strengthened Arab nations which have threatened to obliterate Israel.

A State Department spokesman recently addressed himself not to the national security of the United States in arms sales, but to the manner in which these sales would financially benefit the United States. I quote Charles Bray's remark of June 6, 1973 on the subject of military aid sales:

> There are obviously questions of potential markets and potential benefits to our rather perilous balance of payments which would accrue from these kinds of sales.

This is precisely the sort of reasoning many munitions companies used to justify their sales of weapons throughout the world in the 1930's. Investigations by the Congress led to the coining of the term "merchants of death." If we are selling these weapons primarily to be paid for them, are we not merchants of death?

If we truly want to achieve peace and stability in the Middle East, our task is to raise the living standards of millions of miserably poor Arabs who will be in a revolutionary mood as long as they are so desperately poor. Selling weapons rather than agricultural equipment, educational materials, and health supplies benefits only the national leaders of the country.

I oppose these arms sales as imperiling the security of both the United States and our ally, Israel, and I urge Congress to block them.

PERSONAL EXPLANATION

(Mr. PEPPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I missed the vote on the bill that was just passed by the House from the Committee on Merchant Marine and Fisheries, relating to our Merchant Marine. Had I been present I would have voted "yea" because I believe in a strong merchant marine.

I missed the vote on account of the fact that I was over on the Senate side of the Capitol attending a luncheon where a brilliant young student from my congressional district, Jose E. Alvarez, of whom I am very proud, was receiving an award from the Bryn Mawr College president for having written the second most outstanding editorial in his high school paper, the Miami High Times, under a 4-year program inaugurated by

Bryn Mawr College and by Mr. Arnold Saltzman, president of the Seagrave Corp., of New York, exploring the "self-evident truths" of the Declaration of Independence and their application to modern America.

I thought it well to try to encourage and show appreciation and recognition for such a fine patriotic spirit on the part of our young people.

Mr. Alvarez, in his winning editorial, reflected a remarkable understanding of the meaningful principles of the Declaration of Independence and the real meaning of America. With moving eloquence he talks about the kind of America that he believes our forefathers dreamed of when they adopted the Declaration of Independence and launched the United States of America. He describes what he believed we should do now to make the America of 1976 the realization of that noble dream. Mr. Alvarez reveals not only a keen mind and a sensitive spirit, but zeal and fervor in the perfection and the preservation of our country—environmentally, politically, and spiritually.

I believe my colleagues and all who read this RECORD will be stimulated to read Mr. Alvarez' moving essay, Mr. Speaker, and I include it in the RECORD immediately following my remarks:

NATION CAN NOW TURN TO BROTHERHOOD—MENDING WAR-TORN SPIRIT

(By Jose E. Alvarez)

American military participation in Vietnam is over.

No more will burned villages, bleeding peasants, leveled hospitals, or casualty figures be on television screens nightly. If they are, they will be the result of natural disasters and not the grotesque reminders stemming from man's bombing of his own. No more will idealogy clashes result in national divisions between intellectual and hardhat, between parent and son—at least, not over this war anyway. No more will the U.S. Presidency be called the office of the "mad bomber" and no more will irony be present when the U.S. calls itself a peace-keeping force.

More than ever before this nation can now afford to turn inward to its own interests, to render individualistic approaches to domestic problems. With three years to the Bicentennial, a newly inaugurated President, and an old war finished, the U.S. can now return to the principles of the Declaration of Independence so that come July 4, 1976, 200 years after it was signed, all men will not only be created equal but will have equal opportunities for life, liberty and the pursuit of happiness. For our government is after all, a human endeavor and as such, the principles of the Declaration are still far from realities.

Nationally, greater domestic concern over citizens problems is needed for more thorough educational opportunities, a cleaner environment, crime free surroundings, complete health care for the poor and elderly, removal of all barriers to sex and racial discrimination, and an assurance that all Americans would indeed find that their government does exist to insure their unalienable rights and not to usurp them.

Because of wasteful wars, national depressions, misguided priorities, and hundreds of other human frailties, our government has been sidetracked and today resembles, in many aspects, the criticized government of George III in the Declaration:

Federal bureaucracy has grown in proportion to population and in 1970 a representative's constituency had grown to 470,000—a growth which naturally impedes the "assent to laws" which are "the most wholesome and necessary for the public good."

The perpetuation of the American Dream demanding greater and greater material wealth has resulted paradoxically in an imbalanced ecology which threatens to eliminate all the nation's natural wealth.

Court systems in areas around the country have become so bogged down in sheer defendant numbers that the "administration of justice" is hindered and speedy trials are not possible for all.

Crime has soared in some cities so as to prevent citizens' freedom to walk the streets; curfews and the threat of violence curtail many Americans' pursuit of happiness.

Apathy and negativism among Americans dissatisfied with a government entwined in endless bureaucratic red tape and far removed from the average citizen results in 45 percent of eligible voters not using their privilege in the presidential election.

Now with the experience of a controversial war showing that we are not infallable, Americans can correct those defects in the system in time for the revered Bicentennial.

It is clear that richness in moral principles should outweigh richness in pocketbook and locally, at least, there is much to be done to further this goal.

Care of the environment should be our primary concern.

Preservation of greenery is essential for the pleasures of both resident and tourist. Zoning laws should be carefully constructed and applied so as to: limit the unrestricted development of Miami's surrounding areas, call for mixed and adequately spaced housing developments, relate housing permits to local capacities in schools and parks, restrict pollution causing plants to outside the city limits, and in general, hold public hearings to carefully evaluate the pros and cons when deciding where cement should replace grass. Individuals can do much towards lessening automobile pollution by resorting more and more to current transportation facilities and thus forcing the speedy development of a workable, non-polluting transportation system. Civic clubs could do more towards forcing the cleanup of the Miami River through collective pressure and this pressure can also be applied to other worthwhile causes as well.

Migrant workers in the area should be recognized as part of mankind and therefore entitled to equality under the law in the form of just protection from greedy landowners.

Local schools should get the priority they deserve so that Dade's school children would not be faced with overcrowded schools and mediocre facilities or supplies but instead would participate in innovative programs designed to facilitate learning and create needed harmony between races.

Finally, special effort on the part of all is necessary to lessen the very noticeable rift between whites and blacks, between Spanish speaking and native born. We must learn to understand one another's problems and recognize prejudice for the evil that it is. We should not protest the integration of our children or the continual expansion of the Spanish influence for both are essential to the image of America as the melting pot of the world and both are essential to possible universal brotherhood.

The result of citizen interest in such local problems would reflect national interest in similar problems. All would be the beneficiaries of such concern as all would find new truth to the words of the Declaration about government responsibility to citizens' equality and preservation of freedom. Americans must see that the words of our current President become true:

"No man can be fully free while his neighbor is not . . . This means black and white together as one nation, not two . . . The laws have caught up with our conscience. What remains is to give light to what is in the law; to ensure at last that all are born equal in dignity before God, all are born equal in dignity before man."

Americans have ended one war only to begin another. We are at the beginning of a war to end the erosion of civil authority, to turn from useless intervention abroad to fruitful disruption of drug pushers at home, to restore natural beauty to filthy rivers and lakes, to turn from greed for material wealth to greed for spiritual comfort and the pleasures of nature, to turn from an economy designed for those who can afford to enterprise regulated for the benefit of all.

This does not constitute a radical shift for America but rather a careful attempt to introduce the ideals of the Declaration to the light of day; to lift words from beautiful rhetoric to even more beautiful actions so that the fruitful end of this second war would coincide with the Bicentennial and America would begin its third hundred years in a climate not only of foreign peace but domestic serenity as well.

DEVELOPMENTS IN INTERNATIONAL FINANCE

The SPEAKER pro tempore (Mr. McFALL). Under a previous order of the House the gentleman from Texas (Mr. GONZALEZ) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, I do not intend to take the full minutes this afternoon. This is a terminal point in the House deliberations of this week and it certainly is not my intention to unnecessarily prolong it, but I feel at this time it becomes necessary to speak in order to report to the House some of the things that some of us have observed who have a prime responsibility by serving on the subcommittees of jurisdiction, in this case the Subcommittee on International Finance of the Committee on Banking and Currency of the House of Representatives.

I have spoken 2 days in a row with respect to the dollar question, the speculative fever with respect to gold in the European and other markets, but actually I believe that the Congress has not had a chance to fully evaluate the exact connotations and meaning of this and other developments, particularly the developments in the international markets within the last 2 years. This is to be expected in view of such things as devaluation—and we must bear very carefully on the definition of the word "devaluation" because when we use it we are talking about the official recognition of the set value of our money as defined constitutionally and we are not talking about what the people in this business and in the Treasury in their jargon call appreciation or depreciation, and we must differentiate between these terms because otherwise some of the occurrences will not have the significance nor the correct interpretation that they should have to us.

Actually, on balance and for some time now the whole issue has been the question of our touted American way of life, the American standard of living.

This is what is at issue. History will record whether, having lost on the battlefield in Southeast Asia, we shall also have lost at the money tables where just as critical, if not more so, an issue is being resolved with respect to what we call the American standard of living.

It is to be expected that there should be some haziness and some inability to adapt to what is happening, particularly on the legislative level, because formal devaluation had not happened and had not occurred and had not been recorded in almost 35 years. So, when things happen, it is very interesting to note that on the occasion of the first devaluation on August 15, 1971, which was the occasion when the President announced the 90 day controls, if the Members will recall, on a voluntary basis, he also in effect announced devaluation although it was not listed that way. In fact, the newspaper reports did not even mention it in this way, but in effect that is what happened when the President announced that the dollar would not be convertible as of that date, under most ordinary transactions and circumstances.

But what has followed since then has given more pause to think, particularly when last year we had the form of devaluation bill known as the first par value modification bill, and this year the announcement on February 12th that a second official setting of the value would be requested of the Congress when the President, through the Secretary of the Treasury, announced this last round.

This may sound like a lot of hot talk. It may sound like a subject matter that is as dry as dust, and in effect, it is. It is almost esoteric, secretive, hard to understand, but the basic questions are not that complicated. In fact, the basic issue is simple.

Certain forces have arisen, particularly within the last 5-year period, in our national destiny. Some of these sources could have been countered with an imaginative and a responsive answer and leadership on the part of our money managers on the governmental level.

However, there is no use crying over spilled milk. That did not happen and it has not happened. The Congress had very little recourse but to react after the fact to the brutal truth that, in effect, our money had been changed in value by executive fiat.

But, since this February 12, many of us on both sides of the aisle have communicated the fact to the administration that henceforth the Congress will not sit idly by while its constitutional responsibilities and prerogatives are nullified by this type of executive fiat that does not take into account before the decision the congressional suitability and acceptability to these basic decisions.

The Constitution, just as plainly as language can be written, sets forth that it is the plain duty of the Congress to coin money and set the value thereof. So, we have reached a sorry pass, as I commented the day before yesterday, where our country is at the mercy of foreign interests. It is almost as if we are on a battlefield and we are at the mercy of not only financial mercenaries, speculators and predatory international financial interests, but we are also at the mercy of a guideless and yet to be decided upon leadership on the part of our administrators who must, under the reality of daily living, be the ones to confront the decisions which must be made, because no matter how much the Constitution places this responsibility upon our shoulders, the fact nevertheless remains that we cannot administer, and we have to depend upon our administrators.

I believe that we in the Congress, if I interpret the spirit and feelings of most Members with whom I have discussed this and most American people, if not all, have reached the point where we say, "Halt" to being a "patsy" and a victim of international speculators who have reaped millions and millions of dollars at the expense of the American taxpayer, the American investor, and the American businessman.

This is more complicated than it sounds. There are many factors which are entering this picture.

But there is no question in my mind that, rather than being at the mercy of these forces and drifting endlessly about, there is very much that can be done. Therefore, I want to report to my colleagues in the House that it is my intention, as chairman of the Subcommittee on International Finance, to get together with the Members of the subcommittee in order to obtain their consent to a continuing and sustained oversight type of meeting in order that we can report back to the Members of the House and to the Congress generally, in order to give some direction and some knowledge as to what is happening and how to appraise these forces and to erect safeguards, which I believe have long been overdue to be set up.

There is no question in my mind that many of the forces which are continuing to agitate these markets are forces we can do something about. It just simply is not true, when we hear some private bankers talk about our inability to do anything.

But I do not know what to think when our leading executives travel all the way to Europe, as they did this week, in order to meet with private bankers. When this same type of banker and industrial magnate had a similar meeting in Belgium it coincided with events preceding the first and second devaluations.

Have we reached the point that, like the case of our embattled soldiers in Vietnam, we play hostage to such Communist interests as the Russians and Chinese? Are we also in our economic life playing hostage to these predatory and hostile international forces in the world market?

I leave that question for us to answer as we delve into this matter.

Mr. LANDGREBE. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I am glad to yield to the gentleman from Indiana.

Mr. LANDGREBE. I commend the gentleman for his expression of concern on our economic situation, and particularly on the world scene.

I should like to question the gentleman about his accusations against our Chief Executive, our President.

In Indiana we go to the bank normally to borrow money because we are not breaking even in our business, because we are losing money.

How long has it been since the Congress offered anything like a responsible approach to the fiscal problems of our country? Either raise the taxes or cut the spending.

We cannot have it both ways. Do we not have a bill before this House to increase our national debt by $20 billion? Whose fault is this?

The gentleman says there are simple answers to this. My simple answer is to either cut spending or raise taxes, or both. We cannot have it both ways.

Mr. GONZALEZ. If the gentleman will allow me to comment on his remarks, unfortunately the answers may be simple, but they are not that simplistic.

The fact is the gentleman is right. There is no question that one of the main and primary ingredients is to have a stable, balanced economy at home. That does not necessarily mean we do not have a deficit. We have had deficits. In fact, in 1959 we had the then first largest deficit in the history of the Federal Government.

But there was no devaluation, because essentially the economy was in balance. There was a difference. We might have had a budgetary deficit.

Mr. Speaker, large international corporations—take A.T. & T. or ITT—actually finance deficit spending. Their outstanding indebtedness is predicated on the fact that their economy is balanced, because as long as they are in business and they are installing phones, they are going to service their debt.

What is disturbing at this time and has been for some time in our country is that not only is our budget out of balance, but our economy is out of balance also, because we have an inordinate rate of unemployment over and above what should be normal.

Mr. LANDGREBE. Mr. Speaker, let me interrupt for 1 minute. Will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Speaker, according to any newspaper in America which I have read, never in my 57 years have there ever been so many jobs available, jobs to be had. Never, never before have I seen so many.

Mr. GONZALEZ. Mr. Speaker, that may be true in some areas.

Mr. LANDGREBE. I do not want to prolong the discussion now, because perhaps there is not enough time remaining.

Mr. GONZALEZ. Mr. Speaker, let me sum up.

My intention was merely to report that, as far as some of us on the subcommittee level are concerned, we hope to continue what ordinarily our subcommittee has not been called upon to do, because we feel that otherwise we will continue to merely react to actions that ultimately will be taken and decisions made on the basis of congressional action.

Mr. FRENZEL. Mr. Speaker, my good friend, the gentleman from Texas (Mr. GONZALEZ), who is the chairman of the Subcommittee on International Finance, has made a thoughtful statement, much of which I endorse. I especially commend him for his desire to exercise continuing oversight over the international monetary scene.

However, Mr. Speaker, I would not want any Member to get the idea that the present administration should be blamed for all our international financial woes, especially devaluations.

The gentleman from Texas stated that we had a deficit in 1959, but no devaluation. Actually we never had a devaluation from the time of the Bretton Woods agreement of the 1940's until the Smithsonian agreement last year.

We did not have a devaluation because, under Bretton Woods, our dollar was the international currency. It was the base currency and the intervention currency. We could not devaluate without the agreement of the other nations of the free world.

Therefore, the two devaluations in the last 2 years are the result of 25 years of accumulated problems. This administration may have had to pay the piper, but four other administrations did most of the dancing.

This administration happens to be the one forced to attempt to put all the world's currencies, including our own, into balance. The gentleman from Texas has been a great help in its efforts, and I know he will continue to do so in the future. I thank him for his presentation today.

MISSOURI FREEMASONS PROCLAIM HARRY S TRUMAN "ONE OF THEIR OWN"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. Randall) is recognized for 20 minutes.

Mr. RANDALL. Mr. Speaker, virtually the entire contents of the spring 1973 issue of the Freemasons, the official publication of the Grand Lodge, A.F. & A.M., of Missouri, is devoted to articles on President Truman's Masonic history.

On the flyleaf of the spring issue appears the following dedication:

DEDICATION

Missouri Freemasons are especially proud that Harry S Truman was "one of our own." We join with Freemasons everywhere, with free people throughout the world, and with those whose hopes of freedom remain a dream for fulfillment, in expressing our heartfelt sympathy to all the members of his family in their very personal loss.

We pray that his family will find strength, comfort, peace and happiness in the knowledge that his life and his work will always be an example and source of strength and encouragement to millions and millions of people of the present and future generations.

It is with brotherly love and affection that this issue of The Freemason magazine is dedicated to Harry S. Truman, Past Grand Master, Grand Lodge of Missouri, A.F. & A.M., 1940–41.

Fraternally yours,
W. Hugh McLaughlin,
Grand Master.

In this single issue there are so many interesting articles that it is difficult to choose which is the most interesting and informative to share with those colleagues in the House who are Freemasons, as well as those who admired and respected our late beloved President Truman.

Perhaps the most significant fact about Mr. Truman's Masonic history is that he became grand master of the Grand Lodge of Missouri, A.F. & A.M., for 1940–41. Because of such fact I think it is best to include in the Record, an article which may hopefully be carried into the Truman memorial volume, which begins on page 44 of the spring issue of the Freemason and concludes on page 49. The article is well-written and contains some sidelights on the life of Mr. Truman as a Mason which I am almost certain had never before been published.

This particular story points out that Mr. Truman made the long 12-year climb of progression to become a grand master exactly like any other individual, but, unlike those who were not in public life or a well-known political figure, Mr. Truman had to endure in at least one instance the brunt of an anonymous letter which claimed that Mr. Truman's election as grand master would not be in the welfare of Masonry in Missouri for political reasons.

However, it is noteworthy that Mr. Truman, again and again, exercised the greatest care to be sure and certain that neither the Masonic organization nor the Eastern Star participated in any way toward the advancement of his political fortunes. Throughout his entire life as a Mason, Mr. Truman carefully observed and scrupulously protected the bipartisan or nonpolitical character of the Masonic fraternity.

Mr. Speaker, it is my privilege to read into the Record the story of Mr. Truman's progression to grand master of the Grand Lodge of Missouri as follows:

Truman and Grand Lodge: A Record of Accomplishment

Harry S. Truman was proud that he was a politician. He was even more proud and, in later years, frequently pointed out to Masons and non-Masons that he was appointed to the advancing line of the Grand Lodge of Missouri by a strong and active Republican.

Some of the correspondence from his Senatorial files at the Truman Library in Independence show how zealously he observed and protected the bi-partisanship or nonpolitical character of the Fraternity. In April of 1940 while Deputy Grand Master, he received a letter from a St. Joseph politician and member of the Fraternity disclosing that an Eastern Star chapter was going to sponsor a dance at which candidates for political office would be introduced. The dance was a fund-raising program for the Masonic-related organization. He asked Truman to participate.

Truman replied: ". . . I think that the Eastern Star should under no circumstances be used in any way for political purposes even for the purpose of raising money.

"Never in my career have I used either the Masonic organization or the Eastern Star to advance my political fortunes. You will find, I am sure, that the constitution of both organizations prohibits just such activities as you are proposing to put on. It will not only ruin the organization, but if you are not careful it will cause a split where no split should occur."

THE APPOINTMENT

Truman had been one of four men considered for appointment to the Grand Lodge line in 1929 but the appointment went to Karl M. Vetsburg of St. Louis. A year later in Kansas City, Judge William R. Gentry, the incoming Grand Master, conferred with the two officers next in line on the appointment. These officers were Ray V. Denslow and Thad B. Landon. All three were staunch Republicans.

Truman was concluding his fifth year as District Deputy Grand Master and District Deputy Grand Lecturer. At the time he was Presiding Judge of the Jackson County Court and as the Grand Lodge session was about to open an editorial appeared in the Kansas City Star. The editorial praised Truman, the Democrat, for his outstanding accomplishments with the county court, one of the few times in his active political life the newspaper editorially spoke in his favor.

Republicans Gentry, Denslow and Landon agreed on Truman and at the conclusion of the 110th annual communication, held at Kansas City's Ivanhoe Masonic Temple, he was installed as Grand Pursuivant. It was a 12-year line of progression to become Grand Master unless deaths or resignations occurred.

THE ELECTIONS

Truman progressed through the advancing appointive line from 1930 to 1938 without any hint of politics. But when the tellers returned from counting the ballots for Junior Grand Warden they disclosed probably the closest vote in the history of the Grand Lodge.

Truman had been elected, by a vote of 395 with a scattering of 345 for others, a victory margin of only 50 votes.

One brother, Luther E. Wilhoit, District Deputy Grand Master in the 14th Masonic District, later wrote Truman:

"I attended Grand Lodge at St. Louis last week and witnessed the most disgraceful thing I ever saw done in Grand Lodge.

"In expressing myself I was informed that they didn't want Pendergast for Grand Master four years from now. In reply I told the brother that I hardly considered a man worthy of Masonry who would bring that kind of stuff into Grand Lodge. . . ."

Truman gave serious thought to stepping aside to avoid the possibility that politics might be brought into Grand Lodge again as he came up for election as Senior Grand Warden, Deputy Grand Master, and Grand Master. However, older and wiser heads prevailed. His Senatorial papers at the Truman Library contain a great number of letters similar to that from Brother Wilhoit, encouraging him to continue.

In addition, a letter on August 4, 1939 from the members of his own Grandview Lodge No. 618, gave him even more reason for remaining in the line. The letter said:

"Dear Brother Harry: Knowing you personally and intimately as each of us does, and fully appreciating the honors you have brought to our little country lodge, we the undersigned members in good standing of Grandview Lodge No. 618, take this means of conveying to you, the knowledge of our unswerving loyalty and support in your progress toward the East in the Grand Lodge.

"May we all live to see you installed as Most Worshipful Grand Master, and may a part of the honor and glory of that occasion be reflected, as it surely will be, on your home lodge. We are fraternally yours. . . ."

The letter was signed by the 20 other living Past Masters of Grandview Lodge as well as the Junior and Senior Wardens for 1939 and the Secretary.

The resignation in the spring of 1939 of Elwyn S. Woods as Deputy Grand Master pushed Vetsburg and Truman into the two top elective offices that fall. The vote for Truman as Deputy Grand Master still gave some evidence that political opponents were at work.

THE UNSIGNED LETTER

The year 1940 was eventful for Truman. Not only would he face election for Grand Master but he would be in the midst of his campaign for re-election to the U.S. Senate.

His correspondence discloses that he turned down many invitations to visit or address various lodges that year because, "I would not want the lodge or any of the brethren to become involved in a political controversy on my part. It does not belong in the lodge."

Someone was bound and determined to get Truman, as a political figure, into the lodge. About two weeks before Grand Lodge an anonymous letter was mailed to the "Worshipful Master or Sec'y" of each of the nearly 600 lodges in the state. The letter read:

"KANSAS CITY, MO.,
"*September 16, 1940.*

"BRETHREN: If Masonry is to continue to occupy an exalted position, it might be well *To Think, Look and Listen.*

"The brother in line for Grand Master, is a position to which he can not do justice, he being a U.S. Senator.

"He was sponsored and practically put in that office, by the most unscrupulous racketeering boodler, that ever disgraced our State.

"Masonry and politics can and should not mix. Nor should the good citizens vote into a government or any other office a man that was created and through the power of crooked votes, was elected to the U.S. Senate by the champion of all racketeers, Tom Pendergast.

"The man that now seeks your vote for Grand Master and for re-election to the U.S. Senate, publicly announced, that he would stay with the sinking ship. Meaning that he would still be for Tom Pendergast, now an ex-convict and a dyed in the Wool Catholic.

"Brethren, consider the welfare of Masonry.

"Let your conscience be your guide.

"So Mote It Be."

Within days Truman's Senate office in Washington was flooded with correspondence from various lodge secretaries and other officers of the lodges. Nearly all enclosed the anonymous letter and expressed serious concern over the breach of Masonic law and tradition.

One of the letters to Truman came from the then superintendent of schools at Bloomfield, Missouri, Elvis A. Mooney. The letter said in part:

"While your name has been before the public and you have been an official of our government there has never come to my attention any act, or failure to act on any proposition that would in any way bring disfavor to the Fraternity or have any bearing on the question raised except to do honor and to give evidence of your fitness for the highest gift within the Grand Lodge of Missouri . . .

" I have very little influence in the Masonic Brotherhood of Missouri and have had very little opportunity to have much acquaintance with you as a man; however, I shall attend Grand Lodge and will rise to my feet and state my position on this outrage on a worthy brother and do all in my power to prevent this outrage on decency and good order among us. If I can be of assistance in furthering your cause so that you may serve us more fully throughout the coming year I am at your request.

"Sincerely and fraternally,

ELVIS A. MOONEY."

(In 1958 Elvis A. Mooney was appointed to the Grand Lodge line by Dr. Harold O. Grauel, who "tried to teach him the English language" at Southeast Missouri State College. Dr. Grauel had been appointed to the line by Truman's appointee, James M. Bradford, and thus, Grauel became Truman's Masonic "grandson" and Mooney, Truman's Masonic "great grandson." Bradford was Grand Master in 1949–50, Grauel 1959–60, and Mooney 1968–69.)

THE ELECTION

On September 24–25 of 1940, the Scottish Rite Cathedral in St. Louis was packed with one of the largest turnouts of delegates ever in the history of the Grand Lodge for the 120th annual communication. There were 563 lodges represented out of a total of 624. Truman was elected Grand Master by a vote of 2,708 with 689 scattered, a total vote of 3,397. At the conclusion of the two-day meeting, Truman was installed in office by the Republican who appointed him in line, Past Grand Master William R. Gentry.

GRAND MASTER TRUMAN

True to his word, Grand Master Truman did not accept any invitations for Masonic activities until after the general election in November of 1940 in which he won re-election to the U.S. Senate.

He began his official visitations on Nov. 20, 1940, with an appearance at both Belton Lodge No. 450 and Grandview Lodge No. 618 on the same evening. Before his term of office was concluded, the correspondence in his Senatorial papers at the Truman Library records that he visited more than 20 Missouri Lodges, attended at least eight district meetings and presented several 50-year pins.

Grand Master Truman also visited the Grand Lodge of Texas, Equity Lodge No. 591 in Philadelphia, Pennsylvania, where he was the featured speaker; attended the semi-annual communication of the Grand Lodge of the District of Columbia; the Grand Masters' Conference of North America; the annual meeting of the George Washington Masonic National Memorial Association where he presented Missouri's contribution of $1,900 to the association; and was the speaker at the annual dinner in Alexandria for Andrew Jackson Lodge No. 120

In addition Truman made 16 official decisions as Grand Master. The jurisprudence committee upheld his rulings on all but two of the decisions.

He also directed the consolidation of four lodges into two and, after investigations by his deputies and careful consideration on his part, arrested the charters of two other lodges.

Grand Master Truman also issued 24 dispensations during the year, appointed and instructed two trial commissions, requested the resignation of one District Deputy Grand Master and appointed his successor.

PUFFED UP

Dr. Arthur Mather, grand secretary, forwarded to Truman all correspondence requiring the Grand Master's attention including the various checks. On one occasion Truman wrote Dr. Mather:

"I am enclosing the checks which you sent me for the payroll, and also the $40,000 check for the Masonic Home.

"The office force seems to be very much puffed up that I have the ability to sign a check for $40,000. Of course they don't understand that I don't have anything to do with whether it is good or not." (The check was partial payment from Grand Lodge of its per capita tax from the membership.)

TRUMAN RADIO BROADCASTS

Following his re-election to the U.S. Senate, Truman proposed the creation of a special committee to investigate waste, mismanagement and profiteering in the nation's war defense program. Truman was named chairman of the committee, selected a chief investigator and set to work.

While Truman was chairing his committee and actively participating in the investigations, traveling throughout the country, he kept on top of his homework as far as other Senate business was concerned, regularly putting in 15- to 18-hour days.

It seems almost impossible, now, in the light of his involvement to realize that he also was serving effectively as Grand Master of Missouri Freemasons.

Because of his position as Grand Master of Missouri and U.S. Senator, Truman was asked to deliver a nationwide radio address on February 22, 1941, over the Columbia Broadcasting System on "George Washington, the Mason." The speech was well received and gave Truman additional national recognition.

A few months later on July 24, Carl Claudy, executive director of the Masonic Service Association, prevailed upon Truman to deliver another national radio address on "Freemasonry Serves the Armed Forces," relating the story of the MSA and various other benevolent efforts of Grand Lodges throughout the United States to assist the serviceman. The broadcast elicited a great deal of interest, praise and new support for the MSA.

The broadcast also brought at least one note of criticism.

Miss Mary F. McGoldrick, Worthy Grand Matron of the Eastern Star in Massachusetts, wrote to Truman criticizing him for failing to mention the OES and Rainbow Girls contributions to the various camp programs.

Truman responded:

"I appreciated most highly your cordial note of July 25 in regard to my address on Masonic service.

"Of course the Eastern Star should have been included, but there isn't a man in the world who can think of everything, particularly this one. I apologize, for the Star is doing a great work."

TRUMAN CORRESPONDENCE

Truman corresponded fairly regularly with a number of Missouri Masonic friends as he progressed through the Grand Lodge line and through his years in the White House. These included Ray V. Denslow, George Marquis, N. D. Jackson, Renick Jones, Frank Land, and James DeWitt. Denslow, Marquis and Land were particular favorites.

One letter to DeWitt reveals the sacrifice in time that Truman made as Grand Master. Truman spoke in Philadelphia on April 9, left there at 1 a.m. on an airplane for St. Louis where he was met by DeWitt and driven to Kirksville.

On April 16, 1941, Truman wrote DeWitt:

"The plane came along at 5 a.m. (April 11) and I got two hours sleep on a bench. They took me all the way back to Philadelphia and then down to Washington. I got here at 12:30 p.m. instead of 9:30 a.m. Just three hours late.

"I cannot express to you my appreciation for all the courtesies you showed me while in Kirksville. . . . Tell the two boys who acted as Masters that they did a good job and I appreciate it. . . ."

In a letter to Denslow, Truman said: "Certainly is good of you to keep me properly informed on the people in the neighborhood. If I just had somebody like that in every town I would never make an error. It certainly would have been a great error to write the widow of a bachelor, wouldn't it?"

GRAND MASTER'S ADDRESS

In his Grand Master's address of September 30, 1941, Truman said, in part: "We are facing a solemn and serious period in our history; in fact, the most serious emergency we have ever faced. As Freemasons we must continually endeavor to instill appreciation of free government and free expression; freedom of thought and freedom of worship. . . . We cannot really appreciate these privileges because we have always had them. But, our brethren in Denmark, Holland, Norway, and all those other countries which have come under the heel of totalitarian dictators, are either in concentration camps, or have forsworn their liberties and their fraternal obligations.

"It is a most difficult matter for me, as Grand Master of the Freemasons of the great state of Missouri—an honor which I believe is greater than any other which can come to me—to stand here and discuss this situation with you without getting upon political grounds. I have been extremely careful in my Grand Lodge career as a member of this Grand Lodge line, to stay entirely clear of political actions and political utterances, where the interests of the Grand Lodge have been concerned. Brethren, we should be thankful for the privileges we enjoy. We must put forth every effort possible to maintain them with everything we have. . . .

". . . I have made a thorough investigation of the Masonic Service Association of the United States, of its personnel, and of what it proposes to do, and I have come to the conclusion that this Grand Lodge should do all it possibly can to support this Masonic Service Association for a Masonic national contact with our armed force. . . .

"I am, therefore, suggesting that the Grand Lodge of Missouri join the Masonic Service Association and cooperate fully with the other Grand Lodges of the country for service to the soldiers in this emergency.

'The Grand Chapter, Royal Arch Masons of Missouri, is contributing $1,000 to this great cause. Your Grand Master is making a contribution of one-half his salary ($500) as Grand Master for the year. I hope, brethren, that this great organization will do its duty fully and completely in this national emergency. . . ."

Truman concluded his address to Grand Lodge in these words:

". . . I am sure that as long as there are three million Freemasons in the country, all good men and true, who believe in a system of morals, and the Constitution of the United States, we can safely face the future, no matter what it may bring forth.

"Fraternally submitted,

"HARRY S TRUMAN,

"Grand Master."

Arthur Krock of the New York Times wrote in 1946 that "Truman has very long cherished Solomon, son of David, King of Israel, as his model of a public official and believes that a wise and understanding heart is the most necessary quality in a president of the United States."

SIXTH ANNUAL MANAGEMENT ENGINEERING TEAM AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MITCHELL), is recognized for 5 minutes.

Mr. MITCHELL of New York. Mr. Speaker, on Monday, June 4, I was privileged to participate in the presentation of the sixth annual Management Engineering Team Award at a ceremony hosted by Gen. Horace M. Wade, Vice-Chief of Staff, U.S. Air Force, at the Pentagon. It was particularly significant for me to attend this event as this year's award-winning team is headquartered at Griffiss Air Force Base, located at Rome, N.Y., in my Congressional District.

The Management Engineering Team Award was established by the Department of the Air Force to annually recognize the team that has contributed the most to the Air Force manpower and engineering programs. These teams provide management advisory assistance and additional manpower functions to aid the Air Force in making the best possible use of its resources and to perform its missions in a more effective, economical manner. MET's, as they are commonly known, are a valuable asset to today's modern Air Force.

In a statement accompanying this year's award, the Air Force stated:

> The Griffiss AFB Management Engineering Team, Air Force Communications Service, rendered exceptional service in carrying out the USAF Manpower and Management Engineering Programs during 1972.
>
> The team developed manpower standards, provided management advisory services, and conducted manpower surveys which significantly improved operations and increased productivity during a period of command manpower reductions. The professionalism of the team was evidenced by $6.2 million in manpower savings, the high respect and rapport established with personnel in the activities serviced, and by the continuing self-development of all team members.
>
> These accomplishments reflect distinction and credit upon the Griffiss Management Engineering Team and the USAF Manpower and Management Engineering Programs.

At Monday's ceremony the team chief of the Griffiss MET, Capt. Roger L. Snyder, accepted the award on behalf of his team, comprised of: Capt. Kenneth R. Hutcheson, Capt. James C. McMullen, Capt. Joseph P. Reynolds, 1st Lt. Charles M. Wyke, Jr., SM. Sgt. Harold W. Houseman, SM. Sgt. William J. Huhn, M. Sgt. Robert Jackson, M. Sgt. Charles K. Monk, M. Sgt. Harry P. Norvell, M. Sgt. Robert L. Wakelee, Jr., T. Sgt. Edward A. Cook, T. Sgt. Jacob Kessel, T. Sgt. James H. Parham, Jr., T. Sgt. Willie J. Ross. S. Sgt. Clair N. Gruver, and S. Sgt. Charles E. Mahoney, as well as five civilians assigned to the MET: Philip Arslanian, Mary M. Cavalleri, Mary R. Kazmierski, Walter A. Rzonca, and Jennie Wheeler.

I wish to add my personal congratulations to these outstanding individuals and publicly express my sincere appreciation for a job well done.

Also, Mr. Speaker, there is another gentleman who deserves a great deal of the credit for this honor. Although not directly involved in the MET's work, the Commander of the Northern Communications Area, Brig. Gen. Kenneth P. Miles, has been instrumental in the many achievements of the personnel in his command.

General Miles is a leader of the highest caliber. He is respected by his subordinates and highly regarded among his colleagues as a skilled engineer, an effective administrator, and a true gentleman. It is my privilege to be personally acquainted with General Miles and I wish to take this opportunity to salute him for his many contributions to Griffiss, to the Air Force, and to our country.

GULF SUPERPORTS AWAIT THE GREEN LIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN) is recognized for 10 minutes.

Mr. TREEN. Mr. Speaker, I am a sponsor of H.R. 7501, an administration-supported bill which would facilitate the construction of deep sea ports. The bill would "authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities." It would provide that licenses to build and operate such "superports" could be granted to either State or local governments, or to private individuals and corporations. H.R. 7501 would further provide a mechanism whereby all Federal permits necessary for such facilities would be handled through a single application filed with the Interior Department. This is in sharp contrast to the hodgepodge of parallel Federal agencies currently involved in planning toward superport construction.

Mr. Speaker, the energy-use problem is a chronic situation of potentially monstrous proportions, and the American public is beginning to realize that positive steps must be taken to facilitate the flow of energy-producing materials. The Nixon administration is solidly behind the concept of deepwater ports as one facet of the solution; facilities such as the proposed superport of the coast of Louisiana would be able to handle ships with three and four times the capacity of those which can use conventional U.S. ports. The environmental risks of a superport would be much lower than those imposed by large numbers of tankers being squeezed into already crowded harbors.

H.R. 7501 also takes the environmental factors into account. Under this bill no license can be granted unless the facility and its land-based activities would be consistent with the land-use planning programs of the various States adjacent to the site.

Unless H.R. 7501 is approved in this session of Congress, it has been predicted that Canada or the Caribbean nations would proceed with plans for their own superports. Such a situation would only serve to further intensify unemployment and the balance-of-payment deficits for the United States.

Mr. Speaker, I believe that once this legislation is passed the natural advantages which exist will result in the selection of a site off the Louisiana coast near the mouth of Bayou Lafourche for one of the first licenses under the new law.

I am attaching a copy of H.R. 7501 so that my colleagues will have the opportunity to study this bill:

H.R. 7501

A bill to amend the Outer Continental Shelf Lands Act and to authorize the Secretary of the Interior to regulate the construction and operation of deepwater port facilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Deepwater Port Facilities Act of 1973".

SEC. 2. (a) Section 5(a)(1) of the Outer Continental Shelf Lands Act is amended by adding the following sentence at the end: "The Secretary of the Interior shall prescribe such rules and regulations as may be necessary to accommodate the exploration and exploitation of the oil and gas and other mineral resources of the Outer Continental Shelf with the construction and operation of deepwater port facilities licensed by him."

(b) Section 5(c) of the Outer Continental Shelf Lands Act is amended by deleting the words "produced from said submerged lands in the vicinity of the pipeline".

TITLE I

SEC. 101. (a) Congress finds and declares that—

(1) Onshore port facilities in the United States are becoming increasingly congested as the United States' trade in fuel and other commodities increases. Such facilities are not able to accommodate some of the large vessels which are being used increasingly in ocean shipping.

(2) The national interest in economic use of resources, environmental protection, transportation safety, competitive advantage in world trade, and security in international relations is best served by the use of larger vessels and development and operation of United States deepwater port facilities that can accommodate them.

(3) The environmental dangers and safety hazards inherent in the increasing traffic in United States harbors, ports, and coastal areas make it desirable that appropriate offshore deepwater port facilities be constructed to protect the Nation's citizens, coastlines, and marine environment from pollution and other dangers to life, health, and property.

(4) The construction and operation of such deepwater port facilities by United States citizens under Federal license in accordance with this Act would be a reasonable use of the high seas in accordance with international law.

(5) The construction and operation of

deepwater port facilities off the coast of the United States by United States citizens should be subject to Federal license and regulation, and closely coordinated with the regulation of the exploration and exploitation of natural resources under the Outer Continental Shelf Lands Act in order to assure an adequate accommodation of such uses.

(b) The purpose of this Act is to authorize and regulate the construction and operation of deepwater port facilities in accordance with the policy of this Act.

(c) Nothing in this Act shall be deemed to affect the legal status of the high seas, the superjacent airspace, or the seabed and subsoil, including the Continental Shelf.

Sec. 102. Definitions.—As used in this Act the term—

(a) "Secretary" means Secretary of the Interior unless otherwise designated.

(b) "Deepwater port facility" means a facility constructed off the coast of the United States, and beyond three nautical miles from such coast, for the principal purpose of providing for the transshipment of commodities between vessels and the United States. It includes all associated equipment and structures beyond three nautical miles from such coast, such as storage facilities, pumping stations, and connections to pipelines, but does not include pipelines.

(c) "United States" or "State" includes the several States, the District of Columbia, any territory or possession of the United States, and the Commonwealth of Puerto Rico.

(d) "Citizen of the United States" means any citizen of the United States; any State or political subdivision of a State, or any private, public, or municipal corporation created by or under the laws of the United States or any State.

(e) "Application" means any application filed under this Act for a license to construct, operate, or make significant alterations to a deepwater port facility, or for a renewal or modification of such license.

Sec. 103. (a) No citizen of the United States may construct or operate or make any significant addition to a deepwater port facility without first receiving a license from the Secretary. No commodities or other materials may be transported between the United States and a deepwater port facility unless such deepwater port facility is licensed under this Act.

(b) The Secretary is authorized to issue to any citizen of the United States a license to construct or operate a deepwater port facility if he first determines that—

(1) the applicant is financially responsible and has demonstrated his ability and willingness to comply with applicable laws, regulations, and license conditions;

(2) the construction and operation of the proposed deepwater port facility will not unreasonably interfere with international navigation or other reasonable uses of the high seas, and is consistent with the international obligations of the United States; and

(3) the facility will be located, constructed, or operated in a manner which will minimize or prevent any adverse significant environmental effects. In making the determination required by this paragraph, the Secretary shall consider all significant aspects of the facility including any connecting pipelines in relation to—

(A) effects on marine organisms;

(B) effects on water quality;

(C) effects on ocean currents and wave patterns and on nearby shorelines and beaches;

(D) effects on alternative uses of the oceans such as fishing, aquaculture, and scientific research;

(E) susceptibility to damage from storms and other natural phenomena; and

(F) effects on esthetic and recreational values.

(c) The Secretary shall not limit the number of licenses or deny licenses on grounds of alleged economic effects of deepwater port facilities on the commodity and transportation markets served by them or by other port facilities.

(d) Licenses issued under this section shall be for a term of no longer than thirty years, with preferential right in the licensee to renew under such terms and for such period not to exceed thirty years as the Secretary determines is reasonable.

(e) The Secretary shall consult with the Governor of any State off whose coasts the facility is proposed to be located to insure that the operation of the facility and directly related land based activities would be consistent with the State land use program.

(f) the grant of a license under this section shall not operate as a defense to any civil or criminal action for violation of the antitrust laws of the United States.

(g) Licenses issued hereunder may be transferred after the Secretary determines that the transferee meets the requirements of this Act.

(h) The Secretary shall not issue a license hereunder in any case where the President determines that it would be contrary to the national security of the United States.

Sec. 104. (a) The Secretary is authorized to issue reasonable rules and regulations governing application for and issuance of licenses and the construction and operation of deepwater port facilities under this Act. Such rules and regulations shall be issued in accordance with section 553 of title 5 of the United States Code without regard to the exceptions contained in subsection (a) thereof.

(b) In carrying out all of his functions under this Act, the Secretary shall consult with all interested or affected Federal agencies. The Secretary is authorized to utilize on a reimbursable basis the full resources of the Federal Government in ocean engineering and undersea technology for the purpose of determining standards and criteria for construction of all facilities licensed under this Act.

(c) An application filed with the Secretary for a license under this Act shall constitute an application for all Federal authorizations required for construction and operation of a deepwater port facility. The Secretary shall consult with other agencies to insure that the applications contain all information required by the agencies. The Secretary will forward a copy of the application to those Federal agencies with jurisdiction over any of the construction and operation and will not issue a license under this Act until he has been notified by such agencies that the application meets the requirements of the laws which they administer. Hearings held pursuant to this Act shall be consolidated insofar as practicable with hearings held by other agencies.

(d) The provisions of this Act shall in no way alter or otherwise affect the jurisdiction of the Council on Environmental Quality or the requirements of the National Environmental Policy Act of 1969 except that a single detailed environmental impact statement shall be prepared in connection with each license by the Secretary and circulated in compliance with the Guidelines of the Council on Environmental Quality. Such statement shall fulfill the responsibilities of all participating Federal agencies under section 102(2)(C) of that Act with respect to the proposed facilities.

Sec. 105. Procedures for Issuing License.—(a) The Secretary shall prescribe by regulation the procedures, including appropriate charges, for the submission and consideration of applications for licenses. Each application shall contain such financial, technical, and other information to support the determinations required by section 103(b) of this Act as the Secretary may by regulation require.

(b) Before granting any license the Secretary shall publish in the Federal Register a notice containing a brief description of the proposed facility and information as to where the application and supporting data required by subsection (a) may be examined and giving interested persons at least ninety days for the submission of written data, views, or arguments relevant to the grant of the license, with or without opportunity for oral presentation. Such notice shall also be furnished to the Governor of each State which may be significantly affected by the proposed facility, and the Secretary shall utilize such additional methods as he deems reasonable to inform interested persons and groups about the proceeding and to invite comments therefrom.

(c) If the notice published under subsection (b) did not provide for a public hearing, then upon the request of any interested person when in the judgment of the Secretary substantial objections have been raised to the grant or the terms of the license the Secretary shall hold one or more public hearings to consider such objections. Where such objections relate to the proposed site of the facility, at least one such hearing shall be held in the vicinity of the proposed site.

(d) Where the Secretary concludes from the comments and data submitted pursuant to subsections (b) and (c) that there exist one or more specific and material factual issues which may be resolved by an evidentiary hearing, he may direct that such issues be submitted to a supplemental hearing before a presiding officer designated for that purpose. Such officer shall have authority to preclude repetitious and cumulative testimony, to require that direct testimony be submitted in advance in written form, and to permit cross-examination only to the extent necessary and appropriate in view of the nature of the issues. After the hearing the presiding officer shall submit to the Secretary a report of his findings and recommendations, and the participants in the hearing shall have an opportunity to comment thereon.

(e) The Secretary's decision granting or denying the license shall be in writing and shall include or be preceded by an environmental impact statement, where required by section 102 of the National Environmental Policy Act, a discussion of the issues raised in the proceeding and his conclusions thereon, and, where a hearing was held pursuant to subsection (d), findings on the issue of fact considered at such hearing.

(f) The provisions of section 554, 556, and 557 of title 5, United States Code, are not applicable to proceedings under this section. Any hearing held pursuant to this section shall not be deemed a hearing provided by statute for purposes of section 706(2)(E) of title 5, United States Code.

Sec. 106. (a) Any person adversely affected by an order of the Secretary granting or denying a license may within sixty days after such order is issued seek judicial review thereof in the United States court of appeals for the circuit nearest to which the facility is sought to be located. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary or other officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which the Secretary based his order, as provided in section 2112 of title 28. This record shall consist of—

(1) the application, the notice published pursuant to section 105(b), and the information and documents referred to therein;

(2) the written comments and documents submitted in accordance with the agency rules by any person, including any other agency and any agency advisory committee, at any stage of the proceeding;

(3) the transcript of any hearing held pursuant to section 105 (c) or (d); and the presiding officer's report, if any; and

(4) the Secretary's decision and accompanying documents as required by section 105(e).

(b) If the petitioner applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Secretary, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Secretary, and to be adduced in such manner and upon such terms and conditions as to the court may seem proper. The Secretary may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken, and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original order, with the return of such additional evidence.

(c) Upon the filing of the petition referred to in subsection (a), the court shall have jurisdiction to review the order in accordance with section 706 of title 5, United States Code, and to grant appropriate relief as provided in such section.

SEC. 107. CONDITIONS IN LICENSES.—The Secretary is authorized to include in any license granted under this Act any conditions he deems necessary to carry out the purposes of this Act. Such conditions may include but need not be limited to:

(1) Such fees as the Secretary may prescribe as reimbursement for the cost of Federal activities occasioned by the application for licensing, development, and operation of the deepwater port facility.

(2) Such measures as the Secretary may prescribe to meet United States international obligations.

(3) Such measures as the Secretary may prescribe to prevent or minimize the pollution of the surrounding waters.

(4) Such provisions as the Secretary may prescribe for the temporary storage of hazardous substances.

(5) Conditions designed to assure that the operation of the deepwater port facility will not substantially lessen competition or tend to create a monopoly. Such conditions shall include a requirement of nondiscriminatory access at reasonable rates.

(6) Provisions requiring that if a license is revoked or expires and is not reissued the licensee will be responsible for rendering the deepwater port facility harmless to navigation and the environment.

SEC. 108. CIVIL PENALTIES.—(a) Any licensee who violates any condition of his license or any rule or regulation of the Secretary issued under this Act may be assessed a civil penalty by the Secretary, in a determination on the record after opportunity for a hearing, of not more than $10,000 for each day during which such violation occurs.

(b) A licensee aggrieved by a final order of the Secretary assessing a penalty under this section may within sixty days after such order is issued seek judicial review thereon in the United States district court for the judicial district nearest to which the licensee's facility is located or in the United States District Court for the District of Columbia, and such court shall have jurisdiction of the action without regard to the amount in controversy. Judicial review of the Secretary's determination shall be in accordance with section 706 of title 5, United States Code.

(c) Penalties assessed pursuant to this section may be collected in an action by the United States, but the order of the Secretary shall not be subject to review otherwise than as provided in subsection (b).

SEC. 109. CRIMINAL PENALTIES.—Any person who willfully and knowingly violates any provision of this Act or any rule, regulation, restriction, or condition made or imposed by the Secretary under the authority of this Act shall, in addition to any other penalties provided by law, be punished by a fine of not more than $25,000 for each day during which such offense occurs.

SEC. 110. REVOCATION OF SUSPENSION OF LICENSE.—(a) Whenever a licensee fails to comply with any provision of this Act or any rule, regulation, restriction, or condition made or imposed by the Secretary under the authority of this Act or fails to pay any civil penalty assessed by the Secretary under section 108 (except where a proceeding for judicial review of such assessment is pending) the Secretary may file an appropriate action in a United States district court to (1) suspend operations under the license or (2) if such failure is knowing and continues for a period of thirty days after the Secretary mails notice of such failure by registered letter to the licensee at his record post office address, revoke such license: *Provided*, That when such failure would in the judgment of the Secretary create a serious threat to the environment, he shall have the authority to suspend operations under the license forthwith. The licensee may seek judicial review of the Secretary's action in the United States district court for the district nearest to the deepwater port facility or in the United States District Court for the District of Columbia within sixty days after the Secretary takes such action.

SEC. 111. APPLICABLE LAWS.—(a) The Constitution and the laws and treaties of the United States shall apply to deepwater port facilities licensed under this Act and insofar as consistent with international law to activities connected with the operation and use of such deepwater port facilities in the same manner as if the facilities were located in the navigable waters of the United States. Foreign flag vessels or natural or juridical persons who are not nationals of the United States using such facilities shall be deemed to consent to the jurisdiction of the United States for the purposes of this Act. To the extent they are applicable and not inconsistent with the Act or with other Federal laws and regulations now in effect or hereafter adopted, the civil and criminal laws of the nearest State are declared to be the law of the United States for such facility. All such applicable laws shall be administered and enforced by the appropriate officers and courts of the United States. State taxation laws shall not apply to such facility, but this shall not affect the right of a State to tax its citizens or residents.

(b) The laws of the United States referred to in the previous subsection include but are not limited to the following:

(1) Sections 301, 306, 307, 308, 309, 310, 311, 312, 402, 403, 404, 504, and 505 of the Federal Water Pollution Control Act (Public Law 92-500, 86 Stat. 816) and sections 111, 112, 113, 114, 303, and 304 of the Clean Air Act (42 U.S.C. 1857c-6 through 1857c-9 and 1857g through 1857k): *Provided*, That to the extent any of the foregoing provisions require or presuppose action on the part of any State, such action may, as appropriate, be waived or taken by the Administrator of the Environmental Protection Agency: *And provided, further*, That a deepwater port facility licensed under this Act shall not be considered "a vessel or other floating craft" for purposes of section 502(12) of the Federal Water Pollution Control Act.

(2) Sections 9-20 of the Rivers and Harbors Act of March 3, 1899 as amended (30 Stat. 1151; 33 U.S.C. 401, 403, 404, 406, 407, 408, 409, 411, 412, 413, 414, and 415).

(3) The Ports and Waterways Safety Act of July 10, 1972 (Public Law 92-340; 86 Stat. 424).

(4) Acts to establish load lines for vessels, March 2, 1929 as amended (45 Stat. 1492), and August 27, 1935 as amended (49 Stat. 888) (46 U.S.C., chapter 2a).

(5) Federal Boat Safety Act of August 10, 1971 (Public Law 92-75, 85 Stat. 213) (46 U.S.C., chapter 33, sections 1451-1589).

(6) Vessel Bridge to Bridge Radio Telephone Act, August 4, 1971 (Public Law 92-63; 85 Stat. 164) (33 U.S.C., chapter 24, sections 1201-1208).

(7) Sections (a) and (b) of Revised Statute 4370 as amended, Revised Statute 5294 as amended, sections 7, 8, and 9 of the Act of June 19, 1886 as amended (24 Stat. 81), section 27 of the Merchant Marine Act of 1920 (41 Stat. 999, as amended, 46 U.S.C. 7, 289, 316(a), 316(b), 319, 320, and 883).

(8) As they relate to Pipeline Safety, the Acts of June 25, 1948 as amended (62 Stat. 738, 18 U.S.C. 831), and August 12, 1968, as amended (82 Stat. 720; 49 U.S.C. 1671, Public Law 90-481).

(9) The Marine Protection, Research, and Sanctuaries Act of 1972, Public Law 92-532.

(c) The Secretary is authorized to promulgate such other regulations governing health and welfare of persons using deepwater port facilities licensed under this Act as he deems necessary.

SEC. 112. Facilities connected to a deepwater port facility licensed under this Act such as pipelines and cables, which extend above or into submerged lands or waters subject to the jurisdiction of any State or possession of the United States, when in such waters shall be subject to all applicable laws or regulations of such State or possession to the extent not inconsistent with Federal law or regulation. Nothing in this Act shall be construed as precluding a State from imposing, within its jurisdiction, more stringent environmental or safety regulations.

SEC. 113. The customs and navigation laws administered by the Bureau of Customs, except those specified in section 111(b)(7) herein, shall not apply to any deepwater port facility licensed under this Act; but all materials used in the construction of any such deepwater port facility and connected facilities such as pipelines and cables shall first be made subject to a consumption entry in the United States and duties deposited thereon. However, all United States officials, including customs officials, shall at all times be accorded reasonable access to deepwater facilities licensed under this Act for the purpose of enforcing laws under their jurisdiction or carrying out their responsibilities.

SEC. 114. The Secretary of State, in consultation with appropriate Federal agencies, shall seek appropriate international measures regarding navigation in the vicinity of deepwater port facilities.

THE CONTINUING CRISIS IN MEAT PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

Mr. VANIK. Mr. Speaker, it is a sign of these inflationary times that the Department of Agriculture will now abandon its "plentiful foods" promotion program which has been used since 1945 to advise consumers about the best bargains in grocery stores. To quote from the press reports on this announcement:

> Officials said the monthly promotion campaign will be ended partly to save money and also because some foods are not as plentiful as they once were. Beef, for example, was listed as a plentiful food in June, 1967. The list for July (of this year) includes dry beans, rolled oats, cornmeal and grits.

This report also accompanies the news that wholesale prices for May rose by 2 percent and at an annual rate of 23.4 percent over the past 3 months. Two-thirds of the May increase came in farm and food good prices. Almost half of the total was due to huge increases in feed grains, soybeans and other types of agricultural products used in the feeding of animals. In total, it is reported that the rise in wholesale prices in the food goods sector was 4.1 percent for May. This is 29.1 percent higher than they were just a year ago. While some administration officials would like to argue against projecting these increases out for an "annual average," reports did indicate that farm and food prices have gone up at "an annual rate of 43.4 percent in the last 3 months."

It is uncontested that this increase in the cost of feeding animals will result in higher meat prices at the retail level in the months ahead.

It is obvious that we face a food crisis of unprecedented proportions. A head of lettuce costs between 60 to 70 cents. A few weeks ago there was a complete disappearance of onions from many markets.

It used to be that Americans liked to eat and could eat steak and onions. Now they cannot afford the steak and there are often no onions.

The situation is particularly critical for retirees, those on fixed incomes, and those with large families.

Phase III is a total and complete disaster. Price controls must be reimposed. This time they must include controls on the agricultural sector. If this results in the withholding of agricultural goods, then they must be ordered into the marketplace. If there are shortages, than some form of rationing may have to be developed—but it is imperative that everyone have an opportunity for a selection of nutritious foods. Accompanying this must be efforts to help the farmer. The news that tractors are standing idle for lack of fuel is unconscionable. The agricultural sector must be given the fuel and equipment that is necessary to plant the crops and to harvest them. The transportation system must be assured the means of distributing those food goods to the Nation's urban centers. These are obvious and overriding priorities.

THE MEAT SUPPLY SITUATION

It is also obvious that the world is entering a prolonged period of shortages in meat supplies. Increasing per capita incomes throughout the world will result in more competition for imported meat and further increases in the amount of American-raised meat which is exported.

So that American consumers can have an opportunity to purchase adequate supplies of imported meat, it is vital that the Meat Import Quota Act of 1964 be repealed and that the tariffs now imposed on foreign meats be removed. It is my hope that these important consumer amendments will be added to the Trade Reform Act of 1973, now being considered by the House Ways and Means Committee.

As a sponsor of legislation to repeal these restrictive quota and tariff provisions and as a member of the Ways and Means Committee, when Secretary of Agriculture Butz appeared before the Committee on behalf of the administration's trade proposals, I asked whether he supported repeal of the meat import quota law.

The Secretary's reply, in writing, is as follows:

> The Department does not regard present meat prices as a reason for repealing the Meat Import Quota Act of 1964. Quantitative restrictions on meat imports have been suspended since June 1972, and there is no prospect of their being reinstituted while current market conditions prevail. However, meat production is highly cyclical and the Meat Import Act does provide safeguards if the supply situation changed and our producers were threatened with sudden sharp increases in imports. Meat prices have already begun to moderate, and a further decline is in prospect for this fall as a consequence of the record large increase anticipated for 1973 U.S. soybean plantings.
>
> If we are granted the authorities contained in the proposed Trade Reform Act of 1973, we would be prepared to negotiate the elimination of our meat quotas in exchange for substantial concessions from our trading partners. But this would not preclude our producers from having recourse to the import relief provisions contained in Section 203 of the Trade Act in the event of imports causing or threatening injury.

Obviously, the predictions in the Secretary's letter of May 2d have become "inoperative".

In his letter, the Secretary talks of the "record large increase anticipated for 1973 U.S. soybean plantings. Following is the average price for No. 1 yelloy soybeans per bushel in Chicago during the last 13 months and the price quota on June 5:

April, 1972	$3.49
May	3.49
June	3.47
July	3.51
August	3.55
September	3.48
October	3.33
November	3.64
December	4.13
January, 1973	4.50
February	5.81
March	6.24
April	6.53
May (preliminary)	8.99
June 5th	12.27

The letter also stated that "meat prices have already begun to moderate."

That, too, has already been proven untrue. Since the beginning of May, the price of choice steers in Omaha has been steadily rising. Last May, the price of these choice steers was about $37 per hundredweight. It now stands above $45 per hundredweight—higher than ever before. It appears that choice cuts of steak could soon reach $3 per pound.

Because of the almost certainty of continuing increases in domestic beef prices, it is vital that the American consumer have access to the generally lower-cost, lower-grade imported meat. This meat is generally not competitive with domestic grown meat. It is processing meat—the type used in hamburgers, canned stews—the type of meat primarily used by those with low incomes, fixed incomes, and those with large families.

Unless the meat import quota law is repealed and the tariffs on these items reduced, we cannot expect foreign growers to prepare for and ship to the American market. Until these restrictions are removed, and domestic policies reformed, the American consumer will continue to face a spiraling meat price crisis.

MINIMUM ANNUAL INCOME FOR THE AGED

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, today several thousand older Americans are in Washington urging the Congress to give something more than "promises, promises" to meet their desperate needs. Presidential vetoes have prevented proper nutrition for the elderly—even though last year's Congress enacted the Nutrition Act. The threat of veto forced a reduction of $1.5 billion in the older American community services program and the end of training programs for mature workers. The same veto threat forced Congress to cut proposed funds for the handicapped.

One of the most cruel deceptions practiced by this administration occurred just before the November election. Social security checks were sent out with a card implying that the increase in benefits was due to the largesse of the President. In fact, he had vigorously opposed the increase. But 20 million families were encouraged to vote for him, by the false implication in these cards.

Since his reelection, the President has made his bias obvious by increasing the cost of medicare to older citizens and cutting back essential services. It is good that people are not deceived by this duplicitous approach, and are here today to let their Representatives know it.

As just one instance of the impact of the administration's proposals, the West Side office for the aging in my 20th Congressional District in New York, has prepared the following statement:

West Side Senior Citizens Fact Sheet

Total Population—322,811 (1970 Census: 34th—125th St./Hudson R.-C.P.W.)

Population: 60 years and over—68,163 (21% of Total).

Population; 65 years and over—49,962 (15% of Total).

Percentage of people 65 and over, single, unrelated, and living alone, 48%.

Percentage of people 65 and over, below poverty level, 20%.

PROPOSED FEDERAL BUDGET CUTS

Medicare

49,962 West Side Medicare enrollees will be affected:

Hospital costs will increase from $72 for first day and 60 free days thereafter to a minimum of $330, covering payment in full for first day and 10% of all charges thereafter, including X-rays, lab tests, etc.: an increase of 358% for an average 21 day hospital stay!

Elective surgery will have to be approved in advance, as will additional hospital stays.

Cost of Doctor bills will increase from $60 deductible, plus 20% co-insurance, to $85 deductible plus 25% co-insurance: an average yearly increase of 27%!

People unable to pay increases in Medicare deductibles and co-insurance will have to go to already overburdened municipal hospitals.

Medicaid

9,680 elderly West Siders will lose dental services. (Thousands have become ineligible because of 20% increase in Social Security which may have brought them a few dollars above the income eligibility level.)

Training grants

Elimination will hamper City's plan to use local medical schools to train paraprofessionals—adds up to loss of home and nursing care for seniors.

OEO

10,000 West Side older people **will be** seriously affected by the phase-out of programs funded under the Office of Economic Opportunity. (Elimination of Senior Opportunities and Services and Nutrition Programs in September 1973.)

CUTBACKS ALREADY IN EFFECT

Skilled and long term nursing care

Requirements stricter: Panel of physicians will have to determine eligibility.

Institutions, hospitals, nursing homes, homes for aged

Federal reimbursement through Medicaid has been cut although institutional costs have risen. Consequent loss in staff is causing serious neglect of disabled elderly patients.

Old age assistance (OAA)

On January 1st, 1974, the Federal Government takes over the Disabled, Aged, Blind categories of public assistance. 2,982 aged Westsiders will lose each month $37 per individual $35 per couple. No Food Stamps! Flat Rent Grants!

One of the palliative measures that the Congress has been able to approve is the supplemental security income program which will establish, next January 1, an income floor for older citizens. Since this was passed by the 92d Congress, however, its effectiveness has been lessened by inflation. The law will provide $1,560 per year for an individual, or $2,340 for a couple. These amounts are obviously far below poverty levels and below any possibility for providing decent housing, nutrition, or medical care. Also, the age limit is 65—which is unrealistic now that early retirement is being urged and at an ever-younger age, jobs are hard to find.

My bill, H.R. 5768, proposes an income floor for all persons of 62 or older—$3,750 for an individual and $5,000 for a couple. Under social security, after all other sources of income such as pensions or salaries are deducted, every person over 62 would be assured of an income not less than these amounts.

The cost is surprisingly low—tax experts have estimated it at around $200 million.

The administration asks far more than that—$240 million—for construction of the F–15, the tactical fighter aircraft. The Defense Department has just halted manufacture of the F–111 fighter-bomber which cost $14.6 million each, instead of $3.4 million as estimated. This is a cost overrun of 430 percent.

How do we want to spent our tax dollars? I believe that the Congress will want to recognize the realities by passing legislation meaningful to Americans. Therefore with 17 cosponsors, I am reintroducing my bill, H.R. 5768, with the following cosponsors: Mr. BADILLO, Ms. YVONNE BURKE of California, Ms. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. DON EDWARDS of California, Mr. FAUNTROY, Mr. HARRINGTON, Mr. MOAKLEY, Mr. METCALFE, Ms. MINK, Mr. PODELL, Mr. MELVIN PRICE of Illinois, Mr. RANGEL, Mr. ROSENTHAL, Mr. STARK, Mr. STOKES, and Mr. WON PAT.

H.R. 8546

A bill to add a new title XX to the Social Security Act to provide for a minimum annual income of $3,750 in the case of single individuals and $5,000 in the case of married couples

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Social Security Act is amended by adding after title XIX thereof a new title XX as follows:

"TITLE XX—ASSURED MINIMUM ANNUAL INCOME BENEFITS FOR THE AGED

"ELIGIBILITY FOR BENEFITS

"Sec. 2001. Every individual who—

"(1) has attained age 62,

"(2) is a resident of the United States (as definited in section 2008),

"(3) has an annual income (as determined pursuant to section 2004) of less than $5,000 in the case of an individual who is married and living with his spouse, or $3,750 in the case of any other individual.

"(4) has filed application for benefits under this title,

shall (subject to the succeeding provisions of this title) be entitled to assured minimum annual income benefits for the aged.

"PAYMENT OF BENEFITS

"Sec. 2002. (a) Benefits under this title shall be paid on a monthly basis, except that, if the benefit payable to an individual for any month is less than $5, such benefit may be paid on such other basis (but not less often than semiannually) as the Secretary shall by regulations provide.

"(b) Benefits under this title shall be payable to any individual only for months after the month in which his entitlement thereto is established pursuant to an application therefor filed under section 2001.

"(c) No married individual who is living with his spouse for any month shall be entitled to a payment under this title for such month if the spouse of such individual receives such a payment for such month.

"AMOUNT OF BENEFITS

"Sec. 2003. The amount of the monthly benefit of any individual under this title shall be equal to one-twelfth of the amount by which $5,000 (in the case of a married individual living with his spouse), or $3,750 (in the case of any other individual), exceeds the amount of such individual's annual income (as determined under section 2004) for such year.

"DETERMINATION OF ANNUAL INCOME

"Sec. 2004. (a) For the purposes of this title, the term 'annual income' means, in the case of an individual, the total amount of income (other than income derived by reason of benefit payments under this title) from all sources received in the calendar year with respect to which a determination of annual income is made; except that, in determining the annual income of any individual who, during the calendar year, engaged in any trade or business, there shall be deducted any expenses incurred in carrying on such trade or business, and except that, income derived from the sale or exchange of property shall be taken into account only to the extent of the gain derived therefrom.

"(b) In determining the amount of annual income, for purposes of this title, of any individual who is married and living with his spouse, the annual income of such individual shall be regarded as the sum of the annual income of such individual and of the spouse of such individual.

"REPORT OF INCOME TO SECRETARY

"Sec. 2005. (a) Any individual applying for benefits under this title shall submit with his application for such benefits and thereafter reports to the Secretary of his income and of any other matter which is relevant to his entitlement to receive, or the amount of, any benefit payable under this title. Such reports shall be filed at such time, in such form, and shall contain such information as the Secretary shall by regulations prescribe.

"(b) Benefits otherwise payable to an individual for any month shall be suspended until such time as any report required pursuant to subsection (a) to be filed prior to such month shall have been received and evaluated by the Secretary.

"OVERPAYMENTS AND UNDERPAYMENTS

"Sec. 2006. Whenever the Secretary finds that more or less than the correct amount of payment has been made to any individual under this title, proper adjustment or recovery shall be made in accordance with regulations of the Secretary patterned so as to conform, to the maximum extent feasible, to the provisions of section 204 (relating to overpayments and underpayments of benefits under title II).

"ADMINISTRATION

"Sec. 2007. This title shall be administered by the Secretary and through (to the extent feasible) the organization and personnel engaged in the administration of title II.

"DEFINITION OF UNITED STATES

"Sec. 2008. For purposes of this title, the term 'United States' means the fifty States, Puerto Rico, the Virgin Islands, Guam, and the District of Columbia.

"APPROPRIATION

"Sec. 2009. There are hereby authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this title.

"JUDICIAL REVIEW

"Sec. 2010. Decisions of the Secretary under this title shall be subject to judicial review in the same manner as decisions made under title II."

BUDGET HEARINGS IN FALL RIVER, MASS.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 30 minutes.

Mr. HARRINGTON. Mr. Speaker, on Friday, May 4, I held hearings on the local impact of the proposed budget in Fall River, Mass. The focus of the hearings was the impact on the 12th District of Massachusetts.

Information must be brought to the people so that the true effects of the budget cuts can be known and understood. No realistic decision can be made about the budget until we all understand what termination of these programs will mean to the cities and towns and all of the people of the Commonwealth.

Massive amounts of Federal aid come to every locality in the form of categorical grants. We seldom realize how much we are enabled to provide services to our citizens only because of this governmental help. Municipalities will either have to lose vital services or increase their tax rates by tremendous amounts.

In just one program, title I of the Elementary and Secondary Education Act, which provides funds to school districts for aid to disadvantaged children, almost $2,025,915 has entered the 12th Congressional District. If we were to lose that aid, the quality of education in our schools would suffer immeasurably. And this is only one program of dozens that the President intends to end or severely curtail.

This budget has been depicted as a reasonable document, but it is not. It is a thoughtless work that does not separate successful programs from those that need improvement, nor examine at all the needs of the people of the United States. This budget merely ends Federal aid for many vital programs and throws the burdens and responsibilities back on the shoulder of States and municipalities, who have not the resources of the Federal Government. The costs for maintaining these programs will go to the already overburdened local taxpayers, or else we will settle for an inferior quality of education, health care, housing, and a polluted environment. I do not think this is a real choice.

The following persons, representing many aspects of programs and funding affected by the proposed cutbacks testified:

Mayor Wilfred Driscoll, of Fall River.

Richard Pline, representing Mayor John Markey of New Bedford and executive director, New Bedford Model Cities.

Paul Poulas, executive director, Fall River Model Cities.

Mark Sullivan, executive director, Citizens for Citizens, Fall River.

Donald Gomes, executive director, Onboard Inc., New Bedford.

Richard Pred, executive director, Community Action Council of Cape Cod and Islands.

John Arruda, executive director, Fall River Housing Authority.

Marie Davidson, president, Fall River Senior Senate.

Robert Melanphy, director of Human Services for New Bedford Area Institute for Health and Human Development, Inc.

Barry Monahan, chairman, Fall River Police Department.

Richard Cabral, Fall River Police Department.

Robert Todd, instructional media coordinator, West Bridgewater Schools.

June Pereria and Timothy Smith, students at Bridgewater State College.

Joan Menard, president, Fall River League of Women Voters.

The effects of the budget cuts will be severely felt by local cities and towns particularly in the area of education. The following programs, which exist in many cities and towns, are funded by the Federal Government. These will be terminated under the proposed Nixon budget for fiscal year 1974.

Title I—Aid to the disadvantaged has provided moneys to improve educational programs to meet the needs of educationally disadvantaged children in low-income areas.

Title II—Library resources. Nearly all public school systems in the area and the State have received funds for library media resources every year since 1966.

Title III—Aid to innovative education. This program is designed to create innovative models supplementing the regular school curricula, and has had a great deal of success throughout the State.

Title VIB—Education for the handicapped includes two programs which are designed to provide handicapped children with special tools of learning so that they can successfully participate in school programs.

Nutrition and Health, Drug Abuse Education, Occupational Vocational and Adult Education, Aid to State Departments of Education, Environmental Education, and NDEA Audio-Visual Equipment all receive zero dollars in the Nixon budget, while bilingual education and dropout prevention, though not terminated, are severely cut.

Titles I, II, and III of the Library Services and Construction Act provide extension of library services to areas without delevoped libraries, strengthen regional resource centers, provide for construction of new libraries or renovation or remodeling, and help provide interlibrary cooperation. Despite remarkable gain and benefits in all these areas, these programs are terminated in the Nixon budget.

Massachusetts received $3,582,471 under the special milk program in fiscal year 1973 to help pay the cost of milk for school children. The Nixon budget terminates this program in all schools except those not having hot lunch programs.

School assistance in federally impacted areas has been terminated for category "B" students whose parents do not live on Federal property, depriving local school districts of a substantial amount of money.

Following is a list of cities and towns in the 12th Congressional District and a partial listing of Federal aid they received in fiscal year 1973 or planned to obtain in fiscal 1974, in programs that have been terminated or severely cut back in the Nixon budget.

From these figures gathered on the local level, through contacts with dozens of local officials, it is hoped that we can begin to see the effects of the budget cuts on local economies, tax rates, and the welfare of every city and town.

The list follows:

	Fiscal year	Amount
ACUSHNET (Population 7,767)		
ESEA title I (amount available under Federal grant) students served—63; full-time employees—8	1973	$23, 538
ESEA title II (amount available under Federal grant)	1973	691
Vocational education—title I—pt. H (work study)	1973	6, 575
School assistance in federally impacted areas	1972	5, 592
Special milk program	1973	1, 644
Education for the handicapped: students served—92 (fiscal year 1972)	1973	4, 500
NDEA title III—audio visual equipment	1973	2, 024
BARNSTABLE (Population 19,842)		
ESEA title I (amount available under Federal grant) students served—233; full-time employees—12	1973	78, 406
ESEA title II (amount available under Federal grant)	1973	2, 803
Vocational education—title I—pt. H (work study)	1973	20, 000
School assistance in federally impacted areas	1972	48, 512
Special milk program	1973	13, 448
BOURNE (Population 12,636)		
ESEA title I (amount available under Federal grant) students served—129; full-time employees—12	1973	53, 271
ESEA title II (amount available under Federal grant)	1973	2, 932
Vocational education—title I—pt. H (work study)	1973	24, 378
School assistance in federally impacted areas	1972	1, 516, 443
Special milk program	1973	8, 697
BREWSTER (Population 1,790)		
ESEA Title I (amount available under Federal grant)	1973	3, 570
ESEA Title II (amount available under Federal grant)	1973	196
Special milk program	1973	521
CARVER (Population 2,420)		
ESEA Title I (amount available under Federal grant)	1973	11, 448
ESEA Title II (amount available under Federal grant)	1973	380
School assistance in federally impacted areas	1972	15, 062
Special milk program	1973	622
CHATHAM (Population 4,554)		
ESEA Title I (amount available under Federal grant) students served—53; full-time employees—7	1973	$12, 854
ESEA Title II (amount available under Federal grant)	1973	799
Special milk program	1973	1, 929
CHILMARK (Population 340)		
ESEA Title II (amount available under Federal grant)	1973	101
Special milk program	1973	75
COHASSET (Population 6,954)		
ESEA Title I (amount available under Federal grant) students served—15; full-time employees—1	1973	11, 813
ESEA Title II (amount available under Federal grant)	1973	1, 217
Special milk program	1973	4, 902
NDEA—Title III—Audio-visual equipment	1973	6, 019
DARTMOUTH (Population 18,800)		
ESEA Title I (amount available under Federal grant) students served—125; full-time employees—3	1973	37, 860
Vocational education—Title I—Pt. H	1973	10, 154
ESEA Title II (amount available under Federal grant)	1973	2, 957
Special milk program	1973	6, 137
NDEA—Title III—Audio-visual equipment	1973	1, 016
DENNIS (Population 6,454)		
ESEA Title I (amount available under Federal grant)	1973	27, 135
ESEA Title II (amount available under Federal grant)	1973	820
Vocational education—Title I—Pt. H (work study)	1973	18, 000
Special milk program	1973	1, 973
NDEA—Title III—Audio-visual equipment	1973	1, 306
DUXBURY (Population 7,636)		
ESEA Title I (amount available under Federal grant)	1973	12, 752
ESEA Title II (amount available under Federal grant)	1973	2, 190

	Fiscal year	Amount
DUXBURY (Population 7,636)—Continued		
Special milk program	1973	$6,392
NDEA—Title III—Audio-visual equipment	1973	2,830
EASTHAM (Population 2,043)		
ESEA Title I (amount available under Federal grant)	1973	5,141
ESEA Title II (amount available under Federal grant)	1973	211
School assistance in Federally impacted areas	1972	3,583
EDGARTOWN (Population 1,481)		
ESEA Title I (amount available under Federal grant)	1973	9,578
ESEA Title II (amount available under Federal grant)	1973	135
Special milk program	1973	642
FAIRHAVEN (Population 16,332)		
ESEA Title I (amount available under Federal grant) students served—110; full-time employees—13	1973	63,241
ESEA Title I (amount available under Federal grant)	1973	1,955
Vocational education—Title I—pt. H (work study)	1973	4,000
Special milk program	1973	6,174
Adult basic education	1973	5,000
NDEA—Title III—Audio-visual equipment	1973	713
FALMOUTH (Population 15,942)		
ESEA Title I (amount available under Federal grant) students served—200; full-time employees—12	1973	94,973
ESEA Title I (amount available under Federal grant)	1973	3,439
School assistance in federally impacted areas	1972	97,528
Special milk program	1973	7,352
Adult basic education (students served—68, part-time employees—9)	1973	15,000
GAYHEAD (Population 118)		
ESEA Title I (amount available under Federal grant)	1973	2,902
HANOVER (Population 10,107)		
ESEA Title I (amount available under Federal grant) students served—50; full-time employees—7	1973	19,997
ESEA Title I (amount available under Federal grant)	1973	2,259
School assistance in federally impacted areas	1972	21,723
Special milk program	1973	6,070
NDEA—Title III—Audio-visual equipment	1973	7,081
HARWICH (Population 5,892)		
ESEA Title I (amount available under Federal grant) students served—100; full-time employees—6	1973	19,280
ESEA Title II (amount available under Federal grant)	1973	759
Vocational education—Title I—Pt. H	1973	8,500
Special milk program	1973	4,192
HINGHAM (Population 18,845)		
ESEA Title I (amount available under Federal grant) students served—117; full-time employees—16	1973	36,806
ESEA Title II (amount available under Federal grant)	1973	394
School assistance in Federally impacted areas	1972	36,549
Special milk program	1973	12,170
Education for the handicapped: Students served—8; employees—5	1973	13,233
NDEA—Title III—Audio-visual equipment	1973	6,518
HULL (Population 9,961)		
ESEA Title I (amount available under Federal grant) students served—97; full-time employees—22	1973	74,917
ESEA Title II (amount available under Federal grant)	1973	1,721
School assistance in Federally impacted areas	1972	38,972
Special milk program	1973	6,951
Education for the handicapped: Students served—42; employees—3	1973	13,721
NDEA—Title III—Audio-visual equipment	1973	10,038
KINGSTON (Population 5,999)		
ESEA Title I (amount available under Federal grant)	1973	18,113
ESEA Title II (amount available under Federal grant)	1973	623
Vocational education—Title I—Pt. H (work study)	1973	30,581
School assistance in Federally impacted areas	1972	3,700
Special milk program	1973	1,496
MARION (Population 3,466)		
ESEA Title I (amount available under Federal grant)	1973	6,956
ESEA Title II (amount available under Federal grant)	1973	231
School assistance in federally impacted areas	1972	3,039
Special milk program	1973	1,032
HUD, Sewer and Water—Sewer improvement	1972	605,500
MARSHFIELD (Population 15, 223)		
ESEA Title I (amount available under Federal grant) students served—144; full-time employees—22	1973	40,864
ESEA Title II (amount available under Federal grant)	1973	3,165
School assistance in federally impacted areas	1973	31,409
NDEA—Title III—Audiovisual equipment	1973	6,449
MASHPEE (Population 1,288)		
ESEA Title I (amount available under Federal grant)	1973	9,569
ESEA Title II (amount available under Federal grant)	1973	146
School assistance in federally impacted areas	1972	7,653
Special milk program	1973	241
MATTAPOISETT (Population 4,500)		
ESEA Title I (amount available under Federal grant)	1973	$15,070
ESEA Title II (amount available under Federal grant)	1973	467
Vocational education—Title I—Pt. H (work study)	1973	2,018
School assistance in federally impacted areas	1972	1,333
Special milk program	1973	2,128
NANTUCKET (Population 3,774)		
ESEA Title I (amount available under Federal grant)	1973	14,794
ESEA Title II (amount available under Federal grant)	1973	437
School assistance in federally impacted areas	1972	21,556
Special milk program	1973	4,615
NEW BEDFORD [1] (Population 101,777)		
ESEA Title I (amount available under Federal grant) students served—1,791; full-time employees—120	1973	800,440
ESEA Title II (amount available under Federal grant)	1973	13,460
Vocational education—Title I—Pt. H (work study)	1973	147,178
School assistance in federally impacted areas	1972	85,844
Special milk program	1973	43,307
ESEA Title VII—Bilingual education	1973	131,616
Adult basic education	1973	15,075
Community development programs:		
Neighborhood development,[1] HUD	1972	1,392,000
Gerado apartments FHA—HUD—Applied for	1973	5,865,600
Redevelopment [1]—Urban renewal—HUD	1966–73	23,408,175
Open space—HUD—Applied for	1973	50,000
Outfall sewer—EDA—Applied for	1973	6,180,000
Municipal service building construction—EDA—Applied for	1973	140,000
Research and design to expand applied for economic base—EDA	1973	183,961
Urban coalition technical assistance—Red crab project—EDA	1972	108,100
NORWELL (Population 7,796)		
ESEA Title I (amount available under Federal grant)	1973	6,956
ESEA Title II (amount available under Federal grant)	1973	1,208
School assistance in Federally impacted areas	1972	15,114
Special milk program	1973	5,694
OAK BLUFFS (Population 1,385)		
ESEA Title I (amount available under Federal grant)	1973	3,774
ESEA Title II (amount available under Federal grant)	1973	118
Special milk program	1973	1,329
ORLEANS (Population 3,055)		
ESEA Title I (amount available under Federal grant)	1973	7,998
ESEA Title II (amount available under Federal grant)	1973	304
Special milk program	1973	521
PEMBROKE (Population 11,193)		
ESEA Title I (amount available under Federal grant)	1973	34,343
ESEA Title II (amount available under Federal grant)	1973	914
School assistance in federally impacted areas	1972	81,730
Special milk program	1973	4,621
NDEA—Title III—Audio-visual equipment	1973	4,095
PLYMOUTH (Population 18,606)		
ESEA Title I (amount available under Federal grant) 123 students served; 19 full-time employees	1973	72,454
ESEA, Title II (amount available under Federal grant)	1973	2,149
Vocational education—Title I—Pt. H (work study)	1973	236,325
School assistance in federally impacted areas	1972	17,797
Special milk program	1973	11,172
Adult basic education (55 students served, 5 part-time employees)	1973	8,000
Water improvements—EDA—Notification of intent	1973	1,096,800
Small sewer project—EDA	1972	187,500
PLYMPTON (Population 1,224)		
ESEA Title I (amount available under Federal grant)	1973	4,927
ESEA Title II (amount available under Federal grant)	1973	113
NDEA—Title III—Audio-visual equipment	1973	346
PROVINCETOWN (Population 2,911)		
ESEA Title I (amount available under Federal grant) 24 students served; 5 full-time employees	1973	14,425
ESEA Title II (amount available under Federal grant)	1973	466
School assistance in federally impacted areas	1972	6,039
Special milk program	1973	1,140
ROCHESTER (Population 1,770)		
ESEA Title I (amount available under Federal grant)	1973	3,043
ESEA Title II (amount available under Federal grant)	1973	217
Special milk program	1973	249
ROCKLAND (Population 15,674)		
ESEA Title I (amount available under Federal grant) 104 students served; 3 full-time employees	1973	37,676
ESEA Title II (amount available under Federal grant)	1973	2,524
Vocational education—Title I—Pt. H (work study)	1973	18,978
School assistance in federally impacted areas	1972	2,023
Special milk program	1973	10,493
SANDWICH (Population 5,239)		
ESEA Title I (amount available under Federal grant)	1973	9,426
ESEA Title II (amount available under Federal grant)	1973	526
School assistance in Federally impacted areas	1972	23,306
Special milk program	1973	2,810

Footnotes at end of table.

	Fiscal year	Amount
SCITUATE (Population 16,973)		
ESEA Title I (amount available under Federal grant) 30 students served; 1 full-time employee; Cushing hall $5,796.00	1973	$33, 329
ESEA Title II (amount available under Federal grant)	1973	3, 465
School assistance in Federally impacted areas	1972	12, 647
Special milk program	1973	15, 417
Education for the handicapped: 62 students served	1973	12, 000
NDEA—Title III—Audio visual equipment	1973	7, 151
TISBURY (Population 2,257)		
ESEA Title I (amount available under Federal grant)	1973	12, 771
ESEA Title II (amount available under Federal grant)	1973	216
Special milk program	1973	353
TRURO (Population 1,234)		
ESEA Title I (amount available under Federal grant)	1973	3, 285
School assistance in Federally impacted areas	1972	47, 656
Special milk program	1973	231
WAREHAM (Population 11,492)		
ESEA Title I (amount available under Federal grant) 148 students served; 14 full-time employees	1973	88, 248
ESEA Title II (amount available under Federal grant)	1973	2, 211
Vocational education—Title I—Pt. H (work study)	1973	16, 444
School assistance in Federally impacted areas	1972	8, 615
Special milk program	1973	3, 670
Education for the handicapped: 60 students served; 2 employees	1973	21, 690
NDEA—Title III—Audio-visual equipment	1973	2, 655
WELLFLEET (Population 1,743)		
ESEA Title I (amount available under Federal grant)	1973	$3, 999
ESEA Title II (amount available under Federal grant)	1973	179
School assistance in federally impacted areas	1972	170, 489
Special milk program	1973	231
WEST TISBURY (Population 453)		
ESEA Title I (amount available under Federal grant)	1973	290
ESEA Title II (amount available under Federal grant)	1973	101
Special milk program	1973	87
WEYMOUTH (Population 54,610)		
ESEA Title I (amount available under Federal grant) 655 students served; 22 full-time employees	1973	152, 549
ESEA Title II (amount available under Federal grant)	1973	9, 702
School assistance in Federally impacted areas	1972	154, 630
Special milk program	1973	29, 233
NDEA—Title III—Audio visual equipment	1973	10, 172
YARMOUTH (Population 12,033)		
ESEA Title I (amount available under Federal grant)	1973	40, 132
ESEA Title II (amount available under Federal grant)	1973	1, 661
Special milk program	1973	5, 290
NDEA—Title III—Audio visual equipment	1973	3, 288

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[1] Special milk program figures are projections from State Department of Higher Education, Bureau of Nutrition and School Food.

Note: Other figures are from Massachusetts State Department of Education, Office of Education—Region I; Southeastern Regional Planning and Economic Development District; Local city and town officials.

MANPOWER AND EMERGENCY EMPLOYMENT PROGRAMS

Federal programs including manpower development training assistance, the Neighborhood Youth Corps, and the emergency employment program have provided important and worthwhile work to many of the citizens of the Fifth Congressional District. These programs are being terminated or severely cut back.

Not only will this mean an increase in the already too high unemployment rate of the area, but services that are necessary to cities and towns will be lost or municipalities will have to increase their budgets in order to continue these programs.

Under the emergency employment program vital services were provided to towns and cities. In some areas this meant increased police protection, rehabilitation of public buildings, improvement of park areas.

These are jobs that cities and towns had not been able to afford on their own.

During the month of July 1972, the peak period under the emergency employment program, 582 people were employed in 18 cities and towns in the 12th Congressional District. In some of the small towns this meant only one employee; in New Bedford, 392.

People employed under EEA were often those members of our society who have the most difficult time finding work; Vietnam veterans, people over 45, and those under 22.

Peak period employment under EEA, July 1972, by city and town:

Acushnet	4
Barnstable	7
Bourne	5
Brewster	1
Carver	1
Cohasset	2
Dartmouth	10
Dennis	1
Duxbury	1
Eastham	1
Fairhaven	7
Falmouth	8
Hingham	2
Hull	5
Kingston	2
Marion	4
Marshfield	5
Mashpee	1
Nantucket	1
New Bedford	392
Norwell	1
Orleans	1
Pembroke	9
Plymouth	31
Plympton	1
Provincetown	9
Rochester	2
Rockland	15
Sandwich	1
Scituate	5
Truro	2
Wareham	11
Wellfleet	1
Weymouth	29
Yarmouth	4

The emergency employment program has meant that in 1 month $147,189 was brought into the 12th District in the form of salaries.

Programs that have been terminated that affect the elderly include many of the housing programs such as rent subsidies, nonprofit sponsor housing which allowed nonprofit organizations to build housing for low-income groups including the elderly, and rent supplements. More important may be the loss of various social services provided by community action agencies and model cities agencies; these include senior citizens hot meal programs, legal services, and others.

One of the most severe changes that will increase the costs to the elderly is the proposed Nixon change in the deductible under medicare. The amount the elderly will have to pay to supplement medicare hospital and physician payments will rise appreciably.

HOSPITAL CARE

At present: For the first 60 days, $72 deductible; 61st to 90th hospital day, $18 per day deductible.

Nixon plan: Full cost of first hospital day, average $90; 10 percent of full cost of each hospital day after the first, average $15 per day.

A two-week hospitalization would cost an elderly person a minimum of $300.

PHYSICIANS' COST

At present: Physicians average, $600; medicare patient pays, $168.

Nixon plan: Physicians average, $600; medicare patient pay, $214.

For those people on medicaid, all dental care has been eliminated.

In the 12th Congressional District, there are approximately 102,000 people on medicare and 17,025 people on medicaid.

HEALTH AND MENTAL HEALTH

ADVANCE FUNDS FOR MEDICARE

When medicare was started, the Federal Government advanced funds to the hospitals on the basis of projected medicare patients. This practice has continued so that the hospitals could operate.

The Nixon administration is discontinuing this practice and demanding return of the funds advanced this year.

This will mean that district hospitals will have to return $435,000 to the Federal Government by July 1, 1973. Most of the hospitals will have to borrow these funds at a commercial interest rate to survive.

Current financing to be returned

Nationally	$300, 000, 000
Massachusetts	7, 000, 000
District	358, 000
St. Luke's Hospital	200, 000
Nantucket Cottage Hospital	3, 500
Martha's Vineyard Hospital	11, 000
South Shore Hospital	70, 600
Tobey Hospital	20, 000
Falmouth Hospital	21, 000
Union hospital of New Bedford	32, 500

HILL-BURTON CONSTRUCTION

The Hill Burton Hospital Construction Act is terminated as of June 30, 1973, and there is no money for it in the President's 1974 budget. This means that there will be no construction funds for much-needed additions, improvement, or modernіation of hospitals or long-term care facilities.

This program has been very helpful to the hospitals in the district:

St. Luke's Hospital received $400,000 for construction of a new hospital wing in 1968.

Nantucket Cottage Hospital received $144,000 for construction of a new hospital wing in 1970.

Martha's Vineyard Hospital received $351,797 in 1970 for an outpatient facility, and $464,384 for a long-term care facility. Total $816,181. A grant application in the amount of $1,294,788 for a new patient facility is still being finalized.

South Shore Hospital received $400,000 for a hospital addition in 1968.

COMMUNITY MENTAL HEALTH

There will be no new program money for commuunity mental health. This program has stimulated the establishment throughout New England, helping to move care away from costly and ineffective long-term and custodial care in State mental institutions.

In Massachusetts, grants totaling some $4 million per annum have been made through the program. Merely to maintain existing and planned services will cost Massachusetts $7,986,000.

South Shore Hospital had plans in the discussion stages for a Community Mental Health Center, but now will have no chance for Federal funding.

There is no evidence that patient fees, third party payments, nor State and local governments can support existing centers at current levels of services, not to mention future needs, thus leaving community mental health emasculated.

OFFICE OF ECONOMIC OPPORTUNITY PROGRAMS

Two Community Action Agencies serve 25 cities and towns in the 12th Congressional District. Onboard, Inc., serves New Bedford, Dartmouth, and Fairhaven. The Community Action Council of Cape Cod and Islands serves Bourne, Falmouth, Mashpee, Sandwich, Barnstable, Yarmouth, Dennis, Harwich, Brewster, Chatham, Orleans, Eastham, Wellfleet, Truro, Provincetown, Gosnold, West Tisbury, Tisbury, Oak Bluffs, Chilmark, Gray Head, and Edgartown. Both agencies have successfully dealt with the problems of low-income families.

Onboard, Inc., administered a total budget of $1.7 million serving thousands of people and was responsible for bringing much more money into the community as a result. Under the proposed 1974 budget, Onboard, Inc., is in danger of losing a substantial amount of local initiative funds which are used to administrate many worthwhile programs.

The concentrated employment program is a manpower training program for the unemployed and underemployed. Originally funded at $1.1 million dollars, it was cut to just under $800,000 with a phaseout date of September 1, 1973. Fifty-five jobs are in jeopardy.

The Neighborhood Youth Corps in school and out of school program expires June 30, 1973, and that means that 15 staff—full and part time—and 1,391 youngsters will not be working this summer.

Day care at the OLPH School was originally funded at $186,000 and is scheduled for new guidelines making the feasibility of carrying out the program serving 90 children virtually impossible.

The neighborhood and service system operates four neighborhood centers in the city, providing activities such as general education development classes, bilingual classes, pap-test facilities, many senior citizen programs, and cooking classes.

The total number of people employed by the combined programs are 132 full time and 13 part time, many previously receiving public assistance.

The Community Action Committee of Cape Cod and the Island is in jeopardy of losing $114,000 in local initiative funds which are the basic funds for the administration of many programs. This could mean the collapse of 20 jobs and an annual budget in excess of $100,000 directly affected. Other programs including local VISTA operations as well as alcoholic rehabilitation and family planning programs funded by the Federal Government are in serious jeopardy with CAC administrative backup.

In addition, the community development wing of CAC will be eliminated. In the area of housing, CAC has provided space and technical assistance for the Cape Cod and Islands Tenants Council, and has been instrumental in securing more than $3 million in State and Federal funds for housing for low-income people.

Other activities included food co-ops, which involve 700 families and craft development, a nonprofit organization of low-income people who sell their handicrafts through co-op stores.

In addition, cooperatives doing business of close to $150,000 and broad-based organizations representing the interests of low-income residents of the cape and islands may also be in danger of collapse.

With the President's planned termination of all OEO programs, all directly funded antipoverty programs will be lost, but also lost will be the administrative arm of many other manpower and community programs.

HOUSING AND BASIC WATER AND SEWER

Low rent public housing and multifamily housing both have a zero dollar figure projected in the 1974 Nixon budget. In fiscal 1973, $7.7 million was allocated to Massachusetts for these programs; $2.6 million of that has been impounded.

Many cities and towns in the district have received in the past and some had anticipated Federal moneys for housing and/or water and sewer programs under existing law. Most of the new ones will not be funded under the Nixon budget.

Many cities and towns in the 12th Congressional District are under order to install water treatment plants or sewers. These plans are jeapordized by the Nixon budget.

There is a severe housing shortage for the elderly, yet funds for elderly housing, college housing, rent supplements and subsidies, open space, rehabilitation, have all been frozen pending an 18 month study on their effectiveness. This will mean an actual freeze on new starts in housing of 2 years.

Marion received $605,000 for sewer improvements in fiscal year 1972; New Bedford has submitted applications for $50,000 for open space grants and $5,865,000 for Gerado apartments FHA. No funding is available for these under the 1974 Nixon budget.

Many cities and towns in the 12th Congressional District have begun open space and recreation programs under HUD's legacy of parks program, but will be unable to continue if the Nixon cutbacks are not reversed. Cities and towns planned construction of wastewater treatment plants and local sewer collector pipes. However, the Nixon administration intends to spend less than half of the planned $11 billion on these programs. Local communities will either have to abandon their plans or increase local tax rates by intolerable amounts.

The Nixon intention to end the Economic Development Administration will have a serious effect in the district. In 1972, New Bedford received $108,000 for Urban Coalition Technical Assistance Red Crab project; and $296,908 for an industrial park. An outfall sewer project for $6,180,000 is pending with EDA for New Bedford.

Plymouth was funded for $187,500 for a small sewer project in 1972 and has submitted a notification of intent for a $1,096,800 water improvement project. Other cities and towns anticipating funds under EDA will lose the opportunity for Federal funding.

Housing and construction generate more long-term employment and have a greater multiplier effect than do most other projects or input of funds. The adverse effects on employment and economy of the entire area are very serious.

NEW BEDFORD MODEL CITIES

One of the most important programs begun under the Johnson administration is the model cities program. The goal of this project was to improve inner cities, to make them livable again. Under the Nixon budget, the model cities will be terminated.

New Bedford, like all model cities, expected to complete its 5-year program in an orderly manner. New Bedford's termination date was to have been January 31, 1975.

Through a series of actions by President Nixon and the U.S. Department of Housing and Urban Development, the New Bedford program will terminate on June 30, 1974, but the city has received only 25 percent of the funds normally expected for a 17-month interval between the beginning of its fourth action year, February 1, 1973, and the closing date of June 30, 1974. This reduction will result in a direct loss of nearly $3,500,000 to New Bedford, and means the elimination of 138 jobs.

In fact, valuable services and jobs will be lost immediately and in the near future, leaving a gap which cannot be filled until new funds are received by the city, hopefully in July 1974.

The following are the monetary and job cuts which must be made in the New Bedford model cities program:

Activities	Funding lost [1]	Jobs eliminated or in jeopardy [2]
Housing rehabilitation	96,000	21
Education (8 projects, including elementary school construction)	669,500	66
Health, social services	163,000	19
Recreation, cultural activities	54,000	1
Crime, delinquency prevention	38,000	8
Program administration, planning evaluation, citizen participation	151,000	29
Physical improvements	77,500	2
Total	1,249,000	138

[1] Total loss is based on the previously projected (12-month 4th year. To this figure must be added $108,000 reclaimed from the 3d year which had been programed for ongoing activities, rather than phasing out, and the $2,109,000 grant for the 5th action year, making a grand total of $3,466,000.

[2] As of February 1973, there were 160 full-time and 20 part-time positions in the New Bedford program dependent upon model cities funding, totaling 180. On or before Dec. 31, nearly 77 percent of these positions will be terminated without additional funding.

HIGHER EDUCATION

Approximately 325 local students receive some form of Federal financial aid while attending one of the three local colleges in 1973. It is estimated that as many as half of these students would not be able to attend colleges without financial aid.

The three basic programs of financial aid are the educational opportunity grants, the national direct student loan—formerly national defense loans, and the work-study program. The Nixon budget terminates the first two programs and weakens the third.

Educational opportunity grants would be ended and replaced by the basic opportunity grant for which most students whose families earned between $7,000 and $12,000 a year would not be eligible.

National direct student loans are made to students through their schools. The President proposes replacing this with the guaranteed loan program. However, past experience has shown that students with proven need have the most difficult time obtaining such loans from commercial banks.

Many schools had hoped to expand their work-study programs. However, serious changes under the programs will mean that more students will be able to work fewer hours and earn less money.

I include the following:

	Amount	Students
Southeastern Massachusetts University:		
Educational opportunity grants (1973)	$80,453	215
National defense student loans (1973)	81,386	275
Work-study (1973)	168,397	378
Total	330,236	868
Swain School of Design:		
Educational opportunity grants (1973)	11,124	35
National defense student loans (1973)	6,531	35
Work-study (1973)	4,887	9
Total	22,542	79

	1973	1974 (anticipated)
Cape Cod Community College:		
Educational opportunity grants	$25,600	$41,200
National defense student loans	10,200	74,500
Work study program	43,400	200,000
Total	79,200	315,700

Note.—In 1973, a total of 170 students received some form of financial aid at Cape Cod Community College. In 1974, the college had anticipated 370 students receiving some form of financial aid.

WATERGATE AND THE AMERICAN NAZI PARTY

(Mr. DANIELSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DANIELSON. Mr. Speaker, this is another little dripping from the Watergate, whose seepings have polluted our governmental process from coast to coast. Everyone read yesterday in the paper how the operation in California, under Lyn Nofziger, was spending Watergate money to try to influence the election. It now comes to light through the San Gabriel Valley Tribune that the American Nazi Party or the Nazi Party of America, whose headquarters is in my district, was employed in this process.

Mr. Speaker, one of the little commando groups from the Watergate approached the Nazi Party in California and offered them funds to pay off their mortgage. They were in trouble, in peril of losing their building, their headquarters. They were asked if they, the Nazi Party, would help change the registration of the members of AIP Party so that it would disappear from the ballot and thereby prevent the name of George Wallace from appearing on the ballot. They did turn over $1,200 in money to the Nazi Party—$800 of that money was used against the mortgage. I do not yet know what happened to the other $400. Along with that, the Nazi Party got a gasoline credit card through the courtesy, of course, of the Committee to Re-elect the President or Watergate, whatever we want to call it.

An article written by Daniel DeLong and appearing in the San Gabriel Valley, Calif. Daily Tribune of June 7, 1973, follows:

NAZIS USED NIXON CASH

(By Daniel DeLong)

EL MONTE.—Funds from President Nixon's re-election campaign were used as a down payment for the nation's largest Nazi headquarters, it was revealed today.

Lt. Joseph Tommasi, head of the National Socialist White People's Party in Southern California, told The Tribune that money received from the California Committee to Re-elect the President was used to buy the frame headquarters house at 4375 N. Peck Rd.

Tommasi said he received $1,200 from Robert J. Walters, a disgruntled former coordinator for the American Independent Party, to enlist members of the AIP into the Nazi movement to block George Wallace's third-party candidacy in California last year.

More than $800 of the money received from Walters was used to purchase the swastika-decorated headquarters. Total purchase price was $28,000.

Tommasi, 22, a self-styled leader of the group, said that Walters approached him at his headquarters in October of 1970 in the name of then Atty. Gen. John Mitchell and Jeb Stuart Magruder, the Nixon campaign's deputy director.

Tommasi said that Walters and Glen Parker, a Nazi sympathizer who broke with Walters during the enlistment, offered him $5,000 to use his storm troopers as registrars.

The Nazi, about 20 of the group's claimed membership of 1,500, went out neatly dressed in civilian clothes to register AIP members.

Tommasi only received $1,200 of the "promised" $5,000. Payments came in $100 increments, both by checks signed by Walters in cash.

The last payment made to Tommasi came in January of last year.

Tommasi said that the money was cut off because the registration drive was a complete failure.

Wallace actually gained 6,500 voters during the period that Walters and Tommasi worked together.

"They (Walters and Parker) were afraid that Wallace would do damage to the Nixon campaign in California," Tommasi said.

"I was surprised when I was contacted, but the idea of enlisting AIP members to weaken Wallace made sense," he recalled.

Tommasi said his party needed the money then because the lease on the headquarters "was dying."

"We had no reason to doubt Walters or Parker and who they said they represented," Tommasi added.

Walters denied that he hired the Nazis, even when shown photostat copies of checks made out to Tommasi with Walters' signature.

The advertising executive from Buena Park said he had often given Parker signed blank checks to fill out for expenses.

Walters conceded Thursday that "it is conceivable some individuals working in the campaign were in some way or another involved with Tommasi and company."

Most of today's revelations stem from testimony Thursday by Hugh W. Sloan, Jr., former treasurer of the Nixon campaign, when he told the Senate Watergate hearings that he disbursed $10,000 in cash to Lyn Nofziger, former director of the President's California campaign, for an unspecified purpose.

Nofziger said the money went to Walters. He said Walters convinced Magruder that he could help disqualify AIP members who had once registered but failed to vote.

Under California law, names of registered voters are stricken by county registrars if they fail to vote in general elections every two years.

Wallace had last run in the state during the 1968 presidential primary.

Although the registration drive between Walters and Tommasi failed, the Nazi leader said that he has also worked with Walters in defeating farm labor leader Cesar Chavez.

Tommasi said that Walters had given him "an undisclosed" amount of money from Teamster Union funds to send his troopers into the lettuce fields in the Coachella Valley to "stir up trouble."

JEWISH CEMETERIES DESECRATED BY NAZIS

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, Willie Brandt, the Chancellor of West Germany, is currently conducting an official visit to the State of Israel. This is truly a momentous occasion. It is the first such visit by a German leader to the Jewish State.

The ramifications of this meeting cannot be missed. The German nation, under the control of Adolf Hitler and the

Nazi Party, earned an infamous place in history by the murder of 6 million Jews. While Willie Brandt was a courageous fighter against Nazism and all the evil that dogma represented, the name of Germany still evokes bitter memories in the hearts of millions of people, Jews and gentiles alike. Chancellor Brandt's visit to Israel marks a new beginning in the relationship between the Jewish State and Germany.

The prospect of expanded, normalized relations between Israel and Germany is certainly a gratifying one. However, this does not mean that the past is an entirely closed book. One outstanding issue remaining to be resolved is that of the Jewish cemeteries in Eastern Europe that were desecrated by the Nazis.

Over 2,000 Jewish cemeteries in Poland, the Soviet Union, Hungary, and Czechoslovakia were destroyed. The Nazis desecrated gravestones, and used them as construction material and paving stones for streets and roads.

This despoilment continues even today. The Polish Government has confiscated the large Jewish cemetery in Lvov and turned it into a park. Many of the Jewish graveyards are over 1,000 years old, and are the last remnant of a once-thriving European Jewish community of millions of people. With the destruction of these cemeteries, the last historical traces of Polish Jewry will be eradicated.

There is an organization that is dedicated to finding, restoring and preserving these forgotten cemeteries. The name of the organization is the World Center of European Rabbis. The Geder Avot section of the World Center has for some time been actively engaged in endeavoring to obtain reparations for the destruction of Jewish cemeteries. Rabbi M. J. Rubin, the tireless, devoted leader of Geder Avot, has unfortunately not met with any success in his efforts to date.

Geder Avot's plan is to locate as many Jewish cemeteries as possible, and to restore as many of those as feasible. For those which cannot be restored because the destruction is too great, Geder Avot plans to build memorial houses in Israel for the martyrs, for those who no longer have gravestones, and for those cemeteries which have been demolished. Geder Avot is devoted to preventing the further confiscation of Jewish cemeteries and to the erection of fences around the remaining ones to prevent further vandalism and destruction of graves.

Rabbi Rubin explains that his organization is operating under the guidance of Jewish law. In the Talmud, it is commanded that the dead be properly buried, and this commandment is being transgressed every time a Jewish cemetery in Eastern Europe is desecrated or a grave vandalized. So unequivocal is this commandment that even the high priest, an office frequently mentioned in the Old Testament, who was forbidden under ordinary circumstances to touch the dead, may occupy himself with the burial of the dead.

Rabbi Rubin and Geder Avot are carrying on this work as a religious requirement and as a labor of devotion to the memory of European Jewry. It is a backbreaking task that to date has produced few, if any, positive results. This task cannot be completed unless many more people become aware of the situation and take an interest in it.

A petition with more than one million signatures on this matter was presented to the United Nations. The German Government has been approached in the past, with no response. It is my hope that with the current visit of Chancellor Brandt to Israel, German officialdom will take a renewed interest in this problem and intercede with the East European governments on behalf of Geder Avot.

World War II and nazism both came to an end over a quarter of a century ago. It is about time that this issue should be laid to rest as well.

SENIOR CITIZENS WILL PREVAIL

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, yesterday it was my pleasure to speak to some 10,000 of America's finest gathered on the west steps of the Capitol. I am referring to the delegates to the legislative conference of the National Council of Senior Citizens, people who in their mature years are making a further contribution to this Nation's greatness.

They were here to remind us to keep the Nation's priorities on the track. They were here in Washington, and in my office, to remind us that Government programs for senior citizens are not doing the job they were intended to do.

Too many of the 20 million senior citizens exist on the barest minimum income. It is commonplace to find elderly couples living on income below the poverty level designated by Federal agencies.

Mr. Speaker, before the 93d Congress adjourns I believe we will find that the needs of our senior citizens will occupy a larger portion of our interest than they ever have before. These people, who have in the past carried America on their backs, are beginning to command the attention they deserve.

Programs established and advanced by this Congress will give new meaning to the daily life of senior citizens. I believe the needs of the elderly is becoming a bipartisan issue in both Houses of Congress, and that the result will be progress not dreamed of in the past.

For example, just 6 years ago a resolution was introduced here to establish a Select Committee on Aging that would give full time attention to the needs of our 20 million senior citizens. At that time it had only two sponsors. In the last session of Congress the same measure had 233 cosponsors. I predict that in this, the 93d Congress, the measure will carry and give those senior citizens a full time and continuing voice in the House of Representatives.

I am a cosponsor of that measure, and I urge all my colleagues to join in its supporting. It will help focus our legislative efforts on the real needs of the elderly. Before this Congress adjourns perhaps we can take up and establish such things as comprehensive health insurance, an equitable system for social security payments, rent control and other items that are a day-to-day concern of older Americans.

SOME CONTINUED SAGE ADVICE FROM JAMES A. FARLEY ON HIS 85TH BIRTHDAY

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, that beloved former U.S. Government official and longtime Democratic Party leader, Hon. James A. Farley of New York, celebrated his 85th birthday the other day.

Needless to say, Jim Farley is still in robust health and going strong at 85. And in keeping with his usual practice he had some very sage and very sound advice for all of us in Washington these days when he was interviewed in connection with that 85th birthday celebration, advice on Watergate, advice on the future of the country, and advice on the coalition of the Democratic Party.

We can all learn a lesson in listening to what a man of Jim Farley's stature has to say. Under leave to extend my remarks, I include an Associated Press story on this interview that was published in the Buffalo Courier-Express for May 31, 1973:

FARLEY SEES WATERGATE AS BOON TO DEMS

NEW YORK.—James A. Farley, Democratic national chairman in the years of the New Deal, said Wednesday that Watergate will be enough of a boon to Democrats without impeachment of President Nixon. That, he said, "would be disastrous."

At a news conference to mark his 85th birthday, Farley said he hopes "nothing will happen to bring about an impeachment" because he has "such a high regard for the office of the President."

"It would divide the country in a way it has never been divided before," Farley said.

In any event, he continued, the Watergate case can be expected to drag on for "months and months and months. There will be many indictments and trials. It will be many years before the entire situation is over."

GOP CHANCES "DIM"

"Unless there is something unforeseen, I don't think the Republicans have a chance in 1976." He said Watergate's effects would spill over into Congressional and state house races.

The news conference touched on a broad range of issues in which Farley, now chairman of the board of the Coca-Cola Export Corp., has taken an interest.

Farley was Democratic national chairman and postmaster general during President Franklin D. Roosevelt's first two terms. He split with Roosevelt over the issue of a third term in 1940.

Farley said he thinks Sen. Henry Jackson, D-Wash., "would make a great president" in 1976. But, he said, "you can't discount Sen. Edmund Muskie, D-Maine." He would not comment on the chances of Sen. Edward M. Kennedy, D-Mass.

BEAME IS PRAISED

Farley also endorsed Comptroller Abraham Beame in a four-way Democratic mayoral primary in New York City.

Farley had a few kind words for the old style political boss he worked with—a figure whose influence he said has declined and whose image has changed.

"In the day when I was active," he said, "bosses never looked for any publicity and never headed the parade. The one thing you could say about bosses was that they would wholeheartedly support the candidate despite disagreement in a primary.

GORDON K. EBERSOLE: APPALACHIAN

(Mr. HECHLER of West Virginia asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, the Hagerstown, Md., Daily Mail has published a fine article concerning a longtime Federal employee, Gordon K. Ebersole, who grows in wisdom and understanding manyfold each year of his retirement in West Virginia. Mr. Ebersole has a deep appreciation of human qualities and he gets closer every year to both man and soil. I know few human beings who have a better understanding of Appalachia. The article about Gordon Ebersole follows:

Gordon K. Ebersole: Lover of Horses, Old Machines, Appalachians

(By Phil Ebersole)

Shepherdstown, W. Va.—Gordon K. Ebersole is a retired civil engineer with 30 years federal service who collects obsolete machinery, raises appaloosa horses, and thinks about ways to fight what he calls corporate "colonialism" in the Appalachians.

He quit the U.S. Department of the Interior, where he was co-ordinator for area redevelopment, because he did not think the area redevelopment or Appalachian programs were being organized in the people's interest.

Now he tries to promote what he regards as the people's interest as executive director of the Council on Appalachian Development (CAD), a board member of the Council of the Southern Mountains and, as an active Presbyterian layman, a member of the Commission on Religion in Appalachia.

He has a 230-acre farm which his five grown children and many grandchildren frequently visit, an old mill in Delville, Pa., near Harrisburg which he hopes to turn into a museum, horses which he breeds and raises western-style, and what may be one of the world's largest purposely-assembled collections of obsolete machinery.

Ebersole's political enthusiasm has not flagged, however, and he is ready at the drop of a hat to talk about public utility districts, strip-mining, severance taxes, timber co-operatives or the need to save the family farm.

Born and reared in Nebraska, a state with 100 percent publicly-owned electric utilities, he first worked as a civil engineer on the Grand Coulee dam, and, after World War Two, on the Missouri Basin project.

Transferred to Washington, D.C., with the Bureau of Reclamation in 1950, Ebersole worked on Point Four resource development projects for the next 10 years.

Working with Point Four (now AID) from 1950 to 1960, Ebersole was named Interior Department representative in the Area Redevelopment Administration in 1961. He visited Appalachia as a representative of the Council of Appalachian Governors and as a member of the power, coal and water resources teams of the President's Appalachian Regional Commission.

As originally drafted, Ebersole said, the Appalachian program proposed development of timber, coal and hydro-electric resources for the people.

But everything except a highway-building program was knocked out, he said, "by the private interests who control this country."

Angrily, he said: "This Watergate thing is the best thing that ever happened to this country. It will show people what I've known ever since I went into Secretary Udall's office, and saw how impossible it is to do anything about strip mines or anything else that would hurt the private interests. Money talks, and money runs this government."

He retired in 1965 to help organize CAD. The organization had high hopes in the beginning.

Its chairman was his friend, Harry M. Caudill, lawyer and author of "Night Comes to the Cumberlands," a best-selling book about the coal-mining area of Kentucky. Its board of directors included Milton Shapp, who is now Governor of Pennsylvania.

For some months, Ebersole was CAD's unpaid spokesman in Washington, working with such congressmen as U.S. Senator Lee Metcalf (D-Mont.) and Ken Hechler (D-W. Va.).

One CAD proposal is the Public Utility District (PUD) which, Ebersole said, has been successfully used in Washington State to electrify rural areas, hold down electric rates, and plow back utility profits into local governments to be used for schools, roads and community colleges.

Both Appalachia and the Pacific Northwest are rich in natural resources, he said, but these resources have been developed for the benefit of the people only in the northwest.

Twenty-two Washington State counties formed PUDS in the 1930s, Ebersole said, some generating their own power, some buying from the Bonneville Power Administration.

They were able to sell power for half what was then the going rate, electrify farms neglected by the private utilities, and still earn revenues used by local government to develop the area.

As an alternative, Ebersole quite seriously suggests that private utilities in Appalachia consider going non-profit, paying off their stockholders in revenue bonds.

"The system would remain the same," he said, "The only thing which would change would be the board, which would be governed by people from the area the company serves."

Such a proposal may seem far-fetched, he said, but "you get in a populist national administration and you'll have a lot more public ownership that we have today." Revenue bonds are also a cheaper method of financing that stock issues, Ebersole said.

He and CAD also advocate a national severence tax on non-renewable resources, by which companies must pay local governments for coal and minerals removed form their jurisdictions.

CAD never was able to get any funds or any staff, however, and in recent years has been relatively inactive except for a fight to get the Federal Power Commission to consider public alternative to the Appalachian Power Company's Blue Ridge, W. Va., dam proposal.

Ebersole finds plenty to keep him busy and happy, however.

Eight years ago, while doing research on the Ebersole geneology in Delville, Pa., he bought on old grist mill for $1,500.

"I had been a dam engineer," he said, "The idea of having a dam of my own was intriguing."

While the property is now a kind of attic where he and his five grown children store excess property. Ebersole hopes to stir up interest in making it a museum which would house his collection of old machinery and other Americana.

His machinery collection, mostly picked up at auctions, ranges from a hand-powered vacuum cleaner to a seven-foot-high nutcracker. Much of it he has put in operating condition.

"My specialty is washing machines," he said, "I have 32, including two of the first spin-dryers ever made."

Ebersole is also fascinated by the culture of the Far East, particularly oriental farming methods which he imitates to some extent in his own garden.

He served with the U.S. Army Corps of Engineers in India and Okinawa during World War Two and with Point Four (now AID) in Korea from 1959 to 1961.

For the past two and a half years, he has realized a lifetime dream by raising horses on his 230-acre farm. He noted that his landlord is not a farmer, but a State Department official—an indication of a bad trend in land ownership.

He has 27 horses which he raises western-style, leaving them out-of-doors all year round. He has bred two appaloosa foals which are everything he wants in horses, and he will use them as trail horses.

"It's a good thing for young people to go out on a week's ride, and take care of their horse," he said. "By that time, they're pretty well-acquainted with the horse, and know how to cope with situations."

He has a lot of old harness he bought at auction, which he plans to repair and get a wagon team to use.

He is proud of his garden, where, among other things, he grows strawberries on a hillside terrace on a pattern he saw used in the Far East. The terrace has a southern exposure, and the rocks which build it up retain the sun's heat and help the strawberries grow faster, he said.

Most of all, he enjoys his grandchildren, who are frequent visitors to the farm.

"Where can grandkids go nowadays," he asked, "if they don't have a granddad with a farm?"

If the Appalachian region is developed to it's full potential, he said, people won't be forced off the land into the cities, and this way of life will be available to all.

A YOUNG MAN VISITS CONGRESS

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, some time ago a very bright and handsome young friend of mine from Miami, David Kennedy, whose family have been warm friends of mine for a long time, visited Washington with members of his family. I took him to the floor of the House one day while the House was in session and later took him to the office of the Speaker where he had the honor of meeting the Speaker who greeted him very graciously and gave him an autographed photograph. Later the young man on his own initiative went over to the office of Senator Gurney from Florida. There he got a pass to the Senate Galley. While sitting in the Senate gallery he recognized Senator Humprhey on the floor of the Senate. Senator Humphrey was a close friend of his father, Hon. David Kennedy, recently the mayor of Miami. David went down to the Senate Reception Room and sent a request in for Senator Humphrey to come out. Senator Humphrey came out, met him, and took him on the floor of the Senate. Young David Kennedy had all this exciting experience in the Capitol in one day.

When he went home he wrote it up in his school paper, published by the excellent Lear School which he attends in Miami. This young man's report of his trip to Washington gives us a better understanding of how meaningful it is for Members of Congress to take the time to try to enable young visitors to see as much as they can and meet as many Members of Congress as they can while they are here.

Mr. Speaker, I include young David Kennedy's article in his school paper in the Record following these remarks:

MY VISIT TO CONGRESS

(By David Kennedy)

The Capitol has two sides—one for the United States Senate and the other for the House of Representatives. When either the Senate or the House introduces a bill, both sides must vote in agreement, and then it is sent to the President.

I was very honored when Senator Pepper took me with him to the floor of the House. It is a very big and beautiful room with 435 seats, one for every Congressman. The Speaker of the House, Carl Albert, sits up very high on a platform with the American flag behind him. Voting is done by computers right on the side of each desk. Senator Pepper let me vote on two bills for him. But, of course, he told me what to vote.

A very special thing occurred when Senator Pepper took me in to meet the Speaker in his office. There he gave me a special card so I could go any place in the Capitol except the Vice President's office. But that's okay; I'd rather meet a Democrat anyway! Mr. Albert said what a great man Claude Pepper is, but I already knew that.

Under the Capitol there is a little subway which I rode to the Senate wing where I saw Senator Hubert Humphrey. He took me to the floor of the Senate. Each Senator has a desk and the Vice President sits on a platform, but he wasn't there.

I really couldn't believe that this was happening to me. The Senator also took me to lunch in the House dining room. Wow! Everyone knows Senator Pepper. It was all just great!

PRISON REFORM

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, prisons have changed little in comparison with the rest of society since the turn of the century. Because of the isolation of the penal institution from the rest of society, faults have developed in the Nation's prisons which might otherwise have been corrected years ago.

Proposed reforms follow traditional lines: more and better trained personnel at higher salaries, more programs in and out of institutions, more money for courts and corrections all along the line. The basis for these approaches is that the programs are on the right track, but have never been given a fair trial, and that the blame for past failure is public and legislative inaction.

The Select Committee on Crime has found that money is not necessarily the barrier to upgrading the criminal process. Building bigger, fortress-type prisons will not make society a safer place; if anything, mass treatment of offenders will only lead to more recidivism.

Realistically, society can never completely eradicate crime and completely cut out a recidivism rate. However, it has been estimated by penologists that vocational training and meaningful employment after incarceration can cut recidivism by as much as 50 percent. Six years ago the President's Commission on Law Enforcement and the Administration of Justice, which included William P. Rogers, now Secretary of State, and Lewis Powell, an appointee of the President to the Supreme Court, unanimously reported that:

> The Commission has no doubt whatever that the most significant action that can be taken against crime is action designed to eliminate slums and ghettos, to improve education, to provide jobs, to make sure that every American is given the opportunities and freedoms that will enable him to assume his responsibilities.

Other similar findings will be brought to Congress' attention when the Select Committee on Crime submits its final report on Corrections this month. As a solution to the "revolving door" justice of our corrections system, Mr. Eugene Rhoden has written the following article. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

EMPLOYMENT—A KEY TO REHABILITATION

NOTES ON COMMUNITY CORRECTIONS—SPRING, 1973

BUREAU OF REHABILITATION
OF THE NATIONAL CAPITAL AREA,
Washington, D.C.

American society places a high value on work, even identifying and giving status to a person according to his occupation. There is considerable evidence that unemployment while certainly not solely responsible for criminal behavior or recidivism, seems to be one of the principal causative factors. With this guideline, local and federal governments have sponsored numerous inmate training programs and pre-trial diversion programs in an effort to equip offenders with skills and opportunities necessary to function successfully in the free community. Many of these projects have supplied us with studies that support the validity and the effectiveness of an employment-oriented social services approach to corrections.

Traditionally employer prejudices, ignorance, state and local laws, and restrictive union clauses have been among the barriers the former offender has had to face in the employment market. Both the private sector and the government have been markedly reluctant to hire, train, and promote the ex-offender. This creates a significant hardship in the nation's capital where the major employment market lies in government service.

Additionally, the offender population is currently faced with a new crisis: budget cutbacks of manpower programs under the sponsorship of the present administration. The proposed budget for fiscal 1974 contained the following statements on Social and Rehabilitation Services: "The SRS training programs are being phased out as part of a general policy of sharply curtailing HEW's specialized manpower programs." Similar policy will cut back programs within the Department of Labor. Recently, the Bureau learned that after July 1, 1973, the Public Offender section of the Department of Labor will no longer have funds and that clients already selected for training, as well as offenders currently in training, will be dropped from the program.

If American society is to be successful in socializing and rehabilitating the offender, the value of meaningful employment must guide our efforts. The federal government must develop and support national policies that make training and employment opportunities available to the offender. Then—especially here in Washington—the government must make the lead in hiring and promoting persons with criminal records. However the responsibility does not rest alone with either the government or the private employer. Those of us having treatment responsibility must establish and maintain with our clients a positive regard for the worth and dignity of work. In addition to persuading prospective employers to hire, we must more vigorously encourage clients to accept available employment commensurate with their skills. At the same time, we must help them develop and improve on skills that would make them more attractive and more competitive bargainers within the labor market.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. RANGEL, for Friday, June 8, 1973, on account of unavoidable and pressing congressional district business.

Mr. McSPADDEN (at the request of Mr. McFALL), for today, on account of family illness.

Mr. PARRIS (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. CORMAN, for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 10 minutes, today.

Mr. RANDALL, for 20 minutes, today.

(The following Members (at the request of Mr. PRITCHARD) to revise and extend their remarks and include extraneous material:)

Mr. MITCHELL of New York, for 5 minutes, today.

Mr. TREEN, for 10 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. STUDDS) and to revise and extend their remarks and include extraneous matter:)

Mr. VANIK, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. HARRINGTON, for 30 minutes, today.

Ms. ABZUG, for 30 minutes, on June 12.

Mr. DELLUMS, for 30 minutes, on June 12.

Mrs. SCHROEDER, for 30 minutes, on June 12.

Mr. MITCHELL of Maryland, for 30 minutes, on June 12.

Mr. STARK, for 30 minutes, on June 12.

Mrs. BURKE of California, for 30 minutes, on June 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRENZEL to follow the remarks of Mr. GONZALEZ during his special order today.

(The following Members (at the request of Mr. PRITCHARD), and to include extraneous matter:)

Mr. DERWINSKI in two instances.

Mr. STEELE.

Mr. McCLORY.

Mr. McCLOSKEY.

Mr. STEIGER of Wisconsin.

Mr. KUYKENDALL.
Mr. HUTCHINSON.
Mr. ERLENBORN.
Mr. KEMP in two instances.
Mr. SARASIN.
Mr. MARTIN of North Carolina.
Mr. CRONIN in two instances.
Mr. MIZELL in five instances.

(The following Members (at the request of Mr. STUDDS) and to revise and extend their remarks:)

Mr. ANDREWS of North Carolina.
Mr. RARICK in three instances.
Mr. GONZALEZ in three instances.
Mr. KASTENMEIER.
Mr. LEGGETT.
Mr. EDWARDS of California.
Mr. ROE.
Mr. DAN DANIEL.
Mr. EVINS of Tennessee.
Mr. MAHON.
Mr. DORN in four instances.
Mr. BENNETT in two instances.
Mr. VANIK in two instances.
Mr. HAWKINS.
Mr. TAYLOR of North Carolina in two instances.

(The following Members (at the request of Mr. STUDDS) and to include extraneous matter:)

Mr. DOMINICK V. DANIELS.
Mr. O'HARA.
Mr. BRADEMAS in six instances.
Mr. EDWARDS of California.
Mr. CHARLES WILSON of Texas.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 71. An act for the relief of Uhel D. Polly; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period, and

H.R. 4704. An act for the relief of certain former employees of the Securities and Exchange Commission.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 7, 1973 present to the President, for his approval a joint resolution of the House of the following title:

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 24 minutes p.m.), under its previous order, the House adjourned until Monday, June 11, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1012. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a list of Department of Defense contract award dates for the period May 15 to August 15, 1973, pursuant to section 506 of Public Law 92–156; to the Committee on Armed Services.

1013. A letter from the Commissioner of the District of Columbia, transmitting a draft of proposed legislation to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia requiring compulsory vaccination against smallpox for public school students; to the Committee on the District of Columbia.

1014. A letter from the Deputy Assistant Secretary of the Interior transmitting a copy of a proposed amendment to a concession contract authorizing the continued provision of overnight accommodations and related facilities and services for the public at the Kalaloch Area of Olympic National Park, Wash., for a term of 1 year ending December 31, 1973, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1015. A letter from the Secretary of Transportation, transmitting the second annual report on the implementation of national transportation policy, pursuant to section 3(b) of the Airport and Airway Development Act of 1970; to the Committee on Interstate and Foreign Commerce.

1016. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970 and other related acts to authorized additional appropriations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1017. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the laws governing the transportation of hazardous materials; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 5692. A bill to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308 (Rept. No. 93–265). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 6338. A bill to amend the Water Resources Planning Act to provide for continuing authorization for appropriations; with amendment (Rept. No. 93–266). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8410. A bill to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes (Rept. No. 93–267). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG (for herself, Mr. BADILLO, Ms. BURKE of California, Ms. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. EDWARDS of California, Mr. FAUNTROY, Mr. HARRINGTON, Mr. MOAKLEY, Mr. METCALFE, Ms. MINK, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. ROSENTHAL, Mr. STARK, Mr. STOKES, and Mr. WON PAT):

H.R. 8546. A bill to add a new title XX to the Social Security Act to provide for a minimum annual income of $3,750 in the case of single individuals and $5,000 in the case of married couples; to the Committee on Ways and Means.

By Mr. ASHLEY:

H.R. 8547. A bill to amend the Export Administration Act of 1969, to protect the domestic economy from the excessive drain of scarce materials and commodities and to reduce the serious inflationary impact of abnormal foreign demand; to the Committee on Banking and Currency.

By Mr. ASHLEY (for himself, Mr. REES, Mr. MITCHELL of Maryland, Mr. ST GERMAIN, Mr. YOUNG of Georgia, and Mrs. SULLIVAN):

H.R. 8548. A bill to amend the International Economic Policy Act of 1972 to change the membership of the Council on International Economic Policy, and for other purposes; to the Committee on Banking and Currency.

By Mr. BLATNIK:

H.R. 8549. A bill to designate the Kettle River, in the State of Minnesota, as a component of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. DON H. CLAUSEN:

H.R. 8550. A bill designating the Luther Burbank Shasta Daisy as the national flower of the United States; to the Committee on House Administration.

By Mr. ERLENBORN (for himself and Mr. RINALDO):

H.R. 8551. A bill to authorize a White House Conference on Education; to the Committee on Education and Labor.

By Mr. FASCELL:

H.R. 8552. A bill to amend Reorganization Plan No. 2 of 1973; to the Committee on Government Operations.

By Mr. FRENZEL:

H.R. 8553. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mr. HARSHA:

H.R. 8554. A bill to revise the Welfare and Pension Plans Disclosure Act; to the Committee on Education and Labor.

H.R. 8555. A bill to revise the Welfare and Pension Plan Disclosure Act; to the Committee on Education and Labor.

By Mr. HAWKINS (by request):

H.R. 8556. A bill to transfer to the Department of Commerce responsibility for carrying out special impact programs heretofore carried out by the Office of Economic Opportunity; to the Committee on Education and Labor.

By Mr. HUBER:

H.R. 8557. A bill to amend the Civil Rights Act of 1964 with respect to school desegregation; to the Committee on the Judiciary.

H.R. 8558. A bill to limit certain legal remedies involving the involuntary busing of schoolchildren; to the Committee on the Judiciary.

By Mr. NIX:

H.R. 8559. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. REES:

H.R. 8560. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. UDALL (for himself, Mr. Blatnik, and Mr. Anderson of Illinois):

H.R. 8561. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOMFIELD:

H.J. Res. 606. Joint resolution proposing an amendment to the Constitution of the United States relating to the term of office of President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. WALSH (for himself and Mr. Harrington):

H. Con. Res. 245. Concurrent resolution expressing the sense of the Congress with respect to the sale or abandonment of certain railroad lines; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BOWEN introduced a bill (H.R. 8562) for the relief of Mrs. Bronson Clayton, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

244. The SPEAKER presented a memorial of the Legislature of the State of California, relative to retirement benefits of prisoners of war; to the Committee on Armed Services.

SENATE—*Friday, June 8, 1973*

The Senate met at 9 a.m. and was called to order by the Acting President pro tempore (Mr. Metcalf).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God and Father of mankind, we thank Thee for Thy mercies which are new every morning. May we perform the duties of this day in the light of Thy truth. Give us a sharp conscience to monitor our thoughts and deeds according to Thy law. Keep us from paralyzing fear and embittered cynicism. May we never abdicate the highest and the holiest way made known in Thy word. In the fever of these tormented times take from our souls the strain and stress and let our ordered lives confess the beauty of Thy peace. Make us partners with Thee in the building of a world where truth and righteousness shall reign supremely, and love and peace shall be victorious.

We pray in the name of that One who is the truth and the way. Amen.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 7, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendars Nos. 180, 181, and 185, all three of which have been cleared on both sides of the aisle.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

METHADONE DIVERSION CONTROL ACT OF 1973

The Senate proceeded to consider the bill (S. 1115) to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Methadone Diversion Control Act of 1973".

Sec. 2. Section 101 of the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) is amended by adding the following after paragraph (7):

"(8) The diversion of narcotic drugs, particularly methadone, used in the treatment of addicts dependent upon heroin or other morphine-like drugs into other than legitimate medical, scientific, or industrial channels is detrimental to the health and general welfare of the American people."

Sec. 3. (a) Section 102 of the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 802), is amended by adding the following after paragraph (9):

"(10) The term 'detoxification treatment' means the furnishing, for a period not in excess of twenty-one days, of a narcotic drug in decreasing doses to an addict in order to alleviate pain and other adverse physiological effects incident to withdrawal from the habitual use of a narcotic drug, as a method of bringing the addict to a drug-free state within such period."

(b) Section 102 of such Act is amended by adding the following after paragraph (12):

"(14) The term 'emergency treatment' means the administration of a narcotic drug to an addict when necessary to alleviate pain incident to withdrawal from a narcotic drug while arrangements are made for referral of the addict to a treatment program and the administration of a narcotic drug to detoxify a patient as a necessary adjunct to medical and surgical treatment of not more than twenty-one days duration in a hospital."

(c) Section 102 of such Act is amended by adding the following after paragraph (13):

"(16) The term "maintenance treatment means the furnishing, for a period in excess of twenty-one days, of a narcotic drug in the treatment of an addict for dependence upon heroin or other morphine-like drugs."

(d) Section 102, of such Act is amended by redesignating paragraphs (10), (11), and (12) as paragraphs (11), (12), and (13) respectively; by redesignating paragraph (13) as paragraph (15); and by redesignating paragraphs (14) through (26) as pragraphs (17) through (29), respectively."

Sec. 4. Section 303 of the Controlled Substances Act (84 Stat. 1253; 21 U.S.C. 823) is amended by adding the following after subsection (f):

"(g) Practitioners who dispense or administer narcotic drugs in a treatment program for addicts shall obtain annually a separate registration for that purpose. The registration may be for maintenance treatment, detoxification treatment, or both. The Attorney General shall grant a registration under this subsection if the applicant—

"(1) is determined by the Secretary to be qualified to engage in such treatment under standards set by the Secretary, and

"(2) is determined by the Attorney General to be prepared to comply with standards imposed by the Attorney General relating to the security of the narcotic drug stocks, the maintenance of records in accordance with section 307, and with the concurrence of the Secretary, the quantities of drugs which may be provided for unsupervised use."

Sec. 5. Section 304(a) of the Controlled Substances Act (84 Stat. 1255; 21 U.S.C. 24 (a)) is amended (A) by striking "or" at the end of paragraph (2); (B) by striking the period at the end of paragraph (3) and inserting "; or"; and (C) by adding the following new paragraph at the end:

"(4) has failed to comply with standards imposed pursuant to section 303(g). Such a failure may be treated as grounds for immediate suspension of registration under subsection (d) of this section. Action under this paragraph is entirely without prejudice to any other registration to utilize narcotic drugs in other types of medical practice."

Sec. 6. Section 307(c)(1)(A) of the Controlled Substances Act (84 Stat. 1258; 21 U.S.C. 827(c)(1)(A)) is amended by adding the following after the word "practice": "except in the treatment of narcotic addicts in accordance with registration under section 309(g), or in emergency treatment as defined in section 102(14);".

Mr. CURTIS. Mr. President, I ask unanimous consent to have printed in the Record a statement on the bill by the distinguished Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Hruska

I support the passage of S. 1115, the Narcotic Addict Treatment Act of 1973.

S. 1115 was proposed by the Administration and introduced on March 6, 1973, by my distinguished colleague from Kentucky Senator Cook. I commend the foresight and interest which Senator Cook and the Chairman of the Juvenile Delinquency Subcommittee [Mr. Bayh] have shown in this important matter.

The purpose of this bill is to provide a means of regulating the use of narcotic drugs in the treatment of narcotic addiction. Its principal aim is to require a special registration of physicians who administer narcotics for drug treatment and to establish a sound legal basis for imposing safeguards to protect the community against the diversion of narcotic drugs into illicit traffic.

Drug addiction has existed as a social, medical and law enforcement problem in this nation for a long time. The current scope of the problem is enormous. For example, it is estimated that there are now between 300,000 and 500,000 heroin addicts nationwide.

The federal government has made noteworthy steps to reduce the severity of the problem in recent years. During the past four and one-half years, President Nixon has devoted considerable time and attention to the entire subject of drug abuse. He has indicated that his second term will see this effort expanded.

HEARINGS HELD

The Juvenile Delinquency Subcommittee has held an ambitious set of hearings on this bill. In the past several months the Subcommittee has sat in the cities of Los Angeles, San Francisco, Omaha, Indianapolis, Louisville, and Washington, D.C. A total of 61 witnesses appeared. The witnesses included law enforcement authorities, physicians, drug rehabilitation experts, and various civic and community leaders.

A vast majority of these witnesses, including representatives of the Bureau of Narcotics and Dangerous Drugs and the Food and Drug Administration, testified in full support of S. 1115 in its present form.

The evidence which the Subcommittee obtained during these hearings has greatly helped the members of the Judiciary Committee in reporting suitable legislation to deal with the problems involved in the use of narcotics in drug treatment programs.

USE AND ABUSE OF METHADONE

There are a number of treatment modalities that have been recently developed for the rehabilitation of heroin addicts. One of the major approaches has been the use of the drug methadone for both detoxification and maintenance.

Methadone is a narcotic drug currently listed in Schedule II of the Controlled Substances Act of 1970, and has been subject to narcotic controls in this country since its original introduction following the Second World War.

Although it is dangerously addictive, methadone has been used successfully to detoxify or maintain heroin addicts. It acts to suppress the craving for heroin and provides at least for some addicts a chance to lead a productive life in the community.

It is important to emphasize, however, that methadone alone is not a cure for drug addiction and its attendant problems. Any plan to use methadone, or any other narcotic alone, as a simple, inexpensive, large-scale answer to the drug problem is ill-conceived. Methadone must be used in conjunction with other clinical support facilities such as counseling, in order to assist the addict toward a stabilized and useful existence.

Although methadone has been used for about three decades, this use was previously confined to one of short duration within an institutional setting. The current situation whereby addicts are supplied with methadone continuously, on an ambulatory basis, is without precedent since the close of the morphine and heroin clinics in the early 1920s. Traditionally, both criminal and regulatory law has been based on the presumption that no narcotic drugs of any kind would be made available to addict patients in this fashion.

This situation has changed radically and suddenly within the course of a few short years. Since the mid-60s the number and size of methadone maintenance programs have grown to the point where today approximately 77,000 individuals are enrolled in approximately 450 programs around the country under the auspices of every level of government.

Today, methadone is the most prevalent drug used in such programs.

Over two-thirds of the narcotic addicts presently undergoing treatment are involved in methadone programs. However, the rapid expansion of methadone programs and the quantity of methadone dispensed has also provided an increased opportunity for the illegal use of the drug. It is, therefore, not surprising that government is experiencing difficulty in imposing necessary controls.

Methadone is now readily available in the illicit markets of every major city in the United States. Although federal authorities lack precise evidence on the degree of this availability, there are several reliable indications that it is widespread. For example, in a recent study of 95 randomly selected addicts in the City of New York, it was found that 92 percent had been offered the opportunity to purchase illicit methadone within the preceding six months. Moreover, 13 percent reported having sold illicit methadone themselves.

Another alarming indicator of the growth of this new problem has been the sudden, marked upsurge in methadone overdose deaths around the country. This evidence clearly indicates the rapid growth of a new and previously non-existent danger.

SIGNIFICANT PROBLEMS

In the wage of this rapid expansion in the use and abuse of methadone, two significant problems have arisen.

First, there is a medical problem involving the clinical methodology which should be employed in dispensing methadone. Clearly, we cannot tolerate insincere medical practitioners who provide large numbers of addicts with methadone for profit and, in effect, function as mere "filling stations" for addicts without any thought of the best interests of the community or the patient. On the other hand, with regard to the sincere and dedicated personnel who are attempting to utilize methadone in a positive fashion, there are questions involving proper dosages, supportive services, and all of the other aspects of treatment which are the subject of medical controversy. The recent FDA regulations on methadone represent an attempt to deal effectively with this aspect of the overall situation.

The second major problem that has developed with the advent of widespread methadone use represents a challenge to our law enforcement community at the federal, state and local level. This is the shocking diversion of methadone from lawful to illicit channels. Because of the drug's potential for abuse, we must do all that is humanly possible to guarantee that it is kept within valid medical confines.

The drugs in the illicit traffic derive from three clearly identified sources though we are unable to state the percentage which each represents of the total. The sources are (1) private physicians engaged in the promiscuous distribution and prescription of methadone for profit; (2) thefts and diversions from poorly organized and loosely operated programs, and (3) small but numerous sales of individual medication which has been dispensed to patients for unsupervised consumption. The latter practice is referred to as "carrying privileges."

PROVISIONS OF S. 1115

S. 1115 is an attempt to curb the flow of illicit methadone and other narcotic drugs providing that all physicians using narcotic drugs for the treatment of addicts be required to register separately in addition to any other registration that they may have for other medical purposes. Eligibility for this registration would be predicated on two requirements: (1) that the physician meet the medical standards prescribed by the Secretary, HEW, for the type of treatment program he intends to conduct, and (2) that he meet security standards which have been determined by the Attorney General as necessary to safeguard against diversion. An exception to this requirement is provided for the use of such drugs in an emergency situation.

The establishment of medical standards by the Secretary does not require a new grant of authority; however, the establishment of appropriate security standards by the Attorney General does. These would include essentially such matters as the manner of storage of narcotic drug stocks, the nature and number of premises within a program where drugs may be dispensed, the qualification and screening of personnel who may be permitted to handle and dispense such medication, and limits on the quantity which may be permitted to leave the premises for unsupervised use.

If the registrant fails to maintain these standards, the registration would be revoked. Moreover, injunctive powers, civil fines, and recordkeeping violations currently provided under the law, could be brought to bear. The law would also provide for a compete record showing the flow of narcotic drugs from the time of their receipt to their ultimate delivery to the patient. The confidentiality of records identifying patients would be maintained except for their use in determining the compliance of the program with legal requirements.

Should a practitioner engage in such activities without registration, or after revocation of his registration, such acts would fall within the meaning of a distribution of narcotic drugs by a nonregistrant. This is a drug trafficking offense for which substantial felony penalties can be applied.

S. 1115 is designed to cover not only methadone, but narcotic drugs in general for two reasons. First, it has been found that abuses similar to those which have occured with methadone have also occurred with regard to other narcotic drugs. With the closing of existing loopholes in the use of methadone, unscrupulous practitioners may resort to the distribution of morphine or other narcotics as an alternative. Secondly, inclusion of narcotic drugs generally will also provide the flexibility necessary to anticipate new developments in drug treatment programs.

CONCLUSION

If properly regulated and controlled, maintenance and detoxification programs can provide a valid means to reduce and prevent addiction and its attendant problems. It is important to emphasize, however, that methadone alone is not a cure for heroin addiction. Drug treatment programs should assist addicts in working towards freedom from any drug dependence and permit these persons to become constructive members of society. Pressure for hastily developed and under-financed drug treatment programs must be avoided. The emphasis clearly must be on the quality of services rather than the number of persons served.

This legislation, if enacted, will provide an additional means for the federal government, in a joint effort by affected agencies, to assure that methadone is used properly in the treatment of narcotic addicts, while facilitating the prosecution of those who engage in the criminal distribution of legitimate narcotic drugs for profit.

I urge my colleagues to give their support to the pending bill.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–192), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

COMMITTEE AMENDMENT

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Methadone Diversion Control Act of 1973".

Sec. 2. Section 101 of the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 801) is amended by adding the following after paragraph (7):

"(8) The diversion of narcotic drugs, particularly methadone, used in the treatment of addicts dependent upon heroin or other morphine-like drugs into other than legitimate medical, scientific or industrial channels is detrimental to the health and general welfare of the American people."

Sec. 3. (a) Section 102 of the Controlled Substances Act (84 Stat. 1242; 21 U.S.C. 802), is amended by adding the following after paragraph (9):

"(10) The term 'detoxification treatment' means the furnishing, for a period not in excess of twenty-one days, of a narcotic drug in decreasing doses to an addict in order to alleviate pain and other adverse physiological effects incident to withdrawal from the habitual use of a narcotic drug, as a method of bringing the addict to a drug free state within such period."

(b) Section 102 of such Act is amended by adding the following after paragraph (12):

"(14) The term 'emergency treatment' means the administration of a narcotic drug to an addict when necessary to alleviate pain incident to withdrawal from a narcotic drug while arrangements are made for referral of the addict to a treatment program and the administration of a narcotic drug to detoxify a patient as a necessary adjunct to medical and surgical treatment of not more than twenty-one days duration in a hospital."

(c) Section 102 of such Act is amended by adding the following after paragraph (13):

"(16) The term 'maintenance treatment' means the furnishing, for a period in excess of twenty-one days, of a narcotic drug in the treatment of an addict for dependence upon heroin or other morphine-like drugs."

(d) Section 102 of such Act is amended by redesignating paragraphs (10), (11) and (12) as paragraphs (11), (12) and (13) respectively; by redesignating paragraph (13) as paragraph (15); and by redesignating paragraphs (14) through (26) as paragraphs (17) through (29), respectively.

Sec. 4. Section 303 of the Controlled Substances Act (84 Stat. 1253; 21 U.S.C. 823) is amended by adding the following after subsection (f):

"(g) Practitioners who dispense or administer narcotic drugs in a treatment program for addicts shall obtain annually a separate registration for that purpose. The registration may be for maintenance treatment, detoxification treatment, or both. The Attorney General shall grant a registration under this subsection if the applicant—

"(1) is determined by the Secretary to be qualified to engage in such treatment under standards set by the Secretary, and

"(2) is determined by the Attorney General to be prepared to comply with standards imposed by the Attorney General relating to the security of the narcotic drug stocks, the maintenance of records in accordance with section 307, and with the concurrence of the Secretary, the quantities of drugs which may be provided for unsupervised use."

Sec. 5. Section 304(a) of the Controlled Substances Act (84 Stat. 1255; 21 U.S.C. 824 (a)) is amended (A) by striking "or" at the end of paragraph (2); (B) by striking the period at the end of paragraph (3) and inserting "; or"; and (C) by adding the following new paragraph at the end:

"(4) has failed to comply with standards imposed pursuant to section 303(g). Such a failure may be treated as grounds for immediate suspension of registration under subsection (d) of this section. Action under this paragraph is entirely without prejudice to any other registration to utilize narcotic drugs in other types of medical practice."

Sec. 6. Section 307(c)(1)(A) of the Controlled Substances Act (84 Stat. 1258; 21 U.S.C. 827(c)(1)(A)) is amended by adding the following after the word "practice": "except in the treatment of narcotic addicts in accordance with registration under section 303(g), or in emergency treatment as defined in section 102(14);"

PURPOSE

The Committee bill is designed to facilitate law enforcement agencies in their efforts to investigate and to curb the diversion and abuse of narcotic drugs used in the treatment of narcotic addicts.

To accomplish its purpose the committee bill, as amended, would do the following:

1. Provide definitions of "maintenance treatment," "detoxification treatment," and "emergency treatment" to enable the Attorney General to establish more specific and comprehensive regulatory control over the handling of narcotic drugs used in the treatment of narcotic addicts.
2. Require practitioners who dispense or administer narcotic drugs in the treatment of narcotic addicts to obtain a special registration predicated on the approval of treatment standards by the Secretary of Health, Education, and Welfare and the approval of security standards by the Attorney General.
3. Enable the Attorney General to deny, revoke, or suspend the special registration for failure to comply with the new standards.
4. Make the full range of civil remedies and felony penalties available under the Controlled Substances Act applicable to practitioners who provide narcotic drugs without obtaining the special registration, in violation of the registration, or after revocation of the registration.
5. Require the special registered practitioners to keep complete records of narcotic drugs directly administered to patients in their presence.

LEGISLATIVE HISTORY

92d Congress

On July 26, 1972, Senator Marlow W. Cook introduced S. 3846, an Administration bill, entitled the "Narcotic Addict Treatment Act of 1972." S. 3846 was similar to the Committee bill, S. 1115, as amended. The bill was referred to the Committee after which it was referred to the Subcommittee to Investigate Juvenile Delinquency, which has jurisdiction over the Controlled Substances Act. Hearings were conducted on November 14 and 16, 1972, in Los Angeles and San Francisco, California, respectively. A total of twenty-five witnesses presented testimony on S. 3846 and the related issues of methadone diversion and abuse.

93d Congress

On February 6, 1973, Senator Marlow W. Cook reintroduced S. 3846 as S. 778. S. 778 was referred to the Committee after which it was referred to the Subcomittee to Investigate Juvenile Delinquency. Hearings were conducted on February 8, 13, and 14, 1973, in Omaha, Nebraska; Louisville, Kentucky; and, Indianapolis, Indiana, respectively. Twenty-four witneses testified during these three days of hearings.

On March 6, 1973, S. 778 was reintroduced with amendments as S. 1115 by Senator Marlow W. Cook. This bill was referred to the Committee after which it was referred to the Subcommittee to Investigate Juvenile Delinquency. A total of twelve witnesses testified at the Subcommittee hearing on April 5, 1973, in Washington, D.C.

Subcommittee action

Following the conclusion of these hearings, the Subcommittee to Investigate Juvenile Delinquency met in executive session on May 21, 1973, to consider the bill. The Subcommittee unanimously reported to the Committee S. 1115, as amended, by Senator Birch Bayh.

Committee action

The Committee met on May 31, 1973, to consider S. 1115, as amended, and by a unanimous vote favorably reported the same.

EXTENT OF THE PROBLEM

The problems of narcotics traffic and addiction are not partisan concerns, but issues that transcend geographical, philosophical and political differences. The citizens of this country are all too familiar with the devastating effects of heroin on the individual addict, the family, and society as a whole. Bitter experience has taught us that there are no simple solutions to the problems of drug addiction.

There are a number of treatment modalities however, that have been developed during recent years which have had some degree of success in rehabilitating certain addicts. Therapeutic communities which provide intensive therapy, counseling, and peer group interaction have helped some addicts free themselves from heroin addiction. Other programs include the use of the drug methadone as part of the treatment approach, both for detoxification and for maintenance.

Methadone is a narcotic similar to heroin and morphine. Although it is dangerously addictive, methadone has been used successfully to detoxify or maintain heroin addicts. In maintenance programs methadone addiction is substituted for heroin addiction. The methadone acts to suppress the craving for heroin. The chronic addict can be stabilized and permitted to concentrate on rehabilitative efforts. For some addicts methadone can lead to a productive life in the community.

In 1968 there were fewer than 400 patients enrolled in methodane maintenance programs nationwide. A recent survey conducted in February, 1973, by the Special Action Office for Drug Abuse Prevention (SAODAP) estimated the number of patients on both Federal and non-federal methadone maintenance programs to be approximately 73,000. Since October, 1971, the approximate number of persons in Federally funded non-maintenance programs, detoxification and drug free, has increased from 10,000 to almost 40,000. A significant percentage of these persons are enrolled in methadone detoxification programs. Regulations promulgated by the Food and Drug Administration (37 Federal Register 26790, December 15, 1972) contemplate an even broader proliferation of methadone. As of February, 1973, 666 methadone treatment programs have filed protocols as required by the new regulations and an additional 138 applications are being processed. Thus, more than 800 programs may be dispensing methadone in the treatement of heroin addicts.

To meet the needs of the programs and that of private practitioners who dispense methadone to non-addicts for therapeutic purposes, production has increased tremendously. Since 1966, when only 242 pounds of methadone were manufactured, production has increased 2,265 percent to 5,724 pounds under the 1972 quota set by the Attorney General.

The rapid expansion of methadone programs and the quantity of methadone dispensed has simultaneously provided increased opportunity for diversion of methadone into the illicit market.

In many communities methadone is already widely available in the illicit market. In a survey of heroin addicts in New York City completed in 1972, Drs. James Inciardi and Carl Chambers found that of 95 randomly selected addicts with profiles typical of addicts in Yew York City, 92 percent had been offered the opportunity to purchase illicit methadone within the six months preceeding the study; that 56 percent had purchased illicit methadone; and that 13 percent had sold methadone.

Dr. Robert Weppner of the Federal Research Center in Lexington, Kentucky, testified before the Subcommittee regarding his study of a sample of 336 addicts at the Lexington Center in 1971. Of the sample, 43 percent admitted to having used illicit methadone. Thirteen months later a second study of 469 addicts at the same facility showed the number of those admitting to the illegal use of methadone had increased to 52 percent. A majority of this sample revealed that they used methadone to obtain "a great high."

Although specific figures are not available on methadone arrests, the Uniform Crime Report reveals the State and local law enforcement arrests involving synthetic narcotics, including methadone as well as other drugs covered by S. 1115, as amended, have increased by 892 percent in a seven year period ending in 1971. In only the last four years these arrests have increased from 8,920 in calendar year 1968 to 26,040 in calendar year 1971.

Reports made to the Director of the Bureau of Narcotics and Dangerous Drugs (BNDD) show a dramatic increase in the thefts of legal narcotics. During the first 9 months of calendar year 1972, 55,537,942 dosage units of dangerous drugs were reported stolen. Narcotics accounted for 44 percent or 24,284,964 dosage units. During the last three months of this period, 26,831,955 dosage units were reported stolen and of those reports 62 percent or 16,589.796 dosage units were legal narcotics, covered by S. 1115, as amended.

The Bureau of Narcotics and Dangerous Drugs is finding an ever increasing amount of methadone and other synthetic narcotics on the streets. During fiscal year 1971, BNDD undercover agents purchased or seized a total of 36,468 dosage units of methadone from various illicit sources. The comparable figure for fiscal year 1972 was 155,290 dosage units, and for fiscal year 1973 through December (six months), the comparable figure was 201,720 dosage units.

In the summer of 1972 the BNDD office of Scientific Support initiated a program called Project DAWN, (Drug Abuse Warning Network) for the purpose of gathering a wide range of data indicating the relative frequency of abuse of various substances. Under the DAWN project, data is pooled from 38 Standard Metropolitan Statistical Areas across the country from such diverse sources as hospital emergency room and in-patient facilities, student health centers, county medical examiners and coroners, and community drug crisis centers. The reports received since September of 1972, indicate a distinct pattern with regard to methadone. Of approximately 325 substances on which data is collected, methadone ranks 7th in frequency of reported incidents. Methadone incidents in the sample increased from 166 in September, 1972, to 348 in January, 1973. Incidents involving methadone constitute an increasing proportion of all narcotic reports. During the month of September, the number of reports involving methadone was 19.7 percent of the number of heroin reports; and this percentage increased to 27.3 percent in October, 35.9 percent in November, 37.9 percent in December, and 34 percent in January. While the number of heroin reports appears to have stabilized somewhat the number of reports involving methadone is continuing to increase.

The extent to which methadone is illicitly available was graphically illustrated in testimony by John E. Ingersol, Director of BNDD, before the Subcommittee to Investigate Juvenile Delinquency, on April 5, 1973, when he explained in part as follows:

"In August of 1972, in recognition of the increasing seriousness of methadone diversion, I ordered a special street level effort by BNDD agents in selected cities to gather intelligence on methadone availability within these communities. The findings, which we have not previously disclosed, may be briefly summarized as follows:

"In New York City, agents found methadone to be readily available in all forms—tablet, disket, and liquid. One undercover contact was able to purchase 10 doses of methadone within one hour without so much as moving from the street corner. In another locality in Manhattan, 37 doses were obtained within one hour and a half. The prices ranged from $5 to $6 per 40 mg. disket with a higher price of $10 for liquid vials containing perhaps 100 mg. One agent remarked that he could leave the office in the morning with a barrel full of money and return by noon with a barrel full of methadone.

Undercover agents in Philadelphia discovered liquid doses of methadone selling for approximately $6 to $20. In Detroit, 11 doses were acquired at one location within 15 minutes and patients near a clinic facility were observed "hawking" methadone to passing motorists. Several days later a counselor at another clinic offered to sell an undercover contact heroin as well as methadone. He was subsequently arrested in possession of heroin. The price per dose here ranged from $6 to $7 per disket and $10 per liquid vial.

"In Boston, the situation was found to be much the same; and in one case, a suspect was identified threatening patients as they left a clinic area and taking their methadone from them in order to sell it in the street for profit. Similar efforts were made in New Orleans, but it was found that due to the previous closing of one of the more negligently operated clinics and the insistence in New Orleans that dosages be consumed on the premises, little could be accomplished within the short time of this survey."

The Subcommittee to Investigate Juvenile Delinquency was particularly interested in the sources of the growing amount of illegal methadone available on the street. Its investigation, corroborated by those of Federal and state agencies, revealed that it is being diverted from legitimate sources. An analysis of 670 samples of methadone submitted to BNDD over a two year period, revealed that 468 were in commercial tablet form, 166 in liquid solution and 36 in miscellaneous categories. BNDD has uncovered only one clandestine operation. This rarity was discovered in 1969 and led to arrests of several persons involved in the illegal synthesis of methadone. BNDD reports no evidence to suggest that any such activity is continuing at this time.

Illegal methadone has several primary origins: careless or unscrupulous physicians; thefts and diversion from methadone programs or in transit to methadone programs; and patients enrolled in methadone programs.

Methadone is used by physicians for the relief of moderate to severe pain. It is available in tablet form, usaully 5 mg. or 10 mg., and ampoule form, usually 10 mg. in 1 mil. solution. According to the National Prescription Audit published by R. A. Gosselin and Co., Inc., Ambler, Pennsylvania, 2,545,000 prescriptions for methadone were filled by pharmacists since 1967. These prescription figures do not reflect the amount of methadone administered by physicians or in the presence of a physician, by an authorized agent to patients; nor do they represent the amount of methadone dispensed or administered in approved treatment programs, because prescriptions are not written

In some communities, one or more physicians have contributed substantially to the illicit traffic in methadone. Some of these instances involved careless or unscrupulous physicians who were prescribing methadone as a pain killer, while others involved physicians who were operating as pushers under the guise of a detoxification program, for which no special registration was required. One of the most notorious cases is that of Dr. Thomas Moore who operated a "methadone program" in the District of Columbia until his final conviction of illegal distribution of methadone on an indictment alleging 38 separate counts. Moore operated from his office with impunity for over two years during which time drugs obtained by addicts from him were often found in the illicit traffic and believed to be involved in cases of narcotic overdose deaths.

He allegedly charged from $15 for 50 tablets to $75 for 200 tablets to the several hundred addicts who obtained their drugs weekly in this fashion. It was alleged that he sold 11,000 prescriptions—815,000 10 mg. units—and accumulated more than a quarter of a million dollars for his efforts. Even under these circumstances, it was still possible for the alleged "patients" to make sales of the methadone tablets for profit.

Dr. Moore was eventually found guilty on 22 counts and sentenced to a term of 15 to 45 years and fined $150,000. However, if the Attorney General had had the authority provided in S. 1115, as amended, the BNDD could have moved against this dangerous profiteer far more expeditiously.

Another illustrative example involved the case of a Michigan physician who reportedly was prescribing methadone without a physical examination. During the period March 26, 1970, to January 22, 1971 BNDD undercover agents purchased 68 exhibits of methadone and prescriptions for methadone from the doctor and his employees. The quantities of methadone dispensed and prescribed were usually high, as much as 150 to 460 tablets at a time. At no time was any physical examination given to any of the special agents and dosages were increased upon the requests of the agents to accommodate their needs.

Similarly, a recent investigation of a Tucson, Arizona physician revealed that one pharmacy had filled prescriptions for 285,000, 10 mg. methadone tablets from May 1971, to February 1973. The physician prescribed methadone under the guise of a "detoxification program" and for relief of pain. While the Subcommittee was unable to verify all the activities of this physician, it is noted with interest that California officials who testified before the Subcommittee in November, 1972, reported that they had arrested a pair of methadone runners carrying 2,000 methadone tablets destined for an illicit market in Southern California. Several Arizona physicians were allegedly the source of the methadone!

Methadone programs can become a lucrative enterprise. A Chicago physician operating what experts characterize as a "turnstyle or breadline" program, one involving little more than dispensing methadone to addicts, was charging the 500 addicts he "treated" $20 each week for a weekly gross of $10,000. Recently a physician advertised his methadone program for sale in the Business Opportunities column of a large daily newspaper. A reporter answered the advertisement representing himself as a physician and found that the "program," together with a thousand addict patients, was for sale for a price of $70,000. Reportedly the physician selling this particular program confidently represented its business potential since its customers "were sure to return for more."

In another case in an eastern city, the BNDD Regional Office was contacted by an individual employed as a laborer with an automobile manufacturer who sought information with regard to establishing a methadone clinic. His plan called for establishing the clinic near an existing methadone program because, as he said, it would be "in a good location with plently of pre-existing business." This individual had already made arrangements with a local doctor who had attempted to qualify as the practitioner under existing regulations.

Employees and volunteers associated with methadone programs have been implicated as sources of illegal methadone. The Subcommittee has reviewed reports regarding employees who use their clinic position to personal advantage by forging files for fictitious patients in order to account for methadone tablets stolen from the clinic for sale on the street. Laboratory analysis of liquid methadone dispensed by clinics has revealed that less methadone was present than purported. For example, a sample from a clinic in an eastern city was found to contain 13 milligrams per cc rather than the purported 30 milligrams per cc, apparently the result of the activity of a dispenser who was reducing each patient's dosage and collecting the difference. Of a total of 46 methadone programs audited in depth under joint FDA-BNDD regulations, 28 percent were found to lack proper security over drugs; 43 percent were keeping improper or incomplete records; 17 percent had failed to obtain proper registration; 75 percent were found to have at least some unaccounted shortages of methadone; and another 15 percent were found to have unaccounted overages.

In New Orleans, all seven in-depth audits conducted revealed shortages; and two programs were closed as a result of numerous serious discrepancies. In Miami, two of three programs were found with serious shortages—one with 5.6 percent which amounted to no less than 308,715, 40 mg. methadone diskets and another with 12 percent. In New York an audit revealed a shortage of 5 percent or 54,660, 40 mg. methadone diskets as well as evidence of deliberate tampering with records. Similar reports have been received with regard to Washington, Boston and other cities. Additionally, investigators found that programs often failed to require ingestion of methadone on each visit by patients; that methadone dispensing was poorly supervised; and that take-home dosages were provided contrary to the program protocol.

As of February 1973, as a result of these investigations 11 methadone treatment programs had been terminated and criminal investigations had been initiated against 12 methadone program directors. One of these resulted in conviction, 4 are pending trial or other action, and prosecution was declined by a U.S. Attorney in each of the 7 remaining cases.

Numerous factors account for the diversion of methadone from the treatment programs. It may result from lack of expertise on the part of the medical staff, poor management practices, inadequate funding, or even criminal intent. It appears, however, that most diversion is usually unwittingly permitted and can be attributed to poor organization and loose controls.

Methadone is also finding its way to illicit markets as the result of a growing number of armed robberies of methadone clinics. Illustrative examples include the July 20, 1972, theft of two gallons of concentrated solutions of methadone from the Johns Hopkins Drug Abuse Center, Baltimore, Maryland by three men armed with shotguns, and the November 5, 1972, robbery of the Jewish Memorial Hospital in Long Island, New York, in which two men armed with revolvers escaped with 1,203 40 mg. diskets; 65 100 mg. bottles; and 7 80 mg. bottles.

The most frequently cited and most common source of methadone diverted from the programs is the patient. Some addict-patients who have "take home" privileges in ambulatory programs sell part of their dispensed dosage. In Dr. Weppner's original study of 76 methadone abusers, he found that 60 percent had obtained their methadone from patients in methadone programs and that 24 percent obtained methadone from pushers who had, in turn, obtained the narcotic from individual practitioners. Lesser percentages involve purchases from unscrupulous ex-addict program counselors who were apparently permitted to handle the clinic's drug supplies. Illicit methadone traffic can be very profitable. Average daily dosages range from 40–180 mg. The street price for 10 mg. of methadone ranges from $2–$10.

Heroin addicts use methadone in a variety of ways. Many prefer methadone to heroin because it is readily available, cheaper, and they find that the euphoria is of longer duration and higher quality, particularly when injected intravenously. Others buy illegal methadone to insure against withdrawal when heroin is no longer available, or to boost the effects of cocaine and amphetamines. Some addicts enrolled in methadone programs desire the oblivion brought on by heroin, alcohol, barbiturates, or methaqualone, ("sopors" and "quaaludes") but not brought on by methadone. They sell all or part of the methadone and purchase other drugs.

According to Dr. Jerome Jaffe, Director of the Special Action Office on Drug Abuse Prevention, the treatment of 80,000 individuals with an average dose of 80 mg. per day involves the dispensing of about two and a half tons of methadone each year. He explained that if even a small fraction is diverted the hazard is considerable. For example, if only 5 percent of the patients give away or sell their medication, there would be enough methadone diverted to create 6,000 new methadone addicts annually.

Illicit sales lead to the addiction of others. Polydrug abusers and experimenters are among the regular purchasers of illegal methodone.

Many of these new addicts are younger and less experienced with drug abuse than the seasoned heroin addict. Some doctors express concern that unless we rigidly control the distribution of methadone we may be creating a new generation of addicts: methadone addicts.

Already reports indicate a steady rise in the last three years in the number of persons addicted primarily to methadone. The Inciardi and Chambers survey of recent applicants for Miami methadone programs found that 40 percent were using illegal methadone along with other drugs, and 7 percent were using solely illegal methadone. These researchers both felt that the new cases of primary methadone addiction were being created within many areas, particularly among suburban youths, as a result of supplies available through diversion. In relative terms, the extent of methadone abuse does not presently rival heroin abuse, but the trend is alarming.

Methadone programs may create a demand as well as supply it. A recent study of 55 heroin addicts terminated from methadone maintenance programs found that 35 percent were abusing illicit methadone along with other drugs, and 8 percent were abusing solely methadone.

The impact of illicit methadone traffic is vividly documented by the staggering numbers of methadone overdose deaths. While heroin-related deaths have decreased, in many cities a pattern of increase in methadone-related deaths has been noted. More than 30 percent of the narcotic deaths in New York City last year were methadone related. In the first 9 months of 1972, 100 deaths or 15 percent of all narcotic deaths were directly attributed to methadone, as compared with 10 percent in 1971. From July 1, 1972, to February 23, 1973, Nassau County in New York reported 29 of 60 narcotic deaths to be methadone related, and Suffolk County reported 7 out of a total of 11 such deaths. In Washington, D.C., methadone has been more lethal than heroin. In 1972, there were 33 methadone deaths, 20 heroin deaths, and 18 combination methadone-heroin deaths. Thus, 72 percent of the narcotic deaths were methadone related. This compares with 26 percent during 1971 when 17 methadone deaths, 60 heroin deaths, and 5 combination methadone-heroin deaths were recorded in Washington. In the Washington, D.C. suburb of Fairfax County, 9 of 14 drug-related deaths, were attributed in whole or in part to illicit methadone. In most of these areas the dead were younger people, primarily teenagers, many of whom lacked a tolerance to narcotics. Most took methadone orally, although some injected it.

It is abundantly clear that adequate safeguards must be developed to insure the effective operation of methadone programs and to protect our communities from the introduction of yet another potent narcotic drug of abuse and addiction. The recognition of the need for such safeguards should not be interpreted as an indictment of methadone programs, but rather as a realization that methadone can be harmful when diverted and improperly used.

NEED FOR THE LEGISLATION

During the 91st Congress the Committee devoted a considerable portion of its time to the issues of drug control, drug abuse and the adequacy of Federal drug legislation. After the Subcommittee to Investigate Juvenile Delinquency conducted extensive hearings and investigations, the Committee reported S. 3246, which in an amended form became the Comprehensive Drug Abuse Prevention and Control Act of 1970 (PL 91–513).

The overall purpose of this measure was to improve the administration and regulation of the manufacture, importation and exportation of the controlled dangerous substances covered under its provisions, so that widespread diversion than occurring could be halted.

The Committee bill amends Title II of the 1970 Act (PL 91–513) commonly called the Controlled Substances Act, which provides both civil regulation and criminal law enforcement for activities relating to narcotic and dangerous drugs. The regulatory powers granted the Attorney General under the 1970 Act were designed to insure that drugs produced for legitimate medical purposes do not become diverted into the illicit market. The amendments in the Committee bill have been made necessary by the growth of a relatively new approach to the treatment of narcotic addicts which has rapidly expanded since the comprehensive study conducted by the Committee and Congress.

The new development is the widespread use of the narcotic drug methadone both to detoxify and to maintain heroin addicts.

As the above preceding section of this report discusses, it has been found that the use of methadone in the treatment of heroin addiction involves unique and unusually great risks of diversion and criminal profiteering. Previously, the problem was not of significant dimensions; but changes in medical opinion and government policy, which now encourages the broadest possible application of methadone in the treatment of addiction, have drastically altered the situation within the last several years. Nearly 80,000 addicts are enrolled in maintenance programs and significant amounts are being diverted into the illicit market. It has been found that methadone and other legitimate narcotics sold in the illicit market bring prices often equivalent to heroin, and the pattern of their abuse is essentially identical. Within the brief period of time in question there have been substantial increases in the number of methadone addicts reported, the number of arrests and seizures involving legitimate narcotics, and the incidence of methadone-related overdoses and deaths.

The purpose of the Committee bill is to provide new authority for the regulation of the use of narcotic drugs in the treatment of narcotic addicts which are consistent with legitimate program objectives and the protection of the community at large. The bill provides additional tools to facilitate law enforcement agencies in their efforts to investigate and to curb the diversion and abuse of narcotic drugs, used in the treatment of narcotic addicts.

The Committee bill requires practitioners who dispense or administer narcotic drugs in the maintenance or detoxification treatment of narcotic addicts to obtain a special registration from the Attorney General. Methadone maintenance programs were first initiated as research endeavors, and the Attorney General was provided authority under the Controlled Substances Act to require a separate registration for research programs using narcotic drugs. This criteria was never intended to apply to the massive treatment efforts now in progress nor the proposed expanded approval of methadone to the status of a new drug which permits the use of methadone for the maintenance treatment of narcotic addiction for all addicts for whom it is medically justified. The proposed expanded approval of methadone makes the inadequacies and loopholes in the Government's ability to control its diversion and abuse even more apparent. Under current law a physician can dispense methadone to addicts, on a large scale and on a regular basis, without federal regulation if methadone if used for detoxification and not maintenance. Detoxification programs, however, also involve the unique and unusually great risks of diversion and criminal profiteering associated with maintenance programs. Furthermore, in many instances where BNDD has successfully terminated the operation of a maintenance program which was a source of illicit street drugs, the unscrupulous profiteers emerged as the operators of detoxification programs. The case of Dr. Moore in the District of Columbia is the most notorious example of this type of maneuver.

The Committee bill is designed to cover the use of narcotic drugs in general rather than methadone in particular for two reasons. First, it has been found that abuses similar to those which have occurred in the indiscriminate prescribing and dispensing of methadone have occurred with regard to other narcotic drugs such as morphine, numorphan, and demerol. Moreover, with the closing of existing loopholes in the use of methadone, it could be anticipated that unscrupulous practitioners would resort to the distribution of morphine or other narcotics as an alternative. Secondly, inclusion of narcotic drugs generally will also provide the flexibility necessary to anticipate new developments in maintenance programs. For example, the drug known as alpha-acetylmethadol, also a narcotic, holds some promise of use in this regard and may be expected to become a popular drug of choice for maintenance treatment in the near future.

The Committee bill provides flexibility for emergency situations which might arise when a physician is suddenly confronted with an office emergency in which an addict is undergoing withdrawal. Inasmuch as such an emergency is unpredictable, it would be impractical to expect physicians to register specially to deal with such cases. Therefore, the term "emergency treatment" has been defined in the bill so that this particular circumstance may be excluded from the registration requirements. The duration of such an emergency would depend upon the circumstance and the availability of treatment facilities but normally would relate to a single administration of a drug for relief of withdrawal discomfort. The definition of "emergency treatment" also excludes from the registration requirements physicians who administer narcotic drugs to detoxify patients as a necessary adjunct to medical and surgical treatment in a hospital. Included in this exclusion would be cases of heart disease, cancer, or other diseases involving exceptionally severe pain in which the patients have become tolerant to the analgesic effect of the narcotics.

Standards for registration under the Committee bill are divided into two separate sections. First, an applicant must show that he or she is qualified to engage in the type of addict treatment for which registration is sought in accordance with the medical standards determined by the Secretary of Health, Education, and Welfare. Section 4 of Title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 establishes the authority for the Secretary to determine standards of treatment in this area. The current regulatory proposal published by the FDA on December 15, 1972, is an expression of this authority. The Department of Justice is bound by these medical determinations. Second, an applicant must show that he or she meets the special security and diversion standards promulgated by the Attorney General. This is a new grant of authority. The Attorney General is authorized to enact requirements relating to such things as:

1. The manner in which narcotic drugs are received and stored,
2. The qualifications and clearance of the personnel who handle and dispense them,
3. The quantities of drugs that can be kept on hand at satellite dispensing areas,
4. The security in the movement of drugs from one program site to another.
5. The maintenance of procedures and records to safeguard against theft and pilferage, and
6. Together with the Secretary to set a limit on the amount of drugs which can be dispensed for unsupervised consumption.

The Committee bill provides a new tool to enforce the standards required for the special registration. Under present law a practitioner is entitled to registration if authorized to engage in such practice under the laws of his or her state or jurisdiction, unless the application has been intentionally falsified or the applicant has been convicted of a drug-related felony. These elementary requirements may be sufficient with regard to the general practice of medicine, but are wholly inadequate for the specialized circumstances within the purview of the bill, which entail inordinate risks of diversion and unethical profiteering. The principal tool for enforcing the standards established under the bill would be the denial, revocation, or suspension of the special registration. This would be done by either (1) denying registration to a practitioner who is unable to demonstrate an ability to comply with the standards, or (2) revoking or suspending the registration of a practitioner who failed to maintain the standards following registration. Action under this provision would be entirely without prejudice to any other registration to utilize narcotic drugs in other types of medical practice. The Director of BNDD expressed such a policy, but the Committee felt it appropriate to clarify the impact of the revocation under the Committee bill. In addition to providing a regulatory framework by which safeguards against diversion can be imposed, the Committee bill will facilitate any criminal prosecutions that become necessary. As illustrated by the example of Dr. Moore, previously cited, the Attorney General was unable to take successful criminal action against profiteering practitioners except in the most aggravated of circumstances and then only after prolonged effort to make undercover penetrations.

All existing obligations and remedies under the Controlled Substances Act would apply with equal force to the new form of registration. Thus, all civil fines and penalties currently applied to recordkeeping and compliance aspects could be imposed as required. Under the Committee bill, if such a practitioner is supplying narcotics to addicts without an approved registration, the Attorney General would be able to establish a prima facie violation of the felony provisions of the Controlled Substances Act. The activity is that of an unregistered person distributing narcotics and such an individual would be treated as any other illicit trafficker. Should such an individual, however, by virtue of good faith representation, obtain a registration and then proceed to violate the standards, the registration could be quickly revoked. Should the individual persist in such activity, he or she would again be in the category of an unregistered person trafficking in narcotics; and proof of this activity would constitute the prima facie violation of the felony provisions of the Controlled Substances Act. This section of the Committee bill will cure the present difficulty in such prosecutions because of the intricate and nearly impossible burden of establishing what is beyond "the course of professional practice" for criminal law purposes when such a practitioner speciously claims that the practices in question were ethical and humanitarian in nature.

Under current law an exception is granted to complete narcotic recordkeeping requirements in that practitioners are excused from keeping a record of narcotic drugs directly administered to patients in their presence. This exception is justified by the circumstances of house calls and other emergencies to which practitioners must frequently respond without benefit of customary clerical support. The risks of abuse and diversion in the treatment of this category of patients far exceeds that which is present in the ordinary practice of medicine. The lack of a complete record of the movement of narcotic medication, including that which is administered, can severely handicap an audit of records designed to discover shortages, pilferage, or illegal activity. Any discrepancies which are found in an audit could be explained in terms of quantities administered for which no record is kept. For the foregoing reasons, the Committee bill would amend present law in such a fashion as to eliminate this exception, but only as it relates to the administering of narcotic drugs to addicts in the course of some form of addict treatment. This would also include emergency treatment for which a special registration is not required.

Without blocking this loophole as it applies to methadone programs and illegally profiteering practitioners, it is impossible to insure complete drug accountability.

Regarding the use of these records Mr. John E. Ingersoll, BNDD Director, told the Subcommittee to Investigate Juvenile Delinquency on April 5th that—

"Our only interest in inspecting these records is for the purpose of insuring compliance by the program with the Bureau's security and diversion standards. Our only purpose for disclosing these records would be to substantiate legal actions which it may be necessary to bring against a program or its employees. Of course, the identities of the patients would be kept confidential insofar as possible and such information could in no way be used against the interests of the person in treatment."

In all other respects, disclosure of the records required by the Committee bill would be subject to the conditions imposed by Section 408 of the Drug Abuse Office and Treatment Act of 1972 (PL 92–255) and would not affect the confidentiality provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (PL 91–513) regarding research.

CONCLUSION

It is important to emphasize that methadone alone is not a "cure" for heroin addiction. Any effort to use the drug itself as a simple, inexpensive, large-scale answer to heroin addiction is ill-conceived and will lead to "turnstyle or breadline" treatment. Pressure for hastily developed, large-scale, underfinanced and understaffed programs must be resisted. The emphasis should be on the quality of services not merely the number of persons processed.

However successful methadone maintenance has been in treating certain addicts, methadone must not be used to "smokescreen" the effects of drug addiction on our society and the social conditions that spawn drug addiction. Methadone maintenance should not provide a "fix" for a complex social, political, medical and psychological problem. Reduction of the incidence of criminal activity associated with heroin addiction is a high priority but it should not be our sole priority. If there is no hope but dope, an addict on methadone will turn to other so-called "chemical solutions," most often barbiturates and alcohol. The programs should assist addicts in working toward freedom from methadone as well as from heroin, so that they can become free and independent persons able to be fully and constructively involved in their community. Equally important, the rapidly spreading problem of multiple nonopiate drug abuse for which methadone is not even a partial answer, must receive proper attention.

The Committee acknowledges that inadequacies in the Controlled Substances Act of 1970 as applied to the proliferated use of narcotics in the treatment of narcotic addiction have resulted in the diversion and abuse of these narcotics. Closing the loopholes in for 1970 Act is a matter of urgent priority for the Congress.

While the Committee recognizes the limited efficiency of methadone in the treatment of narcotic addiction, the Committee bill provides an additional means for the Federal Government, in a joint effort by affected agencies, to assure that methadone is used properly in the treatment of addiction. Passage of S. 1115, as amended, would in no way interfere with legitimate objectives of maintenance and detoxification programs. Passage of S. 1115, as amended, will reaffirm the commitment Congress made to the nation when it passed the 1970 Act, by once again facilitating the prosecution of those who engage in the criminal distribution of legitimate narcotic drugs for profit.

COST ESTIMATE PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

In accordance with Section 252(a) of the Legislative Reorganization Act of 1970 (PL 91–510), the Committee estimates that there would be no appreciable increase in the existing administrative costs of the Justice Department in order to administer this Act.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended by Public Law 91–510, the following is a tabulation of votes in committee:

Motion to report S. 1115, as amended, to the Senate carried unanimously.

THE RUNAWAY YOUTH ACT

The Senate proceeded to consider the bill (S. 645) to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes, which had been reported from the Committee on the Judiciary with amendments on page 4, line 22, after the word "it", strike out "serves;" and insert "serves: Provided, however, That records maintained on individual runaways shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway. Provided further, That reports or other documents based on such statistical records shall not disclose the identity of individual runaways; "; on page 7, after line 23, insert a new section, as follows:

Sec. 202. Records containing the identity of individual runaways gathered for statistical purposes pursuant to section 201 may under no circumstances be disclosed or transferred to any individual or other agency, public or private.

And, on page 8, at the beginning of line 3, change the section number from "202" to "203"; so as to make the bill read:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Runaway Youth Act".

FINDINGS AND DECLARATION OF POLICY

Sec. 2. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many of these young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

TITLE I

Sec. 101. (a) The Secretary of Health, Education, and Welfare is authorized to make grants and to provide technical assistance to localities and nonprofit private agencies in accordance with the provisions of this title. Grants under this title should be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaways in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grants should be determined by the number of runaway children in the community and the existing availability of services. Among applicants priority should be given to private organizations or institutions who have had past experience in dealing with runaways.

(b) The Secretary may promulgate and enforce any rules, regulations, standards, and procedures which he may deem necessary and appropriate to fulfill the purposes of this Act.

Sec. 102. (a) To be eligible for assistance under this title, an applicant must propose to establish, strengthen, or fund an existing or proposed runaway houses, a local controlled facility providing temporary shelter, and counseling services to juveniles who have left home without the permission of their parents or guardians.

(b) In order to qualify, an applicant must submit a plan to the Secretary of Health, Education, and Welfare meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway children;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient proportion to insure adequate supervision and treatment;

(3) shall develop an adequate plan for contacting the child's parents or relatives in accordance with the law of the State in which the runaway house is established and insuring his safe return according to the best interests of the child;

(4) shall develop an adequate plan for insuring proper relations with law enforcement personnel, and the return of runaways from correctional institutions;

(5) shall develop an adequate plan for after care counseling involving runaway children and their parents within the State in which the runaway house is located and assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves: *Provided, however,* That records maintained on individual runaways shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway: *Provided further,* That reports or other documents based on such statistical records shall not disclose the identity of individual runaways;

(1) shall submit annual reports to the Secretary of Health, Education, and Welfare detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required in section 102(b)(6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary of Health, Education and Welfare; and

(9) shall supply such other information as the Secretary of Health, Education, and Welfare reasonably deems necessary.

Sec. 103. An application by a State, locality, or nonprofit private agency for a grant under this title may be approved by the Secretary only if it is consistent with the applicable provisions of this title and meets the requirements set forth in section 102. Priority shall be given to grants smaller than $50,000.

Sec. 104. Nothing in this title shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other ways meet the requirements of this title and agree to be legally responsible for the operation of the runaway house. Nothing in this title shall give the Federal Government and its agencies control over the staffing and personnel decisions of facilities receiving Federal funds, except as the staffs of such facilities must meet the standards under this title.

Sec. 105. The Secretary of Health, Education, and Welfare shall annually report to Congress on the status and accomplishments of the runaway houses which were funded with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services; and

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children.

SEC. 106. As used in this title, the term "State" shall include Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

SEC. 107. (a) The Federal share for the construction of new facilities under this title shall be no more than 50 per centum. The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(c) For the purpose of carrying out this title there is authorized to be appropriated for each of the fiscal years 1974, 1975, and 1976 the sum of $10,000,000.

TITLE II

SEC. 201. The Secretary of Health, Education, and Welfare shall gather information and carry out a comprehensive statistical survey defining the major characteristics of the runaway youth population and determining the areas of the country most affected. Such survey shall include, but not be limited to, the age, sex, socioeconomic background of runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior. The Secretary shall report to Congress not later than June 30, 1974.

SEC. 202. Records containing the identity of individual runaways gathered for statistical purposes pursuant to section 201 may under no circumstances be disclosed or transferred to any individual or other agency, public or private.

SEC. 203. For the purpose of carrying out this title there is authorized to be appropriated the sum of $500,000.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93-191), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

AMENDMENTS

The subcommittee recommended the following two amendments:

(1) In section 102(b)(6) strike the word "serves;" and add in lieu thereof: "serves, provided however that records maintained on individual runaways shall not be disclosed without parental consent to anyone other than another agency compiling statistical records or a Government agency involved in the disposition of criminal charges against an individual runaway; provided further that reports or other documents based on such statistical records shall not disclose the identity of individual runaways." This amendment is designed to protect the confidentiality of the individual records of youth receiving services from the facilities assisted under this act, except where the records are needed for law enforcement purposes. Where records are needed for statistical studies, the identity of individual runaways may not be disclosed.

(2) After section 201, add a new section 202 to read as follows: "Records containing the identity of individual runaways gathered for statistical purposes pursuant to section 201 may under no circumstances be disclosed or transferred to any individual or other agency, public or private", and renumber the succeeding paragraph as section 203. This amendment also protects the confidentiality of records used for statistical purposes.

PURPOSE AND ANALYSIS

The Runaway Youth Act authorizes the Secretary of Health, Education, and Welfare to provide assistance to local groups to operate temporary shelter care programs in areas where runaways tend to congregate.

Unlike traditional halfway houses, these facilities are designed to shelter young people for a very short period of time rather than on a long-term basis. These facilities could be used by the courts and the police to house runaways temporarily prior to their return home or to another permanent living arrangement. However, their primary function is to provide a place where runaways can find shelter and immediate assistance, such as medical care and counseling. Once in the runaway house, the young person would be encouraged to contact home and reestablish in a permanent living arrangement. Professional, medical, and psychological services would be available to these houses from the community as they are needed.

Most importantly, the shelters established under S. 645 will be equipped to provide field counseling for both the runaway and his family after the runaway has moved to permanent living facilities. If field counseling is not appropriate or feasible, information on where to seek more comprehensive professional help will be supplied. In short, these houses will serve as highly specialized alternatives to the traditional law enforcement methods of dealing with runaways.

S. 645 authorizes appropriations of $10 million for each of 3 years. While this amount is not large, temporary shelter care is relatively inexpensive to provide. Furthermore, experience has shown that these houses can serve a large number of people. For those programs now in existence, it is not unusual to provide residential services for more than 500 people a year.

The Runaway Youth Act also authorizes funds to conduct research on the scope of the runaway problem in this country, particularly with regard to data on the types of children who run away. The committee believes that reliable statistics rather than broad-based research may be more useful at the present time in developing effective approaches to the runaway youth problem. Thus, the scope of the research is to focus on "the age, sex, socioeconomic background of the runaway children, the places from which and to which children run, and the relationship between running away and other illegal behavior."

BACKGROUND

On January 13 and 14, 1972, hearings were held on the Runaway Youth Act, introduced last session as S. 2829. While research on the runaway problem had been conducted and a report issued by the committee in 1955, these were the first congressional hearings held on the subject in at least a decade. On July 31, 1972, S. 2829 was passed by the Senate. At the time of adjournment of the 92d Congress, the Runaway Youth Act had been favorably reported by the General Education Subcommittee of the House Education and Labor Committee.

The scope of the runaway problem is very large, although its exact dimensions are unknown. It is estimated that at least 1 million young people run away each year. While the primary concern of the subcommittee focused on runaways under the age of 18, several witnesses, including Catherine Hiatt of the Travelers Aid Association of America, made it clear that people of all ages run away and that many are in desperate need of help. S. 2829 does not specify age limits for those who may receive services, although it is assumed that the vast majority will be young people.

The most common age of runaways reported by the witnesses who operate runaway programs is 15. However, the prevalence of younger runaways is increasing. It was noted that a few years ago the most common age was 16 or 17. More recently, 43 percent of the runaways reported in New York were in the 11 to 14 age category.

All of the witnesses representing runaway programs indicated that the majority of runaways are female. John Wedemeyer of the Bridge in San Diego, Calif., noted that female runaways in San Diego outnumber males 2 to 1. The FBI Uniform Crime Reports, the only national statistics in the field, show that the number of arrests for running away among females is significantly greater than the number of arrests among males.

Although the runaway problem is usually seen as particularly prevalent among the white middle class, other groups are also affected. Brian Slattery of Huckleberry House in San Francisco, Calif., testified that their clients from the bay area "reflected the racial composition of the community." One young black witness from the District of Columbia testified that running way was often related to an intolerable home situation which could be found in any racial, social, or economic group.

Many of those who testified emphasized that providing shelter and counseling for runaway youth was an effective method of delinquency prevention. Warren W. Martin, Jr., a judge from a rural Indiana community, Rev. Frederick Eckhardt, a pastor in the Greenwich Village area of New York City, and William Treanor, director of Runaway House in the District of Columbia, noted that running away was often symptomatic of serious problems which, if left unchecked, might lead to serious delinquent behavior and perhaps to a life of adult crime. Moreover, authoritative research on the subject of runaways confirmed the testimony of several witnesses that the runaway event poses a unique opportunity to deal with the fundamental problems of the family. Dr. Robert Shellow, author of the National Institute of Mental Health study, "Suburban Runaways of the 1960's," noted that:

"The runaway crisis offers an opportunity to give assistance to families when they most want it, and to wait at all may be to wait too long.

"Since most people are more willing to seek help when they are hurting, a lot can be accomplished during the runaway crisis. Once the child has returned, however, the crisis is seen as being over, and the families comfort themselves with the belief that everything is all right. In many cases, however, it is not."

When the underlying problems remain unsolved, running away again and again often becomes a means of escape. Young people who habitually run away often have to steal or sell drugs to support themselves. Drug abuse and petty theft are normally the young runaway's next step along the path that all too often leads to a life of adult crime.

Another important function of runaway houses is to divert young people from the traditional criminal justice system. Diversion is desirable for several reasons. First, the burden of the runaway problem falls primarily on the shoulders of the police. Jerry V. Wilson, Commissioner of Police in Washington, D.C., noted in a letter to Senator Bayh endorsing the Runaway Youth Act, that the runaway problem results in the expenditure of many hours of police time annually. Similarly, FBI arrest statistics demonstrate that runaways significantly occupy police time. Runaways are the seventh most frequent reason for arrest in a list of 21 categories, even though the runaway category is the only one which applies exclusively to people under 18. Second, the police are not equipped to provide counseling and can only return a runaway to his home.

Maj. John Bechtel of the Montgomery County Police Department testified that the runaway problem is a social problem which unduly burdens the police. Third, arrest for running away often results in detention in a juvenile hall or adult jail and damaging contact with hardened offenders. This point was made dramatically clear by Becky and Cathy, two young witnesses, who were detained in juvenile hall for running away at the ages of 15 and 13 respectively. Both girls were locked up with older girls who were sophisticated in criminal activity and were charged with serious violations. Fourth, running away often results in long-term incarceration in reform school and the permanent stigma of the juvenile delinquent label. It was noted that a recent study of the Indiana Girls' School showed that one-half of the inmates were there for having run away. While incarcerated in reform school the runaway is forced to live with much more serious offenders. Through this relationship the runaway may be abused and will certainly learn of more sophisticated ways to violate the law.

ANALYSIS OF ARGUMENTS IN OPPOSITION TO THE BILL

All of the witnesses with the exception of the representatives of the Department of Health, Education, and Welfare supported the legislation. Most witnesses emphasized the seriousness of the problem and the need for immediate action.

Philip Rutledge, Deputy Administrator of Social and Rehabilitation Service, testified that new legislation designed to deal with the runaway problem was not needed since existing legislation was sufficient. He cited the Juvenile Delinquency Prevention and Control Act of 1968 and title IV of the Social Security Act. However, although the Juvenile Delinquency Act became law over 4 years ago, only a few isolated programs have been funded to deal with runaways. Additionally, the Social Security Act is unsuited to deal with the runaway problem for several reasons. First, while funds are available under title IV(A), that money may only be spent for children on welfare or who are immediate candidates for welfare. This would exclude the bulk of the runaway population who are from middle-class homes. Second, although title IV(B) specifically provides money for temporary maintenance and return home of runaways, these funds can only be spent on interstate runaway. Several of the witnesses testified that a substantial number of runaways, possibly a majority, could not qualify since they never cross State lines. Additionally, title IV(B) provides no counseling services and merely requires the return of the runaway to his home. During the hearings it was frequently noted that counseling is a crucial requirement for a successful runaway program. Moreover, in many cases, to return the runaway home simply exacerbates the problem since it returns him to the situation that caused the run initially.

Another point raised by HEW was that S. 645 was simply another categorical grant program whereas:

"The Department's position is that services to youth should be provided on an integrated, comprehensive basis and provided in a manner that recognizes that interrelatedness of the many manifestations of youth alienation from modern American society."

However, the lack of sufficient concern by the Federal Government for runaways to date indicates that unless individual legislation is addressed to the runaway problems it will continue to be ignored. Moreover, State and regional planning has not been focused on the runaway problem. This lack of planning and coordination has been recognized by the administration in regard to the entire field of juvenile delinquency. In announcing the decentralization of authority to regional offices on May 18, 1971, Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, specified that juvenile delinquency programs would be excepted from this decentralization and that supervisory control would remain in headquarters. Mr. Leonard said:

"This is a real problem area—the apparent inability of all of the programs that we have in the juvenile delinquency field to dovetail and address the problem of a very broad and effective base. That's something that can't be done at the regional or State level; the coordination effort has got to come from the National Government and from Washington."

Similarly, the annual report of the Youth Development and Delinquency Prevention Administration issued in March 1971 described State planning as "spasmodic and ineffective." Finally, it was made clear at the hearings that HEW could effectively administer the Runaway Youth Act. In response to questioning, Robert Foster, Deputy Administrator of YDDPA, indicated that a categorical program like the Runaway Youth Act could be very useful in filling the gaps in services left by presently uncoordinated programs.

The representatives of HEW noted that the facilities established by S. 645 appeared to be limited only to runaways whereas they should also be available to other juvenile status offenders. However, eligibility for services under the act does not depend upon the legal classification imposed by the court or police on the juvenile. The act would provide services for "juveniles who have left homes without the specific permission of their parents or guardians" (sec. 102(a)). Since other juvenile status offenders, such as truants and incorrigbles, are often involved in a runaway situation as defined by the act, services could be provided for them.

The last argument raised by HEW was that the mechanism for awarding grants precluded effective coordination on the local, State, or regional level. However, the experience of existing runaway houses shows that this objection is groundless. All of the witnesses who represented runaway programs testified to the importance of developing close working relationships with the police, the courts, social service agencies, and the local community. John Wedemeyer of the Bridge in San Diego estimated that through such coordination his program was able to receive $76,000 in volunteered services last year. Moreover, he noted that such coordination is also beneficial to the community that the runaway program serves:

"We cooperate with the probation department, the welfare department, and the police department. They are eager to have us there, because they feel that they are heavily overworked. If they could have 20 percent of their caseload dispensed to some other social service agency, they would probably be thrilled to death."

SECTION-BY-SECTION ANALYSIS OF THE RUNAWAY YOUTH ACT

Title I authorizes the Secretary of Health, Education, and Welfare to make grants to establish local shelter care facilities to provide services to runaways in a manner which operates outside the traditional law enforcement, juvenile justice system.

Section 101 states that grants should be made on the basis of the number of runaways in the community and the present availability of services for runaways. Additionally, priority should be given to private organizations who have had experience dealing with runaways.

Section 102 establishes the requirements which runaway houses must meet to be eligible to receive grants. These include: (1) location in an area frequented or reachable by runaways; (2) a maximum capacity of no more than 20; and (3) the development of adequate plans to insure proper contact with the police, safe return of the runaway, and adequate after-care counseling. Additionally, each proposed grantee must keep statistical surveys of their clients and report them annually to the Secretary. This is intended to aid in the research financed through title II. Provision is made to protect the confidentiality of the records of individual runaways.

Section 103 requires that a plan meet the requirements of Section 102 before it may be approved by the Secretary. Priority will be given to grants smaller than $50,000.

Section 104 insures that the Federal Government will have no direct control over the actual staffing of the runaway houses.

Section 105 requires the Secretary to report annually to Congress on the effectiveness of runaway houses.

Section 106 includes Puerto Rico, the District of Columbia, Guam, and the Virgin Islands in the term "State."

Section 107 authorizes $10,000,000 for fiscal years 1974, 1975, and 1976. Additionally, it requires that the Federal share of the cost of constructing such houses be not more than 50 percent. The Federal share of the cost of renovating existing structures, providing counseling services and staff training, and general operating expenses is established at 90 percent.

Title II authorizes the Secretary of Health, Education, and Welfare to conduct research on all aspects of the runaway problem. It authorizes $500,000 to be spent for this purpose and requires the Secretary to report to Congress no later than June 30, 1974. Provision is made to protect the confidentiality of records used for statistical purpose.

CONCLUSIONS

The committee believes that the time has come to address this serious problem which affects so many of our young people and their families. The committee reports favorably the Runaway Youth Act, S. 645, and recommends that it do pass.

TABULATION OF VOTES CAST IN COMMITTEE

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the following is a tabulation of votes in committee:

Motion to report the bill to the Senate carried favorably.

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

The sum of $10,500,000 for fiscal year 1974, $10 million for each of the next 2 fiscal years, 1975–76.

Mr. CURTIS. Mr. President, on behalf of the distinguished Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent to have printed in the RECORD excerpts from the additional views he filed on the bill at the time it was reported by Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCERPTS FROM ADDITIONAL VIEWS OF SENATOR HRUSKA

It is neither easy nor popular to oppose a bill which has as its aim the protection of children who run away from home. But praiseworthy goals oftentimes provide an unsatisfactory litmus with which to test the value of legislation. Substantial doubt remains in this Senator's mind as to the need and efficacy of this bill's approach to the "runaway youth" problem. Therefore, I oppose this bill as reported and take this opportunity to set forth the basis of my opposition.

INADEQUATE PROCESSING

The "Runaway Youth Act" was originally introduced by Senators Bayh and Cook late in the first session of the 92nd Congress as

S. 2829.[1] Only two brief days of hearings were held by the Juvenile Delinquency Subcommittee on the bill.[2] Thereafter, the bill was pressed through the Subcommittee and full committee with what can only be charitably characterized as inordinate haste.[3]

S. 2329 passed the Senate on July 31, 1972 [4] but received no action in the House prior to the expiration of the 92nd Congress.

In the current Congress, the "Runaway Youth Act" was again introduced by Senators Bayh and Cook on January 31, 1973, as S. 645.[5] However, no additional hearings have been held on this proposal. Perhaps if consideration of the measure had been more deliberate, I would not be forced to disassociate myself from the views of my colleagues.

SCOPE OF THE PROBLEM

In my view, there is no clearly established need for the present scope of S. 645. Is the so-called "runaway youth" problem really one of national import and a federal responsibility? Perhaps not.

There is no doubt that young people run away from home—it is estimated that perhaps one million a year do so. Federal action, however, ought to be mandated by qualitative as opposed to purely quantitative distinctions. This is a basic tenet of federalism. Moreover, it is not clear whether the current scope of the runaway problem represents a growth in numbers, a decrease, or a relatively constant amount in relation to our growing population. Other factors, such as increased affluence and mobility, should also be taken into account. My reading of the record indicates that these questions have not been adequately resolved.

Several witnesses from large metropolitan areas were called to testify in support of S. 2829 last year. They voiced approval of the bill as an ostensible means of providing funds for facilities to receive, counsel and shelter wayward juveniles in a professional manner outside the judicial process. Unfortunately, however, such support for a legislative proposal of this nature begs the question. The real issue is whether the specific approach taken in S. 645 will have a beneficial effect on the problem of juvenile delinquency in general and on runaway youth in particular. Based on the evidence at hand, an affirmative answer would be unrealistic. The effectiveness of runaway houses in deterring juvenile delinquency is speculative.

Although the record in support of this bill leaves several key questions unanswered, it does provide ample evidence that young people leave home for a variety of reasons.[6]

A study by the National Institute of Mental Health which was quoted with approval by Mr. Brian Slattery, a co-director of Huckleberry House in San Francisco,[7] indicates that runaways can be broken down into two broad groups: (1) a small group whose running away is bound up with individual or family pathology; and (2) a much larger group consisting of those who run away only once. This study states that this larger group " . . . (is) not clearly distinguishable from adolescents generally . . . these, too, are troubled children, but they are troubled in much the same way as other adolescents are troubled. Unlike the pathologically-driven frequent repeater, the others need no custodial care and have no special need for individualized professional services.[8]

CURRENT FEDERAL EFFORTS

Neither the Congress nor the Administration has been idle in the area of juvenile delinquency. Indeed, the federal government is now deeply involved in programs to prevent and control delinquency and youth crime.

The 1971 amendments to the Juvenile Delinquency Prevention and Control Act of 1968 created the Interdepartmental Council to coordinate all federal juvenile delinquency programs.[9] Membership in the Council, as designated by the President, has included the Departments of Justice, Health, Education and Welfare, Housing and Urban Development, Labor, Transportation, Interior and Agriculture, as well as the Office of Economic Opportunity, the Office of Management and Budget, and the Special Action Office for Drug Abuse Prevention. In addition, several other federal agencies have served as ex officio members of the Council.

Over 160 programs are currently monitored and coordinated by the Interdepartmental Council. The most recent publication of the Interdepartmental Council shows that the federal government expended approximately $11.5 billion in fiscal year 1971 in the juvenile delinquency and youth development areas.[10]

These expenditures are made through a number of existing modalities.

Part of the activities of the Law Enforcement Assistance Administration (LEAA) are within the oversight of the Interdepartmental Council. LEAA expends a healthy percentage of its budget each year for juvenile delinquency efforts. Section 301 of Part C of the Omnibus Crime Control and Safe Streets Act of 1968 provides for law enforcement grants to cover, *inter alia*, programs relating to the prevention, control and reduction of juvenile delinquency. The total expenditures of LEAA for juvenile delinquency in Fiscal Year 1972 were $128.1 million.[11] Additionally, approximately $8 million was spent in 1972 in the area of juvenile delinquency under the High Impact Cities Program.[12] It is estimated that LEAA expenditures will increase for Fiscal Year 1973 to over $140 million.

The Juvenile Delinquency and Prevention Act of 1968 [13] is designed to assist states in providing community rehabilitation services, vocational education, and job training. Additionally, this legislation works to promote research on delinquency and encourage development of community-based residential services for juveniles.

The Vocational Education Act of 1963, as amended, provides federal funding to state programs designed to meet the problems of juvenile delinquency.[14]

Educational assistance to delinquent children is also available under the Elementary and Secondary Education Act of 1965, as amended.[15] There is also other legislation in areas which have particular applicability to our troubled youth, such as drug abuse, and relevant community action projects.[16]

NEED FOR COORDINATION

Scattered approaches to a series of deeply related problems have often been the hallmark and the downfall of Congressional efforts on many fronts.

As a result of a reorganization within the Department of Health, Education and Welfare, the Office of Human Development has been established under the Direction of an Assistant Secretary. One of the agencies brought within this Office is the former Youth Development and Delinquency Prevention Administration, which administers the programs under the Juvenile Delinquency Prevention and Control Act of 1968, as well as the Office of Child Development, which is also concerned with the problems of children and youth.

HEW, through this new Office, will be better able to focus and coordinate all of its agencies having programs related to youth, including runaway youth. It is hoped that through this mechanism all of the authorities presently in existence which relate to service and care for runaway youth will be more effectively implemented as part of a coordinated system of services for youth.

Thus, S. 645 comes at a point in our history when the Executive is displaying a heartening intention and ability to coordinate its efforts in this area. The subject bill could disturb these new initiatives and become a distinct liability.

MODE OF ASSISTANCE AND COST

This Senator believes that all federal programs in the juvenile delinquency area must be properly dovetailed. The subject bill, however, would attempt to provide coordination and uniformity by creating yet another categorical grant program. At a time when general revenue sharing has just become operative and the various special revenue sharing programs are just being considered by the Congress, it is my view that this approach may be ill-advised.

Estimates indicate that S. 645 would involve additional outlays of $30.5 million in a three-year period. President Nixon has indicated his desire to hold federal spending this year to $268.7 billion. By passing legislation with significant cost considerations such as this bill, the Senate would be contributing to mounting Congressional pressures for a tax increase.

POSSIBLE SIDE EFFECT

Everyone would want those who are compelled to run away to be protected and returned home as soon as possible. But, if a reduction in the number of runaways is a goal of equal or even greater priority, the proliferation of facilities to which juveniles know they can run raises serious problems. It is not enough to dismiss this concern, as Mr. Slattery did, by calling it "just a fancy theory." [17] The possibility of creating potential "attractive nuisances" for adolescents must not be minimized. The result would detract from the constructive efforts being made to reduce juvenile delinquency. This points to the fact that we are here only suggesting treatment for symptoms as opposed to root problems in this area.

POSITION OF THE ADMINISTRATION

The only witness called to testify on behalf of the Administration was Mr. Philip Rutledge of the Department of Health, Education and Welfare. Mr. Rutledge made no effort to minimize the problem of runaway children. Neither did he insist that it was receiving adequate attention. He did, however, state that adequate legislative authority exists to provide an appropriate federal response to this problem.

Mr. Rutledge cited the Juvenile Delinquency Prevention and Control Act of 1968 and Title IV of the Social Security Act as examples of such authority and observed:

"What is called for is not legislation establishing new categorical programs dealing with one aspect of the larger problem. Instead, efforts are needed at the state, federal and local level to integrate those services that are already available, and to fill gaps in the provision of services in each community, according to the needs of that community." [18]

CONCLUSION

Every year the volumes of the United States Code grow fatter with new laws designed to cure the myriad ills of society. Yet, well-meaning Congressional action is continually overshadowed by a widening gap between promise and performance. It is long past time that we made a more serious effort to improve our partnership with the Executive Branch so that existing laws can be made to function, particularly in this important area. While we should never hestitate to improve law through tightly reasoned action, such action should be premised upon a sound foundation of demonstrated need. We will never improve our capabilities in the area of juvenile delinquency, or other fields, if we do not provide a reasonable opportunity to adjust to and implement the laws we do pass in a manner that will permit effective administration.

In my view, S. 645 was ill-advised and hastily conceived. I urge my colleagues to reject it.

Footnotes at end of article.

FOOTNOTES

[1] S. 2829, the "Runaway Youth Act", November 9, 1971, 92nd Cong., 1st Sess., 117 Cong. Rec. 40111 (1971).

[2] See "Runaway Youth", Hearings before the Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Seante (92nd Cong., 1st Sess. (1972)). (Hereinafter cited as *Hearings*.)

[3] Report of the Senate Committee on the Judiciary on S. 2829 (S. Rept. No. 92–153, 92nd Cong., 2d Sess. (1972)). Note Individual Views of Senator Hruska at p. 7 and witness the fact that the Subcommittee executive session on the bill was held prior to the availability of the hearing record.

[4] See CONGRESSIONAL RECORD, vol. 118, pt. 20, p. 26019.

[5] S. 645, the "Runaway Youth Act", January 31, 1973, 93rd Cong., 1st Sess., 119 Cong. Rec. S. 1562 (daily edition, January 31, 1973).

[6] *Hearings*, pp. 32, 51, 88, 154 and 161.

[7] *Hearings*, pp. 31–32.

[8] *Hearings*, pp. 227–228.

[9] Pub. L. 92–31. See Report of the Senate Committee on the Judiciary on S. 1732 (H. Rept. 92–220, 92d Cong. 1st Sess. (1971)), noting that whatever ineffectiveness was experienced under the 1968 Act was a ". . . result of weakness in administration rather than of faulty conception.", at p. 3.

[10] Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, Fiscal Year 1972. Government Printing Office. Washington, D.C. (1972) at p. 44. Contacts with Dr. Ruby B. Yaryan, Staff Director for the Interdepartmental Council, indicate that the projected estimate of expenditures grew to nearly $12.5 billion in Fiscal Year 1972 and will climb to approximately $13 billion for FY 1973.

[11] Report of the Interdepartmental Council, at p. 50.

[12] Law Enforcement Assistance Administration Juvenile Delinquency Project Summaries for Fiscal Year 1972 (October 1972).

[13] 42 U.S.C. 3801, *et seq.*

[14] 20 U.S.C. 1241, *et. seq.*

[15] 20 U.S.C. 241(a), *et. seq.*

[16] See e.g. Community Mental Health Centers Act, P.L. 88–164, 42 U.S.C. 2681, *et. seq.*; Comprehensive Drug Abuse Prevention and Control Act of 1970, P.L. 91–153, relevant sections gathered at 21 U.S.C. 801, *et seq*, 42 U.S.C. 2688 (n–1), *et seq.*; Drug Abuse Office and Treatment Act of 1972, P.L. 92–255, 21 U.S.C. 1101, *et seq.*; Housing and Urban Development Act of 1965, P.L. 89–117, 42 U.S.C. 3103, *et seq.*; Demonstration Cities and Metropolitan Development Act of 1966, P.L. 89–754, 42 U.S.C. 3301, *et seq.*

[17] *Hearings*, p. 43.

[18] *Hearings*, p. 20.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PARTICIPATION BY UNITED STATES IN UNITED NATIONS ENVIRONMENTAL PROGRAM

The Senate proceeded to consider the bill (H.R. 6768) to provide for participation by the United States in the United Nations environmental program, which had been reported from the Committee on Foreign Relations with an amendment, on page 2, after line 7, strike out:

SEC. 4. No funds authorized by this Act shall be expended, directly or indirectly, to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Mr. PELL. Mr. President, I urge approval of this legislation (H.R. 6768) providing for U.S. participation in the United Nations voluntary fund for the environment.

The United Nations Conference on the Human Environment, held in Stockholm June 5 to 16, 1972, represents a landmark for international cooperation. This conference, the largest international meeting ever held, was attended by 113 different nations. Despite a number of heated confrontations between various countries, this world assembly was able to adopt more than 100 recommendations for international action. These recommendations, could establish an important framework for the world's collective attack on global environmental problems.

The most significant action taken by this conference was the creation of a U.N. Environmental Agency. This Agency, comprised of a small Secretariat headed by Maurice Strong as its executive director, would be the focal point for cooperation, coordination, and effective management of environmental activities in the United Nations system. However, the ultimate success or failure of this Agency will depend to a great extent on the size and availability of a voluntary environment fund. This fund, initially proposed by the President in his 1972 environmental message to Congress, will provide support for the activities of Mr. Strong's Secretariat.

Subject to congressional approval, the United States has stated its willingness to pay on a matching basis with other nations up to 40 percent of a 5-year $100 million fund. An initial U.S. contribution of $10 million has been included in the fiscal year 1974 budget.

The following is an estimate of how this fund will be utilized. This potential allocation was submitted to the Subcommittee on Oceans and International Environment during the recent hearings on this bill:

DEPARTMENT OF STATE,
Washington, D.C., April 27, 1973.

POTENTIAL EXPENDITURES OF UN ENVIRONMENT FUND ($100 MILLION OVER 5 YEARS)

The overall United States objective for the United Nations voluntary Fund for the Environment is to increase the global capability to recognize and solve those environmental problems of international concern which have the most serious implications.

With this objective in mind, the United States considers the following areas to merit support by the Fund. For convenience, they are arranged under the three headings of environmental assessment, environmental management, and supporting measures. Estimates of costs of implementation are included.

I. ENVIRONMENTAL ASSESSMENT

1. Evaluation and review

This program area would be devoted to:

(a) support for a study of existing energy resources and consumption trends, including non-renewable resources availability;

(b) specific studies of environmental impacts of development projects;

(c) convening of intergovernmental expert bodies to identify, assess importance and recommend actions to control various pollutants;

(d) convening of expert groups to develop guidelines and recommendations for marine pollution control.

Approximate cost to the fund over the initial five year period: $2.8 million

2. Research

This area would be concerned with the development and implementation of cooperative international research programs. These programs would be coordinated and stimulated by the UN specialized agencies with principal responsibility in the particular substantive areas involved. This approach would (a) through increased, non-duplicative effort, improve the likelihood of identifying and finding solutions to global environmental problems, (b) increase the competence of developing country scientists to cope with national environmental problems, and (c) in some cases provide information from additional locations necessary to evaluate existing environmental conditions and the need for further international actions.

Work could include: (a) cooperative research and studies on forest ecosystems and management; (b) study of side effects of various commercial, industrial and scientific activities on aquatic resources as background for international agreements; (c) coordinated programs on water management, irrigation and pollution control, involving research, training, information exchange and possible establishment of additional regional water centers; (d) cooperative research and studies of interaction of man and the biosphere; (e) efforts to strengthen the capability of the International Oceanic Commission to coordinate marine pollution research and monitoring; (f) the development and support of cooperative marine research and monitoring programs; (g) studies on regional environment and development programs in association with regional Economic Commissions.

Approximate cost for the first five years would be : $29 million

3. Monitoring

The Fund is expected to support global environmental monitoring programs by augmenting existing national and international monitoring efforts. Additional stations will be required to provide a more complete assessment of the status of the marine environment (through the IOC), the atmosphere (through WMO), and terrestrial environments (through FAO and UNESCO). Programs to monitor the effects of environmental constituents on human health also are expected to require additional support (through WMO). A number of the new terrestrial baseline and regional stations, as well as human health monitoring programs, would be situated in developing countries where presently inadequate information must be improved in order to develop an accurate global assessment.

Monitoring activities would include: (a) seminars on remote sensing for resource and pollution survey and on sharing of information; (b) strengthening the WHO health reporting system and WHO and FAO programs for monitoring food contamination; (c) establishing additional baseline stations in developing countries for atmospheric monitoring through WMO; (d) supporting ocean monitoring and contributing to research programs through the International Oceanographic Commission to measure pollutants, living resources, marine physical factors.

Approximate five year cost to the Fund: $21 million

4. Information exchange

Fund allocations would be made for the development and support of an international system for the exchange of information of direct, practical use to governments, and for facilitating the exchange of information on environmental problems of a regional nature. The Information Referral Service would be the principal element in this system. It would identify existing sources of environmental information and serve as a mechanism for referring inquiries from governments to these sources for reply. In addition the Fund could support the development of procedures for regional information exchanges.

Approximate five year cost: $2.3 million

II. ENVIRONMENTAL MANAGEMENT

1. Goal setting and planning

The Fund is expected to support programs designed to improve the condition of the environment with particular emphasis on reducing pollution. Although control actions must be taken by individual countries, the international community can contribute through the identification of problems, the establishment of goals, and planning designed to meet those goals. Existing information in a large number of environmental areas is still inadequate to identify actions by countries which might be needed. In some areas, however, there is sufficient basis for present action.

These include: (a) support for WHO to increase its efforts concerned with planning water supply and sewerage services. The programs would be selected from WHO proposals in this area; (b) support for UN programs in research, technical assistance, consultations, extension and public information to reduce harmful effects of agrochemicals; (c) increase support by the Fund to the Codex Alimentarius Commission to develop pollutant standards for food; (d) support for experts to determine pollutant limits for air and water through WHO.

Approximate cost: $12.5 million

2. International consultations and agreements

Fund allocations in time can be expected to be made to support the development of new international agreements or arrangements in the environmental sphere. These would be concerned initially with various conservation activities and with the development of environmental guidelines for development projects, including consideration and long-range development strategies.

It is expected that Fund support will be provided for: (a) developing country participation in preparing conventions; preparation of handbooks for managing natural areas, selection of sites; (b) initiating an international program to preserve genetic resources described in the Stockholm Conference recommendations; including (c) the coordination of activities related to the storage of information, sponsoring meetings and other activities associated with establishing gene pool or germ plasm banks; (b) meetings of governmental and other experts to develop environmental criteria for development for project analysis.

Approximate Cost: $5.3 Million

III. SUPPORTING MEASURES

1. Education and training

The Fund is expected to support the development of innovative environmental education programs for teacher training and use in public schools. It also is expected to support the development of curricula and textbooks concerned with the environment, and in the inclusion of environment considerations where appropriate in courses in related subjects. The training of specialists in various environmental areas would also receive high priority, as would seminars and short courses for government officials concerned with environmental problems such as wildlife management, especially in developing countries.

These programs could absorb approximately *$21 million* over the five-year period.

2. Public information

The Fund would be used to support the preparation and distribution of films, books, and radio and TV programs, as well as extension efforts and the dissemination of information to strengthen community awareness of environmental problems.

Approximate Cost: $5 Million

The subcommittee has recently been informed that the number of other countries which have pledged contributions to this fund has increased from 10 to 17 since the subcommittee conducted hearings. The total contributions from these other nations will represent $53.4 million. Out of this sum, approximately $6.7 million will be available to the fund in calendar year 1973. Thus, it appears that other countries are, indeed, contributing their share to this fund.

I, therefore, urge support of this legislation in order that the United States may contribute its fair share of the support for this new international environmental effort.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 93–196), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

PURPOSE

The purpose of H.R. 6768, as amended, is to authorize the appropriation of the U.S. share of the United Nations Environment Fund. The bill, as amended, authorizes an appropriation of $40 million for the total U.S. contribution, and limits the fiscal year 1974 contribution to $10 million.

BACKGROUND

One of the more significant actions taken by the United Nations Conference on the Human Environment was the creation of a new organizational structure for the international environment.

This structure, comprised of a small Environmental Secretariat, headed by Maurice Strong as its Executive Director, will be the focal point for cooperation, coordination, and effective management of environmental activities in the U.N. system. Guidance to this Secretariat will be provided by a Governing Council for Environmental Programs, consisting of representatives from 58 member states, including the United States.

A primary responsibility of this U.N. Secretariat will be the administration of the newly created U.N. Voluntary Environment Fund. This Fund, initially proposed by President Nixon in his 1972 Environmental Message to Congress, will be an instrument for coordinating and supporting international environmental programs, particularly in the areas of global monitoring and marine pollution.

The goal of this Fund is $100 million for the first 5 years. The United States has indicated that it will contribute, subject to congressional approval, up to $40 million of this total on a 40/60 matching basis. An initial U.S. contribution of $10 million has been included in the fiscal year 1974 budget. At the present time, 12 other nations have made specific pledges totaling $41 million.

COMMITTEE ACTION

The original administration proposal called for an "open-ended" authorization, and was introduced, by request, by Senators Pell and Case, on March 8, 1973.

Hearings on this legislation were conducted on April 16, 1973. Witnesses appearing at those hearings were: Christian A. Herter, Jr., Special Assistant to the Secretary of State for Environmental Affairs; and Mrs. Christine Stevens, Secretary of the Society for Animal Protective Legislation. Written testimony was also submitted by the National Audubon Society.

On May 15, 1973, the House version (H.R. 6768) passed by a vote of 266 to 123. This bill limited the total U.S. contribution to $40 million and the fiscal year 1974 contribution to $10 million. It also contained an amendment which forbade the use of these funds for the reconstruction of North Vietnam. At the time of its passage, two additional amendments failed by very narrow margins to limit the U.S. contribution to 25 percent of the total.

H.R. 6768 was considered by the Committee on Foreign Relations in executive session on June 4, 1973. The committee, realizing the difficulty in the enforcement of such a restriction and relying upon the administration's assurance that no environmental funds would be diverted to the reconstruction of North Vietnam, deleted the House amendment prohibiting such use. However, the committee did accept the House amendments limiting the total U.S. contribution to $40 million and the fiscal year 1974 contribution to $10 million. Based on the understanding that these limitations and the program needs of Environmental Fund will be subject to periodic congressional review, the committee does not believe that these authorization restrictions will impose an undue burden on this new international environmental effort.

COST ESTIMATE

The total amount authorized to be appropriated under this legislation is $40 million. Not more than $10 million is authorized to be appropriated during fiscal year 1974.

VACATING OF TIME FOR RECOGNITION OF SENATOR MONTOYA TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to the distinguished Senator from New Mexico (Mr. MONTOYA) under the order today be transferred to my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEES TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have until midnight tonight to file reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, submitting a nomination, was communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting the nomination of Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation, which was referred to the Committee on the Judiciary.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from South Carolina

(Mr. HOLLINGS) is now recognized for not to exceed 15 minutes.

J. EDGAR HOOVER—A GREAT AMERICAN

Mr. HOLLINGS. Mr. President, it is my privilege to rise today in order to set the record straight about a great American—J. Edgar Hoover, the late distinguished Director of the Federal Bureau of Investigation. Mr. Hoover has been badly maligned by recent press accounts and even some Government leaks implying that he was not of sound mind in his later years. As a Senator and an American who greatly admired and respected J. Edgar Hoover, I feel that I owe it to him, to the Senate, and to our citizenry to refute these totally untrue and slanderous charges.

I had known the Director for many years before coming to the Senate. In 1955, I was serving on ex-President Herbert Hoover's Commission Task Force investigating the intelligence activities of the Federal Government. It was during the so-called McCarthy period, when the Wisconsin Senator was charging the Government with harboring security risks and allowing breaches in the national security. Senator McCarthy had refused to provide anyone with the documentation for his charges. Finally, he agreed to turn his papers over to General Clark, and I had the opportunity of reviewing them along with the Director of the FBI, Mr. Hoover. Without hesitation on each paper and each charge, Mr. Hoover and the FBI had the record and were completely aware. McCarthy had the rumors, while Mr. Hoover had the facts.

This knowledge of the facts—this mastery of the job—was something J. Edgar Hoover kept with him until his dying day. On March 10, 1972, he appeared before the Senate Appropriations Subcommittee for the Departments of State, Justice, Commerce, and the Judiciary. On that particular day, I was serving as acting chairman of the subcommittee and we were discussing the budget request for the FBI. This was, incidentally, Mr. Hoover's last appearance before a congressional committee, less than 2 months before his death.

The hearings lasted 4 hours straight. Mr. Hoover set forth in great detail the operations of the Federal Bureau of Investigation and his plans and his projections for the coming year. Other witnesses that appear—Secretaries of Cabinet departments, representatives from the various Government agencies, usually bring along an army of aides, and constantly refer the hard, detailed questions to these subordinates. Not so J. Edgar Hoover. He brought only one associate who remained a silent partner during the 4-hour exchange. Without notes or consultations, Mr. Hoover shot back the answers in that quick, commanding, and precise style that many of us knew firsthand. He was, in short, the absolute master of his material. Seldom have I seem so well informed a witness. Seldom have I had more confidence in a man's stewardship over a Government agency.

During those hearings, we ran the gauntlet from organized crime to drug control to Communist subversion to homegrown militants.

Now it is alleged by some that during Mr. Hoover's tenure, the Federal Bureau of Investigation was involved in the carrying out of investigations in foreign countries. This accusation was emphatically denied by the Director, who explained the conduct of investigations in foreign countries was not under the jurisdiction of his agency, but rather under the control of the Central Intelligence Agency.

> Our representatives abroad . . . conduct no investigations and secure needed information and assistance by direct request of an appropriate foreign agency.
>
> The Central Intelligence Agency is restricted from conducting any investigations within the United States regarding domestic intelligence matters. That is within F.B.I. jurisdiction. We are restricted from conducting investigations in foreign countries.

He concluded—

> That is the way it has been for years, and that is the way it should be.

Mr. Hoover understood the limits of his jurisdiction and he respected those limits, any accusation to the contrary notwithstanding.

It is further alleged by some that under Director Hoover, the FBI did not have an adequate check on the activities of the Black Panthers and the Weathermen, and that this failure made it necessary to set up other investigatory units. On the contrary, the record clearly discloses that Mr. Hoover gave us a detailed analysis of Panther and Weathermen activities—an explanation that required indepth knowledge of the facts and a thorough acquaintenance with the structure of those organizations. He was able to provide the same indepth treatment on every subversive and revolutionary group that was mentioned during the course of our extensive discussion. And, I was pleased to note, Mr. Hoover was just as deeply and thoroughly informed and involved in the investigations of organized crime in this country.

Any suggestion that it was necessary to set up other groups to carry on the work of intelligence activity is simply not true. J. Edgar Hoover worked under 10 Presidents of the United States, and he gave to each one his wholehearted cooperation. His testimony before our subcommittee is filled with reference after reference to FBI cooperation with White House initiatives on law enforcement and even with Office of Management and Budget desires to hold the line financially and make maximum economies in the operation of Federal Government agencies. J. Edgar Hoover dedicated a lifetime to law enforcement, and his commitment to that ideal far transcended anything in the way of personal animosities or rivalries. Anyone who knew Mr. Hoover will regard accusation that he refused to cooperate with the other agencies of Government as completely unfounded.

What such an accusation boils down to is that some people are trying to excuse their own excesses—and possibly even crimes—by blackening the name of a great and devoted public servant. There is no other explanation.

No one would deny, of course, that Mr. Hoover was a man of strong mind and definite opinions. He referred flippantly to editorialists as the Katzenjammer Kids and to certain newspapers as the "scavenger press." I could not agree with these characterizations, and I thought it was unfortunate that he had built a wall around him that sealed him off from the news media. However, it is a cardinal principle of intelligence and investigative work that you do not "try your case in the newspapers." So after 40 years of having to say "no comment" or obscuring the facts, I think his prejudice against the media could be termed a hazard of the trade.

And he had other prejudices. During that final appearance on Capitol Hill, I recall asking Mr. Hoover what role he envisioned for women in his department—whether they could be trained as agents. He made it very clear that he had deep reservations about that, and here was another of those few areas wherein we had some disagreement.

J. Edgar Hoover was a proud man, and I told him he had every right to be. He built from scratch an unknown agency and fashioned it into a model of integrity and efficiency. His agency's standards were high because his own personal standards were high. He set the tone—and the tone was honest and straightforward. That is the kind of stewardship so sorely lacking today, wherever we look.

Mr. Hoover knew his job, and he did his job—day in and day out. He inspired others with his own dedication and hard work. And many times, this inspiration was all the poor law officer had to go on. What with changing times, Supreme Court decisions, and a distraught society, the lawman on the street or in the field was hard pressed to deliver. Spat upon, kicked, abused, derided, and sometimes even arrested himself, the officer at least knew that he still had J. Edgar Hoover to look to and that the laws of society had not been completely abandoned.

It was an honor for me to work with this truly great American. When the annals of these troubled times are written, the figure of J. Edgar Hoover will stand out clearly and boldly as a champion of law and integrity and public spiritedness. To the last, he did his job—keenly, fairly, and honestly.

He was a public servant's public servant.

More importantly, he was the people's public servant. And the people knew it.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

MASSIVE FAILURE OF HOUSING MORATORIUM

Mr. PROXMIRE. Mr. President, as chairman of the Senate Appropriations Subcommittee on Housing and Urban Development, Space, Veterans, and other independent agencies, I have just completed hearings on the appropriations bill covering those agencies.

In the past I have been concerned that almost invariably the witnesses before the Appropriations Committee come before it to support spending. It is almost always an ex parte hearing in which the proponents from the agency and the proponents from industry team up together to demand funds and to justify virtually every activity of the agency.

I attempted to change that format this year in these hearings. As a result, I called in outside, independent witnesses to give their assessments on the HUD program, on the space expenditures, on the National Science Foundation, and on the Veterans budget. It seemed wrong, to me, not to subject almost $20 billion of proposed Federal spending to the sharp eyes of independent critics as well as to those running the programs.

THE HOUSING PROGRAM

Today I want to report on the results of just one area where this was done. That area is housing.

Altogether, we held 5 days of hearings on housing. The first day we heard from five outside expert witnesses, including John Gunther, executive director of the U.S. Conference of Mayors; Mr. Neil Hardy, former FHA Commissioner and now with the New York City Housing and Development Administration; Mr. George Martin, president of the National Association of Home Builders; Mr. Robert Maffin, executive director of the National Association of Housing and Redevelopment Officials; and Mr. Bernard Frieden, director of the Joint Center for Urban Studies, MIT-Harvard.

I might say that these are among the most extensive and detailed examinations of the housing and urban developments that I think have been conducted in a long time—in fact, since the formation of the department. In addition to the hearings, just yesterday we had 13 mayors from the State of Wisconsin who testified for 2 hours on the housing situation.

Also, we took 3 days of testimony from Secretary Lynn and his associates.

Finally, we heard from a group of mayors including Mayor Landrieu of New Orleans; Mayor Alioto of San Francisco; Mayor Patricia Sheehan of New Brunswick, N.J.; Mayor Alexander of Syracuse, N.Y.; Mayor Cmich of Canton, Ohio; Mayor Gibson of Newark, N.J., and Mayor Flaherty of Pittsburgh.

As a result of those hearings, I want to make this personal report concerning the testimony we received.

NO JUSTIFICATION FOR MORATORIUM

I would say the most notable result of the hearings was the complete absence by the HUD officials of a clear justification for the housing moratorium. In fact, the arguments given for the moratorium can only be termed "pathetic."

We were told that the housing programs did not work. But when we pressed the HUD officials on that score, their arguments collapsed. Let me be specific.

At the same time that HUD has suspended or ended many of the major housing programs on the grounds that they did not work, the President of the United States claimed that the major problems of the cities have been solved.

On March 10, President Nixon said that, with respect to our cities—

> The hour of crisis has passed. The ship of state is back on an even keel, and we can put behind us the fear of capsizing.

He also said that—

> City governments are no longer on the verge of financial catastrophe.

The situation is filled with irony. The President has now ended or suspended the very city programs that solved the crisis of the cities.

We received no satisfactory answer from Secretary Lynn on that contradiction.

LOW-INCOME HOUSING PROGRAMS

When we pressed HUD to justify their action in suspending new approvals for public housing and section 235 housing, we also got no proper answers.

Section 235 housing has worked very well in some areas and not very well in others. But where it has failed, it has failed primarily because of bad, and sometimes criminal, HUD management.

In Detroit, there were some section 235 scandals. But in Detroit, the scandals were not limited to section 235 and were not even primarily section 235 scandals. They were found across the board in HUD programs.

In Milwaukee, there were no section 235 scandals and, indeed, not a single section 235 failure.

Consequently, it was not a failure of the section 235 program as such but a failure of the HUD management where the program failed.

PUBLIC HOUSING

The HUD experts gave even poorer reasons for suspending new approvals for public housing. HUD's Inspector General testified that there had been no increase in public housing scandals and in fact that the programs had not been involved in serious scandals.

The HUD experts testified that there were long waiting lists of people waiting to get into public housing.

The HUD experts testified that there was a very low vacancy rate for public housing.

With no serious scandals and long waiting lists and low vacancy rates, one can hardly claim this program is a failure. But new approvals were suspended last January, and that suspension will continue for at least 18 months and probably for 2 years.

LITTLE ATTENTION TO CUTTING COSTS

The one significant argument in favor of the moratorium raised in general by HUD officials was the argument of cost.

But even on that issue we found that HUD had scarcely examined the principal proposal to reduce costs put forward by both the Comptroller General, Mr. Staats, and by the Joint Economic Committee. That proposal is to fund subsidized housing programs through Government borrowing rather than borrowing the funds from the private market.

The difference in cost, according to the Comptroller General and the Joint Economic Committee, in meeting the housing goals put into law in the 1968 Housing Act, would be from $2 to $4 billion—that much saving. But even though the only substantial argument raised by HUD in favor of the low income housing mortorium was cost, from the testimony of the Secretary and his subordinates, it is quite clear that this proposal, a proposal also made 4½ years ago by the Douglas Commission, has received at best only passing attention from the top level of HUD.

COUNSELING AND REHABILITATION

There are two programs which, according to the expert testimony we received, are vital either to the success of the low income housing programs or in reducing the costs of housing low-income families. These programs are counseling for low-income families going into public housing or sections 235 and 236 housing, and the rehabilitation of existing housing units.

The testimony and evidence received by our committee and others was that counseling was the vital ingredient in making section 235 work.

Further, not every low-income family should live in a new house. There are millions of housing units with excellent overall structures which can be rehabilitated for much less cost than building a new public housing or Section 235 unit.

Here, then, are two programs which the experts tell us can make subsidized housing programs work, and cut costs of housing low-income families.

But what has HUD done? You would think that these programs, in view of HUD's assertions, would have the highest priority.

Not at all. No funds—none—are provided for counseling in the new budget. Yet every expert tells us such funds are vital to the success of the program.

And the rehabilitation loan and grant programs have been ended. Yet, we all know that they can provide a decent home in a suitable living environment at far less cost than building an entirely new subsidized housing unit.

The failure of HUD to fund these programs leads me to believe one of two things. Either HUD does not know what it is doing and is ignorant of what is needed to make a subsidized housing program work, or the justifications they are giving for ending or suspending the program are false and phoney.

If they know what they are doing, they would not end these programs. In that case, their reasons have to be false.

If they are sincere in what they are doing, then they obviously do not know what they are doing and lack ability, expertise, and knowledge of housing programs.

Either way—and it has to be either one or the other—what they are doing in failing to provide counselling funds and in ending the rehabilitation programs is wrong.

It is not only wrong, it is costly.

FEAST AND FAMINE RAISES COSTS

The testimony we received from both the housing experts and the mayors was that the HUD moratorium will raise housing costs—not cut them, but raise them.

There is a good reason for this. Continuity of production in housing is one of the best methods of cutting costs. If a builder can build 500 units a year every year instead of 800 units 1 year and 200 units the next year, he can make significant earnings through proper use of his work force, the ability to limit his inventory, and in borrowing his funds and other building costs.

The testimony we received was that housing crunches, like that of 1966–67, housing moratoriums, and feast and famine housing periods are destructive of efficient building practices.

The mayors testified that the on-again, off-again nature of HUD programs also adds to costs.

Thus, what HUD has succeeded in doing is to add significantly to housing costs at a period when it should be seeking to cut housing costs.

To put it in a straightforward way, HUD itself has been an engine of inflation with respect to housing, in a period when we should be fighting inflation.

Their policies add to both housing costs and urban costs. It is destructive of continuity in programs.

INEFFICIENT USE OF HUD PERSONNEL

Another cost casualty of the HUD moratorium is the inefficient use of HUD personnel.

Personnel are needed, first, to manage the existing programs. But personnel are also needed to process applications for new starts under existing programs.

With at least 16 major programs now suspended or terminated, the processing of new applications for public housing, urban renewal, rehabilitation loans, model cities, water and sewer grants, and other programs, has come to a screeching halt.

Mr. President, I ask unanimous consent that a table showing the programs suspended be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CUTOFF DATES FOR SUSPENDED OR TERMINATED HUD PROGRAMS

	Action	Effective date
Housing production and mortgage credit programs:		
Assisted housing (rent supplements, secs. 235 and 236, and public housing).	Suspended	Jan. 5, 1973.
College housing	Terminated	Do.
Nonprofit sponsor assistance.	Suspended	Do.
Housing management programs: Public housing modernization.	do	June 30, 1973.
Community development programs:		
Model Cities program	Terminated	Do.
Neighborhood facilities	do	Do.
Open space land	do	Jan. 5, 1973.
Water and sewer facilities	do	Do.
Urban renewal programs	do	[1] June 30, 1973.
Rehabilitation loans	do	Do.
Public facility loans	do	Jan. 5, 1973.
Community planning and management programs:		
Community development training and fellowship programs.	do	June 30, 1973.
Supplementary grants for new communities.	do	Do.

[1] Termination date for new approvals. An appropriation request of $137,500,000 will be used in fiscal year 1974 primarily to close out urban renewal projects approved in prior years.

Mr. PROXMIRE. These personnel either have to be fired or trained to do something else. Then, if the programs are started up again in fiscal year 1975, HUD will have to hire back people or retrain them, or shift them around again. The moratorium can only produce continual management chaos.

Furthermore, the reduction in personnel and the efficiency of personnel can never match the reduction in funds.

We found, for example, that while HUD's funds for new obligational authority will be cut by 27 percent if the President's budget is approved as requested, there will be a cutback in personnel of only 12 percent.

Thus, there is no cut in personnel equal to the cutback in programs, which is wasteful, and if the programs are started up again, it will no doubt cost as much, if not more, to hire and train the new people needed to carry them out.

The moratorium is as costly to HUD as it is to the builders and to the cities.

EFFECT ON HOUSING GOALS

One thing is also clear. The moratorium means that the housing goals established in 1968 will not be met this year.

Those goals call for 6 million subsidized units over a 10-year period. It is obvious that 600,000 units, or precisely one-tenth of the total, will not be built each year. In the early years, 600,000 units was too much, and in the latter years, we should build more than 600,000 units.

We are now in our fifth and sixth years of the program. By this time we should be approaching the 600,000 unit-goal.

But look what has happened.

According to Secretary Lynn's testimony, starts in fiscal year 1973 numbered 378,475, or almost 400,000 units.

But starts for subsidized housing in fiscal year 1974, including the Farmer's Home Administration program, will number only 289,755. This is a cut of about 90,000 units, or 25 percent, in the program during a period when the new starts should be increasing.

Instead of meeting the housing goal in 1974, the new starts in subsidized housing will be less than half of the 600,000 units needed to meet the annual average of new starts of the housing goal.

EXAGGERATION OF QUALITY OF HOUSING INVENTORY

One of the most important points developed at our hearing was the admission by Secretary Lynn and HUD officials concerning the quality of the housing inventory. Their testimony directly contradicts both the President's statement on March 10, in his broadcast on the cities, and the presentation by the Office of Management and Budget in the charts entitled "Budget Highlights" which accompanied the fiscal year 1974 budget.

In the President's address on radio on March 4, 1973, he said that:

> The number of people living in substandard housing has been cut by more than 50 percent since 1960.

In chart No. 41 of a document called Budget Highlights, fiscal year 1974, a bar chart indicates that "Occupied substandard housing" has declined from 9.0 million in 1960 to 4.1 million in 1970.

It is on this basis that the President made his statement and that HUD and others are claiming that "the hour of crisis" in the cities is behind us.

I asked Secretary Lynn about these figures. I first asked him if the 4.1 million figure was not based almost exclusively on whether or not the unit has indoor plumbing?

Secretary Lynn answered, incorrectly in my belief, that it was a figure based both on overcrowding—more than 1.1 person per room—and lack of indoor plumbing.

The fact is he was wrong about that.

According to HUD's own publication, namely the Fourth Annual Report on National Housing Goals required under the 1968 act, in 1970 there were 3.8 million units lacking plumbing facilities and another 1.4 million units which were dilapidated or needing major repairs. That is a total of 5.2 million units.

In addition, there were 4.5 million housing units with all plumbing facilities in which there were more than 1 person per room or which, therefore, were occupied and overcrowded.

That means that there were at least 5.2 plus 4.5 million housing units, or a total of 9.7 million units, which were either substandard or standard overcrowded units.

The Secretary was clearly wrong when he stated to us that the 4.1 million figure included both substandard and overcrowded occupied units.

We all agree that the census figures, based almost exclusively on whether or not there is indoor plumbing, are very misleading.

So it is this 4.1 million figure alone, which does not include the overcrowded units and does not include, it appears, the unoccupied dilapidated units, on which the President has based his claim that "the number of people living in substandard housing has been cut by more than 50 percent since 1960."

That is a misleading and essentially inaccurate statement. It downgrades our housing needs.

But there are other factors, too, which make the figures misleading. Let me illustrate.

Under the Census Bureau definitions, housing would be classified as standard even under the following conditions:

First. The unit was on the third floor but the bathroom was in the basement.

Second. If the sleeping space were inadequate.

Third. If there were an absence of heat or light or proper ventilation.

Fourth. If the unit was surrounded by railroad tracks or freeways.

Fifth. If obnoxious fumes poured down upon it from a neighboring chemical plant or rendering works.

Sixth. If the lot next door were used as a garbage dump and was full of rats.

Seventh. If there were no street lights.

Eighth. If the streets were unpaved, lacked gutters, and were full of potholes.

Ninth. If there were no schools in the community.

Tenth. If there were no police protection, garbage pickup, or other city services.

For all of these reasons, even the figure of 9.7 million housing units in this country which are either dilapidated, lack indoor plumbing, or are standard overcrowded units greatly understates the housing needs of America when defined in the terms of the 1949 act; namely, that what we seek is "a decent home in a suitable living environment for every American family."

Mr. President, I ask unanimous consent that the exchange between myself and Secretary of Housing and Urban Development Lynn, which appears on pages 1446 to 1450 of the transcript of the hearing, be printed at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Senator Proxmire. Mr. Lynn, this Administration has talked about the dramatic improvement in housing conditions that is budget highlight chart number 41, which states that there are now only an estimated 4.1 million occupied substandard housing units, as of 1970 or I should say not now, but as of 1970. That is a census figure as I understand it, and isn't it very misleading.

Isn't that estimate based on almost exclusively whether or not the unit has indoor plumbing?

Secretary Lynn. I'm not sure whether it is that alone or the over-crowding test—just a minute, if I might, Mr. Chairman.

It is both, Mr. Chairman, It is overcrowding, which is defined as I understand it of 1.1 or more persons per room, or lack of complete indoor plumbing.

Senator Proxmire. Isn't it true that a unit with no kitchen could be called standard?

Secretary Lynn. I am not certain, Mr. Chairman, but I think that is right. As I have said in testimony, before other committees, it seems to me these are very rough indicators, have been in rural areas of America that do not have complete indoor plumbing, where the housing to me appeared to be very adequate.

On the other hand, I have also visited places in the inner city where you can have indoor plumbing, and you wouldn't want to see any human being living there.

Senator Proxmire. Well, I would agree with that. In fact, the house I bought in Madison only a few years ago had no indoor plumbing for a while, and we did all right.

Now, there are other elements too, if the apartment is on the third floor, but the plumbing or the bathroom is in the basement, wouldn't that be classified as a standard unit?

Secretary Lynn. I don't know, Mr. Chairman. I can certainly check and provide that for the record.

(The information referred to follows:)

Senator Proxmire. If there is inadequate sleeping space, it could be classified as a standard unit, could it not.

Secretary Lynn. It would depend whether or not on the over-crowding test, you come up with the 1.1 or more people per room.

Senator Proxmire. Regardless of the size of the room?

Secretary Lynn. I think that is right.

Senator Proxmire. Now, if there is an absence of heat or light or ventilation, it could still be standard. Is that right?

Secretary Lynn. That is correct.

Senator Proxmire. Isn't it true that this definition makes no judgment about the environment?

Secretary Lynn. As to whether, for example, the community is safe, or whether there are good schools or adequate transportation, and the like—if you mean that, that is absolutely true.

Senator Proxmire. Well, if it is surrounded by freeways or railroad tracks, obnoxious fumes pour down upon it; if the lot next door is a garbage dump and full of rats, if there are no street lights, as you say, schools, police protection, or a rendering works down the block, it still could be regarded as standard, isn't that right?

Secretary Lynn. That is right, Mr. Chairman, and I would like to add at this point that it is the lack of good indications that has led us to the development of the National Housing Survey that we would expect to put into effect, very shortly, and if you would like, Mr. Moskow can explain briefly what we have in mind doing in that regard.

Senator Proxmire. Well, you see, this is why I object to it.

It shows quite a dramatic chart. Chart 41 shows quite a dramatic improvement with the number of substandard housing units going down dramatically, and then above standard housing units going up, and you have what appears to be about a 16 to 1 ratio now of standard to substandard.

But as we point out, on the basis of any criteria that it would seem to be relevant—or almost any, this is a very poor, weak index, and the amount of substandard housing is likely to be much higher than 4.1 million.

Secretary Lynn. I am not certain of that, Mr. Chairman. One of the things that I am trying to get a handle on is whether or not for example there are also biases built into it the other way around.

For example, as I understand it, there is a fair amount of housing for the elderly and studio apartments and the like, where there is at least an ambiguity as to whether or not you include an alcove for the bedroom area as a separate room, so that you could get distortions from the census person, saying, well, there are two elderly people living here and there is only one room, so there is overcrowding.

We are trying to get a handle on that, but what we have tried to do is use the best indicators we have had today. This of course raises the question as to how we can set any finite goals at all, if the data isn't the best to use, it does raise very nice questions as to whether or not you can put any goal with respect to the amount of housing at any given level.

Senator Proxmire. I just wonder if you couldn't spend $30 or $40,000 to do your own survey and come up with something more convincing in a pretty short time, as to housing needs.

CONCLUSION

Mr. PROXMIRE. Mr. President, the housing moratorium is an expensive and costly endeavor. The HUD experts have given no intelligent basis for it. Their answers involve a series of inconsistent statements and goals. Especially have they given no rational reason for stopping the public housing and section 235 programs.

Further, they have either failed to fund or stopped the counseling and rehabilitation programs which all the experts tell us are central to making the subsidized housing programs work.

They have also failed to examine the single most important recommendation for cutting housing costs, namely the public financing of subsidized housing which would cut the cost of meeting the 1968 Housing Act goals from $2 to $4 billion.

Their programs of "feast and famine," stop-again, start-again, and crunches and moratoriums actually add to both housing costs and urban costs in general. In this respect, HUD itself is an engine of inflation.

In addition, their policies mean that they have thrown in the towel in the effort—which is the law of the land—to meet the 1968 housing goals. Instead of raising the number of subsidized units in fiscal year 1974 from the present level of about 400,000 units to the necessary level of about 600,000 units, the number of new starts units will decrease by one quarter or to about 290,000 units.

Finally, both the President and HUD have greatly exaggerated the decrease in substandard housing in this country over the decade of the 1960's, and conversely they have vastly underestimated our housing needs.

I call upon the press and the public to examine the testimony of the housing experts, Secretary Lynn and the Mayors and determine for themselves how inadequate a presentation the HUD experts gave for their actions.

One can only conclude from that reading that the housing leadership in this administration has made a series of dreadful decisions based on totally inadequate information.

Instead of being called the Department of Housing and Urban Development, HUD should properly be termed the Department of No Housing and Urban Development. Or perhaps one should use its original acronym and call it DHUD—pronounced dud—instead of HUD.

DEFICIENCIES IN ADMINISTRATION HOUSING POLICIES

Mr. HUMPHREY. Mr. President, I compliment Senator Proxmire for his statement.

The housing needs of the country are great. The 1970 census of housing revealed that there were still 4.7 million year-round housing units lacking adequate plumbing. Another 4.5 million units were overcrowded. Even these figures vastly underestimate our needs, however, because there are additional millions of dilapidated old homes that have plumbing and are not overcrowded.

The problem of how to meet these needs is made all the more serious in the current inflationary environment. The median price for new homes sold this February was $30,000, 13 percent higher than a year ago and well beyond the reach of the average family in this country. This outrageously high cost is of course related to the price inflation the country has experienced in the components of housing.

First, the wholesale price of lumber has advanced 30 percent in the last year, which has increased the price of the average new home about $1,200.

Second, land prices for FHA new homes are on the average increasing about 17 percent a year.

Third, high interest rates greatly increase the homeowner's cost of purchasing a home. As it now stands, the financing of a house costs as much as the entire house—that is, as much as the land, the construction, the labor, and so on. At present interest rates, which have on average been a couple of percentage points higher in the last 4 years than throughout the sixties, about one-half of the American families cannot afford to buy a home, and the extra cost to those who can afford to buy is tremendous. Two percentage points more in the interest rates increase the typical family's mortgage interest payment by $28 a month, $336 a year, or $8,400 over the life of a 25-year loan.

In the face of these housing needs and cost problems, the administration has developed no policy, and in fact, it has acted to make the situation worse. The moratoriums on Federal housing subsidies, water and sewer grants, and some community development programs are aggravating what was already a desperate housing supply situation for many low- and moderate-income families.

It was because of the conflict between the pressing housing needs of consumers in the current inflationary situation, and the adverse impact on consumers of the administration's housing budget cuts, that I initiated hearings on housing before the Consumer Economics Subcommittee of the Joint Economic Committee. The first of these hearings on housing was held on May 22, and I intend to hold more hearings on this subject during the course of the year. One of the major priorities of the Consumer Economics Subcommittee will be a continuing examination of how Federal budget priorities affect consumer well-being.

In our first day of hearings, the subcommittee heard from a distinguished panel of witnesses: James Scheuer, president, National Housing Conference; Charles Krusell, executive director, Greater Minneapolis Metropolitan Housing Corp.; Frank Kristof, director of economics and housing finance, New York State Urban Development Corp.; and Clay Cochran, executive director, Rural Housing Alliance. These witnesses reaffirmed the magnitude of the Nation's housing needs, criticized the administration's policy because it destroyed, rather than reformed existing housing programs, and made constructive proposals for improvement of the programs. I would like to bring just a little of the wisdom of these experts to the attention of the Senate today.

HOUSING NEEDS

Although the 1970 Census of Housing developed estimates of deficient housing of about 9.2 million families, our hearings developed information that the housing needs were even greater. Mr. Frank Kristof estimated that some 11 million families may be defined as in need of housing assistance as of 1970, in the sense that their present housing was either substandard or overcrowded. Although Kristof finds significant improvement in the quality of housing since 1960, this 11 million families with deficient housing constitutes 16 percent of all households.

Mr. Clay Cochran told the subcommittee that he believes the housing needs are even greater. Mr. Cochran argues that the traditional measures of housing deficiency ignore the cost of housing. The Bureau of Labor Statistics estimates for its most modest budget, that a family of four requires nearly $7,000 income for a decent standard of living including adequate housing. Since more than 30 percent of American families have incomes below that level, it can be assumed that (a) the related families are living in inadequate housing or (b) are paying so much for adequate housing that they have to sacrifice other elements in their standard of living. Cochran goes on to argue that it is therefore necessary for the Federal Government to subsidize 30 to 40 percent of housing production.

As one can see, by any measure the Nation has huge housing needs yet to be fulfilled.

HOUSING PROGRAMS THAT DO WORK

The administration has indiscriminately characterized all our housing programs as ineffective, not serving the poor, and wasteful. They have made these assertions without evidence, and they keep repeating the assertions over and over again in the hope that they will be accepted. When I asked the Office of Management and Budget for the evidence or studies that showed the programs were ineffective, I was sent quotes from old George Romney speeches. That the administration has not carefully evaluated these programs has been made painfully clear by the fact that Congress and the country are now standing around and waiting for HUD to finish its present evaluation of these programs.

The subcommittee hearings found ample evidence that some of the housing programs were very effective. Mr. Clay Cochran told the subcommittee about many of the successes of the Farmers Home Administration program—section 502. I know that this program has been scandal-free and effective, because I have carefully evaluated this program in Minnesota.

Mr. Charles R. Krusell told a similar story about the success of public housing for the elderly. Mr. Krusell described such housing in Minnesota, pointing out that:

> (a) Public housing did serve low-income families because 85 percent of it went to single occupants with a monthly income of $150, and the remaining 15 percent went to couples with monthly incomes of $220 per month.
>
> (b) Public housing in Minnesota is esthetically pleasing with the Minneapolis Star Art Critic describing it as a challenge for private builders.
>
> (c) Public housing is not as expensive as its critics charge because it develops valuable capital assets. In addition to the moral distinctions, there is a unique economic difference between Federal money spent for bombs and the same money spent to develop public housing.

I could continue, but the point is made that many housing programs are working quite well, and the reform of housing programs that are not working well is not achieved by simply stopping all programs. The most elementary management principle is that you plan ahead and identify problems in a way that allows those problems to be corrected without going out of business. Mr. Jim Scheuer told the subcommittee how the administration's approach to housing is the direct opposite of this orderly process:

> I don't think anybody at this table, and I am sure that would include you, Senator, would justify every single one of the existing housing programs.
>
> We all know that they have flaws. We all know that some of them could be improved. We all know the intellectual underpinnings of some of them haven't stood the test of time over a generation and a half.
>
> So I don't object to the fact that the current Administration wants to retreat to the mountaintop and have a good hard-nosed look at these housing programs and try and figure out which ones need building up and have worked very well and which ones of them have been a disaster and should be closed down if there are any and which ones of them should be changed, shifted, altered, modified.
>
> What I do object to is the evident philosophy that we have to throw baby down the sink with the bath water.
>
> To close down the senior citizen housing that Mr. Krusell has described to us is an outrage. Nobody has any serious objections to the way the senior citizen housing program is working in our country today. It is beautiful. Nobody objects to the way the water and sewer program is working today, and other programs.
>
> We know the public housing program has presented us with some flaws, some problems and changes. We ought to have the brains to figure out how it can be altered, and enhanced so truly to meet the needs of the public housing constituency, and we have had a long discussion and a very intelligent one of how public housing can be fortified to be viable and real and intelligent and economical in achieving its goals. But we don't have to stop all of our public housing—we don't have to stop all of our housing programs, the good as well as the bad.
>
> We ought to have the intelligence to say, well, let's continue for the next six months with things as they are and do our homework and come up with positive legislative proposals to continue the good ones and fortify them and do what is necessary for the ones that need improvement.

MISMANAGEMENT OF SUBSIDY PROGRAMS

What has primarily gone wrong with our housing programs is that they have been administratively mismanaged. The consumer—particularly the low-income family—has been ripped off because the administration simply did not carefully supervise these programs. Let me give you a few examples:

First. HUD did not carefully inspect many of the homes paid for with Federal subsidy dollars. A nationwide sample survey in 1971 by the HUD Office of Audit of 1,281 properties financed under section 235 found that about 24 percent of the new homes and 39 percent of the existing homes had significant defects. A review and verification of the findings of the HUD Office of Audit by the General Accounting Office, including reinspection of some of the same houses, led the GAO to conclude that appraisers had not been adequately trained, supervised, and did not adjust their thinking and attitudes to encompass the consumer-oriented needs of the new subsidy programs.

Second. HUD also did not provide the necessary counseling to the new homeowners. Low- and moderate-income homebuyers need counseling on family budgeting, financial responsibilities of homeownership and home maintenance, yet the General Accounting Office found "inadequate counseling on the part of HUD." Authorization for appropriations to support counseling was provided by sections 235 and 237 of the National Housing Act, which were enacted in 1968. HUD never requested an authorization for this purpose, but the Congress appropriated $3,250,000 for counseling in fiscal year 1972. The effectiveness of counseling was demonstrated through the conduct of a comprehensive counseling and maintenance training program for section 235 homebuyers by the Milwaukee FHA office. A substantial number of the homebuyers were welfare mother heads of families. Nevertheless, there were very few loan defaults.

Third. HUD did not use adequate procedures to determine what were the factors leading to defaults. There are no HUD data as to the amount and location of mortgages insured on a city-by-city or neighborhood-by-neighborhood basis, hampering an assessment of potential losses, or of successes or failures under various programs in specific geographic areas. Initial default experience at 10 HUD field offices under the section 235 program showed variations in default rates ranging from a low of 2.2 percent in one office to about 20.1 percent in another. Such a range of default rates means that cause of defaults varies from area to area.

Fourth. HUD has also not fulfilled its responsibilities for code enforcement. The Congress has recognized that an important component of a strategy to improve the Nation's housing was preventive action to save houses before they could deteriorate into a slum condition and promote neighborhood flight. Thus, under the Housing Act of 1954, the Congress directed that Federal housing programs include rehabilitation of basically sound houses, and authorized Federal financial assistance to assist communities in enforcing housing codes under the code enforcement grant program. Unfortunately, the General Accounting Office has found numerous deficiencies in HUD's management of this program.

Fifth. Windfall profits—The administration has said that a major defect in the Federal housing programs is that they have provided windfall profits to middlemen. It is true that there have been windfall profits. But the administration has failed to point out that this has occurred because of mismanagement. One example is HUD's management of land valuation for section 236 projects. In 12 projects reviewed by GAO, in which the valuations were made within 24 months of acquisition by the owner, the cost of land to HUD increased by at least 25 percent.

FUTURE DIRECTIONS

It is difficult in this complicated area to set policy that will meet all the objectives we are trying to achieve. In part, the nature of our difficulty is that we are trying to achieve too much with our housing programs.

Mr. Frank Kristof provided the subcommittee with what seemed to be a package of housing programs to meet our housing needs. The basic redirection of Federal housing proposals would be directed at dividing expenditures in roughly three parts: First, community development, Second, housing production subsidies, Third, family housing assistance payments. Let me just elaborate on these three components a little.

First. Community development funds essentially would be the keystone of this three-pronged approach. In cities it largely would be conceived of as noncapital funds to provide financial support for neighborhood preservation and revitalization services. In such neighborhood preservation areas, community development fund expenditures would be used to augment neighborhood services such as garbage removal, street cleaning, removal of abandoned cars, filling potholes, repaving streets, repairing sidewalks, cleaning out garbage-filled lots, planting trees along sidewalks, improving public health—and drug addiction—services and, probably most important, to employ young neighborhood school drop-outs and unemployeds whose chronic presence without gainful pursuits is a source of difficulty to themselves and their neighbors.

Second. Housing production subsidies would be aimed at providing the most new housing for the minimum public outlays. Such production subsidies would benefit primarily middle-income families, and not the poor.

Third. Family housing assistance payment. It is with these funds that allocations would be made to permit low-income "housing-poor" families to move from inadequate or substandard housing into satisfactory housing. These funds would permit low-income families to find housing in subsidized new or rehabilitated housing or in standard existing housing in the private market. Use of family assistance payments in the private market would be confined to housing surplus areas where owners of existing standard housing—in code compliance—are having difficulty obtaining tenants able to pay sufficient rents to properly maintain the properties.

Whether we accept all of Mr. Kristof's package or just parts of it, it does represent the kind of comprehensive thinking we need to solve our housing problems. I will have more to say about what our future housing strategy should be at a later time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. I thank the Chair.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973—ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition later today of the Kennedy amendment, No. 176, to the farm bill, the Senator from Indiana (Mr. BAYH) be recognized to call up an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of an amendment by Mr. BAYH to the farm bill, the distinguished Senator from New York (Mr. BUCKLEY) be recognized to call up an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, when the first unanimous-consent agreement was reached the day before yesterday with reference to S. 1888, the farm bill, there was some question as to whether or not three amendments to be proposed by the distinguished junior Senator from Indiana (Mr. BAYH) might be germane. The matter was discussed with the two managers of the bill, Mr. TALMADGE and Mr. CURTIS, and a common understanding was reached between the two managers of the bill that the three amendments to be proposed by Mr. BAYH should be allowed, under the agreement, to be in order. Consequently, the agreement included such a provision.

On yesterday, the revised agreement by Mr. MANSFIELD did not include that proviso, because I inadvertently failed to call it to the distinguished majority leader's attention.

Mr. BAYH already has disposed of one of his amendments. I ask unanimous consent that his remaining two amendments may be in order, in the spirit of the original agreement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at this time there be a period for the transaction of routine morning business, with statements limited therein to 3 minutes, the time to be charged against the time under my control.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PROXMIRE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, do I have any time remaining under the order?

The PRESIDING OFFICER. The Senator had 3 minutes.

Mr. ROBERT C. BYRD. I thank the Chair.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JUNE 11

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Monday next, the able assistant Republican leader (Mr. GRIFFIN) be recognized for not to exceed 15 minutes and that he be followed by the junior Senator from West Virginia (Mr. ROBERT C. BYRD) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, following the recognition of Senators under the orders previously entered on Monday next, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO CONSIDER NOMINATION OF ROBERT H. MORRIS TO BE A MEMBER OF THE FEDERAL POWER COMMISSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the farm bill today, the Senate go into executive session to consider the nomination of Mr. Morris.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO CONSIDER STATE DEPARTMENT AUTHORIZATION BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the close of executive business today, the Senate return to the consideration of legislative business and that the Senate then proceed to the consideration of the bill making authorizations for appropriations for the State Department.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FISCAL AND MONETARY CRISIS OF OUR COUNTRY

Mr. HARRY F. BYRD, JR. Mr. President, on Tuesday past the Deputy Under Secretary of the Treasury, Mr. Jack Bennett, testified before the Subcommittee on International Finance and Resources, which was holding hearings on the present financial and monetary crisis. I use the word "crisis" because that is the way it was described by one of the able fiscal and monetary experts in our Nation—William McChesney Martin, former Chairman of the Federal Reserve Board.

In his testimony and in reply to questions from committee members, Deputy Under Secretary of the Treasury Bennett shocked me in at least one respect. In my querying of Mr. Bennett, I brought out the fact that the Federal Government is running and has been running smashing deficits.

I asked Mr. Bennett whether that was cause for concern. Mr. Bennett said, no, that he was not concerned about these tremendous deficits which the Federal Government has been running.

Mr. President, I must say that I am shocked at that statement. Undoubtedly it represents the thinking in the Treasury Department. And if the Treasury Department is not concerned about the Federal funds deficits which have been running at the rate of $30 billion a year, then I think that suggests that it will be a long time before this Government puts its financial house in order.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from Georgia.

Mr. TALMADGE. Mr. President, does not the Senator from Virginia think it is a cause for concern when the American dollar has been devalued twice in 16 months and continues to be devalued overseas in most countries by 30 percent in a year and a half?

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Georgia is correct. That is cause for deep concern. And the reason why the dollar has been devalued is the lack of confidence of the people of the world in the American dollar. That goes back to the smashing deficits which the Federal Government has been running.

The Senator from Georgia is so correct in what he says, that there is cause for deep concern as to what is happening to the American dollar. However, I do not see any concern on the part of the Treasury officials, if Mr. Bennett's testimony is indicative of the thinking in the Treasury Department, and I think it is. I think it is very discouraging.

Mr. TALMADGE. Mr. President, if the Senator will yield further, I ask the Senator from Virginia if he does not think it is also cause for concern when inflation at the present time is the highest we have ever had in 22 years, since the war in Korea?

Mr. HARRY F. BYRD, JR. I certainly do think so. And I think that these government deficits are the major cause of the inflation we are having. Incidentally, I put that question to William McChesney Martin when he testified before this subcommittee of the Finance Committee, as to whether in his judgment these continued, huge government deficits represent the major cause for this inflation we are experiencing. He replied then in the affirmative, that in his judgment it is the major cause.

Yet we find one of the top people in the Treasury Department, who undoubtedly reflects the thinking in that department, who says that it is not a cause for concern.

I want to say again that I am shocked at his testimony.

He said that next year we are going to have a surplus in the full employment budget. In the first place, no one says that we are going to have full employment. The full employment budget is a myth. No one knows what the figures are in regard to a full employment budget. It is a device whereby some smart people in the Treasury Department or elsewhere can pull a figure out of a hat which means nothing, and then say, "Oh, yes. We are going to have a surplus on that basis."

The so-called full employment budget is based on the theory that we can spend the money we presumably would take in if—if the Government had full employment, which it does not have and does not expect to have.

That, to my mind is like saying, "I would not be broke if my uncle had left me a million dollars."

The full employment budget is a lot of nonsense.

I want to read into the RECORD at this point just what the facts are in regard to the Government deficits. I am speaking now of the Federal funds deficit, which is the way that our Government has historically calculated its financial situation:

> In a four year period, from fiscal '71 through fiscal '74, the accumulated federal funds deficit will equal $106 billion. We had a $30 billion federal funds deficit in 1971; $29 billion in 1972; and $28 billion for this current fiscal year, and the Treasury Department projects a $19 billion deficit for next year. Yet one of the top people in the Treasury Department says that he has no concern.

No cause for concern, he says, when the accumulated Federal funds deficit for 4 years will equal or exceed $106 billion?

It is no wonder that the American dollar is becoming less valuable all over the world. The foreign bankers, the foreign businessmen, the foreign people see what we in this country do not seem to be able to see. They see that we are depreciating our own currency by our own acts.

The dollar will continue to deteriorate in value as long as we continue to run these huge deficits.

Mr. President, I ask unanimous consent that my questions of the Treasury Department representative and his replies, together with some questions by other members of the committee and the answers thereto, be printed in the RECORD at this point.

There being no objection, the questions and answers were ordered to be printed in the RECORD, as follows:

> Senator BYRD. Thank you, Mr. Secretary.
>
> I suggest the Committee follow the ten-minute rule on the questioning.
>
> First, let me say that I think the President, President Nixon, and Secretary Connally took a very important and desirable step in August of 1971. I agree with you, with what you say in regard to that matter, but now we come to 1973. Let me ask you this, how can you account for the erosion of confidence in the American dollar?
>
> Mr. BENNETT. Mr. Chairman, in the September of 1971 period, Secretary Connally at the Annual International Monetary Fund

Conference suggested to the other governors that they stop intervening to hold up the price of the dollar and for an interim period they let the market move the dollar to a realistic level. The other governments would not agree. They limited the movement of the dollar. And finally, after hard negotiations, in December of 1971 we struck a deal at the Smithsonian that we would take off our ten percent import surcharge and they would make more substantial moves in the points at which they were intervening and allow the dollar to decline.

We argued for a greater change. We thought more was needed, but ultimately we struck a deal to get the changes we did get, and——

Senator Byrd. Mr. Secretary, I don't want to interrupt you, but that was not my question. My question was, how do you account for the erosion of confidence in the American dollar?

Mr. Bennett. I am attempting to explain that as best I can.

At that time we wanted a larger change but we accepted what we got knowing that no one could be confident as to what was needed. As it turned out, over the following year it appeared that we had been right; that our trade bill did not show a large improvement. In fact, in the latter part of 1972 it was going the wrong way. That was the basic cause for the lack of confidence that led to changes in early 1973.

Senator Byrd. In other words, it was a heavy adverse trade balance and balance of payments that led to the lack of confidence or the deterioration in the confidence of the dollar?

Mr. Bennett. That and the further changes early in this year.

To put it more broadly, however, I think you can say that those changes in February completed the elimination of the large backlog of the need for a change in the United States balance that had built up over the sixties. We finally got that out of the system early this year.

Senator Byrd. Yesterday Secretary Shultz told the Ways and Means Committee that he was somewhat puzzled over the weakness of the dollar. This morning you tell us there is not a crisis. I am somewhat puzzled myself.

How do you reconcile your position with that of Secretary Shultz?

Mr. Bennett. There are factors that I can understand as to why the changes in more recent days arose. I mentioned several of them. I am somewhat puzzled, Mr. Chairman. I have the feeling that the reaction may have exceeded the justification. In that sense I am also puzzled.

On the other hand, it has led to no crisis in the sense that trading is difficult. It has led to no crisis in the sense that it is difficult to make foreign exchange transactions or to carry out trade. The changes have taken place in the market gradually.

There has been no need for monetary officials to go jetting off to hurriedly called meetings or to close the foreign exchange markets.

Senator Byrd. Do you feel the United States has a responsibility to defend the dollar or to allow it to be continuously devalued by the so-called free market?

Mr. Bennett. As you know, I do not expect a continued devaluation. In fact, on balance I expect it will be moving in the other direction in the coming months.

Senator Byrd. Let me phrase my question this way, William McChesney Martin in testifying last week said he felt that the United States government should vigorously defend the dollar. Do you agree with that or not?

Mr. Bennett. I do not agree with it. I think there is perhaps a basic difference and I have never had the pleasure of working with the Chairman, but in the relative weight that he puts, and I would put, on the domestic economy and the international exchange rate, there is a difference. We want stability to the extent it facilitates international business and we want stability in the international rate, but our primary concern is to insure that we are following the appropriate domestic policies.

Senator Byrd. Well, now, that is the point that concerns me; are we following the appropriate domestic policies?

Mr. Bennett. At the moment I believe we are. With hindsight one could say it is too bad we certainly weren't tighter late last year because obviously the growth rate was too rapid, was too fast in the first part of this year.

At the moment I believe we are following them.

Senator Byrd. I assume you are speaking about fiscal policies?

Mr. Bennett. I am speaking about fiscal policies.

Senator Byrd. What about monetary policies?

Mr. Bennett. To the best of my ability, to the best of my understanding, I agree with the monetary policies.

Senator Byrd. I am sorry. I didn't understand that.

Mr. Bennett. I said, I have the same feeling with respect to our monetary policies.

Senator Byrd. Well, now, our fiscal policies are in a rather devastating state; are they not?

Mr. Bennett. Our fiscal policies at the moment are in surplus and the surplus will be increasing on a full employment basis.

Senator Byrd. You said that our fiscal situation is in surplus?

Mr. Bennett. In a full employment basis, yes.

Senator Byrd. Let's get down to actual figures. Let's get down to figures on the federal funds budget.

Now, for fiscal 1973, which ends at the end of this month, what will be the surplus?

You said a surplus?

Mr. Bennett. There will be no surplus.

Senator Byrd. Or what will be the deficit on the federal funds budget?

Mr. Bennett. For the fiscal year just ended the unified deficit will be 17.8 and I believe the federal funds deficit is larger. I don't have the exact number in mind here. It is larger.

Senator Byrd. It is considerably larger?

Mr. Bennett. Yes, sir. But with respect to the performance of the economy—

Senator Byrd. Now, wait, let's stick with this one question until we get this settled.

So that on a unified basis, which means that after you use your surplus from the trust funds, you will still have a deficit of $18 billion; is that correct?

Mr. Bennett. Yes, sir.

Senator Byrd. All right, now you don't have the figure for the federal funds?

Mr. Bennett. Yes, sir, I have it.

Senator Byrd. What is that?

Mr. Bennett. $27.9 billion for the fiscal year 1973.

Senator Byrd. So you will have a deficit then by your own figures of $28 billion; a federal funds deficit of $28 billion, and yet you assert that we will have a surplus?

Mr. Bennett. I said that for the coming fiscal year we will have a surplus and a full employment basis, which is most relevant to the effect of that budget on the performance of the economy.

Senator Byrd. If it is most relevant to the effect of that budget, why has Secretary Shultz before the Ways and Means Committee asked for an increase in the debt limit? The debt is based on the federal funds deficit.

Mr. Bennett. The increase in that ceiling is required in order that the Executive Branch may be permitted to allow the trust funds to invest in United States Treasury obligations.

Senator Byrd. There would be no need for an increase in the debt ceiling—and correct me if I'm wrong—there would be no need for an increase in the debt ceiling if we had a surplus in the federal funds budget, would there?

Mr. Bennett. That is right.

Senator Byrd. Now, let's get to fiscal year 1974. What are your projections now as to the unified budget surplus or deficit?

Mr. Bennett. The unified forecasts for fiscal '74 is a deficit of $2.7 billion.

Senator Byrd. What is the forecast for the federal funds deficit?

Mr. Bennett. $18.8 billion.

Senator Byrd. So that even with this great improvement that you cite, there will be a deficit of $19 billion in the federal funds budget for fiscal '74; is that correct?

Mr. Bennett. Yes, sir.

Senator Byrd. And there will be a deficit of $28 billion this year?

Mr. Bennett. Yes, sir.

Senator Byrd. Now that $28 billion deficit for the current fiscal year is almost identical with the highest deficit the country has had prior to 1971, which was the Johnson deficit of $28.4 billion.

Now, candidate Nixon in 1968 strongly and vigorously condemned that deficit. The Senator from Virginia strongly and vigorously condemned that Johnson deficit of $28 billion. Now, I am just wondering why it is such a terrible thing, which I think it is, to have a $28 billion deficit under Lyndon Johnson but such a fine thing to have a $28 billion deficit under Richard Nixon?

Mr. Bennett. In my view, Senator, it depends on the circumstances. Earlier in that fiscal year we were not at the state of production the economy has reached late in this fiscal year. Early in the fiscal year just ending there was some need for stimulus for our economy.

Now there isn't and now we are providing no stimulus through a budget deficit.

Senator Byrd. Now, the record shows clearly all through here for anyone who wants to look at the figures that never in the history of the country have we run such smashing deficits except during World War II when we had 12 million men under arms and were fronting a war on two fronts.

Never before has anything approached this, more than $100 billion in four years; are you concerned about that?

Mr. Bennett. I am also aware that over those recent years we have moved from a low or negative level of growth to a high level of growth in our economy, Senator.

Senator Byrd. Am I to take that to mean that you are not concerned about those deficits?

Mr. Bennett. At the moment I feel our budgetary policy is correct and in that sense I am not concerned.

Senator Byrd. You are not concerned about $100 billion accumulated federal funds deficit in four years?

If that is the case, I don't have any further questions at the moment.

Senator Byrd. Senator Haskell?

Senator Haskell. I just have one question, Mr. Chairman.

Does it bother you, Mr. Secretary, from the monetary viewpoint that since January my understanding is that the consumer price index has risen on an annualized basis of 9.6 percent and more importantly from my viewpoint the industrial commodities index on a seasonally adjusted basis has risen 14.8 percent. Does this concern you as a monetary expert?

Mr. Bennett. Yes, sir.

Senator Haskell. What would you do about it?

Mr. Bennett. Unfortunately I cannot do anything now about a period prior to that, and can only address myself to the period ahead.

The period ahead, I think we are doing the right things. We are moving into a budgetary surplus. As I say, we are probably there. We are having a restrictive monetary policy and we are trying to do those basic things that will improve the productivity of the economy. That is what I would like to do.

Senator Byrd. Would the Senator yield?

I want the record to show you are not moving ahead to a budgetary surplus if you figure that surplus on either the federal funds basis or the unified budget concept basis.

Mr. Bennett. I agree with you, Senator, but I think for the purpose of fighting inflation—imperfect as all of these measures are—the full employment basis is probably the best basis—

Senator Byrd. Well, excuse me, but that is something entirely new and completely nebulous. No one knows what a full employment budget is. You don't even expect to have full employment.

I am sorry for the interruption, Senator Haskell.

Senator Haskell. Well, I gather, then, Mr. Secretary, that you feel that strictly by monetary controls you can change these adverse circumstances as revealed by those two indices that I commented on?

Mr. Bennett. There are already indications that that may be happening, yes.

Senator Haskell. Thank you.

I have no further questions.

Senator Byrd. Mr. Secretary, I must say that I am shocked at the lack of concern that the Treasury Department shows in these huge and continuously expanding government deficits.

It is shocking that your comment in reply to my question a little while ago was that you are not concerned about these deficits. I don't see how we are going to get our problems under control until the persons responsible regard them as a problem.

Here in a four year period, from fiscal '71 through fiscal '74, the accumulated federal funds deficit will equal $106 billion. We had a $30 billion federal funds deficit in 1971; $29 billion in 1972; and $28 billion for this current fiscal year, and you project a $19 billion deficit for next year. Yet one of the top people in the Treasury Department says that he has no concern.

Let me ask you this. What is the amount the Treasury Department seeks in the current budget to pay the interest on the national debt?

I will give you the answer. It is $26.1 billion.

Mr. Bennett. Yes, $20 billion something.

Senator Byrd. $26.1 billion.

Mr. Bennett. Yes, sir.

Senator Byrd. That has doubled in eight years. In 1967 the interest charges were $13.4 billion. They are now $26.1 billion.

Who pays that interest, the guy who goes out and works in the plants and factories and earns a living, pays it.

Seventeen cents of every personal and corporate income tax dollar paid into the federal treasury goes for that one purpose, namely, to pay the interest on the debt and the Treasury Department is not concerned about this problem.

Now, let me ask you this. I will assume you will agree that we are in a period of inflation?

Mr. Bennett. Yes, sir.

Senator Byrd. You do agree to that?

Mr. Bennett. Yes, sir.

Senator Byrd. What, in your judgment, is the major cause of the inflation we are experiencing?

Mr. Bennett. With hindsight, it is quite possible to say three things: over the years, the budget deficits were too high, that over the past period, with hindsight, perhaps our monetary policies should have been tighter, and certainly over the periods past we did not take sufficiently strong measures to remove the impediments to the productivity of our economy.

Senator Byrd. William McChesney Martin testified last week that while there were various reasons for the inflation—and you have cited some of them—that the major reason in his judgment are these continued huge government deficits.

I take it that you don't regard that as a major reason, though?

Mr. Bennett. I would like to distinguish it as best I can from the accumulated past and the exact present moment. In other words, at the moment I do not think we have cause for serious concern about the state of our budgetary outlook.

Senator Byrd. Well, if you are right about that—and I don't think you are—there isn't much reason for us in the Congress to take the political heat, so to speak, and vote to sustain the President's veto on many of these bills. I voted to sustain his veto because I think we are in a very desperate situation financially.

Mr. Bennett. Senator, I would agree with you that if this restraint were not exercised, if you did not continue to show responsibility, we would be in trouble—

Senator Byrd. Continue to show? We haven't even begun to show restraint, and the figures show that. Again I cite: We had a $30 billion deficit in 1971; we had a $29 billion deficit in 1972; and we had a $28 billion deficit in 1973—you might say we are improving, and I suppose that is some improvement—and you project a $19 billion deficit for next year, which may or may not be accurate because the Treasury forecasts have not been very accurate in recent years, and I think you will admit that for whatever the reason.

Mr. Bennett. Yes, sir.

Senator Byrd. Now, on page 1 of your testimony you say that you feel that is a considerable overstatement to describe the present situation as a monetary crisis.

Mr. Bennett. Yes, sir.

Senator Byrd. On Friday, William McChesney Martin told the Subcommittee, and I quote, "I think it is good that your Committee is taking a look at this international financial crisis"—and I am quoting from a transcript—"because I think in this instance crisis is the right word, given the $10.2 billion payments deficit in the first quarter, the huge speculation against the dollar abroad, a current annual rate of inflation of 9.2 percent of the consumer prices, and a drop of more than 100 points in the stock market during the past five months."

How would you characterize the present situation?

Mr. Bennett. One thing I would point out, that we are at the moment having a balance of payments surplus and not a deficit. We had that since the first week in March.

Senator Byrd. Did we not have a balance of payments deficit of $10.2 for the first quarter of this year?

Mr. Bennett. Yes, we did but since the first week in March we have had a surplus.

Senator Byrd. Do you expect that surplus to continue to the end of the year?

Mr. Bennett. I expect we may have overall deficits in some of the coming periods, but over the next several years, we will have a balance surpluses.

Senator Byrd. Several years, I heard you say?

Mr. Bennett. Yes, we have a surplus now and we will have surpluses over that period, but there will be perhaps periods in between when we have deficits.

Senator Byrd. Even if you don't use the word, crisis, Mr. Martin feels it is appropriate. How do you characterize the present situation; rosy?

Mr. Bennett. As far as the international area is concerned, I would say that we have been rewarded in that the system put in place in February and March has showed its resilience; it has showed its strength and its viability.

Senator Byrd. Do you think devaluation is a solution?

Mr. Bennett. As I said earlier, I do not expect this Congress to be asked again to change the par value of the dollar.

Senator Mondale. Would you yield there?

As a matter of fact, devaluation is going on right now. It isn't a formal devaluation, of course, but what would you call it?

Mr. Bennett. In the marketplace the dollar has reduced in value. You can use the word devalued.

Senator Mondale. Sure, because that is what it is. What is a devaluation? It is the relationship of, say, the dollar to the German mark; isn't it? And hasn't it devalued further since the two official devaluations?

Mr. Bennett. The devaluation, as you say, is a word of many meanings and sometimes it is used to refer to that thing which has happened in February and then again in December of '71, which is a formal change. In the marketplace the dollar can devalue or depreciate day by day.

Senator Mondale. Which way has it been going?

Mr. Bennett. I hope you got a copy of my chart that shows it has been going in one direction the last couple of days——

Senator Mondale. Which way?

Mr. Bennett. The dollar has been weakening relative to the European currency, or to put it another way, they have been increasing relative to the dollar.

Senator Byrd. Do you expect a balance of payments surplus for the second quarter?

Mr. Bennett. Yes, sir.

Senator Byrd. As an expert, would you tell a non-expert, what does the rise of price of gold mean?

Mr. Bennett. It means gold has become too valuable to waste on money.

Mr. HARRY F. BYRD, JR. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished senior Senator from Virginia yield back the remainder of his time?

Mr. HARRY F. BYRD, JR. I yield back the remainder of my time.

RESUMPTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a resumption of the period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that the period not extend beyond the hour of 10 o'clock a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFERRAL OF A BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a bill introduced yesterday by the Senator from Illinois (Mr. Stevenson), S. 1954, to provide for public financing of campaigns for Federal elections, which was referred to the Committee on Rules and

Administration, be referred for 45 days to the Committee on Finance and Commerce, if and when it should be reported from the Committee on Rules and Administration, for their consideration of sections repealing or amending laws handled by the Committees on Finance and Commerce, if those provisions are retained in the bill when reported, and if not reported within 45 days by the Committee on Finance and Commerce, the bill will automatically be placed on the Calendar.

The **PRESIDING OFFICER** (Mr. Proxmire). Without objection, it is so ordered.

QUORUM CALL

Mr. **ROBERT C. BYRD.** Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. **HASKELL.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MR. COX'S MISTAKEN SENSE OF PRIORITIES

Mr. **HASKELL.** Mr. President, I should like to remark briefly upon a course of action that an old friend of mine, Mr. Archibald Cox, is pursuing, which I think is mistaken.

I preface this statement by emphasizing the fact that in my judgment Mr. Cox is a man of high integrity, great ability, and excellent motivation. Nevertheless, Mr. Cox is seeking to curtail the investigation of the Select Committee on Presidential Campaign Activities, chaired by my distinguished colleague, Mr. Ervin, and I think he is mistaken in that respect.

First, I would submit, Mr. President, that the President of the United States could ask for the resignation of Mr. Richardson at any time. If Mr. Richardson were removed Mr. Cox would be removed, and that would be the end of the effective Justice Department investigation.

But more than that, Mr. President, I think it is of vital importance that every man, woman, and child in the United States become aware of the effort to sabotage our form of government. That effort goes under the broad umbrella of Watergate. Mr. Cox is concerned that some who may be guilty go free—because of immunity or some other legal obstacle. I submit this misses the point—the matter of overriding importance is that our country is informed of the great danger—and I might say the close call—which all of us have had by reason of this incident known as Watergate—the danger of losing our constitutional form of government and our basic freedoms too often taken for granted.

For that reason, Mr. President, I speak in the hope that Mr. Cox will rethink his position as to what is most important—and take the broad view—that of alerting and informing the country rather than a narrow legalistic view.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

A resolution adopted by the City Council of Fresno, Calif., relating to the need to provide for continuity of funding for Federal categorical community development program. Referred to the Committee on Banking, Housing and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Agriculture and Forestry, without amendment:

S. 1938. A bill to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974 (Rept. No. 93–200).

By Mr. RANDOLPH, from the Committee on Labor and Public Welfare, without amendment:

S. 1413. A bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (Rept. No. 93–201).

EXECUTIVE REPORTS OF A COMMITTEE

Mr. **NUNN.** Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nominations of 55 temporary appointments in the Army to the grade of brigadier general, and that Lt. Gen. John H. Hay, Jr., U.S. Army, be placed on the retired list in that grade; 10 temporary promotions in the Navy to the grade of rear admiral; and, in the Air Force that Lt. Gen. Gordon M. Graham be placed on the retired list in that grade, Maj. Gen. Donavon F. Smith be promoted to the grade of lieutenant general, Lt. Gen. Royal B. Allison be placed on the retired list in that grade and Maj. Gen. Earl O. Anderson, Air Force Reserve, be temporary major general. I ask that these names be placed on the Executive Calendar.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Robert G. W. Williams, Jr., and sundry other officers, for temporary promotion in the Navy;

Lt. Gen. John H. Hay, Jr., Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of lieutenant general;

Lt. Gen. Gordon M. Graham (major generay, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. Donavon F. Smith (major general, Regular Air Force), U.S. Air Force, to be assigned to a position of importance and responsibility designated by the President, to be lieutenant general;

Maj. Gen. Earl O. Anderson, Air Force Reserve, to be temporary major general;

Lt. Gen. Royal B. Allison (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general; and

Col. William R. Wray, and sundry other officers, for temporary appointment in the Army of the United States, in the grade of brigadiers general.

Mr. **NUNN.** Mr. President, in addition, there are 529 for promotion in the Army in the grade of colonel and below and in the Reserve of the Army there are 417 for promotion in the grade of colonel and below—includes 18 to be colonel and 25 to be lieutenant colonel in the Army National Guard. Since these names have already appeared in the Congressional Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Anthony J. Adessa, and sundry other officers, for promotion in the Army of the United States; and

C. A. Anderson, Jr., and sundry other officers, for promotion in the Reserve of the Army of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTION

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. ERVIN (by request):

S. 1969. A bill to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to render emergency assistance in certain circumstances. Referred to the Committee on Government Operations.

By Mr. BAKER (for himself and Mr. Tower):

S. 1970. A bill for the relief of Carl Johnstone, Jr. Referred to the Committee on the Judiciary.

By Mr. SCHWEIKER:

S. 1971. A bill to increase certain penalties for offenses involving the unlawful distribution of certain narcotic drugs, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. PERCY:

S. 1972. A bill to further amend the U.S. Information and Educational Exchange Act of 1948. Referred to the Committee on Foreign Relations.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. ERVIN (by request):

S. 1969. A bill to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to render emergency assistance in certain circumstances. Referred to the Committee on Government Operations.

AUTHORIZING HEADS OF EXECUTIVE DEPARTMENTS, AGENCIES, AND INDEPENDENT ESTABLISHMENTS TO RENDER EMERGENCY ASSISTANCE

Mr. **ERVIN.** Mr. President, I introduce, by request, a bill to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to render emergency assistance in certain circumstances.

This legislation was requested by the Secretary of Transportation and I ask unanimous consent to have printed in the Record a letter from the Secretary of Transportation explaining the need for this proposed legislation, together with the text of the bill.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 1969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of May 27, 1955 (69 Stat, 66; 42 U.S.C. 1856–1856d) is amended to read as follows:

"Sec. 3. In the absence of any agreement authorized or ratified by section 2 of this Act, each agency head is authorized to render fire or other emergency assistance to protect persons or property at any place where appropriate facilities and personnel of that agency are available and can be effectively utilized, as determined under regulations prescribed by each agency; and except where expressly prohibited by the Posse Comitatus Act, 18 U.S.C. 1385."

The Secretary of Transportation,
Washington, D.C., May 4, 1973.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for introduction and referral to the appropriate Committee is a draft bill:

"To authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to render emergency assistance in certain circumstances."

This bill would enable the head of a Federal department, agency, or independent establishment ("agency") to expand the authorized scope of employment of certain of his employees who are trained and equipped to provide assistance in response to emergency situations related to Government operations. While these employees act within the scope of their employment when an emergency is related to the agency's operations, their status when they respond to other emergencies causes concern. Under the bill, an "agency head" could authorize his employees to provide emergency assistance anywhere they are available and able to do so, and in this way, ensure that they are covered by the Federal Employees' Compensation Act and the Federal Tort Claims Act.

At several of this Department's facilities, we maintain personnel who are trained and equipped to render various kinds of emergency assistance, including first aid, rescue, fire fighting, and police aid. We maintain this emergency response capability for the specific purpose of responding to emergencies that arise in the course of our operations. For instance, we maintain emergency rescue facilities and personnel at the airports we operate, such as Washington National Airport and Dulles International Airport. At these airports, emergency units are ready to respond to emergencies ranging from aircraft accidents on ramps or runways, through personal injuries in the terminal, to automobile accidents on airport roads, Although these units are also capable of responding to emergencies that do not arise in the course of our operations, they are not authorized to do so.

Occasionally, an emergency situation that is unrelated to our operations may arise beyond the limits of our installations. In this case, our personnel may have first choice of the emergency or may be more readily available than emergency units of the local authorities. A common example might be an accident occurring on a street or highway adjacent to one of our airports, and involving serious personal injury to automobile occupants or to pedestrians. Other examples might include responding to a distress call from a capsized boat in the Potomac River near Washington National Airport, or dispatching personnel and equipment during heavy snows to aid stranded motorists on highways in the vicinity of Dulles International Airport. In these situations, at the very least, we would find it most difficult to justify denying, solely on jurisdictional grounds, emergency assistance to a person who may be in danger of life or limb On the other hand, if our personnel do respond and provide emergency assistance, we would find it equally difficult to justify denying them the statutory employment compensation and tort liability protections that a Federal employee otherwise enjoys.

This bill would authorize an "agency" in the executive branch (including the Department of Transportation) to use appropriate facilities and personnel in emergencies that are unrelated to its operations in those limited and special circumstances where the accessibility or special capability of its units may permit a more effective response than that of the local authorities. The head of the agency concerned would issue regulations and guidelines governing the situations in which its employees may provide emergency assistance and establishing the classes of personnel and kinds of equipment that may be used.

The bill would amend section 3 of the Act of May 27, 1955 (42 U.S.C. 1856–1856d) that provides limited authority for the head of an "agency" (as defined in section 1(a) of that Act) to provide fire protection service in the vicinity of an installation where that agency maintains fire protection facilities, without there being a reciprocal agreement under section 2 of that Act. The bill would create for Executive agencies generally an authority similar to that available for many years to the Coast Guard (now within this Department). The Department of Transportation considers this authority to be in the public interest, and recommends that it be made available throughout the executive branch.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress

Sincerely,

Claude S. Brinegar.

By Mr. SCHWEIKER:

S. 1971. A bill to increase certain penalties for offenses involving the unlawful distribution of certain narcotic drugs, and for other purposes. Referred to the Committee on the Judiciary.

Mr. SCHWEIKER. Mr. President, I am today introducing a bill which will increases the penalties for offenses involving the unlawful distribution of any mixture containing narcotic drugs as defined in the Controlled Substances Act and ask that it be appropriately referred.

We all know that the drug problem today is a national crisis—and yet, with only a few exceptions, we have not yet taken crisis countermeasures at either the State or Federal levels. The average time spent in prison for a Federal conviction of trafficking in drugs is less than 2 years, and 27 percent of those convicted do not receive any prison time at all. I do not understand, Mr. President, why we have been willing to send the defendant who commits one violent murder away to prison for life, while permitting the drug pushers who deal death to thousands on a calculated business basis to walk our streets, spreading their poison.

And not only does the drug pusher survive, he prospers. In connection with recent hearings on this subject in Philadelphia, I learned that it is not unusual for a drug distributor to earn $5,000 per day, or well over $1 million a year. If we are ever to break the drug distribution chain, we must put these distributors out of business—and not simply for 21 months at a time, as we do now, but out of business for life.

My bill today provides drastic measures to break this chain. It provides that the nonaddict pusher who is over 18 years of age and who is convicted of distributing more than 2 ounces of a narcotic drug shall receive a mandatory life sentence—with no possibility of probation, parole, or a suspended sentence, and regardless of his prior record. It provides that the nonaddict pusher who distributes less than 2 ounces of a narcotic drug shall receive a minimum mandatory sentence of 10 years in prison, again, with no possibility of probation, parole, or suspended sentence.

This sounds harsh. It is harsh. And Mr. President, I am happy to face the criticism that I have been harsh on drug pushers, because I believe we must be harsh on those who have systematically become millionaires by selling poison to a generation of American children.

And yet, while being harsh, we must be fair. We must preserve our constitutional protections, and we must make distinctions which will insure that no innocent person is ever convicted under this law. The legislation which I propose today makes three such distinctions which are not presently in our law.

First, it distinguishes between the addict and the nonaddict for purposes of penalties, with the nonaddict, the businessman-pusher, receiving the stiffer sentence. This is because the addict, who desperately sells a small amount of drugs to support his habit, cannot in fairness be held to the same degree of criminal responsibility as the nonaddict who simply makes a business decision to push drugs. My bill provides for an examination prior to arraignment to determine whether an accused person is addicted to drugs, with the results of such examination being inadmissible on the issue of guilt.

Second, my bill provides for different penalties according to the quantity of drugs involved. Our present law makes some effort to accomplish this, but I think it needs refinement. My bill provides for a sentence of up to 3 years for distributing less than one-sixteenth of an ounce of narcotic, 10 to 20 years for more than one-sixteenth, but less than 2 ounces, and life imprisonment for the nonaddict distributing over 2 ounces. Again, this sounds harsh, but statistics from the Bureau of Narcotics and Dangerou Drugs indicate that one-sixteenth of an ounce equals approximately 20 100-milligram bags—which is enough to support an addict for 2 days.

Finally, I have introduced in this legislation a purity standard, requiring that there must be at least 1 percent of the prohibited narcotic substance in any mixture which is the basis of prosecution under this law. Drugs on the street are normally 5 or 6 percent pure at present. Anything under 1 percent purity is worthless in the drug trade, but this minimum standard protects the accused who may have a substance containing a mere trace of narcotic planted on him by those seeking to have him convicted under this law.

In closing, I might add, Mr. President, that I hope that our efforts at rehabilitation will continue, and that this body will take the lead in authorizing and funding rehabilitation facilities. But before we can hope to make rehabilitation a solution to the drug problem, we must cut the flow of drugs on the street, and that is the purpose of this legislation.

Mr. President, I ask unanimous consent that the full text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Controlled Substances Act, approved October 27, 1970 (84 Stat. 1242), is amended by adding immediately after section 405 thereof the following new section:

"INCREASED PENALTIES

"Sec. 405A. (a) (1) Notwithstanding any other provision of this Act or of any other law, any person who violates section 401(a) (1) of this Act by distributing two ounces or more of any mixture or substance containing any ingredient of 1 per centum purity or more which is classified in Schedule I or II and which is a narcotic drug shall be sentenced as follows:

"(A) if such person, at the time of the commission of such violation was eighteen years of age or older and was an addict, for any term of years up to and including life imprisonment, but in no event less than ten years;

"(B) if such person, at the time of the commission of such violation was eighteen years of age or older and was not an addict, to life imprisonment;

"(C) if such person, at the time of the commission of such offense was at least sixteen years of age but under the age of eighteen years and was an addict, for a term of not less than five years or more than ten years; and

"(D) if such person, at the time of the commission of such violation, was at least sixteen years of age but under the age of eighteen years and was not an addict, for a term of not less than fifteen years or more than thirty years.

"(2) Notwithstanding any other provision of this Act or any other law, any person who violates section 401(a) (1) of this Act by distributing less than two ounces but at least one-sixteenth of an ounce of any mixture or substance containing any ingredient of 1 per centum purity or more which is classified in Schedule I or II and which is a narcotic drug shall be sentenced as follows:

"(A) if such person, at the time of the commission of such violation, was eighteen years of age or older and was an addict, for a term of not less than five years or more than ten years;

"(B) if such person, at the time of the commission of such violation, was eighteen years of age or older and was not an addict, for a term of not less than ten years or more than twenty years;

"(C) if such person, at the time of the commission of such violation, was at least sixteen years of age but under the age of eighteen and was an addict, for not less than one year or more than five years; and

"(D) if such person, at the time of the commission of such violation, was at least sixteen years of age but under the age of eighteen years and was not an addict, for a term of not less than three years or more than ten years.

"(3) Notwithstanding any other provision of this Act or of any other law, any person who violates section 401(a) (1) of this Act by distributing less than one-sixteenth of an ounce of any mixture or substance containing any ingredient of 1 per centum purity or more which is classified in Schedule I or II and which is a narcotic drug shall be imprisoned for a term of not more than three years.

"(4) Notwithstanding any other provision of this Act or of any other law, any person who attempts or conspires to commit any violation referred to in paragraph (1), (2), or (3) of this subsection, which is punishable under this section, shall be punished by imprisonment in the same manner and to the same extent as that provided for therein for the violation the commission of which was the object of the attempt or conspiracy.

"(b) Notwithstanding any other provision of this Act or of any other law, any person convicted of any such violation of section 401(a) (1) of this Act which is punishable pursuant to the provisions of this section and who is awaiting sentence, or who is so convicted and sentenced to a term of confinement or imprisonment and has filed on appeal or a petition for a writ of certiorari, shall be detained in custody pending determination of such appeal or petition.

"(c) Upon the first appearance before a judicial officer of any person arrested for a violation of section 401(a) (1) of this Act which is punishable pursuant to this section, the judicial officer shall, notwithstanding any other provision of this Act or of any other law, order such person to be placed under medical supervision for an examination to determine whether the person is an addict. On or before the expiration of three calendar days following the date of such order, such person shall again be brought before a judicial officer and the results of the examination shall be presented to such judicial officer. A copy of such results shall be made available to the United States attorney and to such person. Upon such subsequent appearance of such person before a judicial officer, such officer shall proceed in accordance with applicable laws and procedures. The results of such examination shall not be admissible on the issue of guilt or in any other judicial proceeding, except that the court shall consider such results in connection with the sentencing, in accordance with the provisions of this section, of such person, if such person is convicted of such violation.

"(d) With respect to any sentence imposed pursuant to this section, the imposition or execution of such sentence shall not be suspended, probation shall not be granted, and section 4202 and chapters 309 and 402 of title 18, United States Code, and the Act of July 15, 1932 (D.C. Code, secs. 24-203—24-207), shall not apply.

"(e) In any case in which a person is indicted for any such violation punishable pursuant to this section, such person shall not be permitted to plead guilty to a lesser offense in lieu of such violation for which he was so indicted."

By Mr. PERCY:

S. 1972. A bill to further amend the U.S. Information and Educational Exchange Act of 1948. Referred to the Committee on Foreign Relations.

Mr. PERCY. Mr. President, today I am introducing a bill to authorize supplemental appropriations for Radio Free Europe and Radio Liberty for fiscal year 1973. This bill amends section 703 of the U.S. Information and Educational Exchange Act of 1948. It is made necessary by nondiscretionary cost increases, including those brought about by the recent devaluation of the dollar. Because more than 80 percent of the operating expenses of Radio Free Europe and Radio Liberty are paid in local currencies, the devaluation has precipitated a significant increase in cost which was not provided for in the existing authorization of appropriations.

I send the bill to the desk for appropriate reference.

ADDITIONAL COAUTHORS OF BILLS AND JOINT RESOLUTIONS

S. 263

At the request of Mr. Moss, the Senator from Arizona (Mr. Fannin) was added as a cosponsor of S. 263, to establish mining and mineral research centers, to promote a more adequate national program of mining and mineral research, to supplement the act of December 31, 1970 and for other purposes.

S. 408

At the request of Mr. Thurmond, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 408, the Food Stamp Act of 1964.

S. 1395

At the request of Mr. Randolph, the Senator from Oregon (Mr. Hatfield) was added as a cosponsor of S. 1395, a bill to encourage and support the dissemination of news, opinion, scientific, cultural, and educational matter through the mails.

S. 1578

At the request of Mr. Bayh, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1578, a bill to provide for a national program of disaster insurance.

S. 1607

At the request of Mr. Dole, the Senator from Colorado (Mr. Dominick) was added as a cosponsor of S. 1607, to authorize the commandant of the U.S. Army Command and General Staff College to award the degree of master of military art and science.

S. 1842

At the request of Mr. Bellmon, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of S. 1842, the Federal Child Support Security Act.

S. 1875

At the request of Mr. Randolph, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1875, to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services, to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

BOARD FOR INTERNATIONAL BROADCASTING

Mr. PERCY. Mr. President, S. 1914 would provide for the establishment of a Board for International Broadcasting and authorize continued assistance to Radio Free Europe and Radio Liberty.

The concept of a Board for International Broadcasting was developed by the Presidential Study Commission on International Radio Broadcasting, chaired by Dr. Milton S. Eisenhower. In the Commission's report, "The Right To Know," the Commission shares with Congress and the American people its rationale for recommending such a board. It describes alternative proposals for an organizational structure for continued operation of the stations, and explains why it was decided that a board would best serve the need for oversight, accountability, economy, and effectiveness.

Without objection, I ask unanimous consent to print in the Record at this point the section of the Commission report on alternative organizational structures considered and the decision to recommend establishment of a Board for International Broadcasting.

There being no objection, the report was ordered to be printed in the Record, as follows:

Section IV: Organizational Structure

The President's charge to this Commission states that:

"The Commission should undertake a critical examination of the operation and funding question and recommend methods for future maintenance and support of the radios which will not impair their professional independence and, consequently, their effectiveness."

Additional considerations identified in the President's instructions are ". . . the relationship of the radios to the national interest and to this nation's foreign policy objectives, . . . to Executive Branch agencies, (and to) financial and other supporting requirements of the radios. . . ."

In harmony with the President's instructions, and after consultations with numerous members of Congress, U.S. Government officials, and knowledgeable private individuals, the Commission identified several objectives that should govern the choice of an appropriate organizational structure for the continued operation of the stations:

The professional independence and hence the credibility and effectiveness of the stations must be preserved.

Organizational arrangements and procedures must be such as to insure that publicly funded facilities are not used in a manner inconsistent with United States foreign policy objectives.

The organizational structure should permit the use of funds from American and non-American sources, both public and private, and must provide for appropriate accountability. All funds should be openly provided and publicly reported.

The organizational structure should be shaped to stimulate maximum efficiency and economy in the operations of the stations.

Since the condition of free movement of information into and within the Soviet sphere, which could make the stations unnecessary, is not likely to be achieved soon, the organizational structure should be sufficiently strong and flexible to serve for at least a decade, if necessary.

To preclude any possible misunderstanding, a clarifying statement is here in order. The Commission realizes that there may seem to be an inconsistency in speaking of "professional independence" and then of operations "not inconsistent with United States foreign policy objectives." Fully professional independence could not have limits placed upon it. What the Commission advocates is professional independence with the *sole limitation* that the stations not operate in a manner inconsistent with broad United States foreign policy objectives.

CONSIDERATION OF ORGANIZATIONAL STRUCTURES

The Commission considered several organizational options for meeting these key objectives. Five were studied in detail:

Continuation of the current arrangement whereby the Department of State makes grants of appropriated funds to the stations.

Grants of appropriated funds to the stations through the United States Information Agency.

Merger of the stations with the Voice of America.

Conversion of the stations into a single Federal entity.

Establishment of a new, independent governmental institution to serve as a nexus between the public, Congress, the Executive Branch, and the stations.

The Commission concludes that the last option is best suited to the objectives. Accordingly, it recommends that a new "Board for International Broadcasting" be established to oversee the stations generally and to serve as a nexus between them and the United States Government.

BOARD FOR INTERNATIONAL BROADCASTING

The mandate of the Board should be to review continuously the mission and operation of Radio Free Europe and Radio Liberty, their quality and effectiveness, their professional integrity, the consistency of their broadcasts with the interests of the United States and, more broadly, the "human right to know," and the station's accountability for public resources placed at their disposal.

The Board should be established by Congress as a Government-sponsored enterprise. The Board should be authorized to receive Congressional appropriations and disburse them in the form of grants to the private corporations, Free Europe, Inc., and the Radio Liberty Committee, in order to promote a free and adequate flow of information and ideas among the peoples of East Europe and the USSR, and thereby to contribute to the goal of better international understanding.

The Board should consist of seven members. Five members—including the Chairman—should be appointed by the President, with the advice and consent of the Senate, from among distinguished Americans in such fields as foreign policy and mass communications. Appointments should be for staggered terms, and members should be eligible for reappointment. Directors should be prohibited from concurrently holding other Federal positions.

The remaining two directors should be *ex officio* and non-voting—the chief operating executive of the Radio Liberty Committee and the chief operating executive of Free Europe, Inc. The presence of the RL and RFE executives would help assure a fuller understanding of radio activities by the Directors of the Board for International Broadcasting and also facilitate harmony between station broadcasting policies and Board views.

The new Board must operate to implement the appropriate relationship between the United States Government and the stations—to preserve their professional independence and integrity while assuring that their operations are carried out within the national interest and in a cost-effective manner.

The Board should be responsible for assuring that adequate fiscal controls are maintained. It would be responsible for presenting appropriation requests to the President and the Congress, for granting funds to the stations, for promoting operating efficiency, for evaluating activities and expenditures supported by its grants, and for insuring conformity to the legislative charter.

It is essential that there close cooperation between the stations themselves and with the Board. To this end, the Commission recommends that headquarters of the new Board and the executive staffs of both stations be located in contiguous space, preferably in the Washington, D.C., areas. Such an arrangement would be mutually advantageous in that it would permit the Board's executive director to draw upon the personnel of the stations for much of the administrative support needed by the Board. Under this arrangement, the Board should need only a minimal staff. A Washington, D.C., location would also help the Board maintain appropriate liaison with the Department of State.

The Board should be expected to deal with major policy issues affecting either or both stations. It should periodically make a systematic study of conditions in each audience area and insure that revisions of program schedules are made if it finds changes to be appropriate. Thus, for example, if restrictions on the free flow of information within one or more of the countries of Eastern Europe or the Soviet Union are eased, the Board should recommend at what point operations of the stations should be either curtailed or halted altogether.

The Board should also play a significant role in promoting efficiency and economy within and between the stations. Several suggestions for specific studies are included in Section V of this report.

The creation of a Presidentially appointed Board made up of persons distinguished in fields such as mass communications and foreign policy would give the Congress and the American people continuing assurance that RFE and RL operate with professional integrity and in the national interest. Simultaneously, the stations would benefit from having an official, knowledgeable source to provide them with assistance, guidance, and funds.

The view has been expressed that the names of the stations should be changed in order to mark a new era of detente with the Soviet Union and Eastern Europe and new directions for the stations.

The Commission does not recommend this change. As indicated elsewhere in this report, we find that the stations have successfully adpated their philosophy and operations to the evolution of East-West relations. They are not perpetuating Cold War attitudes, nor are we aware of important objections to the names, per se, expressed by listening populations. The names Radio Liberty and Radio Free Europe in recent years have come to be identified by their audiences with the broadcast of accurate information, interpretation, and analysis. There is also a "brand name" value associated with Radio Free Europe and Radio Liberty identification, which is important in broadcast operations. For these reasons, we have concluded that there are no compelling reasons to change the names of the stations.

ORGANIZATIONAL STRUCTURES CONSIDERED AND REJECTED

Grants administered by Department of State. As a provisional measure resulting from the discontinuance of funding by the Central Intelligence Agency, the Department of State administered Federal grants to RFE and RL for part of fiscal year 1972 and for 1973. The Commission considered the advantages and disadvantages of this method of funding, either under existing legislation or under new legislation which might detail the purposes for which grants are made and define relationships of the stations to the Department of State.

This approach would have the advantage of avoiding the creation of a new organization. The disadvantages, however, appear to outweigh this advantage. The effectiveness of the stations depends largely upon their concentration on reporting and analysis of developments within the countries of Eastern Europe and the Soviet Union. Direct control by the Department of State over funds for the stations over a period of years would appear to be incompatible with the professional independence essential for the stations to fulfill this role.

There are additional political liabilities in entrusting the Department of State with the budgetary support of the stations. The Department would find it impossible to dissociate itself from accountability, however indirect, for RFE and RL programming. Awkward situations would be unavoidable, with the conceivable result that the essential program autonomy of the stations would be compromised.

Interim arrangements for funding the stations by the Department of State have not resulted in special difficulties; but these arrangements have always been considered by the Executive Branch as transitional. For reasons outlined above, the permanent continuation of these direct funding provisions is undesirable. The Department of State concurs in this view.

Grants administered by U.S. Information Agency. The Commission also considered the possibility of assigning USIA responsibility for administering Federal grants to RFE and RL.

The considerations that militate against the State Department's administering the grants are equally valid in the case of USIA. USIA is the official public information arm of the United States Government and is clearly identified as such. It explains United States foreign policy and it seeks to secure understanding by peoples in foreign countries of all aspects of American society.

RFE and RL, in contrast, have as their main mission to function as a surrogate free press, to fill the information gaps created by communist government restrictions on the free flow of information.

There are additional risks. The last few years have seen the establishment in communist countries of a number of USIA-sponsored cultural programs, such as libraries, exhibits, artistic attractions, and exchanges. If RFE and RL grants were administered by USIA, communist protests and objections to broadcasts by these two stations could easily generate dangers to USIA programs in these countries. Conversely, as noted in connection with the disadvantages of State Department funding, this association might result in compromising the program autonomy of the stations.

USIA concurs in this Commission view.

Merger with Voice of America. The purposes and functions of VOA are quite different from those of RFE and RL. There is no conflict between them. The VOA is recognized as the official radio voice of the United States Government. Like all other USIA activities, it gives preponderant emphasis to American developments. VOA programming contains relatively little information about internal developments in its audience countries.

RFE and RL programming, as previously stressed, gives citizens of the communist countries information on conditions, attitudes, and trends within their own countries and on international developments as they relate to the special interests of the listeners. RFE programs supplement and correct the news as issued by the media within their audience areas, and they supply alternative analyses, based on careful research of facts and conditions in the listener areas, as well as on Western sources not normally available to East Europeans.

It would be neither proper nor consistent with its basic mission as the official United States Government station for VOA to concentrate on this type of programming.

For these reasons, a merger of VOA and the two stations would, in the judgment of the Commission, defeat the purposes of both. USIA also concurred in this judgment.

Merging the stations into a single, independent Federal agency. We also examined the advantages and disadvantages of merging the two radio corporations into a single Federal agency receiving direct appropriations from the Congress. The stations would thus be federalized and taken fully into the Executive Branch of the United States Government.

Such an organizational arrangement would mean that the stations would lose their nonofficial status, and even if there were little or no change in operations and program content, the stations' reputation for professional independence would be difficult to preserve. Further, this alternative would raise questions on such basic issues as whether the private corporations could transfer assets to a Government agency and whether the present right to radio broadcast frequencies could be transferred. It would also jeopardize the status of the licensing agreements in the four countries from which the stations transmit—the Federal Republic of Germany, Spain, Portugal, and the Republic of China.

SUMMARY

The Commission devoted major attention to the question of how the stations should be related to the United States Government. We realize that able men of good will can make almost any organizational arrangement work; and, conversely, that even the finest organizational arrangements do not guarantee efficient and effective operations. We believe that the proposals spelled out in this section for the creation of a Board for International Broadcasting provide a good design to assure that Radio Free Europe and Radio Liberty maintain their professional independence, within the limits of the national interest.

Mr. PERCY. The Senator from Minnesota (Mr. HUMPHREY) and I are pleased to have the cosponsorship of Mr. JAVITS, Mr. MATHIAS, Mr. STEVENS, Mr. BUCKLEY, Mr. BROOKE, Mr. GRIFFIN, Mr. MCGEE, Mr. COOK, Mr. MCINTYRE, and Mr. STEVENSON. I ask unanimous consent to add as cosponsors Mr. BAYH, Mr. RIBICOFF, and Mr. FANNIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 30—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO INFORMATION BY FEDERAL OFFICERS AND EMPLOYEES

(Referred to the Committee on Government Operations.)

PRODUCTION OF INFORMATION BY FEDERAL OFFICERS AND EMPLOYEES

Mr. ERVIN. Mr. President, on behalf of Senator MUSKIE and myself, I submit for appropriate reference a concurrent resolution to establish a procedure assuring Congress the full and prompt production of information requested from Federal officers and employees.

This resolution is similar in content and purpose to Senate Joint Resolution 72 which I introduced on March 8, 1973, but it has been altered in several important ways, primarily as a result of extensive hearings conducted in April and May by the Subcommittee on Intergovernmental Relations of the Committee on Government Operations and the Judiciary Subcommittees on Separation of Powers and Administrative Practice and Procedure.

The resolution provides that when an officer or employee of the executive branch is summoned and requested to testify or to produce information, records, documents, or other material before either House of Congress or any committee or subcommittee thereof, that officer or employee shall appear pursuant to the request made of him and shall answer all questions propounded to him and shall produce all information sought unless the President formally and expressly instructs him in writing to refuse to appear or to provide the information.

In the event of a Presidential refusal, the written instruction shall set forth the grounds on which the refusal is based. Such written instruction shall be transmitted to the House, or committee or subcommittee thereof, requesting the information or appearance.

The appropriate House, committee, or subcommittee seeking the appearance or information shall determine whether or not such a Presidential instruction is without foundation in law. When a committee or subcommittee finds that the refusal is without foundation in law, then the appropriate House or committee shall order the official or employee to appear and to answer the questions or provide the information.

When a committee or subcommittee determines that a Presidential instruction to withhold information is without foundation in law, it shall file within 10 days an appropriate resolution with its respective House with a report and record of its proceedings relating to the Presidential instruction. The respective House shall take such action as it deems proper with respect to the disposition of the appropriate resolution.

This resolution differs in two respects from Senate Joint Resolution 72 which I introduced earlier this year.

First, it does not mention the term "executive privilege" which has been used by the Executive as a disguise for a variety of refusals to provide information requested by Congress. I do not believe that it is necessary for Congress to put a stamp of approval—whether expressly or by implication—on such a "privilege." Rather, Congress should review Presidential refusals to provide information and determine whether or not they are founded in law, which would include a proper exercise of privilege or authority granted by statute.

Second, it takes the form of a concurrent resolution rather than a joint resolution. The intent and purpose is to create an internal congressional procedure by which Congress will exercise the powers and prerogatives which properly belong to it; it would not have legislative effect and therefore would not be subject to a Presidential veto.

This resolution and the improvements incorporated in it are the outgrowth of the extensive hearings on executive privilege and Government secrecy being conducted this year by the subcommittees I mentioned earlier. Those hearings pointed out the extent to which the failure or outright refusal of Federal officers and employees to produce information requested by Congress in carrying out its constitutional function to legislate has resulted in a serious erosion in the separation of powers doctrine embodied in the Constitution.

I am sure that many Senators and other American citizens were shocked on April 10 when the then Attorney General, Richard G. Kleindienst, testified that the President could extend the doctrine of executive privilege to prohibit any and all of the 2.5 million employees of the executive branch from testifying or providing information to Congress. Although the administration has since indicated that it does not intend to exercise the privilege so broadly, especially in connection with the Watergate investigation, such a sweeping assertion of the scope of the privilege must make us wonder if the President and his assistants have any respect at all for the separation of powers doctrine.

Congress must not stand idly by and allow the President to stretch executive privilege to cover every operation of the executive branch. I respect the right of the Executive insofar as executive privilege is confined to communications between Presidential aides or other executive employees and the President, or with respect to communications of a confidential nature between different Presidential aides or executive employees when they are assisting the President in carrying out the duties of his Office. But I do not think there is any privilege that exists to withhold information about matters that have already been made public by other administration officials or with respect to official dealings between Presidential aides and third persons.

In other words, executive privilege should be used in very narrow contexts, and when it is used, Congress must determine whether it is exercised properly. The procedure which would be established by this resolution would merely insure Congress the opportunity to make that determination.

I submit that the procedure created by this resolution would strongly discourage the abuse of the doctrine of executive privilege and would provide an essential procedure for Congress to use in its effort to regain its rightful constitutional powers.

Mr. President, I ask unanimous consent that the text of this concurrent resolution be printed in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 30

Resolved by the Senate (the House of Representatives concurring),

Whereas the denial to either House of Congress, to its joint committees, committees and subcommittees by officers or employees of the United States of any information, including testimony, records or documents, or other material, requested by the Congress in the performance of its functions erodes the system of checks and balances prescribed by the Constitution, unless grounds sufficient in law are asserted for such denials: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That, when an officer or employee of the United States is summoned and requested to testify or to produce information, records, documents or other material before either House of Congress, any joint committee of Congress, any committee of either House or any subcommittee thereof, that officer or employee shall appear pursuant to a request specifying the time and the place and shall answer all questions propounded to him, and produce all information, including records, documents and other material sought, unless the President formally and expressly instructs the officer or employee in writing to refuse to provide the information requested, including answers to specific questions, or specific records, documents or other material, in which event such Presidential instruction shall set forth the grounds on which the refusal is based. Such written instruction shall be transmitted to the House of Congress, joint committee, committee or subcommittee requesting the information, proposing the questions or seeking the records, documents or other material, which shall then determine whether or not the Presidential instruction is without foundation in law. If it is determined that the instruction is without foundation in law, the officer or employee shall be ordered to appear at a time specified before the House of Congress, joint committee, committee or subcommittee and to provide there the information requested by answering the question or questions propounded and producing any official information, including records, documents or other material requested.

Sec. 2. When a joint committee of the Congress, or a committee, or subcommittee of either House of Congress determines that a Presidential instruction to withhold information requested by it is without foundation in law, it shall, within ten days, file—

(1) in the case of a joint committee, a concurrent resolution with both Houses of Congress; and

(2) in the case of a committee or subcommittee, a resolution with its House of Congress;

with a report and record of its proceedings relating to such Presidential instruction. Congress, in the case of any such concurrent resolution, and the House of Congress with whom any such resolution is filed, shall take such action as it deems proper with respect to the disposition of such concurrent resolution or resolution.

Mr. ERVIN. I ask unanimous consent that a statement made by the cosponsor of the resolution (Mr. Muskie) be inserted in the Record at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The statement is as follows:

Executive Privilege

Mr. Muskie. Mr. President, the concurrent resolution which we present to the Senate today is a simple statement of procedure designed to unravel a complex situation, the conflict between the Congress and the Executive over the rights of the former to information possessed by the latter.

That conflict was most succinctly—and, I might say, most brashly—stated by then Attorney General Richard Kleindienst in testimony April 10 before joint Senate hearings on executive privilege and government secrecy. "Your right to get what the President knows," he told me, "is in the President's hands."

This resolution is our response to that defiant declaration. If the former Attorney General's claim were to go unchallenged, the Congress would, indeed, be accepting the second-class status which his contempt of it implied. We cannot concede that we have no recourse against executive defiance of a Congressional request for the information we require to carry out our functions as a separate and equal branch of government.

So this resolution is a necessary response. It says very simply that the President may instruct a Federal officer or employee to refuse to provide Congress with information its committees request. But, it makes clear, such Presidential instructions cannot be the last word. The Congress has the obligation to review and, possibly, to reject such instructions. The committee concerned—and if necessary its parent body—must review the legal foundation of any such Presidential instruction and, finding it without foundation, must compel the production of the information sought.

The Congress already has the power to take such action. This resolution requires that we use that power in the interest of restoring Constitutional balance to our government. The issue is not one of legal authority, but one of will, and the time has come for Congress, by adopting this resolution, to manifest its will.

If we do not assert our authority, we stand in danger of losing it. If de do not clarify this confused situation, we may emerge from the confusion diminished.

SENATE RESOLUTION 125—SUBMISSION OF A RESOLUTION TO REFER S. 1970 TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.)

Mr. BAKER (for himself and Mr. Tower) submitted the following resolution:

S. Res. 125

Resolved, That the bill (S. 1970) entitled "A bill for the relief of Carl Johnstone, Junior," now pending in the Senate, together with all accompanying papers, is referred to the chief commissioner of the United States Court of Claims. The chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 87

At the request of Mr. Bartlett, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of Senate Resolution 87, requesting the President to begin a national program on car pooling.

DEBT CEILING BILL—AMENDMENTS

AMENDMENT NO. 215

(Ordered to be printed, and to lie on the table.)

Mr. HUMPHREY. Mr. President, on November 21, 1972, I wrote to Secretary of the Treasury George P. Shultz asking him to take immediate steps to place the dollar check-off form on the front page of the 1972 tax return.

The Nixon administration refused to place the check-off system on the initial page of the tax return, and partly as a result of that decision, the new system for participation in the financing of Presidential elections was utilized by less than 3 percent of the tax paying public.

On January 9, 1973, I wrote to the Advertising Council of America proposing that the Advertising Council assist the Internal Revenue Service in the preparation of media and print announcements which would explain the dollar check-off system to taxpayers and encourage them to use this opportunity to participate in the financing of Presidential campaigns.

The Advertising Council answered my letter by stating that they had held discussions with the Internal Revenue Service and that the Service assured them that an extensive publicity campaign would be undertaken.

However, Mr. President, I am not aware of any extensive publicity campaign by the Internal Revenue Service.

In fact, I am aware of the almost total lack of agency efforts to publicize the dollar checkoff. I am aware of the Nixon administration's past opposition to the dollar checkoff and to public financing of Presidential campaigns in general; they fought its enactment during the fall of 1971.

And, I am aware that this lack of enthusiasm filtered down the IRS—which deliberately pursued a "go slow" attitude on implementation of the dollar checkoff.

Accordingly, on May 9 of this year, I again wrote to Secretary Shultz, asking that his office provide me with a complete accounting of the results of the first year's participation in the checkoff system. I also asked for an accounting as to the number of public service advertisements prepared by the IRS and actually used by the media during the last tax filing season.

I have not yet had a reply to my May 9 letter.

For that reason, I am today introducing amendments to the dollar checkoff system that I believe will accomplish by law what I have tried to accomplish by letter and suggestion.

The first amendment would remove the Nixon administration-supported provision that requires a yearly appropriation of funds into the Presidential campaign fund. Instead, moneys "checked off" would go directly into the Presidential campaign fund—uninhibited by the appropriation process or the possibility of a Presidential veto.

The second amendment would require the Secretary of the Treasury or his designate to place the complete dollar checkoff form on the front page of all basic tax return forms. No other separate forms or schedules would be necessary or permitted.

This amendment would eliminate the confusion and obstructionism that resulted in most taxpayers not having the proper forms to participate in the dollar checkoff system.

The third amendment would require the Secretary of the Treasury or his designate to report to the Congress, by September 1 of each year, a detailed account of the means by which he intends to carry out a public information campaign concerning the dollar checkoff. The intent is to mandate the Government to undertake an extensive public information program, well designed and organized, to notify all taxpayers about the opportunity to participate in the dollar checkoff campaign financing system.

Mr. President, I intend to offer these three amendments to H.R. 8410, the debt ceiling bill.

I ask unanimous consent that the letters to Secretary Shultz, and the reply from the Advertising Council be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., November 21, 1972.
Hon. George P. Shultz,
U.S. Department of the Treasury,
Washington, D.C.

Dear Mr. Secretary: The financing of elections has become a national scandal. Congress attempted to meet part of this problem in the Revenue Act of 1971 by enacting the "dollar check-off" system for public financing of presidential elections. This check-off system will permit any taxpayer to assign one dollar from his income tax, through appropriate federal safeguards and mechanisms, to the national political party of his choice.

This law is scheduled to go into effect during the current tax year. Its legislative history clearly shows the purpose of the dollar check-off is to reduce the dependency of candidates for the Presidency on large contributors and to encourage the participation of all Americans in the financing of presidential campaigns.

I am informed that the Department of the Treasury and the Internal Revenue Service have established procedures for this "dollar check-off" that deliberately thwart the law's purpose. According to this information, the simplified tax forms for those not itemizing deductions now being prepared for mailing by the IRS do not bear the appropriate entries that would allow taxpayers to "check-off" their political contributions. Instead these taxpayers will have to fill out and file an entirely separate schedule to take advantage of this opportunity to contribute to the financing of Presidential elections.

This IRS decision will deny to 17 million taxpayers who file the simplified form the opportunity Congress intended them to have. Many of these taxpayers will not even recognize the opportunity. If IRS does not include an easy-to-understand check-off system on the simplified form only higher income persons—persons who normally file more than one tax schedule—will be encouraged to exercise the option of giving to the political party of their choice. It will arbitrarily make it difficult for all Americans to participate in this program.

The IRS has an obligation, under the terms of the Revenue Act of 1971, to expand the opportunity for all Americans to finance presidential elections—not restrict it.

I urge you to instruct appropriate officials to reconsider this decision and revise the IRS forms to comply fully with the intent of Congress.

Sincerely,
Hubert H. Humphrey.

The Advertising Council, Inc.,
New York, N.Y., January 16, 1973.
Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: Thank you for your good letter of January 9th, proposing that The Advertising Council assist the Internal Revenue Service in making certain that taxpayers are aware of the opportunity to utilize the "dollar check-off" system for public financing of Presidential elections by taking advantage of current income tax procedures.

I can fully understand your concern that the check-off system is relatively unknown and is somewhat cumbersome, requiring as it does, the completion of a separate form by the respondent.

Upon receipt of your letter we immediately instituted discussions with the Internal Revenue Service and as a result we understand that they are conceiving the production and distribution of television and radio announcements. If there had been more time in which to prepare them, we could have urged the Service to expand the production of public service advertising materials to other media. However, we can assure you that we plan to urge that more emphasis be placed upon the dollar check-off system for financing presidential elections next year and will suggest that they then utilize the other media to advantage. Meanwhile, we are planning to recommend to the media, in our March-April Public Service Advertising Bulletin, that they provide time for the film and radio spots this year.

With kindest regards.
Cordially,
Robert P. Keim.

May 9, 1973.
Hon. George P. Shultz,
Department of the Treasury,
Washington, D.C.

Dear Mr. Secretary: I have maintained a constant interest in the "dollar checkoff" system for public financing of Presidential campaigns. In my November 21, 1972 letter to you, I requested your office to take appropriate steps in order to facilitate public usage of the opportunity for taxpayers to contribute to the financing of Presidential elections. Unfortunately, those steps were not taken; and neither, may I add, were steps taken by the Internal Revenue Service to adequately publicize the "dollar check-off system" of campaign financing.

Now that the filing date for federal income tax has passed, I request that you supply my office with a complete accounting of the results of the first year's participation in the check-off system. I want to know the various totals going to the parties, the amount left undesignated in the overall Presidential campaign financing fund, a break-out by income class of taxpayer as to participation in the program, and suggestions from your office as to improving the system. I note, for example that in recent testimony before the Ways and Means Committee that you proposed moving part of the check-off form to the first page of the tax return—similar to the procedure I suggested to you last year.

Finally, I want to know the number of public service advertisements prepared by the IRS and actually used by the electronic and print media to publicize the dollar checkoff. And, I request that you inform my office as to what plans are currently being considered to expand public knowledge of, understanding of, and participation in the public financing of Presidential campaigns through next year's income tax filing.

EMPLOYEES SEPARATED FROM THEIR EMPLOYMENT BECAUSE OF DEFENSE INSTALLATION REALINEMENTS—AMENDMENT

AMENDMENT NO. 216

(Ordered to be printed, and referred to the Committee on Labor and Public Welfare.)

EMERGENCY RELIEF FOR CIVILIAN WORKERS AFFECTED BY DEFENSE CONTRACT TERMINATIONS

Mr. HUMPHREY. Mr. President, I submit for appropriate reference an amendment to S. 1695, the Emergency Manpower and Defense Workers Assistance

Act of 1973, of which I am a cosponsor. This amendment is designed to extend the emergency relief provisions of this bill to civilian workers adversely affected by reduction or termination of employment as a result of the termination of procurement order contracts by the Department of Defense with private firms at facilities owned or leased by the Department.

The administration's plans to close military installations, affecting 274 facilities in 32 States, have aroused major concern due to totally inadequate consideration of the employment and income needs of over 41,000 civilian workers at these facilities. I intend to work jointly with other Senators in support of legislative efforts to correct this unconscionable failure on the part of the administration to make full provision for the reemployment and adjustment assistance requirements of these workers and their families. I believe S. 1695 provides the comprehensive programs necessary to meet these requirements.

However, in the midst of this critical situation, other defense program cutbacks which are equally serious must not be ignored. A prime example of such cutbacks having a disastrous impact upon the economy of a local area suddenly confronted by extensive unemployment, is to be found in New Brighton, Minn. The Twin Cities Army Ammunition Plant in New Brighton, owned for over 30 years by the Federal Government and operated by a private firm, reportedly will shortly be closed down. This will affect nearly 2,000 employees who shortly will be, or already are, out of a job.

Whether this will be a cost-saving decision is clearly questionable, as shown by the results of two previous closings of this plant. Once again, were this plant to be subsequently reopened, startup costs would be extraordinarily high, not to mention heavy so-called layaway costs and maintenance expenditures to keep this plant in a standby condition during the interim, as well as the losses incurred before production could be fully resumed.

Where is the saving when another ammunition plant allegedly would have to add a further shift after the New Brighton plant is closed? Why should not a similar limited-shift operation, at least, be maintained at the Twin Cities Army Ammunition Plant?

Moreover, the New Brighton plant is unionized, and I have received intimations that labor costs are a consideration in the Government's purported plans to close this plant. I would regard this as a serious matter affecting workers' rights to organize and bargain collectively for wages adequate to meet the cost of living.

Mr. President, the effect of my amendment would be to include workers adversely affected by such defense contract terminations, with civilian workers at defense facilities being closed down, as eligible for readjustment allowances, early retirement benefits, continued health benefit coverage, relocation assistance in obtaining other employment, job placement assistance, and job retraining and public service employment opportunities, as provided under the Emergency Manpower and Defense Workers Assistance Act. Further technical changes in this legislation may be required to assure that this intent is fully carried through, and I intend to work with the appropriate Senate committees to accomplish this objective.

Mr. President, I urge the Senate to take early action to address the critical problems of thousands of Americans in defense-related jobs who would be suddenly thrown out of work under current administration plans.

I ask unanimous consent, Mr. President, that the text of my amendment, amending the definition of "adversely affected worker" under the provisions of S. 1695, be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT No. 216

On page 2, line 14, after the word "employment" insert the following: "as a result of the termination on or after January 1, 1973, of a contract with a private firm conducting business at a facility owned or leased by the Department of Defense for the purpose of providing materials to the Department of Defense under procurement orders, or"

AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF STATE—AMENDMENT

AMENDMENT NO. 217

(Ordered to be printed, and to lie on the table.)

Mr. HUMPHREY submitted an amendment, intended to be proposed by him, to the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENTS NO. 163 TO S. 1888

At the request of Mr. BAYH, the Senator from Pennsylvania (Mr. SCHWEIKER) and the Senator from Iowa (Mr. CLARK) were added as cosponsors of amendment No. 163, intended to be proposed by Mr. BAYH to S. 1888, the Agriculture and Consumer Protection Act of 1973.

ADDITIONAL STATEMENTS

SKYLAB REPAIR ACHIEVEMENT

Mr. MOSS. Mr. President, knowing how much we all applaud the accomplishments of our astronaut team and their Skylab repair achievements I have asked the Administrator of NASA, Dr. James C. Fletcher, to relay our appreciation and sincere admiration to all of the NASA team who have worked under such great pressure to make this mission so successful.

I ask unanimous consent to print in the RECORD the telegram I sent to him this morning.

June 8, 1973.

Dr. JAMES C. FLETCHER,
Administrator, National Aeronautics and Space Administration, Washington, D.C.

DEAR JIM: Your astronauts and their ground team have "done it again." Many people deserve credit for this remarkable Skylab repair effort and I hope you will express my appreciation to them.

The magnificence of this accomplishment and the significance of the achievement is nearly impossible to put in perspective.

I know I speak for all my colleagues in the Congress when I send this message of congratulations to you with the request that you communicate our great appreciation to the astronaut team of Conrad, Kerwin, and Weitz and also to Bill Schneider, the Skylab Project Director, Dale Myers and his team of manned space specialists and all of your group who work in complete anonymity but under the intensive examination of history.

You are truly a "can do" team. We salute you all.

FRANK E. MOSS,
U.S. Senator.

SENATOR GOLDWATER ADDRESSES NATO CHIEFS OF AIR FORCES

Mr. GOLDWATER. Mr. President, today we are hearing a great deal of discussions about our future with the North Atlantic Treaty Organization and how best to insure that NATO continues to stand strong and resolute as a shield against possible Communist aggression. Recently, the NATO Chiefs of Air Forces visited Washington and were entertained at a luncheon sponsored by the Aerospace Industries Association. On that occasion, May 21, I had the distinct honor to address these NATO officials on the question of U.S. security policy toward Europe. If there is no objection, I ask unanimous consent to have this address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

AN ADDRESS BY SENATOR BARRY GOLDWATER OF ARIZONA TO THE NATO CHIEFS OF AIR FORCES AT A LUNCHEON SPONSORED BY THE AEROSPACE INDUSTRIES ASSOCIATION, WASHINGTON, D.C.

Mr. Chairman, honored guests: It is with considerable pride and a great deal of humility that I come here today to discuss with you some of the problems that we in the Congress of the United States see arising with regard to United States security policy toward Europe and this country's participation in the NATO Alliance.

Too often these days, we find discussions concerning our European policies and our participation in the North Atlantic Treaty Organization centering around how best to extend a rapprochement or detente with the Soviet Bloc. More and more, it strikes me that informed Americans are looking to the Atlantic Alliance solely in terms of how we can best work out economic issues and trade problems with the Soviets. I say, "too often," because I believe that we in this country are too much inclined to indulge in wishful thinking and read too much importance into moves already made and contemplated which are designed to reduce tension and inaugurate a friendlier policy toward the Communist world. When this line of thinking is extended too far, the NATO Alliance becomes viewed almost automatically as an anachronism and a paper-tiger. This, in turn, fuels arguments to the effect that the United

States deployment of forces in Europe makes little sense militarily and costs our country dollars which could better be spent here at home.

I am sure I do not have to tell this gathering that such notions of our relationship with Europe and our interests are both premature and superficial. Yet, they have gained currency among many opinion-makers who feel the United States is over-extended in its commitment and must withdraw more and more from almost every area of the world. We are seeing this underscored today in repeated demands for an immediate reduction of U.S. commitment and expenditure in the NATO Alliance. And I would emphasize very strongly that these demands have little or no relationship to the negotiations inaugurated with the Soviet Union and the Warsaw Pact aimed at mutual reductions in military forces and in the limitation of strategic arms. Rather, they call for unilateral action on the part of the United States and give little consideration to how such action might cripple us or reduce our bargaining power in any and all conferences aimed at mutual reductions of military forces.

Now, I want to be absolutely honest with you. There is heavy pressure within the Congress of the United States to cut down on the United States commitment to NATO. And while I am opposed to such reduction and shall fight against it in the Senate, I do think it is proper to sound a warning here that there is a strong tide of sentiment running for a unilateral cutback in troop levels maintained by the United States. And I should be something less than candid if I did not tell you gentlemen that I believe there is something you can do to help out in this situation. I believe many of your countries could do more—perhaps not a great deal more—but more than you are presently doing to shoulder the burden of collective defense measures in the NATO Alliance.

I am sure I don't have to remind you that the United States bore the brunt of this cost at a time when your countries were still recovering from the ravages of World War II and were committing all of your resources to the rebuilding of Western Europe. But things are different now. Some of your countries have prospered enormously in recent years and your economies could well afford to take up some of the slack which Congress may force us to leave in the maintenance of the NATO shield against possible Communist aggression.

Gentlemen, I feel that we have a right to be encouraged by the progress of negotiations aimed at a reduction of military forces by both sides in the European power equation. The trends towards better understanding are encouraging, but I believe it is important for us to understand that they are still only trends and that because of this we must not lose sight of essential security realities.

The plain fact is that the military threat to the North Atlantic Alliance has not subsided. The Soviet Union continues to maintain 10,000 tanks and approximately 1,500 aircraft as well as almost half a million men in Eastern Europe, where these forces are constantly being modernized and equipped with the best weapons that the Soviet economy can provide. In addition, new reports have recently been published to the effect that the Soviet buildup of tactical nuclear weapons in Eastern Europe is going on undeterred by any talk of detente with the West. According to Mr. Earl Voss of the American Enterprise Institute, who is a consultant to the Department of Defense and the Los Alamos Scientific Laboratories, the Soviet Union already has deployed more than twice as many nuclear missile launchers as NATO. His contention is that the Soviet Union has evolved its doctrine and tactics around the expectation that any conflict with NATO will force the use of nuclear weapons. He says NATO can no longer rely mainly on a conventional posture.

Mr. Voss also insists that it is no longer clear whether NATO has held on to its once undisputed tactical nuclear lead over the Warsaw Pact. This is a consideration which almost never enters into the discussions in Congressional circles about the feasibility of withdrawing a large number of American troops.

I think we will soon have to confront the question of whether NATO force levels for the present strategy of conventional flexible response are at, or below, the threshold of credibility. I say this because any major reduction in forces, such as the kind being promoted by the Mansfield group in the United States Senate at the present time, will surely trigger off the question of whether the NATO Alliance has any further worth either as a deterrent, or an effective defense instrument.

Gentlemen, I believe we are at the point where consideration must be given to a change in NATO's strategy. There can be no question that a major change in force levels, if imposed on NATO, will produce a need to devise a new and acceptable strategy. The problem will be one of substituting in the NATO strategy quality and technology for quantity and mass. And this very plainly means that we will have to modernize and expand our nuclear stockpile in NATO. Much of the current stockpile is made up of obsolete, blunderbuss-type weapons that would produce far too much fallout, blast damage and danger to friendly troops and civilian non-combatants.

What I am saying is that a reasonable force reduction in NATO *could* be made if it were accompanied by a suitable change in defensive strategy. What we *can't* get away with is a reduction in force while still claiming a capability to carry out the same old dual, conventional flexible response strategy but at a lesser cost.

Now, I am sure no one here believes that the Soviets are poised for an immediate invasion of Western Europe, although this possibility was real enough not too many years ago. The threat today is more subtle; it resides in the possibility that the Soviet Union and its allies will continue to speak of peace while maintaining a first-rate capability for war—all with the hope that the West will be lulled into a false sense of security. In other words, the real threat is that we might disarm ourselves and base our security on wishful thinking and good intentions while the Soviets continue to rest their faith in armed might. The result of this could be a long-term shift in the balance of power and a slow constriction of freedom and security in the West.

Because of this, I believe the overriding problem now confronting the NATO Alliance is how it can best maintain an adequate defense posture that will protect our security interests, advance our political objectives in negotiations and make clear how short-sighted it would be to unilaterally reduce our defense efforts.

As I see it, modernization of our capabilities is absolutely vital in the present situation. And I say this with full realization that many will argue that an emphasis on more effective defense efforts is inconsistent with the diplomatic task of trying to negotiate on mutual and balanced reductions in forces in central Europe. This argument, of course, ignores the lessons we have learned from our previous negotiations. Not only that, but it misses the point of our efforts to negotiate mutual and balanced reduction. The only acceptable objective for MBFR must be to maintain and if possible to enhance the military security of the alliance at lower force levels on both sides. And this can only be done if the Allies continue to make a significant effort to modernize their forces and overcome some of the traditional weaknesses in NATO's military posture.

We must never lose sight of the fact that security remains the bedrock concern of the alliance and that genuine detente and real changes in the intentions of the Soviet Union and the Warsaw Pact come about only when they know there is no alternative to negotiations and no other path but compromise.

SALUTES THE CAPITOL PAGE SCHOOL GRADUATING CLASS OF 1973

Mr. RANDOLPH. Mr. President, on Monday evening, June 11, in the House Ways and Means Committee Room, an annual ceremony is scheduled that is little noticed by the media and the general public. Yet, to the individuals involved, and to those of us who meet daily with these youth, it is an occasion of profound significance. I refer to the commencement exercises of the Capitol Page School, which commands a reputation for scholastic excellence. The 1973 graduating class consists of a young lady and 20 young men. The commencement speaker is our able colleague, Senator Thomas F. Eagleton, of Missouri.

The program includes the U.S. Navy Band, under the direction of Comdr. Donald W. Stauffer. Senate Chaplain Rev. Edward L. R. Elson will give the invocation with addresses by Principal John C. Hoffman and Vincent E. Reed, Associate Superintendent of the District of Columbia Public Schools. The valedictorian address will be given by Robert Joseph Mathias; the class salutatorian is Richard Lee Sisisky. Five of the graduating class members also are members of the National Honor Society.

In addition to Mathias and Sisisky, those graduating are: Mary Bicknell Adams; Paul Kevin Beatley; Christopher Bonilla; Steven P. Caldwell; Carl B. Clark; Steven Ellis Cohen; David M. Federle; Geoffrey Edward Fleming; Alfred R. Gould, Jr.; Gregory Joseph King; William George Litchfield; William Scott McGeary: Douglas W. Marshall; Randy Jeff Mersky; Michael Maurice Meunier; James E. Parrish, Jr.; William H. Pratt; Daniel J. Schwich; and Christopher Terence Shea.

Mr. President, I congratulate these young persons and share with their parents the pride of their achievements. It is hard work being a page on Capitol Hill. We who work with them do not regard them as merely messengers, but an efficient and essential part of the operation of the Congress. These pages, in turn, are not merely doing a job, but engaging in a rare and vital learning process. Their experiences and studies may lead some of them back to these halls as representatives of the people, as has happened in the past.

The strict rules and academic regimen each of our pages follows is not generally known. One of the members of the 1973 Capitol Page School class is Gregory King of Spring Lake, N.J. Gregory, whose friendship I value, is fortunate to have a mother who also is a gifted writer, as his father is a gifted speaker. Mrs. Ottilie King is a former reporter who wrote of her son's experiences as a Senate page in the Asbury Park, N.J., Sunday Press of June 3.

I ask unanimous consent that an excerpted version of the article "A Page in the Life of Gregory King," be printed in the RECORD. Written with affection and insight, the story typifies in many ways the experiences of those who carry forward the page program.

There being no objection, the excerpted article was ordered to be printed in the RECORD, as follows:

A PAGE IN THE LIFE OF GREGORY KING

WASHINGTON.—When 17-year-old Gregory King arrives at his home, 1702 Third Ave., Spring Lake, N.J., as a matter of course he sleeps until noon. No one disturbs him. His rest has been earned.

From September to June in his other quarters on Garfield St., in the northwest section of the capital, his lamp is the first to paint the pre-dawn hours with light.

It's 4:30 a.m. when Greg's alarm daily puts sleep to rout. Three quarters of an hour later, while the rest of his family has not yet stirred, Greg descends from his third floor bedroom and silently leaves his home headed for school and work.

Greg is off to classes at United States Capitol Page School, situated in the Library of Congress. There sessions start at 6:10 a.m. Gregory is the senior ranking Democratic page in the United States Senate and it's at this hour that he and 80 pages of the Senate, House of Representatives and the Supreme Court begin their school day.

At 9:45 class is out. Gregory crosses to the Capitol and proceeds to the Democratic cloak room where his daily duties start. First the Congressional Record and daily agenda are filed on the senators' desks along with pending bills, resolutions, documents and reports.

During Senate sessions he sits on the rostrum steps, facing the senators, ready to serve any one of them. When debates and filibusters last late into the night, Gregory stays frequently not returning home until nearly midnight, or sometimes not until the early hours of the morning.

Exhausting? "Yes," concedes Greg. Yet the exhilaration of being part of history in the making obviously outweighs the exhaustion. He witnessed the vote of approval for the SALT agreement (Strategic Arms Limitations Talks.)

When President Nixon returned from Moscow and went directly to Congress to address the assembled body, Gregory was there. During the tension filled days of last summer it was Greg who policed the marble room door while Senators George McGovern, Gaylord Nelson, and Thomas Eagleton caucused inside. As a result of that historical meeting Senator Eagleton removed himself as a vice presidential candidate.

Counting of the electoral votes prior to inauguration day is surrounded with ceremony. The votes contained in two wooden boxes, are carried in procession from the Senate chambers to the House of Representatives where they are tallied. A Democratic and Republican page each carry one box and walk immediately in front of the President of the Senate, Vice President Spiro Agnew. Last January it was Greg's privilege to be the Democratic page selected to carry a box.

Born in Chicago, the tenth child and ninth son in a family of ten boys and five girls Greg moved to Spring Lake when his parents returned there after a six and a half year absence.

He is a graduate of St. Catharine's School. As a member of that parish he served four years as an altar boy. He discovered a talent for public speaking when his eighth grade teacher, Sister Vincent de Paul encouraged him to enter the Mater Dei Declamation Tournament. He won first place. He also placed third in the Trenton Conference Forensic League.

As a freshman in Christian Brothers' Academy, Lincroft, Middletown Township, he successfully continued his public speaking.

In the Tenth Annual Invitational Speech Arts Festival at Long Branch High School, in 1969, Greg was awarded first prize.

Drawn toward American history and government he chanced to read of the page program and expressed interest in becoming one.

Opportunity presented itself when his father, Henry B. King, who is president of the United States Brewer's Association, moved his office from New York City to Washington just as Gregory completed his freshman year at Christian Brothers Academy. At that time Senator Alan Bible of Nevada needed a page and appointed him in September, 1970.

One needs only be given a tour of the Capitol by Greg to sense with what pride he takes his work. In statuary hall he points out the brass marker where the desk of Federalist John Quincy Adams was situated. Greg demonstrates how, through an acoustical quirk, Adams could distinctly hear the lowest whisper of caucausing democrats on the other side of the large room.

In retrospect Greg thinks he might have been a bit overzealous the day he escorted British Rear Admiral (Ret.) and Mrs. Madden, visiting from London.

On the senate floor they had time only for a quick look at John Kennedy's mark inside his desk in the back row. He, like the majority of his peers desk bound through long speeches, passed time by scratching his name in the wood for posterity.

From the floor Greg led the group through the long L-shaped democratic cloak room chatting on about history. He left no detail untold. He referred to the sacking of Washington by the British and almost total destruction of the Capitol during the War of 1812.

They proceeded through the main rotunda and along corridors lighted by magnificent crystal chandeliers. Eventually they were in front of a large stairwell, its wall filled with a bigger than life mural.

"This depicts Oliver Hazard Perry leaving his burning ship Lawrence", explained Gregory. "He then boarded the Niagara and eventually defeated the British on Lake Erie. After this battle he penned his famous quote. 'We have met the enemy and they are ours.' "

Mrs. Madden who earlier had murmured something about being sorry for the trouble the British had caused had by this time heard enough of burning. She quipped. "Greg, don't worry, we don't have a match with us today!"

Gregory has been in the senate through the controversial women's rights debates. During his term women's lib has even invaded the sacrosanct realm of the traditionally male pages. Senators Fred Harris (Okla.). Charles Percy (Ill.) and Jacob Javits (N.Y.) were the first to introduce girl pages. When a newscaster asked Gregory how he felt about working with females his answer for coast to coast radio was, "It makes life much more interesting."

With his busy work and school schedule which includes being president of the Student Council, it would seem Gregory would have little time for hobbies, but hobbies he has. He collects records and tracks down all the old movies shown around Washington. Crammed right next to the histories on his shelves is a super library of books on old musicians, Warner Brothers, to mention a small sampling.

September will find Greg in New York, a freshman at Manhattan College. He plans to work for a B.A. degree in government.

THE PRESIDENT'S ACCOMPLISHMENTS

Mr. THURMOND. Mr. President, it has now become rather fashionable to criticize the President in light of the Watergate affair. It is very easy to jump on the bandwagon and join the others who are smelling blood as they go in for the kill.

It is not as easy, however, to buck this trend and point out the President's accomplishments. To go beyond this and discuss his proven character and integrity is even more difficult. In a recent editorial, the El Paso Times of El Paso, Tex., did just this and I want to commend the editor for it. I believe my colleagues would do well to read the article.

Therefore, I ask unanimous consent that the editorial entitled "What The Man Said," which appeared in the El Paso Times, May 28, 1973, be printed in the RECORD at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHAT THE MAN SAID

Many insist that in 1960 Richard M. Nixon was defeated for the presidency by alleged crooked voting procedures in Chicago and Cook County, home of the once-potent Daley machine.

Similar shenanigans were reported in—guess where—sections of the great Lone Star State of Texas!

John F. Kennedy won the 1960 election by the narrow margin of only 118,550 votes. Nixon's backers urged him to call for a recount—figuring true totals in Cook County and Texas might reverse the election—but he declined.

He did not want to throw the country into a crisis of uncertainty. And no formal investigations were ever made of the alleged crooked voting procedures.

The same man, who refused to throw the nation into a crisis of uncertainty, makes a statement on the Watergate affair and is called a liar by almost everyone who sounds off . . . members of Congress, press, radio, television.

Where is the great American sense of fair play, the great urge to back the underdog, the two-centuries old belief that a man is innocent until charged formally and the charges proved?

Last week, President Nixon, speaking on the Watergate affair, said in part:

"I will not abandon my responsibilities. I will continue to do the job I was elected to do.

"With regard to the specific (Watergate) allegations that have been made, I can and do state categorically:

"I had no prior knowledge of the Watergate operation.

"I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.

"At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.

"I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.

"At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.

"It was not until the time of my own investigation that I learned of the break-in at the office of Daniel Ellsberg's psychiatrist and I specifically authorized the furnishing of this information to Judge Byrne.

"I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics."

This is a statement by the man who would not ask a recount in 1960 because he did not want to throw the country into a crisis of uncertainty. He also told us he would end the war in Vietnam and bring home our men in uniform. He did. He promised to bring home the Prisoners of War. He did. He went to Peking and Moscow and made positive gains in our relations with those two nations. He called the bluff on congressional spending and, when the time came and Watergate broke, Congress proceeded to take and is now taking revenge.

All of us make errors in the choice of friends, all of us make errors of judgment in our business affairs. What more has Mr. Nixon done?

There used to be an old saying "Don't kick a man when he is down."

When was it repealed? At the time they repealed the 10 Commandments? They must have been repealed since Ellsberg is now regarded as a hero and not as a suspected thief!

INFLATION SKYROCKETS WHILE NIXON ADMINISTRATION WATCHES

Mr. HUMPHREY. Mr. President, almost in unison, Nixon administration economic advisers claim that inflation is cooling, that prices will level, that unemployment will diminish, that the stock market will rebound, and that trade will bloom.

All price increases are explained as temporary, or slight, or the American people are told that inflation will run its course.

Apparently, though, the American people are more perceptive that Nixon economic advisers. The American people know that wholesale prices have been climbing at record rates. The American people know that consumer prices have increased. And, the American people feel that things are not going to get better soon.

Mr. President, a recent editorial article in the Wall Street Journal noted the reputed existence of the "stick in the closet," to be used in case price increases get "too much." But, as the Journal article concludes, "What ever became of the stick?"

The fact is that large corporations are enjoying recordbreaking profits and profit margins. Sales are booming, and the American people are paying the fare.

Mr. President, I recently held hearings on the inflation problem; Herb Stein, Chairman of the Council of Economic Advisers appeared before my subcommittee and painted the same old rosy picture of our national economic condition. In those hearings, I pressed Mr. Stein for a projection as to what he believed inflation would become. He was unwilling to answer my request in specifics.

Mr. President, I think the American people have had enough promises from this Nixon administration. It is time to take strong tough action on the price front.

Mr. President, I ask unanimous consent that James P. Gannon's article, "Phase III's Unused Stick in the Closet"; the Wall Street Journal article relating my exchange with Mr. Stein, and Hobart Rowen's recent article on the perils of phase III and inflation be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 30, 1973]

PHASE III'S UNUSED STICK IN THE CLOSET

(By James P. Gannon)

WASHINGTON.—Somewhere in the White House, there is supposed to be a closet with a stick in it.

The "Stick in the Closet" is the Nixon administration's catch-phrase for the standby powers it has to hit unions and companies which flagrantly violate the quasi-voluntary Phase 3 wage and price controls.

Treasury Secretary George P. Shultz first referred to the stick on Jan. 11, in unveiling the change from the mandatory Phase 2 controls to what he called the "voluntary" Phase 3 curbs. Seeking to distinguish the revamped Phase 3 controls from the voluntary wage and price guidelines of the Kennedy-Johnson years, Mr. Shultz conjured up the "stick in the closet" image and warned that "people who don't comply voluntarily are going to get clobbered."

Inasmuch as this is a time of feverish searching into White House closets, which contain plenty of skeletons if nothing else, it seems timely to ask: Whatever became of the stick?

What seems clear now, after more than four months of the Phase 3 program, is that the stick is more a rhetorical tool and a practical anti-inflation weapon. Nixon administration economic policy-makers, led by Mr. Shultz, believe strongly in basic supply-and-demand strategies to control inflation, rather than in any selective punishing of scapegoats who sin against the wage-price commandments. The mere existence of Mr. Shultz's shillelagh apparently was meant to serve as a deterrent to a possible widespread surge of follow-the-leader type price increases that might follow the expiration of Phase 2 controls.

To be sure, the Phase 3 stick has been rhetorically brandished by Nixon administration economic officials with great vigor and frequency. Alarmed by the widespread reaction that the switch to Phase 3 was actually an abandonment of meaningful controls, Mr. Shultz and his cohorts verbally swing the stick in an effort to restore some of the controls program's damaged credibility.

MR. SHULTZ' WARNING

Only a day after he unveiled the Phase 3 program, Mr. Shultz, who didn't like newspaper headlines that said the White House had "scrapped" controls, summoned a small group of newsmen to his Treasury office to say that the Phase 3 closet contained not only a stick, but a shotgun, a baseball bat and an arsenal of other weapons. And the government wouldn't hesitate to use them, Mr. Nixon's economy policy architect warned.

In the days that followed, as price indexes began ringing inflationary alarms, the administration kept talking a tough controls strategy. William Simon, the new No. 2 man at the Treasury, warned that "Phase 3 is going to get tough if toughness is warranted." Mr. Shultz even strode into that corporate lions' den, the prestigious Business Council, to warn that "someone will get clobbered" if the price and wage rules are broken. "If any of you want to offer yourselves up as that juicy target," the Cabinet officer told the businessmen, "we'll be delighted to clobber you."

So, much has been heard of the stick in the closet. But very little—almost nothing—has been seen of it.

That's not because everything on the inflation front is going swimmingly, of course. As everyone from housewives to purchasing agents knows, the pace of price increases since the Phase 3 program began has been the worst since the Korean war inflation of 1951.

Wholesale prices in the first three months of Phase 3 soared at a seasonally-adjusted annual rate of 21.2%. Forget for a moment the stunning 37.3% annual rate of gain in prices of farm products, processed foods and feeds, and look just at that segment of the economy that ought to be most susceptible to persuasion by the "stick in the closet"—industrial prices. In that three-month period, wholesale quotes of industrial goods zoomed at an annual rate approaching 15%, the steepest in 22 years.

The industrial price escalation reflects sizable markups on steel, nonferrous metals, oil, coal, gasoline, textiles, machinery and many other basic goods. The price of lumber has gone up so much under Phase 3 that, if the White House had to go out today and buy a new stick to put in the closet, it would cost nearly 23% more than in January.

But who has been "clobbered"? Despite the price outbreak, there hasn't been a single case of a company feeling the whack of the Phase 3 stick. The general level of wage settlements under Phase 3 has been much more stable than prices; still, there have been numerous settlements exceeding the admittedly fuzzy 5.5% wage standard, but no disciplining of labor chieftains, either.

Administration men cite various moves as evidence that there really is a stick, but the evidence isn't very persuasive. In March, reacting to climbing fuel prices, the Cost of Living Council reimposed limited mandatory price controls on 23 oil companies. But it has already begun relaxing these in the face of shortages that the companies contend are worsened by the price curbs.

Under political pressures that included a march on Washington by homebuilders, the Cost of Living Council seven weeks ago held public hearings on the soaring price of lumber. Despite the implication that it would stiffen lumber price controls, the Council hasn't followed the hearings with any such action; it is still studying the situation.

As pot roast became a luxury and housewives began boycotting the butcher, the White House took another action that's more symbolic than real: placing price ceilings on beef, pork and lamb at a time when those prices were at historic highs. By locking the barn after the inflationary stampede, the administration again demonstrated its reluctance to tighten controls in any way that really put the squeeze on anyone.

Currently, the administration faces what may be the crucial test of the whole stick-in-the-closet idea. In the midst of the worst industrial price inflation in two decades, the steel industry, led by U.S. Steel Corp., has served up a 4.8% price hike, effective June 15, on about 45% of the industry product line, principally sheet and strip. Now the ball is in the Cost of Living Council's court, where officials are studying the situation.

In the Kennedy-Johnson era, steel price hikes prompted anti-inflationary sticks to emerge from the White House closet even though there wasn't any direct price-control program. Several times during the 1960s, steelmakers trooped down to the White House to have their allegedly greedy knuckles rapped by wrathful Presidents. It became a sort of ritual dance in which the steelmakers stuck their necks out, took a couple of licks, then retreated halfway, leaving everybody with the feeling that something had been accomplished.

There's no way to predict how the Cost of Living Council will handle the steel-price bid. But it's fair to say that if it doesn't do anything to forestall or reduce a price hike that's bound to ripple throughout the economy in coming months, the stick in the closet can be put down as a myth.

A DEBATABLE ISSUE

There's room for debate over whether the stick really ought to be wielded with force and frequency, of course. A case can be made that now is the crucial time for the administration to demonstrate that it won't allow inflation to get out of hand and that it's willing to whack a few scapegoats. This might restore public confidence.

Administration men argue another case: that beating the lumber industry, oil men or farmers over the head with a price stick isn't going to solve supply tightness in lumber, oil or meat. The administration's anti-inflationary strategy is to find ways to boost production or imports of products that are under heavy demand pressure.

The administration, in fact, seems ready to accept a considerable degree of price upturn in a period of strong demand, such as the present. Prices, Mr. Shultz likes to tell listeners, have an essential rationing function to perform by allocating scarce supplies among those willing to pay what the traffic allows.

Thus, classic supply-demand economics is dominating the administration's policy today and probably will as long as Mr. Shultz, an ardent free-market disciple, remains in charge. It's difficult to fit a punitive stick into that philosophical closet. After all, if a businessman is only helping to ration a scarce commodity among all those customers lined up at his door, should he be walloped for it?

Maybe the administration economists are right in their judgment that a general demand-pull inflation can't be effectively and equitably controlled by application of the stick. But if the stick is any more than a rhetorical wand, now's the time to prove it. If not, they ought to quit kidding everybody about the contents of that closet.

[From the Washington Post, June 3, 1973]

ECONOMIC IMPACT OF WATERGATE

(By Hobart Rowen)

Nothing shows the devastating effects of Watergate so clearly as the way the administration has let the economy get out of hand. A serious inflation, which threatens to wind up in a crashing bust, rages uncontrolled, leaving the Federal Reserve to run a patchwork rear-guard action that so far hasn't been effective.

Yet, the economy is about the one area where Mr. Nixon—whose overall authority has been weakened by Watergate—could act decisively, without the necessity of Congressional approval.

Under the Stabilization Act which was recently renewed, he could—if he wished—return the country to the more effective wage-price controls of Phase II.

Consumer credit, exploding at an unbelievable rate, largely due to the disastrous price inflation, needs to be curtailed.

With good logic, many consumers have concluded that they might as well buy today, before tomorrow's price increase. But the problem is that such a large percentage of personal income is now committed to paying off installments that the debt burden begins to act as a drag on the economy.

Treasury Secretary George P. Shultz is committed to the view that the administration's current inflationary posture is adequate, and that nothing tougher either in fiscal-monetary policy or in the wage-price area is warranted.

He knows that it would be almost impossible to get an income tax surcharge through the Congress at this stage of the game. But it's not too late to try to deflate the boom in capital goods—even though, obviously, it would have been more advantageous to have made such a move months ago.

In fact, many economists are of the opinion that the administration has messed things up so badly that there is nothing that can be done at this point to reduce the inflationary dangers in the short run.

Yet there is one fiscal device that can be used, and key officials have been toying with the idea, knowing that the influential Wilbur Mills (D. Ark.) would probably be receptive to it.

That is an additional tax on gasoline, which would have a deflationary effect, help balance the budget and reduce the use of gasoline during this period of the "energy crisis."

Each additional 1 cent in gasoline taxes would bring in an estimated $1 billion in federal tax revenues. What is being considered is a 5-cent additional tax which would raise $5 billion, and just about balance the unified budget in fiscal 1975.

The "do-nothing" crowd in the administration is strongly supported by Dr. John Dunlop, director of the Cost of Living Council, who thinks that the most important contribution to price stabilization is the assurance of labor-management peace.

But there are forces within the administration who think that Shultz and Dunlop are missing the boat by adhering to a narrow view of how to go about stabilizing the economy.

There may be temporary labor-management peace under the private accords Dunlop is making with the big unions. But the average consumer is all too aware that inflation is robbing his pocketbook every day. And as this continues, neither union members nor union bosses are likely to show restraint, despite the vaunted Dunlop "magic."

When consumer prices rose last month at the outrageous seasonally adjusted rate of 7.2 per cent CEA chairman Herbert Stein moved front and center to proclaim it for the TV cameras as "welcome news."

It was "welcome" when compared with February's 8.4 per cent rate and March's record 10.8 per cent rate. And April's food price increase of "only" 16.8 per cent was a blessing, when compared to advances of rates as high as 28.8 per cent within the past three months.

But Mr. Stein knows better than that. The big danger is the rapid upward push in wholesale industrial prices. Over the last three months, the annual rate of increase in this index has been about 15 per cent; in consumer finished goods, excluding foods, it has been at a rate of more than 20 per cent.

The recent weakness of the dollar—stemming entirely from a crisis in confidence because of the Watergate scandal—has resulted in a 3 per cent additional loss in the international purchasing power of the dollar. This, in turn, will be reflected in higher prices for imported raw materials and products.

The January decision to drop Phase II in favor of a weaker Phase III will rank as one of the great disasters in economic history. It was a bonehead play of monumental proportions, totally unnecessary and hard for administration apologists to rationalize even now.

Phase III was brought onto the scene before the inflationary spiral had come under control. Now we are in the grip of a new spiral, immeasurably worsened by the awful climate of Watergate.

It will be tough, and maybe impossible, to get the genie back in the bottle. But the attempt should be made, discarding Phase III, and going back to a very broad Phase II with mandatory wage-price controls and an enforcement agency that really means business.

It is fairly clear that in today's Watergate-saturated Washington, very few persons have the President's ear on economic matters. But it is also reported that John Connally, who once before rescued Mr. Nixon's economic program with the 1971 New Economic Policy, is teaming up with Federal Reserve Chairman Arthur F. Burns and a few others, demanding that Shultz' stand-pat policies be overturned.

But whether Connally can persuade the President to shift gears again remains to be seen. "King George (Shultz) is still the boss," says one disaffected adviser.

STEIN GIVES ASSURANCES INFLATION IS COOLING IN DEFENDING WHITE HOUSE ECONOMIC POLICY

WASHINGTON.—In a busy day of defending White House economic policies, Herbert Stein made an anti-inflation bet with a Senator, donned rose-colored glasses to meet the press and assured both that the recent upsurge of price increases is only a temporary problem.

The President's chief economist, in a morning hearing on Capitol Hill, jousted in sometimes-acrimonious debate with Sen. Hubert Humphrey (D. Minn.), who charged that the Nixon administration's policies were a "disaster" and its forecasts "pipe dreams." In the end, the two men settled on a friendly bet over whether the administration will reach its anti-inflation goal for 1973, with the loser to buy the winner "the best dinner in town."

At an afternoon White House press conference, Mr. Stein showed up wearing glasses with a distinct rose tint ("they are my television glasses," he beamed) and reiterated his morning message: that after a "temporary" surge of inflation in 1973's first four months, the economy is slowing and cooling.

Mr. Stein, who is chairman of the President's Council of Economic Advisers and who is given to occasional rhetorical flourishes, opened his press-conference review of the April economic indicators with this comment: "April is the month we sent out the dove and the dove returned with a twig, suggesting there is dry land in the neighborhood and the floodwaters of inflation are receding."

In a more serious tone, the White House economist told newsmen that signs of a "more moderate economy" were beginning to accumulate in April's statistics. He cited the slower rate of rise in consumer prices compared with the two prior months and declines in monthly retail sales and durable-goods orders.

NO MAJOR POLICY CHANGES SEEN

These welcome developments, he suggested, are further evidence that major changes in the administration's economic policies aren't necessary. The April economic indicators "didn't call for any changes in our policy," he said.

Commenting on the stock market's recent slump, Mr. Stein said he believes Wall Street is "overestimating the uncertainties in our situation." He added: "People are nervous about the way things are going."

When asked if the spreading Watergate scandal was a factor, Mr. Stein said he didn't know, but rejected the notion that the administration's economic policy-making has been paralyzed by the affair. It isn't true, he said, that White House economic aides "are sitting here hypnotized waiting for the next edition of the Washington Post to come out, like a rabbit hypnotized by a snake."

In his appearance before a subcommittee of the congressional Joint Economic Committee, Mr. Stein listened to a lengthy lecture by Sen. Humphrey on the "failures" of administration economic policies. The Democratic lawmaker charged that, "Across the board—from the price of gold, to balance of payments, to stockmarket decline, to consumer confidence, to increasing interest rates—the economic policies of this administration spell disaster."

"That," retorted Mr. Stein, "is the most one-sided, misleading and dangerous description of the American economic situation that I've ever heard." After some sparring with the White House official, Sen. Humphrey said he was most disturbed by optimistic administration forecasts of a slowdown in inflation.

A WAGER OVER INFLATION

Noting that the gross national product price index, the broadest measure of inflation, rose at a 6.6% annual pace in the first quarter, Mr. Humphrey pressed for a second quarter projection by Mr. Stein. "We'll probably have a fairly high figure in the second quarter," the White House economist conceded, but said it would be "significantly" less than 6.6%.

Citing the Nixon administration's projection that the GNP price index for all 1973 will rise about 4% from 1972, the Senator challenged Mr. Stein to a wager. "I'll bet you the best dinner in town that you can't get it down to 4%. How'd you like to take that on?"

"I'll take that on," Mr. Stein replied, "because I can't lose. I'd love to have dinner with you anyway."

In his prepared remarks, Mr. Stein suggested that "the great surge of inflation in the last three months" is ending. "My basic view," he said, "Is that the rapid inflation recorded from January to April was largely the result of temporary forces and that the rate of inflation won't continue at this rapid pace but will slow down considerably in the remainder of this year."

The "temporary forces" cited by Mr. Stein include a spurt in food prices, a surge in economic activity in the U.S. and abroad, the 10% dollar devaluation of February which raised prices of imports, the January change from the mandatory Phase 2 controls to the quasi-voluntary Phase 3 restraints and fears of a new price freeze which may have triggered anticipatory price boosts in recent weeks.

"Most of these phenomena were, we believe, temporary," he said.

THE BETTER COMMUNITIES ACT

Mr. **GOLDWATER**. Mr. President, as this body knows, there are many communities throughout the country that are vitally interested in the so-called Better Communities Act which would alter and make more flexible the Federal funding of community needs.

Among the municipalities concerned with this problem is the city of Tucson in my home State of Arizona. The mayor and city councilmen of Tucscon believe that the government bodies of the communities have a more knowledgeable insight as to the urgent physical, social, and economic needs in their unique areas. They believe the Better Communities Act recognizes this fact and would enable quicker and better allocations of funds where they are most needed with a minimum of delay, red-tape, and overlapping.

Pursuant to this belief, Mr. President, the mayor and the councilmen of the city of Tucson have adopted a resolution urging the President and the Congress to give early and favorable consideration to adoption and approval of the Better Communities Act. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 8806—RELATING TO THE BETTER COMMUNITIES ACT

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

The substitution of federal funding of community needs from the grant-in-aid programs to the more flexible method proposed under the Better Communities Act would be of great help to the cities and towns and their citizens.

The governing bodies of communities have a more knowledgeable insight as to the urgent physical, social and economic needs in their unique areas, and the proper priorities that should be established for each. The Better Communities Act recognizes this fact and enables quicker and better allocation of funds where they are most needed, with a minimum of delay, red tape, overlapping and inflexible distant decisions and controls, and we heartily endorse this Act.

Wherefore, your Memorialist, the Mayor and Councilmen of the City of Tucson, Arizona, prays:

That the Congress give early and favorable consideration to and adopt this Better Communities Act, and that the President approves same.

The City Clerk is hereby directed to send copies of this Memorial to the President of the United States, Richard M. Nixon; to Senator Barry Goldwater, Senator Paul Fannin and Representative Morris K. Udall; to the Chairmen of Committees to which this Act has been assigned, and to the Secretary of the Department of Housing and Urban Development.

COMMUNITY MENTAL HEALTH CENTERS ACT

Mr. **MONTOYA**. Mr. President, 10 years ago this body began a fight for the mental health of every American. The legislation passed then created a program which has been so successful that—Mr. President, I must apologize to the members of this body for making what must seem like an Alice-in-Wonderland ending to this sentence: the program was so successful that the administration has now asked that we destroy it, stop funding it, and ask our mental health professionals to go back to square one in their search for funds to build, staff, and operate community mental health centers.

Has the problem gone away? No. Like other health problems, mental illness will not disappear. This Nation must continue to search for better ways to provide for the health care of its citizens, including better mental health care.

Today one out of every four American families has a member in need of some kind of professional mental health care: an estimated 20 million mental patients.

Nine million Americans are alcoholics: patients whose illness results in one-third of all our suicides and one-half of all our homicides.

At least 600,000 Americans are heroin addicts; their addiction is an illness which is reflected not only in health statistics, but in crime statistics, as we all know.

Ten million American children are in need of the preventive mental health care which we now have the capability—but not the facilities or the staffs—to offer them.

As a result of mental illness 20 billion production dollars are lost every year in the United States, proving that President Nixon was correct when he stated to Congress in 1971:

> Not only is health more important than economic wealth, it is also its foundation.

Those figures represent needs which are not going to disappear or diminish, no matter what we decide here in this Chamber, and no matter what the administration proposes. Ten years ago, after examining the reports of the Joint Commission on Mental Illness and Health, the Congress faced that truth squarely, and determined to make available to every American in his own community the best mental health care possible. It was not a partisan issue. It was not a temporary or short-term commitment. Our goal then was the creation and operation of 1,500 community mental health centers by 1980, so that mental health care could be provided for the entire population regardless of ability to pay.

The 1963 Community Mental Health Centers Act sought to provide sensible, ongoing assistance from the Federal Government to the States through matching funds grants for construction, for research and for staffing.

With that legislation, Mr. President, we set in motion a program which has accomplished the seemingly impossible: in the face of unprecedented inflation in other kinds of health care costs, this program has been able to treat more patients each year—and for less money per patient. It has truly allowed us to do more with less, and to do it better.

The cost for treatment of the nearly one million patients served in community mental health centers in 1972 was less than one-tenth what it would have cost us to treat those same patients in State institutions.

There has been a dramatic reduction in the resident population of State mental hospitals: from 558,000 in 1955 to 276,000 in 1972. Part of that reduction is due to better forms of medication, but it is significant that cutting our inpatient population in half exactly parallels the growth of the Federal program to fund community centers.

One need only compare the average per-patient-episode cost of $380 in community mental health centers to the per-patient-episode cost of $4,749 average in other institutions to understand the economic effectiveness of this program. Because only 11 percent of patient care in the centers involves in-patient care, costs can be dramatically reduced.

But cost alone should not be our criterion in health care. We want the best health care for Americans, of course. Every expert in the field now agrees that long-term inpatient care for mental illness is self-defeating in most cases. The old-fashioned concept of hiding our mentally ill neighbors in snake pits with high walls—"warehousing," the professionals call it now—has been outgrown. We now know that isolating human beings causes changes in brain chemistry which result in mental illness. Thus "warehousing" patients is a vicious circle, with no escape for the patient.

The community mental health center concept of treating mental patients near their homes, on an outpatient basis if possible, has broken that circle. With local care which includes posthospital consultation, educational programs in the community, and preventive services, the average length of hospitalization has been reduced to less than 20 days, and hope for a normal life has returned to thousands of sick Americans.

The centers created by the program Congress initiated 10 years ago have begun to provide effective health care in the least expensive and most humane way possible. Through the treatment of mentally ill patients near their homes, in their own communities, and on an outpatient basis, mental illness is beginning to be considered a terminable disease instead of an interminable nightmare.

This program has clearly met all the requirements of the administration's stated desire for "change that works."

Yet now we have been asked to abandon it one-third of the way toward the original goal. We now have 493 centers operating, with the Federal Government providing approximately 30 percent of the funds for construction, research, training and staffing. But there are still more than 1,000 catchment areas which do not have centers, Mr. President. More than 150 million people do not have access to a community mental health center yet. Many of these are the people most in need, since poverty and near-poverty areas have been least able or slowest in qualifying for the matching funds.

This administration has a record of opposing health programs while giving them lip service, unfortunately. Through vetoes, through impoundment, and through failure to support existing or proposed legislation, they have made clear their lack of interest in a medical care system that works for all the people.

In 1971 and 1973 they requested no construction funds for community mental health centers. They have opposed authorization for money in the mental health field as well as in other health fields. It has recently been reported that 78 applicants currently have approved but unfunded grants for the development of new community mental health centers. More than 96 more such applications are said to be "in the pipeline"—that is, they are still waiting approval and funding decisions.

Yet the 1974 budget request of the President asked for no money for new centers, and requested a phasing out of the Federal support for existing centers. The budget asked for no funds for new research training programs for psychiatrists.

Why? The administration's position in asking for these cuts is hard to follow, but it seems to be phased on the theory that our aim in creating this legislation was to "demonstrate" an experimental program. Using that reasoning every Federal program which operates through authorizations with expiration dates is a "demonstration program"—and that would include, of course, most of those programs administered by HEW.

A second argument made by Secretary Weinberger has been that since only one-third of our needed number of community mental health centers have been built or funded, it is unfair for them to continue to exist while the rest of the country does without. The purpose of this legislation, of course, was to move toward the time when all areas of the United States were served by community mental health centers. We are part of the way down that road, and it is difficult to see how we would ever get to the end of the road if we stopped taking one step at a time. It is true that some communities now have the advantages of community health centers, while others do not. But eliminating the health care we are helping to provide in one area will not noticeably help other needier areas. That seems a remarkably naive argument, Mr. President.

A third contention of Mr. Weinberger has been that the money provided by the Federal Government should now "be absorbed by the regular health delivery system." This is the most treacherous of all the arguments made in defense of the budget cuts. According to HEW press release, financing for the mental health program can be accomplished by contributions from individuals, State and local governments, reimbursements from third-party systems, patient fees, revenue sharing, or national health insurance.

At the present time no national health insurance exists, of course. The administration's own proposal specifically excludes mental health care. While national health insurance may someday provide the means by which all Americans can receive adequate mental health care, that day is surely not here yet. How can existing centers survive until that day? How could new centers ever be built?

Special revenue sharing for health has not been proposed and may never be proposed.

General revenue sharing has not contributed significantly to any service programs. The competition in the states and cities for that money is severe—and not likely to get better.

Existing government programs like medicaid or medicare provide only a fraction—6 percent—of present support, and are limited to the elderly or to other specific groups. Coverage varies from State to State, as do the State laws regarding it.

Private insurance policies rarely cover mental health care, and are usually very expensive. What that really mean is that only those who can already afford mental health care are covered. But the majority of community mental health center patients have incomes below $5,000. It would be impossible for them to pay the full costs of the services they need.

State and local governments now provide almost 40 percent of the funding for the community mental health centers, Mr. President. The Federal Government has provided about 30 percent up to this time. The rest has come from sources of that "regular health delivery system" Mr. Weinberger speaks of—and my evidence shows that the amount it can contribute is limited to approximately what it has contributed in the past—at most one-fourth of total cost.

In my State of New Mexico we feel the mental health center concept has been very successful. Since the opening of the Bernalillo County Mental Health Center in 1969, more than 11,000 adults and 1,400 children have been served. This is a multi-ethnic, low-income and high-unemployment area, where the need is severe. The center program has actively involved prevention, treatment and rehabilitation of mental and emotional disorders, mental retardation and drug abuse. In addition it provides a wide range of services including 24 hour hospitalization, outpatient treatment, aftercare and neighborhood-based mental health services in speech and hearing, community education, and suicide prevention.

One aspect of the Bernalillo County program which is important to a State like New Mexico is the center's success in directly serving residents other than those in Bernalillo County. It has provided consultation, education and information to 62 centers, councils, schools, and workshops throughout the State of New Mexico, and is especially helpful to areas where the low population ratio makes a full time center impractical. The number of those patients sent to the State hospital from Bernalillo County is at an all-time low of 4.5 percent today, as compared to the 28 percent referred prior to the opening of the center.

But, Mr. President, the Bernalillo Center is one of those which would suffer drastically if the funding for the Community Mental Health Centers Act is not extended or renewed.

I would like to read to you one paragraph from a letter sent to me by Dr. Walter W. Winslow, director of that center:

> While there is broad community support for the Mental Health Center, there is little or no prospect that additional local funding can be obtained. There is as yet no CMHC Act in the State, nor is there any mil levy or other taxation device available for continuing support. The current "tax revolt" almost precludes further local community monetary support. We are already collecting about all of the fee for services that we can under existing legislation. The majority of our services are furnished by paraprofessionals and are not billable. We also provide a wide range of services that are preventative, consultive, educational, or rehabilitative, and there is no payment mechanism for these services. It has become abundantly clear that the revenue sharing funds are going for capital improvements and not operating funds. In short, none of the arguments advanced are entirely valid. It is the considered opinion of the staff of this Center that it is absolutely essential to extend the Community Mental Health Centers Act.

I think, Mr. President, that Dr. Winslow's statement speaks for itself. Under the budget restrictions suggested by the administration, the programs which have been developed with such care—programs which HEW admits are working well and should be continued—programs like the Bernalillo County Mental Health Center—would be cut off from Federal funding which is life-blood itself to them.

The long term costs of mental illness neglected are very high. Are we prepared to pay them someday? Will our children be better able to pay in the future the costs of our neglect today?

Certainly we have found a better way to serve mentally ill patients. We know

now what works. All we have to do is to keep it working while we continue to move toward the day when it will be working for every community in America.

It was essential that we extend through fiscal year 1974 the minimum funds to support the ongoing programs and fund new centers. The Senate and House have overwhelmingly supported that proposal. It is now imperative that we consider reinforcing the Community Mental Health Center Act in order to make sure that our original goal will be met—mental health care for every American who needs it.

Mr. President, I ask unanimous consent to print in the Record two further letters concerning the community health centers operating in New Mexico and their accomplishments as well as their needs. (Letter from Joanne W. Sterling, February 6, 1973, and letter from Walter Winslow, April 17, 1973.)

There being no objection, the letters were ordered to be printed in the Record, as follows:

Bernalillo County Mental
Health Center,
Albuquerque, N. Mex., February 6, 1973.
Hon. Joseph M. Montoya,
U.S. Senate, Committee on Appropriations, Washington, D.C.

Dear Senator Montoya: Your inquiry concerning our neighborhood services program is very much appreciated. I hope the following information will be helpful.

As outlined in our brochure, there are six neighborhood mental health contacts teams located within the Bernalillo County area. Five of these are located in "storefronts" within the following areas; Barelas, Martineztown, North Valley, South Valley, and the South Broadway area. The sixth is the Heights Team which is located within our central facility rather than being based in the community. While the staffing pattern of each team varies somewhat, they do employ nurses, social workers, child development workers, psychologists, and para-professional mental health workers. Many of the latter are residents of the neighborhoods in which they work and are graduates of the Department of Psychiatry's two year New Careers training program which leads to an Associate of Arts degree. Psychiatric consultation services and other specialized treatment and evaluation services are made available to the teams on an as-needed basis.

The neighborhood-based teams focus upon providing mental health care to the residents of their service areas. This includes providing counseling and treatment to persons whose emotional problems can be dealt with on an out-patient basis as well as follow-up treatment to patients who have required short-term, in-patient care at the center or longer-term care at the state hospital. During the month of December, for example, these six teams saw 724 patients for a total of 1298 contacts.

Since last July, our neighborhood services have expanded significantly by means of three special grant programs. Our Youth Services section has developed a soft drug abuse program for young people which involves two drop-in centers; one of these is located in the Old Town area and the other is on South Broadway. Also, a transitional living facility for up to 14 youth who are estranged from their families will open soon on North 12th Street. Approximately 150 young people are currently involved in those programs at present. Through the Law Enforcement Assistance Administration we received two small grants which enabled us to establish a rehabilitation program for ex-convicts and their family members and a specialized treatment program for sex offenders. Those programs have a combined caseload of about 170 individuals and are located in the Southwest section of the city.

I hope the above summary will be helpful. If your schedule should ever allow it during your visits to Albuquerque, please feel free to visit our center or any of its components. We would be delighted to talk further with you, or any member of your staff, about areas of our program which are of interest.

Thank you very much.

Sincerely,

Joanne W. Sterling, Ph. D.,
Assistant Director for Special Programs.

Bernalillo County Mental
Health Center,
Albuquerque, N. Mex., April 17, 1973.
Senator Joseph M. Montoya,
Senate Office Building,
Washington, D.C.

Dear Senator Montoya: We would like to take this opportunity to thank you for taking the time from your busy schedule to meet with us on April 3, 1973.

You requested that we supply some data on the success of Community Mental Health Centers in New Mexico and we would like to submit the following for your consideration.

The State Mental Hospital maintains records of admissions of mental patients on a county by county per capita basis. Prior to the opening of the Bernalillo County Mental Health Center in February, 1969, Bernalillo County ranked 24th per capita. By June, 1972, Bernalillo County ranked 31 of 32 counties with neighboring Sandoval County ranking 32. This is an indication that the Center is having an impact on that county and is borne out by the enclosed statistics showing 87 contacts from Sandoval County.

Equally significant is the fact that the counties served by the Southwest Mental Health Center in Las Cruces are ranked 27 through 30 in the per capita admissions. Neighboring Valencia County also has an excellent per capita rating because of the availability for our services.

Since the average stay at the State Hospital is approximately 65 days and costs are roughly $20 a day, there is approximately a $1,300 hospitalization bill. At this Center our average inpatient stay is 5 days and our costs are $33 a day, so there is a comparative hospitalization figure of $165. This, aside from the humanitarian aspects, is certainly a more economical manner of treating the mentally ill. In addition, we have 65 to 70 children in special day schools for mentally retarded, emotionally disturbed, and deaf/blind children who would most likely end up in one of the state institutions of the retarded for their entire lives if it were not for these training programs.

It is our opinion that rather than cut back the community mental health centers, effort should be made to establish a network of such centers throughout the entire state.

As you well know, the tax base in most counties in New Mexico (where some are almost entirely public lands) is such that this can never become a reality without substantial federal support. These are among the most significant statistics, but if you require other specifics, please indicates the type of data that you want and we will attempt to supply it.

Again, many thanks for your cooperation.

Yours sincerely,

Walter W. Winslow, M.D.,
Director.

NO BLANKET AMNESTY FOR DRAFT DODGERS AND DESERTERS

Mr. THURMOND. Mr. President, I was very glad to see a recent editorial on WSPA television which voiced strong objections to a blanket amnesty for draft dodgers and deserters of the Vietnam War.

As the editorial pointed out:

> It is not amnesty for the undeserving we need, but a big dose of responsibility, disciplines and respect for law.

This goes straight to the heart of the matter.

Mr. President, I ask unanimous consent that the editorial entitled "Amnesty? No!," which appeared on WSPA Radio and Television May 31, 1973, be printed in the Record at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Amnesty? No!

There is a saying about "turning the other cheek" and it would seem that this is what the Conference of Major Superiors of Men are requesting. The Conference is an organization of some thirty thousand priests and brothers consisting of 180 Catholic orders.

They have urged unconditional amnesty for all Americans who broke the draft or deserted military units to avoid service in the Vietnam War. WSPA sees no reason to give these men universal and unconditional amnesty. Each of these deserters made his own choice. Over forty thousand Americans stood firmly behind their country and gave their all. How this Conference of Major Superiors can ask that the American people should forget these total sacrifices and those of thousands more of their comrades who will bear scars for life, is beyond our comprehension. To grant total amnesty to those who refused to serve would be a disservice to every American who died. These people who are weeping scalding tears for deserters say that it will take unconditional amnesty to heal division and restore harmony to the nation.

WSPA disagrees. As we see it, it is not amnesty for the undeserving we need, but a big dose of responsibility, disciplines, and respect for law. If this country's moral fiber is to regain its consciousness, then we must teach our citizens that they have rights and they have responsibilities, and the two go together like ham and eggs.

BACKPACKING IN UTAH

Mr. MOSS. Mr. President, the delights of backpacking into Utah's Escalante Canyon are described in colorful detail in an article which was carried in the Washington Post on Sunday, June 3. Since I have hiked the area myself, I thoroughly enjoyed Stephen Silha's account of his trip. There are no roads in the Escalante, no mechanical means of transportation, no vestiges even of civilization. One couldn't be farther away in spirit, or in actuality, from the noise and pollution of city life.

I recalled with some satisfaction that it was my bill to establish the Glen Canyon National Recreation Area, and enacted by the 92d Congress, which set in motion the wheels to protect the Escalante. That bill expanded the boundaries of the Glen Canyon Recreation Area to bring into it all of the Escalante watershed from Harris Wash southward, and provided that the entire area should be studied for possible wilderness designation. That study is now underway.

The road mentioned in the article, which is necessary to provide access to

Lake Powell, was also authorized by that bill, but routed specifically to cross the river at the lower end of Escalante Valley, close to the shores of Lake Powell, so that the upper reaches of the canyon could not be violated in any way, but could be kept in their present primitive state.

So come west to Utah's Escalante Valley all of you backpackers—a great experience awaits you.

Mr. President, I ask uanimous consent that the Washington Post article, entitled "The Backpacker Owns the Earth," be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Backpacker Owns the Earth

(By Stephen Silha)

Escalante, Utah.—Brushing breathlessly against redrock cliffs, gnawing on a stick of beef jerky, clambering over boulders dumped by a rockslide, tromping near Indian ruins; a backpacker owns the earth. Backpacking gave us a rare look at ourselves: swallowed by canyons, yet towering over toads.

This is the Escalante River Valley in southern Utah. Above the canyon walls are rocks, sand, scrub juniper and ruthless desert sun; in the moist canyon itself, cottonwoods, a little quicksand and surprise rain showers. Everywhere, incipient adventure but few humans.

Like many modern Daniel Boones, we had abandoned freeways and motel frills to follow the pollution-free, naturally air-conditioned, hoof-beaten trail to jagged cliffs and opened eyes.

I felt a bit quilty taking an airplane out of the usual East Coast turmoil into the quiet of Salt Lake City, which is fast becoming a magnet for skiers and backpackers; a rather polluted Mecca in the shadow of the beautiful Wasatch Mountains. My guilt faded as I saw how the automobile dominated the city; better not to own one. Airplanes and backpacks complement each other.

On our small-craft flight to rugged Escalante, we saw how much of Utah is unsettled, raw looking. The desert yawned and we went in: a backpacking, bird-watching, walk through cactus and cattle country and into Coyote Canyon.

In and alongside the uneven creek, we probed the canyon floor as deeply as the pack straps dug into our backs.

"Watch out for rattlesnakes," a local tour leader told us. It was, I thought, his way of saying, "Keep your eyes on the ground; there's much to see."

We never saw a snake, But we did see much else: budding wildflowers, waterfalls, lizards, the abandoned cave-home of some Colorado uranium speculators, frogs, canyon wrens, color-crayon cliffs striated by iron deposits and earthfolding and magnificent red-and-yellow arches.

Undaunted by a few threatening clouds in the midmorning sun, we entered the canyon through a gradual ravine called Hurricane Wash. By early afternoon, we had found a dry campsite in a large cavelike hollow part way up the steep canyon wall. A brief rain capped the canyon with a rainbow. I was glad to have hiking boots with thick, rubber-cleated soles and high tops with no side-arms. I spent much of my canyon time traversing Coyote Creek trying to avoid the eddying pools while snapping pictures, exclaiming over shapes and colors, and keeping up a steady pace.

Experienced packers seldom rest (some say 5 minutes every hour). They keep an even pace until they reach a campsite, usually before midafternoon. Then, after setting up camp (finding the right terrain, deciding on places to eat and sleep, collecting wood and water) they play. They swim, explore distant arches and crags, or walk to interesting spots seen that morning.

Howling coyotes, far away. Laughing canyon wrens, up close. Now the thrill of coming upon an improbable rock arch. Then the quiet of a cold bath in a "tub": a rare, three-foot deep spot where the creek massages goose-pimpled skin. . . .

Yukon Pie, a meatless dish that tastes like a rich beef stew topped by fluffy dumplings shows how soy protein and freeze-dry technology have outflavored the old powdered camping fare. Most ecologically minded campers no longer cook over an open fire, though they may start a small night fire for light and warmth. A pack-sized stove that runs on kerosene, white gasoline, or a compressed-gas cartridge, can start faster and cook more efficiently than the diffuse flames of wood.

Such are the joys available here to anyone willing to heft a pack. Even children generally do well on the trail, especially if they're natural out-doorsmen. They can carry their lightweight share of the load, too.

Bob Sorenson charges $25 per person for a jeep ride down the dusty dirt road from Escalante to Coyote Canyon (where the backpacking is choice) and back. We understood why after we saw the rugged rockbed he drove over. With more time, we could have walked. It would have been long and hot.

Malin Foster, who runs a trail-guide and outfitting company called Peace and Quiet, Inc., will provide backpacks, sleeping bags, meals, and know-how. "Spring and fall are the best times to hike in this country" he suggests. "Mid-summers are too hot and there's a danger of flash floods." Many people drive in their own cars, park them under a tree and strike out on their own with a map.

Backpacks are rugged. Their (usual) nylon shells and aluminum frames can withstand reasonable abuse and are available in all sizes. Parts that could break are replaceable. Reports still abound of backpacks being damaged by airline handling. But as more travelers carry packs, the baggage tossers learn where it's best to store the packs and where not to pick them up. Today most packs come through unscathed.

The exhilaration of backpacking can happen anywhere. Like the Escalante Valley, many areas retain their magic because of relative inaccessibility by any means but the trail. Out here, a proposed new highway (which would allow more people to see the valley) threatens to change it for backpackers, and environmentalists are fighting to stop it.

Their argument is based on new reality in many people's lives: leisure time, mobility and affluence, which foster the desire to use wilderness areas. A Wasatch Mountain Club flyer calls the public's new wilderness approach "more sophisticated," with a "hunger for nature that cannot be satisfied merely by more boat marinas, waterskiing facilities, mass-camping areas and highways."

Richard Holmstrom, sales manager for Kelty Manufacturing Company of Glendale, Calif., points to President John Kennedy's physical fitness program of the '60s as a key spur to muscle-bending vacations. Like most pack manufacturers, Kelty is based on the West Coast, "where the sport began."

Modern metal pack frames, which transfer 75 per cent of the pack's weight to the hips, were invented only in the past 20 years by A. I. Kelty and some friends who hiked the Sierras and the Rockies toting gunny sacks. Now though pack companies call it an "infant industry," pack-and-frame selling is big business.

In fact, backpack manufacturers have increased production by 25 per cent each year and plan to continue expanding. Salesroom reports, until a recent lull, have shown business almost doubling yearly. Foreign imports are large.

Next to biking, backpacking may be "the new No. 1 summer sport," outfitters proclaim. Yet Charles Kallman, who runs a 12-year-old store in Boston called Wilderness House, sees backpacking giving way to mountaineering. This is a more rugged sport yet, involving climbing ropes, axes and other special equipment.

In spite of all the new synthetics, he advises, there's still no substitute for the strength and warmth of wool clothes, down sleeping bags and leather boots for either backpacking or mountain climbing. Wool retains its warmth even when wet. A good pair of boots costs from $35 to $70. Pack and pack gear can ring up a bill from $45 to $100. Down sleeping bags run an additional $45 to $140.

Fortunately, I can always leave the world of prices and take to the trail. My pace slows down, the city tension melts.

"This place knows no time," echoes Utah canyon guide Bob Mcdougall as he and his dog Duff (who caries his own supplies in his own pack) pause to meditate in front of a balanced rock.

The Utah Travel Council, Council Hall, Salt Lake City, Utah 84114, publishes a guide to "package tours" listing prices and details of possible trips such as the one described above.

Books To Get You Started

Mention backpacking to any outdoorsman and he'll likely blurt out "'The Compleat Walker' by Colin Fletcher" (Knopf, $7.95—hard cover only) before you have a chance to ask what book to read before your trip. The book's 353 pages present in deft detail the techniques and philosophy of Fletcher the backpacker. And his may be the only book which in itself can prepare a novice for backpacking.

Recently, several newer, less expensive paperbacks have come out giving helpful looks at backpacking lore:

"Pleasure Packing" by Robert S. Wood (Condor, $3.95) gives a free-wheeling look at "how to backpack in comfort." Outstanding section on pre-trip conditioning.

"Backpacking One Step at a Time" by Harvey Manning (REI Press, $7.50) is a competent, equipment-oriented manual, straightforward and accompanied by humorous drawings.

"Backpacking It!" by Andrew Sugar (Lanver, $1.95) is much shorter, selective, and includes regional maps on where to go packing.

"The Compleat Backpacker" by Jerry Herz (Popular, $1.50) is a wide-ranging guide that opens with warmup exercises to do at home and ends with a section on emergency wilderness survival techniques.

MANPOWER FOR DEFENSE

Mr. GOLDWATER. Mr. President, at a time when we are becoming increasingly aware of sophisticated weapon systems, it is a bit ironic that the principal focus of attention has recently returned once again to the human weapon—the soldier—the man. Among the more important questions now being raised in the matter of our national defense concerns how many men we will need, how much they will cost; how are we to get them and how can they be used most effectively?

It stands to reason that despite all the talk of automation and exotic weaponry nothing has yet been invented that will replace the man on the ground as a final determinant of success or failure in battle. It is perfectly obvious, but even so it requires repeating and emphasizing from time to time that without man the machines and the weapons of defense are largely meaningless.

Mr. President, many people do not yet realize that we spend about 56 percent of the total national defense budget for manpower procurement, retention, pay and related programs. A great deal more needs to be known by the public generally about the very large role military manpower still plays in our total defense picture.

Recently, Mr. President, the Association of the United States Army produced an excellent position paper entitled "Manpower for Defense." It goes into questions such as how many men we will need and what it is likely to cost the taxpayer to maintain an effective force. Because of its great importance to the members of the Senate I ask unanimous consent that this position paper be printed in the RECORD.

There being no objection, the position paper was ordered to be printed in the RECORD, as follows:

MANPOWER FOR DEFENSE

INTRODUCTION

In an era of increasingly sophisticated and exotic weapons systems, there is at least a modicum of irony in the fact that the principal focus of attention now should return again to the ultimate weapon—the soldier—man. How many do we need? How much do they cost? How do we get them? and How do we use them most effectively? These are four complicated questions for which uncomplicated answers are being sought—and this won't be easy.

Many factors contribute to the dilemma. Nothing has yet been invented nor is likely to be that will replace a man on the ground as the final determinant of success in battle, or, for that matter, as the visible and credible segment of defense. For without him, the machines and weapons mean nothing. We have gone far in supporting and moving men to and on the battle area. But the costs of going further in mechanization and weapons systems are rapidly reducing our options.

The idea that every able-bodied man has some obligation to his country for military service if needed has lost currency in some circles. As a result, our Armed Forces must resort to the more costly route of obtaining manpower exclusively from voluntary sources, and there are indications that it could be difficult to continue to get the numbers and quality needed.

Despite great and continuing efforts to make our manpower more cost-effective, to streamline our forces and to eliminate unnecessary operations, we will still spend about 56% of the national defense budget for manpower procurement, retention, pay and related programs. The basics of military manpower needs play a very big role in our total defense picture. It is a role that deserves closer scrutiny and wider understanding. Manpower constitutes the most essential of all resources in our defense system.

HOW MANY DO WE NEED?

In Part II of this study, "How Much Defense Do We Need?", we explained the application of the Nixon Doctrine, the Total Force Concept and the resultant 1½ war strategy that serve as the national basis for determining our country's military manpower needs. These have permitted a number of actions to be taken which have allowed us to reduce the active forces to the present baseline levels.

Under the Nixon Doctrine, we rely on our allies to do more for themselves.

Under the Total Force Concept, the Reserve and National Guard forces have been given a much bigger and more responsive role in our war plans than heretofore. And it is announced national policy that any future expansion of our Armed Forces required in national emergencies will be accomplished by mobilizing the Reserve and National Guard.

The wind-down of the war in Vietnam has greatly reduced the number of service personnel in transit. At the height of the Vietnam war, where a tour of combat duty was limited to 12 months, more than 60,000 men were in that pipeline at any given time. Obviously, these men were not available for any other duty. Also contributing to personnel turbulence were the two year commitments of draftees. Increasing the average tours of duty at a given station from 12 months in Vietnam to an average of 3 years will have, among its other benefits, the advantage of further reducing the transient portions of the Armed Forces and also to reduce moving costs which are expected to be down by 33% compared to FY72.

Good progress has been made, especially in the Army, in improving the combat to support forces ratio—the so-called teeth-to-tail. Reorganizations to eliminate headquarters and the closing of unneeded bases contribute to this improvement. During FY74, as an example, the Army will increase the manpower devoted to our combat division forces by almost 6,000 despite a reduction of approximately 21,000 in total active Army strength.

In FY73, the programmed Army forces will move towards a higher ratio of combat to support forces. An indicator of the emphasis placed on combat power within active division forces can be obtained by examining the number of divisions and support increments in the active Army force. The table below shows the breakdown of divisions and support increments from FY70 to FY74:

SUMMARY OF ACTIVE ARMY DIVISION FORCES

	Fiscal year—				
	1970	1971	1972	1973	1974
Divisions	17⅓	13⅔	12⅔	13	13
Support increments	27⅓	19⅓	14⅓	14	14
Divisions as percentage of division forces	39	41	47	48	48

The percentage of the force that is made up of divisions is shown continually increasing from 39% in FY 70 to 48% in the FY 74 baseline force, reflecting an increasing emphasis on combat power in the active division forces for this time period.

A further measurement of the relative emphasis the Army places on combat power is the ratio of total Army manpower to the number of divisions. This ratio is shown below:

RATIO OF ACTIVE ARMY MANPOWER TO NUMBER OF DIVISIONS

Fiscal year:	
1970	76,300
1971	82,200
1972	65,200
1973	63,400
1974	61,800

Where feasible, jobs that have been done by military personnel are being turned over to civilians. Some 31,000 jobs are scheduled for civilianization throughout DOD in the FY74 budget. Ten thousand of these will be in the Army.

The use of women in the Armed Forces is being greatly accelerated.

Thus it is clear that many actions have been taken to give us only the minimum Armed Forces that are required for our national defense and at the same time to try and ensure that what we do have are effectively utilized.

There is a certain risk in relying so heavily on our allies—where only our own national interests may be involved—but we've taken it. There are risks involved in relying entirely on voluntary enlistments to keep our forces at full strength—which they must be—but we are taking those too. The large responsibilities assigned to the Guard and Reserve assume that they can maintain adequate strength and be provided with the equipment required, the training areas needed and the strong support of the active establishment on a sustained basis.

One cannot review these actions taken and the risks assumed without wondering whether or not we have already cut our forces below the level of prudence. Certainly no further manpower savings can be expected without dramatic changes in our national objectives and commitments.

HOW MUCH DO THEY COST?

The question of manpower costs involves not only the pay and allowances that those in uniform receive, but also the recruiting and incentive costs that are involved in getting and retaining people. Nor can retirement costs be ignored, for they too play a significant part in assessing our military manpower costs.

In the past ten years, manpower costs have risen from 41% of the defense budget to 56% of the budget now being considered by the Congress. From FY54 to FY64, defense pay costs rose by $4.6 billion, while active military and civil service manpower fell 801,000 (17.7%). From FY64 to FY74, pay costs rose by $21.9 billion, while manpower fell by 474,000 (12.7%).

According to studies completed by the staff of the Senate Armed Services Committee, the average cost of maintaining a U.S. soldier on active duty has risen from about $3,443.00 in FY50 to $12,448.00 in FY74—an increase of 262%. Pay boosts have accounted for more than half of these increased costs.

COST PER "SOLDIER" FROM FISCAL YEAR 1950 TO FISCAL YEAR 1974

Fiscal year	Active force average strength (thousands)	Manpower cost in defense budget[1] (millions)	Dollar cost per "soldier"
1950	1,539	$5,299	$3,443
1955	3,178	12,337	3,882
1960	2,489	12,122	4,870
1965	2,668	15,232	5,709
1970	3,294	25,588	7,768
1974	2,277	28,344	12,448

[1] The amount in col. 2 includes the military personnel appropriation for each fiscal year (which consists of military basic pay, regular and variable reenlistment bonuses, separation pays, special pays, housing and subsistence allowances, etc.) plus the cost of constructing and operating family housing, the cost of medical programs and certain training costs. This amount would therefore cover all pay and allowances of military personnel in cash or kind plus a large portion of the personnel support costs. Relatively small portions of the above costs were estimated for prior to 1956.

EXAMPLES OF THE INCREASES IN ANNUAL MILITARY PAY AND ALLOWANCES[1] FROM JULY 1, 1949 TO JAN. 1, 1973

	Grade	Years of service	Pay and allowances Oct. 1, 1949	Pay and allowances Jan. 1, 1973	Dollar increase	Percent increase
0–10	General	30	$13,761.00	$40,030.56	$26,269.56	191
0–9	Lieutenant general	30	13,761.00	39,969.36	26,208.36	190
0–8	Major general	30	13,761.00	36,434.16	22,673.16	165
0–7	Brigadier general	30	12,222.00	32,204.16	19,982.16	163
0–6	Colonel	27	9,981.00	28,424.16	18,443.16	185
0–5	Lieutenant colonel	22	8,613.00	23,636.16	15,023.16	174
0–4	Major	16	7,236.00	19,589.76	12,353.76	171
0–3	Captain	10	6,030.00	16,497.36	10,467.36	174
0–2	1st lieutenant	5	4,828.56	13,296.96	8,468.40	175
0–1	2d lieutenant	0	$3,969.00	$9,066.96	$5,097.96	128
E–7	Sergeant 1st class	20	3,985.20	11,499.45	7,514.25	189
E–6	Staff sergeant	15	3,367.80	9,926.25	6,558.45	195
E–5	Sergeant	10	2,926.80	8,601.45	5,674.65	194
E–4	Corporal	5	2,127.60	7,406.25	5,278.65	248
E–3	Private 1st class	1	1,686.60	6,131.85	4,445.25	264
E–2	Private	1	1,530.00	5,969.85	4,439.85	290
E–1	Recruit	0	1,440.00	5,548.65	4,108.65	285

[1] Military pay and allowances consist of basic pay and cash housing and subsistence allowances. The tax advantage on the nontaxable housing and subsistence allowances is not included in the above figures.

Note: Enlisted grades E–9 (sergeant major) and E–8 (master sergeant) were not included above because these grades were not established by law until 1958.

These greatly increased costs are also reflected in retirement costs which are computed on basic pay. Military retired pay was .88% of total defense outlays in FY54. It had risen to 2.68% in FY64 and is projected to be 6.21% in FY74, excluding legislative proposal for recomputation. The chart below gives present and projected cost data for the military retirement systems as presently constituted.

COST OF THE MILITARY RETIREMENT SYSTEM, FISCAL YEARS 1950–2000

[*In millions of dollars*]

Fiscal Year:	*Amount*
1950	195
1960	694
1970	2,849
1980	7,751
1990	14,419
2000	24,659

Note: Amounts prior to FY74 are DOD outlays for military retirement pay. Amounts for FY75 and beyond are projections based on a 5.5% annual increase in basic pay and a 2.4% increase in the Consumer Price Index. The projections assume no change in the present military retirement system and no one-time recomputation.

Before one views the foregoing cost figures with too much alarm, he should reflect for a moment how they came to be and what they mean.

The lower end of the cost spectrum on these charts is shown as the 1949–1950 era—which, it should be noted, represented the highest personnel cost figures, until that time, in the history of the country. These reflect years of benign neglect—when genteel poverty was a hallmark of the military careerist and when an artificial tax was levied on those in uniform through the military pay system. These lower costs also reflected our ability to get the enlisted manpower required through Selective Service. The pay and allowances of the military were so far out of line with salaries in the civilian community that catching up required rather dramatic hikes over a sustained period.

Also reflected in these increased costs are those involved with moving to an all-volunteer effort to obtain our manpower. This required a most dramatic pay increase at the bottom of the grade structure. Coupled with this are the greatly increased costs of recruiting, advertising, enlistment and reenlistment bonuses and other incentives.

Because retirement costs are affected directly by the increases in basic pay, they could increase by a factor of six in the next quarter of a century. For this reason, modifications in the non-disability retirement system are being pursued actively at the present time.

Thus, we see how heavily the costs of manpower impact on our total defense effort. At the same time, it is clear that there is no panacea for this problem. We need to understand it, plan for it and make sure that we are giving maximum effort to the cost effective utilization of our manpower.

HOW DO WE GET THEM

The area of greatest urgency in the whole manpower picture concerns our methods of military manpower procurement. By political decision, we have been getting our military manpower exclusively from the all-volunteer effort since the draft was stopped in December of last year. This has not been without cost, both financially and otherwise.

Unless Congress takes almost immediate action, and it will be very difficult for them to move in time, the authority of the President to induct personnel under the Selective Service Act of 1967 will expire on 30 June 1973. Once this happens, our only source of military manpower is from pure volunteers. Thereafter, an act of Congress will be required before anyone can be drafted, no matter how great the emergency.

This comes at a time when we have already reduced our Armed Forces to a bare-bones baseline force. The civilian leadership of the Defense Department tell us that we need not be concerned since the services have been meeting their quotas of new enlistments and reenlistments solely by the volunteer system for the past few months.

There are a number of factors which have contributed to the meeting of the arbitrarily low all-volunteer goals. Not the least of these has been the disproportionate effort which the services have been required to make to meet these objectives. Other factors include:

1. Reduction in size of forces—Army cut in half (−766,000 since FY68.) (−55,000 since FY61—prewar) Smaller since FY48.

2. Greatly increased recruiting funding—Army funding for recruiting, advertising and examining alone has increased $78.2 million between FY72 thru FY74. Advertising has doubled, recruiting and examining are up 33%. Selection of recruiters materially uprated and numbers greatly increased.

3. There is no war or combat in progress. Nobody is getting shot at.

4. Dramatic increases in pay. (See chart on page 6)

5. DOD attitudinal surveys indicate a big improvement in attitudes among young people towards military service. Some of this is attributed to the opportunity for job satisfaction in a professional environment.

6. Options that services are able to offer (i.e., unit of choice, theater of choice, et al.) markedly improved. (Some of these are also limited in numbers of spaces available.)

7. Lessening of disciplinary regulations and "mickey mouse" harassments are perceived by young people as attractive changes.

8. Civilianization of KP and other work details.

9. Improved military housing and living conditions.

10. Greater in-service educational opportunities.

COSTS ASSOCIATED WITH THE ALL-VOLUNTEER FORCE

[In millions of dollars]

	Fiscal year— 1973	Fiscal year— 1974
November 1971 and subsequent pay increases	2,377	2,320
ROTC and health scholarships	42	73
Combat arms and nuclear enlisted bonus	48	68
Recruiting and advertising	146	221
Living quarters improvements	11	19
Education programs	22	53
Other initiatives	71	156
Special Pay Act		225
Total	2,717	3,135

The Department of Defense and the services are due the greatest credit for the truly gung-ho effort that they have put into the all-volunteer crusade. But we doubt that it can be sustained over an extended period, and if it cannot, the only courses of action left are to reduce the size of the Armed Forces which, these same leaders assure us, are already at irreducible minimums, or to reduce the quality standards. We believe this is too great a risk to take, and it is a needless one. It would cost not one cent to maintain the President's induction authority. Not one man need be inducted if the all-volunteer effort continues to bring the manpower needed. We don't think it will, even in the short-term future, without lowering the quality standards.

In citing the various factors involved in meeting the all-volunteer goals, we should state that it is our further belief that it takes almost all of them operating in concert to make the program as viable as it is at present.

Early indications point to a restiveness in Congress over defense costs. Since manpower is such a large segment of these costs, it seems reasonable that Congress will scrutinize closely the cost factors we have listed as contributory to the success of the volunteer effort. A diminution of them would impact unfavorably on the ability to fill the manpower requirements of the Armed Forces with volunteers.

The alternatives are serious—further reduction in the size of our forces and/or lowering the quality standards of the people we take in. For the sake of our country's defense, we do not believe we need be left with either or both of these as the only courses.

History gives us strong examples of the time-consuming difficulties we encounter in reestablishing the draft once it has lapsed. In the view of the Secretary and the Chief of Staff, the Army is now at a minimum level consistent with an adequate national defense. We cannot afford any further reductions.

It is our position, therefore, that we should continue the induction authority and at the same time support fully the volunteer programs. There is no cost connected with continuing the induction authority, but it is the only way to insure that the Selective Service system remains viable. If a serious manpower shortage develops in the Armed Forces and induction authority is extended, Presidential decision would still be required to draft anyone. A further compromise could be considered to give Congress a 30-day period of veto power over such a decision if that could contribute to the alleviation of some concern.

The other important segment of our manpower problem concerns the Reserve Components. As we have frequently pointed out, the assignment to the Reserve and the National Guard of important early-ready tasks in our defense planning was used as a basis for significant reductions in our active forces. At the present time, neither the Army National Guard nor the Army Reserve is meeting its manpower requirements. They are projected to be about 57,000 short by 30 June 1973. The continuation of the President's induction authority under the Selective Service would impact on these components only obliquely. What they urgently need is the passage of pending legislation which will provide them with a greater range of incentives to attract volunteers. Among these are provisions for an enlistment and reenlistment bonus ranging up to $2,200 for critical skills or $1,100 for non-critical skills.

Much is being done to support the Reserve Components—probably more than at any other time. But this and more is essential if we are to expect them to fulfill the truly significant roles they have been assigned. Continuing urgent efforts are required to adapt training times, sites and requirements so that they can accommodate the greatest number and encourage wider participation. More employers must be persuaded to support participation by their employees in the Reserve Components. In short, we must be alert to the elimination of all the factors we can correct that deter young men and women from joining our National Guard and Reserve.

Before leaving the subject of manpower procurement, we should emphasize again the essentiality of maintaining the quality standards of the people we take into the services. The problems we encounter with lower category people are insidious and infect the whole system not only in training difficulty, but in discipline, morale, elan and the whole range of intangibles on which pride and accomplishment are based. Thus far in the all-volunteer effort, the standards have been maintained, as this chart indicates.

But now, as the recruitment grows more difficult, we must not take the slippery downhill path of lowering standards to meet our numbers goal.

HOW DO WE USE THEM EFFECTIVELY?

The Department of Defense and the military services have a great obligation to manage their manpower resources in the most cost effective manner possible. Not only is manpower very costly, but it is the cutting edge of our defense structure. It is obvious that both the manpower programs that we have described and the utilization of our military manpower will undergo close scrutiny by the Congress, not only now, but in the future. We have alluded earlier to some of the actions which the Army has taken to streamline manpower operations and to reduce that administrative overhead which does not directly contribute to the combat effectiveness of its forces. The Secretary of the Army says it this way: "The Army's job now is to insure that this adequately paid force is as austere as we can make it and is still capable of executing the national strategy."

It will be some months before the full impact of the Army's recent reorganization and the allied closing of unneeded bases can be fully assessed. Similarly, overhead reductions by the other services are now ongoing, as are base closings, and these, too, will take time before we can gauge how much they contribute. But all of these represent aggressive actions that address the problem of improving cost effectiveness.

Another significant action which was put into effect last year was the civilianization of kitchen police and the substitution of civilians to do the essential menial housekeeping chores that have no direct bearing on military training or operations, but are essential to a viable training base.

The importance of making military personnel available for their military jobs cannot be overestimated. For example, in the very basic training units of the squad and platoon, the absence of members on non-training duties impacts equally heavily on those remaining who find it difficult to conduct meaningful training without the required members of the team. It is somewhat like trying to conduct football practice when the center and the quarterback are not available.

We have described earlier the Army's efforts to focus more heavily on combat versus support forces, and alluded to the progress that has been made. While we do not wish to digress into areas which would require separate and detailed examination, we cannot overlook the maintenance of proper discipline as an important adjunct to the cost effective use of military manpower.

We are disturbed by recommendations circulating which emanate from the report of the Task Force on the Administration of Military Justice in the Armed Forces. Some of its recommendations, in our judgment, adversely affect the commander's ability to maintain a properly functioning military organization. Its recommendations also reflect what we believe to be an overemphasis on racial tensions which again impact on the cost effective use of military manpower. Both in the Task Force Report just mentioned and in other areas as well, we believe that too much emphasis is put on race and that we should return to talking about equal opportunities, not special opportunities, and learn to distinguish between military discipline and racial discrimination. The amount of time, energy and training that is specifically allocated to race relations is, in our judgment, disproportionate to the problem—and many blacks agree.

The services have done a remarkable job in combating the use of drugs and alcohol. Yet we must continue our efforts to combat their use in the Armed Forces, which, while already substantially below the national average for the age groups involved, nevertheless contributes to the less than full use of the precious manpower available.

Similarly, if we are to maximize our cost effectiveness, the number of social welfare schemes, such as Project 100,000, Transition, et al., which are inflicted upon the Armed Forces have got to be reduced. Because of their tightly structured organization the Armed Forces do many of these projects very well, and hence become attractive targets for these worthwhile but strictly non-military activities. These should not be foisted off on the Armed Forces without providing additional personnel for the purpose so that the military training and missions of the Armed Forces are not compromised in our efforts to improve society.

If we are able to maintain the same level of quality of people that we are taking into the Armed Forces right now, most of the foregoing problems will not worsen. In fact, with the greater stability in assignments, we would expect that the commander's influence on the discipline, training and effectiveness of his unit will become increasingly apparent and the situation will improve. But we reiterate that if the Armed Forces are to be required to utilize their personnel to the maximum effectiveness, they must be given the tools with which to do the job well and be freed from non-military social welfare tasks.

CONCLUSION

In a paper of this length, it is not possible to do more than highlight some of the most significant aspects affecting how we obtain and utilize our manpower for national defense. It should be clear, however, in this brief report that there is a great sense of urgency and there are a number of problem areas requiring early and forceful solutions. The key points to remember are these:

The FY74 budget supporting 2.230,000 men in the Armed Forces, represents the minimum strength required for national defense without major changes in the international order and our national commitments.

An operating Selective Service system with Presidential induction authority is essential for an emergency and as a hedge against possible future inability to recruit the manpower needed.

Quality must not be sacrificed to insure meeting the numbers required for our military forces.

Reserve components need greater support to attain manpower and training goals. These are so basic to our defense requirements that more of our countrymen need to be aware of them.

AMBASSADOR JOHN SCALI'S ADDRESS ON RHODESIAN CHROME

Mr. HUMPHREY. Mr. President, I call to the Senate's attention the remarks made last night by our Ambassador to the United Nations, John A. Scali, concerning the U.S. violation of U.N. sanctions against Rhodesia.

Speaking to an audience of business and labor leaders, he stated that the United States was "in open violation of international law" and was undermining a Security Council decision it had strongly supported in the beginning and had recognized as "legally binding on the United States." He stated that this "damages America's image and reputation as a law-abiding nation," and also made note of the "net economic disadvantage" of importing from Rhodesia.

I appreciate the forthrightness and courage of the Ambassador in speaking out against this unwise policy. He is in a position to fully assess the impact our violation of sanctions is having on our relations with the other members of the world community. He has seen firsthand the serious damage that has been done to our reputation in the United Nations by this violation of international law.

We are now making an effort in both the House and the Senate to end this violation of sanctions. Ambassador Scali strongly supports us in this effort. I hope that those who take a very narrow view of this issue—who seek to limit it to a consideration of the profits of a few corporations or the price of Russian chrome—will take note of the Ambassador's concern over the grave consequences this policy has had for our position in the international community.

Mr. President, I ask unanimous consent that today's Washington Post report of Ambassador Scali's speech be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Imports of Rhodesia Chrome Violate World Law, Scali Says

New York.—U.S. Ambassador to the United Nations John A. Scali acknowledged to an audience of businessmen and labor leaders last night that Washington was "in open violation of international law" in allowing the importation of Rhodesian chrome and nickel.

He said that he had invited Congress to reconsider the Byrd amendment to the Defense Appropriation act, which permitted the resumption of these imports despite the December 1966 U.N. Security Council resolution ordering an economic boycott of Rhodesia.

That council decision had been supported by the United States and was "legally binding on the United States," he said. "The evidence is mounting," he went on, "that this amendment not only damages America's image and reputation as a law-abiding nation, but that it has net economic disadvantages as well."

Earlier, at the United Nations, Scali praised Soviet moderation in the Security Council debate on the Middle East and held out the hope that U.S.-Soviet cooperation would lead to "lasting peace" there.

Speaking to the U.S. United Nations Association's annual dinner, Scali said: "If there is to be a lasting peace in the Middle East, it will be partly because of cooperation between the United States and the Soviet government in encouraging both sides to negotiate their differences."

GAO REPORT ON ECONOMIC ASPECTS OF SPACE SHUTTLE JUSTIFICATIONS

Mr. MOSS. Mr. President, there has now been an opportunity to review the General Accounting Office report issued last weekend entitled "Analysis of Cost Estimates for the Space Shuttle and Two Alternate Programs." The GAO has now devoted nearly a year of review to the economic aspects of Space Shuttle justifications prepared by the administration. Its first report was issued last June 2, 1972, and the second report is dated June 1, 1973.

The new GAO report focuses on a NASA fact sheet last revised on March 15, 1972, in which NASA attempted to summarize in 9 pages several thousands of pages of economic and technical studies of the Space Shuttle.

The main conclusion of the report is that "GAO is not convinced that the choice of a launch system should be based principally on cost comparisons." In recognizing the importance of considerations other than cost, the GAO conclusion is in accord with the position the Committee on Aeronautical and Space Sciences has taken in recommending to the Senate continuation of the Space Shuttle program; that is, that the fundamental reason for developing the Space Shuttle is the routine access to space and other new capabilities the Shuttle will provide and that "the case for the Space Shuttle does not rest solely on the ability to postulate operational cost benefits in the period of 1980 to 1990 (Senate Report 93–179, May 30, 1973, page 27)."

With the respect to the question of costs, the GAO report states that—

> GAO is not certain that the Space Shuttle is economically justified even though NASA's calculations show that it is.

The report identifies nine areas as examples of uncertainty of cost estimates with respect to which NASA was unable to remove GAO's "reservations" regarding cost savings. Clearly, no one can remove all uncertainty about estimates of cost projected 15 or 20 years into the future, and it is appropriate for GAO and the committees of the Congress to retain a healthy skepticism about such estimates. Our review in the area of cost and benefit analysis shows that NASA's estimates, conservative to begin with, are holding up well under further study as design and development of the Shuttle proceeds.

The GAO report also presents the preliminary results of the most recent NASA analysis. These evolving studies point to considerable increases in potential cost benefits for the Shuttle.

The GAO report expresses a general feeling of uncertainty as to the cost of future space payloads and points out that it is not known precisely what space missions are to be flown in the 1980's and 1990's. Obviously, one could never lay out and freeze a decade or two in advance all the scientific, military, applications, and other missions that will turn out to be desired in the 1980's and 1990's. NASA has been proceeding through a detailed, continuing process of describing and analyzing alternate sets of space missions representing the kinds of programs which might be undertaken over the next 15 to 20 years. Those missions financed by Federal funds are subject to annual authorization and appropriation, and it is obvious that the administration would not propose and the Congress would not approve flight plans so far into the future.

The following matters are proposed by GAO for consideration by the Congress:

> To enable the Congress to reach the most prudent decision on the funding of the Space Shuttle or the alternative expendables system, GAO recommends that the Congress consider the future space missions used in NASA's economic analysis of the Space Shuttle to determine whether these missions are a reasonable basis for space program planning at this time. In addition, GAO recommends that, as part of the NASA authorization and appropriation process, the Congress review the estimates for the Space Shuttle annually, giving due consideration to the appropriateness of the missions used in making those estimates.
>
> If the Congress chooses to accept our recommendation that it review the proposed space missions and if significant revisions are made, it may be appropriate to direct NASA to reestimate the costs—particularly for payloads—for the Space Shuttle and expendable systems to see whether the relative merits of the alternatives might be significantly affected.

The Committee on Aeronautical and Space Sciences as part of its annual review of NASA programs, does consider Space Shuttle mission models as they evolve. The March 1973 revision of the 1971 NASA mission model appears on pages 81 through 140 of part 1 of the committee's hearings on S. 880. And the committee held a hearing on March 6 of this year specifically for the purpose of reviewing potential space activities in the mid-1980's. As pointed out in Senate Report No. 93–179, the committee intends to continue close review of all NASA programs including the Space Shuttle.

In summary, Mr. President, cost benefit analyses continue to support the decision made last year to develop the Space Shuttle. The latest GAO report has not found any substantial reasons for questioning the correctness of that decision.

For the information of Members of the Senate, I ask unanimous consent that the digest of the GAO report and press comments on the report be printed in the Record.

There being no objection, the digest and press comments were ordered to be printed in the Record, as follows:

Comptroller General's Report to the Congress: Analysis of Cost Estimates for the Space Shuttle and Two Alternate Programs—National Aeronautics and Space Administration, B-173677

WHY THE REVIEW WAS MADE

On March 15, 1972, the National Aeronautics and Space Administration (NASA) said that its cost estimates indicated the Space Shuttle would cost about $5.2 billion less than an expendable alternative for performing the same mission. The General Accounting Office (GAO) refers to that alternative as the current expendable systems.

Senator Walter F. Mondale asked GAO to review the cost estimates for these two alternatives and a third alternative which GAO calls the new expendable systems.

On April 27, 1973, NASA provided GAO with new preliminary estimates based on further studies of Shuttle utilization; NASA stated that these estimates are within the same general annual budgetary requirements as its March 15, 1972, estimate. A comparison of the two estimates is shown below.

	Total program cost estimates	
	Mar. 15, 1972	Apr. 27, 1973
Number of flights planned	581	779
Cost (billions):		
Current expendable systems	$48.3	$66.2
Space Shuttle	43.1	50.2
Estimated savings	5.2	16.0

Reports prepared by NASA's contractor, the Aerospace Corporation, provided GAO with the information for the new expendable systems cost estimated at $45.7 billion for 581 flights. NASA did not include this estimate in its March 1972 estimates, and it did not make an estimate for the new expendables for 779 flights.

With the Senator's agreement, this report is being released to the Congress because of the widespread interest in the Space Shuttle.

Background

The Space Shuttle is a proposed space transportation system which, as planned, would be sent into orbit and return to earth to be reused on other flights.

For the most part, the expendable systems are existing systems which have been used on other space missions. As a system they are not reusable, although some components of the systems can be recovered economically and used again.

The Space Shuttle is a manned space transportation vehicle; the expendable systems have limited capability in this regard. The orbiter portion of the Space Shuttle will have a crew of four who will fly it back to earth for an unpowered, airplane-like landing.

The Shuttle would be used to achieve various objectives for NASA, the Department of Defense, and others during the 1980s and later. The scientific equipment which the space vehicle carries to achieve these objectives is called the payload.

The Shuttle is to perform certain functions that the alternative expendable transportation systems cannot, e.g., retrieve payloads from orbit and bring them back to earth for repair, refurbishment, and reuse. This difference in payload concept makes economic comparisons complex and uncertain because the specific design and cost of payloads for each mission depends on the space transportation system available.

The March 1972 estimates cover the period to 1990; the April 1973 estimates cover the period to 1991. The March 1972 estimates are stated in 1971 dollars (i.e., at price levels prevailing in 1971), and the April 1973 estimates are stated in 1972 dollars.

FINDINGS AND CONCLUSIONS

GAO is not convinced that the choice of a launch system should be based principally on cost comparisons. GAO cites five other issues which it believes should be considered in the decision. These issues are:

1. Whether the space programs rank sufficiently high among national interests to justify the estimated commitment of about $8 billion to develop and procure the Space Shuttle. This depends on whether the United States will need and want to make substantial use of space in the years to come—not just to 1990 or 1991 but for the indefinite future. NASA believes that space activities are already recognized as essential continuing needs for both civil and military purposes, that the benefits of space will increase in the future, and that the Nation will continue to support space activities.

2. Whether the value of the new technology that might result from the Space Shuttle Program would justify its selection.

3. Whether the Space Shuttle offers unique capabilities and the kind of flexibility which the U.S. space program should have. NASA believes that it does have unique capabilities—such as the retrieval of unmanned satellites for refurbishment and reuse and the routine use of men in space to enhance scientific research, civil applications, and national security activities and to take advantage of as yet unforeseen opportunities in space—and that these valuable capabilities are one of the important justifications for the Space Shuttle.

On the other hand, if limited budget resources required an austere future space program, the current expendables may offer more flexibility for the most economical choices among fewer missions.

4. Whether the prestige the United States might get from development and use of the Shuttle would justify its selection.

5. Whether it is in the national interest to commit the Nation to extensive manned space flight when some think that manned flight is not necessary to achieve scientific objectives and when the space program could be adversely affected by public reaction if lives were lost. NASA's position is that, in addition to its other merits, the Space Shuttle offers the best way to insure a productive capability for manned space flight for the United States.

GAO is not certain that the Space Shuttle is economically justified (is less costly when the time value of money is considered), even though NASA's calculations show that it is. Although there is uncertainty in cost estimates for both Space Shuttle and expendable alternatives, GAO believes the degree of uncertainty for the Space Shuttle cost estimates is greater than for the expendable systems' estimates.

With these differences in the degree of uncertainty in launch system costs, GAO does not consider it prudent to place too much confidence in the projected cost savings. Technical problems and the cost overruns that usually follow such problems are more likely on the Shuttle and, if they occur, could turn the projected savings into increased costs by 1990. GAO's findings on nine cost issues involving the space transportation systems are shown on pages 13 to 23. GAO points out, however, that payloads, not launch systems, are the principal issue where costs are concerned and that there may be even greater uncertainty in the estimated costs of payloads.

The major element of cost in both total program cost estimates is the payload cost. The estimated cost of payloads in the April 1973 estimates were $30.2 billion for the Space Shuttle and $50.1 billion for the expendable systems, a difference of $19.9 billion. This difference is due to NASA's estimates of low-cost design which it believes can be incorporated into Space Shuttle payloads because many manned missions will be used and because payloads will be recovered, refurbished, and reused.

GAO further states that the type and number of payloads has a significant bearing on which alternative transportation system is the most economical. The basic difference in the two systems is that the Shuttle is reusable and the expendables are not. For this reason, the greater the number of flights, the greater the advantage to a reusable system, i.e., the Shuttle. The fewer the flights, the smaller the advantage of reusability and the more attractive the expendable systems become from a cost point of view.

Therefore, deciding not to fund some of the missions which NASA is considering in the 779-flight program could result in a different choice than would deciding to accept all of these missions. GAO points out that the Congress has not had an opportunity to review these missions in detail.

AGENCY ACTIONS AND UNRESOLVED ISSUES

NASA agrees that cost comparisons are not necessarily the best basis for deciding on whether to select the Shuttle or the expendable vehicles. However, it has chosen the Space Shuttle and steadfastly maintains that this alternative will be the least costly. NASA's comments are included as appendix III.

MATTERS FOR CONSIDERATION BY THE CONGRESS

To enable the Congress to reach the most prudent decision on the funding of the Space Shuttle or the alternative expendables system, GAO recommends that the Congress consider the future space missions used in NASA's economic analysis of the Space Shuttle to determine whether these missions are a reasonable basis for space program planning at this time. In addition, GAO recommends that, as part of the NASA authorization and appropriation process, the Congress review the estimates for the Space Shuttle annually, giving due consideration to the appropriateness of the missions used in making those estimates.

If the Congress choses to accept our recommendation that it review the proposed space missions and if significant revisions are made, it may be appropriate to direct NASA to reestimate the costs—particularly for payloads—for the Space Shuttle and expendable systems to see whether the relative merits of the alternatives might be significantly affected.

[From the Washington Post, June 5, 1973]

GAO Faults Shuttle Cost Estimates

(By Stuart Auerbach)

Congress' watchdog agency reported yesterday that the National Aeronautics and Space Administration had underestimated the cost of developing a space shuttle compared to using existing rockets.

But in a report made at the request of Sen. Walter F. Mondale (D-Minn.), the General Accounting Office agreed with NASA "that the choice of a launch system should not be based principally on cost considerations."

The space shuttle is NASA's major new project after Skylab and the joint U.S.-U.S.S.R. docking mission. In it, a spaceship would be lofted into orbit like a rocket, but it would return to earth like an airplane and be able to be sent up again. NASA envisions 779 flights in 12 years between 1978 and 1990 at an estimated cost of $50 billion.

NASA estimates it would cost $16 billion less to run the flights with the reusable space shuttle than with the present generation of rockets that are each good for just one flight.

Mondale, a persistent critic of the shuttle, challenged those figures and the GAO agreed.

"GAO is not certain," the report stated, "that the space shuttle is economically justified—is less costly when the time value of money is considered—even though NASA's calculations show that it is."

The report said that "uncertainties in the space shuttle cost estimates" will probably make it more expensive in the long run than existing rockets.

"With the differences in the degree of uncertainty in the launch system costs, GAO does not consider it prudent to place too much confidence in the projected cost savings."

Nevertheless, the GAO report did not oppose the shuttle program. It said that Congress needs to consider other issues that include the place of space in the national interest: the value of new technology from developing the shuttle; possible unique capabilities of the shuttle.

[From the Space Business Daily,
June 6, 1973]

GAO Raises Only Innuendos Against Shuttle Cost Benefits

AN ANALYSIS

After some eight months of evaluating the cost estimates for the Space Shuttle, the General Accounting Office has come up with a 67-page report (SPACE Daily, June 4, p. 187) which raises a series of nine questions about the efficacy of the estimates—all of which are answered by NASA—and concludes with the amorphous statement that, ". . . we are not certain whether the Space Shuttle will or will not produce costs savings."

WANTS DECISION ON "OTHER THAN ECONOMIC GROUNDS"

Unable to make a solid economic argument against the shuttle, as sought by the study's initiator, Sen. Walter Mondale (D–Minn.), the GAO asserted that its review "suggests that a congressional decision to continue the Space Shuttle program should be made on other than economic grounds."

Accordingly, the economic experts at GAO turned into politico-sociologists and averred that Congress should consider the following five issues before making a final decision on the shuttle:

(1) "Whether the space programs rank sufficiently high among national interests to

justify the estimated commitment of about $d billion to develop and procure the Space Shuttle. This depends on whether the United States will need and want to make substantial use of space in the years to come—not just to 1990 or 1991 but for the indefinite future. . ."

(2) "Whether the value of the new technology that might result from the Space Shuttle program would justify its selection."

(3) "Whether the Space Shuttle offers unique capability and the kind of flexibility which the space program should have" (e.g., retrieval and repair of spacecraft, enhanced utilization of and in space, etc.).

(4) "Whether the prestige the United States might get from development and use of the shuttle would justify its selection."

(5) "Whether it is in the national interest to commit the nation to extensive manned space flight when some think that manned flight is not necessary to achieve scientific objectives and when the space program would be adversely affected by public reaction if lives were lost."

URGES CONGRESS TO REVIEW MISSION MODEL

In addition, the GAO, while admitting that the justification for space missions were outside its field of competence, implied that NASA was overestimating the number of missions that would be flown on the Space Shuttle.

"So far as we can ascertain," GAO said, "the Congress has not had an opportunity to review these missions in detail. Does the Congress want to fund these missions in lieu of competing Federal programs? Does it believe that the results of the missions will be worth the cost? . . . To enable the Congress to reach the most prudent decision on the funding of the Space Shuttle or the alternative expendable systems, we recommend that the Congress consider the future space missions used in NASA's economic analysis of the Space Shuttle to determine whether these missions are a reasonable basis for space program planning at this time."

GAO further recommended that Congress review estimates for the shuttle annually as part of the NASA authorization and appropriations process, "giving due consideration to the appropriateness of the missions used in making those estimates."

If this is done "and if significant revisions are made," GAO concluded, "it may be appropriate to direct NASA to reestimate the costs—particularly for payloads—for the Space Shuttle and expendable systems to see whether the relative merits of the alternatives might be significantly affected." In this case, the GAO implied, it might be possible to cancel the shuttle program.

THE COST QUESTIONS RAISED BY GAO

The Accounting Office, pointing out that there are most uncertainties about cost associated with the yet-to-be-developed shuttle than with existing launchers, cited nine reservations it has about shuttle cost despite NASA's estimates.

Commenting on these nine areas, which are listed below, NASA administrator James Fletcher asserted:

"General doubts about cost will always exist in large novel systems; however, after a considerable amount of work, GAO has not found any evidence of substance to lend flesh to their doubts with respect to the shuttle; and they have been silent in regard to the large benefit-of-the-doubt that NASA gave to the alternative launchers so as to follow . . . a conservative approach to the economic justification of the shuttle. GAO's set of specific complaints about the various features of the shuttle cost estimates are, in our view, essentially baseless . . ."

(1) NUMBER OF ORBITERS NEEDED

GAO questioned whether five Orbiters would be enough to handle the projected missions. Citing vehicle losses on such programs as the F-111, X-15 and commercial airlines, GAO said "it is doubtful whether even six [Orbiter] vehicles would be sufficient." NASA comment: "Three Orbiters are adequate to perform the mission model." Moreover, two additional Orbiters have been provided to provide flexibility, and there is a contingency in the procurement estimates to procure another Orbiter without additional funds should a loss occur.

(2) COST ELEMENTS OVERLOOKED

GAO said it found four cost elements that either were overlooked or could have been estimated more carefully. The negative areas included failure to account for the Orbiter hydraulic system (cost: $2 million to $58 million), and for operations at two instead of one site (cost: $100 million). NASA comment: While GAO has identified two areas of "overlooked" costs which amount to between $102–158 million, it also identified $300 million of overlooked shuttle benefits which were not included by NASA.

(3) Drop Tank Costs. GAO said that because of "the unknowns in the development of the shuttle tank . . . considerable uncertainty as to the final costs will continue to exist," despite design steps by NASA to simplify the system. It said cost of the tank could be as much as 100 percent more than NASA's estimate. NASA comment: "The GAO contends, without any proof, that the cost per tank could be . . . as much as 100 percent over NASA's current estimate. We strongly disagree." Design of the tank "has been more extensively done than almost any other part of the shuttle," and as a result we find that drop tank costs quoted last year "are probably overstated."

(4) Contractor Engineering Costs. GAO charged that NASA failed to include contractor engineering support for the Orbiter during the operational period of the shuttle, support which "might run over $1 billion." NASA comment: "NASA has demonstrated to GAO that the shuttle estimates contain funding for engineering support in excess of historical experience on analogous systems."

(5) Reuse of Solids for New Expendables. GAO pointed out that NASA did not include the possibility of employing reusable solid rocket boosters for new expendable vehicles in comparing shuttle and expendable vehicle costs, a step which could save $400 million. NASA comment: The agency said this would be a valid point if new expendables were to be given further consideration, but said it does not consider new expendables a realistic alternative to the shuttle.

(6) Launch O&M Costs. GAO noted that NASA estimates the manpower required to launch the shuttle will be less than for the smaller, unmanned Titan III–C, which it called an "optimistic assumption." NASA comment: "NASA has provided detailed support and explanations for the derivation of the launch cost estimate."

(7) Indirect Range Support Costs. GAO questioned the lower indirect range support costs, e.g., range safety, projected for the shuttle in comparison to expendables. NASA suggested that a large part of the difference results from the fact that range safety will be handled by the crew of the shuttle.

(8) Reliability—Associated Costs. GAO said its initial findings suggest that NASA may have underestimated costs resulting from mission abort for the shuttle and overestimated them for expendables. NASA comment: The GAO's charge "contradicts experience. NASA's long experience with both manned and unmanned launch vehicles had fully demonstrated (that) reliability must be designed and built into the vehicle and cannot be attained merely by flying more and more vehicles." The Space Shuttle is designed with built in reliability, while the competitive expendable systems are not. To provide expendables with reliability even approaching that of the shuttle "would be expensive."

(9) Expendable Vehicle R&D Costs. GAO charged that there are uncertainties in NASA's estimates for R&D costs of new expendable vehicles, noting for example, that NASA has not made an exact estimate of the cost of developing the 12-man Big Gemini vehicle that would be used with expendables to carry men to a space station. NASA comment: "Although the GAO report recognizes NASA views on the new expendable family of launch vehicles, the impression remains that this launch system is a strong contender for the most effective space transportation system. It should be emphsized again that the new expendable was an economic screening benchmark favored with optimistic cost assumptions which did not win a competition with the shuttle. NASA did not pursue this alternative since it was apparent that more detailed study would lead to increased cost for an already noncompetitive option."

FATEFUL CONGRESSIONAL VOTES

Mr. THURMOND. Mr. President, the Greenville News of Greenville, S.C., recently carried a very sound editorial about the ramifications of the recent votes in the Senate and House to cut off all funds for military activity in Laos and Cambodia.

I concur with the assessment that this action, if initiated, could possibly have dire consequences for our foreign policy for years to come. I would like my colleagues to have the benefit of these thoughts.

Therefore, I ask unanimous consent that the editorial entitled "Fateful Congressional Votes," which appeared in the Greenville News, Sunday, June 3, 1973, be printed in the RECORD at the end of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FATEFUL CONGRESSIONAL VOTES

U.S. Senate and House votes to cut off funds for all kinds of military activity in Cambodia and Laos are watershed actions having long-range effect upon American foreign policy as well as upon the powers of the President.

Even if the votes are not translated into law, they amount to congressional veto of President Nixon's bombing of Cambodia until a stable ceasefire is in effect there and elsewhere in Southeast Asia. They will have great effect upon forthcoming "final" ceasefire talks between America's Dr. Henry Kissinger and North Vietnam's Le Duc Tho. Kissinger's bargaining position has been undermined.

Therefore, the congressional votes amount to a kind of surrender in Southeast Asia, and a semi-repudiation by Congress of the Nixon policy of working for peace through strength. Essentially the anti-bombing vote is a signal to North Vietnam that it can do as it pleases in Laos, Cambodia, South Vietnam and later on in Thailand. It is a significant victory for the two giant Communist nations backing North Vietnam—the Soviet Union and China.

North Vietnam probably will control all or most of old Indochina, raising the question of whether the United States should curtail or end economic support of non-Communist governments in that region on grounds that to support them longer would be only to pour more money down the drain. If North Vietnam is to take over anyway, why not leave it to them right now? That is the new $64 question concerning Southeast Asia.

The votes also tend to undermine the Nixon foreign policy in other areas of the world by raising the question—if America cannot or will not see things through, despite opposition, in Southeast Asia, will this country be any more effective when the crunch comes in the Middle East, or in Western Europe, or Latin America or anywhere else?

The pull-out decision also will have important bearing upon American-Soviet discussions on arms limitations and other security matters and the whole range of developing relations with Red China. Trade relations will be more difficult if the decision is interpreted as American weakness.

The eventual total effect of this watershed decision by Congress upon the place of the United States in the world really is incalculable. If other nations interpret the votes as proof that America has become withdrawn and largely ineffective in international difficulties, a power vacuum could be created which could lead to major confrontation, with the inherent danger of worldwide warfare.

It would have been much better for the House and Senate to have waited for the outcome of the Kissinger-Tho talks—but that is water over the dam. The question now is where do we go from here?

Obviously the President and Dr. Kissinger have much rethinking to do and many difficulties ahead to keep this country's foreign policy reasonably viable and to keep America really effective in the worldwide search for peace and stability. The Cambodia votes have complicated the global problem immensely.

Since Congress has taken a hand by repudiating a key element of the administration's foreign policy program, Congress now must take a larger share of responsibility for the results of foreign policy. That means a better working relationship has to be developed between the administration and congressional leaders.

A cooperative, bipartisan foreign policy will be difficult to achieve in this era of divisiveness. But the security of the United States and the ultimate safety of the people of this country demand that both Congress and the administration work together on that important task.

TIME FOR ECONOMIC ACTION

Mr. HUMPHREY. Mr. President, there seems to be no brake to inflation, except to "break" the budget of the average family in this country.

The Nixon administration stands paralyzed, unable to move boldly and decisively to correct the damaging economic conditions that plague the economy.

Key Presidential economic advisers continue to argue about economic theory and exhort the virtues of the marketplace. In the meantime the big corporations have a license to raise prices and make huge profits.

Proof of what I am saying can be found in the recently released wholesale prices index—that index jumped 2.1 percent in May or at an annual rate of 25.2 percent.

And, contrary to the argument presented by Council of Economic Advisers Chairman Herbert Stein when he appeared before my Consumer Economics Subcommittee, the inflation spiral has not decreased.

Dr. Stein argued that it is still possible to get inflation to the announced Nixon goal of 2 to 3 percent.

In fact, I wagered a dinner at the "best restaurant in Washington" that the inflation rate would not get to the administration's stated goal. At that time, I said to Dr. Stein that "this is one bet I hope to lose."

But, I do not think I am going to lose it—no matter how much I would like to buy Dr. Stein's dinner for him.

Here is why:

Consumer prices are increasing at an annual rate of 9.2 percent during the last 3 months.

General prices are climbing at the fastest rate in 22 years.

The average family grocery bill is now $208 above that of last year.

Four point four million Americans are still unemployed; 2 million Americans are forced to work part time.

Executive salaries are increasing an average of 13.5 percent last year, with some increases running as high as 200 percent.

Nevertheless, workers wages are held down, with the highest annual rate of large scale wage increases so far this year limited to about 7 percent and most contracts and salary increases held at or below the 5.5 percent level.

In fact, Mr. President, the distinguished Senator from Wisconsin (Mr. PROXMIRE) has recently held hearings on the inflated executive salary problem. Mr. PROXMIRE noted, for example, that the president of American Brands enjoyed an increase of over $100,000 in 1972—an increase of 43.7 percent while the wages of the average worker is held to 5.5 percent.

That is a double standard. It is almost as if there are two systems of laws—and under the Nixon economic policies that seems to be the case: one for their big business friends; the other for the working men and women of this country.

Mr. President, I ask unanimous consent that the opening statement of Senator PROXMIRE be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PHASES II AND III WAGE PRICE CONTROLS

Tuesday, June 5, 1973.

Senator PROXMIRE. The subcommittee will come to order.

In August of 1971, the Administration suddenly shifted to a controlled economy, first, Phase I, and then a more or less general approach to the wage and price controls, Phase II, aimed at moderating inflationary pressures while searching for fuller utilization of manpower and other resources.

In my view, given the circumstances, Phase I was a success. Phase II was unsatisfactory but at least it was aimed in the right direction. But Phase II was dropped at the start of 1973 just when it might have proved its worth.

Mr. Director, yesterday at a Democratic caucus a proposal was adopted finding Phase III a total failure and calling for the enactment by the Congress of a more effective wage and price control system. As a first step in that direction, the caucus approved a ninety-day freeze on wages, prices, profits, consumer interest and rents.

Now as one of the authors of this proposal, I can tell you there is nothing that would please us more than to have you in the Administration steal our idea. We not only have no pride of authorship, we aren't stuck with any of the details—what we want is a more decisive, effective anti-inflation program; a program that will mean business—a program with bite and with teeth behind the bite.

It is my understanding you in the Administration have been considering a Phase IV, that the Administration had tentatively planned to announce it this weekend, that the announcement was postponed but could come at any time. I hope and pray this is true, because I see nothing to indicate that the Administration has taken any steps to get on top of this problem, and I see nothing in the economic statistics that suggests the inflation problem is coming to an early solution through natural causes.

We need action. The Country is calling for action. The Congress—both Parties are ready, willing, and eager to support action. I hope you will give it to us.

You were brought in as a professional to develop guidelines and an acceptable approach to the Phase III operations. You are the "Chief of Staff" for Phase III. I understand that—maybe I am wrong, and correct me when you make your remarks—you are one of the principal architects of Phase III. It is in this context I will welcome your testimony today.

Dr. Dunlop, today's discussion focuses on Executive Compensation and Corporate Disclosure Provisions in Phases II and III. To get down to specifics, I call your attention to some very spectacular increases. For example, Robert K. Heimann, President and Chairman of American Brands, enjoyed an increase of over $100,000 in 1972, while Phase II was in operation, while the guidelines of wages and salaries was 5.5 percent, an increase of 43.7 percent.

George Weyerhaeuser of Weyerhaeuser Company, the President, had an increase of 56 percent, to $305,000. Also, an increase in excess of $100,000.

Mr. Charles Sommer, Chairman of Monsanto, had an income of $273,000, an increase of almost 100 percent, or $100,000.

Mr. Richard Gerstenberg of General Motors enjoyed an increase of 107 percent, to $874,000, an increase of $400,000 in one year. An astonishing increase during a period of wage and price controls. And the guidelines had workers on the assembly line averaging around 5.5 or 6 percent.

John J. Riccardo, President of Chrysler Corporation, enjoyed an increase of 215 percent, to $551,000, an increase of $300,000.

Lynn Townsend enjoyed the biggest percentage increase of all, Chairman of the Board of Chrysler Corporation, an increase of 219 percent, an increase of about $35000, roughly calculated to $639,000.

These increases just seem, I think to almost anybody, to be shocking and grossly unfair.

I realize, and you have made it very clear, you make it clear in your statement, that there is no attempt to prevent any individual from getting a sharp increase, but the men who make the decisions for them to get this kind of increase and for the average increase for executive compensation, on the basis of the documentation I have seen—and maybe you can dispute this—is something like 13.5 percent, three times the guidelines. It just seems to be so conspicuously and grossly inequitable and unfair that I just do not understand how, under a control system that pulls down wages, this can be justified.

There are some people who seem to think the executive compensation issue is a relatively minor issue. I don't agree. If the top five or ten executives are not held at five or ten percent wage increases, the heart of the control mechanism is ineffective. One could argue much more important consideration as profit control and I agree. But even this extremely vital consideration is being shunted aside. I understand the situation, the new Phase III regulations permit more profit to be realized than was the case in Phase II. I want to know what was the base used for the profitable rule, and has your group made any study of profits to justify the present treatment? If you don't get into this problem today, I hope you supply it for the record.

Some professionals have argued that big salary hikes are needed to insure productivity. It is hard to believe that. I remember when I was at Harvard Business School and you were one of the people I greatly admired, and one of the texts that we had was a study by Chester Barnard, the fine executive of the New Jersey Bell Telephone Company, who argued while compensation is important, it is far, far less important than many other elements that go into persuading people where they can be productive.

I think this is especially true with executive pride, the recognition of social obligations, social importance, that the recognition of their obligation to their colleagues and their friends and associates in the business, all of these things are likely to be far more profound, deep motivating forces, than compensation.

At any rate, it just seems very difficult to understand this kind of an immense increase in compensation which seems to run so deeply in the executive compensation sector.

Finally, on the question of corporate disclosure, I am equally ill at ease. I know you will say today you don't want to get into this issue at this moment. You will say public hearings are scheduled tomorrow and I am appearing to testify at that time, as is Senator Hathaway, the author of the measure in support of such disclosure.

But I want to tell you about the form you are now asking big corporations to report on, CLC2. I know your staff prepared a very tough reporting form and it went to the Office of Management and Budget. My staff tells me an imaginative advisory group met with OMB and somehow CLA Form 2, which was tough, was gutted and ended up with a pussy cat instead of a tiger.

With that, I would be delighted to hear from you, Dr. Dunlop. You go right ahead in your own way and Senator Hathaway and I will ask questions.

STATEMENT OF JOHN T. DUNLOP, DIRECTOR, COST OF LIVING COUNCIL, ACCOMPANIED BY HERBERT MESSER, DEPUTY DIRECTOR, CONTROLLED INDUSTRIES DIVISION, OFFICE OF WAGE STABILIZATION

Mr. Dunlop. Mr. Chairman, it is a pleasure to appear again before you. That is a rather large menu of items you referred to.

I would rather, if I may, to start on the executive compensation matter and when I finish what I have to say there, you, Senator Hathaway, or others, may wish to ask about other matters and I will try to respond.

I have presented to the committee on time, Mr. Chairman, yesterday, a statement on executive compensation, but I would rather just speak, if I may, informally, without reading the statement, making three or four points.

(The complete prepared statement of Mr. Dunlop, above-referred to, follows:)

Mr. HUMPHREY. This administration seems to ritually go through periodic economic euphoria over figures, indicators, and statistics that would touch off bells of alarm for anyone else.

This has caused a lack of confidence in the economic policies of this administration—a lack of confidence matched only by the stubborn obstinence to move to correct our Nation's economic ills.

I believe that unless this Nation has an immediate freeze on prices, profits, dividends, consumer interest rates, and wages that inflation will roar out of control, the economy will tilt, and a recession could result.

I cannot understand why the Nixon administration refuses to act. I cannot understand why the Nixon administration is turning its back on the average working families of this country. I cannot understand why the pleas of the wage earners and salary earners of this Nation are falling on deaf ears at the White House.

Mr. President, two editorials, from the New York Times and the Washington Post sketch the effects of the recent wholesale index rise. Both these editorials suggest possible courses of action, similar to what I have proposed before—a freeze on prices, profits, dividends, consumer interest rates, and wages: then moving to a period of firm but fair controls.

I ask unanimous consent that these editorials along with articles on the wholesale price index be printed at this point in the Record.

I also ask unanimous consent to have printed in the Record my statement of May 23, as chairman of the Consumer Economics Subcommittee of the Joint Economic Committee.

There being no objection, the statement and editorials were ordered to be printed in the Record, as follows:

Congress of the United States, Joint Economic Committee, Subcommittee on Consumer Economics

OPENING STATEMENT OF SENATOR HUBERT H. HUMPHREY

May 23, 1973.

The most recent Gallup Poll indicates that the American public recognizes the high cost of living as the number one issue facing the nation.

Every wage earner knows it costs more to feed, clothe, and house his family.

And, despite rosy predictions from the Nixon Administration, every wage earner feels that conditions are going to get worse, not better.

The blunder of lifting Phase III controls has unleashed a burst of inflation, a boom in profits, a bust for the working families of this nation and a run on the dollar.

The Nixon Administration Stabilization program has failed to stabilize anything, with the singular exception of the working American's wages.

But, the failure of the Administration's economic program is broader than just prices and wages.

Across the board—from the price of gold, to balance of payments, to stock-market decline, to consumer confidence, to increasing interest rates—the economic policies of this administration spell disaster.

Let me outline chapter and verse of the Dark Days of Nixon Economic Policy.

(1) Yesterday, the Consumer Price Index showed prices advancing at a rate of 9.2 percent during the last three months, almost four times the Administration's stated inflation control goal.

The average family grocery bill is now $208 above that of last year.

The median price for a new home is up more than $3,500 over a year ago.

Lumber costs are up 30 percent.

Wool products are up 40 percent.

Petroleum products are up 20 percent.

Tires are up 10 percent.

Still, the American people are told by their government that Phase III is working. I agree. It is working against the American people.

(2) Unemployment is still a shocking 5 percent—with no prospect of getting back to full employment.

More than 4.4 million Americans are jobless.

More than 2 million Americans are forced to work part-time.

Hundreds of thousands of Americans are underemployed, and still more Americans are among the "hidden employed."

Yet, the Nixon Administration proposes to close down the Public Employment program and impose guidelines on social service programs that will force more Americans off payrolls and onto welfare rolls.

Since August of 1971, we have had freezes, phases, propaganda and promises. But we haven't had a program to stabilize prices and put Americans to work.

Full employment goals have been abandoned. And, like the general economy, the unemployed American worker has been cast adrift.

(3) The last year has been one of income retreat for the average working family. The average hourly earnings of blue collar workers—over 50 million workers—increased 5.4 percent—that is less than the wage standard established by the Pay Board. Prices increased over 6 percent.

Actual buying power for the average working family is less today than it was a year ago.

But the compensation of top corporate executives increased an average of 13.5 percent in 1972, and some corporate chiefs had salary increases of over 200 percent.

Yet, the productivity of the American worker increased 4.2 percent in 1972, and has continued upward this year.

That productivity is not translated into real gains for workers.

But it is translated into something else—the 4th day of darkness.

(4) . . . booming profits and soaring profit margins for the big corporations.

Corporate profits are skyrocketing. No Board, commission, or Cost of Living Council is holding them down.

Before-tax profits have jumped $11.6 billion in the first quarter, an adjusted annual rate of $113.1 billion. That translates into after-tax profits of $61 billion—a full 23 percent ahead of the first quarter of 1972.

For individual industries, it means, for example,

85 percent increase in the profits of the steel industry.

70 percent increase in the profits of the paper industry.

65 percent increase in profits for the building material industry.

45 percent increase in profits for the special machinery industry.

(5) The fifth part of the *Dark Days of Nixon Economic Policy* is the balance of payments deficit—up to $10.2 billion, $1.6 billion more than last quarter of 1972.

(6) Closely related to the balance of payments deficit is the sixth economic horror—dollar devaluation.

The dollar has been devalued two times since 1969. And each time, it has cost the American people.

The dollar today is worth 77 cents compared to base year of 1967.

After the 1971 devaluation, the trade deficits tripled from $2.6 billion to $6.8 billion.

And, a worsening trade deficit plus speculation on the dollar—heavy speculation against American dollars with the participation of American multinational companies acting against American economic interest—produced another devaluation in February of this year.

(7) . . . The run on gold. The price of

gold on the London Market is over $110 an ounce. The gold price today is approximately three times the official exchange rate—causing the worth of the dollar to skid to record lows.

And, today respected economists are publicly suggesting, and the daily fluctuating of the stockmarket is indicating, that the economic policies of the Nixon Administration are leading the American people toward another devaluation of their dollar.

(3) The eighth economic despair is the decline of the stockmarket—a Dow average of over 1,000 plummetted to the 800's, indicating investor uncertainty and uneasiness with the stabilization program.

(9) The ninth economic despair is high interest rates.

The nation is threatened by a credit crunch, tight monetary policy, and rising interest rates. The prime rate has increased to 7¼ percent, three month Treasury bills have increased, prime commercial paper has increased, finance and consumer credit rates have increased, and increases have occurred in business and residential mortgage loan rates.

Increasing interest rates add to cost and prices, and if past history is any guide, increasing interest rates will have an adverse effect on small and medium size businesses.

(10) The tenth economic day of despair is over $78 billion of deficit spending. More than one fourth of the total debt of the United States has been added since 1969. And each year since 1969, the budget has been presented to the Congress with a deficit—a deficit that reflected slack in the economy, causing revenue shortfalls and gross economic mismanagement.

(11) The eleventh economic day of despair is the most severe—the loss of consumer confidence in the economic policies of this Administration. This loss of confidence is reflected at all levels of our economy—in on-again/off-again controls, in the talk and non-talk about a tax increase, and in the spectre of a possible recession.

—Labor claims the economy is "utterly lopsided."

—Pierre Renfret, once the Nixon Administration's early "economic adviser" calls the present economic policies a "joke." And, he claims it is "one of the funniest economic games ... played upon the American people."

Business Week says, "the Administration has lost its grip on the economy."

And, recent evidence from the Survey of Consumer Attitudes conducted by the Survey Research Center of the University of Michigan, reported on April 24:

"Rapidly rising food prices shattered consumer confidence and induced many people, with both high and low incomes, to become pessimistic. Because of the increase in living cost, the proportion of families saying that they are worse off than before and expecting to be worse off increased substantially.... Adverse news about inflation and the dollar have regenerated pessimism about the economy in general, among both high and low income families. Half of all respondents said that they expected unemployment to increase during the next 12 months, up from 24 percent in August to September, 1972." The American people are crying out for leadership. But the government seems paralyzed...

By a Watergate scandal that seems to have brought a halt to top policymaking

By economic advisers frozen in their philosophic approach to the cost of living problem

By the inability of the Administration to grasp the enormity of the economic failure it created.

Mr. Stein, Mr. Dunlop, what are your answers?

[From the New York Times, June 8, 1973]

Wholesale Prices Continue To Show Sharp Advance

(By Edwin L. Dale, Jr.)

Washington, June 7.—Wholesale prices continued to increase in May at the highest peacetime rate since World War II, the Labor Department reported today.

Both farm and industrial prices contributed in the rapid rise last month in this important indicator of inflation. Consumer prices will be affected later, though to an unknown degree.

President Nixon met with his Cabinet, and the inflation problem was one item on the agenda. But no actions or decisions were announced, and the White House said no action would be announced before next week.

The wholesale price index, which is something of a misnomer, measures the prices of thousands of products, from corn to chemicals, bought and sold in the economy before the stage of final purchase by the consumer.

HIGHLIGHTS IN INDEX

These were the highlights of the index for May:

The over-all index rose by 2.1 per cent, or 2 per cent after adjustment for seasonal changes in some prices—both extraordinarily larger increases for a single month.

The index was 133.5, with 1967 prices taken as 100. This was a rise of 12.9 per cent from May, 1972. In the last three months, the index has been rising at an annual rate of 23.4 per cent.

The index for farm products and processed foods and feeds was up 4.7 per cent, or 4.1 per cent after seasonal adjustment. This part of the index had dropped in April after earlier large increases. The price of farm products rose 6.1 per cent last month. The index was up by an extraordinary 39.4 per cent from a year earlier.

The combined index for farm products and processed foods and feeds has risen at an annual rate of 43.4 per cent in the last three months. There were increases last month in soybeans, grains, livestock, some vegetables, cotton and milk.

The key index of industrial commodity prices—less volatile than that for farm prices—was up 1.1 per cent, or 1.2 per cent after seasonal adjustment. In the last three months this index has been going up at an annual rate of 15.9 per cent, much the worse rate of inflation since the Korean war.

The rate of inflation is not only much higher than the Administration had wanted or expected, but the period of steep price increases has persisted longer than expected. Most Government economists had expected a better performance by now.

Herbert Stein, chairman of the President's Council of Economic Advisers, said the rise of industrial prices was at an "unsatisfactorily high rate." He added that the Administration's Cost of Living Council was investigating to see whether some of these increases had exceeded the guidelines established by Phase 3 of the wage and price control program. Rollbacks are possible if violations are found.

George Meany, president of the American Federation of Labor-Congress of Industrial Organizations, called the report "another clear indication of the utterly lopsided nature of the Administration's economic program, with only workers' wages under control while prices, profits and interest rates are soaring."

Senator William Proxmire, Democrat of Wisconsin, who is the author of a proposal approved earlier this week by the Senate Democratic caucus for a new price and wage freeze, said, "This country faces a grave inflationary crisis and it is time the President and his Administration acted."

He added that the Administration's "paralysis" in the face of the latest wholesale price increases "is impossible to understand, justify or defend."

There is no evidence that the President has under consideration proposals from any of his advisers for a new freeze. Some tightening of the largely non-mandatory Phase 3 program is a possibility.

Another proposal under active consideration is an increase in the Federal gasoline tax, aimed both at reducing gasoline consumption and cutting into total consumer purchasing power, with the added effect of reducing and probably eliminating the deficit in the budget. But this idea has already come under strong criticism in Congress.

In the case of industrial commodities last month's price increase was dominated by fuels, with petroleum products leading the way. Refined petroleum products are now on the average 24.8 per cent higher than a year ago, with the entire fuel index up 15.3 per cent. This is a reflection of the general energy shortage.

A wide variety of other items rose in price last month, including many metals, iron and steel scrap, lumber and wood products, textile and apparel, and various types of machinery.

Prices Up 2 Percent in May

(By Peter Milus)

Wholesale prices leaped ahead another 2 per cent in May, the Labor Department said yesterday, and President Nixon was reported to be sifting through a list of new alternatives for slowing down and cooling off the economy.

In the Senate, Democrats continued their calls for a 90-day, across-the-board wage-price freeze and their threat to legislate one if the President does not take action soon on his own.

Sen. Henry M. Jackson (D-Wash.) said that he will seek to add a freeze amendment to a federal financing bank bill next week, and Majority Leader Mike Mansfield (D-Mont.) predicted passage "if something isn't done downtown" before hand.

Freezes have failed of Senate passage twice before this year, but the last time by only two votes.

Wholesale prices have now risen at a 23.4 per cent annual rate over the last three months, and Jackson said they were threatening to put retail prices "into orbit." The rate of inflation, he said, has become "a national emergency."

At the White House, however, deputy press secretary Gerald L. Warren said no "economic statement" was "contemplated over the weekend."

While the President "considers inflation the No. 1 problem in the nation," Warren added, "He did not express any sense of crisis or urgency" in discussing the issue with the Cabinet yesterday morning.

Warren was seeking to knock down two almost contradictory sets of rumors about the attitude within the White House toward inflation in the last few weeks: One, that the administration is panicky, and the other, that it has been paralyzed by Watergate. "I don't want to build up for you the image of crisis," Warren said.

The President reportedly has not yet decided what new economic steps to take. Alternatives under review range from a demand-dampening tax increase to simply making Phase III of wage-price controls what one economist called "more visible."

One participant in yesterday's meeting said Mr. Nixon indicated to the Cabinet that he is opposed to a wage-price freeze, and is leaning instead toward some kind of revision of existing wage-price regulations.

The May increase of 2.0 per cent in the government's wholesale price index was after seasonal adjustment. It was twice the 1.0 per cent increase in April, and close to the

March figure of 2.3 per cent, the largest monthly increase in 22 years.

Two-thirds of the May increase came in farm and food prices. Almost half of the total was due to huge increases in feed grains, soybeans and other products fed to animals. The rise in animal feed prices will mean higher meat prices at retail in the months ahead.

Wholesale prices also increased sharply for the fourth month in a row in the non-agricultural sector of the economy.

These industrial commodities prices, which most economists consider the best test of true inflation, rose a seasonally adjusted 1.2 per cent. More than a fourth of that was due to rising fuel costs, and another fourth to big increases for lumber and metals.

The May increase lifted the wholesale price index to 133.5 meaning it cost $133.50 to buy goods that cost $100 in 1967.

Wholesale prices overall were 12.9 per cent higher than the year before. Most of that increase has occurred since last year's Phase II of controls gave way to Phase III in January. But the White House says that market forces are to blame for the last five months of inflation, and not Phase III's somewhat lighter regulations.

The administration says tight price controls are the wrong way to hold inflation down in a time of rising demand and economic boom like this. Its preference instead is for the more traditional means of bringing an economy back below the boiling point: a slowdown in government spending and the restriction of credit through a clampdown on the money supply.

Its problem is to use these instruments to bring about a slowdown without plunging the country into a new recession. Up to now, its view has been that present policies would bring about such a tapering-off—continued growth, but less inflation—by the end of the year. In the meantime, it has been pleading for patience, in particular by the big labor unions whose contracts are up this year.

So far, despite the rise in prices, the big unions have not gone much beyond the government's standard on pay raises, 5.5 per cent per year.

Yesterday, in one of the year's big labor settlements to date, General Electric and two unions representing 102,000 GE employees announced tentative agreement on a new contract that could raise average wages 88 cents an hour over three years. That would come to about 22 per cent, or roughly 7 per cent a year.

The wage increase will depend partly on inflation; the wage part of the pact includes a cost-of-living clause. No computation was available on the cost of the various new fringe benefits negotiated.

The contract is subject to ratification by the two unions, the International Union of Eletcrical Workers and the United Electrical Workers.

AFL–CIO President George Meany, in reaction to the price statistics yesterday, noted that "workers' buying power is already less than it was a year ago, and these higher wholesale prices will further squeeze their paychecks when they are translated into retail prices."

Meany's verbal adversary every time the government has published fresh statistics in the last six months, Herbert Stein, chairman of the Council of Economic Advisers, conceded that industrial prices had again increased at "an unsatisfactorily high rate" in May. In the agricultural sector, however, Stein noted that food prices at the supermarket end of the wholesale chain increased only 0.3 per cent for the month, the least since last September.

The rise in wholesale prices all across the farm and food sector of the economy was an adjusted 4.1 per cent in May. Those prices are now 29.1 per cent higher than they were a year ago, and have gone up at an annual rate of 43.4 per cent in the last three months.

Industrial commodities prices in May were 7.0 per cent higher than the year before, and went up at a 15.9 per cent annual rate in the March–May period.

The Labor Department divides industrial commodities into 13 categories. Prices rose in May in all but one: hides and leather.

Overall, wholesale prices of "consumer finished goods," those at the consumer end of the wholesale chain, rose 0.7 per cent in May, and were 10.7 per cent above the year before.

The administration has said that its goal is to have retail prices rising at an annual rate of only 2.5 per cent by the end of the year.

[From the New York Times, June 8, 1973]

To Halt Inflation

The latest report on wholesale prices—showing a 2.1 per cent jump in May, which is 25.2 per cent at an annual rate—is a devastating blow to the Administration's contention that inflation would slow down after April and that Phase 3 was working just fine.

Mr. Nixon's economic counsellors are locked in battle over what to do. Although clear-cut statements of what anybody wants are hard to come by, it is evident that there are basically two camps. One is the faction headed by Treasury Secretary Shultz and Chief Economic Adviser Stein, who cling to their flaccid Phase 3, insisting that price stability is just around the corner. The other is the faction headed by former Treasury Secretary Connally, Federal Reserve Chairman Burns and Mr. Nixon's new White House domestic chief, Melvin Laird, who want a much tougher and more interventionist anti-inflation policy. After sitting through a Cabinet-level debate yesterday, Mr. Nixon had his deputy press secretary reveal that the President would make no "major policy announcements" on the economy over the weekend but considers inflation "the No. 1 problem in the nation." Well he might, even considering his other problems.

It is not crying over spilled milk to note that development of an effective price-wage policy now will be a lot tougher than it would have been five months ago, before the Administration junked Phase 2 and uncorked the worst inflationary outburst since the start of the Korean War. Given the faster rise in prices—especially of food—than in wages, there would be serious inequities in setting a wage-price freeze of long duration. However, a relatively brief freeze, lasting no more than a couple of months, might have a major psychological effect in dramatizing the switch from wishful drifting to a genuine anti-inflation program.

A short freeze ought to be followed by adoption of realistic and flexible price and wage standards. These would have to be flexible to allow for some catch-up in the case of workers who have suffered real losses because prices have leaped ahead of their wages. Price standards would also have to be flexible to permit upward adjustments by companies hurt by cost increases—while requiring price reductions of those companies whose prices and profits have been skyrocketing. Such a policy will require careful analysis and strict enforcement of price and wage standards, including pre-notification of planned increases and full justification for them.

The most difficult and sensitive problem immediately facing the Administration is how to halt the rise in food prices. Putting food and feed prices into the quick freeze might not be the unmitigated disaster the Administration believes—especially if accompanied by strong efforts to increase food supplies. Freezing the price of feed grains might even help to increase meat supplies by improving the cost and profit position of cattle producers.

Real evidence that the Administration is prepared to take strong action—not merely use strong rhetoric—to halt inflation would be the most important single step needed to restore confidence in the American economy and the dollar, both at home and abroad. For Mr. Nixon, it is an immediate and crucial test of his capacity to govern.

[From the Washington Post, June 8, 1973]

The Price Spiral

Inflation is spreading through the whole economy with a speed and force unexpected by even the pessimists. That much is clear from the wholesale price statistics for May. The scale of the danger is no longer in doubt. The only real question is what the administration intends to do about it.

To say that the present rate of price increase is intolerable puts the case rather mildly. Wholesale prices for all goods, taken together, rose 2 per cent last month. That amounts to an annual rate of 24 per cent. The wholesale price index over the past six months has risen four times as fast as it did in the six months preceding President Nixon's freeze in August 1971. The most spectacular part of the present trouble lies in the area of food and agricultural products. But industrial commodities alone have risen almost twice as fast in the past six months as in the six months before the 1971 freeze. If there was a case for action then, there is a far stronger case now.

The most striking difference between the present situation and 1971 is that over the past year wages have not contributed significantly to the inflation. But labor cannot be expected to exercise this kind of restraint much longer. It is perfectly apparent that business profits have benefited very sharply from the wave of price increases. In its efforts to correct this inequity, labor has no weapon but to increase the inflationary pressure by forcing higher pay scales.

The administration dropped Phase II and its controls in January. From February to March, the wholesale prices rose a shocking 2.3 per cent. The administration dismissed this misfortune as the transient effect of a bulge of pent-up raises that had been postponed until the end of the controls. But since then, the fluctuations in the price index have been wholly in farm products and food. Industrial prices have been moving with the steady speed of a freight train. Wholesale prices for industrial goods rose only 3.5 per cent in the year ending last January. Since then, in the absence of firm controls, they have been rising at an annual rate of 15 per cent. The rate of increase last month was the same as in midwinter. Farewell to the theory of the bulge.

The administration's alternatives grow more stark and unattractive with each passing month. It can either do nothing or it can go into a new period of controls of an unprecedented complexity and severity. We have already learned that there is no point in fiddling with minor adjustments in between. In March, the administration put the oil industry under a special set of price restrictions. But the wholesale prices of crude oil and petroleum products rose more than 4 per cent in the single month from April to May. At the end of March the administration put meat under special controls, and everyone knows what has happened there. In early May the administration increased the price notification requirements for large businesses, a refinement that seemed as ineffectual then as it does now.

A theoretical case can be made for doing nothing new in the way of controls. The classic method for cooling an inflation is to raise taxes. Although the phenomenon has not been widely noticed, Federal taxes have indeed been raised substantially this year. It is not only a matter of the higher social security taxes, but the drastic effect of inflation on the graduated income tax. Federal revenues are up relative to outlays, and relative to spending power as well. Interest rates are also rising, and there are signs of a slackening in the present feverish pace of economic growth. But to rely wholly on this classic process to brake the inflation does not take adequate account of the present psychology. Businessmen are now raising prices precisely because they fear a future freeze.

The President's other choice is a short freeze on prices, followed by a comprehensive system of controls. This time it would not be a temporary affair. It would be clear that controls had become a permanent part of the national economy. The controllers would have a duty not only to review future price increases but past ones. It is perfectly obvious from present price and profit levels that there have been substantial violations of the Phase III rules, and the condign punishment for the violators is to have their prices rolled back. This next round of controls would also have to address itself to food prices. Controls do not adapt well to agricultural products, typically forcing shortages and black marketeering rather than stability. But the wholesale prices of farm products have risen at an annual rate of 47 per cent over the past six months and many of these prices, particularly in the feed grains, are being fed by unbridled speculation.

President Nixon has not offered much evidence in recent months of giving any great attention to the economy. He has now come to a point at which the country needs to know whether he has a program. If it appears that the White House is paralyzed by its preoccupation with the Watergate scandals, then Congress will feel an obligation to act. The most likely response from Congress is a bill enforcing a general price freeze. That kind of legislation came to a vote in the House two months ago, and was defeated. In the present circumstances, it is quite possible that it would pass. A legislated freeze is far less desirable than the flexibility and precision of a well-conceived control system. But if the President cannot act, it is very likely that Congress will proceed to meet an inflation that most of the country now perceives to be a grave peril.

FEDERAL BUDGETING

Mr. TAFT. Mr. President, the problem of putting some order into congressional budgeting is a priority that, in my opinion, can no longer be postponed. There is no single challenge that should have greater priority for this Congress or could do more to promote economic stability and confidence in our economic system than this single step.

On May 16, Mr. William H. Peterson, Senior Economic Adviser of the Department of Commerce, addressed the Cleveland City Club on this and on a number of other economic subjects.

I ask unanimous consent that his address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Federal Budgeting: "We Have Met the Enemy and They Is Us"

(Remarks of William H. Peterson)

"Annual income twenty pounds, annual expenditures nineteen nineteen six, result happiness. Annual income twenty pounds, annual expenditures twenty pounds ought and six, result misery."

So philosophized the improvident Mr. Micawber in Dickens' *David Copperfield.*

The current trials and tribulations over the federal budget, over attempts to stretch expenditures far beyond income, to make two plus two somehow equal five or even six, might make Mr. Micawbers of us all if the 1974 budget ceiling put forward by President Nixon is seriously breached.

If there ever was a time for budgetary restraint, this is it.

Indeed, my theme today is that we witness in President Nixon's fiscal policy a great reversal of spending trends, a new fiscal conservatism, a renaissance of our federal system as conceived by our Founding Fathers, and a return to greater freedom for the individual American to make for himself the fundamental choices about what is best for him.

Whether this fiscal New Federalism holds for the long run of course remains to be seen. Much depends on how we use or abuse the vast fiscal-political apparatus of the federal government. Much depends on our faith in freedom and free enterprise, in the precepts of our Founding Fathers on checks and balances and limited government.

Plainly, ever since the New Deal, the limits on government have become unstuck, especially in the fiscal area. This is disquieting.

As Chairman Arthur F. Burns of the Federal Reserve Board put it in his commencement address at George Washington University last week:

"The American people have come to feel that their lives, their fortunes and their opportunities are increasingly beyond their control, and that they are in large part being shaped for them by their government."

As you know, the federal budget is probably the key planning instrument of our national government. In its tax and spending structure, the budget reflects our national philosophy and priorities, our goals and ambitions, our distinction in size, along with state and local budgets, between the public sector and the private sector.

The budget clearly sets forth the size of our federal establishment for all to see. It marks our governmental efficiencies and inefficiencies, the very tripartite structure of the federal government, our various levels of bureaucracies, quantifying them in importance in large measure by authorizations and appropriations.

The budget bears heavily on the cost of living, the competitiveness of the economy, the balance of international payments, the income levels of Americans and even the quality of life.

The budget reflects our struggles and frustrations. Sooner or later most of us, in or out of government, find that at least some of our ambitions are nipped in the budget—federal, state or local, corporate, union or family.

The budget reveals a key financial relationship of the federal system in the form of federal grants-in-aid to state and localities, which climbed from around $19 billion in 1968 to about $45 billion in 1973, more than doubling, but will hold at approximately that level in the proposed Nixon budget for fiscal 1974—a holding action virtually unprecedented in the last two decades.

The budget has long been something of an exercise in futility with forecasted expenditures almost always falling short of actual expenditures, and the expenditures ever taking a larger and larger bite of our national income.

The upshot is more of that other certainty of life, ascending taxation—open or, in the case of inflation, hidden.

No wonder that the latest Gallup poll shows that 65 percent of Americans feel they are already paying too much Federal income tax. Indeed, the average citizen works almost the first two days of the week for federal, state and local government and the remaining three and a fraction days for himself. Here are the figures:

In 1929 total government expenditures came to but about 10 percent of the dollar value of our national output, the gross national product. In 1940, reflecting the New Deal, the figure had gone up to 20 percent; in 1965, 30 percent; and in 1972, 35 percent.

Why 35 percent? Is there a rationale for so high a number? A learned PhD dissertation perhaps? Was it planned?

No, like Topsy, government just growed—far and away the greatest growth industry of our era.

Certainly a figure any higher could push us further away from a free society, apart from further distorting resource allocation throughout our economy.

Certainly the $268 billion ceiling put forth in the 1974 Nixon budget is strategic. That ceiling is the issue. If this ceiling is breached, it spells further inflation or a tax increase, although to my knowledge no Congressman or Senator ran on a tax increase platform last fall.

Certainly President Nixon has proposed a responsible budget that holds spending to a level which seeks to avoid a tax increase or a new round of inflation. Already the President has vetoed two spending bills—one on rehabilitation and the other on rural sewers—that would have seriously violated the budget ceiling. To its credit, Congress sustained both vetoes.

So let us put President Nixon's budget into the perspective of fiscal trends and factors of federal, state and local government. Through this perspective we should begin to see the emergence of the New Federalism, and the fiscal forest along with the tax brambles and the spending trees.

Brambles are many in budgeting. For the economist one bramble is to achieve growth without inflation.

For the legislator, from town alderman to U.S. senator, one bramble is to resist the temptation to vote for the appropriation bill and vote down the tax bill—the eternal dilemma of somehow having your cake and eating it too. Another bramble is to resist the temptation of bringing home the other fellow's bacon, of viewing the budget as a pork barrel or a free lunch.

For the President the big budgetary bramble is to provide necessary and efficient federal services while keeping our economy open, dynamic and expanding and at the same time holding down the rate of inflation.

In the face of some formidable opposition, this Presidential problem is here and now—spending more than a quarter of a trillion dollars to finance the federal establishment while applying fiscal restraint to arrest inflation is no easy trick.

The year 1973, then, is a bridge period. On the one side, we witness the Phase I–Phase II aftermath of the inflationary and destabilizing consequences of intially underfinancing the Vietnam War and the Great Society budgets—of underfunding both "guns and butter." On the other side, we look forward to a free and prosperous economy without war, without inflation and without controls.

Hence two key instances of bridging action are budgetary restraint and Phase III. Maybe the voluntary nature of Phase III was overstressed at the original announcement. If so, we should note again the President's observation that there is a big stick in the closet, that the stick was used on lumber and oil pricing and on the tentative settlement between North Central Airlines and the International Association of Machinists, that construction, medicine and food are continued under Phase II regulations, that on March 29 the Cost of Living Council imposed ceilings on the price of beef, pork and lamb and that on May 2 it reimposed price prenotification requirements on large firms.

Even with all this, there are those who say it is not enough—inflation must not be just controlled; it must be rolled back. The irony of this situation is that the roll-backers are very frequently those who seek to breach the budget ceiling, to accelerate the very federal spending that pushes up prices, that undermine the purchasing power of the dollar.

In fact, last month the House of Representatives attempted to roll back most prices and interest rates prevailing January 10, the March 16. To be sure, his was less drastic than the House Banking Committee's approval of an earlier measure that would have more rigidly rolled back and frozen all prices and interest rates prevailing January 10, the last day of the Phase II controls.

Maybe those who voted for the latest rollback were pikers. Herbert Stein, chairman of the President's Council of Economic Advisers, proposed in the *New York Times* that prices be rolled back to the year 4004 BC, when God created the universe and all prices were zero in the Garden of Eden.

Elysium aside, history relates that inflation has dogged us since sovereign governments have learned how to spend more than they take in, how to produce money faster than man is able to produce goods—thereby generating too much demand, too little supply, too much money chasing too few goods.

Spending trends are thus of interest to our budgetary perspective.

Consider that federal expenditures advanced from 1965 to 1969 by 11.7 percent annually but from 1970 to 1974 by 8.1 percent, evidencing a spending slowdown and reversal of trend.

Consider: Where is the big spending action at the federal level or at the state and local level? To be sure, federal spending, including grants-in-aid, is some $85 billion greater than total state and local spending but the gap is closing. Note that in the last decade, 1962–1972, federal purchases of goods and services rose by an average annual compound rate of 5.2 percent, a fairly steep rate; but over the same period state and local purchases rose at a rate of 10.7 percent, or more than twice as much.

The comparison is more striking still when you compare federal civilian employment with state and local employment. The number of federal employees grew at an average annual compound rate of 1.1 percent from 1962–1972, but the number of state and local employees grew about four and a half times faster over the same period or 5.0 percent. Today federal employment is about 2½ million, state and local about 11 million.

As a matter of fact, President Nixon has actually reversed the tide of federal civilian employment, as he has slowed down the growth of federal spending. In January 1969 when he took office there were 2.6 million full-time permanent civilian employees of the federal government. By fiscal 1974 the number of federal civilian employees is anticipated at 2.4 million.

The drop in military personnel is much more dramatic. It stood at 3.5 million in 1968 but is being reduced toward the targeted area of 2.2 million in the year beginning July 1, a drop of 37 percent.

The fiscal catch in this drop and in other employment comparisons is that average military pay and related benefits next year are almost double the 1968 average. In other words, because of inflation and incentive pay made necessary by our conversion to voluntary armed forces, the same $1 billion which would have provided pay and allowances for 181,000 members of the armed forces and 1968 rates now provides for only 100,000 at 1974 rates in our voluntary army.

The ending of the draft is but one more example of the great reversal—a return to voluntarism.

But critics of the 1974 Administrative budget still charge that too high a priority is given to defense at the expense of meeting human needs.

The fact is that defense outlays for 1974 are virtually no higher than they were in 1968. But since then the total budget has grown by half and non-defense outlays have almost doubled. Indeed, when adjusted for pay and price advances, defense outlays in 1974 will be little different from 1973 and around one-third under 1968.

On the other hand, outlays for federal programs on human resources will have more than doubled between 1968 and 1974, and are now almost $50 billion higher than defense outlays. Or to put it differently, defense takes 30 percent out of the proposed 1974 budget while human resources takes 47 percent; in 1968, in contrast, spending on defense exceeded spending on human resources by practically the very same relationship.

Again, bearing on the emerging New Federalism, Washington is no longer pulling power inexorably toward the central government. Instead the power to make many major decisions and to go far in meeting local needs is being sent back where it ought to be—at the state and local level.

Thanks to General Revenue Sharing and the proposed Special Revenue Sharing programs in the Administration budget, our state and local governments can now better fulfill their role as envisioned by our Founding Fathers as partners with, rather than subordinates of, the federal government.

Last October President Nixon signed General Revenue Sharing into law. States and localities were thereby assured of more than $30 billion over a 5-year period starting January 1, 1972.

To augment this great reversal of power from Washington back to our grass roots, President Nixon is now asking Congress for approval of Special Revenue Sharing programs in the 1974 budget amounting to some $7 billion for four broad purpose Special Revenue Sharing programs. These programs are proposed in the areas of education, manpower training, urban community development, and law enforcement and criminal justice. These four programs will replace 70 outmoded, narrower, categorical grant programs and will practically wipe out matching requirements and much of the need for a proliferating breed known as the grantsmen.

One big budgetary bramble is the question of Congressional budgetary procedures—the President proposing, the Congress disposing.

While Congress now seems to be coming to grips with the fiscal problem, reform of the budgetary process seems long overdue. A half century has passed since the current federal budget system was adopted in 1921, and the complexity of the system has multiplied.

For one thing, Congressional budgeting is dichotomized. On the one hand, one group of legislators—the House Ways and Means Committee and the Senate Finance Committee—determines tax policy. On the other hand, another group—the appropriations committees in both Houses—determines expenditure policy.

Indeed, some 300 congressional committees and subcommittees get in on the budgetary process directly or indirectly, and for each of them there is a natural tendency to consider any given bill in isolation or as an add-on—that is, outside the context of overall public policy and quite apart from any overall spending ceiling constraint.

Hence, each committee and subcommittee acts pretty much independently of each other. There is no technique to make sure that if one committee or subcommittee spends more, another spends less. Expenditure coordination with available revenues becomes thereby practically impossible. A targeted budget gets to be hit-and-miss, with mostly misses on the deficit side.

The legislator is left in the predicament of voting for or against cleaner air, for or against purer water, for or against better schools, for or against safer streets, and so on, but without any overriding system of priorities—without a fiscal discipline.

The result is that by the end of the session the budget almost always gets out of hand and out of balance. With the exception of 1969, every budget since 1960 has been out of balance and in deficit, sometimes on purpose but most times inadvertently.

In this dilemma, our federal government—and every other central government—is unique. States and localities—and businesses and households—have each somehow had to put a check on spending before the checks begin to bounce. But Congress and the rest of the federal government have generally found that it has an especially friendly banker in the Federal Reserve. Treasury bills, notes and bonds are guaranteed a market. Treasury checks are just never bounced back to the sender, embarassingly stamped "Insufficient Funds."

The process is easy, like rolling off a log. The catch is debt is monetized—the printing press rolls. With, again, the upshot of "too much money chasing too few goods."

Congressman George Mahon, chairman of the House Appropriations Committee, recognized this problem in his article on budgetary procedures in *Nation's Business* last year. As the Congressman put it:

"Who is to blame for this distressing record? The President? The Congress? The American people? I think nearly all of us are. Large segments of the population tend to demand more and more government services, and at the same time there is a demand for lower taxes."

Maybe Pogo put it more plainly: "We have met the enemy, and they is us."

Maybe our Congress can achieve a greater fiscal discipline by noting what the states are doing. By and large the states grant much more budget authority to the governor than Congress grants to the President. A large number of states authorize the item veto, for example, and due to the shorter legislative session the pocket veto becomes a more effective budgetary tool. Again, quite a few states restrict legislators from increasing expenditures beyond the ceiling provided in the budget unless the legislature also lays out a new source of revenue.

In addition, virtually every governor annually impounds funds in one degree or another.

So let me reiterate and then augment my opening point:

If there ever was a time for budget restraint—and reform—this is it. The barrel has run out of pork; the lunch is anything but free.

IS GENOCIDE INTERNATIONAL OR DOMESTIC?

Mr. PROXMIRE. Mr. President, the argument has been made that the Senate should not ratify the Genocide Convention, since genocide is purely a domestic affair and not subject to international regulation. Opponents of the convention do not think it proper to guarantee human rights by treaty.

This argument is incorrect. The best

example we have of genocide, the action of Nazi Germany during World War II, is quite international in scope. The actions occurred from France to the heartland of Russia, from Norway to Greece. And they occurred in the midst of the most international war that the world has ever seen. Clearly, therefore, genocide is a proper concern for international remedies, such as treaties.

There is precedent for our ratifying the Genocide Convention. The United States is a party to several human rights conventions, one of which is the Supplementary Convention on the Abolition of Slavery. If we can be a party to a treaty which is designed to prevent the crime of slavery, then surely we can be a party to a treaty which is designed to prevent the far worse crime of mass murder.

Treaties should state their signatories' willingness to adhere to a set of principles governing their actions. Certainly we have advanced far enough as civilized nations to affirm the principle that we oppose genocide. Certainly we should proclaim this opposition to the world.

Mr. President, the Senate should ratify the Genocide Convention as quickly as possible.

THE SYNAGOGUE COUNCIL OF AMERICA SUPPORTS CONCERN OF PRESIDENT NIXON FOR SOVIET JEWRY

Mr. GURNEY. Mr. President, the Synagogue Council of America, which is the central coordinating agency for the major national synagogal and rabbinic organizations have issued a statement in support of the freedom of emigration amendment to the Trade Reform Act of 1973, which 76 of us in this body and 280 Members of the House of Representatives have sponsored.

The statement supports that amendment as well as President Nixon's efforts to achieve détente, coupled with his expression of concern for the plight of Soviet Jews. I commend this statement groups, in particular, Jews, going back unanimous consent that the text of it be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of the Synagogue Council of America

The Synagogue Council of America and its constituent agencies express their profound gratitude for President Nixon's expression of concern for the plight of Soviet Jews and his pledge of continuing efforts on their behalf which he communicated in a meeting with Jewish community representatives on April 19. We were particularly gratified to learn from the President that Soviet leadership had communicated to him their decision to waive the education tax on would-be emigrants.

We are convinced that the Freedom of Emigration Amendment to the Trade Reform Act of 1973, sponsored by Senator Henry M. Jackson and 75 Senators, and by Representatives Mills and Vanik and 278 Congressmen has been the major factor in strengthening the President's hand on behalf of Soviet Jewry. We therefore reaffirm our unwavering support of efforts to enact this Amendment.

We support the President's efforts to achieve detente between the great powers. We are deeply committed to the reduction of tensions among nations and to the enlargement of trade and other forms of communication. At the same time, we believe that progress in these areas will be neither real nor lasting if we acquiese in the suppression of fundamental human rights. In expressing concern for Soviet Jews within the context of our developing relations with the Soviet Union, our country is not pursuing a limited and special interest, but is acting in accordance with the very best of its historical traditions, which always reflected a sensitivity to the freedom and human rights of all people.

While we are encouraged that the Soviet authorities are not presently enforcing the education tax, we are concerned that there have been abrupt reversals in liberalized Soviet emigration practices during the past year. We are further concerned that the education tax is but one of a cluster of obstacles by which the Soviet Union presently limits the right and opportunity to emigrate. Though they have suspended the education tax, the Soviet authorities persist in harassing and imprisoning individuals who apply for exit visas. More than 100,000 applicants for exit visas have not received them, and as a penalty for applying, many have been fired from jobs, evicted from dwellings, denied pension rights and even imprisoned. It is this unabated harassment of would-be migrants that remains the reality of Soviet emigration policy. It is to the amelioration of this reality that the Jackson Amendment and the Mills-Vanik Bill are addressed.

We therefore express our continuing support of the enterprise that Senator Jackson and Representatives Mills and Vanik have undertaken on behalf of human dignity.

DR. WILLIAM KOREY SPEAKS ON U.S. CONCERN ON SOVIET JEWRY

Mr. GURNEY. Mr. President, last month, Dr. William Korey spoke here in Washington at the Shoreham Hotel at the 14th Annual Policy Conference of the American Israel Public Affairs Committee.

The text of his address sets out better than perhaps any other statement I have seen, the history over U.S. concern in the area of Russian treatment of minority groups, in particular, Jews, going back to the presidency of Ulysses S. Grant in 1869. It also contains an excellent discussion concerning the right of emigration as a matter of international law. I commend it on both points to the attention of my colleagues and I ask unanimous consent that the text of Dr. Korey's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks by Dr. William Korey, Director, B'nai B'rith United Nations Office at the 14th Annual Policy Conference, American Israel Public Affairs Committee

I want to address myself to two principle subjects as a backdrop to the whole question of the Jackson-Mills-Vanik legislation: the matter of international morality and law as they bear upon the subject of the right to leave and the obligations assumed by the Soviet Union with reference to that morality and that law; and secondly, the matter of American tradition with regard to Russian Jewry over the course of many years.

Among the most fundamental of human rights is the right to leave any country. It has occupied a central place on the agenda of international morality and international law ever since nearly the beginning of time. Socrates talked about the right to leave a country as an attribute of personal liberty. The Magna Charta referred to the right to leave as a part of natural law. The Constitution of France of 1791 incorporated the right to leave. An act of the Congress of the United States in 1868 made the right to leave an indispensible ingredient for the exercise of all other rights.

A major three-year study, culminating in 1963, by the distinguished Philippine jurist Jose Ingles—perhaps the most important study ever produced by the United Nations—made the right to leave a precedent for all other rights. Judge Ingles made the very critical point that for a man being persecuted, denial of the right to leave is tantamount to total deprivation of liberty if not life itself.

This study by Ingles had the right to leave as so important that he would have put no restriction on it other than the requirements of morality, public order and general welfare.

A recent expression of international morality on the subject of the right to leave was presented at an international conference last June. This conference, at the University of Uppsala, was comprised of some 70 distinguished international legal figures from over 20 countries and Rene Cassin, the Nobel laureate, was the prime moving force.

The declaration adopted at the conference elaborated upon the right to leave by specifying that there shall be no restrictions, no reprisals, no sanctions, no penalties, no harassments for the exercise of the right to leave, and no special fees, taxes or similar devices for inhibiting that right. It is impressive to note that at approximately the same time as the Uppsala declaration, a moving force in the Soviet Union's Committee on Human Rights, the distinguished academician and physicist Andrei Sakharov, released a memorandum that he had written 15 months earlier to Brezhnev, in which he called specifically for the abolition of all limitations upon the exercise of the right to leave.

Existing international law on the right to leave conforms to international morality. The Universal Declaration on Human Rights—regarded by international lawyers as the authoritative interpretation and extension of the UN Charter—in Article 13, Paragraph 2, calls for the right of everyone to leave any country, including his own. It is impressive to note that a declaration sponsored by the Soviet Union, the Declaration on Colonialism, which was adopted by the United Nations in 1960, calls upon all states to observe faithfully and strictly all the provisions of the Universal Declaration on Human Rights and, therefore, Article 13, Paragraph 2 as well.

The International Convention on Racial Discrimination, adopted unanimously by the General Assembly in December 1965, specifies in Article 5, Paragraph 4, Subsection 2, that contracting parties obligate themselves to respect the right of anyone to leave any country. Article 12 of the International Covenant on Civil and Political Rights, which was adopted unanimously by the UN General Assembly in December 1966, called for the right of anyone to leave any country.

On March 26 of this year, the Commission on Human Rights, meeting in Geneva, by a vote of 25 to 0 strongly endorsed the Ingles study and called upon all governments to bear in mind the provisions of Article 13 of the Universal Declaration on Human Rights.

The Soviet Union considers itself an adherent of the Universal Declaration on Human Rights. In January 1969, it ratified the International Convention on Racial Discrimination, thus making it binding law within the Soviet Union. It has signed the International Covenant on Civil and Political

Rights. And in submitting documentation to Judge Ingles at the United Nations in February 1963, the Soviet Union specified only three grounds on which an application for an exit visa would be rejected: If a person has been charged with an offense and judgment is yet pending; if a person has been convicted and is serving a court-imposed sentence; and if a person has yet to discharge his obligation of service in the army or navy.

In 1959, the Soviet Union signed a formal exchange with the United States—the Gromyko-Nixon exchange—in which both governments obligated themselves to the principle of reunion of families. And the Soviet Union has gone beyond this in implementing the principle of reunion of entire ethnic groups. When Spaniards who were living in the Soviet Union since the 1930's and were citizens of the Soviet Union requested to return to Spain in the late 1950's, almost all of them were permitted to return and a major Soviet journal at the time, *Literaturnaya Gazetta*, wished them well in this return. On the basis of agreements between Poland and the Soviet Union in the late 1940's, some 200,000 Poles, many of whom had become Soviet citizens, were permitted to return to Poland. Greeks who had been living in Russia since the fourth century B.C., since the time of Alexander the Great, have returned to Greece. Mongolians have returned to Mongolia, Koreans to Korea, Germans to West Germany.

The Soviet Union has also advocated the reverse side of the coin. Ever since 1946 the Soviet government has engaged in a major effort throughout the world, urging Armenians to return home to Soviet Armenia—a kind of Armenian Zionism—and some 200,000 Armenians from the United States, Europe, Canada, and North Africa have returned to Soviet Armenia. Since 1955 the Soviet Union has been encouraging Russians, Byelorussians, Georgians and Ukrainians who left after the revolution to return to the Soviet motherland.

Yet, as we know, until the last year or two these obligations have not been fulfilled with regard to Jews.

Does the United States have a stake in this matter? What is our tradition?

Jackson-Mills-Vanik is deeply rooted in the American tradition, which has displayed a continuing concern for oppressed minorities abroad.

All too often Jackson-Mills-Vanik is treated as if it is *de novo* and *sui generis*, that it has suddenly appeared on the scene, that it is somehow alien to American tradition and American policy.

As early as 1869, President Ulysses S. Grant, upon hearing from American Jewish petitioners of a contemplated expulsion of 20,000 Jews from an area of southwestern Russia, intervened with the czarist authorities. If that expulsion was halted, one chronicler of the episode notes, it was a consequence of American concern.

At least ten American Presidents, from Grant to Richard M. Nixon, have intervened directly or indirectly on behalf of Russian Jewry in the past 100 years. A prominent Secretary of State, James Blaine, formally justified diplomatic intervention in the internal concerns of a foreign country on grounds that "the domestic policy of a state toward its own subjects may be at variance with the larger principles of humanity."

Humanitarian intervention on behalf of persecuted Irish and Armenians as well as Jews remained a distinctive feature of the American diplomatic landscape during the nineteenth and early twentieth centuries.

Frequently the Congress has acted as a spur to Administration action. In 1879, for example, the House of Representatives adopted a resolution which criticized a czarist policy that refused the Jews the right to own real estate. The measure was introduced by Samuel Cox—who, like Charles Vanik, was a congressman from Ohio.

The following year Cox inserted into the Congressional Record a letter from a Russian Jew—the first, but not the last to appear in the Record—which opened as follows: "In this hour of all but hopeless misery, groanning under the yoke of a cruel and heartless despotism, we turn to the West."

In 1883 a House resolution called upon the Administration to exercise its influence with the government of Russia to stay the spirit of discrimination and persecution as directed against the Jews.

A decade later, in 1892, the House of Representatives refused to allocate funds for food transport to Russia on grounds, in the words of Tennessee Congressman Josiah Patterson, that the czarist regime, by its treatment of Jews, had shocked the moral sensibilities of the Christian world.

Especially significant was the legislative effort in 1911 to abrogate an 80-year-old Russian-American commercial treaty. This drive constituted almost the dress rehearsal for the Jackson-Mills-Vanik congressional drive of today.

Behind the 1911 effort was a determination to relieve the desperate plight of Russian Jews, although the battle was technically fought over the more narrow issue of passport discrimination against American Jews seeking to visit Russia.

A proclamation by President William Howard Taft in March 1910 extending to Russia minimum tariff rates despite reluctance by the U.S. Tariff Board, prompted the public campaign. Towards the end of that year, New York Congressman Herbert Parsons cautioned the Administration that the House might demand the termination of the 1832 commercial treaty. The implied threat was rebuffed. Secretary of State Philander Knox in a note to the President argued that "quiet and persistent endeavor" (quiet diplomacy, in modern parlance) would be more effective than treaty abrogation in changing czarist policy.

A series of State Department memoranda in early 1911 buttressed the Philander Knox note with arguments that find a remarkable echo today: America's commercial and industrial interests would allegedly be harmed; Antisemitism would fall upon Russian Jews. There were other statements made at the time: We have no right to intervene in the internal affairs of foreign countries; And there were even warnings that antisemitism would take place in the United States as a consequence of these efforts.

Much of the American public saw the issue differently. A massive number of petitions and and resolutions bombarded Congress. Public rallies were held in various cities, culminating in a mass meeting in New York on December 6, 1911, under the auspices of the National Citizens Committee and addressed by Woodrow Wilson, William Randolph Hearst and Champ Clark. One week later speaker after speaker arose in the House of Representatives to express sympathy for Jews and to condemn the barbaric practices of czarist Russia. The vote for abrogation was overwhelming—301 to 1.

With the Senate certain to have a similar lopsided vote, the Secretary of State hastened to soften the impact on the angry czarist regime. In language which stressed friendship between the two countries, he advised the Russian Foreign Office that the United States was terminating the commercial agreement as of January 1, 1913.

Russian officials reacted with astonishment. They failed to comprehend, as a historian of the event observed, "how a moralistic crusade could dictate political action."

That failing should no longer obtain. Senator Henry Jackson has repeatedly emphasized, both publicly and privately, that the United States, as a nation of immigrants, has a vital stake in the right to emigrate freely.

The amendment addresses itself not to trade *per se;* indeed, its sponsors are vigorous advocates of a greater degree of trade. The matter of the legislation focuses upon trade *concessions* which the USSR desires and seeks—most-favored-nation treatment, credits, and credit guarantees.

The price asked for such concessions can hardly be described as extravagant. On the contrary, the price is but minimal; adherence to international standards of conduct that are appropriate for any civilized society.

International morality and law concerning the precious right to emigrate must be upheld, and America, in championing this right, pursues a course which has been integral to its purpose since the very founding of the republic.

AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE 1973 POLICY STATEMENT

Mr. HUMPHREY. Mr. President, recently, the American Israel Public Affairs Committee conducted its 14th annual national policy conference to celebrate the 25th anniversary of the founding of the State of Israel and to honor the newly appointed Israeli Ambassador to the United States, Simcha Dinitz.

The American Israel Public Affairs Committee—AIPAC—is a nonpartisan organization which, for more than 20 years, has worked to foster the friendship and good will between the United States and Israel and to advocate measures that promote stability and an enduring peace in the Middle East.

Presiding over this year's conference were AIPAC Chairman Irving Kane of Cleveland, Honorary Chairman Rabbi Philip S. Bernstein of Rochester and Executive Vice Chairman I. L. Kenen, who has directed AIPAC's Washington activities since the committee's inception.

AIPAC's executive committee is composed of national and community Jewish leaders. Two former Congressmen, Emanuel Celler and Herbert Tenzer are cochairmen of AIPAC's national council.

AIPAC's annual policy conferences were begun in 1960 to give its members an opportunity to meet with Congressmen and Government officials and to formulate a policy statement to guide the committee activity for the coming year.

The policy statement adopted at this year's conference is of interest to both Members of Congress and the public and I ask unanimous consent that the statement be printed in the Record.

There being no objection, the policy statement was ordered to be printed in the Record, as follows:

American Israel Public Affairs Statement of Policy Adopted at Its Conference, May 7, 1973

This year we celebrate the 25th anniversary of the establishment of the State of Israel and the splendid progress she has made in the reclamation of land and people.

But Israel is still denied the blessings of peace. The Arab states went to war against the United Nations resolution of 1947, which recognized Israel's right to exist, and for 25 years have persisted in their objective of destroying the Jewish state.

Throughout this period Israel has never

abandoned the hope of peace with her Arab neighbors. She has always been ready to accept reconciliation and peace, which would bring about Arab-Israel friendship and cooperation while ensuring secure and recognized boundaries for all states in the area.

The Arab states must recognize that a genuine peace cannot be attained by military aggression, imposed by great powers or enforced by outside intervention or guarantees. Mutual accommodation and lasting peace can be attained only though negotiations between the parties directly involved.

U.S.-ISRAEL RELATIONS

The American Israel Public Affairs Committee has advocated strong economic, military and diplomatic support for Israel by the United States. The success of U.S. policy in implementation of this basic principle has reinforced this position.

We commend President Nixon and the Congress for their ongoing commitment which enables Israel to maintain her deterrent military strength and for their constuctive response to Israel's need for assistance in meeting the economic burdens resulting from the continued belligerence of the Arab states and from the continuing and welcome immigration of Soviet Jews.

However, we note with regret that the Administraiton's fiscal 1974 budget request proposes to cut supporting assistance to Israel from the $50 million appropriated last year to $25 million and that the Administration has not requested additional funds to aid in the resettlement of Soviet Jewish emigrants. We urge that U.S. aid to Israel be maintained at its current levels.

We also call upon the U.S. government to recognize Jerusalem as the capital of the State of Israel and we urge the United States to move its embassy to Jerusalem.

We welcome U.S. diplomatic efforts to promote dialogue, without preconditions, between Israel and the Arab states and the firm U.S. rejection of Arab demands for an imposed solution.

We commend U.S. opposition to one-sided UN resolutions which flout UN principles by condemning Israel's preventive and defensive actions while ignoring the provocations and aggression of her enemies.

U.S. support for Israel has helped to maintain the cease-fire, reduce Great Power rivalry and increase U.S. influence and prestige in the region. It has also led some Arab leaders to consider the possibility of peace through negotiations. We urge that this policy be continued.

THE SOVIET UNION AND THE UNITED STATES IN THE MIDDLE EAST

President Nixon's firm refusal to compromise Israel's security in his discussions with Russian leaders during the past year helped to defuse U.S.-Soviet tensions in the Middle East. The exodus of most Russian personnel from Egypt has further reduced the danger of renewed armed conflict in the area.

Nevertheless, the threat of Russian involvement in the region cannot be disregarded.

The Soviet naval presence in the Mediterranean Sea and the Indian Ocean continues to grow. Russian arms shipments to Iraq, Syria and Egypt fortify Arab intransigence.

Strong support for Israel—as well as the maintenance of a U.S. naval presence sufficient to ensure freedom of the seas and deter threats to the integrity of all states in the Middle East—is essential to counter Soviet influence in the area.

THE ENERGY PROBLEM

The United States must develop effective measures to meet anticipated energy shortages.

We note with regret a reckless and irresponsible propaganda drive by certain vested interests to link the "oil crisis" with the Arab-Israel conflict—a position which the Administration has not adopted.

Surrender to demagogic demands at Israel's expense will neither guarantee oil shipments from the Arab world nor safeguard foreign investments nor allay the adverse economic effects of U.S. dependence on Arab oil.

The answer to our energy problems will not be found in Arab-Israel politics. A solution requires joint economic planning with other oil-importing states, increased utilization of our own resources, energy conservation, and rapid research for the development of alternative sources of energy. These measures are imperative if we are to resist and combat political and economic blackmail.

ARAB-ISRAEL RELATIONS

Where Israelis and Arabs live together there is an increased spirit of understanding and coexistence.

Jerusalem now flourishes as a unified city open to all—Christians, Moslems and Jews—without discrimination.

The Arabs in areas administered by Israel now enjoy improved standards of health, education and employment. In the West Bank all Arab refugees have in fact been absorbed and given employment in an expanding economy.

The prosperity and freedom enjoyed by the Arabs of Jerusalem, the West Bank and Gaza under Israel's administration have enhanced cooperation between Arabs and Israelis. And Israel's policy of permitting Arabs from all parts of the Arab world to visit the West Bank and Israel has helped dissipate false conceptions which have hindered Arab understanding of Israel.

The West Bank elections—held with unprecedented voter turnout despite terrorist threats—the establishment of an independent Arab university on the West Bank, the family reunification program, and the increased trade and travel across the Jordan River further demonstrate the advantages of peaceful coexistence and mutual cooperation.

SOVIET JEWRY

We support both trade and detente with the Soviet Union. But we believe that it is imperative for the Soviet Union to change its restrictive emigration policies in order to achieve detente.

We commend the Nixon Administration and the Congress of the United States for their efforts to induce the Soviet Union to end its ruthless policy of denying religious and cultural rights and freedom of emigration to its Jewish citizens.

We welcome the announcement by President Nixon that the Soviet Union has decided to suspend the education tax, which was, in effect, a ransom.

We believe that progress toward this welcome decision was accelerated by the extraordinary and unprecedented demonstration of congressional support for the Jackson-Mills-Vanik legislation with respect to the pending trade bill, which proposes to deny most-favored-nation status, credits and investment guarantees to states which restrict emigration or impose excessive exit fees.

In the forthcoming weeks the Soviet commitment to the Administration will be tested by performance. We call attention to the fact that 100,000 Soviet Jews have applied for visas but that the great majority have not been granted, and there is continuing harassment and imprisonment, under inhuman conditions, of those wishing to emigrate.

We call for the repeal of the onerous restrictions to emigration which the Soviet Union continues to impose, such as the requirement of prospective emigrants to secure parental permission, regardless of age; the humiliation of interrogation before hostile workers councils; denial of employment in their regular fields of occupation upon applying for emigration and subsequent castigation as parasites; arbitrary denial of emigration permits based on spurious security considerations and geographical origins. We call for the liberation of those who have been imprisoned solely because of their expressed desire to emigrate and we call upon the USSR to desist from new prosecutions of would-be emigrants.

We urge both the President and the Congress to maintain a vigilant watch on developments in the Soviet Union in the weeks and months ahead.

We continue to support the Jackson-Mills-Vanik legislation in the belief that this measure has served and can continue to serve a constructive purpose and we urge Congress and the Administration, working together, to take legislative action to give effect to its principles and objectives.

JEWS IN ARAB LAND

We protest the inhuman treatment of Jews living in some Arab lands, notably Iraq and Syria. An aroused public opinion will help to end the arbitrary kidnapping, expropriation of property, imprisonment and murder of Jews in these countries. We urge our government, the United Nations and governments throughout the world to use their influence to ensure the restoration of basic human rights to these tragic remnants of once-flourishing communities—including the right to emigrate to countries of their choice.

TERRORISM

The escalation of Arab terrorist piracy and murder poses danger not only to Israel, but to the entire world.

Israel has curbed terrorism within her borders by vigilant security measures and by consistent rejection of terrorist blackmail. She has warned neighboring Arab nations of their responsibility, under the 1948 armistice, to halt attacks emanating from their territory and has acted to wipe out terrorist bases in countries where terrorists are harbored, financed and encouraged.

Terrorism can be combated successfully on a global scale when all nations refuse to capitulate to extortion or give sanctuary to hijackers and terrorists within their borders and agree to penalize and impose sanctions on those countries which provide havens for and encourage these international outlaws.

We welcome measures adopted and promoted by our government to counter international hijacking and terrorism and we deplore the failure of the United Nations to adopt U.S.-initiated proposals while, at the same time, voting to censure Israel for taking legitimate measures to protect her population against attack and murder.

THE UNITED NATIONS

The built-in coalition of Arab and Soviet bloc states at the United Nations continues to push through defamatory anti-Israel resolutions which make unsubstantiated charges of transgression in the administered territories and falsely blame Israel for the continuing impasses in the Middle East.

In addition, the United Nations has made no contribution toward a solution to the problem of the Arab refugees. It has in fact hindered a solution by challenging Israel's attempts to raise their standard of living and by failing to encourage the Arab states to aid in their resettlement in Arab lands.

By shifting blame to Israel, by disseminating malicious and uncorroborated allegations, by refusing to investigate charges of mistreatment of Jews in Arab lands, and by failing to act against terrorism, the United Nations has fortified Arab resistance to peace, thus prolonging the conflict.

GENOCIDE CONVENTION

It is now 25 years since the United Nations General Assembly approved the Genocide Convention. Since then 75 nations have ratified this Convention, but the United States has failed to do so.

We are encouraged by the favorable report of the Senate Foreign Relations Committee and we appeal to the Senate to approve the Convention as soon as possible.

PEACE TREATIES

We believe that all outstanding issues between Israel and the Arab states can be resolved by peace treaties arrived at through direct negotiations, obligating the parties to each other and leading to:

a) the recognition by the Arab states of Israel's existence as a sovereign nation in the Middle East;

b) the establishment of secure, mutually recognized and agreed upon boundaries;

c) effective controls to end hijacking and terrorism;

d) acknowledgement of Israel's sovereignty over a unified Jerusalem with free access to the holy places for all faiths;

e) freedom of navigation through the Suez Canal, the Straits of Tiran and the Red Sea, as long established by international law;

f) an end to economic warfare, boycotts and blockades;

g) de-escalation of the arms race.

Israel's first 25 years have demonstrated her desire and her capacity to live and grow as a free and democratic state in a peaceful Middle East.

The friendship and understanding between Israel and the United States have been crucial to Israel's development and survival and have served the highest interests of our country.

We hope that the time will soon come when the Arab states will learn that the road to lasting peace and prosperity in the Middle East will be traveled successfully only when Arabs and Israelis travel it together.

NEW YORK BAR COMMITTEE ENDORSES IMPOUNDMENT BILL

Mr. ERVIN. Mr. President, the Committee on Federal Legislation of the Association of the Bar of the City of New York recently issued a report in which it endorsed S. 373, the impoundment control procedures bill which passed the Senate on May 10.

In the report, the committee said that the impoundment legislation "is desirable and within the constitutional powers of Congress," and it agreed with me that the impoundment bill would—

> Establish for the first time an orderly procedure whereby the President of the United States can call to the attention of the Congress (without having to veto a broader piece of legislation) specific changes or deferrals in government expenditures which he considers essential, and at the same time would retain in the Congress the ultimate power of the purse conferred on that body by the Constitution.

While the committee suggested some changes in the impoundment bill as reported to the Senate by the Committee on Government Operations, it approved the general thrust of the bill.

The committee's report also set out in concise fashion the key arguments for enactment of impoundment control legislation, and I commend it to Senators and every citizen who is interested in this important issue.

Mr. President, I ask unanimous consent that the report on "Executive Impoundment of Appropriated Funds" by the Committee on Federal Legislation of the Association of the Bar of the City of New York, which was issued on April 25, 1973, be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

EXECUTIVE IMPOUNDMENT OF APPROPRIATED FUNDS

(By the Committee on Federal Legislation)

The sharp controversy between the President and the Congress over Executive impoundment of appropriated funds has given rise to a serious constitutional confrontation between the two branches of government. The Administration has taken the position that the President's authority to impound appropriated funds is grounded in the Constitution.[1] Congressional leaders, on the other hand, point to the Constitution's having given the power of the purse to Congress, and various bills have been introduced in both Houses designed to prohibit or restrict Executive impoundment. On April 4, 1973 the Senate, amending a bill giving Congressional approval to the recent devaluation of the dollar, adopted by a vote of 70 to 24 a comprehensive proposal introduced by Senator Sam J. Ervin enabling Congress to review and nullify Executive impoundments.[2]

We believe such legislation is desirable and within the constitutional powers of Congress. This report will discuss the issues principally in terms of the Senate-passed amendment, as the similar House bills had not cleared the Rules Committee as this report went to press.

I. TERMS OF THE PROPOSED LEGISLATION

The impounding measure passed by the Senate applies whenever the President or any Executive officer or employee "impounds any budget authority made available, or orders, permits, or approves the impounding of any such budget authority by any other officer or employee of the United States . . ." (§ 2(a)).[3]

For purposes of the Act the "impounding" of budget authority includes, *inter alia*, "withholding, delaying, deferring freezing, or otherwise refusing to expend any part of budget authority made available by Congress (whether by establishing reserves or otherwise) and the termination or cancellation of authorized budgets or activities to the extent that budget authority has been made available" (§ 4(1)), and "any type of Executive action or inaction which effectively precludes or delays the obligation or expenditure of any part of authorized budget authority" (§ 4(4)).

Within ten days of such impounding, the President is to transmit to both Houses a special message specifying, *inter alia*, the amount impounded, the time period of and the reasons for the impoundment, including any legal authority invoked by the President justifying it, the department or agency of government to which the amounts would have been available, and to the extent practicable the estimated fiscal, economic and budgetary effect of the impoundment. If the President fails to report impounding action to the Congress as required by the Act, the Comptroller General shall report such impounding action to both Houses along with any available information, and the provisions of the Act will apply as if the report had been made by the President.[4]

The Comptroller General is to review the President's report of an impoundment and advise both Houses of Congress (within 15 days after receipt of the impounding message) as to whether the impoundment in his judgment is in accordance with existing statutory authority. If the Comptroller General determines that the impoundment was in accordance with the Anti-Deficiency Act (described at page 3 below), the Ervin impounding amendment will not otherwise apply to the impoundment in question. In all other cases the provisions of the impoundment measure apply, even if the Comptroller General advises that there is other existing statutory authority for the Executive action.

Under the bill, the impounding of any budget authority set forth in a special message shall cease unless within 60 calendar days of "continuous session" after the message is received by Congress, the specific impoundment shall have been ratified by adoption of a concurrent resolution of both Houses.[5] Congress may, however, terminate the impoundment or any part of it earlier by a concurrent resolution. If Congress fails to approve the impoundment by the end of the statutory period, or earlier disapproves the impoundment, the obligation of the budget authority subject to the special message is made mandatory, and the Executive is precluded from reimpounding the specific budget authority set forth in the special message.[6]

Provision is made by the bill for expedited consideration of the impounding message as privileged business in both Houses, without referral to committee and with limited debate. Finally, the measure provides that, should the President desire to make any impoundment of an appropriation that is not authorized by the Act or by the Anti-Deficiency Act, he should seek legislation "utilizing the supplemental appropriations process to obtain selective recission of such appropriation by the Congress" (§ 9(b)).

II. CONSTITUTIONAL PROVISIONS AND HISTORICAL PRACTICES

The relevant constitutional provisions are Article I, Section 1, which vests "All legislative Powers" in the Congress; Article I, Section 8, which grants the "Power" to Congress, among other things, to "make all Laws which shall be necessary and proper for carrying into Execution" the enumerated powers of Congress and "other Powers vested by this Constitution in the Government of the United States, or in any Department or officer thereof"; Article I, Section 9, which provides, among other things, that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law"; Article II, Section 1, which provides that "The executive Power shall be vested in a President"; Article I, Section 7, which provides for a limited veto power in the President of any "Bill"; and Article II, Section 3, which provides that the President "shall take Care that the Laws be faithfully executed."

The impoundment of funds by Presidents is nothing new. As far back as 1803 President Thomas Jefferson declined to spend an appropriation for gunboats because a "favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary." Jefferson's Third Annual Message to Congress, October 17, 1803. However, there were few other substantial impoundments during the 19th century.

The first extensive impounding was done by President Franklin D. Roosevelt in the early 1940's when the economy of the United States shifted first to defense and later to war production. In order to control government spending, inflation and the related economic effects, President Roosevelt directed that a variety of funded programs, notably public works projects unrelated to the war effort, be postponed for the duration of the war. Fisher, *The Politics of Impounded Funds*, 15 ADMINISTRATIVE SCIENCE Q. 361.

Succeeding administrations have continued the impoundment practice. In 1949 President Truman impounded some $700 million appropriated for expanding the Air Force. President Eisenhower impounded funds for the Nike-Zeus missile development. President Kennedy impounded funds for the development of the B–70 bomber. In 1966, President Johnson, as an anti-inflationary measure, withheld $5.3 billion in highways, housing and urban development, education, agricul-

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ture and health and welfare funds. (Under pressure from Congress, a major part of these funds was released for expenditure some months later.)

It is not surprising that Congress has not frequently challenged the President when he has impounded funds in instances where he finds that the program of Congress can be carried out without expending all the appropriated monies. Indeed, the usual appropriation measures are generally construed merely to authorize the President to expend funds for a particular program, but not to impose upon him the affirmative duty to do so.[7] The President is clearly fulfilling his duty to "take Care that the Laws be faithfully executed" where he accomplishes the Congressional program at a lower cost. The Anti-Deficiency Act, enacted in 1905 and subsequently elaborated (31 U.S.C. § 665), in its present formulation explicitly recognizes the principle. The Act requires apportionment of funds on a periodic basis to minimize the need for deficiency appropriations, and provides that the President shall set aside funds for contingencies or effect savings whenever they are made possible "by or through changes in requirements, greater efficiency of operations, or other developments" that take place after funds have been appropriated.

Other statutes require the withholding of funds under circumstances specified by Congress. For example, Title VI of the 1964 Civil Rights Act directs the agencies to withhold federal funds from programs in which there is discrimination by race, color or national origin. Similarly, welfare assistance is required to be cut off from States which do not update their welfare payments to reflect cost of living increases. Spending ceilings adopted by Congress for the fiscal years 1969–1971 gave the President power to withhold funds. Various foreign assistance acts direct the President to withhold economic assistance under certain conditions.

At times the President is faced with apparently conflicting legislation. For example, the 1971 Military Pay Raise Statute required that raises were to be effective in October 1971. The statute was passed without referring to the President's general authority to freeze pay under the Economic Stabilization Act. Attorney General Mitchell opined that the President was authorized under the latter act to defer the military pay raise. More general fiscal control measures, such as the laws setting a debt limit ($465 billion for the year ending June 30, 1973), have been cited in support of Presidential authority to refrain from expending funds.

On occasion other general factors have been weighed by the President in deciding the extent to which funds should be expended. As stated above, in the 1940's President Roosevelt directed that certain projects be postponed or cancelled though funds had been appropriated for them. When certain programs of the Agricultural Marketing Administration were curtailed by the Bureau of the Budget, and some Congressmen complained, President Roosevelt responded:

"It should, of course, be clearly understood that what you refer to as 'the practice of the Bureau [of the Budget] of impounding funds duly appropriated by the Congress' is in fact action by the Chief Executive, and has two purposes. The first purpose is compliance with the Anti-Deficiency Act which requires that appropriated funds be so apportioned over the fiscal year as to insure against deficiency spending. * * * Secondly, the apportionment procedure is used as a positive means of reducing expenditures and saving money wherever and whenever such savings appear possible.

"While our statutory system of fund apportionment is not a substitute for item or blanket veto power, and should not be used to set aside or nullify the expressed will of Congress, I cannot believe that you or Congress which are common to sound business management everywhere. In other words, the mere fact that Congress, by the appropriation process, has made available specified sums for the various programs and functions of the Government is not a mandate that such funds must be fully expended. Such a premise would take from the Chief Executive every incentive for good management and the practice of commonsense economy. This is particularly true in times of rapid change in general economic conditions and with respect to programs and activities in which exact standards or levels of operation are not and cannot well be prescribed by statute."[8]

III. THE CURRENT CONTROVERSY

Whether or not past impoundments were consistent with the intent of Congress or met with the wishes of all Members of Congress, the Administration of President Nixon has made what must be viewed as a change in kind in the utilization of impoundment. The President has impounded funds, and has announced he will impound funds, in connection with varied domestic programs with respect to which the Congressionally established level of funding is considered by the President incompatible with his own budget priorities.

Thus, in 1969 President Nixon announced plans to reduce health research grants, Model Cities funds and grants for urban renewal, while in the same period proceeding with Administration-backed programs relating to the supersonic transport, a new manned bomber and the Safeguard ABM System. In the Spring of 1971 the President announced the withholding of more than $12 billion, most of it in highway money and funds for various urban programs. He also proceeded with public works projects which he had recommended to Congress, but deferred, without exception, all of the additional projects that Congress had approved. A variety of other programs have since been abolished or seriously curtailed. For example, the President terminated several agricultural programs, including the rural environmental assistance program and emergency disaster loans to farmers.

The President also effectively impounded, by refusing to allocate for project approval, $6 billion in federal water pollution control funds authorized by Congress over the President's veto in the Water Quality Act Amendments of 1972. In January of 1973 Representative Joe L. Evins, Chairman of the House Appropriations Committee's Subcommittee on Public Works, cited that action and listed an additional $6 billion in appropriated funds for the fiscal year 1973 being withheld, frozen or impounded by the Office of Management and Budget.

Many Members of Congress have deemed the President's widespread impounding to be, in the words of Senator Ervin, "merely a means whereby the White House can give effect to social goals of its own choosing by reallocating national resources in contravention of congressional dictates. * * * By impounding appropriated funds, the President is able to modify, reshape, or nullify completely laws passed by the legislative branch, thereby making legislative policy—a power reserved exclusively to the Congress" (Cong. Rec. Jan. 16, 1973, pp. 1149–1150).

IV. CONSTITUTIONALITY OF THE LEGISLATION

There have been very few instances of legislation specifically prohibiting impoundment. One is the Rural Post Roads Act of July 13, 1943, 57 Stat. 560, 563, providing that "no part" of any appropriation authorized in the Act shall "be impounded or withheld from obligation or expenditure by any agency or official" unless the War Production Board certified that the use of critical materials for highway construction would impede conduct of the war.[9] But no litigation involving the Act appears to have been brought.

On April 2, 1973 the United States Court of Appeals for the Eighth Circuit, affirming the United States District Court for the Western District of Missouri in *State Highway Commission of Missouri* v. *Volpe*, 347 F.Supp. 950 (W.D. Mo. 1972), held that the Federal Aid Highway Act of 1956, as amended, prohibited the Secretary of Transportation and the Director of the Office of Management and Budget from withholding, as an anti-inflation measure, Missouri's authority to obligate its apportionment from the Highway Trust Fund for the fiscal year 1973. Twenty-two Senators and four Members of the House joined in an *amicus* brief before the Court of Appeals opposing the impoundment and challenging the constitutionality of Executive impoundment of Congressionally appropriated funds.

Restricting its decision solely to construction of the Highway Aid Act, the Eighth Circuit remarked that resolution of the issue did not involve an analysis of the Executive's constitutional powers. The court declined to reach the constitutional issues inasmuch as nothing in the record demonstrated that the Secretary of Transportation would continue to exercise controls beyond those which judicial construction found permissible within the relevant statutes.

Similarly, the District Court opinion had not reached the constitutional issue, concluding that the reason advanced by the Secretary for withholding funds, that is, the prevention of inflation, was "impermissible" under the terms of the statute. Thus, in rejecting the argument that the President's decision to withhold funds could be justified by general economic considerations, the District Court had said:

"The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and the Fund. The reasons relied on are related to the prevention of inflation of wages and prices in the national economy. These reasons are impermissible reasons for action which frustrates the purposes and standards of the Act, including but not limited to those in Section 109, Title 23, U.S.C.A. Therefore it is not within the discretion of the Secretary to withhold obligational authority from Missouri, and judicial relief should be granted to Missouri." 347 F. Supp. at 954.

The Court of Appeals agreed: "Apportioned funds are not to be withheld from obligation for purposes totally unrelated to the highway program." The court found that nothing in the Highway Aid Act "explicity or impliedly allows the Secretary to withhold approval of construction projects for reasons remote and unrelated to the Act."[10]

On similar reasoning, the United States District Court for the District of Columbia on April 11, 1973 enjoined, as contrary to statutory authority, certain actions of the Acting Director of the Office of Economic Opportunity which would apparently constitute an impoundment under the definition of the Ervin measure (see page 1 above). After the President announced in January 1973 that no funds for OEO's community action program or for the existence of the agency itself were being requested in the fiscal 1974 Budget, the Acting Director of OEO took several actions looking toward complete phase-out of the program and of OEO's administrative operations prior to the end of the current fiscal year, including directions for the diversion of appropriated funds from the substantive program to the expenses of termination of OEO and its grantee community action agencies. The District Court held these actions to be contrary to OEO's authorizing legislation and other relevant statutes. The court noted that it was not taking away the discretion of the agency in making specific funding decisions under the program, but rather requiring that that discretion be exercised as

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the underlying legislation contemplated, until such time as Congress might act to terminate the program. *Local 2577, AFGE* v. *Phillips* (D.D.C. April 11, 1973).[11]

The constitutional argument on behalf of an Executive power to impound appears to rest on the "inherent" powers of the President. Although Deputy Attorney General Joseph T. Sneed, who testified for the Administration at the 1973 Senate hearings on S. 373, contended that Congress could not constitutionally mandate spending on the Executive (except under very narrow circumstances), it is difficult to determine the premise constitutional theory supporting the contention. Mr. Sneed appeared to rely on "past practice" and "the intractable realities of modern government under our system of separated powers." The latter phrase seemingly is based on the premise that "the structure of Congress does not enable it to assume the executive responsibility for achieving" the end of protecting "purchasing power by avoiding intolerable inflation." This was said to raise a "double whether Congress can legislate against impoundment even in the domestic area when to do so would result in substantially increasing the rate of inflation." Further, it was argued that to "admit the existence of such power deprives the President of a substantial portion of the 'executive power' vested in him by the Constitution." 1973 Hearings, pp. 366–369.

Mr. Sneed also asserted that the constitutional questions would be the greatest in the areas of national defense and foreign relations, because there the President's powers and responsibility derived from his express status as Commander-in-Chief of the armed forces and as the "sole organ" of the nation in the conduct of its foreign affairs. In those areas the President has relatively broad constitutional authority. See *e.g.*, *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 319–320 (1936). The extent to which Congress may mandate expenditures in those fields has never been litigated.

Judicial authority on the constitutional issue of impoundment is very sparse. *Kendall* v. *United States*, 12 Pet. 524 (1838), is the closest Supreme Court decision in point. There a mandamus proceeding was brought to compel the Postmaster General to pay certain contractors sums which had been awarded to them in accordance with a procedure directed by Congress. The Postmaster General had refused to credit the contractors with the full amount of the award.

On appeal it was urged that the Postmaster General was subject only to the direction and control of the President "with respect to the execution of the duty imposed upon him by this law," and that "this right of the President is claimed as growing out of the obligation imposed upon him by the Constitution to take care that the laws be faithfully executed." The Court responded to this argument:

"This is a doctrine that cannot receive the sanction of this court. It would be vesting in the President a dispensing power which has no countenance for its support in any part of the Constitution, and is asserting a principle which, if carried out in its results to all cases falling within it, would be clothing the President with a power entirely to control the legislation of Congress, and paralyze the administration of justice.

"To contend that the obligation imposed on the President to see the laws faithfully executed implies a power to forbid their execution, is a novel construction of the Constitution, and entirely inadmissible." 12 Pet. at 613.

In deciding that mandamus was the proper remedy, the Supreme Court said:

"The act required by the law to be done by the Postmaster-General is simply to credit the relators with the full amount of the award of the solicitor. This is a precise, definite act, purely ministerial, and about which the Postmaster-General had no discretion whatever." *Ibid.*[12]

In later cases the Supreme Court has followed the *Kendall* decision and said that when Congress appropriates money for payment to a particular person, the Executive Branch has no discretion to refuse payment.[13]

Legal advisers to Presidents have adopted the same view. Attorney General Griggs ruled in 1899 that there was no authority to refuse to pay a claim based on a private bill. 22 OPS. ATT'Y GEN. 295 (1900). In 1937 Attorney General Cummings gave an opinion that the President is without power to withhold appropriations unless the power is contained in legislation.[14]

Mr. Justice Rehnquist, when he was serving as Assistant Attorney General in the Office of Legal Counsel of the Department of Justice, took the view that the President had no broad power to refuse to spend where Congress had mandated spending. In a memorandum addressed to the Deputy Counsel to the President and concerning the President's authority to impound funds appropriated for aid to schools in federally impacted areas,[15] he said:

"With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that existence of such a broad power is supported by neither reason nor precedent. There is, of course, no question that an appropriation act permits but does not require the executive branch to spend funds. See 42 Ops. A.G. No. 32, p. 4 (1967). But this is basically a rule of construction, and does not meet the question whether the President has authority to refuse to spend where the appropriation act or the substantive legislation, fairly construed, require such action.

* * * * *

"Although there is no judicial precedent squarely in point, *Kendall* v. *United States*, 12 Pet. 524 (1838) appears to us to be authority against the asserted Presidential power. In that case it was held that mandamus lay to compel the Postmaster General to pay to a contractor an award which had been arrived at in accordance with a procedure directed by Congress for settling the case.

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"[T]he mere fact that a duty may be described as discretionary does not, in our view, make the principle of the *Kendall* case inapplicable, if the action of the federal officer is beyond the bounds of discretion permitted him by the law.

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"It is in our view extremely difficult to formulate a constitutional theory to justify a refusal by the President to comply with a Congressional directive to spend. It may be argued that the spending of money is inherently an executive function, but the execution of any law is, by definition, an executive function, and it seems an anomalous proposition that because the Executive branch is bound to execute the laws, it is free to decline to execute them.

* * * * *

"It has been suggested that the President's duty to 'take care that the laws be faithfully executed' might justify his refusal to spend, in the interest of preserving the fiscal integrity of the Government or the stability of the economy. This argument carries weight in a situation in which the President is faced with conflicting statutory demands, as, for example, where to comply with a direction to spend might result in exceeding the debt limit or a limit imposed on total obligations or expenditures. See *e.g.*, P.L. 91–47, title IV. But it appears to us that the conflict must be real and imminent for this argument to have validity; it would not be enough that the President disagreed with spending priorities established by Congress. Thus, if the President may comply with the statutory budget limitation by controlling expenditures which Congress has permitted but not required, he would, in our view, probably be bound to do so, even though he regarded such expenditures as more necessary to the national interest than those he was compelled to make."

We think that this reasoning is sound and should be followed. The plan of the Constitution contemplates that "legislative" matters, that is, general policies and programs, shall be determined by Congress and that those policies and programs, if Congress shall so direct, must be "faithfully executed" and implemented by the President.

Where Congress has made its intent clear the President is constitutionally obligated to effectuate that intent. He does not have discretion to substitute his own views as to policy for those of the Congress, provided Congress has embodied its own views in mandatory legislation. "Legislative" powers, "all" of which have been "vested" by Article I, Section 1 in Congress, must include the power to make general policy. The President is given no role in the legislative process other than the power under Article II, Section 3 to recommend legislation and the limited power to veto a "bill" under Article I, Section 7. The President, on the other hand, is directed by Article II, Section 3, to take care that the product of Congress' legislative powers, namely, the laws, shall "be faithfully executed."

It is clear to us that Congress has the constitutional power in most instances to mandate expenditure by the Executive of funds Congress has appropriated.[16] The Ervin amendment passed by the Senate would make clear that Congress intends to utilize its constitutional powers in this regard. At the same time, the legislation has the merit of avoiding a confrontation between two absolutist constitutional positions—that by which the Executive asserts, as described above, a power to make impoundments free of Congressional check, and the other by which the President would be denied all power to initiate a reduction or deferral of spending from the levels prescribed by Congress. The Senate measure recognizes, and in effect legitimizes, the extraordinary power of Executive impoundment, while subjecting its exercise to Congressional review and concurrence in each instance.

V. DESIRABILITY OF THE LEGISLATION

We believe legislation on this matter is desirable at this tme. Repeated Executive impoundment of Congressionally appropriated funds is presently posing a constitutional confrontation of great dimension. Either court tests of constitutional magnitude must flow from the present situation or Congress's desires with regard to programs it has established may be enforced by resort to political measures, such as withholding approval of Presidential appointments or of unrelated legislative measures sought by the President.

The Ervin amendment reduces the potential involvement of the courts in the political questions inhering in the appropriation of funds and their expenditure, by bringing a Presidential impoundment back before Congress for its consideration. Congress can then assent to that impoundment in whole or in part, or disapprove it. The President retains the initiative, and the opportunity to secure Congressional assessment of individual impoundments based on the current facts upon which he has acted. He may persuade Congress of the wisdom of his action, rather than throwing the impoundment authority question immediately into the litigation

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Footnotes at end of article.

arena. By giving the President a vehicle to seek Congressional assessment of specific withholdings of appropriations items, and by offering to Congress the opporunity to agree or disagree with the President, a crisis of confrontation in the political arena may also be avoided.

The measure recognizes that the only way under the Constitution that a President can disapprove an Act of Congress is by a limited veto. If the President could effectively veto legislation by impoundment, the limited veto (which can be overridden by a two-thirds vote of each House) would become an absolute veto. At the same time the measure provides the mechanism for ameliorating the strictures on "item vetoes"[17] by giving the President an opportunity to have Congress reassess, in light of current conditions, individual budgetary items which may have been passed and signed into law as parts of larger packages, perhaps many years earlier in the case of program-authorizing legislation.

We have comments on some specific features of the legislation:

1. Any legislation in this area presents a problem which has been of great concern to this Committee—that of avoiding the application of anti-impoundment legislation to mere non-spending in the ordinary course of efficient operation and management of government. Under the Senate measure, if the Comptroller General rules that an impoundment (as broadly defined in the measure) is pursuant to the Anti-Deficiency Act, the machinery for Congressional disapproval does not come into play. In all other cases, the Comptroller General is to advise the Congress whether the impoundment was "in accordance with other existing statutory authority," but even if he responds in the affirmative the matter must go before both Houses (Section 2(c)). We believe this provision is inadequate because it does not filter out cases in which non-spending results from the application of discretionary standards established pursuant to the legislation authorizing or funding a particular program, or from the application of other directly applicable legislation, such as the requirement of Title VI of the Civil Rights Act of 1964 that funds be withheld from programs in which racial discrimination is found.

The extraordinary machinery of the present measure should not be invoked where the result of action (or worse, of inaction) by the Houses of Congress might be, in effect, to amend the standards applicable under existing legislation without going through the entire constitutional legislative process. Accordingly, we believe the impoundment legislation should authorize the Comptroller General to divert instances of non-spending from consideration by the Houses not only on the basis of the Anti-Deficiency Act, but also on the basis that the non-spending satisfies the standards of other clearly applicable existing legislation. Thus the full Congressional machinery would not be invoked unless the normal administrative processing and control of program expenditures had been blocked by Executive action.[18]

2. The Senate measure, unlike some predecessor proposals, provides a mechanism for Congress to consider an impoundment even if the President fails to send a message to Congress announcing the impoundment. The Comptroller General shall report any impounding action if the President fails to make such report, and the provisions of the Act will thereupon be applicable. By dealing with restraint of funds below the level of the President and by providing for the Comptroller General, an arm of Congress, to report impoundments not reported by the President, the Ervin amendment insures Congress against frustration of its will by indirect Executive action. We approve this feature, subject to our comments above concerning its applicability to mere non-spending.

3. The expenditure ceiling amendment passed at the same time as the impoundment amendment provides that proportionate cuts in substantially all budget functions will not constitute an impoundment. The two measures together, then, provide a procedure for the Executive to stay within an expenditure ceiling set by Congress and for Congress, at the same time, to insure that staying within that ceiling does not become an excuse by the Executive for selectively curtailing Congressional programs which do not meet with the Executive's approval.

4. The Ervin amendment, unlike some of its predecessor proposals, enables Congress to move swiftly to disapprove and terminate an Executive impoundment by an affirmative action, passage of a concurrent resolution, without giving the Executive an automatic impoundment for 60 days or more (see page 2 above and footnote 5).

The Senate amendment provides an expedited procedure for voting on the impoundment so as to speed the consideration and determination of the matter. In this connection, we consider the amendment superior to proposals in the House of Representatives, which would permit the mater to be referred to Committee.[19] Expedited procedures for consideration of the impoundment are necessary whether impoundment is to terminate after 60 days of continuous session as a result of Congressional inaction or disagreement, as provided by the Ervin amendment, or only by affirmative Congressional action as proposed by bills under consideration in the House of Representatives (see further discussion of this difference in point 5 below).

The Senate measure also provides that the President may seek legislation, utilizing the supplemental appropriations process, to obtain selective rescission of an appropriation (Section 9(b)). This procedure is an alternative to invoking the impoundment machinery, but apparently it would also be available if an impoundment fails to be sustained. This technique gives the President yet another opportunity to have his current views on individual budget items considered by the Congress.

5. Our Committee is divided on the question whether termination of the Presidential initiative to impound funds should occur in the event of Congressional inaction or disagreement between the Houses at the end of the stipulated period, as the Senate measure provides, or whether affirmative action by the Congress within the stipulated period should be required to halt the impoundment.[20] The arguments for both positions, in summary fashion, are as follows:

Congressional action required to continue impoundment—The case for the Senate procedure emphasizes the prior legislative action that created the funding authorization. Thus, typically there will have been enactment into law of an authorization act as well as an appropriation, and one or both may have been passed by Congress over the President's veto. While Congress in the present measure is nonetheless willing to give the President the initiative in cutting off by impoundment the expenditure of funds thus authorized, as well as the sole power to effect a temporary cut-off while Congress considers the matter, it would give too little respect to the prior legislative action to require that Congress once again affirmatively vote in favor of the program in order to terminate the impoundment. Rather, it should require concurrence of both Houses in the President's initiative to make the impoundment a permanent cut-off or a deferral of spending beyond the stipulated temporary period.

Congressional action required to terminate impoundment—The case here emphasizes the immediate situation, recognizing that circumstances affecting a program or general economic conditions may differ from those that existed when Congress originally voted the authorizing legislation and appropriation. Moreover, viewing the impoundment as an extraordinary measure likely to involve politically sensitive programs, the procedure should be designed to sustain the impoundment unless Congress has both focused on the current issues and affirmatively established a political consensus by vote of each House. Hence the President's initiative should not be overturned unless it directly conflicts with the present sense of priorities in the Congress as manifested by a concurrent resolution of both Houses to terminate the impoundment.[21]

VI. CONCLUSION

We have commented above on certain features of the Senate measure. In general, we agree with its chief sponsor, Senator Ervin, that such legislation would establish for the first time an orderly procedure whereby the President of the United States can call to the attention of the Congress (without having to veto a broader piece of legislation) specific changes or deferrals in government expenditures which he considers essential, and at the same time would retain in the Congress the ultimate power of the purse conferred on that body by the Constitution.

April 25, 1973.

Respectfully submitted,
COMMITTEE ON FEDERAL LEGISLATION,
Martin F. Richman, *Chairman*, Mark H. Alcott, Stephen E. Banner, Boris S. Berkovitch, Donald J. Cohn, Elizabeth B. Dubois, Richard A. Givens, Dan L. Goldwasser, Murray A. Gordon, George J. Grumbach, Jr., Arthur M. Handler, Elizabeth Head.
Charles Knapp, Arthur H. Kroll, William B. Lawless, Standish F. Medina, Jr., Robert G. Morvillo, Eugene H. Nickerson, William B. Pennell, Bruce Rabb, Benno C. Schmidt, Jr., Thomas J. Schwartz, Beatrice Shainswit (Hon.), Brenda Soloff.

(NOTE.—Messrs. Berkovitch and Medina dissent, on the basis of their individual views set forth at page 16 below.)

FOOTNOTES

[1] See testimony of Deputy Attorney General Joseph T. Sneed commencing at p. 358 of the 1973 Senate hearings: *Joint Hearings on S. 373 Before the Ad Hoc Subcomm. on Impoundment of Funds of the Senate Comm. on Gov't Operations and the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary, 93d Cong., 1st Sess.* [hereafter "1973 Hearings"].

[2] The Ervin amendment to the Par Value Modification Act is both an enlargement on and refinement of S. 373 (the Impoundment Control Procedures Act) introduced by Senator Ervin and 53 other Senators in January of 1973, and reflects that bill as reported out on April 3, 1973 by the Senate Government Operations Committee.

In addition to the 1973 hearings in S. 373 before the Ad Hoc Subcommittee, cited *supra* note 1, hearings were held on the subject of Executive impoundment in March of 1971 before the Subcommittee on Separation of Powers: *Hearings on Executive Impoundment of Appropriated Funds Before the Subcomm. on Separation of Powers of the Senate Comm. on the Judiciary, 92d Cong., 1st Sess.*

[3] The impoundment measure does not define "budget authority." The section-by-section analysis of the amendment placed by Senator Ervin in the Congressional Record of April 4, 1973 describes the term as a comprehensive one applying not only to funds appropriated but also other forms of obligational authority, and for a description of the term quotes *The Budget of the United States Government, Fiscal Year 1974,* at p. 315. See CONG. REC., Apr. 4, 1973, p. 11042.

[4] At the time of passing the impoundment measure, the Senate also passed by a vote of 88 to 6 another amendment to the devalua-

tion bill, providing for an expenditure and net lending ceiling of $268 billion for the fiscal year 1973–74, and providing that Congress shall set expenditure ceilings in future years. This expenditure ceiling measure provides that, in reducing expenditures and net lending to remain within the ceiling, the President must cut amounts proportionately (except that no cuts may be made from certain "uncontrollable" expenditures—from funds set aside for interest, veterans' benefits and services, payments from social insurance trust funds, public assistance maintenance grants under Title IV of the Social Security Act, food stamps, military retirement pay, Medicaid, and judicial salaries). If the Comptroller General determines that an Executive reservation to stay within the expenditure ceiling has not been made proportionately, then the reservation must be dealt with under the terms of the impoundment measure.

[5] The "continuous session" formula, which usually is inserted in legislation that has the effect of *deferring* the initial effect of Presidential action, here could result in a lengthy period before *termination* of the effect of an impoundment. The reason is that the continuity of session may be broken by the annual adjournment *sine die* of the Congress, and within the session the 60-day period is extended by recesses of more than three days. Thus, depending on the time of year when the Executive makes an impoundment, the period during which Congressional inaction permits it to continue can run as long as six months or more.

Since Congress under this measure would have the power to act sooner, the "continuous session" formula has the merit here of affording sufficient time in which the Congress can assess the President's action in relation to general economic and political factors, and in which the Executive and the Congress may be able to work out an accommodation without the head-on confrontation of a Congressional resolution of disapproval. On the other hand, a lengthy period of uncertainty as to availability of funding can have serious adverse impact upon the beneficiaries of a program, including local governments and private grantees or contractors. Early resolution of impoundment questions is generally desirable.

[6] Section 202(d) of Title II of the Act, the expenditure ceiling amendment, does permit reimpoundment on a proportionate basis where the reason for the impounding or reservation is that the expenditure ceiling will be exceeded. Title II also provides, however, that its terms will in no event authorize impounding for the purpose of eliminating a program authorized by Congress (§ 202(e)).

[7] *Hukill* v. *United States*, 16 C.Cl. 562, 565 (1880); *Campagna* v. *United States*, 26 C.Cl 316, 317 (1891); *Lovett* v. *United States*, 104 C.Cl. 557, 583 (1945), *aff'd on other grounds*, 328 U.S. 303 (1946); *McKay* v. *Central Electric Power Cooperative*, 223 F. 2d 623, 625 (C.A.D.C. 1955).

[8] This letter is reproduced in part in *First Supplemental National Defense Appropriation, 1944, Hearings before a Subcommittee of the Senate Committee on Appropriations, 78th Cong., Ist Sess. on H.R. 3598*, p. 739, and in 42 OPS. ATT'Y GEN. No. 32, pp. 5–6 (1967).

[9] In the Foreign Assistance Act of 1971, 86 Stat. 20, Congress found a political solution to an impounding confrontation by conditioning the granting of foreign aid funds upon the President's releasing other funds impounded for several government agencies.

[10] Attorney General Ramsey Clark construed the Highway Aid Act contrary to the position of the courts described above, in his opinion sustaining the legality of President Johnson's 1966 impoundment of highway funds. 42 OPS. ATT'Y GEN. No. 32 (1967). The Attorney General's opinion viewed the authorizations contained in the Highway Aid Act as the equivalent of an appropriation act, and concluded that both forms of obligational legislation are permissive rather than mandatory, leaving the Executive with discretion to withhold funds from obligation on the basis of the policies expressed in other laws and the general economic situation. Like the District Court and Eighth Circuit, Attorney General Clark did not reach the constitutional issues in light of his construction of the statute.

[11] The Government on April 20, 1973 sought a stay pending its determination of whether or not to appeal this decision.

[12] Deputy Attorney General Sneed, testifying at the 1973 Hearings, distinguished *Kendall* v. *United States* on the grounds that the case involved payment of a claim for personal services already performed, that the duties enjoined by Congress were merely ministerial, and that there was no direct challenge to Presidential authority since the President sent a message to Congress in which he took no position on the merits of the claim. Mr. Sneed said the primary distinction was that "today's context is one in which the powers of Congress and the President must be accommodated to the inexorable necessities of national fiscal policy. Expenditures must be linked to taxes in a manner that avoids ruinous inflation. A Congress that wishes to spend more than current levels of taxation to justify an excess of a President's wishes cannot discharge its responsibilities by mandating expenditures only. To remain faithful to its own commitment to restrain inflation, it must concurrently increase taxes. If it chooses not to remain faithful to that commitment, the President must serve the commitment by impounding. To extend the teaching of *Kendall* to deprive the President of this power ignores these enormous contextual differences." 1973 Hearings, p. 368.

[13] *United States* v. *Louisville*, 169 U.S. 249 (1898); *United States* v. *Price*, 116 U.S. 43 (1885); *United States* v. *Jordan*, 113 U.S. 418 (1885).

[14] Described in the memorandum cited *infra* note 15, at page 394 of the 1973 Hearings.

[15] 1973 Hearings, pp. 390–395.

[16] Whether the President under Article II of the Constitution has independent Commander-in-Chief or foreign affairs powers permitting impounding in these areas may have to be left to judicial determination should the question arise. The Ervin impoundment amendment passed by the Senate has the salutary effect of reducing the constitutional confrontation to these two areas, rather than putting to the courts in the first instance in all cases the questions of the intent of Congress and the power of the President to impound despite mandating legislation.

[17] See generally Givens, *The Validity of a Separate Veto of Nongermane Riders to Legislation*, 39 TEMPLE L.Q. 60 (1965).

[18] Alternatively, the mere non-spending situation might be handled by a self-executing *de minimis* provision, which would exclude from the definition of impoundment any non-spending of up to, for example, 10% of the current year's appropriation or authorization for any program.

[19] See, *e.g.*, § 4(c) of H.R. 5193, introduced March 6, 1973 by Representative Mahon.

[20] See, *e.g.*, § 2 of H.R. 5193, providing that the President shall cease impounding of funds described in a special message if, within the 60 days, Congress shall have disapproved the impounding by concurrent resolution.

[21] There are constitutional difficulties in giving legislative effect to a concurrent resolution, which is not subject to the President's veto power. This problem is more theoretical than real in the case of a concurrent resolution *approving* the impoundment, because the President will already have concurred in that position by initiating the impoundment. With a concurrent resolution of *disapproval*, on the other hand, the argument must be that the effect as law of the earlier legislation (authorization or appropriation) should not constitutionally be cut off without the concurrence of both Houses as well as the President. This is the argument supporting the constitutionality of the Reorganization Act, 5 U.S.C. § 901 *et seq.*, under which a Presidentially-formulated plan of reorganization for Executive agencies takes effect, with the force of law, unless either House of Congress disapproves it during a stipulated period. In the impoundment context, however, this "one-House veto" technique would be more closely resembled by the proposal requiring affirmative action of Congress to continue impoundment, for there a disapproving vote by either House would reject the President's initiative, as is the case under the Reorganization Act.

INDIVIDUAL VIEWS

Although we agree with the Report's general conclusion that "Congress has the constitutional power in most instances to mandate expenditure by the Executive of funds Congress has appropriated," we respectfully dissent from the view that the Senate's amendment is a desirable way to deal with the impoundment controversy. In our opinion, the amendment may well transform the current dispute into a prolonged constitutional crisis.

The amendment would have the effect of mandating the Executive Branch forthwith to expend or obligate all impounded funds except funds whose impoundment had been determined by the Comptroller General to be in accordance with the Anti-Deficiency Act or had been expressly ratified by Congressional action during the 60-day period following receipt of the President's impoundment message. The mandate to expend or obligate funds would attach without regard to other statutory provisions which, in the absence of the amendment, could be construed as justifying, if not requiring, a particular impoundment. In such circumstances Congressional inaction would have the effect of unilaterally amending or repealing existing statutory provisions.

Moreover, Congress presently lacks the machinery necessary to examine and evaluate the budget as a whole and, more importantly, to consider the impact of one expenditure upon another or on the whole. Unless some agency or committee of Congress, sufficiently staffed, obtains an overview of the entire budget and its component parts, the approval or disapproval of specific impoundments cannot be rationally made.

If enacted into law, the amendment would transfer the responsibility for determining the pace and timing of federal expenditures from the executive to the legislative branch, and would short-circuit judicial consideration of questions of statutory construction which are germane to most challenged impoundment cases. We therefore conclude that enactment of the amendment, at this time and in its present form, would be unwise.

BORIS S. BERKOVITCH,
STANDISH F. MEDINA, JR.

WELCOME TO OUR SENIOR CITIZENS

Mr. PELL. Mr. President, for the past 3 days thousands of our Nation's senior citizens have come to Washington to meet with their elected representatives in Congress. I hereby extend my warmest welcome to those from my own State of Rhode Island, and to all those attending the National Legislative Conference of the Council of Senior Citizens. Because they trust in our system of representative government, and because they feel that this administration has not given proper priority to their legitimate needs and aspirations, our Nation's elderly have come here in great numbers to ask their Senators and Congressmen to enact legislation, and to appropriate funds so that they can live in dignity and self-respect.

In my opinion, no one group within our country has contributed more to our Nation's strength and progress than its elderly. For most of their lives our elderly have labored to feed, and clothe, and educate their families. They have often done so at great personal sacrifice to themselves. Now, in a time of seemingly uncontrollable inflation and rising prices, this Nation cannot and must not allow its senior citizens, most of whom are forced to live on inadequate fixed incomes, to be denied a decent standard of living.

The 1971 White House Conference on Aging significantly raised the hopes of many of our elderly. The President promised that his administration would respond to the excellent recommendations of the conference. It is sad that this response has come in the form of opposition to, and vetoes of, and cutbacks in essential programs designed to help our senior citizens. What is even more dismaying is that the administration has been less than candid and honest in its treatment of our elderly.

The administration opposed every congressionally initiated increase in social security; Congress then enacted these social security increases in opposition to administration policy; but 1 month before the 1972 Presidential election a printed card with the President's name was sent to over 20 million homes where people were receiving social security checks. Thus, a false implication that the President had supported the social security increase was created. I submit that this administration's credibility crisis is not attributable solely to the Watergate affair. It results from a lack of candor and honesty with the American public.

When it submitted its fiscal year 1974 budget to this Congress, the administration sought, under the guise of eliminating waste in Government spending, to increase the out-of-pocket expenses of senior citizens utilizing medicare. It implied that our elderly were overutilizing medical and hospital facilities. When asked what evidence it had that such overutilization was occurring, the administration was silent.

It is the Congress responsibility to see that Federal legislation and programs, particularly in the areas of social security benefits, health and nursing home care, nutrition, and housing are adequate to meet the needs of our senior citizens. Where there is existing legislative authority, we must work for full and appropriate funding levels. To ask, in the name of economy, that our Nation's elderly be denied the dignity and independence they have earned and merited is, in my opinion, both irresponsible and unwise.

I have already met with, and look forward to further meetings with the members of the Rhode Island Council of Senior Citizens who are here in Washington. I continue to be amazed and gratified by their enthusiasm of spirit, and forcefulness of purpose. Through their efforts and through those of Representative Edward Beard of Cranston, the State legislature has recently enacted, and Governor Philip Noel has signed into law, legislation requiring the State licensing agency to make unannounced inspections of every Rhode Island nursing home at least once every 2 months. That important legislation of this nature was enacted gives our State's senior citizens hope that Government can still be responsive to their legitimate needs and aspirations.

I promise to the senior citizens of my State, and to those in every State, that I will use all of my energies to see that our Nation's commitment to provide for their dignity and well-being will be met.

SUBCOMMITTEE ON ANTITRUST AND MONOPOLY BEGINS HEARINGS ON PETROLEUM SHORTAGE

Mr. GURNEY. Mr. President, today the Subcommittee on Antitrust and Monopoly has begun hearings to investigate the shortages of petroleum products that are presently plaguing the Nation. The subcommittee will be looking into charges that the present shortages are due to some form of anticompetitive misconduct which may violate the antitrust laws of the United States, and it will be taking a close look at the petroleum products industry to determine whether some form of restructuring may be necessary in order best to serve the needs of consumers and a free enterprise economy.

I would like to take this opportunity to bring to the attention of my colleagues the remarks I made at the beginning of today's hearings. I hope this will serve to outline some of the problems facing us in this matter and some of the options available to us. I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

While these hearings deal with problems in a particular industry, we should keep in mind the fact that these problems occur in a larger context. Our Nation is experiencing a series of energy supply traumas of dangerous proportions. On the one hand we face unprecedented demands upon our limited energy resources, and on the other, an inadequate coordination and development of Federal energy policies. The results are now painfully evident.

Within the past two weeks southern Florida has suffered five power failures. Homeowners have been asked to restrict simultaneous use of vital household electrical appliances such as ovens and air conditioners.

Of immediate concern to the subject of these hearings is the fact that across the country, 882 retail gasoline dealers have been forced to close their doors. The Office of Emergency Preparedness estimates that another 1,863 are on the verge of doing the same things.

While gasoline shortages will affect everyone, the most tragic impact will be upon the 40,000 small, independent retail dealers. It has been these independent, private brand gasoline marketers which have been a primary source of price competition and marketing innovation in the gasoline industry. Traditionally they have sold gasoline at 3-5 cents per gallon below that charged by the major brand dealers. Last year, the independents accounted for one-fourth of all gasoline sold in the U.S. By offering lower retail prices they saved consumers some $375 million; when one calculates their competitive effect in stimulating their competitors to lower prices, they actually saved the consumer well over ½ billion dollars.

But the independents are in trouble. The price of gas sold by wholesale independent distributors to the independent marketers has skyrocketed from between 10%-33% in the last two months alone. The increased costs have wiped out the price edge the independents used to enjoy over the name brand dealers. Consumers have lost the benefits of lower prices; many dealers have lost the benefits of businesses they struggled to build.

On May 7 I joined the chairman of this committee, Senator HART, and 26 other Senators in signing a letter to the President requesting that he act immediately, using his authority under the economic stabilization act, to save the hundreds of independent gasoline dealers whose supply is being cut off by major oil companies. Knowing that there is an immediate need for allocation of crude oil so it is available on an equitable basis to independent refiners as well as to integrated companies, we asked for an allocation of all petroleum products so independent companies will receive a fair share, based on their historical patterns of usage.

On May 23, the Office of Oil and Gas of the Department of Interior forwarded to the Federal Register guidelines for a new voluntary oil allocation program. These guidelines direct each producer, crude oil buyer, gas plant operator, refiner, marketer, jobber, and distributor to make available, in each State, to each of their customers, the same percentage of their total supply of crude oil, natural gas liquids, liquified petroleum gases, and petroleum products that they had provided during the corresponding quarter of the base period (fourth quarter of 1971 and first three quarters of 1972). The guidelines also establish certain categories of priority uses for whom administrative procedures are expedited.

Last week the Senate passed an important although temporary piece of legislation, S. 1570 which requires that petroleum products be allocated among corporate customers.

The gasoline shortage, however, is by no means our only energy problem. Experts tell us that the end of the age of the fossil fuels is at hand. They predict that the United States may run out of low and moderate cost natural gas, oil and uranium in less than 30 years. Consider the challenge this poses to our country. The U.S., with 6% of the world population uses today 35% of the world's energy; our demand for energy doubles every 15 to 20 years. Today, the average American family uses, each day, 46 pounds of coal, 9½ gallons of oil, 7 gallons of natural gas, and ½ pint of nuclear energy. Between 1970 and 1985, the U.S. will need more oil and gas than we consumed in our entire pre-1970 history.

While the future poses great challenges, we even today have difficulty in developing and marketing the energy resources we have. There are several regions of the country, and peninsular Florida is one of them, which have either marginal capacity reserves of electrical power or insufficiently developed power stations to meet energy requirements. Construction delays have frustrated the completion of new facilities. Environmental groups, pursuing the important goal of making sure that atomic energy plants do not cause unwarranted environmental harm, have successfully enjoined the construction of a number of atomic energy plants across the country. Two vital national policies—the protection of the environment and the supply of energy, have clashed head on.

I believe that there are some signs of hope on the legislative horizon. In March of this year I cosponsored Senator Jackson's bill, S. 1283, the National Energy Research and Development Act of 1973. In general this bill would establish a national program for research, development and demonstration of fuels and energy technologies and for the coordination of and financial support for Federal energy research and development.

Congress and the administration are marshalling legislative and regulatory solutions of the energy crisis. But I must warn that some of the government's efforts promise to be self defeating.

For instance, Secretary Shultz has proposed to limit tax deductions for the intangible costs of oil and gas drilling. I am disturbed by this proposal and I have so informed the Secretary.

All of us want an equitable, rational tax structure. But we must bear in mind that our tax structure contains incentives for specific economic activities which benefit all of us. By allowing tax deductions for intangible drilling costs the Government reduces investment risks and thereby attracts money to the vital task of searching for new energy sources.

I believe that the facts now available to us concerning the economics involved in exploring and drilling for gas and oil demonstrate that the removal of these tax deductions would tend to discourage domestic drilling operations. If that happens, we may be forced to rely even more heavily upon potentially hostile nations as sources of energy fuels.

But Congress must do more than prevent self-defeating results of current policies and regulations. Among the positive steps to be taken is the passage of legislation which will assure the completion of either the Alaskan or Canadian pipeline. We must bring the rich Alaskan oil to the lower 48 States.

The importance of the issue before us in these hearings should not be obscured by the myriad of other issues involved in the energy crisis. We are here to determine whether or not their are factual bases to the allegations that there are defects in the competitive conduct or structure in the petroleum industry which have kept petroleum products from getting into the marketplace. Some have alleged that major, integrated petroleum companies have deliberately contrived to destroy the independent refiners and marketers and otherwise assure themselves market supremacy. Others allege that the very structure of the petroleum industry itself gives these same companies the ability to dominate or manipulate competitive forces in the industry. In short, we are here to determine whether or not there have been violations of the antitrust laws.

We deal here not just with the vital problem of shortages of supply, soaring prices and the demise of viable competitors. We deal also with a product vital to our national security—a product which literally keeps our country moving.

It is in this context that these hearings assume their importance.

MARIMONT AND FREE ENTERPRISE

Mr. ERVIN. Mr. President, on April 14, 1973, Henredon Furniture Industries, Inc., of Morganton, N.C., officially opened a new wholly owned subsidiary, Marimont Furniture, Inc., near Marion, N.C.

Donnell VanNoppen, honorary chairman of the board and vice-president, Henredon Furniture Industries; Jennings Bryant, personnel director, Henredon Spruce Pine Plant; William E. Smith, president, Marimont Furniture, and vice president, Henredon Furniture Industries; John Collett, president, Henredon Furniture Industries; Glenn A. Morris, Representative from the 41st District in the North Carolina House of Representatives; Roy A. Taylor, Representative in the U.S. Congress from the 11th Congressional District of North Carolina; and I participated in the dedicatory services.

Since the dedicatory services marked the 25th anniversary of the founding of Henredon Furniture Industries, President John Collett presented 25th anniversary awards to the following skilled craftsmen, who had been with Henredon Furniture Industries during its entire existence, and who represented an accumulative total of 1,500 years in furniture craftsmanship:

C. D. Anderson, T. Bain Berry, Paul Blanton, Tellis Bollinger, William A. Buff, George Burnette, Norman Burnette, Coy P. Butler, and Robert Butler.

Edgar Carswell, Arthur Causby, Dewey Chapman, Sterling R. Collett, Thelma Conley, Lee Cook, Carl Dale, Jr., Ralph Davis, Ralph Deal, and Paul P. Denton.

Harvey Fletcher, Glenn Fox, Conley Franklin, Herbert Flanklin, J. Harold Green, Glenn O. Greer, John Hildebrand, C. W. Hoyle, Graham Hoyle, Harold Hoyle, Margaret Hoyle, and Cecil Huffman.

Clyde Ingley, Cecil Kincaid, Phifer Kincaid, Albert Kirby, Walter P. Lane, James McGeehan, Jack Miller, and Dan Mitchell.

B. G. Nichols, Charlie Norman, Millard Norman, William Norman, Claude Oxford, Clyde Poteet, Robert Poteet, Charles Powell, and Robert E. Powell.

William, Roper, Joseph Y. Scott, Garland Shuping, Ernest Smith, Leroy Smith, William E. Smith, M. C. Talley, John A. Tate, Donnell VanNoppen, Dewey B. Whisnant, Ned Whisnant, and Sherrill Whisnant.

The dedication of this ultra-modern Marimont plant heralds a new era for Henredon Furniture Industries.

Since the company began production in 1947 with a small group of employees turning out three different furniture pieces, Henredon has consistently and successfully expanded its production to meet a broader and broader range of consumer needs. Now with the addition of Marimont in Marion, North Carolina, the company proudly adds a new dimension to its product line.

A wholly owned and completely autonomous subsidiary, Marimont Furniture, Inc., was founded in 1971 to manufacture medium-priced upholstered furniture for a large, new group of consumers who "want to select furniture today and have it in their homes tomorrow."

Named for Marion and the surrounding Blue Ridge mountains, the Marimont plant is one of the most modern and attractive industrial facilities in North Carolina. The plant, located on a 350 acre site with two natural lakes, has been fully landscaped to preserve the beauty of the area, and all manufacturing operations have been designed to comply with anti-pollution guidelines.

In selecting the site near Marion, Henredon management was not only influenced by the area's natural beauty, but also by the character and industriousness of the citizens who live in the communtiy. Marimont currently employs 150 men and women, and eventually its employment will total 500 people.

Containing 210,000 square feet, the Marimont plant is an operation completely independent of Henredon, with its own lumber storage, dry kiln and frame manufacturing facility as well as its regular upholstery operation. In addition, the building contains offices, a furniture showroom and a modern employee cafeteria.

From a small beginning when three choice occasional chests were the company's only product, Henredon has grown to now produce a complete line of high quality upholstered and wood furniture for the home.

Founded by T. Henry Wilson, Ralph Edwards, Donnell VanNoppen and Sterling R. Collett, Henredon was incorporated as a State of North Carolina Corporation in 1945, and the first factory was constructed one year later in Morganton. During the first few years only bedroom pieces were produced, and then in 1949 dining room pieces started to roll from Henredon's production lines.

In 1957 the Schoonbeck Companies of Grand Rapids, Michigan, and High Point, North Carolina, were acquired, adding a full line of upholstered furniture. Henredon's largest expansion project occurred in 1967 when a 300,000 square foot plant facility was constructed in Spruce Pine, North Carolina, for the manufacture of bedroom and occasional furniture. In only a few years, increased production demands have already required plant additions totalling 150,000 square feet.

Throughout the years, a concern for top quality in design, craftsmanship and materials has guided Henredon's expansion. Although automation has drastically changed many companies in the last few decades, at Henredon much of the furniture-making is still handwork, and the pride of the craftsman is still an important quality among the company's employees.

Known throughout the nation for 25 years under the Henredon Fine Furniture trademark, Henredon has established a reputation for high quality and consequently a proud record of consistently increasing sales. Shipments have grown from $1.75 million in the first fiscal year to more than $34 million in 1972.

The company, which started production with 75 employees, now employs 2,000 men and women in five plant communities. From its original 175,000 square foot building, Henredon has expanded to 10 times that figure and now has more than 1.75 million square feet of space.

Henredon's outstanding growth record has been accompanied by a growing concern for and participation in the company's plant communities. Contributing on a per person employee basis, Henredon has offered substantial aid to the building funds of hospitals in Morganton, High Point and Spruce Pine. The company also maintains a program for matching employee contributions to local United Fund Drives.

In a concerted effort to hire the handicapped, Henredon has developed training programs in conjunction with the Western Carolina Center in Morganton, a state institution for the handicapped. Henredon employees are involved in teaching the handicapped to make items which are then purchased by the company for its production operations.

Henredon's interest in the nation's young people is also evidenced by its support of a number of area youth activities. The company has contributed significantly to local recreational building funds and to Jaycee groups. Its active participation in industrial athletic activities also supports community recreational programs.

Now, as a citizen of Marion, Henredon looks forward to becoming an interested and active participant in this new community.

As the company dedicates this new Marimont plant, Henredon also pays tribute to its past. When Marimont opened its doors in 1972, Henredon Furniture Industries was celebrating the Silver Anniversary of its first furniture shipment. And so it is with great pride today that the company is honoring a total of 60 employees who have contributed 25 or more years of dedicated service to Henredon.

The company's remarkable growth record and its national reputation for excellence are attributed to the commendable character of its personnel and the outstanding teamwork which has developed over the years. Henredon salutes the past achievements of all employees and with great enthusiasm now embarks upon this exciting new venture in Marion.

I had the privilege of making dedicatory remarks at the opening of Marimont Furniture. I entitled my remarks "Free Enterprise," and asked unanimous consent that a copy of the same be printed in the body of the RECORD.

The PRESIDING OFFICER. There being no objection, the dedicatory remarks were ordered to be printed in the RECORD, as follows:

DEDICATORY REMARKS BY SENATOR SAM J. ERVIN, JR.

I wish to talk to you about free enterprise, which the dictionary defines as "an economic and political doctrine holding that a capitalist economy can regulate itself in a freely competitive market through the relationship of supply and demand with a minimum of governmental intervention and regulation."

Although this definition is accurate, I assign to free enterprise a simpler one. I prefer to call it economic freedom. I do this simply because it is a constituent part of freedom itself.

To value freedom a right, we must be mindful of what it cost. One of its foremost champions, Rudyard Kipling, had this to say about the cost of freedom in his stirring poem entitled "The Old Issue"

All we have of freedom, all we use or know—
  This our father bought for us long and long ago
Ancient Right unnoticed as the breath we draw—
  Leave to live by no man's leave, underneath the law.
Lance and torch and tumult, steel and grey-goose wing,
  Wrenched it, inch and ell and all, slowly from the King.
Till our fathers 'stablished, after bloody years,
  How our King is one with us, first among his peers.
So they bought us freedom—not at little cost—
  Wherefore must we watch the King, lest our gain be lost.

Economic freedom constitutes a precious part of the heritage we received in trust for ourselves and our children and our children's children from all those men and women, great and small, whose blood, sweat, tears, and prayers made the America we know and love a living reality.

These men and women did not learn economics sitting at the feet of those who promise "abundance for all by robbing Selected Peter to pay Collective Paul."

They acquired their knowledge in the hard school of experience, which is the most dependable of teachers. As a consequence, they had the hardihood to accept the economic truths plainly visible to all human beings who possess both the capacity and the willingness to face reality.

They knew that earth yields nothing to man except the products of his own labor. They knew that Adam's curse is an unchanging and unchangeable law of life: "In the sweat of thy face shalt thou eat bread, til thou return unto the ground."

They knew that man has but one choice in respect to this immutable economic fact, and that such choice is simply this: Whether the bread which he must eat in the sweat of his face shall be the bread of freedom or the bread of bondage.

They knew this unalterable decree of the creator of the universe: Free men cannot be induced to produce things of value unless they are permitted to retain a fair share of the fruits of their labor for themselves, their families, and the causes they hold dear.

They knew, moreover, that man can be free only if he is willing to accept responsibility for his own life.

As the consequence of these things, the valiant folk who made America realized not only that economic freedom is an absolutely necessary attribute of a free society, but also that it most effectively encourages men and women to be self-reliant and to produce goods and services in an abundance sufficient to enable such a society to enjoy the highest standards of living.

To these ends, they established the free enterprise system as the way of life in our land, and wrote into State and Federal constitutions rights to liberty and property to give the system the power to operate with success.

These constitutions secure to each American these rights: To travel when and where he pleases; to use his God-given faculties; to seek useful knowledge; to acquire, possess, use and dispose of property; to earn his livelihood by any lawful calling; to manufacture commodities or provide services; to buy and sell goods; to save and invest his earnings in any lawful undertaking; to enter into contracts for carrying out these activities with profit; and to do the other things essential to the orderly pursuit of happiness.

Let us examine the philosophic base of our free enterprise system.

A rather waggish, but somewhat truthful, commentator suggests that free enterprise rests on the desire of Americans to be men rather than mendicants. He says: "If you want Uncle Sam to take care of you, that's Socialism, but if you want to take care of yourself, that's free enterprise."

The American free enterprise system is founded on these basic beliefs:

The needs of our people are best met by free men freely competing in a free market.

The worth of our country depends on the worth of the individuals residing in it. Consequently, each individual owes to our country as well as to himself and his family the duty to develop and use his faculties and his talents.

There are prerequisites to the performance of this duty. Since freedom means responsibility, the individual must accept responsibility for his own life; and since man is not born to be idle and work is indispensable to the growth of his spirit, he must have a worthwhile task to dignify his days. If he is to develop his abilities and use them with diligence in the performance of his task, he must receive a profitable return for his efforts and be allowed to retain a fair share of it for himself, his family, and the causes he holds dear.

The Gospel according to Matthew informs us that "The tree is known by its fruit."

When it is appraised by this test, American free enterprise manifests its superiority over all other economic systems. I cite a few facts which demonstrate this.

While it contains about 6.7 percent of the world's area and has only 5.7 percent of the world's population, the United States has 46.1 percent of the world's automobiles, 44.1 percent of the world's telephones, 39 percent of the world's radios, 27 percent of the world's railroads, and 60 percent of the world's life insurance.

Moreover, free enterprise enables the United States to enjoy a standard of living so much higher than that of other countries that it consumes 28.3 percent of the world's coffee, 32.5 percent of its tin, 51.7 percent of its rubber, 13.5 percent of its sugar, 24 percent of its silk, 22.1 percent of its coal, 36.6 percent of its pig iron, 31.8 percent of its copper, and 23.7 percent of its petroleum. Besides the United States has more home-owning families than any other land.

To be sure, these are material things. Nevertheless, they constitute an outward sign of the inner grace of a nation, which grants to all economic, political, and religious freedom and thus affords to each the opportunity to become the master of his fate and the captain of his soul.

All Americans should cherish free enterprise and endeavor to preserve it. Unhappily, some do not.

Some exalt government above freedom of the individual, and for that reason would like to have all substantial economic activities controlled by government. Despite their good intentions to the contrary, others would cripple free enterprise by subjecting it to excessive governmental intervention and regulation, or by substituting political planning for individual initiative and supervision.

Existing tax laws confiscate inordinate proportions of the earnings of individuals and in that way threaten the destruction of their incentive to produce.

In addition, far too many disbursements are being made under employment security and welfare laws to drones who are simply too lazy to work and who look to the taxpayers for bread and circuses.

These things imperil free enterprise.

Those of us who esteem it the world's best economic system cannot take its continuance for granted merely because the rights to liberty and property which make it workable are embodied in our constitutions.

Unfortunately, constitutions are not self-executing and cannot save freedom unless love for freedom abides in the hearts of the people.

One of America's wisest sons, the late Judge Learned Hand, expressed this truth in these words:

"I often wonder whether we do not rest our hopes too much upon constitutions, upon law, and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no court to save it."

Let us pay the price, whatever it may be, to keep love of economic freedom alive in the hearts of men and women of our land. Let us teach them by precept and by example that Trumbull Cheer pictured free enterprise aright in this verse:

"The power to choose the work I do,
To grow and have the larger view,
To know and feel that I am free,
To stand erect, not bow the knee,
To be not chattel of the date,
To be the master of my fate,
To dare, to risk, to lose, to win,
To make my own career begin.
To serve the world in my own way,
To gain in wisdom, day by day,
With hope and zest to climb, to rise,
I call that Private Enterprise."

BEYOND VIETNAM

Mr. BIDEN. Mr. President, for many years Senator CHURCH, of Idaho, has ably articulated apprehensions that many of us have felt toward our massive military commitments in Southeast Asia. He has reportedly exposed the fallacies and false rationales that propelled successive Democratic and Republican Presidential administrations into a quagmire that resulted in an American debacle in Indochina.

On June 6, 1973, Senator CHURCH, a senior member of the Foreign Relations Committee, spoke to the World Affairs Council of Wilmington, Del. In the course of this thoughtful speech he aptly identified similar attitudes shared by our national security managers and by those responsible for the Watergate scandal:

> If it showed commendable realism, "Senator Church asked rhetorically "for the President to circumvent Congress's war and treaty powers in the interests of a war policy he believed to be right, why, in the view of the President's men, was it any less acceptable to sabotage the electoral process, in order to re-elect a President whose policies they believed to be right?

Then, Senator Church said:

> It cannot, of course, be proven, but I sense that Watergate could not have happened but for the moral and political perversion generated by Vietnam.

Senator Church also addressed himself to general premises that should govern our relations in two different areas of the world.

There is no "plausible case for prolonging the American military presence in the Asia mainland," he said:

> Somewhat like nineteenth century Britain in relation to Europe, our security in relations to Asia depends upon air and sea power, plus the indigenous Asian balance which makes it unlikely that we shall have to use it. It makes sense, therefore, for us to withdraw our forces from the Asian mainland, that is, from Korea and the air bases in Thailand and rely upon a "blue-water" strategy. In this connection, it would also make sense to terminate the moribund and ineffectual SEATO.

As for Europe, Senator Church suggests that—

> Even allowing that the cold war is not entirely over, it is evident that Europe has recovered a considerable degree of equilibrium and that the United States, accordingly, can safely reduce its own involvement on the Continent. NATO, however, unlike SEATO, remains important to our national security, partly because our European allies lack a nuclear counterweight to the nuclear power of the Soviet Union . . .

In his speech, Senator Church also ranged over a wide variety of other foreign-policy aspects including the SALT talks.

I think that the summary statement of his speech is his observation that—

> We can no longer afford the role of global governor, even if that role were in our interest. We may have to settle for a somewhat less intoxicating role, still first, perhaps, but "first among equals."

Mr. President, I ask unanimous consent that the text of Senator Church's speech be printed in the Record:

There being no objection, the speech was ordered to be printed in the Record, as follows:

BEYOND VIETNAM

(By Senator Frank Church)

Americans have traditionally believed in the perfectability, if not the perfection, of human nature, and this belief has had profound influence upon our foreign policy. It has led us to flights of optimism—which Voltaire described as "a mania for maintaining that all is well when things are going badly." It has led us to believe that we could regenerate mankind, either by crusades for democracy as in certain of our wars, or by the force of virtuous example as in our long era of isolationism. Believing in man's goodness and rationality, we are constantly shocked by instances of human malice and irrationality, and the shock sends us into a tailspin, from heights of optimism to depths of despair. If man is not rational and virtuous, then, we have tended to conclude, he must be ignorant and corrupt. If his condition is not one of grace, then it must be, as Hobbes said, "a condition of war of everyone against everyone."

The dangers of this erratic outlook are obvious. Excessive optimism caused us to expect too much of otherwise sound experiments such as the League of Nations and the United Nations; when they failed to remake the world, as they were bound to fail, we dismissed these world bodies with disillusion and contempt, refusing to put them to the limited, practical uses of which they remained quite capable. Worse still, as the Pentagon papers showed, our policy makers seemed to conclude from the experience of the cold war that if they had to live in a Hobbesian world, they would be the most relentless Hobbesians of all, the most skillful tacticians in the "war of everyone against everyone." The architects of the Vietnam war took a kind of ostentatious pride in their surgical use of force—in the bombing assault throughout Indochina, in scientific-sounding strategies such as "search-and-destroy," "protective reaction," and the sordid "Phoenix" program of political assassination. If Vietnam shows anything about the American character, it is that excessive idealism all too readily collapses into unbridled cynicism.

Now, under the Nixon Administration, we have come full circle. If "dirty tricks" were acceptable in foreign policy, why, in the view of the White House Chiefs-of-staff, were they any less so in domestic affairs? If it showed commendable realism for the President to circumvent Congress's war and treaty powers in the interests of a war policy he believed to be right, why, in the view of the President's men, was it any less acceptable to sabotage the electoral process, in order to re-elect a President whose policies they believed to be right? It cannot, of course, be proven, but I sense that Watergate could not have happened but for the moral and political perversion generated by Vietnam. Once again, we encounter proof of Alexis de-Tocqueville's maxim: "All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science."

1. ENDING THE WAR

Building on Tocqueville's wisdom, we must now proceed, as the "very first axiom" of our foreign policy, with the necessity for ending Nixon's lingering war in Indochina. We had supposed that it *was* over when the Paris peace agreement was signed on January 23 and the President proclaimed the achievement of "peace with honor." Since that time, it has become evident that the war is by no means over, as far as the contending Vietnamese factions are concerned, and that the United States is not yet extricated from the quagmire. Although our troops have been withdrawn and our prisoners returned, the Nixon Administration is recruiting eight to ten thousand of American civilian technicians and advisors, many under Defense Department contracts, to stay on in South Vietnam and work with the South Vietnamese Army. Four American consulates general will replace the United States Military Headquarters, and a thousand AID personnel will remain to administer aid programs to bolster the Thieu regime. American B–52's continue their pulverizing bombing raids in Cambodia, where no cease-fire has been signed, and American aircraft remain on offshore carriers and at bases in Thailand, poised to re-enter the war in Vietnam itself whenever the President should give the order—that is, unless Congress takes action to remove the fateful decision from the sole discretion of the President.

It seems likely that Congress at long last is going to do exactly that.

On May 10, the House of Representatives, for the first time, voted against the war by denying the President authority to transfer certain funds for the bombing of Cambodia—which, incidentally, cost the taxpayers some $160-million from the signing of the Paris peace agreement last January to the end of April, according to Defense Department figures. Then on May 15, the Senate Appropriations Committee—whose membership includes many erstwhile hawks—voted 24 to 0 to cut off all funds for further American military action in Laos and Cambodia.

It seems unlikely that the denial of the transfer authority alone will persuade the Administration to stop the bombing of Cambodia. With an imperviousness that ill becomes the present White House, the President's press secretary said, after the vote in the House of Representatives, "We will continue with a policy that is the right policy—to provide support for the Cambodian Government at its request." Fortunately, we live under a government of law in which questions of "right policy" are decided by constitutional processes rather than by executive fiat, so that even though the President may think it "right" to continue his war policy, Congress, judging otherwise, can nonetheless stop the war by cutting off the funds. I do not think the Nixon Administration would wish to precipitate the constitutional crisis which would surely ensue if it were to defy Congress. Mr. Richardson has assured us that "the Administration would not proceed in defiance of any clear-cut Congressional action."

Surely, after Vietnam and Watergate, we have had enough of high government officials taking the law into their own hands because they believed that some policy was the "right" policy, or that one candidate was the "right" candidate. In a government of laws, an office-holder is bound to something more important than belief in his own rightness, and that is the constant, active, vivid awareness that he may be wrong. Back in 1921, Charles G. Dawes, upon becoming the first Director of the White House Budget Bureau, made the point as follows: "Much as we love the President," Mr. Dawes said, "if Congress, in its omnipotence over appropriations and in accordance with its authority over policy, passed a law that garbage should be put on the White House steps, it would be our regrettable duty as a bureau—in an impartial, non-political and nonpartisan way—to advise the executive and Congress as to how the largest amount of garbage could be spread, in the most expeditious and economical manner." Or, in the more solemn but no less cogent words of Daniel Webster, "Whatever government is not a government of laws is a despotism, let it be called what it may."

What has brought Congress to its present mood of decisiveness? Partly, I have no doubt, it is the Watergate, with its demonstration of executive fallibility. Partly, too, as Senator Saxbe of Ohio recently commented, the American people are "fed up" with lingering war, and with the "callousness for civilians" of our bombing of Cambodia. And perhaps most important of all, the American people and their representatives in Congress have recognized that, with our troops withdrawn and our prisoners repatriated, we have no further interest—no stake involving the safety or welfare of the American people—in the civil conflicts of Indochina.

In my opinion, we never did, but that is water over the dam. The crucial question now is our continuing involvement in Cambodia, where massive B–52 bombing raids are being used in a desperate attempt to keep the feeble Lon Nol regime from going under to the Khmer Rouge rebels, who, it is generally admitted, are now fighting their own war, with only marginal assistance from the North Vietnamese.

No one knows how many civilians are being killed by Mr. Nixon's bombing raids. The maps used by the United States Embassy in Phnom Penh to plot target areas are several years old; Embassy officials admit that they do not have current photography of proposed target areas which would permit the identification of new or relocated villages. A relief official has estimated that at least 3,000 civilians were killed in three weeks in March—but, he added, it could have been 10,000. Other relief officials report that some 10,000 people have fled from their villages and swarmed into shanty towns around Phnom Penh since the intensified bombing began in early March. One young woman in a refugee camp told a reporter of nights of hiding in a deep bunker in her village, 18 miles east of Phnom Penh. "When everything seemed to explode inside me," she said, "and when the noise was so loud that I couldn't hear if I was screaming or not, I knew the Americans had come." [1]

Indefensible in human terms, this savage bombing is no less so in terms of our national interest—which is to say, in terms of the security and welfare of the American people. Indeed, the bombing makes no sense in the framework of President Nixon's own second inaugural address, when he said: "The time has passed when America will make every other nation's conflict our own, or make every other nation's future our responsibility, or presume to tell the people of other nations how to manage their own affairs."

The essential point is that it simply does not matter very much, from the standpoint of American interests, which of the contending factions wins power in Cambodia, Laos or South Vietnam. "Peace with honor" notwithstanding, the Paris peace agreement seemed to acknowledge that American involvement in Indochina had been a tragic mistake. The agreement served to fulfill the only valid interest we have had in Indochina: the extrication of our troops and the return of our prisoners.

But it now appears that President Nixon and Dr. Kissinger acted on a different set of assumptions, and that the peace agreement may have been based on a fundamental misunderstanding between the two sides. To the North Vietnamese, the elaborate and unwieldy apparatus devised at Paris may never have represented anything but a facade for what Mr. Kissinger once derisively referred to as an "elegant bugout." It seems likely, too, that the North Vietnamese believed that President Nixon and Dr. Kissinger had come to share this conception, and were now prepared to leave the civil conflicts of Vietnam, Laos and Cambodia to be worked out—or fought out—by the Indochinese peoples themselves. Although Mr. Kissinger, himself, has acknowledged that the purpose of the Paris accord was to end American military involvement in southeast Asia, it now appears that the Nixon Administration has something more in mind, that is, the retention of American client regimes in Vietnam, Laos and Cambodia. That, of course, was the objective of the Johnson Administration in escalating the Vietnam war.

The Paris peace agreement is filled with ambiguities, and that is no accident. Vagaries allowed the United States to extricate itself, even though the basic issues of the war were left unresolved. Secretary of State Rogers admitted to the Senate in February that, if the negotiators had insisted on eliminating the ambiguities, "we never would have had a cease-fire agreement." The essential facts are that the conflict goes on in Indochina; that both sides are violating the truce agreement and probably always intended to; and that the United States should count itself well out of the quagmire and terminate, at once, the dangerous policy of lingering involvement in Cambodia.

If the President is not prepared to do this, the Congress can and should, by withholding further funds for bombing. It can do so, too, by withholding its consent from the ill-considered plan for "buying" North Vietnamese compliance with the peace agreement with American aid. It demeans the United States to pay a ransom to an erstwhile enemy to get it to comply with an unrealistic and unenforceable agreement. If Congress makes the mistake of funding the unilateral aid program that the President demands, we will remain deeply and directly involved in the political and economic affairs of Indochina for years to come. In that posture, we are much more likely to become ensnared in the war again, should the fighting be resumed.

For my own part, I am not greatly distressed by the prospect of an ambiguous, inconclusive, outcome to our long, futile war in Indochina. I do not care much for flagellation or for accusations of "war guilt" against the policy makers who took us into Vietnam. But neither am I impressed with hollow boasts of "peace with honor," especially since, if acted upon, these could well carry us back into the quagmire. I believe, instead, that the American people are mature enough to recognize a mistake, and intelligent enough to profit from it. Frederick the Great, at the end of one of his many wars, spoke these words, which could serve as an epitaph for our own involvement in Indochina: "And so our campaigning is over, and nothing has come of it for either side but the loss of many an honest fellow, the distress of many a poor soldier crippled for life, and the ruin of several provinces."

II. NEW DIMENSIONS OF SECURITY

With Vietnam behind us—once it is behind us—we can usefully turn our thoughts to the broad world beyond. Great changes have taken place during the years of our preoccupation with southeast Asia—changes which have radically altered America's political and economic position in the world.

In Asia itself, and indigenous balance of power has emerged. China, Japan and the Soviet Union, with their varying components of military and economic power, are in a kind of rough equilibrium, with each acting as a restraining force on the others. Even if China were interested in establishing her military domination over Indochina and the rest of southeast Asia—always a doubtful proposition—it is scarcely conceivable that she would risk such a military adventure with a large, menacing Soviet force at her back. The Soviet Union, in turn, is restrained, both in southeast Asia and as to China itself, by China's detente with the United States, and by the prospect of Japanese support—economic if not political and military—for an endangered China. Japan, for its part, though shielded by its security treaty with the United States, could expect Chinese support against the Russians or Russian support against the Chinese, should either threaten Japanese interests. Japan also derives leverage from the likelihood that any threat to her vital interests would cause her to become a formidable nuclear power. The very implausibility of all these hypothetical threats is indicative of the comparative stability of the new Asian balance-of-power.

In such a power context, there is no plausible case for prolonging the American military presence on the Asian mainland. Somewhat like nineteenth century Britain in relation to Europe, our security in relation to Asia depends upon air and sea power, plus the indigenous Asian balance which makes it unlikely that we shall have to use it. It makes sense, therefore, for us to withdraw our forces from the Asian mainland, that is, from Korea and the air bases in Thailand and rely upon a "bluewater" strategy. In this connection, it would also make sense to terminate the moribund and ineffectual SEATO. For this purpose, I have offered an amendment to the pending State Department authorization bill which would terminate American contributions to the funding of the SEATO headquarters in Bangkok.

In Europe, as well as Asia, great and promising changes have taken place affecting the security of the United States. The most important of these is the success of Chancellor Willy Brandt's *ostpolitik,* capped by Chairman Brezhnev's recent visit to Bonn where he proclaimed in effect, the end of the cold war in Europe. The essential meaning of West Germany's treaties of nonaggression with the Soviet Union and Poland, its acceptance *de facto* of East Germany as a separate state, and the conclusion of the 1972 Berlin agreement is that West Germany has reconciled itself to the outcome and consequences of the Second World War. The Soviet-German rapprochement has, for the present, at least, eliminated the central European issue of the cold war. the division of Germany. This greatly alters the position of the United States in Europe.

It has always been cardinal to American security to prevent the domination of Europe by a single great power. Throughout the 19th Century, we never had to act upon that interest because Europe was for the most part at peace, the European balance-of-power was fairly stable, and the British fleet served as something of a shield for the United States as well as for Great Britain. It was only when the European balance broke down, in the two world wars, that the United States found it necessary to intervene militarily to prevent German domination of the continent. Then, after the Second World War, when it appeared that Stalin's Soviet Union might establish its domination over the shattered continent, the United States once again, properly and necessarily, intervened, with the Marshall Plan and the NATO Alliance. These contributed decisively to the restoration of Western Europe economic strength and political stability, and these in turn made possible the East-West reconciliation which brought Mr. Brezhnev to declare in Bonn that the Soviet Union had decided to "implement a radical turn toward detente and peace."

Even discounting the exaggerations of such rhetoric, even allowing that the cold war is not entirely over, it is evident that Europe has recovered a considerable degree of equilibrium and that the United States, accordingly, can safely reduce its own involvement on the continent. NATO, however, unlike SEATO, remains important to our national security, partly because our European allies lack a nuclear counterweight to the nuclear power of the Soviet Union, but also because our close cultural and historical ties give us what has been called a "greater-than-physical" security interest in Western Europe. What this means is that, even though we might survive a Soviet takeover of Western Europe behind our nuclear shield, the world would then become a bleak and inhospitable environment for American values and political ideas. It may be said, therefore, that we have a special stake, a "greater-than-physical" security interest, in the survival and well-being of the European democracies.

It does not follow that we need to maintain 315,000 American troops in Europe, together with their wives and children, in order to honor our NATO commitment. When American forces were first assigned to NATO in 1951, Europe was still enfeebled by the effects of World War II, and an invasion by Stalin's armies, though not likely, was a plausible danger. Now that Europe is politically stable and economically powerful, and now that the division of Germany has been effectively eliminated as a cold war issue, it makes no sense to maintain in

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[1] Sylvana Foa, "Bombs Take Civilian Toll," Washington *Star* April 1, 1973.

Europe anything more than an "earnest money" American ground force, signifying our continuing fidelity to NATO and the availability of American nuclear power for the defense of Europe.

Thus far, however, Congress has been persuaded to retain our present force level in the belief that our troops may serve as "bargaining chips" for reciprocal Soviet withdrawal from Eastern Europe. Swayed by the Administration's argument for "mutual and balanced force reductions," the Senate, in 1971, twice defeated proposals for troop reduction. In May, 1972, an agreement was reached with the Russians to proceed with troop reduction talks, and these talks began in February, 1973. In due course, if the talks get nowhere, Congress will have to decide whether it wishes to retain these high force levels in Europe, even though they are superfluous to our defense and highly detrimental to our balance-of-payments.

Only very gradually and grudgingly are our leaders coming to recognize that the whole concept of "national security" has taken on a new meaning, that traditional concepts of troop deployment are largely obsolete, that strategy itself must be conceived in a new dimension. The Moscow agreement of May, 1972, limiting the Soviet Union and the United States to no more than two antiballistic missile sites each was more than an arms limitation agreement. It signified the abandonment by each side of any further hope of making itself invulnerable to nuclear attack; it was an agreement, in effect, to gain security by serving as each other's hostages. Basing their security on mutual deterrence, the two superpowers are thereby committing themselves to peaceful coexistence and reconciling themselves to the survival of each other's power and ideology. The broader meaning of the SALT agreement, limiting the deployment of offensive weapons as well as the ABM sites, is that the Soviets, in effect, have abandoned the Marxian dream of a world communized by war, while we, in turn, have repudiated Mr. Dulles' dream of "liberating" the Communist world.

Having committed themselves in principle to peaceful coexistence, the Soviet Union and the United States are now inching forward toward further arms limitations in what is called "SALT II." As in the past, however, both sides have been determined to conduct the negotiations with maximum "bargaining chips"—which means, of course, an acceleration of the arms race pending agreements to limit it. In the wake of the 1972 agreement, the Nixon Administration accelerated its program for the development of the Trident ballistic missile submarine, the new B-1 supersonic bomber to replace the giant B-52, and other offensive weapons not covered by the 1972 interim agreement. The results of the "bargaining chip" approach are, therefore, likely to be self-defeating as well as costly, with both sides ending up in the absurd position of having built mighty new weapons systems for no other purpose than to bargain them away. When agreements are finally reached, they may well be at a higher level of armaments on both sides than would have been the case if no agreement had been sought in the first place.

Despite the logic of the ABM treaty, both sides pursue the chimera of "parity." As President Nixon has put it, "Let us be sure that he [the President] never goes to the negotiating table representing the second strongest nation in the world." This sounds fine, but the trouble is that the Russians are no more willing than we to be "second strongest," and each side's idea of "parity" is perceved by the other as a bid for primacy. It is precisely for the purpose of achieving "parity" with the United States that the Soviets have been rapidly building up their strategic and naval forces over the last ten years. That build-up, in turn, has persuaded our own generals and admirals that we were about to be reduced to "number two." The result, despite SALT, has been a continuing, enormously costly, and futile arms race, with each side acquiring a huge "overkill" capacity.

With or without an intensified arms race, the balance of nuclear terror seems likely to remain fairly stable, with each side in the position of hostage to the other. This mutuality of fear is the basis of our security, and tenuous though it is, it is all we can hope for in the foreseeable future. This being the case, there is everything to be said for maintaining the balance at a lower, rather than a higher, level of costs and aramaments.

Since World War II, the United States has spent about $1.3 trillion and the Soviets an estimated $1 trillion on arms, at enormous sacrifice to their domestic needs. There are indications that significant new arms limitation agreements will be announced when Mr. Brezhnev visits Washington later this month, and these would be most welcome. Nonetheless, the arms race goes on, consuming money and resources without really contributing to national security, because higher or lower, the strategic balance remains roughly the same. The central fact remains—especially since the ABM treaty—that at any level of armaments our security will still rest upon mutuality of fear, upon the recognition, as put by Albert Einstein whose formula made the nuclear bomb possible, that "at the end, looming ever clearer, lies general annihilation."

In its new, nuclear dimension, our national security is far less dependent than it used to be upon alliances and the balance of power. Prior to the nuclear age, it was all but impossible for a single nation to acquire a sufficiency—much less a surplus—of deterrent power. Today, harboring a nuclear force with which we could destroy any foreign nation or combination of nations that might threaten us, we are in a quite different position. Our allies remain important to us for economic and political reasons, for reasons, that is, of our "greater-than-physical" security, but not for survival itself. As Professor Robert W. Tucker of Johns Hopkins has put it, "In a system governed by a balance of deterrent nuclear power . . . the fears of isolation and vulnerability to attack are no longer synonymous." [2]

At the same time that our military security has been relatively stabilized by the nuclear balance, our economic position—so vital to our "greater-than-physical" security—has become dangerously weakened, largely because of our extravagant foreign expenditures. President Nixon's declaration of emergency economic measures on August 15, 1971—the suspension of the dollar's convertibility into gold and imposition of an import surcharge—marked the end of the era of American economic predominance, in which the dollar had virtually sustained the international economic system. Burdened with heavy war and defense costs, high unemployment, a stubborn inflation, a deteriorating position in international trade, and consequent huge increase in balance-of-payments deficits which were already chronic, the United States encountered, in the monetary crisis of 1971, what has been called an "economic Vietnam." [3]

From the days of Lend-Lease in World War II until recently, the United States had held a position of hegemony in the world economy. Our gross national product doubled during World War II while other nations' economies were being devastated. Immediately after World War II, the United States was producing almost half the world's output, and the international monetary system devised at Bretton Woods reflected the predominance of the dollar. The United States thereafter exercised a political and military predominance in world affairs commensurate with its economic supremacy. The Marshall Plan, the rearmament of ourselves and of our allies, worldwide foreign aid, the fantastic space program, the Korean and Vietnam wars, were all part of a spending spree that knew no limits. Only in the last few years—and most dramatically in the dollar crisis of 1971—had it been brought home to us that we have been living beyond our means, living indeed with an extravagance that threatens to undermine our national solvency.

By contrast with the deteriorating economic position of the United States, that of Western Europe and Japan has been characterized by general prosperity, balance-of-payments surpluses, strong trade positions, and low defense costs. Indeed, the gap between their productive capacities and our own has been narrowing steadily. Until the mid-1960's, our trade balance with Japan was traditionally in surplus; since the mid-sixties it has been in large and growing deficit, with the Japanese holding a competitive advantage over us in electronics, steel, automobiles, heavy chemicals and shipbuilding.

All of which is by way of pointing out that we can no longer afford the role of global governor, even if that role were in our interest. We may have to settle for a somewhat less intoxicating role, still first, perhaps, but "first among equals."

This necessity is reinforced by the energy crisis, which is going to make us increasingly dependent on foreign oil imports for the next decade or more. In the long term, even the vast oil reserves of the Middle East will be exhausted, and we shall have to resort to alternate energy sources such as oil extracted from shale, gas extracted from coal, solar and thermal energy, nuclear fission and, eventually, nuclear fusion. All of these will require long and costly development efforts. In the meantime, with no spare oil production capacity of our own, we will have to expend large and growing sums on imported oil, primarily from the Middle East, where at least 300-billion of the 500-billion barrels of proven oil reserves of the noncommunist world are located. The phenomenal development of the American economy during the 19th Century and the first half of the 20th Century was based, in large part, on the availability of cheap and abundant energy from within our own borders. Now, pending the development of exotic new sources such as nuclear fusion, we have become a fuel-deficient nation, and that is one more reason why we are going to have to bring our military and political ambitions back into balance with our economic means.

We must learn to think of national security in all of its various dimensions. When a nation's run-away foreign expenditures sap its domestic strength, that nation is reaching for one form of illusory security at the cost of another, real and more fundamental one. When, as in Indochina, an extravagant military venture is not only costly but irrelevant to our defense and divisive and disruptive at home, our security is diminished in all of its dimensions. Over the last thirty years, the United States has expended its major energies on the foreign military and political aspects of national security. At first, this was the result of necessity, but gradually necessity gave way to habit, pride, and even arrogance. The resulting imbalance, as we have seen, has weakened our economy and our national morale.

The latter is perhaps most important of all. As I said at the start, I doubt that Watergate could have happened but for the moral and political perversion created by Vietnam. Restoring a climate of health and honesty is, at this juncture, the first requirement of our security and national well-being. In a world of nuclear weapons and interlocking economies, there can be no such thing as an isolated America. But neither can we afford to allow our involvement with the outside world to isolate our leaders from their own people and from the traditional values of American society. That is exactly what we have witnessed in recent years. In the service of a peculiar conception of national security, people at the apex of power have attempted to manipulate and circumvent the processes of American democracy. What a tragic irony it would be—although not unknown in human history—if, through our own efforts to defend our way of life from those who have threatened it from abroad, we were to destroy it ourselves.

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[2] *A New Isolationism*, Robert W. Tucker, (Universe Books, New York: 1972), p. 54 ff.

[3] Michael Mandelbaum and Daniel Yergin, "Balancing the Power." *Yale Review*, March, 1973.

I do not think that is going to happen. The very fact that occurrences such as the Vietnam war and the Watergate call forth intense and widespread indignation is itself reassuring of our democracy. However grudgingly and belatedly, our leaders are accepting the necessity of ending our involvement in Indochina. And in the wake of the Ervin hearings, the resignations and the indictments, I doubt very much that anyone will soon again be tempted to organize a conspiracy to sabotage a national election campaign. We show the strength of our democratic values by the difficulty we have in betraying them.

Dismayed though we have been in recent days, we still have much to be proud of. It is even possible that we will emerge from our current disillusion with renewed idealism—not the soaring idealism which bred in us the illusion of a divine mandate to set the world right, but rather a chastened, realistic, non-perfectionist idealism which will enable us to strike a balance between our highest aspirations and our human limitations.

RETIREMENT OF COL. GEORGE L. J. DALFERES

Mr. LONG. Mr. President, a fellow Louisianian and close friend, Col. George L. J. Dalferes, has retired after 25 distinguished years of service to his country. Congress relationship with the Department of Defense will be diminished by his departure.

Colonel Dalferes finished his career in the Army and Air Force as Deputy Assistant Secretary of Defense for Legislative Affairs. In simple language, of course, that meant that he dealt closely with Senators and Representatives and their offices on matters of mutual interest.

The low-key manner in which Colonel Dalferes handled these sensitive duties should be emulated by his successors. I can personally attest to his forthrightness in providing information and his understanding of the legislative process in working with me and my office. Whenever I needed help, Colonel Dalferes worked tirelessly. Whenever the information was not the most optimistic, he always said so with complete candor and understanding.

Mr. President, the distinguished career of Colonel Dalferes began in the Army as an infantry officer during World War II, after he was graduated from Louisiana State University in 1943. He returned to LSU to study law, earning his degree in 1949, and continued his pursuit of knowledge by winning a master of law degree in 1965 from Georgetown University.

During the 1950's Colonel Dalferes was an aide to the late Lt. Gen. Frank A. Armstrong, who was commander of the 2d Air Force at Barksdale Air Force Base in Bossier City, La., and later commander of the Alaskan Command. General Armstrong's experiences during World War II were the basis for the book, movie, and television series, "12 O'clock High."

When he was recalled to active duty during the Korean conflict in 1951, Colonel Dalferes was a resident of Shreveport, La., which he still considers his home. But it was during his law studies at LSU in 1948 that I first came to know him when I was the judge for Colonel Dalferes' first moot court case. I was a practicing attorney at the time in Baton Rouge, just prior to my first successful campaign for the U.S. Senate. I might suggest that Colonel Dalferes undoubtedly won that moot court case, because he had a good and impartial judge hearing it.

I am happy that Colonel Dalferes will continue to reside and work in the Washington area, so that his knowledge and insight into Government will continue to be of use to his country. I know that all my colleagues will want to join me in wishing George and his family the very best in the future.

BILINGUAL PROGRAM FOR INNER-CITY CHILDREN

Mr. MONTOYA. Mr. President, it is becoming increasingly clear to educators that the schools which offer education to many minority children are not succeeding in preparing them for the world in which they must compete as children today and as adult tomorrow. The most serious problem for these children has always been to find ways to communicate. Learning is not possible without communication.

In addition to the "special" communication problems of minority children which result from cultural and social differences, the problem for many Spanish-speaking children is compounded by their need to become bilingual in a monolingual school and society. Fortunately, research in education is beginning to indicate the difficulties which these children face in unresponsive school systems, and the great advantages which might be developed for all children if bilingual educational opportunities were developed in new and expanded programs.

I have recently read about one such program which is in operation on an experimental basis in Los Angeles and Philadelphia. I believe this program is of interest to all of us who are anxious to improve the educational opportunities of American children.

Mr. President, for that reason I ask unanimous consent that the following article be printed in the RECORD: "Bilingual Program Excites Innercity Users," by Angela Smith, from D. & R. Report, volume 2, No. 5, June 1973—a periodical of the Council for Educational Development and Research.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILINGUAL PROGRAM EXCITES INNER CITY USERS

(By Angela Smith)

A building program is going on in Los Angeles and Philadelphia that's more far reaching than any skyscraper or high-rise apartment complex. Instead of concrete and glass, the building materials are minds of children and their educators.

The program, a Follow Through Model, is being implemented in Philadelphia and Los Angeles by the Southwest Educational Development Laboratory of Austin, Texas. The model builds skills in different learning areas such as vocabulary and reading; it builds self-concept; and, as a bonus, it builds better human relations.

Administrators, teachers, aides, parents, and the youngsters themselves testify to its success.

Because of the bilingual program, some of Philadelphia's Puerto Rican parents are becoming more interested in taking English lessons. And some black parents are starting to take Spanish lessons.

Members of the Chicano community in Los Angeles are pushing the program because it promotes the Mexican American language and culture.

Parents in Los Angeles are becoming more actively involved in their children's education. Some parents, paid to work in the classroom, agree to work an equal number of volunteer hours as well. Several other parents volunteer hours each month to work with Follow Through.

Philadelphia parents are saying that their children who have participated in the program are doing much better in school than older children who did not.

In both cities, more time is being spent teaching Spanish. And aides like the program because they are more involved in the actual teaching.

THREE PROGRAMS INCLUDED

The Laboratory's Follow Through model incorporates three programs: Language Development and Reading, Bilingual Kindergarten, and Social Education. Children from kindergarten through grade 3 form the target population. Major emphasis is on a bilingual method (Spanish-English) advantageous for native Spanish-speaking children and also useful for children whose native language is English.

The bilingual program provides instructional and staff development materials for children and teachers in kindergarten through grade 3. Curriculum materials stress the communication skills—listening, speaking, reading, and writing—in Spanish and English. Subject content is used to provide experiential knowledge for developing descriptive language skills. The social sciences receive the greatest emphasis; in addition, some science and mathematics materials are used.

The staff development component provides teachers with the knowledge to diagnose each child's skills and concept level and thus determine the child's placement in large and small groups.

In training sessions, teachers are made aware of problems *Spanish-speak*ing children have in learning to speak a different language—problems such as auditory discrimination, mouth-muscle tone, word order, breath control, etc. Teachers learn how to help the children to overcome these difficulties so that they will develop a better self-concept and be able to communicate, comprehend, and read.

PARENTS' ROLE SIGNIFICANT

Realizing that the role of the parents is significant, the kindergarten-level program contains curriculum-related activities for parents to use with their children at home. For the primary grades, the program contains suggestions for activities, meetings, and classroom participation for the parents.

Carol Kawakami, project coordinator in Los Angeles, says she likes the program because of its oral language approach and because it is easy to adapt and use with other materials.

Flossie Allen, Follow Through liaison in Philadelphia, says SEDL's program efforts are "tremendous in terms of raising self-concept." In her words: "The Spanish-speaking child feels more comfortable in the classroom because the instruction he receives is in Spanish from a native Spanish-speaker. For the English-speaker, the program offers a chance to learn a second language and this raises his self-concept. The bicultural experience is invaluable."

Ms. Allen says the program also has raised the self-concept of aides. For the first time aides are actively involved in teaching. With aides actually instructing, the teacher-pupil ratio is reduced and Spanish instruction is guaranteed.

Ms. Allen also likes the program because it builds on the child's experience and promotes interaction in the classroom. "Children are more alert and verbal as a result of being in the program. It's not just 'sit down and read.' "

Various components that constitute the Laboratory's Follow Through Model are either commercially available or are within a field-test cycle.

Available commercially are English Kindergarten; Bilingual Kindergarten; Social Education Grade 1; Social Education Grade 2; and Social Education Grade 3. Information about their materials and cost is available.

Information about materials still under development, including a report of the Follow Through Model, also is available.

Circle the Reader Service Card Number 5 on the postcard insert or on the back cover.

TEACHING OF SPANISH APPEARS UNHARMFUL TO ENGLISH MASTERY

In recent years linguists and language teachers have been concerned with several hypotheses about the role of errors in the process of learning a second language.

Among these are the hypotheses that interference from the mother tongues is the major source of error in foreign-language learning; that errors are a valuable source of information about the learning process; and that errors may be a step in the learning process rather than an evil to be avoided at all costs.

A recent study at the Stanford Center for Research and Development in Teaching, using speech samples from 67 Mexican American children attending a monolingual (regular) school and 59 attending a bilingual school, had three purposes:

To provide data of potential use in further language-error analyses and studies of the causes of error in language acquisition.

To provide specific data helpful in constructing both teaching materials and proficiency tests for use in teaching English to Mexican American children

To determine whether bilingual and monolingual schooling have differential effects on the number or patterning of errors.

A main finding of the study, conducted by R. L. Politizer and A. G. Ramirez, is that the causes of errors, or deviations from standard English, appeared to include the expected interference of Spanish, the improper application of the rules of standard English, and the influence of nonstandard English dialects.

Another finding is that the extent of deviations from standard English did not differ significantly between the children in the bilingual school and those in the monolingual school.

This latter finding is important since a separate study by the same authors demonstrated that bilingual education and the use of Spanish in school had certain positive effects on Mexican American children's attitudes toward Spanish and toward their Mexican American background.

According to the authors, the present study "indicates that there is no reason to fear that these positive effects may have been achieved at the expense of the children's progress in learning spoken English."

Single complimentary copies of a Center R & D Memorandum, "An Error Analysis of the Spoken English of Mexican American Pupils in a Bilingual School and a Monolinual School," are available in limited supply.

Circle the Reader Service Card Number 6 on the postcard insert or on the back cover.

PUPILS' INTEREST RISES WHEN LEARNING TASKS OCCUR IN SMALL GROUPS

Teaching students in small groups or in dyadic (teacher and single student) situations rather than in large groups is the most significant factor in arousing students' interest and attention, according to a recent study at the Stanford R & D Center.

The study, conducted by the Center's Program on Teaching Students from Low-Income Areas, intended to compare the effects of various teacher classroom strategies on the level of students' "engagement" in the classroom.

The first phase of the study was carried out with twenty-four, third- and fourth-grade teachers and their students in nine low-income area schools. Ten hours of observation data were collected simultaneously for each teacher and for a sample of students from each classroom.

There were large differences in the level and mode (receptive or expressive) of engagement among classrooms. The frequency of strategy use varied among teachers and for individual teachers from one observation round to another.

The mean percentage of students who demonstrated engagement rose significantly during the year. There were no significant differences in level or type of engagement by sex or ethnicity of student or by subject matter.

The most important finding was that the level of student engagement differed significantly by size of instructional group, with lower engagement levels for large groups than for small or dyadic groups. By contrast, the level of student engagement in the classroom was not clearly related to the use of particular strategies.

The research team, directed by Robert D. Hess, has reformulated its conceptualization of the sources of variation in student engagement in the classroom. The current research will emphasize comparisons between self-contained and open classrooms and other structural and organizational features of the classroom.

Single complimentary copies of a Center R & D Memorandum, "Teacher Strategies and Student Engagement in Low-Income Area Schools," are available in limited supply.

Circle the Reader Service Card Number 7 on the postcard insert or on the back cover.

BLACK STANDARD ENGLISH LINKED TO READING ABILITY

As part of his ongoing work in bilingual education at the Stanford Center for Research and Development in Teaching, Robert L. Politzer and his colleagues have developed a preliminary version of a test of proficiency in both black standard and nonstandard spoken English.

"Black standard English" is defined by specialists as English that follows most of the grammatical rules of standard English but is "marked" or recognized as black by certain pronunciation features.

Previous studies have shown a significant correlation between children's reading ability and their awareness of the differences between standard and nonstandard patterns. Studies also indicate that children who speak black nonstandard English often will transform standard English to nonstandard English in a repetition task. The present study was intended to help determine to what extent productive ability in standard or nonstandard black English was related to reading ability scores.

Kindergarten children were asked to repeat, in both black standard and black nonstandard English, sentences contained in two similar stories tape-recorded by a bidialectal speaker. Accuracy of repetition was scored and a "balance score" measured any dominance of nonstandard over standard black spoken English.

Mean scores indicated a general balance in performance between the two sections of standard section correlated positively and significantly with their scores on the Stanford Achievement Test and its subsection on letters and sounds. In contrast, where there was an imbalance in favor of nonstandard speech, there was a significant negative correlation with scores on the same Stanford test and its subsections.

Analysis of the initial results also proved useful by identifying responses on certain items that seem to conflict with current conceptions of black nonstandard English.

The preliminary version of the test and the early analysis of results are included in a Center R&D Memorandum. "A Test of Proficiency in Black Standard and Nonstandard Speech." Complimentary copies are available in limited supply.

Circle the Reader Service Card Number 8 on the postcard insert or on the back cover.

RESEARCHERS SUGGEST COMPENSATORY EDUCATION FAILS LOW-INCOME STUDENTS

Low-income and ethnic-minority children are not reaping the promised benefits of "compensatory education." But how can the nation's schools give these children a better break?

That question is answered in a collection of hard-hitting articles in *Beyond "Compensatory Education": A New Approval to Educating Children.*

The book specifically rejects the philosophy of the "melting pot." Instead, cultural pluralism is advocated to surmount the social impasse frequently faced by teachers and administrators in multiethnic or low-income schools.

The articles are written by a group of researchers on the staff of the Far West Laboratory for Educational Research and Development in San Francisco. The researchers focus on the needs of children who are neither middle-class nor white—blacks, Chicanos, Indians, and others—in an effort to alert educators to some of the incongruences presently existing between these children's homes and the schools they attend.

Contributors to the book include: Glen P. Nimnicht and James A. Johnson, Jr., its editors, along with Arturo Aviña, Stephen L. Bayne, Alfredo Castañeda, Dorothy C. Clement, Patricia A. Johnson, and Francis McKinley.

The 224-page collection is available by writing directly to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Enclose a check or money order for $1.85 for each copy and refer to Stock No. 1780–01150.

WORKSHOP INTRODUCES CUTE TECHNIQUES

Educators responsible for training teachers to work in inner-city schools can benefit from an award-winning urban teacher education program.

Personnel from the Mid-continent Regional Educational Laboratory in Kansas City, Mo., use a workshop setting to introduce tested activities included in the Laboratory's Cooperative Urban Teacher Education (CUTE) program.

Public school and college staff members interested in the urban teacher-training program can set up the five-day workshop on-site or at McREL. Both preservice and inservice workshops are available.

The workshops utilize the expertise of development personnel who have had five years of exeprience in implementing the CUTE training program.

CUTE training generally results in improved teacher-pupil relationships and a lower recruitment cost for the school system.

Public school administrators may be interested in another McREL workshop that prepares participants to hold subsequent workshops to improve staff relations. This three-day workshop enables staff trainers to carry out activities designed to improve communication among staff members of individual schools and to facilitate harmonious working relationships. The McREL workshop can be held in Kansas City or onsite.

More information about open dates and costs of the CUTE workshop is available.

Information also is available to administrators interested in the staff relation workshop.

Circle the Reader Service Card Number 9 on the postcard insert or on the back cover.

"HEY, BOY, LOOKING FOR A JANITOR'S JOB?"

"Hey, boy!"

"I don't see how you people can listen to that kind of music."

"Maybe she took a siesta."

"Take your honky hands off me!"

"Are you applying for the janitorial position?"

Do these quotations appear inflammatory? In certain cases, in certain schools, they very well can be—and are.

These statements and situations are part of *Confrontation*, a human relations training unit (simulation) for teachers and administrators in multiethnic schools. An experimental field-test version of *Confrontation*, developed at the Far West Laboratory for Educational Research and Development in cooperation with the Oakland and San Francisco public schools, has been used nationally for several years under the sponsorship of the Anti-Defamation League.

The package's five films include discussion-leader training materials that require no outside consultants. Each of the discussion-provoking films consists of a series of simulated episodes based on real-life inner-city situations that occur all too frequently.

MINNEAPOLIS HEARINGS ON FUEL SHORTAGE

Mr. HUMPHREY. Mr. President, Last Saturday, June 2, I chaired a hearing of the Consumer Economics Subcommittee of the Joint Economic Committee in Minneapolis on the extent and effects of the petroleum shortage in the upper Midwest.

We heard formal testimony from petroleum users including farmers, truckers, railroads, motorists, and urban transit people; also from representatives of petroleum suppliers; and from spokesmen for the State government and the Federal Office of Oil and Gas.

We also heard spontaneous testimony from many people in the audience who were vitally concerned about this problem. Conspicuous by their absence were representatives of the major oil companies—the ultimate controllers of the situation—who chose to stay away rather than to help us shed some light on this urgent matter.

I shall summarize the information presented at the hearing as it relates to: First, the supply situation; second, skyrocketing prices despite mandatory price controls; and third, the Federal allocation program.

SUPPLY

We received a picture of total disruption of traditional supply relationships for petroleum fuels. According to James Erchul, Minnesota Director of Civil Defense, two independent refiners, Triangle and Bell Oil, withdrew altogether from Minnesota early this year and have indicated doubt that they can obtain adequate raw materials under the existing vountary allocation program to resume distribution there.

Soon after their withdrawal, the Midland Cooperatives' refinery, a big supplier to rural Minnesota, was shut down for lack of crude. It has since resumed operation at about 50-percent capacity.

The Koch Refinery at Pine Bend, Minn., has been cut back to about 60 percent of capacity by a strike.

To make matters far worse, moreover, two major oil companies, Sun and Gulf, are liquidating their distribution systems in the State. After special appeals, Sun has agreed to continue supplying their traditional customers for 1 more year. A sizable number of other companies have cut back supplies below last year's level, and only one company will increase them.

Supply cutbacks already have resulted in closure of nearly 200 retail gas stations in the State and in financial ruin for their owners. Of the 880 retail stations listed as closed by Government figures, fully 20 percent are in Minnesota. And many more stations are seriously threatened, especially if any of the majors quits supplying.

Mr. Jerry Everett, director of the Northwest Petroleum Association, laid 200 questionnaires before the subcommittee that document the situation among the distributors of both major brand and private brand gasoline. As he said—

> These are cold, hard statements of fact from the small businessman living this nightmare every minute of the day and night. I include night because you can guess for yourself that he is not sleeping well.

Mr. Everett quoted a few of these statements before the Subcommittee. For example:

> From Wadena, Minnesota.: "Our Company has been in business since 1931. Our supplier has cancelled our contract as of June 1, 1973. After that date, we have 4 dealers, 400 fuel oil customers and 150 gasoline customers that we can no longer supply."
>
> From Kent, Minnesota: "This is the worst condition that we have ever been in. It wasn't this bad during the war. Hope we can keep the business going. If this keeps up, the small business is finished. We haul gasoline and diesel fuel to 112 farmers that farm around 70 sections of land. . . ."
>
> From St. Martin, Minnesota: "I have been a jobber since March 6, 1956, and have been asked to sign a mutual contract cancellation. The reason given to me was my operation does not show enough net as I do not sell tires, batteries and accessories . . . I have not been able to locate another supplier . . . I am the only supplier out of this village. What will my bulk plant that I have worked for all these years be worth once I am phased out?"
>
> From Cloquet, Minnesota: "I am most concerned now about the complete cancellation effective June 30, 1973. They [the oil company] worked hard to get us to sign with them a year ago and at that time we switched two stations to them. Now they want to pull out and leave us without gasoline or fuel oil?"

Mr. Wayne Comstock of the Minnesota Association of Petroleum Retailers, interpreted developments in the distribution system before the Subcommittee in the following words:

> Major refiners are moving downstream to *retailing* as a source of profit rather than seeking their profits primarily at the production and refining level. This change in concept is producing an upheaval in the marketing of gasoline. Among other things it means the following: First, the independent non-branded distributor and dealer is no longer needed as he was in the past to dump the cheap incremental barrels from refineries. Second, the jobbers, agents and gasoline brokers—both branded and unbranded—are now expendable. Third, we believe that refiners will integrate forward into the retail market with new brands and self operation of their choice locations.
>
> The result, of course, will be complete control of gasoline from wellhead to nozzle. *Once the majors take over the retailing function, price competition for all practical purposes . . . will be at an end.* (italic in original)

Other objective experts foresee a similar course of events. In view of this upheaval in the oil industry, I think it behooves the Federal Government—without prejudging events—to keep very close watch over the maintenance of competition in this industry. With the passage this week of Senate bill S. 1570, the Senate moved to require the Federal Trade Commission to do just that.

I urge prompt action by the House of Representatives on this bill.

Despite the intense pressure on oil distributors and the extraordinary amount of time devoted by oil consumers to seeking future supplies, most business and government activities seem to be continuing at about normal levels up to now.

Last week, for instance, the Minneapolis Metropolitan Transit Commission was promised a normal supply of fuel for the next 12 months, but only after intercession by the Office of Oil and Gas with the American Oil Co. and with a very large price increase.

The railroads expect to obtain about as much fuel as last year after much effort and a like price increase. However, extraordinary demands for rail service this year have resulted in large backlogs and shipping delays. The same is true in general for trucks, but some reports have been received of grain haulers running out of fuel in trying to keep up with the unprecedented demand.

To a sizable extent, however, operations have been maintained by borrowing fuel from tomorrow, and reserves are now very, very low. It must be recognized that the agricultural sector, in response to the national need for greater food production, has expanded its acreage by over 10 percent. This means that last year's quantities of fuel for agriculture, food processing, transportation, and distribution will not be adequate.

Therefore, we have what one witness, Mr. Cy Carpenter of the Minnesota Farmers' Union, called "a fuel shortage time bomb" that may go off in the fall. That is, with today's very low reserves, the heavy demand for fuel to harvest, process and transport crops in the late summer and fall may cause the fuel distribution system to break down.

Indeed, today's Washington Post indicates this process may already be starting in Texas, where the harvest begins much earlier. If this is true, then where will we be by the end of the summer? Even more alarming, where will this leave us with respect to our heating oil needs for the coming winter?

PRICES

The information on prices brought out at the hearing is simply appalling in light of the fact that we have mandatory price controls on oil. Every single witness for the bulk buyers of fuel reported price increases of at least 25 to 30 percent from major oil companies and much more from independent distributors. These reports encompass gasoline, diesel oil and lubricants, and some added information has been received on aviation fuel.

For instance, Mr. Ross Thorfinnson, chairman of the National Car Rental System, Inc., stated before the subcommittee:

> The economic impact has resulted from increases ranging generally between 30 and 50 percent in the price of our bulk fuel purchases. In some cities no major oil company has been willing to bid on our fuel needs. In those situations we are buying on an individual lot basis from independent bulk suppliers at prices that add as much as 70 percent to our fuel costs. . . .
>
> In virtually every city, when our present fuel contracts expired, our present suppliers have refused to bid on a renewal of the contract. Other major oil companies, if they submit bids, substantially increase the price virtually to the retail pump price level and require escalation clauses for any upward fluctuations in the bulk oil market price. . . .

I want to emphasize that Mr. Thorfinnson was referring to his company's experience all across the country, and not just in Minnesota.

Mr. James Denn of the Minnesota Motor Transport Association referred to "price increases of almost 50 percent for diesel fuel and gasoline."

> The price increase is approximately in the range of about 4 cents a gallon (or 35 percent) for diesel and over 5 cents a gallon (about 30 percent) for gasoline. This, of course, is in a case where a *major oil supplier* is the source. Fuel purchased from independent suppliers has been recorded at prices up to 10 cents a gallon over that previously paid the majors and, of course, fuel from truck stops is typically purchased at even higher prices. (parentheses and italic supplied)

Mr. Kent Shoemaker, assistant vice president of the Soo Line Railroad, informed us that the railroad has commitments from oil suppliers for most of its needs, including an oral commitment for over 50 percent of these needs from American Oil and a formal commitment for about 20 percent from Continental. He adds—

> We anticipate that our fuel costs may increase by 25 to 30 percent.

Mr. Louis B. Olsen, assistant general manager of the Minneapolis Metropolitan Transit Commission, told the hearing that in late April the commission's traditional supplier, American Oil, had presented a bid on about 75 percent of the commission's 1973–74 needs. He stated:

> The bid was for Amoco premier diesel (a mixture of No. 1 and No. 2 diesel) not No. 1 diesel as asked for in the bid specifications. The price rose from 11.88 cents per gallon, the price under the '72–73 contract, to 14.9 cents per gallon (a 25 percent increase) and the bid contained the following clause: "The prices and/or quantities set forth herein are subject to revision by the seller, at its option, at any time or times, on 10 days written notice . . ."

More recently, Amoco reportedly agreed to supply the rest of the commission's needs at a price of 14.9. Mr. Olsen also reported the following other price increases:

> No. 30 H.D. motor oil, up 40 percent.
>
> Hydraulic transmission fluid, up 20 percent.
>
> No. 2 lithium grease, up 28 percent.
>
> No. 140 gear lubricant, up 13 percent.

Mr. C. L. Bowar, public affairs director for the Minnesota Automobile Association cited the result of a survey of gas stations by the association that indicated a widespread increase in gasoline prices of 5 percent in the last 2 months and 15- to 20-percent boosts where prices previously were depressed.

Finally, documentation I received at the hearing from a representative of the Minnesota Air Transport Association indicates that prices of aviation fuel from major oil companies also are going up. Moreover, lower octane fuels are becoming unavailable, and more expensive, higher octane fuels are being offered in their stead by the companies.

Mr. President, I want to emphasize that these data refer in most cases to major oil companies. It appears that they are charging whatever the market will bear, and this does not seem to be just a local phenomenon. Yet the major companies are under price controls supposedly limiting their average increases for all products to only 1 percent for 1973 unless justified formally on the basis of higher costs that are eligible to be passed through to the consumer. Nevertheless, the products mentioned here—gasoline, diesel fuel, lubricants, and aviation fuel—account for at least 75 percent of the sales of these companies. But none of them, to my knowledge, has received authorization to move beyond a 1-percent boost from the Cost of Living Council.

This simply does not add up. Either the price controls are being ignored with impunity by the companies or else these rules are totally inadequate. If the majors may raise prices by 25 to 30 percent under the rules, then the rules are nothing but a large loophole. If the franchised and independent distributors can raise prices without limit, then the rules merely transfer some of the excess profits from the majors to the distributors.

Last Tuesday I questioned Chairman Dunlop of the Cost of Living Council about this, but he had no answers to my questions. He agreed, however, to prepare a report on oil prices and to work in cooperation with the staff of the Joint Economic Committee to clarify this matter. I want him at the same time to try to clarify why the companies frequently have offered higher quality, higher priced products than requested instead of those actually needed. Also I asked that he examine the meaning of the minuet being done by the oil companies with their customers in which companies frequently have dropped old customers and taken up new ones in a sort of customer exchange among the majors.

THE FEDERAL ALLOCATION PROGRAM

Two witnesses; namely, representatives of the Metropolitan Transit Commission and the Soo Line Railroad, indicated that the administration's voluntary allocation program has provided them with some new oil.

Others, including Sigved Sampson of Midland Cooperatives and James Erchul, whose Office of Civil Defense receives shortage reports from all over Minnesota, indicated that the voluntary system has yet to yield adequate results. In one case, that of a taconite plant in northwest Minnesota, the program resulted in a very prompt reduction of supplies and consequently in layoffs, because the plant suffered a strike during the base period of the allocation program and thus does not qualify for a full allotment of fuel.

Jerry Everett, of the Northwest Petroleum Association, testified that the voluntary system should be given a chance to work because of the time already devoted to setting it up, but that mandatory controls should be held in immediate readiness.

Wayne Comstock of the Petroleum Retailers Association, however, strongly supported mandatory controls because, as he put it:

> The power to allocate is the power to discipline and control competition. If gasoline must be allocated, that allocation should not be left in the hands of the refineries themselves. To do so is to insure that retail competition is a thing of the past. . . .

Gordon Haglund of the Northwest Petroleum Council questioned whether any allocation system will bring back those stations that already have been closed. He also raised the question of how the costs of high-priced, imported oil products can be recouped under price controls without creating untenable price differentials between competitors that must pass through higher costs on a relatively large proportion of imported products and those that have access to more economical domestic supplies.

The greatest consternation was caused when the representative of the Office of Oil and Gas, Mr. Lisle Reed, described aspects of the administration's oil program intended to help independent refiners obtain enough crude. Sigved Sampson, president of Midland Cooperatives, with a refinery at Cushing, Okla., stated unequivocally that these measures have not helped. He stated that he cannot even exchange fee-exempt import rights for the right to buy crude at its full price, much less sell his import rights for 10.5 cents per barrel as Mr. Reed suggested. The majors simply do not accept them.

Meanwhile, oil extracted in the Mid-West is being shipped to refineries on the East coast that could easily operate on imported crude.

Mr. Sampson estimated that capacity to refine 300,000 barrels per day are idle in the Midwest for lack of crude.

Mr. Erchul of the Minnesota Office of Civil Defense indicated great concern that the centralization of program management in one office in Washington—the Office of Oil and Gas—would lead to a totally unmanageable situation. He stated that the Office seems to be badly bogged down already and is moving very slowly to solve problems. He proposed a decentralized system with beefed-up regional offices such as those operated by the Office of Emergency Preparedness earlier in the year.

These suggestions on implementation of the oil programs are valuable and should be taken into account by both the Congress and the administration. To me it appears that continuation of the voluntary allocation program as at present will permit far too many inequities to go unredressed. There are no penalties for violations of the guidelines. Parties that are wronged may be deterred from complaining because they may obtain nothing but supplier retaliation for their effort. We now should move to an allocation system with some teeth in it for the duration of the present crisis.

THE SKYLAB MISSION

Mr. ALLEN. Mr. President, three brave Americans are circling this planet of ours in the largest and most experiment-laden space laboratory the world has ever seen. Ever since Skylab II Astronauts Conrad, Kerwin, and Weitz entered the Skylab, they have demonstrated beyond any doubt that man in space indeed has an irreplaceable role in this Nation's space activities. Without these men, there would be no mission—it is as simple as that.

NASA's Marshall Space Flight Center in Huntsville has played a magnificent role in the space drama we have witnessed during the past weeks to salvage the Skylab mission. The May 23, 1973, issue of the Marshall Star, an employee publication at MSFC, identifies some of the hundreds of dedicated personnel who worked around the clock to help salvage the crippled spacecraft and so much of the mission's valuable scientific experiments. The June 8 issue of the Wall Street Journal contains an article entitled, "Skylab Repaired With $65.50 Cable Cutter, Salvaging the Mission and Rest of Program."

Mr. President, from the day the first explorer set foot on our shores many hundreds of years ago, Americans have enjoyed a worldwide reputation for our ingenuity and ability to get a job done. The space achievements of the past 2 weeks prove that this reputation is not just rhetoric or idle talk.

Our astronauts and the thousands of men and women employed in our space program who, through their diligence and talent, succeeded in saving the Skylab mission have earned our highest praise.

Mr. President, I ask unanimous consent that the above-mentioned news articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Marshall (Ala.) Star,
May 23, 1973]

MSFC Workforce Strives To Provide Aid to Skylab

Hundreds of Marshall Center and contractor employees have been working around the clock here in an integrated effort to overcome the problems of the Skylab space station. Most of the activity has been in the development of materials for the proposed solar shields, design of shields, tool development and mission operations.

For the first two days following the May 14 launch of Skylab 1, the emphasis was placed on obtaining a balance between thermal and electrical requirements. By the time the thermal situation came under control through the alteration of the space station's attitude with respect to the Sun, work was under way toward the design and development of a solar shield which would be deployed by the Skylab crew to control temperature in the spacecraft in normal attitude.

In the design of a solar shield, materials testing was needed both at Marshall and Johnson space centers. MSFC's Material Division has performed numerous tests on candidate materials suggested by various NASA organizations and contractor firms.

Of prime interest in the testing was a determination of the degree of degradation a material would experience when exposed to ultraviolet radiation. Dozens of materials have been tested during the past week and small samples have been placed in vacuum chambers and exposed to ultra-violet for extended duration tests. Materials scientists are studying the results of these tests in addition to making thermal tests of their own to determine ultra-violet degradation.

The prime solution to the solar shield problem, it was decided over the week end, will be the deployment of a shield through the TO27 scientific airlock (SAL) in the forward compartment of the workshop. This would not require astronauts to go outside the space station.

As of late Monday, no decision had been made as to which of two proposed SAL shields would be chosen. One of the versions is known as the "parasol" developed under JSC, and the other is called the "liferaft" developed through MSFC. The "parasol" is a mechanical device which deploys like an umbrella, and the "liferaft" inflates once exposed to space.

After several days of work by Marshall Center designers and visiting astronauts, a two-pole or A-frame shield has been devised. If for some reason the SAL-type shield could not be deployed, this would be available for deployment through EVA in the vicinity of the airlock module and ATM.

In addition, some hardware continues to be fabricated for a JSC-developed shield which would be deployed from the CSM, in the event some unforeseen obstacle develops in the other devices. This device has been called the SEVA sail, for stand-up EVA.

The two-pole design would see one astronaut standing near the airlock EVA hatch in a normal EVA position assembling a 55-foot pole from 5-foot aluminum segments. He would "feed" the pole to the other astronaut standing at the ATM central work station—though in a set of foot restraints provided especially for this EVA (a spare set of restraints now in the workshop).

The ATM-based crewman would place the end of the long pole in a base plate that holds it and the next pole to follow in a V position. The base plate—made in MSFC shops—would be attached by C-clamps to a strut that supports the ATM EVA ladder. The shield is transported from the EVA hatch to the ATM work station by the device which will be used to dispatch and retrieve film from the ATM.

The prime and backup crews for the first manned mission arrived at MSFC Monday evening to go through a one-day simulation of the deployment of the solar shields. Simulations by members of the astronaut corps and MSFC engineers and divers have been going on since last Wednesday to check out the solar shield schemes. These simulations have been valuable in designing and debugging the system.

Another effort being given high priority at MSFC has been the designing of tools which will be carried by the crew to orbit for possible use in freeing one or more of the crippled solar arrays. The possibility of freeing the solar arrays will be made after the crew has had a chance to fly around the Skylab and allow ground support personnel to view the space station via television coverage.

[From the Marshall (Ala.) Star, May 23, 1973]

MSFC Rallies To Aid Skylab; HOSC Task Team Formed

A special task team has been formed at the Marshall Center to coordinate the troubleshooting being done for the troubled Skylab mission and to make recommendations for solutions to problems.

The team has been formed within the Huntsville Operations Support Center (HOSC), a unique facility located in the Computation Lab, which normally provides MSFC support in flight control and data processing management for both the Kennedy Space Center (KSC) and the Johnson Space Center (JSC). During Apollo missions in the past and now for the Skylab mission, engineers and technicians in the HOSC are in touch by telephone, computer terminals and TV links with the Launch Control Center at KSC and with the Mission Control Center at JSC.

The team is headed by James E. Kingsbury, deputy director of the MSFC Astronautics Laboratory, and William Horton, deputy director of the Astrionics Laboratory. The size of the team is flexible with all the resources of Marshal Center at its disposal.

In addition to the Astronautics and Astrionics Laboratories, the Process Engineering Laboratory is heavily involved in development of hardware and testing concepts such as sun shades in the simulated weightless conditions of its Neutral Buoyancy Simulator in building 4619. Deployment of the shades, or curtains, is also being tested at the Skylab cluster located in building 4619 of the Astronautics Laboratory. And the Computation Laboratory is contributing heavily by making computer runs on proposed solutions to calculate the results before fabrication of hardware begins. The Communications Division of the Management Services Office is also working around the clock in support of the Skylab mission.

Plans were made before the launch of Skylab 1 on May 14 for the HOSC to operate around the clock throughout the entire eight-month Skylab mission.

"While the astronauts are aboard Skylab, HOSC will be fully manned and functioning 24 hours a day, seven days a week," says Herman Kurtz, Jr., manager of the MSFC Mission Operations Office. "During the periods when the astronauts are not aboard, HOSC will still operate around the clock, but with a reduced number of personnel."

During the countdown for launch of the Saturn V which boosted Skylab into orbit, Marshall Center engineers familiar with every system aboard the complex, two-stage launch vehicle were in HOSC or on call to it. When problems arose during the pre-launch checkout, these experts provided advice and solutions regarding systems and hardware for which MSFC has design management responsibility. They will be doing the same for the launch of Skylab 2, May 25.

At the Skylab 1 post-launch press conference at KSC, one hour after liftoff on May 14, Walter Kapryan, launch director at KSC, said that he could not recall a smoother countdown for the Saturn vehicle. Consequently, the Saturn V launch vehicle engineers at HOSC had little problem solving to do.

Personnel at HOSC and at many work stations throughout MSFC are working around the clock to make the Skylab workshop habitable for the three crew members.

[From the Wall Street Journal, June 8, 1973]

SKYLAB REPAIRED WITH $65.50 CABLE-CUTTER, SALVAGING THE MISSION AND REST OF PROGRAM

HOUSTON—Space officials prepared to plunge ahead with the entire $2.5 billion Skylab program, thanks to an old-fashioned pair of cable cutters—and assuming the trouble-plagued space laboratory doesn't develop any new problems.

The successful repair work by the astronauts yesterday on the Skylab's solar cell electric generators meant the present Skylab crew will be able to complete the planned 28 days in space and that two longer flights slated for later this year will be possible. The two longer missions, the last major man-in-space activity for the U.S. for several years, might have been drastically curtailed, possibly canceled, had the repair work yesterday been unsuccessful.

The first major emergency repair work in space was carried out shortly before 2:30 p.m. (EDT), when Astronauts Charles Conrad and Dr. Joseph Kerwin, working in the vacuum of space, successfully cut a small piece of metal. The piece of metal had been bent over the top of a beam that was supposed to fold out and deploy three panels of solar cells. The panels made up one of the Skylab's two wing-like solar-cell arrays that provide the Skylab with most of its electric power. With the beam jammed and the solar-cell panels still folded up in the outer wall of the Skylab, the laboratory was critically short of electricity.

After the two astronauts cut the piece of metal, the beam folded out and deployed the solar-cell panels and power began surging into the Skylab's partially depleted batteries.

The solar panels weren't fully unfolded, however, because some hydraulic fluid had partially solidified in the cold of space. But Skylab was maneuvered so that the sunlight would warm up the fluid, and engineers expect the panels to fold out completely early today.

One of the ironies of the operation was that, despite all the millions of dollars spent on developing highly sophisticated equipment for use in space, the astronauts used a commercially available cable cutter to snip the piece of metal. "It was our Model C 403-0689 and it carries a (retail) price of $65.50," said Edwin Mortimer, sales correspondent for A. B. Chance Co., a tool manufacturer in Centralia, Mo. The cable cutter normally is used to cut electrical cables.

The piece of metal that threatened to cripple a $2.5 billion space program was there because of "one little lousy single bolt," declared Skylab Commander Conrad. The bolt was in the strip of metal and had caught on the beam, so that the metal couldn't be pushed or bent out of the way.

REMAINING 2 WEEKS

Engineers here had calculated that the present Skylab crew could have squeezed through the remaining two weeks of their 28-day mission without the second solar-cell wing. They had sharply cut back their operations and were barely able to hold their electrical consumption down to the limited supply.

What National Aeronautics and Space Administration officials were worried about was the fate of the next two Skylab missions. These are planned for 56 days each, twice as long as the present flight. The first of the 56-day flights is to be launched July 27, or 35 days after the present Skylab crew returns to earth.

Space officials said earlier that if the electrical power problem couldn't be solved, it would be impossible for the next three-man Skylab crews to carry out a 56-day flight. The next flight probably would have been shortened to 35 or 40 days. Since this would have been only slightly longer than the 28-day flight, the mian purpose of the Skylab—to discover the physical effects of prolonged space flight—would have been seriously compromised.

PROSPECTS VERY GOOD

"From here on out the prospects are very good," said William C. Schneider, Skylab program director.

From now on, the most critical aspect of Skylab's future is the physical state of the astronauts. As of yesterday, the Skylab astronauts passed the previous U.S. space flight duration mark of 14 days. The doctors on the ground are watching the medical data intently for any effects of prolonged weightlessness.

If there are any drastic unexpected effects in coming days not only would this flight have to be ended but all future Skylab missions and any prolonged space flight would be limited.

Signs that the astronauts' bodies are starting to change in an attempt to adapt to the weighless state are just starting to show up. Late Wednesday, in a medical experiment, Dr. Kerwin showed for the first time one of the expected effects of this adaptation, Dr. Royce Hawkins, medical director, said yessterday.

HEART DECONDITIONING

Because of the lack of gravity, the astronauts' hearts don't have to work as hard to pump blood through the body. As a result, the hearts undergo "deconditioning." To find out how much their hearts have been affected, the astronauts periodically climb into a bag that covers the lower half of the body. A partial vacuum is then created in the bag. This has the effect of pulling the blood into the legs just as gravity tends to pull the blood to the legs.

When Dr. Kerwin underwent the test Wednesday it had to be stopped at one point to avoid his fainting, the first time this has happened. This occurred when the strongest vacuum possible, or, more correctly, "negative pressure" was created. The astronaut's heart rate jumped to 15 beats a minute but his blood pressure dropped. This indicated his cardiovascular system is no longer able to react as well as on earth to the pooling of blood in the legs, at least under rather extreme conditions. The test, which normally runs five minutes, was stopped after three-and-a-half minutes.

Dr. Kerwin will continue to undergo the the test in the next several days but not at such extreme negative pressure, Dr. Hawkins said. The test may also be modified for the other astronauts.

Far from being alarmed, the physicians are quite happy about the discovery. Apollo astronauts, who were checked medically only after they were back on earth, had also shown signs of such heart deconditioning and the doctors had expected to see it in the Skylab astronauts.

PHASE III OF PRESIDENT'S ECONOMIC STABILIZATION PROGRAM

Mr. HUDDLESTON. Mr. President, on January 11 of this year, mandatory wage and price guidelines were lifted and replaced with a voluntary system. Thus began phase III of the President's economic stabilization program.

The developments in the days and weeks since January offer little proof that the decision to initiate phase III was the correct one. Prices under phase III are rising at the most rapid rate in 22 years. During the first 4 month of 1973, wholesale prices increased at an annual rate of 21.2 percent, compared with an annual rate of 7 percent during phase II, when mandatory controls were in effect. During the same period, consumer prices rose at an annual, seasonably adjusted rate of 9.2 percent.

Then yesterday, June 7, the Labor Department reported that the May wholesale price index increased by 2 percent, for an annually adjusted rate of 23.4 percent. The May index was almost 13 perment higher than a year ago. It represented the second largest single-month increase since the highly inflationary period of 1951.

Coupled with the rising prices was a continuation of high unemployment. In April, 5 percent of the U.S. labor force—some 4½ million Americans—remained without a job, without the opportunity to participate in the U.S. economy—to contribute to it and to earn the necessary income to purchase the commodities available in it.

Questions over both the ability and the desire of the United States to deal with rising prices and inflation resulted in questions over the stability of the dollar abroad. At a time when many economists have come to view the dollar as undervalued in the world money markets, uncertainty over our willingness to take the necessary economic and fiscal steps result in lowered exchange rates and continued increases in the price of gold.

The situation is both an untenable and an unnecessary one. The price climb can be restrained and U.S. determination to deal with economic problems demonstrated. This can be accomplished by a temporary but comprehensive freeze on prices, profits, rents, wages, salaries and interest rates followed by a realistic and equitable program to control inflationary developments.

Strict Government regulation of the economy should not—and need not—be anyone's long-term goal. But, neither should continuing inflation and price increases, for these only serve to undermine the advances which are made in wages, salaries and benefits. They only dig deeper into the limited incomes and savings which our senior citizens and others living on fixed incomes have. They only raise questions in the U.S. business community and in the consumer's mind about the soundness of the U.S. economy in the months and years ahead. They only fuel the speculation which contributes to financial problems for the Nation both within the country and outside.

A 90-day freeze—a temporary, emergency measure—on prices, profits, rents, wages, salaries, and interest rates would help bring the economy under control and provide time for development of an appropriate and adequate economic program to follow. The base upon which to build has already been laid for us. We have had experience with a freeze, with mandatory controls and with voluntary controls. We know that wages and prices can be restrained. We know that inflationary pressures can be restricted.

We also know, however, that guidelines can be more fairly and equitably imposed than they have been in the past. There was, understandably, a significant amount of dissatisfaction with both phase I and phase II of the new economic policy. In phase I profits were not controlled, nor were interest rates, leading to the belief on the part of many workers throughout the Nation that they were making more sacrifices than others. Obviously, there are difficulties in attempting to control profits. Implementation and administration of such controls cannot be easy. And, there is the pervasive danger that such controls will simply punish efficiency and reward less effective operations. We are, however, in a crisis period, and the freeze proposals under discussion are of limited duration. They are being considered as a transitional measure to halt the current trends and to provide the time for development of a more comprehensive economic program. In view of this, I believe that there should be some strictures on profits during the special 90-day period.

A 90-day freeze should also cover interest rates. Major purchases by the average American family almost invariably involve loans and interest rates. To control other segments of the economy without controlling interest rates would be to leave a major loophole through which these consumers could be hurt.

In phase II, prices seemed to increase continuously, while wages did not, raising natural questions regarding the procedures being followed. A temporary freeze would help preclude this while providing an opportunity to prepare a program which would relate wage and prime increases more directly to each other.

Thus, any freeze proposal should seek to restrain the current excesses in the economy, while avoiding the aspects of the previous phases which were inequitable or unfair.

As I indicated earlier, long-term Government involvement in wage and price controls should not be our objective. But, the current economic situation demands that we act—and that we act now. The wholesale price increases of the past 2 months and the activities in the international money markets should leave no doubt in anyone's mind as to the need for new procedures. At the same time, our experience with previous controls demands that we take special steps to guarantee that controls are imposed in a fair and impartial manner, with the burden for stabilizing the economy spread among all our citizens.

In a period when Congress is particularly concerned with its powers and prerogatives. I believe it has not only a pressing responsibility but also a special opportunity to demonstrate that it is capable of dealing with this cardinal domestic problem.

WHERE DO WE GROW FROM HERE?

Mr. HUMPHREY. Mr. President, an excellent six-part series on national growth and development in America recently appeared in the Christian Science Monitor. In these articles, Mr. Robert Cahn has provided some valuable insights into the growth problems faced by our Nation. He has documented the issues with examples at every level of government. I believe this issue is of vital importance to all of us and I recommend these articles as "must" reading.

On May 29, the first three articles were printed in the Record. I now ask unanimous consent that the final three articles in this series be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

U.S. Conflict Explored: People or Land—Which First?

(By Robert Cahn)

Washington.—"Now would be the worst possible time to declare that America is going to rest in place, or that everyone will stay where they are until environmental dangers are dealt with."

"The buffalo-hunter mentality of development that is threatening the great reservoir of natural land in the nation must be stopped."

Both these conflicting comments were made by speakers at the conference to discuss recommendations of a new citizen task force on land use and urban growth.

The first, made by Ronald H. Brown, general counsel of the Urban League, reflected the viewpoint of those who view the current national trend toward limiting growth in urban areas as being restrictive on the poor and minority groups. They are skeptical of the motives of some who would limit urban growth.

"A concern for the environment and for proper land use can never be accepted as a cover for efforts to exclude people on racial or class grounds from living in a community," said Mr. Brown.

TOP PRIORITY SEEN

But to Oregon's articulate and forceful Governor, Tom McCall, who spoke of the "buffalo-hunter mentality," protection of the land is the No. 1 priority.

Encouraged by word he had just received from Salem that a tough state land-use control law he had been pushing for several years had just passed the Oregon Legislature, Governor McCall stressed that while population was increasing, no more land would ever be available. And he warned of activities such as a proposal to put 2,100 houses on a small rural hillside near the Oregon coast, where the land could not support such development without being ruined.

Most of the comments during the conference of 250 public officials and citizen leaders in environment and urban affairs, however, agreed with the task force chairman, Laurance S. Rockefeller, on his summary of the intent of the citizen report:

That the massive urban growth foreseeable by the end of the century must be managed without destroying neighborhoods or nature but also must be managed so that opportunities are not shut off to any segment of the population.

STUDY COMPLETED

The 12-member citizen task force set up by President Nixon's Citizens' Advisory Committee on Environmental Quality has just completed an eight-month, privately funded study of land-use problems associated with urban growth.

The study reported on a "new mood" gathering strength in the nation to limit or stop urban growth that is perceived as destructive to established communities and to the environment. The study also emphasized the need to reevaluate traditional attitudes that accept automatically every property owner's right to develop his land to its highest economic potential.

Mr. Rockefeller, although characterizing the report as "hopeful," said that "the task before us consists of learning to do what we have not yet successfully accomplished on any scale: the creation of communities that are socially open and environmentally sound."

EXTREMES CALLED THREATS

The time is propitious for exacting higher standards of development, he added, "because only now have the forces of conservation acquired sufficient strength to be taken seriously by traditional spokesmen for development."

The need for compatibility of economic and environmental demands is threatened by extreme positions, said Sen. Henry M. Jackson (D) of Washington.

"The no-growth philosophy encourages rather than mitigates confrontations between the 'haves' and the 'have-nots' and denies to our society the very wealth and technological advancements which we must have if we are to cleanse and improve the environment," he said.

Equally harmful, the Senator said, are the charges of "those who make predictions of ruin should the laws of the free market be amended, or of those who claim that public planning and implementation of policies for protection of the environment invade constitutionally protected rights."

INVITING MOBILITY

The deputy chairman of the task force, Paul N. Ylvisaker, dean of Harvard's Graduate School of Education, said that "when we talk about opening new land to quality growth we are inviting mobility of a population that land-use controls, tax powers, and so on have really imprisoned within the central city."

Dr. Ylvisaker said he hoped that a future task force would deal with "how as we open the city to the flight of even those prisoned within it, we also anticipate the conservation and regrowth of these areas."

Dr. Ylvisaker and several other conference participants stressed that land-use issues involve a social as well as a physical dimension. "We can't just think in physical terms," Dr. Ylvisaker said. "We have to think in human terms as well. Sometimes to go too quickly in the direction of physical salvation may take you to human destruction."

RETHINKING CHOICES?

Russell E. Train, chairman of the Council on Environmental Quality, said that "it may well be time to rethink our ways of dealing with growth. The limitations of local home rule and the owner's right to develop property may need to be adjusted to new needs."

The problem of determining how society can best allocate *resources so* as to serve the broader community "may entail frank acknowledgment that some individual choices may not be accommodated," Mr. Train added.

"It may be better not to build a highway if it is only likely to induce more sprawl and more pollution. It may be better to restrict automobile access to parts of cities if letting them in destroys neighborhood tranquility and pedestrain freedom."

Another challenge for rethinking was given by William K. Reilly, staff director of the Rockefeller task force, who said that the report suggested it is time to try to reinvigorate the processes for people getting along with each other.

RUNNING AWAY CITED

"Much of the urban-growth experience in the United States over the past quarter-century has consisted of people running away—from other people in the older cities, now even from the suburbs to the mountains and the seas. Now it is dawning on us that there is not really any place to run to.

"Clustering, green belts, new communities with a full mix of uses, more inclusive decisionmaking processes—all of these involve higher levels of social interaction and cooperation than we usually have achieved," Mr. Reilly said.

Former Interior Secretary Stewart L. Udall praised the report, but he criticized the acceptance as inevitable the trends toward decentralization and enlargement of urban regions.

AUTO'S IMPORTANCE

The study should have taken up critical energy problems and the need for ending the "automobile culture" which has caused the sprawl and unplanned growth of metropolitan areas, Mr. Udall said. The present energy crisis, he said, which will grow more serious, will actually prove an ally to the environment because the decline of the automobile will force a move to more compact cluster living and thus save much of the land from development.

How Much Should Uncle Sam Let Out His "Green Belt"?

(By Robert Cahn)

WASHINGTON.—By the year 2000, say those who project present statistics into the future, five-sixths of the American population will be housed in vast urban regions.

What the statisticians do not yet know, however, is whether these megalopolises will be huge sprawls the length of Atlantic, Pacific, and Gulf Coasts, around the Great Lakes, blanketing Florida, and radiating out from a few other centers.

An alternative would be distinctive communities set in open farmland and countryside, the nearby mountains and seashores protected and retaining their distinctiveness and integrity. Abundant parks and accessible waterfronts along unpolluted waterways would grace the inner cities.

Such an alternative is possible, according to a report by the Task Force on Land Use and Urban Growth, headed by Laurance S. Rockefeller. But the report, done for the President's Citizens Advisory Committee on Environmental Quality, warns that the alternative will not be available without basic reforms in attitudes and institutions controlling the use of land.

It is also now becoming clear that open space, long valued for esthetic and recreation purposes, can have a very powerful influence on the growth and shaping of cities and urban regions if it is well planned.

VISUAL RELIEF OFFERED

Some of the open spaces—aquifer recharge areas (water-bearing beds of sand, stone, or gravel), coastal dunes, highly productive agricultural areas, forests that reduce floods, and wetlands which start the biological food chain—must be preserved for the essential part they play in ecology. Green spaces that give visual relief also provide recreational opportunity for the expanding population. They also keep cities and neighborhoods from merging into a solid mass. Without open space, qualities that made the areas desirable places in which to settle are lost.

Although some communities are making progress, the nation as a whole is doing a grossly inadequate job of making wise use of open space and green space, say urban experts and conservation leaders. The best available studies also estimate that from 500,000 to 750,000 acres of rural open space are lost each year in the urbanization process.

To deal with the problems of green space, the Rockefeller report recommends a combination of governmental and private actions. The task force seeks to have higher levels of government working to guide development, but with decisions being made locally, the report suggests that land kept open for purposes other than recreation is best left in private hands and regulated to prohibit uses inconsistent with the conservation of scenic characteristics or ecological processes. It also recommends that vacant areas within urban regions—most often the unwanted leftovers of development—be preserved and grouped where they can do the most good.

Millions of acres already have been set aside by federal and state governments for permanent preservation of natural lands as national and state parks, wildlife refuges, national forests, and other designated public areas. Most of the national areas, however, are far away from population centers.

For years the federal government—primarily through the Land and Water Conservation Fund of $300 million a year (cut to $55 million for fiscal 1974 for Nixon administration budgetary reasons)—has been buying up land for national parks and forests and wildlife refuges and giving matching funds to states for purchase of park and wildlife areas.

PRICE KEEPS SPIRALING

However, private lands within the boundaries of national park areas still remaining to be purchased would require $250 million, at present land prices—and going up in price 10 percent each year. The price tag on the projected acquisition of Florida's Big Cypress swamp, needed to protect Everglades National Park's water supply, is $170 million.

Several states have voted legislation protecting certain types of natural areas. Hawaii has a statewide plan for classification of all land, with special designation of agricultural or conservation lands which are given some protection from development and tax benefits. Florida last year passed a land-use law setting up a system for protecting critical natural areas. The state's voters then passed a $240 million bond issue, most of it to be used for purchase of designated critical areas. New York State also passed a $1.15 billion environmental bond issue, including $175 million for parks and open-space acquisition.

Land purchase by government agencies can satisfy only a small part of the open-space requirements, although as seed money it at present serves a vital purpose. The larger need is for protective regulation and full cooperation from those engaged in the private development process.

"If the open space determination is framed for the public in terms of 'buy it or lose it,' we would surely lose most of our scenic countryside," says William K. Reilly, staff director of the Task Force on Land Use and Urban Growth.

"The answer has to be a mix of solutions that involves primary reliance on regulations, backed by property-tax assessments that reflect present use value. Sewer systems and roads, which attract housing, for instance, should be planned in such a way as to steer growth away from the lands that need to be protected from development."

VERMONT'S PERMIT PLAN

Attempts by local governments to maintain green space by adopting town or country plans, are often unsuccessful. Some citizens are led to believe their town's conservation and open-space needs are met because planners show maps with substantial areas marked in green. When the plans are checked against the zoning, however, citizens may find that the so-called conservation areas are zoned for two-acre lots.

Vermont has a new land-use law which requires permits before development projects are started. Permits can be denied unless the developer can show that his project: will meet a number of strict environmental criteria, will not have an unduly adverse effect on the natural beauty of the area, and is in conformance with a local or state land-use plan.

Two California counties have taken noteworthy steps. In 1965, Marin County placed two-thirds of its 300,000 acres in an agricultural preserve. One of these thirds has since been placed under preservation contract, with local governments authorized to reduce property-tax assessments. In 1971, the county rezoned land in the agricultural preserve from one dwelling per 3 acres to larger parcels, the majority of which are now zoned for 60-acre-minimum lots. Monterey County now has about one-third of its land zoned for 40-acre lots.

New York State's recently legislated plan for keeping the 3.7 million acres of private land in the Adirondacks Park permanently protected will provide for an average of only one building for each 42 acres on more than half of the private land, industrial development will be largely confined to areas already built up, and large second-home developments will be curbed by the low-density zoning.

UNFAIR APPLICATION SEEN

Agricultural zoning, by which property owners are allowed reduced taxes for maintaining their land undeveloped, has not been generally satisfactory in maintaining open space in most states where it has been tried, and has been subject to unfair application and windfalls for many landowners.

The Rockefeller task force recommends that existing programs be redesigned to apply two principles to agricultural zoning laws: (1) that benefits apply only to farmland located where it needs to be preserved; (2) that some permanent protections be provided so that the owner cannot use the subsidy and then sell off to developers at a large profit after five years.

One of the major recommendations of the Rockefeller task force calls for a federally assisted green-space program which would give permanent protection to green belts around cities and buffer zones between urban regions and within the regions.

A "national lands trust" with federal funding of $200 million annually is advocated. It would be made available on a matching basis (75 percent federal) to assist state and local land-use agencies in the designation, planning, and conservation of extensive green spaces in and around areas that are becoming urbanized. The federal government could make funds available for partial interests in strategically located lands.

Other means such as purchase of development rights along highways or waterfronts and the use of police powers for noncompensatory conservation zoning are also recommended.

Local governments already can regulate development and preservation of open space by requiring developers to set aside for open space or park use a portion of any proposed subdivision. The developer may be allowed to cluster units in one part of the subdivision in order to leave larger section in open space and still maintain an average density that can meet regulations.

But inasmuch as this type of regulation does not cover the small developer, the Rockefeller task force has recommended that in newly developing areas, local governments require that all developers contribute open space, or cash to be used to acquire open space, sufficient to satisfy the reasonable needs of the residents in their developments.

A 45-YEAR ACCOMPLISHMENT

Another potential for providing green space is by voluntary donations from citizens. This activity has been aided by federal income-tax provisions. These generally permit income-tax deduction of such charitable gifts for five years and exclude appreciation of the value of the donated property.

The Nature Conservancy, largest of many nonprofit land trusts around the country seeking to assist in preservation of natural land, has helped save 972 areas involving 377,055 acres over the past 20 years in 45 states and the Virgin Islands. In addition to making purchases and receiving land gifts from private citizens or corporations, the Nature Conservancy can option or buy an area threatened by development, but sought by a government agency which does not have purchase funds immediately available. The Nature Conservancy can then hold the land until the agency has funds appropriated for purchase.

A new organization, the nonprofit Trust for Public Land (TPL), has recently been formed to help save threatened key urban-oriented natural lands. Most land trusts deal principally in rural natural areas. The TPL's founders, Huey Johnson, formerly western director of the Nature Conservancy, and Greg Archbald, a former Nature Conservancy lawyer, feel that while it is important to save wild and remote natural areas for the escaping urban dweller, it is equally or even more important to preserve urban open space.

WOODED RANCH SAVED

One of the TPL's first ventures was to assist in preserving a 672-acre ranch in Granada Hills, within the Los Angeles city limits. The ranch—with woods, cliffs, and streams—is situated at the edge of suburbia. As such it was a prime target of subdividers. The land had been held by a family for many years, and the sale price was just over $1 million.

Some planners believe that one effect of the new national mood of challenging unrestricted growth will be to change the methods used to assist decaying inner-city neighborhoods. Instead of trying to replace these neighborhoods with higher-intensity development, a more logical solution, say some experts, might be to construct townhouses, and small buildings, and seek to reshape neighborhoods through open spaces. The use of urban waterfronts, now in decay in many cities, can play a role in rebuilding vitality into core areas. And industrial waterfront property might be replaced with parks and low-density housing. With many of the nation's rivers now in the process of being cleaned up, urban waterfronts will grow in economic value.

The preservation of open space may depend largely on obtaining more liberal attitudes and court opinions relative to the rights of development that go along with ownership of land. Most land-use regulations have been viewed as restrictions on each landowner's preexisting rights, rather than as grants of rights he did not have before.

The Rockefeller task force concluded that it was likely that the traditional assumption of urbanization rights arising from the land itself will be gradually abandoned in the future.

"What is needed is a changed attitude toward land, not simply a growing awareness of the importance of stewardship, but a separation of commodity rights from urbanization rights," the report said.

WILLY-NILLY SUBURBAN OVERSPILL CAN BE TEMPERED

(By Robert Cahn)

WASHINGTON.—As in many other"bedroom" communities near major cities, citizens in Virginia's Fairfax County realized a few years ago that uncontrolled growth was heading their county toward a crisis.

In this 400-square-mile area a half-hour from downtown Washington, schools were jammed, sewage treatment plants were overloaded, and traffic clogged the roads.

The county had grown from 22,000 in 1920 to 98,000 in 1950 and to 453,000 in 1970. It was run by a board of supervisors whose majority still believed in growth at all costs. Taxes were skyrocketing as costs of additional schools and county-provided services exceeded revenue from new residents.

Then the citizens organized to do something. Only 10 percent of the county residents lived in incorporated towns and cities. Those in the vast unincorporated areas had little identification with county government. But there was a federation of 130 neighborhood civic associations. In 1969 it turned its attention toward controlling growth.

BUILDING MORATORIUM ADOPTED

As a result of this new citizen interest in growth, Fairfax County voters elected a slate of candidates pledged to control growth. This changed the balance of power on the board of supervisors. A moratorium against further building was adopted by the new board for most of the county on the basis of inadequate sewage treatment.

In April the supervisors held a two-day citizen workshop to discuss methods of controlling growth. Last month an all-day planning session of the entire board was televised throughout the county on public TV. And next week the board will hold a public hearing to discuss plans for further moratoriums on development, for controlled growth that would link future development to availability of services, a "land banking" policy in which the county would buy up key developable areas to control land use, and establishing a requirement for environmental impact statements on all proposed major public and private development.

Not that all of this has been without controversy. Developers are still winning some fights. And 37 lawsuits have been filed against the supervisors by landowners who claim the county has illegally denied them the right to develop their property.

POLITICS UPSTAGES HOMEMAKING

Here, then, is an archetypal case of the rise of citizen resistance to uncontrolled growth.

The Fairfax Board of Supervisors chairman, Jean R. Packard, set aside her homemaking chores to enter politics last November. She won on a controlled-growth platform. She says that active citizen participation—attending hearings, making studies of growth cost vs. tax revenues, spending time informing others, and voting on local elections—is the only means for accomplishing change.

"If we can keep local government going the way the citizens want it to go," she says, "then we don't have to rely too heavily on the restraining powers of the federal or state government over which the citizens have far less direct control."

Citizen concern, however, can make itself felt in state government, too. In Oregon, for example, citizens started opposing new industrial expansion and growth more than a decade ago. Despite this sentiment, Gov. Tom McCall had been frustrated in efforts to get a recalcitrant Legislature to pass a state land-use control bill.

CITIZEN SUPPORT ORGANIZED

Then last November, Governor McCall sponsored a symposium on land use. Conservationists, business and labor leaders, bankers, farmers, builders and developers, and about one-fifth of the state Legislature met for three days to discuss the issues. Six hundred-strong, opponents and proponents, they met in small groups for debate, then reassembled to hear reports.

This basis of citizen support has continued during the current session of the Oregon Legislature. Late in May a strong land-use law was voted which listed 10 priority areas in which controls should be exercised to preserve land. It established a state land commission and a standing joint legislative land use committee and set in motion a process for identifying statewide land-use goals. The law also sets up a state citizen advisory committee on land use and requires each county to state how it is going to involve citizens in the planning program.

Fairfax County and Oregon illustrate the point that citizen involvement is the key ingredient of the antigrowth "new mood" that the report by the Task Force on Land Use and Urban Growth found to be sweeping the country.

TRADITIONAL PROCESSES PROTESTED

"Increasingly, citizens are . . . questioning the way relatively unconstrained, piecemeal urbanization is changing their communities and are rebelling against the traditional process of government and the marketplace which, they believe, have inadequately guided development in the past," states the Laurance S. Rockefeller-headed citizen task force that made its study for President Nixon's Advisory Committee on Environmental Quality.

What, specifically, is the role of the citizen who desires a change in land-use and urban growth policies?

1. Organization. Citizens have found that the first hurdle confronting them is organization. In community after community the average citizen showing up for a meeting discovers that he does not have the necessary resources and staying power to fight well-equipped developers. Many find strength in numbers when they look around at a hearing and see similarly concerned neighbors giving up an evening to protest a development proposal or rezoning. Citizens have provided new issues for already existing citizen organizations, or have formed ad hoc groups to meet specific problems.

LAND OR RIGHTS DONATED

2. Donations of land or development rights. A growing number of environmentally oriented landowners are voluntarily giving up their development rights, sometimes in concert with neighbors. Or they are donating land outright to public agencies or nonprofit land trusts. Typically well off and deeply committed, they want these natural areas or historic sites permanently protected against development or alteration. Their gifts usually can be used as income-tax deductions.

3. The ballot box. Ultimately, citizens strength must translate into electoral power. Citizens must not only keep informed on the issues but must actively work for candidates whose views they share. They can also write or wire their representatives and senators in Congress on issues such as the land-use policy act being considered now. Or they can write or wire the President or federal officials on environmental and urban issues concerning growth.

Last Novembers' election proved the voter strength controlling land use and growth. In Colorado, voters barred the use of state and Denver city funds to bring the 1976 Olympic winter games to Colorado, after a campaign in which unwanted growth and environmental damage were the main issues.

FLORIDA AND CALIFORNIA

Florida voters approved a $240 million bond issue to purchase environmentally endangered lands, in accord with a new state land-use act previously voted.

Californians adopted a law to control development within 1,000 yards of the entire coastal shoreline, and voters in three counties approved major open-space purchases. And in Boca Raton, Fla., voters took the unprecedented action of setting a maximum on the number of housing units that could be built in a city, establishing, in effect, a population growth limit.

4. Changing policies. Initially citizens concerned about growth tend to be more clear about what they are against then what they are for. But they soon learn that, to have

any lasting impact, they will have to develop needs in their communities, the Rockefeller task force includes in its study a series of specific questions to which citizens should be seeking answers. The Rockefeller report, "The Use of Land: A Citizens' Policy Guide to Urban Growth," is being published later this month by Thomas Y. Crowell.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

The PRESIDING OFFICER (Mr. PROXMIRE). Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 1888, which the clerk will state.

The assistant legislative clerk read as follows:

S. 1888, to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 176) of the Senator from Massachusetts (Mr. KENNEDY).

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Massachusetts will state it.

Mr. KENNEDY. Do I correctly understand that there is a 25 minute time allocation to the amendment, 20 minutes for the proponents and 5 minutes for the manager of the bill?

The PRESIDING OFFICER. The Senator from Massachusetts correctly understands the time limitation.

Mr. KENNEDY. I thank the Chair. I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a detailed description of the amendment be printed in the RECORD, and I will summarize it rather briefly here this morning and respond to any questions which may come to bear.

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT OF SENATOR KENNEDY

I take this opportunity to call up my amendment No. 176. This measure is designed to assist needy families in their efforts to obtain benefits from the food stamp program.

Senator Clifford Case from New Jersey has been an exceptional force in describing the need to improve assistance for needy families who deserve to receive adequate nutritional aid.

Senator Case and I have structured the several provisions of this amendment with a view toward eliminating the administrative and procedural obstacles that have prevented millions of needy persons from enrolling in the food stamp program.

The amendment authorizes the U.S. Department of Agriculture to make the following program revisions in seeking to insure that eligible families participate in the food stamp program:

1. First, the amendment redefines the term "food" to allow food stamps to be used to purchase any food or food product intended for human consumption. The effect of this provision is to allow stamp recipients to take advantage of sales of food items that may have a lower cost because they are imports.

2. *Definition of household*. The amendment to the "household" definition seeks to make sure that impoverished migrant laborers and other workers, persons who are dependent on monthly public assistance relief, and unemployed persons over 30 years of age are eligible for food stamps if they fall within the program's income, resource and other eligibility standards. At the same time, the amendment retains the provisions added in 1971 that exclude unrelated members of communes from food stamp program participation. The new "household" provision also adopts specific language to clarify and fully implement court-ordered requirements mandating that persons living under the same roof should be fractionalized as separated households if they do not live as one economic unit or purchase food in common. Moreover, this amendment to the "household" provisions will permit households that are too poor to purchase cooking facilities to obtain food stamps for the first time. The definition of "household" also deletes the prohibtion against the use of food stamps by the old, blind, and disabled who are supplemental security income recipients but whose total income falls within the national food stamp guidelines.

3. *Eligible households*. The Secretary of Agriculture shall continue, in consultation with the Secretary of Health, Education and Welfare, to establish uniform national standards of eligibility for participation by households in the food stamp program. In addition, however, this amendment provides that the Secretary shall establish uniform standards of eligibility for participation in the Federal commodities program. Thus, in States like Massachusetts where an overwhelming number of Federal food assistance recipients participate in the commodity distribution program, rather than in the food stamp program, at least those recipients will gain some assurance that the commodity program seeks to provide adequate nutritional values for them.

4. *Increases resource limits for the elderly*. Minimum resource eligibility criteria for persons 60 years of age or over is established at $3,000 for each individual 60 or over in the applicant household. Many old people are thrifty enough to retain funds for burial expenses and other emergencies. But, because these same people are often required to rely upon meager income from retirement or pension payments they are often too poor to provide adequate meals for themselves. Yet, under current food stamp regulations, they are not eligible for food stamps if their household assets exceed $3,000. By raising the asset limit to $3,000 per person, social security administration figures suggest that some 1.4 million persons over age 65 could be added to the eligibility rolls.

5. *Increase resource limits for residents in economic disaster areas*. Establishes a uniform $5,000 resource eligibility criteria for all households in a political subdivision experiencing an economic disaster, including a rate of unemployment substantially higher than the national average. Thus, in the communities of Massachusetts, Rhode Island, California, and Washington, where sharp curtailments in defense department operations have forced many people out of jobs, workers who have retained assets of $5,000 may seek assistance from the food stamp program while they struggle to regain a steady level of employment.

6. Provides for temporary emergency distribution of food stamps. Allows the Secretary to establish temporary emergency eligibility standards for households that are the victims of a mechanical breakdown in the system, as well as for natural disaster. Pittsburgh and New York are among those cities that have experienced breakdowns in system operations that certify eligible food stamp recipients. Although such stoppages are not due to any action by the recipients, they are the ones forced to suffer because the issuance of food stamps cannot be certified for them. Surely, it is not consistent with the intent of the Food Stamp Act to deny aid to the needy when those mechanical systems falter. For that reason, this provision authorizes local agencies to manually dispense stamps on a temporary basis while regular services are being restored.

7. Guarantees food stamps for elderly on supplemental security income. States in affirmative language that supplemental security income recipients shall be eligible for food stamps to the same extent as others based upon established income and resource limits. Approximately 1.5 million elderly recipients were made ineligible for food stamps when H.R. 1 was enacted last year. This provision clearly establishes the intent of the Congress to guarantee adequate food for these elderly citizens.

8. Special diet allowance for the elderly. Adjust stamp allotments to meet the special dietary needs of persons who have been medically certified to receive added assistance. At least 300,000 elderly citizens who suffer from diabetes, 1.6 million hypertension sufferers, and nearly 2 million old people with serious dental problems can receive the special food aid they need to maintain adequate health, under the provisions of this feature.

For many older citizens, loss of teeth and poor fitting dentures lead to the adoption of a soft diet generally high in carbohydrate and low in protein. And the prevalence of chronic disabling conditions among the aged, reported to be more than two-fifths of the population over sixty-five, has profound implications. The high frequency of heart disease, for example, means that many older persons need low sodium diets, those with intestinal diseases require diets of low bulk, while diabetes patients have another dietary prescription.

Upon adoption of this amendment the Senate will have firmly established its commitment to further serve the vital nutritional requirements of our elderly citizens.

9. *Certification of households*. Certification of application households would be made on the basis of a simplified application containing the necessary information and each application would be required to be acted upon within 15 days from the date that the initial request is made. Any household whose application was not acted upon within the 15 days would be granted a provisional certification until such time that a decision on the merits could be reached. Households which are receiving assistance pursuant to title IV of the social security act would qualify automatically since their need is already proven.

The income of households whose income is earned on a seasonal basis will be averaged on a 3, 6 or 12 month basis, as the applicant chooses, and certification would be for a like period of time.

Certification of any household would not lapse or be otherwise adversely affected except pursuant to a fair hearing, except that each participating household would have the obligation to report to the appropriate state agency any change in income or family size within 30 days of such change. In the event that any household so required fails to report, such household's eligibility would terminate, until such time as compliance is met.

The need to expedite certification procedures was extensively examined last month when program administrators from around the country met in Washington, D.C. In too many jurisdictions recipients are forced to be re-certified for each certification period. And though comprehensive personal and family data may already be on file for these recipients, they are forced to repeat the entire, lengthy procedure for each recertification period. Recertification should be simple. But food stamps beneficiaries know it is nothing of the sort. Many of them rise early in the morning to form long lines, in all kinds of weather waiting for the food stamp doors to open.

Obvious reforms to correct this situation have been recommended by the Memphis, Tennessee, community relations commission. As the commission sees it, there should be increased staffs, less crowded facilities, and dispersion of centers for certification and sale of stamps. I share the intent of those recommendations, and that is why this feature has been designed to improve the conditions under which those recipients must seek to obtain the help they deserve.

10. *State plan of operation*. Under current, law, each state is required to submit a plan of operation that provides for the incorporation of eligibility standards promulgated by the secretary and for the certification of applicant households in accordance with federal guidelines. In addition, however, this amendment includes new provisions that provide for:

Employment by the state, of one worker per every 500 households in that subdivision whose incomes are under the income poverty guidelines, but who are not currently participating.

Granting authority to the hearing board to extend retroactive relief in appropriate cases.

Issuance of coupon allotments no less than two times per month.

The reinstatement of the provision which was repealed by P.L. 92-603 (H.R. 1) providing any household participating in the food stamp program to have its coupon allotment deducted from such grant and distributed with that grant.

11. *Cooperation with state agencies*. The secretary is currently authorized to pay to each state agency an amount equal to 62½ per centum of the cost of salaries and other administrative expenses involved in carrying out the provisions of the food stamp act. The federal share of those costs is raised to 80% and would include the cost of the added personnel required for certification and outreach services.

States were supposed to file outreach plans with the U.S. Department of Agriculture by January 1, 1972, and the plans were to go into effect by the spring of that year. Most States failed to do that because nearly 40% of the outreach costs had to come from the State treasuries. State food stamp officials complain, they don't have the money or the staff to do outreach. Some State administrators have been advised "not to drum up business," simply because it is too costly to launch the programs needed to insure that eligible participants are enrolled. *Hunger—1973*, published by the Senate Nutrition Committee last month, reveals that 10 million people whose incomes fall below the poverty line are still not getting any Federal food assistance at all. The thrust of this future is to extend aid to those people who we know are eligible because their low income is insufficient to provide an adequate diet.

12. *Authorization*. The amendment provides an open ended authorization for the fiscal years 1972 and 1973. In addition this amendment authorizes the U.S. Department of Agriculture to spend available appropriations during the following year, and the amendment eliminates the requirement that the Secretary reduce proportionately the value of coupons to participating households if the participation exceeds the appropriation for that fiscal year.

Last Monday, in hearings that I chaired before the Select Committee on Nutrition and Human Needs, Agriculture Deartment officials testified that approximately $200 million in food stamp funds will go unspent this year. Last year, during similar hearings, Agriculture Department officials reported that nearly $700 million in appropriated food assistance funds would be returned to the Treasury. In both instances, it was revealed that the Department has failed to be able to identify enough hungry people who need help.

Yet, *Hunger—1973* identified 263 counties in this Nation that shamefully bear the label "hunger counties," because two thirds of the poor people in those counties receive no Federal food aid. A decade ago, 36 million Americans were poverty stricken. Today, 26 million people fall below the poverty line. And since by the Government's own calculations, the poverty line is based in the ability to purchase an adequate diet, then those in need are hungry people.

Until we can prove that all who qualify for food aid have received available assistance, it seems inconsistent to refuse to spend funds appropriated by the Congress for that purpose. Therefore, I expect this amendment to help ensure that the Federal Government will use its resources to meet the deserving demands of those who are in need.

In conclusion, I would like to urge this Senate to adopt this amendment to the agriculture bill because it includes many vital features that may go a long way toward ensuring nutritional adequacy for so many needy people. During these times when food prices are burdensome for most families, there is no question that the poor are affected more seriously than other families in our society. And for them, proposals that may offer some relief are especially important. I would like to see this amendment adopted, not only because it seeks to achieve acceptable levels of nutritional adequacy for people in need, but also because people who are in need suffer too often, simply because no one takes the time or the interest to help them.

We know there will be programs to ease the food price squeeze for higher wage families. I am convinced that we must, at the same time, adopt policies and programs that will do the same for low income families. This amendment is an attempt to do that. And I urge every member of the Senate to support this critical program.

Mr. KENNEDY. Mr. President, the pending amendment, which is cosponsored by a number of Senators, is designated to take into consideration a number of procedural and administrative problems that have been noticed in the development of the food stamp program, to show some sensitivity to the need for adequate outreach into the communities, particularly among the elderly, and to try and protect a number of people who might be eligible for food stamps—and, primarily the elderly—who are not receiving them today.

It is primarily a remedy for administrative and procedural difficulties. It also recognizes the importance of reaching out to those who are not participating in the program and provides additional funding from the Federal Government to the States to help alleviate the financial burdens which will be incumbent on them if this amendment were to be realized.

Mr. President, the first section on the first page of the amendment recognizes that in the attempt to develop administrative guidelines under the food stamp program to exclude those who might violate the spirit and direction of the law, a stricter interpretation was placed on unrelated individuals who might be members of a household. No one who supports this program wants people abusing it, especially those *otherwise* qualified for work and who should be working but instead take advantage of the food stamp program.

For instance, it was brought to the attention of the Senate that this was developing in a number of communes around different sections of the country. In an attempt to meet this problem, a regulation was established which has had an adverse effect on migrants, and on unemployed persons who otherwise would be qualified for the food stamp program but because they were living or sharing, a residence together, were excluded. Even some of those otherwise qualified for public assistance would be excluded.

So the thrust of the amendment is to remedy that particular provision.

Moving on now to page 3 of the amendment, there is a recognition to raise the individual savings limitation for our senior citizens to approximately $3,000. I do not know how it is in other parts of the country, but the minimum burial fees in my part of the country run anywhere from $1,200 to $1,500. Many elderly citizens retain that kind of funding of $1,200, $1,500, or $2,000 so that they will not have to put an additional burden on their family. Certainly, it is obvious that providing a $3,000 assets ceiling complies with the spirit of the act. So we raise the amount to $3,000.

To show some recognition of the particular dilemma in certain areas of the country that are hard pressed because of economic exigencies, such as the closing of military bases, or some other economic disaster, we raise the assets limitation to $5,000 over a temporary period. In my part of the country, in New England, the average worker at a Federal installation is 7 years above the average age of employees in other parts of the country. In the New England area generally, we will have lost two-thirds of the total jobs that will be lost in the *recent* cutbacks. So there was a recognition of the legitimacy for a temporary period of time, of revising that limitation to $5,000.

It also provides and recognizes that there are a number of elderly people who have special health problems, are diabetic, suffer from hypertension, and so forth and, therefore, need a special diet. This provides some flexibility to the secretary to cope with that.

On the question of certification, where we find individuals who are clearly eligible yet are required to come down and spend up to 9 hours to be recertified as often as once a month. Obviously, we feel that this program should be reflective of real need, and we try to simplify the certification application. Today it is an 8-page application. One question on it is, "Do you own a boat or a plane?" For an individual, particularly an elderly person, to have to come down month after month to apply for recertification and answer a long and detailed questionnaire does not seem to make much sense. We have simplified that procedure for them. That is one of the strengths of the amendment.

The amendment also creates an Outreach Program to reach out across the country, directed primarily to our senior citizens, recognizing the potential benefits of programs such as Operation FIND. Tens of thousands of elderly citizens live in remote rooming houses or apartments who are excluded from these nutritional programs because they are unaware that they are eligible. We set up a procedure to stabilize the Outreach Program in this measure.

We are providing additional incentives to the States in matching grants to expand their Outreach programs.

This, very briefly, is a summation of the amendment. A more detailed description is part of the record.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, will the Senator yield me 1 minute?

Mr. TALMADGE. I yield 1 minute to the distinguished Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as I understand the parliamentary procedure, I have an amendment, together with the Senator from Florida (Mr. CHILES) and the Senator from Texas (Mr. BENTSEN), to the amendment of the Senator from Massachusetts, but I understand that we would call up our amendment after his time is yielded back. I cannot tell what will occur, whether or not the Senate will accept my amendment; but I want to say a word in opposition to the Kennedy amendment.

The PRESIDING OFFICER. The Senator from South Carolina correctly states the time limitations.

Mr. HOLLINGS. I could go into it in detail. I do not want to take the time of the Senator from Georgia on opposition. Perhaps I should use my time.

Mr. KENNEDY. Mr. President, I will be glad to yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, right to the point, I agree with the sentiment in the field that the Senator from Massachusetts expresses in his amendment, as to an increased awareness, an increase in the Outreach program. But in trying to improve the participation within the food stamp program, like Samson, we are going to pull down the temple walls and ruin us all—specifically, when the Senator goes to the heart of allowing food stamp users to buy foreign or imported foods. I do not see how we can do that now.

In Massachusetts and South Carolina, we are having a struggle over the importation of shoes and textiles and other items; and I do not see how we can say, with justification, that food stamp users should get Camembert cheese and Russian caviar and that that is going to help the poor. That is going to destroy the credibility and integrity of the program.

Specifically, when we get to the definition of "household," my amendment, which I will offer later, would strike in its entirety the proposed definition of "household." Under the definition of the Senator from Massachusetts, it would create further opportunities for abuse of the food stamp program by strikers, the hippies and the families living in communes, and by others in the past who have attempted to avoid the strict letter and spirit of the law. I oppose food stamps for strikers. I believe that food stamps are for the hungry poor, not for the communes and the hippies, and strikers.

I would strike the provision which would allow the Secretary of Agriculture to raise the amount of liquid assets of families from $1,500 to $5,000. That is the marginal wage group. Many of us disagree with the fundamentals, specifically, the leaders in this program. The chairman of our Nutrition Committee has looked upon it as an income supplement, but I have always felt that food stamps should go initially to the hungry poor. When we complete that program, America can look objectively at it and see the good it has done. Until it is done, marginal wage earners coming in on this program, with an increase up to $5,000, would destroy its credibility.

Change the provision of the food stamp allotments with those on the medical type programs to a specification whereby it would apply only to persons with a disease, such as diabetes or some other organic disability; because if you put in there a medical certificate, as the Senator from Massachusetts proposes, we have seen what the medical profession has done with medicare and everything else. Everybody will come in with a local doctor's certificate. You could be overweight, obese, and get a medical certificate stating that you needed a different type diet or an increase in amount, and it would open the door to destroy the credibility of the program.

Again, striking the word "solely" from the provision relating to the application forms: Once that is put in, at the later hearing process, that I think should be eliminated, everybody gets in line. They are brought in in buses, and then they put their signature on a sheet of paper, and the food stamps are issued. Then they go to a desk; and rather than investigate the deservedness, to the contrary they have a whole legal miasma, trying to clean up the violators, cheaters, and others, that we are already subject to at the present time. The food program should be limited to the migrant workers. That is the real thrust and is very important in the Food Stamp Act. The program should be limited to those specified in title 42, section 242H; not to the ones who in another 3 months could bring themselves within this particular program. There would be schoolteachers, football players, and anybody else in the operation. Ballplayers could come in. They are making a hundred thousand dollars during the playing season; then in the off-season they could line up in a food stamp line, while the hungry poor and needy get nothing. That destroys more of the program.

I think the Senator from Massachusetts is leading the way, in the proper direction, for more legal participation and more legal control. In fact, in my State the Senator is aware of the extremely limited participation.

Mr. KENNEDY. Mr. President, notwithstanding the agreement, may I ask that the Senator's amendment be in order at present? I think that with that understanding we could have additional flexibility with regard to the time.

Mr. TALMADGE. Mr. President, when we yield back the time on the amendment rather than now.

Mr. KENNEDY. Rather than yield back the time, I think it would free up the time.

Mr. TALMADGE. I am prepared to make some remarks on the Senator's amendment.

Mr. KENNEDY. My only point is that if we yield back the time, we will have a few minutes more on both Senator HOLLINGS' amendment and my amendment.

Mr. TALMADGE. If the Senators desire some time, either the Senator from South Carolina or I will try to work that out.

Mr. KENNEDY. Mr. President, I am merely asking that the amendment be in order now. We will have time remaining. I think it is about 12 minutes. That time would be available to the Senator and myself, and the Senator from South Carolina would have 15 minutes.

Mr. TALMADGE. Mr. President, if the amendment of the Senator from Florida (Mr. CHILES) were to be in order now, what would be the situation?

Mr. HOLLINGS. The Senator from South Carolina's amendment would be in order now.

The PRESIDING OFFICER. There would be 15 minutes on the amendment to the amendment. Then, after the vote on that, the Senator from Georgia and the Senator from Massachusetts would have time remaining.

Mr. CHILES. Mr. President, by unanimous consent we can do anything, can we not?

The PRESIDING OFFICER. The Senator from Florida is correct.

Mr. TALMADGE. Mr. President, I desire to make a few brief remarks; and I shall be delighted to accede to the request of the Senator from Massachusetts. I have examined the amendment offered by the Senator from Massachusetts. I find some of the same problems have been created as have been pointed out by the Senator from South Carolina.

First, I think it is erroneous, as drafted on page 1, line 7, that "The term 'household' shall mean a group of related individuals—and their foster children—other than migrants and other laborers, public assistance recipients," and so on.

I think technically the language actually excludes people who are worthy and deserving of food stamps. I think that is a techical error by the people who drafted the amendment.

On page 4, at line 25, I find that this amendment would make eligible for food stamps a person who is—

> Medically certified as requiring a special diet by such amount as the Secretary shall establish for each such person in order to assure a nutritionally adequate diet.

By that standard fat people overweight could be certified for food stamps to relieve their excess fat.

Going down further on page 5, it provides, on line 6:

> Each household desiring to participate in the food stamp program shall be certified for eligibility solely upon completion of a simplified application form seeking data on sources of income, deduction, household size and composition....

Under that language an individual would certify himself so he could declare his own eligibility for food stamps.

Going down further on page 5, line 24, and the Senator from South Carolina alluded to this, it states:

> "The income of any household earned on a seasonable basis shall be averaged on a 3-, 6-, or 12-month basis as the applicant may elect,".

As the Senator from South Carolina pointed out if the heavyweight champion of the world had one prizefight a year and earned $1 million on December 1, he would be eligible for food stamps under that standard.

On page 6, line 8 it provides:

> "No household's certification shall lapse or be otherwise adversely affected except pursuant to a fair hearing held in accordance with subsection (e) of this section or because of a failure to comply with the reporting provision below."

In other words, the recipients would certify themselves for eligibility, and could only be removed by hearing.

I find all of those things in the Senator's amendment objectionable. Therefore, the Committee on Agriculture and Forestry would have to oppose the amendment.

Mr. YOUNG. Mr. President, will the Senator yield to me?

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from North Dakota on the bill.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG. Mr. President, shortly after I came here 28 years ago I joined as a cosponsor of a bill with the Senator from Vermont (Mr. AIKEN) for a food stamp program, much the same as we have now. The food stamp program seemed to work well in depression years and I thought it was a better way to help the poor acquire necessary food.

But the present law is so loosely written now that almost anyone can comply. One of the reasons that food and vegetable prices are so high is that no one wants to pick the fruit any more or to do stoop labor for vegetable crops. It is so easy to get food stamps, why should they work? Most will not.

It is very difficult to get that kind of help. The food stamp program is almost a scandal in my State and in States adjoining my State. Senators can ask any welfare director and they will tell you that almost anyone can be eligible. All they have to do is to go to the welfare office and say they have only a certain amount of money in the bank, and they can get food stamps.

Unfortunately, the real needy people all too often are not asking for food stamps. There are many real needy people today not getting assistance because of the wide abuse in the program. It is a good program but the scandalous situation we have now should be corrected.

I believe the amendment of the Senator from South Carolina will go a long way toward improving it.

Mr. TALMADGE. Mr. President, I am prepared to yield back my time.

Mr. KENNEDY. Mr. President, I would like to yield to the Senator from New Jersey, but just before I do, once again I want to emphasize at this point that the enforcement provision is still in the act. If a person is able bodied and can work, he has to take a job at the minimum wage. If there are places where this is not being enforced, I am prepared to propose additional manpower to make sure that it is enforced. Let us not use that argument against this amendment.

With respect to the argument by the Senator from South Carolina about the prizefighter or the football player, if that person has more than $1,500 in assets he would not qualify. If Mohammed Ali should fight and earn $1 million, he would have to be without any more than $1,500 before he could qualify. Also with regard to teachers, I do not know how schoolteachers are paid in South Carolina, but in my State they are paid on an annual basis. They would not qualify. They also would have to have assets below $1,500. So the idea of the football player or the movie actor qualifying under this provision is without merit.

I yield to the Senator from New Jersey.

Mr. CASE. Mr. President, I thank my colleague for yielding. I am happy to associate myself with this amendment. I understand the concerns of the Senator from South Carolina and we are more than willing to accommodate any reasonable concern. The Senator from Massachusetts already has indicated that.

Mr. President, I am pleased to join with Senator KENNEDY as a sponsor of this amendment to the food stamp program. This amendment is designed to help many eligible people who have been prevented from enrolling in the food stamp program by administrative and procedural obstacles. And it contains many long needed provisions to help the elderly who participate in the food stamp program and to help migrant workers who have often not been permitted to participate.

For the most part these are technical changes that are not costly and, in fact, may even save money in the long run by eliminating much of the unnecessary bureaucratic redtape that, in the past, has prevented proper application of the food stamp program in many areas.

One provision of particular interest is the grant of authority in this amendment to the Secretary of Agriculture to issue extra food stamps to participants who require special diets to remain healthy. Many of us recognize that a nutritionally adequate diet sometimes costs much more for those who are ill and who must buy special foods. This is especially true among the elderly who participate in the food stamp program.

I also want to take this opportunity to congratulate the Senate's Agriculture Committee for restoring eligibility to elderly food stamp recipients who receive aid under the Federal aged, blind and disabled program. Last year when H.R. 1 was considered in the Congress these participants were dropped from the food stamp program, effective in 1974, even after the Senate voted to oppose this change. I was pleased my amendment did pass the Senate then, although I was disappointed at the final outcome. But I was also sure the Agriculture Committee, which has responsibility to review the food stamp program, would act to restore eligibility for these individuals.

I thank the Agriculture Committee for its action on this matter and I urge adoption of the amendment now before the Senate.

Mr. President, I ask unanimous consent at this time that my assistant Steve O'Brien be allowed to remain on the floor during this amendment and other amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield 3 minutes to the distinguished Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. McGOVERN. Mr. President, I rise to support the amendment by the Senator from Massachusetts. On the other hand, I am not entirely opposed to the points made by the Senator from South Carolina.

I was particularly glad to hear him say that his amendment does not in any way weaken the efforts of the proposal of the Senator from Massachusetts to improve our outreach program. As a matter of fact, the State of South Carolina probably has the best and most effective outreach program that exists anywhere in the country. There are many States where people are unfamiliar with the benefits to which they are entitled under this program, especially many of our older citizens, many of them living in out of the way places, in the back streets, and in the rural areas, who are not familiar with the provisions under this program.

The amendment of the Senator from Massachusetts attempts to provide a modest increase in people to acquaint our needy citizens with the benefits to which they are entitled.

The Senator from North Dakota mentioned a moment ago that there are some violations of this program and that there are also many needy people who do not know about it, who are not participating. That, of course, is the purpose of this section of the amendment, to see to it that we do reach out to bring to them the benefits.

I hope the amendment is agreed to.

Mr. TALMADGE. Mr. President, I yield 2 minutes on the bill to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I am sure this is a well-meaning amendment. Most of us are trying to support the food stamp program for the purpose of feeding hungry people. If one looks around at the people participating in the debate, it will be seen that, for instance, the Senator from South Carolina has never been against feeding the people; in fact, he has taken an outstanding and leading role in trying to provide programs to feed the hungry. The junior Senator from Florida voted for the amendment earlier that would have strengthened the program by adding more dollars and turning it around.

There has to be a constituency for a program like this. However, we are facing a decreasing constituency across the country to feed the hungry people because we are opening up this program so fast and because we have so much fraud in the program today. In addition, it is going so many places against the purposes of the program that you are going to kill the constituency that is able to take care of the hungry people. This amendment is going further in that direction. The Senator from Massachusetts said that there is nothing here to weaken any other regulations. No, but it completely changes the whole program again.

I just met with people in the Agriculture Department yesterday in my office about what is wrong and why we have not had our regulations enforced. Tomorrow I am to have a meeting with people in my State who administer the program.

The problem is that we are opening the program up so fast that they cannot keep up with it and get the regulations set. Here we are going to change the whole program again.

In my State right now we cannot get the fruit crop picked. It is as simple as that. We are going to leave 20 percent of the crop in the groves. The price is there for the crop. People want it. Orange juice is probably the best bargain the housewife can get in the store today, but we are not having the crop picked because people are on food stamps. The ability is there to work 7 days a week, but as long as they can draw food stamps, they do not want to work.

There was supposed to be nothing in the design of that program to kill the incentive of people to work, but that is what the program is doing. The people in my State are up in arms over the abuses in the program. We had better tighten them down and see what we can do to cure the abuses and do what we can to see that the regulations are enforced, and not turn around and open it up still further again and change the procedures to the point where a person can write his own ticket as to whether he is entitled to food stamps.

We have a case in the northern part of my State that involves three States, where people had signed up 15 times in Florida, Georgia, and Alabama, for food stamps. Yet in my State, as far as I can learn, not one single person has served a sentence in jail for fraud in connection with food stamps. The same is true in other States—155,000 families in my State are drawing on the food stamp program.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. CURTIS. Mr. President, I yield myself 1 minute on the bill.

There are so many abuses in the food stamp program that the Inspector General of the Department of Agriculture spends 90 percent of his time on that problem.

This program has grown from $172 million in 1968 to $2.1 billion. Yesterday the Senate added another $600 million. The pending amendment will put an increase of $1 billion increase in this program and open the doors wide for more abuse. It is totally irresponsible. I hope it will be voted down.

Mr. TALMADGE. Mr. President, I yield 3 minutes to the Senator from Texas.

Mr. BENTSEN. Mr. President, I rise in opposition to the amendment offered by the Senator from Massachusetts (Mr. KENNEDY).

I do not believe that any Senator will argue against food stamps for those people legitimately in need of them. The food stamp program was conceived as a humanitarian program to bring added nutrition to millions of Americans who do not have the resources to purchase an adequate diet.

What concerns me is not the goal of the program, but the manner in which it has been implemented. In my view, the Senator's amendment would multiply the possibilities for abuse that we presently have.

The hard fact is that the record of the food stamp program is replete with abuses; in some sections of the country, the procedures for monitoring recipients to discern whether they are in fact needy has become a mockery.

The McAllen Monitor, a newspaper in south Texas, only yesterday reported the arrest of a shoplifter who had in his possession some $66 worth of food stamps that he had apparently received through a post office box. One citrus grower who hired 8 workers, who did not show up for work, reported seeing them using their food stamps during the same period. In certain parts of Texas, people qualify for the food stamp program during the rainy season when there was no work, then remain on the eligibility rolls receiving the stamps even during the period when work is plentiful. There have been instances in south Texas when food stamps have been used to purchase goods in Mexico and have then found their way back across the border to be used illegally. There was one instance of a motorcycle being purchased with food stamps.

Indeed, Mr. President, the food stamp program, a program with laudable objectives, has become something of a joke in some parts of my State. The administration of the program could be gently described as incompetent. In my view, our task now is to tighten up the administration, not to relax it as the Senator from Massachusetts would seek to do.

We are not talking about an insignificant Federal program in this instance. In fiscal 1973, an estimated $2.3 billion in food stamps was obligated. We are talking about one of the major programs of Federal domestic assistance, and I believe we must take great care to see that a program of this magnitude is tightened up so that the stamps go to the people who really need them, not to people whose intent is to circumvent the intention of the Food Stamp Act of 1964.

The Senator's amendment broadens the possibility for abuse in several ways. I am not one who argues for complicated Government forms; quite to the contrary, I have spoken out several times against the mountains of paperwork coming from Washington. However, the food stamp program has produced its share of abuses in spite of the obstacles thrown up by the paperwork. Before we seek to simplify, as the Senator suggests, we should hold hearings to determine how we can produce forms which are thorough and efficient as well as simplified. The Senator's suggestion that the application forms contain only sources of income, deductions, and household size and that these forms be approved or disapproved within 15 days could lead to hasty approval or disapproval based on inadequate data.

Another of the Senator's suggestions is that the Secretary must raise the face value of the coupon allotment to be issued to a household that includes a person who is medically certified as requiring a special diet. Again, the possibilities for abuse are multiplied. In fact, Mr. President, some special diets may not require the additional costs that the Senator mandates in his amendment. Salt-free diets, for example, may not even be as expensive as the traditional diets individuals may follow. And the administrative problems created by this section of the amendment could be substantial.

Another section of the Senator's amendment would establish a uniform limitation of $5,000 in assets for all households in political subdivisions that are experiencing "economic disasters." Although I am sympathetic with the thrust of this amendment and I can understand the motivation behind it, I must ask myself whether a family with one $1,500 in assets, which happens to live in a relatively prosperous area, should be treated any differently from families which happen to live in the so-called "economic disaster" areas. They are just as poor, and to treat them differently because of relatively healthy economic conditions surrounding them seems to me patently unjust.

Mr. President, I am in sympathy with the Senator's desire to up the asset levels for the elderly to have them still eligible for food stamps. I believe that this move is both logical and humane; however, it is tied in with so many questionable provisions that I find myself unable to support this amendment.

The food stamp program needs a thoroughgoing review. It needs to be tightened up. It needs to be fairly administered. To open it to more potential abuses and to add an estimated $300 million in costs at this time seems to me singularly unwise.

I ask that the Senate defeat this amendment.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Florida (Mr. CHILES) and myself, I call up my amendment to the amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be read.

The assistant legislative clerk proceeded to read the amendment.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, delete lines 1 through 8;

On page 2, delete lines 1 through 10;

On page 3, line 12, insert a period after the word "over", and delete the remainder of the sentence on lines 12 through 16;

On page 5, line 1, after the word "diet," and before the word "by", insert the following: "due to disease or some organic difficulty";

On page 5, line 7, delete the word "solely";

On page 5, line 12, delete the word "fifteen" and insert in lieu thereof the word "thirty";

On page 5, line 20, delete the word "fifteen" and insert in lieu thereof the word "thirty";

On page 5, line 24, after the word "any", insert the following: 'migrant (as defined in Title 42, U.S.C. Section 242h)";

On page 6, line 8, delete the following: "No household's certification shall lapse or be otherwise adversely affected except pursuant to a fair hearing held in accordance with subsection (c) of this section or because of a failure to comply with the reporting provision below."

Mr. HOLLINGS. Mr. President, I have fought hard to improve the conditions of the poor of this country through an expanded food stamp program, increased commodity food distribution, an improved school lunch program, meals-on-wheels for the elderly, day care programs, and medical assistance.

My State now leads the South in the percentage of eligible families participating in the food stamp program, totaling some 380,000 persons. We have made great strides in improving our medical programs and providing special service to low-income families through preventive health care. Unfortunately, we still have far to go. More than 240,000 South Carolinians are poor enough to qualify for food stamp benefits, but they still have not been sufficiently encouraged to enter the program.

Today, we are considering the food stamp bill reported by the Agriculture Committee and its distinguished chairman, the Senator from Georgia (Mr. TALMADGE). This is an outstanding bill and brings about a number of needed reforms in the program. We also are now considering an amendment by the Senator from Massachusetts (Mr. KENNEDY). I have no doubt that the amendment offered today is well intentioned. But it raises a number of grave questions and, in my opinion, opens the door to those who would attempt to take advantage of the generosity of their country by fraudulently obtaining benefits from the food stamp program. Therefore, Mr. President, I am introducing an amendment to the amendment of the gentleman from Massachusetts to remove those objectionable portions of his amendment. My amendment would accomplish the following:

First. Strike the provision which would allow food stamp users to buy foreign or imported foods. In the face of our serious balance-of-payments problem, we simply cannot encourage a further deficit. Food manufactured in this country should be sufficient to meet all nutritional needs and most ethnic desires.

Second. Strike in its entirety the proposed change in the definition of "household." In my opinion, this proposal would create further opportunities for abuse of the food stamp program by hippies, families living in communes, strikers, and others who in the past have attempted to avoid the strict letter and spirit of the law in applying for food stamp assistance.

Third. Strike the provision which would require the Secretary of Agriculture to raise the amount of liquid and nonliquid assets possessed by families as an eligibility criteria from the present $1,500 to a level as high as $5,000 in cases of high unemployment or other economic disaster. The Secretary presently has authority to implement commodity food programs in such instances, which he did in Seattle, Wash., during a time of very high unemployment.

Fourth. Change the provision allowing increased food stamp allotments to those with medical diet problems to make sure that it only applies to persons with a disease, such as diabetes, or with some organic disability which require special foods.

Fifth. Strike the word "solely" from the provision relating to simplified application forms. It strikes me as grossly unfair to the taxpayer to require the State to accept or reject an applicant simply of the basis of the data contained in his application form, and not to have the right to investigate the applicant fully.

Sixth. Change the waiting period from 15 days to 30 days. Fifteen days may be too short a time for the State to carry out an adequate investigation of an applicant. The provision for temporary certification also would take effect after 30 days.

Seventh. Sharply restrict the so-called income averaging section of the amendment by limiting it to migrants as defined in title 42, section 242h of the United States Code. This would prevent teachers, football players or any other seasonal workers other than migrant workers from the opportunity to avoid the normal income criteria.

Eighth. Finally, my amendment strikes in its entirity the sentence requiring a State to conduct a full hearing before removing any household from the program. In my opinion, this could create a mountain of bureaucratic paperwork and serve further to destroy public confidence in this program. States need to be able to move swiftly and decisively against food stamp cheaters.

With these amendments, Mr. President, I can support this amendment, It has many good provisions, and I believe the changes I have proposed will encourage benevolent assistance to the needy poor as well as strong enforcement of those provisions aimed at eliminating fraud.

I believe one of the weaknesses of many welfare programs has been their reliance on complete control at the Washington level. The food stamp program has been an excellent example of this poor planning. What we need is more local control, not less. We need more local people participating in the program. It has always been my recommendation that we have more outreach workers. We have a highly successful nutrition aide program in South Carolina, but our State suffers from not spending enough of its own tax revenue to run this program. We take in nearly $4 million in sales tax revenue from purchases of food with food stamps, yet we spend only about $1.6 million in State revenue to run the program. This has to change. States must bear a larger burden of responsibility. More outreach workers are needed. More certification workers are needed. It is my sincere hope that this new legislation, when passed by Congress, will not only allow States to do a better job of administering this program, but will result in a further assault on the large numbers of our less fortunate citizens who are still suffering from hunger and malnutrition.

I urge my colleagues to support my amendment.

Mr. President, I have tried to pass around various copies of the amendment. It provides, as I have outlined just a few moments ago, for the striking of various sections to keep the integrity of the food stamp program, on the one hand, and to extend outreach on the other hand.

Specifically, looking at the outreach sections of the program, to go to the positive side of this matter, the Senator from Massachusetts' amendment would require South Carolina to have a minimum of some 70 certification workers, whose salary would be paid in part by the Federal Government. It says one for each 1,000 participating households. I checked with my State of South Carolina. We already have well over that number.

Then, under the further provision for households whose incomes are under the poverty level, we run into a problem. We have in our State some 383,263 persons participating with about 240,000 South Carolinians yet to be in on this particular program. Under the amendment of the Senator from Massachusetts, we would hire up to some additional 96 outreach workers.

In the Clemson Extension Service, Clemson University is directing a nutrition aide program, around the different areas of South Carolina. They are operating an education program so necessary to solve this problem.

This is one reason why I resisted the cash approach to the welfare and hunger problems proposed by President Nixon and others during the past several years. We cannot just throw money at the problem. It takes education. It takes outreach and enforcement to gain Federal support and have the support of the people for this program.

For the benefit of my colleagues, I intend to limit my time and yield to other Senators who are interested. I shall ask for a voice vote on my amendment, which would do the following:

Strike the provision which would allow

food stamp users to buy foreign or imported foods;

Strike the proposed change in the definition of "household";

Strike the provision which would require the Secretary of Agriculture to raise the eligibility criteria from $1,500 per family of assets to a level all the way up to $5,000.

We would change the provision allowing increased food stamp allotments to those with medical diet problems to make sure that it only applies to persons with a disease, such as diabetes, or with some organic disability which requires special foods, such as heart trouble.

We would strike the word "solely" from the provision relating to simplified application forms.

We would change the waiting period from 15 days to 30 days. I think we should try to accelerate the certification process. I have been encouraging my own State to do this. About $100 million is spent annually in South Carolina through the food stamp program. Yet with the 4 percent sales tax on food, we still only spend about $1.5 million. In other words, my State makes about $2.5 million in tax revenue on the Federal program through sales tax.

I have tried to convince my State that unless it improves, I am going to propose that what is not used to administer the food stamp program be returned to the Federal Government. We need greater participation in my State and in other States that may be in the same situation and which find they get the same results, but the need here is for increased State participation.

My amendment would further sharply restrict the so-called income averaging section of the amendment.

Finally, my amendment strikes in its entirety the sentence requiring a State to conduct a full hearing before removing any household from the program. We could get into the question of inherent rights and constitutional rights, and we could get into the position of having to have many hearings.

Mr. President, I yield part of my time to the Senator from Florida.

The PRESIDING OFFICER (Mr. CLARK). The Senator from Florida is recognized.

Mr. CHILES. Mr. President, what does the amendment of the Senator from South Carolina do to the provision with respect to the way they sign up for the program?

Mr. HOLLINGS. They still fill out applications and investigations are still provided for, rather than that word "solely" which is part of the Kennedy amendment. With that "solely" in the language, applicants could sign a simple statement and from that point on out the only way to dislodge a cheater would be to go through the hearing process.

Under my amendment, the burden to make an investigation is still present.

Mr. CHILES. Mr. President, one of the great problems, as I understand some of the things going on in my State is that agricultural workers right now have not been required to sign up and there is no kind of clearance.

Mr. HOLLINGS. That is provided that they do sign up. Existing law provides criminal prohibitions against offenders and those provisions are still present requiring enforcement.

We hear complaints about people not picking crops or not cutting timber or not accepting work. But if they are able-bodied people coming in for food stamps yet rejecting work, they would be cut off.

The law is clear. The Assistant Secretary of Agriculture has not asked for any additional changes under that particular provision, and I have read the hearing record of the Nutrition Committee, that, on the contrary, they had little in the way of violations.

The Senator from Florida and I hear about alleged violations and my understanding is that they are spurious as far as the "welfare Cadillacs" go. I have chased down these complaints and have found that in most cases there was a friendly neighbor with a new automobile, and because a food stamp user was an old lady who was a shut-in, she would take the old lady down to the store and help her get food.

The person making the complaint thought, because it was a nice lady and a nice new car, that something illegal was going on. However, we chased these stories down and uncovered the truth.

The provision against a violation is still in there. They must work.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield to the distinguished Senator from South Dakota.

Mr. McGOVERN. Mr. President, I am glad that the Senator from South Dakota made the point he did to try to bring up the matter of some of the charges made on the widespread violations in the program. As long as we have a program there are going to be a few violations.

As far as I am concerned, I am positive in my own mind that far more people are cheating on their income tax reports than on food stamps.

In the hearing presided over by Senator KENNEDY, on Monday of this week, Senator PERCY asked the Assistant Secretary of Agriculture this question:

> Can you describe whether or not you feel there is taking into account the size of the program any excessive use of it, abuse of it, fraud, involved and what the Department is doing to try to prevent that, because the integrity of this program is the foundation of it and should it become know that it's being abused, excessively, then certainly it would undercut the whole purpose of it.

Mr. Yeutter replied:

> I'm very pleased that you raise that issue, Senator Percy, because it's one that constantly arises, particularly from critics of the program who seek means by which it may be castigated or indicted. And each time a violation is prosecuted it makes big headlines. And many people assume that that means that everyone in food stamps is cheating and there is massive fraud and massive violative intent.
>
> That simply is not the case. In fact I was personally surprised to find the rate of violation to be so low and I think it very encouraging that we have a situation where really most people are still basically honest and probably people in participating in these programs are just as basically honest as people who do not participate in these programs.

Then in conclusion, Mr. Yeutter reached the conclusion:

> It has been remarkably free from fraud.

As the Senator from Massachusetts says, there is nothing in the amendment that in any way weakens enforcement powers. Wrongdoers can still be prosecuted. We have the testimony of the Department of Agriculture that violations are rare.

I think that the Senator from South Carolina is absolutely right when he says that when we start to check any of these charges out, we find that they are usually groundless.

I wanted to make that point to keep the matter in perspective.

Mr. HOLLINGS. Mr. President, Johnnie M. Walters from South Carolina was Commissioner of the Internal Revenue Service. I asked him, and as I remember it, he told me they pull about 3 million returns annually for audit. They find that about 10 percent of our citizens are directly engaged in fraud each year.

If we had 10 percent of the 12.5 million who are on food stamps violating the provisions, we would have 1,200,000 running around in violation of the law.

I am confident that we do not have anything close to as high a percentage of violators of the food stamp provision as we do cheating on income tax returns.

The PRESIDING OFFICER. All time of the Senator from South Carolina has expired.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the distinguished Senator from Iowa.

Mr. CLARK. Mr. President, I would like to join with my distinguished colleague, Mr. KENNEDY, in support of his amendment to S. 1888 as it is written. When faced with the fact that there are 8 million people in America today who are eligible for food stamps and who are not receiving them, it is apparent that some mechanism for identifying and informing these people is imperative. At a time of unprecedented national wealth, it is appalling that there are still people in this country who go hungry, that there are still people who suffer from malnutrition because even though they may have something to eat, they do not have the right things to eat.

Food has the remarkable property of satisfying not only our physical needs, but our social and emotional needs as well. Its nutritive value has a direct bearing on our health and is a determining factor in the quality of our lives. The effects of nutrition—its absence or its presence—begin the day we are born and remain with us the duration of our lives. While the significance of its impact in the earlier years of life carries over into the later ones, there are some very special considerations which require special attention in the case of the Nation's elderly. A few days ago, here on the Senate floor, I touched upon some of the problems—elderly problems, their problems of immobility, physical handicaps, inability or unwillingness to fix a proper diet.

I also pointed out estimates that perhaps half of the health problems of the elderly are attributable to inadequate nutrition. Several years ago a project director on aging illustrated a very unique problem of the elderly. In drawing a profile of an older American, he pointed out the tendency to withdraw in a kind of "isolation." That older American pays his own bills, lives within his own means, gradually drops away from social clubs and contacts, churches, calls no particular attention to his needs until hospitalization is imminent—in essence he is almost deliberately inconspicuous. Common methods of reaching him through the media or even through such admirable approaches as "Project Find"—which reached and identified over 100,000 new persons eligible for food stamps—do not have the same degree of success in persuading the withdrawn, the rejected, as a person-to-person encounter.

There is no doubt that the disgrace of hunger exists in America today. Although we do not yet have all the solutions necessary to its elimination, we do have some of them. The food stamp program is one Government program that works and works well. We can have greater participation in that program if we adopt just such initiatives as this amendment proposes. It seems to me that the small investment that we make in efforts to seek out the malnourished and rehabilitate them so they can live their lives in good health, effects a return that cannot even be measured. For this reason I support, and support wholeheartedly, the amendment offered here today.

Mr. TALMADGE. Mr. President, I shall be very brief. The amendment offered by the distinguished Senator from South Carolina removes many opportunities for fraud and abuse in the amendment proposed by the distinguished Senator from Massachusetts. However, this would still increase the cost of the program approximately $319 million a year.

The biggest objection I have to it is that it mandates the employment of 8,400 new State employees, of which the Federal Government would pay 80 percent of the cost and the States would pay 20 percent.

I do not think those employees are needed.

I yield the remainder of my time to the distinguished Senator from Florida.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from Florida is recognized.

Mr. CHILES. Mr. President, the distinguished Senator from South Dakota has said that the Assistant Secretary of Agriculture finds little fraud involved in the program.

I had a meeting in my office yesterday with an official from the USDA, the director of the food stamp program. He tells me that they do not even know what is going on in Florida as to whether Florida is following their regulations. And if they do not think there is any fraud involved, they do not know what is going on in the State.

It is because they are in such a chaos of trying to put in the new regulations and trying to set up an audit that right now we do not really know what is going on.

But with any program in which you can see you never have any cases brought—and again they tell me they cannot bring any cases because they have to go into the Federal district courts, and the courts and prosecutors do not want to take the time, so people generally have the feeling that they are not going to be prosecuted—with no one checking up on what they are doing and why, there are thousands and thousands of people who deserve the program that should not be talked bad about because they have the food stamps, but if we are going to try to keep the program for them, we have to find some way to weed out the people who are stealing, those who do not deserve the program, and the people who will not work. Unless we can do something like that, the program is going to be destroyed.

Mr. KENNEDY. Mr. President, will the Senator from Georgia yield 1 minute on the bill?

Mr. TALMADGE. I yield the Senator from Massachusetts a minute on the bill.

Mr. KENNEDY. Mr. President, let me point out that the amendment as proposed would cost some $23 million. Under the amendment to the amendment, this outreach program, based upon the formula requiring approximately 6,000 individuals at $5,000 per person nationwide—comes to $30 million, and the Federal Government would pay 80 percent of that, which would make it also cost approximately $23 million. It would be less because some States like South Carolina, pay less than $5,000 to the outreach works. Where the other statistics come from is a mystery to me, even with regard to the amendment itself, without the Hollings amendment.

Mr. HOLLINGS. Mr. President, remember the cost is $23 million, not $319 million. I move the adoption of the amendment.

Mr. TALMADGE. Mr. President, I yield ½ minute to the acting majority leader.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. Talmadge and Mr. Buckley, the Senator from Wisconsin (Mr. PROXMIRE) be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. BUCKLEY. Mr. President, reserving the right to object, I believe the original order calls for four amendments.

Mr. ROBERT C. BYRD. No, the original order calls for an amendment by Mr. BUCKLEY. Would the Senator like to follow the Senator from Wisconsin?

Mr. BUCKLEY. Yes, I would.

Mr. ROBERT C. BYRD. I ask unanimous consent to that effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that following the rollcall vote about to occur, any additional rollcall votes today consume only 10 minutes, with the warning bell to be rung after the first 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I ask for the adoption of the amendment.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment of the Senator from South Carolina (Mr. HOLLINGS) to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be a rollcall vote on the amendment of the Senator from Massachusetts (Mr. KENNEDY), as amended.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the yeas and nays on the amendment be withdrawn.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia? The Chair hears none, and it is so ordered.

The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY), as amended.

The amendment, as amended, was agreed to.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that time on any rollcall vote today consume only 10 minutes, with the warning bell to be sounded after the first 2½ minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. And I suggest that both cloakrooms so inform all Senators.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Indiana (Mr. BAYH) is to be recognized at this point.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against either side.

Mr. CURTIS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I have an amendment with which I am prepared to proceed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, without prejudice to the Senator from Indiana (Mr. BAYH), the Senator from Kansas (Mr. DOLE) be recognized to offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

AMENDMENT NO. 186

Mr. DOLE. Mr. President, I call up my amendment No. 186 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 51, between lines 15 and 16, insert the following:

Rural Environmental Assistance Program

(29) The second paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"Notwithstanding any other provision of law, payments made pursuant to the authority granted under this Act shall be made only for the construction of permanent dams, terraces, ponds, waterways, and other soil-conserving facilities and measures of a similar type that are permanent in nature (including measures to establish permanent erosion control cover), and which are approved by the social conservation district in consultation with the appropriate local or county committee. No payment under this section shall

> exceed an amount equal to 50 per centum of the total cost of the facility, excluding the cost of the land. Payments under this section may be made in periodic installments as construction is completed.".

Mr. TALMADGE. Mr. President, will the distinguished Senator yield?

Mr. DOLE. I yield.

Mr. TALMADGE. The Senate has passed the REAP program by a vote of 72 to 0, as I recall, and it is now pending in conference. As I understand the Senator's amendment, it would be a modified version of what the committee has agreed to unanimously and the Senate has already passed by a vote of 72 to 0.

Mr. DOLE. That is correct.

Mr. TALMADGE. Then, if the distinguished ranking minority Member has no objection, I am agreeable to accepting the amendment without further debate.

Mr. CURTIS. I have no objection, Mr. President.

Mr. AIKEN. Mr. President, I object, until I have an opportunity to ask a question.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. I yield to the Senator from Vermont for a question.

Mr. AIKEN. Mr. President, I would like to ask the distinguished Senator from Kansas if the language of his amendment, where it reads "(including measures to establish permanent erosion control cover), and which are approved by the social conservation district in consultation with the appropriate local or county committee," would allow the use of lime, if it was found by the conservation district and the appropriate county committee to be necessary for erosion control.

As the Senator from Kansas knows, I am sure, in my State of Vermont the soil is quite acidic, and periodic liming is considered to be a permanent practice necessary for erosion control cover and pollution abatement, as it prevents runoff.

Mr. DOLE. Let me say to the distinguished Senator from Vermont that it is clearly the intent of our amendment that if the appropriate soil conservation district, after consulting the appropriate county committee, decides that liming is necessary for permanent cover control, this could be considered a part of a permanent practice, although it is not intended that it be done every year. If it is in the State of Vermont considered to be permanent, certainly nothing in my amendment would negate that.

Mr. AIKEN. Some of the erosion control plans we use do require that the soils be sweetened, otherwise they do not do their duty.

I thank the Senator from Kansas for answering this question as I hoped he would, and I have no objection now to accepting the amendment by a voice vote.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. DOLE.

SUPPORT FOR THE RURAL ENVIRONMENTAL ASSISTANCE PROGRAM

Mr. DOLE. Mr. President, earlier this year both the House and the Senate took prompt action in passing legislation to reinstate the rural environmental assistance program—REAP. The action resulted in two different versions of the bill, since the Senate also added the provision to reinstate the water bank program at the same time.

A joint conference committee worked out the differences, and the House received a report on the conference action April 2. No action has since been taken on H.R. 2107 and farmers continue to write asking when we will have action on this important legislation. It is time that we face the realities of the legislative situation and the responsibilities of securing approval for this program.

REAP is important because it supports essential, permanent conservation practices that are necessary to the preservation of the soil and more effective utilization of moisture throughout the Nation. Water retention dams make a significant contribution to controlling run-off of water that eventually contributes to urban damage in flooding, and they are of considerable assistance in maintaining adequate water supplies, both in rural and urban areas.

With the announcement of the program's termination and throughout the consideration of the legislation to reinstate it, I and most of my Senate colleagues received thousands of letters urging the reinstatement of the program.

Kansas farmers are now asking why we have not acted to approve the conference report. I must respond, frankly, that we are fearful of another veto of this important legislation. We recognize it as a very real possibility since H.R. 2107 mandates implementation of the full program, and it is doubtful that we could override such a veto. The Congress has so far failed to override two vetoes dealing with impoundment of funds, so it is highly unlikely that any different result could be expected with the full REAP authorization bill.

This is not to say, however, that Kansas farmers are not sympathetic with the President's goal of holding Federal spending down. They do want economy in government, but they feel that the whole REAP program should not be sacrificed. I would like to quote from a Resolution passed by the Kansas Legislature. It says in part:

> The farmers and ranchers are sympathetic to the Administration's objective of preventing more inflation and would favor eliminating conservation practices which are of a temporary nature from the program and assuming the full cost of maintaining such temporary practices themselves.

I believe this is a reasonable and fair proposition. And in recognition of this position of the Kansas State Legislature and the thousands of Kansas farmers who have written urging such action, I call up amendment No. 186, an amendment designed to reinstate such permanent conservation practices on a cost-sharing basis.

The amendment provides for cost sharing up to 50 percent for the construction of dams, terraces, ponds, waterways, or other similar, permanent soil conserving facilities.

Such conserving practices are necessary to preserve the raw material—the land and water—with which our farmers produce the food and fiber the people of this Nation and the world need. They also contribute greatly to the overall supply of water and flood control to the benefit of our urban population.

Since the prior legislation has reached an impasse, I urge my colleagues to accept this amendment to authorize reinstatement of only the permanent features of REAP. They are important to rural and urban America, and they should be supported as a wise and prudent investment in the future of our country.

The committee staff has estimated the cost of this authorization at approximately $70 million, a considerable savings from the budget estimate for the current year of $140 million.

Mr. President, I ask unanimous consent to have a fact sheet on the REAP program printed in the RECORD at this point.

There being no objection, the fact-sheet ordered to be printed in the RECORD, as follows:

BACKGROUND INFORMATION ON AMENDMENT NO. 186

USDA terminated the REAP program December 22, 1972.

H.R. 2107 mandating the expenditure of REAP funds was passed by both Houses.

Consideration of the report from the Joint Conference Committee on this legislation was delayed as it was felt that a similar bill mandating water and sewer grant expenditure would have a better chance of overriding a veto. The veto on that legislation was sustained.

The Conference Report is still pending consideration in the House; however, it is not felt that this measure will be further considered.

Meanwhile all REAP programs are suspended. This includes cost-sharing in the construction of water retention dams, terracing and other one-time permanent type practices.

Many watershed plans are contingent on the use of the REAP program for their run-off control with these measures.

Much of the objections to REAP by the past three Administrations has been the annual repetitive or production type practices, such as liming, tree planting, seeding, mulching, etc. They are practices that enhance production of crops in some uses; however, they also are of great value in establishing a permanent cover to control erosion.

The proposed amendment would:

Limit cost-sharing to 50% for approved permanent practices.

Plans would be approved by Soil Conservation Service Board and coordinated with the appropriated local or area committee.

Planting trees, liming and other practices would be authorized as long as they were for the purpose of establishing permanent cover or other function as part of an SCS approved permanent practice.

Cost estimates for this reduced program are $70 million compared with $140 million budget.

ADDITIONAL INFORMATION REGARDING REAP PROGRAM

The program was established by Congress in 1935. The first appropriation was made for fiscal year 1937. Its name was changed from the Agricultural Conservation Program (ACP) to the Rural Environmental Assistance Program (REAP) January 6, 1971.

The following figures in million of dollars are divided into three categories: budget estimate (request), amount appropriated by

Congress, and the program level, which was the amount actually spent because of freezes, etc.

	Budget estimate	Appropriation	Program level
1960	100	250.0	250.0
1961	100	250.0	250.0
1962	150	250.0	250.0
1963	150	250.0	250.0
1964	150	250.0	250.0
1965	120	220.0	220.0
1966	120	220.0	220.0
1967	100	220.0	220.0
1968	100	220.0	195.5
1969	100	195.5	195.5
1970	[1] 0	195.5	185.0
1971	[1] 0	195.5	150.0
1972	140	195.5	195.5
1973	140	225.5	[2] 140.0

[1] The original request was $100,000,000. It was amended to 0.
[2] Program terminated Dec. 22, 1972.

Mr. DOLE. I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 186) of the Senator from Kansas (Mr. DOLE).

The amendment was agreed to.

AMENDMENT NO. 213

Mr. PEARSON. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to do that, notwithstanding the previous order?

Mr. PEARSON. Yes; I so ask unanimous consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas. The Chair hears none, and it is so ordered, and the Senator is recognized for that purpose. Will the Senator from Kansas state the number of his amendment?

Mr. PEARSON. It is amendment No. 213.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PEARSON. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 46, line 17, strike out the double quotation marks.

On page 46, between lines 17 and 18, insert the following:

"SEC. 818. Notwithstanding any other provision of law, the Secretary of Commerce shall conduct a census of agriculture in 1974 as required by section 142 of title 13, United States Code, and shall submit to the Congress, within thirty days after the date of enactment of the Agriculture and Consumer Protection Act of 1973, an estimate of the funds needed to conduct such census."

Mr. PEARSON. Mr. President, in 1967 Congress revised the census laws to provide that every 5 years there be an agricultural census.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. PEARSON. I yield.

Mr. TALMADGE. Is this the amendment proposed by the Senator to mandate the Secretary of Commerce to have a census of agriculture?

Mr. PEARSON. It is.

Mr. TALMADGE. I am willing to accept the amendment, and I yield back the remainder of my time.

Mr. CURTIS. Mr. President, I have no objection to the amendment being adopted by voice vote.

Mr. PEARSON. Mr. President, this amendment makes it mandatory for the Secretary of Commerce to conduct a census of agriculture in 1974 as required by section 142 of title 13 in the United States Code.

The administration has indicated that it does not intend to conduct the 1974 census of agriculture. Fiscal 1973 funds have been impounded and the necessary funds to conduct the census have not been requested in the 1974 budget. The administration proposes to eliminate the 1974 census and combine it with the 1977 census of manufacturing. This is clearly in conflict with statutory provisions and congressional intent.

In 1957 the Congress in revising the census laws provided for a census of agriculture to be conducted in 1959 and in every fifth year thereafter. It was the judgment of the Congress that a comprehensive census of agriculture every 5 years was essential in identifying trends in agricultural production and organization. The information provided by such a census was considered vital to Congress in writing future farm legislation. It was also considered to be of great importance to the farmers and industries serving agriculture in the making of basic economic decisions. Unlike the industrial sectors of our economy there is a lack of internal information gathering procedures for spelling out trends within the farm sector.

The census of agriculture provides basic benchmark information on which forecasts regarding crop and animal production can be measured and evaluated. And this, of course, is extremely important because accurate forecasting of farm production and land use trends is vital not only to farmers but to consumers and the country as a whole. It is, also, the case that many Federal, State, and local programs are administered on the basis of information provided by the agriculture census.

The importance of continuing the agriculture census on an every fifth year basis is even more important today than in the past because the rate of change in agriculture has accelerated.

Also, yesterday the Senate adopted an amendment requiring the Department of Agriculture to provide the Congress with annual, detailed reports about trends on family farms and vertically integrated operations and if the Department is going to fill these obligations the continuation of an agricultural census is absolutely essential.

Mr. President, Public Law 85-207 clearly specifies that a census of agriculture shall be taken every fifth year. This amendment restates that provision of law and I urge its adoption.

I yield back the remainder of my time.

Mr. HUMPHREY. Mr. President, I wish to join Senator PEARSON in cosponsoring amendment No. 213 to this bill. I have introduced Senate Joint Resolution 95, which does much the same thing as this amendment. I understand that the Post Office and Civil Service Committee will report my joint resolution. I ask unanimous consent that a copy of my joint resolution and my testimony in support of it be printed at this point in the RECORD.

There being no objection, the statement and text of the joint resolution were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HUMPHREY

My introduction of S.J. Res. 95 was prompted, first, by the Nixon Administration's impoundment of planning funds which the Congress earlier appropriated to prepare for conducting the 1974 Census of Agriculture, and, second, by the Administration's subsequent failure to request any funds in its fiscal 1974 budget for actually conducting this vitally important census.

A resolution similar to S.J. Res. 95 has been introduced in the House by Representative Frank Evans of Colorado.

All of the evidence that I have seen to date clearly indicates that these actions were unilaterally initiated by the Bureau of the Census and the Office of Management and Budget without prior consultation with the Congress, the Federal Statistical Users Conference, or even with the Bureau's own Census of Agriculture Advisory Committee.

I have in my possession several documents which I request be made a part of this hearing record, and on which I will comment.

One of these documents is a report sent out earlier this year by Mr. John H. Aiken, Executive Director of the Federal Statistical Users Conference, to the members of the Conference.

Another is a copy of the minutes of a meeting held on February 23, 1973, of the Bureau of Census' Advisory Committee on Agriculture Census.

A third is the results of a survey conducted by the Miller Agricultural Research Services, based in Minneapolis, Minnesota, to determine the attitudes and reactions of over 1,000 individuals relating to the Administration's proposed delay of next year's agriculture census until 1977.

And the fourth is another special report issued by Mr. Aiken of the Federal Statistical Users Conference dated May 16, 1973, summarizing developments that have occurred to date regarding this matter.

I believe, Mr. Chairman, that even a cursory review of these documents will reveal two important facts:

(1) Nobody, other than the Bureau of the Census and the OMB, were in any way involved or consulted regarding the Administration's delay of next year's agriculture census prior to the impoundment of the funds Congress appropriated for the planning of it.

(2) The proposal to delay the census itself has little or no support outside of the Bureau and OMB.

In fact, although the Administration has finally gotten around to submitting draft legislation to change the existing law which requires a census of agriculture next year, no Senator or Congressman, to the best of my knowledge, has agreed to introduce that legislation to date!

Agriculture as an industry has a need for more, not less, accurate data collected and disseminated by the government. Its needs in this regard are greater than those of any other industry because it is the only industry where internal and external competition prevail in most of its markets.

In other words, it is an industry made of many unconnected parts with competitive forces operating both within each part as well as among its parts.

I believe that the Office of Management and Budget bias against maintaining or increasing government expenditures for agriculture statistics, a bias of long standing, is the result of its failure to understand the extent to which the efficient functioning of the entire food and fiber industry is dependent on comprehensive, accurate and timely government data.

The 1969 Agricultural Census was seriously incomplete or inaccurate in some sections of the United States. Delays in the release of data in excess of 2 years, in some cases, limited its usefulness. These deficiencies should be overcome in future agricultural censuses.

Moreover, the constant changes which occur in the structure of agriculture and in the technology used to collect and analyze data must be recognized in the census. Such adjustments in the methods of collecting agricultural data should be decided jointly by the Department of Agriculture and the Bureau of Census, in consultation with the appropriate committees of the Congress. In other words, we must keep abreast of change and new knowledge so that we secure the most timely, most accurate, comprehensive agricultural data.

Surely, this would not be achieved by delaying the 1974 Agricultural Census to 1977, and shifting its supervision to the administrator of the Census of Business.

On May 16, 1973, Mr. Don Paarlberg, Director of the Agricultral Economics for USDA, submitted a new plan to Senator Herman E. Talmadge, Chairman of our Senate Committee on Agriculture and Forestry.

Dr. Paarlbergs' plan would involve collecting much of the data now provided in the regular agricultural census on only a sample basis each year.

This plan was submitted to Chairman Talmadge in response to a request made by him on February 5, 1973. To the best of my knowledge, neither Senator Talmadge nor other members of our Committee on Agriculture have had an opportunity as yet to comment on Dr. Paarlberg's proposal. While I have not had an opportunity to examine carefully Dr. Paarlberg's proposal, I have looked it over briefly and would like to raise the following questions with respect to it which you and members of the Committee might wish to explore in greater detail when Dr. Paarlberg appears before you later today.

(1) Does this proposal represent an alternative to conducting an agricultural census at 5 year intervals, and, if so, is the Administration prepared to support such a proposal in lieu of its proposal to delay the census until 1977?

(2) Has this or similar proposals been reviewed and commented on by the Bureau's Advisory Committee on Agriculture Census or the Federal Statistical Users Conference? If so, what are their views?

(3) How would this proposal, which would rely mainly—if not exclusively—on sample data, affect the collection of county data which is so important to users of both agricultural data and social data?

(4) Does not the $29.3 million estimated as necessary to carry out Dr. Paarlberg's proposal amount to more than would be required to carry out the regular Census of Agriculture next year? The $26 million cited as the cost of the 1969 Census of Agriculture included, I believe, the cost of four other special censuses, plus 11 special surveys. Moreover, the $26 million included the costs for publishing the data, a cost which does not appear to be included in the cost estimate for Dr. Paarlberg's proposal.

(5) Finally, would not Dr. Paarlberg's proposal require that the USDA receive personal information previously held in strict confidence limited by law to the Census Bureau? Can we reasonably expect farmers or the Congress to permit a change in this careful policy of confidentiality?

I hope you will ask these general questions of Dr. Paarlberg regarding his proposal.

Also, we should not lose sight of the fact that his proposal has not been endorsed as an acceptable alternative by the Administration. It is a proposal that he has submitted to the Chairman of our Senate Agriculture Committee in response to the Chairman's request.

I believe an immediate resolution of this entire matter is required. With every passing day, it will become increasingly difficult to proceed with any type of census of agriculture next year—whether one of a traditional nature or on some new basis.

Also, let's not lose sight of the fact that the Division of Agriculture Census in the Bureau of Census already has released or transferred many of its professional employees needed to conduct next year's census of agriculture.

This entire situation is yet another example of how OMB has taken it entirely upon itself unilaterally to violate the law through delay and inaction. Administration dismissal of Ag-Census employees, plus their delay in submitting the legislation required to avoid an agriculture census next year, show contempt for the law and for the Congress.

While I believe the proposal submitted by Dr. Paarlberg to our Agriculture Committee Chairman should be carefully examined by this Committee and others, I also believe that this entire matter must be brought to a head promptly so further delays can be avoided.

In short, Mr. Chairman, I wish to urge immediate and favorable action on S.J. Res. 95 so we can proceed with the planning and implementation of next year's Census of Agriculture—an existing statutory requirement of this nation.

S.J. Res. 95

Joint resolution relating to the taking of the 1974 Census of Agriculture

Whereas the President has not requested any funds in the budget for fiscal year 1974 for taking the 1974 Census of Agriculture, required by section 142, title 13, United States Code, to be taken every five years, and has proposed that the taking of such census be postponed until 1977; and

Whereas the President has proposed that funds appropriated for fiscal year 1973 for the purpose of planning the 1974 Census of Agriculture be used instead to plan a transition from a 1974 census to a 1977 census; and

Whereas the information from the census of agriculture provides the only complete agricultural data available at the county level for rural America, and

Whereas the agricultural industry and rural America are changing at such a rapid rate that data compiled even at five-year intervals do not fully reflect actual conditions that exist many months later when the data are published; and

Whereas, many Federal, State, and local programs are provided on the basis of agricultural census information; and

Whereas many major corporations and trade associations use the data from such census to determine plant sites, allocate research funds, and forecast production needs; and

Whereas the census of agriculture provides the benchmark for interim forecasting of animal and crop production and land use; and

Whereas farmers, ranchers, farm organizations, and businesses serving agriculture base their economic decisions on such interim forecasts; and

Whereas statistical errors in such interim forecasts can be corrected only through comparison with census benchmark data; and

Whereas decisions based on faulty crop forecasts adversely affect the agricultural sector; and

Whereas the agriculture industry is the largest single industry in the Nation, accounting for a gross income of over $66,000,000,000 in 1972; and

Whereas the exports of such industry exceeded $11,000,000,000 in 1972, contributing to a reduction in this country's balance of trade deficit; and

Whereas this gigantic industry is made up of more than two million seven hundred thousand individual units, each making its own independent decisions affecting the whole; and

Whereas more information is needed, and is needed on a more frequent basis than now provided rather than on a less frequent basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to prepare an estimate of the funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974 and to submit such estimate to the Congress not more than thirty days after the date of enactment of this joint resolution. Funds heretofore or hereafter appropriated for planning for the 1974 Census of Agriculture shall be utilized for such purpose.

Sec. 2. The Secretary of Commerce shall take such action as he deems necessary to insure that the data acquired from the 1974 Census of Agriculture be made available to the public through appropriate publication as soon as practicable following the taking of the census, and in all events in a shorter period than data was made available to the public following the 1964 and 1969 censuses of Agriculture.

Mr. McGEE. Mr. President, this amendment results from the action of the Department of Commerce in failing to use funds appropriated for planning the 1974 census of agriculture and proposing in its budget estimates this year that the census be delayed until 1977. Yet article 142 of title 13 of the United States Code requires that a census of agriculture be taken beginning in October of 1974.

The Committee on Post Office and Civil Service has pending before it a resolution introduced by the Senator from Minnesota (Mr. HUMPHREY) and cosponsored by the Senator from Iowa (Mr. CLARK) and me which is intended to achieve the same purpose as this amendment—conduct of the 1974 census of agriculture as required by law. A hearing on that resolution was conducted May 23 by the Post Office and Civil Service Committee, which is very near to reporting the measure to the Senate.

Mr. President, I do not view this amendment and that resolution as conflicting in the least. Indeed, one may complement the other, for the resolution can have the salutary effect, if enacted, of spurring earlier action on the needed budget estimates for conduct of the census. If proper planning, which already has been drastically delayed by a lack of application to the letter of the law, is to take place, then there should be no undue delay in making the funds available. In truth, however, there are funds available today to go ahead with planning a proper census of agriculture. Since article 142 of title 13 is the law and no move has been made in this body or the House of Representatives to alter that law, I am of the opinion the Department of Commerce should delay no longer.

Mr. President, at the hearings in the Committee on Post Office and Civil Service, presided over by the Senator from North Dakota (Mr. BURDICK), there was overwhelming testimony that the action of the administration in proposing to further extend the already extensive gap in available agricultural data was taken against the best advice of knowledgeable experts in the field. The Advisory Committee on Agricultural Statistics, a census advisory committee, for instance, voted 15 to 1 in favor of going ahead with the census as required by law. Yet that was not done. I offer a brief paragraph from the minutes of the February 23, 1973, meeting of the advisory committee to underscore that statement. The minutes read:

> A motion for a recommendation that the 1974 census be carried out in accordance with the present law was made and seconded. A substitute motion that the Committee make no recommendations on this subject was then made, seconded, and put to a vote. The substitute motion lost, with a vote of two in favor and fourteen opposed. The previous motion was then voted on and carried by a vote of fifteen in favor and one opposed.

There is a point that needs to be driven home. It is simply that the 1974 census of agriculture needs to be an impovement over the 1964 and 1969 performances by the Bureau. Indeed, the 1969 census of agriculture is not fully reported at this time, and will not be for some time to come. Agriculture—America's largest industry—and rural America deserve an all together higher priority than has been given to them to date by the census planners at the Department of Commerce and the budget planners at the Office of Management and Budget.

A census of agriculture is needed, though, to get at the county data. It needs to be reported with greater alacrity than have been the prior two censuses. And to the extent humanly possible in the 16 months remaining before the 1974 census is to begin, action needs to be taken to update the census of agriculture in order to account for major changes which have taken place in agriculture.

The Committee on Post Office and Civil Service does intend, Mr. President, to maintain vigilance to insure that the intent of Congress is met. The Congress as a whole will, I am sure, entertain proposals to improve upon the effectiveness of this and other censuses. But the proposal dropped on us this year to widen the gap in our knowledge of what's happening in rural America and in our agricultural industry made no sense, and I am pleased the Senate has acted as it has to go forward with the Census.

Mr. President, because it makes some valid points that need to be stressed in this context, I ask unanimous consent that the text of Senate Joint Resolution 95 be printed in the RECORD at this point, along with but a few of the many letters I have received which point up the need for action such as the Senate has taken today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 95

Joint resolution relating to the taking of the 1974 Census of Agriculture

Whereas the President has not requested any funds in the budget for fiscal year 1974 for taking the 1974 Census of Agriculture, required by section 142, title 13, United States Code, to be taken every five years, and has proposed that the taking of such census be postponed until 1977; and

Whereas the President has proposed that funds appropriated for fiscal year 1973 for the purpose of planning the 1974 Census of Agriculture be used instead to plan a transition from a 1974 census to a 1977 census; and

Whereas the information from the census of agriculture provides the only complete agricultural data available at the county level for rural America, and

Whereas the agricultural industry and rural America are changing at such a rapid rate that date compiled even at five-year intervals do not fully reflect actual conditions that exist many months later when the data are published; and

Whereas many Federal, State, and local programs are provided on the basis of agricultural census information; and

Whereas many major corporations and trade associations use the data from such census to determine plant sites, allocate research funds, and forecast production needs; and

Whereas the census of agriculture provides the benchmark for interim forecasting of animal and crop production and land use; and

Whereas farmers, ranchers, farm organizations, and businesses serving agriculture base their economic decisions on such interim forecasts; and

Whereas statistical errors in such interim forecasts can be corrected only through comparison with census benchmark data; and

Whereas decisions based on faulty crop forecasts adversely affect the agricultural sector; and

Whereas the agriculture industry is the largest single industry in the Nation, accounting for a gross income of over $66,000,000,000 in 1972; and

Whereas the exports of such industry exceed $11,000,000,000 in 1972, contributing to a reduction in this country's balance of trade deficit; and

Whereas this gigantic industry is made up of more than two million seven hundred thousand individual units, each making its own independent decisions affecting the whole; and

Whereas more information is needed, and is needed on a more frequent basis than now provided rather than on a less frequent basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized and directed to prepare an estimate of the funds needed to carry out the statutory mandate for conducting a census of agriculture in 1974 and to submit such estimate to the Congress not more than thirty days after the date of enactment of this joint resolution. Funds heretofore or hereafter appropriated for planning for the 1974 Census of Agriculture shall be utilized for such purpose.

SEC. 2. The Secretary of Commerce shall take such action as he deems necessary to insure that the data acquired from the 1974 Census of Agriculture be made available to the public through appropriate publication as practicable following the taking of the census, and in all events in a shorter period than data was made available to the public following the 1964 and 1969 censuses of Agriculture.

INTERNATIONAL HARVESTER CO.,
Chicago, Ill., May 18, 1973.

Senator QUENTIN N. BURDICK,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR BURDICK: As a major manufacturer of agricultural equipment, International Harvester Company has always held in highest regard the welfare of the American farmer. For nearly 150 years, we have served him through the manufacture of a wide variety of power and machinery products. We rely heavily on the Census of Agriculture which has been taken every five years to supply us with information regarding agricultural trends for the various types of farms at the county level.

We have been concerned about the attempts which have been made to postpone the 1974 Census of Agriculture to 1977. Associated with that postponing action was the recommendation to make substantial changes in the Census including changes in the definition of farms. While we recognize the need for certain changes in the agricultural census in order to identify and quantify key factors in the present and future agricultural industry, to break the time sequence and to change definition at the same time would destroy practically all of the important historical trends relating to this important industry.

We, therefore, stand in support of the Senate Joint Resolution #95 in which it is recommended that the Secretary of Commerce be directed to conduct the 1974 Census of Agriculture on schedule and that funds be appropriated for accomplishing this task.

We further support the recommendation that the data acquired from the 1974 Census of Agriculture be made available through appropriate publications in a shorter time period than the data was made available to the public following the 1964 and 1969 Censuses of Agriculture.

Sincerely,

D. C. HANEY,
President.

GRAPHICS UNLIMITED,
Eaton, Colo., May 21, 1973.

Hon. GALE W. MCGEE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SIR: During our recent attendance in Memphis at the 1973 N.A.M.A. Farm Marketing Seminar, we are made aware that there is a strong possibility of losing the Census of Agriculture. We are very concerned about that possible loss.

The Census of Agriculture provides the only complete data at the county level on rural America. We use this data to determine promotional budgets and possible demand for the products of our clients.

Due to the dynamic nature of agriculture at this point in time not having comparable benchmarks till 1980 or 1981 would severely handicap our efforts to do an efficient job in our forecasting.

The lack of 1974 census data would also hamper the budgetary and allocation efforts of many Federal, State, and local programs as well as other corporations in their plant site selection, and production forecasting.

American agricultural exports exceeded $11 billion in 1972 and are increasing each year and are a healthy offsetting factor to our nations balance of trade deficits. Elimination of the Census would severely hamper agriculture in its efforts forecast demand and therefore would cut efficiency.

As the largest single industry in America, agriculture accounted for a gross income of $66 billion in 1972. Agriculture is a unique and distinct industry with many variables not encountered by other industries and to try and consider agriculture in the same light as the steel industry would be foolhardy.

It is our hope that the following action be taken:

(1) That the Senate and House of Representatives in Congress direct the Bureau of Census to develop a schedule of funds needed to carry out its statutory mandate to conduct a Census of Agriculture in 1974.

(2) That the Bureau of Census use the funds appropriated in 1973 for planning the 1974 census.

(3) That the Bureau of Census develop a publication of data acquired during the census to the end that it becomes available for public use sooner than was the case following the 1964 and 1969 Census of Agriculture.

More information is needed on an even more timely basis than is now available.

Thank you for your time and consideration.

Respectfully,

D. DELBERT HARSH,
Research Director.

MISSOURI NETWORK, INC.,
Jefferson City, Mo., May 24, 1973.
Hon. GALE W. MCGEE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR MR. MCGEE: We have recently learned that the Bureau of the Census has not used appropriated funds for planning the 1974 Census of Agriculture, and has plans to delay, eliminate, or merge with another census. We are very much opposed to these moves.

Please let us briefly relate how we depend upon this census in our business:

a. This is the only way we have of obtaining a county-by-county breakdown of agriculture production in Missouri, and thus portray to prospective advertising accounts how our affiliates are well-placed to cover Missouri agriculture for them.

b. This is the only commodity-by-commodity breakdown available on a county basis. We use to show prospective advertisers how best to promote agricultural products and services geographically.

c. We determine our programming based upon what crops are produced where and to what extent. For example, we know that 83.2 percent of the corn produced in Missouri is produced in counties covered by the Missourinet. (Based on 1969 Census of Agriculture.)

d. We solicit new affiliates based upon their location within agricultural belts that would best benefit our advertisers.

In short, we use this information on a daily basis, and are dismayed that it is now four years old. In many of our calls we have to explain apologetically that this is the latest information available.

So you can see that we'd be truly dismayed if the census were not taken next year. Also, we'd appreciate you doing what you can to make information acquired next year available sooner than was the case following 1964 and 1969 Censuses of Agriculture.

As you probably know, the Missourinet covers nearly all of agricultural Missouri. We have affiliates in nearly every congressional district. These stations and the farmers that listen to them, depend upon us. We, to the extent listed above, depend upon the Census of Agriculture. Please do what you can to see that the Bureau of Census uses funds appropriated in 1973 for planning the 1974 Census.

Sincerely,

DERRY G. BROWNFIELD.
CLYDE G. LEAR.

UNIVERSITY OF FLORIDA, INSTITUTE
OF FOOD AND AGRICULTURAL SCIENCES,
Gainesville, Fla., May 24, 1973.
Hon. GALE W. MCGEE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR MCGEE: We understand that the Administration's budget recommendations eliminates the funding of the 1974 Census of Agriculture and combines the taking of it in some modified form with those of the 1977 Economic Censuses. This action is appalling. However, I understand through the introduction of Senate Bill SJ-95 responsible consideration is being given to restoring the funds needed to conduct the 1974 Census of Agriculture. As one who has been involved with using this basic data for many years as a food and resource economist, I applaud this action.

I am sure you are aware of the important function the Census of Agriculture serves Florida and the rest of the nation. Historically it is the statistical base for the entire agricultural industry of this nation. Properly collected, aggregated and analyzed the Census of Agriculture serves as:

1) A basic means of supporting problem identification;

2) A foundation upon which intelligent policy formulation may take place;

3) A basis for developing and administering programs; and

4) A means of evaluating program impact and progress toward identified objectives or goals.

Because of the variable nature of the biological processes involved in agricultural production as opposed to the less dynamic and more stable production process of industry, to disrupt the timing and general procedure of updating the primary agricultural statistical base is in effect inviting chaos among the primary users of this key information.

We would, therefore, urge you to seriously consider and vigorously support the reinstatement and funding of the 1975 Census of Agriculture. Your efforts to enlist your colleagues to join with you in maintaining this method of assembling the primary statistical base for our nation's most essential industry will be greatly appreciated. Thank you very much for your assistance and for your continued leadership in the governmental affairs of this nation.

Sincerely yours,

K. R. TEFERTILLER,
Vice President for Agricultural Affairs.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. TALMADGE. Mr. President, I understand that the distinguished Senator from Indiana (Mr. BAYH) is on his way, and I therefore ask unanimous consent to suggest the absence of a quorum with the time not to be charged against either side.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

Mr. TALMADGE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from South Carolina (Mr. HOLLINGS) may be recognized at this time to call up an amendment, without prejudice to the distinguished Senator for Indiana (Mr. BAYH).

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> At the end thereof, insert the following:
>
> SEC. — As soon as possible after the enactment of this Act hearings shall be held on the regulations contained in the Federal Register, Vol. 38, No. 83 (May 1, 1973), pages 10715, 10716, 10717, and all viewpoints shall be afforded an adequate opportunity to appear and testify. Findings based on these hearings shall be made and submitted to Congress. No regulations concerning this matter shall become effective until Congress has had 30 legislative days to review these findings.

Mr. HOLLINGS. Mr. President, the amendment I propose this morning will delay the implementation of regulations contained in the Federal Register of May 1, 1973, vol. 38, No 83, pages 10715, 10716, 10717, and any similar regulation until hearings can be held and findings made thereon. Congress would then have 30 legislative days in which to consider these findings prior to the implementation of any regulation dealing with the reentry of farm fields where pesticides have been used. Without this amendment these regulations will go into effect on June 18 and this would mean economic ruin to a majority of farmers engaged in growing of peaches, tobacco, apples, grapes, oranges, lemons, grapefruits. These regulations are entitled "Emergency Temporary Standards for Exposure to Organophosphorous Pesticides." Under the guise of protecting the health of farmworkers the Occupational Safety and Health Administration through these regulations would prevent reentry of fields where those crops are being grown for a certain period of days after the field has been treated with a pesticide. In the peach industry, these regulations would prevent reentry for up to 14 days and in the tobacco industry reentry could be prevented for up to 7 days.

Mr. President, if there was evidence to support a findings that farmworkers were being harmed by the use of these pesticides, we would all support efforts to prevent this harm. However, these regulations are another example of high-handed, arbitrary actions on the part of the Occupational Safety and Health Administration. No administrative proceedings were held before OSHA prior to the issuance of this standard. There is no medical evidence indicating any deaths or injuries to farmworkers resulting from normal field use of these pesticides. OSHA has made an arbitrary finding that 800 persons were killed and another 80,000 were injured, but they have been unable to substantiate this finding with fact. In a survey of my State, our coroner's records indicate no deaths resulting from field use of these pesticides, and our poison control units have no hospital records of injuries resulting from field use of these pesticides.

To allow such arbitrary and unnecessary regulations to go into effect would be unconscionable. To allow them to go into effect on June 18 would mean financial ruin to industries which at that time would be in the midst of harvesting. Imagine the plight of the farmer who receives word from the Food and Drug people that his peach crop is fit for human consumption and ready to be harvested, but who is told by OSHA that since he has just used a pesticide the pickers cannot go into the field to pick the crop. We all know that during a growing season the farmer uses pesticides regularly and allows a reasonable period of time to lapse before he reenters the field. However, the regulations impose unreasonable periods of time, on the mean, 5 to 8 days.

With food prices as high as they are now, this OSHA regulation would be adding a new factor with which the housewife has had even less experience—namely, reaching for a product on the shelf and finding that it is not available because of this ridiculous administrative regulation.

Mr. TALMADGE. Mr. President, I have examined the Senator's amendment and have conferred with the ranking minority member and I see no objection to it. As I understand it, it would merely require that a hearing be held on a matter published in the Federal Register; is that not its purpose?

Mr. HOLLINGS. That is correct. It was published May 1 and had a rather impractical application on pesticides. OSHA, the Occupational Safety Health Act of the administration put this out, but no hearings whatever were held. The Virginia, Pennsylvania, and Idaho delegations got together with the Assistant Secretary of Labor and Administrator of OSHA, and the outcome there was fruitless. In addition, we tried ourselves. What we are really asking for in this amendment is that they give us hearings and that there be 30 days after they conclude before the regulation would become effective.

Mr. TALMADGE. I hope the Senate will agree to this amendment.

Mr. CURTIS. Mr. President, I hope that the amendment will prevail. I shall support it.

Mr. BENTSEN. Mr. President, I would ask the Senator from South Carolina if I could be a cosponsor of this amendment. I strongly support it.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the name of the Senator from Texas (Mr. BENTSEN), the Senator from Vermont (Mr. AIKEN), the Senator from Kentucky (Mr. COOK), the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from Florida (Mr. CHILES) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I am glad to be a cosponsor, but I want to say that this order issued by OSHA, without hearings or advance notice, is one of the most ridiculous acts of any agency of Government that I have ever seen. They stated at the time, I believe, that this embargo against traveling through an orchard without a rubber coat or a gas mask within 5 days after it had been sprayed, would be prohibited. It was also rumored at that time the restrictions as to orchards was only a start toward further restrictions.

If they carried that proposal to its logical conclusion, can we not imagine the scene outside the Capitol after the trees in the park had been sprayed, with all the visitors to the Capitol wearing rubber coats and gas masks? It would look like an invasion from another planet.

I, myself, have spent most of my life living in an orchard.

Many people live in the middle of an orchard. That would mean that they could not go home, or they could not leave home for 5 days after their orchard had been sprayed, without having to wear a rubber coat and a gas mask. And all visitors to a family living in an orchard would have to be similarly equipped.

The people interested in manufacturing rubber coats and gas masks might have had a hand in promoting this order, perhaps. If they did, it would be completely understandable, because that would have been simply demonstrating one of the weak traits of human beings.

But I do want to say that the announcement that orchardists had been dying reminds me of two of my friends who were orchardists, one died at the age of 96, and the other was 88 years old. Orchardists are notoriously long-lived.

So far as I can find out, there is no evidence of a fatality caused by the spraying of an orchard, because all the spraying materials have to be qualified and approved, anyway, as not being harmful before they can be used.

The material commonly used by my neighboring orchardists is called Guthion and there has been no evidence of injury to birds, bees, or human beings for the 12 years it has been used.

Of course, orchardists may die should a tractor tip over on them and pin them underneath it, and they die from other causes, but this is probably one of the most impractical orders ever to come from a Government agency, must have been trying to compete with Watergate conspirators for notice.

Mr. HOLLINGS. If they were given equal publicity, they could have.

Mr. AIKEN. Yes, they should get equal publicity for what they are doing, too.

Mr. HOLLINGS. The Senator from Vermont has touched directly on the problem. Under FDA regulations, one can enter an orchard to consume its fruit, but under OSHA's regulations he cannot enter or pick it. This order is utterly impractical and ridiculous.

Mr. TALMADGE. Mr. President, I yield back my time.

Mr. HOLLINGS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was agreed to.

FOOD ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Mr. EAGLETON. Mr. President, I am particularly pleased that S. 1888, the Agriculture and Consumer Protection Act of 1973, contains a provision which restores the eligibility of the aged, blind, and disabled to participate in the food stamp and food distribution programs.

Under the provisions of Public Law 92–603, the Social Security Amendments of 1972, those elderly, blind, and disabled persons whose incomes are so low as to qualify them for assistance under the new supplemental security income program would, as of January 1, 1974, lose their eligibility for food assistance.

On January 9 of this year, I introduced S. 255 which would repeal those provisions of the Food Stamp Act and the Agricultural Act of 1949, added by Public Law 92–603, which are to become effective next January. I had the privilege of testifying before the Committee on Agriculture and Forestry on February 27.

The modification of my proposal approved by the committee, and set forth in section 808(b) of the bill, provides as follows:

> Notwithstanding any other provision of law, households in which members are included in a federally aided public assistance program pursuant to title XVI of the Social Security Act shall be eligible to participate in the food stamp program or the program of distribution of federally donated foods if they satisfy the appropriate income and resources eligibility criteria.

Mr. President, about 3.4 million aged, blind, and disabled persons now receive public assistance under the Federal-State programs of old-age assistance, aid to the blind, and aid to the permanently and totally disabled.

When these programs are replaced on January 1, 1974, by the supplemental security income program, this number is expected to increase by some 2.8 million persons, bringing the total number of SSI recipients to 6.2 million during calendar 1974.

The Food and Nutrition Service of the Department of Agriculture estimates that 1.5 million of these aged, blind, and disabled persons now participate in the food stamp program and at least 200,000 participate in the food distribution program.

Without action by Congress this year, all of those 1.7 million persons will lose the food assistance they now have, and additional numbers of SSI recipients who may wish to participate in a food assistance program in the future will be denied that opportunity.

In my own state of Missouri, more than 11,000 aged, blind, and disabled persons who receive food stamps in 11 counties and the city of St. Louis and 30,000 aged, blind, and disabled persons who receive donated foods in 103 counties stand to lose that assistance.

Discussion of whether the aged, blind and disabled should continue to be eligible for food assistance tends to bog down in arguments about who will receive more assistance and who will receive less assistance under the supplemental security income program. Since the overwhelming majority of the States have not yet made decisions about supplementing the Federal payment, there are few definitive answers to these questions.

We do know that those aged, blind, and disabled persons who receive more assistance next year will have their incomes raised only to the SSI benefit levels of $130 for a single person and $195 for a couple.

And where States provide supplementary payments, the terms of the "hold harmless" provision will limit those payments to cash assistance levels and the bonus value of food stamps as of January 1972. Therefore, those persons who now receive food assistance and who might have that assistance replaced by cash would find that cash replacement several dollars per month short of the food assistance to which they would be entitled in January 1974.

But, Mr. President, the most compelling fact, often lost sight of, is that regardless of SSI and of any supplementary payments that States may provide, several million aged, blind, and disabled persons will continue, for the foreseeable future, to have incomes below the poverty level—incomes that are, by definition, insufficient to enable them to purchase a nutritionally adequate diet.

Given this fact, simple equity requires that the aged, blind, and disabled be entitled to food assistance on the same basis as all other low-income persons.

Mr. President, the effect of my bill, S. 255, would be to make households where all members receive SSI payments automatically eligible for food assistance. It would have this effect because current food stamp regulations grant automatic eligibility to households in which all members are included in a federally aided public assistance program.

Under the provision approved by the committee, SSI recipients whose total monthly income falls below the maximum income standards of the food stamp and food distribution programs will be eligible for food assistance.

Those SSI recipients whose total monthly income exceeds the maximum income standards of these programs will no longer be eligible for food assistance after January 1.

On March 26, the Department of Agriculture announced the maximum monthly allowable income standards under the food stamp program which will become effective on July 1, 1974. The maximum allowable income for a single person will be $183 and the maximum allowable income for a two-member household will be $240.

Under the food stamp program, a single person may have nonexcluded resources up to $1,500 and a household of two or more persons where at least one member is age 60 or over may have nonexcluded resources up to $3,000.

The Department of Agriculture tells me that they have no information at this time as to how many of the 1.7 million aged, blind, and disabled persons now receiving food assistance have incomes exceeding the eligibility standards. However, the assumption is—and I believe it is a reasonable one—that the vast majority of those who participate in food assistance programs are those at lower income levels.

Mr. President, the committee's provision is based on an important principle—the principle that the aged, blind, and disabled should receive food assistance on the same basis as all other low-income persons.

I believe this is a fair and equitable provision, and one which guarantees that food assistance will be available to those of our aged, blind, and disabled citizens who are most in need of it. It is imperative that it be approved by both Houses of Congress and signed into law before the end of the year.

I want to take this opportunity to commend the Senator from Georgia (Mr. Talmadge) and the other members of the committee for including this provision in S. 1888, and express my appreciation to those Senators who joined in this effort as cosponsors of S. 255—Senators Abourezk, Beall, Burdick, Clark, Cranston, Hatfield, Huddleston, Hughes, Inouye, Javits, Magnuson, Mathias, Mondale, Moss, Pastore, Pell, Randolph, Stevens, Stevenson, Tunney, and Williams.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 7446. An act to establish the American Revolution Bicentennial Administration, and for other purposes; and

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were each read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 7446. An act to establish the American Revolution Bicentennial Administration, and for other purposes. Referred to the Committee on the Judiciary.

H.R. 7645. An act to authorize appropriations for the Department of State, and for other purposes. Placed on the calendar.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

The Senate continued with the consideration of the bill (S. 1888) to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Indiana (Mr. Bayh) is now recognized.

Mr. BAYH. Mr. President, arrangement was made for one of my two amendments to be the order of business.

I would like to call up amendment No. 156, which deals with the problem of hog cholera, and then ask unanimous consent that, following the sequence of unanimous-consent requests that already have been agreed to, my amendment dealing with the $20,000 payment limitation be added to the end of that list.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. ROBERT C. BYRD. Mr. President, I do not reserve the right to object. The Senator's request has already been acceded to.

Just to make the record clear, Senator Bayh's second amendment would be called up following the disposition of the amendment by Mr. Proxmire. Am I correct?

The PRESIDING OFFICER. After the second amendment offered by the distinguished Senator from New York (Mr. Buckley).

Mr. ROBERT C. BYRD. The Chair is correct.

The PRESIDING OFFICER. The amendment of the Senator from Indiana will be stated.

The legislative clerk read as follows:

On page 51, between lines 15 and 16, insert the following:

(29) Section 11 of the Act of May 29, 1884 (58 Stat. 734; 21 U.S.C. 114a), is amended by inserting "(a)" immediately after "Sec. 11." and by adding at the end of such section a new subsection as follows:

"(b) (1) Whenever swine are destroyed under authority of this Act, the amount of compensation to be paid to the owner of such swine shall be determined in two stages as follows:

"(A) The swine shall be appraised, at the time of their destruction, on the basis of their fair market value for meat, feeding, or breeding purposes, as appropriate.

"(B) At the end of an appropriate period following the date on which the swine were destroyed, a determination shall be made of the potential value of the swine as meat producers had such swine not been destroyed. In determining the potential value of any swine under this clause, the value shall be reduced by the amount that would have been expended for feed (adjusted for variation in price) and other production costs. The period between the destruction of swine and the appraisal of the potential value of the swine shall be determined on the basis on the average time required by (i) farrow to finish operators, (ii) feeder pig producers, and (iii) finishers of purchased pigs to raise new herds to full production capacity.

"(2) The owner of swine destroyed under authority of this Act shall be paid the amount determined under clause (A) of paragraph (1) as soon as practicable after the destruction of his swine. The owner of such swine shall be paid the amount of any increase in value determined under clause (B) of paragraph (1) as soon as practicable after the amount has been computed."

Mr. BAYH. Mr. President, I ask unanimous consent that the name of the distinguished Senator from New Jersey (Mr. Williams) be added as a cosponsor of amendment No. 156.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that the name of the distinguished Senator from New York (Mr. Buckley) be added as a cosponsor of amendment No. 163.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, in 1972 there was a rather severe outbreak of hog cholera in several States throughout the Nation. My State of Indiana happened to be the hardest hit. As of December 6, 19,567 hogs had been killed to prevent the spread of the disease. The Federal Government paid a total of $631,192 in indemnity payments to Indiana hog producers, and a national emergency was declared for this area.

As a result of the epidemic and the personal difficulties of these farmers, I became very involved in the details of the cholera outbreak, meeting with farmers to discuss improved techniques of monitoring the interstate shipment of possibly diseased animals, and corresponding with the Department of Agriculture to secure adequate financial assistance for those farmers whose herds had been wiped out due to an outbreak in the area.

As you may know, in 1969, the use of vaccinations for hog cholera was ceased because, according to the Department of Agriculture's studies, it was not possible to eradicate the disease while vaccines were being used, and because the vaccine was, in itself, a frequent cause of the disease. Therefore, swine producers rely entirely on the effectiveness of the regulation of interstate shipment, and upon Federal and State assistance in order to get back on their feet after eradication of their herds. The situation of these farmers is very insecure since they can take no precautions themselves to prevent catastrophes.

During the emergency last year, I was consistently impressed by the cooperative attitude of Indiana swine producers. These farmers, who rely completely on the actions of Federal and State governments have not made many requests or demands during a year of personal and professional trauma. However, some of the farmers did bring to my attention reports that poultry farmers in California whose flocks had been infected with exotic Newcastle disease had been paid indemnities which were much higher than those paid to hog producers. Investigation proved the reports to be true, despite official denials from the Department of Agriculture.

Mr. President, I think this is an inappropriate time to become involved in a thorough discussion of whether you go with live vaccine, modified vaccine, or total eradication. The fact is that since 1969 we have been moving toward total eradication by the destruction of affected herds. This requires a careful policing of transit points.

Without becoming involved in a detailed discussion of this particular aspect of the program, I should like to point out to the distinguished Senator from Georgia, the very dedicated chairman of this committee, that I was alarmed, in discussing this problem with some of my Indiana hog producers, to find out that at the transit points primarily in the States of Tennessee and Kentucky, where inspectors were supposed to be on the scene at all times, no inspectors were there at all during certain periods prior to the cholera outbreak of last year.

All our livestock programs in this country need adequate inspection. It seems to me that it is not wise and certainly not in the best interests of the consumers of our country to permit the continuation of a situation which exists today, in which the pressure in these States is to take agricultural inspectors away from the stock barns where hogs are being sold and put them in the racetrack barns in order to inspect horses.

I think horses need to be inspected, but it seems to me that we have a responsibility. If there are not horse inspectors or not enough inspectors to deal with the problems of horses and racetracks, we ought to provide more inspectors so that these shipping points, where hog cholera is transmitted inadvertently, are inspected.

Our effort right now is to try to see that the hog producers who pay the price of eradicating cholera are adequately reimbursed. In talking to many of those affected, we have come a long way in the last few years to see that when the herds are destroyed, the farmers are reimbursed adequately. The complaints are not great.

The major complaint is that in an area where you have a preponderance of sow herds, where pigs are born and raised, there is a tremendous investment in capital. The Federal Government goes in and kills an entire herd or several herds in an area, reimburses the farmer for the loss of his herd, but makes no effort to reimburse him for the loss incurred while he is repopulating his herd and getting back into full production.

This injustice is complicated by the fact that prior to the election last year, Secretary Butz, in California, did indeed lay down a Department of Agriculture regulation that provided for loss of profits to those in the poultry industry. I think it would be wrong for one segment of agriculture to wage war on the other, so I really have no reservations about the Secretary's assessment of the problem so far as laying flocks are concerned.

That assessment was based on the following premise: If a laying flock contracts New Castle disease and if it is destroyed, in addition to indemnifying the owner of the laying flock for the loss of the hens, the owner will be reimbursed for the loss of profits during the period of time it is necessary to get back in business. That makes sense to me. This was based on the premise that a hen is an egg-laying machine.

The distinguished Senator from Georgia is more familiar with that regulation than I. A hen is an egg-laying machine, and the farmer should be reimbursed for downtime while he is getting back in business.

But I suggest that it is inequitable to the hundreds of thousands of hog farmers in this country to sit silent and let the Department of Agriculture assess a hen as an egg-laying machine and not be equitable and suggest that an old sow or a young gilt is a pig-producing machine. If we reimburse the owner of a laying flock for the loss of profit during downtime and the repopulation period, we should also reimburse the owner of a sow herd or a gilt herd, who has pig-producing machines, for the loss of profits while he is trying to get back in business after the Federal Government has destroyed his herd.

One last word: It is in the national interest to prevent cholera and ultimately to eradicate cholera. If it is in the national interest, it seems to me that the Nation as a whole should help bear the burden of destroying those herds, many of which are not affected at all but may be in the neighborhood of an incidence of cholera. To ask the owner of the herd that is destroyed to bear the whole cost, the burden of the cost of implementing a nationwide program, I think is very unjust.

For that reason my amendment would see to it that hogs are treated the same way as hens are now. I know that when the committee considered this matter they thought it too expensive. It would be more expensive, but we must ask ourselves what price we are going to put on equity. If we are treating owners of laying flocks one way, should we not treat the owners of swine herds the same way? I think we should. For that reason I have introduced this amendment.

Mr. TALMADGE. Mr. President, we considered the Senator's amendment in committee.

The purpose of this amendment to provide swine producers with lost profits during the time required to restock a swine producer's farm. Under the amendment, swine producers whose herds were destroyed because of an outbreak of cholera or other diseases would receive compensation in two stages:

First. At the time when the swine were destroyed, they would be appraised on the basis of their fair market value for meat, feeding, or breeding purposes.

Second. At the end of an appropriate period, the Department of Agriculture would determine the potential value of the swine as meat producers had the swine not been destroyed. This potential value would be reduced by the amount that would have been expended for feed and other production costs. The producer would be paid for lost profits.

Presently, the law provides that the owners of any livestock or poultry shall receive compensation based on the fair market value as determined by the Secretary of Agriculture at the time of the destruction of the animal. The compensation that is paid the owner of livestock cannot exceed the difference between any compensation that the owner receives from a State or other source and the fair market value of the animal. Currently, the Department of Agriculture appraises all livestock and poultry on the basis of fair market value—which reflects the future production of an animal or bird. It is not difficult to make such appraisal in the case of swine because swine have an easily ascertainable fair market value.

Mr. President, this is the current law. It applies to all livestock and poultry. It applies to chickens and turkeys as well as cattle and swine.

The pending amendment would change the law only for swine producers. It would set up a special system of compensation for swine losses due to disease. In addition to receiving the fair market value of the swine at the time it was destroyed, the producer would receive a supplemental and later compensation designed to make up his lost profits.

This would set a very undesirable precedent. It would provide a special system of compensation that would not be available for producers of broilers, turkeys, beef cattle, dairy production and others. The present law, which applies to all producers of livestock and poultry, has worked well. It is impossible to justify preferential treatment for a certain class of producers.

Not only would this amendment provide preferential and discriminatory treatment, it would be extremely costly. I requested that the Department of Agriculture provide me with a cost estimate of the pending amendment. USDA officials estimate that the amendment would have entailed an additional cost of $1.5 million had it been in effect in fiscal year 1973.

Moreover, if we provided this kind of preferential treatment to swine producers, we have to extend it to the other livestock and poultry producers as well. It is easy to see how costly such a change in the law would be.

In addition to the increased cost to the Federal Treasury, I believe that a practice of compensating producers for lost profits would be the subject of considerable abuse and considerable public criticism. The present system, which only compensates producers for the fair market value of their animal, is a conservative measure designed to give livestock producers a minimum of Government protection to prevent their going broke when they are subjected to an animal disease epidemic. However, if producers were to be compensated for lost profits, a few might prefer to receive Government payments rather than undergo the work and expense of active production. This would give all producers who receive benefits a bad name.

Already our farm programs receive severe criticism from people who do not understand the plight of farmers. We should, therefore, avoid any new programs which might be used by antifarm groups to subject all of agriculture to unfounded criticism.

I know that the Department of Agriculture did use an unusual appraisal system in the case of the Newcastle epidemic in California. However, USDA officials have stated that they were unable to make a satisfactory appraisal of laying hens in the case of the Newcastle epidemic because layers are bought as starter pullets and sold when the laying cycle is completed for a nominal price. There was no established market for productive laying hens. For this reason, the Department of Agriculture was forced to provide compensation in two stages in the case of the Newcastle epidemic.

Mr. President, the committee considered the pending amendment and rejected it because it felt that the current system was both satisfactory and relatively trouble free. We do not wish to approve a new system which would be discriminatory and difficult to administer. Therefore, I hope that the Senate will uphold the committee's position and reject this amendment.

Mr. President, the only thing objectionable, as the Senator knows, was that they are reimbursed now at the fair market price thereof.

Paragraph (B) of the Senator's amendment on page 2 provides:

> (B) At the end of an appropriate period following the date on which the swine were destroyed, a determination shall be made of the potential value of the swine as meat producers had such swine not been destroyed.

The difficulty with that is that it introduces what we lawyers call speculative damage, costs impossible of accurate ascertainment. As the Senator knows, many people not familiar with the farm problems and farm legislation have related many humorous reports relating to farming that are utterly inaccurate.

One is the report that says the farmer is not raising hogs. It goes on to have the farmer speculating at great length what type hogs he will not raise. He speculates a great deal more as to how many animals he will not raise after he determines what type hogs he will not raise.

That is the difficulty with the Senator's amendment. The members of our committee are sympathetic. I would be glad to ask the staff and the member of the committee to look into it further with a view to see if we can get something that is entirely equitable in this matter.

Mr. BAYH. Mr. President, I would like to ask unanimous consent to have printed in the Record some substantiating documents from the Cooperative Extension Service of Auburn University, from the University of Tennessee, the U.S. Department of Agriculture Animal, Plant, and Health Service, and some documents from Purdue University, as well as some tables I have compiled to show the cost related to any direct effect of the financial capacity of a swine producer while he is down.

There being no objection, the material was ordered to be printed in the Record, as follows:

AUBURN UNIVERSITY,
Auburn, Ala., June 4, 1973.

Hon. Birch Bayh,
U.S. Senator,
Washington, D.C.

Dear Senator Bayh: Thank you for providing the Alabama Extension Service an opportunity to evaluate your proposal to more equitably indemnify swine producers who suffer cholera losses.

I assembled a committee composed of Extension staff specialists representing marketing, veterinary science and production technology to assist me in evaluating your formulas and time lapses from depopulation to production. We unanimously agreed that your formulas are workable and the production time lost for the three systems is realistic. It seems only fair to us that swine producers and possibly other livestock producers as well are entitled to indemnity payments that are equitable with the newcastle program.

We discussed the cost of such a program in Alabama, but concluded that we could not forecast a reasonable cost. Our last outbreak of chlorera occurred in December of 1970. Its easy to conclude that the cost in Alabama for the past 2½ years would have been zero.

Thanks again for including us in your evaluation process.

Sincerely,

Charles L. Maddox,
Farm Management Specialist.

THE UNIVERSITY OF TENNESSEE,
Knoxville, Tenn., June 1, 1973.

Senator Birch Bayh,
U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

Dear Senator Bayh: As you know, many of our swine producers in Tennessee also suffered the losses and problems resulting from hog cholera. Therefore, your proposed bill is certainly of interest to us.

There would be very few farms operated if the "potential to produce" element was eliminated as it is with the present reimbursement system for swine producers whose herds are sacrificed. When, for example, a farmer decides to produce swine and invests in facilities and a breeding herd, he is investing to produce over a period of time, not just a single lot of hogs. That investment provides a potential to produce and is costed over a period of production time. If a portion of that production time is eliminated the farmer will not be able to recover the investment as planned which could create serious financial difficulties depending on the size of his swine enterprise relative to his total business.

I have looked over the budgeted costs given in your proposal and find them acceptable. The "other variable" and "fixed" costs are slightly higher than ours but probably not exorbitant.

There is one consideration which needs to be considered. It was pretty well documented that at least one cholera outbreak in Tennessee was traced to the feeding of raw garbage, which is certainly not a recommended practice. The point I'm making is that cholera is not heritable but often the result of poor management. It might encourage producers to become less dogmatic about sanitation and management if there is no financial liability incurred from the results of poor sanitation and management. Thus the hope of even achieving a cholera free state would be diminished. I realize, of course, that poor sanitation and management also lead to other types of diseases and losses so that the possibility of producers becoming careless in these areas is not too great. I mention it as a consideration.

To reiterate, reimbursement of the value of animals being raised for slaughter may be sufficient. It is not sufficient in the replacement of breeding stock or to compensate for "potential production" which is an important part of the overall farm organization. I hope you are successful with the amendment. We will do what we can to help gain support.

Sincerely,

Herbert N. Walch,
Associate Professor, Agricultural Economics.

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 6, 1973.

Hon. Birch Bayh,
U.S. Senate.

Dear Senator Bayh: This is in reply to your letter of May 15, 1973, requesting my views on your recently introduced legislation, S–1683, and on the tentative formulas contained in the body of your opening statements regarding this legislation which appeared in the May 1, 1973, Congressional Record.

On May 3. 1973, Senator Herman E. Talmadge, Chairman, United States Senate's Committee of Agriculture and Forestry, officially requested the Department to prepare a report and an estimate of the cost which would be incurred in implementing S–1683. We are currently preparing the requested report and cost estimate. They will be reviewed by the Department and the Office of Management and Budget prior to being made available to the committee. I feel it would be inappropriate for me to a reply to your request until such time as the Department officially responds to the U.S. Senate's Committee of Agriculture and Forestry's abovementioned request. Please consider this letter as an interim reply in regard to the matter.

I would like to take this opportunity to clarify what is apparently a misunderstanding regarding the items included in the egg production costs used in establishing supplemental indemnities under the exotic Newcastle program. The following noncash cost items were not included in arriving at an average cost of production figure: depreciation, interest on investment and management. We apologize for any misinformation which you received concerning this matter.

We appreciate your continued interest and support of the hog cholera and exotic Newcastle programs.

Sincerely,

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services.

PROPOSED PROFIT-COST FORMULAS

I. PRODUCER OF PURCHASED PIGS

(Developed with assistance of Purdue University)

Period for second payment might be the time interval from depopulation to the end of the embargo plus 30 days as a period to locate replacement pigs. Volume could be established on the basis of the number of pigs on hand at the time of depopulation. If we define a unit of production as a pig, a normal production rate is 1.75 pounds of product (starting with a 40# pig) per unit per day.

The approximate requirement to produce a 220# market hog, averaging $57.20 in 1972 are:

1. A 40# pig	*$20.32
2. 11.5 bu. corn	*14.83
3. 100# Supplement	*7.50
4. Other variable costs	5.00
5. Fixed costs (overhead)	2.00
6. Labor	2.50
Total	$52.15

II. PRODUCER OF FEEDER PIGS

Period for second payment might be the time interval from depopulation to end of embargo plus seven months. (Seven months made up of one month to locate breeding stock, two months to get new breeding stock to reproduction age plus four months gestation.) Volume might be established on the basis of the number of mature females on hand at the time of depopulation. If we define a unit of production as a mature female, a normal production rate is 1⅓ pigs (40# each) per unit per month.

The approximate requirements to produce a 40# pig, averaging $20.32 in 1972 are:

1. 60# Supplement	*$4.50
2. 3 bu. corn	*3.87
3. Other variable costs	3.00
4. Fixed costs (overhead)	3.25
5. Labor	3.75
Total	$18.37

III. FARROW TO FINISH

Period for second payment might be the time interval from depopulation to end of embargo plus nine months. (Nine months made up of one month to locate breeding stock, two months to get new breeding stock to reproductive age plus four months gestation, plus two months to produce feeder pigs.) Volume might be established on the basis of the number of mature females on hand at the time of depopulation. If we define a unit of production as a mature female, a normal production rate is 300# of slaughter animals per unit per month.

The approximate requirements to produce 100# of slaughter animals (currently worth $32.02 at Indianapolis), averaging $26.00 in 1972 are:

1. 75# Supplement	*$5.61
2. 6 bu. corn	*7.74
3. Other variable costs	2.00
4. Fixed costs (overhead)	2.50
5. Labor	3.25
Total	$21.00

* Values vary (along with slaughter hog and feeder pig prices) depending upon time and geographic location.

To take the example of the producer of feeder pigs in more detail, let us assume that the producer owned 20 sows which were all depopulated and the second evaluation was made eight months after the depopulation (one month of quarantine, one month to locate breeding stock, 2 months (plus) to raise the stocks to reproduction age, and four months for gestation). If we assume that a mature sow will usually produce 1⅓ pigs (at 40 pounds each) per month, the potential production from 20 sows over the eight-month period would have been 213 pigs (40 pounds each).

The average market price of a 40 pound pig was $20.32 in 1972, so that the gross potential profit would have been $4,328. Approximate costs of producing one 40 pound pig have been estimated in the printed table as $18.37. The costs of producing 213 forty pound pigs woud therefore have been $3,913, and the difference between the gross profit and cost, or the net potential profits over the eight-month period would have been about $415.00.

Mr. BAYH. Mr. President, many of these operations are no longer shirttail operations; most of them are not shirttail operations. It is a significant business. The cost of depreciating the equipment and staying in the industry continues.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. BAYH. I will be happy to yield but first I wish to finish this thought.

My concern is that I appreciate the concern of open-endedness expressed by the Senator from Georgia. I take heart in the willingness of the Senator to continue to explore this and ask his staff to see if there is a way to deal with this more equitably because swine producers are getting it in the neck right now.

Mr. SAXBE. I thank the Senator for yielding.

Is it not true that when a swine producer goes down because of cholera, it could be that the farm is infested with cholera, and it is going to be a considerable time and require a lot of judgment to determine when he is going to get back into business? He could be down a year and have to take time to get back into the production of hogs.

I can understand a little time with chickens, because pullets can be bought at 14 weeks and are then ready to go. A chicken raiser can build up his henhouse and be back in business. But in swine production, it seems to me that the catastrophe that cholera brings is not something that can be shared by the Government except for paying for the damage that is incurred by the wiping out of the herd. It puts the Government in the business of estimating how long the hog raiser is going to be down, because the farm is cholera infested.

I ask that in the form of a question: How long is a man down when cholera wipes him out?

Mr. BAYH. It depends on the kind of hog business. Such as farrow to finish or the producing of feeder pigs.

Mr. SAXBE. Suppose he is a hog raiser.

Mr. BAYH. This could vary, I think it might be 6 months to a year.

Mr. SAXBE. My experience is that when the farmer is wiped out by cholera, he is out of the hog business for several years because of the time the hogs will be off the market.

Mr. BAYH. As the Senator from Ohio knows, there is a mechanism which can destroy every hog in the neighborhood. There does not have to be a sick hog on the place. But the farmer loses thousands of dollars. The outbreak of cholera may be slight, but because of cholera breaking out, the people have to shut down.

Mr. SAXBE. Is it not the custom that the hogs may not have to go to slaughter? In other words, they do not wipe out the herd; they say that any that are not infected may not have to go to slaughter, so the hog raiser can stay in the business. They do not wipe him out. If they are moved, they go to the stockyard, and so they can handle the hogs that are not infected.

But the man who does have hogs with cholera may not get back in business for several years. He goes to another type of farming. Surely it would be a catastrophe, but the Government should not have to reimburse him indefinitely.

Mr. BAYH. I have no desire to have the Federal Government subsidize somebody if he is out of the hog business. I think a reasonable period of time, 6 months, normally, or a year, would enable the farmer to go out and buy gilts, or maybe buy hogs and breed them; but not ad infinitum.

I think the Secretary of Agriculture could work out, at the local level, the kind of regulation to help somebody who has lost his herd as a result of depopulation.

Mr. SAXBE. We have not had an outbreak of hoof and mouth disease for some time; I hope we do not have one. But it is possible with cattle. If it should happen, and there is complete eradication, they do not go to slaughter; they are killed and burned.

It seems to me we would be in a similar situation if we were to pay a farmer for not raising cattle during that indeterminate time. That could be up to 3 years.

I sympathize with what the Senator is trying to do, but it seems to me that what he proposes is not an economical way.

Mr. BAYH. I think the Senator answered the last point he raised by his own statement. We have not had hoof and mouth disease for a long time. We have had outbreaks of hog cholera. I anticipate a program that would eventually result in eradication of the disease. The reason we have not had an outbreak of hoof and mouth disease for a long time is that we had a program which resulted in eradicating it. We have cleaned it up. We cannot say that about cholera. When we put in the same program for the eradication of cholera, we will be in the same position as we are now with respect to hoof and mouth disease. The Europeans do not permit us to ship our animals in there. The fact is that we have cholera to contend with, and I think we should have programs to eradicate both of those diseases.

Mr. SAXBE. When we have an outbreak, we fumigate the houses, we buy pullets, and we are ready to go again with laying flocks. We can move them in almost overnight and be back in business again.

Mr. BAYH. Twenty-six weeks, according to studies we have had from the department, which is a shorter time than is necessary with hogs, but the Senator cannot say that eggs are any more important than bacon. I think both classes of livestock ought to be treated the same.

Mr. SAXBE. I would be tempted to include an amendment for foul brood, because when that hits, a program is completely out of the bee business.

Mr. BAYH. I will be glad to offer such an amendment if the Senator has one prepared.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BAYH. Mr. President, will the Senator from Georgia yield me 1 minute to ask a question?

Mr. TALMADGE. I yield 1 minute to the Senator.

Mr. BAYH. I would like, for my own edification, to have the Senator assess where we might be relative to this amendment, to clear up the situation which exists.

Mr. TALMADGE. As I stated to the Senator earlier when he offered his amendment, the committee considered it carefully and were sympathetic with the problem. The committee thought that it would be bad precedent to make one category of livestock subject to special treatment to the exclusion of all other categories of livestock. I have assured the Senator the committee will continue to study the problem.

Mr. BAYH. Mr. President, has the time expired?

The PRESIDING OFFICER. The Senator from Georgia has a minute and a half remaining.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana (putting the question).

The amendment was rejected.

AMENDMENTS NO. 185

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I call up my amendments No. 185 and ask that they be stated.

The PRESIDING OFFICER. The clerk will state the amendments.

The legislative clerk proceeded to read the amendments.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Amendments No. 185 are as follows:

On page 13 strike lines 15 through 25, on page 14 strike lines 1 through 15, and substitute the following therefor:

"Payments shall be made for each crop of wheat to the producers on each farm in an amount which multiplied by the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield, times the higher of—

"(1) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under subsection (a) for such crop is less than—

"$2.25 per bushel on one to forty-five acres of the farm allotment,

"$2.15 per bushel on forty-six to one hundred and fifty acres of the farm allotment,

"$2.05 per bushel on one hundred and fifty-one to three hundred acres of the farm allotment,

"$1.95 per bushel on that portion of the allotment in excess of three hundred acres.

"If the Secretary determines that the producers are prevented from planting any portion of the farm acreage allotment to wheat or other nonconserving crop, because of drought, flood, or other natural disaster or condition beyond the control of the producer, the rate of payment on such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

"*Provided*, That no farm may be reconstituted after enactment of this section in such a manner as to entitle the owner to payments in excess of the amount to which he would be entitled at the time of enactment of this section, except that a farm may be reconstituted if the owner at the time of the enactment of this section subsequently sells all beneficial interest in a portion of the farm."

On page 24, line 3, strike all after the period through line 24 and substitute the following thereunder:

"Payments shall be made for each crop of corn to the producer on each farm in an amount which multiplied by the yield established for the farm times the higher of—

"(1) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under subsection (a) for such crop is less than—

"$1.50 per bushel on one to fifty acres of the farm allotment,

"$1.46 per bushel on fifty-one to one hundred and twenty-five acres of the farm allotment,

"$1.42 per bushel on one hundred and twenty-six to two hundred acres of the farm allotment.

"$1.38 per bushel on that portion of the farm allotment in excess of two hundred and one acres.

"The payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. If the Secretary determines that the producers on a farm are prevented from planting any portion of the farm acreage allotment to feed grains or other nonconserving crop, because of drought, flood, or other natural disaster or condition beyond the control of the producer, the rate of payment on such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price.

Provided, That no farm may be reconstituted after enactment of this section in such a manner as to entitle the owner to payments in excess of the amount to which he would be entitled at the time of enactment of this section, except that a farm may be reconstituted if the owner at the time of the enactment of this section subsequently sells all beneficial interest in a portion of the farm."

On page 30 strike lines 3 through the period in line 23 and substitute the following therefor:

"(2) Payments shall be made for each crop of cotton to the producers on each farm in an amount which, multiplied by the yield established for the farm times the higher of—

"(1) the national average market price for Strict Low Middling one and one-sixteenth inches cotton (micronaire 3.5 through 4.9) in the designated spot markets during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under paragraph (1) for such crop is less than—

"43 cents per pound on one to thirty acres of the farm allotment,

"39 cents per pound on thirty-one to one hundred acres of the farm allotment,

"36 cents on one hundred to two hundred acres of the farm allotment,

"33 cents on that portion of the allotment in excess of two hundred acres.

"If the Secretary determines that the producers on a farm are prevented from planting any portion of the allotment to cotton or a nonconserving crop, because of drought, flood, or other natural disaster, or condition beyond the control of the producer, the rate of payment for such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established service.

"*Provided*, That no farm may be reconstituted after enactment of this section in such a manner as to entitle the owner to payments in excess of the amount to which he would be entitled at the time of enactment of this section, except that a farm may be reconstituted if the owner at the time of the enactment of this section subsequently sells all beneficial interest in a portion of the farm."

Mr. BUCKLEY. Mr. President. S. 1888 as reported by the committee guarantees farmers a specific price for various commodities. These guarantees, called "target prices," are set at $2.28 per bushel for wheat, $1.53 per bushel for corn, and 43 cents per pound for cotton, subject to unplanned adjustment to reflect increases in crops and production. As all these are at or below current market prices, if the program were in effect today there would be little or no cost to the Government.

However, over the past 5 years wheat has averaged $1.50 per bushel, corn $1.29, and cotton 27 cents per pound in the market.

The Department of Agriculture has estimated that the committee bill could cost $3.5 billion during the first year and $7 billion the fifth year if market prices fall back to average levels and increases in the cost of production index result in a 4 percent yearly advance in the target prices.

Mr. President, I ask unanimous consent that a letter and the enclosure that I received, under date of June 4, 1973, from Mr. Don Paarlberg, Director of Agricultural Economics, Department of Agriculture, be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, it contains the projections I have cited, as well as many others, and should be a part of the Record at this debate.

As I have previously pointed out, the burden on the average American, either as a taxpayer or consumer, under the target-price provisions of S. 1888 could become enormous. As the Senator has declined to phase out the target price, I offer my amendment No. 185 as a form of compromise that, while reforming the target-price concept, does so in such a way as to ameliorate its potential impact on the taxpayer without significantly disturbing its impact on smaller producers.

My amendment does two things:

First of all, it removes the mechanism whereby target prices would increase or decrease with the cost of production index.

S. 1888 provides that each year the target price will increase or decrease or stay the same in relationship to the cost of production index. This index takes into account the cost of items used in producing food and fiber, for example, fertilizer, insecticide, fuel, plus taxes, interest, and wages.

Now I can fully understand that there are questions which can be raised in regard to this part of my amendment. Union contracts and Government pay schedules reflect cost of living realities, it might be argued. Why should not we do the same for the farmer as we are for union members and Government workers?

This is a question which cannot be lightly dismissed. But I am convinced that an examination of the realities of the bill and of agricultural economy give us good reason to reject a cost-of-production provision. Target prices are considerably above prices that are received in the marketplace in the past. If prices rise the Government cost is nothing and the farmer gets his profit through the marketplace. If prices fall, then he gets the target price which, it is universally agreed, is high. Furthermore, as production expands, the farmer enjoys economies of scale that should offset in good measure projected increases in production costs. Thus, I think the farmer is adequately protected under the target-price concept and that a cost-of-production index would simply add another load to the already overburdened American taxpayer.

Second my amendment adds a new dimension to the farm subsidy program—that of gradually scaling down subsidies to larger farmers by varying payment rates.

Basically this means that for these basic commodities, there will be varying payment rates according to the following scale:

The amount provides for the following budget prices for wheat: $2.25 per bushel on 1 to 45 acres of the farm allotment; $2.15 per bushel on 46 to 150 acres of the farm allotment; $2.05 per bushel on 151 to 300 acres of the farm allotment; and $1.95 per bushel on that portion of the allotment in excess of 300 acres.

For corn, the amendment provides: $1.50 per bushel on 1 to 50 acres of the farm allotment; $1.46 per bushel on 51 to 125 acres of the farm allotment; $1.42 per bushel on 126 to 200 acres of the farm allotment; and $1.38 per bushel on that portion of the farm allotment in excess of 201 acres.

For cotton, it provides: 43 cents per pound in 1 to 30 acres of the farm allotment; 39 cents per found on 31 to 100 acres of the farm allotment; 36 cents on 100 to 200 acres of the farm allotment; and 33 cents on that portion of the allotment in excess of 200 acres.

Before I explain the purpose of this amendment in more detail, allow me to insert at this point the number of American farms that fall into each category:

WHEAT

There are 697,686 farms of 1 to 45 acre allotments; there are 185,877 farms of 46 to 150 acre allotments; there are 60,154 with 151 to 300 acres; and there are 32,621 farms of 300 or more acre allotments.

FEED GRAINS

There are 1,022,000 farms of 1 to 50 acre allotments; there are 338,490 farms of 51 to 125 acre allotments; there are 78,376 farms of 126 to 200 acre allotments; and there are 41,597 farms with an excess of 200 acre allotments.

COTTON

There are 179,391 farms of 1 to 30 acre allotments; there are 65,949 farms of 31 to 100 acre allotments; there are 15,144 farms of 101 to 200 acre allotments; and there are 7,350 farms with an excess of 200 acre allotments.

Mr. President, I include this list in order to make what I consider to be an essential point. The overwhelming majority of farms in this country are small farms, roughly between 1 and 50 acres. This amendment will not harm the small farmer. He will still be assured of a good target price.

The large farmer will receive varying target prices, depending on the size of his farm. Allow me to illustrate. Suppose there is a wheat farmer who has 500 acres. On the first 45 acres of his farm he will receive $2.25 a bushel; on the 46th to 150th acre he will receive $2.15; on the 151st to the 300th acre he will receive $2.05 a bushel, finally on all acreage above 300 acres he will receive $1.95 per acre.

Mr. President, I think such a provision is fair and equitable and one that reflects economic reality. After all, large farms are more efficient. Better efficiency results in being able to produce more of a given commodity at lower costs. The large farmer not only produces more but produces it on a more efficient basis. Why should the large farmer get the same treatment as the small farmer who must absorb higher costs per unit of production? Why should the taxpayer be asked to underwrite a higher per unit profit for the large farmer than for the small?

In 1970, Congress said, in effect, that we are going to put a limit on how much supplemental income a farmer can receive. That limit was fixed at $55,000. It is no secret that some large farmers simply reconstituted their farms, thereby enabling them to get more because they had "more" farms. My amendment does not allow a farmer to reconstitute his farm in order to make more money out of this target-price concept. He cannot reconstitute his farm in such a manner that he qualifies for higher target prices. If he sells his interest in a part of his acreage, he may reconstitute his farm, but only if he receives no more in "target-price" support than he originally received when his farm had all its original acreage.

I believe the amendment is simple and self-explanatory. I believe that it in substance achieves what the Committee on Agriculture and Forestry wants to achieve. But it does it in a manner that recognizes the different scale between large and small farms and recognizes also the need to be cautious where the taxpayer's dollar is concerned.

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. BUCKLEY. Mr. President, I gladly yield to my colleague.

Mr. JAVITS. Mr. President, I would greatly appreciate it if the Senator would make me a cosponsor of the amendment and would yield to me 3 minutes.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the distinguished Senator be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. BIDEN). Without objection, it is so orrered.

Mr. BUCKLEY. Mr. President, I yield 3 minutes to my colleague.

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, I thank my colleague.

The amendment is offered for the very reason that it will especially help Senators from States with major cities—and that is most all of the States—where taxpayers are inadequately represented in the Chamber and where a certain rural aura persists. Notwithstanding, the enormous population shift in the case of the city dwellers, some 70 percent plus of the population, has not received adequate consideration in the farm legislation.

We are caught in something of a crack, and that situation is increasing. We need a provision that would give an assured income for the smaller people so that they would be on more equal terms with the larger farmers in terms of some type of price or target price.

That is why I could not vote with my colleague for an amendment that would eliminate or phase out the situation. However, the plan he is now offering seems to me to be honorable and perfectly proper.

The most desirable outcome for farm support would be that which would enable the small farmer to be on an equitable basis with the larger farmer and let the major farmer take his chance in the market place. I have the feeling that he would do very well, with the housing situation, the mortgage money, and so forth, but not with a price subsidy.

In order to get to that stage, we at least have to be intelligent and reasonable on the price subsidy question, such as those of us like myself and Senator BUCKLEY, who represent States with big cities.

The plan the amendment offers is designed for that purpose. And I really understand the feeling that other Senators from States with major cities in them that they ought to be very thoughtful about this matter. It could easily be run down as another one of the amendments that will receive 15 votes.

There is going to be a day of reckoning. I remember when I was in the House of Representatives when only 25 House Members maintained that position. There is bound to be some occasion when there will be a revolt by the city dwellers.

He wants the farmer to produce. However, the pendulum tends to swing much too far. And as I understand the thrust of the Buckley amendment, it seeks to bring that pendulum back to normal. However, it has to be within reason.

I join with my colleague in his plea to the Senate to act favorably on the amendment.

Mr. BUCKLEY. Mr. President, I thank my colleague for his remarks. His points are extremely well taken.

I would just like to close by summarizing the impact of the amendment.

Under the theoretical assumption that the market would return to prices that prevailed in 1970, if we assume that the price at the market place is $1.30 for corn, $1.60 for wheat, and 27 cents for cotton—which prices reflect the average of the past 4 years—then we would by adoption of this amendment, as I see it, not affect the small farmer but would reach out to the major unit. And we would achieve a savings of 12.3 percent on feed grains, 15.6 percent on wheat, and 20.8 percent on cotton.

In the year 1974, this would amount to a savings of approximately half a billion dollars.

I think that that ameliorates the impact of this legislation on the taxpayer in a form which will not cut into the thrust of the bill, namely, the protection of the consumer, and is argument enough for the amendment.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 4, 1973.
Hon. JAMES L. BUCKLEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BUCKLEY: At your request I enclose an estimate of farm program costs as they would be under S. 1888, based on various specified assumptions. These estimates were prepared in the Department of Agriculture.

Estimates are also provided for target prices other than those in S. 1888.

Sincerely,

DON PAARLBERG,
Director of Agricultural Economics.

GOVERNMENT PROGRAM COSTS WITH ALTERNATIVE TARGET PRICES, PRICE LEVELS, AND RATES OF INFLATION

An analysis of government program costs that includes four levels of target prices, two levels of market prices, and two rates of inflation could result in government program costs ranging from zero to nearly $8 billion in 1978.

The four levels of target prices considered include:

1. Those specified in S. 1888.
2. Sixty-five percent of May 1973 parity.
3. The 1970–72 average price received by farmers.
4. A given set of target prices.

The two levels of market prices were:

1. May 1973 prices.
2. Prices that would balance supply and demand each year 1974 to 1978.

Target prices were adjusted to increase with two assumed rates of increase in prices paid by farmers for production items, interest, taxes, and wage rates as follows:

1. Four (4.0) percent per year, and
2. Two and one-half (2.5) percent per year.

Data in the attached table show for each year the program costs, target prices, assumed market prices and their relation to May 1973 parity, target prices, payment rates, and selected indexes of prices paid by farmers, and government payments in recent years.

Prices received by farmers in May 1973 were considerably higher than anticipated equilibrium prices. Therefore, if prices remain at recent levels, program costs would be relatively low. However, if prices are at an equilibrium level, program costs could be nearly twice as high as in 1972 if target prices of S. 1888 are adopted.

In May 1973 wheat prices were further below target prices than was true for feed grains or cotton. Thus at these prices the cost of the wheat program would tend to be higher than for feed grain or cotton under most target prices and inflation rates. However under the prices more likely to prevail in 1974 to 1978, cost of the feed grain program would be the highest.

The assumed rates of inflation of 4.0 percent and 2.5 percent compare with a 3.7 rate of increase from 1962 to 1972 in prices paid for production items, interest taxes and wage rates.

ESTIMATES OF TOTAL PROGRAM COSTS FOR S. 1888 WITH ALTERNATIVE TARGET PRICES AND 2 RATES OF PRODUCTION COST INCREASES USING MARKET PRICES AT MAY 1973 LEVELS AND AT LEVELS UNDER ANTICIPATED SUPPLY-DEMAND CONDITIONS, UNITED STATES, 1974–78

[In millions of dollars]

	Cost at indicated target less "May 1973" market price								Cost at indicated target less "supply-demand" market price							
	S. 1888		65 percent of parity		3-year average		Given target		S. 1888		65 percent of parity		3-year average		Given target	
	2.5 percent	4.0 percent	2.5 percent	4.0 percent	2.5 percent	4.0 percent	2.5 percent	4.0 percent	2.5 percent	4.0 percent	2.5 percent	4.0 percent	2.5 percent	4.0 percent	2.5 percent	4.0 percent
1974 total	245	245	0	0	0	0	0	0	3,800	3,800	2,809	2,809	0	0	2,101	2,101
1975 total	373	498	110	183	0	0	0	0	4,420	4,698	3,390	3,647	0	0	2,652	2,928
1976 total	576	1,111	219	369	0	0	0	0	5,100	5,989	4,044	4,570	55	373	3,200	3,732
1977 total	1,093	2,014	331	835	0	0	112	312	5,777	6,724	4,674	5,504	311	1,015	3,809	4,654
1978 total	1,637	3,003	554	1,743	0	0	210	305	6,453	7,830	5,324	6,552	1,190	1,776	4,414	5,625

ESTIMATES OF FARM PROGRAM COSTS FOR S. 1888 WITH ALTERNATIVE TARGET PRICES AND 2 RATES OF PRODUCTION COST INCREASES USING MARKET PRICES AT MAY 1973 LEVELS, UNITED STATES, 1974–78

[In millions of dollars]

	Cost at indicated target less "May 1973" market price							
	S. 1888		65 percent of parity		3-year average		Given target	
Year and commodity	2.5 percent	4 percent	2.5 percent	4 percent	2.5 percent	4 percent	2.5 percent	4 percent
1974:								
Feed grains	0	0	0	0	0	0	0	0
Wheat	245	245	0	0	0	0	0	0
Cotton	0	0	0	0	0	0	0	0
Total	245	245	0	0	0	0	0	0
1975:								
Feed grains	0	24	0	0	0	0	0	0
Wheat	347	402	110	183	0	0	0	0
Cotton	26	72	0	0	0	0	0	0
Total	373	498	110	183	0	0	0	0
1976:								
Feed grains	49	384	0	0	0	0	0	0
Wheat	456	566	219	347	0	0	0	0
Cotton	71	161	0	22	0	0	0	0
Total	576	1,111	219	369	0	0	0	0
1977:								
Feed grains	399	1,000	0	212	0	0	0	13
Wheat	579	766	318	523	0	0	112	299
Cotton	115	248	13	100	0	0	0	0
Total	1,093	2,014	331	835	0	0	112	312
1978:								
Feed grains	773	1,695	53	837	0	0	0	60
Wheat	706	973	439	725	0	0	210	243
Cotton	158	335	62	181	0	0	0	2
Total	1,637	3,003	554	1,743	0	0	210	305

ESTIMATES OF FARM PROGRAM COSTS FOR S. 1888 WITH ATLERNATIVE TARGET PRICES AND 2 RATES OF PRODUCTION COST INCREASES USING MARKET PRICES AT LEVELS UNDER ANTICIPATED SUPPLY-DEMAND CONDITIONS, UNITED STATES, 1974–78

[In millions of dollars]

Year and commodity	Cost at indicated target less "supply-demand" market price							
	S. 1888		65 percent of parity		3-year average		Given target	
	2.5 percent	4 percent	2.5 percent	4 percent	2.5 percent	4 percent	2.5 percent	4 percent
1974:								
Feed grains	1,829	1,829	1,174	1,174	0	0	793	793
Wheat	1,281	1,281	1,055	1,055	0	0	848	848
Cotton	690	690	580	580	0	0	460	460
Total	3,800	3,800	2,809	2,809	0	0	2,101	2,101
1975:								
Feed grains	2,248	2,417	1,564	1,721	0	0	1,147	1,322
Wheat	1,443	1,497	1,205	1,278	0	0	1,004	1,059
Cotton	729	775	621	648	0	0	501	547
Total	4,420	4,689	3,390	3,647	0	0	2,652	2,928
1976:								
Feed grains	2,690	3,380	1,978	2,319	0	245	1,473	1,831
Wheat	1,643	1,752	1,405	1,533	55	128	1,186	1,314
Cotton	767	857	661	718	0	0	541	587
Total	5,100	5,989	4,044	4,570	55	373	3,200	3,732
1977:								
Feed grains	3,159	3,785	2,418	2,956	173	710	1,881	2,450
Wheat	1,793	1,980	1,532	1,737	131	243	1,326	1,513
Cotton	825	959	724	811	7	62	602	691
Total	5,777	6,724	4,674	5,504	311	1,015	3,809	4,654
1978:								
Feed grains	3,644	4,577	2,878	3,702	942	1,282	2,322	3,178
Wheat	1,946	2,213	1,679	1,965	210	382	1,450	1,717
Cotton	863	1,040	767	885	38	112	642	730
Total	6,453	7,830	5,324	6,552	1,190	1,776	4,414	5,625

ALTERNATIVE TARGET PRICES FOR 1974 AS A PERCENT OF MAY 1973 PARITY PRICES

Crop	May 1973 parity prices[1]	Target prices for 1974							
		S. 1888		65 percent of parity		3-year average[2]		Given target	
		Target prices	Percent of parity	Target prices	Percent of parity	Target prices	Percent of parity	Target prices	Percent of parity
Corn (dollars per bushel)	2.23	1.53	69	1.45	65	1.23	55	1.40	63
Wheat (dollars per bushel)	3.32	2.28	69	2.15	65	1.45	44	2.05	62
Cotton (cents per pound)	62.46	43.00	69	40.60	65	25.67	41	38.00	61

[1] "Agricultural Prices," SRS–USDA, May 15, 1973.

[2] 1970, 1971, and 1972.

ALTERNATIVE TARGET PRICES WITH S. 1888-TYPE PROGRAM ASSUMING TARGET PRICES RISE 2.5 PERCENT ANNUALLY

[In dollar amounts]

Basis for target prices, and crop	1974	1975	1976	1977	1978
S. 1888:					
Corn	1.53	1.57	1.61	1.65	1.69
Sorghum	1.45	1.49	1.53	1.57	1.61
Barley	1.25	1.28	1.31	1.34	1.37
Wheat	2.28	2.34	2.40	2.46	2.52
Cotton	.4300	.4400	.4500	.4600	.4700
65 percent of parity:					
Corn	1.45	1.49	1.53	1.57	1.61
Sorghum	1.37	1.41	1.45	1.49	1.53
Barley	1.16	1.19	1.22	1.25	1.28
Wheat	2.16	2.21	2.27	2.32	2.38
Cotton	.4060	.4162	.4266	.4373	.4483
3-year average:					
Corn	1.23	1.26	1.29	1.32	1.35
Sorghum	1.15	1.18	1.21	1.24	1.27
Barley	1.02	1.05	1.08	1.11	1.14
Wheat	1.45	1.49	1.53	1.57	1.61
Cotton	.2567	.2632	.2698	.2766	.2836
Given prices:					
Corn	1.40	1.44	1.47	1.51	1.55
Sorghum	1.33	1.36	1.40	1.43	1.47
Barley	1.14	1.16	1.19	1.22	1.25
Wheat	2.05	2.10	2.15	2.21	2.26
Cotton	.3800	.3900	.4000	.4100	.4200

ALTERNATIVE TARGET PRICES WITH S. 1888-TYPE PROGRAM ASSUMING TARGET PRICES RISE 4 PERCENT ANNUALLY

Basis for target prices, and crop	1974	1975	1976	1977	1978
S. 1888:					
Corn	1.53	1.59	1.65	1.72	1.79
Sorghum	1.45	1.51	1.57	1.63	1.70
Barley	1.25	1.30	1.35	1.40	1.46
Wheat	2.28	2.37	2.46	2.56	2.66
Cotton	.4300	.4500	.4700	.4900	.5109
65 percent of parity:					
Corn	1.45	1.51	1.57	1.63	1.70
Sorghum	1.37	1.42	1.48	1.54	1.60
Barley	1.16	1.21	1.26	1.31	1.36
Wheat	2.16	2.25	2.34	2.43	2.53
Cotton	.4060	.4223	.4392	.4568	.4751
3-year average:					
Corn	1.23	1.28	1.33	1.38	1.44
Sorghum	1.15	1.20	1.25	1.30	1.35
Barley	1.02	1.06	1.10	1.14	1.18
Wheat	1.45	1.51	1.57	1.63	1.70
Cotton	.2567	.2670	.2777	.2888	.3004
Given prices:					
Corn	1.40	1.46	1.51	1.57	1.64
Sorghum	1.33	1.38	1.44	1.50	1.56
Barley	1.14	1.19	1.23	1.28	1.33
Wheat	2.05	2.13	2.22	2.31	2.40
Cotton	.38	.3952	.4110	.4274	.4445

PAYMENT RATES WITH S. 1888-TYPE PROGRAM ASSUMING PRICES STAY AT ASSUMED SUPPLY-DEMAND LEVELS AND TARGET PRICES RISING 2.5 PERCENT ANNUALLY

S. 1888:					
Corn	0.23	0.27	0.31	0.35	0.39
Sorghum	.21	.25	.29	.33	.37
Barley	.19	.22	.25	.28	.31
Wheat	.68	.79	.90	.96	1.02
Cotton	.1500	.1600	.1700	.1850	.1950
65 percent of parity:					
Corn	.15	.19	.23	.27	.31
Sorghum	.13	.17	.21	.25	.29
Barley	.10	.13	.16	.19	.22
Wheat	.56	.66	.77	.82	.88
Cotton	.1260	.1362	.1466	.1623	.1733
3-year average:					
Corn	0	0	0	.02	.05
Sorghum	0	0	0	0	.03
Barley	0	0	0	.05	.07
Wheat	0	0	.03	.07	.11
Cotton	0	0	0	.0016	.0086
Given prices:					
Corn	.10	.14	.17	.21	.25
Sorghum	.09	.12	.16	.19	.23
Barley	.08	.10	.13	.16	.19
Wheat	.45	.55	.65	.71	.76
Cotton	.1000	.1100	.1200	.1350	.1450

PAYMENT RATES WITH S. 1888-TYPE PROGRAM ASSUMING PRICES STAY AT ASSUMED SUPPLY-DEMAND LEVELS AND TARGET PRICES RISE 4 PERCENT ANNUALLY

Basis for target prices, and crop	1974	1975	1976	1977	1978
S. 1888:					
Corn	0.23	0.29	0.35	0.42	0.49
Sorghum	.21	.27	.33	.39	.46
Barley	.19	.24	.29	.34	.40
Wheat	.68	.82	.96	1.06	1.16
Cotton	.1500	.1700	.1900	.2150	.2350
65 percent of parity:					
Corn	.15	.21	.27	.33	.40
Sorghum	.13	.18	.24	.30	.36
Barley	.10	.15	.20	.25	.30
Wheat	.56	.70	.84	.93	1.03
Cotton	.1260	.1423	.1592	.1818	.2001
3-year average:					
Corn	0	0	.03	.08	.14
Sorghum	0	0	.01	.06	.11
Barley	0	0	.04	.08	.12
Wheat	0	0	.07	.13	.20
Cotton	0	0	0	.0138	.0254
Given prices:					
Corn	.10	.16	.21	.27	.34
Sorghum	.09	.14	.20	.26	.32
Barley	.08	.13	.18	.23	.28
Wheat	.45	.58	.72	.81	.90
Cotton	.10	.12	.13	.1550	.1650

PAYMENT RATES WITH S. 1888-TYPE PROGRAM ASSUMING PRICES STAY AT MAY 1973 LEVELS AND TARGET PRICES RISING 2.5 PERCENT ANNUALLY

S. 1888:					
Corn	0	0	0	0.04	0.08
Sorghum	0	0	.04	.08	.12
Barley	0	0	0	0	0
Wheat	.13	.19	.25	.31	.37
Cotton	0	.0057	.0157	.0257	.0357
65 percent of parity:					
Corn	0	0	0	0	0
Sorghum	0	0	0	0	.04

Basis for target prices, and crop	1974	1975	1976	1977	1978
Barley	0	0	0	0	0
Wheat	0	.06	.12	.17	.23
Cotton	0	0	0	.0030	.0140
3-year average:					
Corn	0	0	0	0	0
Sorghum	0	0	0	0	0
Barley	0	0	0	0	0
Wheat	0	0	0	0	0
Cotton	0	0	0	0	0
Given prices:					
Corn	0	0	0	0	0
Sorghum	0	0	0	0	0
Barley	0	0	0	0	0
Wheat	0	0	0	.06	.11
Cotton	0	0	0	0	0

PRICE ASSUMPTIONS FOR ANALYSES OF PROGRAM COSTS

Item	May 1973 prices	Supply-demand balance prices[1]
Corn, per bushel	$1.61	$1.30
Sorghum, per bushel	1.49	1.24
Barley, per bushel	1.39	1.06
Wheat, per bushel	2.15	1.60
Cotton, per pound	[2] .4343	.28

[1] Season average prices received by farmers.

[2] Estimated May 1973 cotton price at 15 spot markets for SLM 1 1/16-inch.

SELECTED INDEXES OF PRICES PAID BY FARMERS

(1910-14=100)

Year	Parity index[1]	Family living	Production items, interest, taxes, and wage rates
1960	300	290	307
1961	302	291	311
1962	307	295	316
1963	312	298	322
1964	313	300	322
1965	321	306	333
1966	334	315	347
1967	342	322	356
1968	355	335	370
1969	373	351	390
1970	390	366	408
1971	410	382	430
1972	[2] 432	401	456

[1] Prices paid by farmers for commodities and services, interest, taxes, and wage rates.

[2] Annual rates of change 1962-72 were: Parity Index—3.5 percent; family living—3.1 percent; production items, interest, taxes, and wage rates—3.7 percent.

COMMENT ON EFFECTS OF THE PROPOSED INCREASE IN MINIMUM WAGE

The projections of H.R. 4757 would tend to raise farm wage rates by about 3 percent per year for the next three years; this is in addition to the rate of increase otherwise expected. If the bill were enacted and made effective beginning in 1974, farm wage rates in 1976 would be about 10 percent higher than otherwise expected. This in turn would raise the index of production items, interest, taxes, and wage rates slightly more than an additional 1 percent by 1976.

Thus the effect would be to raise farm production costs and target prices as specified in Senate Bill 1888. With higher target prices program payments, under S. 1888, increasing by approximately 140 million dollars per year by 1976.

GENERAL ASSUMPTIONS RELATED TO PRICES WITH SUPPLY DEMAND EQUILIBRIUM

1. Population growth rate—1 percent per year, with total population reaching 217.7 million by 1977, about in line with changes during the last 5 years but below the growth rate of the fifties and early sixties.

2. Real economic growth slowing during the next year or so then rising through 1977 at a rate of about 4 percent per year, about in line with the average of the last two decades.

3. Production of meat animals increasing more rapidly than trend for the next 3-4 years. This is due to the projected upturn in the cattle cycle along with continued strong demand for meat.

4. Assumed price relationships: Livestock prices would trend upward somewhat relative to feed prices although the price ratios will vary with livestock cycles. The result would be generally favorable livestock-feed price relationships and continued strong growth in the demand for feed.

5. Farm production costs will rise more rapidly than during the fifties and early sixties, but at a slower rate than in the last year. Upward pressures on farm costs will stem largely from nonfarm inputs, particularly costs of motor vehicles and supplies including fuel, farm machinery fertilizers, and farm wage rates.

GOVERNMENT PAYMENTS, BY PROGRAMS, 1960-72[1]

[In millions of dollars]

Year	Conservation[2]	Soil bank	Sugar Act	Wool	Feed grain	Wheat	Cotton	Rental and benefits	Price adjustment and parity	Wartime production subsidy	Cropland adjustment	Miscellaneous[3]	Total
1960	223	370	59	51									702
1961	236	334	53	56	772	42							1,493
1962	230	304	64	54	841	253							1,747
1963	231	304	67	37	843	215							1,696
1964	236	199	79	25	1,163	438	39						2,181
1965	224	160	75	18	1,391	525	70						2,463
1966	231	145	71	34	1,293	679	773				51		3,277
1967	237	129	70	29	865	731	932				85		3,079
1968	229	112	75	66	1,386	747	787				81		3,462
1969	204	43	78	61	1,643	858	828				78		3,794
1970	208	2	88	49	1,504	871	919				76		3,717
1971	173		80	69	1,054	878	822				67	2	3,145
1972	198		82	110	1,845	856	813				52	6	3,961

[1] Details may not add to totals due to rounding.

[2] Includes Great Plains and other conservation programs.

[3] Includes all other programs such as milk indemnity.

Mr. JAVITS. Mr. President, if the Senator will yield further, is it not a fact that what is putting great emphasis on this matter is the case where there is a small producer—namely, a dairy farmer—paying an escalated price for his feed grain, and the repercussions are not only to city dwellers in terms of price, but also to other agricultural producers.

Mr. BUCKLEY. The Senator is correct. It is not only the dairy farmers, but also poultry farmers and others.

Mr. HUMPHREY. Mr. President, if the Senator will yield, I am so interested in the colloquy on the price of feed grains.

It is indeed a very serious matter. I offered an amendment here that would have permitted, I think, adequate reserves to see to it that this kind of excessive pricing would not take place. That was one of the purposes of the amendment, to provide assurance and security for the consumer and to give some adequate protection to the producer so that he would not be destroyed in case there may have been surpluses.

I needed some help, but I am afraid I did not get it.

I think if the Senator from New York had listened to my words of advice, counsel, and wisdom, he would not have had to bring up his amendment today. We would have had a reserve set aside, we would have had protection for the New York consumer, we would have had protection for the Midwest producer, and we would have had a national security reserve that this country could have relied upon. It would not have destroyed the effect of the market on prices, and it would have prevented the producer from being literally destroyed when massive surpluses hit the market.

I am sorry we did not have the Senator's help; we could have saved all this talk.

Mr. BUCKLEY. Mr. President, I have always listened to my colleague from Minnesota with the greatest respect, but he and I occasionally have different plans on how to solve our problems. I think if we stop trying to separate agriculture, and allow the forces of the marketplace to have their effect, we would have no surplus, no shortage, and no problem.

Mr. HUMPHREY. Mr. President, I only ask the Senator to go back and read that debate, and then take the weekend to repent.

Mr. BUCKLEY. I thank the Senator.

Mr. President, I have no further remarks to make. If the chairman of the committee is prepared to accept my amendment, I shall not ask for the yeas and nays.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, the author of this amendment claims it would save the Government, according to the figures I have, a total of $170.7 million in the case of wheat; $186 million in the case of corn; and $177.9 million in the case of cotton.

And how is this determined Mr. President? Well, he uses some assumed numbers only of historical significance. He does not project what actual prices will be. This is natural—because no one knows of the future.

But one thing I do know Mr. President. And that is any savings to the Government, no matter on how slim a basis, will be out of the hide of producers.

Mr. President, the whole thrust of the committee bill is to the future.

Today there are only 2.8 million farms left in this country and the farm population is less than 5 percent of the total.

And yet this small number of farms is expected to feed over 210 million Americans now and many millions more throughout the world.

But of even great significance is the fact that by the time terms of this act fully expire an additional 20 million more Americans will depend upon even fewer farms.

It is imperative that greater production and productivity are generated for our future needs.

That is why the committee devised the target price approach adjusted by costs of production.

This amendment not only removes the target price but it also removes the adjustment factor.

In effect this amendment condemns farmers to a 5-year freeze on prices.

Mr. President, I contend that no other segment of the population would be singled out for such trashy treatment.

As a matter of fact, there is now in Congress active legislation to increase minimum wages for workers.

Mr. President, why should farmers be treated so unfairly. Why should they be singled out for such harsh treatment.

Furthermore, Mr. President there are technical and administrative difficulties in such an approach as proposed in this amendment.

I can see a situation where a low yield-large acreage farm would actually receive less for his product than a high yield-low acreage farm.

Moreover, while the administration talks of getting Government off the backs of its citizens this amendment would move in exactly the opposite direction.

It would inject the Federal Government into even the smallest of farming details.

Under the proposal a farmer could not even lease or sell an allotment notwithstanding other provisions of law.

Mr. President, this approach is un-American. It is confiscatory and it is inimical to the best interests of all of our citizens now and in the future.

The committee bill is designed to increase production and to guarantee our consumers an abundance of food and fiber while the amendment moves in exactly the opposite direction.

The committee bill is designed to provide our farmers with the incentive to produce and again the amendment moves in the opposite direction.

Mr. President, no good can come from this amendment and I urge the Senate to reject it out of hand. It is an administrative nightmare. It would set up four different prices for wheat, four different prices for cotton, all dependent upon the size prices for corn, and four different prices of the farm. Who could make plans, or establish the price of farm land, under those conditions? I hope the amendment will be overwhelmingly rejected, and I urge the Senate to do so.

I yield such remaining time as I may have to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, I shall address myself to the first part of the amendment, not the second. I think the second part is obviously unworkable.

What I have to say is not intended as any criticism of the Senator from New York. I point out that under this bill, we establish a target price for basic farm commodities in much the same manner as wages are established. Wages are established on the basis of the increased cost of living to the workers for all the things they have to buy.

The bill would establish a target price for wheat, for example, of $2.28 a bushel. Parity, or a fair price, is approximately $3.20 a bushel. So this target price is almost a dollar below what, by Government standards, is supposed to be a fair price. A similar target price is established for feed grain and cotton. We do better than that for labor. We give them what is supposed to be a fair price.

Under the present program, which is in effect for this year's crop, there will be sizable payments, about $2.5 billion, even though farm prices are high. This target price provision gets away from that. With prices as high as they are now, there would be no production payments at all.

According to its figures, the Department of Agriculture has estimated that the committee bill could cost $3.5 billion during the first year. Well, prices would have to drop as much as 50 percent for most commodities if there is to be that much cost to the Federal Government. I am sure that Secretary of Agriculture Butz is not estimating that farm prices are going to drop to the level that they were before, or to 55 or 60 percent of parity for basic crops.

It is said that in 5 years, assuming that the prices of farm commodities are the same as they were for the previous 5 years, it would cost $7 billion. That, again, is an exaggeration. The average price of farm products during the first 5 years was pretty low. Certainly that price would not be equitable 5 years hence. Five years from now, the price of everything the farmer has to buy, including wages, is going to be sharply increased, but the Senator would seek to hold farm prices or target prices to the same level. By his previous amendment, he would have wiped out all production payments of any kind, or phased them out.

It is stated in the Senator's explanation that the average price for wheat for the past 5 years was $1.50 a bushel. The blended price, with the wheat certificate payments, was $1.93 a bushel. The Senator would wipe out that production payment entirely, so that the farmer probably would not get any more than $1.50 a bushel, and he would certainly go broke. The same thing is true of cotton and feedgrains.

Mr. President, it seems to me that the farmer is entitled to at least a part of the consideration given to labor. The cost of living is always given consideration in establishing wages. Even Government salaries are based on the cost of living to labor.

We only go part way, in this bill, in trying to give the farmer some assurance that if he increases his production as people want him to do, so that prices will come down and food will be more abundant, he is not going to produce price-busting surpluses unless he has some protection.

Mr. BUCKLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 3 minutes remaining on his amendment.

Mr. BUCKLEY. Mr. President, I would just like to make a couple of points. No. 1, that legislation is in fact discriminatory. We must recognize that it is discriminatory against 70 percent of agricultural America who are not covered. No. 2, we have the analogy of the minimum wage legislation used to justify setting the target price.

I suggest that if we are talking about minimum wage and maximum farm prices, and if we want to use the minimum wage analogy we should apply it to the non-recourse loans. If the non-recourse loan levels are inadequate, then let us raise them, but not try to fix the agricultural price of the American economy and then deny the American economy at least some share of an increase in productivity in our remarkable agricultural community.

I believe that we have heard a new definition of "confiscatory" from the distinguished chairman of the committee. He would define "confiscatory" as an attempt to modify a privilege not yet granted.

I do suggest that what we are doing is moving into a new system of economic tinkering that, in the long run, will not benefit agriculture and will not benefit the country as a whole. We will soon find other sectors of production, agriculture or manufacture, who will ask to be protected against the possible risks of the marketplace.

Mr. YOUNG. Mr. President, the Senator from New York, and I have something in common. I would be willing for the farmer to go it alone if labor, industry, and every other segment of the economy would be willing to do the same.

Until they do, I want a fair break for agriculture.

Mr. BUCKLEY. I thank the Senator *for his comments.* Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BIDEN). All time on this amendment has now been yielded back.

The question is on agreeing to the amendment, No. 185, of the Senator from New York (Mr. BUCKLEY).

On this question the yeas and nays

have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Mansfield), the Senator from Arkansas (Mr. McClellan) and the Senator from Georgia (Mr. Nunn) are necessarily absent.

I further announce that the Senator from Maine (Mr. Muskie) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Georgia (Mr. Nunn) and the Senator from Michigan (Mr. Hart) would each vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from New Mexico (Mr. Domenici) is absent to attend the funeral of a friend.

The Senator from Utah (Mr. Bennett) the Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Griffin), and the Senator from Nebraska (Mr. Hruska) are necessarily absent.

The Senator from South Carolina (Mr. Thurmond) is detained on official committee business.

If present and voting, the Senator from New Mexico (Mr. Domenici), the Senator from Nebraska (Mr. Hruska) and the Senator from South Carolina (Mr. Thurmond) would each vote "nay."

The result was announced—yeas 21, nays 64, as follows:

[No. 183 Leg.]

YEAS—21

Baker
Beall
Biden
Brooke
Buckley
Case
Goldwater
Javits
Mathias
Pastore
Pell
Percy
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Stevens
Taft
Weicker
Williams

NAYS—64

Abourezk
Aiken
Allen
Bartlett
Bayh
Bellmon
Bentsen
Bible
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Packwood
Pearson
Proxmire
Randolph
Scott, Va.
Sparkman
Stafford
Stevenson
Symington
Talmadge
Tower
Tunney
Young

NOT VOTING—15

Bennett
Cotton
Domenici
Dominick
Fulbright
Griffin
Hart
Hruska
Hughes
Mansfield
McClellan
Muskie
Nunn
Stennis
Thurmond

So Mr. Buckley's amendment (No. 185) was rejected.

Mr. THURMOND subsequently said:

Mr. President, Senator Nunn of Georgia and I were detained on vital matters pertaining to the Armed Services Commitee and were prevented from voting on the Buckley Amendment, No. 185.

Both Senator Nunn and I were strongly opposed to this amendment and would have voted against it had we been present.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 212

Mr. PROXMIRE. Mr. President, I call up my amendment No. 212.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

> On page 36, line 12, strike out the double quotation marks.
>
> On page 36, between lines 12 and 13, insert the following:
>
> "Sec. 705. (a) Subsection (c) of section 104 of such Act is repealed.
>
> "(b) Subsection (b) of section 106 of such Act is amended by adding at the end thereof the following: 'No agreement entered into under this Act with any foreign country shall provide or require that foreign currencies accruing to the United States under this Act be used for the purpose of procuring for such country any equipment, materials, facilities, or services for any military or defense purpose (including internal security purposes).'"

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the amendment by Mr. Bayh, the following Senators be recognized, in the order stated, to call up their amendments: Mr. Mathias, Mr. Moss, Mr. Percy, and Mr. Stevens.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the use of food for peace currency for military purposes is a corruption of the intent of this humanitarian assistance. This program combats hunger and malnutrition, promotes economic growth in developing nations, and develops export markets for U.S. commodities. It should not be tainted by military requirements. If military assistance must be given and it can be proven to be justified—and much of it cannot—then let it be given through the Pentagon, our military establishment or the Department of State instead of a back door technique.

But this is not the only reason why this amendment should be accepted. By permitting this back door financing, the military is allowed to make use of Federal resources outside the appropriations process. Congressional control is limited if not nonexistent. Furthermore, it encourages the full brunt of the foreign aid spending to be hidden from the taxpayer who is troubled enough to find that military assistance comes not only out of the Defense Department but also the Agriculture Department and the State Department and runs as high as $6 billion for grants and loans and facilities abroad.

Even though sales of agricultural commodities for local currency have been phased out as of December 31, 1971, ongoing credit agreements may generate foreign currencies, if required, at the time of delivery of the commodities rather than waiting for later dollar payment.

The United States currently holds excess currency in the following countries: Burma, Guinea, India, Pakistan, Poland, Tunisia, and Egypt. During fiscal year 1973 there were excess currencies in Israel. Nepal, and Yugoslavia but these are expected to be fully consumed.

Now this does not mean that we will be using these currencies for military purposes but it does point out that the potential for misuse is present.

The progressive shift from foreign currency sales to dollar credit sales is a much needed application of sound financing. It helps our balance of payments. Especially when these funds are beyond the authority of the appropriation process. They constitute in effect a gigantic military assistance slush fund out of which can be drawn resources for almost any military project any administration might desire.

In the past counterpart currencies have been used to pay the wages of Cambodian soldiers, to offset increasing defense costs from the cutback of MAP funding in Korea, and to provide clothing, construction, and construction materials in South Vietnam.

We do not know what they might be used for in the future.

Mr. President, since its inception in 1954, local currencies made available through Public Law 480 have been used to provide military assistance to many developing countries. This startling fact was first made clear during hearings before the Joint Economic Committee in 1971. At that time several witnesses testified that under Public Law 480, funds generated by the sale of U.S. agricultural commodities are credited to the United States in local currency. These moneys then are used for a variety of purposes; to finance U.S. expenses such as running the Embassy, to developing new markets for the United States and to establish exchange programs.

Unfortunately, under section 104(c) Public Law 480 also allows these funds to be used "to procure equipment, materials, facilities, and services for the common defense including internal security."

From 1954 to the end of 1972 over $1.7 billion has been used for this purpose. This comprises 13.4 percent of the total counterpart funds available for all purposes under this act.

The available figures for fiscal years 1972–74 are as follows: 1972, $67.06 million; 1973, $157.9 million; proposed 1974, $162.08 million.

Spain, Zaire, Cambodia, Indonesia, Japan, Korea, the Philippines, Republic of China, South Vietnam, Greece, Iran, Pakistan, and Turkey have benefited from this backdoor military financing. In recent years most of the funds have flowed to Korea, the Republic of China, South Vietnam, and Cambodia.

On February 22, 1971, I introduced a bill, along with Senators Mansfield, Humphrey, and McGovern, that would have repealed the provisions under title I of the Agriculture Trade Development and Assistance Act of 1954 relating to the use of counterpart funds for military purposes. It also would have added language designed to prohibit any military goods or services for a recipient country. It never came to a vote.

Last year Senators Hughes and Humphrey sponsored a similar amendment which was attached to the Foreign Assistance Act of 1972. That amendment died with the demise of the bill.

In this year's Foreign Military Sales and Assistance Act, there is an identical provision and I would endorse that statement, even though I consider it a weaker and less desirable alternative.

It is necessary that a strong prohibition be placed on S. 1888, the Agricultural Act of 1970 because this legislation extends Public Law 480 authority until 1978.

Mr. President, I would direct attention to page 67 of the committee report on the Agriculture and Consumer Protection Act of 1973. On that page, a chart shows how foreign currencies have been used under Public Law 480 since its inception in 1954. You will note that it indicates which countries have received military assistance from Public Law 480. It also shows that 13.4 percent of all the foreign currencies available under Public Law 480 have been used for military purposes.

Some of the purposes this funding has been applied to are listed in a message from the President in 1972 regarding the 1971 annual report on agricultural export activities carried out under Public Law 480. On pages 43 and 44, the President states that Public Law 480 counterpart funds have been and will continue to be used for the military support of Vietnam and Cambodia. These funds in fact go into a general joint support category in the South Vietnamese budget and in Cambodia they are used to provide military pay and allowances.

If the Department of Defense feels that these programs are essential to national security, then they should be included in the Pentagon's budget and justified before the Armed Services, Foreign Relations, and Appropriations Committees as is other military legislation.

No longer should we allow the Department of Agriculture to be a part of these military activities. It is not proper. Let it be handled straight-forward and out in the open if necessary. But why hide behind one of the best U.S. programs in existence—the food for peace program? To the rest of the world, food for peace stands for the best in America—the unselfish humanitarian assistance to peoples and nations in need.

As long as we continue to allow Public Law 480 counterpart funds to be used for military purposes, however, food for peace will also be known as just another American attempt to support military governments and subtlely influence their policies.

Mr. President, in 1972 when this issue was debated in the Senate, it was pointed out that any prohibition should rightfully be placed on the agricultural bill. The very distinguished chairman of the Agriculture Committee said the matter should be considered when Public Law 480 was due to be extended in 1973.

That time has come.

The agriculture bill is the ideal legislation to contain a prohibition since it authorizes an extension of Public Law 480 authority for 5 years up to 1978.

We have given Cambodia $16.5 million in fiscal year 1972; $20.6 million in fiscal year 1973; and a proposed $24.7 million in fiscal year 1974 under section 104(c) of Public Law 480.

As for South Vietnam, in fiscal year 1972 they received $50.6 million; fiscal year 1973, $137.3 million; and fiscal year 1974 proposed at $137.4 million.

If these funds are necessary, let them come out of the Defense budget of the Foreign Military Sales and Assistance Act where they belong. Let them be subject to the appropriations process. Let the Armed Services Committees and the Foreign Relations Committee review these programs. But we should not allow them to continue to be used behind the back of Congress for another 5 years. It is a question of congressional oversight and control.

I am not saying that these funds have been used wisely or unwisely. I do not know though I may have suspicions. This is a question of putting military assistance where military assistance belongs, and to free the food for peace program from the embarrassing burden of behind the back military programs.

Finally, Mr. President, I want to discuss just what this amendment would do. The amendment is worded as follows:

First it repeals subsection (c) of section 104 which authorizes Public Law 480 foreign currencies to be used for military purposes.

Second, it would amend section 106 by adding: "No agreement entered into under this Act with any foreign country shall provide or require that foreign currencies accruing to the United States under this Act be used for the purpose of procuring for such country any equipment, materials, facilities, or services for any military or defense purpose—including internal security purposes.

Since this amendment deals only with United States held foreign currencies for use for the foreign country, it would in no way inhibit the operations of the U.S. embassy or military attaché program financed out of these counterpart funds. It would only prohibit these funds from being used for military purposes for the recipient country.

Mr. President, I am pleased to note that Senators McGovern, Hughes, Abourezk, Clark, and Humphrey have agreed to cosponsor this amendment. Senator McGovern, it should be noted, is a former director of the food for peace and is extraordinarily knowledgeable about the subject. Senator Hughes has taken a long hard look at this practice as a member of the Senate Armed Services Committee, and I know that Senator Abourezk recently has concluded research in this matter. Senator Humphrey speaks from a wealth of interest, concern, and knowledge in this area.

This is the first time the Senate can express itself in support of the humanitarian function of food for peace and against the continued military application of food for peace generated funds.

There are many humanitarian programs we could use these counterpart funds for that would be consistent with the image of the food for peace program. Let us begin by not mixing food for peace and military purposes.

Mr. McGOVERN. Mr. President, Senator Proxmire's pending amendment, which I have cosponsored, is an essential safeguard to the food for peace program.

The purpose of food for peace is to feed hungry people, not to permit governments to wage wars against people. It is a tragic irony that this effort to preserve and enhance life has become a back-door method to finance killing.

Many of us in this Chamber have been worried for a long time about the continuing arms race in the less developed countries. We have protested administration policies which contribute to this wasteful and dangerous competition. Now we can at least limit those policies by preventing the expenditure of counterpart funds, earned through food for peace, on the weapons of war.

It is wrong to exploit a program with the most humane purposes to support the most inhumane of mankind's practices.

It is wrong for the people who suffer from it, and wrong for our country, which pays for it. We have had enough trouble with our own mistaken war; and more trouble will be the likely result of financing the mistaken conflicts of other nations—conflicts in which our only true interest is noninvolvement. To paraphrase Senator Talmadge, if the only alternative is to allow the use of counterpart funds to buy arms, then I would rather burn the money.

I do not want our Government to alienate one side in these obscure quarrels by arming the other side—and I certainly do not want us to arm both sides so they can fire American bullets at each other across a disputed border. I do not want food for peace perverted to make wars more possible.

Most of all, as the former Director of food for peace, I want the program to serve the purpose of peace—not war.

During the 1960's, we could not have

both guns and butter at home. During the 1970's, we should not send guns abroad under the guise of butter. Let us not mock the decent and generous instincts of food for peace—which is, after all, one of the idealistic initiatives of an earlier hopeful day that has not yet been ruined by the regrettable events of the last decade.

Mr. TALMADGE. Mr. President, the distinguished Senator from Nebraska, the ranking minority Member, and I have discussed this amendment; and in behalf of the committee, I am prepared to accept it.

Mr. PROXMIRE. I thank the distinguished manager of the bill.

Mr. TALMADGE. I hope the Senate will agree to it.

I yield back the remainder of my time.

Mr. PROXMIRE. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The PRESIDING OFFICER. The Senator from New York (Mr. Buckley) is recognized.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that the order of our amendments be reversed, and I want to associate myself with the Bayh amendment. That would place my amendment in a backup position, in case the Senate fails to adopt the Bayh amendment.

Mr. BAYH. Mr. President, reserving the right to object, I should like to associate myself not only with the remarks of the Senator from New York but also with his amendment, in the event my amendment is rejected.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Indiana is recognized.

AMENDMENT NO. 163

Mr. BAYH. Mr. President, I call up my amendment, No. 163, and I ask unanimous consent that Mr. Helfer, Mr. Mack, and Mr. Berman have the privilege of the floor during the debate and during the vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 1, line 5, strike out "101(1)" and insert "101."

On page 1, strike out lines 6 and 7, and insert in lieu thereof the following:

"(A) amending subsection (1), effective beginning with the 1974 crop, to read as follows:

" '(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1978 crops of the commodities shall not exceed $20,000.'."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me for 1 minute?

Mr. BAYH. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the amendment by Mr. Stevens, Mr. Clark and Mr. Moss then be recognized, in that order, to call up amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I call the attention of the Senate to the fact that we have 8 amendments lined up for consideration, and we have only 2 hours and 15 minutes remaining, which time must include all rollcall votes. It will be necessary to reduce the time on amendments, and I therefore, ask unanimous consent at this point that time on any amendments from here on out—and any Senator may object if he wishes, of course—be limited to 15 minutes, the time to be allocated as follows: 10 minutes to the proponent, 5 minutes to the manager of the bill; and that time on any amendment to an amendment be limited to 10 minutes, to be equally divided.

Mr. SCOTT of Pennsylvania. Mr. President, if the Senator will yield, I wish to say that I strongly support that. Otherwise, we will get into a condition of inadvertent cloture.

Mr. ROBERT C. BYRD. Yes.

Mr. BAYH. Does that exclude the pending amendment?

Mr. ROBERT C. BYRD. If the Senator wishes to have his full time. I must say that, because of the time situation, I have made this request without prearrangement with Senators who have amendments.

Mr. BAYH. I do not think I am going to take the full time; but inasmuch as other Senators are interested and this matter has been around a long time and is rather critical, I would not want to foreclose someone else.

Mr. ROBERT C. BYRD. Mr. President, I exclude the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank all Senators.

Mr. BAYH. Mr. President, first I want to congratulate the distinguished chairman of the Committee on Agriculture and Forestry, who is about do everything he can to defeat this amendment because he thinks it is wrong. But I thank him for his courtesy on my past amendments and for what I know will be a courteous exchange of views on this amendment. Even more important, as someone who has been reared on a farm and presently has a family farm and is intimately involved in farm legislation, I thank him and the members of the Agricultural Committee who drafted S. 1888.

Mr. TALMADGE. I thank the distinguished Senator.

Mr. BAYH. I think this is one of the best farm bills that has come down the pike, and certainly the best one since I have been in the Senate.

It is greatly improved over the last Agriculture Act. I think it will be improved by the adoption of the amendment now pending. But, having said that, I want to say very sincerely that I think it is a definite improvement over the past farm legislation. I say the same thing to the distinguished Senator from North Dakota, a ranking Republican member.

For the first time, I must say that under this bill my constituents, who are primarily feed grain producers, are treated as fairly and equally as wheat and cotton producers.

Under the 1973 bill they are assured of target prices on their entire production, rather than on only half of it as under the current bill. The target price in S. 1888 would assure cotton, feed grains, and wheat producers approximately the same level of income from the production of these commodities as they received in 1972 and 1973 from their marketings plus Government payments.

Mr. President, I am offering once again a $20,000 payment limitation—not including any payment determined by the Secretary to represent compensation for resource adjustment or public access for recreation. I did this because in the past we had been told by the opponents of the amendment that to apply the $20,000 limitation across the board would force large farmers primarily wheat and feed grain farmers, to leave the programs and plant fence to fence, and cause a penalty to be imposed. For this reason the present amendment which has been cosponsored by the distinguished Senator from Delaware (Mr. Roth), and the distinguished Senator from New York (Mr. Buckley), and several others, limits our effort to the income supplement.

Thus, the $20,000 limitation would not affect those resource adjustment programs that are designed to limit supply. It would not apply to those payments that are designed to get acreage out of production so that the amount produced will be in reasonable proximity to the supply necessary to reach the target price. I have always felt that a $55,000 limitation per crop was too high. Since S. 1888 excludes the resource adjustment payments from the limitation, such as set-aside, the $20,000 blanket limitation applying only to income supplement payments is even more desirable than it has been in the past, when all types of payments would have been subject to the limit.

Mr. President, I have two basic reasons, philosophic and practical, for feeling that we must have a limitation on the amount of subsidies that are paid. The first one goes to the agricultural reason. I hope we do not ignore in the new farm bill the basic tenet of farm programs in the past, and that is the need to strengthen the family farm. The family farm is no longer 60 acres with a mule. The family farm is larger, it is more mechanized, and it is more expensive to operate. Presently it is a medium-size business. One can make a distinction between what is a medium-size family farm today and large corporate farms that are expanding year after year. If we are concerned about the family farm we should put our subsidy payments, our tax dollars, in those areas necessary to strengthen the family farm. That is why I say that in the $55,000 payment, or a total of up to $165,000 payment there is no direct relationship to strengthening the family farm. One of the major beneficiaries of Government payments in terms of dollar amounts is the large farm operation. Many of these farms receive payments well above this $20,000 payment limitation. Few of them, if any, require such large income supplement payments. Few small family farms receive payments in excess of $20,000. Many of them require adequate income supplements. This amendment sets a reasonable limit on such payments, and insures that Government money does not go to farmers who do not need it. Enough said for the agricultural reason.

Mr. President, I am a bit of a pragmatist as well as somewhat of an idealist. I think we are facing a real crisis today as far as any farm legislation is concerned. Nobody really knows what the price tag of this bill is going to be. I am willing to pay it, because I think it is a good bill. But I think the price tag will be significant. About 93 percent of the price will be paid by people who have never been on a farm, have never milked a cow, and who have never ridden a tractor.

They are going to pay the price when they go to the supermarket or to the corner grocery store. There is no Senator here who is not concerned about the increased cost of food. Those of us concerned about recent farm legislation have to come out of this debate with some clear signal to the housewife and the consumer that we are going to try to do something about it. Otherwise we will have a consumer rebellion that will make it impossible for us to have a farm bill when it comes to writing the check in the Committee on Appropriations. The $20,000 limit will be a signal to the housewife that this bill is designed to be directed to the area where attention is needed. At the same time it will provide the kind of basic support for the target price concept that is a fundamental ingredient of this bill.

I yield the floor.

Mr. TALMADGE. Mr. President, this amendment would impose a limit of $20,000 on payments to producers. Current law limits payments to $55,000 per crop. It would gut the whole purpose of the bill before the Senate today.

Mr. President, the thrust of the committee bill is to assure greater productivity on our Nation's farms so that consumers will benefit from an abundance of food and fiber.

It is a complex bill, and all of its parts are interrelated. The fullest success will be assured only if all parts remain together.

One of the most important aspects of the bill in regard to assuring consumers of an abundance of food and fiber has to do with target prices established in the bill at $2.28 for wheat, $1.53 for corn and other feed grains in relation and 43 cents for cotton. These prices were set at a level that the committee felt would encourage the necessary production indicated by our future needs. Farmers, as are all other Americans, are operating in an inflationary economy, but farmers cannot be expected to produce when costs of production are higher than the prices they receive.

If the abundance is forthcoming, and we expect it to be, but the demand for food and fiber is not as great as was expected, farmers will still be protected in that they will receive payments from the Government to make up the difference between whatever the market price might be and the target price.

If our goals are achieved farmers will receive no payments from the Government.

In order to achieve our goals farmers must receive reasonable prices and not be restrained by artificial barriers.

The $55,000 payment limitation in the bill is an integral part of the proposal to induce an abundant supply of food and fiber. Although the limitation is a barrier even at this level the committee felt that after 3 years farmers had made adjustments to it.

Any reduction in this payment limitation now will be inimical to the best interest of consumers and diametrically opposed to the purposes of the bill.

I might point out that many uninformed people feel that payments from the Government to farmers are no more than a handout. This is far from the truth and is indeed contrary to the facts. Take cotton for example. According to the Department of Agriculture in 1969, the total cost of producing cotton in the United States averaged 32 cents per pound. Since then the index of prices paid by farmers for production items, interest, taxes, and farm wage rates has increased by 31.5 percent.

If average cotton production costs have increased by the same rate, total costs in April of this would amount to 42.08 cents per pound, only about 1 cent less than the target price of 43 cents in the bill.

Mr. President, it is obvious that payments are an integral part of total prices received and in large part are used to cover the cost of production. Payments do not assure profits.

If we are going to achieve the goals in this bill, it is imperative that the payment limitation remain as it is in the bill. This is assurance to farmers that they can produce without fear of disaster prices.

Mr. President, this bill is designed to achieve an abundance of food and fiber for our consumers at home and for export abroad. If we are going to take care of the future, it is important that an abundance be assured. We cannot live without food and fiber. We must have it, and the bill so provides.

I urge that the amendment be rejected.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield such remaining time as I may have on the amendment to my distinguished colleague from North Dakota.

The PRESIDING OFFICER. There is no time remaining on the amendment.

Mr. CURTIS. Mr. President, I yield 2 minutes on the bill to the Senator from North Dakota.

Mr. YOUNG. Mr. President, it would be quite popular in my State to vote for this amendment. Only a handful of farmers, about 1 percent, get in excess of $20,000, and even those who get in excess of $20,000 do not get much more than that. But if prices remain anywhere near what they are now, this becomes a moot question. Farmers will get no payments whatever.

Another thing we have to take into consideration is that with inflation, the costs of a farmer's operations have increased more than 14 percent in the last year, more than any other segment of our economy; $50,000 now would not be much more than $30,000 was 3 years ago.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield to my distinguished colleague from Delaware (Mr. ROTH).

How much time does he ask for?

Mr. ROTH. Two minutes.

Mr. BAYH. I yield 2 minutes to the Senator from Delaware.

Mr. ROTH. Mr. President, I shall be brief, because I know the time problems we have in order to complete the bill this afternoon, but I am happy to be a prime sponsor with the Senator from Indiana (Mr. BAYH) in proposing limiting these subsidies to $20,000, and I strongly endorse what he had to say about the need of keeping this cost down at the very time when the cost of food is increasing so rapidly to the housewife.

I think it is going to be very hard to justify to the consumer or to the housewife a payment of $55,000, or a total of $165,000, as permitted under the present legislation, at the very time when the average family is having great difficulties in making ends meet, because of the serious problems of inflation.

In any event, if we are going to continue subsidies, it only makes good sense that we direct our actions toward helping the family farm, and not help the large corporate farmers. That is what we are trying to do by cutting the amount of subsidies to $20,000.

I might say that this seems to me a particularly appropriate time to do it. As has been pointed out many times on the Senate floor, as well as in the committee report, the agricultural community is rightfully prospering and, from all predictions of economists, it will continue to prosper. For that reason this is the time to phase out the large farm subsidies. This is especially true in light of our serious fiscal problems. It is imperative that Federal spending be held down as a measure to fight inflation. We cannot afford as Senators to continue costly programs. Certainly there is no justification to continue a practice that neither helps the small family nor consumer.

I would, therefore, urge my colleagues to vote on this farm amendment.

Mr. BAYH. Mr. President, I yield to the distinguished Senator from New York (Mr. Buckley).

Mr. BUCKLEY. Mr. President, if I may have 1 minute, I just want to endorse and underscore the statements made by the Senator from Indiana and the Senator from Delaware. We have to restore a sense of balance in our overall legislation. I think at a time when the cost of living is rising, at a time when Americans feel so desperately the burden of high taxation, we must recognize that there is some limit to what we can ask of the average taxpayer who earns about $10,000 when it comes to asking him to subsidize people who do not need subsidies.

It seems to me the level suggested in the amendment now under discussion makes an appropriate dividing line between those who have a need and those who do not.

I urge my colleagues to adopt the amendment and to telegraph to the Nation that some of us are moving, where we can, to reduce supports in this manner.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield 2 minutes to my distinguished colleague from Utah (Mr. Moss).

Mr. MOSS. Mr. President, I support the amendment offered by the Senator from Indiana. I think that what we are talking about is assisting the family farmer, who is going to lose, really, his livelihood, possibly his farm. Therefore, he is entitled to some sort of assurance that he will not be wiped out.

I have an amendment I shall offer later that deals with those who talk about closing loopholes, and adding up the payoffs.

I think we ought to break the amount down to a $20,000 limitation. We are dealing with the family farmer and an emergency situation.

The argument made, as I understand, by the manager of the bill and the Senator from North Dakota (Mr. Young) is that while prices are up enough so that farmers are not going to need any money, therefore, we should not bother to have the lower priced amendment. I hope that prices will be adequate so that it will not be necessary to make the payments. But if that is so, it does not hurt to come down from $55,000 to $20,000. So let us have that assurance, so that nobody will be able to fault the Senator's statement.

I can assure Senators that General Accounting Office studies that have been published show a decrease in some instances. Admittedly, they are across the board, but when they are published they shake the confidence of the consumer who is having such a tough time in the supermarket. There are going to be further increases in the agricultural program.

I compliment the committee for reporting a fine agricultural bill. I think it is a great piece of work. But I think that in the field of subsidy payments we must reduce the amounts. Therefore, I support the amendment of the Senator from Indiana.

Mr. BAYH. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes remain on the amendment.

Mr. BAYH. I appreciate deeply the remarks of the Senator from Utah (Mr. Moss), the Senator from Delaware (Mr. Roth), and the Senator from New York (Mr. Buckley).

I have pursued this subject, as have other Senators, consistently over a number of years. One of the major reasons that goes to the legislative responsibility that has been used to oppose this proposal in the past is that "we have a farm bill that has another year to run or 2 years to run; and to rush in irresponsibly and add this amendment to the bill is to destroy a contract we have made as a result of the provisions of the farm bill."

Frankly, there may have been some credence to this view in the past. Surely if that was the argument that was presented before, now is the time to face it. We are putting together a basic farm program. It is an adequate program. But let us say definitely to the farmers, as well as to the public, that it is going to be a good farm program.

I remember my first year here. I do not intend to be critical of Senators, because they did the things they knew best, but we came up with a wheat program after most of the wheat had been planted. That is not the case now. Now is the time to add this payment limitation to one of the best bills we have ever had.

I simply want to reiterate what my friend from New York said relative to our good friend from North Dakota's observations. If the program really works the way it is supposed to there will not be a demand for a subsidy. It seems to me that is why we have to have a limitation. Just in the event the program does malfunction, there will be an understanding that not many people are going to be adversely affected.

Mr. President, I ask unanimous consent to have printed at this point in the Record a list of all those who received $20,000 or more, State by State, under the last program.

There being no objection, the list was ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF AGRICULTURE, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

NUMBER OF PAYEES RECEIVING $20,000 AND OVER, 1972 CALENDAR YEAR, BY SPECIFIED PROGRAMS AND TOTAL

State	Feed grain program	Wheat program	Upland cotton program	All ASCS programs
Alabama	1		506	573
Alaska				2
Arizona	29	1	760	887
Arkansas		2	856	897
California	73	31	1, 428	1, 861
Colorado	52	75		381
Connecticut				
Delaware	1			2
Florida	2		10	73
Georgia	20		413	601
Hawaii				21
Idaho	3	106		283
Illinois	151			202
Indiana	77			115
Iowa	187	1		210
Kansas	105	74		540
Kentucky	10		2	20
Louisiana	1		412	533
Maine				
Maryland	7			12
Massachusetts				1
Michigan	6			22
Minnesota	74	12		182
Mississippi	1		1, 790	1, 872
Missouri	79		89	283
Montana	13	331		647
Nebraska	137	11		340
Nevada		3	3	28
New Hampshire				
New Jersey	1			2
New Mexico	80	53	87	410
New York	1			9
North Carolina	6		110	153
North Dakota	5	117		414
Ohio	14			38
Oklahoma	7	55	40	276
Oregon	3	43		92
Pennsylvania	5			7
Puerto Rico				
Rhode Island				
South Carolina	5		329	428
South Dakota	12	69		201
Tennessee	2		166	216
Texas	614	195	2, 047	5, 195
Utah		6		81
Vermont				
Virginia	3			7
Virgin Islands				
Washington	2	163		299
West Virginia				
Wisconsin	27			30
Wyoming		2		139
Total	1, 816	1, 350	9, 045	18, 585

Mr. BAYH. Mr. President, I would also like to have unanimous consent to have printed in the Record a tabulation showing the key facts in favor of a $20,000 payment limitation.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

KEY FACTS IN FAVOR OF A $20,000 PAYMENT LIMITATION

1. Number of producers receiving checks of $20,000 or more.

	1970	1971	1972	Percent change 1970–72
Cotton producers	7,753	8,810	9,066	+17
Feedgrain producers	1,395	245	1,855	+33
Wheat producers	1,223	1,088	1,388	+13
Total	10,371	10,143	12,039	+19

2. Total payments to producers receiving $20,000 or more in 1972.

	Total payments	Amount in excess of $20,000/producer	Excess payments (percent)
Cotton producers	$319,384,000	$138,064,000	43
Feedgrain producers	53,088,000	15,988,000	30
Wheat producers	39,288,000	11,488,000	29
Total	411,760,000		

Note: Potential reduction in government expenditures with $20,000 limitation, $165,540,000.

3. Percentages of producers versus total production affected by a $20,000 limit.

	Producers (percent)	Total production (percent)
Cotton	4.0	39.5
Feed grains	0.1	3.0
Wheat	0.1	4.5

Mr. BAYH. Mr. President, a $20,000 limitation on total payments to an individual producer would reduce Government expenditures without reducing the benefits of the program to small family farmers. Had a $20,000 limitation been in effect last year, the potential savings in Government expenditures would have been about $165,540,000.

I do not know how we can go back home and explain this situation to those who are now hard pressed to cover expenses and pay for the cost of groceries.

I hope that the Senate will agree to the amendment and smooth off one of the rough edges of an otherwise very good bill.

Mr. BENTSEN. Mr. President, I rise today to strongly urge my colleagues to defeat any proposals to lower the $55,000 payment limitation on farm subsidies. There are those among us who would lower the payment limitation to the $20,000 range, and I have a strong concern that if Congress took this action, it would be a grave error.

The cotton industry would be most affected by this payment reduction, and I would like to call to my colleagues, attention the adverse effects a $20,000 limitation would have on that important industry.

As the very able chairman of the Committee on Agriculture has pointed out on several occasions, there are important domestic and foreign markets for cotton which must be fulfilled. Cotton, a natural fiber, competes on our domestic market with manmade fibers which originate from petrochemical materials. And with this Nation's energy problems, there is every indication that the need for cotton is increasing, because it acts as an important buffer against rising prices of petrochemical-based fibers.

Mr. President, foreign markets for cotton are also expanding with cotton from my own State leading the way. Recently, a sale of 100,000 bales of Texas Plains cotton was made to the People's Republic of China, thus opening new doors for overseas sales of U.S. agricultural products. Continued cotton production will enable us to continue to earn, or expand, approximately three-quarters of a billion dollars which our cotton earns for us on foreign markets.

These markets can expand only if we do not reduce our production of cotton.

These market demands, both domestic and foreign, must be met and if not with American cotton, then certainly with cotton from our foreign competitors.

How does the limitation question affect this market demand? USDA data on the 1972 crop of cotton shows that a $20,000 limitation would adversely affect 44 percent of our cotton production. This adverse effect would be a sharp reduction in the supply of natural fiber, thus driving up the cost of fulfilling our fiber needs. The alternative would be to import cotton and our balance-of-payments situation dictates this to be unacceptable. It would be far better to continue our supply of cotton and thus continue the price competition with manmade fibers.

Mr. President, it must be realized by those who criticize the $55,000 limitation that the payment is not all profit to the farmer. According to a USDA study of cotton production costs the average cost of production for cotton is about 33½ cents a pound and yet the average selling price in 1972 was 26.7 cents. That is a tremendous difference; and points well to the fact that subsidy payments are necessary if we are to have adequate domestic cotton production. We need cotton, but at this time our farmers cannot produce it without financial assistance. Therefore, the subsidy payment can be called a consumer payment, because without it when production costs are higher than the market price, we cannot expect our farmers to continue to provide us with cotton. It is a production incentive to cover costs, not a profit payment.

I would also point out that under the present bill, if the market will provide a fair price for our farmer's cotton, the subsidy payments will not be necessary and there will be no expense to the government. Under the new program, government expense will occur, only when payments are needed to help generate a fair price to help cover production costs.

Cotton is an important crop with over 5 million people connected directly with it and 12 million people indirectly connected with it. It is a crop that keeps our cost of fiber low and contributes favorably to our balance-of-payments position. However, under present conditions it cannot be produced in the necessary quantities without assistance in the form of subsidy payments. Because of these facts, Mr. Chairman, I strongly urge my colleagues not to restrict 44 percent of this valuable industry by lowering the payment limitation to the $20,000 range.

Mr. CRANSTON. Mr. President, I rise in opposition to the amendment offered by Senator BAYH, an amendment which would further limit the payment limitation provisions of the cotton, wheat, and feed grain programs to $20,000 per person.

This amendment would have a disastrous impact on the agricultural economy of my State of California. The principal supported crop in California is cotton. The cotton industry in 1973 will bring more than $350 million to California's economy. In turn, this will create more than $1 billion in new business including retail sales, and purchase of power, fertilizers, and farm equipment.

Nationally, cotton also contributed a tremendous amount to our economy and our balance of payments. In 1973, it is anticipated that we will export 4,700,000 bales of cotton. At $175 per bale, this will mean around $822 million of exchange for our balance of payments. Obviously, Mr. President, the issue here is how much support the Government contributes toward a strong, healthy cotton industry in this country.

The major source of confusion surrounding the amendment offered here today is whether a further payment limitation is required in order to protect small farmers. I submit that it is not. In fact, if this amendment is adopted, it will primarily affect the small to medium-sized cotton farm in my State. The large, giant, wealthy cotton farmers are not participating in the program. This is because in 1970 they recognized that, with cotton prices up, they could survive economically without any payment from the Government. Consequently, this amendment has no impact on the huge farming operations, as is suggested by the amendment's proponents. Rather, its impact will be on the smaller operations, especially those which benefited from the imposition of a $55,000 limitation in the Agriculture Act of 1970.

With the new target pricing mechanism of this bill, there is no way of estimating the exact size of farm that would be affected by the difference between a $20,000 limitation and a $55,000 limitation. Right now, cotton prices are high—higher than the 43 cents target price provided by S. 1888. Under these conditions, the Federal Government will pay nothing to the cotton farmer.

But, for example, if the price of cotton on the market were to drop to 28 cents—where it was just a few years ago—the Federal Government under the target pricing mechanism would owe the farmer 15 cents per pound of cotton produced—up to the payment limitation. At this rate of payment, a $20,000 limitation would be reached on a cotton farm of only 200 acres, and a $55,000 limitation, would be reached on a cotton farm of 520 acres. Thus, the amendment proposed by my colleague from Indiana will affect cotton farms of between 200 and 520 acres. These are not the giant farming operations that are supposedly the object of this amendment. In California, these are small cotton farms.

In 1971, the limitation provision of the 1970 act according to a USDA study, affected about 1,350 farmers who had received more than $55,000 each in the 1970 cotton, wheat, and feed grains, programs. According to this same study, if the maximum payment to any one person had been $20,000 in 1971, some 10,000 farmers would have been affected. The major impact of this lower limit would fall on the cotton program and cotton producers. In the 1971 cotton program, 8,742 persons received between $20,000 and $55,000 in program payments. Collectively, 8,742 persons received 37.7 percent of the total cotton program payments in 1971.

Furthermore, as I stated before the Senate yesterday, this $20,000 limitation provision discriminates against States like California and Arizona. Figures compiled by the USDA in December 1972, reveal the disproportionate impact that a payment limitation reduction would have on California. For example, in 1972, California producers received a total Federal payment of $93,336,501. Sixty-three percent of this, or $60,128,375, went to producers receiving between $20,000 and $55,000. In contrast, the total Federal payment to Iowa producers was $308,173,003, with less than 2 percent of this amount being paid to producers in the $20,000 to $55,000 category. In other words, the imposition of a $20,000 payment limitation would have grave economic consequences for California's agriculture but would be insignificant for Iowa's.

If this amendment is approved, large amounts of acreage now planted in cotton may be diverted to other crops, including nonsupported crops such as grapes, nuts, tree fruits, cling and freestone peaches, plums, nectarines, apricots, berries, carrots, asparagus, tomatoes, cantaloupes, safflower, olives, figs, and pomegranates. It is not difficult to imagine the chaos that would result. Thousands of acres of cotton land which cannot produce cotton without the subsidy will be forced onto the market or into these and other crops.

In short, Mr. President, this amendment would cripple California's cotton industry and would have indirect, but just as grave, consequences for many of the nonsupported crops grown in my State. I urge the defeat of this amendment.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PASTORE (after having voted in the affirmative). On this vote I have a pair with the Senator from Arkansas (Mr. McClellan). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. MAGNUSON (when his name was called). On this vote I have a pair with the Senator from New Hampshire (Mr. Cotton). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. RANDOLPH (after having voted in the affirmative). On this vote I have a pair with the Senator from Mississippi (Mr. Stennis). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from Arkansas (Mr. Fulbright). I do this to fulfill a commitment by the distinguished majority leader. If the Senator from Arkansas were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SPARKMAN (after having voted in the negative). On this vote I have a pair with the Senator from Iowa (Mr. Hughes). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. BUCKLEY. Mr. President, regular order.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. Fulbright), the Senator from Michigan (Mr. Hart), the Senator from Iowa (Mr. Hughes), the Senator from Montana (Mr. Mansfield), and the Senator from Arkansas (Mr. McClellan) are necessarily absent.

I further announce that the Senator from Maine (Mr. Muskie) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. Hart) would vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. Cotton), is absent because of illness in his family, and his pair has been previously announced.

The Senator from New Mexico (Mr. Domenici) is absent to attend the funeral of a friend.

The Senator from Utah (Mr. Bennett), the Senator from Colorado (Mr. Dominick), the Senator from Michigan (Mr. Griffin), and the Senator from Nebraska (Mr. Hruska) are necessarily absent.

If present and voting, the Senator from New Mexico (Mr. Domenici) and the Senator from Nebraska (Mr. Hruska) would each vote "nay."

The result was announced—yeas 45, nays 37, as follows:

[No. 184 Leg.]

YEAS—45

Abourezk
Bartlett
Bayh
Beall
Bellmon
Bible
Biden
Brooke
Buckley
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Church
Clark
Cook
Hartke
Hatfield
Huddleston
Humphrey
Jackson
Javits
Kennedy
Mathias
McGovern
McIntyre
Metcalf
Mondale
Moss
Nelson
Packwood
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevenson
Taft
Weicker
Williams

NAYS—37

Aiken
Allen
Baker
Bentsen
Brock
Burdick
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Haskell
Hathaway
Helms
Hollings
Inouye
Johnston
Long
McClure
McGee
Montoya
Nunn
Pearson
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Pastore, for.
Magnuson, against.
Randolph, for.
Robert C. Byrd, for.
Sparkman, against.

NOT VOTING—13

Bennett
Cotton
Domenici
Dominick
Fulbright
Griffin
Hart
Hruska
Hughes
Mansfield
McClellan
Muskie
Stennis

So Mr. Bayh's amendment was agreed to.

Mr. BAYH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New York (Mr. Buckley) is recognized to offer an amendment.

Mr. BUCKLEY. Mr. President, in view of the vote on the Bayh amendment, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senate will be in order. Senators in the aisle who are conversing are requested to retire to the cloakrooms so that Senators who wish to speak may be heard.

The Senator from Maryland (Mr. Mathias) is recognized.

Mr. MATHIAS. Mr. President, the distinguished Senator from Utah (Mr. Moss) has asked if I would exchange time with him, because his amendment follows sequentially the amendment just agreed to.

Therefore, I ask unanimous consent that I may change places in order of amendments with the Senator from Utah.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 201

Mr. MOSS. Mr. President, I thank my colleague from Maryland for his consideration, and I shall try to be very brief.

My amendment is, indeed, a follow-on to the one just agreed to by this body. I call up my amendment No. 201, and ask unanimous consent that I may be permitted to explain the amendment, and also ask unanimous consent that the name of the Senator from Delaware (Mr. Roth) be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

Mr. THURMOND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. THURMOND. Do I correctly understand that the withdrawal of amendments and the change in order of presentation will not affect the time for the final vote?

The PRESIDING OFFICER. The Chair would advise the Senator from South Carolina that there is a time limitation of 15 minutes on each amendment, 10 minutes to the proponent and 5 to the manager of the bill, with a 10-minute limitation on each vote.

Mr. THURMOND. I understand that the final vote has been fixed at 2:30 p.m. today. Is that correct?

The PRESIDING OFFICER. The vote on passage has been fixed by unanimous-consent agreement at no later than 2:30 p.m.; the Senator is correct.

Mr. THURMOND. I thank the Chair.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, line 5, strike out "101(1)" and insert "101".

On page 1, line 6, insert "in paragraph (1)" immediately before "and".

On page 1, line 7, strike out "and".

On page 2, at the end of line 3, add a comma and the word "and".

On page 2, between lines 3 and 4, insert the following:

"(C) adding at the end thereof a new subsection as follows:

"'(5) In any case in which the owner or operator of a farm leases any portion of the farm or any portion of the acreage allotment for the farm to one or more persons, the payment limitation prescribed by this section shall apply in the same manner as if the leasor had not leased such portion of the farm or acreage allotment, except that such limitation may be applied by the Secretary on a pro rata basis (or other basis specified by the leasor) between the leasor and leasee or leasees. In no event may the total payments made with respect to the portion of the acreage or acreage allotment, as the case may be, retained by the leasor and the portion of the acreage or acreage allotment leased by the leasor exceed the total payment limitation established by this section. Nothing in this paragraph shall be construed to authorize the payment to any person of any amount in excess of the payment limitation established in this section. The provisions of this subsection shall not apply to leasing arrangements entered into prior to the date of enactment of the Agriculture and Consumer Protection Act of 1973.'."

Mr. MOSS. Mr. President, first of all, I wish to commend the Senator from Georgia and the entire Committee on Agriculture and Forestry for a fine piece of legislation. The new target-price concept will be a boost to farmers throughout America.

My amendment is really a follow-on to that which the Senate has just agreed to, setting the limitation on subsidy payments at $20,000 for any one operator.

My amendment is simply a limitation to make sure that there is not some sort of dodge practiced, so that a single operator or farmer cannot, by leasing off a part of his property or taking other steps of that sort, really obtain more than the amount of the limitation that we have set. Under the limitation that we have previously had of $55,000, there were a number of dodges executed, and many were able to obtain an additional return.

The question raised by my amendment is simple: Does Congress really want to say that huge Federal handouts to wealthy farmers must be stopped? Or do we continue to pretend that such a limit has been enacted, when we know that loopholes allow fat payments to flow into the pockets of absentee landlords, hobby farmers, and well-to-do agribusiness?

We must say "No" to this practice. I believe that Congress intended to enact a solid lid on farm payments in 1970. The intent of Congress was to save the taxpayers of America millions of dollars in farm subsidies handed out to wealthy operators—not small farmers.

The PRESIDING OFFICER (Mr. JOHNSTON). If the Senator will suspend, the Chair would state that it will take unanimous consent to consider his amendment because it amends the same language as that amended in the last amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that my amendment may be modified as follows:

On page 2, at the end of line 3, add a comma and the word "and".

On page 2, between lines 3 and 4, insert the following:

(C) adding at the end thereof a new subsection as follows:

"(5) In any case in which the owner or operator of a farm leases any portion of the farm or any portion of the acreage allotment for the farm to one or more persons, the payment limitation prescribed by this section shall apply in the same manner as if the leasor had not leased such portion of the farm or acreage allotment, except that such limitation may be applied by the Secretary on a pro rata basis (or other basis specified by the leasor) between the leasor and leasee or leasees. In no event may the total payments made with respect to the portion of the acreage or acreage allotment, as the case may be, retained by the leasor and the portion of the acreage or acreage allotment leased by the leasor exceed the total payment limitation established by this section. Nothing in this paragraph shall be construed to authorize the payment to any person of any amount in excess of the payment limitation established in this section. The provisions of this subsection shall not apply to leasing arrangements entered into prior to the date of enactment of the Agriculture and Consumer Protection Act of 1973."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Utah?

Mr. CURTIS. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Will the Senator please send his modification to the desk.

The clerk will state the modification.

The legislative clerk read as follows:

On page 2, at the end of line 3, add a comma and the word "and".

On page 2, between lines 3 and 4, insert the following:

(C) adding at the end thereof a new subsection as follows:

"(5) In any case in which the owner or operator of a farm leases any portion of the farm or any portion of the acreage allotment for the farm to one or more persons, the payment limitation prescribed by this section shall apply in the same manner as if the leasor had not leased such portion of the farm or acreage allotment, except that such limitation may be applied by the Secretary on a pro rata basis (or other basis specified by the leasor) between the leasor and leasee or leasees. In no event may the total payments made with respect to the portion of the acreage or acreage allotment, as the case may be, retained by the leasor and the portion of the acreage or acreage allotment leased by the leasor exceed the total payment limitation established by this section. Nothing in this paragraph shall be construed to authorize the payment to any person of any amount in excess of the payment limitation established in this section. The provisions of this subsection shall not apply to leasing arrangements entered into prior to the date of enactment of the Agriculture and Consumer Protection Act of 1973."

The PRESIDING OFFICER. The Senator's amendment is so modified.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. CURTIS. Mr. President, a point of order.

The PRESIDING OFFICER. Who yields for the point of order?

Mr. MOSS. Mr. President, I understand that I am on very limited time and I certainly would like to have the opportunity to explain my amendment.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. MOSS. Mr. President, let me point out that studies made by GAO and the Department of Agriculture have confirmed the fact that the anticipated savings were merely an illusion on paper. The GAO study summarized the effects of the $55,000 limitation and its weak regulations as causing "no significant reduction in the total amount of 1971 cotton, wheat and feed grain program expenditures." The total savings for 1971 and 1972, respectively were a meager $2.2 and $2.8 million. The regulations implemented by the Agriculture Department were not effective in preventing evasive tactics by large producers to receive payments above the $55,000 limitation.

This amendment will make the payment limitation set by Congress, regardless of the amount, an effective limitation. It will plug the loophole which allows leasing of allotments and/or land for excessive payments resource adjustment.

Let me point out that the impact of the payment limitation has already been reduced in the bill by eliminating its application to money farmers receive for not producing crops. Under the new bill before us, the limit would apply only to the money a farmer gets when he sells crops at a low price and receives a payment to bring that price up to an adequate level. So we are really talking about limiting the welfare subsidy a farmer receives.

The lessee would still be entitled to the full amount under any loan program. These regulations would become effective when the 1970 program expires. Any prior agreements or partnerships between producers would remain in effect unless terminated through provisions in the 1970 or 1973 bills. The majority of leases entered into since 1970 will end this year making the new regulations an effective clamp on the leasing loophole. We simply say that no matter how many times a farmer splits up his farm by leasing parts of it to friends, members of his family, or any other persons, the total subsidy received by all of them together can't go above the limitation.

There is no attempt whatsoever in this amendment to set the amount of the present payment limitation either higher or lower. But if the intention of Congress is to fix a definite price ceiling, then why should we leave provisions in the bill allowing evasive actions to avoid the limitation? Why should huge corporations and producers be subsidized to the tune of $2 to $3 million when Congress authorized a payment limit? Whatever the amount this body decides upon as a payment limitation, it should carry with it the regulations that will make it effective and feasible for the Department of Agriculture to administer. This amendment will accomplish those important tasks.

The Agriculture Department has issued several regulations over the past 2 years which have closed some of the loopholes in the 1970 limitation. But the main method used to reduce the financial impact of the limitation—leasing acreage allotments to spread payments to more persons—is still an open avenue in the 1973 farm bill. This loophole will remain, no matter whether the limitation is set at $10,000 or $100,000, unless my amendment is accepted by Congress. If not, the economist John A. Schnittaker accurately predicts the results of another payment limitation in accord with the 1970 Act:

> If Congress is not willing to enact strict controls on farm splitting and to require USDA to enforce it, there is no point in a payment limitation on individual farms at any level. The real outcome of an exercise such as the $55,000 limitation in the 1970 Act is to make it inconvenient for farmers to collect their welfare grants for growing cotton, but not so inconvenient as to stop the payments.

Mr. President, I hope that the Senate will be consistent with its previous intent, and thereby adopt my amendment.

Mr. President, the amendment which I offer would prohibit the leasing of farms to friends, relatives, or otherwise to split them up in order to be able to get a subsidy on the crop payment when it is sold. I believe that this is simple equity, that this is what we want to do and what we tried to do when we put in the farm limitation.

Mr. President, I ask unanimous consent to have printed in the RECORD two articles published on this subject, one in the Christian Science Monitor and the other in the Wall Street Journal, which explain exactly what we are trying to accomplish.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, May 13, 1972]

LOTS MORE SUBSIDY CREAM TO BE SKIMMED

Something is wrong in the administration of the law that limits farm subsidy payments to $55,000 per crop. Instead of skimming the subsidy cream off the top, passage of the $55,000 limit seems only to have taken a little of the foam off the cream on top.

From 1966 to 1970, federal taxpayers contributed from $2.5 billion to $3.3 billion a year to support farm prices by payments to growers. Six gigantic farm corporations received more than a million dollars each in 1970 subsidies—and two of them got more than $4 million. The scandal of these immense payments flowing out of what was supposed to be aid to individual farmers and their families finally reached Congress, and in 1970 a $55,000 per crop per producer limit was passed.

In view of the fact that more than half the subsidy payments were being made to the 15 percent of farm ownerships with annual sales of more than $20,000, the $55,000 limit seemed high, and there was a spirited debate about making the limit $20,000.

It's time to look at the proposal again, for a new study by the General Accounting Office (GAO) has unearthed the exploitation by some farm companies of loopholes in the 1970 law. According to the Department of Agriculture, the $55,000 law has produced savings of only $2,180,000, a small dent in a multi-billion-dollar program.

The U.S. Agricultural Stabilization and Conservation Service (ASCS) has the responsibility for seeing that crop payments are "valid, accurate and in compliance" with law. On the contrary, the GAO found cases in which farmers have used subterfuges to spread the $55,000 ceilings around among relatives, business partners, or new corporations or partnerships. Moreover, if the county ASCS committee looked the other way while this finagling was going on, the GAO contends that higher levels of the ASCS organization did nothing.

When a Mississippi farmer can lease most of his 5,000 acres of cotton allotments to 45 other persons, so that all qualify for subsidy payments, there's a breakdown in administration. A tougher law would help. Surely a $20,000 payment ceiling would be enough to persuade a farm family to keep a field out of production for a year.

Meanwhile, we have the General Accounting Office to thank for telling us of another instance in which the Department of Agriculture has completely negated an admittedly weak law by poor administration.—Louisville Courier-Journal

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[From the Wall Street Journal, May 9, 1973]

THERE GOES THAT SONG AGAIN

A study prepared recently for Congress' Joint Economic Committee found that only 7% of the benefits from the government's farm commodity programs go to the poorest 41% of U.S. farms, while the richest 7% receive 32%.

The precise figures may be new but the pattern is familiar: A price support program devised to help poor and marginal farmers chiefly benefits those who least need help. No wonder the administration proposes reducing the farmer's dependence on government payments, enabling him to increase crop exports and giving him greater freedom in planting decisions.

Yet what is true for agriculture is discouragingly true elsewhere. If agricultural subsidy programs have mostly helped large farms, the much-heralded war on poverty mostly helped an army of nonpoor administrators, consultants and advisers. The foreign aid program, with its promise to close the gap between social classes and between rich and poor nations, largely lined the pockets of the ruling class and made almost no dent in the living standards of the masses.

The solution is not outright elimination of government programs, but a lowering of sights, which means a realistic understanding of the limits of paternalism. Government programs can assist, but they are usually insufficient by themselves to change traditions, alter beliefs or reorient preferences. They should aim not so much at income redistribution (which is usually a tacit rather than a stated goal), but at generating additional income by providing the skills and technology that—on the farm, in the cities, or overseas—increase wealth.

That way is cheaper in terms of dollars; for example, former U.S. budget director Charles Schultze estimated some time ago that consumers would pay $4.5 billion less for food annually if all government farm programs were abolished. More importantly it is cheaper in terms of social stress, by avoiding the false hopes and expectations that lead to the kind of bitterness and disillusionment that are so easily translated into confrontation and unrest.

Mr. MOSS. Mr. President, I would hope that we might move on to vote on the amendment to make it a completing part of the Bayh amendment.

I would ask the distinguished manager of the bill if it would be possible for him to accept this amendment so that it would not be necessary to go to a rollcall vote. However, I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I regret very much that I cannot accept the Senator's proposition. This amendment is far worse than the Bayh amendment.

I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, this amendment would confiscate property without due process of law. Allotments of land are very valuable property. They give the owner the right to produce a commodity and receive the benefits of the program.

The previous amendment provided a limitation on payments for the production of commodities in the United States. Now the pending amendment would compound that and say that a man who had a valuable property right could not even dispose of it. That would be confiscation of property without due process of law. It is as simple as that.

In my judgment, this amendment would destroy the purposes of the pending bill which was voted unanimously by the Committee on Agriculture and Forestry. It would produce a scarcity in this country. We would be importing cotton into the United States of America in a very short period of time and I do not know what else we would be importing thereafter. We may have lines of people trying to buy things not available in our stores.

I hope the time will never come when the Senate will vote to confiscate a valuable property right without due process of law.

Mr. President, I reserve the remainder of my time.

Mr. MOSS. Mr. President, I yield myself 1 minute to answer quickly what has just been said by the distinguished manager of the bill.

My amendment would not stop at all the right of a farmer to lease part of his farm or to transfer it. It would simply provide that he cannot use it as a device to get an additional subsidy payment from the leasing part. One of the abuses that crept in when the $55,000 limitation was put on was the leasing off of part of a farm to the children, neighbors, or anyone else, thereby compounding the payments.

That is not what is aimed at in this amendment. What is aimed at is to stop that as a racket. We simply say that if he claims one of these subsidy payments, he may not compound it by a leasing procedure to break it up into pieces so that he gets duplicate subsidy payments.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Is the Senator prepared to yield back his time?

Mr. MOSS. Yes. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on this amendment has been now yielded back.

The question is on agreeing to the amendment of the Senator from Utah (Mr. Moss) as modified.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Arkansas (Mr. McCLELLAN) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Arkansas (Mr. McCLELLAN) would vote "nay."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is absent to attend the funeral of a friend.

The Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMENICI), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

The Senator from Kentucky (Mr. COOK) is detained on official business.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) and the Senator from Nebraska (Mr. HRUSKA) would each vote "nay."

The result was announced—yeas 42, nays 44, as follows:

[No. 185 Leg.]

YEAS—42

Abourezk
Bayh
Beall
Bible
Biden
Brooke
Buckley
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Church
Clark
Hartke
Haskell
Hatfield
Javits
Kennedy
Magnuson
Mathias
McGovern
McIntyre
Metcalf
Moss
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevens
Stevenson
Taft
Weicker
Williams

NAYS—44

Aiken
Allen
Baker
Bartlett
Bellmon
Bentsen
Brock
Burdick
Byrd, Robert C.
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Long
McClure
McGee
Mondale
Montoya
Nunn
Pearson
Randolph
Sparkman
Symington
Talmadge
Thurmond
Tower
Tunney
Young

NOT VOTING—14

Bennett
Cook
Cotton
Domenici
Dominick
Fulbright
Griffin
Hart
Hruska
Hughes
Mansfield
McClellan
Muskie
Stennis

So Mr. Moss' amendment was rejected.

Mr. MOSS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TALMADGE. I move to lay that motion on the table.

Mr. MOSS. I ask for the yeas and nays.

The PRESIDING OFFICER. What is the Senator's motion?

Mr. MOSS. I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MOSS. Mr. President, I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. I hope the Senator will not do that. We have only 1 hour and 10 minutes remaining. We yet have five amendments remaining, and we are going to get to the point where Senators who are at the end of the line will have no time at all on their amendments. The Senator has had his chance. I hope he will not ask for a quorum call. If he wants to ask again for reconsideration, I have no objection.

Mr. MOSS. I moved to reconsider and there has been a motion to table. I think we are entitled to reconsideration. There is a lot of switching of votes at the end and finally one vote would have changed the result. Under the circumstances I think the Senate should be entitled to examine the position we have taken. We just voted the Bayh amendment and this is a switch from it, and now we say we do not mean $20,000.

The PRESIDING OFFICER. The motion to table is not debatable. There was no sufficient second.

Mr. BAYH. Mr. President, may we try for the yeas and nays again?

The PRESIDING OFFICER. There is now a sufficient second.

Mr. ROBERT C. BYRD. Mr. President, I shall ask for the regular order at the end of the 10 minutes on each rollcall from here on out. I am constrained to do so because of the severe limitation of time. Perhaps that will stop some of the late vote jockeying also.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), and the Senator from Arkansas (Mr. McCLELLAN) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is absent to attend the funeral of a friend.

The Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from *Michigan* (Mr. GRIFFIN), and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is detained on official business.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) and the Senate from Nebraska (Mr. HRUSKA) would each vote "yea."

The result was announced—yeas 48, nays 38, as follows:

[No. 186 Leg.]

YEAS—48

Aiken
Allen
Baker
Bartlett
Bellmon
Bentsen
Brock
Burdick
Byrd, Robert C.
Cook
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Gurney
Hansen
Haskell
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Long
Magnuson
McClure
McGee
Mondale
Montoya
Nunn
Pearson
Randolph
Sparkman
Stevens
Symington
Talmadge
Thurmond
Tower
Tunney
Weicker
Young

NAYS—38

Abourezk
Bayh
Beall
Bible
Biden
Brooke
Buckley
Byrd, Harry F., Jr.
Cannon
Case
Chiles
Church
Clark
Hartke
Hatfield
Javits
Kennedy
Mathias
McGovern
McIntyre
Metcalf
Moss
Nelson
Packwood
Pastore
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevenson
Taft
Williams

NOT VOTING—14

Bennett
Cotton
Domenici
Dominick
Fulbright
Goldwater
Griffin
Hart
Hruska
Hughes
Mansfield
McClellan
Muskie
Stennis

So the motion to lay on the table the motion to reconsider the vote by which the Moss amendment was rejected was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Maryland (Mr. MATHIAS) is recognized.

AMENDMENT NO. 207

Mr. MATHIAS. Mr. President, I have an amendment at the desk, which I call up.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment (No. 207) as follows:

SEC. —. Notwithstanding any other provision of law or of this Act, all authority of the

Secretary of Agriculture to provide for a national acreage allotment, and the apportionment of such allotment, for wheat, food grains, or cotton shall expire at the end of the 1973 crop year.

Mr. MATHIAS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MATHIAS. Mr. President, this bill has raised a number of questions, and I think it is significant that when we have men of the vast agricultural experience and the vast legislative experience as are represented on the Senate Committee on Agriculture and Forestry, we do not have the answer to this question. One of the questions which has not been answered, yet which has been asked repeatedly—it was asked a few minutes ago by the distinguished Senator from Indiana—is, How much is the target price really going to cost? What is going to be the effect of the target price program on feed deficit areas? How does this affect our ability to expand agricultural exports when we have objected specifically to other nations using this device?

Another range of questions which has not been answered yet is: How does this target price for feed grains affect our livestock industry? How is it going to affect the poultry industry? What is going to be the effect on consumers who want to buy food?

These are questions that have not even been addressed yet, and I hope the distinguished Senator from Georgia will, before consideration of this bill is over, and perhaps in discussing this amendment, offer to give us some answers to these questions, because we have not heard them.

This amendment addresses itself to something I think we can determine, because we are talking here about one of the facts of life in agriculture today, which will be perpetuated by S. 1888, and that is farm acreage allotments. Under the present system, which will be continued, the Secretary of Agriculture is authorized to allocate acreage State by State, county by county, farm by farm, on the basis of the previous crop. The effect of this is to make a farmer eligible to participate in the target price payment only if he is planted within the individual farm allotment which is allotted to his farm. This is brought into question on several grounds—on the ground of equity, on the ground of efficiency, on the ground of its effect on market demands, on the ground that it hurts competition and hurts the consumer.

Farmers who have historically been producing these crops would have the basis for a farm acreage allotment, but farmers who have not been producing a particular crop do not have a basis for a farm allotment, and therefore no new man can come into production in a given crop without considerable hardship.

The most important things that a historic basis or allotment does is to restrict a farmer's freedom to adjust to changing conditions in agriculture. If a market situation changes, so that a farmer wants to increase or decrease his production in a given commodity, or to move to a totally different commodity, he has to cope with the restrictions and inhibitions of the allotment—in other words, it crystalizes and freezes production patterns and makes it difficult for individuals and makes it difficult for the Nation to adjust to the changing times.

Mr. YOUNG. Mr. President, will the Senator yield?

Mr. MATHIAS. I regret that I cannot yield because of the time limitation. If I have a minute at the conclusion of my remarks, I shall be glad to yield to the Senator.

Mr. YOUNG. I was going to ask: Would it not consider including tobacco, peanuts, and other commodities?

Mr. MATHIAS. Mr. President, allotments based on the cropping history of the 1950's still tend to "lock in" the same old production patterns that are not reflected in modern agricultural commodities. I think this bill would tie lucrative production price guarantees to these acreage allotments, and the day may come when farming will depend not on the ability of the farmer to raise his crops, not even on the ability of the farmer to buy his land, but on his ability to buy allotments.

The Senator from Georgia alluded to those when he said this is a valuable property right. This is what we are confirming in the bill—a valuable property right—and farming may get to the status of those who sell alcoholic beverages. They do not buy a store. They do not buy a business. They buy a liquor license.

We have it in the paramutual field. One no longer buys a racetrack because it cannot do him any good unless he can buy the racing days that go with it. That is the kind of amendment we have. One has to really understand its importance here. We are talking about a property right which we are conferring on those farmers who have a historic, basic claim.

The effect of this on consumers is that based on past history, it encourages farmers to continue to produce commodities irrespective of demand. And as a result, farm production moves backward instead of forward. And this is the great inequity of this system.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. MATHIAS. I yield.

Mr. SAXBE. Mr. President, in this respect I have had experience with what happens. If a man wants to change from a dairy operation to a feed grain operation, he has to provide some legumes and pasture and hay. And if the farm sells, they are still on a certain acreage of corn.

I have been through the expense of trying to change one of these operations. One cannot say we changed from a dairy farm. It just cannot be done.

The second thing is that at the time these allotments were originally set up, they were based on family farms. The farms were small. We did not have the agri-business we have today. They were set up in small lots. They have just been bought, traded, and moved all over the map.

We get into the thing that certain allotments were meaningless. They were set up at the time when 75 bushels of corn to the acre was a fine yield. However, by narrowing the row we can increase the yield to 150 or 175 bushels of corn to an acre. And so the purpose of the acreage allotment is defeated.

Then we move into a trade area and apply bushels and tons to an acreage allotment and we get all mixed up. That builds in the inequity that goes back over 20 years. If one farms, he is put into some kind of program. He is going into an escrow account on this. When the farm sells, it is the only way he can go on record because of the restrictions. It is unreal and unnatural. I think its days are numbered, and I hope that it is numbered here today.

Mr. MATHIAS. Mr. President, I would like to take a minute to answer the distinguished Senator from North Dakota. I am glad that he brought up the question of tobacco.

That raises the whole question of why should we have a target ceiling for just these certain commodities and why we should have these commodities limited and why should we not bring in broilers or some other agricultural commodity.

I think that the question that the Senator has raised about other commodities points to one of the weaknesses in the bill.

Mr. President, I yield to the Senator from New York.

Mr. YOUNG. Mr. President, how about quotas under milk marketing orders?

Mr. MATHIAS. Mr. President, I yield 1 minute to the Senator from New York.

Mr. BUCKLEY. Mr. President, I point out that the Senator's amendment actually advances the stated purpose of this legislation.

Again, I say to the distinguished chairman of the committee that the purpose was to encourage the basic production of food and fiber. I suggest that to maintain an artificial limitation by allotment is to frustrate that precise purpose.

I compliment the distinguished Senator from Maryland for liberating and spreading these incentives across the board. He knows that I am opposed to the whole philosophy of target prices. If we are going to have them, let us at least have them work equitably and effectively.

Mr. MATHIAS. The Senator from New York correctly points out that this amendment does not affect the target price system but goes only to the allotment.

Mr. TALMADGE. Mr. President, I shall be very brief, and then I shall yield back the remainder of my time.

The amendment of the Senator from Maryland would absolutely gut the bill recommended by the Committee on Agriculture and Forestry.

Let me make it crystal clear. If Senators are for the bill, they should reject the amendment of the Senator from Maryland. If they are against the bill, they should vote for the amendment of the Senator from Maryland. Here is the reason why: Acreage allotments are the provisions used for the target price basis in the bill. If they are stricken out, all other provisions in the bill would be absolutely inoperative.

I hope the Senate will reject this amendment, and reject it overwhelmingly.

I yield to the distinguished Senator from North Dakota.

Mr. YOUNG. Mr. President, those who are familiar with the bill and knowledgeable about farming operations know we have had substitute provisions whereby one may substitute wheat for corn. If he does not want to raise wheat, he can raise corn and get the whole payment.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Minnesota (Mr. MONDALE) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is absent to attend the funeral of a friend.

The Senator from Utah (Mr. BENNETT), the Senator from Coloroado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) and the Senator from Nebraska (Mr. HRUSKA) would each vote "nay."

The result was announced—yeas 17, nays 70, as follows:

[No. 187 Leg.]

YEAS—17

Beall
Biden
Brooke
Buckley
Case
Javits
Mathias
Pastore
Pell
Percy
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Taft
Weicker

NAYS—70

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Bellmon
Bentsen
Bible
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Johnston
Kennedy
Long
Magnuson
Mansfield
McClure
McGee
McGovern
McIntyre
Metcalf
Montoya
Moss
Nelson
Nunn
Packwood
Pearson
Proxmire
Randolph
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tower
Tunney
Williams
Young

NOT VOTING—13

Bennett
Cotton
Domenici
Dominick
Fulbright
Griffin
Hart
Hruska
Hughes
McClellan
Mondale
Muskie
Stennis

So Mr. MATHIAS' amendment was rejected.

AMENDMENT NO. 190

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois (Mr. PERCY) is recognized.

Mr. PERCY. Mr. President, I call up my amendment No. 190 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 9, line 19, strike out "; and" and insert in lieu thereof ".".

On page 9, beginning on line 20, strike out all through page 10, line 18.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the acting majority leader.

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Senators will please take seats.

Mr. ROBERT C. BYRD. Mr. President, we are confronted with the following situation:

We have 32 minutes remaining until, under the agreement, the time will arrive for the vote on final passage. There are five Senators who have amendments remaining.

In order that each of those five Senators may have at least two or three minutes to plead his case, I ask unanimous consent that time on any remaining amendment to the bill or on any amendment to an amendment, and time on any debatable motion, or appeal be limited to 5 minutes, with three minutes to the proponent and 2 minutes to the manager of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I also express the hope, Mr. President, that although Senators, if they so desire, are entitled to yea and nay votes on their amendments, we can voice votes where possible on amendments from here on out.

The PRESIDING OFFICER (Mr. JOHNSTON). The Senator from Illinois has the floor.

Mr. PERCY. Mr. President, I ask unanimous consent that the names of the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. BUCKLEY) and the Senator from Ohio (Mr. SAXBE) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, this amendment, which is supported by the Department of Agriculture, deletes the section of the committee bill which expands the dairy product indemnification program to cover milk contamination caused by chemicals "where such chemicals were not used contrary to applicable regulations or label instructions provided at the time of use." It also deletes the language providing for payment for the contaminated cow instead of the contaminated milk.

As my colleagues know, since 1965, the Department of Agriculture has made indemnity payments to dairy farmers for milk removed from the commercial market because of contamination caused by chemicals and pesticides which were registered and approved for use by the Federal Government at the time they were used. In 1970 this provision was expanded to include indemnification of manufacturers of dairy products. While I have questioned the advisability of specifically indemnifying one food production industry apart from the others, there is merit in the proposition that where one has relied on the Federal Government's specific registration and approval of a chemical, the Federal Government has a liability to indemnify against harm resulting from its use by the producer or others.

The pending legislation, however, expands the Government's liability significantly. Under the committee proposal, the Federal Government would have to indemnify farmers and milk product manufacturers where milk contamination was due to the use of any chemical used according to "applicable regulations or label instructions."

Mr. President, this section would put the Federal Government in the position of guaranteeing against the harmful effects of chemicals which it does not even have the present authority to control.

In addition, I am very concerned that such a guarantee will lead to laxity in the use of chemicals at the very time we are waging a battle to halt their indiscriminate use. It should be noted that the provision covers not only against use of chemicals by the dairy farmer but against milk contamination caused by the use of chemicals by others, such as neighboring farmers.

The Council on Environmental Quality and environmental organizations such as Friends of the Earth, the Sierra Club, and the Audubon Society have all expressed their concern about this aspect of the committee bill and have called for its deletion.

Finally, the breadth and scope of the Government's potential liability under this section is not contained in the committee report. To my knowledge, there was no detailed discussion of the provision during committee hearings and no opportunity was presented for testimony by those opposing it or disagreeing with the committee's conclusions, even by the Department of Agriculture. We are put in the position of considering legislation which will subject the Federal Government to undetermined and unestimated financial liability.

Mr. President, I believe that this section, its potentially harmful side-effects, its cost and its potential precedent for similar blanket indemnification in other industries must be subjected to a full discussion and consideration by all experts in the area. I urge adoption of my amendment.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement concerning this amendment which I am offering to S. 1888.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The Department of Agriculture supports this amendment.

Amendment No. 190 would strike the section of the Committee bill changing the dairy indemnity provisions (line 20 page 9 through line 18 page 10).

The existing program indemnifies dairy farmers and dairy processors against milk contamination caused by chemicals which were registered and approved by the Federal government. Amendment No. 190 deletes the Committee expansion of the program, which would include indemnification for contamination caused by chemicals whose use has *not specifically been disapproved*. It also deletes the section allowing the Department of Agriculture to pay for the slaughter of the cow, rather than for the contaminated milk. The reasons for the amendment include:

No estimate of the potential cost or impact of this provision.

No opportunity was given for opposing views during Committee hearings.

Such a provision will set precedent for blanket indemnification of other producers and processors.

The provision will encourage indiscriminate use of chemicals.

USDA estimates that payment for the cow rather than for the contaminated milk will be considerably more expensive.

In some cases, the federal government would be indemnifying the use of substances which it has no authority to control.

The Department of Agriculture supports this amendment.

Mr. PERCY. Mr. President, I understand that the distinguished Senator from Wisconsin (Mr. NELSON) has an amendment to my amendment which he wishes to offer, and I would be happy to recognize him at this time.

Mr. NELSON. Mr. President, I have a substitute amendment for Senator Percy's amendment No. 190 which I send to the desk and ask unanimous consent that reading thereof be dispensed with and I will explain it.

The PRESIDING OFFICER. Without objection, the reading of the amendment will be dispensed with, and it will be printed in the RECORD at this point.

The text of the amendment is as follows:

Strike out all after "viz:" and insert in lieu thereof the following:

On page 10, at the end of line 4, add the following: "make indemnity payments for dairy products at fair market value to".

On page 10, line 6, strike out all after "1970" down through "enactment" in line 9.

On page 10, beginning with the comma after the word "use" in line 12, strike out all down through the word "use" in line 16.

The PRESIDING OFFICER. If the Senator will suspend, all of the time on the prinicpal amendment must expire before a modification to the amendment would be in order.

Mr. TALMADGE. Mr. President, will the distinguished Senator from Illinois accept the modification to his amendment as proposed by the Senator from Wisconsin?

Mr. PERCY. Mr. President, my objection to the section of the bill which the Senator from Wisconsin wishes to retain is that its full effect is unclear.

The committee report states that paying for the contaminated cow would be less expensive than paying for the contaminated milk. The Department of Agriculture, on the other hand, has informed me that in most cases the opposite is true because the period of milk contamination abates within a few months and the cow can once again produce saleable milk.

Could the Senator from Wisconsin and the distinguished chairman of the committee clarify whether the intent of this provision is that the Secretary of Agriculture would have full discretion in each case in deciding whether to pay for the cow or the milk so as to avoid economic waste and the needless slaughter of dairy cows?

Mr. TALMADGE. This gives authority to the Secretary to make his own decision.

If the Senator for Illinois is prepared to accept the modification of the Senator from Wisconsin, I am prepared to accept it as I know the distinguished ranking minority member is.

Mr. PERCY. I am happy to accept the modification to my amendment.

The PRESIDING OFFICER. Does the Senator from Illinois modify his amendment accordingly?

Mr. PERCY. Yes, Mr. President.

The PRESIDING OFFICER. The amendment is so modified.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. PERCY. Mr. President, I yield back the remainder of my time.

Mr. NELSON. Mr. President, I would be happy to have all time yielded back, if I had the opportunity for a short explanation of my modification.

I ask unamious consent for 1 minute to explain my modification.

Mr. CURTIS. Mr. President, I yield the Senator 1 minute on the bill.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute.

Mr. NELSON. The point the amendment of the Senator from Illinois proposes to make, is to strike out all of the committee language beginning on line 20 on page 9, through line 18 on page 10, in order to eliminate the expansion of the program to cover contamination of milk or dairy products by any chemical, not just pesticides registered and approved by the Federal Government as is the scope of the present program.

My modification would accomplish the same purpose using the language of the Agriculture and Forestry Committee. This modification would continue the dairy indemnity program for 5 years, would allow the Secretary of Agriculture the economic discretion to indemnify the dairy farmer for either the contaminated milk or the cow, would make it clear that manufacturers of dairy products may recover the fair market value of contaminated dairy products removed from the commercial market, and would keep the scope of the undemnity program limited to milk or dairy products contaminated by residues of chemicals registered and approved by the Federal Government, that is, pesticides.

This modification would change the authorizing language of the committee bill beginning on line 23 of page 9 to read as follows:

SECTION 1. The Secretary of Agriculture is authorized to make indemnity payments for milk or cows producing such milk at a fair market value, to dairy farmers who have been directed since January 1, 1964 (but only since the date of enactment of the Agriculture and Consumer Protection Act of 1973 in the case of indemnity payments not authorized prior to such date of enactment), to remove their milk, and to make indemnity payments for dairy products at fair market value to manufacturers of dairy products who have been directed since the date of enactment of the Agricultural Act of 1970 to remove their dairy products from commercial markets because of residues of chemicals registered and approved for use by the Federal Government at the time of such use. Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

I wish to say that I do not oppose the dairy indemnity section presently in the bill on its substantive merits. It may be just as meritorious as the provisions in the present law covering contamination by pesticides. However, there should definitely be some hearings on this specific language to see precisely what the dimensions or the exact scope of the amendment will be. We should know specifically the kinds of contamination that would be covered and what the costs will be if this expanded authority becomes law. My inclination would be to support this addition, but I do think there should be full public hearings first.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois as modified.

The amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska (Mr. STEVENS) is now recognized.

Mr. STEVENS. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The text of the amendment is as follows:

On page 38, between lines 10 and 11 insert the following:

"(d) by adding at the end thereof a new section as follows:

"Authority of certain eligible households in Alaska to use coupons for the purchase of hunting and fishing equipment except firearms, ammunition, and other explosives.

"SEC. 17. Notwithstanding any other provision of this Act, members of eligible households living in the State of Alaska shall be permitted, in accordance with such rules and regulations as the Secretary may prescribe, to purchase hunting and fishing equipment except firearms, ammunition, and other explosives, with coupons issued under this Act if the Secretary determines that (1) such households are located in an area of the State which makes it extremely difficult for members of such households to reach retail food stores, and (2) such households depend to a substantial extent on hunting and fishing for subsistence purposes.

Mr. STEVENS. Mr. President, my amendment adds a new section 17 to the Food Stamp Act of 1964 as amended. This section will permit certain eligible households in Alaska to use food stamp coupons to purchase hunting and fishing equipment except firearms, ammunition, and other explosives. To be eligible, a household must fulfill two conditions: First, it must be located in an area of Alaska which makes it extremely difficult to reach a retail food store, and second, the members of the household must depend to a substantial extent on hunting and fishing for subsistence purposes. The food stamps must be used for the purchase of hunting and fishing equipment for subsistence hunting and fishing. The Secretary of Agriculture is authorized to prescribe rules and regulations regulating such purchases.

Hunting and fishing equipment under my amendment would include, but not be limited to: Gasoline for outboard motors and snowmobiles used for subsistence hunting and fishing, fishing lines and gear and tackle for subsistence fishing, foul weather winter clothing for hunters to be used for subsistence hunting, tents for subsistence hunting and fishing, and similar expenses for subsistence hunting and fishing.

This legislation was introduced first in the 91st Congress in response to a request from the mayor of Hooper Bay, Alaska. He was concerned because the people of Hooper Bay and other outlying areas of Alaska do not use store bought food to any great extent. They are subsistence hunters and fishermen. Many of these people have very little cash. Food stamps form an important means of purchasing necessary commodities.

In the Alaska bush, the cost of living can be from 50 to 100 percent higher than in Anchorage. Anchorage itself has a cost of living 25 to 50 percent higher than in Washington, D.C. These people must pay 30 cents for a small can of milk; 50 cents for a box of salt, $11 for 50 pounds of flour from the village store. The cost of gasoline ranges from 70 cents per gallon in Nome and Shaktoolik to 85 cents in Savoonga to $1.30 in Noatak.

Residents of coastal and rural Alaska have a physiological, psychological, and cultural dependence on local animals for subsistence. Coastal Alaskans utilize ocean mammals, particularly walruses and seals. These Alaskan Natives waste nothing. The harsh environment, subsistence economy, and cultural backgrounds require the utilization of every scrap of the animals.

I am very pleased that the distinguished chairman and ranking minority member of the Senate Agriculture Committee—Mr. Talmadge and Mr. Curtis respectively—have agreed to accept my amendment.

Since the bill was originally introduced, I have changed it specifically to exclude firearms, ammunitions, and other explosives. Food stamps could not be used for the purchase of such items.

I ask unanimous consent that my letter to the distinguished Senator from Nebraska (Mr. Curtis) on the amendment that I submitted to the committee and my introductory statement to amendment 1048 in the 92d Congress which describes the problems of subsistence hunters in Alaska, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

April 30, 1973.

Hon. Carl T. Curtis,
U.S. Senate,
Washington, D.C.

Dear Carl: I understand the Senate Agriculture Committee will consider the Omnibus Farm Bill, S. 517, Tuesday, May 1, in executive markup session. I would be most grateful if you would offer my enclosed amendment to the Food Stamp Act of 1964 at that session.

I introduced this bill as S. 218 on January 4. A copy of my introductory statement is enclosed. S. 218 was substantially identical to S. 676 in the 92nd Congress, and to S. 2881 in the 91st Congress. I am also enclosing a letter I received from Chairman Poage on S. 2881 and a copy of the recently received report from the Department of Agriculture on S. 218.

Agriculture opposed the bill because (1) food stamps should not be used for "non-food items such as ammunition" and (2) lowered eligibility standards will make food stamps even more available to needy families. Chairman Poage suggested the legislation should be confined to Alaska and to Eskimos. I would like to comment separately on each of these four points.

First, commenting on Agriculture's two points—(1) the exclusion of non-food items such as ammunition and (2) the increased eligibility for food stamps. Residents of coastal and rural Alaska have a physiological, psychological and cultural dependence on local animals for subsistence. Coastal Alaskans utilize oceans mammals, particularly walruses and seals. These Alaska Natives waste nothing. The harsh environment, subsistence economy, and cultural background require the utilization of every scrap of mammal hide, meat, bone, and sinew. They eat the meat, burn the oil, wear the skin, make tools from the bones, and manufacture and sell ivory carvings, handicrafts and Native clothing for a meager cash economy (their only source of income). Interior Natives trap and hunt small animals for subsistence and also manufacture and sell clothing from the pelts. Please see my March 15, 1972 Congressional Record statement which is enclosed.

Alaskan Natives cannot buy these meats. The stores are small and stock only a few items. They do not sell wild game meat. Beef, pork and chicken are almost *never* available and, when they are, are prohibitively expensive. The only way they can get meat is to shoot it themselves. If our purpose is to give poor Alaskans food with food stamps, the best way we can do this is to permit them to buy ammunition with food stamps so they can hunt for subsistence.

Canned food is prohibitively expensive in the Alaska bush and in Northwest Alaska. The cost-of-living can be 100% higher than in Anchorage, which is itself nearly half again as high as Washington, D.C. Costs are increased because of high air freight fares. Ammunition, of course, can now be shipped through the mail and will be less expensive to transport. Most importantly, the Native way of life requires the use of local animals for subsistence. The freshest meats are local game. Moreover, ammunition is itself expensive and these people have very little cash.

You will recall that during the consideration of the Marine Mammal Protection Act last year, we made a special exception for Alaska Natives. The Senate Commerce Committee held three days of hearings on just this point—the needs of Alaska Natives for the taking of ocean mammals. I am enclosing a copy of this hearing record for your information.

Second, as Congressman Poage suggested, the bill is limited to Alaskans.

Third, Alaska "Natives" include Eskimos (coastal dwellers), Aleuts (residents of the Aleutians), and Indians (Interior dwellers and dwellers of Southeast Alaska on the coast and inland). I have not limited the language only to Natives but to all those who "subsist" and create "Native arts and crafts and clothing." A few non-Natives have adopted the Native way of life and have become integral members of the Native communities. (See testimony of Williams Uhl, page 954 of Alaska hearings). These individuals are accepted members of the Native communities although they are not by birth Natives. (Mr. Uhl has been living in the Native community with his Eskimo wife for the last 24 years). For this reason and to eliminate any constitutional arguments, I have not limited the amendment solely to Alaska Natives, but have included all those who participate in the Native way of life in Alaska.

For these reasons and particularly because marine mammal and other local game meats are usually *unobtainable* in local stores, I am submitting this amendment to you. It will alleviate much hardship in rural Alaska. The people of my state would be most grateful if the Senate Agriculture Committee will incorporate it in the Omnibus Farm Bill.

If you have any questions or would like any assistance or more information, please contact me or Max Gruenberg, my Legislative Assistant, at extension 5-3004.

Thank you very much.
With best wishes,
Cordially,

Ted Stevens,
U.S. Senator.

[From the Congressional Record, Mar. 15, 1972]

MARINE MAMMAL PROTECTION ACT—AMENDMENT

AMENDMENT NO. 1048

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. Stevens. Mr. President, the Senate Subcommittee on Oceans and Atmosphere is presently holding hearings on ocean mammal legislation.

Many bills are being considered by the subcommittee as they attempt to find various solutions to the problem. Several of the bills, however, such as those introduced by the distinguished Senator from Oklahoma (Mr. Harris), take the approach that an outright ban on all ocean mammal harvesting is absolutely necessary.

This approach has caused me considerable concern. These bills will protect the ocean mammals, but in doing so will exterminate the culture and economy of the Alaskan Eskimos.

Many Alaska Natives, particularly Eskimos along the coast, depend upon ocean mammals for their existence. What little cash they are able to obtain in order to have even a marginal existence they are able to earn only through the sale of native crafts, clothing, and art works. These activities are vital for the social and economic welfare of the Alaska Native people.

Mr. President, the way of life of the Alaskan Native is threatened by the proposed legislation. If Congress enacts provisions outlawing all but subsistence hunting by Alaskan Natives, not only will this proud group of Americans have their economic livelihood stripped from them, but they will face the certain fate of cultural extinction.

The Alaska Native people of the coastal regions are the Eskimos. These people have achieved a unique pact with nature. They alone, of all mankind, have been able to survive in the harshest possible climatic conditions. Snow and ice cover the ground much of the year. Thus, travel across the ice is a necessity. Wood is scarce. Boats must be light and built with the materials at hand.

Even with such limitations, the Eskimos have been able to invent the kayak and the umiak. These unique vessels utilize skin and bone rather than bark and wood. The single-seat kayak and the multi-seat umiak are sturdy enough to travel hundreds of miles across open water. Kayaks will right themselves if overturned in storms, while keeping the lower half of the occupant completely dry in the meantime. Single Eskimo hunters, riding kayaks and armed only with harpoons have, for centuries, successfully harvested whales, the mightest creatures on earth.

This is but a single example of the high level of culture reached by the Eskimos in the cruelest environment on the face of the earth. Anthropologists and scholars agree that there is much in the Eskimo culture that will greatly benefit white civilization. For example, the clothing worn by Eskimos out-of-doors and fashioned from ocean mammals is both cold-resistant and waterproof. It effectively seals the wearer from the elements, yet permits him freedom of movement. It is far superior to anything the white man has invented. Our copies are but poor imitations.

It is a well-known fact that the major market for such genuine Eskimo clothing—parkas, pants, and mukluks—native fur boots—is not the tourist, nor the exporter, but other Alaskans. We, white people, in Alaska appreciate these Eskimo improvements and depend upon them, especially in the far northern part of the State. We know that when we must travel to his part of the State, we cannot improve upon the artifacts it has taken the Eskimo centuries to perfect.

To deny the Eskimo the right to manufacture and sell these items will not only create a hardship upon him, but also upon the white people who must live and work in an equally cruel and hostile environment.

Because the land in the far north is frozen much of the year, agriculture is very limited. For this reason, the coastal Natives are very dependent upon sea mammals for much of their food. In fact, many of those Eskimos who now live in the cities have retained their taste for many of these foods. Thus, there is a small but thriving business of canning and preserving sea mammal meat for transshipment to natives throughout Alaska and the "lower 48."

But most Eskimos have not moved to the cities. They still live on the North Pacific and Arctic coastlines. They continue to live basically the same way they have lived for centuries. They have maintained a cherished tradition, a link with the past—a way of life, proud and unbent in the face of modern civilization.

Mr. President, the Alaskan Eskimos for many years prior to the coming of the airplane remained largely isolated from civilization as we know it. Only in the 20th century, particularly in the last several decades, have these people come into contact with modern civilization. To many of them English is still a second language.

But they are rapidly moving into the 20th century. Snowmobiles have largely replaced dog sleds. Air travel is used for long trips. Short-wave radios are now the primary communication link between villages. Canned goods, manufactured household items, and clothing are readily available. Education is available, as is better health care. Even housing is improving.

But to take advantage of all these modern conveniences, the Alaska Native needs cash. If he is to have the choice to live where his people have dwelt for centuries, he must be permitted to make a living there. He must have the right not only to hunt for his native food, but to buy a balanced diet including milk and vegetables; clothing; medicine; and building materials for his house. It is, of course, true that eventually the benefits from the Alaska Native Claims Settlement Act (Public Law 92-203) will yield to each Native a certain amount of cash plus some land. However, the land and cash will not be enough to compensate him for the loss of his occupation; nor are they intended to do so. Neither will they give most Natives jobs; nor return to them their lost sense of dignity. Most importantly, any direct payments to individuals will be over 2 years in coming, due to the time it will take to complete the enrollment procedures.

The only industry that the Alaska Native can count on to support himself and his family is one based upon full utilization of the ocean mammals—the same animals which have been the basis of existence for his people for centuries. This is an industry of Native manufacture, handicrafts and carving—wonderfully intricate hand-carved bones and tusks, decorated parkas and boots, completely waterproof and ideally suited for the rugged outdoor life lived in that far part of the world.

Mr. President, if the Native people of my State are denied the right to carve, sew, and utilize fully the entire animal carcass, the result will be truly disastrous. Even marginal cash flow will cease. Their only means of earning a living will be foreclosed to them. They will be forced to remain idle, go on welfare, or relocate. Their priceless cultural heritage will become extinct.

Therefore, even today, the dependence of the Alaska native people upon ocean mammals is a real and continuing one. They are indeed learning the ways of the rest of the world quickly and coming into their own. But during this period of adjustment, it is doubly important that they be able to continue as they wish and make their own determination of the kind of life they wish to lead.

Mr. President, the Alaskan Eskimo asks for himself no more than any other group in this country. He asks only the right to determine for himself his own destiny.

For this reason, I urge the Senate to reach a reasonable solution to the problem and to take into account not only the biological aspect, but also the sociological and anthropological effects of this legislation. We must not destroy a civilization in the process.

Mr. President, for this reason, I am today introducing an amendment to S. 3161. The purpose of this amendment is to preserve the priceless cultural heritage of the native Alaskans by permitting them to continue to produce handmade native arts and crafts as well as clothing manufactured from sea mammals. I intend that the effect of this amendment will be to permit the total utilization of the mammals and the wise management of these wonderful and irreplaceable ocean creatures.

I request that my amendment be printed in its entirety in the CONGRESSIONAL RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1048

On page 23, line 2, strike out the period and add the following: ", *Provided*, That such taking may be for handmade native arts and crafts and clothing."

Mr. STEVENS. Mr. President, I ask unanimous consent to add my colleague from Alaska as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. TALMADGE. This is the amendment, as I understand it, which would permit native Alaskans, who live in extremely remote areas where no food stores are available, to utilize food stamps to purchase equipment in order to hunt game for their livelihood. Is that not the substance of the Senator's amendment?

Mr. STEVENS. That is right. The substance goes to hunting, the substance goes to fishing, not to limit those who live in rural areas.

Mr. TALMADGE. I have discussed this amendment with the distinguished ranking minority member and we have no objection to it. If the Senator from Nebraska is agreeable to a voice vote, I yield back the remainder of my time.

Mr. CURTIS. I support the amendment.

Mr. STEVENS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Iowa (Mr. CLARK) is now recognized.

AMENDMENT NO. 204

Mr. CLARK. Mr. President, I call up my amendment No. 204 and ask it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 204

On page 23, between lines 14 and 15, insert the following:

"(B) substituting '$1.24' for '$1.00' in section 105(a)(1) of the Agricultural Act of 1949, and by adding at the end of such section 105(a)(1) a new sentence as follows: 'Loans made to producers under this section shall be extended at the producers' request for one full year after the original maturity date.'."

On page 23, line 15, strike out "(B)" and insert "(C)".

On page 27, line 9, strike out "(C)" and insert "(D)".

On page 27, line 15, strike out "(D)" and insert "(E)".

On page 27, line 20, strike out "(E)" and insert "(F)".

On page 13, between lines 9 and 10, insert the following:

"(A) substituting '$1.55' for '$1.25' in section 107(a), and by adding at the end of such section 107(a) a new sentence as follows: 'Loans made to producers under this section shall be extended at the producers' request for one full year after the original maturity date.'."

On page 13, line 10, strike out "(A)" and insert "(B)".

On page 13, line 12, strike out "(B)" and insert "(C)".

On page 13, line 14, strike out "(C)" and insert "(D)".

Mr. CLARK. Mr. President, I ask unanimous consent that the names of the Senator from Iowa (Mr. HUGHES) and the Senator from South Dakota (Mr. ABOUREZK) be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President, I was deeply disappointed when the members of the Committee on Agriculture and Forestry failed to support my motion to raise the minimum loan rate on corn from its currently unrealistically low level of $1.00 to a more reasonable level of $1.24 a bushel.

Failing to win support for this modest and entirely justified increase in the committee, I looked into the history of the Government loan program.

I find it was 40 years ago, in October 1933, that a Governors' conference representing 10 Corn Belt States met in Des Moines, Iowa, and demanded that the then Secretary of Agriculture, Henry A. Wallace "peg farm prices at parity levels."

In response to this type of pressure, a Commodity Credit Corporation was organized on October 17, 1933, and on October 25, Secretary Wallace issued a press release announcing the first Government loan program for corn. He announced that the Government would loan 45 cents a bushel on corn produced by cooperators in the 1933 corn-hog program regardless of their geographic location.

That first program was a great success; 271 million bushels of corn were stored under loan on 200,000 farms. Average prices during the marketing year moved 30 cents a bushel above the loan level and the loans were repaid with substantial benefits to the borrowers.

The corn loan rate was raised to 55 cents a bushel for the 1934 crop but widespread drought pushed market prices well above the loan level.

The Government loan has been an important part of every feed grain program since that time.

Although large Commodity Credit Corporation stocks were accumulated in the late 1950's the difficulty was as much unwillingness of a Republican administration to administer effective adjustment programs as the result of an unrealistically high Government loan rate. Loans were made to cooperators in the adjustment program in 1956 at $1.50 a bushel for corn. But they also were made at $1.25 a bushel to noncooperators by the then Secretary of Agriculture Ezra Taft Benson.

Secretary Benson continued to make Government price support loans on corn to noncooperators at $1.10 and $1.06 a bushel in 1957 and 1958 respectively. It is little wonder that CCC stocks became excessive.

Mr. President, at no time since World War II have Government corn loan rates been less than $1.05 a bushel except for the one year, 1966, when the loan rate was reduced to $1. Everyone recognizes that the Government loan rate acts as a floor under market prices. If it is unrealistically high it limits our ability to export, increases the use of substitutes at home and abroad and encourages other countries to expand grain production.

If it is unrealistically low it fails to provide the desired stability and support to market prices. Producers hard pressed for cash to pay their production expenses are forced to sell their crops at ridiculously low prices.

The issue as I see it is whether or not $1 a bushel for corn and $1.25 a bushel for wheat are reasonable floor prices at this time, to write into 5 year price support legislation.

Does a minimum floor price of $1 a bushel for corn and $1.25 a bushel for wheat at this time give producers assurance their Government is concerned that they will not be victimized by excessively low prices if the export market should turn soft for a short time?

This year and in all probability in several of the next 5 years, producers need the assurance that prices will not drop to bargain basement levels at harvest time. They need this assurance as encouragement to produce as large crops as feasible. If consumers and exporters want stable food supplies in the years ahead, they should assure producers of reasonably stable prices.

Continued assurance of minimum price support loans at $1 a bushel for corn and $1.25 a bushel for wheat for the next 5 years is little if any better than no minimum at all.

I ask you, in view of President Nixon and Secretary Butz' actions since November in terminating, and in impounding funds appropriated for rural programs, do grain producers have any assurance of stable prices if we do not include realistic minimum price support loans in this legislation?

Mr. President, prices paid by farmers for production items, interest, taxes and wage rates are now 50 percent higher than in 1965 when current minimum price support loan rates for corn and wheat were first established.

We have devalued the dollar twice in the last 18 months. The Japanese yen and German mark also have allowed to appreciate. In view of these changes in international monetary rates U.S. grains sold for export at $1.85 or $2 a bushel cost the Japanese consumer no more than grains formerly sold to them at $1.50 a bushel.

The distinguished chairman of the Committee on Agriculture and Forestry is concerned that higher minimum loan rates on grains might price them out of foreign markets, as too high loan rates on cotton priced cotton out of foreign markets in the late 1950's and early 1960's. I share his concern that the minimum loan rates must not prevent our grains from being competitively priced in world markets.

But I would assure the distinguished chairman that the minimum levels I propose, $1.24 a bushel for corn and $1.55 a bushel for wheat are no higher in relation to world price levels today than $1.05 and $1.25 a bushel were before the currency revaluations.

Mr. President, the modestly higher minimum loan levels I propose, bear about the same relation to our export markets as the lower minimums previous to the currency revaluations, and are substantially lower in relation to production costs than the minimum loan levels of $1 and $1.25 a bushel in the period 1965–68.

If we are to have reasonably effective wheat and feed grains price and supply stabilization programs, producers must have more realistic minimum support levels than those established back in 1965 when production costs were less than two-thirds current levels.

I challenge any Member of this body to cite one point upon which farmers agree more. Virtually every farmer and every farm group that came before our committee said our No. 1 priority is an increase in the loan rate for corn and wheat. I have a healthy respect for their opinion and I urge this body to approve their request, to approve my amendment.

So I ask Members of the Senate to support that modest increase, and I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, for many years, our farm program had a very high loan rate, and the loan became the price at which the commodity was sold to the U.S. Government. We had a disastrous program because of it.

At one time, the U.S. Government produced 60 percent of the world's cotton. What happened? We had a high loan rate. Farmers produced more and more cotton for the loan. What happened? We held a price umbrella over the rest of the world. The rest of the world produced more and more cotton. Our acreage had to be reduced to less and less. Now the United States produces 20 percent of the world's cotton—60 percent a few short years ago—by holding a high price umbrella with a high loan level over the rest of the world. It was a catastrophic mistake.

A number of years ago, we changed the method from this high loan level, making the Government of the United States the ultimate purchaser of all farm commodities. In those years, our warehouses were bursting at the seams with corn—17.5 million bushels of corn in 1965, millions and millions of bushels of wheat and corn.

Since that time, what has been the philosophy? It has been to reduce the loan level and make up the difference in payments to the farmer.

We are not talking about what the farmer is going to receive. If this bill becomes law, the farmer is going to receive $1.53 a bushel for his corn. But what does the Senator want to do? He wants to raise the loan level from $1 to $1.25, so that the farmer will be getting payments at $1.53 for producing corn and raising the level of the loan on corn to make it attractive enough that our friends in Canada and Australia and Argentina and New Zealand and Europe will produce more grain so that we can produce less, just as we did with cotton.

The Committee on Agriculture and Forestry went into this matter very carefully; we considered the Senator's amendment. He is a valuable, hard-working member of our committee and has made great contribution thereto. But we reject the amendment. We thought that grain should go into the marketplace, not into Government warehouses, and that a man ought to get a fair price for his corn—to wit, $1.53. If he does not get it at the marketplace, he will get it with a Government check.

I urge the Senate to reject the Senator's amendment. Let us keep corn farming in this country and not export it overseas.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment of the Senator from Iowa. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), and the Senator from Arkansas (Mr. MCCLELLAN) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES) would vote "yea."

I further announce that, if present and voting, the Senator from Michigan (Mr. HART) would vote "nay."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is absent to attend the funeral of a friend.

The Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

If present and voting, the Senator from New Mexico (Mr. DOMENICI) and the Senator from Nebraska (Mr. HRUSKA) would each vote "nay".

The result was announced—yeas 19, nays 69, as follows:

[No. 188 Leg.]

YEAS—19

Abourezk
Bayh
Burdick
Byrd, Robert C.
Chiles
Clark
Eagleton
Hartke
Humphrey
Jackson
Magnuson
Mansfield
McGovern
Metcalf
Mondale
Nelson
Stevenson
Symington
Young

NAYS—69

Aiken
Allen
Baker
Bartlett
Beall
Bellmon
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Byrd,
Harry F., Jr.
Cannon
Case
Church
Cook
Cranston
Curtis
Dole
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Gurney
Hansen
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Inouye
Javits
Johnston
Kennedy
Long
Mathias
McClure
McGee
McIntyre
Montoya
Moss
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams

NOT VOTING—12

Bennett
Cotton
Domenici
Dominick
Fulbright
Griffin
Hart
Hruska
Hughes
McClellan
Muskie
Stennis

So Mr. CLARK's amendment was rejected.

The PRESIDING OFFICER. Under the previous agreement the Senator from Utah (Mr. Moss) is recognized.

AMENDMENT NO. 200

Mr. MOSS. Mr. President, I wish to say at the beginning, in order to put my colleagues at ease, that I intend to be very brief. I am not going to ask for a rollcall vote. I assume we will be able to vote right on time.

Mr. President, I call up my amendment No. 200.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. MOSS. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 51, between line 15 and line 16, insert the following:

(29) (A) Section 106 of the Agricultural Act of 1949, as amended, is amended by adding at the end thereof a new clause as follows: "(d) (1) The level at which price support may be made available for the 1974, 1975, and 1976 crops of tobacco shall be subject to the following limitations:

"(A) The 1974 crop of any kind of tobacco may not be supported at any level greater than 75 per centum of the level at which the 1970 crop of such tobacco was supported.

"(B) The 1975 crop of any kind of tobacco may not be supported at any level greater than 50 per centum of the level at which the 1970 crops of such tobacco was supported.

"(C) The 1976 crop of any kind of tobacco may not be supported at any level greater than 25 per centum of the level at which the 1970 crop of such tobacco was supported.

"(2) Price support shall not be made available for the 1977 and subsequent crops of tobacco."

(B) Notwithstanding any other provisions of law, marketing quotas, marketing penalties, acreage-poundage quotas, and acreage allotments for tobacco shall be ineffective with respect to the 1977 and subsequent crops of tobacco.

(30) (A) Section 4 of the Tobacco Inspection Act (7 U.S.C. 511c) is amended by striking out the following: ": *Provided*, That in no event shall charges be in excess of the cost of said samples, illustrations, and service so rendered".

(B) Section 5 of such Act (7 U.S.C. 511d) is amended by striking out the seventh sentence thereof.

(C) The last paragraph of section 6 of such Act (7 U.S.C. 511e) is amended by striking out the period at the end of such paragraph and inserting in lieu thereof a semicolon and the following: "but of the cost of providing services under this section shall be borne by the persons requesting such services."

(31) Title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof a new section as follows:

"SEC. 111. Notwithstanding any other provision of law (1) no subsidy or other incentive payment shall be made, directly or indirectly, under the provisions of this Act to any person for the export or sale of tobacco or any tobacco product, and (2) no funds may be expended for the purpose of advertising or otherwise promoting the sale of tobacco in any foreign country."

(32) Section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) is amended by striking out the period at the end of such section and inserting in lieu thereof a comma and the following: "except that nothing herein shall be construed to authorize the payment of any subsidy for the export of tobacco from the United States."

Mr. MOSS. Mr. President, as the Senate knows, for a number of years I have been trying to get hearings in the Committee on Agriculture and Forestry to have something done with respect to the growing and raising of tobacco. I have tried to withhold Government money in appropriation bills.

The point I wish to make is that the Department of Health supplies hundreds of thousands of dollars every year to alert people to the hazards of smoking cigarettes. We have spent much money to make known the nicotine content of tobacco. At the same time in the agricultural branch we spend millions of dollars stimulating production and advertising and paying for the grading of tobacco.

This is an amendment to eliminate from our farm program the schizophrenic posture of Government support for a crop which is hazardous to health. Amendment No. 200 would phase out the tobacco subsidy program beginning with crops of tobacco to be harvested in 1974. The amendment would also terminate direct and indirect Federal subsidies for export of tobacco to foreign countries.

I have introduced amendments similar to this amendment in each of the past three Congresses. Additionally, I have attempted to amend the agriculture appropriations bill to eliminate the crop subsidies. While these have not been successful, an enlightening dialog has insured.

We have going in this country a major effort to combat the effects of cigarette smoking. We spend annually several hundred thousand dollars to publicize the health hazards of cigarette smoking. We spend annually several hundred thousand dollars to develop ways to help those who wish to stop smoking. We spend annually several hundred thousand dollars to create cigarettes which are less hazardous for those who wish to quit but find that they are unable to do so. And, we spend annually millions and millions of dollars to support the growth, export, advertising, promotion, and grading of this deadly plant which will result in the death of more than 50,000 people during the next year from lung cancer, and many, many thousand additional deaths from heart disease, other cancers, and other lung diseases such as the dreaded crippler emphysema.

How can we face our young people and tell them of the virtues of our form of government, when the left hand and the right hand are working at cross purposes?

The argument is offered that most growers would be irreparably harmed were the Federal Government not to continue supplying assistance at current levels. We even hear—and sometimes from the same person—that present Government programs for tobacco are costing our public nearly nothing. In truth, it is difficult to find out what the programs do cost in dollars and cents. But these programs of tobacco support cost the American people dearly in terms of health.

When we talk of health bills, we try to restrict the use of tobacco to educate people not to use tobacco, and to do research on how to deal with the diseases caused by tobacco. But when we consider a farm bill or an agriculture appropriations bill, we close our eyes to the health consequences of the crop and pump funds with somewhat reckless abandon into the growing and exporting of this hazardous crop. I am aware that there would be some problems if this amendment were passed. Alternative crops would have to be found for the tobacco farmer. And so, were this amendment to be accepted, I plan to offer an additional amendment; an amendment to provide for an adjustment assistance for those who are adversely affected by the termination of the crop support program.

The amendment provides that the price support program be phased out over the next 3 years. This would provide sufficient time for those engaged in farming or dependent upon the crop, to adjust to a nonsubsidized marketing economy.

Additionally, the amendment provides that the cost of tobacco inspection be assessed fully on the growers and processors. These charges for inspection are already assessed to growers and users of these services for other crops.

Lastly, the legislation would prohibit subsidies for export of tobacco. It comes as a shock to find that the United States underwrites, at a cost of approximately $30 million per year, the sale of tobacco in foreign countries. This money does not even go to the farmer; it goes to the exporter.

Mr. President, after 4 years of urging and pleading that the Committee on Agriculture hold hearings on tobacco subsidy legislation, we find that we are still deadlocked. I have introduced bills, but the committee states that it would not hold hearings until a report is filed by the Department of Agriculture—thus nothing happens. Last year, the Department of Agriculture, after 3 years finally filed a report. Needless to say, and I will be the first one to admit it, that report was adverse to the legislation. But the issues concerning the continued public expenditures of funds to support the growing of tobacco must be discussed and resolved. The absence of any committee discussion requires that we have this discussion here on the floor of the Senate. I call upon my colleagues to search their consciences. I call upon my colleagues to terminate this unwarranted expenditure of Federal funds which promote the continued growth and development of a crop which will cause the death of thousands of Americans this year, next year, and every year.

While we may not save many people's lives, as a minimum we will put the public on notice that their Government, now more than ever, has its priorities in order. Let us terminate this assistance for tobacco. Let us terminate it now.

Mr. TALMADGE. Mr. President, I shall be extremely brief. The Senator has proposed this amendment several times and the Senate always has overwhelmingly rejected it.

What does tobacco do for this country? Taxes—over $5 billion in local, State, and Federal taxes. That represents the receipts from the tobacco industry. What does it do for the balance of payments and trade? Six hundred thirty-nine million dollars on the positive side. It is time we looked at something positive on the trade side. Who makes a living from it? Five hundred fifty thousand farms grow tobacco and 625,000 farm families have their principal source of income from tobacco.

If the tobacco program is killed, what will happen? Most of these small farmers, largely in Appalachia, with modest income, will be driven off the farm and into the cities and become subjects of welfare.

I hope the Senate will overwhelmingly reject the amendment.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. ERVIN. Mr. President, this amendment would take the food out of the mouths and take the clothes off the backs of hundreds of families of farm families. Is that correct?

Mr. TALMADGE. The Senator is correct.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HUDDLESTON. Mr. President, I am opposed to the amendment offered by the Senator from Utah (Mr. Moss).

The amendment is designed as an effort to discourage cigarette smoking. In effect, however, the amendment would have the opposite effect. Furthermore, it would do irreparable damage to a major agricultural sector, a sector which has not been conclusively proven to be the danger many would have us believe it is.

The amendment would phase out all support programs for tobacco by 1977 and prohibit immediately export subsidies and other assistance for foreign sales. In doing so, it would not only disrupt the tobacco production and marketing structure, but would also interfere with an important segment of our international trade.

The support program for tobacco is a two-sided coin. It is, on the one hand, designed to provide tobacco farmers—farmers who, in general, work small areas of land, often less than ten acres—with a minimum return for their labor. It is, on the other hand, a production limitation program. In order to participate in the tobacco support program, farmers must adhere to quotas or limitations on the amount of tobacco they market. Should these limitations be lifted, tobacco production could be expected to expand considerably, resulting in surpluses and falling prices. Not only would cigarette and tobacco products become more plentiful and cheaper, but many small farmers would face ruin—a ruin resulting from an erroneous means of dealing with a problem which may be more statistical than real.

I would be the first to oppose the subjection of health considerations to economic ones. The health of each individual in our Nation is too important for that. But, there are two points which should be made here. First, the relationship between smoking and certain diseases is not a 1-to-1 relationship. There are, in fact, many questions regarding the relationship—questions which, when conclusively answered, could make polemic differences in the approach we follow in the upcoming years. Second, and more importantly, the amendment will simply not accomplish the end it is designed to accomplish. It will, in all probability, have the counter effect. By encouraging cheaper and more plentiful tobacco products, it will undoubtedly encourage increased use. Yet, in having that effect, it is also likely to destroy the financial base of many small farmers, forcing them off the land and perhaps onto the urban welfare rolls. It is likely to deprive these farmers of a way of life they have known for years and the pride which their occupation has brought them. Furthermore, it is likely to interfere with trade patterns which have been developed over a number of years and which are a favorable factor in our balance of trade and balance-of-payments situations—a not insignificant matter at this time.

Thus, in view of the questions which remain regarding the true effects of tobacco upon health and the counterproductive effects the pending amendment is likely to have, I believe it should be rejected.

Mr. HELMS. Mr. President, I see no reason why the tobacco crop should be repeatedly singled out for unilateral assault in the Nation's farm support program, and especially in connection with S. 1888. As most Senators know, the tobacco program does not even expire this year. It is covered by separate legislation because of the unique way in which the program operates. Moreover, it is unique in another way: It is the cheapest of all the price support programs. In fiscal year 1972, the realized cost of the program was only $200,000. The cost of the Federal Government has sustained in operating the price support program for tobacco from 1933 to date has been about 0.15 percent of the cost for all farm commodity price support operations.

Tobacco is important to the Nation's economy. About 400,00 farms in the United States produce 2 billion pounds of tobacco on nearly 1 million acres each year. Although tobacco uses only 0.3 percent of the Nation's cropland, it is usually the fourth or fifth most valuable crop and accounts for about 8 percent of the cash receipts from all U.S. crops.

Mr. President, in 1972, tobacco brought U.S. farmers $1.4 billion in income and made a $878 million contribution to the U.S. balance of payments through exports.

Mr. President, I want to remind my colleagues that tobacco is not one of the crops run by gigantic "agribusiness" corporations with absentee owners. The average tobacco allotment is about 3 acres. It is an intensive labor crop, tended for the most part on the family farm. It brings cash dividends to these families who otherwise would have a hard time making ends meet.

This fact is of special importance to the economy and culture of North Carolina. We have 80,000 Tar Heel farmers producing tobacco. It provides employment to nearly 200,000 of the State's farm families and seasonal workers. Last year, it brought the State's farmers over $580 million in income. That is over 60 percent of cash receipts from all crops grown.

Nationwide, hundreds of thousands of families earn their living from the production of tobacco. They are dedicated, hardworking citizens who, in my judgment, deserve to be encouraged, not hindered, in their constructive labors to support their families.

Mr. President, the USDA itself has admitted that in the first year of such a phaseout of the program as proposed by the junior Senator from Utah, the average tobacco grower's income would decrease by one-third. It would take until 1980 for the grower's income to come back up to the level that we have at present.

Many of these farmers already are barely at the subsistence level. If the tobacco price level is destroyed, welfare rolls would increase, rural people would flock to the big cities, particularly the industrial centers of the North, and add to the unemployment situation and all its attendant social evils.

Mr. President, in my judgment it would be immoral for the U.S. Congress to abandon these hard-working people by striking down the tobacco program. For there is no doubt that the tobacco market would be faced with ruination without the price support program. The success of the program is due primarily to its role in regulating the production of tobacco, not the subsidy paid to support prices.

To enter the program, a farmer has to vote to accept the acreage limitations. In most referendums, more than 90 percent of the growers voting have favored marketing quotas. It is generally agreed that because of the production control program, less tobacco is produced in the United States than would likely be the case if there were no Government programs.

Mr. President, there is no doubt that the effect of the junior Senator from Utah's program will be to increase tobacco production. It is my understanding that my colleague feels that the production and sale of tobacco is a social evil. I do not understand why he is advocating a measure that would increase the production of tobacco, and drive the price down, presumably making it more readily available to the consumer. Especially since at the same time, my colleague's measure would bring about the ruination of thousands of families who grow tobacco on the family farm, and add to the heartbreak and misery of conditions in congested industrial cities.

Mr. President, it is also my understanding that the junior Senator from Utah feels that the Federal Government should not be encouraging the production of tobacco because some people consider the use of tobacco offensive to health and morals. Yet I would like to point out that the Federal, State, and local governments—and U.S. citizens—enjoy some $5.22 billion annually in excise taxes collected from cigars, cigarettes, chewing tobacco, pipe tobacco, and snuff.

This figure—$5.22 billion, and I repeat, billion—is nearly four times the amount received by the tobacco growers themselves. Indeed, this tax revenue is more than 26,000 times the cost of the tobacco price support program to the Federal Government.

I submit that if it is morally proper for government at every level to enjoy the benefits of taxation from tobacco, then it is morally proper for the U.S. Government to encourage its production. We simply cannot have it both ways. If it is not proper to encourage production, then it is not proper to enjoy the benefits of taxing it. Indeed, if my colleague would consider amending his proposal so as to rescind all Federal excise taxes on tobacco, I might consider supporting it. In its present form, however, it would strike a severe blow to the economic and social structures of our Nation.

Mr. President, I have in my hand a table which summarizes the manufacture and consumption of tobacco products and the excise taxes paid in the United States between 1955 and 1972, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TOBACCO PRODUCTS: MANUFACTURED/CONSUMPTION, AND EXCISE TAXES UNITED STATES, 1955-72

Year	Cigars[1] (million pounds)	Cigarettes[1] (million pounds)	Chewing[1] tobacco (1,000 pounds)	Smoking[1] "pipe" (1,000 pounds)	Snuff[1] (1,000 pounds)	Total[1] chewing, smoking, and snuff (1,000 pounds)	Cigarettes[2] per capita (number)	Cigars[2] per capita (number)	Smoking,[2] chewing, and snuff per capita (pounds)	Excise taxes collected—Federal, State, and local (billion dollars)
1955	6, 063	412, 309	79, 908	79, 991	39, 221	199, 120	3, 597	55	1. 22	$2. 14
1960	7, 140	506, 944	64, 861	73, 839	34, 599	173, 309	4, 171	61	.99	2. 96
1965	8, 340	556, 806	65, 129	71, 781	29, 710	166, 621	4, 258	70	.88	3. 60
1970	8, 028	583, 251	68, 789	69, 370	26, 522	164, 681	3, 970	60	.83	4. 70
1972[3]	10, 050	599, 001	73, 008	55, 845	25, 490	154, 343	4, 050	52	.79	5. 22

[1] Manufactured.
[2] Consumption.
[3] Date is preliminary.

The PRESIDING OFFICER. The time on the amendment has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Kentucky (Mr. COOK) may have 1 minute.

Mr. CURTIS. I object.

Mr. ROBERT C. BYRD. Mr. President, the Senator asks for only 1 minute.

Mr. CURTIS. I withdraw the objection.

Mr. COOK. Mr. President, the annual witch hunt of the antismoking zealots has once again plagued this body. The distinguished Senator from Utah, despite his sincere convictions as to the subversive influence of smoking, refuses to admit the inconsistency of his position, and the rationale of terminating one of the most successful Government programs in existence.

Although I have risen to argue the germaneness of the amendment to the bill now pending, I only wish there were another point of order named "foolishness." Because if ever there were a proposal more foolish, more illogical, more wasteful of the Senate's time, then the very foundations of this grand building must have rocked from convulsions of laughter from within.

Every year this body is forced to procede through this charade. Last year the distinguished Senator's efforts mustered all of 10 votes. Have things changed so significantly since July of last year? Of course not. As a matter of fact, all of the scientific hearsay upon which the Senator from Utah relies for his support has been called into even greater question. I spoke to this body in February of this year and consumed five pages of the CONGRESSIONAL RECORD in analyzing the great inconsistencies and conflicts within the scientific community regarding the issue of smoking and health.

I ask unanimous consent to have those remarks printed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE CIGARETTE CONTROVERSY

Mr. COOK. Mr. President, the war against tobacco has been as protracted as was the fighting in Vietnam. Both have been waged for more than a decade. Both have gone on far too long. Both are harder to end than they were to begin. Both were probably avoidable, at least on the basis of hindsight. And both have demonstrated at great cost that there must be a better way to resolve differences.

Hopefully, the combat in Southeast Asia has been brought to an end. But sadly, no cease-fire, no armistice, no peace, no light at the end of the tunnel is in sight for the conflict that rages around smoking.

Mr. President, I come from a State that produces more burley tobacco than any other State in the United States. Once again, as in the past, January has brought with it the opening of the annual winter offensive against 50 million adult Americans who choose to smoke cigarettes. Once again, as in the past, the campaign has been preceded by a massive bombardment of charges that masquerade as "overwhelming scientific evidence."

The campaign against smoking looks like science; it is packaged like science; it is promoted as science. But it sure is not science. It is a whole 'nother smoke-screen.

It is, in fact, a dangerously deceptive exercise in behavioral modification through manipulating and controlling the information on which decisions are based.

Mr. President, I refer to the recent report to Congress from the Department of Health, Education, and Welfare on the health consequences of smoking, the seventh in a series of documents required by law to inform Congress on the current state of scientific knowledge in this area.

In former years, these reports were named after the Surgeon General. This year, the gentleman was among a rather large group whose resignations were accepted by the President, which met with my blessings. Since he had departed before the christening, the only high HEW official who could be mustered to give the creature some sort of official sendoff was Dr. Merlin K. Duval, Assistant Secretary for Health. He signed the preface 2 days before he resigned. And Secretary Richardson, preoccupied with his passage across the Potomac to the Fentagon, perfunctorily signed the transmittal letter.

Once again, as in the past, no one in charge at HEW had taken the time to read the contents. Presidents come and go. So do Cabinet secretaries. But the HEW staff stays on—secure in its anonymity—and continues to turn out its antismoking reports. These old and practiced hands continue to promote their report to Congress, the medical community, and to the press as objective and complete scientific evidence, when, in fact, a more accurate label would be a one-sided propaganda tract.

And once again, as in the past, they have managed to carry off the same old false, misleading, and deceptive practice. The FTC demands that business substantiate its advertising claims, but raises no complaint against false, misleading, or deceptive practices of Government officials.

"Women Smokers Warned of Fetal and Infant Risks," said the New York Times headline, as if receiving the news from the Almighty, or Walter Cronkite. "United States Links Smoking to Infant Deaths," was the Washington Star headline, as if they were reporting some kind of national referendum. And that is the way it went across the country from front page to front page, from tube to tube.

Mr. President, I do not blame the headline writers, the newspaper reporters, or the television commentators. They lack the time to check details or to look behind the handouts. After all, why should they mistrust their Government on health matters? Perhaps they will in the future bring to health and science issues the same questioning attitude that they manifest in other areas of Government operations, such as the conduct of war and foreign affairs.

For to extend the analogy between Vietnam and tobacco, I believe it is perfectly proper to question the source of information given out about smoking and health. As an expert pointed out in a masterpiece on military strategy:

> A great part of the information in war is contradictory, a still greater part is false, and by far the greatest part is subject to considerable uncertainty.

In the cigarette controversy, it is also true that Congress, the press, the public, and even the White House, operate under a serious information disadvantage. They are all dependent on information collected and controlled by entrenched Federal bureaucrats who operate anonymously in the dark nooks and crannies of the Federal Establishment.

I intend to throw light on their dark terrain, to turn over the rocks that shelter them, and to let everyone see just what and who emerges.

Title 42, section 241 of the United States Code establishes the "general powers and duties" of the Public Health Service. That section reads in part:

"Promote the coordination of, research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control and prevention of physical and mental diseases and impairments of man . . ."

Certainly, such a broad and general function would include the coordination of all activities relating to diseases, and not just those activities which tend to support the theories of certain individuals. To the contrary, unfortunately, the activities of Dr. Daniel Horn and his staff have failed to disclose any unbiased, scientific research. Horn and company were set up by Surgeon General Luther Terry, who leaped into prominence with the 1964 report on smoking and health. By 1967, he had established his clearinghouse in the Public Health Service with staff, funds, and mission.

From the start, Dr. Horn's mission has been, on the one hand, to reduce the number of cigarette smokers and, on the other, to serve as a central source of scientific information on smoking and health. And be responsible for HEW to Congress on this subject. To his credit, our last Surgeon General, Dr. Steinfield, agreed that these functions should be separated, because criticism of the apparent conflict was an "excellent point."

I digress slightly at this point to say that Dr. Steinfield was the gentleman, apparently on the advice of Dr. Horn, who said in Chicago at one time that you should not worry about some of these things, that marihuana probably was not any worse than cigarette smoking because five or six former Presidents had smoked marihuana quite a bit during their lifetime.

Incredibly, the first revelation is the shocking fact that the same individual who is charged with collecting and distributing all available material on the subject of smoking and health and report it to the Congress is the very same person who is responsible for conducting the Government's anti-smoking activities. That is rather strange. One and the same individual is judge, jury, prosecuting attorney, and chief investigator. This state of affairs has persisted since 1966.

The fox guarding the chicken house is Daniel Horn, Ph. D., a psychologist who came to Government in 1963 from the American Cancer Society, an organization which is frankly and honestly dedicated to the elimination of cigarette smoking in the United States.

So let us give credit where it is due. The proper name is not the Surgeon General's report, but is the "Horn Report," and that is what I shall call it during the remainder of my remarks.

Make no mistake, I am not critical of Dr. Horn's role as a zealous anti-smoking crusader, as an advocate of zero-level consumption of cigarettes, or a skilled propagandist, as an expert in the psychology of behavior modification. I just do not believe, and one may agree, that such a commitment to a cause can work for fairness, objectivity, or equity. I just do not expect the prosecutor to be sitting on the judge's bench and in the jury box, and then, call the result a fair trial. This is the crux of the issue.

However, as a Senator I am also concerned by the excesses of Dr. Horn's zeal especially when I read in the Washington Star:

"The Nixon administration's anti-smoking expert says there is enough evidence that smoking is so harmful to pregnant women that the federal government is beginning a national crusade to 'give babies a fair chance.' "

The United Press International reports Dr. Horn "the chief statistical crusader against smoking" as saying:

"A rapidly increasing proportion of the United States population favors an absolute prohibition on the sale of cigarettes.

You, too, may share my concern when the National Tatler, a sensational weekly, reports that "he's out to wipe non-filtered cigarettes off the face of the Nation," and that—

"His office, a subdivision of HEW, will have to go to Congress to get a law forcing the tobacco industry to conform to the low-hazard smokes."

Interestingly, this story ran 2 months after my distinguished colleague, Senator Moss, held hearings on his bill to limit and progressively lower the tar and nicotine content of cigarettes. True to form, Dr. Horn favored a rapid reduction to the zero level. By strange coincidence, one day after the 1973 Horn report hit the front pages, Senator Moss was announcing a new bill to lower tar content of cigarettes through repressive taxation.

You may become alarmed by Dr. Horn's back-of-hand attitude toward such a basic American concept as freedom of choice, especially as it applies to smoking:

"I think you can develop a holier-than-thou attitude in this area by saying that people have a freedom of choice and that we should provide them with the information and let them choose."

You may even grow agitated to discover that he is planning to conquer new worlds. "Everything we learn about how to deal with the smoking problem" he has said, "will serve in dealing with other problems in the control of gratification behavior." What does he have in mind; Eating? Drinking? Birth control? Sex education?

I certainly hope Casper Weinberger gets better acquainted with his administration's No. 1 smoke fighter than Elliot Richardson did.

But, Mr. President, what really and truly concerns me—and should concern every fair-minded Senator regardless of where he stands on the cigarette issue—is the amazing fact that Dr. Horn is not concerned. He sees absolutely no conflict of interest, no inconsistency, no fundamental unfairness in his dual function in being a zealous inquisitor and unbiased evaluator. He does not admit the slightest doubt about his ability to prepare unbiased, objective reports on smoking and health to the Congress.

Mr. President, his reasoning is untenable, his attitude is unconscionable, and his conflict of interest is unacceptable.

It is time for all fairminded people—inside and outside the Government, and especially in the press—to become aware of and concerned about how scientific literature is handled in the Horn reports on smoking and health.

There is testimony before Congress that these reports are one-sided and biased. There is evidence that they are not based on all the world literature on the subject. There is ground to believe that Dr. Horn and his staff ignore, misintepret, or downplay scientific articles that report findings that do not support the anti-smoking party line.

The result is a double deception. We do not know that we do not know. We are sold a half loaf which is advertised as a whole loaf. You cannot sell bread that way and, I submit, you should not be able to sell science that way either. Let me give a few examples of how Dr. Horn operates.

Last year he prepared a chapter for the report entitled "Public Exposure to Air Pollution From Tobacco Smoke." The very words are an attempt to divert attention away from the real sources of air pollution.

The overall effect was calculted to raise the fear that nonsmokers were being harmed by their smoking neighbors. We were led to believe that the chapter contained "positive" evidence of harm to nonsmokers in confined places such as airplanes. And it was successful. The now departed Surgeon General raised the battle cry: "Ban smoking in public places." We, therefore, see the spectacle of HEW enforcing segregation on its own employees who smoke. Rulemaking procedures to ban or segregate smoking were started to enforce the polcy on air and train travel. Even the presiding Chief Justice invoked the findings of the Horn report in a personal confrontation with a railrod conductor, and later in a letter to the Secretary of Transportatiton. He accomplished more than half the Members of Congress could accomplish. Mayor Lindsay acted swiftly to ban smoking on the decks of the Staten Island ferry, regardless of the pollution in the air above or the water below.

Now this is something that I know about. Let me tell you the results of a joint study performed by the FAA–HEW which actually studied and measured the air in passenger aircraft. This study was started in 1969 and completed in 1970. The principal finding of the study was that smoking in passenger aircraft did not represent a hazard to the nonsmoking passengers.

This negative finding was reported by, of all people, columnist Jack Anderson on December 20, 1970. But, it was not even mentioned by Dr. Horn in his 1972 report. It was completely ignored. I had the opportunity to ask Dr. Horn about this failure during his appearance before the Consumer Subcommittee last February. Dr. Horn's excuse was that the FAA–HEW study was "unavailable" to him until almost a year after the columnist had reported on it. Dr. Horn said that when he did receive the report, it was too late to include it in his chapter. Dr. Horn assured me that the findings of this Government-sponsored research project would be in this year's report.

However, the 1973 Horn report has completely avoided the subject of "Air pollution caused by tobacco smoking." Instead, Dr. Horn buried the "unfavorable" FAA–HEW study with a brief citation in a chapter entitled "Non-neoplastic Bronchopulmonary Diseases." True to his technique, while he mentioned the study, Dr. Horn refused to make public its basic finding that cigarette smoke does not harm nonsmokers.

Why should Jack Anderson be a more reliable reporter of Gcvernment-sponsored scientific research than Dr. Horn? Why has Dr. Horn dropped this whole matter of public smoking from this year's report? Could it be, as I am informed, that certain new and highly regarded research has demonstrated that the fears raised by Dr. Horn are not supportable?

My concern about Dr. Horn is heightened by other examples of his suppression or omission of evidence that goes against him. During the same consumer subcommittee hearings last February, the chairman asked two witnesses before us for a list of scientific articles which were published in the last 10 years and which had not been considered and discussed in the several reports on smoking and health. This list of omission was submitted and made part of the record. Would you believe that the total came to approximately 2,000 articles which were neither cited nor discussed by Dr. Horn and his staff?

Mr. President, although quantity does not always imply quality, the very size of this list, especially those of recent date, gives some inkling of the wide diversity of views among scientists about the causes of various diseases linked to smoking. If nothing else, the magnitude of the omissions, strongly suggest an investigation by the Senate of Dr. Daniel Horn's peculiar modus operandi.

Another example of how the Horn report distorts the evidence is seen in the handling of the health effect of smoking during pregnancy. In last year's Horn report, and again in this year's, the meticulous work of Dr. Jacob Yerushalmy was studiously brushed off, even though it was supported by a grant from the National Institute of Health. The reason, I believe, is that Dr. Yerushalmy concluded that the findings "raise doubt and argue against" the proposition that cigarette smoking harms the unborn. On the contrary, he said, "evidence appears to support the hypothesis that the higher incidence of low-birth-weight infants is due to the smoker, not the smoking."

I ask unanimous consent to insert in the Record a copy of Dr. Yerushalmy's correspondence regarding the criticism of his work by Horn and company. This letter should have been in the record of the February 1972 hearings of the Consumer Subcommittee but, although given to the staff for this purpose, for some reason it was omitted, as so often happens with evidence that goes against the antismoking view.

There being no objection, the letter was ordered to be printed in the Record, as follows:

February 9, 1972.

Prof. Jacob Yerushalmy,
Professor of Biostatistics School of Public Health, University of California, Berkeley, Calif.

Dear Professor Yerushalmy: During the hearings on S. 1454, a bill to require mandatory levels of "tar" and nicotine content of cigarettes, there was a reference to your studies on smoking and pregnancy.

Doctor Daniel Horn stated that your studies had been "criticized" and he was asked to supply copies of the "criticisms" for our record. I have been much impressed by your studies and would appreciate your providing any observations you may have, also for our record. We would be particularly interested in your views on the statements made concerning your work in the 1972 Report to Congress, as expressed in Chapter 5, and your views as to whether the 1971 and 1972 Reports fairly cover the pertinent literature on smoking and pregnancy.

Your recent article in the *American Journal of Obstetrics and Gynecology*, January 15, 1972, is extremely interesting. Any comment you might have with respect to this article and what it adds to our understanding of the subject would be greatly appreciated. I do not believe it was mentioned either in the 1972 Report, or by Doctor Horn when he appeared before our Committee, and wondered if he had received a copy.

Our record will remain open for approximately 30 days and I hope you will be able to respond to my inquiries within that time. I am sure that the Committee will welcome any light that you can shed to help guide its deliberations.

Sincerely yours,
Marlow W. Cook,
U.S. Senator.

University of California, Berkeley,
Berkeley, Calif., February 23, 1972.

Senator Marlow W. Cook,
U.S. Senate, Committee on Commerce, Washington, D.C.

Dear Senator Cook: This is in response to your letter of February 9 inviting me to comment on the criticisms of my studies on cigarette smoking and pregnancy contained in the 1971 and 1972 Public Health Service Reports to Congress. Since the reports singled out my studies for criticism, I am glad to comply with your request.

Although most of the arguments in the reports hardly call for extensive rebuttal, I will comment on each point in the order in which it appears in the reports.

The 1971 report raises the following objections:

(a) *Criticism:*

"He referred to the small infants of smoking mothers as being 'apparently healthier' than those infants weighing less than 2500 grams who were born to nonsmoking mothers . . . but neither group can be considered 'healthy' having sharply elevated death rates." (P–404)

Comment:

I did not state that low birthweight babies of smokers were "healthy". I said that they were *"healthier"* than low birthweight babies of non-smoking mothers. No one can argue with this statement, for low birthweight infants of smokers who died at a rate of 138 per 1,000—while certainly not healthy—are nevertheless much healthier than low birthweight infants of non-smokers who died at a rate of 232 per 1,000.

(b) *Criticism:*

That the excess of neonatal mortality for smoking mothers in my study "is not significantly different from the 31% excess mortality reported by Butler et al which is statistically significant". (P–404)

Comment:

I suppose the least said about this strange argument the better. Who ever heard of using findings from one study (and a retrospective one at that) as a standard by which to measure another one. In any case, even this weak argument is lost completely in view of my 1971 study which shows almost identical neonatal mortality rates for infants of smokers and non-smokers. (11.3 vs. 11.0)

(c) *Criticism:*

"That the interpretation of the neonatal mortality among the infants weighing less than 2500 grams is difficult, because I considered only live births . . ." (P–404)

Comment:

If the authors of the report would have consulted any obstetrician, they would have found that in testing for relationships with birthweight (which after all is the major topic under discussion) one must limit consideration to live births, because birthweight of stillbirths are of questionable value since a number of them remain dead in utero for varying periods of time and their birthweights are reduced, not to mention the relatively large number of macerated fetuses. In any case, since our 1964 paper, Dr. W. F. Taylor analyzed the fetal deaths in our study and found no difference between smokers and non-smokers from the very beginning of pregnancy (abortions) and throughout the pregnancy (stillbirths). In fact the 1972 report quotes Taylor's findings (P–129). Incidentally, Taylor analyzed our fetal death data correctly by the use of the life table method. None of the other studies which show increases in abortion rates used this method. In fact, the one study on which the supplement leans heavily in their attempt to justify their statement that "women who smoke during pregnancy have a significantly greater risk of unsuccessful pregnancy than those who do not"—that of Russell, et al—lumps abortions, stillbirths and neonatal deaths in one almost meaningless index.

The 1972 report states the following criticisms:

(d) *Criticism:*

"That some of (my) findings are different from those reported in other recent large-scale prospective studies (5, 13, 17, 19), and some of the differences may be a consequence of the definition of 'smoker' used." (P–129)

Comment:

Again, a strange statement: "other recent large-scale prospective studies". These are as follows: Butler et al study (5) which is not a prospective but a retrospective study. The reports refer to this study several times as a "prospective" study (Pages 390 and 415 and in the table on Page 395 of the 1971 report and Page 129 of the 1972 report), and yet they state and quote from the study that "the smoking history was obtained shortly after delivery of the infant" which obviously shows that it was a retrospective study. (One may question the propriety of a governmental publication to make such a serious misstatement in a report to the Congress). The other three studies are based on 6,376; 4,312; and 2,200 respectively (Kullander and Kallen (13); Palmgren and Wallande (17), and Russell et al (19)). It would therefore be more correct to say that the findings from these studies are different from the really large-scale prospective studies: Underwood's based on 48,000, Ratakallio's on 12,000 and Yerushalmy's on 13,000 pregnancies.

Moreover, in my 1972 paper I reviewed the entire literature consisting of 33 studies. I marked the discussion on Pages 277–278 in the enclosed paper. I have no doubt that any unbiased critical review of all the evidence must come to the same conclusion that I have underscored on the bottom of Page 278 and top of Page 279.

As to their speculation on the effect of the definition of "smoker," I wonder why they overlooked my extensive discussion of the problem in my 1964 paper. See table on Page 517 and the discussion of it beginning with the last paragraph on Page 515 to top of right hand column of Page 516. I wonder also why the reports did not raise the same question of definition when they discussed the study of Russell et al which they quoted so extensively to show the excess of unsuccessful pregnancies among smokers. Russell's definition was stated as follows: "The smoking habits of women are recorded at the time they are chosen for the survey." In any case, to keep the record straight, women were defined as "smokers" in our studies if they smoked throughout the pregnancy.

(e) *Criticism:*

They quote a comment from McMahon et al that there are factors that effect birth weight without influencing mortality. The example cited by McMahon is that of the sex of the infant. (Page 130)

Comment:

It is interesting that they found it necessary to dig up an old paper (1965) which comments on my 1964 paper, especially since I commented in that paper as follows: "Always present is the possibility that smoking during pregnancy indeed causes a reduction in the size of the infant without any increase in neonatal mortality."

The example of the sex of the infants which McMahon uses fits well with my contention in the 1971 and 1972 papers that the effect of smoking appears to be much like that of a biologic variable. I show that the differences in reproductive performance of smokers and non-smokers are very much like those of the biologic characteristics of short and tall women. Sex of the infant obviously is also a biologic and not an exogenous variable. Thus McMahon's comment strengthens rather than weakens my contention.

You asked me also to comment on what I think my recent article (January, 1972) adds to the problem of smoking and health. Primarily it is a contribution to the question of causation. As you know, our knowledge on casual factors in conditions and disease in humans is derived from uncontrolled or poorly controlled observational studies. The difficulty is that the groups being compared are generally not alike in many pertinent characteristics. Consequently, there is the uncertainty whether any differences observed are due to the factor studied or to the characteristics by which the groups are differentiated. This is especially disturbing when the findings do not fit well together as for example in the case of smoking and low birthweight, where smokers have more low birthweight infants and their infants should therefore have higher perinatal death rates, but such excess mortality is not found. We therefore continued to investigate the problem and the latest results almost clinch the argument against causation. This conclusion follows from the finding that women who eventually became smokers, produced a large proportion of low birthweight infants even before they started to smoke; although these infants were born under non-smoking conditions. Also striking is the fact that women who quit smoking produced a low proportion of low birthweight infants even during the period when they smoked, indicating, perhaps, that people who stop smoking are not smokers in the real sense of the word. These findings suggest that the relationship to low birthweight is due to the *smoker* not the *smoking*.

I would be less than candid if I did not add, as I did in the paper, that these findings must be considered tentative until confirmed or denied by many more studies on larger numbers with the inclusion of many more variables.

I believe also that the paper is making a contribution in its review of all the evidence on the question of smoking and outcome of pregnancy available in the literature. The papers discussed in the reports to Congress represent only a part of the available evidence.

May I also add that I presented the data from the 1971 and 1972 papers when I was invited to give the annual invited address before the Society for Epidemiologic Research in May, 1971. The official discussant was Dr. George B. Hutchinson, Professor of Epidemiology, School of Public Health, Harvard University. Dr. Hutchinson is on record as accepting the antismoking hypothesis. In his discussion he said in part:

"The piece of evidence that I cannot discard is the new observation on pregnancies of smoking mothers in which the pregnancy preceded the onset of smoking . . . This observation rests on 20 cases of low birthweight of future smokers. It requires repeat demonstration in a different population and with large numbers. For the present, however, I would accept the new evidence and tentatively reject the casual hypothesis. It no longer seems tenable to suppose that antismoking efforts can cause a rise in birthweight . . ."

You inquired also whether Dr. Horn received a copy of this paper. I do not know if he received one but last October, in response to a form letter inquiring about studies in the field of smoking. I sent him a reprint of my 1971 paper and two manuscripts with the notation that one of them was accepted for publication in the *American Journal of Obstetrics and Gynecology* (since published in the January, 1972 issue) and the other accepted for publication in the proceedings of the Berkeley Symposium on Mathematical Statistics and Probability, to be published later this year.

May I close this letter with a quotation of a paragraph from a letter that I wrote to Dr. Charles M. Fletcher of London who was the chairman of the committee and editor of the Royal College of Physicians' report on smoking and health, and who wrote a joint report on the same subject with Dr. Daniel Horn in the W.H.O. Chronicle in October 1970. They dealt with the evidence on smoking and pregnancy in much the same uncritical approach as that of the Public Health Service reports. Since Dr. Fletcher is a friend, I could be frank with him to write as follows:

"It seems to me that by adopting the policy of quoting only evidence which supports one's hypothesis and neglecting all other in the long run, defeats its purpose. For example, I was able to see in the area of pregnancy, with which I am familiar, that your review is not as objective as one would desire. I am therefore forced to the conclusion that I could not accept as unbiased the evidence in the other subjects in your review with which I am less familiar."

In my view, a similar statement may be made with respect to the data in the Surgeon General's Reports to Congress.

Sincerely yours,

J. YERUSHALMY,

Professor of Biostatistics, Director, Child Health and Development Studies.

THE CIGARETTE CONTROVERSY—CONTINUED

Mr. COOK. Mr. President, I could go on like this all day. Rather than take up additional time I will supply more information on this matter at a later date. But I must make one final point loud and clear to disabuse any mistaken notion that these are the rantings of a Senator whose constituents' ox is being gored.

The issue here is the abuse and misuse of science. The examples happen to deal with tobacco, but the impact is far wider. Indeed it undermines intelligent decision-making for sound policy on a dozen fronts. Are you concerned about exposure of industrial workers to dangerous substances on the job? Do not bother to struggle for improved occupational health, just put up a no smoking sign. Are you concerned about increased infant mortality, premature births, and deaths of newborn babies in our urban ghettos? Do not wrestle with the difficulties of improving medical care delivery in the slums; just put up a no smoking sign. Are you concerned about cleaning up the environment? Do not campaign to reduce air pollution; just put a no smoking sign up because "personal pollution," according to Dr. Horn, is more serious.

The crucial danger in all of these major issues on the national agenda is that science will follow some crusader's flag. It is a danger of great seriousness, as Justice Brandeis observed when he said:

"Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding."

Ironically, I borrowed this wise quotation from a report issued last week by the departing Secretary of Health, Education, and Welfare. I commend it to his successor.

Mr. President, the time is growing short to end the unscientific, unobjective, immoral, and in all honesty what I must call, the disgusting war against tobacco farmers. Even as I speak, Dr. Horn and his band of closed-minded, antismoking crusaders are busily plotting a sneak attack against smoking. They are doing their work under the cover of the bipartisan national cancer attack program, and under the guise of scientific advice to Congress and the Presidency.

Wittingly or unwittingly, the National Institutes are being involved. Dr. Horn and his band have prevailed on NIH to set up an ad hoc advisory committee on smoking and health. He prevailed on NIH to approve of a secret meeting to be held last month in, of all places, the American Cancer Society office on 52d Street in New York City. They prevailed on these duly constituted Federal officials to flout the spirit and letter of Public Law 92–463, the Federal Advisory Committee Act, and fail to list the meeting in the Federal Register.

Fortunately Senator ERVIN caught them in the act. But nevertheless they prevailed on the NIH to reschedule the meeting for February 14—St. Valentine Day, perhaps with Al Capone's massacre in mind, and they further flouted the law by listing the announcement of the meeting, not in the Federal Register, but in the classified advertising columns of the Washington Post amid the lost-and-found items, puppies-for-sale, and my-wife-having-left-my-bed-and-board ads.

Finally, when they were forced to use the Federal Register, they prevailed on HEW to hold out to the bitter end, and list the meeting as pursuant to an Executive order rather than the congressionally enacted Public Law 92–463.

Mr. President, I now have in my posession the agenda of this hanging jury and would like to read it into the record at this point:

AD HOC COMMITTEE ON SMOKING AND HEALTH,
NATIONAL CANCER ADVISORY BOARD
NATIONAL INSTITUTES OF HEALTH,
February 14, 1973.

1. *Charge to the Committee*—Recommendations on setting of levels of tar and nicotine through legislative means.
2. Analysis of current legislation that may be used to establish maximum levels of tar and nicotine.
3. Legislative recommendations for establishment and enforcement of maximum levels of tar and nicotine.
4. Review of current NCI–NHLI efforts in smoking and health, and recommendations for their better organizations and funding.
5. Establishment of epidemiological monitoring studies that may determine the effectiveness of legislation.

LIST OF PROPOSED MEMBERSHIP[1]

Ad Hoc Committee on Smoking and Health

Dr. Philippe Shubik (Chairman), Eppley Institute.
Dr. Theodore Cooper, NHLI.
Mr. Emerson Foote, ACS.
Mr. James S. Gilmore, Gilmore Broadcasting.
Dr. Gio Gori (Executive Secretary), NCI,
Dr. Daniel Horn, National Clearinghouse for Smoking and Health.
Dr. Charles Kensler, Arthur D. Little, Inc.
Dr. Kenneth Krabbenhoft, Wayne State University.
Mrs. Mary Lasker, Lasker Foundation.
Dr. Jonathan Rhoads, Univ. of Pennsylvania.
Dr. Robert Ringler, NHLI.
Mr. Laurance Rockefeller, Rockefeller Brothers Fund.
Dr. Umberto Saffiotti, NCI.
Mr. Benno Schmidt, J. H. Whitney & Co.
Dr. Frederick Seitz, Rockefeller University.
Dr. Luther Terry, University Associates, Inc.
Dr. Ernest Wynder, American Health Foundation.

Three of the five items are legislative recommendations dealing with allegedly impartial advice to Congress. But which are in fact propaganda support for bills introduced by my distinguished colleague from Utah (Mr. Moss). Another item—the fourth—is Dr. Horn's effort to rebuild his empire within NIH, when he has failed to control behavior of Americans in regard to smoking elsewhere in HEW.

Now, finally, Mr. President, let me run down the list of a few of the names of this stacked jury upon whose advice the Congress and the presidency is dependent. First, there is Dr. Horn, whose name after this speech should be a household word. He was a former employee of the American Cancer Society. Second, there is Mary Lasker. She is a health lobbyist second to none, and a power behind the scenes at NIH under Presidents Kennedy, Johnson, and now, I am afraid, my President. She is a member of the board of the American Cancer Society. Third, there is Emerson Foote. He is a retired advertising agency man who fattened on cigarette accounts, and who now produces the Madison Avenue flourish to the antismoking and birth control campaigns. He is the author of full page ads headlined, "The Population Bomb Is Ticking." He is a member of the board of the American Cancer Society. Fourth, there is Luther Terry, the surgeon general who in 1964 was propelled from bureaucratic anonymity to media celebrity through antismoking campaigns. He is working for the American Cancer Society. Fifth, there is Jonathan Rhoads, who is a former president of the American Cancer Society. Sixth, there is Ernest Wynder, a tireless worker, who has built his career literally on the backs of the white mice he has painted with smoke condensate. Last year his HEW grants totalled nearly a million dollars and he has received two million dollars this year. Another on the panel is James Gilmore. I do not know him and do not impugn in any way his ability. But I must wonder at his expertise. He owns an advertising agency, a broadcasting station, and an automobile dealership in Kalamazoo. He is also heir to the Upjohn drug fortune.

I do not question the intentions or motivations of any of these men and women. I ask only this, Mr. President: How long will the Congress permit scientific policy to be based on prejudice, no matter how well intentioned, rather than truth, no matter how painful? How long will this body suffer from practices it has suffered for far too long? The history of progress in America has been built on the surrender of fictions to fact, myths to realities, falsehoods to truth. It is time for this body to help America shake off the chains of a prejudiced past, and to begin right now.

What, then, should be done? First and foremost, Mr. President, the Congress should be innoculated against the possibility of tainted information caused by a conflict of interest. Clearly, the Horn report should cease publication. The activity should be removed from his hands entirely, and perhaps, removed to a safe position entirely beyond the Department of Health, Education, and Welfare. The National Science Foundation, the National Academy of Science or the American Association for the Advancement of Science are possibilities to be explored. Perhaps the Congress should develop its own capability by enhancing the role of the newly established Office of Technological Assessment with this and similar missions.

Let us frankly face the monumental task before us. The health effects of environmental pollution, occupational hazards, poverty, and cigarette smoking are almost entirely unsolved problems, as is the nature and causation of the diseases they have been associated with. The present tendency, fostered by zealous persons and crusading groups, is to underplay the results of industrial air pollution, occupational exposure, and low-income living conditions while over-estimating the effects of smoking.

No greater obstacle to progress exists than the tendency to substitute guessing for knowing and to fail to clearly and openly distinguish one from the other. If we cannot know the health effects of air pollution because of the confounding effect of cigarette smoking, then we also cannot know the health effect of cigarette smoking because of the confounding effect of air polution. Let the Congress demand that HEW say so, and end the separate-and-unequal practice of scapegoating tobacco.

Mr. HUDDLESTON. Mr. President, I rise to speak briefly in response to the remarks of my senior colleague from Kentucky. I would like to emphasize the necessity for the Government to be very careful in taking any actions that would have an adverse economic impact, not only upon the farmers in my State of Kentucky and in other tobacco growing States, but also upon this entire Nation, by precipitously pursuing policies that may be based upon inadequate research and inadequate scientific knowledge in relation to smoking and the use of tobacco in this country.

There are some 56,000 tobacco farmers in my State. Most of them are small farmers, which is typical throughout the Nation in tobacco growing States. These small Farmers could be seriously and adversely affected by a number of recently mentioned antitobacco proposals, which may have little scientific backing.

It is important that we have a complete scientific picture so that we know what the health/smoking relationship is and what various courses of action are open and advisable before we take adverse action at the tobacco production and processing level.

Our State of Kentucky has tried to do something along this line. We have imposed additional taxes on cigarette sales for the purpose of research into the problem. These tax revenues have been allotted to the University of Kentucky, which currently has some $4 million for research and which anticipates receiving some $3 million this year from the tax. Those funds will be used to try to find out what, if any, are the harmful effects of tobacco and, whatever they are, how they might be eliminated, so that this crop may continue, and that those who benefit from it can continue to receive the economic advantages that result from it.

Since tobacco is closely involved in our export trade, it could be very detrimental to our balance of payments to act in a manner that would seriously affect the economic situation as it relates to tobacco, especially in light of current research deficiencies. Therefore I would urge that the Government be more concerned about intensifying the effort that has begun in our State of Kentucky to determine precisely what, if any, the harmful effects are and how they might be eliminated * * *.

Mr. COOK. But even if Senator Moss does not agree that there are grave doubts about the claims made against cigarettes, how does he justify the elimination of a program which has returned $14 for every Federal dollar spent? How does he justify eliminating the livelihood of 600,000 tobacco farming families throughout the United States? How can he justify destroying the economies of some of our greatest States, including the great Commonwealth of Kentucky? The Senator loves to cite the fact that about 50,000 Americans die of cancer each year, yet how many of those were nonsmokers? How many of those had contracted cancer prior to smoking? How many of those died of cancer of the colon, which undisputed scientific evidence indicates is caused primarily by the ingestion of sugar, a major commodity of the State of Utah?

Last year in the United States, 56,000 Americans died in automobile accidents. Does the Senator from Utah also propose to eliminate the highway program, which has paved a good portion of his State? Does the Senator propose to eliminate all of our aid and efforts in the Middle East so as to lose our supply of petroleum to power our cars? Obviously these proposals border on the ridiculous, but no more so than the proposal now pending.

But the game goes on, so let me recount for, hopefully the last time, the economics of the support program whose survival will most assuredly be guaranteed once again today. Last year tobacco farmers received $1.4 billion from the sale of domestically grown tobacco. U.S. exports of tobacco last year were valued at $879 million, approximately 95 percent of which were dollar sales. Obviously this was a substantial asset in our balance-of-payments situation. During 1972, Federal excise taxes on tobacco products amounted to $2.2 billion. In addition, State taxes on tobacco products totaled $3 billion last year. Thus tax revenues at all levels of government from the sale of tobacco products—a record $5.3 billion—amounted to three times the total revenue received by all of the Nation's tobacco growers. All in all more than 50 percent of the retail cost of cigarettes went to State, Federal, and local treasuries during 1972.

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[1] Newly established Committee.

As a commodity tobacco represented about 2.5 percent of the total agricultural production in the United States in 1972. It is grown in 25 States, and is the principal occupation, as I mentioned earlier, of nearly 600,000 families. What the effect of the Moss amendment would be is not a triumph for a health crusade, but rather the creation of economic turmoil and catastrophe in many areas of this country, including of course, the Commonwealth of Kentucky.

The case is clear, as is the choice. I do not know how much longer the Senator from Utah will continue to play the role of Don Quixote for the antismoking crusade, but I am sure that his fate will continue to be a clear conscience, but a resounding defeat.

Mr. HOLLINGS. Mr. President, the amendment being proposed on the tobacco subsidy program is ill-advised on so many grounds that it is difficult to know where to begin.

In the United States today, there are some 600,000 farm families who share in the proceeds of tobacco farming. Their livelihood is dependent upon the crop, as is their whole manner of living. Indeed, tobacco farming is one of the strongest remaining bastions of the family farm, employing many hundreds of thousands of individuals in a way of life that we talk so much about. We hear a great deal about the ideal of farm life, of the importance of preserving this traditional and wholesome way of living. Well, today we have a chance to back up our statements by concrete action. One thing is certain—action in the form before us today, of killing our tobacco programs, flies in the face of all our talk about preserving agriculture as an important factor in the American way of life.

From an economic standpoint, tobacco farming is vitally important. In 1972, the estimated total consumer expenditure on tobacco products exceeded $13 billion.

Federal tax collections amounted to $2.2 billion, an amount almost as large as the $2.7 billion in State and local tax collections—that is nearly $5 billion in tax receipts growing out of the tobacco industry.

And in these days when the matter of our chronic balance-of-payments deficits is on everyone's mind, I would point out that tobacco is a mainstay to American exports. As a matter of fact, our exports of tobacco rank fourth among our total exports. The amendment being proposed today would further jeopardize our already precarious trade position.

Mr. President, if we move to discourage the production of tobacco here at home, make no mistake about it—Americans will find tobacco and pay what they must to import it. All that can do is further harm the economic interests of the country.

In conclusion, Mr. President, all the arguments are on one side of this question—the importance of encouraging agriculture, of preserving the family farm, of maintaining an important source of revenue, and of helping our Nation in its trade relations with the other countries of the world. I hope the Congress will not jeopardize all of this in a moment of thoughtless action.

Mr. THURMOND. Mr. President, I rise to voice most strenuous objection to the amendment of the junior Senator from Utah.

Tobacco is important to this Nation's economy. At the present time, some 515,000 farms in the United States produce 2 billion pounds of tobacco on about 900,000 acres each year. On many farms more than one family depends on the income from tobacco sales, so that about 625,000 farm families share in the proceeds from tobacco sales.

In 1972, tobacco brought U.S. farmers $1.4 billion in income and made a $878 million contribution to the U.S. balance of payments through exports.

Mr. President, I want to remind my colleagues that tobacco is not one of the crops run by gigantic "agri-business" corporations with absentee owners. The average tobacco allotment is about three acres. It is an intensive labor crop, tended for the most part on the family farm. It brings cash dividends to these families who otherwise would have a hard time making ends meet.

This fact is of special importance to the economy and culture of South Carolina. We have hundreds of South Carolina farmers producing tobacco. It provides employment to thousands of the State's farm families and seasonal workers.

Nationwide, hundreds of thousands of families earn their living from the production of tobacco. They are dedicated, hardworking citizens who, in my judgment, deserve to be encouraged, not hindered, in their constructive labors to support their families.

Mr. President, the USDA itself has admitted that in the first year of such a phaseout of the program, as proposed by the junior Senator from Utah, the average tobacco grower's income would decrease by one-third. It would take until 1980 for the grower's income to come back up to the level that we have at present.

Many of these farmers already are barely at the subsistence level. If the tobacco price level is destroyed, welfare rolls would increase, rural people would flock to the big cities, particularly the industrial centers of the North, and add to the unemployment situation and all its attendant social evils.

Mr. President, in my judgment it would be immoral for the U.S. Congress to abandon these hard-working people by striking down the tobacco program. For there is no doubt that the tobacco market would be faced with ruination without the price support program. The success of the program is due primarily to its role in regulating the production of tobacco, and not in the subsidy paid to support prices.

Mr. President, in closing, I want to point out a few pertinent facts regarding the cost of this program.

In fiscal 1972, the realized cost of the tobacco price support program, including the now eliminated export payments on tobacco, totaled only $26.9 million. Sales under Public Law 480 amounted to $24.3 million, of which over $5 million was credit sales for dollars. The total cost, even including Public Law 480 and dollar credit sales, amounts to only $51.2 million.

My colleagues, more than anyone else, must understand that the cost of the tobacco price support program is one of the lowest of all commodities. The average annual cost since the inception of price support programs in 1933 amounts to less than $6 million per year. Compare this with the income to the Federal Government from taxes collected on tobacco products, which totaled $2.2 billion in calendar year 1972.

The States collected another $2.9 billion in tobacco taxes. Thus, total Federal and State taxes collected in 1972 amounted to $5.1 billion. From 1960 to 1972, total Federal and State taxes collected on tobacco products amounted to over $50 billion.

In 1972, export sales of tobacco and tobacco products totaled $879 million, thus adding $639 million to our balance-of-payments position. Since 1960 our balance-of-payments position has been improved in excess of $6 billion by export sales of tobacco and tobacco products alone.

I am proud of this record of the tobacco industry and of its contributions to this country, and urge my colleagues to support it and to vote against the pending amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Utah (No. 200).

The amendment was rejected.

Mr. PELL. Mr. President, the bill now before us for final passage is a more acceptable product, I believe, than that originally delivered to us by the Committee on Agriculture.

The Senate has stricken some unwise provisions which would benefit large dairy cooperatives at the expense of the consumer and the independent dairy farmer. The Senate has agreed to terminate the so-called "bread tax" on the date the bill takes effect. The Senate has lowered the limitation on payments a farmer can receive and has eliminated some loopholes which have benefited corporate farmers. And the Senate has improved the food stamp program, making it more equitable in this time of skyrocketing food prices.

However, Mr. President, I believe that for a bill cited as "the Agriculture and Consumer Protection Act of 1973," this measure is strangely lacking in many provisions that, as far as I can judge, would offer much protection to the consumer.

The fact is, Mr. President, that the consumers of this Nation are staggering under the burden of higher and higher costs for food—food of all types, not just meat. The headlines of newspapers across this Nation yesterday evening and this morning trumpet out the news that food prices increased last month at an annual rate of 49.2 percent. This is outrageous and there is no relief in sight.

And, Mr. President, I suggest that this so-called Consumer Protection Act offers no relief. It should be retitled and called what it truly is, "the Farmer and Farm Industry Protection Act of 1973."

I spoke of some improvements this body has made in the bill. The most onerous provisions remain, however, and these are the new version of the old price supports—direct payments—now called "target prices."

I believe that no matter what they are called or how they are administered, that direct subsidy payments to the farmers of this Nation work to the disadvantage of everyone, the farmer as well as the consumer-taxpayer.

Mr. President, I supported the excellent amendment sponsored by the junior Senator from New York (Mr. BUCKLEY) and I regret that more of our colleagues did not agree that it is high time we eliminated these direct subsidies and restored the agricultural system in this country to a free market.

To my mind, this bill would mean that the consumer would continue to pay to the farmer for more than he should—with indirect payments when food prices are high or in increased tax payments when prices are low and the farmer is subsidized.

Mr. President, I believe that the bill in its present form will continue the injustice done to our consumer-taxpayers for many years and is, in reality, just another piece of special interest legislation.

Mr. HUDDLESTON. Mr. President, I am pleased to support the Agriculture and Consumer Protection Act of 1973.

I represent a State which, in 1973, had a total of 125,000 farms. Major crops raised on these farms included tobacco, feed grains, wheat, soybeans and cotton. In addition, these farms produced livestock, poultry, eggs, hogs, and dairy products.

The programs which were authorized in the Agricultural Adjustment Act of 1970 and the programs which we are considering today are of vital importance to these 125,000 farms in Kentucky.

In 1972, some 54,330 farms participated in the feed grain program, 10,985 participated in the wheat program and 221 participated in the cotton program. In addition, all dairy producers benefited from the support program for milk.

Most of the farms in my State are rather small, with an average size of about 129 acres. Furthermore, about 70 percent of the farms sold less than $5,000 of agricultural products during that year.

In feed grains, 91.2 percent of the farm bases, which determine participation in support programs, were less than 30 acres in size and 41.3 percent were less than 10 acres. In wheat, 98.5 percent of the farms had allotments of less than 30 acres and 90.4 percent of less than 10 acres. In cotton, 78.3 percent of the farms had allotments of less than 30 acres and 51.7 percent of less than 10 acres.

In Kentucky, the size of the farm payments to individual farmers does not make anyone rich. Of the more than 54,000 farms participating in the feed grain program during 1972, 73 percent received payments of less than $500 per farm. In wheat, over 91 percent received less than $500 and in cotton the percentage was over 50.

These farm and income programs have not only provided some protection for farmers in Kentucky, but also have contributed to substantial economic activity in the local communities nearby.

Mr. President, I also represent some 3.2 million consumers. I understand and share their concern over the hole that prices in the grocery store make in their pocketbooks today. I know that it is little consolation for them—or for me—that the average American spends a smaller percentage of his income for food than the average citizen in other nations of the world. I know it is little consolation to speak of growing demand for protein throughout the world, the world food shortages of the moment, and the cost of production on the farm. I know that it is no consolation for the consumer to look at the Federal budget and to see that $3.1 billion of his tax dollars went into the commodity programs in 1972.

Instead of viewing themselves as adversaries, however, farmers and consumers should work together, for the mutual benefit of both. Having participated in the hearings on the extension of the programs covered in the Agricultural Adjustment Act of 1970 and the bills to increase the price support for milk, I am convinced that the future good of both our Nation's farmers and our Nation's consumers are bound together in the steady and reliable production of those foodstuffs which our Nation requires and which we can relay into markets abroad.

Farming remains an important aspect of our Nation's economy and one we cannot afford to do without. It is, in fact, the Nation's largest single industry, with assets of some $371 billion and with more than 4.4 million workers. While involving only 6 percent of our population, our agricultural industry supplies not only our own people but people in many parts of the world.

Over the years, we have seen the number of farmers in our Nation continuously decrease. The trend, even now, continues. But, it is not a trend that we should hasten, for such a move can not only destroy a spirit and way of life which has contributed unaccountably to our Nation's heritage but also can bring closer the day when farming will be in the hands of a select few, with the usual consequences of monopoly and limited competition. That is the day that we, as consumers, should seek to prevent. And, that is the day the pending bill seeks to discourage.

There are, in addition, some very important factors we should remember about agriculture. The farmer faces risks that few other businesses face, and he lacks the protection that most other businesses have. An automobile manufacturer can guard against fire and theft and the usual elements of weather. But, the farmer remains—and will continue to do so—at the mercy of droughts, of storms, of floods and of winds. We need only to look at the rise in the Mississippi River during recent weeks or remember Hurricane Camille, which contributed to feed grain deficits in many areas, to realize that agriculture is a risky and unpredictable business in which the surpluses of one year may disappear in the face of the unexpected weather conditions of the next.

There is also the factor of rising costs in farming operations. Just as the urban dweller sees an increase in his property taxes, the farmer sees one in his—on a land mass much exceeding that required for the urban or suburban home. Furthermore, each year, the land becomes more expensive, the enlargement of farms or the opening of new farms becomes unavailable except to the wealthy. When the gasoline for a car goes up, it also goes up for the tractor to plow the land, or for equipment to dry grains. It many ways, the circle appears to be the traditional vicious one. The costs of production drive up the food costs which become a part of the increasing cost of living which drives up the cost of other items, including those involved in production.

In fact, the cost of production is such that the return from farming today is about 5 percent, compared to about 15 percent for manufacturing.

A factor which especially concerns farmers is that of the historical cycles which have occurred in American agriculture. There have, without doubt, been the ups and down, over and over again. Today, we are told that American farmers have, indeed, reached the "promised land," that U.S. farm income is at an alltime high and that the future holds only more sunshine.

Unfortunately, American farmers have heard this before, and they are not so certain that it is true. Farm income is at an all-time high, but it was as recent as 1971 when there was a slump in farm income, and within the memory of most farmers are the big surplus years of the 1950's. Furthermore, much of the brightness in the future is premised upon the somewhat questionable belief that farm products will continue to find expanded markets abroad.

The American farmer has done his part to assist our Nation's trade and our balance of payments. Agricultural products account for about one-fifth of our Nation's total exports and the crop from 1 out of every 5 acres harvested is sold abroad to provide about one-seventh of all U.S. farm income. We should be proud of this farm accomplishment and seek out new markets where possible. At the same time, we must be aware that other nations are also moving to meet agricultural needs and to compete in the markets of the world. We must realize that at least some of our recent sales have resulted from the inclement and disastrous weather conditions in other parts of the world. And, we must realize that our future export capabilities depend to a large extent upon being able to break nontariff trade barriers, which are exceedingly difficult to deal with.

I, as many others, believe that government tries too often to do too much. I believe that government should be restrictive in the actions it undertakes, that a careful balance must me maintained between the activities of the public and private sectors. But, food is the most basic of necessities. That is why we have heard so much about food prices this year.

That is why we must seek to restrain them in the upcoming years. That is why we must guarantee a healthy and diversified farm economy, with various participants. The bill which the committee has developed seeks to do just that. It seeks to provide a cushion under farm prices—a cushion designed to provide insurance against a fall in farm prices below a level which would make farming an uneconomic enterprise, but a cushion not overstuffed to the point where it will result in windfall or unreasonable profits. This should encourage the orderly and consistent production of foodstuffs which are basic to our diets.

TARGET PRICES

Under the bill developed in committee, support prices are not guaranteed as they have been in previous years. Instead, support prices will be available only when the market price falls below a certain target price—$2.28 per bushel for wheat; $1.53 per bushel for corn and 43 cents a pound for cotton. If the average market price during the first 5 months of the marketing year is above the levels mentioned above, the farmer receives no payment at all. If they are below the above-mentioned levels, then the farmer receives the difference between the average market price and the specified target price.

There are, I believe, two important points related to this new procedure. First, the target prices represent 70 percent of parity, that is, 70 percent of the amount which a farmer would have to realize in order to earn the same amount that he did in an "ideal" period. Second, the target prices are quite close to existing market prices. Thus, if farm prices remain where they are now—as we have been told so often by so many that they will—then the costs of the program will be minimal.

LOAN PROGRAM

The loan programs for commodities, with existing loan rates, are retained so that the option of placing crops under CCC loans remains.

SET-ASIDE

The existing set-aside program for each crop is also retained, based on testimony that abandoning it in favor of a general land bank type program would lead to poor land management and overproduction, which could undermine the farm economy and farm production in the years ahead.

DAIRY PROGRAMS

The support level for manufacturing milk, that is, milk used to make dairy products, is increased from a minimum of 75 percent to 80 percent of parity for the upcoming year. The 80-percent support level is close to the existing market price for milk and reflects the committee's concern over the continuing decrease in the number of dairy cows and dairy farms, in the face of ever-increasing production costs, including feed grains.

Both in committee and on the Senate floor, I supported several amendments designed to facilitate the marketing of milk. One would provide for minimum charges for services, such as milk assembly, refrigeration and laboratory work, performed for handlers. Another would provide for payments to cooperatives for marketwide services. Milk cooperatives have proven themselves to be a highly efficient and successful marketing operation, and are now responsible for the marketing of a large percentage of our Nation's milk. In many ways, the two amendments above, as well as others which were discussed, seek only to recognize the realities of the present marketing structure.

That structure is, nevertheless, an extremely complex and little understood one. A number of penetrating questions were raised in floor debate regarding it. Both because of these questions and because of the need to insure a continued, efficient marketing of milk, I am hopeful that this structure can be reviewed and analyzed in some detail so that we can guarantee a fair and viable marketing system.

FOOD COSTS

As I have previously noted, food costs are of growing concern to all of us as consumers. In order to understand the underlying causes of food price increases and to deal with them effectively, we must have up-to-date information on both the costs of raw agricultural products and the processing and distribution of food. In April 1973, the farmer received about 44.2 cents of the retail food dollar, while processors and service industries received 55.8 cents. The bill reported from committee requires the Council of Economic Advisers to prepare quarterly reports on "all developments which affect the prices of food" so that we may analyze cost increases in more detail and, hopefully, devise appropriate measures to deal with them.

PROCESSING TAX ON WHEAT

The 75 cents a bushel processing tax which millers pay on wheat to be used domestically is eliminated, a move which bankers testified would preclude a need for a rise in the cost of bread.

PUBLIC LAW 480

The food-for-peace program which has contributed not only to the disposal of surplus foods but also to the development of markets abroad is continued for 5 years. This is one of the most worthwhile of our foreign programs, and it is, I believe, significant to note that sales are made for dollars—for U.S. currency—contrary to the manner in which they were made in the early days of the program.

FOOD STAMPS

The food stamp program which provides assistance to low-income families to enable them to purchase a nutritious diet is extended for 5 years, with an important amendment to permit participation by the blind and elderly, who were made ineligible by last year's legislation setting a floor under assistance provided them.

FIRE PROTECTION

One of the major restraints on development of rural areas has been the lack of adequate fire protection facilities. In recognition of this, the Rural Development Act of 1972 authorized a 3-year demonstration program of fire protection. Unfortunately, this program has not, to date, been funded. Amendments to this bill provide for the program to run for a 3-year period, beginning when it is initially funded and permit funds to be used for the purchase by volunteer fire departments in rural areas of firefighting equipment and for training to utilize the equipment. In many of our rural areas, we have fine, dedicated citizens, willing to contribute hours of their time to the protection of their communities. The cost of equipment is, however, a growing burden and limitation on the activities of these citizens. In seeking to upgrade our firefighting capabilities in rural areas, it seems only wise and logical to build upon this base which already exists to protect against fires.

TRANSPORTATION

The first assignment given to me this year as a new member of the Committee on Agriculture and Forestry was to conduct an inquiry into the freight car shortage as it affected the movement of agricultural products. Hearings were held before Subcommittee No. 3 on January 29 and 30 of this year and the Senate on February 19 adopted a resolution expressing the sense of the Senate that certain crops held under CCC loans should be resealed and that a committee should be formed to review and oversee the transportation crisis.

The response to that resolution was not all that it might have been and the freight car shortage has continued, plaguing farmers and warehousemen and costing the taxpayer money because of maritime subsidy payments. The committe bill, therefore, provides, in a section offered by Senator Curtis and myself, for outright creation of a National Agricultural Transportation Committee, which shall meet upon the written request of two or more of its members and make such recommendations as it deems appropriate to facilitate the movement of commodities. The movement of privately-owned stocks are to be given priority over Government-held ones.

Mr. President, I believe these and the various other provisions of the Agriculture and Consumer Protection Act merit the support of the Senate. The legislation is, quite simply, premised on the belief that Americans, as consumers, will benefit from the existence of a healthy and diversified farm economy—a farm economy which will not gain from government support programs when market prices are good, but a farm economy with a guarantee that it will not be undermined by a price fall in which production costs and a fair return would supersede market prices and thereby force a large segment of our farm population out of farming. The bill prepared in our committee is designed to accomplish the farm economy objectives I have just outlined and, on that basis, I give it my full support.

In closing, I would like to commend the very able chairman of the Senate Committee on Agriculture and Forestry for the manner in which he has proceeded both in committee and on the Senate floor, and I would like to thank him for the help and the many considerations which he has given me, as a new member of his committee, during deliberations on this bill.

Mr. MONDALE. Mr. President, I intend to call up my amendment No. 178 and ask unanimous consent that Senators HUGHES and MONTOYA be added as a cosponsor.

This amendment is not at all complex. It is designed to provide for an advance payment to producers in the event that market prices fall below the "target" prices established under the new farm bill. The amendment authorizes the Secretary of Agriculture to advance to producers, as soon as practicable after the end of the first month of the marketing season for wheat, feed grains and cotton, an amount equal to 65 percent of the Secretary's estimate of the total payment, if any, necessary to meet the requirements of the target price guarantees for each commodity.

The 1970 Agriculture Act provides for preliminary payments to producers after July 1 of each year. However, under S. 1888 farmers would not be eligible to receive payments if market prices fall below target levels, in the case of wheat until December, in the case of corn until the following March, and in the case of cotton until the following January.

S. 1888 is designed to assure the production of adequate supplies of food and fiber for consumers by insuring producers against losses if their expanded production results in prices below the target levels set forth in the bill. If market prices rise above the target prices, the cost to the Government will be nothing. If prices fall below target levels, the consumer will reap the advantage; and farmers meeting consumer needs for food and fiber will have been protected against the price effects of excess production.

I believe this is an excellent approach, and I feel that S. 1888 is an outstanding legislative achievement, which can benefit farmers and consumers while reducing the costs of Federal agricultural programs to the Treasury.

But in the event that farm prices fall well below target levels, I am concerned that the delay in providing payments to producers could result in unnecessary, but not insubstantial, costs to farmers.

My amendment would assist the farmer by enabling him to receive 4 months earlier 65 percent of the estimated total payments he would be entitled to under the committee bill. This advance, in the event market prices drop, would make operating capital available to producers, enable them to obtain credit on more reasonable terms, retire debts earlier, and save on interest costs.

The amendment does not provide for a guaranteed payment, apart from the difference between market prices and target prices, and thus it is fully consistent with the target price concept embodied in S. 1888. The amendment would result in basically no additional cost to taxpayers since the farmer would receive such payments in any event 4 months later.

To illustrate how the amendment would have worked if S. 1888 had been in effect last year—after the first month of the marketing season the Secretary would have advanced to wheat producers an estimated 57-cent per bushel payment, using the 65 percent of total payment guideline. Later in the year wheat prices advanced; however, the total payment provided under this legislation would still have been 60 cents per bushel after the first 5 months of the marketing season. During 1972 wheat prices showed the sharpest change on record ever as a result of the Russian sales. Yet the advance payment mechanism would have worked well and would have presented no administrative difficulties.

In summary, I believe inclusion of this amendment to S. 1888 would help to strengthen the effectiveness of the bill, benefiting both farmers and consumers by encouraging expanded production of food and fiber and by eliminating unnecessary costs to producers.

Mr. President, I would have hoped that this amendment could be agreed to by the Senate; however, I understand that the distinguished chairman of the committee objects to its passage.

I believe that the advance payments provision is a good one and would be beneficial to farmers and consumers. In the future I hope that this concept will be adopted. However, in light of the chairman's opposition I will not offer the amendment.

Mr. PERCY. Mr. President, S. 1888, which we have been debating for the past 3 days, is a highly complicated bill with many good provisions and others of dubious value.

This bill is called the Agriculture and Consumer Protection Act of 1973. Unfortunately it is a bill designed for the conditions of the 1930's, not the 1970's.

It is not a consumer protection bill as it can only drive retail prices up. It also could be extremely expensive for the taxpayer.

It is for this reason that it is opposed by the Secretary of Agriculture, the American Farm Bureau Federation, and the Illinois Agricultural Association and I believe, by a majority of Illinois farmers.

Farmers I believe are entitled to an adequate income and an adequate rate of return on investment. Their rate of return has been discouraging compared to off-farm income for decades throughout this period we have had farm legislation on the books based on the same economic philosophy as the present bill.

Therefore, this bill is not in the long-run best interests of agriculture nor the consumer.

Therefore, Mr. President, I oppose final passage of this legislation.

My concern with the bill as presently written, is its total cost.

Assuming prices would average $1.30 per bushel for corn, $1.60 per bushel for wheat and 28 cents per pound for cotton, total government costs would increase from an average of $3.2 billion under the Agriculture Act of 1970 to an average of $63 billion under S. 1888.

Government costs would escalate by an average of 30 percent over the life of S. 1888 to more than $8 billion in 1978–79. If prices should decline to 1971 levels, direct payment costs would increase by an additional 30 percent, which would increase total program costs to more than $10 billion annually by the last year of the bill.

The mandatory increase in dairy price supports to 80 percent of parity would increase CCC acquisition costs by nearly $45 million in 1973–74. It would also increase the wholesale value of milk by an estimated $182 million. This cost, plus additional margins, will be passed directly on to consumers.

The high target prices proposed under S. 1888 could also jeopardize our position in international trade. In order to minimize treasury outlays, an incentive to curtail production and increase prices will persist. Higher prices will weaken our competitive advantage, reduce trade and lessen agriculture's contribution to a favorable balance of trade. At the same time, target prices covering essentially 100 percent of production. will likely be viewed as a subsidy to produce by our foreign competitors.

Mr. President, I ask unanimous consent to insert some charts in the RECORD showing cost estimates for S. 1888 from 1974–78.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, although I realize that these costs would not necessarily have to be paid by the Government if market prices hold at their present high levels, I do not think we can afford to put into law this potentially large commitment of funds by the Government to support farm programs.

Also, Mr. President, I would like to insert in the RECORD a letter from Secretary of Agriculture Butz stating the Department's basic objections to S. 1888.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PERCY. Mr. President, I intend to vote against final passage of S. 1888.

EXHIBIT I

FEEDGRAINS, WHEAT AND COTTON PROGRAM COSTS: 1971 ACTUAL, 1972 AND 1973 CURRENT ESTIMATES, AND PROJECTED COSTS UNDER S. 1888 FOR 1974 THROUGH 1978 ASSUMING HIGH AND LOW LEVELS OF DEMAND

[In millions of dollars]

	1971 crop fiscal year 1972 actual	1972 crop fiscal year 1973 estimate	1973 crop fiscal year 1974 estimate	Estimates under S. 1888									
				1974 crop fiscal year 1975		1975 crop fiscal year 1976		1976 crop fiscal year 1977		1977 crop fiscal year 1978		1978 crop fiscal year 1979	
				High	Low	High	Low	High	Low	High	Low	High	Low
Feed grains:													
Direct payments	1,053	1,845	1,178	1,789	1,688	2,427	2,227	3,009	2,717	3,633	3,232	4,244	3,760
Other CCC costs	669	−630	223	129	129	131	131	133	135	135	135	137	137
Public Law 480	83	122	100	100	100	100	100	100	100	100	100	100	100
Total feed grain program costs	1,805	1,337	1,500	2,027	1,917	2,658	2,458	3,242	2,950	3,868	3,467	4,481	3,997
Wheat:													
Direct payments	878	855	777	1,341	242	1,457	1,397	1,641	1,521	1,824	1,693	2,015	1,870
Other CCC costs	−11	−852	−344	169	169	113	133	55	55	55	55	55	55
Public Law 480	425	350	350	350	350	350	350	350	350	350	350	350	350
Total wheat program costs	1,292	353	783	1,860	761	1,920	1,860	2,046	1,926	2,229	2,098	2,420	2,275
Cotton:													
Direct payments	819	809	700	670	670	740	740	820	820	875	875	980	980
Other CCC costs	−59	30	----------	10	10	20	20	10	10	30	30	30	30
Public Law 480	80	116	125	125	125	125	125	125	125	125	125	125	125
Total cotton program costs	840	955	825	805	805	885	885	955	955	1,030	1,030	1,135	1,135
Total—3 programs:													
Direct payments	2,750	3,509	2,655	3,800	600	4,624	4,364	5,470	5,058	6,332	5,800	7,239	6,610
Other CCC costs	599	−1,452	−121	308	308	264	264	198	198	220	220	222	222
Public Law 480	588	558	575	575	575	575	575	575	575	575	575	575	575
Total program costs	3,937	2,645	3,109	4,683	4,483	5,463	5,203	6,243	5,831	7,127	6,595	8,036	7,407

SUPPLY AND UTILIZATION SUMMARY: FEEDGRAINS, SOYBEANS, AND WHEAT AND COTTON S. 517 (S. 1888)

	1972 estimate	1973 estimate	1974		1978	
			High	Low	High	Low
Feed grains:						
Planted acreage:						
Corn (million acres)	66.8	74.6	73.3	68.7	78.8	69.3
Sorghum (million acres)	17.5	19.4	21.4	20.4	23.4	21.6
Barley (million acres)	10.6	11.5	10.2	9.6	11.3	10.4
Oats (million acres)	20.3	20.5	20.5	20.5	20.5	20.5
Total (million acres)	115.2	126.0	125.4	119.2	134.0	121.6
Feed grains setaside (million acres)	36.6	9.1	5.0	18.7	-------	9.6
Yield (corn bushel per acre)	96.9	94.0	97.0	97.0	109.0	109.0
Production:						
Million bushel corn	5,553	6,072	6,144	5,694	7,499	6,469
Million tons feed grain	199.7	219.2	223.3	208.9	269.3	236.7
Demand (million tons):						
Domestic	178.0	181.1	189.4	184.0	213.3	207.7
Exports	33.4	36.4	34.0	25.0	56.0	29.0
Total	211.4	217.5	223.4	209.0	269.3	236.7
Ending stocks	37.0	39.0	39.2	39.2	40.3	40.3
Price (dollars per bushel, corn)	1.29	1.30	1.30	1.30	1.30	1.30
Direct payments cost (million dollars)	1,845	1,178	1,798	1,688	4,244	3,760
Other CCC costs (million dollars)	−630	223	129	129	137	137
Public Law 480 cost (million dollars)	122	100	100	100	100	100
Total program costs (million dollars)	1,337	1,501	2,027	1,917	4,481	3,997
Soybeans:						
Planted acreage (million acreas)	47.0	54.4	56.0	52.0	61.5	57.5
Yield (bushel per acre)	28.0	28.5	29.0	29.0	31.0	31.0
Production (million bushels)	1,283	1,540	1,595	1,480	1,875	1,750
Demand (million bushels):						
Domestic	825	880	925	885	1,020	980
Exports	490	600	650	575	850	765
Total	1,315	1,480	1,575	1,460	1,870	1,745
Ending stocks	40	100	157	157	172	172
Prices (dollars per bushel)	4.25	4.50	4.00	4.00	4.00	4.00
Total program costs (million dollars)	−14	11	15	15	15	15

	1972 estimate	1973 estimate	1974		1978	
			High	Low	High	Low
Wheat:						
Planted acreage (million acres):						
Planted	52.4	58.2	60.5	55.0	57.0	52.0
Setaside	20.1	7.2	5.7	13.1	-------	14.8
Yield (bushels per acre)	32.7	33.1	32.6	33.2	35.0	35.6
Production (million bushels)	1,545	1,736	1,737	1,597	1,765	1,630
Demand (million bushels):						
Domestic	826	766	781	781	890	890
Exports	1,150	950	850	710	875	740
Total	1,976	1,716	1,631	1,491	1,765	1,630
Ending stocks (million bushels)	433	454	559	559	609	609
Price (dollars per bushel)	1.77	1.90	1.60	1.60	1.60	1.60
Direct payment cost (million dollars)	855	777	1,341	1,242	2,015	1,870
Other CCC cost (million dollars)	−852	−344	169	169	55	55
Public Law–480 cost (million dollars)	350	350	350	350	350	350
Total program cost (million dollars)	353	783	1,860	1,761	2,420	2,275
Cotton:						
Planted acreage (million acres)	14.0	13.1	13.0	12.0	13.0	12.0
Setaside (million acres)	2.0	-------	-------	1.0	-------	1.0
Yield (pounds per acre)	500	480	480	480	500	500
Production (million bales)	13.7	12.0	12.3	11.4	12.8	11.9
Demand:						
Domestic (million bales)	7.7	7.8	7.8	7.6	7.9	7.7
Exports (million bales)	4.8	4.5	4.5	3.8	4.7	4.0
Total (million bales)	12.5	12.3	12.3	11.4	12.6	11.7
Ending stocks (million bales)	4.5	4.2	4.2	4.2	4.7	4.7
Price (cents per pound)	27.0	29.0	28.5	28.5	27.0	27.0
Direct payments	809	700	670	670	980	980
Other CCC inventory	30	-------	10	10	30	30
Public Law 480	116	125	125	125	125	125
Total program costs	955	825	805	805	1,135	1,135

ESTIMATED COST FOR ALL MAJOR TITLES OF S. 1888[1]

[In millions of dollars]

	Fiscal year 1975	Fiscal year 1976	Fiscal year 1977	Fiscal year 1978	Fiscal year 1979
II. Dairy:					
Marketing orders	0.1	0.2	0.2	0.2	0.2
Price supports	245	200	200	200	200
Dairy indemnity	.4	.4	.4	.4	.4
III. Wool and mohair	21.8	21.1	20.5	19.8	21.3
IV. Wheat[2]	[3]1,510–[4]1,411	[3]1,570–[4]1,510	[3]1,696–[4]1,576	[3]1,879–[4]1,748	[3]2,070–[4]1,925
V. Feed grains[3]	[3]1,927–[4]1,817	[3]2,558–[4]2,358	[3]3,142–[4]2,850	[3]3,768–[4]3,367	[3]4,381–[4]3,897

	Fiscal year 1975	Fiscal year 1976	Fiscal year 1977	Fiscal year 1978	Fiscal year 1979
VI. Cotton:					
Direct payments and other CCC [2]	[3]670–[4]670	[3]750–[4]750	[3]820–[4]820	[3]895–[4]895	[3]1,000–[4]1,000
Insect	40	40	40	40	40
Research	10	10	10	10	10
VII. Public Law 480 [5]	1,100	1,100	1,100	1,100	1,100
VIII. Beekeeper	2.5	2.5	2.5	2	2
Food stamp	2,461	2,461	2,461	2,461	2,461
VIII. Miscellaneous:					
Farm production cost	2	.8	.8	.8	.8
Livestock losses	.5	.5	.5	.5	.5
International Grains Conference					
Transportation Commission					
Wheat and grain reserve	.5	.5	.5	.5	.5
FAS—Export	.4	.4	.4	.2	
Rural fire	7	7	7		
Forest incentive	15	17.5	20	22.5	25
Cost sharing for titles IV, V, VI					
Total	8,013.3–7,804.3	8,739.9–1,179.9	9,521.8–9,109.8	10,399.9–9,867.9	11,312.7–10,683.7

[1] For feed grains, wheat and cotton cost estimates were made assuming both a high and low level of demand.

[2] Does not include Public Law 480.

[3] High.

[4] Low.

[5] All Public Law 480 costs.

EXHIBIT 2

Department of Agriculture,
Washington, D.C., June 5, 1973.

Hon. Herman E. Talmadge,
Chairman, Committee on Agriculture and Forestry, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: With the Senate moving toward consideration of S. 1888, I feel a responsibility to present the Administration's views relative to important and far-reaching provisions of this legislation, which we did not have an opportunity to discuss before the Senate Committee on Agriculture and Forestry.

The Committee is to be commended for continuing the successful provisions of the Agriculture Act of 1970 which enabled farmers to shift from the rigid controls and production patterns inherent in farm programs based on past legislation. However, I am disappointed that the Committee did not build on this breakthrough by establishing cropland bases rather than relying on outmoded allotments and bases.

The bill does retain "farmer freedom" provisions which contributed immensely to the broad acceptance and favorable outcome of the Agricultural Act of 1970. The bill is a positive step toward removal of payments that were mandatory regardless of price or production adjustment needs. These are constructive elements in developing a sound farm program.

The basic objection we have to S. 1888 is the perpetuation of heavy government involvement in agriculture through payments for the life of the legislation.

While *market prices* at the levels cited in the bill are realistic, guaranteed price floors at those levels are unrealistic. Our *guaranteed price floors* at those levels are unrealistic. Our objection to this 5-year extension of payments could be mitigated if the target prices were set at a more realistic level and if the escalation provisions were eliminated.

The dairy provisions are particularly undesirable. While we may adjust our previous position of asking for no minimum guidelines on dairy support levels, we find the increase in the minimum support level from 75 to 80 percent of parity unacceptable.

We agree with the proposed extension of Titles I and II of Public Law 480. We are opposed to the recommendation for an international conference leading toward commodity agreements governing international trade in grains. This would weaken the U.S. position in trade negotiations now underway in the GATT and would not be in the best interests of U.S. producers.

I hope that the Senate will examine closely the detrimental effects that these provisions would have on the future of U.S. agriculture before coming to a conclusion.

Sincerely,

Earl L. Butz,
Secretary.

NUTRITIONAL QUALITY OF THE FOOD DISTRIBUTION PROGRAM

Mr. EAGLETON. Mr. President, I was unable to be present yesterday during the discussion of the amendment of the Senator from Minnesota (Mr. Humphrey), subsequently adopted by a voice vote, which would authorize the Secretary of Agriculture to purchase commodities on the open market when it becomes necessary to do so in order to make available a full and balanced range of foods through the food distribution program.

Although the food stamp program has become the major family food assistance program, many counties throughout the nation continue to participate in the food distribution program. Some 2.6 million Americans currently rely on this program for food assistance.

The food distribution program is of particular significance in Missouri where it operates in 103 out of of 114 counties. At last count, more than 152,000 Missourians were receiving food assistance through this program. And, accepted wisdom notwithstanding, many people in Missouri continue to prefer the food distribution program to the food stamp program.

Therefore, it is a matter of some concern to me that the nutritional value of the food distribution program has been seriously eroded over the past few months.

For instance, I have been informed that there has been no cheese available through this program in Missouri since October 1972. Powered or dry milk has been received only sporadically in recent months. There are no more dried prunes. Canned luncheon meat now on hand will be exhausted by July 1. State officials have been advised not to count on receiving canned poultry in the months ahead.

Thus the protein content of the food being made available to needy families and individuals in Missouri is in danger of reaching the vanishing point.

As I understand the amendment of the Senator from Minnesota, it would authorize the Secretary of Agriculture to undertake special efforts to purchase foods crucial to a nutritionally adequate diet when these foods are not available through the normal surplus removal and price support activities of the Department.

I want to commend the Senator from Minnesota for bringing this matter before the Senate, and I am hopeful that this provision of S. 1888 will be accepted by the House of Representatives.

Mr. CLARK. Mr. President, I am indeed happy to support S. 1888, a bill which I firmly believe, if approved and effectively administered, will assure consumers plentiful supplies of food at reasonable prices.

This past weekend I was visiting with my constitutents in central Iowa and I found them frustrated by the wet weather and the high prices for grains, soybeans, hogs and cattle at a time when they had little to sell. At the same time the nonfarm people were complaining about continually rising food prices. I am sure this experience was not unique. A similar situation prevails in many, many rural areas today.

The Agriculture and Consumer Protection Act of 1973, will not solve all of the current problems of food producers and consumers. It will not bring us sunny skies and good crop growing weather. But it will do more to assure both agricultural producers and consumers a fair deal than previous farm price support bills.

I want to congratulate the distinguished chairman of the Committee on Agriculture and Forestry (Mr. Talmadge) for his able leadership in obtaining the views of all segments of the food industry and then developing this comprehensive and balanced bill, in record time. It has been an honor and a privilege to participate in this process with the other distinguished members of the committee.

S. 1888 is more than amendments to and extension of the Agricultural Act of 1970. It is a landmark farm bill based on all the experience accumulated since the first Agricultural Adjustment Act was passed in 1933.

It continues the popular setaside features of the 1970 Act. It also reinstates authority for individual crop acreage adjustments which were a part of the equally popular 1965 Act.

The landmark aspect of S. 1888, however, is its adoption for the first time of specific target price goals, $2.28 a bushel for wheat, $1.53 a bushel for corn and 43 cents a pound for cotton. These target prices are to be adjusted over the 5-year life of S. 1888 on the basis of the index of prices paid for production supplies, interest, taxes, and wage rates.

If prices remain at current levels in most cases the target prices would be achieved in the marketplace and government payments would be reduced to nominal levels or eliminated entirely.

If, however, farm production again overshoots available markets and prices fall sharply, producers are protected. The Government agrees to make up the difference between the target prices and the average market prices the first 5 months of the marketing year. If grain and cotton prices for the 1974 crop are maintained at approximately current levels, few if any Government payments will be required.

Under S. 1888 producers are assured reasonably stable incomes from producing cotton, feedgrains, and wheat for the next 5 years. If market prices fall below target levels the difference will be made up by Government payments.

Producers will be encouraged to produce abundantly, thus aiding consumers faced with mounting costs. At the same time producers would be assured of income which would prevent bankruptcy in case of very large crops resulting from open throttle production.

Crop acreages will be idled only as a last resort if market prices fall to relatively low levels and after adequate reserve stocks have been accumulated.

Feed grain producers are given reasonably equitable price and income protection in S. 1888 for the first time in recent years as compared to cotton and wheat producers. Under the 1965 and 1970 acts Government price protection was only extended to one-half the base production on feed grain farms, although extended to the entire cotton allotment and to all wheat produced for domestic use.

As a Senator from the heart of the cornbelt, I am indeed happy that the other members of the committee recognized the equity of my plea for extending price and income protection to feed grain producers total base acreages, rather than to only one-half of their production.

At the appropriate time I plan to offer an amendment to raise the minimum market price support loan level from $1 on corn and $1.25 on wheat to $1.24 and $1.55, respectively. I also joined Senators BAYH and WEICKER in sponsoring an amendment to eliminate the 75 cents a bushel tax on wheat used for domestic food consumption use immediately upon passage of this bill rather than allowing it to continue until January 1, 1974.

Other amendments will be offered. Some perhaps will improve S. 1888. For my part, however, I feel that, in the last analysis, S. 1888 can only be seen as a landmark bill that deserves approval by such a large majority that the other body will quickly take favorable action on it.

Mr. BURDICK. Mr. President, I rise in support of S. 1888, the Agriculture and Consumer Protection Act of 1973, a bill of prime importance, both to the farmers and the consumers of this Nation.

Of all the prime necessities of life, food and fiber take first place. The affluence and health of this Nation are based on the abundance of agricultural products with which we are blessed. This bill, if enacted into law and wisely administered, will assure consumers continued adequate supplies of food and fiber at reasonable cost while assuring family farmers of a fair income.

The bill establishes a target market price for wheat, feed grains, and cotton. The 1974 crop year target price is $2.28 per bushel for wheat; $1.53 for corn; and $1.26 for barley. The target price for succeeding years would be increased to reflect increases in the cost of production. This legislation is based upon the reasonable assumption that national average market prices will not fall below these target levels if set-aside requirements for program participation are responsibly established each year based upon projected foreign and domestic demand.

The economic well-being of our farm population is basic to the well-being of our entire Nation. I urge the passage of the bill.

Mr. TALMADGE. Mr. President, I wish to thank and congratulate the members of the staff who made the passage of this bill possible.

It is an immensely complex and important bill. The committee was able to act expeditiously because of the fine work of the committee staff.

The staff work included the scheduling and preparation of field hearings as well as Washington hearings, a great deal of legal drafting, several economic analyses, and considerable work in educating the press as to the problems and needs of farmers.

I wish to thank the entire staff for this effort, with special thanks to Harker Stanton, the general counsel and staff director; Mike McLeod, Henry Casso, Jim Giltmier, Jim Thornton, Forest Reece, Bill Taggart, Cotys Mouser, and Jim Kendall.

Mr. President, I ask for the yeas and nays on the final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The hour of 2:30 having arrived, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote I have a live pair with the junior Senator from Arkansas (Mr. FULBRIGHT). If I were permitted to vote, I would vote "nay." If the Senator from Arkansas were present and voting, he would vote "yea." I therefore withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), and the Senator from Arkansas (Mr. McCLELLAN) are necessarily absent.

I further announce that the Senator from Maine (Mr. MUSKIE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Mississippi (Mr. STENNIS), and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from New Mexico (Mr. DOMENICI) is absent to attend the funeral of a friend.

The Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. DOMINICK), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Nebraska (Mr. HRUSKA) are necessarily absent.

If present and voting, the Senator from New Mexico (Mr. DOMENICI), the Senator from Colorado (Mr. DOMINICK), and the Senator from Nebraska (Mr. HRUSKA) would each vote "yea."

The result was announced—yeas 78, nays 9, as follows:

[No. 189 Leg.]

YEAS—78

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Bellmon
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cranston
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Fong
Gravel
Gurney
Hansen
Haskell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
McClure
McGee
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Proxmire
Randolph
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—9

Beall
Goldwater
Hartke
Mathias
Percy
Ribicoff
Roth
Saxbe
Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, against

NOT VOTING—12

Bennett
Cotton
Domenici
Dominick
Fulbright
Griffin
Hart
Hruska
Hughes
McClellan
Muskie
Stennis

So the bill (S. 1888) was passed, as follows:

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1970 is amended as follows

Payment Limitation

(1) Section 101 is amended by—

(A) amending subsection (1), effective beginning with the 1974 crop, to read as follows:

"(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1978 crops of the commodities shall not exceed $20,000."

(B) amending subsection (2) effective beginning with the 1974 crop, to read as follows:

"(2) The term 'payments' as used in this section shall not include loans or purchases, or any part of any payment which is determined by the Secretary to represent compensation for resource adjustment or public access for recreation."

Milk Marketing Orders

(2) Section 201 is amended by—

(A) amending section 201(e) by striking out "1973" and inserting "1978", and by striking out "1976" and inserting "1981", and

(B) adding at the end thereof the following:

"(f) The Agricultural Adjustment Act as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended by:

"(1) striking the period at the end of subsection 8c(17) and adding in lieu thereof the following: ': *Provided further,* That if one-third or more of the producers as defined in a milk order apply in writing for a hearing on a proposed amendment of such order, the Secretary shall call such a hearing if the proposed amendment is one that may legally be made to such order. Subsection (12) of this section shall not be construed to permit any cooperative to act for its members in an application for a hearing under the foregoing proviso and nothing in such proviso shall be construed to preclude the Secretary from calling an amendment hearing as provided in subsection (3) of this section. The Secretary shall not be required to call a hearing on any proposed amendment to an order in response to an application for a hearing on such proposed amendment if the application requesting the hearing is received by the Secretary within ninety days after the date on which the Secretary has announced his decision on a previously proposed amendment to such order and the two proposed amendments are essentially the same.'

"(2) inserting after the phrase 'pure and wholesome milk' in section 8c(18) the phrase 'to meet current needs and further to assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated needs'."

Milk Price Support, Butterfat Price Support Suspension

(3) Section 202 is amended by—

(A) striking the introductory clause which precedes subsection (a);

(B) effective April 1, 1974, inserting in subsection (b) before the period at the end of the first sentence in the quotation the following: "of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs"; and

(C) inserting in subsection (b) after the first sentence in the quotation the following: "Notwithstanding the foregoing, effective for the period beginning with the date of enactment of the Agriculture and Consumer Protection Act of 1973 and ending on March 31, 1974, the price of milk shall be supported at not less than 80 per centum of the parity price therefor."

Transfer of Dairy Products to the Military and to Veterans Hospitals

(4) Section 203 is amended by striking out "1973" and inserting "1978".

Dairy Indemnity Program

(5) Section 204 is amended by—

(A) striking out "1973" and inserting "1978"; and

(B) striking subsection (b) and substituting therefor the following:

"(b) Section 1 of said Act is amended to read as follows:

" 'SECTION 1. The Secretary of Agriculture is authorized to make indemnity payments for milk or cows producing such milk at a fair market value, to dairy farmers who have been directed since January 1, 1964 (but only since the date of enactment of the Agriculture and Consumer Protection Act of 1973 in the case of indemnity payments not authorized prior to such date of enactment), to remove their milk, and to indemnity payments for dairy products at fair market value to manufacturers of dairy products who have been directed since the date of enactment of the Agricultural Act of 1970 to remove their dairy products from commercial markets because of residues of chemicals registered and approved for use by the Federal Government at the time of such use. Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.' "

Dairy Import Limitation

(6) Title II is amended by adding at the end thereof the following:

"DAIRY IMPORTS

"SEC. 205. Section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) is amended by adding at the end thereof the following:

"(g) Notwithstanding any other provision of law, the President shall prohibit imports of dairy products for food use in excess of 2 per centum of the total annual consumption of dairy products for food use in the preceding calendar year, except that the President may increase the total quantity permitted to be imported if he determines and proclaims that such increase is required by overriding economic or national security interests of the United States. The President is authorized to provide that dairy products may be imported only by or for the account of a person or firm to whom a license has been issued by the Secretary of Agriculture. In issuing a license for any increase in the quantity permitted to be imported under this section during any period after the enactment of the Agriculture and Consumer Protection Act of 1973, the Secretary shall make licenses available to domestic producers and processors for a limited time before issuing licenses to others. For purposes of this subsection, dairy products include (1) all forms of milk and dairy products, butterfat, milk solids-not-fat, and any combination or mixture thereof; (2) any article, compound, or mixture containing 5 per centum or more of butterfat, or milk solids-not-fat, or any combinations of the two; and (3) casein, caseinates, lactose, and other derivatives of milk, butterfat, or milk solids-not-fat, if imported commercially for any food use. Dairy products do not include (1) industrial casein, industrial caseinates, or any other industrial product, not to be used in any form for any food use, or an ingredient of food; or (2) articles not normally considered to be dairy products, such as candy, bakery goods, and other similar articles provided that dairy products in any form, in any such article are not commercially extractable or capable of being used commercially as a replacement or substitute for such ingredients in the manufacture of any food product."

Wool Program

(7) Section 301 is amended by—

(A) striking out "1973" each place it occurs and inserting "1978", and by striking out the word "three" each place it occurs; and

(B) adding at the end thereof the following:

"(6) Strike out the first sentence of section 708 and insert the following: 'The Secretary of Agriculture is authorized to enter into agreements with, or to approve agreements entered into between, marketing cooperatives, trade associations, or others engaged or whose members are engaged in the handling of wool, mohair, sheep, or goats or the products thereof for the purpose of developing and conducting on a national, State, or regional basis advertising and sales promotion programs and programs for the development and dissemination of information on product quality, production management, and marketing improvement, for wool, mohair, sheep, or goats or the products thereof. Advertising and sales promotion programs may be conducted outside of the United States for the purpose of maintaining and expanding foreign markets and uses for mohair or goats or the products thereof produced in the United States.'."

Wheat Production Incentives

(8) Section 401 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1978"; and, effective beginning with the 1974 crop—

(A) substituting the word "payments" for the word "certificates" in section 107(b);

(B) striking the quotation mark at the end of section 107(b); and

(C) adding at the end of the section the following:

"(c) Payments shall be made for each crop of wheat to the producers on each farm in an amount determined by multiplying (i) the amount by which the higher of—

"(1) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under subsection (a) for such crop

is less than the established price of $2.28 per bushel, adjusted for each of the 1975 through 1978 crops to reflect any changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates, times (ii) the allotment for the farm for such crop, times (iii) the projected yield established for the farm with such adjustments as the Secretary determines necessary to provide a fair and equitable yield. If the Secretary determines that the producers are prevented from planting any portion of the farm acreage allotment to wheat or other nonconserving crop, because of drought, flood, or other natural disaster or condition beyond the control of the producer, the rate of payment on such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis."

Termination of Wheat Certificate Program, Farm Acreage Allotments

(9) Section 402 is amended by inserting "(a)" after the section designation and adding the following at the end of the section:

"(b)(A) Section 379b of the Agricultural Adjustment Act of 1938 (which provides for a wheat marketing certificate program) shall not be applicable to the 1974 through 1978 crops of wheat, except as provided in paragraphs (B) and (C) of this subsection.

"(B) Section 379b(c) of the Agricultural Adjustment Act of 1938, as amended by subsection (a) of this section (which provides for a set-aside program), shall be effective with respect to the 1974 through 1978 crops of wheat with the following changes:

"(i) The phrase 'payments authorized by section 107(c) of the Agricultural Act of 1949' shall be substituted for the word 'certificates' and the phrases 'certificates authorized in subsection (b)' and 'marketing certificates' each place they occur.

"(ii) The word 'domestic' shall be stricken each place it occurs.

"(iii) '1972 through 1978 crops' shall be substituted for '1972 or 1973 crop' in section 379b(c)(1).

"(iv) The third sentence in 379b(c)(1) is amended to read as follows: 'The Secretary is authorized for the 1974 through 1978 crops to limit the acreage planted to wheat on the farm to a percentage of the acreage allotment.'

"(v) '1971 through 1978' shall be substituted for '1971, 1972, and 1973' each place it occurs other than in the third sentence of section 379b(c)(1).

"(C) Section 379b (d), (e), (g), and (i) of the Agricultural Adjustment Act of 1938, as amended by subsection (a) of this section, shall be effective for the 1974 through 1978 crops amended to read as follows:

"'(d) The Secretary shall provide for the sharing of payments made under this section for any farm among producers on the farm on a fair and equitable basis.

"'(e) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

"'(g) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this title.

"'(i) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.'

"(D) Section 379c of the Agricultural Adjustment Act of 1938, effective only with respect to the 1974 through 1978 crops of wheat, is amended to read as follows:

"'Sec. 379c. (a) (1) The farm acreage allotment for each crop of wheat shall be determined as provided in this section. The Secretary shall proclaim the national acreage allotment not later than April 15 of each calendar year for the crop harvested in the next succeeding calendar year. Such national allotment shall be the number of acres he determines on the basis of the estimated national average yield for the crop for which the determination is being made will produce the quantity (less imports) that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks. The national acreage allotment for any crop of wheat shall be apportioned by the Secretary among the States on the basis of the apportionment to each State of the national acreage allotment for the preceding crop (1973 national domestic allotment in the case of apportionment of the 1974 national acreage allotment) adjusted to the extent deemed necessary by the Secretary to establish a fair and equitable apportionment base for each State, taking into consideration established crop rotation practices, the estimated decrease in farm acreage allotments, and other relevant factors.

"'(2) The State acreage allotment for wheat, less a reserve of not to exceed 1 percentum thereof for apportionment as provided in this subsection, shall be apportioned by the Secretary among the counties in the State, on the basis of the apportionment to each such county of the wheat allotment for the preceding crop, adjusted to the extent deemed necessary by the Secretary in order to establish a fair and equitable apportionment base for each county taking into consideration established crop-rotation practices, the estimated decrease in farm allotments, and other relevant factors.

"'(3) The farm allotment for each crop of wheat shall be determined by apportioning the county wheat allotment among farms in the county which had a wheat allotment for the preceding crop on the basis of such allotment, adjusted to reflect established crop-rotation practices and such other factors as the Secretary determines should be considered for the purpose of establishing a fair and equitable allotment. Notwithstanding any other provision of this subsection, the farm allotment shall be adjusted downward to the extent required by subsection (b).

"'(4) Not to exceed 1 per centum of the State allotment for any crop may be apportioned to farms for which there was not allotment for the preceding crop on the basis of the following factors: suitability of the land for production of wheat, the past experience of the farm operator in the production of wheat, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of wheat on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable farm allotments. No part of such reserve shall be apportioned to a farm to reflect new cropland brought into production after the date of enactment of the set-aside program for wheat.

"'(5) The planting on a farm of wheat of any crop for which no farm allotment was established shall not make the farm eligible for an allotment under subsection (a) (3) nor shall such farm by reason of such planting be considered ineligible for an allotment under subsection (a) (4).

"'(6) The Secretary may make such adjustments in acreage under this Act as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop rotation practices, types of soil, soil and water conservation measures, and topography, and in addition, in the case of conserving use acreages to such other factors as he deems necessary in order to establish a fair and equitable conserving use acreage for the farm.

"'(b) (1) If for any crop the total acreage of wheat planted on a farm is less than the farm allotment, the farm allotment used as a base for the succeeding crop shall be reduced by the percentage by which such planted acreage was less than such farm allotment, but such reduction shall not exceed 20 per centum of the farm allotment for the preceding crop. If no acreage has been planted to wheat for three consecutive crop years on any farm which has an allotment, such farm shall lose its allotment. Producers on any farm who have planted to wheat not less than 90 per centum of the allotment for the farm shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to wheat because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of wheat planted for harvest. For the purpose of this subsection, the Secretary may permit producers of wheat to have acreage devoted to soybeans, feed grains for which there is a set-aside program in effect, guar, castor beans, or such other crops as the Secretary may deem appropriate considered as devoted to the production of wheat to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the program.

"'(2) Notwithstanding the provisions of subsection (b) (1), no farm allotment shall be reduced or lost through failure to plant the farm allotment, if the producer elects not to receive payments for the portion of the farm allotment not planted, to which he would otherwise be entitled under the provisions of section 107(c) of the Agricultural Act of 1949.'"

Repeal of Processor Certificate Requirement

(10) (A) Section 403 is amended by inserting "(a)" after the section designation and by inserting at the end thereof the following:

"(b) Sections 379d, 379e, 379f, 379g, 379h, 379i, and 379j of the Agricultural Adjustment Act of 1938 (which deal with marketing certificate requirements for processors and exporters) shall not be applicable to wheat processed or exported during the period beginning on the date of enactment of the Agriculture and Consumer Protection Act of 1973 through June 30, 1979."

(B) The Secretary of Agriculture is authorized to issue such rules and regulations as he deems necessary to achieve a prompt and effective implementation of the amendment made by subparagraph (A) of this paragraph, and to guarantee that the amounts which a producer would have realized under law for the 1973 crop of wheat from the sale of his farm domestic allotment of wheat in the absence of the changes relating to marketing certificate requirements made by the Agriculture and Consumer Protection Act of 1973 shall be paid to such producer as if such changes had not been made.

Suspension of Wheat Marketing Quotas

(11) Section 404 is amended by striking "1971, 1972, and 1973" wherever it appears and inserting "1971 through 1978", and by striking "1972 and 1973" and inserting "1972 through 1978".

State Agency Allotments, Proven Yields

(12) Section 405 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1978"; by repealing paragraph (2) effective with the 1974 crop; by inserting "(a)" after the section designation; by changing the period and quotation mark at the end of the section to a semicolon; and by adding at the end of the section the following:

"(b) Effective only with respect to the 1974 through 1978 crops, section 708 of Public Law 89–321 is amended by inserting before the period at the end thereof a comma and the following: 'but this sentence shall not be applicable to wheat'."

Suspension of Quota Provisions

(13) Section 406 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1978".

Reductions in Wheat Stored To Avoid Penalty

(14) Section 407 is amended to read as follows:

"Sec. 407. The amount of any wheat stored by a producer under section 379c(b) of the Agricultural Adjustment Act of 1938, as amended, prior to the 1971 crop of wheat may be reduced after the date of enactment of the Agriculture and Consumer Protection Act of 1973 without penalty of any kind."

Application of the Agricultural Act of 1949

(15) Section 408 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1978".

Commodity Credit Corporation Sales Price Restrictions

(16) Section 409 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1978".

Set-Aside on Summer Fallow Farms

(17) Section 410 is amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1978".

Feed Grains

(18) Section 501 is amended by—

(A) striking out that portion which precedes the first colon and inserting the following:

"Sec. 501. (a) Effective only with respect to the 1971 through 1978 (1971 through 1973 in the case of subsection (b)) crops of feed grains, section 105 of the Agricultural Act of 1949, as amended, is further amended to read as follows:",

(B) adding at the end thereof the following:

"(b) Effective only with respect to the 1974 through 1978 crops of feed grains, section 105(b) of the Agricultural Act of 1949, as amended, is further amended to read as follows:

"'(b) (1) In addition, the Secretary shall make available to producers payments for each crop of corn, grain sorghums, and, if designated by the Secretary, barley, computed by multiplying (1) the payment rate, times (2) the allotment for the farm for such crop, times (3) the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield. The payment rate for corn shall be the amount by which the higher of—

"'(1) the national weighted average market price received by farmers during the first five months of the marketing year for such crop, as determined by the Secretary, or

"'(2) the loan level determined under section (a) for such crop

is less than the established price of $1.53 per bushel, adjusted for each of the 1975 through 1978 crops to reflect any changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates. The payment rate for grain sorghums and, if designated by the Secretary, barley, shall be such rate as the Secretary determines fair and reasonable in relation to the rate at which payments are made available for corn. If the Secretary determines that the producers on a farm are prevented from planting any portion of the farm acreage allotment to feed grains or other nonconserving crop, because of drought, flood, or other natural disaster or condition beyond the control of the producer, the rate of payment on such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price.

"'(2) The Secretary shall, prior to January 1 of each calendar year, determine and proclaim for the crop produced in such calendar year a national acreage allotment for feed grains, which shall be the number of acres he determines on the basis of the estimated national average yield of the feed grains included in the program for the crop for which the determination is being made will produce the quantity (less imports) of such feed grains that he estimates will be utilized domestically and for export during the marketing year for such crop. If the Secretary determines that carryover stocks of any of the feed grains are excessive or an increase in stocks is needed to assure a desirable carryover, he may adjust the feed grain allotment by the amount he determines will accomplish the desired decrease or increase in carryover stocks. State, county, and farm feed grain allotments shall be established on the basis of the feed grain allotments established for the preceding crop (for 1974 on the basis of the feed grain bases established for 1973), adjusted to the extent deemed necessary to establish a fair and equitable apportionment base for each State, county, and farm. Not to exceed 1 per centum of the State feed grain allotment may be reserved for apportionment to new feed grain farms on the basis of the following factors: suitability of the land for production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or contributed by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain allotments.

"'(3) If for any crop the total acreage on a farm planted to feed grains included in the program formulated under this subsection is less than the feed grain allotment for the farm, the feed grain allotment for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than the feed grain allotment for the farm, but such reduction shall not exceed 20 per centum of the feed grain allotment. If no acreage has been planted to such feed grains for three consecutive crop years on any farm which has a feed grain allotment, such farm shall lose its feed grain allotment: *Provided,* That no farm feed grain allotment shall be reduced or lost through failure to plant, if the producer elects not to receive payment for such portion of the farm feed grain allotment not planted, to which he would otherwise be entitled under the provisions of this Act. Producers on any farm who have planted to such feed grains not less than 90 per centum of the feed grain allotment shall be considered to have planted an acreage equal to 100 per centum of such allotment. An acreage on the farm which the Secretary determines was not planted to such feed grains because of drought, flood, or other natural disaster or condition beyond the control of the producer shall be considered to be an acreage of feed grains planted for harvest. For the purpose of this paragraph, the Secretary may permit producers of feed grains to have acreage devoted to soybeans, wheat, guar, castor beans, or such other crops as the Secretary may deem appropriate, considered as devoted to the production of such feed grains to such extent and subject to such terms and conditions as the Secretary determines will not impair the effective operation of the feed grain of soybean program.'.",

(C) striking out "1971, 1972, 1973" where it appears in that part which amends section 105(c)(1) of the Agricultural Act of 1949 and inserting "1971 through 1978", and by striking out the word "base" in the second sentence and substituting the word "allotment".

(D) amending the third sentence of section 105(c)(1) to read as follows: "The Secretary is authorized for the 1974 through 1978 crops to limit the acreage planted to feed grains on the farm to a percentage of the farm acreage allotment.",

(E) striking out paragraphs (1) and (3) of subsection (e), all but the first sentence of paragraph (2) of subsection (e), and all of subsection (g).

Suspension of Marketing Quotas for Cotton, Minimum Base Acreage Allotment

(19) Section 601 is amended by—

(A) striking out "1971, 1972, and 1973" wherever it appears therein and inserting "1971 through 1978",

(B) striking "1970, 1971, and 1972" from paragraph (2) and inserting "1970 through 1977",

(C) striking "1974" from paragraph (3)(1) and inserting "1979", and by striking "1972 and 1973" from paragraph (4) and inserting "1972 through 1978",

(D) effective beginning with the 1974 crop, adding at the end of section 350(a) in paragraph (4) of section 601 the following: "The national base acreage allotment for the 1974 through 1978 crops shall not be less than ten million acres.",

(E) effective beginning with the 1974 crop, striking "soybeans, wheat or feed grains" from the last sentence of section 350(e)(2) in paragraph (4) of section 601 and inserting "soybeans, wheat, feed grains, guar, castor beans, or such other crops as the Secretary may deem appropriate".

Cotton Production Incentives

(20) Section 602 is amended by—

(A) striking "1971, 1972, and 1973" wherever it appears therein and inserting "1971 through 1978", by striking "the 1972 or 1973 crop" where it appears in that part amending section 103(e)(1) of the Agricultural Act of 1949 and inserting "any of the 1972 through 1978 crops", and by striking out "acreage world price" in that part amending section 103(e)(1) of the Agricultural Act of 1949, and substituting "average world price";

(B) in that part amending section 103(e)(1) of the Agricultural Act of 1949 striking out "two-year period" wherever it appears therein and substituting "three-year period"; by striking out "Middling one-inch" and substituting "Strict low middling one and one-sixteenth inches"; and by striking out that part beginning with "except that" in the first sentence and substituting "except that the Secretary shall make such adjustments as are necessary to keep United States upland cotton in line with average world prices and retain an adequate share of the world market for such cotton.";

(C) effective, beginning with the 1974 crop, amending section 103(e)(2) of the Agricultural Act of 1949, as it appears in such section 602 to read as follows:

"(2) Payments shall be made for each crop of cotton to the producers on each farm at a rate equal to the amount by which the higher of—

"(1) the national average market price for Strict low middling one and one-sixteenth inches cotton (micronaire 3.5 through 4.9) in the designated spot markets during the first five months of the marketing year for such crop, as determined by the Secretary, or

"(2) the loan level determined under paragraph (1) for such crop

is less than the established price of 43 cents per pound adjusted for each of the 1975 through 1978 crops to reflect any changes in the index of prices paid by farmers for production items, interest, taxes, and wage rates. If the Secretary determines that the producers on a farm are prevented from planting any portion of the allotment to cotton or a nonconserving crop, because of drought, flood, or other natural disaster, or condition beyond the control of the producer, the rate of payment for such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. The payment rate with respect to any producer who (i) is on a small farm (that is, a farm on which the base acreage allotment is ten acres or less, or on which the yield used in making payments times the farm base acreage allotment is five thousand pounds or less, and for which the base acreage allotment has not been reduced under section 350(f)), (ii) resides on such farm, and (iii) derives his principal income from cotton produced on such farm, shall be increased by 30 per centum; but, notwithstanding paragraph (3), such increase shall be made only with respect to his share of cotton actually harvested on such farm within the quantity specified in paragraph (3)."

(D) effective, beginning with the 1974 crop, amending the third sentence of section 103(e)(4)(A) of the Agricultural Act of 1949, as it appears in such section 602 to read as follows: "The Secretary is authorized for the 1974 through 1978 crops to limit the acreage planted to upland cotton on the farm in excess of the farm base acreage allotment to a percentage of the farm base acreage allotment".

Commodity Credit Corporation Sales Price Restrictions for Cotton

(21) Section 603 is amended by striking out "1974" and inserting "1979", and by striking out "Middling one-inch" and inserting "Strict low middling one and one-sixteenth inches".

Miscellaneous Cotton Provisions

(22) Sections 604, 605, 606, 607, and 608 are each amended by striking out "1971, 1972, and 1973" and inserting "1971 through 1978".

Cotton Market Development

(23) Section 610 is amended by striking out "1972 and 1973" and inserting "1972 through 1978".

Cotton Insect Eradication

(24) Title VI is amended by adding at the end thereof the following:

"Sec. 611. Section 104 of the Agricultural Act of 1949, as amended, is amended by adding a new subsection (d) as follows:

"'(d) In order to reduce cotton production costs, to prevent the movement of certain cotton plant insects to areas not now infested, and to enhance the quality of the environment, the Secretary is authorized and directed to carry out programs to destroy and eliminate cotton boll weevils in infested areas of the United States as provided herein and to carry out similar programs with respect to pink bollworms or any other major cotton insect if the Secretary determines that methods and systems have been developed to the point that success in eradication of such insects is assured. The Secretary shall carry out the eradication programs authorized by this subsection through the Commodity Credit Corporation. In carrying out insect eradication projects, the Secretary shall utilize the technical and related services of appropriate Federal, State, and private agencies. Producers and landowners in an eradication zone, as established by the Secretary, and who are receiving benefits from any program administered by the United States Department of Agriculture, shall, as a condition of receiving or continuing any such benefits, participate in and cooperate with the eradication project, as specified in regulations of the Secretary. Where special measures deemed essential to achievement of the eradication objective are taken by the project and result in a loss of production and income to the producer, the Secretary shall provide reasonable and equitable indemnification from funds available for the project, and also provide for appropriate protection of the allotment, acreage history, and average yield for the farm. The cost of the program in each eradication zone shall be determined, and cotton producers in the zone shall be required to pay up to one-half thereof, with the exact share in each zone area to be specified by the Secretary upon his finding that such share is reasonable and equitable based on population levels of the target insect and the degree of control measures normally required. Each producer's pro rata share shall be deducted from his cotton payment under this Act or otherwise collected, as provided in regulations of the Secretary. Insofar as practicable, cotton producers and other persons engaged in cotton production in the eradication zone shall be employed to participate in the work of the project in such zone. Funding of the program shall be terminated at such time as the Secretary determines and reports to the Congress that complete eradication of the insects for which programs are undertaken pursuant to this subsection has been accomplished. Funds in custody of agencies carrying out the program shall, upon termination of such program, be accounted for to the Secretary for appropriate disposition.

" 'The Secretary is authorized to cooperate with the Government of Mexico in carrying out operations or measures in Mexico which he deems necessary and feasible to prevent the movement into the United States from Mexico of any insects eradicated under the provisions of this subsection. The measure and character of cooperation carried out under this subsection on the part of the United States and on the part of the Government of Mexico, including the expenditure or use of funds made available by the Secretary under this subsection, shall be such as may be prescribed by the Secretary. Arrangements for the cooperation authorized by this subsection shall be made through and in consultation with the Secretary of State.'."

Public Law 480

(25) Section 701 is amended by striking out "1973" and inserting "1978"; and title VII is further amended by adding at the end thereof the following:

"Sec. 703. Section 102 of the Agricultural Trade Development and Assistance Act of 1954, as amended, is amended by deleting the language that follows the first colon and changing the colon to a period.

"Sec. 704. Section 103 of such Act is amended by—

"(a) adding immediately before the semicolon at the end of subsection (d) a period and the following: 'Notwithstanding any other provisions of law, the President may enter into a sales agreement for dollars under title I of this Act with a country with which such agreement may not otherwise be concluded if assistance in any form may be made available under title II of this Act: *Provided,* That the President finds with respect to each such sales agreement, and so informs the Senate and the House of Representatives of the reasons therefor, that the making of each such agreement would be in the national interest of the United States, and publishes such findings and the reasons therefor in the Federal Register';

"(b) inserting before the semicolon at the end of subsection (o) the following: 'and that commercial supplies are available to meet demands developed through programs carried out under this Act. In order to further stimulate exports and to facilitate conversion of concessional sales and donations under this Act to cash dollar sales, applications by recipient countries for participation in programs under this Act shall include considerations of supplementary cash dollar sales at that time or in the future'.

"Sec. 705. (a) Subsection (c) of section 104 of such Act is repealed.

"(b) Subsection (b) of section 106 of such Act is amended by adding at the end thereof the following: 'No agreement entered into under this Act with any foreign country shall provide or require that foreign currencies accruing to the United States under this Act be used for the purpose of procuring for such country any equipment, materials, facilities, or services for any military or defense purpose (including internal security purposes).' "

Beekeeper Indemnities

(26) Section 804 is amended by striking out "December 31, 1973" and inserting "December 31, 1978."

Miscellaneous Provisions

(27) Add at the end of title 8 the following:

"Sec. 807. Section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f)) is amended to read as follows:

" '(f) Export or cause to be exported, or aid in the development of foreign markets for, agricultural commodities: *Provided,* That any application for subsidies under this or any other Act for the exportation of any agricultural commodity must specify the kind, class, and quantity of the commodity and the regional geographic destination. Such information shall be published by the Secretary in the Federal Register and disseminated to appropriate news media within seventy-two hours after such application is filed.'

"Sec. 808. The Food Stamp Act of 1964, as amended, is amended—

"(a) by adding at the end of section 3, the following:

" '(n) The term "program of distribution of federally donated foods" means any program promulgated pursuant to section 32 of Public Law 74–320, as amended, or section 416 of the Agricultural Act of 1949, as amended, that involves the distribution of federally donated foods to households.

" '(o) The term 'paraprofessional' means a lay person who operates under the direction and supervision of a professional trained social worker."

"(b) by amending subsection (b) of section 5 to read as follows:

" '(b) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall establish uniform national standards of eligibility for participation by households in the food stamp program and the program of distribution of federally donated foods, that shall apply wherever those programs are in effect, and no plan of operation submitted by a State agency shall be approved unless the standards of eligibility meet those established by the Secretary. The standards established by the Secretary, at a minimum, shall prescribe the amounts of household income and other financial resources, including both liquid and nonliquid assets, to be used as criteria of eligibility. However, in no event shall the resource eligibility criteria, for liquid and nonliquid assets, established by the Secretary be less than $3,000 for each individual sixty years of age or over. Any household which includes a member who has reached his eighteenth birthday and who is claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household, shall be ineligible to participate in any food stamp program established pursuant to this Act during the tax period such dependency is claimed and for a period of one year after expiration of such tax period. The Secretary may also establish temporary emergency standards of eligibility, without regard to income and other financial resources, for households that are the victims of a mechanical disaster which disrupts the distribution of coupons, and for households that are victims of a disaster which disrupted commercial channels of food distribution when he determines that such households are in need of temporary food assistance, and that commercial channels of food distribution have again become available to meet the temporary food needs of such households: *Provided,* That the Secretary shall in the case of Puerto Rico, Guam, and the Virgin Islands, establish special standards of eligibility and coupon allotment schedules which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in Puerto Rico and the respective territories; except that in no event shall the standards of eligibility or coupon allotment schedules so used exceed those in the fifty States. Notwithstanding any other provision of law, households in which members are included in a federally aided public assistance program pursuant to title XVI of the Social Security Act shall be eligibile to participate in the food stamp program or the program of distribution of federally donated foods if they satisfy the appropriate income and resources eligibility criteria.'

"(c) by adding at the end of subsection (a) of section 7, the following: *'Provided,* That the Secretary shall raise the face value of the coupon allotment to be issued to a household that includes a person who is medically certified as requiring a special diet due to disease or some organic difficulty by such amount as the Secretary shall establish for each such person in order to assure a nutritionally adequate diet.'

"(d) by amending subsections (c) and (e) of section 10 to read as follows:

" '(c) Each household desiring to participate in the food stamp program shall be certified for eligibility upon completion of a simplified application form seeking data on sources of income, deductions, household size, and composition coupled with the presentation of reasonably available documentation verifying income, which application shall be acted upon and eligibility certified or denied within thirty days following the date upon which the request for food stamp assistance is initially made, except that any household which is receiving public assistance from any State under a program approved pursuant to title IV of the Social Security Act and which makes application for the benefits of this Act shall be certified for eligibility upon request.

" 'In the case of any application with respect to which certification or denial is not made within thirty days after the date on which such application is filed, provide temporary certification of eligibility to such household until a final decision on the merits of the application can be made.

"The income of any migrant (as defined in

42 U.S.C. 242h) household earned on a seasonal basis shall be average on a three-, six-, or twelve-month basis as the applicant may elect, and certification for eligibility of such household shall be made for a like period of time. Certification of a household as eligible in any political subdivision shall, in the event of removal of such household to another political subdivision in which the food stamp program is operating, remain valid for participation in the food stamp program for a period of sixty days from the date of such removal. Each participating household whose income or resources increase or whose size decreases or whose composition is affected in such a manner as to lower the coupon allotment value to which it is entitled pursuant to section 7(a) of this Act, shall be required no later than thirty days after the close of each quarter in which such change of circumstances occurs, to submit a report to the appropriate State agency containing such information, including the reporting of such change, and in such form as the Secretary may prescribe in order to enable the State agency to determine the household's continued eligibility for the program and the value of the coupon allotment such household should receive and the amount it should be charged therefor pursuant to section 7 of this Act. In the event that any household required to submit such a report fails to do so, such household shall not be eligible to participate in the program so long as such failure continues.

"'(e) The State agency of each State desiring to participate in the food stamp program shall submit for approval a plan of operation specifying the manner in which such State intends to conduct the program and the Secretary shall, upon approval of the plan, permit the State or any political subdivision within such State which wishes to institute the program to do so within ninety days of requesting institution of the program, unless the State or political subdivision wishes to delay such institution. Such plan of operation shall provide, among such other provisions as may by regulation be required, the following: (1) the use of the eligibility standards promulgated by the Secretary under section 5 of this Act and the certification procedures specified in subsection (c) of this section; (2) safeguards which restrict the use or disclosure of information obtained from applicant households to persons directly connected with the administration or enforcement of the provisions of this Act or the regulations issued pursuant to this Act; (3) pursuant to guidelines issued by the Secretary employment by the State agency in each political subdivision in which the program is in effect of one worker (including paraprofessionals) per year for each one thousand participating households for the purpose of undertaking the certification of applicant households, and one worker (including paraprofessionals) per year for each five hundred households in that subdivision whose incomes are under the income poverty guidelines reported by the Census Bureau of the United States Department of Commerce, but who are not participating in the food stamp program, for the purpose of informing such households of the availability and benefits of the program and encouraging their participation; (4) granting a fair hearing, and prompt determination thereafter, to any household aggrieved by any action of a State agency under any provision of its plan of operation as it affects the participation of such household in the program, including the granting of Federal reimbursable retroactive relief wherever appropriate by reducing the amount to be charged for the household's coupon allotment pursuant to section 7(b) of this Act, if any; (5) issuance of coupon allotments no less often than two times per month; (6) notwithstanding any other provision of law, the institution of procedures under which any household participating in the program shall be entitled, if it so elects, to have the charges, if any, for its coupon allotment deducted from any grant or payment such household may be entitled to receive under title IV of the Social Security Act and have its coupon allotment distributed to it with such grant or payment; and (7) the submission of such reports and other information as may from time to time be required.'

"(e) by amending section 15 to read as follows:

"'Sec. 15. Each State shall be responsible for financing, from funds available to the State or political subdivision thereof, 20 per centum of the costs of carrying out the administrative responsibilities assigned to it under the provisions of this Act. The Secretary shall pay to each State 80 per centum of such costs, including, but not limited to, the certification of households; the acceptance, storage, and protection of coupons after their delivery to receiving points within the States; the issuance of such coupons to eligible households and the control and accounting thereof; and the performance of outreach and fair hearing requirements contained in subsections (e)(3) and (e)(4) of section 10 of this Act.'

"(f) by striking out in the first sentence of subsection (a) of section 16, 'June 30, 1972, and June 30, 1973' and inserting in lieu thereof 'June 30, 1972, through June 30, 1978', and by inserting at the end of the first sentence of subsection (a) the following new sentence: 'Sums appropriated under the provisions of this Act shall, notwithstanding the provisions of any other law, continue to remain available until expended.', by deleting subsection (b), and by relettering subsection (c) as (b) and subsection (d) as (c).

"(g) by adding at the end of subsection (h) of section 10, the following: "Subject to such terms and conditions as may be prescribed by the Secretary, in the regulations issued pursuant to this Act, members of an eligible household who are sixty years of age or over or elderly persons and their spouses may also use coupons issued to them to purchase meals prepared by senior citizens' centers, apartment buildings occupied primarily by elderly persons, any public or nonprofit private school which prepares meals especially for elderly persons, any public or nonprofit private eating establishment which prepares meals especially for elderly persons during special hours, and any other public and nonprofit private establishment approved for such purpose by the Secretary. When an appropriate State or local agency contracts with a private establishment to offer, at concessional prices, meals prepared especially for elderly persons during regular or special hours, the Secretary shall permit eligible households who are sixty years of age or over or elderly persons and their spouses to use coupons issued to them to purchase such meals.'

"(h) by adding at the end of subsection (b) of section 3 the following: 'It shall also include seeds and plants for use in gardens to produce food for the personal consumption of the eligible household.'

"(i) by amending subsection (a) at section 7 to read as follows:

"'(a) The face value of the coupon allotment which State agencies shall be authorized to issue to any households certified as eligible to participate in the food stamp program shall be in such amount as the Secretary determines to be the cost of a nutritionally adequate diet, adjusted semiannually to reflect changes in the prices of food published by the Bureau of Labor Statistics in the Department of Labor: *Provided*, That a special adjustment will be implemented August 1, 1973, and shall incorporate the changes in the prices of food through April 30, 1973.'

"(j) by adding at the end thereof a new section as follows:

"'AUTHORITY OF CERTAIN ELIGIBLE HOUSEHOLDS IN ALASKA TO USE COUPONS FOR THE PURCHASE OF HUNTING AND FISHING EQUIPMENT EXCEPT FIREARMS, AMMUNITION, AND OTHER EXPLOSIVES

"'Sec. 17. Notwithstanding any other provision of this Act, members of eligible households living in the State of Alaska shall be permitted, in accordance with such rules and regulations as the Secretary may prescribe, to purchase hunting and fishing equipment except firearms, ammunition, and other explosives, with coupons issued under this Act if the Secretary determines that (1) such households are located in an area of the State which makes it extremely difficult for members of such households to reach retail food stores, and (2) such households depend to a substantial extent on hunting and fishing for subsistence purposes.'

"Sec. 809. The first sentence of section 305 of the Consolidated Farm and Rural Development Act is amended by striking out 'against the farm or other security' and inserting 'of the borrower under such sections'.

"Sec. 810. The Secretary of Agriculture, in cooperation with the land grant colleges, commodity organizations, general farm organizations, and individual farmers, shall conduct a cost of production study of the wheat, feed grain, cotton, and dairy commodities under the various production practices and establish a current national weighted average cost of production. This study shall be updated annually and shall include all typical variable costs, a return on fixed costs equal to the existing interest rates charged by the Federal Land Bank, and return for management comparable to the normal management fees charged by other comparable industries. These studies shall be based upon the size unit that requires one man to farm on a full-time basis.

"Sec. 811. (a) The Secretary of Agriculture is authorized and directed to carry out a comprehensive study and investigation to determine the reasons for the extensive loss of livestock sustained each year, through injury and disease, while such livestock is being transported in interstate commerce for commercial purposes. The Secretary is also authorized and directed to conduct, in connection with such study and investigation, an intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost, through injury and disease, during transportation for commercial purposes.

"(b) The Secretary of Agriculture shall submit to the Congress not more than four years after the date of enactment of this section a final report on the results of his study and investigation and research together with such recommendations for administrative and legislative action as he deems appropriate. He shall submit such interim reports to the Congress as he deems advisable, but at least one at the end of each twelve-month period following the date of enactment of this section.

"(c) There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not more than $500,000 in any fiscal year.

"Sec. 812. (a) The President is hereby authorized to, and it is hereby recommended that he, take such action as necessary to initiate the convening of a conference of the countries of the world on the conduct of trade in grains and products of grains with the object of negotiating an international agreement on grains by July 1, 1974. Specific efforts should be made to secure the participation in such conference and the agreement resulting therefrom of all major grain exporting and importing countries including the Soviet Union and the People's Republic of China.

"(b) Elements to be addressed in the conference and to be sought through negotiation in an international grains agreement should include maximum and minimum price levels, supply and import commitments, rules on the disposal or stockpiling of surplus domestic production, limitations on the use of export subsidies, provisions for cooperation among countries in managing the supplies put onto the market, provisions on world production and trade in grains, world grains reserve subject to international supervision to assure importers of the ability of exporters to meet their supply commitments, and national grains reserves under national control to provide for national emergencies, price stability, and other purposes.

"(c) Pursuant to the constitutional authority and responsibility of the Congress 'to regulate commerce with foreign nations,' it is recommended that the President report to the committees dealing with agricultural matters and other appropriate committees of both Houses of the Congress within ninety days of the effective date of the Agriculture and Consumer Protection Act of 1973 and at intervals of not less than ninety days thereafter regarding the progress of his efforts to achieve the convening of a conference as provided herein, and not later than the tenth day of each month when Congress is in session and an international conference convened pursuant to this section is underway concerning the progress of negotiations. It is recommended that the President accredit a designee of each of the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry as an observer-delegate on the delegation of the United States in any such international conference, and that such designees be accorded full access to all background and other information used by the United States delegation in determining its negotiating position and conducting negotiations, and be admitted to all meetings of the United States' delegation and to all proceedings of the international conference.

"Sec. 813. There is hereby created a National Agricultural Transportation Committee to be composed of the Secretary of Agriculture, as Chairman, the Director of the Office of Emergency Preparedness (or successor agency), and the Chairman of the Interstate Commerce Commission, or their designees, and a representative of each of the following: National Grain and Feed Association, National Council of Farmer Cooperatives, Forest Industries Council, Association of American Railroads, the United Transportation Union, the International Longshoremen's Association and the American National Cattleman's Association.

"Upon written request of two or more members the Secretary of Agriculture shall call a meeting of the Committee to determine if an emergency exists with regard to the transportation of agricultural commodities (including wood products). If the Committee finds, by majority vote, that such emergency exists it shall make such recommendations as it deems appropriate to executive departments and agencies and to the Congress to alleviate such emergency and to insure that movement of non-Government-owned stocks receive priority with respect to available transportation facilities.

"Sec. 814. In order to reduce fertilizer and herbicide usage in excess of production needs, to develop wheat and feed grain varieties more susceptible to complete fertilizer utilization, to improve the resistance of wheat and feed grain plants to disease and to enhance their conservation and environmental qualities, the Secretary of Agriculture is authorized and directed to carry out regional and national research programs.

"In carrying out such research, the Secretary shall utilize the technical and related services of the appropriate Federal, State, and private agencies. The Secretary shall establish a Wheat and Feed Grain Research Committee to assist in establishing research priorities. Committee members will be bona fide producers who receive a substantial portion of their income from wheat or feed grain and have previous experience in allocating research funds from Federal, State, and private sources.

"There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not more than $500,000 in any fiscal year.

"Sec. 815. The Department of Agriculture shall provide technical support to exporters and importers of United States agricultural products when so requested. Such support shall include, but not be limited to, a review of the feasibility of the export proposal, adequacy of sources of supply, compliance with trade regulations of the United States and the importing country and such other information or guidance as may be needed to expand and expedite United States agricultural exports by private trading interests.

"All exporters of wheat and wheat flour, feed grains, oil seeds and products thereof, produced in the United States shall, within seventy-two hours after a contract for such a commodity has been concluded with a foreign buyer, report as to the kind, class, quantity, and destination of that commodity to the Secretary of Agriculture. The Secretary shall promptly make public such reports. The Secretary shall further determine and make public the effect of such exports on domestic supply and demand of such commodities at regular intervals, but not less than twice each month. Any person who knowingly fails to report export sales pursuant to the requirements on this section shall be subject to penalties not to exceed $25,000 or one year in jail, or both.

"The Department shall organize an agricultural export market development unit within the Foreign Agricultural Service, whose function shall be to initiate and to provide guidance, cooperation, and support for agricultural export market development.

"For this purpose, there is authorized to be appropriated not more than $350,000 in the fiscal year ending June 30, 1974; $350,000 for the fiscal year ending June 30, 1975; and $350,000 for the fiscal year ending June 30, 1976. The sums so appropriated shall remain available until expended.

"Sec. 816. (a) The Council of Economic Advisers (hereinafter referred to as the 'Council') shall monitor and analyze all developments that occur, including any developments that the Council anticipates may occur, that may affect the ultimate cost of food and fiber to the American consumer, and shall submit written reports quarterly to the President and the Congress regarding such developments.

"(b) In addition to the regular quarterly reports required under subsection (a), the Council shall submit special interim reports to the President and the Congress at any time any major development occurs that is likely to affect the consumer price of food or fiber.

"(c) Upon the request of any committee of either House of Congress, the Council shall promptly submit a report analyzing any particular development or event which such committee believes may have a significant bearing on the price of food or fiber.

"(d) In analyzing and reporting on any development or event pursuant to the foregoing provisions of this section, the Council shall include in such report its estimate of any cost changes that will likely occur as the result of such development or event in the hypothetical food market basket computed periodically by the Department of Agriculture.

"Sec. 817. (a) Section 401 of the Rural Development Act of 1972 (86 Stat. 670) is amended by substituting the words 'fire' and 'fires' for the words 'wildfire' and 'wildfires', respectively, wherever such words appear.

"(b) Section 403 of the Rural Development Act of 1972 (86 Stat. 671) is amended by substituting the word 'four' for 'two' in the first sentence of said section.

"(c) Section 404 of the Rural Development Act of 1972 (86 Stat. 671) is amended to read as follows:

"'Sec. 404. Appropriations.—There is authorized to be appropriated to carry out the provisions of this title $7,000,000 for each of three consecutive fiscal years beginning with the fiscal year for which funds are first appropriated and obligated by the Secretary of Agriculture carrying out this title.'

"(d) Section 306(a) of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof the following:

"'(13) (A) The Secretary, under such reasonable rules and conditions as he shall establish, shall make grants to eligible volunteer fire departments for up to 50 per centum of the cost of firefighting equipment needed by such departments but which such departments are unable to purchase through the resources otherwise available to them, and for the cost of the training necessary to enable such departments to use such equipment efficiently.

"'(B) For the purposes of this subsection, the term "eligible volunteer fire department" means any established volunteer fire department in a rural town, village, or unincorporated area where the population is less than two thousand but greater than two hundred, as reasonably determined by the Secretary.'

"Sec. 818. Section 310B(d) of subtitle A of the Consolidated Farm and Rural Development Act is amended by adding at the end thereof the following:

"'(4) No loan authorized to be made under this section, section 304, or section 312 shall require or be subject to the prior approval of any officer, employee, or agency of any State.

"'(5) No loan commitment issued under this section, section 304, or section 312 shall be conditioned upon the applicant investing in excess of ten per centum in the business or industrial enterprise for which purpose the loan is to be made unless the Secretary determines there are special circumstances which necessitate an equity investment by the applicant greater than ten per centum.'

"Sec. 819. (a) The Congress hereby specifically affirms the long-standing national policy to protect, preserve, and strengthen the family farm system of agriculture in the United States and believes that the maintenance of that system is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. The Congress further believes that any significant expansion of large-scale corporate and vertically integrated farming enterprises would be detrimental to the national welfare. It is not the policy of the Congress that agricultural and agriculture related programs be administered exclusively for family farm operations, but it is the policy and express intent of the Congress that no such program be administered in a manner that will place the family farm operation at an economic disadvantage.

"(b) In order that the Congress may be better informed regarding the status of the family farm system in the United States, the Secretary of Agriculture shall submit to the Congress not later than July 1 each year a written report containing current information on trends in family farm operations and comprehensive National and State-by-State data on corporate and vertically integrated agricultural operations in the United States. The Secretary shall also include in each such report (1) information as to how existing agriculture and agriculture related programs are being administered so as to protect, preserve, and strengthen the family farm system of agriculture in the United States, (2) an assessment of how Federal laws, including the tax laws, may be serving to encourage the growth of large-scale corporate and vertically integrated farming operations, and (3) such other information as the Secretary deems appropriate or determines would aid the Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.

"SEC. 820. (a) The Secretary of Agriculture hereinafter in this section referred to as the 'Secretary') may enter into multiyear set-aside contracts for a period not to exceed beyond the 1978 crop. Such contract may be entered into only as a part of the programs in effect for wheat, feed grains, and cotton for the years 1974 through 1978, and only producers participating in one or more of such programs shall be eligible to contract with the Secretary under this section. Any producer entering into a multiyear set-aside agreement shall be required to devote specified acreage on the farm to a vegetative cover that is capable of maintaining itself throughout the contract period and providing soil protection, water quality enhancement, wildlife production, and natural beauty.

"(b) The Secretary shall provide cost-sharing incentives to farm operators for such cover establishment on all or a portion of the set-aside base whenever a multiyear contract is entered into as provided in subsection (a).

"(c)(1) The Secretary shall appoint an advisory board in each State to advise the State committee of that State (established under section 8(b) of the Soil Conservation and Domestic Allotment Act) regarding the types of conservation measures that should be approved for purposes of subsections (a) and (b). The Secretary shall appoint at least six indivduals to the advisory board of each State who are especially qualified by reason of education, training, and experience in the fields of agriculture, soil, water, wildlife, fish, and forest management. The advisory board appointed for any State shall meet at least once each calendar year.

"(2) The Secretary, through the establishment of a National Advisory Board to be named by him in consultation with the Secretary of Interior shall seek the advice and assistance of the appropriate officials of the several States in developing the wildlife phases of the program provided for under this subsection, especially in developing guidelines for (A) providing technical assistance for wildlife habitat improvement practices, (B) evaluating effects on surrounding areas, (C) considering esthetic values, (D) checking compliance by cooperators, and (E) carrying out programs of wildlife management on the acreage set aside.

"(d) The eighteenth sentence of section 8(b) of the Soil Conservation and Domestic Allotment Act is amended to read as follows: 'The State director of the Agricultural Extension Service and the State director of Wildlife Resources (or comparable officer), or his designee, shall be ex officio members of such State committee.'

"SEC. 821. (a) The first sentence of section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended to read as follows: 'In the case of specific projects for works for the collection, treatment, or disposal of waste in rural areas, the Secretary is authorized and, in the case of specific projects for works for the development, storage, treatment, purification, or distribution of water, the Secretary is authorized and directed to make grants in amounts specified in appropriation Acts aggregating not to exceed $50,000,000 in any fiscal year to such associations to finance such projects.'

"(b) Section 306(a)(6) of such Act (7 U.S.C. 1926(a)(6)) is amended to read as follows:

"'(6) In the case of waste disposal systems in rural areas, the Secretary is authorized and, in the case of water systems, the Secretary is authorized and directed to make grants in amounts specified in appropriation Acts not exceeding $5,000,000 in any fiscal year to public bodies or such other agencies as the Secretary may determine having authority to prepare comprehensive plans for the development of such systems.'

"SEC. 822. In carrying out the direct commodity distribution program under section 416 of the Agricultural Act of 1949, as amended, the Secretary of Agriculture shall use funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) and funds of the Commodity Credit Corporation as authorized by section 709 of the Food and Agriculture Act of 1965 to purchase on the open market those agricultural commodities and the products thereof of the types customarily available and authorized to be purchased under such section 416 but necessary to provide recipient household members with 125 per centum of their daily nutritional requirements as prescribed by the recommended daily allowances of the Food and Nutrition Board, National Academy of Sciences-National Research Council. To the extent that funds in addition to those referred to above are needed to carry out the provisions of this section, the Secretary of Agriculture shall use any other funds authorized to be used for such purpose.

"SEC. 823. Notwithstanding any other provision of law, the Secretary of Commerce shall conduct a census of agriculture in 1974 as required by section 142 of title 13, United States Code, and shall submit to the Congress, within thirty days after the date of enactment of the Agriculture and Consumer Protection Act of 1973, an estimate of the funds needed to conduct such census."

Forestry Incentives

(28) The following new title is added after title IX:

"TITLE X—FORESTRY INCENTIVES

"SEC. 1001. This title may be cited as the 'Forestry Incentives Act of 1973'.

"SEC. 1002. (a) Congress hereby declares that the Nation's growing demands on forests and related land resources cannot be met by intensive management of Federal lands and industrial forests alone; that the two hundred and ninety-six million acres of nonindustrial private land and twenty-nine million acres of non-Federal public forest land contain 65 per centum of the Nation's total forest resource base available to provide timber, water, fish and wildlife habitat, and outdoor recreation opportunities; that the level of protection and management of such forest lands has historically been low; that such lands can provide substantially increased levels of resources and opportunities if judiciously managed and developed; that improved management and development of such lands will enhance and protect environmental values consistent with the National Environmental Policy Act of 1969 (83 Stat. 852); and that a forestry incentives program is necessary to supplement existing forestry assistance programs to further motivate, encourage, and involve the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in actions needed to protect, develop, and manage their forest lands at a level adequate to meet emerging national demands.

"(b) For the purposes of this Act the term 'small non-industrial private forest lands' means commercial forest lands owned by any person whose total ownership of such lands does not exceed five hundred acres. Such term also includes groups or associations owning a total of five hundred acres or less of commercial forest lands, but does not include private corporations manufacturing products or providing public utility services of any type or the subsidiaries of such corporations.

"SEC. 1003. The Secretary of Agriculture (hereinafter referred to as the 'Secretary') is hereby authorized and directed to develop and carry out a forestry incentives program to encourage the protection, development, and management of small nonindustrial private lands and non-Federal public forest lands. The purposes of such a program shall be to encourage landowners to apply practices which will provide for the afforestation of nonforest lands and reforestation of cutover and other nonstocked and understocked forest lands, and for intensive multiple-purpose management and protection of forest resources to provide for production of timber and other benefits, for protection and enhancement of recreation opportunities and of scenic and other environmental values, and for protection and improvement of watersheds, forage values, and fish and wildlife habitat.

"SEC. 1004. (a) To effectuate the purposes of the forestry incentives program authorized by this title, the Secretary shall have the power to make payments or grants of other aid to the owners of small nonindustrial private forest lands and the owners of non-Federal public forest lands in providing practices on such lands which carry out the purposes of the forestry incentives program. No one small nonindustrial private forest landowner shall receive an annual payment in excess of $2,500 under this title.

"(b) The Secretary may, for the purpose of this section, utilize the services of State and local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1150; 16 U.S.C. 590h(b)), and distribute funds available for cost sharing under this title by giving consideration to pertinent factors in each State and county including, but not limited to, the total areas of small nonindustrial private forest lands and non-Federal public forest land and to the areas in need of planting or additional stocking, the potential productivity of such areas, and to the need for timber stand improvement on such lands. The Secretary may also designate advisers to serve as ex officio members of such committees for purposes of this title. Such ex officio members shall be selected from (1) owners of small nonindustrial private forest lands, (2) private forest managers or consulting foresters, and (3) wildlife and other private or public resource interests.

"(c) Federal funds available to a county for small nonindustrial private forest lands each year may be allocated for cost sharing among the owners of such lands on a bid basis, with such owners contracting to carry out the approved forestry practices for the smallest Federal cost share having first priority for available Federal funds.

"(d) As a condition of eligibility and to safeguard Federal investments, the Secretary shall require cooperating landowners to agree in writing to follow a ten-year forest management plan for their property as a basis for scheduling cost sharing or grants for practices prescribed or approved by the Secretary or his designee. These plans shall assure maintenance and use of such practices throughout the normal lifespan of the practice as determined by the Secretary or his designee. Failure to comply shall require refunding of payments or grants or the value thereof and forfeiture of eligibility for future participation in this program. The Secretary shall devise such regulations as may be necessary and equitable to assure either maintenance of such practices or refunding of Federal investments even if ownership of the land changes. Pro rating of liability over the ten-year span of the management plan shall be permitted so that land-owners are increasingly credited with maintenance and use of a practice over time.

"SEC. 1005. The Secretary shall consult with the State forester or other appropriate official of each State in the conduct of the forestry incentives program provided for in this title. Federal assistance under this title shall be extended in accordance with such terms and conditions as the Secretary deems appropriate to accomplish the purposes of this title. Funds made available under this title may be utilized for providing technical assistance to and encouraging non-Federal public landowners, the owners of small nonindustrial private forest lands, nonprofit groups, individuals, and public bodies in initiating practices which further the purposes of this ttile. The Secretary shall coordinate the administration of this title with other related programs and shall carry out this title in such a manner as to encourage the utilization of private agencies, firms, and individuals furnishing services and materials needed in the application of practices included in the forestry incentive program.

"SEC. 1006. There are authorized to be appropriated annually an amount not to exceed $25,000,000 to carry out the provisions of this title. Such funds shall remain available until expended."

Rural Environmental Assistance Program

(29) The second paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"Notwithstanding any other provision of law, payments made pursuant to the authority granted under this Act shall be made only for the construction of permanent dams, terraces, ponds, waterways, and other soil-conserving facilities and measures of a similar type that are permanent in nature (including measures to establish permanent erosion control cover), and which are approved by the soil conservation district in consultation with the appropriate local or county committee. No payment under this section shall exceed an amount equal to 50 per centum of the total cost of the facility, excluding the cost of the land. Payments under this section may be made in periodic installments as construction is completed.".

SEC. 2. As soon as possible after the enactment of this Act hearings shall be held on the regulations contained in the Federal Register, volume 38, Number 83 (May 1, 1973), pages 10715, 10716, 10717, and all viewpoints shall be afforded an adequate opportunity to appear and testify. Findings based on these hearings shall be made and submitted to Congress. No regulations concerning this matter shall become effective until Congress has had thirty legislative days to review these findings.

SEC. 3. This Act may be cited as the "Agriculture and Consumer Protection Act of 1973".

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOSS. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I want to take this opportunity to express appreciation on behalf of the leadership to the managers of the farm bill today—Mr. TALMADGE and Mr. CURTIS—and especially do I want to express appreciation to the managers of the bill for the splendid cooperation they gave the leadership in connection with unanimous-consent agreements and the several time limit revisions that were made as the bill progressed.

I also want to express thanks to all Senators, especially those Senators who had amendments to offer, for the courtesies they extended to the leadership and for the cooperation they gave in reducing the time, repeatedly, on amendments as the day wore on.

The Senate was working under a very severe time constraint, in view of the agreement to vote on passage of the bill at 2:30 today, and all Senators were very cognizant of this and very understanding.

So, on behalf of the leadership, I want to thank all Senators for their excellent understanding and cooperation in connection with these various consent orders. But for these, it would have been impossible to have had the vote at 2:30 and at the same time give all Senators a chance to offer amendments, with a little time in which to speak a few words thereon. As it worked out, all Senators were able to offer their amendments and make their cases and have their day in court, so to speak, and get a vote thereon.

Mr. HUMPHREY. Mr. President, I just want to take this moment, in light of the passage of the Agricultural Consumer Protection Act, to express as one member of the committee my great thanks for the invaluable cooperation and assistance of our committee staff. That staff has performed a very excellent job on all matters relating to the subject matter of the bill.

We operate pretty much on the basis of a nonpartisan staff. Every staff member makes a contribution to anyone who asks for help.

To the director of the staff and all his associates, I express my thanks. I am sure that I speak for every other member of the committee in that expression.

Mr. NUNN. Mr. President, I rise to congratulate my distinguished colleague from Georgia, the chairman of the Senate Committee on Agriculture and Forestry. I know that the Senate's passage of the Agriculture and Consumer Protection Act of 1973 represents a major milestone in the Senator's effort to secure the enactment of a good farm bill. The Senate passage of this bill is the result of efforts that the Senator began as early as December of 1972.

My distinguished colleague realized that it would be extremely difficult to secure the adoption of a good farm bill this year. Consumers are extremely concerned about high food prices and have little sympathy for the farmer who is forced to produce this food without a profit. The administration stated early that it favored phasing out farm subsidies programs. The major urban newspapers were filled with editorials urging an end to farm programs.

As the chairman told his committee at the beginning of farm bill hearings on February 27:

> Our responsibility for drafting new farm legislation this year comes at what at perhaps is the poorest psychological and political moment.

Like any good lawyer who is faced with an uphill job in proving his case, Chairman TALMADGE began early to lay his groundwork. He wrote to the Secretary of Agriculture on December 5, 1972, requesting a current analysis of the probable effect on farm income, and major groups of producers, if all price support and acreage adjustment payments were discontinued. He requested from the Library of Congress an analysis of the economic implications of allowing the expiration of the Agricultural Act of 1970. When the President stated his wishes on farm policy on February 15, the chairman secured from the Library of Congress an economic appraisal of the administration's farm policy proposals. He also secured from the committee staff an economic appraisal of the effect of the administration's farm policy proposals on Georgia.

All of these studies and analyses pointed to the same conclusion—the failure of the Congress to pass strong farm legislation would be an economic disaster for the Nation, both to the farmers and the consumers. The analysis of the impact of the administration's farm proposal on Georgia concluded:

> Abandonment of payments for cotton, feed grains, and wheat would have a severe adverse effect on the producers of these crops and if the abandonment of the peanut and tobacco programs and the dairy price support and marketing order program were also to come about, the effect on farmers in Georgia would be catastrophic. Furthermore, the effect of lowered farm income on the economies of local communities would also be devastating.

The next step in the chairman's attempt to secure passage of a good farm bill was to schedule hearings with an emphasis on hearing from the grassroots, from working dirt farmers. In 8 days of Washington hearings the committee heard from 110 public witnesses. However, in a further effort to hear from dirt farmers, the chairman encouraged members of the committee to conduct hearings in various parts of the country. The chairman himself held 2 days of hearings in Georgia during the Easter recess.

The message that the committee received was essentially the same in Washington and in various parts of the country—farmers are basically satisfied with the present program and they do not wish to see any radical changes in farm policy. The 300 witnesses that were heard by the committee represented a solid mandate for the continuation of a sound farm program.

With this solid mandate the committee began to mark up a farm bill on May 1, and completed consideration on May 9. The committee arrived at a bill which is similar to the Agricultural Act of 1970, but which has one major difference. Under the committee bill farmers will receive no payments if farm prices continue at a high level. The farm bill establishes a target price of $2.28 a bushel for wheat, $1.53 a bushel for corn, and 43 cents per pound for cotton. This target price will be adjusted each year to reflect changes in the farmers' cost of production. Therefore, if market prices remain high, the farm program will cost the government nothing. However, if prices fall, then farmers will be assured of a fair price for the commodities which are produced on their allotments. The farm bill that the Senate has passed today includes not only farm commodity programs but also such important programs as Public Law 480 and the food stamp program. It is a balanced bill, good for both the farmer and the consumer.

It is a tribute to the chairman of the Agriculture Committee and its members that this bill was reported from the committee unanimously without a taint of partisan difference. This farm bill is a tribute to the ability of Members of both political parties to work together on a nonpartisan basis for a program that is essential to the country.

As a colleague of the senior Senator from Georgia, I feel that both the State and the Nation owe the chairman of the Committee on Agriculture and Forestry a debt of gratitude in the way that he has managed to secure adoption of a sound farm program in the face of overwhelming odds. In my own State of Georgia two-thirds of the manufacturing jobs in the State are based on or related to agriculture. Even in the major metropolitan center of the State, which is Atlanta, one-third of all manufacturing jobs are based on or related to agriculture. Moreover, all Georgians are consumers and they more than anyone else profit from a sound farm program which will insure consumers a stable supply of high quality food.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2246) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period.

The message also announced that the House had passed a bill (H.R. 4443) for the relief of Ronald K. Downie, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; and

H.R. 4704. An act for the relief of certain former employees of the Securities and Exchange Commission.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. Metcalf).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk will call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIEF OF RONALD K. DOWNIE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of H.R. 4443 and that the passage by the Senate yesterday of S. 802 be vitiated and the bill be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4443.

The PRESIDING OFFICER. The bill will be stated.

The assistant legislative clerk read as follows:

A bill (H.R. 4443) for the relief of Ronald K. Downie.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

Mr. MANSFIELD. Mr. President, by way of explanation, the House bill is exactly identical with the bill (S. 802), passed by the Senate on yesterday. It was just a matter of facing up to it on the most feasible basis and getting the bill passed in this fashion.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4443) was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

The PRESIDING OFFICER (Mr. McClure). Pursuant to the previous order, the Senate will now go into executive session. The clerk will report the nomination.

FEDERAL POWER COMMISSION

The second assistant legislative clerk read the nomination of Robert H. Morris, of California, to be a member of the Federal Power Commission.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF STATE APPROPRIATION AUTHORIZATION ACT OF 1973

The PRESIDING OFFICER (Mr. McClure). Pursuant to the previous order, the Chair lays before the Senate the State Department Appropriations Authorization bill, S. 1248, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 166 (S. 1248) a bill to authorize appropriations for the Department of State and for other purposes.

Thereupon, the Senate proceeded to the consideration of the bill which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Department of State Appropriations Authorization Act of 1973".

AUTHORIZATION OF APPROPRIATIONS

Sec. 2. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1974, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $277,219,500;

(2) for "International Organizations and Conferences", $211,279,000;

(3) for "International Commissions", $15,568,000;

(4) for "Educational Exchange", $59,800,000; and

(5) for "Migration and Refugee Assistance", $8,800,000.

(b) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Secretary of State not to exceed $36,500,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, relating to Russian refugee assistance.

(c) Appropriations made under subsection (a) of this section are authorized to remain available until expended.

CERTAIN ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS

Sec. 3. In addition to amounts authorized by section 2 of this Act, there are authorized to be appropriated for the Department of State for fiscal year 1974 such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, or other nondiscretionary costs.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Sec. 4. (a) Section 2(2) of the Act of September 19, 1966 (80 Stat. 808; 22 U.S.C. 277d-31), is amended by striking out "$20,000" and inserting in lieu thereof "$25,000".

(b) Section 3 of the Act of August 10, 1964 (78 Stat. 386; 22 U.S.C. 277d-28), is amended by striking out "$20,000" and inserting in lieu thereof "$30,000".

(c) The last paragraph of the Act of September 18, 1964 (78 Stat. 956; 22 U.S.C. 277d-29), is amended by striking out "$23,000" and inserting in lieu thereof "$50,000".

EXTENSION OF PUBLIC LAW 92–14

Sec. 5. Section 2 of the Act entitled "An Act to authorize the United States Postal Service to receive the fee of $2 for execution of an application for a passport", approved May 14, 1971 (85 Stat. 38; Public Law 92–14), is amended by striking out "June 30, 1973" and inserting in lieu thereof "June 30, 1974".

BUREAU OF OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS

SEC. 6. (a) There is established within the Department of State a Bureau of Oceans and International Environmental and Scientific Affairs. In addition to the positions provided under the first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), there shall be an Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, appointed by the President, by and with the advice and consent of the Senate, who shall be the head of the Bureau.

(b) Under the general direction of the Secretary of State, such Assistant Secretary of State shall have responsibility for, and there is transferred to the Assistant Secretary, those functions of the Department of State relating to oceans, environmental, scientific, fisheries, wildlife, and conservation affairs.

(c) The first section of the Act of May 26, 1949, as amended (22 U.S.C. 2652), is amended by striking out "eleven" and inserting in lieu thereof "ten".

AZORES AGREEMENT

SEC. 7. Commencing thirty days after the date of enactment of this Act, no funds may be obligated or expended to carry out the agreement signed by the United States with Portugal, relating to the use by the United States of military bases in the Azores, until the agreement, with respect to which the obligation or expenditure is to be made, is submitted to the Senate as a treaty for its advice and consent.

FOREIGN MILITARY BASE AGREEMENTS

SEC. 8. No funds may be obligated or expended to carry out any agreement entered into, or after the date of enactment of this Act, between the United States Government and the government of any foreign country (1) providing for the establishment of a military installation in that country at which units of the Armed Forces of the United States are to be assigned to duty, or (2) revising or extending the provisions of any such agreement, unless such agreement is submitted to the Senate for its advice and consent and unless the Senate gives its advice and consent to such agreement. Nothing in this Act shall be construed as authorizing the President to enter into any agreement relating to any other matter, with or without the advice and consent of the Senate.

RECOMMENDATIONS FOR PROMOTION

SEC. 9. Section 623 of the Foreign Service Act of 1946 is amended to read as follows:

"SEC. 623. (a) The Secretary shall establish, with the advice of the Board of the Foreign Service, selection boards to evaluate the performance of Foreign Service officers; and upon the basis of their findings, which except for career ambassadors and career ministers, shall be submitted to the Secretary in rank order by class or in rank order by specialization within a class, the Secretary shall make recommendations in accordance with the findings to the President for the promotion of Foreign Service officers. No person assigned to serve on any such board shall serve in such capacity for any two consecutive years.

"(b) In special circumstances, which shall be set forth by regulations, the Secretary may recommend to the President the promotion of a Foreign Service officer who has received a recommendation for a promotion by a grievance panel."

REIMBURSEMENT FOR DETAILED STATE DEPARTMENT PERSONNEL

SEC. 10. (a) An Executive agency to which any officer or employee of the Department of State is detailed, assigned, or otherwise made available, shall reimburse the Department for the salary and allowances of each such officer or employee for the period the officer or employee is so detailed, assigned, or otherwise made available. However, if the Department of State has an agreement with an Executive agency or agencies providing for the detailing, assigning, or otherwise making available, of substantially the same numbers of officers and employees between the Department and the Executive agency or agencies, and such numbers with respect to a fiscal year are so detailed, assigned, or otherwise made available, no reimbursement shall be required to be made under this section.

(b) For purposes of this section, "Executive agency" has the same meaning given the term by section 105 of title 5, United States Code.

ACCESS TO INFORMATION

SEC. 11. (a) After the expiration of any thirty-five day period which begins on the date the General Accounting Office, or any committee of Congress having jurisdiction over matters relating to the Department of State, the United States Information Agency, the Agency for International Development, the United States Arms Control and Disarmament Agency, ACTION, or the Overseas Private Investment Corporation has delivered to the office of the head of such department, agency, or corporation, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report or other material in its custody or control relating to such department, agency, or corporation, none of the funds made available to such department, agency, or corporation, shall be obligated unless and until there has been furnished to the General Accounting Office or such committee making the request as the case may be, the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested.

(b) The provisions of subsection (a) of this section shall not apply to any communication that is directed by the President to a particular officer or employee of any such department, agency, or corporation or to any communication that is directed by any such officer or employee to the President.

(c) Subsection 634(c) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "(1)"; and

(2) by striking out all after the phrase "so requested" and inserting in lieu thereof a period and the following: "The provisions of this subsection shall not apply to any communication that is directed by the President to a particular officer or employee of the United States Government or to any communication that is directed by any such officer or employee to the President."

OVERSEAS KINDERGARTEN EDUCATION ALLOWANCE

SEC. 12. Section 5924(4) (A) title 5, United States Code, is amended by inserting immediately before "elementary" the following: "kindergarten,".

REQUIREMENT FOR CONGRESSIONAL AUTHORIZATION FOR THE INVOLVEMENT OF AMERICAN FORCES IN FURTHER HOSTILITIES IN INDOCHINA, AND FOR EXTENDING ASSISTANCE TO NORTH VIETNAM

SEC. 13. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purposes of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

LIMITATION ON PUBLICITY AND PROPAGANDA PURPOSES

SEC. 14. No appropriation made available under this Act shall be used—

(1) for publicity or propaganda purposes designed to support or defeat legislation pending before Congress; or

(2) to influence in any way the outcome of a political election.

SOUTHEAST ASIA TREATY ORGANIZATION

SEC. 15. On and after July 1, 1974, no funds authorized or appropriated under any provision of law may be obligated to pay for any assessment or contribution of the United States Government with respect to the organization established to further the provision of the Southeast Asia Collective Defense Treaty, signed at Manila on September 8, 1954.

UNITED STATES MISSION ASSISTANCE TO MEMBERS OF CONGRESS AND STAFF

SEC. 16. (a) For purposes of this section—

(1) "Member of Congress" includes a Senator or a Representative, Resident Commissioner, or Delegate of the House of Representatives; and

(2) "Congressional employee" has the same meaning given that term by section 2107 of title 5, United States Code.

(b) Any Members of Congress or congressional employee traveling in a foreign country on official business shall be—

(1) allowed access to any part of the premises of the United States diplomatic mission in that country if the Member or employee has appropriate security clearance; and

(2) provided upon request, to the maximum extent feasible, appropriate space within that mission and supplies and equipment, to conduct such official business, including appropriate, space, supplies, and equipment to keep and maintain the security of classified information.

(c) Any Member of Congress or any congressional employee traveling in a foreign country on official business shall be provided, upon request, with a copy of any instructions, requests, or information to any officer or employee of the United States Government in that country with respect to that Member or congressional employee.

COMMISSION RELATING TO FOREIGN POLICY

SEC. 17. Section 603(b) of the Foreign Relations Authorization Act of 1972 is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

CONGRESSIONAL TRAVEL ABROAD

SEC. 18. (a) Section 502(b) of the Mutual Security Act of 1954 is amended to read as follows:

"(b) Notwithstanding section 1415 of the Supplemental Appropriation Act, 1953, or any other provision of law, local currencies owned by the United States, which are in excess of the amounts reserved under section 612(a) of the Foreign Assistance Act of 1961, and which are determined by the Secretary of the Treasury to be excess to the normal requirements of the United States, shall be made available to appropriate committees of the Congress engaged in carrying out their duties under section 136 of the Legislative Reorganization Act of 1946, and to the Joint Committee on Atomic Energy and the Joint Economic Committee and the Select Committees on Small Business of the Senate and House of Representatives for their local currency expenses. Any such excess local currencies shall not be made available (1) to defray subsistence expenses or fees of witnesses appearing before any such committee in the United States, or (2) in amounts greater than the equivalent of $75 a day for each person, exclusive of the actual cost of transportation."

(b) Appropriations made available to committees of Congress engaged in carrying out their duties under section 136 of the Legislative Reorganization Act of 1946, and to the Joint Committee on Atomic Energy, the Joint Economic Committee, and the Select Committees on Small Business of the Senate and House of Representatives are hereby made available to reimburse members and employees of each such committee a per diem allowance, in lieu of actual subsistence expenses incurred, for travel outside the continental United States, Alaska, and Hawaii, in amounts not exceeding $75 a day for each member or employee, exclusive of the actual cost of transportation.

LEGAL IMPORTATION OF CHROME AND NICKEL FROM RHODESIA

Mr. HARRY F. BYRD, JR. Mr. President, the press reports today that the United States Ambassador to the United Nations, Mr. John H. Scali, stated yesterday that the United States is in "open violation of international law" in allowing the importation of Rhodesian chrome and nickel.

Mr. President, I think that perhaps Ambassador Scali has been affected by the rarefied atmosphere of the penthouse apartment he has in the Waldorf Towers in New York City.

Mr. Scali went on, according to the news report, to say that because the United Nations Security Council resolution in 1966 had ordered an economic boycott of Rhodesia it was "legally binding on the United States."

Mr. President, let us explore that a little bit. The United Nations did decree sanctions against Rhodesia.

The President of the United States at that time, Lyndon B. Johnson, in 1967, acting on his own, without consultation with Congress, put into effect economic sanctions against that nation. The economic sanctions are in effect today, with one exception: the Congress of the United States adopted legislation which stated that the importation of a strategic material from a non-Communist country could not be denied if the same strategic material was being imported from a Communist country.

That legislation passed the Senate of the United States. It passed the House of Representatives. It was approved by the Congress of the United States, it was signed into law by the President of the United States. There has been a court test brought by various Members of the House of Representatives, seeking to have that law nullified. The courts have upheld what the Congress of the United States did.

So Congress, acting on a matter affecting our own national interest, and taking the steps prescribed under the Constitution, enacted legislation which is now a part of the law of our Nation.

One would think that the American Ambassador to the United Nations would feel an obligation to support the laws of our Nation. One would think the Ambassador to the United Nations would have an obligation to support the duly enacted laws—laws enacted by Congress, signed by the President, and approved by the courts. But now we find him making speeches in New York, saying that the U.S. Congress acted illegally. Nonsense.

Yes, I think Mr. Scali has been affected by the rarefied atmosphere of that magnificent penthouse apartment that the Government of the United States furnishes him in the Waldorf Towers in New York City.

It is interesting to note that the taxpayers of the United States pay a rent of $33,000 a year for that apartment in the Waldorf, for the American Ambassador to live there. Well, we want the American Ambassador to have good quarters. But we do not want him to be affected by the rarefied atmosphere that he finds himself in when he gets into such luxurious and sumptuous quarters.

He says the Security Council decision is legally binding on the United States. What he is saying is that the U.S. Congress must subordinate itself to any acts taken by the Security Council of the United Nations.

He must know that that is not correct. If he does not know it is not correct, he should read the laws and understand the Constitution of our Nation.

Congress did not turn over to the United Nations the right to determine what laws Congress can and cannot make. Yes, I think the American Ambassador to the United Nations should represent the people of the United States and uphold the laws of the United States while he is an Ambassador, rather than inaccurately to condemn Congress and condemn the President, who signed the bill into law.

Another aspect worth considering is that the legislation which the American Ambassador, Mr. Scali, condemns was approved by Members of Congress from 46 of the 50 States. Senators and Representatives from 46 of the 50 States taken together supported the legislation which Ambassador Scali says is illegal. Congress did not turn over to Ambassador Scali the determination of what is legal and what is illegal.

I happen to be a supporter of the United Nations. I returned to San Francisco in 1945, when the United Nations was being formed. I came back from the Pacific—Okinawa—as a naval officer. I held high hopes that the world organization being formed in 1945 in San Francisco would bring about world peace.

Things have changed greatly since then. At that time 51 nations were members of the United Nations, all of them having a long history of established government. Now, 132 nations are members, most of them having had very little experience in self-government, and very few of them being in a position to attempt to tell the rest of the nations of the world how to handle their own problems.

Be that as it may, it is discouraging to me when the American Ambassador to the United Nations makes a public speech in New York, saying that Congress acted illegally in passing legislation affecting its own domestic problems, its own domestic needs.

The first obligation of the Congress of the United States is to the people of the United States. The first obligation of our Ambassador to the United Nations is to support the laws of the United States.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McClure). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATO AND OUR ADVERSE BALANCE OF PAYMENTS

Mr. HARRY F. BYRD, JR. Mr. President, I note in the public press today that James R. Schlesinger, Secretary of Defense-designate, in a statement in Brussels, said that the stationing of American troops in Europe costs the U.S. balance of payments about $1.5 billion annually.

To phrase it another way, Secretary of Defense-designate Schlesinger says that our NATO commitments mean that we have an adverse balance of payments, as a result of our troops being there, of $1.5 billion annually.

I invite the attention of the Senate to that figure because Mr. Schlesinger's predecessor, former Secretary of Defense Elliot Richardson, in testimony before the Armed Services Committee about 6 weeks ago, replied in answer to a question which I put to him, that the adverse balance of payments as a result of our NATO commitments was only $200 million annually.

I told Mr. Richardson at that meeting that I could not put much faith in that figure of $200 million, that it seemed obvious to me it must be far more than that. But he continued to contend that the balance-of-payments deficit as a result of our NATO commitments was only $200 million a year.

The statement made yesterday in Brussels by Secretary of Defense-designate Schlesinger is a far more accurate figure, when he puts the adverse balance of payments for NATO obligations at $1.5 billion. That, in my judgment, is much closer than the figure given by Mr. Richardson. Mr. Richardson's figure seems to be clearly unrealistic and I am very glad that Mr. Schlesinger is setting the record straight.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANTI-INFLATION PROGRAM NEEDED AT ONCE

Mr. BAKER. Mr. President, yesterday's report of the almost explosive increase in the wholesale price index for the last reporting period is, I believe, clear and conclusive evidence that an effective anti-inflation program must immediately be put into effect. I urge the administration to do so at the earliest possible moment.

There are, of course, many other indexes that point conclusively toward the need for immediate action, some of them exotic and comprehensible only to economic experts, others far more immediate and accessible to the American people. One need only go to the supermarket or to the drug store or to any place where the consuming public must deal to feel the direct impact of the rampant inflation that is a well-known fact of the moment.

I strongly urge an immediate return to something similar to the so-called phase 2 of the President's economic program. Anything similar to phase 1, that is, a "freeze" of any kind would be most inadvisable and inequitable in my judgment, given the uneven level of prices that prevails today and, worse, the probable effect that such a freeze would have on wages and salaries at a time when increases in wages and salaries are lagging seriously behind the greatly increased prices that the consuming public must pay.

I defer, of course, to the relevant jurisdictional committees of the Congress and to the appropriate agencies and officials of the executive for the design and implementation of an effective wage and price policy, and I look forward to their actions and recommendations, which I hope will be forthcoming very shortly. Because time is the most important factor in dealing with today's situation. We simply cannot accept delay.

For the last several months, virtually the entire burden of correcting imbalances in the economy has been borne by the monetary system, and I believe that this burden cannot be borne much longer without highly undesirable results. Interest rates are at a virtual alltime high, and the monetary system is being asked to perform what is essentially a fiscal function. This distinction was well defined in a speech that I have just read, a speech delivered by the distinguished Chairman of the Board of Governors of the Federal Reserve System, Dr. Arthur Burns, delivered on June 6 before the 1973 International Monetary Conference in Paris.

In that speech, Dr. Burns said:

> I continue to believe that the concept of a variable tax incentive to business investment has merit. Because of our need in the United States to encourage greater productivity, however, I would now recommend that the tax credit remain in effect continuously and that it at no time drop to zero. It could vary, perhaps, between 3 or 4 percent and 15 percent, depending on economic conditions. It would be important also to retain a decisive role for the Congress in determining the specific rate of tax credit. This could be done by empowering the President to initiate changes in the investment tax credit, but making it subject to veto or approval—and perhaps also some modification—by the Congress within a 45 or 60 day period.

I wholeheartedly embrace this proposal, and I urge it upon my colleagues in each of these great Chambers. I urge the President to give his personal support to the proposal and to seek enactment of such legislation.

There are many other actions that the Congress and the Executive can and should do in the economic sector. But, in sum, it seems to me that two actions should be undertaken immediately:

First. The swift implementation by the President of a system of rigorous and fair controls on wages and prices, similar to phase 2; and

Second. The enactment by the Congress of legislation authorizing the President to vary the rate of the investment tax credit within a range of between 3 and 15 percent, provided that the Congress has affirmatively approved, by act or by joint resolution, any proposed change in the tax rate within 45 days of the President's proposed adjustment.

I am aware, of course, of the fears of some that the on-going proceedings in the Congress, in the executive, and in the judiciary with respect to the Watergate matter have had and are having an unsettling effect on the domestic economy, as reflected in the stock market, and on the international monetary front. I cannot assess the validity of those fears; however, it may be that many people in this country and many of our friends abroad do not appreciate the great strength of a political system that can undertake such a searching self-appraisal of itself in full public view. Perhaps some underestimate the strength of our system and make economic decisions on the basis of that false estimate. They should not. In any event, it is my firm conviction that the long-term effect of the Senate hearings on Watergate and of the other Watergate proceedings now underway will strengthen rather than weaken all of our domestic institutions, including our public and private economic institutions, and that this view will be vindicated both at home and abroad.

But in the meantime, it seems very clear to me that stern fiscal and monetary measures are urgently required for the short term.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. S. 1248, the Department of State Appropriations Authorization Act of 1973.

FEDERAL POWER COMMISSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, what is the question before the Senate in executive session?

The PRESIDING OFFICER. The confirmation of Robert H. Morris as a member of the Federal Power Commission.

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that at the completion of routine morning business on Monday next, the Senate go into executive session to consider the nomination of Mr. Robert H. Morris.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, the distinguished assistant Republican leader, Mr. GRIFFIN, will be recognized for not to exceed 15 minutes, after which the junior Senator from West Virginia, Mr. ROBERT C. BYRD, will be recognized for not to exceed 15 minutes.

At the conclusion of these orders, there will be a period for the transaction of routine morning business, of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will go into executive session to consider the nomination of Mr. Robert H. Morris, of California, to be a member of the Federal Power Commission, for the remainder of the term expiring June 22, 1973. The vote on that nomination will not occur on Monday but will occur on Tuesday. Hopefully, on Monday, the leadership will be able to reach an agreement as to a time certain on Tuesday for the vote on the nomination of Mr. Morris.

Mr. President, after any debate which Senators may wish to contribute on Monday with respect to the nomination of Mr. Morris, the leadership will proceed to lay aside the nomination temporarily for the rest of that day and proceed to the consideration of the matter now pending—which will be the unfinished business in legislative session—the bill making appropriations for the State Department. Amendments thereto may be called up. It is anticipated that there will be yea and nay votes Monday afternoon on amendments to the State Department authorization bill and/or on other measures on the calendar which may be cleared for action. So Senators are alerted to the possibility that there will be yea-and-nay votes on Monday next.

ADJOURNMENT TO MONDAY, JUNE 11, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Monday next.

The motion was agreed to; and at 3:21 p.m. the Senate adjourned until Monday, June 11, 1973, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 8, 1973:

FEDERAL BUREAU OF INVESTIGATION

Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation.

EXTENSIONS OF REMARKS

SENATOR RANDOLPH SUPPORTS REPORT OF DR. LEON S. MINCKLER ON U.S. FOREST SERVICE MANAGEMENT ON MONONGAHELA AND JEFFERSON NATIONAL FORESTS

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, June 8, 1973

Mr. RANDOLPH. Mr. President, clearcutting on our national forest lands and especially the practice of even-aged management in eastern mixed hardwood forests, utilizing clearcutting as the final harvest tool, continues to receive wide criticism from many circles.

On the Monongahela National Forest, to which I have addressed myself on numerous occasions, there have been some changes from the devastating 500-acre clearcuts and the inadequately spaced clearcuts which in fact look as though they were one.

Also, supervisors have changed. Frederick A. "Tony" Dorrell has been promoted and now is assistant director to fire management in the Washington office and Alfred Troutt was transferred from the Hiawatha National Forest to the Monongahela to take over the duties as supervisor.

Troutt assumed his duties in the middle of a serious controversy, which the Forest Service on several occasions unwisely refused to acknowledge exists, and he has made some beneficial changes.

Troutt, as well as Dorrell, has adhered to some of the recommendations of the West Virginia Forest Management Practices Commission, set up by the West Virginia Legislature to investigate Forest Service management in West Virginia.

The crux of the issue is contained in recommendations 5 and 6 of the Commission report, released August 1, 1970. There recommendations are:

> 5. To implement the multiple use, sustained yield policy in national forests in West Virginia, we recommend that both uneven-aged and even-aged forest management be employed to manage the timber resource but with the greater emphasis place on uneven-aged management. We believe full multiple use and sustained yield of all resources cannot be accomplished if even-aged management is used as the basic timber management system throughout the national forests.
>
> In the use of these two forest management regeneration methods, we believe to implement full multiple use, sustained yield, all techniques of silviculture that can be applied within these two systems must be used as tools by the forester.
>
> 6. As the main silvicultural technique to implement unevenaged management, we recommend that the selection cutting system be used; that it be the primary and basic silvicultural technique used to manage the timber resource in national forests in West Virginia; and that it be the normal silvicultural technique employed where it can feasibly and logically be used to accomplish the regeneration and harvest of the timber resources.

And the Forest Service is adamantly steadfast in its stubborn and uncompromising refusal to accept these two basic recommendations. Supervisor Trout has, however, indicated he would accept these recommendations if some changes were made but those changes would, in fact, completely nullify the very clear and precise intention contained therein.

I, and members of my staff, have met with Chief John R. McGuire, former Chief Edward P. Cliff, Mr. Troutt, Mr. Dorrell, and other officials of the Forest Service to express our sincere belief—supported by many professional foresters—that the Forest Service is employing a management practice of irreparable damage on the Monongahela, including a change of composition to that which the Forest Service believes to be a "more desirable species."

The Forest Service now is being challenged in U.S. Federal court in Elkins, W. Va., because of it management techniques and timber harvesting practices.

The Senate Subcommittee on Public Lands, chaired by the Honorable Frank Church, held hearings on the issue of clearcutting on National Forest lands at which time many interested, knowledgeable and even professional foresters testified as to the adverse effects of the then timber management practices and techniques on the Monongahela National Forest and other eastern mixed hardwood forests.

Among those who testified was Dr. Leon S. Minckler, adjunct professor of silviculture at Syracuse University. Dr. Minckler, a respected and highly qualified authority, has recently toured the Monongahela National Forest, primarily the Gauley Ranger District, and portions of the Jefferson National Forest. He sent me this report on forest management in West Virginia and it represents an extremely well-reasoned, concise and extremely valuable analysis on timber harvest practices.

In his letter to me, Dr. Minckler states:

> The amenity and environmental values alone are enough to diminish clearcutting in the eyes of the public but clearcutting immature forests involves great present and future waste of timber products.

He continues:

> Although more immediately expensive, intensive selection silvicultural could provide a maximum yield of wood products and still preserve the amenity and environmental values. This cannot be done by clearcutting in eastern hardwood forests.

This is a stern warning from an expert who views with alarm the serious implications of present U.S. Forest Service management on the Monongahela National Forest.

Mr. President, I ask unanimous consent to have the report, dated May 30, from Dr. Minckler printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. RANDOLPH. Dr. Minckler's conclusions, which I believe are important, indicate that:

> Clearcutting in any event is not ecologically appropriate for the great diversity of sites and conditions found in West Virginia and elsewhere in the east. Clearcutting is based more on convenience and administrative considerations than on silvicultural imperatives and the needs of the people.

Further, Dr. Minckler states that:

> The objective of forest management on the National Forests should be the maximum long term use and value to people, not bureaucratic convenience or short term dollar returns. Clearcutting as presently practiced in the Appalachian area does not fulfill this objective and it preempts alternative forest management policies for 100 years or more in the future.

Prior to 1964, when even-aged management was employed as the system on the general forest zone, nearly all West Virginians supported the Forest Service as stalwarts committed to a beneficial cause for all citizens.

Today, however, with the exception of some who are interested only in high volume and not true multiple use, many thousands of West Virginians are aghast at Forest Service management practices.

Our citizens see much talk, little action. Although there has been a decrease in clearcutting in the last year on the Monongahela, there likewise has been a reduction in timber sales.

And, although there has been a very slight increase in selection cutting on the general forest zone, there nevertheless remains a very substantial amount of clearcutting with resulting devastation employed in areas which, perhaps, should not be cut at all at this time.

It is necessary, I believe, to address myself also to the financial problem relating to timber harvesting activities as it affects county school budget in those counties within the Monongahela National Forest.

Counties are reimbursed 25 percent of the sale of timber within their borders which currently is used for operation of county schools.

Due to decreased timber sale brought about, in part, by concerned citizens and officials demanding revised sales and also through an attitude by the Forest Service that if they cannot clearcut they will not offer sales for bidding, many county school systems are receiving less funds than in years past.

Some of the superintendents of schools are unjustly blaming conservationists and concerned citizens who have been active in having sales withdrawn or redesigned when, in fact, the real culprit is the Forest Service.

Sales easily could be designed which would create no furor and which would result in substantially the same volume of timber as was cut prior to 1964.

If the Forest Service would accept recommendations 5 and 6 and return to the uneven-aged system of management, with careful control of clearcutting, utilizing it only when the occasion demands, instead of wholesale clearcutting which now is employed, county school personnel, many interested citizens, conservation organizations, and this Senator would be grateful. We should again join in a cooperative effort to insure that the forest meets the needs of all its users and is not solely an area providing for timber sales.

EXHIBIT 1

APPRAISAL OF CLEARCUTTING ON THE MONONGAHELA NATIONAL FOREST

(By Leon S. Minckler)

On May 21 and 22, 1973, I visited the Gauley Ranger District of the Monongahela National Forest to view the forest and some of the timber sales. I was guided by Mr. L. W. Deitz, Mr. Howard Deitz, and Mr. Ralph Smoot. Previously I had studied the report of the "West Virginia Forest Management Practices Commission" and had myself testified on April 5, 1971, at the Church subcommittee hearings on clearcutting in Washington, D.C. I was favorably impressed with the West Virginia Commission report as it tended to agree with my 33 years of research with the U.S. Forest Service and the teaching of silviculture in four forestry colleges in the East.

We saw a half-dozen or so recently clearcut areas and drove many miles of forest roads in the Gauley District. We also examined forest areas designated for both clear cutting and selection harvest cutting. Both the Deitz men and Mr. Smoot, a former Ranger there, are intimately acquainted with the area.

In this appraisal I do not wish to cover the material already carefully done in the West Virginia Commission report or in my testimony at the Church hearings. I will merely note a few imperative points:

1. The Monongahela National Forest has a very great diversity of soils, sites, and forest cover types.

2. The ecological nature of the forest; based on the climate, soils, and sites; is a mixed forest of many species, tree ages, and forest conditions. This is the climax forest toward which natural forces tend to move it.

3. The requirements of regeneration of the mixed hardwoods do *not* require clearcutting the forest. Either single tree or group selection silviculture, depending on the species composition, is a viable alternative to clearcutting. (Small clearcuts of 5 acres or so is *not* group selection, it is clearcutting or patch clearcutting. Groups in group selection are about ⅓ to 1-acre in size, depending more on stand conditions than any arbitrary size.)

4. The forest values including recreation, wildlife, water, aesthetics, and environmental protection often far outweigh timber values. This alone often precludes clearcutting.

5. All values, including timber, can be obtained by intensive scientific silviculture for integrated values from almost every parcel of forest land.

The main body of this report will be concerned with timber aspects, with the waste of wood and tree growing stock, and with the quality of regeneration.

CHARACTER OF THE FOREST

During the two days spent on the forest, and from close acquaintance many years earlier, I have three distinct impressions:

1. The great diversity of the forest, as already mentioned. Areas as large as 25 acres homogeneous enough to allow one overall treatment such as clearcutting were virtually non-existant.

2. The overwhelming immaturity of the forest. In some stands mature trees (from an economic standpoint) existed but they were greatly outnumbered by immature trees. I am told that there are only a few remnants of old-growth forest.

3. On the recently clearcut areas regeneration of hardwoods is abundant but runs heavily to stump sprouts. These sprouts characteristically make low quality trees (because of tendency to rot and sweep). Small stumps tend to sprout and clearcutting these immature stands always involves many small trees. The results of such past clearcutting (small trees) can be seen in the Catskill Mts. of New York. Killing the small stumps would avoid this but is costly.

THESE CLEARCUTS WASTE TIMBER VALUE

On the Gauley District the operators will cut and only trees 11 inches in diameter and larger. All smaller trees are felled and left or they are killed by Forest Service crews. The small stumps have not been killed so stump sprouting is abundant.

It was not possible, or practical, to count and measure stumps on the clearcuts without a great deal of help and time. However, adjacent forests at the edge of the clearcuts gave a good idea of the forest before cutting. All these cut areas had large numbers of immature trees. We did examine one area designated for clearcutting. This was the Music Run sale on the road to Cranberry Station. This had previously been shown to Howard Deitz by the timber management assistant on the Ranger District. I tallied a random transect through this sale area of 51 trees 5 inches in diameter and larger. There were 19 trees of yellow-poplar, 13 of sugar maple, and 14 of miscellaneous hardwoods. In addition, there were 5 large cull trees of beech. The sizes of the sound, well-formed trees (excluding the culls) was as follows:

Diameter Class	*Number of Sound Trees*
5–7 inches	4
8–10 inches	11
11–13 inches	9
14–16 inches	11
17–19 inches	6
20–22 inches	2
23–25 inches	3

On this excellent site these high quality trees are not economically mature until at least 20 inches in diameter. They are considered merchantable **at 11 inches.** This means that in this case (designated to clearcut) only 11 percent of the trees over 5 inches are mature, and only 16 percent of the merchantable trees are mature. Also, one-third of all sound trees 5 inches and larger would be felled and left or killed. Hopefully, the large cull trees would be killed (with timber the dominant use). This was only a rough sampling but it was unbiased and I believe a complete inventory would show similar results. Actually, any experienced forester could merely visually inspect the forest and note its immature nature.

It would be valuable to give some idea of how trees increase in volume over time. The following tabulation shows this for one tree on this good site. Such trees would grow about 3 inches per decade if properly thinned. Volumes are International scale, form class 78.

Diameter and number of 16-ft logs	Volume board feet	Time, assumed year, date	Growth board feet per decade
11–1½	61	1973	
14–2½	153	1983	92
17–3	278	1993	125
20–3½	440	2003	162
23–3½	608	2013	168

This shows that an 11-inch tree will increase in volume 4.5 times in 20 years; a 14-inch tree 2.9 times and a 17-inch tree 2.2 times in the same period. This is just volume increase. The *value* increase will be even more as shown by the grade 1 logs present. Up to about 15 to 16 inches diameter breast height hardwood trees do not have grade 1 logs. They are too small. A 17 or 18-inch tree might have up to 40 percent of grade 1 material but a 20 to 24-inch tree can have up to 60 percent of grade 1. This pays off in better lumber grades.

Now any forester knows that *all* of the smaller trees cannot grow to 20 inches over the same period because there is not room for them. Some will die unless they are taken out in thinnings (as in intensive forestry). Yet even without thinnings a stand such as shown on that site will easily grow 3000 bd. ft. per acre per decade, and the unit value will increase because the trees will average much larger.

A similar case of actual clearcutting of hardwoods on the Jefferson National Forest has been documented and described (see the enclosed report of March 6, 1970). This was sent to the Regional Forester who, in effect, promised to do better in the future. But the Monongahela clearcuts are little different except they are smaller in area. They harvest and/or destroy large amounts of immature timber because the forests are immature and often uneven-aged.

WHY DO THEY CLEARCUT?

Why does the Forest Service clearcut in mixed hardwood forest types that are ecologically suited for some form of selection forestry, even at the expense of timber values in both the near and more distant future? I think these are the reasons:

1. To place the National Forest on a basis of area regulation. For example, if trees are to be grown to 100 years of age clearcut one percent of the commercial forest area each year. Map these areas and perhaps put data in computers.

2. Clearcutting results in ease of forest administration. It minimizes field work because there is very little actual silviculture practiced on the ground.

4. Clearcutting is better adapted to the use of heavy machinery. (But there is no proof that logging cost per thousand board feet is less than selection cutting when clearcutting takes so many small trees, quite the contrary.)

5. Pressure on the Forest Service for immediate high timber harvests at a low present cost.

DISADVANTAGES OF CLEARCUTTING IN MOST EASTERN HARDWOODS

Because of stand and site diversity and the general prevalence of second growth and immature forests, clearcutting usually wastes both present and future timber resources. This is because pole-size trees are entirely wasted or sold for low-value pulpwood and the small sawlog-size trees are harvested at a time of high value increment. The Forest Service needs but apparently does not have good data on these timber sales, but based on the data I took on the Music Run sale and my experience elsewhere an alternative to clearcutting would about be as follows:

1. Harvest all trees 20–22 inches in diameter and larger.

2. Harvest about one-third of the trees in the 14 to 19-inch diameter class as a thinning and improvement cutting.

3. Leave all trees (except culls) in the tree sizes less than 14 inches.

4. Fell or kill the large cull trees.

This would remove about 55 percent of the volume (about 3500–4000 bd. ft. at Music Run) but would remove only one-fourth of the trees 5 inches in diameter and larger. Three-fourths of the trees would be left for future growth, and at Music Run this would be at least 300 bd. ft. per acre annually.

This resulting stand could finally (when mature) be clearcut if at that time even-aged management was the most feasible method for timber objectives. Or the current cutting could be marked and treated for group selection. In that case the Music Run forest would be expected to yield a cut of about 3000 bd. ft. per acre every 10 years.

Given the preponderance of immature forests as on the Monongahela and elsewhere, present policies of clearcutting will continue to result in waste for many years, or until the stands become mature. But then toward the last half of the 80 to 100-year rotation stands will be overmature. That is, in order to place the Forest on an area regulated basis many stands will have to be held for 50 to 100 years before clearcutting and this will result in more waste.

Another disadvantage is the irrevocable nature of clearcutting for future generations. I think we should be pretty sure of our grounds before committing future generations to even-aged forests which are not in harmony with the ecological nature of eastern hardwoods.

Clearcutting as presently practiced in immature hardwood stands sacrifices long term timber yields and quality for short term financial gains. If public forests can't afford to grow high quality larger timber for the future, then who can?

Overshadowing everything else, but not detailed here, are the environmental and social values lost when clearcutting rather than intensive ecological silviculture is practiced on our eastern forests.

CONCLUSIONS

Present clearcutting of immature hardwood stands results in present and future waste of wood products and greatly diminishes the environmental and social values from the forest. Clearcutting in any event is not ecologically appropriate for the great diversity of sites and conditions found in West Virginia and elsewhere in the East. Clearcutting is based more on convenience and administrative considerations than on silvicultural imperatives and the needs of the people. The only way, in most cases, to handle the mixed hardwod forests for present maximum wood yields (not present profit or convenience) and future timber, environmental, and social values is to make heavy improvement (conditioning) cuts often combined with conscious group selection silviculture for regeneration in openings of adequate size. The whole forest should be covered on an orderly basis but as quickly as feasible. The whole forest would thus be built up to manage by ecologically sound group selection silviculture, perhaps combined with some patch clearcutting of mature or decadent stands usually not over 5-acres in size.

But this will take a great deal more professional skill than now used and a better deployment of forestry man-power available. At least for a time it will also require more money and man-power. Most of all it will require a complete change in the attitude and philosophy of the Forest Service and support by the National Administration. I can see no hope for reform as long as pressure for higher and higher immediate timber harvests is exerted on the Forest Service.

The objective of forest management on the National Forests should be the maximum long term use and value to people, not bureaucratic convenience or short term dollar returns. Clearcutting as presently practiced in the Appalachian area does not fulfill this objective and it preempts alternative forest management policies for 100 years or more in the future.

A TIMBER SALE ON THE JEFFERSON NATIONAL FOREST

The information in this report was obtained in connection with field laboratory exercises for my class in silviculture. Information and ideas were obtained from four main sources: (1) professional employees of the U.S. Forest Service, (2) the timber operator (buyer of the stumpage), (3) an examination of the cutover area by students, and (4) personal inspection of part of the area before cutting.

The sale in 1969 was 186 acres in one irregular shaped area. It was a well-stocked pole-sized mixed hardwood forest with a generous admixture of sawtimber-sized trees from 11 to nearly 30 inches d.b.h. The minimum bid asked by the Government was $1100 and the bid price by the buyer was $3333 for all the pulpwood and sawlogs on the tract. This is about $18 per acre for all the timber.

The Forest Service estimated there was around 2,000 cords of pulpwood on the area but apparently did not estimate or consider the sawlogs. The operator said pulpwood volume was at least 2,000 cords and, in addition, he cut about 500 M bd. ft. of sawlogs. The pulpwood was hauled to Covington, Virginia and the logs to a sawmill near Roanoke. He received $60 per M for the delivered logs. For both pulpwood and logs he received about $60,000 at the mills. There was no actual tally or measure of the cut forest products. The operator knew the number of loads he hauled and the average volume per load.

Some narrow strips of uncut forest was left along draws and intermittent streams, water bars were constructed along skid roads, and grass was sown on bare logging yards. There were no special provisions for regeneration and the cut stumps were not killed. The standing live culls are still present but it is planned to push these over with a bulldozer (but not kill the stumps) at an estimated cost of $12 per acre. Considerable regeneration was present in the form of oak seedling sprouts, stump sprouts, and some seedlings of yellow-poplar on good sites.

The site quality of this 186-acre tract varied greatly. Topography ranged from coves to dry upper slopes. One standing 19-inch yellow-poplar was 96 ft. tall and 50–60 years old. A 26-inch black oak stump was 120–130 years old. A standing 12-inch hickory was 80 feet tall, another was 67 ft. in height. The students bored 16 black and red oak trees and 9 yellow-poplar trees on the perimeter of the cut areas. Oak site index ranged from 45 to 85 and yellow-poplar site index from 82 to 102. There is no question that sites on the area are very variable.

The justification for clearcutting this area was that it was classed as "low quality pole timber." This classification assumes that there was less than 30 sq. ft. per acre basal area of trees that would eventually produce grade 2 or better sawlogs.

The silviculture class made a stump cruise based in 5,000 linear feet of 12-foot wide strips across topography and on upper, middle, and lower slopes. Stumps were measured, one inch subtracted for d.b.h., species groups determined, and stumps classified as sound, fire scarred or hollow. The species were mixed white, black, and red oaks with a few yellow poplar on the better sites and a number of miscellaneous species such as hickory, black gum, ash, maple, and pine. On the whole area there were numerous patches of pure pole-sized white and Virginia pines.

The original forest was obviously well-stocked (Table 1).[1] Even after generous allowances for unsound and low-quality trees there were 46 pole-sized and 57 sawtimber-sized trees per acre. The total live basal area was about 130 sq. ft. per acre. At least half of this could have been removed and still left an adequate number of growing stock trees. I saw part of this forest before it was cut and the data confirm my impressions at that time.

DISCUSSION

The first thing that hits an observer is the ridiculous price of stumpage. The public could certainly question whether his interest was being guarded. Related to this was the liquidation of an immature stand for low value products (stumpage) rather than the conserving of young growing stock for future high values. There is no doubt that the timber producing value of the area has been greatly reduced by this premature cutting; even to cutting pure stands of white pine poles.

The trouble lies in the classification of the the stand.[2] This should have been classed as "immature poletimber" not "low quality pole timber." For timber production the best to poorest silviculture for this forest would have been as follows:

1. Heavy improvement cutting leaving the residual stand to grow to mostly sawtimber size. If no operator would bid on about 8 cords of pulpwood plus 2,000 bd. ft. of sawlogs per acre then:
2. Use public funds and kill the worst of the cull and low quality trees with herbicides. Let the residual stand grow to increase tree sizes. If no funds were available then:
3. Do nothing. Let the trees in the forest grow to larger sizes before harvesting, or at least until markets for forest products are better.
4. The poorest practice was to clearcut the immature stand. This was a sort of non-silviculture.

Regeneration will occur, mainly because all the cover was removed and something will take its place. However, a significant part of the reproduction will be sprouts from the many stumps below about 12 inches in diameter. These trees will tend to be of low quality. If the standing culls are bulldozed their stumps too will sprout. If not bulldozed some will die and some will form wolf trees. A kill of individual trees with herbicides would be more effective. The costs of bulldozing, to say nothing of administrative costs and the on-site treatments, will eat up the $18 per acre stumpage and more besides.

The large clearcuts will increase short-term browse for deer but will not be as favorable for other kinds of wildlife as some alternative methods. Runoff will be greater but water volume is not needed in this case. Nutrients and silt in the streams will increase. Aesthetically the area is a disaster and the value for public relations is highly negative.

The goal of high sustained timber yield, the only possible justification for clearcutting mixed hardwoods, has backfired. The Forest Service has traded a well-stocked stand of poles and small sawtimber for zero stocking, an ugly vista, and a net expenditure of public funds. The public was a loser. The only one who gained was the operator. Industry does not yet depend on clearcutting immature mountain hardwoods.

This was a diversified forest of variable site; with many species, ages, and tree sizes. The trees were mostly immature, they had a low present value for timber. They had a high present value for non-timber uses and a high potential value for timber plus multiple use. Clearcutting was bad silviculture, bad economics, bad land use, and bad public relations. It may have been good for bookkeeping and may have avoided the necessity for intensive silviculture.

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[1] The forest was well-stocked and even over-stocked in places (figures 1 and 2) and I believe there was an upward bias in the 12-foot strips of perhaps 20 percent. I think the students tended to count too many edge stumps or stumps just outside the strip margins.

[2] It was not really a stand but rather a series of stands.

TABLE 1.—NUMBER OF STUMPS PER ACRE ON CLEARCUT SALE AREA

DBH class; inches	Total trees cut	Sound stumps[1]	Assumed number low quality trees[2]	Growing stock or mature
5 to 7	41	37	15	22
8 to 10	43	35	11	24
11 to 13	33	30	6	24
14 to 16	26	18	4	14
17 to 19	21	16	4	12
20 plus	10	7	0	7

[1] Minus stumps with fire scars or butt rot.

[2] Not suitable for acceptable growing stock; based on 40 percent, 30 percent and 20 percent, respectively of sound poles, large poles, and sawtimber. Sound trees 20 inches and larger are considered mature.

COMMUNITY TEAMWORK, INC., HONORS RAYTHEON

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. CRONIN. Mr. Speaker, the problem of unemployment concerns all of us, and is particularly acute in Massachusetts. The Raytheon Corp. of Lowell, in conjunction with the officials of Lowell, Mass., has made great progress in helping to alleviate the unemployment situation through the concentrated employment program. The program is designed to specifically train workers for jobs in industry and then place them in companies such as Raytheon, which has hired 44 CEP employees in the past year. For this substantial contribution to the CEP, Raytheon was honored recently by Community Teamwork, Inc., at special ceremonies. Raytheon and Lowell have shown that industry and community can work together to help solve the unemployment situation. For this reason I recommend to you the following article excerpted from the Lowell Sun:

RAYTHEON HONORED FOR HIRING CEP WORKERS

LOWELL.—"We are fortunate to have a good citizen like Raytheon involved in such a multiplicity of phases" of the community, said Mary Newman, State Secretary of Manpower Affairs, addressing an award presentation at that firm's South Lowell plant Friday.

Raytheon, honored by Community Teamwork Incorporated for its participation in the Concentrated Employment Program (CEP), has hired 44 CEP employes in the past year.

Leo Desjarlais, executive director of Community Teamwork, presented the firm with a plaque for Raytheon's "willingness to be flexible and make a commitment to unemployment problems and for meeting us halfway."

Secretary Newman, representing Governor Sargent said that "far too frequently we are training people for jobs that are not there. Only through joint endeavors and communication can we reach a truly desirable goal."

"CTI," she said, "has brought great credit to Lowell. We are most proud to have participated and to have been able to facilitate the efforts of individuals and those in the private sector."

Accepting the plaque, Robert Hennemuth, chief of industrial relations at the Raytheon plant, said he was "pleased with the award but not satisfied with the record," and hopes to hire more CEP employes in the future.

Another Raytheon spokesman said that 80–85 per cent of its employes have stayed on the jobs since they were hired and is "very pleased" with the results of the CEP venture.

Raytheon is the third company honored by CTI for CEP involvement. Previously similar awards were made to Baird Atomic in Bedford and Altotronics in Burlington.

The Raytheon jobs filled included clerical, assembly, wiring, soldering and production control positions, with wages starting at $2.80 per hour and up.

Employes are given basic skills for the jobs at Lowell's CEP skill Center on Perry Street, hired, and provided transportation to work for the first two weeks.

The skill center, in operation since December of 1968, has placed 4195 persons in jobs since February of 1969. Desjarlais estimates that the retention rate of employes by the firms is "better than 80 per cent."

City Councilor Robert Kennedy, representing the mayor at the luncheon presentation, complimented both Raytheon and CTI for their efforts to solve the city's unemployment problem. "CEP has been a great success," he said, "due to the cooperation of companies like Raytheon."

Cong. Paul Cronin also attended the ceremonies.

A CONCURRENT RESOLUTION BY THE SOUTH CAROLINA GENERAL ASSEMBLY MEMORIALIZING CONGRESS TO ENACT SUCH LEGISLATION AS WILL ELIMINATE INEQUITIES AND DISCRIMINATION IN THE SOCIAL SECURITY ACT

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Friday, June 8, 1973

Mr. THURMOND. Mr. President, on May 30, 1973, the South Carolina General Assembly passed a concurrent resolution memorializing the Congress to enact such legislation as will eliminate inequities and discrimination in the Social Security Act.

Mr. President, on behalf of the junior Senator from South Carolina, Mr. HOLLINGS, and myself, I ask unanimous consent that this concurrent resolution be printed in the Extensions of Remarks.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

A concurrent resolution memorializing Congress to enact such legislation as will eliminate inequities and discrimination in the Social Security Act

Whereas, the Social Security Act incorporates inequities that have translated the application of the provisions of the act into such discrimination that it has created unnecessary hardship and apathy; and

Whereas, the disparity in treatment of and the quaint computation for determining disposition of benefits to husband and wife, widow and widower and the children of beneficiaries lessens the altruistic and salubrious purposes of the original concept of the act; and

Whereas, there is grave concern that should the inequities remain uncorrected benefits will be misdirected leaving those most in need unaided; certainly our citizens deserve better. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

That the Congress be memorialized to enact such legislation as will eliminate inequities and discrimination in the Social Security Act. Be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, to the two members of the United States Senate of this State, to each member of the House of Representatives of this State, to the Speaker of the House of Representatives and the President of the Senate of Congress.

REMARKS BY WILLIAM S. LOWE

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DORN. Mr. Speaker, Hon. William S. Lowe, president of the U.S. Chamber of Commerce, delivered a splendid and timely message to the recent U.S. Chamber of Commerce Prayer Breakfast, held in Washington in connection with the chamber's 61st annual meeting. I commend to the Congress Mr. Lowe's splendid message.

REMARKS BY WILLIAM S. LOWE

Several years ago I was in India. There are two places in this world which I wish every American could visit. One is East Berlin and the other is Calcutta, India. It is quite an education. You would come back a little more humble, a little more grateful, for the things we enjoy and the conditions under which we are permitted to live.

A business associate in India said to me, "You Americans don't really understand what makes your free enterprise system work. It's not your technological capabilities, your schools, your organizational abilities, your laws, or your free enterprise system. Rather you have a moral consensus based on the Judeo-Christian philosophy. I think I can prove it.

"You don't see many supermarkets in India. You do in the States. You invented the supermarket. Why? Because you found that the cost of distribution was a major part of the cost of goods delivered to the market place. It cost too much to get the milk from the cow to the baby. So, you invented the supermarket. You display all the merchandise on great acres of floor space and on many counters. You shop in the supermarket using a cart, selecting what you want, taking it to the check-out counter to pay or charge it, and go on your way."

My friend in India went on to say, "The only reason a supermarket can prosper is due to the basic fact that a vast majority of the customers in that supermarket believe in the moral concept that 'thou shalt not steal.' If you employed enough policemen or clerks to stand in the aisles of that supermarket to keep people from stealing things, you couldn't afford a supermarket. It is only because of the Judeo-Christian philosophy 'thou shalt not steal' and because most of your people fundamentally believe it that the system can successfully work. If it were only a fear of going to jail, people would steal. Fear of punishment has never kept people morally upright in this world and probably never will."

Continuing, he said, "I will prove my point to you in another way. Your economy is based on credit—credit risks between institutions. Men start businesses and have to borrow money to continue the businesses. Or, persons need funds and borrow. Borrowing is essential to the operation of all business in your great nation. The reason—and the only reason—that your banks stay in business is because when a person goes in to borrow money he agrees to a moral obligation that he will repay that loan. If the bank had to turn to due process of law to collect a major portion of these loans, your bank wouldn't stay in business 48 hours. It's only because of a basic Judeo-Christian philosophy that: 'Yes, I accept, the responsibility for repaying this money' . . . and only because he believes in that Judeo-Christian concept . . . does your system work in your great nation."

COURAGEOUS MINNESOTA PIONEERS

HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Friday, June 8, 1973

Mr. HUMPHREY. Mr. President, I would like to share with Members of Congress and other readers of the RECORD a letter made available to me by Mrs. Gladys Sharon of Veneta, Oreg.

The letter, dated April 7, 1881, was written by Mrs. Sharon's grandfather, Mr. R. Price, who emigrated from Wales to the town of Tracy in my own State of Minnesota in search of the individual freedom offered by our great land. Mr. Price's daughter—Mrs. Sharon's mother—is Mrs. L. W. Potter of Fresno, Calif.

Mr. Price addressed himself to his mother and sister, still in Wales, in order to share with them the hardships that our young, still untamed land presented. This was illustrated by Mr. Price's vivid description of a most severe Minnesota winter. Despite the hardships it describes, nowhere in the letter does the author complain or express regret or sorrow about having come to the United States.

Men and women like Mr. and Mrs. Price, and their families, typify the strength, energy, endurance and ceaseless courage which constructed not only such great states as Minnesota, of which I am especially proud, but, more importantly, contributed to the Nation as a whole, making our country foremost in the fight for personal freedom.

Mr. President, I ask unanimous consent to have Mr. Price's letter of 1881 printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TRACY, MINN.,
April 7, 1881.

DEAR MOTHER & SISTER: I received your welcome letter some time ago and I now take the opportunity of answering. Well I suppose you first want to hear how we got along this hard winter it has been the severest winter on record I think. I never seen it but a man could go out after a storm until this winter it was impossible finally we did get tracks broke to Tracy and the timber. I think snow would average 4 feet on the level and 20 in someplaces. I was lucky in having enough of wood home to do me about two months but it was a job to get to it after all it kept one busy in shoveling wood out and hay. I had the same thing to go through everyday it drifts so fearfull here I lost one cow. She was not doing well since last fall. One of my hay stacks I did not see since the 12th of Feb. I dug it out last week and had the misfortune of finding all spoiled it was hot I did not have any use of the cattle yard as it was out of sight. Therefore the cattle were allowed to run all over and I lay it to the cattle tramping the stack that spoiled the hay.

There were lots here that did not have any track at all from their houses and were compelled to carry their fuel wood on their backs and hand sleds not for once or twice but I have known them to do it for near two months. I could not go to mill so I had to take wheat to a feed mill and have it ground into graham. There was no flour in Tracy only as they hauled it from Sleepy Eye and the mail came by teams from Sleepyeye in sacks it looked like loads of grain wood sold in Tracy at the site of sixteen dollars per cord and hay ten dollars per ton it was bad here but I don't think we have suffered half what they did in Dakotah. I don't know what is true but this I know Dakotah settlers depend on the Railroad for fuel for there is no wood hardly in Dakotah and there has not been any train through yet from Sleepy Eye since 12th Feb. so you see they must have suffered for wood and provisions and I heard the way they were doing was two or three families would move into one house and burn their houses in turn. There has been suffering that no one will ever know on the frontiers for the newspapers will take good care never to mention for it would stop immigration. There is lots of stock died here, cows in general.

I had 10 Ewes come in in February. I had them in a warm place and some of the lambs were from a month to six weeks old doing fine when one stormy day I had an old sow loose and she broke into the sheep pen and killed 5 or six. Then she grabbed one of them out doors so I had good luck and bad luck with my sheep we have a pair of mare Colts one 2 weeks old one 2 days They are just normal. I expect another mare in soon. You wanted to know if I have ever seen the name of Granahan I have seen many tunes of his composition. One in Gospel Hymns No. 1 I know not the hour that my (Lord) will come which is a good one. No. 3 Gospel Hymns is chiefly all his own composition he is a great singer I have quite a little choir here myself. Mary sings soprano and Nell has a natural ear and voice for alto. Well I must close hoping you have survived the hard winter all right. One thing we have had good health all through and that is half the battle hope you are all in good health and hoping to hear from you soon again the children are pleased with the cards they will send some of theirs. Our love to all we remain.

Your brother & Sister, R. & R. PRICE.

P.S. you wanted to know how many children we had—we have 5 W. D. is the youngest he outweighs Mabel who is 4 years old and he is 2 years old, 2 pounds and half heavier.

CONGRESSMAN LEHMAN TELLS WHY HE VOTED AGAINST REORGANIZATION PLAN NO. 2

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. LEHMAN. Mr. Speaker, yesterday I voted against Reorganization Plan No. 2, not because I believe the drug abuse problem has become less serious. Indeed, I am only too aware that the use of illegal hard drugs has spread from our adult population, to our high schools, and even more sadly, to our grammar schools.

Drug enforcement must certainly be made stronger. But this was not the question on the floor yesterday. Rather, the question was one of the Executive vis-a-vis the Congress.

I voted against the reorganization plan because I believe that any plan of this magnitude and importance should be subject to congressional scrutiny and evaluation. If the Congress is to regain its position of equality with the other two branches of our Federal Government, it cannot continue to acquiese to the executive branch and its arm in the Office of Management and Budget.

Reorganization plans are not subject to amendment. They are either accepted or rejected, and the House is unable to modify them at that time. The Government Operations Committee already had before it legislation to condense and concentrate the thrust of our drug enforcement efforts, and I would have rather seen this effort carried out in a legislative manner to enable all the Members of the House to have input into it.

YOUTH, 19, CREATED EXPERIMENT SKYLAB WILL TEST

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. TEAGUE of Texas. Mr. Speaker, I think it is important to note that as the plans to recover the full usefulness of Skylab progress that a number of experiments onboard the Skylab mission have been contributed by young students all over the United States. One of these students is Roger Johnston of the Carleton College, Northfield, Minn.

I think it is significant and important that America's young people have the opportunity to participate directly in our national space program through Skylab and I commend Mr. Cope's article to my colleagues and the general public:

YOUTH, 19, CREATED EXPERIMENT SKYLAB WILL TEST

(By Lewis Cope)

Roger Johnston of Carleton College will have an ingenious experiment—to study how liquids behave in the weightlessness of space—aboard the manned Skylab space station scheduled to be launched next week.

"It really should be something!," said Johnston, speaking with boyish enthusiasm rather than the usual reserved tones of a graying space scientist. And no wonder.

Johnston is 19 years old.

He's a freshman physics major at the Northfield, Minn., college. And his experiment, which cost the space agency only $800 to build, was accepted for the $2.5-billion Skylab space mission while he still was a high-school student in Roseville.

The 118-foot-long Skylab, the size of a small house, will be rocketed into earth orbit May 14. The next day its first 3-man crew will go up in another rocket to start a 4-week visit.

A second group of three astronauts will make an 8-week visit starting in August, and the third 3-man crew will start another 8-week visit in November.

"My experiment is to be done by the third crew," explained Johnston, son of Mr. and Mrs. Glenn H. Johnston, 1833 Draper Dr., Roseville. "It'll only take them about 10 minutes to do it—but it will take them another 30 minutes to set things up before they start."

Johnston's experiment is to study how capillary action—a common phenomenon on earth—works in the weightlessness of space where there's no pull of gravity.

Capillary action makes liquids rise in small tubes and into the tiny openings of porous material. It makes a blotter absorb ink, allows water that enters a plant's roots to climb to the leaves, and helps human blood travel through the tiny blood vessels in the body.

The Skylab astronauts will open three boxes, each about the size of a loaf of bread, to set up his experiment. Then they will photograph how blue-dyed water and redyed oil climb up tubes and stainless-steel screen.

"The fluids should shoot up pretty fast—since there will be no gravity holding them down—so high-speed movie photography will be used," Johnston said. He estimated the water would reach the top of the 10-inch-high tube in two seconds, but the oil would rise somewhat slower.

Dr. Raymond Gause, a National Aeronautics and Space Administration (NASA) scientist at the Marshall Space Flight Center in Huntsville, Ala., said in a phone interview:

"There has never been any studies in space on this before. We don't know just what will happen.

"For example, what will happen when the liquid reaches the top of the tube? Will it bulge out into a round ball? Or will it break up and form a lot of droplets? And just how fast will it rise?

"This knowledge about how fluids behave in space could help us design more efficient fuel systems for future space vehicles."

Could it help better understand how blood and other fluids behave in an astronaut's body while he's in space?

"It possibly could," Dr. Gause answered. "It's like a lot of experiments. You never know what you may find, or how it may be used later. That's what makes things so interesting."

In all, the Skylab crew will perform more than 270 scientific studies.

Most have been developed by veteran space scientists. But Johnston's and 10 others were designed by high school students and selected in a nationwide competition sponsored by NASA and the National Science Teachers Association.

"These are not just fill-in experiments, but ones we really expect to learn a lot from," Dr. Gause said. "In fact, the program has been such an interesting one that the astronauts are extremely excited by these student experiments."

Johnston has made two trips to the Marshall Space Flight Center to work in the final design. He will be NASA's guest at Cape Kennedy in May 14 and 15 when the space station and the first crew are launched.

COST OVERRUNS: A $31 BILLION LUXURY

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. EVINS of Tennessee. Mr. Speaker, certainly we are all concerned with and desirous of securing the maximum value for every taxpayer's dollar expended—and in this connection I want to commend our esteemed colleague, the gentleman from Wisconsin (Mr. ASPIN) for his outstanding work in pinpointing the details of a massive pattern of cost overruns by the Department of Defense.

The gentleman from Wisconsin (Mr. ASPIN) was formerly employed by the Department of Defense and is a member of the Committee on Armed Services, and his latest report—as published in Progressive magazine—shows that on 45 major weapons systems cost overruns have amounted to $31.3 billion—not million—but billions.

His conclusion in the article is:

> Not only is every major weapons system a flaming cost overrun, but there is no relief in sight—and there will not be as long as the Pentagon maintains its taste for needlessly fancy and sophisticated new weapons.

My own view is that the Office of Management and Budget should direct all weapons systems to the same searching and critical scrutiny that it applies to programs for our public works developments, our elderly, schoolchildren, small towns and rural areas, and health and medical research, among others.

Because of the interest of my colleagues and the American people, I place the article from the Progressive in the RECORD herewith.

The article follows:

COST OVERRUNS: A $31 BILLION LUXURY

(By Les Aspin)

It is becoming increasingly clear that people are surfeited with weapons cost overrun. Not so long ago, in an open hearing of the House Appropriations Committee, a Navy official admitted that the cost of the Patrol Frigate program had risen $513 million since budget time last year. Not only did this news not make the headlines, it took a month before any newspapers even mentioned the fact. This is not the only example. In recent months costs in excess of amounts budgeted have been announced on the C-5A (another $259 million), the Mark 48 torpedo ($33.1 million), and the SRAM missile ($300 million). Although these sums are hardly beneath notice—the total budget for OEO community action programs this year was no more than $300 million—the press apparently was not interested.

A recent study by the General Accounting Office shows just what a here-we-go-again story about overruns have become. The study, entitled COST GROWTH MAJOR WEAPONS SYSTEMS, was presented to the House Armed Services Committee on March 26 of this year. It shows that on forty-five major weapons systems in the U.S. arsenal, cost overruns have amounted to $31.3 billion. This, and the particulars on some of the more egregious overruns on the list, were duly if cursorily reported by the media. Perhaps because the accounts were so brief, however, they failed to mention what I think is an even more significant fact: of all forty-five weapons systems, *every one was a cost overrun.*

The best demonstration of this fact is a chart that was printed as an appendix to the GAO study:

COST OVERRUNS, JUNE 30, 1972

[In millions of dollars]

System	Planning estimate	Development estimate	Current estimate
Army:			
UTTAS	2,307.3	2,307.3	2,344.5
HLH	119.3	119.3	123.1
SAM-D	4,916.8	4,031.0	5,240.5
TACFIRE	123.6	160.5	218.2
Cheyenne	125.9	125.9	331.6
Improved HAWK	335.5	588.2	758.3
Lance	586.7	652.9	776.6
TOW	410.4	727.3	651.6
Dragon	382.2	404.2	484.7
M60A2	162.1	205.6	402.8
Safeguard	4,105.0	4,185.0	7,975.0
Air Force:			
F-15	6,039.1	7,355.2	7,802.0
B-1	8,954.5	11,218.8	11,112.6
AWACS	2,656.7	2,661.6	2,661.3
F-111	4,686.6	5,505.5	6,994.6
C-5A	3,423.0	3,413.2	4,526.4
F-5E	698.6	315.5	297.4
A-X	84.5	84.5	84.5
A-7D	1,379.1	1,379.1	1,324.8
SRAM	167.1	236.6	1,325.9
Maverick	257.9	383.4	385.3
MMII	3,014.1	4,254.9	4,906.4
MMIII	2,695.5	4,673.8	6,110.5
Navy:			
S-3A	1,763.8	2,891.1	3,151.8
F-14	6,166.0	6,166.0	5,271.6
E-2C	586.2	586.2	873.8
LA6B	689.7	817.7	1,575.6
A-7E	1,465.6	1,465.6	2,776.0
Harrier	503.6	503.6	525.5
P-3C	1,294.2	1,294.2	2,487.0
Sparrow-E	687.2	740.7	339.5
Sparrow-F	151.5	707.7	1,276.9
Poseidon	4,568.7	4,568.7	4,751.0
Condor	356.3	441.0	524.8
Phoenix	370.8	536.4	1,113.7
SSN-688	1,658.0	5,747.5	8,096.1
DLGN-38	3,980.0	820.4	820.4
CVAN-68/69	946.5	1,063.2	1,316.2
LHA	1,380.3	1,380.3	970.0
DD-963	1,784.4	2,581.2	2,750.3
Mark 48	720.5	1,753.8	1,957.9
Aegis	388.0	427.6	484.1
VAST-247	241.1	312.0	435.4
DE-1052	1,285.1	1,259.7	1,430.5
SSN-637	2,515.8	2,515.8	2,929.1
Total	81,216.8	93,569.7	112,695.8

The author of the study on overruns, Hassell B. Bell, a deputy director of the GAO, outlined his method to me. All his figures, he said, came from Selected Acquisition Reports, or SARS, which are produced by the weapons program office in the Pentagon. To begin, he took the SARS for all major weapons programs. There were forty-eight, including three—the Trident submarine, the BBQ5 sonar system, and the Harpoon missile—for which costs were classified. That left him with a total of forty-five. The study is therefore based on a comprehensive, not a random, list.

The chart itself is self-explanatory. The planning estimate is the cost given when the Secretary of Defense first authorizes the program. As the report says, "It is characteristically low compared with the subsequent development estimates." That is because "there are powerful incentives—for example, to gain general approval for the new system—to keep the estimate low." The planning estimate is particularly significant because that is the price at which the weapons system is sold to Congress. The development estimate is the one that is made when the development contract is let. The "current estimate" is "the latest of acquisition cost," in this case as of June 30, 1972. This estimate, says the GAO report, "includes plus and minus adjustments for quantity changes, engineering changes, anticipated inflation or cost escalation from specific data, and estimating errors discovered after the development estimate." It does, indeed.

The only explanation that may be required for the table is for the few weapons systems (indicated by asterisks on the chart) that appear not to be cost overruns. Under careful examination *all* of them turn out to be overruns:

The F–5E, the fighter plane we are supplying the Vietnamese Air Force, shows a drop of about $400 million from planning to current estimate. However, this is only a matter of selective bookkeeping. It does not include the cost of 242 aircraft bought for South Vietnam's President Nguyen Van Thieu. Under a Department of Defense directive, these foreign sales are not considered program acquisition costs in the SAR. The actual cost of the F–5E program is $705.6 million—a modest overrun, but an overrun, nevertheless, of $7 million.

The A–X, an experimental tactical support aircraft under development by the Air Force, appears to be holding steady at $84.5 million—planning, development, and current estimate. This would be cause for rejoicing, except that, unfortunately, these figures are meaningless. They represent only the cost of developing two A–X prototypes. They do not include additional developmental costs (estimated *currently* at $204 million) or procurement costs (about $1.3 billion). That's for starters. The *raison d'être* of the A–X, we are told, was to destroy tanks. For this reason it was to be fitted with a 30mm cannon. Not only has the 30mm cannon not yet been developed (much less tested to see whether its recoil will shake the A–X apart), but costs for developing such a weapon are somehow missing from A–X estimates.

The A–7D, an Air Force fighter plane, actually appears to have decreased about $50 million from the first cost estimate. This is misleading, because over the same period the program dropped from 517 aircraft to 411, raising the price more than half a million dollars per plane.

The strange tale of the F–14, the Navy's supersonic, swing-wing, super-duper flying machine, should by now be known to all. The planning estimate of $6.1 billion was for 469 of these wondrous Grumman aircraft. The current estimate shown on the chart, $5.3 billion, is for 313. According to these figures, the cost per airplane has jumped from $13.1 million to $16.8 million. But we must remember that the latest estimate on the chart is for June 30, 1972. The per unit cost of the F–14 is now somewhere around $25 million. It is only necessary to add that when Admiral Elmo Zumwalt, Chief of Naval Operations, testified before the Senate Armed Services Committee this spring, he suggested that the best way to lower the unit cost would be to buy still more F–14s. Not too surprisingly, the president of Grumman Aerospace, Corporation, who was on hand for the same hearing, agreed enthusiastically.

The Sparrow-E is an air-to-air missile, an interim stage along the way to the Sparrow-F missile. Precise data on the Sparrow missiles, as on all missiles still in development or production, are classified. However, one can safely say that the reason for the difference between the planning estimate and the current estimate on the Sparrow-E is that the Air Force and Navy stopped buying it and started buying the Sparrow-F—which more than makes up for the difference.

The DLGN–38 is the Navy's "nuclear guided missile frigate of the future." It is being built to escort the Navy's nuclear carriers of the future, four to a carrier. The planning estimate of $3.98 billion was for twenty-three ships. The current estimate of $820 million is for five. In the process the cost per unit has more than doubled. Furthermore, if the Navy still believes it needs four guided missile frigates to keep each nuclear carrier from getting lonely, it has not asked for a full complement of DLGN–38s. A fourth nuclear carrier has already been budgeted by Congress. So, besides everything else, the current estimate is erroneous and misleading.

The LHA, Litton Industries' contribution to civilization, is the Amphibious Assault Ship. Here again, as wishful thinking and inefficient management have driven up the program cost, the quantity has been cut back. The original estimate of $1.38 billion was for nine LHAs. The current estimate of $970 million is for five. Per unit cost has risen from $153 to $194 million, and all indications are that this is not the end for this misbegotten program.

This GAO report places the greatest blame for the military's abject record on the Pentagon itself. In a pie chart it identifies the causes of overruns as estimating errors (twenty-five per cent), inflation (thirty per cent), and changes by the military (forty-five per cent). "Much of this type of cost growth," says the report, referring to the biggest slice of the pie, "results from unrealistic performance targets at the outset. . . . Overly ambitious performance requirements, combined with low initial cost predictions and optimistic rush estimates, lead almost inevitably to engineering changes, schedule slippages, and cost increases." The worst overruns, for example, are always on the most exotic and ambitious programs, like the F–14, the C–5A, or the Cheyenne. The most modest overruns are on "simple" and generally effective weapons systems like the F–5E or the A–7D.

To quote again from the report: "Most resources are invested in systems to replace systems that perform the same types of missions. The successive generation of systems which follow this pattern push state-of-the-art frontiers and, of course, costs increase with each increment of improvement. This technological momentum can be expected to drive costs up no matter how well the programs are managed."

So, if it is any comfort to those who have become satiated with the whole subject, the situation is even worse than we thought. Not only is every major weapons system a flaming cost overrun, but there is no relief in sight—and there will not be as long as the Pentagon maintains its taste for needlessly fancy and sophisticated new weapons. Or, as long as Congress allows the Pentagon to indulge its appetites. Or—and this is the point I am trying to make—so long as the press allows them both to remain relatively untouched and untroubled in their obscurity. Being jaded is surely understandable, but in a country that urgently needs programs of housing, education, job training, and the social services, it is a $31 billion luxury that none of us can afford.

CONGRESSMAN NORM LENT'S WASHINGTON REPORT—JUNE 1973

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. LENT. Mr. Speaker, I am in the process of sending a newsletter to all of the postal patrons in the Fourth Congressional District. Included in my report are the results of my third annual constituent questionnaire. I include the text of my newsletter in the RECORD at this point:

CONGRESSMAN NORMAN LENT REPORTS FROM WASHINGTON

WATERGATE REVELATIONS SHAKE ADMINISTRATION BUT PROVE SYSTEM'S STRONG

The ongoing revelations regarding the Watergate affair have left us all disillusioned and shaken that such a sordid chain of events could occur within the top reaches of our government.

These deplorable events, which have blown a dark cloud over the Nixon Administration, have unfortunately also given rise to feelings of mistrust for officeholders in general. Worse, Watergate comes at a time when the Congress and most levels of government have just begun to grapple with making their processes more directly responsive to citizen wishes through various reforms.

The Watergate episode, however, also points up the inherent strengths of our American system of checks and balances. An alert free press, a courageous judge, a troubled citizenery, and an outspoken Congress each played an important role in uncovering the wrongdoing.

As your Congressman, I will be keeping a watchful eye to see that those responsible for Watergate are brought to justice and that the public gets all the facts.

LONG ISLANDERS HAVE MUCH AT STAKE: LESS ENERGY OR OFFSHORE DRILLING?

There is much talk these days about an "energy crisis", the possibility of gasoline rationing this summer, and the prospect of another home heating oil shortage next winter.

But there are many signs that point to the fact that any "energy crisis" may be somewhat less than real. The Federal Trade Commission recently hinted that it may be the major oil companies who are helping to construct the so-called "energy crisis", for they stand to benefit the most from price hikes for fuels. On the other hand the oil firms claim that the present shortage is simply a result of backward government policies and misinformed opposition of environmentalists in blocking refinery construction and other projects which would permit increased production.

Don't let it happen

Nobody knows which version is true. Nevertheless, there is much we can all do to see that this predicted "energy crisis" does not happen. And we Long Islanders have a real stake in leading the effort to prove that we don't want, and don't need, more oil. For if we don't set an example by cutting back on our individual use of energy, the push will grow stronger for opening up the Atlantic Ocean for offshore oil drilling, a prospect that many of us would rather do without.

Sending booklet soon

I will soon be mailing all of you a small booklet with some excellent tips about how to cut down on energy use in our everyday lives. There are some excellent suggestions about conserving energy, and I hope we can join together in practicing some of them as the summer begins.

We stand to lose

We only stand to lose by continuing to stuff ourselves at the "energy plate." This is one way you can do something about government policy. Let's show them we don't need offshore oil drilling off our Long Island shores!

I hope you will look for the booklet on energy conservation tips in the next several weeks and then join me in cutting back!

Photo caption

Rep. Lent (r) joined Hempstead Presiding Supervisor Francis Purcell (L) on a tour of one of the Town's Environmental Education Centers in Oceanside. Lent is trying to garner more Federal aid monies for Hempstead's fine program, one of the Nation's best.

I WILL VOTE AGAINST FURTHER FUNDS: U.S. BOMBING OF CAMBODIA MAY PRODUCE MORE P.O.W.'S

While most Americans, myself included, breathed a sigh of relief and thanksgiving when our last Prisoner of War returned from North Vietnam, that event has not yet succeeded in bringing down the curtain on our involvement in Indochina as a whole.

The Nixon Administration has continued to send U.S. B-52's over Cambodia because the North Vietnamese continue to send troops into that Nation contrary to the Paris Peace Agreement. On a purely military basis, the continued bombing is probably exacting a cost on the North Vietnamese. But we have never, in the long history of this conflict, been able to consider only military aspects.

While past actions of the Congress refusing efforts to cut off funding for the Vietnam war were politically painful, their wisdom seems to have been borne out by the Paris Peace accord which resulted in the successful return of our POW's and a total withdrawal of U.S. troops in Vietnam.

But I cannot personally justify the continued bombing of Cambodia and plan to vote to cut off any further funding for this purpose when the Congress soon considers an upcoming appropriations bill.

To continue the bombing will, in my opinion, inevitably produce more POW's, and rekindle the temptation to escalate our involvement in Cambodia into another Vietnam—something no American wants.

I would appreciate having your views, both pro and con, on this subject.

THE RESULTS ARE IN: THOUSANDS RETURN LENT QUESTIONNAIRE

Our third annual questionnaire was a huge success, as thousands of you took the time to fill out and return the poll on some of the major issues of the day. My thanks go out to all of you who responded—you have made an outstanding contribution to responsive government.

The results of the questionnaire, printed below, will serve as an invaluable aid to me in determining my vote in the House on these important issues.

I also appreciated the hundreds of individual letters and notes many of you sent me telling me your thoughts on these and other issues. I only wish I could have answered each of them personally, but the massive response prohibited that.

The questionnaire was just one of many ways I attempt to stay in touch with the District. I hope you will not hesitate to contact my District Office in Baldwin if you have any problems with the Federal Government or just want to express your views on the issues.

Again, thanks for your cooperation.

[In percent]

1. Do you support the provisions of the Paris Peace Agreement calling for *U.S. aid to help rebuild North Vietnam?*

Yes	22
No	78

2. Do you favor amending the Constitution of the United States to make *abortion illegal in the U.S.?*

Yes	29
No	71

3. Do you favor granting *unconditional amnesty* to those who evaded military service during our involvement in Vietnam?

Yes	19
No	81

4. Do you favor *imposing tariffs and/or quotas on foreign imports* to protect American workers, even though this may result in increased prices for the shopper?

Yes	51
No	49

5. Do you favor legislation to impose *compulsory arbitration* in emergencies caused by transportation strikes?

Yes	93
No	7

6. Do you favor full, U.S. diplomatic *recognition of Red China?*

Yes	77
No	23

7. Do you favor legislation to *extend Daylight Savings Time* throughout the entire year, thus giving us one more hour of daylight in the evenings?

Yes	79
No	21

8. Do you favor President Nixon's efforts to hold the line on spending and taxes by *trimming existing Federal aid programs?*

Yes	65
No	35

9. Do you favor reinstitution of *mandatory wage/price controls?*

Yes	74
No	26

10. Do you favor legislation which would make *newsmen immune from testifying* in civil or criminal court cases as to the source of their information?

Yes	53
No	47

DRUG PROBLEM

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. MARTIN of North Carolina. Mr. Speaker, in support of the proposed Reorganization Plan No. 2, and in opposition to House Resolution 382, I should like to make the following observations:

When investigation and prosecution is done by the same agency, there exists the possibility that prosecutors will be overly zealous and subjective in their prosecution in an effort to protect their self-interest in the correctness of their investigation. However, in my opinion, the possibility of zealousness leading to abuse of process is less in the drug area than in other areas of criminal activity. The unification of prosecution and investigation in the same agency will enable the prosecutor to direct the investigation toward a known drug law violator. Many times an individual is known to be a dealer in narcotics, but the prosecutor does not have enough evidence to warrant an arrest. A unified command will allow the prosecutor to focus investigative resources. The prosecutor will be in a position to make the decision on whether to delay arrest in hopes of gaining more evidence to strengthen the prosecution's case and perhaps lead to the apprehension of other criminals in the distribution chain.

In contrast to most crimes which are committed by individuals acting alone, drug distribution is carried on for the most part by criminal groups. To counteract such criminal conspiracies which overlap jurisdictional boundaries, a national effort is needed. The reorganization plan is a virtually unique effort in a well defined area and thus the danger of the reorganization being a step toward a national police force is small. The proposal is not likely to be viewed as precedent to be followed in other areas.

The issue of federalism is not as controlling in this area as it should be in other areas. Since the drug operation is national and international in its operation, an effective program in one city or State would probably only result in a shift of the organized operation to a different area, without eliminating the problem. Effective law enforcement by local authorities would only result in the imprisonment of the small man in the chain, for which there are many replacements. An effective program necessitates a national approach in which the information gained through the arrest of the street seller of drugs can be used to trace the chain back to the organized supplier and importer, who is usually beyond the reach of local law enforcement agencies.

Information as to who is doing the internal distribution is of vital importance in apprehending the smugglers. A flow of information concerning each part of the chain is important. Such flow of information would be more readily secured through a unified agency.

The reorganization plan will give us the unity of command that is necessary for a successful effort against the drug problem. It is timely, and must not be delayed.

GULF SUPERPORTS AWAIT THE GREEN LIGHT

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. TREEN. Mr. Speaker, I am inserting a recent article from Business Week which discusses Gulf superports. This question is particularly timely at present since the House Committees on Public Works, Interior, and my own committee on Merchant Marine and Fisheries, will be holding hearings on this subject in the upcoming days:

GULF SUPERPORTS AWAIT THE GREEN LIGHT: LOUISIANA WILL BUILD AS SOON AS CONGRESS ACTS—HAVENS FOR SUPERTANKERS

Louisiana's Lafourche Parish is Cajun country: a marshy land rich in sugar cane and pirate lore. But by this time next year, Lafourche will probably be crawling with heavy equipment as construction crews move in to start building the first U.S. offshore superport—a $500-million facility capable of handling tankers of up to 500,000 deadweight tons.

The U.S. will have to build a number of superports like the one at Lafourche if it is going to be able to import economically enough crude oil to meet soaring domestic demand for energy in the next decade, oil men say. At present, tankers bringing oil to

East and Gulf coast oil terminals average only about 47,000 tons, and it costs about $13 a ton to transport oil from the Persian Gulf and unload it in the U.S. in such ships. By contrast, a 250,000-ton tanker could bring in and unload its crude oil at a Lousiana superport for about $5.70 a ton. The cost drops to $5.15 a ton in a giant 500,000-ton supertanker.

Building the superports should help spur U.S. oil companies to build more domestic refineries, which would also help meet energy demands. New refinery capacity has grown very little in the last few years, and the lack of terminals for supertankers along the East and Gulf coasts is one reason for this.

This is why the Nixon Administration, in one of its moves to ease the energy crisis, is seeking legislation to permit construction of superports beyond the three-mile limit. Several Congressional committees will consider legislation next month. And if a new law is passed, the State of Louisiana will be ready.

A year ago, its own legislature created a state agency, the Louisiana Superport Authority, to consider the plea of 13 companies to build a deep-water terminal in the Gulf, 21 miles south of Bayou Lafourche. The companies, formed into an organization called LOOP (for Louisiana Offshore Oil Port, Inc.), propose to build a superport consisting of huge floating buoys to receive oil from tankers too big to dock at U.S. ports, pump platforms to push oil through large-diameter pipelines to shore, and onshore oil storage tanks. At least part of the oil coming through the LOOP superport, its administrators promise, would be fed into the St. James (La.) terminal of Capline—a pipeline that can move oil at a rate of 1.2 million barrels a day from the Gulf Coast to the Midwest and as far north as Chicago.

MOVING AHEAD

Construction of the superport off Lafourche could start as early as mid-1974, according to LOOP President William B. Read. Limited operation would be possible by mid-1976. Initially, the superport could handle only 1.7 million barrels a day, but that could be raised to 4 million barrels as the number of buoys was increased from three to five and the number of pipelines doubled to four.

LOOP has an impressive list of member companies, among them Ashland Oil, Inc., Chevron Pipe Line Co., Exxon Pipeline Co., Marathon Oil Co., Shell Oil Co., Tenneco Oil Co., Texaco, Inc., Union Oil Co. of California, Standard Oil Co. (Ohio), and Texas Eastern Transmission Corp. They have raised the $1 million needed to get their superport plans developed, and the State of Louisiana has been in there pitching, too.

For $86,000, the state government persuaded the Louisiana State University Center for Wetlands Resources to study the environmental aspects of LOOP's proposal. Kaiser Engineers, of Oakland, Calif., won a $100,000 contract to act as a consultant to the Superport Authority and to verify LSU's findings. By July, LOOP's proposal is expected to be accepted and an application to start work could be submitted to Washington a couple of months later.

EYES OF TEXAS

Louisiana was the first state to set up a commission to seek a superport. But Texas was not far behind. The Texas Offshore Terminal Commission, set up last fall, is holding hearings on how a superport terminal should be planned, financed, and built. It already has one eager bidder—a consortium of 12 oil and chemical companies that operates under the name of Seadock.

All 12 companies have refineries or petrochemical plants on the Gulf Coast between Lake Charles, La., and Freeport, Tex. The group envisions a system that could handle up to 4-million bbl. a day and has leased land in the Freeport area on which to build storage tanks that would be included in the $400-million project.

Some 200 miles of pipelines would be needed to bring the crude ashore and distribute it to all the member companies. The offshore terminal would be located 20 mi. to 30 mi. out in the Gulf. Like the Louisiana superport, the Texas plans call for using a single-point buoy mooring system to which a 500,000 ton supertanker could tie up and unload its crude. In the initial stages, there would be several buoys, each attached to its own base on the Gulf floor.

LOOKING AHEAD

The buoy system, according to spokesmen for both LOOP and Seadock, is inherently safe because it will allow a supertanker to swing freely with the tide as it unloads its cargo. In a hurricane, the buoy might rip loose from its mooring, but no tanker would be unloading then. Plans are on the drawing-boards for other, more expensive offshore superports. Among them:

A mother ship, or floating storage, system in which a permanently anchored tanker would be used as a docking point.

A floating wharf that would permit the unloading of solid as well as liquid cargo.

An offshore island that would cost more but would be far less vulnerable to storm damage.

Such facilities would take much longer to build. But neither LOOP nor Seadock rules out the possibility that it can expand plans to include such things once federal legislation permitting superports becomes law.

OTHER VOICES

Some states, such as Delaware, have balked at bringing in superport facilities. Delaware's Coastal Zoning Act bans any significant industrial growth along or near its coastline, and the state's present governor believes that it also outlaws any superport in Delaware Bay. But other states take a different tack. New Jersey's Senate this week rejected a bill that would have placed a four-year moratorium on construction of any superport. But it did approve another bill giving the state's Commissioner of Environmental Protection authority to control industrial development along the Jersey shore.

"States like Delaware and New Jersey have industry to the teeth," comments P. J. Mills, executive director of Louisiana's Superport Authority. "The environmentalists there raise unshirted hell when anything like plans for a superport is announced, and the politicians respond to the furor. Just the reverse has happened in Louisiana. We brought the environmentalists in first and the state took the lead, not private enterprise."

AND TO THE NORTH

On Canada's east coast, one superport already is operating. It was built by Gulf Oil Canada Ltd. at Port Hawkesbury, Nova Scotia, to serve its 100,000-bbl.-a-day refinery there. The port has unloaded crude from the 326,000-ton Universe Japan, owned by multi-billionaire shipping magnate Daniel K. Ludwig, with no problems.

Across the Strait of Canso, on the mainland, the Province of Nova Scotia is building a $30-million terminal in hopes of attracting refineries. It already has signed up one customer, Shaheen Natural Resources, which is building a 200,000 bbl. per day refinery there. And in St. John, New Brunswick, work has started on a $400-million superport designed to cash in on the deep water of the Bay of Fundy, just a few hundred miles north of New York.

The Province of Quebec, too, wants a superport on the lower St. Lawrence River. One of the proposals for this—made by Ashland Oil Canada, Ltd. and New England Petroleum Co.—is for a deepwater port able to handle 300,000-ton tankers. A 42-in. pipeline would connect the on-shore storage tanks, 130 mi. east of Quebec, with Montreal and a smaller diameter pipe would continue on to Buffalo and Oswego, N.Y., where both Ashland and New England Petroleum refine crude oil.

IS HUD BIGGEST U.S. SLUMLORD?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. CRANE. Mr. Speaker, Americans increasingly lost faith not only in their political leaders, but in Government itself. There are good reasons for this loss of faith and, in many respects, it should be welcomed rather than feared. Why Government ever possessed such faith is a more interesting question to explore than why it is now losing it, but the facts of today's political life remain misunderstood by too many.

One of Government's most obvious failures has come in the field of housing. Discussing public housing in the New York area, Harrison Salisbury of the New York Times declared that the Fort Greene project in Brooklyn is a "20 million-dollar slum" ideal for breeding criminals. Such projects, Salisbury states:

> Are centers of juvenile delinquency. They spawn teenage gangs. They incubate crime.

A housing man is quoted as saying that:

> The first thing that happens is the kids begin to destroy the property. Even before it is built. They steal the place blind. As soon as the windows go in they smash them. They smash them again and again. What difference does it make, it's public, ain't it? That's what they say.

A great deal is at stake in the area of public housing. The budget for the Department of Housing and Urban Development for 1974 has grown to $4.8 billion, and there is an additional $7.4 billion in "carryover" funds to "finance already approved model cities, urban renewal and related projects at current levels for several years to come."

One much discussed example of Government waste and mismanagement in this area is that of the Pruitt-Igoe housing project in St. Louis. Discussing this project, Wayne H. Valis notes that:

> It was designed to be one of the showplaces of low-rent housing programs, was built to house 10,000 low-income residents of a rapidly deteriorating St. Louis neighborhood. Constructed at a cost of over $75 million dollars, the 60-acre site contained 33 high rise units which were widely regarded as excellently constructed buildings.

What happened? Mr. Valis points out that:

> The projects' residents included many drug addicts, and crime, violence and vandalism soon became rampant. As the situation deteriorated, HUD planners and St. Louis officials resorted to the ultimate remedy. First, 24 of the 33 units were closed, and the pop-

ulation of Pruitt-Igoe was reduced to 2,000—a demolition program was begun in early 1972. Several of the high rises were immediately blown up and "an indeterminate number" were slated to have their top seven stories lopped off. The cost of this creative solution: $38 million, which, when added to construction costs, brings total costs to about $114 million, or $57,000 per Pruitt-Igoe resident.

In an important article in Human Events, Mr. Valis details the manner in which Federal involvement in the housing field has led to widespread fraud and corruption. He concludes that:

> HUD has become the largest slumlord in the U.S., owning thousands of unprofitable homes throughout the country. In fact, HUD is now the largest home owner in several U.S. cities.

At a time when we are reconsidering the great amount of power which has, in recent years, been centered in Washington, it is instructive to consider Government failures in the housing field.

I wish to share with my colleagues the following article by Wayne H. Valis, assistant to the director for legislative analysis of the American Enterprise Institute for Public Policy Research, and insert it into the RECORD at this time.

IS HUD BIGGEST U.S. SLUMLORD?

(By Wayne H. Valis)

In recent years the Defense Department's cost overruns and proposed new weapons systems have been examined in minute detail by the nation's news media. Television specials have focused on alleged wasteful or unnecessary defense spending and newspapers such as the New York *Times* and Washington *Post* have repeatedly zeroed in on the Pentagon. While this attention presumably has contributed to the process of making intelligent public policy, there has been no such scrutiny of federal housing programs.

Although occasional indictments of federal officials or businessmen connected with housing programs are reported, the media has not shown the same zeal in examining the Department of Housing and Urban Development as in probing the Defense Department. In light of the current controversy over President Nixon's "freeze" of new HUD commitments, some facts and figures are in order.

In a recent letter to Sen. John J. Sparkman, chairman of the Banking, Housing and Urban Affairs Committee, Kenneth R. Cole Jr., director of the President's Domestic Council, described federal housing programs as "inequitable, wasteful and ineffective in meeting housing needs." The letter explains that, in the President's view, the U.S. housing program doesn't serve the poor, but "Instead, in many cases, the programs have created false expectations, more financial hardship and disappointment."

The letter concludes that "Until the development activities are folded into the revenue-sharing proposal, there will be a temporary suspension of new commitments for water and sewer grants, open space and public facilities loans."

This harsh evaluation and the unparalleled "freezing" of a major social welfare program have delighted many conservative critics of HUD, but have aroused a swarm of liberal congressmen and a host of special interest groups. Sen. William Proxmire (D.-Wis.) called the Cole letter "an insult," while Sen. Robert Packwood (R.-Ore.) said it "almost smacks of blackmail."

Rep. Wilbur Mills (D.-Ark.) predicted that federal housing subsidies would probably be continued, despite the Administration's position, and challenged the constitutionality of the President's action. The president of the National Association of Home Builders termed Mr. Nixon's position as "disastrous," and over 60 officials of urban-oriented interest groups met to "plan ways of fighting the freeze." Finally, a coalition of 32 groups involved with the federal housing program expressed "shock and dismay" over the President's actions.

It should be clear that a lot is at stake in this battle. The HUD budget for 1974 has grown to $4.8 billion, and there is an additional $7.4 billion in "carry-over" funds to "finance already approved Model Cities, urban renewal and related projects at current levels for several years to come."

Recent studies have indicated that, unless halted or slowed by presidential or congressional action, spending for low-income housing programs alone will reach $7.5 billion by fiscal 1978. The same report indicates that "long-term commitments to pay for housing already completed or started would cost, in current dollars, at least $65 billion and possibly as much as $92.7 billion over the next 40 years."

In addition to these expenditures, the federal government, according to the *National Journal,* is committed to paying $41.4 billion over the next 40 years on housing-related debt service alone.

The Administration has charged that these expenditures primarily have benefited developers and speculators rather than the poor, and have "tended to undermine the capacity of local government to respond to the needs of their citizens."

No doubt the President had the now infamous Pruitt-Igoe public housing project in mind, among others, when he reached such a conclusion.

Pruitt-Igoe, designed to be one of the showpieces of low-rent housing programs, was built to house 10,000 low-income residents of a rapidly deteriorating St. Louis neighborhood. Constructed at a cost of over $75 million dollars, the 60-acre site contained 33 high-rise units which were widely regarded as excellently constructed buildings.

Problems arose from the outset. The project's residents included many drug addicts, and crime, violence and vandalism soon became rampant. It also became apparent that too many people with too many problems had been crowded into too small an area. As the situation deteriorated, HUD planners and St. Louis officials resorted to the ultimate remedy. First, 24 of the 33 units were closed, and the population of Pruitt-Igoe was reduced to 2,000. Since it is widely known that vacant buildings attract the worst elements in society, HUD realized that something had to be done with the empty buildings.

Showing the creativity for which bureaucracy is justly famous, a demolition program was begun in early 1972. Several of the high rises were immediately blown up and "an indeterminate number" were slated to have their top seven stories lopped off. The cost of this creative solution: $38 million, which, when added to construction costs, brings total costs to about $114 million, or $57,000 per Pruitt-Igoe resident.

In an interview in the *National Journal,* [ex-]Rep. John S. Monagan (D.-Conn.) said, "We are destroying it in order to save it. It sounds like something out of Jonathan Swift, or better yet, Voltaire. It's a satire on the public housing program, the ultimate proof that nobody wants it."

Those who would contend that Pruitt-Igoe's high cost is an exception should note former HUD Secretary George Romney's estimate that a $17,500 apartment unit built under the usual 40-year interest-subsidy program will cost the taxpayer between $108,358 and $141,854 during the 40-year span.

One of the major criticisms levelled at HUD, and many other governmental social programs, is that it often substitutes political values for market (economic) forces. An amusing, if expensive, illustration took place in December 1972, in Wyoming.

For various reasons, HUD decided to bring urban renewal to downtown Cheyenne (population 40,000). One of the major programs in the Cheyenne renewal project was the construction of a new parking lot designed to relieve congestion in the "center city" business district. For three years federal and city officials planned the lot, which was to accommodate 171 cars. Finally, at a cost of $300,000, the lot was opened to the public. There was only one problem: nobody came.

Unfortunately the urban renewal lot was further away from the heart of the business district than the old-fashioned, "congested," metered parking spaces, and, consequently, people wouldn't use it. Realizing the potential for embarrassment, the city council lowered the monthly parking free from *$12 to* $7. Alas, to no avail. After six full weeks of operation the total revenues brought in were 75c. A telling case of the futility of attempting to replace the law of supply and demand by bureaucratic fiat.

The most severe and damaging charges against federal low-income housing programs, however, are the allegations of widespread fraud and corruption. Probes of such charges have resulted in grand jury hearings in nine cities, and indictments have already been returned in New York, Philadelphia, Chicago and Detroit.

In the four cities where indictments have been returned, FHA officials, realtors, contractors, builders and accountants have been indicted on a wide variety of counts, including bribery, falsification, conspiracy to defraud, conflict of interest and income tax evasion.

In Detroit, for example, high-ranking local HUD officials and FHA officials were in collusion on a variety of schemes involving default and foreclosure of over 20,000 FHA-insured homes.

The fraud and corruption victimize not only the taxpayer, but also the poor, and therein lies an even more scandalous tale. Marginal and deteriorating neighborhoods are "block-busted" by real estate dealers, who acquire houses, most of them in various stages of decay, at extremely cheap prices. The houses are given inexpensive facelifts, and then reappraised at unrealistically high levels by local FHA appraisers (many of whom are local realtors). The FHA then backs inflated mortgages on the homes, which are sold to the poor. The Philadelphia *Inquirer* reported that one enterprising speculator averaged a 172 per cent markup on his FHA-backed properties.

The deteriorating, inflatedly priced homes are then sold to poor people—quite often, by design, to the worst risks realtors can find. This process has led to the mass abandonment of entire neighborhoods by low-income owners, largely black and Puerto Rican, who either can no longer afford or who simply are unable to maintain and keep their houses. At this point, as one study notes, "Once the mortgage is in serious default, the private lender holding the note will foreclose on the property, and HUD, as the guarantor, must pay the lender and take possession."

In this tragic and expensive way HUD has become the largest slumlord in the U.S., owning thousands of unprofitable homes throughout the country. In fact, HUD is now the largest home owner in several U.S. cities.

The entire low-income housing subsidy program has reached enormous proportions. It has grown in bits and pieces, with far too little hard-headed economic analysis of its provisions. The time is long since past for a halt in these programs and, at least, a pause for consideration of the entire program. The President's proposed housing subsidy freeze is directed to this purpose and should be supported. Clearly here is a case where alternative proposals and new studies are desperately needed.

LEGAL DIGNITY FOR THE POOR

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, over the past 6 months, the Committee on Education and Labor has worked diligently to develop a viable legal services proposal. Hearings have been held throughout the country as well as in Washington. We have heard from leading spokesmen for the organized bar, client groups, elected officials, and the administrators of the Office of Economic Opportunity.

The committee bill is a compromise which preserves the strengths of the program, while strongly restricting the potential for abuses. I am pleased that the committee action has received the support of the Los Angeles Times. I am inserting their editorial in the RECORD for the consideration of my colleagues in the House:

LEGAL DIGNITY FOR THE POOR

Eight years of experimentation and experience have proved the value of government-funded legal assistance to the poor. The service has brought new dignity to the poor and a new potential for them to realize the constitutional promise of equality before the law.

This success is now recognized in President Nixon's proposal for an independent National Legal Services Corp. and in the implementing legislation that has already cleared committee in the House of Representatives.

There is not time to get the corporation in full operation by July 1, when the old authorization under the Office of Economic Opportunity expires, but there is provision for continuing existing programs during the next year while the corporation is set up. That is important. For any interruption of this service would be an injustice.

Changes in the President's proposal are being worked out in Congress to ease some of the restrictions he had sought to impose. Of particular importance, it seems to us, is an amendment to assure attorneys in the program full rights under the canons of ethics and the codes of professional responsibility of the American Bar Assn.

It appears that the new legislation will give Mr. Nixon broader authority, for the appointment of the corporation's 11-member board than he would have had under legislation approved in Congress last year. The appointments do, however, require Senate confirmation, which may be adequate guarantee of diversity in board members.

Mr. Nixon also seems to have won acceptance of his plan for advisory councils, appointed by the governors, to monitor the legal services in each state.

In his message to Congress a fortnight ago, Mr. Nixon noted the controversies created when federally sponsored programs have run counter to state and local officials. But he emphasized, above all, that "we have learned that legal assistance to the poor, when properly provided, is one of the most constructive ways to help them help themselves," and that "justice is served for better and differences are settled more rationally within the system than on the streets."

We are not worried about the potential for controversy. It would seem inevitable. We are confident that our judicial system can resist abuse. Most important, we think, is providing the corporation with the freedom, independence and flexibility so that the poor have the same access to the judicial system, the same prospect for justice in their civil disputes, as are now available to those with higher incomes.

HEAD SHRINKERS ATTACK POOR

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. HAWKINS. Mr. Speaker, in recent weeks, public attention has been called to the continued lobbying efforts of the OEO Acting Director Howard Phillips and his inner-circle staff.

Members of Congress, and sometimes the public, through OEO-furnished misinformation, are being brainwashed with ending the war against poverty based on the "Horrible example" technique.

This modern head shrinkers operation was most recently revealed by an article which appeared in the Washington Post, under date of June 6, 1973. I call this most informative and revealing statement to the attention of our colleagues especially those who have resisted Mr. Phillips' offer to supply them with shady material to attack the poor:

OEO'S PHILLIPS MAKES END RUN

(By Nick Kotz)

OEO Acting Director Howard Phillips may have lost his battle against the legal service program in the White House, but he is continuing it in Congress, supplying speeches for congressmen attacking legal services.

Phillips also has issued new regulations for legal services, which officials of the American Bar Association say are inconsistent with the plan for a legal services corporation approved by President Nixon.

The President appeared to have settled an inter-administration fight several weeks ago by endorsing legislation for a public corporation to provide legal services for the poor, and rejecting Phillips' plan to have legal service programs distributed through revenue sharing.

Therefore, proponents of the legislation in Congress and the bar association were startled to see Phillips issuing regulations, which could change the direction of the present program, which will continue until Congress establishes a corporation.

In addition, Phillips has been lobbying on the Hill.

The Washington Post obtained from congressional sources speech material which was recently prepared by Phillips' aides at OEO and used in speeches by congressmen attacking the whole concept of legal services for the poor.

A comparison of the OEO speech material with a round of speeches by congressmen attacking the program on the House floor on May 31 suggests that at least three congressmen used the OEO material.

The OEO speech material, which included the proper comments of congressional address, such as "Mr. Speaker," was entitled "Legal Aid Societies Do a Better Job With Less Money."

Rep. L. A. "Skip" Bafalis (R-Fla.) cited statistics showing that legal aid societies did a better and more economical job in Indianapolis and Boston. The material was identical to the OEO material, as was the quotation that followed in which an anonymous Boston lawyer described legal services as "a collection of highly paid, indolent attorneys who are getting rich easily at the taxpayers' expense, while all the needy must bring their problems to the hard-working, low-paid attorneys of the legal aid society."

Rep. Roger Zion (R-Ind.) attacked legal services' representation of groups by saying "group representation has usually meant involvement with such groups as the Welfare Rights Organization, tenants' rights groups, the NAACP, the American Civil Liberties Union, and at times, the Black Panthers and other militant groups." The OEO speech material contained identical language.

Rep. Sam Devine (R-Ohio) also attacked the legal service program, using material identical to the OEO prepared speeches, including the questioning of whether Congress is going "to continue to subsidize a program which is spending more time attempting to radicalize America than it is in helping the poor."

Lawrence Straw, acting associate director of OEO, denied that Phillips is opposing the administration's bill in Congress or seeking to wreck the program by issuing new regulations.

"We're part of the administration team and we are supporting its proposal as team members," said Straw. "The fact that we have given congressmen material pointing out abuses doesn't mean we are opposed to the corporation."

Straw said the OEO speech material, which is highly critical of legal services as a concept and as it has operated, would be given congressmen who requested such material.

The new legal service regulations would go into effect June 29, which is one day before the present law ends. Congress and the administration are expected to extend temporarily the present legislation and transfer its administration to HEW.

However, Straw said it is possible that OEO would continue to administer the program.

The proposed new regulations are contrary to the White House-proposed bill in that they would prohibit lobbying by legal service attorneys, would severely restrict group representation, and would define the mission of legal services as solely to represent individual clients.

Robert Meserve, president of the American Bar Association, protested to Phillips that he was attempting to change the program at a time when Congress and the President were adopting a new one.

"Although thwarted in his attempts to completely dismantle legal services," said Rep. Patricia Schroeder (D-Colo.) of the new regulations, "Phillips is still doing his best to see that the existing program is well crippled before its hopeful transition into a corporation."

SAN DIEGANS VIEW THE ISSUES

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. VAN DEERLIN. Mr. Speaker, we have just finished tabulating the results of my biennial survey of opinion in California's 41st Congressional District. As usual, there were some surprises.

I was heartened both by the number of returns, more than 22,000, and by the fresh guidance provided by a quite unexpected outcome on some of the questions. For example, more than four of every five respondents indicated they felt abortions should be a matter for the woman and her doctor to decide; in view of the emotions on all sides of this issue, I had anticipated a much closer result.

Reaction was mixed on other issues presented in the questionnaire. The majority response on some questions was conservative, while on others a liberal viewpoint prevailed. Once again, my constituents have demonstrated their independence, ideological as well as political.

President Nixon evidently has suffered some loss of trust in a district which gave him 53 percent of its vote in last November's election. The questionnaire was mailed in late April, just as the Watergate affair began hitting the headlines on a daily basis. Only 25 percent said they had more confidence in the President then when he first took office, while a plurality of 46 percent reported less confidence and another 29 percent indicated their feelings about Mr. Nixon were unchanged.

On a matter of perhaps more immediate concern to this body, 39 percent supported tax credits to help offset the costs of sending a child to a parochial or other nonprofit private school, but even more—55 percent—were opposed to this form of tax relief.

A complete listing of the results follows:

1. Since the U.S. was so heavily involved in the war in Indochina, should we help pay the costs of rebuilding

(Answers in percent)

a. South Vietnam?	22
b. South and North Vietnam?	11
c. Neither of them?	67

2. The Supreme Court has acted to relax state abortion control laws. Do you think abortions generally should be

(Answers in percent)

a. Left to the woman and her doctor?	82
b. Regulated by Government?	13
c. Other	5

3. Should tax credits be granted to help offset the costs of sending a child to a parochial or other non-profit private school?

(Answers in percent)

a. Yes	39
b. No	55
c. No opinion	6

4. Now that the Vietnam war is over, the Government must decide what to do about young Americans who left the country to escape being drafted. In your opinion, should the draft evaders

(Answers in percent)

a. Be granted unconditional amnesty?	12
b. Be pardoned, but only on condition they perform useful public service for a period of at least 2 years?	31
c. Be required to face trial?	45
d. Other	12

5. Do you sense more or less friction these days between Government and the press?

(Answers in percent)

a. More	64
b. Less	5
c. Unchanged	20
d. No opinion	11

6. Would you favor or oppose a federal "shield law" to protect newsmen from being compelled to disclose sources of confidential information?

(Answers in percent)

a. Favor	61
b. Oppose	30
c. No opinion	9

7. The U.S. must build flood control works in the Tia Juana River Valley, under agreement with Mexico. Do you think

(Answers in percent)

a. The channel should be as short and unobtrustive as possible to preserve the natural state of most of the valley	37
b. The channel should extend to the ocean, to afford full protection against flash flooding and thereby foster residential & commercial marina development	44
c. No Opinion	14
d. Other	5

8. At present, the Highway Trust Fund is only for roadbuilding. Do you favor or oppose proposals to let local government divert some of this money to rail and bus transit?

(Answers in percent)

a. Favor	59
b. Oppose	36
c. No opinion	5

9. Automobiles are blamed, rightly or wrongly, for most air pollution. Would you consent to rationing of gasoline if necessary to meet Federal air quality standards?

(Answers in percent)

a. Favor	32
b. Oppose	63
c. No opinion	6

10. The broadcast of early election returns from the East, where polls close earlier, shared blame for a disappointingly low turnout of California voters in last November's election. Would you favor or oppose a requirement that voting places everywhere in the Nation be closed simultaneously in national elections?

(Answers in percent)

a. Favor	67
b. Oppose	22
c. No opinion	10

11. Do you think handguns and their owners should be registered and licensed in the same fashion as autos and their drivers?

Answers in percent)

a. Yes	67
b. No	30
c. No opinion	3

12. Should the Federal Government spend more, or less, or about the same amounts of money it is now doing for the following activities?

[In percent]

	More	Less	Same
Health	60	11	29
Education	44	20	37
Defense	29	40	32
Consumer protection	60	12	28
Pollution control	58	14	28
Helping the poor	40	28	33

13. President Nixon has held office more than four years. As compared with how you felt about him in 1969, do you now have more confidence in Mr. Nixon, less confidence, or about the same degree of confidence?

(Answers in percent)

a. More confidence	25
b. Less confidence	46
c. Same degree of confidence	29

14. Should the President have the right to refuse to release money after it has been appropriated for specific purposes by Congress?

(Answers in percent)

a. Yes	33
b. No	60
c. No opinion	6

15. Perhaps, in these questions, I've missed some activity—or inactivity—of Government that is of particular concern to you. If so, please tell me about it in the space remaining:

(NOTE—Tabulating these comments reflects the following priorities:)

1. Immediate tax reform.
2. Increased crime control.
3. Stricter welfare regulations.
4. Domestic prices should be brought under control.
5. Increased pollution control.
6. Excessive and inefficient Government spending.
7. Watergate investigation should be actively pursued.
8. Social Security benefits should be increased.
9. General health care.
10. Veterans' benefits should be increased.
11. Increased emphasis on domestic programs.
12. Recomputation for retired military.

TRIBUTE TO HORACE M. CARDWELL THE CHAIRMAN-ELECT OF THE AMERICAN HOSPITAL ASSOCIATION IN HOUSTON

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. CHARLES WILSON of Texas. Mr. Speaker, I am proud to join these persons who last week in Houston honored Horace M. Cardwell, the chairman-elect of the American Hospital Association.

During a dinnner held in conjunction with the 44th annual convention of the Texas Hospital Association, hospital administrators and members of 20 other health care organizations affiliated and allied with THA joined in paying tribute to Mr. Cardwell and his lovely wife, Billie Jo.

Mr. Cardwell, who is the administrator of Lufkin Memorial Hospital, Lufkin, Tex., was praised for his many contributions to health care and hospital administration in Texas and was the subject of a pictorial essay on his rise to the high office of chairman-elect of the American Hospital Association.

Mr. Cardwell was born in Oklahoma City, Okla., and received a bachelor's degree in economics from Texas A. & M., College Station, in 1941. From 1941–45, he served in the U.S. Army holding the rank of lieutenant.

For 1 year, Mr. Cardwell was medical representative for Lederle Laboratories, a division of American Cyanamid. He became assistant administrator of Hermann Hospital, Houston, Tex., in 1946, and from 1948 until the present, has been administrator of Memorial Hospital.

He has served as treasurer, vice president, president, chairman, and trustee of the Texas Hospital Association, and has served on councils, committees, on the board of trustees, and in the house of delegates of the AHA. Also, Mr. Cardwell is a fellow of the American College of Hospital Administrators.

Since 1954 Mr. Cardwell has been chairman of the Hospitals-Insurance-Physicians Joint Advisory Committee of Texas, and since 1962 he has been a director of Blue Cross-Blue Shield of Texas. He served as president of the State Board of Vocational Nurse Examiners for 8 years. In 1970 he received the Earl M. Collier Award from the Texas Hospital Association as administrator of the year.

Mr. Cardwell has been active in civic affairs in Lufkin, serving as campaign chairman and director of the executive committee of the United Fund.

As chairman-elect of the American Hospital Association, Mr. Cardwell chairs the general council of the AHA, among other duties, and is one of the three elected officers of the Association.

On January 1, 1974, Mr. Cardwell will assume the chairmanship of the American Hospital Association and as the chief elected officer will be chairman of the board of trustees.

The people of Lufkin are very proud of Mr. Cardwell and join with the health community of Texas in wishing Mr. Cardwell great success in his role with the AHA.

SPEAKER SOLOMON BLATT

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DORN. Mr. Speaker, Speaker Solomon Blatt has served for 33 years as Speaker of the South Carolina House of Representatives. Speaker Blatt announced to the South Carolina House of Representatives Wednesday that he will retire as speaker effective July 31 of this year. According to all the historical records available Speaker Blatt has served as presiding officer over a legislative body longer than any other man in the history of the world. I have learned of no one serving as presiding officer in a parliament, assembly, or senate who has served as long as Speaker Blatt. Records going back to the Roman Senate and even to ancient assemblies of Greece indicate no one with a longer tenure of service as presiding officer or speaker.

Speaker Blatt is known nationwide for his long service, but more importantly he holds a record of unsurpassed dedication and devotion to representative government. He is a man of unquestioned parliamentary skill and absolute integrity in upholding our democratic institutions. The entire Nation and, indeed, free people the world over can point with pride to this great exponent of individual liberty and freedom. People in far-flung reaches of the earth fighting to preserve and to establish democracy can take heart from a man like Solomon Blatt who has served so long and so well the cause of representative government.

Mr. Speaker, we in South Carolina are proud of Mr. Blatt. Without question one of the greatest American statesmen of our time. The American people can be proud of his distinguished service. As a Nation known as the Melting Pot, a haven for the oppressed and for minorities, those seeking religious and individual freedom, we can be proud that Solomon Blatt is of the Jewish faith. Only in America could the son of an immigrant from Russia become one of the free world's greatest legislators. South Carolinians are particularly proud that it was possible in America and in South Carolina. Nathan Blatt, father of the speaker, came to America in 1893 and started work as a peddler. He traveled between Charleston and Augusta for 2 years, often carrying a 125-pound pack of dry goods on his back. Nathan Blatt saved enough to start a small store in Blackville, S.C., and after several years in America was able to pay for passage to America for his wife and son Jake, who had remained behind in Russia. Jake Blatt, and a sister, Rose, passed away in their youth. Solomon Blatt was born at Blackville in 1896. Only Solomon and another sister, Becky, now Mrs. Edward Mirmow, survived.

Solomon Blatt entered the University of South Carolina at age 16, later became a distinguished attorney and a member of the bar of South Carolina, and he is a veteran of military service in World War I.

How refreshing it is, Mr. Speaker, that our Nation afforded the opportunity for the oppressed of Europe, the victims of totalitarian states that then, as now, denied equal opportunity to the Jewish people. These people found this Nation a land of promise and opportunity where a man is respected for what he is.

Solomon Blatt was first elected to the South Carolina House of Representatives in 1932 and in his second term he became Speaker pro tempore. In 1937 he was elected Speaker of the House and has served continuously in that position with the exception of the period 1947 through 1951 when he did not offer for the Speakership.

Mr. Speaker, I served under Speaker Blatt in the South Carolina House of Representatives in 1939–40. Over the years he has been an inspiration to hundreds of young legislators. His fairness and skill as a presiding officer has won the respect of all who served with him, and Speaker Blatt has taken the opportunity to cede the chair temporarily to women legislators, black legislators, and members of the minority party.

During his tenure, South Carolina has developed a highway system that is generally recognized as the best in the world. Under the speaker's leadership, South Carolina has developed a triple A rating in the bond markets and a tradition of fiscal responsibility. We have a technical education system that is the model for all the world and an educational TV system second to none. Our State has made fantastic economic progress, with great industries attracted by the progressive good government so splendidly personified by Speaker Blatt.

Mr. Speaker during these crucial times the story of Solomon Blatt is an inspiration to all of us and reassurances about our republican form of government. The heritage of tolerance is contagious in South Carolina. From colonial times the South Carolina Jewish community has made tremendous contributions to the history and to the economic and cultural development of our State. Not too far from where I live today is a monument to Francis Salvador, who represented my home area in the First and Second Provincial Congresses of South Carolina, which eventually threw off British rule, established the colony's independence and reconstituted itself as the first General Assembly of independent South Carolina. Salvador thus became the first Jew in American history to serve in a legislative assembly and he became the first Jewish patriot to give his life in the cause of the revolution when killed by Indians and Tories near Seneca, S.C., less than a month after the adoption of the Declaration of Independence. Bernard Baruch, financier and advisor to Presidents, often remarked that whatever discrimination he might have encountered elsewhere because of his religion, he never met it in his native South Carolina. Solomon Blatt's superb record of public service is a manifestation of this great tradition.

Mr. Speaker on March 18, 1920 Solomon Blatt married the lovely Ethel Green of Sumter, and in 1970 they celebrated their golden wedding anniversary. This wonderful lady has been a loving helpmate through the speaker's years of service. Their son Solomon Blatt, Jr., is a distinguished U.S. district court judge and a great American in his own right.

On Wednesday in announcing his retirement as speaker, Mr. Blatt announced he would be a candidate for reelection to the House from his beloved Barnwell County. We are tremendously pleased that our State can continue to benefit by his public service. Mr. Speaker, with great pride I take this opportunity to salute a great American who has served as speaker of a parliamentary body longer than anyone in history, a dear friend, and wish for him every continued success.

PUBLIC OPINION IN MICHIGAN'S FOURTH DISTRICT

HON. EDWARD HUTCHINSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. HUTCHINSON. Mr. Speaker, each year since 1965, I have sent an annual questionnaire to all postal patrons in the Fourth Congressional District in Michigan asking for their opinions on leading issues. The 1973 questionnaire was mailed in May and I have just received the tabulated results. More than 12,000 of the questionnaires have been returned to my office. Because the form afforded space for three voters in each household, I received the views of more than 24,000 of my constituents. As in previous years, an independent concern in the metropolitan Washington area was retained to tabulate the results. Complete survey results—rounded off to the nearest full point—follow:

1973 SURVEY RESULTS

[In percent]

	Yes	No	No opinion
1. Should Congress reestablish the death penalty for the Federal crimes of treason, Presidential assassination, kidnapping, skyjacking, or killing a policeman or prison guard on duty?	84	13	3
2. Do you favor U.S. economic aid to North Vietnam?	7	91	2
3. The President has announced his determination to hold Federal spending to $250,000,000,000 this year and $268,000,000,000 next year. Should Congress adhere to those limitations?	85	12	3
4. The proceeds of the Federal tax on motor fuels go into the Highway Trust Fund, out of which Federal aid is distributed to the States for construction of highways. Should the proceeds also finance urban mass transit systems?	29	68	3
5. An earlier Congress moved the observance of Veterans Day from its traditional date to the 4th Monday in October. Should Congress return Veterans Day to its traditional date, Nov. 11?	81	16	3
6. Should Congress allow a State to impose higher standards on the production and sale of meat products than Federal law requires?	80	18	2
7. High water levels in the Great Lakes are causing heavy losses to the owners of lake shore property through erosion and flooding. Should the Federal Government finance the building of protective works along the shoreline?	42	55	3
8. Should the Federal Government make long-term low-interest loans to property owners along the Great Lakes to assist them in rebuilding or relocating their buildings lost by erosion due to wind and wave?	70	28	2
9. Would you favor strict controls on:			
A. Wages and prices?	72	25	3
B. Interest rates and rent?	75	21	4

AT LONG LAST: A BALANCED LEGAL SERVICES CORPORATION

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. ERLENBORN. Mr. Speaker, 1973 seems to be the year of reruns in Congress. Unlike presentations repeated on our television screens, however, presentations repeated in Congress for the second, third, or the fourth time are always different from the earlier versions. Moreover, they frequently improve by virtue of exposure.

One of these is the quest of many of us for the creation of a Legal Services Corp. At long last, I believe we have found a resolution of the obstacles this proposal has encountered. I refer to H.R. 7824, a measure which will be brought before us soon.

Columnist James Kilpatrick agrees, and I urge both proponents and opponents of legal services programs to read Mr. Kilpatrick's analysis of H.R. 7824 as it appeared Monday, June 4, in the Washington Star-News:

LEGAL SERVICES A NECESSARY BALANCE

(By James K. Kilpatrick)

The legal services bill just reported in the House is a product of compromise, which in politics is no bad thing. The bill contains more safeguards than the liberals really wanted, but it is not quite as restricted as some of us on the conservative side had wished. With a little common sense all around, it should do the job that needs to be done.

That job is immensely important. No concept in our political system ranks higher than the concept of equal justice under law. It is tied directly to another great principle, that ours is a government of law, not of men. In actual practice, these precepts contain more myth than reality, but we have a responsibility, nonetheless, to strive in these directions.

The present program of Neighborhood Legal Services, providing advice and counsel to more than a million poor persons every year, expires at the end of this month. The House bill would keep the program going under a new and independent Legal Services Corporation.

In its original form, the bill authorized services for individuals or families whose income did not exceed 200 percent of the officially established poverty level. This would have extended eligibility to persons with an income of $8,400, which struck some of us as unreasonably high. The provision has been dropped. It now is proposed to leave eligibility to guidelines that would be fixed by the corporation's governing board. These guidelines, as I understand it, would be intended to limit free services to the "poorest of the poor," but they would take into account a client's assets, debts, medical expenses and other considerations. The approach seems workable, and not especially susceptible to abuse.

The original bill authorized the board to establish "a schedule of fees which will require the client, if able, to pay at least a portion of the cost of legal assistance." Under the strenuous opposition of the American Bar Association, this provision also has been dropped, The ABA enthusiastically supports the concept of legal services for the indigent, but it saw in the partial payment plan the specter of a socialized legal profession.

Most of the criticism that has been hurled at the Neighborhood Legal Services in recent years has resulted from overzealousness, ranging into radicalism, on the part of high-flying young lawyers. The bill contains several provisions intended to clip their wings.

Participating attorneys thus would be prohibited from engaging in "any political activity," including activity in voter registration. They could be barred from participating in, or encouraging others to participate in, "rioting, civil disturbance, picketing, boycott, or strike." In every state, an advisory council, appointed by the governor, would maintain a watchful eye for violations. Still another safeguard, written into the bill at the request of Kentucky's Carl D. Perkins, would hold down the number of Harvard redhots by requiring that the corporation first seek local attorneys, familiar with community problems.

These provisions, if they are faithfully observed, should eliminate much of the hostility engendered in California and other states by eager beavers out to serve a cause. Doubtless there still will be abuses, or what seem to be abuses, but activist lawyers who refuse to abide by these rules can be weeded out as time goes on. The possibility of abuse is a poor excuse for killing the bill.

Some of my brother conservatives, notably those of Human Events, are deeply opposed to the whole program. I respect their opinions, but I think in this case they are wrong. One of the great foundation stones of our philosophy is the rule of law. Take this away, and a civil society turns into a mob. But the "rule of law" becomes meaningless if it cannot be applied evenhandedly to rich and poor alike. This bill would not perfectly balance the scales of justice, but it would help; and in this imperfect world, that seems enough to ask.

ANOTHER LOOK AT THE GENOCIDE CONVENTION RATIFICATION

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. LEGGETT. Mr. Speaker, the United Nations Convention on the Prevention and Punishment of the Crime of Genocide—the so-called Genocide Convention—has come once more before the Senate for debates with an eye on ratification. The Genocide Convention was adopted by the U.N.G.A. on December 9, 1948 and came into effect on January 12, 1951. This country was one of the 43 signatories to the Convention. As of January of 1970, some 75 nations had ratified it. Though this is not a very encouraging figure having regard to the overall importance of the Convention as a treaty dedicated to solving a contemporary world socio-political problem of universal concern, it may be noted that during the last 10–15 years, many of the newly independent nations of Africa and Asia were admitted to the U.N., and only a very small proportion of them have had the time to consider and ratify the Convention. As of January of 1973, there were 132 members of the U.N., a good number of which were admitted many years after the signing of the Convention. Even the United Kingdom ratified this Convention only in 1970.

Mr. Speaker, I would like to crave the indulgence of this House to make a few remarks on the convention.

Since our signing the Convention in 1948, the Senate has had two occasions to consider the ratification issues arising out of this country's efforts to ratify the Convention. On both occasions, ratification failed primarily because of the strong opposition mounted against it by a faction in this country. The Senate is now confronted with the issue of ratification and we are once more witnessing polemical bombardments from the opposing fronts with name-calling thrown in with self abandon.

Views expressed by both camps represent diverse sentiments which in the final analysis, gloss over the crucial point to which more attention should have been directed all along. The crucial point is the impact our ratification of the Convention would have on this country's posture as a world power, rather than the trivial and in fact, farfetched local questions upon which many an opponent of ratification has been harping. These local questions in essence draw attention to legal implications possibly attending upon ratification, on the domestic front. I think that the questions are important, but I do not think that they are in and of themselves rational criteria for deciding matters of this magnitude. The many facets of racial, ethnic, or institutional factors which many speakers on the matter have deemed crucial are not peculiar to this country alone. They are even more profound and catastrophic in many countries that have ratified the Convention. The explanation of this trend seems to me to consist in the realization that the spirit of the Convention is a necessary and welcome complement to the local problems of socio-economic nature in these countries. This seems to me to be the right approach to the matter. We seem to have been swept off our feet by tides of sentimentalism. On the other hand, the supporters of ratification are not all together innocent of over-romanticization.

Be this as it may, I would like to urge that the ratification issue be looked at in a new light. We should defer to those considerations which advance an internationally oriented position which this country should take on the matter. This internationally oriented position is that which displays unequivocally a rational attitude concerning the ramifications of the Convention as opposed to a sectionalized perspective. This external element appropriately appraised, will place us in a better position to join forces with other nations to break the currents of deviancy, individual or group machinations and bigotry which can be really forceful and devastating. I do not see how our ratification of this Convention will threaten or even upset our internal institutions—whether juridical, social, or political.

We have been more concerned about the possible repercussion on us if we were accused of committing genocide either internally or on the outside. This is just one side of the coin. What will be our possible remedy if others were to commit genocide upon any of our racial, ethnic, or religious groups as such from without? What protection do we have against external violations, and what standing do we have to protect those small and weak nations from the hands of powerful allies if we sweep the Convention under our carpet? The world is no longer a vast span of diversified natural body. It has been reduced to a single neighborhood, due mainly to the interactions of science and technology. And as a single neighborhood, we should be more wary of those reprehensible phenomena which will come in the wake of communality.

We have laws on the statute books which proscribe certain acts in no less positive tones than the Convention has attempted to proscribe. But we seem to have no laws which protect us from the outside in the manner and form proposed by the Convention. Our criminal jurisprudents agree that our system is far from being perfect. Indeed, none is; and this is why I think the Convention is indispensable as a complement to our imperfect penal system, and indeed, that weak institutional edifice erected by the Charter of the United Nations.

In conclusion, I would like to stress that we would be making a grievous mistake if we should underestimate the potentials of the outside in what they are capable of doing to foul up international cooperation and peace by machinations and subterfuge.

I strongly urge my colleagues in this House to give the Senate all the support that body needs in its current attempt at ratification.

NO PHANTOMS FOR SAUDI ARABIA, KUWAIT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. ROSENTHAL. Mr. Speaker, the Nixon administration is considering selling F-4 Phantom fighter-bombers to Saudi Arabia and possibly to Kuwait.

In my opinion, this would be a grave mistake because it would significantly alter the balance of power in the Middle East. The State Department promises it will not conclude the sale without strong assurances that the planes will not be given to Egypt or some other country for use against Israel. But the Department admits that such promises are unenforceable.

I am vigorously opposed to such a deal and I have written to the Secretary of State to express my concern and urge reconsideration. My letter to Secretary Rogers follows:

JUNE 8, 1973.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am deeply disturbed by the Administration's plans to sell Phantom fighter-bombers to Saudi Arabia and possibly Kuwait. In my opinion, this will have a strong adverse affect on the balance of power in the Middle East, and I strongly urge your reconsideration of this plan.

I know the President wants to help pro-western Persian Gulf states defend themselves against the threats of hostile, radical neighbors such as Iraq, which bristles with Soviet armaments, and South Yemen. Unlike the weapons the United States has been selling the Saudis to protect that regime from revolt or attack by her Arab neighbors, Phantoms are highly sophisticated offensive weapons which pose a direct threat to Israeli security.

I am aware of the Administration's intention, as voiced by Mr. Sisco, to get strong assurances that the planes will not be given to a third country, such as Egypt, for use against Israel. You are well aware, I know, that such "assurances" are virtually unenforceable. Furthermore, experience has shown we should be very suspicious of these promises.

This government in 1966 assured Israel that Jordan would not use her newly acquired American tanks against Israel, but the following year the tanks were sent across the Jordan River in the Six Day War. Most recently, Lybia has sent as many as 38 of its Mirage jets to Egypt despite a non-transferability clause in its purchase contract with France.

Saudi Arabia and Kuwait have vowed to help destroy Israel, and they contribute heavily to the Arab war machine and to Palestinian terrorists. What is to guarantee that if war breaks out again in the Middle East, Saudi Arabia and Kuwait will not turn over their Phantoms to Egypt or some other Arab state or use them against Israel themselves? Nothing.

The United States cannot and should not contribute to the volatile Middle East situation by increasing the quantity and quality of weapons in the arsenals of Arab states sworn to use every means to destroy Israel.

Sincerely,

BENJAMIN S. ROSENTHAL,
Member of Congress.

DOUBLE STANDARD—HOW IT WORKS

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. KUYKENDALL. Mr. Speaker, one of the best byproducts of the Watergate case is that it is making all of us take some good hard looks at ourselves—not only those of us in public office, but in such areas as the private campaign financiers and the news media.

A distinguished national columnist, Mr. Roscoe Drummond, has placed the finger of his conscience squarely on one aspect of this side benefit, and I would like to bring it to the attention of this body.

The column, which appeared in the Christian Science Monitor, reads as follows:

DOUBLE STANDARD—HOW IT WORKS

(By Roscoe Drummond)

WASHINGTON.—One of the most worthy and welcome reforms from Watergate would be an end to the double standard of political morality which has been so visible in recent years.

As senator, as vice-president, as President, Richard Nixon has been the object of this double standard more than most in American public life.

STANDARD OF TOLERANCE

It is happening again in the context of Watergate. I want to point out how it works, not to justify nor extenuate one iota of the Watergate offenses, but to bring into the open something which calls for reform as does Watergate.

I will deal with aspects of the Ellsberg matter, Chappaquiddick, and the Nixon-Helen Douglas senatorial campaign of 1950 in which Nixon's role is almost invariably described to this date as one of the "meanest, most vicious acts of dirty politics in American history."

The essence of the double standard is that many, particularly in politics, condone motives and acts as moral and justifiable which they condemn as immoral and unjustifiable when practiced by others.

Daniel Ellsberg was enthusiastically hailed as a national hero when he violated his oath not to disclose secret material entrusted to him. When he took private documents belonging to the government he was praised as a brave and honorable person on the ground that he put conscience ahead of his commitments and acted to serve what he deemed the public welfare.

But this standard of tolerance was not applied to those who acted from similar motives and in what they deemed the national welfare in seeking to obtain the private papers of Ellsberg's psychiatrist. They were pervasively condemned as acting intolerably.

A double standard? So it seems to me.

TOTAL REJECTION

I prefer to condone neither. I prefer to condemn both equally in total rejection of the idea that worthy motives justify unworthy acts.

Some portray Ellsberg as a Mahatma Gandhi or a Martin Luther King acting in the cause of civil disobedience, but Ellsberg never claimed he was breaking a law to call attention to a bad law, and he never contended that the government should not have the right to protect classified documents.

Take Chappaquiddick. When Judge John Sirica made it clear in federal district court that he thought the Watergate witnesses were covering up essential facts, the Washington Post, preeminently, and the Los Angeles Times succeeding in uncovering much of the truth.

But earlier, when Judge James A. Boyle of the Dukes County district court in Massachusetts said he couldn't believe crucial parts of Sen. Edward Kennedy's testimony, some of the press tried to uncover other facts—and failed.

Senator Kennedy said he "rejected" Judge Boyle's "inferences and ultimate finding" and Judge Boyle rejected the senator's. But was the enthusiasm of the press to get at the truth in the case of Senator Kennedy and Chappaquiddick as great as it was to get at the truth in the case of President Nixon and Watergate? The gap between Judge Boyle and Edward Kennedy remains unclosed. Both can't be right and this should provide a challenge to some investigative reporter to try to get to the truth.

Now, the Helen Douglas-Nixon campaign in California is frequently offered as the classic, indisputable example of what ruthless tactics Nixon used to propel himself up the political ladder. Without ever going back to verifiable sources to check the facts, political writers to this date cite this campaign as "standard Nixon."

The facts are quite different.

California's senior Sen. Sheridan Downey, up for a third term, had to withdraw from the Democratic primary (in which Mrs. Douglas was seeking to unseat him) because of "weak health." Whereupon Manchester Boddy, editor and publisher of the only Democratic newspaper in Los Angeles—The Daily News—entered the contest.

APPLY LESSONS

He launched an anti-Communist crusade against Mrs. Douglas which pulled out all the stops in the political calliope. He said her election would constitute a "blueprint for subversive dictatorship." He said that "there was indisputable evidence of a statewide conspiracy by a small band of shadowy red-hots to infiltrate by stealth and cunning the nerve centers of our Democratic Party"—and that Helen Douglas had to be stopped.

It was the Democrat, not Nixon, who concocted the famous "pink sheet" showing that Helen Douglas voted the same as Communist-sympathizer Vito Marcantonio 48 times when she was a member of the House. It was candidate Boddy, not candidate Nixon, who argued that Mrs. Douglas "gave comfort to the Soviet tyranny" by voting against aid to Greece and Turkey.

After Mrs. Douglas won the Democratic nomination and she and Nixon were opposing each other in the election, Nixon circulated copies of the Vito Marcantonio-Helen Douglas voting parallels which Manchester Boddy had used against her.

Did you even hear of the "sneaky, tricky, ruthless campaign" waged against Mrs. Douglas by her Democratic opponents? No, these are the descriptions repeatedly attributed to Nixon's pallid version of the same thing.

Is that a double standard? I leave it with you to decide.

My plea is not to justify Watergate. Let's bring it all into the open and apply its lessons. Hopefully one of its lessons ought to be to try to erase the double standard from the face of American politics and American journalism.

STUDENTS WORK FOR "GIFT" OF PEACE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. EDWARDS of California. Mr. Speaker, the students at Cubberly High School in Palo Alto, Calif., for the last year have devoted their best efforts to raising money and to encouraging other students in 35,000 schools across the country to contribute their energies and class gifts for the addition of a burn center to the Children's Medical Relief International, Center for Plastic and Reconstructive Surgery in Vietnam. Feeling that the burn center would be a "gift of hope, love and life", the students are seeking not only to protest the atrocious consequences of war, but also to show that youthful protest of war can be a constructive, lasting force for peace and understanding. In selecting the CMRI's center for plastic and reconstructive surgery, the students have considered carefully and have given excellent reasons for supporting this hospital, citing its uniqueness, its location in the children's home country, its nonpolitical, and bipartisan nature, its staff of international specialists and its efforts to train Vietnamese medical personnel. They have emphasized that by contributing to this cause they can both help the estimated 50,000 to 100,000 Vietnamese children who are maimed for life and focus world attention on the suffering that is incurred and must continue to be endured by innocent children as the result of war. Their goal of $1,000,000 for the establishment of a burn center sounds remarkably insignificant, but in terms of the good that it will achieve and the meaning that it will have, not only for Vietnamese children but for those students who have helped to make it possible, it is a contribution that will serve as an unequivocal statement of the dedication of young people in the United States to peace, humanitarianism, and international understanding. I feel that every American can take pride in these students and should do what he can to encourage and assist their dedicated efforts.

JERSEY CITY'S EGYPTIAN COLONY FINDS PEACE, SECURITY, JOBS

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DOMINICK V. DANIELS. Mr. Speaker, Hudson County, N.J., which I have the honor to represent in this House is famous for the number of ethnoreligious and ethnic groups which dwell in harmony together, often despite serious divisions on the other side.

Mr. Speaker, one of the most interesting groups of people who live in the 14th Congressional District is the Egyptian descended community. Both Coptic Christians and Moslems live in my Congressional District and I am happy to say they live in harmony with each other and the rest of the people who make up the mosaic of Jersey City and Hudson County.

Mr. Speaker, everyone in Hudson County is impressed with the Egyptian community. They are hardworking people who like many who came before them simply wish to improve their lot in life through their own efforts. They are a welcome addition to Hudson County.

Because so many Members may not be familiar with the Egyptian people I ask that a most interesting article from the May 30, 1973, edition of the Jersey Journal be reprinted at this point in the RECORD.

The article follows:

JERSEY CITY'S EGYPTIAN COLONY FINDS PEACE, SECURITY, JOBS

They come to Jersey City from New York, Philadelphia, Los Angeles, Cairo and Alexandria.

All of them have college degrees; yet many live here because the rents are low enough to support a family on a security guard's salary.

Jersey City's estimated 5,000 Egyptians have come to America not as refugees from poverty or war, but because they see America as a land of unlimited opportunity.

"In Egypt," observes Mohamed Eisa, a cost accountant who lives here and works in New York, "life is simple and you can live cheaply. In America, life is hard and expensive, but you have the freedom to make as much money as you want. You pay taxes, the rest is yours."

In Egypt a professional worker is paid a fixed salary by the government.

Eisa works at a job for which he received training in Egypt. Abouel Kier Gad, who came to America two and a half years ago armed with an engineering degree, has, like many Egyptians, found his degree virtually useless.

But, like many Egyptians, he is holding down two jobs and saving his money for the future when he will take enough graduate courses to make his degree operative.

"America is a fine place," Gad says eagerly, speaking across the counter of the small grocery he owns on Kennedy Boulevard. "Here you can make all you want."

Adel Morgan, an agricultural engineer,

came to America four years ago. He heard that New Jersey was called "the Garden State" and he settled in Jersey City because he thought he could "work in the gardens."

He is now a supervisor in a Newark plastics company.

Morgan says he came to America for the same reason the colonists came to America, for opportunity.

When he is asked what he does in his spare time, Morgan explodes with laughter.

"We have no time!" he says. "Here in America you have to keep running all the time to make a living."

All the Egyptian men queried about leisure activities said they had no time for leisure.

Since 1965 several thousand Egyptians have settled in Jersey City. The city's proximity to New York, where many of them work, is the reason first given by Egyptians as to why they choose to live here.

Since many hold down menial jobs while attending graduate school, they can live in low-rent districts with more safety than they could have in comparable neighborhoods in New York.

Abouel Gad, who was mugged twice when he lived in the Williamsburg section of Brooklyn, says "it is nice here—quiet." He says New York is too dangerous for his children.

Recent immigrants chose Jersey City because they already have friends, relatives and a place to worship here.

Jersey City has a storefront Moslem mosque at 2326 Kennedy Boulevard and a Coptic Orthodox Church at 427 West Side Ave.

The Copts and the Moslems—who have been at odds in Egypt for nearly 2,000 years—are at peace in America.

"We cannot get away with fighting here," says Abouel Gad, a Copt, who claims to have twenty-five Moslem friends. "In America, we are Egyptians. We attend different churches, but we are brothers."

Mohamed Eisa says that there is one disadvantage of living in America:

"In America there is great wealth but little humanity. In Egypt it is the opposite.

"Here everyone is independent. They mind their own business, that's it."

Esia says he thinks the "lack of humanity" is the reason crime is rampant in America.

"There is little crime in Egypt, Eisa says, "because there the pace is slow, and we have time to care for each other."

INCOME OVER AND ABOVE

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. TAYLOR of North Carolina. Mr. Speaker, in line with procedure I have followed in disclosing in CONGRESSIONAL RECORD statements the amounts and sources of my income over and above my salary as a Member of Congress for each year I have been in Congress up to and including calendar year 1971, I am hereby making public such information for calendar year 1972.

Following is an itemization of the income received during 1972 by my wife and me, in addition to my salary as a Member of Congress:

From a family-owned dairy farm in Leicester Township of Buncombe County, North Carolina	$765.89
From dividends from a variety of stocks and bonds (most belong to me; some are owned by my wife)	$3,616.58
From capital gains on installment and other sales of Black Mountain, North Carolina real estate; and sale of farm cows	2,462.70
From interest on purchase money real estate notes; savings deposits; and Swannanoa, North Carolina Baptist Church bonds, etc.	658.15
Total	7,503.32

The stocks and bonds were purchased in western North Carolina at market value and most of them represent investments in North Carolina companies. All of the income mentioned above comes from property investments, and not from the use of my time, all of which is devoted to congressional responsibilities. I am a lawyer by profession but have not engaged in any practice since coming to Congress in 1960.

In addition to the above income, I received from the North Carolina Employees' Retirement Fund $1,212.18, qualification being based on many years' employment as Buncombe County attorney before coming to Congress.

SEPARATION OF POWERS

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DRINAN. Mr. Speaker, the enclosed article by my colleague ELIZABETH HOLTZMAN appeared as the lead article in the New York Law Journal on Law Day. Congresswoman HOLTZMAN's article is an excellent discussion of the questions of executive abrogation of congressional war powers, executive impoundment, and executive secrecy.

I commend it highly to the attention and consideration of my colleagues:

THE SEPARATION OF POWERS: EXECUTIVE ENCROACHMENT

(By ELIZABETH HOLTZMAN)

"If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed."—*George Washington's Farewell Address.*

The advice offered by our first President at the close of his second term of office has extraordinary relevance today. There is presently a dramatic struggle between the legislative and executive branches of the Federal Government, the outcome of which could drastically affect the basic nature of our republic.

At the expense of Congress, the President is pursuing policies which, if unchecked, would allow him or any future President to assume virtually absolute control over this country's military activities and unprecedented power over domestic policy as well. Even worse, the Administration is seeking to carry out these policies underneath a cloak of secrecy . . . secrecy not only for official governmental acts—but for wrongdoing within the Administration.

EARLY FEAR

The concentration of unlimited power in the executive branch was an overriding fear of the drafters of our Constitution. Their underlying premise was expressed by Justice Jackson in the famous *Steel Seizure* case:

"With all its defects, delays and inconveniences, men have discovered no technique for long preserving democratic government except that the executive be under the law, and that the law be made by parliamentary deliberations."[1]

The threat posed to the separation of powers is an appropriate issue for the Bar to focus upon as we observe Law Day, a day set aside to commemorate our respect for the rule of law and the Constitution.

There are three examples of executive encroachment that might usefully serve as the starting point for further inquiry by the Bar. This brief analysis simply highlights the fundamental problems posed by centralization of power in the executive.

EXECUTIVE ABROGATION OF CONGRESSIONAL WAR POWERS

Constitutional Background: Article I, section 8, specifically grants to the Congress the power to declare war as well as raise armies. Although Article II provides that the executive shall be "Commander in Chief of the Army and Navy . . .;" this provision does not diminish the power granted to the Congress under Article I.

James Madison's notes of the proceedings at the Constitutional Convention reveal a clear intent on the part of the drafters to avoid the British experience, where the monarch had the absolute power to embark upon a course of war extracting both the blood and the treasure of unwilling subjects. The drafters intended to preclude the executive's use of armed forces abroad absent an affirmative declaration of war by Congress.[2] Alexander Hamilton, one of the foremost exponents of a strong Chief Executive, typified the desires of the drafters when he stated in the *Federalist Papers:*

"The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the king of Great Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces . . .;" while that of the British King extends to the declaring of war . . . which by the Constitution under consideration would appertain to the legislature."

As Jefferson pointed out in a 1789 letter to Madison, the purpose of placing the power to declare war in the hands of Congress was to aid the cause of peace: "We have already given, in example, one effectual check to the dog of war, by transferring the power of declaring war from the executive to the legislative body, from those who are to spend to those who are to pay."

Military intervention

The Administration has recently begun to launch massive and daily B-52 raids over Cambodia on behalf of the faltering Lon Nol regime. Because of the secrecy shrouding this military activity, no one outside of the relevant executive agencies knows its exact cost in human suffering and in tax dollars—much less its necessity.

This new Cambodian military exploit was commenced almost before our country was able to enjoy the peace it had been seeking in Vietnam. It was also undertaken despite growing concern over the executive's abuse of

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Footnotes at end of article.

the war-making powers in the Vietnam arena.

The Administration has been understandably unsuccessful in justifying its military involvement in Cambodia. The previous justifications for military activities absent Congressional declaration in Vietnam—the Gulf of Tonkin Resolution and the need to protect our troops there—are not available in the Cambodian venture. The troops have been withdrawn and the Gulf of Tonkin Resolution was repealed in 1971.

Nor is the Southeast Asia Treaty of any use to the executive in this regard. Because it is a treaty, never approved by the House of Representatives, it cannot be considered a declaration of war by Congress. The Treaty itself contains a provision that no signatory shall be bound to any commitment which is in violation of a constitutional restriction.[2] Finally, the Lon Nol regime renounced the Treaty in 1970.

Accords support cited

The Administration has suggested that a continued American military presence in Cambodia is required in order to insure the viability of the Cease Fire Accords. But this surely is not constitutional authority for the undeclared war because the Accords were never submitted for Congressional approval. Indeed, it is ironic that the President feels constrained to utilize this settlement, which supposedly brought the United States "peace with honor," as a basis for further military intervention in Southeast Asia.

The general refusal of the courts to reach the constitutional issue in cases attacking the need for Congress to enforce the constitutional requirement that war cannot be conducted in the absence of its formal and explicit declaration.[4]

In short, the Administration is carrying out the kind of military effort that the Founding Fathers were intent upon preventing through the safeguard of congressional approval. One that is unilateral, expensive and damaging to the nation's well-being.

EXECUTIVE IMPOUNDMENT

The Constitution provides that the power to appropriate funds is the exclusive prerogative of the Congress (Article I, section 9). The President in turn is charged with responsibility that "the laws be faithfully executed." He administers the disbursements of congressionally appropriated funds. However, President Nixon has turned the process on its head through a wide-scale use of impoundment, or refusal to expend funds according to the intent of Congress.

The Nixon Administration in its first four years impounded over $40 billion, including $14.7 billion since June 30, 1972. These funds were intended by Congres to be used in such diverse areas as housing, public health, food stamps, veterans' benefits, highway improvement, and water-pollution control.

In impounding funds, the President was not instituting minor "economies." Instead, whole programs were nullified as in the case of eighteen-month moratorium placed on federally subsidized housing.

The President's impoundment of funds violates the constitutionally prescribed veto process. According to the Constitution, if the President chooses to veto legislation, he must resubmit it to Congress where the veto may be overridden by a two-third vote of both House.[5] An example which most dramatically demonstrates the conflict between the President's impoundment policy and the Constitution's veto provisions is President Nixon's refusal to spend water-pollution funds. The President initially vetoed this measure, which Congress by a substantial margin then overrode. However, President Nixon, ignoring this congressional reaffirmation, has impounded one-half of the appropriated funds, thereby having the last word on this important domestic policy.

The Constitution also precludes an item veto by the President, thus giving Congress extra legislative leverage. Accordingly, Congress may conceivably avoid a veto (and the need to amass a two-thirds majority) by tacking onto programs of special interest to the President ones that are unpopular with him. If passed as one bill, he cannot veto one program and sign the other. The President's impoundment policy indirectly gives him the opportunity to veto the unfavorable legislation by allowing him to refuse to spend the money appropriated for it.

Needs still exist

One basis cited by the Administration to support the legality of impoundment is the Anti-Deficiency Act (31 U.S.C., sec. 665[c]). This provision, however, was intended to allow the executive discretion to withhold appropriated funds only when the appropriation had already been accomplished and further expenditures were unnecessary. It certainly cannot be said that this country's desperate needs for housing, hospitals or water pollution control have been met.

The Administration also relies on the use of impoundment by other presidents to claim that there is implicit constitutional power to impound funds to deal with dislocations in the economy. However, most administrations have utilized impoundment in a manner consistent with the Anti-Deficiency Act. And none have used it on such a large scale to destroy congressional programs and implement their own spending priorities.

The President's claims have been refuted in weighty legal discussions, including a 1969 advisory memorandum written by the then Assistant Attorney General, William H. Rehnquist, is which he stated: "With respect to the suggestion that the President has a constitutional power to decline to spend appropriated funds, we must conclude that the existence of such a broad power is supported neither by reason nor precedent."

The Rehnquist opinion was supported in the Eighth Circuit's recent decision in *Volpe* v. *Highway Commission of the State of Missouri.*[6] In that case, the court held that the Federal Highway Act gave the Administration no authority to impound funds in the Highway Trust Fund in order to reduce inflationary pressure. While the court was very careful to limit its holding to the act in question, implicit in its ruling was a determination that the executive has no inherent constitional power to withhold appropriated funds in the absence of express congressional approval.

Unfortunately, the applicability of the decision to other instances of impoundment is uncertain. The Federal Highway Act included mandatory language with regard to appropriations under it (e.g., "the President shall spend"). Appropriation statutes often utilize other terminology (e.g., "may spend"). The Eighth Circuit decision leaves open the question whether the mere absence of mandatory language affords the President the statutory authority to impound funds.

EXECUTIVE SECRECY

The final illustration of Presidential encroachment on congressional prerogatives relates to President Nixon's claim to absolute discretion in determining whether Administration officials will accede to subpoenas from congressional investigation committees. This use of "executive privilege" is especially dangerous at the present time, for it allows the President to shield important information from Congress and the public, such as the facts surrounding the Cambodia bombing or the effects of impoundment on domestic policy. Yet, without an informed public it is exceedingly difficult to check these executive policies.

The Nixon Administration has been unable to point to any specific constitutional or statutory authority to support its broad reading of the doctrine of executive privilege—and there is none. The President merely claims that the privilege is inherent in the separation of powers.

The President also claims that a broad executive privilege vests in the President by a "well-established precedent," which has been "utilized by our Presidents for over 200 years." The truth of the matter is that there is little precedent for such a doctrine. It was only sparingly used until the Truman and the Eisenhower years, when it was invoked to protect security files from congressional investigating committees on Communist witchhunts.

In fact, when President Truman refused in 1948 to turn certain files over to the House Un-American Activities Committee, Richard M. Nixon, then a congressman, declared "that the (Truman) order cannot stand from a Constitutional standpoint . . . (It would mean) that the President could have arbitrarily issued (such an order) in the Teapot Dome Scandal . . . denying the Congress . . . information it needed to conduct an investigation of the Executive department and the Congress would have no right to question the decision."

His earlier statements notwithstanding, President Nixon has utilized the executive-privilege doctrine more frequently than any other President in history.

Watergate refusal

Moreover, the President has departed from "precedent" by declaring that the privilege is absolute and covers testimony from his aides not only about policy matters, but criminal wrongdoing in or out of government. Hence, he has refused to permit his aides to testify before the Senate Select Committee investigating the Watergate burglary. Even President Eisenhower, who exercised the privilege thirty-four times, permitted his chief aide, Governor Sherman Adams, to testify before a House Committee investigating the Bernard Goldfine scandal.

The courts have not considered the validity of executive privilege when claimed to avoid compliance with the congressional subpoena. However, they have touched upon the subject in discovery questions in civil litigation. Although these cases are not dispositive on the congressional-executive struggle, no court has viewed the privilege as broadly as the President.

In general, courts have given deference to the claims of executive secrecy, on what appears to be common law basis, only in circumstances where the matter to be protected relates to advisory opinions upon which administrative policy is to be based or where disclosure would have an adverse effect on national defense.[8] Even in the most sensitive national security matters, however, courts have looked to the requesting party's need for the material in question before they have finally ruled.[9] If the material is relevant to the controversy and it cannot be obtained through any other source or testimony, great weight has been given to the request.[10] In short, the interest of the executive is balanced against the needs of the private litigant.

Pentagon papers

One clear example of the balancing process is the Pentagon Papers case [11] where the Supreme Court balanced the defendant's First Amendment right against the government's ability to keep classified documents from being published. The former interest prevailed.

Hence, the recent claims of President Nixon that courts will support his assertion of an absolute privilege appear to be greatly inflated.

The Administration's frustration with these judicial checks is evident from its last-

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Footnotes at end of article.

minute intervention into the drafting of the Federal Rules of Evidence. After the deadline for public comment had expired the Justice Department prevailed upon the Judicial Conference to include a sweeping extension of the executive-privilege doctrine in these rules. The provision would have permitted the government to withhold any "secret" relating to national defense or international relations.

Aside from the fact that the rule nowhere defines "secret," the traditional court requirement that disclosure adversely affect national security was ignored. In addition, a section of this rule would have permitted the executive to refuse disclosure of a large category of documents and other information—most of which presently must be produced in the courts—if the government claims that disclosure would be "contrary to the public interest." In short, the Justice Department attempted to utilize the Supreme Court's rule-making process to codify the Administration's concept of executive privilege.

Because of the passage of legislation I introduced, these rules do not go into effect automatically under provisions of the Enabling Act, which govern Supreme Court rule-making, unless and to the extent that they are approved by Congress. This bill was overwhelmingly adopted by both Houses of Congress.

CONCLUSION

Nothing less than the viability of the Constitution is at stake in the present struggle between Congress and the President. And this problem should not be lightly considered merely because the erosion of checks and balances has not occurred with the flourish of a military coup. As Justice Frankfurter said: "The accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority." [12]

The major responsibility for redressing the balance of power lies with the Congress. For although these issues will continue to come before the courts, procedural obstacles—standing, justiciability, and mootness—may continue to preclude judicial resolution.

For example, the Supreme Court recently affirmed a lower-court decision that a determination of the propriety of our involvement in Vietnam was a political question and therefore federal courts lacked jurisdiction to resolve it.[13] Moreover, even when courts do address these issues, litigation is a lengthy process.

It is fair to ask what Congress's role has been while it has gradually lost these powers to the executive. Partially the problem stemmed from the fact that that body has been conditioned to relinquish power in deference to the principle of "bipartisanship" stimulated by the Cold War era. This doctrine has dictated unquestioning obedience to the President in foreign affairs. Second, Congress has not had the technical ability to handle complicated fiscal issues, and has deferred to the President's expertise in this critical area.

Current proposals

Congress, however, is beginning to reassert itself. Bipartisanship is losing ground as an analytical standard for foreign policy. Proposals are before Congress now to provide it with the staff as well as the technical assistance necessary to make sophisticated judgments about spending priorities.

Remedial legislation has also been introduced that would reassert Congress' constitutional prerogatives in all areas—impoundment, war powers, and executive privilege.

It is my estimation however, that none of these measures will be approved, much less withstand a Presidential veto, unless the American people perceive the importance of these issues as well as the dangers inherent in the concentration of power in the executive.

FOOTNOTES

[1] Youngstown Sheet & Tube Co. v. Sawyer, 343 U. S. 579, 655 (1952).

[2] A generally recognized exception to this principle is that the executive can clearly respond to an unannounced belligerent attack or other grave emergency pending congressional authorization. The failure of the President to act unilaterally in these instances would paralyze the country. See, e. g. Mitchell v. Laird, No. 71-1510 (D. C. Cir., March 20, 1973).

[3] The Treaty provides that, in the event of armed attack on any member, each signatory will "act to meet the common danger in accordance with constitutional process." Article 4, paragraph 1. (Emphasis added.)

[4] See, e. g., Atlee v. Laird, 347 F. Supp. 689 (E. D. Pa.) (three-judge court) aff'd per curiam sub. nom. Atlee v. Richardson, 41 U. S. L. W. 2356 (April 2, 1973). The Atlee court refused to examine the Constitutional issues pertaining to the President's military intervention in Indo China on the grounds that it was a political question. Six justices of the Supreme Court affirmed that decision without opinion. Three of the justices would have noted probable jurisdiction.

[5] Article 1, section 7, of the Constitution also provides that in rare instances when the Congress shall "by their adjournment prevent" the return of a bill from the President, the legislation shall not become law. This provision is popularly known as a "pocket veto."

[6] No. 72-1512 (April 2, 1973, 8th Cir.).

[7] A recent publication of the Library of Congress indicated that President Nixon has used the doctrine to shield administration officials from testifying before congressional committees a total of nineteen times during his first four years in office. The Kennedy Administration utilized the privilege four times; President Johnson only used it twice. President Eisenhower holds the inevitable "two term" record, exercising the privilege thirty-four times.

[8] See, e. g., Reynolds v. United States, 345 U.S. 1 (1953); Machin v. Zuckert, 316 F.2d 336 (D.C. Cir.) cert. denied 375 U.S. 896 (1963).

[9] See, e. g., Reynolds v. United States, supra.

[10] Id.

[11] New York Times Co. v. United States, 403 U.S. 713 (1971).

[12] Youngstown Sheet & Tube Co. v. Sawyer, supra, at 594 (1952).

[13] See note four, supra.

PROF. ZVI GRILICHES COMMENTS ON BUDGETS OF NATIONAL INSTITUTES OF CHILD HEALTH

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DRINAN. Mr. Speaker, I would like to insert in the RECORD a letter which I have received from Prof. Zvi Griliches. Mr. Griliches is a professor of economics at Harvard University and, as is detailed in his letter, has a vital interest in the budgets of the National Institute of Child Health and Human Development and the National Institute of Neurological Diseases and Stroke.

Professor Griliches's letter is an excellent exposition of the topic. I commend it to the attention of my colleagues.

HARVARD UNIVERSITY,
Cambridge, Mass., May 7, 1973.
Congressman ROBERT T. DRINAN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DRINAN: I have recently become aware and very concerned about the cuts in the already woefully inadequate National Institute of Child Health and Human Development (NICHD) and National Institute of Neurological Diseases and Stroke (NINDS) budgets. I hope that Congress will restore and expand the funds available to these Institutes.

I am not a medical scientist and hence this is not a private plea for my own research funds. I am, however, a father of a retarded child and hence I do have something at stake in this matter and have acquired some knowledge about the state of research in this area. As a professional economist, I would like to speak first about the overall allocation of resources in this area. But first some facts:

Roughly speaking, there are about six million mentally retarded Americans, about eight million children that suffer from reading and other learning disabilities, about two million epileptics, and about a million cerebral palsy sufferers. All these are chronic conditions. The total estimated cost of care for these diseases is over five billion dollars *annually*. And these computations do not include the time and anguish of parents nor do they count a variety of similar diseases such as multiple sclerosis or Parkinson's disease. (Figures from PHS Pub. No. 1427).

The total amount spent on research in this area is only a fraction of what is currently being spent or allocated for cancer research. Cancer is an important disease and research on possible ways of controlling it should be supported. But the disproportionate allocations are glaring. First, just the number of stroke victims are of the same order of magnitude as the mortality from cancer (102 versus 157 per 100,000 in 1967). Second, cancer strikes largely later in life. Finding a cure for it would prolong the average lifetime a little, but other degenerative diseases would "step-in" with age. On the other hand, mental retardation affects the *whole* lifetime of individuals. It ruins living lives. Its debilitory social effects are effectively about twenty times as large per incident, per case. Clearly, it is a large scale and persistent problem, with extensive social ramifications.

All of that might mean little, if there were no useful research leads. If there is no solution, there is little point in spending money on it, even if the problem is important. But this does not seem to be the case. There appear to be very promising lines of research which should be followed up and expanded. I shall mention only two: amelioration and treatment of epilepsy, hyperactivity, and some kinds of learning disabilities by chemical means is still in its infancy and appears to be very promising. Devising new ways of teaching and helping retarded individuals adjust to society (and society to the retarded individuals) via newly developed behavior modification techniques is another line of research and experimentation that is full of promise. Moreover, little is yet understood about the genetics of mental retardation or about the physiology and chemistry of the nervous system which produces these symptoms.

So what do we do? We cut the budget NICHD by 10 percent (1974 versus 1972 appropriations) in a period of about 15 percent total inflation implying a reduction of a full 25 percent in real resources devoted to research in this area. Similarly, the budget for research on epilepsy is going to be reduced by 20 percent! In real terms it means that research will be cut by a whole third. Moreover, the number of new research grants funded in this area is expected to decline by over 80 percent!

Children don't vote and the mentally retarded are not likely to be politically active. The affluent old can exercise political power and get appropriations for research on the diseases that scare them. But how about the children who will have to spend their lives not understanding what the United States are about? Are we not responsible for them and to them?

I hope that you can help, at least, to restore the threatened cuts in the NICHD and NINDS budgets and prevent a contraction of the already meagre work in this area. Please let me know if I could be of some help to you in this or if you have further questions on this topic. In the future perhaps we could all work together to expand research on how to make the lives of a significant fraction of our children more liveable.

Sincerely yours,

ZVI GRILICHES.

TRADE REFORM ACT OF 1973

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. VANIK. Mr. Speaker, the House Ways and Means Committee is currently holding hearings on H.R. 6767, the Trade Reform Act of 1973. These hearings and this legislation are of vital importance to all Members of Congress and to the entire Nation.

Because of the importance of this legislation, I would like to enter in the RECORD at this point a copy of a letter which I recently sent to the office of the special representative for trade negotiations concerning possible changes in labelling requirements on imported goods. I would also like to enter at this point a copy of the reply which I have just received from Mr. Harald B. Malmgren, deputy special representative.

I am hopeful that this information will help provide for informed debate on this legislation, which is of such vital importance to all Americans.

The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C. May 22, 1973.

Hon. Ambassador WILLIAM D. EBERLE,
Special Representative for Trade Negotiations, Washington, D.C.

DEAR MR. EBERLE: In the House Ways and Means Committee print released in May of 1973 entitled, "Briefing Materials Prepared for use of the Committee on Ways and Means in Connection with Hearings on the Subject of Foreign Trade and Tariffs," there is a brief description of alleged U.S. non-tariff barriers.

With respect to the item on page 149 of this Committee print, which reads:

Mark or origin—The Tariff Act of 1930 requires that imported articles be conspicuously, legibly and permanently marked so as to indicate the country of origin to the U.S. consumer.

Is it the intention of the Administration that this provision be subject to negotiation and removal in the event that H.R. 6767 is enacted?

Further, if this provision were negotiated away, would there be anything in the law to prevent American manufacturers to stamp products made in the United States as having been made in the United States of America?

Thank you for your assistance in answering these questions prior to the beginning of Executive Session in Ways and Means on H.R. 6767.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS,
Washington, D.C., June 6, 1973.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN VANIK: Thank you for your letter of May 22, 1973, in which you inquire whether it is the intention of the Administration that the mark of origin requirement under the Tariff Act of 1930 be subject to negotiation and removal if the Trade Reform Act of 1973 is enacted, and whether American manufacturers would be prevented from stamping products as of domestic origin.

The inventory of nontariff barriers compiled in the GATT, consisting of about 800 notifications by member countries covering about 27 different categories of nontariff measures, includes a complaint against the United States by several counties which regard our mark of origin requirements and penalties as "excessive and burdensome." To date our marking requirements and those of foreign countries, such as those maintained by certain member states of the European Community, have not received attention in the GATT work program as a priority matter for solution.

The Administration view is that no form of trade-restricting or trade-distorting measure should be precluded from the outset as a possible subject of negotiation. It is not anticipated, however, that mark of origin requirements would be removed as a result of negotiations. The notifying countries did not propose their elimination. Rather, the prevailing view was to review, possibly strengthen, and ensure compliance with a recommendation on marks of origin adopted by the GATT in November, 1958, a copy of which I am enclosing. The resolution basically recommends the simplification or harmonization of these requirements, and reduction of their application to cases which provide information necessary for the final consumer rather than on all imported products. The view of foreign countries is that United States requirements have become an excessive burden upon exporters as a matter of general rather than exceptional application.

The marking of origin provision requires that upon importation into the United States the foreign exporter have marked the country of origin of the product. There is nothing in the law to prevent American manufacturers from stamping domestically-produced articles as having been made in the United States, whether or not the mark of origin provision in the Tariff Act of 1930 were removed.

I will be happy to answer any further questions you may have on this subject.

Sincerely,

HARALD B. MALMGREN,
Deputy Special Representative.

TRADE AND CUSTOMS REGULATIONS

MARKS OF ORIGIN

Recomemndation of 21 November 1958[1]

Considering that in Article IX of the General Agreement the contracting ties recognize that, in adopting and enforcing laws and regulations relating to marks of origin, the difficulties and inconveniences which such measures may cause to the commerce and industry of exporting countries should be reduced to a minimum and that they have agreed on certain basic principles for the carrying out of this idea;

Considering that it would facilitate the attainment of the objectives of the General Agreement if the Contracting Parties were to agree on certain rules which would further reduce the difficulties and inconveniences which marking regulations may cause to the commerce and industry of the exporting country; and

Considering that nothing in this recommendation should be understood to prevent a country

(a) from applying more liberal provisions, or

(b) from accepting, but not requiring, other types of marking than that contained in the recommendation,

THE CONTRACTING PARTIES

Recommend the adoption of the following rules on marks of origin:

1. Countries should scrutinize carefully their existing laws and regulations with a view to reducing as far as they possibly can the number of cases in which marks or origin are required, and to limit the requirement of marks of origin to cases where such marks are indispensable for the information of the ultimate purchaser.

2. The requirement of marks of origin should not be applied in a way which leads to a general application to all imported goods, but should be limited to cases where such a marking is considered necessary.

3. If marks of origin are required, any method of legible and conspicuous marking should be accepted which will remain on the article until it reaches the ultimate purchaser.

4. The national provisions concerning marks of origin should not contain any other obligation than the obligation to indicate the origin of the imported product.

5. Countries should accept as a satisfactory marking the indication of the name of the country of origin in the English language introduced by the words "made in".

6. Commonly-used abbreviations, which unmistakably indicate the country of origin, such as "UK" and "USA", should be considered a satisfactory replacement for the full name of the country concerned.

7. Marking should not be required on containers of articles properly marked if they are not designed to be sold with the product, or are used for transport purposes only.

8. Marking on the container should be accepted in lieu of the marking of the product in the following cases:

(a) if this type of marking is customarily considered satisfactory;

(b) if the type of packing makes it impossible for the ultimate purchaser to open it without damaging the goods;

(c) in the case of goods which, because of their nature, are normally sold in sealed containers;

(d) in cases where a marking of the goods shipped in a container is impossible, such as in the case of liquids and gas, or other products that cannot be marked.

9. Imports for non-commercial personal use should be exempted from the marking requirement, including imports which are enumerated in the national customs laws in that context, such as imports of goods in consequence of inheritances, trousseaux, etc. and which are freed from duties in many countries.

10. Original objets d'art should be free from the marking requirement.

11. Goods in transit and goods while in bond or otherwise under customs control, for the purposes of temporary duty-free admission, should be free from the marking requirement.

12. Countries should make provisions that in exceptional cases the application of a mark

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[1] See page 117 for the report by the contracting parties.

of origin should be permitted under customs supervision in the importing country.

13. The re-exportation of products which cannot be marked under customs supervision should be permitted without penalty.

14. Penalties should not be imposed in contradiction to paragraph 5 of article IX of the General Agreement, i.e. for failure to comply with marking requirements prior to the importation unless corrective marking is unreasonably delayed or deceptive marks have been affixed or the required marking has been intentionally omitted.

15. When a government introduces a system of marking, or makes it compulsory for a new product, reasonable notice should be given before the new provisions enter into force, and there should be adequate publicity for the new regulations, in conformity with the provision of Article X in the General Agreement.

16. The exporting countries which encounter difficulties due to the fact that an importing country is not in a position to comply with any one of the above recommendations may request consultation with the importing country in the sense of the provisions of Article XXII of the General Agreement with a view to the possible removal of the difficulties encountered and importing countries should accept any such request.

The Contracting Parties finally understand that no country shall be obliged to alter:

(a) any provision protecting the "truth" of marks, including trade marks and trade descriptions, aiming to ensure that the content of such marks is in conformity with the real situation;

(b) any provision which requires the addition of a mark of origin in cases where the imported products bear a trade mark being or purporting to be a name or trade mark of any manufacturer, dealer or trader of the importing country; and

Invite all countries to report to the GATT secretariat all changes in their legislation, rules and regulations concerning marks of origin in order to be permanently available for consultation. These reports, including the original texts, should be transmitted as early as possible and at any rate before September 1 each year.

PEACE FOR WHOM?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DERWINSKI. Mr. Speaker, Alex R. Seith is chairman of the advisory board and past president of the Chicago Council on Foreign Relations. As a public spirited citizen, he provides a regular column for community newspapers covering a broad range of foreign developments.

In view of the coming visit to the United States of the Soviet Party leader, Leonid Brezhnev, I felt that Mr. Seith's column, carried in the Homewood-Flossmoor Star of Sunday, May 27, was especially pertinent:

PERSPECTIVES: "PEACE FOR WHOM?"

(By Alex R. Seith)

The Soviets and the Germans made "peace" again recently and the rest of Europe didn't know whether to cheer or to cry. In theory, West German Chancellor Willy Brandt and Soviet leader Leonid Brezhnev did what everyone should want: Put aside the hatred of two World wars and signed a 10-year pact for economic, industrial and technical co-operation.

What troubles those who are conscious of history is that twice before in this century there has been a Soviet-German "peace" and twice before it has been the prelude to combat for someone else.

In March, 1918, the Treaty of Brest-Litovsk let Russia leave World War I and let Germany turn its full war effort to the Western front, where 50,000 Americans and thousands more allies were killed in battle before the final armistice of November 11, 1918.

In August, 1939, the Hitler-Stalin Non-Aggression Pact opened the way to Germany's first Blitzkreig which after September 1 conquered Poland in a bare 18 days. "Lightning" conquests of France, Belgium, Holland, Norway and Greece soon followed.

Obviously, the Soviet-German agreement of 1973 is much different than those of 1939 and 1918. This time the subject is economic and industrial. The other times it was military and territorial. Now, the two nations have made affirmative pledges for mutual construction. Then, they made only negative promises to avoid mutual destruction.

By most standards, it is progress when, as last week, the chairman of Krupp Industries, whose munitions twice in this century laid waste to Europe, can lay plans for building Russia.

But the fear remains that the 1973 agreement, like its predecessors, will somehow benefit the Soviets in a way that ultimately harms nearly everyone else. A look back explains this apprehension about what lies ahead.

By March, 1917, three years of World War I had totally discredited Russia's autocratic Czarist regime and brought in that nation's first democratic government. But in October, 1917, Nicolai Lenin's Communists, temporarily won power on a pledge to get Russia out of the war. If Germany had refused peace with Lenin, his regime would probably have fallen. Instead, the Treaty of Brest-Litovsk boosted Lenin's popularity and enabled him to consolidate Communist power.

Similarly, in 1939, the Soviet Communists were at their weakest since Lenin had first precariously seized power. In 1937–38 purges ordered by Premier Josef Stalin decimated the best leadership of the Communist party and the Red army and revealed beyond doubt the raw brutality of Stalin's dictatorship. If Hitler's Wehrmacht had attacked Russia in 1939, the historical evidence is that Stalin's regime would have collapsed.

Instead, the 1939 Non-Aggression Pact gave Stalin time to rebuild and barely stave off defeat when Germany's onslaught finally came in June, 1941. Eventually the Red army pushed westward to help impose Communist governments in Poland, East Germany, Hungary, Czechoslovakia, Rumania, Bulgaria, Latvia, Estonia and Lithuania.

Now, the haunting question is whether the current Russo-German pact will "save" the Soviet system for the third time. It is unlikely that the Soviet Communists will lose power at any foreseeable time, no matter what Germany or any other nation does.

But it is likely that the Soviet economic system will continue to blunder and to fall steadily farther behind non-Communist nations in productivity and modernization. A decade ago, Premier Nikita Khrushchev boasted that the Soviets' gross national product (GNP) would surpass America's by 1970. Instead, our lead has widened and the prospect is that even the GNP of Japan, with less than half the population and only 1-20th of the territory, will surpass the Soviet Union's by 1980.

By turning to Germany for capital investments and industrial knowhow, Brezhnev has implicitly admitted the failure of the Soviet economists to produce domestic prosperity, despite military might. By giving the help requested, Germany hopes to build peaceful co-existence. But the question elsewhere is, "Peace for Whom"?

RED INTELLIGENCE NETWORK IN UNITED STATES GROWS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. RARICK. Mr. Speaker, the United Nations and our new soft on Communist national policy have proven a haven to Communist spies to infiltrate our country under the respectful role of diplomats.

We are now advised that there are 816 Soviets in the United States working with immunity from their diplomatic headquarters in New York City, Washington, and San Francisco. And this number does not include the 30 special Soviets who are presently in our country arranging security for the visit of the Communist Party leader Leonid Brezhnev's trip to Washington scheduled for June 18 through June 26. Additionally our country has been invaded by 454 diplomats of puppet nations of the Communist program and another 124 Red Chinese at the United Nations. We also have 41 Red Chinese diplomats now quartered at the Mayflower Hotel in Washington, not to mention daily visits from Communist journalists, acrobats and every other guise which offers a subterfuge for agents to infiltrate our country.

Despite all these new freedoms being granted in the spirit of international goodwill and cooperation, the Soviet Union continues to lavish 40 to 50 percent of its gross national product annually for military purposes. This in comparison with the U.S. investment of 7 percent. Related newsclippings follow:

[From the Baton Rouge (La.) Sunday Advocate, June 3, 1973]

SOVIET SPIES HERE

(By Victor Riesel)

NEW YORK.—It could be that the Soviet Union's most equal among equals, First Party Secretary Leonid Brezhnev, is being Watergated and is unaware that a substantial number of his 816 diplomats here, in Washington, and San Francisco are spies.

Since he will arrive here shortly as a guest of our state and be graciously hosted, I feel compelled to report this publicly though in all candor I do not believe he approves all espionage assignments personally. And I plead for no shield law to cover my source. It is the honorable, albeit somewhat tragic. L. Patrick Gray 3rd, former Federal Bureau of Investigation acting director.

It is he, with all the vast FBI intelligence documentation behind him, who said the Soviets have not relaxed their espionage operations in the U.S.—in fact, they have expanded them despite the entente cordiale, despite our feeding a hungry Russian populace and despite our grain exports to beef up their cattle herds.

There positively is no doubt that the Kremlin's espionage is into our fabulous industrial secrets and expertise so much needed in the U.S.S.R.—as well as into our nuclear, space and military developments.

Take it as fact, the Soviets also have infiltrated some unions.

A VANISHING CADRE

Pat Gray, despite all harassments, working with a swiftly vanishing cadre of top FBI foreign intelligence men—many of whom are considering retiring **before July 1** because they've "had it"—told it this way:

"The Soviet Union continues to conduct

intelligence-gathering operations within the U.S. The FBI sees no relaxation in operations directed from the Soviet bases in New York, Washington and San Francisco. On March 1 there were 816 Soviet officials here, 45 more than a year earlier and almost 200 more than four years ago. A substantial proportion of the 816 are intelligence operatives.

"Compounding the threat from the Communist world is the presence here of an additional 454 (Communist) bloc officials, a sizable number of whom are also on intelligence missions. Evidence establishes a close coordination and coopertaion between the Soviet and bloc intelligence services."

It would not be equal-handed of me to ignore the People's Republic of China. Gray reported there are 124 officials at their UN mission here. This complement has more than doubled this past year and says Gray, "can be expected to reach several hundred in the future." The FBI continues to probe them. After all, they're just across town from bureau headquarters here.

But back to Secretary Brezhnev. I haven't covered a Soviet Premier since shoe-on-the-desk-pounding N. Khrushchev. Comrade Brezhnev is a more realistic man. He could mix this realism with some gratitude and call off his KGB agents.

There are many reasons for a Soviet show of gratitude. The longshoremen, loathing it every minute, have agreed to handle the M. S. Lermontov, a Soviet cruise ship, when it arrives at Pier 40 here from Leningrad. Two days later it will head back to London, Le Havre, Bremerhaven and the home port. It will return on July 13 and August 15—the first such Red posh cruiser to be so "welcomed" in an American port, I'm told. It will have top Coast Guard security. Will it carry intelligence agents, as do virtually all Soviet missions according to our own National Security officials?

And then there is the projected $85 million truck plan being financed by the U.S. Export-Import bank at 6 per cent interest in a day of 8 per cent money. Deferred payments won't start for four years. This money the Soviets will repay, it is hoped, in 12 years.

Now for grain. The Soviet population, according to intelligence sources and Dept. of Commerce and Agriculture experts with whom I've talked in the past two weeks, literally has been on the verge of hunger in some areas and starvation in the outer reaches. The food debacle has been worse than the world has been told.

Labor sources report the full Soviet purchase of grains for human consumption and feed for cattle will total almost 20 million tons. A fantastic amount.

There have been tough renegotiations in Moscow this past month over the July-December deliveries. We've gotten tough on rates. But all other dealings have been as cooperative as though Moscow never did tie up with the Nazis against our allies just before the big war.

EVERY COUNTRY POSSIBLE

Grain is being loaded and moved as swiftly as men and machines make it possible. There are some 25 Soviet shippings a month out of the Great Lakes, according to martime labor leaders. This is mostly out of Duluth (Minn.) and Superior (Wis.). And this is one kind of grain. It moves on small Soviet freighters which can get into the lakes.

The big American and "third flag" ships are moving grain over an ocean bridge from Baton Rouge, New Orleans, and other ports. Houston has been on strike. International Longshoremen's Assn. (AFL–CIO) Local 1530 has refused to load some 15 freighters because of a wage dispute. But otherwise special grain needed by the Soviets in their southern regions where their cattle roam and breed and need feed is being hustled along to ports such as Odessa.

Every cooperation possible, every courtesy possible, every bit of expediting possible has been proffered and implemented for the Soviets.

They could, in turn, call off their spies. Even if for the duration. Or is it once a Leninist always a Leninist?—and as Khrushchev once said, they're still trying to bury us but they want to fatten a bit first.

[From the Baton Rouge (La.) Sun Advocate, June 3, 1973]

Estimate of Soviet Defense Cost Raised

Moscow.—The Soviet Union spends 40 to 50 per cent of its gross national product annually on defense, at least four times as much as it officially acknowledges, according to an unofficial study by two Leningrad economists.

The economists wrote under pseudonyms in a 28-page typescript circulating among dissident Soviet intellectuals. They estimated annual defense spending at the equivalent of $54 to $97 billion. The figure was imprecise and did not match the estimated defense spending for the particular year of the study because the economists were uncertain about assigning a dollar value to the costs.

The Soviet defense budget as announced officially by the government has been constant at 17.9 billion rubles, or $24 billion, for the past three years. Western specialists have long maintained the published figures bore little resemblance to actual expenditures.

Using unclassified statistics, the two economists concluded that real defense expenditures for 1969, the year of their study, were not 17.9 billion but 80 billion rubles, or $108.2 billion at current exchange rates.

They basically reached the figure by subtracting all known expenditures from the total of 167 billion rubles in state revenues. They assumed most of the remaining 87 billion rubles was spent on defense.

The two also estimated the Soviet Gross National Product (GNP) for 1969 ranged between $130 and $190 billion, far below the $450 billion figure credited to the Soviet Union that year by Western economists.

The United States that year devoted to defense about 7 per cent, or $73 billion, of its $929 billion GNP.

But Westerners point out more than half of the U.S. defense budget is devoted to salaries, which is not the case with the Soviet armed forces and ther lower-paid troops.

The two authors said the 80-billion ruble figure did not include an estimated 31 billion rubles worth of capital investment in the defense industry because they did not have enough information to know how much to include.

They concluded the nation was spending two-thirds of its national wealth on defense—"an unheard of phenomenon in world history."

[From the Washington Post, May 19, 1973]

Soviet Group Here Prepares Brezhnev Trip

An advance party of 30 Soviet officials making preparations for Leonid I. Brezhnev's trip to the United States next month was flying from Washington to San Clemente today to inspect the California White House, according to State Department officials.

The group, headed by Yuri N. Chernyakov, general secretary of the Soviet foreign ministry, arrived here aboard a Soviet IL–62 airliner Wednesday and has spent the last two days in discussions with American officials about details for the Soviet Communist party leader's trip, scheduled for June 18 to 26.

The exact itinerary for Brezhnev's visit has not been set, but it is anticipated that about 90 percent of his time in this country will be spent in Washington or Camp David, Md.

[From the Washington Evening Star News, May 30, 1973]

Chinese Journalists Visiting Here

A group of 22 Chinese journalists including five women, begin a four day visit to Washington today—part of a return engagement with the American Society of Newspaper Editors, who sent a group to China last fall.

After spending the night in Williamsburg, the group came here for a range of engagements that includes a viewing open heart surgery at the National Institutes of Health, a visit to the pandas at the National Zoo; a view of agricultural procedures at the Beltsville agricultural research center; a supermarket; a trip along the partially completed D.C. subway; a State Department reception and lunch at the Capitol.

Since their arrival in New York, the group visited the United Nations, several news agencies, the Wall Street Journal, the New York Stock Exchange and had lunch at the Chase Manhattan Bank.

In Boston they visited MIT and Harvard, Massachusetts General Hospital and a typical New England farm.

They also made a short stop in Atlanta. From Washington they will go to Chicago, Denver, San Francisco and Honolulu.

The group is led by Chu Mu-chih, director of the Hsinhua News Agency. The two women are Wang Chen, deputy director of the Ministry of Foreign Affairs information office, and Li Po-ti, deputy editor of "China Reconstructs." Other journals represented in the group are the Peking Review, the People's Daily and Shanghai's Wen Hui Daily.

[Department of the Interior news release, May 26, 1973]

Soviet Specialists in Cement and Concrete Technology To Visit United States

Four Soviet specialists in the field of special cements and polymer concrete will arrive in the United States May 27 for a three-week tour of selected cement plants and Government research facilities. Secretary of the Interior Rogers C. B. Morton announced today.

The Soviet delegation will be headed by Roman T. Krivoborodov, Deputy Minister of Construction Materials Industry.

Commissioner of Reclamation Gilbert G. Stamm said the visit is part of a program of continuing cooperation and exchanges between the U.S. and U.S.S.R., and that the Bureau of Reclamation was designated to sponsor this visit because of its interests and activities in special cements and polymer concrete.

These exchanges are in keeping with the spirit of President Nixon's visit to the Soviet Union in 1972, and in accord with the U.S.-Soviet program on cooperation in science and technology. This type of exchange is provided for in the 1972–73 Agreement on Exchanges and Cooperation in Scientific, Technical, Educational, Cultural and Other Fields, signed April 11, 1972.

During their three-week stay, the Russian experts will visit the plants of the Lone Star Cement Company, Greencastle, Ind.; Dundee Cement Company, Clarksville, Mo.; Universal Atlas Cement Company, Hannibal, Mo.; Rocky Mountain Cement Company, Lyons, Colo.; General Portland Cement Company, Miami, Fla.; and Lehigh Portland Cement Company, Union Bridge, Md.

The team will also meet with Interior Department and Bureau of Reclamation officials in Washington; and will visit the Portland Cement Association facilities in Skokie, Ill.; the Bureau of Reclamation Engineering and Research Center in Denver, Colo.; the Corps of Engineer's Waterways Experiment Station, Vicksburg, Miss.; the Link Belt Company in Lakeland, Fla.; and the Brookhaven National Laboratories, Islip, N.Y.

In addition to Krivoborodov, the Russian group will include Georgiy Yakovchik, Chief Engineer, Main Administration for Cement Machine Production; Igor Ponomarev, Chief Engineer, Southern State Institute for the Planning of Cement Plants and Yuriy Mevzorov, Junior Researcher, State Scientific Research Institute of the Ministry of Glass Construction Materials Industry.

Accompanying the delegation on the tour will be James T. Dikeou, Senior Research Scientist at Reclamation's Engineering and Research Center and Chairman of the American Concrete Institute's Committee on Polymer Concrete; and Alexis Tatistcheff, contract interpreter for the State Department.

It is presently anticipated that an exchange team of U.S. specialists in this field will visit the Soviet Union in July.

JOE MOLONY: JOB WELL DONE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DULSKI. Mr. Speaker, last Friday Joe Molony began a well-earned retirement with almost 40 productive years in the United Steel Workers. He has more to offer, and would continue to contribute his experience if it were not for the USW's mandatory retirement age.

While his active leadership will be missed, there is a great deal to be said for compulsory retirement. Congress has frequently heard suggestions of a mandatory retirement age for itself, as well as for other public employees, and it is a point meriting serious consideration and further action.

As Congressmen we have all been contacted by labor leaders urging lower voluntary retirement ages for their memberships. Yet these same leaders stay on year after year, often to an advanced age and with diminishing effectiveness on their jobs. There is no lack of young, capable leadership in the unions; I would suggest some of these senior citizens consider bowing out and permitting the younger ones to serve.

The United Steel Workers are to be commended for their retirement policy. I am sure that, with his background, knowledge, and active mind, Joe Molony will continue to give whatever counsel may be requested of him.

I am pleased to share with you an article from the June 2, 1973. Buffalo Evening News, written by a labor reporter who knew him well during Molony's years in Buffalo:

Reflections on a Labor Reporter's Labor Leader

(By Ed Kelly)

Joe Molony stepped out of the trade union movement Friday into retirement, and labor, management and community have all had their final glowing say on his departure.

This column today is our last say, the last say of a labor reporter who had the extraordinary good luck to have covered the "beat" on which Joe Molony made news while headquartered in Buffalo as state director of the United Steel Workers.

The litany of Molony accomplishments has been loud in the land these last two weeks.

Parades of speakers, here and in Pittsburgh, have recalled, recounted and reminisced about the 36-year career which took him, Alger-like, from the Republic mill ore dock on the Buffalo River to the executive suite of the 1.4 million-member USW in its gleaming new international headquarters in the Golden Triangle of Pennsylvania's Steel City.

We don't intend re-reviewing the Molony biography or adding to what we wrote in this paper's news columns last week about what Molony did for his union and for the political, social and cultural lives of the two cities his presence enriched—Buffalo and Pittsburgh.

Instead, we want to devote this column to the Joe Molony few knew, but the Joe Molony we knew best.

This was Joe Molony the newsmaker, the Joe Molony who met the press in the name of the union.

He was with the USW from 1937 until yesterday when he had to step out of the union and out of its international vice presidency, a post he filled with dedication and distinction for the last eight years. He was 65 last November and the union constitution age-provision barred him from seeking re-election.

For 16 of Molony's years with the USW, from 1949 until he left here for Pittsburgh in 1965 to be sworn in as an international officer of the largest union in the AFL–CIO, it was our job to report the goings, comings, sayings and doings of this remarkable and talented man.

"Job" isn't really the word to describe what the task meant to us. "Pleasure" is more like it. "Fun" is better yet.

For Joe Molony was a joy to cover. He was a labor reporter's labor leader.

He was accessible. He was straightforward. He was informed. He never feared the truth. He didn't dodge or duck a question, even if answering it honestly pained him or his union.

If he didn't want to comment, Molony would say so. And he'd be man enough to get on the phone and tell you that personally, not have an intermediary do it. He never hid behind anyone.

He never ran away from a quote. If his words sparked bigger or more serious explosions or backlash than he'd bargained for, he'd stand up to the heat. He wouldn't claim he was misquoted, or misunderstood, or taken out of context. In fact, he'd usually go out of his way to make clear that the reporter had quoted him correctly.

Joe Molony, news source and spokesman for his union, had, in short, integrity.

He also invariably had something to say. What's more, it was usually well worth saying. And he always said it well. He was intelligent, knowledgeable, articulate, and his statements reflected all three.

Molony had another talent that warms the cynical old heart of any professional newspaperman: He spoke in quotable quotes.

He was a wordsmith. His adjectives were bright, his verbs strong. He could be ironic, humorous, lethal, rousing, all within the compass of a few paragraphs.

Written, they were worth reading. Spoken, in that golden brogue he never lost, they were worth hearing.

It was as if this ebullient and effervescent Irish-American, who immigrated here from County Clare a few weeks shy of his 21st birthday, had smuggled with him into his adopted country more than a small piece of that fabled stone that makes Blarney the most famous castle in all Ireland.

Labor leader, community benefactor, political chieftain, civil libertarian, self-made scholar, devoted husband and father. Joe Molony was all these, as those who knew him best in each facet has recently attested.

But in addition to all these, Joe Molony also was a newsmaker and a labor spokesman who interpreted the trade union movement to the public.

And he was superlatively both.

We should know. For 16 of Buffalo's Molony years, with ready pad and poised pencil, we were there.

JIM FARLEY: THE ART OF BENEFICENT POLITICS

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 31, 1973

Mr. BLATNIK. Mr. Speaker, I join my colleagues in paying highest tribute to James A. Farley, who celebrated his 85th birthday.

Jim holds the unchallenged title of America's foremost politician. More, he is the master of the art of politics.

And today, when the ugly pall of Watergate has clouded the entire political process, we need to remember that people of Jim Farley's caliber have been proud to serve their country with distinction through the avenue of politics.

This giant of our century is living proof that most Americans in high office have used their office and political talents for the good of the Nation and all its citizens.

With each shocking new Watergate revelation, we remember Jim Farley as a man who put honor and honesty above all other claims to his loyalty; who could always stare unblinking into the light of public scrutiny from the very center of the political arena.

Unlike the men who until recently surrounded this President, Jim has an innate respect for the institutions which stand guardian over the rights of free men. He recognized the legitimacy of opposing interests, and, rather than suppress, he used his power and skills to reconcile them.

It is this supreme skill which earned for Jim the title, "Master of Politics"; and the purposes to which he put it, the honor of being called "Public Servant."

For, above all, he accepted his many positions of political responsibility as a mandate to serve America and the American people—not a single person or interest. He played a far larger role than he or we will ever acknowledge in changing the course of our Nation at a time when change alone could have held the country together. His handwriting is evident on every claim America has to leadership in the field of human rights.

Today, America's commitment to its least fortunate is being abrogated by a swarm of little men who, in the depths of the executive branch, gnaw in secret at the legislative edifices they cannot bring down by consent of the American people. We in Congress must redouble our efforts to prevent the dismantling of the progams which are the heritage of the New Deal and Jim Farley's tremendous vision and compassion.

We must also blot out the mark of Watergate, by coming forth not just with new faces but with betters leaders, and prove to the American people that this Nation still has a large reservoir of honest, honorable public servants.

We need look no farther than Jim Farley to find the pattern against which to measure the leadership the Nation needs as never before, to renew America's faith in politicians as public servants.

Mr. Speaker, I join a grateful Nation in wishing Jim Farley many happy returns on his 85th birthday, and many, many years of continued good health and happiness ahead.

REORGANIZATION PLAN NO. 2 OF 1973

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. KEMP. Mr. Speaker, I am gratified with the decision of the House yesterday to vote in favor of the Reorganization Plan No. 2 of 1973; that is, to reject House Resolution 382 to disapprove plan No. 2 of 1973.

It is impossible to overstate the magnitude of the drug problem in America.

With this awareness, it is critically necessary to establish the most effective enforcement agency to combat the trafficking of dangerous drugs and narcotics not only in our country, but in the most effective manner with other nations.

Generally, adoption of the plan will initiate the consolidation of what was a network of three separate organizations—the Office of Drug Abuse and Law Enforcement, the Bureau of Narcotics and Dangerous Drugs, the Office of National Narcotic Intelligence, the Bureau of Customs—which encountered serious operational and organizational difficulties and jurisdictional conflicts. As a response to those shortcomings, one program, the Drug Enforcement Administration, will be formed to administer the sources—manpower, knowledge, and finances—which were once implemented individually by three organizations. Thus, "unified command" would be formed and a more viable attack organized with more complete and cumulative drug law enforcement intelligence.

More particularly, this agency will have those powers requisite to effectively combat drug abuse: First, the development of overall Federal drug law enforcement strategy programs, planning and evaluation; second, the full investigation and preparation for prosecution of suspects for violation under Federal drug trafficking laws; third, the full investigative and preparation for prosecution of suspects connected with illicit drugs seized at U.S. ports-of-entry and international borders; fourth, the conduct of all relations with drug law enforcement officials of foreign governments, under the policy guidance of the Cabinet Committee on International Narcotics Control; fifth, the full coordination and cooperation with State and local law enforcement officials on joint drug enforcement efforts; and sixth, the regulation of legal manufacture of drugs and other controlled substance under Federal regulations.

Several criticisms were directed toward plan No. 2, and I would like to address myself to those areas of misunderstanding. First, it has been said by opposition to the plan, that there has been an insufficient guarantee of separation of the investigative and prosecuting functions that furthers "a perilous movement toward a national police force with political direction." The misunderstanding which causes this first problem may be clarified along several lines: First, the possibility for arbitrary and capricious conduct by either the appointed administrator or deputy administrator is limited from the outset, as the Senate confirmation of those individuals selected is a prerequisite; and, I am certain I am not alone in expressing my complete confidence in the Senate's abilities to confirm only a most qualified person to each position; second, there lies another guard against any abuse of authority in that the Department of the Treasury remains the guardian of the agency's finances; also, it retains the authority over searches and seizures at ports of entry; and, third, still another guard which is not expressed in the plan, but is similarly as important as those that are; that is, the conduct of this new agency is constantly guarded and supervised by the courts to the extent that abuse of discretion will result in a failure or inability to convict.

Second, there has been misunderstanding concerning possible damage to the ability of the Immigration and Naturalization Service to enforce the Immigration and Nationality Acts. It was contended by labor that the transfer of approximately 900 immigration inspectors would severely reduce the capacity of the Service to protect our labor forces from illegal aliens. The administration accepted this advice and agreed not to implement section 2 of the plan realizing the importance of maintaining a fully staffed organization. In response to the administration's reevaluation, labor acknowledged the importance of the war against drug abuse and offered its support of plan 2.

Third, there has been a misunderstanding concerning the plan's failure to address itself to addict treatment. This was not an oversight, as 2 years ago the President established the Special Action Office for Drug Abuse Prevention, an organization which was provided with the necessary resources, breadth and leadership capacity—including treatment and rehabilitation for those who have been drug victims, and preventive programs for potential drug abusers.

Fourth, it has been contended that the custom service will "lose" personnel and equipment resulting in a diminution of the effectiveness of the custom service's fight against drugs. However, the transfer involved is that concerning criminal investigators specifically delegated to narcotics. Those not involved with this body, the inspection branch of the custom service, will remain at their present position. Thus, the personnel "lost" will be actually transferred under the reorganization plan to the Drug Enforcement Administration and retains the same purpose of purging the society of narcotics.

In conclusion, I would like to reemphasize the responsibility this country has to protect its people, as well as people of all countries, from the dangers of drugs. The problem of drug abuse is massive and pervasive as it effects all age groups—teenagers, college students, young adults, and middle-aged, both sexes, and all those along the social spectrum—the wealthy, the middle class, and the poverty stricken. This plan provides the opportunity for further progression toward the goal of severely reducing through viable channels the demeaning consequences of drug usage.

FUEL SHORTAGE

HON. IKE F. ANDREWS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. ANDREWS of North Carolina. Mr. Speaker, in order to lend greater emphasis to the seriousness of the effects of the current fuel shortage on agriculture in North Carolina and many other States, I would like to reiterate and expand on remarks I made before this body on Wednesday.

I urge that farmers be accorded top priority in the allocation of gasoline and fuel oil.

Agriculture is a most basic and necessary industry. Because it affects practically every facet of our economy, the result of reducing fuel supplies to farmers and farm-related businesses may well be economic catastrophe.

In the four counties of North Carolina's Fourth Congressional District—Chatham, Durham, Randolph, and Wake—some oil dealers are not assured of any petroleum products in June, and the quotas of others have been drastically reduced. I understand that none of them has any assurance of any fuel during July and August.

While at home last weekend, I learned of several farmers and farm suppliers whose quotas for gasoline and fuel oil for June is only 80 percent of what they used a year ago. These percentages may be cut considerably more for July and August.

Proposed quotas based on usage during the first quarter of this calendar year are ridiculous in many instances. In my own State of North Carolina, for example, tobacco farmers have relatively little need for petroleum products in January, February, and March. But during the current 3-month cycle, the need is especially critical for kerosene and fuel oil to cure flue-cured tobacco, and for gasoline to haul it to the warehouse.

During the curing season, fuel is absolutely essential to tobacco, which I believe is the largest farm export in the United States.

Equally grave is the threat to our broiler industry, including the hatcheries, feed suppliers, producers, processors, retailers, and ultimately the consumers.

A drastic cutback in fuel supplies simply means the hatcheries will not be able to place as many baby chicks as they have in the past. The feed suppliers are fearful of placing the usual number of chicks because they may not be able to haul enough feed to them, especially to those farms some distance away.

Most poultry is now grown on a contract basis, with the companies placing baby chicks, feed and medication throughout various counties. Large amounts of gasoline are needed to haul the chicks, feed, and medication to the farms and then the fully grown broilers to the processing plants.

With less gasoline, farmers will be able to raise fewer broilers to be processed, and the consumers will be forced to pay higher prices.

The chain effect can occur, not only with broilers, but also with livestock and other commodities where fuel is needed to cultivate, harvest, process, and transport.

Agriculture's priority in the allocation of gasoline should be second only to health care and public safety.

OUR NATION SALUTES THE BOROUGH OF HAWTHORNE, N.J., ON ITS DIAMOND JUBILEE CELEBRATING ITS 75TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. ROE. Mr. Speaker, on the 24th day of March 1898, by act of the Legislature of the State of New Jersey, pursuant to the laws of 1898, chapter 105, the Borough of Hawthorne was established as a municipal corporation of the county of Passaic in the State of New Jersey.

It is, indeed, my privilege and honor to call this most historic event in America's democracy to the attention of you and our colleagues here in the Congress with a special salute to the Honorable Louis Bay II, the distinguished mayor of Hawthorne, and to the Honorable Raymond L. Rhodes, general chairman of the Municipal Anniversary Committee, in observing and commemorating the 75th anniversary of this most historic outstanding all-American community in the Eighth Congressional District of the State of New Jersey, which is my singular great honor to represent here in the Congress.

Mr. Speaker, I wish all of our colleagues would have the opportunity to visit Hawthorne during the borough's 75th anniversary celebration. The governing officials and our citizens are proud indeed—as we all are—of the product of man's achievements in the face of the many hardships, tribulations, and trials that have been encountered, but overcome by the residents of this municipality since 1898. As the cornerstone of our democracy, working together, they have established the highest standards of the quality of life in our Nation with full recognition and dedication to the vital import of the individual citizen in our society.

The story of Hawthorne is the story of America. Since its organization as a government of the people, for the people, and by the people, it has, indeed, flourished. As an area encompassed within the first colonies and the Origional Thirteen States of the United States of America, it is steeped in history and the pioneering American spirit.

Born in 1898 at the time of the Spanish-American War, Hawthorne was a virtual territory of farmlands with a population of some 700 people. Three-quarters of a century later it now is a thriving suburban municipality with a population nudging the 20,000 mark.

The geographic designations of some of the sections of the Borough of Hawthorne contained in our history books are highly descriptive of the town's early beginnings. They bespeak the origin of the aborigines: The Lenni Lenape Tribe of Indians or Delaware as the Englishmen called them—who occupied this territory long before the signing of the Independence of America and the "Spirit of '76." This historic breakdown of Hawthorne which follows will be helpful in recalling periods in history that are familiar to all of us:

HISTORIC BREAKDOWN

Wagaraw—The name applied to the land adjacent to the Passaic River and extending north to approximately Diamond Bridge Avenue and from the top of the mountain to and including part of Fair Lawn on the east. The name is mentioned in all of the early deeds and is given to what is now Goffle Hill and Goffle Brook. Wagaraw: "where the river bends."

Goffle—In the Dutch language means a fork and the name alludes to the place where the Deep Brook joins the Goffle Brook forming a fork. This spot was a well-known Indian encampment and is frequently mentioned in early deeds.

Van Winkles—The name of the owners of the large farm established in the 1700's at the north end of town. It centered about Van Winkle Avenue.

The Flats—All that portion of the Borough along Lafayette Avenue and adjacent farm land. Frequently referred to in the 1888's.

The Woods—The general area extending along Diamond Bridge Avenue from Forest Avenue to Lincoln Avenue and northerly to Central Avenue. This part of the town was a good sized-forest with many century old oak, elm, maple and chestnut trees, some of which still stand. The place was also filled with small game, rabbits, squirrels, birds and an occasional deer.

Ashley Heights—The southwestern part of the borough lying on the slope of Goffle Hill It derived its name from the Ashley and Bailey Company's Hawthorne silk mill which was built in 1894 at Mohawk Avenue and North Eighth Street. Numerous homes were erected at this time in the vicinity and continued in later years toward the top of Goffle Hill.

Columbia Heights—So named because the World's Fair Columbian Exposition in Chicago was being held at the time of the development on Lincoln Avenue during 1893–1894 by William H. Moffitt. The area includes the property east of the Erie Railroad tracks from Wagaraw Road to the Diamond Bridge.

The Ravine—A beautiful gorge cut through the rock by the Deep Brook, extending parallel with Goffle Hill Road in the rear of Thomas Jefferson School.

The Triangle—The plot of ground between the Erie and the Susquehanna railroads on Washington Avenue.

North Paterson—The general area north of Warburton Avenue and including the Van Winkle farm which it succeeded.

Norwood—The name of the first railroad station and post office created in 1867. Changed to Hawthorne in the following year.

Morrow's Mills—The locality near Goffle Brook and Wagaraw Road where John Morrow as early as 1810 leased property from the DeGray's (Mill Owners).

The program for the celebration of Hawthorne's 75th anniversary is under the auspices of the following distinguished community leaders and highly reputable citizens of Hawthorne:

LIST OF COMMITTEE MEMBERS

General Chairman: Raymond L. Rhodes.
Vice Chairman: Isabel C. Hopper.
Secretary: Jean L. Hughes.

THE COMMITTEE

Honorary chairmen

Honorable Louis Bay, 2nd, Mayor.
Honorable Arthur A. Brokaw, Commissioner.
Honorable Harold S. Floyd, Commissioner.

Coordinators

Superintendent of Schools: Dr. John Ingemi.
Fire Chief: James Aldi, Jr.
Chief of Fire Prevention Bureau: Louis J. Bay, Jr.
Police Chief: Charles F. Kenyon, Jr.
Treasurer: Louis M. Colacurci.
Photographer: John Crivelli.
Editor and Historian: Jacob Schaad, Jr.

In a recent discussion with General Chairman Raymond L. Rhodes, former Comptroller of Customs, I was especially impressed with the background information he provided me on the municipal flag of the Borough of Hawthorne which was adopted by the borough commissioners in 1948, 50 years after the establishment of Hawthorne as a municipal corporation. Of even greater significance is the fact that the flag was designed by a Hawthorne high school student, John DeBruyle, who at his young age had the keen insight and warmth of understanding of our people, their needs, ambitions, pursuits, and achievements—people who not only placed Hawthorne on the map of the United States of America but manifested the backbone and foundation of an outstanding American community from infancy to maturity.

Mr. Speaker, I would like to include at this point a brief narrative on the heartbeat and pulse of Hawthorne's standard and the significance of the symbols that appear on their flag to depict the growth and development of the borough as delineated by this young American youth, as follows:

A BRIEF NARRATIVE

The entire background is white, representing the unity and purity of the many citizens; the shield appearing in the center of the standard denotes the important things which have helped the Borough of Hawthorne to grow and prosper. The shield is encircled by a wreath which, together with the shield, constitutes the municipal seal. The books indicate progress in education while the gears represent the years of progress in the industrial development of the borough. The cross and bible demonstrate the respective religions in the town and sincerity in tolerance and peace.

The plow typifies the farming land from which Hawthorne grew and the pick and shovel stand for the years of hard work in building the municipality. The lantern symbolizes the light of truth, faith, patience, and understanding with which Hawthorne has been blessed. The two stars represent the fifty years of Hawthorne's progress at the time of the adoption of the flag, from the founding of the borough in 1898.

The red displays the courage of those citizens and the blood of those veterans who made the supreme sacrifice in giving their lives that this peaceable community may travel on the road of perpetuity, while the blue evinces the loyalty of all its citizens to the Borough of Hawthorne.

Mr. Speaker, there are many historic deeds and accomplishments that could be recited here and many that our history books do not make mention of—but we are all agreed that all of the people, working together with dedicated, unselfish purpose over these past 75 years have nourished, cultured, and sustained the Borough of Hawthorne and its government to bring progress and prosperity to the quality of our life here in America.

The Mayor and members of the municipal governing body have, through exemplary and commendable action programs, been promoting and providing essential public services in the pursuit of the health, happiness, safety, and well-being of all of its citizens. America's preeminence among all nations of the world relies in large measure upon our elected representatives at all levels of government who are called upon by the people to translate into meaningful direction and purpose the goals and objectives we seek for ourselves and future generations to enjoy.

The first appointed representatives of the people on Hawthorne Borough's governing body who had worked untiringly toward the founding of the borough and provided the foundation of Hawthorne's government of the people, for the people, and by the people are as follows:

List of Honorables

Dr. Sylvester Utter, Mayor.
Adam Vreeland, Assessor.
William H. Post, Collector.
Albert Rhodes, Councilman.
Frank Post, Councilman.
Daniel Van Blarcom, Councilman.
Martin Marsh, Councilman.
John V. B. Terhune, Councilman.
Arthur F. J. Wheatley, Councilman.
Charles B. Story, Borough Clerk.
William Nelson, Borough Attorney.
William DeGray, Commissioner of Tax Appeals.
Peter Stam, Commissioner of Tax Appeals.

Mr. Speaker. I ask you and our colleagues to join with me in memoriam, expressing our Nation's appreciation, to these first governing officials of Hawthorne as well as all of those who have unstintingly and gloriously served the people in the succeeding administrations of this great American community's government. May I especially commend to you with a hearty tribute to their good works the present public officials who now administer the affairs of Hawthorne:

List of Those Present

The Honorables:
Louis Bay, 2nd, Mayor.
Arthur A. Brokaw, Commissioner.
Harold S. Floyd, Commissioner.
James A. Kirkman, Borough Clerk.
Robert P. Schilling, Borough Engineer.
Floyd V. Amoresano, Borough Attorney.
Christina Collins, Tax Assessor.
Albert J. Crawley, Tax Collector.

Mr. Speaker, with the greatest admiration and deepest respect, I also commend to you all of the good people of the Borough of Hawthorne. I know you will want to join with me in appreciation for all of their good works, extending the heartiest congratulations of the Congress and best wishes to them during this observance of their 75th anniversary and diamond jubilee celebration. We do, indeed, salute the Borough of Hawthorne and all of their citizens in commemoration of their birth as an outstanding municipality of our State of New Jersey and the United States of America.

PEACE IN YOUR WORLD

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DORN. Mr. Speaker, it is refreshing to see the enthusiasm, the ideals and character of young America. It was a great honor for me to address the graduating class of Oakway High School in Oconee County, S.C. on May 25. Richey Davis delivered the valedictory address, which was outstanding. I commend this splendid speech to the attention of my colleagues in the Congress and to the American people:

Peace in Your World

Can you imagine a world where men live in peace? Is it possible for a society to exist here on Earth where men can work and strive together in harmony and not conflict? Most importantly, is it possible, here on Earth, for man to be at peace with himself?

Peace. That is a very frequently used word. It is also a very abused word because for many people the word "peace" has little or no meaning. These people are so caught up in the strife and confusion of their world, that they have never experienced true peace.

Our happiness, our peace in life, depends largely on how we treat our fellow human beings, our brothers and our sisters. St. Francis of Assissi wrote this prayer for peace:

"O Lord, make us instruments of thy peace. Where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy."

If we neglect these simple but important truths expressed in this prayer, we may not have a second chance. The whole world may not have a second chance.

It is very easy to blame all of the troubles in the world on the older generation. It is true that the entire population of this planet, over 4 billion people, could be utterly destroyed in an all-out war. The population of the world is skyrocketing. Millions of people right now face death from starvation or disease; something which we here in America rarely see. It is true that enormous amounts of pollution are throwing the natural cycles of nature all out of balance. But before we start to condemn the older generation, let's count up both sides of the score card. There is a modern-day fable about an ordinary, average man named Ben Adam, and a very special Angel who visited him one night. . . .

Ben Adam was a man who like most members of The Older Generation, had little hair and overwhelming guilt feelings. He had a son named Irwin. Like most members of the younger generation, Irwin had lots of hair and an overwhelming contempt for anyone over 30.

"Man, what a mess your generation made of things," Irwin was fond of saying. "Because of your mumbling, we face a society that is racist, militaristic, polluted, overpopulated, and terrorized by the hydrogen bomb. Thanks a lot!"

"I guess we are about the worst generation that ever lived," Ben Adam would say guiltily. "I'm sorry Irwin." And Irwin would shrug and go off with his friends and smoke pot.

Ben Adams couldn't help feeling that he was in for a bit of divine wrath in return for his sins. He was therefore somewhat shaken on awakening one night to find an Angel at the foot of his bed writing in a Golden Book.

"I have come, Ben Adam, to grant you one wish," said the Angel.

"Me?" asked Ben Adam with surprise. "Why me?"

"You have been selected by the Heavenly Computer as typical of your generation," said the Angel. "And your generation is to be rewarded for its magnificence."

"There must be some mistake," said Ben Adam with a frown. "We've created a racist society. . ."

"But mankind has always been racist," interrupted the Angel. "You were the first to admit it and attempt a remedy."

"But we militarized our democracy," said Ben Adam. 'Why, when I was a boy, we had an army of only 134,000 men."

"You built an army of over four million men in hopes of bringing freedom and democracy to all the world," said the Angel. "Truly a noble goal."

"Well, maybe," said Ben Adam. "But you can't deny that we polluted the water and air and scattered garbage far and wide."

"That is so," said the Angel. "But the environment is polluted solely because you constructed the most affluent society the world has ever seen!"

"I guess that's right," said Ben Adam. "Yet look at the population explosion. Famine and pestilence threaten mankind."

"Only because your generation cured diseases, increased the food supply and thereby lengthened man's life span," said the Angel. "A tremendous achievement."

"But we live in terror of the hydrogen bomb," said Ben Adam gloomily. "What a legacy!"

"Only because your generation unlocked the secrets of the atom in its search for wisdom," said the Angel. "What a glorious triumph."

"You really think so?" said Ben Adam, sitting straighter and smiling tentatively.

"Yes," said the Angel, reading from the Golden Book. "Your motives were excellent, your goals ideal, your energies boundless, and your achievements tremendous. In the eons of mankind, the names of your generation lead all the rest. And therefore, Ben Adam, by the authority vested in me, I grant you one wish. What shall it be?"

"I wish," sighed Ben Adam, the heavenly chosen representative of the older generation, "I wish that you would have a little talk with Irwin."

This story tends to put the seemingly unsolvable problems of the world back into proper perspective.

As the salutatorian pointed out, it is a beautiful world. It is a wonderful world. Especially here in the United States of America. Maybe it is because America is one of the few nations dedicated to the ideal that peace, among men and among nations, is the only real way to exist. In closing, I would like to read to you a poem which I believe reflects the peace and serenity which this nation, our beloved land, possesses amid all of the turmoil and strife of this world. The poem is entitled, "Prayer by the Statue of Liberty":

Lord God of low tides and high hopes who has brought millions to our shores grant that each of them shall find the freedom he sailed for in this land which honors all who honor it.

Lord God of willing hands and Opportunity, of past failures, present mistakes, and future successes, who has brought man from wagon train to space capsule and filled this great country, imperfect though it may be called by some, give equal dignity to all and send word back to Thomas Jefferson that we do try to fulfill the promises he filed under the Declaration of Independence.

Lord God of foreign ancestors and homegrown Americans who taught strangers to live together do as much now for friends, remind fiery young hearts that passion works best when tempered with reason and that nothing was ever built up and torn down at the same time.

Lord God of broken promises and hungry hearts reminds us constantly the land we call home wasn't built in a day, hear with our failures, forgive us our trespasses. As you once trained lightning and fireflies to live together, teach us now that good intentions are a beginning, not an end, that doing is still better than hoping and wishing, that today holds the cure of yesterday and the torch I hold high is Liberty's nightlight welcoming tomorrow with a rainbow of freedom rising from the thunder of despair.

PROMPT ADMINISTRATIVE ACTION TO CONTROL INFLATION IS IMPERATIVE

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DONOHUE. Mr. Speaker, last April, on the eve of near unanimous congressional approval of a 1-year extension of the Economic Stabilization Act, I expressed my very deep concern that greater and greater numbers of our American citizens and families were increasingly being priced out of the marketplace, out of their living quarters and out of the basic nutritional necessities of life as a direct result of the unconscionable cost increases and raging inflation which had unfortunately fallen upon them ever since the White House terminated, last January 11, the reasonably effective mandatory restrictions of phase II. Even back then, it was abundantly clear that the administration's institution of the so-called "voluntary" phase III system was resulting in the visitation of very severe economic repercussions upon our society in general and certain sections of it in particular. The economic circumstances that prompted us to express such deep fears at that time have unfortunately become increasingly worse, almost daily.

Indeed and unhappily, rising inflation is spreading throughout our whole economy with an accelerated speed and force that was entirely unexpected by even the most pessimistic prophets.

Mr. Speaker, the figures just released by the executive department itself about the frightening increase in wholesale prices, the wholesale price index and other statistics vividly reveal that inflationary pressures have reached a critical stage and some respected economists do not hesitate to describe this present situation as "a national emergency." It is obvious to every housewife and market shopper that food prices have practically gone "into orbit." The evidence shows that the wholesale prices of farm products have risen at an annual rate of 47 percent over the past 6 months, particularly in the feed grains, and some economic authorities say they are undoubtedly being fed by unbridled speculation.

In the face of this urgency, Mr. Speaker, a great many respected economists are urging the administration to promptly initiate a "short freeze" on prices, and other inflationary factors, until an overall comprehensive, sensible system of temporary controls can be developed and imposed. History overwhelmingly indicates that Executive action in a critical economic situation is the most effective way to restrain and contain the presently raging inflationary fevers that are so dangerously threatening to undermine our domestic economic stability and our national prestige throughout the world.

Mr. Speaker, despite our common aversion to any controls under normal circumstances I submit and emphasize that our presently deteriorated economic situation is far indeed from being ordinary or normal. The fact and the truth is that we are right now experiencing the most abnormal economic distress in modern history and such a situation clearly requires extraordinary attention and action if we intend or hope to regain our economic integrity and remove the practically intolerable financial hardships which are plaguing those in our society who can bear them the least, the poor, the aged, the handicapped and the low, moderate, and middle income workers and their families.

Mr. Speaker, in the light of the administration's pledged goal, sometime ago, of reducing the inflationary rate at the consumers level to 2.5 percent by the end of 1973, there should be no reluctance on the part of the administration to take immediate, pertinent action in this matter because otherwise that vaunted pledge will be impossible of any achievement.

I again, Mr. Speaker, therefore urge the President to move very speedily and effectively to restrain this currently rising inflation that represents such a great and grave peril to the endurance of this Nation and I urge the Congress to fully evidence our common desire to cooperatively act with him, not without him, to initiate whatever measures are required for whatever time it may take to return our collapsing economic system to its traditional operating realm of right reason and just standards. It is only by such compromising and cooperative action that we can truly hope to restore the confidence of the American people in the ability of the executive and legislative branches of this Government to work together, in this critical hour, in service to the common good and in accord with our separate duty and responsibility.

FEDERAL CIVILIAN EMPLOYMENT, APRIL 1973

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. MAHON. Mr. Speaker, I include a release highlighting the April 1973 personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN PERSONNEL, APRIL 1973

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in April 1973 was 2,808,147 as compared with 2,800,135 in the preceding month of March—a net increase of 8,012. These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

Total pay for March 1973, the latest month for which actual expenditures are available, was $2,893,892,000. Total pay for fiscal year 1973 is forecast to be in excess of $33 billion.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in April is compared with the preceding month of March, with April a year ago and with April five years ago, as follows:

	Full-time in permanent positions	Change	Temporary, part-time etc.	Change	Total employment	Change
Current change:						
March 1973	2,430,968		326,868		2,757,836	
April 1973	2,431,856	+888	333,603	+6,735	2,765,459	+7,623
12-month change:						
April 1972	2,533,275		297,057		2,830,332	
April 1973	2,431,856	−101,419	333,603	+36,546	2,765,459	−64,873
5-year change:						
April 1968	2,612,593		319,989		2,932,582	
April 1973	2,431,856	−180,737	333,603	+13,614	2,765,459	−167,123

Full-time permanent employment in the *month of April* was increased by 888. The largest increases were in Postal Service with 1,845, Treasury with 1,089 and HEW with 905 and the largest decrease was in Defense with 2,177. Since April *a year ago* such employment showed a net reduction of 101,419 mainly in Defense with 67,806 and Postal Service with 48,554. Major increases during the year were in Veterans with 7,614, HEW with 6,123 and Treasury with 2,703. In the *5 years* since April 1968 full-time permanent employment has dropped 180,737 mainly in Defense with 234,596 offset by a net increase of 53,859 in all other agencies.

TOTAL EMPLOYMENT

Total civilian employment in the Executive Branch in April, as compared with March, is shown for civilian and military agencies, as follows:

	April	March	Change
Civilian agencies	1,706,530	1,698,904	+7,626
Military agencies	1,058,929	1,058,932	−3
Total, civilian employment	2,765,459	2,757,836	+7,623

The civilian agencies of the Executive Branch reporting the largest increases in April were Agriculture with 3,863, Veterans with 1,528, Interior with 1,311 and HEW with 1,320 (due to the conversion of certain public assistance grant programs, previously operated by the states, to direct federal administration).

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in April totaled 33,896, an increase of 358 as compared with the preceding month of March. Employment in the Judicial Branch in April totaled 8,792, an increase of 31 as compared with March.

UNIFORMED MILITARY PERSONNEL

A new historical table in the accompanying report shows uniformed military personnel in the Department of Defense has decreased 1,012,136 in the 19 years since 1954, while civilian employment has decreased 150,041 over the same period.

In the Department of Defense annual military personnel costs are now running at about $22 billion and civilian pay costs at about $12 billion—both more than doubled since 1954.

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full-time in permanent positions by executive branch agencies during April 1973, showing comparisons with June 1971, June 1972, and the budget estimates for June 1973:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1971	June 1972	April 1973	Estimated June 30, 1973 [2]
Agriculture	84,252	82,511	82,162	83,400
Commerce	28,435	28,412	28,246	28,200
Defense:				
Civil functions	30,063	30,585	30,029	32,400
Military functions	1,062,741	1,009,548	974,143	[3] 980,000
Health, Education, and Welfare	104,283	105,764	112,679	[4] 110,200
Housing and Urban Development	16,030	15,200	16,117	15,800
Interior	57,570	56,892	56,452	57,000
Justice	42,662	45,446	45,519	47,200
Labor	11,352	12,339	12,265	12,800
State	23,398	22,699	22,524	23,200
Agency for International Development	13,477	11,719	10,590	10,800
Transportation	68,482	67,232	65,724	67,700
Treasury	90,135	95,728	98,364	103,000
Atomic Energy Commission	6,920	6,836	7,050	7,000
Civil Service Commission	5,324	5,260	5,813	6,000
Environmental Protection Agency	5,959	7,835	8,206	8,900
General Services Administration	38,076	36,002	35,725	38,100
National Aeronautics and Space Administration	29,478	27,428	26,951	26,800
Panama Canal	13,967	13,777	13,661	14,000
Selective Service System	5,569	5,791	5,197	5,700
Small Business Administration	4,004	3,916	4,071	4,200
Tennessee Valley Authority	13,612	14,001	13,956	14,000
U. S. Information Agency	9,773	9,255	9,188	9,400
Veterans Administration	158,635	163,179	168,590	171,600
All other agencies	31,333	33,499	33,793	35,800
Contingencies				2,000
Subtotal	1,955,530	1,910,854	1,887,015	1,915,200
U.S. Postal Service	564,782	594,834	544,841	569,500
Total [5]	2,520,312	2,505,688	2,431,856	2,484,700

[1] Included in total employment shown on table 1, beginning on p. 3.

[2] Source: As projected in 1974 budget document; figures rounded to nearest hundred.

[3] Excludes increase of 5,000 for civilianization program.

[4] Excludes increase of approximately 9,000 in adult welfare categories to be transferred to the Federal Government under Public Law 92-603. Actual employment reported for the two latest months includes such transferred personnel as follows: approximately 3,000 in March and 4,000 in April.

[5] April figure excludes 2,601 disadvantaged persons in public service careers programs as compared with 2,610 in March.

CROSS-FLORIDA BARGE CANAL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. BENNETT. Mr. Speaker, someone brought to my attention that in the May 29, 1973, edition of the CONGRESSIONAL RECORD there is an extension of remarks by Congressman BAFALIS about the Cross-Florida Barge Canal. I would like to make a few remarks about what was said there.

At the outset I would like to emphasize that what I and a number of other Members of Congress are trying to do at this point is to release the impoundment of $150,000 which Congress appropriated last year for an ecological study of the Cross-Florida Barge Canal. No adverse ecological study has ever been done by the Government and before the project is killed that should certainly be the case. That is the issue before Congress at this time. Congress is seeking a study whereby both sides can be heard on the merits, on the basis of scientific truth. Congressman BAFALIS has attempted to eliminate this issue by repealing the authorization of the canal without any ecological study being made to Congress adversely upon the canal. The project is not in his district.

At the beginning of Mr. BAFALIS' argument, he quoted from a memorandum from Russell Train, Chairman of the Council of Environmental Quality, to Mr. Whitaker, the President's adviser on environmental matters. Supposedly, this document led to the President's decision to halt work on the canal and the unconstitutional impoundment of funds for this project. The full text of the memorandum can be found on page E1686 of the March 10, 1971, CONGRESSIONAL RECORD in the Extensions of Remarks by Mr. YOUNG of Florida.

This document, which was put into the CONGRESSIONAL RECORD by Congressman YOUNG of Florida, clearly shows that it is a highly motivated political document, which was never intended to be made public. In fact, at one time, I personally asked for the document and was not given the document. I assumed that this was because they realized how political the document was. Here is what the last part of the memorandum says:

> I believe there are probably more political advantage than disadvantages in stopping the project, compared to a partial realignment. I have been told that if the project were voted on as a referendum by the people of Florida, it would be defeated. Essentially, only a small minority of people in the Tampa and Jacksonville areas have a real interest in it. As you know, Governor Kirk backed away from the project in the last election and the Governor-elect opposed it. Although this certainly is not a detailed analysis of the political situation, I conclude that the benefits nationally of dropping the project would greatly outweigh the benefits of continuing it. I further believe that a bypass over only 20 miles of the project would be considered "tokenism" by conservationists and many others.
>
> Because of these reasons, I believe that termination of the project would bring maximum political benefits, would prevent potentially significant environmental problems and would save a great deal of Federal money for a marginal project.
>
> Attached is a draft Presidential statement on cessation of the project. (1)
>
> RUSSELL E. TRAIN,
> *Chairman.*

When the President made his halt order by a press release on January 19, 1971, I immediately asked for the opportunity to talk to the Council on Environmental Quality, since they were the ones that made the recommendation to the President. In the meetings which transpired in May of 1971, I was told in an open meeting there that the Council on Environmental Quality had never made an ecological study of the canal at all. They based their memorandum to Mr. Whitaker primarily upon publications in the Florida Times-Union, which is a newspaper owned by railroads which have traditionally always opposed the canal. Since they never made a study themselves, the Council on Environmental Quality certainly cannot be used as a basis for an objective scientific authority on the ecology of the canal.

From the memorandum and from discussions with CEQ officials, it is clear that President Nixon's January 19, 1971, announcement to halt work on the partially completed canal was politically motivated and not based on sound factual advice from environmentalists, something which even today is still badly needed.

Eventually, there were reports on the canal from the Corps of Engineers, environmental groups and others. The report by the Council on Environmental Quality apparently resulted from no new research and study but parroted back what had already been said. Moreover, it was not a request to Congress to repeal the authorization and to cut off funds, but assumed incorrectly, constitutional authority to halt the project without further action by Congress. In his extension, Congressman BAFALIS quotes the U.S. Geological Survey as warning of:

> Potential aquifer contamination and pollution of canal waters which could affect estuarine waters and their estuaries.

Yet this same organization, in the basic study made by them in this matter reported:

The geohydrologic investigation of the Cross-Florida Barge Canal area reveals that the design of the canal and the plan of operation are consonant with the hydrologic regime. Thus canal operations should not seriously affect the regimen of the economically and ecologically important large springs—the water level, rate of flow, and the quality of water at Rainbow Springs, for example. Further, if Summit Pool lockage losses are essentially replaced and operating precautions are taken against pollution of Summit Pool waters there should be no noticeable adverse effects on the water level, rate of flow, and quality of water of Silver Springs.

Mr. BAFALIS also pointed out that a volunteer group of environmentalists once said the Cross-Florida Barge Canal is a "classic example of the reckless degradation of the natural environment." This group had no governmental sanction. There are environmentalists on both sides of this issue. Many of them support the canal wholeheartedly. One is John H. Davis, an ecology consultant from Gainesville, Fla., who has studied this area for the past 25 years. In a May 15, 1973, letter to President Nixon he said:

> A waterway, such as this Canal, has less impact on the environment and resources than highways because a waterway retains the ecological attribute of water that can be the habitat for many animals and aquatic plants and, with good management, can be maintained as a visible ecosystem. In Contrast, highways destroy the ecosystems through which they are constructed. More waterways will, as traffic increases, help relieve the construction and wear on highways and may, in the case of Florida, become an economic as well as ecological alternative of increased highway construction.
>
> These relative merits of waterways compared to highways in maintaining more viable ecological attributes, are often overlooked by citizens and scientists who protest the completion of the Cross Florida Barge Canal. (3)

As I mentioned before, what we in the Congress are seeking is to hear both sides of this issue from as many environmentalists as can make contributions in this important matter. There have been questions raised in connection with the canal, but it is only when we study the facts, in proper hearings that we will hear how the questions can be answered and the problems solved, often at no additional costs. For instance, some critics of the canal incorrectly say eutrophication—water deterioration—would be a serious problem, but the Army Corps of Engineers says:

> The best tool available to prevent eutrophication—water level fluctuation—costs nothing. Recognizing the need to retard the natural process of eutrophication, the Corps is presently studying plans for an annual water level fluctuation program for Lake Ocklawaha. The literature indicates that this management tool (1) retards eutrophication by oxidation and compaction of bottom sediment, (2) promotes growth of desirable aquatic vegetation around the shoreline, (3) helps to control undesirable aquatic vegetation, (4) increases growth rates and production of desirable gamefish, (5) results in cropping of forage species and small centrarchids which compete with and prey upon the young of desirable game species such as largemouth bass, (6) induces spawning of game species, (7) provides the proper habitat for young game species, and (8) produces a game species-dominated fishery. (4)

Mr. BAFALIS' argument that "ecological problems almost beyond comprehension" have been created must again be tempered with the fact that engineers and environmentalists have not yet had the opportunity to make known all the facts about the canal and many environmental authorities feel there is no serious problems here at all. What may be beyond the comprehension of some, is just not beyond solution by others.

Congressman BAFALIS said that the excellent sports fishing now being enjoyed along the canal would be short term and soon "trash fish" would begin to populate the canal area greatly reducing its recreational value. Again, the Army Corps of Engineers disagrees:

> Lake Ockawaha is a new reservoir and as such has shown "marked increases in (its) sport fish populations" and has exhibited "excellent harvest success" especially in the past year. With the availability of management techniques, such as water level fluctuation, this high sport fish production and harvest can be maintained indefinitely. Drawdowns offer the best hope for retarding eutrophication and maintaining the fishery, and appears to be a solution to the problem of controlling submersed aquatic vegetation. The statement that Rodman reservoir will peak earlier and harvest success will stabilize at a lower level is speculative and, based on current information, totally incorrect. (5)

The Corps of Engineers also said:

> Based upon national reservoir statistics, a boom in fishery production occurs in new impoundments, after which there is a decline. However, the decline, even over a 100-year period, would show a fishery value of nearly $600,000 per year as compared with a fishery value of the Oklawaha River of $26,000. As noted above, with proper management the "boom" period of fishery production could be extended almost indefinitely, at little or no cost. (6)

At the conclusion of Mr. BAFALIS' report, the Forest Service is quoted as saying:

> Regardless of the route chosen, the canal will provide a direct infestation route and means of transport of potential pest organisms.

The answer to the criticism is simple. Why have not these mysterious "pest organisms" passed through the Caloosahatchee Canal, the St. Lucie Canal, the Hillsboro Canal, the Ocean Canal, the West Palm Beach Canal, or the other canals that now crisscross the State of Florida, linking the Atlantic and Gulf of Mexico through Lake Okeechobee. These are sea level canals, much more adapted to the flow of sea life and yet there is no reported problem. One more canal could hardly be expected to change the pattern; and, after all, the gulf and the Atlantic Ocean are already open to each other by nature and have been for millions of years.

The fact is that objectionable sea creatures that currently live in the Gulf of Mexico simply could not survive off the coast of north Florida where the salinity and water temperatures are much different from those in the gulf. Otherwise, they would have come through the natural straits of Florida millions of years ago.

Finally, Mr. BAFALIS argues against the potential submarine threat and says the canal would not give a protective shipping route any longer, because of missile-firing submarines. Well, the truth of the matter is that there is no absolute protection to anything from missile-firing submarines. One round of a Russian nuclear warhead missile from a submarine could obliterate all of New York City and much of the area around it. Our defense against that is our own nuclear deterrence, that is to prevent such a war from occurring. This does not mean that in wars of the future we would not want to have routes of transportation protected as much as we can from attack. And Russians still have and are still building torpedo-type submarines which are undoubtedly what they would use against tankers in a war with the United States, just as the Germans did in World War II. If we get down to the firing of nuclear missiles, there will be plenty of targets which would be more rewarding than a barge or even a barge canal. The value of the canal from a defense standpoint is in a conventional war and it has not been diminished in any respect but has increased in value.

As President Kennedy on June 24, 1963, said:

> . . . The cross-Florida project will provide a major link interconnecting the Gulf of Mexico and Atlantic Intracoastal Waterways, thereby affording a more direct and protected route for waterborne bulk cargos. The project will provide an impetus to the economy of the Southeastern United States and augment strategic materials transport capability in the event of a national emergency. (7)

Finally, I emphasize that this project, which is already well underway, and upon which $53 million has been spent, should not be killed on an excuse of unfounded assertions on ecology where it has never yet had an ecological adverse report upon it by any Government agency that has made an ecological study of it. When this study has been completed, we will be able to deal totally from fact and not from propaganda. Those who favor the canal and those who oppose could voice their views and reasons and a proper determination could be made.

President Johnson, on February 27, 1964, at the groundbreaking ceremony for the canal said:

> God was good to this country. He endowed it with resources unsurpassed in their variety and their abundance. But, in His wisdom, the Creator left some things for men to do for themselves. He gave us great rivers—but left them to run wild in flood, and sometimes to go dry, in drought. He left it to us to make their carriers of commerce. . . . He gave us the shallow waters along most of our coastlines which formed natural

routes for protected coastal waterways. But he left it to us to carve out the channels to make them usable. Today we accept another challenge—we make use of another natural resource. We will construct a canal across northern Florida to shorten navigation distances between our Atlantic and Gulf Coasts. When this canal is completed, it will spark new and permanent economic growth. It will accelerate business and industry to locate along its banks. It will open up new recreation areas. The challenge of a modern society is to make the resources of nature useful and beneficial to the community. This is the passkey to economic growth, to sensible and valid prosperity. To create a value where none existed before is to enlarge the hoard of nature's bounty and make it serve the citizenry. This new ribbon of water will enable barges to move across the Florida peninsula a few years from now, bearing commerce between the two sea coasts. In a sense this new canal symbolizes the essential unity that makes a nation out of regions. (8)

For reference, I am adding the sources of my information:

(1) *Congressional Record*, March 10, 1971, page E1686, Extension of Remarks by Mr. Young of Florida.

(2) "Geohydrology of the Cross-Florida Barge Canal Area With Special Reference to the Ocala Vicinity", by Glen L. Faulkner, Prepared by the United States Geological Survey, Tallahassee, Florida 1970.

(3) John H. Davis letter to President Nixon, May 25, 1973.

(4) "A Brief Assessment of the Ecological Impact of the Cross-Florida Barge Canal Addendum to November 1969 Report Florida Game and Fresh Water Fish Commission," March, 1970, p. 2.

(5) First Report and Comments, "A Brief Assessment of the Ecological Impact of the Cross-Florida Barge Canal by Game and Fresh Water Fish Commission", *November, 1969*, and Comments by U.S. Army Corps of Engineers, February, 1970., page 9.

(6) Same as Number (4), p. 22.

(7) Speech by President John F. Kennedy, 24 June, 1963 (Doc. 128, 80th Congress, First Session).

(8) Speech by President Lyndon B. Johnson, 27 February, 1964.

CONGRESSMAN ASPIN ANALYZES THE PENTAGON'S TACTICS BEFORE CONGRESS

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. KASTENMEIER. Mr. Speaker, the May 27 Washington Post featured an edited version of a recently published article by one of our colleagues, LES ASPIN, who has become known of late as a diligent adversary in the fight to make information about the Pentagon's regular activities public.

"Games the Pentagon Plays" is a fascinating analysis of the problems we face in confronting the Pentagon and the necessity of analyzing our defense needs in light of the kind of domestic and foreign policy we would like to have. It underscores the need to take a close look at the way we are spending the people's money, not only for defense, but in all areas of public interest.

The article appeared in this summer's issue of Foreign Affairs, and I would like to bring the complete article to the attention of the Members and strongly recommend that they take the time to read Mr. ASPIN's forthright analysis:

GAMES THE PENTAGON PLAYS

(By LES ASPIN)

There are certain things that congressmen know about the Defense Department budget. They know something about cost overruns. They are familiar with some of the fancy new weapons. And certainly they are aware that the Defense Department budget is going up while the Administration is cutting down on all domestic programs. Many even have a feeling that the defense budget ought to be cut. But somehow they don't know how. Confusion and lack of direction reign, and there is a general unwillingness to match their lack of expertise against the military.

This feeling of inadequacy among congressmen arises largely from the way in which the Defense Department budget is presented to Congress. It is not presented in a way in which Congress and the public can understand and actively discuss the major issues in defense. It is, in fact, presented in a way designed to prevent Congress from understanding what is going on.

There are, of course, any number of reasons why Congress is so pathetically inept at controlling military spending. At the top of the list, according to the conventional knowledge, are outworn cold war ideologies, the political might of the weapons industries and Armed Services Committees, whose senior members, for the most part, seem to be under the influence of both. From what I have seen, I would hardly disagree. However, we have overlooked another aspect of the problem, which, with apologies to the late Dr. Eric Berne, I would call: The Games the Pentagon Plays.

Just as Games People Play prevent them from realizing their human potentials by diverting their energies into meaningless interpersonal strategies, the Games the Pentagon Plays (and which, of course, we in Congress play with them) sidetrack congressional attention from the underlying issues of defense policy and into endless, piddling debates on nonexistent issues.

"HOW MUCH IS ENOUGH?"

The overriding issue in defense can be reduced to a simple, straightforward question. That question, rarely discussed in Congress, is "How much is enough?" To have more than enough means wasting the taxpayers' money. To have less than enough means risking national security.

For strategic forces there exists, of course, a whole body of doctrine. As developed and refined through the McNamara years, strategic forces came to be based upon a theory of assured destruction. If the United States had enough forces to absorb a Russian first strike and retaliate to such an extent that it would destroy roughly one-fourth of the Russian population and one-half of the Russian industrial capacity, that was deemed enough. The Soviet Union, so the theory goes, would not commit suicide by starting a nuclear war under those conditions. It was calculated that 400 one-megaton nuclear warheads would be more than enough.

But now a question of judgment comes in. For a really safe policy of assured destruction, some have argued that we need to have some insurance against potential Russian technological breakthroughs, and so the United States would need several ways to deliver those 400 warheads. Others have argued that we need more missiles to target them in a "counterforce" or "war fighting" posture against the enemies' missiles and not just against cities. So some redundancy is argued for. The United States has redundancy both in numbers of warheads (we have at least 5,900, not 400) and in delivery systems. We have maintained the triad of bombers, ICBM's and SLM's at no small cost. What is more, it appears that we are going to continue to maintain the triad and continue to add to the number of warheads through Mirving—that is converting to Multiple Independent Reentry Vehicles.

What reasons the Nixon Administration has for continually adding to these forces is something Congress does not know. Nor is it ever likely to find out. House Armed Services Committee members are never instructed in strategic forces doctrine nor do they learn about any new theories and variations. Before the Committee, former Secretary of Defense Laird stated only that it is necessary to have more than enough for assured destruction. President Nixon has said that it is important for a President not to rely entirely on attacking population centers in a nuclear war and that, therefore, more warheads are necessary to give him more options.

All of this sounds like early McNamara. In 1962 and 1963 McNamara used to talk in similar terms—about the need for flexibility and nuclear exchanges which are not anti-urban population. But the theory became murky and the scenario became difficult and so McNamara chose, at least for force planning purposes, to rely on assured destruction. It may be that the Nixon-Laird theory of "sufficiency" is nothing more than the earlier Kennedy-McNamara theory of "flexibility."

I say *may be* because Congress does not know. Congress and its relevant committees do not discuss "assured destruction," "sufficiency," or "flexibility." The question of how much is enough and how to determine how much is enough is so rarely discussed in the House Armed Services Committee that if it comes up at all it comes up only in passing. More important, if it does come up it comes up only from a member's question which Pentagon representatives brush off with an inadequate answer.

Planning for conventional forces also leaves the House Armed Services Committee in the dark. When McNamara took office in 1961, he ordered a study of all possible trouble spots in the world. Assuming the United States was to be involved in all of them many divisions were needed. The study came up with a staggering requirement of 52 divisions. It was then decided that for planning purposes we would assume two major wars and one minor war at one time. While pretty crude, the whole exercise did give the conventional forces posture a semblance of rationality.

When Melvin Laird became Secretary of Defense, the planning assumptions were changed from 2½ wars to 1½ wars and the conventional forces were cut (but not proportionately). However, the rationale for these changes has never been discussed with Congress. Is it that we are not going to keep all the commitments that we had previously made? Or are we still prepared to defend them all but assume that few will erupt simultaneously? Or do we feel that because of improvements in local forces we need fewer U.S. forces to do the same job? These are the kinds of question that ultimately determine the size of the Defense Department's conventional forces budget. There is a vital link between what kind of foreign policy we have and what kind of conventional forces we need. But these are not the question discussed in the House Armed Services Committee.

THE GAMES

To avoid facing the real issues the Pentagon has devised a number of diversionary tactics—ploys that it uses when briefing congressmen or testifying before a congressional committee. The Pentagon briefing has not been called a new art form for nothing. Not only is it slick and professional, complete with colored slides and charts, but it is so devised as to divert the congressmen's attention away from the real issues in defense to a morass of side issues. There are basically five techniques that the Pentagon uses—five games that the Pentagon plays.

I. "The comparison game"

That is, to avoid talking about how much is enough, the Pentagon talks about how much the Russians have or what the Russians are doing. If they have more, we have to have more. If they are building more, in order to keep our lead, we have to build more. Never mind that we already have many times the amount needed for assured destruction. If the Russians have got a hundred new holes in the ground, that means that they are building more missiles and we have to build more missiles.

Sometimes this comparison game is difficult to play because about 85 percent of the comparisons between the Russian and the U.S. forces show us out ahead. It won't help the Pentagon to compare number of warheads, for example—the United States has 5,900 and the Soviet Union has only 2,500. Nor would it do to compare accuracy of weapons; our weapons are more accurate. Nor would it do to compare reliability; U.S. missiles are more reliable. So it is necessary to compare things in which we are behind. Megatons per warhead is one possibility because there the Soviet Union is ahead. Thus, even though megatons are not very important (doubling the megatonnage will increase a missile's destructive capacity by only about 33 percent), the Pentagon compares megatons.

The Pentagon likes to have Congress play these comparison games even though such comparisons are usually irrelevant. The Russians often have different types of forces just because they have different geographical and strategic needs. Congress listens to briefings about how many more submarines the Russians have without once hearing the briefer explain that the Russians are building a large submarine fleet to interdict the U.S. naval supply lines in a time of war, and the United States does not need so many submarines because the Russians do not have long naval supply lines. But the Pentagon does not explain comparisons, it only makes them.

II. "Accentuate the negative"

The Navy is probably better at this game than anybody else in the Pentagon. When necessary, the Navy can come up with a whole new set of statistics to reinforce an otherwise questionable argument. For example, the Navy is currently trying to show that the Russian fleet is increasing so dramatically that it may soon endanger the U.S. Navy on the high seas. To help prove this they have invented a statistic called "ship days in the Mediterranean." Nobody used to talk about "ship days," but now we do—the Pentagon is able to redefine the problem.

One ship spending one day in the Mediterranean is a "ship day in the Mediterranean." If the United States has a single $1 billion carrier in the Mediterranean, with all its planes and fire power, that's one "ship day in the Mediterranean." The Soviet Union can launch two rowboats armed with machine guns and have two "ship days in the Mediterranean." This is a little facetious, but not very. Russian ships in the Mediterranean of all classes except cruisers are much smaller than their American counterparts—and no Russian ship anywhere approaches one of our attack carriers in size or firepower.

Other statistics used are not quite so phony but are not completely honest either. The Army compares the number of divisions the United States and NATO have in Europe with the number the Russians and the Warsaw Pact have. The Russians have more. A Russian division is about one-third the size of a U.S. division and has about one-third the firepower, but that is left unsaid.

III. "I'll scratch your back if you scratch mine"

In Pentagon translation this means I will support your questionable weapon system if you support mine.

Each service has at least one major weapon that is vulnerable in the sense that there are people who, for generally excellent reasons, question its usefulness. When this happens there is always the slight possibility that Congress might actually cut the funds for it. Usually this vulnerable weapon is a very expensive prestige item that performs a traditional role for that service—a nuclear carrier for the Navy, a B-1 bomber for the Air Force, and a Main Battle Tank for the Army. When any one of these weapons systems comes under attack, the call goes out to circle the wagons and each service eloquently defends the others' pet projects.

In private, of course, there may be a different point of view. The Air Force has done studies that show the cost of an aircraft carrier is four to seven times more expensive than a land-based wing of aircraft. (Navy studies of the same subject show that the costs are about the same.) If the choice was put on buying either a carrier or another Air Force wing, then service solidarity might break down. But before Congress such a choice is never discussed. All the services will support the Navy's carrier and then all the services will support the Air Force in whatever it wants.

Sometimes this game is played within a service as well as among the services. The Navy, for instance, is sharply divided into the surface navy, the air navy, and the submariners. Those in navy air are the only ones really interested in a new carrier. But by mutual back-scratching, such as a trade-off for Trident, the whole Navy can be brought aboard to support the carrier. Ultimately the American public will find that it has bought a new carrier though even within the military establishment only a small percentage of the people really thinks it is a wise investment.

IV. "The quantity-quality switch"

When the Pentagon is arguing for a specific weapon, such as the Trident or the B-1 or the F-14, they emphasize quality. Never mind that the F-14 is four times more expensive than the F-4 which it is replacing. The Navy says that it is qualitatively a much better plane and, therefore, well worth the money. However, when it comes time to replace F-4's with the F-14's, we discover that the Navy wants to replace them on a one-for-one basis. If the new planes were that much better, qualitatively, you might have thought that we could do with fewer of them, but now the Navy is arguing quantity.

This game is also played when comparing our forces with those of the Russians. NATO's tactical air forces are much better than the Warsaw Pact's. They have greater payload, greater loiter time, longer pilot training. Indeed, we are paying for this edge in quality. But whenever the Pentagon presents a briefing on the NATO and Warsaw Pact forces, they compare the Warsaw Pact's air force with NATO's air force as if the planes were equal.

V. "Heads I win, tails you lose"

The object of this game is for the Pentagon to place itself in a position to argue for an increase in the Defense Department budget no matter what happens. It goes this way: if the Soviet Union increases its defense budget, that means that the United States must also increase its budget. But if the Russians reduce their defense budget, our high defense expenditures have been successful. Therefore, we ought to increase our defense budget even more.

We saw the "Heads I Win, Tails You Lose" game played during the SALT negotiations. The Administration argued that without an agreement we needed to spend money to update and protect our strategic forces. But it turns out that with an agreement we have to spend money to update and improve all of the forces not covered by that agreement. In addition, the Administration argues that we have to spend more money to create new weapons systems as "bargaining chips" for the SALT talks, although the weapons systems thus created are of dubious military value, and exist solely to be negotiated away. Thus, the defense budget goes up either way.

The best current "Heads I Win, Tails You Lose" game is being played with the U.S. troops in Europe. When there was a crisis in Europe, such as Berlin in 1961, or Czechoslovakia in 1968, that was clearly not the time to reduce our troops there. However, now that there is a relaxation of tensions, the Pentagon argues that our policy of firmness has paid off and that to reduce our forces at this time would jeopardize the peace in Europe. If you cannot reduce troops in Europe when there is crisis and you cannot do it when there is détente, when can you do it? There is no answer to that question. The Pentagon is very adept at getting Congress to play "Heads I Win, Tails You Lose" with them.

THE POWER OF A CONGRESSMAN

These five games are not the only games the Pentagon plays with Congress, but they are some of the major ones. What's more, the Pentagon is winning these games—winning in the sense that through them the Pentagon establishes the way in which Congress looks at the defense budget, establish the parameters of the debate in Congress, and determines what factors are in a congressman's mind when he votes on defense issues.

Against these Pentagon games an individual congressman is nearly powerless. Being on the Armed Services Committee or the Appropriations Defense Subcommittee gives a congressman access to classified information, and that can be marginally helpful in seeing through some of the smokescreens that the Pentagon lays down. But any attempt by individual congressmen to stop Pentagon game-playing is bound to lead to frustration.

An individual congressman has no leverage—nothing he can withhold in order to force the Pentagon to do what he wants. On a committee as pro-military as the House Armed Services Committee (approximately 37-6, hawks to doves), the Pentagon has no particular reason even to care about one vote. In committee hearings a congressman can question a witness for only five minutes, and any witness can filibuter for that long. In questioning witnesses the committee staff is not helpful to hostile members, and a congressman's own staff is not allowed into the all-important closed hearings. A committee member can write letters to the Pentagon and because he is on the committee they will reply. But this means only that they will send back a piece of paper, not necessarily that they will answer the questions. Eventually an individual congressman learns that it is hopeless to try to raise the larger issues, and that if he wants to have any impact at all he must focus on the smaller, less philosophical, more specific issues such as a particular defense contract.

If a change is to come, and if the Pentagon is going to be made to address the basic questions, it is up to the whole Armed Services Committee. That committee has the authority to get any kind of information it wants from the Pentagon simply by holding up the defense budget. The tactic is simple; hearings on the budget are not started until the right issues are discussed—no tickee, no washee. This kind of leverage can make a difference. Only such a committee performance would be able to change the way the Pentagon treats Congress.

WHO IS ON ARMED SERVICES?

Why the Armed Services Committee does not do this has a lot to do with who is on the Committee, and why. When a congressman first gets elected, one of the things he immediately starts thinking about is how to get re-elected. That is, after all, what politics is all about. To get re-elected, especially for a junior member with no chance to pass important national legislation, constituent service is important. What this means is that if the congressman comes from an area in which a big defense contractor is a major employer, it helps to be on the Armed Service Committee. So junior congressmen with defense constituents aim for the Armed Services Committee (later they acquire too much seniority to change), and as a result the Committee is top-heavy with congressmen who are constituency-oriented on defense.

The constituency-oriented membership of the House Armed Services Committee helps to explain why, for example, in the FY 1972 budget the committee spent less than an hour and passed without amendment the $2.5 billion"Support to Free World Forces" appropriation (which was virtually all for Indochina) while on the $1.9 billion request for "military construction" with its massive pork barrel implications, they took 12 meetings, covering a period of three weeks. It also helps to explain why there are so few votes on the House Armed Services Committee to cut the defense budget. Amendments to cut the defense budget, which receive 25 to 30 percent of the votes on the House floor, get in little more than 10 percent of the votes in committee.

The Armed Services Committee is certainly not the only constituency-oriented committee in the House—Agriculture, Merchant Marine and Fisheries, Science and Astronautics have similar problems—but the Armed Services Committee has a peculiar handicap. Members of the Armed Services Committee get no feedback from their constituency at large about how adequate defense is. In any domestic program such as education, congressmen hear not only from the producers (the teachers, school administrators, etc.) but also from the consumers (the parents, school boards) and they do not have to rely solely on HEW to tell them whether or not the education program is working, where it is wasteful, where it should be expanded or cut. But in defense, congressmen hear only from the producers (military contractors and unions) and they have to rely on the Pentagon for information about how well the program is performing. Because of the nature of the information a congressman gets, the Armed Services Committee is typically less concerned about the question of how much we are buying in defense than the question of where we are buying it. The Committee is less concerned about how many DD-963 destroyers the Navy should build, for example, than about who will build them.

This is not to say that the House Armed Services Commission is always a pushover for the Pentagon. The Committee vigorously objects to such charges and at times the Committee actually *does* get tough with a defense contractor—most notably in the nonhardware parts of the Research and Development budget or some aspects of manpower. But basically the Committee, because of its composition, views a rising defense budget with something less than alarm. If it worries at all about the military budget, it is mainly about whether there will be trouble with it on the House floor. The House Armed Services Committee does not force the Pentagon to stop playing games and to address the issue of how much is enough, because the Committee itself is not interested in pursuing that question and is less than enthusiastic about the House pursuing the question. The end result is that how much is enough is never really discussed in the House, although a number of congressmen (most of them not on the Armed Services Committee) would like to.

If we are ever to start bringing military spending under control, what we need—at the very least—is a true dialogue with the executive branch on defense issues. That is the positive description of what an end to gameplaying by the Pentagon would mean. What this requires is that the Armed Services Committee exercise its power to force the Pentagon to address the real issues.

It is fashionable these days to suggest that the problems of the House can be corrected through structural reform. Seniority is one of these issues. While helpful, I don't believe that structural reform alone would bring about the kind of changes we need. Changing the means of choosing committee chairmen would not make a significant difference in the practices of the Armed Services Committee, and it wouldn't much improve our chances for a rational defense policy. Yet I am not completely pessimistic.

There have already been some changes in the House and in the Committee which have not come about through structural changes. The defense budget is no longer the sacred cow that it once was. Outside witnesses who argue for a reduction in defense spending are now permitted to testify before the House Armed Services Committee, and dissent generally is more tolerated on the Armed Services Committee than it has been before. These changes came with a turnabout in the attitudes of the Committee members themselves.

What's more, the pressure which brought about these minor changes is bound to increase. As money becomes scarcer for domestic programs, prices continue to rise and high taxes continue to be unpopular, people are bound to start looking at a bloated defense appropriation and wonder why. Why, for example, is the military asking for more money, not less, now that we're out of Vietnam? Why especially after the SALT agreements, should the military get the peace dividend instead of the taxpayer?

If constituents start asking these questions, it won't be long before congressmen, even those on the House Armed Services Committee, will start getting the message. And through this they may come to believe that their constituency is really much broader than just the defense industries. So the hope for change, I believe, lies in the very impulse that until now has kept the Armed Services Committee a preserve of the military-industrial complex: that is, the wholly natural, self-interested desire of politicians to serve their constituents. And when that change occurs, one of the first things on Congress' agenda will be to stop playing along with the games the Pentagon plays.

JUNE 16, 20TH ANNIVERSARY OF EAST GERMAN PROLETARIAT REVOLT AGAINST COMMUNISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. RARICK. Mr. Speaker, 20 years ago, June 16, 1953, the German workers of East Berlin staged a rebellion against their Communist slave masters that disspelled the utopian promises of communism as a wave of the future.

The rebellion of the German proletariat against the Bolsheviks Soviet regime has not been forgotten in Germany nor elsewhere around the world where free men are still exploited in the promise of forced freedoms under the dictates of a police state. I insert in the Record one of the few stories that have appeared in America, "The Revolt That Shook Red World" from the June 1973, VFW magazine:

The Revolt That Shook Red World

(By Robert Smythe)

Twenty years ago in June, 1953, Communist East Germany was shaken by a revolt of 2 million people who suddenly defied Soviet dictatorship.

For three days, the workers went to war against their oppressors, dynamiting factories into which they'd been locked like slaves, they tore open prison gates, fought Russian tanks with rocks and faced machine guns with sticks. Some 300,000 men laid down their tools in one of the biggest strikes ever to occur behind the Iron Curtain.

The first demonstrations started on June 16, a Tuesday, when a group of East Berlin construction workers were told their work quotas had been increased by another 10%. At the same time, wages would be lowered by almost a third. Yet there would be no extra food for them.

On the Stalinallee, East Berlin's principal thoroughfare, a few bricklayers walked off the jobs in protest, joined by a dozen carpenters and laborers. At 9 a.m. 80 angry men marched toward the Communist "trade union" office. The doors were locked. Within an hour, their number swelled to a thousand. Mechanics rushed out of garages; painters climbed down scaffoldings as the marchers called: "Mates! Come with us!" The throng pushed toward the Alexanderplazt, a large square in the center of East Berlin. Yet it was only the beginning. By noon, the human river had become a torrent. Pale welders, goggles still glued to their foreheads; tired lathe operators and pipefitters in their overalls, black-garbed chimney sweeps; stone masons with wooden boots, flanked by children on rusty bicycles and housewives in clean, threadbare aprons.

That day, 15,000 people moved along Linden Street; 10,000 others met spontaneously at every corner. Like a mighty flood, the crowd swept aside *Vopos*—Peoples Policemen—and party officials. "To the Wilhelmsstrasse!" workmen called. The masses surged toward he government headquarters.

For years, they'd endured the regime's oppression with patience. Like the Czechs in Pilsen who rose up a few months earlier, these East Germans were rebels with a cause. The tiniest farm belonged to the state. Religion had been squashed and the jails were bursting with the innocent. Conditions in factories had become intolerable. No worker was allowed to move or change jobs. There were 12-hour shifts, including most Sundays. Food was scarce and the workmen's stomachs growled. "Down with the Red Clique!" read one banner. "We Want Freedom!" read another. The dam had broken; the waters now lapped against government offices. But *Vopos* locked the gates in the demonstrators' faces.

A delegation asked to see Communist officials. When none dared come out of the building, the people cried: "Cowards!" Finally one official, Heinrich Rau, emerged as a representative of Walter Ulbricht, then head of the puppet regime. A table was brought; Rau stepped on it. "Dear comrades!" A bricklayer jumped up beside him. "You are not our comrade!"

"I'm one of you!" Rau said.

"What do you know about work?" the bricklayer cried. "Show the people your hands!"

By afternoon 35,000 workers were striking in East Berlin. Apprentices on bikes raced to other towns, and the rebellion—still without plan or leadership—spread to dozens of East German communities. In Leipzig, workers picked up the news of the revolt on the West Berlin radio. When *Vopos* attacked the strikers, their rifles were smashed against curbstones. Workers then rushed to the city and county courts, which had meted out harsh punishments to non-Communists. The gates were locked. But such was their fury "that the workers broke the steel bars with their bare hands." In Magdeburg a train carriage full of political prisoners was disconnected in five minutes and the convicts freed. One was a 74-year-old farmer sentenced for withholding two eggs from the state. In Halle, 60,000 demonstrators gathered. Merseburg factory workers were told: "Who wants to strike, goes to the right. The rest to the left." According to a witness, "All the workers went to the right." (Leipzig, Magdeburg, Merseburg and Halle were captured by American troops in WWII.)

That evening 300,000 men and women were striking behind the Iron Curtain. The Soviets were stunned. It thundered and rained the morning of June 17 as 10,000 attacked the government seat. It was well-guarded by *Vopos,* whose rubber truncheons beat back a first wave of East Berliners. The men withdrew a few yards, as rain pelted their chests and shoulders. But behind them a new mass of attackers had formed. Among them were women, mostly seamstresses, who fought the policemen with umbrellas. Paper placards grew soggy. So the crowds shouted their messages: "More butter and less police! Better working conditions!" Thousands yelled in unison "Freedom!" ("It was a single-deep-throated, desperate shout that could be heard for miles," a *New York Times* reporter wrote.)

Red bosses locked steelworkers into a factory; gates were pried open and the men started their march to the capital. Their wretched boots came apart; they trod on bare-footed, wet to the skin, too bitter to feel the cold. Tractors pulled hundreds of farm workers into East Berlin.

On their way to East Berlin, other newcomers set fire to the barracks of the hated *Vopos*. Quarry laborers, still grey with dust, silenced radio stations, stormed Communist party headquarters, smashed offices of "German-Soviet Friendship." Propaganda leaflets were hurled into streets, Communist papers burned. At the Woman's Penitentiary 500 housewives demanded the release of political prisoners. They succeeded.

Indeed, success seemed to be on the side of the crowds. White flags of surrender waved in several *Vopos* headquarters. Many policemen tossed away their guns. Some Communists were so swayed by cries for freedom that they ripped off party insignia, or tore up their party books. Two young people climbed the Brandenburg Gate, and in the most symbolic gesture of all, pulled down the hammer and sickle flag. Under the noses of Red soldiers, the cloth was shredded. Everywhere, Communists posters and pictures were trampled and burned. Most of the newsstands fell and Stalin's statue lay smashed. (Stalin had died the previous March, but Ulbricht continued his hard line.) Other rebels, suddenly aware of their strength, broke into the headquarters of the once dreaded Secret Police. They threw files from windows and freed the prisoners. The fury had reached a fever pitch. It looked almost as though the puppet regime would be forced to resign.

Suddenly the first Soviet T–34 tank appeared; it fired into the throng: men reached for the only weapons they could find; they threw rocks at the tanks. By midafternoon dozens of Soviet armored vehicles rattled across East Berlin's cobblestones.

Despite machine gun bursts, brave East Berliners climbed the turrets of the metal monsters and tore off their radio antennas. On Leipziger Street, two bold youths stuck a metal pole between the steel belts. It stopped in its tracks. Other East Berliners pushed fence posts into a T–34's gun barrels, or spread the ground with boulders. In a park, workers advanced arm-in-arm against a firing Soviet machine gun. They marched on, the wounded between them.

Tanks were everywhere now. So was martial law. The whole scene was like Budapest, Hungary, when some three years later the Soviets showed force and battled civilians with tanks, or Prague in 1968.

"The East Berliners had the courage of despair," declared Dr. James B. Conant, then U.S. High Commissioner in Germany. The world watched East Germany with sharp suspense. Pope Pius XII followed events by the hour. West German Chancellor Konrad Adenauer said: "My heart and hopes go with you!" But by the evening, the hopes for free elections vanished in East Germany. They faced two Russian divisions. Armored vehicles and artillery now guarded all major intersections. Russian machine guns were trained on government buildings. Whenever more than three people gathered, Soviet troops started shooting. At least 600 East Germans were killed, 1,800 wounded. Backed by bayonets, Communist courts started to swing into vicious action, too. While the West protested, some 19,000 people were jailed. Communist terror lashed out at the workers, the very men in whose name they ruled.

In time, hundreds of Communist officials were purged. Many East Germans were sentenced to death for leading the revolt. "They rebelled against a system that had disguised slavery under the shabby cloak of socialism," Willy Brandt told West Germans. In Washington, President Dwight D. Eisenhower said the East German "paradise" had finally revealed itself in its true colors. The late Chancellor Adenauer said: "We stand in awe before these brave men." In Bonn, the West German flag flew at half-staff, the 17th of June became a national holiday.

The revolt had not been in vain; work quotas were temporarily eased; wages went up. The regime took a softer line. The rebellion nevertheless sent more East German refugees streaming into the West. Thousands "voted with their feet" by fleeing to West Berlin. Then, in August, 1961, the Communists built the "Wall of Shame." Some 30 miles of barbed wire, rock, bricks and death strip ditches suddenly cut off East from West, brother from brother. And 17 million East Germans found themselves imprisoned once again.

But not for long! Neither booby traps nor mine fields could intimidate freedom seekers. During the past decade, East Berliners have dug 400-foot-long tunnels, jumped from roofs into the West, and swum across the Spree River while Communist patrol boats fired at them. Experts in Soviet affairs doubt there will be a repetition of June 17, 1953. But the rebellion is not forgotten. History sees to that.

FARLEY INTERVIEWED ON 85th BIRTHDAY

HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. CAREY of New York. Mr. Speaker, I was privileged to organize and participate in a special order of the House of Representatives, honoring Jim Farley on his 85th birthday. I am pleased that so many of my colleagues were able to send their greetings and best wishes to Mr. Democrat on this occasion.

Jim was kind enough to write and express his heartfelt gratitude to the House for helping him celebrate his birthday in this way. He was particularly touched by the way the many memories were evoked by Members' remarks.

On the occasion of his birthday, on May 30, Jim granted a press conference. I ask unanimous consent that the article that appeared in the Atlanta Journal for May 31, 1973, be printed at this point in my remarks. This interview on past and current events provides us all with some insight into the remarkable perspicacity and patriotism of a man who continues to view the Presidency of the United States with nonpartisan respect.

The article follows:

FARLEY MARKS 85TH BIRTHDAY, SAYS WATERGATE AIDS DEMOS

NEW YORK.—James A. Farley, a longtime power in the Democratic party who twice masterminded Franklin D. Roosevelt to the presidency, celebrated his 85th birthday Wednesday doing what he does best—talking about politics.

In his richly furnished Madison Avenue office, Farley, dressed elegantly in a blue suit with white shirt and blue tie, talked about the approaching mayoral election and Watergate.

Speaking on national politics, he said "the situation in Washington is sad."

"The Watergate affair has brought criticism of the presidency unheard of since the Grant and Harding administrations," he said. "Watergate will be in the newspapers for months and the trials and investigations could continue for years."

He said the Watergate scandal will bring more Democrats to the House and Senate in the 1974 elections and "the Republicans don't have a chance in 1976."

Farley, a robust man in splendid physical condition who doesn't look a day over 70, said, "I hope nothing will come of this talk about impeaching the President. It would only hurt the country."

He said he wasn't particularly referring to the plight of President Nixon but to the plight of the office itself.

"I have high regard for the presidential office and any impeachment would divide the country and would be disastrous," Farley said.

Asked who he thought the Democratic standard bearer would be in the next presidential election, Farley, who broke with Roosevelt when his close friend sought a third term, said "It's hard to say." But, he added as an afterthought, "You can't count (Maine Sen. Edmund) Muskie out."

As Farley concluded his news conference, a group of seventh and eighth graders from the James A. Farley Intermediate School in Stony Point, N.Y., entered his office and sang happy birthday to him.

One little girl, asked if she knew who Farley was, replied with a giggle: "I think he was a mail man, or something like that. No, wait a minute. He was postmaster general."

GINGER ROGERS PROPOSES DOLLAR-A-YEAR WOMEN

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. McCLORY. Mr. Speaker, as I indicated in my remarks on the floor yesterday, Miss Ginger Rogers came to our city and spoke to the members and guests of the Congressional Club. I am proud to be the husband of the club's program chairman, Doris McClory. Her introduction of Miss Rogers, and Ginger Rogers' eloquent remarks are reproduced here for the benefit of my colleagues—and of all Americans:

Introduction Speech for Ginger Rogers

(By Mrs. Robert McClory)

Today we are so privileged to welcome a great star—and lady—to The Congressional Club. You all know that Ginger Rogers started her career in Texas by winning a Charleston Contest at the age of 15. She went on to Broadway and in no time was appearing in the play, *Girl Crazy*. Thence, she went to Hollywood—and I couldn't begin to tell you how many movies—19—before she and Fred Astaire teamed up. Do you know her films would fill six typewritten pages? I must mention that she won an Academy Award for *Kitty Foyle*. Of late, she has done three musicals—*Mame* in London, *Hello Dolly* on Broadway and she has been touring in *Coco*—this, plus frequent appearances on television . . . and since April 1972, Ginger has been Fashion Consultant for the J. C. Penney Company.

However, what you less likely know is that Ginger Rogers is a great force for good in this country. By her example, she has inspired many young people. Everyone who meets Ginger Rogers feels her warmth, her genuine charm, her love of people, her high standards, her sincere convictions about women in the world . . . I think we'll hear more about that right now . . .

What a joy to introduce someone whose friendship I truly treasure . . . the lady who wanted to be a school teacher . . . the indefatigable Miss Ginger Rogers.

Address by Miss Ginger Rogers

Ladies, it is my pleasure to be with you today and to address this important body of important women.

You are a formidable group, you know, because you have been through the political mill . . . and that is an education in itself. You have looked around you and have seen the problems of women . . . reaching out for their proper place in the scheme of things, where their native intelligence, sense of responsibility and resourcefulness may be expended to full capacity.

The woman of today is better educated, more responsible and resourceful than at any time in history. She is giving the lie to that old argument of "inferiority" . . . (inferior to men, that is). Inferiority is a negative attitude . . . It also has no gender. Resourcefulness is a quality of thought . . . so is responsibility.

Recently some friends of mine were speaking together and the word responsibility was used in this way "Responsibility is responding to our God-given ability" I like that! It made me realize that, to the extent I respond, to my God-given ability, to that extent I was capable of being responsible. . . of accepting responsibility. And there's nothing male or female about that, either. I thought I'd pass it on. You might like it too."

There is, in this nation, a vast pool of untapped talent. Tens of thousands of intelligent dependable women whose talents and know-how are only fractionally employed. They are the women of means, with organizing and executive ability, employed in their communities where they are making heroic efforts to bring needed social services with only contributions and donations to sustain their dedication. Most of their time is spent in begging donations . . . which never seem to be enough.

You, no doubt remember the "Dollar-A-Year" men who have served this nation so nobly and selflessly in the past. Some may be doing it now, I don't know. But—

One of these Dollar-A-Year men, during World War I, an engineer with vast projects all over the world, was appointed by the then president of the United States, to feed the starving nations of Europe, especially in the disaster area of the Balkans.

In a matter of days he requisitioned food and supplies and descended upon these starving people and saved millions of lives. Enlarging his duties by appointment of the Allied Nations, he became Food Commissioner to the Allies and to the United States and kept these nations supplied. He was a "Dollar-A-Year" man, as were most of his staff.

All right then, why not Dollar-A-Year women?

Our social service programs are in shambles. Our children's schools for the handicapped, our senior citizen centers and services, our community day-schools are closing, due to the high costs of "administration of the allotted funds."

The "woman of independent means" who is working today in her community knows more about her community's needs than some bureaucratically appointed, salaried official ever could know. Besides, giving her own services for free, she can marshall the free services of her community women's clubs and organization, and save those, ever-increasing costs of administration.

I wager that, in this room, there is not one among you who does not belong to one or more of these struggling, charitable organizations, either here in Washington, or back home. You know what I'm talking about. You know what an uphill fight these dedicated women have . . . to even make a showing in their communities. And . . . you know what it would mean to these organizations to be able to research the full needs, receive public money, and bring these projects up to the meeting of full need, so no child or senior citizen need be turned away, turned away, that is, by a sign on the budget reading; "NO MORE FUNDS."

In the small city of thirty thousand that has been the shopping center for my Oregon Ranch for the past 30 years, the Women's organizations have created and are operating a school for "Exceptional Children," a "Slow-Reader Children's School," and a "Senior Citizens' Center." They are doing this solely on donations and money-raising projects. The city is growing, the problems are growing; they must turn away many for lack of funds. And following behind these women are their daughters, just as talented, just as dedicated, and with even better executive ability through their studies in social service, in colleges and universities.

Not every woman of independent means could qualify! The "Dollar-A-Year" woman must have independent means and she must have organizing and executive ability already proven in her community. The token salary of a dollar a year, makes her appointment legal and answerable to the source of her funding, be that the Congress, her Governor, the County Commissioner or her Mayor. Her accounting must be legal and accurate. And, I am betting she could even get her C.P.A. work done as a donation!

We must keep our day schools . . . and build more. The working mother with one or more children who is able to hold a job and make her $100 a week or more, must have a suitable place to leave her children during working hours. This takes her off the welfare rolls, leaves her pride. Nine times out of ten she can return a few dollars a week for this service, thus reducing the operating costs.

To my sense the appointment of "Dollar-A-Year" women is a must. This untapped reservoir of talent must be used. John Kennedy, in his inaugural address said, "Ask not what your country can do for you. Ask what you can do for your Country." He wasn't speaking to "Men Only."

These talented women are waiting in the wings. Baffled by the withdrawal of Government funds. Asking how—how can they step into the breech and keep alive these closing services, with only donations and contributions? They are willing and ready to serve their Country . . . and it is high time someone did something for the country without remuneration.

Of course, the egg-heads, the ultra-liberal, the have-nots will scream at the idea of a wealthy woman controlling these funds. I say, let them scream! They are accepting her freely given charity now, and keeping very still about it. They screamed at the bureaucratic dispenser, too. They will soon find they are better off than before the "dollar-a-year" woman took over.

Going back to that wealthy mining engineer who was appointed as Food Commissioner to the Allied Nations and the United States during the First World War; our most famous "Dollar-a-Year" man, became in 1929 our 31st President, Herbert Hoover. And as President, he was still a "Dollar-a-Year" Man.

Is it so unthinkable to suppose that . . . say in 1988, one of our Dollar-A-Year women should become Madam President?

There. I've said it . . . and I'm glad.

Thank you.

LEARNING IN NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. RANGEL. Mr. Speaker, nothing concerns the citizens and public officials of New York City more than the state that our public school system is now in.

A recent New York Post series dealing with the overall condition of New York City included an article on our schools. I now submit the New York Post article entitled, "Schools: A System in Trouble":

[From the New York Post, May 11, 1973]

Schools: A System in Trouble

(By Bernard Bard)

Q: What's wrong with the schools?

A: After all the talk about reform and new money (much of it just talk), the large fact is that teaching of basic life skills—reading, writing and arithmetic—is not taking for more and more children. For tens of thousands of children, and their parents, the schools are "failure factories."

Q: How bad is the problem?

A: The latest figures from the Board of Education (March, 1973) show that 66.3 per cent of the city's elementary pupils and 71.3 per cent of the junior high and intermediate school pupils are reading below grade level.

Q: Is this pattern spread uniformly around the city?

A: It's worst in schools with poor children, often the opposite in schools with pupils from middle-class or well-to-do families. In four districts—Brooklyn's 22 (Midwood-Sheephead Bay), Queens 25 (Flushing-Whitestone) and 26 (Bayside-Douglaston) and Staten Island's 31—average scores exceeded national norms.

The state's Fleischmann Commission, appointed by Gov. Rockefeller and charged with investigating every facet of public education in the state, said last fall that the city schools were a "dual system" in which white children learned to read above national norms and most black and Hispanic children came out virtually illiterate.

Q: What are the odds for—or against—a city child making it in public school?

A. According to the Fleischmann Commission, the chances are four to one against a 9th grader obtaining an academic diploma—the usual "ticket" to college—and four chances in 10 that he won't graduate from high school with any kind of diploma.

Q: Who's to blame?

A: There are almost as many culprits as there are analysts. Most teachers, and their official spokesmen, put a large share of the blame on poverty, the absence of stimulus at home. "Achievement levels have gone down," says Albert Shanker, president of the United Federation of Teachers, "because the socioeconomic class of pupil population continues to change at a pretty rapid rate."

To Dr. Kenneth B. Clark, a member of the State Board of Regents, the placing of blame on family deprivation is "double-talk" and "alibis." He says the fault lies with teachers who do not teach, unions that block reforms, and an educational establishment that is indifferent to the fate of poor black and Hispanic children. "They are regarded as subhumans, as non-educable. They are expected to fail," says Clark.

Q: Do educators know what they are doing?

A: It's arguable. Manny Fleischmann, the Buffalo lawyer who headed the three-year $1.7-million study commissioned by Albany, says it came as a shock to learn during his investigation that "after thousands of years of effort there was still wide disagreement on such an elementary matter as the best method of teaching children to read."

In a similar vein, Board of Education vice-president Seymour P. Lachman said not long ago, "I have been amazed and dismayed to discover . . . how little we know about the fundamentals of education, and how a student actually learns to read or write or to think analytically . . ."

Q: Is money the problem?

A: Partially, but this is not the whole story. It is true, as former Chancellor Harvey B. Scribner observed last spring before his departure from 110 Livingstone St., that the city schools had taken a 13 per cent budget cut over the previous two years that lost them 3500 teaching positions.

It is also true that some of the cuts hit hardest at "inner-city" schools such as Community School 31 in East Harlem, which scored near the bottom in the last citywide reading tests, lost many teachers especially trained in a new reading method, together with its one-hour daily reading program and after-school tutorials. It is also true that education is a classic example of institutionalized ineptness and money-wasting. For instance, with all the concern about reading-retardation, Dr. Anthony Polemini, head of the school system's Bureau of Educational Research, admits:

"Too many approaches to the reading problem have been disparate and uncoordinated. Millions of dollars have been spent on reading programs with questionable feedback."

Beyond that, the city school system (probably like most school systems) operates to protect the economic self-interest of teachers and supervisors as a first priority. In times of budget cuts, the order of layoffs is dictated by rules of seniority, so that C.S. 31 loses its specially-trained reading teachers because they were the last hired, and Community School District No. 3 (west of Central Park) lost some specially-trained substitutes who took special training in the "open corridors" approach to early-childhood education.

In the 1972–73 school year, while the school budget went up by $200 million, virtually all the money went to mandated raises and for pension and welfare costs. And the Fleischmann Commission noted that the Board of Education's "swollen pension system" is far more generous than the best that private industry has to offer. Manny Fleischmann came to the conclusion that while education is underfinanced, there could be a lot more bang for the buck "if the public insisted on getting its money's worth."

Q: Wasn't school decentralization intended to counter school failure?

A. Decentralization was voted in 1969 by the Legislature as the followup to demands and pressures for the breaking-up of the centralized system into more manageable units. It was felt that this would bring the schools closer to the local communities, make them more responsive, more flexible and, presumably, more effective. Decentralization began in 1970, with the first community school board elections that brought out 15 per cent of the eligible vote. New boards were elected (to take office July 1) in last week's second community board elections.

Thus far, there is no clear evidence that decentralization has improved classroom performance on any kind of wide scale.

Children in districts where reading scores were low are still performing poorly; those in areas where pupils did well in the past are still doing nicely. There have been charges that some community boards are too busy arguing over personnel appointments to pay enough attention to the place where the real action is—the classroom.

It also has been observed that changes in the classroom are pretty much a function of a union contract, negotiated centrally by the central board and the UFT, with community board observers having only a modest impact. Others argue that decentralization only was intended to give some organizational streamlining to a monolithic bureaucracy and never was intended to serve as an educational panacea.

Q. Do the schools teach what is worth learning?

A: There can be as many answers as there are pupils, and their parents, for individuals have different goals. Of one thing there can be no doubt, school is and always has been "hard time," in the words of New York Times columnist Russell Baker, within which "we were being stuffed with the sort of material which, if amply regurgitated at examination time, would win us high school diplomas . . ."

The city school program is "irrelevant" and dominated by "straitjacketing curricula" that force students and teachers into hours of drill and review rather than learning, according to a 1970 study by a task force of the Citizens Committee for Children.

If there is a good deal of boredom and/or chaos in some high schools (a daily truancy rate of 35 per cent is not considered extraordinary in many schools) the restiveness must be measured against the students' perceptions of the value of their education. While the curriculum looks "most impressive on paper . . . the degree to which it fails to reach the students is depressing," said the CCC report.

It is possible that some of the things the CCC was discussing are rooted in sacrosanct high school courses that make no sense, but for the fact that they provide jobs for some teachers.

For instance, Dr. David A. Abramson, retired chief of educational research for the Board of Education, said in a little-noted study early this year (January, 1973) that many required courses in city high schools are worthless to the students and apparently worthless for college admissions as well.

Mandated requirements in English, social studies, math, science and foreign languages prescribed without question for generations of high school students can no longer be justified, said Abramson.

He said the colleges usually require only about half the number of "required" units in academic subjects that the high schools impose on students. Many of the courses, said Abramson in "Teachers College Record" (published by Teachers College, Columbia University), are there by force of habit.

Another factor, Abramson said in an interview, is that teachers are afraid curriculum changes will cost them their jobs. "In that respect,'" said Abramson, "teachers are no different from any other occupational group. Their reaction is the same as a bookkeeper who resents the intrusion of a computer."

A few weeks after Abramson's study appeared, UFT president Shanker said foreign languages must continue to receive "mandated status" in city high schools. Taking note of the "vagaries of educational currents" (foreign language study is slipping in popularity nationwide) Shanker said any curtailment would produce "cultural and academic deprivation" for students and the city.

Presumably, the UFT's concern is also the jobs of foreign langauge teachers.

Q: What is the schools' greatest failure?

A: They are so busy imparting knowledge and information—much of it of questionable worth—that they neglect development of the rational powers of children, their ability to think critically.

Accordingly to Dr. Richard L. Renfield, a former official of the National Education Assn. and American Assn. of School Administrators, the central function of the schools should be the development of powers to reason—the ability to recall and imagine, classify and generalize, compare and evaluate, analyze and synthesize, deduce and infer.

Renfield, in "If Teachers Were Free" (Acropolis Books, 1969) uses science as a model. The scientific method, says Renfield, adopts the strategy "let the facts lead where they may." The steps in the process: a longing to know and understand, a questioning of all things, a search for data and their meaning, a demand for verification, a respect for logic, consideration of premises, and consideration of consequences.

Hardly ever, says Renfield, do the schools imbue graduates with the scientific spirit.

The reason they don't, says Renfield, is that the schools too often regard thinking (the exercise of rational powers) as "subversive."

Q: Is there any way to make educators responsible—accountable—for what they accomplish or fail to accomplish?

A: Educators are notoriously shy of any sort of objective measurements that will hold them up to comparison with our educators, or school systems. Possibly a pioneering step in the direction of "accountability" may come out of a 250-page report from the Educational Testing Service of Princeton, N.J.

It was the result of the work of an "accountability committee" and ETS, brought together under terms of the Board of Education contract with the UFT. Its "design" is intended to pinpoint successful school programs and practices, to identify teacher characteristics that makes a difference and which do not, and to point to where priorities must be reshuffled.

As the accountability proposal now stands, no teacher's or principal's job will be threatened, but "corrective action" will be taken to assist the professionals to perform better, presumably by retraining rather than pink slips. The plan has been called "very sensitive to political realities" by those aware of the UFT's power within, the school system, and yet able to produce positive results. The accountability system is supposed to start out with a "small-scale" field test, and become "fully operational" by 1975.

NO GREATER LOVE—CONCERN FOR CHILDREN OF OUR MIA'S

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DAN DANIEL. Mr. Speaker, 6 years ago, almost to the day, Air Force Maj. Ronald J. Webb of Virginia was captured when his F-4 was downed in North Vietnam. Major Webb was one of that fortunate group of men who returned from the prisoner-of-war camps last March.

In a statement at his press conference at Andrews Air Force Base, just a short time following the welcome home these fine Americans received, Major Webb thanked some of the organizations which had done so much to bring the men home and to ease their families' plight during the time the men were held captive.

I am proud that one group the major singled out for special praise was one in which I serve on the National Advisory Council—"No Greater Love."

"No Greater Love" was born out of concern for the tragic circumstances faced, not only by the POW's themselves, but for the young Americans these men had left behind—their children.

In 1971 a dynamic young woman, Carmella LaSpada took leave of absence from her job, won the backing of such athletes as Brooks Robinson of the Baltimore Orioles, Ted Williams, then manager of the Washington Senators, Johnny Unitas of the Baltimore Colts, and Olympic champion swimmer Don Schollander in a project to win better treatment for the POW's.

Blocked by Hanoi's veil of secrecy regarding the treatment of our men—a secrecy we now know was designed to obscure a system of torture and mental brutality—"No Greater Love" turned its efforts toward the children of these American servicemen. Virtually the entire sports world responded to "No Greater Love's" appeal for assistance for these children.

With unique gifts and personalized recognition from the men and women in professional and amateur athletics, these youths were made aware that someone cared. Sports organizations, teams, sports equipment manufacturers, and media sports coverage personalities combined to donate gifts to be presented to the children of POW/MIA's on Christmas, birthdays, and other significant celebrations. No athlete ever turned down a request for his or her assistance.

Now Major Webb and his companions from those terrible days in Vietnamese and Laotian prisons are home. Their children are, once again, or in many instances for the first time, reunited with their fathers.

But No Greater Love goes on. In fact, the task has become even greater. Not only are the children of our MIA's of great concern to the organization, but, with the support of the American public, No Greater Love hopes to expand to include assistance to the children of Americans who gave "that last full measure of devotion."

On June 14, Flag Day, a presentation ceremony is scheduled in the Rayburn Building, room 2212 at 10 a.m. On that day, just 3 days short of Father's Day, the son of a missing American serviceman will be presented with an American flag which will be flown over the Capitol earlier that morning. No Greater Love's goal in this new program, called Operation Hero Flag, will be to present each of these special young Americans with similarly significant flags on their missing fathers' birthdays.

The first flag will be presented, appropriately, by a former POW. There will also be represented at this ceremony, numerous personalities from the sports world as well as our colleagues who are members of the National Advisory Council and all others who wish to share in this worthy endeavor.

I would like to take this opportunity to invite all of the Members of Congress, from the House and from the Senate, to attend the ceremony and demonstrate that this Nation does not forget those who serve it bravely, including those who also serve at home in the courageous yet heart-rendering circumstances which befall the families of our missing-in-action Americans.

CUTTING BACK ON RECREATION

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. MOLLOHAN. Mr. Speaker, when the press writes about the activities of the Federal Government, the performance of Federal programs and the actions of Federal employees, it often seems to focus only on what is going wrong or on what is not turning out as expected. Therefore, I think it is truly an occasion worth noting when an editor takes the time to closely evaluate a Federal agency and its activities and then writes about the successful work it is doing. That is what the editor of the Wheeling, W. Va., News-Register did in the May 29 edition of that paper. I think my colleagues in the House and the Senate will appreciate what this editor had to say about the performance of the Bureau of Outdoor Recreation:

CUTTING BACK ON RECREATION

Of all the Federal funding programs we have seen in operation over the years, none has been more impressive that the Land and Water Conservation Fund as administered by the U.S. Bureau of Outdoor Recreation.

Area residents have benefited greatly from the BOR programs since many of the more recent improvements at Oglebay and Wheeling Parks have resulted partially from financial assistance provided by this federal fund. The new pool at Wheeling Park, for example, has been one of the major projects completed through a sizeable matching grant from BOR.

The City of Wheeling hopes to carry on extensive upgrading of its neighborhood playgrounds through assistance from the same fund. Many other communities up and down the valley, plus towns and cities throughout West Virginia, are gaining in some instances their first public outdoor recreational facilities because of this federal program. Other communities are in a position for the first time to acquire open land to be reserved for future recreational use.

Thus we are concerned over the Administration's budget which calls for a 70 to 75 per cent reduction in funding the Land and Water Conservation Fund from the $300 million appropriated in fiscal 1973 to a level of $55.223 million in fiscal year '74.

Future development of park and recreation programs at all levels of government will be sharply curtailed and, in some areas, halted completely if Congress approves the Administration's proposed cutbacks. It is to be noted that the states are apportioned a certain amount from the fund annually, retaining a portion for statewide recreational projects and dividing the remaining funds among communities for strictly local projects.

In West Virginia, the immediate problem posed by the proposed cutback is the curtailment of many local projects currently being prepared for submission to the state. The long-range problem is one of determining a meaningful capital improvement program for recreation in the face of fluctuating matching Federal funds.

In testimony before the Senate Committee on Appropriations, the director of the National Recreation and Park Association, Mr. Dwight Rettie, pointed to results of a recent survey which indicate that an overwhelming majority of states will have committed all or nearly all of their apportionment by the end of the present fiscal year and will have either no funds at all, or a very minimal level of carryover to begin fiscal year '74.

The Administration's sincere, but unsubstantiated commitment to full funding in fiscal 1975 offers little relief to the vast number of states that have brought their programs to the current operating level. Also, as time is lost and states allowed to 'catch up,' land costs escalate, options to buy lapse, developers move in, opportunities evaporate and, in the end, the people lose.

Applications for funds are already being discouraged in some states and state and local matching funds for parks and recreation may be lost. In many areas, it has been a difficult struggle to bring state and local government entities to the point of fully recognizing the need for expanded recreational resources and, in turn, committed to raising the necessary matching funds.

Perhaps what has been most pleasing about the administration of the Land and Water Conservation Fund Act has been the ability of the Bureau of Outdoor Recreation to get projects accomplished with a minimum of bureaucratic red tape and waste. That has been Wheeling's experience. Local bodies, such as the Wheeling Park Commission, have found BOR to be a most efficient governmental agency.

Hopefully, the Congress will recognize the outstanding work performed by the bureau and the benefits derived from the program and see to it that proper funding is provided for fiscal year '74. This country needs all of the recreational areas it can develop.

DANGER IN WATERGATE EXCESSES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DERWINSKI. Mr. Speaker, a growing public complaint is that certain segments of the news media have overworked the stories on Watergate. This point is very effectively made in an editorial carried in the Lansing, Ill., Sun Journal of Thursday, May 31:

DANGER IN WATERGATE EXCESSES

American journalism is enjoying one of its finest hours with the exposure of the rottenness of institutional politics in the Watergate scandal. Courageous newspapermen have won the honors of their profession and praise from a grateful nation.

But the dangers of excesses are all too apparent in the pursuit of the story. Unfounded rumors, unchecked facts and second- and third-hand whispers are being paraded through the same arena in which journalism achieved one of its greatest marks of integrity in generations.

The first disclosures, calling the nation to action and its system of justice to right the wrongs of evil men, silenced the critics of the press and restored the honor it deserves. Now there is a risk that anti-press sentiment will itself rise again in credibility.

Senator William Proxmire, D-Wis., made the point early. The Washington Post agreed that "now is not the time to be reckless," that editors and reporters should insist upon the same documentation now that they required in the original disclosures.

The presidency and the republican form of government must be preserved, whatever the fate of those by whose actions they could be destroyed. At this time the press has no greater responsibility than to its own basic tenets.

We urge the press to restrain the human urge to outdo competitive media and each other with speculation, with the circulation of rumors and gossip, and with baseless sensations as destructive at this time as the original evil.

Investigators in all branches of government are at work to find the facts upon which the system of justice will act.

When the facts are found, the press again will owe it to the public and itself to make them known and the people will decide what must be done under their laws to elevate government and politics again to positions of trust.

The press must remain true to its heritage, to hew to the line and let the chips fall where they may.

But the first command of an honorable profession is to determine where the line is, where the facts lie.

BASEBALL—NAUGATUCK, CONN., STYLE

HON. RONALD A. SARASIN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. SARASIN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues a matter which deserves recognition. Congratulations are in order for a group of young men and their coaches who have given to the community of Naugatuck and to the State of Connecticut a tremendous sense of spirit and pride.

The Naugatuck High School baseball teams of recent years have contributed to that sport an uncompromising spirit of sportsmanship, teamwork, and competitive drive of which we are justly proud.

After a while, it becomes a bit difficult to speak of a team that turns in an outstanding record year after year. Recently, Naugatuck's team completed its fourth consecutive regular season undefeated—an accomplishment second to none.

Briefly, I would like to give recognition to the man whose efforts have been instrumental in establishing Naugatuck's role in that sport. On January 5, 1972, Raymond Legenza, Naugatuck High's baseball coach and athletic director, was recognized and honored by the American Association of College Baseball Coaches as the National Baseball Coach of the Year. This honor was bestowed upon Coach Legenza as a reward for his record as a coach, for his outstanding contribution to the game, and for his demonstration of concern in developing leadership in all of his young men. Time and again it has been remarked that Naugatuck's players are not only fine athletes, but gentlemen as well and again, this may be attributed to Coach Legenza.

After completing their first regular season undefeated, the Greyhounds embarked upon a journey into the pages of baseball history, by establishing a number of milestones. In mid-May of 1971, the Greyhounds surpassed the State's consecutive win record of 35 games—a record which had existed since 1937. After completing their second consecutive undefeated season and capturing two league and State titles, the Greyhounds began closing in on the existing national record of 64 games, established in the mid-1920's. In 1972, well on their way to a third season undefeated, Naugatuck rapidly began to approach the magic number of 65 games—a new national consecutive record. The national spotlight was focused on this small town, its team, and its fans, as Naugatuck concluded its third regular season undefeated. Now with just a few games remaining, the pressure of each day seemed to give the team greater strength. Finally, in early June, Naugatuck won its 64th game and tied the existing mark. Unfortunately, all good things must end and end they did as Naugatuck was defeated by a fine Shelton team in what would have been the Greyhound's 65th victory and uncontested possession of the national record.

Because of their fantastic "streak," the Greyhounds are recognized by the Baseball Hall of Fame as having established a modern national record and in Cooperstown a permanent display has been established in their honor.

I would now like to list their tremendous accomplishments en route to this record. In 21 years of coaching at Naugatuck, Ray Legenza's teams have compiled a record of 346 wins and 75 losses. The teams have established a new State and a modern national record of 64 consecutive games. State championship titles have been earned in 1955, 1963, 1970, 1971, and 1972. They have been the Naugatuck Valley League champions in 11 of 14 seasons. The record for the last 5 years is an incredible 82 wins and 3 losses, having just completed their fourth consecutive regular season, undefeated.

To these young men and their coaches we must offer our congratulations for a job well done, and our best wishes for success in the future.

WE MUST STOP EXPORTING SOYBEANS

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. STEELE. Mr. Speaker, we are all concerned about the skyrocketing cost of food products. One factor which has had a definite inflationary effect on the prices the consumer must ultimately pay has been the scarcity of soybean meal—the main source of protein feed for both poultry and livestock. The price of soybean meal has jumped by 300 percent in the last year.

Several factors can be attributed to this. Among them are this country's enthusiastic desire to develop foreign markets. As a result of last year's record grain exports, the stocks of stored soybeans, which were supposed to last until the next harvest in October, are exhausted. U.S. exports of both soybeans and soybean meal are up nearly 30 percent over last year at this time. In addition, there has been a shortage of railroad cars to move what stored grain remains, due to the massive transport of grain to seaports for shipment to Russia. Torrential rains last year drowned the croplands of the Midwest, especially Illinois, the Nation's largest soybean producer. As of this week, 37 percent of the crop in Illinois has been planted compared to 84 percent a year ago.

As a result of all this, our soybean supply has been drastically reduced, and many economists project the current supply to be insufficient to meet the livestock industry's needs before the new crop soybeans are harvested.

In an attempt to curtail the rising cost of essential food items to the consumer, and to assure an adequate supply of these essential items to the poultry and livestock producers, I am sending a letter to Secretary of Agriculture Earl L. Butz, cosigned by 52 of my colleagues, urging him to impose an immediate moratorium on the export of essential farm feeds such as soybeans and soybean meal. Authority for such action is granted under the Export Administration Act of 1969.

Mr. Speaker, I include a copy of our letter at this point in the RECORD:

JUNE 7, 1973.

The Honorable EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: The increasing scarcity of soybean meal, the main source of protein feed for both poultry and livestock, is one of the major causes of the continuing escalation of consumer prices for red meat, poultry, eggs, and dairy products. Our country's export of this essential feed ingredient continues to contribute to the astronomical spiral of soybean meal prices and threatens the livelihood of thousands of poultry, dairy and livestock farmers across America.

In the past year, soybean meal prices have increased over 300 precent. Soybean meal could be purchased by livestock producers during the first week of May, 1972, for $94 per ton (F.O.B. Decatur, Illinois). On May 3, 1973, the price was $305 per ton. On Wednesday, May 30, soybean meal was quoted at

$390 per ton . . . an increase of over 300 percent.

Other feeds are escalating in price in what appears to be a reaction to soybean meal prices. For instance, corn was quoted at $2.32 per bushel on May 30 (F.O.B. Chicago, #2 Corn), compared to $1.28—on the same day of 1972. As a result of these spiraling prices, farmers are being forced to sell their poultry, livestock and dairy herds because they are unable to meet their cost of production. Figures indicate that the number of broilers, layers, and turkeys will be reduced in the third quarter this year, compared to last year, and you will recall that in 1972, the American consumer wasn't at all pleased with food prices. Lesser supplies of these essential foods will only add to the cost of the American housewife's food bill. Indications are that during the third quarter of 1973, cattle numbers will only be up three percent and swine five percent. These are not encouraging figures.

As a result of our country's enthusiastic desire to develop foreign markets—in combination with the devastating rains and floods in the Midwest which destroyed many soybeans—our soybean supply has been seriously reduced, and many economists project the current supply is insufficient to meet the livestock industry's needs before new crop soybeans are harvested. Some livestock industries are recommending that producers not expand production, that production units be cut-back in order that supply will come in line with demand at prices high enough to meet production costs, and replacement stock not be ordered until after the fall's feed harvest.

Meanwhile, the American consumer will suffer higher food prices as a result of shorter supplies, and it is questionable if a farmer who quits will ever return to such a high financial risk occupation.

We are aware that the United States must take major steps to reduce our trade deficit, but the exportation of soybeans, soybean meal, and other grains, is having a disastrous effect on the American economy. Therefore, to assure an adequate supply of these essential items to the poultry and livestock producers, and to curtail the rising cost of essential food items to the consumer, we strongly urge the following steps be taken:

(1) That the United States government impose a moratorium on the export of essential farm feeds, such as soybean and soybean meal, until the new crop is harvested and proves adequate for our domestic needs, for a period of at least 120 days. We understand you have authority granted under the Export Administration Act of 1969, as amended, to take this action.

(2) That the Cost of Living Council impose restrictive controls on the price of other protein substitutes used in poultry and livestock feeds since it is apparent that their recent rise in prices does not reflect a rise in production cost.

In our opinion these actions would have an important impact on our country's efforts to combat inflation, stop the panic in the commodity markets, and create a steadying influence on the production costs of farm products. What we have witnessed in the grain markets since January of this year has not benefited the American farmer since the majority of feed grains had already been sold to grain companies. Instead of an increase in farm incomes, current feed prices represent inflationary profiteering made possible by the shortage of certain critical crops.

We urge that these steps be implemented as soon as possible to protect the American consumers and farmers during this inflationary period.

Sincerely.

Robert H. Steele, Conn.; Bella Abzug, N.Y.; Joseph Addabbo, N.Y.; Ike Anrews, N.C.; Herman Badillo, N.Y.; Edward Boland, Mass.; George Brown, Calif.

Clair Burgener, Calif.; Yvonne Burke, Calif.; Charles Carney, Ohio; Don Clauson, Calif.; William Cohen, Maine; John Conlan, Ariz.; Silvio O. Conte, Mass.

John Davis, Ga.; Harold Donohue, Mass.; Edwin Eshleman, Pa.; Frank Evans, Colo.; John J. Flynt, Ga.; Joseph M. Gaydos, Pa.; Ella Grasso, Conn.

Bill Gunter, Fla.; James M. Hanley, N.Y.; Julia Butler Hansen, Wash.; Michael Harrington, Mass.; Margaret Heckler, Mass.; Henry Helstoski, N.J.; John Hunt, N.J.

Peter Kyros, Maine; Norman F. Lent, N.Y.; John McFall, Calif.; Stewart McKinney, Conn.; Joseph Minish, N.J.; Robert H. Mollohan, W. Va.; Thomas E. Morgan, Pa.

Morgan Murphy, Ill.; Claude Pepper, Fla.; Ogden Reid, N.Y.; John J. Rhodes, Ariz.; Peter Rodino, N.J.; Robert A. Roe, N.J.; Fred Rooney, Pa.

Benjamin Rosenthal, N.Y.; Ronald A. Sarasin, Conn.; John F. Seiberling, Ohio; Leonor Sullivan, Mo.; Roy Taylor, N.C.; Robert O. Tiernan, R.I.

Frank Thompson, N.J.; Charles A. Vanik, Ohio; Joseph Vigorito, Pa.; Louis C. Wyman, N.H.; Bill Young, Fla.

Mr. Speaker, the urgency of this matter is underscored by the fact that on June 5, 1973, Brazil—currently the world's largest exporter of soybeans—has suspended exports of this feed. This can only result in greater pressure to send to foreign markets those soybean crops which we so desperately need here at home.

We cannot sit by and watch the spiraling inflationary effect of this shortage plague the consumer and obliterate the farmer. As soybean prices increase, so must the cost of poultry. And it is the consumer who must pay.

The present ceiling on red meat prices prevents the meat producer from raising his prices; he alone must bear the burden of any cost increase. Inasmuch as soybean meal and other feeds comprise nearly 75 percent of the cost of producing meat, the escalating costs of soybeans are driving the livestock producers out of business.

It is essential that the Secretary of Agriculture institute a moratorium on soybean exports. Then and only then can we hope to bring equitable stabilization to the American farmer, and reasonable food prices to the grocery counter for the American consumer.

FINAL TRIBUTES TO JACK HORRIGAN

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. DULSKI. Mr. Speaker, a few days ago I placed in the RECORD the tributes of some of his contemporaries for the late Jack Horrigan.

Another of his friends from the Buffalo Evening News has written of Jack's great capacity for inspiring loyalty, and I would like to insert that column at this point:

IN FRIENDSHIP WITH HORRIGAN, WILSON SHOWED HIS REAL SELF

(By Bob Curran)

Late Monday afternoon I dropped by the office of Murray Light, our managing editor for news, to discuss the many tributes paid to our late friend Jack Horrigan of the Buffalo Bills.

On one of our sports pages that day was an item that said the Bills officials here in Buffalo were trying to get hold of Ralph Wilson, the owner of the team, to notify him of Jack's death. Ralph is traveling in Europe and there was some doubt that they could get hold of him in time to make the funeral.

I can assure you that Ralph Wilson would be among the first to rally to the support of the Horrigan family at any time. A few years back when he heard that the doctors had told Jack his days were numbered, Ralph said he wasn't going to cry on Jack's shoulder.

He told his public relations director that he, Jack, had been blessed in many ways, that he had a good wife and a fine family and many good friends throughout the country. He then added that he would make sure that all of the children's education was paid for. It was not a small gesture as there are nine Horrigan children.

Monday afternoon Murray Light and I were talking about this, remarking that it was too bad most Western New Yorkers don't know this side of Ralph Wilson. It is the side I know very well.

I have been meaning to write about the other side of Ralph for quite a while but something always seems to come up to delay it. Procrastination is a curse of the Irish. However, I felt that this was the time to get to writing about Ralph Wilson.

What made me decide to stop putting it off was the chilling reminder of something else I had put off. A couple of weeks back, I stopped by Roswell Park to interview Dr. Ed Klein. As I was walking down the street outside the hospital, I bumped into Liz Horrigan, who was on her way to see her husband. We talked about Jack and I asked if he was ready for visitors. She said no, but that he would welcome cards.

When I got home that night, I went through my library and took out some books I thought Jack might enjoy. I put them aside with the thought of taking them to the hospital. Somehow, I never got to it.

Then I got the news that Jack was dead.

When I think about Jack, I have to think of Ralph Wilson and their close friendship. And I think of a night in Florida when Ralph and he discussed his return to Buffalo, as vice president for public relations of the Bills.

Prior to that, Jack, originally a Western New Yorker, had been working in New York City. At the time he was public relations director for the American Football League. I was director of sports publicity for NBC. NBC had a big stake in the American Football League and so Jack and I saw a lot of each other. I knew he was not really happy in the area and was delighted that night in Florida when I heard the news about his coming back to Western New York.

Because he was not the type of man to talk about it, the degree of his illness was not known to most people. So I was stunned one day when a real estate man told me that Jack had purposely moved his family to a smaller house that they could handle after he was dead.

There were several mentions in our stories on Monday about the way that Jack helped find jobs for people. This reminded me of some of the days in New York City that we spent together and usually when we got together in this area we would kick the name of Chuck Jones around a bit.

One day in Toots Shor's Restaurant, Jack introduced me to Chuck Jones—the name has been changed to protect the guilty—who had just arrived in New York. So the next two weeks, Chuck Jones practically lived on my doorstep.

He was trying to publish programs for sports events and ended up in bad shape, but when I think about it now, I remember that it was he who literally took Jack Horrigan by the hand and put him on the plane to the Mayo Clinic, where he got the news about his future.

It was, of course, typical of Jack to bring this up whenever other people were knocking the fallen promoter and this is a character trait that prompted all the tributes written about him all over the country.

Jack Horrigan has been laid to his final rest now. Some 600 people paid their respects at this funeral service, but there must be many, many thousands more whose lives he touched and who will remember him with affection.

The following newspaper story is a brief description of the last services for this well-loved man:

A Final Tribute to Jack Horrigan

Friends from every segment of sports—players and former players, coaches and ex coaches, and executives—along with people who were there because their lives had been touched by the kindness of Jack Horrigan gathered this morning in the Town of Tonawanda for his funeral.

Services for Mr. Horrigan, a vice president of the Buffalo Bills of the National Football League, were held in St. John the Baptist Church.

Participants in the Concelebrated Mass of the Resurrection were:

The Revs. John Doucette, Thomas Beasley, Gerald Heinen, Ron Silverio, Frances Weldgen and Maurice Piszczatowski, OFM Conv.

The Rev. Heinen delivered the homily, using as his theme the rewards awaiting those who take the time to listen and react to the least of their fellows.

A prayer service conducted by the Rev. Weldgen at the Thomas R. Lynett Funeral Home preceded the Mass.

Included among some 600 in attendance at the Mass were:

Owner Ralph Wilson, General Manager Robert Lustig, Treasurer Richard Morrison, Player Personnel Director Harvey Johnson, Coach Lou Saban and other members of the Bills front office and staff.

Former Bills' players Wray Carlton, Paul Maguire, Charley Ferguson, Booker Edgerson, Tom Day, Ed Rutkowski and Rep. Jack Kemp and former head coach Joe Collier.

Present Bills' players Paul Costa and Walt Patulski.

Don Weiss and Val Pinchbeck of the NFL office and representatives of teams—Jack Steadman and Jim Schaff of the Kansas City Chiefs; Mike Rathet, Miami Dolphins; Ed Kiley, Pittsburgh Steelers; Ernie Accorsi and Chip Campbell, Baltimore Colts; Pat Horne, New England Patriots and Don Smith of the Pro Football Hall of Fame.

From other fields were:

Frank Layden, Niagara University basketball coach; Bob MacKinnon and George Daddario of the Buffalo Braves; Lou Sahadi, New York magazine publisher, and many of Mr. Horrigan's associates from the newspaper world and the broadcast industry.

Burial was in Holy Cross Cemetery, Lackawanna.

HOUSE MEMBERS URGE REVIEW OF U.S. POLICY ON GREECE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. EDWARDS of California. Mr. Speaker, ever since the tide of Greek migration to the United States began at the turn of the 20th century, America has had a special place in the hearts of the Greek people. Our country was looked upon as a land of justice, opportunity, and compassion. This good feeling was emphasized during World War II and afterward when, through the Truman doctrine and the Marshall plan, U.S. aid proved invaluable in saving Greece from totalitarianism and in rebuilding a shattered economy.

Every student of United States-Greece relations know of the close ties which have existed between our two countries. We have truly had a special relationship.

Unfortunately, since the military coup of April 1967, the United States has been identified in the minds of the Greek people with an increasingly unpopular dictatorship.

Recent events point to a deteriorating situation not only within Greece, but also in Greece's relationship with NATO.

A few days ago a group of 81 Congressmen wrote to President Nixon urging that a serious review of U.S. policy on Greece be undertaken.

The letter follows:

House of Representatives,
Washington, D.C., June 5, 1973.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: It is with considerable concern that we are witnessing the deteriorating situation developing in Greece, a N.A.T.O. ally since 1952.

After six years of dictatorship the Greek junta, it seems clear, does not intend to step aside for democracy. Moreover, recent events have badly shaken Greece's relationship with N.A.T.O. The Greek Navy, which has an important N.A.T.O. mission, is in disarray. The Greek Air Force has also been weakened and the unity of Greece's armed forces impaired.

The perpetuation of the abnormal dictatorial conditions and accompanying unrest in Greece will not only jeopardize that nation's military capability but also that of the western alliance. America's strategic, moral, and political interests are at stake.

We therefore respectfully urge that the United States undertake a serious review of our policy regarding Greece.

Respectfully,

Bella S. Abzug, Joseph P. Addabbo, Glenn M. Anderson, John B. Anderson, Frank Annunzio, Thomas L. Ashley, Les Aspin.

Bob Bergland, Jonathan B. Bingham, John Brademas, George E. Brown, Jr., Yvonne Brathwaite Burke, Phillip Burton, Shirley Chisholm.

William (Bill) Clay, Silvio O. Conte, John Conyers, Jr., James C. Corman, John C. Culver, George E. Danielson, Ronald V. Dellums.

Charles C. Diggs, Jr., Robert F. Drinan, Bob Eckhardt, Don Edwards, Paul Findley, William D. Ford, Donald M. Fraser.

Lee H. Hamilton, Michael J. Harrington, Augustus F. Hawkins, Henry Helstoski, Floyd V. Hicks, Elizabeth Holtzman.

James J. Howard, William L. Hungate, Barbara Jordan, Robert W. Kastenmeier, Edward I. Koch, Robert L. Leggett.

Paul N. McCloskey, Torbert H. Macdonald, Ralph H. Metcalfe, Edward Mezvinsky, Patsy T. Mink, Parren J. Mitchell, John Joseph Moakley.

William S. Moorhead, Charles A. Mosher, John E. Moss, Lucien N. Nedzi, Robert N. C. Nix, David R. Obey, James G. O'Hara.

Bertram L. Podell, Charles B. Rangel, Thomas M. Rees, Ogden R. Reid, Henry S. Reuss, Donald W. Riegle, Jr.

Peter W. Rodino, Jr., Fred B. Rooney, Benjamin S. Rosenthal, Edward R. Roybal, Leo J. Ryan, Paul S. Sarbanes, Patricia Schroeder.

John F. Seiberling, B. F. Sisk, James V. Stanton, Fortney H. (Pete) Stark, Louis Stokes, Gerry E. Studds, Frank Thompson, Jr.

Morris K. Udall, Lionel Van Deerlin, Charles A. Vanik, Jerome R. Waldie, Charles W. Whalen, Jr., Sidney R. Yates, Andrew Young.

NIH INDEPENDENCE THREATENED

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. BRADEMAS. Mr. Speaker, in April one of the Federal Government's most distinguished civil servants retired from the National Institutes of Health after having been unceremoniously demoted to a lesser post from his position as Director.

I refer, of course, to Dr. Robert Q. Marston, who served for 5 years as Director of NIH, first under President Johnson and then for the first term of President Nixon.

In a farewell address, Dr. Marston laid out his dispassionate evaluation of the agency, where he thought it should go, and the ideals that had motivated him through his tenure.

Because Dr. Marston offers the caution that NIH's independence may be compromised, and because this articulate and learned man should be a model to all enlightened Federal officials, I include his remarks to his coworkers in the Record:

Farewell Address of Robert Q. Marston, M.D., National Institutes of Health, April 27, 1973

It was in the early fall of 1965 that Jim Shannon offered me the job of Associate Director of NIH for the "next two or three years." I commuted back and forth during that fall recruiting the initial staff for Regional Medical Programs and making the transition from academia to Federal service. The "two or three years" have now grown to almost eight years, and when added to the two years that I spent here in the early fifties makes it not only the longest time that I have ever served one institution—but as I have said elsewhere, clearly NIH has been the dominant institution of my professional career.

I have thoroughly enjoyed each aspect of my experience here: intramural scientist; chairman of an outside advisory committee; Associate Director for Regional Medical Programs; again Associate Director, NIH and Acting Director of the National Institute of Neurological Diseases and Stroke; and of course Director, NIH. In addition, for a period of about one-half year I was Administrator of Health Services and Mental Health

Administration. During that exciting period, however, I continued to attend Shannon's staff meetings because the Regional Medical Programs was not actually transferred to HSMHA until about that time that it was decided that I would become Director of NIH.

With so many jobs and so many bosses, its dangerous to begin naming names. But of the five HEW Secretaries—Gardner, Cohen, Finch, Richardson and Weinberger—I obviously have worked most closely with Wilbur Cohen and Elliot Richardson. I respect both greatly, and enjoyed immensely the working relationship that I had with each. Thus you can understand how much I appreciate the kind words which John Sherman has quoted from Wilbur Cohen and the letter from Elliot Richardson from which excerpts were published in the NIH Record this week. It is worth noting here, that both of these men have, to a high degree, that absolutely essential quality for any Secretary of HEW—a deep concern for and a sensitivity to the needs of people, especially those who may be handicapped by problems of health, ignorance or poverty. Ultimately those responsible for the Nation's health, education and welfare programs both in the Executive and Congressional branches must project to the Nation at large both the image and the reality of such concern and sensitivity.

When I think of other names that should be mentioned today, I run into a serious dilemma. Jim Shannon, John Sherman, and Bob Berliner of course; my immediate OD Staff; Institute and Division and Bureau Directors; intramural, extramural program people—in all more than 10,000 people here at NIH alone, not to mention our whole advisory structure, and then, too, those many individuals from other parts of government—especially my friends from HSMHA and the Department. Nor could I let this time pass without a very special word of appreciation to those members of Congress with whom I've worked over the years—I can only say, "Thanks to all of you for making this the stimulating, exhilarating, experience that it's been for the last eight years." It's been a period of high purpose and great accomplishment in an atmosphere of mutual trust and pleasant associations. It has been a happy place with happy people. Yet if I had to choose a single word to describe NIH, it would have to be the word "quality".

REITERATES SUPPORT FOR NIH INDEPENDENCE

Now I would like to say a few things about NIH, and its future and your future. In so doing it becomes very hard not to repeat things that I have said over and over again as Director of NIH. Indeed, I am a bit embarrassed to find that my speeches fill six rather large filing cabinets. I find in looking over this accumulation that there is almost nothing that I need to say as a private citizen which I did not say as Director of NIH. Thus this public record does spell out, I believe, my strong support—

For the intramural program of NIH; for the new, young scientists, and for their preparation through the training grant mechanism; for the peer review system which has evolved over the years; for basic research, and particularly the principle that applied research should not be expanded at the expense of basic research; and for a balanced biomedical research program—for example, cancer research should not be increased at the expense of other fields of biomedical science.

And this record also expresses my strong conviction—

That scientific management is more important than the blind application of a system of management; that creative people are to be valued more than organizational arrangements or complex plans; and that criticism is a necessary part of science to be encouraged and not stifled; and that the Library of Medicine is a gem in NIH and in the Nation.

Finally I have taken a special and personal pleasure, because of my own background in education, in working with the Bureau of Health Manpower Education in the difficult job of defining and implementing Federal policy in the area of education for health professionals.

GUIDING PHILOSOPHY: RELIEF IN THE DIGNITY OF MAN

In looking over some of these accumulated documents, I hope that some of my personal philosophy about the relationship of people to people comes through. Perhaps I speak too much from the idealism of one who chose to go into the medical profession, but I believe in the dignity of man—that to treat one another with respect is an expression of strength, not weakness; and that charity is good, not bad; that the power of public office should not be allowed to lead to arrogance; and that we must always remember as public officials that the money we spend is not our own.

I find it somewhat strange to be repeating this litany to you as I leave NIH, and I truly hope that events in the future will prove this to have been an unnecessary exercise—that people in the future, looking back on these statements, will even find them a rather pious, obvious list with which no one could disagree. Yet I repeat the points not as abstract items of philosophy but because of specific concerns often surrounding a specific action or statement within recent months.

NIH: BEING DESTROYED?

Let me say again at this point that I thoroughly enjoyed my work at NIH during the first Nixon Administration, and during the latter part of the Johnson Administration. I have no ax to grind. But I know that you have concerns about some of the points that I have touched on. Let me suggest that you view your concerns against the following background. Dr. Hoagland, Director of the Worcester Foundation, in an article entitled, "Anti-Science—a Growing Danger to America's Health and Pocketbook," makes this comment: "It has taken a quarter century to build up the National Institutes of Health. The support of research has been a model other countries have imitated. The peer review system has given us the best science through a Federal agency with the least political interference of any governmental process ever developed. It is truly one of the great achievements of American government but it is being destroyed."

To the extent that you believe as I do in his basic statement about the importance of NIH, let me urge you to do the following three things: Continue to speak out your beliefs constructively. This is a nation of checks and balances, of free people, and as such it is totally dependent on the willingness of honest men and women to speak honestly their best judgments. This is particularly true in the area of science where hopeless confusion is the inevitable result of distortion of truth. Nations have struggled for years with the problem of maintaining objectivity and the ultimate test of truth in the conduct and the management of biomedical research as that research has been supported increasingly with public funds. The solution in most countries except our own has been to separate medical research from the direct control of Government because of the conviction that the political process is inherently incapable of resisting the temptation to misuse science for its own immediate political needs. Thus, throughout Western Europe the Medical Research Councils tend to be autonomous or semi-autonomous bodies supported by Government, but not controlled by Government. Even in a country such as the USSR, the Academy of Medical Sciences and not the Ministry of Health, has the major responsibility for the conduct and support of such research in the USSR.

ENLIGHTENED LEADERSHIP: SO FAR

In this country, so far at least, enlightened leadership in both the Executive and Congressional Branches have resulted not only in a sound and healthy growth in biomedical research, but in minimum of attempts to bend science to meet short-term political needs. Of course, a major check on such temptations have been the existence of the NIH peer review system.

This necessary freedom to conduct research in a free environment is sometimes being misunderstood as advocacy for special interest groups on the one hand, and potential disloyalty on the other. Such a misunderstanding could result in what has been feared in other countries, that is a distortion of truth—a substitution of bias for objectivity. Thus, there is a special need today for you to continue to provide your candid professional judgments. Anything else can lead only to outright chaos and would be a serious disservice to the Nation you serve.

Second, do not become too discouraged. I remind you that in 1968 when I became Director of NIH, many people, including the then-President of the United States, commented on the difficulty of the job. Many thought then, as some think now, that the only possible role for NIH was a downward one. Instead, the past five years has been a period of major substantive progress. Indeed, as short a time as a year ago, I was able to tell the appropriation committees of Congress that fiscal 1972 had been a good year for NIH. For the Marstons at least this period has been a sort of Shangri-la with a purpose. The work of the NIH is measured in decades and generations, not in weeks, months or even years. No Institution in the world, to my knowledge needs less to be defended. So long as its aspirations remain so high and its accomplishments so unquestioned by competent people its course must continue to be upwards. Of course, as Representative Roy, a physician on our legislative committee, said recently in contrasting the different magnitude of work required to build up rather than discontinue programs, "Any jackass can kick down a barn but it takes a carpenter to build one." Thus one does have to remain alert to attack from the ignorant or intentionally destructive.

REMEMBER THE HUMAN VALUES

Finally, remember the human values. We are dependent on the work of great scientists here and throughout the nation, on teachers and professional people of all levels, but we are also dependent on those who in doing lesser tasks will make it possible for these with special gifts to utilize those gifts optimally. There is unfinished work to be done in the area of equality of opportunity, of abolishment of prejudices of various kinds. Then, too, there will be the invitation to copy harshness and insensitivity that may be seen elsewhere. Times of crisis always bring pressures for friends to fight friends, to forget the broader enemy of disease and ignorance, and to strike out for trivial reasons at those close at hand.

NIH DIRECTOR'S OFFICE A BUFFER

Last week at the Institute Director's meeting I made a special plea that as the Office of the Director, NIH, carries out its necessary role of serving as something of a buffer between "NIH internal" and "NIH external" that people remember the special strains that John Sherman and Bob Berliner have in this interim period, and continue to give them the type of support given me. I am of course keenly disappointed that the promise in December of a new and fully qualified Director of NIH has still not been fulfilled by May.

I do not know how long this delay will continue, but I urge you to support each other and to continue to support John and Bob during the interim.

John Gardner has said that institutions can, in contrast to individuals, age without losing their vigor and effectiveness. They are revitalized by the addition of new people. NIH can continue to evolve as it has done over the past decades, by maintaining its flexibility in the development and implementation of its programs. It needs the competence of the experienced and the vigor and enthusiasm of the new initiates. Today especially, it needs all of you to continue to pull together for the good of the Nation.

Finally let me say how much Ann and I are looking forward to the next phase of our career—that of taking a sabbatical year, as a Scholar-in-Residence at the University of Virginia and a Distinguished Fellow at the Institute of Medicine of the National Academy of Sciences.

IRS PRIVATE RULINGS MADE PUBLIC BY U.S. DISTRICT COURT RULING

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 8, 1973

Mr. VANIK. Mr. Speaker, it has been a shocking policy of the Internal Revenue Service that private rulings have been treated as military secrets. This has not been a question of national security. By staunchly supporting this position, the Internal Revenue Service has contributed to the erosion of public confidence in the fairness of the American tax structure.

The practice of issuing private rulings extended the inequity that already existed in our tax law.

A taxpayer almost always must retain tax counsel from an established law firm in order to successfully obtain a private ruling, a practice which few taxpayers can afford.

In 1971, the Internal Revenue Service issued 32,000 binding secret rulings to those wealthy enough to hire expensive tax lawyers to challenge the Internal Revenue Service. The private ruling process could best be described as "let's make a deal."

In 1969, one corporation received a Christmas gift of a ruling from the Internal Revenue Service which allowed this company to retroactively adopt guideline depreciation—a tax election which had been available since 1962. As a result, for the years 1962 through 1968, the company received $48,500,000 in refunds plus interest from the Federal Treasury of $17,500,000. It appears that this $48,500,000 "excess" tax paid, and later refunded, had been passed on to their customers in a higher rate structure in those years. When refunded, the money and interest were recorded as "extraordinary items." A well-chosen description, "extraordinary item"—the private ruling in itself is extraordinary. This shocking example was not made public.

As a more serious matter, a major corporation or an affluent individual is generally able to learn of private rulings which have been issued to other taxpayers and which he can use to his own advantage. Although these rulings are not known to the general public, they are often made available to select groups in commercial or legal circles.

An objection to making all rulings public has been that such a policy might dry up the rulings process. The Internal Revenue Service would be reluctant to rule in many situations if the rulings would have universal applicability.

I do not see this as objectionable—as a matter of record I would find it desirable.

The tax laws and experts have already unfairly tipped the scales of equity in favor of wealthy individuals and corporate giants. I see no need for "special dispensations" from laws that others must abide by.

The following is a rather historic press release by the plaintiff and the court order of Judge Aubrey E. Robinson, Jr., making public most private rulings of the IRS. This is truly a milestone in public disclosure.

PRESS RELEASE

WASHINGTON, D.C.—A U.S. District Court here has ruled in favor of Tax Analysts and Advocates in its Freedom of Information suit to open to public examination private Internal Revenue Service rulings. In addition, Judge Aubrey E. Robinson ordered that certain related documents be made public, including an index to the rulings. Rulings are official IRS interpretations of the tax laws which are furnished in response to requests by corporations and individual taxpayers.

The basic impact of the court's decision will be to make available to the general public rulings that have been known to date, only by a few select tax lawyers.

As Judge Robinson stated in his 14-page opinion, "private letter rulings are, in fact, widely disseminated among the tax bar and taxpayers with similar interests and problems and . . . the IRS is aware of this practice." Thus, he said, "a body of 'private law' has been created which is accessible to knowledgeable tax practitioners and those able to afford their services. It is only the general public which has been denied access to the IRS' private rulings."

Judge Robinson wrote that "public availability and scrutiny are the very fundamental policies of the Freedom of Information Act. For one fundamental principle is that 'secret law is an abomination.' "

The decision means, for example, that documents pertaining to the controversial acquisition of the Hartford Fire Insurance Co. by the International Telephone and Telegraph Corp. will now be available to the press and public. A favorable tax ruling was key to that acquisition.

TA/A is preparing requests for documents relating to a number of letter rulings, including the one rendered in the ITT–Hartford case.

"This decision will probably result in the most basic change in IRS admiinstrative procedures since the agency was forced by Congress to liberalize its publication practices more than 20 years ago," asserted Thomas F. Field, executive director of TA/A, a Washington-based interest tax law firm.

Prior to 1952, the IRS was publishing a few score rulings each year. At that time it increased the number and it currently averages between 500 and 600 a year out of about 30,000. The rest are so-called "letter rulings"—unpublished letters sent to taxpayers who have asked for an IRS determination of the tax consequences of actions contemplated or already taken.

Many of these are routine but thousands are retained permanently by IRS for reference purposes. TA/A contended, and the court agreed, that, under the Freedom of Information Act, letter rulings are "interpretations . . . adopted by the agency" and, thus, required to be publicly available.

Judge Robinson's decision means that four types of documents must be made available to the press and the public:

Letter rulings which are used as reference for future rulings.

Technical advice memoranda, which are sent to IRS agents in the field who have been asked for advice about how to handle an audit of a taxpayer.

The index to the private rulings that are used for reference by the IRS.

Correspondence from Congress, business firms and the general public with respect to rulings.

Field disputed comments by some critics who had argued that if TA/A were successful in the suit, it would destroy the IRS rulemaking process and delay answers to taxpayer requests for an IRS opinion on their tax problems.

"We are confident on the basis of extended discussions with tax practitioners that the rulemaking process will actually benefit from this decision," Field said. "The process will definitely not be destroyed any more than the judicial system is damaged by making court opinions public.

"As for a slowdown, the net result may actually be faster decisions due to a decreased IRS workload. Public availability of heretofore private rulings will tell all taxpayers what the IRS position is in certain fact situations that may be generally applicable. This will make it unnecessary for many taxpayers to ask for a separate opinion."

Field said that TA/A recognizes that the usefulness of this decision to the public and tax practitioners outside of Washington will be diminished if no practical access to the now-public documents is established Thus, he said, TA/A will announce next week a service which will enable interested members of the tax bar and the press to obtain such access.

Judge Robinson's decision was made in response to a TA/A request for documents relating to percentage depletion for producers of hard minerals. TA/A wanted to determine whether IRS hearings on proposed (since adopted) percentage depletion regulations (section 613 of the Internal Revenue Code) were, in part, a sham because IRS letter rulings already had committed the agency into a position on the regulations. "If we find that this, indeed, was the case," Field said, "we will consider further legal action."

The suit originally was filed April 28, 1972. Judge Robinson ordered the IRS to make the documents available within 30 days.

The attorney in the suit was William A. Dobrovir, Washington public interest lawyer, who has handled most of the leading freedom of information cases in the past few years.

The decision came less than a week after TA/A accepted a Treasury Department settlement offer in another Freedom of Information suit to require that Treasury open to public scrutiny the Treasury's tax correspondence and formal reports to Congress on tax legislation.

[U.S. District Court for the District of Columbia, Civil Action No. 841–72]

TAX ANALYSTS AND ADVOCATES
THOMAS F. FIELD *v.* INTERNAL REVENUE SERVICE, ET AL.

ORDER

Upon the considerations expressed in the Opinion entered herein this date, and upon consideration of the entire record, it is this 6th day of June, 1973,

Ordered, that Defendants' Motion for Summary Judgment be and hereby is denied, and it is

Further ordered, that Plaintiffs' Motion for Summary Judgment be and hereby is granted, and it is

Further ordered, that Defendants shall make available to Plaintiffs for inspection and copying within thirty (30) days of date all letter rulings, technical advice memoranda and communications sought by Plaintiffs herein, intact and without deletion, except for those items which, within said thirty (30) days period, Defendants submit to the Court sealed and intact, without deletion but with any proposed deletions indicated, for in camera review as to whether proposed deletion of information is justified under the Freedom of Information Act, together with a detailed written explanation of the justification for each deletion, and it is

Further ordered, that Defendants shall make available to Plaintiffs for inspection and copying within thirty (30) days of date all items in the Internal Revenue Service's index-digest reference card file sought by Plaintiffs herein, and all memoranda of conferences and telephone calls relating to the letter rulings and technical advice memoranda involved herein, unless within said thirty (30) day period those items are submitted to the Court for in camera review as to whether they may be properly withheld as internal memoranda within the meaning of exemption 5, 5 U.S.C. § 552(b)(5), of the Freedom of Information Act.

SENATE—*Monday, June 11, 1973*

The Senate met at 12 o'clock noon and was called to order by Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, who has watched over us in our separation, draw us close to Thee that we may be closer to one another in understanding and in work.

We pray especially for the youth of this land emerging from the academic world to the arena where life's vocations are fulfilled. May their flowering idealism and dreams of a better world not be crushed by disappointment, cynicism or fear. Give us ears to hear their message and hearts to understand their yearnings. O Lord, be with all the young wherever they may be, on campus, on missions of mercy, at work with their hands and minds, or in the Armed Forces, guarding them in temptation and strengthening them in hours of peril. And to all who labor in the Government, the young and the mature, give that deeper insight and that loftier courage which enables them to act not alone for today, but for the coming day of Thy kingdom.

We pray in the Master's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 11, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. WALTER D. HUDDLESTON, a Senator from the State of Kentucky, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUDDLESTON thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. HUDDLESTON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 7670) to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4443) for the relief of Ronald K. Downie.

HOUSE BILL REFERRED

The bill (H.R. 7670) to authorize appropriations for the fiscal year 1974 for certain maritime programs of the Department of Commerce, was read twice by its title and referred to the Committee on Commerce.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 8, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXCLUSIVE TERRITORIAL ARRANGEMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 178, S. 978.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 978. To amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments, on page 2, line 6, after the word "trademarked", strike out "food" and insert "soft drink"; in line 13, after the word "if", insert "in such defined geographic area"; in line 14 after the word "in", strike out "free and open" and insert "substantial and effective"; and, in line 17, after the word "in", strike out "free and open" and insert "substantial and effective"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45) is amended by insertion of a new subsection (3) as follows:

"(3) Nothing contained in this Act, or in any of the antitrust Acts, shall render unlawful the inclusion and enforcement in any trademark licensing contract or agreement, pursuant to which the licensee engages in the manufacture (including manufacture by a sublicensee, agent, or subcontractor), distribution, and sale of a trademarked soft drink product, of provisions granting the licensee the sole and exclusive right to manufacture, distribute, and sell such product in a defined geographic area or limiting the licensee, directly or indirectly, to the manufacture, distribution, and sale of such product only for ultimate resale to consumers within a defined geographic area: *Provided,* That this subsection shall apply only if in such defined geographic area (1) such product is in substantial and effective competition with products of the same general class manufactured, distributed, and sold by others, (2) the licensee is in substantial and effective competition with vendors of other products of the same general class, and (3) the licensor retains control over the nature and quality of such product in accordance with the provisions of the Trademark Act of 1946, as amended (15 U.S.C. 1051)."

Sec. 2. Subsections 3, 4, 5, and 6 of section 5(a) are redesignated 4, 5, 6, and 7, respectively.

Sec. 3. Subsections 5 (as redesignated) of section 5(a) is amended by deleting "(3)" and inserting "(4)" in lieu thereof.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 93–188) explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF AMENDMENTS

The bill has been amended to clarify the circumstances under which provisions of a license or agreement granting a sole and exclusive right to manufacture, distribute and sell trademarked soft drink products in a defined geographic area are not in conflict with the antitrust laws.

Based on the record developed by the Subcommittee on Antitrust and Monopoly, the Committee believes that competitive conditions peculiar to local markets vary significantly, and that the lawfulness of such territorial provisions should be determined on the basis of competitive conditions unique to each licensee's territory. The Committee has adopted Amendment No. 1 to make clear its intent that the standards prescribed by the bill be applied locally on the basis of the competitive situation in "such defined geographic area", i.e., the territory of the licensee whose right to be the sole and exclusive seller is subject to challenge.

The bill as introduced was applicable to trademarked food products. The hearings on the bill held in August and September 1972 concentrated for the most part on the soft drink industry. Thus, the Committee has had an opportunity to carefully examine the competitive conditions in that industry. Since the term "trademarked food products" has a larger connotation than just soft drinks and since this Committee did not have the opportunity to examine the competitive conditions in such other industries, we have substituted the words "trademarked soft drink products" for "trademarked food products". Thus, the bill has application only to trademarked soft drink products.

The bill, as originally introduced, provided that territorial provisions in licenses to manufacture, distribute and sell a trademarked food product are lawful if "(1) such product is in *free and open competition* with products of the same general class manufactured, distributed, and sold by others, (2) the licensee is in *free and open competition* with vendors of other products of the same general class, and (3) the licensor retains control over the nature and quality of such product in accordance with the provisions of the Trademark Act of 1946, as amended (15 U.S.C. 1051)." At the hearings held on the bill during August and September, 1972, and in several statements subsequently submitted, concern was expressed that the proposed legislation would establish a virtual rule of *per se* legality, largely because of the judicial gloss given to "free and open competition" in interpreting the meaning of that phrase as used in the McGuire Act, the Miller-Tydings Act, and numerous state Fair Trade statutes. This Committee eschews reliance on *per se* rules, whether the rule be one of *per se* illegality or *per se* legality, in judging the validity of territorial provisions in licenses to manufacture, distribute and sell trademarked soft drink products. Accordingly, this Committee has stricken the phrase "free and open" from the language of the bill and substituted therefor the phrase "substantial and effective".

It is not intended here to preclude all challenges to these agreements under the antitrust laws. Rather, given the testimony that such agreements can do more competitive good than harm, it is intended that they should not be held per se illegal. The test of whether there is "substantial and effective" competition in the territory is to be determined by the traditional "rule of reason" approach. The number of brands, types, and flavors of competing products available in the licensee's territory from which consumers can choose, the number of retail price options available to consumers, the degree of service competition among vendors, and the number and strength of sellers of competing products in the territory would certainly weigh toward a finding of substantial and effective competition.

Factors weighing against such a finding would, of course, be evidenced by such things as the persistence of long run monopoly profit, the inability of new firms to enter the market, the persistence of inefficiency and waste, the failure of output levels to respond to consumer demands, and a lack of opportunity to introduce more efficient methods and processes. The absence of intrabrand competition which is inherent in the exclusive territorial franchise system would not be a factor suggesting the lack of substantial and effective competition in a defined geographic area. The Committee does not intend to establish rules for determining when there is substantial and effective competition, but rather to allow the courts to give appropriate weight to these economic indicia of competition as they deem necessary.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to make clear that the traditional territorial franchise system under which certain trademarked soft drinks are manufactured, distributed and sold is lawful under the antitrust laws, so long as there is substantial and effective competition among different products and vendors. If, however, it can be established that there is not substantial and effective interbrand competition [1] within the defined geographic area for which the license is granted, the provisions of this bill shall not apply.

The territorial franchise system, under which licensees are granted the exclusive right to manufacture, distribute and sell trademarked soft drink products within defined geographic areas, has been in use in the soft drink industry for three-quarters of a century.

It is the basis on which over 2,700 bottlers have made capital investments amounting to billions of dollars.[2] Throughout the hearings, arguments were made that exclusive territorial allocations, in fact, promote interbrand competition. On the other hand arguments also were made to the effect that such exclusive territories have the opposite effect and lead instead to reduced competition. Thus, the Committee feels that it should not adopt either a per se illegality or per se legality approach, but that the validity of territorial provisions in licenses to manufacture, distribute and sell trademarked soft drink products should be determined upon a rule of reason approach.

The Federal Trade Commission has brought a series of actions which challenge the territorial provisions contained in bottlers' trademark licensees, and which are designed to restructure the soft drink industry.[3] In these cases, the Federal Trade Commission charged that such exclusive territorial provisions in and of themselves constitute an unfair method of competition and unfair acts or practices, in commerce, in violation of Section 5 of the Federal Trade Commission Act. The respondents in these cases generally denied such a *per se* approach and, in fact, claimed that the validity of the provisions in their license agreements must be determined not on the foreclosure of intrabrand competition inherent in the territorial provisions, but upon the reasonableness of the territorial provisions when considered in connection with the soft drink market as a whole for which many brands of soft drinks compete under numerous tradenames. In short, these respondents claim that the encouragement of interbrand competition by such licensing arrangements outweighs any diminution of intrabrand competition.

The Committee is mindful that the Supreme Court has stated that the balancing of complex economic and social value of the kind involved here is the proper function of the Congress and the action of the Committee is consistent with this reasoning.[4] Congressional action is particularly appropriate where the basic structure of a long established industry is challenged in a way which threatens to disrupt thousands of people and businesses.

Historically, the Congress has been committed to fostering competition as the most effective means of protecting the public interest and, at the same time, to promoting an economic system of independent local businesses which can effectively compete with one another.[5]

The Committee has concluded that the present territorial franchise system in the soft drink bottling industry can foster effective competition. The Committee recognizes that the destruction of the system, could depress the value of the franchised bottling plants, and cause a tremendous economic harm to hundreds of small bottlers who have depended on this system for long years. Rather, it is the judgment of this Committee, based on the record, that the public interest may very well be protected by vigorous interband competition among the various soft drink products. This legislation would not only preserve such competition and protect the consumer but also insure the continued opportunity for small local independent business units to survive. Thus, it has approved this legislation, which shall be applicable in those areas where substantial and effective interbrand competition exists.

HISTORY

On February 7, 1972, Senator Eastland, for himself and 31 cosponsors introduced S. 3133, a bill to protect territorial provisions in licenses to manufacture, distribute and sell trademarked food products. The bill was referred to the Antitrust and Monopoly Subcommittee. Five days of hearings were held during August and September 1972, and considerable data was supplied at the Subcommittee's request by syrup companies and bottlers. When the 92d Congress ended, 41 Senators and 185 Representatives had joined in sponsoring similar legislative proposals.

On February 22, 1973, Senator Eastland with 40 co-sponsors, reintroduced this proposed legislation. The bill was again referred to the Antitrust and Monopoly Subcommittee, which, on April 12, 1973, ordered the bill reported favorably with amendments described above.

BACKGROUND

Under the trademark licensing system which exists in the soft drink industry, the franchise company produces and sells syrups or flavoring concentrates to the independent bottler, participates in advertising and promotion expenditures made in connection with trademarked products, provides advice and technical assistance on production, qual-

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Footnotes at end of article.

ity control, management and sales problems, and assists in development and test marketing of new products and containers. The bottler in turn manufactures, distributes and sells the trademarked products, and provides the capital investment necessary for his market. He determines the plant and equipment to be used, the volume of production by size and type of container, the product mix, the price to be charged, and the manner in which he can maximize his market penetration to secure the widest possible distribution of his products throughout the territory.

Territorial provisions in the bottling industry originated from a need to induce local businessmen to make investments necessary to serve local markets. In addition, the services involved in retrieving returnable bottles, the first soft drink container, placed natural limits on the area that could be served effectively by any single bottler. Precise marketing areas were thus defined and help account for the unique character of the industry today.

ANALYSIS

This Act amends the Federal Trade Commission Act and the antitrust laws to clarify the circumstances under which exclusive territorial licenses to manufacture, distribute and sell trademarked soft drink products shall not be deemed unlawful. It is the Committee's intent and purpose to provide that if the requirements of this bill are met, the relevant territorial provisions are not only lawful, but also enforceable through judicial proceedings. Nothing in this bill is intended to protect any other provisions in such trademark licenses, or any practice or conduct or those licensed to manufacture, distribute and sell trademarked soft drink products, from challenge under the antitrust laws.

This legislation applies to situations in which a trademark owner grants licensees the right to manufacture, distribute and sell trademarked soft drink products in specifically defined geographic areas. Such a system exists in the soft drink industry where licensees either manufacture soft drink products, or contract with other parties to have manufactured those products which they may not be equipped to produce, but for which they remain responsible for adherence to the licensor's quality control and trademark standards.

Consistent with the Committee's purpose to preserve the present system of local manufacture, distribution and sale, the bill makes lawful license provisions which have the effect of precluding indirect evasions of the license agreement. Thus, the exclusive territorial rights of one licensee are protected from direct or indirect sales by the licensor or any of its other licensees into his defined geographic area, so long as there is substantial and effective competition within his territory.

Substantial and effective competition requires that there be both competition from other products and other vendors. This phrase, like other phrases of general connotation used in the antitrust laws, gives the courts flexibility to deal with specific situations. In determining whether substantial and effective interbrand competition exists, this Committee recognizes that there is no single, universally reliable indicator of interbrand competition or its absence.

Whether or not there is substantial and effective competition within a licensee's defined geographic area from other brands and vendors depends upon such factors as: the number of brands, types, and flavors of competing products available in the licensee's territory from which consumers can choose; persistence of long run monopoly profit; the number of retail price options available to consumers; the persistence of inefficiency and waste; the degree of service competition among vendors; ease of entry into the market; the failure of output levels to respond to consumer demands; the number and strength of sellers of competing products in the territory; and a lack of opportunity to introduce more efficient methods and processes. The Committee intends to prescribe no hard and fast rule for determining substantial and effective interbrand competition from among these factors, but rather to allow the courts discretion to give appropriate weight to these economic indicia of competition as they deem necessary in each distinctly unique local market.

FOOTNOTES

[1] *Inter*brand competition takes place among products of different brands. *Intra*brand competition, on the other hand, involves competition among products of the same brand sold by different vendors.

[2] The term "bottler" is trade language in the soft drink industry used to refer to all franchisees, including bottling subsidiaries of franchisors, who are licensed to manufacture, distribute and sell soft drinks in bottles, cans, and other containers.

[3] Complaints filed on July 15, 1971, against Crush International Ltd., Dr. Pepper Co., The Coca-Cola Co., Pepsico, Inc., The Seven-Up Co., Royal Crown Cola Co., and Cott Corp. (FTC Docket Nos. 8853–59); subsequently, on Mar. 9, 1972, a similar complaint was issued against Canada Dry Corp. (FTC Docket No. 8877).

[4] "There have been tremendous departures from the notion of a free enterprise system as it was originally conceived in this country. These departures have been the product of congressional action and the will of the people. If a decision is to be made to sacrifice competition is one portion of the economy for greater competition in another portion, this too is a decision which must be made by Congress and not by private forces or by the courts. Private forces are too keenly aware of their own interests in making such decisions and courts are ill-equipped and ill-situated for such decisionmaking. To analyze, interpret, and evaluate the myriad of competing interests and the endless data which would surely be brought to bear on such decisions, and to make the delicate judgment on the relative values to society of competitive areas of the economy, the judgement of the elected representatives of the people is required." *United States* v. *Topco Associates, Inc.*, 405 U.S. 596, 611–12 (1972) (Marshall, J.)

[5] Throughout the history of these [antitrust] statutes it has been constantly assumed that one of their purposes was to perpetuate and preserve, for its own sake and in spite of possible cost, and organization of industry in small units which can effectively compete with each other." *United States* v. *Aluminum Company of America*, 148 F.2d 416, 429 (2d Cir. 1945) (L. Hand, J.)

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar, under New Reports.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar, under New Reports, will be stated.

U.S. AIR FORCE

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Air Force.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations were considered and confirmed en bloc.

U.S. ARMY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Army.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. NAVY

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Navy.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Army, which had been placed on the Secretary's desk.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that on the last group of nominations approved by the Senate last week, the President be notified of the confirmation of those nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NATIONAL TRANSPORTATION CRISIS EMERGING

Mr. MANSFIELD. Mr. President, I have received from the National Governors Conference Committee on Transportation, Commerce, and Technology a telegram relating to the emerging national transportation crisis. I ask unanimous consent that the telegram be printed in the Record.

There being no objection, the telegram was ordered to be printed in the Record, as follows:

Boston, Mass.,
June 8, 1973.

Senator Mike Mansfield,
Senate Majority Leader,
The Capitol, Washington, D.C.

National Governors Conference Committee on Transportation, Technology and Commerce met this week and reviewed progress to date in developing effective programs and policies that will solve our Nation's serious transportation problems. There is growing national transportation crisis emerging and only prompt decisive and comprehensive action at the national level will avert impending crises that affect the entire nation.

Imperative that legislative and executive branches of national government agree immediately upon a Federal Aid Highway Act that will meet nation's transportation needs and will give to governors effective and flexible tools needed at State level to implement solutions.

We also urge executive and legislative branches to commence intensive efforts to develop effective legislation to prevent impending shutdown of many of the nation's railroads. Railroad crisis in the eastern section of the United States, for example, will seriously affect economy and well-being of the entire country if not handled promptly and successfully. Two major railroads under court orders to liquidate; four others in bankruptcy courts. We urge Congress to develop suitable reorganization plan quickly without depending solely on plans set forth by the Interstate Commerce Commission and Department of Transportation which call for large scale abandonments and reductions of vital rail services.

The National Governors Conference offers its services to work with executive and legislative branches of our national government to solve these matters of national concern and are prepared to meet with you to further discuss these important problems.

National Governors Conference Committee on Transportation, Commerce and Technology.

> Governor Francis W. Sargent, Massachusetts, Chairman; Governor John C. West, South Carolina, Vice Chairman; Governor George C. Wallace, Alabama; Governor Thomas J. Meskill, Connecticut; Governor Thomas L. Judge, Montana; Governor J. James Exon, Nebraska; Governor Mike O. Callaghan, Nevada; Governor Milton J. Shapp, Pennsylvania; and Gov. Press, State House, Boston, Mass.

INFLATION THE NO. 1 DOMESTIC PROBLEM

Mr. MANSFIELD. Mr. President, inflation is the No. 1 domestic problem in this country and should, in the national interest, be faced up to immediately. As a matter of fact, the time to face up to it is long past due. Wholesale prices in May, according to the Labor Department, increased 2 percent over April. That means that so far this year, wholesale prices have been upped at a 24 percent annual rate. Furthermore, since the dissolution of mandatory wage and price controls under phase III in January, consumer prices have soared 9 percent at an adjusted annual rate.

The President, I understand, has been considering these and allied factors, as well he should; he has called inflation the No. 1 problem confronting the Nation today, and it is; but what does the administration intend to do about this ever-pressing and upward problem. The dollar lost 5 percent against the deutschemark in 1 week's time, in effect, a third devaluation and amounting to a 30 percent decline in the value of the dollar in less than 2 years. The cost of farm products rose 4.1 percent in one month.

It is not enough for a spokesman for the administration to refer to this increase as "obviously unwelcome" news. The banks have raised minimum lending rates again, this time to 7.5 percent. This is the sixth increase in 6 months. Joblessness remains steady at 5 percent and will be increased still more, in my opinion, when this year's high school and college classes are out for the summer.

We are waiting for the administration to take steps to face up to economic realities. The stock market has lost 12 percent of its value since January. Profits are up; the dollar is down. Inflation is up; the balance of payments is down. The "stick in the closet" is still in the closet, while confidence in our Government is down. Unless something is done shortly, in my opinion, we face an annual inflation rate of around 10 or 11 percent. This cannot be allowed to happen; and to forestall it, the administration and the Congress, acting together, each must assume its responsibilities. The President must do so now, on the basis of authority which has been delegated to him; Congress will do it as soon as the legislation to establish a Federal Financing Bank, S. 3925, is called up, hopefully this week, because it will follow the pending business.

Preoccupation with Watergate should not be associated with the inflationary process which is now rampant in this country. It is time to restore controls across the board. It is time to use the "club" in the open rather than the "stick" in the closet. It is time to note and to do something about the fact that farm products, foods, and feeds have climbed up at a 43.2 percent annual rate, compared with 16.1 percent under phase II. It is time to note that for industrial commodities, the comparison is a 14.9 percent increase under phase III, against a 3.5 percent increase under phase II. In brief, phase III is not working. Phase III should be scrapped immediately and drastic measures should be undertaken at once to reverse the inflationary spiral and to bring stability to this Government in its activities in this area which, in effect, affect all other areas.

Mr. SCOTT of Pennsylvania. Mr. President, I have agreed in the past, and I agree now, in part, with what the distinguished majority leader has said. The very rapid growth of an affluent economy, the increase in the gross national product, the availability of funds for capital investment have all led to some actions being taken, notably the increase in interest rates sponsored by the Federal Reserve System, which is a very desirable control on the economy. It is not enough. We need selective controls. We need to move into phase IV and to include a restoration of some of the controls under phase II. Even more, I think we need some innovative and, if necessary, rather drastic steps to slow down this economy.

I do not think it is enough to assure us, as we have been assured, that the rate of inflation will tend to decrease during the latter half of the year. The condition of the economy affects the confidence of the people, and it is essential that we restore that confidence. Therefore, I have previously urged, and urge now, that the administration move as expeditiously as possible in taking steps to slow down inflation, to control the rapid rise in the cost of living.

At the same time, I think it necessary to caution that a complete, across-the-board freeze of wages, profits, and prices sounds attractive, in itself; it has some cosmetic effect; it is dramatic; it is attention getting, because it goes further than the actual remedies that probably will be recommended.

At the same time, it could have a horrendous effect on the economy, because many working people today have not had a chance to catch up. There are some unions in which that condition is certainly to be noticed, where it is necessary that the wages paid to their members will more fairly represent the increase in the cost of living to them. But to freeze wages as well as prices and profits at this time would freeze the negotiating, collective bargaining process.

To freeze food prices, for example, would simply cause the producers of food to stop producting for the market, to stop growing, to stop planting, and undoubtedly would lead to a very serious crisis in the economy.

So, as usual, the extremes are wrong. The extreme of laissez-faire, doing nothing, is wrong. The extreme of doing everything because it makes headlines and draws attention is equally wrong.

What has to be done is to look at the causes of the inflation and to meet those causes, to apply the remedies where they will work. It is proper to ask about a time-limited price freeze, "What do you do when the freeze ends?" The complaint about abandoning phase II is that there was nothing to follow it of a mandatory nature. But to freeze again everything simply means that at the end of the freeze will be nothing to follow it of a mandatory nature; so all you have done is to postpone an evil day. It seems to me that it is not rational for that reason, that we do need controls.

I have been in the lead in urging the administration to do this. I believe they will. I believe it is essential that they do so. I think that Congress, as the distinguished majority leader has said, should cooperate, but should cooperate in the sense of working out what realistically can be done to lower the cost of living and to ease the tensions of inflation and to restore confidence.

Finally, in the area of restoring confidence, I repeat what I have said many times: The Senate can help. We can help by showing our faith and our confidence in this great and strong country, and that confidence will be reflected at home and abroad in strengthening the dollar, in stabilizing gold, and in stabilizing the economy.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. Mr. President, I want to say, first, that the question of a 90-day freeze is not absolute, so far as I am concerned. Perhaps it could be an indeterminate freeze, depending upon developments.

Second, I think I should say that the Senate has been acting responsibly, and that applies to the Senate as a whole, both Republicans and Democrats, and it is prepared to act responsibly in discharging its obligations for the conduct of the affairs of the Nation.

Third, I want to say that the distinguished minority leader has been doing his utmost to bring to the attention of the administration the need for action in the field of the economy; because, as he has indicated—and as I have tried to—the inflationary trend at the present time and for some time past is and has been getting out of hand.

So I would hope that the administration would listen to what the joint leadership of the Senate has had to say—not for the first time, may I remind the Senate—about this most important, this most pressing problem, and be prepared to do something about it. So far as we are concerned, we will be prepared to cooperate to the best of our ability in assuming our responsibility.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader; and I would suggest that the next time a bill comes in to add a billion dollars or more to the amount requested, consonant with the budget, the Senate exercise due restraint.

Mr. MANSFIELD. If the Senator will yield once more, I have my budget outline for the remainder of this session, and I want to assure him that before I get through, it will not be one billion dollars but many billions of dollars cut from the requests made by the President of the United States.

Mr. SCOTT of Pennsylvania. That could be salutary, if wisely done.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Michigan (Mr. GRIFFIN) is recognized for not to exceed 15 minutes.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the time reserved to Senator GRIFFIN may be reserved to me, and I reserve that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield back the time allotted to me.

Mr. STAFFORD. Mr. President, I yield back the time allotted to me.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR VOTE ON BAYH AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I am authorized to do this by the distinguished majority leader, and it has been cleared on the other side of the aisle—that a vote occur today at the hour of 2:45 p.m. on amendment No. 214 offered by the Senator from Indiana (Mr. BAYH) to S. 1248.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUDDLESTON) laid before the Senate the following letters, which were referred as indicated:

REPORT ON TRANSFER OF FUNDS

A letter from the Acting Assistant Secretary of Defense (Comptroller), reporting, pursuant to law, on the transfer of certain funds. Referred to the Committee on Appropriations.

REPORT ON COMPLETION OF SOIL SURVEY AND LAND CLASSIFICATION

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, that an adequate soil survey and land classification has been completed of the lands in the Kanawha Water District, Sacramento Canals Unit, Central Valley Project (with an accompanying paper). Referred to the Committee on Appropriations.

REPORT ON CONSTRUCTION PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secreof Defense (Installations and Housing), reporting, pursuant to law, on certain construction projects proposed to be undertaken for the Naval Reserve. Referred to the Committee on Armed Services.

PROPOSED TRANSFER OF DESTROYER ESCORT

A letter from the Acting Assistant Secretary of the Navy (Installations and Logistics), reporting, pursuant to law, on the proposed transfer of the destroyer escort ex-U.S.S. *Osterhaus* (DE 164) to the Little Rock Chamber of Commerce, Little Rock, Ark. Referred to the Committee on Armed Services.

REPORT LISTING CONTRACT AWARDS

A letter from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a secret listing of contract awards, dated June 1, 1973 (with an accompanying report). Referred to the Committee on Armed Services.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, a report on export control, for the first quarter of 1973 (with an accompanying report). Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON APPROVAL OF CERTAIN LOANS BY THE EXPORT-IMPORT BANK

A letter from the President, Export-Import Bank of the United States, reporting, pursuant to law on the approval of loans, guarantees, and insure in support of United States export to certain countries, for the period December 1972, through April, 1973. Referred to the Committee on Banking, Housing and Urban Affairs.

REPORT ON IMPLEMENTATION OF TRANSPORTATION POLICY

A letter from the Secretary of Transportation, transmitting, pursuant to law, a report on implementation of transportation policy, dated May 1973 (with an accompanying report). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the laws governing the transportation of hazardous materials (with accompanying papers). Referred to the Committee on Commerce.

PROPOSED LEGISLATION FROM THE DISTRICT OF COLUMBIA

A letter from the Commissioner, District of Columbia, Washington, D.C., transmitting a draft of proposed legislation to repeal section 274 of the Revised Statutes of the United States relating to the District of Columbia, requiring compulsory vaccination against smallpox for public school students (with an accompanying paper). Referred to the Committee on the District of Columbia.

REPORT ON INTERNATIONAL AGREEMENTS

A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, certain international agreements entered into by the United States (with accompanying papers). Referred to the Committee on Foreign Relations.

REPORT ON EQUIPMENT TITLED IN NONPROFIT EDUCATIONAL INSTITUTIONS AND OTHER NONPROFIT ORGANIZATIONS

A letter from the General Manager, United States Atomic Energy Commission, transmitting, pursuant to law, a report on Equipment Titled in Nonprofit Educational Institutions and other Nonprofit Organizations, for the calendar year 1972 (with an accompanying report). Referred to the Committee on Government Operations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Examination of Financial Statements of the Student Loan Insurance Fund, Fiscal Years 1971 and 1972," Office of Education, Department of Health, Education, and Welfare, dated June 8, 1973 (with an accompanying report). Referred to the Committee on Government Operations.

PROPOSED AMENDMENT OF CONCESSION CONTRACT

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment of a concession contract in the Kalaloch area of Olympic National Park, Wash. (with accompanying papers). Referred to the Committee on Interior and Insular Affairs.

REPORT ON DEFECTOR ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered into in the case of certain defector aliens (with accompanying papers). Referred to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports on temporary admission into the United States of certain aliens (with accompanying papers). Referred to the Committee on the Judiciary.

Report on Administration of the Welfare and Pension Plans Disclosure Act

A letter from the Secretary of Labor, transmitting, pursuant to law, report on the administration of the Welfare and Pension Plans Disclosure Act, covering the calendar year 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

Report of Railroad Retirement Board

A letter from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, a report of that Board, for the fiscal year ending June 30, 1972 (with an accompanying report). Referred to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Huddleston):

A joint resolution of the Legislature of the State of California. Referred to the Committee on Interior and Insular Affairs:

"Assembly Joint Resolution No. 31—Relative to the Office of Saline Water

"Legislative Counsel's Digest

"AJR 31, MacDonald. Office of Saline Water.

"Memorializes President and Congress to restore the budget of the Office of Saline Water to a level sufficient to continue the operation of certain specified test facilities.

"Whereas, The Office of Saline Water of the United States Department of the Interior has for many years been actively engaged in the quest for new water supplies through the development of the technology necessary to enable the desalination, of sea water and the demineralization of brackish water; and

"Whereas, The efforts of the Office of Saline Water have resulted in continuing improvements in the technology of desalination and demineralization of sea and brackish water; and

"Whereas, Water from these sources can constitute a valuable supplemental supply in the future if the technology of demineralization and desalination can continue to be advanced; and

"Whereas, Cuts in the budget of the Office of Saline Water will inhibit the development of this essential technology by necessitating the immediate closing of the San Diego, California, Roswell, New Mexico, and Freeport, Texas, test facilities; and

"Whereas, Pioneering technology in the demineralization of brackish waters by the process of reverse osmosis has been developed at the Roswell Test Facility, thus enabling the production of fresh water with a technology completely unknown only 12 years ago; and

"Whereas, Research in the technology of the reverse osmosis process must continue if essential further improvements are to be realized and supplies from this source made available to help meet the water requirements of the people of the United States; and

"Whereas, The process of reverse osmosis also offers great potential as a means of reclaiming waste water and of attaining the goals of clean water established by the Congress of the United States in the Federal Water Pollution Control Act Amendments of 1972; and

"Whereas, The technology being developed in the desalination of sea water through the operation of the San Diego Test Facility is essential if the world oceans are to one day become a viable source of meeting our ever increasing water requirements; and

"Whereas, The efficient operation of desalination facilities is, additionally, dependent upon essential technical knowledge being gained through research conducted at the Materials Test Center at Freeport, Texas; and

"Whereas, Continuing development of the technology necessary for the economic production of fresh water from sea and brackish sources is essential if the water supply and water quality requirements of the people of the United States are to be fulfilled; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of United States to restore the budget of the Office of Saline Water to a level sufficient to continue the operation of the above-named facilities, in order that the development of the technology of desalination and demineralization of sea and brackish waters might be continued and enhanced; and, be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Director of the Office of Saline Water, to the Speaker of the House of Representatives, to the Chairmen of the Senate and House Committees on Interior and Insular Affairs, to the Chairmen of the Senate and House Committees on Appropriations, to Chairmen of the Senate and House Subcommittees on Water and Power Resources of the Committees on Interior and Insular Affairs, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the Legislature of the State of Nebraska. Referred to the Committee on the Judiciary:

"Legislative Resolution 23

"Whereas, the sweeping judgment of the United States Supreme Court in the Texas and Georgia abortion cases expressly deprived the unborn of legal and constitutional protection during their gestation; and

"Whereas, such judicial holding condones the destruction of an entire class of live human beings; and

"Whereas, in states in which abortion laws have recently been relaxed or repealed, professional medical ethics and respect for unborn life have proved to be wholly inadequate for the reasonable protection of the lives of the unborn; and

"Whereas, a legal threat to the right to life of any individual member of a society imperils the right to life of every other member of that society; and

"Whereas, human life in all stages is entitled to the protection of the laws and may not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States; and

"Whereas, the issue is of such great magnitude—the extent to which human life itself is protected under the Constitution; and

"Whereas, the Legislature of this state believes it to be in the best interest of the people of the United States that an amendment to the Constitution of the United States be adopted to protect unborn human lives.

"Now, therefore be it resolved by the Members of the Eighty-third Legislature of Nebraska, First Session:

"1. That the Congress of the United States take appropriate action to adopt a Constitutional Amendment that will guarantee the explicit protection of all unborn human life by extending the appropriate constitutional rights, including due process of law, which apply to the unborn in an appropriate manner and to the same extent as all other citizens of the United States, and will guarantee that no human life will be denied protection of law or deprived of life on account of age, sickness, stage of development, or condition of dependency or wantedness.

"2. That the Clerk of the Legislature transmit a copy of this Resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, each member of the United States Supreme Court, and to the legislatures of each of the several states."

A resolution of the Senate of the State of West Virginia. Referred to the Committee on the Judiciary:

"Senate Resolution No. 10

"(By Mr. Darby and Mrs. Leonard)

"Memorializing the Congress of the United States to approve House Joint Resolution No. 261, introduced on January 30, 1973, proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged or the incapacitated

"Resolved by the Senate:

"That the Congress of the United States be urged and requested to approve the amendment to the United States Constitution introduced in House Joint Resolution No. 261, which reads as follows:

"Proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged or the incapacitated. To be ratified by the states within seven years of Congressional approval.

"Article —

"Section 1. Neither the United States nor any state shall deprive any human being, from the moment of conception, of life without due process of law; nor deny to any human being, from the moment of conception, within its jurisdiction, the equal protection of the laws.

"Sec. 2. Neither the United States nor any state shall deprive any human being of life on account of illness, age or incapacity.

"Sec. 3. Congress and the several states shall have the power to enforce this article by appropriate legislation," and, be it

"Resolved further, That the Clerk of the Senate notify the Congress of the United States of this action by forwarding to the appropriate officers of each House of Congress a certified copy of this Resolution."

A resolution adopted by the County of Maui, Wailuku, Hawaii, praying for the enactment of legislation to subsidize a program for diversified farming in the State of Hawaii. Referred to the Committee on Agriculture and Forestry.

A resolution adopted by the City Council of Baltimore, Maryland, praying for the enactment of legislation relating to the most-favored-nation tariff treatment. Referred to the Committee on Finance.

A resolution adopted by the County of Maui, Wailuku, Hawaii, relating to water-use objectives of the waters surrounding the State of Hawaii. Referred to the Committee on Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CANNON, from the Committee on Armed Services, without amendment:

H.R. 4682. An act to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile (Rept. No. 93-203).

AUTHORIZATION TO FILE JOINT REPORT ON H.R. 7200 (S. REPT. NO. 93-202)

Mr. HATHAWAY. Mr. President, I ask unanimous consent to file a joint report on H.R. 7200, an act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedure pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, from the Committees on Labor and Public Welfare and Finance, and that in accordance with the order of May 23, 1973, it be referred to the Committee on Commerce for its consideration of titles II and III.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs, with amendments:

S. 1775. A bill to provide the homebuilding and construction industries with the increased production of wood materials necessary to achieve the housing goals established by the Housing Act of 1949 and the Housing Act of 1968; acompanied by a more balanced and efficient development of the national forest system and privately owned forest lands through establishment of a forest lands planning and investment fund; to regulate and control the export of timber from the United States; to amend the Export Administration Act of 1969 to establish a Technical Advisory Committee to develop forecast indexes of domestic supply and demand for certain commodities to help assure that these commodities will not be in short suply; and for other purposes (Rept. No. 93–204). Referred to the Committee on Agriculture, under the order of the Senate of May 10, 1973.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HATHAWAY:

S. 1973. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution. Referred to the Committee on the Judiciary.

By Mr. BARTLETT (for himself and Mr. Bellmon):

S. 1974. A bill to provide for the disposition of funds appropriated to pay judgments to the Creek Nation of Oklahoma in Indian Claims Commission docket Nos. 167 and 273, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT (for himself and Mr. Bellmon):

S. 1975. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Creek Indians in Indian Claims Commission docket No. 275, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. BARTLETT (for himself and Mr. Bellmon):

S. 1976. A bill to study an Indian Nations Trail within the National Trails System. Referred to the Committee on Interior and Insular Affairs.

By Mr. KENNEDY (for himself, Mr. Cranston, Mr. Eagleton, Mr. Mondale, and Mr. Pell):

S. 1977. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. GOLDWATER (for himself and Mr. Fannin):

S.J. Res. 121. Joint resolution authorizing the President to proclaim September 28, 1973, as "National Indian Day." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATHAWAY:

S. 1973. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution. Referred to the Committee on the Judiciary.

Mr. HATHAWAY. Mr. President, today I am introducing a bill dealing with the procedures and structure of a constitutional convention called subsequent to the receipt of the requisite number of petitions for such a convention from the States. This bill is a modification of similar legislation which has been introduced by Senator Ervin and which is currently before the Judiciary Committee. I presented a statement on the major thrust of my bill to Senator Ervin's subcommittee and ask unanimous consent that this statement be printed in the Record at the conclusion of my remarks.

In addition to the changes described in the statement, my bill suggests several further modifications. First, I have inserted a provision limiting the size of the convention to approximately 250 delegates, 50 of which would be selected at-large from each State with the remainder coming from specially created million-person districts. My intent here is simply to hold the size of the convention to a number conducive to taking well considered action in a limited amount of time.

Second, my bill would prohibit Members of Congress from serving as delegates to the convention simultaneously with their membership in Congress. Finally, I suggest several minor changes designed to eliminate undue procedural problems connected with the rules and officers of the convention.

I am fully aware of the delicacy of this subject matter and do not take my position lightly. I hope my colleagues will give serious consideration to the points which I raise, as this important legislation moves toward enactment.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of William D. Hathaway on S. 1272

Mr. Chairman, I appreciate this opportunity to make my views known on the bill presently before this committee. I am preparing for submission my own bill relating to the procedures to be followed in a Constitutional Convention called pursuant to petitions from the states under Article V of the Constitution. My bill, although identical with the Chairman's bill in most respects, will differ substantially in several important areas, and it is to these differences that I would like to address my remarks today.

At the outset, I should express my profound respect for the Chairman as a scholar of our Constitution and an articulate exponent of the ideals imbedded in that document. I further compliment the Chairman for his foresight in developing this legislation in advance of a possible crisis situation which could develop as a result of sufficient state petitions being received before procedures for calling a Convention are established. In light of present circumstances, it is critical that Congress address itself to this problem without further delay; it is my hope that some legislation in this area will emerge from the present Congress.

I would like to focus my remarks on one aspect of the bill presently before the Committee, that is, the limitations the bill places on subject matter to be considered at a convention called pursuant to petitions received under Article V. It is the position of the Chairman's bill, reiterated in several sections, that the Convention be strictly limited to consideration of amendments which relate to the same subject as the petitions of the states which initiated the calling of the convention. My proposal would loosen this stricture under certain carefully limited circumstances and allow the Convention, once established, to consider the proposition of amendments not on the "agenda" defined by the state petitions.

Before considering the substance of this proposal, I should acknowledge my awareness that many in Congress, and among the public generally, are of the opinion that an "open" Constitutional Convention would, at the least, pose a serious threat to beneficial aspects of our present system, and, at the worst, be an unmitigated disaster for the Republic. I have studied this argument or set of arguments carefully and am unconvinced; I take my own position only after long and serious reflection and a sober consideration of all possible consequences. Further, I would require concurrence by two-thirds of the delegates on any proposed amendment on a subject different from that in the original petitions (and leave the simple majority requirement for petitioned Amendments which was in the Chairman's original bill). As any member of this body knows, obtaining a two-thirds majority on a subject of any importance is extremely difficult. Such a requirement would certainly serve as a substantial safeguard against precipitous action by the Convention. I mention this provision of my proposal at this point only to emphasize that I am sensitive to the Committee's concern on this matter and do not make this proposal lightly.

Why then, in light of all the potential dangers inherent in a "free" Constitutional Convention, would someone urge opening the door to such a possibility? I advance my proposal because of a profound conviction that many of the structures, institutions, and relationships which have evolved from the Constitution into our present system of government are insufficient to meet the demands placed upon them by a modern nation of 200 million people. Coupled with this is a second conviction that the people are capable of correcting deficiencies without damaging the essential fabric of the Constitution.

It may be that, upon analysis, the people's representatives will feel that they cannot improve upon the present system and that no substantial changes are necessary. Even if this is the case, however, I would argue that the very act of reconsidering some aspects of the Constitution would be a healthy one for our nation. Such questions as the scope of judicial review in a democratic society, the governmental paralysis created by a prolonged period of having the Presidency and Congress controlled by different political parties, the proper role of local, state and federal governments, the relationships between the various branches of government in such areas as foreign policy, military affairs, and the budgetary process, the relevance and function of present state boundaries in light of current economic and demographic realities, and others are serious problems which deserve serious consideration in an arena where effective decisions can be made.[1] I fear that our failure to address ourselves to these questions is producing a situation where government at all levels and government as an overall system is less and less able to meet the needs of our people. I would submit that the plummeting "respect" rating of our political leaders, the general lack of confidence in government's ability to serve the people and a widespread malaise about the effectiveness or fairness of "the system" are all indicators that fundamental questions are going unanswered. As a member of the United States Congress for more than 8 years, I am more and more convinced that the structure of the institution itself, is, in large measure the enemy of responsive and effective government.

The question is logical, at this point, why, if these enumerated questions are so important, haven't individual amendments "bubbled-up" to deal with them, such as the previous amendments on the income tax, universal suffrage and prohibition or the present ones being considered on busing, reapportionment and school prayer. The answer lies in the nature of the political process and the nature of the issues which I have suggested as deserving of consideration. The amending process, as presently constituted, has the effect of screening out all proposals save those with the aggressive and active support of some identifiable group in the society. Because of the multiple political hurdles involved, only an amendment with the support of an organized and highly intense group has a realistic chance of ultimate passage. This system is fine as far as it goes, because it assures that those matters upon which broadly based popular support can be generated will receive a full hearing, while narrow "special interest" proposals are screened out. The problem is that this approach also effectively screens out proposals not addressed to specific needs or issues but which deal with general, and more fundamental, problems. There is a widespread discontent abroad in the land—a feeling that our government isn't working; but this feeling which is shared by many of our people is so vague and so lacking in focus that it may never generate a political constituency sufficient to force consideration of the fundamental questions through the traditional amending process.

This situation leaves us with a system which can be tinkered with, but never analyzed in its basic assumptions; a system which has served us well for 200 years but is fundamentally immutable, despite clear signs of structural problems; a system designed by men for the service of man, but which, it turns out, is not our servant but an increasing cranky and irrational master.

Finally, I should add a word about the often expressed fear that a "free" convention will destroy the beneficial aspects of the Constitution such as the separation of powers or the Bill of Rights and become the captive of far-out special interests. I don't think this would be the case for two reasons: First, anything the convention proposed would have to be approved by a two-thirds majority, (no mean feat for radical alterations, as noted earlier) as well as the legislatures of three-fourths of the states. Secondly, there will be no political pressures, in the traditional sense, operating on the delegates to the convention since they will not be seeking reelection to anything.

I believe that this atmosphere, created in part by the nature of the gathering and in part by the awesome responsibility placed upon the delegates, would be one conducive to careful assessment of some of the problems I have raised.

I do not deny that the course I am proposing contains risks; but the willingness to accept risks in the pursuit of high purpose has been an enduring trait of the American character. To narrowly restrict the Convention would mean the loss of a unique opportunity to at least consider and breathe new life into our institutions of government, as the Republic enters into its third century.

By Mr. KENNEDY (for himself, Mr. EAGLETON, Mr. MONDALE, and Mr. PELL):

S. 1977. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes. Referred to the Committee on Labor and Public Welfare.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1974

Mr. KENNEDY. Mr. President, I introduce today the National Science Foundation Authorization Act of 1974. This bill would provide the Foundation with an authorization of $704 million for its scientific research and education programs in fiscal year 1974. This is precisely the same authorization which the Foundation currently has during fiscal year 1973. Despite the continuing inflation in research costs and the growing need for scientific contributions to the resolution of the Nation's problems, I am not proposing an increased authorization at this time.

The administration has requested only $583 million for NSF for fiscal year 1974. During the current fiscal year the administration has impounded approximately $62 million in NSF funds. In view of this situation, it is clear that an authorization of more than the proposed $704 million would not result in funded programs. I am proposing this amount as the maximum which can be realistically hoped for at this time—even though the scientific needs of the Nation would call for an even higher figure.

Since its creation as an independent agency in 1950, the National Science Foundation has carried out the extremely important mission of maintaining the Nation's scientific strength. The Foundation operates no laboratories or scientific facilities of its own, but through grants and contracts supports programs of scientific research and education in thousands of universities, research institutes, and other organizations. These programs cover all fields of science and engineering, encompassing the mathematical and physical sciences, engineering, social sciences, biological and medical sciences, materials research, and the environmental sciences. They cover all levels of science education from elementary school through postdoctoral fellowships. And these programs are carried out in all of the 50 States to assure a strong, broadly based national scientific enterprise.

The impact of the Foundation's programs is both pervasive and profound on the Nation and on the future of mankind. For we live in an age of science—from the computers that increasingly manage our transactions to the transistors that power our electronic devices to the advanced medical technology which promises profoundly to affect the maintenance of man's health. Science has become essential to the Nation's military security, to the strength of its domestic economy and international economic position, and, indeed, to the resolution of the widespread social problems which beset our Nation.

But scientific research is not a spigot which can be turned on and off at will. Before scientific know-how can be effectively applied to particular problems in areas such as transportation, health care, housing, communication, energy resources, nutrition, and pollution control, the underlying foundation of basic research must be patiently and continuously built over the years, and the Nation's scientific and technical talent must be carefully nurtured and trained.

This is the key task to which the Foundation has directed its principal efforts over the years; but in recent years the Foundation has also expanded its programs with respect to applied research which is relevant to the Nation's social problems. Although the various Federal agencies sponsor some applied research relevant to their particular missions, there remains a considerable amount of extremely important applied research which is too broad in scope or too fundamental in substance to fall within the mandate or resources of the mission agencies. The National Science Foundation is the only agency which can tackle these problems. So the role of the National Science Foundation is to keep the Nation strong in basic science, sponsor the appled research which cannot be effectively handled by other agencies, and assure the Nation an adequate supply of scientific talent.

The $704 million which my bill calls for is $121 million higher than the $583 million requested by the administration. The principal differences in the bills stem from increased funding for science education and research applied to national needs in my bill

The bill calls for the establishment of an Energy Research Division within the National Science Foundation and the authorization of not less than $50 million in fiscal year 1974 for energy research programs, with emphasis on solar, geothermal, and other nonconventional energy sources. While the $50 million for nonconventional energy research programs represents a $29.3 million increase over the $20.7 million called for in the administration request, it is still small by comparison with the $323 million requested for the liquid metal fast breeder reactor or the $120 million requested for coal research.

The energy needs of the Nation are too critical to be overly dependent on any particular form of energy. We need to explore all promising alternatives. Solar, geothermal, and the other nonconventional energy sources being explored by the National Science Foundation are extremely promising alternatives for the future.

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[1] Subsequent to the preparation of these remarks, no less diverse commentators on these matters than Mr. Kevin Phillips of the Emerging Republican Majority and TRB of the *The New Republic* made strikingly similar observations—W.D.H.

Thus the recent report of the Solar Energy Panel—a joint effort by the National Science Foundation and the National Aeronautics and Space Administration—calls for $1.5 billion in solar energy R. & D. over the next 15 years. And the recent report on geothermal energy by former Secretary of Interior Hickel, calls for $680 million in geothermal research. The $50 million for such research in my bill represents the minimum level of funding which the Nation must devote to those areas.

The proposed bill increases the RANN budget—Research Applied to National Needs—by a total of $36 million. In addition to the $29.3 million more for energy research, this includes $3.7 million more for technology assessment studies, and $3 million more for earthquake engineering. Thus the bill establishes minimum levels of $5 million for technology assessment studies, and $10 million for earthquake engineering studies.

The earthquake engineering program is of great importance to the lives and property of thousands of American citizens in all parts of the country. Contrary to the prevalent view, earthquakes in America are not limited to California and Alaska. There is no State in the Union which has not experienced earthquake damage at one time or another. Twenty States have been subjected to serious damage, and are likely to experience serious damage again. These include South Carolina, Nevada, Kentucky, Washington, Illinois, New York, Idaho, Massachusetts, New Hampshire, Tennessee, Mississippi, Montana, Wyoming, Utah, Maine, Indiana, Missouri, and Arkansas, as well as California and Alaska. Through the earthquake engineering program, the Nation can take steps to prepare for future earthquakes and to minimize their adverse consequences.

Another area of vital importance to the Nation's continuing efforts to improve environmental quality is the provision of modern research vessels needed for the conduct of advanced research in oceanography. Of the 32 research vessels supported by the National Science Foundation, 13, or more than 40 percent, were built 25 or more years ago. Close examination of the ship replacement requirements makes it clear that the Foundation should accelerate fleet modernization programs in fiscal year 1974. The bill establishes a minimum level of $6 million for the oceanographic ship construction/conversion program.

The bill also calls for a total of $81 million for science education programs. This is $37.6 million more than the $43.4 million requested by the Administration but $34.7 million less than the $115.7 million authorized for science education programs in the current fiscal year. My bill calls for $19.8 million more for science education improvement, $11.8 million more for graduate student support, and $6 million more for institutional improvement for science. The total of $46 million in the bill for science education improvement includes a requirement for a minimum level of $7.5 million to be used for the Ethnic Minority Colleges program, to help such colleges upgrade their science education capabilities.

The following is a brief summary of the programs included in the National Science Foundation Authorization Act.

First. Scientific Research Project Support, $292,700,000. The objective of this program is to provide support for individual scientists or groups of scientists in finding answers to unresolved scientific questions. Support is provided in the following areas: atmospheric, earth, biological, and social sciences, oceanography physics, chemistry, astronomy, mathematics, engineering, and materials research.

Second. National and Special Research Programs, $108,600,000. These are a variety of major programs which require special coordination and include the: International Biological program; Global Atmospheric Research Program, Experimental R. & D. Incentives program; National R. & D. Assessment program; International Decade of Ocean Exploration; Ocean Sediment Coring program; Arctic Research program; U.S. Antarctic Research program; Oceanographic Facilities and Support; and Solar Eclipse.

Third. National Research Centers, $46,000,000. These include the National Astronomy and Ionosphere Center at Arecibo; Kitt Peak National Observatory; Cerro Tololo Inter-American Observatory; National Center for Atmospheric Research; and National Radio Astronomy Observatory.

Fourth. Computing activities, $10,000,000. This program is designed to develop new knowledge in the computer sciences for application in the design of improved computer hardware, software, and integrated computer systems; and to seek new ways to couple the capabilities of computers to the conduct of research in all areas of science.

Fifth. Science information activities, $8,300,000. This program is designed to facilitate the flow of scientific and technical information and reduce unnecessary redundancy and overlap in the generation and dissemination of scientific information.

Sixth. International cooperative scientific activities, $6,200,000. This program is designed to promote U.S. access to, and appropriate participation in, international scientific activities.

Seventh. Research applied to national needs, $115,200,000. This program includes: advanced technology applications; energy research and technology programs; environmental systems and resources; social systems and human resources; and exploratory research and problem assessment.

Eighth. Intergovernmental science program, $1 million, to aid State, regional, and local governmental agencies in making the benefits of science and technology more widely available within their regions.

Ninth. Institutional Improvement for Science, $15,000,000. These funds will go to colleges and universities to improve their academic science programs and to increase the effectiveness of their research programs, through improved management.

Tenth. Graduate student support, $20,000,000. This includes graduate fellowships to assure an adequate flow of highly talented individuals into science careers; and postdoctoral fellowships to assist scientists and engineers in upgrading their professional skills and in making a transition into other technical areas.

Eleventh. Science Education Improvement, $46,000,000. This program is designed to help improve the effectiveness of science education at all academic levels. It focuses on such problems as: increasing the cost effectiveness of science education through improved programs, technology, and instructional strategies and methodologies; assuring the Nation of a large enough and flexible enough scientific and technical workforce; improving science education for the nonscientist; and providing adequate science educational opportunities outside the formal structure of the educational system.

Twelfth. Planning and Policy Studies, $2,000,000. This program is designed to provide the factual data and analytical basis for sound national science policy decisions.

Thirteenth. Program Development and Management, $30,000,000. These funds are used to provide for the operation and management costs of carrying out the preceding 12 programs.

In addition to the above programs, the bill authorizes the appropriation to the National Science Foundation of $3,000,000 to be paid in excess foreign currencies, for expenses which the Foundation incurs in its activities abroad.

As can be readily seen from this summary, the programs of the National Science Foundation are extremely diverse, cut across innumerable fields, and are far reaching in their implications. In many cases their effects may not be felt for years, or even decades. But if the history of the 20th century can serve as a guide, then sooner or later these effects will surely be felt and will have a major impact on the shape of our civilization and the quality of our lives.

There is no doubt that science is the key to progress in our time. The vitality of our economy and the viability of our society depend on further scientific advance. This authorization for the National Science Foundation represents an essential investment in the future of the Nation. If we are unwilling to make the necessary investment today, we will reap a bitter harvest in polluted water and air, in congested roads and cities, in contaminated food and drugs, in inadequate energy supplies, and stagnant or even declining quality of life. And as we would suffer for our shortsightedness, so would our children, and our children's children for many years to come.

The Special Subcommittee on the National Science Foundation, of which I am chairman, held a hearing on the administration's authorization request on May 3, 1973. The bill I am introducing today is based on careful study of that hearing record. All of the increased amounts in this bill are based on evidence presented in that record. I believe that the $704 million called for in this bill represents the minimum authorization necessary for the National Science Foundation to carry out its mission in fiscal year 1974. I intend to ask the subcommittee to consider this bill, along with the administration request, in the very near future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 1977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1974, for the following categories:

(1) Scientific Research Project Support, $292,700,000.

(2) National and Special Research Programs, $108,600,000.

(3) National Research Centers, $46,000,000.

(4) Computing Activities, $10,000,000.

(5) Science Information Activities, $8,300,000.

(6) International Cooperative Scientific Activities, $6,200,000.

(7) Research Applied to National Needs, $115,200,000.

(8) Intergovernmental Science Program, $1,000,000.

(9) Institutional Improvement for Science, $15,000,000.

(10) Graduate Student Support, $20,000,000.

(11) Science Education Improvement, $46,000,000.

(12) Planning and Policy Studies, $2,000,000.

(13) Program Development and Management, $30,000,000.

Sec. 2. Notwithstanding any other provision of this or any other Act—

(a) of the amount stipulated for the purpose of "National and Special Research Programs in category (2) of section 1, not less than $6,000,000 shall be available for the oceanographic ship construction/conversion program;

(b) of the amount stipulated for the purpose of "Research Applied to National Needs" in category (7) of section 1, not less than $50,000,000 shall be available for energy research and technology programs, including but not limited to solar, geothermal, and other non-conventional energy sources, not less than $10,000,000 shall be available for earthquake engineering programs, and not less than $5,000,000 shall be available for technology assessment programs;

(c) of the amount stipulated for the purpose of "Science Education Improvement" in category (11) of section 1, not less than $7,500,000 shall be available for ethnic minority college programs.

Sec. 3. In addition to such sums as are authorized by section 1 of this Act, not to exceed $3,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1974, for expenses of the National Science Foundation incurred outside the United States to be paid in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 4. Appropriations made pursuant to authority provided in sections 1 and 3 of this Act shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 5 (a) No funds may be transferred to or from any particular category listed in section 1 if the total of the funds so transferred to or from that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Director or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

(b) The provisions of subsection (a) shall not apply during any period in which the Congress is in adjournment sine die.

Sec. 6. (a) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has been convicted by any court of record of any crime which was committed after the date of enactment of this Act and which involved the use of (or assistance to others in the use of) force, disruption, or the seizure of property under control of any institution of higher education to prevent officials or students in such institution from engaging in their duties or pursuing their studies, and that such crime was of a serious nature and contributed to a substantial disruption of the administration of the institution with respect to which such crime was committed, then the institution which such individual attends, or is employed by, shall deny for a period of two years any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c). If an institution denies an individual assistance under the authority of the preceding sentence of this subsection, then any institution which such individual subsequently attends shall deny for the remainder of the two-year period any further payment to, or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(b) If an institution of higher education determines, after affording notice and opportunity for hearing to an individual attending, or employed by such institution that such individual has willfully refused to obey a lawful regulation or order of such institution after the date of enactment of this Act, and that such refusal was of a serious nature and contributed to a substantial disruption of the administration of such institution, then such institution shall deny, for a period of two years any further payment to or for the direct benefit of, such individual under any of the programs specified in subsection (c).

(c) The programs referred to in subsections (a) and (b) are as follows:

(1) The programs authorized by the National Science Foundation Act of 1950; and

(2) The programs authorized under title IX of the National Defense Education Act of 1958 relating to establishing the Science Information Service.

(d) (1) Nothing in this Act or any Act amended by this Act, shall be construed to prohibit any institution of higher education from refusing to award, continue or extend any financial assistance under any such Act to any individual because of any misconduct which in its judgment bears adversely on his fitness for such assistance.

(2) Nothing in this section shall be construed as limiting or prejudicing the rights and prerogatives of any institution of higher education to institute and carry out an independent, disciplinary proceeding pursuant to existing authority, practice and law.

(3) Nothing in this section shall be construed to limit the freedom of any student to verbal expression of individual views or opinions.

Sec. 7. The National Science Foundation shall establish a Division of Energy Research and Technology which shall carry out the Foundation's energy research and technology programs.

Sec. 8. Notwithstanding any other provision of this or any other Act the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Sec. 9. This Act may be cited as the "National Science Foundation Authorization Act of 1974."

ADDITIONAL COSPONSORS OF BILLS

S. 179

At the request of Mr. Stafford (for Mr. Griffin) the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 179, limiting jurisdiction of Federal courts in busing.

S. 1875

At the request of Mr. Stafford, the Senator from Kentucky (Mr. Cook) was added as a cosponsor of S. 1875, to amend the Vocational Rehabilitation Act to extend and revise the authorization of grants to States for vocational rehabilitation services to authorize grants for rehabilitation services to those with severe disabilities, and for other purposes.

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE—AMENDMENT

AMENDMENT NO. 218

(Ordered to be printed.)

Mr. PROXMIRE proposed an amendment to the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

NOTICE OF HEARING ON A NOMINATION

Mr. ROBERT C. BYRD (for Mr. Eastland). Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, June 19, 1973, at 10:30 a.m., in room 2228, Dirksen Office Building, on the following nomination:

Clarence M. Kelley, of Missouri, to be Director of the Federal Bureau of Investigation

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

ADDITIONAL STATEMENTS

DUE PROCESS OF LAW

Mr. SCOTT of Pennsylvania. Mr. President, as has every Senator of both political parties, I have been greatly concerned by the direction the Watergate case has taken. The Nation's news media have performed a great service by insistent digging. A bad situation has been uncovered, largely through the efforts of the courts, the press, television, and radio.

But is justice being served today?

Are we not, in fact, in grave danger of subverting justice? Are we not trying the case against the President prematurely, in the press, in contradiction of our ideal of justice for all upon which this country was founded? And, as to the others also accused—but not the President; for, in the largest sense, there is no appeal for a President—are we not, perhaps, laying the groundwork for successful appeals from any convictions that might be obtained? Such has happened before.

The Supreme Court has ruled that pretrial publicity is a major factor to be considered in upsetting a conviction. I think that was a wise decision. A fair trial cannot be held in an atmosphere of hearsay, innuendo, speculation, and public accusation by unidentified persons.

Today I fear, because of the tremendous ability of television to enter into the home of every American, that we are near to providing the very atmosphere against which our Supreme Court ruled.

Publisher John S. Knight, a consistent critic of the Watergate mess, has nevertheless been moved to caution—Philadelphia Inquirer, June 2, 1973:

> The Senator Ervin committee, a special prosecutor and ultimately the courts must decide as to the guilt or innocence of any person said to be involved in the Watergate affair. True, the press must report all developments. But it has no right or power to try and convict out of hand.
>
> I urge, therefore, that the press exercise a greater measure of restraint while the due processes of law are being followed.
>
> The people want the truth, but let the truth be ascertained by those duly appointed to seek and find the truth.

The American people want to see justice done. They want to see the guilty sent to prison for just terms. They want to see the truth brought out. And they want to see the innocent freed without taint or shadow on their lives.

When looking for the highway of truth, there are many footpaths which may be followed for a time. Most of them lead nowhere. When the final map is drawn, only the highway shows. Hearsay is but a foot path in shallow sand. It is expressly prohibited by our code of law, for giving it voice can hurt beyond any possibility of redemption. Only evidence—solid, concrete evidence, brought forward according to the rules of evidence—can bring us to the highway of truth and justice.

So I do have a very deep concern, one which I share with all Americans. I want the judgment upon our President to be rendered upon the basis of truth. I want it found through our due process of law. I do not want it based on anything else.

Long ago, I made it clear that I would not raise my hand—I would not lift a finger—to interfere with the operations of the Senate Special Committee charged with this investigation, and I will not do so now.

But I would hope that further conferences will be held between the Special Prosecutor and the chairman and vice chairman of the Special Committee, so that they can cooperate harmoniously, to the end that when it is all over, we—and everyone—can look back upon this epoch as one which has strengthened our American system.

I ask unanimous consent to print an editorial from the Times of London of June 5 last entitled "Due Process of Law," in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DUE PROCESS OF LAW

The President of the United States is in the unenviable position of being tried by his fellow countrymen in three different forums, each of which has its own particular deficiencies and two of which have the power to offer freedom from prosecution to those whose evidence may accuse him. That is not to say the President is innocent, or that he would be innocent if any precisely formulated charges had been brought against him. It is perfectly possible for a wholly guilty man to be tried in a wholly unjust way. Indeed, many of the men who have been lynched in the course of history were lynched for crimes they had actually committed. That does not alter the fact that what Mr. Nixon is now receiving is a Washington variant of lynch law, and that while he may or may not be innocent, he may never be proved guilty by a process so clearly lacking in justice.

The three forms of trial, which are taking place simultaneously, are the Ervin Committee in the Senate (and this leaves out other related inquiries by five other Senate or Congressional committees), the Grand Jury, and the media, including *The New York Times* and the *Washington Post*.

PUBLICITY

The Ervin Committee is investigating precisely because the Senate thought that the due process of law was working too slowly. The Senators are trying to ask fair and relevant questions; there is no allegation that this is a Senate committee on the lines of the McCarthy Committee, though it has approximately the same powers and rules. Yet Senate committees are not courts: they do not have an adversary procedure; they do not have cross examination by Counsel for the accused; they can take and certainly do take hearsay evidence. The Ervin Committee has already been warned by Mr. Archibald Cox, the special prosecutor of "risk of damage to investigations and any resulting prosecution". The enormous publicity given to hearsay evidence in televised hearings is so prejudicial that it alone would seem to preclude the possibility of fair trial for any accused, even including the President himself if there were impeachment proceedings.

The second tribunal is the Grand Jury. No student of British law will forget that we abandoned the Grand Jury procedure because of its notorious weaknesses as an instrument of justice. Grand Jury proceedings provide the prosecutor with opportunities to introduce prejudicial evidence, which would not be admissible in a trial. The Watergate Grand Jury proceedings have been held in camera but have been widely leaked. The public has therefore a partial and unreliable account of these proceedings; that must be more damaging to the administration of justice than if there were a full account or no account at all. The publication of alleged reports of proceedings held in camera would be contempt of court under British law.

The third tribunal is the press, with television. But for the work of the *Washington Post* the real elements of the Watergate scandal would not have been uncovered. However, now we have a simultaneous process of trial by newspaper allegation, beside the Senate hearings and the Grand Jury. The American press, and particularly the *Washington Post*, deserve their full credit for forcing the Watergate affair into the open. They are however now publishing vast quantities of prejudicial matter, that would be contempt under British law, which again must tend to prejudice the fair trial of any accused, or, if it came to that, of the President.

The latest and most damaging example of this is the evidence given by Mr. Dean. According to *The New York Times* and the *Washington Post*, Mr. Dean told Senate investigators that he conferred with President Nixon thirty-five to forty times between January 1 and April 30 of this year. The subject of these conversations was alleged to be the concealment of the fact that White House men were behind the break in of June 17 last year, the Watergate burglary. Mr. Dean also alleged that the President agreed to buy the silence of the accused. These allegations have been denied specifically by the White House, though it is agreed that the President saw Mr. Dean, who was indeed the White House counsel at the time.

This is evidence of the greatest possible importance. It is not too much to say that if Mr. Dean's evidence is true Mr. Nixon is not fit to remain the President of the United States. Mr. Dean's evidence, if believed, would convict the President on two counts, firstly of conspiracy to pervert the course of justice and secondly of deliberate, continued and systematic lying to cover up his own part in that conspiracy. In practice, if Mr. Dean's evidence comes to be accepted, it could well lead to the successful impeachment of the President of the United States, and it is the first evidence in the whole case which takes the central matter straight home to the President, not by hearsay but by direct account.

This evidence of Mr. Dean's has come out first in two great newspapers, the most important national newspapers of the United States. Perhaps one should consider what the quality of Mr. Dean's statement is as evidence. In the first place it was given to Senate investigators whose committee have the power to give or withhold immunity from prosecution to witnesses before the Senate committee. Mr. Dean has stated that he will not be the fall-guy, and one way in which he could avoid being the fall-guy would be to obtain immunity for himself in return for his evidence against other people. There is a long legal tradition that the evidence of those who wish to turn Queen's evidence should be treated with suspicion.

SLENDER EVIDENCE

Mr. Dean's evidence was a preparatory statement; it was not given on oath; it was not given in open hearings; it was not given in open court; it must have be subject to questioning by the staff of the Senate committee, but not to public examination. It was most certainly not open to cross-examination by counsel for the President. On these grounds alone it is hard to think how evidence could be less satisfactory. Yet on this evidence could well be based public conclusions which could destroy a President of the United States.

The case is in fact worse than this. Any cross-examination would have put to Mr. Dean the apparent contradictions between this statement, now so unfortunately leaked to the press, and the earlier statement made by Mr. Dean's "friends" in an interview published by *Newsweek* on May 6. Mr. Dean did think that Mr. Nixon knew of the cover up, but gave only the slender evidence of an interview in September, 1972, in which the President stated: "Good job. Bob told me what a great job you've been doing." Mr. Dean took this to refer to the cover-up. By May 6, we are therefore already dealing with a Mr. Dean who is a hostile witness to President Nixon. He makes no mention then of the thirty-five meetings, but provides much more remote evidence for his belief that the President knew what was happening.

That is not a crucial inconsistency; Mr. Dean could well have been dribbling out the truth, a little last month, a little this month. In the same interview, however, Mr. Dean's friends quoted another story of Mr. Dean seeing the President. Mr. Dean admitted that he had never conducted the supposed inquiry into White House involvement, and told the President so on March 21, 1973. "The President came out of his chair" in apparent shock. So by Mr. Dean's first account we have the President shocked by a fact which, if Mr. Dean's second account were true, the President could scarcely have failed to know. That little physical detail of President Nixon bouncing out of his chair when he hears that Mr. Dean has been organizing a cover-up tells strongly in the President's favour, particularly as it comes from a hostile witness, and particularly as it refers to a date as recent as March 21 of this year.

SAME PRINCIPLES

That is not to say that this contradiction cannot conceivably be explained. What it does do is illustrate the danger of prejudice inherent in press reports of unsworn, untested, uncorroborated evidence. This is leakage of evidence likely to prejudice the Senate committee, which when it is presented to the Senate committee will further prejudice any trial that may depend upon it. It is prejudice very close to the fountain of information on which justice at some later stage is supposed to be done. The Dean leak is lethal, if believed, and yet of minimal evidential value; it alone could make a fair public trial impossible.

The tragedy is that the whole case is concerned with justice. What the President is accused of that really matters is to have interfered with the course of justice. That would be as grave an offence as a President could commit. Yet are not the Senate committee who are taking and publishing hearsay evidence to the whole country also interfering with the course of justice? "It is much more important for the American people to know the truth . . . than sending one or two people to jail", said Senator Ervin, the Chairman of the committee. That is not only interfering with the course of justice, but justifying the decision to do so.

And what about the press. Of course the American law of contempt is very different from ours, but the principles of fair trial are the same, how can one justify the decision to publish the Dean leak? Here is a piece of hanging evidence, the missing element—if it is believed—in a chain of proof. Here is a piece of wholly suspect evidence—unsworn, unverified, not cross-examined, contradicting previous evidence, subject to none of the safeguards of due process, given by a man who may be bargaining for his freedom. How can the newspapers defend themselves from the very charge that they are bringing against the President, the charge of making a fair trial impossible, if they now publish evidence so damning and so doubtful with all the weight of authority that their publication gives?

NORTH CAROLINA PLANNER REVIEWS LEAA PROPOSALS

Mr. ERVIN. Mr. President, on June 5 and 6, 1973, the Senate Subcommittee on Criminal Laws and Procedures conducted hearings concerning the future of the Law Enforcement Assistant Administration, established under the Omnibus Crime Control and Safe Streets Act of 1968. The subcommittee heard the testimony of a number of witnesses, including Mr. Ed Griffin, of Hickory, N.C.

Mr. Griffin is criminal justice planning director for the Western Piedmont Council of Governments, serving Alexander, Burke, Caldwell, and Catawba Counties. Because his work is at the local level where the ultimate success or failure of the LEAA program is determined, Mr. Griffin is uniquely qualified to comment on the operation and contribution of LEAA.

Mr. President, I ask unanimous consent that the text of Mr. Griffin's statement before the Criminal Laws and Procedures Subcommittee, on June 6, 1973, be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SPEECH BY MR. ED GRIFFIN TO THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES, JUNE 6, 1973

I would like to begin my presentation by expressing my appreciation to you for allowing me to comment on these proposed bills and the LEAA program as we now know it.

It is my firm contention that I not support specifically any legislation introduced, but instead comment on specific items that I believe to be pertinent to any changes in the program. I have had the opportunity to briefly study the proposed bills and to speak with the State Administrator and several planning directors concerning amendments to the program. Although each state, and likewise each region, has unique characteristics, I am sure that they too have common perspectives toward the administration of the LEAA program. Although my remarks are directly influenced by the structure within North Carolina and the composition of my particular region, I am sure such comments would manifest the opinions of others in similar capacities.

I shall try to address my remarks to those items which necessitate legislative decisions as opposed to administrative. I find this difficult to differentiate the two at times in a program as complex as this. In order for legislative decisions to be most meaningful, perhaps it is in order to touch on administrative problems.

I congratulate each author of the bills I have studied, as they all indicate a strong emphasis on the development of professionalization among the criminal justice agencies and personnel.

In North Carolina and in Region E, the initial thrust of the program was to provide standard operational equipment to the law enforcement agencies. Although not as meaningful in a long range scope as other projects, the funds served as a credible purpose. They helped to facilitate equipment needs of departments, especially smaller departments, that were drastically ill-equipped. It helped also to encourage interest in, and support for, the LEAA program among the rank and file of law enforcement. The Governor's Committee on Law and Order has now gone on record as not favoring funding these projects in the future, but addressing other areas of critical concern.

Program areas which are now being explored and successfully undertaken are youth programs, Police legal advisors, rehabilitation, public education, and crime prevention. In North Carolina and in Region E, the emphasis now is on programs that not only meet the needs at present but will make a contribution to the future.

I should like to comment on a bill introduced by Senator Tunney:

(1) I would heartily encourage states, regions, and local governments to define their needs and adopt a comprehensive law enforcement plan. I must note that it is my most emphatic belief that the State Plan should reflect a composite of local and regional plans, rather than a State Staff's perspective of a State Plan. This has not been the case in North Carolina and perhaps in other states as well. To be more specific I would endorse the concept of the submission of a State Comprehensive Plan, with amendments to the plan submitted every two years unless drastic changes occur which necessitate an amendment for an annual assessment.

(2) A sixty-day evaluation and approval period would certainly seem to be adequate. As projects are submitted to the State, no particular time is announced as to when the project will be decided upon. I submitted a Juvenile project for review in September of 1972 and received notification of its award in February of 1973. A great deal of strategic time was lost in the implementation of the project due to the excessive time in evaluating the project and the unwillingness of the Governor's Committee to meet.

(3) I can once again endorse, due to personal experience, the concept of an evaluation procedure of projects. North Carolina was one of the first, if not the first to implement a comprehensive evaluation program to give vital feedback as to the impact and effectiveness of the projects. I would encourage such an undertaking by each state planning agency.

(4) "Federal Credit Funding" as noted in Part C, Section 102 of Senator Tunney's bill, would seem to provide the kind of incentive to local government that the supplanting stipulation now prevents.

(5) To say the least, the provision to authorize funds to institutions of higher education "in an effort to develop curricula leading to a degree in the field of criminal justice planning" is imperative if we can expect professional program development and administration. It is extremely difficult to find qualified persons in this field.

(6) I would take issue with part H, Section 102 of Senator Tunney's bill which is entitled "Prohibition of Conflict of Interest." The bill excludes parties being present and voting upon an application in which he has an interest. Although the theory behind the stipulation is most commendable, and I, as a planning director, would highly encourage the elimination of politics from project assessment, I would equally encourage that a representative of a project be allowed to speak on the issues raised in evaluating and approving any project.

Concerning Senate Bill 1023 introduced by Senator Hartke, I would express an interest in the formation of a Commission on Accreditation of Law Enforcement Agencies. However, as its initial purpose, I would be more supportive of the Commission addressing agencies needing assistance in ascertaining the standards and criteria set forth to be certified as an accredited agency. The incentive, I am sure, in the bill is worthy; however, I believe that more departments could and would be helped if steps were taken to at least begin them on their way to accreditation. Otherwise, large, well-to-do agencies which already have many resources available to them will have even more, while the smaller departments will once again be limited.

North Carolina has authorized, by legislative enactment, the N.C. Criminal Justice Training and Standards Council to determine the qualifications which will certify each law enforcement officer in the State. In addition, it will provide the statute regulations for minimum training for each officer. Although the logistics in adminstering the laws are very difficult, cooperation among agencies and local units of government has allowed for a demonstrably effective program.

I believe the bill introduced by Senator Eagleton reflects the intent and purpose of the Council and is a national effort to assure more qualified personnel in law enforcement.

The basic concept which originated the LEAA program, as I understand it, was to provide, through federal assistance, funds to the states and local units of government to help in the development and improvement of their respective criminal justice systems. As a means for continuation, funds could be allocated to re-fund a project with, in most cases, the acknowledgement being that future funding will be the responsibility of that agency, unit of government, or state (subgrantee). It appears that the LEAA program has provided counter productive measures which have created problems in future funding. The first match ratio was 60%–40%; secondly, 75%–25%; and now in North Carolina, with a State Buy-in, 81.25%–18.75%. Instead of the locals assuming more responsibility, they are assuming less. Although this provides for a greater distribution of funds, it does not necessitate a great deal of commitment on the part of local units of government.

I, like many others, do not fully understand the "Revenue Sharing Concept" and how it specifically differs from the existing LEAA program, with the exception of no local match. Certainly this will eliminate many hours of accounting and will be a giant step in simplifying a complex program. Perhaps if the local governments knew of the specified amount of money that would be allocated to their government, they would use the funds wisely. Until such time as small cities and towns can and do acquire some help and guidance in the preparation of plans to expend money, I would encourage the continuation of a program similar to the one in existence. From the knowledge I presently have of "Revenue Sharing," the idea is most commendable and the process most welcomed by a majority of the people now wrestling with individual bureaucracies to ascertain funds.

As indicated in the bill by Senator Hruska, as well as other bills, the control and responsibility of the program will rest with the Governor. I strongly urge the continuation of this procedure, as it is working well in North Carolina at the present time, and seems to offer no difficulties in the structure of state government.

In the "Revenue Sharing" Bill, and most others, particular attention is being given to "Crime Prevention." I commend you for this. I believe Florida has experienced a great deal of success with their state-wide program. North Carolina is now making plans to develop a similar program which we believe will be equally successful and will be a great asset to the deterrence of crime.

Although I have spoken on many issues with which we share a common concern, I am sure that I have not addressed all of the questions you might have of a regional planning director. I shall be glad to entertain any questions you might have.

TAXES

Mr. FANNIN. Mr. President, it was my privilege this spring to get a preview of the booklet, "Tax Loopholes: The Legend and the Reality," by the outstanding economist, Roger A. Freeman.

On May 3, 1973, I called the attention of the Congress to the fact that this booklet would soon be published by the American Enterprise Institute and the Hoover Institute.

This publication punctures many of the myths concerning our income tax system. It demonstrates that high income Americans do pay their share of taxes, and those who may escape taxation are noteworthy only because they are extremely rare.

Last Wednesday the Wall Street Journal carried an editorial citing the very interesting facts from this AEI publication which is now available. I ask unanimous consent that the editorial be printed in the Record for the benefit of my colleagues who will be working on tax issues in this Congress.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Taxes and the Rich

Associated Press recently checked on the price of approximately a dozen luxury items in scattered U.S. cities and found about what you would expect—that they cost more today than a year ago, anywhere from 10% to 15% way on up. Yet we doubt that many Americans, with troubles enough of their own because of rising prices for food and other necessities, will lament that the rich have to pay more for caviar and French wine. Besides the obvious advantages that the rich enjoy, everyone knows that the rich pay low taxes because they can exploit loopholes.

Yet what everyone professes to know is not necessarily so. In a fascinating booklet, "Tax Loopholes: The Legend and the Reality" published by the American Enterprise Institute, Dr. Roger A. Freeman demolishes some of the more persistent tax myths that have taken hold in recent years. His thesis is not that federal tax policies are desirable or above criticism; indeed, he cites any number of shortcomings, and says the Tax Reform Act of 1969 is justifiedly called the "Lawyers' and Accountants' Full Employment Act of 1969." But he thinks it important to understand, and we agree, that the public tax policy be based on a factual understanding of the problem, not on comfortable ignorance.

Take the common assumption that the heaviest tax burden falls on the middle class. Dr. Freeman, senior fellow at the Hoover Institution, shows that in 1970 Americans with adjusted gross incomes in excess of $20,000 received 21.3% of adjusted gross income and paid 35.5% of the federal tax liability. By comparison, those with adjusted gross incomes from $7,000 to $19,999 received 59% of adjusted gross income and paid 54% of the federal tax liability. While the federal tax rate is entirely too high at every level, it it obvious the rich are not avoiding their share of the tax burden and it is equally obvious the middle class does not pay a disproportionate tax percentage.

The main reason for the widespread misunderstanding results from the well publicized fact that some rich people have avoided paying federal income taxes in certain years under special conditions. For 1970, for example, 112 individuals reporting incomes of more than $200,000 did not pay federal taxes. But these 112 represented only .07% of Americans reporting incomes over $200,000. And they had legitimate reasons for not paying.

Some derived their income from foreign transactions and were taxed in those countries. In 12 cases, deductions for state and local taxes exceeded adjusted gross income (although 11 of the 12 paid an average $1.6 million federal income taxes the previous year). Elsewhere, large charitable deductions, when added to deductions for interest, taxes, medical expenses and casualty losses, equalled or exceeded adjusted gross income.

Finally, in still other cases, nontaxability was due to deductions—i.e., losses of securities pledged to secure loans, losses on guarantee of loans, payments in settlement of litigation—that an operating business could deduct before computing adjusted gross income but costs which individual investors can offset against earnings only by using itemized deductions after adjusted gross income. In short, these taxpayers who submitted returns with a high adjusted gross income appeared to have high incomes only because they followed the procedural requirements of the income tax form.

But the essential point is that 99.3% of taxpayers reporting incomes of more than $200,000 (15,323 individuals) did pay federal taxes—an average of $177,161, equal to 44% of adjusted gross income and 60% of taxable income. The 621 with income of over one million paid an average federal tax of $984,862, equal to 46% of their adjusted gross income and 65% of the taxable income.

Dr. Freeman does not argue that the current allowances for charitable deductions, capital gains, mineral percentage depletion, municipal bonds, interest and the like are sacrosanct, or even the best method for accomplishing our stated public policies. But he notes that they were enacted and are retained, not to benefit the rich but precisely to provide economic and social incentives that Congress has repeatedly deemed to be in the public interest.

Obviously, the rich can afford the top legal and accountng talent enabling them to take advantage of every deduction to which the law entitles them. But it would be wise to get the facts straight before taking arguments about loopholes for the rich as a reason for wholesale changes in existing tax policy.

A FREE PRESS

Mr. KENNEDY. Mr. President, during these past several months, there has been a heightened awareness across this country of the protection afforded the public by the first amendment guarantee of the freedom of the press.

The reporting of Carl Bernstein and Robert Woodward of the Washington Post, earned their paper a Pulitzer Prize and recently earned them the distinguished service award of the national journalism honor society, Sigma Delta Chi.

They and the men and women who serve as the eyes and ears of the American public rarely receive the accolades due them. Reporters on small- and medium-sized newspapers and local broadcasters around the country particularly tend to be overlooked by their own communities, yet they are the catalysts for change, raising issues to public attention, and sparking local and State movements to deal with those issues.

This month, Sigma Delta Chi announced the winners of its annual journalism awards and also listed many of the other journalism award winners around the country.

I believe they deserve the attention of the Congress as well. I ask unanimous consent that these award winners be printed in the Record. The professional tradition they maintain is a honored one, one which is vital to the strength of this Nation.

There being no objection, the award-winners were ordered to be printed in the Record, as follows:

Sigma Delta Chi Awards

Winners of the 41st annual Sigma Delta Chi Awards for Distinguished Service in Journalism were honored in special ceremonies at Omaha, Nebr., last month. The awards, in 16 categories of print and broadcast journalism, are for outstanding performance during 1972.

GENERAL REPORTING—RACING SCANDAL

"We still feel like we have a lot of investigating to do," said William F. Reed, Jr. He was referring to himself and James M. Bolus, who received Sigma Delta Chi Distinguished Service Awards for their investigation of the thoroughbred racing industry in Kentucky.

As a special assignment writer for the Louisville *Courier-Journal*, Reed's first job was to stay underground, as an out-of-work free-lance writer, and study the gambling bookmaking racket in the horse races.

In going to the races, Reed said he first wondered why there were bookmakers at the race track. He found out why when he did not have to stand in line to bet and the bookmakers would extend him credit when he didn't have a dime.

At the 1972 Kentucky Derby, gamblers and bookmakers knew by 11 a.m. the winners for two races that had been fixed, said Reed.

Reed said he called his managing editor and "We immediately shifted our investigation from gambling and bookmaking to the entire thoroughbred industry."

The investigation turned up a conflict of interest with one of Kentucky's highest racing officials.

In June the information appeared. Reed said, "We broke the story on the racing commission and we broke the story about the fixed races."

Reed said information was at first easy to find since no one had thought of investigating the thoroughbred industry. He said most people believed the industry to be beyond reproach.

PUBLIC SERVICE—BOYS TOWN

Paul Williams, managing editor of the weekly Omaha *Sun*, believes the press has an obligation to everyone to report "fully the workings of institutions in our society." Out of this belief grew an expose of Boys Town.

A Sun Newspaper report revealed that Boys Town had a net worth of at least $209 million, a money machine which brought in some $25 million a year in public donations and investment income, increased its net worth by $16 to $18 million per year, and that it continued to send out 33 million fund-raising letters a year telling Americans it needed their money.

The *Sun* report was published March 30, 1972, and since then, Williams said, Boys Town has begun a self-examination of its resources. Consequently, the institution established programs on child development and speech and hearing defects.

Four other staff members who worked on the Boys Town investigation are Randy Brown, assistant managing editor, Mick Rood, Doug Smith and Wes Iversen.

Managing editor Williams reiterated the importance of investigations of this kind—to more fully understand how institutions work, the public cannot always rely upon information emanating from them. Borrowing from an *Esquire* article published last year, Williams went on to say, "The way to protect the right to publish is to publish. So we published and took our chances."

Those chances led to a SDX Distinguished Service Award for newspaper public service, a Pulitzer Prize and other high journalism honors.

NEWS PHOTOGRAPHY—VIETNAM NAPALM

Huynh Cong (Nick) Ut was taking one of his many trips up Route 1 in South Vietnam June 8, 1972, covering the North Vietnamese spring offensive with a group of South Vietnamese—on one of those days when "nothing was happening."

Vietnamese Air Force planes were conducting strikes on enemy positions when suddenly a misdirected napalm drop trapped fleeing soldiers and civilians.

Among the civilians burned by the napalm, running screaming and naked down the road, was 9-year-old Phan Thi Phuc. Nick Ut's picture of the suffering child covered America's front pages, a brutal symbol of the war's tragedy.

Ut, who was not allowed by the South Vietnamese government to come to the United States to accept his SDX award, literally swept all awards competitions in journalism photography with this picture. No single photo may have received so many big displays since publication early in the Vietnam war of the photo of the immolation of a Buddhist monk in Saigon.

The 9-year-old girl was traced to a Saigon hospital and followup stories were written on her recovery. Among readers responding to the photo were a group of Bronx firemen who raised a fund to help rebuild her home. The firemen said they felt the picture did more than any other piece of news photography to show the horror of war and hasten a peace settlement.

Ut has been wounded three times in covering the war. His brother, an AP man, was killed.

WASHINGTON—WATERGATE

"It was evident after two days that there was much more to Watergate."

So Carl Bernstein and Robert Woodward, Washington *Post* metro reporters, went after the background of last June's burglary of the Democratic headquarters.

At first, the young reporters were assigned the story because "it looked like another burglary," Bernstein said. When it became apparent there was more to the story than the surface facts, they pursued the facts using "basic, tested reportorial techniques."

"As metro reporters, we didn't have contacts," Bernstein said. "We made new sources as we went along." They discovered that even those who covered the White House regularly "didn't have much more than a superficial notion" about the real lines of authority and structures of the White House staff and the Committee for the Re-election of the President.

When he and Woodward did get information, they often could not attribute it. Bernstein said they used a policy of never using anything unless it was verified by two of their confidential sources.

Bernstein said the last 10 months' developments have vindicated the *Post* from the Nixon administration's accusations of last fall. He said the Watergate incident was shown to be part of a pattern of political espionage and sabotage dating back to just after the 1970 elections.

Bernstein and Woodward received the SDX Distinguished Service Award for Washington correspondence.

FOREIGN CORRESPONDENCE—RUSSIA

Charlotte Saikowski, Moscow correspondent for the *Christian Science Monitor*, wrote five letters to President Nixon, but she has yet to receive an answer.

Saikowski said through the letters, published in the *Monitor* and addressed to Nixon prior to his trip to Russia, she tried to explain to the American public what it means to be a citizen in the Soviet Union.

"I felt that previous correspondents had dwelled too much on heavy subjects, such as the economy of Russia. I tried to approach the subject from a different standpoint."

She said the letters were not addressed personally to President Nixon, but were used to attract attention to the series.

Saikowski said she doesn't know if the President ever read the letters, but through the Voice of America, which often broadcasts western correspondents' reports, the series was heard in the Soviet Union.

Saikowski said western journalists in the Soviet Union live "under severe restrictions both professionally and personally." She described the living conditions as "foreign ghettos."

She said the authorities are particularly sensitive to stories about dissidents activities in the Soviet Union.

Saikowski, who speaks Russian, said she has had a "good taste of the geographical areas of the Soviet Union." She said reportters have to be very careful about making contacts in the country. "I can count the number of my Russian friends on my hands."

EDITORIAL WRITING—COMPETITIVE BIDDING

Ten editorials by John Harrison started a campaign in Florida to repeal a law that prohibited competitive bidding on engineering projects for the state. The three months of editorials in the Lakeland (Fla.) *Ledger* resulted in Gov. Reubin Askew's suspending the law.

The state of Florida spends about $700 million in engineering costs per year. Harrison said the change in the law, signed in early May 1973, would save 10 to 15 per cent in engineering costs.

Harrison said his attorney was instrumental in helping with the campaign. He said the lawyer kept him informed about following the laws.

Public reaction to the editorials was slight. Harrison said few people wrote to the paper in response. The *Ledger* was the only paper in Florida writing about the ban on bidding until Harrison had gone through court appearances and appeared before a Florida legislative subcommittee. After that, papers in Miami, Tallahassee and Jacksonville began writing about the ban.

Harrison said that in writing his editorials he realized that "words are crude, blunt instruments and a journalist must mold them into tools of power, beauty and excellence."

"Reach for the ultimate goal. Aim for the highest mark in editorial writing," Harrison said.

This marks the third consecutive year that the Lakeland *Ledger* has won this award for editorial writing. Harrison won it two years ago and Joanna Wragg last year.

TELEVISION REPORTING—WALLACE SHOOTING

Laurens Pierce, a cameraman for CBS News, won a Distinguished Service Award for his coverage of the attempted assassination of Alabama Gov. George Wallace on May 15, 1972.

Pierce, who was the only cameraman to record the actual shooting of Wallace, started with CBS "just at the beginning of the civil rights story."

"I wanted to film gentle, beautiful stories but was type cast as an action cameraman," said Pierce.

"Being at the right place at the right time is luck. The reason that I was able to stand behind Wallace at this time was because I made acquaintances and knew his staff the best that I could. I took the liberty to step over the rope into the restricted area just before the shooting, and because the Secret Service and Wallace people knew me I was allowed to remain," he added.

Pierce, who had traveled with the governor for many years, said that the incident was a close personal tragedy. "It was almost as if you were seeing a member of the family being shot. A man reached up and grabbed my camera after the shooting. He was so angry and I was angry, too, but the experience and business of years of hard news kept me there."

Following the Wallace shooting Pierce could not find anyone to escort him and his exclusive film from Laurel, Md., to Washington in order to make CBS Evening News with Walter Cronkite. He was finally offered a ride in a Singer Sewing Machine truck.

TV PUBLIC SERVICE—WILLOWBROOK

"A year and four months later and nothing's changed," lamented Steve Skinner, producer of the public service in television award winner for WABC-TV.

Skinner said that over two and a half million people in the New York City area viewed the half-hour documentary, "Willowbrook: The Last Great Disgrace," a commentary on the treatment of the mentally retarded in the state of New York, and as of today there is no improvement.

Skinner, who produced the six o'clock news show where the original footage of the program was aired, said the station's newsmen captured "the horror show of indescribable proportions."

He recounted how the initial film was shot at an open house where 150 of the 5,000 institution's residents were well-dressed and put on display for the local press. The remainder of the film was taken after the photographers "crawled through the bushes outside at six in the morning" to get to Willowbrook and enter unannounced to record the real conditions.

The producer described such things as the "gruel" fed to the patients and how there "was literally nothing for them to do."

WABC–TV's program combined the conditions at Willowbrook with the drastically different but highly successful community care concept for the mentally retarded in California. The effect of this contrast, according to Skinner, was to "create a point of view."

TV EDITORIAL—CONSUMER FRAUD

Four bills regarding auto repair are pending in the Florida legislature as a result of a series of editorials by WCKT–TV, Miami.

News director Gene Strul and anchorman Richard Whitcomb were the leaders of a "mission impossible" team which exposed businesses indulging in crooked or incompetent services.

Their studied investigation of an estimated $6 million "rip off" went as follows: Strul and Whitcomb, along with two assistants, a cameraman and female reporter, acquired a "non-descript" panel truck with a two-way mirror. They consulted an expert mechanic who put the truck in complete running order except for one faulty spark plug, which caused the truck to miss and stall. The mechanic assured them that any competent mechanic would find this fault easily and with little cost to the customer.

The female reporter, equipped with a hidden mike, drove the truck while the cameraman hid in the back. They recorded conversations with the mechanics.

Of the 10 businesses the team visited only two correctly repaired the truck and charged a reasonable amount. For a job that should have cost around $4, some companies charged as high as $40. One mechanic told the reporter a new air filter was needed, another said she needed a new radiator hose, another installed eight new spark plugs in the truck and they weren't even gapped correctly, and still another said he could not find anything wrong with the truck.

RADIO REPORTING—WALLACE SHOOTING

Valerie Hymes has added a new dimension to journalism: woman's intuition. It led her to a scoop on the George Wallace assassination attempt on May 15, 1972.

"It really bothers me that people say it was all luck," she says, "because it was not."

Mrs. Hymes explained that in following Gov. Wallace's campaign there were omens of trouble which made her feel that he might get shot at any time, and she vowed to herself to attend all of Wallace's speeches, from beginning to end, even though they were the same.

"At the time he was shot I realized that I was the only reporter still around. He had gone down into the crowd to shake hands with some well-wishers and I was about 15 feet behind him on the bullet-proof stage. Immediately I thought of President Kennedy's assassination and how it was covered, and I had to just keep my head and be concerned about accuracy more than anything else—even then I heard only four shots, instead of the actual five."

On the day of the assassination attempt Mrs. Hymes stayed up way past midnight in order to give reports to stations all over the country, and she further explained that these reports really opened the door for her.

Now that the Wallace story has simmered down, Mrs. Hymes, in addition to her free-lance reporting does radio and television analysis throughout the state of Maryland, and she has a regular column, "The State of Things," which is published in 34 Maryland newspapers.

RADIO PUBLIC SERVICE—CHILDREN

Joe Mayer, public affairs director at WGAR Radio, Cleveland, described the background of WGAR's series of documentaries on mental retardation which won the station national honors.

"It started with a request for trading stamps," Mayer, also a disc jockey, said. The goal of a six-week campaign for public transportation for the retarded was 2,300 stamp books. WGAR received 4,200 books and purchased two minibuses to transport retarded children to and from their homes.

"It was a huge success," Mayor said, adding, "there was almost total involvement in northeastern Ohio."

Working together, the public affairs and news departments of WGAR created the one-to-two minute documentaries which ran once an hour 24 hours a day. Mental retardation as seen through the eyes of parents of retarded children was the approach used.

Meyer stressed the "importance of making the retarded feel needed.

"We've got to approach things positively, try to approach it all with the idea that steps are being made to help the mentally retarded.

"We've got to paint the picture bright because we know what the problems are. Things are getting better and we've got to say things are getting better."

Mayer said he thought it "much healthier and you get a lot more done" by running a local campaign instead of broadcasting public service ads by national celebrities.

RADIO EDITORIAL—CHRISTMAS BOMBING

"I have no tale of journalistic derring-do, I merely tried to reflect the anguish that was in the minds, and hearts of a great many people," said Frank Reynolds.

For his timely radio broadcasts about the Christmas 1972 bombing of North Vietnam, entitled "Season of Peace," Reynolds received the Distinguished Service Award for radio editorializing.

"I tried to point out the pathetic paradox of the renewed air-to-ground hostilities during the very days when Peace on Earth was the wish of the entire world," he said.

"I spoke what was on my mind. I have no second thoughts about the comments I made."

Reynolds went on to talk about what he feels is the role of the press and what the obligations are of a news commentator.

"The role of the press is not to be a pacifier. I have always felt that sometimes in the conflict between the government and the press, a different view is seen by the public. The government is afraid of the people.

"A news commentator is supposed to express his opinion. A person familiar with the facts should be allowed to express his views.

"We have to respect public opinion, but we should also be able to ignore it. However, no reporter should deliberately set out to write a news story and rearrange the facts to suit his own conclusion.

"A news commentator has no such obligation. A commentator is supposed to express his opinion."

MAGAZINE REPORTING—DRUGS

An appropriate postscript to the death of *Life* Magazine is the awarding of an SDX Distinguished Service Award to one of its staff writers, Thomas Thompson.

His account of a father who loved his son but, in the end, killed him over the nightmare of drug abuse is, in the opinion of the SDX judges, "a powerful story that puts a difficult contemporary problem on a personal level for every reader. In this, the story serves a prime function of magazine journalism, reaching behind daily reporting to seek out the many small but revealing facets that add up to a deeply moving account."

Thompson, 39, a Fort Worth, Texas, native, joined *Life* in 1961 as a correspondent in Los Angeles. Two years later he became the magazine's associate editor covering the entertainment beat in New York. He was also the magazine's Paris bureau chief. At the time of *Life's* suspension, he was a staff writer.

He is currently writing a screenplay for Paramount Pictures called "Ring Master."

RESEARCH—POLITICAL POWER

Overclassification of documents and materials and the arrogance of high-level officials are two areas in government-press relations of great concern to William Small, recipient of a Distinguished Service Award for his book, "Political Power and the Press."

Small, vice president of CBS News, Washington, D.C., said he wrote the book because he "was greatly troubled by the events of the last few years. Government actions in this period have infringed on areas belonging to the free press."

"Currently, there are about 200,000 documents being classified by the government per day," he said. Small added that this practice was going on despite President Nixon's "important first step" last year in ordering a review and modification of government classification policy.

Small said his book is essentially a "look at history" and a study of the "techniques of politicians." It also examines the publication of the Pentagon Papers and the broadcasting of CBS-TV's "The Selling of the Pentagon."

He previously won a Distinguished Service Award for his book, "To Kill a Messenger" (1970), which dealt with free press problems encountered in television news.

MAGAZINE PUBLIC SERVICE—HEALTH

For the third time in six years, *Philadelphia Magazine* is honored in magazine public service with a Distinguished Service citation.

The 1972 citation goes for an article by Mike Mallowe, "Guess What's Coming With Dinner."

Said the SDX judges: "It was an outstanding public service to the people of the Philadelphia metropolitan area. Combining excellent reporting with excellent writing, Mallowe provided significant and shocking information about unsanitary conditions in public restaurants and the indifference, or worse, of public agencies charged with maintaining standards."

Philadelphia Magazine was previously cited by SDX for an article in 1967 called "The Reporter," exposing the allegedly illegal activities of a supposedly crusading newspaper reporter, and for an article in 1969 which documented "gross mismanagement" in the Philadelphia-based Pearl S. Buck Foundation on the part of the Foundation's president.

EDITORIAL CARTOON—JAILED NEWSMEN

Editorial cartoonist Bill Mauldin says he likes to fight back at government.

"When the government put Agnew on the press, it was obvious they mean war," Mauldin said.

Mauldin explained his technique for coming up with cartoon ideas.

"I read a lot at night, and take a notepad to bed with me. But by morning I hardly ever decide to use any of those ideas, so I sit in a hot bath and just think. Usually the ideas just come out of my head."

Mauldin's 1972 award-winning cartoon, which dealt with the issue of jailing news people for refusing to divulge sources and information, was no better or worse than any of his others, he said.

"Usually I can't stand to look at my stuff," he said. "When I get an award for my work, I always wonder why. Later I get very mellow about my work and after a few years I can actually like some of it.

"I also have this terrible moral ethic about my work. If I don't work on a cartoon for a long time, I think it stinks."

Mauldin is now a three-time SDX award winner. His two previous winning cartoons dealt with the deaths of Presidents Kennedy and Eisenhower.

OTHER AWARDS FOR EXCELLENCE IN JOURNALISM—PULITZER PRIZES

The 57th annual Pulitzer Prizes in Journalism, issued by the trustees of Columbia University on the recommendation of the Pulitzer advisory board, were announced last month.

The Washington *Post* received the public service prize for its coverage of the Watergate scandal. The Columbia trustees cited reporters Carl Bernstein and Robert Woodward for playing "so dominant a part in the inquiry . . . and development of much of the evidence that now is public property."

The trustees noted that the *Post* articles were supported by strong editorials by Roger Wilkins and editorial cartoons by Herbert A. Block (Herblock).

Additional honors came to the Washington *Post* through the awarding of the Pulitzer Prize for commentary to David S. Broder. Last year, in a poll of political correspondents, Broder was chosen as the most respected political writer in the nation.

The Chicago *Tribune* won a Pulitzer in the local spot news reporting category for its stories on vote fraud in the Chicago primary election of March 21, 1972. A task force team under the direction of investigative reporter George Bliss, a past Pulitzer winner, conducted a thorough search of voters' registrations, polling places and election judges and discovered numerous cases of ghost voting, forgery and other frauds.

Max Frankel of the New York *Times*, for his coverage of President Nixon's trip to China, received the award for reporting of international affairs. Frankel wrote thousands of words of news daily in his eight days and nights in China, plus columns of observation and commentary.

Ron Powers, television columnist for the Chicago *Sun-Times* won the Pulitzer Prize for criticism. "I think it's appropriate that a Pulitzer is given to a TV critic . . . not me, but to a TV critic," Powers said upon receiving the award. The statement corresponds with what he wrote in his very first column: "No other critic . . . deals with a medium that reflects so directly the personality, character, hopes, fantasies, distractions, myths and delusions of the American people." (See feature article by Powers in this issue, page 32.)

The Sun Newspapers of Omaha, Neb., won the award for local investigative or specialized reporting for stories uncovering the large financial resources of Boys Town in Nebraska. While the papers criticized this program, they made no allegations of wrongdoing and reported none.

Robert Boyd and Clark Hoyt of the Knight Newspapers won the national reporting award for their disclosure of the psychiatric history of Sen. Thomas Eagleton (D-Mo.), which led to his withdrawal as the 1972 Democratic vice presidential nominee. Even though they had enough information to go with their story on July 23, Boyd and Clark waited for Eagleton to make his own disclosure before publishing.

Roger B. Linscott, for the body of his editorial writing in 1972 for the *Berkshire Eagle,* Pitsfield, Mass., won for editorial writing. His editorials, critical of such things as hospital boards, a $213-million highway project and poor busing service in his city, had positive results, such as reversals of position and the setting up of special study commissions.

Huynh Cong Ut of the Associated Press won the spot news photography award for his photograph, "The Terror of War," depicting Vietnamese children fleeing a napalm attack. It is an unforgettable picture (page 17) which literally swept all journalism photography awards this year.

Brian Lanker of the Topeka (Kan.) *Capital-Journal* received the feature photography award for a sequence on childbirth. It told the story of a mother who had decided on natural childbirth under the Lamaze method, in which her husband assisted her instead of leaving everything to the physician. The couple agreed to pictures.

In the field of books, W. A. Swanberg, the subject of a Quill cover article last December, won the Pulitzer Prize in biography for "Luce and His Empire."

The non-fiction award was shared by Frances Fitzgerald for "Fire in the Lake: The Vietnamese and the Americans in Vietnam" and Robert Coles for Volumes II and III of "Children of Crisis."

No Pulitzer Prize was awarded this year for editorial cartooning.

BINGHAM, SMITH, PEABODY, BROUN, PEARSON, DUPONT, MOTT, PYLE, STOKES

Carl Bernstein and Robert Woodward of the Washington *Post* received the $1,000 Worth Bingham Prize.

Stewart Hensley, United Press International diplomatic correspondent, received the $500 Merriman Smith Memorial Fund Award for his coverage of President Nixon's trip to China.

This year's George Foster Peabody Award for excellence in news broadcasting went to Bill Monroe, Washington editor of NBC's "Today" program.

Carl Bernstein and Robert Woodward won the Newspaper Guild's 1972 $1,000 Heywood Broun Award.

Bernstein and Woodward were awarded the second annual Drew Pearson Prize for investigative reporting.

The New Jersey Public Broadcasting Authority and Princeton film producer John Drimmer are winners of Alfred I. duPont-Columbia University Awards in Broadcast Journalism for a 30-minute program providing an inside view of people, problems and conditions in the central ward of a Newark public housing complex.

The annual Frank Luther Mott-Kappa Tau Alpha Award, demonstrating the best research in journalism in 1972, went to Dr. William E. Ames' "History of the National Intelligencer."

Bill Stokes, columnist for the Milwaukee *Journal* was named winner of the 20th Ernie Pyle Memorial Award worth $1,000 for best capturing "the concern for everyday people with everyday dreams."

Bob Poole, special assignment reporter for the Winston-Salem (N.C.) *Twin City Sentinel,* has won the 1972 $1,000 Thomas L. Stokes Award for a series of articles on the serious environmental hazards to rivers and streams from channelization projects.

KENNEDY AWARDS

Jean Heller of the Associated Press and Geraldo Rivera of WABC–TV were named the 1972 winners of the Robert F. Kennedy Journalism Awards.

Miss Heller received the newspaper coverage award for a series on untreated syphilis among Alabama black, a story she broke in July 1972. Rivera received the television coverage award for the documentary on care of the mentally retarded, entitled "Willowbrook: The Last Great Disgrace." Sen. Edward M. Kennedy presented the awards, which honor outstanding coverage of the disadvantaged in the United States.

The award winners were selected by a panel of journalists and broadcasters from a record 418 entries in the five-year-old program. No awards were made this year in radio and magazine coverage.

OVERSEAS PRESS CLUB

Best Daily Newspaper or Wire Service Reporting from Abroad—Charlotte Saikowski, Christian Science Monitor, for her five-part Soviet series, "Letters to President Nixon."

Best Daily Newspaper or Wire Service Interpretation of Foreign Events—William L. Ryan, Associated Press, for background articles on U.S.-China and U.S.-Soviet relationships.

Best Daily Newspaper or Wire Service Photographer Reporting from Abroad—Huynh Cong Ut, Associated Press, for his photo of a nine-year-old girl fleeing in pain from a napalm strike near Saigon.

Best Cartoon on Foreign Affairs—Thomas F. Darcy, Newsday.

Best Latin American Reporting—Lewis H. Diuguid, Washington Post, for a series of articles on Chile.

Best Article or Report on Asia—Richard Dudman, St. Louis Post-Dispatch.

Best Business Reporting from Abroad—Stars and Stripes, for expose documenting high pressure sales tactics used by U.S. land promoters selling to G.I.s overseas.

Best Magazine Reporting from Abroad—James Kraft, in the New Yorker Magazine.

Outstanding Book on Foreign Affairs—"The Best and the Brightest" by David Halberstam, published by Random House.

Best Radio and Television News Report from Abroad—CBS Radio News, for coverage of the Olympic Village shootout in Munich.

Radio Interpretation of Foreign Affairs—John Chancellor of the National Broadcasting Company for his coverage from China, the Soviet Union and Washington.

Radio and Television Documentaries on Foreign Affairs—both to the American Broadcasting Company, for a radio special, on prisoners of war and an hour-long television special "Chile, An Experiment in Red."

Television Spot-News Reporting—CBS for coverage of fighting on Route 1 in South Vietnam.

Television Interpretation of Foreign Affairs—Tom Streithorst, NBC–TV, for a seven-part series on Cuba.

Photo Reporting-Interpretation—Thomas J. Abercrombie of National Geographic Magazine, for his article "The Sword and the Sermon."

Magazine Interpretation of Foreign Affairs—James A. Michener, for an article in the New York Times Magazine titled "A Lament for Pakistan."

PICTURES OF THE YEAR

The 30th annual Pictures of the Year competition was conducted by the National Press Photographers Association and the University of Missouri School of Journalism.

Newspaper Photographer of the Year—Kurt E. Smith, Lorain (Ohio) *Journal,* for photos of President Nivon on the campaign trail.

Magazine Photographer of the Year—Co Rentmeester, *Life* Magazine, for portfolio, including photo of Mark Spitz (see page 27 swimming to one of his Olympic gold medals (the photo ran as a two-page spread in *Life*).

Special World Understanding Award—John Launois, Black Star Publishing Co., for portfolio.

Spot News—Huynh Cong (Nick) Ut, Associated Press, "Terror of War."

General News—Mike Zerby, Minneapolis *Tribune*, "Cease Fire."

News Pictures Story—Perry C. Riddle, Chicago *Daily News*, "I Thought You Were Dead."

Feature Pictures—Bob Brown, Richmond (Va.) Newspapers, Inc., "First Day."

Pictorial—Akira Suwa, St. Petersburg (Fla.) *Times*, "A Time for Us."

Sports—Jerry Gay, Everett (Wash.) *Herald*, "The Finish."

Home and Family Interest Picture Stories—Brian Lanker, Topeka *Capital-Journal*, "The Moment of Life."

News/Documentary Magazine—Dirck Halstead, *Time*, "Victims."

News/Documentary Picture Story—James A. Sugar, *National Geographic*, "Funeral of an African Chief."

Feature Magazine Pictures—Dick Durrance II, *National Geographic*, "Hungry Boy, Bangladesh."

Feature Picture Story, Magazine—Dick Durrance, II, "Moment Remembered."

Sports Pictures, Magazine—Walter Meayers Edwards, *National Geographic*, "The Desert Was the Loser."

Sports Picture Story, Magazine—Co Rentmeester, *Life*, "World Record Holder, Pre-Olympics."

Picture Editor, Newspaper—L. Jean Bennett, Wilmington (Del.) *Morning News*.

Best Use of Photographs, Newspapers—Chicago *Tribune*.

Newspaper Sunday Magazine Picture Editor—Maurice Tillman, Louisville (Ky.) *Courier-Journal*.

Magazine Picture Editor—Robert S. Patton, *National Geographic;* special commendation to *Time*.

EMMY AWARDS

CBS-TV with 11 Emmys was the major winner of the 25th annual Emmy Awards of the National Academy of Television Arts and Science. NBC won three awards and ABC, two.

The Public Broadcasting Service series. "The Advocates," and a PBS special, "VD Blues," each won special Emmys.

CBS was honored for its early coverage of the Watergate break-in, its dramatic films of the shooting of Gov. George C. Wallace of Alabama, for its magazine series, "60 Minutes," and several other programs.

"America," the British-made examination of the American heritage shown on NBC, won three awards in the category of documents dealing with historic, artistic, or cultural subjects. Alistair Cooke picked up two awards for the series—one as its narrator and one as writer of a single episode.

ABC's major award was for the coverage of the tragedy at the Olympic games in Munich last summer. Jim McKay, an ABC correspondent there, was cited for his commentary of the Munich drama.

CBS, first of the networks to present investigative reports on the Watergate affair—which it did in late September and early October of last year—won an Emmy for outstanding achievement for its efforts within correspondents Walter Cronkite, Dan Rather, Daniel Schorr and Joel Blocker were also honored.

NBC's Emmy awards were for two documents, "The Blue Collar Trap" and "One Billion Dollar Weapons," and the third for the editing of newsfilm on President Nixon's Russian trip.

Included among other CBS programs honored were the network's reports on the U.S.-Soviet wheat deal, and an Eric Sevareid commentary.

NATIONAL HEADLINER AWARDS

This is the 39th year the Press Club of Atlantic City and the City of Atlantic City have honored the working press in all media. The long list of winners includes:

Joseph A. Fisina Jr., Fresno (Calif.) *Bee;* Carl Miller, Colorado Spring *Sun;* Lakeland (Fla.) *Ledger;* Miami *Herald;* William F. Reed Jr. and James M. Bolus, Louisville *Courier-Journal* and *Times; Geoffrey Vincent*, Courier *Journal* and *Times;* David Kryszak, Detroit *News;* Nada Skerly, *Newsday;* Detroit *News;* Ranan Lurie, United Features Syndicate; Stewart Alsop, *Newsweek;* Edward T. Adams, Associated Press; Sanford Pawde, *Newsday;* John Barbour, AP; Saul Pett, AP; Fred Shannon, Columbia (Ohio) *Dispatch;*

Harrisburg (Pa.) *Patriot* and *Evening News;* Sandy Grady, Philadelphia *Evening* and *Sunday Bulletin;* WCKT-TV, Miami; WMAQ-TV, Chicago; WOBO Radio News, Baton Rouge, La.; WWL-TV, New Orleans; National Public Radio, Kensington, Md.; American Broadcasting Co. New York; National Broadcasting Co., New York; WTVN Radio, Ohio; Jessie C. Smith, KRLD Radio, Richardson, Texas; KING-TV, Seattle, Wash.; WWVA Radio, Wheeling, W. Va.

TOBENKIN, JEFFERSON

Detroit *Free Press* reporter Howard Kohn has won Columbia University's 1973 Paul Tobenkin Award of $250 for his series of articles that led to the freeing of a Detroit man imprisoned for 18 years for murder.

U.S. Sen. Sam J. Ervin (D-N.C.) has been chosen recipient of the first Thomas Jefferson Award, for public officials "who defend" press freedom.

GEORGE POLK MEMORIAL AWARDS

Foreign Reporting—Jean Theraval, bureau chief, and Jean DeClerc du Sablon, special correspondent, *Agence France-Press*, for information about life in Hanoi.

National Reporting—Carl Bernstein and Robert Woodward, Washington *Post*, for stories on Watergate.

Metropolitan Reporting—Joseph Martin, Martin McLaughlin and James Ryan of the New York *Daily News*, for disclosing municipal scandal in New York.

Local Reporting—Doris Ellen Olsen, Santa Maria (Calif.) *Times*, for breaking a story about child beating.

Community Service—Ronald Kessler, Washington *Post*, for two series of stories, one on hospital mismanagement and excessive operatoinal costs; the other on improper and excessive legal settlement fees homebuyers are obliged to pay.

Investigative Reporting—Jean Heller, Associated Press, for her disclosure that the U.S. Public Health service had been using black men as guinea pigs to study the effects of syphilis.

Magazine Reporting—Frances Fitzgerald, *New Yorker*, for a series of Vietnam.

Television Reporting—Jim McKay, ABC, for his reports on Arab terrorists at the Olympics.

TV-News-Documentary—"60 Minutes" (CBS) and "First Tuesday" (NBC).

News Photography—Huynh Cong Ut, Associated Press, for a photo portraying Vietnam children fleeing an area after an aerial napalm strike.

Book—Sanford J. Ungar, for "The Papers & the Papers."

Special Award—Lesley Oelsner, New York *Times*, for a series of articles on New York State's criminal justice system.

LOEB, HOWARD, CLAPPER

The University of Connecticut's 1972 G. M. Loeb Awards for distinguished business and financial journalism have been won by: John Barbour, Associated Press, for "Rising Food Prices Traced From Market to Market"; Clem Morgello, *Newsweek*, for articles entitled "Wall Street"; Everett Mattlin, *Pensions* Magazine, for "Special Report on Real Estate: The Old Frontier is now the New Frontier."

The St. Louis *Globe-Democrat* and WABC-TV, New York, were top winners in the 1972 $2,500 Roy W. Howard Public Service Awards, the *Globe-Democrat* for a series by Richard Krantz and Steve Higgins on traffic ticket fixing, and WABC-TV for reports, "Migrants: Dirt Cheap" and "Willowbrook: The Last Great Disgrace."

This year's $1,000 Raymond Clapper Memorial Award was given to Jean Heller of the Associated Press.

LIQUEFIED GAS

Mr. BARTLETT. Mr. President, I ask unanimous consent to have printed in the Record a resolution adopted by the board of directors of the Oklahoma Liquefied Petroleum Gas Association.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

Resolution

Whereas, a critical shortage of liquefied petroleum gas exists for essential human needs; and,

Whereas, this shortage has been largely caused by the unprecedented usage of liquefied petroleum gas by industry and power generation as an alternate to critically short supplies of natural gas; and,

Whereas, natural gas is in critically short supply due to the longstanding and disastrously short-sighted federal policy of controlling natural gas prices at the well head at ridiculously low levels, which policy has virtually dried up incentive capital for the development of new domestic natural gas reserves and has made the usage of coal generally uneconomic for power generation and industry; thus resulting in the two-fold squeeze effect of making the nation dependent upon natural gas as the major source of energy and, at the same time, drying up the development of new natural and liquefied petroleum gas reserves for human needs, and the virtual elimination of coal as an alternate form of energy for power generation and industry; now,

Therefore, in order to insure sufficient supplies of liquefied petroleum gas, and of its collateral clean-energy fuel, natural gas, for essential human needs, and at the same time to provide alternate energy sources for power generation and industry, the Board of Directors of the Oklahoma LP-Gas Association herewith adopts the following resolution:

Be it resolved, that the Oklahoma LP-Gas Association requests the Federal Government to adopt a national fuels policy with respect to propane and butane-propane mixtures, as it has already done with natural gas, establishing an order of liquefied petroleum gas priorities for domestic, farm, small commercial, and small industrial uses, in that order; and,

Be it further resolved, that the Oklahoma LP-Gas Association requests the Federal Government to take urgent and immediate steps to convert power generation and major industry to the usage of coal, as an intermediate step to a long-range solution of the Nation's energy problems; and,

Be it further resolved, that the Oklahoma LP-Gas Association requests the Federal Government to de-control the price of natural gas at the well head, as a means of stimulating the flow of incentive capital into the development of new natural gas and liquefied gas reserves; and,

Be it further resolved, that, in the interest of urgent enlargement of the areas of domestic production of energy, the Oklahoma LP-Gas Association requests the Federal Government to authorize speedy construction of the Alaskan Pipeline, and to open up the Atlantic Continental Shelf and additional acreages of the Gulf Continental Shelf for early development of new oil, gas and liquefied petroleum gas reserves; and,

Be it further resolved, that, in order to assure a more equitable and orderly marketing of liquefied petroleum gas throughout the industry, the Oklahoma LP-Gas Association requests the Federal Government to place all wholesale marketers of liquefied petroleum gas upon the same basis in the price control system; and,

Be it further resolved, that the Oklahoma LP-Gas Association shall transmit copies of this resolution to the President of the United States; the United States Senators and Congressmen from the State of Oklahoma; the Secretary of the Interior; the Governor, State Officials, and Members of the Legislature of the State of Oklahoma; the Liquefied Petroleum Gas Associations of the various states, the wholesale marketers of liquefied petroleum gas in the State of Oklahoma, and the news media.

HIGH DRUG PRICES: BRAND NAMES VERSUS GENERIC

Mr. NELSON. Mr. President, there is no end to the ingenuity of the drug industry in exploiting the American people. As we have shown on several previous occasions with specific and concrete examples, the drug industry is discriminating against the American people by charging higher prices for drugs in the United States than it charges for the same drug, manufactured by the same firm in the same plant and sold under the same brand name in foreign countries. But this is not all.

In addition to this outrageous practice, the drug industry is fleecing the people by trying to convince them, through high-powered and expensive advertising, that drugs sold under a brand name at exorbitant prices are somehow or other more reliable than the same drugs sold under their official—generic—name from one-half to one-thirtieth as much. In many cases the drugs are sold by the same company under both the brand and generic names. For example, the city of New York bought 1,000 benadryl—50 mg—capsules from Parke-Davis for $15.63 but paid $3 to the same company for the same quantity of the same drug, an antihistamine, under its generic name of diphenhydramine.

Now, why in the world would anyone be foolish enough to pay up to 30 times as much for a drug when sold under a trademarked name than under its scientific name? There are three reasons for this:

First, the number of people who decide which and how many drugs should be used and who must be reached by drug manufacturers is relatively small. The purchase of prescription drugs by 200 million people in the United States is controlled by 200,000 physicians. About $1 billion are spent annually on prescription drug advertising, which means that $5,000 is being spent each year on each practicing doctor to persuade him to prescribe brand name products. Since in most States no other brand of drug can be legally substituted for another, if the doctor prescribes a brand name drug, competition has been effectively reduced and in many cases eliminated entirely. In the absence of competition, there is no safeguard against outrageously high pricing practices. That exactly this situation exists should come as no surprise, since the whole system is designed to achieve just this result.

Second, drugs are unlike other consumer products in that the prescriber, unless he conducts an elaborately controlled study, is unable to judge the relative merits of various drugs, whether the products work at all, and the extent of their effectiveness. Even though a drug has no therapeutic activity, the placebo effect is very important. In addition, most patients would get better anyhow—even without a drug.

Bergman and Werner stated that:

> It is fortune that physicians find themselves allied with nature. Otherwise, it might be unbearable to see so many examples of how little effect the drugs prescribed have on the course of an illness.[1]

Third, most people, including physicians, probably feel that if they pay a higher price for a product, then it must be better than a lower priced one. The impression has been nurtured by the pharmaceutical industry that if you pay $16.70 for 100 tablets of Pentids, Squibb's brand of penicillin G, then it must be better than the penicillin G you can buy for $2.41. The last three Commissioners of the Food and Drug Administration have emphasized on several occasions that there is no significant difference in quality between generic and brand-name drugs.

In fact, there have been many cases of generic drugs meeting higher standards than their brand-name counterparts.

The March 1973 issue of the FDA Consumer, which is the official magazine of the Food and Drug Administration, carried an article by Dr. Henry Simmons on the relative merits of brand name and generic drugs.

Dr. Simmons, until recently the Director of the FDA's Bureau of Drugs, makes the following points:

First, the FDA is the world's largest repository of original and frequently unpublished information on drugs, is in a unique position to examine both sides of this issue, and has no financial interest in it.

Second, according to law, all batches of antibiotics must be tested before marketing, and each year the FDA's National Center for Antibiotics Analysis receives about 20,000 samples for examination. The rejection rate is approximately 1 percent. These rejects cannot be marketed.

Dr. Simons' conclusion is that:

> Based on many years of experience with this program, we are confident *there is no significant difference* between so-called generic and brand name antibiotic products on the American market. Any antibiotic offered for sale in the United States, regardless of whether it is brand or generic, has met the same high FDA standards. (Emphasis added.)

Third, since 1970 the FDA's National Center for Drug Analysis in St. Louis has completed the study of 19 other classes of drugs.

Dr. Simmons states that:

> On the basis of the data we have accrued to date, we cannot conclude there is a significant difference in quality between the generic and brand name products tested.

Fourth, as the number of drug substances increases, and as the expense involved in maintaining manufacturing facilities for a full line of drugs rises, more and more manufacturers—large and small, generic and brand—are selling to each other either bulk drugs or finished dosage forms. Many of the high-priced brand drugs are manufactured by generic manufacturers. This makes it impossible for the average purchaser to know who really made the drug.

Mr. President, in view of these findings by the FDA and a massive supply of statistics on prices, it is clear that the American public is being taken for quite a ride by the drug industry. For years the American people have been exploited by companies charging outrageously high prices for drugs. The chief victims have been the aged and the poor, particularly the children of the poor. The greatest need for medicines occurs in the periods of early youth and old age, yet these two segments of our population have suffered the most because of high prices.

I have received hundreds of letters from old people all over the country who are having great difficulty making ends meet.

An elderly person from Salt Lake City writes that:

> My wife and I are over 65 and our costs for drugs over the past year was $400, which we really cannot afford.

A citizen from Massillon, Ohio, writes that:

> We are retired, and of course the cost of drugs is increasing materially every year. We wish also that something could be done about the doctors who invariably prescribe by a brand name when the generic name would make the cost considerably less.

From Winter Park, Fla.:

> My elderly parents who live on social security have had to spend an exorbitant amount of money on drugs, which poses a great hardship on them.

From Gloverville, S.C.:

> I am a heart attack victim and my drug and medicine bill every 18 days is $23. With no disability coming in and not knowing if the vocational rehabilitation department will approve me for disability, it sure is a burden on my husband.

From Denver, Colo.:

> As an arthritic, retired and pensioned, the cost of drugs is almost prohibitive, and any action taken to reduce costs is most commendable.

The latest official findings of the Food and Drug Administration confirms that we do not have to pay outrageously high prices for many of the drugs we use. In some instances we can buy a drug for one-twentieth the heavily advertised brand name price.

A few examples are sufficient to illustrate the problem. Chlor-Trimeton, an antihistamine, one of the 200 most frequently prescribed drugs, is sold by the Schering Corp. to druggists for $21.66—4-milligram tablets in bottles of 1,000.

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[1] Bergman, Abraham B., and Werner, R. J.: "Failure of Children to Receive Penicillin by Mouth," New England Journal of Medicine, June 13, 1963, pp. 1334–8.

Antihistamines are a type of drug many people take over a long period of time. They take it day after day if they have allergies. The drug under its generic name is available to druggists in the same quantity and strength for as low as $1.05. But laws have been passed in 40-odd States that once a doctor prescribes a drug by a brand name, the druggist has to supply the drug on that basis. So here we have a situation where a drug is available to the druggist for $1.05 and some drug companies are happy to sell it for this price, making a good profit on it. Yet, the druggist is unable to supply the less expensive drug if the physician has written the brand name on the prescription.

Peritrate is a vasodilator for heart patients.[2] The people who use it may keep using it the rest of their lives. It is sold by Warner-Chilcott to druggists for $36—that is, for 1,000 20-milligram tablets. Yet under its almost unpronounceable generic name of pentaerythritol tetranitrate, it is available for $1.75. For the combination of Peritrate with a little phenobarbital, Warner-Chilcott charges the druggist $40.50. Under its generic name this combination is available to the druggist for $1.75.

Another good example is the widely prescribed tranquilizer meprobamate sold under the trade name of Miltown by Carter-Wallace and Equanil by Wyeth. Carter-Wallace charges the druggist $61.20 for 1,000 tablets—400 mg—of Miltown. Wyeth charges the druggist $68.21 for 1,000 tablets—400 mg—of Equanil. Both are among the 20 most prescribed drugs. Under their generic name of meprobamate they are available to the druggist for $4.95.

Serpasil is a hypertensive drug widely used by older citizens, and taken over a long period of time. It is sold to the druggists by the Ciba Co., a Swiss-owned firm, for $39.50 for 1,000 tablets—.25 mg. Under its generic name of reserpine it is available to the druggist for $1.35 for the same amount of the drug. Incidentally, although the Ciba Co. was charging the druggist $39.50 for 1,000—0.25 mg.—when it sought business from the Department of Defense, it offered the same quantity of the same drug under its generic name for 60 cents. It lost out, however, to a small company that bid 48 cents.

These are only a few of the many drugs for which the public is paying unnecessarily high prices. The following table compares the wholesale prices of a list of brand name drugs with the prices of one generic manufacturer for the same drug. No effort was made to select the lowest generic price. But even then, the savings are enormous. For the consumer, who generally pays the retail price, the savings will be even greater.

I ask unanimous consent that Dr. Simmons' article be placed in the Record following the chart entitled "Comparison of Brand and Generic Drug—Wholesale Prices."

There being no objection, the material was ordered to be printed in the Record, as follows:

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[2] Although the National Academy of Sciences-National Research Council has found that there is no scientific evidence that Peritrate is effective for purposes claimed, it is still one of the most prescribed drugs in the United States.

COMPARISON OF BRAND AND GENERIC DRUG—WHOLESALE PRICES[1]

Brand name, company, dosage form, and quantity	Brand name price	Generic price	Generic (official) name	Therapeutic category
Polycillin (Bristol):				
100 capsules, 250 mg	$14.85	$4.70	Ampicillin	Antibiotic.
100 capsules 500 mg	28.74	9.65	do	Do.
Penbriten (Ayerst):				
100 capsules, 250 mg	14.54	4.70	do	Do.
100 (2×50's) 500 mg	24.92	9.65	do	Do.
Pentids 400 (Squibb) 100 tablets.	10.04	1.45	Penicillin G	Do.
Pentids 800 (Squibb) 100 tablets.	15.06	4.50	do	Do.
Chlor-Trimeton (Schering) 1,000 tablets, 4 mg.	21.66	1.05	Chlorpheniramine (maleate).	Anthishistamine.
Teldrin (Smith, Kline, & French) 500 capsules, 8 mg. timed disintegration.	24.25	3.20	Chlorpheniramine	Do.
500 capsules, 12 mg timed disintegration.	32.50	4.00	do	Do.
Benadryl (Parke, Davis):				
1,000 capsules, 25 mg	18.68	4.85	Diphenhydramine	Do.
1,000 capsules, 50 mg	27.84	4.95	do	Do.
Dilatin (Parke, Davis) 1,000 capsules, 1½ gr.	15.85	4.95	Diphenylhy-dantoin	Anticonvulsant.
Decadron (Merck, Sharpe & Dohme) 100 tablets, .75 mg.	12.94	5.25	Dexamethasone	Corticosteroid.
Dicumarol (Abbott) 1,000 tablets, 50 mg.	21.28	6.85	Bishydroxycoumarin	Anticoagulant.
Dramamine (Searle) 100 tablets, 50 mg.	3.78	.75	Dimenhydrinate	Antiemetic.
Equanil (Wyeth):				
100 tablets, 400 mg	7.06	1.05	Meprobamate	Tranquilizer.
1,000 tablets, 400 mg	68.21	4.95	do	Do.
Miltown (Carter-Wallace):				
100 tablets, 400 mg	6.50	1.05	do	Do.
1,000 tablets, 400 mg	61.20	4.95	do	Do.
Feosol (SKF) 1,000 tablets	11.00	1.95	Ferrous sulphate	Antianemic.
Feosol Spansules (SFK) 500 capsules.	21.25	4.80	do	Do.
Nembutal (Abbott):				
1,000 capsules, ¾ gr	13.07	4.50	Pentobarbital	Sedative-hypnotic.
1,000 capsules, 1½ gr	19.24	5.85	do	Do.
Gantrisin (Roche): 1,000 tablets, 0.5 gm.	26.73	9.85	Sulfisoxasole	Antiinfective.
Furadantin (Eaton):				
100 tablets, 50 mg	10.26	2.50	Nitrofurantoin	Antiinfective.
100 tablets, 100 mg	20.52	4.85	do	Do.
Mandelamine (Warner-Chilcott):				
1,000 tablets, 0.25 gm	18.00	4.50	Methenamine mandelate.	Do.
1,000 tablets, 0.5 gm	36.00	6.70	do	Do.
Noctec (Squibb):				
100 capsules, 3¾ gr	2.97	.85	Chloral hydrate	Sedative-hypnotic.
100—7½ gr	5.00	1.25	do	Do.
Erythrocin (Abbott): 100 tablets, 250 mg.	17.39	6.70	Erythromycin	Antibiotic.
Nydrazid (Squibb): 1,000 tablets, 100 mg.	9.90	2.75	Isoniazid	Antititubercular.
Peritrate (Warner-Chilcott):				
1,000 tablets, 10 mg	$27.00	$1.65	Pentaerythrito,tetranitrate.	Anitanginal.
1,000 tablets, 20 mg	36.00	1.75	do	Do.
Peritrate with phenobarbital:				
1,000 tablets, 10 mg/15 mg	29.70	1.65	Pentaerythritoltetranitrate with phenobarbital.	Do.
1,000 tablets, 20 mg/15 mg	40.50	1.75	do	Do.
Premarin (Ayerst):				
100 tablets, 0.625 mg	4.08	.35	Conjugated estrogens	Estrogen.
100 tablets, 2.5 mg	12.97	3.95	do	Do.
Premarin with methyltestoserone (Ayerst):				
100 tablets, 0.625 mg and 5 mg test.	8.72	2.85	Conjugated estrogens	Do.
100 tablets, 1.25 mg and 10 mg test.	15.40	4.45	Plus testosterone	Do.
Pro-Banthine (Searle): 100 tablets, 15 mg.	4.26	1.65	Propantheline	Antispasmodic.
Pro-Banthine with phenobarbital.	4.68	1.85	Propantheline with phenobarbital.	Do.
Pyribenzamine (Ciba):				
100 tablets, 50 mg	2.80	.80	Tripelennamine	Antihistamine.
1,000 tablets, 50 mg	27.16	3.45	do	Do.
Serpasil (Ciba): 1,000 tablets, 0.25 mg	39.50	1.35	Reserpine	Antihypertensive.
Reserpoid (Upjohn): 1,000 tablets, 0.25 mg	8.39	1.35	do	Do.
Rau-sed (Squibb): 1,000 1,000 tablets, 0.25 mg	10.86	1.35	do	Do.
Sandril (Lilly): 1,000 tablets, 0.25 mg	9.12	1.35	do	Do.
Dexedrine (SKF): 1,000 tablets, 5 mg	22.60	5.15	Dextro-amphetamine sulfate.	Amphetamine.
Sudafed (Burroughs-Wellcome): 1,000 tablets, 60 mg	32.67	7.90	Pseudoephedrine	Bronchodilator.
Tedral (Warner-Chilcott): 1,000 tablets.	32.85	3.75	Combination of 130 mg theophylline, 24 mg ephedrine HCL, 8 mg phenobarbital.	Do.
Terramycin (Pfizer): 100 capsules, 250 mg.	20.48	1.95	Oxytetracycline	Antibiotic.
Tetracyn (Roerig): 100 capsules, 250 mg.	3.86	1.20	Tetracycline	Do.
100 capsules, 500 mg	7.50	2.25	do	Do.
Achromycin V (Lederle): 100 capsules, 250 ng.	5.35	1.20	do	Do.
1,000 capsules, 250 mg	52.02	7.95	do	Do.
100 capsules, 500 mg	9.75	2.25	do	Do.
V-Cillin K (Lilly): 100 tablets, 250 mg.	8.95	2.60	Potassium phenoxymethyl penicillin.	Do.
1,000 (2 x 500), 250 mg	75.00	23.50	do	Do.
100 tablets, 500 mg	16.93	4.50	do	Do.
Pen-Vee K (Wyeth): 100 tablets 250 mg.	10.47	2.60	do	Do.
100 tablets, 500 mg	19.69	4.50	do	Do.

[1] Average wholesale prices—1973 Red Book and supplement No. 1.

Brand Versus Generic Drugs: It's Only a Matter of Name

(By Henry E. Simmons, M.D., M.P.H)

It's one of the most significant issues in the prescription drug area today: are "generic" drugs equivalent to "brand" drugs? Each side has its proponents. Some of the traditional views of the brand-generic controversy are no longer accurate. In this article, Henry E. Simmons, M.D., director of FDA's Bureau of Drugs, presents his views on this subject and tells what FDA is doing to assure that all drugs are of the highest quality. This story is based on a speech Dr. Simmons presented before the California Council of Hospital Pharmacists in San Diego September 30, 1972.

Generic equivalency is one subject we've always been very much concerned about at FDA. I am constantly discouraged at the quality of the dialogue in his important area—an area significant not only because of the quality of health care in this Nation, but also because it is a basic economic issue as well. The pronouncements made by members of the various camps are often biased and, occasionally, frankly and intentionally misleading or exaggerated.

The generic-brand issue presents us at FDA with a unique opportunity as well as a major responsibility.

As the world's largest repository of original and frequently unpublished information on drugs, we are in a unique position to be able to examine both sides objectively. Unlike either side in this issue, we achieve no financial gain regardless of which camp carries the day.

With our responsibility for the public welfare, we and the public "lose" if the American patient does not receive drugs of uniformly high quality. We and the public "win" only if both generic and brand manufacturers consistently produce a quality product.

This then is the Government's role in the public interest: to do everything within its power to assure that all drugs—generic and brand, made by big and small manufacturers—are both safe and effective, honestly labeled, and of the quality necessary to produce the intended effect. We must maintain a surveillance system which will assure that this quality continues once it is attained. Should quality be found wanting, appropriate steps must be taken to correct the situation or stop production. We must also assure that physicians are provided sufficient information on drugs so that the wisest therapeutic decisions can be made on behalf of the American people.

We recognize our responsibility and accept it. We are aware that the job cannot be done if manufacturers do not also recognize and accept their responsibility. Fortunately, in general, drug manufacturers, large and small, generic and brand, have accepted their responsibility and are taking appropriate steps to fulfill it.

Given our responsibility, how do we meet it? What are the programs and resources of the Federal Government, specifically the Food and Drug Administration that are addressed to this area? To understand this, let me examine some facts about the rapidly changing and growing FDA.

FDA today is an agency of more than 6,000 people with a budget of over $150 million. FDA's drug responsibilities are vested in the Bureau of Drugs, which has about 1,000 people backed by a field force of about 4,000 inspectors.

The Bureau of Drugs is a highly technical bureau with approximately 120 physicians, 100 microbiologists, 50 pharmacists and pharmacologists, and 50 chemists, plus statisticians, epidemiologists, and other professional personnel.

No new drug can be marketed in this country until teams of physicians, pharmacists, chemists, and statisticians from the Bureau of Drugs have completed a thorough assessment of it. Any firm wanting to place a new drug on the market not only must first develop data to show that it is safe and effective, but also must demonstrate to FDA's satisfaction that adequate controls have been provided to assure proper identification, quality, purity, and strength of the new drug.

In this context the New Drug Application must include a list of all the components; a statement of the composition of the new drug dosage form; a description of the facilities and personnel involved in the manufacture of the drug, which is verified by factory inspection; acceptance specifications and test methods for the raw materials and new drug substance to assure uniformity from batch to batch; a description of the manufacturing process for the final dosage form, which includes manufacturing process, packaging, and labeling; a description of the analytical controls, specifications, and test procedures for the drug; and stability studies to assure continued quality for the time it will be in a retail outlet before being used by the consumer. All of these data are carefully reviewed, and approval is given only after all the requirements are satisfied.

Whenever other manufacturers want to place chemically equivalent drug products on the market, they must submit for FDA approval adequate data to demonstrate the equivalency of the product. It then goes through the same review.

All firms are bound by the same regulations governing proper manufacturing processes.

The Bureau of Drugs operates two large modern laboratories for drug research and methodology development and for drug analysis. These two analytical laboratories are the National Center for Antibiotics Analysis, in Washington, and the National Center for Drug Analysis, in St. Louis. Both help assure the high quality of drugs we have in this country.

The National Center for Antibiotics Analysis is a 150-man team working in a highly automated laboratory. It is responsible for testing the potency, purity, and stability of *every* batch of *every* antibiotic before it is marketed in this country.

Before marketing, samples of every batch of bulk antibiotics and the finished dosage form are submitted to FDA for analysis. The batches from which the samples are taken are kept in quarantine until FDA completes its analyses. Along with the samples the firm submits data on the batch, such as formula and the firm's own test results.

If the samples meet all of the requirements, the batch is certified by FDA. *Only such* batches can be released for marketing in this country.

Any qualified firm may decide to make the same product. This the so-called "me-too" product, since it must meet all the requirements of the original one.

Many "me-too" manufacturers and brand name manufacturers use bulk antibiotic ingredients from the same few bulk producers. After the drug has shown comparability, the firms must put batches on stability test and report every three months for a specified period of time and at least yearly thereafter. Any significant problem with the drug must be reported immediately to FDA. Additionally, we collect post certification samples at random from the market as a further check on the continued quality of antibiotics.

Each year our National Center for Antibiotics Analysis receives approximately 20,000 samples for examination. The rejection rate is approximately 1 percent. These rejects cannot be marketed.

Based on many years of experience with this program, we are confident there is no significant difference between so-called generic and brand name antibiotic products on the American market. Any antibiotic offered for sale in the United States, regardless of whether it is brand or generic, has met the same high FDA standards.

A similar certification program is conducted for every batch of insulin produced in the United States.

Another important drug quality program conducted by FDA is at the National Center for Drug Analysis in St. Louis. This 50-man laboratory is unique in having automated equipment for the analysis of a large number of tablets of a particular drug product.

Since 1970, our St. Louis lab has completed the study of 19 classes of drugs, including adrenocorticosteroids, major and minor tranquilizers, urinary antibacterial agents, central nervous system depressants, antithyroid agents, cardiac glycosides, coronary vasodilators, anticoagulants, oral contraceptives, and others.

We have extended the study to 30 drug products representing the top 15 therapeutically significant drug classes. This study will cover every known manufacturer of these products. We believe in this way we will have reliable data upon which we can make meaningful judgments on an across-the-board basis.

Under FDA's new Freedom of Information regulations (see FDA Papers, now FDA Consumer, June 1972), we intend to begin publishing this data once it has been verified and we have assured ourselves it will present a true picture on a given class of drugs.

On the basis of the data we have accrued to date, we cannot conclude there is a significant difference in quality between the generic and brand name product tested.

There have been only a few exceptions turned up by our testing in St. Louis. One of these, digoxin, a heart drug, is the most prominent exception, as our studies showed quality and performance differences between manufacturers' versions. We are taking action to assure that all digoxin now marketed meets uniform standards of quality.

Another important surveillance program is our Drug Product Defect Reporting Program. This is a jointly sponsored program by the American Society of Hospital Pharmacists, United States Pharmacopeia, and FDA.

It is a voluntary program in which hospital pharmacists across the Nation report defects they encounter in drug products, packaging, and labeling. Through this program, we have received hundreds of reports and have learned of several significant defects. We are finding defects in both brand and generic products.

In addition to these programs, we continue with the traditional approach to drug surveilliance in the United States. This is routine inspection of drug plants by our field districts. We have 19 district offices, 95 resident posts, and 400 drug inspectors scattered across the Nation. They inspect across the across the Nation. They inspect drug firms to operating under current good manufacturing procedures. When necessary, evidence is gathered for possible legal action by FDA in the form of seizure, injunction, or prosecution.

These inspectors also monitor drug recalls to make certain defective products are actually removed from commercial channels. In 1972 we had 638 drug recalls. Of these, 291 were brand name and 347 generic products. Again, defects were encountered in big companies, small companies, brand and generic products.

In addition to our efforts to assure the quality of all drugs, brand and generic, developments are taking place in other areas. For years, the large brand name manufacturers have been major providers of generic drugs. Recent events indicate that more and more generics will be manufactured by traditionally brand name manufacturers. Also, as the number of drug substances increase, and as the expense involved in maintaining manufacturing facilities for a full line of drugs rises, more and more manufacturers—

large and small, generic and brand—are selling to each other either bulk drugs or finished dosage forms.

This all makes it increasingly difficult for the average purchaser to know who really made the drug. In a number of instances, one manufacturer is providing to a large number of firms the same drug, which is then marketed under a wide variety of brand and generic names.

Thus it is difficult today for an individual health professional—and virtually impossible for the consumer—to really assess the quality of drugs. After all, each professional has limited experience with a particular drug. Evidence of some uncertainty is seen in the fact that some professionals prescribe the highest priced product when the same product is being offered at a substantial saving by equally large or experienced firms or offered by the same manufacturer generically at a lower price than the brand name drug would cost.

Some professionals seem to mistakenly equate "big manufacturer" or "brand name" with good, and "smaller manufacturer" or "generic" with bad. This impression is not borne out by the facts. Some of this confusion wil be dispelled as we begin publishing the results of our national drug quality survey.

When this is done, I hope people will understand that a firm found to have produced a bad batch by these surveys should not necessarily be condemned or put out of business, because, as I have stressed, large and small have stumbled—and have corrected their defects and gone on to produce quality products. However, if a firm develops a pattern of poor performance or does not correct a defect once found, then corrective action will obviously be appropriate, and we will not hesitate to take such steps.

In summary, what does this all mean, where do we stand in total drug quality today?

In my judgment, the total quality of the Nation's drug supply is high and is constantly improving. Marginal drugs and manufacturers are being removed. Those that remain are better tested than they have ever been before. We exceed in quality the drug supply of any other nation in the world.

Is it good enough? Not yet.

Can it ever be perfect? Given the complexities of drug manufacturing, probably not.

Do we still find defective drugs? Yes, we do, but this should surprise no one, since it is humanly impossible in this less than perfect world to produce tens of billions of doses of a wide variety of drugs each year and not make a mistake.

Is a brand name a guarantee that a drug will be good while a generic name is an indication that the drug will be bad? In our experience it is not.

We at FDA plan to take further steps to strengthen our quality assurance program in the months ahead. We know we will find problems in the future. This is to be expected. When found, we will correct them, and thereby raise the standard of quality one more step toward the goal of consistent and uniform high quality drug supply for the American public.

THE PRINCIPLE OF FREE ENTERPRISE AND ADAM SMITH'S WEALTH OF NATIONS

Mr. BENNETT. Mr. President, the importance of our free enterprise system in contributing to the economic well-being of this country is immeasurable. Our free enterprise system has provided us with a standard of living unparalleled in the history of the world. It has done so by allowing individuals to utilize their time and talents in whatever endeavor they choose. Also, it has done so by providing business enterprises with the flexibility they need to adjust quickly in meeting the emerging demand for new goods and services. Without this system of free enterprise, I seriously doubt that the high standard of living which we now enjoy in this nation could have been attained, nor would it be so widely shared.

The importance of the free enterprise principle was discussed recently by Federal Reserve Board Chairman Arthur F. Burns in a speech which he presented to the Adam Smith Symposium in Kirkcaldy, Scotland, on June 5, 1973. In his speech, entitled "The Relevance of Adam Smith to Today's Problems," Dr. Burns notes that the principle of free enterprise in our day and age traces its roots back to Adam Smith's "Wealth of Nations." Interestingly enough, the "Wealth of Nations" was published first in 1776, the same year as the birth of our Nation, and its impact on the economic thinking of this country ever since then has been enormous. The "Wealth of Nations" marks the beginning of modern economic science, and the principle of free enterprise which it championed is being looked to for guidance by a growing number of nations around the world, as Dr. Burns notes in his speech. The same principle of free enterprise is worthy of serious consideration also by every concerned citizen in this country.

I ask unanimous consent that the entire text of Dr. Burns' speech be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

The Relevance of Adam Smith to Today's Problems

(Address by Arthur F. Burns)

During the past quarter century, economists have been devoting much of their energy to studies of the process of economic growth. Some have concentrated on the interplay of social, cultural, political, and economic forces that shape the destiny of developing nations. Others have sought to determine along empirical lines what part of the economic growth of industrialized countries may be attributed to improvements in education, what part to increases in the stock of capital, what part to scientific research, improvements of technology, and other factors. Still other economists have developed formal mathematical models to gain insight into the dynamics of a growing economy. The formidable literature generated by this research could be aptly assembled under the title of Adam Smith's treatise: An Inquiry Into the Nature and Causes of the Wealth of Nations.

In thinking about what I might say here today, I was led to reread passages of that celebrated work and to reflect once again on the legacy of Adam Smith to the field of economics. The Wealth of Nations is universally recognized as the first major exposition of modern economic thought. Adam Smith himself is commonly regarded as the father of political economy. Yet it is a striking fact that the principles underlying the growth of national wealth and income, which was the central theme of his book, remained for many years a subordinate issue in the great works on economics.

The Wealth of Nations was, first and foremost, a theory of production. Smith's main interest was in the means by which a nation could use its resources of labor and capital most effectively, thereby increasing its output and improving the lot of its people. He examined in considerable detail also the principles underlying the distribution of output. But while this was a subsidiary theme of The Wealth of Nations, it became the primary concern of the classical economists—David Ricardo, John Stuart Mill, Alfred Marshall, and others. About 150 years elapsed before economists again developed any substantial interest in the determinants of national output or national income; but it is hardly an exaggeration to assert that this has now become the central subject of scientific economics. Schumpter, Mitchell, Robertson, Keynes, Kuznets, Roy Harrod, to name but a few of the great economists of recent times, have concentrated on this vital theme.

The contribution of Adam Smith to the formal body of economic theory is of towering proportions. Yet, it is less significant to the history of mankind than his influence on the ways in which individual nations, both large and small, have organized their economic activities. Smith proposed a bold new venture in national policy—the organization of economic life on the principle of free enterprise. He believed that governmental regulations were stifling economic growth in Great Britain and the rest of Europe; and that the abundant energies of people, particularly the British, would be released if these barriers to progress were swept away.

The importance of Smith's revolutionary ideas to the course of economic development in Great Britain and other parts of the Western world can be best appreciated by recalling the historical setting in which The Wealth of Nations appeared.

The economic policies and practices of England, France, and other European countries between the sixteenth and eighteenth centuries were governed by a loose body of principles known as mercantilism. In its popular conception, mercantilist doctrine is identified with protective measures for seeking a favorable balance of trade and an abundant supply of the precious metals. This characterization is correct as far as it goes, but it is incomplete. In fact, the mercantilist principles expounded in 1767 by another great Scotsman, Sir James Steuart, and widely practiced in England during the preceding two centuries, revolved around a system of governmental regulation of nearly every aspect of economic life—industrial output, agriculture, domestic and foreign trade, occupational choice, apprenticeship, prices, wages, labor mobility, and so forth. The direction of economic activity was considered to be the task of statesmen, who alone could guide the activities of businesses and individuals in ways that promote the national interest.

Mercantilism rendered service in its time by weakening some local monopolies and increasing the mobility of resources within a nation. It was nevertheless a crude economic and social philosophy, as it still is in its modern recrudescences. Smith recognized vividly its practical consequences—an economy of limited enterprise, a vital people caught in a web of governmental controls, a nation missing its opportunity for innovation and greatness. The way out seemed entirely clear to him. Governments everywhere had to stop interfering with the economic decisions of individuals and businesses, so that free enterprise could become the great organizing principle of economic life.

The mercantilist form of economic organization, Smith reasoned, lacked a number of ingredients essential to satisfactory growth of the wealth of nations—ingredients that free enterprise would forthwith supply. Of these, three stood out in importance in his mind.

First, economic rewards had to be commensurate with the market value of the work that individuals performed and the risks they took in investing their capital. Smith believed—as did the mercantilists—that self-interest was a dominate force in human behavior. But he perceived a truth that had escaped the mercantilists—namely, that a system of free enterprise could successfully harness individual motives to achieve national economic objectives.

Second, achievements of the progress of which a country was capable required active competition, including competition from abroad. Active competition, Smith believed, would lead to greater specialization of labor, it would encourage commercial application of technical and managerial knowledge; and, more important still, it would stimulate greater industry among businessmen and workers alike.

Third, a pricing mechanism was needed to allocate resources among competing uses, in accordance with the wants of consumers. Free markets, Smith argued, generate price and wage adjustments which result in a use of resources that is consistent with the prevailing pattern of consumer and business demands, and thus solve problems that governmental rules cannot handle.

This was an exciting new doctrine of enormous significance for economic and social organization in the European states, and also for the emerging nations of North America. Under the influence of the revolution in commerce and industry that got under way during the eighteenth century, many businessmen and artisans had found the intricate governmental regulations of their conduct needlessly burdensome, and they not infrequently reacted by ignoring or circumventing them. Smith's philosophy of free enterprise thus appeared at a time when political leaders as well as men engaged in commerce were ready to reexamine accepted doctrines. The lucidity and dignity of Smith's prose, the authority of his scholarship, and the cogency of his reasoning hastened the appeal of his work to intellectuals and the new merchant class. Before many years passed, *The Wealth of Nations* became the most influential guide to economic reform in his own country. Adam Smith's influence, however, did not stop there.

If my reading of history is anywhere near the mark, developments over the past two centuries have demonstrated beyond serious doubt the essential validity of Smith's theory of production. Where free enterrise has flourished, nations have prospered and standards of living have risen—often dramatically. Where detailed governmental regulation has repressed individual initiative and stifled competition, economic growth has been hampered and the well being of the people has generally suffered.

The outstanding example of economic progress under a system of free markets is provided by the United States. The standard of living enjoyed by the people of my country has been, and still is, the envy of the world. The rate of economic growth in many countries has of late exceeded that of the United States, and thus the disparity of living standards—at least among the industrial nations of the world—has been shrinking. This is a heartening development. Yet, the fact is that per capita output in the United States is still far above that of any other country. For example, the gross national product per person in the United States is some 20 per cent higher than in Sweden or Canada—the two closest nations in terms of per capital output, and it is about twice as high in the more advanced socialist countries—such as the Soviet Union and Czechoslovakia. You may recall that Premier Khrushchev predicted in the late 1950's that the per capita output of the Soviet Union would equal or surpass that of the United States by 1970. This forecast proved to be an idle boast by a political leader who had not yet arrived at a mature understanding of the mainsprings of economic progress.

The standard of living that we enjoy in the United States reflects more than our system of economic organization. Rapid development of the American economy was fostered also by our rich endowment of natural resources and our vast expanse of fertile lands. Our free institutions and opportunities for self-advancement attracted to our shores millions of venturesome individuals from all over the world. The people who came were industrious and highly motivated, and they often brought with them useful technical skills and educational accomplishments. However, other countries also have been blessed with rich natural resources and with people of unusual educational and technical achievements, and yet have not managed to find the path to rapid economic development.

The key to the economic progress of the United States, I believe, is therefore to be found in our institutions, which by and large have permitted anyone in our midst to choose his occupation freely, to work for himself or for an employer of his choice, to produce whatever he chose, to benefit from the fruits of his individual effort, and to spend or to save or to invest as he deemed proper.

Under the economic system that has flourished in the United States, the natural thing for individuals and businesses to do is to plan for the future, so as to be in a position to take advantage of the opportunities that continually become available in a growing and prosperous economy. This feature of a free enterprise system, and its crucial role in fostering economic development, is seldom appreciated by advocates of centralized planning. Planning for economic growth in the United States and other free enterprise economies—unlike that of socialist nations—is a mass activity pursued by literally millions of producing and consuming units, each looking to a better future and striving to attain it. Over the years, our business firms have become accustomed to planning their investments in plant and equipment, their inventories, their advertising programs, their labor policies, their financing requirements. More important still, they now plan on a vast scale the development of new products and new methods of production by conducting extensive research and development programs. Our families, meanwhile, have remained eager to provide for a better life in the future, and therefore find themselves planning for a new home, for a good education for their children, and for reasonable comforts in the years of their retirement. Americans work hard to realize their goals, and they are enterprising enough to search out or to create new opportunities.

The present condition of the economy of the United States thus provides impressive evidence of the essential truth of Smith's theory of production. Individual initiative, properly compensated, has been the dynamic force behind the growth of a mighty nation. And market forces, operating in a competitive environment, have served to harmonize the plans of millions of economic units, thereby fostering the national welfare.

The validity of Smith's views have been reaffirmed time and again during the past two or three decades. By the end of World War II, for example, a large part of the industrial plant of Germany had been destroyed and the confidence of its people shattered by the collapse of the German nation and its division into two separate political entities. The postwar recovery of the economy of West Germany, operating under conditions of free enterprise, has nevertheless been spectacular. Its per capita output is now among the highest in the world, and its products are exported to every corner of the globe. East Germany, on the other hand, installed a centrally-managed system, and its economy floundered for a number of years. Economic growth in East Germany appears to have perked up of late, but its per capita output is still well below that of West Germany.

The postwar record of economic progress in countries such as Israel and Japan, which encourage individual initiative and private enterprise, the Israelis have managed to transform a desert into a flourishing modern nation. Japan is also poorly endowed with natural resources and its large population is crowded into a small area; its economy has nevertheless grown swiftly. Currently, the production of Japan is exceeded only by that of the United and the Soviet Union. Since 1960, the real gross national product of Japan has more than tripled, and it is still rising much faster than in any other major industrial country.

The Japanese economic miracle has received universal acclaim. The achievements of other Asian countries that give large scope to free enterprise—Thailand, South Korea, Taiwan, Singapore, and Hong Kong—are not as widely known. Yet, all these countries experienced average yearly increases in real per capita output ranging from 5 to over 8 percent during the decade of the 1960's.

The Crown Colony of Hong Kong might indeed serve as a monument to Adam Smith, for nowhere in the modern world have his economic principles been followed more closely. You may recall that Smith, in his discussion of the benefits of foreign trade, noted that a nation would be most likely to profit from foreign commerce if its trading partners were rich, industrious, and commercial nations. Lacking geographical neighbors that fit this description, Hong Kong took advantage of advances in transportation and communication that have made it possible to trade profitably on a world-wide basis. In 1972, over three-fourths of Hong Kong's exports—largely manufactured goods—went to Europe and North America. And the value of its total exports apparently exceeded that of Mainland China, whose population is perhaps 200 times as large as that of Hong Kong.

In Latin America, the highest rate of economic growth of any nation at the present time is enjoyed by Brazil, whose economic system has moved closer in recent years to the principles of Adam Smith. Decisions as to the direction of investment are now left largely to the business community; foreign investments are encouraged; individuals are free to choose the line of work that best suits their talents, and to enjoy the rewards accorded by the market to successful performance. This system of economic organization, aided by the great natural and human resources of Brazil, is producing excellent results. The rate of growth of Brazilian production has been 9 per cent or more in each of the past 5 years; last year, in fact, real output in that country rose more than 11 per cent.

Lively competition, individual incentives, and a pricing mechanism to allocate resources are as important to the growth of national wealth now as they were in the Great Britain of the eighteenth century. That fact, I believe, is gaining recognition beyond the boundaries of what we loosely call the Free World. In recent years, the socialist countries of Eastern Europe have begun to reconsider their earlier policy of guiding the course of their complex economies through central planning and detailed regulation of most aspects of economic life. They have begun to ponder whether the production of some unwanted goods or obsolete machines might not reflect the failure of prices to signal changes in consumer or business demands; whether more rapid technological progress might be encouraged by providing industrial managers with stronger incentives for taking risks; whether workers would increase their productivity if more opportunities became available to improve their own lot and that of their families through greater individual effort.

In most of these countries, pockets of free enterprise have indeed remained, and they have provided the socialist authorities with some dramatic examples of the vitality of Adam Smith's theory of production. In the Soviet Union, for example, individuals are allowed to cultivate small agricultural plots and to retain or sell the produce they raise. Yields per acre on these small pieces of land are typically far higher than on the huge and highly mechanized collective farms. In 1962, for example, small private farms constituted only 3 per cent of the total acreage cultivated in the Soviet Union, but they accounted for a decisive part of the meats, milk, eggs, vegetables, and fruit produced and consumed in the country—in fact, for over a third of the country's total agricultural production. The Soviet people have literally been kept alive by free enterprise in their household agriculture, and the significance of this fact cannot have escaped their attention entirely.

In some, if not all socialist countries, doctrinaire adherence to centralized planning and regimentation of economic life is gradually being displaced by a more flexible administration of the economic system. Wider scope for decision making is being given to individual factory managers; monetary incentives related to economic performance are becoming more common; a larger role is being assigned to prices in the allocation of resources. Notable examples of this trend may be found in Yugoslavia and Hungary, where significant efforts have been made in recent years to accelerate economic development by moving toward a more flexible, less centrally-directed form of economic organization. In the Soviet Union, also, a reform of the industrial structure is currently underway, aiming among other things at decentralization of research and development programs.

In the developing nations, too, a trend is evident towards wider acceptance of Adam Smith's theory of economic development. A decade or two ago, many of these countries were seeking to rush headlong into heavy industry, bypassing the development of agriculture and light industry for which their resource base and their technical skills were better suited. Barriers to imports were created to speed industrial development, while one industry after another was saddled with restrictions and regulations that made competition in world markets extremely difficult. Political leaders in these countries had become so fascinated with the thought of rapid industrialization that they not infrequently ended up by creating industrial temples, rather than efficient and commercially profitable enterprises.

Some costly lessons have been learned, and some ancient truths rediscovered, from this experience. Of late, developing countries have been reconsidering the benefits of agriculture and light industry as paths to economic progress. More of the developing countries are now encouraging private foreign investment, and practically every nation is seeking ways to raise productivity, open new markets, and foster a spirit of enterprise among its people.

Policy makers across the world thus keep coming back to the principles enunciated by Adam Smith some 200 years ago. A contemporary reader of The Wealth of Nations cannot escape being impressed with the vigor of Smith's analysis and its relevance to the world of today. Yet, he will also be struck, I believe, by the fact that nations are nowadays concerned with economic problems that were hardly foreseen in his great treatise on political economy.

While Adam Smith was at work on The Wealth of Nations, another enterprising Scotsman, James Watt, was still struggling to perfect the steam engine. Today we split the atom to augment the supply of electricity, and we send men on fantastic voyages to the moon. With the progress of science, the proliferation of industry, and the spread of urbanization, the interdependence of economic activities has greatly increased. Opportunities for conflict between private and public interests have therefore grown in importance. Adam Smith, to be sure, was not unaware that such conflicts could occur. Contrary to a widespread impression, he put fences around free enterprise—for example, by arguing in behalf of certain restrictions on free trade, by recognizing the need for governmental maintenance of roads, harbors, and similar public works, and even by accepting statutory ceilings on interest rates as a contribution to the general welfare. Adam Smith, however, had no need to concern himself with pollution of air or water, or with urban blight, or with depletion of energy sources, or with insistent political pressures for better education, improved health care, more recreational facilities, and a host of other things that have led to extensive governmental involvement in the economic life of industrialized nations.

The business cycle of modern times, especially in nations that practice free enterprise, has given special impetus to the enlargement of governmental responsibilities. Experience over many years had demonstrated that active competition serves to coordinate individual plans and thus enables markets for specific commodities to function, on the whole, in satisfactory fashion. However, experience also taught us that while competition is a good cure for overproduction in a specific market, it is a very inadequate cure when a shortage of demand develops simultaneously in many markets. In such a case, business activity as a whole will slump, the flow of incomes will be checked, and unemployment will spread; in short, the nation will experience a business recession. On the other hand, when demand becomes excessive in many markets simultaneously, the general level of prices will rise and this too will bring economic troubles.

In recent decades, therefore, governments have sought to stimulate the general level of economic activity at certain times, and to restrict it at other times, by a flexible use of their monetary and fiscal policies. Of late, a new phenomenon—a disconcerting rise in the price level even in the absence of excess aggregate demand—has troubled various industrial countries. This development has led some governments to intervene directly in wage and price decisions in the hope of achieving simultaneously both full employment and general price stability.

We thus face problems today with which Adam Smith did not concern himself. Economic life keeps changing, and each generation must face anew the central problem with which he dealt so boldly—that is, how best to draw the line between private and governmental activities in the interest of augmenting the general welfare. As we go about this task, we cannot be blind to the imperfections of market processes or to the abuses of market power by business firms or labor organizations. But we also cannot afford to neglect Adam Smith's warning, of which recent experience provides ample illustration, that governments not infrequently create new problems, besides wasting resources that could have been put to effective use by private citizens or business firms.

In the course of my career, both as a student and as a public official, I have found it necessary to revise my ideas about the proper role of government in specific economic matters. Experience is a demanding teacher, and my respect for it has led me at times to favor governmental actions that I abhorred in my youth. My confidence in the basic advantages of free enterprise remains, however, unshaken. I continue to believe, as Adam Smith argued so cogently, that when a nation's economic activity is organized on the basis of free enterprise, men and women will by and large employ their talents in ways that enrich and strengthen the nation's economy. More important still, it is only by avoiding excessive concentration of power in the hands of government that we can preserve our individual liberties and have the opportunity to seek personal fulfillment with full dignity.

TEST BAN SUPPORT

Mr. KENNEDY. Mr. President, I introduced Senate Resolution 67 on February 20 this year with some 32 other Senators. This resolution calling on the President to take steps to achieve a treaty expanding the atmospheric ban on nuclear tests to cover underground testing as well, represents a melding of Senate Resolution 230, which I had introduced in the previous Congress, and Senate Resolution 273, which Senators HART and MATHIAS had introduced in the previous Congress. In this session, Senator MUSKIE, chairman of the Arms Control Subcommittee and Senators HUMPHREY and CASE, both long-time leaders in the field of arms control, joined as original sponsors of Senate Resolution 67.

Hopefully, the President will use the upcoming summit meeting with the Soviet General Secretary to take a new initiative toward achieving a comprehensive agreement terminating for all time the testing of nuclear weapons.

The resolution, which I will ask unanimous consent to have printed with a list of cosponsors at this time, represents an effort to fulfill the pledge made a decade ago on the signing of the Partial Test Ban Treaty, a pledge to negotiate a treaty banning all testing.

In the aftermath of the SALT I accords, which placed quantitative limits on strategic weapons, the CTB has acquired new relevance as a check on qualitative nuclear improvements.

The resolution sets forth the history of efforts to halt the spread of nuclear weapons including the adoption of the nonproliferation treaty of 1968. Adoption of a Comprehensive Test Ban Treaty by the major powers would be the single most important element in reinforcing the Non-Proliferation of Nuclear Weapons Treaty and reducing the chance of the spread of nuclear weaponry to other nations.

The resolution does not tie our hands in any way as to the kind of proposal that should be put forward at Geneva, but it does affirm Senate support for a new initiative to be taken. New technology in the field of verification makes it both feasible and desirable for a new proposal to be set forth.

The resolution urges, first, that the President propose a suspension of underground testing to the Soviet Union, a suspension which would remain in effect only so long as the Soviet Union respects it. Second, it proposes that a new proposal be set forth to the Soviet Union and other nations for a permanent treaty to ban all nuclear tests.

Besides the firm support voiced during the recent hearings by former Ambassador Averill Harriman, who was our chief negotiator in Moscow for the Partial Test Ban Treaty, of Dr. Herbert Scoville, former Deputy Director of Science and Technology of the CIA for Presidents Eisenhower and Kennedy, and former Assistant Director for Science and Technology for the Arms Control and Disarmament Agency; and Dr. Wolfgang H. K. Panofsky, director of the Stanford Linear Accelerator Co., we have had substantial private support as well.

Therefore, at this time, I would like to announce our receipt of statements in support of Senate Resolution 67 from William C. Foster, who was Director of the Arms Control and Disarmament Agency from 1961 to 1969; from Nobel Prize winners, Owen Chamberlain and Harold C. Urey; from Herbert C. York, former Director of Defense Research and Engineering under Presidents Eisenhower and Kennedy; from George W. Rathjens, former Deputy Director of Advanced Research Projects Administration; Franklin Long, former Assistant Director for Science and Technology of the Arms Control and Disarmament Agency; Leonard Woodcock, president of the United Auto Workers; and from the Arms Control Association; the Federation of American Scientists; the League of Women Voters; the Ripon Society; SANE; the Task Force for the Nuclear Test Ban; the World Federalists; the American Ethical Union; and a wide range of religious groups.

I ask unanimous consent to have several of these statements printed in the RECORD, together with the resolution and the list of cosponsors.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. RES. 67

Resolution calling on the President to promote negotiations for a comprehensive test ban treaty

Whereas the United States is committed in the Partial Test Ban Treaty of 1963 and the Nonproliferation of Nuclear Weapons Treaty of 1968 to negotiate a comprehensive test ban treaty;

Whereas the conclusion of a comprehensive test ban treaty will reinforce the Nonproliferation of Nuclear Weapons Treaty, and will fulfill our pledge in the Partial Test Ban Treaty;

Whereas there has been significant progress in the detection and identification of underground nuclear tests by seismological and other means; and

Whereas the SALT accords of 1972 have placed quantitative limitations on offensive and defensive strategic weapons and have established important precedents for arms control verification procedures; and

Whereas early achievement of total nuclear test cessation would have many beneficial consequences: creating a more favorable international arms control climate; imposing further finite limits on the nuclear arms race; releasing resources for domestic needs; protecting our environment from growing testing dangers; making more stable existing arms limitations agreements; and complementing the ongoing strategic arms limitation talks: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President of the United States (1) should propose an immediate suspension on underground nuclear testing to remain in effect so long as the Soviet Union abstains from underground testing, and (2) should set forth promptly a new proposal to the Government of the Union of Soviet Socialist Republics and other nations for a permanent treaty to ban all nuclear tests.

ARMS CONTROL ASSOCIATION,
Washington, D.C., April 27, 1973.

HON. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am grateful for your kind invitation to comment on Senate Resolution 67, calling for a Comprehensive Test Ban Treaty, combined with an immediate suspension of all United States underground testing for so long as the Soviet Union similarly abstains.

I enthusiastically and unreservedly endorse the Resolution. As Director of the Arms Control and Disarmament Agency from 1961 to 1969, as Chairman of the Arms Control Association for the past two years, and as a citizen who has long been concerned about the needless, costly, and dangerous continuation of the nuclear weapons race, I have always viewed the achievement of a Comprehensive Test Ban Treaty as an arms control measure of the first priority. I believe that an immediate end to nuclear testing by the United States and the Soviet Union, even if others do not at once follow suit, is very much in our security interest, and that continued testing is an unwarranted inhibition to progress in SALT and to the durabilty of the Non-Proliferation Treaty. It provides continued and embarrassing evidence of a lack of commitment to the solemn treaty undertaking we made, both in the 1963 Limited Test Ban Treaty and in the Non-Proliferation Treaty, to continue to work for an agreement banning all nuclear testing. Although adequate verification of a CTB once required on-site inspection, nuclear test detection and identification technology is now such that we can enter safely into a test ban agreement using existing national means of verification, without on-site inspection. The SALT I agreement contains important precedents in this regard. Finally, I applaud the intent of the Resolution to facilitate the conclusion of an early agreement by the immediate suspension of nuclear testing in advance of a formal agreement for so long as the Soviet Union does likewise.

In the remarks that follow I will elaborate on some of the foregoing observations, although it is with a sense that much of what will follow has been said many times before, by myself, by others who have labored in the arms control field with me over the years, and by the many dedicated lawmakers like yourself who have worked to make the world a little safer.

In my view the Resolution provides sound basis for the speedy completion of some long unfinished business.

I commend you and the co-sponsors of this Resolution for your initiative.

Sincerely,

WILLIAM C. FOSTER,
Chairman.

CORNELL UNIVERSITY,
Ithaca, N.Y., March 2, 1973.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I strongly support your February 20 resolution which calls on President Nixon to propose to the U.S.S.R. an immediate suspension of underground testing and which urges the President to present a new proposal for the conclusion of a comprehensive Nuclear Test Ban Treaty. The securing of a comprehensive test ban treaty would be a strong additional step in curbing the arms race. It would establish the U.S. and the U.S.S.R. as leaders in an attempt to slow down the development of nuclear weapons. It would aid in wide acceptance of the nuclear non-proliferation treaty. Finally, and not trivally, it would save a good deal of money.

My personal judgment that there is considerable sentiment within the U.S.S.R. for a test ban treaty so that a positive U.S. initiative would have a real chance of bringing forth a positive response from the U.S.S.R. I deeply hope your resolution receives favorable Senate response and stimulates the President into action.

Sincerely yours,

F. A. LONG.

INTERNATIONAL UNION, UNITED AUTOMOBILE AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW
Washington, D.C., April 23, 1973.

HON. EDWARD M. KENNEDY,
The U.S. Senate,
Russell Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The UAW strongly endorses the Senate Comprehensive Nuclear Test Ban Resolution and urges all Senators to support it.

The resolution requests the President to propose "an immediate suspension on underground nuclear testing, to remain in effect so long as the Soviet Union abstains from underground testing," and calls upon him to "set forth promptly a new proposal to the government of the USSR and other nations for a permanent treaty to ban all nuclear tests."

The UAW has long advocated a complete, rather than a partial nuclear test ban. In the words of our 1970 Constitutional Convention Resolution on Peace and Disarmament:

"No less important to the development of a peaceful world is the attainment of a comprehensive test ban treaty between the United States and the Soviet Union. Underground nuclear testing, while resulting in no significant nuclear fallout, does contribute to the further refinement of MIRV and ABM capabilities, and thus adds an extra spurt to the race for first-strike superiority. Only a successful conclusion to SALT can, in our judgment, avoid this race for first-strike superiority."

Much has happened since this resolution was passed to confirm our then-high hopes for peace. A decisive Senate vote in favor of a comprehensive test ban will, we believe, continue the already strong forward movement towards a stable and lasting peace in the world.

Sincerely,

LEONARD WOODCOCK,
President, International Union, UAW.

UNIVERSITY OF CALIFORNIA,
May 8, 1973.

Senator EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for sending me your May 1 statement supporting a Comprehensive Test Ban Treaty (CTB).

I thoroughly approve and applaud your statement.

Sincerely,

OWEN CHAMBERLAIN,
Professor of Physics.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
Cambridge, Mass., Mar. 9, 1973.

Senator EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I was very pleased to hear of the introduction, by you and some 30 of your colleagues, of the resolution calling on the President to propose to the Soviet Union an immediate suspension of underground nuclear testing, to remain in effect as long as the Soviet Union is testing.

I believe this is one of the most important measures of arms control on the international agenda. Not only will the cessation of underground testing place an effective inhibition on the race for qualitative improvements in nuclear armaments, thereby enhancing the prospects for fruitful results in the next stage of SALT, but it is perhaps the most useful immediate step that we and the Russians can take to promote adherence to the Non-Proliferation Treaty by the technologically advanced nations that have still not ratified it.

I sincerely commend your initiative in this matter. With best wishes,

Sincerely yours,

Bernard T. Feld,
Professor of Physics.

La Jolla, Calif.,
March 15, 1973.

Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: I have read the resolution which you introduced and the arguments whch you put forward. Needless to say, I am vey much in favor of all efforts to stop this crazy competition between two great countries who have no reason to undertake any kind of war, especially one involving atomic weapons. Surely the leaders of these two countries should understand that any attempt to initiate an atomic war would be disasterous in the extreme. I have been fearing that some accident will occur and a weapon of some kind will land in our country or in the U.S.S.R., triggering off an enormous exchange of atomic weapons. All efforts that can be made to come to an understanding with the Sovet Union in regard to this matter are of great importance, and I must say that I greatly admire your efforts in attempting to accomplish this.

I wish I could get over the feeling that the Russians are exceedingly tricky, and I greatly deplore their lack of publicity in regard to what they are doing. I do hope that the United States does not play a similar game, but, at the same time, I hope our negotiators are careful in view of the secretive character of our opponent. Possibly we give them the same impression. I would hope not.

Many thanks for your letter, and I would be glad to have you keep me informed of all moves of this kind.

With best regards.

Sincerely,

Harold C. Urey.

Massachusetts Institute of Technology,
Cambridge, Mass., March 19, 1973.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: Thank you for sending me a copy of your recent (February 20) statement on a comprehensive nuclear test ban treaty, and for soliciting my comments and endorsement.

I concur wholeheartedly with your arguments and am most pleased to endorse the effort.

I wish you well with it.

Sincerely yours,

G. W. Rathjens.

League of Women Voters
of the United States,
Washington, D.C., March 14, 1973.

Hon. J. William Fulbright,
Chairman, Senate Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Senator Fulbright: Over the years the League of Women Voters has backed various arms control measures under its position supporting international agreements aimed at reducing the risks of war. We have endorsed U.S. ratification of the Nuclear Nonproliferation Treaty, the Geneva Protocol on chemical-biological warfare and the treaty to ban nuclear weapons from the seabed.

Consistent with our past support we now wish to be recorded in favor of S Res 67, which proposes an immediate suspension on underground nuclear testing and prompt negotiation with the Soviet Union and other nations for a permanent treaty to ban all nuclear tests.

League support of efforts to reduce the risk of war evolves from an historic League belief that nations must find means other than war to solve world problems. Changing political balances, emerging areas of mutual interest between the major powers, technical advances in the detection of nuclear blasts, and the development of new weapons systems encourage constant conferences on the various phases of disarmament and arms control. Any agreement reached, however, must include safeguards for U.S. national security and the domestic economy. It is generally held that disarmament is a step-by-step process and that any measure to reduce the risk of war is a step of value, not only in itself but also in creating an atmosphere of mutual confidence in which a disarmed world is possible.

We believe that extension of the partial Test Ban Treaty to include underground testing would be an essential step toward ending the nuclear arms race. It would encourage adherence to the nonproliferation treaty by many potential nuclear powers which are reluctant to forgo nuclear weapons development while testing by the nuclear super powers goes on. It would protect our environment from the venting of radioactive materials, contamination of underground waters and other dangers of nuclear testing.

The League of Women Voters supports U.S. initiatives to negotiate a comprehensive test ban treaty and supports these proposals as vital prerequisites to national security and world peace.

Sincerely,

Mrs. Bruce B. Benson,
President.

Johns Hopkins University
School of Medicine,
Baltimore, Md., March 12, 1973.

Senator Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: Thank you for sending me your resolution urging a comprehensive test ban treaty. As long as unrestricted research and development of nuclear weapons continue, the danger of a holocaust does not diminish and international tensions will remain high. A comprehensive test ban seems the only feasible way at the moment for beginning to achieve some stability and, thereby, taking the first significat step toward removing the growing threat to human survival posed by the nuclear arms race. Therefore, I strongly support the resolution.

Sincerely,

Jerome D. Frank, M.D.,
Professor of Psychiatry.

University of California, San Diego,
La Jolla, Calif., March 5, 1973.

Hon. Edward M. Kennedy,
U.S. Senate,
Washington, D.C.

Dear Senator Kennedy: Thanks for your letter of February 27, which enclosed a copy of your February 20 statement on a Comprehensive Test Ban. I am personally delighted by your actions in the matter and strongly endorse them.

Enclosed please find a copy of an article on the subject published in last November's *Scientific American.*

There are some other elements of the Qualitative Arms Race which deserve attention also. Some of these, especially those relating to ASW, have been discussed recently by Pete Scoville and by Kosta Tsipis (at MIT). Some others are discussed in a paper of mine to be published shortly in the *Bulletin of the Atomic Scientists;* I'll send a copy along as soon as it is available.

Sincerely,

Herbert F. York.

Washington, D.C.,
April 26, 1973.

Hon. Charles McC. Mathias,
U.S. Senate,
Washington D.C

Dear Senator Mathias: As a principal cosponsor of S. Res. 67, you are no doubt aware of the Ripon Society's past support for attempts to encourage negotiations for a comprehensive nuclear test ban treaty.

Last year, in response to a resolution similar to S. Res. 67, Ripon urged the Administration to actively promote negotiations leading to a test ban treaty. In our statement a copy of which is enclosed, we observed "that a more propitious time for agreement upon such a treaty may not easily be found again."

A year has passed since we issued our statement, and we are not any closer to negotiating a test ban treaty. Therefore, on behalf of The Ripon Society, I want to reiterate our strong support for a comprehensive nuclear test ban treaty.

We wish you and your colleagues every success in your efforts to secure Senate passage of S. Res. 67.

Sincerely,

Michael F. MacLeod,
National Director.

Statement of The Ripon Society

A renewed willingness to actively pursue the negotiation of a comprehensive nuclear test ban treaty would be in keeping with the best of the foreign policies of the Nixon Administration. A successful treaty would be an important complement to a SALT agreement, and a significant item in the list of initiatives which this administration has undertaken, to reshape the Soviet-U.S. relationship, and even in some respects, the structure of world order.

Such a position is possible and in fact easy, for Mr. Nixon to take. Modern seismic technology can detect and identify all but the trivially smallest seismic events, hence the traditional American position that any agreement must include provisions for on-site inspection, can safely be jettisoned, or at a minimum, substantially modified.

A number of benefits are likely to accrue from a comprehensive test ban treaty. Perhaps the most significant, is that it would act as a substantial brake upon the development of new weapons systems and hence upon the arms race. An important point here is that this brake would be applied at the final development and engineering stages and hence would not necessarily inhibit the early stages of research much, if at all.

Beyond its impact upon the U.S.-Soviet Arms Race, a comprehensive test ban treaty could well serve to bring additional nations to ratify the non-proliferation treaty of 1968, and perhaps even serve to inhibit the atmospheric testing of France and China.

A third benefit of substantial significance is the elimination of the environmental risks inherent in continued underground testing. Among these are the accidental venting of radioactive debris into the atmosphere, which has occurred frequently enough to cause substantial concern; the possible contamination of underground water and/or surrounding earth, which can find its way into rivers and streams and thereby raise radiation levels over broad areas; and finally the not insubstantial risk of triggering earthquakes in some areas.

The costs to United States national security are very small or nonexistent. The warhead stockpile is enormous, the technology is highly sophisticated. It is extremely unlikely that any pressing need to test substantially new warhead technology could be warranted in the foreseeable future, and a working agreement might well preclude that need indefinitely. Furthermore, such treaties can be written with an escape clause, as was the 1963 Limited Test Ban Treaty, whereby pressing dangers to the "supreme national interest" can allow for the abrogation of the treaty.

Beyond arguments over the merits of a comprehensive test ban, it is also important to realize that a more propitious time for agreement to such a treaty may not easily be found again.

The strategic parity between the United States and the Soviet Union may well make the Soviets more likely to agree to such a treaty, than they have been on such matters in the past.

We would therefore strongly urge the Administration to initiate active efforts to reach agreement on a comprehensive Test Ban Treaty, as an important and logical part of its foreign and national security policy.

U.S. SAVINGS BOND DRIVE AT SIMPLICITY MANUFACTURING CO., LEXINGTON, S.C.

Mr. THURMOND. Mr. President, I take great pleasure in reporting that the employees of the Simplicity Manufacturing Co. of Lexington, S.C., have once again achieved 100-percent participation in the annual savings bond drive.

This year's participation of each of the 242 active employees of the plant marks the third consecutive year the Simplicity's Lexington plant has achieved 100-percent enrollment.

I commend the general plant manager, my friend R. J. Kronschnabel, and each of the employees who made this feat possible.

Mr. President, the plant manager, Mr. Kronschnabel, reported this achievement to President Nixon in a letter of May 24, 1973. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

POWERED OUTDOOR
MAINTENANCE EQUIPMENT,
Lexington, S.C., May 24, 1973.

MR. RICHARD M. NIXON,
The President, The White House,
Washington, D.C.

DEAR MR. PRESIDENT: During the week of May 14, 1973, the Simplicity Manufacturing Company Plant, subsidiary of Allis-Chalmers in Lexington, South Carolina, conducted its annual U.S. Savings Bond Drive.

During this period we achieved, for the third consecutive year, 100% participation from our 242 employees.

I feel this demonstrates that each of the 242 employees who made this possible understand the importance of supporting America in her effort to maintain "peace with honor".

Sincerely,

R. J. KRONSCHNABEL,
General Plant Manager.

INDOCHINA—THE CONTINUING WASTE OF THE TAXPAYERS' DOLLAR

Mr. SYMINGTON. Mr. President, an article in the Washington Post this morning highlights a major point brought out in the recent report by Messrs. Lowenstein and Moose of the staff of the Subcommittee on U.S. Security Agreements and Commitments abroad, which I have the honor to chair; namely, that, once again, this administration is spending the taxpayers' money without their knowledge.

The report also reveals that the United States is paying Laotian Air Force pilots not to fly; and is paying heavy sums of money to the Cambodian Government for the salaries of troops that do not exist.

As those who have followed the unfortunate development in Southeast Asia are only too well aware, these are but a few in a series of wasteful and unauthorized expenditures characteristic of the utilization of U.S. funds in that area.

First, we discovered that this Government was paying the salaries of Philippine troops sent to Vietnam in its effort to show that our involvement in that conflict was supported by the Philippine Government.

Subsequently, the American taxpayer learned that he was also paying for the brave Korean troops stationed in Vietnam; and also a large clandestine army of Loatians to counter the threat in that latter country.

Because of the casualties taken by that clandestine army and the reported increase in the threat to Laos, it then became necessary for the United States to pay illegally Thai troops to fight in Laos.

These examples are particularly unfortunate in view of our current economic problems here at home as well as the steadily declining position of the dollar in world money markets.

In our opinion, a large part of our current economic troubles can be traced to this tragic involvement in Southeast Asia.

I ask unanimous consent that the article in question, "United States Pays for Phantom War," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLIGHTS NOT FLOWN, TROOPS THAT DON'T EXIST—UNITED STATES PAYS FOR PHANTOM WAR

(By Laurence Stern)

The Central Intelligence Agency pays combat flight bonuses to Laotian pilots not to fly combat missions. U.S. military aid pays the salaries of Cambodian soldiers who do not exist.

These are some of the Catch 22-style paradoxes of the American military role in Southeast Asia after the Paris accords and after the U.S. troop withdrawals.

They are cited in a congressional staff study on Laos, Cambodia, Vietnam and Thailand in the aftermath of the peace treaty. The report was prepared for the Senate Foreign Relations Subcommittee on U.S. Commitments Abroad headed by Sen. Stuart Symington (D-Mo.).

The report reflects a somewhat relaxed government sensitivity on programs, U.S. dollar expenditures and special international agreements in Southeast Asia that until recently were heavily battened in secrecy.

The matter of the CIA bonuses for the Laotian pilots is a new quirk of the war's twilight period. It results from the Laotian cease-fire agreements with its stricture against military activity.

"We were told that the Lao Air Force wants to comply with the ceasefire but that the military region commanders, especially in the south, continue to call for air strikes," report the authors of the study. Foreign Relations Committee staff investigators James G. Lowenstein and Richard M. Moose.

"In order to encourage the air force not to fly, therefore, the United States is making monthly lump sum payments to pilots even if no combat missions are flown."

The two investigators confirmed from U.S. authorities that while the CIA once financed Laotian flight salaries from its own budget, the money now comes from the Pentagon and the CIA station in Vientiane acts as paymaster.

The phantom battalion problem in Cambodia goes back to the beginning of the large-scale American military assistance program there more than two years ago.

American military spokesmen in Phnom Penh at first made little of the matter. Later there were studies conducted under U.S. auspices. One senior American military official issued cameras to Cambodian commanders in 1971 to verify the existence of their troops, whose salaries are paid out of U.S. military and economic aid. The cameras were never recovered and the issue never resolved.

Now it is reported by Moose and Lowenstein that "there is no greater mystery than the size of the Cambodian government's armed forces." U.S. estimates of the Khmer Republic fighting force vary, in Washington and Phnom Penh, from 150,000 to 275,000, the report asserts.

The chief of the U.S. military equipment delivery team in Cambodia put the effective strength at 275,700. The defense attache's office put it at 261,518. The Joint Chiefs of Staff briefers in Washington put it between 175,000 and 190,000. State Department officials estimated the Cambodian fighting strength at 150,000.

"PHANTOM" SOLDIERS

Cambodia's minister of information told the Senate investigators that when the Cambodian military payroll had stood at 300,000 there may have been as many as 100,000 "phantom" soldiers.

The underlying concern over the phantom battalions of the Khmer Republic is corruption. Generally the salaries of the phantom troops are pocketed by high-ranking Cambodian military officers, a fact that has been acknowledged both by U.S. and Cambodian authorities.

Another twist of the military payroll problem in Cambodia, according to the report, is the nonpayment of salaries to bona fide soldiers.

"One recent example, which was brought to the attention of the chief of the military equipment delivery team by other embassy officials, involved one entire region in which, as of the second week in April, soldiers had not yet been paid for the month of March," the report says.

Whatever the size of the government army in Cambodia, the report says "all analysts agree" within the U.S. intelligence community that the number of North Vietnamese troops still in Cambodia number about 5,000. Of these only about half are targeted against the forces of the Lon Nol government. The burden of the war against the government has been taken up by the Khmer Rouge (Cambodian Communist) movement.

From a paltry force of some 2,000 when the Indochina war spread to Cambodia in 1970 the Khmer Rouge force has grown to a present strength of about 50,000, according to U.S. intelligence estimates cited in the report.

Of Cambodia, the report says: "The Khmer insurgents are growing in strength and confidence and moving from success to success. The Phnom Penh government, although it has the arms, seems to have neither the resolve nor the skill to contain them. If they cannot, their own fate will be sealed and the balance in South Vietnam could be substantially affected."

U.S. FORCE IN THAILAND

In Thailand, the report asserts, the American military presence has stayed at a level of more than 44,000 personnel—the strength to which it was raised during the Communist spring offensive in South Vietnam last year. Previously the U.S. presence was down, by joint government agreement, to 32,000.

At the same time, the level of U.S. military aid to the Thais, widely assumed to be in the range of $60 million annually, was more than twice that amount in fiscal 1972, according to the report.

The additional aid was in the form of special and excess U.S. military equipment designed, as one agreement stated it, to "improve the military readiness and capability of the Royal Thai armed forces."

In the past the primary justification given by administration officials for U.S. military aid to Thailand has been the Communist insurgency in the north and northeast regions of that country. The other rationale, rarely stated publicly by U.S. or Thai officials, was that the military aid was a trade-off for the use of Thailand as a staging ground for the air war in South Vietnam and Laos.

The insurgency has made modest but steady inroads, according to the report. Current U.S. estimates put the total number of armed Communist terrorists in Thailand (population: 35 million) at about 7,500. Of these, some 2,000 Communists in the south are targeted at the Malaysian rather than Thai government.

In the new report, administration censors permitted for the first time publication of the number of Thai "irregular" forces deployed in Laos at U.S. government expense to fight the North Vietnamese and Pathet Lao. As of April that number was 17,330, although it went as high as 21,413 in September, 1972.

THAI "IRREGULARS"

In fiscal 1973 the United States allocated $116.7 million to pay for the Thai expeditionary force in Laos; in fiscal 1974 an additional $107 million is being sought to finance the Thai "irregulars."

Publicly the administration has maintained that the Thais in Laos are volunteers, to avoid problems with a Senate prohibition against U.S. financing of "third-country" military operations in Indochina. But the public fiction of the Thai troops as "volunteers" has worn thin.

As Lowenstein and Moose report: "We learned for the first time that in addition to being recruited, encadred, and paid through the Thai [military] chain of command, the volunteers themselves had all heretofore been Thai who had served in the Thai armed forces."

The staff report drew a severely pessimistic picture of the prospects for genuine peace in South Vietnam.

"If the United States thought that the leaders in Hanoi would abandon their lifelong objectives or that President Thieu would be willing to risk the tenuous security won for him by the United States, we may have miscalculated badly," the investigators asserted.

The prospect ahead in Vietnam over the next year is the option that the North Vietnamese may be forced to choose, failing an effective agreement. The report calls it a "kind of warfare somewhere between low-level harassment and a full-scale offensive . . ."

This has been the posture of the war in South Vietnam for most of the quarter century that it has endured.

NEW TECHNOLOGY IN THE FOREST PRODUCTS INDUSTRY

Mr. PACKWOOD. Mr. President, I reported legislation to the Senate from the Committee on Banking, Housing and Urban Affairs that will serve to restrict the flow of badly needed softwood logs and lumber from our shores.

Price increases in the lumber and plywood market in recent months have prompted the committee to recommend that the Senate act favorably and swiftly in considering the Timber Export Administration Act of 1973, S. 1033.

As desperately needed as this legislation is, it is nevertheless but one step in the direction of increasing the supply of wood products flowing to the American homebuying public. Much more must be done by the Congress and the wood products industry to insure that we, as a Nation, never again run so short of wood products that we witness the spiraling price increases that we have in recent months.

I have just returned from a trip home to meet with my constituents and to discuss their concerns. One of the issues that is consistently raised and discussed in Oregon—the biggest lumber producing State in the Nation—is the future of the forest products industry. It is therefore particularly interesting to note upon my return an excellent article published in a recent issue of The Christian Science Monitor discussing the advances in technological research in the forest products industry.

I would like to share the valuable points raised in this article with my colleagues. I ask unanimous consent that the text of this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Timber Shortage Builds, With Imports Already 25 Percent

(By John W. Forssen)

Milwaukee.—The United States faces an end-of-the-century timber shortage which could rise as high as 20 billion board feet, according to the most urgent projections. That's enough lumber to build some 2 million five-room houses.

For a nation which is already importing 25 percent of its housing and construction lumber, is experiencing balance-of-payment deficits on the world market, and is on the threshold of a minerals' and energy shortage which makes the use of substitute materials impractical, research for solutions is no small matter.

One place that search is being conducted is the Forest Products Laboratory in Madison, Wis. And the results while this research unit of the U.S. Forest Service has produced thus far promise to reshape the lumber and construction industries in the years ahead.

Although broad statistics must remain imprecise, researchers there estimate that the volume of waste generated in American consumption of wood products each year is something between 9 and 11 billion cubic feet.

WASTE MEASURED

More precisely, however, they have measured the difference between the volume of wood in a standing tree and the volume of lumber which the tree will ultimately produce.

Under current operating conditions, they have found that about 50 percent of the tree is left in the forest as logging debris at that time of harvest; and, as the log is processed into sawn lumber, as much as 50 percent of that volume may be left on the milling floor as edging scraps and sawdust.

Disregarding harvesting wastes for the moment, laboratory researchers have developed computerized sawing techniques which could increase the present lumber yield in each log by at least 10 percent.

Labeled "best opening face" by its developers, this process involves the addition of a computer device to existing sawmill equipment, which eliminates the imprecision of human judgment in solving the geometric problem of cutting square board from round logs. The computer has the ability not only to sense the size and shape of each log but simultaneously to determine the cutting pattern which will produce the greatest yield of products.

NEW METHODS DEVISED

Another development, nicknamed EGAR for edge, glue and rip, could increase the product yield by as much as 15 percent.

In this process, boards are cut to desired thickness and then glued into panels which can later be sawn to specification. This eliminates much of the waste created by sawing dimension lumber directly from the log; and, because defects such as knots can be redistributed in the gluing process, a greater volume of high-quality lumber can be produced than when defects must be accepted in a random fashion.

One of the most exciting development, however, is a product known as presslam. Like EGAR this process relies on adhesives but, rather than struggling with the problem of extracting squares from circles, presslam has incorporated the shape of the log into its own design.

In this respect, it is like plywood in that it peels the log on a rotary lathe rather than sawing it. The plies are then glued into panels of desired thickness (unlike plywood, however, the grains of each ply are parallel), which may later be sawn into dimension lumber.

Under test conditions, presslam has not only proved itself equivalent to sawn lumber; it has increased the product yield in each log from an average of 45 percent to 70 percent.

NONPOLLUTING PULP MILL?

In other developments at the laboratory, work is progressing on a non-polluting wood pulping process for paper manufacture, the production of structural lumber from woodchips—and even paper—and, most recently, a process to separate plastic films from waste paper in commercial recycling operations.

Altogether, laboratory researchers believe that if presently available technology were applied, the product yield from current harvesting levels could be increased by as much as 400 percent. That represents two-and-one-half times the volume of product demand which is expected to produce a timber shortage at the end of this century.

Laboratory director Herbert O. Fleishcher cautions, however, that "we are not proposing a cataclysmic change in industry practices.

"As important as the research, itself, is the delicate task of balancing technological advance with the capacity of our social and economic systems to accept change with minimal disruption."

"SELECTIVE GENOCIDE" IN BURUNDI

Mr. CASE. Mr. President, in 1972 tribal warfare of the worst possible sort broke out in the small African country of Burundi. Intelligence estimates within the U.S. Government placed the number slaughtered at over 100,000. An intelligence memorandum circulated within the State Department concluded that—

> There is no doubt that the Government [of Burundi] is engaged in selective genocide.

The Carnegie Endowment for International Peace has prepared a long study of what took place in Burundi and of the U.S. reaction to the events. Many controversial judgments are made about the role of the State Department, the Congress, and the Government of Burundi. I have no way of verifying or disproving these judgments. However, I believe that the Carnegie study is a serious attempt to analyze events that demand to be analyzed. The loss of human life was appalling and should not and cannot be ignored because it occurred in a country so obscure that few of us even know of its existence.

While I do not necessarily subscribe to every aspect of the Carnegie study, I believe that it merits the attention of the Senate. If competent authorities wish to present another version of what actually happened, I will be glad to bring their views, too, before the Senate.

Mr. President, I ask unanimous consent that the Carnegie Endowment for International Peace's study entitled "Passing By: The United States and Genocide in Burundi, 1972" be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Passing By: The United States and Genocide in Burundi, 1972

(By Michael Bowen, Gary Freeman, Kay Miller)

Through the spring and summer of 1972, in the obscure Central African state of Burundi, there took place the systematic killing of as many as a quarter million people. Even among the awesome calamities of the last decade, the tragedy in Burundi was extraordinary in impact and intensity. Though exact numbers can never by known, most eyewitnesses now agree that over a four-month period men, women and children were savagely murdered at the rate of more than a thousand a day. It was, wrote United Nations observers, a "staggering" disaster.

Based primarily on interviews with responsible officials, this report traces the reaction of the United States Government to genocide in Burundi. It is largely a record of indifference, inertia and irresponsibility in the face of great human suffering.

Though the Department of State knew the enormity of what was happening in Burundi relatively early, it relied upon a diplomacy which had little chance of relieving the tragedy—and which some in the government fully expected to fail. Though that failure soon became obvious, policy-makers then stood by for nearly four months while the killing went on. In the process, they rejected out of hand a proposal within the government to examine unusual and critical American economic support of the Burundian regime presiding over the murders. They ignored as well the findings of the Department's own Legal Advisor for African Affairs regarding the obligations of the U.S. Government under international law. They repeatedly misled the Congress, albeit the appropriate Congressional Committees obliged the deception by failing equally their own responsibilities to oversee policy. When the State Department finally decided to review policy in the fall, after the carnage in Burundi had seemingly run its course, there was even doubt that a private diplomatic expression of Washington's "displeasure" had been conveyed honestly to the Burundian authorities. Publicly, the United States Government never spoke out on the horror in Burundi.

Afterward, among those who took part in these events, there was frustration, division, remorse—and the hope that somehow the episode would never be repeated. Yet the policy toward Burundi raises disturbing questions not only about the reaction of the United States to a single disaster, but also about the capacity of government to respond to humanitarian crisis elsewhere.

BACKGROUND: "IN DEAD BODIES DIRECTLY ATTRIBUTABLE . . . ."

The killings in Burundi in 1972 were rooted in a long history of tribal rivalry. The 14% Tutsi minority, a people known widely outside Africa for their exceptional height, have ruled the 85% Hutu majority since the sixteenth century. There has been recurrent violence among the Tutsi clans competing for power as well as between the two tribes. Forty-two years of Belgian colonial control did little to change that pattern of conflict. Though the Hutu held a formal majority in the Parliament, power remained in the hands of a Tutsi monarchy. In the first four years after independence in 1962, the second and third Prime Ministers of Burundi were assassinated and seven governments came and fell in quick succession. Adding to the tension were events in neighboring Rwanda, where the Hutu, in the same six-to-one majority, had seized power and, in 1964, had killed thousands of Tutsi. Though the two tribes then went on to live together peacefully in Rwanda, the incident left in Burundi large numbers of Tutsi refugees whose fate only deepened the alienation between the regime and the Hutu majority.

In 1966, a young Tutsi officer, Colonel Michel Micombero, overthrew the King in a military *coup*, promised an end to ethnic feuds, and released a number of Hutu political prisoners. "He had a reputation as a moderate," said an American official who dealt with Micombero during the events of 1972, ". . . avoiding bloodshed, this was his record." But also on the record were severe reprisals by Micombero against the Hutu following an abortive uprising in 1965, and six years of unrelenting Tutsi dominance under a military regime. In 1972 there remained a deep tribal division in Burundi, the country's 500,000 Tutsi dominating and fearing the three million Hutu. A senior U.S. diplomat characterized it as a "black apartheid" with "constant pressure for change."

Small, poor, landlocked in a remote corner of Africa, Burundi seemed of little interest to the outside world. Communist China sent an embassy there in the mid-sixties, one of Peking's first missions to Africa, presumably to keep a hand close to the instability then plaguing the Congo (now Zaire) which borders Burundi on the west. Burundi did expel an American Ambassador in 1966, at least in part for his help to a Chinese defector. But the Chinese later had their own embassy expelled and returned to Burundi only in 1972.

U.S. relations with Burundi were generally cooler than with most other African states. The 1966 expulsion was also based on the alleged complicity of the American Embassy in the 1965 *coup* attempt. Though never proven, that charge was an outgrowth, as U.S. officials saw it, of a general suspicion by the ruling Tutsi of the historical friendship between American Protestant missionaries and the repressed Hutu. "Since Catholic missionaries were favored by the Belgians," explained on U.S. analyst, "the Protestants had been sent out to the boondocks. . . . This was just an accident of history; we got the nobodies." And according to one policy-maker, there was some reckoning of American interest in the Hutu majority. "We figured that eventually the Hutu were going to run the country, and it just made good sense to stay close to them," the source recalled. "Of course we didn't think then," he added, "that Micombero was going to embark on the final solution."

To overcome this Tutsi anti-Americanism was the main mission, as he saw it, of the U.S. Ambassador to Burundi, Thomas Melady. Appointed by the Nixon Administration in late 1969, Melady was a non-career ambassador and a prominent Catholic layman who had authored books and articles on Africa. He was, as one of his colleagues put it, "painfully aware of what had brought down his predecessors in the Embassy." By all accounts, Melady was successful in improving relations with the Tutsi. "He had quite a lot of contact with Burundian officials," recalled a Foreign Service Officer who saw his cables to Washington, "and he told them every chance he got that the U.S. was absolutely impartial as between Tutsi and Hutu, that their relations were their own affair, and he apparently got through to them."

But the U.S. relationship with Burundi encompassed more than the diplomatic climate between two governments. For years, American importers have been buying almost the entire output of Burundi's single-crop economy—a mild arabica coffee. The implications of those coffee purchases were extraordinary. From 1967 to 1971, for example, the United States consistently bought more than 80% of the coffee crops, thus accounting for more than 65% of Burundi's export earnings. A backward, precarious economy, tied to a crop extremely vulnerable to production and price variations, was nearly totally dependent on the purchases of a single country. Recent attempts to diversify sales with West Germany and Britain had made little headway. And transport difficulties threatened to make Burundian coffee, as a U.S. Commerce Department report warned, "less attractive" to the American purchasers.

Moreover, for the principal U.S. importer—Folgers Coffee, which is the second largest roaster in the United States and controls some 20% of the world coffee market—the $11–$20 million Burundian crop was desirable largely because it was usually available some weeks ahead of competing Latin American coffees. If coffee exports were vital to Burundi, they were of only marginal importance to the buyer. As a U.S. Government expert on commodity trade summed it up, "Burundi's coffee wouldn't make or break Folgers."

Uncertain as this situation was for Burundi, however, the vagaries of the coffee trade did not affect the people of the country as deeply as the figures might suggest. Though no U.S. Government estimates are available, one academic expert judged that an average of little more than $5 a year reaches the roughly 300,000 family growers, who are mainly Hutu. The remaining millions in coffee earnings go to Tutsi who control the internal marketing mechanism in Burundi. "They dominate the government and the boards and even the cooperative," said one long-time observer, "and then if you think of the taxes that flow back, any way you cut it up the money goes to the people in power, and that's the Tutsi." Another non-government expert corrobated this view. "Ultimately, those properly placed with the government, also, of course, Tutsi, get most of the income derived from foreign exchange," he observed. "Virtually none of it trickles down to the Hutu farmers."

But in the spring of 1972, none of this history seemed especially important—and some of it was apparently unknown—to officials in the State Department's Bureau of African Affairs or in the American Embassy in Burundi. And against the larger background of American foreign policy and relations with Africa in general, the trends seemed to be moving steadily away from U.S. concern with countries such as Burundi. The Nixon Doctrine had postulated a reduction of interest and involvement nearly everywhere on the developing world. In the aftermath of the Vietnam experience, there was a clear national aversion to possible foreign entanglements, and a wariness, in and out of government, of what many saw as a moralism in U.S. policy which had drawn the country into the tragedy in Southeast Asia. In Washington's African policy, all this mingled with a long-standing conviction in the State Department bureaucracy that the United States—seen by Africans as a rich, white outsider—neither could nor should concern itself with internal affairs on the Continent unless invited by the Africans themselves. Moreover, relations with Africa at this point seemed especially strained in the wake of the passage by the U.S. Congress of the Byrd Amendment, allowing unilateral importation of Rhodesian chrome in violation of UN sanctions against the white-minority regime in Rhodesia. Finally, of course, 1972 was an election year, adding still more to these distractions.

So Burundi remained a quiet backwater in international politics. The coffee trade, down somewhat in 1971, was pointing upward, and there were no diplomatic problems. "Relations between us and Burundi," recalled a U.S. diplomat, "had never been better." Then, suddenly, following an attempted *coup* on the night of April 29–30, Burundi plunged into a frenzy of killing.

The precise origins of the events that ignited the slaughter in Burundi are shrouded in tribal intrigue. The Micombero Government claimed an elaborate Hutu plot, perhaps with foreign involvement, aimed at exterminating the Tutsi. Hutu refugees later portrayed a picture of government provocation of the *coup* as pretext for mass reprisals. In any case, what mattered for the United States was that events moved swiftly beyond the suppression of the April uprising, whatever its character. By mid-May, according to one high U.S. official, "we started getting disturbing reports that the government was not just mopping up the rebels, but trying to punish the whole Hutu tribe." There would be some difference within the bureaucracy on the precise extent of the Burundi Government's direct participation in the slaughter. There was no real doubt, however, that the Micombero regime carried out mass reprisals and condoned, or at least failed to stop, much sporadic killing by individuals. "It was clear the government had a hand in it," admitted an American policy-maker, "because the repression was systematic." "They tried to skim off the cream of the Hutu, to kill every possible Hutu male of distinction over the age of fourteen," said another source who followed the cable reports. Later, in September, an American Universities Field Staff report on Burundi, which U.S. officials uniformly judged accurate, would summarize the extermination of the Hutu elite with the following list of victims:

". . . the four Hutu members of the cabinet, all the Hutu officers and virtually all the Hutu soldiers in the armed forces; half of Burundi's primary school teachers; and thousands of civil servants, bank clerks, small businessmen, and domestic servants; At present (August) there is only one Hutu nurse left in the entire country, and only a thousand secondary school students survive."

By the last week in May, the U.S. Government had what one observer in the White House remembers as the most "vivid" reports of "massive" killing in Burundi, including executions by hammer and nails when army units ran short of ammunition. Intelligence estimates in the Department of State now placed Tutsi casualties in the initial *coup* in the hundreds and Huto dead from reprisals above 100,000. "By the end of May," said a key Congressional aide, "we knew it was genocide from officially classified information from the State Department."

The murders went on through June, July and August, and the evidence gathered. The Prime Minister of Belgium had told his cabinet as early as May 19 that the reprisals in Burundi had become "veritable genocide," an assessment duly reported to Washington by the U.S. Embassy in Brussels. By June, the term "genocide," a word used sparingly in the language of officialdom, had begun to appear in internal State Department cables and memoranda. A June 21 telegram from the U.S. Embassy in Burundi, later published in the *New York Times*, reported "selective genocide," and described burial alive, the "summary" slaughter of returning refugees promised safe conduct, and executions not only of the Hutu elite, but also of the "masses of villagers and refugees throughout the country." At about the same time, an Intelligence memorandum circulated within the State Department concluded that, "There is no doubt the Government [in Burundi] is engaged in selective genocide."

In addition to these official reports, chilling eyewitness accounts of the tragedy had begun to appear in the European press late in May and were routinely cabled to the State Department by embassies in Paris and Brussels. Three weeks later, correspondents from the *New York Times* and *Washington Post* were finally admitted to Burundi and filed first-hand stories. Though the reporters were carefully briefed and escorted by the Micombero regime, their dispatches only bore out the picture already formed in official telegrams and other intelligence accumulating in Washington. The Tutsi regime, reported Jonathan Randal of the *Post* on June 11, was "systematically killing the elite of their former Hutu serfs in what can only be termed genocide."

These news stories, added to information already given to Senator Edward M. Kennedy's refugee subcommittee by private sources and in State Department briefings requested by the subcommittee staff, prompted the first (and nearly the last) serious Congressional interest in the Burundi massacres. On June 12, Senator John Tunney (D-Calif.) introduced "Sense of the Senate" resolutions urging a U.S. request for investigations by both the United Nations and the Organization of African Unity. Kennedy, telling the Senate that the Hutu were being "slaughtered at the rate of nearly 3,000 per day," asked, "Should not governments condemn the killings?" Neither the Senate nor the House responded to these statements. Only Kennedy would raise the issue again briefly in the Senate. And after a few days of notoriety in June, Burundi largely disappeared also from the media.

Meanwhile, in the State Department, by June inundated with reports of genocide from numerous sources, including the U.S. Embassy, there was puzzlement that public attention should now flag while the killings continued. "You wonder why this was," said an official looking back on the June events, "in terms of dead bodies directly attributable to the central government, I'm sure the Burundians outdid anyone in Africa."

DIPLOMACY I: ". . . NO REAL RESPONSE"

Almost from the outbreak of violence, then, the United States Government had substantial and constantly growing intelligence on the extraordinary humanitarian crisis unfolding in Burundi. There was evidence, at least for a time, of Congressional concern. But at the same time there would also be equally clear indications of the indifference of other countries, particularly the Africans, toward the disaster. And the policy the State Department now followed from May through July mirrored the indifference.

Although the crisis broke only three weeks before Ambassador Melady was due to be transferred to a new post in Uganda, he directed the initial U.S. response on the scene. Melady used his ambassadorial authority to suspend the United States' $500,000/yr. "self-help" aid program with Burundi, and immediately ordered large amounts of emergency aid, such as vaccines and bandages. "Melady'd had experience with this," a State Department officer noted. "He said get the aid, get it in there, don't worry about assurances, just get it in there. So Micombero had the aid and he had the missionaries asking for it, and he pretty much had to give it to them."

Melady also met personally with Micombero early in May. The U.S. Ambassador reportedly "impressed on Micombero the necessity of avoiding undue bloodshed" and got in return, as would his Belgian and French colleagues, assurances that the killings were over. "He kept getting promises that weren't being kept," one source remembered. Days later, amid still gathering reports of atrocities, Melady was instrumental in drafting a letter to Micombero from the Papal Nuncio on behalf of several diplomatic missions in Burundi. "It was a low key thing, saying we were concerned with their difficulties," said an official who reviewed the *demarche* in Washington, "but he [Micombero] knew what we were talking about, he knows we aren't stupid." Another official, however, remembered the letter as "tactful . . . and it got no real response."

Then on May 25, despite the growing evidence of a major catastrophe, despite Melady's carefully nurtured relationship with the Micombero regime and his experience in the country, the U.S. Ambassador routinely left Burundi, as scheduled earlier, for reassignment as envoy to Uganda. Why the State Department should have taken this extraordinary step—whether problems in Uganda involving the deportation of Asians were deliberately judged more important than the killings in Burundi, whether Melady was the only one qualified for the Ugandan post, or whether the personnel workings of the Department simply proceeded without reference to events—remains one of the puzzles of the Burundi episode. In any case, Melady's departure for his new assignment marked the end, for over three months, of direct initiatives by the United States toward the Government of Burundi. Even when questions arose about the misuse of the American aid—including the suspicion, later confirmed, that relief food and medicines were used to lure Hutu to their deaths—there would be no protest or formal inquiry by the U.S. Embassy. With Melady's departure at the end of May, the Embassy passed to the *Charge d'Affaires*, Michael Hoyt, a career officer with broad African experience who, by all accounts, continued the "vivid" reporting that kept Washington so well informed of the continuing nightmare in Burundi through the summer. It would be Hoyt's June 21 telegram on "selective genocide" that would momentarily revive the Burundi issue in the press when leaked to the *New York Times*.

But by the end of May, American diplomacy shifted abruptly away from direct contact with the Micombero regime to U.S. efforts to involve the Organization of African Unity, various African heads of state, and the United Nations. In a sense, this diplomacy was another routine step for the United States in the face of civil strife in Burundi. "Naturally you try to get the Africans and the UN to cope with this kind of disaster," said one former official, "not only since they're likely to have more influence, but also because we want to encourage an international sense of responsibility in dealing with human rights. The tough choice comes when that doesn't work." That "tough choice" came early in the Burundi crisis. None of the efforts to involve the Africans would be successful. And the failure, on the basis of what the U.S. Government knew about the organizations and leaders involved, might have been expected. In some quarters, it was.

Nearly all its members haunted by common problems of tribalism and national unity, the OAU had by 1972 acquired a long and frustrating history of unwillingness to become involved in the internal strife of member states. It was a history familiar to U.S. officials. "So whenever a problem like that arises," said one U.S. Government expert, "they just keep their hands off." The limits to what the OAU could or would do in Burundi were clear "very early," one U.S.

policy-maker acknowledged. On May 22, OAU Secretary-General Diallo Telli had visited Burundi and publicly declared "solidarity" with Micombero. Then, at the OAU Summit in Rabat in late June, the Organization's Council of Ministers sent Micombero what amounted to a message supporting the repression:

"The Council of Ministers of the OAU has listened with interest to the presentation of your delegation concerning the events in Burundi. The Council of Ministers is convinced that, thanks to your saving action, peace will be rapidly reestablished, national unity will be consolidated, and territorial integrity will be preserved."

As some U.S. officials described it later, the State Department's ostensible reliance on the OAU in the Burundi crisis was at least tinged by some element of cynicism. "The OAU never had a chance of acting . . . and we knew beforehand they would be the last organization to take any member nations to task," said one Foreign Service Officer. "The OAU did nothing," admitted another source, "but it was the main channel of our approach."

U.S. efforts to persuade individual African heads-of-state to intercede in the crisis proved as fruitless as the approach to the OAU had. The State Department asked leaders of the two largest countries bordering Burundi, President Mobutu of Zaire and Prime Minister Nyerere of Tanzania to speak to Micombero. Both did. Nyerere, it seems, addressed the Burundian emphatically enough that, according to a report received in Washington, "Micombero's face was strained when they came out." American policymakers had to content themselves with Micombero's discomfiture, however: the killing continued unabated, despite the conversations.

U.S. officials were not particularly surprised by this failure. They pointed out that Mobutu was anxious to maintain good relations with Burundi, in order to frustrate Zairean rebels who had in the past successfully sought sanctuary there. Mobutu had expressed this anxiety clearly, moreover, in the early days of the crisis. "The quick appearance of Zairean troops [in Burundi] was crucial," explained one analyst. "They pretty much restored the self-confidence of the Burundi Government. Then, when Micombero rather precipitously asked them to leave, they left right away, which surprised us." These same officials observed that Nyerere's vantage point *vis-a-vis* Micombero was scarcely better than Mobutu's. "Nyerere felt like he had too much of a liberal image," one of them remembered. "He was afraid if he sounded off he wouldn't have too many friends left." Further under-cutting Nyerere's position was the fact that one group of rebels in the April 29 attack had "come over from Tanzania, where they'd been accumulating for years."

A similar attempt to persuade President Kenyata of Kenya to denounce the killings got nowhere. "We also went to Kenyatta," observed a senior U.S. official, "but he did nothing, which is usual for him. If Kenya can stay uninvolved, that's the way he likes it."

In any event, the State Department never fully informed the U.S. Embassy in Burundi of the approaches to African leaders on which U.S. policy was supposedly based. "I really don't know which leaders contacted Micombero," admitted a political officer who served in Burundi during the crisis.

Nor, according to those who were there, was the Embassy seriously consulted about the United Nations action, on which Washington came to rely heavily by late June when the futility of other avenues had proved so obvious. Colleagues say Hoyt did not see until his return to Washington in late August the reports of the UN observer teams sent in June.

There are conflicting versions of how the UN became involved. To some U.S. officials, it was a familiar case of Washington having to prod the lethargic UN bureaucracy into doing its job. Other observers saw in the Burundi case a new regime at work in the UN Secretariat in the persons of Secretary-General Kurt Waldheim and Bradford Morse, the newly-appointed American Undersecretary-General. It was Morse, these sources say, who was deeply shocked by the first reports from Burundi and persuaded Waldheim to take the extraordinary step of flying to the OAU Summit to press for UN observer missions to Burundi. "The U.S. certainly didn't do any initiating or persuading with us," said a UN aide. "They were falling over themselves to find out what we had decided to do."

Washington had apparently banked on UN observers constituting what one official described as "a foreign presence that would be likely to halt the massive killings." But when the two missions were limited to only five persons, that expectation evaporated. "We had no illusions about what the UN could accomplish," admitted a high U.S. official later.

At any rate, the UN missions went to Burundi in late June and again at the end of July. And despite solicitous treatment by Micombero's government and the cross-currents of UN politics which kept their reports from publication, their findings were the basis for one of the few statements made in the international community on Burundi bloodbath. At a press conference in Geneva on July 4, Secretary-General Waldheim confirmed that the first UN team had found awful suffering and that the dead might number as high as 200,000. To that announcement, there was angry rebuttal in Burundi and silence among the African states. There was no comment in Washington.

Nor was there an audible reaction elsewhere to events in Burundi. After a brief outcry in the French Assembly stirred by press reports, there would be nothing more from the French Government. In Europe, only the Belgians, the former colonial power, would speak out to condemn the genocide and withdraw all military and economic aid to Burundi. Whether in deference to the African refusal to intercede, or because the slaughter was largely unreported outside the American and European press, no other governments raised the issue in the UN or in any other forum.

Meanwhile, all the futile U.S. attempts to involve others—the lobbying of the OAU, the urgings to African leaders, the talk of a United Nations presence—had consumed deadly weeks in May and June and July, weeks when the trucks loaded with corpses kept passing the American Embassy in Bujumbura, weeks when cables to Washington continued to chronicle an unrelieved tragedy. To the press inquiries in June, U.S. officials replied that they refused to play a "numbers game." There was no exact information on the dead, they claimed. Reports of genocide in Africa had been exaggerated before; why not in Burundi too? To Senator Kennedy in mid-June there were assurances that "the civil strife has ended," though the details composing Hoyt's "selective genocide" cable a week later were reportedly already in intelligence circulating in the State Department's African Bureau.

As days wore on in July, there would be no new initiatives, no new policies to replace the approaches which had proven hopeless in June. Government officials went on assuming that their choices were severely circumscribed. In a case like Burundi, said one high-level official, "you do what you can." And in July, as throughout the crisis, policymakers remained convinced that the United States could only do what other African states approved. For a bureaucracy which conceived its day-to-day job as the maintenance of untroubled relations with African governments, an independent American response to the Burundi killings threatened that mission. "If we'd involved ourselves in this," said an official, "we'd be creamed by every country in Africa for butting into an African state's internal affairs. We don't have an interest in Burundi that justified taking that kind of flack."

Beyond this bureaucratic impulse to avoid a potential clash with one's "clients", however, seems to have been another, equally strong inhibition. Though they rarely articulate it outside official circles, U.S. diplomats apparently saw themselves disarmed in Burundi by the racial overtones peculiar to U.S. relations with proud newly sovereign black states. One senior official explained, "Most of them [Africans] responded to the crisis not on humanitarian lines, but in terms of Africa's image and the political effects of the situation on other African states." A State Department which watched African aid programs dwindling in the U.S. Congress, and which saw a growing public indifference in the U.S. to a region earlier thought important, shared that African concern with "image" and the embarrassment to the whole Continent in the savagery in Burundi. Also, the same State Department might well have felt most acutely the irony of a U.S. position against violence in Burundi when African states were still witnessing the air war in Southeast Asia.

Whatever the mixture of motives—and they were undoubtedly complex—the U.S. Government found reasons in the summer of 1972 to forego any real response to genocide in Burundi. But stifled in the State Department bureaucracy was another option, and quite another view of responsibility.

THE COFFEE OPTION

Two State Department officials were principally responsible for the policy of the United States toward Burundi in 1972. All sources agree that Assistant Secretary David D. Newsom and, under him, the Country Director for Central African Affairs, Herman Cohen, made the crucial decisions. Both were senior career officers in the Foreign Service. Newsom had presided over the African Bureau since the summer of 1969. Newsom's superior, Secretary of State William P. Rogers, was said to have received summary briefings on events in Burundi, and left matters to the African Bureau. And, though they were routinely informed by Newsom and received all cables, members of the White House Staff apparently did not play a decisive role in the Burundi diplomacy. "Our people were not involved," said an aide to Henry Kissinger, and State Department sources confirm that Burundi was thus a rare instance in the Nixon Administration of foreign policy originating and staying with the bureaucracy. When Ambassador Melady returned to Washington late in May, he consulted with Newsom and Cohen before going on to his new assignment in Uganda. Informants on those meetings recall that Melady talked chiefly about internal conditions in Burundi—his surprise at the depth of tribal hatreds now come to the surface and his pessimism about future Tutsi-Hutu relations—but that there was no debate on American policy. There are hints that subsequently Hoyt may have been at odds with policy, if only between the lines of his cables from Burundi. "He recommended more than was accepted," said one close observer. There is no evidence, however, that the Embassy ever openly objected to the posture adopted by Washington.

It was in this setting that the decisions were taken before the end of May to leave the crisis, in effect, to the OAU, a few African leaders, and the UN—and later, through July and August, to persist in that policy though whatever cadres it might have held for relieving the continuing tragedy had obviously been exhausted. Yet at some point still early in the summer, perhaps the last week in June in the wake of Hoyt's "selective genocide" cable, there was an alternative policy suggested within the State Department—an embargo, or threatened embargo, on the significant American purchases of Burundian coffee. The exact details of that coffee option are still secret and its author anonymous. But it is possible to reconstruct from various sources the actions and results it contemplated and, most telling, how it was treated in the decision-making process.

There were various ways to stop American imports of Burundian coffee. Most of the 80% of Burundian coffee going to the United States is harvested late in the crop year. Marketed under regulations of the International Coffee Convention of 1968 which imposed sales quotas for certain periods, the coffee had been sold only under a formal waiver voted by the buyer and seller member nations of the Convention. As a major coffee consumer with 40% of buyer votes in such cases, the United States would have had the power to veto the annual Burundian request for a waiver when it was made in August 1972. Or, instead of invoking an international embargo restricting other buyers who were party to the Convention, the United States Government might have unilaterally embargoed Burundi's coffee through Presidential authority granted by the Congress. Short of legal action, the U.S. Government might simply have sought to persuade the American importer, Folgers Coffee, to forego purchases of Burundian coffee voluntarily.

Whatever the means of embargo, Washington could have threatened it, or imposed it temporarily, in an effort to pressure the Micombero regime to try to stop the killings. Failing that, the U.S. could have applied an embargo purely to dissociate itself from any material support—in this case, major support—of a regime engaged in massive violations of human rights. As one reader recalled it, the memorandum suggesting coffee sanctions included diplomatic "scenarios" for both a threat to stop purchases and an actual embargo.

Of the potential impact of a coffee embargo on Burundi, knowledgeable sources had little doubt. "It would be devastating, it would be a disaster economically," said a former Ambassador to Burundi. "Coffee's their lifeline," stressed a World Bank expert on Burundi, "they'd go bust." There was skepticism within the State Department, however, that any outside effort could have restrained the Micombero regime in the 1972 murders. "The first consideration of the Government there is always to maintain the Tutsi in power and the Hutu in subjugation. Everything else is secondary," cautioned one policy-maker. Yet the same official confessed that foreign money had influenced Burundi's policies in the past. "Mobutu wanted to put a stop to Burundi's use as a staging area for Congolese rebels," he said, "and he accomplished this by the simple expedient of buying off Micombero. Burundi's a small country and it didn't take much money to make an impression."

But the importance of the coffee sanctions proposed in the State Department was not the specific actions involved, the tactics, or even whether an embargo assured an end to the slaughter. What is most significant is that the coffee proposal simply never received a serious hearing by those making policy. The coffee trade, the main component of U.S. relations with Burundi, had apparently never even been discussed in the early policy-making in May. Then, as one source remembered the unsolicited proposal, "One guy around here suggested that 80% of Burundi's foreign coffee sales are to this country . . ." Even then, presented with an alternative course when every other approach had failed and the human toll in Burundi was continuing to mount, responsible officials seem to have dismissed a change in policy almost instinctively, without examining the facts.

"If we went to Kansas City and asked the company there to stop buying for moral reasons, "argued one senior official, "they'd tell us to go to hell." Though executives at Folgers Coffee routinely decline comment on any private contacts, there is no indication that the Government ever approached the company regarding Burundi. Company managers at Folgers also refused to speculate on what their response might have been in the event of a government request for a voluntary embargo. But commodity experts in the State Department were well aware that the Burundi crop was a marginal purchase for Folgers. One company source emphasized that there would have been no corporate effort to influence a government decision either way. "We don't have that kind of power," said an executive. Moreover, the Nixon Administration would have enjoyed ready access to discuss Burundi with Folgers, had it tried. Bryce Harlow, a former Counsellor to the President and long-time political supporter, is in charge of public and governmental affairs for Procter and Gamble, the parent company of Folgers.

There seems to have been, moreover, a crucial misconception about the potential impact of a coffee embargo on Burundi. "You can't wreck 80% of a country's economy when you don't have a real interest involved," concluded an official. Yet academic experts knew, if the U.S. Government did not, that the coffee trade affected mainly the fortunes of the Tutsi elite and ultimately financial base of the Micombero regime, with little impact on the vast majority of Burundians. And at no point in the crisis, according to those involved, did the Department of State consult the Embassy in Burundi for an assessment of the coffee option, its impact and chances for success. Colleagues said Hoyt learned of the coffee proposal, as of the findings of the UN report, only after he returned to Washington in August.

In the grip of tribal fear and the sheer momentum of the killing, the Micombero Government might well have ignored international pressure, however punishing. Burundi might have found other buyers—despite the uncertainty of supply amid internal disorders. The United States might only have foregone coffee purchases "for moral reasons" without shortening the slaughter. Folgers might have refused to accept a voluntary embargo for strictly humanitarian purposes. In the end, the U.S. Government might have explored and debated all the realities, and decided, in a deliberate fashion, to reject any effort at coffee sanctions. For that matter, Washington might even have concluded, on the advice of the African Bureau, that it was in no position to levy sanctions on Burundi when the Byrd Amendment had unilaterally abrogated UN sanctions against a white majority regime in Rhodesia. But that is scarcely what happened.

Neither the press nor the Congress raised the issue of coffee purchases from Burundi. The only reference to the subject came in a poignant letter to the *New York Times* from a former Peace Corps volunteer in Burundi, Jeff Lang, who was now watching events from Zaire. Published on August 16, the letter said in part:

"* * * What is so disheartening is that these killings could be so easily stopped. Simply publicizing the truth can go a long way, but economic pressure cannot fail. The United States holds the key to the situation as the buyer of 80% of Burundi's coffee, its only cash crop. A country so poor as to execute people with hammer blows to the head in order to save bullets certainly couldn't resist any serious economic sanction against it."

The epitaph on the coffee option was spoken several months later by a high official when asked if he had seen the memorandum. "I am aware that that was suggested," he replied. "I can't say that it was taken too seriously."

THE HUMAN RIGHTS MEMORANDUM

On August 31, 1972, as the carnage in Burundi went into its fourth month, the State Department's Assistant Legal Advisor for African Affairs circulated the memorandum which appears in the appendix of this report. Written, it said, "to meet a need (evident in recent messages to and from the field) for a general awareness of the current obligations of the U.S. Government in the area of human rights,"—or, as one source put it, "to jar some people into thinking about this problem"—the memorandum argued on precedents of international law that the United States had a binding legal responsibility to uphold human rights wherever there were no "overriding political constraints." Though "political realities" might dictate inaction by the U.S. in some cases, and thus "uneven responses" on human rights questions in general, the memorandum went on, "such expediency cannot justify U.S. action reinforcing disregard for human rights, since this would violate the U.S. Government's international legal obligations." The memo concluded that those obligations were "a reality (not just theoretical language) that must be taken into account in devising and executing policy."

Though it never mentioned Burundi specifically, that memorandum was clearly written in response to the African Bureau's policy toward the tragedy. Sources say the author, B. Keith Huffman, wrote it "because he saw a cable going out that he didn't like." The memo does cite as "contrary" to U.S. obligations a "hypothetical example" of a U.S. Ambassador assuring a foreign leader that torture of political prisoners was exclusively his internal affair. And the cable that provoked Huffman may have dealt with similar U.S. indications to Burundi that events were strictly internal concerns. In practical terms, the memorandum suggested only that the United States avoid any statement to Burundi that would tend to "reinforce" human rights abuses. But as with the coffee option, the substance of the human rights memorandum had little bearing on how it was treated in the bureaucracy.

Just as there were no consultations with the Embassy or Folgers on coffee sanctions, at no point in the crisis did policy-makers invite the Legal Advisor's Office to prepare an opinion on whether events in Burundi constituted genocide or any lesser violation of human rights. The human rights memorandum—as the coffee proposal—appeared, unsolicited, several weeks after the first deliberations on policy in May. Written to discuss the legal basis of U.S. actions, it was, revealingly, one of the last policy documents produced in the crisis. About what was happening in Burundi, officials seemed certain without recourse to international law or treaties. "It is not and never has been the policy of the United States Government that Burundi could be fairly accused of genocide," said one authoritative source. His continuing explanation is worth quoting in full:

"Genocide is a specific, legal term with a precise meaning. It boils down to trying to kill a whole people. The Burundi Government didn't try to do that; they couldn't. You can't kill off 80% of your population. Perhaps they engaged in mass murder; they weren't guilty of genocide."

Other officials admitted seeing the human rights memorandum, but regarded it as simply irrelevant, given the diplomatic restraints on U.S. policy. "The OAU didn't see it that way," said one. "If the African countries don't want to get involved, where do we get off putting our nose in?" demanded another. "The U.S. simply has no real interest involved in Burundi, other than moral indignation, and that's not enough."

There would be no debate in the U.S. Government, in the summer of 1972 or later, on the issue of human rights in Burundi. Throughout the crisis, awaiting confirmation in the Senate with full Administration support, was the International Genocide Convention, which defined genocide specifically as "acts committed with *intent* to destroy, in whole or in part, a national, ethnical, racial or religious group . . ." [emphasis added]—an exact description, by all accounts, of what the American Embassy had been reporting from Burundi since mid-May. The human rights memorandum reportedly reached the desks of the responsible officers in the African Bureau, but apparently left little impression. "Frankly," said one official to whom the memo was given, "I don't recall seeing it. It was obviously an important question, but in dealing with a situation like Burundi you're limited by what is not possible."

Emphatic expressions of one country's opposition to the policies of another, of course, do not occur in a vacuum. Overhanging the actions contemplated by the human rights memorandum and the coffee option was the threat of retaliation by the Burundi Government. That retaliation could have ranged from public protests through severance of diplomatic relations to threats to the lives and safety of the some 150 American citizens in Burundi.

There seemed, in fact, to be a danger to foreign nationals at one point in early May. European radio accounts of the repression which cited English clerics as sources had created such hostility that, as one State Department official recalled, "We warned the Brits that this might cost them a few missionaries." Yet, this soon proved to be an isolated danger. The Burundians took care throughout the repression not to harm foreign nationals. A well-informed Department of State officer affirmed that "the American mission *never* reported that the lives of American nationals were endangered." Further, the United States had before it early in the summer the example of Belgium, which in May publicly condemned the Burundi killings and withdrew substantial military and economic aid. "There was never any indication that our nationals were in danger," a Belgian official noted.

Had it wished to protect the lives of its citizens while maintaining complete freedom of action, of course, the United States could have evacuated the relatively small American community from Burundi as soon as the scope of the reprisals became known. Such a dramatic step was never imagined—the question reportedly received little or no official attention—because the United States at no time considered a response to the crisis which might have required it.

DIPLOMACY II: "DISPLEASURE . . ."

The rejection of the coffee sanctions and human rights argument took place, after a brief indication of interest in the Tunney and Kennedy speeches in early June, amid obvious Congressional indifference to events in Burundi. Despite dramatic press accounts of mass atrocities, the Tunney resolutions received only the most perfunctory attention from the Senate Foreign Relations Committee, which routinely forwarded them to the State Department for comment. On June 23, however, the Committee had an exceptional opportunity to inform itself and the American public on the gathering disaster in Central Africa when Robert Yost, a career officer nominated to succeed Melady, appeared for his confirmation hearing. The transcript of that hearing, against a background of enormous human suffering, might be required reading for all those concerned with the failure of Congress to meet its responsibilities in foreign affairs. (The transcript is attached to this report.) Committee Chairman William Fulbright began the questioning:

FULBRIGHT. We have been hearing a lot about activities down there. Some of them sound very ominous about the civil strife. Could you tell us a little about that?

YOST. Well, sir, this is something that I am obviously going to have to look into very closely when I get there. There have been a number of serious reports in the newspapers. . . .

Senator McGee, Chairman of the Senate Subcommittee on African Affairs, then joined the questioning. Allowing that the trouble had been gathering at least since his visit to Burundi in 1971, McGee offered his assessment of the cause of the violence:

McGEE. And this is likely to continue with the brutality between them. We saw people whose legs had been cut off because they were the tall ones. They simply wanted to equalize the size. . . .

This elicited from the Chairman the following view of the American response:

FULBRIGHT. Well, if he [Yost] gets into trouble he can go down and Mr. Carter [nominee for Ambassador to Tanzania also present for confirmation] will help him out. . . .

McGEE. Carter can speak for the tall ones and you can speak for the short ones and we will have a happy compromise. I have no questions.

Neither did anyone else.

In the House Subcommittee for African Affairs, which has monitored closely the policies of the Nixon Administration toward the white-ruled regimes of Southern Africa, there would be no interest in Burundi. Though concerned about a "rational foreign policy in Africa," said a source, the House Subcommittee Staff was, in the summer of 1972, "too busy to watch Burundi." In the only mention of Burundi on the floor of the U.S. House of Representatives, Congressman John R. Rarick (D-La.), a frequent critic of both the subcommittee on African Affairs and the State Department, saw another explanation for the lack of concern. "The usual antagonists of so-called minority rule in Africa," said the Congressman on June 1, "have been conspicuous by their silence as to the mass slaughters of an estimated 50,000 people in the African tribal state of Burundi. Perhaps the reason for the silence is that Burundi is a minority-controlled government favored by the usually vocal opponents of minority controlled governments in Africa."

On June 26, responding to the cable on "selective genocide" which appeared in the *New York Times* the day after Yost's confirmation, Kennedy made his last Senate remarks on Burundi, charging "an effort is being made some quarters to cover up another world tragedy. . . ." Five days later, Kennedy wrote Secretary Rogers requesting information and urging a U.S. public statement on the disaster. The Kennedy subcommittee staff released official reports to the *Washington Post* on August 5 which described "systematic elimination" of the Hutu. And then the issue disappeared from the *Congressional Record*.

The final sequel with the Congress was played out late in August when the State Department formally replied to Kennedy and to the Senate Foreign Relations Committee regarding the Tunney resolutions. The identical letters, attached to this report, told of $150,000 in U.S. relief contributions, but indicated that more relief depended on "adequate guarantees" that it would actually go to the victims. There were references to the Papal Nuncio letter and to U.S. approaches to the OAU and African leaders, with the conclusion only that the OAU "chose not to intervene in what they considered to be the internal affairs of another African state." There was also the implication that the United States had helped initiate the United Nations missions. But the only indication of casualties was the figure 80,000 which had earlier been released by the Burundian Government. When these letters were written to Senators Kennedy and Fulbright, sources say, the State Department had authoritative intelligence that the death toll in Burundi was two to three times that number. The United States had avoided "taking a public position" on the murders, the letters said, "for fear that it might jeopardize the catalytic and supportive efforts we are making." This was sent to the Senators, some sources indicated, at least two months after the last United States approaches to the OAU and African leaders. The Department would "continue," the letters concluded, "to seek opportunities to contribute to the alleviation of human suffering" in Burundi. To that, there would be no further Congressional response.

During July and August, as the letters to Congress only hinted, the situation in Burundi grew steadily worse. The first UN team estimated 500,000 people in need of emergency aid. The exodus of refugees into neighboring countries swelled toward 70,000. Secretary-General Waldheim announced on July 28 that "the proportions of the human tragedy which the people of Burundi are experiencing are staggering." On August 18, the State Department revealed, in an announcement of $100,000 aid contribution for refugees, that Newsom's deputy had seen the Burundian Ambassador the day before. The U.S. official, it was said, "expressed our deep concern over this tragedy as has been done on previous occasions, and our hope that stability soon will be restored in Burundi." At the same time, the various relief agencies involved—principally the International Red Cross and Catholic Relief Services—were continually denied access to various parts of the country, and the Red Cross eventually left in protest.

It was at this juncture, late August-early September, that it was finally decided to "review" American policy toward Burundi. There would be contradictions later about the timing of the review in relation to the course of genocide in Burundi. One senior official claimed that the killings had all but stopped by mid-August. Another explained that the decision to review policy came because of "a conclusion reached here that the repression was continuing, that there was no evidence of national reconciliation." Some sources say the murders went on in great numbers through the autumn. In any event, after inter-agency meetings including the White House Staff, and the approval of Secretary Rogers and ultimately President Nixon, the United States adopted a policy, as officials described it, of "general restraint" toward Burundi. On September 28, 1972, over four months and tens of thousands of lives since the first evidence of genocide in Burundi had been cabled to Washington, the U.S. Ambassador was recalled. The recall was ordered, as one source put it, "to give point to our displeasure." But Yost, who had dutifully reported to Burundi in August, was not then instructed to inform Micombero of the policy change, nor was there ever a public announcement. Instead, Newsom secretly called in the Burundian Ambassador, Terence Nsanz, to tell him that "normal relations were impossible," implying a continued suspension of the aid which Melady had earlier halted anyway. Coffee was not mentioned.

Even after this conversation, there was uncertainty that the private "displeasure" had been communicated to Micombero. Less than two months after his recall, Ambassador Yost was ordered back to Burundi. "We finally sent him back to Burundi to make sure that Micombero got the message," said a high-ranking official, "to make sure that Nsanz hadn't lied to him which was within the realm of possibility."

The policy review was approved by the President, said State Department sources, only because Secretary Rogers was "able to make President Nixon focus on this in the wake of the Munich tragedy in the context of international atrocities." But if the quiet rebuke delivered to Nsanz, with such uncertain results, was part of a concerted Presidential policy, there was little trace of that in what followed. By the end of the year, the disaster relief office of AID would conclude that: "In human terms, Burundi was the worst disaster to occur in 1972." In the African Bureau, however, there was the expectation that diplomatic business would revert to the familiar pattern. "Our relations are now cold," said an official in February 1973. "After a suitable time has elapsed, we'll seek to normalize them." Another diplomat characterized the ultimate U.S. response to the tragedy in these words: "It depends on what you mean by normal relations. I mean our Embassy's still there, everyone goes to work in the morning, we haven't broken off relations or anything . . . but we expressed our grave concern."

CONCLUSION: ". . . A LOWER THRESHHOLD"

When it was over, there would be a growing sense among some in the U.S. Government who had worked through it that the tragedy in Burundi had been unique in many ways. Not only was the human cost extraordinary, the savagery shocking, the suffering still so deep. It had also been one of those rare episodes in recent American foreign policy in which the ostensible humanitarian concern of the United States had not collided with competing interests. In Bangladesh, the human disaster had been subordinated to Washington's relationship with Pakistan and the tangled secret diplomacy with Peking. In Biafra, relief seemed choked not only by the politics of a civil war, but also by a State Department policy which placed more value on good relations with the regime in Federal Nigeria. Yet there appeared to be no comparable interests in Burundi to weigh against the human factor.

Without these customary rationalizations, the questions left by the Burundi policy seemed all the more disturbing. Why then did the United States persist so long in a futile diplomacy? Why were the coffee sanctions and human rights memorandum so gliby spurned? Why was U.S. "displeasure," when it finally came, so furtive? Why had this nation never spoken out publicly to deplore the murder of a quarter million people?

In part, the answer lies in the fact that international law and the human rights obligations of the United States Government mattered so little in the crisis. There was no procedure, no routine, to insure early consideration in the policy process of the logic and concerns finally thrust before the decision-makers late in August in the human rights memorandum. Those responsible for American policy in a major crisis of human rights seemed basically unconcerned about their country's obligations under international law—while those in the Legal Advisor's Office who were conversant with—and concerned about—such obligations enjoyed no real role in policy-making.

The human rights memorandum had posed perplexing issues. To uphold human rights only where there were no "political constraints" suggested a double standard of international justice for strong and weak nations, with a special burden for African countries. For the Hutu who died by the tens of thousands at its hand, however, the Government of Burundi was strong enough. And to deplore their slaughter was to speak for the weak.

There was also the troubling question of why the United States should have spoken out or adopted sanctions against Burundi when 130 other governments were unwilling to confront the crisis. A nation which saw itself, in Vietnam and elsewhere, too long shouldering an international role alone might be unready to take such a lead. However, the issue in Burundi was never intervention. It was dissociation from a regime committing genocide. Other nations did not supply 65% of the foreign exchange income of that regime. Ultimately, moreover, the question comes back to international law. The United States had solemn obligations, regardless of the compliance of others. But these questions were scarcely pondered by an American government in the summer of 1972.

There was little understanding in State of the U.S. responsibility in Burundi stemming from the coffee trade. The same officials who saw the genocide as mainly a Belgian concern because of Belgian aid to Burundi somehow could not see in the same light the millions of dollars supporting the Micombero regime from U.S. coffee purchases. Again, while the State Department shunned coffee sanctions as "involvement," it could also be argued that an embargo would have accomplished quite the opposite—an end to *de facto* American backing of one side in a tribal conflict. But then, there were apparently critical misconceptions, never recognized or corrected, about the embargo authority available to the United States Government and the real impact of a coffee embargo on Burundi. There was also among key State Department officials, a facile assumption of American corporate insensitivity to human suffering—an assumption that was never critically examined.

There were larger institutional problems mirrored in each of these failures. "Do you know of any official," asked one officer, "whose career has been advanced because he spoke out for human rights?" There is the suggestion in much of what happened in the Burundi policy that initiatives were stifled not only by ignorance, but by the conformity and the personal caution nurtured in a career bureaucracy. Officials who saw the failure of a Nyerere or Mobutu to speak out as "galling" or "despicable" saw no similar outrage in American silence—or if they did, never said so. How different the story might have been, and how much more hopeful, had there been a lively debate within the Government on the coffee proposal and human rights memorandum, or on the UN reports, or the strategy of relying on the OAU, regardless of the decisions finally taken.

But looming over all this was the conviction in the African Bureau that avoiding the disapproval of African states was more important than the human lives or the international legal issues in Burundi. Some in the Government would afterward characterize the policy in terms of this overarching concern with one's "clients"—that Melady "wouldn't sacrifice the good relations he'd built up," or that Newsom wouldn't "blot his copy book with the Africans." Perhaps the one hopeful precedent in the Burundi crisis was the courage of the UN Secretariat to reject such client pressures. Though they might have faced an angry African constituency which can be powerful in the General Assembly, Messrs. Morse and Waldheim did move to send UN missions to Burundi and spoke out honestly on some of the findings.

There seems no easy resolution to this conflict of interests between client governments and human costs. The State Department's concern to avoid any appearance of American paternalism or interference in a foreign struggle, and to spare an impoverished, neglected continent any embarrassment that might further isolate it, may have reflected an authentic sensitivity to the problems of race in world affairs. But the price of this self-imposed inhibition in Burundi was too high. In failing to come to grips with violations of human rights in Burundi, as Congressman Rarick suggested, the United States only further damaged the credibility of its support for human rights among the suppressed black majorities in white-ruled Southern Africa. It was a tragic contradiction to ignore the murder of a quarter million Africans in order to avoid harming Africa.

Perhaps the most serious failure in all this was that the policy-making process in the U.S. Government, and the authority of the President and his senior advisors, offered no redress from decisions taken in the African Bureau. Not only were alternative proposals shunted aside in the State Department. The officials ultimately responsible for American foreign policy left the Burundi crisis to a bureaucracy ensnared in a parochial view of the disaster. A Secretary of State who in 1968, as the human right memorandum reminded its readers, had "strongly urged more involvement by the U.S. Government in international human rights problems" found little to interest him in the Burundi crisis in 1972. The White House also acquiesced in State Department policy, choosing not to invoke its authority on behalf of considerations of human rights.

With the exception of Senators Tunney and Kennedy, the Congress failed utterly in the crisis. The American press, after the sensation of a few reports, forgot the murders in Burundi. No one was interested in reporting for long, complained *The Economist,* "the dreadful, monotonous statistics of a seemingly endless tribal purge." Those in the Government disturbed by the policy saw here, as in other cases, press coverage and public pressure as a necessary and crucial spur to policy-makers who otherwise simply would not act. "If the press were back here saying, 'Look, there're people being killed,'" said one official, "then you'd have had people here in the Department saying, 'Look, we gotta do something about this.'" There were others in the State Department, however, who saw the press and public opinion here, once again as in other cases, as an irritation. Outsiders always wanted to do more, argued one policy-maker, when they did not understand that the opposition of African states and the Burundi Government made that impossible. For these officials, a greater public outcry might only have reinforced their inertia.

In the spring of 1973, a year after it all started, the United Nations was again receiving reports of genocide in Burundi. "They're still killing them," said one UN official, "only more quietly and slowly." At the end of May, the State Department had intelligence that the Micombero regime was "doubling the size of its army," and charging a conspiracy among Hutu refugees. There were press reports that the Burundi Government was still withholding relief from the victims of the 1972 disaster.

To what his own Disaster Relief Office had called the worst human catastrophe of the year, Secretary Rogers devoted one paragraph in the 743 pages of his formal report on foreign policy for 1972. Weeks later, President Nixon's Foreign Policy Report to the Congress contained a paragraph, reproduced at the end of this report, which observed that "countries have a right to take positions of conscience," and gently chided the Africans for not speaking out. But the United States has still not uttered a single public word to describe the immensity of the crime against humanity in Burundi—or to condemn it.

In the State Department there were rumors of a high-level National Security Council review of humanitarian factors in U.S. policy "in the light of the Burundi and Bangladesh disasters." "In the wake of Burundi," said a legal officer, "there is now a much lower threshold at which the question of effective action . . . is raised." But there would be no easy answers in terms of "thresholds" or in NSC reviews to the failure of the United States in the Burundi crisis. Until human costs in international affairs come to be as important as any other interest—a difficult and complex change in the people as well as in the institutions of government—it could all happen again.

Department of State,
The Legal Adviser,
August 23, 1972.

Memorandum of Law—U.S. Government's Obligations Regarding Human Rights of Individuals Outside the United States

This memorandum is designed to meet a need (evident in recent messages to and from the field) for a general awareness of the current obligations of the U.S. Government in the area of human rights.

Historically, international controversy has been generated by the conflicting principles of international law that one state should not intervene in the internal affairs of another and that states should promote international respect for human rights. This issue is an extremely important one for the African Bureau because of the high incidence of well publicized human rights problems on the continent and the great sensitivity of African nations with respect to actions by other states regarded as intervention in internal affairs.

Beginning with the Atlantic Charter issued August 14, 1941, which asserted respect for human rights to be an Allied goal in World War II, there has been a steady development of the international recognition of international obligations to promote respect for human rights. This development has brought about a corresponding erosion of the concept that a state possessed exclusive discretion over matters relating to the treatment of its own nationals. The Preamble of the Charter of the United Nations notes that we are "determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human persons. . . ." Article I states that one of the UN's purposes is "in promoting and encouraging respect for human rights. . . ." Article 55(c) imposes a substantive international obligation upon UN members (albeit one of nuclear scope) to "promote . . . universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as a race, sex, language, or religion." In Article 56 "All members pledge themselves to take joint and separate actions in cooperation with the Organization for the achievement of the purposes set forth in Article 55."

Unlike the Charter, the Universal Declaration of Human Rights, adopted by the General Assembly in 1948 with U.S. support, did not purport to impose legal obligations. Rather it constituted an effort to establish goals towards which UN members could strive in pursuit of their obligations under Articles 55(c) and 56 to promote universal respect for and observance of human rights. Despite the non-binding character of the Declaration, it has proven to be the principal authoritative compendium of human rights, with portions of it appearing in the constitutions of over thirty countries and numerous international agreements including the charters of the European Court and Commission of Human Rights and the OAS Commission of Human Rights. It is frequently cited in UN Resolutions regarding South Africa and Namibia. In the latter regard, the U.S. Government has recently called upon American firms doing business in Namibia to conform their employment practices to the provisions of the Declaration. Bilaterally, the U.S. Government cited the Declaration last year in criticizing the Soviet Union's policy of preventing Soviet Jews from emigrating.

A cursory glance at the Declaration shows that its application is not limited to actions and policies of Southern African states. Article 5 states that "No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment." Article 9 says "No one shall be subjected to arbitrary arrest, detention or exile." Article 13(2) states "Everyone has the right to leave any country, including his own, and to return to his country." Article 15 says "(1) Everyone has the right to a nationality, (2) no one shall be arbitrarily deprived of his nationality. . . ." Article 17 states "No one shall be arbitrarily deprived of his property." etc.

Prior to assuming their respective offices, the Secretary of State and the Legal Adviser, as members of the Special Committee of Lawyers of the President's Commission for the Observance of Human Rights Year 1968, strongly urged more involvement by the U.S. Government in international human rights problems. (See: "A Report in Support of the Treaty-making Power of the United States in Human Rights Matters, October 1969")

Reflective of the recent growth of international human rights law is general agreement within the international legal community that transgressions of human rights are not matters within a state's exclusive domestic jurisdiction and accordingly, that the principle of non-intervention in internal affairs does not bar one state from taking action designed to promote respect for human rights in another. It is recognized, however, that on occasion overriding political constraints may dictate inaction or restraint on the part of the U.S. Government despite certain instances of blatant disregard of human rights by another government. Though such inaction with regard to a human rights disaster in one state would appear to erode the U.S. Government's ability to pronounce convincingly upon human rights problems in another political realities may be expected to produce uneven responses in this area for the foreseeable future. On the other hand while inaction in the face of a human rights crisis might be rationalized on the grounds of political expediency, such expediency cannot justify U.S. action reinforcing disregard for human rights, since this would violate the U.S. Government's international legal obligations. A hypothetical example of this distinction might arise in the event of a foreign leader's severe reaction to American press criticism of his policy of publicly torturing prisoners. Under such circumstances, it would be permissible for the Department, for practical considerations to instruct our Ambassador to dissociate the U.S. Government from American press comment. It would not be defensible however, for the Ambassador to assure the foreign leader that the U.S. Government regarded the treatment of prisoners, however extraordinary as an exclusively internal affair within the foreign state. Since any such assurance would reinforce the inhumane penal policies of the foreign leader, it would be contrary to the U.S. Government's obligations under international law in the field of human rights.

CONCLUSION

The U.S. Government has a legal obligation to promote respect for human rights. Because of the lack of specificity of such obligations, it may be easier in the foreseeable future to determine which actions the U.S. cannot take than those it should take. Nevertheless, one must recognize that legal obligations in this area are a reality (not just theoretical language) that must be taken into account in devising and executing policy.

B. Keith Huffman,
Assistant Legal Adviser, for African Affairs.

Hearings of the Senate Foreign Relations Committee, June 23, 1972, on the Confirmation of Robert L. Yost (Calif.) as Ambassador to Burundi

Chairman. Would you state your experience . . . ? Are you related to Charles Yost?

Mr. Yost. No, sir. . . . Served in Army for three years beginning in 1942. Ended up in Europe as a prisoner interrogator. Left Army in 1946 and entered the foreign service that same year. Served at the Embassy in Madrid, in the Counsel General at Antwerp, spent a year at Harvard on Economic Trade, was in Leopoldville from 1953 to 1955, spent three years in the Philippines in Cebu as Consul, three years in Paris on UIS, was with delegation to OECK, and was in Addis Abada for four years as Deputy Chief of Mission.

Chairman. Have you ever been in Burundi?

Mr. Yost. Yes. For a few hours in 1954.

Chairman. 1954?

Senator McGee. We can't blame it on you then?

Chairman. We have been hearing a lot about activities down there. Some of them sound very ominous about the civil strife. Could you tell us a little bit about that?

Mr. Yost. Well, Sir, this is something that I am obviously going to have to look into very closely when I get there. There have been a number of serious reports . . . in the newspapers . . . We should know more about the extent and nature of the problems once the mission sent by the Secretary-General of the United Nations completes its look at what can be done there as far as humanitarian assistance to victims of the cities is concerned.

Chairman. How large is Burundi? How many people are there?

Mr. Yost. Somewhere over three and a half million.

Chairman. It isn't large geographically?

Mr. Yost. No, sir.

Chairman. Is it rich agricultural land?

Mr. Yost. The land is very mountainous and virtually all the viable soil is being used for crops.

Chairman. Are these strifes between tribes?

Mr. Yost. Essentially over a period of time both before and after independence there has been a schism, a strife between principal tribes in the country. The Tutsi, who have been there for several hundred years, who came from the North, are pastoral people, who assumed a dominant position from very early in that time; over the Hutu, who constitute the majority of the population.

Chairman. And is this strife important politically, is that the source of it, or is it religious?

Mr. Yost. No, it is religious, it is yes, political.

Chairman. Completely political?

Mr. Yost. Yes, for control.

Chairman. Control of the government?

Mr. Yost. Yes, sir.

Chairman. What is its relations with Rwanda today, are they in any way associated?

Mr. Yost. No, they are two independent countries since 1962. They were both administered by Belgium under a United Nations trusteeship . . . and prior to that under a League of Nation mandate. Both were former German colonies.

Senator McGee. I don't envy you in what you are walking into. We were the first United States Senators ever to visit Burundi.

Mr. Yost. Yes, I recall.

Senator McGee. A year ago. And that was happenstance because we were barred from Uganda since they were in trouble at that time, but we put it to good use in Bujumbura. But then, I mean everyone was walking on eggs, this is going to blow. They didn't mention the short ones out loud and they were afraid this was coming, perhaps longer in this instance than they anticipated a year ago last February. It is a brutal sort of situation.

I gathered from our impression there that the Tutsis, who are the tall ones, are perhaps more gifted in administration abilities and this sort of thing and other advantages they have had, that the short ones have lived close to the land much longer and have not had the advantage of some educational opportunities or other traits that have helped keep them lower, even though what is their percentage, 85 percent of the population?

Mr. YOST. That is right.

Senator MCGEE. And this is likely to continue with the brutality between them. We saw people whose legs had been cut off because they were the tall ones. They simply wanted to equalize the size; peoples whose ears had been cut off on the other side because they heard too much. It is a sad tragic situation and it is one of the illustrations of a country that is going well economically in terms of having something to live off of, including the Folgers Coffee Co., but it still can't resolve this historic cleavage between these two except by force. So you are going into a hot one.

CHAIRMAN. Well if he gets into trouble he can go down and Mr. Carter (nominee for Ambassador to Tanzania) will help him out . . .

Senator MCGEE. Carter can speak for the tall ones and you speak for the short ones and we will have a happy compromise. I have no questions.

Senator AIKEN. No questions.

CHAIRMAN. Well, I wish you well. That is a very good proposal but you have had your experience in Ethiopia and you are familiar with the area. . .

Mr. YOST. Yes, sir, Ethiopia and the Congo.

CHAIRMAN. Do we have any AID programs in Burundi, that you know of?

Mr. YOST. We have a small AID program there that I believe last year ran in the neighborhood of $400,000. A large part of this is PL-480.

CHAIRMAN. Do I understand that the Folger Coffee Co. owns the plantations?

Mr. YOST. They don't own the plantations, the system works differently, but we take about 80 percent of their coffee export and this is their major export.

CHAIRMAN. Well, do you have anything you would like to advise the Committee about?

Mr. YOST. No, sir.

CHAIRMAN. Give us any advice?

Mr. YOST. No. I am very pleased and delighted at the nomination.

CHAIRMAN. Allright, thank you very much.

Hon. EDWARD M. KENNEDY,
Chairman, Subcommittee on Refugees, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of July 31 requesting information about American views and policies in regard to developments in Burundi.

The Administration shares your concern over events in Burundi, a tragedy which the Department of State has been closely following. We have expressed our concern to the Government of Burundi, to other African governments and to officials of the United Nations and the Organization of African Unity. However, we have avoided taking a public position for fear that it might jeopardize the catalytic and supportive efforts we are making.

As we understand the Burundi situation, a rebellion by elements of the Hutu people during the week of May 1 triggered a reaction by the ruling Tutsi who feared losing their dominant position and their lives as the Tutsi had in Rwanda in the early sixties. The subsequent arrests and executions, which the Burundi Government claimed only involved those guilty of revolution against the state, are alleged to have included large numbers of Hutu government leaders, intellectuals, secondary school children, common workers and peasants.

The United States was the first government to extend relief to the victims of this crisis by allocating $100,000 to our Embassy for the purchase of ambulances, food, blankets, medicines and cooking utensils. In addition, our Embassy associated with the Embassies of Belgium, Great Britain, Rwanda, Switzerland, West Germany, and Zaire in supporting the demarche presented to the Government of Burundi by the dean of the diplomatic corps, the Papal Nuncio, calling for a return to peace and an end to reprisals.

Anticipating that the Burundi question would be considered at the June summit of the OAU, prior to that meeting, we discussed the crisis with the governments of Ethiopia, Rwanda, and Zaire and with the President and Secretary-General of the OAU. The members of the OAU, however, chose not to intervene in what they considered to be the internal affairs of another African state.

We consulted with UN officials to ascertain what that organization could usefully do. On June 22, a three-man mission sent by Secretary-General Waldheim reached Burundi to investigate the requirements of humanitarian assistance and also, privately, to assess the general situation and convey a message of concern to President Micombero.

We have not seen the report submitted to the Secretary-General, but we know that the Government of Burundi reported 80,000 dead and estimated that $8 million would be needed for immediate relief requirements. The Secretary-General subsequently issued a statement which noted that "the proportions of the human tragedy which the people of Burundi are experiencing are staggering." With respect to Burundi's request for relief assistance, Waldheim announced that "the United Nations system must be in a position to assure the international community, and donors in particular, that assistance will reach the entire population and benefit the country as a whole."

Partly to satisfy this requirement, the UN sent a second mission in late July. We hope that the mission made it clear to the Government of Burundi that relief aid will have to be equitably distributed. International Organizations have previously had difficulty in securing appropriate cooperation with humanitarian efforts in Burundi. Early in the current crisis, UNICEF and UNDP vehicles were commandeered by the Government for internal security use. The International Red Cross found itself unable to gain freedom of access to all parts of the country and all elements of the population and has withdrawn its staff and supplies. Catholic Relief Services is continuing its operations within Burundi.

The United States is prepared to contribute further to emergency relief in Burundi but there must be adequate guarantees that the relief will benefit directly those requiring it.

In the states neighboring Burundi, the refugee problem has become more acute. The United States has expressed its concern about the refugee problem and about the situation within Burundi to the Governments of Rwanda, Tanzania and Zaire. The Presidents of Zaire and Tanzania subsequently met with President Micombero and the President of Rwanda received Foreign Minister Simbananiye. We hope that these contacts will produce initiatives which will involve Burundi's neighbors and other African states in cooperative efforts to provide assistance and assure peace.

In the meantime, public and private organizations are caring for the refugees along Burundi's borders. The United States has given an emergency allocation of $50,000 to the Catholic Relief Service to help the Burundi refugees in East Zaire and will further supplement the efforts of the asylum countries, UNHCR and other relief agencies as additional needs are identified.

The Department of State will continue to seek opportunities to contribute to the alleviation of human suffering and the restoration of peace in Burundi.

I hope that this information has been responsive to your inquiry. I would be pleased to arrange for an officer of the Bureau of African Affairs to brief you and your staff if you have further questions.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

AUGUST 18, 1973.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to respond to your letter of June 15 requesting comments on Senate Resolutions 315, 316, and 317 on civil strife in Burundi.

The Administration has been closely following the recent events in Burundi. As we understand the situation, a rebellion by elements of the Hutu people during the week of May 1 triggered a reaction by the ruling Tutsi who feared losing their dominant position and their lives as the Tutsi had in Rwanda in the early sixties. The subsequent arrests and executions, which the Burundi Government claimed only involved those guilty of revolution against the state, are alleged to have included large numbers of Hutu government leaders, intellectuals, secondary school children, common workers and peasants.

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We have not seen the report submitted to the Secretary-General, but we know that the Government of Burundi reported 80,000 dead and estimated that $8 million would be needed for immediate relief requirements. The Secretary-General subsequently issued a statement which noted that "the proportions of the human tragedy which the people of Burundi are experiencing are staggering." With respect to Burundi's request for relief assistance, Waldheim announced that "the United Nations system must be in a position to assure the international community, and donors in particular, that assistance will reach the entire population and benefit the country as a whole."

Partly to satisfy this requirement, the UN sent a second mission in late July. We hope that the mission made it clear to the Government of Burundi that relief aid will have to be equitably distributed. International organizations have previously had difficulty in securing appropriate cooperation with humanitarian efforts in Burundi. Early in the current crisis, UNICEF and UNDP vehicles were commandeered by the Government for internal security use. The International Red Cross found itself unable to gain freedom of access to all parts of the country and all elements of the population and has withdrawn its staff and supplies. Catholic Relief Services (CBS) is continuing its operations within Burundi.

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It is clear from the above that the objectives of Senate Resolutions 315 and 317 have been realized. With regard to Senate Resolution 316, as already noted, the OAU decided not to intervene in what they considered to eb an internal Burundi problem. Furthermore, the United States is not a member of the Organization of African Unity and, therefore, would be in a difficult position to request an investigation by or a report from that body. Since the beginning of the crisis, we have discussed our concerns about Burundi with key leaders of the OAU. These discussions have revealed a concern on their part, but we are not aware of any specific steps being taken by the OAU.

The Office of Management and Budget advises that from the standpoint of the Administration, there is no objection to the submission of this report.

Sincerely yours,

David M. Abshire,
Assistant Secretary for Congressional Relations.

[From, United States Foreign Policy 1972: A Report of the Secretary of State, by William P. Rogers, p. 465].

INSTABILITY IN BURUNDI

A political unheaval in Burundi from April to October unfortunately contributed a resurgence of the chronic instability that has plagued the central African region for a number of years. A report released by the United Nations in July said "the proportions of the human tragedy which the people of Burundi are experiencing are staggering. The Burundi Government itself has reported that 80,000 persons had died since April 29 and that 500,000 persons are experiencing great suffering." The tragedy in Burundi also sent thousands of refugees into neighboring Rwanda, Zaire, and Tanzania, where the local governments have responded generously with humanitarian assistance aided by U.N. and voluntary agencies. We have been concerned with the dimensions of the tragedy as well as the questions of human rights involved in the events since April 29. We therefore continue to support U.N. efforts to assure that relief assistance for victims of the tragedy is distributed equitably to all who need it, both inside Burundi and among refugees outside. (See section on Social and Scientific Dimensions: Refugee and Migration Affairs.)

African governments regarded the tribal conflict which sparked the tragedy as an internal matter but, privately, several African leaders sought to encourage reconciliation among the deeply divided people.

(From: "United States Foreign Policy for the 1970's: Shaping a Durable Peace"—A Report by President Richard Nixon to the Congress)

There also were serious disappointments in 1972. It would be less than candid not to mention them, for I am sure they were disappointments, too, to Africans who are working for peace and justice on the continent.

The situation in Burundi posed a genuine dilemma for us and for African countries. Non-interference in the internal political affairs of other countries is a paramount and indispensable principle of international relations. But countries have a right to take positions of conscience. We would have expected that the first responsibility for taking such positions rested upon the African nations, either individually or collectively. The United States urged African leaders to address the problem of the killings in Burundi. We provided humanitarian assistance, impartially, to those who needed it in Burundi or who fled. All of the African leaders we spoke to voiced their concern to us; some raised it with Burundi's leaders. But ultimately none spoke out when these diplomatic efforts failed.

In Uganda, the attacks on that country's intellectual class, as well as the expulsion of Asians, were deplorable tragedies. The United States has provided refuge for some of the Asians, whose expulsion, whatever the rationale, had racial implications which do no credit or service to Africa.

While events in these two countries were tragic in comparison with the continent's other achievements, the ability of African leaders to maintain independence and territorial integrity while welding ethnic diversity into nationhood remains an undeniable source of real hope for the future.

SOUTHERN AFRICA

The denial of basic rights to southern Africa's black majorities continues to be a concern for the American people because of our belief in self-determination and racial equality.

Our views about South Africa's dehumanizing system of apartheid have been expressed repeatedly by this Administration in the United Nations, in other international forums, and in public statements. As I said in my Foreign Policy Report two years ago, however, "just as we will not condone the violence to human dignity implicit in apartheid, we cannot associate ourselves with those who call for a violent solution to these problems."

We should also recognize that South Africa is a dynamic society with an advanced economy, whose continued growth requires raising the skills and participation of its non-white majority. It is particularly gratifying that some American companies have taken the lead in encouraging this.

BIOMEDICAL RESEARCH TRAINING GRANT AND FELLOWSHIP PROGRAMS

Mr. KENNEDY. Mr. President, the Federation of American Scientists, which represents over 6,000 leading scientists in this country, held a news conference last Thursday to call attention to the devastating impact of President Nixon's proposed fiscal year 1974 budget on biomedical research in this country. Over nine Nobel laureates raised their voices in opposition to the proposed elimination of NIH research training grants and fellowships.

Mr. President, just 2 weeks ago the Senate restored $100 million to the supplemental fiscal year 1973 HEW appropriations bill for purposes of carrying out this Nation's health programs; $24.1 million of that total was earmarked for NIH research training grants and fellowships. That Senate amendment is now a prime topic of debate in the conference on the supplemental bill. It is my hope that the final measure which emerges from that conference will reflect a continuing commitment to the growth and expansion of our biomedical research training grants and fellowship programs.

I ask unanimous consent for the full text of the letter from the Federation of American Scientists to President Nixon be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Federation of American Scientists,
Washington, D.C., June 6, 1973.

President Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: We are deeply concerned about recent Federal decisions in the funding of biomedical research. We know that all parts of the Federal budget for FY 1974 are under pressure this year—and perhaps for the coming years—in the absence of a tax increase. Therefore, we cannot and do not expect the funding for biomedical research to rise rapidly in the coming years. But we have a right to expect that the funds which are available to our discipline are allocated in a sensible way.

We have two fundamental complaints about this year's budget. In the first place, the Administration's emphasis on "storming" a few spectacular objectives is tending to disrupt orderly research in other, no less important, areas. Thus, at NIH, where 60 per cent of biomedical research originates, increases for heart and cancer research were up substantially but—in order to keep the NIH budget level—corresponding cuts were made in other fields. This approach to funding basic research—the notion that the "cure" is or may be around the corner and that throwing money directly at the problem will substantially improve the prospects for solution—reflects the standard error of nonscientists in their contemplation of basic research. There would be no harm in this approach if it did not strait jacket other disciplines but, today, it does. And these disciplines may well provide much of the scientific infrastructure necessary for the eventual cures.

Second, the Administration has taken the view that fellowship and training grants should not be offered henceforth. It seems to be arguing on the basis of a free enterprise ideology taken from business that market forces will provide researchers in biomedicine and that they should not be given "careers on a silver platter." But the market for Ph.D.'s is very sensitive to a variety of factors including the very grants at issue. The result of sharp fluctuations in training grants can be to produce wide oscillations in the supply of researchers.

This Nation should not risk disruption of ongoing research—disruption which we cannot afford—for savings that are very small in terms of the health budget, much less the entire budget ($269 billion). The question as to which of the young scientists continue their research, and under what conditions, lies at the very nerve center of our hopes for future biomedical progress. We need only the best, irrespective of their ability to pay. Nor is it only a question of whom to train, since those on training fellowships and post-doctorals are often doing some of their most important work.

We believe there is and will continue to be a most important role for research training and fellowship grants, and call for reconsideration in any future budget. And we ask that funds provided for this purpose by the Congress we used rather than vetoed or impounded.

Respectfully,
*Christian B. Anfinsen, *Max Delbruck, *H. K. Hartline, *Arthur Kornberg, * Julius Axelrod, * Marshall Nirenberg, *William H. Stein, *Albert Szent-Gyorgi, *Edward L. Tatum, Frank H. Westheimer.

P.S. We have attached the names of approximately 3,000 biomedical scientists who have joined in our requests, in conjunction with the 6,000 member Federation of American Scientists.

FAS Background

The Federation of American Scientists, founded in 1946, is a non-profit public interest lobby of scientists concerned with problems of science and society.

Unlike virtually all other scientific societies, FAS is not a tax-deductible organization and therefore is free to influence legislation.

Support for the Federation is derived primarily from $15 membership dues. Membership is open to all natural and social scientists and engineers, so that an interdisciplinary point of view can be achieved.

FAS is democratically organized with an elected Council of 26 members. Constitutionally, the FAS Executive Committee (composed of 8 officials) may also issue pronouncements consistent with FAS policy.

Members of FAS participate in several ways: they vote for its officers, respond to questionnaires, suggest ideas to the National office, serve on committees to investigate special issues, and testify before Congressional committees. In addition, FAS has a network of Technical Advisory Committees to Influence Congress (TACTIC)—a grass roots organization of scientists who relay FAS information to their Congressmen.

The 4,500 membership of FAS includes former science-related officials of the highest possible rank from the relevant government agencies, as well as more than 25 Nobel laureates.

In fulfilling its role as a conscience of the scientific community, FAS has worked on a variety of vital issues: disarmament, environment, energy, conversion to a non-military economy, rights of scientists, and many others.

FAS public policy statements are reflected in periodic press releases, in testimony before Congressional committees, and in the monthly *FAS Newsletter*.

GENOCIDE: A THREAT TO ALL HUMANITY

Mr. PROXMIRE. Mr. President, one of the most widely held misconceptions concerning Hitler's 12-year reign of terror is the gross error that the Third Reich's program of planned genocide had as its exclusive victims Jewish people alone.

We could make no more serious historical blunder. The mass murder of almost 6 million Jews by Hitler's henchmen is almost universal knowledge. Civilized man condemns these acts of murderous barbarism and mourns the tortured victims. But how many people realize that during these same years Hitler murdered 7 million Christians as well?

Nazi jargon classified these victims as "Christian subhumans." Russians, Poles, Hungarians, Rumanians, Yugoslavians, and Czechs—7 million of them, whose veins did not flow with "pure Aryan blood," were systematically and sadistically put to death.

The Senate and all people must grasp this fundamental fact: Genocide was not then, and it is not now, an anti-Semitic problem; it is antihuman.

The roots of genocide are obvious: When one group of people make the fatal presumption of judging any other group as mentally, morally, or culturally inferior, is the isolation, subjugation, and ultimately the elimination of the latter group by the former not predictable? This progression, simply stated, is genocide.

This horrendous policy is not merely anti-Semitic and anti-Christian, it is against all of humanity. We in the Senate have the means of affirming this belief, of strengthening the international sanctions against genocide. The Senate can ratify the United Nations Convention on Genocide.

This Convention on Genocide has been before the Senate for over 25 years. An entire generation of Americans has been born and come of age in that time.

The Senate, and the Senate alone, must accept full responsibility for its inaction. We must answer the damning indictment of Thoreau:

> None of you could kill time without injuring eternity.

We have already killed too much time and dishonored the memory of almost 13 million fellow human beings. Let the Senate now, in 1973, ratify the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

REMARKS OF SENATOR HUGHES AT THE LUTHERAN GENERAL HOSPITAL'S FIRST INTERNATIONAL SYMPOSIUM ON ALCOHOLISM AND ALCOHOL PROBLEMS, IN CHICAGO, ILL.

Mr. STEVENSON. Mr. President, on April 30, the Senator from Iowa, Mr. Hughes, spoke in Chicago at the Lutheran General Hospital's First International Symposium on Alcoholism and Alcohol Problems. His subject was alcohol, which he characterized as "the most widely abused dangerous drug in our society." He pointed out that the administration's budget for fiscal year 1974 proposes the phasing out of all Federal support for alcoholism projects now receiving funds from the National Institute on Alcohol Abuse and Alcoholism. As he noted, if this recommendation is carried out, the high hopes for a comprehensive national alcoholism program under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 "will be shattered into a thousand pieces."

In his remarks, Senator Hughes said that he and congressional colleagues would fight these crippling cutbacks "with every resource at our command." As a cosponsor of Senator Hughes' bill to extend the 1970 act, S. 1125, I am one of those colleagues who is glad to join Senator Hughes in his battle to reorder the administration's distorted priorities.

I ask unanimous consent that the full text of Senator Hughes' remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Senator Harold E. Hughes

It is a privilege for me to have the opportunity to keynote this distinguished International Symposium on Alcoholism and to pay my personal tribute to Lutheran General Hospital for its pioneering achievement in the treatment and prevention of alcoholism. I am told that Lutheran's Alcoholism Center for Treatment, Training and Research, opened in 1969, was the first such facility built as an integral part of a private general hospital. Only those who have worked in the field of alcoholism for many years can fully appreciate what a stunning breakthrough this represents. One of the greatest single obstacles to the development of successful alcoholism programs in this country has been the neanderthal attitude of many hospitals and many otherwise competent members of the medical profession.

There has been a rash of funny stories going the rounds this past year beginning with this introductory line: "I have some good news and some bad news for you. First the good news," and so on.

Today I have some good news and bad news for you. First the good news:

In the past year, an impressive array of national commissions, study groups and ranking authorities have placed on the public record a fact that the professional participants in this Symposium have long known—namely that alcohol is the most widely abused dangerous drug in our society and its abuse causes greater loss of life, human misery and economic waste than all other forms of drug abuse combined.

The National Commission on Marihuana and Drug Abuse, in its report on Drug Use in America, concluded that "Alcohol dependence is without question the most serious drug problem in this country today."

It is worth noting that, except for the four members of Congress on that Commission, all members were appointed by the President. As a member of that Commission myself, I can tell you first-hand that this wasn't the conclusion that most of the people on the Commission expected to reach when they first began their study.

Other ranking authorities and agencies, both governmental and private, have publicly recognized the fact that the number one public enemy among the dangerous drugs is not heroin or marihuana, but legal, readily available and lavishly advertised booze.

(Don't read me wrong. I am not a prohibitionist. We have been through the Volstead fiasco. I would gladly put on Carrie Nation's bonnet and pick up her hatchet if I thought this method would work. But it doesn't.)

More of the good news: with the passage of the 1970 Federal Alcoholism Act, we have the foundation in law for the first significant, coordinated national effort in the treatment, rehabilitation and prevention of alcoholism, a widespread illness that Dr. Roger Egeberg once called our country's number one health problem.

Now the rest of the good news:

From private industry, from government employee groups, and from other sectors across the land, the evidence continues to pour in that sound alcoholism programs, competently administered and adequately funded, are working. Whereas with some of the other drug addictions, we are still working largely in the field of the unknown, we know what to do about treating and controlling alcoholism. I am not implying that we have discovered any easy, painless, surefire methods, but given patience, determination and the professional expertise now available, we can get the job done.

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*Nobel laureates.

We have also seen some encouraging progress by the newly formed National Institute on Alcohol Abuse and Alcoholism, mandated by the 1970 Act, the first Federal agency with the prestige and structure needed to provide national leadership and coordination in the war against alcoholism.

In addition, voluntary agencies such as the National Council on Alcoholism, the Alcohol and Drug Problems Association of North America and others are sustaining their efforts in the private sector.

End of good news, now for the bad news.

The Administration's budget for fiscal 1974 proposes the phasing out of all Federal support for alcoholism projects now receiving funds from the National Institute on Alcohol Abuse and Alcoholism.

The President has not permitted the Institute to make grants for any new projects during the current fiscal year, and the Fiscal 1974 Budget contains no request for new project funds.

The only Federal funds that would be available either for new projects or for those whose current support is being phased out would be the very limited amounts allotted to the States as formula grants, and the President has recommended no increase in formula grant appropriations.

If these recommendations are permitted to be carried out; then the high hope we had for a national alcoholism program as set up by the 1970 law which was passed unanimously by the Congress and signed by the President on New Year's Eve, will be shattered into a thousand pieces.

I can tell you that I and many of my colleagues in the Congress will fight with every resource at our command these crippling cutbacks that would amount, purely and simply, to the virtual dismantling of our Federal alcoholism effort.

I have introduced a bill that will extend both the formula grant and project grant authority for the Comprehensive Alcoholism Act for another three years, modified by certain amendments that I believe will improve the Act. We have already had hearings on this bill, with the Administration's witnesses testifying in opposition.

Frankly, I don't know what the Administration is thinking of. The entire dollar amount involved in the continuation of this program over the next three years wouldn't begin to finance a single Trident submarine.

This is one area of public investment where it has been proved beyond a doubt that a dollar spent will bring in dividends many times over the amount invested. Moreover, to put it bluntly, the drying up of thousands of seriously sick people who are now compulsively committing suicide and going bankrupt simultaneously would have a restraining effect on economic inflation, rather than adding to it.

I am as concerned about restraining public spending as anyone here.

But it should be understood that in the current battle of the budget, Congress and the President agree that there should be an overall limit on Federal spending. There is no dispute about this.

The point at issue is where and how the money within that overall budget should be spent—where the true national priorities are.

While cutting back on such areas as alcoholism, the Administration's 1974 budget calls for multi-billion dollar increases in military spending and foreign military and economic aid over what was appropriated last year when the Vietnam War was in full force.

Does this tell you anything about the focus of our national priorities?

While we were reeling under the first effects of these proposed budget cutbacks, Mr. Nixon sent to Congress his message on Crime and Drugs.

In their emphasis on harsh punishment for drug offenders and mandatory sentences by Judges, I said at the time, and deeply believe, that these proposals "represent a long voyage into the night of the past—a regression to punishments and sentencing methods that have long since been professionally discredited, so far as deterring criminal acts or correcting criminal tendencies are concerned."

In his message, Mr. Nixon claimed that "dramatic progress" has been made by the Administration in enforcement on the crime and drug fronts.

I simply do not see the hard evidence to sustain this optimistic claim.

But I am even more concerned about the revival of the old, discredited notion that tough law enforcement can alone solve our drug and crime problems.

If we have learned anything by this time, it should be that you don't solve the drug problem by throwing addicts, pot-experimenting kids or even minor pushers into jail. Our jails are sewers of perversion, criminality and corruption. Among the witnesses before our Senate Subcommittee on Alcoholism and Narcotics, we have had persons who have been in every kind of institution, jail or prison our country has to offer. I fail to recall a single one of these witnesses who didn't testify that drugs, from alcohol to skag, were easily available in the prison—often easier to get inside the prison than outside.

As we prepare to fight for the survival of our Federal alcoholism programs, another item of alarming bad news is the compelling evidence we are getting of the sharp increase in alcohol abuse among children and youth.

According to Dr. Morris E. Chafetz, Director of the National Institute on Alcohol Abuse and Alcoholism: "All of our research indicates that some 85 percent of all youngsters have some drinking experience before they reach 18, a surprisingly large segment of them before they even reach their teens. The prime drug problem of youth today is not pot or pills or heroin, it is alcohol."

Another item of bad news, as reported by the Strategy Council, a high level federal government committee on drug abuse matters, is the growing fad of combining alcohol with other drugs to achieve new kinds of "highs." The Council points out: "Excessive use of alcohol is a common problem encountered in heroin addicts treated in methadone maintenance programs and . . . barbiturate addicts often present a history of severe alcohol abuse, concomitant with their primary addictive pattern."

The multiple drug phenomenon is one more danger signal telling us we must strengthen, not dismantle, our national effort to control alcohol abuse.

If my laying these items of bad news on the line gives you the impression I am discouraged about our national effort to combat alcoholism, let me hasten to say that I am not. We haven't lost the war and don't intend to. But we are locked in dubious battle at this time and we need your help.

Congress will take the necessary action to preserve our Federal alcoholism programs—only if public opinion demands it. When budget cutting is in season, funds for alcoholism programs—although representing only a small facet of the overhall budget—are generally the first to get the axe.

I particularly appeal to the tough-mindedness and practicality of you business men. The people who have the sense and the guts to face the agonizingly difficult problems of treatment and rehabilitation are not the visionaries or do-gooders. They are the realists.

Efficient, strict law enforcement has always been needed and always will be needed. But if we are to make real gains in alcoholism, we must deal with the core of the problem—the addiction itself.

To you business and government leaders who are here today, I would like to address a few facts on the basic economics of the alcoholism problem.

It was estimated by the Department of Health, Education and Welfare in 1971 that alcohol abuse and alcoholism drain the economy of $15 billion a year. Of this total, $10 billion is attributable to lost work time in business, industry, civilian government and the military.

A survey conducted three years ago, at my request, by the General Accounting Office, revealed that an estimated $135 to $280 million could be saved annually by the installation of sound programs of alcoholism treatment, rehabilitation and prevention for civilian employees of the Federal government.

Another survey, conducted by the GAO a year later, estimated that at least $240 million was being lost each year in the Armed Services and that at least $120 million of this could be saved annually by installation of appropriate programs.

By far the biggest annual loss and potential savings is to be found in private industry.

According to National Council on Alcoholism figures for 1972, 4.5 million of the nation's 9 million alcoholics are in the labor force.

Only about two dozen of the 100,000 companies large enough to need formal programs are pursuing alcoholism control. The National Council estimates that more than 300 have active programs today but most of them fall short of acceptable standards.

On the other hand, of the relatively small percentage of companies that have pioneered in alcoholism-control work among their employees, it is reported that 60 to 70 percent of workers accepting treatment have been successfully helped.

Consider what this means to a business.

At least one out of every thirteen employees in private industry is an alcoholic. A problem drinking employee will be absent from the job 16 times more than other employees, have an accident rate 3.6 times higher, receive sickness benefits three times greater, file five times more compensation claims, be involved repeatedly in grievance procedures, and function at a third less of the normal work potential.

What business can afford this kind of preventable annual waste?

Obviously the need to save human lives and to alleviate human misery are the prime motivations for controlling alcoholism. But the economic rationale in its own right is overwhelmingly convincing.

If alcoholism were a bacterial illness instead of a chemical illness, we would have taken the necessary measures to control it as we did with tuberculosis and polio.

We have the resources to do the job.

It is time we saw the light.

NUCLEAR TEST BAN TREATY

Mr. KENNEDY. Mr. President, 10 years ago on June 10, President Kennedy spoke to an assembly at American University and announced a moratorium on atmospheric testing which would remain in effect so long as the Soviet Union abstained.

He said that he hoped the moratorium would express concretely to the Soviet Union the commitment of the United States to negotiate a test ban treaty.

Less than 2 months later, that treaty was initialed in Moscow by the chief negotiator for the United States, Averell Harriman, and the parital Test Ban Treaty became a reality.

In this anniversary year, it would be fitting and thoroughly in our interests for a comprehensive test ban treaty to be signed.

For that reason, I introduced a resolution earlier this year along with Senators Hart, Mathias, Humphrey, Case, and Muskie urging the President to take such actions. Some 33 Senators are now cosponsors and the Foreign Relations Committee has held hearings on it and hopefully soon will report it to the Senate for action.

Yesterday, former Ambassador Harriman, in a concise and persuasive article in the New York Times, reiterated the view that now is the right time for a ban on underground testing:

> An announcement by President Nixon and Secretary Brezhnev of an agreement for a moratorium in testing pending prompt negotiations for a comprehensive test ban treaty would give new reassurance to the people of the United States and throughout the world that another important step was being taken to reduce the dangers of nuclear disaster and further the cause of peace.

In a parallel statement, the Members of Congress for Peace Through Law today released a study recommending suspension of underground nuclear testing and rapid negotiations for a treaty. The report, which was prepared by the office of the distinguished Senator from Michigan (Mr. Hart), parallels Senate Resolution 67 in its conclusions and recommendations. This detailed study clearly analyzes the desirability and rationale for prompt steps to end the 10-year failure by the nations of the world to put a final halt to nuclear testing.

I ask unanimous consent that the article by former Ambassador Harriman and the press release and study by the MCPL, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, June 10, 1973]

THE RIGHT TIME, THE RIGHT PLACE

(By W. Averell Harriman)

Washington.—The forthcoming visit of Secretary Brezhnev gives President Nixon a unique opportunity for another important initiative in the control of nuclear weapons. The time is opportune for President Nixon to announce the suspension of all nuclear testing as long as the Soviet Union shows similar restraint, coupled with a proposal for immediate negotiations for a comprehensive nuclear test ban including underground testing. Ten years ago President Kennedy took a similar initiative which resulted in agreement within seven weeks on the partial test-ban treaty.

This treaty included a pledge to continue negotiations to ban all nuclear testing. This pledge was reaffirmed in the nonproliferation treaty negotiated under President Johnson and ratified by President Nixon. Thus three Administrations have undertaken this commitment and so have the Soviet leaders of the last decade as well.

Other countries of the world take this commitment of ours seriously. It is doubtful that we can be successful in persuading certain potential nuclear powers to consider seriously adhering to the nonproliferation treaty as long as we continue extensive underground tests.

For many years—since 1958, in fact—it has been generally accepted that the comprehensive test ban would be in our national interest. The reason given for our inability to reach agreement on a comprehensive test ban has been our inability to obtain Soviet agreement on on-site inspection, once thought necessary to detect violation by clandestine underground testing. Whatever the merits of such a reason ten to fifteen years ago, it is not, in the judgment of experts, valid today.

There are two major reasons for the change. The first results from the continued advances in the field of detection and identification of underground nuclear tests by seismic means and other national means of detection.

Our national capabilities have advanced to a point where the risks of danger to U.S. security interests by clandestine Soviet underground tests is very limited. Any test that might escape detection and identification would be quite small, a relatively small fraction of the Hiroshima bomb and of relatively little importance in its possible effect on the strategic balance. Even with respect to tests of this size, there is sufficient uncertainty so that a potential evader could never be sure that any individual test would not be detected and identified.

The second reason results from the SALT agreements which provide that compliance will be verified by each side by national technical means, that neither side will interfere with the other's national means of verification, and that a standing commission will be established to consider any suspected violation of the agreement. These provisions assure protection to our satellite photography and provide a forum for immediate consideration of any suspicious activity. While one can always point to a possible residue of uncertainty, the risks of undetected violation in the very low-yield range have been reduced to a point where they are far outweighed by the gains from such a treaty by the elimination of tests in the higher-yield range and in contributing in other important ways to our security.

A resolution is now before the Senate, with the support of four Senators from both parties, which proposes first that the President announce the immediate suspension of all underground nuclear testing to remain in effect as long as the Soviet Union similarly abstains, and second, urges the President to set forth promptly a new proposal to the Soviet Government for a permanent treaty to ban all nuclear tests. All other nations would, of course, be asked to join such a treaty.

It seems fitting that President Nixon should follow this advice and take advantage of the Brezhnev visit to initiate discussions on this vital subject.

If we are prepared to abandon the controversial subject of on-site inspections, there are no insurmountable difficulties to overcome, providing both sides are prepared to enter such an agreement at this time. Of course, there are, in this country, those who still demand on-site inspection but the preponderance of scientific judgment appears to be that the risks of conceal evasion are limited and the advantages far outweigh any risks.

The SALT agreements impose quantitative restrictions on nuclear weapons but do not curb qualitative improvements. The SALT II discussions now commencing may in time result in further limitations. In the meanwhile, a comprehensive test ban is the most immediate way to further reduce the dangerous and costly nuclear arms race. With the will on both sides it could be achieved promptly.

An announcement by President Nixon and Secretary Brezhnev of an agreement for moratorium in testing pending prompt negotiations for a comprehensive test-ban treaty would give new reassurance to the people of the United States and throughout the world that another important step was being taken to reduce the dangers of nuclear disaster and further the cause of peace.

CONGRESSMEN RECOMMEND FULL BAN ON NUCLEAR TESTING

A bipartisan group of 53 Congressmen today endorsed a study recommending a U.S. suspension of underground nuclear testing and negotiations for a comprehensive test ban treaty.

The proposals accompanied a report prepared by the office of Senator Philip T. Hart of Michigan for Members of Congress for Peace through Law (MCPL), a six-year-old, bipartisan, bicameral group of Congressmen. Recommendations of the 27-page Hart study are:

Cessation of U.S. underground nuclear testing for so long as the U.S.S.R. refrains from such tests.

Commencement of negotiations on a Comprehensive Test Ban Treaty (CTBT).

Inclusion in CTBT of an 'escape clause' permitting withdrawal of signatories of they find their vital national interests in jeopardy.

Provision for on-site inspection only if it is determined that there is sufficient justification for nuclear explosions exclusively for peaceful purposes.

The recommendations stem from the study's finding that:

"Despite parity in strategic nuclear weapons, the U.S. enjoys a substantial lead over all other nations in nuclear and associated technology as a result of its early and extensive testing program; thus it is in a better position to afford any small risks that might be attendant on a comprehensive test ban treaty."

Further, the study found that the "nuclear stockpiles of the U.S. and the U.S.S.R. are more than sufficient to ensure deterrence" through mutual assured destruction. It also concluded that "the nuclear weapons program of the Peoples' Republic of China poses no significant near-term threat to the U.S." adding that the U.S. could effectively deal with any advances by the PRC in nuclear weapons without continued U.S. underground testing.

A major finding of the inquiry is the determination that "the historical stumbling block to a ban on underground testing—verification—has been overcome by advances in teleseismic techniques, satellite reconnaissance, and related methods of monitoring" by each nation's own resources.

The study concludes that "a ban on underground testing would not only enhance national security by damping the bilateral, qualitative arms race and by creating a climate for multilateral nuclear abstinence; it would have positive environmental benefits by reducing local and general radiation hazards. It might, moreover, have long-range economic benefits in terms of the cost differential between on-going and expensive testing and weapons predicament programs and an on-going program of laboratory research, monitoring, and surveillance."

Senators endorsing the report are: James Abourezk (D-SD), Birch Bayh (D-Ind), Edward Brooke (R-Mass), Alan Cranston (D-Calif), Mark Hatfield (D-Iowa), Hubert Humphrey (D-Minn), Edward Kennedy (D-Mass), George McGovern (D-SD), Charles Mathias (R-Md), Lee Metcalf (D-Mont), Frank Moss (D-Utah), Gaylord Nelson (D-Wisc), William Proximire (D-Wisc), Adlai Stevenson (D-Ill), John Tunney (D-Calif), and Harrison Williams (D-NJ).

In the House, Representatives endorsing the report's recommendations are: Congresswoman Bella Abzug (D-NY), Yvonne Burke (D-Calif), Shirley Chisholm (D-NY) and Patricia Schroeder (D-Colo) and Congressmen Les Aspin (D-Wisc), Bob Bergland (D-Minn), Jonathan Bingham (D-NY), John Blatnik (D-Minn), George Brown (D-Calif), William Clay (D-Mo), John Conyers (D-Mich), Ronald Dellums (D-Calif), Charles Diggs (D-Mich), Robert Drinan (D-Mass), Don Edwards (D-Calif), Joshua Eilberg (D-Pa), Donald Fraser (D-Minn), William Green (D-Pa), Michael Harrington (D-Mass), Henry Helstoski (D-NJ), Robert Leggett (D-Calif), Spark Matsunaga (D-Hawaii), Joh

Moakley (D-Mass), Charles Mosher (R-Ohio), Tom Rees (D-Calif), Benjamin Rosenthal (D-NY), William Roy (D-Kans), John Seiberling (D-Ohio), Fortney Stark (D-Calif), Louis Stokes (D-Ohio), Frank Thompson (D-NJ), Jerome Waldie (D-Calif), Sidney Yates (D-Ill) and Delegate Antonio Won Pat (Guam).

Assisting Senator Hart in the preparation of the study were the Center for Defense Information and Herbert Scoville, Jr., former science and technology official with the Central Intelligence Agency and the Arms Control and Disarmament Agency.

The report was prepared for MCPL's Military Spending, Arms Control and Disarmament Committee, chaired by Congressman Les Aspin. The committee's Vice-Chairman is Senator Edward Brooke. Congressman John Seiberling is chairman of the entire 140-member group.

Many of the Senators endorsing the report are also co-sponsors of Senate Resolution 67, introduced by Senator Kennedy earlier this year and calling on the President to promote negotiations for a comprehensive test ban treaty. Citizen support for the resolution is being mobilized by the Task Force on a Nuclear Test Ban headed by honorory co-chairmen Benjamin V. Cohen and James J. Wadsworth and co-chairmen Betty Goetz Lall and Mrs. Jo Pomerance.

In introducing the resolution in February, sponsors noted that 1973 "marks the 10th anniversary of the Partial Test Ban Treaty of 1963, but it will also mark the 10th anniversary of our failure to achieve a permanent halt to all nuclear weapons tests."

The resolution is expected to come to a vote on the Senate floor this month. A similar resolution will be introduced in the House in the near future by Congressman Michael Harrington.

Senator Hart's study addresses: the history of nuclear testing, the Plowshare Program of testing nuclear devices for peaceful purposes, the verification problem, the U.S. and Soviet commitments to a CTBT, the testing and stockpiling of nuclear weapons, and the impact on testing of existing treaty obligations.

Comprehensive Test Ban Treaty

(Report by the office of Senator Philip A. Hart)

SUMMARY CONCLUSIONS

1. Both the U.S. and the Soviet Union have been committed to the principle of comprehensive test ban on nuclear testing for over a decade.

2. The effect of existing treaties and accords relating to nuclear testing and strategic nuclear weapons, both offensive and defensive, has been to reduce the need for additional underground testing, to increase confidence in the efficacy of such treaty limitations, and to create circumstances propitious for the conclusion of agreements on still more inclusive controls.

3. The effectiveness of existing treaties limiting nuclear tests and nuclear weapons would, however, be still further enhanced by a comprehensive test ban. Many nations—whether or not they possess a nuclear capability or potential for one and whether or not they have adhered to existing agreements—have reserved judgment on these treaties while waiting for an operational pledge by the U.S. and the U.S.S.R. that their willingness to limit testing and weapons stockpiles is in earnest. A comprehensive test ban treaty has been suggested by many as proof of such a commitment and would thus enhance acceptance of the Non-proliferation Treaty and similar limitation agreements.

4. Despite parity in strategic nuclear weapons, the U.S. enjoys a substantial lead over all other nations in nuclear and associated technology as a result of its early and extensive testing program; thus it is in a better position to afford any small risks that might be attendant on a comprehensive test ban treaty.

5. The nuclear stockpiles of the U.S. and the Soviet Union have for some time been more than sufficient to ensure deterrence by assured destruction, since either nation has a redundant capacity to wreak unacceptable damage on the other. Delivery systems have a parallel redundancy. Even without an ABM treaty, technology has not and is not likely to permit the construction of even marginally effective defensive systems. The Soviet Union and the United States have thus reached a level of overall nuclear parity and this has been partly codified in the SALT I agreements, which commit each party to a strategy of mutual vulnerability. Given this condition and the existing stockpiles of the two nations, there can be little or no risk for either nation in a cessation of underground testing, since continued testing offers virtually no prospect of changing the overall balance. Indeed continued testing may incite hitherto non-nuclear nations to embark on their own nuclear weapons programs, thus affecting central deterrent stability indirectly through proliferation of strategic nuclear weapons.

6. The nuclear weapons program of the People's Republic of China poses no significant near-term threat to the U.S., which, even without underground testing, would retain the capacity to deal with a much more sophisticated capacity than the PRC now possesses or is likely to possess. It is possible that a substantial gesture by the U.S. and the U.S.S.R. would damp the nuclear weapons efforts of the PRC. More realistically, however, the U.S. and the Soviet Union each possess a lead over the PRC sufficient to allow them to declare a "pause" in underground testing through a treaty with an escape clause allowing resumption of testing in the event any party felt its vital national interests were in jeopardy. The advantages for international security of such a pause far outweigh any putative risk of "falling behind China," given the narrow base of its nuclear and delivery technology.

7. The historical stumbling block to a ban on underground testing—verification—has been overcome by advances in teleseismic techniques, satellite reconnaissance, and related methods of monitoring. The ease with which a nation could cheat on such a ban and escape detection has been so reduced that cheating could only be contemplated by a regime that thought itself *in extremis,* in which case other signs would suggest the possibility of clandestine testing and the need for stepped-up surveillance. More importantly, the time and the number of tests involved in taking a nuclear weapon system from design to deployment, even one based on known technology, are so great that cheating would have to be on a scale where it would scarcely escape early detection. The discovery of a treaty violation, since it would involve the test phase of weapons development, would still leave ample time for appropriate countermeasures. No single development could upset the strategic balance. Insistence on on-site inspection has thus become unnecessary and would at best provide marginal confidence that violations over a small yield range were not occurring. Present verification techniques allow a very high measure of detection confidence, confidence more than sufficient to permit a viable ban on underground testing.

8. The Plowshare program to find peaceful uses for nuclear explosives has provided such equivocal results that the program is being cut back. After exploring a number of possibilities, such as gas stimulation, harbor excavation and the like, the program has shown only that alternative methods have fewer adverse consequences environmentally, economically, and politically. Since the potential benefits of Plowshare explosions now appear to be marginal, if they exist at all, the program should not be an impediment to a ban on underground testing.

9. A ban on underground testing would not only enhance national security by damping the bilateral qualitative arms race and by creating a climate for multilateral nuclear abstinence; it would have positive environmental benefits by reducing local and general radiation hazards. It might, moreover, have long-range economic benefits in terms of the cost differential between on-going and expensive testing and weapons replacement programs and an on-going program of laboratory research, monitoring, and surveillance. While such savings are in some measure hypothetical, they could be much greater than the savings claimed for the SALT I accords in terms of ABM systems and missiles not built.

RECOMMENDATIONS

1. That the U.S. undertake a suspension of underground nuclear testing for so long as the U.S.S.R. also refrains from underground testing.

2. That the U.S. call on the U.S.S.R. to commence new negotiations leading to a CTBT.

3. That the U.S. negotiating position in any such talks not require on-site inspection except as specified below.

4. That the U.S. negotiating position provide for a treaty wtih an escape clause similar to that in the Limited Test Ban Treaty whereby any signatory may withdraw if it considers that its vital national interests are in danger.

5. That the U.S. negotiating position make provision for the possibility that testing for peaceful purposes might become desirable and that such testing be permitted under conditions including on-site inspection by other nations or an international organization.

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technology as a result of its early and extensive testing program; thus it is in a better position to afford any small risks that might be attendant on a comprehensive test ban treaty.

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THE U.S. AND SOVIET COMMITMENTS TO A COMPREHENSIVE BAN ON NUCLEAR TESTING

Both the U.S. and the U.S.S.R. are committed in principle to the completion of a comprehensive test ban treaty. The Preamble to the Limited Test Ban Treaty (August 5, 1963) states that the parties will seek "to achieve the discontinuance of all test explosions of nuclear weapons for all time," and will "continue negotiations to this end," and that they desire to "put an end to the contamination of man's environment by radioactive substances." This treaty also states in Article I, paragraph 1b, that its provisions "are without prejudice to the conclusion of a treaty resulting in the permanent banning of all nuclear test explosions, including all such explosions underground, the conclusions of which, as the parties have stated in the preamble to this treaty, they seek to achieve."

This commitment to work toward a comprehensive test ban is again stated in the Preamble to the Treaty on the Non-Proliferation of Nuclear Weapons (July 1, 1968). The Preamble recalls "the determination expressed by the parties to the 1963 treaty banning nuclear weapon tests in the atmosphere and in outer space and underwater . . . to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time, to continue negotiations to this end."

Not only is the U.S. obligated by these two treaties to work toward a comprehensive test ban, but this commitment has also been explicitly stated by President Nixon. On March 18, 1969, President Nixon, in a message to Ambassador Smith of the Arms Control and Disarmament Agency, said: "The United States supports the conclusion of a comprehensive test ban, adequately verified. In view of the fact that differences regarding verification have not permitted achievement of this key arms control measure, efforts must be made toward greater understanding of the verification issue." More recently, on February 23, 1971, President Nixon said in a message to the Conference of the Committee on Disarmament in Geneva:

> The General Assembly has requested this committee to continue as a matter of urgency its deliberations on a treaty banning underground nuclear weapon tests. It also called attention to the need to improve worldwide seismological capabilities in order to facilitate such a ban. The United States will continue to support these efforts, particularly those designed to achieve a greater understanding of the verification issue.

THE IMPACT ON NUCLEAR TESTING OF EXISTING TREATY OBLIGATIONS

Perhaps the realization of the futility of pursuing nuclear defensive programs was the prime motivation behind the SALT I ABM Treaty. Looking to the future, it is apparent that the point of diminishing returns has been reached in nuclear weapons technology from the standpoint of altering the military threat situation and thereby increasing national security. As long as both countries continue to act and react and also meet the demands of their respective defense establishments for more and more weapons systems to maintain the momentum of defense contracting and spending, the technical improvements of one side will tend to nullify those of the other. Vast sums of money representing scarce natural resources will continue to be devoted to an effort yielding little or no gain in national security. This is the inevitable result of continued reliance on technology alone as the answer to the complex question of national security.

The effect of Treaties and Agreements on the need for testing must be considered as a part of the overall question of maximizing national security. The DOD, prior to the achievement of the SALT ABM Treaty and the Interim Agreement on Offensive Systems, argued that nuclear testing is necessary to improve the penetration characteristics of U.S. missile forces to counter further Soviet ABM deployment. They maintained that continued development of special output weapons (enhanced X-ray and Neutron bombs) have their major application in ABM warheads, although they will not solve the problem of developing an effective ballistic missile defense. Improvements in yielded-to-weight ratios would result in more sophisticated MIRVs, again required essentially to negate ABM systems. Additional advances in low fission weapons, in savings in special materials, and in new geometries all bear on the effectiveness of tactical nuclear weapons. A large segment of the future test schedule would be devoted to improved strategic offensive and defensive systems. Since the signing of the Limited Test Ban Treaty for 67% of testing has been devoted to such systems. There is little real need for the improvements available in view of the recently completed SALT Accords and past treaties to which both the U.S. and U.S.S.R. are parties.

Those treaties and agreements that bear on the test ban issue are: the Partial Test Ban Treaty (1963), the Treaty Banning Nuclear Weapons in Outer Space (1967), the Non-Proliferation Treaty (1968), the ABM Treaty (1972), and the Interim Agreement on Offensive Systems (1972).

The Partial Test Ban Treaty did not prohibit deployment of nuclear weapons in any way. It did bar the testing of nuclear weapons in the atmosphere, underwater and in outer space. Furthermore, tests are banned in any other environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. The effect initially of the Treaty was to slow down the technical pace of developments in nuclear weapons technology by making it more difficult to conduct tests.

However, with the development of large diameter drilling techniques and other capabilities the U.S. and the U.S.S.R. have been able to circumvent the original impact of this treaty to a large extent. Only full-scale operational systems tests are now infeasible with underground testing.

The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies (1967) prohibits the placing in orbit around the Earth of any objects carrying nuclear weapons . . ., the installation of such weapons on celestial bodies, or the stationing of such weapons in outer space in any other manner. Again, the need for research by underground tests on nuclear weapons systems to be deployed in outer space is largely invalidated.

The Non-Proliferation Treaty requires that nuclear weapon parties undertake not to transfer to any recipient nuclear weapons or to assist any non-nuclear weapon state to manufacture or acquire nuclear weapons. The non-nuclear weapon state parties agree not to receive nuclear weapons from any other nation or to manufacture nuclear weapons on their own.

Lastly, and perhaps most important of all arms agreements, the ABM Treaty and the Interim Agreement on Offensive Systems must be considered. The ABM Treaty limits both the U.S. and the U.S.S.R. to only two ABM sites with 100 launchers and interceptors per site. The MIRVing of ABM interceptor missiles is banned. The Offensive Systems Agreement limits the numbers of fixed, land-based ICBM launchers and SLBM launchers to specified quantities. In achieving this treaty both superpowers have obviated the need for continued testing since the DOD has justified the need for future tests largely on the basis of an improved Soviet ABM and offensive developments now prohibited by the force of the SALT I Accords. It simply makes little sense to continue to test and develop improved systems whose deployment is strictly forbidden or severely limited. No amount of R&D and testing would conceivably turn a 200 launcher ABM system into an effective defense against the thousands of offensive warheads permitted under the SALT Agreement. Similarly, the freeze on ABM deployment removes the basis for the DOD arguments on improving systems such as Poseidon and Minuteman III for defense penetration. These systems are more than adequate to overwhelm any existing Soviet ABM deployment under the ABM Treaty or any ABM which could be deployed within many years after the abrogation of the Treaty.

Some might argue that continued R&D is needed as a sort of insurance against Soviet violation of the accords. A case in point is the maintenance of the capability to resume atmospheric testing in the event that the Soviets abrogate the Limited Test Ban Treaty. Over the years, as the possibility of a Soviet violation or abrogation declines, so the need for maintaining this sort of costly posture also decreases. The DOD has done precisely this in reducing the test readiness program gradually since the Limited Test Ban Treaty was signed.

The same logic should apply to the ABM accords. The actual need for continued testing for ABM-related defense programs should be phased out over a period of several years. The alternative of intensifying the level of testing and R&D in general and viewing the SALT Accords as strictly a quantitative arms limitation would seriously undermine strategic arms control efforts. A safer, less costly, and more stable course would be to begin qualitative arms control by the speedy completion of a Comprehensive Test Ban Treaty.

A HISTORY OF TESTING

The first U.S. nuclear test was conducted on 16 July 1945 and the Soviets followed four years later with a similar test in August 1949. Since these early and historic events both countries have continued to test nuclear devices for a variety of nuclear weapons systems, to collect data on the effects of nuclear weapons, and to a much lesser extent to conduct nuclear explosions for peaceful purposes. Some significant developments in this period include the development of thermonuclear explosives by the U.S. in November 1952 and followed shortly by the U.S.S.R. in August 1953; the observance of a three-year test moratorium by both powers from November 1958 to September 1961; and the completion of the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water on August 5, 1963; and the acquisition of nuclear weapons by three other states—Great Britain (1952), France (1960), and China (1964). Since the Limited Test Ban Treaty went into effect, both the U.S. and U.S.S.R. have continued extensive nuclear testing underground. The British have conducted only two tests jointly with the U.S. in the underground environment since signing the Treaty. France and China have refused to become parties to the Limited Test Ban Treaty and continue to test in the atmosphere. A total of at least 851 nuclear tests were conducted by all nuclear weapon states as of 1970.

The contribution to this total by each country is shown in Table No. 1.

TABLE 1.—*Number of tests conducted, 1945–1970*

Country:	
U.S.A	539
U.S.S.R. (greater than)	242
U.K	25
France	38
China	11

In terms of total test numbers it is seen that the U.S. has conducted a far larger number of tests than all the other nuclear powers combined and should therefore possess the greater amount of knowledge concerning nuclear phenomena.

A word of caution, however, must be given on the numbers of reported tests used in this report. The U.S. AEC policy is not to announce publicly all U.S. tests. The AEC figures for Soviet tests are generally lower than those given by the Swedish Research Institute for National Defense (FOA) for Soviet Testing. Apparently the AEC wishes to conceal the U.S. capability for detection and discrimination of foreign nuclear tests and to deny the Soviet complete information on the frequency of U.S. testing. Hence the figures used are considerably lower than the true number of Soviet ones and slightly lower than the number of U.S. tests. Nevertheless, the publicly-announced figures are probably a reasonable representation of the actual relative test activity of the two countries. Where Swedish and U.S. AEC figures differ, the higher one has been used, since the U.S. has not announced all tests.

It is instructive to divide the history of testing into two periods, the first being the years before the signing of the Limited Test Ban Treaty and the second covering the elapsed time since the Treaty when testing has been restricted to the underground environment. The total number of tests in the pre Limited Test Ban Treaty era for the U.S. was publicly announced to be 310. Soviet testing for the same period has been estimated to be only 163 by the FOA. The U.S. apparently tested about twice the number of devices the Soviets did in the same period. Since the Limited Test Ban Treaty went into force, the U.S. has publicly announced some 241 tests for the U.S. and only 61 for the U.S.S.R. FOA figures for Soviet testing are higher but somewhat incomplete. They indicate a number of 93. Both countries have continued to test vigorously in the only medium permitted under the Limited Test Ban Treaty. However, the U.S. appears to have actually increased its testing rate relative to the U.S.S.R. Prior to the Limited Test Ban Treaty, the U.S. tested at about twice the rate of the U.S.S.R. Since the Limited Test Ban Treaty, the U.S. rate for testing appears to have risen to three times the Soviet effort.

It is clear that the U.S. has consistently maintained a much greater test program to achieve a more sophisticated and broader nuclear weapons technology. The U.S. in this eight-year period has tested 234 devices, compared to 298 tests from 1946–1963, a 17-year period. The Soviet Union, which does not announce its tests, has tested since 1963, 54 nuclear weapons, according to U.S. reports. Its testing record in the previous comparable period was 124 tests.

The U.S. has a much wider test experience in the low (less than 20 kt) and Low-Intermediate (20–200 kt) yield range of nuclear weapons. This greater test experience should translate into more technically effective weapons in this yield range that incidentally is thought today to be of paramount importance for tactical nuclear systems. The Soviets had conducted prior to 1963 several tests with yields above 20 MT while the U.S. has never tested above 15 MT. Except in this very high yield range, for which the U.S. has had no military requirement, the U.S. has had much broader test experience and probably therefore more sophisticated weapons designs.

THE TESTING AND STOCKPILING OF NUCLEAR WEAPONS

Throughout the history of testing, the goals have always been to develop improved nuclear weapons for the military, to understand the effects of such weapons on civilian and military targets, and to a very small degree to find peaceful uses for nuclear explosions. The greatest effort has been to develop strategic and tactical nuclear weapons for our military forces. The development program for a nuclear warhead generally takes about three years if the design is based upon well-known technology. As many as 20 to 30 undergound tests may be conducted to accomplish this development. Over the full history of the U.S. nuclear weapons stockpile, about 50 basic types or models have been introduced into the stockpile. The present stockpile contains about 25 basic models. The yields of these weapons range from a fraction of a kiloton up to around 25 megatons for U.S. weapons. The total number of delivery vehicles is in the tens of thousands and there is more than one warhead per delivery vehicle in the stockpile. The U.S. ACDA had put the total number of American warheads at 40,000 in 1962. Unofficial estimates of the actual number of warheads in the 1960's range from 50,000 to 200,000. The total megatonnage represented by these weapons has been stated by Dr. Herbert York, former Director of Defense Research and Engineering, to be 20–40 thousand Megatons in the beginning of the 1960's. The trend in recent years for the U.S. has been toward greater numbers of lower yield warheads so that the overall megatonnage of the U.S. stockpile may be declining. Such reductions, which are designed to increase the efficiency of the U.S. stockpile, do not however appreciably affect the well-known levels of over-kill now in existence.

Both countries have continued to rely on nuclear weapons as the principle means to insure national security. The diversity and duplication of the stockpiles are such that neither side possesses a capability to strike first and effectively destroy the other side's ability to render an unacceptably damaging second strike. Thus, the term mutual assured destruction has come to describe the postwar military situation.

The continued testing and deployment of new nuclear weapons will doubtless improve the technical capability of these stockpiles but probably will never result in one side achieving a superiority to the extent it could launch a first strike with impunity, as long as both sides continue to test. There can be no net increase then in the national security of either state through continued reliance on technology alone. With the above stockpiles already in existence, it is reasonable to ask why there is a continuing need to test.

The Department of Defense has stated that the continued progress in nuclear weaponry cannot be made without further testing. The two pillars of science are theory and experiment. Theoretical predictions of nuclear device performance must be verified by experimental testing. Since the temperatures, pressures and radiation fluxes of nuclear explosion environments cannot be duplicated in the laboratory, underground tests are required for continued experimental measurement of theoretically predicted improvements. The DOD foresees the following technical possibilities on the horizon that require testing:

1. Improvements in materials for missile design.
2. Yield to weight ratio improvements in re-entry vehicle size ranges of Poseidon and Minuteman III.
3. Special Output Devices.
4. Lower Fission designs.
5. Special Geometry.
6. Reduced use of Special Materials (Enriched U,Pu239,T).
7. Improvements in the lifetime of stockpiled weapons.
8. Improvements in weapons safety.

It is important to look at the progress already made throughout the history of nuclear testing and ask whether these improvements will really make a significant impact on the military situation and improve the national security of the U.S. The development of fission weapons increased the destructive power which could be delivered on a target by a factor of more than 1,000. The availability of thermonuclear weapons increased this capability still further. Now, however, one is approaching the limits of the energy that can be achieved from any known physical reaction. Therefore, while some improvements are to be expected, there will probably be no fundamental changes in yield to weight ratios of nuclear weapons with continued testing.

It is undoubtedly true that without testing since 1963, programs such as Poseidon and Minuteman III would not have been as effective technically as they are today. This is true for Soviet systems developed in the same time frame. However, as long as both superpowers continue to test and apply this testing experience to update their stockpile of nuclear warheads, the technical effectiveness of their force structures will improve somewhat but will have the tendency to cancel each other out in opposing stockpiles. The over-all military and national security situation is not likely to change or destabilize.

Consider for example the changes since the 1950's in the nuclear situation. Both powers shifted reliance from free-fall nuclear bombs delivered by jet-powered aircraft to nuclear warhead re-entry vehicles delivered by ballistic missiles. Delivery times have been shortened from hours to minutes, yield to weight ratios have been improved by about 10^2 but the overall military situation is still such that, given a nuclear war, the result will be assured mutual destruction of both societies, now guaranteed further by the limits on defensive systems in the ABM Treaty.

Despite massive efforts to find a technical solution to the offensive nuclear threat, neither side has been able to alter the inherent advantage of offensive systems in the nuclear age. A technically effective defensive system would have to be greater than 99% effective since the level of destruction inflicted by only 10% of each nation's offensive forces would be unacceptable.

THE TESTING OF NUCLEAR DEVICES FOR PEACEFUL PURPOSES: THE PLOWSHARE PROGRAM

The peaceful uses of nuclear explosives must be dealt with in concluding a comprehensive test ban treaty. There are generally three types of peaceful application for nuclear explosions. Two have economic or industrial applications; the third is primarily concerned with basic scientific research utilizing the unique nuclear environment produced by nuclear explosions. Under the terms of the Non-Proliferation Treaty, the U.S. is committed to make available to non-nuclear weapon States party to the Treaty nuclear devices so that they may partake of the potential benefits of these peaceful applications.. The crucial point here is that the obligations involved only potential benefits. If indeed, as is probably the case, the applications for nuclear explosions turn out to be too troublesome and of marginal utility to be of any real benefit then of course such peaceful nuclear programs may be cancelled without violation of the treaty commitment.

The two industrial programs are nuclear excavation for large scale earth-moving projects and nuclear underground explosions for natural resource stimulation and recovery. In the excavation scheme a nuclear device specially designed to reduce fallout is emplaced at a relatively shallow depth in the earth and detonated. The resulting explosion ejects a large volume of earth and bomb direct debris into the atmosphere ultimately to form a crater of specified dimensions. This scheme has been considered at various times for harbor formation in remote and unpopulated areas, for construction of a sea level canal across the Isthmus of Panama, and the creation of passes through mountain ranges for railroad tracks.

The underground engineering applications call for the detonation of a different type of device at much greater depths that do not produce craters. These explosions are supposed to fracture large volumes of rock underground for the purpose of stimulating uneconomical gas fields and recovery of oil from shale deposits. Other underground applications are the creation of underground storage facilities for fuels and waste disposal and perhaps the stimulation of geothermal heat sources for electric power production.

As these programs, known collectively as Plowshare in the U.S., proceed, it is important to remember that the experimental testing is broken down into two phases. One involves Plowshare device development for the particular intended application and its associated constraints, the other involves the actual use of the currently existing prototype device in application tests to determine whether the treaty pertaining to that particular scheme is borne out by experience. The device development tests for the underground engineering applications are carried out at the Nevada Test Site to check improved designs, while the actual application experiments are conducted off the site at marginally productive gas fields with devices already proven at the Test Site.

If Plowshare application programs are permitted under a comprehensive test ban, then adequate controls must be fashioned to take care of the potential risk that a country might test a weapon under the guise of a Plowshare application program. Furthermore, if Plowshare device development tests are permitted at all under a comprehensive test ban, then the advances made in good faith by a party to the Treaty in Plowshare design could in several areas contribute to the improvement of its nuclear weapons technology. Some of the goals of Plowshare device design have been low fission, reduced activation of soils, minimum diameter, and the hardening of the device to withstand shocks. All of these are applicable in improving nuclear weaponry as well.

If Plowshare device development tests are banned to avoid nullifying the intent of the treaty, then existing designs will have to be relied upon for all Plowshare applications. These designs then would be frozen and all the limitations involved with them would have to be tolerated or the use of these designs would be severely curtailed. Proposals have been made to stockpile Plowshare designs in this manner. The chief objection to this is that the technology of the peaceful devices would be frozen at a level insufficient for most applications.

Presently device development for excavation explosions has been halted. No development shots have been conducted since 1970. In that same year the Atlantic-Pacific Interoceanic Canal Study Commission concluded that neither the technical feasibility nor the international acceptability of nuclear canal excavation had been established at that time. In the underground engineering device, development tests have to be done yet to harden this device for multiple sequence shots for optimum gas stimulation application.

It is apparent that both types of devices have not reached the point where they could be stockpiled and used with any real benefit. Postponing the completion of a comprehensive test ban until such time that these devices are ready to be stockpiled could result in a long and probably infinite delay and irrevocable damage to prospects for an international halt to nuclear testing. The dilemma posed by the Plowshare program could be avoided if in fact the actual applications themselves were shown to be generally of marginal utility. The entire program could then be scrapped and a truly comprehensive test ban could be completed. The past history of U.S. and Soviet Plowshare programs is presented below to show that serious problems exist with all of the proposed applications.

The U.S. excavation application program was halted in 1970 when the last device development test for the excavation type device was conducted. The earliest shots occurred in 1962 at the NTS (Nevada Test Site) and involved .4 kt detonation was such that doses of .1 R would be received at distances of 100 miles from the crater. The peak year of activity for the excavation program was 1968 in which three cratering experiments were conducted. The dose received at 150 miles was reported to have been reduced to a value of .1 R as compared to over 1 R in 1962. However, these improvements apparently were simply not good enough since the Canal Commission issued its report in 1970 and stated that neither the technical feasibility nor the international acceptability of nuclear canal excavation had been established at that time. Since 1970, no money has been appropriated for excavation activities. Other projects that were once considered and later abandoned include Project Chariot, a harbor creation plan for Alaska; a similar project to excavate a harbor at Cape Keraudren, Australia, and one to excavate a railroad pass through mountainous terrain in the U.S. In considering any of these excavation schemes it is important to remember that Article I of the Limited Test Ban Treaty prohibits "any other nuclear explosion" in any environment if such explosion causes radioactive debris to be present outside the territorial limits of the State under whose jurisdiction or control such explosion is conducted. Therefore, even if excavation applications that might one day reduce fallout to an acceptably safe level are realized there would still be an obligation not to conduct such tests if they violate the treaty.

The underground engineering program has suffered similar setbacks over the years. The list of projects proposed and later cancelled is quite large. These include: Project Cloop—a plan to recover copper ore; Project Ketch—a plan to create an underground gas storage facility in Pennsylvania; Projects Bronco and Utah—both concerned with oil shale recovery; and Wagon Wheel and WASP—both conceived as gas stimulation projects. Only the gas stimulation program is being actively funded and maintained by the AEC. Two stimulation experiments have been conducted and a third—Rio Blanco—is planned for the future.

It has been estimated by the AEC that gas stimulation technology could meet 10% of the gas shortage projected over the 1975–1985 period. The economic analysis was favorable only on the assumption that the current price of gas at the well head would rise to more than 30¢ per 1000 cu ft in the future. The radiological implications are that only .5 millirem per year would be received by consumers. This projection is based upon the assumption that the gas from the nuclear-stimulated wells is diluted with gas from other sources at least tenfold before it is shipped to the consumer. The full application program to realize the above-stated results would involve the detonation of 4000 nuclear explosions of yields up to 100 kt each in 1000 wells over a 20-year period. The gas formations to be stimulated are located in the Rocky Mountain area of Colorado, Utah, New Mexico, Wyoming, and Arizona. The potential for seismic effects in addition to radiological effects from such widescale application of nuclear explosive stimulation is large. The Rocky Mountain area does contain areas of high natural rock stress and it has been established by experts that a series of earthquakes in the Denver, Colorado area was caused by the injection of liquid waste products via a single well into the fractured granitic basement rock. It appears that the natural crustal balances in the area are extremely sensitive. In addition, there is the problem of damage caused to structures from the shot itself. The actual damage caused by Project Rulison to manmade structures in the vicinity is $93,000. This event was only 40 kt, much lower than the planned 100 kt devices for future stimulation. Finally, the use of 4000 devices in the program represents a huge investment of highly enriched uranium at a time when projects indicate a shortage of uranium for the nuclear power program. Is it worthwhile to expend irrevocably on the order of 120,000 kgs of U–235 to recover the gas that in turn is to be used as an energy source? Why not simply utilize this Uranium in power reactors and shift the burden from natural gas to nuclear power reactors to avoid the shortage?

Table No. 2 shows the continuing decline in the U.S. Plowshare program since 1966:

TABLE 2.—U.S. PLOWSHARE PROGRAM 1966-73 TESTS BY PROGRAM APPLICATION

Year	Budget	Total tests	Underground engineering	Excavation	Scientific research	Device development
1966	15.1	4	0	0	1	3
1967	13.4	3	1	1	0	1
1968	18.1	4	0	3	0	1
1969	13.2	2	1	0	1	0
1970	14.3	1	0	0	0	1
1971	7.6	1	0	0	0	1
1972	7.1	1	1	0	0	0
1973	6.8	?	?	?	?	?
1974	3.8	?	?	?	?	?

In conclusion, it appears that the Plowshare programs are indeed of very limited potential, when benefits are weighed against costs. The excavation program has been halted without achieving technically suitable devices for application. Nor have ways been found to overcome the social, political and international problems associated with these applications. There have been no scientific research Plowshare shots since 1969. The underground program has been limited to but one application since 1971. This last existing program of gas stimulation has many technical, economic and safety problems associated with it. On balance the entire program does not seem important enough to impede the completion of a comprehensive test ban. No provision for continued Plowshare device development need be contained in the comprehensive test ban, since the chances of weapons application are too high and the potential benefits of these devices as peaceful explosions are quite low. The subject could, however, be re-examined after 5 to 10 years' experience with a comprehensive test ban.

TECHNICAL OBSTACLES TO THE ACHIEVEMENT OF A COMPREHENSIVE TEST BAN: THE VERIFICATION PROBLEM

The chief obstacle to attainment of a comprehensive test ban has been the problem of adequate verification of the terms of the proposed test ban.

The Soviet position on verification of the comprehensive test ban is that adequate means exist at the national level alone to monitor its terms. The U.S. negotiation position has never abandoned the need for on-site inspection of events that failed to be identified by seismic means alone. The two countries were closest in principle in 1963 when the Soviets offered to permit 2 to 3 on-site inspections per year within the Soviet Union. At that time, the U.S. steadfastly maintained that several were necessary, later quantified at 7. Agreement on the issue was never reached and the Soviets on October 16, 1963, withdrew the offer to permit on-site inspections.

Regardless of the value and role of on-site inspections, it is clear that seismology will play a crucial role in monitoring a comprehensive test ban. The improvements in seismology since the signing in 1963 of the Limited Test Ban Treaty are reviewed below, together with current estimates on the validity of on-site inspection techniques. Other means of monitoring possible violations are presented. These developments show that the capability to direct a would-be violation have vastly improved since 1963, and that the U.S. should drop its insistence on on-site inspections as a part of any comprehensive test ban. A reasonable compromise solution could be the adoption of verification provisions similar to those in the ABM Treaty.

Seismic detection and discrimination systems for underground nuclear tests are based upon the observed phenomenon of energy coupling and signal propagation that occurs when a nuclear device is detonated underground. These signals or seismic waves are propagated both through the earth (Body waves) and along the surface of the earth (Surface waves). There are two kinds of surface and body waves; the Body waves are designated P-Body and S-Body to refer to the longitudinal or compressional wave and the transverse or shear wave respectively; the Surface waves are designated as the Love wave and the Rayleigh wave; these refer to the transverse and longitudinal waves that propagate through the surface of the earth. Earthquakes also generate seismic signals throughout the world, and locally at the site of the measuring station there is always a problem of meterological and cultural noise to contend with when attempting to detect and identify signals.

In order to act as an effective test ban monitor, any detection system must be able to detect and identify nuclear explosions and tell them from earthquakes and other seismic noise down to low yields that would be militarily insignificant. The U.S. Government has conducted Project Vela Uniform since 1959 to investigate nuclear test detection and discrimination by seismic means. Expenditures have amounted to about $250 million. According to the DOD, the results of this program are that the U.S. has: improved its capability to detect nuclear explosions; established both an empirical and a theoretical understanding of seismic location and identification problems; developed an ability to discriminate between seismic signals from earthquakes and other seismic noise down to low yields that would be militarily insignificant. The U.S. Government has conducted Project Vela Uniform since 1959 to investigate nuclear test detection and discrimination by seismic means. Expenditures have amounted to about $250 million. According to the DOD, the results of this program are that the U.S. has: improved its capability to detect nuclear explosions; established both an empirical and a theoretical understanding of seismic location and identification problems; developed an ability to discriminate between seismic signals from earthquakes and explosions down to a few KT; and clarified the complex relation between yield and seismic magnitude. Nevertheless, they conclude that an adequate seismic monitoring system cannot be built on the basis of nationally-owned territory and that the possibility of a determined violator evading the U.S. seismic verification system is non-negligible. Finally, the DOD has claimed that a need exists for on-site inspection to deter violations by increasing the chances of being caught and to clarify the nature of seismic events that will be large enough to detect but sufficiently small that positive identification of source cannot be made.

On-site inspections would, in the Pentagon view, also establish the nuclear or non-nuclear nature of low yield explosions and enhance international confidence in any cases where earthquakes were misidentified as explosions. In effect, the DOD is saying that about nine years of research at a cost of $250 million has not resulted in a basic change in the U.S. negotiating position.

The magnitude of the seismic signal propagated through the earth is an indication of the energy released in a nuclear explosion. It is a logarithmic quantity and the measurement is made on both the body and surface waves, designated mb and Ms respectively. Earthquakes have a very much larger surface wave magnitude for a given body wave magnitude than do underground explosions. For example, an earthquake of body magnitude mg of 4.0 would have a surface wave magnitude of 4.0 or greater, while for a deep explosion of mb=4.0, the surface wave magnitude might only be 3.2. This difference provides a powerful tool for discriminating between earthquakes and explosions. It is important to note that the magnitude associated with a given nuclear explosion depends greatly upon the type of material in which the device was detonated, as well as the yield of the device itself. In general, hard wet rock will give a much higher signal for a given yield than will dry porous material such as alluvium. The dependence of mb for various yields on the shot medium is shown in Table No. 3.

TABLE 3.—BODY WAVE MAGNITUDE AND SHOT MEDIUM

MB	Granite	Tuff	Alluvium[1]
4.0	1	2	10
4.7	10	20	100
5.3	100	200	1,000

[1] Alluvium does not exist at sufficient depths to contain without visible surface effects an explosion greater than about 10 kt.

An observed magnitude of 4.0 would correspond to 1 kt in granite or up to 10 kt in alluvium. As the magnitude of the seismic events of interest declines, the number of earthquakes observed each year increases. Therefore, as the detection threshold is lowered the discrimination or identification problem becomes more burdensome. Beyond some point the noise level is such that the actual signal is masked and no capability to detect or discriminate exists. The Director of ARPA (Advanced Research Projects Agency), Dr. Lukasik, has testified that for shore period signals body wave magnitudes in the area of 3.5 to 3.7 may represent the minimum practical detection threshold for teleseismic distances (beyond 1700 km). Now this corresponds to about .5 kt in hard rock or several kt in alluvium. Testing restricted to these yields would be of no military significance.

The DOD has testified that the present level for unambiguous seismic identification of underground explosions for the Eurasian land mass is mb=4.75. This represents 10 to 100 kt depending upon the shot medium and is a capability based upon national means of detection on a worldwide network. However, alluvium is not available at a depth to avoid leaving a visible crater from an explosion much greater than 10 kt. More important is the estimate of a presently attainable goal for the near future. Dr. Lukasik has testified that in principal teleseismic identification of explosions below mb=4.5, perhaps to 4.0 appears an attainable goal. A more emphatic statement of future operational capability based upon existing theory and experimental data from deployed seismic arrays appears in the unapproved version of the Woods Hole Conference of Seismologists of July 1970. This was deleted from a later summary of the report but is the general conclusion of most scientists involved. (See testimony before the JCAE October 27–28, 1971.)

"Adequate data were presented on Ms:mb values to establish that discrimination by Ms:mb is on the average as well done at mb=4.0 as at mb=5.50. . . ."

This means that seimic detection and identification is now possible down to yields of 1 to 10 kt if the proper network is deployed. With such systems deployed at teleseismic distances there would still be some events each year that would not be identified on the basis of seismic discriminants alone. These so-called anomalous events might number about 25 according to the DOD but most of these would be of the order of only a few kilotons.

Various evasion schemes have been suggested and investigated by the DOD in order to assess the chances of a successful clandestine nuclear test under the comprehensive test ban treaty limitations. These include conducting a fully tamped shot in a low coupling medium, cavity decoupling, hiding a shot in an earthquake signal, and multiple shots detonated to simulate an earthquake signal and mask a test of one of them.

Conducting a fully tamped shot in a low coupling medium is the least expensive and desirable technique of all. It merely involves testing the device in a dry porous material rather than in wet hard rock. This results in a lower seismic signal being transmitted for a given yield by about a factor of 10. It is important to note, however, that testing in alluvium, a dry porous material, normally produces a subsidence crater of large dimensions that would be readily detectable from the air unless the alluvium deposit is sufficiently deep to prevent collapse of the cavity produced and the subsequent surface effects. Dry deposits of deep alluvium are very uncommon. There is reason to believe that these deposits do not exist in the U.S.S.R. in depths that would allow tests of more than 1 to 2 kt. Therefore, assuming the Soviets actually desired to test in violation of the comprehensive test ban at levels below the attainable identification level of 10 kt in alluvium, they would be limited to yields well below 10 kt in employing this scheme.

Cavity decoupling involves the detonation of a nuclear device in a large underground chamber that has been either mined out or created by a prior nuclear test before the treaty went into effect. The large volume of space between the device and the walls of the cavity serves to decouple the energy and hence the magnitude of the seismic signal transmitted to the earth. ARPA has estimated that up to 50 kt could be tested in a cavity. U.S. experience in decoupling cavities is limited to one nuclear test. The Sterling event, with a yield of only .38 kt, was fired in the 110 foot diameter cavity created in a salt deposit by the 5 kt Salmon event. The observed decoupling factor was about 70 ± 20, much lower than the theoretically predicted value of 120. Scientists on the project claim that the predicted value was based upon a mined cavity whereas the experimentally observed number corresponds to the shot-created cavity actually used.

Whether better agreement between theory and experiment for a mined cavity can be expected has not been demonstrated. There is some question as to the validity of extrapolating the results of .38 kt shot up to yields of 50 kt to conclude that clandestine tests could be conducted. Finally, the cost of mining such cavities to conduct decoupled tests has been estimated to be about 20 million for conventional mining techniques and about 9 million for solution mining techniques. The 300-foot diameter cavity required for a 5 to 10 kt explosion would take four years to complete and incidentally not all of the techniques necessary for the operation have been developed. Estimates of this sort are notoriously too low so the 20 million figure must be considered to be a rock bottom number that would in theory fully decouple a 5 to 10 kt shot. By comparison a moderately complicated test at Nevada runs about 2 to 3 million dollars for the entire test.

The estimate above for cavity construction does not include all the other costs normally associated with testing. The evader would also have to contend with a large volume of material removed from the ground in forming the cavity. It is almost certain that this aspect of the operation could be detected by aerial reconnaissance. Of course if an evader attempted to create a large cavity using a nuclear explosion prior to the completion of a comprehensive test ban treaty then presumably the event would be recorded by seismic means and the area could be watched by aerial reconnaissance for future suspicious activity.

Concealing a shot signal within the signal produced by a near simultaneous earthquake located either nearby or at great distances is yet another scheme to mask the tell-tale signal of a nuclear test. If the earthquake is large and distant, the DOD estimates that tests of up to 100 kt could be conducted clandestinely. However, earthquakes of this magnitude occur once every one to two years and the device would have to be emplanted in the ground and be ready to be fired at a moment's notice. The entire operation would probably have to be automated and under computer control in order to respond quickly to take advantage of the randomly-occurring large seismic transient signals of the big earthquake.

It may be doubted whether a political leader of a country would be willing to turn over the control of testing to politically less-sensitive technicians and their computers. Imagine for a moment the possible consequences of a randomly attempted clandestine test being conducted at such a politically delicate time as a summit conference. Detonations following nearby earthquakes would in the opinion of the DOD be limited to about 50 kt and the frequency of such events would increase to perhaps 15 per year. The would-be evader would be constrained to test only in seismic areas using this mode and intensive surveillance of these areas could reduce the chances of success of this type of operation. Finally, an evader would always run the risk that computer processing of data from stations in different parts of the world would disclose the clandestine test.

ARPA has claimed that computer studies show the feasibility of detonating multiple nuclear shots at different depths, spacings and yields in proper sequence to simulate the signals typical of earthquakes. One of the devices so set off could be fired for the purpose of conducting a test of a new design. No experiments have been conducted to verify the theoretical computer calculations that predict the feasibility of tests up to 100 kt by this method. It is interesting to note the willingness of the DOD to rely upon extrapolated data and theoretical calculations when it suits their purposes only. They have predicted the successful decoupling of 50 kt based upon data from a .38 shot and have concluded that hide-in-earthquake and simulation schemes would work at up to 100 kt without testing. On the other hand, it was impossible, according to the DOD, to rely on the data from 1 mt shot in designing the 5 mt Spartan warhead. Here extrapolation was too dangerous and the Cannikan test had to be conducted.

It is important to note that the above schemes were discussed assuming that only teleseismic or distanly located recording stations make up the surveillance network. It has been estimated that the use of close-in unmanned seismic stations would greatly reduce the chances of the success of these schemes and this factor will be discussed below.

Previously, it was reported that the DOD has still adhered to the position that on-site inspections are a necesary part of any comprehensive test ban agreement. Yet over 20 projects for on-site inspections have been studied and of these only two appear to be of some use. These are visual inspection and radio-chemical analysis. Even these two methods might be defeated, according to the DOD, by a carefully conducted clandestine test at sufficiently deep burial. The added deterrent value of on-site inspections is at best marginal. In a realistic situation a challenged country that had actually violated the treaty would probably not permit on-site inspection to take place at the actual site of the clandestine test. The option to demand an on-site in this situation would serve then to confirm the suspicions of the challenging country. If the originally-suspicious event that precipitated the challenge to inspect was indeed an earthquake then an inspection would perhaps restore the confidence of the international community. Throughout the discussion of the concept of on-site inspections and monitoring in general, it must be borne in mind that the probability that a country would actually choose to violate the treaty systematically by conducting secret tests on a scale large enough to be militarily worthwhile is probably quite low. It has become customary to include clauses in arms control treaties allowing a party to withdraw from the commitment if it believes that its supreme interests have become jeopardized by extraordinary events. A country desiring to resume testing would probably consider this a more politically advantageous route to follow in making the decision to test again.

In 1963, seismologists had a very inferior level of understanding of the problem associated with detection and discrimination. The criteria then thought to be of value in discriminating earthquakes from explosions were first motion analysis, depth of focus of the event measured, and complexity of the signal observed. Today it is realized that first motion analysis and wave complexity are not very good techniques for identification of events. Depth of focus was only crudely applied in 1963 and has since become a very important factor in identification of events. Virtually all earthquakes occur at depths beyond man's drilling capacity. Hence if the depth of focus can be accurately determined all earthquakes may be properly classified.

Another discriminant for relatively shallow earthquakes and explosions that was not fully appreciated in 1963 was the Ms:mb technique. It has been found that earthquakes have much larger ratios of Ms:mb than do explosions and this technique is being developed extensively. Another technique under consideration today involves examination of the spectral content of the signals to aid in identification. In general the theoretical level of understanding of the problem is rather complete today. Signal to noise problems remain but they are solvable.

The results of these recent developments in the field of seismic research are that teleseismic or distantly located networks of seismic stations of high quality can now be deployed with existing technology to monitor a test ban treaty down to yields as low as 1 to 2 kt in hard rock with high reliability. Estimates of the number of anomalous events that would fail all discrimination techniques range from a few to about 25 events per year. The identification of these events by other means will be discussed below.

The use of unmanned seismological observatories (USO) was first considered by the Berkner Panel in 1959 as a supplement to the Geneva system of manned control posts that were to be a part of a world-wide test ban monitoring system. In 1962, three Soviet and three American scientists submitted a joint paper on the use of automatic seismic stations that would substantially reduce the need for on-site inspections by decreasing the number of unidentified events and improve the location of epicenters. On December 10, 1962, Ambassador Tsarapkin made a specific proposal calling for 2 to 3 USOs within the Soviet Union at three particular locations. Later in the month Premier Khrushchev repeated this offer in a letter to President Kennedy when he also accepted in principle 2 to 3 on-site inspections per year. These proposals indicate a past willingness by the Soviets to accept posts for the collection of close-in seismic data on events originating within the U.S.S.R. This close-in seismic data would increase the capability of the over-all teleseismic system to identify those events it has already detected. It would also provide otherwise unobtainable information on evasion attempts by giving close-in signal measurements not detectable at teleseismic ranges. However, even without these, verification is considered by most scientists to be adequate to protect our security.

In addition to the developments in seismology since 1963, there have been significant improvements in other national means of technical data collection. For example, it has been estimated that the new generation of photographic reconnaissance satellites introduced in 1971 could come close to approaching the atmospheric limit on ground resolution of six inches to one foot. These developments are the chief reason why there is no provision for on-site inspection in the SALT Accords. If national means of monitoring are sufficient for the SALT Accords they presumably would be of some use in verifying a comprehensive test ban. These satellites could certainly replace the role of visual on-site inspection that was cited by the DOD as one of two useful on-site inspection techniques.

CONCLUSIONS: THE STRATEGIC, POLITICAL, ENVIRONMENTAL AND ECONOMIC BENEFITS OF A COMPREHENSIVE TEST BAN

Strategic and political factors

A Comprehensive Test Ban Treaty would halt a major phase of the qualitative aspect of the nuclear arms race. It would also represent actual movement by the superpowers toward nuclear restraint that would increase the chances of world-wide acceptance of the Non-Proliferation Treaty. There would be significant net savings in the money now being expended in the testing and production of new nuclear weapons. The continuing destruction of testing environments and the risks associated with radioactive venting and other adverse ecological impacts would be eliminated. The treaty could add to the pressures already mounting on France and China to cease or curtain at least their atmospheric test programs. In general, the event would contribute to improved international relations and be of monumental symbolic importance since it would signal the end of a quarter century of testing and the concurrent reliance on the terror of nuclear weapons alone to deter war.

The critical dependence of new nuclear weapons development on continued testing has been demonstrated. The DOD admits that about 25 tests are usually required to develop a new warhead even when the design is based upon relatively well-known nuclear technology. A ban of further testing would slow the rate of increase in or actually freeze the level of experimentally-verified knowledge concerning nuclear weapons and their effects. This would inhibit qualitative improvements in nuclear-related elements of weapons systems that are beyond safe extrapolation estimates. Since both the U.S. and U.S.S.R. would suffer the same constraints under an adequately verified Comprehensive Test Ban Treaty, the present mutual deterrence posture would be permanently stabilized in these areas. The way would be open for further agreement on other qualitative and quantitative arms control measures.

The proliferation of nuclear weapons continues to be a growing threat to international security and peace despite the entry into force of the Non-Proliferation Treaty in 1970. As of May, 1972, only half or some 78 of the countries of the world are parties to the Non-Proliferation Treaty. Taken together with the increasing spread of nuclear reactor technology throughout the world, which makes large amounts of Plutonium available for weapons manufacture, the situation is indeed critical. Estimates of the amount of Plutonium to be produced by nuclear reactors in 1980 are as high as 130,000 kgs per year. Only a few kgs of Pu are needed to manufacture a 20 kt Nagasaki-type weapon. Furthermore, once these Pu fission bombs are developed then a country could also attain a thermo-nuclear capability as well. Attempts are being made now on the international level to safeguard as much of this plutonium as possible. If only a few percent of the estimated Pu production is diverted for weapons use each year, it would mean that a few hundred bombs per year could be manufactured. The reasons given by countries for not becoming parties to the Non-Proliferation Treaty vary but some are directly linked to the failure of the U.S. and the U.S.S.R. to achieve a comprehensive test ban treaty. Conclusion of a comprehensive test ban by the superpowers would remove this objection to the Non-Proliferation Treaty and heighten the chances of acceptance of the Non-Proliferation Treaty, or at least the chances that new nations will not acquire nuclear weapons.

Those non-nuclear weapon countries that have not signed the Non-Proliferation Treaty and who are considered to have the capability to develop nuclear weapons within a short period of time are India, Israel, Argentina, Brazil, Pakistan, South Africa, and Spain. The other near-nuclear countries that have actually signed but not yet ratified the Non-Proliferation Treaty include Japan, Australia, Belgium, Egypt, Federal Republic of Germany, Italy, Switzerland, and the Netherlands.

To illustrate how a comprehensive test ban could further the goals of the Non-Proliferation Treaty consider the objections of India. In 1965, India put forward the requirement that there be tangible progress towards disarmament, including a comprehensive test ban, before India would sign the Non-Proliferation Treaty. Since then, India has criticized the Non-Proliferation Treaty for the apparent imbalance of obligations between nuclear and non-nuclear weapon states that are party to the treaty. To correct this, India has demanded a stop to the vertical proliferation among the already existing nuclear weapon states partially achieved by a comprehensive test ban. This position is in fact a strong one since although there is technically mutual contractual consideration present in the obligations of the Non-Proliferation Treaty as between nuclear and non-nuclear states, the promise given by the nuclear states not to give nuclear weapons to any other state in reality is not something that the non-nuclear weapon states had to bargain for. The nuclear weapon states party to the treaty would probably never want to transfer nuclear weapons to non-nuclear states anyway. For example, the U.S. is specifically forbidden by the Atomic Energy Act of 1954 from doing this sort of thing. This reluctance by India to sign the Non-Proliferation Treaty is probably the chief reason why Pakistan has refrained from signing.

Other countries have expressed similar objections to signing the Non-Proliferation Treaty. Although Israel's reservations about signing the Non-Proliferation Treaty stem from its dispute with the Arab countries, it, too, has criticized the discrimination inherent in the Non-Proliferation Treaty. Japan and Brazil have also voiced similar objections about the Non-Proliferation Treaty and the lack of concrete disarmament measures by the nuclear weapon states. The signing of a Comprehensive Test Ban Treaty by the U.K., U.S., U.S.S.R. (and others perhaps) would be a direct evidence of steps by the nuclear powers in the direction of nuclear restraint and would serve to answer these charges of discrimination and thereby widen the chance for world acceptance of the Non-Proliferation Treaty. Furthermore, some nations might find it politically necessary to sign a comprehensive test ban even though they had failed to ratify the Non-Proliferation Treaty. Such an action would in most cases preclude their acquisition of nuclear weapons, since a test would almost always be required to prove the utility of weapons designs.

ENVIRONMENTAL FACTORS

The extent to which a comprehensive test ban treaty would limit the adverse environmental effects of nuclear testing would depend on the number of signatories among the nuclear weapons states. Adherence to a CTBT by the Peoples' Republic of China and France would put a virtual end to the hazardous, periodic contamination of the atmosphere by radioactive bomb debris from above-ground testing. Adherence by the U.S., U.K., and the U.S.S.R., a more likely possibility for the immediate future, would end the continuing short- and long-term destructive effects of underground testing, which, like atmosphere testing has adverse, although less serious, consequences for both the local and the general environment.

Despite massive efforts to contain underground explosions fully, the radioactive venting of bomb debris still occurs, in addition to the creation of subsidence craters up to 200 feet deep and 2000 feet across above the detonation point. In the eight years since the signing of the ITBT, 22 tests have leaked radiation from the test site. In addition, some 50 tests have resulted in radiation leaks detected only on the test site grounds. Taken together, these leakages constitute venting of radioactivity in some 30% of the underground tests conducted by the U.S. The accumulated test experiences has not solved this problem.

As recently as December, 1970, the Baneberry event released radioactivity that was detected in central and northern Nevada and in most of the western United States. Although these vents have not resulted in off-site exposure to the public in excess of established radiation limits, the chance of an event doing so in the future cannot be ruled out. Moreover, the accumulation of long-lived radioactive matter in the atmosphere, where it is additive to natural radiation and subject to fallout effects, remains inadequately understood in its long-term consequences.

The containment of most of the bomb debris underground in the U.S. and Soviet testing programs results in the contamination of soil and ground water in the immediate vicinity of the detonation. Groundwater containing radioactive tritium and possibly other radioactive nuclides does flow and the probability of the spread of contaminated water must be considered.

The National Academy of Science and National Research Council report of the Advisory Committee on the Biological Effects of Ionizing Radiations, dated November, 1972, stated that "No exposure to ionizing radiation should be permitted without expectation of commensurate benefit." The commensurate benefits of further nuclear testing for either military or peaceful applications has not been decisively established. In fact, the decreasing rate of return from testing for nuclear warhead technology and the lack of clear-cut results from Plowshare-type tests seems to argue the converse.

It has been observed that large yield underground tests trigger earthquakes. The largest observed associated earthquake was of body wave magnitude 4.5. These associated "aftershocks" are typically 1 to 2 magnitudes less than the explosion itself. However, the Commission appointed by the White House to study the issue concluded that there is no basis for eliminating the possibility of a large explosion triggering a severe earthquake that would cause serious damage beyond the test site.

Lastly, the close-in ground shock effects of tests have been known to destroy local wildlife. The AEC environmental statement on Cannikan predicted that 20 to 200 sea otters would be exposed to overpressures severe enough to ultimately cause death. A recent survey after the shot on the island convinced some biologists that the test killed as many as 1000 sea otters. The discrepancy between prediction and observation after the shot indicates the inability of the AEC to accurately estimate the actual environmental effects of underground testing consistently.

ECONOMIC FACTORS

The cessation of nuclear testing could also result in significant long-term savings in nuclear defense expenditures. Table #4 outlines the total amounts of money spent by the AEC and DOD on the U.S. test program since 1962. The failure to conclude a comprehensive test ban in 1963 has cost the U.S. taxpayer an additional 3 billion dollars for nuclear testing alone. Of course, it must be noted that some of the roughly one-quarter of a billion dollars that currently is devoted to testing would have to be diverted to the maintenance and deployment of an adequate worldwide teleseismic network to monitor a Comprehensive Test Ban Treaty. However, estimates for such seismic networks are in the neighborhood of 130 million dollars for deployment and 20 million dollars per year for repair and data analysis. After the initial expense of deployment is met, a potential net savings of over 200 million dollars a year could be realized, depending on how much is deemed necessary for continued laboratory research.

TABLE 4.—U.S. NUCLEAR TEST PROGRAM FUNDING

[In millions of dollars]

Year	AEC	DOD	Total
1962	182.2	108.8	290.0
1963	122.0	111.0	244.0
1964	206.5	44.0	451.0
1965	214.8	59.0	274.0
1966	201.6	64.0	266.0
1967	193.2	61.0	254.0
1968	242.7	60.0	303.0
1969	304.8	63.0	368.0
1970	246.5	61.0	308.0
1971	212.5	74.0	287.0
1972	189.9	72.0	262.0

THE CRASH OF THE TU-144 SST

Mr. PROXMIRE. Mr. President, the crash of the Russian SST in Paris last week was an enormous tragedy. But it served to point up the very serious problem of safety—yet another obstacle that stands in the way of successful SST development.

The New York Times this past Saturday pointed out how technological programs often have a momentum of their own—a momentum that carries them forward without adequate consideration of the consequences that can flow from such developments. The consequences in the case of the SST include not only the diversion of resources into a project with limited social value, and the potentially serious environmental dangers, but also the tragic loss of life that ensues when these planes meet with disaster.

I am more convinced than ever that if this country embarks on development of an SST, it must be undertaken wholly within the private sector and funded entirely by private capital.

I cannot support, for instance, the supersonic transport development work which NASA proposes to fund in the coming fiscal year. Here is how NASA plans to spend money on this program:

[In millions]

Propulsion	$6.5
Structures and materials	7.4
Aerodynamics	3.3
Stability and controls	4.7
System studies	5.7

The NASA Appropriation Subcommittee will be marking up the bill for fiscal year 1974 in a few weeks. I intend to ask the subcommittee to delete the $27.6 million request for further supersonic transport development work at that time.

Mr. President, I ask unanimous consent that the editorial from the New York Times for June 9, 1973, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

. . . BUT SST?

The fatal mid-air explosion of the Soviet Union's TU-144 supersonic transport a few days ago is a tragic reminder that technological developments have a momentum that can carry them down undesirable paths. The efforts of four of the leading industrial nations to develop S.S.T.'s were initiated without adequate consideration of consequences. The motivations were economic and nationalistic. But the consequences included diversion of precious resources into projects with limited social value and possibly serious environmental dangers.

The American project was suspended chiefly on economic grounds, but also with warnings of serious health hazards ringing in Congressional ears. The Soviet and Anglo-French programs have continued unabated.

Early this year a committee of the National Academy of Sciences in Washington assessed the danger to life on earth that might arise from an increase in ultraviolet radiation penetrating the atmosphere because of S.S.T. effects on the upper air. It concluded that enough was known "to warrant utmost concern over the possible detrimental effects on our environment of the operation of large numbers of supersonic aircraft."

There is, of course, no certainty that large numbers of S.S.T.'s will ever take to the air. Their flight over inhabited regions is doubtful because of objections to their sonic boom. The very long-haul traffic for which they are best suited is small in volume.

But if few are to fly, the enormous sums spent on their development are hard to justify. Perhaps, in the long run, the most valuable contribution of the S.S.T.'s will be the realization by industrialized nations that—as in the arms race—the fact that something can be done does not necessarily mean that it should be done.

REMARKS OF SENATOR ALLEN BEFORE THE DISTRICT OF COLUMBIA DIVISION, UNITED DAUGHTERS OF THE CONFEDERACY, AT ITS ANNUAL COMMEMORATION OF THE BIRTHDAY OF JEFFERSON DAVIS

Mr. ERVIN. Mr. President, on Saturday, June 9, 1973, the junior Senator from Alabama (Mr. ALLEN) in tribute to Jefferson Davis, President of the Confederate States of America, addressed the District of Columbia Division of the United Daughters of the Confederacy, at its annual commemoration of the birthday of Jefferson Davis, in Statuary Hall in the Capitol of the United States.

I ask unanimous consent that a copy of Mr. ALLEN's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

JEFFERSON DAVIS—THE MOST MISUNDERSTOOD MAN IN HISTORY

Madam President-General, members of the District of Columbia Division of the United Daughters of the Confederacy, distinguished guests, and friends:

I am honored to have been invited to participate with you in the celebration of the 165th birthday of Jefferson Davis. I assure you it gives me great pleasure to pay my respect to his honored memory.

You know, Jefferson Davis occupies a high place in the affections of the people of Alabama. We have an almost possessive attitude toward him and take pride in paying tribute to his memory.

We can't claim him as a native son—we must concede that honor to Kentucky where he was born on June 3, 1808 (the fifth son and tenth child of Samuel and Jane Davis). Neither can we claim him as a former member of Congress or United States Senator from Alabama—we must concede that honor to Mississippi.

On the other hand, we recall with pride that it was in Montgomery, Alabama, that the Confederate States of America came into being and thus became known as the "Cradle of the Confederacy."

You will recall that the first Congress of the Confederate States convened in Montgomery, Alabama, on February 4, 1861. At this Congress a provisional Constitution, patterned on the United States Constitution, was adopted with the provision that it should remain in effect for one year, or until such time as a permanent constitution should be adopted. Under its provisions, the President and Vice President were to be elected by the seven States which had by then seceded from the Union and had sent delegates to

Montgomery for the purpose of forming a government of the Confederate States. Under the provisions of the Constitution, the President and Vice President were to be elected by the votes of each State with each State having one vote. Jefferson Davis was elected to the office of President and Alexander Stephens to the office of Vice President. The States of South Carolina, Mississippi, Florida, Alabama, Georgia, Louisiana were originally represented and delegates from Texas arrived on February 8, 1861.

President Davis was administered the oath of office on February 18, 1861, and Montgomery remained the capital of the Confederacy until May 21, 1861, when the Congress passed a resolution to adjourn to meet again on the 20th day of July at Richmond, Virginia.

It is interesting to recall that in the procession preceding the inaugural ceremonies and just as the President's carriage swung into position, a band under the direction of Herman Arnold led his musicians up the avenue to a tune that had never before been played by a band. The band leader had orchestrated the music only a week before. It was a minstrel piece entitled, "I Wish I Was In Dixie's Land," which had only recently been published as sheet music arranged for pianoforte. It was an instant hit and still is.

But the association of Jefferson Davis with Alabama does not end here. President Davis chose L. P. Walker, of Huntsville, Alabama, as his first Secretary of War. It was Walker who sent from Montgomery a series of messages to General G. T. Beauregard which authorized firing on Fort Sumter. Bombardment of Ft. Sumter began on Friday, April 12, 1861, and signalled the beginning of armed conflict between the government of the Confederate States of America and the Federal Government. Ft. Sumter was surrendered the next day without the loss of life on either side as a result of the bombardment. There are those who entertain an opinion that the War Between the States might well have been avoided had General Beauregard not fired on Fort Sumter. I question this judgment for many reasons, not the least of which is that the Federal Government had seized numerous forts in other States of the Confederacy and had given every indication of maintaining them. In many instances, these forts commanded strategic seaports, which represented a life line of foreign trade without which the Confederate States could not have even begun to survive. Furthermore, the seizures were provocative and unjustified in the judgment of such men as Stephen Douglas, who by no stretch of the imagination could be thought of as a secessionist. On this point, Stephen Douglas said:

"I take it for granted that . . . whoever holds the States in whose limits those forts are placed is entitled to the forts themselves, unless there is something peculiar in the location of some particular fort that makes it important for us to hold it for the general defense of the whole country, its commerce and interests, instead of being useful only for the defense of a particular city or locality."

Among the forts at issue were Fort Pickens, at Pensacola, Florida, and Fort Morgan in Alabama, both extremely important to Alabama.

But I am wandering. The affection of Alabamians for Jefferson Davis has been perpetuated in many forms. The house in which he resided while in Montgomery has been preserved as a museum close by the State Capital and is visited annually by countless thousands of persons from all sections of the Nation.

I recall as a young boy having visited the White House of the Confederacy; and to this day, I retain a vivid impression of the furnishings and particularly the leather hat box used by Jefferson Davis for the storage and protection of a hat during travel. I do not know why this seemed a curiosity to me at the time.

A short distance from the present site of the White House of the Confederacy, one can visit Alabama's beautiful State Capitol and stand on the precise spot where Jefferson Davis was administered the oath of office. Countless thousands of Alabama school children each year make a pilgrimage to Montgomery to visit the Capitol, the White House of the Confederacy, and the State Archives and History Building. If you have not enjoyed that experience, I highly recommend it.

There is yet another attraction on the Capitol grounds which is popular with visitors. In late April of 1886, the State of Alabama was preparing to lay the cornerstone on the Capitol grounds of a monument to commemorate the memory of those who had given up their lives for the cause of the Confederacy.

Jefferson Davis was persuaded to come to Montgomery for the dedication. There are those who are alive in Alabama who recall this event from memory. When the announcement was made of Davis's visit, cities from throughout the South extended invitations to him to visit their cities. The interest of the press throughout the Nation was aroused to the extent that many northern newspapers sent reporters to cover the event. Jefferson Davis received a fantastic outpouring of love and respect by great crowds at railroad stations on his route to Montgomery. A New York World reporter wrote:

"Half a carload of floral offerings were showered upon him during his trip and thousands of other tokens of love. He was greeted in Montgomery by the boom of cannons and thousands of enthusiastic citizens who mingled cheers with fire works."

Having arrived at Montgomery, Davis was escorted to Room 101 in the Exchange Hotel. By a strange coincidence, it had been just a quarter of a century since Jefferson Davis had occupied the same room on the night before his inauguration. His welcome on this occasion was more demonstrative, if that is possible, than in February, 1861, when William Yancey had introduced him with the memorable phrase, "The man and the hour have met."

From Montgomery, he was prevailed upon to visit Atlanta, where he received an overwhelming reception and from there he visited the City of Savannah, Georgia, with equally impressive results. Newspapers in the North were tremendously impressed by the enthusiasm of Southern people for their defeated leader. The Lowell, Massachusetts Sun wrote:

"Jefferson Davis suddenly emerges from his long retirement, journeys among his people, and everywhere receives the most overwhelming manifestation of heartfelt affection, devotion and reverence.

"Such homage is significant, startling. And it is useless to attempt to deny, disguise, or evade the conclusion that there must be something great and noble and true in him and in the cause to evoke this homage."

The next occasion on which Alabamians were to see Jefferson Davis was a sad one indeed. Jefferson Davis passed away in the early hours of December 6, 1889. He was buried temporarily in New Orleans in the Metairie Cemetery, attended by dignitaries from throughout the South and Nation. Eight Southern governors attended the funeral along with innumerable delegations representing Confederate veterans from every State in the Confederacy, including fourteen Confederate generals. Thirty aged veterans of the Mexican War joined the thousands of marching Confederate veterans as did fifteen Union veterans who then lived in Louisiana.

In May, 1893, the body of Jefferson Davis was removed from the tomb in Metairie and started to its final resting place in Richmond. The L & N Railway had provided a special train. The trip to Richmond was characterized by vast crowds who gathered along the route to bow their heads in silent respect. At Beauvoir, the tracks were strown with magnolia petals and various white blossoms. In Montgomery, Alabama, the body lay in state in the Capitol rotunda for a day.

In summary, Alabamians have an affectionate regard for Jefferson Davis and deep concern that his life and works be preserved and perpetuated to the end that he may receive his just place in the annals of our Nation's history. With this object in mind, I would like to touch briefly on several aspects of his life.

Jefferson Davis believed in the right and justice of the cause of the Confederate States of America. No useful purpose can be served by rehashing the pro and con arguments on the constitutional question of the right of secession. It is useful, however, to remember that national opinions were divided along three separate and distinct points of view. Abolitionists, primarily from the New England States, believed that the abolition of slavery as an end justified a disregard of the law of the Constitution. Unionists could be found in all sections of the country, who sincerely believed that the Union must be preserved at all costs. There were others, primarily in the South, but not exclusively so, who believed in the right of sovereign states to secede from the Union under extraordinary circumstances. These differences of opinion were deliberately cultivated in the political arena, which resulted in a struggle for a numerical majority in Congress. From the standpoint of politics, the issue was quite simple. Two-thirds of the members of both Houses can submit constitutional amendments to the States. Therefore, the political affiliation of new States admitted into the Union became of tremendous importance. The States of the South could clearly foresee a time in the future when they might be subjugated by the dreaded tyranny of the majority unless citizens of the Southern States were permitted to settle in new territories and such settlement depended upon the right to take with them their property including slaves which under the Constitution, were unquestionably a form of property protected by the Constitution. The political struggle was succinctly expressed by Jefferson Davis in a speech in New York several years before secession. He described the impending crisis as:

"A contest upon the one side to enlarge the majority they now possess and a contest upon the other side to recover the power it had lost. . . ."

He pointed out:

"If one section should gain such predominance as would enable it, by modifying the Constitution and usurping new power, to legislate for the other, the exercise of that power would throw us back into the condition of colonies."

The logic of Davis's argument is unassailable. His conclusion was inescapable.

There is fantastic irony in the fact that in response to the overtures by the newly formed government of the Confederate States peacefully to resolve the problems which would inevitably arise on the formation of a new nation, that representatives of the Federal Government would not meet with the Confederate commissioners. The reasons set forth by Secretary of State William H. Seward were that neither he nor President Lincoln could admit or assume that the States of the Confederacy have, "in law or in fact, withdrawn from the Federal Union or that they could do so . . . except with the consent and concert of the people of the United States." Yet, in truth, the Confederate States, which by Seward's argument had not seceded, were treated as conquered provinces following the end of the war and remained as such during the period referred to as the tragic era of Reconstruction.

The fallacy in Seward's argument is so patent that even before secession Horace Greeley in the New York Tribune had said on this point:

"If the cotton states shall become satisfied that they can do better out of the Union than in it . . . we insist on letting them go in peace . . . and whenever any considerable section of our Union shall deliberately resolve to get out, we shall resist all coercive measures to keep it in. We hope never to live in a Republic whereof one section is pinned to another by bayonnets."

Jefferson Davis had often made the point in debate that if the Declaration of Independence justified the secession of three million colonists in 1776, why would it not justify the secession of five million Southerners from the Federal Union in 1861? Not only Greeley, but many Senators upheld this point of view, including Senator Seward who was largely responsible for the secession but who after secession argued from the Senate floor that the Union could not be maintained by force and that, "a Union of force is despotism."

However, it is not my purpose to discuss the issue of secession. The issue was decided by the sword, and history has demonstrated that wars determine not the validity of causes but only which cause shall prevail. When conflicts between nations are submitted to arbitration by the sword, the universal law is that might makes right.

Under this stern principle, it has been said that the result of the War Between the States was decisively determined by the census of 1860 which had revealed the overwhelming might in men and industrial capacity in favor of the Union. I do not fully subscribe to this opinion. Neither do I deny the importance of manpower, wealth, and industrial capacity to win wars.

But we are not here to advocate a lost cause, nor do we wish to revive the spirit of sectionalism. Neither will we criticize nor condemn injustices which were heaped upon the South following the war; nor are we here to defend the character and reputation of one whose character and reputation needs no defending.

You and I are here to honor the memory of one who in the finest traditions of our forefathers consciously offered up his life, his fortune, and his sacred honor in defense of principles, the justice of which he stoutly maintained.

With this object in view, we must recall that most contemporary historians and commentators simply lack the necessary perspective of time to qualify them to take the measure of a truly great man. Jefferson Davis was well aware of the inadequacies and distortions contemporary historians would heap upon him and the cause which he represented. It is to his credit that he was far more concerned with the possibility of distortions of fact concerning events which led to secession than he was of the distortions of his own life and actions.

The life of Jefferson Davis can be compressed into a very few words. He was a soldier, a planter, a war hero in the Mexican War, a brilliant representative from Mississippi, a distinguished Senator, Secretary of War, and the first and only President of the Confederate States of America. How cold and barren are these skeleton facts. In each of these capacities he served with honor and distinction. He was a loving husband and father, a man of impeccable integrity, courage and devotion to duty. Few leaders in our Nation's history are more misunderstood and less known for their virtues than is Jefferson Davis. In this regard, the tide may be turning due in large measure to the definitive biography of Jefferson Davis, by Hudson Strode. This great work was published while Strode was teaching at the University of Alabama.

Jefferson Davis himself has said:

"It is our duty to keep the memory of our heroes green. Yet they belong not to us alone; they belong to the whole country; they belong to America."

FUTURE OF U.S. RELATIONS WITH LATIN AMERICA

Mr. KENNEDY. Mr. President, Secretary of State William Rogers recently concluded a tour of several Latin American nations. Four years ago, a similar tour was undertaken by Gov. Nelson Rockefeller on behalf of the administration. Between those two trips, the interest and concern of this administration for Latin America has been minimal. The low profile advocated by the administration has been indiscernible. As a result, we have lost opportunities to understand and take part in the changes taking place in Latin America.

I would hope that Secretary Rogers' trip heralds a new awareness and concern for events in Latin America. The recent appointment of Assistant Secretary of State Jack Kubisch, a career Foreign Service officer with past experience in Latin America, is at least one promising sign.

But we still await a definition of policy goals and evidence of a commitment to carry out that policy.

In a far-ranging discussion of U.S. relations with Latin America, given last week by the distinguished Senator from Florida (Mr. Chiles) to the Council of the Americas, many of the touchstones of a new policy are eloquently stated.

I would urge my colleagues to examine this statement and I would urge the administration to examine it and hopefully to act on many of its recommendations.

Mr. President, I ask unanimous consent to have printed in the Record a speech to the Council of the Americas on June 6, 1973, entitled "Our Relations With Latin America."

There being no objection, the speech was ordered to be printed in the Record, as follows:

Our Relations With Latin America

My interest in Latin America stems in part from the fact that Florida serves as a gateway to Latin America for many of our companies, so I am happy to have this opportunity to speak with you today. We live in very challenging times in our relations with Latin America, as the topics you are considering in this Conference suggest. In no other part of the developing world has the drive toward development been so clear and at the same time so laced with controversy over the role of private investment. Latin American countries are searching for their separate identities and are exploring many different systems and styles of development. As this has occurred they have become increasingly sensitive about determining their own priorities, controlling their own resources and deciding their own destinies. This is undoubtedly to the benefit of the process of development as nothing will make development efforts falter so much as lack of will. But these factors have made our relations with Latin America more complicated.

The question you have all been facing, I am sure, is: what should be our response. Can we continue to act in relation to Latin America as we have in the past? Should we back off from Latin America altogether? Do we need a totally new approach? Should we keep a low profile? What in the end should we do in the government and in the business community to better relate to Latin America?

The first thing we need to do is to stop thinking of Latin America as if it were one place like the United States. We are talking about more than 25 countries which are as different geographically, economically and politically as can be imagined. My first fact finding trip to Latin America was to Peru and Brazil. These both have military governments. And yet these governments are very different. We need to approach each government in a different way.

Just think of the vast difference between such places as Brazil and Barbados, Mexico and Nicaragua and Argentina and the Antilles. But we go on talking about Latin America as if it were a unified continent or a single nation. In fact Mexico has more in common with Canada than with the rest of Latin America in terms of its relations with the United States. The Caribbean countries, because of their size as much as anything else, have more in common together than they do in relation to South America. The same holds for the Central American Countries.

So we need to look at our relations with Latin America as to what the differences are between types of countries and make our policies appropriate to the differences rather than force fit uniform policies on a region of diversity. This should apply to both our bilateral relations with indivdiual countries and our relations through international institutions with the region as a whole. Such an approach seems to me to be a vital basis for relations with a hemisphere experiencing rapid change, rising nationalism and increasing experimentation in its approaches to development.

Second, these changes occuring in Latin America require not withdrawal and neglect on our part but high level attention and definite policies. Events in recent months have shown that we reap no reward by standing aside as an observer in our own hemisphere. In the OAS Inter American Economic and Social Council meeting in Bogota in February, we found that we had to abstain from the final resolutions of the meeting. How could this be? Are we unable to define our interests and pursue them actively with governments of our own hemisphere to find some basis for common action?

The same thing occurred in Panama in March at the abortive meeting of the UN Security Council. We had to exercise our veto in order to put down a Security Council resolution regarding the Panama Canal. This was a very trying and difficult situation. The UN Security Council is hardly the place to be establishing the terms of agreement between the United States and Panama over the Canal. But again, we were alone—isolated from other nations—appearing to hold a much more negative position on the Canal than we really do.

The whole meeting was staged by Panama to pressure the U.S., which was a highly questionable tactic on their part if they really want to settle the Canal issue on reasonable terms. But the other nations went along with holding the meeting in Panama in order to try to flush out the U.S. on what its policy is toward Latin America in general. It seems to me that if our policy had been more defined and if we were more engaged in inter-American relations, we would not have gotten manuevered into such a difficult position. There would not have been the generalized frustration for Panama to exploit its own propaganda advantage.

So the second thing we need to do is to have an active foreign policy involvement with Latin America. We can no longer afford to stand in the middle of the ball field and be yelled at for doing nothing. We need to get into this new ball game and play as if we mean business.

What are some of the things we could do which would be in our interests and constructive from the point of view of our relations with Latin America?

First, we need to redefine our role in the Organization of American States, using that institution as a means of pursuing our policies with countries in Latin America. William D. Rogers, a man who carried major governmental responsibility for the Alliance for Progress in the early sixties, has suggested that we withdraw from the OAS and take on an observer status but that we keep the OAS in Washington and continue to contribute to it on a reduced basis. I disagree. By our lack of policy we have already achieved in fact observer status in the OAS. To make this a formal step would be to confirm Latin America's suspicion that we really don't care anymore.

I feel that we need a political forum to work on problems within the Western Hemisphere family without the distractions and posturings which usually take place when other nations outside the region are involved.

Turning to economic policies, we have a number of options to exercise in the way we go about our economic relations with Latin America.

AID

In the area of aid, it seems clear that some significant cut in the foreign assistance budget request will take place in FY 1974. The Chairman of the Appropriations Committee, Senator McClellan has received preliminary budget estimates by the chairmen of the various subcommittees of appropriations. The President's aid request is for $4.4 billion. This has been cut by 30 per cent to $3.1 billion in this preliminary budget estimate.

Now this may not be the final figure but the strong feeling in the Congress is that the American people will not support a major effort in foreign assistance. With great pressure on us to keep total spending down and give priority attention to domestic programs, it is hard to see how this can change much as far as the *amount* of aid is concerned.

The real options are aid for what and through what channels. In my position on the Foreign Operations Committee of Appropriations I have had an opportunity to give some thought to these issues. It seems to me there are a number of things we can do.

MILITARY AID

We can take a close look at military assistance and see to what extent this can be cut and even turned over to military sales. Our whole aid program suffers from the fact that it is a creature of the immediate Post War period and military aid probably is more in need of an overhaul after nearly three decades than other parts of the aid program. Many experts in aid have concluded that the whole rationale for military aid is now obsolete. The President has asked for $652 million in military grant funds for FY 1974. A good test of the real need for military hardware is to place them on a sales basis and see to what extent the purchases remain at the same level of military preparedness. If not, then it is highly likely that military preparedness is not as important to many of the countries now getting military aid as we previously thought.

A second factor which should allow us to reduce military aid is the tremendous stock we now have of excess defense articles. The General Accounting Office in a recent report has informed the Congress that at the end of Fiscal Year 1971 there were about $17.8 billion worth of excess defense articles available. These excess supplies are not now closely enough related to military assistance program requests to Congress, so that much more transfer of military goods occurs than the Congress is aware. The Congress must insist on knowing about these transfers and attempt to reduce military aid by making effective use of excess military supplies.

Whatever military aid we do give I think should be totally separate from economic assistance. Confusing military aid and supporting assistance for security purposes with economic aid for development serves neither program well. We need to be clear about our objectives and relate more tightly different programs to their respective goals.

BILATERAL AID

My own feeling is that we would do better to trim back our bilateral aid to meet the more limited goals of disaster relief and humanitarian assistance. We have gained great respect as a people for our generosity to those in times of acute suffering. I think this is a proper role for our bilateral program. Also we need to have a strong technical assistance program and some limited funds as trigger money to build momentum in certain cases of real importance that can bring in international agencies to keep the ball rolling once we have gotten it started. I have in mind here health, education, population and nutrition, programs which directly affect poor people abroad. Many times but not always these might be part of our relief efforts. But once they begin to acquire an ongoing character our bilateral aid should be phased out and the international financial institutions brought in. The American public simply won't stand for what they see to be a permanent giveaway program. Not even our voluntary agencies should stay on the ground long in a developing country. Our test should be either the program is good enough to pick up momentum of its own or we drop it.

Our aid program has become too bureaucratic, too cumbersome, and too top heavy a way of helping people. It is clear that we need to cut back the bureaucracy, especially abroad. I have been told that we have more than twenty two of AID people in Asian countries who earn over $35,000 a year. We have to bring these people home and put them to work with the limited funds we have on pressing domestic needs.

INTERNATIONAL FINANCIAL INSTITUTIONS

The international financial institutions—the World Bank, the Inter American Development Bank, the Asian Development Bank and the like—have important roles to play. They should be the principal means of channeling the world's financial resources for development. An important part of this is credit for projects in developing countries which pay back the money into them. This kind of credit serves as an important pump priming mechanism to bring in local and foreign capital. These credits and the negotiating process that goes into them often helps countries see their own problems more clearly and take often difficult measures to better their economic situation. This too is helpful for the flow of foreign capital. This kind of development credit is good business. It is not a give away and it helps bring still more resources to the development process.

But clearly these development banks should play a broader role than the commercial banks that work on an international basis. The World Bank should not be a competitor of Chase Manhattan Bank but play a role not fulfilled by commercial banks. These institutions are not just banks but development agencies. They should address their resources to the developing country as a whole and not just to individual companies, agencies, or groups. A significant share of their resources should go into social development projects which benefit the lower income groups in these countries. In this respect the U.S. contribution to the International Development Association (IDA) of the World Bank and the Social Progress Trust Fund of the Inter American Development Bank are important. Also of importance are the instructions we give to our directors in regard to policy decisions made regarding the Fund for Special Operations of the IDB and the regular development lending operations of the World Bank.

Despite the importance of their credit operations, these banks need to keep their broadly developmental focus, especially as we trim back our bilateral aid programs. Development in poor countries is more than simply the commercial activity we know in the United States. There are many cases abroad of adequate economic growth and insufficient social development. As our own resources become more limited we need to make sure that some of the world's development resources work for the world's poor.

OPIC

I have given some thought in the course of the Foreign Operations Subcommittee Hearings to our overseas investment insurance program administered by OPIC. I approached this issue feeling there were some very strong reasons for supporting OPIC as it is one of the useful instruments we have to help our businesses compete with the Europeans and the Japanese in foreign markets. On the other hand, though, it looks as if in some of the more controversial investment disputes that we have had government-to-government confrontation in part because of OPIC insurance exposure. It is not clear that it is in our broader public interest to have this kind of difficulty with foreign nations over matters involving a private U.S. interest.

Now that I have gone into it some with Mr. Mills and his staff it does appear that there are other cases where OPIC has served as a means of resolving investment disputes. I was told of an expropriation case where OPIC insured loans by American banks to a foreign government to pay off an American company for their expropriated holdings. So the role OPIC plays depends on the circumstances, which tend to be fairly complicated.

It does seem to me that as far as future investment and the possibility of their expropriation, OPIC could play a preventive role. One way to do this in future OPIC insurance agreements would be to negotiate with the foreign government a requirement that, in cases of expropriation where no settlement can be reached, the case go to international arbitration. This would give OPIC a second line of defense in case they could not achieve a negotiated settlement on a bilateral basis.

Secondly, we share an interest in this area with the Europeans and the Japanese. It seems to me that we could try to form a consortium with these other governments to see that none of these governments would insure a loan unless the host country agreed to international arbitration. This would put tremendous pressure on host governments because they are looking for investment. Many times expropriation cases achieve an importance which seriously outweigh our national interest. So it often becomes a serious problem in our relations with countries that we would like to get around. But if we alone insist on some international solution it looks as if we are being paternalistic, especially in Latin America. But if that kind of demand is made on behalf of all developed countries then it would be more persuasive and take us off the hook as being the only stern-minded folk around. If we move along these lines, I think OPIC could be the most useful channel to work through in keeping expropriation cases to a minimum and getting better treatment when they occur.

TRADE

I just want to say a few words about trade. Trade is obviously of great importance in our relations with Latin America and it is something we are going to get deeply into in the Congress later this year. I feel that this is one area where we can indicate to Latin America that the region is of importance to us. This means that we should keep a special watch on the GATT negotiations as they begin and see that the agreements reached do provide access and opportunity for Latin American exports.

Another way to show we mean business with Latin America is to fulfill our longterm promise to implement a generalized system of tariff preferences. In doing this I think we must insist that the Europeans dismantle their special preference arrangements with Mediterranean countries. I don't see any reason why we should give preferences to countries in the Mediterranean who are giving European exports preference over our exports.

If we cannot get better access to the European and Japanese markets, especially in agricultural products, I think we should then look even more to how we can reduce our trade deficits with these two areas by getting some goods from Latin America that we are now getting from Europe and Japan.

Finally, I feel that the Congress must play an active and important role in trade negotiations. Senator Long and Congressman Mills have introduced legislation to establish a Joint Committee on Foreign Trade which would provide a means by which the Congress could send delegates to the negotiation, exercise oversight and make analyses which will enable us to play a real role in setting our trade policy. This seems to me to be absolutely vital. The congress has too often in the past—on war and the budget—given too much authority to the Executive on matters of great concern to the Congress. The Congress must play a significant part in deciding the major questions before us on trade policy.

This is precisely the difficulty now with some of the policy issues before the Congress. I want a strong trade bill. I think we need to give our negotiators at least as much leverage as their counterparts have to get concessions and changes from our trade partners.

But there is now a much larger issue of how our government should operate and what the relationship should be between the different branches of government. For our government to function properly, there has to be respect between the different branches. Each branch must play its role. The Congress is given the authority by the Constitution "to regulate commerce with foreign nations." Yet the Executive Branch must be the one to negotiate trade agreements with other countries. The only way each branch can fulfill its responsibilities in the trade areas is if there is comity between the branches.

The only way we will get the changes we want in trade is if the Executive Branch and the Congress can work together and if the Congress is fully involved in the process. This means that there has to be some change in the way the Executive Branch goes about its relations with the Congress from the way it has been in the recent past on issues of war and the budget. Unless there is some change, I would take the position that we have to wait a few more years to begin trade negotiations even though I think we have some urgent trade problems to resolve with other countries. The Congress can not be in the position again of surrendering power and authority to the Executive without assurances that its own prerogatives are going to be protected.

The Congress has a role to play also in our general policy toward Latin America. The Executive Branch is not giving much attention to Latin America these days. This in itself it seems to me gives those of us in the Congress who feel that Latin America should have a larger place in our foreign policy a role in filling this void created by the Executive.

Our business community has significant interests and challenges in Latin America. It would be both wrong and unwise for the government to abandon any interest in the region at this moment in history.

I thank you for the opporutnity to share thoughts and views with you and I wish you well in an area of, mutual interest and concern.

HOW DID WE LOSE OUR WAY?

Mr. PELL. Mr. President, on Sunday, June 11, 1973, Mr. David Susskind delivered a remarkable speech entitled "How Did We Lose Our Way?" at Roger Williams College commencement day exercises at Bristol, R.I.

The sharpness of his logic, the breadth of his viewpoint, and the depth of his reasoning all made for a truly excellent speech.

Because I thought it so good and because I believe my colleagues might benefit from reading it, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

How Did We Lose Our Way?

Thirty years ago I graduated from college, and I remember listening with rapt attention as the Commencement speaker welcomed me to the fellowship of educated men. Today I welcome you to the same fellowship, and I want to try to explain the bewildering legacy that my generation of "educated men" has bequeathed to yours:

From the generation that brought you television and computers and leisure and luxury—we have also brought you some stunning sorrows: A President beseiged and hiding from the ugliest political scandal in American history—an administration awash with officials whose capacities for amoral crimes seem infinite—a government, in short, that has shocked us at home and embarrassed us in the world. And there is more tragedy—much more: The shattering catastrophe of Vietnam—a sputtering racial truce at home—the lunacy of an 80-billion dollar annual military budget—the disgrace of 30 million poverty-stricken Americans in a time of affluence—urban ghettos and rural squalor that are an affront to the conscience of man.

Where did we go wrong? How did it happen? What manner of men and women were we to create so much misery and folly?

Let me tell you what happened to us, and maybe it will provide guidelines for you on how not to make a bad job of the world.

Our earliest awareness was of deep depression. As teenagers, we saw vast unemployment—blacks and whites, skilled and unskilled, lower class and middle class—banks failing—savings wiped out—people selling apples in the streets. The inconceivable had happened: the great American system of private enterprise had collapsed utterly. People were numbed and frightened, and for the first time they turned to the federal government to repair the damage and restore morale.

But economic recovery in America was slow and fumbling until Nazi Germany and Fascist Italy combined to rape Europe, and World War II burst forth. My college class graduated into that war, and most of us served several years in what we thought was a "holy crusade" to rid the world of fascism.

Almost immediately after the war, I think we began to make the fatal mistakes which account for your legacy. Having matriculated through depression and war, we turned selfish and inward. We had had enough of national commitment, international peace-keeping, of issues and causes and crusades. We turned to job-getting; we made a fetish of careerism—we accumulated creature-comforts—we stormed suburbia—we thirsted after cars, television sets and country clubs. The things that mattered were our families, a good job, a decent salary, and a respected place in the community. We never questioned the validity and value of the career experience, nor would we dream of questioning the system—the government, the churches, the schools. Our social consciences were clouded and numb. Inequities and injustices did not concern us, certainly not enough to motivate us to action.

What did we do about the ugly realities of the life around us? For the most part, nothing. The average Negro, then as now, was a second-class citizen—poverty-stricken, degraded, disenfranchised, discriminated against in jobs, education and housing. Some of us espoused liberal cliches and made modest contributions to the N.A.A.C.P. and the Urban League—always keeping a safe distance from the Negro himself or any solution to his agonizing problems.

And there were other ugly phenomena. What did we do about the witch-hunting, savage senatorial demagogue who whipped the country into hysterical fear and drove us to looking for home-grown Communists under every bed and bureau? We just cowered in fright and devoured his headlines with unquenchable thirst. If reckless name-calling cost innocent humans their jobs, their reputations and their lives, too bad—it was not our problem.

Were people hungry? Yes. But not our families. Were people despairing? Yes. But no one we knew first-hand.

We failed because, if the truth be told, we didn't really give a damn for our community, our cities and states, our federal government or the world. We were busy making money—"making our place in the world"—bringing up our families—getting our "share of the pie." We talked a lot about God and Christ and democracy—mouthed biblical injunctions about being our brother's keeper—but we did very little about bettering the human condition. And so, our souls began to shrivel, our institutions began to fail us, and our children came to see the horrendous gulf between what we said and what we did; between the pieties we uttered and the apathy we practiced.

In time, the great American society began to come apart at the seams—spearheaded by the Vietnam fiasco, the campus rebellions, and the ugly racial confrontations. And we—and you—continue to pay every day a fearful price for our neglect. our selfishness and our hypocrisy.

Now, you are taking over the world we made, and you give exciting evidence of concern, commitment and involvement. You—the 8 million of you on the college campuses—represent the best and most vibrant hope for mankind in this century.

The few things we did contribute as parents have given you the unique freedom and courage to change your immediate society and the larger world. Because most of you have a sense of financial security, because you have known no want, you tend to reject purely money-grubbing careers. Because you've been given freedom from fear, you can "go for broke" on behalf of your deepest moral commitments—and many of you do.

It seems clear at this point in time that the overwhelming majority of college students have decided to work within the system—governmental and educational—to improve American society. You are probing the very foundations of our system—our schools, our Congress, our presidency, our daily hurting of one another, our churches, parental hypocrisy—and you are, everywhere—through effective action and example—forcing re-appraisal and change.

And you have helped to accomplish minor miracles.

We came to final peace terms in Paris for a myriad of reasons, but surely one of the most important was the total disillusionment of American youth with the Vietnam war and their unceasing protest against it.

The Negro today is some inches closer to a decent and more equitable life in this country in some measure because of the courageous youthful actions in streets and polling booths and jails.

And, at last, the once rigid educational system has bent to the student demand for participation and involvement and change.

But how will you, today's graduates and students on the campus, guard against growing stale, satisfied and smug? How will you keep your dynamic dissatisfaction with the inequities of society alive and constructive? What can you do to guard against becoming the tired "Establishment" that we became?

Perhaps some brief advice from the generation that "fouled up" can help. First, never cease educating yourselves. Today is not the end of an educational process, but an important beginning. Many of you will go on to graduate from professional schools, and you will, in the main, harness yourselves to demanding professional curricula. But I urge you to continue that other and vital part of education, which is curiosity about life—the everlasting hunger to discover and know more. Translated into specific terms, I mean read the good newspaper, not the shoddy and the sensational. Pursue the good books, not the sexy and flippant. Search out the rare good theatre and films and avoid the stale diet of mediocre comedies and musicals.

All of the media are bombarding you with trivial and the meretricious, but all offer occasional gems of quality and insight. Search for these and savor them, and above all, don't become the middle-aged "non-think"—handcuffed nightly to the television set and subsisting on a diet of sick escapism.

Second, I recommend that you not merely earn a living, but that you serve for your living. As doctors, lawyers, businessmen, teachers, government workers, whatever—relate earning your livelihood to the human race. Use your professional acumen in your community to give hope and help to the despairing—the hard-core unemployed the welfare recipient, the indigent defendant, the ex-convict, the drug addict. The catalogue of the miserable and the mute is almost endless. Think about giving your share rather than grabbing your share.

Third, be active politically for the programs and the candidates of your choice. In our world of competing bigness, governments—city, state and federal—must perforce be big, but we must prevent them from becoming bloodless, uncaring, arrogant bureaucracies—and we must hold those who govern strictly accountable for their actions.

You must continue to stamp your personalities on the core of society, and the best way to do that is to be involved continually in the decision-making process known as government. It is your absolute responsibility to know the issues and evaluate the candidates—no mean job in this era of obfuscation, double-talk and criminality.

Fortunately, slavish adherence to party politics is disappearing. Millions of voters have seen the wisdom of independence—of voting the man and not the party. My generation and my parents' generation derived foolish pride from calling themselves "life-long" Democrats or Republicans. What nonsense!—for while both parties possess outstanding men, both are rife with fools and hacks and worse—and the philosophical differences between the parties grow increasingly invisible. Be independent in the best sense of the word, and function for the politics of your choice.

Finally, be true to your personal morality. Practice your individual brand with consistency and dedication.

It is obvious to me that the structured institutions of yesteryear have broken down—principally because they haven't proven relevant or effective in solving the agonies of our time. Whether we like it or not, the church, the government and the school have not given young people the answers they have sought so desperately.

Damn few of our sacred institutions had the guts to tell the truth about the war in Vietnam—that it was futile and immoral and unconscionable.

Not many of our churches, labor unions, corporations or politicians were brave enough in the 1930's, '40's, and '50's to lash out against racial discrimination.

And even today—who is working ceaselessly to bridge the widening chasm between rich and poor?

In my view, the traditional disciplines have given way, not to a vacuum of morality, but to a new, highly personalized morality. Young people today know what is right and wrong—they know viscerally the difference between truth and lies—and they recognize the ugly hypocrisy of preaching good and practicing evil. There is no need to define "Credibility gap" to your generation. Therefore, presidents and parents, teachers and ministers—pundits and peers—had better square words with deeds to win your confidence and earn your trust, or you will mark them for fools.

Above all things, continue to grow and change with the years. Deepen your compassion, extend your concern, increase your commitments, and hone your sense of humor. For the ability to launch at oneself is surely one of life's sweet redemptions.

I welcome you to the fellowship of educated men and women—and I hope you create the world we never made.

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. The time for morning business having expired, morning business is concluded.

EXECUTIVE SESSION

The **ACTING PRESIDENT** pro tempore. Under the previous order of the Senate, the Senate will now go into executive session to consider the nomination of Robert H. Morris, of California, to be a member of the Federal Power Commission, which the clerk will report.

FEDERAL POWER COMMISSION

The second assistant legislative clerk read the nomination of Robert H. Morris, of California, to be a member of the Federal Power Commission.

ROBERT MORRIS SHOULD NOT SIT ON THE FPC

Mr. **PROXMIRE**. Mr. President, I cannot support the nomination of Robert H. Morris for the Federal Power Commission.

The Federal Power Commission occupies a key position in Government at this time. Its function and its jurisdiction encompass broad segments of industry, and touch all of our lives. The Commission will play a key role—perhaps a determinative role—in resolving the energy crisis which we currently face. It will decide how to encourage the exploration of more natural gas, and whether natural gas should be deregulated altogether. According to the Supreme Court, the function of the FPC in regulating natural gas is to "afford consumers a complete, permanent, and effective bond of protection from excessive rates and charges."

The Commission also has a broad mandate from Congress to comprehensively regulate the electric utility industry, and to regulate wholesale electricity prices.

Mr. President, each year American consumers pay more than $30 billion for natural gas and electricity. These two sources account for about 60 percent of this country's total energy usage. There cannot be any doubt about the critical role the Federal Power Commission must play in regulating the energy industry. It must insure that prices charged for these commodities are fair to the consumer. It must insure that these commodities do not run short. It must insure that the interest of conservation are fully protected. And it must insure that industry receives a fair rate of return on its investment.

Unfortunately, Mr. President, in recent years it has been the last of these—a fair rate of return for industry—that has been the watchword at the FPC. The other considerations have all taken a back seat.

The reason for the Commission's pro-industry stance is obvious: the current members of the Commission all came to their posts with strong pro-industry orientation and background, and have continued to hold these views during their tenure on the Commission.

The Chairman of the Federal Power Commission is John N. Nassikas. Prior to coming to the Commission, he was senior and managing partner in the law firm of Wiggin, Nourie, Sundeen, Nassikas and Pingree, where he consistently represented insurance, banking, and utility companies.

Two months after he became FPC Chairman, his strong proindustry bias became evident. The Wall Street Journal noted his "friendliness" toward the industry, and Forbes magazine was even more pointed:

> Too good to last? It is hard to see how the troubled natural gas industry could have a regulator more to its taste than the new Chairman of the Federal Power Commission . . . (He) sometimes sounds more like a natural gas executive expounding about how the FPC should regulate his industry than a man burdened with the actual responsibility of regulation.

Here are some of the key proindustry rulings during the Nassikas tenure:

Permitting, for the first time in its history, price increases for "old" gas—gas which is already flowing and for which production costs have already been reflected in the price contract;

Allowing rate increases as a matter of incentive—as opposed to cost—thereby abandoning the time-tested "reasonable rate of return" standard that has been in use since the FPC's inception;

Forgiving nearly $400 million in overcharges by the industry.

The FPC's bias has not gone unnoticed by the courts. Six months ago, the U.S. Court of Appeals for the District of Columbia Circuit set aside an FPC decision which sought to justify nonregulation of gas producer rates. The court said:

> Such an approach retains the false illusion that a government agency is keeping watch over rates pursuant to the statute's mandate, when in fact it is doing no such thing.

Nevertheless the pro-industry pattern continues. Just 11 days ago the FPC decided the Belco case. The Commission permitted a 73-percent increase in wellhead rates to go into effect, which resulted in a 48-percent return on equity for the producer. The industry could hardly be upset by such a ruling.

The two other Commissioners that have served during this period, and who continue to serve, are Albert B. Brooke, Jr., and Rush Moody. Both have demonstrated that their views parallel those of Chairman Nassikas. Moody, in fact, has repeatedly stated that he does not favor the regulation of natural gas prices at the wellhead.

Mr. President, several weeks ago, the Senate acted favorably on the nomination of William Springer to fill the fourth seat on the FPC. Mr. Springer served in the U.S. House of Representatives for 22 years, during which period he consistently voted to protect the interests of the utility industry at the expense of the consumer. He has advocated deregulation of natural gas by the Commission since 1955, and regularly voted for private industry and against public power on every occasion when the issue came before the House. In 1970, the League of Conservation Voters rated Mr. Springer 0—out of 100—in its analysis of votes on environmental and conservation issues.

Despite this, I regret that the Senate voted to confirm Mr. Springer by a margin of 65 to 12 on May 21, 1973.

Mr. President, it is against this background that we come to consider the nomination of Robert Morris for the last seat on the Commission. Robert Morris has spent the last 15 years with the leading San Francisco law firm of Pillsbury, Madison, and Sutro. During that entire period, his chief client has been the Standard Oil Co. of California. From 1956 to 1964, he spent approximately one-third of this time representing Standard Oil, but he did little or no work in the natural gas area. During the subsequent 7 years, Mr. Morris spent two-thirds of his time on work for the Standard Oil Co., and much of this was focussed on natural gas work, including many regulatory issues coming before the FPC.

Mr. President, the Senate normally should be cautious before it tars a lawyer for representing the interests of his client, to the best of his ability.

However, we are considering Mr. Morris for the fifth seat on a Commission that has already demonstrated a strong pro-industry bias. I believe in this case we have an obligation to bend over backward to insure that the fifth commission is someone who will act for, and look out for, the interests of the energy consumer. We already have four commissioners to look out for industry.

Mr. President, I find it significant that the Consumer Federation of America—an organization some 3 million strong—has taken a strong stand against the Morris nomination. It is also significant that not one of the seven witnesses who appeared on the Springer-Morris nominations when they were before the Commerce Committee in March testified in favor of the Morris nomination. But I think the most compelling case for balance on the FPC was made by the Washington Post in its editorial a few days ago. The Post said:

> The question is not whether the industry's view deserves representation within the FPC. It is whether any other view is to be represented. Mr. Morris' integrity and competence are not in question. But at a time when public confidence in the federal government is not high, the Senate would make a grievious error in awarding still another seat on the FPC to a lawyer who, in his private career, spoke for the oil and gas industry.

Mr. President, I could not agree more. I plan to vote against the Morris nomination tomorrow afternoon. I urge my colleagues to do the same.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, in accordance with the order previously entered, the Senate return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The ACTING PRESIDENT pro temport. The Senate will now resume the consideration of the Department of State Appropriations Authorization Act of 1973 (S. 1248) which the clerk will report.

The assistant legislative clerk read as follows:

> Calendar No. 166 (S. 1248) to authorize appropriations for the Department of State and for other purposes.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, before moving that the Senate stand in recess for a brief period, I wish to state that there will be a yea and nay vote on the amendment by the Senator from Indiana (Mr. BAYH) today at the hour of 2:45 p.m. Both cloakrooms are to alert their respective Senators.

ORDER FOR RECOGNITION OF SENATOR BAYH FOLLOWING RECESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate reconvenes after the recess, for which I am about to offer a motion, the Senator from Indiana (Mr. BAYH) be recognized for the purpose of calling up his amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TIME AGREEMENT ON THE BAYH AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the amendment by the Senator from Indiana (Mr. BAYH) be equally divided between and controlled by the mover of the amendment, the Senator from Indiana (Mr. BAYH) and the distinguished Senator from Vermont (Mr. AIKEN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS TO 1:45 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 1:45 p.m. today.

The motion was agreed to; and at 12:47 p.m. the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Indiana (Mr. BAYH) is to be recognized.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on an amendment which will shortly be proposed by the distinguished Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. AIKEN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro temport. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is S. 1248, to authorize appropriations for the Department of State and for other purposes.

Mr. FULBRIGHT. Mr. President, this is the second annual authorization bill for the operations of the Department of

State to be presented to the Senate by the Foreign Relations Committee. Periodic authorizations for the Department of State and the U.S. Information Agency were prescribed by a provision in the Foreign Assistance Act of 1971 in order to strengthen the legislative oversight functions of the Congress over the foreign affairs establishment. The wisdom of this requirement is demonstrated as the new authorizing process goes into its second year. The committee believes that this process is a useful one for Congress, the Department of State, and the taxpayers.

I want to express my thanks to the junior Senator from Rhode Island, who assumed the responsibility for presiding at the hearings and for following up on the number of suggestions that developed during their course. The committee is indebted to him for his conscientious work on this bill.

The committee made only a modest reduction of $5,345,500 in the regular budget request for the Department of State. This reduction was made in order to keep the combined authorizations for the Department of State and the U.S. Information Agency, which the committee considered in the same mark-up session, within the total of the executive branch budget request, since the committee added $36,500,000 to the State Department bill for Russian emigrants' assistance. In view of the Government's difficult fiscal situation, the committee felt that the amount added for the Soviet emigrants must be balanced by reductions in other areas. Also the committee firmly believes that the modest reduction would be fully justified, regardless of the additional amount added for Soviet refugees, in the interest of further lowering our profile abroad and to force general belt tightening throughout the Department.

Most of the amendments adopted by the committee were of a housekeeping nature—such as establishing a new Bureau of Oceans and International Environmental and Scientific Affairs in the Department, rank-order listing for promotions, kindergarten educational allowances, reimbursement for detailed State Department personnel, raising the ceiling on certain boundary operations, and the like. However, I do wish to call the Senate's attention to several other amendments which are designed to carry forward the work of restoring the proper balance between the executive and legislative branches over matters relating to war and treatymaking powers and congressional access to information.

A separate war powers bill will soon be debated by the Senate, but it will not address itself to continuing U.S. military involvement in Indochina, which is the subject of the Case-Church amendment in this bill. This amendment, approved in committee by a vote of 13 to 3, will prohibit use of funds for the continued involvement of U.S. military forces in hostilities in Indochina unless specifically authorized by the Congress. It is long past time to call a complete halt to all U.S. military operations in Indochina. Through the power of the purse, the Case-Church amendment will bring this about. Our forces have been withdrawn, our prisoners are home, and there is no legitimate reason for continuing our military involvement there. I hope the Senate will support the Case-Church amendment overwhelmingly.

The treatymaking power of the Senate will be enhanced by the adoption of Senator Case's two amendments relating to base agreements. The Senate has consistently gone on record in support of the principle involved and approved these same amendments in last year's foreign assistance legislation.

The importance of these base agreements, and why they should be submitted to the Senate as treaties, is exemplified by the statement of Gen. Earle Wheeler in 1968 that the presence of U.S. forces on Spanish soil represented a stronger security guarantee to Spain than anything written on paper. I agree with his practical assessment of the effect of U.S. troops stationed abroad. This makes it vital that the Senate participate in decisions to establish or extend bases overseas and station U.S. forces on them. It does not take much imagination to realize that any attack on a country which hosts U.S. bases and troops will quickly draw the United States into that conflict. The provisions of Senator Case's amendments serve to complement the thrust of the war powers bill.

The last amendment I wish to discuss concerns access to information, a subject of increasing interest to Congress. Section 11 provides for a fund cutoff if information requested by an appropriate congressional committee or the General Accounting Office, from any of the foreign affairs agencies, has not been furnished within 35 days. The amendment applies to the Department of State, the U.S. Information Agency, the Agency for International Development, the Arms control and Disarmament Agency, ACTION, and the Overseas Private Investment Corporation. It also covers agencies not enumerated which are involved in administering foreign aid programs.

Congress must be able to obtain from executive branch agencies accurate, prompt, and full information if it is to carry out its constitutional responsibilities. Yet time and time again Congress' purposes are thwarted by the failure of executive branch officials to furnish necessary information under a variety of guises; claims of "executive privilege," that the documents are "internal working papers," and a variety of delaying tactics. The amendment recommended by the committee applies only to foreign affairs agencies and specifically exempts communications to and from the President and officers of the agencies involved.

The roots of Congress' right to information lie in our constitution and deep in the history of the British Parliament, and this right is an essential element in the legislature's power of inquiry. Except for the administrative practices of the executive branch, it should not even be necessary to write such a provision of law. I regret the necessity but strongly recommend this provision to the Senate.

The bill before the Senate is a good one, I believe—a progressive step in the the executive branch in foreign policy matters. Even so, it represents only a beginning. For 2 years now, the committee has been urging the Department of State to submit to the Congress a unified budget for all foreign affairs agencies and programs so that we could obtain a total, coherent picture of the costs of carrying out our Nation's foreign policy. To illustrate, the amounts being authorized in this bill for "international organizations and conferences," "international commissions," "educational exchange," and "migration and refugee assistance," represent only part of our total activities in these fields. Additional funds for these activities are scattered in other authorization acts and appropriation bills. The committee continues to consider it important that all these threads be drawn together. It has urged that the Commission on the Organization of the Government for the Conduct of Foreign Policy, which has at last started to function, study this along with a concurrent study by the Office of Management and Budget.

The committee reported this bill to the Senate by a vote of 16 to 0. I hope it will receive a similar endorsement by the Senate.

Mr. President, on June 7, 1973, the New York Times published an article entitled "Indochina: The Moral Difficulties," written by Thanat Khoman, who served as Thailand's Foreign Minister for 10 years and negotiated the original agreements for American bases there.

The article is relevant to some of the things involved in the pending bill, and certainly to our foreign policy.

Let me read two short excerpts to give some indication of what I mean:

> * * * Thailand still remains bogged down, neck-deep, in the cold war quagmire because of a massive American military presence and unwarranted use of Thai territory for war operations in Indochina.

A little later on it says:

> In my opinion, now is the time for both the United States and Thailand to cast off the cold war shackles and look ahead into the new world of coexistence and peaceful cooperation.

Mr. President I ask unanimous consent to have the entire article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indochina: The Moral Difficulties

(By Thanat Khoman)

Bangkok, Thailand.—While Europe basks in the sun of détente and, in the United States, people breathe more easily after the rapprochement with the People's Republic of China and improved Soviet relations—developments which led to the halt of hostilities in Vietnam—Thailand still remains bogged down, neck-deep, in the cold war quagmire because of a massive American military presence and unwarranted use of Thai territory for war operations in Indochina.

Why? Despite the cease-fire in Vietnam and the return of the American prisoners of war, the United States claims that its continued military presence in Thailand and air attacks launched from Thai territory are necessary to ensure strict observance of the cease-fire agreements. This explanation is likewise dutifully echoed by Thai official circles. The question is whether this contention is admissible on legal, moral and practical grounds.

Under the cease-fire agreements, it behooves the signatories, including the United States, to use the peace-keeping machinery, notably the International Commission for Control and Supervision. Or, violations may be referred to a reconvened peace conference.

By any legal standard, cease-fire violations cannot justify, still less exonerate, international law violations. These have been caused by aerial bombings originating from Thailand by American forces. This matter becomes even more serious for my country since it was not party either to the cease-fire agreements or the Paris conference. The fact that the United States armed forces have been admitted by the Thai authorities on a verbal basis, without written official agreements specifying the purposes, duration and other conditions of their stay, does not entitle them to commit acts of war against third parties with which Thailand is not in conflict. By so doing, they implicate the host country in a de facto state of war without its consent or approval.

Legally, therefore, the United States authorities will probably have to face responsibility for multiple violations, first, against the agreements they have voluntarily signed and, second, for perpetrating acts of war from a neutral state without its approval.

Morally, it is difficult to find valid explanations. American prisoners of war have been safely repatriated. By signing the cease-fire and withdrawing its troops, the United States explicitly recognized the end of its military role in Vietnam and Indochina. This would conform to the policy of disengagement enunciated at Guam. Now the United States can hardly invoke the right of self-defense. No American nationals are in danger. How, then, can the United States justify its current actions, particularly in Cambodia? Nowhere does the American Constitution provide that the United States is duty-bound to ensure the survival or maintenance in power of generals and marshals in various parts of the world. Obviously, the moral basis is sadly lacking.

From the practical standpoint, long years of intensive employment of air power, exceeding even the tonnage of World War II, should clearly indicate that man-made weapons alone are insufficient to decide the outcome of a war in which human beings play a major part. Instead of continuing bombing the United States could more usefully provide assistance to those willing to fight for their survival and independence. If people lack that will, no amount of bombs can save them. In Cambodia, despite sustained bombings, Communist forces are ever closer to their objectives.

As for Thailand, it stands to gain little, if anything, politically, economically or in security. Serving as a launching pad for air war casts a distinct opprobrium on the entire nation. Financially, the figure of $200 million cited without details as American annual military expenditures here is doubtful, to say the least. Anyhow, there are better ways to earn a living than depending on foreign soldiers' spending which brings a sequel of social ills, moral deterioration and economic disturbances.

From the security standpoint, since United States forces play no role in our insurgency problem, they do not enhance our security. On the contrary, their threatening presence and air operations call for reprisals and counterattacks that endanger our well-being. In fact, by embroiling relations with our neighbors, Thailand's position is unfavorably affected without effective help from allies, since existing treaty obligations provide only for "consultation" which may or may not lead to any concrete action. Concerning regional security, if any other country feels that its security is served by having foreign forces stationed on its territory, Thailand should promptly concede the honor.

In my opinion, now is the time for both the United States and Thailand to cast off the cold war shackles and look ahead into the new world of coexistence and peaceful cooperation. Indeed, our two countries have much worthier objectives to work for than just one using the other as a launching pad for dropping bombs or recruiting "mercenaries" for fighting proxy wars. That is why the American Congress, thinking as many of us do in Thailand, adopted resolutions unmistakably expressing views and aspirations which are fortunately shared by a large number of the Thai people.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. Scott of Virginia). The Senator from Arkansas will state it.

Mr. FULBRIGHT. Is it now in order to offer an amendment to the bill?

The PRESIDING OFFICER. It is in order.

Mr. FULBRIGHT. I thank the Chair. I send to the desk an amendment, technical in nature, simply to correct an error in the text, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 6, line 22, immediately before "or", insert "on".

On page 11, line 16, strike out "provision", insert in lieu thereof "provisions".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I send another amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

S. 1248

On page 4, between lines 11 and 12, insert the following:

(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Department of State for fiscal year 1974 not to exceed $4,500,000 for payment by the United States of its share of the expenses of the International Commission of Control and Supervision as provided in article 14 of the Protocol to the Agreement on Ending the War and Restoring Peace in Vietnam Concerning the International Commission of Control and Supervision, dated January 27, 1973.

On page 2, line 12, strike out "(c)" and insert in lieu thereof "(d)".

Mr. FULBRIGHT. Mr. President, I offer an amendment to S. 1248 to authorize an appropriation of not to exceed $4,500,000 for fiscal year 1974 as the U.S. share in the expenses of the International Commission of Control and Supervision in Vietnam.

This legislation was requested by the administration in a letter to the President of the Senate on May 18. A protocol to the Vietnam cease-fire agreement specifies that each of the four parties to agreement, the United States, South Vietnam, North Vietnam, and the People's Revolutionary Government, shall pay 23 percent of the Commission's expenses and each of the four Commission members, Canada, Indonesia, Poland, and Hungary, will pay 2 percent each.

The executive branch requested an open-ended authorization but estimated that the U.S. share would not exceed $4,800,000 in fiscal year 1974.

The committee discussed this request in executive session on June 4 and approved an authorization of $4,500,000 to be handled as an amendment to State Department authorization bill since this bill contains the general authorizations for U.S. contributions to international organizations and commissions.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. FULBRIGHT. Mr. President, I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that a member of my staff, Dr. Karl O'Lessker, be permitted the privilege of the floor during the debate and vote on my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 214

Mr. BAYH. Mr. President, I call up my amendment No. 214.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 14, line 9, insert the following:

Sec. 19. (a) Title VI of the Foreign Service Act of 1946 (22 U.S.C. 981) is amended by adding at the end thereof the following new part:

"PART J—FOREIGN SERVICE GRIEVANCES

"STATEMENT OF PURPOSE

"Sec. 691. It is the purpose of this part to provide officers and employees of the Service, and their survivors, a grievance procedure to insure the fullest measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors.

"REGULATIONS OF THE SECRETARY

"Sec. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or amend the provisions for due process established by this section for grievants. The regulations shall include, but not be limited to, the following:

"(1) Informal procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not resolved under such procedures within sixty days, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations—

"(A) 'grievant' shall mean any officer or employee of the Service, or any such officer or employee separated from the Service, who is a citizen of the United States, or in the case of the death of the officer or employee, a surviving spouse or dependent family member of the officer or employee; and

"(B) 'grievance' shall mean a complaint against any claim of injustice or unfair treatment of such officer or employee arising from his employment or career status, or from any actions, documents, or records, which could result in career impairment or damage, monetary loss to the officer or employee, or deprivation of basic due process, and shall include, but not be limited to, actions in the nature of reprisals and discrimination, actions related to promotion or selection out, the contents of any efficiency report, related records, or security records, and actions in the nature of adverse personnel actions including separation for cause, denial of a salary increase within a class, written reprimand placed in a personnel file or denial of allowances.

"(2) (A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States well known for their integrity, who are not officers or employees of the Department, the Service, the Agency for International Development, or the United States Information Agency. The board shall consist of a panel of three members, one of whom shall be appointed by the Secretary, one of whom shall be appointed by the organization accorded recognition as the exclusive representative of the officers and employees of the Service, and one who shall be appointed by the other two members from a roster of twelve independent, distinguished citizens of the United States well known for their integrity who are not officers or employees of the Department, the Service, or either such agency, agreed to by the Secretary and such organization. Such roster shall be maintained and kept current at all times. If no organization is accorded such recognition at any time during which there is a position on the board to be filled by appointment by such organization or when there is no such roster since no such organization has been so recognized, the Secretary shall make any such appointment in agreement with organizations representing officers and employees of the Service. If members of the board (including members of additional panels, if any) find that additional panels of three members are necessary to consider and resolve expeditiously grievances filed with the board, the board shall determine the number of such additional panels necessary, and appointments to each such panel shall be made in the same manner as the original panel. Members shall (i) serve for two-year terms, and (ii) receive compensation, for each day they are performing their duties as members of the board (including traveltime), at the daily rate paid an individual at GS-18 of the General Schedule under section 5332 of title 5, United States Code. Whenever there are two or more panels, grievances shall be referred to the panels on a rotating basis. Except in the case of duties, powers, and responsibilities under this paragraph (2), each panel is authorized to exercise all duties, powers, and responsibilities of the board. The members of the board shall elect, by a majority of those members present and voting, a chairman from among the members for a term of two years.

"(B) In accordance with this part, the board may adopt regulations governing the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain such facilities and supplies through the general administrative services of the Department, and appoint and fix the compensation of such officers and employees as the board considers necessary to carry out its functions. The officers and employees so appointed shall be responsible solely to the board. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. The records of the board shall be maintained by the board and shall be separate from all other records of the Department.

"(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is filed within a period of eight months after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is filed within a period of one year after the date of enactment of this part. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he had exercised, as determined by the board, reasonable diligence.

"(4) The board shall conduct a hearing in any case filed with it. A hearing shall be open unless the board for good cause determines otherwise. The grievant and, as the grievant may determine, his representative or representatives are entitled to be present at the hearing. Testimony at a hearing shall be given by oath or affirmation, which any board member shall have authority to administer (and this paragraph so authorizes). Each party (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board or grievant, the Department shall promptly make available at the hearings or by deposition any witness under the control, supervision, or responsibility of the Department, except that if the board determines that the presence of such witness at the hearing would be of material importance, then the witness shall be made available at the hearing. If the witness is not made available in person or by deposition within a reasonable time as determined by the board, the facts at issue shall be construed in favor of the grievant. Depositions of witnesses (which are hereby authorized, and may be taken before any official of the United States authorized to administer an oath or affirmation, or, in the case of witnesses overseas, by deposition on notice before an American consular officer) and hearings shall be recorded and transcribed verbatim.

"(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding before the board, shall be free from any restraint, interference, coercion, discrimination, or reprisal. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the Department shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

"(6) In considering the validity of a grievance, the board shall have access to any document or information considered by the board to be relevant, including, but not limited to, the personnel and, under appropriate security measures, security records of such officer or employee, and of any rating or reviewing officer (if the subject matter of the grievance relates to that rating or reviewing officer). Any such document or information requested shall be provided promptly by the Department. A rating officer or reviewing officer shall be informed by the board if any report for which he is responsible is being examined.

"(7) The Department shall promptly furnish the grievant any such document or information (other than any security record or the personnel or security records of any other officer or employee of the Government) which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding.

"(8) The Department shall expedite any security clearance whenever necessary to insure a fair and prompt investigation and hearing.

"(9) The board may consider any relevant evidence or information coming to its attention and which shall be made a part of the record of the proceeding.

"(10) If the board determines that (A) the Department is considering any action (including, but not limited to, separation or termination) which is related to, or may affect, a grievance pending before the board, and (B) the action should be suspended, the Department shall suspend such action until the board has ruled upon such grievance.

"(11) Upon completion of the proceedings, if the board resolves that the grievance is meritorious—

"(A) and determines that relief should be provided that does not directly regulate to the promotion, assignment, or selection out of such officer or employee, it shall direct the Secretary to grant such relief as the board deems proper under the circumstances, and the resolution and relief granted by the board shall be final and binding upon all parties; or

"(B) and determines that relief should be granted that directly relates to any such promotion, assignment, or selection out, it shall certify such resolution to the Secretary, together with such recommendation for relief as it deems appropriate and the entire record of the board's proceedings, including the transcript of the hearing, if any. The board's recommendations are final and binding on all parties, except that the Secretary may reject any such recommendation only if he determines that the foreign policy or security of the United States will be adversely affected. Any such determination shall be fully documented with the reasons therefor and shall be signed personally by the Secretary, with a copy thereof furnished the grievant. After completing his review of the resolution, recommendation, and record of proceedings of the board, the Secretary shall return the entire record of the case to the board for its retention. No officer or employee of the Department participating in a proceeding on behalf of the Department shall, in any manner, prepare, assist in preparing, advise, inform, or otherwise participate in any review or determination of the Secretary with respect to that proceeding.

"(12) The board shall have authority to insure that no copy of the Secretary's determination to reject a board's recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held shall be entered in the personnel records of such officer or employee to whom the grievance relates or anywhere else in the records of the Department, other than in the records of the board.

"(13) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered relevant evidence not previously considered by the board and then only upon approval of the board.

"(14) The board shall promptly notify the Secretary, with recommendations for appropriate disciplinary action, of any contravention by any person of any of the rights, remedies, or procedures contained in this part or in regulations promulgated under this part.

"RELATIONSHIP TO OTHER REMEDIES

"SEC. 693. If a grievant files a grievance under this part, and if, prior to filing such grievance, he has not formally requested that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part, then such matter or matters may only be considered and resolved, and relief provided, under this part. A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered and resolved, and relief provided, under a provision of law, regulation, or order, other than under this part.

"JUDICIAL REVIEW

"SEC. 694. Notwithstanding any other provision of law, regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and actions of the Secretary or the board pursuant to such section, may be judicially reviewed in accordance with the provisions of chapter 7 of title 5, United States Code."

(b) The Secretary of State shall promulgate and place into effect the regulations provided by section 692 of the Foreign Service Act of 1946 (as added by subsection (a) of this section), and establish the board and appoint the member of the board which he is authorized to appoint under, as provided by such section 692, not later than ninety days after the date of enactment of this Act.

Mr. BAYH. Mr. President, twice last year the Senate overwhelmingly approved the measure which is now before us in the form of amendment No. 214, which would establish a foreign service grievance procedure. The details of the measure were worked out by our revered former colleague, Senator John Sherman Cooper, and myself, and came to be known as the Bayh-Cooper or the Cooper-Bayh bill, as the case may be. The Committee on Foreign Relations incorporated it in the State Department Authorization Act of 1972 and passed it in that form. But it was then lost in a conference with the other body.

Thereupon, the committee reported it as a separate bill, S. 3722; and on June 22 of last year, as Senators will recall, it passed the Senate by better than a 2-to-1 majority, after extensive debate, and was supported by majorities on both sides of the aisle and by all but one member of the Foreign Relations Committee. The House, however, was unable to take any action on it before the end of the 92d Congress, due to the request by Representative WAYNE HAYS that he be allowed time to hold full hearings on this issue. Those hearings have now been completed.

I recount this brief legislative history, Mr. President, to show that the amendment I ask favorable action upon is a strictly bipartisan measure. The need for it has nothing to do with which party controls the executive branch. It is an attempt to institute long-overdue procedures for guaranteeing to a small but critically important segment of the Federal service due process of law in dealing with employee-management disputes that are altogether outside the realm of partisan politics. In addition, I invite the attention of Senators to the fact that this measure has been thoroughly discussed and passed twice by this body, as I said a moment ago.

The fact that any legislation in this area is even needed is a tribute—if that is the right word—to the tenacity of the State Department in fending off for 27 years a system of grievance procedures acceptable both to the Department's management hierarchy and to the rank-and-file foreign service employees. During that same lengthy time, the Department has not only ignored employee complaints but also has managed to exempt itself from a 1969 Executive order imposing a uniform employee relations code on all Federal agencies. It has now spent more than 2 years sidestepping reforms similar to those which Secretary Rusk recommended back in 1962 but which his subordinates neglected to implement.

I point out, Mr. President, to show that although we are presenting this measure, once again, to the Senate at a time when Mr. Rogers is Secretary of State and happens to be representing the country as a member of a Republican administration, at the time Secretary Rusk, a member of the other party, the Democratic Party, was representing the country as Secretary of State, his subordinates in the State Department refused to carry out the provisions of this particular kind of regulation.

Now, today, after solemnly assuring those of us who are pressing this measure that they would negotiate with the employees' bargaining unit a comprehensive grievance procedure, the Department's management team has adopted a transparent subterfuge of agreeing to negotiate peripheral procedures but refusing to negotiate the implementing legislation which would be sent to Congress. That is simply not good faith bargaining, I contend. And it is all too indicative of the governing attitude within the Department that makes it essential for Congress to impose a long-overdue settlement.

Let me briefly explain what the Bayh-Cooper plan would do.

At the heart of the procedure this amendment would institute is a method for convening an impartial grievance board to hear and act upon a grievance brought to it by an employee of the Department. The method finally agreed upon after considerable negotiation is that there would be a three-member board, one member appointed by the Secretary of State, one by the employees' bargaining unit. The American Foreign Service Association, and the third appointed by agreement of the first two from a slate of 12 previously selected by the Secretary and the AFSA. No officer or employee of the Department, the Foreign Service, the Agency for International Development, or the U.S. Information Agency would be eligible for membership on the Board.

In order to be heard, a grievance would have to be filed within 8 months of the time it occurred, except that there could be a year's grace period for grievances to be brought forward if they occurred prior to the time these regulations are put into effect.

The board would be required to conduct a hearing on any case filed with it, and such hearings would be open unless the Board determined otherwise.

Any grievant, witness, or other person involved in a proceeding before the Board would, in the bill's language, "be free from any restraint, interference, coercion, discrimination or reprisal."

In considering a grievance, the Board would have access to "any document or information considered by the Board to be relevant," including security records "under appropriate security measures."

In cases not relating to promotion, duty assignment, or selection-out of an officer or employee, the Board's determination would be final and binding on all parties. In cases directly involving promotion, assignment, or selection-out, the Board would certify its resolution to the Secretary of State together with its recommendations for relief. Those recommendations would be final and binding on all parties, except that the Secretary would retain the power to reject a recommendation "if he determines that the foreign policy or security of the United States will be adversely affected" and fully documents his reasons for that determination.

Any action taken by the Secretary or the Board would be subject to judicial review. The Secretary would be required to promulgate and put into effect implementing regulations and to establish and appoint members of the Board not later than 90 days after enactment of the pending bill.

Mr. President, those are the major provisions of the amendment now before us. As every Senator will recognize, they are largely a compilation of basic rights of due process: the right to a hearing, to be represented at all stages of the proceeding, to have access to relevant documents, to be able to subpena and cross-examine witnesses, to be free from interference or coercion while presenting a grievance, and finally, to have confidence that after a fair hearing the Board's recommendations will be carried out.

These are by no means unusual or unprecedented rights for Federal employees who have serious grievances. The wonder is that any Americans are still denied them. And indeed it is noteworthy that the employees of State, USIA, and AID are the only civilian career employees who do not now have such rights. Surely the time has come to correct that deficiency.

Mr. President, I have no wish to extend

a discussion that has already taken more of the Senate's time than it should have done.

It seems to me that a resolution by this Government to give civilians who serve our country a hearing on their grievances should have been given a long time ago. The justice of this case is axiomatic.

Let me only emphasize once more that this is a strictly bipartisan solution to a strictly nonpartisan problem. It has nothing to do with which party controls the administration. It has nothing to do with Indochina, the Middle East, or any foreign policy problem other than the morale of the men and women who must work at our foreign policy on a day-to-day basis.

I urge that the Senate now adopt this amendment and move this eminently fair, long overdue and badly needed procedure one important step closer to enactment.

Mr. AIKEN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. AIKEN. Mr. President, in consideration of the State Department authorization bill it is my hope that we can get a bill through which will permit the State Department to carry on its usual and responsible necessary functions without having to resort to continuing resolutions or any other excuses for legislation.

As for the amendment offered by the Senator from Indiana, this proposal was passed last year, I believe, as an amendment to the State Department authorization bill. It was rejected by the House and thrown out in conference. It was then passed as a separate bill and the House refused to have anything to do with it.

As to the merits of the amendment, it probably has some merit. In conference this year we might reach some agreement on what would be a good bill, the fact is that members of the State Department, like other people, resent others getting promotions when they do not get them. They feel that is the basis of the effort being made to change the promotion method of the State Department. This resentment against seeing others promoted when one feels he should be promoted is not something new. In fact, the first incident in American history I have heard of was the resentment of Benedict Arnold when three political generals were promoted over his head. According to what some people have said Arnold might have been better qualified than the three political generals who got the promotions. So we have had that situation ever since in every department of Government.

I do not think we can pass on all departments of Government or on all of the 3 million people who work for our Government, some of whom get promotions deservedly and some who deserve promotions do not get them. I feel it would be much better to take this matter up as a separate bill than to encumber the State Department authorization bill with it at this time, particularly in view of the fact that while it is not absolutely certain, it is almost certain that it would delay enactment of the State Department authorization bill.

With the world in the shape it is in now, we do not want to hinder the State Department and make it impossible for the State Department to carry on its functions, not perfectly, because no agency can perform perfectly, but as near perfectly as possible. I feel that time is of the essence now. I do feel that not only this amendment but certain other amendments also could delay enactment of legislation which this authorization is necessary to let the State Department function as we expect it to do.

Mr. President, I am not going to vote for the amendment. I would not be a bit surprised if a majority of the Senate does vote for it. If the amendment gets to conference those of us who make up the conferees will do the best we can to reconcile the differences, but that will not be easy.

Mr. DOMENICI. Mr. President, will the Senator yield for a moment?

Mr. AIKEN. I yield if I have time.

Mr. DOMENICI. Mr. President, I ask unanimous consent that a member of my staff, Cecil Daniels, be permitted privileges of the floor during the discussion of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I have no requests for time. I do not know if the Senator from Indiana has or not. I simply wanted to reiterate again that perhaps I am not considering these amendments on their merits or demerits as I should, but I am simply considering them for the basis of getting the State Department authorization bill through or not getting it through. Therefore, I am not going to vote for the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAYH. Mr. President, I yield to the distinguished chairman of the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, for clarification of the record, this amendment is identical with the provisions which the Senate approved on two occasions last year. It was included in the Foreign Relations authorization bill, but the provision was deleted in conference. The House argued that the House Foreign Affairs Committee had not held hearings on the subject but pledged to do so as soon as possible. Later the committee did hold hearings but no legislation was ever reported.

After the provision was deleted in conference, the Committee on Foreign Relations voted to report the provision as a separate bill, S. 3722. This bill passed the Senate by a vote of 56 to 27 on June 22, 1972. The problem of establishing a permanent grievance procedure in the State Department still remains.

Mr. President, to clarify the record a bit, we have voted on it twice. I might say by way of history that about 4 years ago when Mr. Macomber was in the Department I started to offer a provision for what we call a blue ribbon commission to study this matter, along with other problems of the Department. Mr. Macomber and others assured me that they did not need it, that they could do that without a commission or anything else. But nothing happened. They also undertook to do something to provide an adequate and acceptable grievance procedure, but nothing much has happened. I think that is what we live with. They will not do it without any legislation.

The former Senator from Kentucky, Mr. Cooper, was one of the principal sponsors. I expect he did more work on this particular provision than any other member of the committee.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN. I wish to advise that as a separate bill I previously supported this proposal. My objection now is that we cannot encumber a regular State Department authorization bill with amendments and proposed legislation which will delay it, continuing normal operations at the beginning of the next fiscal year.

Mr. FULBRIGHT. I do not know whether it will delay it or not. We are going to vote on it in 15 minutes. If the "ayes" carry, it will not delay it here. If the Senator is talking about in conference, that is up to the conferees.

Mr. AIKEN. The Senator was recalling what happened before—after we passed this proposal.

Mr. FULBRIGHT. It had no hearings. They cannot make that argument now. There have been some changes in the House. They voted differently on the Cambodia matter, for example. I do not know what they will do. Unless the Senator is suggesting we have to stand firm for the rest of the year on such a provision—I do not know what the House will do. The arguments made last year will no longer be relevant because they have had hearings. I do not know what their attitude will be.

I do not know how it would encourage any great amount of delay either here or in the conference. It is quite relevant to this legislation. It is quite basic to it. It is germane to it.

This is an old and continuing problem. This provision for appeal is not very complicated. It does not require any amount of money to settle it. It is not a difficult thing to do. They profess that they are doing it, but they do not do it to the satisfaction of people in the Department.

Mr. AIKEN. Mr. President, I yield 5 minutes to the Senator from Wyoming.

Mr. McGEE. Mr. President, I reluctantly rise to oppose the amendment because I think its essential idea is a proper one. In fact, its propriety is attested by the fact that, after the Senator from Indiana introduced this proposal, for the first time after unseemly delay there was a movement down at the State Department to try to do something about it.

That is the point that leads me to urge that we ought not to accept this amendment today at this particular time.

The two considerations that give me pause in acting on it now is that, aside from the fact that the Senate has made its wishes clear, has affirmed its determination to move with the Senator from Indiana's very constructive formula and procedure, the Department right now is in the process of negotiating with the American Foreign Service Association on grievance procedures. While those are underway— and I am told from both sides they are making measurable headway—it would seem a bit precipitate again today to renew the affirmation of the Senate on this measure, of which we are already on record.

The Senate's position is known. When they are moving ahead on these procedures, which now have been triggered and motivated and moved ahead by the activities of the Senator from Indiana—in a very statesmanlike way, I hasten to add—is not the moment to be pressing for another reaffirmation of the Senate's position. It is rocking a boat that has come a long way and which may now be about ready to reach the home port in a constructive new grievance procedure. It is under negotiation.

Mr. President, the other consideration is that the employees are winning most of the new cases that are being tried under the revised and modernized grievance procedure undertaken in the Department, and thus a record in court is already being written—not in court; I withdraw that and ask that it be stricken from the RECORD. I am so moved by Watergate these days that the word "court" keeps coming into my vernacular. But the point is that the employees are winning and writing landmark records under the enlightened grievance procedure.

Because of these two considerations, the one being an ill timing of the repetition of the Senate's action due to the negotiations now underway, and the fact that employees with grievances they have filed are winning most of the grievance cases—something over 60 percent at the present time—I would hope that this body would not act favorably on this amendment.

In fact, I would appeal to my distinguished colleague, who is almost always my leader on questions of statesmanship, to consider withdrawing the amendment at this time. If we want to try it again, that is fine, because I believe in its essential good, but I believe most of its essential good has been to draw the Department into a level of grievance negotiations and procedures that were long overdue. We are getting there, and I think passage of this proposal now will be actually to delay and obstruct rather than contribute to constructive settlement of matters that are even now being heard.

Mr. BAYH. Mr. President, I shall respond only by expressing some difference of opinion with my two distinguished colleagues, my friend from Wyoming and my friend from Vermont. The Senator from Vermont was one of the supporters of this measure last year.

I do not want to rock any boats, but I have been working on this particular issue for 2 years, and despite the fact that we now finally have some movement down at the State Department, we would not have had any if they did not know that there was somebody up here getting ready to ram through legislation.

A constituent of mine from Fort Wayne by the name of Charles Thomas had a perfect record in the department. He had only one thing wrong with him. There was one other fellow in the department with the identical name of Charles Thomas, and this fellow had placed into his file a highly favorable report intended for Thomas No. 1, who, as a result, did not receive the promotion he was entitled to. The State Department admitted there was an error, but did not do anything to rectify it. Would they reconcile it? Would they give justice to Thomas No. 1? No. The poor man tried everything he could. I got in touch with Mr. Macomber, whom I very much respect, but nothing was done. This man got so frustrated, he finally blew his brain out because the State Department, representing this Government, being the spokesman for the U.S. Government, could do nothing for an ordinary, everyday Foreign Service officer.

To have this kind of thing happen and to have no procedure for appeal just makes no sense. There are a number of grievance procedures that cannot be brought.

This boat that the Senator from Wyoming is talking about is moving, but it is moving in circles. Representatives of the American Foreign Service Association tell me they are not satisfied with what is going on.

So I suggest to my friend from Wyoming, to say that both sides are happy with what is going on is not accurate. What is wrong with having this Congress pass a law which requires the State Department to live up to the duty with respect to such procedures which every other agency lives up to? Why should we have one group of U.S. citizens who happen to be Federal employees working for the State Department be second-class citizens? Why do I have to go to the Cameroons, where they are working there in darkest Africa, and explain to them that they should not have the same appeal procedures that every other Federal employee gets?

I think it is important for the Senate to go on record to show that we are still concerned about the matter from the standpoint of procedure. Let us face up to it—we have some of our illustrious colleagues in the other body who are never going to be for any kind of procedure unless the Senate persists. This body has passed this measure twice, showing that we believe in due process. Let us not have the State Department and let us not have the House of Representatives think that the Senate has suddenly stopped caring about U.S. citizens who happen to be serving our country as State Department employees.

Mr. McGEE. Mr. President, would the Senator from Vermont yield me a couple of minutes?

Mr. AIKEN. I yield the Senator 3 minutes.

Mr. McGEE. Mr. President, I want to say that I respect fully the position of the Senator from Indiana, and he puts it most eloquently. There is no one who can claim any credit for having moved this matter except the Senator from Indiana. He has made a great constructive contribution to what was a process that was lagging, in limbo, in the dim, dark past for all too long. But the point is that I am sure my colleague the Senator from Indiana is not looking for credit in this; he is looking for a change in the system. He is not going to get any great crowns of glory back in Indiana, any more than I would in Wyoming, if we bring it about.

It is a matter of conscience. It is a matter of knowing one has brought about the change that is made. And that is happening for the moment. Many Senators petition the Senator from Indiana that we cannot do it today, this instant. If, when this process is finished, these negotiations have been finished, and the cases have been heard through, if there is still a question and we still cannot do it, I am willing to lock arms with my colleague and say in a single voice, a chorus, "Let's make sure it does not lag more."

Therefore I say to the Senator from Indiana that he has already produced more than any other person as in this direction. I sat through hours and hours of hearings on the Thomas case. And that is as sordid and sorry a state of affairs as I expect any grievance group could ever be confronted with, or any administrative machinery could contend with. However, the issue is not how we can prevent that, because it has already happened.

The issue is whether we should risk interrupting the gains we are now making because of the Senator's initiatives. That is why I only ask that it be interrupted for the time being because the negotiations are underway. And I am advised from both sides that significant progress is being made. They are not at the end of the line yet.

Mr. BAYH. Mr. President, if my friend will yield for an observation, he is absolutely right. The Senator from Indiana is not looking for credit on this. This matter is not a burning issue in Indiana. It is a matter of conscience. The same message that my friend, the Senator from Wyoming, is getting from the State Department is the message I have gotten for 2 years. And the State Department employees are not satisfied with what is happening.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired. The Senator from Vermont has 3 minutes remaining.

Mr. AIKEN. Mr. President, my opposition to the amendment of the Senator from Indiana is not based on the amendment itself. I voted for it when it passed the Senate last year. However, it could not become law.

My opposition to the amendment to the bill pending before us is based on my desire not to include in the State Department authorization bill provisions which will prevent the bill itself from becoming law so that the State Department may conduct its normal and necessary functions after the 1st of July, particularly with the world in the critical state it is in today.

Mr. President, I have nothing further.

The PRESIDING OFFICER. The Senator from Virginia has 2 minutes remaining.

Mr. McGEE. Mr. President, if the Senator from Vermont could yield back his 1 minute, the Senator from Indiana could use the 1 minute of the Senator from Vermont.

Mr. BAYH. Mr. President, I would be glad to cooperate with the Senator from Vermont, and I would even be glad to use his 2 minutes.

Mr. AIKEN. Mr. President, I think in the meantime that we have used up the 2 minutes.

Mr. McGEE. Mr. President, I am just advised that we cannot possibly start the vote until 2:45. If I can conduct a colloquy for another thirty seconds, we will have it made.

The comments of the Senator from Vermont and the Senator from Wyoming are not addressed to the substance or the merits of the suggestion of the Senator from Indiana, but are addressed against attaching it to the pending bill.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. McGEE. Mr. President, I am advised that I cannot yield because the time has just expired.

Mr. BAYH. Mr. President, I just want to pose a question and not make a statement.

The PRESIDING OFFICER. A few seconds remain.

Mr. BAYH. Mr. President, how would the Senator from Wyoming determine the temper of a Senate which defeats a measure which passed the Senate twice, the last time by a two-thirds majority?

Mr. McGEE. Mr. President, the most graceful thing to do would be to withdraw the amendment. The Senator can do that and it would serve the best of all worlds for all time. Otherwise the Senate would have to vote it down for the purposes of this particular bill.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Colorado (Mr. HASKELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. HUGHES), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) is absent on official business.

If present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

The result was announced—yeas 52, nays 24, as follows:

[No. 190 Leg.]

YEAS—52

Abourezk
Baker
Bayh
Beall
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hartke
Hatfield
Hathaway
Huddleston
Inouye
Johnston
Kennedy
Magnuson
Mathias
McGovern
McIntyre
Mondale
Montoya
Moss
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Scott, Pa.
Sparkman
Stafford
Stevens
Stevenson
Symington
Talmadge
Tunney
Weicker

NAYS—24

Aiken
Allen
Bartlett
Bennett
Buckley
Byrd, Harry F., Jr.
Chiles
Cotton
Curtis
Dole
Domenici
Fannin
Fong
Goldwater
Hansen
Helms
Jackson
Mansfield
McClellan
McClure
McGee
Scott, Va.
Thurmond
Young

NOT VOTING—24

Bellmon
Bentsen
Brock
Cook
Dominick
Eastland
Griffin
Gurney
Haskell
Hollings
Hruska
Hughes
Humphrey
Javits
Long
Metcalf
Muskie
Percy
Roth
Saxbe
Stennis
Taft
Tower
Williams

So Mr. BAYH's amendment was agreed to.

Mr. BAYH. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. FULBRIGHT. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on an amendment which I will submit later this afternoon which is now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. McGEE. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. McGEE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new section:

HOUSING SUPPLEMENT FOR CERTAIN EMPLOYEES ASSIGNED TO THE U.S. MISSION TO THE UNITED NATIONS

SEC. 19. The United Nations Participation Act of 1945, as amended, is further amended by adding the following new section at the end thereof:

"SEC. 9. The President may, under such regulations as he shall prescribe, and notwithstanding section 3648 of the Revised Statutes (31 U.S.C. 529) and section 5536 of title 5, United States Code, grant any employee on the staff of the United States Mission to the United Nations designated by the Secretary of State who is required because of important representational responsibilities to live in the extraordinarily high-rent area immediately surrounding the headquarters of the United Nations in New York, New York, an allowance to compensate for the portion of expenses necessarily incurred by the employee for quarters and utilities which exceed the average of such expenses incurred by typical, permanent residents of the metropolitan New York area with comparable salary and family size who are not compelled by reason of their employment to live in such high-rent areas."

Mr. McGEE. Mr. President, the amendment I am offering to S. 1248, the State Department appropriations authorization bill, is aimed at strengthening our participation in the United Nations.

My amendment would allow housing compensation for employees of the United Nations who are forced, by the nature of their assignment, to live in the Metropolitan New York, N.Y. area. At present, no member of the U.S. Permanent Mission to the United Nations is allowed any living allowances whatsoever, even though New York City is known as the inflation capital of the Nation.

Last fall, I had the privilege to serve as a congressional delegate to the 27th General Assembly of the United Nations. During my tenure in New York City, I was very impressed with the quality of the members of the U.S. Permanent Mission. However, I was also concerned that it was becoming increasingly difficult to expect these individuals to serve for any length of time in New York because of an economic hardship to themselves, and it is becoming increasingly difficult to attract qualified individuals to serve as members of the mission because of the prohibitive living costs of the area.

This has become a very serious problem in our ability to staff the U.S. Mission with the best people we have to offer. We are now being forced to select people for critical positions at the United

Nations with an eye toward whether or not they can afford to live in New York City—in other words, that they have an independent source of income.

Mr. President, I find this to be a very serious set of circumstances when an individual's personal wealth becomes the overriding consideration as to whom we can attract to serve as a member of the U.S. Mission.

As an example of what I am talking about, our current Ambassador to the United Nations, Mr. John Scali, has had 11 refusals thus far this year in his efforts to attract qualified, knowledgeable, and aggressive personnel to serve under him at the U.N. This seriously damages our effort at the U.N. when we are forced into this predicament.

Mr. President, I would now like to briefly discuss the dilemma with which we are confronted on this issue.

Most of our Foreign Service personnel are assigned to serve at USUN on a 3-year-assignment basis. This policy is fairly consistent with the need to have adequate length of tours to operate within the environment of the U.N. system.

One of the big problems is that it forces much of our personnel into short-term leasing arrangements unlike permanent people who reside in New York all the time and are able to get some rent-controlled housing on long-term leases, or those who can take advantage of lower costs by actually buying property.

Another factor the personnel have to take into consideration is that during the General Assembly period, the late hours of duty and mandatory attendance at so many of these activities, means our personnel have to live in close in order to be able to function in an efficient manner in which they can carry out the interests of the U.N.

Now, we are only talking about a very limited number of Federal employees which would be covered by my amendment. Because of the special type of activity which we have at the United Nations, we really cannot compare it with other services in the New York area.

The situation has now reached the crisis stage where I think remedial action is necessary to prevent the situation from endangering the effective functioning of the U.S. mission.

For example, if we think the cost of living in the Washington, D.C., area is high, let me give you some examples of New York as a comparison. The cost of living during April in New York was 18 percent higher than in Washington. In April, rental costs were 39 percent higher in New York than in Washington, and taxes were 26 percent higher.

I am told that a number of our Foreign Service people are drawing on their personal savings and are even sometimes going deeply into debt in order to carry on the activities required of them in the jobs that have to be accomplished at the mission.

There is another item I would like to point out. I am also told that other governments benefit enormously from assigning officers for two and three tours of duty in New York, sometimes consecutively. However, most of our own officers cannot afford to stay for any length of time, assigned to New York. I remember when I was on the U.S. delegation, I observed a continuous training of new officers with no previous experience in the special intricacies of diplomacy which I am certain has its effect on matters affecting the mission's operations.

I should also like to point out that the vast majority of New York-based Federal employees consider it their home area and are able to adjust their living style without thought of where they may be posted some 2 to 3 years from now, or how they must meet their job responsibilities over and above the normal 8-hour work day. This, I found, was an extreme hardship on some employees when, in many cases, we were meeting well beyond the hours that employees are normally discharged from their duties.

I hope that with my amendment, we will be able to correct a situation which has gone on too long and which may seriously affect the effectiveness of our U.S. Mission to the United Nations in the future, unless we can provide some relief to these dedicated officers.

I know all of my colleagues share my concern over the rich politician buying his way into a position. My amendment affords Congress the opportunity to begin remedying this problem. I do not view the United Nations as a second-rate effort on the part of the United States. I believe it should be an effort that requires the United States to staff its mission in New York with the best and most qualified personnel available. Therefore, instead of making the United Nations the premier hardship post in the Foreign Service, the Senate should move to correct this inequity by approving my amendment.

Mr. President, this amendment is offered by myself, and on behalf of the distinguished Senator from Rhode Island (Mr. PELL), also a member of the Committee on Foreign Relations. The amendment addresses itself to the problem that he and I both encountered while we were serving at the United Nations, he some 3 or 4 years ago, and I just this last year. That was the cost of living in New York City for American career personnel assigned to the American mission who must serve there for 2 to 3 years. This procedure requires that they have to take short-term leases for housing and the result is, they get no advantages in terms of rental rates.

I can personally attest to staff members there on the mission, whom I interrogated at some length, who were forced to pay a disproportionate percentage of their pay for representational expenses.

The burden of this amendment derives from the experience that I had first-hand with members of the American mission at the United Nations who had literally to accept substandard housing in order to survive in the U.S. environment there on the east side of New York City on their basic rate of pay. It is an arbitrarily high rate of day-to-day existence and this is a small attempt to try to adjust that inequity which takes its toll not from the Ambassadors who serve there but rather from the career personnel who are serving on the ambassadorial staffs.

Nearly every government since has an even more acute problem there, but this petition of mine applies only to the career personnel of the American mission who are suffering hardship because of that discrepancy.

My amendment would simply provide that they receive an adjustment for representational expenses only—not for pay—in proportion to the amount that they receive for pay, the going rate for rentals, and representational expenses on the East Side of New York City where most of them are compelled to live for other logistical reasons.

A small amount is at stake. The estimate is about $100,000. The figure cannot be an exact one because the size of the mission fluctuates a little bit depending on which major problems are on the agenda of the Assembly that year.

Thus, there is a little latitude there of as many as five or six people, and even though it is a small percentage, a small amount of money, I would make petition that it is very important in the interest of our lower staff personnel who work at the United Nations mission for the United States in New York City.

So, Mr. President, I was wondering whether the chairman of the committee would be willing to consider this amendment as a part of the pending bill.

Mr. FULBRIGHT. Mr. President, I think it is a relevant amendment. I only regret that it was not offered before, so that we could have made up some guidelines, as to a limitation on the amount. I have no idea how much would be involved. If I correctly understand the Senator, he is talking about more than representation; he is talking about rentals.

Mr. McGEE. The rental allowance, right, as well as representational expenses.

Mr. FULBRIGHT. This normally is handled by regulations of the Department of State. The trouble is, this is an assignment within the United States.

Mr. McGEE. They do not get the same allotment that they would get if they were serving overseas.

Mr. FULBRIGHT. It should be attended to. The only trouble is, at the moment, there are a number of things to be done about it. For instance, it should have been submitted to the committee so that we could have in the record what it contemplates and how much it would cost——

Mr. McGEE. Yes.

Mr. FULBRIGHT. I would assume there would have to be some restrictions on it.

I wonder, if I accept the amendment and we take it to conference, whether the Senator, would, in the meantime, prepare us some data to be used at the conference to set up the proper limitations on how much it would cost, and so forth?

Mr. McGEE. I will be prepared to do that and I assure the Senator that I take the responsibility for the oversight of not having submitted this amendment to the committee during markup. Senator PELL and I were guilty of letting it get caught between the two of us, as it were. I thought he was going to initiate it, and we had discussed it rather carefully, and I discovered at the last minute that he thought I was going to initiate it. The result was that it was not initiated at the time. So it is our fault—my fault, in particular. I am trying to atone for the inadvertent oversight on my part. I was in the State of Wyoming for some commencement addresses when the markup was held, and I thought it was being covered at this end of the line.

The sum is small, and I would be glad to assemble for the chairman of the committee the relevant data as it would be projected from the known and existing personnel load at the United Nations.

Mr. FULBRIGHT. With the understanding that we can get that material in time for the conference—and I am sure the Senator can get it—I will accept the amendment; and in conference with the House we will do the best we can to get a reasonable adjustment of this matter.

I realize the problem—everybody does—and I think some kind of adjustment should be made, because this is a unique assignment, as the Senator has said. In any foreign country, they have the authority to adjust this.

I would be perfectly willing to accept the amendment, with that understanding.

Mr. McGEE. I will see that the Senator gets all the relevant data.

Mr. FULBRIGHT. We need to know what it will cost and what they have contemplated, and it will be incorporated in the amendment in conference.

Mr. McGEE. That is correct. I pledge that.

Mr. PELL. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PELL. Mr. President, I particularly congratulate the Senator from Wyoming for offering this amendment. I think it is particularly significant that he is also chairman of the Committee on Post Office and Civil Service and hence is aware of the ramifications of this amendment, which is drafted in such a way that it is pinpointed toward the problem of which we are speaking.

This is a very real problem, and here I speak as a former professional diplomat, myself. The general reputation as to what happens when an individual is assigned to the United Nations or the U.S. Mission of the United Nations is that he must have a private income in order to be able to fulfill that assignment. That obviously is wrong and not as it should be, and this amendment will correct this inequity.

I congratulate the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Wyoming yield?

Mr. McGEE. I yield.

Mr. HARRY F. BYRD, JR. Would the Senator indicate briefly what this amendment would do?

Mr. McGEE. All the amendment would do would be to provide that in terms of the American Mission at the U.N. in New York, an adjustment in their cost of living for representational expenses be allowed for that group, for the reason that the costs of living on the East Side of New York—in other words, in the environs of the United Nations—are arbitrarily higher than the allocated costs for Foreign Service personnel elsewhere in the United States. They are not eligible, because they are in the United States, to receive the same rate of allowance as would be made to them were they serving in Paris or London, where the costs are likewise high.

It is estimated that this total would probably come to less than $100,000 for the entire mission. It might come a few dollars more than that, depending upon the number of people in that particular mission assignment. But they have no bargaining position there for rent for example. They have to take short-term leases on apartments, which means at the higher rates. They do not get the advantage of long-term leases due to their 2- and 3-year assignments.

Mr. HARRY F. BYRD, JR. Would this establish a precedent that could be detrimental for the future?

Mr. McGEE. The language in the amendment is drafted carefully and specifically to apply to the U.N. only, so that it has no precedent-establishing propensities. Not only that, but nowhere else in the Foreign Service could this parallel bail them out in some other part of the world.

Mr. HARRY F. BYRD, JR. Would it be a precedent that could be cited by military personnel as to why they should have special consideration?

Mr. McGEE. I asked our counsel on the Committee on Post Office and Civil Service about that, and I was advised that because of the language in the amendment, there is no chance for it being used as a parallel or precedent-setting incident.

Mr. HARRY F. BYRD, JR. I understand that the language of the amendment will apply only——

Mr. McGEE. Only to the United Nations mission.

Mr. HARRY F. BYRD, JR. But the precedent could be used—or could it be used in the future—for other personnel, perhaps military personnel or personnel of other departments?

Mr. McGEE. The counsel to the committee advised that he thought there was no language that would permit a parallel drawing of this in its own right, that a case would have to be made in the other instances. They could cite this, I suppose—one could cite anything he wishes in order to make a case—but in terms of jurisdictional judgments, this would offer no parallel in that respect.

Mr. PELL. Mr. President, will the Senator yield?

Mr. McGEE. I yield.

Mr. PELL. I think the amendment is drafted to bring specific reference to representational problems, and there would not be the necessity for representation for the FBI or the IRS people in Chicago. The military already have adequate means to supplement their allowances when they are there. At the mission, one can see that from the cars that are available. Allowances are available to them.

Mr. HARRY F. BYRD, JR. I thank the Senator.

Mr. McGEE. Mr. President, if there are no other questions, we are prepared to vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming (putting the question.)

The nays appear to have it.

Mr. McGEE. Mr. President, I ask for a division.

The PRESIDING OFFICER. All Senators in favor, please stand and be counted.

All Senators opposed, please stand and be counted.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The ayes appear to have it.

Mr. ALLEN. Mr. President, I suggested the absence of a quorum before the announcement was made.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. McGEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGEE. Mr. President, may we return to a voice vote?

The PRESIDING OFFICER. The question is on agreeing to the amendment. [Putting the question.]

The amendment was agreed to.

Mr. GOLDWATER. Mr. President, I would like to ask a question of the distinguished Senator from Arkansas. As I understand it, the so-called war powers limitation bill has been agreed on by the Senator's committee. Is that correct?

Mr. FULBRIGHT. That is correct.

Mr. GOLDWATER. Can the Senator tell me when it might be reported to the calendar?

Mr. FULBRIGHT. It has been agreed on but not reported yet.

Mr. GOLDWATER. Can the Senator give me an idea when it might be reported to the floor?

Mr. FULBRIGHT. I think it will be out before the end of this week. Some minority views or additional views are being prepared. It is being held for that purpose.

Mr. GOLDWATER. Can the Senator tell me if he knows of any intention to introduce that as an amendment to the present bill?

Mr. FULBRIGHT. I do not know. I would be very surprised if it were offered as an amendment to this bill.

Mr. GOLDWATER. I thank the Senator.

Mr. FULBRIGHT. I would not propose and I would not look for it being done that way. It stands on its own feet as a separate bill.

Mr. GOLDWATER. I thank the Senator very much.

AMENDMENT NO. 211

Mr. HARTKE. Mr. President, I send to the desk amendment No. 211, as modified, and ask that it be called and stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

> The Senator from Indiana (Mr. HARTKE) proposes an amendment No. 211, as modified.

The PRESIDING OFFICER. Is there objection to the modification? The Chair hears no objection, and it is so modified.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment, as modified, will be printed in the RECORD.

The amendment as modified, ordered to be printed in the RECORD, is as follows:

> On page 14, after line 8, add the following new section:
>
> RESTRICTIONS ON ILLICIT OPIUM PRODUCERS
>
> SEC. 19. (a) No foreign assistance shall be furnished by the United States Government under any provision of law (other than under chapter 8 of part I of the Foreign Assistance Act of 1961, relating to international narcotics control) to Afghanistan, Pakistan, Burma, Thailand, or Laos.
>
> (b) If the President finds that any of the foreign countries referred to in subsection (a) of this section has taken adequate steps to prevent the production, transportation, and sale of illicit opium and its derivatives, he may ask Congress to waive the restrictions of such subsection (a), and if Congress concurs, the restrictions shall not apply to that country.
>
> (c) For purposes of this section—
>
> (1) "foreign assistance" means any tangible or intangible item provided by the United States Government (by means of gift, loan, credit sale, guaranty, or any other means) to a foreign country; and
>
> (2) "adequate steps" means such steps as the enactment of public criminal laws, establishment of a viable agency to prevent the production, transportation, and sale of illicit opium and its derivatives, vigorous enforcement of the public laws, and full cooperation with all United States departments and agencies involved in the interdiction of the supply of illicit opium and its derivatives into the United States.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARTKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, the Senator from West Virginia (Mr. RANDOLPH) has long been associated with this type of legislation. I recall his earlier efforts to have enacted legislation to achieve the objectives of my amendment. I ask unanimous consent that his name be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I am today raising an amendment to the State Department authorization of appropriation bill to prohibit foreign assistance to those countries which refuse to take adequate measures to end illicit opium production.

Mr. President, section 481 of the Foreign Economic Assistance Act authorizes the President to suspend military and economic assistance to those nations which he determines have not taken adequate steps to suppress dangerous drugs. The President fully embraced this responsibility on September 18, 1972, when he proclaimed:

> Any government whose leaders participate in or protect the activities of those who contribute to our drug problem should know that the President of the United States is required by statute to suspend all American economic and military assistance to such a regime. I shall not hesitate to comply fully and promptly with that statute.

Apparently the President feels that there are no nations which continue to be lax in their control of heroin and other related hard drugs. He most certainly must not suspect that some governments are completely ignoring drug traffic. Congress, however, knows better. The existing situation demands application of those sanctions outlined in the Foreign Assistance Act if we are to be conscientious in our effort to end the drug problem in America.

Congressional study and journalistic research have brought forth incontrovertible evidence that a number of governments are simply not complying with the requests of the U.S. Government to vigorously suppress drug traffic. Yet no action has been taken by the President. In fact, the White House denies that its program of piecemeal efforts is insufficient, claiming that there have been "important breakthroughs . . . and huge seizures." These huge seizures amount to confiscating 29 tons of opium in Laos, South Vietnam, and Thailand. In the face of the total production of illicit opium in this area, the seizures amount to only 3 or 4 percent.

Congress gave the power to terminate economic and military assistance to the President only because we know that customs agents and border patrols cannot singlehandedly reduce the smuggling of heroin. A General Accounting Office report stated, in reference to customs operations, that—

> Although these efforts may deter amateurs and small-scale smugglers, they have not had and probably cannot have any real impact on the organized groups engaged in large-scale heroin smuggling.

Customs does act as a strong deterrent, but it simply cannot stop the main bulk of heroin from reaching the streets of America, addicting our citizens, filling the coffers of organized crime, and accounting for nearly half of the crimes committed in our cities. Profits in the drug trade are enormous. A $100,000 investment by stateside financiers can yield $2 million within 6 months. Ten or 15 tons of heroin, originally costing $5 million will take a turnover for American dealers of $9.8 billion. With profits as high as this, as long as there is a source and a reasonably safe route of transit, there will most assuredly be successful smuggling of heroin into the United States to feed the veins of American addicts.

The logic behind section 481 of the Foreign Assistance Act was to stop heroin at its source. Perhaps the flaw in our legislation has been that the President alone is left to decide whether or not a government's cooperation has been adequate. As we know many of the countries in violation, this amendment lists them as offenders and automatically removes American economic and military assistance from them. It leaves the President to bear the burden of proof—proof that these countries are not in violation of our foreign assistance guidelines—before he can resume assistance to them.

Gen. Lewis W. Walt, USMC, retired, as head of a special task force on the world drug situation, indicated that Southeast Asia is providing 10 or 15 percent of the total drug traffic coming into this country. Because of its tremendous potential, however, Southeast Asia could eventually replace Turkey as the largest producer of opium in Asia with approximately 400 tons. Laos, however, accounted for nearly 100 tons, and Thailand for almost 200 tons annually. According to the State Department, heroin imports from Southeast Asia's "golden triangle" to the United States doubled from 1969 to 1971. These countries not only produce opium, but are also the homes for many of the laboratories which convert opium into the more valuable and much deadlier commodity—heroin.

General Walt went on to say that:

> We know as a certainty that a lot of opium entering the illicit market is grown in the "golden triangle," or in Turkey, Iran, Afghanistan, Pakistan, and Mexico.

Iran stopped opium production in 1955, but it was soon resumed, in 1969. Iran itself has a large addict population and this action was taken to stop traffic from Afghanistan and Pakistan as well as other economic reasons. The Iranian representative to the United Nations Narcotics Commission said, "Our economic situation has been so alarming we have been forced to take a unilateral decision" to resume production. The Shah has stated that Iran will end production when its neighbors do.

Afghanistan, however, continues to supply Iran with large amounts of smuggled opium. Pakistan too, is a major smuggler of illicit opium, feeding markets in India and Iran. While these countries are involved in localized traffic, rather than international traffic to the United States, the Cabinet Committee on International Narcotics Control of July 1972, voiced a warning that the trade is well organized, and "if illicit supplies of opium from other sources in the world are cut back, these channels have the potential for moving South Asian opium into the international market."

That prediction is now becoming a reality. In an article by Lewis Simons, appearing in the Washington Post on May 14, 1973, he reports from Pakistan:

> In the midst of the lovely blossoms walks a tall, bearded farmer . . . he pauses here and there, softly cupping a flower in his hands, and then he slowly moves on. It is a scene of pastoral beauty. But it is deceptive. And deadly. This is a poppy field at harvest time. The farmer has taken the first step on a long and convoluted trail which will end months later and thousands of miles away with a heroin addict easing a hypodermic needle into a swollen vein in the crook of his arm.

The article further states that the total annual production of illicit Pakistani opium may be as much as 170 tons. That is 340,000 pounds. According to a former police official in Karachi, law enforcement performance has been poor. A relative handful of arrests have been made; $20 fines have been paid gladly; police have been bought off cheaply; no serious attempt has been made to patrol the 550-mile border with Afghanistan.

The Turkish Government has taken decisive action in banning all opium production after 1972. This should effectively dry up Turkish sources. Mexico is the source of approximately 10 percent of the heroin smuggled into the United States and is the route of transit of 15 percent. The Mexican Government has established penalties under the agrarian reform law for those who plant or permit the planting of opium. Penalties include confiscation of land and livestock. In addition, they have mobilized 10,000 troops for antidrug operations, destroying more than 2,500 hectares of poppy fields.

Michel Lamberti, coauthor of a book on heroin, has written:

> . . . Any underdeveloped country with a large unemployed labor force can start production. This could be the case, say for various South American countries.

If we are to deter these underdeveloped countries from realizing their potential as opium producers and distributors, we must act boldly and decisively. Some have suggested paying subsidies to those foreign farmers who agree not to grow opium as we have done in Turkey. But from the Washington Post of February 18, 1973:

> American financial contributions to Turkey as part of the considerable political pressure to stop the cultivation of the opium poppy after 1972, offers no encouragement to other opium producing countries. Turkish authorities had estimated that stopping opium production would cost the country 432 million dollars; United States contribution have amounted to 35 million dollars.

Obviously, the cost of such subsidies to fully pay for opium produced in all countries would become extreme. Threats to begin production by those countries not now engaged might also become commonplace. We would be paying a tribute to tyranny—the tyranny of drug traffickers. The only practical and honorable deterrent to illicit opium production and sales is the imposition of penalties on those nations which refuse to cooperate. And the only penalty we can impose on a sovereign nation is the removal of American assistance. This line of reasoning was accepted by Congress when it gave the power of suspending foreign aid to countries not taking adequate steps to end illicit drug traffic to the President last year. By enacting the pending amendment, we will be serving notice to organized crime and governments which have not taken vigorous action against drug traffic that we will no longer tolerate the financial, human, or social costs that illicit drugs have brought to our people.

So there will be no mistake as this Congress' intention, I have added as a definition of adequate steps, very meaningful initiatives which a country seeking our assistance must comply with before the restriction shall be removed.

First, every country must enact public criminal laws which make illegal the production, transportation, and sale of illicit opium. Second, each country shall institute, if none already exists, a viable working agency which shall enforce enacted laws. Laws without execution are meaningless exercises of public drama in the courtyard. Third, the leadership of the country must not give mere lip service to the laws or their enforcement, but shall vigorously pursue the eradication of this terrible blight upon all human beings of the world. And lastly, but most important, each country shall cooperate fully with our Bureau of Narcotics and Dangerous Drugs or its equivalent, the State Department, and all other agencies or departments which have an interest in stopping the illicit flow of heroin into the United States. This is the very least we can do for future addicts in the United States.

My amendment is not a cure-all for the drug problem in the United States. It is a positive beginning by the Congress to tell both the world and the administration that we are tired of rhetoric. And it tells addicts that we care and want to help.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HARTKE. First, Mr. President, I ask unanimous consent that Howard Marlowe, of my staff, be given the privilege of the floor during the debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. Mr. President, I ask unanimous consent that the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Connecticut (Mr. RIBICOFF) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARTKE. I yield now to the distinguished Senator from Arizona.

Mr. GOLDWATER. The question I have is that if this amendment is good, in the Senator's opinion, against the countries that he has named—Iran, Afghanistan, Pakistan, Burma, Thailand, or Laos—why would it not be better to broaden it so that all foreign countries shall be denied aid if they engage in such traffic?

Mr. HARTKE. First, the amendment does not apply to Iran, because we have assurances from the State Department that we are having cooperation from Iran. The reason for naming the countries mentioned in the amendment is that they were identified as source countries. When we had a similar amendment before Congress, the chairman of the Foreign Relations Committee asked that we name the specific countries involved. I had no objection to making it applicable to any country which operates in this fashion, but these are the primary source countries which are presently engaging in illicit opium traffic.

Mr. GOLDWATER. The reason why I asked the question is that I know Mexico has made some effort to put an end to the production of poppies, but living where I do, I know Mexico is still a major problem with us as far as marihuana is concerned and, if I am not mistaken, something like 17, or perhaps it was 27 pounds of heroin were confiscated in Yuma just a few months ago. I know that Mexico makes an effort, but I know also that the drug traffic continues; it is onesided. It comes from Mexico. On that 1,850-mile border, we do not have as many men to apprehend or discover as we had 35 years ago, and it has been only this year that we have been able to get enough aircraft to patrol that border.

I repeat, I know Mexico is seemingly making efforts, but I can also report that Mexico continues to be a major source of marihuana, and I think a very sizable source of heroin.

I do not move that the amendment be changed to include Mexico, but it prompted my question as to why, if the author of the amendment felt it was good to name the countries that have been named, it would not be as applicable, as well, and as timely and as forceful as to all countries, without naming one.

Mr. HARTKE. I think the Senator makes a good point. However, we have examined this matter in detail, and feel Mexico is making a sincere effort at this time to do the best job it can to cooperate with the United States in the removal of illicit trafficking in opium and its derivatives and they have not only take decisive steps, but they also have enacted severe penalties against those who are involved and apprehended.

My own position is that the countries mentioned in the Hartke amendment are principal sources of illicit opium, and receive assistance, domestic, and military assistance, while reaping a reward from illicit drug traffic. Mexico is not such a country.

Mr. MANSFIELD. Mr. President, would the Senator yield?

Mr. HARTKE. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I happened to be in Mexico a few months ago. And I was very pleased to note how they went through my baggage and all the baggage of other passengers.

I think that they are doing a superb job, not only in Mexico City, but also all along the border and in the interior of Mexico. The cooperation between Mexican and U.S. authorites has had a great deal to do with bringing about a diminution in the drug traffic which used to be of some considerable importance in days gone by.

Mr. HARTKE. Mr. President, I think that is true. It is for that reason they are not included in the measure. They are making a successful effort. If they are not 100-percent successful, they should not be blamed.

Mr. MANSFIELD. We are not being 100-percent effective either.

Mr. HARTKE. The distinguished Senator from Montana is correct.

Mr. GOLDWATER. Mr. President, I believe what the Senator has said about there having been marked cooperation between the two governments. However, I tell the majority leader that if he wants to buy a large supply of marihuana or heroin, those supplies are available over the Mexican border.

I have watched this for many years. I have watched the efforts that have been made. However, I know how limited they can be in controlling what is basically a very minor crop when compared to cotton, tomatoes, and things that we use every day.

Mr. President, I am not condemning Mexico. I think she is trying. However, I think Mexico is still a source of narcotics coming across our border, and she probably always will be.

Mr. AIKEN. Mr. President. I ask unanimous consent to have printed in the RECORD the text of the law relating to the Foreign Assistance Act, namely chapter 8 of the International Narcotics Control. I ask unanimous consent to have this entire chapter printed in the RECORD at this point.

There being no objection, the chapter was ordered to be printed in the RECORD, as follows:

CHAPTER 8—INTERNATIONAL NARCOTICS CONTROL [166]

SEC. 481.[167] *International Narcotics Control.*—It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, smuggling, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivaties, other narcotic drugs and psychotropics, and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970. Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, smuggling of, and the traffic in, narcotic and psychotropic drugs. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act [168] and under title I of the Agricultural Trade Development and Assistance Act of 1954,[169] with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter.

SEC. 482.[167] *Authorization.*—To carry out the purposes of section 481, there are authorized to be appropriated to the President $42,500,000 for the fiscal year 1973, which amount is authorized to remain available until expended.

FOOTNOTES

[166] Chapter 8 was added by Sec. 109 of the FAAct of 1971.

[167] 22 USC § 2291. Sec. 481 was added by Sec. 109 of the FAAct of 1971. Sec. 503 of the Foreign Relations Authorization Act of 1972 amended Sec. 481 and added Sec. 482, Sec. 481 formerly read as follows:

"It is the sense of the Congress that effective international cooperation is necessary to put an end to the illicit production, trafficking in, and abuse of dangerous drugs. In order to promote such cooperation, the President is authorized to conclude agreements with other countries to facilitate control of the production, processing, transportation, and distribution of narcotic analgesics, including opium and its derivatives, other narcotic drugs and psychotropics and other controlled substances as defined in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91–513). Notwithstanding any other provision of law, the President is authorized to furnish assistance to any country or international organization, on such terms and conditions as he may determine, for the control of the production of, processing of, and traffic in, narcotic and psychotropic drugs. In furnishing such assistance the President may use any of the funds made available to carry out the provisions of this Act. The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sale under the Foreign Military Sales Act [168] and under title I of the Agricultural Trade Development and Assistant Act of 1954 [169] with respect to any country when the President determines that the government of such country has failed to take adequate steps to prevent narcotics drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully. Such suspension shall continue until the President determines that the government of such country has taken adequate steps to carry out the purposes of this chapter".

Under the FAAct of 1971, funds to implement Sec. 481 were available from any funds made available to carry out this Act.

[168] For text, see page 198.

[169] For text, see page 259.

Mr. AIKEN. Mr. President, I would like to read a portion of that chapter. It reads:

> The President shall suspend economic and military assistance furnished under this or any other Act, and shall suspend sales under the Foreign Military Sales Act [168] and under title I of the Agricultural Trade Development and Assistance Act of 1954,[169] with respect to any other country when the President determines that the government of such country has failed to take adequate steps to prevent narcotic drugs and other controlled substances (as defined by the Comprehensive Drug Abuse Prevention and Control Act of 1970) produced or processed, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from entering the United States unlawfully.

I do not know that the amendment of the Senator from Indiana would add much to the existing law.

Mr. HARTKE. Mr. President, as I understand the Senator from Vermont, he says it would not add anything to the law?

Mr. AIKEN. What would it add to the existing law?

Mr. HARTKE. Mr. President, this changes the existing law considerably.

Mr. AIKEN. How is that?

Mr. HARTKE. Mr. President, the President must make a positive finding that adequate steps have been taken. This prohibition on economic assistance will be in effect until he makes an affirmative finding and the Congress concurs therein.

Mr. AIKEN. How?

Mr. HARTKE. By cutting off assistance until he makes a finding.

Mr. AIKEN. The law says he shall cut off sales to them. How can we make that more explicit? The only thing we could do would be to impeach him for not doing it.

Mr. HARTKE. Quite to the contrary. He cannot give them military assistance if he finds that they are in violation of the law. I do not say that he is in violation of the law today. I do say that if he makes a finding that there is such traffic, there can be no assistance. But if he finds that any of the countries referred to in subsection (a) of the Hartke amendment have taken adequate steps to prevent such acts, he may ask Congress to waive the restrictions of such subsection (a), and if Congress concurs, the restrictions shall not apply to that country.

Mr. AIKEN. Mr. President, I simply read the existing law, which seems to me to be wholly adequate without further amendments. The President, I expect, is responsible for all of the 3 million employees of his Government.

This would require him to cut off aid to any country which permitted the sale of any of these drugs to any employees of the U.S. Government or permitted them to enter the United States. That is a matter of interpretation. I do not pretend to be a constitutional lawyer. However, as a layman reading the law, it seems to me that the situation is well covered now.

Mr. HARTKE. The provisions of the law are changed substantially. He cannot allow assistance to any of these countries unless there is a specific finding in which Congress concurs.

Mr. AIKEN. Would that include Turkey?

Mr. HARTKE. No.

Mr. AIKEN. Why does it not include Turkey?

Mr. HARTKE. Mr. President, if the Senator from Vermont wants to include Turkey, I would be very glad to do so.

Mr. AIKEN. Mr. President, I would not choose four or five countries. I would have it applicable to all of them. However, it seems to me that the existing law does this.

Mr. HARTKE. If the Senator from Vermont would want to make it apply to all countries, that is one thing. However, these are the countries in violation today. These are the countries which allow the supplies to come in and eventually come into the United States. We are simply providing for affirmative action in the matter that cannot be contravened by the President.

Mr. AIKEN. Mr. President, a legal advisor—and I will keep him anonymous for the time being—tells me that the Hartke amendment says that a country is guilty until it is proven innocent. Maybe that is the kind of law we are coming to today.

Mr. HARTKE. Mr. President, there is a lot of evidence at the present time to show that the illicit drug traffic is coming from Afghanistan, Pakistan, Burma, Thailand, and Laos.

Mr. AIKEN. Mr. President, how did the Senator happen to exclude Cambodia?

Mr. HARTKE. Cambodia can be included if the Senator from Vermont would like to include it.

Mr. AIKEN. Mr. President, I would think that Cambodia would be even more important since the American oil companies bought a large share of exploratory rights there only a year ago. I would certainly include that.

Mr. HARTKE. Mr. President, if the Senator from Vermont would like to add it, I would have no objection.

Mr. AIKEN. Mr. President, I think that the Senator's amendment should include all countries and not just six or seven.

Mr. HARTKE. Mr. President, if the Senator from Vermont wants to offer an amendment, I do not think I would have an objection.

Mr. AIKEN. No; I do not offer any amendment. I think that the existing law is adequate.

Mr. FULBRIGHT. Mr. President, this amendment was not submitted to the committee. I know of no evidence before the committee in justification of the amendment.

I do not personally believe the effort to purchase other countries' cooperation by threatening to deprive them of aid is a useful or a constructive way to approach the problem. On the contrary, I think it is a good way to alienate those countries which the Senator picks out specifically by name.

Of course, being against the AID program itself, I should be for this amendment, because it in that sense undermines the integrity of the AID program. But so long as we have a program, whether I like it or not, I do not think this is the proper way to use that program, to try to purchase the cooperation of other countries.

Actually, the basic law under which we have been paying certain countries not to grow opium, I think, is very ineffective. It is a waste of money, in my opinion. We are asked, I think, to put $42,500,000 into this program in the coming year.

I ask unanimous consent to have printed in the RECORD at this point a list of some 31 countries that we are paying, or propose to pay, not to raise opium or other narcotics.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

INTERNATIONAL NARCOTICS CONTROL PROGRAM

[In thousands of dollars]

	Fiscal year —		
	1972	1973	1974
Total	20,637	20,500	42,500
Asia	18,576	9,971	18,504
Afghanistan		60	300
Lebanon		65	75
Pakistan		5	50
Syria		8	
Turkey	15,700	5,000	15,000
Cambodia		24	
Indonesia		19	18
Laos	1,100	2,079	1,500
Philippines	230	300	265
Singapore		40	
Thailand	1,046	1,871	1,114
Vietnam	500	500	182
Latin America	36	2,596	1,927
Argentina		234	310
Bahamas			15
Barbados		5	12
Bolivia	17	147	4
Brazil		4	100
Chile		106	75
Colombia		51	238
Ecuador		308	300
Guyana			2
Jamaica		33	26
Mexico		1,305	375
Netherlands Antilles			3
Panama		48	20
Paraguay		50	22
Peru		143	250
Uruguay		140	135
Venezuela		22	40
Regional	19		
Africa: Tunisia			50
International organizations	2,000	5,100	5,100
U.N. special fund	2,000	5,000	5,000
Colombo plan		100	100
Worldwide program costs	25	2,833	7,181
Training	25	2,383	6,731
Interregional costs		450	450
Unprogramed			9,738

Mr. FULBRIGHT. So I hope the Senate will not accept this amendment. The basic law, as the Senator from Vermont suggests, goes about as far as we can go. Under the amendment the President has to find compliance and then Congress has to find compliance. How in the world is Congress going to find, in any reasonable manner, that they are in compliance? Administratively I think the proposal of the Senator from Indiana is much worse than the one he had last year, and worse than what is in the existing law.

So I agree with the Senator from Vermont; I hope the Senate will not agree to this amendment.

Mr. HARTKE. Mr. President, the amendment does not require a finding by Congress. It requires concurrence by Congress, and there is a difference. The finding must be made by the President and submitted to Congress for its concurrence. That is quite simply a procedure which is not unusual, and does not require an investigation of the same type, as the chairman of the Foreign Relations Committee indicates.

I might point out that those who want to include all countries find themselves in the position of having the whole question of economic assistance submitted back to Congress country by country. Under such a circumstance, that would even reach Mexico, if we include all countries, as the Senator from Arizona has indicated.

Mr. FULBRIGHT. Mr. President, let me point out that Mexico gets no foreign aid. I do not know why Senators keep talking about Mexico. I think that is insulting to Mexico. She get no aid that I know of, other than a very little bit. About $375,000 is proposed for 1974, but I do not know whether that is aid or not. It is not aid in the usual sense of the AID bill.

I am not at all suggesting that all countries be included. That is not what is wrong with the amendment. It is basically wrong. I do not care if we put them all in. The program itself is wrong.

I ask unanimous consent to have printed in the RECORD the last paragraph of Senator SPONG's subcommittee report on this subject last year, dated September 18, 1972, and entitled, "Heroin: Can the Supply Be Stopped?" in which he concludes:

> The conclusion to which we must inexorably be led is both simple and profound: Our heroin addiction problem is an American problem.

I agree with that, and I think if we are going to do anything about, that is where we ought to put our attention.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

> The conclusion to which we must inexorably be led is both simple and profound: our heroin addiction problem is an *American* problem. It arises in the willingness of hundreds of thousands of our citizens, for a great variety of reasons and motives, to submit themselves to the scourge of that drug. To say this does not give the solution to our problem, but it tells us where the solution lies; it is here, within our own country, among our own people, that we must seek answers. Those answers lie in the calm and accurate education of our public, in the legislation and administration of severe and well-reasoned penalties against those who sell this drug, and in bold and comprehensive measures of treatment and rehabilitation. We must, of course, act energetically to promote rigorous international controls—for the sake of other countries as well as our own—but we must never be distracted from a fundamental truth: it will not be by changing the world but by looking to ourselves that the solution to American addiction will ultimately be found. And it is from this premise that we must begin.

Mr. HARTKE. Mr. President, for the benefit of the record, I did not bring up Mexico. The reason I mentioned Mexico is because the Senator from Arizona wanted to know why we did not include Mexico. The Senator from Vermont wanted to know why we did not include all countries. The reason is very simple. The way the amendment is drafted, it would require a finding by the President with the concurrence of Congress. I was trying to explain why we included the limited number of countries here included.

To say that the problem is strictly an American problem is fine, except that it does not deal with the heart of the matter. Everyone knows that when we put the pressure on France to stop the factories which were working at Marseilles, it had a material effect upon them. Anyone acquainted with the history of this legislation knows that when we put pressure on Turkey, it had a material effect upon them. Turkey and France are not in this amendment, partly because there is no aid, but also because the State Department says they are now cooperating with us in this effort.

The State Department is not against this type of legislation. What they want is some help. All I am saying is, if the State Department is not getting the job done, I do not see why Congress should stand in the way and be supporters of the illicit drug traffic. A vote against this amendment will be just that—a vote in favor of the continuity of the illicit drug traffic and the profiteering and racketeering and benefits which flow therefrom. That is what this amendment is all about. Very simply, the amendment is to cut down on one of the elements involved in the problem.

As I said in my opening statement, this is not a cure-all. Certainly it is not a cure-all. It is a step in a positive direction. I think steps to do something about the drug problem should be encouraged, especially when agencies of the Government are willing to encourage this type of action by Congress. It would give them some type of authority and some type of procedure by which they can make sure their voice will be effectively heard. This is the only weapon they have.

Mr. GOLDWATER. Mr. President, this amendment cuts off foreign assistance to Iran, Afghanistan, Pakistan, Burma, Thailand, and Laos until the President finds these countries to have taken adequate steps to stem the flow of illegal narcotics.

Passage of the amendment will do irreparable damage to the U.S. international narcotics program. During the past 3 years the number of U.S. narcotics agents overseas has increased sevenfold. Seizures of opium, morphine base and heroin resulting from joint operations has increased tenfold. The new Drug Enforcement Administration will develop an even stronger focus on international efforts.

Enforcement agents with diplomatic support have established successful special narcotics enforcement units in Thailand and Laos. Pakistan is moving, with U.S. assistance, to establish a special enforcement program and to speed up phaseout of illicit opium growth. Afghanistan is engaged in a major antinarcotics program with the United States and through the U.S.-supported U.N. drug fund. Burma is moving toward acceptance of U.N. and possibly U.S. assistance on narcotics; recent Burmese moves against local insurgents have disrupted illicit opium flow. Iran produces no legal opium and severely punishes traffickers.

Thus, all of the countries listed in the amendment are cooperating with the United States in a carefully coordinated effort to move against narcotics traffic. Disruption of aid would set negotiations and actions back for many months or possibly years. Meanwhile heroin flow from the increasingly important Southeast Asian and Near East routes would undoubtedly increase.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of opinions on the impact of this amendment on the different countries and their efforts.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PROPOSED AMENDMENT NO. 211—THE HARTKE AMENDMENT

IMPACT ON THAILAND, LOAS AND BURMA

The Hartke amendment would suspend all U.S. aid to Thailand, Laos and Burma until Congress concurred with the President's finding that they had taken adequate steps to prevent the production, transportation and sale of illicit opium and its derivatives and with his request for a waiver of the aid restriction. We do not share the view of Senator Hartke and other proponents of this amendment that it is an appropriate or effective means of achieving narcotics control. We believe this drastic measure with the prospect of putting these countries up for public trial each year and threatening the continuity of aid assistance and good relations would hinder rather than help the fight against illicit narcotics.

It appears an inappropriate step for an area which is not the major source of heroin coming into the US, where considerable progress has been made in the last 2–3 years in initiating activities directed at the narcotics problem, and which has extremely complex problems of narcotics control for which solutions are still a long way away. Far from engendering the kind of bilateral and multilateral cooperation necessary for these countries to tackle their multitude of problems, the Hartke amendment would provoke anger and bewilderment and actually impede the efforts made by these governments to stop narcotics production and trafficking. And it could cause embarrassing and serious political consequences for governments friendly to the US.

Further, the amendment does not appear to provide for any real waiver authority. Its provision for a presidential request for a congressional waiver amounts to no more than an acknowledgement that the Congress could amend this legislation at any time and that the President could request amendments at any time. Without some real waiver authority the President would lose much of the bargaining power which he presently enjoys vis-a-vis the listed countries by virtue of Section 481 of the Foreign Assistance Act. The proposed amendment would substitute a formula which would be awkward and distortive in the conduct of foreign relations and the provision of foreign assistance.

THAILAND

The Royal Thai Government has steadily stepped up the range and intensity of its anti-narcotics activities, and these are becoming increasingly effective—as evidenced by seizures of illicit opium and derivatives. Opium trafficking is a long-standing and complex problem; the most serious offenses take place in areas outside the RTG's effective control. Furthermore, most of the opium and derivatives entering the international market from Thailand originate in Burma. Thailand is thus mainly a conduit. It faces extraordinary problems in stemming the flow of narcotics into the country because of the long border and the presence on both sides of it of numerous bands of well armed insurgents and other lawless elements. With US cooperation, the Thai are moving on all fronts: better suppression, alternative crops to provide an income for hill tribesmen now engaged in poppy growing, better and more comprehensive police organization, improved border controls, more high-level government attention to the problems. Increasingly, the Thai recognize that narcotics are a danger to the Thai people, and that drug abuse is not just an American problem. We believe that there is ample justification for stating, now, that the RTG is taking "adequate steps" as defined in the proposed amendment.

Under these circumstances this amendment would be seen by the Thai government and people as an egregious insult. The additional requirement for Congressional approval of any waiver of the prohibition of US assistance would subject Thailand (or any of the other countries named in Section 19(a)) to a peculiar, possibly unprecedented, "popularity poll" in the Congress. The passage of this punitive legislation would seriously endanger the prospects for continuing Thai-US cooperation in anti-narcotics efforts and indeed in other fields of concern to US interests.

LAOS

Largely as the result of our expressed concern over international narcotics trafficking, the Royal Laotian Government (RLG) agreed to undertake a major narcotics interdiction effort. This was done despite the imperatives of a full scale war and the difficulties involved in outlawing narcotics which had traditionally never been prohibited by law or custom. A special unprecedented narcotics enforcement body was established by the RLG with wide powers and soon several important seizures were made and refineries destroyed. Current evidence indicates, in fact, that Laos is no longer an important link in the trafficking network of Southeast Asia.

This quite outstanding record of achievement would likely be obliterated by the effect of the Hartke amendment. Adoption of the amendment would necessitate a prolonged period of investigation and debate over whether Laos would qualify as an aid recipient under the criteria established. Even if satisfactorily resolved, this period of uncertainty would coincide with a most delicate period of negotiation and accommodation between the RLG and the Lao Patriotic Front, the screen behind which the North Vietnamese seek to achieve their goals in Laos. In its present negotiations with the LPF, the RLG would be dangerously and perhaps disastrously weakened by the threat of a withdrawal of or delay in US support. The prolonged hostilities have imposed burdens on the RLG which would overwhelm it without US support. It is thus unrealistic to expect that the RLG with its limited resources would be able to continue to cooperate in the interdiction of narcotics should the US fail to provide consistent and certain support in its aid assistance.

BURMA

We are not furnishing any bilateral assistance to Burma and have no plans to do so at this time except possibly under Chapter 8 of Part I of the Foreign Assistance Act relating to international narcotics control. Hence the Hartke amendment would not serve as a weapon of inducement for this country, the major opium producer in Asia. Rather, it might reverse the results of long and judicious representations to Burma by the UN, the US and other countries to take more active steps against narcotics trafficking. Burma, for instance, has just accepted an opium crop substitution assistance scheme proposed by the United Nations Fund for Narcotics Control (most of the Fund's revenue is supplied by the USG). It has recently launched a new policy of enforcement actions against traffickers in areas under its control in the remote and turbulent area where opium is grown. The Burmese, extremely sensitive to accepting aid or aid strings, especially from Western countries, could be driven by the Hartke amendment away from the UN program or any idea of accepting US assistance in controlling narcotics.

IMPACT OF HARTKE AMENDMENT—AFGHANISTAN

The termination of our aid program in Afghanistan would not contribute to the elimination of opium production and trafficking. In fact it would be counterproductive of that objective. And it would seriously jeopardize our relations with Afghanistan which has an important place in a part of Asia which is of significance to us.

Impact on Opium. Afghanistan is one of the 25 least developed countries identified by the UN. USAID has a technical assistance program in Afghanistan concentrating on helping to improve management capabilities and on raising agricultural output.

In management we have education projects at all levels and administration projects dealing with both public administration and private enterprise.

In agriculture, AID is helping to introduce new crops, new varieties, and especially new farming techniques.

To get control of the narcotics problem, the Government of Afghanistan needs to improve its ability to administer the country, to develop a capability to provide advice and assistance to farmers who are forced out of their traditional cash crop of opium poppies, as well as to strengthen its enforcement capability.

To cut off AID funding would further delay the type of development most needed to enable the Government of Afghanistan to control the production and trafficking of opium.

We are now discussing with the UN and other interested countries cooperative efforts of assistance to Afghanistan for narcotics control. A major component of the U.S. contribution to this international effort is connected with another proposed AID project in rural development. Should funding for this AID project be suspended, this part of the narcotics program would be undermined.

Impact on U.S. Policy. The Government of Afghanistan has long seen American assistance and the American personnel accompanying it as significantly enhancing its ability to maintain its independence from the great pressures from the Soviet Union to the North. The withdrawal of USAID projects and personnel would have a major negative impact on our relationship with Afghanistan with serious implications for our neighboring allies of Iran and Pakistan.

Conclusion. The Government of Afghanistan is now moving positively to cooperate with a multilateral group to gain control of its opium trafficking and to eventually eliminate opium poppy cultivation completely. Since at present there is no evidence that Afghan source opium is entering the heroin traffic to the United States, such drastic measures as an aid cut off seem unnecessary. We should, however, press ahead vigorously with the negotiations now underway in order to be in a position to prevent Afghanistan becoming a source of illicit drugs destined for the United States.

IMPACT OF HARTKE AMENDMENT—PAKISTAN

A precipitate cessation of economic assistance to Pakistan would threaten our current objectives in South Asia. In addition to the adverse effect such cessation of assistance would have on Pakistani-American relations, it would prevent the Pakistani economy from regaining the momentum in its developmental activities which was lost in 1971. This would, in turn, intensify the current aura of political uncertainty in Pakistan and thus offer yet another reason for moving even more slowly in the hard business of resolving outstanding issues with India and Bangladesh. Pakistan already finds it difficult, for domestic reasons, to move toward peace; precipitate cessation of economic assistance would only worsen the present situation.

We are now engaged in intensive discussions with the Government of Pakistan on the form and scope of an expanded narcotics control program which the USG will be prepared to assist. These discussions are based on a report prepared by an American team which visited Pakistan earlier this year at the invitation of the Government of Pakistan to help plan a control program. The Government of Pakistan has already taken action on several of the U.S. team's recommendations. To stop U.S. aid now would stop this movement toward narcotics control. It would not contribute in any way to our objective of preventing Pakistani opium from entering the heroin traffic destined for the United States but rather would be counter productive of that objective. Pakistan is not now a known supplier of this traffic.

IRAN AND NARCOTICS CONTROL

Iran is a victim country into which flow narcotics from major opium-producing areas, particularly Afghanistan. The Iranian Government has made a vigorous effort to suppress the smuggling of narcotics into Iran, and has imposed harsh penalties on smugglers (160 have been executed since 1969). Iran is one of the few countries authorized by international agreement to cultivate opium for medical purposes. This cultivation is under strict government control, and we know of no significant diversion of Iranian opium into the illicit narcotics traffic. The Government of Iran has cooperated closely with the United States in our international narcotics control efforts, and does so entirely at its own expense.

Iran does not receive economic or military assistance from the United States. Our economic aid program was terminated in 1967, and our military aid program in 1972. Iran imports a large volume of civilian and military goods from the U.S., and we have a favorable balance of trade and payments with Iran. Iran is one of the most important countries in the Middle East by any standard, and has a long record of friendship and cooperation with the United States. Iran is presently hosting the Annual Meeting of the CENTO Council of Ministers. President Nixon made a State visit to Iran in 1972.

Mr. HARTKE. Mr. President, I would like to comment briefly on the statement of the Senator from Arizona.

The Bureau of Narcotics and Dangerous Drugs would disagree with this statement completely. These are the countries which they presently identify as the principal sources of the drug traffic area. We talked with the people who are working with these programs, and they told us very definitely that Iran is cooperating, and these other countries are not.

As far as the Senator from Arkansas, the chairman of the Foreign Relations Committee, saying that the drug problem is an American problem, that is just plainly not so, any more so than saying U.S. economic assistance is not a contributing factor to growth in those countries, which are, at the present time, taking foreign military and economic assistance and then proceeding to use some of that money to encourage their people to traffic in drugs which could destroy the foundation of our society, our morality, our young people, and is one of the principal causes of crime.

I make the point again. If these countries are cooperating and the President makes a finding that they are, and submits it to Congress, and it is concurred in, then no harm is done and these countries can have any assistance that is authorized by Congress. But, in the absence of that, they absolutely should not—and I believe that every Member of this body would agree—should not have that kind of assistance.

Mr. HELMS. Mr. President, I want to get clear in my mind exactly what the distinguished Senator from Indiana (Mr. Hartke) says the State Department is saying. Does the Senator say that the State Department disavows the cooperation of Afghanistan, Pakistan, Burma, Thailand, and Laos with respect to the drug problem?

Mr. HARTKE. That the State Department said what?

Mr. HELMS. I have no information about any lack of cooperation that came from the State Department.

Mr. HARTKE. The State Department told us that.

Mr. HELMS, The curious thing is that the State Department has advised me that each of the countries indicated in the Senator's amendment is cooperating.

Mr. HARTKE. These countries all have programs which, on their face, show cooperation, but which are not operating. The countries mentioned in my amendment are the principal source of the supply at the present time. If the Senator has any information contrary to that, I will be glad to have it submitted for the Record.

Mr. HELMS. I have no information to the contrary except the information supplied to me by the State Department, which seems to be contrary information to what the Senator has presented here today. I was wondering about the source of the Senator's information.

Mr. HARTKE. I will be glad to have that information put in the Record because it will substantiate what the State Department says. The information we have is that the State Department does not deny that these countries are the sources of the illicit drug traffic, and I was in conversation with the State Department today. I do not have any interest whatsoever in restricting any country which is participating—Mexico is participating—and making a sincere effort to eliminate the drug traffic.

Mr. Helms. I know that the Senator's intentions are perfectly good and that is why I raise these questions because of the conflict of information I have which is opposed to the information the Senator has. My information came to me from the State Department in writing.

Mr. HARTKE. I would be glad to have that for the Record.

Mr. HELMS. The information presented earlier by the distinguished Senator from Arizona (Mr. Goldwater) is substantially the same as that presented by me. As the Senator knows Mr. Goldwater has already inserted that information in the Record. I thank the distinguished Senator from Indiana.

The PRESIDING OFFICER (Mr. Scott of Virginia). The question is on agreeing to the amendment of the Senator from Indiana (Mr. Hartke).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. Bentsen), the Senator from Mississippi (Mr. Eastland), the Senator from Michigan (Mr. Hart), the Senator from South Carolina (Mr. Hollings), the Senator from Iowa (Mr. Hughes), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Louisiana (Mr. LONG), the Senator from Montana (Mr. METCALF), and the Senator from Maine (Mr. MUSKIE) are necessarily absent.

I further announce that the Senator from Colorado (Mr. HASKELL), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. SCOTT of Pennsylvania. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Kentucky (Mr. COOK), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Nebraska (Mr. HRUSKA), the Senator from New York (Mr. JAVITS), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senators from Ohio (Mr. SAXBE, and Mr. TAFT), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Colorado (Mr. DOMINICK) is absent on official business.

The result was announced—yeas 30, nays 45, as follows:

[No. 191 Leg.]

YEAS—30

Abourezk
Allen
Bayh
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Church
Cranston
Eagleton
Gravel
Hartke
Hatfield
Huddleston
Magnuson
McClellan
McGovern
Montoya
Moss
Nelson
Nunn
Pastore
Proxmire
Randolph
Ribicoff
Schweiker
Talmadge
Tunney
Weicker

NAYS—45

Aiken
Baker
Bartlett
Beall
Bennett
Brooke
Buckley
Byrd,
  Harry F., Jr.
Case
Chiles
Clark
Cotton
Curtis
Dole
Domenici
Ervin
Fannin
Fong
Fulbright
Goldwater
Hansen
Hathaway
Helms
Inouye
Jackson
Johnston
Kennedy
Mansfield
Mathias
McClure
McGee
McIntyre
Mondale
Packwood
Pearson
Pell
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Thurmond
Young

NOT VOTING—25

Bellmon
Bentsen
Brock
Cook
Dominick
Eastland
Griffin
Gurney
Hart
Haskell
Hollings
Hruska
Hughes
Humphrey
Javits
Long
Metcalf
Muskie
Percy
Roth
Saxbe
Stennis
Taft
Tower
Williams

So Mr. HARTKE's amendment was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE AZORES AGREEMENT AND THE CONSTITUTION

Mr. GOLDWATER. Mr. President, I rise to speak to sections 7 and 8 of the State Department Authorization Act relating to a ban against the expenditure of any funds to carry out the Azores agreement with Portugal or any other foreign military base agreements between the United States and any foreign country where U.S. forces are to be stationed, unless these agreements are submitted to the Senate for its advice and consent.

There are many practical reasons why I oppose these provisions, having to do with the historic importance of this kind of agreement to the basic national security interests of the United States. For example, anyone looking at a map should be able to see the strategic importance of the Azores in relation to the defense of free world interests in the Middle East and Mediterranean areas.

But, Mr. President, the one objection which I shall address myself to today is the concern which I have with the fundamental premise which underlies both of these sections. This is the idea, as expressed in the Foreign Relations Committee report, that it is the U.S. Senate and not the President who is charged with the formulation of foreign policy and thus that all major agreements with foreign countries must be in the form of treaties, subject to Senate approval.

Mr. President, this simply is a false reading of the intent of the Founding Fathers and it runs counter to the entire course of American history, as well as against several judicial pronouncements on the constitutional allotment of the foreign policy powers.

To start with, it is rather strange to consider the Founding Fathers as having given the Senate such unique powers over the destiny of foreign affairs when the framers recognized so clearly that the Senate, at that time, was created as the chamber of representatives of the State legislatures, while it was the President who was conceived of as "the representative of the entire people—the guardian of his country." As Representative Scott pointed out during debate on legislation creating the Department of Foreign Affairs during the first Congress, the President "is elected by the voice of the people of the whole Union; the Senate are the Representatives of the State sovereignties."

In the setting of the time, with the Senate of each State not chosen by the people but "but the legislature thereof," I find it difficult to conceive that the framers would have vested such great responsibility for the formulation of external affairs to a chamber representative of State legislatures, which held governmental power only over domestic affairs.

Mr. President, in the face of this historical fact, which would appear to narrow the limits of responsibility which the framers intended for the Senate, the proponents of sections 7 and 8 boldly lay claim to senatorial supremacy in the field of foreign policymaking. They argue that the word "treaties" as used in the Constitution embraces every kind of "important" international agreement and requires that all such agreements be made by the President only by and with the advice and consent of the Senate.

The historical truth is, however, that the Constitution has never been interpreted in this manner, and indeed the management of foreign affairs could not be carried on if it had been so construed. To put the treaty clause in its proper perspective, I will mention that international Executive agreements have been entered into in every period of our history as a nation beginning with the Second Congress. During the first 50 years of Government under the Constitution, the President entered into at least 27 international agreements without obtaining the consent of the Senate under the treaty procedure, and this figure increased to 238 Executive agreements in the second half-century after the Constitution came into effect. During the third 50-year period, 917 Executive agreements were concluded and in the period beginning with 1946, 5,589 Executive agreements were made by the President.

Contrary to the emotional rhetoric of Presidential critics, 99 percent of these agreements have received previous or subsequent ratification by Congress. For example, over 1,000 of the present Executive agreements deal with the distribution of surplus agricultural commodities pursuant to a Federal statute. Even the category of foreign military base agreements, which are the concern of sections 7 and 8 of the bill, themselves may properly be considered to be specifically provided for in the annual Military Construction Authorization and Appropriation Acts. This points to the proper role of Congress to review base agreements, which should not be an attack on the President's authority to enter into such agreements, but a determination by Congress of whether or not it shall appropriate the moneys required to fully implement such agreements. My basic objections to sections 7 and 8 is that they do not primarily involve the merits of the particular agreement, in fact under section 8 no one knows what country we will be dealing with or what circumstances might necessitate the agreement, and that these provisions thereby constitute a direct challenge to the fundamental power of the President to ever enter into these kinds of agreements with any foreign countries without going through the process of a treaty.

If this were true, then the thousands of international executive agreements which have been entered into throughout our Government under the Constitution would all become illegal and invalid. This implication is ridiculous, of course, and the Supreme Court of the United States has determined as much in the clearest possible language.

In the landmark case of *United States* v. *Belmont*, 301 U.S. 324 (1937), it was settled by the Supreme Court that the recognition of, establishment of diplomatic relations with, and the terms which should govern dealings with, a foreign government are exclusively within the President's control over foreign relations. This case expressly held that international agreements on these subjects do not require the participation of the Senate, and in its ruling the Court did not limit its words to questions of recognition alone. The Court declared:

> There are many such compacts, of which a protocol, a modus vivendi, a postal convention, and agreements like that now under consideration are illustrations.

Louis Henkin, in his new book "Foreign Affairs and the Constitution," concludes that the Supreme Court in the Belmont decision found authority for executive agreements not in the President's exclusive control of recognition policy, but in his broad authority as "sole organ," of the Nation in foreign affairs, which Henkin argues "supports not only recognition but much if not most other foreign policy."

A later decision of the Supreme Court was even more specific in giving its approval to the power of the President to determine the public policy of the United States in the field of foreign affairs. In this case, *United States* v. *Pink*, 315 U.S. 203, 230 (1942), the Supreme Court specifically referred to an early treatise by the great scholar of international law, John Bassett Moore, as correctly portraying "the historic conception of the powers and responsibilities of the President in the conduct of foreign affairs." In this article, which I shall ask to have appear in the RECORD, Professor Moore set forth numerous specific examples of purely executive agreements which Presidents had reached on a wide range of topics, having far-reaching importance. The agreements described by Professor Moore and implicitly endorsed by the Court's statement even included peace agreements which, interestingly enough, were of a nature remarkably analogous to the Vietnam cease-fire agreement concluded in January by President Nixon.

Mr. President, in actual practice no distinction has been made between international agreements which are "important" and those which do not meet this standard, if it can be defined at all. Probably the single most authoritative writing on this subject in modern times is the study published by Prof. Myers McDougal in 1945, aptly titled "Treaties and Congressional-Executive or Presidential Agreements: Interchangeable Instruments of National Policy," 54 Yale Law Journal 181, 534. Already then the prominent scholar in the field of foreign affairs under the Constitution, Professor McDougal concluded that the President possesses unquestioned power to make Executive agreements in every consequential respect equivalent to a treaty. Today, having attained a position of even higher eminence in this area of constitutional law, Professor McDougal has written to me that he retains all of his previously expressed convictions.

On January 12, he wrote:

> It seems to me that our usage during the past twenty-five years strongly confirms that the President's independent powers over foreign affairs include a competence to make important agreements of substantial duration. Certainly, our experience as a nation in an increasingly dangerous world indicates that it is indispensable that he have such a competence.

Mr. President, the principle of Presidential primacy over external affairs is not a new one. What is really unusual is the feeling by many in this Chamber that it is the Senate who possesses supremacy in this area. I will conclude my statement by quoting from recent opinions by Justices of the present Supreme Court which, in my opinion, completely contradict the position asserted by the critics of Presidential responsibility for foreign policy. For the constitutional "primacy" of the President in this field has been recognized in varying ways by at least six of the sitting Justices of the Court.

For example, Justice Stewart and Justice White have stated that the Constitution endows the President with "a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense." *New York Times Co.* v. *United States,* 403 U.S. 729 (1971).

Justice Blackmun wrote in the same case:

> Article II of the great document vests in the Executive Branch primary power over the conduct of foreign affairs and places in that branch the responsibility for the Nation's safety. *Id.*, at 761.

Justice Marshall believes "it is beyond cavil that the President has broad powers by virtue of his primary responsibility for the conduct of our foreign affairs and his position as Commander in Chief." Id., at 741.

More recently, Justice Rehnquist, joined by Chief Justice Burger and Justice White, grounded their opinion in an "Act of State doctrine" case on the ground of "the primacy of the Executive in the conduct of foreign relations" and "the lead role of the executive in foreign policy." *First National City Bank* v. *Banco Nacional de Cuba,* 406 U.S. 759, 767 (1972).

In the face of such clear support of the distribution of major foreign policy responsibilities to the President, I cannot understand how any committee of the Congress could attempt to usurp these powers from the President by anything short of a constitutional amendment. Because of my belief that these provisions are possessed of a fatal premise unfounded in the Constitution, I support the deletion of both of these sections from the bill.

Mr. President, I ask unanimous consent that the article written by John Bassett Moore and cited approvingly by the Supreme Court in the Pink case shall be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JOHN BASSET MOORE, 20 POLITICAL SCIENCE QUARTERLY 385; SEPTEMBER 1905

TREATIES AND EXECUTIVE AGREEMENTS

I. Question as to general arbitration treaties

During November and December, 1904, and January, 1905, there were signed at Washington by Mr. Hay, on the part of the United States, and by the ministers of various other countries, ten general treaties of arbitration. The treaties first concluded were those with France and Switzerland, which were signed on November 1, 1904. Then came treaties in the order of date with Portugal, Great Britain, Italy, Spain, Austria-Hungary, Mexico, and Sweden and Norway, that with Sweden and Norway being signed on January 20, 1905. All these agreements were duly submitted to the Senate. A similar treaty was aftewards signed with Japan; but, in view of the differences which had arisen as to the instruments previously negotiated, it was not transmitted to the Senate.

All the treaties above mentioned were based upon the same model, namely, a treaty of arbitration between Great Britain and France, which was concluded at London, on October 14, 1903. The signing of this treaty was followed by the conclusion of numerous conventions between other European powers in precisely similar terms. The treaties signed by Mr. Hay varied from them only in the formal parts, the language defining the questions to be arbitrated and the mode of procedure being precisely the same.

The substantive clauses of the American treaties, like those of the European treaties, were embraced in two articles. Of these, the first reads as follows:

> Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration established at The Hague by the convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence or the honor of the two contracting states, and do not concern the interests of third parties.

The second article reads thus:

> In each individual case the high contracting parties, before appealing to the permanent court of arbitration, shall conclude a special agreement defining clearly the matter in dispute and the scope of the powers of the arbitrators, and fixing the periods for the formation of the arbitral tribunal and the several stages of the procedure.

While the treaties were pending before the Senate, various questions were raised as to their probable effect. It was suggested, among other things, that they might require the United States to submit to arbitration claims against some of the individual states of the Union, on account of repudiated or unpaid debts. In order to obviate this apprehension, the president addressed a letter to Senator Cullom, chairman of the foreign relations committee of the Senate, setting forth his views as to the inadmissibility of such claims and giving an assurance that during his administration they would not be entertained. A more serious question afterwards arose.

On January 20, 1905, there was signed at Santo Domingo City, by Commander A. C. Dillingham, U.S.N., and Mr. Dawson, the American minister, on the one part, and by the Dominican minister of foreign affairs, on the other, a protocol under which the United States was to guarantee the integrity of the Dominican territory, undertake the adjustment of foreign claims, administer the finances on certain lines, and assist in maintaining order. As it was stipulated that the arrangement should take effect February 1, the inference was widely drawn that there existed an intention to treat the protocol as a perfected international agreement without submitting it to the Senate. Such an intention was soon afterwards disclaimed by the administration; but the incident resulted in the raising of the broad question as to the power of the president to enter into international agreements of any kind without the advice and consent of the Senate, and the discussion was soon found to involve the second article of the arbitration treaties. By this article, as we have seen, it was provided that the president should in each individual case, before appealing to the permanent court of arbitration, conclude a "special agreement," defining the matter in dispute and the scope of the arbitrators' powers and fixing the periods for the formation of the arbitral tribunal and the several stages of the procedure. As announced in the press, the position was taken by senators that the "special agreement" required in each case must be in the form of a treaty, duly submitted to the Senate for its advice and consent. The president, on the other hand, took the ground that the arbitration treaties, if approved by the Senate and afterwards ratified, would in themselves constitute complete legislative acts, which it would be within his powers as executive to carry into effect, as occasion might arise; and that, if a new treaty were required in each particular case, the general treaties would fail to accomplish their primary purpose and would in reality constitute a step backward, rather than a step forward, in the development of the practice of international arbitration by the United States. These views the president embodied in a letter to Senator Cullom, which was in the nature of a protest against the position which senators were understood to have taken. On receiving this letter, the Senate, with only seven dissenting votes, immediately amended the treaties by striking out of the second article the word "agreement" and substituting for it the word "treaty," so that it would be necessary in each individual case before proceeding to arbitration to conclude a special "treaty," defining the matter in dispute and the scope of the arbitrators' powers, as well as fixing the periods for the formation of the tribunal and the several stages of the procedure. When the treaties as thus amended were returned to the president, it was announced that he would not submit them in their amended form to the other governments concerned but would consider the action of the Senate as constituting in principle a disapproval of them.

As the record stands, issue was thus joined on the broad question whether it is within the power of the president to conclude any "agreement," or at any rate any arbitral agreement, with a foreign power without the advice and consent of the Senate. As regards this question, the president appears upon the affirmative side, and the Senate apparently upon the negative. No doubt, if the subject had been further discussed, the issue might have been brought within narrower limits. It will not be pretended by any one that the president can make any and every kind of an international agreement without the cooperation of the Senate, for the constitution expressly requires that "treaties" shall be made by him "by and with the advice and consent" of that body, signified by the approving vote of two-thirds of the senators present. On the other hand, it can easily be demonstrated that the word "treaties," as used in the constitutional law of the United States, does not embrace any and every kind of international agreement.

2. The terms "treaty," "convention," "protocol"

In diplomatic literature, the words "treaty," "convention," and protocol" are all applied, more or less indiscriminately, to international agreements. The words "convention" and protocol" are indeed usually reserved for agreements of lesser dignity, but not necessarily so. In the jurisprudence of the United States, however, the term "treaty" is properly to be limited, although the federal statutes and the courts do not always so confine it, to agreements approved by the Senate. Such an agreement may be and often is denominated a "convention," and perchance might be called a "protocol;" but it is also, by reason of its approval by the Senate, in the strict sense a "treaty," and possesses, as the product of the treaty-making process, a specific legal character. By the constitution of the United States, a "treaty" is a "supreme law of the land," having the force of an act of congressional legislation and overriding any inconsistent provisions not only in the constitutions and laws of the various states, but also in prior national statutes. It is at once an international compact and a municipal law, and in its latter character directly binds the courts and the individual inhabitants of the country. In this respect the legal system of the United States differs from that of most other governments, under which a "treaty," although it represents a binding international compact, becomes legally operative upon courts and individuals only when the legislature adopts it and enacts it into law. In England, for instance, an extradition treaty may be executed only where an act of Parliament already exists, or is passed, to render it effective; in the United States such a treaty may be immediately executed by virtue of its double character as an international compact and a municipal law. By reason of its added municipal character, a "treaty," in the United States has a superior legal efficacy; but it is for the same reason peculiarly exposed to degradation by the action of the legislature, since the courts have held that it is, as a "law," subject to abrogation or "repeal," even by implication, by a later and inconsistent act of Congress. The international obligation may not be thus destroyed, but the government of the United States is disabled from performing it.

3. Examples of purely executive agreements

Such being the nature and meaning of the term "treaty" in the jurisprudence of the United States, we find that the government has been in the habit of entering into various kinds of agreements with foreign powers without going through the process of treaty-making. The conclusion of agreements between governments, with more or less formality, is in reality a matter of constant practice, without which current diplomatic business could not be carried on. A question arises as to the right of an individual, the treatment of a vessel, a matter of ceremonial, or any of the thousand and one things that daily occupy the attention of foreign offices without attracting public notice; the governments directly concerned exchange views and reach a conclusion by which the difference is disposed of. They have entered into an international "agreement"; and to assert that the secretary of state of the United States, when he has engaged in routine transactions of this kind, as he has constantly done since the foundation of the government, has violated the constitution because he did not make a treaty, would be to invite ridicule. Without the exercise of such powers it would be impossible to conduct the business of his office.

But, in addition to agreements made in the transaction of current business, we find that the executive has entered into international agreements of a more formal kind, without resorting to the treaty-making process.

The agreement of 1817, for the limitation of naval armaments on the Great Lakes, was made and carried into effect by the executive, though it was afterwards submitted to the Senate. By a protocol signed at London, December 9, 1850, by Abbott Lawrence, American minister, on the part of the United States, and by Viscount Palmerston, on the part of Great Britain, it was agreed that the British crown should cede to the United States Horseshoe Reef in Lake Erie, and that the United States should accept it, on the conditions of erecting a lighthouse there and maintaining no fortifications. On receipt of the protocol, Mr. Webster, as secretary of state, on January 7, 1851, instructed Mr. Lawrence to acquaint the British government that the arrangement was "approved" by the government of the United States. This Mr. Lawrence did on the 17th of the succeeding month. Congress made appropriations for the erection of the light-house, which was built in 1856.[1] The validity of the title thus gained will hardly be disputed. The cession, which the executive had arranged, having been adopted by Congress, the territory came completely within the jurisdiction and control of the United States without any "treaty." We hold the Hawaiian Islands by no better tenure. Two successive attempts to annex them by treaty having failed, they were acquired under a joint resolution of Congress. Texas, also, was annexed by a joint resolution, but, as it was at the same time admitted as a state, it stands in a legal category distinguishable from that of Hawaii.

In 1882, an arrangement was effected between the United States and Mexico, by means of an exchange of notes, for the reciprocal passage of troops of the two countries across the border when in pursuit of hostile Indians.[1] On June 25, 1890, an agreement, in the form of a protocol, was entered into on the same subject, and this agreement was from time to time renewed with amendments. The federal troops of the two countries were permitted to cross the international boundary in pursuit of certain hostile Indians in the uninhabited and desert part of the line, which were defined as "all points that are at least ten kilometers distant from any encampment or town of either country." It was expressly stipulated that no such crossing should take place between two certain specified points. There were various other provisions requiring notice of crossing to be given if possible, and permitting the chastisement of other hostiles whom the troops might chance to meet.[2]

One of the most important agreements ever made by the executive without submission to the Senate was the peace protocol with Spain of August 12, 1898. By this protocol provision was made for a general armistice between the two countries. This stipulation was no doubt within the powers of the president as commander-in-chief of the army in time of war, but there were other provisions of a different nature and of far-reaching importance. Not only did the protocol stipulate that Spain should relinquish all claim of sovereignty over and title to Cuba, and should cede to the United States Porto Rico and other islands under Spanish sovereignty in the West Indies and an island in the Ladrones to be selected by the United States, but it also provided that Spain should "immediately evacuate" Cuba, Porto Rico and other Spanish islands in the West Indies, and to this end within ten days should appoint commissioners, who within thirty days were to meet commissioners of the United States at Havana, in Cuba, and San Juan, in Porto Rico, respectively, for the purpose of arranging and carrying out the details of the evacuation of Cuba and the adjacent islands. Commissioners to negotiate the definitive peace were to meet at Paris not later than October 1, 1898. They met accordingly, and, pending the negotiations which resulted in the signature of the treaty of peace on December 10, 1898, Porto Rico was evacuated and the preparations for the evacuation of Cuba were proceeding. It may be said that the evacuation of Cuba was clearly within the scope of the joint resolution under which the president was directed to intervene in Cuba, but this could not be said with regard to the anticipatory evacuation of Porto Rico and other Spanish islands in the West Indies, which was clearly an incident of the session.

Another remarkable exercise by the president alone of the power to make agreements with foreign countries is found in the protocol concluded at Peking on September 7, 1901, between China and the allied powers who had cooperated in the march to Peking for the relief of the foreign legations. This protocol was signed on the part of the United States by Mr. W. W. Rockhill, now minister to China, who was then acting as a special commissioner to China by executive appointment alone. It embraced numerous topics, including reparation by China for the murder of the German minister at Peking, the infliction of punishment on the principal authors of the outrages and crimes committed against foreign governments and their nationals, the prohibition by China of the importation of arms and ammunition as well as of the materials exclusively used for their manufacture, the payment to the allies of an indemnity of 450,000,000 taels, the constitution of an extraterritorial quarter for the use of the foreign legations in Peking, the

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temporary occupation by the powers of certain points in order to keep open the communication between the capital and the sea, and undertakings on the part of China to negotiate amendments to her existing treaties, to improve the navigability of the Peiho river, and to transform her office of foreign affairs into a ministry of foreign affairs, which was to take precedence over the six ministries of state.[3]

4. *Agreements under acts of Congress*

There are certain definite classes of international agreements which are made by the executive under acts of Congress. It is a peculiarity of these agreements that, so long as the statute under which they are concluded stands unrepealed, they have precisely the same municipal force as treaties, being in effect laws of the land. And sometimes they relate to subjects which might be and perhaps have been dealt with by the treaty-making power.

(*1*) *Postal "treaties"*

As the first illustration of this type of agreements we may take postal "treaties" or conventions. Originally it seems to have been supposed that such agreements must be submitted to the Senate. On March 6, 1844, a postal convention was signed between the United States and New Granada, with special reference to the isthmus of Panama. It was transmitted by President Tyler to the Senate May 7, and on the 13th it was read the first and second times by unanimous consent, and was ordered to be referred to the committee on foreign relations and to be printed in confidence for the use of the Senate. It was approved without amendment June 12.[4] A similar course was taken in other cases; but the procedure was altogether changed by the act of Congress of June 8, 1872, entitled "An act to revise, consolidate and amend the statutes relating to the post office department." By section 167 of this act it was provided that, "for the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them," the postmaster-general, "by and with the advice and consent of the president," might "negotiate and conclude postal treaties or conventions," and might "reduce or increase the rates of postage on mail-matter conveyed between the United States and foreign countries."[5] By section 20 of the same act, the postmaster-general is required to transmit a copy of each postal convention concluded with a foreign government to the secretary of state, who is to furnish a copy to the public printer for publication; but the proof-sheets are to be revised in the post office department.[6] These provisions have since governed the negotiation and conclusion of postal treaties, and they are now embodied in the revised statutes of the United States, as sections 398 and 399.

(2) *Reciprocity arrangements*

Another class of international agreements, concluded by the government of the United States under the authority of an act of Congress, is that of arrangements with foreign powers in relation to commercial reciprocity. Such were the agreements made by the United States under section 3 of the act of October 1, 1890, commonly called the McKinley act. By section 3 of this act the president was authorized to impose duties at certain rates on specified articles, whenever, in his judgment, the duties imposed by the country of exportation on goods imported from the United States were, in view of the free admission of such specific articles into the United States, "reciprocally unequal or unreasonable."[7] This retaliatory provision was used for the purpose of securing reciprocal commercial agreements with other powers; and ten such agreements were in fact concluded with Austria-Hungary, Brazil, the Dominican Republic, Germany, Great Britain, Guatemala, Honduras, Nicaragua, Salvador and Spain. These agreements remained in force till they were terminated by section 71 of the tariff of August 27, 1894, generally known as the Wilson-Gorman act.

The subject of commercial arrangements is also provided for by the act of July 24, 1897, called the Dingley act. By section 3 of this act, the president is authorized to enter into negotiations with the governments of countries exporting to the United States certain specified articles, wit. a view to making commercial agreements "in which reciprocal and equivalent concessions may be secured in favor of the products and manufactures of the United States"; and whenever an agreement is made by which the products and manufactures of the United States are, in his judgment, admitted on reciprocal and equivalent terms, he is authorized to suspend by proclamation the imposition and collection of duties on the articles in question. By section 4 of this act the president is also authorized to make certain concessions whenever he shall have entered into a reciprocity treaty with a foreign country by and with the advice and consent of the Senate Under the third section of the act the president has concluded and carried into effect commercial agreements with France, May 28, 1898; with Portugal, May 22, 1899, and January 11, 1900; with Germany, July 10, 1900; and with Italy, February 8, 1900.

(3) *Discriminating duties, copyrights, and trade marks*

In numerous cases, in addition to those first mentioned, the president has been invested by Congress with power the exercise of which has involved the making of formal or informal international agreements. As examples, we may take the acts of March 3, 1815; January 7, 1824; May 24, 1828; June 19, 1886; April 4, 1888, and July 24, 1897, with reference to the suspension of discriminating duties. The power thus vested in the president constantly has been and still is exercised by him, sometimes on the strength of understandings reached by ordinary correspondence, and sometimes on the strength of more formal diplomatic agreements.

A power similar to that exercised by the president with regard to the suspension of discrimiating duties is conferred upon him by section 13 of the act of March 3, 1891, amending the provisions of the revised statutes of the United States in relation to copyrights. By this section the president is authorized by his proclamation to admit the citizens of foreign nations to the privileges of copyright in the United States, either when such nations extend the benefits of copyright to citizens of the United States on substantially the same basis as to their own citizens, or when they are parties to a reciprocal international copyright agreement to which the United States may at its pleasure adhere. Under the first condition the president, after exchange of correspondence, has by proclamation extended the benefits of the law to citizens of Belgium, Chile, Costa Rica, Cuba, Denmark, France, Germany, Great Britain, Italy, Mexico, the Netherlands, Portugal and Spain.[8]

Agreements with regard to the protection of trade marks have been concluded by the exchange of notes, under section 1 of the act of March 3, 1881, with the Netherlands, February 10 and 16, 1883, and with Switzerland, April 27 and May 14, 1883.[9] In 1894, Mr. Gresham, as secretary of state, declined to approve a declaration for the protection of trade marks signed at Athens by the American minister and the Greek minister of foreign affairs, on the ground that a formal convention should be submitted to the Senate.[10] In numerous instances, the subject of patents and trade marks and the general protection of industrial property have been regulated by treaties duly submitted to the Senate.

(*4*) *Indian "treaties"*

During the first eighty years of government under the constitution, agreements with the Indian tribes were made exclusively by the president and the Senate, in the exercise of the treaty-making power. Since 1871, however, the subject has been dealt with exclusively by the president and Congress. This circumstance is due to the act of Congress of March 3, 1871,[11] now incorporated in section 2079 of the revised statutes, by which it is expressly provided that "no Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." Previously to this statute, the president, by the act of July 5, 1862,[12] now embodied in section 2080 of the revised statutes, was, whenever the tribal organization of any Indian tribe was in actual hostility to the United States, authorized by proclamation to declare all treaties with such tribe to be abrogated, if in his opinion it could be done consistently with good faith and with legal and national obligations.

The passage of the act of 1871 was strongly opposed by certain members of the House as well as of the Senate, on the ground that it involved an infringement of the treaty-making power vested in the president and the latter body. It was admitted that if the president should undertake to make a treaty with the Indians, Congress could not interfere with his doing so, by and with the advice and consent of the Senate; but it was, on the other hand, maintained that Congress had the power to declare whether the tribes were independent nations for the purposes of treaty-making, and to render its declaration effective by refusing to recognize any subsequent treaties with them; and this view prevailed.[13]

5. *The modus vivendi*

The first examples given above of international pacts made by the president, without consulting the Senate were agreements entered into by him alone, in the exercise of his own authority. There is a well defined type of agreement, known as the modus vivendi, which has been regarded as falling within the president's powers. As the name indicates, a modus vivendi is in its nature a temporary or working arrangement, made in order to bridge over some difficulty, pending a permanent settlement.

By an exchange of memoranda and correspondence in April and June, 1885, a diplomatic agreement was entered into between the United States and Great Britain, by which the fishing privileges granted to American citizens in Canadian waters by the treaty of May 8, 1871, which would otherwise have expired on July 1, 1885, were to continue throughout the season of 1885. This arrangement in no way affected the collection of duties on fish and fish products in the United States, but was entered into by the British government in consideration of the president's undertaking to recommend to Congress, on its assembling in December 1885, the appointment of a joint commission to consider the question of fisheries and trade relations.[14]

On February 15, 1888, a treaty commonly known as the Bayard-Chamberlain convention, was signed at Washington with a view to the permanent settlement of the fisheries controversy. This treaty was in the following August rejected by the Senate; but, on the day on which it was signed, a *modus vivendi* was entered into by the negotiators by which a temporary arrangement was made for a period not exceeding two years. This arrangement was communicated by the president to the Senate, for its information, when the treaty was submitted for ratification.

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By a *modus vivendi* concluded at Washington on June 15, 1891, the killing of fur seals in Bering sea, whether by American citizens or by British subjects, was suspended till the following May. This suspension, which applied only to that part of Bering sea eastward of the water line of demarcation in the treaty of cession of 1867, was established with a view to the conclusion of a treaty for the arbitration of the entire dispute. Such a treaty was made in the following year.

On October 20, 1899, a *modus vivendi* was effected by means of an exchange of notes between Mr. Hay, secretary of state, and Mr. Tower, British chargé d' affiaires *ad interim* at Washington, for the purpose of fixing a provisional boundary between Alaska and the Dominion of Canada in the vicinity of Lynn canal. This agreement remained in force till the boundary question was definitively settled by the decision of the joint commission under the treaty of January 24, 1903.

Protocols of agreement have on various occasions been made by the executive with a view to future negotiations. Protocols of this kind were signed with Costa Rica and Nicaragua on December 1, 1900, with a view to negotiations for the construction of an interoceanic canal by way of Lake Nicaragua.

6. *The settlement of pecuniary claims*

Agreements of another class, the making of which has been considered to be within the competence of the executive, are those providing for the settlement of pecuniary claims, especially of private individuals, against foreign governments. Such an agreement the president no doubt may in any case submit to the Senate, if he sees fit to do so; and we find especially in former times, that this course was often taken.

(1) By Treaty

Thus, provision was made for the settlement of pecuniary claims, either directly or by means of arbitration, under article vi of the treaty with Great Britain, commonly called the Jay treaty, of November 19, 1794, for the adjudication of claims of British subjects against the United States growing out of legal impediments interposed to the collection of debts under the treaty of peace of 1782–1783; under article vii of the same treaty, for the adjudication of claims of citizens of the United States against Great Britain on account of violations of neutral rights and of claims of British subjects against the United States growing out of failures of neutral duty; under article v of the convention with Great Britain of October 20, 1818, for the arbitration of claims of citizens of the United States against the British government, growing out of the carrying away of slaves in violation of article i of the treaty of Ghent; under the convention with Great Britain of February 8, 1853, for the arbitral adjustment of claims of the citizens of each country against the government of the other; under the convention with Great Britain of July 1, 1863, for the adjudication of the claims of the Hudson's Bay Company and the Pudget Sound Agricultural Company against the United States; under articles i–xi, inclusive, of the treaty of Washington of May 8, 1871, for the arbitration of the "Alabama" claims; under article xii of the same treaty for the determination of claims of citizens of each country against the government of the other, other than the "Alabama" claims, arising during the Civil war in the United States; under articles xx–xxv, inclusive, of the same treaty for the arbitration of the question what, if anything, was due to the British government from the United States on account of the arrangement made with regard to the fisheries; under the convention of February 8, 1896, for the adjudication of British claims against the United States growing out of the Bering sea controversy; and under the tripartite convention between the United States, Germany and Great Britain, of November 7, 1899, for the adjudication of the question of liability for the payment of claims of the citizens or subjects of the contracting parties growing out of the unwarranted military action of any of them in Samoa.

By article xxi of the treaty with Spain of October 27, 1795, provision was made for the adjudication of claims of citizens of the United States against Spain in consequence of the seizure of their vessels and cargoes by subjects of his Catholic majesty during the then recent war between Spain and France. Provision was made by the convention of August 11, 1802, for the adjudication of other claims of American citizens against Spain and of Spanish subjects against the United States; but, although the ratifications of this convention were afterwards exchanged, it was never carried into effect, and the subject to which it related was dealt with in the Florida treaty of February 22, 1819, by which all claims of the citizens of either country against the government of the other were renounced and the United States undertook (article xi) to make satisfaction for the claims of its own citizens to an amount not exceeding $5,000,000. By article ix of the same treaty the United States undertook to compensate the Spanish inhabitants of Florida for injuries suffered by the operations of the American army in that province. Claims against Spain arising during her war with her American colonies were directly settled by the Van Ness convention of February 17, 1834. Many claims on the part of citizens of the United States against France grew out of the wars in which that country was involved prior to the peace of Amiens. Some of these were settled under the indemnity convention of April 30, 1803, which forms one of the series of treaties relating to the Louisiana cession, as part of the price of which certain classes of the claims were assumed and paid by the United States. Subsequent claims against France, as well as certain claims of France against the United States, were directly settled by the Rives convention of July 4, 1831. A mutual adjustment of claims by the same countries through a mixed commission was accomplished under the convention of January 15, 1880. Claims of citizens of the United States against Denmark originating in the Napoleonic wars were directly settled by the treaty of March 28, 1830, as likewise were similar claims against Naples by the convention of October 14, 1832. Provision was made by the treaty of April 11, 1839, for the adjudication of claims of citizens of the United States against Mexico, and various claims which failed of adjustment under this convention were assumed and paid by the United States under the treaty of Guadalupe Hidalgo.

By a convention of July 4, 1868, all claims of the citizens of either country against the other which had arisen since the signature of the last-named treaty were submitted to arbitration. Claims of citizens of the United States against Peru were directly settled by a convention signed at Lima on March 17, 1841. By a convention with the same country of December 20, 1862, the claims of the owners of the American vessels "Georgiana" and "Lizzie Thompson" against the government of Peru were submitted to the king of the Belgians as arbitrator, but the claims were afterwards withdrawn by Mr. Seward, and no decision was rendered. A convention for the mutual adjustment of claims as between the United States and Peru by means of a mixed commission was concluded on January 12, 1863. A similar convention was entered into on December 4, 1868. Claims of citizens of the United States against Brazil were directly settled by the convention of January 27, 1849. By a treaty signed on February 26, 1851, the claims of citizens of the United States against Portugal growing out of the destruction of the brig "General Armstrong" by the British at Fayal, in 1814, was submitted to Louis Napoleon as arbitrator. On September 10, 1857, a convention was concluded at Washington for the adjudication of claims of citizens of the United States against New Granada, especially of those growing out of the Panama riot of 1856, and the powers of the commission organized under this convention were extended by the convention of February 10, 1864. In 1821, a quantity of silver, representing the proceeds of sales of merchandise imported into Peru by the American barque "Macedonian" was forcibly taken in the valley of Sitaña by order of Lord Cochrane, then a vice-admiral in the Chilean navy. The claims growing out of this transaction were, under a convention concluded November 10, 1858, referred to the king of the Belgians. Numerous claims against China were settled by a convention of November 8, 1858. By a convention of February 4, 1859, the claims of the United States and Paraguay Navigation Company against the government of Paraguay were submitted to arbitration. A settlement of all claims of citizens of the United States against Costa Rica for injuries to persons or property was effected by means of a mixed commission under the convention of July 2, 1860.

A mutual adjustment of claims as between the United States and Ecuador was effected in a similar manner under the convention of November 25, 1862. The claim of Julio R. Santos, a naturalized citizen of the United States, against the government of Ecuador, growing out of his arrest and detention in that country in 1884 and 1885, was adjudicated under the convention of February 28, 1893. Provision was made for the arbitral settlement of claims against Venezuela by the convention of April 25, 1866; but the proceedings of the commission were set aside and the claims retried under the convention of December 5, 1885. The claim against Venezuela, growing out of the seizure of the vessels of the Venezuela Steam Transportation Company, an American corporation, was settled by a mixed commission under the convention of January 19, 1892. By a convention between the United States and Denmark of December 6, 1888, the Carlos Butterfield claims, were submitted to Sir Edward Monson, then British minister at Athens, as arbitrator. Under a convention between the United States and Chile of August 7, 1892, all claims of citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities, were adjudicated by means of a mixed commission. This convention was revived by the convention of May 24, 1897, in order that unfinished business might be disposed of. We thus have thirty-nine cases in which treaties have been made by the United States for the purpose of settling pecuniary claims. It is to be observed, however, that in only twenty cases were the claims against the foreign government alone. In fourteen cases there were claims against both governments, and in five, claims against the government of the United States alone; in other words, in nineteen instances the settlement embraced claims against the United States; and, as the executive is forbidden to bind the government of the United States to the payment of money in the absence of authority of law, the president has never undertaken to settle claims against the United States except by means of a treaty, or by means of an agreement concluded *ad referendum* to Congress.

(2) By Executive Agreement

But, as has heretofore been pointed out, pecuniary claims against foreign governments have constantly been settled by the president and no question as to his possession of such a power, apart from discussions to its possible limitations, appears ever to have been seriously raised. We, therefore, find in the books little that bears upon the subject; but, in at least one case in which a foreign government sought to qualify an agreement made with the President, the validity and finality of his action were vigorously asserted by the government of the United States.

On November 29, 1886, Mr. Moret, Spanish minister of foreign affairs, informed Mr. Curry, the American minister at Madrid, that the council ministers had decided to settle the claim of Antonio Maximo Mora, a naturalized citizen of the United States, of Cuban origin, against the government of Spain, growing out of the embargo of his property in Cuba, by paying the sum of $1,500,000. This sum, said Mr. Moret, was to be paid by a charge on the Cuban budget; but, as the colonial budget was not in a condition to support such a sum at one time, the government had reserved the determination of which due information would be given. On December 7, Mr. Curry, under instruction of his government, accepted this offer; and a clause was inserted in the Cuban budget of 1887–88 for the payment of the money. This budget, however, was not passed, the Cortes avoiding action upon it by renewing the appropriations of the preceding year; and when, 1888, the colonial budget for 1888–89 was submitted, the provision for payment was omitted. When Mr. Curry inquired as to the reason for the omission, Mr. Moret replied that, in view of the debates which had taken place in the Chamber of Deputies, the government was convinced that the Chamber would not vote the money unless the "totality" of American claims was settled, including those of Spain against the United States.

At the same time, Mr. Moret declared that the government did not assume to alter what had been agreed on, but must judge when it would be opportune to lay the matter before the Cortes. The government of the United States expressed its confidence that "the Spanish government would not repudiate the arrangement which was deliberately concluded in its name and by its authority." Nevertheless, in consequence of the opposition manifested in the Cortes to the settlement which had been made, Mr. Moret was transferred to the ministry of the interior, and was succeeded in the ministry of foreign affairs by the Marquis de la Vega de Armijo. The latter, in August, 1888, stated that the government intended to satisfy, as far as lay in its power, the government of the United States, and expressed the belief that the Cortes would vote the money if the payment of the Mora claim "coincided" with the payment of the claims of Spain against the United States. With reference to this statement, Mr. Bayard, as secretary of state, on September 17, 1888, declared that, so far as the minister's note affirmed "the inviolability of the settlement arrived at in the Mora case and its removal from the sphere of discussion," it was satisfactory and fulfilled "the expectations that had been confidently entertained in regard to the observance by the Spanish government of the agreement heretofore concluded." Mr. Bayard was not indisposed to include the "payment" of the Mora claim with the "settlement" of other claims, if this could be done within a reasonable time; but he declared that the "sum agreed to be paid" in the Mora case might "fairly be treated as a debt due and withheld by Spain from the United States, upon which interest should justly be computed from the time the agreement was concluded." Again, on December 18, Mr. Bayard declared that the claim had been "conclusively adjusted for a specific sum and only awaits payment by the Spanish government." Similar ground was taken by Blaine, Mr. Bayard's successor as secretary of state, who adopted the statement of Mr. Curry that by the settlement "the case was raised from the debatable and negotiable ground which it had previously occupied to the height of an international compact, binding upon both governments."

In the same paper, Mr. Blaine said "that by the most formal and sacred of international compacts the faith and honor of the Spanish government" had been "directly pledged" to the payment of the claim, and that the president was "unwilling to allow the execution of the absolute settlement of the Mora case to be made dependent upon the further settlement of other claims." In February, 1893, Mr. Foster, Mr. Blaine's successor, referring to a remark made by the American minister at Madrid as to the possible conclusion of a "convention for the adjustment of the Mora" claim and the claims of Spanish subjects against the United States, said: "The Mora claim has been regarded by this government as already a liquidated and adjusted claim, only awaiting an appropriation by the Spanish Cortes for its final payment. I should not therefore be placed in the category of unadjusted claims." Mr. Gresham, Mr. Foster's successor, writing to Mr. Taylor, the American minister at Madrid, on July 14, 1893, declared that the United States "could not recognize parliamentary difficulties in the way of securing an appropriation for the Mora claim as in any way relieving Spain from her distinct and unconditional obligation to pay that claim." In a note of December 29, 1894, to the Spanish minister of state, Mr. Taylor declared that the United States had reached the "irrevocable conclusions," (1) that, "when the proposition of settlement was accepted, an international convention was concluded," precluding the discussion of all questions but that of payment; (2) that the "unconditional promise to pay carried with it the obligation to pay in a reasonable time;" (3) that the United States would "not consent" that payment should "depend upon the willingness of the Cortes to make the appropriation," or upon the final adjustment of claims asserted by Spain against the United States.

This presentation of the subject was approved by Mr. Gresham, who, in reply to arguments of the Spanish government that the Mora case was not "one of those matters of strict justice which require immediate reparation," and that the agreement to pay the claim was conditional and not unconditional, reaffirmed the position that the agreement was "unconditional," and further declared that all departments of the Spanish government were bound by it, and that no one department could nullify it, and that, whether the Spanish government did or did not receive the income from Mora's estates was a question "immaterial" to the "rights" of the United States or the "obligations" of Spain. Nevertheless, delay in the payment of the money continued, and at length Congress, by a joint resolution approved March 2, 1895, requested the president "to insist upon the payment of the sum agreed upon between the governments of Spain and the United States in liquidation of the claim of Antonio Maximo Mora against the government of Spain, with interest from the time when the said amount should have been paid under the agreement." [15] Instructions in conformity with the resolution were sent to the legation of the United States at Madrid, and like representations were made to the Spanish minister at Washington, urging an immediate payment on account and an arrangement for the early discharge of the remainder, should Spain be unable to pay the full amount at once. On July 20, 1895, the Spanish minister at Washington handed to Mr. Olney the text of a resolution of the council, approved by the queen regent, in which it was stated that, "in view of the facts shown of record and of the conclusions formulated by the ministers and a sub-committee of reference," it had been decided to notify the United States that Spain, "in fulfilment of the engagement contracted by the notes exchanged on the 29th of November and the 7th of December, 1886," was prepared to proceed to the payment of 1,500,000 pesos in three instalments, the form and date of payment to be determined by agreements. On the 10th of the following August an agreement, signed by Mr. Olney, as secretary of state, and by Mr. Depuy de Lòme, Spanish minister, and by two representatives of the claimant and other interested persons, was entered into for the payment, on or before September 15, of 1,500,000 gold pesos, "in full discharge and satisfaction not only of the principal sum agreed to be paid," but also of any amount that might be claimed to be due as interest. This payment was duly made.[16]

The conclusiveness of the settlement was thus finally maintained, in spite of Spain's contention that the agreement should be treated as having been made subject to the approval of the Cortes. No matter what view might be taken of this contention, the way was open to Spain to make it, since the country was in a state of tranquility and all the departments of the government were in the full exercise of their constitutional functions. Had a dictatorship existed and the constitutional guarantees been suspended, the case would have been obviously different. Such a condition of things has often existed even in recent years, especially in the countries of Spanish America, where international agreements of the most important character have been entered into and carried into effect by the chief executive in the exercise of dictatorial powers. Even territorial questions have been so settled. The treaty of commerce, navigation, boundaries and extradition between Brazil and Bolivia of March 27, 1867, was concluded and ratified on the part of Bolivia by the president *ad interim* of that country. The arbitral agreements made with Venezuela in 1903, under which claims against that government amounting to millions of dollars were settled, were ratified and put into effect by President Castro in virtue of dictatorial powers. Likewise, the agreement between the United States and the Dominican Republic of January 31, 1903, for the settlement of the claims of the San Domingo Improvement Company and its allied companies, was executed and put into effect by President Vasquez, in the exercise of similar powers. From May 2, 1902, until July 20, 1903, there was no congress, the constitutional guarantees being in suspense and all powers being exercised by the president. In such cases the only authority in existence is necessarily dealt with, it being inadmissible to hold that the national powers and responsibilities are in abeyance and cannot be discharged because powers ordinarily exercised by one department of the government have for the time being been assumed by another.

(3) *Arbitrations under executive agreements*

Not only is the power of the president to settle the claims of citizens of the United States against foreign governments firmly established, but he has repeatedly employed arbitration for the purpose. An eminent authority has observed that this "at first glance would seem to be an independent exercise of the treaty-making power," but that "in a strict sense" it "cannot be so regarded"; and it has therefore been placed among certain acts of an international character, binding the government, which the president may perform without the interposition of the Senate." [17] The legal theory on which such settlements rest is simple. Arbitration is in such cases only one of the modes by which the president exercises his power to settle the claims of individuals against foreign governments. If, in the exercise of this power, differences arise which apparently cannot be directly solved, it is a natural and obvious thing to submit them to the judgment of impartial persons. As early as September 5, 1793, Mr. Jefferson, as secretary of state, when discussing with the British minister the question of losses sustained by vessels unlawfully captured within American jurisdiction, proposed as a provi-

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sional measure that the collector of customs of the particular district and the British consul, "or any other person you please," should "appoint persons to establish the value of the vessel and cargo." [18]

It would be a work of supererogation to attempt to cite all the cases in which the executive of the United States has settled individual claims against foreign governments without reference to the Senate, but the more important examples may be given, including those in which the process of arbitration has been employed.

By a convention signed at Caracas on May 1, 1852, claims of citizens of the United States against Venezuela, growing out of the seizure of certain vessels, were settled for the sum of $90,000, with interest to date of payment. An agreement, concluded seven years later (January 14, 1859), for the settlement of claims of citizens of the United States on account of their expulsion from the Aves Islands, was submitted to the Senate, President Buchanan remarking that "usually" it was "not deemed necessary to consult the Senate in regard to similar instruments relating to private claims of small amount when the aggrieved parties are satisfied with their terms," but that it was thought advisable in the present instance on account of the instability of the Venezuelan government.[19] By a protocol signed at Washington on February 17, 1903, all claims of citizens of the United States against Venezuela, which had not been previously settled by diplomatic agreement, were submitted to a mixed commission. The claims, with interest, amounted to upwards of $81,000,000; the awards of the commission, with interest, to $436,450.70. In connection with this settlement the non-blockading powers concurred with the blockading powers, under agreements concluded by the latter with Venezuela on May 7, 1903, in submitting to The Hague tribunal the question whether the blockading powers had a right to the preferential payment of their claims.

In 1858, it was agreed by an exchange of notes between Mr. Reed, the American minister, and the Chinese authorities that a fund of 600,000 taels should be raised in China out of duties collected on American goods and bottoms at three treaty ports for the payment of American claims. This agreement Mr. Reed afterwards modified by concluding the convention of November 8, 1858. In 1884, the American minister arranged with the taotai of Swatow to refer to two of the foreign consuls at that port the claim of an American citizen, named Ashmore, for injuries to a fishery by native trespassers in 1872.[20]

On May 4, 1864, the American minister in Salvador agreed with the government of that country for the arbitration of the claim of an American citizen, named Savage, against Salvador on account of losses in connection with the exportation of a quantity of gunpowder.[21] By a protocol, signed at Washington, December 19, 1901, the claims of the Salvador Commercial Company and other citizens of the United States, stockholders in the Salvadorian corporation styled "El Triunfo Company, Limited," were submitted to a mixed commission composed of the chief justice of Canada, a citizen of the United States and a citizen of Salvador. An award was made in favor of the United States for $523,178.64.[22]

By a protocol, signed at Rio de Janeiro, March 14, 1870, it was agreed to submit to the British minister at Washington, as arbitrator, the claims of the owners of the American whaling ship "Canada" and her cargo against the government of Brazil because of losses incurred, as it was alleged by the illegal interference of Brazilian officials with the master of the vessel when he was attempting to pull her off a reef. An award was rendered in favor of the United States for the sum of $100,740.04.[23] By another protocol, signed at Rio de Janeiro, September 6, 1902, the claim of the owners of an American vessel against the government of Brazil, for indemnity for damages inflicted on the vessel and her long boat by the firing of Brazilian soldiers and by her detention at Rio de Janeiro, was submitted to the arbitration of the minister of Sweden and Norway at Washington.

By an exchange of correspondence in 1870, it was left to arbitrators to assess the damages in the claim of the American steamer "Lloyd Aspinwall" against the government of Spain on account of the seizure and detention of the vessel by the Spanish authorities in Cuba. By a similar agreement in 1885, the claims growing out of the seizure of the American barque "Masonic" by the Spanish authorities at Manila was referred to Baron Blanc, Italian minister at Madrid. But far more important than these was the agreement effected at Madrid by an exchange of notes on February 11–12, 1871, under which all claims of citizens of the United States against the government of Spain, for wrongs and injuries committed against their persons and property by the authorities of Spain in Cuba since the commencement of the insurrection in 1868, were submitted to a mixed commission, consisting of two arbitrators and an umpire. These claims involved questions of great international importance, including the validity of decrees of the Spanish government and of legal proceedings against both persons and property in Cuba. Questions analogous to those involved in the "Virginius" case eventually came before the commission, as well as many questions of nationality or citizenship. The commission remained in existence more than ten years. It adjourned December 27, 1882, and the last awards of the umpire were filed on February 22, 1883. The amount of the claims presented to the commission was more than $30,000,000, exclusive of interest. The total sum awarded was $1,293,450.55. Immediately after the conclusion of the agreement, Congress appropriated $15,000 for the United States' share of the expenses. Appropriations were thereafter regularly made for the same purpose, the whole amount contributed by the United States being $126,324.59.[24]

The seizure and detention of the American steamer "Montijo" in Colombia, in 1871, gave rise to claims against that government. These claims involved various important questions, including that of the liability of a government for the acts of insurgents. They were submitted to arbitration under a protocol signed at Bogota, August 17, 1874, and an award was rendered in favor of the United States.[25]

On several occasions claims against Hayti have been settled in a similar manner. The award of the arbitrator in the cases of Pelletier and Lazare under the protocol signed at Washington, May 28, 1884, was not enforced, because in the case of Pelletier the arbitrator misconstrued his power, and in the case of Lazare, as it was alleged, he did not have the benefit of certain important evidence. By an exchange of correspondence at Port au Prince, in 1885, the American minister arranged for the adjustment by a mixed commission of claims of citizens of the United States against the government of Hayti growing out of riots at Port au Prince. The claims were of small amount.[26] In the case of C. A. Van Bokkelen, a citizen of the United States, against Hayti, growing out of his imprisonment and detention in violation of treaty rights, an award was rendered in favor of the United States under a protocol signed at Washington, on May 24, 1888, by the sum of $60,000.[27] The claim of certain citizens of the United States against the government of Hayti, on account of the seizure and sale of their goods, was adjusted in a similar manner under a protocol signed at Washington on October 18, 1899. The arbitrator, the Hon. William R. Day, rendered an award in favor of the claimant for $23,000.[28]

The claims of two American citizens, named Oberlander and Messenger, against the government of Mexico were disposed of by arbitration under a protocol signed on March 2, 1897, by Mr. Olney, secretary of state, and Mr. Romero, Mexican minister.[29] Under a protocol concluded on May 22, 1902, the claim of the Pious Fund of the Californias was referred to The Hague tribunal, which decided that Mexico should pay to the United States the sum of $1,420,682.67, and in each succeeding year in perpetuity the sum of $43,050.99, in money having legal currency in Mexico.[30]

Under a protocol signed at Washington, February 23, 1900, a claim of a citizen of the United States named May, against the government of Guatemala, for a debt alleged to be due him under certain railway construction contracts with that government and for damages caused by the Guatemalan civil and military authorities, was submitted to the British minister in Central America, who awarded the claimant $143,750.73.[31]

Claims against Nicaragua of small amount were submitted to arbitration under a protocol signed at Washington, on March 22, 1900.[32] So, by a protocol signed at Washington, on May 17, 1898, the claim of a citizen of the United States against Peru was referred to the chief justice of Canada. In 1897, the complaint of E. V. Kellett, United States vice-consul general in Siam, on account of an assault committed upon him by soldiers of that government, was disposed of by a joint commission.[33] In the same year the claim of a citizen of the United States against the Siamese government, growing out of breaches by the latter of an agreement for the working of the teak forests, was submitted, under a protocol signed at Bangkok, July 26, 1897, to the governor of the Straits Settlement, by whom an award was rendered in favor of the United States for $200,000 in gold.[34] Certain claims against Chile were directly settled by an agreement concluded on May 24, 1897. By an agreement with Russia, signed September 8, 1900, various claims for the detention of American sealing vessels by Russian cruisers were submitted to arbitration. The submission involved important questions as to marine jurisdiction.

One of the most interesting of the arbitrations of the United States under executive agreements, is that relating to the Delagoa Bay railway, under a protocol between the United States, Great Britain and Portugal, signed at Berne on June 13, 1891. The railway was constructed under a concession originally granted to an American citizen named McMurdo. McMurdo transferred his concession to a Portuguese company, which was in turn financed by an English company. The taking possession of the railway by the Portuguese government in 1889 gave rise to interesting and complicated questions as to the rights of McMurdo as well as of the English investors. Both the United States and Great Britain intervened for the protection of the interests of their respective citizens, and, on the demand of the United States, which was supported by the British government, the case was referred to three Swiss jurists, who, in 1899, rendered an award in favor of the United States and Great Britain for the sum of $4,670,000.

On several occasions claims against the Dominican Republic have been settled under executive agreements. In 1898 an American engineer, acting under such an agreement, rendered an award in favor of the United States for $74,411.17, with interest at six per cent for two and a half years, on account of the seizure of the Ozama bridge by the Dominican government. On April 30, 1904, an award was made by arbitrators of the sum of $215,812, on account of arms, ammunition

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and other articles furnished by the firm of Sala & Company to the Dominican government while General Heureaux was president. The arbitral proceeding was conducted under a convention signed on April 28, 1902.

By a protocol signed at Santo Domingo City, January 31, 1903, provision was made for submitting to a mixed commission the question of the terms on which the Dominican government should pay the sum of $4,500,000, which that government had agreed to pay in consideration of the cession to it of all accounts, claims and properties of the San Domingo Improvement Company and its allied companies, including their rights in the railway from Puerto Plata to Santiago, and in settlement of all differences, as well as in consideration of the relinquishment by the Improvement Company of its right to collect the revenues at all the ports of the republic. The protocol expressly required the arbitrators to fix the mode in which the moneys to be paid under it should be collected. By the award rendered on July 14, 1904, it was decreed that the moneys should be paid in certain monthly installments, and that, in case of default, it should be collected at certain Dominican ports by an agent to be appointed by the United States.

It thus appears that, if we include only the more formal settlements, there have been thirty-one cases in which claims against foreign governments have been settled by executive agreement, and that twenty-seven arbitrations have been held under such agreements as against nineteen under treaties, where the settlement embraced claims against the foreign government alone and not against the United States.

In connection with the arbitration under the protocol with the Dominican Republic of January 31, 1903, it may be pointed out that on various occasions the customs or other specific revenues of foreign countries have been pledged for the payment of American claims.[35] Provision has also been made in certain cases for the direct collection of such revenues, in the event of the failure of the local government to make the stipulated payments; but, as the cases in which such an arrangement has been necessary have been comparatively infrequent at any rate in the experience of the United States in such matters, it is proper to refer particularly to certain precedents in which the subject has been either discussed or practically dealt with.

In 1880, the Venezuelan government appealed to the United States for its interposition in difficulties which had arisen between Venezuela and France, because the former government had fallen into arrears in payments due to the latter on the settlement of claims against Venezuela effected in 1864. As it was represented that there was danger that France would institute a blockade of Venezuelan ports and take possession of the custom houses for the purpose of collecting the money, and as there were conflicting claims as to preference among foreign creditors, Venezuela proposed to deliver certain monthly sums to the government of the United States, which was to distribute the money among all the foreign creditors. Mr. Evarts, who was then secretary of state, intimated that the proposal would be favorably entertained if it should prove to be acceptable to all the creditor governments. Subsequently, no arrangement having been effected, Mr. Evarts' successor, Mr. Blaine, acting in the name of the president, instructed the American minister at Paris to suggest that the United States would place an agent in Caracas to receive such monthly sums from Venezuela as might be agreed upon and distribute them among the creditor nations, and that, in case the Venezuelan government should default for more than three months in the regular instalments, the agent appointed by the United States should be authorized to take charge of the custom houses at Laguayra and Puerto Cabello, and reserve from the monthly receipts a sufficient sum to pay the stipulated amounts, with ten percent additional, handing over to the authorized agent of the Venezuelan government all the remainder collected.

It was, said Mr. Blaine, the judgment of the president that an arrangement of this kind would give all reasonable security to each of the creditor nations.[36] The French government afterwards arranged its differences directly with the Venezuelan government, and the proposal of the United States was not carried into effect.

An actual arrangement, to which the United States is a party, for the collection of moneys from a foreign government by means of the sequestration of custom duties, is that effected by the protocol between China and the allied powers, which was signed at Peking, September 7, 1901. By this protocol, China agreed to pay to the allied powers, one of which was the United States, an indemnity of 450,000,000 taels, to cover the claims of governments, companies or societies and private individuals. For the collection of this debt a commission of bankers was created on which each of the foreign powers is represented by a delegate, and specific revenues are assigned for the payment of the debt. These revenues embrace (1) the balance of the revenues of the imperial maritime customs (the foreign service under Sir Robert Hart), after payment of the amounts previously pledged as security for prior loans; (2) the revenues of the native customs, which are administered in the open ports by the imperial maritime customs; and (3) the total revenues of the salt gabelle, exclusive of the portion previously set aside for other foreign loans.

A still later example, which is specially interesting because it substantially carries out in Venezuela under another form the proposal made by the United States in 1881, is that of the settlement with Venezuela under the agreements signed at Washington in 1903, among which is the protocol between the United States and Venezuela of February 17 in that year. By Article V of this protocol, following the stipulations made in the other agreement, it is provided that the Venezuelan government shall set apart in each month, for the payment of claims, thirty per cent of the customs revenues of Laguayra and Puerto Cabello, and that, in case of failure to carry out this stipulation, "Belgian officials shall be placed in charge of the customs of the two ports, and shall administer them until the liabilities of the Venezuelan government in respect of the above claims shall have been discharged." These precedents directly sustain the protocol with the Dominican Republic of January 31, 1903, and the award of the arbitrators thereunder.

7. Executive enforcement of statutes and treaties

In view of what has been set forth, it is evident that the position that the president can make no agreement with a foreign power, except in the form of a treaty approved by the Senate, cannot be maintained; and that, if he had consented to be deprived, by amendment of the arbitration treaties, of the right to agree to the submission of any question whatsoever thereunder except by means of a new treaty, he would have waived the exercise of a power which he has constantly used. If the Senate had amended the treaties by inserting, after the word "agreement," the words "or treaty," the issue would have been more correctly drawn; but it must in fairness be admitted that this would not have accomplished the Senate's object in assuring to itself an opportunity to exercise its judgment upon the propriety of executive action in each particular case. It should also, in fairness, be admitted that they go too far who assert that the Senate, in amending the treaties, committed an act that was not legally justifiable. The law of the constitution is not more to be found in the letter of that instrument than in the practice under it, and the Senate has from the foundation of the government exercised the power of amending treaties. It has constantly given its "advice and consent" in that form. The practical question to be considered, so far as arbitration is concerned, is whether a general treaty might not be put into such form that the Senate would approve it without requiring each case actually submitted to be made the subject of a new treaty, so that the formulation of the issue to be determined by arbitrators and of the periods within which they were to act might be treated merely as a matter of procedure to be carried out by the executive.

To assert, as an abstract proposition, that the Senate cannot, without abdicating its constitutional functions, approve a general arbitration treaty in such a form, would be to claim for it a more extensive supervision of executive action than is enjoyed by other parliamentary bodies which have a voice in the making of treaties. By article 8 of the constitutional law of France of July 16, 1875, it is provided that "treaties of peace and of commerce, treaties which involve the finances of the state, those relating to the persons and property of French citizens in foreign countries, shall become definitive only after having been voted by the two chambers."[37] The constitutions of other countries contain similar or analogous clauses. And yet the Anglo-French arbitration treaty, on which the American treaties were modelled, was approved by the French chambers; and it is believed that in no case was any parliamentary difficulty created in carrying into effect the other European treaties. Nothing therefore can be drawn from the constitutional law and practice of other countries to support the proposition that the Senate of the United States cannot legally approve any general arbitration treaty in such a form that it can be executed without making subsequent special treaties. The Hague convention, which was approved by the Senate, has so far been carried into effect by the president by special executive agreements, but the only questions so submitted have related to pecuniary claims against foreign governments.

It may be affirmed that in the execution of every law the executive is invested with more or less discretion, and in some cases the powers thus committed to him have been of a very sweeping character. For example, by the act of June 4, 1794, the president was authorized, during a certain period when Congress was not in session, to lay an embargo on ships in American ports, "whenever, in his opinion, public safety shall so require."[38]

By the act of June 13, 1798, suspending commercial intercourse between the United States and France, the president was authorized to restore such intercourse in case France should, before the next session of Congress, "clearly disavow" and "refrain from aggressions, depredations and hostilities" which she had encouraged and maintained against the vessels and other property of American citizens, and should also acknowledge the claim of the United States to be considered as neutral in the then existing European war.[39] By the act of December 19, 1806, the president was authorized to suspend the operation of the non-importation act, "if in his judgment the public interest should require it."[40] Similar powers were conferred on the president by the non-intercourse acts of March 1, 1809, and May 1, 1810.[41] Power has also repeatedly been conferred upon the president to suspend the imposition of discriminating duties, in case he should be satisfied that the discriminating or countervailing duties of other foreign nations had been so modified as not to operate to the disadvantage of the United

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States.[42] By the act of March 23, 1879, the president was authorized to suspend the judicial functions of United States consuls in Egypt whenever he should receive satisfactory information that tribunals competent to render impartial justice had been organized there.[43] Under the act commonly known as the civil service law, wide discretionary powers were committed to the president.

The validity of legislation of this character has repeatedly been affirmed, one of the later instances being the action of the supreme court of the United States in sustaining the constitutionality of section 3 of the tariff act of October 1, 1890, by which, as has heretofore been seen, the president was empowered to impose certain duties on various articles imported from foreign countries in case he should be of opinion that the duties charged in such countries on products of the United States were "reciprocally unequal and unreasonable."[44] It was contended that this section was unconstitutional, as delegating to the president both legislative and treaty-making powers. The court, after an exhaustive examination of the subject, decided that the section was constitutional, holding that it merely made the president the "agent of the law-making department to ascertain and declare the event upon which the expressed will was to take effect." It is true that the court in another place spoke of the imposition of duties being required when the president ascertained the existence of a "particular fact;" but it is obvious that under the statute the so-called "fact" was the declaration by the president of the opinion that, in his judgment, the duties imposed were "reciprocally unequal and unreasonable." The unconstitutionality of an act of Congress is a fact, after the court has announced it; but prior to such announcement the question whether the act is unconstitutional involves not the ascertainment of a fact but the exercise of judgment. In no other sense was the president's declaration that certain duties were "reciprocally unequal and unreasonable" the declaration of a fact.

FOOTNOTES

[1] Foreign Relations of the United States, 1882, pp. 419–426.

[2] Report of Mr. Olney, secretary of state, to the president, Dec. 7, 1896, For. Rel. 1896. See, also, *ibid*. p. 438.

[3] See Report of Mr. Rockhill, Nov. 30, 1901, Senate Doc. 67, 57th Congress, 1st session; reprinted as Appendix to Foreign Relations, 1901, vol. iii, pp. 312–318.

[4] Executive Journal of the Senate, vol. vi (1841–45), pp. 275, 276, 321.

[5] 17 U.S. Statutes at Large, 283.

[6] 17 *ibid*. 304.

[7] 17 U.S. Statutes at Large, 287.

[8] For the act of March 3, 1891, see 26 U.S. Statutes at Large, 1110; also, Foreign Relations, 1892, pp. 258–266.

[9] 21 U. S. Statutes at Large, 502; Senate Doc. 20, 56th Congress, 2d session, pp. 334, 337.

[10] Foreign Relations, 1895, pp. 759, 763, 765.

[11] 18 Statutes at Large, 176.

[12] 12 *ibid*, 528.

[13] See, especially, *Congressional Globe*, 41st Congress, 3d Session (1870–71), part 2, pp. 763–765; part 3, pp. 1821–1825.

[14] Foreign Relations, 1885, pp. 460–469.

[15] For the correspondence and the joint resolution, see Foreign Relations, 1894, appendix i, pp. 364–450; *ibid*. 1895, part ii, p. 1163.

[16] Foreign Relations, 1895, part ii, pp. 1162, 1163, 1166, 1170, 1171, 1176.

[17] John W. Foster, "The Treaty-Making Power," *Yale Law Journal*, December, 1901, vol. xi, pp. 77, 79.

[18] American State Papers, Foreign Relations, vol. i, pp. 174, 175.

[19] Executive Journal, vol. xi, p. 142.

[20] Moore, International Arbitrations, vol. ii, p. 1857.

[21] Moore, International Arbitrations, vol. ii, p. 1855.

[22] Foreign Relations, 1902, pp. 857, 861.

[23] Moore, International Arbitrations, vol. ii, pp. 1733–1747.

[24] Moore, International Arbitrations, vol. ii, pp. 1019–1053.

[25] *Ibid*. vol. ii, pp. 1426–1446.

[26] Moore, International Arbitrations, vol. ii, p. 1859.

[27] *Ibid*. vol. ii, p. 1809.

[28] Foreign Relations, 1901, p. 276.

[29] *Ibid*. 1897, pp. 382–388.

[30] *Ibid*. 1902, appendix ii.

[31] *Ibid*. 1900, p. 674.

[32] Foreign Relations, 1900, p. 824.

[33] Moore, International Arbitrations, vol. ii, p. 1862.

[34] Foreign Relations, 1897, p. 479; Moore, International Arbitrations, vol. ii, p. 1908.

[35] *E.g.*, conventions with China, November 8, 1858, and September 7, 1901; with Colombia, September 10, 1857, art. iii; with Costa Rica, July 2, 1860, art. iv; with Ecuador, November 25, 1862, art. iii; with Mexico, April 11, 1839, art. vi, and January 30, 1843, art. iv; with Peru, March 17, 1841, art. vi; with Venezuela, February 17, 1903, art. v.

[36] Foreign Relations, 1881, pp. 1217–1218.

[37] Crandall, Treaties, Their Making and Enforcement, p. 178.

[38] 1 Statutes at Large, 372.

[39] 1 *ibid*. 565, 566.

[40] 2 *ibid*. 411.

[41] 2 *ibid*. 528, 605, 606.

[42] 3 *ibid*. 224; 4 *ibid*. 3.

[43] 18 *ibid*, 23; 19 *ibid*. 62.

[44] 26 Statutes at Large, 567.

AMENDMENT NO. 218

Mr. PROXMIRE. Mr. President, I have an amendment at the desk. I ask that the name of Senator BIDEN, of Delaware, be added as a cosponsor and that it be called up and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered and the amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the bill, add the following new section:

NINETY-DAY FREEZE

Section —. The Economic Stabilization Act of 1970 is amended by inserting after section 203 the following new section:

"203A.

"(a) Immediately upon the enactment of this section, the President shall issue an order to establish a ceiling on prices, rents, wages, salaries, interest rates, and dividends for a period of 90 days from the date of enactment of this section, at levels not greater than the highest levels pertaining to a substantial volume of actual transactions by each business enterprise or other person during the thirty-day period ending June 4, 1973, for like or similar commodities, services, or transfers, or, if no transactions occurred during such period, then the highest applicable level in the nearest preceding thirty-day period.

"(b) The ceiling on prices required under subsection (a) shall be applicable to all retail prices and to wholesale prices for finished or processed goods and services and to such additional prices as the President deems necessary to achieve the purposes of this Act.

"(c) The ceiling on interest rates required under subsection (a) shall be applicable to interest rates on mortgage loans for single or multi-family dwellings, installment or non-installment consumer credit loans, loans to family-sized farms for farm production or capital improvement, loans to small business concerns as defined under section 3 of the Small Business Act, and such additional interest rates as the President deems necessary to achieve the purposes of this Act.

"(d) The President shall by order require reductions in the ceiling with respect to particular prices, rents, or interest rates whenever the President determines such reductions are necessary to

"(1) rescind price, rent or interest rate increases since January 11, 1973 which were in violation of the guidelines established under the authority of this Act; or

"(2) stabilize profits at the level realized during the period referred to in subsection (a).

"(e) The President may, by written order stating in full the considerations for his actions, make such exceptions and variations to the orders required under this section as may be necessary to prevent gross inequities and hardships.

"(f) The President shall, not later than 90 days after the enactment of this section, and after consultation with the Congress and with representatives of labor, business, farmers (including family farmers), and consumers, issue orders and regulations replacing the freeze required by subsection (a) with a firm, fair and equitable long-run control program to

"(1) stabilize prices, rents, wages and salaries in order to reduce inflation; and

"(2) stabilize interest rates and corporate dividends and similar transfers at levels consistent with orderly economic growth. The details of this program shall be submitted to the Congress at least 30 days prior to the date it is scheduled to go into effect.

"(g) The long-run control program required under subsection (d) shall take into account the fact that workers wages have fallen behind in the inflationary cycle."

Mr. PROXMIRE. Mr. President, this amendment provides a temporary freeze on prices, wages, profits, rents, and consumer interest rates, right across the board. The purpose of the amendment is to pave the way for an effective anti-inflation program to replace the present disastrously ineffectual phase III.

I expect to call up this amendment tomorrow.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. I am preparing some proposed amendments that I wish the principal sponsor of the amendment would consider.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MONDALE. As the Senator from Wisconsin knows, and as he has often commented, one of the difficulties of this whole effort to try to restrain perhaps the most serious peacetime inflation in American history is the special problem that arises from the fact that in the last year wage restraint has been truly remarkable. Statistics show that while executive salaries soared and corporate profits are reaching all-time highs, breaking all records, and while the cost of living has risen so dramatically, the

American worker has less purchasing power today than he had 6 months ago.

I know the Senator from Wisconsin is aware of this and that he has commented on it.

Mr. PROXMIRE. The Senator is absolutely correct. This year the rise in wages has been less than last year and the rise in prices has been high, at an annual rate of 7.2 percent. The Senator is correct that wage earners are making less in terms of real earnings than they were 6 months ago, so they have been hurt very badly by this inflation.

Mr. MONDALE. Yes. The Senator will recall that at the time we worked on the resolution in the Democratic caucus, which is what the Senator is proposing, the Senator from Rhode Island (Mr. Pell) proposed that in the administration of any such action the Executive must take into account the fact that the average American worker slipped behind in the inflationary cycle.

In any event, in order to deal with that problem, I will have some amendments that I will suggest. I shall try to get them in the Record tonight so the Senator can look at them.

Mr. PROXMIRE. I am familiar with that, and I have provided in my amendment that consideration should be given to the fact that wages have been eroded by inflation and that this should be taken into consideration when the control program is worked out. The freeze is a temporary 90-day freeze, and the purpose is to provide an equitable and much more effective system to hold down prices. I hope the wage adjustment can be made after the freeze is over, but I also hope we do not incorporate amendment mandating a wage increase of 10 percent. I feel that if a catchup were permitted on the basis of the erosion of money wages by inflation we already have had, and taking the productivity factor into account, this would permit wage guidelines of almost 10 percent and that would gut the program.

Mr. MONDALE. I think there are three problems I would like to deal with in my amendment. First, the problem of exempting workers earning $3.50 an hour or less. That is the law based on the Proxmire amendment which we passed in the extension of the Economic Stabilization Act. I believe they should be exempt. Second, any increases that might arise as a result of increases in the minimum wage that deals with the poorest factor of the working people of America. It seems to me it is the area that has been ravaged the worst by this administration by unfairness in the administration of the Economic Stabilization Act.

This is the amendment that seeks to deal with the fact that the average worker's income has lagged tragically behind in this inflationary cycle. I would like that amendment to deal with it in a way that does not refuel inflation, but has some catchup possibility for the workers of our country.

Hopefully I will be presenting those amendments this afternoon. I will send one to the Senator's office immediately and maybe he will have a chance to review the others.

Mr. PROXMIRE. I hope we can work something out that we can agree on.

Mr. MONDALE. I thank the Senator.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE COMING SUMMIT MEETING BETWEEN PRESIDENT NIXON AND LEONID BREZHNEV

Mr. FULBRIGHT. Mr. President, there has just come to my notice at this moment an article from the current June 18, 1973, issue of U.S. News & World Report. I ask unanimous consent that the article entitled "A Risky Time for Bargaining," an interview with Senator Henry M. Jackson, may be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, in the article to which I have referred, the junior Senator from Washington, (Mr. Jackson), proposes that the visit of Mr. Brezhnev, the Secretary of the Communist Party, be postponed. Mr. Brezhnev is due to arrive in Washington next Sunday.

This visit has been planned for some time. I merely wish to express my deep regret and state to the Senator from Washington that I think it is much too late to make that suggestion. I am afraid it will be misinterpreted by Mr. Brezhnev and his countrymen.

For well over a year this country's policy has been to seek a better understanding and relations with Russia. I thoroughly approve of that policy. I very much regret any action that endangers implementation of the policy of close relations, or "detente" as some people call it, with Russia.

Although I never expect any great things to come of these meetings, they do increase the prospect of understanding for future relationships. There have been several articles recently indicating important economic transactions with Russia are in the making.

Goodness knows, they are very important for this country, as they are for Russia. I think the country and, I would hope, everyone who is interested in the economic stability of this country would feel it would be to our mutual advantage.

I do not understand any viable, reasonable alternative to better relations with Russia, China, and other countries. I do not know why we cannot move to cooperation with those countries.

I will end by recalling a comment I saw the other day in the newspaper with regard to Russia: "We seem to be too frightened to fight and too stupid to cooperate." It looks as though that is about the policy we are operating under.

In any case, I hope the Russians will not take this statement as representative of the sentiment of the full Senate. It certainly does not represent my views. I hope the visit comes on schedule and that the visit is a successful one.

EXHIBIT 1

A RISKY TIME FOR BARGAINING

(Interview with Senator Henry M. Jackson)

Q. Senator Jackson, in contrast to most people in Congress, you seem to be "down" on the coming summit meeting between President Nixon and Leonid Brezhnev. Why is that?

A. I believe that it's a very, very poor time for the President to be meeting with Mr. Brezhnev. I think the meeting should be postponed—not canceled, but postponed. That would be the wise course.

Q. Why do you feel that way?

A. Because there are too many pressures on the President. This is a risky time for him to be bargaining with the head of an extremely powerful country in terms of trying to work out disagreements that run very deep.

Mr. Brezhnev will be coming here right in the fury of the Watergate hearings on Capitol Hill. Surely Mr. Brezhnev is not so high-principled that he's going to forego the temptation to take advantage of that situation.

The Russians are past masters at following the political situation. I think Mr. Brezhnev is extremely conscious of the advantages from his point of view.

Q. What advantages?

A. The Soviet Union is in deep economic trouble. But it is moving ahead militarily. The Soviet Union knows that the Western world is in a crunch in the Persian Gulf on energy. There are just lots of opportunities for the Russians to take advantage of a situation that could be very serious from a Western point of view.

I don't know what is being proposed in connection with this meeting. If it's a meeting that will be more or less cosmetic, that's one thing. But if serious negotiations are going to take place, that's something else. I have no idea whether or not some harmful, one-sided concessions are going to be made by our Government, but that would trouble me.

Q. Does Brezhnev come here politically strong?

A. Yes. I think that Mr. Brezhnev has strengthened his position in the Politburo. He has brought in Marshal Andrei Grechko, who is the Defense Minister and a career military officer. He has brought in the head of the secret police—the KGB. And he has brought in Andrei Gromyko, the Foreign Minister. So Brezhnev comes here at the peak of his political power.

Q. Despite internal problems in Russia?

A. Yes. He really must lean heavily on the United States for economic help, and I want to emphasize that point. The Soviets cannot supply the food and the fiber that they need for their own people within their own borders. There are not enough consumer goods, and quality is poor. The supply system is bad. They can't get help from the European satellite countries. The satellite countries need economic help from them.

I believe that our economic power at this point in history can be far more effective than our military power alone. It is a trump card. We ought to use this economic power to our advantage.

Q. In what way? What should we try to get with our economic power?

A. I would put top on the list the freer movement of people, the freer movement of ideas across frontiers. This could be the beginning of a course of conduct which could make for less tension in the world. That's why I have pushed so strongly to use our economic power to make it possible for just a tiny bit of freedom to seep through the Iron Curtain.

I'm speaking now of my insistence that the Russians open the way for Jews or others to migrate out of Russia as a condition of the trade concessions—most-favored-nation treatment and U.S. Government credits and guarantees—that the Russians are seeking and that require congressional authorization.

I simply say that after a lapse of 25 years, it's high time they implement the Universal Declaration of Human Rights, which the United Nations adopted. It says, among other things, that a person shall have the right to leave a country freely. I would hope that the Soviet Union would permit the people who want to leave to leave.

Q. Haven't the Russians said they were abandoning their exit tax on Jews?

A. That's the biggest hoax pulled in quite a while. They put the tax on last summer. Then they announced that they were taking the tax off. When the American presidential election was over last November, they put the tax back on. Now they have removed it again.

The tax is just a cover for a policy prohibiting thousands of people, Jew and gentile alike, from leaving. Tax or no tax, if you apply for an exit visa you may lose your job, get thrown in jail, put in an insane asylum. They tell you, "You can't go."

There are a lot of dissidents in the Soviet Union who are not Jewish. Solzhenitsyn, the writer, is gentile, Sakharov, the great nuclear physicist, is gentile.

My interest here is to use our economic power to extend human freedom just a little bit.

I think the greatest crime committed by the Western world occurred during the 1930s, when we failed to listen to Winston Churchill. He alone cried out for action against Nazi Germany, and we stood idly by while millions of people were put in the ovens.

We're on notice now that there are millions in Russia who want greater freedom. We know that many of them have been in concentration camps. I talked to one scientist who spent half his life in a forced-labor camp in Russia. Let's face it, this is a concentration camp. And the things that are going on shock the conscience of people of good will everywhere.

I'm disappointed in the President's position on all of this. I've been reading some statements that he made back in 1963. The United States, he said, should be willing to sell wheat to the satellite countries as a business deal provided that the government involved gives some greater degree of freedom to the people in these countries, in particular the freedom to emigrate. Well, I couldn't agree more. I'm just trying to implement his 1963 promise.

Q. Do you oppose more trade with Russia, then?

A. Not when it serves our larger interests as well as their economic interests. I cosponsored the East-West Trade Relations Act in 1971. But East-West trade must be *mutually* beneficial. Look what happened in last year's grain deal. The Russians bought wheat at subsidized prices of $1.60 a bushel when they should have been paying the full price. The American taxpayer ended up subsidizing the Russian housewife to the tune of more than 300 million dollars, and the American housewife ended up paying higher prices for beef and other grain-based foodstuffs. Our shipping and grain-transportation systems have been severely disrupted. On that deal, at least, the Soviets got the wheat and we got the chaff.

Why should we underwrite credits to the Soviet Union? Are they doing that sort of thing for us? We're so anxious to do business—any kind of business—that we'll agree to anything.

I recall that Lenin, in discussing the grave economic difficulties in the Soviet Union in the 1920s, said: "But, comrades, don't let us panic. If we give the *bourgeoisie* enough rope, they'll hang themselves." Karl Radek, a member of the C. P. Central Committee and co-worker of Lenin, asked: "Where are you going to get the rope to give the *bourgeoisie?*" Replied Lenin: "From the *bourgeoisie.*"

Q. Are we as anxious for their natural gas as they are for our food?

A. No, I think it would be unwise for the United States to invest some 6 billion dollars or more in a liquefaction program that would convert their natural gas to liquid form and ship it to the United States. That gas probably would cost us as much as $1.50, possibly more, per thousand cubic feet shipped to New York City. Gas from Texas and Louisiana now costs about 70 cents per thousand cubic feet in New York City. Even though those domestic prices will go up some, the Russian gas is still a total disadvantage for us from an economic point of view.

The American consumer would be subsidizing the Soviet Union. We'd be driving our prices way up.

Russian gas is a good deal for the Japanese. They could run a pipeline from Siberia into the Japanese islands without having to go through the cost of liquefaction. This would help to relieve the demand for fuel from the Middle East. The Japanese now get 90 per cent of their petroleum from the Persian Gulf. Europe gets 80 per cent, and we're just now beginning to draw heavily on the Persian Gulf. That area poses a real, real problem.

Q. Is our need for oil from Arab countries in the Mideast so great that it may cause us to change our support for Israel? Is there a middle ground for the U.S.?

A. The average American gets the idea that our trouble in the Middle East stems from our support for Israel. Nothing could be further from the truth. The facts are that if Israel did not exist, Jordan would have disappeared. Saudi Arabia, which has over half the known oil reserves in the world outside the Soviet Union, would have disappeared from the map, and maybe Lebanon, too. The problem in the Middle East is the have-not Arab countries against the haves.

The two stabilizing factors in the Middle East are Israel and Iran. It's only Israel and Iran that could prevent an overrunning of the regime in Saudi Arabia. A key country that we're concerned about for oil for the U.S. is Iran. Iranians are Moslem, but they aren't Arab. They have a relatively close alliance with Israel. Iran is a crucial country.

Then there is Kuwait. What's the threat to Kuwait? Israel? Not at all. It is Iraq, backed by the Soviet Union. What's the threat to Saudi Arabia? The have-not Arab countries: Egypt, operating through Yemen as they did several years ago; Syria, and Iraq, a country with a lot of oil but with an extremist Government in power.

These are the real threats to the security of oil supplies out of the Gulf. It's not Israel that's the problem in the Middle East.

Q. Are you afraid the Russians are about to take over the Middle East?

A. No, no—not that. What they propose to do is to manipulate the situation and control the moves of certain Moslem countries in ways that favor Russia and are unfavorable to the West: encouragement of radical elements, withholding the shipment of oil. Even the latest run on the dollar may well be traced to some of that activity in the Middle East.

Q. What in your opinion is the most dangerous place in the world for the United States?

A. I think the Persian Gulf. The Russians have moved their attention from the Mediterranean to the Gulf. As long as we can keep the Suez Canal closed, it will keep the Russian navy from moving freely from the Mediterranean into the Gulf.

Q. You want to keep the Suez Canal closed. Is that correct?

A. Yes. I can't understand our State Department announcing that we want to open the Canal as a gesture of good will. That would mean the distance between Odessa in the Black Sea, where the Russians base their Southern Fleet, to the Persian Gulf would be some 4,000 miles, compared with perhaps 8,000 from Vladivostok to the Persian Gulf, the principal route the Russian Navy uses with the Canal closed.

Q. It's one of the long water routes in the world, isn't it?

A. That's right. But as far as the United States is concerned, reopening the Suez Canal would not help our Navy. The Canal is not deep enough and wide enough for our carriers to use, and our carriers are the key instrument by which we operate in those areas.

Secondly, the Western world would not be able to use the Canal for tankers. Our oil tankers now are 250,000 tons, and they're going on up to 500,000 tons. They draw 90 feet of water. It would take seven years to widen and deepen the Canal so that it could handle our fleet and use our tankers.

Q. So the Russians could use the waterway for the vessels they wanted to get through, but the West couldn't—

A. There isn't any doubt that there are two things that the Russians are interested in in the Persian Gulf:

One is their historic interests in warm-water ports. There have been various grand designs in that direction since the Czars. That's why the Shah [of Iran] is so uptight on this issue.

Secondly, the Russians recognize that within this limited area is 80 per cent of the known oil reserves of the world—80 per cent. Europe is completely dependent. Japan—the industrial heartbeat in the Orient—is completely dependent. And there is nothing the U.S. can do except get more of our oil supply from that area.

Last year we imported about 27 per cent of our oil needs. This year we're going to import 35 percent. By 1976 or '77, we will import about half of our needs, and the great bulk of the increase, as we go from 27 per cent up to 50, will have to come out of the Persian Gulf.

CHINA VERSUS RUSSIA: HOW THE UNITED STATES FITS IN

Q. Senator Jackson, what role, if any, should the United States play in the relationship between the Soviet Union and mainland China?

A. The United States has a lot of good will in China. We were the only major power that did not seek or exercise genuine control over pieces of Chinese territory, as others did. American missionaries, teachers and doctors went to China. There is a whole generation of Americans who did so much to bring education and medicine and help to China.

It seems to me that our role is this:

We are in a position to help restrain the Soviet Union from making any military move against China. This probably is why the Chinese are extremely receptive toward the United States and will be most co-operative.

On the other hand, the Russians are in serious economic trouble and need our economic help. So we can use both our economic power and our strategic powers as deterrents to war and as a means of lessening tensions in the world.

I want to say that it is vital that we maintain the credibility of our strategic deterrent.

The Chinese have been rather outspoken on this subject in their talks with Western diplomats. The Chinese felt we were "taken" in SALT I [first round of strategic-arms-limitation talks between the U.S. and Russia], and I agree with them. They want to see a stronger NATO, and I agree with them. We want the kind of world in which one day we can really live in peace.

Q. The Chinese seems unhappy with MBFR—mutual and balanced force reduction talks about troops in Central Europe. Are you?

A. Well, I'm very unhappy with the way it's going. If we could have a mutual pull-back of forces, it would be important from the standpoint of bringing about a genuine European settlement, which we've been seeking since the end of World War II. It also would mean a pull-back of Russian forces from the satellite countries. I'm talking about East Germany, where the Russians have over 20 divisions. I'm talking about Hungary and Poland and Czechoslovakia.

So MBFR could help to lessen tensions and it would help to provide some encouragement—a little bit of freedom—for the satellite countries. The hobnailed boot has been in those countries since Hitler took over in 1938. That's all most of those people have known: first, the Nazi hobnailed boot and then the Russian hobnailed boot.

Q. Over all, Senator, how would you rank the U.S. as a world power in comparison with the Soviet Union?

A. From a military point of view, our power in strategic terms in relation to that of the Soviet Union has steadily changed. This trend was dramatically evident in connection with SALT I.

In SALT I we agreed, on an interim basis, to a so-called freeze, which spells out specifically the strategic differences between the United States and the Soviet Union. In that agreement, the Soviet Union was permited to have 1,618 land-based intercontinental ballistic missiles to our 1,054. They were permitted 62 strategic-type submarines—what we call Polaris submarines—to our 44.

Over all, then, they were given more intercontinental strategic missiles—land-based and sea-based. The over-all throw weight—the size of the missile—permitted was 4 to 1 in their favor.

I believe this best sums up the change that has taken place in U.S. strategic power vis-a-vis the Soviet Union.

WHY KREMLIN WILL GROW TOUGHER

Q. Does this put us in a bad position?

A. This doesn't mean what the average person might assume: the threat of nuclear war. What it really means is that the element of risk-taking has gone up by a substantial factor. For example, when the Soviet Union did not have a single nuclear weapon, they were able to take over Czechoslovakia in 1948. In 1956, as they acquired a few weapons, they were able to overrun Hungary a second time. Then in 1962, when we still had a 7-to-1 advantage in strategic arms, they took a great risk by putting missiles in Cuba.

Now, one has to ask oneself the very simple question: What would the risk factor be should they get a substantial advantage over the United States?

I would say we will have a more difficult Soviet Union in the period ahead. Soviet nuclear strength coupled with their growing conventional surface forces compounds our problems. It could have special meaning in places like the Persian Gulf, and the Middle East in general.

Q. Even though we have given Russia an advantage in numbers of missiles, the argument is made that multiple, independently targeted re-entry vehicle warheads—MIRV's—on our rockets balance things out. How do you see that?

A. But SALT I does not prohibit the Russians from working on MIRV technology. MIRV could compound the Soviet numerical advantage, because they have more and larger vehicles on which to put MIRV's.

For example, the Russian SS-9 has a megatonnage yield of 25 megatons. Our biggest missile other than the 54 Titans, which we may phase out, is the Minuteman which has less than a 2-megaton yield. Then there is the follow-on to the Soviet SS-9—let's call it the SS-17—which has a yield of 50 megatons-plus.

Science and technology do not rest on a plateau. No matter what kind of agreement we have, it seems virtually impossible to freeze—really freeze—the development of science and technology.

The question is: Would an American President be able to protect our freedom and the freedom of those associated with us if we were in a position of strategic inferiority? I think this is a proper question.

Q. In light of this, should we build up our military strength, or can we trim back more than we have already?

A. What I would like to find out first is whether the Soviets are really moving toward *détente*.

One way to find out would be to see if they, in connection with all their economic troubles, would be willing to cut back on strategic arms so they could use a larger proportion of their resources to help their own people enjoy a better standard of living.

Today we have a golden opportunity to go to the world and find out who really believes in peace—who wants to cut back arms so that there will be more bread, as the saying goes, for people.

I just hope that the President would take advantage of this opportunity and take his case to the world and say: "Here's where America stands. Who are the ones that are preventing meaningful arms control? Is it the United States? We want to cut back. The Russians are in deep economic trouble. Shouldn't they be cutting back?"

I would like to see our land-based strategic forces cut back, let's say, to 900 land-based missiles. Let's cut back our submarine strategic forces to 35. And let's have the Soviets do the same, both in numbers and in the size of their missiles.

Q. What if the Russians don't agree to do that?

A. If we can't get parity, the only alternative is to build up, particularly our sea-based forces, so that they will be more survivable. The Trident submarine program, for instance.

Q. When does the U.S. find out if the Russians are serious about slowing the arms race? In the second round of SALT talks now going on?

A. Yes, in SALT II. This is what the objective should be.

There are all sorts of estimates as to the percentage of the Soviet gross national product that is being spent for arms. I've seen figures as high as 30 per cent or more. Our percentage of GNP for arms is only about 6 per cent.

So there is a good opportunity, if Mr. Brezhnev is going to come to Washington, for the President to say to him: "We would hope that, assuming your desire to improve the standard of living of your people—and we want to help—you will show some real evidence of it. Let's have both sides scale down the level of armament."

Q. What do you think is going to happen on arms during the Brezhnev visit here?

A. I don't know. It's my understanding that there wouldn't be much on SALT II in connection with Mr. Brezhnev's visit. The issues are too complex, in that short time, to work out an adequately safeguarded agreement. There is likely to be more on Europe—mutual balanced force reduction effort, attempts to make some headway toward a European settlement, and I assume some new initiatives in the economic and technological area and in cultural exchanges.

WHERE AMERICA WIELDS GREAT POWER

Q. You want the President to be tough in dealing with Brezhnev, to use his bargaining power on the economic side to extract something on the military side—is that right?

A. The economic power of the United States is enormous. Never in our history, in relation to other countries, has our economic power been greater—despite all our troubles at home and despite recessions and an inability to fine-tune the economy so that we can do all the things we'd like to do; despite the weakness of the dollar abroad.

Our free-enterprise system is the most productive in the world. Coupled with what we've done in agriculture, coupled with what we have been able to do through science and technology, it is without a doubt the most productive system ever devised by a free people.

And here the Soviet Union, after more than 50 years of Marxist-Leninist-Stalinist-now-Brezhnev economics, is still badly off and floundering economically.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Scott of Virginia). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 12 noon tomorrow.)

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders or their designees under the standing order tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL NOON

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF S. 1248 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of routine morning business on tomorrow, the Senate return to the consideration of the unfinished business, S. 1248, a bill to authorize appropriations for the Department of State, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock noon tomorrow.

Following the recognition of the two leaders or their designees under the standing order, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each.

At the conclusion of routine morning business, the Senate will return, in legislative session, to the consideration of the unfinished business, S. 1248, a bill to authorize appropriations for the Department of State, and for other purposes. The question at that time will be on the adoption of the Proxmire amendment.

Yea and nay votes are expected. Also a yea and nay vote is anticipated tomorrow on the nomination of Robert H. Morris, to be a member of the Federal Power Commisison. That vote may come on a motion to recommit. I am not sure at this time. However, in any event, there will be a yea and nay vote in relation to the nomination of Robert H. Morris to be a member of the Federal Power Commission on tomorrow.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 12 noon tomorrow.

The motion was agreed to; and at 4:40 p.m. the Senate adjourned until tomorrow, Tuesday, June 12, 1973, at 12 meridian.

NOMINATIONS

Executive nominations received by the Senate June 11, 1973:

THE JUDICIARY

Thomas G. Gee, of Texas, to be a U.S. circuit judge, fifth circuit vice Joe McDonald Ingraham, retiring.

U.S. ATTORNEY

George W. F. Cook, of Vermont, to be U.S. attorney for the district of Vermont for the term of 4 years. (Reappointment)

CONFIRMATIONS

Executive nominations confirmed by the Senate June 11, 1973:

U.S. AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Gordon M. Graham, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Maj. Gen. Donavon F. Smith, [redacted] FR (major general, Regular Air Force) U.S. Air Force.

The following officer to the grade indicated under the provisions of title 10, United States Code, chapters 839 and 841:

To be temporary major general

Maj. Gen. Earl O. Anderson, [redacted] FV, Air Force Reserve.

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Royal B. Allison, [redacted] FR (major general, Regular Air Force), U.S. Air Force.

U.S. ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. John H. Hay, Jr. [redacted], Army of the United States (major general, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

To be brigadier general

Col. William R. Wray, [redacted], U.S. Army.

Col. Harry A. Griffith, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Volney F. Warner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William L. Mundie, [redacted], U.S. Army.

Col. Roscoe Robinson, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward A. Partain, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Hillman Dickinson, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Wallace H. Nutting, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Fred C. Sheffey, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles C. Rogers, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James B. Vaught, [redacted], U.S. Army.

Col. Charles K. Heiden, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Bennett L. Lewis, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernest D. Peixotto, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. David E. Grange, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Oren E. DeHaven, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Leslie R. Forney, Jr., [redacted], Army of United States (lieutenant colonel, U.S. Army).

Col. Robert Arter, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James H. Merryman, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Bruce T. Coggins, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James M. Wroth, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John A. Smith, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Wesley E. Peel, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. James G. Boatner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James C. Donovan, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Vernon B. Lewis, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Oscar C. Decker, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John S. Egbert, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter E. Adams, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Walter O. Bachus, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Lawrence E. Adams, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Warner S. Goodwin, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard E. Cavazos, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Benjamin L. Harrison, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. William I. Rolya, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John N. Brandenburg, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. John L. Osteen, Jr., [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward M. Markham III, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James M. Rockwell, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. James M. Leslie, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert A. Holoman III, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph R. Ulatoski, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Sinclair L. Melner, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Daniel H. Wardrop, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Lawrence S. Wright, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Kenneth R. Symmes, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles P. Graham, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul S. Williams, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert B. Hankins, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert J. Lunn, [redacted] Army of the United States (lieutenant colonel, U.S. Army).

Col. William E. Eicher, [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Clyde W. Spence, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Kelley, Jr., [redacted], U.S. Army.

Col. Harold F. Hardin, Jr. [redacted], Army of the United States (lieutenant colonel, U.S. Army).

Col. Harley F. Mooney, Jr. [redacted], Army of the United States (major, U.S. Army).

U.S. NAVY

The following-named captains of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

MEDICAL CORPS

Robert G. W. Williams, Jr.
Paul Kaufman.
Robert C. Laning.
Robert L. Baker.
William M. Lukash.

SUPPLY CORPS

John C. Shepard.
Carlton B. Smith.
Thomas J. Allshouse.

CIVIL ENGINEER CORPS

Kenneth P. Sears.

DENTAL CORPS

Robert W. Elliott, Jr.

IN THE ARMY

Army nominations beginning Anthony J. Adessa, to be colonel, and ending Sidna P. Wimmer to be captain, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 1973.

Army nominations beginning C. A. Anderson, Jr., to be colonel, and ending Peter E. Zalopany, to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 1973.

HOUSE OF REPRESENTATIVES—*Monday, June 11, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Open to me the gates of righteousness; I will go through them and I will praise the Lord.—Psalms 118:19.

Most gracious God; may we go forth into the hours of this new day with eager minds, earnest hearts and enthusiastic souls, fortified by faith, strengthened in spirit and ready with wit and wisdom for the duties that demand our attention.

Grant that in these troubled times Thy truth and Thy love may be our law by day and our light by night.

Take the mists from our eyes and the malice from our hearts as we strive to remove the barriers which separate people and nations and as we seek to bring them together in the friendly spirit of an invincible good will.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 4443. An act for the relief of Ronald K. Downie.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, bill of the House of the following title:

H.R. 6768. An act to provide for participation by the United States in the United Nations environment program.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 645. An act to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; and

S. 1115. An act to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT UNTIL MIDNIGHT TOMORROW

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. SCHERLE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

SNAKE AND SWEETWATER RIVERS DESIGNATED AS WILD AND SCENIC RIVERS, WYOMING

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, today I am introducing two pieces of legislation which call for studies looking toward the designation of portions of the Snake River of Teton County and the Sweetwater River as wild and scenic rivers.

The Sweetwater bill calls for the study of about 10 miles of the Sweetwater River in Wyoming's Red Desert. This segment of the river runs through public lands, and through an area so rich in wildlife habitat that consideration is being given to putting the surrounding lands in a preservation category. The Sweetwater is near the historic Oregon Trail and in the area containing segments of the three major routes to Yellowstone National Park. It is also a major visiting site for rockhounds, campers, fishers, hunters, boaters, snowmobilers, and dune buggy enthusiasts. The Red Desert enjoys significant all-around recreational opportunities for Wyoming citizens and for tourists. One of its main rivers, the Sweetwater, certainly is deserving of inclusion in the wild and scenic rivers system.

The second river, the Snake, and specifically that portion beginning at the southern boundary of Grand Teton National Park to the Palisades Reservoir, includes about 35 miles of meandering waters whose beauty, serenity, and recreational value should be preserved. Some of the Snake River may be subject to gold mining and owners of some of the claims in this area—and I am one of these owners—have attempted to dispose of their claims for several years in a manner to assure the lasting protection of that part of the river on which they are now located.

Pending success in these efforts, however, the study should nevertheless proceed to designate the entire Snake River Valley for wild and scenic river status, and thus protect the entire area regardless of the limitation on property rights it may impose on me or on anyone else.

H.R. 8578

A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Snake River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) is amended by adding at the end thereof the following:

"Snake, Wyoming: Beginning at the southern boundary of Teton National Park to the entrance to Palisades Reservoir.

That the study shall be completed and reports made thereon to the President and the Congress, as provided in section 1275 of title 16, United States Code, within two years from the enactment date of this amendment.

H.R. 8577

A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Sweetwater River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 5 of the Wild and Scenic Rivers Act (16 U.S.C. 1276) is amended by adding at the end thereof the following:

"Sweetwater, Wyoming: The segment between Wilson Bar downstream to Spring Creek."

EMBARGO ON EXPORTATION OF FEED GRAINS

(Mr. SHUSTER asked and was given permission to address the House for one minute.)

Mr. SHUSTER. Mr. Speaker, I have today introduced a bill in behalf of the American farmer and the American consumer which I believe is long overdue. My bill provides that beginning 10 days after enactment, a temporary 120-day embargo would be imposed on the exportation of certain key feed grains—soybeans, corn, and wheat—until an anticipated bumper fall crop is harvested. The purpose of this bill is to head off an impending food crisis in this country that already has caused record high food prices and threatens to cause terrible shortages of meat and other protein products in the coming months. Because of the current domestic shortage of these feed grains, aggravated by their export, our crucial livestock population is being decimated as farmers are unable to feed their herds and flocks. These are the same herds and flocks that will be expected to produce our beef, pork, poultry, milk and eggs long after the current grain shortage is over. But if they are slaughtered now, they will not be available later. Mr. Speaker the main thrust of my bill is to save this valuable resource before it is too late. I urge the most urgent consideration of this bill and subsequent adoption.

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 200]

Alexander
Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Badillo
Bell
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bolling
Brademas
Brasco
Breckinridge
Brown, Calif.
Brown, Ohio
Burke, Calif.
Butler
Camp
Carter
Chamberlain
Chisholm
Clark
Clawson, Del
Cleveland
Cohen
Collins, Ill.
Conyers
Cotter
Daniels, N.J.
Davis, Ga.
Delaney
Dellums
Dingell
Donohue
Dorn
Eckhardt
Edwards, Calif.
Fish
Fisher
Flynt
Foley
Ford, William D.
Fraser
Fulton
Gaydos
Giaimo
Gilman
Grasso
Gray
Green, Oreg.
Gubser
Hanna
Hanrahan
Hastings
Hawkins
Hébert
Heckler, Mass.
Hogan
Holifield
Holtzman
Howard
Huber
Jordan
Karth
Ketchum
Kluczynski
Leggett
Lehman
McCloskey
McCormack
Maraziti
Martin, Nebr.
Mayne
Melcher
Metcalfe
Michel
Minish
Mink
Mitchell, Md.
Moorhead, Calif
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Neill
Patten
Pepper
Powell, Ohio
Preyer
Quillen
Railsback
Reid
Rinaldo
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Ruppe
Saylor
Sikes
Smith, N.Y.
Steele
Thompson, N.J.
Tiernan
Ullman
Vander Jagt
Waldie
Young, Ill.

The SPEAKER. On this roll call 321 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MOTION TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. McFALL moves that business under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with on Wednesday, June 13, 1973.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 201]

Anderson, Ill.
Andrews, N. Dak.
Ashbrook
Badillo
Bell
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Bolling
Brademas
Brown, Calif.
Brown, Ohio
Butler
Camp
Carter
Cederberg
Chamberlain
Chisholm
Clark
Clawson, Del
Cleveland
Cohen
Collins, Ill.
Conyers
Cotter
Daniels, Dominick V.
Davis, Ga.
Delaney
Dellums
Dingell
Donohue
Dorn
Eckhardt
Edwards, Calif.
Fish
Fisher
Flynt
Foley
Ford, William, D.
Fraser
Fulton
Gaydos
Giaimo
Gilman
Grasso
Gray
Hanna
Hanrahan
Hansen, Wash.
Hastings
Hawkins
Hébert
Heckler, Mass.
Hinshaw
Hogan
Holifield
Holtzman
Howard
Huber
Jarman
Karth
Ketchum
Kluczynski
Leggett
Lehman
McCloskey
McCormack
Maraziti
Martin, Nebr.
Mayne
Melcher
Metcalfe
Michel
Mitchell, Md.
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Neill
Powell, Ohio
Preyer
Quillen
Railsback
Reid
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Ruppe
Saylor
Sikes
Smith, N.Y.
Steele
Teague, Tex.
Thompson, N.J.
Tiernan
Ullman
Vander Jagt
Waldie

The SPEAKER. On this roll call 329 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MOTION TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

The gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I would ask the House to vote favorably to dispense with Calendar Wednesday business on Wednesday next. The House has a long schedule for this week. Very important legislation is scheduled for Wednesday, the debt limit bill, and a bill on the National Foundation on the Arts and Humanities have been set down for Wednesday. We have a very busy schedule for the rest of the week with an appropriation bill on Friday. As the Members of the House know, we have an exceedingly full schedule for the month of June, where we will be working every available day in order to get our business completed with by time for the Fourth of July recess. Therefore, if it is necessary for us to call the roll of the committees on Wednesday next, most probably the entire day will be spent with Calendar Wednesday business.

So, Mr. Speaker, I would ask for a favorable vote from the Members so that we might dispense with Calendar Wednesday business on Wednesday next.

Mr. GERALD R. FORD. Mr. Speaker, would the gentleman from California yield?

Mr. McFALL. I will be glad to yield to the gentleman from Michigan (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, let me indicate that I agree with the interpretation of the situation as expressed by the gentleman from California (Mr. McFALL). If the Members will look at the whip notice they will see that we have a full calendar all week long, including Friday. If we are forced to go through the procedure of Calendar Wednesday business it means that the reading clerk starts with the first committee, alphabetically, and each committee has an opportunity to bring up any bill that has been reported out of that committee. So it means, in effect, that what has been programed for Wednesday will be preempted. It also means that this will just add an additional burden to an already overburdened program for this week.

Therefore, Mr. Speaker, I urge that a "yes" vote be cast on the motion offered by the gentleman from California (Mr. McFALL) to dispense with Calendar Wednesday business on Wednesday next.

I think it is appropriate to point out that in order to dispense with Calendar Wednesday business under this procedure it is necessary to have a two-thirds vote. Therefore, again I urge, in order to conduct our business in a reasonable and an equitable way, with the heavy schedule confronting us, that dispensing with Calendar Wednesday business on Wednesday next is appropriate.

Mr. McFALL. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from Iowa (Mr. GROSS) for 5 minutes.

Mr. GROSS. Mr. Speaker, the issue is a bill, H.R. 2990, which I introduced early in this session after listening to the complaints of a great many Members of the Congress that something ought to be done about the Postal Service. This bill provides that the House Committee on Post Office and Civil Service be given the power to authorize the appropriation of some $1 billion a year to the Postal Corporation. Thus giving the committee some handle on the operation of the Postal Service. We need the authority to call them in and ask for justification of what they were doing to justify that appropriation from the Federal Treasury.

Between 40 and 50 Democrats and Republicans in this House cosponsored that bill. It was voted out of the Post Office and Civil Service Committee by a vote of 22 to 1 with only one Republican voting against it. It went to the Committee on Rules, and I appeared before that committee to ask for a rule.

A vote was taken in the Committee on Rules, a 6-to-5 vote, to defer action on the bill. That was some 3 weeks to a month ago. I do not remember the date. I stand corrected if anyone has any other recollection of it.

All I have been asking is that the Committee on Rules vote either up or down on a rule and let us know where we stand; that is all.

On last Friday when the request was made to dispense with Calendar Wednesday this week, I objected. Now we have this motion to dispense with Calendar Wednesday which, incidentally, requires a two-thirds vote. Why in the name of all that is right and reasonable would the Committee on Rules continue to sit on this bill—which, and I repeat it was approved by a vote of 22 to 1, with only 2 absentees in the Committee on Post Office and Civil Service—I will never be able to understand.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the chairman of the Committee on Rules, the gentleman from Indiana (Mr. MADDEN).

Mr. MADDEN. I thank the gentleman from Iowa for yielding.

I might state that I have been around here all last week and the week before, and the gentleman in the well did not mention a word to me that he was so much aroused by this situation when the bill was before the Committee on Rules.

Mr. GROSS. Just let me interrupt the gentleman from Indiana to say that the gentleman well knows I have talked to him. I appeared before the Committee on Rules, and I have talked to him privately about this bill.

Mr. MADDEN. Yes; the gentleman mentioned it, but I did not think it was of such super urgency, as the gentleman from Iowa is stating in the well of the House now. I will say this, that personally I have no objection to the gentleman's bill, and some members of the Committee on Rules moved, if I remember correctly—it might have been 3 weeks ago—to defer the bill. As far as I am personally concerned, I had no part in deferring it at all, because I was more or less in favor of voting it out.

We meet tomorrow morning at 10:30, and I will ask the committee to vote it up or down.

Mr. GROSS. Then it would do no harm whatever to defeat this motion today to dispense with Calendar Wednesday business. I will gladly accede to dispensing with the call of Calendar Wednesday if the Committee on Rules will vote on this proposition tomorrow.

Mr. HANLEY. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to a member of the Post Office and Civil Service Committee, the gentleman from New York (Mr. HANLEY).

Mr. HANLEY. I thank the gentleman for yielding. I share his frustration. Again I want to commend him for his initiative in moving this legislation, the intent of which would hopefully make the U.S. Postal Service somewhat more responsive to the Congress than it has been.

Apparently there was a misunderstanding in the Committee on Rules, which hopefully has been clarified. I have made it a point to discuss this thing with most of the members of the Committee on Rules.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. MCFALL).

The question was taken.

Mr. GROSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 119, not voting 93, as follows:

[Roll No. 202]

YEAS—221

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Arends
Ashley
Aspin
Barrett
Bergland
Boggs
Bolling
Bowen
Brasco
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Clark
Clay
Collins, Ill.
Conable
Conte
Corman
Coughlin
Culver
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Downing
Drinan
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Flood
Ford, Gerald R.
Frelinghuysen
Frenzel
Fuqua
Gibbons
Ginn
Gonzalez
Green, Oreg.
Green, Pa.
Griffiths
Gunter
Guyer
Haley
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hays
Hechler, W. Va.
Heinz
Helstoski
Horton
Hosmer
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Kastenmeier
Kazen
Koch
Kuykendall
Kyros
Landrum
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Mezvinsky
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moorhead, Pa.
Morgan
Moss
Natcher
Nelsen
Obey
O'Brien
O'Hara
Owens
Parris
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Pritchard
Quie
Rangel
Rees
Regula
Reuss
Rhodes
Riegle
Roberts
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roybal
Ryan
St Germain
Sandman
Sarbanes
Schneebeli
Schroeder
Seiberling
Shipley
Slack
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thornton
Udall
Vanik
Vigorito
Walsh
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NAYS—119

Abdnor
Archer
Armstrong
Bafalis
Baker
Beard
Bennett
Bevill
Bray
Breaux
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Fla.
Byron
Clancy
Clausen, Don H.
Cochran
Collier
Collins, Tex.
Conlan
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Dennis
Devine
Dickinson
Dulski
Esch
Evins, Tenn.
Flowers
Flynt
Forsythe
Fountain
Frey
Froehlich
Gettys
Goldwater
Goodling
Gross
Grover
Gubser
Gude
Hammerschmidt
Harrington
Henderson
Hicks
Hillis
Holt
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jones, Tenn.
Keating
Kemp
King
Landgrebe
Latta
Lott
Lujan
McCollister
McDade
McEwen
McKinney
Mallary
Martin, N.C.
Mathis, Ga.
Mizell
Moorhead, Calif.
Myers
Nichols
Passman
Pettis
Price, Tex.
Randall
Rarick
Rinaldo
Robinson, Va.
Roncalio, Wyo.
Rousselot
Runnels
Ruth
Sarasin
Satterfield
Scherle
Sebelius
Shoup
Shriver
Shuster
Skubitz
Smith, Iowa
Snyder
Spence
Steelman
Steiger, Ariz.
Stuckey
Symms
Talcott
Taylor, Mo.
Thone
Towell, Nev.
Treen
Van Deerlin
Veysey
Waggonner
Wampler
Whalen
Wilson, Bob
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Zion
Zwach

NOT VOTING—93

Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Ashbrook
Badillo
Bell
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boland
Brademas
Brown, Calif.
Butler
Camp
Cederberg
Chamberlain
Chisholm
Clawson, Del
Cleveland
Cohen
Conyers
Cotter
Daniels, Dominick V.
Davis, Ga.
Delaney
Dingell
Donohue
Dorn
Eckhardt
Edwards, Calif.
Fish
Fisher
Foley
Ford, William D.
Fraser
Fulton
Gaydos
Giaimo
Gilman
Grasso
Gray
Hanna
Hanrahan
Hastings
Hawkins
Hébert
Heckler, Mass.
Hinshaw
Hogan
Holifield
Holtzman
Howard
Huber
Karth
Ketchum
Kluczynski
Leggett
Lehman
McCormack
Maraziti
Martin, Nebr.
Mayne
Melcher
Metcalfe
Michel
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix

O'Neill
Powell, Ohio
Preyer
Quillen
Railsback
Reid
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Ruppe
Saylor
Sikes
Sisk
Smith, N.Y.
Steele
Thompson, N.J.
Tiernan
Ullman
Vander Jagt
Waldie

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day.

The Chair recognizes the gentleman from Michigan (Mr. DIGGS), chairman of the Committee on the District of Columbia.

DISTRICT OF COLUMBIA INSURANCE ACT

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 4083) to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4083

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "District of Columbia Insurance Act".

TITLE I—DISTRICT OF COLUMBIA POST ASSESSMENT INSURANCE GUARANTY ASSOCIATION ACT

SEC. 101. This title shall be known and may be cited as the "District of Columbia Insurance Guaranty Association Act".

SEC. 102. The purpose of this title is to provide a mechanism for the payment of covered claims under certain insurance policies to avoid excessive delay in payment and to avoid financial loss to claimants or policyholders because of the insolvency of an insurer, to assist in the detection and prevention of insurer insolvencies, and to provide an association to assess the cost of such protection among insurers.

SEC. 103. This title shall apply to all kinds of direct insurance, except life, title, disability, and mortgage guaranty insurance.

SEC. 104. As used in this title—

(1) The term "Commissioner" means the Commissioner of the District of Columbia or his designated agent.

(2) The term "covered claim" means an unpaid claim, including one for unearned premiums, which arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this title applies issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this title and (a) the claimant or insured is a resident of the District of Columbia at the time of the insured event; or (b) the property from which the claim arises is permanently located in the District of Columbia. Such term shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(3) The term "insolvent insurer" means (a) an insurer authorized to transact insurance in the District of Columbia, either at the time the policy was issued or when the insured event occurred, who has been determined to be insolvent by a court of competent jurisdiction.

(4) The term "member insurer" means any person who (a) writes any kind of insurance to which this title applies, including the exchange of reciprocal or interinsurance contracts, and (b) is licensed to transact insurance in the District of Columbia.

(5) The term "net direct written premiums" means direct gross premiums written in the District on insurance policies to which this title applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. Such term does not include premiums on contacts between insurers or reinsurers.

(6) The term "person" includes individuals, corporations, associations, exchanges, and partnerships.

SEC. 105. There is created a nonprofit unincorporated legal entity to be known as the District of Columbia Insurance Guaranty Association (hereafter in this title referred to as the "Association"). All member insurers shall be and remain members of the Association as a condition of their authority to transact insurance in the District of Columbia. The Association shall perform its functions under a plan of operation established and approved by the Commissioner and shall exercise its powers through a Board of Directors (hereafter in this title referred to as the "Board"). For purposes of administration and assessment, the Association shall be divided into three separate accounts: (a) the workmen's compensation insurance account; (b) the automobile insurance account; and (c) the account for all other insurance to which this title applies.

SEC. 106. (a) The Board shall consist of not less than five nor more than nine persons serving terms as established in the plan of operation. The members of the Board shall be selected by member insurers subject to the approval of the Commissioner. Vacancies on the Board shall be filled for the remaining period of the term in the same manner as initial appointments. If no members are selected within sixty days after the effective date of this title, the Commissioner may appoint the initial members of the Board.

(b) In approving selections to the Board, the Commissioner shall consider among other things whether all member insurers are fairly represented.

(c) Members of the Board may be reimbursed from the assets of the Association for expenses incurred by them as members of the Board.

SEC. 107. (a) The Association shall—

(1) be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within thirty days after the determination of insolvency, or before the policy expiration date if less than thirty days after the determination, or before the insured replaces the policy or causes its cancellation, if he does so within thirty days of the determination, but such obligation shall include only that amount of each covered claim which is in excess of $100 and is less than $300,000, except that the Association shall pay the full amount of any covered claim arising out of a workmen's compensation policy; except in no event shall the Association be obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises;

(2) be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) allocate claims paid and expenses incurred among the three accounts separately, and assess member insurers separately, according to subsection (b) of this section, for each account amounts necessary to pay the obligations of the Association under paragraph (1) of this subsection subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, the cost of examinations under section 112 and other expenses authorized by this title;

(4) investigate claims brought against the Association and adjust, compromise, settle, and pay covered claims to the extent of the Association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested;

(5) notify such persons as the Commissioner directs under section 109(b)(1);

(6) handle claims through its employees or through one or more insurers or other persons designated, subject to the approval of the Commissioner, as servicing facilities, except such designation may be declined by a member insurer; and

(7) reimburse each servicing facility for obligations of the Association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the Association, and pay the other expenses of the Association authorized by this title.

(b) The assessments of each member insurer under paragraph (2) of subsection (a) of this section shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year on the kinds of insurance in the accounts bears to the net direct written premiums of all member insurers for the preceding calendar year on the kinds of insurance in the account. Each member insurer shall be notified of the assessment not later than thirty days before it is due. No member insurer may be assessed in any year on any account an amount greater than 2 per centum of that member insurer's net direct written premiums for the preceding calendar year on the kinds of insurance in the account. If the maximum assessment, together with the other assets of the Association in any account, does not provide in any one year in any account an amount sufficient to make all necessary payments from that account, the funds available shall be prorated and the unpaid portion shall be paid as soon thereafter as funds become available. The Association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer if they are chargeable to the amount for which the assessment is made.

(c) The Association may—

(1) employ or retain such persons as are necessary to handle claims and perform other duties of the Association;

(2) borrow funds necessary to effect the purposes of this title in accord with the plan of operation;

(3) sue or be sued;

(4) negotiate and become a party to such contracts as are necessary to carry out the purpose of this title;

(5) perform such other acts as are necessary or proper to effectuate the purpose of this title; and

(6) refund to the member insurers in proportion to the contribution of each member insurer to that account that amount by which the assets of the account exceed the

liabilities, if, at the end of any calendar year, the Board finds that the assets of the Association in any account exceed the liabilities of that account as estimated by the Board for the coming year.

Sec. 108. (a) (1) The Board shall submit to the Commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable, and equitable administration of the Association. The plan of operation and any amendments thereto shall become effective upon approval in writing by the Commissioner.

(2) If the Board fails to submit a suitable plan of operation within ninety days following the effective date of this title or if at any time thereafter the Board fails to submit suitable amendments to the plan, the Commissioner shall, after notice and hearing, adopt and promulgate such reasonable rules as are necessary or advisable to effectuate the provisions of this title. Such rules shall continue in force until modified by the Commissioner or superseded by a plan submitted by the Board and approved by the Commissioner.

(b) All member insurers shall comply with the plan of operation.

(c) The plan of operation shall—

(1) establish the procedures whereby all the powers and duties of the Association under section 107 will be performed;

(2) establish procedures for handling assets of the Association;

(3) establish the amount and method of reimbursing members of the Board under section 106;

(4) establish procedures by which claims may be filed with the Association and establish acceptable forms of proof of covered claims;

(5) establish regular places and times for meetings of the Board;

(6) establish procedures for records to be kept of all financial transactions of the Association, its agents, and the Board;

(7) provide that any member insurer aggrieved by a final action or decision of the Association may appeal to the Commissioner within thirty days after the action or decision;

(8) establish the procedures whereby selections for the Board will be submitted to the Commissioner; and

(9) contain additional provisions necessary or proper for the execution of the powers and duties of the Association.

(d) The plan of operation may provide that any or all powers and duties of the Association, except those under subsections 107(a) (3) and (c) (2), are delegated to a corporation, association, or other organization which performs or will perform functions similar to those of this Association, or its equivalent, in two or more States. Such a corporation, association, or organization shall be reimbursed as a servicing facility would be reimbursed and shall be paid for its performance of any other functions of the Association. A delegation under this subsection shall take effect only with the approval of both the Board and the Commissioner, and may be made only to a corporation, association, or organization which extends protection in a manner substantially similar to that provided by this title.

(e) Notice of claims to the receiver or liquidator of the insolvent insurer shall be deemed notice to the Association or its agent and a list of such claims shall be periodically submitted to the Association or similar organization in another State by the receiver or liquidator.

Sec. 109. (a) The Commissioner shall—

(1) notify the Association of the existence of an insolvent insurer not later than three days after he receives notice of the determination of the insolvency; and

(2) upon request of the Board provide the Association with a statement of the net direct written premiums of each member insurer.

(b) The Commissioner may—

(1) require that the Association notify the insureds of the insolvent insurer and any other interested parties of the determination of insolvency and of their rights under this title by mail at their last known address, where available, or by publication in a newspaper of general circulation, if sufficient information for notification by mail is not available;

(2) suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in the District of Columbia of any member insurer which fails to pay an assessment when due or fails to comply with the plan of operation, or levy a fine on any member insurer which fails to pay an assessment when due, except such fine shall not exceed 5 per centum of the unpaid assessment per month, except that no fine shall be less than $100 per month; and

(3) revoke the designation of any servicing facility if he finds claims are being handled unsatisfactorily.

(c) All final orders or decisions of the Commissioner made under this Act shall be subject to review in accordance with section 11 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1510).

Sec. 110. (a) Any person recovering under this title shall be deemed to have assigned his rights under the policy to the Association to the extent of his recovery from the Association. Every insured or claimant seeking the protection of this title shall cooperate with the Association to the same extent as such person would have been required to cooperate with the insolvent insurer. The Association shall have no cause of action against the insured of the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the Association shall not operate to reduce the insured's liability to the receiver, liquidator, or statutory successor for unpaid assessments.

(b) The receiver, liquidator, or statutory successor of an insolvent insurer shall be bound by settlements of covered claims by the Association or a similar organization in another State. The court having jurisdiction shall grant such claims priority equal to that which the claimant would have been entitled in the absence of this title against the assets of the insolvent insurer.

(c) The Association shall periodically file with the receiver or liquidator of the insolvent insurer statements of the covered claims paid by the Association which shall preserve the rights of the Association against the assets of the insolvent insurer.

Sec. 111. (a) Any person having a claim against an insurer under any provision in an insurance policy, other than a policy of an insolvent insurer which is also a covered claim, shall be required to exhaust first his right under such policy. Any amount payable on a covered claim under this title shall be reduced by the amount of any recovery under such insurance policy.

(b) Any person having a claim which may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured except that if it is a first party claim for damage to property with a permanent location, he shall seek recovery first from the association of the location of the property, and if it is a workmen's compensation claim, he shall seek recovery first from the association of the residence of the claimant. Any recovery under this title shall be reduced by the amount of recovery from any other insurance guaranty association or its equivalent.

Sec. 112. (a) To aid in the detection and prevention of insurer insolvencies—

(1) it shall be the duty of the Board, upon majority vote, to notify the Commissioner of any information indicating any member insurer may be insolvent or in a financial condition hazardous to the policyholders or the public; and

(2) the Board may, upon majority vote, request that the Commissioner order an examination of any member insurer which the Board in good faith believes may be in a financial condition hazardous to the policyholders or the public.

(b) An examination may be conducted, under this section, as a National Association of Insurance Commissioner examination or may be conducted by such person as the Commissioner designates. The cost of such examination shall be paid by the Association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the Board prior to its release to the public, but this shall not preclude the Commissioner from complying with subsection (c) of this section. The Commissioner shall notify the Board when the examination is completed. The request for an examination shall be kept on file by the Commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

(c) It shall be the duty of the Commissioner to report to the Board when he has reasonable cause to believe that any member insurer examined or being examined at the request of the Board may be insolvent or in a financial condition hazardous to the policyholders or the public.

(d) The Board may, upon majority vote, make reports and recommendations to the Commissioner upon any matter germane to the solvency, liquidation, rehabilitation, or conservation of any member insurer. Such reports and recommendations shall not be considered public documents.

(e) The Board may, upon majority vote, make recommendations to the Commissioner for the detection and prevention of insurer insolvencies.

(f) The Board shall, at the conclusion of any insurer insolvency in which the Association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based on the information available to the Association, and submit such report to the Commissioner.

Sec. 113. The Association shall be subject to examination and regulation by the Commissioner. The Board shall submit, not later than March 30 of each year, a financial report for the preceding calendar year on a form approved by the Commissioner.

Sec. 114. The Association shall be exempt from payment of all fees and taxes levied or collected by the District of Columbia, except taxes levied on real or personal property.

Sec. 115. The rates and premiums charged for insurance policies to which this title applies shall include amounts sufficient to recoup a sum equal to the amounts paid to the Association by the member insurer less any amounts returned to the member insurer by the Association and such rates shall not be deemed excessive because they contain an amount reasonably calculated to recoup assessments paid by the member insurer.

Sec. 116. There shall be no liability on the part of and no cause of action of any nature shall rise against any member insurer, the Association or its agents or employees, the Board, or the Commissioner or his representatives for any action taken by them in the performance of their powers and duties under this title.

Sec. 117. All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in the District of Columbia shall be stayed for sixty days from the date the insolvency is determined to permit proper defense by the Association of all pending causes of action. As to any covered claims arising from a judgment under any decision, verdict, or finding based on the default of the insolvent insurer or its failure to defend an insured, the Association either on its own behalf or on behalf of such insured may apply to have such judgment, order, decision, verdict, or finding set aside by the same court or administrator that made such judgment, order, decision, verdict, or finding and shall be permitted to defend against such claim on the merits.

Sec. 118. (a) The Commissioner shall by order terminate the operation of the District of Columbia Insurance Guaranty Association as to any kind of insurance afforded by property or casualty insurance policies with respect to which he has found, after hearing, that there is in effect a statutory or voluntary plan which—

(1) is a permanent plan which is adequately funded or for which adequate funding is provided; and

(2) extends or will extend to District of Columbia policyholders and residents protection and benefits with respect to insolvent insurers not substantially less favorable and effective to such policyholders and residents and the protection and benefits provided with respect to such kind of insurance under this title.

(b) The Commissioner shall by the same such order authorize discontinuance of future payments by insurers to the District of Columbia Insurance Guaranty Association with respect to the same kinds of insurance, except assessments and payments shall continue, as necessary, to liquidate covered claims of insurers adjudged insolvent prior to said order and the related expenses not covered by such other plan.

(c) In the event the operation of any account of the District of Columbia Insurance Guaranty Association shall be so terminated as to all kinds of insurance otherwise within its scope, the Association as soon as possible thereafter shall distribute the balance of moneys and assets remaining in said account (after discharge of the functions of the Association with respect to prior insurer insolvencies not covered by such other plan, together with related expenses) to the insurers which are then writing in the District of Columbia policies of the kinds of insurance covered by such account, and which had made payments into such account, pro rata upon the basis of the aggregate of such payments made by the respective insurers to such account during the period of five years next preceding the date of such order. Upon completion of such distribution with respect to all the accounts specified in section 105, this title shall be deemed to have expired.

TITLE II—AMENDMENT OF THE LIFE INSURANCE ACT OF THE DISTRICT OF COLUMBIA TO INCREASE CAPITAL REQUIREMENTS OF LIFE INSURANCE COMPANIES

Sec. 201. Chapter 3 of the Life Insurance Act (D.C. Code, secs. 35-501—35-541) is amended as follows:

(1) Section 8(a) of such chapter (D.C. Code, sec. 35-508(a)) is amended (A) by striking out in the first sentence "$200,000" and inserting in lieu thereof "$1,000,000", and (B) by striking out in the last sentence "$150,000" and inserting in lieu thereof "$1,500,000".

(2) Section 8(b) of such chapter (D.C. Code, sec. 35-508(b)) is amended (A) by inserting "or subsequent amendment" immediately after "subsection", and (B) by inserting "or the minimum surplus required of a mutual company" immediately after "stock company".

(3) Paragraph 10(b)(ii) of section 35 of such chapter (D.C. Code, sec. 35-535 (10)(b)(ii)) is amended by striking out "$300,000" and "$150,000" and inserting in lieu thereof "$1,500,000" in each such place.

(4) Paragraph (15)(ii) of section 35 of such chapter (D.C. Code, sec. 35-535(15)(ii)) is amended by striking out "$300,000" and "$150,000" and inserting in lieu thereof "$1,500,000' in each such place.

Sec. 202. The amendment made by this title shall take effect thirty days after the date of enactment of this Act.

TITLE III—AMENDMENT OF THE LIFE INSURANCE ACT OF THE DISTRICT OF COLUMBIA TO INCREASE GROUP TERM LIFE INSURANCE AMOUNT LIMITATIONS

Sec. 301. Sections 10(1)(d), 10(3)(d), 10(4)(d), 10(6)(d), and 10(9)(d) of chapter V of the Life Insurance Act (D.C. Code, secs. 35-700 (1)(d), (3)(d), (4)(d), (6)(d) and (9)(d)), are amended (1) by striking out "$20,000" and inserting in lieu thereof "$30,000"; (2) by striking out "$40,000" and inserting in lieu thereof "$100,000"; and (3) by striking out "150" and inserting in lieu thereof "300".

Sec. 302. The first sentence of section 11 of chapter V of the Life Insurance Act (D.C. Code, sec. 35-711), is amended (1) by striking out "and" between clauses (b) and (c), (2) by striking out the colon at the end of clause (c) and inserting in lieu thereof a semicolon and (3) by inserting immediately thereafter a new clause (d) as follows: "and (d) that subject to the terms of the policy any person insured under a group life insurance contract, whether issued before or after the effective date of this clause, may make to any person, other than his employer, an absolute or collateral assignment of any or all the rights and benefits conferred on him by any provision of such policy or by law, including specifically, but not by way of limitation, any right to designate a beneficiary or beneficiaries thereunder and any right to have an individual policy issued upon termination either of employment or of said policy of group life insurance, but nothing herein shall be construed to have prohibited an insured from making an assignment of all or any part of his rights and privileges under the policy before the effective date of this clause and, subject to the terms of the policy, an assignment by an insured before or after the effective date of this clause is valid for the purposes of vesting in the assignee all rights and privileges so assigned, but without prejudice to the insurer on account of any payment it may make or individual policy it may issue prior to receipt of notice of the assignment:".

TITLE IV—AMENDMENT OF THE FIRE AND CASUALTY ACT REGULATING THE BUSINESS OF FIRE, MARINE, AND CASUALTY INSURANCE IN THE DISTRICT OF COLUMBIA

Sec. 401. Sections 13 and 14 of chapter II of the Fire and Casualty Act (D.C. Code, secs. 3-1316 and 35-1317), are amended to read as follows:

§ 13. Minimum capital and surplus requirement

"Every stock company authorized to do business in the District shall have and shall at all times maintain a paid up capital stock of not less than $300,000, and a surplus of not less than $300,000. Every domestic mutual company and every domestic reciprocal company shall have and shall at all times maintain a surplus of not less than $300,000, and every foreign or alien mutual company and every foreign or alien reciprocal company shall have and shall at all times maintain a surplus of not less than $400,000.

"§ 14. Corporations heretofore formed

"No company shall be exempt from the provisions of this subsection by reason of its having been incorporated in the District or elsewhere prior to the effective date of this subsection, except that, in the case of companies authorized in the District on the date of approval of this subsection and continuously thereafter without any increase of authority, the minimum capital and surplus required of a stock company, and the minimum surplus required of a mutual or reciprocal company, or of a Lloyd's organization by the laws of the District heretofore applicable shall not be increased by this subsection, and provided also that in the case of such continuously authorized companies the provisions of section 24 relating to the names of companies, and the provisions of section 25 relating to the amount of surplus necessary to the issuance of policies having no provision for contingent liability, shall not be applicable."

Sec. 402. Section 25 of chapter II of the Fire and Casualty Act (D.C. Code, sec. 35-1329) is amended by striking out "$300,000" and inserting in lieu thereof "$600,000".

TITLE V—AMENDMENT OF AMOUNT OF CONTRACT WITH THE GOVERNMENT OF THE DISTRICT OF COLUMBIA FOR WHICH A SURETY BOND IS REQUIRED

Sec. 501. The first section of the Act entitled "An Act in relation to contracts with the District of Columbia" approved June 28, 1906 (D.C. Code, sec. 1-805), and the first section of the Act of August 3, 1968 (D.C. Code, sec. 1-804a) (relating to contracts with the District of Columbia), are each amended by striking out "$2,000" wherever it appears in each such first section and inserting in lieu thereof "$10,000".

With the following committee amendments:

On page 6, line 25, strike out "(2)" and insert in lieu thereof "(3)".

On page 10, line 17, strike out "(b)" and insert in lieu thereof "(c)".

On page 20, line 17, insert "each place it appears" immediately before "and".

On page 20, line 18, insert "each place it appears" immediately before "and".

On page 20, line 19, insert "each place it appears" immediately before "and inserting".

On page 22, line 6, strike out "3-1316" and insert in lieu thereof "35-1316".

On page 22, strike out line 8 and all that follows down through line 9 on page 23, and insert in lieu thereof the following:

"Sec. 13. Minimum Capital and Surplus Requirement.—Every stock company authorized to do business in the District shall have and shall at all times maintain a paid-up capital stock of not less than $300,000, and a surplus of not less than $300,000. Every domestic mutual company and every domestic reciprocal company shall have and shall at all times maintain a surplus of not less than $300,000 and every foreign or alien mutual company and every foreign or alien reciprocal company shall have and shall at all times maintain a surplus of not less than $400,000.

"Sec. 14. Corporations Heretofore Formed.—No company shall be exempt from the provisions of this subsection by reason of its having been incorporated in the District or elsewhere prior to the effective date of this subsection, except that, in the case of companies authorized in the District on the date of approval of this subsection and continuously thereafter without any increase of authority, the minimum capital and surplus required of a stock company, and the minimum surplus required of a mutual or reciprocal company, or of a Lloyd's organization by the laws of the District heretofore applicable shall not be increased by this subsection, and provided also that in the case of such continuously authorized companies the provisions of section 24 relating to the names of companies, and the provisions of section 25 relating to the amount of surplus necessary to the issurance of policies having no provision for contingent liability, shall not be applicable."

The committee amendments were agreed to.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

I should like to commend Mr. STUCKEY, of the Eighth District of Georgia, the distinguished chairman of our Subcommittee on Business, Commerce and Taxation, for his outstanding efforts in putting this bill together. It was through his undertakings that H.R. 4083 was written and placed before the Committee on the District of Columbia.

H.R. 4083 is one that is greatly needed in the District of Columbia, for the protection of the city's consumers of insurance. Although the District, in recent times, has not suffered the problems of insolvency of its many insurance companies, there still should be adopted some measure to insure that insolvencies do not occur in the future.

H.R. 4083 is supported by the District Government; the Commissioner submitted the original draft legislation for the bill on June 1, 1971.

In the 92d Congress, S. 2208, an identical bill to H.R. 4083, passed the Senate April 27, 1972. Hearings were held by the House District Subcommittee on Public Health, Welfare, Housing, and Youth Affairs on September 11, 1972; S. 2208 passed the full committee September 11, 1972. The measure did not get to the House floor in the rush to adjourn. Additional hearings for the bill were held by our Subcommittee on Business, Commerce, and Taxation on April 5, 1973. The District Government, Superintendent of Insurance, Lombard, and Deputy Superintendent of Insurance, Wallach, supported H.R. 4083 at the hearings.

The provisions of H.R. 4083 are as follows:

Title I establishes a postassessment insurance property fund to be known as the District of Columbia Insurance Guaranty Association. The Association is obligated, in the event an insurance company becomes insolvent, to pay all covered claims of policyholders. Funds are to be provided through annual assessments to be levied on each member insurance company; with a maximum assessment of 2 percent of net direct written premiums in any one year—life, title, disability, and mortgage guaranty companies excepted from this title. Additional responsibility includes aiding in the detection and prevention of insolvencies.

Title I is based on model legislation prepared by the National Association of Insurance Commissioners; adopted by 47 States, under active consideration in the other 3. There is presently no protection for consumers against company insolvencies. The District's record is remarkable regarding insolvencies of companies domiciled here but it is imperative to plan for the possibility of insolvencies occurring in a nationwide company which has District policyholders.

Title II increases from $200,000 to $1 million the amount of capital and surplus each domestic stock and mutual life insurance company is required to have in order to transact business in the District.

Forty-six States have higher requirements than the District has presently and this section brings the District law more in keeping with those of other States.

Title II also provides greater protection to consumers and recognizes the effects of inflation on capitalization requirements. The capital and surplus requirements for life insurance companies in the District were last revised in 1964 by Public Law 88-556.

Title III increases the amount of coverage available under group term life insurance to maximums of $100,000, or 300 percent of compensation, maximum; and a $30,000 minimum—presently, limits are $40,000 or 1½ percent compensation maximum, and a $20,000 minimum. An assignment of rights provision is included, permitting an individual covered under a group life policy to obtain an exclusion under Federal estate laws.

Presently, 27 States have no limits on amounts of group term life coverage; 19 have higher limits than the District. Thirty-seven States now have an assignment of rights provision.

Title IV amends the Fire and Casualty Act to increase the amount of capital and surplus required of all property and casualty companies licensed under the Fire and Casualty Act from $300,000 to $600,000; to increase the surplus requirement for domestic mutual companies from $150,000 to $300,000; and to increase the amount for foreign mutuals from $200,000 to $400,000. The increased requirements would apply only to new companies wishing to be licensed in the District.

Adjustments included in title IV of the bill would bring District requirements in line with most States, and would act as a safeguard against financially inadequate companies entering the local market. The capital and surplus requirements under the Fire and Casualty Act were determined in 1940 and have not been revised since.

Title V increases from $2,000 to $10,000 the amount of the contract with the District Government without being required to be bonded in contracts involving less than $10,000.

In spite of the meritorious impact of this bill, there would be no cost to the District or Federal Governments, if the bill is enacted.

The House Committee on the District of Columbia urges your early and favorable action on H.R. 4083, in view of the great need for the legislation in the District.

Mr. STUCKEY. Mr. Speaker, I move to strike the requisite number of words.

The purposes of the proposed legislation (H.R. 4083), as set forth in House Report 93-257, are to amend existing laws in the District of Columbia relating to insurance in order to provide a greater degree of protection to consumers from financial loss due to company insolvency; to increase the limitation on the amount of group term life insurance that can be issued in the District, expressly permitting the assignment of interest in a group life insurance policy; and to increase the amount of a contract with the District government for which a bond is required.

Specifically, the provisions of H.R. 4083, an omnibus bill requested by the government of the District of Columbia, may be summarized as follows:

TITLE I—DISTRICT OF COLUMBIA POST ASSESSMENT INSURANCE GUARANTY ASSOCIATION ACT

Title I: Establishes a postassessment insurance guaranty fund to be known as the District of Columbia Insurance Guaranty Association, obligated, in the event an insurance company becomes insolvent, to pay all covered claims of policyholders. Title I is based on model legislation prepared by the National Association of Insurance Commissioners; similar language has been adopted by 47 States with consideration pending in 3.

The funds necessary for the insolvency plan as well as for operating expenses will be provided through annual assessments to be levied on each member insurance company. The assessment shall be computed by the proportion of insurance each member company writes in the District of Columbia. No member company, however, will be assessed an amount greater than 2 percent of that member's net direct written premiums in any one year.

The Association shall be administered by a Board of Directors chosen by the member companies and subject to the approval of the Commissioner of the District of Columbia. The Board shall be authorized to adopt a plan of operation and procedure which is also subject to the approval of the Commissioner. If the Commissioner shall either disapprove of a member of the Board or the plan of operation, the same shall be returned to the Board of Directors.

The Association's function is not simply one of a financial guarantor for policyholders, it is also vested with the responsibility of aiding in the detection and prevention of insolvencies. In exercising this function, the Board, upon majority vote, will notify the Commissioner of any hazardous financial conditions of any member company; request the Commissioner to have an examination conducted at the Association's exposure; and make general reports and recommendations to the Commissioner on matters relating to the concerns of the Association.

The Commissioner shall inform the Association of insolvencies within 3 days of receipt of a determination of the insolvency. The Commissioner will be authorized to require the Association to notify all the insureds of the insolvent company of their rights under this title. The Commissioner shall also report to the Board of Directors when he has cause to believe an insolvency is about to occur among any member company.

The title would provide for the termination of the District of Columbia Insurance Guaranty Association in the event that legislation is enacted creating a national guaranty fund with benefits and protections as favorable as those that would be provided policyholders under this title, or in the event a voluntary plan is created which provides equally favorable safeguards to policyholders.

TITLE II—INCREASE CAPITAL REQUIREMENTS OF LIFE INSURANCE COMPANIES

This title increases the capital and surplus requirements for stock and mutual life insurance companies authorized to do business in the District of Columbia. Specifically, the title amends the Life Insurance Act to increase from $200,000 to $1,000,000 the amount of paid-up capital each domestic capital stock and mutual life insurance company is required to have in order to transact business in the District of Columbia.

Over the years, the various States have increased the capital and surplus requirements of life insurers as a further safeguard to the security of policyholders. It is particularly important that the policyholders be protected in the early years of a company's operation.

The proposed increases in the capital and surplus requirements would bring the District of Columbia more in line with the requirements of the various other States and would provide greater safety to policyholders of companies authorized to do business in the District of Columbia. The capital and surplus requirements for life insurance companies were last revised in 1964 by Public Law 88–556.

TITLE III—INCREASE GROUP TERM LIFE INSURANCE AMOUNT LIMITATIONS

This provision increases the maximum amounts of group life insurance to the lesser of $100,000 or 300 percent of compensation—three times earnings—with a lower limit of $30,000. Twenty-seven States currently have no limits on the amounts of group life insurance while 19 States have higher limits than the District of Columbia; 4 have the same limits. The proposal contained in this title would offset the effects of inflation in the years since the last increase in the group life insurance limits and it would bring the limit more in line with those applicable in other States. Such an increase would permit the full employee benefits under the Federal income tax laws which exclude from personal income tax the premiums paid by an employer for group life insurance up to $50,000.

The present District of Columbia Code neither permits nor prohibits the assignment of group life insurance. Section 302 of title III makes it certain that the proceeds attributable to an interest in a group life insurance policy which has been completely assigned by the owner thereof will be excludable from the assignor's estate for Federal estate tax purposes.

Section 2042 of the Federal Internal Revenue Code of 1954 provides that there shall be included in the Federal gross estate of a decedent proceeds of insurance on his life which are receivable either by his executor or, if he possessed any incidents of ownership in the policy at his death, by any other beneficiary. In Revenue Ruling 69–54, 1969–1 C.B. 221, the U.S. Internal Revenue Service ruled in effect that an insured could not assign all his incidents of ownership in group life insurance unless both the group policy and applicable State law permit an absolute assignment of all his incidents of ownership, including the right to convert group coverage into individual insurance upon termination of employment. The Federal Government has since lost several court cases which in effect hold that State law need not specifically permit such an assignment so long as it does not prohibit assignment, and the Internal Revenue Service has announced its agreement with one of these cases. However, the Service has not modified Revenue Ruling 69–54.

In view of the uncertainty in the Federal estate tax law, 37 States—at latest count—including Maryland and Virginia, have passed legislation specifically permitting the assignment of interests in group life insurance.

Section 302 of title III amends the proviso in the first sentence of section 11 of chapter V of the Life Insurance Act (40 Stat. 1145) as amended—District of Columbia Code 35–711—by adding a new clause (d) which provides that, subject to the terms of the policy, any person insured under a group life insurance contract may assign any or all of his rights and benefits under the policy to any person other than his employer. The proposed clause (d) makes it clear that any such assignment is valid whether it is made before or after the effective date of the clause. On the other hand, proposed clause (d) protects the insurer on account of any payment which it may make or any individual policy which it may issue prior to receipt by it of notice of the assignment.

TITLE IV—FIRE, MARINE, AND CASUALTY INSURANCE AMENDMENTS

This provision amends the Fire and Casualty Act to increase the amount of paid-up capital stock and surplus required of all stock companies licensed under the Fire and Casualty Act from $300,000 to $600,000; to increase the surplus requirement for domestic mutual companies from $150,000 to $300,000; and to increase the amount for foreign mutuals from $200,000 to $400,000. The provision would also increase the surplus requirement for mutual companies issuing nonassessable policies from $300,000 to $600,000.

The additional policyholder protection would apply only to new companies wishing to be licensed in the District and not to companies continuously transacting business here provided, of course, there is no change in the scope of their operation. The committee believes the changes are necessary since the capital and surplus requirements under the Fire and Casualty Act have not been revised since 1940. We hasten to add that the adequacy of capital and surplus requirements is essential to the protection of policyholders.

TITLE V—AMENDING SURETY BOND REQUIREMENTS

Title V of H.R. 4083 increases from $2,000 to $10,000 the amount of a contract with the District Government for which a bond is required. The $2,000 requirement was the amount under the original statute in 1906. The committee feels that the $2,000 requirement is unnecessarily low and that an increase to $10,000 would be more in line with present costs and also would provide small contractors with a greater opportunity of dealing with the District Government without being required to be bonded in contracts involving less than $10,000.

HISTORY

Hearings were held by the Subcommittee on Business, Commerce and Taxation on April 5, 1973 on H.R. 4083 and H.R. 5687, similar bills. Representatives of the District of Columbia Government, domestic insurance companies, national insurance associations, and the National Education Association provided testimony in support of the legislation. No testimony was received in opposition thereto, nor has any expression of opposition been received by your Committee.

COST

The enactment of this proposed legislation will involve no added cost to the Government of the District of Columbia.

COMMITTEE VOTE

The pending bill, H.R. 4083, was ordered reported by a voice vote of the Committee, on June 4, 1973.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to express my support for the bill H.R. 4083, to improve the present laws regulating the insurance business in the District of Columbia in a number of important respects, and to urge favorable action upon this measure.

The broad purpose of this proposed legislation is to close certain gaps which presently exist in the regulation of insurance in the District. To a great extent, these gaps have developed through years of increasing inflation since the present laws in this area were enacted. The provisions of this bill, by increasing the levels of capital and surplus requirements for all insurers in the District, both life and property companies, will serve to further safeguard and protect innocent policyholders from possible losses through bankrupt insurance companies.

Title I of the bill will create an unincorporated legal entity known as the District of Columbia Insurance Guaranty Association, whose function shall be to administer a postassessment insurance guaranty fund. This will create for the first time an insolvency program in which all licensed carriers in the District of Columbia will be required to participate. Thus, should an insolvency occur these carriers provide funds through an assessment out of which claimants and policyholders of such insolvent insurer will be compensated. The District of Columbia Guaranty Association will administer this plan, with rights, duties, and obligations similar to those of a company in regard to adjusting and settling of claims.

The funding necessary for the operation of this insolvency protection plan will accrue from assessments levied upon each member insurer, to be computed in proportion to the insurance written in the District of Columbia by each such member insurer. However, no member insurer may be assessed an amount greater than 2 percent of that member's net direct written premiums in any 1 year.

The provisions of this title shall apply to all kinds of direct insurance except life, title, disability, and mortgage guaranty insurance. I am advised that the reason for these exemptions is the fact that failures have occurred primarily among companies in the property and liability field of insurance.

The provisions of this title follow closely those of the National Association of Insurance Commissioners' model bill, which has been enacted by 47 States, including Virginia and Maryland. At present, therefore, if a company licensed in any of those 47 States becomes insolvent, its policyholders residing in any of those States are protected against financial loss; but policyholders of that same company who are residents of the District of Columbia have no protection whatever.

Further, I wish to emphasize that the association's function will not be simply that of a financial guarantor for the protection of policyholders. It will also be vested with the responsibility to aid in the detection and prevention of future insolvencies.

The financial obligation of the association shall be limited to covered claims unpaid prior to insolvency of the member insurer, and to claims arising within 30 days after insolvency, or until the policy is canceled or replaced by the insured, or expires, whichever is earlier. The basic principle is to permit policyholders to make an orderly transition to other companies.

Title II of the bill will increase the amount of paid up capital stock required of domestic capital stock life insurance companies licensed in the District of Columbia from the present $200,000 minimum to $1,000,000. At the same time, the present requirement that such stock companies maintain a surplus of at least 50 percent of their stock will remain unchanged. Thus, the minimum total combined capital and surplus required of such companies will be $1,500,000. The surplus required of domestic mutual life insurance companies is also increased, from the present minimum of $150,000 to $1,500,000.

These minimum capital and surplus requirements for domestic life insurance companies in the District of Columbia were first set at $150,000 for stock companies and $100,000 for mutual companies, in 1934. The latter was increased to $150,000 in 1950. While these minimum requirements may have been adequate for the protection of policyholders at that time, this is certainly not the case today.

Over the years, there has been a nationwide trend to increase the minimum capital and surplus requirement for stock life insurance companies, as well as the surplus requirement for mutual life insurance companies. As of July 1971, I am advised, only two States had lower such requirements than those in the District of Columbia, and only four States had minimums equal to those in the District. The other 44 States all had minimum requirements substantially higher than those prevailing here. H.R. 4083 simply eliminates this situation, for the protection of policyholders in the domestic life insurance companies in the District, by increasing these minimum capital and surplus requirements to comparable levels with those in effect in nearly all the States.

Title III will increase the maximum amount of group life insurance which an employer in the District of Columbia may provide his employees from $40,000 or 1.5 times compensation to $100,000 or 3 times compensation. Again, the present maximum limitation on such group insurance is totally unrealistic in view of the present inflationary trend. I am told that today 27 States have no limitation whatever on group insurance coverage, and 19 States have limits which are higher than those existing under District of Columbia law at present.

This title also amends section 35-711 of the District of Columbia Code to permit the assignment of group life insurance. Actually, the present District of Columbia law neither permits nor prohibits such assignment. Hence, assignment may be made if contained in a group life insurance policy as a contractual right of the insured certificate holder. However, some uncertainty exists concerning Federal estate tax law with respect to such assignments, and 37 States, including both Virginia and Maryland, have passed legislation specifically permitting the assignment of interests in group life insurance for this reason. The purpose of this provision in H.R. 4083 is to make certain in the District of Columbia that the proceeds attributable to an interest in a group life insurance policy which has been completely assigned by the owner thereof will be excludable from the assignor's estate for Federal estate tax purposes.

Title IV amends the District of Columbia Fire and Casualty Act to increase the minimum amount of paid up capital stock and surplus required of all stock companies licensed under the Fire and Casualty Act from $300,000 to $600,000; to increase the surplus requirement for domestic mutual companies from $150,000 to $300,000; and to increase the amount of surplus required of foreign mutual companies from $200,000 to $400,000. These new limits for additional policyholder protection will be required only of new companies wishing to be licensed in the District, and not to companies presently doing business here.

These limits have not been increased since 1940, and certainly the change in the value of the dollar during that period of 33 years justifies these increased requirements. The new amounts will place the District generally in a comparable position with the States in this regard, and also they will have a beneficial effect upon the present trend of small companies located elsewhere seeking to come into the District to do business because of the present extremely low financial requirements. Some of these companies are somewhat suspect as to financial stability.

Title V will increase from $2,000 to $10,000 the amount of a contract with the District of Columbia government for which a bond is required. The present limit was enacted in 1906, and the proposed higher figure is far more realistic today. This will provide small local contractors a great opportunity of dealing with the District government without the added difficulty of bonding.

Mr. Speaker, it is apparent that the present District of Columbia laws regulating the insurance business are badly in need of modernizing and strengthening, in the interest of protection for the policyholders. The various States have nearly all taken steps in this direction, and the time for the Congress to protect the citizens of the District in at least equal measure is long overdue.

The provisions of H.R. 4083, to raise the minimum requirements of capital and surplus for insurance companies doing business in the city, and to create the District of Columbia Guaranty Association to assure against losses to policyholders in the event of insolvency of companies in the property and liability field, are badly needed steps forward in this effort.

I earnestly commend this proposed legislation to my colleagues for immediate and favorable action.

Mr. **DIGGS**. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The **SPEAKER**. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER**. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **SCHERLE**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 330, nays 0, not voting 103, as follows:

[Roll No. 203]

YEAS—330

Abdnor
Abzug
Adams
Addabbo
Alexander
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Bingham
Boggs
Bolling
Bowen
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cochran
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Downing
Drinan
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Flowers
Flynt
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fuqua
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover

Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holt
Horton
Hosmer
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Keating
Kemp
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli

Meeds
Mezvinsky
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Myers
Natcher
Nelsen
Nichols
Obey
O'Brien
O'Hara
Owens
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Price, Tex.
Pritchard
Quie
Randall
Rarick
Rees
Regula
Reuss
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Rousselot
Roybal
Runnels
Ruth
Ryan
Sandman
Sarasin
Sarbanes
Satterfield
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster

Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—103

Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Badillo
Bell
Biaggi
Biester
Blackburn
Blatnik
Boland
Brademas
Brown, Calif.
Butler
Camp
Cederberg
Chamberlain
Chisholm
Clawson, Del
Cleveland
Cohen
Conyers
Corman
Cotter
Daniels, Dominick V.

Davis, Ga.
Delaney
Dingell
Donohue
Dorn
Eckhardt
Edwards, Calif.
Fish
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gaydos
Giaimo
Grasso
Hanna
Hanrahan
Hansen, Wash.
Hastings
Hawkins
Hébert
Heckler, Mass.
Hogan
Holifield
Holtzman
Howard

Huber
Karth
Kastenmeier
Ketchum
King
Kluczynski
Leggett
Lehman
McCormack
Maraziti
Martin, Nebr.
Mayne
Melcher
Metcalfe
Michel
Milford
Montgomery
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Neill
Parris
Patman
Powell, Ohio
Preyer
Quillen
Railsback

Rangel
Reid
Rhodes
Riegle
Robison, N.Y.
Rooney, N.Y.
Rostenkowski

Roy
Ruppe
St Germain
Saylor
Sikes
Sisk
Smith, N.Y.

Steele
Tiernan
Ullman
Vander Jagt
Waldie
Young, Alaska

So the bill was passed.

The Clerk announced the following pairs:

Mr. Dominick V. Daniels with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Arends.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. O'Neill with Mr. Rhodes.

Mrs. Chisholm with Mr. Corman.

Mr. Cotter with Mr. Michel.

Mr. Gaydos with Mr. Biester.

Mr. Murphy of New York with Mr. Fish.

Mr. Sikes with Mr. Ashbrook.

Mr. St Germain with Mr. Maraziti.

Mr. Kluczynski with Mr. Martin of Nebraska.

Mr. Tiernan with Mr. Cleveland.

Mr. Donohue with Mr. Huber.

Mr. Dingell with Mr. Cederberg.

Mrs. Grasso with Mr. Mayne.

Mr. Fulton with Mr. Mosher.

Mr. Giaimo with Mr. Steele.

Mr. Boland with Mrs. Heckler of Massachusetts.

Mr. Brademas with Mr. Hogan.

Mr. Davis of Georgia with Mr. Blackburn.

Mr. Delaney with Mr. King.

Mr. Fisher with Mr. Smith of New York.

Mr. Leggett with Mr. Del Clawson.

Mr. Kastenmeier with Mr. Chamberlain.

Mr. Howard with Mr. Railsback.

Mr. Holifield with Mr. Robison of New York.

Mr. Hawkins with Mr. Bell.

Mr. Badillo with Mr. Conyers.

Mr. Rangel with Mr. Riegle.

Mr. Dorn with Mr. Butler.

Mr. Brown of California with Mr. Vander Jagt.

Mr. Foley with Mr. Cohen.

Mr. William D. Ford with Mr. Ruppe.

Mr. Biaggi with Mr. Hastings.

Mrs. Hansen of Washington with Mr. Camp.

Mr. Blatnik with Mr. Hanrahan.

Mr. Murphy of Illinois with Mr. Anderson of California.

Mr. Hébert with Mr. Parris.

Mr. Metcalfe with Mr. Eckhardt.

Mr. McCormack with Mr. Andrews of North Dakota.

Mr. Hanna with Mr. Fraser.

Mr. Nix with Mr. Saylor.

Mr. Nedzi with Miss Holtzman.

Mr. Preyer with Mr. Karth.

Mr. Reid with Mr. Lehman.

Mr. Roy with Mr. Melcher.

Mr. Sisk with Mr. Quillen.

Mr. Ullman with Mr. Powell of Ohio.

Mr. Montgomery with Mr. Milford.

Mr. Waldie with Mr. Young of Alaska.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks on the bill just passed (H.R. 4083).

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDING THE DISTRICT OF COLUMBIA ELECTION LAW

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia.I call up the bill (H.R. 6713) to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Election Act (D.C. Code, secs. 1–1101—1–1115) is amended as follows:

(1) Clause (A) of paragraph (2) of section 2 of such Act (D.C. Code, sec. 1–1102) is amended to read as follows: "(A) who resides or is domiciled in the District and who does not claim voting residence or right to vote in any State or territory;".

(2) Paragraph (1) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking out "after the first Monday".

(3) Paragraphs (2) and (3) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) are each amended by striking out "forty five" wherever it appears and inserting in lieu thereof "sixty".

(4) Section 5 of such Act (D.C. Code, sec. 1–1105) is amended by inserting at the end of that section the following:

"(f) Notwithstanding the provisions of the fourth paragraph under the section headed 'Militia' of the Act of July 7, 1898 (relating to appropriations) (D.C. Code, sec. 1–215), the Board may accept volunteer services for the purposes of voter education and registration."

(5) Clause (C) of paragraph (1) of subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "forty fifth" and inserting in lieu thereof "sixtieth".

(6) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "5 per centum" and inserting in lieu thereof "1 per centum", and by inserting at the end of that subsection the following: "The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purpose of this subsection."

(7) Subsection (h) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "or party runoff".

(8) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out "forty-fifth" and inserting in lieu thereof "sixtieth", and (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", "one hundred fourteenth", and "eighty-fifth", respectively.

(9) Paragraph (1) of subsection (j) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (a) by striking out in clause (A) "forty-fifth", and inserting in lieu thereof "sixtieth", and (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", and "one hundred fourteenth", and "eighty-fifth", respectively.

(10) Subsection (k) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "or party runoff".

(11) Subsection (o) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out in clause (A) "forty-fifth", and by inserting in lieu thereof "sixtieth", and (B) by striking out "ninety-ninth" and "seventieth", respectively, and by inserting

in lieu thereof "one hundred-fourteenth" and "eighty-fifth", respectively.

(12) Paragraph (1) of subsection (p) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "forty-second day before the date of the election" and by inserting in lieu thereof "third day after the filing deadline for nominating petitions".

(13) Subsection (e) of section 9 of such Act (D.C. Code, sec. 1–1109) is amended by striking out "seven" and by inserting in lieu thereof "ten".

(14) Subsection (g) of section 9 of such Act (D.C. Code, sec. 1–1109) is amended by striking out "or party runoff".

(15) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "after the first Monday".

(16) Paragraph (3) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "the first Tuesday in May of each even numbered year;" and inserting in lieu thereof "the first Tuesday in May of each Presidential election year, and on the second Tuesday in September in each even numbered non-Presidential election year;".

(17) Subsection (b) section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "8 o'clock antemeridian" and by inserting in lieu thereof "7 o'clock antemeridian".

(18) Paragraph (4) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is repealed.

Sec. 2. The amendments made by this Act shall take effect on and after the date of enactment of this Act.

With the following committee amendment:

Strike out all after the enacting clause and insert:

That the District of Columbia Election Act (D.C. Code, secs. 1–1101—1–1115) is amended as follows:

(1) Clause (A) of paragraph (2) of section 2 of such Act (D.C. Code, sec. 1–1102) is amended to read as follows: "(A) who resides or is domiciled in the District and who does not claim voting residence or right to vote in any State or territory;".

(2) Subsection (a) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by (A) striking out "and" at the end of paragraph (7), (B) redesignating paragraph (8) as paragraph (9), and (C) inserting immediately after paragraph (7) the following:

"(8) prescribe such regulations as it considers necessary in order to carry out the purposes of this Act; and"

(3) Paragraph (1) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended by striking out "after the first Monday".

(4) Paragraphs (2) and (3) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) are each amended by striking out "forty-five" wherever it appears and inserting in lieu thereof "sixty".

(5) Paragraph (6) of subsection (b) of section 5 of such Act (D.C. Code, sec. 1–1105) is repealed.

(6) Subsection (d) of section 5 of such Act (D.C. Code, sec. 1–1105) is amended to read as follows:

"(d) The Board may permit either persons temporarily absent from the District or persons physically unable to appear personally at an official registration place to register for the purpose of voting in any election held under this Act."

(7) Section 5 of such Act (D.C. Code, sec. 1–1105) is amended by inserting at the end of that section the following:

"(f) Notwithstanding the provisions of the fourth paragraph under the section headed 'Militia' of the Act of July 7, 1898 (relating to appropriations) (D.C. Code, sec. 1–215), the Board may accept volunteer services for the purposes of voter education and registration."

(8) Paragraph (1) of subsection (a) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended to read as follows:

"(a) (1) Each candidate for election to the office of national committeeman or alternate, or national committeewomen or alternate, and for election as a member or official designated for election at large under clause (4) of the first section of this Act, shall be a qualified elector registered under section 7 of this Act who has been nominated for such office, or for election as such member or official, by a nominating petition (A) signed by not less than five hundred qualified electors registered under such section 7, who are of the same political party as the candidate, and (B) filed with the Board not later than the sixtieth day before the date of the election held for such office, member, or official."

(9) Subsection (f) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "5 per centum" and inserting in lieu thereof "1 per centum".

(10) Subsection (i) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out "forty-fifth" and inserting in lieu thereof "sixtieth", (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", "one hundred fourteenth", and "eighty-fifth", respectively, and (C) by striking out "The Board may prescribe rules with respect to the preparation and presentation of nominating petitions.".

(11) Paragraph (1) of subsection (j) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended (A) by striking out in clause (A) "forty-fifth", and inserting in lieu thereof "sixtieth", (B) by striking out "ninety-ninth", "ninety-ninth", and "seventieth", respectively, and by inserting in lieu thereof "one hundred fourteenth", "one hundred fourteenth", and "eighty-fifth", respectively, and (C) by striking out "The Board may prescribe rules with respect to the preparation and presentation of such nominating petitions.".

(12) Paragraph (3) of subsection (m) of section 8 of such Act (D.C. Code, section 1–1108) is amended by striking out "The Board shall by regulation specify such additional details as may be necessary and proper to effectuate the purpose of this subsection.".

(13) Subsection (o) of section 8 of such Act (D.C. Code, section 1–1108) is amended (A) by striking out in clause (A) "forty-fifth", and by inserting in lieu thereof "sixtieth", (B) by striking out "ninety-ninth" and "seventieth", respectively, and by inserting in lieu thereof "one hundred-fourteenth" and "eighty-fifth", respectively, and (C) by striking out "The Board may prescribe rules with respect to the preparation and presentation of nominating petitions.".

(14) Paragraph (1) of subsection (p) of section 8 of such Act (D.C. Code, sec. 1–1108) is amended by striking out "forty-second day before the date of the election" and by inserting in lieu thereof "third day after the filing deadline for nominating petitions".

(15) Subsection (e) of section 9 of such Act (D.C. Code, sec. 1–1109) is amended by striking out "seven" and by inserting in lieu thereof "ten".

(16) Paragraph (1) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "after the first Monday".

(17) Paragraph (4) of subsection (a) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended to read as follows:

"(4) Runoff elections shall be held whenever, in any primary election of a political party for candidates for the office of Delegate, no candidate receives at least 40 per centum of the total votes cast in that election for all candidates of that party for that office. Any such runoff election shall be held not less than two weeks nor more than six weeks after the date on which the Board has determined the results of the preceding primary. At the time of announcing any such determination, the Board shall establish and announce the date on which the runoff election will be held, if one is required. The candidates in any such runoff election shall be the two persons who received, respectively, the two highest numbers of votes in such preceding primary; except that if any person withdraws his candidacy from such runoff election, the person who received the next highest number of votes in such preceding primary and who is not already a candidate in the runoff election shall automatically become such a candidate."

(18) Subesction (b) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "8 o'clock antemeridian" and by inserting in lieu thereof "7 o'clock antemeridian".

(19) Subsection (e) of section 10 of such Act (D.C. Code, sec. 1–1110) is amended by striking out "ninety-nine" and inserting in lieu thereof "one hundred fourteen".

(20) Subsection (a) of section 11 of such Act (D.C. Code, sec. 1–1111) is amended by striking out "Such recounts shall be conducted in the manner prescribed by the Board by regulation.".

Sec. 2. The Act entitled "An Act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia", approved June 20, 1906 (D.C. Code, sec. 31–101 et seq) is amended as follows:

(1) Paragraph (1) of subsection (b) of section 2 of such Act (D.C. Code, sec. 31–101) is amended to read as follows:

"(b) (1) Except as provided in paragraph (3) of this subsection and section 10(e) of the District of Columbia Election Act, the term of office of a member of the Board of Education shall be four years.".

(2) Paragraph (3) of subsection (b) of section 2 of such Act (D.C. Code, sec. 31–101) is amended by adding at the end thereof the following new sentence: "However, the term of office of a member of the Board of Education elected in the general election for member of the Board of Education to be held in 1973 and thereafter shall expire at noon of the thirtieth day after the Board of Elections certifies the results of the election, including any runoff election, for members of the Board of Education in the fourth year of such member's term. The term of a member of the Board of Education elected in the general election to be held in 1977 and thereafter shall begin immediately upon the expiration of the term preceding it."

Sec. 3. The amendments made by this Act shall take effect on and after the date of enactment of this Act.

Mr. DIGGS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the Record.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DIGGS. Mr. Speaker, before proceeding to consider the bill I should like at this time to commend the efforts of the Delegate from the District of Columbia (Mr. Fauntroy) chairman of the Judiciary Subcommittee of the Committee on the District of Columbia who was primarily responsible for the progress of this bill. The purpose of H.R. 6713 as reported by the Committee on the District of Columbia is to amend the District of Columbia Election Act in a variety of ways in order to promote more efficient and fair elections in the District of Columbia. The major provisions of this bill are as follows:

CHANGING FILING DEADLINES AND RELATED DATES FOR NOMINATING PETITIONS

Deadlines for filing of nominating petitions for candidates for District of Columbia elections will be changed from 45 days before an election to 60 days before an election. Other corresponding dates are also set back 15 days, in order to allow candidates the same amount of time as they now have to circulate petitions and to gather signatures. The additional time is necessary in order to allow the Board sufficient time to prepare for an election, once all nominating petitions are filed.

DEFINITION OF A QUALIFIED ELECTOR

The 90-day durational residency requirement for voting in the existing law is eliminated. This change is required to bring District of Columbia law into line with the Supreme Court decision in *Dunn* v. *Blumstein*, (405 U.S. 330 (1972)), in which durational residency requirements for voting were held unconstitutional.

AUTHORIZED VOLUNTEERS

The Board of Elections is authorized to use volunteers in connection with voter registration drives and nonpartisan voter education efforts. Existing District of Columbia law prohibits the District of Columbia government from accepting personnel services without compensation. It is apparent that volunteer help can be extremely useful in stimulating citizen participation in the electoral process, which is a goal of high standing.

REDUCTION OF SIGNATURE REQUIREMENTS FOR THIRD PARTY CANDIDATES FOR PRESIDENT

The signautre requirements for third party candidates for President would be reduced under this bill from 5 percent of the registered voters to 1 percent.

GENERAL RULEMAKING AUTHORITY

The Board of Elections would be given authority to enact rules and regulations to carry out responsibilities and duties given to it under the Election Act. The bill centralizes this authority.

TIMETABLE FOR CHALLENGED BALLOTS

The period of time provided by the Election Act for the Board of Elections to rule on the validity of challenged ballots is extended from 7 to 10 days.

OPENING THE POLLS AT 7 A.M.

Polls in the District of Columbia will be open on election day at 7 a.m. rather than 8 a.m., as provided under existing law. Opening the polls an hour earlier will provide greater opportunity for voting early in the day by persons whose work days begins at an early hour.

LAME-DUCK BOARD OF EDUCATIONAL TERMS

H.R. 6713 provides for the term of newly elected Board members to begin 30 days after the certification of their election. This is to replace the present law wherein there is a potential 4-month gap between the election of a Board of Education member and the time he takes office.

TECHNICAL AMENDMENTS

The three changes recommended are purely technical in nature, and designed to resolve inconsistencies or contradictions in the language of the statute. Two of them relate to the scheduling of the Presidential preference primary and the local party elections. The changes are to ensure that such elections are held on the same date as the delegate primary.

The other technical amendment refers to the beginning of the 10-day challenge period following the filing of nominating petitions.

DELETION OF GENERAL ELECTION RUNOFFS

The runoff election following the general election for the Delegate to Congress would be eliminated. Under existing law, there are runoff elections in the event that a candidate for congressional Delegate fails to secure 40 percent of the vote after either primary and general election.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of H.R. 6713, as amended and reported (H. Rept. 93-258) is to amend the District of Columbia Election Act in a variety of ways in order to promote more efficient and fair elections in the District of Columbia.

NEED FOR THE LEGISLATION

The District of Columbia Election Act initially became law in 1955—69 Stat. 699; District of Columbia Code, title I, section 1101 et seq. The act established the basis for the first election in the District of Columbia in over 80 years, by authorizing the election of certain officials of local political parties.

In 1961, pursuant to the 23d amendment of the U.S. Constitution, the Election Act was amended (75 Stat. 817) to allow voters in the District of Columbia to participate in Presidential elections and to select delegates representing the District of Columbia to national political conventions. Additional changes were made in 1968 (82 Stat. 103) which set up the machinery for election for members of the Board of Education. With the passage of the District of Columbia Delegate Act in 1970 (84 Stat. 849), further revisions were made to the Elections Act. The first overall review of the District of Columbia Elections Act occurred in 1971, in the course of which Congress approved the establishment of a preferential Presidential primary in the District of Columbia (85 Stat. 788).

The District's experience in carrying out elections for government office extends back only to 1968, when the Board of Education elections were authorized. The problems of administering an election in the District of Columbia have revealed themselves slowly and in a variety of ways with the unique circumstances of every election. Problems that seem solved in one election are exacerbated under the pressures of the next. Most of the changes proposed in H.R. 6713 are technical in nature, but they do cure some of the problems that the committee and the D.C. Board of Elections have identified as arising from existing provisions of the District of Columbia Elections Act.

PROVISIONS OF THE BILL

CHANGING FILING DEADLINES AND RELATED DATES FOR NOMINATING PETITIONS

Deadlines for the filing of nominating petitions for candidates for District of Columbia elections will be changed from 45 days before an election to 60 days before an election. Other corresponding dates are also set back 15 days, in order to allow candidates the same amount of time as they now have to circulate petitions and to gather signatures. The additional time is necessary in order to allow the Board sufficient time to prepare for an election, once all nominating petitions are filed. The existing 45-day time period has proved to be insufficient for the Board to do a thorough job of validating petition signatures, processing absentee ballot requests, and printing absentee and sample ballots. In every election, the Board has been involved in one or more court cases resulting from either challenges to nominating petitions or other law suits. The litigation has often consumed so much time that the Board has had great difficulty in completing its work within the 45-day time period now provided in the Election Act.

DEFINITION OF A QUALIFIED ELECTOR

The 90-day durational residency requirement for voting in the existing law is eliminated. This change is required to bring District of Columbia law into line with the Supreme Court decision in *Dunn* v. *Blumstein* (405 U.S. 330 (1972)), in which durational residency requirements for voting were held unconstitutional. Under the court decision in Dunn, and the District of Columbia election law, however, the Board will be authorized to close voter registration polls 30 days before an election to permit election officials to process the registration rolls in preparation for the coming election.

AUTHORIZED VOLUNTEERS

The Board of Elections is authorized to use volunteers in connection with voter registration drives and non-partisan voter education efforts. Existing District of Columbia law prohibits the District of Columbia government from accepting personnel services without compensation. It is apparent that volunteer help can be extremely useful in stimulating citizen participation in the electoral process, which is a goal of high standing.

REDUCTION OF SIGNATURE REQUIREMENTS FOR THIRD PARTY CANDIDATES FOR PRESIDENT

The signature requirements for third party candidates for President would be reduced under this bill from 5 percent of the registered voters to 1 percent. Requiring the signatures of 5 percent of the registered voters—approximately 15,000 signatures—for the nominating petitions of minor party potential candidates for President places unreasonable burdens upon both potential candidates and the Board of Elections. Not only is it very difficult for candidates to gather such a large number of valid signatures, it is also difficult for the Board to validate the signatures within the time allowed. Moreover, 42 States (as of 1968) require third parties to obtain the signatures of only 1 percent or less of the electors in order to appear on the Presidential ballot. This suggests that the 1 percent required proposed by H.R. 6713 is entirely reasonable.

GENERAL RULEMAKING AUTHORITY

The Board of Elections would be given authority to enact rules and regulations to carry out responsibilities and duties given to it under the Election Act.

While the existing election law appears

to give the Board broad rulemaking authority, legal arguments have been made calling for an extremely narrow construction of the Board's rulemaking authority. Accordingly, in order to make the Board's responsibility clear, the committee has approved a broad grant of rulemaking authority to the Board relating to all aspects of the Election Act. H.R. 6713 also deletes from the existing Election Act most of the specific rulemaking grants given to the Board under the District of Columbia Elections Act. A small number of references to rulemaking are retained in the act where the context seems to warrant it.

TIMETABLE FOR CHALLENGED BALLOTS

The period of time provided by the Election Act for the Board of Elections to rule on the validity of challenged ballots is extended from 7 to 10 days. The existing 7-day time period does not allow the Board a sufficient amount of time to process a large number of ballots challenged in District elections. It is the committee's information that 5,000 ballots were challenged in the last election, and the Board had to make a decision with respect to the validity of each.

OPENING THE POLLS AT 7 A.M.

Polls in the District of Columbia will be open on election day at 7 a.m. rather than 8 a.m., as provided under existing law. Opening the polls an hour earlier will provide greater opportunity for voting early in the day by persons whose work day begins at an early hour. Since many offices and businesses in the District begin work as early as 7:30 a.m., many potential voters are unable to vote before going to work. In addition to providing greater opportunities for voting, this change would have the effect of preventing the formation of long lines of voters late in the day, as now occurs.

LAME-DUCK BOARD OF EDUCATION TERMS

Under existing law, there is a potential gap of almost 4 months between the election of a Board of Education member and the time he takes office. Since a majority of the members of the Board of Education can be elected in a single election, it is possible that a lame duck majority can make significant and far-reaching decisions during the 3 months they remain in office. There seems to be no compelling reason why the time lag should be as great as it is.

H.R. 6713 provides for the term of newly elected Board members to begin 30 days after the certification of their election. The 30-day period would begin to run after the certification of all Board of Education elections including runoffs. Because the members of the existing Board were elected to 4-year terms by statute, the provision would only go into effect with respect to the end of terms of members of the Board elected or reelected after 1973.

TECHNICAL AMENDMENTS

The three changes recommended are purely technical in nature, and designed to resolve inconsistencies or contradictions in the language of the statute. Two of them relate to the scheduling of the Presidential preference primary and the local party elections. The changes are to insure that such elections are held on the same date as the delegate primary.

The other technical amendment refers to the beginning of the 10-day challenge period following the filing of nominating petitions.

DELETION OF GENERAL ELECTION RUNOFFS

The runoff election following the general election for the Delegate to Congress would be eliminated. Under existing law, there are runoff elections in the event that a candidate for congressional Delegate fails to secure 40 percent of the vote after either primary and general election. This creates the potential of four elections within a 6-month period.

Thirty-nine States have no runoff requirements whatsoever with respect to congressional elections. In 12 States, there are runoff elections after party primaries in the event that a candidate fails to receive a specified percentage of the vote. Only one State and the District of Columbia have runoffs after both the party primary and the general election.

This is costly and burdensome both to the candidate and to the Board. In this period of ever-increasing election costs, a reduction in the number of possible election campaigns that a candidate must face is strongly in the public interest.

HISTORY

A public hearing was held by the Judiciary Subcommittee on this proposed legislation on May 10, 1973, at which time testimony in favor thereof was submitted both by the Board of Elections, the District of Columbia Democratic Central Committee, the District of Columbia Republican Committee, the District of Columbia Statehood Party, and the District of Columbia Board of Education. The bill reported reflects several amendments proposed and considered at such hearing and adopted by the subcommittee.

COST

The committee is informed by the District of Columbia Board of Elections that there will be a cost of $5,000 per election resulting from enactment of this legislation. This cost is attributable to opening the polls at 7 a.m. rather than 8 a.m. as is now required. Under the bill as proposed, there is the potential for two elections (for Board of Education and possible runoff) at $10,000 additional cost, in odd-numbered years; and three elections (delegate primary, possible runoff, and general election) at $15,000 added cost, in even-numbered years.

VOTE

H.R. 6713 was approved and ordered reported to the House by voice vote of the committee on June 4, 1973.

Mr. DIGGS. Mr. Speaker, I urge favorable consideration of this bill at this time.

Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SYMMS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent members.

The vote was taken by electronic device, and there were—yeas 330, nays 12, not voting 91, as follows:

[Roll No. 204]

YEAS—330

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Archer
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bennett
Bergland
Bevill
Bingham
Blackburn
Boggs
Bolling
Bowen
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Clancy
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Collier
Collins, Ill.
Conlan
Conte
Conyers
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Dickinson
Diggs
Downing
Drinan
Duncan
du Pont
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Flowers
Forsythe
Frelinghuysen
Frenzel
Frey
Fuqua
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harrington
Harsha
Harvey
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holt
Horton
Hosmer
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kazen
Keating
Kemp
King
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Mezvinsky
Milford
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Moss
Myers
Natcher
Nelsen
Nichols
Obey
O'Brien
O'Hara
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Price, Tex.
Pritchard
Quie
Randall
Rangel
Rees
Regula
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.

Rose
Rosenthal
Roush
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Shuster
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—12

Andrews, N.C.
Collins, Tex.
Devine
Flynt
Fountain
Froehlich
Gross
Landgrebe
Rarick
Rousselot
Scherle
Wylie

NOT VOTING—91

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Badillo
Bell
Biaggi
Biester
Blatnik
Boland
Brademas
Brown, Calif.
Broyhill, Va.
Butler
Camp
Chamberlain
Chisholm
Clawson, Del
Cohen
Conable
Corman
Cotter
Daniels, Dominick V.
Davis, Ga.
Delaney
Dingell
Donohue
Dorn
Dulski
Eckhardt
Edwards, Calif.
Fish
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gaydos
Giaimo
Grasso
Hanna
Hansen, Wash.
Hastings
Hawkins
Hébert
Heckler, Mass.
Hinshaw
Hogan
Holifield
Holtzman
Howard
Huber
Karth
Kastenmeier
Ketchum
Kluczynski
Lehman
McCormack
Maraziti
Martin, Nebr.
Mayne
Melcher
Metcalfe
Michel
Mosher
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Neill
Powell, Ohio
Preyer
Quillen
Railsback
Reid
Rhodes
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Ruppe
Saylor
Shoup
Sikes
Sisk
Smith, N.Y.
Tiernan
Ullman
Vander Jagt
Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New Jersey with Mr. Gerald R. Ford.

Mr. Dominick V. Daniels with Mr. Arends.

Mr. Hébert with Mr. Anderson of Illinois.

Mr. Holifield with Mr. Rhodes.

Mr. Rostenkowski with Mr. Michel.

Mr. Sikes with Mr. Hogan.

Mr. Waldie with Mr. Del Clawson.

Mr. Donohue with Mr. Roy.

Mr. Delaney with Mr. Hastings.

Mr. Blatnik with Mr. Andrews of North Dakota.

Mr. Dingell with Mr. Huber.

Mrs. Chisholm with Mr. William D. Ford.

Mr. Cotter with Mr. Chamberlain.

Mr. Dulski with Mr. King.

Mr. Fulton with Mr. Preyer.

Mr. Gaydos with Mr. Biester.

Mr. Hawkins with Mr. Melcher.

Mr. Giaimo with Mr. Eckhardt.

Mr. Howard with Mr. Butler.

Mrs. Grasso with Mr. Cohen.

Mr. Kastenmeier with Mr. Ashbrook.

Mr. Kluczynski with Mr. Ullman.

Mr. Tiernan with Miss Holtzman.

Mr. Sisk with Mr. Martin of Nebraska.

Mr. Reid with Mr. Conable.

Mr. O'Neill with Mrs. Heckler of Massachusetts.

Mr. Nix with Mr. Maraziti.

Mr. Murphy of New York with Mr. Fish.

Mr. Biaggi with Mr. Brown of California.

Mr. Brademas with Mr. Mayne.

Mr. Murphy of Illinois with Mr. Mosher.

Mr. Metcalfe with Mr. Badillo.

Mr. Hanna with Mr. Hinshaw.

Mr. Corman with Mr. Bell.

Mr. Dorn with Mr. Broyhill of Virginia.

Mr. Edwards of California with Mr. Fraser.

Mr. Boland with Mr. Robison.

Mr. Davis of Georgia with Mr. Vander Jagt.

Mr. Fisher with Mr. Quillen.

Mrs. Hansen of Washington with Mr. Saylor.

Mr. Foley with Mr. Railsback.

Mr. Karth with Mr. Shoup.

Mr. Lehman with Mr. Smith of New York.

Mr. McCormack with Mr. Powell of Ohio.

Mr. Nedzi with Mr. Ruppe.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks in explanation of the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING CERTAIN DISTRICT OF COLUMBIA PROGRAMS AND ACTIVITIES

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 8250) to authorize certain programs and activities of the government of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXPENDITURES FOR EMERGENCIES

SECTION 1. When required by the public exigencies to meet conditions caused by emergencies such as riot, pestilence, public insanitary conditions, flood, fire, storm, and similar disasters, the Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized to expend such amounts as may be necessary without regard to advertising provisions of section 3709 of the Revised Statutes (41 U.S.C. 5).

OFFICIAL USE OF MOTOR VEHICLES

SEC. 2. All passenger motor vehicles and watercraft owned by the District of Columbia shall be operated and utilized in conformity with section 5 of the Act of July 16, 1914, as amended by section 16 of the Act of August 2, 1946 (31 U.S.C. 638a), and shall be under the direction and control of the Commissioner of the District of Columbia. The Commissioner is authorized to alter or change the assignment or direct the alteration or interchangeable use of any passenger motor vehicles or watercraft by officers and employees of the District of Columbia except as otherwise provided in such Act. Limitations on the official use of passenger motor vehicles, as set out in section 5 of such Act, shall not apply to the Commissioner or, with the approval of the Commissioner, to officers and employees of the District government the character of whose duties make such transportation necessary.

FUNERAL AND BURIAL SERVICES

SEC. 3. (a) The Commissioner of the District of Columbia is hereby authorized, pursuant to regulations prescribed by the District of Columbia Council, to provide for the payment of reasonable funeral and burial expenses of indigent residents of the District of Columbia and of persons under the care and custody of the District of Columbia government institutions.

(b) Nothing in this section shall be construed as repealing or in any way modifying any provision of the Acts approved April 29, 1902 (D.C. Code, secs. 2-201 through 2-209) and April 20, 1906 (D.C. Code, secs. 27-129 through 27-131), or of the District of Columbia Public Assistance Act of 1962 (D.C. Code, sec. 3-201 et seq.).

PAYMENTS TO PATIENTS

SEC. 4. The Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized to furnish cash payments to needy patients in hospitals operated by or under contract (relating to the care of needy patients) with the District of Columbia in such amounts and at such times as he may determine.

CARE OF PATIENTS IN SECTARIAN AND NONSECTARIAN INSTITUTIONS

SEC. 5. Notwithstanding any other provision of law, the Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized from time to time to enter into contracts with institutions under sectarian and nonsectarian control, and to make payments to such institutions, for the care of indigent and medically indigent patients in hospitals and for the care and maintenance of persons who are a responsibility of the District of Columbia. The Council shall, in determining the level of payment to sectarian and nonsectarian institutions, take into consideration average costs in caring for like persons in area institutions, and in no event shall such payment for medical services exceed reasonable costs as determined under the District of Columbia medicaid program.

STIPENDS FOR PATIENTS

SEC. 6. The Commissioner of the District of Columbia is authorized, pursuant to regulations prescribed by the District of Columbia Council, to provide for the payment of stipends to patients and residents employed in institutions of or under programs sponsored by the government of the District of Columbia as an aid to their rehabilitation or for training purposes. Nothing contained herein shall be construed as conferring employee status on any person covered by this section.

BENEFITS FURNISHED WORKERS IN DISTRICT FACILITIES

SEC. 7. Notwithstanding any other provision of law, the Commissioner of the District of Columbia is authorized to furnish, pursuant to regulations prescribed by the District of Columbia Council, subsistence, living quarters and laundry in lieu of salary to persons authorized by the Commissioner to work in facilities of the government of the District of Columbia for the purposes of securing training and experience in their future vocations. Nothing contained herein shall be construed as conferring employee status on any person covered by this section, nor as superseding the requirements of sections 5352 and 5353 of title 5, United States Code, relating to student employees specified therein who are assigned or attached to a hospital, clinic, or medical or dental laboratory.

FIRE PROTECTION SERVICES

SEC. 8. The Commissioner of the District of Columbia is authorized to make provisions and payment for the furnishing of fire prevention and fire protection services to District of Columbia government institutions located outside the District of Columbia.

FUNDS FOR THE PREVENTION AND DETECTION OF CRIME

SEC. 9. The Chief of Police of the Metropolitan Police Department is authorized, with the approval of the Commissioner of the District of Columbia and within the limits of appropriations therefor, to make expenditures for the prevention and detection of crime under his certificate. The certificate of the Chief of Police for such expenditures shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

ATTENDANCE AT PISTOL MATCHES

SEC. 10. The Commissioner of the District of Columbia is authorized to pay the expenses of officers and members of the Metropolitan Police Department and the Department of Corrections for attending pistol matches, including entrance fees, and is further authorized to permit officers and members to attend such matches without loss of pay or time.

PAYMENT OF REWARDS

SEC. 11. The Commissioner of the District of Columbia, pursuant to regulations prescribed by the District of Columbia Council, is authorized to provide for the payment of rewards for the capture, or for information leading to the apprehension, of fugitives from District of Columbia penal, correctional, and welfare institutions and of conditional release and parole violators. Funds appropriated pursuant to this section shall be apportioned and expended in the discretion of, and upon such conditions as may be imposed by, the Commissioner of the District of Columbia. No reward money shall be paid to any officer or employee of the Metropolitan Police Department, or any penal, correctional, or welfare institution, or any court, legal agency, or other agency closely involved in the criminal justice system.

DISCHARGE AND RELEASE PAYMENTS

SEC. 12. The Commissioner of the District of Columbia is authorized to furnish each prisoner upon his release from a penal or correctional institution under the jurisdiction of the government of the District of Columbia with suitable clothing and, in the discretion of the Commission, a sum of money, which shall not exceed $100.

CONSTRUCTION SERVICES WORKING FUND

SEC. 13. (a) There is established in the Treasury of the United States a permanent working fund, without fiscal year limitation, to be known as the Construction Services Fund, Department of General Services, District of Columbia. The Commissioner is authorized to transfer to such fund from capital outlay appropriations for public building construction such amounts as he may deem necessary to carry out the purposes of this section, and, subject to subsequent adjustment, advances and reimbursements may be made to such fund from appropriations for services to other departments and agencies of the District government, without reference to fiscal year limitations on such appropriations. The fund shall be available for expenses incurred in the initial planning for construction projects, for work performed under contract or otherwise, including, but not limited to, preliminary planning and related expenses, surveys, preparation of plans and specifications, soil investigation, administration, overhead, planning design, engineering, inspection, and contract management.

(b) The District of Columbia shall annually review the budget of the Construction Services Fund within ninety days after the annual District of Columbia Appropriations Act is enacted into law.

(c) The District of Columbia Council, the Board of Higher Education, the Board of Vocational Education, the Board of Education, the Public Library Board, and the Executive Director of the District of Columbia Court System shall be kept fully advised, at least semiannually, of the status of projects and activities within their respective areas of concern which are financed from the Construction Services Fund.

SNOW AND ICE REMOVAL

SEC. 14. Notwithstanding any other provision of law, appropriations for the Department of Highways and Traffic and the Department of Environmental Services of the government of the District of Columbia shall be available for purposes of snow and ice removal when so ordered by the Commissioner of the District of Columbia.

FEDERAL-AID HIGHWAY PROJECTS

SEC. 15. The Commissioner of the District of Columbia is authorized to enter into contracts in connection with projects undertaken as Federal-aid highway projects under the provisions of the Federal Aid Highway Act of 1944 in such amounts as shall be approved by the Federal Highway Administration, Department of Transportation.

GRADE-CROSSING ELIMINATION PROJECTS

SEC. 16. The Commissioner of the District of Columbia is authorized to construct grade-crossing elimination and other wholly District construction projects or those authorized under section 8 of the Act of June 16, 1936 (49 Stat. 1521), and section 1(b) of the Federal Aid Highway Act of 1938, in accordance with the provisions of such Acts. Pursuant to this authority, the Commissioner may make payment to contractors and payment for other expenses in connection with the costs of surveys, design, construction, and inspection pending reimbursement to the District of Columbia by the Federal Highway Administration, Department of Transportation, or other parties participating in such projects.

CIVIL DEFENSE MATCHING FUNDS

SEC. 17. Section 3(h) of the Act entitled "An Act to authorize the District of Columbia government to establish an Office of Civil Defense, and for other purposes", approved August 11, 1950 (D.C. Code, sec. 6–1203(h)), is amended by striking the semicolon and inserting in lieu thereof a comma and the following: "and, when authorized by the Commissioner, appropriations available to the District of Columbia may be used to match financial contributions made by any department or agency of the United States to the government of the District for the purchase of civil defense equipment and supplies;".

ACQUISITION OF LAND FOR WASHINGTON AQUEDUCT

SEC. 18. Appropriations are hereby authorized for the acquisition, by gift, dedication, exchange, purchase, or condemnation, of land or rights in or on land or easements therein for the Washington aqueduct by the Chief of Engineers, Corps of Engineers, United States Army, or his designated agents.

ADMINISTRATIVE EXPENSES OF WORKMEN'S COMPENSATION LAW

SEC. 19. The Act entitled "An Act to provide compensation for disability or death resulting from injury to employees in certain employments in the District of Columbia, and for other purposes", approved May 17, 1928 (D.C. Code, secs. 36–501, 502), is amended by renumbering section 3 as section 4 and by inserting the following new section immediately after section 2:

"SEC. 3. There are authorized to be appropriated such sums as may be necessary to pay the expenses incurred by the United States Department of Labor in the administration of this Act."

DRIVER EDUCATION PROGRAM

SEC. 20. The Board of Education is authorized, within the limits of appropriations therefor, to accept, on a loan basis, and to maintain and provide for insurance of motor vehicles, for use in the driver education programs of the public schools.

SUBSISTENCE AND TRANSPORTATION FOR HANDICAPPED CHILDREN

SEC. 21. The Board of Education is authorized to provide for the furnishing of subsistence supplies and transportation for severely handicapped children attending special education schools or classes established for their benefit in the public school system of the District of Columbia.

SUMMER SCHOOL COMPENSATION

SEC. 22. Compensation payable to personnel employed in the summer school program of the public school system of the District of Columbia is hereby authorized to be charged to the appropriation for the fiscal year in which the pay periods end.

SUMMER EMPLOYMENT OF DISTRICT SCHOOL TEACHERS

SEC. 23. Subsection (e) of section 5533 of title 5, United States Code, is amended (a) by inserting "(1)" immediately following "(e)"; and (b) by adding the following new paragraph:

"(2) Subsection (c) of this section does not apply to pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period.".

SCHOOL CEREMONIAL EXPENSES

SEC. 24. The President of the Federal City College, the President of the Washington Technical Institute, the President of the District of Columbia Teachers College, and the Superintendent of Schools are hereby authorized to utilize moneys appropriated for the purposes of this section for such expenses as they may respectively deem necessary to conduct such official ceremonial, representational, and graduation activities as are normally associated with the programs of educational institutions.

AMENDMENT OF LAWS RELATING TO ADVERTISING

SEC. 25. (a) The second sentence of the first section of the Act approved February 28, 1898 (D.C. Code, sec. 47–1001), is amended to read as follows: "The notice of sale and the delinquent tax list shall be advertised according to regulations prescribed by the District of Columbia Council. Competitive proposals shall be invited by the Commissioner of the District of Columbia from the various daily newspapers published in the District for publishing such delinquent tax list.".

(b) Section 7 of the Act approved February 28, 1898 (D.C. Code, sec. 47–1008), is amended to read as follows:

"SEC. 7. The expenses of advertising the notice of sale and delinquent tax list for real property taxes, water charges, sanitary sewer service charges, and special assessments in arrears together with penalties and costs, shall be reimbursed to the District by a charge to be fixed annually by the Commissioner and assessed against each lot or piece of property advertised. The amounts so received shall be deposited to such fund of the District as the Commissioner shall from time to time determine."

(c) The first sentence of section 5 of the

Act approved June 11, 1878 (D.C. Code, sec. 7-601), is amended by striking "and if the total cost shall exceed $5,000, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore also for one week," and inserting in lieu thereof: "but not elsewhere, unless the need for advertising outside the District shall have been specifically approved by the Commissioner".

(d) Appropriations authorized by this Act or any Act of Congress shall be available to the Commissioner for general advertising authorized by law, and for the publication of notices of public hearings, orders, regulations, amendments of orders and regulations, tax and school notices, and similar matters of public interest, in the District of Columbia Register, and except as otherwise provided by law, in such newspapers, legal periodicals, trade journals, and other printed media at such times and in such places as may be approved by the said Commissioner.

OFFICIAL FUNDS

SEC. 26. The Commissioner of the District of Columbia, the Chairman of the District of Columbia Council, the Superintendent of Schools, the President of the Federal City College, the President of the Washington Technical Institute, and the President of the District of Columbia Teachers College are hereby authorized to provide for the expenditure, within the limits of specified annual appropriations, of funds for such purposes as they may respectively deem necessary. Their determination thereof shall be final and conclusive, and their certificate shall be sufficient voucher for the expenditure of appropriations made pursuant to this section.

TAXI SERVICE STUDY

SEC. 27. (a) Notwithstanding any other provision of law, the Public Service Commission of the District of Columbia is authorized and directed to conduct a study of the adequacy of service and regulation of the taxicab industry in the District of Columbia. The study shall include the feasibility of allowing the installation of meters in taxicabs in the District of Columbia.

(b) Within six months following the date of enactment of this Act, the Public Service Commission shall transmit the final report of the results of such investigation and study, including its finding and recommendations, to the Commissioner of the District of Columbia and the District of Columbia Council, and the District of Columbia government shall within ninety days consider the same, and transmit its recommendations and the final report of the Public Service Commission to the Congress.

AUTHORIZATIONS

SEC. 28. Appropriations to carry out the purposes of this Act and the amendments made by this Act are hereby authorized.

With the following committee amendments:

On page 6, line 4, strike out "DistriCt" and insert in lieu thereof "District".

On page 6, line 15, immediately before "any" insert "of".

On page 6, line 16, immediately before "any" insert "of".

On page 7, line 21, immediately after "Columbia" insert "Council".

On page 12, line 16, strike out "prescribe" and insert in lieu thereof "prescribed".

The committee amendments were agreed to.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

I would like to commend the Honorable THOMAS M. REES, Congressman from the 26th District of California, for his distinguished work as chairman of the Subcommittee on Revenue and Financial Affairs which promptly considered the bill now before us.

The purpose of H.R. 8250 is to provide authorization for 26 activities previously authorized only by language in annual appropriation acts for the District of Columbia, and to authorize the study of the adequacy of taxicab service in the District. These programs, activities, limitations, and legislative provisions are considered necessary for effective operation of the District government. These items have been included in the city's budget for a number of years—in one instance, going back as far as 1883—and annual appropriations have been made by Congress for these various programs and activities. Since none of the provisions in the proposed legislation has a basis in substantive law, each of them is subject to the raising of a "point of order" against its inclusion in subsequent appropriation acts. This bill, introduced at the request of the District government, would thus provide the necessary legislative authorization for these activities, many of which are technical in nature. The funding and the determination of the justifications for these activities would, of course, be a matter for final determination by the Appropriations Committees.

Authority is not contained in H.R. 8250 for any completely new programs or activities, except with respect to the expansion of the program provided in section 5, for care of indigent and medically indigent patients. Hence, approval of the District's proposed bill does not mean increased expansion or new appropriations over and above those already contained in the District of Columbia appropriation acts.

Similar legislation to authorize the programs and activities set forth in sections 1 to 26 inclusive passed the Senate (S. 2204) in the last Congress but was not acted upon in the House.

Also, hearings were held by the Senate District Committee in the last Congress on legislation authorizing a study of the feasibility of installing taxicab meters, but no action was taken thereon.

In several of the sections of H.R. 8250 regulatory powers are given to the District of Columbia Council to prescribe the necessary regulations for operation of these activities. These include such activities as emergency provisions, providing burial for deceased indigents, employing patients to assist in hospitals, and in defining the amount of payments to be made to sectarian and nonsectarian hospitals for care of indigent patients.

Because many sections in this deal with activities of a technical nature already authorized by Congress in appropriation acts, I will not attempt to describe each section in detail. They are described in the report accompanying this bill. However, I call your attention to two important items.

Section 5 of H.R. 8250 specifies three measures concerning the care of indigent and medically indigent patients in hospitals and the care and maintenance of persons who are a responsibility of the District of Columbia:

First. It allows the District of Columbia to enter into contracts with institutions under sectarian control since 1903. The District currently has approximately $3.5 million in such contracts.

Second. It provides that contracts to all institutions, including rates and eligibility, shall be pursuant to regulations adopted by the District of Columbia Council, except in instances such as the public assistance or District of Columbia medicaid program where regulations already exist; and

Third. It expressly states that in approving payment rates the District of Columbia Council shall take into consideration the reasonable cost of providing such services, with rates for medical services not to exceed those of the District of Columbia medicaid program. At the present time, inpatient and outpatient services under the District of Columbia medical charities program, which provides care for approximately 15,000 persons in the District are $38 and $6 per day visit respectively—about one-third to one-half of actual cost. It is the opinion of the committee that the District of Columbia Council should carefully consider questions of eligibility, utilization, and the public service responsibility of hospitals and other institutions in arriving at amounts to be paid, as well as current medicaid costs.

In addition, representatives of the Hospital Council of the National Capital Area have assured us that such a provision would guarantee that any indigent patients would receive prompt and complete hospital care and ask unanimous consent to place the letter in the RECORD—exhibit A in your file. The additional cost of this provision is estimated at $3 million.

Section 27 directs the District of Columbia Public Service Commission to undertake a 6-month study of the adequacy of service and the regulation of the taxicab industry in the District. Following that study the District of Columbia will forward to the Congress its views and recommendations. I would stress that the bill involves only a study by responsible local officials in this matter and does not mandate any change in the manner in which taxicabs are regulated or in which service is to be provided.

Taxicab service has been a subject of frequent complaints. Hearings on this bill, together with previous discussions with representatives of the taxicab industry, the District of Columbia government, and the District of Columbia Public Service Commission, have indicated the need for an indepth study of taxicabs, due to the complexity of current regulatory procedures, and of proposals for improving the quality of service. Under the language of this section, the results of the study, including the recommendations and the final report will be transmitted to the Congress for ultimate determination and action.

Since it is expected that the District of Columbia budget for fiscal year 1974 will soon be considered, the House Subcommittee on District of Columbia Appropriations, as well as my committee on the District of Columbia, have joined the District of Columbia government's request for early action since this legislation is a matter of high priority for the

District government. I urge your favorable action on H.R. 8250.

Mr. REES. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, the purpose of H.R. 8250 as reported (H. Rept. 93-256) is to provide authorization for 26 activities previously authorized only by language in annual appropriation acts for the District of Columbia. These programs, activities, limitations, and legislative provisions are considered necessary to effective operation of the District government. These items have been included in the city's budget for a number of years—in one instance, going back as far as 1883—and appropriations have been made for the various programs and activities authorized only by appropriations language.

The District government has not requested, and authority is not contained in H.R. 8250 for any completely new programs or activities, except with respect to the expansion of the program provided in section 5, for care of indigent and medically indigent patients, as set forth hereinafter. Hence, approval of the District's proposed bill does not mean increased expansion or new appropriations over and above those heretofore contained in the District of Columbia appropriation acts, except in section 5.

The bill also, in section 27, directs the District of Columbia Public Service Commission and the District of Columbia government to conduct a study of the adequacy of service and regulation of the taxicab industry in the District and to report to the Congress within 9 months their recommendations.

NEED FOR THE LEGISLATION

POINT OF ORDER AUTHORIZATIONS—SECTIONS 1 TO 26, INCLUSIVE

For a number of years, provisions have been included in the District's budget requests and incorporated into District appropriation acts to authorize various expenditures, to permit certain exceptions to existing law, to limit the use of funds, and for other purposes. District appropriation acts prior to 1962 carried an individual listing of departments, and specific appropriations and limitations were shown for each of these departments. The District of Columbia Appropriation Act of 1962 (75 Stat. 460) consolidated or eliminated many of these individual items and categories, and added a new general provision, section 15, which carried over into fiscal year 1962 the limitations and legislative provisions contained in the 1961 Appropriation Act. All subsequent appropriation acts for the District of Columbia, including the act for the fiscal year ending June 30, 1973, have contained a similar general section.

This bill, initially introduced at the request of the District of Columbia government, contains, in 26 separate sections, substantive legislative authority to permit the continuation of these various activities, exceptions, and limitations. Since none of the provisions in the proposed legislation has a basis in substantive law, each of them is subject to the raising of a "point of order" against its inclusion in subsequent appropriation acts.

Since it is expected that the District of Columbia budget for fiscal year 1974 will soon be considered, the House Subcommittee on D.C. Appropriations have supported the District of Columbia government's request for early action, as this legislation is a matter of high priority for the District government.

TAXICAB STUDY—SECTION 27

Taxicab service has been a subject of frequent complaints to members of the committee. Hearings on this bill, together with previous discussions with representatives of the taxicab industry, the District of Columbia Government, and the District of Columbia Public Service Commission, have indicated the need for an indepth study of taxicabs, due to the complexity of current regulatory procedures, and of proposals for improving the quality of service.

The study of the taxicab industry, directed by section 27 of the bill, involves a 6-month study by the Public Service Commission. Following that study, the District of Columbia Government will forward to the Congress its views and recommendations on the study so that the Congress will be in position to take further action to improve taxicab service should this appear warranted. As stated, the bill involves only a study by responsible local officials in this matter and does not mandate any change in the manner in which taxicabs are regulated or in which service is to be provided.

PROVISIONS OF THE BILL

SECTION-BY-SECTION ANALYSIS

Each of the 28 sections of the bill is summarized below. The estimated current financial impact of each section, together with the year in which the activity or program described therein was first specifically authorized by appropriation language, is noted in each section.

EMERGENCY EXPENDITURES—NO ADDITIONAL COST

Section 1: The Commissioner is authorized, when required in times of emergencies, to make public expenditures, as prescribed by the District of Columbia Council, without observing all procurement regulations. Funds used would normally be those already appropriated to the city—1883.[1]

OFFICIAL USE OF MOTOR VEHICLES—NO ADDITIONAL COST

Section 2: Makes applicable the relevant Federal requirement—official purposes—concerning use of passenger cars owned by the District of Columbia Government and gives the Commissioner authority to make limited exemptions from these requirements for officials on constant call—1946.

FUNERAL AND BURIAL SERVICES—$22,000

Section 3: Provides for payment, pursuant to District of Columbia Council regulations, of funeral and burial services for indigents and wards of the city. Present law authorized only such payments for persons receiving public assistance. In fiscal year 1974 the city expects to be financially responsible for the burial of 590 persons at a cost of $224,000. Approximately 10 percent of this number represents those for whom the only legislative authorization is in appropriation language—1937.

CASH PAYMENTS TO NEEDY PATIENTS—$1,000

Section 4: Provides small cash payments, as prescribed by the District of Columbia Council regulations, to needy patients in District hospitals or hospitals under contract with the District. A small average sum of $2 per month is used by the patient for incident personal expenses—1955.

CARE OF PATIENTS IN SECTARIAN AND NONSECTARIAN INSTITUTIONS—UP TO $6,500,000

Section 5: This section specifies three measures concerning the care of indigent and medically-indigent patients in hospitals and the care and maintenance of persons who are a responsibility of the District of Columbia:

First, It allows the District of Columbia to enter into contracts with institutions under sectarian control—1903. The District currently has approximately $3.5 million in such contracts.

Second. It provides that contracts to all institutions, including rates and eligibility, shall be pursuant to regulations adopted by the District of Columbia Council, except in instances such as the public assistance or D.C. medicaid program where regulations already exist.

Third. It expressly states that in approving rates the District of Columbia Council shall take into consideration the reasonable cost of providing such services, with rates for medical services not to exceed those of the District of Columbia medicaid program. At the present time, inpatient and outpatient services under the District of Columbia medical charities program which provides care for approximately 15,000 persons in the District, are $38 and $6 per day—visit—respectively—about one-third to one-half of actual cost. The District Committee is of the opinion that higher rates are warranted for services rendered, but believes that the District of Columbia Council should carefully consider questions of eligibility, utilization, and the public service responsibility of hospitals and other institutions in arriving at amounts to be paid. Precise cost estimates of this provision are difficult to determine, since higher rates may be at least partially offset by fewer patient days. The additional cost of this provision is estimated at $3 million.

STIPENDS TO PATIENTS—$125,000

Section 6: Provides funds for payment of stipends to patients and residents of District institutions who perform services as part of their rehabilitation. Patients are paid for such jobs as escort aides in physical, occupational, and speech therapy programs, and work in nursing service and commissaries—1944.

BENEFITS FURNISHED WORKERS IN DISTRICT FACILITIES—NO ESTIMATE

Section 7: Provides living quarters and expenses of persons working in District of Columbia institutions such as medical or dental interns, student nurses, and student chaplains. These persons who have finished academic training gain experience in District institutions while providing services beneficial to the District of Columbia—1954.

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[1] Date that the provision first appeared in D.C. Appropriation Act.

FIRE PROTECTION SERVICES—$1,200

Section 8: Authorizes funds for fire protection service provided to District of Columbia institutions located outside the District. At the present time the District of Columbia makes a small payment to a volunteer fire department in connection with the provision of fire services at Glenn Dale, Md., Hospital—1957.

FUNDS FOR THE PREVENTION AND DETECTION OF CRIME—$200,000

Section 9. Authorizes confidential funds for the chief of police for the prevention and detection of crime. The funds, similar to funds provided chiefs of police in other cities, do not require an itemized voucher, but are subject to audit—1908.

ATTENDANCE AT PISTOL MATCHES—$200

Section 10. Provides authorization for payment of expenses for Metropolitan policemen and correction officers at pistol matches, including entrance fees, without loss of pay. The District of Columbia government feels that such expenses are not covered under general provisions regarding professional gatherings—1940.

PAYMENT OF REWARDS—NO EXPERIENCE IN FISCAL YEAR 1974

Section 11. Authorizes the payment of rewards by the Commissioner, pursuant to regulations prescribed by the District of Columbia Council, for information leading to the capture of fugitives from District correctional institutions. Authority sought is similar to that accorded the Attorney General of the United States for capture of fugitives from Federal prisons. Employees of any agency involved in the criminal justice system would not be eligible for such awards—1903.

DISCHARGE AND RELEASE PAYMENTS—$75,000

Section 12. Authorizes the Commissioner to furnish suitable clothing and money—not to exceed $100—to released prisoners sentenced under District of Columbia law. This is comparable to the authority of the Attorney General of the United States with respect to prisoners convicted under Federal law released from the District of Columbia Department of Corrections—1968.

CONSTRUCTION SERVICES WORKING FUND—APPROPRIATIONS UP TO $13,000,000 PER YEAR

Section 13: Provides advances from funds appropriated for construction projects, without fiscal year limitations, for financing the planning, design, contract supervision, and other administrative and engineering expenses of public building construction in the District of Columbia. The fund is established and maintained by appropriations of a percentage—currently 10 percent—of the total cost of each construction project—1925.

Because of the relatively large size of the Construction Services Working Fund—balance of $18.1 million at the beginning of fiscal year 1973—and of the importance of the quality of the administration of the substantial public building construction program, the committee bill provides that the District of Columbia Council shall annually review the status of the Construction Services Fund within 90 days after the budget of the District of Columbia is enacted. No such annual review of the operations of the Fund as a whole is currently conducted. Council recommendations as a result of this review would be advisory in nature.

The Commissioner of the District of Columbia is currently responsible for constructing facilities for use by agencies not under the direct control of the Commissioner. To facilitate coordination and to assure full flow of information to such agencies and to the District of Columbia, the bill recommends that appropriate reports be provided, at least semiannually, to the District of Columbia Council, the Board of Education, the Board of Higher Education, and Board of Vocational Education, the Public Library Board, and the Executive Director of the District of Columbia Court System.

SNOW AND ICE REMOVAL—$425,000

Section 14: Authorizes the Commissioner to use other funds, appropriated to the Department of Highways and Traffic and the Department of Environmental Services, for snow removal in the event that the amount—$825,000—specifically appropriated for that purpose is insufficient because of the unpredictability of weather conditions. (1905). The amount indicated—$425,000—is needed to supplement that appropriated, since these expenditures have averaged almost $1.3 million over the last 5 years.

FEDERAL-AID HIGHWAY CONSTRUCTION PROJECTS—$24,363,000

Section 15: Authorizes the Department of Highways and Traffic to obligate funds for the full cost of Federally-aided highway construction and maintenance projects in advance of receiving reimbursement from the Federal Government. Without this provision the District of Columbia is in technical violation of the Anti-Deficiency Act which prohibits obligating funds in excess of District of Columbia appropriations—1947.

GRADE-CROSSING ELIMINATION PROJECTS

Section 16: Similar to section 15. Provides the same authority for a different type of Federal-aid highway project, namely, grade-crossing elimination—1951.

CIVIL DEFENSE MATCHING FUNDS—NO ESTIMATE

Section 17: Authorizes the Commissioner to use funds appropriated to other District of Columbia departments for matching purposes purchase civil defense equipment and supplies—1952.

WASHINGTON AQUEDUCT, ACQUISITION OF LAND—NO EXPENDITURES EXPECTED IN FISCAL YEAR 1974

Section 18: Provides substantive law for acquisition by gift, dedication, exchange, purchase, or condemnation of land for the Washington Aqueduct to meet future needs. Major projects would be subject to normal authorization; appropriation and public hearing procedures—1949.

ADMINISTRATIVE EXPENSES OF WORKMEN'S COMPENSATION LAW—$549,000

Section 19: Provides permanent authority for the transfer of funds from District appropriations to the Department of Labor for reimbursement of the administrative costs of workmen's compensation. By law, the administration of District of Columbia workmen's compensation is vested in the U.S. Department of Labor—1928.

DRIVER EDUCATION PROGRAM—$8,500

Section 20: Provide authority for the Board of Education to acquire motor vehicles on a loan basis for driver education program and to maintain and insure such vehicle—1969.

SUBSISTENCE AND TRANSPORTATION FOR HANDICAPPED CHILDREN—$343,840

Section 21: Authorizes the Board of Education to provide subsistence $61,900 and transportation—$281,940—for physically and mentally handicapped children attending special education classes and schools in the public school system of the District of Columbia—1918.

SUMMER SCHOOL COMPENSATION—NO ADDITIONAL COST

Section 22: Simplifies payroll procedures by providing that compensation to personnel employed in summer school programs of the public school system may be charged to the fiscal year in which the summer school ends—1951.

SUMMER EMPLOYMENT OF DISTRICT SCHOOL TEACHERS—NO ADDITIONAL COST

Section 23: Negates a section of the United States Code that prohibits persons from receiving two paychecks when one is from the Senate or House of Representatives. This would allow District teachers who are paid on a 12-month basis to work in congressional offices during their summer vacation period—1969.

SCHOOL CEREMONIAL EXPENSES—$10,000

Section 24: Authorizes the president of Federal City College—$4,500—Washington Technical Institute—$3,000—District of Columbia Teachers College—$1,000—and the Superintendent of Schools—$1,500—to expend funds for official ceremonial and graduation exercises. Such funds, comparable to those available at similar institutions around the country, have been used for graduation ceremonies, ground-breakings, awards, transportation to special events, and informational exhibits. Funds for this item were previously reprogramed from grants.

AMENDMENTS OF LAWS RELATING TO ADVERTISING—PRESENT COSTS: $50,000

Section 25: First. Allows the District of Columbia Council to prescribe regulations concerning the manner in which the annual notice of sale and delinquent property tax list shall be published.

Second. Authorizes the Commissioner to fix annually a charge for each lot advertised for tax sale and to designate the fund in which the moneys shall be deposited. The District of Columbia Code now fixes the charge at $0.50 per property, while the actual cost has increased to $1.40.

Third. Eliminates the requirement that the city must advertise in New York, Philadelphia and Baltimore papers of highway, sewer, public works' repair and construction projects when their cost exceeds $5,000. Such advertising in the future will be done at the discretion of the Commissioner.

Fourth. Authorizes funds available to the Commissioner to be used for general advertising as authorized and required by law and for publishing public hearing notices, regulations, amendments, orders, tax and school notices and similar matters in the public interest—1898.

OFFICIAL FUNDS—$9,000

Section 26: Authorizes expenditures of a confidential nature requiring no detailed voucher by the Commissioner of the District of Columbia—$2,500—chairman of the District of Columbia Council—$2,500—Superintendent of Schools—$1,000—Presidents of Federal City College—$1,000—Washington Technical Institute—$1,000—and District of Columbia Teachers College—$1,000. These funds are used for a variety of reasons including receptions, gifts, flowers, expenses of guests, hosting meetings, dues in professional organizations, and emergency items not budgeted for—1931.

TAXICAB SERVICE STUDY—$25,000

Section 27: First. Authorizes and directs the Public Service Commission to conduct a study of the taxicab industry in the District of Columbia. The study is to include the adequacy of service and regulations, and the feasibility of installing meters.

Second. Within 6 months following enactment of this act, the Public Service Commission is required to deliver a final copy of its study with recommendations to the Commissioner of the District of Columbia and to the District of Columbia Council. The District of Columbia Government must transmit its recommendations and final report to Congress within 90 days thereafter.

COSTS

H.R. 8250 being an authorization bill, the costs hereof are entirely within the determination of the D.C. Appropriations Subcommittee.

Current appropriations or projected costs of the items or projects authorized by the various sections of the bill are set forth above.

Enactment of the reported bill does not require or anticipate any increased expenditures or new appropriations, except, first, the additional cost, estimated at $3 million, for medical services referred to and authorized in Section 5; and second, the costs of the taxicab study estimated at $25,000 referred to and authorized in section 27.

VOTE

H.R. 8250 was approved and ordered reported by voice vote of the committee on June 4, 1973.

Mr. GROSS. Mr. Speaker, I move to strike the last two words.

Mr. Speaker, I take this time to ask the gentleman a question or two concerning this $25,000. Why can this study not be carried on by personnel within the District City Council, or other areas in the District government that can carry on a study of the taxicab situation in the District of Columbia? As a matter of fact, the taxi cab situation in Washington has been studied ever since I came to Congress.

Mr. REES. The feeling of the committee was the study should be made specifically by the Public Service Commission and the feeling was expressed in the letter we had from the District of Columbia that there would have to be some authorization for appropriation for the study. We have a letter on that and they feel a $25,000 authorization would take care of this. This is not the appropriation, it is an authorization, and it does not mean they will spend the $25,000, but if this is needed for outside counsel or for the department staff for the Public Service Commission, that is the authorization for $25,000.

Mr. GROSS. Does the gentleman have any idea how many studies have been made on this subject?

Mr. REES. There have been studies but each of them seemed to me to be of just part of the taxi service.

The purpose of this study is to look at the overall concept of the taxi service and how it should be improved. The other aspect is that taxi service should be part of the comprehensive transportation system of the District of Columbia and I do not think there has been a study since the Metropolitan Transportation Agency went into business. There might have been a study but no action was ever taken on any studies.

Mr. GROSS. This, too, could result in another study with no action taken. They could spend this $25,000 and still have no action. I understand that $25,000 is not the largest amount of money this Congress will deal with in respect to the District of Columbia or any other area within the purview of the Federal Government, but as hard up as the District of Columbia pretends to be on all occasions I simply cannot understand why there should be another $25,000 spent for this purpose. If somebody can give me a logical reason I will vote for it, but I just cannot understand why another $25,000 should be spent for a study as to whether there ought to be meters in taxicabs.

Mr. REES. I hope this would be the last study and I would hope sometime in the future we might get things like taxicab regulations in the District of Columbia regulated.

Mr. GROSS. I will say to my friend, the gentleman from California, those are famous last words around here: I hope this will be the last authorization for thus and so and thus and so and thus and so.

Mr. REES. I hope I will still be here so I can take action on this the next time this request is made for taxicab service studies.

Mr. COLLIER. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Illinois.

Mr. COLLIER. Mr. Speaker, I suppose there are many other cities that have taxicabs as part of an approved transportation service. Has any other city had a study made like this to make a determination as to what would be the best service and the most feasible way to operate taxicabs on the public streets? I know of none. Does the gentleman know of any?

Mr. REES. I do not know of any. I have not planned to go out and find out if there were other studies. This is about the District of Columbia and why should the District of Columbia not have its own system. Also the District of Columbia operators are independent and own their own cabs. Most of the time during rush hours one cannot find a cab. We have the problem of three different agencies in the city government plus the Congress of the United States regulating taxis. There are many problems in the District of Columbia which are unique to the District of Columbia and they are not common to the other places. In California we have a different system. The problems here are unique.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it has to be mentioned in this bill there are items identified that the Appropriations Committee formerly appropriated money for and they felt the authorization should be provided for in this bill in order to avoid points of order on these items when we consider the District of Columbia appropriation bill. I am in thorough agreement with the principal thrust of this bill. It is believed to be needed by the District of Columbia Appropriations Subcommittee.

I want to make it clear that one of our Members, the gentleman from California (Mr. KETCHUM) could not be here today and he is very much opposed to this study of the taxi industry which is a provision contained in this bill, but again here we have here an omnibus bill that contains some provisions unacceptable in part of in totality by some of us.

Of course, it would have to be stricken by amendment if it were taken out of this bill, but it does require, of course, a study that comes back to Congress. Frankly, I would have preferred that it not be in the bill, but by and large, I think the bill is a good bill in that it is sought by the District of Columbia Appropriations Subcommittee and is one that on balance can be supported.

Mr. BROYHILL of Virginia. Mr. Speaker, I wish to express my support for the bill, H.R. 8250, the principal purpose of which is to provide authorization for certain programs and activities of the government of the District of Columbia. Actually, the District Government has been carrying out all of these functions for some years. The problem, however, is that they have been "authorized" only through inclusion in District of Columbia appropriation legislation—and, as my colleagues are aware, any such legislative authorization in an appropriation bill is subject to a point of order when brought before this body for approval.

I recall that, several years ago, it came to our attention that there were more than 90 such unauthorized activities which were being funded annually in District of Columbia appropriations bills. Since that time, all but 26 of these items have received proper authorization. Now, at the request of the House Subcommittee on District of Columbia Appropriations, we are seeking to remedy this remaining part of the problem.

The programs and activities of the District of Columbia Government for which authorization is sought in this bill are relatively minor in nature, and do not involve large amounts of money. They include such items as funeral and burial expenses for indigent persons, fire protection services for District of Columbia institutions located outside of the District, discharge and release payments to released prisoners, snow, and ice removal from the city's streets, and Civil

Defense matching funds. There is no question whatever that these activities are all necessary, and there is no reason why they should not receive the proper authorization to assure their continuance and the appropriation of the necessary funds.

Section 27 of H.R. 8250 authorizes and directs the District of Columbia Public Service Commission to conduct a study of the taxicab industry in the District of Columbia, including the feasibility of permitting meters in the cabs. The Commission is further directed to transmit its final report and recommendations to the District of Columbia Commissioner and the District of Columbia City Council within 6 months of the date of enactment of this legislation. The city government, in turn, is directed to consider the Commission's report and findings and then transmit its own recommendations as well as the final report of the Commission to the Congress within 90 days thereafter.

The question of taxicab meters in the District, as opposed to the present zone system, is a highly controversial one, as some of the large taxicab companies operating in the city have sought the installation of meters for some years, while the smaller companies and the independent cab operators have generally opposed such a measure.

The present taxicab zone system in the District was instituted in the early 1930's by an act of Congress, and at about the same time a rider on a District of Columbia appropriation bill forbid the use of appropriated funds for any study or consideration of a return to the former meter system. I recall also that in about 1956, the House Committee on the District of Columbia conducted very extensive public hearings on this question, and concluded that the zone system is more suitable for taxicab operation in the District.

Despite these former findings by the Congress, however, I can see no objection to the Public Service Commission studying this and other matters pertaining to the overall operation of the taxicab industry in the Nation's Capital, inasmuch as any recommendations which they or the city government may make as to the meter question must be submitted back to the Congress for legislative consideration. At the same time, however, I wish to emphasize that my support for section 27 of this bill is in no way to be construed as approval on my part for the return to the meter system for taxicabs in the District of Columbia. That issue is not before us at this time, and with that understanding clearly established, I am pleased to support the passage of the bill H.R. 8250.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McKINNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members:

The vote was taken by electronic device, and there were—yeas 268, nays 84, not voting 81, as follows:

[Roll No. 205]

YEAS—268

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N.C.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Bingham
Boggs
Boland
Bolling
Bowen
Brasco
Bray
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carter
Cederberg
Chappell
Clark
Clausen, Don H.
Clay
Cleveland
Cochran
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Cronin
Culver
Daniel, Robert W., Jr.
Danielson
Davis, S.C.
de la Garza
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Downing
Drinan
Dulski
du Pont
Eilberg
Erlenborn
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fuqua
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hogan
Holt
Holtzman
Horton
Hosmer
Hungate
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Kastenmeier
Kazen
Keating
Koch
Kuykendall
Kyros
Latta
Leggett
Lent
Litton
Long, La.
McClory
McCloskey
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Mezvinsky
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Natcher
Nelsen
Obey
O'Hara
Owens
Parris
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Price, Ill.
Pritchard
Quie
Rangel
Rees
Regula
Reuss
Riegle
Robinson, Va.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roybal
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Seiberling
Shipley
Shriver
Slack
Smith, Iowa
Snyder
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thornton
Tiernan
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—84

Abdnor
Alexander
Archer
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Brinkley
Burleson, Tex.
Carney, Ohio
Casey, Tex.
Clancy
Collier
Collins, Tex.
Conlan
Crane
Daniel, Dan
Davis, Wis.
Dennis
Devine
Dickinson
Duncan
Edwards, Ala.
Eshleman
Flowers
Flynt
Froehlich
Gilman
Ginn
Goldwater
Goodling
Gross
Haley
Hanrahan
Hays
Hillis
Hudnut
Hunt
Jarman
Jones, Tenn.
Kemp
King
Landgrebe
Long, Md.
Lott
Lujan
McCollister
Mathis, Ga.
Milford
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
O'Brien
Price, Tex.
Randall
Rarick
Rinaldo
Roberts
Rousselot
Runnels
Ruth
Satterfield
Scherle
Sebelius
Shuster
Sisk
Spence
Steiger, Ariz.
Stubblefield
Symms
Teague, Tex.
Thone
Towell, Nev.
Treen
Waggonner
Wilson, Charles, Tex.
Wylie
Young, Fla.
Young, S.C.

NOT VOTING—81

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Badillo
Bell
Biaggi
Biester
Blatnik
Brademas
Butler
Camp
Chamberlain
Chisholm
Clawson, Del
Cohen
Conable
Cotter
Daniels, Dominick V.
Davis, Ga.
Delaney
Dingell
Donohue
Dorn
Eckhardt
Edwards, Calif.
Fish
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gaydos
Grasso
Hanna
Hastings
Hawkins
Hébert
Heckler, Mass.
Hinshaw
Holifield
Howard
Huber
Karth
Ketchum
Kluczynski
Landrum
Lehman
McCormack
Maraziti
Martin, Nebr.
Mayne
Melcher
Metcalfe
Michel
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Neill
Patman
Powell, Ohio
Preyer
Quillen
Railsback
Reid
Rhodes
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Ruppe
Shoup
Sikes
Skubitz
Smith, N.Y.
Steelman
Ullman
Vander Jagt
Waldie

So the bill was passed.

The Clerk announced the following pairs:

Mr. O'Neill with Mr. Gerald R. Ford.

Mr. Rooney of New York with Mr. Arends.

Mr. Dominick V. Daniels of New Jersey with Mr. Anderson of Illinois.

Mr. Hébert with Mr. Rhodes.

Mr. Holifield with Mr. Michel.

Mr. Rostenkowski with Mr. Railsback.

Mrs. Chisholm with Mr. Eckhardt.

Mr. Cotter with Mrs. Heckler of Massachusetts.

Mr. Delaney with Mr. Quillen.

Mr. Blatnik with Mr. Andrews of North Dakota.

Mr. Fulton with Mr. Shoup.

Mr. Gaydos with Mr. Biester.

Mr. Howard with Mr. Mazzoli.

Mr. Kluczynski with Mr. Powell of Ohio.

Mr. Melcher with Mr. Skubitz.

Mr. Murphy of New York with Mr. Conable.

Mr. Nedzi with Mr. Ruppe.

Mr. Waldie with Mr. Del Clawson.

Mr. Murphy of Illinois with Mr. Smith of New York.

Mr. Badillo with Mr. Metcalfe.

Mr. Reid with Mr. Fish.

Mr. Hawkins with Mr. Biaggi.

Mrs. Grasso with Mr. Cohen.

Mr. Brademas with Mr. Ashbrook.

Mr. Davis of Georgia with Mr. Steelman.

Mr. Dingell with Mr. Huber.
Mr. Donohue with Mr. Robison of New York.
Mr. Hanna with Mr. Bell.
Mr. Karth with Mr. Martin of Nebraska.
Mr. Dorn with Mr. Butler.
Mr. Sikes with Mr. Hinshaw.
Mr. Ullman with Mr. Camp.
Mr. McCormack with Mr. Chamberlain.
Mr. Edwards of California with Mr. Vander Jagt.
Mr. Foley with Mr. Hastings.
Mr. Fisher with Mr. Mayne.
Mr. Nix with Mr. Fraser.
Mr. Landrum with Mr. Lehman.
Mr. Roy with Mr. Patman.
Mr. William D. Ford with Mr. Preyer.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks in connection with the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE DISTRICT OF COLUMBIA COUNCIL TO REGULATE RENTS

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 4771) to regulate the maximum rents to be charged by landlords in the District of Columbia and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Clerk read the bill as follows:

H.R. 4771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "District of Columbia Rent Control Act of 1973".

STATEMENT OF FINDINGS

SEC. 2. The Congress hereby finds—

(a) that a serious emergency exists in the District of Columbia by reason of the shortage of leased or rental residences which has caused serious overcrowding and increasing rents which are contrary to the public health, safety, and general welfare of the tenant and the District of Columbia; and

(b) that unless rents for these leased or rental residences are stabilized, disruptive practices and abnormal conditions in the leased or rental residence market will occur which will produce serious threats to the orderly function of the housing market and the economy in the District of Columbia.

DEFINITIONS

SEC. 3. As used in this Act, the following terms shall mean and include the following unless the context shall require another construction:

(a) "Commission" shall mean the Temporary District of Columbia Housing Rent Commission created by this Act.

(b) "Rent" shall mean the entire amount of money, money's worth, bonus, benefit, or gratuity demanded, received, or charged by the lessor or landlord to a lessee or tenant as a condition of occupancy and use of a residence and its related facilities including, but not limited to, charges for parking and utilities and the use of recreational facilities if provided.

(c) "Person" shall mean an individual, corporation, partnership, association, joint venture, or any other organized group of individuals or the legal successor or assigns or representatives of the foregoing.

(d) "Residence" shall mean a room, apartment, efficiency, group of rooms, or a single family dwelling or other resident rented, leased, or offered for rent or lease for dwelling purposes as a unit in a constructed unit used or which may be used as a dwelling place located in the District of Columbia.

(e) "Landlord" shall mean an owner, lessor, sublessor, assign, or other person receiving or entitled to receive the rents or benefits thereof for the use or occupancy of any residence as herein defined and it shall also mean the agent of the foregoing.

(f) "Tenant" shall mean a tenant, subtenant, lessee, sublessee, or other person entitled to the possession or to the use or occupancy or the benefits thereof of any residence as herein defined.

COMMISSION

SEC. (4). (a) There is hereby created a Temporary District of Columbia Housing Rent Commission for the District of Columbia to be composed of nine members, one of whom shall be designated Chairman, to be appointed by the District of Columbia Commissioner with the advice and consent of the City Council in such manner as to assure that at least two members shall represent the interests of the landlords in the District of Columbia and that at least two members shall represent the interest of tenants in the District of Columbia. All of the members shall be residents of the District of Columbia. The terms of office for each individual shall expire at the end of two years, unless that individual shall have been removed for cause and the place filled with another who shall serve for the unexpired term.

(b) Each member of the Board shall be paid compensation of $50 per day while performing duties under this Act, except that no compensation under this Act shall be paid to an employee of the government of the District of Columbia or of the United States.

(c) The Commission shall have power to adopt, promulgate, amend, or rescind such rules, regulations, or orders as it may deem and find to be necessary or proper to effectuate the purposes of this Act. In addition, the Commission shall employ such personnel or consultants as are necessary at such rates of compensation as may be fixed by the Commissioner of the District of Columbia. Upon the request of the Chairman of the Commission, each department of the District of Columbia is further authorized to furnish such assistance or information as may be necessary for the Commission to effectively carry out this Act.

SEC. 5. (a) Notwithstanding any other provision of law, with respect to any lease of or implied contract for occupancy of a residence, it shall be unlawful for any person to demand, charge, accept, or receive from any tenant any rent for the use or occupancy of a residence at a rent greater than the rent which exceeds the highest monthly rent previously charged prior to January 11, 1973, for the same residence plus—

(1) 2.5 per centum thereof with respect to each consecutive twelve-month period beginning at the end of the preceding period of occupancy provided that the residence shall meet all of the rules, regulations, or orders which may be issued pursuant to the District of Columbia Housing Regulations; and

(2) the actual amount of any increase in tax, fee, or service charge levied by the District of Columbia or the United States after the beginning of the preceding period of occupancy (and not previously charged to any lessee) and allocable to that residence: *Provided,* That the residence shall meet all of the rules, regulations, or orders which may be issued pursuant to the District of Columbia Housing Regulations; and

(3) a sum equal to 1.5 per centum per month or its prorated equivalent for other rent payment intervals of that part of the costs of any capital improvement completed on or after January 11, 1973, that is allocable to that residence until the costs of the improvement has been fully recovered or until the improvements ceases to benefit the tenant: *Provided,* That in no event shall the sum charged in this subsection exceed 7.5 per centum of the base rent which was charged at the end of the preceding period of occupancy: *And further provided,* That in no event shall there be any charge or allocation for any expenditures made to assure compliance with the District of Columbia Housing Regulations.

(b) In cases where operation of the foregoing subsection (a) would cause serious financial hardship to a landlord, exceptions therefrom may be granted by the Commission upon application of any person claiming such hardship. Any tenant or other affected person shall be entitled to submit relevant evidence to the Commission in connection with an application made by a person pursuant to this section. Exceptions granted by the Commission shall be within guidelines which shall have been set down pursuant to public hearings and approved by the City Council. No exceptions shall be granted except after notice of a hearing shall have been published and the tenants of the affected residence been effectively noticed of such a request. The Commission shall provide for such rules and regulations as will assure the effective implementation of this section; but, no notice shall be effective if given in less than ten days. Such proceedings shall be accorded "contested case" treatment under the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1509).

(c) In the case of any residence not leased for occupancy at any time during a twenty-four month period immediately preceding the entering into of a lease or implied contract for occupancy of such residence, the rent charged during the term of occupancy provided in such lease or implied contract shall not exceed the fair market value of rental for comparable facilities.

(d) Where a landlord and a tenant shall have agreed to pay an increased rent which is in excess of the amounts set forth in this Act, it shall be the duty of the landlord to refund the difference and adjust the rental rate, whether or not there shall have been any written or implied contract or lease, without demand upon him by the tenant.

SEC. 6. (a) No landlord shall take any retaliatory action against any tenant who exercises any right conferred upon him by this Act or by any rule, regulation, or order issued pursuant thereto. For purposes of this subsection, retaliatory action shall include, but not be limited to, any action or proceeding to recover possession of a residence or action which would increase rent, decrease services, increase the obligations of a tenant, or bring an undue or unusual inconvenience, violation of privacy, harassment, or reduction in the quality or quantity of service or be any form of threat or coercion.

(b) Neither shall any landlord reduce any service customarily heretofore provided by him to tenants unless such reduction shall result in an affirmative reduction of rent over that which was paid during the preceding period of occupancy and shall not unduly result in an inconvenience to the health, safety, or general welfare of the tenants.

REMEDIES

SEC. 7. (a) Any aggrieved person or class of persons including the Commission through the Commissioner of the District of

Columbia may commence a civil action against any person who is alleged to have violated this Act or any rule, regulation, or order issued pursuant thereto in the Superior Court of the District of Columbia to require compliance therewith. In any action under this paragraph, the Commission, through the Commissioner of the District of Columbia, if not already a party shall have the right to intervene.

(b) The court, in issuing any order, in any action brought pursuant to this section, shall award costs of litigation (including reasonable attorney and witness fees) to any successful plaintiff or plaintiff intervenor.

CRIMINAL PENALTIES

SEC. 8. Any person who willfully violates this Act or any rule, regulation, or order promulgated pursuant thereto shall be fined not more than $5,000 for each such violation.

TERMINATION

SEC. 9. The life of this temporary Commission shall terminate two years from the date of enactment unless it shall have been decided after public hearing, by a majority of the members of the City Council that the findings of fact as set forth in section 2 of this Act continue to exist and shall require the continuation of this Commission. Any such extension shall be valid for one year unless additionally extended for periods not to exceed one year. Appointments of members for the extended terms shall be as set forth in section 4(a) of this Act except that the terms shall be for one year.

With the following committee amendment: Strike out all after the enacting clause and insert:

That this Act may be cited as the "District of Columbia Rent Control Act of 1973".

DEFINITIONS

SEC. 2. As used in this Act—

(a) The term "rent" means the entire amount of money, money's worth, bonus, benefit, or gratuity demanded, received, or charged by the lessor or landlord to a lessee or tenant as a condition of occupancy and use of a residence and its related facilities including, but not limited to, charges for parking and utilities and the use of recreational facilities if provided.

(b) The term "residence" means a room, apartment, efficiency, group of rooms, or a single family dwelling or other residence rented, leased, or offered for rent or lease for dwelling purposes as a unit in a structure used or which may be used as a dwelling place located in the District of Columbia. This term shall not include any room or space rented, leased, or offered for rent or lease which is located in a hotel, motel, or other unit used for transient occupancy.

(c) The term "landlord" means an owner, lessor, sublessor, assign, or other person receiving or entitled to receive the rents or benefits thereof for the use or occupancy of any residence as herein defined and it shall also mean the agent of the foregoing.

(d) The term "tenant" means a tenant, subtenant, lessee, sublessee, or other person entitled to the possession or to the use or the occupancy or the benefits thereof of any residence as herein defined.

(e) The term "Council" means the District of Columbia Council established under Reorganization Plan Numbered 3 of 1967.

(f) The term "person" means an individual, corporation, partnership, association, joint venture, or any organized group of individuals or the legal successor or assigns or representatives of the foregoing.

POWERS OF THE DISTRICT OF COLUMBIA COUNCIL

SEC. 3. (a) Within sixty calendar days after the date of enactment of this Act, and thereafter at such times as the Council deems necessary, the Council shall hold public hearings to determine whether a situation exists in the District of Columbia by reason of the shortage of leased or rental residences which is causing serious overcrowding or increasing rents which are contrary to the public health, safety, and general welfare of the tenants and the District of Columbia. If the Council makes such a determination then the Council is authorized to adopt such rules as it determines necessary and appropriate to regulate and stabilize rents in the District of Columbia, including rules regarding retaliatory action specifically prohibited under section 5 of this Act. Such rules may be terminated at any time by a majority vote of the Council.

(b) With respect to any hearing held under this section, the Council shall afford interested persons an opportunity to participate in such a hearing through submission of written data, views, and arguments, with an opportunity to present oral testimony. The record and findings made in such hearings shall be the basis for the adoption of such rules by the Council.

THE COMMISSION

SEC. 4. (a) In the event the Council adopts rules under section 3 to stabilize and regulate rents, the Council is authorized to establish a temporary District of Columbia Housing Rent Commission (hereinafter referred to as the "Commission") for the District of Columbia to carry out and enforce such rules. Such Commission shall terminate on the forty-fifth day after the date of termination of the rules adopted by the Council under section 3. Such Commission shall be composed of nine members, appointed by the Commissioner of the District of Columbia with the advice and consent of the Council. No more than two members appointed to the Commission shall be appointed from among persons who are representative of the interests of the landlords in the District of Columbia. No more than two members shall be appointed from among persons who are representative of the interests of tenants in the District of Columbia. All members of the Commission shall be residents of the District of Columbia. Each member shall serve until the termination of the Commission, or for one year, whichever is shorter. The members shall select a chairman of the Commission from among the members of the Commission.

(b) Each member of the Commission shall be paid compensation of $50 per day while performing duties under this Act, except that no compensation under this Act shall be paid to an employee of the government of the District of Columbia or of the United States.

(c) The Commission shall have power to adopt, promulgate, amend, or rescind such rules or orders as it may deem and find to be necessary or proper to effectuate the purposes of this Act. In addition, the Commission shall employ such personnel or consultants, including legal counsel, as are necessary, at such rates compensation as may be fixed by the Commissioner of the District of Columbia. Upon the request of the Chairman of the Commission, each department of the District of Columbia is authorized to furnish such assistance or information as may be necessary for the Commission to effectively carry out this Act.

(d) In addition the Commission shall be authorized to—

(1) receive and review complaints by tenants in the District of Columbia with respect to any violation of the rules of the Council adopted under section 3, or of any rule or order of the Commission with respect to the enforcement and the administration of such rules; and

(2) in cases where operation of the rules adopted by the Council would cause serious financial hardship to a landlord, grant exemptions therefrom upon application of any landlord claiming such hardship, except no exemptions shall be granted until after notice of a hearing with respect to tne application for such an exemption shall have been published and the tenants of the affected residence shall have been afforded an opportunity to submit relevant evidence to the Commission in connection with such application.

RETALIATORY ACTION

SEC. 5. No landlord shall take any retaliatory action against any tenant who exercises any right conferred upon him by this Act or by any rule or order issued pursuant thereto. For purposes of this subsection, retaliatory action shall include, but not be limited to, any action or proceeding to recover possession of a residence or action which would increase rent, decrease services, increase the obligations of a tenant, or bring an undue or unusual inconvenience, violation of privacy, harassment, or reduction in the quality or quantity of service or be any form of threat or coercion.

JUDICIAL REVIEW

SEC. 6. (a) Any person or class of persons aggrieved by any decision of the Commission, or by any failure on the part of the Commission to act, may seek judicial review of such decision or failure by filing a petition for review in the Superior Court of the District of Columbia. The Commission on its own initiative, may commence a civil action to enforce the rules of the Council or of the Commission. Such an action brought by the Commission shall be brought in the Superior Court of the District of Columbia.

(b) The Superior Court, in issuing any order in any action brought under this section, shall award costs of litigation (including a reasonable attorney and witness fee) to any successful plaintiff.

CRIMINAL PENALTIES

SEC. 7. Any person who willfully violates any provision of this Act, or any rule promulgated by the Council under section 3, or any rule or order of the Commission, shall be fined not more than $5,000 for each such violation.

TERMINATION

SEC. 8. The provisions of this Act, and all rules, orders, and requirements thereunder, shall terminate at the end of the one-year period beginning on the date of enactment of this Act, except that as to offenses committed, or rights or liabilities incurred, prior to such expiration date, the provisions of this Act, and such rules, orders, and requirements, shall be treated as still remaining in force for the purpose of sustaining any proper suit, action, or prosecution with respect to any such right, liability, or offense.

EMERGENCY RENT CONTROL ACT REPEALED

SEC. 9. The District of Columbia Emergency Rent Act of 1951 (D.C. Code, secs. 45-1601—45-1611) is hereby repealed.

Mr. DIGGS. Mr. Speaker, I would like to commend the distinguished Representative from the Third District of Kentucky (Mr. MAZZOLI) for his perseverence and leadership as the chairman of the Subcommittee on Labor, Social Services and the International Community of the Committee on the District of Columbia. The principal provisions of the bill are as follows:

The bill transfers to the District of Columbia City Council the authority, after holding public hearings to determine the need to adopt such rules as it deems appropriate to regulate and stabilize rents in the District of Columbia, and to enforce the provisions of section 5 prohibiting retaliatory actions. The council is directed to hold such public hearings within 60 days of enactment of the bill, and thereafter at such time as it deems necessary while it remains in effect.

The bill also authorizes the District of Columbia Council, in the event that it adopts rent regulations, to establish a temporary District of Columbia Housing Rent Commission to carry out and enforce such regulations. The Commission is to consist of nine members, appointed by the Commissioner subject to Council approval, and is to include no more than two representatives of landlord interests and no more than two representatives of tenant interests. The Commission is empowered to promulgate such rules or orders as it deems necessary to carry out the purposes of the legislation and the rules adopted by the District of Columbia Council, under the legislation. The Commission is authorized to receive and review complaints by tenants with respect to violations, and to grant exemptions to landlords who show proof that the Council's rent regulations would cause serious financial hardship.

Landlords are forbidden to take retaliatory action of any kind against tenants as a result of actions taken under this legislation. Retaliatory action is defined to include such steps as eviction, harassment, and reduction of services.

Persons aggrieved by decisions of the Commission, or failures of the Commission to act, may seek judicial review in the District of Columbia Superior Court. It also provides that the Commission, on its own initiative, can commence a civil action to enforce rules promulgated hereunder. It directs the superior court to award costs of litigation to any successful plaintiff.

This bill establishes penalties of up to $5,000 for each violation of any provision of this legislation or rule promulgated hereunder.

Termination of all provisions of the bill 1 year after the date of enactment.

Mr. Speaker, I yield to the gentleman from Kentucky (Mr. MAZZOLI) who has supervised the hearings on this important subject before our committee.

Mr. MAZZOLI. Mr. Speaker. H.R. 4771, as amended, is very simply a measure giving D.C. City Council a limited authority to establish rent controls in the District of Columbia.

Let me refer the Members to pages 2, 3, and 4 which in a brief and readable way sets forth the principal provisions of this bill.

H.R. 4771 is permissive in nature. It grants to the D.C. Council—for a 1-year period only—the power to invoke rent controls if—on the basis of public hearings—the Council determines such a course of action to be necessary and appropriate.

The only mandatory feature of H.R. 4771 is the requirement that the District of Columbia Council hold hearings within 60 days of the enactment of this legislation to make a determination as to whether rent stabilization measures are needed.

In today's debate, you will hear this bill described as several things it is not.

For example, the press calls this bill a major test of D.C. home rule.

Certainly, H.R. 4771 does grant standby authority to local government. It does shift decisionmaking from Congress to local government.

In this respect, it is similar to the philosophy of some home rule bills now pending.

But, in other respects, it's a different situation altogether.

H.R. 4771 transfers rent control authority only for 1 year. Ultimate rent control power remains with Congress. After 1 year, all this comes to a "screeching halt" unless Congress acts to extend the grant of authority.

I also believe here is a distinct difference in transferring authority to locally appointed officials and in transferring authority to locally elected officials.

In my opinion—one who intends to vote against home rule could vote for H.R. 4771.

Some will attack H.R. 4771 as being unnecessary or redundant. Because the D.C. Council under its general police powers, already possesses authority to invoke rent controls.

Let me stress that your subcommittee early in the consideration of this measure sought to get a firm answer to that question.

The answer we got, both from the City Council and the Mayor-Commissioner, was unanimous. We were told the legislation is both needed and desired by the District government because it does not now have this power.

I quote from Mayor Walter Washington's letter which is printed on page 7 of the committee report accompanying H.R. 4771:

> I endorse the position taken by the City Council in its testimony that the District government needs and should have authority to initiate and administer a local program rent control.

Elsewhere in the same letter, Mayor Washington states:

> The District government is of the opinion that it would be advisable for the Congress to delegate to the city standby authority over rents.

Mr. Speaker, this is precisely what H.R. 4771 does.

It does not impose rent controls. It simply gives the District government standby authority to do so.

Spoken for local landlord and real estate groups told the subcommittee that they have not met total success in their attempts to get all apartment operators to voluntarily agree to keep rent increases within the industry's suggested guidelines.

A majority of the D.C. committee felt that some action is necessary to provide the "stick in the closet" necessary to make voluntary controls succeed.

My colleague and a valued member of my subcommittee, the gentleman from Idaho (Mr. SYMMS), has written minority views in the committee report.

He is against the bill and cites the relationships he feels exists between rent controls and unacceptable numbers of abandoned rental units. For example, in New York City.

Let me just say—students of the New York situation seriously question whether rent controls cause abandonment.

Surveys have shown that other factors, such as the age of the abandoned units and neighborhood changes play significant roles as well.

And, abandonment is a serious problem in many cities which do not have rent controls. Thus, I believe it is hard to pin the spectre of abandonment on rent control.

In this regard, under H.R. 4771, if the D.C. Council elects to impose rent controls, it would be authorized to establish a temporary commission to carry out the rules and regulations.

The commission would also have authority to grant exceptions to landlords faced with serious financial hardship. Thus, any landlord legitimately facing the prospect of abandonment because of rent controls could lay his case before the temporary commission and possibly receive relief.

One final objection might be mentioned.

That is the contention that rent controls, once imposed, are impossible to remove. Since the authority granted under H.R. 4771 expires 1 year after the date of enactment, there is no danger of the community being locked into long-term controls. We, here in Congress, retain full control.

In conclusion, let me state that our committee received widespread evidence of severe rent increases in the District of Columbia since the end of January 11 of phase 2.

But, we were of the opinion that the imposition of rent controls was a decision best reached by local officials.

This is what our bill does. I ask your support for it at this point, I wish to further describe H.R. 4771.

The purpose of this legislation (H.R. 4771) as set forth in House Report 93-259 is to authorize the District of Columbia Council to adopt such rules as it deems necessary and appropriate to regulate and stabilize rents in the District of Columbia, and to require that the Council hold public hearings within 60 days after the enactment of this bill to determine whether such regulations are needed.

NEED FOR THE LEGISLATION

The committee, during its hearings, received detailed testimony as to the tightness of the housing market in Washington, D.C., and the exceptionally low vacancy rate among rental units. Reference was made to a June 1972 report from the U.S. Department of Housing and Urban Development, which showed the vacancy rate in the District of Columbia was only 1.8 percent for all residences and 2.6 percent for apartments. By comparison, the committee was told that the nationwide vacancy rate is 5.6 percent.

Testimony from tenants' groups included allegations of widespread rent increases in the District of Columbia since the termination of phase 2 economic stabilization controls. A number of these reported increases were in excess of 20 percent. One list submitted to the committee contained the names of some 70 District residents reporting rent increases since January 11 averaging 13.7 percent. The committee was advised of one instance involving a rent increase of nearly 100 percent; namely, from $77 a month to $145 a month, as of March 1, 1973.

In addition, the committee received from the District of Columbia government the results of a telephone survey, encompassing 497 completed interviews, which showed that 65 percent of the respondents had received rent increases since January 1, 1973. Nearly 40 percent of the households contacted in the survey had experienced rent increases of 5 percent or more. Six percent of the respondents in the District government's survey reported rent increases of 10 percent or more.

In view of the representations as to the area's abnormally low vacancy rate, and the reported rent increases, the committee agreed that rent control authority is needed by the District of Columbia government as a necessary tool for the protection of the general welfare in a residentially impacted area.

The committee also took note of the fact that adjacent jurisdictions in Maryland have seen fit to implement rent controls this year.

PRINCIPAL PROVISIONS OF THE BILL

SECTION 3—DISCRETIONARY POWERS OF THE DISTRICT OF COLUMBIA COUNCIL

First, to identify the need for rent controls: In view of the somewhat sketchy statistical information on recent rent increases which was made available to the committee, the committee believes that the District of Columbia Council should hold further fact-finding hearings before reaching a determination as to the appropriateness of rent controls at this time. The committee decided against defining in the bill any specific conditions under which rent controls should automatically be imposed or "triggered." The committee decided that strong consideration should be given to such factors as overcrowding and the unavailability of rental alternatives, as reflected in such measurements as vacancy rates. The committee however, chose to leave it up to local officials to devise the best methods for determining such conditions, and to make the decision as to whether conditions have become so critical as to require relief.

Second, to define the scope of rent controls: Similarly, the committee believes that the District of Columbia Council, if it so desires, should be able to exercise full discretion as to the scope of its rent regulations, if it deems such action necessary. The Council should be able to choose whether it wants to impose across-the-board regulations, or whether it wants to tailor regulations to meet specific problems or relieve specific hardships.

The committee noted that other jurisdictions, in enacting rent control regulations, have established various exceptions, such as high-priced rental units, newly constructed or converted units, owner-occupied homes, educational and charitable institutions. The committee made no fixed judgements about these or other possible exceptions, but believes the Council should have sufficiently flexible authority to make such judgments on the basis of its hearings.

Third, to determine levels for setting maximum rent regulations: The committee is of the view that full latitude should be given to local authorities, in this instance, the District of Columbia Council. Whether the Council chooses to establish a cost-justification formula, to roll back rents to a specified date, or to allow increases within a fixed percentage, is a public policy determination best reached at the local level. The committee is of the opinion, however, that maximum rental rates should, to the extent possible, be determined in such a way to yield landlords a fair net operating income.

Fourth, to establish safeguards against retaliatory action: It is the opinion of the committee that the District of Columbia Council should also have the opportunity to adopt rules regarding retaliatory actions, which are specifically prohibited under section 5 of the bill.

Fifth, to approve appointments to the temporary District of Columbia Housing Rent Commission: The committee, in authorizing the establishment of the Commission to carry out and enforce any rent regulations which the Council may adopt, provided that members of the Commission be appointed by the District of Columbia Commissioner, with the advice and consent of the District of Columbia Council.

SECTION 4.—DISCRETIONARY POWERS OF THE COMMISSION

First, to receive and review tenant's complaints: The committee's bill as reported, gives the Commission full authority to receive and review complaints by tenants with respect to any violations of rent regulations adopted by the Council and any violations of the prohibitions against retaliatory action. The committee believes that the Commission should function as a first avenue of relief for aggrieved parties.

Second, to grant hardship exemptions for landlords: In cases where the rent regulations adopted by the Council would cause serious financial hardship to a landlord, the Commission is empowered to grant exemptions. The committee approved a requirement that such exemptions should not be granted, until notice of the hearing is given and affected tenants have been afforded an opportunity to submit evidence concerning the application for an exemption.

HISTORY

As originally introduced, the proposed legislation set forth a formula for the direct imposition of rent controls in the District of Columbia for a 2-year period, following which the District of Columbia Council would be empowered to extend controls for periods not to exceed 1 year each.

The Subcommittee on Labor, Social Services, and the International Community in its study of this legislation, conducted 2 days of public hearings, April 16 and 19, 1973, during which testimony was taken from both landlord and tenant representatives about rent increases in the District of Columbia since January 11, 1973, when phase II, economic stabilization controls were terminated.

Representatives of the District of Columbia government also testified to the effect that the District government does not presently have legal authority to enact rent control regulations. Both the Commissioner and the District of Columbia Council requested congressional action to transfer such authority, on a standby basis, to the District of Columbia government.

The testimony taken by the subcommittee revealed that no definitive study of the current rental situation in the District of Columbia exists.

LEGISLATIVE BACKGROUND

Research shows that rent controls for the District of Columbia have in the past been established by act of Congress, but such authority has never been transferred to the District of Columbia government.

The first legislation dealing with rent control in the District of Columbia appears to have been Public Resolution 31 (40 Stat. 593) enacted by the 65th Congress, second session, on May 31, 1918, which, in effect, froze rents in the District "until a treaty of peace" was concluded between the United States and Germany.

Public Resolution 31 was superseded by title II "The Food Control and District of Columbia Rents Act," Public Law No. 63, 66th Congress, first session, (41 Stat. 298), which was enacted on October 22, 1919, and provided for a commission appointed by the President, with consent of the Senate, to set fair and reasonable rents in the District of Columbia. As enacted, this statute was to terminate "two years from the date of passage." However, the act was extended in 1921, 1922 and 1924 and remained in effect until May 22, 1925.

The latest rent control legislation for the District of Columbia was enacted by the 77th Congress, first session, as Public Law 327, on December 2, 1941, (55 Stat. 788). The 1941 enactment provided for an "office of Administrator of Rent Control" with the administrator appointed by the Commissioners of the District of Columbia and authorized to adjust the maximum-rent ceiling, initially set at the January 1, 1941, level, applicable to housing accommodations in the District. Initially, this legislation was to terminate on December 31, 1945, but was extended, generally for one-year periods, in 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952 and 1953, until July 31, 1953. This legislation, although expired, remains on the books. Section 9 of H.R. 4771 repeals this act.

COST

As of the date of filing of this report, no estimate of cost of this proposed legislation has been received by the committee from the District government.

However, it is anticipated that the enactment of H.R. 4771 will involve little, if any, additional costs to the District.

VOTE

H.R. 4771 as amended was approved and ordered reported by voice vote of the committee on June 4, 1973.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in opposition to the pending legislation. I hate to find myself in disagreement with the statement made by my friend, the gentleman from Kentucky, but this legislation is superfluous and therefore unnecessary. The Economic Stabilization Act of 1970, as amended, gives authority to the Cost of Living Council to set rent controls nationwide, by region, or in any particular community. Many of the area representatives met with Dr. Dunlop, of the Cost of Living Council, talking about the matter of rent increases in the area, and we were assured by him that he had the legal authority to impose rent controls in any section of the metropolitan area of Washington.

The Council is constantly compiling information to determine whether or not it is necessary to impose rent controls on any section of this country.

I submit, therefore, Mr. Speaker, that this legislation is redundant and unnecessary.

Second, Mr. Speaker, the hearings on this legislation certainly showed that there was no preponderance of evidence that rent control is necessary here in the District of Columbia. Here is what the Assistant to the Commissioner for Housing Programs said to the committee, and I quote:

> A case for rent controls in the District of Columbia is not reflected in the relatively few letters complaining about rent increases received by the Mayor and the City Council in recent months.

Here is what the Director of the D.C. Office of Planning and Management said to the committee, in part:

> We haven't been flooded by letters about rent increases.

A spokesman for the Building Owners and Managers Association reported to the committee that after a series of television ads and newspaper ads asking that complaints by aggrieved tenants be written in or phoned in to their office, they received only 81 complaints in total up to the end of the month of April; and 75 of those complaints were from tenants in one apartment project.

Then, the committee report refers to a survey that was taken by the statistical systems group asking what rent increases have been experienced in the District since January 11; 497 interviews were made, the committee report says. And 65 percent said that they had received some sort of rent increase since January 11. However, 35 percent of those interviewed said they had not received any rent increase; and of the 65 percent who did, 26 percent had received less than a 5-percent increase; 33 percent had received from a 5- to 10-percent increase, and only 6 percent, Mr. Speaker, had received a rent increase since January 11 in excess of 10 percent. Does that indicate any need for an additional authority for rent control to be imposed here in the Nation's Capital?

I was very glad to hear the gentleman from Kentucky point out that this bill had nothing to do with home rule.

Certain newspaper articles on this proposed legislation have stated that our action on this bill will be a test of sentiment for home rule in the District of Columbia. I want to say that this statement is preposterous, and that this measure has nothing whatever to do with home rule. The only issue involved here today is whether we should give the District government a superfluous authority to act on the single subject of rent controls in the Nation's Capital.

By all means let us not confuse the issue by any ridiculous references to home rule.

That brings up an interesting question, Mr. Speaker. Why transfer the authority to impose rent control from one presidentially appointed group to another presidentially appointed group?

We now have experts in the Cost of Living Council working on this subject, and if rent control here in the Nation's Capital is needed I can assure the Members, as we have been assured by the Council, that such controls will be imposed. So why delegate this authority to another appointed group that is not as competent to deal with the subject as the group that already has the authority?

Mr. Speaker, I urge that this bill, this superfluous bill, this ridiculous bill be voted down.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of the bill as amended by the committee. I also want to express my appreciation for the fine work of the gentleman from Kentucky who has devoted so much time to this bill to assure that the will of the Congress and the needs of the people of this city are met and reconciled. He has done an admirable job and his patient guidance and consideration should not be overlooked in these hours of debate on this bill.

As most of you know, the past several months have seen the rate of rent increases in Washington rise drastically. In some instances, increases were as high as 100 percent. Indeed, in a survey conducted by the city government, it was determined by 65 percent of the sample had experienced some rent increase. Unfortunately, many of these increases were not reasonably related to increases in costs. Rather, they were the result of two principle factors:

One. The rapid removal of the phase 2 constraints without any transition of effective prohibition against a landlord who would raise rents to recover lost excess profits from the controls; and

Two. The very low vacancy rate which tends to drive prices upward. We in the District have an overall vacancy rate of 1.8 percent as opposed to the national average of 5.6 percent. Thus, we have not only a sellers' market; we have a captive market because there is no place to where one can move even if he wanted and had the funds to do so.

This problem is not confined to the city alone. It is one which affects the entire Washington metropolitan area and it has been addressed by every jurisdiction in one form or another. Maryland, for example, has a State-enacted rent control law. Montgomery County enacted an even stiffer local law. The Virginia counties have, with some degree of success, negotiated an agreemnt with some landlords; but, they did it only after successfully threatening the imposition of rent controls. It is not totally effective; but, it is nonetheless more than the District of Columbia is now able to do. The city government does not believe that the existing statutes provide an adequate basis upon which to promulgate rent controls. Consequently, the city has no bargaining power with the landlord groups and it has no ability to impose any kind of regulation which may tend to ameliorate the rent increases.

Now, frankly, I would have preferred that the committee and that this House adopt my original bill which would have imposed control. The prevailing wisdom of the committee, however, persuaded the adoption of enabling legislation much along the line of that which Dr. Dunlop, Chairman of the Cost of Living Council, recommended in a meeting with members of the Washington area delegation. At that time, he indicated that there was not enough evidence to justify a national rent control bill; but, that the situation in the Washington area could justify the exercise of the local option for control. Your committee, after 2 days of very complete hearings, felt that they did not want to directly impose the controls. Rather, they wanted the city government, which is closer to the problem, to make that determination in conjunction with some guidelines. The bill does require the city to hold hearings for a determination of whether controls should be imposed; but, the bill does not impose the control. If they city elects to have control, they will run for only 1 year unless we pass another bill to extend them or allow the city to extend them.

One year is far too short in my estimation. I am hopeful that we will not need an extension; but, if we do we can come back to the Congress and make our case, which if it is persuasive, will give rise to another bill. I settled for this compromise because rent control is not a panacea to the housing ills. Indeed, if one is not careful, it can become a scourge. This bill recognizes that fact and provides control only for the purpose of allowing some relief in uncontrolled and unjustified rental increase.

I suspect that some Members believe that enabling legislation and the fact are one and the same. That is not correct. The city government, when it appeared before our committee made it quite clear that they would consider and support rent control only after it was exceedingly evident that this was the only mechanism by which relief could be provided. It seems to me that this city's leadership is as capable of making a forthright and honest determination as any other body—including the Congress. Consequently, I again urge support for this bill which, like the other bills which are before you, is innocuous.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I urge the approval of the House on H.R. 4771. The gentleman from Kentucky has done an admirable job in holding hearings, in markup and in steering this legislation through the District of Columbia Committee.

Mr. Speaker, enactment of this legislation for the District of Columbia is a vital step. It is one which is fully in keeping with the position of administration spokesmen, particularly Dr. John Dunlop, Director of the Cost of Living Council, who have urged that the problem of excessive rent increases since the lifting of phase II controls be addressed and solved by local authorities. County governments in the neighboring jurisdictions of Prince Georges County, Md., under the leadership of Bill Gullett, county executive, and my home district of Montgomery County, under the leadership of County Executive James Gleason, have taken strong leadership with respect to this problem in those sections of the metropolitan area. I urge that we in Congress convey authority to the local officials, in the District of Columbia to take similar action if deemed necessary upon further investigation.

And I wish to add here that both the Mayor-Commissioner and the Council have expressed the opinion that the District needs and should have authority to initiate and administer a local program of rent control on a standby basis. Let us now grant this to them.

We must also take into consideration the nature of the housing market in Washington, and in particular, the low-vacancy rate in this city, hovering around 1 to 2 percent, as compared to 5.6 percent nationwide. We truly have a seller's market in Washington. Informal surveys taken in this area have revealed rent increases in the past months ranging up to 50 percent, with the average hovering around 12 percent. Dr. Dunlop, in speaking for the administration states that the Washington area, along with other major metropolitan areas, particularly in the northeastern section of the United States, is experiencing a particular problem in this regard.

Lastly, Mr. Speaker, let me make one point very clear. The authority granted to the City Council under H.R. 4771 is for a 1-year period only. We in the committee do not believe permanent rent controls to be wise public policy. This is a crucial point. Furthermore, while I believe strongly that we must transfer authority to act if deemed necessary by the Council, I believe we should confine ourselves to the immediate problem in view of the fact that the Government Operations Subcommittee of the District Committee is now considering self-government legislation and the reorganization of the District government in light of the recommendations of the commission headed by the distinguished gentleman from Minnesota (Mr. NELSEN). We should not constrain them in any sense in their efforts along these lines. Thus I favor the 1-year transfer.

I urge prompt and favorable action on H.R. 4771, if we are to insure that the residents of the Nation's Capital receive equitable treatment in these inflationary times, as determined by those closest to the situation—local officials. Let me say, finally, if my Democratic colleagues will pardon me, that this grant is in the very best tradition of Republican philosophy of local self-determination. I urge my colleagues to give H.R. 4771 their full support.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. GUDE. I yield to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding.

I would like to point out, in keeping with what is said and in consonance with his statements, the senior Senator from Texas, in his minority views on the Economic Stabilization Act (S. 398) earlier this year, stated that there are a few areas of very tight housing markets such as Washington, D.C., and he mentions northern New Jersey as well, in which the increases have been extensive.

In those minority views, the Senator from Texas asserted that in such areas where local conditions may indicate that rent controls are needed, action should be taken by local officials.

That is exactly what the bill before us today attempts to do. It is completely in keeping with the Senator's views as published in the Senate's committee report on S. 378.

The Senator goes on to suggest in this report of his that there is a need for a local authority to handle the situation as it deems to be advisable after it makes its own scrutiny of the situation and makes its own examination.

That is simply all that this bill (H.R. 4771) does, and I believe it is a good bill.

Mr. GUDE. This bill in no way puts rent controls on the District of Columbia, as the gentleman points out. It leaves it up to the local officials. Their authority expires in 1 year, and then they would have to come back to the Congress.

Mr. SYMMS. Mr. Speaker, I move to strike the requisite number of words.

(Mr. SYMMS asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. SYMMS. Mr. Speaker, I think the issue has been joined and examined well by both sides, and I commend the gentleman from Kentucky (Mr. MAZZOLI) for his statement and the way he handled this matter in subcommittee.

I should point out to you that this bill, which we are discussing here today, is much better than the one that was first considered by the committee and was amended in the subcommittee.

However, I believe we are being naive if we do not realize that this bill will bring rent control into the District of Columbia no matter whether or not we cloud that issue by giving the District Council the authority to study the issue and then set up rent control.

Because I am concerned about the long-range situation here in the District of Columbia as it relates to housing, I consider that I must oppose this bill.

We can use many other examples, but I recall that in France in 1918 they put rent controls on temporarily to ease the shortage of housing and high rent situation, and they are still in effect. That has been over 50 years ago.

In Germany they have not had rent controls since the end of World War II, and the rent is lower in Germany than it is in France, and Germany is a much more attractive a market for developers than is France.

We have also seen a similar situation happen in New York City, where temporary rent controls have lasted 30 years.

I read in the Washington Post this morning that builders of the District of Columbia area are interested in coming back into the District of Columbia from the Maryland and Virginia suburbs, because of the water and sewerage problems and the moratoriums that exist in those areas. The District is just now becoming an attractive market and we are effectively undermining that prospect with this bill. If we step in now and give permit controls to be placed in effect in the District of Columbia, we will be detracting from the incentive of people to come here and build badly needed units and we do that at the first time in years when developers, the real estate industry and builders are showing interest in the District.

I should like to point out that in 1972, the cost of fuel oil increased by 60 percent, the cost of water went up 42 percent, the cost of electricity went up 21 percent, and the cost of labor went up 40 percent. Some of these costs are "pass-ons" which will be added to rent even under controls—but many cannot be passed-on.

If we arbitrarily try to freeze rents, or delegate the authority to do that, we will really be slowing down the process of increasing the number of housing units in the District. The circumstances are now ripe and the money is now available for the first time in years, let us not thwart this opportunity by passing rent control. We must recognize that a free market is the best way to solve the problems of lower rent by permitting money to come into the District of Columbia to provide adequate housing in a variety of price ranges.

In my statement appearing in the report accompaning this bill I pointed out that historically rent controls have resulted in a waste of space. Thus rent controls make the problem more acute—spacewise—at the time we claim we are trying to correct it.

If we will look down the road for 10 years from now, we will see we will really hurt the people in the District of Columbia who need apartments and rental properties the most.

These are the reasons, among others, why I oppose the bill. I insert at this point my minority view which appears in the report accompanying H.R. 4771, as amended:

Minority View of Congressman Steven D. Symms

H.R. 4771, as amended, which would allow the imposition of rent controls on the District of Columbia by action of the District Council, will, in my view, have disastrous effects on the housing situation in this city if such controls go into effect.

Although this bill is well-intentioned, all experience with rent control laws in other cities and countries, would lead us to expect that the end result will be less housing, lower quality housing and more expensive housing, especially for those who are least able to pay and who are in greatest need.

I understand that in New York City, for example, where rent controls have had 30 years to demonstrate their true effects, over 700,000 usable apartment units have been abandoned simply because owners could no longer afford the prohibitive costs of maintaining them. When so many units go off the market, the result is obvious: the rents on the remaining units must go still higher or else they too will be abandoned. This is the major reason why rents in uncontrolled apartments in New York City are now 250%

higher than similar apartments in Washington, D.C.

When rents are controlled, but the costs (such as pass-ons of the order of water and sewerage fees) of maintaining and improving housing are not kept down, no other result is possible. The apartment industry in this city has in fact just come through 16 months of rigid federal rent controls which failed to allow adequate rent increases to offset increases in operating costs. I am informed that in 1972 in the District of Columbia, the cost of fuel oil increased by 60%, sewer and water costs went up by 42%, electricity costs 21%, and labor costs rose by 40%.

If property owners cannot expect to meet their costs, much less receive a fair return on their investment, we the Members of Congress in acting on this bill should ask ourselves—where is the capital to finance new buildings going to come from? Yet, it is policies such as these which worsen the housing shortage and divert investment from housing, where it is sorely needed, to other sectors of the economy.

More fundamentally, government rent control is simply nothing more or less than a particular form of price control; its consequences, therefore, are essentially the same as those of government price control in general. Optimists believe that rent controls can "protect" tenants from rising prices, while at the same time, not have a harmful effect on landlords and not discourage the new housing construction.

What actually happens, however, mainly adversely affects housing and housing demand. Wasteful use of space is encouraged. People in the market for, or seeking, housing are discriminated against in favor of those who already have housing. As rent control continues, historically it appears that the effects uniformly become worse. New housing is not built because of the lack of incentive (in fact, because of positive discouragement!). Because of wasteful use of space and the abandonment of many buildings, the rents in remaining buildings tend to be forced up to a level higher than they would have been in a free market. (As a concession to the marketplace, governments usually end up exempting certain apartments from rent control; these rents then go sky high. This has already happened in New York City.)

Many apartments will also inevitably deteriorate in quality. Pressed by rising costs, landlords may either have to skimp on repairs or ultimately abandon their houses altogether. A very rigid building code (such as I understand we now have in the District of Columbia) also contributes to this result by imposing higher and higher costs on landlords. Certainly we can expect no lavity in this regard given rent controls.

If the free market were allowed to operate on the other hand, property-owners would be allowed to earn a fair profit and more people would be encouraged to invest to increase our housing supply. As more houses are built, and supply comes close to or exceeds demand, then the relative prices of rents will come down and more people will be able to afford more and better housing. Those tenants who for one reason or another have low incomes and cannot afford to pay market rents can be helped in other ways as individuals in need without distorting the market process.

Experience in nearby Virginia, where a pact has been brought into existence to insure voluntary rent controls, will show, I predict, that such an approach will operate more fairly and equitably and have a less harmful effect on the housing situation, both near term and long term, than this bill which we take up today on the Floor. I know that the bill, as amended, authorizes the District Council to study the situation before putting rent controls into effect; but let us not fool ourselves, gentlemen, this is merely the first step toward rent control. If we did not contemplate rent control, we would not be taking this first step. I hope that none of us are so naive as to contemplate that six months from now, we will not see rent controls in effect in the District of Columbia.

In my view, there is not sufficient evidence that rent increases in the District have on the whole been economically unrealistic or unfair. Until such evidence is forthcoming, I believe we should heed the experience of New York and other cities and avoid the debilitating effects on the city of Washington which rent controls would inevitably create.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Louisiana.

Mr. TREEN. What will be the situation after the first year is over? I understand the authority in the enactment of this bill would be for only 1 year. What would happen to rents then? Assuming controls were imposed, because of market pressures being up—and that would be the only reason one would impose rent controls—what would happen at the end of the year? Is there any thought that the pressures would not be there then? What type of increase would we have at the end of the year?

Mr. SYMMS. Mr. Speaker, compared with other areas, this marked pressure will be worse next year than it is now if we impose rent controls, so the pressure will be right back on the House to act on the measure. The pressure will be such that we cannot discuss this issue as objectively as we do today.

I think the gentleman from Louisiana (Mr. TREEN) makes a good point. The pressure will be there next year, and if the rent controls are taken off, then rents will skyrocket and the pressure will come right back into the House.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. SYMMS. I yield to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Speaker, I noticed from the report that it has been indicated the estimate of cost could not be made, but there is expected to be very little cost. Yet I notice in the bill itself, in section 6, that anyone aggrieved by any decision of the Commission may seek judicial review and any successful plaintiff may be awarded attorney's fees.

I will ask the gentleman, is there any provision made to recover these costs by every plaintiff who is successful to get attorney's fees? Does the gentleman know, are there any other instances where a governmental body, as the defendant, has to pay out attorney fees?

Mr. SYMMS. Mr. Speaker, in answer to the gentleman's question, no, I do not know of any.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. SYMMS. I would be happy to yield to the chairman of the subcommittee, the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Speaker, in answer to the question of the gentleman from Louisiana (Mr. TREEN) in these situations, the defendant would pay. Now, in those unusual occurrences where the government itself is a defendant, possibly then the government would have to pay, but we do not envision that would be the commonplace situation. More frequently, it would be a common defendant who, if such defendant were found to be in violation of the law as passed by the District, would have to pay, or such defendant would have to pay the reasonable attorney fees in that respect.

Mr. TREEN. Mr. Speaker, if the gentleman will yield further, along that line, we do not suggest this bill to state that the Government itself must pay attorney fees, but we point out the explicit language of the bill that it could be anticipated that the Government as defendant could be forced to pay.

Mr. NELSEN. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, first, may I compliment the chairman of the subcommittee, who, I think, did a very good job in amending the original bill so as to put this measure in acceptable form for consideration by the House.

The original bill would have put percentage increases that were allowable and generally would have had us legislate a rent control bill, set in concrete as it were, for the District of Columbia. An odd approach for a home rule advocate. Under the revised bill legislative oversight and review are carefully preserved in the Congress while delegated some considerable authority to the District Council. The revised bill moves in the direction of sensible harnessing of local authority within prescribed limits that I believe you the Members of Congress will go along with. To move to a related subject for a moment, I want to make some further remarks, regarding a disposition to tie this type of legislation to the home rule legislation. The subcommittee chairman, (Mr. MAZZOLI) has effectively denied and decried this action.

However, I must admit that there seems to be a disposition in our committee generally to try to wrap up the Nelsen Commission study recommendations with the home rule issue. I regret this. Both should be able to stand or fall on their own merits. I want to point out that when we passed the Little Hoover Commission legislation late in the 91st Congress—which later came to be known as the Nelsen Commission—we kept the two issues separate because we did not want to confuse the two. In fact, many who today are trying to use those recommendations to sell home rule earlier opposed the Nelsen Commission because they feared it would become a charter commission. Why cannot they both stand on their own feet and be examined on their own merits?

I want to say, as Chairman of the Nelsen Commission, that the approach in this bill utilized by Chairman MAZZOLI is in accord with the Nelsen Commission approach. I assure you that there are many, many necessary changes for the city government that should and can be enacted into law that should not be sunk by virtue of tying too many controversial things together.

I regret that that is the way we seem to be going. I kept the home rule and little Hoover Commission measures separate earlier, feeling that if we did not, we could not get the greatly needed commission study. Now I am afraid the tables are turned so that some of the needed legislative recommendations in the study may be in jeopardy because of getting too many things involved in an omnibus home rule bill.

I noticed in the press a story that I wanted to dribble the legislation out that gave legislative effect to our commission's recommendations. It did not give attribution to the source of the rumor, but I hope we do not get into a situation of quoting rumors but that we attribute statements backed up by identified authors. I do not have a large staff—in fact one professional. And, we are drafting our bills as fast as we can. Since I am the only one doing it—it takes time.

Those of us who serve on the District of Columbia Committee from way out in Midwest are trying to make our contribution to improving the city government. The Nelsen Commission report did that. I hope our efforts do not become bogged down in controversial provisions of bills charged with emotional issues so that if one fails they all fail.

At this point I wish to go into some of the details and background of the bill, I shall try not to repeat matters I discussed earlier.

H.R. 4771, as amended by the committee, does not directly impose rent control in the District of Columbia, but instead it authorizes the District of Columbit Council for only a 1-year period to conduct a study. In the event the Council adopts rent control regulations, it is authorized to establish a temporary District of Columbia Housing Rent Commission to carry out and enforce such regulations. The Commission as established by the Council would be authorized to receive and review complaints by tenants with respect to violations and to grant exceptions to landlords who establish proof that the Council's rent regulations would cause them serious financial hardship.

I am not a strong advocate of rent controls, especially in the District of Columbia where we have had difficulties in the past in enticing construction money and development money into the community. There is one view, as one of the minority Members expressed in the report accompanying this bill, that rent controls could act as a depressant on an already depressed and unfavorable housing situation in the District of Columbia.

However, the subcommittee chairman, Congressman MAZZOLI, has vastly improved upon the bill referred to the committee with the amendments that he has submitted to change and alter H.R. 4771.

First, the bill provides for the termination of all provisions of this bill 1 year after the date of enactment. Now Congress can extend it, if they wish, but the measure still has to come back to Congress so that determination can be made, even assuming the District Council were to hold their hearings and, in fact, imposed rent controls during the year from the date of enactment to 1 year later.

This approach, I might add, is one which I believe the Congress endorses—the concept of limiting the effective date where there is any transfer of authority to the District Council to give the Congress an opportunity to review how the act is being administered and whether, in fact, they want to continue it. The approach is one which I endorsed in the Nelsen Commission recommendations in areas where there was transfer of authority from the Congress to the Council. I perceived that the majority of Congress agrees with this.

This is probably as good a time to point out that some say this bill is a test for home rule. I disagree with those who make that appraisal and so does the subcommittee chairman.

Second, this bill repeals the District of Columbia Emergency Rent Act of 1951. I might point out at this time that the authority we transfer to the District Council is similar to that delegated by the Congress to the three-member Board of Commissioners in 1941. It is written a little differently, but the delegation of authority is not much different. As a matter of fact, this bill, inasmuch as it does not provide for rent control but merely for a study and permits the Council to implement a rent control system, does not, in fact, go as far as the 1951 enactment. However, I do believe that the committee is doing again what I endorsed in the Nelsen Commission report when they call up and repeal pieces of legislation which no longer are serving any useful purpose and should be revised, amended, or repealed. This piece of legislation would effect that desired result.

The first legislation dealing with rent control in the District of Columbia appears to have been Public Resolution 31 (40 Stat. 593) enacted by the 65th Congress, second session, on May 31, 1918, which, in effect, froze rents in the District "until a treaty of peace" was concluded between the United States and Germany.

Public Resolution 31 was superseded by title II "The Food Control and District of Columbia Rents Act," Public Law No. 63, 66th Congress, first session (41 Stat. 298), which was enacted on October 22, 1919, and provided for a commission appointed by the President, with consent of the Senate, to set fair and reasonable rents in the District of Columbia. As enacted, this statute was to terminate "2 years from the date of passage." However, the act was extended in 1921, 1922 and 1924 and remained in effect until May 22, 1925.

The latest rent control legislation for the District of Columbia was enacted by the 77th Congress, first session, as Public Law 327, on December 2, 1941, (55 Stat. 788). The 1941 enactment provided for an "office of Administrator of Rent Control" with the Administrator appointed by the Commissioners of the District of Columbia and authorized to adjust the maximum-rent ceiling, initially set at the January 1, 1941, level, applicable to housing accommodations in the District. Initially, this legislation was to terminate on December 31, 1945, but was extended, generally for 1-year periods, in 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, and 1953, until July 31, 1953. This legislation, although expired, remains on the books. Section 9 of the bill repeals this act.

As originally introduced, the proposed legislation set forth a formula for the direct imposition of rent controls in the District of Columbia for a 2-year period, following which the District of Columbia Council would be empowered to extend controls for periods not to exceed 1 year each.

The Subcommittee on Labor, Social Services, and the International Community in its study of this legislation, conducted 2 days of public hearings, April 16 and 19, 1973, during which testimony was taken from both landlord and tenant representatives about rent increases in the District of Columbia since January 11, 1973, when phase II, economic stabilization controls were terminated.

Representatives of the District of Columbia government also testified to the effect that the District government does not presently have legal authority to enact rent control regulations. Both the Commissioner and the District of Columbia Council requested congressional action to transfer such authority, on a standby basis, to the District of Columbia government.

The testimony taken by the subcommittee revealed that no definitive study of the current rental situation in the District of Columbia exists. However, the Commissioner did submit findings based on a telephone survey involving 497 completed interviews. There was substantial testimony indicating that recent rent increases in the District of Columbia may have resulted in widespread hardship. The subcommittee was informed that the Cost of Living Council has identified the Washington, D.C., area as one of the Nation's tightest housing markets.

The committee decided against legislation to directly impose rent controls in the District of Columbia, and voted instead to transfer authority to the District of Columbia Council for a 1-year period.

Again, I want to say to Mr. MAZZOLI that the original bill we had was totally objectionable. His efforts moved in a sensible direction, and I want to compliment him for the fine work he did in the committee.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Virginia.

Mr. BROYHILL of Virginia. I want to join with the gentleman in commending the chairman of the subcommittee for making a vast improvement over the original bill.

But the gentleman from Minnesota has also pointed out that this bill was unnecessary and that there was ample existing authority for the imposition of rent control in the District of Columbia if it is determined to be necessary.

Mr. NELSEN. In answer to the gentleman, I will say the original bill was so totally unacceptable that we felt relieved when this measure came along, because it is really consistent with the transfer of authority recommendation contained in the Nelsen Commission report and would appear to be something that the Cost of Living Council has authority to do under existing law.

I thank the gentleman.

I will yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Would the gentleman agree that if this bill does encourage rent controls and we still have a shortage of housing 5 years from now, the pressure will then be on for more public housing in the District?

Mr. NELSEN. That is a possibility.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent, Mr. NELSEN was allowed to proceed for 2 additional minutes.)

Mr. NELSEN. But I want to mention that we must also consider the law, if any on the subject, in the adjoining jurisdictions. Maryland has rent controls, Virginia does not. We should not put into law anything that would stand in the way of development in the District of Columbia as opposed to what is taking place in the corresponding communities around us, such as Virginia and Maryland. The bill was modified, I would say, so as to have much more acceptable provisions in it, in my judgment. But what you suggest is a distinct possibility.

(By unanimous consent, at the request of Mr. GUDE, Mr. NELSEN was allowed to proceed for 2 additional minutes.)

Mr. GUDE. One brief question to the gentleman. I see the gentleman from Washington is here. Let me say there was no intention in the committee to try to deal with the Nelsen provisions on a piecemeal basis. There is a problem with rent control in the District, and it happens that the vehicle the committee devised to deal with that problem coincides with it.

Mr. NELSEN. I understand, but he misunderstands me. I was referring to home rule legislation. I was not referring to the rent control bill.

Mr. GUDE. So there was no effort to do that.

Mr. NELSEN. Not as to the rent control bill. I thank the gentleman.

Mr. ADAMS. Will the gentleman yield?

Mr. NELSEN. I am most happy to yield.

Mr. ADAMS. I was most pleased to hear the gentleman's remarks complimenting the chairman of the subcommittee, and I agree with him. We are doing everything we can to implement portions of the Nelsen Commission report regarding organization of the Government. I was hopeful the gentleman's remarks where he indicated that this effort might be sunk by attaching it to home rule did not mean the gentleman was opposed to having some type of elected officials here in combination with the structural reports, because I thought we were both in agreement that this might be a good way to proceed.

Mr. NELSEN. I do not think that that is quite an accurate statement of my position. I have always taken the view that the recommendations of the commission report should stand on their own feet legislatively. I think they have merit enough on their own to insure their enactment. An omnibus home rule bill approach—a little of this and that, much of which may be controversial—and also containing our commission recommendations is a hazardous path for our hard work and over $700,000 in cost to complete our commission studies. I am confident the House Members prefer it the way I suggest and Subcommittee Chairman MAZZOLI's action in disassociating home rule from this rent control bill does, I submit, enhance its chance of passage. The margin will not be as great as if the issue was not raised but now I think it will pass.

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. ADAMS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I might say to the gentleman from Minnesota (Mr. NELSEN) so that we can be clear about this, that we have tried, and I would ask the gentleman if this is not true, to implement as many of the portions of the report as are presently available, and that all these are being considered. We simply have not been able to receive drafts of all of them, and as soon as we receive drafts we will either include them in separate legislation or within the bill itself.

So I would ask the gentleman once more if he sees any incompatibility with proceeding to work on as many of these recommendations on the determination of the Government within certain areas, if the gentleman feels it really is incompatible because the Commission report has stated that it should not be involved with any hesitatiton in our going forward with the election of local officials? I would say if that is not true, then I have been operating under a misconception.

Mr. NELSEN. The Congress, it is true—and I do not want the Commission report damaged because it had too many things to be carried out by it, and considered. Your elected official proposition in my judgment should have been a separate piece of legislation. And that is about as far as I would discuss it at this time.

Mr. ADAMS. I will discuss it more later, but I did want to indicate to the gentleman that our problem is that portions of the legislation were not available on the Nelsen Commission implementation, and that becomes inextricably intertwined when you start to determine what agencies will go in the Department and who will be charged with appointing the people that are going to be put in.

I want to point out that we are trying to follow the Commission recommendations with all due consideration in wanting to go ahead, and I hope that the gentleman from Minnesota will be with us.

Mr. NELSEN. As Mae West used to say, "Come up and see me some time."

Mr. ADAMS. I will do so again, as I have in the past.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding to me, and I appreciate the kind comments made by the gentleman. Mr. Speaker, I would like to remind the Members of the House, since we are about to get a motion on the previous question, I would like to remind the Members of the House as to what we are voting on today. It is not a vote upon home rule, and it is not upon reorganization as my good friend, the gentleman from Minnesota (Mr. NELSEN) I am sure knows, and it is not upon the broad question again, I say, of home rule, but what we are voting on here in H.R. 4771 is a very simple thing, and that is to allow the local government to, if it sees fit, following public hearings, to make a simple declaration that the matters retained within its sphere are against the public health and welfare, and that, accordingly, some kind of rent control, some kind of stabilization should be invoked. That is all that we have before us. We do not have the Byzantine question of home rule, we simply suggest that they may go forward with this matter should they see it is necessarily fit to do so.

So I would hope that all the Members of the House keep that in mind when they are called upon to vote on this measure.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill and the committee amendment.

The previous question was ordered.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROYHILL of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 210, nays 144, present 1, not voting 78, as follows:

[Roll No. 206]

YEAS—210

Abzug
Adams
Addabbo
Alexander
Anderson,
 Calif.
Annunzio
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Bingham
Boggs
Boland
Bolling
Brasco
Breaux
Breckinridge
Brinkley
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carey, N.Y.
Carney, Ohio
Chappell
Clancy
Clark
Clay
Cleveland
Collier
Collins, Ill.
Conte
Conyers
Corman
Coughlin
Culver
Danielson
Davis, S.C.
de la Garza
Dellums
Dent
Diggs
Drinan
Dulski
Duncan
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Forsythe
Frelinghuysen
Frenzel
Frey
Gettys
Giaimo
Gibbons
Gilman
Gonzalez
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Hamilton
Hanley
Hansen, Wash.
Harrington
Harsha
Hechler, W. Va.
Heinz
Helstoski
Hicks
Holtzman
Horton
Hosmer
Hungate
Hunt
Johnson, Calif.
Jones, Okla.
Jordan
Kastenmeier
Kazen
King
Koch
Kyros
Leggett
Lent
Long, La.

McCloskey
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Mailliard
Mann
Matsunaga
Mazzoli
Meeds
Mezvinsky
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Natcher
Nelsen
Nichols
Obey
Owens
Patman
Patten
Pepper
Perkins
Peyser
Podell

Price, Ill.
Pritchard
Quie
Rangel
Rees
Reuss
Riegle
Rinaldo
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shipley
Shriver
Sisk
Slack
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Stephens
Stokes
Stratton

Stubblefield
Stuckey
Studds
Sullivan
Symington
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thornton
Tiernan
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Walsh
Ware
Whalen
White
Widnall
Wilson, Charles H., Calif.
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zwach

NAYS—144

Abdnor
Andrews, N.C.
Archer
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burleson, Tex.
Carter
Casey, Tex.
Cederberg
Clausen, Don H.
Cochran
Collins, Tex.
Conlan
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Wis.
Dellenback
Denholm
Dennis
Derwinski
Devine
Dickinson
Downing
Edwards, Ala.
Flowers
Flynt
Fountain
Froehlich
Fuqua
Ginn
Goldwater
Goodling
Green, Oreg.
Gross
Guyer
Hammerschmidt

Hanrahan
Hansen, Idaho
Harvey
Hays
Henderson
Hillis
Hinshaw
Hogan
Holt
Hudnut
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kemp
Kuykendall
Landgrebe
Latta
Litton
Long, Md.
Lott
Lujan
McClory
McCollister
McSpadden
Madigan
Mahon
Mallary
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Michel
Milford
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
O'Brien
O'Hara
Parris
Passman
Pettis
Pickle
Pike

Poage
Price, Tex.
Randall
Rarick
Regula
Roberts
Robinson, Va.
Rose
Rousselot
Runnels
Ruth
Sandman
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shuster
Skubitz
Smith, Iowa
Snyder
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Symms
Talcott
Taylor, Mo.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Waggonner
Wampler
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Wilson, Charles, Tex.
Winn
Wylie
Young, Alaska
Young, Ill.
Young, S.C.
Zion

ANSWERED "PRESENT"—1

Haley

NOT VOTING—78

Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Badillo
Biaggi
Biester
Blatnik

Brademas
Broomfield
Butler
Camp
Chamberlain
Chisholm
Clawson, Del
Cohen
Conable

Cotter
Daniels, Dominick V.
Davis, Ga.
Delaney
Dingell
Donohue
Dorn
du Pont

Eckhardt
Edwards, Calif.
Fish
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Fulton
Gaydos
Grasso
Hanna
Hastings
Hawkins
Hébert
Heckler, Mass.
Holifield

Howard
Huber
Karth
Ketchum
Kluczynski
Landrum
Lehman
McCormack
Maraziti
Martin, Nebr.
Mayne
Melcher
Metcalfe
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
O'Neill

Powell, Ohio
Preyer
Quillen
Railsback
Reid
Rhodes
Robison, N.Y.
Rooney, N.Y.
Rostenkowski
Roy
Ruppe
Shoup
Sikes
Smith, N.Y.
Steelman
Ullman
Vander Jagt
Waldie

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Dorn against.

Mr. Rooney of New York for, with Mr. Fisher against.

Mr. Cohen for, with Mr. Hébert against.

Mr. Maraziti for, with Mr. Landrum against.

Mrs. Chisholm for, with Mr. Steelman against.

Mr. Dominick V. Daniels of New Jersey for, with Mr. Camp against.

Mr. Robison of New York for, with Mr. Huber against.

Mr. Gaydos for, with Mr. Martin of Nebraska against.

Mr. Holifield for, with Mr. Quillen against.

Mr. Murphy of Illinois for, with Mr. Butler against.

Mr. Nix for, with Mr. Ashbrook against.

Mr. Rostenkowski for, with Mr. Shoup against.

Until further notice:

Mr. Metcalfe with Mr. Hanna.

Mr. Murphy of New York with Mr. Gerald R. Ford.

Mr. Blatnik with Mr. Arends.

Mr. Brademas with Mr. Rhodes.

Mr. Hawkins with Mr. Smith of New York.

Mr. Cotter with Mr. Anderson of Illinois.

Mrs. Grasso with Mr. Biester.

Mr. Davis of Georgia with Mr. Chamberlain.

Mr. Dingell with Mr. Fish.

Mr. Edwards of California with Mr. Del Clawson.

Mr. William D. Ford with Mr. Broomfield.

Mr. Reid with Mr. Conable.

Mr. McCormack with Mr. du Pont.

Mr. Melcher with Mr. Andrews of North Dakota.

Mr. Nedzi with Mr. Hastings.

Mr. Donohue with Mrs. Heckler of Massachusetts.

Mr. Roy with Mr. Mayne.

Mr. Sikes with Mr. Powell.

Mr. Delaney with Mr. Railsback.

Mr. Foley with Mr. Ruppe.

Mr. Fulton with Mr. Vander Jagt.

Mr. Fraser with Mr. Karth.

Mr. Lehman with Mr. Ullman.

Mr. Waldie with Mr. Preyer.

Mr. Eckhardt with Mr. Badillo.

Mr. Kluczynski with Mr. Biaggi.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the bill H.R. 4771.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PERSONAL EXPLANATION

Mr. MITCHELL of New York. Mr. Speaker, on Friday, June 8, it was necessary for me to be in my district to fulfill a longstanding commitment to address the legislative study group of the Rome, N.Y., Council of Church Women United. As a result, I was not present when the House agreed to the conference report on H.R. 2246, to extend the Public Works and Economic Development Act of 1965.

I have been an advocate of EDA for a number of years and had I been present, I would have voted in favor of the conference report. I was pleased to learn that it passed 276 to 2.

In addition, Mr. Speaker, had I been present Friday for the vote on H.R. 7670, I would have also voted in favor of that measure to authorize appropriations for certain maritime programs of the Department of Commerce. I was pleased to see the measure approved by the substantial positive vote of 266 to 10.

I would like to point out, in closing, that when I made the pledge to appear in my District on Friday, June 8, it was the general understanding of the House not to have Friday sessions. That understanding was changed at the last minute.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, on Friday, June 8, 1973, I was called to New York on district business and regrettably was unable to attend the legislative session. If I had been present I would have voted as follows:

H.R. 7670, authorizing appropriations for fiscal year 1974, for certain maritime programs—aye

Conference report on H.R. 2246, amending the Public Works and Economic Development Act of 1965, to extend the authorizations for a 1-year period—aye

EDUCATION AND NATIONAL UNITY

(Mr. LANDRUM asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. LANDRUM. Mr. Speaker, Dr. Rufus Carrollton Harris, formerly president of Tulane University, New Orleans, La., and as well a former dean of its school of law, an intimate friend and counselor of our beloved friend, the late Hale Boggs, and his charming widow, LINDY, is now president of Mercer University.

Dr. Harris has never been afraid to disclose his opinions and convictions on issues of national interest, and his concern for the dangers inherent in some of our Washington capers was described last week to the graduating class of Mercer University in a profound and articulate speech entitled "Education and National Unity." The entire speech follows, and I hope you will read it:

EDUCATION AND NATIONAL UNITY

(By Rufus Carrollton Harris)

LADIES AND GENTLEMEN: The god Janus in Roman religion was custodian of the universe. He was able to see at the same time both ahead and behind him. He was thus represented with two faces suggesting wisdom and vigilance, depending on what he saw when looking backward, or what he foresaw when looking ahead. I shall allude briefly to the contemporary educational and national endeavor and to portions of their future directions, i.e., looks forward and backward at the same time—almost!

Throughout much of the period of the 1960's, education was criticized, abused and scorned. The critics were not all bad, but were nearly always too Olympian, too unrealistic, too ill-tempered and too imprecise. In spite of those extensive attacks and tensions, the educational arrangements in America were carried on, even though timidly. They were driven chiefly to emphasize procedures and means rather than substance and ends. Today they must be advanced courageously, and must relate to ultimate values. This requires consideration of several questions.

(1) Did the polemical tempests and zones in the educational reform literature of the 1960's obscure the differences between goals and fantasies? A goal is an intention to achieve by purposive action a preferred outcome, stated in advance. In a fantasy no intervention of thought is allowed because of imposed intrinsic restraints. This suggests the necessity of posing the purposes of liberal education, and what we may do to achieve them.

(2) What is there, if anything, in education's long tradition which should be perpetrated? What, in other words, is the content of our loyalty to the university ideal? What obligations has education cherished toward contemporary society which we desire to continue? What are the prospects that two important loyalties—one to a traditional university ideal, the other to the society in which we live—can be reconciled?

Our concept of quality education, which term is generally fouled by the politicians, means quality in the transmission, enlargement and discovery of knowledge. In that process the element of tradition which we wish to preserve chiefly is the continuous polishing of one mind by another, the basic formula for this is simple. The essential ingredients are a reflective, disciplined and learned man willing to teach; an intelligent, motivated student willing to learn. Given these ingredients, the university ideal of quality can be realized whatever other shortcomings there may be, but without them no institution can realize the ideal. It is the quality of teaching which we chiefly seek to preserve.

(3) Is the basic notion of education OK? The question is not as absurd as it sounds. This question does not merely raise such issues of whether the present generation of students are a group of unruly, impolite, spoiled youngsters, or that college professors are fuzzy-minded theorists. The question is much more fundamental. Most Americans probably believe that education is sanitary, wholesome and reinforcing of traditional values, but they have some uneasiness that it may not be solely any of these. They assert that it may not be safe! It is all right they say as long as it does not get young people peeping or inquiring into things they should not know about.

There is a strong impulse in everyone to make sure that children remain as innocent as possible. We are fond of asserting that "a little learning is a dangerous thing," and what we don't know won't hurt us. St. Augustine said this as well as anyone when he advised innocence or ignorance for the faithful, asserting that "it is not necessary that the Christian probe into the nature of things, nor be alarmed lest he should be ignorant of the force and number of the elements; that it is not necessary that he understand the form of the heavens, the species of animals, plants, stones, rivers and mountains. It is enough for him to know that the only cause of all created things, whether heavenly or earthly, is the goodness of . . . God. . . ." For St. Augustine education was definitely not OK. He probably would not have sent his children to college if he had any. He knew that if the church fathers wanted the mass of humanity to accept unquestioningly what they were told about the nature of things, they should not let people get involved with education. Those who are really serious about it are willing always to push the props from under things which many people would wish to remain stable. We grow by the clash between childhood ways and adult patterns which age forces on us. Even though education is by definition a process by which the truths of the past are preserved, it is also a process that constantly tests asserted truths to see if they really are that way. Learning, though exciting, is a hazardous process, and it is not for people who are afraid of having their minds changed.

(4) And why is mind changing so difficult? And so important? Should education be expected to ease this condition? Such difficulty is not always a matter of ignorance. It is not always refusals to hear new evidence. In most instances it is a matter of hearing only that which fits an already committed belief. But it is worth asserting over and over again that it is not so difficult for the intelligent person to accept what experience confronts him with. Such persons have observed too often how old appearances fade before new discovery. But there are some who are unwilling to receive anything which they dislike—or which their prejudices reject. This suggests why so many Americans are racists. If a free people cannot change its mind and action, how long can it remain free? Or how long cherish any value in a democratic society? This is why the Wategate exposures have been so difficult.

It is important that we understand cynical and immoral efforts to undermine our constitutional processes. The American public should comprehend that Watergate is not just another political scandal, but part of an immoral and sinister assault on constitutional government. It is not just more dirty politics. It is doubted that there has been such bribing, tailing, jailing, tapping, harassment, vituperation, and lying in our history.

The fact that so many of the White House men were not bent on personal enrichment but were conspiring in a power grab to subvert our constitutional processes is not adequately realized. Corruption is no stranger to American politics, but that which makes this case particularly dangerous is that the corruption was not greed but the subversion of the American political process. The specific criminal acts, the knowledge of such acts, the cover-ups of the acts, the fraudulent conspiracies to conceal them; the perjury; the subornations of perjury; the cynical attempts and temptations at bribery, sometimes direct and sometimes indirect; the use of the FBI, the CIA and other secret police; the power ploys to put away or to imprison adversaries and even friends, to prevent them from testifying—all reveal new understandings of the White House moral and ethical boundaries. The frame of mind of many of the Watergate conspirators is almost as alarming as their deeds. I refer to their unquestioning submission to the presumed voices of authority. None of the actors bothered to ascertain if their acts really had the backing of the White House, even though they knew that their acts were illegal.

While "Divinity doth hedge a king," it does not do as much for a President. That is a difference between the two offices. In recent weeks we have heard the expression "the sacred office of the Presidency." In our Constitution there is no such thing. He cannot override the law. Any action taken by the President in the name of the American government which will not bear the scrunity of Congress has no justification constitutionally. There is not enough understanding of this. If authority commits burglary, we must not be willing to help authority cover it up; if authority prefers lies, we must not decry the news media for telling us the truth. It was by such means that the Nazis made Auschwitz acceptable; they made it easy to ignore. The mark of a free people is inquisitive surveillance. Any other course is the real subversion of a free society.

Prosecution of the guilty is of course important at Watergate, but it is not chiefly so. The more important items are: (1) not to permit Watergate to be taken as mere confirmation of a melancholy resignation to accept it as more dirty wrong doing in Washington; (2) not to permit the politicians in the White House or elsewhere to employ the force of their position and power to smother an awakening of the national conscience and to escape the great retribution which they have earned; (3) not to permit them to force us to remain the intellectual prisoners of Watergate. The national unity will remain in shreds until we can find the way to correct the danger Watergate thrust upon us.

Critics of the American colleges suggest that they should be converted into instruments for direct social reform; or transformed into continuing experiments on the conditions of the good life; or changed into supermarkets where educational effort is determined by consumer preference. Liberal arts colleges cannot be ordained in behalf of a desired national unity. That must flow incidentally. There is no point to inquiries about the purposes of liberal education unless there is confidence in the worth of the university as a social institution, and unless there is a preference of some types of education over others. Indiscriminate diversity will offer little for our needs. This does not mean that there is any denial of proper emphasis on the concept of variety. Since people vary, so must education. But at the same time this insight often has been debased because it has rested on political compromise. The disparagement of intellect in the name of social reform, existential meaning, or pedagogical innovation rests on the thesis that thought is only a mask for emotion; that ideas must be superimposed on power; that books are only substitutes for experience. Against that the college stance asserts that the urge to know, to understand, to indulge curiosity is important to basic human impulses; and that perception of fact and pattern and the cultivation of tastes, sensibilities and competence are public treasures as well as private joys.

The transfer to students of responsibilities that were formerly held *in loco parentis,* and the new structure of campus governance provide added opportunities for moral growth. Since the students themselves establish parental rules, dormitory regulations and campus demeanor, they are now charged to ponder the elusive character and requirements of the concept of "community." They must come daily to reflect on what are the rights and burdens of a citizen in organized social life, for the college years are now marked by declining authoritarianism, dogmatism, and prejudice. Students will learn to accommodate mindless and imperious wants to the requirements of community existence. The ethos of campus democracy will require an equality of concern for all constituencies.

The University as an institution has no partisan ethical message excepting only its fidelity to the values of freedom without which scholarship cannot prosper. It assumes endless competition. But like the metaphor of the marketplace applying to ideas and values, it expects no final victors. The intellectual equivalent of monopoly is totalitarianism; both destroy the possibility of choice. Since all provisional commitments must compete with the heritage of the past and the still unimagined formulations of the future, it would be presumptuous and arrogant to "settle" questions, to arrive at "ultimate" solutions, to dispose of issues, in ways which pre-empt the intellectual prerogatives of future generations. If the history of ideas is likewise the history of error, it is always conceivable that today's law is tomorrow's folly. Only one who sees all, like Janus, could tell us the judgment of history while it is yet unknown.

"Ladies and Gentlemen of the Graduating Classes: Your Alma Mater has sought to direct your attention both to social and to individual goals. Her success may be measured in part by how closely and in what ways they are aligned. You possessing personal integrity, breadth and depth of learning, civility, compassion, and commitment to democratic values and justice, simultaneously honor the educational goals of a university, and the broader purposes of society.

"Ours now has become a dangerously fragmented society. The personal qualities of leaders in American government, commerce and industry, and the professions are a legitimate source of general concern. The belief and actions of a relatively small number of persons in our society exert an influence beyond their number. The decisions that shape men's lives are increasingly made in secret chambers, and those decisions are moved by special knowledge which is withheld from the ordinary citizen.

"Your Alma Mater expects you to be useful to your time. From our present difficulties, you will attempt to establish a new unity of the people, one demanding not only more integrity in government, but also more candor. The young people in this nation have earnestly sought to speak to our culture about public deceit, only to be clubbed and decried as knuckleheads or idealists. They may be listened to now with more respect. You are needed in determined efforts to eliminate corruption in politics and to strengthen ethics in government.

"Our public happiness now rests, in part, upon the reality of national power being exercised responsibility; that it will be uniformly restrained; and that it will be controlled by civilized values—values which were learned first in the academy—yes, in the academies everywhere. May God be with you."

THE FINAL RITES OF HARRY S TRUMAN: A BROTHER BY ADOPTION—COMPANION BY CHOICE

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, as I have recently observed on this floor, the spring 1973 issue of the Freemason, official publication of Grand Lodge A.F. & A.M. of Missouri, contains a wealth of detailed information, not only about the longtime service of President Truman to his masonic fraternity, but also an account of the elaborate plans which had been carefully and painstakingly made for the funeral of a President.

In the publication referred to, there appears an article which reveals the fact that Mr. Truman had personally requested a masonic service as well as a religious service at his funeral.

Of the six close friends who resided in the Kansas City area previously named to assist in overseeing the plans for the funeral, only Brother H. Roe Bartle, former mayor of Kansas City survived.

It was my high honor, accompanied by Mrs. Randall, to be admitted to the small but beautiful Truman auditorium on the afternoon of December 28, 1972, for the final rites.

At the conclusion of the Truman masonic service, consisting of a funeral oration presented by most worshipful brother W. Hugh McLaughlin, the grand master of the Grand Lodge of Missouri. I distinctly recall Mayor Bartle, the only survivor of the group of six leaning forward and whispering to Governor—and brother—Warren E. Hearnes, saying:

> It makes you proud that you are a mason and can really share in this moment.

I read into the RECORD at this time an account of those final rites as it appears at page 50 of the Freemason for Spring 1973 as follows:

THE FINAL RITES OF HARRY S TRUMAN: A BROTHER BY ADOPTION—COMPANION BY CHOICE

The details of President Truman's funeral had been planned many years in advance. He had requested a Masonic service as well as religious. Six close friends in the Kansas City area had been named to assist in overseeing the plans. Only Bro. H. Roe Bartle, former mayor of Kansas City, survived. While not in the best of health, Brother Bartle shared and worked closely with the Truman family and the military in carrying out the former President's requests.

The Grand Lodge of Missouri was officially represented by Grand Master W. Hugh McLaughlin. He was accompanied by Deputy Grand Master Walter L. Walker and Past Grand Master Martin B. Dickinson.

The Masonic portion of the service on December 28, 1972 was presented by M. W. Brother McLaughlin and was delivered from the stage of the small auditorium in the beautiful Truman Library and Museum in Independence. The services were broadcast and telecast nationally and internationally reaching millions and millions of people throughout the world. Many of them had been touched and uplifted by the spirit of brotherly love exemplified in both the public and private life of Missouri's most distinguished native son and lifelong resident.

BARTLE COMMENT

Brother Bartle, Grand Orator of Missouri in 1954–55 and an intimate friend of Truman's for nearly 40 years, joined with thousands and perhaps millions of other Freemasons in expressing unstinting praise of the presentation made by M. W. Brother McLaughlin.

"It was superb, eloquent in its simplicity, dignified. He captured the true spirit and meaning of the fraternity. I have never felt as proud of being a member of the masonic fraternity as I did at the conclusion of the grand master's remarks," said Bartle. "I leaned forward and tapped Gov. (and Bro. Warren E.) Hearnes on the shoulder and I told him 'that was a magnificent presentation. It makes you proud that you are a mason and can really share in the moment.'"

M'LAUGHLIN

M.W. Brother McLaughlin prepared the masonic service under a great deal of pressure. The masonic portion of the service was first "off" and then "on," and "off and on" again before it was finally confirmed the day before the service. Finally, the grand master was told he would have only five minutes and that the limitation on time must be strictly observed. The grand master tailored the service for the time allotted, writing and rewriting. His work speaks for itself.

REGARDING HOUSE CONCURRENT RESOLUTION 157, AND OTHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. TREEN), is recognized for 10 minutes.

Mr. TREEN. Mr. Speaker, this morning I had the opportunity to testify before the Fish and Wildlife Subcommittee of the Committee on Merchant Marine and Fisheries on House Concurrent Resolution 157, and others. This resolution which I introduced, with 54 cosponsors, expresses a national policy with respect to support of the U.S. fishing industry and it reads as follows:

Whereas the position of the United States in world fisheries has declined from first to seventh place among the major fishing nations;

Whereas there has been a continuing decline in domestic production of food fish and shellfish for the last five years;

Whereas our domestic fishing fleet in many areas has become obsolete and inefficient;

Whereas intensive foreign fishing along our coasts has brought about declines in stocks of a number of species with resulting economic hardship to local domestic fishermen dependent upon such stocks;

Whereas assistance to fishermen is very limited as contrasted to Federal aid to industrial, commercial, and agricultural interests;

Whereas United States fishermen cannot successfully compete against imported fish products in the market because a number of foreign fishing countries subsidize their fishing industry to a greater extent;

Whereas some 60 per centum of the seafood requirements of the United States is being supplied by imports;

Whereas the United States fisheries and fishing industry is a valuable natural resource supplying employment and income to thousands of people in all of our coastal States;

Whereas our fisheries are beset with almost unsurmountable production and economic problems; and

Whereas certain of our coastal stocks of fish are being decimated by foreign fishing fleets: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the policy of the Congress that our fishing industry be afforded all support necessary to have it strengthened, and all steps be taken to provide adequate protection for our coastal fisheries against excessive foreign fishing.

SEC. 2. The Congress also recognizes, encourages, and intends to support the key responsibilities of the several States for conservation and scientific management of fisheries resources within United States territorial waters; and in this context the Congress particularly commends Federal programs designed to improve coordinated protection, enhancement, and scientific management of all United States fisheries, both coastal and distant, including presently successful Federal aid programs under the Commercial Fisheries Research and Development Act of 1964, and the newly developing Federal-State fisheries management programs.

LIST OF COSPONSORS

Mr. Teen, Mr. Blackburn, Mr. Bowen, Mr. Burgener, Mr. Casey of Texas, Mr. Cohen, Mr. Robert W. Daniel, Jr., Mr. Dellenback, Mr. Derwinski, Mr. Downing, Mr. Drinan, Mr. Fisher, Mr. Harrington, Mr. Huber, Mr. Ketchum, Mr. Pritchard, Mr. Rarick, Mr. Sikes, Mr. Waggonner, Mr. Whitehurst, Mr. Won Pat, Mr. Young of Alaska, Mr. Anderson of California, Mr. Breaux, Mr. Burke of Massachusetts, Mr. Cronin, Mr. de Lugo, Mr. du Pont, Mr. Edwards of Alabama, Mr. Fuqua, Mr. Grover, Mr. Gunter, Mr. Haley, Mrs. Holt, Mr. Jones of North Carolina, Mr. Kemp, Mr. Kyros, Mr. Leggett, Mr. Long of Louisiana, Mr. Matsunaga, Mr. Moakley, Mr. Murphy of New York, Mr. Passman, Mr. Pepper, Mr. Podell, Mr. Sarasin, Mr. Stubblefield, Mr. Studds, Mr. Talcott, Mr. Teague of California, Mr. Wyatt and Mr. Young of South Carolina.

I was very pleased with the support I received from my colleagues on the Merchant Marine and Fisheries Committee when I testified and I am optimistic about the adoption of the resolution.

For the over 50 colleagues who supported me on this resolution I am attaching my statement so that they may have the opportunity to read it:

STATEMENT BY CONGRESSMAN DAVID C. TREEN

(Regarding H. Con. Res. 157, et al; to express a national policy with respect to support of the U.S. fishing industry)

Mr. Chairman and members of the Subcommittee—The subject before you this morning is not only one of the most important issues facing the American fishing industry today, but it is also an issue which will have much impact on the future of our nation as a whole. As such, the need for a healthy and vital United States commercial fishing industry must concern each and everyone of us.

As a member of the Merchant Marine and Fisheries Committee, I have become increasingly aware of the great potential of our American commercial fishing industry—and of the inadequate attention which government has paid to developing that potential.

I am not one of those who believes that every worthwhile cause must have a lot of the taxpayer's dollars thrown at it, and I have observed with dismay the tendency of some industries to pay more attention to procuring Federal support than to running competitive enterprises. I do feel, however, that when a domestic industry has legitimate interests which may be affected by negotiations between the United States and other governments, those interests ought to be protected. American citizens engaged in international commerce have a right to look to their Government to mitigate the adverse effects of actions by other nations.

Equally, there are domestic problems, research and development for example, confronting our fishermen and states which demand regional, or national solutions. And I believe the Federal Government can be instrumental in helping the states to coordinate programs designed to encourage a strong fishing industry.

We have known for some time the almost unlimited possibilities offered by the sea as a source of food for the world's growing population. It has been estimated that the present annual world catch, which has doubled in the last 10 years, could be trebled again without depleting future world resources.

What is lacking is the technology and the industrial muscle to realize the full potential of these resources. Where technological advances have been made, it has frequently resulted from the efforts and the scientific expertise of Americans. But all too frequently it has been the commercial fisheries of other nations—Peru, Japan, the Soviet Union, Mainland China and others—who have capitalized on the American discoveries, with the enthusiastic and magnificent backing of their governments. Meanwhile the United States has dropped to sixth in worldwide production of fish products, yet our consumption has increased along with our balance-of-payments deficit.

In 1971, the United States catch of Fish, Crustaceans, Mollusks, and other Aquatic Plants and Animals ranked a poor sixth in millions of pounds of live weight. In terms of Dollar Value our country ranks an equally poor fifth.

Catch of fish, crustaceans, mollusks, and other aquatic plants and animals—1971

A. In million of pounds (live weight)

1. Peru	23, 394
2. Japan	21, 815
3. U.S.S.R.	16, 175
4. Mainland China	15, 168
5. Norway	6, 779
6. United States	6, 100

B. In value—millions of dollars

1. Japan	$2,708
2. Mainland China	1, 955
3. U.S.S.R.	1, 480
4. Philippines	651
5. United States	643

In addition to our decline in the ranking of world fisheries, there has also been a continuing decline in the domestic production of food fish and shellfish in terms of volume.

U.S. LANDINGS OF FISH AND SHELLFISH

	Human food		Total[1]	
	Million pounds	Million dollars	Million pounds	Million dollars
1968	2, 347	468	4, 160	497
1969	2, 321	492	4, 337	527
1970	2, 537	565	4, 917	613
1971	2, 400	595	4, 969	643
1972	2, 310	[2] 658	4, 710	[2] 704

[1] Total includes landings for human consumption and for industrial products (processed into meal, oil, fish, solubles, shell products, bait, and animal food).

[2] Although these figures represent a record value in dollar columns, there has been a decline in the number of pounds landed.

If these figures seem startling to you there is little immediate amelioration to the problem in sight. According to the National Oceanic and Atmospheric Administration's report entitled *"Need to Establish Priorities and Criteria for Managing Assistance Programs for U.S. Fishing-Vessel Operators,"* about 60% of the vessels in the U.S. commercial fishing fleet are more than 16 years old, and 27% have been in service for more than 26 years. With the substantial advances in fishing technology in recent years many of the vessels are considered economically, if not physically, obsolete.

The Marine Resources Panel of the Commission on Marine Science, Engineering and Resources further reported that:

". . . the U.S. fishing fleet lagged behind competitive foreign fleets in vessel design, fishing gear, fish detection equipment, propulsion systems, and harvesting methods. This lag is made more serious by the fact that U.S. fishermen are in constant competition with foreign fishermen at fishing grounds where U.S. vessels had operated exclusively in the past and for markets in the United States."

The report continues:

". . . even though the world catch has more than tripled in volume and the number of vessels in the U.S. has increased over 50%, the U.S. fleet's fish catch has remained generally stable since 1945. Also from 1945 to 1970 fish utilization in the U.S. more than doubled. This increasing demand was met by imports which rose over 824 percent since 1945 and which accounted for nearly 60 percent of the total U.S. fish supply in 1970."

Gentlemen, the United States' fishing industry is one of our nation's most valuable resources. In my own state of Louisiana, for example, the fishing industry is not only an integral part of the economy, but it is also clearly tied to the culture and history of the state. The waters of the Louisiana coast have achieved the recognition of producing some of the greatest shrimp breeding in the world. In 1969 Louisiana was the first state in the history of the nation to produce more than one billion pounds of fishing products. In 1971 Louisiana led all the states in volume of landings with 1,071 million pounds, followed by Virginia 664 million pounds, California 640 million pounds, and Alaska 390 million pounds.

I believe strongly in the concept of home rule and I oppose the trend toward a strong centralized government in Washington. And indeed, our fishing industry has operated with an absolute minimum of federal assistance in the past. However, the problems confronting the fishing industry today demand what we, in the U.S. Congress, give formal recognition to the fact that this nation wants and needs a healthy commercial fishing industry. And it is this recognition we will give our fisheries if this resolution is adopted.

It makes no sense to approach problems of the magnitude I have discussed on a piecemeal, catch-as-catch-can basis. I believe we need more than an aspirin, or band-aid approach to help the industry. What we need is a unified approach to meet the problems of the industry. In short, we need a policy of national scope.

I think the importance of this resolution is illustrated by the wide variety of support the resolution has received—from environmentalists, from the AFL–CIO Maritime Department, from state governments—Maine to California—from the National Oceanic and Atmospheric Administration and most importantly from those who derive their livelihood from the fishing industry itself.

The Atlantic State Marine Fisheries Commission, the Gulf States Marine Fisheries Commission and the Pacific Marine Fisheries Commission, whose membership represents nearly every state with a sea boundary, also fully support this resolution. It is with the help of these associations that we can reach out to all segments of the industry to determine what needs to be done to bring about the healthy revitalization the industry needs.

I wish to emphasize that this resolution does not supplant legislation which other Congressmen have introduced and will be introducing to address more specific problems; nor does it endorse a hand-out approach to this or any other industry. It does, however, formally establish a national policy in favor of a strong fishing industry. This will raise to the level of official policy that which has always been in line with the national interest; the recognition of our commercial fisheries as an indispensable national resource, which can play a key role in solving international economic problems, and those just interests must be a factor in our domestic and foreign policies.

In conclusion, let me point to the wide bipartisan Congressional support this resolution has received. Senator Eastland's S. Con. Res. has 44 Senate sponsors. On the House side, this resolution has 54 sponsors (16 of whom are members of our own Merchant Marine and Fisheries Committee) from 22 states, Guam and the Virgin Islands. Thus 98 members have indicated their support for this resolution with their sponsorship.

I would like to thank the distinguished members of this subcommittee for their interest and will try to answer any questions you may have concerning this resolution.

LAW ENFORCEMENT TOOL FOR THE DISTRICT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 10 minutes.

Mr. HOGAN. Mr. Speaker, on June 7 I introduced a bill to provide for the District of Columbia to enter into the Interstate Compact for the Supervision of Parolees and Probationers. Since the inception of the District of Columbia Crime

Act, major crimes in our Nation's Capital have been cut in half while rates continued to climb in most areas of the country. The enactment of this bill will provide an important law enforcement tool which will enable the District of Columbia to cooperate with surrounding jurisdictions.

For decades law enforcement and correctional agencies throughout the country have been concerned with interstate crime. In 1934, Congress passed the Crime Control Consent Act. This act permitted two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime, and for other purposes. In September 1937, 25 States joined together and drafted a uniform law designed to strengthen law enforcement. The Interstate Compact for the Supervision of Parolees and Probationers has today been approved by all 50 States.

Mr. Speaker, the Interstate Parole and Probation Compact is the first formal interstate agreement to have been ratified uniformly throughout the Nation.

This compact enables the States to act as each other's agents in the supervision of persons on probation or parole, and provides an efficient method for permitting such persons to leave one State and take up residence in another. The original State is kept well informed of each individual's progress and whereabouts by the receiving State. The compact also provides for the return of serious violators to court or prison without expensive and time consuming extradition proceedings. Thus, a parolee or probationer can be sent to another State with the assurance that he will be adequately supervised there.

The Interstate Parole and Probation Compact gives the probationer and parolee better opportunities for adjustment, with full protection to society. However, certain basic criteria are involved. In the great majority of cases, the probationer or parolee should be a resident of the receiving State, or should have family ties in that State, or should be able to obtain legitimate employment. While these criteria are basic, transfer of supervision from State to State may be obtained for other reasons through mutual agreement of the compacting States. One of the essential ingredients of the compact is the agreement by the State to exercise the same care and treatment for incoming individuals as it provides for its own probationers and parolees.

Prior to the adoption of the Interstate Parole and Probation Compact, only very incomplete probation and parole statistics were available. Figures on the interstate movement of these persons are now compiled on an annual basis by the Council of State Governments. Such statistics are still somewhat incomplete. However, statistical reports prepared by the council within recent years show that more than 15,000 adult cases annually are handled under the compact by all signatory States. This in itself, is proof that the compact has focused attention on the desirability of maintaining crime control.

Crime problems transcend State boundaries. A giant step forward was taken by the States when they adopted the Interstate Parole and Probation Compact. From its inception in 1937, the compact has established an impressive record. It has demonstrated its worth and effectiveness in dealing with common probation and parole problems on a nationwide basis. Its provisions have helped the States and the Federal Government to render the service which is expected of them by the public.

SHOCKING DEVELOPMENTS IN THE FPC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 10 minutes.

Mr. VANIK. Mr. Speaker, yesterday I was shocked to read a report in the Washington newspapers that an official of the Federal Power Commission ordered the destruction of records which purported to document a nationwide shortage of natural gas. Less than 2 weeks ago, the Commission, citing a critical drop in reserves, approved an increase of 73 percent in the wellhead price of natural gas produced by three firms—Texaco, Tenneco, and Belco Petroleum. These increases will be passed on directly to the consumer in higher costs.

Such blatant tampering with public documents represents an outrageous fraud on the American consumer. An immediate investigation should be launched to determine who was responsible for this reprehensible act.

Unfortunately, this incident is not isolated. The entire drift of Commission activity in the last 4 years has been to neglect increasingly the interests of the American consumer. The Commission is populated now by "industry men"—officials who are sympathetic to industry and seem to believe that what is best for big oil is best for the Nation as well.

For this reason, the nomination of Robert Morris to the FPC is a particular disappointment. As I testified before the Senate Commerce Committee, Mr. Morris' nomination would only serve to insure complete and total industry dominance of the Commission. Mr. Morris is a lawyer from San Francisco whose clients have included Standard Oil of California. What is disappointing about his nomination is the total exclusion on the Commission of any representative of the consumer. Because of this exclusion, the Commission has become merely a soundbox for petroleum interests. The destruction of public records only reinforces the necessity to appoint at this time one individual unquestionably committed to preserving and promoting the public interest.

The role of the Commission in our present energy mess is critical. Our root problem has been the shortage of natural gas. Last winter, when gas became more prevalent utilities and industries began to shift to oil as an alternative fuel. The excessive demand for oil triggered the shortage of fuel oil. As the refiners strained late into the winter to meet this demand, they neglected to build up their gasoline stocks. So now we are facing spot gasoline shortages which may spread to nationwide rationing.

The vital question is whether or not the natural gas shortage is real. The producers claim that government regulation has discouraged the exploration for new gas. They maintain that regulation only hinders production and reduces supplies.

This argument is reasonable only on the assumption that the market is competitive. In this industry there is ample evidence that the market is not free—that it is controlled by a small number of large firms. It is important to note that there is growing dissension within the Federal Power Commission staff on the direction of recent Commission decisions. The power of monopoly is the power to control supply. If the supply shortage is merely a manifestation of monopoly power, the only ones to suffer will be the consumer. With no restraint on the level of prices, the consumer will be bilked of billions of dollars each year in higher gas prices.

Accurate information on reserve levels is absolutely essential to the development of a rational policy of regulation. Up to now the Commission has relied on unsubstantiated claims of the American Gas Association and secret reports filed by producers. It is the responsibility of the Commission to verify the accuracy of these reports, but it has refused to fulfill this responsibility. In doing so it has trampled the public trust.

The destruction of public documents has dealt a crippling blow to public confidence. The Commission can work to restore confidence only by making a full and complete disclosure of reserve statistics, indicating how they have been gathered and the criteria for evaluation. It is time to call a halt to the lies and distortions that have plagued the recent history of the FPC's mission. I call on Chairman Nassikas to cooperate fully with the Congress in attempting to clear the air. The response of the Commission to its lawful responsibilities to protect the consumer is only as adequate as the Commissioners decide. It is time Congress and the Commission fully realize these responsibilities. We must prevent any further degradation of the Commission. At the same time the public trust must be restored by the publication of facts relating to production and reserves so that the American people can proceed to understand and to solve our energy problems.

THE DETERIORATING SITUATION IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, the Middle East appears on the brink of more hostilities. I rise not as an alarmist but to urge and encourage our Government to try in the next several weeks to defuse the Middle East "powder keg" and give peace prospects some of the momentum they had 2 years ago, but have been losing steadily in the last few months. This is not time for inaction or for waiting for others to act.

In addition to the grave situation in Lebanon, there are signs that Egypt, frustrated by the no-war, no-peace stalemate, may undertake some military action in Sinai in the near future. Whether the breaking of the cease-fire and the resumption of hostilities between Egypt and Israel will be accompanied by any Libyan, Syrian, or Iraqi participation or the cutting off or reduction of oil production by some or all of the oil-rich states can only be a matter of conjecture today. But they remain real possibilities which we all should seek to avoid. The recent trip to the Arabian peninsula by an Egyptian military leader comes at a time of increased Egyptian efforts to coordinate Arab policies in the event of renewed hostilities and at a time of explicit Saudi Arabian warnings that in the event of any armed conflict its options may be severely reduced and it may not be able to meet Western or American, fuel needs.

Mr. Speaker, such threats should not be dismissed lightly. The Egyptian Government may well be aware that more destruction and more defeats will be suffered in renewed hostilities with Israel and that the Government itself might be weakened or toppled. But the Egyptians seem to hold the belief that renewed fighting may also force new and, from their viewpoint, more favorable diplomatic efforts by the great powers. Even the certain failure of an apparently desperate military venture may not dissuade the Egyptians from resort to the military option.

For the United States, the year 1973 may be the "Year of Europe," but it might be well to think also in terms of new, imaginative and vigorous diplomatic efforts in the Middle East this year. If the interim settlement idea we have proposed is now dead and the Rogers plan proposed in December 1969 no longer viable in its stated form, perhaps the United States should suggest other lines for the parties to reach some accommodation and thereby avoid further conflict.

Two such lines might be worth pursuing:

First, we might try to develop a phased settlement approach rather than the interim settlement idea. Such a time-related, phased-withdrawal peace plan between Israel and Egypt, for example, might involve a concession by Israel to return Sinai to Egyptian sovereignty the moment Egypt signs a formal peace with it. Israel would then proceed to withdraw by stages that would go hand in hand with a defined progression from formal peace to normal neighborly relations and be contingent upon such a progression. Such concepts could help build peace, step by step, might be self-enforcing and do not demand single steps greater than the present capacity of states in the region to undertake at any given time.

Second, we might encourage a Geneva-type conference on the Middle East in which Israelis, Palestinians, Egyptians, Jordanians, and Syrians and their international friends convene to discuss the terms of peace. The success or failure of past Geneva conferences on other international disputes are not criteria for rejecting or accepting this concept.

The gravity of the situation in the Middle East is such that each and every possible alternative should be pursued in order to bring the various parties to the conference table and away from uneasy cease-fire lines.

PEOPLE'S (COMMUNIST) PARTY OF PANAMA MANIFESTO SUPPORTS PRO-RED REVOLUTIONARY GOVERNMENT OF PANAMA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, in the course of many addresses in the Congress, I have stressed the long-range U.S.S.R. strategy to secure the control of strategic waterways, including the Suez Canal and Panama Canal. The Suez Canal is already under effective Soviet domination through its nationalization in 1956 by Egypt and since 1967 has been closed. Since 1964 the Panama Canal has been the subject of diplomatic negotiations between the United States and Panama, an announced objective of which on the part of officials in the executive branch of our Government is the surrender of control over the U.S.-owned Canal Zone to Panama allegedly to secure "better treaty relationships" with that country. To many of our more thoughtful and knowledgeable citizens such action on the part of our officials is absolutely incredible.

Recently, I received a copy of the March 16, 1973, Manifesto of the People's "Communist" Party of Panama of which Ruben Dario Sousa is the secretary general of its political bureau, which is most significant. This manifesto—

Denounces the "U.S. colonial enclave" of the U.S.-owned Canal Zone;

Distorts Panamanian history by ignoring vital facts such as U.S. support of the secession of Panama from Colombia, the U.S.-guaranty of Panamanian independence, and the transformation of the isthmus from the pest hole of the world into a model of tropical health and sanitation;

Demands the termination of U.S. sovereignty over the Canal Zone;

Charges falsely that the United States is responsible for the "backwardness in Panama;"

Ignores the fact that the Panama Canal and U.S. agencies in the Canal Zone have brought enormous benefits to Panama giving it the highest per capita income in Central America and making Panama the greatest single beneficiary of the Canal;

Demands the removal of the U.S. southern command from the Canal Zone and surrender of that U.S. territory to Panama;

Reveals that the U.S. Ambassador to Panama recently publicly stated that Panama is the "sovereign power" in the Canal Zone, which is erroneous; and

Calls for abolition of the U.S. Canal Zone.

In view of the pro-Cuban and pro-Soviet attitude of the present Panama revolutionary government and the Red infiltration of it by Communist agents, the objectives set forth in the manifesto are not surprising. Furthermore, it documents the fact that the real issue at Panama is not U.S.-control over the Panama Canal versus Panamanian but continued U.S. sovereignty over the Canal Zone versus U.S.S.R. control. This is the issue that must be faced.

Because of the importance of the indicated manifesto being known to all Members of the Congress, responsible officials of the Executive, editors and writers on the canal question, I quote a translation of it as part of my remarks.

[Source: Panamanian pamphlet, dated Mar. 16, 1973]

THE PEOPLE'S PARTY MANIFESTO

The hour has come to put a stop to the U.S. enclave in Panama.

The session of the U.N. security council in Panama is a further step in our struggle for national liberation.

At the request of the Panamanian Government and in accordance with the majority of the members of the Security Council this important organ of the United Nations is now holding its sessions in the city of Panama.

Vis-à-vis this unique occurrence, the People's party, the Marxist-Leninist Party that represents the working classes of Panama, the Party that has inherited the anti-imperialist banner of the Communist Party during the 30's when the tenants' struggles were fought and in which workers, farmers and men like Cristobal Segundo and Jose Del Carmen Tunon took part, once more wishes to manifest that it is solidly supporting the patriotic position of the Panamanian Chancellery that has denounced the existence of the U.S. colonial enclave in our territory and requested the Security Council during its present meeting to totally eliminate it.

We Panamanian Communists who have frankly supported the most logical positions adopted by the present government and, in particular, the struggle of the Chancellery for a more independent international policy as far as the denunciation of imperialism and colonialism is concerned, consider that Panama is now living in a new historical era in view of the fact that some of the most important slogans which the Panamanian proletariat, headed by the People's Party, had put on its banner a few decades ago and for which its most outstanding leaders had been jailed, exiled or put to death, are acknowledged today by the large masses including the national government.

THE PANAMANIAN REPUBLIC—NOT A YANKEE INVENTION

The history of our country will quickly be enriched by another culminating point in the life of our nation which is the brilliant realization of the common objective of the country's large worker masses, that is, the materialization of the goal aspired by the Panamanian society during the 19th and 20th century, namely *an independent State*. Let us not forget that it is the workers, the farmers, the middle democratic and progressist strata, the intellectuals, the students and the sensible military confronted with imperialism as well as the elements of the national bourgeoisie that constitute the nucleus of those forces that will insure the successful end of this large trajectory.

The Panamanian people have been known for their specific characteristics since the latter part of the Spanish colonial period and when the nation obtained its independence on November 28, 1821, it decided by its own free will to join the powerful state that Bolivar was creating at that time (Colombia, Ecuador, Venezuela). Yet, that nation was condemned to fall on account of the landholding oligarchy which, at that time, was in control of the government. In the Isthmus of Panama autonomist and independent tendencies developed. They always sought to project forward what we may consider was the historical personality of the Panamanians. The separatist and autonomist movements of 1830, 1840 and 1855 testify to that.

As a result of the great crisis that occurred after the construction works at the French Canal site were suspended and due to the devastating war of the 100 Days (1890–1902), the Panamanians were faced with the problem of shaping their own destiny and the necessity to establish their own state. Yet, when on November 3, 1903 Panama finally became separated from Colombia, the United States iniquitously benefited from that situation and imposed with the Panama-U.S. treaty of that day its control over the country thereby converting it into a semi-colony or a puppet state.

The land-owning and mercantile oligarchy, loyal to its class interests and antagonistic to national concerns, agreed to the United States settlement and thus contributed to Panama's conversion into a semicolony.

Yet, immediately, the popular forces vividly felt the effects that hurt their interests. Already since the first years of the Republic they started a tenacious struggle whose aim was to shake the imperialist yoke.

And this state of condition which for many decades has been testifying to the indomitable spirit and sacrifices of the people of Panama is now to culminate in the creation of the independent national state.

END OF THE COLONIAL ENCLAVE—YANKEE GO HOME

The Canal Zone (1,432 square kilometers) (553 square miles) is a typical colonial enclave that has been imposed on us. It divides our country in two parts. The existence of this Yankee colony in Panama has obstructed the consolidation of our nation, slowed down our economic development, brought under U.S. control our political development and attacked our culture.

The Canal Zone with its "governor," its U.S. laws, its educational system, its English language and its own university, through its adherence to customs that are alien to our way of life, with its discriminatory racial and antisocial methods, its power to expulse Panamanian citizens from her area of "jurisdiction" (that is, from our own territory) constitutes, therefore, sort of a colony within our Republic which is something that is in open contradiction to our existence as an independent and sovereign nation and contrary to the U.N. Charter. Therefore, the time has come to put an end to this colonial enclave.

THE CANAL ZONE AND THE CANAL ARE SUCKING THE BLOOD OF THE PANAMANIAN PEOPLE

U.S. propaganda supported by the representatives of those forces in favor of backwardness in Panama have always desired that Panama as an economic entity exclusively belong to the Canal Zone. For this reason we have a certain degree of development, culture and hygiene. According to them our "manifest destiny" is to depend on the Americans. The imperialists and local traitors who have carried forward this false thesis have forgotten that the United States thanks to the Canal has saved billions of dollars as far as her merchant and war ships are concerned, that by the fact of not raising the tolls she has saved many more billions of dollars with which we Panamanians have subsidized the Yankee monopolies.

As a matter of fact, the United States owes Panama billions of dollars for all the timber it has taken out of the Canal Zone, for the water of the Chagres river used for hydro-electrical power, for her population, for the operation of the locks, for the ships that pass through the Canal and likewise for export to other countries. To this we have to add the business she makes through the sale of U.S. postage stamps in the Zone and the fact that she has illegally used our geographic position for the establishment of military bases for which she has obtained benefits that go into billions of dollars.

OUT WITH THE YANKEE MILITARY BASES

Imperialist power, on the one hand, and the surrender of past oligarchic governments on the other hand enabled the Americans to establish a military complex for which no provisions exist in the absurd 1903 treaty. The Canal Zone was converted into a strategic base where, much to the dishonor of the Panamanians, there exist today the Southern Command and centers of military preparedness for the training of Latin American soldiers, as for instance Fort Gulick. Their aim is to intervene when changes occur in Latin America. From this point of view Panama vis-a-vis the United States is merely an extension of a military and strategic area. Our country, therefore, has thus been changed into a typical Latin American country.

For some time the United States maintained that the military bases were necessary for the defense of the Canal in case of war. Then she came up with the expression that such a military power was for "the continental defense of democracy and the free world." Thus she made of the Zone part of her aggressive military strategy exposing in this manner Panama to the devastating effects of a possible military confrontation. Panama, a peace-loving country, that has been struggling for her national liberation, does not want to be a peon in U.S. militant policy. Under no circumstances will she allow its territory to be used for the leveling and subjugation of other countries.

For this reason, the people of Panama have been shouting: "Out with the Yankee military bases. Out with the so-called school of 'The Americas.'"

IN THIS NEW ERA OF WORLD HISTORY THERE WILL NOT BE SMALL COUNTRIES. VIETNAM IS A GOOD EXAMPLE

Today is not 1925 when an oligarchic government requested U.S. intervention to smash the tenants' movement. In his speech at the beginning of the present session of the Security Council, General Omar Torrijos, Chief of the Panamanian government, said without beating about the bush: "We have never been, we will never be an Associate state, a colony or protectorate and we won't neither add an additional star to the flag of the United States."

Today the domestic situation is quite different; people's awareness has strengthened on account of the tremendous struggles of the past. All the experience the people of Panama have gathered in those battles is now being utilized. The government's anti-imperialist military and civilian forces, the working classes, the farmers, the students and the enlightened sectors of the middle class and those of the national bourgeoisie are marching toward their goal which is to remove once and for all the oligarchy from its positions of political and economic power. This march takes place in a new epoch in world history when imperialism is in its decline and unable to do any longer those things it did in 1903. The important factor at that time was the existence of the socialist camp that has liberated approximately half of the world population from the capitalist yoke, that is, the socialist camp in which the Soviet Union has principally distinguished herself for her outstanding help to those people that have been fighting for their liberation and economic development.

The socialist camp reached the shores of America thanks to the unequalled Cuban revolution. In this new epoch in world history the movement for the national liberation of the peoples has likewise distinguished itself by the fact that it has almost totally eliminated colonialism in the world in addition, it plays an important role in advanced capitalist countries where workers are engaged in the liquidation of monopolies.

Within this worldwide political framework little Panama can do her share to contribute to the success of the Security Council that is holding its sessions in our beautiful capital. Our party, the People's Party highly appreciates this new world situation which made possible the triumph of the people's forces in Vietnam, the accomplishments of the beloved Cuban revolution, the progress of the people of Chile and Peru and their antimonopolistic and antioligarchic measures and the triumph of all the people who are fighting against imperialist oppression.

The more Panama learns how to use more resolutely the favorable conditions of this new epoch the quicker she will achieve total liberation. Therefore, one of the measures to be taken after the holding of the Security Council's meetings is an immediate expansion of our international relationships so that they will comprise all the countries of the world.

THE CANAL ZONE MUST BE RETURNED TO THE REPUBLIC

The order of the day and something our Chancellery has always been stressing is the total incorporation of the Canal Zone into the Republic, that is, the complete liquidation of the so-called colony known as Canal Zone.

The Panamanian society has already sufficiently matured to be able to run the entire infrastructure that exists in the Zone. The Panamanian working class according to its own statement is in a position to take care of all the economic operations there and to handle those that may come up in the future. Panama, for her part, can successfully direct the social aspect of the economy and administration in the Canal Zone. Let us not forget that our people have not fought for the return of the Canal Zone to Panama to help certain sly individuals of the so-called private property class appropriate the Zone for their own ends so that they will play the role of new colonists.

As far as the Canal itself or another canal is concerned and apart from the fact that the people will not give up their claim to become its owners not after a century is completed but within a relatively short time, its status can be negotiated with the United States as soon as the colonial anachronistic enclave is abolished.

Of course, we must under no conditions perpetually mortgage the country. We must not allow the existence of large or small Canal zones in any part of the country. This is the decision of the people of Panama who are ready to die for its defense if need be. As long as the Panamanian government stands to this decision and as long as unity with the popular forces and the international movement is maintained, the present generation will reap the fruits some day in the future.

UNITY OF ALL THE PEOPLE. THE WORKING CLASS IN THE LEAD

The People's Party believes that the success of the U.N. Security Council's meeting in Panama will be a great triumph for the Panamanian government. It is a milestone in the long battle for liberation. We know that the struggle will be harder as the days go by and that it will be full of risks of every kind. We know that Yankee imperialism will not give us our total freedom as a favor and that imperialism in its essence has not changed. What has changed is its way of attacking. For this reason, Mr. Sayre, U.S. Ambassador to Panama, has tried to throw sand in our eyes when he cautiously declared that he acknowledged that we are "the sovereign power" in the Canal Zone.

We understand that in order to achieve the total objective of our political, economic and social freedom and to establish a society without exploiters we must not only avail ourselves of the existing forces. The Panamanian masses must heighten their awareness and increase their organizational capabilities. For this reason, the more progressed sectors of the government must with greater determination support the popular movement and state with more detail the requirements for the revolutionary changes in the Panamanian society.

People of Panama: we are in the midst of a battle. In the struggle for sovereignty we must not overlook important aspects within the political process in which Panama is envolved: we have to make an all-out attack against the agrarian reform; we have to put a stop to our economic dependence on imperialism; we have to change education; we have to instill new spirit into our public administration; we have to revolutionize our culture; we have to educate the masses, consolidate and develop the social aspects of our state and cooperative economy. To tie these objectives into our struggle for the elimination of the colonial enclave is what we consider the lever that will bring about that change.

In this climate the main objective which we must derive from the meeting of the Security Council in Panama is the maximum effort that we have to make for the establishment of a formidable anti-imperialist Front composed of workers and farmers and of all other popular forces, that are not pledged to imperialism and oligarchy, forces that perhaps follow different ideologies but that march in closed ranks with the civilian and military sectors of the government, that is, those who have made this change in the Panamanian political situation possible. A wide, popular, democratic and patriotic Front that will get ready and that, furthermore, will make Panama safe from those recent imperialist threats.

The People's Party, first in the ranks, is shouting: "Here"

Long live Panama. Long live solidarity among all nations of the world. Abolish the Canal Zone.

For the Political Bureau of the People's Party.

Ruben Dario Sousa,
Secretary General.

Panama City, *March 16, 1973.*

WAGE-PRICE FREEZE WITHOUT ROLLBACK THREATENS ECONOMIC DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. O'Hara) is recognized for 15 minutes.

Mr. O'HARA. Mr. Speaker, the Nixon administration, which has practiced economic brinksmanship ever since it came to power, is daily driving the Nation's economy toward a disaster of unprecedented proportions.

Every indicator published by the executive branch makes it perfectly clear that the American economy is in deep trouble—and that the situation grows worse with each passing day.

Consumer prices are rising at an annual rate of 9 percent. Wholesale prices are rising at an annual rate of 23 percent—which means that the prices consumers pay are going to go upward at an even faster rate than they have in the past few months. The wholesale price of food is now 29.1 percent higher than it was a year ago—and in the last 3 months, these prices have advanced at an annual rate of 43.4 percent.

All of these unconscionable price increases have taken place under an administration which came to office on the promise that it was going to curb "runaway" inflation. Far from curbing inflation, this administration has achieved the unenviable record of having established new inflationary records, and each month the old records tumble as consumer prices continue to shoot upward.

When the Nixon administration took office, the unemployment rate in the Nation was 2.6 percent. Today it is 5 percent—and for 35 consecutive months the jobless rate has been 5 percent or higher. In pursuit of its alleged anti-inflationary goal, this administration has succeeded in doubling the ranks of the unemployed, without in any way dampening the fires of inflation in the process.

For those lucky enough to have jobs, the situation is also grim. Fantastically inflated prices for food and other necessities are eroding their earnings—and their earnings are being held under a tight rein by this administration, which apparently sees something wrong in the average American family being able to afford the goods and service which are available in the marketplace. In fact, the working men and women of America are taking home less today in real wages than they were 6 months ago.

Of course not all Americans are suffering under the Nixon economic program. The banking industry is not suffering—the prime interest rate has now shot up to 7½ percent, which means that the lenders are enjoying higher profits as the cost of borrowing money continues to climb. Corporate America isn't suffering—corporate profits are running at a record annual rate of $113.1 billion, before taxes, up 26 percent from a year ago, as the big companies grow fat while prices continue their upward spiral.

In the face of these grim statistics, there is a growing demand that the administration reimpose a wage-price "freeze," and many of my colleagues in the Congress are looking backward, almost wistfully, on the "good old days" of phase 2.

But by all rights, any freeze at this point in history must be accompanied by a rollback of prices, profits, interests and rents to levels which existed at least a year ago—and the freeze must be one that extends across the board, so that the wealthy and the corporate interests will not be allowed to profit at the expense of the American consumer.

From the outset, this administration's economic policies have been unwise, unworkable, and unfair. They have worked to the advantage of the wealthy and the corporate interests who financed the Nixon election campaigns; they have worked to the disadvantage of the average American family, whose interests have never ranked very high in this administration's scale of priorities. This administration never should have been given a blank check by the Congress to control the economy, for it has demonstrated its inability to administer any economic program fairly and equitably. We never should have extended that authority, as we did a few weeks ago, in the face of the abysmal failure of this administration on the economic front.

If we are to continue down the road of controls, then the Congress should drastically amend the Economic Stabilization Act by making its provisions mandatory, by making them applicable to all sectors of the economy, and by rolling back prices, profits, interests, dividends and rents—so that the American consumer is able to feed, clothe and house his family within the limitations on his income which have been imposed from the start of phase 1.

THE CASE FOR CHEMICAL EXPORT CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Rangel) is recognized for 20 minutes.

Mr. RANGEL. Mr. Speaker, one of the profoundly disturbing and dangerous legacies of American involvement in the Indochina war may be the advent of the age of chemical warfare. For 8 years, until 1970, the United States employed the new infamous "Agent Orange," a teratogenic herbicide, in Southeast Asia. Besides inflicting immediate damage upon the land and people of Indochina, Agent Orange may very well have caused genetic damage to the Vietnamese people for generations to come.

Now we learn of the increasing use of toxic herbicides by North and South Vietnamese forces since the cease-fire accords.

Recent newspaper accounts clearly illuminate this fast-developing pattern of chemical aggression and destruction:

[From the New York Daily News, May 4, 1973]

Cambo Rebels Use Toxic Gas To Take Post

The exact type of "toxic gas" used by the rebel forces was not disclosed. However, it was believed to be one of the varieties of tear gas, which has been used widely by the allies and fairly frequently by the Communists in South Vietnam.

[From the New York Times, May 9, 1973]

Vietcong Say Saigon Sprayed Chemicals

The Vietcong charged today that Saigon troops fighting in a Communist-held area had sprayed toxic chemicals that "ruined" more than 1,500 acres of land and caused serious illness to "large numbers of persons."

[From the New York Times, Apr. 6, 1973]

Contamination of Vietnam River Fish Laid to Defoliant

Two Harvard biochemists have found that a component of a defoliant chemical used by United States forces in South Vietnam has contaminated fish and shellfish in Vietnamese waters and they say it may pose long term hazards for the human population.

[From the New York Daily News, May 2, 1973]

South Viet Shrimp Called Tainted by Defoliant

Japanese newspapers have quoted a South Vietnamese botanist as saying that marine life in the South China Sea has been contaminated by defoliant chemicals dropped on forests by American planes during the Vietnam war.

Tragically, the Vietnamese have learned quickly and thoroughly the American way of war.

USE OF U.S. HERBICIDES BY PORTUGAL AND THE REPUBLIC OF SOUTH AFRICA

It has recently come to my attention that the excessive amount of chemical herbicides that the U.S. Government and private business sell to Portugal and South Africa is being used to continue and intensify the colonial warfare in the Portugese colonies of Angola and Mozambique.

It appears that Portugese and South African airplanes are perpetrating a massive spraying of food crops, particularly cassava, to stifle support for the liberation movement that is rapidly growing amongst farmers and peasants in Angola and Mozambique.

A recent interview with members of the Angola liberation movement dealt with these tactics of chemical warfare:

> The Portugese began dropping bombs this year (1970)—in April. Chemicals were dropped first on the fields—mainly cassava fields, but also other crops, whatever was visible. After the chemicals were dropped, destroying sweet potatoes and other crops, the Portugese continued dropping chemicals, and bombs, which affected the people. About 30 persons have died as a result of these chemicals. This was the first time we saw such airplanes. Some of the airplanes came low, and others flew above. They sprayed something over the fields. The next morning we discovered our cassava plants were dried out; they were rotten.

More recently, on August 23, 1972, the Times of Zambia reported that approximately 1,300 Angolans had fled across the border into Zambia seeking food after the poisonous destruction of their crops.

African-interest groups such as the Washington Office on Africa have sought to document and publicize this horrid affair. In their November 1972 newsletter, the group reported American involvement in the supplying of these chemicals for use in the African war.

Though we have been peddling herbicides to the governments of Portugal and South Africa since 1965, Department of Commerce figures show a sharp increase in sales since 1969:

U.S. sale of herbicides

[In dollars]

	Value
1969:	
Republic of South Africa	$1,200,516
Portugal	57,330
1970:	
Republic of South Africa	2,735,596
Portugal	343,980
1971:	
Republic of South Africa	3,623,896
Portugal	114,660

It is interesting to note that this rise in chemical sales paralleled the relaxation of export regulations pertaining to 2,4,5-T herbicide. For in 1970, this herbicide was taken from the control of the Office of Munitions Controls in the State Department and placed within the purview of the Department of Commerce, as a civilian commodity.

As we were beating our swords into ploughshares, the Portugese and South Africans were planning and implementing the reverse.

QUESTIONS OF LAW

I am not only incensed about U.S. involvement in this African war on moral and ethical grounds, but it is also clear to me that our chemical sales violate the precepts of international law.

Though the herbicides in question were shortsightedly removed from the munitions list three years ago, the 2, 4, 5–T sales are clearly transgressing the 1961 embargo of military material to Portugal and South Africa established under the Kennedy administration.

We are also violating the spirit and intent of the embargo created by the Security Council of the United Nations on August 7, 1973 which "solemnly calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa."

According to article 6 of the 1961 North Atlantic Treaty Organization—NATO—Agreement, the Portugese Government must submit written assurance to the United States that any munitions purchased will be employed exclusively in NATO areas. Angola and Mozambique are not members of NATO—remember too that in 1961, 2, 4, 5–T herbicide was on the State Department's munitions list.

The past 50 years, immediately following World War I, have seen a proliferation of protocols and resolutions adopted condemning the involvement, in any form, of nations in chemical aggressions. Included among these are the Washington Conference Resolutions of 1972 and the Geneva Protocol of 1925. The United States, by supplying the weapons of war to racist nations such as Portugal and South Africa, is unquestionably violating the meaning and intent of these and other declarations.

Most interesting and insightful is United Nations Resolution 2603A (XXIV) adopted by the U.N. General Assembly on December 16, 1966, which declares chemical warfare as being "contrary to generally recognized rules of international law." The resolution was agreed to by a vote of 80 to 3. The three dissenting nations were Australia, Portugal, and the United States—Australia was involved in chemical aggression in Indochina.

CHEMICALS TO SOUTH AMERICA?

In the supposed interests of developing markets and improving our balance of payments, the U.S. Government has been considering selling or giving away its supply of Agent Orange to South American governments, according to a recent article in Science Magazine, the publication of the American Association for the Advancement of Science. One of the nations especially interested in obtaining these cans of chemicals is Brazil, which is presently conducting "clearing" operations and relocating natives in the northwestern part of the country. Obviously, the herbicides will assist the Brazilian Government in its operations, considered to be "paramilitary" by an unnamed herbicide expert.

CHEMICALS CONTROLLED: AT HOME

In the spring of 1970, decisive steps were taken by the Department of Agriculture in relation to the use of 2,4,5-T herbicides.

In its notice to manufacturers, formulators, distributors, and registrants, the Department of Agriculture said:

> Recent studies by the National Environmental Health Service of the Department of Health, Education, and Welfare have shown that the subcutaneous administration of high concentrations of the purest samples of 2,4,5-T that are practical to manufacture at the present time produce a significant number of fetal abnormalities in mice.
>
> . . . the Secretary of Health, Education, and Welfare has advised the Secretary of Agriculture that exposure to this herbicide may present an imminent health hazard to women of child-bearing age.

On this basis, 2,4,5-T products were banned for use, first, in lakes, ponds, or on ditch banks; second, around the home, recreation areas, and similar sites; and third, on food crops intended for human consumption.

Last May the Environmental Protection Agency banned the dumping of Agent Orange and other chemical substances in the ocean.

Chemicals unfit for use in this country should not be peddled abroad. When the chemicals are used as instruments of violence, it is clearly time for decisive action.

In a March 13 letter, I sought to apprise President Nixon of how American chemicals are being put to use in southern Africa. I called upon the President to order the immediate cessation of all sales of herbicides to Portugal and South Africa. No action has, as yet, been taken.

It is clear to me that letters and cries of public outrage will not affect current policy.

LEGISLATION BEFORE CONGRESS

That is why I have introduced two pieces of legislation in the House of Representatives designed to halt the exportation of poisonous chemicals.

The Herbicide Export Control Act of 1973 will prohibit the exportation of 2,4,5-T herbicide.

The Chemical Warfare Prevention Act of 1973 will immediately ban the sale of herbicides to Portugal and the Republic of South Africa.

Obviously, the chemicals that are being exported are no more than a drop in the enormously large bucket of American trade and foreign commerce.

But to the citizens of Angola and Mozambique, these chemicals are the fodder for the brutal aggression being waged against them. To the concerned and caring members of the world community, these exports stain the good name and reputation of the United States.

By allowing and continuing the exportation of dangerous chemicals that are only effective and useful in war, we are fast leading our planet toward physical and moral degradation.

It is clearly time to assert sanity and compassion in American economic and foreign policy. It is clearly time to blunt the reality that is, and the potential that exists for chemical warfare. It is to this end that my legislative endeavors and proposals are aimed.

TO FAITHFULLY EXECUTE THE LAWS?

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, on January 20, 1969 and again on January 20, 1973, Richard Nixon took the following oath of office:

> I, Richard Nixon, do solemnly swear that I will faithfully execute the Office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States.

In July 1970, at Mr. Nixon's direction, the White House prepared a top secret program of action to further "domestic intelligence." The plan included an elaborate docket of illegal activities that suggest wholesale disregard of our Constitution and the principles upon which our Nation was founded. Among the acts directed by Mr. Nixon against "suspect" Americans was spying by means of undercover agents and sophisticated electronic devices, opening their mail, burglarizing their homes and offices and direct spying on Americans living or traveling abroad.

As the distinguished Mr. Anthony Lewis of the New York Times points out, the parallels between President Nixon's involvement in the 1970 illegal "national security" program and President Truman's actions in seizing America's steel mills to prevent a strike during the Korean war are pertinent. In both instances the President has claimed "inherent power" under the Constitution to prevent a national "catastrophe."

The full statement by Mr. Lewis presents an enlightening bit of historical comparison:

IN THE NAME OF SECURITY

(By Anthony Lewis)

BOSTON, June 10.—To prevent a crippling strike during the Korean War, President Truman seized the country's steel mills. There was no law authorizing the seizure. But when the steel companies sued to get their plants back, Government lawyers said the President had inherent power under the Constitution to prevent such a national "catastrophe."

Then the trial judge, David A. Pine, put a question to the Government counsel, Holmes Baldridge: "If the President directs [someone] to take you into custody, right now, and have you executed in the morning, you say there is no power by which the court may intervene?"

Mr. Baldridge had some difficulty with that question, and the judge gave him overnight to think it over. The next day Judge Pine changed to what he termed an earlier question: If the President ordered Mr. Baldridge's home seized, would the courts be powerless because the President had "declared an emergency"?

"I do not believe any President would exercise such unusual power," Mr. Baldridge said, "unless in his opinion there was a grave and extreme national emergency existing."

"Is that your conception of our Government?" Judge Pine asked . . . "is it not your conception that it is a Government whose powers are derived solely from the Constitution?"

The question drove Mr. Baldridge to say that the Constitution gave only limited, specified powers to Congress and the courts—but gave the President "all of the executive power." Judge Pine observed dryly, "I see." Soon thereafter he rejected that claim of unrestricted executive power and ordered the steel mills returned to their owners.

The danger that Judge Pine so shrewdly exposed by his questions—the danger of a President governing by decree in the name of national security—is with us now in much more alarming form. President Truman's seizure order was a public act, subject to political debate and judicial testing. President Nixon used his vision of national security to cover secret orders that have been brought to light only by lucky accident.

On July 15, 1970, the White House prepared a Top Secret memorandum of decisions on the new program of "domestic intelligence." The New York Times published the memorandum last week. It will go down as one of the most chilling documents in American history.

Mr. Nixon directed intelligence operatives to intensify wiretapping and bugging of Americans deemed threats to the "the internal security," to open their mail, to break into their homes. He authorized security men to listen in to all overseas telephone calls and ordered the C.I.A. to increase its "coverage" of Americans traveling or living abroad.

The President did all that despite direct advice that some of the steps he ordered were illegal. Quite apart from what the present inquiries may show about his involvement in the Watergate crimes, those directives should disqualify him from office.

But the point of the 1970 memorandum is broader than Richard Nixon. It shows how vulnerable we are to the doctrine that those in power may violate the law in the name of what they consider "national security." Even a man then so highly regarded as Richard Helms of the C.I.A. apparently supported the 1970 program. Only J. Edgar Hoover dogged opposition forced Mr. Nixon to drop it.

One of the curious things about the United States is that again and again, we ask our judges to tell us the obvious—to tell us, for example, that the Constitution does not give Presidents power without limit. But then, as a great judge said, we need education in the obvious.

To restore in this country the sense of legitimacy that has been so shattered by Watergate we may once more need to have our judges speak some lasting American truths. When they do, they will find powerful support in the Supreme Court opinions affirming Judge Pine in the steel seizure case and rejecting the idea that a President may act as he wishes to meet what he defines as an emergency.

"Not so long ago," Justice Frankfurter wrote, "it was fashionable to find our system of checks and balances . . . outmoded—too easy. The experience through which the world has passed in our own day has made vivid the realization that the framers of our Constitution were not inexperienced doctrinaires.

"These long-headed statesmen had no illusion that our people enjoyed biological or psychological or sociological immunities from the hazards of concentrated power . . . the accretion of dangerous power does not come in a day. It does come, however slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority."

IMPOUNDMENT AND FOREIGN AID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 15 minutes.

Mr. DANIELSON. Mr. Speaker, like many other Members of Congress, I receive a great deal of mail from my constituents asking why so much taxpayers' money is being spent for foreign aid, when we have such pressing domestic problems at home. This is a sentiment which I share.

This morning, in testimony before the House Committee on Foreign Affairs, I proposed an amendment to the Foreign Assistance Act of 1973 that would require the implementation of domestic programs as a condition precedent to foreign aid expenditures. Since impoundment is an issue of deep concern to Members of Congress, I would like to share with my colleagues this proposal which would provide a solution to the impoundment problem. My testimony is as follows:

IMPOUNDMENT AND FOREIGN AID

(Statement by Hon. GEORGE E. DANIELSON)

Mr. Chairman, and Members of the Foreign Affairs Committee, I wish to thank you for this opportunity to appear before you and express my thoughts on a matter which is not unique to our Foreign Aid program, but it is shared in common by all of the programs and activities of the Federal Government. I am convinced that the Foreign Aid Program and this Committee can play a very important role in solving that problem, namely, the problem of impoundment.

My purpose in appearing here today is to respectfully suggest to this Committee that language be included in the Foreign Assistance Act which will effectively solve the problem of Executive impoundment of funds which have been appropriated by the Congress, in laws which have been approved by the President (or passed into law over his veto), and are now a part of the duly enacted laws of the land.

PROPOSED ANTI-IMPOUNDMENT BILLS ARE INEFFECTIVE

The shortcoming of the proposals that have been offered so far to counteract impoundment is that they would not *prevent* the Executive from impounding,—they simply tell him, "Thou shalt not impound."

There is nothing new in this. The present laws of the land, in effect, say the same thing, for the Executive has no constitutional right to impound, no statutory right to impound, and no inherent right to impound. The Constitution specifically places on the Executive the absolute duty to ". . . take care that the laws be faithfully executed, . . ."[1]

And that means all of the laws of the land, not just some of them. That means appropriation laws as well as all other laws. The Executive does not have the right to selectively choose—cafeteria style—those laws which he will execute and those laws which he will not execute.

Footnotes at end of article.

Suppose the Congress should pass one of the pending anti-impoundment proposals. Will the President veto it? If he does, will we pass it over his veto? And, if we do, will he still impound?—And if he does, what do we do then?

Suppose we pass such an Act and the President signs it, and it become the law of the land, but the President nevertheless concontinues to impound. What do we do then? Congress could pass a resolution saying, "No! Stop impounding! We disapprove!" But will he continue to impound? If he does, what do we do then?

The most that can happen under this approach is that—if there is an impoundment—someone who has standing to sue will sue, and in 2 or 3 years the court will issue a judgment ruling that the impoundment was, indeed, illegal, and directing the appropriate government agency to release the funds. Meanwhile, the evil effects of impoundment will have prevailed, Government policy will have been frustrated, and the purposes of the law in question will have been nullified.

And what if the funds are not released despite the decision of a court? We must recall the words of President Andrew Jackson who said, "John Marshall has made his decision: now let him enforce it!"[2]

The fatal fallacy of this approach to the impoundment question is that it does not address itself to the real problem, namely, the Executive's *power* to impound. We all know that the Executive does not have the *right* to impound, but it is obvious to us all that nevertheless he does have the *power* to do so. He has the power to impound in any given instance by simply not using the money for its intended purpose.

I respectfully submit that there is only one effective way to solve the impoundment problem, and that is to take away the Executive's power to impound by making it literally impossible for him to do so. This would reach the heart of the problem. The Congress can easily do this by wording the language of authorization and appropriation bills so that the use of the funds provided in a given appropriation bill would be conditioned upon the corresponding use of the funds provided in other appropriation bills. Thus the Executive could not selectively execute and carry out his favorite government programs and activities unless he would also execute and carry out the other government programs and activities. He would truly be compelled to ". . . take care that the laws be faithfully executed, . . ."

THE FOREIGN ASSISTANCE ACT OF 1973 AND IMPOUNDMENT

The Foreign Assistance Act of 1973 is an ideal vehicle for statutory language which would help bring an end to arbitrary impoundment by the Executive.

We are all familiar with the old saying, "Charity begins at home," which accurately reflects the feelings of many Members of Congress and tens of millions of American citizens and taxpayers.

I propose that language be included in the Foreign Assistance Act of 1973 to provide that the use of U.S. Treasury funds for Foreign Aid would be conditioned upon the Executive also obligating or expending comparable appropriated funds to meet our critical domestic needs.

The language I propose is as follows:

Sec. —. (a) Unless the Congress shall provide otherwise in language expressly made applicable to this section, at any time during the fiscal year 1974, the amount obligated or expended pursuant to this Act for any program or activity authorized by this Act, expressed as a percentage of the amount appropriated for purposes of such program or activity, shall not be more than (___10___) percentage points greater than the amount obligated or expended at that time for any other program or activity authorized by Act of Congress, expressed as a percentage of the amount appropriated by the Congress for purposes of such other program or activity for the fiscal year 1974.

(b) For purposes of this section, the term "other program or activity" shall include any program or activity administered by or under the direction of the Department of Agriculture, the Department of Commerce, the Department of Labor, the Department of Housing and Urban Development, the Department of Health, Education and Welfare, the Environmental Protection Agency and the Veterans' Administration.

The above language is similar to a provision which was included in the Foreign Assistance Act of 1971,[3] except that the above proposal would (1) provide for the concurrent and orderly execution of all affected government programs and activities; (2) provide for a reasonable and necessary amount of flexibility in the execution of different programs; and (3) provide a simple and effective procedure for changing the formula of expenditure in order to conform to changing circumstances.

The basic "working language" in the above proposal is that portion which reads,

". . . at any time during the fiscal year 1974, the amount obligated or expended pursuant to this Act for any program or activity authorized by this Act, . . . shall not be . . . greater than the amount obligated or expended at that time for any other program or activity authorized by Act of Congress. . . ."

This language, standing alone, would achieve the basic purpose of my proposal, namely, to compel the concurrent execution of all of the specified government programs and activities as a condition precedent to the execution of any of the programs and activities authorized by this Act, the Foreign Assistance Act of 1973. The Executive could not execute the programs provided for by this Act unless he also executed the programs referred to in subsection (b) of the proposed language. The basic language would be too rigid, however, and would not provide the flexibility which is required, as a practical matter, in implementing the many different programs and activities which would be affected.

FLEXIBILITY

Recognizing that all government programs do not and can not move at exactly the same pace, it is necessary to build flexibility into the proposed section. That flexibility is provided by the language which, in the example, permits a 10 percent variance in the rate of obligation and expenditure of funds appropriated for the several different programs and activities. I have used the figure of 10 percent arbitrarily; it could be a greater or lesser figure, as this Committee in its judgment may decide.

CHANGING CIRCUMSTANCES—CHANGE OF FORMULA

The proposed language recognizes that circumstances can change and that it may be necessary or desirable to change the variance formula to accommodate those changes. The first clause of the section provides:

"Unless the Congress shall provide otherwise in language expressly made applicable to this section. . . ."

Thus, the Executive and the Congress, working together (as they should) can quickly and easily vary the formula to adjust to changing needs resulting from changing circumstances, Whenever the Executive, in the management of the Government's business, might determine that money could be saved, all he would have to do is notify the Congress, and by resolution the Congress could provide for an appropriate change in the rate of expenditure—or could terminate it altogether. The Congress and the Executive could economize whenever a need is lessened or removed, or could accelerate expenditure whenever a need is increased. All the Executive has to do, if he finds a need to change the formula, is to send a message to the Congress asking for a variance in the formula and the Congress, by resolution, can quickly provide it.

EFFECTIVENESS OF PROPOSAL

My proposal would effectively prevent the executive from impounding appropriated funds contrary to the law and the will of Congress simply because he would be denied the use of appropriated funds for those programs he favors if he did not also use appropriated funds for those programs which he does not favor. This is because he would have no access to Treasury funds for one purpose if he did not also use them for the other specified purposes.

Article I, Section 9, clause 7 of the Constitution provides:

"No money shall be drawn from the Treasury, but in consequence of appropriations made by law; . . ."

To implement this constitutional provision the Congress has provided by law that—

"The Treasurer shall receive and keep the moneys of the United States, and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned in the General Accounting Office, and not otherwise. . . ." (31 U.S.C. 147)

These provisions require the General Accounting Office to determine that the conditions of an appropriation law are met before a warrant for the disbursement of money from the Treasury can be countersigned.

PROPOSAL DOES NOT RECOGNIZE IMPOUNDMENT

While most other proposed "anti-impoundment" measures tacitly grant the Executive the right to impound, subject to veto or ratification by the Congress, my proposal does not recognize that the Executive has any such right to impound, and thereby fully preserves the separation of powers. I respectfully submit that this distinction must be preserved, for if there were a right of impoundment, the Executive would have, for practical purposes, a line-item veto. That concept is repugnant to our Constitution. We must remember that tacit approval grows strong as it becomes rooted in time.

WHY LINK IMPOUNDMENT TO THE FOREIGN ASSISTANCE ACT?

As I mentioned before, charity begins at home. We have many urgent and unmet needs right here at home. These are suffered by a broad segment of our society and our economy. They affect farmers and agriculture, the unemployed and wage earners, youth searching for summer jobs, medical care, hospitalization, housing, the elderly, education, our environment, veterans and a host of other groups, interests, and activities. While the desire to help the unfortunate in other lands is a commendable one, I am convinced that our first duty is to the people of the United States, our fellow citizens, and to our own country. I feel that we should commit our resources to solving our own problems before we send our substance abroad.

IMPOUNDMENT—A THREAT TO OUR CONSTITUTION

My purpose here today is not to carry a brief for those programs which have been nullified by current impoundments. As I suspect is the case with most of the Members of this Committee, I support some of those impounded programs, and I am not enthusiastic about others. My purpose today is to

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Footnotes at end of article.

continue my effort to preserve and protect our Constitution by protecting the status of the Congress as a full and co-equal branch of our Government, and by trying to preserve the just and proper separation of powers. The separation of powers under our Constitution is the foundation of American Government. We must preserve and protect it.

This is not a personal matter: I am not dealing in personalities. This is not a partisan matter: I am not distinguishing political parties. I have been informed that other Presidents, at other times, and of other political parties, have impounded funds from time to time.

Presidents come and Presidents go. Congressmen come and Congressmen go. Majorities come and majorities go. And with each change the burdens and responsibilities of government shift from one to another. But our Constitution and the representative self-government which it provides must not go. It has served us well for nearly 200 years and, God willing, it can serve America for 200 years yet to come. The threat of impoundment is a threat to our Constitution and to our entire structure of Government. We must meet and end that threat, and this is the way to do it. There is no other choice.

FOOTNOTES

[1] Constitution of U.S., Article II, Section 3, clause 3.

[2] Andrew Jackson, as President, referring to the Supreme Court decision in *Worcester v. Georgia*, 3 Mar., 1832.

[3] Public Law 92–226, the Foreign Assistance Act of 1971. "Sec. 658. LIMITATION ON USE OF FUNDS.—(a) Except as otherwise provided in this section, none of the funds appropriated to carry out the provisions of this Act or the Foreign Military Sales Act shall be obligated or expended until the Comptroller General of the United States certifies to the Congress that all funds previously appropriated and thereafter impounded during the fiscal year 1971 for programs and activities administered by or under the direction of the Department of Agriculture, the Department of Housing and Urban Development, and the Department of Health, Education and Welfare have been released for obligation or expenditure. * * *"

THE BETTER SCHOOLS ACT

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, last Friday the U.S. Office of Education announced that it had abandoned its insistence that special revenue sharing for education, the Better Schools Act, must be enacted by Congress for the upcoming school year or there would be no Federal funding for any of the present programs. This recognition by the administration that the Better Schools Act will not be passed soon is long overdue. During the course of 32 days of hearings on education before the Committee on Education and Labor, we heard testimony from approximately 250 witnesses and none of these witnesses, with the sole exception of the administration, supported special revenue sharing for education. Every witness, except for the administration, endorsed an extension of the present Federal programs, although many suggested modifications and improvements. Therefore, I believe that the administration has only recognized reality when it has abandoned its position that it is the Better Schools Act or nothing for fiscal 1974.

Their new position though raises serious questions about the administration's commitment to education. According to the press release which I will insert after my remarks, HEW will only fund those programs which it wanted continued in one form or another under the Better Schools Act and it will refuse to fund those programs which it wanted to abandon under enactment of the Better Schools Act. This means that HEW will not pay any State Federal funds for school libraries, college libraries, or public libraries.

It also means that there will be no funding for "b" children in impact aid school districts. There will also be no Federal funds made available to strengthen State departments of education nor will there be aid for classroom equipment or minor remodeling.

In other words, what the administration is doing is trying to squeeze the present programs into the mold which they sought to cast in the Better Schools Act. This will mean that there will be at least one-half billion dollars less spent on elementary and secondary education.

This action by HEW makes all the more important swift congressional enactment of the Labor HEW appropriations bill. It also makes urgent the enactment of a continuing resolution which sets out a specific funding level for Federal education programs until the final passage of the Appropriations Act.

The confusion which has arisen because of the administration's insistence on special-revenue sharing is widespread throughout the country. Two weeks ago I sent a questionnaire to all 18,000 school districts in the country and the responses paint a grim picture of threatened teacher lay-offs and curtailment of programs due to the uncertainty of Federal funds. I would now like to insert in the RECORD several remarks.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., June 8, 1973.

DEAR ———, As you know, the Administration has proposed the Better Schools Act to combine into five broad categories some 32 existing categorical grant programs. The President's Budget for Fiscal Year 1974 also proposed a funding level of $2.5B for selected elementary and secondary education programs, or $2.8B including the School Lunch Program. Unfortunately, the Congress has not acted on the Better Schools Act, which we firmly believe to be a much improved means of financing Federal support for elementary and secondary education. At the same time, we are clearly mindful of the difficulties which the delay in enactment of this legislation has created, particularly as the end of the current fiscal year approaches.

It is certainly not the intent of the Executive Branch, nor, we believe, of the Congress to produce a result in which there is no Federal funding for education programs after July 1, and we are confident that this outcome will be avoided.

Accordingly, we are working with the Congress to resolve the funding problem for the 1973–4 school year and also to obtain enactment of the essential concepts contained in the Better Schools Act in time to become effective for the 1974–5 school year. Therefore, we think it safe to advise that you be guided by the amounts listed for the old programs as outlined in Attachment A, and as contained in the President's budget for 1974.

Please take such measures as you judge appropriate to share this information with the school districts within your jurisdictions.

Sincerely,

JOHN OTTINA,
U.S. Commissioner of Education-designate.

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

Appropriation/activity	1972	1973	1974
Elementary and secondary education:			
Educationally deprived children (ESEA I)	$1, 597, 500, 000	$1, 585, 185, 000	$1, 585, 185, 000
(a) Local educational agencies	1, 406, 565, 000	1, 362, 172, 431	1, 362, 172, 431
(b) Handicapped children	56, 381, 000	75, 962, 098	75, 962, 098
(c) Neglected and delinquent	20, 213, 000	20, 704, 524	20, 704, 524
(d) Migratory children	64, 823, 000	72, 772, 187	72, 772, 187
(e) State administration	17, 309, 000	17, 105, 195	17, 105, 195
(f) Incentive grants	7, 280, 000	8, 219, 629	8, 219, 629
(g) Grants for high concentration of poor	24, 804, 000	28, 063, 936	28, 063, 936
(h) Advisory committee	125, 000	185, 000	185, 000
Supplementary services (ESEA III)	146, 393, 000	146, 393, 000	146, 393, 000
(a) State grant program Handicapped:			
Handicapped (15 percent)	17, 085, 683	17, 074, 789	17, 074, 789
Other (85 percent)	96, 818, 872	96, 757, 140	96, 757, 140
(b) Special projects:			
Handicapped (15 percent)	3, 015, 120	3, 013, 198	3, 013, 198
Other (85 percent)	17, 085, 684	17, 074, 791	17, 074, 791
(c) State Administration	12, 242, 641	12, 248, 082	12, 248, 082
(d) Advisory committee	145, 000	225, 000	225, 000
School assistance in Federally affected areas:			
Maintenance and operations (Public Law 874):			
(a) Payments to local educational agencies:			
Section 3(a) and Indians	189, 335, 000	227, 150, 000	232, 000, 000
Education for the handicapped: State grant program (EHA, part B)	37, 500, 000	37, 500, 000	37, 500, 000

ELEMENTARY AND SECONDARY EDUCATION PROGRAMS—Continued

Appropriation/activity	1972	1973	1974
Occupational, vocational, and adult education:			
Grants to States for vocational education:			
(a) Basic vocational education programs:			
(1) Annual appropriations (VEA, part B)	$376,682,000	$376,682,000	$376,682,000
Handicapped (10 percent)	37,668,200	37,668,200	27,668,200
Disadvantaged (15 percent)	56,502,300	56,502,300	56,502,300
Postsecondary (15 percent)	56,502,300	56,502,300	56,502,300
Other (60 percent)	226,009,200	226,009,200	226,009,200
(2) Permanent appropriation (Smith-Hughes Act)	7,161,455	7,161,455	7,161,455
Handicapped (10 percent)	716,146	716,146	716,146
Disadvantaged (15 percent)	1,074,218	1,074,218	1,074,218
Postsecondary (15 percent)	1,074,218	1,074,218	1,074,218
Other (60 percent)	4,296,873	4,296,873	4,296,873
(3) National Advisory Committee	330,000	330,000	330,000
(b) Programs for students with special needs: (VEA, pt. B)	20,000,000	20,000,000	20,000,000
(c) Consumer and homemaking education (VEA, pt. F)	25,625,000	25,625,000	25,625,000
(d) Work-study (VEA, pt. H)	6,000,000	6,000,000	6,000,000
(e) Cooperative education (VEA, pt. G)	19,500,000	19,500,000	19,500,000
(f) State advisory councils (VEA, pt. A)	2,690,000	2,690,000	2,690,000
Vocational research:			
(a) Innovation (VEA, pt. D): Grants to States	8,000,000	8,000,000	8,000,000
(b) Research—Grants to States (VEA, pt. C): Grants to States	9,000,000	9,000,000	9,000,000
Adult education	51,300,000	51,300,000	51,300,000
(a) Grants to States	51,134,000	51,134,000	51,134,000
(b) National Advisory Committee	166,000	166,000	166,000
Grant total, Better Schools Act of 1973	2,497,016,455	2,522,516,455	2,527,366,455

A school superintendent from an Ohio school district wrote to me saying that his school district could lose $900,000 which it has been using to employ 79 full-time and 78 part-time teachers and other personnel for educational programs. He—unlike many other superintendents—has not told them as yet that they may not have jobs in September, and I would like my colleagues to read his reasons for not doing so. I believe they point out the dilemma faced by many school administrators.

He said:

> We have not notified any of our Federally funded certified and non-certified personnel of termination of employment although they are aware of funding uncertainties. Our local funds cannot carry them beyond their Federally funded period. However, due to the fact that to terminate employment of the high caliber of certified and non-certified employees we have been able to gather around us would be absolutely impossible to re-assemble due to the feeling of insecurity and instability a termination would impose. The young children would suffer irrepairable damage.
>
> We realize, due to State law, etc. we may be acting naively in this. However, we cannot believe that our Congressmen would allow these programs to come to such a chaotic end. Our parents have been much concerned and are doing, in their limited way, all they can to impress local people and their Congressmen of their feelings. We sincerely ask you and your committee to continue your efforts to see that these programs and their funding are continued.
>
> We have both subjective and objective evidence that the money is being well spent from the standpoint of good business practices and more importantly from the standpoint of student gains.

He reported that the education of 15,904 students is jeopardized.

In my own congressional district, Sheldon Clark, superintendent of the Martin County School District, responded that $462,754 in Federal funds was spent for educating Martin County schoolchildren during the 1971–72 school year, and that 62 teachers and other personnel were hired.

But he has already had to tell 18 people that they may not have jobs during the coming school year, because of the uncertainty of Federal funding. And that means the education of 1,575 children in Martin County would be affected.

The questionnaires are still coming in, so I do not want to give totals, but I do want the House to hear some of the comments we are getting.

Here is a comment from a superintendent in Michigan:

> I can report to you, and we can so testify if you like, that the Saginaw schools, as a result of Federal funds, have increased test scores significantly in our inner-city areas.
>
> We have made a steady gain as a result of carefully and clearly developed compensatory education programs.
>
> We feel very strongly that the President is wrongfully overlooking the success that has been achieved as a result of the Congressional appropriations of the 1960s and early 1970s.

A Missouri superintendent wrote:

> Our major program is ESEA (1971–1972), but with the completion of our Area Vocational School, the situation could become even more desperate. Our Title I programs have been very productive and we believe the Vocational School will help us to reduce many additional needs of our students and the students in the school districts near us. The uncertainty from year to year and the multitude of guidelines are our biggest problems.

A superintendent from an Ohio school district said:

> The most important funds are Title I ESEA, Title II ESEA DPPF, and Vocational. If these were curtailed we would be without remedial reading, school nurse and elementary library materials. We approciate all the help.

An Iowa school superintendent commented:

> The deletion of Title I money will both affect our students who need extra help and those at the local parochial school. Remedial reading and summer programs in reading and mathematics will have to be drastically curtailed.
>
> We are also in dire need for aid to vocational education. Money in Iowa is very limited and our people cannot keep pace with inflation.

And from New Mexico a superintendent wrote:

> Our school district has definite need of continued Federal funding by virtue of the fact that the assessed valuation is low. For example, 38.64% of the district's land area comprises non-taxable Indian lands. Of the total school population, 30.64% of our students come from low-income families, further our school population is one of the fastest growing pupil populations in the state. Under P.L. 874 we have an enrollment of 523 (b) pupils, which with the lack of proper funding, our district would lose a minimum of $82,000 on this one count alone, which we can ill afford.

A New Jersey school superintendent indicated:

> These programs are greatly appreciated by local districts. The only problem is the stability of them and the rapid changes in funds available. It is very hard to organize and schedule the regular running of a school and get a Federal program passed after the opening of school and change your plans. I hope future announcements of these can be done for the future.

From Oklahoma a superintendent writes:

> We have no plans to employ any more than the one certified employee we have remaining. We will employ only teacher aides or other non-professional people who can be fired with a two week notice.
>
> What has happened in federal funding for education this year should never have been allowed to occur. If the President is going to dictate the whole program perhaps we don't need a Congress.

Commented another superintendent from Ohio:

> This federal money has been a very great benefit to the educational program in our school district. It represents about two (2) mills of our operating budget. Without the

> federal money we will have to curtail our program because it will be nearly impossible to raise this amount locally. We have tried, but, due to the federal income tax, the people of our district can ill afford the extra burden. Locally our people are exerting extreme effort. These are just average wage earners but more, by far, is being paid by them than is being received in benefits, this is true especially as it concerns the federal government.

And, a superintendent from Pennsylvania says:

> We feel that the continuance of federal funding is vital to our future educational planning endeavors. Enclosed you will find a brochure of our 1972-73 ESEA Title I program. Without future federal funding these programs will not be able to continue within our local budget.
>
> We sincerely hope that future funding will continue to be available to supplement our existing educational program.

HAIG—THE PRESIDENT'S POLITICAL GENERAL

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, the continued assignment of Gen. Alexander Haig, Jr., as Chief of White House Staff constitutes a most serious compromise of both civilian and military institutions of our Federal Government.

The Chief of Staff of the President's White House establishment is a political function, and, under precedents followed for many years by Presidents of both major political persuasions, a partisan political function as well. Nothing in the character of this administration would justify the conclusion that the post is not partisan to at least the same degree as most prior administrations.

Mr. Speaker, I am also confident the general operates in violation of statute, and I cite section 973(b) of title 10 of the United States Code in objecting to Haig's serving as Presidential assistant while still Vice Chief of Staff of the U.S. Army:

> Except as otherwise provided by law, no officer on the active duty list of the regular Army, regular Navy, regular Air Force, regular Marine Corps or regular Coast Guard may hold a civil office by election or appointment whether under the United States, a territory or possession or a state. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment.

A recent White House announcement informs us that General Haig will retire from active duty on August 1. He will then, we are informed, be appointed to the position of assistant to the President. Meanwhile, he will in the interim continue to perform his present duties, which will remain his responsibility after retirement from active duty. We already know he has been Haldeman's de facto replacement, with all that this connotes.

Such an announcement grievously compounds the injury already inflicted upon the traditional principle of separation of the military from civilian functions. General Haig has already occupied his present questionable legal status for upward of 2 months, and as of this day serves as a four-star general on active duty. That dual questionable status is slated to be maintained for another 2 months. One excuse offered is that this will enable him to get enough time in his present four-star rank to retire in that same grade. No matter whose convenience is served, and constitutional rules are not to be shunted aside to provide for anyone's well-being, in the process more violence is being done to honored principle while setting into semipermanence one of the most perilous precedents confronting democratic government. One, I might add, which no democracy, cherishing its status as such, dares allow.

The very announcement of his anticipated new status is a public admission by the President that General Haig's present post is inconsistent with provisions of Federal law. Here is an arbitrary assertion by the executive branch of a selective right to enforce those sections of a statute it finds convenient, while evading enforcement of those it finds inconvenient. Legality and intent of the Nation's founders are simply adjourned, a process not new to this incumbent.

On page 3395 of the Congressional Globe of May 12, 1870, we find an illuminating, highly prophetic statement during debate over the measure now at issue in regard to Haig's status. Senator Lyman Trumbull, Republican of Illinois and close friend of Lincoln, almost appears to be discussing what well may happen as the ultimate end of the present situation. He stated:

> But the difficulty will be that if you allow officers upon the retired list to hold civil offices, the law will be evaded. Persons will be placed on the retired list for the purpose of giving them appointments . . . I think that this government is a civil government. It should be administered by civilians. The Army is subject to the civil authorities of the country; and I do not believe in having the civil offices of the country administered by the military authorities.

So here we encounter further evasion and an exacerbation of an insufferable compromising situation enveloping the Nation's professional Military Establishment. Already, the veracity of Generals Cushman and Walton has been publicly and repeatedly questioned. Those professional organizations they were and are associated with have in the process been compromised to an intolerable extent.

One further note in the June 7 Washington Post is worth noting. I quote from Michael Getler's story:

> His lingering service in the White House was also causing some concern among a few generals, and had he stayed in the job and on active duty much longer, his clout coming back to the service might have been reduced, especially in a new administration. Haig can be recalled from retired to active duty status by the President in the future.

More than purely legal points are involved in the question of General Haig's status. What is really at issue is how much blurring of that long-established dividing line between the professional military and civilian authority, the Nation, and Congress will allow. Civil control of the military is jeopardized when professional military people, no matter how competent, are allowed to participate in and influence vital civil governmental processes, while retaining their career military status. This is what Haig is now doing.

This hallowed doctrine of mutual exclusion has been one of the main bulwarks supporting and guaranteeing representative government in this republic. It is a certainty that Haig's present dual status, if allowed to continue unchallenged and unchanged, encourages the breaching of this traditional, essential barrier. Every military professional in our establishment is at least aware of his rise through the political system while remaining cloaked in military symbols. Many a free society has been compromised because its civil institutions were breached by its professional military in times of stress in such a manner.

American history is studded with references to this subject, always emphasizing exclusion of military professionals from our political process.

George Washington was never a party candidate and never acknowledged any party, although he was identified with the Federalists.

James Buchanan, losing the Democratic nomination in 1852, attacked the Whig candidacy of General Scott in these words:

> What fatal effects would it not have on the discipline and efficiency of the Army to have aspirants for the Presidency among its principal officers? How many military cliques would be formed?

By bringing an officer like Haig into his present compromising position, we encourage exactly what Buchanan so presciently foresaw. We also allow a tortuously twisting path, complete with unacceptable hazard to democracy, to be broken for other ambitious professional soldiers to follow in future times.

In other days, Attorneys General did not allow such appointments to even partially achieve legitimacy. In 1870, Gen. George C. Meade, victor of Gettysburg and a greatly honored soldier, was told he could not even exercise the functions of a park commissioner of the city of Philadelphia without vacating his military commission. The Attorney General indicated that the office of park commissioner had been established by an act of the State legislature. That act designated mode of appointment, term of office, and functions to be performed. Those were of a civil nature. Hence the distinguished general was barred from the office.

In 1873, the Attorney General held that Gen. William T. Sherman could not hold the position of Secretary of War, even temporarily, without vacating his commission as General of the Army.

Some generals, unlike General Haig, understood the principles involved, and did not allow themselves to be placed in a partisan political position. One such was perhaps our finest professional soldier of this century, Gen. George C. Marshall, who squelched a political boomlet for himself in World War II. In 1947, he said:

> I will never be involved in political matters.

Woodrow Wilson, in a letter to Secretary of War Lindley M. Garrison, in August 1914, wrote:

> My Dear Secretary: I write to suggest that you request and advise all officers of the service, whether active or retired, to refrain from public comment of any kind upon the military or political situation on the other side of the water . . . It seems to me highly unwise and improper.

Contrast this with the actions of General Haig on the night of Wednesday, May 23, 1973. Appearing before the Fordham University Club, dressed in civilian clothes and in his capacity as the President's replacement for H. R. Haldeman, he delivered himself of a speech which, conveniently, the White House press office has no available copies. Here is the first paragraph of one news story on that speech, appearing in the Washington Post:

> General Alexander Haig, the new chief of staff at the White House, ignored the problems that Watergate has created for the President last night and instead gave a detailed account of how the Nixon Doctrine can help solve the problems of the world.

Today the Nixon doctrine is fraught with explosive political considerations. It asserts full support of previous alleged American commitments, stating that external assistance to an insurgency, as well as overt conventional attack, may lead to involvement of U.S. general purpose forces.

Implications of this doctrine, particularly after Vietnam and in light of the Cambodian situation, are obvious. Yet there was General Haig, in a totally political role, explaining it in civilian guise while holding the top White House political staff job. Yet he is now and was then, a four-star general on active duty holding the position of Vice Chief of Staff of the U.S. Army.

Contrast this recent astonishing exhibition with President Lincoln's words to Gen. Joe Hooker, when he appointed him to command the Army of the Potomac:

> I also believe you do not mix politics with your profession, in which you are right.

More recently, Secretary of Defense Robert McNamara, made a similar point in no uncertain terms:

> It is inappropriate for any members of the Defense Department to speak on the subject of foreign policy.

Harry Truman, no-nonsense defender of representative democracy that he was, had blunt words and orders on the subject, even prior to dismissing General MacArthur:

> Until further notice from me, I wish that each one of you would take immediate steps to reduce the number of public speeches pertaining to foreign or military policy.

President Kennedy plowed that same furrow even more deeply in 1962:

> The United States military, due to one of the wisest actions of our Constitutional founders, have been kept out of politics, and they continue their responsibilities, regardless of the changes of Administration. . . . There is no desire to restrain or prevent any military man from speaking. What we are concerned about, however, always is that they not be exploited for any partisan purpose. And I think, basically, it is for their own protection as well as for the protection of the country.

Yet Wednesday night, May 23, this four-star general on active duty acted as a political spokesman for this administration, no matter how this may be disclaimed. In the process, he became a political tool of this President, compromising the entire American Military Establishment and violating its most honored traditions.

I have queried the Pentagon's acting general counsel about Haig's status, and have received in return a rather unique answer. I include an excerpt from it here in my remarks:

> Admiral Leahy served from 1942 to 1949 as Chief of Staff to the Commander-in-Chief, then President Roosevelt. Major General Wilton D. Persons, USA, Retired, served President Eisenhower as Chief of the White House Staff. Brigadier General Andrew Goodpaster served President Eisenhower as Staff Secretary. General Maxwell Taylor served President Kennedy as Military Adviser to the President.

First, I would like to go on record as commending the late Admiral Leahy for his outstanding loyalty in serving President Roosevelt until 1949, especially in light of the fact that FDR departed this world in early 1945.

Leahy was recalled in a military capacity to serve as Chief of Staff in time of war. Persons was on the retired list, unlike Haig, who had publicly stated his intention of remaining on active duty status with the Army. Goodpaster was relegated to military duties. Taylor was on the retired list when he served as official military representative to the President. He returned to active duty only when he subsequently became Chairman of the Joint Chiefs of Staff. I commend to the Acting General Counsel of the Department of Defense the study of history. It has a salutory effect upon accuracy at certain times.

Only the Goodpaster appointment may be termed similar to the Haig matter, and it involved a failure to observe the law. Therefore, there are no grounds today for justifying the Haig appointment, unless by citing, as the Counsel does, a previous illegal action.

When Presidential Press Secretary Ziegler announced the Haig appointment, he used the following words:

> In his role as assistant to the President, General Haig will assume many of the responsibilities formerly held by H. R. Haldeman. These responsibilities include coordination of the work of the White House staff and administration of the immediate office of the President.

The position of Assistant to the President previously held by Haldeman is a civil office within the meaning of 10 U.S.C. 973(b), in that it is specifically created by law and has or may have duties imposed upon it which involve exercising some portion of the sovereign power.

I am not aware of any law which constitutes an exception to 10 U.S.C. 973(b) so as to authorize an officer on the active list of the Regular Army to accept that office or exercise its functions without immediately terminating his military appointment.

A flimsy excuse has been offered by the Pentagon; that Haig has not yet been actually appointed as one of the assistants to the President authorized by 3 U.S.C. 106. They also note that Haig's duties more nearly resemble the duties of Chief of Staff to the President, a position authorized under 10 U.S.C. 3531 to be filled by a general officer of the Army appointed by the President, by and with the advice and consent of the Senate.

If indeed he is to fill that role, then he must be confirmed by the Senate first. When queried, the White House responds that Haig is still in some kind of limbo. He has no official title. I submit that this is an intolerable situation, Illegal on its face.

Yet even a cursory reading of Ziegler's original announcement reveals that Haig is now fulfilling Haldeman's daily sensitive functions. Let us further examine some of Haig's recent activities. One of his recent duties has been to urge upon certain reporters and commentators the view that domestic surveillance, wiretapping, and related measures the President has confessed to instituting in 1969 have nothing to do with overall Watergate scandals in which these activities have become enmeshed.

Joseph Kraft, in a Washington Post column of May 29, refers to this role. So does John Osborne in the New Republic's June 9 issue. The latter indicates Haig has been justifying these actions in the name of national security, that all-purpose cover so much in vogue these days at the White House. Haig's performance makes him by definition a participant and abettor of the President's transparent effort to offer national security as an excuse for unprecedented lawbreaking by the executive branch.

The New York Times of May 29 contains a story by John Herbers which includes the following ominous note:

> General Alexander Haig, Jr., the new Chief of Staff on an interim basis, is running the staff with military assistants. . . . He is in daily contact with Mr. Nixon almost as much as was Mr. Haldeman.

I am informed that at least two professional Army officers on active duty status are functioning in the capacity described above. One is a Lt. Col. Fred Brown. The other is a Major Joulwan. So as of latest notice, the most sensitive office in the White House staff setup is being manned by professional military officers on active duty. Is this legal by any stretch of the imagination? Should this be tolerated by a free government? By what right do these men occupy such places?

Yet it is when we place the Haig situation into a larger picture that the ominous aspects in our perspective emerge most clearly. Since World War II, there has been enormous expansion of the military into activities hitherto performed by civilians or not performed in our political system at all.

Increasing reliance by American Presidents on the National Security Council and its staff, instead of on the State Department, means that an organization with strong military orientation has replaced an overwhelmingly civilian institution as the central advisory organ for American foreign policy.

Overseas, nearly half of recent American foreign aid has taken the form of military assistance. Domestic intelligence gathering by our military has been brought to light, colored in the most menacing, negative tones. Massive spying on civilians who dissent has become a fact of life, carried out by our Military Establishment.

Increasingly, military units have been trained in performance of domestic missions. War has forced a growing alliance between the executive branch of Government and the military. Military officers did not necessarily seek these tasks. Rather, civilian authority, because it shirked its own responsibilities, pressed such new duties and roles upon them. However, once involved, the military plunged in with both feet. The Haig matter is only the latest, most vivid illustration of this cumulative erosion of the barrier separating political roles and military professionals.

We invite catastrophe for representative democracy by allowing this. By acquiescence in Haig's illegal status, we enable the President to accelerate the release of unexpected negative forces within our political system. At this moment of strain, our system is particularly vulnerable to such encroachments and violations. All the more reason for us to be doubly vigilant and even more jealous of our priceless liberties.

New trains are being brought into play on the traditional conception the professional military man has of his role. After Vietnam, this is doubly perilous for America. Once such new authority and capability for involvement are acquired by any group of military professionals, there is a deep natural reluctance to yield it back, whether or not the original need still exists.

Military men as a group tend to think in solely military terms insofar as alternatives are concerned. In some future crisis, either Haig or some other officer like him could be at a President's side, taking the most pessimistic view of events and focusing undue emphasis on force as opposed to negotiations.

General Haig hails from a hierarchical rather than an egalitarian organization. He is oriented to a group rather than to rights of individuals. He stresses obedience and discipline rather than freedom of expression. While I am sure he is a decent, honorable man, the President, by placing him in the most de facto political position in Washington, has elevated those very virtues that are the blatant negation of what this nation and our society stands for.

Our entire professional military establishment itself should be profoundly disturbed by the President's action and Haig's present position. Military participation in the policy process involves a degree of political activity inconsistent with nonpartisan tenets of their traditional professionalism. Haig is compromised as a military man, and in the process has compromised not just the Army, but all the services. At this point in time, after Vietnam and Watergate revelations, this is the last course our military should wish to pursue or be identified with in the congressional and public eye.

President Nixon has done a grievous disservice to the Nation at a critical juncture in our history. He has raised questions that must be resolved.

In furtherance of the effort to effect an early resolution of the issues raised I have on this date sent the following letter to the Comptroller General and urged in conversation his prompt ruling:

Hon. ELMER B. STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: I am in receipt of your letter of May 30, 1973, regarding the status of General Alexander Haig, Jr., at the White House. Your response to my letter leaves much to be desired in terms of explaining the General's legal status.

In seeking to define his legal position at the White House, the General Accounting Office accepted the White House explanation that legal advice from the Pentagon was relied upon. I also have queried the chief legal officer there and have received a totally unsatisfactory and even inaccurate answer. Here are some quotes from his response to my query, which may probably be the same answers he sent to you, and which you may have sincerely accepted on their face.

"Admiral Leahy served from 1942 to 1949 as Chief of Staff to the Commander-In-Chief, then President Roosevelt. Major General Wilton B. Persons, USA, Retired, served President Eisenhower as Chief of the White House staff. Brigadier General Andrew Goodpaster served President Eisenhower as Staff Secretary. General Maxwell Taylor served President Kennedy as Military Adviser to the President."

How enlightening to discover that Leahy's loyalty transcended the death of FDR in early 1945. Leahy was recalled in military capacity to serve as chief of staff in wartime. Persons was on the retired list, unlike Haig, who had indicated publicly his intention to remain on active duty status. Goodpaster's was a totally illegal appointment, and even so, his were strictly military duties. Taylor was on the retired list when he served as official military representative to the President. He returned to active duty only when he subsequently became chairman of the Joint Chiefs of Staff.

The Pentagon's chief legal officer's advisory to you and me obviously lacks substance and detailed precedents, making it a thoroughly unreliable document, and certainly not one on which to base any legal determination of so important a question.

The recent announcement that General Haig will retire from active duty on August first and then will be appointed as an assistant to the President only compounds the injury already done to our traditional principle of separation of the military from civilian functions.

He remains on duty at the White House while serving as an active duty four-star general for another two months, apparently violating the law every moment he maintains illegal dual status. The very announcement of his anticipated new status is a public admission by the Administration of Haig's present illegal status.

Here is an arbitrary assertion of a selective right on the part of the executive to enforce what section of law is convenient and to evade what portions are inconvenient. In the process, legality and precedent are adjourned.

Here again is public evasion of statutory responsibility, compounding the already compromising situation enveloping America's professional military establishment. The Comptroller General should rule and is hereby requested to rule that this contemplated move in fact and legality cannot be carried through under existing law.

Haig's recent activities raise further questions, making it all the more imperative for you to render a swift, decisive opinion.

General Haig is allegedly fulfilling a number of political roles. A prominent political columnist, Joseph Kraft, noted on May 29, that Haig is leaking privileged information about wiretapping. *The Washington Post* noted that he has made what can only be termed a blatantly political speech on the "Nixon Doctrine" at the Fordham Club recently, dressed in civilian clothes and in his capacity as a top White House functionary. Here is the first paragraph of that story from the May 24 issue of this paper:

"General Alexander Haig, the new chief of staff at the White House, ignored the problems that Watergate has created for the President last night and instead gave a detailed account of how the Nixon Doctrine can help solve the problems of the world."

It has also become known that Haig has brought a group of professional military officers, presently on active duty status, with him to the White House, and is running Haldeman's operation with these professional military personnel. One is a lieutenant colonel, the other is a major. Plus, there may be others we have not yet had brought to public notice.

The New York Times of May 29 carried a public mention of this situation in a story by John Herbers. Here is the appropriate quote:

"General Alexander M. Haig, Jr., the new chief of staff on an interim basis, is running the staff with military assistants. . . . He is in daily contact with Mr. Nixon almost as much as was Mr. Haldeman."

Repeated queries to the White House as to the official status of General Haig met with the response that he has no title.

I am requesting specific responses from your office to the following questions, which at the very least should be answered decisively before your office advises on the true legal status of a four-star general in administrative limbo. He seems to be both military and civilian at this point in time. In any event, his position is clearly unique and must be clarified.

Your ruling is called for on the following questions:

Is he presently a civil officer of the government or is he a military officer?

In the event of misconduct, who would he be answerable to, military or civil law?

Who is now the vice chief of staff of the United States Army, or who is the acting vice chief of staff?

Is he still chargeable to the Pentagon's budget at a rate of pay for a four-star general, including the perquisites of the office of the vice chief of staff, or is he now being maintained on the White House budget?

Is he exercising the functions of a civil office or not?

In view of the increasing number of questions surrounding his status and the functions he is allegedly performing, your answers will hopefully be swift.

Sincerely,

JOHN E. MOSS,
Member of Congress.

PROTECT THE WHALE

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, in the 92d Congress I introduced House Concurrent Resolution 387, a resolution calling upon the Secretary of State to negotiate a 10-year international moratorium on the commercial killing of all whales and porpoises. That measure passed the House on November 2, 1971, and a similar bill passed in the Senate. This action reflected the increased American consciousness and awareness of the need to protect our world environment.

Subsequent international protest activity focussed attention upon the plight of the whale, which has been badly overhunted by nations who refuse to heed their responsibilities and obligations to preserve the resources of the seas for all mankind. Gradually, increasing pressures were exerted upon the often ineffective International Whaling Commission to reduce the quotas of permitted catches and the number of huntable species.

This month, the International Whaling Commission will hold its annual meeting in London, and I trust that the U.S. delegates to that conference will bear in mind the position which both Houses of Congress have taken on the need for a flat 10-year moratorium on whaling. Unless a decisive step of this nature is taken now, there soon may be no whales left for us to worry about.

The Washington Post recently published a fine editorial on the topic of the annual meeting of the International Whaling Commission and I include it to be reprinted in the Record at this point:

> An Opportunity To Protect Whales
>
> It is a known fact that the many and persistent pressures brought by the American wildlife and conservation movement are beginning to have an effect. This is not only true in the United States but worldwide. On few issues is this more evident than on the matter of protecting whales. One of the largest animals that has ever lived (the blue whale is at least 25 times the size of an elephant), whales are majestic and intelligent creatures. Yet, perversely, man has hunted and slaughtered them, many species to the point of near extinction. It is to the credit of the government—including the Departments of State, Interior and Commerce, plus the Council on Environmental Quality—that determined efforts are now being made to protect the remaining whales of the sea.
>
> A current goal of the United States is to obtain a 10-year moratorium on commercial whaling, except for hunting by aboriginal peoples. The United States has closed all its whaling stations and has banned the importation of whale products, with no adverse consequences. But other nations, mainly Japan and Russia, are still killing whales on the high seas. These species include the fin, sperm and sei. The whales are used for such frivolous purposes as dog, cat and mink food, automobile lubricants and cosmetic and food additives; all these uses have readily available substitutes, as the United States has proven.
>
> This month in London, 14 nations will gather for the annual meeting of the International Whaling Commission. Aside from the United States, Japan and Russia, these include Argentina, Australia, Canada, Denmark, France, Iceland, Mexico, Norway, Panama, South Africa and Britain. What is needed goes beyond a mere declaration of "concern." Instead as the United States will urge, we need firm and specific measures that will lead to a 10-year moratorium. This is hardly a bold position; last year, at the Stockholm conference on the environment, the moratorium idea was approved by the attending nations by a 53-to-0 vote.
>
> This month's meeting may offer one of the last opportunities for effective action. Only so many whales are left. Enough destruction has been done already—not only to the whales but also to the delicate balance of nature, of which, lest it be forgotten, man is also a part.

LIBERALIZE SOCIAL SECURITY BENEFITS FOR DEPENDENT PARENTS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation aimed at improviding the status of surviving dependent parents who receive social security benefit payments on the basis of the earnings records of their deceased children.

The Social Security Administration estimates that a total of 26,000 parents of deceased workers are receiving benefits on this basis. New York City, approximately 1,200 parents are in this benefit category.

Existing social security law provides that benefits to surviving dependent parents will be paid at the rate of 82½ percent of the deceased worker's primary insurance amount. If two parents draw benefit payments on the basis of their deceased child's earnings record, each parent receives 75 percent of the worker's primary insurance amount. Last year's H.R. 1 raised widow's benefits to the full 100 percent of a deceased worker-spouse's primary insurance amount, but dependent parents' benefits were not similarly raised. For many elderly dependent parents, social security benefits constitute the sole source of income, and the oversight of the Congress in not raising the benefits of a single surviving dependent parent to the same 100 percent status which widows enjoy causes them considerable financial disadvantage.

The legislation which I am introducing provides that when a social security-insured worker dies, leaving a sole surviving dependent parent, if no other surviving dependents are actually or potentially entitled to benefits on the worker's wage record, then, beginning at age 65, social security benefits will be paid to the surviving parent at the rate of 100 percent of the worker's primary insurance amount. If the worker dies, leaving other dependents in addition to the dependent parent, the parent's benefits will continue as provided under present law, in order to avoid reductions in benefits paid to dependent widows and children under the family maximum provisions. As at present, dependent surviving parents would still be eligible to begin receiving benefits at age 62 at the rate of 82½ percent of the deceased worker's primary insurance amount.

Mr. Speaker, the dent which this proposed provision would make in the massive social security trust fund is insignificant in comparison to the improved conditions which it would provide for elderly dependent parents who outlive their children. I urge the Congress to give it serious consideration.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Cohen (at the request of Mr. Gerald R. Ford), on account of official business.

Mr. Dominick V. Daniels (at the request of Mr. McFall), for today through June 20, on account of official business.

Mr. Erlenborn (at the request of Mr. Gerald R. Ford), for June 12 through June 18, on account of official business.

Mr. Gaydos (at the request of Mr. McFall), for today through June 12, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Dent, for 30 minutes, June 13, 1973.

Mr. Gaydos, for 30 minutes, June 13, 1973.

Mr. Randall, for 15 minutes, today.

(The following Members (at the request of Mr. Johnson of Colorado) to revise and extend their remarks and include extraneous matter:)

Mr. Treen, for 10 minutes, today.

Mr. Hogan, for 10 minutes, today.

Mr. Kemp, for 10 minutes, today.

(The following Members (at the request of Mr. Moakley) to revise and extend their remarks and include extraneous matter:)

Mr. Vanik, for 10 minutes, today.

Mr. Hamilton, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Flood, for 10 minutes, today.

Mr. O'Hara, for 15 minutes, today.

Mr. Rangel, for 20 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Danielson, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Shuster.

Mr. Randall in three instances and to include extraneous matter.

(The following Members (at the request of Mr. Johnson of Colorado) and to include extraneous matter:)

Mr. Derwinski in two instances.

Mr. Rinaldo in two instances.

Mr. Conte.

Mr. Wyman in two instances.

Mr. Lujan.

Mr. Keating.

Mr. Roncallo of New York.

Mr. Quie.

Mr. Hammerschmidt.

Mr. Baker.

Mr. Hogan in two instances.

Mr. Steiger of Wisconsin.

Mr. Ashbrook in three instances.

Mr. Kemp in three instances.

(The following Members (at the request of Mr. Mcakley) and to include extraneous matter:)

Mr. Conyers in 10 instances.

Mrs. Hansen of Washington in 10 instances.

Mr. Alexander in five instances.

Mr. Fisher in four instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Long of Maryland.

Mr. Moorhead of Pennsylvania in 10 instances.

Mr. Sisk.
Mr. William D. Ford.
Mr. Thompson of New Jersey.
Mrs. Sullivan.
Mr. O'Hara in two instances.
Mr. Burke of Massachusetts.
Mr. Taylor of North Carolina.
Mrs. Mink.
Mr. Brinkley.
Mr. Seiberling in 10 instances.
Mr. Bingham in three instances.
Mr. Dulski in six instances.
Mr. Van Deerlin.
Mr. Litton.
Mr. Thornton.
Mr. Harrington.
Mr. Andrews of North Carolina
Mr. Dan Daniel.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 645. An act to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling services for transient youth, and for other purposes; to the Committee on the Judiciary.

S. 1115. An act to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4443. An act for the relief of Ronald K. Downie.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on June 8th, 1973 present to the President, for his approval, bills of the House of the following titles:

H.R. 2246. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a one-year period; and

H.R. 4704. An act for the relief of certain former employees of the Securities and Exchange Commission.

ADJOURNMENT

Mr. MOAKLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 26 minutes p.m.), the House adjourned until Tuesday, June 12, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1018. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken for the Naval Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

1019. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to Public Law 92–403; to the Committee on Foreign Affairs.

Received From the Comptroller General.

1020. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Student Loan Insurance Fund for fiscal years 1971 and 1972, pursuant to section 105 of the Government Corporation Control Act and the Higher Education Act of 1965 (H. Doc. No. 93–113); to the Committee on Government Operations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EDWARDS of California: Committee on the Judiciary. H.R. 689. A bill to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection; with amendment (Rept. No. 93–268). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BINGHAM:

H.R. 8563. A bill to amend title II of the Social Security Act to increase the amount of a parent's insurance benefit from 82½ to 100 percent of the primary insurance amount of the individual on whose wage record such benefit is payable in any case where the parent has attained age 65 at the time he or she files application for such benefit and there are no other persons actually or potentially entitled to benefits on the same wage record; to the Committee on Ways and Means.

By Mr. CONABLE (for himself and Mr. Frelinghuysen):

H.R. 8564. A bill to amend section 4941(d)(2)(G) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. CRONIN (for himself and Mr. Gilman):

H.R. 8565. A bill to amend the National Emission Standards Act to provide for the establishment of standards with respect to fuel consumption; to the Committee on Interstate and Foreign Commerce.

By Mr. EVINS of Tennessee:

H.R. 8566. A bill to provide for the continued supply of petroleum products to independent oil marketers; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOOD:

H.R. 8567. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. Diggs, Mr. Howard, and Mr. Anderson of Illinois):

H.R. 8568. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. KEATING:

H.R. 8569. A bill to provide for compliance with improved fire safety conditions in multifamily housing facilities designed for occupancy in whole or substantial part by senior citizens, and to authorize Federal assistance in financing the provision of more adequate fire safety equipment for such facilities; to the Committee on Banking and Currency.

By Mr. MOSS (for himself, Mr. Dellums, Mr. Eckhardt, Mr. Leggett, Mr. Long of Louisiana, Mr. Nedzi, Mr. Pepper, Mr. Rosenthal, Mr. Stark, Mr. Charles H. Wilson of California, Mr. Wright, and Mr. Van Deerlin):

H.R. 8570. A bill to amend the Federal Aviation Act of 1958 to provide a definition for inclusive tour charters, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.R. 8571. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Michigan for potential additions to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. RANGEL:

H.R. 8572. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Ms. Abzug, Mr. Bingham, Mrs. Chisholm, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Harrington, Mr. Lehman, Mr. Moakley, Mr. Obey, Mr. Podell, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, and Mr. Tiernan):

H.R. 8573. A bill to prevent the exportation of certain substances and herbicides from the United States; to the Committee on Banking and Currency.

By Mr. RANGEL (for himself, Ms. Abzug, Mr. Bingham, Mrs. Chisholm, Mr. Conyers, Mr. Dellums, Mr. Diggs, Mr. Drinan, Mr. Edwards of California, Mr. Eilberg, Mr. Harrington, Mr. Lehman, Mr. Moakley, Mr. Podell, Mr. Roybal, Mrs. Schroeder, Mr. Seiberling, Mr. Stark, and Mr. Tiernan):

H.R. 8574. A bill to prohibit the exportation of herbicides from the United States to Portugal and South Africa; to the Committee on Banking and Currency.

By Mr. RARICK:

H.R. 8575. A bill to designate the Joseph H. Hirshhorn Museum and Sculpture Garden as the "Andrew Jackson Center"; to the Committee on Public Works.

By Mr. RHODES:

H.R. 8576. A bill to allow a credit against Federal income taxes or a payment from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. RONCALIO of Wyoming:

H.R. 8577. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Sweetwater River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

H.R. 8578. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a section of the Snake River in the State of Wyoming for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHUSTER:

H.R. 8579. A bill to establish a temporary embargo on the exportation of certain livestock feed grains; to the Committee on Banking and Currency.

By Mr. RHODES (for himself, Mr. UDALL, and Mr. CONLAN):

H.J. Res. 607. Joint Resolution authorizing the President to proclaim September 28, 1973, as "National Indian Day"; to the Committee on the Judiciary.

By Mr. GRAY:

H. Con. Res. 246. Concurrent resolution to commend the U.S. Capitol Police force and the Capitol Police Board on the occasion of the 100th anniversary of the designation of the Sergeant at Arms of the Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol as the governing body of the Capitol Police force; to the Committee on Public Works.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

245. By the SPEAKER: A memorial of the Legislature of the State of Louisiana, requesting Congress to propose an amendment to the Constitution of the United States guaranteeing the right of the unborn human to life throughout its development; to the Committee on the Judiciary.

246. Also, memorial of the Legislature of the State of Nebraska, requesting Congress to propose an amendment to the Constitution of the United States concerning abortion; to the Committee on the Judiciary.

247. Also, memorial of the Senate of the State of West Virginia, requesting Congress to propose an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged or the incapacitated; to the Committee on the Judiciary.

248. Also, memorial of the Legislature of the State of California, relative to the definition of tax effort under the State and Local Fiscal Assistance Act of 1972; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

236. By the SPEAKER: Petition of the council of the county of Maui, Hawaii, relative to a Federal subsidy program for diversified farming in the State of Hawaii; to the Committee on Agriculture.

237. Also, petition of the board of trustees, town of Westcliffe, Colo., relative to a fuel shortage; to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

AGRIBUSINESS GOT A FAIR SHAKE

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Monday, June 11, 1973

Mr. DOMENICI. Mr. President, last week while we were considering the Agriculture and Consumer Protection Act of 1973, I received a telegram from a constituent of mine expressing great concern. He asked me:

> Why is the American Farmer, the food and fiber producer, looked upon as a lower class citizen in the American economic structure?

I felt this a very justified concern and a very good question. When we consider the disparity between what our Nation demands from its agriculture sector and the rewards that sector receives from meeting this demand, maybe we have treated our farmers as second-class citizens.

However, I sincerely believe that the passage of the Agriculture and Consumer Protection Act of 1973 will mark a change in direction for our farming communities. I hope that the new provisions embodied in this legislation coupled with increasing demand and production give the farmer for the first time in years an equal share in the increase in our national wealth.

This is the first comprehensive farm program which is geared to expand the supply of food and fiber to meet the ever-increasing domestic and foreign demand.

The Secretary of Agriculture has already released an additional 43 million acres for production which puts a total of over 380 million acres in crop production for what he calls "the greatest production effort in the history of U.S. agriculture" to meet new areas of demand.

New markets have been opened up with new trade agreements with foreign countries. Old markets have expanded with a worldwide elevation of the standard of living, causing a spiraling demand for higher protein food, particularly in the form of meat. In fact, meat consumption has doubled in Japan in the last decade and it is expected to double again this decade. Western Europe's market has expanded its meat consumption by 20 percent in the last few years. Most dramatic is the increase in per capita consumption of beef in the United States, an increase from 56 pounds in 1952 to approximately 116 pounds today.

The United States raises more meat animals and raises more of the feed grain to fatten these animals than any other country. Also, the highest protein supplement for meat is the soybean, of which 70 percent of the world's supply is grown in the United States. Since the rest of the world is not topographically or climatically suited to the growing of soybeans, the United States will continue to be a world supplier of this highly demanded feed supplement used to meet the continued increase in meat consumption.

What does this all mean to us? It means that the American farmer is the best producer of food in the world. One farmer produces enough to meet the needs of 51 people as compared to only 16, 25 years ago. With only 4.5 percent of our Nation's population our farm community has been able to not only produce enough to feed its fellow Americans, but it has produced enough to export sufficient food and fiber to whittle down our ever-growing balance-of-trade deficit. U.S. agriculture exports have almost doubled in the last decade and are continually contributing cash surpluses to our balance of trade. It is estimated that 1973 exports will be at $11.1 billion and will contribute a $3.3 billion cash surplus and that by 1980 our exports will be up to $18 billion. This ability of our agriculture sector to be a continuing strong net exporter is an invaluable asset to our international trading posture. In fact it may be the only real reliable remaining economic leverage the United States has in terms of international trade.

The new farm program gives the farm community the financial incentive and protection to continue to be the largest producer of food and fiber in the world. We have asked America's farmers to plant more acreage in the crop of their choice than ever before in history. We have further asked them to place their crop on the open market to receive their fair share of the market's wealth. We have asked the farmer, "With your great producing capacity, produce more than you ever have in history so that your Nation can take advantage of worldwide demands and help diminish our balance-in-trade deficit."

Mr. President, I submit that in view of all we have asked our farmers, we must accept our responsibility to provide them a means of protection in times of crises situations such as overproduction. By means of this legislation, we will provide this protection through the "target price" concept. By our action on S. 1888, we have told the farmer that if market prices rise above the target prices, they will receive a just reward for their productive capacity to the benefit of the entire world since there will be enough food and fiber to meet world needs at no cost to the taxpayer. If market prices fall below the target price, we, the taxpayers of America, will share in the risk we asked farmers to take in paying only the difference between market price and the target price.

Since this bill is designed to promote production and economic parity in the agriculture sector, an obvious additional benefit will be a greater share of the Nation's wealth going to our farm communities . This additional wealth will have a strengthening effect on our rural communities by *eliminating* various problems. It is my hope that the increase of money inflow to these communities will help stop the continued migration of people from our farm communities to the urban areas by enabling farmers to share their increased income with farmworkers and others who depend upon them. In short, there should be an increase in the quantity and quality of agriculture and agriculture-related employment opportunities.

Mr. President, it is my basic belief that it is the right of every American to decide where he or she wants to live. Some may prefer cities, but if they prefer rural areas, they should be able to live there, with enough income to support a family and live a life of human dignity. In many parts of rural America, some in my own State, you can not do that, principally because there are no jobs. I know of areas in New Mexico where 38 of 40 high school graduates from a single year have moved away because—no matter how much they may want to stay—there is no way for them to support themselves decently.

These are times when farms and ranches find themselves caught in a squeeze between the cost of raising products and a sale price which offers too little profit. When that happens those in supporting businesses—the 50 percent of our rural families who do not live on farms—also suffer. So communities decline and the young move away, often to urban areas which are already overcrowded and certainly less healthy as areas in which to make a livelihood and a life.

So, Mr. President, it is my expectation that farmers will use some of any increase they will receive to pay competitive wages they have been unable to afford previously so that we might attract good young people to remain on the farm and create more permanent employment, thereby eliminating the vast problems of seasonal employment and migrant workers. By sharing the additional benefits which this bill is intended to create for them, owners and operators of agricultural enterprises will uphold the great American tradition of sharing good fortune with those dependent on you. This is an opportunity I know farmers have long sought and will take advantage of for the benefit not only of agricultural workers, but of the entire Nation—rural and urban.

AGAINST ENIWETOK TEST

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mrs. **MINK**. Mr. Speaker, for 27 years now the people of Eniwetok in the Trust Territories of the Pacific Islands have been denied the liberty to live on their native soil. They were moved to Ujelang, a smaller atoll because the U.S. Government had taken their island to detonate an atomic bomb in 1948. Still now we are planning more tests known as the Pacific cratering experiments—PACE—which would see the detonation of 26 surface explosions, using from 5 to 500 tons of TNT. Opposition to these tests from the Eniwetokese have been nearly unanimous. In view of this, proceeding with these tests could have a very serious effect on relations between the U.S. Government and the Micronesian peoples. The pending political status negotiations could well be affected. The United States had announced some time ago that former natives of Eniwetok would be allowed back onto their atoll by the end of 1973. If this ill-considered experiment is carried out, the Eniwetokese will be frustrated in their longstanding desire to resettle on their atoll.

I submit the following statement of Dr. Leonard Mason, professor emeritus of anthropology of the University of Hawaii, who is well-acquainted with the plight of these people:

LEONARD MASON,
Honolulu, Hawaii, April 25, 1973.

To whom it may concern:

The following statement is supplementary to verbal remarks I made the evening of April 4, 1973, at the Maluhia Service Center, Ft. DeRussy, in Honolulu, Hawaii, during a public hearing on the draft Environmental Impact Statement (EIS) for the Air Force's Pacific Cratering Experiments (PACE) on Eniwetok Atoll, Marshall Islands.

A. ANTHROPOLOGICAL PARTICIPATION IN PACE PLANNING

1. Three anthropologists are listed on pages 2–10 and 2–11 of the draft EIS (February, 1973) as "Specialists Consulted in Planning PACE." They are Dr. Saul Riesenberg (Smithsonian Institution), Dr. Alexander Spoehr (University of Pittsburgh), and Dr. Leonard Mason (University of Hawaii). While the "contacts" with these specialists are reported as primarily a single telephone conversation with each, the implication of their being listed is that these anthropologists assisted in planning the PACE program. This was not the case.

2. I can speak only for myself, but I am reasonably certain that both Dr. Riesenberg and Dr. Spoehr are in agreement with my own position. In my opinion PACE 1 and PACE 2 both go contrary to the best interests of the Eniwetok Marshallese who were removed from their home atoll by the United States Government in 1947 and have lived since then on Ujelang Atoll. They are now in the process of planning their return to Eniwetok Atoll which will be available for their resettlement by the end of 1973. For myself, I am unalterably opposed to the PACE project for reasons stated below. I do not want my name associated with PACE planning in any way.

3. There are only three anthropologists who are sufficiently acquainted with the Eniwetok situation to make judgments about the impact of PACE upon the Eniwetok people. This knowledge in each case is based on extended field research during the Marshallese community's displacement on Ujelong Atoll. These anthropologists are Dr. Jack A. Tobin, Community Development Adviser, Marshall Islands District, Trust Territory of the Pacific Islands; Dr. Robert C. Kiste, Associate Professor of Anthropology, University of Minnesota; and Dr. Leonard Mason, Emeritus Professor of Anthropology, University of Hawaii.

4. Dr. Tobin's doctoral dissertation on "The Resettlement of the Eniwetok People" (unpublished, University of California, Berkeley, 1967) is included among the references listed on page R–10 of the draft EIS. It is cited only once in the text (page 3–11). Dr. Tobin has said that he is "biased against the PACE program" (see his letter to Mr. Harvey Segal, April 2, 1973, which I read into the record of the PACE public hearing on April 4). Tobin has charged PACE planners with ignoring portions of his dissertation that would have weakened PACE estimates of the environmental impact on the Eniwetok community.

5. Of the three anthropologists named in (3) above, Dr. Kiste is without doubt the best informed owing to his own intensive field research on Ujelang Atoll in 1964 and his subsequent analysis of the field data. This work is nearing completion in the form of a comprehensive monograph on the effects of displacement of the Eniwetok people from 1947 to the present. He is opposed to further implementation of the PACE program as evidenced in his own remarks during the PACE public hearing in Honolulu on April 4, 1973.

6. In the Anthropology section (pages 3–12 to 3–14) of the Test Site Description, the only citations to anthropological research other than Tobin's are to an article by Dr. Alexander Spoehr on kinship systems in the Marshall and Gilbert Islands (1949) and to a report by Miss Margaret Chave on mixed-blood Marshallese (1947). Fieldwork by Dr. Spoehr (then with the Chicago Natural History Museum) and Miss Chave (a graduate student in anthropology at the University of Hawaii) was limited to about three months each in 1947 on Majuro Atoll in the southern Marshalls. Neither investigator had acquaintance with the Eniwetok Marshallese, who at that time had not yet been informed by the U.S. Government of the plan to move them from their home atoll to Ujelang Atoll. Text references in the draft EIS to the work of Spoehr and Chave are only generalized statements about Marshallese culture, and have no specific application to the Eniwetok situation.

7. The draft EIS in defining the cultural and environmental requirements of the Eniwetok people is superficial and completely inadequate, both as to their present situation on Ujelang Atoll and to their projected re-occupation of Eniwetok Atoll in the near future.

8. PACE planners can expect no assistance from anthropologists who are now knowledgeable about the Eniwetok situation, for the simple reason that PACE can in no way serve the interests of the Eniwetok people. In point of fact, the Eniwetok community does not require that anthropologists even speak on its behalf. The community's pointedly negative response to the PACE presentation at the public hearing on Ujelang Atoll, March 26–28, 1973, provides eloquent testimony to that group's own estimate of the impact of PACE should the project be allowed to continue.

B. POLITICAL CONSIDERATIONS DEMAND NEW PRIORITIES

1. A year or two ago, when PACE planning was already underway, the project might still have been judged on purely scientific grounds without regard for human occupancy of the atoll. That situation changed overnight when Ambassador Franklin Haydn Williams, the President's personal representative for the Micronesian Status Negotiations, and Edward E. Johnston, High Commissioner of the Trust Territory, jointly announced that the U.S. Government was prepared to return Eniwetok Atoll to the Trust Territory by the end of 1973 for the early return of the Eniwetok people to their home atoll. Political considerations now demand a completely new look at the PACE project.

2. Dr. Ernst S. Reese, Professor of Zoology, University of Hawaii, summed up the changed situation very well in his letter of July 13, 1972, appended to the draft EIS:

"The crux of the matter is simply that the question is no longer a scientific one. The matter is now both political and moral. The question has become: do the objectives of the PACE program and geological data which will be gathered in the process outweigh the objections of the Eniwetok people? The answer to this question must be a political and moral one. It cannot be answered scientifically" (page H–2).

3. Dr. George S. Losey, Jr., Assistant Professor of Zoology, University of Hawaii, came to a similar conclusion in his letter of July 18, 1972, appended to the draft EIS:

". . . the problem has now acquired sociopolitical importance which renders it difficult to decide on a scientific basis whether the PACE project should proceed" (page H–11).

4. Dr. Philip Helfrich, Associate Director,

Hawaii Institute of Marine Biology, University of Hawaii, wrote in the same questioning manner in his letter of July 20, 1972, appended to the draft EIS:

"I cannot make a judgment on the necessity of the PACE project because the total relationship of it to our national security is a complex one with all of the facts to be weighed known only to a few persons in our government" (page H–16).

5. To continue scientific debate on the possible effects of proposed PACE 1 and PACE 2 detonations upon the physical environment of Eniwetok Atoll is now but an exercise in futility in view of the new political and moral considerations. Indeed, PACE planners appear to have anticipated the new question and provided partial answer in a statement in the draft EIS:

"The information obtained during PACE 1 would be useful to scientists studying atoll geology but probably would have no direct use to the Eniwetok people" (page 7–1).

6. In another place in the draft EIS, the relationship and relative priorities of PACE 1 and PACE 2 are defined in such a way that the need to conduct PACE 2 is represented as less urgent:

"The PACE 1 program is in no way dependent upon PACE 2 high-explosive testing program. PACE 1 . . . is needed regardless of whether the PACE 2 program is carried out to completion. Results obtained from the PACE 1 program will, however, be useful in designing the high-yield explosive events of PACE 2" (page 2–4).

7. That the PACE 2 program is conceived as more directly supportive of U.S. national defense interests is confirmed by a statement in the simplified English equivalent of the Marshallese summary of the draft EIS:

"Very important to the PACE 2 program is the plan to use explosive shots to see how they are like the big atomic bombs. Since the United States has set off atomic bombs only in coral atolls, the PACE 2 explosives must be set off there also. The ground around these explosions must be studied very carefully. Also, the PACE explosions must be the same size as explosions being set off in the United States and Canada. Only then can we compare these shots to large atomic bombs. Thus, we can find out how atomic bombs will damage us in the different kind of ground we have. Hence, the doubts about U.S. defense will be less" (page 1–52).

8. There can be little doubt from the quotations in (5), (6), and (7) above that PACE has been planned for the sole purpose of answering certain United States security needs. The Eniwetok people can expect no benefits from a continuation of the PACE program. On the contrary, they will have to stand by and watch another major alteration of their home atoll at the very moment when they have been promised by the U.S. Government an early return to the atoll from which they were forcibly removed 26 years ago.

C. A HISTORY OF FORCED MIGRATION AND CULTURAL DISRUPTION

1. Eniwetok Atoll, like other island ecological systems in the Pacific, is a unique complex of living organisms and the nonliving environment. Any atoll represents a functional system of interacting components that tends toward an equilibrium never quite achieved. The limited size of atolls makes almost any change, whether by the hand of man or by some natural agency, capable of extensive repercussions within the ecosystem. The land, reef, lagoon, climate, soils, vegetation, and animal life—all are elements to which the Eniwetok people have had to relate for they, like other living species on the atoll, also occupied a niche in the total ecological scheme. We have every reason to believe that with their pre-European technologies and organizational systems, the Eniwetokese had succeeded in maintaining a reasonably fine balance between their use of the atoll resources and the influence of the atoll environment upon their customary behavior.

2. The Eniwetok population, numbering probably little more than a hundred persons, remained fairly well isolated from the rest of the world, through the German protectorate established in the Marshalls in 1885 and into the early years of the Japanese occupation of Micronesia after 1914. The atoll's inhabitants learned to make copra for export and came to depend in a minor way on trade goods to supplement their traditional subsistence economy. Continuing to live much as before, the atoll population was divided into two independent but cooperative chiefdoms based on the two main islands of Engebi and Eniwetok. Until the late 1930's no foreigners lived among them with the exception of a Japanese trader and his two aides.

3. For the Eniwetok Marshallese the nightmare of foreign military intervention began in the late 1930's. Thousands of Japanese military personnel, Korean and Okinawan laborers, and conscripted Marshallese workers from other atolls invaded Eniwetok to construct fortifications and an airfield on Engebi Island. Some Eniwetokese were also pressed into service, while others fled to islets elsewhere in the atoll. The Japanese operations eventually forced the Eniwetok inhabitants who still remained on Engebi to crowd together at the southern end of the island. Later, the entire Engebi community was removed to the smaller island of Aomon, which happened to belong to the chiefdom of Eniwetok and not that of Engebi.

4. As war came to the Marshalls, the Eniwetok fortifications were heavily bombarded by the American forces. Many Eniwetokese were wounded or lost their lives during this period although they had no part in the struggle between Japan and the United States. In February, 1944, the Americans secured the atoll after several days of fierce fighting. Eniwetok Island was then transformed into a major advance base for air and sea attacks on Japanese military holdings farther west in Micronesia. The Eniwetok people were rounded up and concentrated in camp facilities on Aomon Island. One year later members of the Engebi chiefdom took up residence separately on Biijiri Island just south of Aomon in order to be on land belonging to them by island custom. Aoman and Biijiri together provided the war refugees with only 90 acres of living space as compared with 487 acres on the two large islands of Engebi and Eniwetok which had traditionally supported the atoll's inhabitants and which had now been denied them by the events of World War II.

5. The entire Eniwetok population was moved to Meik Island, Kwajalein Atoll, for one month in 1946 in the interest of their security while the United States tested an atomic bomb on nearby Bikini Atoll. A year or so thereafter, the U.S. Navy administration informed the Eniwetok people that their home atoll was required for an extension of the nuclear weapons testing on nearby Bikini Atoll. They were summarily resettled on Ujelang Atoll. There they have lived ever since in the never failing hope that one day the U.S. Government would end its weapons testing at Eniwetok and they could finally return to their native homeland. Their petitions toward that end have been increasingly aggressive in recent years. Ujelang has not been a happy home for them. A simple comparison of areas tells the story graphically. Total land area on Eniwetok Atoll is 2.26 square miles, but on Ujelang it is only 0.67 square miles. Total lagoon area at Eniwetok measures 387.99 square miles, while at Ujelan it only comes to 25.47 square miles. Finally, in April, 1972, the High Commissioner of the Trust Territory informed them that the time had arrived, and they could look forward to resettlement on Eniwetok in the very near future.

6. What can the Eniwetok people expect in available living space as they plan to return to the ancestral atoll? The April, 1972, announcement on behalf of the U.S. Government indicated that first priority will be given to the cleanup and rehabilitation of three islands—Parry, Japtan, and Aniyaanii—in the southeastern part of the atoll. These three islands are almost the only ones out of some 32 in the entire atoll which have an appreciable portion of the original vegetation remaining after 26 years of U.S. military weapons testing. They are, respectively, the 3rd, 5th, and 21st largest islets in the atoll. Together they total 0.47 square miles, about 300 acres, and only 20 percent of the atoll total of 2.26 square miles of land area.

7. The community numbered 142 men, women, and children when it was relocated to Ujelang Atoll in 1947. Since then, it has at least doubled and possibly tripled in size depending on how membership in the community is defined. Obviously, living space for all will be the most critical problem facing the returnees, apart from the equally critical question of how much land may or may not be immediately available elsewhere in the atoll for the restoration of the mixed trade-subsistence economy which supported the human population prior to its displacement in 1947.

8. What is the condition of other islands in the atoll which at various times have served the Eniwetok people as residential sites? Eniwetok and Engebi Islands have already been identified as the two traditional settlements in pre-European times. Eniwetok is the larger. The land area is now almost completely paved over for the U.S. military airstrip and support facilities. Engebi's transformation into a Japanese wartime base and its subsequent bombardment by the Americans left the island virtually useless for Marshallese re-occupation until cleared of all military debris. Aomon and Biijiri Islands, never used for permanent residence in earlier years, did serve temporarily during and just after World War II for concentration of the displaced islanders. Islands smaller than the Eniwetokese do not consider suitable for more than casual habitation, as indicated by the names assigned to many of them which imply simply a "sand island" or a "sand spit."

9. The PACE selection of Runit, Aomon, and Eberiru Islands for investigation and high-explosive testing does not in fact critically restrict the possibilities for re-establishing permanent residential sites by Eniwetokese. Although Runit Island is the fourth largest in the atoll, nuclear tests in the 1950's scarred it badly and left a heritage of radioactivity that may make the land uninhabitable by Marshallese for years to come. Aomon's condition has already been discussed, and Eberiru Island is really quite small, only 26 acres. Proposals by PACE planners to restore the three islands at least to their condition prior to PACE testing are not particularl relevant to the primary need felt by the Eniwetokese as they look forward to their return. The critical question from their point of view lies elsewhere, as I will try to point out in the following analogy.

10. Compare the Eniwetok community as it waits on Ujelang today with a hypothetical American family in New England. This family has just received word from the Government that it may re-occupy its many-roomed ancestral home after an enforced absence of a quarter century caused by Government requisitioning of the building for official use. What reaction might you expect when the American family is confronted with the conditions detailed below?

11. The family's favorite living rooms in the large old house have been badly damaged or completely done over in a style the family finds distasteful. Many of the smaller rooms once used for special purposes have also

been severely abused and some, in fact, completely destroyed. However, the family expects to salvage some living space in other small rooms less altered. But as they prepare to move into the house and make a start toward something more suitable in the future, they find that the Government intends to reserve three of the rooms in the house for yet another year of newly programmed activity. It is true that the Government guarantees that its people will not be noisy nor intrude unduly on the family's activities. Some damage to the building is expected to result from continued use of the rooms, but the Government says they will be restored at least to the condition they were in before the new program got underway. Despite such assurances, members of the American family are crushed (like the Eniwetok Marshallese reaction?). Sad disappointment follows their heightened expectation that finally they would be moving back into the old house to begin to revive the old family living tradition. Blocked in this desire, their sorrow turns into frustration and then into anger. They seek legal assistance to oppose this continued Governmental intrusion into their anticipated privacy and seclusion to become master of their own affairs at long last. Can you blame them?

D. THE REAL ISSUE NOW IS LARGER THAN EITHER PACE OR ENIWETOK

1. A final decision about the PACE program can no longer be made solely on the merits of the experimental project or the arguments of the Eniwetok plaintiffs. Continued military activity at Eniwetok in the face of opposition by the Eniwetak people is now but one of a number of related issues undergoing review in negotiations between the United States Government and the people of Micronesia concerning the political future of the islands.

2. The fact that Ambassador Franklin Hadyn Williams, personal representative of President Nixon for the Micronesian Status Negotiations, was party to the joint announcement about the return of Eniwetok Atoll to its former inhabitants is indicative of this greater significance of the Eniwetok issue. The announcement was made in the Trust Territory immediately following the Fourth Round of Talks in Koror, Palau. Tentative agreement had just been reached between the two negotiating teams to develop a Compact of Free Association with the United States. The sensitive topic of military leases and options had been examined carefully on both sides. In the discussions, the United States representative had attempted to alleviate the very considerable concern by Micronesians about future military intervention in Micronesian affairs.

3. While progress in the negotiations continued during the Fifth Round of Talks in Washington in July, 1972, an impasse later developed which caused negotiations to be broken off in the Sixth Round at Barbers Point in Hawaii in October. No firm announcement has been made at the present time for resumption of the negotiations. Micronesian independence is now in strong competition with free association with the United States. The U.S. military role is a principal issue in the present postponement of negotiations. On both sides, suspicion of the other's motives is great.

4. The PACE program has assumed a symbolic significance in which good faith on the part of the U.S. Government stands on trial. Micronesians expect that in any future association that may be formed between Micronesia and the United States the two parties will work together as equals. Such a partnership demands constant evidence of good faith on both sides if it is to remain viable.

5. At the PACE public hearing on Ujelang Atoll in March, 1973, the Eniwetok people expressed without reservation their negative response to the continuation of PACE. In the face of the opposition, the United States must now declare its good faith in dealing with a Micronesian people. Not only the Eniwetok Marshallese are watching to see what decision the U.S. Air Force Command will make in regard to PACE. Micronesians in all six districts of the Trust Territory are watching. Whatever decision is made to continue PACE or not to continue it, Micronesians everywhere will view it as a straw in the wind indicating the mood of the U.S. Government in future decisions about U.S. military activities which are opposed by the island peoples.

6. In the present case, the U.S. Government dare not "shake a big stick" in the face of Micronesian opinion if it expects to win Micronesian cooperation for a Compact of Free Association. To make such a unilateral decision about the PACE program will very likely provide exactly the support desired by Micronesians who are advocating independence, both complete and immediate.

7. Regardless of the merits of Micronesian independence, now or at some future time, the United States cannot afford to take a hard line on the PACE program unless the latter is considered by top-level military chiefs to be absolutely essential to the maintenance of U.S. national security. And if this be the case, the U.S. Government must be prepared to take the consequences in the loss of respect and good faith on the part of the Micronesian people.

The PACE program, cast in the light of much larger issues, appears to me to be of no significance. To continue the PACE program would, in my opinion, be a "bad show." Let's consider the larger issues which are of real significance in Micronesia.

As an anthropologist I would be shocked and as an American citizen I would be shamed if the U.S. Air Force decides to go ahead with PACE.

Sincerely,

Leonard Mason,
Professor Emeritus of Anthropology, University of Hawaii.

CONTROL OF THE PURSE STRINGS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Mr. SCOTT of Virginia. Mr. President, since coming to the Congress, I have sent a regular newsletter to citizens of Virginia and I ask unanimous consent to print in the Record a copy of the June 1973 newsletter.

There being no objection, the newsletter was ordered to be printed in the Record, as follows:

Control of the Purse Strings

Activities on the Senate floor predominate in this month's newsletter. Of course, I would welcome your views on these or other matters.

OFFICE OF MANAGEMENT AND BUDGET ACT OF 1973

Congress has a Constitutional responsibility to impose taxes and to control spending of government funds although in present practice it seems to merely refine the recommendations of the President. Much of the eroding power of Congress over government finances can be traced to the Budget and Accounting Act of 1921 which increased the role of the President in pulling together a federal budget and weakened the power of Congress in this area of fiscal management. The Executive Branch, through the Office of Management and Budget, sets priorities, includes items it chooses in the budget and excludes items it does not favor.

A few days ago, however, I introduced a measure to transfer the Office of Management and Budget from the Executive Branch of government to the Legislative Branch and to establish a permanent joint committee of the Congress on the budget. The Senate Republican Leader. Hugh Scott, was kind enough to co-sponsor the measure. This proposal would not only tighten Congressional control of fiscal matters but would give Congress a positive role in supervising the preparation of a federal budget since the Legislative OMB would be under the direct control of Congress through the Joint Committee on the Budget.

Under this proposal, each department and independent agency of the government would submit its needs directly to the Legislative Office of Management and Budget which would make decisions as to priorities and prepare the federal budget under the supervision of the Joint Congressional Committee. It is proposed that the Joint Committee would consist of members of the Congress serving on the Ways and Means Committee of the House, the Finance Committee of the Senate, and the Appropriations Commitee of each body. The Committee would consist of twelve members divided equally between the majority and the minority parties.

In my opinion, the only way for Congress to control the purse strings of the government is to have the machinery for establishing spending priorities as well as authorizing the funding responsibilities. This is a decided change from the present practice. The proposal was studied by our staff, the Library of Congress, and the Senate Legislative Counsel for a period of some weeks before being introduced. I hope it will receive serious consideration. Should you desire a copy of my remarks and the bill, please let me know.

VIRGINIA TOUR

As you know, I serve on the Senate Armed Services Committee and Virginia has a large number of military installations which are both important to our national security and to Virginia's economy. In order to become more familiar with these bases, I spent May 14–18 visiting a large number of them. Among the installations visited were Fort Belvoir, Quantico Marine Base, Naval installations in Norfolk and Little Creek, Fort Monroe, Norfolk Naval Air Station, Langley Air Force Base, Fort Lee, Fort Eustis, and the Richmond Defense Supply Agency. While at Langley, I also visited the NASA Research Center.

The authority of several of the military commands extend beyond Virginia and even outside of our national boundaries. The visit afforded me an opportunity to see some of our weapons, military housing, repair shops, and to generally become better acquainted with matters which will come before our committee.

NORFOLK HOSPITAL

One of the issues the Senate recently acted upon related to Public Health Service Hospitals. These hospitals primarily serve merchant seamen, Coast Guard personnel on active duty, and commissioned officers of the Public Health Service. Although there were once thirty Public Health Service hospitals in operation, most of these have been closed with only eight remaining open, including the one in Norfolk.

The Administration has proposed the closing of the hospitals for a number of reasons. They noted that the declining number of eligible persons, the costs of maintaining the hospital facilities, and the rising costs of specialized medical care make it impractical to continue operating these federal hospitals.

This is part of an overall effort of the Administration, which has my support, to reduce the cost of government and to have our economy operate on an efficient basis.

During the debate on the Emergency Medical Services Act of 1973, Senator Magnuson proposed an amendment to keep open the Public Health Service Hospitals. This amendment was passed by voice vote and was made a part of the Senate bill on final passage. The House has also acted favorably on the bill and it must go to a conference committee.

I understand the contemplated closing will not deprive the primary beneficiaries of essential medical care as in-patients. They will continue to receive care through government purchase of equivalent service in hospitals in their own community through contracts negotiated by the Department of Health, Education and Welfare.

SUPPLEMENTAL APPROPRIATIONS BILL

As you know, appropriations are made to operate the government on the basis of fiscal years commencing July 1. It is invariably necessary to make additional appropriations prior to the end of each fiscal year for matters not considered in the original Appropriations Act or for additional funding of a specified activity.

The 1973 Second Supplemental Appropriations bill was for more than $3 billion for various departments and agencies of the government. While this is a considerable amount of money, the primary debate on the measure related to a prohibition of spending "to support directly or indirectly combat activities in, over or from off the shores of Cambodia, or in or over Laos by United States forces." I have always supported the President's conduct of the war in Vietnam and feel that he deserves considerable credit in obtaining a peace agreement and the return of our prisoners of war. Nevertheless, the people of the country appear to be tired of our continued involvement and concerned with the lack of assistance from other freedom loving nations. There is also a concern that bombing is continuing without congressional authorization and the thought that it could result in more prisoners of war being taken. While I voted against limiting the authority of the President on this measure, notice was given that I would not support further bombing operations without specific authorization from Congress.

EMERGENCY PETROLEUM ALLOCATION ACT

Congress is presently considering an act authorizing and directing the President to prepare priorities, schedules, plans and regulations for the allocation and distribution of crude oil and refined petroleum products which may be in short supply nationally or in any region of the country. The bill would regulate the major producers and importers and compel them to sell at least as much of their products to independent dealers as was sold to such dealers during the period from July 1, 1971 to June 30, 1972.

No one questions our need for more petroleum or that some shortages exist. There is doubt, however, of the desirability of the government interfering further with the mechanisms of the marketplace in the allocation of scarce energy resources. It might even be argued that past government interference with the market is in large part responsible for the shortages we now experience. Perhaps we need to find ways to increase domestic production, to reexamine environmental constraints and imports from other countries. In any event, there is a sharp division as to the action which should be taken which may stay with us as long as the fear of an energy shortage continues to exist.

POSTCARD REGISTRATION

The Senate recently passed a Postcard Registration bill by a vote of 57–37. There may be major opposition to the bill in the House of Representatives but the Senate has completed its consideration. I voted against the measure and would be glad to forward a copy of my remarks during debate on request.

As you know, voter registration has generally been considered a State matter. However, this proposal would establish an office within the U.S. Census Bureau and periodically furnish postal cards to citizens throughout the country to permit them to register to vote. There would appear to be a considerable danger of fraud in permitting people to register by mail rather than register in person as required under Virginia law.

Moreover, the party in control of the Executive Branch of our government might show favoritism in the use of a national voters' list and we would be creating a new federal agency at the cost of many millions of dollars at a time when, in my opinion, we should be curbing government spending and reducing the cost of government.

Of course, I favor the widest possible participation in the election process and urge all qualified persons to register and vote in all elections. Active participation in the election process by all of our citizens results in better government. Nevertheless, Virginia does afford wide opportunity to register and vote. Each county or city has a central registrar with assistant registrars in the various neighborhoods of our more populous counties. However, we have had vote frauds in the western part of our State which have been related to voting by mail and I am concerned that a general mail registration conducted by the Bureau of the Census throughout the country would considerably increase the prospect for fraud and additional irregularities in the voting process.

The Census Bureau, the Postal Service and the Department of Justice all opposed this measure and it appears to be wrong for the federal government to invade a field previously reserved to the States. This measure even seeks to supervise the selection of delegates to party conventions and caucuses. There is strong indication that the President will veto it if passed by the Congress.

FLAG DAY

On June 14, by an appropriate display of our flag, let us all join together in remembrance of those things that have made our country great. If you would like information on the proper display of the flag, our office will be happy to send you the booklet *Our Flag*.

LES AMIS DU VIN

HON. B. F. SISK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. SISK. Mr. Speaker, recently I had the pleasure of being honored at the first national convention of the members of the Les Amis du Vin—Friends of Wine.

As chairman of the Wine Committee of the California delegation in Congress, this meeting which was held in San Francisco the week of May 21, 1973, was most interesting for these reasons: First, Les Amis du Vin is a national organization with over 15,000 members, and second, it is an organization with an educational bent in the area of understanding and helping their members become knowledgeable about the hundreds of vintages of both American and foreign wines.

The bimonthly newsletter of the society is full of news about their 164-member chapters in 34 States. It also advises their membership of the market values at retail level and warns them of any deception in label or price. Moderation and proper use of various wines is also a strong motive in the educational exposure which is reported in their news releases and newsletters.

The program of speakers, of which I was one, consisted of some of the great names in the wine industry and all topics were covered with great professional accuracy. Leading the panelists at the nine seminars was Mr. Harry Waugh, the distinguished British wine authority. His subject was "The Wines of Bordeaux." "California Wines" was the subject handled by Dr. Maynard Amerine, professor of enology at the University of California at Davis. Mr. Steven J. Schneider, economist, spoke on "The Current Market Trends in Wines." Mr. Julius Wiles' seminar subject was "From the Vineyard to the Table" and Mr. Robert Gourdin developed well, his topic of 'Champagnes and Sparkling Wines." Peter Sichel took the seminar on a tasting tour of "Wines of Germany." Mr. Alfio Moriconi, executive director and wine adviser to the Les Amis du Vin membership, addressed the seminar on the subject of "Psychology of Wine Drinking" as well as an interesting aside on the improvement of Italian Wines.

In closing, Mr. Speaker, I must give a vote of praise to the great pastry chef, Otto Eckstein, as well as Executive Chef Klaus Scheftner, of the St. Francis Hotel in San Francisco, for their artistic and delicious achievement of a cake shaped in the form of the early California wine cask and decorated to symbolize founding of the California wine community.

I thought Alfio Moriconi summarized the convention very well when he said:

> We at Les Amis du Vin voted to hold our first national convention in San Francisco because it is the gateway to the American Wine Industry.

Members of Les Amis du Vin also toured vineyards and visited Wente Brothers, Paul Masson, Mirassau, Hanns Kornell Mondavi, and the Sabastiani wineries.

ELECTION OF NEW MEXICO OPTOMETRIC ASSOCIATION PRESIDENT

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. LUJAN. Mr. Speaker, I would like to commend a constituent of mine, E. K. Hagsdale, of Raton, upon his election as president of the New Mexico Optometric Association for the 1973–74 term. This association has long devoted much effort to the improvement of vision in the State of New Mexico; members of the NMOA have worked hard to uplift the consciousness of New Mexicans on the importance, in fact, the very basic necessity of vision.

Dr. Ragsdale, a 1964 graduate of the Pacific University School of Optometry previously served in the U.S. Army from 1948 through 1953. Upon his settling in Raton, he has provided its inhabitants with quality optometric vision care and through that practice aided countless persons to pursue their life goals more effectively.

This is a tremendously important field.

As we in Congress are more and more involved in legislation dealing with the health of the Nation, we must keep in mind the relation of vision to learning, to personality development, to successful life achievement, to adjustment to ensuing old age.

My congratulations to Dr. Ragsdale and the New Mexico Optometric Association.

TAX REFORM AMENDMENTS TO DEBT CEILING BILL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. REUSS. Mr. Speaker, H.R. 8410, continuing the existing temporary increase in the public debt limit through November 30, 1973, is scheduled for floor action on Wednesday, June 13. Representatives Brock Adams, John E. Moss, Frank Thompson, Jr., and I offer two tax reform amendments to H.R. 8410. To do this, we will attempt to vote down the previous question on the rule and amend the rule to make in order the tax reform amendments.

The text of our proposed amendments to the rule and to the debt ceiling bill follow:

Amendment to H. Res. — Offered by Representatives Adams, Moss, Reuss, and Thompson

Page —, line —, after "five-minute rule." insert the following:

"It shall be in order to consider, without the intervention of any point of order, the text of the bill H.R. 8282, and the text of the bill H.R. 8283, as separate amendments to the bill H.R. 8410."

Amendment to H.R. 8410 Offered by Representatives Adams, Moss, Reuss, and Thompson

Page 3, after line 9, insert the following additional section:

AMENDMENTS TO MINIMUM TAX FOR TAX PREFERENCES

(a) Section 56(a) of the Internal Revenue Code of 1954 (relating to imposition of minimum tax for tax preferences) is amended to read as follows:

"(a) In General.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of every person, a tax equal to the applicable percent to an amount equal to the sum of the items of tax preference."

(b) Section 56(b) of such Code (relating to treatment of net operating losses) is amended by striking out "in excess of $30,000" and by striking out "10 percent" in each place it appears and inserting in lieu thereof "the applicable percent".

(c) Section 56(c) of such Code (relating to tax carryovers) is hereby repealed.

(d) Section 56 of such Code is amended by adding at the end thereof the following new subsection:

"(d) Applicable Percent.—For purposes of this section, the applicable percent shall be a percent equal to one-half of the highest for the taxable year under section 1, section 11, section 511, section 594, section 801, or section 851."

(e) Section 58 of such Code (relating to rules for application of the minimum tax) is amended by—

(1) striking out subsections (b) and (c) and redesignating subsections (d) through (g) as (b) though (e) and by amending subsection (a) to read as follows:

"(a) Estates and Trusts.—In the case of an estate or trust, the sum of the items of tax preference for any taxable year of the estate or trust shall be apportioned between the estate or trust and the beneficiaries on the basis of the income of the estate or trust allocable to each.", and

(2) adding at the end thereof the following new subsection:

"(f) Election Not To Claim Tax Preferences.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property which is neither a capital asset now nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(f) Section 443 of such Code (relating to returns for a period of less than 12 months) is amended by striking out subsection (d) thereof and redesignating subsection (e) as (d).

(g)(1) The amendments made by this section shall apply only with respect to taxable years beginning after the date of enactment of this Act.

(2) In determining the deferral of tax liability under section 56(b) of the Internal Revenue Code of 1954 for any taxable year beginning after the date of enactment of this Act, the necessary computations involving such taxable year shall be made under the law applicable to such taxable year.

(3) There shall be no tax carryover under section 56(c) or 56(a)(2)(B) of the Internal Revenue Code of 1954 to any taxable year beginning after the date of enactment of this Act.

Amendment to H.R. 8410 Offered by Representatives Adams, Moss, Reuss, and Thompson

Page 3, after line 9, and after any amendment heretofore adopted, insert the following additional section:

REASONABLE ALLOWANCE FOR DEPRECIATION

(a) Repeal of Asset Depreciation Range.—Section 167(m)(1) of the Internal Revenue Code of 1954 (relating to class lives for depreciation allowance) is amended by striking out the following: "The allowance so prescribed may (under regulations prescribed by the Secretary or his delegate) permit a variance from any class life by not more than 20 percent (rounded to the nearest half year) of such life."

(b) Effective Date.—The amendment made by subsection (a) shall apply only to property—

(1) the construction, reconstruction, or erection of which is completed by the taxpayer after the date of enactment of this Act, or

(2) acquired after the date of enactment of this Act, (if the original use of the property commences with the taxpayer and commences after such date.

In applying this section in the case of property described in paragraph (1), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after the date of enactment of this Act."

L.B.J. SCHOOL OF PUBLIC AFFAIRS GRADUATES

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. PICKLE. Mr. Speaker, I recently had the honor and pleasure of speaking to the third graduating class of the Lyndon B. Johnson School of Public Affairs of the University of Texas at Austin. This graduate school was conceived by the late President Johnson as an institution where talented and public-spirited young people could be specially trained to become leaders in our Federal, State, and local governments.

I lauded the birth of the L.B.J. School; I am sure we all share the belief of the late President in our young people and their ability to become, with proper training and encouragement, the capable leaders of our society. I have observed the growth of the L.B.J. School; and I say with pride that President Johnson's hopes are being fulfilled. The hard work and devotion of the administration, faculty, staff, and students to the late President's ideal is paying off. I have worked with L.B.J. students in the past, and have been pleased by their ability and enthusiasm. After speaking to this year's graduating class, and learning of their past accomplishments and future plans, I am even more enthusiastic and hopeful for their futures and the future of our country under their leadership.

I would now like to take this opportunity to present to my colleagues the names of these graduates with a short summary of their accomplishments so that my enthusiasm will be shared, as follows:

Mrs. Paulette Alexander from Chelsea, Ala.: BS in Math & MA in Bus. Statistics from the Univ. of Alabama. Summer Intern with the Interagency Regional Planning Committee. Presently Intern in the Texas Advisory Commission on Intergovernmental Relations. Participated in Research Seminars State Tax Policy and Programs and Texas Property Tax Administration.

Miss Sharon L. Bechtold from San Antonio, Tex.: BA in Government from The University of Texas at Austin. Member of National Political Science Honor Fraternity. Summer Intern at the State Department of Public Welfare in the Deputy Commissioner's Office. Participated in Research Seminars Policies for Child Development and Social Services Delivery Systems.

Mr. Mills B. Boon from Arlington, Tex.: BA History from University of Texas at Arlington. Served with the Peace Corps in Nepal. Community Mental Health Trainee under National Institute of Mental Health. Summer Intern at the Legislative Property Tax Commission. Presently Intern in the Office of Comprehensive Health Planning. Participated in Research Seminars State Tax Policy & Programs and Impact of Environmental Impact Statements.

Mr. Dean G. Breitinger from Hayward, California.: AB in Political Science from Duke University. Worked with New York Metropolitan Regional Commission on Council's Urban Corps Program. Summer Intern in the Dallas Office of the City Manager. Participated in Research Seminars Municipal Land Use Policies and Texas Property Tax Administration.

Mr. Jack Brock from Austin, Texas: BBA in Accounting from Texas Tech University. MBA in Management from The University of Texas at Austin. Summer Intern in the U.S. Accounting Office Comptroller General. Participated in Research Seminars Municipal Land Use Policies and Trial Court Management.

Mr. Robert N. Campbell III from San Antonio, Tex.: BA in Business and History from Austin College. President, Austin College Student Body. Summer Intern with the State Department of Public Welfare in the Office of Deputy Commissioner. Participated in Research Seminars Municipal Land Use Policies and Social Services Delivery Systems.

Mr. Harlan T. Cooper from El Paso, Texas: BA in Philosophy from the University of Texas at Austin. Worker as Copywriter, KBAR Radio. Lt. in the U.S. Army and served in Vietnam. Summer Intern at the Department of Housing and Urban Development. Participated in Research Seminars State Tax Policy and Programs and Social Services Delivery Systems.

Miss Derrell B. DePasse from Chappaqua, N.Y.: BA in Government from the University of Texas at Austin. Worked as Legislative Intern for Congressman Paul Findley. Also worked as a Junior Analyst in the Management Consulting firm C. W. Robinson, Inc. Summer Intern in the Office of the Honorable Wright Patman. Participated in Research Seminars State Tax Policy & Programs and The Impact of Environmental Impact Statements.

Miss M. Colleen Dolan from Amarillo, Texas: BA in Government from Mt. St. Scholastica College. Student Body President. Worked for the City of Amarillo Tax Office. Summer Intern at the Office of the President, Oakland University. Presently Intern in the Office of Personnel, Oakland University. Participated in Research Seminars State Tax Policy & Programs and The Impact of Environmental Impact Statements.

Mr. Michael D. Donovan from Somerville, Mass.: BA in Financial Management from Boston College. Served in the USAF. On the Board of Directors in Laredo JC's. Summer Intern in the Office of Deputy Director of Personnel, Office of the Mayor, Boston. Participated in Research Seminars Municipal Land Use Policies and State Planning for Nuclear Power.

Mrs. Alicia D. Essary from Austin, Texas: AB in History from Brown University. Participated for two years in Intercollegiate Debate. Summer Intern with the Capitol Area Planning Council. Participated in Research Seminar Municipal Land Use Policies and Social Services Delivery Systems.

Mr. Bruce H. Esterline from Claremont, Calif.: BA in History from Stanford University. Served in the U.S. Army. Active in the 1968 Presidential Campaign, worked for Senator Humphrey. Summer Intern with the Humphrey for President Committee. Presently Intern with the Department of Early Childhood Development. Participated in Research Seminars Policies for Child Development and The Impact of Environmental Impact Statements.

Mr. Kenneth F. Ferguson from Austin, Texas: BBA in Management from University of Texas in Austin. Worked for Bandlin Co. Real Estate Agency. Summer Intern in the Dallas Regional Office of GAO. Participated in Research Seminars Municipal Land Use Policies and State Planning for Nuclear Power.

Miss Sharon Gillespie from Austin, Texas: BA in Government from Rice University. Summer Intern at the Brookings Institute. Participated in Research seminars Policies for Child Development and Impact of Environmental Impact Statements.

Mr. William C. Hamilton from Houston, Texas: BA in Government & Economics from Austin College. Student Body Vice President, Austin, College. Intern with City Manager in Sherman, Texas. Summer Intern with the Southeast Texas Regional Planning Committee.

Participated in Research Seminars Municipal Land Use Policies and Texas Property Tax Administration.

Mr. J. Graham Hill, Jr. from Houston, Texas: BA in History from University of Texas at Austin. Worked in various political campaigns writing speeches as youth coordinator.

Summer Intern at the Legislative Council.

Participated in Research Seminars State Tax Policy & Programs and The Impact of Environmental Impact Statements.

Mr. David D. Jolly from Santa Clara, Calif.: BA in Economics from University of Santa Clara. Worked as Tutor for Project 50; high school minority college preparatory program. Summer Intern with the Department of Administration, Office of the Governor, Wisconsin.

Participated in Research Seminars Policies for Child Development and State Planning for Nuclear Power.

Mr. Howard R. Lemcke, Jr. from Naperville, Ill.: BS in Mechanical Engineering, Utah State University. Summer Intern in the City Manager's Office, Corpus Christi. Participated in Research Seminars Policies for Child Development and Trial Court Management.

Mr. John B. McCammon from St. Petersburg, Fla.: BA in Psychology from Davidson College. Worked as Davidson College Urban Recreation Worker in St. Petersburg and a Member of Activities Grant Foundation. Presently Intern in the Division of Planning and Coordination, Office of the Governor.

Participated in Research Seminars Municipal Land Use Policies and Texas Property Tax Administration.

Mr. Jon Michaelson from San Diego, Calif.: BA in History from Pomona College. Worked as VISTA supervisor, trainer, and volunteer. Also Researcher for Scripps Institute of Oceanography. Participated in Model UN Activities at Pomona College. Summer Intern at the National Academy of Sciences, Div. of Behavorial Sciences. Participated in Research Seminars Municipal Land Use Policies and Trial Court Management.

Mr. George Muller from Austin, Texas.: AB in Political Science from Rutgers University, LLB–JD from Columbia Law School. Worked as a Corporate Lawyer for the firm Hahn, Laeser, Freedheim, Dean & Weilman. Also worked as as Attorney-Advisory to the Review Board of the Federal Communications Commission. Mid-Career student sponsored by the Department of Commerce, Economic Development Administration. Participated in Research Seminars Municipal Land Use Policies and Research Associate with the Impact of Environmental Impact Statements.

Mr. Joseph O'Neill from Dallas, Texas.: BA in Government from Harvard University. Worked for the City of Dallas Urban Planner and was a member of Goals for Dallas Welfare Commission. Summer Intern with the CEMSA/MSC Project, Lyndon B. Johnson Space Center. Presently Intern in Senator Lloyd Bentsen's Office. Participated in Research Seminars Policies for Child Development and The Impact of Environmental Impact Statements.

Mr. Milind Patil from Bombay, India.: FY & BT in Science and Engineering from the University of Bombay and Indian Institute of Technology. Worked as Assistant Project Manager in Indian Electronics and as a Company Representative in Air Frame Products. Summer Intern with the State Department of Public Welfare, Deputy Commissioner. Participated in Research Seminars Policies for Child Development and State Planning for Nuclear Power.

Mr. Paul E. Shoemaker from Albuquerque, N.M.: BS in Physics from N.M. Institute of Mining and Technology. Worked as Administrative Assistant to the President of the College. Intern in IRS in Washington, D.C. as Systems Analyst Trainee. Also Summer Intern to IRS, Southwestern Regional Office.

Participated in Research Seminars State Tax Policy & Programs and Social Services Delivery Systems.

Mr. James H. Thurmond from Refugio, Texas: BA in Government from Texas A&M University. Worked as Intern in Bryan City Manager's Office. Summer Intern in Dennison City Manager's Office. Participated in Research Seminars Municipal Land Use Policies and Texas Property Tax Administration.

Miss Barbara J. West from Fort Worth, Texas: AB in Far Eastern Language and Civilization from the University of Chicago. Member, Committee of Concerned Asian Scholars. Presented on Japanese Nationalism, University of Chicago Symposium. Summer Intern with the Mexican American Council of Economic Progress. Participated in Research Seminars Policies for Child Development and Trial Court Management.

Mr. Gregory G. Young from Fort Worth, Texas: AB in Government from Dartmouth. Worked two summers for HUD, Director of Operations of HUD for hurricane in Corpus Christie one summer. Summer Intern with the Area Office of the Department of Housing and Urban Development. Participated in Research Seminars Policies for Child Development and State Planning for Nuclear Power.

Mr. Robert Young from Austin, Texas: BA in Government from The University of Texas at Austin. Worked on campaign staff to reelect Jeff Friedman. Summer Intern with the Honorable J. J. Pickle. Participated in Research Seminars Municipal Land Use Policies and Texas Property Tax Administration.

Mr. Thomas F. Zelenka from Portland, Oregon: BA in Government from Oberlin College. Worked as Research Assistant for North Portland Community Action Program. Summer Intern with the Legislative Property Tax Commission. Participated in Research Seminars Policies for Child Development and The Impact of Environmental Impact Statements.

EXTENDING LEGAL SERVICES

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, I have come upon an interesting and enlightened editorial from the Minneapolis Star, dated June 2, 1973. It endorses H.R. 77 and opposes any attempt to amend it. It is significant since H.R. 77 will be on the floor of the House tomorrow.

EXTENDING LEGAL SERVICES

A bill to improve legal services that passed the Senate 79 to 15 is now before the House, where it deserves similar success.

There is no disagreement that all citizens should have a chance to get competent legal services, but the cost is beyond the purse of an estimated 150 million Americans with moderate incomes. While that does not mean to suggest people at the lower income levels are fully served by federally-funded and other "poverty laws" plans, the stress of the bill is to fill a gap that isn't understood or as dramatically portrayed.

As the House Education and Labor Committee's report noted, moderate-income Americans have the same need for adequate legal help as the poor in such areas as landlord-tenant, credit-squeeze, consumer, property and family law situations.

The bill amends the Labor Management Relations Act to permit employer contributions to jointly administered trust funds set up by unions to defray the costs of legal services for workers, their families and dependents. Except in workmen's compensation cases, the bill bans use of such funds against employers.

An effort to weaken the legislation by giving the employer a free hand to refuse to bargain at all about such plans lost 26 to 66 in the Senate. The same kind of amendment is expected to come up again in the House, where it should again be defeated.

HIGH-RISE FIRE SAFETY

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. KEATING. Mr. Speaker, today I am introducing legislation to require compliance with the National Fire Protection Association's Life Safety Code for all multifamily housing facilities for the elderly. This legislation also provides adequate and reasonable financial assistance to the owners or sponsors of these facilities for the purchase of the necessary fire safety equipment.

This bill represents the culmination of more than 6 months of study into the fire safety problems associated with senior citizen housing. After the tragic fires in New Orleans and Atlanta during the last week of November 1972, intensive inquiries were made with a view toward strengthening those fire safety standards currently applicable to housing for senior citizens.

As a consequence of the New Orleans fire and the Atlanta fire, 16 persons were killed and 33 persons were seriously injured, while the total property damage exceeded $1 million.

Unfortunately, this kind of senseless fire loss is not uncommon in the United States. The National Commission on Fire Prevention and Control estimates that more than 12,000 lives are lost each year in this country as a result of fire, while property losses from fires exceed $3 billion annually.

There can be no question of the Federal responsibilities in this area. The Baptist Towers in Atlanta is reserved exclusively for tenants over the age of 62, and the facility was financed through the Federal Government's section 236 interest-subsidy program.

When fire broke out in the Baptist Towers, the building had only been occupied for 8 months, and it was in full compliance with State and local building codes. Yet 10 persons died in that building on November 30, and 31 more persons were seriously injured. Clearly, something is wrong.

Moreover, the fire in the Baptist Towers broke out on the seventh story—within reach of the firefighters who were able to rescue some individuals from their windows.

What if this fire had broken out on the 10th floor, or the 11th floor—beyond the reach of conventional firefighting equipment?

Clearly, something needs to be done to prevent future tragedies of this kind. While single-fire deaths are probably inevitable, multiple-fire deaths are avoidable if proper fire safety techniques are employed.

The need for constructive solutions to this problem becomes even more apparent when considering the special needs and circumstances which accompany old age. Older persons are often the victims of physical handicaps. Many have difficulty walking; many suffer from hearing impediments; and others have impaired vision.

If the Federal Government is going to assist in providing low-cost housing for our Nation's elderly, then clearly we have an obligation to assure that such housing is in conformance with adequate fire safety standards.

Specifically, there are three broad categories of senior citizen housing which require our attention: those facilities which are in the planning stage, those facilities which are under construction at this time, and those facilities which have already been completed and which are now occupied.

On January 20 of this year, the Office of Technical and Credit Standards of the Federal Housing Administration published in the Federal Register a draft copy of revised fire protection standards for multifamily housing for senior citizens. I believe these proposed standards, to govern the construction of future housing facilities for the elderly, are meaningful and adequate.

These standards, however, reflect no ongoing effort to strengthen the fire safety standards applicable to existing senior citizen housing. Nor do these proposed standards reflect any effort to improve the fire safety conditions of senior citizen housing now under construction.

It is certainly recognized that where existing contracts are in force, between the Federal Housing Administration and the owners or sponsors of existing projects, there are limitations on what may be accomplished in this area.

Given this situation, and given these problems in developing meaningful and fair solutions to the fire safety problems in senior citizens housing, I am today introducing legislation which will accomplish the following objectives:

First. All multifamily housing facilities which are occupied in whole or substantial part by senior citizens, on the date of the enactment of this act, where such facilities have been constructed with Federal financial assistance, shall be in compliance with the provisions of the Life Safety Code. Two years from the date of the enactment of this act, the Secretary of Housing and Urban Development shall publish in the Federal Register a complete list of all federally related housing facilities which are not in compliance with these requirements.

For those senior citizens housing facilities which are already in existence or under construction, this will be accomplished to the extent possible and to the extent feasible under existing law. For senior citizen housing which is to be constructed at some future date, this requirement will be absolute.

This requirement will be applicable to all facilities constructed under sections 221d3, 231, and 236 of the National Housing Act—mortgage insurance programs governing senior citizen housing—section 202 of the National Housing Act of 1959—a program of direct loans for senior citizen housing—and the U.S. Housing Act of 1937—a program for low-rent public housing.

Facilities which do not comply with these requirements may not receive mortgage insurance, direct loans, or any other type of financial assistance from the Federal Housing Administration.

Second. In order to facilitate compliance with these requirements, title II of this legislation establishes a program of insured loans, and where appropriate direct loans, to be granted in accordance with fair and reasonable standards, to the owners or sponsors of senior citizen housing facilities.

Where these requirements apply to facilities constructed under a mortgage insurance program, authority is given to the Secretary of Housing and Urban Development to extend the program of mortgage insurance to include loans made for the purpose of purchasing fire safety equipment necessary to comply with the provisions of the Life Safety Code. Such mortgage insurance shall be granted with a view toward assuring the continued availability of low-cost housing for the elderly.

Where these requirements apply to senior citizen housing constructed under a direct loan program, authority is given to the Secretary of Housing and Urban Development to extend direct loans to the owners or sponsors of the facilities for the purpose of purchasing the fire safety equipment necessary to comply with the Life Safety Code. Again, these loans are to be made in an amount which takes into consideration the necessity to assure continued availability of low-cost housing for the elderly.

In the case of low-rent public housing, the Secretary of Housing and Urban Development shall have the authority to make loans to the appropriate local housing authority, or other authorized public agency, for the purpose of upgrading those facilities.

This legislation states that no assistance to any public agency with responsibility for low-rent public housing may provide a basis for increasing the amount of rent levied on occupants on this public housing.

This legislation also states that nothing in the above authorization for assistance shall be construed to effect the eligibility of any facility covered under the act for assistance currently applicable under any other Federal program.

Third. This legislation further authorizes the Secretary of Housing and Urban Development, upon a finding that any housing facility covered under this act is not meeting the requirements of the Life Safety Code, to take such action as may be necessary to secure from any U.S. district court, or any other court of competent jurisdiction within the United States, an appropriate order requiring compliance with such requirements.

If the Secretary of Housing and Urban Development wishes to require more stringent standards than those of the Life Safety Code to future senior citizen housing projects, this will present no conflict with the provisions of this legislation.

With respect to existing senior citizen housing, and such housing now under construction, when there are instances where present law will allow the Secretary to impose additional fire safety requirements on the owner or sponsor of the facilities, this bill will require the Secretary to act.

Where such additional requirements may not be imposed, due either to lack of authority by the Secretary or due to a binding, existing legal contract, it is hoped that the reasonable loan and loan guarantee provisions of the bill will provide the incentive necessary to make senior citizen housing facilities safe from the hazards of fire.

Taking the long view, I believe that several years from now, with the expected large numbers of senior citizen housing facilities which will be in compliance with the Life Safety Code, the very existence of these facilities should bring competitive pressures to bear on those facilities which are not in compliance with the code's fire safety provisions to make use of the reasonable loan features set forth in this bill.

It should be emphasized that the Life Safety Code is not an overly restrictive, unreasonable set of fire safety standards. The Life Safety Code of the National Fire Protection Association contains numerous built-in trade-offs, specifically designed to provide a reasonable and fair measure of those fire safety standards which taken together constitute effective fire protection conditions.

Mr. Speaker, the tragic fires in Atlanta and New Orleans which claimed the lives of 16 persons should serve as a grim reminder of the work which needs to be done in this area. We have a responsibility to assure that our Nation's elderly, who present some very special fire safety problems, are not housed in facilities which offer substandard fire protection.

I believe the enactment of this legislation will bring us further toward the goal of fulfilling our responsibilities to our older Americans, and I urge the Congress to act promptly in order that we may avoid future tragedies of the kind which occurred in Atlanta and New Orleans.

FOOD PRICES

HON. JERRY LITTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. LITTON. Mr. Speaker, increased food prices, complaints from consumers, and the desire on the part of Congressmen who represent largely urban districts to do something to satisfy these complaints causes me to fear that this Congress may overreact and pass hasty legislation in times of high emotion which will not only do damage to rural America and hurt our economy, but will hurt the consumer in the long run.

As one who has been a farmer all of my life and only recently a Congressman, perhaps my thoughts might be looked upon as being prejudiced. But at a time when both this Congress and the country are growing more urban by the minute, we need to listen to those close to the soil to get a better understanding of the production process lest we make urban judgments to solve rural-based problems.

The first thing we must recognize is that while food prices are higher than they have been in the past, this does not necessarily mean they are higher than they should be in comparison to the cost of other goods and services. If we found food costs too high in this country compared to food costs in other countries, too high in comparison to the cost of other goods and services, or too high in comparison to the cost of production, then we could legitimately say food costs are too high.

Until we can do these things, we should look elsewhere before being so quick to point to the price of food as the reason the consumer has trouble balancing the home budget. Trying to repair a watch or TV that is not broken in the first place is expensive, produces no benefits, is disruptive, and often leaves the TV or watch in worse condition than it was in the first place. Before one opens up a fine timepiece, he had better be sure it is first in need of repair.

I say this because most of the legislative approaches that I have heard which are designed to "repair" the food-producing mechanism in America offered results only in discouraging production, which not only means higher food prices in the long run but also means a lessening of our ability to reverse the runaway balance of trade deficit with the one product we produce cheap enough to be competitive on the world market.

There are four things I would like to briefly discuss with the Members of this body. One is what caused food prices to go up. The second relates more specifically to what caused food prices to go up so suddenly. The third deals with the big question of whether or not food prices, which admittedly are higher, are too high in relation to food costs elsewhere, in relation to cost of production, and in relation to the costs of other goods and services. The fourth point I want to discuss has to do with the short and long term effects of some of the legislation designed to lower food prices which this body will be asked to consider.

In looking at the cause of the increase in food prices, we find a combination of economic factors rather than a conspiracy on the part of the farmers of America. Most of these factors increased the demand for food which drove food prices upward and if the market is permitted to work its will without outside interference, these higher food prices will be sufficient incentive to the producer to increase his production which in turn will drive food prices downward.

Among those economic factors which brought about increased demand for food is that of increasing income. In the last 25 years, per capita disposable income in this country has increased 223 percent. In the last 20 years, wages have gone up 2½ times. Since 1965, per capita income has increased 62 percent. Minimum wage laws—recently increased by this body—have increased the ability of those in the lower earning bracket to buy more food. A higher proportion of each new dollar added to those in lower income levels go for food than do comparable dollar increases to those in higher income levels. A person in the higher income bracket can eat only so much food.

Starting in September 1972, we pumped $10 billion more into our annual expenditures for social security and medicare benifits. When the elderly get additional income directly through social security or indirectly through medicare, which frees income from other sources, they usually do not spend it on a bigger car or bigger house. Much of this money went into the market to bid up food.

Last year we had a 17-percent increase in the volume of food stamps issued. Of course, all of this went into the market to bid up food. We had a change of policy in Russia and China relative to their attitudes in feeding their people which was accompanied by a change in their trade attitudes toward the United States, which was also accompanied by bad crop years in these two as well as other countries. Had they bought grain elsewhere instead of the United States, it would have had a similar effect of driving up the price of grain on the world market.

All of this was accompanied by an increased standard of living throughout the world, especially in the have-not nations where we find a high percentage of the increased income—similar to increased incomes to lower income persons in this country—going for food.

To fan the fires of consumer demand for food, we have had two devaluations of the American dollar in 14 months which made American-produced food a better buy abroad and we have had runaway inflation which has put more dollars on the market to bid up the price of food.

Now you may ask, Why have food prices increased so suddenly? If we could explain this to the consumer, she would not be so angry at the producer. The answer is quite simple: Demand for food is inelastic. As we seek ways to handle the gasoline shortage, we may find that demand for gasoline is also inelastic.

Technically, the relationship between price and purchasing rate, which is known as the elasticity of demand, expresses the percentage change in the buying rate divided by the percentage change in price.

In simpler terms, where increases in price are not met by comparable decreases in purchases, we recognize this as representative of inelastic demand for that particular product or line of products.

In times when more money is available the consumer may buy more food, but not much more, because one can only eat so much food. This is why a higher proportion of increases on the lower end of the wage scale—as opposed to those on the higher end—find their way into the food market.

Because of inelastic demand for food, this also means that a slight increase in food supply results in sharply decreasing prices. Again this is true because one can only eat so much food. By the same token, slight decreases in food supply result in sharply increasing food prices. It is thought a 1 percent decrease in the supply of food results in a 3 or 4 percent increase in price. If demand for food were elastic like demand for many other products, we would find a 1 percent decrease in supply would bring about a comparable 1 percent increase in price.

When we have a slight decrease in supply and prices go up sharply, we find people buying almost as much food as they did at lower prices because people must eat.

Two things affect the elasticity of demand. One involves the essential nature of the product or service and the other involves the price as it relates to the role performed by the product or service.

Water, air, and food are all essential to human beings. People must have them regardless of the price. The less essential the item, the more elastic the demand for the item becomes. Gasoline is not as essential, but it is certainly more essential than many luxury items. It is also priced low in relation to what it does for the consumer.

If you increase gasoline prices slightly, it is doubtful that many people will reduce their purchases of gasoline accordingly. Here we are not speaking of an absolutely essential item, but one priced low enough that slight increases do not result in a similar decrease in demand. If you were to increase gasoline to a dollar a gallon, you might find you would have altered the cost-benefit ratio of gasoline to the consumer to such a degree that it would meet with a more elastic demand. At this point—and probably sooner—people would buy smaller cars, take fewer trips, live closer to their work, and so forth.

In food we have a product that is essential. It is not essential in its convenience form—a chicken cut in the pieces you like and ready to serve as opposed to a live chicken the consumer would have to kill, clean and cook—but like gasoline the convenience is priced low in relation to its value to the consumer.

All of this is meant to say that slight decreases in food supply result in sharp increases in food prices because of the inelasticity of food demand, and that the demand for food is inelastic for the reasons I have just mentioned.

To protect both the consumer and producer from such widely fluctuating market conditions, the Government has often been more involved in the farming picture than either the producer or consumer would have liked. Keep in mind that millions of independent producers—American farmers—cannot be as accurate in predicting not only what the consumer will demand, but what they—the producers—will eventually produce, as can the four major automobile manufacturers in America.

Our Government has also been involved because it knows the important role farm exports play in our balance of trade and that to maintain a good export market we must be able to guarantee our foreign buyers a steady supply. A foreign business can tell its buyer to wait a few weeks for a particular manufactured product, but it cannot tell its buyer it is out of food and to come back in a few weeks. Food demand abroad is inelastic too, you know.

At this point I think it would be well to inject a thought that is perhaps overlooked by some. Cries against any Federal expenditure designed to help the farmer often are the loudest in those areas with a higher than average proportion of people in the low income bracket. And yet any such expenditures, which reduce the cost of an essential item like food which must be purchased by both the rich and the poor, help the poor far more than the rich since a higher percentage of their income goes for food.

This, then, takes us to the third point—is food too high in this country compared to food costs elsewhere, too high in comparison to the cost of other products and services, or too high in relation to the cost of production?

The answer to all three is no. When traveling abroad an often asked question is—why do Americans have so many nice things? Of course there are many reasons. One big reason is because only around 16 percent of the disposable income of the American consumer goes for food. In England it is 25 percent, in Japan it is 35 percent, in Russia it is 58 percent and in Asia it is 80 percent. When 50 to 80 percent of your disposable income goes for food, you do not have much left over. But when only 16 percent goes for food, you have enough left over to buy such things as a second car, a color TV, and many of the things Americans are known to own. Why do Americans have so many of these luxury items—one reason is because of low food prices—the lowest in terms of percent of disposable income of any country in the world.

With a higher percentage of their income going for food in other countries, increases in food prices in other countries would work a far greater hardship on the average citizen than would be the case in the United States. From December 1971 to December 1972, while food prices were going up 4.8 percent in the United States, food prices went up 7.7 percent in Canada. 7.9 percent in the United Kingdom, 8 percent in Germany, 8.4 percent in Italy, and 8.7 percent in France.

In the last quarter of 1972 sirloin steak averaged $1.69 per pound in Washington, D.C., $1.88 in London, $2.08 in Bonn, $2.57 in Paris, $2.79 in Rome, and $11.90 in Tokyo.

In 1930 the American public spent 24 percent of its disposable income on food products. In 1940 it was 22 percent, in 1960 it was 20 percent, in 1971 it dropped to 15.8 percent, in 1972 it was 15.7 percent, and in 1973 it is estimated to be 15.5 percent.

Not only is the average American consumer spending less and less of her disposable income—in terms of percentage—each year on food and less than the average consumer—again in terms of percentage of disposable income—in any country in the world but she is getting more and more in terms of quality, convenience, and variety.

The 16 percent of the disposable income buys a chicken cut in the pieces desired, cooked, seasoned, and ready to serve. The 80 percent of income in Asia buys a chicken hanging by its neck from a roadside market.

While percentage of income spent for food in America has been dropping, the quality of the food has been increasing—along with the convenience side of it. In 1972, 65 percent of the beef produced in the United States was of choice or prime quality, four times the percentage produced 20 years earlier. And yet when beef prices at the farm level in 1972 reached their previous high of 20 years earlier, people complained. What else sells at the price it sold for 20 years ago even without quality improvement?

It is true food prices in the last 25 years—1947–72—have increased 74.9 percent. It is also true that during the same 25-year-period, per capita disposable income increased 223.2 percent. It is true food costs to the consumer are one-third higher than they were 20 years ago, but it is also true that wages are 2½ times higher. It is also true that retail food prices since 1965 have increased 33 percent, but during this same period, per capita income has increased 62 percent.

By the end of 1973 food prices are expected to be 43 percent higher than they were in 1963. That is an annual average increase of 4.3 percent. However, per capita disposable income increased 73.4 percent—an annual increase of 6.7 percent—between 1960 and 1971, and social security benefits for retired persons increased 84 percent—an average annual increase of 7.5 percent—during the past 11 years.

Twenty years ago the average household spent $985 per year for food. In 1972 this had increased to $1,311. Had food prices risen as much as industrial wages, the family annual food costs would have increased to $2,365 instead of $1,311.

During the boycotts, proud farmers and their families watched in dismay as boycotters shouted on TV that they could not boycott meat because it was already so high they could not afford it. And yet the facts are that in 1950 the per capita consumption of beef in the United States was 63.4 pounds and in 1972 it was 115.9 pounds.

An hour's wages—private, nongovernment, nonagricultural, and nonsupervisory workers—buys nearly 3 pounds of beef today compared to 1.8 pounds in 1950. An hour's wages for construction workers bought 2.5 pounds of beef in 1950 and now it buys 4.9 pounds. If beef prices had increased as much in the past 20 years as wages, they would be more than twice as high at the farm level.

When you look at the job the farmer has done at the farm price level, you realize how unfair some have been to accuse him for the food price increases or to want to hurt him economically as would much of the legislation that has been proposed.

For example, farm prices for food are only up 6 percent over 20 years ago while wholesale food prices are up 20 percent and retail food prices are up 43 percent. While the total cost of a loaf of bread rose from 13½ cents in 1947 to 24.8 cents in 1971, the total wheat cost per loaf dropped from 2.7 cents to 2.6 cents. If the farmer gave his corn away, we could reduce the cost of a 32-cent box of corn flakes by 8.2 cents. The box costs more than that. We could also reduce the cost of a dollar's worth of canned corn by 11 cents.

We have known for some time that farmers were receiving less for their labor than nonfarmers, almost irregardless of what formula you used. Most formulas were not favorable to the farmer. Often his income was figured on the same base as a laborer even though the farm should be figured as a business just like General Motors, with consideration given for return on capital, management and labor.

For example a farmer with assets of $200,000 should receive $14,000 a year income—a 7 percent return on his investment—before you even start figuring his return for management or labor. Some economists use 5 percent of gross to establish a return for management in some fields. Many who compute the farmer's income omit consideration for either management or return on his investment and compare his return on an identical base with the average workingman, including omission of consideration for hours worked on the farm by members of the family.

Here on the floor of the House we heard many of our colleagues recently speak on the subject of minimum wages. We heard it said by many Congressmen that $1.60 per hour was below the poverty level and that in 20 of our States, this is less than one receives when on welfare and food stamps. Based on the vote of 287 to 130 to increase the minimum wage from $1.60 to $2.20, it would appear that this body feels $1.60 per hour is not high enough.

It may surprise this body to learn that in 1971 after giving the farmer a 7-percent return on his business assets—near the level of return the farmer could expect to get if he sold out and just drew interest without much risk, management or labor—he received a total of 74 cents an hour for his labor. This is not figuring a penny for his management. Last year's figure was 81 cents an hour. I hope those who voted for minimum wage increases will keep this in mind when a farm bill with support prices at break-even levels is brought before this body.

If the farmer is doing so well, why is it that tens of thousands of them are leaving the farms every year? Why have we lost an average of 100,000 of them annually since 1960? If the farmer is doing so well, why has his farm debt since 1960 increased 400 percent? If the farmer is doing so well, why is it his nonfarm income—that of those classified as farmers—has averaged greater than his farm income since 1960?

Inflation has caused higher food prices as well as higher prices of other goods and services. Is the farmer to blame? What causes inflation? It is caused by a shortage of goods and services in relation to dollars. The man-hour output of the farmworker has increased more than twice as much as the nonfarmworker in the past 20 years. If the nonfarmworker has increased his productivity as much as the farmworker, inflation would not be a problem in America today and neither would we be experiencing such a trade deficit.

Were it not for farm exports, our Nation would have had a balance of trade deficit of $10 billion last year. As it was, the deficit was $6.8 billion. It was $2.4 billion in 1971. The last 2 years were the first years since 1893 that the great productive America has bought more goods than it sold.

Some fear we will have a trade deficit in oil alone by 1980 of $18 billion. Some economists say that without increasing our exports, this level of added imports would bankrupt our country. Where can we go to reverse our trade deficit? As I said earlier, we had a deficit of $10 billion in manufactured goods last year. This leaves only farm goods where we had a surplus of exports over imports of nearly $3.2 billion—after eliminating a billion in concessions.

I might add that in most cases, foreign countries are far tougher on our farm exports—in terms of quotas and duties—than they are on our manufactured goods, and they often do far more to subsidize their producers. In spite of this, our farm goods still compete. As a group, if they can compete under these conditions and produce a surplus in trade while manufactured goods represent a $10 billion deficit, how can anyone say our farm goods are too high? How can they be too high if they represent the one area of production in this country priced cheaply enough to compete on the world market?

There was a time when there were sufficient numbers of Congressmen from farm districts to see that legislation damaging to rural America did not pass. Such is not the case today. In 1960 there were 31 U.S. Congressmen from districts with more than 25 percent of the population being rural-farm. Today there are only five, and my district is not one of the five. My district has less than 15 percent rural-farm. In 1960, 230 Congressmen had districts where more than half of their population lived on farms or in towns of 2,500 or less. Today there are only 85. In 1954, 165 Congressmen had districts that were 20 percent or more rural-farm and today there are only 14.

What does this mean? It means that if rural America is to have a standard of living anywhere near that of urban America and the American farmer is to be granted a reasonable level of income, it will happen because of an understanding urban Congress.

It also means that if urban America is to be well-fed, this same urban Congress must be able to understand the farm production process and those factors which influence this production.

For example, we recently went through a situation where consumers were boycotting meat. Some encouraged this. Prior to the boycotts the cattlemen and farmers in my district were talking about keeping back heifer replacements, saving cows, buying additional females, increasing their investments in both cow herds and machinery to feed them. They were doing this because beef prices were going up and it appeared a stable market for beef was ahead.

When I returned to my district during the middle of the boycotts, I found farmers and cattlemen selling heifers they had originally intended to keep to produce more beef in the future. Money that was to have gone for machinery to feed increased beef cow herds was being diverted to other areas. The consumer, along with urging from others through her boycotts and television statements, had succeeded in discouraging increased beef production instead of encouraging it, and this means she will get higher meat prices or meat shortages for her efforts.

Beef cattle represents a high-investment industry. To make long-term investments in beef, one must anticipate a good and stable market in the future. With boycotts, along with threatened ceilings and rollbacks, farmers were not encouraged to make long-range beef investments.

On March 15, 1973, the President said food ceilings would not work. On March 29, 1973, he placed a ceiling on meat prices. On May 1, 1973, soybean meal had increased $100 per ton and corn had increased 35 cents per bushel. Since then corn and soybean meal have continued their climb. Other feeds have also increased. Farmers and feeders are squeezed between increasing costs of production—including a higher minimum wage imposed by this body—and a ceiling price on their end product.

Who is being hurt? The consumer may think she is benefiting by the ceiling. She may also think the farmer is the one who is being hurt. While the farmer is being hurt, he is not being hurt nearly as much as the consumer.

The farmer and feeder is no dummy. When his cost of production exceeds his income, he sells. When he loses money each time he puts on a pound of beef on a critter in the feedlot—which is the case today depending on the price of the feeders—he sells. When he sells a steer at 900 pounds instead of 1,200 pounds, that is 300 pounds that will never see the light of day.

The calves following their mothers in pastures throughout rural America represent the beef we will have available in American supermarkets in about a year. There is nothing we can do within reason to increase their numbers. Right now we permit an unlimited amount of beef to come into this country without any quota or duty. We can decrease their numbers as was the case this winter due to weather. And we can decrease the tonnage they produce by imposing ceilings which make it unprofitable for feeders to feed them to heavier weights.

The rollback would have been even more disasterous by putting tens of thousands of producers out of business overnight.

We face a dilemma today. Consumer demands for food are increasing both at home and abroad. We need to attack inflation by being more productive, and who is more productive than the farmer? We need to stabilize the weakening American dollar, reverse the trade deficit, offset the oil imports that are sure to increase, and reverse our balance-of-payments situation.

In view of these pressing needs, now is not the time to be talking of boycotts, ceilings, rollbacks or other intimidations of the farmer which instead of encouraging him to produce more, serve only to discourage him from increasing production. Given proper profit motive, understanding on your part, and a reason to believe that he can look forward to a good market in the future, you will see the American farmer produce like he has never produced before.

SAMPLING OF RETURNS IN THIRD DISTRICT OF TENNESSEE OPINION POLL QUESTIONNAIRE REVEALS STRONG FEELINGS ON VITAL ISSUES

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. BAKER. Mr. Speaker, residents of the Third District of Tennessee are now returning their ballots in my third annual opinion poll and I find that they are taking strong positions on several of the most pressing issues of the day.

Tabulation of a representative sample of these returns from all 11 counties of the Third District indicates that my constituents are firm in their opposition to making strikers eligible for food stamps. They are as overwhelming in their stand against giving aid to North Vietnam as they are in granting amnesty to draft evaders in this country. They are also against any increase in taxes even if it means sacrificing some of the Federal programs now in operation. They look with skepticism on the fairness of news reporting and my constituents have taken a stand against a disaster fund to be underwritten by a surcharge on casualty insurance premium plus a contribution from the Federal Government.

The sample tabulation shows that the residents of the Third District are in favor of reinstating the death penalty for certain crimes. They also favor the legal right of a nonunion worker to keep his job even though a majority of the workers have voted for a closed shop.

In the ballots tabulated so far, there is approval for President Nixon's action in withholding funds to terminate a number of federally sponsored social programs, and by a closer margin, they do not feel that the Watergate incident is a reflection on the President's integrity.

It is the opinion of my constituents as reflected in this sampling that we should return to mandatory wage and price controls on all goods and services as a means of combatting inflation. They also feel that a newsman should be required to reveal the sources of his published statements where slander is involved.

Mr. Speaker, I want to emphasize that this is a representative sampling of the returns to date, but it does indicate as I have stated, an unmistakable trend of opinion on pressing issues. I am including the overall percentages on all 12 of the questions in the poll. On each of the ballots, there is a space for both husband and wife to vote, and on many of them I have found a decided difference of opinion. The tabulation is continuing and the complete results of the poll will be announced when this work is completed. The return has been excellent and I expect additional thousands of ballots in the days ahead.

The questions asked in this third annual poll with the "yes" and "no" percentages on each of the questions are included herewith so that my colleagues can see how opinion is running in the Third District of Tennessee:

LAMAR BAKER'S 1973 OPINION POLL QUESTIONNAIRE

1. Should strikers be eligible to receive food stamps?

[In percent]

Yes	19
No	81

2. Should we return to mandatory wage and price controls on all goods and services?

Yes	54
No	46

3. Would you favor U.S. assistance in rebuilding North Viet Nam?

Yes	6
No	94

4. Would you support establishing some conditions whereby amnesty could be extended to draft evaders?

Yes	15
No	85

5. Should the death penalty be selectively reinstated?

Yes	86
No	14

6. Do you consider the Watergate incident a reflection on the President's integrity?

Yes	42
No	58

7. Would you favor establishing a disaster fund financed by a surcharge on casualty insurance plus a federal contribution?

Yes	40
No	60

8. Should a newsman be required to reveal the sources of his published statements where slander is involved?

Yes	64
No	36

9. Do you consider newspapers and T.V. as fairly presenting all sides of most news issues?

Yes	30
No	70

10. Should a non-union worker have a legal right to work on a job even though a majority of the workers have voted for a closed shop?

Yes	78
No	22

11. President Nixon has withheld funds which might terminate a number of Federal social programs. Do you approve of this action?

Yes	73
No	27

12. Would you be willing to pay more taxes to keep all of the Federal programs intact without increasing the Federal deficit?

Yes	1
No	99

POLLUTIONLESS POWER SOURCE TESTED

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the benefits of our national space program are all around us in our daily lives. Many have received almost immediate application throughout our industry. There is also a large group of developments which hold great potential for future importance to this Nation and the world. Among these are devices called fuel cells which produce clean electric power. Mr. Robert W. Wells, in a May 12, 1973, article in the National Observer, describes the adoption of the fuel cell technology by American industry and its willingness to invest in fuel cell technology based on the successes of using these devices in our national space program. The article follows:

[From the National Observer, May 12, 1973]

POLLUTIONLESS POWER SOURCE TESTED: FUEL CELLS FOR HOME USE?

(By Robert W. Wells)

Fuel cells, the devices that were the main source of electrical power for the Apollo space craft, hold promise as one way to produce electricity without polluting the environment much. The main problem is that for now the method is too expensive for widespread use.

But some gas and electric companies aim to market a practical, commercial fuel-cell system by 1976. Their first major efforts to do so have just ended, and a spokesman proclaims "dramatically encouraging results."

Fuel cells convert chemical energy into electrical energy through separation and combination of hydrogen and oxygen. In one experiment here, the Wisconsin Gas Co. says fuel cells provided about 75 per cent of the power needed by four mobile homes for four months.

John Brady, assistant vice president of the company, says similar experiments were conducted in 37 other locations in the United States, Canada, and Japan by a nonprofit consortium of 35 gas and electric companies.

SOME PROBLEMS DISCUSSED

"I don't think there's any question but that the fuel cell will work technically," Brady says. "The only real problem left is to reduce the cost."

There were a few problems in the Milwaukee experiment. Brady says the cells broke down six times during the experiment, forcing an automatic switch to power-company lines. But he says causes of the breakdowns were known and could be eliminated. Once a water line connected to a cell froze. This was corrected by improved insulation.

"Then the weather turned unexpectedly warm and it overheated," says Brady. So other insulation was developed that worked in either hot or cold weather.

Once, a cell was shut down accidentally by a radio transmission. This was corrected by adding shielding.

One purpose of the experiment was to discover such "bugs" and find means of remedying them. So the occasional problems that arose did not mean the experiment was not a success, Brady adds.

The fuel cells here were shut down after about 1,850 hours because they were beginning to die out. It had been hoped they would last for 2,000. Nevertheless, the consortium's over-all goal of 100,000 hours of cell use in the international experiment was exceeded.

About $50 million has been spent in development of the 60 units that were tested, including the 4 used here. Officials say the price must be brought down to $1,000 a unit before the cells can compete with other power sources.

HOW FUEL CELLS WORK

The fuel cell takes hydrogen from natural gas and oxygen from air. The gases are first separated into carbon dioxide, oxygen, and hydrogen in a device called a reformer. Then the separated gases are fed into the fuel cell, which forces the oxygen and hydrogen electrons to make a detour before combining. The electrons' motion along the way produces electricity.

The result is direct current that is sent to an inverter. The inverter changes it into alternating current. The cell supplies electricity only when it is needed and is able to provide power almost instantaneously to meet load demands. The cell's only emissions are carbon dioxide, water, and heat.

Each test unit is about the size of a home central air-conditioning unit and was supposed to produce about 12 kilowatts of electricity, enough to supply two or three average homes. The cells have no moving parts and are almost noiseless.

The cells are said to be about one-third more efficient than more conventional steam-generating methods and can be strung together for additional power.

The principle is not new. The first crude fuel cell was produced 133 years ago by a British scientist, Sir William Grove. He combined oxygen and hydrogen to produce water and a little electricity.

A Milwaukee company, the Allis-Chalmers Corp., began doing fuel-cell research in 1958. It produced an experimental tractor operated by a fuel cell producing 20 horsepower, but it was never developed further for practical use.

STATE BAR UNIT BACKS PREPAID LEGAL SERVICE

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. THOMPSON of New Jersey. Mr. Speaker, I have come across a recent New York Law Journal article by Associate Publisher Nelson Seitel. The article, which cites support for H.R. 77 by a New York State Bar Association's special committee, is most appropriate as that bill will be on the House floor tomorrow:

State Bar Unit Backs Prepaid Legal Service—Albany, Congress Urged To Approve Measures on Insurance Plans

(By Nelson Seitel)

Legislation at the federal and state levels to permit the establishment of prepaid legal services programs has been recommended by the Special Committee on Availability of Legal Services of the New York State Bar Association.

At the federal level, the committee recommended an amendment of the Taft-Hartley Act to allow employer contributions to trust funds for the payment of legal services and amendments of the Internal Revenue Code to exclude such payments from the gross income of the employee and to allow the deductibility of such payments from the gross income of employers.

STATE LEGISLATION

At the state level, the committee recommended legislation to authorize the issuance of legal services insurance contracts by insurance companies and legislation to exempt from the Insurance Law legal services insurance plans offered by state, city, or county Bar associations.

A bill to amend the Taft-Hartley Act, as recommended by the committee, has been introduced in the House of Representatives by Frank Thompson, Jr., D–N.J. Hearings on the bill were held in March before the House special subcommittee on labor headed by Rep. Thompson.

The bill (H.R. 77) would specifically permit the establishment of joint management and labor-administered trust funds to defray the costs of legal services. The Taft-Hartley Act now permits such jointly administered trust funds for more medical care programs, retirement pension plans and other specific programs which do not include legal services.

The legislative program spelled out by the committee is in response to the deepening concern within the legal professional that nonindigent, moderate-income persons are not seeking legal services because of the high costs involved. In order to determine the extent of such unmet needs for legal sevices, the Amercan Bar Association last year appointed a Special Committee to Survey the Legal Needs of the Public.

According to Chief Judge David N. Edelstein, of the U. S. District Court for the Southern District of New York, a member of this ABA committee, its task is two-fold: "To design and execute a survey of the public and to report the findings of the study and make appropriate recommendations." Judge Edelstein is "hopeful that the study will lead to reforms that will assure that no person is deprived of the help of a lawyer when needed."

LOUISIANA PROJECT

An experiment in prepaid legal insurance has been operating in Shreveport, La., since 1971, under sponsorship of the local Bar, with financial support from the American Bar Association and the Ford Foundation and the cooperation of a local union and employers. Under this plan, membership is available to the union members who voluntarily participate by authorizing a payroll deduction of two cents an hour.

Coverage under the plan includes reimbursement for legal fees incurred by the insured or his dependents up to specified maximums. There are no restrictions under the plan upon the free choice of a lawyer. Similar programs that have been established elsewhere utilize the concept of a pre-selected panel of lawyers.

The State Bar Association Special Committee on Availability of Legal Services is headed by Edwin L. Gasperini of New York City. Members of the committee from this area are Mary B. Lehman, John J. Munnelly, Frank W. Ford, Jr., Gail J. Koff, James W. Lamberton, Nathan Ritzer, Richard H. Saudek, Robert Schutzman, Susan S. Topper, Harold Tompkins, and Edward R. Yamin.

NO TIME FOR TALK OF IMPEACHMENT

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 1973

Mr. DAN DANIEL. Mr. Speaker, my esteemed colleague from California, Mr. McCloskey, appears to be a direct intellectual descendant of the frontier judge who assured the folks "the criminal will get a fair trial before he is hanged."

I make no claim to omnicience, nor am I privy to any special knowledge regarding Watergate and related matters. It would appear to me that this House might well await the myriad court proceedings before it decides to act in so grave a matter.

I await protestations from the defenders of the rights of the accused. They have remained strangely silent through much of the talk of impeachment, and one wonders if the spectre of discrimination lurks, when they clamor for these rights in police court, and ignore them when the highest office in our land is at stake.

CREDIBILITY OF McCORD AND DEAN IN THE WATERGATE MESS

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. FISHER. Mr. Speaker, American people are becoming more confused each day about the Watergate scandal. Seven men were indicted, pleaded guilty, and were convicted for the June 17, 1972, burglary and bugging. Certainly any others who were involved should, if sustained by competent proof, receive similar treatment.

Some witnesses have been obviously fair and truthful; others have been of very doubtful veracity.

Out of this mass of confusion, aside from those indicted, others appear to have had advance knowledge of what was planned, and others appear to have engaged in coverup schemes designed to prevent public disclosure of those who may have condoned or encouraged the burglary.

PUBLIC MUST SIFT MOTIVATIONS

The atmosphere has thus been polluted by investigations, hearings, rumors, interviews, contradictions, jealousies, and the most astounding array of hearsay and double hearsay probably ever before developed on one subject—not even excepting the Kennedy assassination in Dallas or the Kennedy coverup at Chappaquidick.

In presenting the case to the public, the news media has been both responsible and irresponsible. To some segments it has provided a Roman holiday, with a wide range of stories predicated upon "a source reported," "White House informant," "a former associate," "reported to have been *told to the* grand jury," and any number of other background sources designed to avoid names and lend a tone of credulity to the contents. Vendattas were launched against the President by certain TV outlets, columnists, and such newspapers as the New York Times and the Washington Post.

It was in the coverup area that the confusion has been compounded by a parade of witnesses whose credibility leaves much to be desired.

M'CORD'S MOTIVATIONS

But what about other witnesses who have eagerly sought public exposure? For example, take the case of James W. McCord, one of the seven who pleaded guilty after being caught in the act. But before the judge decided on penalties he would assess, McCord hurriedly wrote him a letter and said he would like to talk about others whom he said were implicated.

That was well and good. But what were his motives? Why did he wait until after his conviction before he developed an urge to talk? His explanations have been rather incoherent.

The press revealed that McCord had insisted the White House save him from prison—or else. Does that mean that had he been saved, he would not have talked? If so, in his subsequent senational disclosures, was he or was he not moved by a stricken conscience?

Or, can it be that he envisioned that by talking—generously—such conduct might cause the judge to favor him on judgment day?

It is well to keep in mind that McCord's former chief counsel has stated categorically, under oath, that McCord had lied in several vital respects—and that attorney bears the trappings of an honorable man.

And observers have been unable to learn of any rational reason why McCord, after assuring Judge Sirica he wanted to tell all, in the hours and hours of intensive grilling which followed failed to recall his more recent claim that he was told by a man who had been told by someone that the President would, after imprisonment, grant him executive clemency.

It would seem that this contention, directly refuted by McCord's alleged informer, plus McCord's failure to disclose it to the grand jury where he testified, and in his first appearance before the Ervin committee, raises grave questions of credibility and motivation.

M'CORD'S BOOK ON WATERGATE

Moreover, Senate committee testimony revealed that McCord long ago—even before his trial—decided to write a book on Watergate. Can it be that in order to obtain national prominence and enhance the sale of his forthcoming book he was prompted to grab the headlines, get the maximum of free TV coverage, and embellish his script in a way that would tend to make him a national celebrity and perhaps create a scramble for his autograph? Indeed McCord may very well hope for a best seller and he may dream of vast profits.

The man may have told the truth, up and down the line, but his eagerness and generosity in forming his own conclusions not based upon personal knowledge, along with signs of personal animus, makes it necessary to scrutinize his testimony and public declarations with unusual care and caution.

M'CORD CLAIMS BURGLARY—BUGGING LEGAL

One other thing: McCord was probably the best trained of the 7 culprits, in terms of expertise in what the law does or does not allow security operatives to do in a legal manner. He had spent years in the FBI and in the Central Intelligence Agency. He is no dummy. In fact, he appears to be an unusually intelligent man.

Yet, when asked why at 2:20 in the morning he stealthily broke into the Watergate headquarters, taking precautions to avoid detection, he insisted he did not think he was violating any law.

To me such an assertion is utterly preposterous, regardless of any excuses. As I see it, any person with sense enough to get in out of the rain knows that McCord knew he was violating the law when he joined in that postmidnight break-in. Yet McCord swore he believed at the time that he was engaged in a perfectly legal action.

For a mature, intelligent man, with no previous history of mental disorders, to make such contentions is simply beyond belief.

There is an old saying in law that a man who falsifies in one respect can hardly be believed in other respects, short of solid corroboration.

JOHN DEAN'S DISDAIN FOR PRISON

Now, let me refer to John Dean, a former White House counsel, who was fired and then went on a shopping tour, offering to talk aplenty to anybody who would offer to keep him out of the penitentiary. He seems to have gone from door to door, offering his will talk wares to the highest bidder—or to any bidder in a position to engage in a trade-out or an offer of immunity from prosecution for his own misdeeds.

That is well and good—if he tells the truth, and if what he tells is worth the price. But, as in the case of McCord, what are his motives?

In all court trials where a witness testifies, the very first question that arises, bearing on veracity and credibility, is: What are that witness' motives?"

The press reported that Dean made it known he had an obsession against going to prison. One reason he was said to abhor the prospect of going to prison was that he said he feared his handsome looks and youthful appearance would make him a likely sex target for other prisoners.

In this backdrop, it follows that anything John Dean says is somewhat suspect—to say the least. Perhaps he will tell the truth, and we can only hope he does. But his credibility is severely clouded. Without adequate corroboration, who could afford to believe anything he says?

The groping and floundering of John Dean since the finger of suspicion first pointed his way have been on the ludicrous side. With no apparent reason he rather defiantly informed the press, even before he lost his job, that he would not be a scapegoat.

Perhaps Alsop's June 6 column contains a paragraph or two which typifies Dean's modus operandi—as follows:

> In the course of this search for a promise of immunity, Dean has also changed his story radically—at least if the New York Times is to be believed. Some time ago, the Times reported that in long interviews, both federal and Senate investigators had discovered Dean had *no* evidence to link Mr. Nixon either to prior knowledge of the Watergate bugging or to any subsequent cover-up.
>
> Apparently, however, John Dean was lying then, unless he is lying now. This choice is unavoidable, since Dean has now told the Senate investigators that he has quantities of evidence of just the kind he formerly denied having.
>
> In addition, there is another choice between Dean's current story being a fabric of untruths, or the President of the United States being a liar.

Thus, we find Dean following the pattern set by McCord, of giving birth to after-thoughts which presumably would add to their studied desire to create favorable images and enhance their known desires and hopes to escape punishment for their own misdeeds.

It is unfortunate that witnesses, free of ulterior motives, cannot be found to give the public the full unvarnished truth about Watergate. Perhaps better evidence will be forthcoming. We can only hope so.

Thus far the public has admittedly been plagued with an avalanche of evidence. Much of it incompetent as legal evidence, and personal conclusions which do violence to basic rules of law.

The Senate committee hearings, controlled by no rules of evidence, open a Pandora's box for hearsay charges and unfounded conclusions. It enables the media to magnify and headline statements which any presiding judge would abhor and never allow to be recorded as competent evidence.

This procedure can play havoc with established processes of justice and can do serious and unwarranted damage to the reputations of innocent people.

I have no quarrel of the congressional investigatory procedure. But when carried on in public, particularly with nationwide TV coverage, it can be terribly abused and their real purpose and justification can so easily be submerged in the mounting of incompetent evidence that is fed into the RECORD and into the minds of listeners.

And we are told such fishing expeditions may, unhappily, seriously interfere with law enforcement and the normal administration of justice.

HALE BOGGS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. CARTER. Mr. Speaker, the late Hale Boggs was a close friend of mine, and I join my colleagues in paying tribute to his distinguished and dedicated service to the citizens of our great country.

I shall always remember the time that we revived the legendary Order of the Rose. Realizing that our Nation was encountering particularly difficult periods of unrest, we sought—through the Order of the Rose—to reaffirm the fact that most Americans do have deep feelings for the great principles upon which the United States was founded. The small rose attached to one's clothing on the side of the heart would indicate one's belief in those higher principles.

Hale Boggs never lost sight of our strength and our heritage, and he always attempted to do his part in keeping the good vessel United States on a proper course. We owe much to his leadership, and I am confident that this Chamber will always keep alive the spirit of our good friend Hale Boggs.

FEDERAL COURTS REJECT IMPOUNDMENT IN EIGHT OF NINE CASES

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. EVINS of Tennessee. Mr. Speaker, despite all of the so-called justification and precedent cited by officials of Office of Management and Budget before committees of the Congress in support of the impoundment of funds appropriated by the Congress, the Federal courts have repeatedly held that the arbitrary withholding and freezing of funds is illegal.

Federal judges have ruled impoundments unlawful in cases involving water pollution, highway construction, veterans' education, welfare and social security, Indian education. Eight of nine court tests have resulted in rulings that impoundments are illegal and the courts have divested that funds appropriated by Congress be released.

Because of the interest of my colleagues and the American people in this most important matter, I place in the Record herewith an article concerning these court tests of impoundment published in the Washington Sunday Star and News.

The article follows:

COURTS REJECT IMPOUNDMENT IN EIGHT OF NINE CASES

(By Fred Barnes)

The Maryland Department of Employment and Social Services, its treasury increased by some $20 million, will send out welfare checks as usual tomorrow.

But the stipends will be provided only because two federal courts last week forced the Nixon administration to fork over the $20 million, which it had impounded for several weeks.

The Social Security Act required the administration to hand over the money, said Judge Edward S. Northrop of U.S. District Court in Baltimore in ruling on a suit filed by Maryland officials.

And the 4th U.S. Court of Appeals, rejecting a request by Justice Department attorneys representing the administration, refused to block Northrop's order while the administration works up a formal appeal.

The Maryland case represented another embarrassing court defeat on impoundment for the administration—its eighth loss in a row.

Federal judges have ruled that impoundment was unlawful in cases involving water pollution, highway, Indian education, veterans education, housing and welfare funds.

Clearly, impoundment has turned into a legal disaster area for the administration. Its overall court record is 1–8, with the lone victory coming in April 1972 when a federal judge in San Francisco upheld the impoundment of federal housing funds.

Besides the Maryland case, the administration has suffered these recent court defeats on impoundment:

The 8th U.S. Court of Appeals, in a ruling chastising the administration for changing its argument in midstream, declined to tamper with an order instructing the administration to turn highway construction funds over to Missouri officials.

Prodded by Judge Gerhard Gessell of U.S. District Court here, the administration was forced to begin spending $25 million appropriated to spur college enrollment by Vietnam veterans. The money had been impounded after Congress refused to withdraw its appropriation of the funds.

Judge Robert R. Merhige Jr. of U.S. District Court in Richmond, calling impoundment a "flagrant abuse of executive discretion," ruled that the administration must immediately release Virginia's share of impounded water pollution control funds.

The political or ideological persuasion of the federal judge involved in an impoundment case apparently makes little difference. Both liberals and conservatives have ruled against impoundment.

Gessell and Merhige, for instance, are two of the most liberal judges in the federal judiciary. But Northrop and the judges on the 4th U.S. Court of Appeals are among the most conservative.

For the administration, things may soon get worse. At least a dozen impoundment suits are now pending and others are expected to be filed by state and local governments whose hopes have been buoyed by the recent rulings.

In a suit filed in U.S. District Court here on Friday, Pennsylvania and the cities of Philadelphia and Pittsburgh are seeking $380 million in impounded education funds.

The other pending impoundment suits involve funds for highway construction, water pollution control, education, environmental assistance, rural electrification and land grant colleges.

The administration has already appealed what is perhaps its worst impoundment defeat in court. That was the ruling by Judge Oliver Gasch of U.S. District Court here that the administration must release $6 billion in water pollution control money.

The Gasch ruling has been challenged before the U.S. Court of Appeals. The Maryland case, once it is appealed by the administration, will be heard quickly by the 4th U.S. Court of Appeals, with a ruling expected late this summer.

TO EXTEND AND AMEND THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. HARRINGTON. Mr. Speaker, I support H.R. 2246, a bill to extend and amend the Public Works and Economic Development Act of 1965.

The administration has offered no sound arguments for terminating the economic development assistance program. It has claimed that the accomplishments of EDA programs have fallen far short of expectations, that the programs lead to Federal involvement where it is not needed and might lead to a distortion of local priorities, and that there is a great deal of functional overlapping which results in wasteful duplication at the local level.

The charge that the achievements of EDA programs have fallen short of expectations is just not correct. Because this legislation created a new and experimental means for stimulating economic growth, many evaluations have been conducted, including those by the EDA, by outside consultants, and by the Subcommittee on Economic Development of the House Public Works Committee. These studies have all demonstrated that these programs have been successful in stimulating the economic growth of the target areas and in promoting permanent jobs in those areas. It has done this despite the fact that the administration has funded it at only one-third its authorized level.

The claim by the administration that EDA's programs cause Federal involvement where it is not needed and that this could lead to a distortion of local priorities is also false. EDA's policy has always been oriented toward local communities, with spending decisions made locally. EDA is a valuable planning and technical assistance vehicle that is needed by hundreds of communities across the country to implement the priority projects they support and need. In fact, the EDA, with its veto power, serves to eliminate unnecessary and wasteful Federal spending in local communities.

The statement of the administration that there is too much overlapping and duplication of function is illogical in light of its own proposals. It wants to amend the Small Business Act, the Rural Development Act, the Housing and Development Act, and pass the urban community development special revenue sharing proposal in order to give HUD, and the organization that will be established by the Rural Development Act, the legislative authority and funding authorization that EDA already has. This will only mean more duplication and more overlapping.

The administration has no mechanism to implement its program if Congress does not pass special revenue sharing. Secretary Dent, testifying before the Subcommittee on Economic Development of the House Committee on Public Works, answered the question of what the administration would do if Congress dares not to pass revenue sharing by saying:

> There will be a review of the situation at the time.

EDA is needed, at least until special revenue sharing is passed and implemented to take its place.

Even if revenue sharing is passed by Congress, it cannot take effect until July 1974. The authorization for existing economic development programs terminates on June 30, 1973. This 1-year gap could severely cripple this program and quite possibly wipe out the economic gains that have been made. Economic development is a slow, careful, step-by-step process that is very vulnerable to any changes in policy. A 1-year interruption of the program, followed by a swift shift from one agency, with expertise and experience in the area, to several agencies that will have to acquire the expertise, could prove to be a devastating shock, setting economic development back, rather than moving it forward. At the very least, the existing legislation should be continued for another year in order to provide for an orderly transition of economic development programs.

Public facility assistance under the Rural Development Act is primarily a nationwide rural loan program. This is not a satisfactory substitute for existing programs. Many areas that are economically distressed are urban, not rural. Both urban and rural areas need assistance through grants, not loans. Many of these areas cannot afford loans and would receive no assistance under such a loan program.

The President's proposed allocation of an additional $10 million for the Housing and Urban Development Act's section 701 planning program is not a satisfactory substitute for the title V regional commissions of EDA. This is an 80 percent reduction in funding, and would mean the virtual elimination of the regional commissions. Without the power to make grants, the Federal portion of the existing Federal-State partnership would become an impotent planning mechanism. Local officials have stated repeatedly, in the Subcommittee for Economic Development's hearings on EDA, that the partnership is an effective and efficient mechanism for economic development. It should not be abandoned.

The amendment proposed by Senator Kennedy requiring a study of the economic impact of base closings is very important for improving our Nation's economy. Over 42,000 civilian and military jobs will be lost nationally. This is also a major blow to many local economies that we cannot ignore.

High unemployment, aging capital stock, and astronomical energy costs are only a few of the economic problems that face New England. With a loss of 34,000 civilian and military jobs in New England, caused by the base closings, our economic situation is approaching a crisis. A study of the economic impact of the base closings would open up possible avenues which could be taken to help alleviate the detrimental effects of the massive job loss. These avenues could then be implemented by refunded and effective title V regional commissions.

We spend billions annually to fund the Defense Department, the Central Intelligence Agency, and the National Aeronautics and Space Administration. Perhaps if more than one-tenth of one percent of what we spend for the military was spent on EDA, we could achieve economic progress as spectacular as our military failures in Vietnam.

SHOPLIFTING HAS A PRICE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. CRANE. Mr. Speaker, the Illinois Retail Merchants Association has launched an important campaign throughout the State of Illinois to alert young people to the high cost they will be asked to pay for shoplifting.

The men and women of the Illinois Retail Merchants Association are to be congratulated for sponsoring this campaign which has brought its message to young people in all parts of the State.

By distributing a thoughtful and attractive pamphlet entitled, "Everything Has a Price," the antishoplifting campaign, sponsored jointly by the Retail Merchants and Chicago Radio Station WLS, has helped to make students aware of the great risk entailed in breaking the law.

This pamphlet informs them that,

> You can be arrested at any age. A store official can stop, detain, and have you arrested if there is reasonable evidence that you have taken something. Stealing is a crime whether the item is worth 5 cents or $500. More and more specialized surveillance and detection equipment is being installed in stores. Everything has a price. Shoplifting can cost you plenty.

Many young people are unaware of the damage which may be done to their future lives by shoplifting. This pamphlet informs them that,

> Immediately when the police are called a file is started, even if the store doesn't press charges. Your record is permanent if convicted. Even if not convicted, it may be permanent. A criminal record automatically closes many job opportunities. And nobody, including your friends, trusts a known thief.

I wish to share with my colleagues the text of the pamphlet being distributed by the Illinois Retail Merchants Association and WLS Radio, and insert it into the Record at this time:

Everything Has A Price

JUDY'S PEACH TURNED INTO A LEMON

It seemed like such a cinch. Why pay for a candy bar when you work at the local grocery store three times a week? But Judy's lifting got a little too heavy. Her part-time job turned into part-time robbery. Finally her sticky fingers got stuck.

The store manager was watching her for some time before he caught her in the act. She was fired immediately. Then he called the police and turned Judy over to the juvenile authorities. One year probation followed.

Funny how Judy's friends seemed to dwindle. Maybe because suddenly a probation officer was limiting her activities, her hours, her freedom. Maybe some people are just picky about who they call friend. Judy paid the price.

Steal, stole, stuck.

FACT

You can be arrested at any age.

A store official can stop, detain, and have you arrested if there is reasonable evidence that you have taken something.

Stealing is a crime whether the item is worth 5 cents or $500.

More and more specialized surveillance and detection equipment is being installed in stores.

Everything has a price.

Shoplifting can cost you plenty.

JEFF TRADED A RECORD FOR A RECORD

When Jeff went into the store that Saturday, stealing an album was the farthest thing from his mind. But a dare from his two friends was too much to take. He wasn't chicken. Until a man stepped out from behind a two-way mirrored door. And brought him into his office. And called his parents. And the police.

He was brought to the station, and his record filed in the juvenile division. Unluckily, the juvenile court sent him to a community agency. Jeff paid the price.

A little pressure from his friends, and Jeff didn't have the guts to keep his hands to himself. Now he has free room and board. Such a steal.

FACT

Immediately when the police are called, a file is started, even if the store doesn't press charges.

Your record is permanent if convicted. Even if not convicted, it may be permanent.

A criminal record automatically closes many job opportunities.

And nobody, including your friends, trusts a known thief.

Everything has a price.

Shoplifting can cost you plenty.

FRAN'S FINGERS GOT OUT OF HAND

Maybe Fran thought the store would never miss a few pieces of clothing. Or perhaps she was just looking for a bargain. It was a real steal, all right. Little did she know that when she put her own clothes over some that weren't her own, that they were electronically treated. The store knew.

Fran's bargain turned into a burden. She was caught. And from then on everything went wrong. She was 17—eligible for women's court. And the time she had been caught stealing a tube of lipstick came back to haunt her.

Fran's now in a women's penitentiary. And will be wearing the latest in gray for a year. Fran paid a high price for her lifting. A real steal is often a gyp.

FACT

When convicted, depending on your record and the seriousness of your theft, you can be:

Fined up to $500.

Sent to a penitenitiary.

Sent to a correctional institution.

Referred to a public or private agency.

Put on probation, under the constant surveillance of a youth officer.

Shoplifting losses force stores to increase prices and cut jobs. Young people with part-time jobs or new, full-time jobs are the first to go.

Everything has a price.

Shoplifting can cost you plenty.

I.R.M.A./WLS Radio Anti-Shoplifting Campaign

Illinois Retail Merchants Association, 36 South Wabash Avenue, Chicago, Illinois 60603.

WLS Radio, 360 North Michigan Avenue, Chicago, Illinois 60601 (312) 782-2002.

FEED GRAIN EXPORT EMBARGO

HON. E. C. SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. SHUSTER. Mr. Speaker, I rise today to explain a most urgent piece of legislation I have introduced today and to ask you to support its passage at the earliest possible moment. The bill would impose a 120-day embargo on the export of certain key feed grains—soybeans, corn, and wheat—beginning 10 days after its enactment. This is a drastic step which I believe warrants some explanation.

First, I think it would be in order for me to give you some numbers. Last year, the United States produced a record crop of soybeans, some 1.283 billion bushels. At the same time, the U.S. Department of Agriculture, based on 1971 estimates of 1973 soybean demand, idled some 60 million acres of soybean cropland. Furthermore, of the nearly 1.3 billion bushels, an estimated 475 million bushels, over one-third of the total crop, were scheduled for export. Unfortunately, those 1971 estimates did not anticipate certain other elements which, as it turned out, sharply changed the 1973 demand picture.

I think it is necessary in this discussion to understand the significance of the soybean, although the same is true, to a lesser extent, of the other feed grains. The soybean contains a high percentage of vegetable protein and is the leading meat substitute as a source of protein. It is a vital component of livestock and poultry feed and is the main source of protein for many farm animals that subsequently become protein sources for humans. Agricultural products directly affected by the soybean include beef, pork, chickens, turkeys, eggs, and milk.

Here in the United States, one unanticipated development was a rise in discretionary income during 1971 and 1972. The people had more money to spend on food. As a result, the demand for the agricultural products I listed a moment ago climbed well above that anticipated by USDA in 1971. So we got into a shortage situation on these products. Farmers, in turn, attempted to expand the supply, once the situation was finally recognized, and that created an excessive demand for soybeans and other key feed grains.

This situation was aggravated by a number of other developments overseas. For some unknown reason, the Humboldt current off the South American coast began warming up. This affected the plankton on which the fish feed and so the fish supply there diminished. The fish catch off Peru was down sharply, a serious development because Peruvian fish catch, in normal years, is an important source of protein in a number of parts of the world. Then adverse weather conditions reduced the Argentinian soybean crop. There were serious droughts in Australia, China, and the eastern Soviet Union, usually major producers of soybeans and feed grains. All of these factors combined to produce a worldwide protein shortage of crisis proportions. This is the situation we find ourselves in right now.

The results of this, here in the United States, have been disastrous. Prices of the key feed grains have gone up precipitously. Soybeans were up over 30 percent; corn, up 81 percent; livestock feed, up 60 percent; poultry feed, up 91 percent. Poultry and livestock producers found themselves in a situation where not only had their entire profit margin disappeared, but they literally could not afford to feed their stock. It makes me heartsick to report to you what is happening now. Left with no other alternative, livestock producers, poultry producers, egg and dairy producers are now slaughtering their stock because they either cannot afford to feed them or they cannot even get the feed grains to feed them. Dairy cows are being slaughtered for meat. Egg laying chickens are being killed and sent to market. Valuable breeding herds that were to produce our future meat stocks are being killed. Do you realize what this is going to mean in a few months? It means that you may be paying a dollar a dozen for eggs by August. It means that what meat is available will cost astronomical prices that you would not believe today. In my home State of Pennsylvania, milk and dairy products are our single largest agricultural product and we are one of the Nation's major milk producers. I know what is happening to our dairy herds and it sickens me to think about it.

Mr. Speaker, we are facing an incredible food crisis and that crisis is now. We cannot wait until the anticipated bumper fall harvest because it will be too late by then. Our food producing herds and flocks will be decimated by then. And they will not be so easily rebuilt. It will take many years to restore our cattle herds. It will take at least six months to a year to rebuild the swine herds. It will take at least 4 to 6 months to restore the poultry flocks. Thus, the Nation will be faced with a protein crisis at least through the fall of 1974. Protein products simply will not be available except perhaps on a ration basis. This is the crisis that faces us.

Now let us look at what has been done so far and what options are open to us. The USDA has released all of its feed grain stocks and emptied its silos. That has helped. The Department also has revised its set aside requirements so that an additional 45 million acres has been brought under cultivation. As a result, the fall soybean crop is expected to be in the area of 1.5 billion bushels. This is all good but it is not enough.

Right now, we are continuing to export our feed grains even as this terrible shortage exists at home. And here is a further irony. The necessity to ship these export grains to ports of entry is tying up railroad boxcars to the extent that even where feed grain is available for our farmers, they cannot get it. Some of our feed grain is actually rotting in the silos. Meanwhile, every day, our herds and flocks are being cut back. Farmers are going into bankruptcy or simply getting out of the business. And I think you gentlemen realize that once out, it is going to be very difficult to bring these farmers back.

Now you may ask, why has not the administration imposed a temporary embargo on grain exports, the clearly obvious thing to do. It already has that power under the Export Administration Act. I will tell you why. Not only is it more concerned about the balance of payments than about the American consumer, it is also deeply concerned about those export markets that USDA has worked so very hard to develop and nurture over the years. I acknowledge that this is a reasonable concern, but I believe it to be unrealistic, shortsighted, and a matter of distorted priorities. I disagree on several points. I do not agree that if we simply delay our export shipments for 120 days until we get our fall crop harvested that these export markets will go away. Those markets exist, because there is a tremendous worldwide demand for American grain. That demand is not going to disappear overnight. In fact, all projections I have seen indicate that the rest of the world is going to be turning more and more to us for food and grain. And we will still be able to satisfy our export commitments. My bill simply delays those shipments.

Second, I believe that the policy is shortsighted, because it is going to sharply reduce domestic demand for feed grain in the future. This will happen in two ways: By fall, our livestock and poultry population will have been reduced significantly. They will need less feed grain, much less. So where are the feed grain farmers going to sell their bumper crop of grain when they harvest it this fall? Is it good economic management to go from extreme shortages to extreme surpluses when that is avoidable? The second way it will reduce domestic demand for food grain is that by that time, many people will have gotten into the habit of eating less meat and eggs. We are seeing that process under way right now. It began several months ago when protein product prices began to go into orbit. Every national poll indicates that people are now eating less meat, that they are getting used to it, and that they do not intend to increase their meat consumption even after prices have fallen. Thus the demand for protein products is going to decline, which means that just as our feed grain stocks are increased to satisfy current demand for protein products, that demand will have been reduced.

I wish to stress this point because I want to make it absolutely clear that the temporary embargo proposed in my bill is definitely in the interest of the feed grain farmer. Our failure to impose this embargo now will do serious damage to his future markets. I also am pleased to inform you that I have firm estimates from the USDA that feed grain farmers will earn more money this year with their increased production at lower prices than they would with lower production at higher prices. I pressed USDA on this point and they were firm in that judgment.

My third objection to current USDA policy with regard to an export embargo is that it represents distorted priorities. When I questioned USDA about high food prices, I got the distinct impression that they were not overly concerned about the prices that the American consumer is now paying in the supermarket. They seemed to be saying to me that yes, prices are up, but they really are not too high. And then they quote figures about what percentage of the typical American income goes to food compared with other countries. Well, I do not care about those other countries. I care about the United States of America. And in the United States of America, food prices are too high; and it is not the farmers' fault.

I think that USDA is really saying that those export markets are more important to them in their narrow little world than is the American consumer. So they are fighting to preserve those markets and letting the American farmer and the American consumer pay the freight. And that Mr. Speaker, in my view, is a grossly distorted priority. I do not buy it. It is high time that we started taking care of Americans first and then concerned ourselves about problems in the rest of the world.

Now this brings me to the effects of my bill. If we are able to enact this into law quickly, here is what will happen. A substantial portion of the 475 million bushels of soybeans and similar fractions of other feed grains scheduled for export will immediately become available for domestic consumption. The boxcars now tied up in carrying grain to the various ports will be diverted to carrying grain to American farmers. Feed grain prices will decline immediately. Most importantly, with the assurance that feed grains will be available at reasonable prices, farmers will immediately halt the slaughter of their critical herds and flocks. This will have the effect of preserving demand for feed grain beyond the fall. Once the fall harvest is in, the embargo will be lifted and exports can begin again. The deferred export shipments will provide an extra demand in the fall for that bumper harvest. Finally, as farmers begin shipping to market protein products that were fed on more reasonable priced feed grain, food prices will begin to decline as well.

It should be clear then that one effect of my bill would be a major reduction in the cost of meat, poultry, eggs and milk, and in the case of the latter three, that effect may be felt almost immediately.

Mr. Speaker, in behalf of all American farmers and the American consumer, I urge the adoption of this bill at the earliest possible moment.

THE DEATH OF MR. JAMES D. ASHER

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. BURKE of Massachusetts. Mr. Speaker, a man who both gives of himself to his friends and gives of his talents to his community is a very rare man indeed. Today, I would like to honor a man who did both these things to the utmost of his ability, Mr. James D. Asher of South Weymouth, Mass., who died on June 2, 1973.

Mr. Asher was a very dear friend of mine, and I consider his death not only a personal tragedy, but a great loss to the community as well.

James Asher was the founder, president, and treasurer of the South Shore Broadcasting Co. in Quincy, Mass. It was at great personal sacrifice that Mr. Asher established the broadcasting company, putting in extra time and effort back in 1947 so that the south shore area of Massachusetts might be provided with an efficient radio broadcasting system. He even went so far as to assemble the transmitter himself, so that the project might be achieved more rapidly. Today, as a result of his dedication and hard work for more than 20 years, the South Shore Broadcasting Co. has expanded its operations to two stations—WJDA in Quincy and WESX in Salem. All this from the almost single-handed efforts of one man.

Few men are so selfless as to dedicate their lives to the betterment of others' lives—those they will never personally know. Mr. Asher never came in contact with a great majority of the lives he touched, but he served the public with a zeal and intensity that was characteristic of him.

The South Shore Broadcasting Co. will serve as a living memorial to James D. Asher, and justifiably so. Even though he is no longer physically present with us, his memory will always be kept alive by the continuing and ever-improving radio broadcasts to the south shore community.

I would like to submit the following newspaper clippings and editorial that express so well how extensively Mr. Asher's life touched the lives of the community:

[From the Quincy (Mass.) Sun, June 7, 1973]

JIM ASHER

Like most men, Jim Asher had his special dream.

Most men don't get to really see their dreams come true. But he did.

While doing graduate work at the Harvard University School of Business Administration, the young Kansas native became acquainted with the Boston area.

And in the late 1930's, he was a clothing salesman in Boston and here at a Quincy store.

He thought the Quincy area had good business potential. But instead of opening up a clothing store he decided to try a radio station.

He had a fascination for the No. 13. So on Sept. 13, 1947, WJDA went on the air—at 1300—on the dial.

"We had about $130 [that number again] in the bank and a lot of hope," he once recalled.

He didn't know much about radio. But he was willing to try.

And he ignored some of the so-called experts who were predicting WJDA wouldn't last six months. Quincy was too small and too close to Boston for a station of its own, they insisted.

What they didn't take into consideration was Jim's drive and determination. He made it. Today, the station that couldn't last is in its 26th year and one of the most successful in the nation.

Jim's dry wit and his homey broadcasting style made getting up early a must for many listeners in the area. During his "Breakfast With WJDA" from 6:30 a.m. to 8 a.m. [until his illness in 1972] Jim's listeners got much inside low down on the latest cribbage match with John [Zep] Duane or what Freddy Lane in the control room was doing for excitement, or they chuckled over Belinda, the mooing cow, who sounded so real people wanted to know how much hay she ate.

Jim, people have said, was a success in life.

But he was much more than that. He was a success as a human being.

True, he was a sharp businessman who could be tough when needed. But he was a good family man, a square shooter who believed in fair play, and was always ready to offer a helping hand.

Jim, for an example, was an inspiration to us in founding the Quincy Sun.

Our decision to bring a community oriented weekly newspaper to Quincy was made with the realization that he had blazed the trail before us. He had proved there was room here for a radio station. We both thought there was now room here for a weekly newspaper, too.

Jim offered us encouragement before and after we started The Sun. He did this despite the fact that we were going to cut into the existing advertising dollars in the area.

That didn't bother him.

He went out of his way many times to "plug" The Sun on the air quoting excerpts or asking, "Did you see that item in The Sun?" His frequent mentioning of us helped make many people aware of the fact that there was another newspaper in town.

We will always be grateful to Jim for his kindness to us. He was a good friend.

The Quincy-South Shore area has also lost a good friend. Both he and WJDA have been active in many civic causes.

Jim is gone, but he leaves his radio station as a legacy for us all.

The station's call letters WJDA, of course, are his initials—James Dudley Asher. Many people will remember him that way.

But having his own initials for call letters didn't impress him that much. In fact, it was only one of several submitted to the FCC for approval. They gave WJDA the green light.

What he was really proud of was what he once told us: "We're a family station."

Men like Jim Asher don't come this way very often. Quincy is indeed fortunate that he did.

So long, Jim.

HENRY BOSWORTH,
Publisher, Quincy Sun.

[From the Quincy (Mass.) Patriot Ledger, June 6, 1978]

RITES FOR JAMES ASHER ATTENDED BY OVER 200

WEYMOUTH.—More than 200 persons filled the Church of the Holy Nativity in South Weymouth yesterday for funeral services for James D. Asher, a community leader and founder of the South Shore Broadcasting Co.

Burial was at Blue Hill Cemetery in Braintree.

LONG ILLNESS

Mr. Asher, 59, of 313 Central St., died Saturday morning at the South Shore Hospital after along illness.

The South Shore Broadcasting Co. operates radio station WJDA in Quincy and radio station WESX in Salem.

Until last year, when he was succeeded by his son James D. Asher Jr., Mr. Asher had been president of both firms.

The many persons attending the service "Gave testimony how his life touched others," said the Rev. James Nelson, rector of the church, during the service, adding that Mr. Asher had a "good, full life."

George Gelinas of South Weymouth, a long time friend of Mr. Asher, and a lay reader at the church read the 23rd and the 121st psalms from the Book of Psalms at the funeral service.

Many civic, business and community leaders were among those attending the service.

RADIO STATIONS

The owners of three Massachusetts radio stations, and members of the Massachusetts Broadcasters Association, of which Mr. Asher was a former president, were present. They were Israel Cohen of WCAP in Lowell, Douglas Rowe of WGAW in Gardner and Thomas M. McAuliffe of WSRO in Marlboro.

Mr. Cohen, who had known Mr. Asher for more than 20 years, said of him "In the association he was always there when you needed him. He was one of the older breed of people who really started in the business."

Two former mayors of Quincy, Amelio Della Chiesa and Thomas Burgin were among those present as was former Quincy City Manager Edward T. Lewis.

Quincy Fire Chief Edward F. Barry lead a delegation of Quincy fire fighters and several members of the Massachusetts Ancient and Honorable Artillery Co., including Lt. Ernest Montilio of Quincy, a long time friend of Mr. Asher, attended.

LINED SIDEWALK

Following the church service, the members of the Quincy fire department and Ancient and Honorable Artillery Co. lined the sidewalk at the church as the casket was removed and the mourners passed.

Some of the original sponsors of the South Shore Broadcasting Co. in 1947 were also in attendance. They included Frank Duggan and Ambrose Duggan of Duggan Bros. in Quincy and Joseph Jannell of Jannell Motors Inc. of Weymouth.

Among the Quincy business men present were George Bonsall, Matthew Cushing, I. Forrest Neal, Henry Bosworth, William J. Martin, George Reardon, Robert Faxon, Louis Cassani, John Blake, Chester Weeden, Heslip Sutherland, and Leslie Brierley.

Also, the Rev. Chester Porteus, rector of the Christ Episcopal Church in Quincy, Edward T. Moore, who represented Rep. James A. Burke of Milton; William Delargy, retired police reporter for the Boston Record American; Herbert Hollis, former state representative of Braintree; and Norfolk County Sheriff Charles Hedges.

Also, WBZ television and radio weather forecaster Don Kent, who had been a weather forecaster at WJDA several years ago, and Nelson Bragg.

LODGE REPRESENTATIVES

Representatives were present from the Aleppo Temple, Wessagussett Masonic Lodge, Quincy Rotary Club, Wollaston United Commercial Travelers, Quincy YMCA, Colonial Federal Loan and Savings Co., the Milton Bank and Trust and South Shore Publishing Co.

Also, Charles Keenhan, vice president of the Yankee Atomic Energy in Beverly, and Edward J. Barrett, former executive of the Penn Central Railroad.

In a tribute by Rep. Burke to Mr. Asher, Rep. Burke stated that "Jim Asher was a long time friend and he was not only a capable and successful broadcasting executive, but also an objective and fairminded newsman.

"His concern was always for the welfare and betterment of his community and nation, and what is more—he worked at it.

"He shall be greatly missed by all who knew him or ever had contact with him."

Quincy Mayor Walter J. Hannon said yesterday Mr. Asher was a long time personal friend and that the death of Mr. Asher "is a great loss to all of us on the South Shore. My deepest sympathy goes to his wife and members of his family.

CIVIC INVOLVEMENT

"Because of his dedicated service and involvement in civil and community life, he will be sadly missed by all who knew and admired him."

Born in Lawrence, Kansas, Mr. Asher received a BS degree from Kansas University School of Business Administration and later did graduate work at Harvard University School of Business Administration.

He did public relations work during World War II with Gen. Benjamin Lear's Second Army and at Harvard University Training Army School and the War Department Personnel Center at Fort Devens.

Mr. Asher founded Radio Station WJDA on Sept. 13, 1947 on Brackett Street in Quincy while the building of the station had not been completed. The transmitter had been constructed by Mr. Asher himself, with supplies which had been donated by the late John J. Duane of Quincy.

He is survived by his wife, Mrs. Ruth (Stoddard) Asher; a son, James D. Asher, Jr. of South Weymouth; a daughter, Miss Joan Asher of New York City; his mother Mrs. Dudley Asher of South Weymouth; a brother, Charles E. Asher of Gardner; and a sister, Mrs. James R. Wilkinson of Atlanta, Ga.

Funeral arrangements were completed by the C. C. Shepherd Funeral Home, 134 Pleasant St., So. Weymouth.

[From the Quincy (Mass.) Sun, June 7, 1973]

JAMES ASHER, EULOGIZED AS MAN WHO "PASSED TRUTH, GOODNESS TO OTHERS"

James D. Asher, founder and moving spirit behind Radio WJDA in Quincy, was eulogized Tuesday as a man who "from his life passed truth and goodness into the lives of many others."

Asher died Saturday at 59 in South Shore Hospital after a long illness.

The Rev. James L. Nelson, pastor of the Episcopal Church of the Holy Nativity in South Weymouth said at the services "the large crowd is testimony" of the kind of life he led.

The church was filled with persons from all walks of life.

First Lt. Ernest Montillio and other members of the Ancient and Honorable Artillery Company, of which Mr. Asher was a member, formed an honor guard for the body of their comrade leaving the church.

Burial was in Blue Hill Cemetery, Braintree.

Mr. Asher founded the South Shore Broadcasting Co., WJDA, which went on the air Sept. 13, 1947. Two years later, he acquired the North Shore Broadcasting Co. WESX in Salem.

He was on the air himself, hosting the program "Breakfast with JDA," daily Monday through Friday, from 6:30 a.m. to 8 a.m. until January, 1972.

A native of Kansas, he was a graduate of Kansas University and a public relations officer with the U.S. Army during World War II.

He leaves his widow, Ruth [Stoddard] Asher of South Weymouth; a son, James D., Jr., also of South Weymouth; a daughter, Joan, of New York City; his mother, Mrs. Dudley Asher of South Weymouth; a brother, Charles, of Gardner; and a sister, Mrs. James R. Wilkinson, of Atlanta, Ga.

Among the mourners were former Quincy Mayors Thomas S. Burgin and Amelio Della Chiesa, former City Manager Edward T. Lewis, former State Rep. Herbert B. Hollis of Braintree, Norfolk County Sheriff Charles W. Hedges.

Administrative Assistant Edward Moore and Mary Touhey of Congressman James A. Burke's office, John Blake, president of the South Shore Chamber of Commerce; former Quincy School Committeeman A. Wendell Clark.

Don Kent, former WJDA meteorologist now with TV Channel 4 in Boston; Lester Glasser, husband of the late Ida Newman Glasser, who conducted the Ida Newman Show on WJDA for many years.

Representatives of the Massachusetts Broadcasters Association, Israel Cohen of WCAP, Lowell; Douglas Rowe of WGAW, Gardner; and Thomas M. McAuliffe of WSRO, Marloro.

Forrest I. Neal, Jr., director of the MBTA; William DeLargy, retired police reporter for the Boston Record American; Irving Greenblat, president of the South Shore Publishing Co; Henry Bosworth, publisher of the Quincy Sun

The Rev. John D. Banks, pastor of Bethany Congressional Church, Quincy; the Rev. Chester Porteus of Christ Church Episcopal in Quincy; Charles Pearce, president of the Quincy Savings Bank.

Past Presidents George Bonsall, Matthew Cushing, Heslip Sutherland and Louis Cassani of Quincy Rotary; George Reardon of President Chevrolet; Edward Percy, president of the Quincy Rotary Club.

Ambrose and Frank Duggan of the North Quincy Garage; Joseph Jannell of Jannell Ford, South Weymouth; Henry Hoffman of A. E. Barnes Insurance Co.; William J. Martin, former president of South Shore National Bank.

Chester Weeden and Leslie M Brierly of Hancock Bank and Trust Co.; Robert Faxon of Faxon Trust Real Estate; Clyde W. Morrison of Electroswitch Corp.; Albert E. Spencer, Jr. of Old Colony Landscaping Service.

Charles Keenhan, vice president, Yankee Atomic Energy, Beverly; Edward J. Barrett, former executive of the Penn Central Railroad.

Quincy Fire Chief Edward Barry headed a delegation from the Quincy Fire Department and there was also a delegation from the Quincy Police Department.

Representatives were also present from Wessagussen Masonic Lodge AF and AM; Aleppo Temple and the Quincy YMCA.

RAY McHUGH WRITES ABOUT IRAN

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. DAN DANIEL. Mr. Speaker, a news commentator the other day said that so much news is being generated just now it would be nice if we could put some of it in the deep freeze, and save it for a slow weekend. He was quite right, of course. Events tumble so fast on the heels of other events we barely absorb a fact before another crowds in. And most of what we are having to absorb is bad news.

It was heartening and encouraging to me, therefore, to be privileged to read two articles by Mr. Ray McHugh, of Copely News Service, concerning our allies in Iran. Mr. McHugh is extremely knowledgeable in world affairs, and without exception I have found his analyses in that area penetrating and objective. I have known Ray McHugh for a number of years and am as honored to call him a good friend as to label him an excellent writer.

I include Mr. McHugh's reports on his recent visit to Iran in the RECORD at this point:

IRAN'S NATURAL GAS: IT MAY BE A KEY IN U.S. ENERGY PLANS

(By Ray McHugh)

ANWAZ, IRAN.—"Captain Butterfly" lifted his Alouette helicopter gently over another of the tortured Khuzistan mountain ridges, then banked suddenly and allowed the craft to fall toward the meandering Khairabad River below.

Two startled shepherds looked up as their sheep and goats scattered along the shallow river.

The red-faced Hungarian pilot whose real name is Janos Batorfi handled the turbine copter as if it were one of the Stukas that he flew against the Russians during World War II, or perhaps like the MIG he flew to Austria during the 1956 Hungarian revolution.

Leveling off finally, he pointed at a cluster of rocks several hundred yards ahead.

"The bridge," he shouted.

As we approached, skimming the reed-filled, green-gray water, the rocks sorted themselves into the shape of an ancient span. Three graceful, Moorish-looking arches were still intact and they poked halfway across the river. A crumbling watchtower on the other bank looked Roman.

The bridge that somehow has survived for more than 2,000 years in the heart of southern Iran's desolate oil-and-gas wilderness is a tangible link between past glory and 20th Century prosperity.

According to Persian history, Alexander the Great and his army passed over the bridge in his march to the Persian Gulf that climaxed his conquest of the known world 324 years before the birth of Christ.

Khuzistan then was described as a land of rich farm valleys and rushing rivers, but its face has been remade by wrenching earthquakes that left spectacular scars on its mountains and dried up most riverbeds.

For almost 2,000 years it was literally forgotten by history. Even today the indigenous population huddles in little mud hut villages and struggles with subsistence farming and grazing.

But Khuzistan and other similar forgotten regions of once-proud Persia now hold the key that can solve much of the world's energy crisis and perhaps unlock the door to new glories for Iran.

Oil and gas pipelines and high-voltage electric lines crisscross its mountains and valleys. Gas flares burn like a hundred ancient campfires. Roads push through seemingly impenetrable terrain. Mircrowave radio towers crown its highest peaks.

At a desolate clearing known as Bid Boland stands a $200 million natural gas refinery, the largest in the world and the pride of the National Iranian Gas Co.

Bid Boland is the heart of a 1,200-kilometer, $700 million system that pumps a billion cubic feet of gas a day to the Soviet Union and distributes 600 million cubic feet a day to Iran's major cities and industries.

Tomorrow it may become a key element in American and Japanese energy planning.

Iran ranks second only to the Soviet Union in proved natural gas resources. New test drilling indicates a "virtually unlimited" supply. One new field is already earmarked for the Japanese market. Work has begun on a huge methanol plant where gas and methanol will be mixed for shipment in giant tankers and use in power stations.

Plans also are under way for a huge gas liquefaction complex. Methanol gas cannot be used in domestic lines without first going through a regasification process that is prohibitively expensive.

Natural gas, however, can be liquefied by reducing its temperature. It could then be transported to American and Japanese ports or offshore terminals in new-design, refrigerator-like ships called "LNG" carriers. The LNG can be released directly into existing domestic supply systems.

Officials of the National Iranian Gas Co. are currently discussing plans with U.S. shipbuilders, Washington officials and American utility companies for a fleet of perhaps 20–24 giant 160,000-cubic-meter LNG ships that would carry the gas from the Persian Gulf to East and West Coast ports and to Japan. T. Mossadeghi, managing director of NIGC, said his firm and the Iran government are anxious that the ships be built in the United States to take advantage of advanced American technology.

Preliminary talks have already been held with Commerce Department, Interior Department and Federal Power Commission officials in Washington.

A project of the scope envisioned by the Iranians, several American public utilities and distribution firms and the shipping industry would amount to several billion dollars and would require a major increase in shipbuilding subsidies to offset the difference in construction costs in American and Japanese or European yards.

It might be necessary to build one or more new American shipyards to handle the project, according to Edwin Hood, president of the American Shipbuilders Council.

Mossadeghi said the Iranians are working to develop their LNG capacity by 1977 and that they hope giant carriers will be available by 1980.

The NIGC also is waiting for clarification by the Nixon administration on new regulations covering American imports of natural gas. In his energy message to Congress, President Nixon urged a stepped-up gas exploration program in the United States free of FPC price controls, but he did not indicate the White House attitude toward imported gas.

Mossadeghi said he is confident that the United States will have to turn to Iran and/or to the Soviet Union to augment its supply of gas, despite the fact that the United States is the third largest producer.

"You simply use tremendous amounts of gas," he explained, "and your demand increases constantly because of the environmental factors involved in other fuels. Even the biggest exploration program in America is not likely to meet your requirements.

"Naturally, the cost of gas must increase. The transportation is the expensive item. But the decisions cannot be postponed."

Mossadeghi says those decisions should be made this year. He estimates Iran by 1977 will be able to supply some 3 billion cubic feet of gas daily. He points out that Russia already wants to increase its gas imports from Iran, but he indicated the Iranians also want to renegotiate their price agreements with the Soviets and they want to protect their growing domestic market.

Their capital city of Tehran with a population of 4 million is powered almost entirely by natural gas.

"The important thing to us," he said, "is that we make allocations of gas now for the future. We must plan. The kind of facilities that are needed take time to build. An American allocation might require an investment by your firms of $600 million to $700 million in plants and equipment, but remember that only about 15 per cent of that would be spent in Iran. The rest would go directly into the American economy."

Mossadeghi and aides also emphasized that they have U.S. balance of payments worries in mind when they propose that the LNG fleet be built in American yards.

Russia with known reserves of 550 trillion cubic feet of natural gas leads the world, but much of its reserves lies in very difficult regions of far Siberia, explaining the Soviet purchase of low-cost Iranian gas in exchange for steel mills and other heavy industrial plants that the shah of Iran wanted badly to stimulate other sectors of his economy.

There are at least hints in Tehran that Iran would like to restrict its commercial dealings with the Soviets in light of the two countries' traditional political problems. (Russia feeds Iranian gas into its Crimean system that leads eventually to markets in Western Europe.)

Iran's proved reserves are set at 315 trillion cubic feet, but new fields now being explored prompt officials to claim that reserves may be virtually without end. American reserves are estimated at 300 trillion cubic feet.

Algeria ranks fourth with 130 trillion; Holland has 82 trillion—mostly offshore, and then national totals drop sharply.

Political uncertanties in the Arab world also have helped focus American attention on Iran as a dependable supplier of both oil and gas. A natural gas contract was negotiated with Algeria recently but New England utilities had to weather a series of frustrations and delays that are still not totally resolved.

Saudi Arabia, the No. 1 U.S. source of oil in the Middle East, has hinted at restricting the supply in retaliation for American support of Israel. The Saudi threats are largely discounted in this part of the world as "lip service" to Palestinians and Arab radicals, but the threats themselves point up Middle East tensions.

Although it is a Moslem country, Iran is not Arab and the shah has steadfastly remained aloof from the Middle East crisis.

And despite recent moves to assert Iranian control over the sale and distribution of its oil and gas supplies, Iran remains in close partnership with a producing consortium that is dominated by Anglo-American interests. Americans and Europeans also remain in key positions, although Iran has steadily built a national cadre of middle and top management personnel.

"Iran probably has the best-trained oil and gas people anywhere outside the United States or the Soviet Union," said a U.S. Embassy petroleum expert. "A very high percentage of them trained in the United States or Europe and they have technical schools of their own now that assure a steady supply of local talent."

Credit for the development of Iran's self-reliance in the oil-gas area is given to Dr. Manuchehr Eghbal, chairman of the board and general managing director of the National Iranian Oil Co., the parent of both the oil and gas operations.

Eghbal was prime minister of Iran from 1958 to 1962 before his appointment to the NIOC.

"He is not a technician, but he's the perfect man for the job," said Mossadeghi. "He is an administrator and he has a flair for the political side of things that escapes so many engineers. He has done a great deal to make the world appreciate Iran's resources and he has made all of us in the industry realize the important role we play in the development of our country."

Eghbal sees Iran's gas system as the link that is tying Iran together and making it possible to realize the shah's "white revolution."

"In laying this giant pipeline across some of the roughest country in the world, Iran has driven a broad path of progress through the nation," the chairman said, "giving many isolated mountain villages for the first time, road access, abundant power and immediate opportunity to improve the standards of living, while the capital and the main industrial cities along the route will have their future fuel supplies assured."

It could well be that Iran's prodigious pipeline also is an important key to the solution of America's energy crisis—certainly it already has impact far beyond the world of Alexander the Great.

THE INDIAN OCEAN III: IRAN MAKES BID FOR POWER

By Ray McHugh

ABADAN, IRAN.—The miles of yellow lights and the flickering gas flares that deny night to Abadan and the world's largest refinery signify more than a hungry world's appetite for oil.

They signify, too, a shah's appetite for the glories that once were Persia's.

Nowhere on the sweeping littoral of the Indian Ocean is one nation pouring so much into its own development. Not even giant India can match Iran's determined effort to establish itself as a local power in an area that has become a geopolitical vacuum and a world question mark.

The shah of Iran and his government cannot be accused of hoarding oil and gas dollars for speculation in international money markets.

"Iran spends every penny before the ink is dry on the checks," said an American diplomat in Tehran. "Sometimes you have to wonder if the shah can keep pace with the expectations he has aroused in these people, or the role he wants them to play."

Military analyses of the Indian Ocean usually begin and end with the United States and the USSR, the two powers that boast the naval and nuclear strength to "police" the area. But it would be wrong to overlook Iran.

No tears were shed in Tehran when Britain finally was forced to withdraw from the Persian Gulf and its old bases "east of Suez." For two hundred years London had practiced what former U.S. Ambassador Douglas MacArthur III called "plate glass diplomacy."

"It was as if the British built a glass wall around the area," MacArthur once told the writer. "It was a true Victorian concept. If anyone dared throw a rock at the wall, from inside or out, he immediately felt the full weight of the British empire.

"As long as that power was available, the countries around the Persian Gulf were cowed. Once that power was gone, they suddenly had to search their hearts for their own real identity and aspirations."

Iran's reaction to the British withdrawal is remarkably similar to that in the Malay Peninsula and in the countries of East Africa. The first impulse is to continue close contacts with London, but as time passes Britain is seen more realistically as a comparatively small island nation that no longer possesses the resources to help ambitious independent states reach full development.

Iran was introduced to American technology and military might during World War II when it was the "back-door" route for supplies to the Soviet Union.

It has moved close to Washington.

The shah has built a potent military machine with U.S. help and has just negotiated to buy $4 billion in British and American ships, planes and weapons to modernize his forces. Britain is building a destroyer and four frigates that will be the core of Iran's Persian Gulf fleet. U.S. sales include sophisticated helicopter gun-ships and even guided "smart bombs."

When the shah's program is completed in 1977, Iran will rank second only to Russian-equipped India as a local Indian Ocean power. According to Iran's Washington ambassador, former foreign minister and former son-in-law, Abashir Zahedi, the shah hopes to match India's overwhelming presence with a special Indian Ocean arrangement with South Africa, Australia, and Japan.

Japan, in particular, has a vested interest in the Persian Gulf. More than 80 percent of its oil supplies originate here. Iran is the world's No. 1 oil-exporting nation and may rank No. 1 in natural gas reserves.

As Iran looks at the world, it is literally threatened on four sides. Despite polite relations with Moscow and a commercial agreement that pipes a billion cubic feet of natural gas into the Crimea every day in return for Soviet steel mills and other heavy industry, Tehran maintains a "profound distrust" of the Russians.

It has not forgotten Soviet attempts to claim Iran's northernmost provinces after World War II. Any appearance of Russian naval squadrons near the Persian Gulf sets off talk of a Soviet "pincers" movement.

"We want no foreign presence in the gulf," the shah has warned.

Iran also has a running dispute with Iraq over navigable waters that mark the two countries' frontier. It is angry over radio Baghdad's attempts to fan rebellion in Baluchistan near the Pakistani border and it is keenly aware of Moscow's arms shipments to Iraq's radical Baathist regime.

Even more imediate is concern about India's pressures against Pakistan. There is real fear in Tehran that the forces set in motion by Pakistan's December, 1971, defeat by India during the Bangladesh war can literally tear Pakistan apart. Russian, Afghani and Indian agents are allegedly working inside Pakistan to incite minorities against President Ali Bhutto. Bhutto is a frequent visitor in Tehran and he and the shah are described as "in full agreement."

In recent interviews with Western newsmen, the shah has warned that Iran will not stand idly by if Pakistan is threatened with another partition or civil war. He has hinted strongly that his army would move swiftly to annex Baluchi areas in south Pakistan. Such a move would bring the Iranians face to face with India.

There is little concern shown in Tehran about Communist China, despite Peking's attempts to stir unrest in tiny, feudal oil states along the gulf.

Instead, China is looked upon as the major Asian balancing factor that can blunt both Soviet and Indian ambitions. But Peking's inaction during the 1971 India-Pakistan war also is noted.

"In a crisis," said one official, "we must look first to the United States. The CENTO agreement (Central Treaty Organization) is meaningless, but the United States has clear national interests in Iran. No president could ignore them."

AGNEW ON THE MEDIA

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, it was my honor to accompany Vice President Spiro T. Agnew on a trip to Arkansas in April. Mr. Agnew's address was on the occasion of the National Education Program for the Freedom Forum, an annual event at Harding College in Searcy, Ark.

As a result of that speech, Mr. Agnew was subsequently interviewed by David S. Broder, a respected journalist on the Washington Post staff. Mr. Broder, whose work as a columnist is highly regarded on Capitol Hill, has conducted an excellent interview on a timely topic. I therefore want to share this dialog with my colleagues:

Agnew on the Media

(An Interview With David S. Broder)

In an April speech at Harding College in Arkansas, Vice President Agnew said, "The government and the media must put aside their visceral reactions and engage in a productive, intelligent discussion of their differences."

Washington Post staff writer David S. Broder contacted the Vice President's office and suggested that a conversation on some of the issues of press-government relationships which Mr. Agnew had raised over the years might usefully be aired. The following transcript, edited from a one-hour conversation, represents the substance of the Agnew-Broder talk.

Q: I thought perhaps a useful starting question would be to ask you about a statement in your Harding College speech about the opinion-making media. Making the point that the administration wants to be fair to them, you say, "We do not think they have yet diversified their undertakings sufficient to fairly report the activities of government to the American people." What do you mean by that statement, and how do you see this process of diversification possibly coming about?

A: Well, what I meant was that there seem to be general thrust lines that develop in the opinion-making media. And at the point that the thrust line develops, the information-gathering process seems to adhere to that particular area of inquiry. Many other areas of inquiry just don't seem to come out.

Let me give you an example of what I mean. There are many, many important matters of community development going on right now. There are matters of the "new federalism" going on, general revenue sharing is being tested, and we're trying to complete the legislation on special revenue sharing. And yet, with the exception of certain people who've turned to this as a line of special reporting, these matters do not really get the kind of positioning in principal organs or ongoing attention on television needed to make people realize how important they are.

I'll give you another example. It relates to the practice of extrapolating one attention-getting segment and excluding the substance of the prepared remarks of a governmental official.

Yesterday I talked to the Atlanta Chamber of Commerce on an economic theme. Economic speeches are very deadly, so before I started out I tried to put them at ease with a little levity. And the levity went something like this: "Before I left Washington the President asked me to say a few kind words about John Connally. And I will—but not today."

Now, that was all there was to it. That got a nice laugh and they relaxed. I turned on CBS radio last night and this is the way my economic speech was handled: "Well, today it was politics as usual for Vice President Agnew, who had the following to say . . ." and on came what I just told you. Not a word about the forum, not a word about the subject of the speech. Well, surely you can say if you use that kind of material, you've got to expect that's what they're going to publish. But is it really? Does it have to be that way? Is the humor more important than the substance of the speech?

As far as television's concerned, there is almost—well, I won't say blanket unanimity, but there is what you might call consensus with regard to public events and how they should be construed. I don't think you'd find John Chancellor disagreeing essentially with Walter Cronkite, or with Harry Reasoner, for example, on what's important to talk about.

And on the talk shows you have basically the same thing going on. You may say you have a liberal and a conservative on the Agronsky show. But what you really have is a Washington-oriented enclave focusing in on what's been reported in Washington, instead of moving out and diversifying their discussion. I can tune in that program and almost tell you what's going to be discussed that week.

Question: Do you think that's becuse the basic agenda for most newspapers are the AP and the UPI budget summaries which come out every morning and every afternoon saying, "These are our major stories for the next cycle"?

Answer: I suppose that's got something to do with it.

Question: But does that reflect anything other than news judgment as to what are major stories?

Answer: No, but what is news judgment and who decides on news judgment?

Question: Well, would you make the same criticism that you've made of the anchormen of, say, the news editors of Associated Press and United Press International? I think the same obsevation could be made: that if you took it over a period of a week, 80 or 85 per cent of the stories that one wire service said were main stories would also be main stories on the other wire.

Answer: Yes, I would. I think that that applies to the wire services, it applies to the weekly news magazines, it applies to the large metropoltan dailies that maintain independent wire servces and facilities and make ther own news judgments.

Question: When you referred to these people reflecting one point of view about one theme, where do you think that uniformity comes from ? Do you think it's imposed from the top of their organization, or do you think it's because of the way these men are recruited, or what?

Answer: I think it's the fact that they're members of a fraternity. Like any other businessmen, they talk to each other more than they talk to people in other undertakings. And, institutionally, I think most of them are recruited from schools of journalism where the judgment process follows what's taking place in the then-existing principal media. And I think there's a philosophical compatibilty among most people who work for the large news organs that naturally brings them to similar conclusions.

Q. Now, you have put stress always on getting more diversity into that group. How do you think that's possible? Do you have any sort of a strategy?

A. One of the steps that's been taken, of course, is the use of op-ed pages and contributing writers and commentators. Guests on programs. But it isn't entirely effective. And I blame the ineffectiveness not so much on the lack of attempts of the media to do what they can to help, but on the very small number of people with other ideas who are available and willing to make the contributions. That's a problem. I'm sure that The Post, The Times would print whatever was submitted, particularly if it were provocative and well-written, but I don't think they get too much of this kind of material sent to them. Now there must be some reason for that. I don't know what that reason is. I really don't.

But I'm hopeful that it's beginning to change. I see the first evidence of it in my contacts with college youth: not as doctrinaire as formerly, not as willing to accept a simple position and take off with that, but more questioning of every opinion now. And much more ready to hear another opinion than they might have been in the past.

Q. But in your answer to the question, you've moved off of the front page and on to the editorial page.

A. Sorry. Let's talk about the front page. For example, I happen to believe that when a subject becomes very hot, such as Watergate is right now, the problem isn't the fact that it consumes 10 or 11 pages of a news magazine, it isn't the fact that it consumes several pages of the newspaper. It's that much of what is presented on it is repetitious. There isn't the effort to diversify the account.

Let's go to economics. If stats come out, and they show inflation is up, you'll find a tremendous amount of commentary on inflation, but almost a total neglect of the record-setting pace of the GNP growth, of unemployment's decline, of the assimilation into the job market of a great amount of people formerly employed in undertakings related to the Vietnam war. And all of the accompanying things that go with a boom economy that are good seem to be overlooked in the fear about inflation.

Now inflation, of course, is a very real hazard. But the commentary right now about the economy I don't think justifies what you might call a dismal view. Surely we've got inflation that's too high, but so does every industrialized nation in the world. And ours is relatively low compared to theirs.

We are taking steps to dampen the economy and we have made certain projections and inflation's going to subside in the third and fourth quarters of this year. One of the reasons we have this inflation is, of course, the pace of growth in the economy. One of the reasons we have another thing that is generally characterized as bad, which is the growth of corporate profits, is because we've got this tremendous growth in the economy. It isn't that individual companies are pricing their products higher—because they're faced with guidelines—but because they're producing more, and consequently the profits are more.

The comparisons between wages and profits really aren't fairly made. On the one hand, you have the profits coming out of the growth of the business, accelerating at a high rate, and on the other hand you have wages of the individual not changing that quickly because there are more and more individuals to distribute the increased total of wages among.

We're still looking for some way to present this in perspective. But here, when you pick up a newspaper like The Post, the headlines at least and the principally positioned stories would relate to what could be called alarming economic developments—inflation, too much profits, something that carries through the thesis that the little guy is not being taken care of but that the corporate people are being rewarded beyond their legitimate expectation—and nothing to indicate that this growth of the economy makes it possible for us to project that in fiscal 1976 we may have no budgetary deficit, in spite of increases of maybe almost $20 billion a year in spending.

Q: I find it ironic that most of your criticisms have been directed at what you call "the opinion-making media." Those are, by and large, media which are in a competitive situation. You haven't said very much about the much more frequent situation around this country where you have literally monopoly ownership.

A: I suppose this is an escape answer in a sense, but I don't read those newspapers every day. And maybe that's why I don't criticize them more. I'm living in a place where what I characterize as the opinion-making media come to me every day in the form of news summary, my own reading of The Post, The Times and The Sun, Time and Newsweek—and some attention to the networks.

Q: You suggested at the University of Virginia that either there should be no unattributed accusations printed against government officials or that they should be substantiated—I think this was your line—by evidence that's admissible in a criminal charge. Do you really think that it would be possible to do investigative reporting of the kind that characterized the Watergate reporting?

A: I have to say that investigative reporting is certainly beneficial as far as informing the public is concerned. I don't think that investigative reporting really ever breaks many things loose. It wasn't the newspaper reports that broke the Watergate matter loose, it was [District Judge John] Sirica's handling of the defendants' sentencing that broke that information loose. Because if the defendants had not changed their attitudes at that time the information wouldn't have been available to be leaked. Looking at investigative reporting at its best, I think it's gathering bits and pieces of information that can lead to a discernible opinion that's intelligible to the public. And I praise that highly. Investigative reporting that provides the incentive for a grand jury to begin an investigation I praise highly. I don't believe that investigative reporters moving out in advance of an acting grand jury or trying to project to the public hearsay of what is essentially a secret proceeding—secret to safeguard the constitutional rights of others—is good investigative reporting. And I find a lot of fault with the fact that inaccuracies do occur and that the public mind can be very much positioned by broad-brush accusations.

Guilt by association: I think one of the news magazines had a whole page of pictures of principals in the Watergate. Now some of these people were implicated to a very great extent, to the point of having been indicted. Others may never be—or may be completely cleared. But they shouldn't all be set up as a rogues gallery, as though they were all in the same status at the moment.

I have a heck of a time trying to figure out how you protect confidentiality of sources—how you protect the newsman's right to go and investigate and report to the public without revealing his sources, and at the same time how you protect people who might be unintentionally destroyed by it. It's entirely possible that people who are later going to be found innocent will have their reputations damaged to a tremendous extent by what takes place in the course of an investigation. So I came out with an idea. How would it work if the reporter, in the course of gathering his story, were totally protected with an absolute privilege—even if he were writing matters that criticized the judgment of his subject—so long as he did not accuse him of any immoral or illegal conduct? But at the point the reporter singles out an individual and writes—from not his own knowledge but the knowledge of some other person who has given him the information—a person that he's not willing to identify—that this man has done something illegal or immoral that would affect the man's personal reputation—at the point somehow there has to be a way that the man accused can protect himself, provided the reporter publishes it, by coming back and saying, "All right, now, someone has accused me of being a crook. Who says so?" If the accused can't do that, how does he protect himself?

I find it's very difficult to formulate what I think is a fair position. Because I do understand that there has to be some sort of privilege that runs to an investigative reporter. But at some point we must stop the character assassination that can occur through carelessness or through design on the part of the reporter. I don't know just how you do that. I think that one of the principal gains that could come out of our free discussions of this matter would be to try to evolve some system to do that. Now, forgetting about immoral or illegal conduct entirely, just think about expertise in a job and the judgments that a man makes in the course of his political career—how he can be second-guessed by spectres. If someone writes a story that an undisclosed source said something, a high White House source, or any of the other characterizations, a longtime statehouse observer, a longtime State Department expert of ambassadorial rank, or whatever the case may be—you never do find out who those people are. The public doesn't know what degree of credibility or expertise to assign to them because it's all left in the hands of the reporter to indicate how believable they are by the way he adjectively presents them in his article.

Q. So is it your opinion that there is not sufficient remedy for this problem in two things: one, libel suits and, secondly, the question of the damage to the reputation of a newspaper which makes these charges and is unable to back them up?

A. I don't think there is sufficient recourse in either one of those things. First, with regard to people in the public sphere, libel suits have become laughable. There is no way to collect in a libel suit because of recent court decisions. We don't have the British system, which is very rigid. And I'm not prepared to say which way that ought to go. I'd much rather see more careful reporting than see a rash of libel suits come up But maybe this is the only way to keep the freedom of investigation and require the care that's necessary. Perhaps it's worth talking about.

The other point you raised I don't believe really is a factor. Because people read a newspaper casually, and today's newspaper is gone, it's discarded. I doubt if anybody except people such as myself ever read newspapers carefully or pull out something or refer back to something. The average person reads it as a casual source of general information. He couldn't separate in his own mind which newspaper he read something in or whether he heard it on television or heard it on his car radio. He only knows that he heard certain things. So I don't think a newspaper's reputation is damaged by stories that it makes errors in.

For example, I don't think that most of the error is ever presented as error to the public. There's a correction printed occasionally, sometimes not. I've had little things that from time to time I wanted to correct. I don't even try anymore, and I think probably they shouldn't be corrected from my standpoint, we shouldn't even try to correct because it just brings it up all over again.

Q: In the Harding College speech you suggested that the "advocacy journalists," as you phrased it, in recent years have tended to be antigovernment. Do you think of this as a problem that is particularly directed against this administration, or are you concerned about a general problem of skepticism of all *government officials in all branches of government at all times?*

A: I think it's a general posture against the power of the government. The fear that power is being misused. And the social consciousness that things are not perfect. Not even equitable. And the feeling that the government should be able to correct that. It's the old attitude that most young people have, and I had when I was young, that if I could just get in there I could straighten it all out. The complexities of the competing positions are not discerned by somebody outside of the government—not as well as they are when you actually have to get in and devise the policy. Consequently, I think this causes an orientation sort of hostile to the failures of the government to realize utopian perspectives.

Q: Do you regard this incipient national press council as in any way being helpful in dealing with these issues that you've raised?

A: Well, I think some press councils have been successful. The Minnesota one apparently has been successful. On the other hand, I feel ambivalent about whether a press council is of necessity the answer. There are dangers in a press council. Clearly, a press council takes away a lot of independence of the organ, independence that perhaps they are constitutionally entitled to. It's a question of how much power it exerts. There's a question of who is the press council—I mean, if the paper's biased it's possible for a press council to be biased. There's no way to assure that it is a good press council.

But I do think that the idea of a review for fairness in reporting is a good idea. How to bring it about, whether it's through a press council, whether it's through individual awareness of the dangers inherent in drifting unconsciously into a biased position, whatever. I think that we have come some distance in creating a greater sensitivity on the part of the media to the fact that they can, without even wanting to, drift into opinion patterns that are biased.

Q: When you got into this subject several years ago your main concern seemed to be that television commentary was in effect jamming the President's message to the American people. Do you still see a real problem of the President as one political actor getting his views across to the American people?

A: Not as much. I think there's been a greater restraint in commentary, a much greater effort to report the totality of a message than to reconstruct it. But it still has certain inherent dangers. This business of instant analysis: Certainly there should be analysis, and commentary, and opinion about what takes place. But there's something insidious about having any speaker, a President, for example, give a message to an audience in its totality, and then having someone come on right behind him and tell the people who just heard the message what was said.

First of all, it performs not a purpose of enlightenment, because the listeners already have the whole message. They've just absorbed it. The analysis has a way of emphasizing certain things and certain possible conclusions to be reached from those points that are being reiterated, and it can to some extent affect the viewpoint of the recipients. I don't think it should happen that way. Now, the following day if somebody comes on and says "Now, this is how I feel about what the President said," that's different.

Q: But isn't the same audience that has just heard the President able to apply the same intelligence in evaluating any comments that they hear after the President? I don't see why it's harder for them to see through the commentary, if you will, than for them to analyze the evidence that the President has presented.

A: Well, I'll tell you why. In my opinion, a person who comes into a living room every night with regularity as a news commentator, a network commentator, becomes a very highly respected and regarded individual, particularly if he's as personable and as decent and nice as most of the people who appear on U.S. television.

There's a credibility that flows to these people on the simple basis that the average listener says, "Well, he has not an axe to grind, why shouldn't he be telling me the truth?" There's an avuncular image, a benign image, that revolves around a commentator. He is apolitical in their eyes, and he has a much firmer basis for being objective than someone who is in a position of political responsibility who is trying to explain why he took certain moves or why he didn't take certain moves.

Consequently, you can't conclude that, to the average viewer, the analysis is regarded with the same degree of suspicion as the subject of the analysis. You look at a President and say, "Well, he has his administration's viewpoint, he's trying to justify what he's done." But these people (the commentators) don't have anything to justify. In the viewer's mind, they have no reason to go one way or another. Consequently, they are in a much more formidable position to react pro or con to what's said.

Q: *Would you have a similar objection or would you feel differently if the television networks, say, simply brought on other politicians representing different points of view than the President? So the people would be contrasting the views of one politician, the President, with that of other politicians?*

A: I think that would help. And some of the networks have tried to do this, sometimes successfully and sometimes unsuccessfully. But there is a danger in that also because these are flash opinions based on immediate reactions without any chance to stop and think through the speech or look back on it or examine it or check it against available fact. And when you put somebody on television, he has to say something. The last thing he wants to say is, "I don't know anything about it." And consequently he may not be as careful or accurate or intelligent about his commentary as he might if he had time to think about it a little bit.

Q: *Are you concerned at all about the question of access to the public for politicians other than the President, representing other points of view?*

A: Well, the question of access for well-known people is not a problem. If I want to go on, I can go on. If a senator wants to get on, he can probably get on. But access for people who are not established personalities is a problem. It's difficult. A young person who wants to begin a political career has a very difficult time getting his opinions aired or printed, particularly if he has no office from which to speak.

Q: *In view of your stress again on diversity of opinion, what is your view of the actions of the Corporation for Public Broadcasting on public affairs programming?*

A: I'm going to be candid and say that I have not looked at enough public broadcasting to have a firm opinion about it. And I really should have inspected it a lot more carefully.

One thing I did see recently distressed me a great deal. I saw it on one of the commercial channels, but it was a rebroadcast of a public affairs program filmed by public broadcasting in New York. And it appeared on a program called "Camera Three," I think, that shows here on Sunday morning in Washington.

[Agnew apparently was referring to a "Camera Three" show produced for the CBS station in New York and shown here on Channel 9 last February. It was an edited film of a conversation between the Scottish psychiatrist R. D. Laing and Joseph Chalkin, founder of an experimental theater group in New York.]

There were two people sitting in a conversation in the yoga position and very unconventional attire which probably did not attract my sympathetic interest at the moment. And for half an hour they were involved in relating their personal experiences. And one of them, just to give you an idea, was saying why his mother had an impact on his life. His father had not been very kind to her and never gave her anything for her birthday, except one time when he carefully packaged a beautifully wrapped gift and presented it to her on her birthday. And then he began through his own facial expressions to try and show what her reactions were when she opened up the box and it turned out to be a three-months' supply of his father's toenail clippings.

And I kept watching it. I said to myself, "There has to be some point to this. This is being shown, it's being rebroadcast. It was filmed on educational television. There's got to be some point to it." I wasn't able to figure out what the point was. It was so distressing to me from the standpoint of a waste of good time that I tried to get a copy of it and I couldn't.

So again you have the question of media judgment about what you use public television for. To me, it is not justifiable that the taxpayers have to pay for the filming of something of this type. And in trying to decide whether it has any redeeming social significance, I couldn't come up with it.

I think also that we tend too much to go to the professional in looking for diversity: If we're looking for a conservative we go hunt up James J. Kilpatrick or William Buckley. Because they're known. They may not be reflective of contemporary conservatism in the sense that perhaps a young intellectual out of the Hudson Institute would be.

Q: *So in these terms it doesn't cause you any qualms when the funding is taken away from a program like Buckley's or like "Washington Week in Review" or Bill Moyers or Liz Drew? Does that seem to you to be consonant with the general theory of diversity which you've laid out?*

A: Well, the question then becomes whether the public dollar should be spent in the propagation of political viewpoints, and again that's a difficult subject. I don't feel qualified at this point to make the judgments on public television. Of course, I do want diversity, and I'd like to see us use every way to get it.

Q: *Let me ask you just one final thing: Do you have in general, as part of your theory about the relationships between government and media, any thought about the desirability or obligation of public officials to have press conferences? Particularly public officials like the President, who have really automatic access to media on occasions that they choose to make full statements of their own views on a particular subject?*

A: Well, you run into a problem with press conferences, and I'm not talking about the President particularly. You go into a press conference that lasts an hour, and you cover maybe 20 subjects. And you can pretty well predict that the report on that press conference will be on two, at the most three, of those subjects. And particularly in a continuing encounter with the press, as in a campaign. As you move from city to city, responses to questions in one city are brought up by the traveling press in another city, and a dialogue develops that has nothing to do with the subject matter in your campaign speech at that place, or with the interests of the people in that place. Press conferences often frustrate and infuriate public people when they're trying to get a balanced report of what's on their mind and all they get is the *cause celebre* of the moment with some new angle or some new interpretation to a response or some alleged conflict or nuance between a previous response and that one.

EUROPE'S SPACE HOPES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. TEAGUE of Texas. Mr. Speaker, in a recent editorial in Aviation Week, Mr. Robert Hotz, discusses the plans of the European community to participate in the Space Shuttle program by designing and developing a sortie module. This program will be undertaken at the cost of the European community and will be a direct $250 million contribution to the flexibility and use of the Space Shuttle. This is a most welcome development which is well described by Mr. Hotz in his editorial:

EUROPE'S SPACE HOPES

Europe is finally showing an inclination to become a serious force in international space technology by mustering its considerable but dispersed technological resources into a strong, homogeneous program that transcends its narrow geographical and political boundaries. The basic decisions that translated these long-cherished hopes for a strong European space presence into the possibility of reality were taken by the ministers of the European Space Conference in Brussels late last year (AW&ST Jan. 1, p. 14).

Most important of these decisions was to junk the diverse and relatively ineffective organizations of ELDO and ESRO and to create a single European space agency along the lines of the U.S. National Aeronautics and Space Administration.

The other major decision was to proceed along organizational and development lines that would eventually enable European space teams to participate on a significant technical and scientific basis in the U.S. space shuttle program. The space shuttle program is the most important future space program in the world. By moving into position to be able to build and use a significant part of the space shuttle system, Europe will finally get itself into the mainstream of international space technology.

This was a goal that many European scientists, engineers and government officials believed would remain permanently out of reach. And so it would, if basic attitudes of European governments had not changed.

When the United States and the USSR engaged in their massive technological struggle for pre-eminence in the exploration of outer space during the last decade, many influential Europeans believed that the space game was one in which Europe could never, by virtue of its divided entity, play a significant role and that its only recourse was to dabble in scientific experiments attached to the coattails of the U.S. and USSR space giants.

Major exception to this philosophy were the French under the leadership of the late Charles de Gaulle. He believed, and was able to convince his constituents, that space technology was a vital sinew of modern power. He launched France on a vigorous and ambitious program of space technology from boosters to satellites.

Ironically, it is this strong position of technical leadership in European space technology that now makes France reluctant to see its prowess merged into the European NASA. The French are struggling hard to preserve European booster development, partly because of their own IRBM requirements and partly because of a basic distrust of dependence on uncontrollable sources of launch vehicles.

It really makes little sense for Europe, aside from the French military missile requirement, to dilute its resources on repetition of booster technology that is already available from the U.S. However, it also behooves the U.S. to stop playing its cat and mouse game with the availability of its boosters. The U.S. should make it clear that boosters will be available regardless of the temporary whims or shifts of political fashions.

France has also taken the European lead in communications satellite technology and will be reluctant to surrender its ongoing programs such as Symphonie to a supranational authority. However thorny these problems of integrating the strong French space program into a truly European program may appear currently, they are bound to fade in the future as new programs become too large and complex for any national resources in Europe.

The first example of this is now at hand in the opportunity for a European team to build the space laboratory module for the U.S. space shuttle—a $250–300-million job in the mainstream of future development. Two strong consortiums have been formed to compete for this job if the new European NASA gives a green light. They are both headed by German firms, reflecting the strong technical capabilities and philosophical dedication of this country to space technology—a position that its financial resources cannot yet fully support.

ERNO/VFW-Fokker heads a team including Dornier, AEG-Telefunken and Standard Electrik Lorenz of Germany; Aeritalia of Italy, INTA and Sener of Spain, SABCA and BTM of Belgium; Thomson-CSF and Matra of France, and Hawker Siddeley Dynamics of Britain.

Messerschmitt-Boelkow-Blohm heads the competing consortium with Siemens of Germany; Aerospatiale and SEP of France; British Aircraft Corp., Marconi and Garrett, Ltd., of Britain; Selenia, FIAR and Laben of Italy; CASA of Spain; ECTA of Belgium, and Philips of Holland. ERNO has a technical assistance agreement with McDonnell Douglas and MBB with Martin Marietta.

We hope that both the European and U.S. NASAs give firm approval for one of these consortiums to do the space lab job later this year, because it will represent a giant step forward not only for a truly European space effort but also toward the increasing internationalization of space technology. By its very nature, the exploration and utilization of space must be international. It is ironic that space technology got its tremendous initial impetus from the fierce nationalistic competition between the USSR and the U.S.

But the view of this fragile, tiny planet earth from the Apollo spacecraft has given man a new perspective on his home. It is now clear that all mankind must be concerned with the fate of this planet. The Apollo-Soyuz joint manned space mission is a small but significant step toward internationalization of space. European participation in the U.S. space shuttle program would be another larger step in this direction. We hope Europe can organize its multi-national technical resources effectively to tackle this job and the European governments involved seize the tremendous opportunity it presents.

AMENDMENT TO H.R. 77—JOINTLY ADMINISTERED TRUST FUNDS FOR LEGAL SERVICES

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, I am inserting in the RECORD the text of an amendment I intend to propose to H.R. 77, as reported with amendments:

On page 2, line 3, immediately after "*Provided*," insert the following: "That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice, however, once bargaining has produced an agreement regarding the establishment of such trust fund, it shall constitute an unfair labor practice to (A) unilaterally modify or terminate that agreement, or (B) fail or refuse to bargain in good faith regarding such trust fund in the next subsequent contract negotiation between the same parties: *Provided further*,".

Mr. Speaker, I recognize and support the growing movement to make legal assistance available on a reasonable cost basis to the median income as well as other segments of the population. H.R. 77, however, ought to be improved to prevent abuses of the trust fund mechanism, so that those employers who do not wish to participate in such programs will not be faced with charges of unfair labor practices.

My amendment would mean that the trust fund is considered to be a "permissive" rather than a "mandatory" subject of bargaining. Precedent is found in the previous exemption to 302(c) of the Taft-Hartley Act, which contains identical language in allowing employer payments for scholarships or child care centers. With my amendment, the bill would remove the present obstacle to legal services plans without mandating that such plans be established.

It is also necessary to protect the employees' interests in such trust funds, if established, from unnecessary disruptions in the delivery of services. The amendment would make it an unfair labor practice once such a trust fund has been set up, to: (1) unilaterally modify or terminate the trust fund during the period covered by the bargaining agreement; and (2) fail or refuse to bargain in good faith regarding the trust fund during the next subsequent contract negotiation.

THE FREEDOM OF INFORMATION LAW, THE INTERNAL REVENUE SERVICE, AND THE GENERAL ACCOUNTING OFFICE

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, over the past year I have on numerous occasions called attention to abuses of the Freedom of Information Act by the Internal Revenue Service and their continued refusal to permit the General Accounting Office to conduct management audits into how IRS is spending the $1 billion plus tax dollars it receives annually to carry out its operations.

In this connection, I commend to our colleagues two informative articles further elaborating on the continuing efforts being made to get the IRS to comply with the law of the land. I commend the distinguished senior Senator from New Mexico, our former House colleague (Mr. MONTOYA) for his leadership in this fight. The Foreign Operations and Government Information Subcommittee has conducted several investigative hearings in this same controversial area and will also continue our efforts to require IRS to comply fully with the letter and spirit of the Freedom of Information Act and to permit GAO to conduct a meaningful audit of IRS activities as the Budget and Accounting Act clearly authorizes.

The articles are written by the nationally syndicated tax columnist, Mr. E. Edward Stephens, who has done so much to make the American public aware of this important subject.

The articles follow:

COUNSEL FOR THE TAXPAYER: IRS HAS ROOM FOR IMPROVEMENT

(By E. Edward Stephens)

"DEAR COUNSEL: Is there room for improvement in the way the Internal Revenue Service administers our federal tax laws?"

Indeed there is—according to an impressive string of witnesses who testified last week before the Senate Appropriations Subcommittee on the Treasury, chaired by Joseph M. Montoya, D-N.M. To buttress their testimony, they placed in the record a stack of documentary evidence, including at least 15 of my columns highlighting IRS abuses of power.

One of the most effective witnesses was Rep. William S. Moorhead, D-Pa., hard hitting chairman of the House Foreign Operations and Government Information subcommittee. He pulled no punches in telling what his committee had learned in extensive hearing last year.

Moorhead said top IRS officials have a "high-handed, unrepentant, bureaucratic attitude" that "tramples on the legal rights" of citizens guaranteed by the 1967 Freedom of Information Act. As an example, Moorhead said row on row of statistical reports had been whisked off the Treasury library shelves last year. This was done immediately after embarrassing figures, gleaned from the reports, had been published in this column.

Moorhead said such "distorted and secrecy-minded policies" subvert the "entire meaning and purpose" of Congress in enacting the Freedom of Information Act. (Moorhead now is putting the finishing touches on a bill to strengthen the F.O.I. Act.)

Fuel was piled on the fire by Thomas F. Field, executive director of Tax Analysts and Advocates, who said the present organizational setup of IRS and its parent Treasury Department is "a fertile source of waste, inefficiency and bureaucratic conflict."

IRS issues about 30,000 private letter rulings a year, but publishes only about 650. The rest are kept for secret use, thus giving IRS agents, tax auditors and conferees an unfair advantage over taxpayers in settlement negotiations. This practice is "outrageous," Field said.

Serious charges were leveled by Philip H. and Susan B. Long, the pluckiest couple IRS officials have met up with in ages. They flew in from their Bellevue, Wash., home, loaded with documentary evidence to prove their points.

One of their charges is that IRS officials set up dollar quotas that agents, tax auditors and conferees must fulfill, or else. The Longs said that, contrary to published IRS policy, these employes are expected to produce a certain minimum amount of deficiencies, and IRS officials don't care whether the taxpayers under examination really owe the money or not.

This was corroborated by Vincent L. Connery, who had been an agent for 17 years, 1950 to 1967. He said: "IRS agents know they are graded on production of dollars, not on fairness." Connery now is president of the National Association of Internal Revenue Employes.

Specific recommendations for improvement were made by various witnesses, including Ralph Nader and former Deputy Commissioner of Internal Revenue William Smith, as well as former Commissioners Mortimer Caplin, Sheldon Cohen and Randolph Thrower. I'll write about their proposals in columns to come.

Committee chairman Montoya has instructed IRS to respond in writing to all charges and recommendations made at the hearings. He expects the reply before IRS appropriations are approved this spring.

The hearings ended on an encouraging note. Montoya expressed a desire to hold similar hearings every year to maintain regular communication between IRS, Congress and the taxpayers.

COUNSEL FOR THE TAXPAYER: THE HEAT'S ON TO AUDIT IRS

(By E. Edward Stephens)

DEAR COUNSEL: "The Internal Revenue Service's annual report states that in fiscal 1972, IRS collected $210 billion from U.S. taxpayers, and spent over $1 billion of tax money. About a year ago, your column reported that IRS wouldn't let the General Accounting Office audit these tremendous operations. Is IRS still holding out on GAO?"

Yes, but the heat's on. IRS soon may have to get out of the kitchen.

The fire was started last May when U.S. Deputy Comptroller General Robert F. Keller spilled the beans during hearings of the House Government Operations subcommittee on information. Keller rocked the members by exposing IRS's refusal to submit to any meaningful management audit.

Chairman William S. Moorhead, D-Pa., gave IRS a chance to refute Keller's charge. But, despite an eloquent performance by Internal Revenue Commissioner Johnnie M. Walters and his team, committee members were convinced that IRS was away off base.

Moorhead isn't about to let IRS off the hook. He showed up Feb. 28 as a witness before the Senate Appropriations subcommittee on the Treasury, and called IRS "arrogant" for denying GAO access to its records.

Sen. Lawton Chiles, D-Fla., asked Moorhead if he thought legislation would be required to force IRS into regular audits by GAO. Moorhead replied that Congress might not have to go so far. He said "maybe" Sen. Joseph M. Montoya's committee could swing IRS into line.

The desires of these two powerful committees hardly could be ignored. Before IRS can get a dime from Congress, Montoya's group must approve its appropriations. And Moorhead's panel now is considering legislation that would strengthen the Freedom of Information Act and rein in agencies that withhold information from Congress and its watchdog, the General Accounting Office.

The heat is increasing. Paul G. Dembling, GAO's general counsel, testified April 3 before Moorhead's committee. He updated and reinforced the GAO position as it had been stated last year by Keller.

Dembling said the 1921 Budget and Accounting Act authorizes GAO to examine the books and records of all U.S. departments and agencies. There are a few exceptions, such as the Central Intelligence Agency, but IRS isn't one of them.

IRS says it's impliedly exempted by Internal Revenue Code sections 6406 and 8022. Moorhead assessed this position as "very weak."

Both committees would like to get the views of taxpayers in all parts of the country. Write to Hon. Joseph M. Montoya, 4107 New Senate Office Bldg., Washington, D.C. 20510, and Hon. William S. Moorhead, B317-B Rayburn House Office Bldg., Washington, D.C. 20515.

NEW OUTLOOK ON FOREIGN AID

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. BINGHAM. Mr. Speaker, I commend to my colleagues and other readers of the CONGRESSIONAL RECORD the following excellent editorial from today's Washington Post which comments on the new proposals for developmental aid submitted by a number of members of the Foreign Affairs Committee under the leadership of the gentleman from Wisconsin (Mr. ZABLOCKI):

A PROMISING AID PROPOSAL IN THE HOUSE

The lengthy travails of American foreign aid have made clear to its supporters the need to make aid at once more effective for its recipients and more attractive to its donors. Pessimists have doubted that these twin goals could either be served adequately, or even combined to all. A bipartisan majority of the House Foreign Affairs Committee, however, has now produced a well-considered and promising proposal meant to do both. Introduced by Rep. Clement Zablocki (D-Wis.), the proposal is intended to strengthen and enlarge the overall economic aid program and to do so in a way calculated to enhance the prospects of the program's passage in Congress. The first without the second is, of course, useless.

So, to satify those who have rightfully demanded that aid do more to improve the quality of the lives of the poor, the new proposal would take the same $1 billion which the administration asks for economic assistance and seek to focus the money more sharply on "human-oriented" needs in population control, agriculture, health and the like. Not every development economist agrees that the poorest of the poor can thus be helped but the approach unquestionably has considerable moral and political merit. Big capital-eating projects such as dams would be left, to an even greater extent than they already are, to the international development agencies.

Then, to satisfy those whose main interest in aid is that it expand American exports, an "export development credit fund" would be established to subsidize another $1 billion a year in easy-term exports to the lowest-income countries. The interest subsidies, costing $40 million, would be funded from repayments of earlier aid loans; repayments now run at $40 million. By training aid on "people not projects" and by hitching to the aid wagon those Americans desiring to help their own economy as well as Americans desiring to help the world's poor, the House sponsors hope to surmount the political obstacles to aid which have grown so high in recent years. To convey the relationship of interdependence which the new proposal reflects and advances, the name of the administering agency would be changed from "Agency for International Development" to "Mutual Development and Cooperation Agency."

It is satisfying to report that, in his department's first formal response, Secretary of State William Rogers Tuesday welcomed the House committee's "thoughtful and positive approach" and noted correctly that AID had itself been moving along similar lines. Mr. Rogers also pronounced himself "especially pleased at the committee's reaffirmation of the central role of the Department of State in over-all guidance of U.S. development policies." Whether the other elements of the government, particularly the White House, will be equally pleased remains to be seen. On that question of bureaucratic politics, a good part of the fate of the House initiative probably hangs. To imagine that any program so multi-dimensional and so worn and frayed as aid can be considered only on its merits is, alas, fantasy.

Nor can the question of congressional politics be ignored. Not every committee of the Congress will rejoice to see the House Foreign Affairs Committee setting up and overseeing a program in what would be for it the new field of direct export promotion. (Foreign aid has always had a heavy aspect of indirect export promotion.) On these grounds, the sooner that Foreign Affairs chairman Thomas E. Morgan (D.-Pa.) eases from his current posture of benign aloofness, as one observer calls it, to active sponsorship, the better.

The other big question which will shape the fate of the new economic aid proposal is its political relationship to the equally controversial question of military aid. The administration put the two together in a single package. Predictably the Senate split off the military items—these include general security assistance and grant military aid for Cambodia. Indochina reconstruction funds are also in the administration bill. In welcoming the House economic aid proposal, it was plainly one of Mr. Rogers' purposes to cultivate support for the other items in that bill. Some supporters of the House proposal favor the other items, some don't. A difficult and protracted negotiation is no doubt in store. Whenever and however it ends, we would hope that both Congress and the administration would keep high in mind the prospect for responsible engagement in the world, which the House aid initiative holds out.

BALLAD OF THE UNBORN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. HOGAN. Mr. Speaker, today I would like to insert in the RECORD a poem by Fay Clayton which graphically portrays the plight of those who, because of abortion, never had the opportunity to experience life:

BALLAD OF THE UNBORN

(By Fay Clayton)

My shining feet will never run
On early morning lawn;
My feet were crushed before they had
A chance to greet the dawn.

My fingers now will never stretch
To touch the winning tape;
My race was done before I learned
The smallest steps to take.

My growing height will never be
recorded on the wall;
My growth was stopped when I was still,
Unseen, and very small.

My lips and tongue will never taste
The good fruits of the earth;
For I myself was judged to be
A fruit of little worth.

My eyes will never scan the sky
For my high-flying kite;
For when still blind, destroyed were they
In the black womb of night.

I'll never stand upon a hill
Spring's winds in my hair,
Aborted winds of thought closed in
On motherhood's despair.

I'll never walk the shores of life
Or know the tides of time;
For I was coming but unloved,
And that my only crime.

Nameless am I, a grain of sand
One of the countless dead,
But the deed that made me ashen grey
Floats on seas of red.

PRIME TIME ACCESS RULE—NEW SOURCE OF DIVERSITY FOR TELEVISION

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. VAN DEERLIN. Mr. Speaker, a rather unwieldy acronym, PTAR, could—if given half a chance—be the key to opening up programing on network-affiliated television stations across the country.

PTAR, which stands for prime time access rule, is under attack from some interests in broadcasting who tend to oppose any change however helpful.

Unfortunately, the promise of PTAR at this point exceeds the performance. The rule was designed to encourage new sources of programing by "freeing" one-half hour of prime time each night from network control; stations were told in effect to find something else to fill the time.

Although the rule did not become fully effective until last October, the number of producers furnishing syndicated programs to network stations in the top 50 TV cities has climbed from 21 in 1970 to more than 40 now. For the 1973–74 broadcast season, more than 50 producers are offering 81 shows specifically for prime access time.

The rule, therefore, has already been partially successful, in making it possible for new producers to enter this highly competitive field.

But the potential for PTAR has barely been tapped. Much of the programing which has appeared on the set-aside half-hours is hardly inspired. There are some shopworn variety and game programs, reborn after full lives on the commercial networks. Some of the fresh fare that is being offered is all too reminiscent of the oldies but baddies we endured 15 years or so ago on the networks.

But there have been some innovative programs and if PTAR is given a firmer hold I am sure we would get more of these.

Particularly, I would like to see a more ambitious effort to cater to the needs of the minorities and special interest groups who receive scant attention from networks necessarily dedicated to finding the broadest common denominator.

Unlike the regular network programs, programing stimulated by the PTAR may be aired on just a handful of stations, perhaps only one or two if it is truly local in origination. This type of programing can afford to be different, in catering to different groups within a given television market area.

But if we water down the prime time access rule, or throw it out altogether as some of its critics suggest, what will we gain? If the networks resume control of the half-hours they have yielded, most obviously the opportunity for program diversification will be gone; no one seriously imagines that the networks would or even could prepare a steady diet of shows tailored to specific groups in our multifaceted society.

The Federal Communications Commission will hold a special meeting Thursday to discuss future implementation of the prime time access rule.

It has been suggested that the rule should be extended for at least 5 years if it is to have the chance to function properly. This is a suggestion which I heartily endorse, as the most logical means of giving stations and independent producers the leadtime they should have to prepare programing that is both innovative and original, and of benefit to particular segments of the population.

NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. PEYSER. Mr. Speaker, tomorrow the House will consider legislation to extend the National Endowment for the Arts and Humanities for 3 more years. This important legislation has received strong support from all over the country. As a cosponsor of the bill, I was delighted to see today's editorial in the New York Times which I insert in the RECORD at this point. I hope my colleagues will read it and give this very worthwhile bill their support. The article follows:

[From the New York Times, June 11, 1973]

ARTS AND HUMANITIES

In the next few days the House of Representatives will vote on renewing funds for the National Endowment for the Arts and its twin-agency for the Humanities. The bill would authorize somewhat less money than the corresponding measure already passed by the Senate—less, for that matter, than the amount President Nixon requested—but it is good enough to warrant the hope that it will be passed intact and by so large a margin that the Appropriations Committee will be discouraged from any attempts to cut it.

Administration and Congress have been growing more generous in recent years in the support the Federal Government gives to the arts and humanities. But unfortunately the costs of maintaining such expressions of civilization as theaters, museums, orchestras and dance companies, and of keeping their personnel alive and active—these, too, are relative. The point has been made that in a country of 230 million people, even the proposed Federal allowance of $72.5 million for the arts will come to about 32 cents a head, compared with the $1.40 put up by each Canadian and the $2.40 by each West German.

Yet even this modest assistance would help struggling institutions to jump the gap of rising costs without having to price admission tickets out of the market. In view of what this might mean to marginal arts groups, indeed to the cultural life of the nation, the House could only do itself honor by acknowledging, as the Senate has, the needs of the human spirit.

ANNIVERSARY OF THE REPUBLIC OF ITALY

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mrs. GRASSO. Mr. Speaker, it is a privilege and a pleasure to join with Italians throughout the world in commemorating the anniversary of the Republic of Italy. Only 27 years ago—on June 2, 1946—the people of Italy voted to abolish the monarchy and establish a democratic republic—a republic that has flourished and become a major nation of the free world.

Italy has shown herself to be a country of great energy and progressiveness. In these last 27 years, Italy has achieved the goal of full partnership in the community of nations. Her participation in the United Nations and the North Atlantic Treaty Organization has enriched the world family through Italy's strong and vigorous support for the ideals they represent. As a member of various European community organizations, she has been a strong force for European solidarity.

Like the phoenix rising from the flames, Italy has risen in the last generation from a war ravaged country to a thriving, prosperous nation. She represents a living example of what a people can achieve when they dare to commit their hearts, minds, and physical energy to the task of building a better life for themselves. The rate of increase in Italy's GNP has been among the highest in the world, and Italy has progressed from a largely agricultural country to one with a modern, diversified economy and an increasingly vigorous foreign trade.

In achieving this transformation of their society, the Italian people have exhibited the same forceful drive, intelligence, and imagination which gave birth to some of the world's greatest thinkers and doers in history. The genius of Michelangelo, Dante, Fermi, and Marconi has left a lasting imprint on the Italian mind and has supported the recent attempts to revitalize Italy.

Over the past generations, our country has also witnessed the energy and drive of Italian-Americans who have contributed their talent and wit to the growth of America. Their diligence, intelligence, strength of character, and love of God and family have been an inspiration. Their achievements in the arts, sciences, politics, and sports are legion.

Therefore, as we honor the anniversary of the Italian Republic, let us remember with pride the important contributions of the Italian people to their own nation and the world. And let us await with eager anticipation the future contributions of Italy and her people to the future of mankind.

BETTY FURNESS SPEAKS FOR CONSUMERS

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Ms. ABZUG. Mr. Speaker, at our recent community conference in New York's 20th District, we were fortunate to have among our speakers, Ms. Betty Furness, New York City Commissioner of Consumer Affairs. Actually she represents millions of consumers across the Nation and it is a real pleasure to insert in the Record the remarks she made on that occasion. The address follows:

ADDRESS BY NEW YORK CITY COMMISSIONER OF CONSUMER AFFAIRS BETTY FURNESS

I'm very pleased to be here with you this afternoon. I was tickled to death when Bella asked me if I would come down here and join her. I would add one thing to what Bella said in her introduction: that I went from Hollywood to Westinghouse to Albany to New York. I started that trip from New York City.

I was born in this city and with the exception of having lived in California a couple of times I have always lived here, and I cannot tell you what a thrill it is to have an official job helping to protect the consumers of what I consider my city.

The title on today's program is "Nixon's Budget and Priorities." Well, we can dispense with that very quickly as far as consumers are concerned. Because the Nixon budget for consumers is fiscally almost nothing and emotionally even less.

As you know, I'm sure you're all aware that Nixon's Knauer has no power. I'm afraid we're never going to know what kind of a consumer protector Ms. Knauer might be because her boss has not given her the go-ahead or, even the permission to try to be a good consumer protector. Now he's eased that whole office out of the White House and over into H.E.W. where it may never be seen again. So I think for the next—thank God, we don't have four more years, what we do have is three years two hundred and sixty days . . . but who counts? I think in that time we can look for little or nothing from the White House as far as consumer protection is concerned.

Let's run down who ought to help consumers. The federal government certainly *must* help consumers in any areas that concern health or safety. I think when things are going on in health or safety that we didn't know about, they should automatically and immediately be brought to the attention of the federal government. It would make no sense at all for the citizens of one city or state to be healthier than the citizens of another city or state. So the federal government has got to protect us all at once. There are other areas where the federal government can be of enormous help but it isn't always. Certainly under the executive leadership we have today we're not going to get much help.

The state should be of help to consumers because there are some areas where the state, in effect, has the jurisdiction. Matters of banking and insurance, specifically, are all regulated at the state level. But there are other areas where the state could be of enormous help. The state can pass a law and if it doesn't turn out to be such a brilliant success it can be changed or repealed in a couple of years. But as a result of states trying some ideas experimentally, we've all become better off.

For example, truth in lending. As you well know, all truth in lending does is tell us what it costs to buy credit. That's all it does. It makes it possible for you to compare sources of credit from one place to another. Now this idea had kicked around Congress for seven or eight years and it had been fought by big powers who said we'll never get truth in lending because if the consumers know how much they're paying for credit, they won't *use* credit and therefore the whole economy will get out of gear.

The state of Massachusetts tried it. It had a truth in lending law and after it had been in effect a year, everybody looked up at Massachusetts and found that nobody had gone out of business. And so the whole argument fell. What was tried out on an experimental basis turned out to be good enough for all of us and the federal government finally got truth in lending for everybody.

There are many other cases where the states can and should lead. The state of New York is not notably progressive in the area and I see no reason why it shouldn't be. New York City and State have been leaders in so many areas: legislative, cultural, whatever you want to call it. I see no reason why New York State should not be very vigorous in protecting the consumer.

I notice happily that the governor signed a couple of consumer protection bills the other day, bills that were introduced way back when I was still working for the state, so the wheels of the gods at Albany grind slowly. But they grind!

Then let's get down to the city, as far as consumer protection is concerned. Well, I'd like to offer you my congratulations, because you are living in the only city that has a consumer protection office such as exists in the Department of Consumer Affairs. There is nothing else like it anywhere in the country. Nothing even to compare to it. It is a remarkable example of what can be done and what I think should be done.

As you know, this department is only four years old and the strides that have been made in that time, under the marvelous leadership of Bess Myerson, have just been extraordinary.

The first, biggest thing that Bess went after was the Consumer Protection Law, and she did a very good job of getting it passed by the City Council. Under that law the department that I now, happily, head has the right to regulate unfair and deceptive trade practices. In the time since that law was passed, about three years, there are now 35 regulations under that law. They range from the size of type in advertisements to the regulation of repair services: 35 different regulations to help you get a fair deal in the market place.

We also handle specific complaints. We call merchants and we call whoever people have trouble with and we try to straighten out complaints. As you probably know, we have five neighborhood offices where people can go in and say, "I don't know what happened to me but somebody did something wrong." And we have real live people there who try to sort out the complaint and talk to the merchant. If they can't handle it directly, they tell the consumer where to go with the problem and what proper recourse they have.

These are the areas where you can expect help, as long as you live in New York. If you live in Pittsburgh it's not so good. The point here is that as in so many other areas of life consumers are going to have to learn to help themselves. We have to learn to be good, efficient consumers, how to play the consumer game. But, in a much larger sense, we have got to organize as consumers and develop expertise so that we can, with responsibility, be pushing those who should be helping us. Push me, push Albany, and push the federal government. God knows the federal government is being pushed by everybody else now, and that's where the big problem is. In many areas they are listening to the people who holler the loudest. And who's hollering the loudest? Big business. And who is this administration tuned into? Big business.

Now, you may think it's impossible to organize as consumers. You know, if it's such a hot idea, why isn't it being done? Well, it's beginning to be done marvelously. Let me tell you just a couple of instances where people have organized and how well they've succeeded.

In Rochester there is a lady named Judy Brahmin, who belonged to a consumer organization. She decided it was not working too well. So she started her own group which has no formality about it. There are no officers, no meeting places, no secretaries. Everybody does her own work. Judy was upset about any number of things. She organized the upstate people to police the unsafe toys that were still being sold by retailers, that had been theoretically banned. She did a marvelous job on that. She got interested in the leaching of lead from earthenware. Do you remember there was a lot of it coming in from Mexico and other countries and the lead was getting into food and it was very dangerous. So Judy looked into this, all by herself and then found this was true of domestic ware. What she then did was to get Rochester to get the Monroe County Board of Health to examine any earthenware or china that had the kind of decals on it that might leach lead. They examined it all, at a fee of, I think, $3 an examination, and then they passed a law saying the stuff could not be sold up there in Monroe county.

So one woman has done this. Now you may say, "Oh, I'll bet she is 64 and the children are gone and she has nothing to do." I don't know how old Judy is—she looks to be about 30—but she's got five children, from nine on down, and she's found time to do all of that.

I've got another story that may be my favorite. On the first Earth Day three years ago in Buffalo, a lady named Mrs. Ignatius McCarthy wrote a letter to the *Buffalo Evening News* decrying what was happening to Lake Erie, because it was dying right at the feet of Buffalo. She thought that maybe the phosphates in detergents were helping it to die faster than it had to and she thought housewives ought to cut back on the use of phosphate detergents. She just wrote a letter to the paper.

Another lady named Mrs. Mary Ryan read the letter and she called Mrs. McCarthy and they met. Mrs. McCarthy was about 74 and Mrs. Ryan about 30. They decided they wanted to do something about it and they gathered about two dozen women, none of whom came from an organization. They became an organization called Housewives to End Pollution—HEP.

The HEP ladies went to supermarkets and they said, "We would like you to post the phosphate content of detergents." The supermarkets said, "Uh uh, we can't do that, because it's not up to us to promote the sale of one product over another." So the ladies fell back and realized they honestly didn't know what they were doing. So they tried to figure out what to do and they did it. They studied. They peeled off in various groups of twos and threes and they studied phosphates, eutrophication, sewage disposal, everything that related to this story of eutrophication of the lake.

While they were studying they spoke to any four humans who would gather together and listen to them, so they began to be known around the Buffalo area. They got on radio and television. Finally, they went back to the supermarkets and asked the supermarkets again. They said that if the supermarkets did not post the phosphate labels this time, they might just have to boycott the supermarkets.

The supermarkets saw the light. They not only put up the signs, they paid for the signs. And the ladies were on their way.

Well, we cut the story from there, their first success, to the end of the story. The two dozen women were responsible for Erie County passing a law banning phosphate detergents from the whole county.

So that's what happened when women, with no training, not a scientist among them, not a lawyer among them, sat down and said, "We've got a problem and we've got to figure out how to solve it."

Right in the middle of all of this I had met a Bonnie Phillips, who is one of this group. I was going down to the Federal Trade Commission to testify to the effect that we wanted an ingredient label on detergents. This was about two years ago. I asked Bonnie Phillips to go with me. As Bella will tell you, any Congressional committee or government board that holds hearings in Washington, tends to hear from the same people again and again and they're inclined to say, "Gee, we wish we could hear from a live consumer. We just keep hearing from Betty and Bess and Ralph and like that."

So I took Bonnie Phillips with me. After I'd finished my testimony for the F.T.C., I said, "You've asked for a live consumer, I happen to have one with me. I'd like you to meet Bonnie Phillips."

Bonnie Phillips was eight months pregnant—which didn't hurt our case a whole lot—and she waddled up to the podium and she read her testimony, which was good. But of course they didn't know that she had written it, anybody could have written it, my office could have written it. When she was through, they asked her some questions. She was marvelous and they found out that she really knew what she was talking about. She had ads and anecdotes and facts and figures and she was really an expert on the subject of detergents.

Let me tell you, Bonnie Phillips was so good that when she was finished the detergent industry asked for more time to state their case! And the name "Bonnie Phillips" has fallen into the language of the detergent industry. She is today the best authority I know on phosphate detergents. But if you go to business to ask them, you don't get the same answers. Even if you go to some university people and people whom you might think are not prejudiced, those people will have been, shall we say, influenced by the industry. If anyone wants to know about phosphate detergents, I recommend Bonnie Phillips in Buffalo.

I'm telling you this story to show what can happen when people care enough to do their homework and take responsible action.

There are other kinds of consumer groups. There's one in Philadelphia called Seefa that handles consumer complaints. If you come in with a complaint, they will call the department store, the gas station, or the automobile dealer. If they think the vendor has been unfair, they do something about it. They simply picket him. They tell the police they're going out to picket; they want to do it legally. You would be surprised at the results they get because certain businesses are not crazy about having people picketing out in front of their place. It's powerful stuff but it has been successful. So these are various ways in which the consumer can organize.

There is no perfect example of a consumer group. You can't say, "These people have done it exactly right, so you should follow them." I think perhaps the best example would be the Housewives to End Pollution in Buffalo, but they are at the moment concentrating on environmental issues and not directly on consumer problems. I recommend to anybody who wants to organize a group, just try to follow what's been done, because nobody's done it perfectly yet. You be the one to originate the way *you* want to do it. Set up your own structure or lack of structure, because *you* may be the people who will be the perfect example that everybody else can follow, the model to follow.

If you organize, *when* you organize, you've got to remember that you've got to really study. You cannot simply say, "Do something." You've got to really know what you're talking about because you're going to have dealings with both business and government, and they all know if you're only bluffing. They all know if you're simply saying, for example, reduce the price of meat. You can *say* it, but it isn't going to get done that way. You've got to study, you've got to find out where the pressure points are and push at those points. It does no good to holler at the butcher because the butcher is not the fellow who is establishing the price of beef. You've got to figure out where in that whole structure, from the baby calf to your table, where's the fat? Try to push at that point.

Whatever the issue after you've got the information, get to the media. You've got the local newspapers, the local radio stations, the local television stations. They're after people who are doing responsible work. They're dying to publicize what's going on locally so you can get your message spread around. This way you get more interest and you get more people. And then you push.

You push the city, if the object that you stress is in their jurisdiction, you push the state if it's theirs and you push *Congress* if it's theirs. And you know who'll help you in Congress . . . Bella will help you in Congress!

The message that you people may not realize is that the consumer constituency is the biggest constituency there is in the United States. If we organize and educate ourselves, and if we push properly at the right time and at the right place, there is absolutely nothing that we cannot do.

DR. BERRY E. EADS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. CARTER. Mr. Speaker, I am pleased to point out at this time that Dr. Berry E. Eads, of Somerset, Ky., has recently been elected president of the Kentucky Optometric Association—1973–74. I wish to commend the association upon their choosing Dr. Eads for this important position. I believe that he will serve most ably in this capacity.

His record of service and leadership is clearly an impressive one: Vice president of the Kentucky Optometric Association; member of many KOA committees; district governor of the Lions International; president of the Somerset Civic Orchestra Association; city councilman for Albany; member of the advisory committee for the Somerset Community College co-op program; member of the administration board of the Somerset Methodist Church; institutional representative of the Boy Scouts of America;

member of the Clinton County Hospital Board; third degree Mason.

Combining distinguished service to his profession with dedication to community spirit, Dr. Eads will undertake his new responsibility with the character and integrity that he has exhibited in the past. Under his leadership, the Kentucky Optometrtc Association will certainly continue its excellent work in striving to improve vision care and informational services for our citizens throughout the Commonwealth of Kentucky.

ARGENTINA'S NEW GOVERNMENT

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RARICK. Mr. Speaker, current political trends in Argentina must be regarded as significant to the American people.

Actions taken by the new Argentina President Hector J. Campora leaves much to be desired by American standards.

President Campora has announced recognition of the Communist government of Fidel Castro in Cuba and plans to establish diplomatic relations with North Korea and East Germany.

I include related newsclippings:

[From the Washington Post, May 29, 1973]

PERONIST ARGENTINA RECOGNIZES CASTRO CUBA AFTER 11-YEAR BREAK

(By Terri Shaw)

The new Peronist government of Argentina yesterday resumed diplomatic relations with Cuba after an 11-year break, a move that is expected to influence many other Latin American countries that have been reexamining the cold war policy of isolating Cuba.

Argentine President Hector Campora announced his government's recognition of the government of Prime Minister Fidel Castro after a meeting with Cuban President Osvaldo Dorticos, who had been an honored guest at Campora's inauguration Saturday.

[Later, Campora announced that Argentina and North Korea would establish diplomatic relations and a foreign ministry communique announced agreement with East Germany on the establishment of relations.]

The Argentine recognition of Cuba followed by one day Campora's lifting of the ban against the Communist Party.

Both Dorticos and Chilean President Salvador Allende were lionized at the inauguration ceremonies while the U.S. envoy, Secretary of State William P. Rogers, was several rungs down on the protocol ladder and somewhat overshadowed by the publicity and popular acclaim bestowed on the two leftist presidents.

Rogers and most of the other diplomats attending the ceremonies were reportedly encouraged to stay off the streets jammed with celebrating Peronists. But the two Marxist presidents were permitted to travel about and were greeted with cheers wherever they went.

The eclipse of the U.S. envoy, a situation that would have been highly unlikely a few years ago, illustrates the rapid change in attitude in Latin America toward Communism in general and Cuba in particular.

As the Nixon administration has pursued a policy of detente with the Communist superpowers, many Latin American governments have tried to free themselves of cold war restrictions on dealing with Communists. Most countries in the region now have diplomatic relations and trade with the Soviet Union, and China has exchanged trade missions with several Latin nations.

But the most important cold war issue in Latin America is the isolation of Cuba, decreed by the Organization of American States, at the insistence of Washington, in the early 1960s.

During the past three years, OAS sanctions against Cuba have eroded. Peru, Chile, Jamaica and Trinidad and Tobago have reestablished relations with the Castro government in defiance of the sanctions. Mexico never joined the other members of the OAS in breaking relations with Havana. Guyana, which is not an OAS member, has also recognized the Castro government.

While the U.S. government's opposition to Castro remains unchanged, Washington's announcement of the "end of paternalism" in its relations with Latin America and the emergence of stronger nationalist governments in the region has made it easier for many Latin countries to take a more independent position toward Cuba.

Castro, meanwhile, has become more receptive to improved relations with other Latin governments. Cuba has curtailed its support for rebel movements, and Castro has drastically changed the tone of his public remarks about other Latin American governments. In the past, the Cuban prime minister vowed to deal only with socialist governments but recently he has called for Latin American unity and said he wanted friendly relations with nonsocialist Latin countries.

In his May Day speech, for example, Castro said: "We are sure that ways of cooperation can be developed with countries following an independent foreign policy and defending their national interests vis-a-vis Yankee imperialism."

Argentina's action in recognizing Cuba is also expected to affect the deliberations of a special committee that is to meet in Peru to consider a complete reorganization of the OAS.

At its general assembly last month in Washington, the OAS voted to support a "plurality of ideologies." This was interpreted to mean the acceptance of all types of political and economic systems, including Communism.

Castro insists that Cuba has no interest in participating in the OAS, which he calls the "ministry of Yankee colonies." But Cuba has become more active in other regional organizations, such as the Latin American caucus at the United Nations, the U.N. Economic Commission for Latin America and the "Group of 77" underdeveloped countries.

When Venezuela organized a meeting of Latin American energy ministers, it polled all countries in the region on whether Cuba should be invited. Only Brazil opposed it, a well-informed Venezuelan source said, and Pedro Miret, the Cuban minister of mines, metallurgy and fuels, did attend the meeting in Quito, Ecuador, early last month.

When the delegates decided to form the Latin American Energy Organization, Cuba automatically became a member.

Another international conference that illustrated the warming of relations between Cuba and other Latin countries was the Security Council meeting in Panama in March. Cuban Foreign Minister Raul Roa had cordial informal conversations with the representatives of many Latin countries that have formerly opposed Cuba.

Panama, whose stand against Washington on the Panama Canal was staunchly supported by Cuba at the Security Council meeting, has sent many delegations to visit Cuba and announced its intention of recognizing the Castro government.

Ecuador, which has mentioned the possibility of recognizing Cuba, now appears to be waiting to see what happens in the OAS reorganization committee.

Venezuela, a country that sponsored the original OAS sanctions, has exchanged sports teams and government officials with Cuba recently, and reportedly is allowing Soviet tankers that have called at Cuba to transport Venezuelan oil, in apparent violation of an OAS anti-Castro decree.

A Mexican trade mission recently visited Cuba, and there are reports that Cubans would like to buy oil from both Mexico and Venezuela.

While trade between Cuba and other Latin American countries would not be significant economically, it would have political impact.

The only Latin countries that have expressed no interest in changing their relations with Cuba are Brazil, Washington's closest South American ally; Bolivia, which has not forgotten Castro's support for antigovernment guerrillas; and Paraguay and a few Central American small countries with rightist governments.

[From the Baton Rouge (La.) State Times, May 26, 1973]

NEW ARGENTINE PRESIDENT FREES POLITICAL PRISONERS

BUENOS AIRES.—President Hector J. Campora fulfilled his first campaign pledge hours after taking office Friday as Argentina's first civilian president since 1966—by freeing all political prisoners jailed by military rulers during the past seven years.

Campora ordered the jails opened for political prisoners, some of them leftist guerrillas, only hours after taking office. Official sources said at least 185 persons would go free.

After announcing the decision to free political prisoners, Campora appealed to crowds to go home, but about 10,000 persons marched to Villa Devoto prison in a torchlight parade.

THRONGS CHEER

There, they cheered as prisoners came out.

Hundreds of thousands of persons loyal to exiled ex-president Juan D. Peron, who personally handpicked Campora to run in his place, jammed Buenos Aires to chant Peron's name—and later to riot.

Fighting that broke out during celebrations marking the return of Peronists to power after 17 years left at least 35 persons wounded or injured and endangered some of the 63 foreign delegations attending the inauguration.

Many foreign diplomats, including Secretary of State William P. Rogers, were advised to stay off the streets. Only the presidents of Cuba and Chile, ruled by a self-styled Marxist, were allowed to move freely.

Campora also introduced a moderate cabinet of Peron loyalists that must cope with a variety of serious problems, including a 500 percent cost of living increase since the last civilian government was overthrown in 1966.

PERON IN MADRID

Peron himself stayed in his villa in Madrid, where he directed his followers most of the time since his ouster by the army 17 years ago.

His private secretary, Jose Lopez Reg, who was named Friday as minister of social welfare, said Peron would return to Argentina next month.

After his inauguration, Campora told a session of congress meeting for the first time in seven years that Argentina "will invariably be on the side of those fighting against imperialism."

Huge crowds prevented his triumphant motorcade from traveling through the city so Campora was flown by helicopter to the official ceremonies where he received his sash of office.

[From the Washington Post, June 1, 1973]

ARGENTINE GUERRILLAS

BUENOS AIRES.—The Otis Elevator Co. evacuated about 50 dependents of its top executives from Argentina after the People's Revolutionary Army threatened an attack or kidnaping if the company did not make $500,000 in charitable contributions and double the wages of all its employees.

The same Trotskyite guerrilla group extorted a pledge of $1 million in donations to hospitals and the poor from Ford Motor Co. last week.

[From the Washington Post, June 11, 1973]

LATINS PREFER JAPANESE OVER AMERICAN INVESTORS

(By James Neilson)

BUENOS AIRES.—The Japanese economic invasion of Latin America, which began in earnest toward the end of the 1960s, has been stepped up dramatically.

In the past year, Japanese investments rose from $600 million to nearly $1 billion. While this is still small compared to the $14 billion that U.S. investors have sunk in the region the increase has been rapid enough to make U.S. businessmen talk sourly about "an economic Pearl Harbor."

Japan's economic offensive coincides with a gradual U.S. disengagement. U.S. business is bearing the brunt of a wave of nationalism sweeping over the region. The North Americans themselves find Latin America less profitable than before, while public opinion in the United States is demanding the return of money invested abroad for use at home.

Latin Americans have given a guarded welcome to the numerous Japanese trade missions scouring the region. For many decades the Latins have been treated patronizingly by Europeans and as a junior partner by the United States and few are willing to exchange one form of economic dependence for another.

Worried businessmen are still digesting the Australian woolmen's experiences with Japanese trade. Japanese bulk purchases sent the price of wool sky high, but as soon as the buying stopped it plummeted back to earth.

Latin Americans are uncomfortably conscious that they rely on the export of farm goods and raw materials for foreign exchange and that these exports are subject to wild price fluctuations that make long-term planning very difficult. Temporary overstocking by industrialized countries causes unwelcome troughs in sales graphs, troughs that translate into hardship and political problems at home. In consequence, Latin American governments are seeking permanent agreements with the Japanese, rather than quick sales.

In their competition with the United States for economic influence, the Japanese have six advantages.

The Japanese have no reputation for economic imperialism in Latin America. Unlike the United States and some European countries, especially Britain, they have not yet tried to alter Latin American government policies to suit their interests.

The large Japanese communities in Latin America serve as economic bridgeheads. About a million Japanese immigrants and their descendants live in the area—more than half of them in Brazil, chiefly in and around the dynamic industrial city of Sao Paulo. They own banks, cinemas, restaurants and newspapers.

Much of the Japanese investment in Latin America is being funneled through these communities, which provide invaluable interpreters and experts on local customs. Since these communities were built up by poor immigrants, they did not play a major role in the host countries, and so did not acquire the reputation for snobbery that besets the British, or for arrogance and disproportionate wealth that causes the Americans so much trouble.

Latin Americans are still unworried by pollution, which is regarded as a necessary evil if industrial expansion is to take place. Brazil, with huge underpopulated areas at its disposal, has openly invited Japan to ship over its "dirty factories," and the Japanese are hurrying to oblige.

Japanese investors are proving far more flexible than their U.S. rivals. They do not insist on being the sole owners of their subsidiaries, or even on having a majority holding, a demand that is almost a fetish among U.S. firms. Instead they are quite content with 20 per cent or so of the shares, enough for them to steer business toward their trading companies.

These four advantages may all be temporary, but two other factors are likely to be permanent.

First, Latin America is fabulously rich in the raw materials that Japan needs, but, unlike the United States, does not possess at home. The continent is littered with mineral deposits which have hardly been scratched, such as the world's largest iron-ore deposits that straddle the Brazil-Bolivia border.

The Japanese are also contributing to fishing in Peru and farming in Brazil, hoping thus to assure the home islands a supply of cheap food just as Britain did in the 19th century.

Second, Latin America is rapidly approaching the economic take-off point. The region has more scientists, technologists and capable administrators than any other underdeveloped area.

In 1972 Latin America's gross product increased by a healthy 6.7 per cent, while industry grew by 9 per cent. This, if continued, will make Latin America a major customer for the sophisticated manufactured goods that Japan has few rivals in producing.

The stage is set, therefore, for increased economic interpenetration between Japan and Latin America.

CONGRATULATIONS TO THE HONORABLE JAMES A. FARLEY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. MATSUNAGA. Mr. Speaker, I am honored to join my colleagues in paying tribute to one of the giants of American politics, the Honorable James A. Farley.

Although it was never my privilege to become an intimate friend of "Genial Jim" Farley, my life and career in politics have certainly been influenced by him.

His own life story is, of course, well known and one can only admire the way Jim Farley pulled himself up from humble beginnings to the halls of power. From first holding elective office as town clerk of Stony Point, N.Y., until the present day, Jim Farley has been a Democrat's Democrat, with party loyalty being his credo.

One of Jim Farley's greatest contributions to the growth and well-being of this country was helping to engineer the nomination and election as President of Franklin Delano Roosevelt, whose name continues to have a special sound for those many millions of Americans who can still remember the dark and troublesome depression years. Compassion for the little man guided both of these great Americans.

In these days when public belief in the corruption of the political process has become so common and widespread, it is comforting to think of someone like the gentleman we honor today, a man long known for his personal honesty and integrity. And as more and more colorless bureaucrats are put into positions of power, there are refreshing thoughts of Jim Farley who managed to handle any difficult task without discarding his fine Irish sense of humor. Perhaps if we had more Jim Farleys around today in the halls of Government, there would be far fewer people voicing skepticism about the "Establishment."

It is an honor to wish James A. Farley well as he celebrates his 85th birthday, one we all hope will be followed by many, many more. He can certainly look back over the years with pride. Now that his years of fierce activity have slowed, he should find more time to enjoy the comfort of his 10 grandchildren.

PUBLIC CAN HELP IMPROVE POSTAL SERVICE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. DULSKI. Mr. Speaker, there is no question that steps need to be taken to correct our deteriorating mail service. I am sure we all have thick files of complaints from constituents and a number of firsthand bad experiences to relate. The Post Office and Civil Service Committee is well aware of the necessity for remedial action, and we hope to have the Postal Service showing definite improvements soon.

In the meantime, there are ways the public can help facilitate delivery. An article in the Buffalo Evening News for May 30, 1973, offers constructive, specific pointers for mailers to utilize USPS services to the best possible advantages. There are some excellent suggestions in the column, and I would like to share them with my colleagues at this time.

The article follows:

A LITTLE KNOWLEDGE CAN SPEED YOUR POSTAL SERVICE

(By Ralph Dibble)

It could be that you're not getting maximum results from the U.S. Postal Service because you don't know enough about how it operates. And a little homework might get you much faster deliveries.

You can start out with the mailbox. If you just drop a letter in any old box, it may not be picked up for 23 hours or more.

However, a mailbox with a one-star decal guarantees the latest pickup will be 5 PM.

If that's not good enough, go to a mailbox with two white stars. It guarantees the latest collection will be 8 PM.

So, you find a box with one star, but that isn't good enough. How do you find a two-star box?

That's simple. Location of the nearest two-star box is in a printed notice on the one-star box.

There is a third special mailbox—the white-topped "airmail only" box. It guarantees a collection as late as 4 PM., although there's a later pickup in many cases.

The Postal Service asks you to have your airmail letter properly zip-coded and suggests that you put an airmail sticker, as well as stamp, on the envelope—or that you write "airmail" in bold letters across a corner of the envelope.

If these requirements are met, the Postal Service guarantees next-day delivery within a 600-mile radius for airmail deposited in the white-topped box before 4.

One reason this promise can be made is that the Postal Service has beefed up the air service with contracted flights.

Regular airlines used to carry nearly all the airmail. But the passenger carriers cut out many of their night flights due to the decrease in passengers.

So the Postal Service now has its own air-taxi network, a system of privately-contracted mail flights by non-scheduled carriers.

Getting back to mailboxes, there's one other way you can guarantee early delivery of your mail. Many substations have curbside boxes with chutes into which motorists can place envelopes.

If you put your mail in these boxes at any time during the night, you get an extra early pickup—usually at 6 AM—and you've got a good shot at delivery that day.

For emergency service, you can use the new "mailgram," a joint service of the Postal Service and Western Union.

You give the message by phone to Western Union which sends it by teleprinter to the post office in the city of the addressee. It's delivered in a special envelope by a mailman the next day.

There are some more sophisticated delivery services available, Joseph E. Bohen, director of installation services for the Buffalo Post Office, noted. They're expensive, but if you're in a very big hurry, they are available.

There is the Express Mail service which is used primarily by businesses, but is available to individuals.

The way it usually works is that a businessman will confer with a representative of the Postal Service on what his requirements are.

He may want delivery of mail at 7:30 AM daily in New York. Or he may want 8 AM delivery of mail every Wednesday and Friday in Chicago.

One Buffalo company even has an Express Mail contract to its subsidiary in Honolulu.

A postal messenger picks up the mail at the business place at the agreed time, delivers it to the airport and gets it on the right plane. At the city of destination, a messenger picks up the express mail and delivers it to the addresses at the agreed time.

It's expensive, but an individual can use the service on a one-time or a regularly scheduled basis by contacting the Buffalo Post Office.

Right now, you can drive to the airport with your letter and post it at the Air Mail Field Office in the Administration Building of the Greater Buffalo National Airport.

And you can ask the clerk to get it on, for example, the 10 PM plane to Milwaukee.

The trip to the airport will save you $7 in Express Mail costs.

And, if the person you are sending the mail to picks it up at the airport in Milwaukee, or whatever the destination, that will shave $7 more off the cost.

One caution is needed about Express Mail service. Buffalo is only one of 56 cities in which it's available. You'd better check on the destination. The service probably isn't available in cities like Peoria, Ill.

Mr. Bohen also notes that the Postal Service is moving its airport station to the field's old firehouse, probably next week.

So you'll have to make some enquiries about where to deliver Express Mail letters, if you don't use the messenger service.

Even Mr. Bohen isn't sure yet how the new arrangement will work.

There's one final bit of homework you can do. You can learn exactly what the Postal Service means by the terms special delivery, certified mail and registered mail.

Mr. Bohen notes the terms are commonly misunderstood and, thereby, hangs a lot of inconvenience and misunderstanding.

Special delivery does not mean fast delivery. Often, the regular postman will deliver your special delivery letter, on his regular rounds. If it arrives after he leaves on his route, it will be taken to its destination by a special-delivery carrier.

Registered mail costs 95 cents above regular postage. This gives you insurance up to $10,000. But this mail moves slowly because it must be signed in and signed out at every point of handling. Its advantage is that it is practically impossible to lose a registered item.

Certified mail costs 33 cents plus postage. It gives you a return receipt from the receiver.

If you're really serious about doing your postal homework, you can send for a booklet, "Consumer's Guide to Postal Service" from Consumer Advocate, U.S. Postal Service, Washington, D.C. 20260. It's free.

RESOLUTION ON THE DEATH OF THE HONORABLE WILLIAM O. MILLS

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. HOGAN. Mr. Speaker, the death of my colleague and good friend, Bill Mills, is a tragedy not only for the House of Representatives, but for the State of Maryland and the district he represented so well.

Bill was recognized by his colleagues as a devoted and thoughtful legislator, and he was very well liked in his quiet, friendly way. On June 7 the Post Office and Civil Service Committee adopted a resolution honoring Bill and I would like to share the sentiments of this resolution with my colleagues:

U.S. House of Representatives,
Committee on Post Office and Civil Service,
June 7, 1973.

Resolution on the Death of the Honorable William O. Mills

Whereas, the Honorable William O. Mills, a Representative from the State of Maryland, served with dedication on the Committee on Post Office and Civil Service since his election to the Congress in 1971; and

Whereas, his brief service with the Committee was illuminated by the development of bonds of friendship and esteem between the Members of said Committee and Representative William O. Mills; and

Whereas, the Committee, both individually and collectively will deeply miss the sense of responsibility and dependability that Representative William O. Mills brought to said Committee: it is hereby

Resolved by the Committee on Post Office and Civil Service in regular session, that it has learned with profound sorrow of the death of Repersentative William O. Mills and that it extends its deepest sympathy to his family.

ENERGY CRISIS

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. McSPADDEN. Mr. Speaker, it has been made amply clear there is an energy crisis. There is a shortage of crude; no new refineries have been constructed since the late fifties, a situation I note recently that will be corrected in that at least two of the majors have announced plans to construct or expand. The tourist season is on us. Emission control devices further reduce the efficiency of already inefficient combustion engines.

As I pointed out at a freshmen Member special order session, April 19 Congressional Record, trucks were immobilized because of a shortage of fuel in the Midwest.

Last week, a farmer in my district said he could not secure fuel to operate his farm vehicles. As I predicted on April 18, we have compassion for the environmentalist but if our energy needs are not met, there may be few people around to enjoy the environment. When the Nation's farm tractors, plows, and harvesters grind to a halt, as they did last week, because of lack of fuel, there will be no food to feed the Nation much less export any to the rest of the world.

I have a friend who operates a 24-hour truckers village in Oklahoma City. The voluntary allocations suggested by the Department of the Interior Office of Oil and Gas are simply not strong enough because under these guidelines he has been allocated enough fuel to operate for about the first 20 days of the month without rationing customers. Jerry Brown on May 25 ran out of fuel. During the next 24-hour period, 48 trucks hauling live cattle stopped but Jerry did not have fuel for them. The ramifications of this—Jerry's business consists in the main part of supplying fuel to trucks hauling live cattle. He tells me 80 percent of his business is of this nature. Live cattle smother to death and shrink on a standing truck; meat costs go up, the consumer foots the bill, and we have another round of inflation.

A survey undertaken in January showed that 66 percent of truck stop operators were being rationed fuel by their oil company supplier. Tulsa truck stop operators were limiting customers to 35 gallons of fuel; those in Oklahoma City were limiting customers to 50 gallons.

These trucks moving the goods of America when they run out of fuel, must stop just as they do on the beltway when commuters run out of gas. Fifty-eight percent of the Nation's trucks are carrying food, livestock, fowl, and other perishable items such as produce, milk and so forth. Twenty-one percent are moving and storage vehicles; 15 percent hauling steel and 6 percent are hauling new cars and trucks.

I will not further burden you with figures, but conclude with my two main concerns: Agriculture must have first priority for fuel so it can produce the food and fiber which feed the Nation. My second concern is that fuel must be provided to the trucking industry which delivers over half of the Nation's food and fiber produced by agriculture.

Mr. Speaker, those concerns are not imagined fears; they are facts. The impact of the fuel shortage has already been felt. It is up to us, the Congress, to immediately seek corrective legislation so that these priorities, vital to the very life of America, are established and enforced. That is why, Mr. Speaker, I will strongly support S. 1570 authorized by Senator Jackson, which calls for mandatory priorities.

DRIVE FOR DEPARTMENT OF PEACE GETS BOOST FROM NATIONAL CONFERENCE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. MATSUNAGA. Mr. Speaker, for those of us who believe that world peace is attainable if we work unceasingly for it, there was a note of encouragement recently when more than 150 delegates met in Skokie, Ill., for the First National Conference on a Department of Peace. One of the distinguished participants at the Conference was my good friend and our colleague from Illinois, the Honorable Ralph Metcalfe, who contributed greatly to the conference according to all reports.

It is my pleasure to present for inclusion in the Congressional Record an article by Dr. John Eddy which tells about the conference and which appeared in the May 16, 1973 issue of The Christian Century. Dr. Eddy is an associate professor of education at Loyola University of Chicago.

Through our technological advances, we have now reached the point where the realization of world peace is the only means of survival for man. "Hiroshima" by John Hersey offers vivid evidence that if man fails to change his ways, one would not even wish to survive a third world war.

It is imperative that we create an entity within our government charged with the responsibility of creating the peace we have vainly sought for generations. We cannot depend on existing structures, for they are often committed to other goals. As a recent Secretary of State said of his Department—

> Not for one minute do I believe the purpose of the State Department is to make friends. The purpose of the State Department is to look out for the interests of the United States. Whether we make friends I do not care . . . (what follows) will be a problem for some other Secretary of State, not me.

It seems to me that we must work to make friends if life is to continue on earth. By questing for peace we are not being visionaries. We are merely recognizing the horrible alternatives.

I hope there will be more conferences and more articles building the case for a Department of Peace. And I hope they will convince more and more Americans, especially Members of Congress, that we must be deadly earnest in our efforts to find permanent peace if we are to survive at all.

The article follow:

Department of Peace Called for at National Conference

(By John Eddy)

"I thought the *Wall Street Journal* said the peace movement was dead," remarked one delegate at the First National Conference on a Department of Peace, held recently at the Central United Methodist Church in Skokie, Ill. On hand for the conference were more than 150 delegates—a broad cross section that included nationally known officials from educational, religious, governmental and peace organizations.

"This conference comes at a time when we need seriously to plan for the long-range process of uniting the convictions of the people into a power sufficient to swing the decisions of the governments of the world," said DeWitt Baldwin, first national chairman of the Council for a Department of Peace and founder of the Lisle Fellowship, Inc. (which has over 3,400 members in 91 nations).

Paradoxically, the mass media were unusually zealous in reporting this peace movement event—for of late the movement has been ignored by many. Film crews, photographers, and magazine correspondents were much in evidence, and sessions were tape-recorded for such agencies as the Voice of America for worldwide broadcast.

METCALFE KEYNOTES

Congressman Samuel Young of Illinois's tenth district (of which Skokie is a part) and Congressman Ralph Metcalfe of Illinois's first district (which includes part of Chicago's south side) both addressed the conference on the need for peacemaking in the world.

Said Metcalfe, who was keynote speaker:

"America is a nation at odds with itself and its ideal. . . . Is there any reason why America cannot promote peace with the same expertise and intensity with which it promotes its industrial and weapons systems products? . . . Congressman Spark M. Matsunaga's bill (H.R. 1824) represents an ideal formula for the establishment of a National Department of Peace National Peace Academy, and a joint committee of the House and Senate on peace and international cooperation."

HISTORY TRACED

Scores of different groups sent delegates to the conference—among them the International Association of Educators for World Peace, the Council for a Department of Peace, and the American Personnel and Guidance Association Peace Commission. Also present were representatives from many religious faiths. Presiding at the sessions was John Eddy, a professor at Chicago's Loyola University, who stated in his opening remarks:

"The idea of a Department of Peace was first proposed 180 years ago in 1793 by Dr. Benjamin Rush and Benjamin Banneker; yet not one of the 93 bills presented in the Congress since World War II has ever even reached the hearing stage. War—like pollution, prejudice and poverty—is every person's enemy, for it destroys humanity and the earth's ecology. The time has arrived for more than a Band-Aid or "patch" approach to peace: [what is needed is] a new union of citizens for the passage and implementation of federal legislation, like House Bill 4824, in every nation of the world to help safeguard present and future generations."

VARIED PROPOSALS

Many different ideas and proposals were considered by the delegates in the all-day session. Among the general topics; how to train peace personnel (an Academy of Peace), how to work for peace (from preparing bills to be introduced in Congress to improving world trade for the benefit of all nations), and how to create peacemaking agencies (e.g., an agency for world peace in the State Department, a Joint Committee on Peace in Congress, a cabinet-level Department of Peace, a Mediator Information-Ombudsman system). Some of the delegates also discussed the pros and cons of amnesty, various peace career opportunities, and possible peace education approaches in schools as well as in society.

Declared Gerald Grant, S.J., another Loyola professor and vice-president of the World Federalists:

"The profits must be taken out of war, and peace projects must be made profitable. . . . A Department of Peace should find ways to make peace profitable, for instance, when the terms of world trade can be so adjusted that all countries—new and old—can become mutual partners and customers in order that the standard of living of them all will be raised to an adequate level."

OTHER CONCERNS

Ernest Jaski, national chancellor of the International Association of Educators for World Peace (with over 6,000 members in 64 countries of the world) and professor at Southwest Community College of Chicago, described a new nonviolent conflict resolution model devised by the National YMCA and tested at the 1972 Democratic and Republican conventions.

"Peacemaking shouldn't be an amateur activity," commented Mary Liebman, executive secretary of the Council for a Department of Peace. "I simply can't tolerate any longer the idea of a system where war is financed with unlimited tax dollars and peace is financed by smudgy mimeographed appeals of people of conscience. . . . A Department of Peace should be for peace not only among nations but at every level, including Wounded Knee."

Paul Schilpp, who teaches at Southern Illinois University and is editor of the distinguished "Library of Living Philosophers" series, advocated a new kind of peace bonds—bonds that would give Americans an opportunity to finance programs for peace in this nation and around the world.

SUMMING UP

Some of the results of the conference had ramifications for the weeks and years ahead: (1) important materials were prepared for bills for the 93rd Congress and for future Congresses; (2) students received valuable information for making career decisions; (3) many persons gained new insight into possibilities for governmental and private peace projects; (4) new friendships were formed that will ensure stronger support of joint peace projects; (5) a Peace Academy and other peace programs are in the planning stage; (6) the need for extended study as well as for a united effort by a new national coalition of peace groups was acknowledged.

The memory of America's longest and most frustrating war vivid for the delegates—some of them veterans of Vietnam combat. The movement to strengthen the peace programs of the U.S. government and of private groups is gaining momentum. Peace is everybody's business, and what we need now is to make it somebody's job. That is what a Department of Peace is all about.

A POW REPLIES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. KEMP. Mr. Speaker, although remnants of Vietnam and Southeast Asia linger, and although there are some who continue to discredit much good that has come out of this Southeast Asian episode of American history, there remains an enduring reservoir of strength in American ideals which will not disappear. Col. Robinson Risner has breathed a breath of fresh air into the ongoing analyses of our Vietnam trials.

In responding to a Shana Alexander column in Newsweek, Colonel Risner movingly tells of some of the birthrights and freedoms for which so many young Americans committed their lives or their freedom. I need not explain more. Colonel Risner speaks with a gracious eloquence. The noble and enduring ideals for which the great majority of Americans continue to be grateful have not vanished—no, not even after Vietnam.

Colonel Risner's article follows:

[From Newsweek]

A POW REPLIES

(By Col. Robinson Risner)

(In her March 5 column, Shana Alexander suggested that the returning American prisoners of war were actually "prisoners of peace with honor"—men who were coached by Pentagon public-relations brass on what to say on repatriation. Air Force Col. Robinson Risner, 48, a leader of the POW's own prison-camp command, gives his side of the story:)

DEAR MS. ALEXANDER: Isn't it great to live in "the land of the free" where people with dissimilar beliefs can express themselves in the same publication? I must confess I had long taken this and other freedoms for granted. But after having been denied them for seven and a half years, I can sincerely say that I am acutely aware of even the simple privileges we as Americans possess.

You began your March 5 column with mention of heroes of past wars and referred to the returned POW's as Vietnam's *only* heroes. You were only partially right. There *were* heroes in the prison camps—men who were tortured and some who died at the hands of the enemy rather than compromise their principles; but there were *other* heroes of this war—men who fought with great valor and many who died on the battlefield fighting so that others might have some of the freedoms we enjoy.

Please don't misunderstand me, Ms. Alexander. I know that the Vietnam war was not perfect, either in its concept or in its conduct, but then few things are. At any rate, South Vietnam still remains free of Communist rule as does most of the rest of Southeast Asia. In addition, the U.S.A. is still a bulwark of freedom all over the world. And, although some would like us to believe otherwise, you can bet that our friends and allies continue to rely upon us.

I was speaking of heroes. Let me talk to you a moment about some of the unsung heroes, or rather heroines—our wives. These are the gals that took it on the chin and hung in there through thick and thin—our "velvet and steel" as some have called them. It would be impossible for me to relate here what these women have had to cope with through the years; just let it suffice to say that if anyone deserves recognition for "service above and beyond the call of duty," they do. So, Ms. Alexander, if perhaps the ladies seemed a little *too* radiant to you, all I can offer in their behalf is the thought that if you had been with these girls through these most trying years, perhaps you too would agree that not only did they deserve to put aside their cares and dry their eyes for this once-in-a-lifetime occasion, but also that their radiance was nothing less than genuine.

I must say that I am rather dismayed to find that you believed the grins, salutes, statements of gratitude, etc., were rehearsed. Just for the record, let me say that we received no briefing en route from Hanoi about our conduct or statements upon arrival at Clark Air Base. Do you believe that men who endured so much extra hardship and even death rather than allow themselves to be used as propaganda tools would permit themselves to be orchestrated? Don't you believe it!

During the time we were imprisoned and when it was possible for us to do so, we would discuss our basic beliefs and talk about what we considered to be major issues. Over the months and years we seemed to come to a meeting of the minds on some of these issues. Consequently if our statements sounded similar, all I can say is that our beliefs—the beliefs that sustained us through these years—*were* similar.

"BASIC METALS"

Let me try and explain it this way. If one were to take ore of varying grades and subject it to sufficient heat and pressure over a period of time, the basic metals would emerge. Men, too, are like that. What I'm trying to say, Ms. Alexander, is that we were not and are not unique. We are typical guys from Anytown, U.S.A., and although we were trained as fighting men, we cannot claim uniqueness even among the military. The qualities or "basic metals" that emerged in us are, I believe, inherent in most Americans and no matter what other differences we might sustain, these qualities are our common denominators.

Regarding the "protective shield" that was provided us upon our return, I can safely say that those of us who returned from Communist prisons, as well as our wives, were deeply grateful for the meticulous planning that went into the preparations for our release and return to normal life. They had every right to expect mental and physical deterioration as well as deep psychological problems. Believe me, I'm glad they planned for the worse and were pleasantly surprised.

"Who won?" When I am asked that question, I think, as I stated earlier, of South Vietnam and most of the rest of Southeast Asia which is still free of Communism, and the credibility of America's word with other nations. Yes, it was a very long war. It was not only long, it was the dirtiest kind of war. It was one in which deeds of valor became routine and taken for granted while a few deeds of which we were not proud were given the widest publicity. It was a war in which there were no clean-cut victories because there were no clean-cut front lines, no industrial complexes, no large cities to take. In short, it was a war to which Americans could not relate because it was unique in the history of American wars. It was a war in which the word of a vociferous few, at times, drowned out the less vocal voices of the majority. I'm glad, though that the majority was sustained and that a peace consistent with the commitments of three Presidents was concluded.

You said that "a nation cannot long sustain a war its own people don't believe in." I agree, and I would like to point out that despite the inherent American impatience, we fought in Indochina longer than in any other war.

BACK TO FREEDOM

Ms. Alexander, we came out of North Vietnam—back to freedom—grinning because for the first time in years we had a lot of things to grin about. The wives were radiant because they were happy to have their husbands back where they could touch them, love them and be angry at them if they wanted. The freed POW's made similar statements of gratitude to our Commander in Chief out of sincere admiration. While we were in the Communist prison, the North Vietnamese kept insisting that the Administration's Vietnam policy represented only a small minority and that the American people opposed it. The '72 election was an overwhelming rebuttal to that. Most of us felt that the President was personally responsible for getting us out "with honor." Maybe "with honor" isn't too meaningful to some but we would have stayed a lot longer rather than come home without it.

MEDGAR EVERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RANGEL. Mr. Speaker—

> I've been fighting for America just as much as the soldiers in Vietnam.

These are the words of Medgar Evers. Ten years ago, on June 12, this great black man and great American was gunned down and killed outside his home in Jackson, Miss. In the 10 years since his death, the American experience has been one of violence and destruction and sadness—in Dallas, in Memphis, in Vietnam.

But yet, it is important to remember those who died. It is necessary to remember and reaffirm to ourselves the conviction that we will not rest until freedom and dignity are afforded every citizen in this country and abroad.

In his life and in his death, Medgar Evers pursued this goal. We honor him and cry for him, on this, the 10th anniversary of his death.

I submit for the attention of my colleagues and to help us remember, an editorial that appears in the June 1973 edition of The Progressive, entitled "Medgar Evers: Lest We Forget":

MEDGAR EVERS: LEST WE FORGET

Those Americans who advocate, or even passively accept, the present slowing of progress in civil rights betray the sacrifices of every man and woman, black or white, who gave their lives in the struggle for equality of opportunity. In the 1950s and 1960s alone, at least fifteen civil rights leaders and workers were killed in the South while struggling to achieve some measure of justice for blacks.

The death of one of these leaders, Medgar Evers, took place just ten years ago, in June 1963. Evers, the NAACP's first field secretary in Mississippi, had been warned that he was on the "death list" of white racist groups. He was shot down at his home in Jackson, Mississippi, at a time when he was leading an effort to desegregate that city's public facilities.

Barely thirty-eight years old, Evers had been active in Mississippi and elsewhere in Dixie along the whole civil rights front, from the desegregation of schools and other public facilities to voting rights and jobs for blacks. His efforts began in 1946 when, at the age of twenty-one. after four years of World War II service in France, he and his brother Charles tried to register to vote in Jackson and were turned back by a crowd of rednecks.

Over the years he engaged in every phase of the black struggle—in person, by letter, and through the media—arousing not only Southern blacks but blacks and whites in the North to the urgent need for "freedom now."

It has been widely reported that the assassination of Evers spurred our lagging President, John F. Kennedy, to present in 1963 the omnibus civil rights bill which, ironically, did not become law until after he, too, was killed in November of that year. Evers' death also touched off a Dixie-wide black voter education drive and helped set the stage for the passage of the Voter Rights Act in 1965.

Thousands turned out to accompany the funeral procession when Evers was buried in Arlington National Cemetery. On this tenth anniversary of Medgar Evers' death, it is fitting to recall that he and Martin Luther King, and so many others, paid the supreme price for their part in the civil rights struggle which too many Americans now seem willing to abandon. We can honor their memory best by resolving to review and revitalize the fight for racial justice with greater determination than ever before—and that goes for a great many liberals who have wearied of the struggle and have allowed boredom and indifference to smother their one-time crusading zeal.

CAB EXPANDS ENFORCEMENT EFFORTS

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, the Civil Aeronautics Board enforcement chief Richard J. O'Melia recently described the intensive enforcement drive his agency is making against such improper practices as illegal booking of charter flights and the misuse of youth fare and military discount privileges.

Improper practices ultimately endanger the traveling public. For this reason I commend to my colleagues the excellent report made by Mr. O'Melia to the 10th Inter-American Aviation Law Conference:

REMARKS BY RICHARD J. O'MELIA

AIR TRANSPORT ENFORCEMENT PROBLEMS IN THE NORTH ATLANTIC AND LATIN AMERICAN MARKETS

It is a particular pleasure for me to be with you for this the Tenth Anniversary of the Inter American Aviation Law Conferences. In 1970 I participated in the Seventh Inter American Law Conference in Miami. I am beginning to feel like a regular member. Each year the gatherings become more prestigious and valuable to those attending. The organizers and sponsors of this unique and significant series of conferences can be truly proud that their efforts in these ten convocations have brought into being a most useful institution to serve the academic and intellectual needs of the air transport system in the Americas.

The Civil Aeronautics Board has a high regard for these conferences. I am delighted to represent the Board at this session, and feel that it is useful to bring you again a report on the enforcement program of the Civil Aeronautics Board, and some observations on how enforcement problems may affect inter-American air traffic.

When I visited with you in 1970 at your Seventh Conference I spoke somewhat extensively of the organization of air transport enforcement in the United States, and of our enforcement objectives and techniques. In 1970 I was still a new Director of the Bureau of Enforcement, having been appointed to that office in April 1969. I was then in the throes of reorganizing the Bureau, establishing new priorities for it, selecting new personnel and adopting new enforcement techniques. What were then hopes and aspirations have now become realities to a gratifying extent.

In the course of my remarks in 1970, I gave special attention to two new massive investigations that we had begun into charter irregularities, one on the West Coast and one on the East Coast of the United States. I can report to you now that those initiatives have been almost completely concluded and have had very substantial success.

Initially seven formal proceedings were instituted on the basis of information developed in those investigations. These seven cases have resulted in cease and desist orders against four carriers, involving $192,000 collected in civil penalties, and in addition eighteen other cease and desist orders against specific organizations and individuals.

Later in 1970 six additional formal proceedings were instituted against five carriers and nine organizations and individuals. This group of cases has led to additional cease and desist orders against three carriers, involving $38,000 in civil penalties, and cease and desist orders against two organizations and individuals.

In September 1971, in another broadscale move against unlawful charter operators, the Board filed suit against sixteen individuals and organizations primarily in the New York area. This measure, coupled with tightening of our charter regulations and the issuance of Board orders to certain supplemental air carriers requiring them to submit their proposed charter flights to the Board for prior approval, have resulted in a very substantial improvement in the New York charter market.

The extensive black market charter operations, that were rampant, have now greatly diminished.

I do not want to take too much time to tell you what has happened on the various compliance programs I described to you in 1970. But I do want to tell you that enforcement has been accorded even greater emphasis in the activities of the Board than was given then.

As many of you know, the Civil Aeronautics Board has a new Chairman—the Honorable Robert D. Timm. He has strongly articulated his view to the industry that to have vigorous and efficient airlines the carriers must stop predatory and self-destructive practices. Chairman Timm believes in strong airlines and he believes in enforcement. And I suggest to you that these two concepts go together. You can not have strong airlines if you do not have adequate enforcement.

One of the indications that Chairman Timm has given that he supports enforcement, is that he has requested the Congress of the United States for funds to give the Bureau of Enforcement more attorneys and investigators.

This will be approximately a 25 per cent increase in the size of our staff. Those of you who are bureaucrats will understand that this kind of support—budgetary support—is music to the ears.

Last year we also expanded our activities by establishing enforcement field offices in Miami and Anchorage, Alaska. This year we hope to open field offices in Los Angeles and New York, and next year three more field offices are planned—in Chicago, Seattle and Dallas. These field offices will serve as additional eyes and ears, and, we believe, will perform valuable services for the public and for the industry.

The reasons for the greater emphasis on enforcement by the Chairman and by the Board are numerous. First of all, there is an increasing interest and concern in the United States to protect the passengers and shippers. They are our consumers and must be defended. Secondly, when air transport regulations are violated, the victims are frequently the air lines themselves. Our carriers must be protected if we are to have a viable air transport system. Another reason is that the Board's plans and programs would be frustrated if the Board's regulations are not observed.

The Board's strengthened enforcement efforts are reflected in part by a 108 per cent increase in cease and desist orders since July 1, 1972 over the previous twelve months and a 59 per cent increase in the collection of civil penalties. The total amount of civil penalties collected in the past 24 months ($574,750) is greater than was collected in all the previous years since the inception of civil penalties in 1963.

I know that some other countries are beginning to pay more attention and to give more emphasis to their enforcement efforts. In the past year the Board has taken action to seek cooperative enforcement measures with air transport compliance officials of a number of European countries. We have met with enforcement officials of Great Britain, the Netherlands, Belgium, and Germany, and the groundwork is prepared for mutual and reciprocal assistance.

We began these cooperative efforts with European nations because of the very pressing air transport problems over the North Atlantic. But we are equally interested in our air transport relations with other countries in the Western Hemisphere. I would welcome an opportunity to meet with governmental authorities in the American Republics to exchange enforcement views and information.

In my brief remarks to you today, it is not possible to go into all the enforcement problems we have encountered over the North Atlantic. Therefore, I am taking the liberty of dealing with only one problem, and one that I consider very important—the problem of discounting.

A. Historical background of discounting

I think you are all aware that in May, 1972, Mr. Knut Hammarskjold, the Director General of IATA, held a meeting in Geneva to discuss ticketing malpractices. He advised the Presidents and Chief Executives of the member carriers that the industry was in grave danger as a result of these malpractices, and was risking the loss of confidence of the public and governmental authorities. He related that it was estimated that losses from discounting practices were costing the carriers from 200 to 500 million dollars a year. His proposal was that remedial measures should be undertaken by IATA, by interested governments, and by the airlines themselves.

To advance his proposals, Mr. Hammarskjold met in June, 1972, with IATA representatives of the North, Mid-Atlantic and Pacific regions.

The outcome of that meeting was a consensus that IATA should depart from its traditional go-it-alone position and should promote and facilitate the exchange of information with other law enforcement authorities. A program of action was mapped out, including at an early stage on approach to the Civil Aeronautics Board.

Accordingly, later in June, 1972, Mr. Hammarskjold and Mr. Stuart Tipton, the President of the Air Transport Association of America, met in Washington with senior Board officials to tell them of the massive discounting of tickets taking place and to solicit the CAB's attention and action to remedy this widespread problem.

B. Action taken by the Civil Aeronautics Board on discounting

The Board felt that the discounting problem merited priority action, and began its efforts with a letter on June 26 addressed to the Presidents of United States and foreign air carriers operating to the United States. That letter went to 104 airline presidents. The letter from the Chairman identified the problem, expressed the concerns of IATA, of the Air Transport Association and of the Board, and declared that the Board would not condone any violations of the law. The airline Presidents were requested to take immediate voluntary steps to stop discounting abuses and to inform the Board of any recurring violations.

This action was followed nearly one month later, on July 17, by a second letter from my Bureau requesting specific information and comments from the same 104 airline Presidents on the discounting malpractices. To this letter was attached a list of typical and prevalent malpractices which I will go into shortly. Let me say here that these two letters on discounting are attached to the printed copies of my remarks, available for distribution here. The response to the two letters was not gratifying. Although more than 60 carriers replied to the Chairman's original letter expressing their cooperation, very few of them submitted any useful substantive information when requested by my Bureau to supply specific details.

It became clear to us that the only way to attack the discounting problem was through systematic and meticulous investigations and formal and informal compliance proceedings.

C. What are discounting malpractices?

Before describing to you what we have done to uncover and stop illegal discounts in the North Atlantic, it may be desirable for me to outline some of these malpractices. I believe that you and I will agree that the illustrative practices I will mention are illegal, harmful and undesirable. If in your mind you question any of these, we would appreciate hearing of it back in Washington.

First of all, we have divided these illegal discounts into four major categories. These are:

1. Excursion Fare Malpractices, 2. Group Affinity Malpractices, 3. Group Inclusive Tour Fares, and 4. straight Discounting.

Let me describe these to you.

1. *Excursion fare malpractices* are very prevalent and may be the most difficult to uncover. Principally, what you have here are devices used to circumvent the time-limit validity provisions. One device is the failure to enter minimum and maximum validity dates on tickets, coupled with a failure by "check-in" agents to review the coupons for time-limit requirements.

The use of revalidation stickers without proper endorsement or the use of a validation stamp is another typical trick. Open outbound and open return tickets permit each flight coupon to be used independently through revalidation stickers. The destruction of flight reservation records makes the misuse of revalidation stickers hard to detect.

Another device used with excursion fares is to keep passenger lists secret at turnaround points. As a result boarding passes exchanged for invalid coupons are used, or reissued or altered flight coupons are given out.

2. *Now what about group affinity malpractices?* You know many of the techniques. By the way, many of these techniques apply also to non-affinity group fares. Travel-together provisions are ignored. The minimum required number of passengers is not observed. When a charter group does not have at least 40 persons, as required, fraudulent medical and doctor certificates are put in to cover-up the deficiency. In cases of oversold charters, passengers are taken on an individually ticketed basis without being made to pay the larger fare. And of course there is the most common violation—the non-bona fide passenger.

In my remarks in 1970 I spoke at length on the requirements of bona fide passengers and how those requirements are violated. Those comments were recorded in the publications of this conference, and are available to you there for reference.

In this area the Bureau has recently obtained cease and desist orders and $61,000 in civil penalties from three U.S. carriers for issuing group affinity tickets to ineligible groups for transportation between the United States West Coast and Hawaii.

3. The third major category of malpractices involves *Group Inclusive Tour Fares.* These violations consist of excessive commissions—through "overrides", "throw-aways", and mislabelling commercial travel as inclusive tour. I hope that these expressions are familiar to you. These terms refer to deceptions practiced by agents and carriers on the public. Some passengers on GIT's have been found to be travelling at reduced fares below required minimum land charges. Finally, we have discovered that some airlines are not abiding by the time limitations within which GIT tickets may be sold. Accordingly, the Bureau has during the past 12 months issued formal complaints against three United States carriers alleging a failure to sell GIT tickets within the applicable time limits.

4. Finally, there is *straight, pure, and unadulterated discounting.* A specialized fare that is subject to much abuse is the military fare. In addition, youth fares, student fares, and regular fares are given in large blocks to ticket agents to be sold at agreed discounts. We have had the harrowing experience of finding an 81 year old nun travelling on a youth fare. And some of the quote students unquote that move on Student fares are paying for their fares from old age annuity checks. This has to be carefully monitored. We have already collected $30,000 from an Asiatic airline for discounting excursion fare tickets and have charged a South Asia carrier for selling youth tickets to all comers.

Now that, in summary, is what we consider to be ticket discounting malpractices. That is what we want to stop. I hope you agree. I have no doubt that you know of some other ticketing malpractices. Please let me know what these are. I may have an opportunity to speak on this subject at other gatherings. So if you want to send me some other illustrations, I will be glad to add them to the list.

D. Enforcement investigation and actions

Faced with this problem, and recognizing that carriers could not or would not on their own take corrective action, we sent our investigators out to do battle.

Our first field examination into ticket discounting, conducted jointly by Board investigators and IATA compliance officers, took place at New York's JFK Airport in August 1972. Four investigating teams screened nineteen transatlantic carriers for five days. The investigation was successful and productive.

As we announced publicly in November, out of some 8,900 tickets examined, over 1000, or about one out of every 9, contained suspected violations. About 39 percent involved group affinity fares, 35 per cent were excursion fare violations, 12 per cent arose from inclusive tour irregularities and 5 per cent concerned youth and student fares.

You will be interested to know that air carriers corrected on the spot some 400 of the 1,000 violations uncovered, and these corrections resulted in additional revenues for the carriers of $9,635.

Some simple arithmetic proves that if we found this amount of loss of revenue for the carriers in a five day examination, Mr. Hammarskjold is correct that the airlines as a group are probably losing close to a half a billion dollars in revenue annually because of discounting.

Now isn't it worth it to the carriers for us to do this? And doesn't this raise the logical question of why the carriers are not cooperating to stop this self-destruction?

We have now had two additional extended investigations in New York conducted jointly with IATA. One in November and one in March/April. These joint efforts are working well. Twenty-one international airlines operating over the North Atlantic have been checked. In April a large part of our investigative staff was engaged in these airport examinations during most of the month. Now, here is the encouraging item. We have discovered that as a result of these checks discounting is diminishing and fewer violations are occurring.

E. Discounting in other markets

This talk is entitled *Enforcement Problems in the North Atlantic and Latin America Markets,* and you may be interested to hear what I have to say about discounting in the US/Latin America traffic. I will be brief.

We do not have as much factual information on discounting practices in air transportation between the United States and countries in Central and South America as we need to have. However, we have enough to be sure that such practices are very prevalent and, like in the North Atlantic, very harmful to the air carriers. This means, for those of you in the audience whose governments are having to subsidize national airlines, that you are paying to support a discounting habit. It is like a drug habit—if you don't stop it, it will get worse. The withdrawal symptoms may be painful, but that is the only way to save your patient.

When letters to Presidents of the air carriers were sent by the Chairman and my Bureau in August and July of last year, less than ten Latin American airlines responded. We appreciate the comments that were made, but—as was the case with the North Atlantic carriers—almost no substantive information was received. We are going to seek, with your assistance and cooperation, to gather more such information.

In my country they tell the story of the clerk who lived in an apartment below a workingman. Every night the workingman would come in late, make a lot of noise, and finally drop his heavy shoes on the floor. The clerk in the lower apartment could not go to sleep until the workingman had dropped both his shoes on the floor. One night the workingman only dropped one shoe. Finally, the clerk screamed, "Please drop your other shoe so I can go to sleep."

We have dropped one of our shoes on the North Atlantic. My message is that we are going to drop the other shoe on the traffic between the United States and Latin America. This may be keeping some air lines awake. If we are delayed in beginning these efforts, and you become impatient, just knock on the ceiling and we will try to hurry up.

Before I leave these thoughts, let me say that these are not the only two markets with discounting problems. We see equally great difficulties across the Pacific.

We have already begun to examine both passenger and cargo discounting problems in the trans-Pacific market, and our enforcement program in that area may prove to be as intensive as over the Atlantic. The time allotted to me today does not permit my discussing the cargo area with you. But let me just mention this. Discount practices in the cargo field are of no less importance and no less harmful than passenger discounting We are taking a very hard look at cargo practices in Miami and will do the same thing in the Pacific. We hope that you will very soon begin to hear the results of those efforts.

F. Conclusion

In concluding these remarks I want to stress one thing. As Knut Hammarskjold has declared, the illegal ticket discounting problem poses a grave danger—not only to the traveling and shipping public, but also to the airlines. What association and governmental compliance authorities do to correct this problem will help the entire industry.

These efforts can only succeed with everyone's cooperation. Airlines, governments, travel agents, and the public must all render their sincere assistance. The distinguished and influential participants in this convention can be of cardinal importance in making it possible to eliminate the grave problem of discounting from the world's air transport industry.

I know that I can call upon all of you for your help.

PROSPERING OMBUDSMAN

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. OWENS. Mr. Speaker, on May 9 11 Members and myself introduced H.R. 7680, a bill to establish an Office of Congressional Ombudsman. At that time, I expressed the need for greater expertise and resources in handling the various constituent problems that we are called on to investigate. An Office of Congressional Ombudsman would provide such expert assistance. I also pointed out that such a centralized operation would allow a thorough evaluation of the practical effects of the laws and regulations on citizens by compiling records of complaints and confusion so that what patterns emerge can hopefully be corrected.

Although the concept of an ombudsman is well-established in many other countries, it has been relatively slow in coming to the United States. By noting the progress of several programs in Utah and anticipating their continued growth, the Salt Lake Tribune has helped further the public acceptance of such an idea.

An editorial yesterday called attention to Governor Rampton's appointments of ombudsmen for Utah's black and Spanish American citizens, and to Salt Lake County Commission Chairman Ralph Y. McClure's naming an ombudsman for senior citizens. The editorial concluded, and I wholeheartedly agree:

> (I)ncreasingly, not only minorities complain about insensitive, unresponsive government. The feeling is almost universal. If the trend continues, the U.S. ombudsman could be as familiar and as indispensable as it ever was in Sweden.

I appreciate the Salt Lake Tribune's interest in this important matter, and I insert the full editorial into the RECORD:

PROSPERING OMBUDSMAN

The "ombudsman" theory is obviously catching on. Starting at the state level in Utah, it has now been added to Salt Lake County government. But in a limited sense.

It is usually traced to original development in Sweden, where a government office was created to investigate complaints filed against the bureaucracy. There has always been some question whether in a nation like the United States where checks and balances between the various branches of government work on a fulcrum of active partisan politics the full ombudsman idea is either necessary or workable.

However, in true Yankee tradition, the concept has been borrowed and modified to meet a certain need. That seems to be special attention on difficulties encountered by minority groups. At the State Capitol, Gov. Rampton appointed separate ombudsmen to follow up complaints about public services affecting Utah's black and Spanish-American residents. More recently, Salt Lake County Commission Chairman Ralph Y. McClure named a woman ombudsman (should that be ombudswoman?) for senior citizens.

Mr. McClure seemed to reflect the general purpose as he explained that older residents are too often a forgotten minority when public programs are adopted, financed and administered. The same is said in setting up ombudsmanship for racial minorities. And the reasoning is entirely valid.

Special problems confronting racial minorities and a growing population of aged have been overlooked as government deals with community-wide needs. The white, working-age majority is more visible, therefore more influential on policy and programs. Limited ombudsmaneering can, then, restore a proper alertness to local government.

Still, that may not be the end of it. Increasingly, not only minorities complain about insensitive, unresponsive government. The feeling is almost universal. If the trend continues, the U.S. ombudsman could be as familiar and as indispensasble as it ever was in Sweden.

NO GREATER LOVE

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. BRINKLEY. Mr. Speaker, this Thursday—Flag Day—is a very special day for many of us here in this body. On that day, No Greater Love, an organization for support and assistance to the special young Americans, the children of our servicemen missing in action, will hold a ceremony in the Rayburn Building.

On that occasion, the son of one of our servicemen listed as missing in action will be presented with a flag which has flown over the Nation's Capitol. This will be the first of many U.S. flags to be offered to children in similar circumstances over the coming months. It represents the fact that his fellow Americans cannot and will not forget the sacrifices their fathers have and are making in the name of this great Republic.

As a member of the National Advisory Council to No Greater Love, I invite all my colleagues to take a few moments of their time on that day to join in this ceremony. Among those attending will be Members of both Houses of the Congress, former prisoners of war, and numerous personalities from the world of sports.

Perhaps the following brief history of No Greater Love, which was published in the March 31, 1973, edition of Human Events, sums up the story of the program better than I could express it. I recommend it to my colleagues and insert it in the RECORD at this point:

SPORT STARS LEND HAND TO CHILDREN OF POW–MIA's

(By Andrew C. Seamans)

The return of U.S. servicemen and civilians from Vietnamese prisons and tiger cages has had tremendous impact on the American public. Patriotism, all but buried in recent years by left-wing activists and their assorted teams of cheerleaders, has been revived with unabashed statements of love for God and homeland by the ex-POWs (see HUMAN EVENTS, Feb. 24, 1973, page 3).

In return, the public has poured out praise for the returnees and their families to such extent that some of the ex-POWs' loved ones have had to beg respite from overzealous, albeit sincere, well-wishers.

The men have been greeted at every stop on the road home with banners, flowers, gifts, cheers and welcoming kisses from young women. The feeling has been mutual. The men have shown profound, unashamed love for the nation and the people, especially the youth of America.

A common strain of concern for young Americans has come through loud and clear in most of the ex-POWs' statements since the repatriations began in mid-February. In fact, three of the men from the first historic freedom flight visited Virgil I. Grissom Elementary School at Clark Air Force Base the day after they reached the Philippines.

Navy Capt. Jeremiah Denton, the first man off the plane from Hanoi, Air Force Capt. John Borling and Army Master Sgt. William A. Robinson went to the school to thank some 600 fourth-graders on behalf of the other ex-prisoners for Valentines, posters, welcome home signs and crayoned place mats the children had sent to greet the men at the hospital.

Denton, whose "God bless America" statement at planeside electrified the patriotism-starved nation and at the same time raised the hackles on liberal news writers, told the students: "We thought it was wonderful the other day [the airfield welcome], but I knew John and Bill are as overwhelmed as I am for being here with little America today."

As the father of seven children. Denton knows what the youngsters mean to a returning serviceman. And for the ex-POWs' children we can but imagine what it must be like finally having their fathers back after all these years.

But what of the thousands of youths whose fathers will not be coming home on the freedom planes? What of the families of the men listed as MIA—missing in action?

Over 1,300 Americans are unaccounted for. Their families still wait in painful vigil with nothing but dim hope of reconciliation. The stark reality is that most of them will never learn the fate of their men.

While this situation will be extremely difficult for wives, parents, brothers and sisters of the MIAs, it will be even worse for the children, those Capt. Denton lovingly calls "Little America."

MIAs' wives will, as have the POWs' spouses, try valiantly to fill the void in these young lives that can only be filled by a father. Women's liberation to the contrary, most mothers are not capable of helping a youngster learn to bat a ball, steal a base, throw a pass or hook a worm.

Although no Big Brother organization exists for the MIAs' children, there is a group that comes close: No Greater Love.

No Greater Love began two years ago as an effort, conceived by a young White House staffer, Carmella LaSpada, to try to do something to ease the plight of the POWs and the MIAs.

Acting on her own, Carmella took a leave of absence without pay in April 1971 to organize America's Sports Stars for the POWs-MIAs.

Miss LaSpada won the support of four prominent athletes to get the idea started:

then-Baltimore Colts quarterback Johnny Unitas, who since the beginning has performed yeoman service for No Greater Love, Baltimore Orioles third-baseman Brooks Robinson, Hall of Famer Ted Williams and Olympic swim champ Don Schollander. One of the athletes' first acts was to sign a letter to North Vietnamese Prime Minister Pham Van Dong asking permission to visit Hanoi as private citizens to discuss the POW's welfare. Naturally, this request and subsequent letters to the North Vietnamese athletes' association were ignored.

Foiled abroad, the sport stars' efforts were soon turned toward the United States as a result of a chance occurrence when some of the missing sevicemen's children wrote to Unitas and Robinson to thank the men for what they had done. Miss LaSpada and the athletes saw an opportunity to ease the loneliness of the youngsters.

With the aid of the National League of Families of Prisoners of War and Missing in Action, letters were sent to mothers of the POW-MIAs' children, describing the organization and asking those who wished to participate to list their children's names and their favorite athletic teams or athletes.

By November 1971 over 600 names had been gathered. Without a budget and with only a handful of volunteers, Miss LaSpada began the task of contacting the kids' idols and favorite teams as a special Christmas project.

Within a few weeks the sports world had responded with autographed photos, posters, pennants and a wide assortment of other gifts. Still the volunteers faced the Herculean chore of wrapping and mailing the packages before Christmas, but they made it on time.

Since that initial project, the outpouring from U.S. athletes for these children has been phenomenal. Miss LaSpada said: "Not one athlete has ever turned down a request from No Greater Love."

Some examples of the response: The Houston Oilers and Philadelphia Eagles gave official National League footballs. *Sports Illustrated* magazine sent baseball and football games.

Unitas personally autographed over 100 photos with Brooks Robinson signing almost that many. Other stars sent out letters and photos, including Henry Aaron, Arthur Ashe, Wilt Chamberlain, Joe Frazier, Rod Gilbert, Billy Kidd, Al Kaline, Jerry Lucas, Bobby Mercer, Joe Namath, Arnold Palmer, Bart Starr, Roger Staubach, Ron Swoboda, Jerry West and Ted Williams. Some stars even telephoned youngsters.

Rep. Jack Kemp (R-N.Y.), a former Buffalo Bills quarterback, also joined in the effort.

Even former heavyweight champion Muhammad Ali, who fought against the draft in the courts, chipped in by sending one child a watch.

The program has quite naturally resulted in some humorous and touching sidelights.

One youngster, who couldn't pinpoint a favorite athlete, chose the entire Cincinnati Bengals football team. He and his brother received individual photos from each Bengal player. In a letter to the team, the lad thanked the players, adding the postcript: "P.S. My mother didn't make me write this."

The Chicago Bears received the following poignant message from a young girl: "My daddy used to watch your team on TV and I did, too. I was waiting for my daddy to come home from Vietnam, but I still watch your games."

Last year No Greater Love stepped up its efforts and added entertainers to its ranks. Brant Parker, cartoonist of the "Wizard of Id" comic strip, designed a special birthday card to be sent to each of the children on his or her birthday. With these distinctive cards went autographed photos of Dallas Cowboys quarterback Roger Staubach, an Annapolis graduate, and such stars as Flip Wilson and Carol Burnett.

Last Christmas the list of participating "Little Americans" had passed the 1,000 mark. Again the teams, the athletes and the show business people came through. Baseball teams sent autographed baseballs. The Philadelphia Phillies, in fact, with pitching star Steve Carlton in the vanguard, sent grab bags filled with baseballs, T-shirts, batting helmets and other gifts. Singer Bobby Sherman joined in with photos and record albums.

Washington area POW-MIA children were the guests of the Washington Redskins with a king-size Santa Claus, played by defensive end Ron McDole. Some of the Baltimore Colts visited with a group of area POW-MIA offspring in the home of one of the mothers.

With the Vietnam cease-fire, many people might assume that No Greater Love is finished with its humanitarian effort. Not so. In fact, the program will have to be stepped up more than ever.

"People say the war is over," said Miss LaSpada. "They fail to realize that 1,300 fathers are still missing. We cannot forget these children. Actually, we want to expand the program to remember all children whose fathers were lost in Vietnam."

Expanding the program, though, is going to cost money. Unitas said: "We can't let these children down. It's going to take at least $100,000 to expand the program and keep it going."

That the program has been able to continue as it has for the past two years is due largely to the efforts of a nucleus of key athletes and Miss LaSpada, who has used up her life savings to keep going without a pay check. Without an increase in contributions, however, no Greater Love may be forced to fade from existence. But anyone who knows Miss LaSpada doubts she will let this happen.

In fact, progress towards an accelerated fund drive has already been made. The Boston *Globe* has offered its help in publicizing the tax-exempt program, as has Washington's WMAL radio-TV station. Others are also expected to join in.

Mrs. Carolyn Cushman, whose husband Air Force Maj. Clifton Cushman has been missing since September 1966, summed up what No Greater Love has done for their seven-year-old son, Colin.

"Most boys are introduced to football by their fathers," said Mrs. Cushman. "Colin hasn't been able to do this. But through the program he was introduced to football in a unique way. It's really enriched his life."

Colin recently announced that, as a result of getting signed photos from Staubach and Unitas, he intends to become an NFL football star when he grows up.

While not all of the children will grow up to be professional athletes, the program has had a positive psychological effect for the young people. They cannot boast, as their schoolmates do, of the things they do with their fathers on weekends and after school or about plans for Father's Day. By bringing in photos of personalities in the sports or entertainment field with a personalized signature, the MIA children are able to show they too are special in their own way. Many mothers have said this helps to some extent.

No Greater Love has also helped enrich the lives of those on the giving end. Former heavyweight champ Joe Frazier is an outspoken proponent of No Greater Love.

"I got five of my own [children], so I know what it means to have me around. I'm not home that often, but when I am it's like the star on a crown. With these kids, it's a thrill to know somebody cares for them."

One of the major drives among the antiwar activists since the POWs have begun to re-enter the country has been for amnesty for the draft-dodgers and military deserters. Army Special Forces Maj. James N. Rowe, who escaped from the Vietcong in 1968, said: "Amnesty cannot be considered until all missing in action are accounted for."

In essence, Rowe, who recounted his captivity in his book *Five Years to Freedom*, was saying there can never be an amnesty for the runaways, for the missing in action will never be fully accounted for.

Rather than worrying about amnesty for those who refused to serve the nation, it would be far better to turn our attention towards those who are left behind—the "Little Americans."

No Greater Love cannot rely on only famous sports or entertainment figures for the money to guarantee the program's continued existence. They must turn to the public.

Georgetown University in the Nation's Capital has given a special post office box to No Greater Love (P.O. Box 968, Hoya Station, Washington, D.C. 20007). Georgetown students, led by 19-year-old Charles Fazio, have volunteered to help answer the mail. Here's hoping these young people are kept busy.

DEPARTMENT OF STATE AUTHORIZATION CONTAINS TWO FATAL FLAWS

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RONCALLO of New York. Mr. Speaker, it was with the greatest reluctance that I voted against H.R. 7645, the Department of State Authorization Act of 1973. The decision was particularly painful because I strongly support the provision of funds to assist in the resettlement of Soviet Jewish refugees in Israel.

The measure as reported and eventually passed, however, has two fatal flaws, which to my mind made it unacceptable.

In this era of rising prices and conflicting demands on the Federal dollar, I believe that Congress should stand in the forefront of fiscal restraint. To raise the per diem 50 percent for Members of Congress traveling overseas only tells the American people that we do not care, that we believe we are exempt from the belt-tightening we demand of the rest of the Government.

Civilian personnel of the executive branch except when traveling to Baffin Island or Oman, or to Martinique and some small Dutch islands during the height of the tourist season, manage to survive on less than $50 per day. In most countries the per diem rate is much less due to the low cost of accommodations and meals. Most often they wind up in-pocket even with these lower rates. Whereas I recognize that Members have representational duties which often outstrip those officials traveling on routine business, I question the need and propriety of staying in the very best luxury hotels and eating in the finest restaurants at the taxpayer's expense. Surely a more modest standard would be sufficient.

So long as we insist on a worldwide flat rate per diem, not geared to price levels in individual countries nor reflected in actual vouchered expenses, I think we can manage to survive very well on $50 per day.

Similarly, how can we justify spending $1,165,000 to establish a liaison office in Peking when we could use those dollars much better for social programs right here at home? I applaud President Nixon's successful attempts to reach a degree of normalization with China, but believe we can proceed at a more modest, less costly pace. I hope that when we come to State Department appropriations for the next fiscal year this amount will be substantially reduced.

STUDENTS TO SEEK TURNABOUT OF UNIVERSITY OF BUFFALO'S "OUTCAST" IMAGE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. KEMP. Mr. Speaker, the classical liberal tradition of discussion is one I hold very dear. The competition of ideas, the expansion of thought, the promotion of dialog and debate, are all vital concepts which must remain realities in a free and open society. It is my hope that such goals remain ones to which academia and academicians remain deeply committed.

I am grateful that this classical liberal ideal is very much alive on the University of Buffalo campus. In the words of that great nineteenth century thinker, John Stuart Mill—

> In general, opinions contrary to those commonly received can only obtain a hearing by studied moderation of language, and the most cautious avoidance of unnecessary offense, from which they hardly ever deviate even in a slight degree without losing ground; while unmeasured vituperation employed on the side of the prevailing opinion, really does deter people from professing contrary opinions, and from listening to those who profess them. For the interest, therefore, of truth and justice, it is far more important to restrain this employment of vituperative language than any other. . . . (opinion) ought to give merited honor to everyone, whatever opinion he may hold, who has calmness to see and honesty to state what his opponents and their opinions really are, exaggerating nothing to their discredit, keeping nothing back which tells, or can be supposed to tell, in their favor. This is the real morality of public discussion; and if often violated, I am happy to think that there are many controversialists who to a great extent observe it, and a still greater number who conscientiously strive towards it.

Mr. Speaker, I find J. S. Mill most relevant to the University of Buffalo. The recent election of Jonathan A. Dandes as president of the University of Buffalo Student Association is only the most immediate example of the kind of dialectical movement I consider so essential. Jonathan Dandes views the relationship between the university's students and the Buffalo community as a dynamic, two-way process. He hopes to better utilize student and faculty expertise for community related projects. I suspect his thoughts will have a thoroughly positive effect on the University of Buffalo, on the Buffalo community, and on the relationship of the University of Buffalo to the community.

I hope to be able to do what I can to encourage the kind of dialog and cooperative action which will help bring about accelerated Lake Erie clean-up, rapid transit and water-sewage treatment projects. It will be not only of immediate benefit to the Buffalo community, but also in the highest tradition of institutions of higher learning.

The Buffalo Courier Express recently did an article entitled "Students to Seek Turnabout of University of Buffalo's 'Outcasts' Image." I insert it at this point:

Students Seek Turnabout of UB's "Outcasts" Image

"We're tired of being treated as outcasts!"

The speaker was Jonathan A. Dandes, newly installed president of the University of Buffalo Student Assn. representing 15,000 undergraduates.

Mr. Dandes, in an interview, expressed concern over the image of the students held by the general Buffalo community.

"The 1970 image of the wild, radical, rioting UB student is still strong in Buffalo," Mr. Dandes said. "As a result, students have great difficulty in finding housing and are discriminated against by local shops and businesses. University area stores seem to have higher prices, give bad service to students, and discriminate against them in regards to employment."

The articulate, soft-spoken Student Assn. president from Flushing, L.I., feels that the Buffalo community is, unfortunately, unaware of the many programs and services that UB students offer to the public. He cited as an example the Community Action Core, consisting of more than 50 free programs in tutorial, recreational and cultural realms.

Mr. Dandes also points out that UB students sponsor many speakers and open up these events to the public. Congresswoman Bella Abzug of Brooklyn, Lester Maddox, lieutenant governor of Georgia, are two speakers slated in the near future. Students are negotiating for Sen. Edward M. Kennedy of Massachusetts to speak at the university.

"We also offer the Buffalo community a fine athletic program," says Mr. Dandes. "But local newspapers give twice as much coverage to smaller colleges' athletic events as they do to UB's programs."

Mr. Dandes views the relationship between the university's students and the Buffalo community as a dynamic, two-way process. A mere welcome to students on the part of the Buffalo community is not enough, he says. And for the students to ". . . move toward a sense of belonging, a sense of greater identity in Buffalo, they (the students) must direct their energies into the goal of a more productive community and university."

Asked if student and faculty expertise could be pooled for such projects as the rapid transit system, Mr. Dandes said that the use of this talent would be productive, but to his knowledge the community has not asked the university for such help.

Mr. Dandes is presently in the process of requesting county and city officials to speak on and aid in his proposed image building process.

Mr. Dandes was asked about alleged anti-Semitism directed UB students. Mr. Dandes, who is Jewish, said that the alleged anti-Semitic barbs have never been aimed directly at him. However, he added, he is aware of its presence on campus and off. Again it's a matter of the university and the community understanding each other and working together. Some Buffalonians believe that UB is entirely composed of Long Island Jews. And, some students believe that Buffalonians generally are anti-Semitic."

"Buffalo has many resources available to the UB student. Working together, the university and the community can produce an infinite number of positive actions," Mr. Dandes insists. "We're slowly working out of our 1970 image, but we've only been fairly successful. Today our political and community concern is as great as it was in 1970, if not greater, but our mode of expressing this concern has changed."

Mr. Dandes is confident that if the Buffalo community and the university ". . . move in a positive direction . . . students will leave the university with . . . a good feeling about Buffalo."

HANDGUNS IN AMERICA

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. DRINAN. Mr. Speaker, I attach herewith another article containing more shocking statistics and information concerning the handgun business in America. Nathan Cobb, the journalist on the staff of the Boston Globe who has written this article, states that in Boston last year, only 1 of 43 handgun murders was alleged to have been committed by a legally registered owner. He also states that every 13 seconds, someone in the United States buys a handgun, and every 58 minutes, a handgun is used to kill a human being in this country.

An earlier article was reprinted in the Congressional Record on June 5, 1973, page 18201. I commend that article, and the article which follows, to the attention of my colleagues:

Every 13 Seconds, a Sale—And Every 58 Minutes, a Killing

(By Nathan Cobb)

Every 13 seconds—about the time it takes to light a cigarette—someone in the United States buys a handgun.

And every 58 minutes, a handgun is used to kill a human being in this country.

Chances are very good that before you've finished reading this Sunday paper another man, woman or child will be dead or dying, shot by a handgun.

The Great American Handgun Boom, flourishing despite five-year-old Federal laws supposedly designed to curtail the nation's privately owned small arms arsenal, is being matched by startling increases in handgun crime.

An in-depth Globe study, which revealed that 50 percent more handguns are being produced in the US since passage of the 1968 Federal Gun Control Act, has also discovered a corresponding leap in violent handgun use.

In comparing national violent crime statistics compiled three years before and three years after the passage of ostensibly stronger gun laws, these facts stand out:

Handgun murders jumped 87 percent between 1966 and 1971, while murders with other types of weapons rose at less than half that rate. In 1971, the last year for which the FBI makes such figures available, 8991 Americans were murdered with handguns—more than with all other types of weapons combined.

During the same period, 1966–1971, handgun murders of police officers more than doubled. In the decade from 1962 to 1971, records show, 530 of 722 murdered policemen—73 percent—were killed with handguns.

Aggravated assaults with firearms—of which the handgun is the most popular type—also doubled from 1966 to 1971. Meanwhile, aggravated assaults with all other types of weapons rose at less than half the gun rate.

Robberies by firearm nearly tripled between 1966 and 1971. The FBI estimates that roughly two out of three armed robberies are now committed with guns, and local law enforcement authorities confirm the handgun is the most popular robbery weapon.

The country's private cache of handguns stands at 30 to 40 million, with 2.5 million more being manufactured or imported this year alone. Four of 10 guns now being made in the U.S. are handguns, and there is one handgun for every 1.5 American families.

In Boston, the capital of a state with one of the nation's strictest gun laws, 43 percent of the 377 murders committed since January 1970, have involved handguns. Last year, nine times as many people were murdered with handguns than with rifles and shotguns combined. Further, aggravated assault with a firearm in Boston has risen almost 50 percent since state laws regarding gun purchase were toughened in 1968, while armed robbery has more than tripled.

According to William J. Taylor, superintendent-in-chief of the Boston Police Dept., the handgun is far and away the most prevalent weapon used in all types of armed crime. "One of the major factors driving up the crime rate is the availability of handguns," Taylor said recently. "Outlawing handguns would make our job an awful lot easier."

That Boston's handgun murder rate is slightly lower than the national average may well be attributable to the fact that handguns are more difficult to acquire legally in Massachusetts than in most states. In any case the FBI reports that there is a significant correlation between gun ownership and gun crime—the South, where gun ownership is highest, has the highest gun murder rate and the highest rate for aggravated assaults with firearms of any region in the country; the Northeast, with lowest gun ownership, has the lowest rates for such gun crimes.

Since 1967, at least three presidential crime commissions have linked violent crime to the stockpile of handguns in America, recommending solutions ranging from stiffer laws to an outright ban. The most famous, the National Commission on the Causes and Prevention of Violence, reported in 1969 that "Firearms, particularly handguns, facilitate the commission and increase the danger of most violent crimes—murder, robbery and assault."

"We believe," the commission, chaired by Dr. Milton S. Eisenhower, continued, "on the basis of all the evidence before us, that reducing the availability of the handgun will reduce firearms violence."

Who kills with a handgun? According to Lt. Det. Jerome P. McCallum, acting head of the Homicide Bureau of the Boston Police Dept., the scenario for murder in the Hub goes like this: "Someone is drinking . . . there's an argument . . . a handgun is somewhere nearby . . . someone reaches for it . . . and a killing occurs."

Indeed, the FBI's 1971 Uniform Crime Report points out that "The significant fact emerges that most murders are committed by relatives of the victim or persons acquainted with the victim."

Adds McCallum, a 15-year veteran of murder investigations: "It's the availability of the blasted handgun, that's all."

At 1010 Commonwealth av., row upon row of handguns line the walls behind the locked steel cage protecting the Firearms Identification Bureau of the Massachusetts Department of Public Safety. More are found inside several large metal drawers, and all have been involved in some type of firearms violation. Last year, the bureau investigated 708 cases, a 43 percent jump over two years ago. Ninety-four of the cases were fatal shootings.

"I'd have to say that roughly three-quarters of the guns we see are handguns," Lt. Carl M. Majesky, head of the bureau, said last week. "We work on any crime involving firearms outside Boston, primarily identifying weapons, and we feel handguns are used so often in crime because they're concealable and convenient."

Across town, deep beneath the John F. Kennedy Federal Building, a similar scene is found in the storage room of the Boston district office of the Alcohol, Tobacco and Firearms Bureau (ATF) of the US Treasury Dept. There, handguns by the dozens normally hang from the walls, most of them seized in undercover operations carried out against people selling guns illegally.

"The majority of guns we see and buy—in other words, most of the guns being dealt illegally—are handguns," admitted Arthur A. Montuori, special agent in charge. "But even though we make arrests, we don't get all the guns. They're still out there some place, on the illegal market." ATF, in fact, seized fewer than three weapons for every criminal case it initiated last year.

Some law enforcement officials claim that black market sales of handguns may equal legal transactions in number. In Boston, as in any American city, it is easy to get a gun if you want one: in bars, on the street, in well-known apartments.

But there is a striking fact about handguns used in crimes. While most are not owned legally, virtually all were at one time legal guns which were legitimately manufactured, probably in New England. Somewhere along the line, however, they were stolen from the manufacturer, the retailer or, most likely, in a housebreak. Many also came from neighboring states such as Vermont, New Hampshire and Maine, where laws regarding purchase are weak.

In Boston last year, only one of 43 handgun murders was alleged to have been committed by a legally registered owner.

"Guns used in crime almost always come through the black market," said McCallum, "and the black market originates in housebreaks and other types of robberies of legal owners. So, in the end, the source for illegal guns is legal owners."

Despite the overwhelming statistics which link handgun ownership to violent crime, the handgun trade seldom meets trouble in the form of genuinely restrictive legislation. The business is locked firmly to the National Rifle Association (NRA), which claims 1 million devout members and warned in the February issue of "The American Rifleman," its monthly magazine, that "Communist leaders and their henchmen or unwitting tools continue to demand that US citizens give up their guns . . ."

"Henchmen" and "tools" notwithstanding, the more than 60 bills that have been filed this year in both branches of Congress to amend the 1968 Federal Gun Control Act or add further restrictions to firearms pose little real threat to the handgun market.

Some are so innocuous they are backed by the gun lobby itself. Those with teeth are given little chance of passage.

Sen. Edward M. Kennedy's Personal Safety Firemans Act of 1973, which would ban the domestic output of all handheld firearms not designed for "sporting uses," is currently resting quietly in the Senate Judiciary Committee, where a similar bill died during the last Congress. There is little hope within the senator's office that it will be approved in its present form, and he is searching for a more popular bill with which to couple some of his currently proposed measures in amendment form.

An even stronger bill, filed by Sen. Philip A. Hart (D-Mich.) and proposing to ban all private ownership of handguns, is currently pending before the Senate Subcommittee on Juvenile Delinquency. But it is essentially a carbon copy of a measure defeated 87–7 last year on the Senate floor.

The closest shave the handgun business has had recently came in the form of a bill filed last year by Sen. Birch E. Bayh (D-Ind.) which proposed to ban the sale, importation and manufacture of certain small handguns. Aimed primarily at the new domestic manufacturers of so-called "Saturday Night Specials," those cheap handguns made with foreign parts, it passed the Senate by 68–25 on June 27, 1972, but died in the House without reaching a vote.

In Massachusetts, which passed the first gun control law in North America in 1692, attempts to toughen laws continue to go down to ignominious defeat. A 1973 bill prohibiting the sale and possession of handguns, except for or by members of the armed forces and law enforcement officials, was reported unfavorably this year by a unanimous vote of the Joint Public Safety Committee.

This hardy perennial, sponsored by Sen. Jack H. Backman (D-Brookline) drew a vociferous and protesting group of 1000 gun owners to a public hearing Feb. 15. Another bill, sponsored by Rep. Peter F. Harrington (D-Newton), would have required the registration of handguns with a barrel length of less than six inches or an overall length of less than 18 inches. It was defeated in the House by a 151–70 margin.

What finally did pass were six bills, backed by gun owners, which increased penalties for violating various sections of the state's current gun laws.

"The opponents of strong gun laws are very well-organized," Sen. Backman explained recently. "But the proponents who far outnumber the gun lobbyists, don't ban together. They just don't get excited."

National polls, in fact, have consistently shown the public solidly backs stiffer gun laws. But the number of handguns—and the violent crimes in which they're used—continues to mount.

DR. FRED STAHUBER RETIRES

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RINALDO. Mr. Speaker, this month, Dr. Fred Stahuber will retire as superintendent of schools in my hometown of Union, N.J. His departure will punctuate one of the most progressive eras ever enjoyed by the Union Township School System.

I greatly admire Dr. Stahuber, both as an educator and as a man. Individuals of his stature and character do not come along every day.

The Union Leader, my local newspaper, last week published the following editorial salute to Dr. Stahuber, which I regard as so appropriate that I believe it should be spread on the Record so that my colleagues can recognize the type of man and educator Dr. Stahuber has been:

[From the Union (N.J.) Leader, June 7, 1973]

Fred Stahuber is about to retire as Union's superintendent of schools and there's much that we can say.

The trouble is that it sounds like a cliche: He has been a hard-working, successful administrator, a patient listener and an intelligent decision-maker. He has kept his mind open and his voice low. He has been a conservative with money and a progressive with ideas.

He helped to give Union a much better school system than the one he inherited. He was the leading force in achieving racial balance in the schools while strident voices were damning his efforts. He helped get the taxpayers to put up the funds that gave Union a truly comprehensive high school—again with opposition that would have sent our children to two separated schools.

Those were big tests and big accomplishments for the superintendent and the school board. We remember those days well, because Dr. Stahuber and the board went to the newspapers and to the people to tell their ideas and their plans. They understood the citizen's right to know the facts and respected his ability to make intelligent decisions. They were educators in the finest sense of the word.

Lesser men—in this town and elsewhere—have been fearful of informing the public. Yes, there can be difficulty dealing with an informed public; the temptation to be silent or to delay or to obfuscate is great. But no public servant worth his salt is able to forget his responsibility to keep the public informed.

Fred Stahuber didn't forget when times were toughest.

That's the finest tribute a newspaperman can pay him.

SECOND THOUGHTS

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. TAYLOR of North Carolina. Mr. Speaker, I wish to join with other Members of Congress who have expressed their strong opposition to the announced intention of the Occupational Safety and Health Administration to implement on June 18, 1973 its so-called pesticide safety regulations.

Orchardmen in my congressional district who are knowledgeable in the use of pesticides from long years of experience are alarmed over the grave economic impact which implementation of the proposed OSHA standards would have on the apple and tobacco industries of western North Carolina.

Experts in the use of pesticides advise me that there is no credible scientific evidence to justify the emergency nature of the OSHA order and that the standards proposed are both unrealistic and unreasonable.

A spokesman for the North Carolina Apple Growers Association warned a few days ago that the OSHA order "is going to result in higher production costs for the growers and is going to put some producers out of business."

I am somewhat encouraged to learn that OSHA is apparently having some second thoughts over the wisdom of its hasty proposal. I base this on information that top Labor Department administrators were on Capitol Hill Friday, June 8, to discuss the matter with appropriate Members of the House and Senate.

Hopefully, their conferences will lead to a stay of the June 18 effective date for implementation of the OSHA order.

Everyone concerned recognizes that agricultural workers must be protected against the hazards of toxic chemicals. Everyone is for realistic standards in this regard.

However, the OSHA standards appear to have been arrived at without the benefit of a careful evaluation of scientific data and certainly without due regard for the adverse impact they would have on the orchard and tobacco industries.

THE USE OF U.S. CREDIT IN WORLD DIPLOMACY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RARICK. Mr. Speaker, it appears absurd, but the present administration continues to consider extension of U.S. credit to Americans inflationary, while at the same time considering extension of credit to foreigners as good business.

Now we learn that the Russian oil deal is also to be financed in part by the U.S. taxpayers, with money borrowed from the U.S. Export-Import Bank. Efforts to increase U.S. petroleum production are apparently inflationary, while developing Soviet production is supposed to be good business.

We further learn that our country plans to extend military credit to Chile for the purchase of 16 jet aircraft. The rationale seems that we must finance the Chilean sale so that they do not buy from the Russians.

In one field we are financing Soviet technology and production, while in another area we are financing sales to limit Soviet sales.

In the interim, possibly because the Chase Manhattan Bank at No. 1 Karl Marx Square, Moscow, and the Bank of America have transferred their credit to the Soviet Union, they have announced that their prime U.S. lending rate has been raised to 7.5 percent—obviously to help control inflation by discouraging Americans from obtaining the credit that they have helped these two banks amass.

We may not be curbing inflation, but our leaders and multinational financial institutions are certainly following the maxim of sharing America's wealth with the world.

I am inserting the related newsclippings in the RECORD:

[From the Washington Star-News, June 8, 1973]

U.S. FIRMS TO BUY SOVIET GAS

MOSCOW.—Two American firms signed a letter of intent today to import more than $10 billion worth of natural gas from the Soviet Union over a 25-year period.

The agreement was between the El Paso Natural Gas Co. and Occidental Petroleum Corp. on the one side and the Soviet Ministry of Foreign Trade on the other.

Occidental chairman Armand Hammer announced the "agreement of intention" at a news conference.

"Quantities up to 2 billion cubic feet per day are contemplated," he said.

"At current market prices, such gas over the 25-year term of the agreement would exceed $10 billion to the U.S.S.R. It is expected that this sum will be spent for U.S. goods and services."

Hammer said the project will require a 2,000-mile pipeline from Yakutsk to the Vladivostok area, "the largest liquefaction plant" ever envisaged and a fleet of 20 cryogenic tankers.

The hard currency financing for the project, excluding the ships, will be about $2 billion, Hammer said.

Hammer said that Japanese firms which have been negotiating with the Soviets may participate in the project and take a portion of the gas.

The Soviet gas provided for by the agreement is intended for the west coast of the United States, Hammer said.

Asked about probable delivery dates, the Occidental Petroleum chairman said it will take about six years for Russian gas to cook American steaks.

Howard Boyd, the El Paso chairman who took part in signing the protocol, said one of the major problems to be settled before the agreement became firm was that of price. He said the price of the Soviet gas "will have to be competitive with other liquid natural gas sources" in the world.

He said negotiations on an acceptable price "will undoubtedly take time."

Boyd added that the Americans expected to have "a firm understanding on price" before the project is financed.

Asked about funding for the project, Boyd referred to a deal El Paso is carrying out with the Algerian government for Algerian natural gas. He said the Algerians raised part of the money from a consortium of American banks and the rest was borrowed from the U.S. Export-Import Bank. He said he expected the Soviet project to be financed along the same lines.

Boyd said that according to the letter of intent signed with Deputy Foreign Trade Minister Nikolai G. Osipov, the American firms "will counsel the Soviets on financing."

Asked how the Americans would handle customary Soviet secrecy in providing such essential data as proven gas resources, Boyd replied, "We have to be satisfied. . . .

"This was explained to the Russians, and we have been assured that all the necessary geologic data will be provided to satisfy us." He said he expected there would be on-site examination by the American firms.

Hammer recalled that Occidental had recently signed what he called a "firm contract" with the Russians on an $8 billion chemical deal and revealed that the Russians had insisted the agreement get the formal backing of the U.S. government.

"Such agreement has been given by our government. Letters have been exchanged," Hammer said, meaning that the fertilizer deal was sealed.

Hammer said he is still discussing with the Soviets a project to build an international trade center in Moscow and to sell to the Russians a system for converting garbage into oil.

Hammer said the Russians would be given a proposed agreement on the trade center today and that he expected some action on it by the time Communist party chief Leonid Brezhnev goes to the United States June 18.

Hammer also said that he was trying to interest the Russians in a prototype plan his firm has in California to convert waste disposal into oil. Hammer said the Soviets would visit the California-plant soon.

[From the Washington Post, June 10, 1973]

CHILE SAID TO BUY U.S. JETS

SANTIAGO.—The Chilean Air Force plans to buy 16 F5E International jet interceptors from the Northop Corp., El Mercurio, the usually reliable opposition newspaper, said yesterday.

Chile will pay for the planes with a $16 million credit, the report said.

The Nixon administration announced last week that the president had lifted a ban on the sale of sophisticated military hardware to Latin America. The Latins have been buying advanced equipment from France and other nations, and the United States had been losing out on the market without damping down the regional arms purchases.

A State Department official was reported as saying last week that Chile preferred the F5Es to MIG-21s offered by the Soviet Union.

The United States last extended military credit to Chile in 1971, when it loaned the government of President Salvador Allende $5 million for the purchase of a C-130 transport plane.

[From the Washington Post, June 8, 1973]

Bank of America, Chase Manhattan Raise Prime Lending Rate to 7.5 Percent

(By James L. Rowe Jr.)

The prime lending rate was raised a quarter point, to 7.5 per cent, yesterday by major banks, including the nation's biggest bank, Bank of America in San Francisco, and the largest business lender, Chase Manhattan of New York.

New York's largest bank, First National City Bank, is expected to follow suit today, when it automatically adjusts its prime lending rate on the basis of a "floating" formula. Citibank relates its prime lending rate to other interest rates in the money markets, specifically the rate prevailing on 90-day, dealer-placed commercial paper.

Other banks raising their prime rates yesterday included Manufacturers Hanover, Chemical Bank and Marine Midland, of New York; First Pennsylvania of Philadelphia and Mercantile Trust Co. of St. Louis.

The quarter point increase in the prime lending rate was initiated Wednesday by Girard Trust in Philadelphia, which was quickly followed by two major Chicago banks, Continental and Harris Trust.

It is the fourth increase in the prime rate since April 16, when the government told banks they could allow the prime rate to move up and down with other money market rates, provided that consumer and small business lending rates were restrained.

Before April 16, the government had been pressuring banks to hold down the prime rate—the rate they charge large corporate borrowers for short-term loans. As a result, because other money market rates rose faster than the prime rate, businesses which otherwise would have obtained cash in the commercial paper market, for example, borrowed from banks.

This phenomena dried up funds that banks would otherwise have lent to small businesses and consumers.

Most industry observers expect another increase in the prime rate to 7.75 per cent, and predict that the rate might reach 8 per cent before it begins to fall again.

The current prime is the highest since September 1970 when it touched 7.5 per cent on its way down from the historic high of 8.5 per cent which prevailed in the credit crunch of 1969 and 1970.

STATEWIDE ASSESSMENT AND TITLE I OF ESEA

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. QUIE. Mr. Speaker, in March 1973, I introduced my bill H.R. 5163, the "Educationally Disadvantaged Children's Act of 1973." This bill, which amends title I of the Elementary and Secondary Education Act, is designed to distribute funds on the basis of educational disadvantage rather than economic disadvantage. Under the legislation, a nationwide criterion-referenced test in reading and mathematics would be administered to a sample of children across the country. Based on the results of this assessment, program money would be distributed to the States. Each State in turn would distribute the money to local school districts based on their own statewide assessment programs using either criterion-referenced or norm-referenced tests.

I have found that many States are already using statewide assessment programs or plan to do so within the next few years. A book soon to be published by Joan S. Beer and Paul B. Campbell entitled "A Nationwide Survey of Statewide Assessment" reports the results of a comprehensive survey of each of the States. The results indicate clearly that all 50 States, the District of Columbia, the Virgin Islands, and Puerto Rico either have an operational assessment program, are developing a program, or are in the planning state. More specifically, 28 States and the District of Columbia have existing statewide assessment programs and 22 States, the Virgin Islands, and Puerto Rico have emerging programs.

Among the 28 States and the District of Columbia which have statewide programs, 17 collect information for State-level decisionmaking and 13 collect information for local-level decisionmaking. In eight of these States where the achievement levels are collected primarily for State purposes, the results are used to allocate State and Federal funds to school districts. In 10 other States, the intentions are to use assessment information to distribute funds. This would suggest that for the Federal Government to utilize the results of statewide assessment programs in distributing title I funds would not cause an additional problem for the States but would allow them to use a system they have already developed.

For the information of the Members, I am listing the States which have programs in each of the three categories discussed. You will note that New York is listed under two categories since they have separate programs which serve different purposes.

The 17 programs for which the emphasis is on collecting information for State-level decisionmaking are in these States:

Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Maine, Massachusetts, and Michigan.

Nevada, New Jersey, New York, North Carolina, Rhode Island, South Carolina, Tennessee, and Texas.

The 13 programs for which the emphasis is on collecting information for local-level decisionmaking are in these States:

Alabama, Arkansas, Delaware, Hawaii, Idaho, Iowa, and Kentucky.

Mississippi, New Hampshire, New York, North Dakota, New Mexico, and Pennsylvania.

The 24 emerging programs are in these States:

Alaska, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Minnesota, Missouri, Montana, Nebraska, and Ohio.

Oklahoma, Oregon, Puerto Rico, South Dakota, Utah, Vermont, Virgin Islands, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

In the States where the information is used for statewide decisionmaking, verbal, and mathematical achievements are measured. This information is apparently of the most value in assessing the cognitive skills which children have mastered.

Both criterion-referenced tests and norm-referenced tests are found in programs of statewide assessment. But where the results are used for State-level decisionmaking, the trend is toward criterion-referenced tests. The implication is that the results of criterion-referenced tests have the greatest potential to be effective in distributing Federal funds fairly and equitably.

In discussing the major problems related to assessment programs with each of the States, the two eternal problems are not enough money and not enough staff. The States seem committed to the value of statewide assessment but feel that their lack of financial and personnel resources prevent them from developing as fully as they would like such aspects as dissemination, interpretation, acceptance, understandings, awareness, and utilization of assessment results by teachers and administrators.

Yet another encouraging trend is the increasing involvement of citizens in goal setting. For example, in Wyoming a series of discussions were held with the participation of a State Sounding Committee, the State superintendent of public instruction, the State board of education, the State education agency, students, teachers, administrators, the teacher's association, staff from the national assessment of educational proggress, and other educational experts. The goals were in turn presented to the State board for endorsement. Other States such as Georgia, Michigan, Kansas, Idaho, Virginia, South *Carolina*, and Colorado have conducted similar programs. These suggest that many States are grappling with the important issue of the educational goals they hold for their children.

The data in a nationwide survey of statewide assessment show clearly that States are moving in the direction of statewide assessment and in some States this is being accomplished through State legislative mandate. But more importantly the information obtained from the assessment is helpful in establishing State goals for education and assessing the progress made in reaching these goals. Beers and Campbell in their book indicate that—

> Statewide testing can help to bring greater stability into the educational process by steering a well-planned educational program toward well-considered educational goals.

This recent report suggests that for the Federal Government to move in the direction of using the results of statewide assessment in distributing title I funds concurs with the direction that the States themselves are taking.

A HELL OF A TOWN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RANGEL. Mr. Speaker, though I might receive arguments from my colleagues in Congress, there is no doubt in my mind that New York is the greatest city in the world. For sheer excitement and magnitude, nothing beats New York City.

The spirit and imagination of our city, and especially its citizens, was no more in evidence than on West 69th Street this past Sunday. For on that afternoon, the West 69th Street Block Association sponsored the fifth annual "Little Old New York Festival."

I now submit for the interest and collective jealousy of my colleagues, the New York Times article concerning the event, entitled "'Old New York' Festival Draws 3,000 to West 69th Street Block."

It is indeed my privilege and pleasure to be able to represent the citizens of West 69th Street in Congress.

The article follows:

"OLD NEW YORK" FESTIVAL DRAWS 3,000 TO WEST 69TH STREET BLOCK

About 3,000 people turned out in ideal weather yesterday for the fifth annual "Little Old New York Festival"—an event sponsored by the West 69th Street Block Association to beautify the block and help elderly citizens living in the neighborhood.

There were 79 display booths and carts between Columbus Avenue and Central Park West, offering food and merchandise patterned after the turn-of-the-century New York scene. But despite the straw hats and striped jackets, a good bit of Orchard Street and the more contemporary Lower East Side of the nineteen twenties and thirties filtered through.

"A FORM OF THERAPY"

A large, brightly colored gazebo functioned as an all-purpose reviewstand and bandstand. Costumes ran the gamut from 19th-century New York to hot pants. There were blue T-shirts specially designed for the occasion. Lettering on them said: "I got mine on West 69th Street."

Richard Smith, a public-relations director who lives at 41 West 69th Street, set a wooden board on a barricade horse and invited people to knock nails into the wood. The price was two nails for a nickle or five for a dime.

"It's a form of therapy," he explained. "It's better than three years of psychoanalysis."

There was a "white elephant" booth loaded with things that people living in the neighborhood wished to dispose of. An outdoor beer garden and sidewalk cafe served beer for 50 cents.

The "our own thing" booth featured arts and crafts made for the festival by people on the block. There was a fortune-teller booth, and for 25 cents you could get an old-fashioned haircut from an old-fashioned, outdoor barber.

"The only difference between an old-fashioned haircut and a modern haircut is the price," said Luis Sepulveda, who charges $2 for the same trim in his shop at 204 Columbus Avenue.

As a free service, the Parks Department provided a sportsmobile, a puppet unit and a show wagon where the "Child in Time" rock group played.

"I love it," said Barbara Good, who originally came from New Jersey and now lives at 113 West 69th Street. "Everyone says New Yorkers are creeps, but it gives me a warm feeling of pride to know so many wonderful people get themselves together for something like this. I think New Yorkers are marvelous."

Cathleen Jordan, chairman of the event, estimated that $3,000 would be realized from it.

TRUMAN THE RITUALIST

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RANDALL. Mr. Speaker, President Truman had a great love for his Masonic fraternity. That love was frequently expressed during his years in the White House. It is estimated that he raised more than 30 candidates during the nearly 8 years he was in the White House. He insisted upon the strict injunction that no publicity was to come from his participation. Of course, that was not always possible but it certainly was his firm intention.

In the spring of 1973 issue of the Freemason there are recited several instances of Mr. Truman's participation in lodge ceremonies. One can read with great interest how he journeyed from the White House over to the Alexandria-Washington Lodge No. 22 to participate in the initiation of Lt. Neville J. McMillan, son of A. T. McMillan, master of the Grandview, Mo., Lodge No. 618 back in 1916.

Then the President later went out to Grandview, Mo., to assist in conferring the second degree in the Blue Lodge on Harry A. Truman, son of his brother Vivian and nephew of the President, at the Grandview, Mo., Masonic Lodge.

In this same article, there appears a story of the incident when Mr. Truman walked from the White House to the Washington Lodge in November 1947 to assist in conferring the lodge's third degree on Capt. Thomas J. Burns, assistant White House physician. It was noted that after a 12-year lapse former Grand Master Truman of the Missouri Grand Lodge recited his lines without missing a syllable.

Finally, one of the most famous Masonic incidents involving President Truman occurred in 1948. It was at Kokomo, Ind., on October 15. While Mr. Truman was talking from the rear platform of his train, he noticed a young man in U.S. Navy uniform. He motioned for the young man to come up and shake hands. Mr. Truman had recognized the young man as one of the crew from the Presidential yacht, *Williamsburg*. The young man was Donald E. Bauermeister. He immediately invited him and his father to board the train to ride on into Indianapolis.

En route he discovered that the young man was to receive his third degree that night at Beech Grove Lodge No. 649, about 8 miles from Indianapolis. The President was invited to attend and at first declined.

But, that was not the way things turned out. Following Mr. Truman's evening speech at the Indiana War Memorial in Indianapolis, the President ordered his car to proceed to the little town where the President indicated he wished to be present at the initiation of the boy from the Presidential yacht, *Williamsburg*.

Mr. Speaker, once again it is my privilege to read into the RECORD the article from the spring issue of the Freemason entitled "Truman the Ritualist":

TRUMAN THE RITUALIST

President Truman's great love of Masonic fellowship and the ritualistic work in the tiled Lodge room was frequently evidenced during his years in the White House. Some sources indicate that he Raised more than 30 candidates during those nearly eight years, always with the strict injunction that no publicity was to come from his participation. That was easier said than done!

LT. NEVILLE J. M'MILLAN

A petition presented to Alexandria-Washington Lodge No. 22, early in 1945 bore the name of Lt. Neville J. McMillan, the son of A. T. McMillan, Master of Grandview Lodge No. 618 in 1916.

The young officer's father and Truman had worked together in Grandview Lodge and Truman had presided as Master at the Raising of the elder McMillan. Truman offered Alexandria-Washington Lodge a highly favorable recommendation of Lt. McMillan and planned to be in attendance on the evening of April 12, 1945, when his petition was voted on. In fact, Truman and Rep. William C. Cole from St. Joseph signed his petition.

President Franklin D. Roosevelt died April 12 and Truman was sworn into office as President within a few short hours. He could not go to Lodge, but he sent three Masonic members of Congress to speak for him, and McMillan was elected to receive the degrees.

Bro. and Rep. Cole wrote Truman on April 16 that McMillan "is scheduled to receive his Entered Apprentice Degree on Wednesday, April 19. I will keep in touch with his progress and inform you of the date that he is to be raised if you so desire."

Cole did keep the President advised of McMillan's progress and again wrote Truman on September 27, 1945, that "I am happy to inform you that he has successfully completed his Entered Apprentice and Fellowcraft degrees and will be raised at the Lodge room of the National Masonic Shrine at Alexandria, Virginia, on Thursday, October 11, or at any other date that suits your convenience."

Truman appended a note to the bottom of the letter addressed to his appointments secretary, Matthew Connelly.

"Matt: I'd like to go. This boy's father is my good friend. In fact I took him through and he served as Master of my little Lodge. The boy's brother was killed in the Pacific. HST."

TRUMAN ATTENDS

Thanks to the *Virginia Masonic Herald* we are able to tell the rest of the story of the Lieutenant's initiation.

Early on the day of the communication, Secret Service men swarmed into the George Washington Masonic National Memorial and carefully scrutinized every square inch of it and set up guards throughout the building.

The Alexandria-Washington Lodge was opened at 7:30 p.m. by W. M. Marvin L. Wilson. Although no notice had been given to the members through the press or otherwise the grapevine apparently had carried the news far and wide that the President was expected. An overflow gathering filled the large Lodge room and there was not even standing room left.

President and Past Grand Master Truman, accompanied by Secret Service men who were members of the Fraternity, was escorted to the Altar and introduced. He was conducted to the East and accorded the honors due his rank as a Past Grand Master.

After Brother McMillan was Raised, Truman spoke briefly.

When the Lodge was closed, Truman remained in the room to greet the members personally and autographed the dues cards of all who asked. He remained until a late hour before his Secret Service team insisted that he must return to the White House.

President Truman later wrote the Master of the Lodge that "I enjoyed the visit and wish it were possible for me to make more of them.

"Neville McMillan is a good young man—just as his father was before him."

NEPHEW OF THE PRESIDENT

The Kansas City *Times* of Nov. 2, 1946, took note of another unusual incident in the life and activities of President Truman.

"After leaving his mother's home last night, President Truman paid a visit to the Grandview Masonic Lodge No. 618. While Engle Wray, the Master of the fraternal organization, was supposed to be the only one apprised of the visit, somehow a rumor had spread around among the Masons of Washington Township and a good crowd was on hand.

"The meeting was called for the purpose of conferring the second degree in the Blue Lodge on Harry A. Truman, son of his brother Vivian Truman and a nephew of the President.

"In the ceremony, the President took the role of Worshipful Master and his brother performed the duties of Senior Warden.

Following the ceremony, a social period was held "in which Mr. Truman visited with his fellow Masons" before starting the journey home to Independence.

CAPTAIN BURNS

Newsweek magazine of November 1947 carried this account of President Truman.

"By a companion's count, not one in 20 strollers recognized the blackhatted figure walking briskly up Pennsylvania Avenue in Washington last Thursday evening, November 6. As his Secret Service guard trailed him discreetly, President Truman walked the three blocks from the White House to the Masonic Temple and, once inside, donned the traditional white apron. Reason: Capt. Thomas J. Burns, assistant White House physician, was taking the Lodge's third degree. Though some of the officiating Masons flubbed their lines during the initiation ceremonies, all noticed that Former Grand Master Truman of the Missouri Grand Lodge recited his, after a 12 year lapse (what *Newsweek* didn't know wouldn't hurt them), without missing a syllable. Later the President chuckled: 'I thought Burns' eyes would pop out. Wish I could get out this way more often.' "

A SAILOR

One of the most famous Masonic incidents involving Truman as President occurred in 1948 during his campaign for re-election to the White House.

It was at Kokomo, Indiana, on October 15, that Truman noticed a young man in a U.S. Navy uniform. After Truman finished his talk from the rear platform of the train, he motioned for the sailor, Donald Earl Bauermeister, to come up and shake hands. Truman had recognized the young man as one of the crew from the Presidential Yacht, Williamsburg.

Young Bauermeister and his father were invited to ride the train into Indianapolis and during the trip, Truman discovered that the sailor was to receive his third degree that night at Beech Grove Lodge No. 649, about eight miles from Indianapolis. The President was invited to attend but expressed doubt that he could becaues of a tight schedule.

Truman later changed his mind. William J. Bray, special assistant to the President, in an Oral History Interview for the Truman Library, recalled that "when the train arrived in Noblesville, Indiana, for another platform speech, several of the Secret Service men left the train to put into adoption a plan which had been drawn whereby the President could participate in these ceremonies. . . .

"Following the speech (at the Indiana War Memorial at 8:30 that evening in Indianapolis) the party returned in cars to the train. The car that the President was supposed to ride in at the head of the procession, however, was occupied by two members of his party and his personal secret service bodyguard, Henry Nicholson. The car containing the President and several Secret Service people proceeded to this little town where the President had indicated that he wished to be at the installation of the boy from the Williamsburg. . . . About an hour later the President returned to his railroad car, very much pleased that maybe he had made several people happy. Of course he had made many, many people happy, especially the boy and his father. It was not until two days later that word 'leaked out' about the President's detour and it did not make the press feel very happy that they had missed quite a scoop."

The young sailor's mother, Mrs. John Bauermeister, wrote Truman on Dec. 18, to thank him for "the time you spared, on Oct. 15, 1948, to be present at the raising to a Master Mason of our son, Don." And she said "I also wish to thank your daughter for the beautiful orchid she sent to me. I still have it, and hope to keep it always."

INDIAN FOOD CRISIS A RESULT OF GOVERNMENT AND NATURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RARICK. Mr. Speaker, the food crisis in India is being exploited in anticipation of more American handouts.

The report of the food shortage in India should serve as an education to those Americans who feel political solutions can solve all problems.

Indian farmers are refusing to sell their crops at prices fixed by the Government—which the farmers consider too low.

The Indian food crisis should be studied as indicative of what American consumers can expect should our Government freeze food prices. The only difference is that our American consumers have no "sugar daddies" in the State Department who would come to our aid and bail us out of such socialistic shortcomings.

A related newsclipping follows:

[From the Washington Post, June 8, 1973]

INDIA PONDERS MASSIVE GRAIN IMPORTS

(By Lewis M. Simons)

NEW DELHI, June 7.—The next two weeks will be a period of weather-watching and intense worrying in Prime Minister Indira Gandhi's government. If the impending monsoon fails to develop, India faces its greatest food crisis in modern history.

So far, the signs are promising: rain has been reported in the state of Kerala, at the Subcontinent's southwestern tip, and in Bombay, on the Arabian Sea coast. An official of the government meteorological bureau said today that "all signs are there for a largely normal monsoon."

Unfortunately, even if the rains come—and are abundant—the immediate effect will be only psychological. Tempers of city dwellers, exacerbated by high prices and unavailability of food, will be temporarily cooled. Farmers, millions of whom have had to turn to government relief projects for survival, will be able to go back to the land.

But it will be five months before the crops they sow reach food shop counters. Meanwhile, the government has to find ways of filling the gap left by last year's monsoon failure and the resultant widespread drought.

This drought, and the dismal performance to date of the recently nationalized wholesale wheat procurement program, are forcing India to import massive quantities of grain from the United States and other countries.

According to an informed Finance Ministry source, Mrs. Gandhi's Cabinet is considering a proposal to purchase an additional 4.5 million tons of grain, having bought 2 million tons earlier this year.

Although officials refuse to admit it yet, for fear of driving prices up on foreign markets, Indian purchasing agents are already shopping in the United States and Canada, as well as in Argentina and possibly in parts of Europe.

The public, though, does not feel any compunctions about discussing the need for imports, and all its implications that India's much-touted "green revolution" and nationalized domestic procurement are not panning out.

The food shortage is discussed everywhere. "Whenever I meet a foreigner," says one young New Delhi housewife, "I rush up and ask, How is the wheat crop in your country this year?"

Even when admitting that imports will be necessary, image-conscious Agriculture Ministry officials play down the quantity. The latest figure being floated publicly around New Delhi is between 2 and 2.5 million tons.

Foreign specialists note that while the government's desire to wait until American and other prices decline is understandable, much more delay could prove far more costly in human terms than any saving warrants. Even if a major purchase is made in the United States right now, at least three months would elapse before the grain could reach Indian ports.

India finds *itself* having to buy at a time when wheat is in short supply worldwide. The Soviet Union and China have made major purchases in the United States, Canada and Australia, greatly reducing available stocks and sending prices up. The Indians were bitten badly when they bought 2 million tons last winter, just after the Russians made a killing in the United States grain market.

So, while trying to play the market abroad but at the same time create a scare at home and get farmers to sell their crops, the government seems to unroll different sets of figures at different times and for different audiences.

The habit of downgrading needs and exaggerating goals is a long-standing one in India. This year, for example, the government claimed that the current wheat crop would total 30 million tons and that 8.1 million tons of this would be procured for public distribution.

Now it looks at if the crop will total no more than 26 million tons. The procurement system, nationalized in April, has so far netted 3.2 million tons. Agriculture Minister Fakhruddin Ali Ahmed said yesterday that he was now hoping for a total of 6 million tons.

According to experts, though, the chances of approaching this newly lowered target are nil.

Farmers are refusing to sell their crops at the government's fixed price, which they consider too low, are taking the chance that a poor monsoon will drive their profits up. Actually, the chance the farmers are taking is small. Even if the monsoon is good, food will remain in short supply until the crop comes in. Thus the open market price for their hoarded crops can only improve.

In fact, the government itself may have to raise procurement prices. Already, the Agriculture Ministry is trying to tempt farmers to come across by offering them inducements such as seed, fertilizer and diesel oil to power tractors and irrigation pumps.

These offers, which might have proved tempting had the government not taken over procurement, seem to be going largely unheeded. A large majority of farmers have already committed their crops and themselves to former wheat wholesalers, who were put out of business by nationalization.

Just as the wholesaler predicted when the government took over the trade, the farmers are sticking by their old middlemen. The reason is not that farmers are balking at Mrs. Gandhi's attempt to extend socialism, or even that they are interested in maintaining old friendships. It is far more practical.

The former wholesalers are the only source of loans for millions of peasant farmers.

In theory any farmer, even the smallest peasant landowner, should be able to borrow from nationalized banks to finance his next crop. But the banks have withheld small loans and instead have offered money only to big landlords and, ironically, the former wholesalers.

The farmers are also being pressed not to sell by opposition political parties. Buoyed by dissatisfaction in the countryside over the government's low purchasing price, opposition politicians ranging from the extreme right-wing Swatantra Party to the Marxist Communist Party are gaining niches in former Congress Party strongholds.

Although the government is not prepared to admit that wheat trade nationalization is a failure signs of acknowledgment are growing.

A few days ago, for example, the junior agricultural minister, Annasaheb Shinde conceded that the government was "rethinking" its plan to extend nationalization to the wholesale rice trade. "We are free to examine the situation and make changes in our decisions," he said.

But Shinde's implicit recognition of reality has evidently not filtered through the hierarchy. The Agriculture Ministry has once again set itself an impossible target of 115 million tons of grains for the coming year, surpassing the bumper crop of 1970–71.

Commenting on the new goal, the respected Calcutta Statesman said in an editorial Wednesday: "An ambitious target is often used as a device on the somewhat dubious reasoning that if the aim is high, more is likely to be achieved. But, in practice, this makes a mockery of planning. What is worse, it rarely works."

"JUSTICE" AT WEST POINT

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. HARRINGTON. Mr. Speaker, a recent article in the New York Times has made public an aspect of the system of justice at West Point which is truly frightening and dangerous: the "silencing" of a cadet for an alleged violation of the cadet honor code.

Cadet James J. Pelosi had been accused of cheating on a test by continuing to write after the instructor had asked the class to stop writing. The cadet honor committee at first found him guilty but the case was later dismissed because of "command influence" and Pelosi was returned to the corps of cadets in good standing. Despite that decision, however, the cadets chose to impose upon Pelosi their severest form of social ostracism—silence. For over a year, the Academy's cadets did not talk to Pelosi except on official business, and they harassed him and threatened him as well.

The "silencing" of a cadet by his fellow cadets is an unofficial punishment; yet it is clearly sanctioned by the West Point administration. It is a form of cruel and unusual punishment that has no place anywhere in American life, and particularly not in an institution of higher learning where a respect for law is supposedly taught.

The "silencing" is indicative of the Academy's entire honor code, which is archaic and which indoctrinates the cadet with the principle of blind obedience to arbitrary military authority. I think the entire code deserves public scrutiny.

I would like now to insert the following article from the New York Times of June 7, 1973:

SILENT AGONY ENDS FOR CADET AT POINT

(By Linda Greenhouse)

WEST POINT, N.Y., June 6.—James J. Pelosi was graduated from the United States Military Academy here today, more than a year and a half after he was officially "silenced" by his fellow cadets.

Beginning in November, 1971, Cadet Pelosi, who received his commission today as a second lieutenant in the Army, had roomed alone and eaten by himself at a 10-man table in the cadet mess hall. Almost none of the 3,800 other cadets talked to him except on official business, in class, or to deliver a message.

A 44-member Honor Committee, senior cadets elected by their companies, had found Cadet Pelosi guilty of completing an answer on a quiz after the examiner had given the order to stop writing. Although he denied the charge and produced witnesses on his behalf and although the conviction was reversed, the Silence was imposed by his fellow cadets.

When his name was called to step up and receive his diploma today, Lieutenant Pelosi, who was 452d in a class of 939, expected that his classmates might boo him as silenced cadets have been booed in the past. But only a brief moment of silence greeted his name, and there were welcoming handshakes when he made his way back to his seat in Michie Stadium.

"It was just as if I were a person after all this time," he said.

In the last few months before graduation, the rigid observance of Silence had all but broken down, at least among cadets who had been Lieutenant's Pelosi's friends before the Silence began.

Standing with his family on the field after the ceremony, Lieutenant Pelosi exchanged warm congratulations with members of his class, and there were no visible traces of the ostracism that had marked the last third of his career here. According to some of the other cadets, many of his classmates had come to respect Lieutenant Pelosi for his determination to stay at the Academy and graduate.

In the first few months after the silence began, Lieutenant Pelosi, a 21-year-old native of West Hempstead, L. I. lost 26 pounds, found his mail destroyed and his possessions vandalized, and saw his cadet peer rating drop from among the highest in his 100-man company to 979th, lowest in his entire class.

AN UNWRITTEN PROVISO

A member of the Cadet Honor Committee himself, Lieutenant Pelosi was accused of violating the honor code at the beginning of his junior year. In his attempt to maintain his innocence, he found himself caught in an aspect of the honor system that is unique to West Point among the nation's service academies, little known to the public at large, yet almost as old as the honor code itself.

The "Silence," a total form of social ostracism, is defined in an official Army memorandum as "a traditional and unwritten proviso of the Honor System designed to deal with a cadet found guilty of an honor violation, but who does not elect to resign and cannot be discharged because of lack of sufficient legal proof."

The Silence is rarely imposed, because most cadets faced with the prospect chose to resign. Perhaps the best known victim of the system was Benjamin O. Davis Jr., who was silenced during all his four years at West Point, 1932 to 1936, because he is black. He went on to become a lieutenant general in the Air Force.

Under the Cadet Honor Code—"A cadet will not lie, cheat or steal or tolerate those who do"—the charge against Cadet Pelosi was construed as cheating by the Honor Committee.

Cadet Pelosi refused to take the usual course of resigning from the Academy and appealed his case to a board of officers. "When you're right, you have to prove yourself," he said the other day in an interview at the Bear Mountain Inn.

It was a decision that changed the young man's life. "I'd do it over again," he said. "I'd hate to have seen some guy silenced who might have given in to it and quit."

"COMMAND INFLUENCE"

An officer board was convened, but halfway through its hearing Cadet Pelosi's military lawyer, Capt. David Hayes, moved to have the case dismissed. He learned that the Honor Committee, before it made its decision, had seen a note from a high-ranking officer urging the members to "expedite" the case because it was a clear-cut honor violation.

Lieut. Gen. William A. Knowlton, the West Point superintendent, ordered the case dismissed for "command influence" and ordered Cadet Pelosi returned to the Corps of Cadets in good standing.

In response, the Honor Committee decided to impose the Silence, a step that was supported by a referendum of the corps.

Lieut. Col. Patrick Dionne, public information officer for the Military Academy asked yesterday to supply details of the case, said that under the pressure of preparing for graduation, no one on the staff would have time to look up the records.

By his own account and the accounts of cadets who know him, Cadet Pelosi enduring the Silence for almost 19 months with an almost stoic calm, turning back catcalls with ironic humor, ignoring occasional rocks and ice cubes thrown his way, confiding his thoughts only to the journal he recorded in a green looseleaf book in the few free minutes before 6:15 breakfast each morning.

A KIND OF GAME

At times, he said he felt compelled to make a kind of game out of his experience. During one vacation this year, he drove some of his high school friends to West Point. Dressed in civilian clothes, he stopped random plebes and asked them if they had ever heard of "a guy named Pelosi," and then watched his friends' reactions as the first-year cadets described what a "terrible" person he was.

Cadet Pelosi agreed to talk about his experience during the four-hour interview a few days before graduation. But he had mixed feelings about telling his story, not because he feared reprisals, he said, but because "I don't want to wreck this place."

"I put in four years here and it means something to me," he asserted. "I don't want people to look at me like a martyr. I'm happy with myself. There's nothing I regret."

He had finally decided to share his experience, he said, because "if people know, it might help to implement some change."

"Maybe people around here can start examining their own consciences instead of always watching everyone else's" he said. "I have the greatest respect for my classmates who abide by the rules and regulations, but no respect at all for someone like the Honor Committee who can't admit they made a mistake.

"They have placed themselves above the law, and no one has the right to do that. If I'm such a heinous criminal who deserves such suffering, then why has the Academy allowed me to stay here as a thorn in their side for all this time? There is wrongdoing here and it can't all be mine.

"I've told myself I didn't care. I changed. myself to suit the circumstances. That's how I beat them. I read a lot. I went to the gym. I found friends among the civilians here, the waiters in the mess hall, the M.P.'s. No matter what anyone did, I never let it get to me. But if I thought I could make a difference, then maybe I would care."

PAYING A PRICE

But each time Cadet Pelosi repeated that he had "never let it bother me," he sounded less convinced that he had been quite so untouched. There is evidence that he paid a price for his rigid self-control. For one thing, there was the rapid weight loss, down to 132 pounds on an already spare 5-foot-11-inch frame. He has gained back only about 10 of the 26 pounds he lost.

And there was the good friend, the one who cried the night Cadet Pelosi was convicted, but who waited six months after the Silence began to find his friend and ask how he was getting along.

"Yes, I guess that bothered me," Cadet Pelosi said. "That's what bothered me the most—no one has ever asked me what it was like. I never expected anyone's sympathy. But at least I expected some concern for my health and welfare, after they isolate a guy and torment a guy."

"Sometimes now I feel like two people," he added after a moment. "The one that it didn't get to and the one it got to."

A STARK RECORD

His diary entries provide a stark, almost emtionless record of his daily life:

"Friday, 26 November: I returned to my room after class in the afternoon and found a letter from Richard C. ripped up and placed on my desk . . . I believe it is a Federal offense to destroy a person's mail."

"Friday, 10 December: I inspected my gym locker as part of my preparation for the next day's inspection. All my articles of clothing had been thrown in the shower, soaked and then dragged around the floor of the latrine."

"5-7 May: Ring Weekend for the class of 1973. On Saturday, 6 May I received a telephone call in the F-1 orderly room. The unidentified caller said, "Pelosi, we're going to get your ring if we have to cut off your finger to get it." On Monday evening, 8 May I received another phone call. The caller said, 'Pelosi, you wear that ring and you're dead.' "

Cadet Pelosi did accept his West Point class ring, but he has never worn it— not out of fear, he said, but because the idea of wearing it no longer appealed to him.

A DRAMATIC IMPROVEMENT

Cadet Pelosi's life improved dramatically when the Commandant of Cadets ordered him transferred back to Company B-4, his original company, after 14 months of nearly total silence in Company F-1.

His civilian lawyer, Edwin Cooperman, a former member of the judge advocate general's office here, had threatened West Point with a lawsuit on the ground that the transfer out of his original company had been an official act furthering the Silence, which Academy officials have always maintained is an unofficial and spontaneous action of social sanction by the cadets.

With his transfer back to B-4, where he had many friends, the Silence became, by common admission here, almost unenforceable. In the last few months, as many as half his classmates have talked with him openly, visited his room, even sat with him.

Last week, Cadet Pelosi received a letter from his class president informing him that "because of the situation in which you find yourself" he would not be allowed to attend last night's graduation banquet and dance, the social highlight of June Week.

Cadet Pelosi protested and, somewhat to his surprise, the class officers reversed themselves and gave him an invitation. But at the last moment he decided to dine with his parents instead.

"I just had it in my mind that I might be stuck off in a corner somewhere and it meant more to me to be with my family," he said.

FEDERAL DOLLARS AND THE "EDUCATIONAL" PROCESS

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. COLLIER. Mr. Speaker, the June issue of the "Phi Delta Kappan" contains an article that ought to be read by every taxpayer and particularly every educator in the country.

The article, by Michael Chiappetta, chairman of the Division of Comparative and International Education at Indiana University, is entitled, "If You Lose on Every Sale, Maybe You Can Make Up for It in Volume." The writer demonstrates, with devastating logic and analysis, that Federal aid often does more harm than good.

The article follows:

IF YOU LOSE ON EVERY SALE, MAYBE YOU CAN MAKE UP FOR IT IN VOLUME

(By Michael Chiappetta)

On a dark and dreary day last winter, that recent addition to Washington bureaucracy, the National Institute of Education, announced that it would distribute $7.5 million dollars in small grants ($10,000 to $50,000 per grant) to educators who could propose worthwhile research.

In retrospect it doesn't seem believable, but it was and is true: Applications for those grants were to be submitted in twenty-plicate! Even so, grantsmanship, somewhat dormant in the face of wintry blasts from an economy-minded administration, sprang to life. Across the country teams of researchers began to meet, to talk, to outline, to write, to concoct budgets, to call colleagues at other institutions ,to divine the criteria by which approvals would be gained; in short, to bring into life "The Proposal" which would elicit from fair Washington the final blessing—money. That's grantsmanship.

What happened? On the magic date, February 28, 1973, there were unmistakable signs that a phenomenon worth recording had occurred. The Post Office had dumped 6,000 proposals on NIE's doorstep. Six thousand! At Indiana University we were thunderstruck by this news, but at first it was only an awe born of logistic considerations. For example: If each proposal was 35 pages long (the average of the 27 proposals emanating from Bloomington) and each proposal was sent in twenty-plicate, then no less than 4,200,000 sheets of paper inundated the receiving office in Washington. Four million two hundred thousand pages! That is approximately 25,000 pounds or 12.5 tons of paper. The paper-management problems alone are enough to frighten any office in the country except perhaps the Pentagon.

Our somewhat rural Indiana observation might have stopped there if it had not been for the fact that we began to mull over the economics of the escapade. Just what did it cost to put together the 6,000 proposals? Let us reconstruct some of the details. We know that at least one major professor was involved in the development of each project. He had to invest at least six days in thinking, talking, writing, editing, and seeking administrative approval of his project. In most cases, if there was to be collaboration—a highly desirable characteristic—at least two other professors would have been involved for a minimum period of three days. At least two graduate students must have been involved for five days. Let us add it up: A major professor costs at least $20,000 per year or $100 per day. That's $600. Two other professors at $75 for three days makes another $450.[*] Two graduate students, especially if on assistantship status, cost a minimum of $10 a day, so we add another $100. New total: $1,150. Indiana University rightfully charges 60% overhead when applying for "soft" money, since it provides space, light, heat, office equipment, library and computer services, so we must add 60% of 1,150, or $690, to come up with a professional cost of $1,840.

We all know that the most important part of proposal writing is secretarial. It is obvious that a 35-page document written by at least five people approved by at least three levels of administrators, and requiring budget clearance, would require at least three typings. At five pages an hour—a phenomenal rate for three carbons—that makes at least seven hours per version, but let's be conservative and estimate only half a week's salary for the finished product. That comes to a neat $50, if your secretary's salary is slightly above the starvation levels usually paid in university towns. Then there's paper, tons of it—as noted before. Getting to the final version must have used the three go-rounds mentioned plus some waste caused by errors, so let's estimate 500 sheets. A ream of regular typing paper costs not more than $5, so add that to the bill. In the interest of economy, and not to pad the bill, let's forget the carbon paper. But we cannot forget the paper needed for the 20 copies. At I.U. we Xeroxed our copies—not 20 but 28, since copies were needed in two deans' offices, two vice presidents' offices, and the treasurer's office. Besides, it was thought that we should keep a couple of copies on hand in the originating department. So that's 28 x 35 or 980 sheets of paper for each proposal. Our Xerox costs are about 3.5 cents per sheet, so let's add $35, which could include wastage and staples, and not charge any new labor for Xeroxing and collating. We can't overlook the postage, however, since bulk does get noticed in mail pouches; so there must be at least a $5 charge for getting the proposal to Washington. Adding this subtotal of $95 to the $1,840, we get $1,935.

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[*] The cynic will suggest that one should consider the time professors spend on proposals that go nowhere a social gain, since it keeps them away from more mischievous activities. I am not such a cynic.

One final cost item must be added. At I.U. each proposal has to be approved by the department head, division head, associate dean of education, a vice president for research and advanced studies, the graduate dean, and the treasurer's office. In our School of Education we had the full cooperation of an assistant dean for purposes of organizing the proposal in accordance with presumed understanding of the National Institute of Education's criteria for judging the proposals. Let us estimate that a minimum of eight hours of administrative time was invested in all of the advisement and approval processes. That's one day's work, so let's add another $100. Grand total: $2,035.

There were 6,000 proposals seeking the money offered by the National Institute of Education. At $2,035 per proposal it means that the educational community invested $12,210,000 in order to obtain $7,500,000. Say that again! Yes, the educational community invested $12,210,000 in the development of proposals to spend $7,500,000.

So this is the new economics of grantsmanship. For some time now there has been a vague and general suspicion that getting grants may not be as profitable as in the past. Putting aside matters of principle, this analysis may illustrate the fact that there is a point below which it is not feasible for the research community to seek funds, and a given institution faced by 1 in 40 odds might decide wisely that it can't afford the costs of preparing proposals. It may even be that the educational research community should conclude that grantsmanship is a losing game and concentrate on its primary business, research.

In this instance Indiana University invested 27 x $2,035 or $54,945 in the hope that it would get more than its arithmetic share of the funds, 27/6000 of $7,500,000, or $33,750. It remains to be seen what sort of payoff I.U. does get, but if I.U. does well on its investment, it simply means that other institutions will do worse.

I didn't start this note with a broad policy issue in mind. Before it is overtaken by such considerations, let us leave well enough alone. Certainly there is much to think about here. Let's do that; think, that is.

POW'S IMPRESSION OF COMMUNISM

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. TALCOTT. Mr. Speaker, some of the most patriotic and loyal persons I have met were the wives and families of our POW's and MIA's. It was a special thrill for me to meet and talk with some of their returning servicemen. One wife we know and one husband we were pleased to talk with after his return was Comdr. and Mrs. Ted Kopfman of Lemoore Naval Air Station, Calif.

Commander Kopfman spoke to the Hanford, Calif., Kiwanis Club and shared some of his views concerning the danger of communism. I think the account of his speech in the Hanford Sentinel is worth reading by every American.

I include the report of Commander Kopfman's speech in the April 26, 1973, issue of the Hanford Sentinel at this point in the RECORD:

DANGERS OF COMMUNISM EXPRESSED BY KOPFMAN

(By Joan Pegues)

Cmdr. Ted Kopfman, who was a prisoner of war for "seven years and four months," as he put it, reiterated his statements about the dangers of communism when he appeared before the Hanford Kiwanis Club Wednesday.

Appearing more relaxed than in an earlier, formal press conference at Lemoore Naval Air Station, the commander commented that his wife, Marge, had told him about her speech to the same club.

Mrs. Kopfman, who accompanied her husband, was one of the wives who participated in speaking engagements throughout the valley on behalf of the prisoners and missing in action.

Saying that he wasn't knowledgeable enough to form a thorough opinion about the war, the flyer did say he believed that if critics of the war really did understand the objectives of the communists, they would change their opinions.

"We are forced to read magazines, newspapers, and materials which made the North Vietnamese government look good," he explained, "in hopes of making us become sympathetic to their causes." "But we knew enough about our country and what it stood for, so their efforts had a reverse effect on us."

"They tried to take what we cherished and distort it," he noted and went on to give examples of typical communistic methods of propaganda.

"Catholics are free to practice their religion as long as it conforms to the policy of the state," he pointed out. "Freedom of the press is allowed to the extent that all members of the press are state trained and print no dissent. Songs can be written as long as they are patriotic ones," the speaker remarked.

Showing the degree to which the state controls the country, Kopfman said he recalled a line from a song the prisoners heard repeatedly and was taught to little children: "Love Ho Chi Minh better than mommie and daddy."

"I have just one request to make," Kopfman said. "We must make ourselves listen to what these people are really saying. Understanding is the key to dealing with their distortions."

Knocking some of the thunder out from under the anti-war critics, Kopfman pointed out that every man, woman, and child in North Vietnam is considered a member of the "fighting force." Women are equal to men, he noted, and man guns just as the men do.

"Women are equal to men when it comes to being killed too," the commander remarked and they brag about their roles as fighters. "Yet, let one of the women or children be killed, and suddenly they become 'an innocent victim,'" he said.

The people of North Vietnam are told that every abode in every hamlet is considered a fortress. The aviator said he has seen anti-aircraft guns standing between houses and missile sites located in school yards. "If we kill school children," he observed, "then we are criminals."

During a question and answer period, the speaker answered a query about anti-war activist Jane Fonda by saying that he felt she did not have an open mind. She had already made up her mind about conditions in North Vietnam, talked to very few prisoners of war, and knew before hand just what she would say when she returned home.

"The communists have their objectives," Kopfman said in response to a question "I was told 'we will bury you.'" Explaining the scope of their objectives, the former prisoner said he was told "first South Vietnam, then Laos, then Thailand, the Philippines, then Japan and someday the United States."

"They used medical attention as a lever," the commander remarked. The situation went from non-existent medical attention during the early years to physicals and dental attention beginning last October. When asked if the lack of medical care could be attributed to a lack of doctors and nurses, Kopfman said he really didn't know. "According to their propaganda, they had a lot of medical personnel," he noted.

When asked how he kept going, Kopfman said he took one day at a time, and sometimes even one hour and one minute at a time. "I had faith that I was there for the right reasons, and I tried not to think of the future."

Kopfman began his talk by thanking the club for the cooperation and support they had given to the POWs. "You forced the issue from the dark closet where the communists wanted to keep it," he said.

Kopfman credits the attention focused on the prisoner of war issue through petitions and letter writing as directly attributable to their improved conditions. "Many would never have returned home," he said solemnly.

"Prior to late 1969, we lived in small cages with no ventilation and ate a very poor grade of rice and watery green soup," he recounted. After 1969, the prisoners were given improved food and better lodging.

When asked about the prisoners communication system, Kopfman responded by knocking on the table. "They built the walls higher, but they never stopped us," he said quietly. The commander pointed out that the communists used communications, the ability to talk to someone when you've been alone, as a method of control.

All communication between prisoners was forbidden, but "we'd help and encourage each other whenever we could," he remarked.

Asked if his experience had changed him, Kopfman said he felt he had changed a great deal. "It was the first time I'd ever been alone for such a great time, and I examined my life and every decision I had ever made," he said, "I feel I'm more compassionate and patient now, and I even allow my wife to be late," he said with a smile.

When asked about the changes he has noted, Kopfman replied that one of the biggest changes has been his wife, Marge. "I'm very proud of my wife and the change in her," he remarked. "I had been a rather dominating husband, but now I know it's not necessary, so I just sit back and relax," he said, drawing smiles from the audience.

"Tears," was the word the commander, used to describe his reunion with his wife and children. "Maybe I'm sentimental, but I don't worry about crying anymore," Kopfman said. "I never shed any tears in North Vietnam," he noted. "I didn't know the children, referring to the changes in them in seven years, and I missed a lot," he said.

At the end of the question and answer period, Mrs. Jeff Nicklas told Kopfman that what the prisoners gave to their country had made the country precious.

The ex-prisoner finished his comments to a standing ovation.

During a mini-program before the commander spoke, Jack Schwartz Jr., a senior at Hanford High School and a member of the Kings County WMCA's Youth in Government program, told club members about the youth group's four day trip to Sacramento. "Kings County had the third largest delegation there," he noted. "Not only did we learn the process of state government, we learned to listen to both sides of an issue."

THIS, TOO, IS FOR THE RECORD

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. RANDALL. Mr. Speaker, the foregoing title of this entry into the CONGRESSIONAL RECORD would seem to indicate that it might have been authored by a Member of Congress.

However, such is not the case. Instead, the above title is the heading of an article which appeared in the spring 1973 issue of the Freemason, which was dedicated to Harry S Truman, past grand master, Grand Lodge of Missouri AF & AM 1940–41. The article, "This, Too, Is for the Record," appeared at page 55. The central theme of the story emphasizes that Harry S Truman could easily have retired from participation in Masonic affairs at the conclusion of his term as grand master in 1941. The national spotlight was already centering on him as the head of the "Truman Committee." But Mr. Truman was a practicing Freemason. Accordingly, his interest and support remained constant.

Mr. Speaker, it is my considered judgment that those of us who are Members of Congress are deeply indebted to the author of the article in the Missouri Freemason for his résumé of the activities of Past Grand Master Truman while he served as grand master in 1940 and 1941. Hopefully, some of this material may be included in a memorial volume now being prepared. It is my pleasure to read into the CONGRESSIONAL RECORD the article as it appears on page 55 of the Freemason, spring issue 1973:

THIS, TOO, IS FOR THE RECORD

Harry S Truman could easily have retired from active support and participation in Masonic affairs at the conclusion of his term as Grand Master on October 1, 1941. The national spotlight was centering on him more and more as the "Truman Committee" investigating waste and mismanagement in the war program gained for him unstinting praise and admiration by the populace.

But Truman was a practicing Freemason. His interest and support remained constant. The following is a brief list of some of his activities as a Past Grand Master.

December 1, 1941, delivered the dedication address for Masonic Welfare Center, first Masonic Center primarily for Navy personnel, at Newport, Rhode Island.

December 17, 1941, Truman wrote Ray Denslow: "I was supposed to go to a Masonic meeting last night where two gentlemen were made Masons at sight. I got to thinking about the matter and couldn't bring myself to go, because I don't approve of such a matter, however great the recipients. I suppose the high-hats here will be somewhat put out with me because they had consulted me about the qualifications of the two men. Their qualifications were one hundred per cent, but as you and I know, that just isn't the way to do it."

January 8, 1942. Truman responded to a West Coast publisher of a Masonic history and took exception to material on Andrew Jackson. Truman wrote: "I notice where you say that Andrew Jackson received his degrees at Greenville Lodge, Greenville, Tennessee in 1851. Andrew Jackson Grand Master of Tennessee long before that, and it is not known exactly where he received his degrees, but it is recorded that he received them in North Carolina.

"He was born in 1767. You gave the date of his birth in 1808, and the place Raleigh, North Carolina. He was born in Wax Haws, and it is doubtful whether he was born north or south of the State line. There has always been a controversy between North and South Carolina about the location of the State line at the time of his birth. I don't know where you got those figures, but you certainly ought to make a correction on them.

"For your further information, if my dates are correct. Andrew Jackson died in 1845, so he couldn't possibly have received his degrees in 1851" (Truman Library, Senatorial file).

February 1942, attended Grand Masters Conference and George Washington Masonic Memorial Association meetings.

June 1942, addressed the Annual Convention of the National League of Masonic Clubs in Atlantic City. The Chairman, Arvid V. Swaningson, wrote that "To have had you present at the Gold Card Dinner was a pleasure, indeed, and your attendance at the Inspirational Hour on Friday evening was also a real mark of Masonry, and many of the Brothers there made mention of that fact."

September 28–29, 1942, attended Grand Lodge in St. Louis. Truman served in the traditional role of chairman of the Committee on the Grand Master's address. He also had secured the featured speaker for a Masonic patriotic meeting on Monday night before Grand Lodge, Lt. Gen. Brehon B. Somervell, Commanding General Services of Supply.

Gov. Forrest C. Donnell, a Republican, was elected and installed as Grand Master at the conclusion of the communication, Donnell appointed Truman as a member of the special Committee on Social Service at the training camps.

October 5, 1942, on the floor of the U.S. Senate, Truman made the following remarks: "Mr. President, I ask unanimous consent to print in the Appendix of the (Congressional) Record a very timely address by Lt. Gen. Brehon B. Somervell, Chief of the Services of Supply of the War Department. The address was delivered in St. Louis on September 28, at a patriotic meeting sponsored by the Grand Lodge of Ancient Free and Accepted Masons of Missouri, and it is well worth reading by every Senator and Member of the House." The address was ordered to be printed.

Somervell's remarks included the following reference to Truman:

"You may not know it but the Senator has twice volunteered to don the uniform he wore with such distinction in the last war and is serving on the Capitol front only at the express request of the Secretary of War and the Chief of Staff who felt the need of his assistance there."

January 27, 1943, addressed Grand Lodge of Tennessee and made Honorary Past Grand Master.

September 27–28, 1943, attended Grand Lodge and again had secured the speaker for the Masonic Patriotic night on Monday before Grand Lodge. Truman introduced the speaker, Rear Admiral George D. Murray. Truman helped prepare and signed the report of the Committee on Social Service at the Training Camps.

Grand Master Donnell, at one point during the communication, said, "I think it would be very discourteous and not at all proper if I did not at this time call to the microphone a gentleman who has come from Washington, D.C., leaving his official duties, which means simply that he has to take care of them when he returns, as they have piled up, and he has come here to pay us a fraternal visit. I take great pleasure in presenting at this time our distinguished junior United States Senator from Missouri, former Grand Master of Masons of Missouri, Honorable Harry S. Truman."

Truman responded: "Most Worshipful Grand Master, Your Excellency: It certainly is a very, very great courtesy for you to invite me to the microphone. I am just an ordinary member of this Grand Lodge, and it is the greatest place in the world to come, I think. I do want to take this opportunity, Governor, to again thank you for delegating me last night to introduce the principal speaker . . . I appreciate most highly your courtesy, and while we differ politically, our friendship is just as strong as it ever was."

November 24, 1943, Truman attended Harmony Lodge No. 17 in the District of Columbia, which met that night to honor its own member, Grand Master Carl Claudy of the Grand Lodge of the District of Columbia and executive director of the Masonic Service Association.

April 19, 1944, Truman addressed the Grand Lodge of New Jersey. Sometime later he received a letter from Grand Secretary Isaac Cherry expressing the Grand Lodge's appreciation and enclosing a $50 honorarium. Truman responded, "I did not expect any such donation, although I do appreciate it most highly. I am endorsing the check and returning it to you with the suggestion that it go into the Masonic Home charity fund."

September 25–26, 1944, attended Grand Lodge in Kansas City. Truman again had made arrangements for two of the speakers. A Masonic patriotic meeting was held Monday night in the Music Hall. The featured speaker, introduced by Truman, was Senator Owen Brewster of Maine. Tuesday evening in Ivanhoe Temple, there was a program of music, the motion picture produced for the Masonic Service Association, "Your Son Is My Brother," and Carl Claudy of the MSA delivered an address. Truman also served on the Committee on Social Service at the Training Camps.

At this time, Truman was the Democratic party's Vice Presidential candidate.

January 20, 1945, took the oath of office as Vice President of the United States.

April 12, 1945, less than four hours after the death of Brother and President Franklin D. Roosevelt, Harry S. Truman took the oath of office as President.

On May 8, 1945, Victory in Europe! Within a few weeks, Carl Claudy of the Masonic Service Association visited with the President and called his attention to the need for providing assistance to Masonic brethren and Grand Lodges in Europe that had been overrun by the Axis powers. It was suggested that a Masonic Commission be sent to Europe to make a systematic, detailed study of the needs, Truman agreed to help.

The State Department was opposed to the Masonic Commission making the trip, suggesting to the President that it might unleash a flood of similar requests from other Masonic groups and other organizations.

In a White House memorandum Truman advised his Special Counsel, Judge Samuel I. Rosenman: "Mr. Grew (of the State Department) is very much mistaken about the Masonic program. The situation that I had in mind would take in every section of that fraternity, and would represent all of the Masonic bodies. Under no other condition would the matter be considered.

"I think it can be worked out on that basis, and I am of the opinion that it would be an asset both to the State Department and to me."

The four-man Masonic Commission, headed by Missouri Past Grand Master Ray V. Denslow, departed for Europe August 12, 1945. The other members of the Commission were Past Grand Masters Claude J. McAllister of Montana and Charles H. Johnson of New York, and W. Bro. Justice George E. Bushnell of Michigan.

The commission returned home September 29. The President had sent a cablegram to Denslow, returning aboard the Queen Mary, and asked that he come to the White House immediately on his return. Denslow did and provided Truman with a concise summary of the commission's findings.

October 19, 1945, Frank Land, founder of the Order of DeMolay, met Truman at the White House and accompanied him to the Scottish Rite House of the Temple for a dinner. Following the banquet, the President received the Honorary 33 degree along with 349 other designates including Gen. H. H. (Hap) Arnold, Lt. Gen. Ben Lear, Lt. Gen. James P. Doolittle, and Secretary of Agriculture Clinton P. Anderson.

December 26, 1945, Home for the Christmas holidays at the "little" White House in Independence, Truman walked across the street to the home of Nathaniel D. Jackson, a life-long friend, for breakfast and was installed as a member of Kansas City's Mary Conclave, Red Cross of Constantine. Others present were Harris C. Johnston, George C. Marquis, Milton F. Hill, Sam A. Gilliland, Perry N. Lindgren and George M. Saunders.

OTHERS ACTIVITIES

During his years in the White House, Past Grand Master Truman, with only one exception, returned home to install the officers of his home lodge.

The President also met annually except for 1948 with the Conference of Grand Masters of North America. In 1946, 1947 and 1949, Truman was host to the Grand Masters for a brief visit in the White House. In 1948 he was out of the city but sent a letter of greetings.

Beginning in 1950, Frank Land sponsored a Presidential breakfast for the Grand Masters and in 1950–51 and 1952, the Masonic dignitaries were not only greeted by Truman but he brought along members of his cabinet and Congress.

The Grand Masters were received in the East Room in 1947 at 12:30 p.m. and at 3:35 p.m. Frank Land, Ray V. Denslow and William R. Denslow were received for a private visit with the President.

Truman's remarks to the Grand Masters were broadcast nationwide on Feb. 22, 1952, and won a host of favorable comments. One letter came from a Roman Catholic Priest, Rev. Francis G. McNulty of Sacred Heart Church in Plains, Pa. Father McNulty wrote:

"Hearty congratulations on that homey, off-the-record speech which you made at the gathering of members of the Masonic Lodge at the Hotel Statler in Washington last Friday morning!

". . . Your calm, sincere and friendly manner acted like a magnet to hold the attention of your listeners, and I am sure all who heard you could not help being convinced of the truth of your message."

November 6, 1947, President Truman visited Hiram Lodge No. 10 in Washington where he Raised two Fellowcrafts from Missouri lodges who were receiving "courtesy" work.

November 1, 1948, Truman attended a breakfast given by Mary Conclave, Red Cross of Constantine in Kansas City. Truman made a few remarks including the comment: "Boys, I'm not a beting man myself, but if any of you want to make a little easy money just bet on me to win tomorrow!"

Later that day Truman was honored by Ararat Shrine with a ceremonial named in his honor and a dinner that evening.

July 19, 1949. President Truman addressed the Imperial Council session of the Shrine at Soldier Field in Chicago. It was a major address in which Truman discussed past foreign policy decisions and discussed the future and prospects for "creation of a world in which we, and all people, can live and prosper in peace."

February 22, 1950, President Truman spoke at the dedication of the statue of George Washington in the entrance hall at the George Washington National Masonic Memorial in Alexandria. The statue was made possible through contributions from the Order of DeMolay. It was another major Presidential speech and went through seven drafts before it was completed.

November 7, 1950, President Truman visited the Jackson County Library in Independence and viewed the special Masonic collection for the Missouri Lodge of Research.

STONES

During the restoration work on the White House workmen discovered a great many stones bearing the original Mason's mark. President Truman found there was a sufficient number so that one each could be properly prepared and presented to each Grand Lodge in the United States.

The stones were presented through the cooperation of the Grand Lodge of the District of Columbia, which Truman noted, "is Masonically supreme in the Capitol of the Nation." He further said in a letter to each Grand Lodge that "These evidences of the number of members of the Craft who built the President's official residence so intimately aligns Freemasonry with the formation and the founding of our government that I believe your Grand Lodge will cherish this link between the Fraternity and the Government of the Nation, of which the White House is a symbol."

NEED FOR A NEW STADIUM IN BALTIMORE

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. LONG of Maryland. Mr. Speaker, professional sports franchises—their moves and threats of moves—can and have confronted many American cities with the need to make the difficult decision of whether to bow to franchise owners' demands for new stadiums, which represent major capital investments of public or private funds.

Right in our Nation's Capital, we have the expensive R.F.K. Stadium—now used for only 7 or 8 professional football games per year and infrequent special events. In Baltimore, the city and State have been evaluating the need for a new stadium and have proposed to locate it in the former Camden railroad yards. There is a great deal of controversy about the proposed new stadium and the suggested location.

I would like to share with you the thoughtful remarks of Mr. Theo Lippman, Jr., in the June 3 Sunday Sun. His comments are relevant to the situations in which many cities may find themselves:

WHY THE CAMDEN STADIUM WON'T BE BUILT, DESPITE ALL THE HOOPLA

(By Theo Lippman, Jr.)

Tuesday—on the eve of the announcement of the Maryland Sports Complex Authority's proposal that a stadium-garage-convention center be built downtown, William Boucher 3d, an authority member, told some businessmen that opponents who argued to keep Memorial Stadium weren't Memorial Stadium fans. They were racially motivated, he said. They were afraid that if the old stadium is replaced, it might be by black housing. There no doubt may be something to that insofar as white residents of stadium-area neighborhoods are concerned, but as Mr. Boucher and other authority members know, nobody's motives can stand too close examination in this stadium story.

Mr. Boucher's own motives seem to be: He wants to see increased commerce downtown. He believes that putting a stadium at Camden Yards will attract people not only to the games but to the restaurants, stores, etc., surrounding it.

Another authority member, Walter Sondheim, apparently is motivated by the desire for 4,500 parking spaces downtown—and the belief that the quickest way to get them is as part of a stadium-convention center project.

Another member, Ed Rovner and the governor he represents, may be more interested in seeing a multimillion-dollar construction project built than in anything else. Several politicians and journalists have suggested that this project is Governor Mandell's way of keeping the building trades and bond underwriters happy.

There is no suggestion here or elsewhere that these are unworthy motives. I think these motives are nobler ones than the legally sanctioned stated motive, which is to keep the Colts and Orioles in the city at all cost. But I also think that in part because of these mixed motives, in part because of opposition by groups like the neighbors of Memorial Stadium, in part because of the nature of the professional sports business, this planned downtown stadium will never be built. I also believe that in a sense that doesn't make any difference, since even if a stadium were built, that alone wouldn't keep the Colts and Orioles in town. Finally, I believe that there is a cheaper, wiser thing the state and city could do to keep Baltimore a major league sports city.

There was strong opposition to building the stadium complex when the idea first came before the General Assembly last year. At that time most of the proposal's boosters insisted that no public funds would have to be spent. The Governor said that if that were false, he wouldn't support the idea. Now the authority's report concedes that the only way the complex can be built is if the state guarantees the bonds. That means that if in any year the revenue from the complex (ticket sales, parking, etc.) is less than the cost of the debt service and management, taxpayers must make up the difference.

Some authority members say that it is unlikely the complex would fail to pay its own way in any year, but that has not been the experience in any city that I know of. So opponents of the complex are going to be able to argue in the General Assembly next year, when authorization to proceed with the complex must be secured, that taxpayers are being asked to subsidize two profitable private enterprises to keep them in Baltimore. Some Baltimore area legislators are opposed to that. It was Baltimore county's Jervis Finney who almost killed the project at the last session of the legislature. Frank Robey of Baltimore city has already announced he plans to make opposition to the complex a priority fight next year.

You can imagine how cool state representatives and senators from far outside Baltimore's orbit will react to the prospect of spending their constitutents' money for this project. Suppose you were a Montgomery county resident, a Redskins fan, would you think it in your best interest to subsidize the Colts? The complex will also have a basketball arena. Suppose you were a resident of Largo, where the Bullets have moved, would you think it was in your best interest to subsidize a new basketball team for Baltimore? Even if financing the complex would never cost the taxpayers a penny, but only posed the potentiality, this is the kind of issue that can be set fire to.

The Governor has apparently told opponents that if they will support it, he will see that they get other projects as a payoff, a road here, a building there, an appointment the other place. That's routine in a democratic society. Still, I would guess there is no better than a 50-50 chance that the General Assembly will approve issuing state-backed bonds. If the complex does receive the Assembly's blessing, however, that won't be the end of the fight. Mr. Robey has already announced he will try to take the issue to referendum. That means Redskins fans in Montgomery county, Bullet fans in Prince Georges, apprehensive home owners around Memorial Stadium, nonsports fans in Baltimore's suburbs, etc., will decide the issue. The Governor can log roll with delegates and senators, but not with voters.

If the proposal to use the state's credit and, perhaps, tax dollar to pay for the complex survives the General Assembly and the referendum, it still won't be home free. There are the courts. Some issues involving the new stadium complex pose interesting opportunities for environmental groups, especially. For instance, Baltimore's air is already so bad that plans for greatly increased parking facilities would probably be challenged under existing air quality laws. Laws pending in Congress could make it even more difficult for the city to do anything to increase automotive traffic downtown. Even more promising to the environmentalists who oppose the stadium is the question of doming it. If that is done, and the Orioles keep insisting that it be done, then the power requirements for air conditioning such as expanse would be enormous.

Environmental issues aren't the only ones that invite court action. James B. Kraft, one of the Memorial Stadium area opponents of a new complex, said last week that he foresaw a protracted conflict in the courts. He compared it to the east-west expressway fight. That has taken 20 years. If the city waits a fourth that long to begin building a stadium, and if the Colts and Orioles are really serious about moving, then both teams will probably have been long gone by then.

I believe that even if the new stadium could be built as quickly as authority members think, which is by 1976, and even if the Colts and Orioles stay here that long, they might very well be moving out of the new stadium within a few years. If that should happen, then taxpayers would be left holding an expensive bag, perhaps to the tune of $3 or $6 million a year. Perhaps more. (One way of reckoning suggests that the stadium cost would be that high even if the teams stay. This is based on the assumption that parking revenue not directly related to stadium events can not properly be counted as revenue generated by the sports complex.)

The reason I believe the new stadium won't necessarily keep the two teams in town is that the experience in other cities that have built new stadiums shows that after only a few years, attendance for games in new stadiums is back where it was in the old stadium. The novelty of a new stadium brings in new fans at first, but only at first. The feasibility study of a Camden Yards stadium comes to the same conclusion about a new stadium here. If the stadium were built by 1975, the economists who prepared the study said, by the 1980's attendance would be back at—or below—the level the two teams have enjoyed in the recent past. This is significant, because the reason the Colt and Oriole management give for demanding a new stadium is that they must have greater attendance to make the profits to which they have become accustomed.

AFFIRMATIVE ANSWERS

Are pro sports franchises important? Are they worth keeping? Almost every study of those questions has resulted in affirmative answers. Some answers are based on economics. Having a team attracts people with money to spend. Some answers are based on more exotic reasoning: Atlanta's major league teams have softened rural political opposition to urban voters, according to Governor Timmy Carter. So far as I know no one has ever argued that having a team or teams had a negative impact. My own view is that keeping major league franchises is important for many reasons, the most important being that rooting for the home team is the one single experience that can be shared democratically. The Colts and Orioles bring us together.

That being the case, it is important not to lose them. That is a problem in this age of floating franchises. There is a limited number of teams available and a slightly larger market for teams. As in any such situation, the competition for the franchises drives the price out of sight. As an added inducement, tax laws make "owning" players an attractive gimmick for corporations. You can depreciate them, in effect. Team owners can blackmail cities to give them anything, and, even having won concessions, still get more from some have-not city. It is probably true that *nothing* Maryland can do will keep, say, New Orleans from offering the Orioles a better deal.

Nothing conventional, that is. I believe the time has come for the unconventional. Last year Senator Sam Ervin (D., N.C.) was considering proposing that the federal government establish a commission to oversee pro sports. The commission would have the same power over teams as existing commissions have over airplanes, trains and so forth. A team couldn't move from one city to the other without federal approval, just as a common carrier can't cease service without showing good reasons and winning approval. That seems fair. Team owners are always telling us they are public-spirited citizens. They're always telling us that a team isn't really a business.

BIGGER FISH

The problem is, Senator Ervin now has bigger fish to fry, the Watergate investigation, and has lost interest. He may never get back to it. Instead of of waiting for the federal government, it might be possible for the state to act on its own to protect the public interest (and investment, to the tune of millions in subsidies over the past two decades) in the Colts and Orioles. I would like to see the state take over the two teams, the way it took over the Baltimore Transit Company, and operate them in the public interest, the way the city operates the Baltimore Museum of Art or the Pratt Library. The legislation establishing the authority authorizes it to "acquire and/or construct athletic facilities and other revenue-producing facilities." "Facilities" is defined to mean "commercial or business establishments," which include, I would have thought, sports teams. Robert Embry of the authority, who is a lawyer, says no, but in that case, it would seem to me that what should be done is for the General Assembly to rework that language to allow condemnation (a power the authority definitely has) and purchase of the Colts and Orioles. That would keep them here forever. It would cost a lot less than building a new stadium, too, about $30 million compared to a stadium complex cost of $114 million.

GENERAL MINH ASKS FREEDOM FOR SOUTH VIETNAMESE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. BROWN of California. Mr. Speaker, I have spoken out against the police state imposed by South Vietnam's President Thieu many times. His continued incarceration of over 200,000 men, women, and children for political reasons is a glaring mockery of the oft repeated goals of our involvement in Vietnam, namely to insure the people of Vietnam political freedom.

Yet our Government makes no effort to demand a change from Mr. Thieu. Instead our President mumbles platitudes about South Vietnam's great leader, and turns his head from the oppressive truth.

Unfortunately, the truth remains. I call to our colleagues' attention an article in the June 5 edition of the Washington Post. I would like to read the relevant portion:

MINH CALLS FOR END TO RESTRAINTS

SAIGON, June 4.—Former chief of state Duong Van (Big) Minh urged the Thieu government today to repeal laws aimed at "intimidating and restraining" the non-Communist opposition. He also called for the immediate release by both Saigon and the Vietcong of all political prisoners.

Minh, one of the leaders of the junta that took power after the killing of President Ngo Dinh Diem in 1963, said that the people of South Vietnam are setting their hopes on secret talks between U.S. presidential adviser Henry A. Kissinger and Hanoi's Le Duc Tho which begain Wednesday in Paris.

But Minh said that even if these talks are successful, "the correct implementation of the Paris agreement, in practice, depends nevertheless on the goodwill of the two opposing sides of South Vietnam."

Minh, who reportedly is hoping to make a political comeback, said: "If the two sides of South Vietnam wish to see the people begin to acknowledge their goodwill, they must take the following steps immediately:

"Abolish all laws and measures infringing the basic freedoms of man . . .

"Set free immediately the political prisoners, especially university and high school students and those who have struggled for democracy, for peace, so that they may return early to their families without being forced to go where they do not wish to go."

Minh's statement on political prisoners drew a denial from a Saigon government official that there are any political prisoners, but at the same time the official acknowledged that individual liberties have been restricted.

In defending this, the Saigon official said that despite the four-month old cease-fire, "the country of Vietnam is now in a war status.

"Therefore, fundamental liberties must be limited. As soon as the Communists stop violating the agreement, as soon as there are no longer any threats to the nation resulting from the other side's violations . . . the government will immediately delete laws and regulations that are now limiting the people's fundamental liberties."

Mr. Nixon has told us we have peace with honor, yet South Vietnam's Government says it is in a war status. Who is lying to whom?

As I did on June 1, I would like to read the names of another 25 prisoners, imprisoned in Chi Hoa Prison for political reasons, Nguyen Van Be, Le Van Minh, Tran Kim An, Thach Soul, Le Van Thanh, Nguyen Huu Duc, Ngo Quang, Duong Van Sau, Nguyen Van Son, Nguyen Van An, Tang Van Thien, Le Bui, Tran Van Hang, Ngo Du, Truong Hoac, Le Tro, Truong Xin, Trinh Van Toan, Dang Van Ty, Huynh Van Thanh, Huynh Tan Duong, Trang Van To, Ho Ngoc Chi, Nguyen Van Minh, Duong Van Sat.

It is our money that is keeping these people in prison. We must not run away from the responsibility that this puts upon us. We must demand the end of this repression.

BUT IT'S ONLY 1973, MR. ORWELL!

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. BROWN of California. Mr. Speaker, one of the main techniques upon which President Nixon has depended during his administration has been the about-face. Rather than maintaining a coordinated, progressive, and logical method of operation, Mr. Nixon has relied on the element of surprise to help him carry out his programs, both foreign and domestic. His trips to Peking and Moscow, in the context of his political career as a red baiter, demonstrated what has become his standard operating procedure in foreign policy. And in domestic affairs, one need only remember his creation of the wage-price freeze only 5 months after he had requested the Congress not to renew the law which empowered the President to institute such a freeze. In virtually every policy area, from the war in Southeast Asia to Supreme Court appointments, surprise has been the key to presidential actions under this administration.

As the Watergate scandal has unfolded, we have seen Mr. Nixon continuing to rely on the element of surprise. His March 17 announcement of—and I quote — "new evidence" in the Watergate case was a reversal of his previously adamant denials of White House involvement, while the April 30 resignations of four key members of his staff completely changed the direction which the Watergate case took.

In the future we can expect more surprise announcements from the President. In this expectation, Philip Roth has written an article which appeared in the New York Review of Books dated June 14 which speculates on the nature of one such possible upcoming surprise. Mr. Roth's article is written in the form of an imaginary presidential announcement which we might expect in the future. The text follows:

The President Addresses the Nation

(By Philip Roth)

My fellow Americans:

I have an announcement to make to you tonight of the greatest national importance. As you know, the Senate has voted this afternoon to remove me from the Office of the Presidency. That, of course, is their right under the Constitution of the United States of America, and as you know, I have not interfered in any way with their deliberations on this matter, as I did not interfere some weeks ago when the House of Representatives arrived at their decision after their own deliberations. They have a right to express their opinion, as does any American, without Presidential interference or pressure of any kind from the Executive branch. That is what is known as the separation of powers. You probably know by now that there were even members of my own political party among those in the Legislative branch who voted to remove me from the Presidency. I consider that to be a vigorous and reassuring sign of their independence of mind, and of their personal integrity. I applaud them for their actions, which can only strengthen the democratic processes here at home, and enhance the image of American democracy abroad.

However, according to the doctrine of the separation of powers, the Executive branch has an equal voice in the management of government, along with the Legislative and the Judicial branches. That, after all, is only fair. It is what is meant by "The American Way." Moreover, the President, which I am, has the sole responsibility for safeguarding the security of the nation. That responsibility is spelled out in the oath of office, which, as you all know, every President takes on Inauguration Day. President Washington, whose picture you see here, took that oath. So did President Lincoln, pictured here. And so did our great President Dwight David Eisenhower, whose grandson has just completed serving his country in the United States Navy and is married to my daughter Julie, whom you see pictured here. My other daughter, Tricia, is pictured here in her wedding dress. And of course standing beside Tricia is my wife Pat. My fellow Americans, I owe it not only to these great American Presidents who preceded me in this high office, but to my family, and to you and your families, to respect and honor that oath to which I swore on the Holy Bible on my Inauguration Day. To speak personally, I just couldn't live with myself if I went ahead and shirked my duty to safeguard the security of the nation.

And that is why I have decided tonight to remain in this Office. My fellow Americans, though I respect the sincerity and the integrity of those Senators who voted earlier in the day for my removal, I find, after careful study and grave reflection, that to accept their decision would be to betray the trust placed in me by the American people, and to endanger the security and the well-being of this nation.

As you all know, there has never been an American President yet who has stepped down in the middle of his term of office because of Congressional pressure of any kind. That is something for which there is just no precedent in American history—and, let me tell you, straight from the shoulder. I don't intend to break the record my predecessors have established of standing up under fire.

You know, no one, I don't care which party he belongs to, expects this Office to be a bed of roses. If he does he shouldn't run for the Presidency to begin with. As the late President Truman put it—and you remember, Harry Truman didn't always see eye to eye on everything with us Republicans—"If you can't take the heat, you shouldn't be in the kitchen." Well, I happen to pride myself on the amount of heat I've taken over the years—some of it, as you older folks may remember, in a kitchen in the Soviet Union with Premier Khrushchev. But in the name of the American people, I stood up to Premier Khrushchev in that kitchen; and in the name of the American people, I am standing up to the Congress tonight.

Richard Nixon is not going to be the first President in American history to be removed from office by the Legislative branch. I am sure that is not the kind of President that the American people elected me to be. Frankly, if I were to give in to this Congressional pressure to remove me from Office, if I were to come on television tonight to tell you, yes, President Nixon is quitting because he can't take the heat, well, that to my mind would constitute a direct violation of my oath of office, and I would in fact *voluntarily* step down from the Presidency, out of a sense of having profoundly failed you, the American people, whose decision it was to place me in office in the first place.

My fellow Americans, during my years as President, I have as you know devoted myself to one goal above and beyond all others: the goal of world peace. As I talk to you here tonight, negotiations and discussions are being conducted around the globe by Dr. Kissinger, Secretary Rogers, and key members of the Department of State to bring peace with honor to America, and to all of mankind. These negotiations are taking place at the highest diplomatic level and necessarily in secret—but I am pleased to report to you tonight that we are pursuing them with every hope of success.

Now I am sure that no one in Congress would willingly or knowingly want to endanger the chances of world peace, for us, for our children, and for generations to come. And yet, by calling upon the President to pack up and quit just because the going is a little rough, that is precisely what they are doing. And that is precisely why I will *not* quit. I happen to care more about world peace now and for generations to come than about making myself popular with a few of my critics in the Congress. Oh, I am sure that the easier choice would be to retire to San Clemente and bask there in the honors and tributes that we Americans lavish upon our former Presidents. But I prefer to take the hard road, the high road, if that is the road that leads to the end of warfare and to world peace for our children and our children's children. My fellow Americans, I was raised to be a Quaker, not a quitter.

Now I have to say some things to you that you may not care to hear, especially those of you who try to think the best of our country, as I do myself. But tonight I must speak the truth, unpleasant as it may be; you deserve no less. My fellow Americans, I understand there are going to be those in Congress who will not respect the decision I have announced here tonight, as I respected theirs, arrived at earlier in the day. We have reason to believe that there are those who are going to try to make political capital out of what I have said to you tonight from the bottom of my heart. There are even going to be some who will use my words to attempt to create a national crisis in order to reap political gain for themselves or their party, And, most dangerous of all, there are some elements in the country, given to violence and lawlessness as a way of life, who may attempt to use force to remove me from Office.

Let me quickly reassure you that this administration will not tolerate lawlessness of any kind. This administration will not permit the time-honored constitutional principle of the separation of powers to be subverted by a disgruntled, ambitious, or radical minority. This administration intends to maintain and defend that great American tradition that has come down to us unbroken from the days of the Founding Fathers—the great tradition of a President of the United States, duly elected by the people of the United States, serving out his term in office without violent interference by those who disagree with his policies. Disagreement and dissent are, of course, in the great tradition of a democracy like our own; but the violent overthrow of the elected government is something that is repugnant to me, as it is to every American, and so long as I am President, I promise you that I will deal promptly and efficiently with those who advocate or engage in violence as a means of bringing about political change.

In order to discourage those who would resort to violence of any kind, in order to maintain law and order in the nation and to safeguard the welfare and well-being of law-abiding American citizens, I have tonight, in my constitutional role as Commander-in-Chief, ordered the Joint Chiefs of Staff to place the Armed Forces on a stand-by alert around the nation. The Department of Justice and the Federal Bureau of Investigation have also been advised to take all necessary steps to ensure domestic tranquility. The National Guard has already been notified and throughout the fifty states units are being mobilized for duty. Furthermore, state and local police have been encouraged to request whatever assistance they may require, in the way of personnel or equipment, in order to maintain law and order in your communities.

My fellow Americans, I swore upon taking this office to safeguard this nation and its citizens, and I intend to stand on my word. No one—and that includes Congressmen and Senators, just as it does the armed revolutionary—is going to tell the American people that they cannot have sitting in the White House the President they have chosen in a free and open election. And I don't care whether that President happens to be myself, President Washington, President Lincoln, or President Eisenhower. I give you every assurance tonight that the President you, the American people, elected for a second four-year term will not permit the votes you cast so overwhelmingly in his favor to have been cast in vain.

God bless each and every one of you.

Good night.

Mr. Speaker, I wish to reiterate that Mr. Roth's article is a purely fictional and speculative piece of work. This presidential address has not actually been delivered by Mr. Nixon—yet.

CONGRESSMAN PICKLE CLARIFIES IMPOUNDMENT

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. DRINAN. Mr. Speaker, my distinguished colleague, Congressman J. J. Pickle, of Texas, wrote a very informative and helpful article which appeared in the Sunday New York Times, June 10, 1973.

In the article, Congressman Pickle strips away much of the myth and distortion which is surrounding the impoundment controversy. The article provides the reader with a clear cut and balanced review of the legislative history of impoundment.

I commend this excellent and brief discussion to my colleagues:

Myth and Distortions

(By J. J. Pickle)

Washington.—During recent debate over Presidential authority to impound funds, constant repetition has almost made fact of the myth that our third President began the practice long ago. The charge is that President Jefferson refused to build fifteen gunboats to patrol the Mississippi River.

A portion, however, of his fourth annual message to the Congress (Nov. 8, 1804) reads: "The act of Congress of February 28th, 1803, for building and employing a number of gunboats, is now in a course of execution to the extent there provided for."

Similarly, research proves the undoing of nearly all the impoundment precedents paraded about these days.

In his comments (Op-Ed page May 25), Senator Hugh Scott proposed a case for impoundment which he purported to base on historical precedent, including the Jefferson incident, on constitutional and legislative authority, on common sense and on judicial ruling, or the lack of it, in this field. I believe a closer reading of the history books and the facts of the matter show none of his assertions provide the carte blanche authority for impounding of funds which the present Administration assumes.

When one reads beyond President Jefferson's 1803 message—he said he was deferring funds for building fifteen gunboats—and proceeds to his 1804 message, one finds that *defer* the money—not impound it—was precisely what he did.

A further reading into the history of the period sheds more light on the situation. Building the gunboats was Jefferson's idea in the first place—he preferred them to expensive forts and ships of war to defend our coastal cities. And he originally proposed to build 250 such gunboats. But the first ones built proved unwieldly, and changes in the international situation brought about by the purchase of the Louisiana territory gave the frugal Jefferson time to wait until more usable gunboats could be designed.

What is really important in the Jefferson gunboat incident is that he obviously felt a strong duty to inform the Congress when and why he was deferring the money and to inform the Congress again in 1804 that he had carried out its law.

Between President Jefferson and the twentieth century, only one other so-called impoundment precedent has been found—that of President Grant withholding some river and harbor funds Aug. 14, 1876. This case is most notable for its isolation. Most impoundments were so isolated and so sporadic as to weigh very little in the history of Federal spending.

Senator Scott is correct that the original theory of impoundment was rooted in common sense. If a project or program can be executed for less than the amount Congress appropriated, then no legislator, no citizen, no President would want to spend that extra money.

In 1941, President Roosevelt announced that because of the war emergency he was not going to allocate funds for any water resource project that did not have an important national defense value. In this the only case of massive impoundments until the present times, Congressional outcry was massive and bitter.

Concern by both the executive and legislative branches over the legality of wartime impoundments under President resulted in the Hoover Commission of 1949 and a recommendation that further legislation be enacted to grant the President authority "to reduce expenditures under appropriations, if the purposes intended by the Congress are carried out." Again it was emphasized the President was to have authority to save money if and only if he were still carrying out the mandates of the Congress.

The Hoover Commission report resulted in the 1951 amendments to the Anti-Deficiency Act. The language of the amendments was vague and easily stretched to read as control of the rate or tempo of program implementation. And it is only one step from controlling the rate of program implementation to controlling the achievement of the program at all, which is where we stand today.

The Administration seems to assume when the word "management" was added to the budget office this gave them clear authority to manage Federal funding even if it meant ignoring Congressional directions. A simple reading of the reorganization act and Executive order setting up the new Office of Management and Budget shows there is no such authority included there.

We have today the choice, as we did in 1951, of enacting new legislation. In that legislation we can legalize the new form of policy impoundments we see today or we can put the impoundment authority back into a historical perspective, with the Congress clearly in charge.

The decision which path we take is in the hands of the Congress and the courts.

IN DEFENSE OF THE METRIC SYSTEM

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the Committee on Science and Astronautics is presently considering legislation that would convert the United States to metric measurements under a nationally coordinated plan. Metric legislation has on many previous occasions been before the Congress, but never under such compelling conditions as presently exist. For the number of nations using the metric system has increased so rapidly in recent years that the United States is the sole remaining industrial nation that is not yet metric.

The following article appearing in the Sunday Star-News, written by staff writer John Holusha, is a very informative rebuttal to certain arguments advanced against metric, and I recommend this interesting article to my colleagues:

In Defense of the Metric System

(By John Holusha)

Fie on the metric system said J. W. Batchelder in these pages two weeks ago. The United States needs to give up its historic measuring units of pounds, feet, ounces, etc. for the metric one of meters, grams and liters as much as it needs a furlong-sized hole in its collective head.

Batchelder, we learn from the footnote of the piece is the head of an engineering establishment in Chester Depot, Vermont.

One of our natural resources has always been flinty New Englanders who puncture holes in myths, scoff at popular passions, disdain platform shoes and get right down to brass tacks.

Fortunately, we've never taken them too seriously. Otherwise we'd all still be trying to scratch a living out of rocky Vermont hillsides instead of spreading out to the breadbaskets of the Midwest and the fruit bowls of the far west and south.

Batchelder's arguments have a certain quaint charm—like roadside antique shops—but I submit they have little importance in the overall economic and technological order of things.

He feels that we should stick with the results of hundreds of years of evolution in measuring. The importunings of countless learned commissions and the apparent current mood of Congress to join the rest of the world he dismisses as "misconceptions, illusions, biased half-truths and even lies . . ."

So what if we lost some $600 million in foreign trade last year because our products were the square peg in the worldwide round hole? So what if almost the entire planet has converted to the simple system based on 10?

Batchelder's is an attitude the United States of a generation ago could comfortably indulge itself with. In those days the rest of the world was just recovering from a devastating war or fighting for independence. Our technological and economic strength was overwhelming.

But recent experience has shown the world is catching up. U.S. companies battle to keep even a part of the consumer electronics market. Our steelmakers import technology. We fight for the cheap bottom end of the photography line.

The change shows most dramatically at the supermarket checkout stand. Our food prices have gone up because the rest of the world is now affluent enough to bid for our food supplies. The message is that we must compete in the marketplace with the rest of the world as a strong, but no longer dominant, producer.

And it is hard to sell a machine designed in feet and inches in a country thinking in centimeters and millimeters.

Batchelder tells us our present units of measurement are the essence of convenience because they are honed by centuries of use. The inch, foot, mile, pound and so forth closely correspond to the size of things in everyday use, he says, even if tradition has them conforming to the size of some monarch's thumb or foot. The result, he says, is to reduce the number of digits needed to express a given dimension.

He says the meter (about a yard) is too long to use as conveniently as the foot and the liter (about a quart) too small to be as useful as a gallon.

To the extent we're familiar with the foot and the gallon, perhaps. Change is always a wrench. But what happens when we go either up or down the scale of magnitude? Oilmen found the gallon too small for their use and adopted the obscure barrel (42 gallons). What is the inherent advantage over hecto liters (about 25 gallons)?

Barrels themselves are a good illustration of the confusion inherent in our present system. Every trade which uses them, uses a different size. The beer barrel, for example, is about 31½ gallons.

What about the mile. What is sacred or even logical about the 5,280-foot mile? Even an uninitiated mind can grasp the relationship between the meter and kilometer. One is just 1,000 times longer.

Europeans have been doing just fine with meters and kilometers, grams and kilograms for generations. I doubt Batchelder would be willing to concede that the average European is any smarter than the average American.

Going the other way: The ounce (avdp.) is the smallest commonly used measure of weight in the English system which even the English are abandoning. Anyone working with small quantities is either forced to work with clumsy fractions of the ounce or convert, as all drug manufacturers have done, to expressing their weights in milligrams (one-thousandth of a gram.)

Batchelder mentions the erg, the basic metric unit of energy. He points out that a 100-watt light bulb burning for an hour uses 36,000,000,000,000, ergs of energy. To be sure, a bit unwieldy. But the modern metric system has a handy substitute, the Joule. The same bulb would burn 360,000 joules.

Of if we are determined to stay with ergs, which the modern metric system eliminates, why not 3.6 x 10 to the 11th power. Since we are working with a system based on 10, everything can be expressed by exponential notation.

To put it in words, one Angstrom unit (used to measure wavelengths of light) equals one-hundred millionth of a meter. Try that with feet, inches and miles.

Totally untouched by Batchelder are the inconsistencies and duplications of the present system that drive engineering students to drink and cooks to distraction. Why, for example, do ounces have to represent both weight ond volume. Thirty-two to a quart, 16 to a pound, what do they have in common but the name?

Similarly, pounds, Why must the same name be used for both weight and force except to confuse?

Let us not abandon our heritage, Batchelder says. "Our old system is well adapted to our needs like an old shoe. It grew to fit our requirements like bark fits trees."

Yet anyone reading newspapers knows imported shoes are driving the domestic industry to extinction and that the Japanese are using transistor radio and small car money to buy up our forests for their housing boom.

We'd better get rid of our buggy whip measuring system before the rest of the world get a 10 kilometer head start on us.

THE MENACE OF SATURDAY NIGHT SPECIALS

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. BINGHAM. Mr. Speaker, the continued manufacture and distribution of handguns, including cheap small-caliber pistols, commonly called "Saturday night specials," constitutes a pressing danger in our country. Especially in large urban areas, the easy availability of these weapons has given a strong impetus to crimes of personal violence, particularly murder, robbery, assault and battery, and rape.

I have introduced legislation which would ban the importation, manufacture, distribution, and possession of all handguns, except those used by the Armed Forces, law enforcement personnel, and members of pistol clubs. All too often, the only use of pistols in American society is in the commission of crime. Their elimination would deprive street criminals and hoodlums of a weapon which has caused innumerable tragedies across the country.

Now, the "Saturday night special" problem has begun to spread from the Nation's streets into the Nation's schools and classrooms, as students begin packing pistols instead of notebooks in increasing numbers. The proliferation and accessibility of cheap pistols is disrupting the learning process and making schools increasingly unsafe for serious students, teachers, and administrators. One essential step to help remedy this appalling situation is to legislate a nationwide ban on handguns.

The growth in the problem of pistols in our schools was underscored by an article which recently appeared in the New York Post, entitled, "Gun-Toting High School Pupils on the Rise." The report gives an indication of the magnitude of the menace nationwide, and I request that the article be reprinted in the Record.

Gun-Toting High School Pupils on the Rise

(By Terry Ryan)

Public school officials in cities across the country report a surge in case of pupils carrying and using guns in classrooms, corridors and school yards during the past year.

Most incidents occur at inner city high schools. The weapons are usually cheap, small caliber hand guns, the so-called "Saturday night specials." Officials relate the increase to the revival of juvenile gangs in some cities and the persistence of racial tension.

An Associated Press survey around the country indicated the scope of the problem:

There have been 60 gun episodes in Los Angeles schools since September. Shots from a passing car killed a 16-year-old pupil near Locke High School. The car sped into the school parking lot and three pupils were later arrested.

Fifteen handguns were confiscated last year in Atlanta schools. A 12-year-old boy, angered when schoolmates chided him for disobeying a traffic signal, got a pistol from home and opened fire on the school playground. He hit no one.

Four high school pupils, three of them girls, were expelled this month in San Francisco for carrying guns.

School officials in Topeka, Kan., took a gun from a girl who said she needed it for protection.

There were 15 school gun cases in Detroit and four in Seattle during the last year. Since September, 15 incidents were reported in New York and 16 in Kansas City.

"We have a problem and it is increasing," said Everett Copeland, security manager for Kansas City schools. "Kids carry guns for different reasons. Some say they have been threatened. Some involve extortion attempts. Some kids just say it's a status symbol."

NATIONAL STATISTICS

The problem has escalated so rapidly that national statistics are lacking. A few schools now keep records on gun incidents, but comparative figures from past years do not exist. The International Assn. of School Security Directors last year began pushing for uniform reporting procedures that would include such figures.

"There is no question about the increase," said James Kelly, who directs school security seminars for the International Assn. of Chiefs of Police. "There are thousands of cheap guns on the streets. The kids pick them up with ease. These kids have definitely moved out of the zip gun stage."

JAMES R. SCHLESINGER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. HOSMER. Mr. Speaker, some interesting sidelights on the new Secretary of Defense were noted by Ed Prina, editor emeritus of Sea Power magazine, in the June issue of that publication. Prina's comments on Secretary Designate Schlesinger follow:

The Amchitka Birdwatcher

When Pulitzer Prize-winning cartoonist Herblock omitted the Pentagon in his cartoon pointing out the centers of governmental power which had been inundated by Watergate, the inhabitants of that gigantic five-sided structure across the Potomac from Washington were rather self-satisfied about it.

Nevertheless, Watergate has cost them a new and promising Secretary of Defense.

President Nixon has called upon Elliot L. Richardson, one of his most trusted troubleshooters, to become Attorney General and has nominated James R. Schlesinger to succeed him as boss of the military establishment.

If, as assumed, Schlesinger is approved by the Senate, he will be the third Secretary of Defense in approximately four months. Richardson succeeded Melvin R. Laird January 30.

Who is Schlesinger? Well, he is a 44-year-old Harvard-educated economist and a New York native who brings unusually wide range of pertinent expertise and experience to the position.

As this is being written he is still serving as head of the Central Intelligence Agency, having taken over that sensitive post in February. Before that he was chairman of the Atomic Energy Commission. In each assignment he had close contacts with the U.S. military establishment.

TOUGH AND BRIGHT

But that's just part of the story. He joined the Nixon Administration in 1969 as a top official of the Bureau of the Budget and, when that agency was absorbed into the new Office of Management and Budget, he became an assistant director of OMB. In the latter post, he rode herd on the Pentagon's budget.

For the six years prior to his arrival in Washington, Schlesinger, a slim six-footer who is regarded as "a very bright and very tough" administrator by Washington observers, worked for the Rand Corporation, a California-based think tank that once employed Daniel Ellsberg.

Schlesinger was a senior staff member and director of strategic studies at Rand from 1963 to 1969 and, at one point, served as project leader of a study for the U.S. government on nuclear proliferation.

Rand contributed a number of systems analysis "Whiz Kids" to the Defense Department in the era of Secretary Robert S. McNamara (1961–68). In those days the systems analyst was treated as a member of an elite corps, although a substantial number of their critics charged they exerted a lopsided influence on major decisions to the detriment of the military input.

When Laird became Defense Secretary in 1969, he began to reduce the role of the Whiz Kids, preferring to use systems analysis as a management tool rather than as a policy-making exercise.

A SYSTEMS ANALYST

Not long after Richardson took office, he downgraded systems analysis even further. He abolished the post of Assistant Secretary of Defense (Systems Analysis) and created the lesser office of Defense Program Analysis and Evaluation.

Now comes Schlesinger, something of a systems analyst himself, as top dog at the Pentagon. Will the S/A make a comeback? Perhaps. No one, however, is yet predicting a return to the salad days of the Whiz Kids.

In 1960, when the pipe-smoking Schlesinger was 31, he wrote a book entitled "The Political Economy of National Security." It was mainly a discussion of the role of systems analysis in relation to political decision-making.

Schlesinger, who was a consultant to the Naval War College in Newport, R.I., in 1957, is not one to hide his light under a bushel.

With all the modesty a Phi Beta Kappa, *summa cum laude* Harvard graduate can muster, he personally approved a CIA biography which noted his "special expertise" in energy, politics, and national security.

The Secretary-designate brings another distinction to the Pentagon. He probably has been closer to a major-sized nuclear explosion than 99.9 per cent of the men in Uncle Sam's armed forces.

Showing a gutsy side, he elected to take his wife and two of his eight children to Amchitka Island in November 1971, when he was chairman of the AEC, to be present when the controversial Cannikin nuclear weapon test was conducted.

ALEUTIAN TEST

Environmentalist groups had predicted dire results for the "less than five-megaton" (equivalent of nearly five million tons of TNT) test. Some said there would be tidal waves and earthquakes and the loss of much animal life.

But Schlesinger, asserting that he had been convinced the test could be carried out safely, decided to demonstrate his faith in a direct way.

The blast, the purpose of which was to prove out the warhead for the Spartan anti-ballistic-missile weapon, went off without a hitch. There were some expected sea otter fatalities, and that was about it.

A 7 a.m. to 7 p.m. worker (much of the time with his shirttail out), Schlesinger doesn't get much time to pursue one of his favorite hobbies—birdwatching—these days. When they get a chance, he and his wife, the former Rachel Mellinger of Springfield, Ohio, grab their binoculars and head for a walk in the woods to spot their feathered friends.

COAST GUARD RESERVISTS CALLED UP TO ASSIST IN DISASTER RELIEF ACTIVITIES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 11, 1973

Mr. CONTE. Mr. Speaker, during the recent disasterous flooding in the Mississippi River Valley, an historic action was taken by Secretary of Transportation Brinegar.

Secretary Brinegar made an involuntary call-up of the Coast Guard Reserve to assist in disaster relief activities. This is the first time that there has been an involuntary call-up of the reserve for a peacetime mission since the Reserve was given its peacetime mission in 1972.

The Coast Guard Reserve members did a very fine job in carrying out their mission during the flooding, and I believe they deserve the very highest commendation. I know that they have certainly earned the gratitude of the victims of the flood that they helped.

I wish to insert the following article from the May 1973 issue of the Coast Guard Reservist which describes the work done by these Reservists during this disaster. I believe that this is only the first example of the fine service the Coast Guard Reserve will give to the citizens of our country with their peacetime mission:

RECALLED UNDER INVOLUNTARY CALL-UP LAW—COAST GUARD RESERVISTS ACTIVATED FOR FIRST TIME TO AID IN CONTAINING FLOOD-SWOLLEN RIVERS IN SECOND DISTRICT

Coast Guard reservists, called to involuntary emergency active duty for the first time, joined with Regular Coast Guard and National Guard forces in battling the swirling flood-waters of the Mississippi and Missouri Rivers that covered more than seven million acres from Iowa to Louisiana early in April.

The reservists helped evacuate families from homes along the river systems, ahead of rising water that left more than 5,000 families homeless. At least 19 persons died as a result of the more than $150 million rampage of the nation's longest river.

Coast Guard Reserve personnel were deployed in West Alton, Arnold, South St. Louis County, Cape Girardeau and St. Genevieve, Missouri, the area hit hardest by the flooding. Relief activities consisted of evacuations, police assistance and support activities and helping control traffic in the area to minimize wake damage.

Reservists also assisted in manning oil control booms and supervising oil clean-up after the flood waters emptied a 10,000 gallon waste oil storage pit.

Reservist-manned small boats provided transportation for National Guard security teams, who were stationed in the evacuated areas to prevent looting.

In addition to the evacuation responsibilities, reservists loaded sandbags onto Coast Guard boats, and delivered them to points along the flood-swollen rivers to shore up dikes and contain the surging waters. Reservists also manned levees, operated flood relief boats and took part in rescue operations.

Transportation Secretary Claude S. Brinegar authorized the call-up after receiving approval from President Nixon to activate three Second District Organized Reserve Training Units. The action was taken under a law approved last October permitting Coast Guard reservists to be involuntarily recalled to assist in operations made necessary by natural disasters or emergencies such as that created by the floods.

"A request for the action was transmitted to me by Admiral Chester R. Bender, Commandant of the Coast Guard, after it became apparent that Regular Coast Guard personnel working in the flooded area were being overtaxed," Secretary Brinegar said in announcing the call-up.

Regular Coast Guard personnel had been working in the Missouri-Illinois flood areas since the last week in March with only short periods of relief prior to the activations of the Reserve forces.

"Today's action will provide relief for those Regular units and increase the capability of the Coast Guard in the flooded area," the Secretary said at the time of his announcement. "The need for additional action will depend on the progress of the floods."

The reservists were called to emergency active duty on 4 April to serve in the flood-torn areas, where Regular forces already were overtaxed by the severity of the situation.

This marked the first time the emergency call-up legislation, which is unique to the Coast Guard Reserve, had been used.

Approval was received to mobilize a unit in Peoria, Illinois, and two units in St. Louis. In all, authorization was approved to activate up to 143 reservists. However, the Second District recalled only 53 men from the two St. Louis units for duty in the St. Louis area.

Vice Admiral Thomas R. Sargent III, Vice Commandant, arrived on-scene from Washington Headquarters during the height of the crisis to survey the flood-stricken areas and to assess emergency operations

In addition to those called to emergency active duty, many reservists volunteered to assist in the flood relief operations. Those who were mobilized were screened first to eliminate any reservists already working on flood control, such as policemen and firemen.

Under the call-up legislation, which the President signed on 9 October, reservists are limited to 14 days of emergency active duty in any four-month period, or a total of 30 days in any one-year period. The emergency duty is substituted for active-duty-for-training on a day-for-day basis and those serving on emergency active duty are entitled to all benefits normally accrued by reservists on other types of duty.

In his report on the flood relief activities, RADM SILER, Commander, Second Coast Guard District, commended the reservists for their professionally outstanding and invaluable service.

"Their efforts were without exception outstanding," the admiral said of the reservists. "All reports indicate a high degree of enthusiasm and excellent espirit. Working with Regular members or as individual members, these Coast Guardsmen exhibited an unflagging zeal for the job at hand."

Not all of the Reserve activities were confined to the St. Louis area.

In Yazoo City, Mississippi, volunteer reservists joined wtih Regular Coast Guardsmen, National Guardsmen and civilian volunteers in flood relief operations after a dike gave way on the Yazoo River causing flooding in several areas.

At Louisville, reservists helped to man a traffic control system for towboats operating on the Ohio River. As in other parts of Western Rivers, maneuvering a towboat and a number of large barges is exceptionally difficult during flood conditions.

SENATE—*Tuesday, June 12, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, look upon us in mercy at this hour of our history when life is torn by strife, blighted by the misuse of power, tarnished by human failure, and the holy vision of Thy kingdom has been dimmed. Pardon us for imputing sin in others unless we have been cleansed. Forgive us if by small vision and little concepts we have failed to do Thy complete will.

O God, heal the brokenness of the Nation. Erase the cynicism. Replace fear with faith in Thee and in one another. Keep out of our lives the rancor, the hate, the vindictiveness, the selfishness which lays waste to life, and thwarts the doing of Thy will.

Grant Thy grace this day to the President and all our leaders. Impart to them that deeper insight and that loftier courage which enables them to act not alone for today, but for the new and better day which is yet to be.

Through Him, who is our Leader and Redeemer. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4083. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes;

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia;

H.R. 6713. An act to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes; and

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the District of Columbia:

H.R. 4083. An act to improve the laws relating to the regulation of insurance in the District of Columbia, and for other purposes;

H.R. 4771. An act to authorize the District of Columbia Council to regulate and stabilize rents in the District of Columbia;

H.R. 6713. An act to amend the District of Columbia Election Act regarding the times for filing certain petitions, regulating the primary election for Delegate from the District of Columbia, and for other purposes; and

H.R. 8250. An act to authorize certain programs and activities of the government of the District of Columbia, and for other purposes.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 11, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENSION OF TIME FOR CONDUCTING REFERENDUM WITH RESPECT TO NATIONAL MARKETING QUOTA FOR WHEAT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 189, S. 1938.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 1938 to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 336 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following: "Notwithstanding any other provision hereof the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974, may be conducted not later than the earlier of the following: (1) thirty days after adjournment sine die of the first session of the Ninety-third Congress; or (2) October 15, 1973.".

CAMBODIA

Mr. MANSFIELD. Mr. President, this is the 99th day, I believe, of the continuous bombing of Cambodia. It has been 99 days too long.

I note in this afternoon's newspaper that Prince Norodom Sihanouk, who was deposed as a result of a coup almost 3 years ago, has offered to negotiate a peace agreement with the United States for Cambodia. However, the United States has turned down this offer—and the bombing continues. People are killed and wounded and shattered, the number of refugees is increased—and the bombing continues.

Mr. President, the legal ruler of Cambodia is Prince Norodom Sihanouk. He was so recognized in that capacity by President Nixon 3 years ago. He is the only man, in my opinion, who can bring peace and stability and neutrality to Cambodia. In my further opinion, he has the support of the overwhelming majority of the people of that unhappy, that sad nation.

I understand that Prince Sihanouk, not once but several times, has indicated that he would be prepared to negotiate with the United States, but that we have told him he has to negotiate with the government at Phnom Penh under the leadership—and I use the word advisedly—of Lon Nol.

Prince Sihanouk, if this information is correct—and I think it is—called for the establishment of diplomatic relations between the United States and his Royal Government of National Union of Cambodia.

Mr. President, this unhappy and unnecessary chapter of the war in Southeast Asia should, and must, be brought to an end. The Cambodians are a peaceful people. All they want to do is determine their own destiny and to plan their own future.

I would hope that this offer which has been turned down by the United States would be reconsidered. I would hope that Prince Norodom Sihanouk would be returned as the Chief of State of Cambodia. I would hope that we would be aware of the fact that of all the political leaders in Southeast Asia, Prince Sihanouk was in many respects the most outstanding. He had to walk a tightrope to keep his country neutral, to keep his country out of war. I know that he has been laveled many things, because he happens to be interested in music, because he is a composer, because he is an actor, and because, it is said, that he has been a playboy.

What overlooked in this labeling is the important thing, which is that he has been an outstanding leader, good for his people.

If we want peace in Cambodia, the answer, in my opinion, is the return of Prince Sihanouk to control. The answer can be achieved, I believe, if this country will consider the offers made voluntarily, not once but several times, by Prince Sihanouk to achieve peace in that unhappy land and, at the same time, to bring about a reestablishment of diplomatic negotiations.

The time is long overdue. Ninety-nine days of continuous bombing are 99 days too many. The costs have been too heavy on the Cambodian people, and the costs are too heavy on the people of the United States.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, other than to speak briefly on the subject, I cannot profitably continue to make a defense of the bombing of Cambodia. But I do caution that the last time we tried to supplant a government in power was in South Vietnam, with the regime of President Diem; and look where we got. So I do not think we ought to be a party to the planting of any other regime in Cambodia or any where else. I think that is a matter for the people of Cambodia, who are being slaughtered by other Cambodians and by the North Vietnamese.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. I understand the concern of the distinguished minority leader. I, too, would like that the people of Cambodia have an opportunity to determine whom they would wish to rule their country. If they were given that opportunity, Prince Norodom Sihanouk would be their choice.

I may say, also, that I was one of the very few who found fault—great fault, to put it mildly—with the assassination of Ngo Dinh Diem, because he sought to be a good ruler of his country. He had been elected by the overwhelming majority of his people. I think the tragedy in Vietnam can be related directly to the fact that Ngo Dinh Diem was assassinated in 1963, because with his assassination the war began in earnest, and our costs and involvement both deepened.

Frankly, I do not think that Lon Nol represents the people of Cambodia; and I think he is being propped up only by this government and only by the use of B–52's and fighter bombers.

Mr. SCOTT of Pennsylvania. Mr. President, I really want to talk on another subject, if I can get the time.

I pretty generally agree with what the distinguished majority leader has said about Ngo Dinh Diem, but I still do not see how we can supplant a government in Cambodia. We can stop what we are doing; but when we stop that, there still remains the question of the right of self-determination by the people of the Khmer Republic. To decide that, I think no one knows at this point who supports whom or how many people support one contender as against another.

I think we both can agree, however, that we ought to stay the hell out of these countries altogether, so far as interference with their internal affairs is concerned, and I have felt that way for a considerable time.

THE BREZHNEV VISIT

Mr. SCOTT of Pennsylvania. Mr. President, I am distressed and disappointed in the proposal put forward by some that we suspend the coming Brezhnev visit because of the supposed unsuitability of the timing.

I am distressed at this theme because it falls prey to the temptation to seek partisan advantage from the current Watergate affair at the expense of a considered judgment of true national interest.

This criticism demonstrates also a fundamental misunderstanding of summit doplomacy as conducted by the President, the Secretary of State, and Dr. Kissinger. If one had only memberies of the ill-prepared and ill-fated summits of Vieunna or Glassboro, then hesitation would be understandable. But this administration has made of summitry not a practice of theatrics and atmospherics, but a meeting at the highest level to consummate exhaustive preparation and negotiation on specific and detailed matters of the highest international importance. I need not recite to this body the historic accomplishments that were brought to fruition in the meetings of President Nixon with the leaders of the world's great powers.

The coming Brezhnev visit is intended to be the epitome of more than a year's arduous preparation. Its product will almost certainly be solid progress in improving U.S. relations with the Soviet Union and a strengthened détente. While we cannot expect the breathtaking announcements flowing from earlier summits, the coming meeting may be of greater historic importance.

It is naive to suggest, as this criticism does, that such historic developments are to be subject to the ebb and flow of domestic political tempests.

It is not only naive but unfortunately partisan to think that our Chief Executive has been disabled in his power and responsibility to conduct the foreign relations of the United States because of the allegations against some who have held office in his administration.

Mr. President, there are great opportunities in the coming summit, opportunities to improve the lot of Soviet Jewry, to increase the flow of information and of people between our great countries, to make progress toward greater trade to our mutual advantage, and most important, opportunities to take further steps along the road of strategic detente and arms control—the only realistic road to real peace.

Let history show that the Senate of the United States was a source of creative support for this historic new era in United States-Soviet relations.

Great events require wise cooperation in the processes of negotiation and agreement.

The meeting should proceed. The meeting will proceed. The time to improve relations is now, not in the vague future.

WHY THE BREZHNEV VISIT SHOULD TAKE PLACE ON SCHEDULE

The time is right—

The return visit is taking place on schedule, which is indicative of our mutual determination to continue the positive trends in United States-Soviet relations over the past year.

It was always envisaged that the visit would take place in 1973. The visit was announced after it became clear from the advance planning that the time was ripe and it would be productive.

We can be confident of our relative strength—

There is nothing in the Soviet reaction to our domestic political situation that would indicate Brezhnev believes he is in a better position to extract concessions—the Soviet press has virtually ignored Watergate.

We have strong and reliable allies, who support the policy of détente as we do.

U.S. trade and credits, which serve our own economic interests, are important to Soviet economic development.

A visit now can have positive benefits—

It can give the SALT talks needed momentum.

It can stimulate progress toward additional mutually beneficial cooperation.

It can reinforce our mutual commitment to improve relations.

Our approach is realistic—

The President is committed to carefully prepared summits and to negotiating agreements on their merits.

His method is to build our new relationship with the U.S.S.R. on "objective" factors reflected in a pattern of concrete achievements, not on superficial summit atmospheres.

He recognizes that agreements must be in our mutual interest to be lasting.

Postponement would be counterproductive—

To postpone the visit would suggest a weakness in the U.S. international position which does not in fact exist.

It could needlessly destroy international confidence in our ability to carry out an active foreign policy.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I yield.

Mr. MANSFIELD. Mr. President, I am in wholehearted accord with what the distinguished minority leader has said. An invitation was extended almost a year ago. That invitation was accepted many months ago.

So far as President Nixon being taken in by the General Secretary is concerned, I certainly place no credence in such a thought. I do not believe that either will be taken in, because they will be negotiating on a realistic basis.

I hope that out of this meeting will come something good in the way of better trade relations, something good in the bettering of the conditions of Soviet Jewry, and something good in the bettering of mutual relations between the two nations, each of which holds the power within its scope to annihilate the rest of the world.

It is too late to withdraw an invitation accepted in good faith. I wholeheartedly support what the distinguished minority leader has said on this occasion relative to the coming visit of Brezhnev.

Mr. SCOTT of Pennsylvania. I am most grateful to the distinguished majority leader for those remarks.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BIDEN). Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

IN DEFENSE OF THE SENATE SELECT COMMITTEE

Mr. ROBERT C. BYRD. Mr. President, yesterday, in St. Louis, Vice President AGNEW expressed criticism regarding the televised hearings currently being conducted by the Senate Select Committee, chaired by Senator SAM ERVIN.

The Vice President listed seven procedural safeguards which, in his words, are critically lacking in the committee hearings. They are as follows:

First. No right of cross-examination by persons accused or named by witnesses.

Second. No representation by counsel of persons accused or named in testimony.

Third. No guarantee for persons accused or named in testimony to rebut such testimony.

Fourth. No opportunity for persons accused to introduce evidence to impeach an accuser's credibility.

Fifth. Hearsay evidence is admissible.

Sixth. Testimony as to inferences, impressions, and speculations is permitted.

Seventh. Cameras are not prohibited.

With all due respect to the Vice President, while he makes a distinction between the Watergate hearings and a judicial trial, he, nevertheless, proceeds to treat both as one and the same and, in so doing, applies the same procedural tests to the legislative hearings as are required in a judicial trial.

The impression to be conveyed is that the Ervin committee should be guided by the same rules of judicial procedure as would a court of law, and that the televised hearings will jeopardize the achievement of truth and justice.

As one of the unanimous body of Senators who voted to establish the Ervin Select Committee To Investigate the Watergate, I am constrained to take issue with the Vice President in this instance, and I do so notwithstanding my great personal respect and esteem for him.

In the first place, no committee in the history of the Senate has ever conducted hearings—public or private—in accordance with the same rules that govern all of the procedures of a court of law. They are not required—it not being the function of a congressional committee to determine innocence or guilt—and to require that the procedural rules of a law court be followed would be to so restrict the committee as to prevent it from performing its proper legislative function of freely eliciting the information necessary to form a basis for appropriate legislation.

Moreover, the committee is bipartisan, and it has conducted its duly authorized business thus far in a judicious, dignified, impartial, and fair manner.

I do not entertain the slightest doubt that any person accused or named by a witness in the hearings would himself be accorded the opportunity to appear before the committee to testify and supply evidence in his own behalf if he were to so request of the chairman.

A heavy responsibility rests upon the Congress, as the elected representatives of the people, to inform the people regarding matters affecting them. In fact, as that eminent student and exponent of constitutional government, Woodrow Wilson, correctly stated:

> The informing function of Congress should be preferred even to its legislative function.

It is vital to the proper functioning of a government of and by and for the people that those who are governed be as fully informed as possible regarding the actions of those who have been chosen to govern, especially when certain actions have been brought into serious question. The "rule of law," referred to by the Vice President, can only be preserved and nurtured in the protective soil of knowledge and in the clear sunlight of truth.

The great English statesman, Edmund Burke, said, in 1784—

> The people never give up their liberties but under some delusion.

An informed public opinion is the best safeguard against the public's self-deception and delusion, and the committee, by conducting televised public hearings, is performing one of the great functions of constitutional government. For an informed people will always be a free people.

The Vice President expresses the fear that television's incandescent presence tends to impede the search for justice by creating "a swelling flood of prejudicial publicity that could make it virtually impossible to select an impartial jury when and if new indictments are returned in the Watergate case." Methinks, the Vice President doth protest too much. If Jack Ruby, after shooting Lee Harvey Oswald in full view of scores of millions of television viewers, could get a fair trial by an impartial jury; if Sirhan Sirhan, physically overcome by Rosie Greer in full view of shocked millions following the shooting of Senator Robert Kennedy, could get a fair trial before an impartial jury; surely it will not be impossible to select an impartial jury in a far less dramatic and less emotional case involving Watergate offenders.

The Vice President expresses his "earnest personal belief" that the Senate hearings "can hardly fail to injure" the court proceedings, and he proceeds in the same breath to state, as though it were a fact, that "every American citizen should understand that." The truth of the matter is that a frustrated, but courageous trial judge—Judge Sirica—expressed the fervent hope that a congressional committee would uncover all the facts and the whole truth of Watergate—something the court had been unable to do. Where was the Vice President when Judge Sirica publicly expressed himself thusly? Did the Vice President speak out on behalf of justice at that juncture? If he did, I failed to note it in the press.

The Vice President speaks of the "Senate's trial of the Nixon administration before the court of public opinion," and he says that, in the Watergate hearings, "the American people have been cast as the ultimate jury by Senator Ervin and his colleagues." Mr. President, it ill behooves the Presiding Officer of this body to seek to characterize the work of the Senate select committee—made up of both Republicans and Democrats—as a "Senate trial of the Nixon administration." This is a distortion on its face. It is not to be denied that the Nixon administration is, indeed, on trial; but it is not by the Senate so much, as it is by the American people. Perhaps it is this fact that is at the bottom of the Vice President's speech and that most troubles him.

Mr. President, the American people are "the ultimate jury." But this would be true even if there were no Ervin committee. The public can no more escape the scandal than can the Government officials who fear it. Watergate is inescapable. What is involved is a violation of public trust, and a deep and pervasive misuse of power. The verdict of the jury of the people is ultimately unavoidable.

The sooner the Vice President and the rest of us understand that Watergate will not be papered over, and the sooner those who know the truth come forward and tell the truth, the sooner the verdict will be reached and Watergate put behind us.

In the meantime, the Ervin committee and the courts should continue their work. The rest of us—Democrats and Republicans alike, regardless of our station in life—can best aid in the search for truth by restraining the impulse to criticize legally constituted and duly authorized bodies that are conscientiously endeavoring to carry out their constitutional duties.

If they fail, there will still be time in which to criticize them. But let not such failure be because we threw obstacles in their paths.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes, I yield.

Mr. MANSFIELD. Mr. President, I commend the distinguished assistant majority leader for the statement he just made. In effect, he has pointed out in answer to the speech yesterday of the Vice President, the Presiding Officer of this body, that there is an inherent responsibility in this matter insofar as the Senate is concerned. He has pointed out that there is a division between the judiciary, the executive, and the legislative branches of Government—a division that in my own judgment must be preserved and augmented.

This Senate unanimously created the Ervin select committee and this Senate fully supports that committee in its endeavors. In fact, the committee is constituted under, serves and functions by the mandate overwhelmingly approved by this body.

May I say I was pleased to note that Judge Sirica, just this morning, indicated with his ruling that the Senate does, indeed, have responsibility in this matter. His ruling was handed down in the face of a contrary position urged by the prosecutor in the case who, in my judgment, would deny to the Senate rights and responsibilities essential to the investigation now underway.

Mr. President, may I say further that the members of the Senate committee, Democrats and Republicans alike, have conducted themselves with integrity, with impartiality, and on an entirely nonpartisan basis. The American people are entitled to the truth and the American people will obtain the truth. They will get it not only through the courts and the grand juries, but also through the proceedings being undertaken by the Senate committee.

There is one interesting historical footnote that is applicable. In the early 1920's there was the so-called Teapot Dome scandal. There were two prosecutors then, Owen J. Roberts, a Philadelphia lawyer who later became a Justice of the Supreme Court, and former Senator Atlee W. Pomerene, of Ohio. There was also a Senate committee that investigated the Teapot Dome situation, chaired by one of the most distinguished Senators ever to have served this Republic in the person of Senator Thomas J. Walsh, of Montana. It was not the prosecutors who presented the evidence which sent Mr. Fall to jail and brought indictments against others, but it was Thomas J. Walsh and a Senate committee. I would expect Senator Sam Ervin, of North Carolina, a worthy successor to Thomas J. Walsh, to achieve the same success in this instance, insofar as laying out the facts and informing the people are concerned to the end that the people then will be able to render the final judgment.

I think this is a superb, nonpartisan committee, peopled by men of great integrity and men trying to do a good, fair, impartial job. They bring credit to the Senate.

Mr. ROBERT C. BYRD. I thank the majority leader.

Mr. SCOTT of Pennsylvania. Mr. President, will the assistant majority leader yield?

Mr. ROBERT C. BYRD. Perhaps the able Senator will seek recognition in his own right. My time has expired.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT of Pennsylvania. Mr. President, I have no criticism of the Ervin committee to perform a fair, unbiased, and nonpartisan job. My only concern is to be absolutely sure that we are all being totally fair to everyone who expresses an opinion in these matters.

I noted in the Vice President's speech that he raises an interesting question which we should always bear in mind, and which I am sure the Ervin committee is bearing in mind, and that is that in the search for truth and justice, that this search is interdependent, that in seeking for the truth, justice must be done, and in doing justice only the truth will serve.

That was reflective reasoning offered by the Vice President. I think it was quite wrong to have headlines that the Vice President had blasted the Ervin committee. I appeal again simply for simple justice—probably the rarest commodity in Washington, just simple justice.

If anyone reads the Vice President's statement, he did not blast the Ervin committee. He pointed out problems involved in the search for truth and justice. I hope that I will not be characterized in some report of what I have said, if I am lucky enough to have it reported, as having blasted anybody.

I think the Ervin committee is doing an excellent job. I have the highest regard for all of them. They have my assurance that I will in no way interfere with the processes of their investigation. I think the country has confidence in them and I am most anxious to be sure that when anyone makes fair comment in this country on a subject greatly in the public mind, that it should not be derrogated to the point where it is presumably beyond belief by having the headlines state that the Vice President said thus and so.

This tends to cause people not to read the speech. The speech was carefully constructed. It was logical, it was reasonable. He was entitled to his point of view. There may be a number of Senators who do not agree with his point of view, but all I urge is that people read speeches if they are going to criticize them, and that people make judgment on the basis of what is said rather than what is expected.

Of course, I do not make this speech in any sense in criticism of the assistant majority leader. He did not do that. I am referring to the way the speech was reported. The distinguished assistant majority leader is pointing out the right of the Ervin committee to proceed. I am pointing out that they are doing a good job and I am not urging them to follow a different course. But I think a careful reading will indicate that the Vice President's speech was fair, reasoned, logical, and he expressed a point of view, and the distinguished Senator from West Virginia noted, he has a different point of view. Let us let these points of view compete with each other in the marketplace of public opinion without having the essential integrity of the statement impugned by the way it is carried.

Mr. MANSFIELD. Mr. President, will the Senator yield.

Mr. ROBERT C. BYRD. I yield.

Mr. MANSFIELD. I agree. I read the speech; I read it several times. It was reasonable, it was logical, it did raise a point of view with which I differ; but certainly I find no fault with the Vice President for expressing his personal view.

I only think in rebuttal that those of us who differ in this respect have the same right to express our views, and to once again express our full confidence in the committee which the Senate created and which I think is doing such an outstanding job. But the speech was logical and reasonable. I find no fault with the speech itself; I just have a different point of view.

Mr. SCOTT of Pennsylvania. I am just making the point because in some quarters if the Vice President were heard to be saying, "Hand me a towel," there would be articles written to the effect that he is now trying to aid the textile industry.

Mr. ROBERT C. BYRD. Mr. President, I share the viewpoint of the disinguished majority leader and the distinguished minority leader. I think the speech of the Vice President was a very well reasoned speech, and I appreciate his point of view. I do think, however, that it is wrong to contend that the Ervin Select Committee is bound, or ought to be bound, by any procedural rules that govern the actions of courts of law or that by utilizing such rules the committee could perform its proper legislative function. The Senate commissioned the committee to do the work that it is doing, and I think it is doing an excellent job, as I have indicated. Senators on both sides of the aisle are represented on that committee.

They are acting in a fair, judicious, and impartial manner. I just think that the record ought to be straight with respect to the use of rules that govern the proceedings of a court of law and any attempt—well intentioned though it is—to convey the suggestion that, because the committee does not follow such rules, it is going about its business in the wrong way.

The Senate commissioned the committee to act, and I think it behooves the Senate to stand up and defend the actions of the creature that it created as long as that committee is doing its job in a conscientious, sincere, dedicated, and effective manner.

Mr. President, I ask unanimous consent that the speech of the Vice President, in its entirety, be included at this point in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES

The Scripture tells us, "To every thing there is a season." The season of summer, in television, usually brings little but reruns and unknowns in place of regular stars. But this summer it's *different*. Somewhere on your TV dial, morning, noon, and night for the next several weeks or even months, you will be able to find a gripping drama—the Senate investigation of that web of crimes and controversies that has come to be known as Watergate.

Let me say at the outset that as entertainment these hearings have undeniable audience appeal. And I do not doubt that they are sincerely motivated as to legislative fact-finding and public education. But the point which many people have now begun to question is whether this is the right time for the Senate hearings to be going forward.

One of the Senate's most respected elder statesmen, Sam Ervin of North Carolina, the eminent constitutionalist and civil libertarian who heads the Watergate Committee, was asked not long ago if the hearings might not jeopardize the judicial proceedings—a point that Special Prosecutor Cox himself has now publicly raised.

The Senator answered, and I quote, "It is much more important for the American people to find out the truth about the Watergate case than to send one or two people to jail."

This statement brings us to the heart of the current concern over whether prosecutors and juries or Senators and network TV crews should be in the lead on this Watergate investigation. Let's probe a little further into the implications of the thinking of my esteemed friend, Chairman Ervin.

Getting the truth out into the open, he says, is more important than just jailing people. I could not agree more. Jailing the convicted criminal is only one part of what justice is all about. Justice in its deepest meaning involves the assurance that we live in a society where the individual is truly free; the confidence that we are ruled by a government of laws, not of men; and the demonstrated proof that innocence and guilt alike are rewarded or punished as they deserve.

There can be no justice without public trust, and there can be no trust without a systematic and thorough airing of the whole truth about affairs that concern us all.

I cannot agree, however, with the suggestion that determining the truth and convicting the guilty are two entirely separate processes, one for the Congress to pursue and the other for the courts. The truth itself is what a court relies upon in deciding whether to convict or acquit a defendant. And because human freedom, fortune, reputation, and in some cases life itself hang in the balance with the making of that decision, our judicial system has developed the most careful procedures that exist anywhere in our whole society for testing and verifying checking and double-checking, the truth about what men did or did not do and why.

Justice Felix Frankfurter once wrote, ". . . the history of liberty has largely been the history of the observance of procedural safeguards."

How very pertinent his observation is to us as the Watergate story unfolds. What is critically lacking, as the Senate Select Committee does its best to ferret out the truth, is a rigorous set of procedural safeguards.

Lacking such safeguards, the Committee, I am sad to say, can hardly hope to find the truth can hardly fail to muddy the waters of justice beyond redemption.

Some people have argued that rules of evidence and guarantees of due process don't matter so much in the Ervin hearings because nobody is really on trial up there. The mission of the hearings, this argument runs, is purely one of information gathering. But Chairman Ervin himself has suggested otherwise. "My colleagues and I are determined," he said on the day the hearings began, "to uncover all the relevant facts . . . and to spare no one, whatever his station in life may be."

To me, ladies and gentlemen, the phrase "spare no one" sounds very much like an adversary process, a trial situation. There is no escaping the fact that hearings have a Perry Masonish impact. The indefatigable camera will paint both heroes and villains in lurid and indelible colors before the public's very eyes in the course of these proceedings. This is essentially what is known in politics as a "beauty contest" and the attractiveness and presence of the participants may be more important than the content of the testimony. Particularly disturbing are the compliments to some witnesses and the stony silence accorded others at the close of their testimony.

There is no question whatever that some men despite their innocence will be ruined by all this, even though I am sure that the Senate intended nothing of the kind when it commissioned this investigation.

That is why it ought to concern all of us that in at least seven basic ways, the orderly procedures by which facts are elicited and verified in a court of law are lacking each morning when Senator Ervin's gavel comes down and the Senate's trial of the Nixon Administration before the court of public opinion resumes. These departures from the rules of fair play—rules fundamental in Anglo-American jurisprudence—occur not by the malice of any individual or the design of any faction, but simply by the nature of a legislative hearing as compared to a courtroom proceeding. But they are no less troubling to fair-minded observers for that reason.

Let's examine these seven missing safeguards:

1. *In the Senate hearing, there is no absolute right of cross examination afforded the persons accused or named by a witness.*

Thus there is no opportunity to test the accuracy and veracity of a hostile witness. The right of cross examination is a basic right in a judicial trial. This right is particularly important when a witness himself stands accused or already convicted and hence has a motive to implicate others to mitigate his own offense or to exonerate himself. To get at the truth, it is vitally important that each individual not only have an opportunity to present his own version of the facts, but that he also submit to vigorous cross examination by those opposite him in the adversary proceedings.

2. *In the Senate hearing, the right of persons accused or named in testimony before the Committee to be represented by counsel is severely abridged.*

The defendants' right to representation by counsel in a criminal trial is guaranteed by the Constitution itself. At the Senate hearings, in contrast, witnesses may have counsel at their side for advice only; their lawyers can take no active part in the colloquy among Committee, staff and witnesses.

3. *In the Senate hearing, there is no firm guarantee of an opportunity for persons accused or named by a witness to rebut that testimony by calling other witnesses or introducing other evidence; there is not even a formal assurance that the accused person himself will have a chance to testify.*

The right to rebut testimony is fundamental to a fair trial, and yet is being observed in only the most casual way in the Watergate hearings. James McCord, for instance, made a number of charges against his former attorney, Gerald Alch. Mr. Alch had not been scheduled as a witness, and it is unclear whether the Committee ever would have called him had he not happened to be immediately available and demanded a chance to speak. Thus we might never have heard Mr. Alch contradict Mr. McCord—and the public might never have known that James McCord has possibly perjured himself before the Committee.

4. *In the Senate hearings, there is no guarantee of an opportunity for persons accused or named by a witness to introduce evidence which tends to impeach the accuser's credibility by establishing bias or interest on the part of the person making the accusation.*

Such an opportunity is available in every judicial trial and should also be guaranteed in the Watergate hearings, especially when we are dealing with people whose jail sentences may depend in large measure on what they tell the Committee.

5. *In the Senate hearing, unlike a trial, the witness is permitted to introduce hearsay evidence.*

Even though the Chairman has in good faith repeatedly emphasized that hearsay testimony is not receivable as truth, it is difficult for tens of millions of viewers to disregard what they have just heard.

As Justice Jackson said in an opinion on the 1949 case of *Krulewitch v. U.S.*, "The naive assumption that prejudicial effects can be overcome by instructions to the jury . . . all practicing lawyers know to be unmitigated fiction . . ."

In the Watergate hearings, the witness is not only permitted to give hearsay but positively encouraged to do so. When a witness testifies to what some third party told him, he frequently is then asked to elaborate on details of the hearsay statement and pressed to say whether his informant mentioned still other persons. The effect of such lines of questioning is to strengthen the public's erroneous impression that the rumor and hearsay can be considered as reliable evidence.

6. *In the Watergate hearings, the witness is permitted to testify as to his inferences, his impressions, even his speculations.*

In a judicial trial, such so-called opinion testimony is totally inadmissible as evidence. Guilt or innocence, truth or falsehood, are determined in a court by facts, not guesswork.

In contrast, who can forget the May 23rd dialogue between Senator Montoya and witness John Caulfield on the alleged offer of Executive clemency to James McCord:

Q. "Now, you mentioned that Mr. Dean had instructed you to say that it comes from way up at the top."

A. "Yes, sir."

Q. "What did you conceive that to be at the time?"

A. "Well, sir, in my mind I believed that he was talking about the President."

Later in the same appearance, Mr. Caulfield said that he had never had any conversations with the President with regard to Executive clemency and that Mr. Dean had never specifically said the alleged offer came from the President.

Thus we were left only with Mr. Caulfield's personal opinion—an opinion that would never have been permitted in a court of law because its truth can't be tested.

The stark differences between the Watergate hearings and our basic concepts of justice came screaming out that night when the Washington Star's banner headline announced; "Felt Nixon Knew, Caulfield Says."

The next day, The New York Times carried a similar banner on an inside page: "Caulfield Asserts He Believes President Authorized Clemency Offer to McCord."

By any standard, this kind of thing can only be termed a gross perversion of justice.

7. *The last among the missing procedural safeguards is the prohibition against cameras.*

The reason that cameras are banned from most judicial trials is that they introduce an emotional and dramatic factor which gets in the way of a deliberate, dispassionate pursuit of truth. The court can too easily become a theater.

In a judicial trial, the public are only spectators. In the Watergate hearings, however, the American people have been cast as the ultimate jury by Senator Ervin and his colleagues; and television for better or worse thus becomes an indispensable vehicle for interjecting the people into the process of judgment. Moreover, the audible sighs, snickers or groans of the people in the hearing room are dramatically relayed to the millions of TV viewers, thus potentially affecting the way they receive the information.

Television's incandescent presence in the hearing room has additional damaging effects. It tends to complicate the search for truth by making both witnesses and Committee players on a spotlighted national stage, and it tends to impede the search for justice by creating a swelling flood of prejudicial publicity that could make it virtually impossible to select an impartial jury when and if new indictments are returned in the Watergate case.

Thus even if the Senate hearings succeed in reliably establishing the guilt of some individuals in the Watergate case, they will probably do so at the expense of ultimate conviction of those persons in court. And this is bound to leave the American people with an ugly resentment at the spectacle of wrongdoers going scotfree.

For those who have done no wrong—and experience would lead us to assume that they far outnumber any who have—the prospect of justice is bleaker still. Irreparable harm may well be done to the good name of the innocent by accusations leveled in televised hearings and never conclusively refuted in a court of law, the only institution in our system whose exoneration of an accused person is definitive and final.

In listing these seven deficiencies in the procedures of the Senate Watergate hearings, I do not mean to imply that the Ervin committee is proceeding in a haphazard or disorderly fashion. Far from it. They have a carefully drawn and published set of rules to guide their investigation. Even where those rules may seem to approximate judicial fairness, however, a closer reading reveals that they are not ironclad guarantees of due process after all for their application is left to the committee's discretion.

It is easy to understand the urgency which many attach to seeing the Ervin hearings go forward, since the judicial process was at first stalemated by the silence of many key figures, and then later shadowed by the lingering concern that the Administration was essentially investigating itself, without an independent figure leading the prosecution.

But now those conditions no longer prevail. One major witness after another is coming forward to tell what he knows, and a Special Prosecutor of impeccable integrity has taken command.

There is no denying that a judicial trial sometimes falls well short of airing all the circumstances and ramifications surrounding a crime or controversy, particularly when guilty pleas are entered as they were in the first Watergate trial last January. The courts can't do it all. What a court can do, however, with far greater precision and fairness than any legislative committee, is to establish the central facts of individual culpability—the task that now stands first on the Nation's Watergate agenda.

Instead, one is now left with the feeling that hearings which began on the premise that it is more important to bring out the truth than to jail people may wind up blocking the imprisonment of some who are guilty, smearing the reputation of many who are innocent, and leaving the truth itself very much in doubt.

Many have therefore suggested that it would be helpful if this unavoidably loose process—so harmful to so many and potentially so injurious to our country in ways even reaching far beyond our shores—could at least be deferred until the Special Prosecutor has a chance to develop his case, as Mr. Cox himself has urged.

In all likelihood, however, the hearings will proceed despite the reservations I have voiced. The Senate has every right to exercise its constitutional prerogatives, and appears intent on doing so. On that presumption, there are several points I hope the Nation will bear in mind over the weeks to come.

First, let's all understand that a great deal of what we see and hear in these hearings would be indignantly ruled out of any court of law in the United States.

Second, let's be conscious as we watch and listen that probably a considerable number of very fine people, entirely innocent of any wrongdoing whatever, could come out of this un-judicial proceeding tragically besmirched, terribly humiliated, and irretrievably injured—and therefore let us strive to suspend our judgments until all the facts are in; and let us remember the ancient injunction that every man among us is deemed innocent until proven guilty beyond reasonable doubt.

Third, I would hope that my good friends and old sparring mates in the Nation's press will consider that circumstances have changed dramatically in the last several months. From a situation where the news media—to their great credit—were one of the principal forces pushing for full disclosure, we have now moved into a situation where excessive haste to print the spectacular may actually frustrate the processes of truth and justice.

The journalism profession never tires of telling us that it is a public service institution, not merely a profit-making enterprise. The weeks and months ahead will put that contention to an acid test by challenging reporters and editors to think twice about those sensational leaked-source stories that might boost circulation but which could also malign the innocent and help to acquit the guilty.

Finally, let everyone understand that as I have here extolled the virtues of our court system, I no less subscribe to the immense value of the Congressional investigative process—a process which I regard as one of the essential pillars of sound government in our system. What I have said here is not directed in anyway to the weakening of that essential feature of the legislative process. Nor is it meant to impugn in the slightest the sincerity or objectivity of any member of the investigating committee, for each of whom I have only the highest respect.

I have simply endeavored to express my earnest personal belief that in this particular circumstance, as the court proceedings struggle toward justice and as the Senate hearings reach in their way toward truth, it does appear that the latter can hardly fail to injure the former—and I feel that every American citizen should understand that.

Justice Benjamin Cardozo, one of the greatest American jurists of this century, left us a wise reminder when he wrote, "Justice is not to be taken by storm. She is to be wooed by slow advances."

The storm of public indignation aroused by this sordid Watergate affair is an understandable reaction, and a healthy one. But the raw and undisciplined forces of such a storm cannot by themselves achieve justice, as Cardozo warned. Those forces must be harnessed by the instincts of fair play that are so basic to our society, and they must be channeled through the established institutions best equipped for the difficult dual task of protecting the rights of the individual and enforcing the law of the land.

This will not be the shortest or easiest way for America to untangle the tragedy of Watergate and repair the damage done—but beyond a doubt it is the safest and wisest way. I ask all of you, as dedicated servants of the rule of law, to join with me in working for this goal.

Mr. SCOTT of Pennsylvania. Mr. President, if the distinguished majority leader will further yield, he will remember the Vice President said.

> The Senate has every right to exercise its constitutional prerogatives and appears intent on doing so.

Then he goes on that, on that presumption, he simply wants the Nation to bear in mind that it is not a judicial proceeding, as indeed the Senator from North Carolina (Mr. Ervin) has constantly cautioned.

Still I have discovered, in talking to people who have listened to the hearing, that many of them still confuse committee judicial procedures.

I am rising here not because I criticize the speech of the distinguished Senator——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield half a minute to the distinguished minority leader.

Mr. SCOTT of Pennsylvania. But simply for the purpose of once more emphasizing that not all one hears and sees on television is a proceeding in a court of law, but it is consonant with the Senate's function, its authority, and its constitutional right, but, again, that innocent people should not be detained, nor the guilty, even, deprived of the opportunity of a fair trial and the opportunity to bring in evidence for the purpose of any mitigation of an offense. I simply say that as a lawyer pleading one more time for fairness, justice, and truth.

Mr. ROBERT C. BYRD. I hope the Vice President will read the remarks of the distinguished minority leader and others of us who are likewise pleading for fairness and justice.

CONGRATULATIONS TO FORMER SENATOR MARGARET CHASE SMITH—JOINT RESOLUTION OF MAINF LEGISLATURE

Mr. AIKEN. Mr. President, Margaret Chase Smith of Maine is the only woman who has ever served in both Houses of Congress. She gave her services for 33 years to her people, to her State, and to her country. She performed outstanding services during all those years when she was a Member of this Congress.

In 1964 it was my privilege, and I considered it an honor, to nominate her for the presidency at the Republican Convention held in San Francisco. Although she did not get the nomination, she did receive the largest round of applause of any of those who were nominated at that convention.

It will be a long time before anyone can equal the public service given so generously and so wholeheartedly by Margaret Chase Smith.

The Maine Legislature has recognized the service which she gave to her State and to her country, and both Houses approved a resolution which I now ask unanimous consent to have printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

Joint Resolution to the Honorable Margaret Chase Smith for Distinguished Service to the State of Maine

Whereas, the State of Maine was faithfully served in Washington by Margaret Chase Smith of Skowhegan for thirty-three years in the United States House of Representatives and in the United States Senate; and

Whereas, Senator Smith is the only woman to serve in both houses of Congress, the only woman to be elected to four full Senate terms, and the first woman to have her name placed in nomination for President at a national convention of a major political party; and

Whereas, Margaret Chase Smith has worked tirelessly to serve her fellow citizens in this State and has faithfully devoted herself to the representation of her constituents and her nation by careful deliberation, by her record attendance, and by the sponsorship and support of wise legislation; and

Whereas, she rose to leadership positions on the Senate Aeronautical and Space Sciences, Appropriations, and Armed Services Committees and as chairman of the Republican Senators' Conference; and

Whereas, Senator Smith has brought credit to herself and honor to her State through her Declaration of Conscience speeches in 1950 and 1970 and by her independent and forthright stands on the issues of the day; and

Whereas, this daughter of Maine has won the respect of the people and the leaders of the Nation and of the world and has won a special measure of devotion in the hearts of the citizens of her native State; now, therefore, be it

Resolved: That in order to express its pride and appreciation, the 106th Legislature of the State of Maine extends to Margaret Chase Smith congratulations on her unparalleled record of service and best wishes for the future; and be it further

Resolved: That a copy of this Resolution, properly attested, be sent by the Secretary of State to Margaret Chase Smith in Washington, D.C.

House of Representatives: Read and Adopted. Sent up for Concurrence, March 27, 1973. E. Louise Lincoln, Clerk.

In Senate Chamber: Read and Adopted. In Concurrence, March 28, 1973. Harry N. Starbranch. Secretary.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains for the transaction of routine morning business?

The PRESIDING OFFICER. Eleven minutes.

Mr. ROBERT C. BYRD. I ask unanimous consent that there be an extension of the period for the transaction of routine morning business, with statements therein limited to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Oklahoma (Mr. Bartlett).

Mr. BARTLETT. I thank the distinguished Senator from West Virginia.

THE ENERGY CRISIS

Mr. BARTLETT. Mr. President, the energy crisis in America will not be resolved in the near future. For the next 15 years, and possibly longer, the people of the United States must work together with a new awareness of the gravity of this crisis.

The time has come for political considerations, regional preferences and personal antagonisms to be set aside. The valuable time and effort being wasted trying to find a scapegoat must cease and must be directed toward an all encompassing effort to improve our domestic energy posture.

Natural gas produced in Oklahoma in new long-term contracts costs Oklahomans 60 cents per 1,000 cubic feet at the wellhead. Yet the same gas sold out of State would cost the out-of-State consumer only 20 cents per 1,000 cubic feet at the wellhead. Oklahomans pay three times more for Oklahoma gas than do out-of-State buyers. The reason for this is that the Federal Power Commission regulates the price of interstate gas, but intrastate prices in the free marketplace have been bid up in Oklahoma to a price that is competitive with other fuels. Oklahoma wants to share its gas resources, but it also wishes to share its price based on thousands of transactions in the marketplace.

The Oklahoma intrastate gas buyers have an advantage over out-of-State buyers because they can bid higher for gas for Oklahoma consumers.

Yet, when I inquired of Mr. C. C. Ingram, the chairman of the board of Oklahoma Natural Gas Co., as to the effects of interstate deregulation of prices upon this wholly intrastate company, he said:

> We are well aware that decontrol of the wellhead price for natural gas that will be sold into interstate commerce will reduce our competitive edge in acquiring new gas supplies. However, we are even more aware of the need to increase the price for gas at the wellhead in order to stimulate the exploration activities that will be required to develop the gas reserves that are needed to offset the energy shortage. Although decontrol will increase our competition's effectiveness, we believe we will have no great difficulty in obtaining gas supplies to serve our customers through both our continued aggressiveness in gas purchase activities and our significant expansion in our own exploration efforts.

This is the kind of unselfish attitude that must continue to spread across the Nation. Mr. Ingram knows that our country needs price decontrol and looks forward to the increased competition because it will also mean increased reserves of natural gas, oil, coal, and atomic energy. He knows the United States needs a stronger domestic energy industry.

Consumer States must assume a new role. States that heretofore have refused to site refineries, and to explore for oil and gas on their outer continental shelves and to locate deepwater ports must reconsider and move forward with determination to help solve this national crisis.

Consumer States must work with producer States and industry to plan for the onslaught of imports that is inevitable. They must establish facilities to refine these crude imports.

We must start constructing a pipeline to market domestic oil from Alaska in the 48 States.

We must deregulate the price of gas in order to increase the supply of gas, oil, coal, and atomic energy.

We are all in this together. Our outlook must be constructive and objective. We cannot afford to waste time casting the blame. We must roll up our sleeves—there is a job to be done—in the best interest of the United States. We need a strong domestic energy industry.

The PRESIDING OFFICER (Mr. Biden). Is there further morning business?

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore today signed the enrolled bill (H.R. 4443) for the relief of Ronald K. Downie, which had previously been signed by the Speaker of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

S. 1585. A bill to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes (Rept. No. 93–205).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

S. 271. A bill to improve judicial machinery by amending the requirement for a three-judge court in certain cases, and for other purposes (Rept. No. 93–206).

EXECUTIVE REPORTS OF COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Glen O. Thompson, Julian E. Johansen, Abe H. Siemens, John B. Hayes, and Robert H. Scarborough, Coast Guard officers, for promotion to the grade of rear admiral;

Harold James Barneson, Jr., of the U.S. Coast Guard Reserve, for promotion to the grade of rear admiral;

Tilton H. Dobbin, of Maryland, to be an Assistant Secretary of Commerce; and

John K. Tabor, of Pennsylvania, to be Under Secretary of Commerce.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committees of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BEALL:

S. 1978. A bill to amend laws relating to the Federal National Mortgage Association. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MUSKIE:

S. 1979. A bill to make the unemployment compensation benefits provided for Federal employees applicable to U.S. citizen employees of the Roosevelt Campobello International Park Commission. Referred to the Committee on Post Office and Civil Service.

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 1980. A bill to amend the Defense Production Act of 1950, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. TOWER:

S. 1981. A bill to authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER (for himself and Mr. Dominick):

S. 1982. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and to lower from 72 to 70 the age after which deductions on account of excess earnings are no longer made. Referred to the Committee on Finance.

By Mr. WILLIAMS:

S. 1983. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes. Referred to the Committee on Commerce.

By Mr. HATHAWAY:

S. 1984. A bill to direct that grants for research and demonstration projects and other federally funded projects of this nature be allocated to economically depressed areas, insofar as is possible, and to assist and promote the development of those areas of the country which are economically depressed. Referred to the Committee on Labor and Public Welfare.

By Mr. CRANSTON (for himself, Mr. Kennedy, Mr. Mondale, and Mr. Pell):

S. 1985. A bill to extend for 1 fiscal year the authorization of appropriations for title VIII of the Economic Opportunity Act of 1964. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MUSKIE:

S. 1979. A bill to make the unemployment compensation benefits provided for Federal employees applicable to U.S. citizen employees of the Roosevelt Campobello International Park Commission. Referred to the Committee on Post Office and Civil Service.

UNEMPLOYMENT COMPENSATION FOR EMPLOYEES OF ROOSEVELT CAMPOBELLO INTERNATIONAL PARK

Mr. MUSKIE. Mr. President, the Roosevelt Campobello International Park, commemorating and preserving the summer home of President Franklin Delano Roosevelt, and its surroundings, in New Brunswick, Canada, just off the eastern tip of the State of Maine, was created by a Canadian-American treaty approved by the Senate in 1964. Under the terms of that agreement, the park employs both Canadian and U.S. citizens. But the latter, because of their peculiar status as resident U.S. citizens, consistently have had difficulty securing the employment benefits they might reasonably expect.

The U.S. citizens employed by the park, who now number 13, are subject to U.S. social security taxes and are eligible for old age. survivors, and disability insurance benefits. These employees were made eligible for workmen's compensation, through administrative regulation by the State of Maine, in which they reside. Workmen's compensation has a statutory base similar to unemployment compensation, but present statutes exclude U.S. residents who are employed by international organizations outside the country from unemployment insurance. As a result, these employees are not now eligible for unemployment insurance under U.S. law. Theoretically they are eligible for Canadian unemployment insurance, but for practical reasons they are not able to take advantage of that protection.

This exclusion is especially hard because the Roosevelt Campobello International Park has a policy of equal opportunity in employment, compensation and fringe benefits, as required in the 1964 treaty in the statutes which established the park and the Commission. I propose to rectify this problem by introducing a bill to amend the Roosevelt Campobello International Park Commission Act—16 U.S.C. 1106—to give employees of the park who are U.S. residents the benefits of Federal unemployment insurance. This bill is identical to S. 3763, which I introduced last Congress.

This approach has been endorsed by the Roosevelt Campobello International Park Commission. It is a necessary measure, I believe, because Canada's obligations under the treaty will not satisfy the needs of these employees.

The Roosevelt-Campobello Treaty states that Canada is obliged "to take such measures as may be necessary to permit U.S. citizens to accept employment with the Commission on a similar basis to Canadian citizens." Canada has met its obligations under the treaty by making U.S. citizens eligible for employment in the park without discrimination, and eligible—in theory—for the Canadian unemployment insurance program. But there are serious obstacles which prevent the U.S. citizen-employees from taking advantage of Canadian unemployment benefits.

To be eligible for Canadian unemployment benefits, a U.S. resident must prove himself available for employment in the Canadian labor force, as must his Canadian counterpart. This requires a Canadian work permit and the appropriate immigration papers, which are similar to those required of Canadian residents seeking employment in the United States. Such permits and papers are not required for employment with the Roosevelt Campobello International Park Commission.

Even if such permits for private employment in Canada could be obtained, the U.S. resident could not prove himself available for employment in Canada. The employees live in Lubec, Maine, which is 300 yards from Campobello Island. The Canadian mainland is about 50 miles away by road. Thus, the U.S. residents would be unlikely to find employment in Canada within reasonable commuting distance of home. And for such a U.S. resident to prove his availability for employment in the United States would not establish eligibility for Canadian unemployment insurance benefits.

Therefore, even with the legally guaranteed opportunity to "accept employment on a similar basis to Canadian citizens," the U.S. resident has no realistic chance to qualify for unemployment insurance in Canada. To require the Canadian Government to make that possible would be to ask the Canadians to discriminate against their own citizens in their own unemployment insurance program. Therefore, the simplest and most appropriate solution to this problem would be to place these employees under the Federal Unemployment Insurance provisions of the United States.

The legislation I introduce today to achieve this end is quite simple. It would make employees of the park who are U.S. residents eligible for U.S. unemployment insurance benefits by deeming them to be in the employ of the United States for purposes of this act. I hope this easy remedy to a vexing problem will be speedily adopted by Congress.

Mr. President, I ask unanimous consent that the bill I introduce be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Roosevelt Campobello International Park Act (16 U.S.C. 1106) is amended by—

(1) inserting "(a)" before "The Commission", and

(2) adding at the end thereof the following new subsection:

"(b) Employees of the Commission who are United States citizens shall, for purposes of subchapter I of chapter 85 of title 5, United States Code, be considered to be in the employ of the United States."

By Mr. SPARKMAN (for himself and Mr. Tower):

S. 1980. A bill to amend the Defense Production Act of 1950, as amended. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. SPARKMAN. Mr. President, for myself and Senator Tower I introduce a bill to amend the Defense Production Act of 1950, as amended.

This legislation has been recommended to us by the Acting Administrator of the General Services Administration. I ask unanimous consent that the communication transmitting this proposal to the Congress be printed at this point in the Record.

There being no objection, the communication was ordered to be printed in the Record, as follows:

General Services Administration,
Washington, D.C., May 31, 1973.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is forwarded herewith a draft bill "To amend the Defense Production Act of 1950, as amended."

This proposed bill will not affect any of the substantive authorities of the Defense Production Act of 1950. The bill is intended, however, to permanently correct the financing problem which has existed under the Act for a number of years. It will in no way have any effect on private obligations to the Government.

Section 1 of the proposed bill would authorize that the bill, when enacted, be cited as the "Defense Production Act Amendments of 1973."

Section 2 of the proposed bill would repeal section 304(b) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2094(b)). The repeal of this subsection would eliminate the borrowing authority financing mechanism presently under the Act.

Section 2 would also amend section 304 of the Defense Production Act by adding new subsections (c) and (d). Subsection (c) would authorize and direct the Secretary of the Treasury to cancel the outstanding balance of all unpaid notes issued by authorized Government agencies to the Secretary pursuant to the borrowing authority, together with any unpaid interest on such notes. Subsection (d) would direct that any cash balances remaining on June 30, 1974, in the borrowing authority and any funds received by Government agencies under transactions entered into pursuant to sections 302 and 303 of the Act, be covered into the Treasury as miscellaneous receipts.

Section 3 of the proposed bill would amend section 711 of the Defense Production Act of 1950 (50 U.S.C. App. 2161), to provide authority for obtaining appropriations to carry out the purposes of sections 302 and 303 of the Act. A provision has been included in this section for the future charging of interest on any program expenditures which may be made under the new appropriation authority except for storage, maintenance, and other operating and administrative expenses.

The Defense Production Act of 1950 was originally enacted at the beginning of the Korean War in order to provide additional emergency-type authorities. It included matters such as priorities and allocations, price controls, guaranteed loan authorizations, direct Government loan authorizations, and the means for expanding defense production. The latter authority was intended to encourage expansion of facilities for defense production, the output of which would enter the commercial market as well as supply direct Government needs, including the national stockpile of strategic and critical materials. Initially, the funding for purposes of the Act was by an authorization for cash appropriation ($1,400,000,000), and by borrowing authority ($600,000,000).

Since it was contemplated that most of the funds originally provided would be returned to the Treasury by revenue from resale of materials to be acquired, or that large commitments might be made which would not require direct expenditure of funds (e.g., put-type contracts), the Act was amended in 1951 to provide for a net accounting concept under which contracts entered into pursuant to sections 302 and 303 of the Act would be considered obligations only to the extent of the "probable ultimate net cost" to the Government. The reasons for the amendment are explained in the Report of House Committee on Banking and Currency on H.R. 3871, 82d Congress (House Report No. 639, June 23, 1951):

"Borrowing authority.—The original act provided, in subsection 304(b), for borrowing from the Treasury for the purposes of expanding productive capacity and supply under sections 302 and 303, in an amount not exceeding $600,000,000 outstanding at any one time.

It also provided, in subsection 304(c), an authorization for appropriation not in excess of $1,400,000,000 for the same purpose.

"No action has ever been taken under the authorization to appropriate cash for the purposes of sections 302 and 303. However, the Third Supplemental Appropriation Act, 1951, increased to $1,600,000,000 the amount authorized to be borrowed from the Treasury. This action was, in effect, in lieu of the cash appropriation originally authorized and was taken in order to avoid commingling of borrowing authority and cash appropriations for the same operations.

"The bill proposes that the authorization for cash appropriations be repealed and that the borrowing authority be raised from the $1,600,000,000 presently authorized to $2,100,000,000. The additional $500,000,000 should be adequate to meet the cash requirements of the program for expanding productive capacity and supply during the fiscal year 1952. The proposed increase in borrowing authority will not, however, provide a sufficient amount to meet all of the contingent liabilities which the Government necessarily will assume in connection with these programs. Guaranties, loans, purchase and sale arrangements, and commitments to purchase upon the happening of contingencies, result in technical obligations of amounts far in excess of the amounts which the Government actually will be required to pay.

"The committee feels that no useful purpose is served by providing either cash appropriations or borrowed funds to cover contingencies which will never require actual cash payments by the United States. Accordingly, the bill contains language which will permit these programs to be carried on on the basis of the net obligations incurred by the Government against the borrowing authority to be provided. The President would be required to report not less often than once each quarter on the total amount of contingent liabilities assumed by the United States in connection with these programs, together with information as to the basis used for determining the net cost which would operate as an actual charge against the borrowing authority." [pages 25 thru 26]

* * * * *

"*Section 103(c)*.—This subsection provides that the revolving fund of $600,000,000 obtained by borrowing from the Treasury and made available for the purposes of sections 302 and 303 of the act (loan, procurement, subsidy, and production authorities), be increased to $2,100,000,000. Provision is also made that contingent liability upon the United States, resulting from any transaction heretofore or hereafter made pursuant to sections 302 or 303 of the act shall, for the purposes of the obligation restricting provisions of sections 3679 and 3732 of the Revised Statutes, as amended, be limited to the probable net cost to the United States under such transaction. The President is required to submit a quarterly report to the Congress setting forth the gross amount of each such transaction entered into under this authority, together with the basis used in determining the ultimate net cost of the United States.

"*Section 103(d)*.—In view of the increase in the revolving fund as above noted, this subsection strikes out the present subsection 304(c) of the act which authorized additional appropriations not in excess of $1,400,000,000 for purposes of sections 302 and 303 of the act." [page 38]

The borrowings by authorized Government agencies from the Treasury which are authorized by section 304(b) of the Act, are subject to the payment of interest to the Treasury on the outstanding amounts, the interest rate to be established by Treasury for comparable types of marketable securities. This modified revolving fund mechanism permitted a much larger volume of transactions to be carried out under the Act than was possible previously. It was contemplated that proceeds from the sale of materials either to the commercial market or the national stockpile would keep the fund liquid.

However, after the cessation of the Korean War in 1953, soft markets developed for many of the materials resulting in greater deliveries to the Government than anticipated under previously made expansion contracts. Sales of such materials as could be marketed frequently resulted in substantial losses either because their cost included premium prices or because the quality of the materials from marginal sources brought into production was below commercially acceptable levels. Transfers to the national stockpile previously reimbursed to the Defense Production Act Revolving Fund were cut off at the behest of the House Appropriations Committee. A number of materials purchased were almost totally unsalable under then current conditions, while other materials were held for credit against stockpile objectives even though reimbursement to the fund could not be effected.

Under these circumstances, financial problems accumulated and eventually became chronic. The declining ability to produce revenue for the fund, the mounting losses, and the continuing obligation to pay to Treasury interest on outstanding borrowings compounded the financing problems. At one critical point in 1959, an appropriation of $108,000,000 was granted by Congress to provide some improvement in the liquidity of the revolving fund.

The report of the House Committee on Banking and Currency on the proposed Defense Production Act amendments of 1962 (House Report No. 1839) on H.R. 11500, 87th Congress, 2d session, June 19, 1962) contains this statement:

"Section 303 of the act relates to the so-called expansion programs. Moneys borrowed under this authority were used for the most part to pay premium prices and subsidies for metals, minerals, and materials needed in the defense effort. In many cases large amounts of low-grade materials which have no commercial markets, but which may be used in circumstances of all-out war, were purchased under these programs. Losses were anticipated on these programs * * *."

On a number of occasions, legislation has been proposed to permanently correct this financial problem. The latest such proposal was introduced in the 92d Congress, 1st Session as S. 669. None of these bills were enacted in the form presented. Typically, these bills attempted to restore liquidity to the fund by the cancellation of the obligation to pay to Treasury interest accrued on past obligations and to be accrued in the future. Also, losses realized in connection with past programs on which no possibility of recovery existed were to be written off. The complexity of the financing problem made it difficult to satisfy congressional committees as to the necessity for these actions and they were viewed as undesirable extensions of backdoor financing. None of these measures were approved and generally simple extensions of the substantive authorities of the act were passed, usually on a two-year basis. The current expiration of the act on June 30, 1974, was the result of such a simple extension in place of the more complex provisions proposed in S. 669.

It is important, of course, that the substantive authorities of the act continue. Future requirements for funding of any new programs are indefinite because at this time no such new programs are contemplated. The need exists, however, for standby authority in the event of a future emergency. In the meantime, funding is required only to carry costs related to programs incurred in prior years. These resulted in a current inventory of unsold materials costing approximately $600 million and valued at approximately $300 million. These assets must be stored, protected, and preserved, pending disposal pursuant to an active sales program. Such final disposal may entail an indefinite period of years. The cost of such maintenance is less than $2 million per year.

If interest must be paid to the Treasury on current outstanding borrowings of $1,877,500,000 for GSA, the fund will be unable to meet the FY 1974 portion ($272,050,000) of the total projected interest obligation ($593,590,625) from FY 1974 through FY 1978. The point at which funds will be totally exhausted under these conditions is approximately March 1974. Failing corrective action at this point, the fund will be bankrupt.

In summary, the proposed bill would:

Retain all substantive authorities now provided by the Defense Production Act.

Terminate at a time certain, that is, upon enactment of the bill, the present borrowing authority, without requiring any net budgetary outlay effect.

Provide for the retention of cash balances in the fund for only a sufficient period, that is through June 30, 1974, as to permit covering the necessary expenses of maintaining and disposing of residual inventories until fiscal year 1975. By this time it would be expected that provision for such expenses would be adopted in the normal budgetary cycle by appropriations which would be justified on an annual basis. The selection of this date would avoid the need for amending or supplementing fiscal year 1974 appropriations which have already been transmitted to the Congress.

Thus provide for an orderly transition to the normal appropriation process under full Congressional control from the borrowing authority mechanism.

In the absence of legislation, the fund faces the inevitable prospect of open bankruptcy in mid-fiscal year 1974 due to exhaustion of cash for the payment of ever-increasing interest obligations to the Treasury for which no adequate prospects of revenue can be expected. In the interest of orderly administration of the Government's finances, this should not be permitted to happen.

GSA recommends prompt and favorable consideration of this draft bill.

The enactment of the bill would not require the expenditure of additional Federal funds.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ARTHUR F. SAMPSON,
Acting Administrator.

By Mr. TOWER:

S. 1981. A bill to authorize the establishment of the Big Thicket National Biological Reserve in the State of Texas, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. TOWER. Mr. President, today I introduce a bill to authorize the establishment of a Big Thicket National Biological Reserve in the State of Texas. This is not the first time I have introduced legislation to preserve the Big Thicket nor am I the only Member of Congress to do so. I do hope that, at the end of this Congress, I will be able to say that this is the first time that the Texas delegation has reached a consensus; that the different groups involved in this issue have accepted a proposal to preserve the area; and that the Congress has passed such a bill. Efforts to preserve portions of the Big Thicket have spanned 30 years. The time has come for the Congress to act. I encourage it to do so.

Once the Big Thicket stretched westward from the Sabine River almost to the banks of the Brazos, an area as large as many of our smaller States. Once wildlife and forms of vegetation existed in this area in incredible abundance and variety. Although this legendary wilderness no longer exists in its original state, the Big Thicket remains and is worthy of preservation.

Mr. Thomas Eisner, of the Division of Biological Sciences of Cornell University, in an editorial published in the February 9 issue of Science, stated the issue well. He said:

> Texas, to the unknowing, conjures up an image of monotony—cattle, sagebrush, and mesquite in a setting of unvarying vastness. But to the resident and traveler, Texas is a land of contrasts and splendor, and to the biologically alert, it is a land of many resources worth preserving.
>
> One of the most interesting areas of the state is the sprawling semiwilderness north of Houston and Beaumont that goes by the name of Big Thicket. A region of extraordinary botanical exuberance, the Thicket is ecologically unique not only to Texas, but to the entire North American expanse as well. Located at the crossroads between the forests of the South and East and the vegetation of the West, the Thicket includes in its pine-hardwood stands elements from all convergent zones. A wet climate and a water-storing soil combines to nurture the mixture to lushness. Fully 15 of the trees designated by the United States as "national champions" are from the Thicket, including longleaf pine, bay magnolia, Rugel sugar maple, and water tupelo. The fauna is no less impressive. Vertebrates, and particularly birds, abound in number and kind, and the diversity of arthropods is second to few that I have encountered in field work in 45 states and three other continents.
>
> But sheer abundance or record sizes is not what matters about the Thicket. It is the way in which diversity of kind is combined with diversity of association that gives this area its special mark. Plant communities of very different types exist in contiguity or near-contiguity in the Thicket—upland communities, savannahs, beech-magnolia communities, bogs, palmetto-bald cypress-hardwood communities, floodplain forests, and several others have been recognized. Seen in worldwide ecologicial perspective, the Big Thicket may well be one of the most richly substructured regions in existence. For this reason alone, if not also for its magnificence, the Thicket is worth saving. It is an invaluable and irreplaceable natural resource.

My bill establishing the Big Thicket National Biologicial Reserve calls for not more than 100,000 acres in Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties, Tex. Included would be a Big Sandy unit; a Hickory Creek Savannah unit; a Turkey Creek unit; a Beach Creek unit; a Joe's Lake unit; a Neches Bottom and Jack Gore Baygall unit; a Beaumont unit; a Lance Rosier unit; an Upper Neches corridor; a lower Neches corridor; and a Little Pine Island Bayou corridor.

I have included in the legislation a provision to protect homeowners in the area. It would allow the homeowner to retain for himself and his spouse a right of use and occupancy of his property for residential purposes for a term of 25 years, or until his, or his spouse's death. I have attempted in my bill to draw the boundaries of the reserve so as to affect as few homeowners as possible. I have also included a section clarifying the homeowner's right to court review concerning decisions regarding his property.

Because of the possible loss of tax revenues in the counties in which the reserve would be located, there is included a proposal in which the Secretary of the Interior could return portions of the tax base lost by these counties. This is a proposal which will require careful consideration. I am not thoroughly satisfied that it is fiscally sound, or, for that matter, feasible. However, I do think that the idea should be studied and, for this reason, I have proposed it.

A number of individuals have expressed an interest that any bill establishing a Big Thicket Biological Reserve include protection for the area prior to acquisition. Thus, I have included what I consider to be a deterrent to anyone who would damage lands or take action inimical to the reserve by having the Secretary of the Interior purchase land in an order of preference commensurate with the threat of such actions.

Finally, I would like to speak to the matter of recreation and hunting, fishing, and trapping within the reserve. Because of the very nature of a biological reserve I do not think that recreational facilities, per se, should be developed within the reserve. My bill would permit hunting, fishing, and trapping in the reserve pursuant to the control of the Department of the Interior and according to Federal and State statutes. I am also assured that such things as wilderness trails, and other forms of recreation that do not affect the ecosystems of the reserve, will be developed. However, because I have not provided for the development of recreation within the reserve, I have tried to encourage the creation of recreational facilities in the areas surrounding it. The Department of Agriculture has informed me that the Forest Service, Bureau of Outdoor Recreation, Texas Parks and Wildlife Department, Sabine River Authority, and Deep East Texas Development Association have recently completed a study of the "Recreation Situation and Outlook—East Texas." The report contains such suggestions as:

First. The Texas Parks and Wildlife Department, with the aid of matching moneys from the land and water conservation fund, will concentrate their immediate efforts on State lands adjacent to Lake Livingston and other reservoirs outside the national forests and within the east Texas area.

Second. To best utilize the very limited Federal funds available, the Forest Service will continue their efforts in areas within the national forests such as on Toledo Bend on the Sabine National Forest and Lake Conroe on the Sam Houston National Forest.

Third. The Corps of Engineers and the Forest Service have cooperated in the development of Sam Rayburn Reservoir on the Angelina National Forest and will continue to improve it as needed.

Fourth. The Sabine River Authority has an outstanding commitment in its FPC license to construct extensive recreation developments on Toledo Bend.

I will make every effort to assist these agencies in developing these needed proposals for the development of recreation in this area.

In summation, let me emphasize that legislators, lumbermen, conservationists, and area residents must be willing to discuss and work together on this issue or there will be no Big Thicket Biological Reserve. I believe that now is the time for action to preserve this unique area. I urge the House to take early action on its proposals and urge my colleagues in the Senate to give every support to this legislation so that future generations can experience this area of history and legend—the Big Thicket.

Mr. President, I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve for scientific study and for the education and benefit of present and future generations certain unique areas in Tyler, Hardin, Jasper, Polk, Liberty, Jefferson, and Orange Counties, Texas. which contain vegetational types and associations of national significance, there is hereby authorized to be established the Big Thicket National Biological Reserve.

ACQUISITION OF PROPERTY BY SECRETARY OF THE INTERIOR

SEC. 2. (a) In order to effectuate the purpose of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire by donation, purchase, transfer from any other Federal agency or exchange, lands, waters, and interests therein, within the areas generally depicted on the map entitled "Big Thicket National Biological Reserve, Texas", numbered NBR–BT–91,019, and dated February 1973, which shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The Secretary may from time to time make minor revisions in the boundaries of the area by publication of a revised map or other boundary description in the Federal Register, and he may acquire property within the revised boundaries in accordance with the provisions of this section: *Provided,* That the boundaries of the area may not encompass more than one hundred thousand acres of land. Property owned by the State of Texas or any political subdivision thereof may be acquired only by donation. Notwithstanding any other provision of law, Federal property within the boundaries of the area may, with the concurrence of the head of the administering agency, be transferred to the administrative jurisdiction of the Secretary for the purposes of this Act, without a transfer of funds.

(b) The Secretary shall take such steps as he deems necessary in order to preserve the ecological and recreational interests and fish and wildlife resources of the lands described in subsection (a) of this section. For purposes of this Act, the term "waste" means any action inimical to such interests and resources. In such connection he shall purchase land in an order of preference commensurate with the threat of waste of such lands respecting such interests and resources giving first consideration to the prevention of any clearcutting or of any waste having the effect of despoiling the lands described in subsection (a) of this section prior to the acquisition for the reserve. In all offers of purchase and in all condemnation proceedings, the Secretary shall take due account of the diminution of the value of the land occasioned by such waste as described herein.

RIGHTS OF OWNERS OF IMPROVED PROPERTY

Sec. 3. (a) The owner of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term of not more than twenty-five years or, in lieu thereof, for a term ending at the death of the owner or the death of his spouse, whichever is later. The owner shall elect the term to be reserved. Unless this property is wholly or partially donated to the United States, the Secretary shall pay the owner the fair market value of the property on the date of such acquisition, less the fair market value retained pursuant to this section. Any such right so retained shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner inconsistent with the purposes of this Act. Upon the Secretary's notifying the holder of any such right of such a determination and tendering to him an amount equal to the fair market value of that portion of the right which remains unexpired, such right shall be deemed terminated.

(b) As used in this Act, the term "improved property" means a detached, one-family dwelling, construction of which was begun before June 1, 1973, which is used for noncommercial residential purposes, together with not to exceed three acres of the land on which the dwelling is situated, such land being in the same ownership as the dwelling, together with any structures accessory to the dwelling which are situated on such land.

ADMINISTRATION BY THE SECRETARY

Sec. 4. (a) The area within the boundaries depicted on the map referred to in section 2, or as such boundaries may be revised, shall be known as the "Big Thicket National Biological Reserve", and shall be administered by the Secretary in accordance with the laws applicable to the National Park System, and in a manner consistent with the purposes of this Act.

(b) The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the reserve in accordance with the applicable laws of the United States and the State of Texas, except that he may designate zones where and periods when no hunting, fishing, or trapping may be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations prescribing such restrictions shall be put into effect only after consultation with the appropriate State agency having jurisdiction over hunting, fishing, and trapping activities.

COURT REVIEW

Sec. 5 (a) Any owner of any right terminated on the basis of a determination by the Secretary under section 3(a) may obtain review of such termination in the District Court of the Eastern District of Texas, or in the United States district court for the district in which he resides, by filing in such court within ninety days following the receipt of the notification of termination a written petition praying that the determination of the Secretary be set aside. If the determination by the Secretary is not in accordance with this Act or if he has acted upon factual determinations which are not supported by substantial evidence, the court shall set aside the termination.

(b) The commencement of proceedings under this subsection shall operate as a stay of the termination of such right. Upon a showing that irreparable harm may be done to the reserve pending the final judicial determination, the court having jurisdiction of the principal case shall have jurisdiction to grant such injunctive relief as may be appropriate.

COMPENSATION FOR TAX LOSSES

Sec. 6. (a) In order to provide compensation for tax losses to taxing jurisdictions sustained as a result of any acquisition by the United States, on and after the date of the enactment of this Act, of privately owned real property for the reserve, the Secretary shall make payment to an officer designated for such purpose by the Governor of the State of Texas for distribution to the local body which assessed taxes on the property immediately prior to its acquisition by the United States, in accordance with the following schedule:

(1) For the fiscal year in which the real property is acquired and the next following five fiscal years, there shall be paid an amount equal to the full amount of annual taxes last assessed and levied on the property by public taxing bodies, less any amount, to be determined by the Secretary, which may have been paid on account of taxes during such period; and

(2) For each of the four succeeding fiscal years following such six-fiscal-year period referred to in paragraph (1) of this section, there shall be paid an amount equal to the full amount of taxes referred to in paragraph (1), less 20, 40, 60, and 80 percent, respectively, of such full amount for each fiscal year, including the year for which the payment is to be made.

(b) For purposes of paying such compensation under this section, the assessed value of such real property shall be that so determined as of June 1, 1973.

AUTHORIZATIONS

Sec. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. TOWER (for himself and Mr. Dominick):

S. 1982. A bill to amend title II of the Social Security Act to increase to $3,000 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and to lower from 72 to 70 the age after which deductions on account of excess earnings are no longer made. Referred to the Committee on Finance.

Mr. TOWER. Mr. President, I am today introducing legislation to liberalize the retirement test under social security. The distinguished senior Senator from Colorado, Mr. Dominick, joins me in introducing this bill.

My proposal is similar to legislation which I have introduced in previous Congresses and is similar to the Senate passed amendment to H.R. 1 that was approved last year. When H.R. 1 was debated in the 92d Congress, more than three-quarters of the Senate sponsored an amendment to increase the retirement test under social security from $1,680 to $3,000. Additionally, the bill as passed by the Senate provided that for every $2 earned above $3,000 only $1 in social security benefits would be deducted. Furthermore, the retirement test annual exempt amount and monthly test would be increased automatically in the future according to the rise in general earnings levels.

Unfortunately, the House of Representatives disagreed with the Senate passed amendment and the conference committee cut it back from $3,000 to $2,100. The remaining provisions just alluded to remained intact and, therefore, became law when the President signed H.R. 1.

The legislation I am introducing today is a modified version of the Senate passed amendment. The bill will increase the retirement test or the earnings ceiling, as it is sometimes called, from $2,100 to $3,000. Additionally, the bill will reduce the age where the retirement test is not applied from age 72 to age 70.

Mr. President, the retirement test has been applied to the social security program almost from the program's outset. Whether the retirement test was justifiable when it was established in the 1930's is something that I cannot answer. Nevertheless, I believe that its validity is certainly called into question because of the economic and social conditions of the 1970's. The changes in it made last year represent a positive first step toward possible removal of the test. The legislation I offer today represents a further step. It is a practical proposal that I believe the Congress can realistically consider. While I am very much concerned about the rising cost of the social security payroll tax on the lower and middle income American taxpayers that contribute to the trust fund and this concern moved me to oppose some attractive expansions in social security and medicare coverage last year, I am convinced that the additional cost of this bill is justified.

Mr. President, the 1965 Advisory Council on Social Security stated the reasoning behind the retirement test:

> The purpose of Social Security benefits is to furnish a partial replacement of earnings which are lost to a family because of death, disability, or retirement in old age. In line with this purpose, the law provides that, generally speaking, the benefits for which a

worker, his dependents, and his survivors are otherwise eligible are to be withheld if they earn substantial amounts.

While this theoretical basis for social security as a social insurance program may seem valid on a first observation, practical considerations seem to negate its credibility. An American worker pays into the social security trust fund and I believe to a great extent he or she should feel secure as a matter of right that upon retirement he will receive benefits in relation to his contribution—and not in relation to whether he is still actively employed.

There is yet another factor to consider in this matter. It has been the policy of the Federal Government to encourage our senior citizens to stay in the work force. I support this policy because I think that, unlike the depression years of the 1930's, our expanding economy can certainly afford the active participation of senior citizens. Moreover, we are convincingly told by gerontologists and others that working is one of the most healthy activities for senior citizens to do.

It seems hypocritical that Congress considers and has approved categorical grant programs to employ senior citizens but at the same time will not allow them to retain their social security benefits that they are rightfully entitled to.

Mr. President, there are millions of Americans that are adversely affected by the retirement test. The test affects social security recipients who have part or all of their benefits deducted and those who purposely work shorter hours to limit those deductions. Naturally, dependents are also adversely affected.

Passage of this proposal will measurably improve the economic position of many Americans. While it does not totally eliminate the retirement test, it would insure many senior citizens of living in a more secure economic environment. The provision reducing the age when the retirement test will not apply from age 72 to age 70 is not a novel suggestion. The cutoff age used to be 75 until the Congress lowered it to 72 in 1954. I think it is time for the Congress to again consider reducing this age cutoff.

Mr. President, I urge the Senate to give this bill its careful consideration, and at this time ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1), (3), and (4)(B) of section 203(f), and paragraph (1)(A) of section 203(h), of the Social Security Act are each amended by striking out "$175" and inserting in lieu thereof "$250".

(b)(1) Subsections (c)(1), (d)(1), (f)(1), and (j) of section 203 of the Social Security Act are each amended by striking out "seventy-two" and inserting in lieu thereof "seventy".

(2) Subsection (h)(1)(A) of such section 203 is amended by striking out "the age of 72" and "age 72" and inserting in lieu thereof in each instance "age 70".

(3) The heading of subsection (j) of such section 203 is amended by striking out "Seventy-two" and inserting in lieu thereof "Seventy".

(c) The amendments made by the preceding provisions of this Act shall apply only with respect to taxable years ending after December 1973.

By Mr. WILLIAMS:

S. 1983. A bill to provide for the conservation, protection and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes. Referred to the Committee on Commerce.

ENDANGERED SPECIES CONSERVATION ACT OF 1973

Mr. WILLIAMS. Mr. President, the Endangered Species Act of 1969 gives no enforcement powers to the Federal Government with regard to prohibiting the killing of animals on the endangered list. The only legal authority provided by this act is that animals listed on the foreign endangered list may not be imported without a permit. The individual States now have jurisdiction over the animals which reside within their boundaries. Unless specifically protected by Federal or State law, threatened or endangered species of animals, birds and fish are completely vulnerable to the activities of man.

Therefore, I am today introducing a bill which is designed to correct the deficiencies in the present law and empower the Federal Government to prohibit the taking of endangered wildlife.

In the United States alone, 101 species of wildlife are now threatened with extinction. These include such, formerly common animals as the black-footed ferret, the whooping crane, and at least two species of wolf. Still others, which are not included on the endangered species list are either declining and in danger of extinction or classified as rare.

There are various and complicated reasons for the serious decline in wildlife populations. One of the primary causes is the destruction of their natural habitat. As civilization spreads and more and more open spaces are cleared to make way for urbanization, the areas available for wildlife propagation dwindle accordingly. Undoubtedly, however, the principal reason is the direct killing or capture of these animals by man, whether it be for food, clothing or commercial use, the protection of livestock or purely for sport.

Man's capacity for completely annihilating a species is seemingly limitless and has never been more glaringly illustrated than by the fate of the passenger pigeon. According to some experts, these birds once numbered in the thousands of millions; yet not one single passenger pigeon exists today. Over a period of a few years, they were systematically destroyed. The last survivor of the species died in a Cincinnati zoo in 1914 and is now on public display at the Smithsonian Institution, a constant reminder of man's thoughtlessness and greed.

Loss of food supply can also contribute to the demise of a species and is an even more serious threat when the species involved is already endangered. A case in point involves the brant goose, whose wintering area is located in my home State of New Jersey. According to a recent article in the New York Times, the total number of brant geese has dropped from 265,000 in 1961 to approximately 21,900 in 1972. Experts attribute this alarming decline in numbers to a shortage of their favorite food, sea cabbage, in addition to failure in nesting on the Arctic tundra. Mr. President, at this point in my remarks, I ask unanimous consent to include the full text of the New York Times article of January 7, 1973, "Sea Geese Found Declining in the East."

There being no objection, the article was ordered to be printed in the Record, as follows:

SEA GEESE FOUND DECLINING IN EAST

Fewer brant than ever before have returned to winter quarters along the Eastern Coast, a state-by-state survey shows.

Brant, little sea geese once a favorite of hunters but now protected because of their scarcity, have been plagued by a shortage of their favorite food, sea cabbage, and two successive failures in nesting on the Arctic tundra.

In 1961, 265,000 were counted along the Atlantic Flyway—the bird's north-south route. Last year, aerial surveys by the United States Fish and Wildlife Service and individual state units from Long Island to Virginia found only 21,900 of the geese. The count, in late October reported 1,705 on Long Island, 18,450 in New Jersey, none in Delaware, 114 in Maryland and 1,641 in Virginia. It was prepared by C. E. Addy, Federal coordinator of the Atlantic Flyway.

But the figures on the ratio of young to adults—also the worst in recorded history—caused the most concern.

RATIO CALLED "MISERABLE"

In the customary wintering area of Ocean, Atlantic and Cape May Counties on the southern tip of New Jersey, this ratio was a "miserable" .0007, according to Fred Ferrigno, head of wetland ecology in the New Jersey Department of Environmental Protection in Tuckerton.

In a two-seated plane, Mr. Ferrigno sought out the brant in their offshore habitats. With his pilot flying low, he nudged them toward a point of land on a barrier island where Mr. Addy viewed the flock through a powerful monocular spotting scope and recorded the number of young and adults.

Birds hatched last spring were clearly distinguishable from the mature geese by their white-edged covert feathers. In adults, this mantle is dark gray.

The prediction of the Canadian Wildlife Service in mid-summer that the production of brant in 1972 would turn out to be a "bust" has been "all too true," Mr. Ferrigno said.

The hope is that they will weather out their crisis until they have a good nesting season. Brant are noted for their boom-or-bust production cycles, a result of their requiring special conditions to reproduce.

BIRDS FOUND HEALTHY

This year, Mr. Ferrigno said, the brant that are wintering in South Jersey are not suffering from a shortage of sea cabbage. A study by a graduate student at Rutgers University, Joseph Penkala of South Amboy shows that a number of the geese are plump, healthy birds.

Biologists plan to keep a close watch on the brant over the winter and to monitor their food supply.

Last winter it was found that as in the great famine years of the early thirties, the little geese pulled out the roots of various marsh grasses for food when the staple of

> their diet eel-grasses, suffered blight. Now perhaps the brant will be sustained by a resurging crop of sea cabbage.
>
> Brant, scarcely larger than a mallard, have been well-known habitues of the Middle Atlantic States for centuries. Audubon painted them. Alexander Wilson in 1814 described them as "floating in the bays in long lines, particularly in calm weather." Hunters prized them as game, and a mounting number of bird enthusiasts have been glad to get them in their sights, riding the swells of the open sea or sitting in pods in some quiet estuary.

Mr. WILLIAMS. The bill which I am introducing today would also provide for the protection of endangered species of plants. Very little information is available at the present time concerning the total number of plants which are endangered, the reasons for this problem and what can be done about it. However, the limited distribution of certain species of plants, mishandling by man and overharvesting, as well as loss of suitable habitat, are contributing factors. It is estimated that in the United States alone, over 200 species of plants are endangered.

The International Union for the Conservation of Nature and Natural Resources began in late 1971 to take a more active part in monitoring endangered and declining species of plants and biotic communities. They are presently maintaining files and surveying literature on endangered plants. The Smithsonian Institution's Office of Environmental Sciences is presently conducting an extensive study in order to determine which plants are endangered, the causes and what measures can be taken to save them. Definitive information is expected to be available in the near future. The very fact that so little is known about the subject of endangered plants makes it even more imperative that a program of protection be instituted.

Every living thing has its own unique role in the ecosystem and whenever the delicate balance of nature is disturbed, for whatever reason and in whatever way, the entire fragile system begins to disintegrate. It may not be perceptible immediately, but eventually we begin to see the consequences of our shortsightedness and lack of concern for our environment. In the last year or so, major legislative programs have been enacted to combat the effects of the pollution of our air and water and to restore them to their once pure state. Fortunately, there is also still time to save our wildlife and plants, but the time is growing short.

The bill I am introducing will, I believe, provide the necessary tools with which to accomplish this. It enlarges the definition of endangered species to include those animals and plants which are presently endangered and those likely to become endangered because of foreseeable actions, as well as those animals and plants whose status is unknown. This bill would also make the taking of an endangered species a Federal offense by prohibiting the import, export, taking, and interstate transportation of any species listed as threatened with extinction. It would, however, permit the importation, taking, and transportation of endangered wildlife or plants for scientific purposes and for the propagation in captivity for preservation purposes.

This legislation also authorizes the Secretary to acquire lands for the purpose of protecting and restoring those species of wildlife that have been listed as endangered species and provides that funds made available under the Land and Water Conservation Fund Act may be used for the purpose of acquiring lands, waters, or interests therein which are needed for the purpose of protecting those species listed as endangered.

Mr. President, at this point in my remarks, I ask unanimous consent to include the full text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Endangered Species Conservation Act of 1973".

FINDINGS AND POLICY

SEC. 2. (a) The Congress finds and declares that one of the unfortunate consequences of growth and development in the United States and elsewhere has been the extermination of some species or subspecies of fish and wildlife and flora; that serious losses in other species of wild animals with educational, historical, recreational, and scientific value have occurred and are occurring; that the United States has pledged itself, pursuant to migratory bird treaties with Canada and Mexico, the migratory and endangered bird treaty with Japan, the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, the International Convention for the Northwest Atlantic Fisheries, the International Convention for the High Seas Fisheries of the North Pacific Ocean, and other international agreements, to conserve and protect, where practicable, the various species of fish and wildlife and flora that are threatened with extinction; and that the conservation, protection, restoration, or propagation of such species will inure to the benefit of all citizens. The purposes of this Act are to provide a program for the conservation, protection, restoration, or propagation of species and subspecies of fish and wildlife and flora that are threatened with extinction, or are likely within the foreseeable future to become threatened with extinction.

(b) It is further declared to be the policy of Congress that all Federal departments and agencies shall seek to protect species or subspecies of fish and wildlife, and flora that are threatened with extinction or are likely within the foreseeable future to become threatened with extinction, and, wherever practicable, shall utilize their authorities in furtherance of the purpose of this Act.

DEFINITIONS

SEC. 3. For the purposes of this Act:

(1) The term "Federal lands" means all lands or interests therein over which Congress has legislative authority under article IV, section 3, clause 2 of the United States Constitution, including, without limitation, lands enumerated in section 1400 of title 43, United States Code.

(2) The term "fish" means any fish or any part, products, egg, or offspring thereof, or the dead body or parts thereof.

(3) The term "import" means to bring into the territorial limits of the United States and includes, without limitation, entry into a foreign trade zone, and transshipment through any portion of the United States without customs entry.

(4) The term "person" means (A) any private person or entity, and (B) any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

(5) The term "Secretary" means the Secretary of the Interior with respect to functions and responsibilities under this Act relating to fish and wildlife, and the Secretary of Agriculture with respect to functions and responsibilities under this Act relating to flora.

(6) The term "take" means (A) with respect to fish or wildlife, to threaten, harass, hunt, capture, or kill, or attempt to threaten, harass, hunt, capture, or kill; or the destruction, modification, or curtailment of its habitat or range; and (B) with respect to flora, to collect, sever, remove, or otherwise damage in any manner, or to attempt to collect, sever, remove, or otherwise damage in any manner.

(7) The term "United States" includes the several States, the District of Columbia, and the Commonwealth of Puerto Rico, the Canal Zone, the possessions of the United States, and the Trust Territory of the Pacific Islands.

(8) The term "wildlife" means any wild mammal, game or nongame migratory bird, wild bird, amphibian, reptile, mollusk or crustacean, or other animal, or any part, products, egg, or offspring thereof, or the dead body or parts thereof, including migratory, nonmigratory, and endangered birds for which protection is also afforded by treaty or other international agreement.

DETERMINATION OF ENDANGERED SPECIES

SEC. 4. (a) A species or subspecies of fish or wildlife or flora shall be regarded as an endangered species, whenever—

(1) The appropriate Secretary by regulation determines, based on the best scientific and commercial data available to him and after consultation, as appropriate, with the affected States, and, in cooperation with the Secretary of State, the country or countries in which such fish and wildlife are normally found or whose citizens harvest the same on the high seas, and with interested persons and organizations, and other interested Federal agencies, that the continued existence of such species or subspecies of fish or wildlife or flora, throughout all or a significant portion of its habitat or range, is either presently threatened with extinction or will likely within the foreseeable future become threatened with extinction, due to any of the following factors:

(A) the present or threatened destruction, modification, or curtailment of its habitat or range;

(B) overutilization for commercial, sporting, scientific, or educational purposes;

(C) disease or predation;

(D) the inadequacy of existing regulatory mechanisms; or

(E) other natural or manmade factors affecting its continued existence; or

(2) The status of such species or subspecies is unknown.

(b) The appropriate Secretary shall publish in the Federal Register, not less than annually, a list, by scientific and common name or names, of species or subspecies determined, pursuant to this section, to be endangered, indicating as to each species or subspecies so listed whether such species or subspecies is threatened with extinction or is likely within the foreseeable future to become threatened with extinction or whether its status is unknown and, in either case, over what portion of the range of such species or subspecies this condition exists. The appropriate Secretary may, from time to tome, by regulation revise any such list. The endangered species lists which are effective as of the date of enactment of this Act shall be republished to conform to the provisions of this Act: *Provided, however,* That until such republication nothing herein shall be deemed to invalidate such endangered species lists. The provisions of section 553 of title 5, United States Code, shall apply to any regulation issued under this subsection. The Secretary shall, upon the petition of an interested person under subsection 553(e) of title 5, United States Code, also conduct a review, on the record, after opportunity for agency hearing of any listed or unlisted species or subspecies of fish or wildlife proposed to be removed from or added to the list, but only if he finds and publishes his finding that such person has presented substantial evidence to warrant such a review.

LAND ACQUISITION AND AGENCY COMPLIANCE

SEC. 5. (a) The Secretary shall utilize the land acquisition and other authorities of the Migratory Bird Conservation Act, as amended, the Fish and Wildlife Act of 1956, as amended, and the Fish and Wildlife Coordination Act, as appropriate, to carry out a program in the United States of conserving, protecting, restoring, or propagating those species and subspecies of fish and wildlife that he lists as endangered species pursuant to section 2 of this Act.

(b) In addition to the land acquisition authorities otherwise available to him, the appropriate Secretary is hereby authorized to acquire by purchase, donation, or otherwise, lands or interests therein needed to carry out the purpose of this Act relating to the conservation, protection, restoration, and propagation of those species or subspecies of fish and wildlife and flora that he lists as endangered species pursuant to section 4 of this Act.

(c) Funds made available pursuant to the Land and Water Conservation Fund Act of 1965, as amended, may be used for the purpose of acquiring lands, waters, or interests therein pursuant to this section that are needed for the purpose of conserving, protecting, restoring, or propagating those species or subspecies of fish and wildlife and flora that he lists as endangered species pursuant to section 4 of this Act.

(d) The appropriate Secretary shall review other programs administered by him and, to the extent practicable utilize such programs in furtherance of the purpose of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize, wherever practicable, their authorities in furtherance of the purpose of this Act by carrying out programs for the protection of endangered species of fish or wildlife or flora and by taking such actions as may be necessary to insure that actions authorized, funded, regulated, or administered by them do not jeopardize the continued existence of endangered species or result in destruction or modification of critical habitat of such species.

(f) In carrying out the provisions of this Act, the Secretary, through the Secretary of State, shall encourage foreign countries to provide protection to species or subspecies of fish or wildlife threatened with extinction, to take measures to prevent any fish or wildlife from becoming threatened with extinction, and he shall, through the Secretary of State, encourage bilateral and multilateral agreements with such countries for the conservation and propagation of fish and wildlife. The Secretary is authorized to assign or otherwise make available any officer or employee of his department for the purpose of cooperating with foreign countries and international organizations in developing personnel resources and programs which promote conservation of fish or wildlife, including (1) educational training of United States and foreign personnel, here or abroad, in the subjects of fish and wildlife management, research, and law enforcement; and (2) rendering professional assistance abroad in such matters. The Secretary is also authorized to conduct or cause to be conducted such law enforcement investigations and research abroad as he deems necessary to carry out the obligations imposed upon him by this Act.

COOPERATION WITH THE STATES

SEC. 6. (a) In carrying out the program authorized by this Act, the appropriate Secretary shall cooperate to the maximum extent practicable with the several States. Such cooperation shall include consultation before the acquisition of any land for the purpose of conserving, protecting, restoring, or propagating any endangered species.

(b) The Secretary may enter into agreements with the States for the administration and management of any area established for the conservation, protection, restoration, or propagation of endangered species. Any revenues derived from the administration of such areas under these agreements shall be subject to the provisions of section 401 of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s).

(c) The Secretary may delegate to a State the authority to regulate the taking by any person of endangered species or subspecies of resident fish and wildlife when he determines that such State maintains an adequate and active program, consistent with the policies and purposes of this Act, to manage and protect such endangered species in accordance with criteria issued by the Secretary.

(d) Any action taken by the Secretary under this section shall be subject to his periodic and continual review at no greater than annual intervals. Such review shall include the consideration of comment received from interested persons.

(e) Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting the power of any State to enact legislation more restrictive than the provisions of this Act for the protection and conservation of wildlife, including the regulation or prohibition of the retail sale of specimens or of products processed or manufactured from the specimens of wildlife, whether such specimens are alive or dead.

(f) The Secretary of the Interior shall promptly undertake an investigation and study regarding the functions and responsibilities which the States should have with respect to the management and protection of endangered speices of fish and wildlife. The Secretary shall report the results of the investigation and study to Congress within one year after the date of the enactment of this Act, and such report may include such recommendations as the Secretary may have regarding the extent to, and manner in, which the Federal Government should assist the States in establishing and implementing management and protection programs for endangered species.

PROHIBITED ACTS

SEC. 7. (a) Notwithstanding any other Act of Congress or regulation issued pursuant thereto, and except as hereinafter provided, any person who—

(A) imports into or exports from the United States, receives, or causes to be so imported, received, or exported; or

(B) takes or causes to be taken within the United States, the territorial sea of the United States, Federal lands, or upon the high seas; or

(C) ships, carries, or receives by any means in interstate commerce

any species or subspecies of fish or wildlife or flora which the Secretary has listed as an endangered species threatened with extinction pursuant to section 4 of this Act, shall be punished in accordance with the provisions of section 9 of this Act.

(b) Whenever the Secretary, pursuant to section 4 of this Act, lists a species or subspecies as an endangered species which is likely within the foreseeable future to become threatened with extinction, he shall issue such regulations as he deems necessary or advisable to provide for the conservation, protection, restoration, or propagation of such species or subspecies, including regulations subjecting to punishment in accordance with section 9 of this Act any person who—

(1) imports into or exports from the United States, receives, or causes to be so imported, received, or exported; or

(2) takes or causes to be taken within the United States, the territorial sea of the United States, Federal lands or upon the high seas; or

(3) ships, carries, or receives by any means in interstate commerce any such species or subspecies of fish or wildlife or flora likely within the foreseeable future to become threatened with extinction.

(c) The Secretary shall allow taking of an endangered species which is likely within the foreseable future to become threatened only (1) when it can clearly be shown that such taking will not damage the population, or (2) in emergency cases involving human health and safety.

(d) For the purpose of facilitating enforcement of this Act the Secretary may from time to time, by regulation, extend the protection of this section, to the extent he deems it advisable, to any species or subspecies of fish or wildlife or flora which is which so closely resembles in appearance, at that point in question, a species or subspecies of fish or wildlife or flora which has been listed as endangered, that substantial difficulty is posed to enforcement personnel in attempting to differentiate between the endangered and nonendangered species or subspecies of fish or wildlife or flora, and this difficulty poses an additional threat to the endangered species or subspecies.

EXCEPTIONS

SEC. 8. The Secretary may permit, under such terms and conditions as he may prescribe, the importation, taking, or the transportation in interstate commerce of any species or subspecies of fish or wildlife or flora listed as an endangered species threatened with extinction for scientific purposes, and for the propagation of such fish and wildlife in captivity for preservation purposes, but only if he finds that such importation, taking, or transportation in interstate commerce, or projected use will not adversely affect the regenerative capacity of such specimen or of such species or subspecies in a significant portion of its range or habitat or otherwise affect the survival of the wild population of such species.

(b) In order to minimize undue economic hardship to any person importing, exporting, taking, or transporting in interstate commerce any species or subspecies of fish or wildlife or flora which is listed as an endangered species pursuant to section 4 of this Act under any contract entered into prior to the date of original publication of such listing in the Federal Register, the Secretary, upon such person filing an application with him and upon filing such information as the Secretary may require showing, to his satisfaction, such hardship, may permit such person to import, export, take, or transport such species or subspecies in such quantities and for a period not to exceed one year, as he determines to be appropriate.

PENALTIES AND ENFORCEMENT

SEC. 9. (a) (1) Any person who violates any provision of this Act or any regulation or permit issued thereunder, other than a person who commits a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the appropriate Secretary of not more than $10,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the appropriate Secretary. Upon any failure to pay the penalty assessed under this paragraph, the appropriate Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty, and such court shall have jurisdiction to hear and decide any such action. In the case of Guam such actions may be brought in the District Court of Guam; in the case of the Virgin Islands such actions may be brought in the District Court of the Virgin Islands; and in the case of American Samoa such actions may be brought in the District Court of the United States for the district of Hawaii and such courts shall have jurisdiction of such actions. In hearing such action, the court shall sustain the Secretary's action if such action is supported by substantial evidence.

(2) Whenever any property is seized pursuant to subsection (c) of this section, the appropriate Secretary shall move to dispose of the civil penalty proceedings pursuant to paragraph (1) of this subsection as expeditiously as possible. Upon the assessment and collection of a civil penalty pursuant to paragraph (1) of this subsection, any property so seized may be proceeded against in any court of competent jurisdiction and forfeited. Fish or wildlife or flora so forfeited shall be conveyed to the appropriate Secretary for disposition by him in such a manner as he deems appropriate. If, with respect to any such property so seized, no compromise forfeiture has been achieved or no action is commenced to obtain the forfeiture of such fish, wildlife, flora property, or item within thirty days following the completion of proceedings involving an assessment and collection of a civil penalty, such property shall be immediately returned to the owner or the consignee in accordance with regulations promulgated by the Secretary.

(3) Proceedings for the assessment of civil penalties pursuant to paragraph (1) of this subsection shall be conducted in accordance with section 554 of title 5. The appropriate Secretary may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person pursuant to this paragraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the appropriate Secretary or to appear and produce documents before the Secretary, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(b) Any person who knowingly violates any provision of this Act, or any regulation or permit issued thereunder, shall, upon conviction, be fined not more than $20,000 or imprisoned for not more than one year, or both, and any Federal hunting or fishing licenses, permits, or stamps may be revoked or withheld for a period of up to five years. Upon conviction, (1) any fish or wildlife or flora seized shall be forfeited to the Secretary for disposal by him in such manner as he deems appropriate, and (2) any other property seized pursuant to subsection (c) of this section may, in the discretion of the court, commissioner, or magistrate, be forfeited to the United States or otherwise disposed of. If no conviction results from any such alleged violation, such property so seized in connection therewith shall be immediately returned to the owner or consignee in accordance with regulations promulgated by the appropriate Secretary, unless the Secretary, within thirty days following the final disposition of the case involving such violation, commences proceedings under subsection (a) of this section.

(c) (1) The provisions of sections 7 and 8 of this Act and any regulations or permits issued pursuant thereto, or pursuant to subsection (d) or (e) of this section, shall be enforced by the appropriate Secretary, the Secretary of the Treasury, or the Secretary of the Department in which the Coast Guard is operating, or all such Secretaries. Each such Secretary may utilize, by agreement, with or without reimbursement, the personnel, services, and facilities of any other Federal agency or any State agency.

(2) Any authorized agent of the Departments of the Interior, of Commerce, of Agriculture, or of the Treasury may, with or without a warrant, arrest any person who such agent has probable cause to believe is knowingly violating this Act, in his presence or view, or any regulation or permit issued thereunder, the penalty for which is provided under subsection (b) of this section. An agent who has made an arrest of a person in connection with any such willful violation may search such person at the time of his arrest and seize any property taken, used, or possessed in connection with any such violation.

(3) An authorized agent of the Department of the Interior, of Commerce, of Agriculture, or of the Treasury shall have authority to search and seize with or without a warrant, as provided by the customs laws and by the law relating to search and seizure. Any such officer or agent is authorized to execute warrants to search for and seize any property, including, for the purposes of this section, any fish, wildlife, flora, aircraft, boat, or other conveyance, weapon, business records, shipping documents, or other items which have been taken, used, or possessed in connection with the violation of any section, regulation, or permit with respect to which a civil or criminal penalty may be assessed, pursuant to subsection (a) or (b) of this section. Any property seized pursuant to this section shall be held by any agent authorized by the Secretary or the Secretary of the Treasury, or by a United States marshal, pending disposition of proceedings under subsection (a) or (b) of this section; except that either Secretary may, in lieu of holding such property, either (1) permit a bond or other satisfactory surety to be posted, or (2) place the fish or wildlife or flora in the custody of such person as he shall designate. Upon the imposition of a civil or criminal penalty, or a forfeiture, the costs to the Government of transfer, board, and handling, including the cost of investigations at a nondesigated port of entry, shall be payable to the account of the Secretary. The owner or consignee of any property so seized shall, as soon as practicable following such seizure, be notified of the fact in accordance with regulations established by the Secretary.

(d) The Secretary may request the Attorney General to bring appropriate action to prevent threatened violations of this Act, or of any regulations or orders promulgated pursuant thereto.

(e) For the purposes of facilitating enforcement of this Act and reducing the costs thereof, the Secretary, with the approval of the Secretary of the Treasury, shall, after notice and an opportunity for a public hearing, from time to time designate, by regulation, any port or ports in the United States for the importation of fish and wildlife (other than shellfish and fishery products) or flora into the United States. The importation of such fish or wildlife or flora into any port in the United States, except those so designated, shall be prohibited after the effective date of such designations; except that the Secretary, under such terms and conditions as he may prescribe, may permit importation at nondesignated ports in the interest of the health or safety of the fish or wildlife. Such regulations may provide other exceptions to such prohibition if the Secretary, in his discretion, deems it appropriate and consistent with the purposes of this subsection.

(f) The Secretary is authorized to promulgate such regulations as may be appropriate to carry out the purposes of this Act, and the Secretaries of the Treasury and the Department in which the Coast Guard is operating are authorized to promulgate such regulations as may be appropriate to the exercise of responsibilities under subsection (c)(1) of this section.

(g) (1) Any person who engages to any extent in business as an importer of fish and wildlife must register with the Secretary of the Treasury his name and the address of each place of business at which, and all trade names under which, he conducts such business.

(2) Any person required to register with the Secretary of the Treasury under paragraph (1) of this subsection shall—

(A) keep such records as will fully and correctly disclose each importation of fish and wildlife made by him and the subsequent disposition made by him with respect to such fish and wildlife; and

(B) at all reasonable times upon notice by a duly authorized representative of the Secretary, afford such representative access to his places of business an opportunity to examine his inventory of imported fish and wildlife and the records required to be kept under subparagraph (A) of this paragraph, and to copy such records.

(3) The Secretary of the Treasury shall prescribe such regulations as are necessary and appropriate to carry out the purposes of this subsection.

INTERNATIONAL AND INTERGOVERNMENTAL COOPERATION

SEC. 10. (a) (1) In carrying out the provisions of this Act, the Secretary, through the Secretary of State, shall encourage foreign countries to provide protection to species or subspecies of fish and wildlife or flora threatened with extinction, to take measures to prevent any fish or wildlife from becoming threatened with extinction, and shall cooperate with such countries in providing technical assistance in developing and carrying out programs to provide such protection, and shall, through the Secretary of State, encourage bilateral and multilateral agreements with such countries for the protection, conservation, or propagation of fish and wildlife or flora. The Secretary shall also encourage persons, taking directly or indirectly fish or wildlife or flora in foreign countries or on the high seas for importation into the United States for commercial or other purposes, to develop and carry out, with such assistance as he may provide under any authority available to him, conservation practices designed to enhance such fish or wildlife or flora and their habitat or range. The Secretary of State, in consultation with the Secretary, shall take appropriate measures to encourage the development of adequate measures, including, if appropriate, international agreements, to prevent such fish or wildlife or flora from becoming threatened with extinction.

(2) To assure the worldwide conservation of endangered species and to avoid unnecessary harm to affected United States industries, the Secretary, through the Secretary of State, shall seek the convening of an international ministerial meeting on fish and wildlife prior to November 1, 1973, and included in the business of that meeting shall be the signing of a binding international convention on the conservation of endangered species.

(b) The Secretary of Agriculture and the Secretary shall provide for appropriate coordination of the administration of this Act and amendments made by this Act, with the administration of the animal quarantine laws (19 U.S.C. 1306; 21 U.S.C. 101–105, 111–135b, and 612–614). Nothing in this Act, or any amendment made by this Act, shall be construed as superseding or limiting in any manner the functions of the Secretary of Agriculture under any other law relating to prohibited or restricted importations of animals and other articles and no proceeding or determination under this Act shall preclude any proceeding or be considered determinative of any issue of fact or law in any proceeding under any Act administered by the Secretary of Agriculture.

(c) Whenever the Secretary determines pursuant to this Act or any other authority vested in him, that a species of fish or wildlife is an endangered species and publishes regulations pertaining to the protection, control, management, or enhancement of such endangered species, the Secretary of Agriculture may use all authorities available to him with respect to research, investigations, conservation, development, protection, management, and enhancement of fish and wildlife, including, but not limited to, the conservation operations program, watershed protection and flood prevention programs, rural environmental assistance program, Great Plains conservation program, resource conservation and development program, forestry programs, and water bank program, in the protection, control, management, or enhancement of such endangered species. Recognizing the national and international interest in the protection and enhancement of such endangered species, the Secretary of Agriculture is authorized, notwithstanding the provisions of any other law, to bear the full cost, or any lesser amount that he, in consultation with the Secretary may determine desirable to accomplish the objectives of the Act, of the cost of installing any practice, measure, work of improvement, facility, or other developmental, protective, or management systems on private land, the primary purpose of which is for the purpose of enabling the landowner to comply with the regulations, or other recommendations, of the Secretary pertaining to the protection, control, management, or enhancement of such endangered species. The Secretary of Agriculture, in carrying out the purposes of this section, shall utilize his authorities to conduct research and investigations into vegetative and structural methods and other methods and practices, measures, works of improvement, and facilities most appropriate or effective in the protection, control, management, or enhancement of such endangered species. If determined desirable, the Secretary and the Secretary of Agriculture shall be authorized to jointly carry out research, surveys, and investigations. The Secretary is authorized to transfer to the Secretary of Agriculture such funds as may be necessary to carry out the purposes of this subsection.

(d) Nothing in this Act, or any amendment made by this Act, shall be constructed as superseding or limiting in any manner the functions and responsibilities of the Secretary of the Treasury under the Tariff Act of 1930, as amended, including, without limitation, section 527 of such Act relating to the importation of wildlife taken, killed, possessed, or export to the United States in violation of the laws or regulations of a foreign country.

CONFORMING AMENDMENTS

SEC. 11. (a) Subsection 4(c) of the Act of October 15, 1966 (80 Stat. 928), as amended (16 U.S.C. 668dd(c)), is further amended by revising the second sentence thereof to read as follows: "With the exception of endangered species listed by the Secretary pursuant to section 4 of the Endangered Species Conservation Act of 1973, nothing in this Act shall be constructed to authorize the Secretary to control or regulate hunting or fishing of resident fish and wildlife on lands not within the system."

(b) Subsection 10(a) of the Migratory Bird Conservation Act (45 Stat. 1224), as amended (16 U.S.C. 715i(a)), is further amended by inserting "or likely within the foreseeable future to become threatened with" between the words "with" and "extinction".

(c) Subsection 401(a) of the Act of June 15, 1935 (49 Stat. 383), as amended (16 U.S.C. 715s(a)), is further amended by inserting "or likely within the foreseeable future to become threatened with" between the words "with" and "extinction" in the last sentence thereof.

(d) Subsection 6(a)(1) of the Land and Water Conservation Fund Act of 1965 (78 Stat. 903), as amended (16 U.S.C. 46019(a)(1)), is further amended by inserting "or likely within the foreseeable future to become threatened with" between the words "with" and "extinction".

REPEALS

SEC. 12. (a) Sections 1 through 3 of the Act of October 15, 1966 (80 Stat. 926, 927), as amended (16 U.S.C. 668aa–668cc), are hereby repealed in their entirety.

(b) Sections 1 through 6 of the Act of December 5, 1969 (83 Stat. 275–279; 16 U.S.C. 668cc–1 through 668c–6) are hereby repealed in their entirety.

By Mr. HATHAWAY:

S. 1984. A bill to direct that grants for research and demonstration projects and other federally funded projects of this nature be allocated to economically depressed areas, insofar as is possible, and to assist and promote the development of those areas of the country which are economically depressed. Referred to the Committee on Labor and Public Welfare.

Mr. HATHAWAY. Mr. President, I am introducing today a bill to direct that large sums of Federal money, in the form of grants for research and demonstration projects, pilot programs, and similar federally funded projects, be allocated to economically depressed areas, insofar as is possible.

One of my principal concerns, as a Member of the Senate, lies in promoting Federal Government to aid areas which are economically depressed. There are large regions of our country, regions which include substantial rural areas and declining urban centers, which suffer from lagging economic growth and a lack of opportunities for development. The problem is even more acute in particular areas, and among certain groups in the population. A number of areas of the country show high rates of unemployment, low per capita income, inferior public services, and a whole range of socio-economic problems.

All too often, these are also areas which are badly served by the Federal Government. They do not receive even their proportionate share of funds distributed by the Federal Government, much less a larger share that would indicate some Federal commitment to alleviate their problems. Take my own State of Maine, for instance. Per capita income in Maine for 1972 was $3,571, only about 80 percent of the national average, which was $4,478. The unemployment rate in 1972 ran well above the national average. It was over 7 percent, reaching a high of 8.8 percent at one period of time. For some areas of the State, the unemployment rate approached 12 percent. Compare this with the national average of 5.6 percent. And yet, according to the survey of Federal outlays in Maine for 1972, Maine ranked 39th in total population, 38th in number of poor people in the population, and a very low 46th in total Federal funds received.

I feel it is high time that the Federal Government take strong and positive action to aid economically depressed areas. It should be a primary goal of public policy that Government programs and grants go first and foremost to help areas and people which display the greatest need for these resources. I have already sponsored legislation to accomplish this goal, and I intend to continue doing so, now and in the future.

The bill I am introducing today, the "Research and Demonstration Grant Policy Act," recognizes that large amounts of Federal money go into research and demonstration projects of many different sorts. It recognizes, as well, that areas which receive money for these projects are greatly benefited thereby—in terms of employment, of training and experience for people in the area, and in terms of the lasting effect of the project itself, be it an education or health program which the community can continue, or perhaps the construction of some new technology, which will remain to help the people in the area after it is built. For instance, the Federal Water Pollution Control Act, passed by Congress last year, contained authorization for $150 million in research and development funds. Surely any community would benefit from receiving funds to develop and construct a new type of water pollution control project, which would then remain for continuing public use.

Because such projects are of tangible benefit to the communities which receive them, I believe strongly that there should be a definite Federal policy of allocating such projects to communities which have the greatest economic need. This is a necessary part of an overall Government policy to promote economic development in these areas.

My bill states that it is the declared policy of the Congress that the Government should aid, assist and promote the development of those areas of the country which are economically depressed, in order to maintain and strengthen the overall economy of the Nation. Accordingly, it is directed that, insofar as is possible, grant agreements and contracts involving research and demonstration projects and other similar programs shall be entered into with agencies of State or local government, or with persons who are located in or will employ a substantial number of persons located in economically depressed areas. A depressed area is defined as one with a high rate of unemployment, as measured by specific criteria.

Furthermore, the legislation states that a comprehensive study shall be made of all programs of this type operated by the Federal Government, including information on Federal expenditures and geographical distribution, to determine how the Government is presently allocating and administering these programs and to provide information on which a change in policy can be based, to achieve the objectives of this legislation. The initial report is due no later than 1 year following the date of enactment. Subsequently, comprehensive and detailed annual reports are required, to indicate how faithfully the Government is carrying out the policy goals in the legislation.

Mr. President, we all know that the Federal Government, by its spending decisions alone, has a tremendous impact on the development and growth of our country. Decisions of great economic and social importance must not be made in a policy vacuum. Instead, the Congress must lay down specific policy objectives to guide decision-makers in the executive branch. I believe that one of our most fundamental policy concerns must be to aid those areas of our country which are economically depressed, and to give new hope to people living in these areas. Bills to set policy goals of this type, such as the bill I am introducing today, are essential to achieve this purpose.

Mr. President, I ask unanimous consent that the text of the Research and Demonstration Grant Policy Act be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1—This Act may be cited as the "Research and Demonstration Grant Policy Act."

SEC. 2—It is the declared policy of the Congress that the Government should aid, assist and promote the development of those areas of the country which are economically depressed in order to maintain and strengthen the overall economy of the Nation. Accordingly, insofar as is possible, grant agreements and contracts involving research and demonstration projects, feasibility studies, pilot programs and other federally funded projects of this nature shall be entered into with agencies of state or local government, or with persons who are located in, or who employ (or will under the grant or contract employ) a substantial number of persons located in economically depressed areas.

SEC. 3—For the purposes of this Act, an economically depressed area shall be defined as any area—

(a) where the Secretary of Labor finds that the current rate of unemployment, as determined by appropriate annual statistics for the most recent available calendar year, is 6 per centum or more; or

(b) where the Secretary of Labor finds that the annual average rate of unemployment has been at least—

(1) 50 per centum above the national average for three of the preceding four calendar years, or

(2) 75 per centum above the national average for two of the preceding three calendar years, or

(3) 100 per centum above the national average for one of the preceding two calendar years.

The Secretary of Labor shall find the facts and provide the data to be used by the Secretary in making the determinations required by this section.

SEC. 4—For the purposes of this Act, the Director of the Office of Management and Budget is authorized to provide the following—

(a) A comprehensive study and examination of the programs referred to in Sec. 1, including information on federal expenditures and geographical distribution of these programs; to be submitted to the Congress no later than 1 year following the date of enactment.

(b) Subsequent to this, comprehensive and detailed annual reports on programs referred to in Sec. 2 and actions taken to comply with the intent of this Act.

By Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. MONDALE, and Mr. PELL):

S. 1985. A bill to extend for 1 fiscal year the authorization of appropriations for title VIII of the Economic Opportunity Act of 1964. Referred to the Committee on Labor and Public Welfare.

EXTENSION OF TITLE VIII OF THE ECONOMIC OPPORTUNITY ACT OF 1964

Mr. CRANSTON. Mr. President, I introduce today, for appropriate reference, a bill to provide for a simple 1-year extension for fiscal year 1974 at fiscal 1973 levels of the authorization of appropriations for title VIII—Domestic Volunteer Service Programs—of the Economic Opportunity Act of 1974 by amendment to Public Law 92–424, which contains the fiscal year 1973 appropriations authorization, and earmarked amounts thereunder, for title VIII. I submit this bill for myself and my distingiushed colleagues from Massachusetts (Mr. KENNEDY), Minnesota (Mr. MONDALE), and Rhode Island (Mr. PELL).

Mr. President, the authorization of appropriations for title VIII of the Economic Opportunity Act of 1964, as amended, expires on June 30, 1973. This is the basic authority under which the ACTION Agency carries out the VISTA and UYA programs, as well as other experimental antipoverty volunteer programs.

Although the Senate Committee on Labor and Public Welfare has ordered reported my bill, S. 1148, which would consolidate into one law all domestic volunteer program authorities for programs under the ACTION Agency as well as provide for continuation and expansion of these programs, it does not seem likely at this point in time that that rather sweeping bill will be enacted prior to June 30, 1973.

The bill I introduce today for myself and most of the cosponsors of S. 1148 is intended as a stopgap, interim measure until more comprehensive legislation, such as S. 1148, can be moved through the congressional process and enacted. It also can serve as a realistic alternative—at least for the next year—for such a comprehensive approach if it turns out that we cannot quickly and amicably resolve differences as to that approach in a way that is consistent with the philosophy of the committee in terms of continuation of a strong, viable, undiluted antipoverty mission for the VISTA program and a maintenance of at least the current level of expenditures—about $30 million—for the full-time VISTA and UYA programs.

Mr. President, I am aware that the House Committee on Education and Labor through its Subcommittee on Equal Opportunities, chaired by my good friend from California (Mr. HAWKINS), begins hearings tomorrow on H.R. 7265—the House companion bill to S. 1148. I am delighted with this prompt action in the other body and look forward to our working together to produce a first-rate measure to authorize ACTION Agency domestic volunteer programs as a replacement for the authorities now contained in title VIII of the Economic Opportunity Act of 1964 and title VI of the Older Americans Act of 1965. However, if that should not prove possible, I know the other body will want to give serious consideration to a simple title VIII extension of the kind I am offering today.

In this connection, Mr. President, the Older Americans Comprehensive Services Amendments of 1972, recently enacted as Public Law 93–29, included a 3-year extension of the title VI authorizations of appropriations for the older American volunteer programs carried out thereunder—RSVP and foster grandparents.

Mr. President, I ask unanimous consent that the text of the bill I am introducing be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (1) of section 3(d) of the Economic Opportunity Amendments of 1972 (Public Law 92–424) is amended by—

(1) striking out "for the fiscal year ending June 30, 1973," and inserting in lieu thereof "annually for the fiscal year ending June 30, 1973, and for the succeeding fiscal year".

(2) inserting "in each such year" after "which"; and

(b) Paragraph (2) of such section 3(d) is amended by—

(1) inserting "for each such fiscal year" after "full"; and

(2) inserting "each" after "for" the first time it appears.

ADDITIONAL COSPONSORS OF BILLS

S. 1109

At the request of Mr. MONDALE, the Senator from New Mexico (Mr. MONTOYA) was added as a cosponsor of S. 1109, to amend the Internal Revenue Code of 1954 to provide that the designation of payments to the Presidential Election Campaign Fund be made on the front of the taxpayer's income tax return form.

S. 1326

At the request of Mr. WILLIAMS, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 1326, the Hemophilia Act of 1973.

S. 1769

At the request of Mr. MANSFIELD (for Mr. MAGNUSON) the Senator from New Hampshire (Mr. McINTYRE) and the Senator from Minnesota (Mr. HUMPHREY) were added as cosponsors of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes.

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE—AMENDMENTS

AMENDMENT NO. 219

(Ordered to be printed, and to lie on the table.)

Mr. BROOKE submitted amendments, intended to be proposed by him, to the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

AMENDMENT NO. 220

(Ordered to be printed, and to lie on the table.)

Mr. McGOVERN submitted an amendment, intended to be proposed by him to the amendment No. 218, to Senate bill 1248, supra.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 218, TO S. 1248

At the request of Mr. PROXMIRE, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 218, to the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Mitchell A. Newberger, of Florida, to be U.S. marshal for the middle district of Florida for the term of 4 years, vice Andrew J. F. Peoples, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Tuesday, June 19, 1973, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ANNOUNCEMENT OF HEARINGS—TRAINING NEEDS IN GERONTOLOGY

Mr. CHURCH. Mr. President, the Senate Special Committee on Aging will conduct hearings on "Training Needs in Gerontology" on June 19 and 21, beginning each day at 10 a.m. in room 1318, Dirksen Office Building.

These hearings have been called, at the suggestion of Senator CHILES, in order to explore: first, existing training programs and the consequences of possible wholesale curtailment; second, estimates for trained personnel in gerontology or gerontology-related programs or other activities; and third, recommendations for actions that will encourage the orderly and sustained development of adequate training resources in gerontology.

NOTICE OF HEARINGS ON THE DROUGHT AND FAMINE IN AFRICA

Mr. HUMPHREY. Mr. President, this Friday, June 15, the African Affairs Subcommittee of the Senate Foreign Relations Committee will hold hearings on the drought in the region of Africa known as the Sahel—a drought which has already devastated the economies of six countries and is now threatening the lives of millions. The hearings will be held at 10 a.m. in room 4221, Dirksen Office Building. As chairman of the subcommittee, I have invited Mr. David Newsom, Assistant Secretary of State for Africa, and Mr. Donald S. Brown, Deputy Assistant Administrator for Africa in AID, and other experts to testify before the subcommittee.

Malnutrition, starvation, disease caused by a drought may not be as dramatic as the destruction caused by an earthquake or a civil war. But they are just as tragic and just as deadly. The African Affairs Subcommittee wants to make sure that this "quiet" crisis is not overlooked.

The New York Times reported that 2 million people could face starvation in the next few months, and 5 to 10 million could starve before the crisis is over. We ought to make sure everything possible is being done to save the lives of these people.

There are indications that the past 4 years of drought have not been a temporary phenomenon—that the Sahara Desert is moving southward, claiming the grazing land that provided the only livelihood for thousands of nomads. It will take thought and planning and money to push the desert back—to hold it back with wells and irrigation and ground cover. We want to find out how usefully the United States and other nations are contributing to the long-term international effort to save these six economies and if these contributions should be increased.

This drought has been going on for 4 years. For 4 years, crops have not been growing and cattle have been dying. Yet the international community did not start giving relief assistance to these countries until February 1, 1973. We want to find out why.

The countries hardest hit by the drought—Upper Volta, Chad, Niger, Mali, Mauritania, and Senegal—are some of the poorest countries in the world. Some of them have per capita GNP's of $60. The drought wiped out from 30 to 80 percent of their cattle and most of their export and staple crops.

These countries could not be expected to feed their starving thousands out of government revenues that were diminishing yearly, foreign exchange reserves that were depleted, and food reserves that were totally exhausted. Yet they did not ask for help from the international community until it was almost too late. We want to find out why.

We need to determine what it is about the aid policies of donor countries that kept these stricken countries from asking for assistance until they were literally starving to death. We want to make sure they are getting all the assistance they need now—without humiliating strings attached. There is no shame in being hungry. But there is shame if the United States, the EEC, or the Soviet Union do not care enough to help those who are starving.

It is my hope that the Africa Subcommittee will examine this problem in the larger context of the critical world food shortage as well. We must determine if the United States and other surplus-producing countries should produce only what we can sell, cut back on the food-for-peace program because it is costly, let famines run their course while our fields lie fallow. I believe and have proposed that we should maintain reserves of grain stockpiled for emergencies—reserves that would make up part of a world food reserve proposed by the FAO.

Finally, our own aid policies have been blamed for aggravating crises such as this. They allegedly have been geared excessively toward capital-intensive projects in the cities of richer States, with too little done for the farmers—the poorest majority in less developed countries. The rural people make up 90 percent of the population in Africa.

If we had encouraged the digging of wells or the diversification of crops in this area earlier, if we had cared more about increasing the productivity of small farmers and bringing nomads into the development process—the drought would still have occurred, but the crops and livestock and people of this area might better have survived it.

Congressman DONALD FRASER and the House Foreign Affairs Committee have proposed a major change in U.S. aid policy. They want to focus our efforts on aiding the poorest people in the world—the "marginal men"—the subsistence farmers, the unemployed, the nomads. They are proposing that our aid be concentrated on bringing these people into the development process—providing them with education, nutrition, health care, ways to improve their crops and their herds.

If we are to pursue this new policy, we must understand how we have failed in areas like the Sahel to enable people to feed themselves, to avert this crisis and to prevent starvation. And we must begin now to explore ways of preventing such crises in the future, in West Africa and throughout the world.

I ask unanimous consent that the most recent New York Times article on the drought, indicating the increasing severity of this problem, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PARCHED AFRICA SEES RAIN BEGIN—BUT DROUGHT-AREA WORKERS DOUBT THAT IT CAN HELP

(By Thomas A. Johnson)

OUAGADOUGOU, UPPER VOLTA, June 7.—Many farmers rejoiced in this drought-stricken nation when a cloudburst this week signaled the start of the rainy season in sub-Saharan Africa, the time for planting.

But the downpour, which halted all traffic and turned roadbeds into rivers, brought additional worries to agricultural and relief experts who are concerned with the effects of the five-year drought afflicting six countries—Upper Volta, Mauritania, Senegal, Mali, Niger and Chad.

The rains are considered little more than a partial blessing by the African and foreign relief workers, their efforts hampered as they are by poor roads and communications and the absence of reliable information. With the rain, the roads will be worse.

"In this region farmers should plant their sorghum and millet seeds in the next three weeks," said a foreign agricultural worker. "But many of the farmers from these nations have left their farms and fled south looking for food. Many of those who stayed have long since eaten their seed crops."

A number of interviews here, where relief efforts for the six countries most affected are beginning to be coordinated, indicated that the full social disruption of the drought is not known. "Are the farmers coming back to plant?" an official said. "I don't know. I don't know who went where."

Quite often, the information that is available is conflicting or uncertain. When asked recently by a United Nations team to name the amount of sorghum and millet seed grain that would be needed for this year's planting, the countries involved requested 30,000 to 36,000 tons.

TIME WAS TOO BRIEF

The grain was located in Port Sudan, in the Sudan, and the United States Agency for International Development looked into the possibility of flying the grain from that Red Sea port into this region. This was never done because, according to reliable sources, there was not enough time to transport and distribute the grain in the brief planting season.

But a number of agricultural workers insist that sufficient seed grain is on hand, either hoarded by speculators or in the hands of farmers.

Merchants in the central markets of this city and in Bobo-Dioulasso, 200 miles west-southwest of Ouagadougou, were selling sorghum and millet this week for about 25 cents a kilo—2.2 pounds—compared with the normal price, about 10 cents.

A farmer near the village of Noingou said that it was traditional that "the farmer never sells his last grain but holds it for planting."

At present the bulk of the relief supplies, mostly grains and powdered milk, brought in by the United Nations from Europe and America, is taken to the remote, Sahara-border villages by truck and then to smaller communities by Land Rover and car. But the rains make many roads impassable.

"You must wait at least a day after a hard rain," a transportation worker said. "Otherwise you ruin these dirt roads with large trucks. And when it rains for a few days straight and then you try to drive, it is like trying to drive in a stew."

The American Ambassador to Upper Volta, Donald B. Easum, says that he has alerted Washington that "a massive airlift" of relief supplies to the six countries may be necessary.

The rains will benefit the region in helping to provide forage to cattle, sheep and goats. Benno Haffner, the controller for the European Economic Community's fund for economic development, said that the fund, with the help of the French Air Force, was flying in 250 tons of cotton seed for herds of cattle gathered at an oasis, near the northern tip of Upper Volta.

ANNOUNCEMENT OF HEARINGS

Mr. CRANSTON. Mr. President, I announce for the information of Senators and the public that the Subcommittee on Employment, Poverty, and Migratory Labor and the Special Subcommittee on Human Resources of the Senate Labor and Public Welfare Committee will hold joint hearings in San Francisco, Calif., on June 15, 1973, and in Los Angeles, Calif., on June 16, 1973. These hearings will be of an oversight and investigatory nature and will deal with the effects of the proposed fiscal year 1974 budget regarding child care, OEO, and manpower programs. Additionally, at the Los Angeles hearing, the subcommittees will receive testimony on the problem of child abuse.

As chairman of the Special Subcommittee and as a member of the Poverty Subcommittee, I will chair these hearings, which will be held at the Burnett School from 9 a.m. to 11:45 a.m. and 2 p.m. to 4 p.m. in San Francisco, and at Santa Monica City Hall from 9:30 a.m. to 12 noon and 2 p.m. to 4 p.m. in Los Angeles.

ANNOUNCEMENT OF HEARINGS ON S. 794

Mr. WILLIAMS. Mr. President, the Subcommittee on Labor of the Committee on Labor and Public Welfare will begin public hearings on S. 794, a bill to extend the protection of the National Labor Relations Act to employees of nonprofit hospitals, on Wednesday, June 27 and Thursday, June 28 at 9:30 a.m., in room 4332, DSOB.

I am pleased to announce that the sponsor of the bill, Senator ALAN CRANSTON, has agreed to chair these hearings of the subcommittee. Persons or organizations desiring to appear before the subcommittee or to submit statements should contact the staff of the Labor Subcommittee, room G-237, DSOB or telephone (202) 225-3674.

NOTICE OF HEARINGS ON INDIAN PROBLEMS

Mr. JACKSON. Mr. President, I want to announce to the Senate that the Subcommittee on Indian Affairs will conduct a 2-day open hearing on the Pine Ridge Reservation, S. Dak., June 16 and 17, 1973, to look into the issues and problems which resulted in the occupation of the Wounded Knee community on that reservation.

It is the intent of the subcommittee to utilize the hearing as a means of looking beyond the occupation and subsequent destruction to the real issues and problems which contributed to this unfortunate episode. Although this situation appeared to many observers to be an intratribal dispute, it is the committee's firm belief that the underlying causes are to be found on many Indian reservations and communities throughout the United States, and, until such time as these issues and problems are identified and steps taken to solve them, there exists a real possibility that other "Wounded Knee" types of eruptions may occur elsewhere in the Indian field.

The subcommittee will confine the witness list primarily to Indian spokesmen representing various organizations on the Pine Ridge Reservation.

The first day of hearings will be conducted at the reservation tribal headquarters in Pine Ridge and the second day of hearings will be conducted in the Kyle community on the reservation.

ADDITIONAL STATEMENTS

COAL MINE RECLAMATION LEGISLATION

Mr. MANSFIELD. Mr. President, within the relatively near future the Senate will be considering mine reclamation legislation, now being discussed in executive session by the Senate Interior Committee. This is one of the most important pieces of legislation that we will have before this Congress. My view may be somewhat parochial in view of the fact that the coal strip mining activities in eastern Montana can have a great influence on the future of Montana and our neighboring States. Extensive development of these coal deposits is questionable and in order to prevent unnecessary damage, it is going to require strict preplanning for reclamation. To achieve planned development in the area, Federal, State, and local authorities must cooperate.

Prior to the debate on this legislation, I think that my colleagues here in the Senate might find of interest, a student research project on coal strip mining and effects, which was developed at Eastern Montana College in Billings, Mont.

Mr. President, I ask unanimous consent that the brief of this extensive report be printed in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

COAL STRIP MINING AND EFFECTS: A STUDENT RESEARCH PROJECT FOR THE MONTANA STATE LEGISLATURE

(Michael C. Olson, Chairman; Charles W. Klimper; Kenneth Penn; Douglas Kelvig; Ellen Bloedel. Daniel H. Henning, Ph.D. (Faculty Research Supervisor), Associate Professor, Political Science, Eastern Montana College, Billings, Mont.)

On January 4, 1973, a student coal task force was formed of the above individuals as a part of a seminar (PS 440, Environmental Policy and Administration) at Eastern Montana College. Under the supervision of Dr. Daniel H. Henning, the students studied the ramifications of coal strip mining and power plants in eastern Montana.

Although little is currently known of the short and long range consequences and impacts of coal development and power plants in Montana, the report was oriented toward a factual and informational approach to this presently dominant political issue in the state. It is the hope of those involved in the preparation of this study that it will be of value to the Montana State Legislature and Government, as well as to other involved individuals, organizations, and agencies. The study, which consisted of 35 single spaced pages with over 150 footnotes and documents, and with numerous interviews with public and private officials, was divided into the following areas: (a) reclamation, (b) water pollution or possible depletion, (c) power plants, (d) population, and (e) energy alternatives.

When the study was released in late February, 1973, it was circulated throughout the Montana State Legislature by Representative Barbara Bennetts of the Natural Resources Committee. Lt. Governor Bill Christensen, who is in charge of the coal situation in Montana, had the study circulated throughout State Government. Also, numerous federal agencies, energy companies, and environmental organizations, including the Environmental Quality Council, have obtained copies of it. Overall, the responses have been quite favorable; many have indicated that the study met a definite need.

Recently, Senator Mike Mansfield made a request to have a summary of the study for publication in the Congressional Record. The following represents the sub-conclusions of the various areas listed above which, in turn, is followed by general conclusions.

(*a*) *Reclamation*

The extent of reclamation done to date indicates that in many areas of Montana where stripping has occurred, it is impossible to establish an adequate plant community. Dr. Richard Hodder, of the Animal and Range Sciences Department of Montana State University, has been conducting reclamation research for several years at Colstrip and Decker. He states: "In three to five years, depending on location, soil materials, and the amount of annual precipitation, it is possible to develop a sustaining soil." He also says that a topsoil cover can be developed on spoil material in less than ten years through mulching and continued plowing under of cover crops. Soil micro and macro-organisms can be encouraged with the liberal use of fertilizer. Proper selection of plant species, coupled with the quick soil development, can eliminate the long cycle, Hodder feels, which extended over thousands of years under the natural process, and resulted in the present vegetation.

It is virtually impossible, according to Dr. Wilson Clark, Chairman of the Division of Science and Mathematics, Eastern Montana College, to faithfully replicate the condition of the area before it was disturbed. What can be done is to create an "artificial plant community," a real enough ecosystem in its own right, and potentially productive, but one that would never have existed without the intervention of man. Clark concludes, "there is nothing wrong with this if it meets the standards set for reclamation."

RECLAMATION PROBLEMS

"The strip mine spoils of eastern Montana may not have the same problems we associate with the Eastern and Appalachian coal fields, but that is not to say they are without problems."

These are the words of T. Stuart Burns, of the United States Forest Service. Some experts have expressed doubt as to the ultimate success of current reclamation techniques, i.e., they feel in many areas of Montana it is not possible to reclaim land to the point where it is self-perpetuating and productive. Burns, a specialist in vegetation, soils, and groundwater, stated in testimony to the House Natural Resources Committee: "You will have heard all manner of good that reclamation can do. Hear what it cannot do before you decide that reclamation, as it is being talked, is a respectable answer to the state's soil base. The overburden and spoils of strip mining are only the raw and partial material from which soil is made. Real soil was built up over years that measure into the thousands, and it has the unique ability of perpetuating a usable crop . . . Soil is a structure, much as your home is, and it has been a long time building. You cannot expect to bulldoze soil around and have it function, no more than you could bulldoze your house and expect to live in its rubble." He notes further that the more successful reclamation work is in the Pleistocene glaciation area, a region of deeper soils and freer of silt and clay than the bulk of eastern Montana.

Sub-conclusion

Problems are either present or potential in the following areas: long-term productivity and continued ecological stability of the land; replanting of trees; resistance of reclaimed areas to drought and erosion; continued functioning of aquifers; reduction of a well-balanced, complex ecosystem to a relatively simple one of dubious durability.

In the past few years, research has made available certain reclamation techniques which have met with varying degrees of success in the field. However, no areas of land can, at this time, be described as adequately and fully reclaimed, under the definition of reclamation postulated in this paper. More time and research are essential for the satisfactory answers to the problems discussed above. What works in theory and in controlled experiments does not always work on a mass scale. It has not been proven by demonstration that large areas of disturbed land in Montana can be made self-perpetuating and productive.

One hears of the great achievements made in science; one does not often hear of the limitations and failure of science. There exist serious, well-founded doubts of the ability of our present technology to cope with the problems of reclamation in an integrated, not piecemeal, fashion. Montana and its people have too much to lose if current reclamation techniques prove inadequate in the long run. To allow mining operations to proceed in the face of a considerable number of unknowns is folly. There is a reasonable measure of doubt as to the ultimate success of reclamation, which warrants a much closer investigation of the entire process.

Therefore, I would like to make the following recommendations:

1. that a moratorium be imposed on all surface mining in Montana for a minimum of two years and a maximum of four;
2. that an interdisciplinary research team be organized to study extensively all aspects of reclamation of Montana lands;
3. that sufficient state or federal funds be made available for use in extensive reclamation research;
4. that no state or federal lands be leased for surface mining operations until the moratorium is removed under definite proof of quality reclamation on a long-term basis.

(B) WATER POLLUTION OR POSSIBLE DEPLETION

At the present time, the Montana Power Company is constructing two 350 megawatt generating plants outside of the town of Colstrip. In order to produce this electricity, it is necessary to burn vast amounts of coal. At the same time, it is equally necessary to provide some means of cooling the machinery of the plant. This, quite obviously, involves using vast amounts of water. The controversy surrounding this issue involves numerous points. Among these are (1) how much water is really used? (2) what becomes of water after its cooling usefulness has been utilized? and (3) how much water loss can the rivers and streams take?

Sub-conclusion

Montanans are faced with a dilemma—save our rivers and streams and areas such as Paradise Valley near Livingston or drain our rivers to the point that many areas will not be either recognizable or productive. The decisions will rest with the state legislature and the people of Montana, for they must decide whether to preserve Montana land and water for its people or sacrifice the state to the energy companies and out-of-state power needs. The decision is ours, the people's, who will have to live with it, rather than the energy companies. Relative to this, the people of Montana must now demand:

1. Forbid construction of the Allenspur Dam and seriously investigate any other proposals to dam the Yellowstone River;
2. Require dry cooling towers to be utilized at the Colstrip generating plant rather than the currently proposed wet cooling towers;
3. Limit the number of pipelines at Colstrip to one, and require that pipeline to be no larger than 24 inches in diameter;
4. Require that it be proven that the ground water at Colstrip will not be affected. This must be established before the plant begins operation;
5. Determine the probable effects upon the fish and other aquatic life in the Yellowstone River before drainage of this river occurs. The facts must be learned before irreparable damage is done.

(C) POWER PLANTS

Most of the data available at this time is that which has been released by the Department of Health and Environmental Sciences in the *Environmental Impact Statement on the Proposed Montana Power Company Electrical Generating Plant at Colstrip, Montana.* A section of research for the *Impact Statement* was completed by Montana Power and presented to the Department of Health and Environmental Sciences for the purpose of completing the statement. The proper formulation of an impact statement requires total co-operation between the building and the state. When asked if Montana Power worked closely with them, an official for the Department of Health stated, "They (Montana Power) don't work nearly as closely with us as we would like." An official for Montana Power, when asked the same question, replied, "We try to work very closely with them (Department of Health)."

The *Impact Statement*, relative to proposed generating plants, is extremely inconclusive and incomplete in many aspects. The venturi scrubbers for the Colstrip plants are still in the developmental stage. If the venturi scrubbers are not as efficient as expected, the pollution problem would be greater than proposed levels. Due to inadequate laws, if efficiency were less, it is *doubtful that* the power plants would be closed until pollution control capabilities could be increased.

Full development of all 21 North Central Power Study sites in eastern Montana would result in an instate steam-generating capacity of about 69,000 megawatts.

If this development were to take place, particulate emissions would be increased to approximately 300 tons daily. Proportionately, yearly emissions would be 109,500 tons. The amount of particulate released in a thirty year period would be 3,285,000 tons.

Sub-conclusion

In addition to the recommendations made by the Coal Task Force, the following recommendations should also be made.

1. A comprehensive study to determine the possible effects of nitrogen oxides on the environment.
2. More research to find the effects of nitrogen oxides on the environment when they are mixed with other pollutants.
3. Further study to determine specific effects of mercury on living organisms.
4. A comprehensive study to determine the effects of fluorides to the environment of eastern Montana.
5. Studies to find the total impact of power lines upon the values of state inhabitants.
6. A study of implications involved with the emission of particulates.

The major objective of this aspect of the report was to find where further research is needed. The only conclusion that can be obtained is the following:

All data analyzed was incomplete and a large portion was based on assumptions. Until complete, factual information can be obtained, no power plants should be built within the state boundaries. If the proposed plants conform to state air standards and can still be expected to harm the environment, the state air standards should be changed for the purpose of eliminating any negative effects to the environment.

The construction of any power plant should be restricted to those plants needed to satisfy the immediate demands of Montanans.

To this research, it seems that throughout all data gathered and interviews conducted, the personal views of individual citizens were ignored. The following idea was presented, in this respect: the need for energy should not suppress the social values of a majority of state inhabitants.

(D) POPULATION

Eastern Montanans have developed a frontier attitude as a direct result of sparse populace and an economy based upon agriculture. The predominant values that have resulted are: an intense individualism derived from a wilderness atmosphere, a land and agriculture value orientation, and a common tradition relative to the frontier way of thought. In this sense the majority of Montanans are unique and unified to a degree much different from inhabitants of industrialized states.

Between 1960 and 1970, the Montana populace increased approximately 3%. This figure represents one of the slowest population growths in the nation. One can assume the agricultural orientation and lack of big business to be somewhat responsible for this. Relative to this, industry on a large scale has been discouraged rather than promoted as evidenced by Governor Tom Judge's plea for small and clean industry.

The stereotype of Montana is certainly one of which state inhabitants can be proud. The beauty of dense green forests, clear mountain lakes and streams, domineering mountain peaks, the plains and open space, and an uncommonly friendly human attitude are Montana's greatest assets. However, a new Montana asset has been rediscovered, namely coal. According to the North Central Power Study, the strip mining of coal will bring a multitude of social, economic, psychological, political, physical, and environmental changes in Montana. In this regard, the most conservative population increase expectancy is 300,000 as a direct result of coal strip mining. The ramifications of such a tremendous population influx must be studied now, not only for present, but for future generations of native Montanans.

With a migratory element as large as expected, social disorganization will occur to a degree formerly unexperienced in Montana. In this regard, sociologists Thomas and Zannicki stated that roles and expectations are established to promote a harmonious society. If a redefinition of the roles or names should occur, social deviance can be expected. The contradictory social demands of the new migratory populace will assuredly violate former established institutions and values of native Montanans. Accordingly, mutual expectations will disintegrate rapidly, and cognitive level of class appreciation and conflict will possibly develop between the migrants and native inhabitants. Furthermore, Ogburn's Cultural Lag Theory of societal change may develop. Ogburn states that society will always change as growth and survival are primary, but all social functions must not change at the same rate. Montana's social functions, however, will parallel each other in growth as migrant industry and populace demand. Governmental and economic structure will most certainly revise former norms, whereas family structure will alter itself to a more urban-oriented way of life. The religious aspect would undoubtedly be highly specualative.

(E) ENERGY

The problem of providing a future energy source is complex. One alternative is to cut energy use as explained by a report of ROMCOE:

In the long run, or perhaps in the not-so-long run, one alternative must predominate: control of energy consumption. Spaceship earth is finite, and its ability to absorb pollution and thermal change is finite.

Also, it is important that steps be taken to develop new sources of electricity. Federal funds must be allocated, priorities changed, and work begun on developing new sources of power. The North Central Power Study recognized the need for more research:

One of the main conclusions to be drawn from the North Central Power Study is that much greater effort must be initiated immediately to develop technologies for the production and delivery of electric energy that will have less adverse impact on the environment, and at the same time make more efficient use of our finite resources.

Relative to this, the following is recommended:

1. Advertising by power companies must be stopped. Advertising tends to create demand for electricity which can be supplied only by damaging the environment.
2. The government must rearrange its priorities. Money wasted on defense could be made available for more research on new energy sources.
3. Consumers must be made aware of the environmental degradation that is a result of electrical production.
4. More research funds must be allocated to researching new and different sources of energy. The AEC should not be allowed to consume the greatest portion of research funds available for research of energy alternatives.
5. Electricity must be made a valuable commodity, not something cheap and inexpensive that can be wasted by the consumer, but rather must be used efficiently and wisely.
6. Policies of industry, government, and the consumers must be changed to curtail energy consumption.

CONCLUSION

In August, 1972, Governor Forrest H. Anderson appointed a State Coal Task Force to review the "broad environmental, social and economic impacts that coal development portends for the eastern part of our State." On February 12, 1973, the situation report was submitted to Governor Thomas Judge for review and distribution.

Although the situation report is currently the most informative data pertaining to the overall aspects of eastern Montana coal strip mining, it is acknowledged to be incomplete in many respects. Furthermore, it is inconclusive in the sense that Montana values, concepts and basic life styles are grossly ignored throughout the entire context. The social norms of native inhabitants must be of primary concern to State, Federal, and elected officials whereas temporary economic gains should retain a secondary position. According to Dr. Beal Mossman, Assistant Professor of Psychology at Eastern Montana College, the "frontiersman" of Montana would experience a cultural loss if subjected to a complete modernization of values, i.e., industrialized Montana.

A series of recommendations by the Coal Task Force study group are:

1. A comprehensive study of effective reclamation practices.
2. A detailed analysis of Montana coal to determine the amount of trace elements and heavy metals present.
3. More work on the effects of SO_2 and other emissions on the rangeland ecology.
4. A study of the problems associated with burial of fly ash in spoilbanks.
5. An in-depth study of government and industry research priorities. It would be important to know how much is being spent on the search for more efficient and less degradatory means of electrical generation and transmission as well as for new generation techniques.
6. A comprehensive regional meteorological survey of the eastern one-third of the state.
7. Specific knowledge of the environmental problems involved in moving coal by slurry pipeline.

Above all, if the planning efforts of Montana and other coal reserve states are to have any hope of success, *the most imperative needs are for state self-determination in resource use and for a national energy policy and a national program to moderate energy consumption by encouraging conservative rather than maximum energy use.*

In addition, the necessity of an intense research would also be required in the following areas:

1. A comprehensive study of suspended particulate matter relative to ecosystems surrounding proposed power plants.
2. The possible formation of photo chemical oxidants relative to nitrogen oxides and its effects upon living organisms in the immediate vicinity.
3. The ecological degradation associated with transmission lines.
4. A comprehensive study of water, pollution, and possible local depletion.
5. The impact of strip mining aspects relative to the established social norms of state inhabitants.
6. New sources of energy.

Also, the Montana populace must now demand:

1. Federal funding of further research relative to all aspects of coal strip mining in eastern Montana.
2. An effective increase in coal related state bureaucracy.
3. A $5,000 bond forfeited by strip mining companies for each stripped acre.
4. Coal tax increase.
5. Elimination of contour stripping.
6. Elimination of energy companies' right of Eminent Domain.
7. Total coal removal in all mined areas to prevent further mining for future generations.
8. Program of conservation rather than maximum energy consumption.
9. A recommendation for the approval of House Bill 492, or,
10. A moratorium on coal strip mining for at least two years for sufficient time to complex effects of coal strip mining as well as reclamation proofs.

ELECTION CAMPAIGN REFORM

Mr. SCOTT of Pennsylvania. Mr. President, on Wednesday of this week, my Senate Rules Committee will begin to mark up several bills relating to election campaign reform. At that time, I intend to offer and support a number of proposals to strengthen the current law.

A recent letter to the editor of the State College, Pa., Mirror expressed support for this effort. I ask unanimous consent to have it printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Election Reforms in Senate Need Support

Engrossed as we are in the sessions of the Senate Select Committee on Presidential Campaign Activities it may steady one's nerves and confidence in Congressional responses to notice proposed amendments to the 1971 Federal Election Campaign Act.

S. 1094, a bill to improve the regulation of Federal election campaign activities, introduced March 6, 1973 by Senators Scott, Mathias and Stevenson (and since with several additional cosponsors) was referred to the Senate Committee on Rules and Administration (Chairman-Senator Howard W. Cannon).

Pages 6447–6454 of The Congressional Record for March 6 carry the details of S. 1094 and three other Senate bills 1095, 1096 and 1097, all intended to correct some of the deficiencies in the existing campaign laws. Senator Scott explains that S. 1094 is intended to offset the greatest present deficiency—"the absence of a Federal Election Commission." This is proposed in S. 1094 to supersede the three-way responsibility among G.A.O., Secretary of the Senate and the Clerk of the House and the enforcers of the law (the Justice Department).

Senator Scott's statement continued.

"We propose to create a six-member Federal Election Commission (with staggered terms), appointed by the President and confirmed by the Senate. Each member would serve a 6-year term. The Commission would have full legal powers, including subpoena of witnesses and evidence. Furthermore, it would be empowered to initiate, prosecute, defend, or appeal any court action . . . through its own legal representative."

Senator Irvin's statement of responsibility for the Senate Select Committee now in session includes . . . "to recommend any remedial legislation necessary." With the reminder that the House of Representatives did not go along in conference on the original proposals for reform in 1971, as proposed by the Senate, this seems a proper time to write to Senators Scott of Rules and Administration Committee and to Chairman Cannon in support of S. 1094 and to ask for early favorable report of S. 1094. Favorable consideration should then be asked of members of the House to avoid weakening of the bill in conference this time.

MERWIN W. HUMPHREY.

STATE COLLEGE.

TESTIMONY BEFORE OIL POLICY COMMITTEE

Mr. BIBLE. Mr. President, today, the Oil Policy Committee opened hearings in Washington on the effectiveness of the voluntary guidelines announced by the administration last month.

The Members of this body are well aware of the critical fuel situation in this Nation. For months, various Members of the Senate have been warning the administration that we faced a major fuel shortage this summer and outlined a number of realistic and hard-hitting proposals to deal with this situation.

Indeed, I think it is fair to say the Senate has provided the only leadership in developing the programs necessary to see our Nation through this critical period. And I think there is no question that the Senate's contributions on the energy issue are due in large measure to the splendid leadership of my distinguished colleague, Senator JACKSON.

In my judgment, no elected official in America possesses more knowledge and expertise on this critical problem than Senator JACKSON. Had the administration listened to Senator JACKSON months ago, our country would not today face the prospect of a serious and widespread fuel shortage.

As we all know, Senator JACKSON was the author of the Emergency Fuel Allocation Act. I am pleased to have had the opportunity to work with him on this bill in the Interior Committee and to have supported it on the Senate floor. In my judgment, his legislation provides a rational, equitable and workable plan to meet the fuel needs of our Nation during the present situation. For this reason, I have urged the Oil Policy Committee to recommend to the President that a mandatory fuel allocation program similar to that contained in the Emergency Allocation Act be implemented immediately, and I ask unanimous consent that my testimony prepared for the committee's hearings be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF POSITION BY SENATOR ALAN BIBLE BEFORE THE OIL POLICY COMMITTEE, JUNE 11, 1973

I appreciate this opportunity to express my view on the fuel shortage confronting our Nation.

During the past two months, I have been receiving daily complaints from those directly affected by fuel shortages. These complaints are coming from every area in my own State of Nevada and from many other areas of the Nation as well. Farmers, ranchers, independent oil dealers and service station operators, taxi operators, to name only a few, are reporting first hand the hardships caused by fuel shortages.

It is clear that we are no longer dealing with the isolated, spot shortages predicted by some earlier this year. Instead, we are confronted by the prospect of a serious, prolonged and widespread shortage which is already having an adverse impact on our economy.

When independent gas stations are closing by the hundreds; when cities cannot get bids on fuel contracts for public services; when major oil companies start rationing supplies to their own outlets; when vital agricultural activities are disrupted; there can be no doubt that our national fuel distribution system has stopped functioning effectively.

In the one month since the Voluntary Allocation Guidelines were announced, the situation has not improved. Many of the complaints that I have received from Nevada constituents and have forwarded to the Office of Oil and Gas have gone unanswered. Informal discussions by my staff with employees in both the home and field offices of Oil and Gas indicate that a number of major oil companies are refusing to comply with either the letter or spirit of the voluntary guidelines. Additionally, these discussions reveal that the Office of Oil and Gas lacks the staff to properly investigate, and then take the necessary steps to resolve these complaints. This situation is intolerable.

Farmers and ranchers throughout Nevada, and indeed, throughout the Nation, are not getting the fuel they need. Planting and harvesting seasons cannot be altered. Time and weather do not wait on voluntary guidelines.

The situation confronting the agricultural producers of my State was eloquently stated by the President of the Nevada Hay Growers Association in a letter to me complaining about the fuel situation in Nevada:

"It is imperative that some action be taken immediately to set forth definite guidelines for the distribution of gasoline to agriculture. If this is not done, and not done swiftly, it will not be a case of the consumers complaining about the price of food, but of the fact that food is unavailable to them at any price."

The priority allocation schedules announced on May 10 have not prevented these shortages. Indeed, it is my understanding that no attempt has been made to allocate the 10 percent reserve mentioned in the guidelines.

Despite the voluntary guidelines, independent oil dealers and service station operators in Nevada are being forced out of business. Already a number of stations are closed and others are faced with the prospect of closure in the very near future.

A related aspect of the present situation is the rapidly increasing cost of gasoline. One taxi company in Las Vegas informed that within the past month, its supplier has increased the per gallon price by nearly 25 percent.

Another major failure of the voluntary program which I want to call to your attention is the exclusion of taxi cab companies from priority consideration for fuel. This decision is threatening to sharply curtail taxi service in many areas of the Nation, including Nevada, at the very time when such service is most vital. Cabs provide emergency transportation for the sick and the elderly. They transport medical supplies and other essential products from the store to the consumer. And they provide effective mass transit for commuters and travelers who might otherwise use their personal cars and thereby aggravate the fuel situation.

Nearly two months ago, Congress gave the President the necessary authority to invoke mandatory allocation, but he chose instead to announce the voluntary guidelines. It is now clear that the voluntary program is not working. For this reason, I urge you to immediately impose a mandatory allocation program patterned after the Emergency Fuel Allocation Act passed by the Senate on June 5.

This legislation is the product of careful and deliberate consideration by the Senate and contains a rational, equitable and workable plan to help see us through the present fuel crisis. It provides for the needs of independent dealers and service stations, and it establishes a realistic schedule for priority allocations to those segments of our economy and to governmental agencies which are vital to the Nation.

In my judgment, it is essential that such a program be implemented as quickly as possible. Continued delay on the part of the Administration can only serve to aggravate an already critical situation.

AEC UNDER PRESSURE

Mr. BEALL. Mr. President, I think it is becoming evident that the Nation and the world are reaching the twilight of the fossil fuel age. More and more, we are being forced to turn to other forms of energy, with nuclear energy promising to be the fuel of the future. As evidence of this increase in nuclear power, by the end of 1972 this Nation had 27 nuclear electric generating units operating, 55 in various stages of construction or in the review process for operating licenses, and 34 units now awaiting clearance for construction permits.

However, as all of my colleagues know, this tremendous expansion in nuclear generating capacities carries enormous responsibilities, which are borne by the dedicated and highly competent personnel of the Atomic Energy Commission. It is these public servants who are charting our country's course toward the safe use of nuclear energy.

One official whom I believe deserves special recognition is L. Manning Muntzing, Director of Regulation for the Atomic Energy Commission. It falls upon him and his division to protect the public health and safety to preserve our environmental quality and to maintain the national security of our Nation. Obviously, there are few more important challenges in Government.

Recently, the June issue of Government Executive carried an article dealing with the work of Mr. Muntzing and his division, which I found most interesting and enlightening. I ask unanimous consent that the article entitled "AEC Under Pressure" be printed in the Record so that others might have the opportunity to examine this.

There being no objection, the article was ordered to be printed in the Record, as follows:

AEC Under Pressure

Barely a decade ago, if the Atomic Energy Commission's (AEC) regulatory staff issued one decision on a nuclear power plant construction application per year and had one or two more pending, that was a big activity. Not any more.

Just since 1966, when only some 20 nuclear power plants were licensed to operate and/or be built, AEC's regulatory function has literally exploded in scope and volume. At year-end 1972, for instance, 27 nuclear electric generating units were AEC-licensed to operate at full or partial power; 55 were in various stages of construction or in the review process for operating licenses; and 34 other proposed units were under review for construction permits. Projecting, among other things, the more-than-40 nuclear reactor-generators currently on order by public utilities but not yet under AEC licensing review, the regulatory staff anticipates its "unit workload" to climb from that 116 to 171 or possibly more by the end of Fiscal Year 1974.

Thus, in budget hearings this Spring, AEC Director of Regulation, L. Manning Muntzing asked the Joint Committee on Atomic Energy for $54.5 million in FY 74, a jump of $15.2 million or 39% over his FY 73 budget. His request calls for an increase to 1393 (compared to 879 in FY 72) in full-time regulatory staff employees. Though three key functions, *viz.* Development of Regulatory, Standards, Inspection and Enforcement, and Management Support, all seek more funding, the fourth, Licensing, will require nearly half ($25.6 million) the funds requested—a jump of 39% over the licensing budget for FY 73 and more than twice the licensing expenditures ($12.6 million) for FY 72.

But numbers hardly begin to describe the growth in complexity and controversy of AEC's regulatory responsibility for the public and private use of nuclear materials and facilities. It is hard to think of another Government agency that sits so clearly caught in a crossfire between public worry over economics—in this case, of an energy crisis—on the one hand and public fears over environmental protection on the other.

Typically, in one recent exchange, it was hit:

By Ralph Nader and a self-styled Union of Concerned Scientists that it had "vetoed the AEC's own safety experts and sided with the industry by proposing (new) safety standards with glaring inadequacies (but) which will not interfere with reactor licensing." The charge, Muntzing told *Government Executive* succinctly, "is technologically not supportable."

By industrialists at an association meeting in Washington that, in view of today's "genuine crisis in energy," where the inventory of nuclear power plants today "is where it should have been 10 years ago; and would be were it not for AEC hypersensitivity to uninformed public criticism." Muntzing has heard that before. Said he in November, 1971, a month after he was appointed to his present post, "The AEC is here to serve the public interest as a whole. Its purpose is to achieve and enforce public goals. To be specific, the AEC's primary role is to regulate light-water nuclear power reactors, not to promote them."

In sum, the Regulatory mission is "to ensure that activities involving nuclear materials and facilities are conducted in a manner which will protect public health and safety, preserve environmental quality, and maintain national security."

EXPERIENCED SOME "BLOWDOWNS"

How well they've done so far is on the record. Not since the first use of a nuclear reactor to generate electrical energy has any public utility employee or member of the Public been injured by the failure of a reactor and the accidental release of radioactivity—an amazing record in an advancing, high-technology industry. Notes Muntzing, "Probably the worst thing we can say we've experienced are some 'blowdowns,'" i.e., the unplanned escape of reactor coolant because the safety valves, after opening as they should, failed to close.

Pointedly, a safety projection by AEC, based on present and predictable future safety requirements, shows that by the year 2000, when some 1,000 nuclear power plants are expected to be in operation, the likelihood of a catastrophic accident occurring are predicted to be one chance in 100 billion per year.

As to the radioactivity permissible in routine reactor discharges, Muntzing says the standard is "as low as practicable" which, he says, means "as low as practically achievable, taking into account the state of the technology and the cost of improvements in relation to their benefits." That translates into saying that, in general, the annual exposure of individuals will be about one percent of the limits set forth in Federal radiation protection guidelines; or, in essence, the equivalent of the natural radioactive exposure a person would receive in a round trip airline flight between Washington, D.C., and San Francisco.

The industry says that is excessively severe; but says Muntzing, "Where the technology to achieve (those standards) is available, (the uncertainties) should be resolved in favor of the public." His objective: "We have a very tough regulatory program. We want to be fair but we will be firm, too."

Specifically, AEC regulations build into nuclear power plant operation three levels of defense:

1–A primary level which, in simplest terms, means seeing that everything in the system, thick walls, redundant controls, etc., is designed and built to—and does—work right;

2–A secondary level of defenses which assumes even if it is built right, the plant will have an "early alarm" system, with back-up systems, to shut down the plant in case something doesn't work right anyway;

3–A third level which postulates that even beyond the first two levels it is hypothetically possible to have a failure of several redundant protective systems simultaneously with the accident they are intended to control. Thus, the third level demands plant features and equipment, such as emergency core cooling systems (ECCS) and containment structures to further protect public health and safety.

Maintaining and improving that "defense-in-depth" is an endless effort involving thousands of man-hours of continual study, research, and data gathering both from plants in operation and from industry and AEC research and development programs—and change in the regulations to adjust to the new knowledge. And even beyond that, says Muntzing, "we'll listen very carefully to anyone who feels there is a problem—just to make sure we haven't overlooked anything."

Best recent example: the regulatory staff received, from what turned out to be a disgruntled industry employee, an anonymous letter complaining that pipes at one nuclear site were in the wrong location. They re-checked every plant and plans for proposed plants in the entire inventory to be sure there was no problem, or to require corrections where problems did exist.

Sums up Muntzing, "We are very sensitive because we are determined to listen to every point of view, though," he adds, "sometimes a point of view has more emotion in it than technical contribution to make."

Nor, as anti-nuclear power critics often suggest, does the regulatory staff work behind closed doors. "We operate in the context of public hearings," says Muntzing. "It is mandatory on a construction permit request and at the public's option on an operating license." Moreover, they will voluntarily release to any "intervenor," as these public inquirers and/or objectors are called, internal AEC memoranda dealing with any problem being raised, as well as make available AEC or AEC laboratory personnel requested for questioning by an "intervenor."

But one thing all that openness does mean is that a contested hearing is the rule rather than the exception—which serves largely just to add to the regulatory staff's legal and technical workload. But there is more. On top of the sheer volume increase in construction and operating license applications, is the requirement that AEC must continue even after that to inspect power plants for regulation compliance throughout their operating life. On top of the public hearings concerning plant safety, the staff must prepare draft and final reports on the environmental impact of both operating and proposed new plants.

This task, under the National Environmental Protection Act, was laid on the AEC regulatory staff by the famed (or infamous, as the viewpoint may be) Calvert Cliffs (named after a plant going in near Baltimore, Md.) decision. Rendered in mid-1971, it caught the staff largely unprepared and they are only now beginning to work themselves out from under the burden of doing some 60 environmental-impact studies right away, let alone getting on schedule with the rising volume of new site applicants.

TRADEOFFS TO BE EVALUATED

Of their track record to date on the environmental side, Muntzing thinks "The public is satisfied generally with the routine operation of the plants. There is virtually no air pollution, and when necessary, alternative means to control thermal pollution have been incorporated." But, he suggests, more work needs to be done to evaluate just how much heat pollution a receiving body of water can afford to accept above its ambient natural temperature.

"There are tradeoffs that have to be evaluated," he said. "Cooling towers control the thermal pollution problem but they evaporate water, a problem if water is scarce." In one plant location a court-imposed restriction resulted in "thousands of acres of land being torn up to recycle water to avoid heating some 50 acres of water in a bay." Muntzing's point: "It is possible to create some problems worse than the one to be solved."

The builders and buyers of nuclear power plants are less patient about such things. Officials among the major nuclear reactor builders (Westinghouse, General Electric, Babcock & Wilcox, Combustion Engineering, Gulf General Atomic) and hosts of public utilities claim all this public outcry not only has ballooned the initial capital cost of nuclear power plants, but is largely uninformed and unwarranted.

Though they are almost all privately angry, one, Westinghouse Electric Corp. Chairman Don Burnham, summed up the complaint in public recently. Said he: "It is inconceivable that the opposition of a relatively few people could be permitted to halt or even slow down progress in nuclear power which represents man's greatest resource for meeting his future energy needs and one of his most effective tools in the fight against air pollution . . . .

"If those misguided opponents of nuclear energy should be successful in blocking its application at this time when our Nation is facing a genuine crisis in energy, the Nation would suffer a setback of major proportions."

Fending off industry's complaints to override these "misguided opponents" and get on with the program is only one of Muntzing's problems with the industry. Another: "We are just beginning to get into antitrust problems, primarily holding hearings on matters of the relationship with small public utilities which want to buy power at a competitive price." (Though nuclear plants cost more to install, they have a lower operating cost over the life of the plant—that, plus fuel availability, being the major reasons the big public utilities, which can afford the downpayment, buy them.)

Still another industry growl: AEC's announced plan to raise its license fees. Indicative of the range: a construction permit fee would increase from $300,000 to $760,000; an operating license fee from $410,000 to $805,000; the annual fee from $36,000 to $195,000.

The new rates will produce an estimated $32 million in FY 1974. Charged to cover expenses in connection with handling license applications and inspections, the raises are designed to get the system around to being self-sufficient. Says Muntzing, "We believe since the licensee is getting the benefit from the license, he ought to pay at least the cost associated with his plant or activity."

But the one complaint of the industry most prevalent in the past is the one Muntzing feels he has just about brought under control, i.e., the too-long lapse of time between permit application and AEC approval. More pointedly, notes one industrialist, AEC's regulatory function was in a hole and going nowhere. "Now it looks as though it's turned around." Specifically, out of the average 8–10 years from concept to start of operation to put a plant in, as much as 48 months was consumed from the time application was filed until it produced a license.

In the construction permit phase, for instance, as late as 1970, the safety review alone, on the average took 23 months, but has been whittled down to an average 15 months in 1973. Though the report on it, in each applicant case, is often bigger than the 1.5-inch or so detailed report on environmental impact, Muntzing's objective is that "the time taken needs to be compressed. It must be, which results in the need for additional people."

He acknowledges, "There is no doubt, in the short term, plants have endured delays. AEC bears part of the responsibility, but there have been construction delays, too, and component parts not delivered on time." His goal in months: to compress the review time on valid applications to a maximum 12 months. Performance to date: "We're looking at several requests that may miss by two-three months," a far cry from the past, but "we're not willing in the future to accept even that kind of miss."

THE CHARGE IS NOT SUPPORTABLE

One help: a standardization program which includes AEC's announced intention not to accept any application for a plant in excess of a 1300 megawatt electrical power range. (Sixty megawatt plants were initially the usual size proposed for construction; today, most requests are in the 800–1000 megawatt range.)

Another standardization help: development of standard application forms and of standardized Siting Criteria for Nuclear Power Plants. A third help: increased staff though achieving that buildup is no easy task. To get 25 professional employees, AEC screens an average 400 applicants for the regulatory staff, interviews from those some 100 candidates.

Finally, just as "We have never approved an application as submitted, but in every case have insisted on changes ranging from improved seismic protection, environmental and safety protection, etc.," so the regulatory staff "does not recall ever having received a single application in the past that was complete, adequate and up-to-date." That charge Muntzing levelled in 1971.

Added he, pointedly, "If it is clear that a real effort has not been made to provide the information that we obviously need, we will not accept the application. Industry starts the ball rolling in this game. We cannot carry the ball and make good headway if applicants fumble it each time they file a licensing application."

Apparently such lectures helped. Muntzing's promise today: "We intend to make a licensing decision at substantially the same time the plant is finished. If the construction capabilities of the utilities can be increased, the regulatory function will keep up."

Keeping up will not mean just running in place. Says Muntzing, himself, "In 1962, it was predicted that by 1980 seven percent of the Nation's electrical energy would be supplied by nuclear power. Today, the Federal Power Commission predicts that electrical energy demand will double by 1980 (to 3,200 million megawatt hours) and double again by 1990.

"Their projections call for nuclear power, which in 1970 supplied 1.4% of the Nation's electrical power generation, to supply 28% in 1980 and 49.3% in 1990."

MONTANA'S NEW STATE LIBRARIAN

Mr. MANSFIELD. Mr. President, Montana has had the great fortune to have one of the most able public librarians at its service for many years. During her work at the Great Falls Public Library, the facility has grown almost twofold in a 19-year period. The Great Falls facility is now one of the best in the State with a large number of volumes. The woman most responsible is Mrs. Alma Jacobs, who will leave Great Falls on August 1, to become the new State librarian. Not only has her record of service to the city of Great Falls been remarkable, but she has been most active in the expansion and development of the rural library service program throughout the State.

The city of Great Falls will miss Mrs. Jacobs, but I know that the State of Montana will benefit greatly in her new capacity as the State librarian. I wish her every success and I know that the Montana congressional delegation will give her every support in the future development of the library services program in Montana.

Mr. President, I ask unanimous consent that an editorial appearing in the June 9, 1973, issue of the Great Falls Tribune be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Logical Step for Mrs. Jacobs

When Mrs. Alma Jacobs closes her desk at the Great Falls Public Library Aug. 1 to become state librarian, she will leave behind an enviable record of service to readers of this four-county area.

Circulation of the Great Falls library grew from 274,954 volumes a year to 566,594 in the 19 years Mrs. Jacobs has been librarian here, but these figures are only part of the story. During her administration, a new library, outstanding for its beauty of design yet completely functional, has been built and staffed. Library service has been extended to neighboring counties through the federation program.

Since this program was launched in 1959, Mrs. Jacobs has been one of its most enthusiastic advocates. The chance to help counties in other parts of Montana obtain more adequate library service in the same manner constitutes the challenge which draws her to her new position at the state level.

Most states now have some plan for extending library service to their citizens on a regional basis, but in Montana the principle of local autonomy has been followed more rigidly than elsewhere. In the Pathfinder Federation centered in Great Falls, for example, each of the eight participating communities has its local library board which sets policy, maintains the library and staffs it. But books are purchased through the foundation, giving each library advantage of the quantity discount, and books are cataloged in the central library, relieving the local librarian of that tedious chore.

Through operation of the bookmobile, books are constantly being rotated so no one has an excuse to complain of boredom because he has "read every book in the library." New books are brought in regularly from the central library and others moved on to another location.

The existing federations and their respective central libraries, besides Pathfinder here, are Northwest, Kalispell; Sagebrush, Miles City, and Southcentral, Billings. As a result, readers in 13 counties now enjoy as modern library service as those in the four keystone counties—Cascade, Flathead, Custer and Yellowstone.

Moving into the larger field, with the goal of library service for every county in Montana, was the next logical step to take for one as successful as Mrs. Jacobs has been in Great Falls.

THE NATIONAL ENDOWMENT FOR THE ARTS

Mr. SCOTT of Pennsylvania. Mr. President, yesterday's editorial in the New York Times makes an excellent point: The National Endowment for the Arts once again faces Congress to seek $72.5 million in funding, or $0.32 per U.S. citizen. This compares with $1.40 for each Canadian, $2.40 for each West German. The editorial urges the House to "do itself honor by acknowledging, as the Senate has, the needs of the human spirit," by approving the request in the full amount.

I ask unanimous consent that this fine editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

Arts and Humanities

In the next few days the House of Representatives will vote on renewing funds for the National Endowment for the Arts and its twin-agency for the Humanities. The bill would authorize somewhat less money than the corresponding measure already passed by the Senate—less, for that matter, than the amount President Nixon requested—but it is good enough to warrant the hope that it will be passed intact and by so large a margin that the Appropriations Committee will be discouraged from any attempts to cut it.

Administration and Congress have been growing more generous in recent years in the support the Federal Government gives to the arts and humanities. But unfortunately the costs of maintaining such expressions of civilization as theater, museums, orchestras and dance companies, and of keeping their personnel alive and active—these, too, are relative. The point has been made that in a country of 230 million people, even the proposed Federal allowance of $72.5 million for the arts will come to about 32 cents a head, compared with the $1.40 put up by each Canadian and the $2.40 by each West German.

Yet even this modest assistance would help struggling institutions to jump the gap of rising costs without having to price admission tickets out of the market. In view of groups, indeed to the cultural life of the nation, the House could only do itself honor by acknowledging, as the Senate has, the needs of the human spirit.

SENATOR BIBLE'S CONTRIBUTIONS TO OUR COUNTRY'S PARK AND RECREATIONAL RESOURCES

Mr. JACKSON. Mr. President, as we note the environmental problems that confront our country today, we realize more than ever the priceless value of our national park system and other Federal estate and local recreation programs. The Congress has expanded the Nation's parks and these programs on an unprecedented scale in the past decade.

For this growth of their recreation resources the American people can thank, in large measure, the senior Senator from Nevada, Senator ALAN BIBLE. Largely through Senator BIBLE's leadership 86 areas were authorized by Congress for addition to the national park system alone in the past 15 years. Add to this, the numerous historic sites plus the many additions to parks and recreation areas and one has some idea of the magnitude of the accomplishments that have been realized under the Senator's guidance.

His contributions prompted the authors of the Ralph Nader Citizens Look at Congress to conclude that "ALAN BIBLE's name is synonymous with parks in Federal and private lands all over this country."

In the years ahead we are certain to see unprecedented use of our park and recreation areas. It is gratifying to realize that we have available the guidance and leadership of this Senator whose rich experience in the field of park and recreation legislation is unsurpassed in the country today.

KEY COMMITTEE POSTS

Senator BIBLE has been a member of the Interior and Insular Affairs Committee for 18 years. Appointed in 1955, he has chaired the subcommittee responsible for parks and recreation since 1961.

Senator BIBLE also had been appointed to the Appropriations Committee in 1959. During the 1960's he accepted increased duties on the Subcommittee for Interior and Related Agencies as the distinguished subcommittee chairman entrusted Senator BIBLE with rapidly expanding responsibilities. Consequently, Senator BIBLE was active in negotiating and funding of the National Park Service, the land and water conservation fund, the Forest Service, and other public land and wildlife agencies well before he became subcommittee chairman in February of 1969.

THE LEGISLATIVE RECORD

A listing of the legislation Senator BIBLE has piloted into enactment by Congress in the 1960's and 1970's reads like a rollcall of the Nation's national parks and historic treasures.

In the 87th Congress Senator BIBLE guided through legislation for Cape Cod, Point Reyes, and Padre Island National Seashores; Piscataway Park; Lincoln Boyhood National Monument; Theodore Roosevelt, Sagamore Hill, and Frederick Douglass Home National Historic Sites and eight other areas. In the 88th Congress he was successful in securing passage of bills authorizing Canyonlands National Park, Ozark National Scenic Riverways, Fire Island National Seashore, John Muir National Historic Site and six other significant areas.

In the 89th Congress he led action authorizing Guadalupe Mountains National Park, Assateague Island and Cape Lookout National Seashores; Pictured Rocks and Indiana Dunes National Lakeshores; Delaware Water Gap, Bighorn Canyon, and Whiskeytown-Shasta-Trinity National Recreation Areas; Nez Perce National Historical Park; Herbert Hoover National Historic Site, and 11 other outstanding areas.

In the 90th Congress, Senator BIBLE successfully piloted legislation to create Redwood and North Cascades National Parks, Appalachian National Scenic Trail, John Fitzgerald Kennedy National Historic Site and seven other areas.

He continued to work for major park legislation in the 91st Congress, guiding to enactment bills to authorize Gulf Islands National Seashore, Voyageurs National Park, Sleeping Bear Dunes National Lakeshore, Chesapeake and Ohio Canal National Historical Park, Florissant Fossil Beds National Monument, Apostle Islands National Lakeshore, and Andersonville, William Howard Taft and Lyndon B. Johnson National Historic Sites.

The 92d Congress saw Senator BIBLE excel his previous records in the struggle to preserve parklands for the people. This was evident in the passage of such monumental projects as the Gateway National Recreation Area in New York and New Jersey, and the Golden Gate National Recreation Area in and around San Francisco Bay. Both of these new parks offer urgently needed recreation space for large urban populations.

Four other significant regions were added to the national park system—Cumberland Island National Seashore, with its magnificent beaches and unparalleled natural attributes; John D. Rockefeller Jr. Memorial Parkway, which links Grand Teton National Forest and Yellowstone, Buffalo National River in Arkansas with its 132 miles of uncomparable beauty and Glen Canyon National Recreation Area, which includes an area of over one and a quarter million acres of land and water in Utah and Arizona.

Other legislation authorized funding increases and boundary changes needed for the completion of 27 existing park areas.

Some of the most significant changes saw the addition of 79,618 acres to Utah's Canyonlands National Park, additions which nearly doubled the size of Johnstown Flood National Memorial, Pa., and Adams National Historic Site, Mass., the enlargement of Cowpens National Battlefield, S.C., from 1.24 acres to 845 acres, and authorization of some $30 million to complete land acquisition in the Delaware Water Gap National Recreation Area, N.J.-Pa., which will provide recreational opportunities for some 25 million people in the densely populated Northeast.

Over 1,750,000 acres were authorized by Congress for addition to the national park system during the past 2 years. There are now a total of 298 units in the overall national park setup.

Other projects of far-reaching importance were the Oregon Dunes National Recreation Area on the Oregon coast—32,250 acres—to be administered by the Secretary of Agriculture; second, the Sawtooth National Recreation Area in Idaho—750,000 acres—which contains a 209,000-acre primitive region; third, redesignation of Arches National Monument in Utah to park classification; fourth, the Benjamin Franklin National Memorial in Philadelphia; fifth, restoration of the famous gunboat *Cairo* at Vicksburg, Miss., and sixth, establishment of the Pennsylvania Avenue Development Corporation which will help materially in revitalizing the downtown District of Columbia sections adjacent to the avenue.

New park legislation, however, is only part of Senator BIBLE's contributions. He succeeded in achieving passage of such park and recreation milestones as the Bureau of Outdoor Recreation Organic Act of 1962; the Land and Water Conservation Fund Act of 1964, with subsequent amendment; and the National Historic Preservation Act of 1966 among others. He introduced the national park foundation bill and guided it through to enactment in 1967. And he successfully led the effort to restore the Golden Eagle program.

Quietly and effectively Senator BIBLE has carried out his heavy park and recreation responsibilities now for more than a decade and a half. He has earned, and I am sure he will receive, the gratitude of the American people for his role in preserving their natural, scenic recreational and historical heritage.

A few years ago—even before Senator BIBLE's most recent extraordinary service as chairman of two vital subcommittees—the Senator from Montana, Senator LEE METCALF, appropriately summarized the great accomplishments of the senior Senator from Nevada. During debate on the Redwood National Park bill, Senator METCALF said on the floor of this body:

> When we are talking about conservation and the challenge of meeting the outdoor recreation demands of a growing nation, one man stands at the top in terms of accomplishments. I doubt that enough attention has ever been directed to the man and his work—the senior Senator from Nevada (ALAN BIBLE). During more than a decade in the U.S. Senate, ALAN BIBLE has clearly established himself as a leading conservation figure. Certainly, his record in the area of parks and recreation is unmatched.
>
> As chairman of the Parks and Recreation Subcommittee and, before that, the Public Lands Subcommittee, Senator BIBLE has been instrumental in passing legislation that has added no less than 47 new areas to the National Park system. And that record, I believe, is about to be greatly

> extended with the passage in the 90th Congress of bills creating two new landmark national parks—the Redwoods National Park bill we are considering today and the North Cascades National Park and related recreation and wilderness areas. This is a record unequalled by any other Senator in his position in the history of Congress. I submit it is a record that represents the greatest period of recreation development ever witnessed by our Nation.
>
> Senator Bible's calm guiding hand was largely responsible for solving the complex problems that had thwarted progress on the Redwood National Park bill. It was the same effective capacity for overcoming obstacles that made his record of achievement possible.
>
> Under Senator Bible's leadership we have seen the long overdue resurgence of national recreation areas, national seashores, and national lakeshores designed to provide for the badly neglected recreation needs of those in crowded urban areas. We have seen two new national parks—Canyonlands and Guadalupe Mountains. And we have seen many historical parks and national monuments established.

So spoke Senator Metcalf. Today, 5 years later, Senator Bible continues to lead and to persuade in order to strengthen our National Park system. He seeks to bring about enactment of park and recreation legislation that will enrich American life, instill pride in our national heritage, and benefit untold generations to come.

THE APPROPRIATION RECORD

As chairman of the Appropriations Subcommittee for Interior and Related Agencies Senator Bible has been able also to render exceptional service in securing funds for Redwood National Park, Point Reyes National Seashore and other areas, including Forest Service recreation units which are also funded under the appropriation bill handled by the Bible subcommittee.

Significant increases in Land and Water Conservation Fund appropriations in recent years resulted largely from action by Senator Bible's subcommittee. These funds, benefiting State and local recreation programs as well as Federal acquisition of park and recreation lands, rose from $99.5 million in fiscal 1969 to $361.5 million this year—fiscal 1972—under his leadership. Senator Bible consistently expressed a keen interest in following through on the authorizing bills handled by his legislative subcommittee with the funds processed by his appropriations subcommittee to get the jobs done.

He stated:

> We should not continue to approve a rapidly expanding program of parks and recreation unless we are willing to put up the money. With constantly escalating land values and increases in associated expenses, I consider it essential that funding be expedited wherever possible.

Few expenditures will have such lasting benefit to the Nation. They will permit the acquisition of many private lands which now mar natural areas in the National Park System. They will buy wetlands to assure adequate breeding places of wildfowl. They will enable communities in every State in the Union to provide for their recreational needs by acquiring open spaces, shorelines, playground equipment and wooded parkland.

MILESTONES IN NEVADA

In his own State of Nevada, Senator Bible has worked equally hard to secure needed outdoor recreation areas and facilities of national stature. The development of Lake Mead National Recreation Area into one of the most popular units in the entire National Park System resulted largely from his continuing efforts to secure not only needed construction of facilities but adequate land acquisition and staffing for management and protection. And under Senator Bible's bill Lake Mead became the first national recreation area to be sanctioned by Congress. His efforts on behalf of the Lake Mead Recreation Area were recognized by the National Park Service and the Boulder City Rotary Club in 1972 when he was presented with the first annual Charles Richey Award for Distinguished Service.

Senator Bible personally went to bat for special allocations from the Land and Water Conservation to help finance important State land acquisition at Lake Tahoe, making it possible to save countless irreplaceable acres of scenic beauty from the bulldozer of commercial development. Senator Bible's legislation also made it possible to expand land acquisition by the U.S. Forest Service to launch a comprehensive Federal study into recreation needs at the lake. Recently he was to secure a major reprograming of Forest Service funds to acquire one of the last major undeveloped scenic areas at Lake Tahoe.

THE FUTURE

In this brief recital of Senator Bible's contributions to our park and recreation resources, we obviously have not been able to enumerate every bill or appropriation which he has nursed to passage.

But perhaps it is not too much to say that every man and woman who wields a canoe paddle will be grateful to him for his role in the passage of the Wild and Scenic Rivers Act, for example. And every American who treads a wilderness trail in the years to come may well thank him for prodding through the Nationwide System of Trails Act. And young and old will benefit in town and city across the Nation from Senator Bible's tireless efforts on behalf of the Land and Water Conservation Act.

Senator Bible has left his mark of distinction not only on our magnificent National Park System and Federal recreation program but on a larger sphere of American life as well.

CHESAPEAKE BAY

Mr. MATHIAS. Mr. President, the Chesapeake Bay is a majestic body of water cleaving the eastern and western shores and sweeping down through Cape Charles and Cape Henry to the Atlantic. It carries the ocean commerce of the world.

At the same time, it is the most intimate of waters, with coves, creeks, and harbors of personal dimensions that shelter fishermen and other sailors in stormy weather and invite adventure on the past of the very young and very old.

It is Maryland's especial jewel in her crown of nature's bounty.

It may also become a dead sea.

It is the shipping channel to the Port of Baltimore. Its waters serve the needs of industry, public utilities and fisheries. It is the source of livelihood for watermen and thousands of other persons in many different occupations. The communities on its shores are a home for many of our citizens. And the bay has considerable historical significance.

These diverse interests have created problems. For example, how do we reconcile the demand of industry and the utilities with the need to protect the biological life of the bay?

How do we balance the interests of the economic advantages the bay offers with the interests of environmental protection?

What should be the role of the Federal, State, and local governments?

To help me evaluate all of the various interests that are involved in any consideration of the future of the bay, I am planning to conduct a personal 5-day factfinding tour of the region.

The specific purpose of my tour is to determine whether new Federal legislation is required to protect and improve the bay for the benefit of all who use it. I have talked to a number of shipping and port spokesmen in Baltimore. I shall talk to environmentalists, ecologists, marine biologists, and fish and wildlife experts. I shall seek the advice of county commissioners, mayors, and city councilmen.

After weighing all the factors involved, I hope to be able to determine the best course of action I can take as a Member of the U.S. Senate to enhance the bay in the best interests of Maryland and the Nation.

There seem to be at least five possible general approaches to the future of the bay and I will consider them all. They are:

First. An interstate compact, similar to the compacts created for the Potomac River and the Susquehanna River;

Second. Federal "gateway" legislation, similar to that enacted to protect the future of the San Francisco and New York-New Jersey shoreline area;

Third. A Federal-State task force or a series of task forces that would serve in an advisory and coordinating capacity;

Fourth. The use of the existing Federal framework of laws concerned with the problems of waterways and coastal areas; and

Fifth. Designation of the States or localities involved as the governmental units with principal responsibility and authority for the protection and enhancement of the bay.

Whether any of these courses of action, or some other approach is the best direction to take needs careful study—and that is the purpose of my tour.

It is clear, however, that we must act quickly if we are going to save the bay from the cross-currents of sometimes conflicting interest, that might do more harm than good unless they are brought together into an effective program. That is the type of program that I want to develop.

My tour will begin June 22 in Baltimore Harbor and will end June 26 here in Annapolis.

In those 5 days, I will visit communities on both sides of the bay and talk to everyone I can who has an interest in the bay.

I will do most of my traveling on a boat, which I am using through the generosity of D. Eldred Rinehart, who will be skipper and navigator.

With the assistance of Governor Mandel, Secretary Morton, Senator Beall, Maryland Members of the House of Representatives and many others who understand the problems of the bay—and with the help of all Marylanders who treasure this magnificent waterway as much as I do—I hope that we will be able to do whatever is necessary to protect this valuable resource for all time.

Father White described the bay in 1634 in these words—

> Birds diversely feathered—eagles, swans, hernes, geese, bitters, duckes, partridge read, blew, partie coloured and the like, by which will appreae, the place abounds not alone with profit, but also with pleasure. The most delightful water I ever saw (lies) between two sweet landes . . .

Our challenge is to restore it to this natural condition and yet to continue to live near it and on it without destroying it.

THE NATIONAL LAND USE POLICY AND PLANNING ASSISTANCE ACT

Mr. TUNNEY. Mr. President, on Thursday, June 7, 1973, the Senate Interior Committee reported the National Land Use Policy and Planning Assistance Act. As a cosponsor of this bill, I am hopeful that this essential piece of legislation receives early consideration by the Congress.

Land use planning has remained substantially untouched by national policy and should be a priority issue for this Congress.

Although it is difficult at this stage to predict the precise impact of the bill on existing State law, general observations can be made. At this point in the Record, I ask unanimous consent to print an analysis of the impact of S. 268 on existing California statutes:

There being no objection, the analysis was ordered to be printed in the Record, as follows:

S. 268

STATUS OF CALIFORNIA STATUTES

Informational components

Inventory of Land and Natural Resources; Partially complies—Gov't Code Section 65570.

Compilation of Socio-Economic Data; Complies—Gov't Code Sec. 65041 and Public Resources Code Section 27300.

Forecast of Future Needs; Complies—Gov't Code Sections 65041–65049.

Inventory of Public Lands and Needs and Priorities for Use of Federal Lands; Does Not Comply.

Inventory of Financial Resources for Land Use Planning; Complies—Gov't Code Section 65049.

Inventory of State and Local Activities which Have Land Use Impact; Partially Complies (Agriculture only) Gov't Code Section 65302.

Method for Identifying Large-Scale Development and Projects of Regional Benefit; Does Not Comply.

Inventory and Designation of Areas of Critical Environmental Concern or Impacted by Key Facilities; Could Comply with Broad Interpretation of Section 65040(a) and 65040(g) 65560, 65563(b) of the Gov't Code.

Technical Assistance and Training Programs; Complies—Gov't Code Section 34212 and Section 65040(i).

Exchange of Land Use Planning Information and Data Among Governmental Units; Complies—Gov't Code Section 64040 and Section 65042.

Coordinating Functions

Method for Coordinating State and Local Agency Programs; Does Not Comply.

Coordination of Interstate Aspects of Land Use Issues; Partially complies in limited areas i.e. Lake Tahoe Regional Commission Gov't Code Sections 67000–67130.

Public Participation

Public Hearings on Statewide Planning Process; Probably Complies—Gov't Code Section 65043 (hearings are not mandatory) Public Resources Code Section 27420(b).

Participation by Public in Formulating Statewide Planning Process; Probably Complies—Gov't Code Section 65043 (public participation procedures are not mandatory):

State Land Use Planning Agency

Primary Authority for Development and Administration of State Land Use Program; Partially Complies. The Office of Planning and Research is the planning authority. Administrative authority is lacking.

Coordination of Planning Agency with State Agencies Responsible for Environmental Matters; Complies—Gov't Code Section 65040.

Authority to Hold Public Hearings and Permit Public Participation in Developing State Land Use Program; Complies—Gov't Code Section 65043.

Procedure

Administrative Appeals Procedure; Complies only with regard to the coastal areas. Coastal Conservation Act; Public Resources Code Section 27433(a) thru (c).

Judicial Review for Determining Compensation for Taking; Same as above; Public Resources Code Sections 27424–27425.

PERMIT OR APPROVAL SYSTEM

Overview

Opportunity for Public Hearings for Revision of Permit System; Complies with local zoning and open space plan. Government Code 65804 also Complies with regard to the coastal areas. Coastal Conservation Act; Public Resources Code Section 27224 and Section 27420(b).

Biannual Revision of Guidelines and Rules; Does Not Comply.

Assurance that Taxation Policies are Consistent with Goals of State Environmental Protection Policies; Does Not Comply.

Procedures

Public Hearings for Issuance or Approval; Complies with local zoning and open space plan. Government Code 65804 also Complies with regard to the coastal areas; Coastal Conservation Act; Public Resources Code Section 27224 and Section 27420(b).

Administrative Appeals Procedure and/or Judicial Review; Same as above. Public Resources Code Section 27423(a) thru (c).

Public Availability of Information; Same as above. Public Resources Code Section 27422.

Public Announcement in Advance of Issuance; Same as above. Public Resources Code Section 27422.

Advisory Council of Elected or Appointed Officials; Does Not Comply (could exist on an informal basis).

STATE LAND USE PROGRAMS

Methods of Implementation

Direct State Land Use Control; Complies only with regard to coastal areas. Coastal Conservation Act. Public Resources Code, Sections 27000–27650.

Implementation by Local Governments According to State Criteria and Guidelines with State Veto Power; Does Not Comply.

Implementation by Local Governments According to State Criteria and Guidelines with Judicial Enforcement; Partially complies. Sec. 65567–Gov't. Code.

Exercise of State police powers

Prohibit Land Use Within Areas of Critical Environmental Concern Impacted By: 1. Key Facilities; Complies only with regard to coastal areas. Coastal Conservation Act, Public Resources Code Sections 27000–27650.

2. Potential and Use for Regional Benefits; Same as above.

3. Large-Scale Developments or Subdivisions; Same as above.

EVERETT AND ELIZABETH JOHNSON HONORED BY BOY SCOUTS OF AMERICA

Mr. MATHIAS. Mr. President, last month two Marylanders, Everett and Elizabeth Johnson were awarded the highest commendation of the National Capital Area Council, Boy Scouts of America. In recognition of their long and dedicated years of service, Mr. and Mrs. Johnson received the Silver Beaver Award and the Silver Fawn Award, respectively. I know I speak for all Marylanders in voicing my admiration for these outstanding community leaders, and I ask unanimous consent that an article from the Frederick, Md., Post dealing with the annual recognition dinner of the Francis Scott Key District in honor of Mr. and Mrs. Johnson be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Myersville Couple Awarded Scouting's Highest Honors

Everett and Elizabeth Johnson of Myersville were awarded the highest honors of the National Capital Area Council, Boy Scouts of America, at the Annual Recognition Dinner of the Francis Scott Key District, Saturday, May 5 at the Junior Fire Hall, on North Market Street. Everett Johnson received the Silver Beaver Award and his wife, Elizabeth received the Silver Fawn Award, for lady Scouter's. Mrs. Johnson is the first recipient of the Silver Fawn in the Francis Scott Key District.

The majority of Everett Johnson's life has been involved with Scouting. In 1920, he began his Scouting career as a Scout in Troop 39, Washington, D.C. For 30 years, as an adult leader, Johnson has influenced Scouting wherever he's lived. In Bucks County, Pa. where there was no Cub Pack, he helped Mrs. Johnson and other parents organize Pack 45 and became its first Cubmaster.

Arriving in Myersville, he helped the Lions Club organize its first Scout unit, Troop 273, and became its first Scoutmaster. In Stucket, N.Y., he helped organize Post 70 and became its first Advisor.

While living in Pennsylvania, he was also District Organization and Extension Chairman. In Denver, he was an Assistant District Commissioner and until 1971 he was an ADC for Francis Scott Key. Johnson currently serves as Exploring Program and Service Chairman. He also assists at Roundtables and with Cub training. He has also provided leadership and assistance at numerous district camporees, field meets, swim meets and first aid contests.

In addition to his many Scouting activities, he has fully supported his community. Johnson has taught Sunday School, has held the offices of Secretary and Vice-President of the Myersville Lions Club and has helped the Lions sponsor three Little League teams. Furthermore, he has worked for 27 years as a voluntary public health counselor for problems related to alcoholism.

In the last 30 years, through Mrs. Johnson's dedication to Scouting, many children have received outstanding Scouting experiences. Mrs. Johnson has given tirelessly of herself, often without thanks, to serve boyhood.

In 1949, in Bucks County, Pa., Mrs. Johnson helped her husband organize Pack 45 and served as its first Den Mother. Here in Francis Scott Key she helped organize Pack 1051 and has served as Den Leader Coach for that Unit. She is currently serving as District Den Leader Coach and conducts Den Leader sessions at the District Cub Roundtables. There have also been many instances when she has trained Den Mothers and District volunteers as the need arose. She has actively served Girl Scouting as Committee Woman, Junior Girl Scout Leader and as Troop Service Director. She has also been instrumental in the organization of several Girl Scout Units.

Besides her Scouting experience, Mrs. Johnson has been active in the PTA and was a member of the Homemakers Club.

Mr. and Mrs. Johnson live in Myersville. They are retired and have two grown sons. She has integrated Scouting with her family life, supporting and attending meetings with her husband, enabling her sons to reap the full benefits of an active Scouting program. Also she has worked with others to make a Scouting program possible in communities where none existed, organizing and training leadership then following up with an active well rounded program.

The Silver Beaver and Silver Fawn were presented by Niemann A. Brunk, the National Capital Area Council's Silver Beaver Committee Chairman and by Grayson B. Haller Jr. the District Chairman for Recommendation to the National Court of Honor.

The recognition dinner is held every year to honor those persons who unselfishly give of their time to support Scouting activities in the Frederick area.

The Francis Scott Key District, Boy Scouts of America is a participating agency of the United Giver's Fund.

GENOCIDE: THE THREAT OF MENTAL HARM

Mr. PROXMIRE. Mr. President, article II of the Genocide Convention states that:

> The crime of genocide shall include the act or the intent to cause serious bodily or mental harm to members of the group.

Although this would seem self-explanatory there are critics of the convention who queston the use of the phrase "mental harm." This, they maintain, is far too ambiguous for inclusion in an international agreement.

For most, the language of the treaty itself is quite straightforward, but the implementing legislation recently introduced dispels any remaining doubts. Mental harm is described as:

> Any act which causes the permanent impairment of the mental faculties of members of the group by means of torture, deprivation of physical or psychological needs, surgical operation, introduction of drugs . . . or psychiatric treatment calculated to permanently impair the mental process.

The atrocity which is herein described could be condoned by no civilized society. Nor can there be any doubt as to what is meant by the phrase "mental harm" for the implementing legislation is explicit. We need only remember the activities of Nazi Germany 30 years ago to find wretched examples of the most inhuman mental torture. Brainwashing and brainbreaking are not unknown to our civilization.

Therefore, to prevent the recurrence of these horrible crimes against humanity, I call upon Senators to move swiftly to approve this implementing legislation and ratify a very necessary treaty to outlaw genocide.

MARYLAND'S EDUCATIONAL LEADERS PAY TRIBUTE TO DR. WILLIAM BRISH

Mr. MATHIAS. Mr. President, last month Washington County, Maryland's educational leaders came together to pay tribute to a very capable and deserving individual, Dr. William Brish. Dr. Brish is retiring this year after 26 years of outstanding service as Washington County's Superintendent of Schools. During nearly half of this time he and I have been associated in public service and in the quest for quality education. Our personal friendship covers an even longer period of time.

On May 22, the Hagerstown Morning Herald featured an article relating the highlights of Dr. Brish's retirement dinner. I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. WILLIAM BRISH HONORED AT RETIREMENT DINNER

Dr. William M. Brish was the MAN OF THE HOUR recently.

According to the nearly 300 people who had assembled at Fountain Head Country Club to pay him honor he has been the "Man of the Hour For the 26 Years" he has spent as Washington County's Superintendent of Schools.

Hosts for the Retirement Dinner, that drew people from his family and educational circles from far and near, included the Board of Education of Washington County, the Central Office Staff, the Elementary School Principals' Association of Washington County and the Washington County Association of Secondary School Principals.

Coming to Hagerstown to express their sentiments of a job well-done were Dr. James A. Sensenbaugh, state superintendent of schools; Dr. William Schmidt from Prince Georges County; David W. Zimmerman, retired Deputy State Superintendent of Schools, from Catonsville, who served as Dr. Brish's first principal at Thurmont; three of Dr. Brish's Local students, whom he taught at Frederick High School, one of which was Dr. John H. Kehne, who served as the skilled master of ceremonies. The other two were John McCardell of Potomac Edison Co. and E. Mason Hendrickson of the First National Bank of Maryland.

Also present were Dr. Brish's daughters and their husbands, including Dr. and Mrs. David Evett (Marianne), of Cleveland, Ohio; The Reverend Roderick J. Wagner and Mrs. Wagner (Margaret), of Hagerstown; and Mr. and Mrs. David Shenk (Marcia), of Silver Spring, Md.

TRIBUTES BEGIN

The Reverend Mr. Wagner began the parade of profound words of praise in the invocation he gave, paying tribute to his father-in-law for "Leaving a legacy of ideas and pursuing concepts . . . that stirred the fragile wills of youth."

Franklin R. Miller, president, Washington County Board of Education, in a wine toast shared by everyone said, "When he came here we knew he was a scholar. Since then we have found him to be a gentleman. A toast to my personal friend and yours, Dr. William M. Brish."

Members of the committee in charge had not only decorated the room in lavish style featuring pastel flowers and greens, but they had selected the creme de la creme of not only instrumental but vocal music as well. Prior to the dinner, and during the dinner hours, the "Satin Strings 'N Things," from North Hagerstown High, under Marvin Hurley, played popular show tunes for his pleasure.

As part of the entertainment singers from each of the high schools in the county, the Washington County Youth Choral Ensemble, under the direction of William Makell, sang three favorite melodies of the honored guest. The first, "Dancing In The Dark," came from "The Bandwagon," a show with Fred and Adele Astaire, which Dr. Brish and Rachel attended when they were in New York on their honeymoon. The second was a "jazzed up version" of "Lili Marlene" that had been arranged by Makell and John Fignar, after the sheet music arrangements were found to be unavailable. "When You're Smiling" was the final melody, that had piano and a bass fiddle as accompaniment.

Dr. John Kehne, in giving the official "Tribute To Dr. Brish" told how the committee in charge had met in great secrecy, "unbugged" by "The Godfather." He recalled a number of amusing incidents when Dr. Brish was his instructor at Frederick High School, noting also that this was in his "bachelor days" that ended when a mutual friend escorted Rachel to a birthday party. Not too long after this the couple was married.

But, he paid tribute to Dr. Brish as a teacher, noting his diverse interests and his pleasure in working with the students. "He was interested in photography, and organized the Photography Club. Later we all became a part of the Brish family as we worked in the darkroom in their home."

In quoting Will Durant on the quality, personality and character of a teacher, Dr. Kehne said, "Durant said a teacher is more what he is than what he teaches. He must awaken in the learner that restless drive, that insight, that desire to learn. This represents Bill Brish. Washington County is indeed fortunate to have had a person of such capability."

A PICTURE STORY

Feeling that the complexity of the personality of the honored guest was hard to describe, those in charge took to the record to better explain him. Using photos on a wide screen, and a dual process of presentation, they first showed a picture of Dr. Brish as a young boy of perhaps seven, holding a book in his hand, thereby foretelling his interest in learning. The story veered on to a clipping from The Daily Mail, Wednesday February 12, 1947, announcing the appointment of Dr. Brish as superintendent of schools.

Pictures of him, from 1938, at Thurmont, at Frederick High School, at his school in Kent County, at meetings of the board of education at the various schools in this county as they were built; at the Outdoor School in the Catoctins; at staff development meetings; on a cruise to Betterton Beach and down the Chesapeake, staff members in tow, all underscored his interest in bringing personnel together for better workmanship.

Pictures as he participated in civic events, the United Fund, Washington County Health Association, Washington County Museum and Library, the Boy Scouts, Sister City and his conversation to Wesel via Telstar in 1962, flashed by.

The most significant phase began in 1960 when the Ford Foundation felt that the medium of TV had a contribution for education and set up the five year project of TV in the schools here. A forerunner of the five year stint establishing educational TV in Nigeria, as the result of a visit here by a Nigerian educator, was shown. Dr. and Mrs. Brish were shown as they took off for Nigeria in 1963; to India in 1960 and 1961; and again in 1971, with local educators, made up this panorama.

Visits here by the New York Herald Tribune students, and visitors from many countries who came to observe TV, put the honored educator into the category of an "Educational Ambassador of Good Will."

"Because of his leadership Washington County has modern schools," Dr. Kehne, the narrator stated. "Thirty four of the existing 46 school buildings have either been built or remodeled and 11 more are planned for the near future. The contribution to the building program has been tremendous and the enrollment has nearly doubled since he first began here, with a like number in the increase of teachers."

His contribution to Special Education and the establishment of one of the first Junior Colleges in the State of Maryland were cited, also.

USDA COMMODITY DISTRIBUTION AMENDMENT TO S. 1888

Mr. HUMPHREY. Mr. President, last week the Senate adopted my amendment to S. 1888, the Agriculture and Consumer Protection Act of 1973, to insure that the 2.5 million recipients under the commodity distribution program get enough food under that program to meet their daily nutritional requirements.

The intent of this amendment was to broaden the Department of Agriculture's authority to make commodity purchases to maintain the programed package of some 20 food items for donation to needy families. This would include authority to provide donations to families who need food assistance because of floods and similar natural disasters. The Department's package of food for needy families has been programed to offer some 20 foods whose nutritive value exceeds 100 percent of daily nutritive requirements, except for calories. The use of the term "125 per centum" in the amendment was intended as a description of that nutritive value level. The foods to be supplied in the future for the family phase of the food donation program are intended to be of the kinds of foods and in the amounts that normally have been made available in the past.

ROSS BODDY RETIRES

Mr. MATHIAS. Mr. President, this year Ross Boddy, school community coordinator for Montgomery County's area 5 will retire. Ross Boddy leaves in Montgomery County many friends and a distinguished career as an educator and an administrator.

On May 16 the Montgomery County Courier carried an excellent article outlining the highlights of Ross Boddy's career, from his early days as a teacher in a one-room schoolhouse in Carroll County to his activities over the past 9 years as school community coordinator in Montgomery.

I ask unanimous consent that this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Ross Boddy: School Community Coordinator To Retire; Taught First in One-Room School

(By Lyn Skillington)

Ross Boddy, who taught his first class in a one room school house in Carroll County, will retire this year as School Community Coordinator for Montgomery County's Area 5.

Boddy, originally from Cecil County, aspired to be a teacher when he was in second grade. He completed his college degree at State Teachers and Morgan State and has done graduate work at the University of Maryland.

When he took his first Montgomery County job, it was as principal of Sandy Spring Elementary School in 1935, when that school contained just three rooms.

Since that time he has held a variety of outer county positions as a classroom teacher, principal of Sherwood Annex, assistant principal of Highland Elementary and has served in his present position for the last nine years.

During this period he has made many friends and some of those persons are planning a dinner in his honor which will be held at the Washingtonian Country Club on June 6.

In a recent interview, Boddy told the Courier he has seen many changes in education during the past 40 years. When he began teaching, most schools were contained in one to three rooms and were segregated.

He believes that in addition to having better qualified teachers now, the curriculum and after school activities have also improved.

Boddy would like to see several changes at Sherwood, where his office is based.

First, he wants teachers to somehow make classes more interesting so students will want to go to class instead of cutting.

Second, he supports the six period day. He thinks that more time should be spent on the basics so that a student is an authority on a subject after a year's study.

"Now," says Boddy "a student can get as many as twenty-eight credits when he can only use eighteen of them."

Boddy said the high point of his career is his present job as community coordinator.

In this job he has been able to do many things. He has created after school study halls, organized Teen Clubs, developed swimming programs for underprivileged children, set up Adult Education classes, organized Little Leagues for children who can't afford large organized teams, worked with youth groups and on advisory committees. He has even organized income tax help.

The most satisfying part of his job, he said, has been the opportunity to go into disadvantaged communities and see results as the people are able to learn to help themselves.

Boddy said the best things about the Montgomery School system are the superior teachers, facilities and an abundance of supplies.

But he tempers his praise by saying that the schools seem to be unable to keep tabs on students. Students seem to be constantly roaming the halls and leaving the school premises, he noted.

Boddy thinks that the students' worst problem, especially in the affluent areas, is that they don't have anything for which to work. If they want something, in many cases all they have to do is ask for it. Boddy believes many students don't care about grades or doing well in school.

He does not think that Sherwood has a big drug problem.

Many of the students have experimented with drugs, he said, but he does not believe that there are many hard drug users in the school.

Boddy feels the best way for parents to help raise the standard of their children's education is to create an atmosphere in the home that encourages good study habits.

More information about the June 6 banquet is available from Mrs. Dottie O'Keefe at 384–7603.

ABANDONMENT OF HELIUM CONSERVATION

Mr. McCLURE. Mr. President, I would like to quote from a U.S. Government report, "The abandonment of the helium conservation program is a disaster, to put it mildly." As a longtime member of the House Interior Committee, a strong advocate for conservation of our natural resources and vitally concerned with our deteriorating environment, I think that statement clearly represents my views. Three items have come to my attention recently:

First. The report from which the quote is taken.

Second. A news release from the Secretary of the Interior.

Third. A news release from the National Science Foundation.

I ask unanimous consent to have printed in the Record, excerpts from the report and the two news releases. We all know of our dwindling natural gas reserves, and I cannot understand the rationale behind the Secretary of Interior's decision to terminate a program set up to save the key to the future energy production and distribution.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Undergound Power Transmission by Superconducting Cable

PREFACE

Background of this study

Since 1947 Brookhaven National Laboratory has built machines that were at the forefront of current technical knowledge. These include the Brookhaven Graphite Research Reactor, the Cosmotron, the High Flux Beam Reactor, and the Alternating Gradient Synchrotron. In the early sixties a research program was begun to develop superconducting pulsed magnets suitable for a very high energy synchrotron. As an understanding of practical ac superconductors was gained it was natural to turn to other applications such as machines and transmission lines. Through 1969 and 1970 an *ad hoc* committee, drawn from the Accelerator Department and the Department of Applied Science, met somewhat irregularly to discuss these topics. In March 1971 a formal study of superconducting underground power transmission was started, supported by the Program of Research Applied to National Needs of the National Science Foundation under an interagency agreement[*] with the Atomic Energy Commission. Considering the applied nature of much of the work at Brookhaven, it is not surprising that we have taken a hard look at the practical implications of using superconducting cables in the electric power system of the U.S. as it might be in 20 years. This viewpoint, we felt, has been missing to a large extent in many previous studies. The result of this work, "Report on Superconducting Electrical Power Transmission Studies" (BNL 16339), was published in December 1971. The present report is based on that work. Our conclusions are guardedly optimistic. Although there are many pitfalls in the design of superconducting devices, and many technical problems to be overcome to make a practical system, the use of superconducting cable appears to be beneficial for future electric power networks. In contrast to conventional cables, superconducting cables will not inflict the penalty of relatively large reactive currents, and underground transmission distances of several hundred miles appear feasible for large blocks of power.

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[*] National Science Foundation Grant No. AG–251.

Summary of the report

We have been fortunate in persuading Dr. Philip Sporn to write the Foreword on the need for research in electric power and how to finance it. We believe the report will have many readers whose field is neither electric power nor superconductivity, both immensely complicated subjects. For this reason the early chapters mainly provide introductory material in these areas, although in Chapter II forecasts for the next 30 years are used to predict required cable characteristics and helium demand. Chapter IV is a review of current research in underground cable design, including work on superconductivity in this country and abroad. Most of the BNL work is contained in Chapters V and VI. Chapter V contains BNL measurements of losses in niobium-tin at power frequencies, apparently the most comprehensive such data available today. On the basis of these measurements, two conceptual superconducting *flexible* cables are presented. These cables could be manufactured and installed in quite long lengths. Chapter VI is a discussion of some of the implications of using high-current cables, with particular regard to electrical characteristics, reliability, economics, cryogenic equipment design, and operation under abnormal conditions. In electric power systems abnormal conditions, or faults, are misnamed: they are in fact quite normal. Short circuits, lightning strokes, etc., occur frequently and an underground cable must be able to tolerate these conditions without damage or even loss of transmission. It is also noted that extensive use of these cables will tax the helium reserves of the U.S., the only country in the world with any substantial reserves. In Chapter VII the use of superconducting cables in dc transmission schemes is discussed, and conclusions are presented in Chapter VIII.

Acknowledgments

The work described in this report was supported by the National Science Foundation. The Power Transmission Study Group included a Steering Committee and a Working Group. The Steering Committee consisted of J. M. Hendrie, Principal Investigator, J. P. Blewett, and D. H. Gurinsky. The members of the Working Group, drawn from the two departments previously mentioned, were R. B. Britton, E. B. Forsyth, M. Garber, J. E. Jensen, G. H. Morgan, and J. R. Powell, not all of whom were full-time members. E. B. Forsyth was head of the Working Group and editor of this report. We were very fortunate in obtaining the consulting services of Dr. Philip Sporn, Dr. A. Kusko, and Mr. E. D. Eich. Throughout the study period we organized a series of seminars and we are very grateful to the following specialists from outside Brookhaven National Laboratory who presented lectures: Mr. W. Engelmann, Long Island Lighting Company; Dr. H. Feibus, Consolidated Edison Company; Dr. R. W. Meyerhoff and Mr. D. Haid, Union Carbide Company; Mr. S. H. Minnich and Dr. B. C. Belanger, General Electric Company. We also wish to mention the enthusiastic support of many of the Laboratory staff. This has ranged from consultations on topics raised during the study of the speedy preparation of this report.

6.8 Use of Helium Reserves for Superconducting Transmission Lines

The helium reserves of the U.S.[58] are summarized in Table 16, together with estimates of price and availability. The secure reserves will be available until used specifically for helium. The insecure reserves will be largely gone by 2000 A.D., since they are part of the U.S. natural gas reserves which will be burned for fuel. If the Government stops storing helium, as planned, only the secure reserves will be available for superconducting transmission lines and other uses.

TABLE 17.—ESTIMATED USE OF HELIUM RESERVES FOR TRANSMISSION LINES

Year	U.S. generating capacity, megawatt	Power plant construction, megawatt per year	Circuit miles of underground transmission added per year	Fraction of new underground lines ≥2,000 MVA	Total miles[1] of underground transmission ≥2,000 MVA	Use of reserves if all lines ≥2,000 MVA are superconducting[2]		
						Percent secure rich reserves	Percent rich reserves	Percent total reserves
1990	1.0×10^6	7×10^4	800	0.2	(3)			
2000	1.7×10^6	1.3×10^5	1,200	.4	2,000	5.5	1.6	0.8
2010	3.0×10^6	1.0×10^5	1,600	.6	8,000	22.0	6.4	3.4
≈2100[4]	1.0×10^7				25,000	75.0	22.0	11.5

[1] In units of 2,000-MVA lines.
[2] 1.25 MCF of helium is required per circuit mile of superconducting transmission line (2,000-MVA unit size).
[3] Negligible.
[4] Asymptotic level.

It is difficult to predict the growth rate of underground transmission lines. The rate depends critically on what laws regulating transmission will be passed, future siting practices, right-of-way costs, etc. A simple growth law cannot be applied to current installation rates of underground transmission lines.

We have adopted the following argument for generating plants after 1990:

1. Each plant will trigger the construction of some underground cable in urban areas. The average length of an underground link will be 20 miles.

2. The median value of underground transmission-line circuit capacity will increase with time. In 1970, the median value was of the order of 200 MVA; as system capacity grows, larger and larger circuit capacity values will be possible without endangering system reliability. In general, a factor of 10 increase in system load will permit roughly a factor of 10 increase in line capacity. We have assumed that in 1990, 20% of the lines being installed will be 2000 MVA or above; in 2000, 40%; and in 2010, 60%.

3. The gross generating capacity forecast in Table 1 applies. After the year 2000 a decrease in the growth rate begins, so that total generating capacity becomes asymptotic to the level 10,000,000 MVA.

The circuit miles of superconducting cable shown in Table 17 are based on the assumption that as the system size increases an increasing number of circuits over 2000 MVA will be superconducting. In addition, the average capacity of these circuits will increase with time. However, the distance has been calculated for 2000-MVA units; i.e., a mile of 6000-MVA circuit is equivalent to 3 miles of 2000-MVA circuit as far as helium demand is concerned.

On the basis of these assumptions the percentage use of the country's helium reserves for transmission lines may be calculated. Little impact will occur until after the year 2000, when most of the insecure helium reserves in the natural gas fields will be gone, unless a recovery program is started in the near future. Assuming that this is not done, and that only one-fourth of the secure reserves is allotted to superconducting transmission lines, the lack of helium will seriously limit the number of superconducting transmission lines (if they prove technically and economically more attractive than alternative underground transmission schemes). If all the rich reserves are saved and all underground lines over 2000 MVA are superconducting, then the allocation will hardly be enough to build the capacity required for the asymptotic generating capacity of 10^7 MVA. At this level the use of the expensive helium to replace that lost in the operating lines would greatly increase running costs.

The extraction cost of the lean reserves is so high that apparently it will not pay to extract their helium content in the years left before 2000 A.D. The cumulative interest charges on the capital invested in plants to recover helium from the lean reserves will be much greater than the economic savings of superconducting transmission lines over other types of underground transmission. Therefore, only the rich reserves can be counted on for use in superconducting transmission lines.

The helium inventory has been assumed to be 1.25 MCF/mile for a 2000-MVA system. Since extended overload operation depends on heat storage in the helium, this figure could possibly be reduced; however, this depends on overall system optimization.

In summary, widespread use of superconducting transmission lines can be expected to constitute a major demand on the helium reserves of the U.S. The estimates of helium demand do not include the possible use of superconducting power transmission in other industrialized countries. The margin would be improved by the conservation of helium in the rich insecure reserves. This program would have to begin immediately. It is also important to begin research on economic recovery of helium, possibly in combination with other gases, in order to justify capital expenditure on a plant.

CHAPTER VIII: CONCLUSIONS

8.1 The case for superconducting cables

The expansion of the U.S. electric power industry is continuing at a high rate. In the face of environmental and, occasionally, economic pressures, increasing lengths of the power transmission system will go underground. Before the end of the century feeders to urban centers with capacities of 2 to 5 GVA will be required. If portions of interties between regional pools are forced underground, single-circuit capacities up to 10 GVA may be required. Already short links with capacities of about 2 GVA have been installed in the U.S. and Europe. Although extensions of present technology may permit long lengths to be installed at this power level, it is close to the limit. Superconducting cables, on the other hand, will be economically competitive at about this level and inherently capable of technical development to provide power transmission capability greater by an order of magnitude.

Superconducting cables appear to have many advantages when considered in the context of system operation. Properly designed, they have the following favorable characteristics:

1. The critical length may be as long as several hundred miles.
2. The cable may be designed to achieve surge impedance loading.
3. Heavy fault currents may be carried without tripping and the line will carry rated current immediately after a fault.
4. Extended overload currents may be carried for many hours. Following a suitable recovery period at rated current the overload cycle may be repeated indefinitely without degradation of the insulation.
5. Cable rating is not dependent on soil conditions.

8.2 Specific Recommendations

The use of helium as a dielectric appears to have several disadvantages, including (1) the possibility of poor dielectric breakdown performance, and (2) the necessity for installing rigid cables in 40 to 60-ft sections.

Even in the early stages of conceptual development, cables must be designed to appeal to the utilities, particularly from an economic standpoint. Thus solid or laminar dielectrics are suggested, as they permit the cable to be made in lengths that can be reeled and pulled into place. Two of the designs presented for flexible superconducting cable appear to be technically attractive. These cables are very light compared with conventional cables of the same rating. It has been shown that concentrating on one parameter, for example, magnetic loss, does not lead to optimization of the total design. In particular, the high critical temperature (T_c) and superior current-carrying capacity of niobium-tin compared with niobium allow a more practical line design. Because of the nonlinear properties of helium in the operating range the higher T_c permits a disproportionate improvement in the refrigerator system. In a practical line it will be a complicated problem to optimize the electrical, mechanical, and cryogenic designs of the cable. System requirements such as fault and overload performance will also enter the picture.

Although the study has concentrated on ac transmission, dc may be preferable for certain types of system operation. Some development or improvement of the associated breakers and converters is required, but the cables themselves appear to be relatively simple modification of ac designs. Advantages of a flexible design still apply.

If superconducting cables become standard it is necessary to hoard all the helium possible. In addition to conserving the rich helium reserves, research should begin on economical ways of recovering helium from relatively lean supplies of natural gas before all the reserves are burnt. Helium will be essential for other projects (e.g., fusion generation) besides superconducting power lines. The abandonment of the helium conservation program is a disaster, to put it mildly.

8.3 Future work

In a separate proposal Brookhaven has outlined the work that must be done to develop a successful cable. Some fundamental knowledge is required of dielectric losses and breakdown in the appropriate temperature and pressure ranges. Properties of supercritical helium must be evaluated for use in cooling cable-type configuration. In particular, regions of nonlinear oscillation must be charted. Some of the many properties required in a superconductor for use in a 60-Hz transmission cable are found in niobium-tin. A reduction of magnetic losses at the proposed current density for this material by a factor of 2 to 5 is desirable. In addition, the compound will have to be made more ductile. Methods of depositing thick layers for carrying faults must be devised and tests carried out to ensure that the superconducting layer will not crack or peel during thermal cycling. The cryogenic equipment will require a great deal of very practical engineering development. Refrigeration systems must be developed for long, reliable, maintenance-free periods. In particular, the Dewars containing the cables must be designed for inexpensive mass production and simple installation in the field, preferably by means of a single welding operation at each joint.

An adequately funded program would produce a cable suitable for utility evaluation in about ten years.

Interior and EEI Sponsor Study of Critical Currents in Thin Super Conducting Films

The U.S. Department of the Interior and the Edison Electric Institute, Inc., have awarded a contract to Stanford University for the study of critical current characteristics of very thin multilayered films of superconducting compounds. The $44,000 one-year project is being funded by Interior and EEI as part of the multimillion dollar Underground Transmission R&D Program of the Electric Power Research Institute.

As described by F. F. Parry, Interior's Underground Electric Power Transmission Research Program Manager, recent advances in superconducting and cryogenic (low temperature) technology indicate that practical superconducting electrical power transmission—where conductor resistance is almost zero—may be achievable within the next two decades. It is highly desirable to develop superconductors in configurations having higher current carrying capacity than superconductor technology presently allows. Such improvements would make it possible to reduce power cable size, thereby lowering the costs for a line of given power capacity, as well as make economically feasible the construction of lower capacity lines (below 1000 megawatts).

Stanford University investigations will involve superconducting samples produced by electron beam evaporation. The layers will be one or two orders of magnitude thinner than those produced by either solid state diffusion or chemical vapor deposition. Compounds will include Nb_3Sn, V_3Si and other Beta tungsten structures of various thicknesses and with different metallic spacers. Successful completion of this project could substantially influence the emphasis and direction of present as well as future superconducting transmission research.

Superconducting Magnets To Store Electrical Energy To Be Analyzed at University of Wisconsin

The feasibility of storing electrical power in large superconducting magnets for use in periods of high load is being analyzed by researchers at the University of Wisconsin under a grant from the National Science Foundation (NSF).

Efficient, economic, and environmentally acceptable means of storage are sought as a way of lessening requirements for new generating installations to meet growing demand, increasing flexibility in planning power systems, and improving their performance.

The principal present method, "pumped storage," uses generating machines as motors to pump water during slack demand periods to reservoirs at an elevation, which is released for hydroelectric generation when demand is heavy. The creation of artificial reservoirs in natural settings can encounter public opposition.

Superconducting magnets, cooled to just above absolute zero to achieve superconductivity, storing electric energy in their magnetic fields for use on demand, could, if feasible at a high energy capacity, provide a much more compact and environmentally less intrusive storage installation.

Professors Roger Boom, Harold Peterson, and Warren Young of the College of Engineering at the University of Wisconsin are doing the research on the one-year project, with an NSF grant of $124,500. The work comes under the Division of Advanced Technology Applications (ATA) of NSF's program of Research Applied to National Needs (RANN).

According to Professor Peterson, total electric energy used in the United States in 1972 was approximately half of what could have been generated with available capacity. Yet additionl capacity is being planned, he said, because with the exception of pumped storage, there is no practical method now available for storing large amounts of energy which could be generated during off-peak hours for use during peak demand.

Professor Boom explained that "several studies of electromagnetic energy storage systems are being made, and we feel that the use of superconductive inductors appears to be realistic possibility for large power systems."

"A superconducting magnet, wound from specially-fabricated superconducting alloys, operated only at cyrogenic temperatures (approximately —452 degrees Fahrenheit), is essentially a perfect, resistance-free conductor. Very high magnetic energy levels can be stored and maintained at essentially zero loss until discharged."

The feasibility analysis will seek to identify specific problem areas and evaluate the potential of the proposed storage system.

(Editors.—Simultaneous release is being made by the University of Wisconsin.)

National Science Foundation—Project Summary

Name of institution (NSF directory name): University of Wisconsin/Madison.

Principal investigator: Boom, R. W., Peterson, H. A.

Proposal number: P2I3300–000.

Title of project: Superconductive Energy Storage for Power Systems.

Address of institution (include branch/campus and component): Department of Metallurgical and Nuclear Engineering, Madison, Wisconsin 53706.

Division (office) and directorate: Advanced Technology Applications/RA.

Program: Energy Research and Technology.

Summary of proposed work (limit to 22 pica or 19 elite typewritten lines): This research is concerned with determining the feasibility of using superconducting coil magnets for storing large amounts of electromagnetic energy. The installed generating capability of the electric power systems in this country is sufficient to produce almost twice as much energy as has been sold in recent years. Because of the current difficulty of adding new generating capability the possibility of doubling the electrical energy sale without the need for additional generating capacity presents a real challenge. The reason for considering superconductive magnet enery storage is the high energy density obtainable from such a system. Preliminary work has uncovered no fundamental technical objection to such a system. All of the energy stored in the superconducting magnet is returnable to the electric power system under smooth continuous control. The only inefficiencies encountered are in the conventional terminal equipment, leads, and the refrigeration system needed to balance the relatively modest terminal, magnetic and mechanical losses. Specific tasks to be performed will be: (1) a superconducting magnet design considering such factors as conductor configuration, stress analysis, conductor cooling, optimization of sizes and costs. (2) Input-output circuiting (3) Systems study considering overall response characteristics. Objectives of this work include finding answers to such questions as size limitations of a single structure and design effectiveness for power flow reversibility and damping.

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NANCY BAKER'S ESSAY "TACKLING JUVENILE DELINQUENCY" ONE OF WINNERS IN COLGATE-PALMOLIVE CO.'S CONTEST

Mr. MATHIAS. Mr. President, the Colgate-Palmolive Co. recently published the winning essays in its Tackle America's Problems Contest. As my colleagues probably know, students from all over the country were invited to submit an essay in the form of an inaugural address, defining and offering solutions to what they felt to be America's most pressing problems.

Six thousand junior and senior high school students entered this contest, and 24 winners were chosen. Mr. President, I know I speak for all Marylanders in expressing great pride in 17-year-old Nancy Baker, of Rockville, Md., whose essay, "Tackling Juvenile Delinquency," was chosen as one of the winning entries. I ask unanimous consent that Nancy Baker's essay be printed in the Record.

There being no objection, the essay was ordered to be printed in the Record, as follows:

Tackling Juvenile Delinquency

(By Nancy Baker)

The future of our great nation depends upon the willingness and the ability of America's youth to uphold the moral and democratic institutions which serve as the foundation upon which this nation has been built. A disturbing pattern has developed, however, which could jeopardize the future stability of our nation. America seems to be losing the support of her youth. An apparent deterioration of the moral standards of America's youth concerning the protection of the rights of others and the basic respect for the preservation of what exists has manifested in an alarming trend toward the use of violence and force. Instead of working through the democratic process which is such a vital part of America and instead of upholding the high standards of America's past, America's youth is turning more and more often toward the use of violence, vandalism and destruction.

If I were a President, I would tackle the rising problem of juvenile delinquency in the United States. My plan is based on the idea that juveniles who turn delinquent cannot respect laws which they do not understand and cannot respect the right of others until they can respect themselves. Children who have a positive self-image seldom find it necessary to call attention to themselves through delinquency. By providing the means for the expansion of some already-existing youth programs, I think we can curb the rise of juvenile delinquency in America.

The key to success when introducing law enforcement education to children is to reach the child at an early age. Personal contact with law enforcement officers through a youth police outreach program would help create a positive impression of law enforcement upon children before they are influenced by the negative attitudes of others. With the cooperation of local school systems and community police departments, programs which would meet the needs of each community and would facilitate maximum youth participation could be designed. Giving a child responsibility in law enforcement would build his self-image and confidence. A combination of the AAA Safety Patrol program and the Police Boys' Clubs could be of help in creating a rapport between a community's youth and law enforcement officers. This program might be followed by the availability of paid and volunteer jobs within the police force so that teenagers could get a feeling of the law enforcement efforts in their communities. Making a youth a part of the police force would help teenagers to understand and respect the laws which they might otherwise violate and the system which they might otherwise reject.

A child needs someone to look up to, someone who can teach him right and wrong, and can serve as a model for the child's behavior. A child also needs to feel that someone cares about him. Not all children have parents to look up to, and juvenile delinquents often come from broken homes. Nation-wide Big Brother and Big Sister projects, in which college students "adopt" a child, visit him regularly, and serve as a parent-image, could help provide children from broken homes with the guidance they need.

The family is a major influence in the prevention of juvenile delinquency. A child's parents are in the best position to guide a child toward a productive life. In order to help parents recognize their children's needs, child guidance classes could be held in a program similar to the Red Cross Baby Care classes now available. Parents in these classes would be instructed by child-psychologists in the necessary elements in guiding a child toward a positive self-image and a realistic view of the necessity of law and order.

The programs necessary for the prevention of juvenile delinquency are already in existence in America. If I were President, I would see the funds and personnel were devoted to youth opportunities and youth guidance programs so that we might deal with the problem of juvenile delinquency in America in a preventive rather than a correctional capacity.

During elections, I would propose that the federal government distribute a voting record of all eligible candidates, and thus present the voting public with factual information on which to base their choice of candidates. Such a factual policy would do much mudslinging that has recently accompanied our campaigns.

I would also propose the direct election of the President. In all truthfulness, there are many people who do not understand the electoral system of electing a President. I feel that the voice of the people should elect the President. That would truly express the wishes of the people, and it would also eliminate any possible "political deals" that the people feel might arise.

The only way that we can enjoy a true democracy is if the people support it. Not just a few people who get out and vote once a year, but thinking, logical, well-informed citizens who participate in their government. That is the only way we can restore the faith of the American people in their government—let them participate in it, let them be the government.

JAMES A. FARLEY

Mr. McGEE. Mr. President, James A. Farley, former Postmaster General and the mastermind behind two successful Presidential drives of Franklin Roosevelt, has become a political legend in this Nation.

Recently, Mr. Farley celebrated his 85th birthday. In commemoration of this event, the editor of the Wyoming Eagle, Mr. Bernard Horton, wrote a column reminiscing about his association with Mr. Farley and paying tribute to the political acumen of an individual who is truly a professional.

I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Remarkable Mr. Farley Predicts Again

(By Bernard Horton)

During the last several days, we have been thinking about that remarkable old political pro, James A. Farley of New York.

Mr. Farley, former Postmaster General who twice masterminded Franklin D. Roosevelt to the presidency, observed his 85th birthday anniversary Wednesday.

This writer first met Mr. Farley personally at the Democratic National Convention in Atlantic City in August, 1964.

We had an exclusive Wyoming Eagle interview with the man who served as national Democratic chairman and campaign manager for the late President Roosevelt in the 1930's. And, in that interview, he predicted that President Lyndon B. Johnson would end up with as great a victory as that scored by F.D.R. in 1932.

That year, Roosevelt carried 42 of the 48 states, losing only six.

Farley told us President Johnson would carry Maine, New Hampshire, and Vermont, which Roosevelt lost in 1932.

Aware of the fact that Mr. Farley had, for many years, been recognized as one of the nation's most respected and astute political pros, we made arrangements to call him shortly before the election for another story on his appraisals.

After all, as long ago as 1936, this man had won nationwide attention when he went against many polls and flatly predicted President Roosevelt would carry every state except Maine and Vermont. That is exactly, to the very states, how that election turned out.

On Oct. 23, 1964, two months after our Atlantic City interview, we called Mr. Farley at the Waldorf Astoria in New York City.

How do things look to you now?

"This is very definitely a landslide comparable to Mr. Roosevelt's of 1936," he replied. "It could be just as big, with Johnson losing only two states. The popular vote will be even higher than Mr. Roosevelt's was."

Farley said he didn't believe Johnson would lose more than six of the 50 states. "That would be the maximum."

He said Johnson might lose Alabama and Mississippi, and he listed Louisiana, Georgia, Florida and South Carolina as questionable.

He predicted Sen. Gale McGee would win in Wyoming and Robert F. Kennedy would win in New York, in Senate races.

Then came the election. President Johnson did win in a landslide. He carried 44 states and the District of Columbia, losing in six states—Alabama, Mississippi, Louisiana, Georgia, South Carolina and Arizona, the home state of his opponent, Sen. Barry Goldwater.

Both McGee and Robert F. Kennedy were elected.

We could scarcely believe it!

On his 85th birthday Wednesday, Mr. Farley, still a robust man in excellent physical condition, dressed in a blue suit with white shirt and blue tie, naturally was talking about politics.

He said the situation in Washington "is sad."

"The Watergate affair has brought criticism of the presidency unheard of since the Grant and Harding administrations," he said. "Watergate will be in the newspapers for months and the trials and investigations could continue for years."

He predicted the Watergate scandal will bring more Democrats to the House and Senate in the 1974 elections and he said "the Republicans don't have a chance in 1976."

In view of his political track record and our personal experience with his uncanny accuracy, we are not about to challenge these latest predictions of Mr. Jim Farley.

WHAT IS THE STATUS OF ABM DEPLOYMENTS IN THE SOVIET UNION 1 YEAR AFTER SIGNING THE TREATY?

Mr. FULBRIGHT. Mr. President, a little more than a year ago, the President signed in Moscow a treaty limiting ABM deployments and an interim agreement limiting offensive strategic arms. Much public discussion and extensive Senate debate occurred in the weeks and months following the signing of those accords. A number of concerns were expressed over the wisdom and risks of that initiative toward the control of the strategic arms race. At the conclusion of that discussion, the Senate overwhelmingly approved the ABM treaty and the Congress agreed to the interim agreement limiting strategic arms.

We might now recall some of the arguments that were made in the course of the debate on the Senate floor and consider the current state of the arms race—a little more than a year after the signing of the accords.

In the course of the floor debate, the junior Senator from Washington warned the Senate that the Soviet leadership had a number of large missiles and might be developing a still larger type of missile.[1] He cited the possibility of a tremendous yield of as much as 50 megatons per missile.[2]

The Senator from Washington observed that the United States deliberately has not sought the ability to strike first against hardened missile sites of the Soviet Union, adding—

> That is the difference, and that is what is disturbing about the huge Soviet missiles and the still larger missiles they are now developing.[3]

A day earlier, last September 6, the Senator had said—

> The Soviets have an advantage in missile throw weight that, while already very large, is subject to still larger increases. As things now stand, the overall Soviet transcontinental missile throw weight is approximately four times our own.[4]

To further illustrate his view of Soviet advantage, the Senator in the same statement turned to the subject of ABM:

> We had four sites authorized, we cut back and agreed to two in the ABM treaty—which in effect was really one, and the Soviets did no cutting back.[5]

The Senator's remarks were disturbing to a number of people interested in the strategic situation. Some were alarmed at the prospect of an agreement which allowed such a visible manifestation of nuclear power—the large Soviet missile force—to be made still more terrible in the wake of an agreement. I believed then that it would be better if the Soviet Union were to refrain from the emplacement of larger weapons in substantial numbers. But I was convinced then, as I am now, that with the mutual ability each side possesses to destroy the other many times over—an ability reinforced by the ABM treaty—each side has a viable deterrent and knows that the other side could not hope to start a nuclear war without the certainty of suffering catastrophic losses. I remain convinced of that, although I also believe that, for purposes of reassurance, both sides should exercise restraint in nuclear weapons development, so as to prevent recurrent alarms and also so as to release funds on both sides for constructive social purposes.

At the time of the debate last year, Senator JACKSON seemed interested in the benefits of restraint, especially on the part of the Soviet Union, and he indicated that demonstrated restraint might be a sound basis for both sides to turn their attentions to domestic priorities.

In this connection the Senator said, on September 6 last year, that if the Soviets dismantled the SS–7 and SS–8 IBM's and thus brought their ICBM throw weight down—

> This would be a move in the direction of fairness. And it would be a move in the direction of slowing the arms build-up by beginning to narrow the now considerable disparity between the larger Soviet force and our own smaller one."[6] The Senator added, "Perhaps they can be persuaded to refrain from deploying bigger missiles in the first place. Surely such a result would increase our security and enable us both to forego new strategic programs and make it possible for both countries to have more funds available for important domestic programs.[7]

In light of the Senator's expressed views, I urge him to join me and other Senators in finding out just what has happened since last year. And if it should then be established that the Soviets have in fact shown the restraint the Senator from Washington urged upon them, I would hope that the Senate would then act to change priorities in the way the Senator suggested should be possible.

Since the Senate approved the ABM treaty and the two Houses gave their assent to the signing of the interim agreement, our negotiators have moved well into the SALT II negotiations with the Russian delegation. There are indications that there soon may be tangible progress beyond last year's agreement.

Our experts have had an opportunity since the approval of the agreement to use national means of verification—a use guaranteed in both the treaty and the agreement—to see whether the Soviet Union appears to be living up to the spirit and the letter of that agreement.

I am aware that it is very difficult to know precisely what the Soviet Union is doing with its strategic programs. Much depends upon calculations and assessments based on largely subjective judgments. The same was true last year when we approved the ABM treaty and interim agreement. Allowing that these judgments must still lack certainty, I would like to know the answers to several important questions which arose in the course of our discussion last year:

What in fact happened to those big, terrifying, new Soviet missiles that were seen on the horizon—those missiles that were supposed to be substantially larger than the huge SS–9 missile?

What ever happened to those huge new holes mentioned in press accounts which were supposed to presage deployment of a new generation of still larger missiles?

What ever happened to the tremendous Soviet throw weight advantage mentioned last year? Is the Soviet megatonnage now increasing or declining? Is the megatonnage disparity between the two sides growing or being reduced? Much of the megatonnage in the Soviet force was centered in the approximately 200-missile SS–7 and SS–8 fleet. What happened to that fleet? Are there indications that the Russians will soon be retiring that fleet.

We know what has happened to our ABM plans. The Congress has sensibly rejected the idea of spending billions of dollars on that dubious enterprise. But what about the Soviet Union? They, like us, are limited to two sites. When the treaty was signed last year, the Soviets had only 64 ABM interceptors deployed and only a single complex. Are there more than 64 missiles now? Have any steps been taken to begin the allowed second complex?

If those who were disturbed last year were to consider the answers to these questions, they might now find themselves reassured as to the intention of the Soviet Union to live up to the terms and the agreement. They might find themselves willing to take a new look at the importance of achieving further agreement in SALT and in related fields, such as the long-delayed comprehensive test ban. They might also see the wisdom of restraint now on our part, which would serve to demonstrate our good intent and prevent needless deployments, while allowing the release of money for urgent domestic purposes.

It seems to me that all the Members of this body could join in a thorough reappraisal of defense spending in view of what we know now of Soviet intentions. Certainly our deteriorating monetary situation should provide added incentive for this reevaluation.

The Defense Department shows no sign of letting up in its strategic spending. Congress is being asked to appropriate more than three-fourths of a billion dollars this year for continued procurement of Minuteman III and Minuteman force modification. The executive branch hopes to spend about one-half billion dollars during fiscal year 1974 to convert our Polaris submarines to Poseidon. Beyond that, nearly another one-half billion dollars is being asked to continue the development of a new strategic bomber, the B-1. And $1.7 billion is being sought for the development, procurement, and military construction cost of Trident ballistic missiles submarines and Trident missiles. In addition, several hundred million dollars are being spent on other strategic programs.

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[1] CONGRESSIONAL RECORD, vol. 118, pt. 23, p. 29729.

[2] CONGRESSIONAL RECORD, vol. 118, pt. 15, p. 19410.

[3] CONGRESSIONAL RECORD, vol. 118, pt. 23, p. 29729.

[4] CONGRESSIONAL RECORD, vol. 118, pt. 22, p. 29505.

[5] *Ibid.*, p. 29504.

[6] *Ibid.*, p. 29505.

[7] *Ibid.*

I look to others in this body more versed in the specific programs than I to inform the Senate as to the relative merits or demerits of these strategic programs. If, however, the Russians are living up to the letter and spirit of last year's agreement, it seems to me that that fact should weigh heavily in the setting of our national priorities.

PENSION REFORM MUST MOVE

Mr. TAFT. Mr. President, America's workingmen and women should be able to look toward their years of retirement with a sense of financial security. That security is dependent in large part upon 33,000 private pension plans which affect approximately 35 million participants. These pension programs currently represent an investment of $150 billion and this figure is expected to reach $240 billion by 1980. A tragically large number of employees covered by such plans, however, never receive their expected benefits as 8,400 participants in pension plans lost $20 million in benefits during the first 7 months of 1972 due to plant terminations alone.

The Senate Labor and Public Welfare Committee has thoroughly studied the issue of pension reform over the last 3 years and conducted extensive hearings in Washington and in the field. As a result of these studies and hearings legislation was introduced in the 92d Congress to strengthen and protect employee pension and welfare benefit programs. This bill was reported favorably by the Labor and Public Welfare Committee and referred to the Senate Finance Committee for consideration. Unfortunately, no action was taken in the Finance Committee on the bill in the 92d Congress.

This year the Labor and Public Welfare Committee has again drafted pension protection legislation. This bill, S. 4, Retirement Income Security for Employees Act of 1973, was reported without dissent from the committee and has been pending on the Senate Calendar since April 18. I strongly endorse S. 4 and have joined with Senators WILLIAMS and JAVITS, and 50 other Senators in cosponsoring S. 4.

The Senate Finance Committee, however, is again considering pension reform proposals this year, including legislation submitted by the administration. I am sure we all welcome any constructive contributions that the Finance Committee may make in this extremely important area. Any lengthy postponement in floor consideration of pension protection legislation, however, should not be tolerated, and I will not hesitate to ask the Senate leadership to have S. 4 brought from the calendar to the floor if delaying tactics are used. Committee jurisdictional problems should not block full Senate consideration of such an important issue. If substantive differences do exist in this area there should be consideration by the full Senate at an early date and an up and down vote on any issues that cannot be resolved. Pension reform is an important issue for all working Americans; executives as well as blue collar workers. Extensive delay in consideration of pension protection legislation by the full Senate would be unconscionable.

I ask unanimous consent that an editorial dated May 31, 1973 from the Columbus, Ohio, Citizen Journal entitled "Protect Pensions Now," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROTECT PENSIONS NOW

Congress and the administration should resolve their differences and find better ways this year to protect the pension rights of millions of American workers.

There is general agreement that present pension safeguards are inadequate. In too many cases, workers receive little or nothing when they retire—either because their pension benefits are lost when they change jobs, or because pension funds run dry when companies go out of business.

The President wants to guarantee each worker a vested interest in his pension after a specified number of years—an interest that can't be forfeited if he quits or gets fired.

He also wants to require managers to keep enough money in their pension funds to cover their liabilities. In the first seven months of last year, 3,100 workers lost $11 million in benefits from underfinanced plans.

This doesn't go far enough for some Democrats in Congress, however, who want private pensions to be portable—transferrable from company to company—and insist that pension funds buy federal insurance against fraud and mismanagement.

Nixon and many businessmen contend that portability is impractical because of the "vast differences" between pension plans.

But there may be times when a worker would prefer to transfer his benefits to a new employer with a more generous pension plan. And some companies may prefer to close out their books on employes who move to other jobs.

Federal insurance, the President contends, would require too much government "interference" in how private pension plans are run.

Maybe so, but the Government has been able to insure other private enterprises—savings and loans, for example—without snarling them in a web of red tape.

At any rate, the areas of agreement on pension reform are broad enough that the administration and the congressional committees involved should be able to come up with a compromise bill.

The issue has been kicked around now for nearly two years. Any further delay would be contrary to common sense.

THE ALASKAN PIPELINE

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD Mr. James L. Kilpatrick's column of June 6, which appeared in the Evening Star and Daily News covering the untenable delay in beginning construction of the Trans-Alaska pipeline.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

LET'S START BUILDING THE ALASKAN PIPELINE

(By James J. Kilpatrick)

A group of Midwestern legislators, pressing for regional advantage at the expense of national needs, has managed once more to delay construction of the trans-Alaskan pipeline. The project is bogged down in committee, and faces a bruising fight when it reaches the floor.

The story is one long chronicle of frustration. If construction of this pipeline had been started three years ago, when its prospective builders were ready to go, the nation might now be benefiting from one to two million barrels of oil per day. We would be significantly less dependent upon supplies from the Middle East. Our balance of payments would not be quite so dangerously out of kilter. At least two billion dollars could have been saved in construction costs.

All this is what might have been. Much of the exasperating delay has resulted from the opposition of the eco-freaks, those conservationist zealots whose frenzy carries them, like the Jesus freaks, beyond faith to fanaticism, beyond dedication to obsession. Their spokesmen have conjured up damage to the migratory habits of the caribou; they have expounded pathetically upon the harm that a four-foot pipeline would do to hundreds of thousands of square miles of tundra; they have raised vague fears of earthquakes, melting ice, oil spills, and harm to polar bears, fish and to 320 species of Arctic birds.

I do not mean to challenge the sincerity of these conservationists. It is their judgment and their sense of priorities that compel a blunt rejoinder: The United States urgently needs Alaska's North Slope oil. We have to have it. Further delays cannot be condoned.

Yet further delays are in prospect. On Feb. 9, the U.S. Court of Appeals for the District of Columbia enjoined construction of the pipeline on a single point: The Mineral Leasing Act of 1920 limits rights-of-way on federal lands to 25 feet on either side of a pipeline. The proposed line from the North Slope to Valdez would have required 70 to 75 feet on either side at certain points.

On Feb. 21, less than two weeks after the court ruling, Alaska's senators, Mike Gravel and Ted Stevens, introduced a bill to overcome the objection. They proposed to cut all the red tape in a single blow, by declaring that the bulk environmental impact statement, long ago supplied by the Department of the Interior, filled all requirements of law. Similar legislation was offered in the House.

We are now into June, and nothing has happened. Instead, the old alternative of a trans-Canadian route has been revived.

William E. Simon, deputy secretary of the Treasury, demolished these arguments in a recent statement. Building a Canadian line, he said, "would delay receipt of vitally needed Alaska crude oil by from three to five years." The Canadian line would be much longer; it would have to cross 12 major rivers; it would cost twice as much.

Every national interest, it seems to me, demands that we get on with this job—and get on with it now.

Mr. GRAVEL. Mr. President, Mr. Kilpatrick concludes his accurate appraisal of our energy crisis and the frustrating delays in getting the pipeline construction underway, by stating:

> Every national interest, it seems to me, demands that we get on with the job—and get on with it now.

While we sit here contemplating our dilemma, the dangerous outflow of U.S. dollars continues, and the energy crisis is worsening each day. Construction of the trans-Alaska pipeline will not solve all our problems but it would be an immediate and positive step toward partially resolving them.

Mr. President, getting construction underway for the trans-Alaska is urgent—and essential—to the welfare of this Nation and to the State of Alaska.

THE INTERNATIONALIST VIEWPOINT OF SWISS FEDERAL COUNCILOR ERNST BRUGGER

Mr. PERCY. Mr. President, I call to the attention of my colleagues an excellent address by the Honorable Ernst Brugger, vice president of the Swiss Confederation and head of the Swiss Department of Economic Affairs. One of the highest officials of the Swiss Government, Mr. Brugger recently visited the United States, where he addressed the Swiss Society of New York and the American-Swiss Association in New York on May 8. During his visit he and the Swiss Ambassador, Mr. Felix Schnyder, and other high Swiss officials, also met in the Capitol with members of the Finance Committee.

Mr. Brugger's address contains much of interest. He makes clear that Switzerland welcomes the "year of Europe" proclaimed by President Nixon, and calls for an end to "periodic crisis management" and a durable solution to monetary and trade problems through international negotiation and cooperation.

Very important in terms of direct U.S. economic interest is the position of Switzerland vis-a-vis the newly expanded European community. I am pleased to have Mr. Brugger's reaffirmation, on behalf of his government, of the outward-looking, internationalist approach to world trade and to trade negotiations that has traditionally characterized Swiss policy, and which distinguished Switzerland's role in the successful conclusion of the "Kennedy round" of trade negotiations in 1967. Switzerland has now secured equal terms of trade and competition for its export industry in Europe, but at the same time looks outward toward negotiations to expand its trade relationships with the rest of the world. Switzerland, Mr. Brugger assures, while firmly based in Europe, "will exercise its negotiating power independently."

> Should stimulate worldwide progress and that trading liberalization in Europe should constitute an incentive for freer and more open trade in the world. We also realize that there is more at stake than the eight or nine percent of our commerce with the United States. What matters is to preserve the climate for partnership and the condition for the functioning of the free enterprise system.

At the same time Mr. Brugger calls on the United States to resume its position of leadership and authority that has resulted in six successive reciprocal trade negotiation rounds since 1934. He cautions, and I firmly join him in that caution, that we should take great care not to permit mechanisms for "temporary" adjustment to harmful imports to backslide into protectionist restraints.

Mr. President, I ask unanimous consent that Mr. Brugger's speech be printed in the Record, and recommend it most highly to the attention of my colleagues.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Dr. Hoch, Dr. Maier: Thank you very much indeed for your gracious welcome. As you may know, Swiss politicians, especially those whose primary task it is to curb inflation, are not spoiled by public acclaim at home. And so I appreciate all the more your kind and cordial remarks about my activities although they are too generous.

Ladies and Gentlemen: The unique structure of the Federal Government of Switzerland, which takes its decisions collectively and comprises only seven members, fewer than those of any other country of comparable size, rather severely restricts the time left for foreign travel. This is the reason why more than five years have elapsed since my predecessor, Dr. Hans Schaffner, visited New York and the United States in November 1967. My presence here should, however, be taken as renewed evidence of the keen interest of the Swiss authorities to develop the close ties happily existing between our two countries and the value they attach to the relationship with our compatriots and friends in this hospitable metropolitan city.

May I, therefore, express my hearty thanks to Dr. Frank Hoch, President of the American Swiss Association, and to Dr. Anton Maier, President of the Swiss Society of New York, as well as to the distinguished members of their respective organizations, for having arranged this splendid gathering at the Waldorf Astoria.

Whatever the preoccupations of the day, the Swiss people and the Government never lose sight of the additional dimension of our country created by the Swiss living abroad. It is they who determine the image of Switzerland in their host country. We are proud of the way they are doing it and grateful for their loyalty and attachment to the Swiss heritage. The numerous presence of Americans here today attests that they have been well assimiliated and have won many friends.

Following the recent currency upheavals, some people in Europe and the rest of the world may have had some concern about America's strength. Well, let them come here and see for themselves this big city and the awe-inspiring industrial belt around it: what an eloquent expression of America's vigor and economic might for years to come.

For us Swiss it is good to know that this great power lies in the hands of a friendly nation which shares with us the attachment to the democratic way of life, the free enterprise system, strong States' rights, civil liberties and the love of freedom. These common values constitute a firm basis for mutual understanding and respect. The United States has for many decades attracted tens of thousands of Swiss immigrants who have contributed to the link between our respective economies, tangibly expressed by the importance of the production of Swiss industries and the rendering of financial services of Swiss banks and insurance companies in this country and, I might add, even enhanced by American methods of technology and management. The revenues from these foreign operations, which, by the way, ease our domestic labor problems, form an essential part of our national economy as do the operations of American companies in Switzerland with respect to the American balance of payments.

This leads me to report to you briefly on the present economic situation in Switzerland and highlight our position with respect to world economic problems.

The Swiss economy is still overheated and our principal concern is to curb inflation. Last month consumer prices for the first time in history rose by more than 8% on a yearly basis. It is against this background that Parliament will consider our proposal to amend the constitution giving the Federal Government the power to act in the field of economic policy and to derogate under special circumstances from the basic freedom of internal trade and commerce. It is little comfort to us that neighboring countries which already possess the necessary power of intervention and have used the whole gamut of corrective measures have not achieved more effective results.

What then are the causes for this situation, the remedies we have tried and the effects on our international competitiveness?

Whereas excessive demand in the late nineteen sixties was generated from abroad and overtaxed the capacity of our export industry, we are now faced with an upsurge of domestic demand and consumption. Building activity is high, bank-lending is at a peak and unemployment still stand at 0. To be absolutely precise, there were 37 jobless registered at the end of March with many thousands of unfilled vacancies.

Needless to say, a country as closely integrated in the world economy as our own is particularly subject to contamination and the international repercussions of economic and monetary disturbances.

The remedies we are trying to apply are threefold: First, the limitation of our foreign labor force at the ceiling reached in 1971 which amounts to roughly 30% of our total labor force and 16% of our population. This limitation, which is imperative for social and political reasons, severely hampers the expansion of production, but at the same time it constitutes a powerful incentive for the wage spiral. Secondly, we have introduced restraints in the growth of monetary liquidity by limiting the expansion of bank credits. And, thirdly, measures had to be taken to ward off the influx of foreign short-term capital as a result of the recurring monetary crises, the most effective of which was the decision of January 23rd, to let the Swiss franc float. In addition, limitations have been imposed on building activities with the exception of social housing projects and a mild form of price supervision is being tested with a procedure for notification and complaints but not for an actual income policy with corresponding controls.

Our economic policy is thus faced on the one hand with a need to curb inflation and excessive demand—and the more some of our measures are making themselves felt, the higher the expectation that the Government will produce quickly tangible results—and on the other hand with the need to provide for normal growth, adjustment of industrial structures, improvement of social services and the protection of the environment. It is not easy to reconcile these requirements. I might add that one of the additional bottlenecks we shall be facing in the future is the supply of energy where we are much more dependent on imports than the United States.

I do not wish to paint a picture of gloom, but simply to emphasize that prosperity has its problems too. We are acutely aware of the limitations to growth and the need to improve the quality of life. Rather than search for scape goats, such as the legendary gnomes of Zurich, or the American multi-national corporations, let us turn our attention to the common task of restoring equilibrium and stability to the world economy.

We know that these problems are uppermost in the mind of the American Government and, therefore, I am gratified to have the opportunity to visit the United States at this particular time and to meet with members of the Administration in Washington during the next few days.

President Nixon and some members of his Government, in particular Mr. Kissinger, have made it known that they intend to devote special attention this year to the relations with Europe and to the reform of the international economic order. We welcome this development and share the opinion that it is urgent to concern ourselves with world economic problems. Talk of a new Atlantic Charter and Summit meetings—meetings at the highest political level—are, of course, no subjects for a neutral country like Switzerland or a Minister of Economic Affairs. What we are concerned with, however, are the specific issues of the international economic relations. We, too, recognize that fundamental changes have occurred through the enlargement of the European Communities, the ascendance of Japan to a major world economic power and the persistent balance of payments deficit of the United States. The world trade and monetary order which was established in the post-war period and served us extremely well for a quarter of a century has all but collapsed on August 15th, 1971. We have lived on periodic crisis management ever since and a durable solution restoring equilibrium can only be found through international negotiation and cooperation. A special responsibility arises for the United States, Europe and Japan. What then is this Europe to which the United States is turning its attention? And what is the place of Switzerland in today's European structures?

Last year, Western Europe acquired a new profile. This means that the distinctive personality of Europe is once again becoming clearly discernible in the world. And like any personality, it is composed of different traits and not just one single feature: The enlarged European communities as the important nucleus, EFTA as the grouping of the countries which did not join EEC, and, as a link between the two, the bilateral Free Trade Agreements concluded between each of the EFTA countries and the enlarged communities. There are, moreover, the countries of the northern Mediterranean shore. A global solution was reached, encompassing sixteen European states and providing a framework of equal trading rules and equal opportunity.

Needless to stress that this development is of utmost importance to Switzerland since it overcomes the artificial split of the European market which resulted from the parallel existence of two trading groups, maintains the liberalization accomplished within EFTA, despite the shifts of the United Kingdom and Denmark to the Common Market and extends free industrial trading conditions to the dimensions of a continental market, comparable to that to which the United States owes its prosperity. Switzerland has thus secured a firm basis for her trading relations with her neighbors, accounting for 60% of her total exports and 79% of her imports.

I know that this accomplishment—indispensable to Switzerland because of her natural integration in the European economy—has been watched from this side of the Atlantic with somewhat mixed feelings. But we have kept the interests of our non-European trading partners in mind.

In choosing the appropriate form of her relationship with the Common Market, Switzerland has opted for an industrial free trade area. Thus, the low Swiss external tariff with an average incidence of merely 4% will not have to be raised to the level of the Common Market tariff, which is roughly twice as high but in many cases still substantially lower than that of the United States. Moreover, since agriculture is not covered by the free trade agreement and since the few agricultural tariff reductions granted unilaterally by Switzerland are given on a most favored-nation basis, no new impediments are created which would make the access to the Swiss market more difficult for third countries. It would indeed be hardly conceivable that the gradual elimination of low Swiss tariffs on EEC goods over a period of four and a quarter years could result in any trade distortion to the detriment of other suppliers and we are anxious that it should not.

We have thus been able to reconcile our two objectives: to secure equal terms of trade and competition for our export industry in Europe and to retain the possibility of pursuing a liberal world trade policy. As a matter of fact, both Switzerland and the European Communities were anxious to secure their full autonomy for the conduct of their respective trade policy. Switzerland always considered that her treaty-making power constituted an essential prerequisite for the credibility of her policy of independence and neutrality. This fact is now of particular importance in view of the forthcoming multilateral trade negotiations in GATT. Although firmly based on Europe whose interests we share in many respects, we will exercise our negotiating power independently.

These GATT negotiations, unlike those of the Kennedy Round, will no longer be needed to reduce regional barriers inside Europe. This fact, however, does not—and I wish to emphasize this very strongly—diminish our interest in a new round of world trade liberalization. On the contrary, we have always held that regional progress should stimulate world-wide progress and that trading liberalization in Europe should constitute an incentive for freer and more open trade in the world. We also realize that there is more at stake than the eight or nine per cent of our commerce with the United States. What matters is to preserve the climate of partnership and the conditions for the functioning of the free enterprise system. World trade must be able to exercise its beneficial effects on a global basis and not be fractionalized. Fair competition must continue to be the stimulus for technological progress and structural adjustments. From a better international division of labor derives increased productivity. It is also our belief that reciprocal investments should not be motivated by the need to overcome artificial trade barriers but by purely economic considerations.

This traditional attachment of Switzerland to the promotion of freer and stable world trading conditions explains our interest in the policies which are now being formulated in Washington.

I believe that our sights are set on the same objectives which on sheer economic terms are probably even more vital to Switzerland because of her difference in size. Exports are fairly marginal to many American industries and, on the whole, amount to 4% of the American GNP (Gross National Product). With us, because of the smallness of our domestic market, some industries export more than 90% of their total output and many at least two-thirds. Exports account for 25% of GNP and the volume of Swiss foreign trade is in absolute figures one sixth that of the United States, a country with a population forty times larger!

We do not wish to retain this outward-looking position for ourselves. We expect, on the contrary, that American industry will give increased attention to export opportunities now that its prices are highly competitive internationally.

We hope that the negotiating authority requested by President Nixon in his trade reform bill—if it is granted by Congress—will enable the United States to assume once again the leadership for solving the world economic problems by successive moves to liberalize world trade. To the extent that the adjustment process requires temporary import relief, great care should, however, be taken to avoid back-sliding into protectionist restraints which could nullify the expected mutual benefits and jeopardize the stability which the business community needs for their long-term planning.

Much has been said about the global character of the settlement to be achieved and of the interrelation between trade, monetary, defense and development issues. A reminder of this inherent link may be useful to promote the awareness of what is at stake. Negotiations should, however, be pursued separately in each sector. With respect to trade, they can only be based on reciprocity and mutual advantage.

This is particularly true from the point of view of the present state of bilateral Swiss/American economic relations. Foreign trade between our two countries is evenly balanced and foreign investments are not subject to artificial restraints. There is no need to correct a monetary disequillibrium. As a result of the revaluation of the franc in May 1971 and two subsequent devaluations of the dollar, the Swiss exchange rate would now, if anything, be overvalued with respect to the dollar. The present floating rate, determined more by short-term international capital movements than by economic factors represents an appreciating of 33% over a two-year period. It is, in fact, quite surprising that the combined effect of this revaluation and our high rate of inflation has not yet reversed our balance of trade with the United States. Individual sectors of the Swiss export industry have, however, begun to feel the pinch and are now losing ground on the North American market.

Let me conclude by stressing my belief that world trade issues deserve indeed to receive high priority and constitute an important objective of economic policy on their own merits. They should not merely be viewed as a corollary to the monetary problems and a possible though surely overrated means for the restoration of the balance of payments equilibrium. Rather they are the key to increased productivity, general economic development and well-being and a powerful bond for cooperation and for the improvement of the world political climate.

The United States has once again appealed for a common political commitment to this end. Surely, this is in everyone's interest. Therefore, the "Year of Europe" should become the year of world trade, and the Atlantic objectives stated in this respect are really of concern to the trading partners of the world at large. In the trans-Atlantic dialogue between the United States and Europe, the voice of Switzerland will be modest but distinct and we hope not meaningless. We shall staunchly support what President Nixon called the "building of a free and open trading world" and are confident that the interpretation of what this means will largely coincide. Then, let us, through partnership and cooperation between Switzerland and the United States further a common and universal goal.

THE TRANS-ALASKAN PIPELINE CONTROVERSY

Mr. MONDALE. Mr. President, recent discussions surrounding the trans-Alaskan pipeline controversy have pointed up the need for impartial analysis of the many points of debate regarding this massive project.

An article which appeared in the Seattle Times on June 3 by University of Washington geology professor Eric S. Cheney highlights some of the current misconceptions about the Alaskan pipeline.

He shows that markets on the west coast for Alaskan oil will simply not be able to accommodate the entire production of such a line until 1988. The clear implication is that a great deal of this oil will be exported, at the same time that we in America require ever-increasing oil imports.

He shows that—

> Even if the pipeline had been built by now, the oil that it would deliver would not be available to the 75 percent of the nation's people who live east of the Mississippi where the biggest shortage exists.

He shows that—massive as the Alaskan pipeline project is for our country by 1985—

> The 2-million barrels of Alaskan oil will meet less than 8 percent of the total demand.

I urge careful reading of this article, for it helps to dispel some of the myths surrounding the Alaskan pipeline. No one wishes to delay development of Alaskan oil. All of us want that oil to reach American markets just as quickly as possible. But the decision on how that oil reaches American markets—and to which markets it goes—should be a congressional decision. I believe that such a congressional decision—after we have had intensive negotiations with Canada and a crash study of the economic, national security and consumer implications of a trans-Canadian route—would actually speed up the process of delivering North Slope oil to American markets by ending the long litigation process the Alaska pipeline still faces in the courts.

I ask unanimous consent that the article by Professor Cheney be printed at the conclusion of my remarks in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THREE MISCONCEPTIONS: NORTH SLOPE OIL WON'T SOLVE SHORTAGE

(By Eric S. Cheney)

(Eric S. Cheney is an associate professor in the department of geological sciences at the University of Washington.)

Three popular misconceptions about Alaska's North Slope oil need to be dispelled.

First is that the present gasoline shortage has been caused by delays in building the Alaskan pipeline. The gasoline crisis has largely been caused by an increased number of cars on the highways and their drastically reduced mileage due to anti-pollution measures and the installation of air conditioning.

Even if the pipeline had been built by now, the oil that it would deliver would not be available to the 75 per cent of the nation's people who live east of the Mississippi where the biggest shortage exists.

Furthermore, due to lack of increased capacity to refine gasoline, a gasoline shortage probably would exist on the West Coast whether or not Alaskan oil were available.

Secondly, it is instructive to speculate where Alaskan oil will be marketed. Because supertankers are too large for the Panama Canal, the American market for this petroleum would be the West Coast.

In 1970, Arizona, California, Oregon, Washington, Alaska, and Hawaii consumed almost exactly 2 million barrels (42 gallons each) of oil a day. Two million barrels a day is the planned output of the Alaskan pipeline. Thus, to absorb all of the Alaskan oil anywhere except on the beaches, petroleum demand on the West Coast would have to double.

Disregarding the desirability or likelihood of this growth, and assuming a growth of 4 per cent a year (about the average national growth rate for petroleum consumption before the energy crisis was publicized in 1973), and further assuming that the combined volume from present domestic and imported sources of petroleum into the West Coast remain virtually unchanged, it will take 18 years for the market to double and to thereby absorb Alaskan oil.

In other words, until about 1988 a very significant portion of Alaskan oil probably would be sold to another major industrial nation that borders the Pacific Ocean, has huge tankers, and needs oil.

The American public probably will demonstrate a certain amount of economic nationalism about exporting Alaskan oil and could decide to hold it in reserve or to require (and possibly subsidize) a much more expensive trans-Canadian pipeline to the markets in the eastern United States. The same public also may question whether it should assume such grave environmental risks for the exportation of Alaskan oil to another nation.

The third misconception is that the energy crisis will be solved by the importation of Alaskan oil. This would be true only if the oil also could be delivered to the eastern United States and if the country's demand, contrary to all forecasts, actually decreased.

The United States at present imports about 6 million barrels of the 17 million barrels of oil consumed each day. However the energy crises have just begun. If the demand increases to 26 million barrels a day by 1985 as estimated by the National Petroleum Council, the 2 million barrels of Alaskan oil will meet less than 8 per cent of the total demand. An additional 15 million barrels will have to be imported by tankers from other sources, largely the Middle East.

THE INTEGRITY OF FEDERAL STATISTICS

Mr. PERCY. Mr. President, there can be no more important barometer of the credibility of our Government than public willingness to trust the accuracy and integrity of the information Government gathers and disseminates. This is particularly true with regard to economic statistics, which form the base not only of governmental policy but are the common ground on which all who are interested in economic policy issues must base their analyses.

I deeply regret that the credibility of the Federal statistical system has fallen sharply in the last several years. A great many people believe that the integrity of the Federal statistical system has been compromised by the intrusion of politicians who want to modify or even suppress bad news about problems like unemployment or inflation.

In response to this problem, the Federal Statistics Users' Conference appointed a Committee on the Integrity of Federal Statistics. This committee has now reported its recommendations for assuring the integrity and increasing the believability of Federal statistics. These recommendations deserve to be implemented—indeed, the flagging confidence of people in Government demands that they be. I ask unanimous consent that the report of the Committee on the Integrity of Federal Statistics of the Federal Statistics Users' Conference and covering letter be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

FEDERAL STATISTICS USERS' CONFERENCE,
Washington, D.C., May 1, 1973.

Hon. CHARLES H. PERCY,
Joint Economic Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR PERCY: We are pleased to send you the enclosed special report entitled "Maintaining the Professional Integrity of Federal Statistics." This report, prepared by a joint committee of the American Statistical Association and the Federal Statistics Users' Conference, has been approved by the Board of Directors of ASA and the Board of Trustees of FSUC.

The joint committee was appointed in early 1972 and charged with the responsibility of drawing up a statement reaffirming the need for a Federal statistical system of unquestioned integrity and to develop policy recommendations concerning procedures designed to protect the integrity of the Federal statistical system. The committee and the officers of the associations believe that implementation of the committee's recommendations regarding form of organization, appointments, and rules of conduct will reduce opportunities for political interference and control. We believe a pattern of organization and rules that follow the essentials of the committee recommendations are necessary to preserve high public confidence in the Federal statistical system and to counteract doubts that have already been created.

It is our hope that this report will make a constructive contribution to the government's ongoing efforts to strengthen and improve the Federal statistical system. In particular, we would refer you to the recommendation on page 6 that calls for a broadening of OMB's Circular No. A-91 regarding the "Prompt Compilation and Release of Statistical Information."

In this critical time when appointments are still to be made to several key statistical posts, we also wish to call your attention to the recommendation on page 6 that emphasizes that "heads of statistical agencies should be in the career service."

Sincerely yours,

JOHN H. AIKEN,
Executive Director.

MAINTAINING THE PROFESSIONAL INTEGRITY OF FEDERAL STATISTICS

INTRODUCTION AND SUMMARY

Origin of Committee

In late 1971, the Federal Statistics Users' Conference Board of Trustees appointed a Subcommittee to obtain further details and information concerning the personal reassignments and reorganization of Federal statistical agencies. In early 1972, the President of the American Statistical Association was authorized by the ASA Board of Directors to appoint representatives of that Association to a joint ASAFSUC Committee on the Integrity of Federal Statistics to draw up a statement reaffirming the need for a Federal statistical system of unquestioned integrity and to develop recommendations concerning procedures designed to protect the integrity of the Federal statistical system.

Growing concern

During the past two years the integrity of the Federal statistical system has come into question. There is growing concern that the Federal statistical system may become politicized to the extent that political expediency may override the canons of professionalism and objectivity which have long characterized major statistical agencies of the U.S. Government.

Accurate and reliable Federal Statistics are absolutely essential if the ongoing policy and planning needs of private and governmental users alike are to be satisfied.[1] The critical role of the Federal statistical system—including all major statistical organizations which are involved in the collection, compilation, analysis, and distribution of a wide range of indicators of the health and well-being of the U.S. socioeconomic system—has been underscored during the current struggle to reduce the rate of inflation and to reduce the level of unemployment in the American economy. The Federal statistical system generates a large number of annual, quarterly,

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monthly, and even weekly statistical indices which relate to these problem areas which have center stage among current domestic issues.

Wide public concern about the extension of political control over professional statistical agencies was highlighted at the time of the Bureau of Labor Statistics' cancellation of press conferences concerning unemployment and employment data (March 19, 1971). These concerns were heightened as a result of several major developments concerning the Federal statistical agencies. These other developments included:

(1) Reassignment of personnel and reorganization of the Bureau of Labor Statistics,[2] especially those persons previously associated with the press conferences which had been discontinued.

(2) A number of specific personnel shifts and several premature retirements of top level statistical personnel in important statistical agencies, including the U.S. Bureau of the Census.

(3) A reorganization of statistical agencies within the Commerce Department which resulted in a merger of analytical and policy agencies, reducing significantly the authority and power of the major operating statistical agency.

(4) Temporary discontinuance by the Bureau of Labor Statistics of the Urban Employment Survey which, since 1969, had been providing labor force and other information about residents in poverty areas in major metropolitan centers.[3]

These specific events were inevitably accompanied by charges and countercharges concerning the intent and desirability of the actions. For example, two congressional committees investigated these developments.[4] Hearings were published by the Joint Economic Committee. The Subcommittee on Census and Statistics of the House Committee on Post Office and Civil Service issued a report on October 5, 1972, entitled "Investigation of Possible Politicization of the Federal Statistical Programs."

Other professional associations have also expressed concern about this matter. For example, the Industrial Relations Research Association (IRRA) which has a particular interest in labor force statistics formed a committee chaired by Professor Killingsworth, Michigan State University, to explore the specific charges which related to the Bureau of Labor Statistics. Concerns have also been expressed formally and informally by the members of the American Sociological Association, the Population Association of America, American Economic Association, The Econometric Society, and the National Bureau of Economic Research's Conference on Research in Income and Wealth.

Approach taken

In view of the wide-ranging interest in problems relating to the integrity of the Federal statistical system, the ASA–FSUC Committee elected to review the record generated by the Congressional hearings and investigations, the official statements of responsible appointed officials, and to discuss informally with selected government and nongovernment officials the appropriate policy and administrative actions to be taken at this time to assure that public confidence in Federal statistics will not be undermined.

In view of the importance of this issue, the Committee chose to conduct its deliberations in a quiet, nonpolitical context with the hope of providing general guidelines concerning effective policy in this area, purposely scheduling its report for release following the National election. This report summarizes the activities and conclusions reached by this Committee.

The Committee decided not to focus on specific charges or allegations since other reports have covered this ground and, importantly, since it is clearly difficult to prove misuse of political power in such specific instances. Rather, the Committee notes that, because of the number of actions which have given rise to public concern, it is essential, at this time, to focus on both the importance of Federal statistics for policy analysis and on identifying and recommending policy for maintaining the integrity of the Federal statistical system in the future. While most developments in and of themselves appear to have had a seemingly plausible and acceptable rationale, their frequency of occurrence and conjuncture in a relatively short time period (with all the disturbing implications falling on the same side) have naturally raised suspicion and concern among a broad and diversified body of users and professional statisticians. These events continued to occur during the period of the Committee's deliberations.

Working premise

Beginning with the basic judgment that the essential function of the Federal statistical system is to provide the best possible measures of social, biological, physical, and economic factors which are essential as the foundation for analysis, policy formulation, and for the effective administration and evaluation of public and private programs, the Committee believes that the system must include several basic ingredients:

(1) The statistics themselves must be accurate, consistent and timely.

(2) The public must have confidence in the statistics which are generated and in the professional ability of the people who produce them.

(3) Statistical programs must be continually revised and improved to reflect new characteristics of the subjects being measured and embrace new subjects as national priorities change. These revisions must be undertaken on the basis of sound statistical principles to assure that the refinements continually result in more reliable and more sensitive statistical indicators.

(4) Technical measures of reliability and sensitivity should be available to define the uncertainties and limitations associated with specific series. This requires equal attention to be given to the gathering of basic statistical data and to the compilation, adjustment, and presentation of the resulting analytical measures and statistical reports.

These characteristics are discussed in the body of this report.

Considerable attention has been given by the statistical profession to procedures for improving the quality and character of specific statistical series. Recently, a broad review of the production and use of statistics in the Federal Government was completed by the President's Commisson on Federal Statistics.[5] The Commission emphasized the need for developing a broad view in government of the scope of statistical activities including specific attention to coordinating statistical activities, eliminating obsolete programs, building public confidence in data gathering, and improving the comparability of statistical series.

In contrast, little attention has been given to steps that have been taken, or additional steps that need to be taken, to develop public confidence in the Federal statistical system, or to identify policy measures whch will ensure wide professional respect for a diverse, multifaceted statistical system. Nevertheless, this Committee believes that there are certain principles which should be emphasized at this time to provide an opportunity for maintaining and building public confidence in the integrity of the Federal statistical system. These recommendations have been developed to parallel the four conditions which are outlined in the body of this report as the basis for building a credible statistical system.

Recommendations of the Committee

Based upon the findings which are stated at the end of this report, the ASA-FSUC Committee on the Integrity of Federal Statistics believes that there is sufficient concern so that specific steps should be taken to allay fears concerning the politicization of the Federal statistical system and to assure the maintenance of high-level, professional statistical work. In light of the importance of such concerns, the Committee urges immediate and careful consideration of the following recommendations. The recommendations are grouped in relation to the conditions outlined above; the order of listing does not imply any priority.

Accurate, Consistent, and Timely Statistics. In order to assure that the Federal statistical system is capable of providing the best measures of social and economic factors which are essential as the foundation for analysis, policy formulation, and for the administration and evaluation of public and private programs, it is essential that the statistics themselves, as collected and developed, be accurate, consistent, and timely. As a policy recommendation for achieving this objective the Committee recommends:

(1) The Statistical Policy Division of the Office of Management and Budget should be encouraged in their efforts to broaden their directive (Circular No. A–A91, "Prompt Compilation and Release of Statistical Information"[6]) to apply to all possible statistical series as a means of better assuring the timely flow of statistics.

(2) The Statistical Policy Division should continue to be held by recognized professional statisticians who have experience in both the Federal statistical system and have established recognition as professional statisticians in their own right. The Division should report to the top level of the Office of Management and Budget.

(3) The Office of Management and Budget should encourage establishment through a recognized professional agency—such as the National Academy of Sciences, the American Statistical Association, etc.—of an ombudsman position whose role is focused on receiving professional and lay criticisms of the Federal statistical system.

The ombudsman role can be particularly significant in evaluating the conceptual base of specific statistical programs. The conceptual base used for defining a statistical series can be influential in relation to political interpretation of the resulting data. Consequently, a high-level professional with resources to call upon specialists, operating as an ombudsman for the professional community could be an important contributor to assuring an independent point of view with regard to critical statistical series.

Public Confidence in the Federal Statistical System. A key factor in assuring public confidence in the Federal statistical system is the professional statistician's evaluation of the quality of the effort by such agencies. Hence, the Committee makes the following recommendations concerning the organization and professionalization of Federal statistical work:

(1) Heads of statistical agencies should be in the career service, a practice which has been and is now observed in all areas except for the Director of the Bureau of the Census, Administrator of the Social and Economic Statistics Administration (SESA), and the Commissioner of Labor Statistics.

The leadership of the government's statistical programs should be of demonstrated professional competence and free of political influence.

The Committee recommends that specific qualities be identified for screening potential appointees to head Federal statistical agencies. Our specific suggestions are that as a minimum the candidates should meet most of the following characteristics and be selected without regard for political affiliation:

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(a) Membership in a professional statistical association such as—American Statistical Association, Biometric Society, Institute of Mathematical Statistics, and the Econometric Society—and membership in one other professional society (American Economic Association, Population Association of America, National Association of Business Economists, American Sociological Association, Industrial Relations Association, etc.) for at least five recent years.

(b) Ability to make new contributions to knowledge in the field of statistics, or subject matter areas of the agency involved, as evidenced by publication of articles in professional journals, or awards by Federal statistical agencies.

(c) National recognition in the field of statistics as evidenced by honors, such as a Fellow of ASA, member of ISI, high office in professional society or major publication.

(d) Demonstrated professional achievement such as evidenced by successful operation of major statistical projects, by promotions to successively higher position in a Federal statistical organization or working in a responsible statistical position in private industry, education, nonprofit, or labor.

(2) The heads of major statistical agencies should have direct control of such functions as appointments of personnel, budget priority setting, program planning, and publications.

A removal of these functions from the statistical bureau creates an unfortunate education in the effectiveness of the professional statisticians, weakening the Federal statistical system.

(3) In the release of the data, care should be taken to stress the professional statistical production agency—not the department with overall policy responsibility. Initial release should be made by the production agency, except in cases where one agency performs contract services for another. This is particularly true where two individual agencies are created for separate production and analysis.

Specifically, the production agency should be responsible for technical adjustments to the data such as seasonal adjustments and determination of comparability with previous time series. This may mean upgrading of the dedication and competence of the statistics-producing sections of agencies which are basically regulatory or administrative.

(4) Because of the importance of technical advisory committees, guidelines should be established to guarantee the selection and rotation of memberships on such committees without regard for political affiliation and with a number of specific appointments from appropriate professional organizations.

In particular, the Federal Advisory Committee Act (92nd Congress, HR4383) should be followed. Consistent with the intent of this Act, the present Committee recommends that the membership of advisory committees to statistical agencies include a number of appointments to be made by[7] recognized professional organizations such as the American Statistical Association, Industrial Relations Research Association, Federal Statistics Users' Conference, American Economic Association, the National Association of Business Economists, the American Sociological Association, etc. (This is consistent with the requirement that the membership of advisory committees be fairly balanced in terms of the points of view represented with specific attention to the professional point of view.) Further, it is recommended by this Committee that the meeting dates for key statistical agency advisory committees be published through professional society publications in addition to announcement in the Federal Register. This will create the opportunity for widespread professional input and recognition.

Statistical Programs Must be Revised and Improved. A sound Federal statistical system requires adequate budget support and development. The Committee applauds the record of the past four years during which the statistical budget has increased from $195 million to $313 million. Professional control of the nature and priorities of improvements is especially important. Given the need to improve the quality and character of specific statistical series, the Committee urges continued consideration of the potential benefits in reliability and effectiveness which can be achieved by appropriate increases in existing levels of support for Federal statistical production and analysis.

Current economic policy is emphasizing the growing pressures on the Federal budget and the consequent requirements for reductions in expenditures. This Committee feels strongly that the benefit of a strong statistical system clearly outweighs the costs which are currently associated with the Federal statistical system.

Technical Measures of Reliability and Sensitivity. Adequate measures of reliability and sensitivity should be developed for all principal statistical series where feasible. Since the interpretation of statistics is primarily undertaken by nonstatisticians, it is essential that there be adequate access to technical advice concerning the nature and limitations of individual statistical series. To facilitate this development, the Committee makes the following recommendations:

(1) The policy of including the name of a senior professional statistician who is responsible for and familiar with the data described in the news release should be extended to all major statistical releases so that the designated professional statistician can be contacted to explain the limitations of the data presented.

Media representatives and others should be encouraged to call this individual for access to professional information concerning the nature and limitations of these series under discussion. Press conferences may be warranted if the demands for explanation become burdensome.

(2) More provision should be made for professional, periodic evaluation of important statistical series, such as that provided in the earlier President's Committee to Appraise Employment and Unemployment Statistics, to provide for regular evaluation of important statistical series.

A good example of such initiative is the recent progress by the Statistical Policy Division of the Office of Management and Budget to create an advisory committee on the national accounts and the establishment of at least two other similar committees which are being planned for Fiscal 1974. Such study commissions, if adequately funded, can provide a wide range of professional judgment and will assure deeper understanding by the professional community with respect to limitations and alternatives to existing statistical programs.

BACKGROUND AND REVIEW

The Need for Public Confidence in Federal Statistics.

The public and private decisions which must be made daily in the conduct of the nation's business, commerce, and social welfare programs require increasingly sophisticated analysis. This is possible only if the data base is available and reliable. The formulation of economic, political, and other types of policy will be haphazard and subject to more than the normal margin of error if the statistics which support policy decisions are not sufficiently accurate. While it is true that timely and accurate statistics will not ensure wise solution to our problems, they are definitely essential to the process of identifying the appropriate direction.

Reliable statistics increase many times our chances for success, especially as they provide the basis for development of better theory and explanation of the workings of socioeconomic processes. This is especially important, at present, now that policymakers are relying so heavily on the use of this data system in their effort to solve pressing social and economic problems. It is not an exaggeration to say that the future direction of national policy could be at stake.

Nothing could undermine the politician and implementation of his policy recommendations as much as an accumulated and intense public distrust in the statistical basis for the decisions which the policy-maker must inevitably make, or in the figures by which the results of these decisions are measured. Unless definite action is taken to maintain public confidence in Federal statistics and in the system responsible for their production, there will be growing tendencies to distrust leadership.

The statistical community, both generators and users, has long been concerned with the integrity of the U.S. statistical system. For example, the President's Committee to Appraise Employment and Unemployment Statistics commented more than 10 years ago:

"The need to publish the information in a nonpolitical context cannot be overemphasized. By and large this has been the case—the collection and reporting of the basic data have always been in the hands of technical experts. Nevertheless, a sharper line should be drawn between the release of the statistics and their accompanying explanation and analysis, on the one hand, and the more general type of policy-oriented comment which is a function of the official responsible for policy making on the other." [8]

As noted later in this report, recent directives regarding the regular scheduling of releases regarding important economic indicators and the delay of at least an hour for the issuance of policy interpretations have been in line with the 1962 statement. It remains true that, as that report indicated more than a decade ago, the importance of a credible statistical system cannot be overemphasized. Federal statistics play a vital role in effective decision-making by government, business, labor, and universities, as outlined in Appendix A.

The President's Commission to Appraise Employment and Unemployment is only one example in the long history of commissions which have focused on Federal statistical activities. A chronological review of 12 major commissions on statistics, beginning with a House select committee in 1844, is contained in the report by Paul Feldman[9] which was prepared for the President's Commission on Federal Statistics and reported in 1971.

The Importance of High Technical Standards in the Federal Statistical System. Since both public and private decision-makers rely heavily upon the products of the Federal statistical system, it is essential that continuing efforts be undertaken to maintain high technical standards in relation to specific statistical programs. A lack of confidence in Federal statistics can result if unduly large errors are evident in published data.

This Committee has not attempted to identify specific weaknesses in present statistical programs, although it is evident that selected programs have been the subject of controversy and technical concern. For example, when the Census Bureau publishes data for extremely small areas, it makes data available for intensive scrutiny by local experts who are able to identify errors that would have been otherwise undetected. Some errors of this sort were found after both the 1960 and 1970 Census. It is regrettable that resources are not available for making corrections in the reported small area data which are increasingly being used as the basis for public and private policy planning. Or, to cite another example, the recent revision of the Survey of Consumer Expenditures (and the transfer of field responsibility from the Bureau of Labor Statistics to the Census

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Bureau) has generated considerable discussion concerning the amount of testing given to the new approach, the relative costs involved, and the expected reliability and usefulness of the final results.

Both of these examples illustrate the importance of using highly professional procedures in the development of statistical systems and in the revision of collection or analytical techniques. Problems in the implementation of new approaches are inevitable. However, a high level of professionalism is critical to assure a minimum of such difficulties and to generate confidence that the difficulties will be handled in a sound and professional manner. In short, statistics have long been taken for granted—like the air we breathe. Recently, environmentalists have focused attention on the need to protect the quality of the air we breathe. Likewise, administrators are beginning to recognize the necessity for maintaining the quality of statistics as the basis for sound governmental decision-making.

Requisites of an Adequate Statistical System

The preceding sections have outlined the importance of a sound statistical system which enjoys widespread public confidence. In this section we will turn to the requirements for developing and maintaining a credible and adequate statistical system. As indicated earlier, there are four essential ingredients to achieving this objective. These are briefly discussed below.

Accurate, Consistent, and Timely Statistics. In order for the public to have confidence in the statistical system, it is essential that every effort be made to produce statistics which are accurate, consistent, and timely. It is difficult to meet all three of these criteria with equal emphasis. For example, in an effort to be timely it is often necessary to develop preliminary statistical indicators which are then subject to significant revision when more information becomes available. Likewise, significant problems occur when attempting to develop consistency in statistics produced by agencies with differing purposes, diverse administrative responsibilities, and uneven statistical capabilities.

Nevertheless, while these difficulties must be recognized, it is essential that every effort be made to assure that all governmental statistical agencies strive to meet the highest standards of (1) conceptual development, (2) statistical sampling, (3) internal consistency, and (4) historical continuity.

Public Confidence in Federal Statistics. It is relatively easy to convene professional statisticians to evaluate sample design, historical records of reliability or consistency, or to estimate significance in ranges of errors as tests of the criteria identified in the previous section. In contrast, it is somewhat more difficult to determine specifically those ingredients which will assure public confidence in the statistical system. However, assuming that the basic statistics are accurate, it is essential that the public understand and appreciate this accuracy or the value and usefulness of accurate statistics will be seriously undermined.

The first step in developing public confidence is undoubtedly the development of peer group confidence in the statistics. In other words, if the professional statisticians, biologists, physical and social scientists, etc., who utilize the data have confidence in the statistical system and in the accuracy of the data, it is more likely that the general public will accept this professional judgment as the basis for placing their confidence in the resulting statistics.

Peer group confidence begins with the appointment and advancement of highly professional persons to key policy and program roles in Federal statistical agencies. The professional ability of all agency staff members involved in the collection, compilation, and analysis of Federal statistics is crucial to the development and maintenance of strong peer group confidence in the Federal statistical system.

In a second area, it should be noted that public confidence in the Federal statistical system is strongly influenced by the actions of the press. Most members of the working press cannot be expected to make professional interpretations of the variety of statistical series which are produced by the Federal statistical system. Therefore, it is essential that the press have available to it clear reports concerning important characteristics of specific statistical series and access to expert counsel in the interpretation of those reports.

The third factor related to the public confidence in the Federal statistical system is associated with political use and interpretation of the data. As noted at the outset, a major concern of this Committee has been the exploration of approaches to reducing political influence on the statistical system. Public confidence is influenced both by overt political pressure and by the appearance of political pressures. It is the Committee's position that every effort must be made to reduce both political pressure and the appearance of political pressure if peer group confidence is to be enhanced and if the general public's confidence in the Federal statistical system is to be maintained.

To illustrate the dangers of political pressure on statistical decisions, consider the technical problem associated with assigning the cost of air pollution and emission control equipment on automobiles as a component of the Consumer Price Index. There was considerable debate whether to classify this equipment as a quality improvement—consequently, not influencing the Consumer Price Index—or as a cost increase which would be reflected in the Consumer Price Index.

A statistical decision on cost versus quality in automobile pricing has to be made annually and in 1972 it had to be made during an election campaign. If political considerations were to enter this statistical issue, it would be beneficial to labor to include the emission control equipment as a cost increase, thereby adding a "cost-of-living" increase to the wages of millions of workers and, perhaps, politically reflecting adversely on the success of controls in holding down inflation.

Alternatively, political advocates who are concerned with demonstrating the success of anti-inflationary policies would urge classification of this equipment as a quality improvement, as would those interested in demonstrating the increased productivity of labor and the greater output of the economy.

A technical committee of professional statisticians was convened to resolve this statistical issue, and there is no evidence that political pressure was exercised. However, the nature of this type of decision illustrates the importance of producing technical statistical decisions which are above suspicion and maintaining them in an area which is independent from political pressure. The cumulative effect of a series of political decisions concerning such technical details would be to destroy the effectiveness of the statistical measures as well as to undermine public confidence in the data themselves. This illustration reinforces the importance of professional judgment and decision-making as essential elements in a quality statistical system.

In summary, while it is difficult to identify specifically actions that will assure public confidence in the Federal statistical system, it is important to focus on (1) building peer group confidence in the statistical community by emphasizing professionalism in statistical agencies, (2) improving the understanding of the working press by providing easy access to expert counsel, and (3) minimizing even the appearance of political pressure or influence on the statistical system by eliminating situations and events which arouse these concerns.

Revision and Improvement of Statistical Programs. It is not sufficient to maintain the status quo even if the available statistics are accurate, timely, and consistent. The characteristics of the subjects being measured are subject to continual change. Further, as national priorities change, new subjects must be considered as the focus for Federal statistics.

It is essential that the statistical system include provision for developing revisions and improvements which will encompass sound statistical principles. As Consumer Expenditure Survey, revisions and refinements will inevitably create certain difficulties. It is essential that the decisions to institute such refinements and revisions be based on a firm expectation that more reliable and more sensitive statistical indicators will result, and that revision or discontinuance of a series should not be initiated simply because the available results had proved embarrassing or unresponsive to specific administrative policies.

Each year a number of improvements in the Federal statistical system are recommended and, frequently, adopted. This continual upgrading of the system must be encouraged and, where possible, accelerated. In relation to many other Federal activities, the cost of the Federal statistical system is small. However, with the current demands for budget stringencies, all areas are subject to pressure for future reduction. In view of the importance of statistical programs as the basis for overall policy formulation, caution should be exercised when pruning existing budgets or rejecting new programs which may be essential in the development of public policy.

A professional statistical system requires both well-qualified leadership and adequate budget support. It is recognized that there is a need for central planning to insure proper balance among all areas of demand for improved Federal statistical series. The Statistical Policy Division in the Office of Management and Budget should be encouraged to continue development of statistical policy which emphasizes these points. An outstanding beginning has been made as evidenced by the growth in support of statistical programs from $194.6 million in Fiscal 1970 to $312.6 million which has been requested for Fiscal 1974, an increase of 61 percent. During this period, programs for economic statistics increased from $126.3 million to $174.8 million, an increase of 38 percent, and programs for social and demographic statistics increased from $68.3 million to $137.8 million, a growth of 102 percent.

Adequate Technical Measures of Reliability and Sensitivity. The actual utilization of statistics in decision-making can be significantly influenced by the method of presentation and documentation as reflected in statistical reports. In order to minimize the problems of misuse of statistical series, it is essential that the available reports provide specific technical measures of the reliability and sensitivity of the data at hand. While many users of statistical series do not require full technical documentation of statistical procedures used in compilation, adjustment, and analysis of the data, it is essential for those who have a need or concern about these subjects that the basic reports include either indications of these technical factors or provide reference to source documents where these procedures are defined in detail.

The availability of this information is particularly important in distinguishing between preliminary, revised, and final estimates for key statistical components. If the available report does not clearly call attention to the character of the data being reported, there is a danger that broad media dissemination of the statistical measures will fail to reflect the limitations of the data themselves. Over time, the failure to distinguish between preliminary and final estimates tends to reduce public confidence in the statistical system by generating the appearance that frequent revisions were unanticipated when, in fact, they may be part of the basic procedures used.

The four characteristics of an adequate statistical system which have been discussed above serve as the framework for the following specific findings of the Committee and the recommendations which were presented earlier.

Findings of the Committee

The causes for concern which led to the formation of this Committee have been intensified during the past year. The primary finding of this Committee on the Integrity of Federal Statistics is that while there is no evidence that statistical results have been altered to support a particular point of view, there are tendencies—through reduced span of authority of professional leadership, appointment of noncareer personnel, and current and proposed reorganizations—to reduce or inhibit the independence of Federal statistical personnel. Therefore, it is particularly unfortunate that a continuing sequence of events has created broad concern regarding the professional integrity of the overall system, especially as a consequence of premature retirements of key professional staff members who, in other respects, would be expected to offer more years of exceptional service.

While the Committee has not elected to pursue specific allegations, it is clear that the organizational structure—especially through current and pending reorganizations—provides increasing opportunities to exert political influence on the development and interpretation of statistical programs. Specifically:

(1) Agency appointments of noncareer personnel, especially those with strong political affiliations rather than statistical credentials, can have an inhibiting influence on the quality, independence, and objectivity of statistical work. A further implication of such developments, in the longer term, will be a reduction in morale and a reduced incentive of both young and mature professionals to associate themselves with agencies which have overt political overtones. This will result in a deterioration of the professional role of Federal statistical agencies.

(2) The reorganization of statistical agencies undertaken in 1971 as the result of a directive from the Office of Management and Budget was intended to reduce the number of separate statistical agencies, to centralize production functions, and to separate the production of statistics from their use in the formulation of policy. These goals would have widespread professional support. However, the application of the directive in the Commerce Department led to the creation of a complicated overlay for the Census Bureau and the former Office of Business Economics, considerably downgrading the role and independence of the operating agencies. In the new organization, the opportunities for influence by noncareer officials for the selection of new programs, for the reduction of old programs, and for other program changes have been substantially increased.

(3) Since, for about two years, target dates for the release of *principal* economic indicators have now been published in advance, the discretionary authority over the timing of these releases has been eliminated. The OMB directive (Circular No. A–91, "Prompt Compilation and Release of Statistical Information"), designed to assure that deadlines are established for the preparation and release of statistical series, has not yet been implemented on an across-the-board basis. Until the efforts now being made to this end in the Statistical Policy Division are put into effect, it is still possible to withhold some reports from preparation or to delay others for political purposes.

The Committee believes that specific steps should be taken to allay the growing fears concerning politicization of the Federal statistical system and to ensure and maintain a high level of credible, professional, statistical work. In the light of the importance of such concerns, the Committee urges that the recommendations listed earlier be promptly implemented and that such actions be properly publicized.

ASA-FSUC COMMITTEE ON THE INTEGRITY OF FEDERAL STATISTICS

Joseph W. Duncan, Chairman, Battelle Memorial Institute.

Daniel H. Brill (ASA), Commercial Credit Company.

Bernard Clyman (FSUC), The Equitable Life Assurance Society of the United States; Queens College, City University of New York.

A. Ross Eckler (ASA), Retired (Formerly, Director, U.S. Bureau of the Census).

Thomas A. Hannigan, Jr. (FSUC), International Brotherhood of Electrical Workers.

Robert E. Lewis (FSUC), First National City Bank, New York.

Robert S. Schultz, III (ASA), New York State Council of Economic Advisers.

DeVer Sholes (ASA), Chicago Association of Commerce & Industry.

FOOTNOTES

[1] Appendix B includes a discussion of the needs for reliable statistics which are evident in government, labor, industry, and universities.

[2] A Statement by the Secretary of Labor concerning the role of the Bureau of Labor Statistics and emphasizing that "the Bureau maintain, in the highest degree, scientific independence and integrity" appears in *The Statistical Reporter*, Dec. 1972, pp. 91–92.

[3] According to the Statistical Policy Division of OMB, during the period when the Current Population Survey was being revised on the basis of the 1970 Population Census, the Urban Employment Survey was discontinued because the cost of continuing the Survey seemed excessive relative to the value of the Survey. This discontinuance was recommended by a technical committee composed of representatives from the various statistical agencies.

[4] The public concern regarding these developments is further evidenced in a series of news commentaries, letters to the editors, and editorials. A selected list of such articles is available from the Committee Chairman.

[5] *The President's Commission on Federal Statistics*, Volumes I and II, 1971.

[6] Revision of A–91, dated April 26, 1972.

[7] An alternative would be to submit a slate of nominees when the agency requires final authority.

[8] *Measuring Employment and Unemployment*, President's Committee to Appraise Employment and Unemployment Statistics, September, 1962, p. 20.

[9] Feldman, Paul, *The President's Commission on Federal Statistics*, 1971, Volume II, Chapter 10, pp. 477–495.

APPENDIX A

ILLUSTRATIVE USES OF STATISTICS IN GOVERNMENT, BUSINESS, LABOR, AND UNIVERSITIES

These brief highlights concerning the role of statistics in governmental, industrial, labor, and universities' decision-making show the importance of selected key statistical series. It should be noted, of course, that there are many specialized statistical series which are not mentioned below which have particularly significant roles in areas where they are applied. There is no intent in this report to evaluate the importance of any specific series.

The Role of Statistics in Government. The importance of the Federal statistical system for policy-making and administration at the Federal, state, and local governmental levels is well-known.

Almost every statistical program has its origin with legislative action which in turn requires data collection in support of program planning, administration, or evaluation. For example, the Decennial Census is mandated by a Constitutional requirement to establish the number of representatives from geographical areas throughout the nation.

The importance of maintaining public confidence in the output of our statistical system can be illustrated by selecting a few examples of the multitude of applications of statistical data in the legislative and executive branches of government. In many cases, the very organization of government itself is dependent upon statistical information. In addition to the apportionment requirement noted earlier, the size of staffs of elected representatives depend directly upon information regarding the number of people in a state or in a Congressional district. At the state and local levels, there are hundreds of provisions in various states where the population level established by the latest Decennial Census is used as a basis for allocating funds, creating boards, granting licenses, establishing jurisdiction of local officials, and setting salary levels.

Official statistical measurements are central to the development of legislative programs by the Congress. The record of legislative hearings is typically filled with statistical exhibits and there are literally innumerable references to specific items of data. Whether legislative policy is being determined, a new program is being established, or the results of existing programs are being reviewed, the legislative uses of governmental statistics are both numerous and extensive.

The range of data involved is impressive. For example, the development of social programs such as those relating to Social Security, welfare, and aid to specific classes of the population depends administratively on data concerning employment, income, hours of work, dependency, and many related subjects. As another example, policy-makers concerned with the problems of our environment and the use of natural resources require data on existing resource availability and utilization as the basis for defining available alternatives and appropriate policies. In this area the available data base must be used to provide estimates of the growth in future uses of these resources, to prepare estimates of time required for resource depletion and to provide a basis for deciding upon quotas and the allocation of supplies among competitive claimants.

In the regulatory area, the role of data as the basis for policy determination is especially evident. Regulation in the fields of transportation, power, and communications—to cite three broad areas—are based to a great extent upon statistical information concerning the number and size of businesses involved, their capacity, capital investment, and degree of penetration in the total market. If the public were to lose confidence in the basic data which are used by regulatory agencies, the very nature of regulation itself would be subject to distrust and controversy.

To many observers of Federal policy-making, the continuing intervention of the administrative agencies of the Federal government in the national economy is perhaps the most evident policy interaction. The national income and wealth accounts play a major role in establishing legislation and policy concerning prices, wages, monetary trends, economic stabilization, and related topics. These data are typically the basis for research and policy planning in the executive branch of government and are continually used to evaluate results achieved by administrative programs. Data concerning cost of living, unemployment levels, and capacity utilization, provide the underpinning for national economic policy including such vital areas as budget formulation and fiscal administration, as well as the administration of specific programs.

The allocation of Federal and state funds depends directly upon a number of statistical measures—including the size of the population as a whole or selected classes of the population such as public assistance recipients. Data concerning income levels, miles of highway, numbers of pupils, and other measures are provided for in a network of legislation enacted by the Congress and by state legislators. Decisions at a variety of governmental levels relating to urban renewal, public housing, recreational facilities, drainage and water supply, and health and educational facilities of all kinds must be made in the light of full information regarding the population and its characteristics.

These examples indicate that it would indeed be difficult to overestimate the value of sound statistical information in the governmental structure of the United States—a structure which has long been accustomed to making decisions on the basis of facts. The ultimate test of programs depends upon objective evaluation of the results achieved. For this purpose, reliable and continuing social and economic statistics of unquestioned validity are essential. In addition, there should be provided a body of administrative statistics for each major program, properly planned and clearly presented so that agency officials, the Congress, and the general public can judge the results that have been obtained and can call for improvements when necessary.

The Role of Statistics in Business. In addition to the internally generated statistics unique to individual businesses, most corporations rely upon Federal data for many of their critical decisions in areas such as business planning, market research, financial administration purchasing, and personnel administration.

Corporate long-range planning frequently begins with analysis of national income accounts and related data such as industry production levels as the basis for establishing the broad market context for individual corporate operations. In fact, many large corporations employ full-time economists whose primary function is analyzing national economic developments and determining their impact upon the individual corporation.

Businessmen look to statistics to tell them how the economy in general is faring as a guide in making long-range investment decisions or setting sales quotas for the year ahead. They want to get advance warning on cyclical turning points and the amplitude and duration of expansions and contractions. But frequently their needs are more precise. They want to know how each of their product lines is faring relative to industry as a whole. They want to gauge the growth of individual markets as a guide to inventory policy, plant and equipment expenditures, and new product development. They want to assess Federal budget deficits, monetary policy and interest rate trends as they may affect the financing of their firms' growth and investment. They rely on figures on prices, labor markets, wages, and supplies of materials as guides to their current operations.

Market research departments in industry extensively utilize Federal data concerning population characteristics and industry characteristics to determine basic market trends and opportunities.

Financial departments in major corporations carefully evaluate basic monetary trends as measured by the Federal Reserve System to determine current and future financial developments which will influence the cost and availability of capital to the corporation.

Purchasing officers rely upon Federally produced statistics, such as commodity price data of the Departments of Agriculture and Labor and figures on shipments and inventories from the Department of Commerce to determine availability and cost of basic materials for manufacturing the firm's products.

Personnel departments rely upon local and national wage and income surveys to determine appropriate salary and fringe benefit schedules.

Hence, it is evident that in nearly all facets of business and industry, basic decisions which are essential to effective operation of the corporation are made on the basis of Federal data.

Additionally, the Federal statistical system is vital to the concerns of business in many respects beyond their internal use of data for operations and planning. The quality of the statistical base used in establishing regulatory policy, administrative programs such as the New Economic Policy—Phases II and III, and the formulation of legislative guidelines (in vital areas such as pollution standards, product quality, and import-export regulations) is crucial to business leaders and decisionmakers.

The Role of Statistics in Labor Negotiations. Federal statistics directly affect the entire scope of industrial relations, including collective bargaining and contract administration. Collective bargaining is a key element in the American free enterprise system, and it could not be successfully carried on without reliable Federal statistics acceptable to all interested parties—labor, management, and the general public alike. Both parties at the bargaining table need objective insight and understanding into each other's position. Also, they direct much of their efforts toward convincing the general public of the equity of their own positions as reflected in objective official statistics. In this often supercharged atmosphere, negotiations would quickly deteriorate into chaos if no reliable and acceptable statistics were available as the focus of discussion. The same would be true of the day-to-day operations of contract administration.

Statistics of key importance for collective bargaining and contract administration include wages by industry, region and state, and trends and industry data relating to fringe benefits such as paid holidays. vacations, health insurance, and pension benefits. Cost-of-living provisions based in the Consumer Price Index affect the income of four million workers and pensions of two million retirees. Business and labor groups use the Consumer Price Index to develop retirement and health insurance programs, the government, to formulate social and economic policies, and individuals, to check on their real earnings. The Pay Board adopted consumer price indexes along with productivity indexes as the two major criteria governing acceptable noninflationary wage increases.

Labor market conditions and the amount of unemployment are matters of primary interest to union and management negotiators as indicators of the economic situation in given areas or localities. Statistics measuring the frequency and severity of work injuries by industry are of great importance to labor and management since they serve as the basis for specific insurance provisions and new laws designed to protect workers from death and disabling injury. Any lack of confidence in their accuracy or reliability by either of the parties concerned would jeopardize this accepted approach to the settlement of conflicting positions.

The interest of labor in good statistics is not limited to their usefulness in labor negotiations, however. Statistical information is vital in the formulation of much legislation which either expands or restricts the basic rights of labor and management. Many far-reaching economic decisions made by government leaders, such as establishing the Construction Industry Stabilization Council, plus the imposition of wage and price controls, are based upon Federal statistics.

The Role of Statistics in Universities. Universities continually conduct research designed to assist businesses, labor organizations, and government agencies in making sound decisions of the kind illustrated above. In addition, universities use Federal statistics to test basic theories on which such decisions are based and to search for more useful theories in a diverse range of topics including all areas of social, biological, physical, and economic systems. Much of this basic research is cooperative among government, business, and universities. Clearly, we cannot develop true undesrtanding of basic social and economic processes unless our historical records are comprehensive and accurate.

Of equal importance, the entire education process depends upon the evaluation and interpretation of basic data. If the student and/or teacher lacks confidence in the information base, it is difficult for the educational endeavors to proceed.

Other Roles. There are many important uses for statistics which have not been mentioned in the above sections.* The intent here is simply to illustrate the importance of statistics in a wide range of sectors. For example, the discussion of statistics in labor negotiations is only one example of the use of statistical series by the labor movement. Many uses by other sectors could be emphasized including use of crop reports and other agricultural statistics by individual farmers and consumers, statistical analyses by state and local governments in establishing governmental policy, and use of statistics by news media as an underpinning for planning future program emphasis, reporting on current problems, etc.

As noted in the introduction to this report, the discussion of the importance of reliable statistics which are evident in government, labor, industry, and universities are highlighted above to demonstrate that accurate and credible Federal statistics are: ". . . absolutely essential, if the ongoing policy and planning needs of private and governmental users alike are to be satisfied."

Appendix B: November 10, 1972

STATEMENT OF POLICY BY THE SECRETARY OF LABOR CONCERNING THE ROLE OF THE BUREAU OF LABOR STATISTICS

In Order No. 49–69, dated November 25, 1969, the Secretary delegated authority for labor statistics programs to the Commissioner of Labor Statistics. Traditionally, the Bureau of Labor Statistics, which the Commissioner heads, has had a dual responsibility. One is to serve as the statistical and research arm of the Department of Labor, supplying the Department and its program offices with data important to their functioning. The other is to provide information to the public on subjects concerning labor in the most general and comprehensive sense. Both responsibilities require that the Bureau maintain, in the highest degree, scientific independence and integrity. The second function, particularly, requires that the public be confident that the Bureau does, in fact, possess these qualities and that they will be preserved.

The purpose of this statement is to reaffirm the importance of the Bureau's scientific integrity, and to set forth certain guide lines that will help to preserve it.

The decisions-making process in producing statistics involves:

The allocation of BLS resources

The appointment of personnel and selection of advisory committees

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*The official report of *The President's Commission on Federal Statistics* includes a lengthy discussion of various groups which are users of statistics—Volume I, pp. 77–102.

The determination of appropriate statistical methods and operating procedures

The preservation of confidential records supplied by respondents to surveys

The preparation of technical analysis and interpretation of the data

The release of information to the public.

The Commissioner's decisions with regard to these matters must, of course, follow the policy, budget and program objectives established by the Department of Labor. They must also conform to the statistical standards and policies established by the Office of Management and Budget under the Federal Repairs Act. However, there shall be no decisions which are not in concert with the professional and technical expertise of the Bureau. Under these conditions scientific independence will continue to be the hallmarks of the Bureau of Labor Statistics.

A number of specific safeguards help to preserve this scientific independence. Among them are the following:

1. Two active advisory councils are informed about and advise upon BLS programs and decisions. They are the Business Research Advisory Council, with representatives drawn from the business community, and the Labor Research Advisory Council, with representatives from labor unions. The two councils operate independently of one another, and both have numerous committees concerned with every subject-matter area covered by the BLS.

2. A new Academic Advisory Council will be organized later this year, with members from several professional organizations. This new group, consisting of economists and statisticians in universities and research institutions, also will advise the BLS on its program and procedures.

3. In the release of principal economic indicators BLS follows guidelines established by the Office of Management and Budget that help to assure the objectivity of Federal statistics:

a. Data are released by the principal statistical officer in charge of the agency. This means that the Commissioner determines the date and hour of release and approves the text of the release, and that the BLS is clearly identified as the source agency in the release.

b. Data are released as promptly as possible, and always within two working days after they have been compiled and checked.

c. The schedule of release dates is published in advance.

d. In order to clearly separate the release of data from policy-oriented commentary, no comments by a policy-making official are made until at least one hour after the release of the data by the BLS.

4. The Secretary has delegated to the Commissioner full authority to set up appropriate procedures and regulations to safeguard the confidentiality of the reports made to BLS by respondents to its surveys. These regulations apply throughout the Department as well as to other agencies or individuals within or outside the government, and prevent the use of BLS data for other than statistical purposes.

James D. Hodgson
Secretary of Labor

Source: *Statistical Reporter,* December 1972, pages 91–92.

Appendix C

LISTING OF SELECTED MEDIA ARTICLES CONCERNING INTEGRITY OF THE FEDERAL STATISTICAL SYSTEM [*]

September 29, 1971—*The Washington Post,* "Nixon Ousting Labor Analysts" by Frank C. Porter.

November 17, 1971—*The New York Times,* "Lawmaker Sees Census Politics" by Jack Rosenthal.

February 25, 1972—*Journal of Commerce,* "A Staff Report—Does the Administration Cloud Statistics on Business Activity?"

August, 1972—Annual Meeting of the American Statistical Association *Statistics and Politics* by Philip M. Hauser.

September 6, 1972—*The Washington Post,* article by Nick Katz, "Farm Income Knowingly Overstated by $1 billion".

October 22, 1972—*The New York Times,* Washington Report Article by Eileen Shanahan on interpretation of economic statistics.

November 5, 1972—*The New York Times,* Letter to the Editor from Harold C. Passer discussing above article by Eileen Shanahan on his interpretation and pronouncements during the recession in 1970.

November 6, 1972—*The Wall Street Journal,* Review and Outlook—"The BLS Fuss."

November 27, 1972—*The Wall Street Journal,* Letter to the Editor by Senator Proxmire pointing out that the Joint Economic Committee has been holding monthly employment data hearings since they were discontinued by BLS.

December 20, 1972—*American Banker,* Business Outlook by J. A. Livingston, reports the surprise and astonishment of economists and statisticians at the accepted resignation of Geoffrey H. Moore as Commissioner of Labor Statistics.

January 29, 1973—*The Wall Street Journal,* front page news item noting resolution by the Industrial Relations Research Association.

Appendix D

RESOLUTION BY THE INDUSTRIAL RELATIONS RESEARCH ASSOCIATION EXECUTIVE BOARD

The Executive Board of the Industrial Relations Research Association, having received and considered a report from its committee appointed to investigate recent events concerning the U.S. Bureau of Labor Statistics resolves as follows:

1. that public confidence in the professional integrity and credibility of the Bureau of Labor Statistics is essential, because the Bureau publishes data and materials which are used regularly in the labor-management relations, business contracts and economic forecasts;

2. that the credibility of the Bureau of Labor Statistics has been impaired by events of the last two years, including the termination of press conferences by Bureau of Labor Statistics personnel and the subsequent reassignment of key personnel in the Bureau;

3. that the Board views with particular concern the acceptance of the requested resignation of the Commissioner of Labor Statistics three months prior to the expiration of his statutory term of office, because this termination under these circumstances represents a sharp break with the long-established tradition that this position has not been regarded as a political appointment;

4. that it is most important, if further impairment of the credibility of the Bureau of Labor Statistics is to be avoided, that the new Commissioner be a person with the highest professional qualifications and objectivity;

5. that it is desirable that the decision to discontinue press briefings by the Bureau of Labor Statistics technical personnel should be carefully reconsidered;

6. that nothing in this resolution should be construed to indicate that this Association questions the integrity of the preparation of BLS figures.

To be signed by: Ben Aaron, President 1972, Douglas Soutar, President, 1973, David Johnson, Secretary-Treasurer.

Source: *Congressional Record,* January 11, 1973, page S464.

Appendix E

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, D.C.

April 26, 1972.

Circular No. A–91, revised.

To the heads of executive departments and establishments.

Subject: Prompt compilation and release of statistical information.

1. *Purpose.* The purpose of this Circular is to insure that the principal statistical series which are issued by agencies to the public annually or more frequently are released without unnecessary delay and that the publication dates for the principal weekly, monthly and quarterly indicators are made publicly available in advance. The prompt release of official statistics on a regular schedule is of vital importance to the proper management of both private and public affairs.

2. *Rescission.* This Circular supersedes and rescinds Circular No. A–91, dated February 12, 1969. It covers annual and semi-annual series as well as those issued more frequently. Also it reduces from quarterly to annually the reports required by the Office of Management and Budget on the release of certain statistical series having more limited use than the principal indicators identified each month in the OMB publication. *Statistical Reporter.*

3. *Authority.* This Circular is issued under the authority of Section 103 of the Budget and Accounting Procedures Act of September 12, 1950 (31 U.S.C. 18b), Executive Order 10253 of June 11, 1951, and Executive Order 11541 of July 1, 1970.

4. *Coverage.* The Circular applies to all statistical series issued by agencies to the public annually or more frequently, unless otherwise exempted by the OMB.

5. *Objectives.* It is the aim of this Circular to accomplish the following objectives:

a. The shortest practical interval should exist between the date or period to which the data refer and the date when compilation is completed. Prompt public release of the figures should be made after compilation. In the case of principal indicators, the goal is to accomplish compilation and release to the public within 20 working days. Within this period no more than two working days should be allowed for the public release of data, unless other arrangements are approved by the OMB.

b. In the case of other series, more time can be allowed, but every effort should be made to keep it to a minimum. Series requiring an inordinately long time to compile should be reviewed to see what purpose they serve and whether they should be discontinued or reduced in frequency (e.g., monthly series made quarterly or annual).

c. Release dates for principal economic indicators will appear each month in the OMB publication, *Statistical Reporter.* Care should be taken in scheduling these release dates so that they can be met. Unless directed otherwise by OMB, figures which become available early should be released early.

d. Initial release of statistical series should be made by the statistical agency in a written report. A press release should be issued if it would significantly speed up the release of the data to the public. There should be a one-hour separation between the issuance of the release by the statistical agency and related commentary.

6. *Responsibilities.* Each agency is directed to review continually its practices in releasing statistical series to the public and to take such action as may be necessary to carry out the objectives of this Circular.

7. *Reports and records.* Each agency that publishes statistics subject to the provisions

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[*] Editorial comments have also included political cartoons such as that in *The New Yorker's* issue of October 14, 1972, depicting the "Bureau of Rosy Statistics".

of this Circular will submit reports to the OMB and maintain records in accordance with instructions in the Attachment and in the formats of the Exhibit.*

8. *Inquiries*. For any information concerning this Circular, please call the Office of Management and Budget, Statistical Policy Division, telephone: code 103-4911 or 395-4911.

George P. Shultz, *Director*.

FOREIGN AID

Mr. McGEE. Mr. President, in yesterday's—June 11—publication of the Washington Post, there appeared an excellent editorial analyzing the merits of a proposal on foreign aid offered by a bipartisan majority of the House Foreign Affairs Committee. The proposal has been introduced by Representative Clement Zablocki, Democrat of Wisconsin.

As we approach our annual problem of attempting to come to grips with the question of foreign aid and how to make it more effective, I believe this proposal is well worth considering by this body.

In commenting on the House proposal, the editorial writer concludes:

> Whenever and however it ends, we would hope that both Congress and the administration would keep high in mind the prospect for responsible engagement in the world, which the House aid initiative holds out.

The House proposal is innovative in its approach and certainly represents a positive reassessment and redirection of our foreign aid program. It is a thoughtful and constructive look at what the economic needs are in the developing world; and a very rational approach to meeting those needs, while at the same time, enhancing our own interests as a Nation.

I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

A Promising Aid Proposal in the House

The lengthy travails of American foreign aid have made clear to its supporters the need to make aid at once more effective for its recipients and more attractive to its donors. Pessimists have doubted that these twin goals could either be served adequately, or even combined at all. A bipartisan majority of the House Foreign Affairs Committee, however, has now produced a well-considered and promising proposal meant to do both. Introduced by Rep. Clement Zablocki (D-Wis.), the proposal is intended to strengthen and enlarge the overall economic aid program and to do so in a way calculated to enhance the prospects of the program's passage in Congress. The first without the second is, of course, useless.

So, to satisfy those who have rightfully demanded that aid do more to improve the quality of the lives of the poor, the new proposal would take the same $1 billion which the administration asks for economic assistance and seek to focus the money more sharply on "human-oriented" needs in population control, agriculture, health and the like. Not every development economist agrees that the poorest of the poor can thus be helped but the approach unquestionably has considerable moral and political merit. Big capital-eating projects such as dams would be left, to an even greater extent than they already are, to the international development agencies.

Then, to satisfy those whose main interest in aid is that it expand American exports, an "export development credit fund" would be established to subsidize another $1 billion a year in easy-term exports to the lowest-income countries. The interest subsidies, costing $40 million, would be funded from repayments of earlier aid loans; repayments now run at $400 million. By training aid on "people not projects" and by hitching to the aid wagon those Americans desiring to help their own economy as well as Americans desiring to help the world's poor, the House sponsors hope to surmount the political obstacles to aid which have grown so high in recent years. To convey the relationship of interdependence which the new proposal reflects and advances, the name of the administering agency would be changed from "Agency for International Development" to "Mutual Development and Cooperation Agency."

It is satisfying to report that, in his department's first formal response, Secretary of State William Rogers Tuesday welcomed the House committee's "thoughtful and positive approach" and noted correctly that AID had itself been moving along similar lines. Mr. Rogers also pronounced himself "especially pleased at the committee's reaffirmation of the central role of the Department of State in over-all guidance of U.S. development policies." Whether the other elements of the government, particularly the White House, will be equally pleased remains to be seen. On that question of bureaucratic politics, a good part of the fate of the House initiative probably hangs. To imagine that any program so multi-dimensional and so worn and frayed as aid can be considered only on its merits is, alas, fantasy.

Nor can the question of congressional politics be ignored. Not every committee of the Congress will rejoice to see the House Foreign Affairs Committee setting up and overseeing a program in what would be for it the new field of direct export promotion. (Foreign aid has always had a heavy aspect of indirect export promotion.) On these grounds, the sooner that Foreign Affairs chairman Thomas E. Morgan (D-Pa.) eases from his current posture of benign aloofness, as one observer calls it, to active sponsorship, the better.

The other big question which will shape the fate of the new economic aid proposal is its political relationship to the equally controversial question of military aid. The administration put the two together in a single package. Predictably the Senate split off the military items—these include general security assistance and grant military aid for Cambodia. Indochina reconstruction funds are also in the administration bill. In welcoming the House economic aid proposal, it was plainly one of Mr. Rogers' purposes to cultivate support for the other items in that bill. Some supporters of the House proposal favor the other items, some don't. A difficult and protracted negotiation is no doubt in store. Whenever and however it ends, we would hope that both Congress and the administration would keep high in mind the prospect for responsible engagement in the world, which the House aid initiative holds out.

NATIONALIZATION OF AMERICAN OIL COMPANIES

Mr. GRAVEL. Mr. President, in recent months I have spoken at great length about the national energy shortage, the balance-of-payments problems, and the urgent need for increased domestic production of petroleum products. We have recognized for some time that continuing dependence upon foreign oil imports from the Persian Gulf held a high degree of uncertainty.

That uncertainty can be expressed in a number of ways—decreased exports by the producing countries, or outright curtailment of exports. An additional method would be the nationalization of American oil companies operating within the producing countries compounding our balance-of-payments problems.

In the June 12 edition of the Washington Post a story appears that Libya has moved to nationalize the Nelson Bunker Hunt Oil Co. So that my colleagues may read of this latest development in our energy crisis, I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

U.S. Oil Firm Nationalized by Qaddafi

Libyan President Col. Muammar Qaddafi yesterday announced the nationalization of the $140 million Libyan operations of the Nelson Bunker Hunt oil company of Dallas, Texas.

"The time has come for us to deal America a strong slap on its cool, arrogant face," the Libyan leader told a wildly cheering crowd at a rally in Tripoli marking the third anniversary of the expulsion of U.S. forces from Wheelus Air Base.

"American arrogance is symbolized in the support of the monopolistic oil companies," Qaddafi said. "It is high time the Arabs take serious steps to undermine American interests in our region."

The nationalization of Bunker Hunt, an independent company in a particularly vulnerable position, sent a new chill through three larger American oil companies—Oasis, Amoseas and Occidental—which together account for about half of Libya's petroleum production.

These three companies have been engaged in talks with the Libyan government over its demand for "full control" of their operations on Libyan territory, and a source close to these talks said yesterday that "they have not been going well."

Cheered on by the crowd, Qaddafi delivered a bitter attack yesterday on American imperialism and the oil companies, which he said reflect America's "policy of domination."

"American imperialism has exceeded every limit," Qaddafi charged. "The Americans support our Israeli enemy, threaten our security with their aircraft carriers, and from time to time, the Americans threaten our territorial waters.

"The time might come," he warned, "where there will be a real confrontation with oil companies and the entire American imperialism."

In Dallas, a Bunker Hunt spokesman reached by phone said a "situation of de facto expropriation" has existed since May 24 when Libya ordered the company to cease producing and exporting oil until further notice.

Hunt, until 18 months ago, was in partnership with British Petroleum, producing 440,000 barrels of oil a day in the rich Sarir oil field. Then in December 1971, Libya nationalized BP's share of the operation in retaliation for Britain's alleged complicity in Iran's occupation of islands in the Persian Gulf.

This left Hunt, with Libya as its only important source of oil, in a particularly vulnerable position. A company spokesman yesterday said Hunt "tried to work with the Libyan national oil company and its subsidiaries." The spokesman said, however, that this proved impossible because of Libya's demands that Hunt "illegally market the oil which has been expropriated from British Petroleum."

About six months ago, when Libya demanded 50 per cent of Hunt's half-interest in the concession, Hunt asked that the matter go to arbitration.

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* Attachments available from the Office of Management and Budget upon request.

Libya nominated its U.N. ambassador as its negotiator and Bunker Hunt nominated first John Connally and then, when he rejoined the Nixon administration, a member of his law firm.

When Libya ordered Hunt May 24 to suspend production, the company called on Libya to lift this order pending resolution of arbitration. But the arbiters never met and, as a Hunt spokesman said, "Col. Qaddafi gave his answer today."

The spokesman said Hunt now would "pursue all available legal remedies," but declined to elaborate on what moves might be available.

While the Hunt spokesman declined to provide any information about the value of the company's holdings in Libya or the impact on the company's operations, industry sources estimated the value of Hunt's Libyan operations at $140 million.

[In Washington, a State Department spokesman said "The United States recognizes that the Libyan government has a right to nationalize industries. But the United States expects prompt, adequate and effective compensation to be paid to the company."]

Sources also said that Hunt has been drilling for oil in Mozambique, New Zealand and Canada, but is not believed to be producing oil in any foreign country except Libya.

The American oil companies operating in Libya, producing more than 90 per cent of its petroleum, have been growing increasingly apprehensive since Oct. 4, when the government demanded a 50 per cent share in Bunker Hunt's operations.

Several weeks later, Libyan Petroleum Minister Ezzeldin Mobruk indicated that Libya planned to seek similar 50 per cent participation arrangements with all the American companies.

The oil companies strongly opposed this demand and negotiations broke down in December. Then on April 30, the Qaddafi government escalated its demand to "full control" of the American companies' operations in Libya. Three rounds of talks have been held since that date.

Qaddafi, at a news conference last month, warned that Arabs might use oil as "the ultimate weapon" in the Middle East conflict.

"All estimates foresee a growing need for oil in the consuming countries, and oil will not lose importance in the future," he said at that time. "The world—and above all the U.S.—needs more oil every year."

At that news conference, he accused the Oasis group of employing Israeli nationals and importing Israeli products into Libya. "The behavior of this American company is serious and we will put an end to it," he declared.

Presidents Anwar Sandat of Egypt and Idi Amin of Uganda attended the rally yesterday at which Qaddafi announced the nationalization of Bunker Hunt. Sadat and Qaddafi are holding talks on the proposed merger of their two countries by Sept. 1.

Mr. GRAVEL. Mr. President, this story merely foretells of things to come. I think it is reasonable to expect that we will be reading additional reports of nationalization of American oil companies. Therefore, increased production of domestic oil becomes more essential each day. Each day that we ponder and delay construction of the Trans-Alaska Pipeline only finds our national energy situation worsening and our international finacial position further eroding. Surely we cannot further delay action on this critical issue.

MINNESOTA'S SUCCESSFUL SOCIETY

Mr. MONDALE. Mr. President, I would like to call the attention of my colleagues in the Senate to an article which recently appeared in the St. Paul Pioneer Press. The article, written by Al Eisele, is based upon the latest volume in Neal Peirce's study of contemporary America, which singled out the State of Minnesota as the best available model of the "successful society" in America.

According to the author, there are many reasons for Minnesota's unusual success. Yet he observes,

> None is so convincing as perhaps the simplest. These people appear to have control of their own destiny.

The climate of openness, of citizen interest and participation in public policy decisions, has, in my view, been essential in shaping a high quality of life in Minnesota.

The credit for Minnesota's remarkable achievements quite rightly belongs to the people of our State, who have worked, in Peirce's words, to make Minnesota:

> A deceptively simple example of how a democratic society should be run.

Mr. President, I ask unanimous consent that the full text of Al Eisele's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From St. Paul Sunday Pioneer Press, May 20, 1973]

MINNESOTA'S "SUCCESSFUL SOCIETY" HAILED IN BOOK

(By Albert Eisele)

WASHINGTON.—A monumental new study of the United States has singled out Minnesota as the best available model of the "successful society" in America and an outstanding example of "how a democratic society should be run."

The flattering assessment of Minnesota's social, political and economic climate is contained in a book published today that is the fourth part of a nine-volume examination of contemporary America.

The study, written by political scientist Neal Peirce and patterned after John Gunther's classic 1947 book, "Inside USA", cites Minnesota's "open, issue-oriented (and) responsible" political system as the key to the state's "unique character" and disproportionate national prominence in recent years.

In his latest volume, "The Great Plains States of America," (W. W. Norton & Co., New York), Peirce declares that despite a number of shortcomings, "Minnesota is a state in which its people can take justifiable pride and . . . as good a model as one can find in these United States of the successful society."

Referring to Gunther's observation that Minnesota is a "spectacularly varied, proud and handsome" state with a progressive political tradition, Peirce concludes, "the intervening quarter century has done little to tarnish the bright image of the North Star State."

Peirce, who examines eight other Great Plains states in the same volume and finds that much of the region has become an economic and political backwater since World War II (in fact, Peirce suggests that financially hard pressed North Dakota should merge with Minnesota), says he found many reasons for Minnesota's success in the face of this trend.

"But none is so convincing as perhaps the simplest," he writes: "These people appear to have control of their own destiny."

Declaring that no other Great Plains state "has tried to be so responsive to the needs of its people," Peirce, who visited every state in the union since beginning his project 4½ years ago, said Minnesota leaders responded with a "blank stare" when he asked who "runs" their state.

"No single industrial cabal, no bank group, no patronage-hungry courthouse crowd controls Minnesota," he asserts.

Peirce notes that special interest groups are active in lobbying at the state legislature, but adds, "None is consistently successful, and the crucial decisions of a public nature are made through the political process with few invisible powers lurking behind the throne.

"The political parties, constituted by an especially democratic process from local precinct caucuses on up, wield the significant power—and through them, the people."

Peirce, whose three previous volumes on the 10 largest states ("megastates"), the Pacific States and the Mountain States have been hailed by critics as the best works of their kind since the state guides produced by the Works Progress Administration (WPA) in the 1930s, is unsparing in his lavish praise of Minnesota.

"Its leaders . . . have played an increasingly prominent role in national life, far out of proportion to the state's modest 2 per cent of the national population," he observes.

"Its political structure remains open, issue-oriented, responsible.

"Its state government has been a leader in services for people, even though citizens and corporations alike have had to pay a high tax bill for those services.

"Few states exceed Minnestoa in the quality and extent of the education offered its citizens; none, appears to provide health care of comparable quality.

"Economic growth has been strong and steady, encompassing the brain-power industries of the electronic era along with traditional farming, milling and mining.

"And Minnesota maintains a clear focus of economic and cultural leadership in her Twin Cities, towns whose great industries have resisted the siren call of the national conglomerates."

In his analysis of Minnesota's political and governmental system, Peirce takes note of the "excesses" that occurred when supporters of Sen. George McGovern, D-S.D., took control of the Democratic-Farmer-Labor state convention in 1972 and forced through a platform "clearly unrepresentative of the broad mass of Minnesota Democrats."

But, he notes, "Usually the system works well, and as a general rule one cannot find another state in which party platforms and campaing promises are taken more seriously."

He cites Gov. Wedell Anderson's 1970 campaign promise to work for property tax equalization and a greater state share of school financing as an example, noting that Anderson later successfully pushed for enactment of landmark school financing reform program.

The program was part of a "revamping of the entire fiscal relationship between the state and its localities so sweeping that the National Advisory Committee on Intergovernmental Relations later hailed it as the 'Minnesota miracle'," Peirce states.

Peirce notes that following Minnesota's example, courts across the country began to invalidate the local property tax as the chief source of school financing and that the same change in the tax system was ordered in Minnesota by a federal judge in 1971.

"But in Minnesota, the court action was almost an afterthought," he writes: "The essential point is that in this state the issue had already been handled in its most appropriate forum, the political-legislative system, not the courts."

Peirce cites numerous other examples of the "quiet revolution" that has taken place in Minnesota in recent years which he says has been characterized by the replacement of the professionals who have traditionally dominated the policy-setting boards in state and local government with "dedicated and interested lay citizens who are more concerned with the breadth and quality of services delivered than with special professional prerogative."

These include "genuine citizen membership" on the new Twin Cities Metropolitan Council ("one of the most advanced regional government bodies in the country"), the nation's first statewide press council, and the Higher Education Coordinating Commission, the water pollution board, as well as most state licensing and standards boards.

"Minnesota is finding a reservoir of citizens able to assume these key policy-making roles in the society—leaving the implementation of programs, of course, to the professionals under their direction," Peirce asserts.

"The openness of Minnesota public life, the willingness of leaders to try new ideas, and the state's demonstrated capacity to handle money and programs well and honestly, bring dividends of many kinds," Peirce notes, adding that Minnesota's reputation has enabled it to become a testing ground for many new private and federal experimental programs.

"In sum," Peirce concludes, "Minnesota is a deceptively simple example of how a democratic society should be run."

Peirce, a Washington-based political writer since 1959 and presently a fellow at the Woodrow Wilson International Center for Scholars here, goes into considerable detail about other aspects of Minnesota life in his 40-page chapter entitled, "Minnesota—the Successful Society."

Among the factors he cities to justify that title are:

An adaptive and diversified economy with a high degree of local ownership and heavy emphasis on science-oriented, "intelligence-devouring industries;"

A "deep orientation to change" among Twin Cities civic and business leaders, "and a determination not to be engulfed by that change, but rather to make it work constructively";

A steadfast commitment to public and private education, to efficient, innovative government even at the cost of a heavy tax burden ("Minnesota is a high-tax, high-service state") and to cultural and recreational activities.

Ironically, Peirce's laudatory comments about Minnesota come in the wake of last week's announcement that the state has dropped from second in the nation to 13th in its overall "quality of life" ranging.

Peirce ends his Minnesota chapter by pointing out the unusually large number of Minnesotans on the national political stage. "Man for man, it would be hard to name a state which has contributed as many men of stature and depth to national political life in the post-war era as Minnesota", he states.

In the light of their accomplishments alone, Peirce observes, "Minnesota's role in the history of post war America seems assured a shining place."

THE ENERGY CRISIS

Mr. GRAVEL. Mr. President, deep concern over the national energy crisis has been voiced extensively in recent months by the Congress, the Government, and the oil industry. The concern of the industry has been voiced through numerous statements by industry officials and through statements in newspapers. An example of that concern appeared in the June 6 issue of the Washington Post by the Gulf Oil Corp. I ask unanimous consent to have the article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

We Can't Talk Our Way Out of the Energy Crisis

It used to be hard to get people to talk about the energy problem. Now, it seems everybody is talking about it. If we're going to solve the energy problem before it becomes a crisis, it's time to stop talking and start taking action.

This country is entering a period in which our available domestic energy supplies will not be enough to meet our needs. In short, we're using up our low cost fuels faster than we can produce them.

Oddly enough we have more energy supplies right here in America. Experts estimate there are substantial quantities of oil and gas and nuclear fuel still to be found. We have billions of tons of known coal and shale oil reserves. What we need is the national determination to initiate the policies and programs that will enable us to develop these resources.

It would have been tough enough to solve the energy problem if we had started ten years ago. The tragedy is, we haven't really started yet. If this country is going to maintain its national security and current standard of living, every single one of these policies must be put into effect as soon as possible.

WE MUST PRODUCE 90 PERCENT OF OUR ENERGY FROM DOMESTIC SOURCES

Some people think we can solve our energy problems by importing oil from foreign countries. The trouble is, energy supplies are growing scarce in other industrial nations, too. As we compete with these nations for oil and gas, the price goes up.

Too many foreign imports would result in intolerable balance of payment problems, further devaluation of the dollar and a weakening of our position in foreign affairs.

The keep total energy imports at a reasonable level of around 10%, means that all forms of domstic fuel must be developed.

WE SHOULD STRIVE TO INCREASE OIL AND GAS PRODUCTION BY ⅓ BY 1985

This is a big and difficult task. Federal lease sales wil have to be larger and more frequent. Exploration and production will be required both onshore and offshore with proper safeguards for our environment. Alaskan oil will have to be brought to market. And since some imports will have to continue for a long time import costs must be reduced, by building more U.S. refineries and deepwater ports for super-tankers.

COAL PRODUCTION WILL HAVE TO INCREASE 176 PERCENT BY 1985

There is plenty of coal left in this country. Enough to last hundreds of years. But most coal is dirty. We must continue to develop methods for removing ash and sulphur from coal.

In addition, we should increase coal prices to encourage construction of new mines. We also must allow strip mining, but under conditions which insure the restoration of the land. And we must develop processes for making natural gas from coal on a commercial basis.

NUCLEAR ENERGY WILL HAVE TO INCREASE TO 22 PERCENT OF OUR TOTAL ENERGY NEEDS

Potentially, nuclear power represents our most plentiful energy resource. But today, only one percent of our energy needs are provided by nuclear generators. And there are only 29 nuclear power plants operating in the entire country. We will need anywhere from 230 to 305 new 1-million kilowatt plants initiated in the next several years. To make this deadline will require streamlining of licensing procedures and site approvals and elimination of delays caused by unwarranted environmental concerns.

A STRONG PRIVATE ENERGY INDUSTRY MUST BE MAINTAINED

With all the work there is to be done, it's quite obvious that neither government or industry can do it alone. What's needed is an attitude of mutual cooperation. Much like that which exists in the American Space Program. Price controls over fuels should be eliminated to allow prices to reach a level which will provide incentives for research exploration development and protection of our environment. Tax incentives are needed in the form of credits for research expenditures, tax free bonds for environmental protection facilities and nuclear fuel plants, current deductions for equipment designed to conserve our less plentiful fuels, and depletion allowances. These incentives will stimulate the attraction of capital that is needed to help finance the activity that will solve the energy crisis.

GOVERNMENT SHOULD MAKE MORE PUBLIC LANDS AVAILABLE TO THE ENERGY INDUSTRIES

Currently, one-third of the nation's land mass is under Federal domain . . . 750 million acres in all. The Federal Government also has control over vast tracts of the continental shelf. It is estimated that half of our remaining oil and gas potential lies under Federal controlled lands. Not to mention 80% of our oil shale, 40% of our coal, and 40% of our uranium.

These lands must be made available for commercial energy resource development. This would include exploration, mining, and the building of power plants, refineries, pipelines and deepwater ports. The Federal Government should also establish uniform land-use laws among the states, and jurisdiction over the submerged lands of the continental mass.

A BALANCE MUST BE ESTABLISHED BETWEEN THE NEEDS OF OUR ENVIRONMENT AND THE NATION'S NEED FOR ENERGY

It's true that the energy industries, like most industries and most people, were once guilty of neglect of our environment. And it was only right that conservationists and ecologists were concerned. But now the pendulum has, in many cases, swung too far in the other direction.

Energy is not the enemy of our environment. We need them both. We can, and must, arrive at programs that will strike a proper balance between energy production and a suitable environment.

Environmental standards must be set at levels that can be met at reasonable cost. Because eventually the public must pay this cost in the form of higher prices for fuel.

We must permit offshore drilling to find new reservoirs of oil and gas while utilizing effective methods to avoid ecological damage. In 25 years, there have only been three major oil spills in the drilling of our 14,000 offshore wells. And we are constantly improving on that record.

We must construct the Alaskan Pipeline. The nation's largest oil field has never yielded us a drop of oil in spite of the most extensive environmental impact study in history and the proven technology of pipeline construction. And right now, we need that oil more than ever.

Strip mining must be permitted under conditions where the land can be returned to beneficial use. In many areas, such restoration has been accomplished with outstanding results.

And we must not allow delays in the construction of nuclear power plants. Some environmentalists have succeeded in doing this, in spite of an outstanding performance to date of the nation's 29 operating nuclear power plants.

The people in the energy industries have no interest in harming the earth. We live here, too. In recent years we have tried to understand the environmental problems. It is time the environmentalist tried to understand the energy problem.

ENERGY CONSERVATION MUST BE ENCOURAGED BY THE GOVERNMENT, THE PUBLIC, AND INDUSTRY

Nobody thinks that proper energy consumption practices alone will solve the energy problem. But they can make it much easier to solve the problems by other methods.

A free market price system would encourage conservation. As supply decreases, prices will increase. Increased prices will, in turn, stimulate more production and increased efficiency in the use of existing fuels.

We must also encourage the use of mass transit smaller automobiles, and more building insulation.

THE GOVERNMENT SHOULD ENCOURAGE U.S. INDUSTRY TO DEVELOP ENERGY SOURCES IN FOREIGN COUNTRIES

Our ability to discover and develop oil in other countries would not only result in a greater supply, but would lower world prices, improve the balance of payments picture for this country, and provide us with a more secure access to the oil we need to import. The Federal government must maintain a stable and friendly relationship with oil producing countries and provide a stable tax and financial climate that will encourage foreign investment.

THE GOVERNMENT SHOULD CREATE THE ECONOMIC ENVIRONMENT NEEDED TO COMMERCIALIZE SYNTHETIC FUELS

There are large deposits of shale and coal in this country which could be converted into clean fuel. But the price would for some time be too high for general commercial use.

And there are environmental and engineering problems still to be solved. What's needed are incentive devices to generate capital so that private industry can afford to tap these valuable resources.

THE GOVERNMENT MUST SUPPORT LONG RANGE RESEARCH PROGRAMS

The energy problem that faces this country is immense. To solve it is going to require one of the most extensive technological programs in history. Not only a research and development program, but a framework to provide for practical commercialization as well.

The Federal government and private industry will have to share in the funding of such a research program. Incentives such as tax credits and a strong patent program should be used to reward those companies willing to take risks to help solve our energy problems.

ENERGY COMPANIES MUST CONTINUE TO INVEST IN NEW SOURCES OF ENERGY

While long-range programs are being established, the energy industry must continue to make substantial investments in energy sources and technology.

For example, Gulf invested $141 million in exploration and dry hole expense last year, and expects to spend even more this year. We continue to try to find economically viable ways of getting oil out of plentiful shale. We are building a pilot plant in Tacoma, Washington that can remove virtually all of the ash and up to 80% of the sulphur from coal. We are the leading builder of high-temperature gas-cooled nuclear reactors, and we've invested millions of dollars toward developing breeder reactors which will actually make their own fuel.

The nation's need for energy is so great, we're going to need all the sources of energy we can find or invent.

A NATIONAL ENERGY PROGRAM SHOULD BE ESTABLISHED

If you have read this far, it should be painfully obvious that there is an incredible amount of work to be done. To develop the policies and programs that are needed, the Federal government must act as a focal point for the energy problem. It's up to the small, top level group recently formed by the President within the executive branch of the government to issue energy plans and recommend energy policies. These policies and plans put forth by the executive branch will, by necessity, require much Congressional legislation. And all of this needs the understanding and support of the public.

A country like ours needs energy. Energy to run our factories and our electric power plants.

Energy to run our trains and trucks. Energy to drive our cars, heat our homes and cook our food.

To develop this energy isn't going to be easy. It's going to be expensive, time-consuming and, in some cases, unpopular.

But the important thing is that we stop talking and start doing something. Right now. Today. We can't wait for tomorrow.

For a free brochure that explains the energy problem and solutions in more detail, write: The President, Gulf Oil Corporation, P.O. Box 1166, Pittsburgh, Pa. 15230.

Mr. GRAVEL. Mr. President, while concern has been expressed by the Congress, government, and industry, the most important voice—that of the people—is in the making and will come in full force when the impact of our energy situation is felt by them individually.

There is now no doubt that millions of citizens will have to forgo their long-awaited and well-earned family trips this summer. Because of the gasoline shortage they will be spending their vacations at home. While canceling vacation trips will serve as disappointments and inconveniences, the economic suffering will fall upon those depending upon the tourist industry for a livelihood.

The question of whether or not we have an energy shortage has somehow become: "Is the energy shortage a contrived one by the oil industry?"

Mr. President, to try to find a scapegoat for our predicament is not the answer to our energy crisis. A partial solution, however, would be to get the trans-Alaska Pipeline under construction without further delay.

JOHN B. McGILL

Mr. RIBICOFF. Mr. President, John B. McGill is a man held in high esteem in my State of Connecticut.

His name is synonymous with fair play, good sportsmanship, and meaningful education.

John McGill is a teacher in the finest sense of the word. He loves youngsters and has brought to thousands of them guidance and instruction and inspiration, in the classroom and on the athletic field.

John McGill is retiring after more than 33 years of service to education in the Hartford area.

This week the Hartford community honored John McGill with a testimonial dinner, a tribute he much deserves.

I want to join with John's many friends in saying how deeply appreciative we are of the great work he has done for his community and its young people. As a coach, teacher, and administrator, John McGill always gave his all. All of us who have known and worked with him are taking this opportunity to say how grateful we are for all the fine things he has done for us and our children.

Bill Lee, the sports editor of the Hartford Courant, expressed my sentiments about John McGill in a column June 11, 1973.

I ask unanimous consent that Bill Lee's column, "With Malice Toward None," be printed in the Record.

There being no objection, the column was ordered to be printed in the Record, as follows:

With Malice Toward None

(By Bill Lee)

John B. McGill is retiring this month after 33½ years of service to education in the Hartford area.

Sometimes a man teaches with great skill because he relates to young people in a class of mathematics or history or physical science.

Or it may be as a vice-principal with responsibility for discipline or as an instructor in social studies.

A man like John McGill has reached some difficult young men as a coach in some athletic sport. He has been a good teacher in several areas and a competent administrator. Having known this man at close range over a number of years, I cannot imagine him failing in any area of teaching young people what it is all about.

The best of two cities which John served so well, East Hartford in the beginning and later at Weaver and Hartford Public High School, will come together tonight at the Hartford Hilton to give John B. McGill a testimonial dinner he richly deserves.

JOHN M'GILL, MAN TO SALUTE

McGill coached football, baseball and jayvee basketball, worked at the college level during World War II and probably had as much to do with getting boys straightened out as any of his teaching conferees.

In any event he is ending his distinguished career as vice-principal at HPHS. There will be men and women present tonight from every part of Hartford County and even beyond. Husbands and wives have been invited to salute John at a dinner in the Hilton's grand ballroom at 7:45. There will be a social hour from 6:30 to 7:30.

All of John's friends will be welcome, whether fellow staffers in the field of education or not.

A man who has devoted such a large slice of his life to helping others should have a testimonial. I hope John McGill's is one of the best.

DISASTER RELIEF LEGISLATION

Mr. BURDICK. Mr. President, on May 17 the distinguished chairman of the Banking, Housing and Urban Affairs Committee, Senator Sparkman, introduced the administration's proposals to provide for a basic revision of our present disaster relief programs. I was recorded as a cosponsor of the bill, S. 1840. While I find certain portions of S. 1840 to be laudable, I want to make it clear that I in no way intend my cosponsorship of this measure to indicate that I feel that the proposal represents the final answer. Although the legislation has been referred to the Banking, Housing and Urban Affairs Committee where it is now under active consideration, I feel that the Senate Public Works Committee, and its Subcommittee on Disaster Relief, which I chair, will be able to make substantial recommendations as to the final shape of this bill. Already the subcommittee has heard testimony in the efficacy of present disaster laws in Biloxi, Miss., Rapid City, S. Dak., Wilkes-Barre, Pa.; and Elmira-Corning, N.Y. wrap-up sessions are to be scheduled here in Washington.

The evidence presented to the Subcommittee on Disaster Relief, still being studied by the subcommittee members and the Public Works Committee staff, should provide valuable insights into achieving truly effective disaster relief legislation.

IMPOUNDMENT OF WATER POLLUTION FUNDS

Mr. MUSKIE. Mr. President, a few weeks ago, Judge Oliver Gasch of the U.S. District Court for the District of Columbia, in a case brought by the city of New York, held that the President's decision to limit allocation of funds under the 1972 Water Pollution Control Act was unlawful. I inserted that decision in the RECORD on May 9, 1973 at S. 8604.

On June 5, 1973, another Federal District Judge, Judge Robert R. Merhige, Jr., in Richmond, Va., also held that the Administrator of the Environmental Protection Agency abused his statutory discretion by refusing to allot among the States 55 percent of the funding authorized under the 1972 act. Judge Merhige stated:

> Upon the foregoing, the Court is well satisfied that the challenged impoundment policy, by which 55 percent of the allocated funds will be withheld, is a violation of the spirit, intent and letter of the Act and a flagrant abuse of executive discretion.

Mr. President, this and similar litigation is important. The performance of the Environmental Protection Agency must be constantly scrutinized by the public, and the courts must be asked to review this performance. Only in this manner will intent of Congress be upheld and the public interest protected.

Mr. President, I ask unanimous consent that Judge Merhige's memorandum and order in the case Campaign Clean Water, Inc. against Ruckelshaus be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the Eastern District of Virginia, Richmond Division, No: 18-73-R, June 5, 1973]

CAMPAIGN CLEAN WATER, INC. v. WILLIAM D. RUCKELSHAUS, ADMINISTRATOR ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

Campaign Clean Water, an environmental group organized to "promote the ecological and environmental advancement of Virginia," seeks in this action to compel the defendant Administrator of the Environmental Protection Agency (E.P.A.) to allot among the states the full sums authorized to be appropriated by Section 207 of the Federal Water Pollution Control Act, as amended by Public Law 92-500 (the "Act") and to estop him from withholding funds so alloted. Jurisdiction is alleged pursuant to 28 U.S.C. §§ 1331 and 1361. The parties are presently before the Court pursuant to plaintiff's motion for summary judgment and defendant's cross-motion to dismiss. Respective counsel have submitted comprehensive memoranda on the issues raised, and it is upon same that this matter is ready for disposition.

The facts are not in dispute. For preliminary purposes they are as follows: On October 4, 1972 the Congress passed a water pollution bill authorizing appropriations in the amount of $11,000,000,000 for waste treatment plant construction grants for fiscal years 1973 and 1974. The bill was vetoed on October 17, 1972 by the President who stated that he found the measure to be of an "inflationary" nature. The Congress promptly overrode the veto. On November 28, 1972 the Administrator announced that pursuant to the President's direction he was allotting only $5,000,000,000 of the total $11,000,000,000 for treatment plant construction projects for fiscal years 1973 and 1974. It is the Administrator's announced action, which is popularly referred to under the rubric of "impoundment of funds", which is challenged in this suit.

The issues raised are as follows:

1. Whether plaintiff has standing to maintain this action.
2. Whether this action is rendered moot by virtue of *City of New York* v. *Ruckelshaus,* CA No. 2466-72 (D.C. 5/8/73).
3. Whether the defendant is immune from this suit by virtue of the sovereign immunity doctrine.
4. Whether this matter presents a justiciable controversy.
5. Whether, upon the merits, plaintiff is entitled to the relief sought.

These issues will be considered seriatim.

I. Standing

Campaign Clean Water, Inc., as described in the complaint, is a Virginia corporation "organized to promote the ecological and environmental advancement of Virginia. Its officers, directors, and financial contributors include Virginia residents who use the nation's waters for both sport and commercial fishing and for other recreational purposes." The affidavit of the organization's president, Newton H. Ancarrow, indicates that it was created through the efforts of various groups. Included among the founders is the Chesapeake Bay and its tributaries Watermen's Union, whose members derive their income from shellfishing, and among its contributors are the Virginia Beach Innkeepers Association and other individuals who engage in boating and swimming on Virginia's waters and who own waterfront property. They allege that their interests are impaired by the discharge of untreated or inadequately treated sewage from overly burdened waste treatment plans into the waters of Virginia. In particular, it is alleged that individual members of the groups who have formed and contributed to Campaign Clean Water, Inc., have suffered economic injury from contaminated waters caused by sewage discharge from several plants operated by the Hampton Roads Sanitation District. Members of the Chesapeake Bay and its Tributaries Watermen's Union, for example, allege that shellfish beds in the area have been rendered unusable by such contamination. The injuries of the various members of Campaign Clean Water, Inc., are tied to the acts of the defendant by the allegation, supported by a letter from the General Manager of the Hampton Roads Sanitation District, that the withholding of funds will have a disastrous effect on future plans for water treatment plants on Virginia's waters and will thus allow the injury to the plaintiff's interests to continue.

The doctrine of standing, emanating from the case or controversy requirement of Article III of the Constitution and from general principles of judicial administration, seeks to ensure that the plaintiff to an action has "alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the Court so largely depends . . ." *Baker* v. *Carr,* 369 U.S. 186, 204 (1962). Problems of standing in actions against public officials may arise in either of two contexts, depending upon whether the plaintiff relies in this action upon a statute authorizing the invocation of the judicial process. The majority of cases in which the plaintiff relies upon such a statute involves the Administrative Procedure Act (APA) and its language granting the right of review to any party "suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute." 5 U.S.C. § 702. Standing in such cases is available only where the plaintiff has alleged active injury in fact at the hands of the defendant and where the alleged injury was to an interest "arguably within the zone of interests to be protected or regulated" by the statutory requirements to which the plaintiff seeks to compel adherence. *Association of Data Processing Service Organizations, Inc.* v. *Camp,* 397 U.S. 150, 153 (1970). Where the plaintiff does not rely upon a specific statute such as the APA, he still must meet standing requirements which are virtually identical to those imposed by the APA. Specifically, he must allege an actual injury to himself and in addition show that such injury is to an interest that is protected by the legal right which he asserts is violated by the defendants act *Linda R.S.* v. *Richard D.* 41 U.S.L.W. 4371 (March 5, 1973). As the Supreme Court has framed the second aspect, there must be a "logical nexus between the status [of the plaintiff] asserted and the claim sought to be adjudicated." *Flast* v. *Cohen,* 392 U.S. 83,102 (1968).

Although the plaintiff does not invoke the APA in pursuing this claim, the Court is satisfied that the action is one which could have been brought pursuant to that act. See *City of New York* v. *Ruckelshaus,* CA No. 2466-72 (D.D.C., May 8, 1973). Even if it could not, however, the Court's foregoing discussion leads it to conclude that generally the same standards apply as would apply in an APA case. In either case, Campaign Clean Water clearly has standing in this action.

The allegations of the complaint and affidavit indicate that individual members of groups belonging to and contributing to the plaintiff suffer direct, pecuniary injury as a result of waste contamination in Virginia's waters. Such injury is particularized and sets these members apart from the public, in general. Since an organization whose members are injured may represent those members in judicial proceedings. *Sierra Club* v. *Morton,* 405 U.S. 727, 739 (1972); *James River and Kanawha Canal Parks, Inc.* v. *Richmond Metropolitan Authority* C.A. 12-73-R (E.D. VA, May 7, 1973), Campaign Clean Water, Inc., may assert these claims. The fact that the groups representing the individuals injured rather than the individuals themselves are the actual members of Campaign Clean Water is unimportant, since it is the interests of the individual persons that the plaintiff ultimately represents.

The Court further finds that the requisite nexus between the injury and the right asserted exists in this case. The plaintiff by its allegations directly attributes the injury incurred to the inadequacy of waste treatment plants, particularly in the Hampton Roads area. With federal money, new treatment plants will be built and old ones improved, all of which will lessen the existing damage suffered by the plaintiff. Since the plaintiff's assertion is that the defendant is under a duty to release federal funds for waste treatment plants, it is clear that the injury incurred falls within the scope of interests benefited by that duty. Accordingly, Campaign Clean Water, Inc., has standing to pursue this action.

II Mootness

The Court *sua sponte* raises the issue of mootness in view of the recent District Court decision of Judge Oliver Gasch in *City of New York* v. *Ruckelshaus,* CA No. 2466-72 (D.C. 5/8/73). In that action, the plaintiffs, the Cities of New York and Detroit, challenged the refusal of the present defendant to allot the funds appropriated under the Act which are the subject of this action. Judgment was entered for plaintiff. Whether or not the Administrator will appeal that decision is unknown at this time.

The Court has examined Judge Gasch's opinion and concludes that, in light of the relief sought and order entered in that matter, the present action is not moot.

The City of New York sued on behalf of itself and all similarly situated municipalities in the State of New York. The City of Detroit, additionally, was granted leave to intervene as plaintiff. While the relief granted included *inter alia* declaratory and injunctive relief which applies to the whole fund, the Court has some doubts that the present plaintiffs could, in view of the class definition in *City of New York*, properly enforce that judgment as it applies to them.

There is, however, a more compelling reason militating against mootness which, in part, derives from the peculiar nature of the administrative procedures under the Act. While these procedures will be reviewed at length *infra*, for these purposes a brief summary will suffice.

The procedure is as follows:

Section 207 authorizes specific sums of money to be appropriated. The administrator is required by § 205 to allot the sums in accordance with a formula set forth in § 205(a). Once allotted to the states or municipalities contract authority exists up to these amounts. In a second stage, the Administrator reviews grant applications from the states and municipalities to determine whether they satisfy the criteria of § 204 of the Act. Once these plans are approved, a contractual obligation on the part of the United States arises to pay the federal share allocable to the project. In sum, there is a two step process of 1) allotment and 2) expenditure.

The *City of New York* suit challenged only alleged abuses of discretion by the defendant with respect to allotment. Relief with respect to the expenditure stage was neither sought nor granted. This action seeks relief with respect to alleged abuses of discretion or possible abuses of discretion at both stages of the program. For this reason as well, this action is not moot.

III Sovereign immunity

The defendant grounds his motion to dismiss in part upon an asserted application of the "sovereign immunity" doctrine. The gravamen of that doctrine has been stated in *Land* v. *Dollar*, 330 U.S. 731 (1947): a suit is one against the sovereign, and therefore barred, if "[t]he 'essential nature and affect of the proceeding' may be such as to make plain that the judgment sought would expend itself on the public treasury or domain, or interfere with public administration." While the instant matter squarely falls within this definition, it also falls within a well-settled exception to the sovereign immunity doctrine.

Said exception is expressed in *Dugan* v. *Rank*, 372 U.S. 609 (1963), which holds that a suit may be brought against an officer of the United States to challenge an action which allegedly exceeds statutory authority or, if within the scope of authority, is premised upon a power which is unconstitutional. See also *Malone* v. *Bowdoin*, 369 U.S. 643, 647 (1962). One common vehicle for challenging an official's action upon this theory is mandamus jurisdiction, 28 U.S.C. § 1361, which is relied upon here by plaintiff.

The complaint alleges that the defendant has exceeded his statutory authority in impounding funds. If sustained on the merits, plaintiff will come within the above recited exception to the doctrine. Accordingly, at this stage, the Court is satisfied that Campaign Clean Water has carried its burden in overcoming the bar of sovereign immunity.

IV Justiciable case or controversy

The defendant urges that this action does not present a justiciable case or controversy. A two-pronged argument is presented, and the two issues raised thereby will be considered in turn.

A. Ripeness

Defendant contends that this action is premature. The gravamen of that argument is that plaintiff (or those interests it represents) is without claim absent specific denial of funds to proposed projects. Because no proposals have been submitted and rejected, it is argued that the present claim is hypothetical.

Defendant's argument is without merit. Legislative history is probative of the fact that the scheme of allotment followed by obligation was adopted in the Act to facilitate long range planning, a necessary element in the development of water treatment plants. 118 Cong. Rec. H. 2727 (3/29/72); *City of New York*, *supra*. Because funds are allotted on a yearly basis, (Section 207), it appears that those funds not allotted in the appropriate year are forever lost.[1] The failure to allot, therefore, may have a decisive and detrimental impact upon treatment plant development planning. Said impact gives rise in part to the injuries alleged here and satisfies the Court that this action is not premature.

B. Political question

The defendant urges that plaintiff has called upon the Court to decide a "political question," which it is asserted is beyond the proper exercises of federal court jurisdiction. *Colegrove* v. *Green*, 328 U.S. 549 (1946), *Baker* v. *Carr*, 369 U.S. 186 (1962). While the Court is cognizant that the issue raised here has contemporary political overtones, it is satisfied, for reasons that follow, that this matter does not present a political question in the legal sense. The Supreme Court in *Baker* v. *Carr*, 369 U.S. at 217 clarified this distinction and enunciated as well the standard by which political questions may be identified:

It is apparent that several formulations which vary slightly according to the settings in which the questions arise may describe a political question, although each has one or more elements which identify it as essentially a function of the separation of powers. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made, or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

Unless one of these formulations is inextricable from the case at bar, there should be no dismissal for nonjudiciability on the ground of a political question's presence. The doctrine of which we treat is one of "political questions," not one of "political cases." The courts canont reject as "no law suit"' a bona fide controversy as to whether some action denominated "political" exceeds constitutional authority.

In determining whether this action, by reason of the above recited standards, presents a political question, the Court has considered defendant's assertion that "[w]hile spending controls are not 'textually committed' by the Constitution to any of the three departments, it is clearly not a matter for the judiciary. Moreover, the grant of 'executive power' in Article II comes very close to a 'textually demonstrable' commitment of this responsibility to the President." Defendant's brief at 11. Defendant overstates the issue here present: *contra* to defendant's broad assertions, the Court is required to determine whether the specific Act in question mandates spending policies in contravention to those announced by the Administrator. This is a narrow issue and a matter of statutory interpretation. The Court recognizes that this conclusion impliedly makes short shrift of defendant's underlying contention that spending of funds legislatively appropriated is solely within the province of executive discretion. Nevertheless, to support defendant's contention would require the Court to postulate a broad reading of executive power which includes the proposition that the Congress may make funds available for spending or mandate the manner in which they are spent, but may not mandate that they, in fact, be spent. That contention has in essence been firmly rejected in a well-reasoned opinion by Judge Jones in *Local 2677* v. *Phillips*, — F. Supp — (D.D.C. 4/11/73). As Judge Jones noted in language appropriate here, "[t]he defendant really argues that the Constitution confers the discretionary power upon the President to refuse to execute laws passed by Congress with which he disagrees."

More than a century ago the United States Supreme Court laid to rest any contention that the President has the power suggested. See *Kendall* v. *United States*, 37 U.S. 524 (1838), where the Court stated:

To contend, that the obligation imposed on the president to see the laws faithfully executed, implies a power to forbid their execution, is a novel construction of the constitution, and entirely inadmissable. 37 U.S. at 611.

See also *National Automatic Laundry* v. *Shultz*, 443 F2d 689, 695 (D.C. Cir. 1971), holding that "the judicial branch has the function of requiring the executive (or administrative) branch to stay within the limits prescribed by the legislative branch."

Accordingly, the issue before the Court calls for an interpretation of the Act. There is no issue here vis-a-vis "executive power" and in that respect this case does not present a political question. Defendant also urges that there is a "lack of judiciary discoverable and manageable standards for resolving" the questions posed here. The Court disagrees. The Court is not being asked to supervise the operations of the EPA. Solely sought here is declaratory and injunctive relief with respect to the announced policy of impoundment. The standards for fashioning that relief, if appropriate, will be discussed in conjunction with the merits. At this stage, however, the Court fails to discern a political question lurking in the record before it.

V The Merits

Plaintiff essentially challenges the defendant's announced policy with respect to impoundment of allotments and prays as well that the Court retain jurisdiction so as to grant appropriate relief to prevent abuse of discretion with respect to appropriations. The allotment question will be considered first.

A. Allotment

The relevant portions of the Act read *inter alia* as follows:

Allotment

SEC. 205. (a) Sums authorized to be appropriated pursuant to section 207 for each fiscal year beginning after June 30, 1972, shall be allotted by the Administrator not later than the January 1st immediately preceding the beginning of the fiscal year for which authorized, except that the allotment for fiscal year 1973 shall be made not later than 30 days after the date of enactment of the Federal Water Pollution Control Act Amendments

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Footnotes at end of article.

of 1972. Such sums shall be allotted among the States by the Administrator in accordance with regulations promulgated by him, in the ratio that the estimated cost of constructing all needed publicly owned treatment works in each State bears to the estimated cost of construction of all needed publicly owned treatment works in all of the States. For the fiscal years ending June 30, 1973, and June 30, 1974, such ration shall be determined on the basis of table III of House Public Works Committee Print No. 92–50, Allotments for fiscal years which begin after the fiscal year ending June 30, 1974, shall be made only in accordance with a revised cost estimate made and submitted to Congress in accordance with section 516(b) of this Act and only after such revised cost estimate shall have been approved by law specifically enacted hereafter.

Authorization

Sec. 207. There is authorized to be appropriated to carry out this title, other than sections 208 and 209, for the fiscal year ending June 30, 1973, not to exceed $5,000,000,000, for the fiscal year ending June 30, 1974, not to exceed $6,000,000,000, and for the fiscal year ending June 30, 1975, not to exceed $7,000,000,000.

The specific issue is whether the language of § 205, "Sums authorized to be appropriated . . . shall be allotted . . ." allows the discretionary impoundment policy announced by the Administrator. The parties have taken preliminary positions upon the face of the statute. Plaintiff urges that the phrase "*shall* be allotted" proscribes the exercise of discretion announced by the defendant; the Administrator, on the other hand, urges that the language "not to exceed" in section 207 is expressive of the range of discretion built into the Act. See *Housing Authority of San Francisco* v. *United States Department of Housing and Urban Development*, 340 F. Supp. 654 (N.D. Cal. 1972). Because the statute itself gives rise to conflicting interpretations, inquiry directed beyond the precise language is called for.

Defendant urges that legislative history is supportive of his position. Specifically he cites amendment of the language in question by a House-Senate conference committee which deleted the word "all" before the phrase "sums authorized to be appropriated" in § 205 and the addition of the aforementioned phrase "not to exceed" in § 207. With specific reference to § 205 the Court finds the amendment highly significant. Thus, the House bill originally considered read:

"*All* sums authorized to be appropriated . . . shall be allotted by the Administrator . . ." (emphasis supplied).

The amended section reads as amended:

"Sums authorized to be appropriated . . . shall be allotted by the Administrator . . ."

Defendant urges that the only logical interpretation of this amendment is that the Congress did not intend that "all" sums authorized be appropriated, or conversely, that the Administrator was given authority to exercise his discretion in that regard. The views of Congressman Harsha, the House sponsor, are supportive of this view:

"Furthermore, Mr. Speaker, we have emphasized over and over again that if Federal spending must be curtailed, and if such spending cuts must affect water pollution control authorizations, the administration can impound the money.

"I want to point out that the elimination of the word "all" before the word "sums" in section 205(a) and insertion of the phrase "not to exceed" in section 207 was intended to emphasize the President's flexibility to control the rate of spending." Congressional Record, vol. 118, pt. 28, p. 37056.

Yet the Senate sponsor, Senator Muskie, was of the opinion that this "flexibility to control the rate of spending" occurred at the obligation rather than allotment stage:

"Under the amendments proposed by Congressman William Harsha and others, the *authorizations for obligational authority* are "not to exceed" $18 billion over the next 3 years. Also "all" sums authorized to be obligated need not be committed, though they must be allocated. These two provisions were suggested to give the Administration some flexibility concerning the obligation of construction grant funds." *Id.*, at p. 33694 (emphasis added).

This view is itself not inconsistent with other remarks by Congressman Harsha which followed his above recited statement:

"I might add, while this legislation does provide for contract authority, the present administration recommended contract authority in H.R. 18779, the bill I introduced in behalf of the administration some time ago.

"Furthermore, let me point out, the Committee on Public Works is acutely aware that moneys from the highway trust fund have been impounded by the Executive. Expenditures from the highway trust fund are made in accordance with similar contract authority provisions to those in this bill. Obviously expenditures and appropriations in the water pollution control bill could also be controlled. However, there is even more flexibility in this water pollution control bill because we have added "not to exceed" in section 207, as I indicated before.

"Surely, if the administration can impound moneys from the highway trust fund which does not have the flexibility of the language of the water pollution control bill, it can just as rightly control expenditures from the contract authority produced in this legislation by that same means.[2]

"Second, I would like to point out that the Administrator of the Environmental Protection Agency must approve plans, specifications, and estimates. This is the pacing item in the expenditures of funds. It is clearly the understanding of the managers that under these circumstances the Executive can control the rate of expenditures." Id. at p. 37056.

Judge Gasch in *City of New York* concluded from this language and other by-play that, in accordance with Senator Muskie's views, the discretionary elements incorporated into the Act and referred to by the various legislators were meant to apply to executive control over the "rate of spending," but that the rate of spending was to be monitored only at the obligation stage and not by the withholding of allotments.

This Court respectfully declines to adopt this interpretation, primarily because it appears to de-emphasize the syntactical history of Section 205 which shows the purposeful removal of the word "all" from § 205. While the legislative debates lend strength to Judge Gasch's conclusion, the Court, the plaintiff, and, to a limited extent, the defendant, are in agreement that legislative history is in the main unclear, politically charged, and in the Court's view, to some degree based upon suspect constitutional interpretation of the powers of the President.[3] In this context the syntactical history must be given great weight. See generally *Gilbert* v. *General Electric*, 347 F. Supp. 1058 (E.D. Va. 1972). The Court accordingly concludes that the Congress did intend for the executive branch to exercise some discretion with respect to allotments. Plaintiff, in fact, does not seriously dispute this conclusion, but contends that "the Congress could not have intended to give the Administrator the discretion to gut the Act." This latter contention merits close scrutiny.

Legislative history from the time of the veto is especially helpful because the executive's position with regard to the bill passed was framed in the context of its alleged inflationary impact. Accordingly, the issue of just how much was required to be spent under the terms of this legislation was central to the discussion that followed.

The President's veto message with regard to the Act is made perfectly clear in the following language from his veto message:

"Certain provisions of . . . [the bill] confer a measure of spending discretion and flexibility upon the President, and *if forced to administer this legislation I mean to use those provisions to put the brakes on budget-wrecking expenditures as much as possible.*

"But the law would still exact an unfair and unnecessary price from the public. For I am convinced . . . that the pressure for full funding under this bill would be so intense that funds approaching the maximum authorized amount could ultimately be claimed and paid out, no matter what technical controls the bill appears to grant the Executive." Congressional Record, vol. 118, pt. 28, p. 37055 (emphasis added).

Both houses of Congress promptly overrode the veto. Prior to the respective votes, Senator Muskie reiterated the national commitment to clean water,[4] and cognizant of the spending discretion vested by the Act in the President, urged that the large scale policy adopted be reaffirmed by overriding the veto. Congressional Record, vol. 118, p. 28, p. 36871 et seq. Eighty-one jercent of the Senators present voted to overcide.

Representative Harsha, upon resubmission, expressly addressed the alleged inflationary nature of the bill, stating that a large scale water improvement effort was worth the price that might be caused:

"I don't think there is one Member of this body who has not asked his constituents whether or not they were willing to pay the high price to achieve our national environmental goals. I don't think that there is one Member of this body who could report that after such polling, his constituents objected * * *

"* * * [T]he President maintained that a vote to override the veto of the Water Pollution Act Amendments of 1972 was a vote to increase the likelihood of higher taxes. So be it, the public is prepared to pay for it. To say we can't afford this sum of money is to say we can't afford to support life on earth. Id at p. 37056.[5]

The House voted by a margin of 91% of those present to override.

From the above recited history, the Court draws several conclusions:

1) The Congress passed a large scale clean water bill committing the nation to an extensive program to fight pollution. In so doing, the Senate rejected a smaller scale commitment proposed by the administration.

2) The Congress purposefully incorporated provisions in the Act which would allow some degree of spending discretion by the executive. These provisions were motivated in part by a desire to avoid a veto, see Congressional Record, vol. 118, pt. 28, p. 33694, and in part of the assumption of some legislators (notably Rep. Harsha), but not all (notably Senator Muskie), that some funds may be impounded.

3) The President vetoed the bill because of its alleged inflationary impact, notwithstanding his recognition of the discretionary provisions of the bill.

4) The Congress overrode the veto by large margins, reaffirming the massive national commitment to environmental protection and the willingness to incur vast expenses in achieving that commitment.

Upon the foregoing, the Court is well-satisfied that the challenged impoundment policy, by which 55% of the allocated funds will be withheld, is a violation of the spirit, intent and letter of the Act and a flagrant abuse of executive discretion. Accordingly, the Court will enter a declaratory judgment holding that the policy is null and void.

Further relief, however, is not now required. The Court will not and cannot supervise the Administrator in the administration

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Footnotes at end of article.

of the Act. Issuance of an injunction would accordingly be inappropriate. While the Court has no reason to conclude that the defendant will not make a good faith effort to proceed in the allotment of funds in accordance with the letter and spirit of this memorandum, it does note that the plaintiff may at any time move to reopen this matter so as to contest such future actions or lack of actions on the part of the Administrator as they may contend are arbitrary, capricious or violative of the Act as herein enunciated. At this stage, the Court will only require that the defendant report to the Court within ten (10) days of this date such actions as have been taken to conform the administration of the program to the principles enunciated in this memorandum.

B. Appropriations

For the reasons heretofore stated, the Court is satisfied that the defendant may not with propriety adopt policies which contravene the letter and spirit of the Act. However, specific relief with respect to future appropriations at this stage would be premature, especially in view of the expert discretion designed for the appropriations stage. See *City of New York, supra*. For these purposes, the Court concludes that the declaratory relief issued with respect to the allotment stage will place the defendant on notice that a similarly designed and motivated impoundment policy with respect to appropriations would contravene the letter and spirit of the Act.

VI. SCOPE OF RELIEF

In view of the nature of the relief granted, the Court declines to issue same with respect to those interests not represented directly by plaintiffs. To do otherwise would potentially burden the Court and prospective parties with reviewing individual actions of the Administrator which may apply to locations in more appropriate forums. Accordingly, declaratory judgment will be issued only with respect to those interests in Virginia represented by the plaintiff organization. This determination as well precludes further difficulties of class determination and notice not warranted by the nature of the relief given.

An order consistent with this memorandum shall issue.

FOOTNOTES

[1] However, funds allotted for a given year but not obligated may be reallotted the following fiscal year § 205(b) (1).

[2] As Judge Gasch observed in *City of New York*, Con. Harsha's position has itself been rendered suspect by a subsequent Court decision:

"It should be noted that the Court of Appeals for the Eighth Circuit has construed the Federal-Aid Highway Act as requiring obligation of allotted funds, and has thus declared the impoundments referred to by Congressman Harsha to be illegal. *State Highway Commission of Missouri* v. *Volpe*, —— F. 2d ——, Civil No. 72-1512 (8th Cir., April 2, 1973."

[3] See note 2, *supra* (re: highway fund impoundments) and discussion at page 9, *ante* (re: general power of the executive to withhold funds absent congressional authorization.)

[4] Interestingly, the Senate had originally chosen not to pass an administration bill (S. 1013) which would have authorized sums close to those slated for spending under the challenged impoundment policy.

[5] The tenor of these remarks is akin to the remark of Senator Muskie prior to passage of the bill:

"* * * [T]hose who say that raising the amounts of money called for in this legislation may require higher taxes, or that spending this much money may contribute to inflation simply do not understand the language of this [water pollution] crisis.

"The conferees spent hours and days studying the problem of financing the cleanup effort required by this new legislation. The members agreed in the end that a total of $18 billion had to be committed by the Federal Government in 75-percent grants to municipalities during fiscal years 1973-75. That is a great deal of money; but that is how much it will cost to begin to achieve the requirements set forth in the legislation. * * * *

"* * * [T]he conferees are convinced that the level of investment that is authorized is the minimum dose of medicine that will solve the problems we face." Congressional Record, vol. 118, pt. 28, p. 33693 et seq.

Robert R. Merhige, Jr.,
U.S. District Judge.

[In the U.S. District Court for the Eastern District of Virginia, Richmond Division, No. 18-73-R, June 5, 1973]

Campaign Clean Water, Inc. v. William D. Ruckelshaus, Adm., Environmental Protection Agency

ORDER

In accordance with the memorandum this day filed and deeming it just and proper so to do, it is adjudged and ordered that:

1) Upon the Court's own motion, Robert W. Fri, Acting Administrator of the Environmental Protection Agency, shall be, and is hereby, substituted for William D. Ruckelshaus as the proper party defendant.

2) Campaign Clean Water, Inc., is granted leave to proceed in this action on behalf of its members and those similarly situated in the Commonwealth of Virginia.

3) Defendant's motion to dismiss shall be, and the same is hereby, denied.

4) Plaintiff's motion for summary judgment shall be, and the same is hereby granted.

5) It is declared that the announced policy of the Administrator to refuse to allot $6 billion of the designated $11 billion under Section 205 of the Federal Water Pollution Control Act Amendments of 1972, 15 U.S.C. 1251 et seq, for the fiscal years 1973 and 1974 constitutes an abuse of discretion under the authority and powers conferred by the Act. Accordingly, said policy shall be, and the same is hereby, declared null and void.

6) The defendant is directed to report to the Court within ten (10) days of this date those actions taken to conform the administration of the Act to the principles enunciated in the memorandum.

Let the Clerk send a copy of this order and memorandum to counsel of record.

Robert R. Merhige, Jr.,
U.S. District Judge.

S. 707 AND S. 1160—AN ANALYSIS AND COMPARISON

Mr. RIBICOFF. Mr. President, the Subcommittee on Reorganization, Research, and International Organizations and the Consumer Subcommittee have held 5 days of hearings on the Consumer Protection Agency legislation, at which more than 20 witnesses have testified. In addition to these views, the subcommittees have received written comments from several experts on consumer matters and have solicited the opinion of several others, including Prof. Ernest Gellhorn of the University of Virginia Law School. He is a well known and widely respected authority on administrative law.

Recently, I received Professor Gellhorn's views on S. 707 and S. 1160. His analysis reviews the rationale for a consumer advocate and compares the bills on several fundamental issues. While I do not agree with all his conclusions concerning these bills, his analysis is fair and objective, and I commend it to my colleagues' attention. I ask unanimous consent that Professor Gellhorn's letter to me and his views be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

University of Virginia School of Law,
Charlottesville, Va., May 11, 1973.

Re S. 707 and S. 1160, bills to establish a Consumer Protection Agency.

Hon. Abraham Ribicoff,
Chairman, Subcommittee on Reorganization, Research, and International Organizations, of the Committee on Government Operations, U.S. Senate, Washington, D.C.

Dear Senator Ribicoff: In response to the request of Mr. Robert J. Wager, the staff director and general counsel of your subcommittee, I have prepared a comparative analysis of S. 707 and S. 1160 which would establish a Consumer Protection Agency to represent the consumers' interests before federal agencies and other governmental bodies.

Analysis of these bills and the functions of the CPA can operate on several levels. One is a technical comparison of the precise differences between the two bills. This approach would be primarily descriptive. I have not chosen this approach for several reasons. First, a comparison of the major differences between S. 707 and S. 1160 is well served by the description already prepared by the subcommittee staff; mere duplication would be of little benefit. Second, a listing of the differences in most instances clearly identifies the significant approaches of the two bills. Their effect on the CPA often appears obvious. Third, until basic policy approaches are settled, minute differences in style and implementation are of lesser importance.

Another analytical approach would be functional. That is, specific questions raised by the provisions of the two bills could be discussed. Originally, I understood that such an approach was included in my assignment. However, after reviewing the statements offered by several witnesses in recent Subcommittee hearings, I concluded that my comments would only be redundant. I endorse with almost no reservations the thoughtful and careful analysis of the Chairman of the Administrative Conference, the Honorable Antonin Scalia, in his statement submitted on April 5, 1973 (and forwarded to me by Mr. Wager). He has assessed the procedural merits of the two bills in detail; his statement is outstanding and I urge the Subcommittee to consider and generally implement his suggestions. I have two additional comments to pass along in this regard, however. First, I am doubtful that the mere authorization of CPA's participation in other agency proceedings or even of seeking judicial review will have any impact on the standard of judicial review of the host agency's decision. Hence I think the Subcommittee need only note in its supporting report that the grant of authority to the CPA contemplates no change. Second, I do not agree with Mr. Scalia's criticism of the judicial review provisions in § 204(b) of S. 707; and in any case I do not think his proposed change is helpful. The review procedure in § 204(b) merely allows the host agency an opportunity to review its decision in light of a noticed CPA appeal; fairness and efficiency support this courtesy notice. But my main concern is with Mr. Scalia's suggested alteration, which would subject the CPA's standing to appeal "to the same conditions and procedures required of private parties." While the law of standing has been revolutionized and liberalized by the Supreme Court in the past five years, there are nevertheless some twists and turns still applicable to private parties. There is, I suggest, no reason in logic or experience to apply this doctrine to a governmental party such as the CPA. There is no need to assure that the CPA will not involve review courts in frivolous actions, false controversies, etc. The law of standing applicable to private parties generally has not been applied to public parties in the past. Nor does it make much sense to determine CPA's legal interest or to ask whether it has suffered a legal wrong, is a party aggrieved or is adversely affected. Just to state these tests of the law of standing explains their doubtful application to the CPA.

A third approach, and one which I have adopted, would review the foundation and rationale for a consumer advocate as a separate agency, and would measure S. 707 and S. 1160 against this standard. That is, in looking at the major differences between the two bills, I have sought to ask which provision best serves the underlying purpose of establishing an independent CPA. This analysis assumes—as both bills apparently do—that it would be desirable to increase the consumer presence in agency proceedings and that the most effective method for reaching this goal is the establishment of an independent agency with considerable powers of its own. Nevertheless, both bills contemplate that the CPA's major function is that of an advocate before other agencies or during judicial review of other agency decisions. Again this analysis accepts that division of responsibility. The major focus of my comparative analysis, then, is on the following issues: (1) the scope of CPA participation in formal agency proceedings; (2) the scope of CPA participation in informal administrative activities; (3) the CPA's power to invoke judicial review; (4) the CPA's investigative or discovery rights from private persons and other agencies; and (5) the CPA's authority to disclose sensitive data and its treatment of confidential file information. My views are contained in the enclosed memorandum. Despite its length, this memorandum does not attempt to spell out each point in great detail. I shall, however, be happy to supplement this analysis if you desire.

I have not addressed that section of S. 707 establishing a Council of Consumer Advisers or of the program of grants in S. 707 and S. 1160. I have no special information or ideas in these areas.

Finally, I have a specific addition to suggest and that is that the Consumer Protection Agency title in both bills is really a misnomer. The CPA's principal function is to represent the interests of consumers before other Federal agencies and courts. Additional powers are authorized primarily to serve this representative function. Consequently, it would be more accurate to call this office and its administrator the Consumers' Advocate or Representative. Otherwise the public and other agencies are likely to be misled as to the functions and, subsequently, the performance of the agency. A change in title would help avoid any misunderstanding.

I have shown a draft of the attached memorandum to my colleague, Professor Marshall Shapo, a leading scholar in the field of consumer protection. He has authorized me to say that he joins in the substance of the memorandum. While he did not participate in its preparation and he does not seek identification with all its particulars, he is not unsympathetic with its views. If I can be of further assistance to you in your consideration of the establishment of a Consumer Protection Agency, please do not hesitate to call on me.

Sincerely yours,

ERNEST GELLHORN,
Professor of Law.

MEMORANDUM

Re comparative analysis of the major provisions of S. 707 and S. 1160, bills to establish a Consumer Protection Agency.

INTRODUCTION

This memorandum is a comparative analysis of S. 707 (hereafter referred to as the *Ribicoff Bill*) and S. 1160 (hereafter referred to as the *Allen Bill*, which would establish a Consumer Protection Agency (hereafter referred to as the *CPA*) to represent the consumers' interests before Federal agencies and courts. The two bills are strikingly different in outlook and scope. The Allen Bill is the more limited; it would establish a CPA with powers in the Administrator to represent the consumer interest (which, as defined, is generally restricted to matters affecting consumer purchases of products and services) in *formal* rule-making and trial-type proceedings where the issue being decided might affect that interest. Consequently, it does not authorize the CPA extensive powers of investigation, information gathering or release, or judicial review of other agency decisions. The Ribicoff Bill, by contrast, would issue a much broader mandate to the CPA. It would allow intervention as a party in formal agency proceedings to represent the consumers' interests (defined as including any matter affecting consumer health, safety or economic status) and also would permit its participation in *informal* agency processes, as the CPA determines is desirable. Implementing this direction, the Ribicoff Bill authorizes broad subpoena and report powers for the CPA, direct access to confidential documents in other agency files, the power to disclose any information in its possession, and broad rights to seek judicial review. There is, in other words, a wide gulf between these two approaches.

Both bills, however, view the principal function of the CPA similarly. It is to be an advocate before other agencies and sometimes the courts. The CPA is to be an institutionalized consumer representative. Since the consumers' interests are often diverse and discrete, this will require the CPA to be selective. However, its choice will not necessarily be exclusive since other representatives of consumer views may still be able to participate in agency proceedings even though the CPA has intervened (or chosen not to participate).

I. BASIC STRUCTURAL ASSUMPTIONS

Despite their differences, the two bills appear to share certain assumptions about the form and shape which a CPA should take. These are not questioned here (although this is not to suggest that they are irrefutable). It seems useful to identify these structural premises, however, because they provide a framework for the analysis which follows.

Providing a more effective consumer input into governmental decision-making could be achieved in several ways. Each agency with a significant impact on consumer interests could be directed to establish within the agency an office charged with representing the consumer view. Alternatively, private groups representing consumers could be subsidized to participate in agency proceedings (by direct grants, payment of fees and costs, etc.). Or, following the lead of the Legal Services Program of the Office of Economic Opportunity, a government agency could be established to provide free legal representation to consumer groups seeking to participate in agency proceedings affecting their interests.

The Allen and Ribicoff bills reject these alternatives by implication. Instead they propose to create a new administrative agency, the CPA, to act as an advocate for the consumers' interests. The CPA would be an independent agency, thus avoiding the problem raised by intra-agency representation where the consumer representative—a member of the "host" agency's staff—might not be effectively insulated from agency pressures (especially since the host agency would determine his salary, promotions, etc.). Rather than relying on private consumer groups to determine which proceedings deserve consumer representation, the CPA would be in charge of its priorities and determine when such participation should be made and how the consumers' interests should be presented. On the other hand, neither bill establishes the CPA as the exclusive route for representation of consumer views. Each would allow—with some differences noted below—continued consumer input into agency decisions from other sources.

Although the two bills assign different functions to the CPA (consisting primarily of additional assignments in the Ribicoff bill), both assume that the primary focus of the CPA will be to represent the consumer interest in other federal agency proceedings. The CPA is to be an advocate of the consumers' interests. Its assignment is to focus attention of how the host agency's decision will affect the consumers' interests. Such interests are thought to be separately identifiable and often in conflict with the position of the host agency's staff, private respondents or other public parties. In any case, the establishment of a separate, independent advocate would seek to assure that the voice of the consumers' interest would not be supported by the authority of a government agency.

II. RATIONALE FOR A PUBLIC CONSUMER ADVOCATE

The purpose of establishing a consumer advocate is to assure that decisions by government agencies are responsive to consumer needs. Views not adequately presented are likely to go unnoticed and unheeded, particularly where the decisional mold follows the judicial trial format. Consumer interests are often not represented by other participants in agency proceedings. Public agency staffs cannot be relied on to present forcefully the views of consumers separately and distinctly from other interests. When other discrete interests have surfaced and been deemed worthy of separate consideration, their views have been represented by institutional advocates or by other techniques. For example, environmental interests are now forced on agencies by filing an impact statement as required by section 102 of the National Environmental Protection Agency. Minority interests are served by several executive orders, specific legislative commands (e.g., the Civil Rights Act of 1964, as amended) and two agencies (the Civil Rights Commission and the Equal Employment Opportunities Commission). Business interests with a significant economic stake in the proceedings are also present.

The consumers' position is such that without independent representation their interests will go unprotected. Individually their stake in any proceeding is so limited that it would be irrational to expect them to participate. Nor are consumer groups sufficiently funded or broadly-based so as to promote an effective alternative. And agencies are not particularly receptive to consumer attempts to participate—although the barriers to participation are not as difficult to surmount today.

Note, this analysis—and the premises supporting the CPA—does not rest on the narrow view that government agencies or their staffs are insensitive or mean-minded. Rather, it recognizes that their perspectives and decisions are necessarily limited by the information available to them and are affected by available systematic checks and balances. If only a regulated business can appeal or question an agency decision, it seems obvious that the agency decision will be most concerned with business objections. Equally important but unraised concerns of consumers are unlikely to receive the same attention.

The CPA, in other words, seeks to provide a number of potential advantages. CPA participation can provide agencies with another dimension useful in assuring responsive and responsible decisions; it can serve as a safety valve to express consumer views before policies are announced and implemented; it can ease the enforcement of administrative programs relying on public cooperation; and it can satisfy judicial demands that government decisions observe the highest procedural standards. If agency decisions are reached after an opportunity for effective presentation of the consumers' interests, public confidence in the performance of government institutions and in the fairness of administrative hearings might be measurably enhanced.

The conclusion that the consumers' interests should be formally represented is a direct result of increasing intervention by private consumer groups—as representative of the consumers' concerns and interests in agency proceedings. All too often such attempts have been rebuffed by the agencies and these groups have had to battle to establish their "right" to participate. This effort has now generally succeeded, with the aid of the courts, and it is now generally recognized that consumer groups have a legitimate interest to present and should be heard, especially where their views are not otherwise adequately represented and the group can make a substantial contribution to the agency proceedings.

Despite this success at the threshold, private consumer groups have not been particularly successful in capitalizing on their entry. Their resources are limited. The costs of participation are high. It is difficult for them to maintain a constant watch on agency proceedings, to score significant gains in order to assure continued support, to coordinate their efforts, etc. In other words, they have by serious effort opened the way for consumer representation but they have not been able to follow through on these gains.

Administrative agencies are often created to respond to society's felt needs. The constant but not always successful pressure by consumer groups has demonstrated the desirability of separate agency identification of the consumers' interests when making significant decisions. It is also clear that merely opening the way for public participation—as individuals or by organized groups—is inadequate. Hence the need exists to assure such representation by some other means. The environmental and minority group precedents—of "impact" statements or intra-agency equal opportunity officers—suggests that the search for alternative techniques should continue. The CPA is an example of such experimentation. In assuring that the experiment is given a fair opportunity, Congress should neither overburden the agency with assignments unrelated to its immediate task nor fail to authorize the agency sufficient power to perform its task. The legislation creating the CPA, therefore, must be measured by (a) whether the assignment given the agency is central to the agency's primary purpose (presenting the consumers' views before government decisions affecting their interests are made) and (b) whether the authority granted the agency is equal to this task.[1]

III. BASIC ISSUES IN ESTABLISHING A CONSUMER ADVOCATES—CPA

With this background, the specific choices presented by the Allen and Ribicoff bills include: the scope and extent of the CPA's participation in other agency proceedings; the CPA's standing to obtain judicial review for its views; the CPA's authority to order reports and acquire sensitive information from private parties or other government agencies; and the agency's treatment and public disclosure of confidential information within its possession.

A. CPA participation in formal agency proceedings

Both bills recognize the importance of CPA participation in formal agency proceedings—that is, in administrative trial-type proceedings (quasi-judicial proceedings which are the administrative counterpart to judicial trials) and in substantive agency rulemaking (quasi-legislative proceedings which are the administrative counterpart to legislative hearings). Such proceedings often precede significant agency action likely to affect consumer interests. They are also designed to permit participation by formal parties or others seeking to represent discrete views. Thereafter the bills diverge immediately. The Allen bill allows the CPA to "present" its views "as of right" orally or in writing[2] after a timely filing of the CPA's determination and reasons for its participation. The Ribicoff bill is more generous to the CPA, authorizing its intervention in formal proceedings as a party or such other participation as it (the CPA) deems necessary to represent the consumers' interests. The critical difference, then, is in allowing the CPA the choice of intervention as a party and in the manner of presentation of its views.

The Ribicoff bill's approach seems clearly preferable in this instance. If the consumers' interests are to be presented adequately, they deserve full representation. Party representation means a full opportunity to participate in the proceeding including the shaping of the issues, the presenting and testing of evidence, the opportunity to argue the significance of the evidence and the meaning of precedents, etc. Having this authority does not mean it will always or even frequently be used. Without such authority, the CPA could become a supplicant without power to make its voice heard or heeded. No reason supports the Allen bill's second-class status for the CPA. In fact, CPA party status might expedite formal agency proceedings where private interest groups and others might otherwise seek to present the consumers' views; the participation of the CPA with an opportunity for full party status would permit consolidation of consumer representation, thus limiting the number of parties, their briefs and witnesses. Without such powers, however, the CPA might not be in a position to oversee such consumer representation. Thus, CPA participation in formal agency proceedings as a full party or otherwise, as the CPA determines, is consistent with its primary mission and necessary for its adequate representation of the consumer interest.

B. CPA participation in the information administrative process

But many, and perhaps most, agency decisions are not made in the formal administrative process. As a landmark study of administrative agencies concluded a generation ago (Attorney General's Committee on Administrative Procedure, S. Doc. No. 8, 77th Cong., 1st Sess. 35 (1941)), "even where formal procedures are fully available, informal procedures constitute the vast bulk of administrative adjudication and are truly the lifeblood of the administrative process." More recent studies not only reach similar conclusions but they go even farther suggesting that it is in the informal administrative processes that many governmental decisions important to the consumers' interests are made. They also conclude that it is in the informal process where unchecked abuses most readily occur. By their very nature they tend to be unseen; their procedures are unstructured; access is limited to those familiar with the process; and judicial review to assure regularity and fairness is generally unavailable. The informal administrative process not governed by section 553–57 of Title 5 of the United States Code (the Administrative Procedure Act) or not involving a hearing conducted on the record includes such diverse agency activities as: interpretative rulemaking; much substantive rulemaking (e.g., when it is within one of the exceptions enumerated in 5 U.S.C. § 553); tests and inspections (e.g., FDA or Department of Agriculture drug and food testing); agency surveillance of business activity by supervision (e.g., bank regulation); applications and claims (e.g., tax return audits, immigration visas, social security claims); investigation, negotiation and settlement (the unseen work which limits agency need to rely on formal processes). This bare bones outline makes clear that it is in the informal administrative process that effective consumer advocacy could make its most significant contribution.

The approaches of the two bills to CPA participation in this vast area of the informal administrative process is radically different. The Ribicoff bill specifically authorizes the CPA "as of right [to] participate for the purpose of representing the interests of consumers"; such participation must, of course, be "in an orderly manner and without causing undue delay." S. 707, § 203(b). Except for its authorization to the CPA allowing it to request another federal agency to initiate action (S. 1160, § 103(c)), the Allen Bill makes no provision for CPA representation of consumer interests in the informal administrative process. One section of the Allen Bill even goes so far as to provide that the CPA shall not intervene or otherwise participate in this fundamental process (*id.* § 103(g)).

As measured by the standards suggested earlier it seems obvious beyond question that the CPA should be authorized to participate in the informal administrative process. To fail to do so would ultimately frustrate the Congressional will since it is in the informal administrative process that many significant consumer decisions are made and that the consumers viewpoint is most sorely missing. Professor Pitofsky's statement to the Subcommittee that over 90% of Federal Trade Commission activity affecting the consumers' interests falls into the area of informal regulation is most persuasive. One can question, as he does, some of the specifics related to the grant of authority to participate in informal proceedings—e.g., the notice provisions (S. 707, § 205) could prove unduly burdensome if read broadly—but such comments should not divert attention from the principal point: broad representation of the consumers' interests in the informal administrative process is the sine qua non of an effective CPA.

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[1] This memorandum recognizes that many disparate and often contradictory views may be included in the consumers' interests. Such diversity is not unique to consumers, however. The CPA's decision to represent one consumer interest would not be preclusive. That is, the continued opportunity for public participation in agency proceedings will permit others to present their views if not supported by the CPA.

[2] It is not clear whether it is the CPA or the host agency who decides which procedure is permitted. Compare § 103(a) with § 103(b), S. 1160.

C. CPA's right to judicial review

Effective participation in agency proceedings, whether formal or informal, often depends ultimately on access to the courts. The availability and scope of judicial review of administrative action has a direct bearing not only on the matter under review, but also on agency procedures and substantive policies. Judicial review not only legitimates administrative action, it is a procedure for public accountability of the administrative process. And what is most important is not necessarily the actual judicial order. Rather it is the availability of review—the ability to challenge an erroneous or unjustified decision—which may be most effective in assuring that consumer comments are considered and CPA objections are taken into account.

Again a comparison of the Ribicoff and Allen bills suggests the soundness of the former's provisions. It recognizes (S. 707, § 204) the CPA's standing to appeal from the decision of another agency where it participated in that proceeding. Where the CPA did not participate below, such standing to obtain review—and then to participate in the judicial proceeding—is conditioned only on the review court's determination that such review "would be detrimental to the interests of justice"[3] and on filing a petition for reconsideration with the agency if its rules require. In other words, the CPA would have almost unrestricted authority to seek judicial review. This does not mean, of course, that such review would be always (or even frequently) sought. The proper analogy here is to the policeman who walks his beat. His presence is not justified by the number of arrests he makes or crimes he observes being committed. Rather it is his presence which is considered important. Similarly, the opportunity for judicial scrutiny of agency action appealed by the CPA is likely to assure an awareness of the CPA's presence far beyond the actual appeals taken. Judicial review is likely to be effective without numerous appeals or significant burden on the courts (unless agencies prove insensitive to cosumer interests, which seems doubtful).

The Allen bill's provision for judicial review (S. 1160, §§ 103(f),(g)) seems unnecessarily restrictive. It would limit the CPA to a presentation to the court of "relevant information." It could not initiate an appeal, participate as a party, or otherwise make effective use of judicial review to assure that agency action adequately considers the consumers' interests.

Finally, the two bills take different approaches on judicial review of CPA action. The Allen bill would permit judicial review of CPA action which causes anyone "legal wrong." (S. 1160, § 109(d).) While it is doubtful whether this provision could be used actually to impair activities, it would permit legal harassment by providing a basis for interests adversely affected by the CPA's participation to challenge that action in court. This provision is philosophically related to the Allen bill's restrictive definition of the consumers' interests. On the other hand, it is inconsistent with the CPA's primary function of being the consumers' advocate. Finally, adequate restraints on the actions of the CPA are afforded by the rules of practice of the host agency or on judicial review of their actions. For these reasons, the limited review of CPA actions allowed other persons in the Ribicoff bill (S. 707, § 210(e)) appears more consistent with effective CPA representation of consumer interests.

D. CPA authority to obtain information

Just as the ultimate sanction of judicial review may be necessary to assure sympathetic agency reception to CPA presentations, the CPA's authority to acquire information is another predicate necessary to its future operation. Without information the CPA would be impotent to find out when consumer interests are likely to be affected, to determine what data should be presented or to represent consumer interests effectively. Several steps are necessary. The CPA must receive timely notice where practicable, obtain relevant factual information from whatever source, and develop useful data. Agencies should provide the CPA with notice; consumers should direct complaints to the CPA; the CPA should have the same powers for acquiring information available to others appearing before the agency—whether from private or government sources; and, to aid its planning and priorities, the CPA, like other government advocates, should have significant powers of investigation.

Neither the Ribicoff nor the Allen bills satisfactorily meet this standard. The latter is too parsimonious; it denies the CPA any significant powers of investigation and would limit CPA access generally to available written trial data (S. 1160, § 103(a)(1)) or to files in the possession of another agency, but only at the latter's discretion and if the data is not sensitive (*id.* § 106(b)). This is an anomalous standard since even complaining consumers, who the CPA is designed to replace and protect, have greater rights under the Freedom of Information Act. (5 U.S.C. § 552). These provisions in fact seem counterproductive. An uninformed CPA may unnecessarily seek to participate in agency proceedings unaware that its representation is duplicative or unnecessary. An uninformed consumer advocate is unlikely to be an effective spokesman.

The Ribicoff bill generally provides a sound framework, although, on occasion, it leans too much in the other direction. Its provision making host agency file material available to the CPA in the same manner that such material is available to other participants in these proceedings (S. 707, § 203(e)) is practicable and sensible. Likewise, the modest information gathering authority in § 207 seems desirable.[4] On the other hand, the notice provisions of § 205 of the Ribicoff bill seem too all-encompassing; applied literally they would unduly burden other agencies and drown the CPA in a sea of notice. What is needed, rather, is a right in the CPA to request reasonable notice of proposed actions, formal or informal, likely to have a significant impact on consumer interests. Here the language of the Allen bill (S. 1160, § 104) seems preferrable, except that it needs some expansion to include informal actions and timely notice (rather than notice at the time the public is advised, *id.* § 104(a)) should be required. Finally, the CPA's authority to require reports, acquire information and obtain access to other agency files seems unduly complicated. They could be simplified and might prove clearer if some of the standard language of other agency enabling acts were relied on. And they might be properly limited, as Professor Pitofsky's statement urges (in connection with S. 707, § 207), so as not to disrupt or delay unduly other agency proceedings.

E. Public disclosure of sensitive data

The issue of public disclosure of sensitive data is distinct from authorizing the CPA to obtain such material. It would seem that an effective CPA must have the power to obtain information from a variety of sources. There is no one repository; the cheapest, quickest, most efficient sources should be available. And one cannot foretell in advance where such sources will be. (And as noted above, such information has many uses.)

It is, however, unclear to me why the proper and effective operation of the CPA requires that it have special powers to disclose sensitive data (acquired from whatever source). The CPA is to represent the consumers' interest in order to assure that other agency decisions are made only after having received CPA's input. Where such proceedings are public, such presentations should generally be made in open hearings. On the other hand, as Federal Trade Commission hearings have long demonstrated, many techniques are available for allowing *in camera* or other confidential treatment of business secrets and similarly sensitive data. Identifying names or information can be deleted, fictitious names can be supplied, etc. where necessary. The statements of Professor Pitofsky and Mr. Scalia make additional valid points which I will not repeat here. I also question the seemingly different standards stated in the Ribicoff bill regarding public disclosure depending on the source of the information (this is an irrational test in my view since it is usually the information itself and not its location which is significant) and the apparent authorization to the CPA to indicate by implication what are "best buys." (*See* S. 707, § 208(e)(3) prohibiting only express preferences.)

But my basic concern goes much deeper than the particular provisions in the Ribicoff bill governing public disclosure. I would urge that this assignment be reconsidered. What purpose is served by having the CPA make available unevaluated consumer complaints, file information from other agencies or information gathered from private sources? Where such information reveals potential consumer injury from fraudulent securities issues the SEC has jurisdiction, from deceptive sales practices the FTC can act, from dangerous drugs, foods or products the FDA or Consumer Product Safety Commission can respond, etc. CPA's mission is different. It is an advocate, not a quasi-judicial body. And where such information is relevant in other agency proceedings, the disclosure of such information to the public is adequately assured and protected by their procedures (or more appropriately addressed to that forum). Giving the CPA authority to make public disclosures implies some responsibility to do so. Its mandate should not be so diluted. Nor is it likely to have sufficient staff or information to perform this function adequately; its errors could be significant and might reduce the CPA's credibility and effectiveness.

Consequently, I would urge the deletion of the various disclosure provision in the Ribicoff bill (S. 707, §§ 206(c), 208). It might also be desirable to instruct the CPA not to disclose sensitive data except in the course of its participation in other agency proceedings and in accordance with the host agency's rules. Here the provisions of the Allen bill (modified to comport with the other suggestions in this memorandum) seem wholly acceptable.

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[3] While I do not share the concern expressed by John T. Miller, Jr., Chairman of the Administrative Law Section of the American Bar Association, of the dangers of this condition, I agree with him that it is unnecessary; therefore it should be deleted.

[4] As I read Mr. Scalia's objections to § 207, his primary concern is with public disclosure of sensitive data (which is considered in subpart E. *infra*). In any case, I am not in full agreement with his position here. He misconceives the CPA's functions—viewing it solely as an advocate representing obvious consumer interests—and fails to take into account the difference between agency investigations and agency staff discovery during adjudicative proceedings. I think the CPA has a greater need for information than do ordinary parties. It is a government agency with an obligation to plan its program, to establish priorities and to use its resources wisely. In this respect it is like the host agency whose staff prosecutors have limited post-complaint discovery powers, but whose investigative staff can rely on broad investigatory powers in all other respects. (For an illustration of this distinction, *see* All-State Indus. of N.C., FTC Docket 8738 [1967–70 Transfer Binder] Trade Reg. Rep. ¶ 18,103 (FTC 1967).)

CONCLUSION

This evaluation of the Ribicoff and Allen bills focuses attention on whether their provisions are helpful in assuring that the CPA can effectively represent consumers in agency proceedings, formal or informal, likely to have a significant impact on their interests. Thus I have concluded that the CPA should have broad powers of intervention as a party or other participation, in its discretion, in informal as well as formal agency proceedings. In addition, the CPA's access to judicial review should not be restricted. On the other hand, the CPA's mission should not be diluted. Its representation can be impaired if it is asked to pass on product quality or be a clearinghouse for public concern about product performance. That representation can also be reduced if the CPA is not given adequate authority to obtain information, from any source and without regard to its sensitivity. Consequently, it is recommended here that the CPA should have wide authority to acquire information and to use it in representing the consumer interests before other agencies. But that authority should be limited in that the CPA does not need authority to disclose such information or allow public access—nor should it engage in publicity practices. Finally, a more descriptive and accurate title should be assigned the CPA and its Administrator. If labeled the Consumer Advocate or Representative, the public and other agencies would have a better understanding of its functions. Undue expectations followed by harsh disappointments can thereby be minimized or avoided.

ERNEST GELLHORN,
Professor of Law, University of Virginia.
CHARLOTTESVILLE, VA., *May 11, 1973.*

A TIME FOR ACTION

Mr. MONTOYA. Mr. President, the wholesale price index rose 2.1 percent in May, the second largest monthly increase since the Korean war—second only to the rise in March. This rise practically guarantees soaring consumer prices for the second half of 1973, unless action is taken now.

Phase III has been unsuccessful in controlling inflation. It is time to recognize this hard fact and act to meet our current economic crisis. The administration had predicted a slowdown in the rate of inflation under phase III, but we have had intolerable increases instead. The 18.7-percent, 1-year rise in consumer wholesale prices, for example, was the largest yearly increase on record. More of the same is on the horizon: Wholesale prices in general have risen at an annual rate of 23.4 percent over the last 3 months; farm and food prices surged ahead 4.1 percent in the month of May; prices for industrial commodities—the best overall indicator of inflation—rose sharply for the fourth consecutive month.

This inflationary spiral and administrative inaction have created uncertainty and economic disruption both at home and abroad. Inflation psychology is running rampant. Consumers are buying today, before prices go up tomorrow. Businesses are raising prices today in anticipation of a price freeze tomorrow. The economy is accelerating faster and faster. There is fear of a bust. A falling stock market reflects uncertainty at home, while the rising price of gold reflects uneasiness abroad. The value of the dollar continues to fall.

Unfortunately, there are no easy solutions in sight. Cosmetic adjustments to phase III have not worked. The stick in the closet turned out to be a toothpick. Though wage increases through phase III have held the line, profits and prices have gone out of sight. Interest rates are following suit. Now the Federal Reserve Board has raised the prime interest rate to 6.5 percent, the highest level since 1921.

When phase III was initiated, it was feared that the plan could well put people out of work without curbing rising price, resulting in the further weakening of confidence in the dollar. We have witnessed just that. Although unemployment has not increased in the last few months, it has remained fixed at 5 percent. With tightening monetary and fiscal policy, the Nation could experience an increase in unemployment similar to that experienced during the 1969–70 recession.

After two serious bouts with inflation within the past 4 years, we might begin to wonder if the administration has not incorrectly, or at least incompletely, diagnosed the underlying causes of inflation. Apparently, the administration believes that the major cause of inflation is excess demand, that is, too much money chasing too few goods. Under phase III, therefore, the administration has relied primarily on monetary and fiscal policy to combat inflation. Everyone, including the administration, recognizes that supply constraints are a current cause of inflation, shortages existing primarily in foods, lumber, nonferrous metals, and fuels; and everyone now recognizes that the process of "reflation" usually occurs after a recession, that is, a needed adjustment that must occur to restore balance in prices and unemployment in those segments of the economy that are subject to market forces. Much of the food price increase in the past months, for example, may be attributed to the process of reflation.

There are two additional causes of inflation, however, that the administration seems to ignore under phase III: Expectation of continued inflation, and exercise of market power by business management and labor unions. Record price hikes and profit gains imply that business management has been exercising its market power. As prices and profits continue to rise, we might expect unions to demand higher wage settlements. As undesirable and difficult as it might be, the task before us now is to stop excessive inflationary expectations and to mitigate the use of market power and the resultant administrative inflation, as it is sometimes called. This we must do as a nation.

Unfortunately, monetary and fiscal policy is not enough, given the current situation. These Federal policy tools cannot control the use of market power, nor can they allay present inflation psychology. The use of these tools alone failed to curb inflation in 1957 and again in 1969 and succeeded only in slowing down the economy and creating unnecessary unemployment. A new term was even coined to describe the 1969–70 economic situation: "Stagflation."

The administration recognized its failure in rejecting any type of wage-price policy during that round of inflation, or stagflation, and instituted in August of 1971 a 90-day freeze on most wages and prices. But by then, incorrect Federal policy, or at least incomplete Federal policy, had cost the Nation $50 billion in potential gross national product and had forced millions of persons to suffer from unnecessary unemployment.

Under phase III, the administration has repeated the same mistakes. They have again placed the major emphasis on monetary and fiscal policy, relying upon a phantom "stick in the closet" to control powerful market forces. The Nation, perforce, must also retrace its steps. It must again take the bitter medicine of a freeze, this time on prices, wages and salaries, rents, profits, and interest rates.

During this freeze, ground work must be laid for new wage-price guideposts, a new phase II if you will, for a Cost of Living Council with sufficient personnel and authority to do the required job. Setting a time limit on this policy and on this agency is something we need not concern ourselves with, for the threat of administrative inflation will continue to be with us as long as monopolistic and oligopolistic forces are at work in the economy.

It is not as if we are blazing a new and unchartered economic course, however. The Kennedy wage-price guideposts and the Nixon phase II were the pathfinders, and they were successful, particularly when compared to the alternatives. Further, I cannot take seriously those who preach that we are suffering today for the economic "sins" of yesterday, that inflation today is that which would have otherwise occurred during phase such and such. This is the philosophy of the dark ages. It ignores the advancements in man's ability to set his own course, to take preventative action, to take corrective action. It assumes that we are helpless in the face of events. It assumes that "things" must take care of themselves. They might in the long run, but we live in the present. People need jobs today. They need sufficient income to buy necessities today. The economy needs stability today. Why sit idly by and wait for the fates to determine our economic course. We must use our knowledge and our experience to meet the challenge. The Nation must act, and it must act now.

PUBLIC LIBRARY SERVICES AND CONSTRUCTION ACT, TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT, AND TITLE II OF THE HIGHER EDUCATION ACT

Mr. MONTOYA. I want to share with you today a sample letter from a constituent. It could be from any one of the hundreds who have written to me recently on the same subject. It could be from a student in a small school with inadequate library facilities, or from a farmer who is 50 miles from the nearest public library or town. It could be from a teacher in a poverty-pocket area with a need for special library programs, or from a blind woman, or a social worker, or a college freshman.

I chose this letter because it says so simply and clearly what letters from these other people have said. "Dear Senator," it begins—

> Our bookmobile is going to stop. Why? We need it. Yours truly, Peter G., aged 8.

That is all, Mr. President. That says it all. Why? What do I respond to a question like that one? How do you explain to an 8-year-old that America, in 1973, cannot afford money for books, or libraries, or bookmobiles? How do you explain to a college student that a nation which is still losing $12 million fighter planes in Cambodia, in a nonexistent war, cannot afford to spend $176 million to support all the public and school libraries of the United States this year? How do you explain to a blind constituent that the talking-book program he has come to depend on is so successful that the Federal Government has decided to discontinue it?

I can tell all of these people, of course, that money is the problem. That is true. Not many of us here really believe that money is the root of all evil, but few of us would not agree that money is the root of most debate here on this floor.

We may prefer to call it a debate about priorities. That is one of the code words we use to hide what we are talking about. But when we speak of priorities we are really talking about money: How much we have, how much we will spend on which programs, and why. That is a debate the people understand. Every family, every businessman, every giant corporation and every government in the world spends a great deal of time on that debate every day.

And every year for 5 years we Members of Congress have debated the priorities for the library program and the bookmobile Peter G. is asking about. We are now in the midst of the yearly rerun—a congressional version of the summer rerun: The series of money debates which have gone on every spring and summer here on this floor since 1969. Our congressional show has all the dramatic elements of "The Perils of Pauline": a legislative program which provides a service to the people, a threat by the administration to weaken or destroy it, cries for help from the people as they see a program they need in trouble, and a last-minute rescue by a harried Congress.

Most of the arguments in favor of these service programs for the people have been made before and are made again each year. The same needs are illustrated, the same statistics are repeated, and the same conclusions are reached year after year.

This year our summer show has some new factors. This year in their budget proposals the administration has asked us not simply to reduce funds for many of these programs, but to mortally wound them—to terminate them completely.

The group of programs I want to speak about today is one which has now become an "endangered species," Mr. President. It is the group of programs encompassing Federal assistance to public and school libraries and library systems.

For 4 years we have had to fight every summer to retain Federal money for the Library Services and Construction Act and for the library programs funded under title II of the Elementary and Secondary Education Act and title II of the Higher Education Act. We have heard the same debates and we have fought back with some success every year against those who want to stop spending money for books.

No one in Congress, or in the administration, has ever argued that books and libraries are bad, of course. The arguments are usually couched in very elegant and complicated language which boils down to: First, books are important but we cannot afford them; second, books are important but other things are more important; third, books are important but somebody else should pay for them; and fourth, we already have enough books to "get by" until times are better.

We all know what these library programs are, why they are needed, and why they were first legislated. Many of us were here when the original legislation was passed to put them in motion. All three of our library programs were ideas which resulted from long months of testimony as to the needs of the American people and espcially of American children. In 1964 and 1965, when this legislation first passed, one half of the elementary school children of America attended schools without libraries. No textbooks were provided in one-third of the schools of major American cities. Hearings brought out the tragic fact that 27 million Americans had no access to local public libraries and that another 53 million had inadequate or poor service. Rural and poverty areas of the Nation were, in this as in all other services, worst served and least able to provide for themselves on a local or State basis.

Since Federal help for library construction started, 1,864 of the Nation's 12,000 public libraries have been built, remodeled, or expanded. That is almost one-sixth of all our libraries. Services have reached many people who never before had the use of a library or access to books. Twelve percent of the Nation still does not have such service. States have been encouraged to provide matching funds and increases in library services, with results which are rewarding to all of us who worked for so long to achieve this kind of legislation.

More than 66,000 school libraries have received title II aid under ESEA title II. College and university libraries have eagerly absorbed as much library help as they could get, and as a result have developed many of the exciting new library techniques and systems which promise truly modern information services for the years ahead.

The need for these programs is ongoing. We still have a long way to go to reach the day when every American family will have books and library service available on a local basis. But we have made real progress toward that day, and we have begun to locate the areas of real need and to fill those needs. American children still need books in order to learn, and American families still need libraries in order to be informed. Local and State governments have not yet been able to take over the provision of seed money for new programs or ongoing help to maintain service to rural or poverty areas. We know better now what services are most needed and most wanted, and we must find ways to keep those services going.

So our debate today really centers on who can help to pay for those services—or at least for the share which the Federal Government has paid in the past. State and city governments, libraries, schools, colleges, universities—all of these have indicated that the Federal Government must continue to help at least at the present level.

But the administration wants the Federal Government to stop library support.

In 1968 Richard Nixon said—

> America's school, university, research and public libraries . . . are the repositories of the American culture. In a world where knowledge is the key to leadership, a modern progressive library system is a vital national asset.

But 7 months later we began our first struggle to preserve the fledgling library programs funded by Federal money. It was the first run of our own "Perils of the American Library System" show. The first Nixon budget proposal eliminated entirely all funds for books under title II of the ESEA. The American Library Association estimated that if the administration's proposed cuts had been approved 2 million people in low-income and disadvantaged areas would have lost all public library service. Instead, of course, the Congress rescued the programs and authorized $200 million for them—although only $42.5 million was finally appropriated.

Every year since that time we have been over the same territory again, fighting the same fight. But this year it is going to be tougher. This year we were asked to eliminate these programs entirely and finally. Administration spokesmen have stated that the programs are so successful that they no longer need Federal money. They have said that revenue sharing and local and State tax money can be used to continue these "highly successful" programs and to build the new libraries and library systems still needed in so many places.

But, of course, Mr. President, the revenue sharing offer is a tragic trap. States and local communities most in need of the library programs are, of course, those which have the least resources and the most need of revenue sharing and tax money for other things. There is absolutely no evidence to show that revenue sharing will be used to fund or construct libraries except perhaps in the most affluent cities and States. State and local property taxes are needed just to keep existing libraries open and operating on a minimal level. Without increases in State taxes there is no way that special programs for schools or public libraries could continue. So without Federal help there will be no alternative to turning back the clock.

A further serious problem for libraries if Federal support is taken completely away is the continued development of "networking"—that system of information gathering and dispersal which ties libraries within a State and within the Nation together so that modern techniques can miraculously increase library service to every American no matter where he lives or how poor he is. Local funding could not provide for the continued development of this essential modern method, and could not reach across State borders. Regional and multistate programs need backing and leadership at the Federal level if they are to survive.

Perhaps it will help us to consider the basic human values to each citizen. My colleagues must think in terms of their own States. I think in terms of what these *programs* mean to New Mexico.

I have to consider the following facts:

The bookmobile service for 370,000 rural citizens of New Mexico makes 250 monthly community stops and accounts for one-fourth of the public library circulation in my State.

Blind and handicapped New Mexico citizens receive 30,000 talking books and tapes every year.

The hotline service which handles 12,600 inquiries from public, special and academic libraries in New Mexico is vitally needed by people everywhere in my State.

More than 1,200 people participated in library workshops in New Mexico last year, and carried information and new library systems back to their local communities.

New Mexico is in the midst of developing an information system which will die without continued matching support from the Federal Government. The State government has already invested a great deal in that system on the promise of Federal help.

All of these programs will disappear from my State if the Federal support money which helps to make them possible is withdrawn.

On May 8 of this year the Nation's libraries dimmed their lights as a symbolic gesture against the proposal of the administration to eliminate Federal aid to libraries. Librarians and educators everywhere are as bewildered as I am, Mr. President, at the contradiction between the statements of men who speak publicly for the administration and the actions of the men who sit in the Office of Budget and Management with scissors in hand deciding who is going to get what share of the tax money. Little boys like Peter G., who wrote to me, are bewildered. State legislators who have depended on the statements of administration spokesmen are bewildered. I am bewildered and unable to answer their questions.

If it is true that a "modern progressive library system is a vital national asset" and if it is true that the administration is "justly proud of the contributions of LSCA, ESCA title II and HEA title II library programs," then why have they asked each year for less and less money and why have they finally asked for zero funding?

Why are we still discussing this problem? Or rediscussing it?

There is a demonstrated need for libraries and books in the cities and towns and schools of America. Federal money has been used successfully to encourage and stimulate growth of new library systems. There is no other place for public and school libraries to turn for this funding, and no other place for them to look for national leadership in developing national library systems.

I have urged the Appropriations Subcommittee on Labor, Health, Education, and Welfare to consider the restoration of these library funds. I urge your support for these programs. If we cannot provide for this kind of essential need—books—for American citizens, we had better have a pretty good explanation ready for the constituents who, like young Peter G., ask us, "Why?"

NONDEGRADATION

Mr. MUSKIE. Mr. President, yesterday, the U.S. Supreme Court failed to overturn a lower court decision and thus preserved a critical element of the Clean Air Amendments of 1970, the so-called nondegradation provision.

The concept of nondegradation is an essential element to the Nation's clean air effort.

It provides a means to assure that maximum effort will be made to protect air quality from further deterioration.

It requires States to require the best emission control technology available and then take another look to assure that available technology will not result in significant deterioration of air quality.

It provides a means to force development of new, better technology and it provides an interim regulatory mechanism where new source performance standards either do not exist or have not been updated to reflect new control technologies.

Nondegradation imposes a benchmark for State and Federal environmental and planning agencies in making land use decisions, especially siting decisions.

Finally, it establishes firmly that research and development on control technology is to be focused on recycling of pollutants and confined and contained disposal of polluants, and not on ways of putting pollutants into the ambient environment.

Mr. President, for the past 2 years there has been disagreement between the Subcommittee on Air and Water Pollution and the Environmental Protection Agency regarding the control strategy options available for implementing air quality standards. The Supreme Court action should end that disagreement. Proposals by the Environmental Protection Agency to authorize pollution control strategies based on meteorological and climatological conditions, rather than technological options, should now be shelved.

So-called intermittent control strategies which place reliance on wind, rain, and weather—which require fuel changes or plant shutdown where pollution peaks occur—have always been available for pollution alerts, they do not provide for a basis for regulation; they are not enforceable, and they are no substitute for constant emission controls. Clearly, they are inconsistent with a nondegradation policy because such strategies would permit constant deterioration of air quality. Tall stacks, another strategy under consideration in the Agency, is also in fundamental opposition to the Clean Air Act and its nondegradation policy. Tall stacks are but manifestations of the out-of-sight-out-of-mind mentality of earlier times. They shift pollution problems to more and more extensive areas of the biosphere.

Mr. President, the Environmental Protection Agency has been considering proposals to permit intermittent control strategies—so-called closed-loop systems—and tall stacks as substitutes for emission controls. Even though this alternative has been mooted by the Supreme Court actions of yesterday, I believe the public should have an opportunity to review the available documents on this strategy.

I ask unanimous consent that a draft document of intermittent control strategies, tall stacks and associated material be printed in the RECORD. Also, I ask unanimous consent that appropriate sections of the Subcommittee on Air and Water Pollution hearings on the viability, enforceability, and legality of intermittent—closed loop—control strategies be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF WILLIAM H. RODGERS, JR., PROFESSOR OF LAW, UNIVERSITY OF WASHINGTON

(Subcommittee on Air and Water Pollution Hearings, Implementation of Clean Air Act—February 16, 1972)

"The closed loop is a sorry strategy for keeping intact smelting technology that poses unacceptable air pollution risks. It is an excuse for avoiding the emission controls the 1970 amendments mandate. Applied to all industries, it would reduce the air pollution regulatory effort to a sham. It is a lawyers' paradise of uncertainties in meteorological prediction, instrument calibration, reading of ambient data and sorting out of SO_2 sources, which already has bogged down thoroughly State and local agencies."

* * * * *

Senator EAGLETON . . . could the closed loop be considered as a control strategy under the 1970 Act as you read it?

Mr. RODGERS. No. I believe that the Act calls for emission limitations, and I submit that the closed loop is not an emission limitation. I might say further on that, because the industry has worked so closely in their technical activity and their political activity with respect to these standards, the word "closed loop" has become almost a catch word in their presentations. Everyone uses it. Everyone makes the same argument before the different State agencies. As pointed out, basically it is an opportunity to curtail when the weather turns bad. According to their statements, they have been doing that for a century, I think. At least they have been doing that a good part of this century.

Senator EAGLETON. You stated it is not an emission limitation. Could it be considered as a pollution reduction enforcement technique?

Mr. RODGERS. I don't believe so. I think that essentially the problem is that it is unenforceable, and that might be a question put to EPA. I understand that presently in-house there is a draft or at least the agency is considering what might amount to an enforceable closed-loop system as described here. I submit that it is virtually unenforceable.

Senator EAGLETON. How would you apply a compliance schedule to a closed-loop system and how would you monitor it?

Mr. RODGERS. Again it is impossible.

STATEMENT OF BENJAMIN WAKE, ADMINISTRATOR, DIVISION OF ENVIRONMENTAL SCIENCES, MONTANA STATE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES, FEBRUARY 16, 1973

The crux of the petition by the Anaconda Co. and the American Smelting & Refining Co., for less stringent ambient air quality standards and for the destruction of the 90 percent emission control standard is, in my opinion, whether the Government, State, and Federal, will be required to use ambient air quality standards as the determining factor in whether or not pollution controls will be applied at all and the effectiveness of such control devices if they are.

The philosophy of the emission standards, on the other hand, revolves round requiring control in keeping with the "most advanced state of the art" which may, in fact, produce ambient air quality better than demanded by the air quality standards.

In my opinion, the latter is the only acceptable posture for the air pollution control program to assume since developing the program around ambient air quality standards procedures acknowledges that control equipment less effective than is currently available or even may have been the standard operating procedure for years, may not be needed simply to roll back to, or not pollute beyond, the ambient standards.

The ambient air quality approach acknowledges that control facilities may not be required at all to prevent the ambient air quality standards from being exceeded. Adopting the ambient air quality standard philosophy as the primary determination of whether or not control devices will be installed is to permit degradation of air quality that is better than the ambient air quality standard and to require rollback of air dirtier than the standards only to that standard and no more.

The latter, in fact leaves no margin for release of unavoidable emissions from other emission-producing enterprises that may come into the area. Once the ambient air quality standard is reached, there is no way to get—but dirtier.

STATEMENT OF FRANK MILLIKEN, PRESIDENT, KENNECOTT COPPER CORP., FEBRUARY 24, 1972

Senator EAGLETON. Are you going to apply a closed-loop system?

Mr. MILLIKEN. Yes, we will have a closed-loop system for surveillance of our operation so anybody can see what sulfur dioxide concentrations are at numerous places around our properties.

Senator EAGLETON. Who will monitor those?

Mr. MILLIKEN. We will monitor those, but they can be monitored by the States if they wish.

Senator EAGLETON. In a State like Montana, which doesn't have the most expansive budget in the world, is there expected to be a State agent to monitor?

Mr. MILLIKEN. Not if they will take the word of the company's operations, although this stuff will be on computer printout. Of course, you could juggle those if you wanted to, and someone could make that accusation, but we don't expect that to happen.

Senator EAGLETON. You will purchase the monitoring equipment and your employees will do monitoring?

Mr. MILLIKEN. That is right. That is what we propose. If someone wants something different, we will have to listen.

STATEMENT OF CHARLES BARBER, CHAIRMAN, AMERICAN SMELTING & REFINING CO., FEBRUARY 24, 1972

The curtailment of operations that is currently required to implement the intermittent control systems at our copper plants has been costly to us and the mines that ship to us. Copper production at our El Paso smelter was reduced 29 per cent by air pollution curtailment during 1971. We expect, however that by 1974 the need to curtail production, even to meet the federal secondary standards, will be minimal. I say this because, in order to achieve the goal of timely and full compliance with federal ambient standards, Asarco is investing $50 million in sulfur removal facilities at our three copper smelters. These installations will recover more than 50 percent of the process sulfur at each plant.

ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF THE GENERAL COUNSEL,
Washington, D.C., April 30, 1973.

Reply to: Michael A. James, Attorney, Air Quality and Radiation Division.
Subject: Implementation of Section 110 of the Clean Air Act.
To: Joe Padgett, Director, Strategies and Air Standards Division, Office of Air Quality Planning and Standards, OAWP.

MEMORANDUM OF LAW

Facts

Your memorandum of February 27, 1973 to Robert Baum raises several questions involving subjects discussed at the Regional Administrators' meeting on power plants. All of the questions are concerned with EPA's overseeing of State implementation plans.

Question No. 1

If a State has an approved emission regulation which is more stringent than necessary to attain the national standards but refuses to enforce its emission regulation by obtaining compliance schedules from regulated sources, may EPA reject the State emission regulation and promulgate a less restrictive measure that provides for the attainment of ambient air quality standards?

Answer No. 1

Where EPA has approved a State emission regulation as part of an applicable plan and the State does not enforce the regulation, EPA's responsibility under the Clean Air Act is to enforce the approved emission limitation and, in so doing, the Agency must provide for compliance with the approved emission limitation.

Discussion No. 1

It is helpful to begin with a general discussion of EPA's authority and responsibility under §§ 110 and 113 of the Act, since most of the questions raise basic problems of interpretation of those sections. It is important to recognize that we are discussing two separate functions, viz approval/promulgation and enforcement.

EPA's authority to promulgate implementation plan regulations stems from the disapproval of regulations submitted by the State, or by the failure of the State to submit necessary regulations. If State regulations are approved by EPA, the Agency has no authority to promulgate different regulations. Under the law, EPA must approve regulations which are more stringent than those needed to meet the national standards. Once these regulations are approved, there is no authority to promulgate less stringent regulations. This is true even if a State fails to enforce these regulations.

With regard to the second function raised by the questions; i.e. enforcement, EPA is given clear authority to enforce approved implementation plans or plans promulgated by the Administrator. As we have previously pointed out, under § 110(d), for purposes of the Clean Air Act ". . . an applicable implementation plan is the implementation plan, or most recent revision thereof which has been approved under subsection (a) or promulgated under subsection (c) and which implements a national primary or secondary ambient air quality standard in a State." The words "applicable implementation plan" are in this case, words of art. Section 113 authorizes Federal enforcement of an "applicable implementation plan." Accordingly, it is clear that it is only approved or promulgated plans which EPA may enforce.

As you know, the submission by a State with regard to regulations and compliance schedules is really two separate submissions. On one hand, EPA evaluates the emission limitations to make certain that they are sufficient to achieve the national standards. If the degree of reduction is sufficient, that emission standard is approved. Many State plans contain provisions by which they are require to procure a compliance schedule subsequent to the adoption and submission of the emission standard. Failure to obtain the compliance schedules in no way affects the validity of the approved emission regulation. Accordingly, EPA does not have authority to promulgate a different emission regulation. What is left to EPA is the authority to procure compliance schedules which meet the applicable implementation plan, in this case, the emission limitations submitted by the State and approved by EPA.

Question No. 2

When imposing Federal compliance schedules or approving State compliance schedules for sources subject to approved State emission regulations which are more stringent than necessary to attain the national standards, must EPA require compliance with the approved regulation or may it impose or approve instead whatever less stringent requirements are necessary to achieve the national standards?

Answer No. 2

Unless the State revises its approved regulation and obtains EPA approval of that revision, both the State and EPA are bound by the approved regulation when obtaining or approving compliance schedules.

Discussion No. 2

The premise of your second question is that the State has submitted emission limitations which are more stringent than necessary to achieve the national ambient air quality standards. The issue is whether if a State submits a compliance schedule or we have to procure one, can we accept or procure one which will achieve the standards or must we accept or procure one which meets the State emission regulations. This situation is similar to the first one discussed above. The applicable plan contains an emission limitation which is the only guide for the preparation and approval of compliance schedules. Quite aside from the requirements of § 110, a different answer would put EPA in the position of approving or trying to secure a compliance schedule to meet an emission limitation which does not exist, except in EPA files. More specifically, even if it were possible to try to adopt or procure compliance schedules to meet some number less stringent than that approved in the plan, exactly what that number would be in each case would be subject to question and litigation. We should point out that if the State has in fact adopted emission limitations which are more stringent than necessary to meet the national standards, they can submit a plan revision with more lenient requirements if they still conform with the requirements of the Act.

Question No. 3

Is a change in control strategy by a State (e.g. from a firm emission limitation to a system of intermittent control, tall stacks, and/or some other measures) to be considered a plan revision?

Answer No. 3

Yes. This action would constitute a substantive modification of the regulatory scheme which carries out the control strategy to provide for attainment and maintenance of the national standards.

Discussion No. 3

The change in question would involve the regulatory requirements applicable to a source or class of sources. Emission limitation requirements are the most critical parts of any plan and are specifically required to be included in the plan by § 110(a) (2) (B) of the Act. It is axiomatic that a substantive modification of such requirements must be considered a plan revision.

Question No. 4

May States revise an approved plan requirement because of the difficulty or impossibility of sources meeting that requirement? Where a State makes such a determination, may it now apply for an extension of the statutory attainment date for the national standards?

Answer No. 4

A State may revise an implementation plan requirement in the situation described, if the plan as modified will still provide for the attainment of the relevant national standards within the attainment date set forth in the plan approval. If the revision to a plan requirement would necessitate postponing the date specified for attainment of national standards, a revision for that purpose is also possible under the Act so long as the date is as expeditious as practicable and does not extend beyond mid-1975. Either type of revision would have to be approved by EPA.

Discussion No. 4

Where the State, in negotiating compliance schedules with individual sources, determines that compliance with the approved emission regulation by a source or sources will be difficult or impossible by the prescribed compliance date, it may revise its plan with respect to that source or sources. A source may be granted a variance from the initially-applicable compliance date if compliance is required to be as expeditious as practicable (40 CFR 51.15(b)) and the compliance date does not extend past the prescribed attainment date for the national standards. Any extension of compliance past that date would require a postponement under § 110(f) of the Act (40 CFR 51.32(f)).

Alternatively, the State may reassess the control strategy and choose to revise its emission regulations to reflect the non-availability of technology or other control measures (e.g. low sulfur fuels), if the revised regulations will still provide for attainment of the national standard within the prescribed attainment date. The State may also set back the attainment date for a national standard if the new date is no later than mid-1975 and the plan demonstrates that the new date represents attaining the national standard as expeditiously as practicable.

Question No. 5

May EPA approve implementation plan provisions which utilize stack height requirements for emission dispersing in lieu of measures requiring limitation of emissions?

Answer No. 5

As noted in your memorandum, this question is now being considered by the Court in the National Resources Defense Council suit challenging EPA's approval of the Georgia plan, and we feel it is appropriate for us to defer any action on the question until the Court makes a decision.

Discussion No. 5

As you may be aware, a briefing package on the stack height limitation issue is being prepared for the Administrator's consideration.

Question No. 6

Does the Act allow a State revise a plan by acquiring emission regulations adequate to attain the national standards but less stringent than those approved by EPA or to require emission regulations resulting from a reclassification of a region from Priority I to Priority III?

Answer No. 6

Yes, provided the State demonstrates to the Administrator's satisfaction that the less stringent regulations provide for the attainment of the relevant national standards as expeditiously as practicable, but no later than mid-1975. In the case of regional reclassification, the Administrator could approve the recission based on a determination that the controls are not necessary since the national standard (NO_2) is being attained. Where the standard is being attained only marginally, however, recission of all NOx controls may threaten maintenance of the standard and necessitate the Administrator's disapproval of all or part of the recission.

Discussion No. 6

In our view, § 110 did not require States in the preparation of their plans to make faultless judgments with respect to the practicability of controlling sources and attaining the national standards. Reassessments and consequent revisions to plans are approvable by the Administrator so long as the revised plan demonstrates attainment of the national standards as expeditiously as practicable (but no later than mid-1975). As noted in No. 4 above, in the case of individual source compliance schedules (including variances), the source must be required to comply as expeditiously as practicable (40 CFR 51.15(b)). The unavailability of low sulfur fuels is an appropriate factor for consideration in determining the practicability of control, both as applied to individual sources (in compliance schedule development) and to attainment dates.

It should be noted that the Agency is currently engaged in litigation with the Natural Resources Defense Council over the question of relaxation of plan requirements, through either granting of variances or other regulatory revisions. NRDC argues that the only permissible means of postponing plan requirements is pursuant to § 110(f) of the Act, the provision for one-year postponements upon specific findings by the Administrator on the record of a formal hearing.

Proposed Federal Register Notice Recognizing That Tall Stacks and Variable (Intermittent) Control May Be Used for Some Sources To Protect Against Violations of SO_2 NAAQS—Action Memorandum

SYNOPSIS

It is proposed that EPA provide for the use of dispersion enhancement techniques (tall stacks and variable emission or intermittent control systems) in State implementation plans. The attached draft of a Federal Register notice sets forth the conditions under which such techniques may be applied. Their use would be limited to large, existing, remote facilities which cause violations of the SO_2 NAAQS.

DISCUSSION

The air quality standards represent very restrictive targets that provide for the protection of public health and public welfare. In order to meet them in a timely fashion and without unreasonable social disruption, it is necessary to utilize all the techniques available to the air pollution control profession and to constantly seek new techniques that will hasten attainment, and lower the social impact of achieving clean air, yet not sacrifice the integrity nor credibility of the Clean Air Act. Among the technological approaches EPA has been examining for several years are techniques *which take advantage of the capability of the atmosphere to disperse and dilute pollutants.* There are two approaches—increasing the effective height that the emissions take place, i. e., tall, stacks, and managing the rate of emission according to the continually changing dispersive capability of the atmosphere (often called intermittent control or variable emission control). It is now concluded that for a limited number of cases and under carefully controlled conditions, these dispersion enhancement approaches can be added to the techniques available to control air pollution and to meet ground-level ambient air quality standards.

In arriving at this conclusion, it is recognized that *there is value in reducing* the pollution load on the atmosphere by removing emissions rather than relying wholly on dilution techniques to meet air quality standards; therefore, these techniques should be considered only where adequate emission control technology is not readily available or reasonable to apply. Generally, effective and relatively inexpensive techniques are available for the control of particulates and CO, and sources emitting these pollutants are not likely candidates for dispersion enhancement. It should be noted that once effluents leave any source, the natural dispersion and removal processes of the atmosphere dilute the concentrations. All strategies designed to attain national ambient air quality standards take advantage of these processes in some way.

It is also recognized that a dispersion enhancement system must conform to the same tests of reliability, enforceability, and source responsibility that are applied to more conventional air pollution control strategies. Therefore, at this time, techniques to attain standards by enhancing dispersion are being considered only for isolated sources whose impact on air quality is unambiguous and when terrain, meteorology and the source location makes relatively simple the design and enforceability of effective variable emission control systems. This emerging technology cannot presently accommodate systems involving hydrocarbons, oxidant or nitrogen dioxide. Because of the atmospheric reactions involved with these pollutants, the knowledge required to relate emissions from a specific source to air quality throughout the area is simply not available. Similarly, the application of these techniques for any pollutant simultaneously to many sources, especially in or around metropolitan areas, is tenuous and cannot be reliably enforced at this time.

Because variable control systems have been discouraged in the past, data on their reliability is sparse. Recently, however, TVA and ASARCO presented data from three widely separated geographical areas (Kentucky, El Paso and Tacoma) indicating that these approaches can significantly reduce violations of the short-term SO_2 standards. The data are "company" data, but the Tacoma information is generally supported by independent data collected by the Puget Sound APCA. On the basis of these data, and an assessment of the reliability of diffusion modeling and emission reduction techniques, it is now concluded that these techniques may be used by some sources to protect against violations of SO_2 standards as effectively as flue-gas control systems.

The use of techniques to take advantage of the dispersive capability of the atmosphere is subject to inherent uncertainties due to its great and often rapid variability in space and time. Therefore, it seems prudent at this time to discourage their use for attaining primary air quality standards—these that are designed to protect public health. There are three problems that attend the implementation of such a policy. The first problem is that limestone scrubbers are not particularly applicable. If a source must reduce emissions by 40% to meet primary standards, and 80% to meet secondary standards, and no means other than a limestone scrubber are available, then the option to use dispersion enhancement for secondary standards is effectively foreclosed.

The second problem is that emission reduction control methods (cleaner fuel, scrubber, acid plant) may be unavailable, insufficient, or infeasible for meeting the primary 24-hr. standard in some instances. The choice would then be between forcing plant operation curtailment or shutdown, and granting a variance. Dispersion enhancement would be preferable to either of these options.

The third problem is that considerable emphasis has been placed on insuring that dispersion enhancement systems will be designed, operated and enforced so that all air quality standards will be reliably achieved. Since secondary standards will be attained, the less stringent primary standards will simultaneously and reliably be attained. Therefore, the basis for rejecting dispersion enhancement for meeting primary standards no longer exists.

The decision as to whether dispersion enhancement may be used for a particular source is built into the proposed regulations up to the point where no more than 150–200 large, isolated, existing SO_2 sources can qualify for consideration. Although an element of judgment is inescapable when weighting the various inputs to the acceptability decision, the information required by Appendix Q should allow clear decisions in the public interest in most cases. It is inevitable that the limited acceptance of dispersion enhancement will lead to a law suit. One issue in such a suit is the interpretation of the Clean Air Act.

The Clean Air Act states (Sec. 110(a)(2)(B)) that each State Implementation Plan must include "emission limitations, schedules and timetables for compliance with such limitations, and such other measures as may be necessary to insure attainment and maintenance of such primary and secondary standard, including, but not limited to, land use and transportation controls." This requirement, and the words "and such other measures" in particular, may be interpreted in three ways: (1) Emission limitation is the only allowable means of attaining standards; "other measures" are alternative means and procedures for effecting emission limitation; dispersion enhancement is not acceptable, (2) "other measures" refers to measures other than emission limitation (e.g., dispersion enhancement). Such measures are allowable if they are necessary (i.e., if emission limitation sufficient to attain standards is unavailable or impractical), (3) any combination of measures which attain and maintain national standards is acceptable provided emission reduction is included.

The strong emphasis on emission reduction throughout the Clean Air Act (see Sections 111(a)(1), 111(d)(1) and 112(b)(1)(B)) and the benefits of emission reduction over dispersion enhancement lead OAWP to conclude that the third interpretation is environmentally unsound and inconsistent with the intent of Congress. On the other hand, the fact that dispersion enhancement can reduce ground-level concentrations at moderate cost and acceptable reliability while some emission reduction methods for sulfur oxides are expensive, limited in availability, based on emergent technology, and of only moderate efficiency and reliability argues strongly for the inclusion of dispersion enhancement in the array of acceptable control techniques. Consequently, Section 110(a)(2)(B) is interpreted to mean that dispersion enhancement is an "other measure" which may be used when "necessary." This legal interpretation underlies this proposed change in the regulations.

Issues which are expected to arise include:

a. Is it legally and technically possible to limit use of dispersion enhancement techniques to attainment of SO_2 standards by large isolated power plants and smelters? Technically, it is appropriate to confine the use of these techniques to large isolated sources. Responsibility for the violations is easily shown; enforcement is simplified. Nonurban areas allow flexibility in acquiring the large amounts of data necessary to develop and demonstrate the reliability of the procedures. The impact of threats to the standard is more readily assessed. The legal arguments for limiting the use of these procedures are not known. A suit should be anticipated.

b. What other types of industries might desire to apply these procedures? Sulfuric acid plants and zinc and lead smelters are potential candidates for use of these procedures to attain SO_2 standards. If they meet the isolation test and they are located so that the controls needed to meet the standards are infeasible or unavailable, they warrant consideration.

c. Should oil-fired power plants be considered? No. The control technology, de-sulfurized fuel, is prevalent and highly reliable. Further, few, if any, oil-fired plants are isolated. In this regard, EPA will continue to discuss with the concerned firms, the technical, legal and enforceability aspects of the Pioneer Valley, Long Island Lighting Company and General Elecrtic (Lynn, Mass.) proposals.

d. What increase in total emissions of SO_2 should be expected? The change in total emissions should be limited to the increase caused by additional demand for energy placed on existing generating facilities. New sources will come under new source performance standards. Emissions will be managed so that adverse effects on ground-level air quality will be minimized.

RECOMMENDATION

That you approve the enclosed revisions and additions to 40 CFR Part 51.

Appendix Q, description of an Intermittent Control System and Criteria for a Regulation.

This appendix describes procedures to supplement the attainment and maintenance of National Ambient Air Quality Standards for sulfur dioxide by taking advantage of the dispersive capability of the atmosphere. The air quality standards represent very illusive targets that provide for the protection of public health and welfare. In order to meet them in a timely fashion and without unreasonable social disruption, it is necessary to use all the techniques available to the air pollution control profession and to constantly seek new techniques and to reevaluate and upgrade old techniques that will hasten attainment and lower the social impact of enhancing the air environment. Among the technological approaches being examined are systems that more fully use the dispersive capability of the air. It is now concluded that for a limited number of cases and under carefully controlled conditions, procedures which enhance the dispersion of effluents from large isolated existing sources of sulfur dioxide can be added to the techniques available to meet ground-level ambient air quality standards. In making this determination, it is recognized that there is value in reducing the pollution load on the atmosphere by removing emissions rather than relying wholly on enhancing dispersion to meet the air quality standards. It is recognized that continuing and increasing demands for energy place increasing stress on the environment, including the quality of the air, and that even under the best conditions for dispersion, the dispersive capability of the atmosphere may be overwhelmed. Therefore, use of techniques to enhance dispersion can be considered only where adequate emission control technology is not readily available or reasonable to apply.

The statements presented herein are not intended, and should not be construed, to require or encourage State agencies to authorize procedures to enhance the dispersion of sulfur dioxide as a means to attain and maintain air quality standards without considering (1) the frequency and severity of threats to the air quality standards in the vicinity of large, remote sources of sulfur dioxide, (2) the availability and socio-economic cost of emission reduction control technology for the attainment of air quality standards around such sources, (3) the availability of low sulfur fuel, (4) the reliability and enforcement problems associated with dispersion enhancement techniques, and (5) the environmental effects of emissions even though such emissions are sufficiently diluted at ground level to attain air quality standards.

Failure of a State agency to adopt a technique for enhancing dispersion of emissions to attain and maintain National Ambient Air Quality Standards within the time prescribed by the Clean Air Act will not be grounds for rejecting a State implementation plan if the plan provides for attainment and maintenance of the standards. Nor will adoption of such techniques be grounds for the approval of the implementation plan if the national standards are not attained and maintained. In preparing plans which use dispersion enhancement techniques, State agencies should be assured that the plans deal with the particular and unique problems of their own State and that the techniques they approve deal with the problems in a reliable and enforceable manner.

1.0 DEFINITIONS

"Intermittent Control Systems" are designed to meet air quality standards by varying the emission rate with meteorological conditions order to take advantage of the continually changing dispersive capacity of the atmosphere.

"Effective stack height" means the sum of the physical height of the stack above grade and the height the effluent plume rises above the height of this stack top. Under most circumstances, an increase in the effective stack height results in a decrease in the maximum ground-level concentration of the emitted pollutant and an increase in the distance from the source that the maximum concentration is experienced.[1]

2.0 GENERAL CONDITIONS FOR ACCEPTABILITY OF TECHNIQUES TO ENHANCE DISPERSION OF POLLUTANTS

The following general conditions must be satisified before techniques to enhance dispersion of pollutants may be applied to attain and maintain National Ambient Air Quality Standards.

2.1 Emission enhancement techniques may be applied to sulfur dioxide emissions only.

2.2 The existing source of sulfur dioxide emissions must be remote from other sources (e.g., located in an area where the contribution of other sources does not cause contamination of more than 10% of the annual standard.)

2.3 Emission control technology for the source's sulfur dioxide emissions is unavailable, infeasible or insufficient to attain and maintain the National Ambient Air Quality Standards or would result in unreasonable social disruption.

2.4 The technique to enhance dispersion of sulfur dioxide will enable the National Ambient Air Quality Standards to be met in a timely fashion.

2.5 The technique to enhance dispersion will include intermittant control of the emissions and adequate effective stack height. Increasing effective stack height without the application of intermittent control procedures is not an acceptable technique.

2.6 The technique to enhance dispersion must be reliable and enforceable. It must conform to the same tests of reliability, enforceability and source responsibility as are applied to techniques to attain National Ambient Air Quality Standards by the constant, continuous and permanent control of emissions.

3.0 ELEMENTS OF AN INTERMITTENT CONTROL SYSTEM

3.1 Figure 3.1 presents a block diagram of the elements of an intermittent control system and the relationships among them.

3.2 The function of each element follows:

(a) Meteorological inputs. Observations and predictions of the values of meterological parameters required by the operational model to determine the degree of control needed to avoid threats to the air quality standard.

(b) Operation model. An intellectual construct which relates meterological inputs, emission rates, source data and terrain and location factors to current and future ambient air quality in the vicinity of the source.

(c) Schedule emission rate. The emission rate which would result under the currently scheduled processes and levels of operation.

(d) Control decision. Decisions, based on either the model prediction or real-time air quality, whether or not to continue with scheduled processes and their attendant emissions, and if not, how much to curtail the emission rate.

(e) Controlled emissions. The emission rate resulting from the control decision.

(f) Actual meterological conditions. The measures of wind speed, wind direction, stability, mixing height and other weather factors at the time of emission release.

(g) Air quality. Actual ground-level pollutant concentrations and their spatial distribution.

(h) Air quality monitors. An array of SO_2 sampling stations located at the points where maximum ground-level concentrations are most probable to occur, at representative points which are readily accessible to the public, and in sufficient numbers to allow calibration of the diffusion model so that it may accurately interpolate air quality between samplers. A portion of the monitors may be mobile or portable.

(i) Threshold values. Values of SO_2 concentration somewhat below air quality standards and/or rates of change of SO_2 concentrations which serve as indicators of potential violations of the standard. They are selected so that a control decision for emission reduction can be made in sufficient time to prevent air quality standards from being violated.

(j) Data storage. Time phased records of meteorological conditions, emission rate, model prediction, measured air quality and control decisions available for control agency review and model upgrading.

(k) Upgrade model. A periodic evaluation of the model's prediction accuracy and, if possible, a revision of the form or parameters of the model in order to improve that accuracy.

3.3 The intermittent control system described in Figure 3.1 will be seen to consist of three basic operations: control based on air quality prediction, control based on air quality measurement, and periodic model upgrading. Each of these operations is considered necessary to a reliable system, for each performs a valuable function. The operating model is used to predict ground-level pollutant concentration sometime in advance of its potential occurrence, and to interpolate between monitors. The monitored data and threshold values are used to supplement and, if necessary, override decisions based on the model output thus compensating for the less than perfect accuracy of the model. The model upgrade operation is used to convert the tentative initial model into an accurate prediction mechanism tailored to the specific plant and site.

4.0 CRITERIA FOR AN ACCEPTABLE REGULATION AUTHORIZING USE OF TECHNIQUES TO ATTAIN NATIONAL AMBIENT AIR QUALITY STANDARDS BY INTERMITTENT CONTROL SYSTEMS

4.1 This section presents criteria for an acceptable regulation concerning intermittent control systems. The purpose of such a regulation is to ensure that the proposed intermittent control system will enable air quality standards to be attained and maintained, that the system will be reliable and enforceable, and that the necessary elements of the system will be clearly and legally identified.

4.2 An acceptable regulation should:

(a) Authorize approval of each ICS only after reasonable notice and public hearing.

(b) Define air quality violations as:

(1) A single ambient concentration that exceeds the standard at any air quality monitor.

(2) Repeated or consecutive excesses at the same monitor or nonsimultaneous excesses at different monitors are multiple violations.

(3) Non-compliance with stated and agreed upon emission curtailment conditions and procedures.

(c) Permit a source to submit a plan for an ICS only after the source justifies the need for the system. The justification should discuss:

(1) Type and location of facility.

(2) Demographic aspects of the location.

(3) Anticipated growth: population, industrial, urbanization, etc.

(4) Frequency and severity of air quality standard violations.

(5) Availability and reliability of constant control systems.

(6) Economic aspects of constant control methods.

(7) Life expectancy of facility.

(8) Plan for development and demonstration of an ICS.

(9) Other factors pertinent to the facility.

(d) Apply only to those sources which are reasonably remote from other sources of the same pollutant (e.g., in areas where the source will assume full responsibility for observed SO_2 concentrations).

(e) Apply only to those sources which can curtail their emissions at a rate compatible with the advance warning time (of adverse atmospheric dispersion conditions) afforded by the ICS.

(f) If a permit is granted, require periodic rejustification (e.g., 3–5 year intervals) to insure that changes in economic, control, demographic, etc., factors do not warrant change in authorization for the ICS.

(g) Authorize a fee for the permit (funds from which will be used by the control agency for the additional surveillance and enforcement functions created by the intermittent control system).

(h) Require the source to establish, maintain and continuously operate monitors for sensing the rate of emission of the pollutant, air quality and meteorological parameters.

(i) Grant the agency continuous access to all data generated by the source's network of sensors and authority to inspect, test and calibrate all sensors, recorders and other equipment of the monitoring network.

(j) Require the source to notify the control agency when emission curtailment is initiated and when air quality standards are exceeded.

(k) Authorize the control agency to initiate emission curtailment as it seems appropriate; i.e., allow the agency to override the source's operation of the ICS.

(l) Require the source to submit a plan and schedule for implementing an ICS. The plan shall have two parts:

(1) A comprehensive report of a thorough background study which demonstrates the capability to operate an ICS. The report shall describe a study during a period of at least 120 days when air quality standards are frequently or likely to be exceeded which:

(i) Describes the emission monitoring system and the air monitoring network.

(ii) Describes the meteorological sensing network.

(iii) Identifies the frequency, characteristics, times of occurrence, and durations of meteorological conditions associated with high ground-level concentrations.

(iv) Describes the methodology (e.g., dispersion modeling and measured air quality data) by which the source determines the degree of control needed under each meteorological situation.

(v) Describes tests and results of tests to determine optimum procedures and times required to reduce emissions.

(vi) Estimates the frequency that ICS is required to be implemented to attain air quality standards.

(vii) Describes the basis for the estimate.

(viii) Includes data and results of objective reliability tests. "Reliability," as the term is applied here, refers to the ability of the ICS to protect against violations of air quality standards.

(2) An operational manual which:

(i) Specifies and substantiates the number, type, and location of ambient air quality monitors, in-stack monitors, and meteorological instruments needed.

(ii) Identifies the meteorological situations before and/or during which emissions must be reduced to avoid exceeding short-term air quality standards.

(iii) Describes techniques, methods and criteria used to anticipate the onset of meteorological situations associated with the excessive ground-level concentrations.

(iv) Describes the methodology by which the source determines the degree of control needed for each situation.

(v) Identifies specific actions that will be taken to curtail emissions when critical meteorological conditions exist or are predicted to exist and/or when specified air quality levels occur.

(vi) Identifies the company personnel responsible for initiating and supervising such actions.

(vii) Demonstrate that the curtailment program will result in maintenance of short-term and long-term air quality standards.

(viii) Describes the manner by which monitoring data are transmitted to the control agency (in a manner acceptable to the agency).

(ix) Describes a program whereby the source systematically evaluates and improves the reliability of the ICS.

(x) Identifies a responsible and knowledgeable person (and alternate) who can apprise the control agency as to the status of the ICS at any time.

(m) Require the source to submit monthly reports on the ICS, including an analysis of how the system affected air quality and how response to adverse dispersion conditions will be improved.

(n) Require annual review of the ICS by the control agency, and authorize the agency either to impose a fine on the source or to deny its continued use of the ICS if:

(1) The source has not complied with all provisions designed to protect long-term standards.

(2) The source has not developed a control program that is effective in enabling short-term standards to be met.

(3) The source has not demonstrated good faith in operating an effective control program by failing to:

(i) Utilize trained competent personnel.

(ii) Maintain and calibrate the monitoring equipment properly.

(iii) Refine and continuously validate and upgrade the response of the ICS to adverse dispersion conditions.

(iv) Attain annual and short-term standards in the vicinity of the source.

Environmental Protection Agency

[40 CFR Part 51]

REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Notice of proposed rule making

On August 14, 1971 (36 F.R. 15486), the Administrator promulgated as 40 CFR Part 420, regulations for the preparation, adoption, and submittal of State implementation plans under Section 110 of the Clean Air Act, as amended. These regulations were republished November 25, 1971 (36 F.R. 22398), as 40 CFR Part 51. The amendments proposed herein would revise 40 CFR Part 51, Subpart A, § 50.1 and Subpart B, § 50.12, § 50.13. The amendments proposed herein would also revise 40 CFR Part 51 by adding a new Appendix Q and providing additions to existing Appendix B.

The proposed amendments to 40 CFR Part 51 provide for the use of dispersion enhancement techniques in State implementation plans and set forth the conditions under which such techniques may be approvable.

Dispersion enhancement means the release of pollutants into the ambient air such that those pollutants are distributed throughout a larger volume of air and over a larger land area thus reducing the peak and average pollutant concentration at ground level. There are two basic techniques which produce this effect: (1) temporal variation of emission rate based on the dispersive capacity of the atmosphere as indicated by certain predicted and observed meteorological conditions (e.g., wind speed, stability, mixing height), and (2) increasing the height of the effluent plume through increased stack height or increased effluent temperature and/or exit velocity. These two techniques are complementary and should be employed together if dispersion enhancement is used to achieve air quality standards at ground level.

In the past, emphasis has been placed on attaining standards by reducing emissions. Tall stacks and techniques to vary the emission rate based on weather conditions (variable control systems) have not been encouraged. These approaches deliberately take advantage of the capability of the atmosphere to disperse and dilute pollutant concentrations. Because the dispersive capabbility of the atmosphere varies over several orders of magnitude with time and location, the reliability of these techniques compared to reducing emissions continuously has been questioned. The enforcement of regulations that would authorize the use of variable control techniques appears difficult, complicated, less certain and more costly than enforcement of regulations requiring permanent emission rdeuction. In addition, there are clear benefits to society in limiting emissions independent of the achievement of NAAQS. The past position with respect to variable (intermittent) control systems is conveyed in 37 F.R. 10845, May 31, 1972, and specifically in 37 F.R. 15095, July 27, 1972, which states:

"At this time, it (variable control) is not considered an acceptable substitute for permanent control systems for attaining and maintaining national standards. Experience with systems employing intermittent process curtailment indicates that although air quality is improved, violations of ambient air quality standards still occur. Additional experience with these systems may, however, in specific cases improve this reliability.

"(7) All sulfur dioxide emissions are required to be properly captured and vented through a stack. Although this may result in some improvement in air quality, the precise degree of improvement cannot be defined at this time; accordingly, it could not be taken into consideration in determining the total degree of emission control required to attain and maintain national standards."

The acceptability of dispersion enhancement techniques is being reevaluated for three reasons: (1) Recent data for both coal-fired power plants and copper smelters indicate that variable emission control systems can reduce ground-level concentrations to levels below air quality standards with a reliability in some circumstances equivalent to stack gas cleaning devices when such systems are operated in conjunction with adequate stacks, (2) Section 110(a) (2) (B) of the Clean Air Act specifies that other features besides emission reduction may be used to attain air quality standards if such other measures are necessary, (3) the availability cost and threats to other aspects of the environment associated with emission reduction methods for SO_2 are such that other measures (i.e., dispersion enhancement) may be necessary for the timely and cost-effective attainment of air quality standards.

The proposed revisions and amendments to 40 CFR Part 51 restrict the use of dispersion enhancement techniques to isolated sources of SO_2. These restrictions are based on the strong preference for emission reduction in the Clean Air Act [see Sec. 110(a) (2) (B), 111(d) (1) and 112(b) (1) (B)], and on the necessity of relating source emissions to the resultant pollution concentrations in order to reliably operate dispersion enhancement systems. Cost-effective emission reduction control technology is considered by the Administrator to be available for stationary sources of carbon monoxide and particulate matter, so dispersion enhancement is unnecnecessary for control of those pollutants. Source accountability for ground-level concentration of nitrogen dioxide and ozone cannot be estimated with sufficient accuracy for dispersion enhancement techniques to be a reliable means of control for stationary sources of those pollutants. Therefore, dispersion enhancement will be acceptable only for sources of sulfur oxides.

In order for dispersion enhancement to be reliably operated and adequately enforced, the ground-level concentation of sulfur dioxide must be related to the source emission rate. In urban or other areas where many sources may contribute to the observed ground-level concentration, the emission-concentration relationship of any one source is difficult to estimate with sufficient accuracy to alllow reliable emission control or supportable enforcement action in the event that air quality standards are violated. Therefore, dispersion enhancement will be acceptable only for isolated sources which will accept full responsibility for ground-level concentrations of sulfur oxides in their vicinity.

Two additional conditions must be met for dispersion enhancement to be acceptable for nonurban sources of SO_2 emissions: emission enhancement techniques must be *necessary* to attain air quality standards, and the proposed emission enhancement must be technically capable of achieving air quality standards with a reliability consistent with emission reduction methods.

Demonstration of the necessity for omission enhancement will be made if (1) All available and practical emission reduction means have been employed, (2) air quality standards are threatened by the residual emissions, and (3) further emission reduction means are unavailable, infeasible, would result in serious socio-economic disruption, or are impractical for other reasons. The fact that emission reduction may be more costly than dispersion enhancement is not necessarily a sufficient demonstration of the necessity for dispersion enhancement, although cost considerations are clearly germane to this demonstration. For example, oil-fired power plant emissions of sulfur dioxide may be controlled by the use of desulfurized oil. Dispersion enhancement is not necessary for oil-fired power plants even though it may be less expensive than the use of desulfurized oil. On the other hand, the use of limestone scrubbers on coal-fired power plants to achieve short-term air quality standards which are violated less than one percent of the time may be over ten times as costly as variable emission control. It may be no more reliable and may seriously degrade the environment by producing large amounts of liquid and solid waste. Such a case would clearly qualify for consideration of dispersion enhancement. Certain nonferrous smelters may also be candidates for dispersion enhancement control techniques. Acid plants are cost-effective control methods for removal of the majority of sulfur from the emissions of such sources, but this emission reduction may not be sufficient for standard attainment. Further control of ground-level sulfur dioxide concentration using dispersion enhancement may be acceptable in such instances.

The determination of when dispersion enhancement is "necessary" cannot be made with precise objectivity. The problem is to balance the finite value of emission reduction over dispersion enhancement against the additional cost of emission reduction. Unfortunately, neither the effect of sulfur oxide emissions beyond those effects on which national standards are based, nor the value of reducing those effects is quantifiable at this time. Nevertheless, such effects are real and serious. They include contribution to suspended sulfate formation, acidification of soil, streams and lakes, visibility reduction, and increase in the "background" concentration of areas adjacent to the emitting source. The factors which should be considered in assessing the necessity of dispersion enhancement for a particular source include total annual emission after control, cost of alternative control systems (including various combinations of emission reduction and dispersion enhancement), environmental elements at risk, life expectancy of the emitting source, expense which can be borne without shutdown, practice in similar industries or in industries with similar emission problems, priority for limited fuel or control technology, amenability of the source to modification, availability of land for added equipment and fuel storage, etc., any of which may create difficulties that warrant procedures to attain air quality standards by tall stacks and varying emission rates.

An added surveillance burden on control agencies is expected when dispersion enhancement is used. This is due to the fact that dispersion enhancement depends on the prediction of, and response to, continually changing meteorological conditions. It is recommended that any State choosing to allow dispersion enhancement adopt a licensing fee to cover this added surveillance expense.

The intent of these proposed regulation changes is to provide States who have large existing isolated sources of sulfur dioxide emissions another control technique for attaining national ambient air quality standards in a timely fashion and without unreasonable social disruption.

Appendix Q sets forth the conditions under which the technique may be applied, describes a comprehensive variable emission control system, defines the elements of the system and provides criteria for an acceptable regulation which authorizes the implementation, operation and enforcement of a system.

These changes are not intended to:

1. Allow the unnecessary emission of sulfur oxides into the ambient air.
2. Allow dispersion enhancement techniques to displace emission reduction techniques which are available and cost effective.
3. Allow the use of emission control methods that cannot reliably attain national air quality standards.

4. Allow the use of emission control techniques which circumvent or inhibit surveillance and enforcement of air quality standards.

5. Allow dispersion enhancement techniques in areas where there are numerous interacting sources.

6. Allow the use of dispersion enhancement techniques in or near urban areas.

7. Allow the use of dispersion enhancement techniques for pollutants other than sulfur oxides.

8. Require a State to allow dispersion enhancement techniques.

Interested persons may submit written comments on the proposed regulations in triplicate to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, N.C. 27711. All relevant comments postmarked not later than 30 days after publication of this notice will be considered. The regulations, modified as the Administrator deems appropriate after consideration of comments, will be effective upon the date of their republication in the Federal Register.

This notice of proposed rule making is issued under the authority of——.

Revisions to Part 51, Chapter I, Title 40, Code of Federal Regulations

1. Revise the first sentence in paragraph (n), subpart 51.1 to read 51.1 Definitions—

* * * * *

(n) "Control strategy means a combination of emission reduction and such other measures as may be necessary for the attainment and maintenance of a national standard, including, but not limited to, measures such as: * * *

2. Add paragraph (q) to subpart 51.1 as follows: 51.1 Definitions—

* * * * *

(q) "Dispersion enhancement" means the timing of the release of emissions to avoid meteorological conditions conducive to abnormally poor pollutant dispersion, and improvement in stack design and operation in order to increase the effective stack height. Such techniques are generally considered inferior to emission reduction for attainment of national standards, particularly primary standards, and will be acceptable only if emission reduction control technology sufficient to attain national standards in the required time is unavailable or infeasible. The conditions for acceptability of dispersion enhancement techniques are set forth in Appendix Q, provided that Appendix Q to this part is not intended and shall not be construed to require or encourage a State to allow such dispersion enhancement techniques without due consideration of (1) the advantages of emission reduction over dispersion enhancement, (2) the availability and cost of emission reduction control technology, (3) the availability of low sulfur fuel, (4) the relative reliability of dispersion enhancement and emission reduction for achieving and maintaining national standards, (5) the relative difficulty and cost of surveying compliance with regulations governing dispersion enhancement and emission reduction methods.

3. Revise paragraph (a), subpart 51.12 to read—

51.12 Control strategy: General (a) "In any region where existing (measured or estimated) ambient levels of a pollutant exceed the levels specified by an applicable national standard, the plan shall provide for the degree of emission reduction and other measures necessary for attainment and maintenance of such national standard including the degree of emission reduction necessary to offset emission increases that can reasonably be expected to result from projected growth of population, industrial activity, motor vehicle traffic, or other factors that may cause or contribute to an increase in emissions.

4. Revise paragraphs (a), (b) and (e) of subpart 51.13 to read—

51.13 Control strategy: Sulfur oxides and particulate matter. (a) "In any region where existing or projected levels of sulfur oxides or particulate matter exceed a primary standard, the plan shall set forth a control strategy which shall be adjusted for the attainment or maintenance of such primary standard by July 1975.

(b) (1) "In any region where a secondary standard for sulfur oxides can be achieved through the application of reasonably available control technology and dispersion enhancement, "reasonable time" for attainment of such secondary standard pursuant to § 51.10(c) shall not exceed July 1975, unless the State shows that good cause exists for postponing application of such control means.

(b) (2) "In any region where application of reasonably available control technology and dispersion enhancement will not be sufficient for attainment and maintenance of such secondary standard, or where the State shows that good cause exists for postponing the application of such controls, "reasonable time" shall depend on the degree of emission reduction and other measures needed for attainment of such secondary standard and on the social, economic and technological problems involved in carrying out a control strategy adequate for attainment and maintenance of such secondary standard.

(b) (3) "In any region where the control strategy for attainment and maintenance of a secondary standard for sulfur oxides requires or results in extensive fuel switching, "reasonable time" may extend beyond July 1975, provided that the minimization of the demand for substitute fuel through the use of dual-fuel variable control systems has received serious consideration. In establishing a time for attainment of a secondary standard which the State considers reasonable, the following criteria shall be considered:

(i) The nature and prevalence of any adverse effects on the public welfare.

(ii) The value and useful life of existing combustion or control equipment which would need to be replaced as a result of the control strategy.

(iii) The availability and cost of any substitute fuel.

(iv) Other relevant social and economic impacts of the control strategy and pollutant emissions.

(b) (4) "Where the time for attainment of a secondary standard for sulfur oxides established by the State extends beyond Jan. 1, 1978, the State shall submit, after notice and public hearing, a reanalysis of the considerations specified in subparagraphs (b) (2) and (3) of this section at intervals of no more than three years from the date of plan approval by the Administrator. States shall apply reasonable interim emission reduction measures to minimize adverse welfare effects which occur at air quality levels in excess of the secondary standard.

* * * * *

(e) "Adequacy of control strategy.

* * * * *

(4) (i) "If dispersion enhancement is used as part of the control strategy, each source using this technique must be treated separately. It must be shown through a combination of diffusion modeling and air quality sampling that the emission rate control system and emission release characteristics are sufficient to insure that national standards will not be violated at any point significantly influenced by emissions from said source.

(ii) "The plan shall show that each source using dispersion enhancement to achieve national standards is sufficiently isolated from other sources so that observed and calculated pollutant concentrations in the vicinity may be attributed solely to that source. In some exceptional cases, two or more sources located in close proximity to one another may be treated as one source.

(iii) "Other conditions for the acceptability of dispersion enhancement as a control strategy for attainment of national standards are set forth in Appendix Q.

5. Add the following sentence to Appendix B, Part 3.1 at the end of the second paragraph:

Appendix B—Examples of Emission Limitations Attainable with Reasonably Available Technology.

3.1 Fuel combustion.

* * * * *

If these means are unavailable, infeasible, or insufficient to achieve national standards in the required time, then dispersion enhancement techniques, as described in Appendix Q may be considered. * * *

6. Revise Appendix B, Part 3.4 last sentence to read Appendix B—Examples of Emission Limitations Attainable with Reasonably Available Technology.

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3.4 Nonferrous smelters.

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In such cases, less restrictive control can be coupled with restricted operations and or dispersion enhancement techniques to achieve air quality standards.

Staff Paper Intermittent Control Systems

(Prepared by Monitoring and Data Analysis Division, Office of Air Quality Planning and Standards, OAWP, EPA)

April 1973

INTERMITTENT CONTROL SYSTEMS (ICS)

Synopsis

1. The purpose of this paper is to analyze the alternative positions available to EPA on the acceptability of intermittent control systems (ICS) as a strategy element of state plans to protect air quality.

2. An ICS is a system designed to meet air quality standards by taking advantage of the continually changing dispersive capacity of the atmosphere. Through an ICS, emissions are curtailed during poor dispersion conditions to prevent ground-level concentrations from exceeding the standards. As dispersion conditions improve, emissions may be increased accordingly because the effluent will be dispersed through a greater volume. The emission variations are effected through such procedures as fuel switching and process rate variation. An ICS may be contrasted with constant control system (CCS), which reduce emissions by a fixed amount that is dictated by the worst expected dispersion conditions.

3. The past position of EPA has been to discourage the use of ICS because (a) it primarily relies on dispersion rather than emission reduction, (b) its reliability compared to that of CCS is questioned, and (c) enforcement of regulations that would have to accompany an ICS appears to be difficult and costly. The past position is conveyed in 37 F. R. 10845, May 31, 1972, and stated in 37 F. R. 15095, July 27, 1972. " . . . At this time, it (intermittent control) is not considered an acceptable substittue for permanent control system for attaining and maintaining national standards. Experience with systems employing intermittent process curtailment indicates that although air quality is improved, violations of ambient air quality standards still occur. Additional experience with these systems may, however, in specific cases improve their reliability."

4. The EPA position on ICS is being reevaluated because (a) reliable systems are now being demonstrated and (b) constant control technology may not be available for meeting air quality standards, or may be

much more costly than ICS, especially for short-term standards.

5. There are 150–200 facilities (power plants and smelters) whose operators are particularly likely to desire to employ intermittent control systems. These facilities emit one-third or more of the nationwide sulfur dioxide emissions.

6. The issue to be resolved is whether and under what circumstances a control strategy which includes ICS will be acceptable to EPA.

Discussion

1. Theory and operation of ICS.

The two basic methods of reducing ground-level pollutant concentrations are emission reduction and atmospheric dispersion. However, control systems which reduce emissions by cleansing the stack gases rely to some degree on dispersion. Pollutant concentrations in the cleansed stack gases are rarely less than the ambient air quality standards. The amount of CCS needed by a facility to attain ambient air quality standards is based in part on the expected dispersion of the facility's effluent plume by the time it reaches ground level.

The rate of dispersion depends on meteorological conditions (wind speed, mixing height, stability). These conditions vary with time such that the peak ground-level concentration varies over several orders of magnitude even though the emission rate is constant. ICS takes advantage of this natural variation in dispersion potential by adjusting the emission rate in accordance with meteorological conditions so that ground-level pollutant concentrations do not exceed pre-selected values.

Methods of varying the emission rate may be adjustment of the plant's process rate, scheduling of high and low emitting processes to take place during the appropriate weather conditions, or varying fuel quality.

Depending on the circumstances, ICS may or may not reduce the *average* long-term emissions. If plant operation is curtailed during poor dispersion conditions, then it may be increased during good conditions to make up for the lost production. Average emissions would be about the same with or without ICS for this situation. If clean fuel is used to reduce emissions during poor dispersion conditions, then average emissions will be reduced somewhat. If fuel with higher sulfur content is used during good conditions, then average emissions could be greater with ICS. It must be concluded, therefore, that although ICS employs temporary emission limitation, the long-range control method is that of taking advantage of good dispersion rather than emission reduction. The elements of ICS operation are shown in Figure 1.

The estimate of present and future dispersion conditions is based on current and predicted weather conditions. The predicted conditions may be based on observed present weather in the vicinity of the source, on the informed opinion of a meteorologist who interprets the significance of the weather conditions and trends occurring over a wide area, or both. The rate of change of air quality measured by the monitoring network may also provide significant clues to the current and future dispersion conditions. The weather predictions are used as inputs to the operating model. The complexity of the model(s) will vary tremendously with the local terrain, the season, the geographical area; broadly speaking, with the local climate. The complexity is also a function of the characteristics of the source, such as the height of the stack. A tall stack generally enables the model(s) to be simpler (and more reliable) than if a source uses short and multiple stacks.

The models provide data or indications as to whether and how much to vary the emission rate. These data together with a firm understanding of the source's operation, form the basis for an emission control decision. If the model and meteorological predictions were perfect, this would be all that was necessary. No dispersion model or meteorological prediction is perfect, however, so feedback from the air quality monitoring network is used to check and, at times, to override the operating model calculation. There is a time delay between emission and concentration at a monitor so some "lead" or anticipation must be used when controlling on the basis of air quality data. This "lead" has the form of ground-level concentration thresholds somewhat below the standard to be met. When such thresholds are exceeded, emissions must be reduced regardless of the model output.

Data on actual meteorological conditions, monitor readings, emission rate, and predicted concentrations are stored, analyzed, and used to upgrade the operating model. Thus a properly operated ICS should become more reliable with use. (See Tab. 1, Theory and Operation of ICS.)

2. Reliability.

The reliability of an ICS is considered to be a technical rather than a policy matter. In application its reliability is as good as that of some presently acceptable stack gas-cleaning systems.

Further, ICS is a flexible approach. Even while being developed, an ICS possesses a capability to improve air quality once the decision is made to control emissions, although probably not reliably. Experience with the ICS should improve its reliability. A satisfactory level of reliability (i.e., a dependable model) might be expected in 1-2 years. Reliability should eventually approach the reliability of stack gas-cleaning methods by the time such methods could be installed (also 1-2 years). Thus, some benefits are derived from ICS during its development period; none are expected from a CCS until it is placed "on-line."

If dispersion conditions are less favorable during a season or year than expected (based on long term data), the model may be modified or the criteria for control made more stringent. If the necessary efficiency of an installed CCS were determined using weather data collected during an anomolous period, considerable delay and substantial costs may be involved in rectifying the circumstances and enabling the standards to be attained. An ICS system can react to such situations more promptly. Its flexibility enables the operator to respond to the need to attain standards within hours or days rather than months.

Nevertheless, the preferred procedure to attain National Ambient Air Quality Standards (NAAQS) everywhere, always, is to limit emissions on a continuous basis. With a combustion source the most reliable tactic is to burn clean fuels. With a process source, the most reliable tactic is to limit the rate of operation to the level that emissions pose no threat to the NAAQS during the most adverse atmospheric conditions, taking due care that the conditions on which the rate is based are, in fact, most adverse. These approaches are uneconomical for some facilities.

As a consequence, control devices to clean the stack gases are employed on many facilities. Unfortunately such devices do not operate continuously at design efficiency. EPA engineers estimate that an SO_2 flue gas-cleaning device will be inoperative about 15% of the time; 5% for scheduled maintenance and 10% because of malfunctions. The threat to NAAQS created by such outages varies among facilities.

Factors such as these determine the effect of the periods of inoperation: Are the breakdowns weather related, systematic or random? Does the facility operate continuously? Does it terminate operations when the devices are inoperative? If an uncontrolled facility threatens the standards 75 days per year, and control device malfunctions are random, the NAAQS would be violated on about 11 days per year or 3% of the time.

Similarly, if the operators of an ICS err not more than 15% of the time (15% x 75 poor dispersion days=11 days), the ICS will protect the NAAQS as effectively as a CCS.

Data on the effectiveness of ICS are sparse. TVA reports that when the decision to curtail operations was made 18 hours before a curtailment was required to be initiated, 18% of the decisions were in error. However, additional updating procedures are now used and the "go–no go" decision is executed 2 hours before curtailment is required.

Data indicating the effectiveness of ICS systems are available from TVA, the Puget Sound Air Pollution Control Agency and ASARCO.

Source	Period	Number of samplers	Number of violations, NAAOS 24-hr, 0.14 ppm	3-hr, 0.50 ppm
TVA	January 1968–September 1969 (before ICS).	14	8	10
	September 1969–June 1970 (after ICS).	14	0	2
ASARCO	1970	Not stated	3	8
El Paso	1971	do	2	2
ASARCO	1969	5	9	26
Tacoma	1970	5	2	13
	1971	5	0	3
	January–June 1972	5	0	0

Source	Period	Number of samplers	Number of violations 24-hr,[1] 0.10 ppm	1-hr,[1] 0.40 ppm
PSAPCA: Tacoma	1971	Unknown, but at least 9	3	45
	1972		0	19

[1] Note: PSAPCA standards.

The TVA and ASARCO data are reported by them. TVA data are the more objective because a date for inaugurating the ICS was established (Sept. 1969). The ASARCO data indicate an increasing capability to reduce violations of air quality standards at the sites where air quality is monitored by an ICS program. ASARCO has operated ICS programs since 1969 at increasing levels of effort. The Puget Sound APCA data, though based on local standards, indicate an improved reliability of the Tacoma ICS operation.

In summary, an ICS, when properly designed and diligently and conscientiously operated, can be used to attain air quality standards with the same reliability as a CCS. (See Tab 2., Reliability of ICS and CCS.)

3. Enforcement.

For an enforcement system to succeed it must provide an adequate incentive for sources to comply with emission and air quality regulations. Adequate incentive exists if the regulation associated with the ICS (1) provides for adequate control agency surveillance of the source and its impact on air quality, (2) enables the agency to establish liability if air quality or emission standards are violated, and (3) prescribes sufficient penalties to deter a source from allowing such violations to occur.

If the incentives are adequately provided for, the control agency has four basic approaches to enforcement of an ICS:

1. Enforcement on air quality. The source operates the ICS and is held directly responsible for maintaining air quality standards in vicinity of the plant.

2. Enforcement on emissions. The source operates the ICS and is required to vary emissions in accordance with pre-arranged "curtailment criteria." These criteria are specific meteorological conditions or air quality levels at which the source curtails emissions by predetermined amounts.

3. Enforcement on emissions and air quality. This is a combination of the preceding approaches. The source basically operates in accordance with curtailment criteria, but simultaneously is responsible for maintaining air quality.

4. Enforcement by control agency operation of ICS. The agency, on an operational basis, determines when and in what manner the source varies emissions to attain and maintain air quality standards.

When air quality is the basis for enforcement (Approach 1), the source, as a condition for being permitted to use ICS, assumes full responsibility for maintaining the air quality standards. To assure that the standards are maintained, the control agency has access to air quality data on a real-time basis and has access to all air quality sensors to assure that they are operated, maintained, and calibrated properly. Enforcement actions are initiated if air quality standards (or regulations) are exceeded. This approach allows the source the maximum degree of flexibility.

When emissions are the basis for enforcement (Approach 2), the source, as a candidate for being permitted to use ICS, provides the control agency with a set of curtailment criteria. These are meteorological conditions (and occasionally air quality levels) which, in the course of developing the ICS, have been ascertained to be precursors or indicators of the need to limit emissions to avoid air quality violations. The agency requires access to air quality, meteorological and emission data. Enforcement actions are initiated if the source does not properly adjust emissions when conditions meet the curtailment criteria. This approach has the advantage of requiring curtailment even though an air quality sensor is not located in an area where the ground-level contamination is most likely to exceed the air quality standard. It does not require the source to assume responsibility for maintaining air quality standards. Repeated violations of the air quality standards would be corrected only by periodic reviews of the system by the source and agency, at which time revision of the "curtailment criteria" would be in order.

Enforcement on emissions with responsibility to maintain air quality standards (Approach 3) is a combination of the preceding approaches. "Curtailment criteria" are developed and justified to the control agency. Nevertheless, the source is immediately responsible for any violations of air quality standards. This approach entails continuous monitoring of emissions, dispersion conditions and ambient air quality by the control agency. If properly operated, it protects against violations of air quality standards in areas where no sensors are located; against unquantified effects of pollutants (see Tab 4); and provides prompt feed-back to improve the curtailment criteria when the air quality data show the criteria to be inadequate.

Enforcement by control agency operation of the ICS (Approach 4), in essence, requires the agency to operate the facility. The source has no flexibility. It responds to the direction of the agency. This approach is likely too paternalistic and so philosophically divergent from normal economic and industrial practices as to be unacceptable to any source.

Any of the four approaches, due to the relative complexity of an ICS would impose a considerable administrative, surveillance and enforcement burden on a control agency. The burden is compounded if sources are located in rugged terrain, if more than one source is involved, or if sources are not isolated from each other. Particularly troublesome is a multi-source system or system operated where the background levels of contamination exist. Under these circumstances establishing liability for violations is difficult, uncertain and time consuming.

Further, EPA and most State and local control agencies are not staffed to cope with the burden of enforcing the requirements of the CAA in areas where several intermittent control systems are present. If use of ICS is not carefully restricted, the enforcement burden can easily become unmanageable.

A reasonable remedy to the cost of enforcement to the agency would be to require a permit to operate an ICS. The permit fee would be set at a level which would pay for the costs of surveillance and enforcement of the system.

In summary, the problem of enforcing an ICS is a major reason for the reluctance of many to endorse the use of such systems. If ICS is limited to use by single, isolated sources, enforcement appears manageable. If allowed to be applied by multi-sources, in urban areas, enforcement requirements place great demands on the resources of air pollution control agencies, including those of the EPA. Necessary resources might be acquired from fees for permits to use an ICS. Assuming administrative problems are overcome, the preferred approach is to enforce on the basis of emissions and air quality. (See Tab 3., Enforcement.)

4. Legal Position of ICS.

The most important policy decision relating to ICS (and tall stacks) is the interpretation of Section 110(a)(2)(B) of the Clean Air Act. This section requires that the SIPs achieve NAAQS through ". . . emission limitations . . . and such other measures as may be necessary. . . ." This key phrase may be interpreted in two ways. It may be construed to mean that "other measures" may be used only if sufficient emission limitation means are unavailable or infeasible, thus making "other measures" necessary. Or it may be interpreted to mean that any combination of emission limits and "other measures" may be used, provided NAAQS are attained.

Both ICS and tall stacks are "other measures." Both techniques rely on the dispersion of pollutant emissions through a larger volume of air to reduce ground-level concentration. A taller stack does not reduce emissions. ICS reduces emission sometimes, but may increase emissions at other times. The average emissions are reduced only slightly if at all.

If ICS and tall stacks are to be rejected in favor of the more costly emission limitation methods (CCS), and this cannot be done on reliability grounds, then EPA must adopt and defend the interpretation of Sec. 110 that "other measures" may be used only when emission limitation is unavailable and/or infeasible. (See Tab 4., Legal Position of ICS.)

5. Unquantified Effects.

The present ambient air quality standards are first steps towards quantified standards of environmental quality. However, they do not yet include such effects as contribution to background concentration, conversion of SOx to suspend sulfates, acid rain, climatic change, and long-range ecological damage. All these presently unquantifiable effects will be reduced if emissions are limited but not if NAAQS are attained solely by dispersion of the contaminants.

Unquantified effects may also include restrictions on growth, particularly in the vicinity of large point sources which operate an ICS. If the objective is only to attain standards in the vicinity of the source, then the air quality will have been usurped and no other additional facility may be located in the neighborhood of the source. (See Tab 5., Unquantified Effects of Pollutant Emissions.)

6. ICS and the SIPs.

The state implementation plans (SIPs) and EPA procedures for determining their acceptability are primarily based on air quality control through emission reduction. Acceptance of dispersion techniques (viz., ICS) in lieu of emission reduction, in more than a carefully limited number of cases, may require major revisions in the SIPs. Unless considerable care is taken in defining and limiting the situations in which EPA will accept ICS as a control measure, the basic SIP philosophy of control through emission reduction may be undermined.

7. Costs of ICS.

An ICS is not cheap. The costs occur in three areas: Direct installation and operating costs to the source, lost production for the source and lost wages for its employees, and costs for surveillance and enforcement to the public sector.

The direct costs to the source include equipment to monitor emissions, weather and air quality; computer and modeling services; addtiional technical and scientfic personnel; etc. It frequently requires one-year and $300,000 to $400,000 to develop an elementary ICS system and another $100,000 to $150,000 to maintain and operate it.

Lost production may or may not be a serious cost factor depending on whether the method of emission reduction is production curtailment, whether the facility operates at full capacity, whether lost output can be recovered without serious cost penalties, and on lead time for curtailment. ASARCO indicates that they curtailed annual production 30% at one plant. EPA estimates the curtailment may have cost $800,000 to $1,000,000.

The increased cost of surveillance and enforcement may be considerable. It is reasonable to expect the source to defray at least a part of this public expense.

The relative cost of ICS and alternative CCS will vary widely with the particular conditions. TVA data indicates that limestone scrubbers might be 10 times as costly as ICS for meeting short-term SO_2 standards near TVA's power plants. Kennecott estimates that the cost of 90% reduction of sulfur emission by CCS would cost 50% more at their Utah smelter and 350% more at their Nevada smelter than a least cost system which employs a combination of CCS and ICS. (See Tab 6., Cost Effectiveness.)

8. Estimate of Number of Facilities Involved.

There are 379 coal-fired power plants in the U. S., each of which consume more than 50,000 tons of coal annually. About 85–100 of these are located in remote or rural areas and are required by state regulations (as indicated in the SIPs) to reduce the sulfur content of their fuel to 1% or less. These plants currently emit about 13% of the sulfur dioxide emitted nationwide. If the critical sulfur content of the fuel is 2%, the number of such facilities rises to 150–200. Nationwide they emit about 26–28% of the Nation's sulfur dioxide.

Most of the country's 16 copper smelters, because of their sites, the magnitude of their emissions and their inability to control their sulfur dioxide emissions sufficiently, threaten the MAAQS. Currently, they emit 3.5 million tons of SO_2 annually.

In summary, 100–115 facilities probably will apply for permission to meet SO_2 NAAQS by ICS. Another 85–100 facilities, making a total of about 200, *are likely* to apply because of state limitations on the sulfur content of the fuel. These 200 plants emit one-third or more of the nationwide emissions of sulfur dioxide. (See Tab 7., Number of Facilities which may Employ ICS.)

9. Self-Retirement Factor.

An Intermittent Control System, though currently cost-effective in many situations, over a period tends to be self-retiring. As constant control systems increase in reliability, and decrease in costs, the differences between the ICS and CCS cost-benefits decrease. The ICS is an inconvenience to the operator. Costs of idled workers, equipment, stock piling of raw or partially processed materials add a "harassment" aspect to the operation of the ICS. It is reasonable to anticipate that it eventually will become less attractive as a control tactic for many sources and some source categories.

10. Pollutant.

The availability and cost-effectiveness of control methods vary with the pollutant. Relatively inexpensive and very efficient COS is available to control particulate matter emissions from point sources. Similarly, cost-effective controls for CO from stationary sources are available. Therefore, ICS is not necessary for the control of these pollutants. The very high percentage of NO_x and HC emissions from mobile sources and atmospheric chemistry considerations make these two pollutants poor candidates for ICS. On the other hand, control techniques for SO_x emitted from combustion sources are expensive, supplies of low sulfur fuel are inadequate, and methods to cleanse SO_2 from exhaust gases are not very efficient. Non-ferrous smelters emit greater amounts of SO_2, much of which can be captured at reasonable costs. However, in some situations and in some locations, sufficient amounts of SO_2 would still be emitted to threaten NAAQS.

In summary, of these pollutants, ICS is warranted as a control tactic only for SO_2.

11. Source Size.

The cost of monitors, modeling and enforcement limit the use of ICS to large sources. Only if these services are provided by the control agency will it be feasible for small sources to use an ICS.

12. Source Isolation.

The contribution of a source's emissions to the observed ground-level concentration is a vital factor in the development, operation, upgrading and enforcement of an ICS (see Fig. 1). If a source is sufficiently isolated, and the pollutant of concern is SO_2, it can be assumed that all of the observed ground-level concentrations in the vicinity of the source are due to the source. The development, improvement and enforcement of the ICS can be straightforward, unambiguous, and reasonably objective. If a group of sources is isolated and *a priori* agreement can be obtained on the division of liability among the sources, then such isolated clusters may be treated as one isolated source. Sources located in or near urban areas, where some contribution to the ground-level concentration may result from several or many smaller sources, pose severe technical and enforcement difficulties.

The use of an ICS should be limited to isolated sources of SO_2. Otherwise, difficulties in developing, upgrading, enforcing and assessing liabilities may be created which increase costs and jeopardize attainment and enforcement of the NAAQS. A criteria for isolation might be that an ICS be approved for a source only if it were located in an area where contributions from other sources to ground-level contamination do not exceed 10% of the annual NAAQS.

Options for acceptability of ICS

There are three broad options as to the acceptability of ICS for existing sources: always, never, and sometimes.

In all cases the option refers to a proposed use of ICS that is technically capable of meeting air quality standards with a reliability equivalent to acceptable CCS, legally enforceable, and acceptable to the state agency. These technical and enforcement conditions will severely limit the number of proposals for ICS use.

The policy options cover the likely cases where ICS would be economically attractive to a source *and* could meet EPA requirements for reliability and enforcement. Such cases would primarily be large, nonurban-sources of SO_X.

Option 1: Accept ICS for any existing source or pollutant if the proposed control system is technically sound and legally enforceable for meeting AAQS.

Pro:

(a) The cost of meeting NAAQS will be lowered.

(b) The demand for low sulfur fuel will be lowered.

(c) Large sources will be able to respond flexibly to changes in NAAQS and to extreme meteorological conditions.

(d) NAAQS will be attained sooner.

(e) Legal support for this option may be found in Sec. 110(a)(2)(B) of the Clean Air Act in the words ". . . and such other measures as may be necessary to insure attainment and maintenance of such primary or secondary standard . . ."

Con:

(a) This option is the most difficult to legally defend.

(b) Annual emissions from sources using ICS would not necessarily be reduced and may even increase in some cases.

(c) The SIP preparation and approval process will be seriously upset by this option.

(d) Both growth and degradation problems will be increased.

(e) State and federal resources for plan evaluation and enforcement will be strained.

(f) The potential benefits of ICS may not be realized due to over-taxed surveillance resources.

(g) Available and economically reasonable CCS will not be used in some cases due to the lower cost of ICS. This is especially true of particulates.

Option 2: Reject ICS. Accept only CCS. Allow compliance delay until 1977 if necessary for development of CCS.

Pro:

(a) This option is the most legally defensible.

(b) This is consistent with past policy that NAAQS are to be met by permanent emission reduction.

(c) ICS may be used under this option as an *interim* control measure in accordance with Sec. 110(f)(1)(c).

(d) No revision of SIPs is required.

(e) No extra burden is placed on surveillance and enforcement resources.

(f) Pollutant emissions are minimized.

Con:

(a) The cost of meeting NAAQS will be highest under this option.

(b) The demand for low sulfur fuel will remain high.

(c) Little flexibility will be available to sources to respond to changes in air quality standards or exceptionally poor dispersion.

(d) Attainment of NAAQS will be delayed.

(e) The position of EPA will be inflexible. In some instances prohibitively expensive CCS or permanent production curtailment will be the only available control options.

Option 3: Accept ICS only under certain conditions.

Discussion: Three suboptions are presented below. Each suboption is a method of separating acceptable from unacceptable uses of ICS *in addition* to the requirements that ICS be reliable and enforceable.

Suboption 3a:

Require available control technology to be applied. Allow ICS if available technology is insufficient to achieve air quality standards. Require replacement of ICS by CCS when new technology becomes available.

Pro:

(a) Minimum deviation from past policy.

(b) Relatively easy to defend legally. ICS may be used when *necessary* to meet NAAQS (Sec. 110(a)(2)(b)).

(c) Minimum revisions of SIPs required.

(d) Minimum burden on surveillance resources.

(e) Minimum relaxation of emission reduction requirements.

(f) An alternative to permanent plant operation curtailment is available if the CCS is insufficient to achieve air quality standards.

Con:

(a) Permanent controls may be technically available but economically impossible. In such cases EPA would be put in the position of forcing partial or total plant operation curtailment while withholding an effective and economically viable control method.

(b) ICS may be much more cost-effective than any CCS, particularly where short-term NAAQS are violated only a few days or hours per year. EPA would be put in a position of defending an economically irrational policy.

Suboption 3b:

Allow ICS only for attainment of secondary NAAQS. Require CCS for the attainment and maintenance of primary NAAQS.

Pro:

(a) ICS is more subjective in design than CCS and in some cases may be less reliable than the best CCS. Its use should be prevented when health-related standards are involved.

(b) This option provides a clear-cut criteria for the acceptance or rejection of ICS.

Con:

(a) ICS, when properly designed and conscientiously operated, can be as reliable as stack-gas cleaning methods which are acceptable for the attainment of primary standards.

(b) The cost of meeting NAAQS is high under this option.

(c) The demand for low sulfur fuel will remain high.

(d) Attainment of NAAQS may be delayed.

(e) The position of EPA will be inflexible. In some instances prohibitively expensive CCS or permanent production curtailment will be the only available control options for meeting the primary standard.

Suboption 3c:

Determine the acceptability of ICS on a case-by-case basis. Base the decision on the availability and cost and expected emissions of alternative control systems, the expected life of the plant, the frequency and severity of pollution due to the plant and any other relevant factors. Review the decision periodically. Require CCS when conditions change in its favor.

Pro:

(a) Allows for the optimization of public benefits by balancing the value of emission reduction against the cost of such reduction.

(b) Allows the use of a complete range of emission reduction and dispersion techniques for the timely, effective, and economical improvement of air quality.

(c) Avoids unreasonable decisions due to inflexible criteria (i.e., allowance of ICS for particulates when cost-effective CCS is available or the requirement that multi-million dollar SO_2 scrubbers be used to avoid violations expected only a few days per year).

(d) Allows the States maximum flexibility for meeting NAAQS on time and at reasonable cost.

Con:

(a) Case-by-case decisions may result in case-by-case lawsuits—at least until a precedent is established.

(b) The lack of objective criteria may lead to charges of arbitrariness, inequity, or favoritism.

(c) An accurate, quantitative measure of the environmental effectiveness of emission reduction is not available for use in optimizing the cost-effectiveness of emission control.

(d) The acceptance precedure will be inherently lengthy and complex.

(e) Negotiations over the acceptability of ICS may delay the application of any control.

Summary arguments

A basic premise to the recommended EPA policy on ICS is that there are benefits to society from reducing emissions of most pollutants into the atmosphere independent of the attainment of NAAQS. An important portion of the effects of pollutant emission is presently unquantifiable (e.g., acid rain, corrosion, suspended sulfates, property damage, ecological change). These effects are a function of atmospheric loading and are reduced most effectively by attaining NAAQS through permanent emission reduction. They are not alleviated through use of tall stacks and slightly alleviated by ICS, if at all.

The benefits of emission reduction over emission dispersion are of finite, not unlimited, value. The outright rejection of dispersion techniques when emission reduction techniques are unavailable or prohibitively expensive, would not optimize benefits to society. It would be unreasonable to force permanent curtailment of production or severe increases in product prices due to the insistance on CCS if reliable and much more cost-effective ICS is available.

The problem has been to find a decision-making framework to determine an acceptable strategy for attaining NAAQS which optimizes benefits to society. Many alternatives are available to accomplish this objective, from unrestricted use of any tactic that will meet NAAQS to the prohibition of ICS or tall stacks. Neither of these extreme alternatives allows the optimization of benefits.

Combination alternatives that allow ICS only to solve part of the problem (i.e., after application of reasonably available, or best, or most practicable control technology, or after attaining primary NAAQS by permanent emission reduction) do not really address the problem of maximizing benefits. They have the advantage of providing more dogmatic criteria for decisions on acceptable strategies. However, they are arbitrary in initial selection of criteria and once selected they are relatively inflexible. Such inflexibility can force unreasonable decisions in some circumstances for, in fact, there are few situations which are precisely alike. The cost advantage of ICS over CCS is 1:10 or more for power plants with tall stacks where short-time SO_2 standards are violated only 1–2% of the time. Some smelters see no advantage in attaining standards by ICS alone. A combined CCS–ICS system may be less costly than either CCS or ICS. The cost advantage of a combined system over CCS ranges from 1:1.5—1:3.5 depending on the smelter involved. Other variable factors include the local climate and topography, the expected life of the plant, population and biota surrounding the plant, etc.

It appears logical that the way to make the proper decision in each case is for EPA or the State to decide each case individually within a consistent policy framework. It is essential that the framework formally recognize that the growth of population and economy, and changes in technology create increasing stress on the environment; recognize that there are benefits of emission reduction over dispersion at the present, as well as in the future, and recognize that such reduction has a finite, not unlimited, value that must be compared to the cost differential between emission reduction and dispersion.

This policy would lead to many generalizations that predetermine the decision in most cases. For example, ICS would be limited to attaining SO_2 standards, would apply to isolated sources, would consider terrain problems, would apply to sources whose processes are adaptable to variable levels of operation, would apply particularly to facilities which threaten short-term standards, etc.

This policy allows States maximum flexibility to devise acceptable control strategies for attainment of NAAQS. If they can place a high value on the benefits of generally clean air, they can require much emission reduction; EPA has not "sold them out." (EPA should continuously and vigorously support States in their desire to achieve highest quality air attainable.) If the State wishes to use ICS to meet NAAQS, they can allow it and, with reasonable justification, EPA can approve the strategy. Since decisions will be made on the facts in each case, EPA can avoid being forced into unreasonable actions.

In summary, Camp recommends the following three-tiered approach to ICS:

1. Adopt a policy that emission reduction is preferred to dispersion techniques even though NAAQS can be reliably attained in some circumstances by the latter techniques.
2. Decide whether a source is a viable candidate for ICS on a case-by-case basis, taking into account the availability and cost of CCS, and the numerous other factors that may be relevant to the particular case.
3. Scrutinize the reliability and enforceability of the proposed ICS, if it is deemed feasible for the source to use ICS as a part of its control strategy. The ICS, if approved, would be reevaluated periodically (1) to determine if cost-effective CCS had become available, and (2) to determine if the reliability of the ICS is adequate and improvable. (See Tab 8., Conditions for Acceptability of an ICS.)

TAB. 1. THEORY AND OPERATION OF ICS

Definition

In the broadest sense an Intermittent Control System (ICS) is the deliberate variation of pollutant emission rate based on estimates of atmospheric dispersion potential order to reduce the environmental impact of impact of those emissions.

This broad definition includes many practices not generally considered to be intermittent control, such as soot-blowing or agricultural burning during good dispersion conditions and the alteration of work schedules to change the time and intensity of peak traffic density. A narrower and more familiar definition of ICS refers only to emissions from stationary sources which operate continuously or during fixed working hours and which reduce their emission rate during periods of poor atmospheric dispersion conditions in order to avoid the high ground-level pollutant concentrations probable under those conditions.

The second, narrower definition will suffice for our purposes provided two qualifications are added: (1) The emission rate may increase during periods of good dispersion as well as decrease during poor conditions, and (2) ICS is not necessarily an exclusive control strategy; it is one of several control strategy elements which may be used in combination to mimize the impact of pollutant emissions on the environment. These control strategy elements include process change, removal of pollutants from the exhaust stream, and the use of cleaner fuel, all of which reduce pollutant emissions and ICS, taller stacks, and appropriate siting, which rely on improved dispersion of pollutant emission to reduce or redistribute the ground-level pollutant concentration.

Variable dispersive capacity

It has been observed that pollutant concentrations resulting from a constant rate of emission vary over several orders of magnitude at any given ground-level monitor. This phenomenon is due to three mechanisms, all related to temporal variation in meteorological conditions: (1) The pollutant is transported toward or away from the receptor due to changes in wind direction, (2) the maximum ground-level concentration attributable to a source varies both in magnitude and distance from the source with changes in atmospheric stability and wind speed, and (3) the pollutant is mixed throughout a larger or smaller volume of air due to changes in wind speed, stability and mixing height.

The first mechanism is of limited interest for it does not necessarily reduce the ground-level concentration, but only moves that concentration from place to place. The other mechanisms are of considerable environmental significance.

The adverse effect of a pollutant on an environmental element (animal, plant, material) is an increasing function of the rate of transfer of that pollutant to that element. This rate of transfer is, in turn, an increasing function of the atmospheric concentration of the pollutant to which the element is subjected. The relationship between pollutant concentration and adverse effect is most probably non-linear. At high pollutant concentrations, the effects may be rapid and intense; at lower average concentrations the effects may be slow, subtle and cumulative; at still lower average concentrations, there may be no adverse effect; in fact, some waste products may have a net beneficial effect on some environmental elements when present in low concentration.

The relationship between pollutant emission rate and ground-level concentration of that pollutant is, therefore, of considerable importance. If a pollutant emitted into the atmosphere is dispersed through a greater volume of air, then its impact on the surface environment will be less per unit of surface area, but more surface area will be affected. If all the pollutant is eventually deposited on the surface, then the product of (pollutant per surface area) times (surface area effected) is constant. If, however, the adverse environmental effect due to ground-level concentration and pollutant deposited on the surface decreases more rapidly than pollutant per unit volume and pollutant per unit area, then wider pollutant dispersion will reduce total environmental impact of those pollutants. NAAQS are based on the assumption that no adverse effect occurs below a threshold ground-level concentration. This assumption is undoubtedly simplistic (See Tab. 4: Unquantified Effects of Pollutant Emissions). However, the assumption that total environmental damage decreases with increased pollutant dispersion is reasonable. It may be concluded, therefore, that the capacity of the environment to absorb waste with a given environmental impact (not necessarily at zero impact) varies with the dispersion of that waste throughout the air and, eventually, over the Earth's surface.

Effectiveness of ICS

Now consider two emission sources which produce the same long-term average amount of emissions under identical circumstances except that one source emits at a constant rate and the other source varies its emission rate with dispersion conditions. Both the peak and average environmental impact of the source using ICS will be less than that of the source that emits at a constant rate. (See the appendix for an example supporting this statement.) If a source using ICS has a lower average emission rate than a constant rate source (in addition to variable emission rate based on dispersion potential), then its environmental impact will be that much less. Thus, there are at least two cases in which ICS is clearly environmentally superior to CCS.

The third, and most difficult case, is where the ICS source emits more pollutant on the average than the CCS source. There is certainly a point at which the greater emission from ICS is no longer compensated by the wider distribution of that emission. The determination of this balance point depends on the indicator of environmental impact used, the accuracy of dispersive capacity prediction and the relationship between emission rate and dispersive capacity. It is sufficient for our purposes here to state that the relative environmental effectiveness of ICS in comparison with CCS becomes positive at some point where average ICS emissions are somewhat greater than average CCS emissions, and increases as ICS emissions are reduced. This statement is illustrated in Figure 1–1.

ICS operation

There are three types of ICS. These are not mutually exclusive. In fact, an ideal ICS would include all three.

1. Open loop system based on diffusion modeling.

This system is illustrated in Figure 1–2a. The heart of this ICS is the operating model. This is a diffusion model that estimates maximum ground-level concentrations based on emission rate, meteorological conditions (wind direction, wind speed, stability, mixing height), and local topography. The meteorological conditions needed to operate the model generally must be predicted. The prediction will be based on the short- and long-range past history of the weather in the vicinity of the plant and on National and regional weather forecasts. The desired or expected plant emission rate is also entered in the operating model.

One form of model output is the expected maximum ground-level concentration. This estimate is compared with the relevant short-term air quality standard. If the expected maximum concentration is less than the standard (with some safety factor included to compensate for uncertainty), then no action is taken and the plant operates normally. If the estimated maximum concentration exceeds the appropriate threshold, then plant emission must be reduced. Emission reduction may be achieved by switching to cleaner fuel, reducing the level of plant operation, or delaying high emission processes that may have been scheduled.

2. Closed loop system based on air quality monitoring. (Figure 1–2b)

This ICS relies entirely on real time air quality feedback for information on which to base the control decision. An array of continuous air quality monitors is located at those points where maximum concentrations are expected. The level and rate of change of pollutant concentration at each monitor is continuously scanned. The emission rate is *curtailed* whenever a monitor indicates that a standard is in danger of being exceeded. Because of the time delay involved in reducing the emission rate and because of the time required for the pollutant to travel from the stack to a monitor, control must be initiated somewhat before monitored concentration reaches the standard. Threshold values of concentration and rate of change of concentration will be set, based on the reduction response time and source-receptor distance. The amount of reduction needed is not estimated by this system. A step-wise reduction schedule would be appropriate.

3. Closed loop system based on diffusion modeling upgraded by emission-concentration data (Figure 1–2c)

This system is similar to the first except that air quality monitors, data storage, and periodic upgrading of the operating model have been added. In most instances, a detailed climatological study and a validated diffusion model will not be available at the initiation of an ICS. The collection of emission and concentration data provides a basis for analysis of the model's accuracy, and for possible improvements in that accuracy. The monitoring network required would be similar to that discussed under an ICS system based solely on air quality monitoring (2, above), except that fewer monitors would be required because the model is available to interpolate air quality between monitors.

The existence of a monitoring network may improve meteorological prediction, especially in cases of complex topography, because source-receptor pollutant transport is an indicator of meteorological conditions.

4. Combined system (Figure 1–2d)

An ideal ICS would employ three complementary operations. The emission source would first look at meteorological predictions and adjust its emission output accordingly. If that adjustment were not sufficient, as indicated by air quality monitoring, then additional procedures for further emission reduction would be activated. Records of the emissions, measured concentrations, and meteorological conditions would be continually or periodically analyzed to determine if improvements in the prediction accuracy of the model could be effected. Such improvements would then be incorporated in the model.

The advantage of a combined system lies in the fact that each of the loops performs a different, valuable function. The model allows lead time in performing control operations. This is desirable in that time is necessary to switch fuel or curtail operations. Furthermore, there is a lag between the emission of pollutants and the registration of their effects at the monitors. Even if all control functions were instantaneous, this lag time could still result in unacceptably high concentrations at the monitoring site(s) for a limited period. The lead time associated with the model is a valuable compensation for the several system lags. The air quality loop firmly establishes the connection between air quality and emissions. During the initial operation of a combined system, when the operating model is tentative and the dependency of air quality on local meteorology only partially known, it is possible that the air quality loop would often be the controlling one. As time goes on and data are accumulated, it should be possible to improve the operating model so that the air quality loop is activated less and less frequently and the overall ICS operation becomes smoother and more predictable.

APPENDIX TO TAB. 1. COMPARISON OF ICS AND CCS FOR EQUAL AVERAGE EMISSION

The example below is for illustrative purposes only. It does not represent an actual or proposed control system.

Frequency of occurrence (percent) (1)	Concentration no control (2)	CCS control applied (percent) (3)	Expected concentration CCS applied (4)	ICS control applied (percent) (5)	Expected concentration with ICS applied (6)
20	100	50	50.0	100	0
20	75	50	37.5	80	15
20	50	50	25.0	50	25
20	25	50	12.5	20	20
20	0	50	0	0	0
100	[1]50	[1]50	[1]25.0	[1]50	[1]12

[1] Average.

Column (1) represents the frequency that an ambient ground-level air quality concentration represented in column (2) as a result of a source's operation. Column (3) indicates that 50% constant control is applied. Column (4) indicates the concentration expected as a result of the constant control. Column (5) represents the amount of ICS control applied to each frequency of occurrence interval. Column (6) is the expected ambient concentration as a result of the degrees of ICS control applied during each frequency of occurrence interval.

Not only is the peak concentration reduced when ICS is used, but the average concentration is reduced as well. The reader is invited to substitute any schedule of radiation which averages to 50% control and decreases from top to bottom for the schedule used in column (5) to assure himself that both peak and average expected concentration will be less for ICS.

TAB 2. RELIABILITY OF ICS AND CCS

Many control officials are reluctant to accept an ICS as a control measure because the reliability of such systems for protecting national ambient air quality systems (NAAQS) has not been adequately demonstrated. Recent data have become available [1,2,3,4] that permit a judgment to be made of the reliability of an ICS.

The traditional and preferred, procedure to attain and maintain in the ambient air quality standard is to limit emissions on a continuous basis to the extent that NAAQS are not exceeded during the most adverse meteorological conditions. With a combustion source, the most reliable technique is to use fuels which contain sufficiently small amounts of the polluting elements and to use them in a manner such that pollutant emissions are kept to a minimum. Where a process source is the threat to NAAQS, the most reliable technique is to maintain a rate of operation such that emissions are sufficiently small to constitute *no threat* to NAAQS. For some facilities these approaches impose serious economic consequences.

Control devices to clean the exhaust gases have been (and are being) developed to limit emissions to comply with regulations designed to attain NAAQS. Unfortunately, such devices often do not operate continuously at design efficiency. EPA engineers estimate that SO_2 flue gas cleaning devices will be inoperative for scheduled maintenance at least 2 weeks per year and for unscheduled repair an additional 10% of the time.

The threat to the NAAQS created by such outages varies among facilities, depending upon whether the breakdowns are systematic or random; whether the facility operates a 24-hour day, 7-day week; whether the facility terminates operations when the control devices are inoperative; whether the malfunctions are weather related; etc.

Let us assume that a continuously operating facility without control devices causes NAAQS to be exceeded on 20% of the days of the year; that its control devices, which when operating are sufficient to eliminate threats to NAAQS, are inoperative 15% of the time; and that the facility operates at normal capacity whether or not the control devices are operating. Then, if malfunctions of the control devices are random, the NAAQS would be expected to be exceeded on 3% of the days (15% x 20% = 3%) or 11 days per year.

Let us now assume that the facility operates an ICS to curtail emissions during periods when NAAQS are most in jeopardy and that the threats occur on 75 days per year. It would be required that the operators of the system err in the direction of too little control on not more than 15% of these 75 days for the ICS to protect NAAQS as effectively as the control devices. This is a reasonable and attainable standard for reliability of an acceptable ICS.

Information on the effectiveness of ICS as a procedure to protect air quality is limited to data from operators of the systems, especially TVA (at the Paradise Steam Plant) and ASARCO (at the Tacoma and El Paso smelters). Futhermore, the indicated effectiveness of the system may be closely tied to the number of air quality sensing sites if the objective of the operators is primarily to avoid violations of the standard at the sampling sites. (It must be pointed out that an ICS system went into operation at the Trail, B. C., smelter in the early 1940's.[5] TVA operated a system for a period in the middle 1950's at their Kinston Steam Plant.[5] However, comparative data are not readily available for before and after implementation of the ICS.)

TVA reports[1] the following "before and after" data for their ICS at the Paradise Steam Plant.

	Violations of SO_2 NAAOS	
	3-hr, 0.5 ppm	24-hr, 0.14 ppm
January 1968 to September 1969 (before)	10	8
September 1969 to June 1971 (after)	2	0

These data are from 14 sensing sites within a 22½ degree sector centered on the 33½ degree azimuth from the source. Approximately 10% of the wind directions cause the plume from the plant to threaten this sector. TVA curtails emissions without regard to wind direction so it is expected that unsensed violations would be not more than 10 times those reported. Since weather situations which are conducive to high ground-level concentrations occur more frequently when winds have a southerly than a northerly component, the factor of 10 alluded to is undoubtedly a maximum.

ASARCO reports[2,3] the following numbers of violations in vicinity of the El Paso smelter to the variance to the Texas SO_2 standard (0.5 ppm for 1-hr.):

Year and number of violations	
1970	100
1971	26
1972	30

These data are based on data sensed at 18 sites. The system incorporates a continuous feedback of air quality information to the control center. Therefore, the operators have information as to impending threats to the standards at the sites.

ASARCO independently reported that the 24-hr SO_2 NAAOS was violated 3 times near El Paso in 1970 "when the fully telemetered closed-loop system became operational" and 2 times in 1971.[4] The same source reported the 3-hr SO_2 NAAQS was violated 8 times in 1970 and 2 times in 1971.

The following air quality trends near their Tacoma, Washington, smelter are reported by ASARCO[4] and Puget Sound APCA.[6]

VIOLATIONS OF NAAQS SO_2 STANDARDS

	24-hr, 0.14 ppm	3-hr, 0.50 ppm
ASARCO Sensors[4] (5 sites):		
1969	9	26
1970	2	13
1971	0	3
1972 (January–June)	0	0

VIOLATIONS OF PSAPCA STANDARDS

	ASARCO[4] (5 sensors)		PSAPCA[6] (9 sensors)	
	60-min, 0.40 ppm	24-hr, 0.10 ppm	60-min, 0.40 ppm	24-hr, 0.10 ppm
1969	273	28		
1970	175	8		
1971	29	1	45	3
1972			19	0

These data are not strictly comparable for a number of reasons: The facilities are in different climatic and topographic situations; the systems are devised to meet different standards; and one is a combustion source, the others, process sources. Nevertheless, substantial reductions in pollutant levels occurred at the sensing sites in all cases. Where 24-hour data are available, the evidence is strong that the 24-hour primary SO_2 standard may be attained near large isolated point sources by ICS methods. Violations of shorter-term standards are reduced by a factor of 4 to 5.

Several caveats are in order:

a. The reliability of an ICS is a function of the vigor with which the system and standards are policed and enforced. ASARCO for example, established their systems first at facilities which were near populated areas. Public concern provides an incentive to attaining the standards.

b. The indicated reliability of an ICS may be a function of the number and placement of air quality sensors. Data from Texas APCS[2] suggests that the hours of violation increased roughly linearly from 1968 to 1970 with the increase in the number of monitoring stations.

c. A well-operated ICS may be expected to become more reliable with time. The operators acquire experience and a better understanding of the nature of their problem. On the other hand a CCS may decrease in reliability with time due to aging and wear.

In conclusion, for some sources an ICS may as effectively protect against violations of the NAAQS at ground level as a CCS.

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TAB 3. ENFORCEMENT

For an enforcement system to be successful, it must provide adequate incentive to pollutant sources to comply with emission and/or air quality regulations. With an ICS, establishment of incentive is especially critical because of the relative degree of independence the source has through its authority (albeit limited authority) to vary emissions. Adequate incentive exists if the regulation associated with the ICS: (1) Provides for adequate control agency surveillance of the source and/or its impact on air quality, (2) contains provisions enabling the control agency to establish legal liability if air quality standards and/or ICS emission regulations are violated, and (3) prescribes sufficient penalties to deter the source from allowing such violations to occur.

If the above conditions for adequate incentive hold, there are four approaches to enforcement that a control agency could pursue:

1. Enforcement on an air quality basis. The source operates the ICS and is held directly responsible for maintaining air quality standards in the vicinity of his facility.

2. Enforcement on an emission basis. The source operates the ICS and is required to vary emissions in accordance with emission "curtailment criteria." (Curtailment criteria are specific meteorological conditions or specific air quality levels at which the source must curtail emissions by predetermined amounts.)

3. A combination of approaches (1) and (2). The source is held directly responsible for operating in accordance with curtailment criteria, and simultaneously with assuring air quality standards are protected.

4. Control agency operation of the ICS. The agency, on an operational basis, determines when and in what manner the source varies emissions to attain and maintain air quality standards.

Enforcement on an Air Quality Basis:

This approach allows the source the greatest degree of independence and flexibility because the source operates the ICS itself, and its daily operations are not necessarily subject to control agency surveillance. The only stipulation is that the source must assume full responsibility for maintenance of the air quality standards.

Of course, as with enforcement on an emission basis, the curtailment criteria used by the source in its daily emission control decisions must meet prior approval by the control agency. In addition, the criteria are subject to periodic re-evaluation by the agency on the basis of how well the system is performing.

To assure that the standards are being met, real-time air quality data must be transmitted from the monitoring sites directly to the control agency, as well as to the source. The agency must have free access to all monitors to assure that they are properly calibrated and maintained. Enforcement actions are initiated if and when air quality standards (regulations in this case) are not met.

The number of sources desiring to participate in an ICS will be a major factor in determining whether air quality is the preferred basis for enforcement. In the case of a single isolated point source, the problems involved with air quality as the basis for enforcement (e.g., establishment of liability if air quality standards are exceeded) are minimized. Given a single isolated source, air quality monitoring would seem to offer a more direct approach to surveillance and enforcement than emission monitoring and engineering inspections because attainment of specific air quality levels (standards) is the principal objective.

The success of a system that bases enforcement primarily on measured air quality depends upon whether or not it can be shown, through analysis of the data, that a given source contributed a specific amount to the ambient concentration at a specific monitoring site. In a multiple-source situation, such a determination is difficult or impossible unless extensive emission data from the sources involved and appropriate detailed meteorological data from the area are continuously available. When more than one source is involved, it would probably be necessary, from an enforcement standpoint, to prearrange a legally binding distribution of liability.

With air quality as the principal basis for enforcement it is especially important that the number of air quality monitors be sufficient to provide a reasonable estimate of maximum ground-level pollutant concentrations due to the source in question. The eventual determination of what is "reasonable" will depend on (1) the cost involved with each additional air quality monitor, and (2) the acceptable degree of error in estimating concentration maxima. An acceptable trade-off point between those two factors would have to be found. At any rate the required number (a dozen or more) of air quality monitors about each source would be much greater than is currently generally required.

The required number of air quality monitors might be considerably reduced if (1) meteorological dispersion models can be used in conjunction with air quality monitoring or (2) mobile sensors are employed, (3) or both. However, until validated dispersion models for the vicinity of the source in question are developed, a full complement of fixed and mobile air quality monitors would be required.

To be sure, the determination of optimum locations for placement of air quality monitors is difficult. The locations of maximum ground-level concentrations depend upon source characteristics, topography, meteorological conditions, and travel times before emissions reach ground level. The optimum network may be achieved only after considable experience and adjustment of the locations of air quality sensors. However, it is at least as difficult to determine with any confidence (1) the degree of constant control (CCS) that would be required and (2) to demonstrate that air quality standards have been achieved as a result of that control.

Enforcement on an air quality basis, would, however, bring about a problem that does not exist with enforcement of emission regulations. Under emission regulations, the source is not necessarily subject to enforcement action if an air quality standard is exceeded in its vicinity, as long as it complied with the (fixed) emission regulations.

With air quality as the basis for enforcement the source must be held directly liable for violations of the standards if the source is to have adequate incentive to operate the ICS with the degree of diligence necessary to protect air quality. The problem is that for any large emitter, violations of short-term standards can easily occur due to the vagaries of the weather and the dependence of the success of an ICS on the skill and conscientiousness of the operators of the system.

The crux of the problem is how to legally enforce against such violations. Since a large emitter using ICS will likely cause air quality standards to be exceeded, ample incentives are needed to assure that the source would do its best to minimize the risk of such violations. Perhaps a graduated penalty system would be in order, penalties being assessed in proportion to the frequency and severity of violations.

Enforcement on an Emission Basis:

This approach to enforcement is similar to enforcement on an air quality basis in that the source operates the ICS; i.e., the source operators determine when curtailment criteria are met, and emissions are varied accordingly. However, in this case, the control agency oversees the daily source operations. Source emission data, meteorological information, and air quality data must be available to the control agency (not necessarily on a real-time basis) so that it can determine if emissions are, in fact, being curtailed when the curtailment criteria indicate the need to do so. Enforcement actions are initiated if the source does not properly (and promptly) respond to the curtailment criteria. Through this approach to enforcement it may not be possible to hold the source legally responsible for violations of air quality standards, as long as the source curtails emissions as dictated by the curtailment criteria. Such a possibility exists because the source will have been utilizing curtailment criteria approved by the control agency prior to initial acceptance of the ICS.

At any rate, enforcement entails a considerably different approach if emission regulations (for variable emissions) are involved, rather than air quality regulations. With an ICS, surveillance of source emissions and establishment of liability for violations would be a relatively arduous task because of the variations in emission rates that are effected at the source in response to continually changing meteorological conditions. Enforcement would be based at least in part on whether the source properly curtailed emissions as required by the regulations. The control agency administrative burden would be relatively complex because emissions would have to be continually matched with measured air quality, predicted air quality, and/or meteorological information to determine if the emission regulations are being complied with and whether the air pollution model is operating appropriately.

Enforcement on the Basis of Air Quality and Emissions:

This approach employs surveillance of both air quality and emissions as a basis of the enforcement procedure. The air pollution control agency monitors air quality to assure that the standards are being met. It monitors emission rates to assure that air quality standards are not jeopardized in areas where no air quality sensors are located and to afford some protection from unquantified adverse effects of the pollutants (see Tab. 4).

Control Agency Operation of the ICS:

Through this approach, the control agency operates the ICS itself, and dictates to the source when and in what manner to vary emissions. Through such an approach, the source is relieved of all direct responsibility for air quality, as long as it follows the intructions from the agency. Enforcement actions are initiated if and when the source does not follow those instructions. Control agency personnel would be required to have extensive training, not only in meteorology and dispersion modeling, but also with regard to the source operations.

This approach allows the source no flexibility. The source is continually subject to direct operation orders from the control agency. Agency personnel would constantly oversee and dictate the source's control activities and possibly, depending on the type of operation, its production rate as well. This approach is highly paternalistic. It is so philosophically divergent from normal economic and industrial practices that it is unlikely to be acceptable to any source.

DISCUSSION

A situation where only two or three sources are involved needs consideration. As with the case involving many sources, more complex emission regulations or some fixed diversion of liability would be in order to determine the proportion of the ground-level concentration at any given point is due to each source. The feasibility of enforcing the complicated regulations for such a system would have to be determined on a case by case basis.

In addition to all of the above considerations, there is the prominent fact that EPA and most state and local control agencies are ill-equipped to meet the enforcement demands placed on them by numerous ICS operations. If the use of ICS is not carefully restricted, the enforcement burden could easily become unmanageable. In addition, EPA will have to establish legal enforcement procedures and assign additional field personnel to intervene in those ICS situations where state and local control authorities do not act effectively to ensure adequate protection of air quality.

Any of the four approaches to enforcement, due to the relative complexity and inherent uncertainties of an ICS would impose a considerable administrative surveillance and enforcement burden upon the control agency. The burden is compounded if the source is located in rugged terrain, if more than one source participates in the system, or if the source is not isolated from other sources.

Terrain poses an extremely difficult problem because of the variety of subtle changes in dispersion characteristics found in such areas and the consequent effect on ground-level concentrations. Multi-source operations or operations in areas where a significant background of pollutant exists render the establishment of liability, the identity of the offender, or both highly uncertain.

In summary, enforcement considerations dictate that ICS be applied primarily, if not solely, to single facilities that are isolated from other sources of the pollutant involved or for multiple sources which agree beforehand to share responsibility for air quality violations on a fixed percentage basis. If there are measurable background concentrations of the pollutant, the source(s) desiring to use an ICS should assume responsibility for all, or at least a fixed percentage, of ground-level concentrations at the monitoring sites. From the standpoint of environmental protection (and enforcement, for that matter) the preferred approach to enforcement in any ICS is to base enforcement on air quality *and* emissions.

TAB 4. LEGAL POSITION OF ICS

The standard setting procedure for stationary sources of pollutant emission is covered by Sections 110, 111, and 112 of the Clean Air Act. Section 110 requires that each State submit a plan for the achievement and maintenance of NAAQS which "includes emission limitations—and such other measures as may be necessary—." Section 111 requires "the best system of emission reduction—taking into account the cost of achieving such reduction—" to be applied to new sources or source modifications "which contribute significantly to air pollution—." Section 112 requires that "emission standards" be prescribed for sources of hazardous pollutants.

The only language in the Clean Air Act that would allow the use of dispersion techniques (ICS & tall stack) to achieve NAAQS are the words "and such other measures as may be necessary" in Section 110(a) (2) (B), and the mention of "interim measures" and "available alternative operating procedures and interim control measures" in Section 110 (e) and (f) dealing with extension of the time for compliance with parts of the SIP.

There is no question that ICS qualifies as an "interim control measure" and as an "available alternative operating procedure" under 110 (c) & (f). EPA would be required by the Act to accept, and even to demand

ICS to minimize pollutant concentration during SIP extension periods. Nor is there any question as to whether a reliable and enforceable ICS qualifies as "such other measures as may be necessary" in a case where no alternative CCS is available. Improved dispersion is the only alternative to emission reduction for lowering ground level pollutant concentrations.

The principal question involves the legality of rejecting dispersion control methods in favor of emission reduction when the former is sufficient to achieve NAAQS, preferred by the source, and allowed by the State.

EPA has rejected ICS in the past, but on grounds of reliability. An example of this approach is given in the preamble to the regulations proposed for non-ferrous smelters in Western States on July 27, 1972 (37 F.R. 15095). This policy is as follows:

". . . At this time, it (intermittent control) is not considered an acceptable substitute for permanent control systems for attaining and maintaining national standards. Experience with systems employing intermittent process curtailment indicate that although air quality is improved, violations of ambient air quality standards still occur. Additional experience with these systems may, however, in specific cases, improve their reliability."

Recent data from TVA (See Tab. 2) indicate that very significant reductions in violations of NAAQS can be achieved with ICS—reductions such that no violations of the primary 24-hour SO_2 standard occurred at the locations of 14 samplers. So the general rejection of ICS on reliability grounds is no longer supportable.

ICS could be rejected for some sources, confined to a supplementary role for others, and accepted only until more cost-effective CCS becomes available for still other sources *if* the CAA were interpreted to place value on emission reduction above and beyond NAAQS attainment. The CAA has not been so interpreted to date. For example, the following exchange on this point took place during the oversight hearings before the House Subcommittee on Public Health and Environment, January 1972. The speakers are Subcommittee Chairman, Paul G. Rogers, EPA Administrator, William D. Ruckelshaus, and Deputy Assistant Administrator, Dr. John T. Middleton:

"Mr. ROGERS. Let me suggest this is something we would like to go into. Section 110 requires inclusion of emission limitations.

"I notice on page 3, you do not mention that. Maybe it is covered, is it?

"Mr. RUCKELSHAUS. I am not sure I understand the question.

"Mr. ROGERS. In the States' implementation plan which they must submit as to how they will implement the law, the law requires the inclusion of emission limitations in that plan. I do not see you mentioning that. Perhaps you overlooked it. Is that a requirement in your guidelines?

"Mr. RUCKELSHAUS. The answer to your question, Mr. Chairman, is that we have told the State that while they may submit a strategy in which emission limitations are provided, if they can show that the standards can be met without emission limitations, then we will review the plan with that in mind.

"Now, the vast majority of the plans that have been and are being submitted, do contain and will require emission limitations.

"Mr. ROGERS. How will they know if they have to have emission limitations until something happens?

"Mr. RUCHELSHAUS. In virtually all of the plans that we have now, there are emission limitations.

"Mr. ROGERS. Why is that not a requirement since it was specifically stated in the law?

"It is my understanding this was changed at OMB, that you had it in your suggested guideline but it came back from OMB and it was not in it. Maybe I am mistaken.

"Mr. RUCKELSHAUS. It was simply amended to say that if a State could show they could meet the air quality standard without emission limitations, then there would not be such a requirement. Frankly, I do not know how they are going to do it, but if they can make such a showing——

"Mr. ROGERS. I do not know how they could do it either. It seems to me there was a requirement, and I hope it is still a requirement because it is required in the law.

"Mr. MIDDLETON. Mr. Ruckelshaus spoke to other opportunities to meet the standards. I think if you or your staff had the opportunity to look at the rules and regulations, which we will submit for the record, you will see under subpart A, 42.1 a description of what a control strategy is. I might just read that to clarify the point since it is one of concern to all of us. It says:

"'Control strategy means a combination of measures designated to achieve the aggregate reduction of emissions necessary for attainment and maintenance of a national standard including but not limited to measures such as emission limitations.' These are first on the list.

"Mr. ROGERS. And I would think the most important.

"Mr. MIDDLETON. That is why they appear first on the list.

"Mr. ROGERS. I cannot conceive of any plan coming in where they do not have some thoughts, some plan, some method of eliminating emissions, because this is where we are beginning to start one.

"Mr. RUCKELSHAUS. I have yet to see one which does not have any limitations.

"Mr. ROGERS. I would hope you would not approve any plan that does not include that within their proposal.

"Shouldn't each plan have that?

"Mr. MIDDLETON. We would not want to stop progress if there is an innovative idea.

"Mr. ROGERS. This does not stop any new ideas. It just says that if the new ideas do not work, we can stop the emissions.

"Mr. MIDDLETON. The Administrator will have to approve the plan.

"Mr. ROGERS. How are you going to effect anything or carry it out unless you know how to bring about a limitation of the emissions? Here we state it first in the law, and then it is left out of your guidelines.

"Mr. RUCKELSHAUS. I do not think it is left out.

"Mr. ROGERS. Then the intent is that they shall, is that correct?

"Mr. RUCKELSHAUS. It is certainly so stated in the regulations.

"Mr. ROGERS. If that is the clear understanding, fine, but I think that should be made clear, and I think the States should know that because certainly that was the intent of Congress and I am sure your intent in getting into it."

It should be clear from the remarks of Congressman Rogers that the intent of Congress in the Clean Air Act is that the State Implementation Plans must include emission limitations. It is also clear that the words "and such other measures as may be necessary" exclude the interpretation that emission reduction is the only acceptable means of meeting NAAQS. Between these boundaries to interpretation, there is a broad, unexplored territory.

This territory includes such questions as: Are emission limits required for each source or for the SIP generally? How much emission limitation is required before "other such measures" can be employed? On what basis is the proportion of ICS and CCS established? Is ICS an emission limitation control method?

There are two basic approaches to this legally unexplored territory. The first approach, which may be called the broad interpretation, views the CAA in its entirety and notes that emission limitation (Section 111) is required of new sources *without regard to air quality* unless NAAQS would be exceeded by a new source with the specified emission control. The criteria for control of new sources is that the "best system of emission reduction" be used provided that it has been demonstrated and that its cost has been taken into account. Emission standards are also required for hazardous pollutants (Section 112). Section 111(d) refers back to Section 110 as follows:

"(d)(1) The Administrator shall prescribe regulations which shall establish a procedure similar to that provided by Section 110 under which each State shall submit to the Administrator a plan which (A) establishes *emission standards*. For any existing source for any air pollutant (i) for which air quality criteria have not been issued or which is not included on a list published under Section 108(a) or 112(b)(1)(A) but (ii) to which a standard of performance under subsection (b) would apply if such existing source were a new source, and (B) provides for the implementation and enforcement of such *emission standards*. (Italic added.)

This section requires *emission* standards for *existing* sources of non-criteria pollutants established "by a procedure similar to that provided under Section 110." This clearly implies that *emission* standards are required under Section 110. This implication is made not only by the plain language of the Act, but also on equity grounds. Why should *emission* standards be required of *existing* sources of non-criteria pollutants when such *emission* standards are not required for criteria pollutants? When Section 110(a)(2)(B) is read in this light, emission reduction is clearly the preferred control method, and "such other measures" are allowed only if emission reduction sufficient to meet NAAQS in the time specified (3 years) is unavailable or infeasible—or, in the words of the Act, only if they are "necessary."

The second interpretation, which may be called the narrow approach, focuses on the objective of Section 110(a)(2)(B) rather than the means of attaining that objective. The principal objective of an SIP is that it meet primary and secondary standards by the appropriate deadline. Several means have been *suggested*, including emission limitation land use controls and transportation controls, but Congress was careful to add "other such measures" and "but not limited to." Thus *any* means may be employed provided the ends are attained. This interpretation is strongly suggested by Dr. Middleton in the testimony quoted above.

These, then are the legal arguments to be expected when this issue arrives in court. The environmental organizations will use the first argument coupled with the material presented in Tab. 4: Unquantified Effects of Pollutant Emission. Industry will use the second argument supported by cost-effectiveness arguments similar to those presented in Tab. 8.

One further legal point requires discussion. That is whether or not ICS is an emission limitation method. This is discussed in Tab. 1: Theory and Operation of ICS. No clear-cut answer can be given because emissions under ICS are reduced sometimes. If, however, ICS emissions are viewed over a period of months or years, emissions close to or even greater than before ICS are likely to be seen. Therefore, in a very practical sense, ICS is *not* an emission reduction control method, but an alteration of the timing of emissions so that ground-level air quality impact is reduced. ICS must be classified primarily, if not totally, as a technique for increasing pollutant dispersion different in operation but similar in effect to a tall stack.

TAB. 5. UNQUANTIFIED EFFECTS OF POLLUTANT EMISSIONS

There are three types of effects due to pollutant emissions that are not presently covered by NAAQS:

1. Known adverse effects which cannot be quantitatively linked to emissions,
2. Undesirable effects of emissions that are difficult to evaluate in terms of public welfare costs, and
3. Unknown cumulative effects of sustained or repeated exposure to low-level concentrations.

The first category covers the acid rain phenomenon, conversion of SO_2 to suspended sulfates and the effect of suspended particulates on climate. Visible smoke, visibility decreases to below 5 miles, visible damage to vegetation, sundry other aesthetic effects, subtle ecological changes and effects on non-economic flora and fauna fill the second category. The third category obviously cannot be documented. It is related to the concept of damage threshold, basic to the setting of NAAQS. There may be no thresholds of adverse effect. Present NAAQS may only protect against the more obvious and rapid adverse effects.

Acid Rain

a. Evidence

Normal precipitation would tend to have a slighty acidic pH (pH 7 is considered neutral) due to CO_2 absorption and subsequent carbonic acid formation. Because pH is a logarithmic function, a pH of 5 is 10 times more acid than a pH of 6 and 100 times more acidic than a pH of 7. In this light, normal carbonic acid rain has a pH of about 5.7. Data in Scandinavia show 200-fold acidity increases in rainwater in some parts of the country since 1956 with a low pH recorded at 2.8, a value some 2000 times more acid than normal precipitation. (1)

A brief note on the atmospheric reactions of SO_2 is needed. Where SO_2 is not absorbed in plant or animal tissue, or brought to earth as particulate sulfate, it subsequently is oxidized to SO_3 and, ultimately reacts with atmospheric water to become sulfuric acid (H_2SO_4). The acid is then cleansed from the atmosphere by normal precipitation. The rate of the above reactions can vary from between a few hours (under conditions of high ozone, high humidity, and temperature, as well as high aerosol content) to four weeks under conditions antithetical to those cited above. (1) Studies in Scandinavia indicate that increases in acid precipitation levels at various points between 1955 and 1970 coincide with increased anthropogenic SO_2 emissions.

Chemical studies on the nature of precipitation in the U.S. are far less complete than those in Scandinavia. However, where measurements have been made over the course of years, a trend similar to that noted in Scandinavia is noted.

Experiments in the Northeastern part of the U.S. include those at Hubbard Brook, N.H., the Finger Lake Region, N.Y. State, New Durham N.H., Hubbardston, Mass., and Thomaston, Conn. All of those rural regions had weighted annual pH averages between 4.2 and 4.3. (2) These data were found in the latter 1960's. New Haven, Conn. showed an average of 3.81 for the pH of rainwater, and Killingworth, Conn., 30 miles east of New Haven, had a pH of 4.3 during the same time period.

On the other hand, sections of the country where SO_2 emissions are not present to any considerable degree, or where prevailing winds would tend to prevent air from polluted regions from arriving at some site, pH values in rainwater are close to normal. This certainly indicates that as SO_2 emissions increase, regions within a few hundred miles of the point source will show increased rainwater acidity. The National Center for Atmospheric Research (NCAR), an arm of NOAA, has performed an investigation of U.S. precipitation chemistry during the 1950's. Much of their data is unpublished, but available, and might be utilized to get a better handle on U.S. acid rain over a period of years.

b. Ecological effects

Because of the general chemical activity of the hydrogen ion, it can be considered as a non-threshold type species as defined earlier; i.e., its effects are cumulative and only the extent of damage depends on concentration. The ecosystem is threatened primarily in five ways by excess environmental acid.

(1) Direct Damage to Trees and Plants.

P. Gordon[3] showed that pine needles inoculated with acid solution of pH<3.5 were dwarfed and that needles sprayed with acid solution <4.0 grew to one-half normal length. It was concluded that acid rain contributed to the tree dysfunction known as "short-long" conifer needle syndrome.

(2) Direct Damage to Microorganisms.

Most nitrogen fixing bacteria are primarily confined to alkaline soils. Therefore, a reduction in alkalinity could have an impact on the available soil nitrate used as plant nutrient. Furthermore, the breakdown of plant litter by decomposing bacteria varies as a function of pH. This implies that optimum decomposition and mineralization may be reduced due to soil pH changes.

(3) Indirect Damage to Biota.

Because calcium, magnesium, and potassium present in soil are essential plant nutrients, their loss, due to acid leaching, has serious environmental implications. This problem has been studied quite extensively by the Scandinavians over the past ten years or so.[1]

The Swedes took soil samples from 200 locations and measured the pH, Mg, K, and Ca contents of the soil. Assuming a fixed acid deposition rate of 10 milli-equivalents of H^+ ion/M^2—year, and then computing the leaching from areas of different original cation concentrations, forest productivities are computed. An average of .4%/year is found, but is considered too high by a factor of two due to not considering cationic concentrations below the 5 cm top soil level. Therefore, an average reduction of .2% per year with a worst case of .5%/year are calculated. The extrapolation to 1972 shows an average of about .3%/year due to an increase in SO_2 emissions. These calculations exclude direct leaf damage from sulfate acid aerols, and acid rain, as well as population changes among decomposing and nitrifying bacteria.

Furthermore, secondary effects could set in, e.g. seeds may not take in more acid conditions. Due to decreased growth of root systems, watersheds might deplete and soil begin to erode thus hastening the ecological deterioration of the forest.

(4) *Effect on Arable Lands.*

The acid problem on arable lands is mostly economic. The more acid deposited, the more alkaline fertilizers must be used, which create expenses both in terms of fertilizer needed and manpower needed to spread it. Also, it is not a certainty that all adverse effects could be mitigated by additional fertilizing, or that adverse side effects would not spring up because of the excess liming required.

(5) *Effects on Lakes and Rivers.*

In Sweden and Norway pH values of rivers have dropped as much as .5 pH units in five years (a seven-fold acid increase) with an average annual increase of .3 pH units. These data are for heavily polluted aquatic systems. In systems where the only pollutant source is precipitation, the average pH drop appears to be about .15 pH/5 years. Furthermore, because bicarbonate ions are being depleted (they act as buffers to mitigate the pH drop when acid is deposited), the rate of pH decrease is expected to begin a rapid increase shortly. The situation has become so bad that certain salmon species have ceased to breed.[1]

Another study performed in Canada[4] shows the urgency of the acid problem. The study deals with the acidification of the Lumsden Lake system 45 miles southwest of Sudbury, Ontario (site of much ore smelting activity). The lake pH dropped from 6.8 in 1961 to 4.4–5.8 in 1971 . . . an 80–90 fold acidity increase! No man made discharges empty into the lake, while organic bogs don't exist in the area, and pyrite concentrations are extremely low. Thus it was concluded that the pH drop was primarily due to SO_2 fallout as sulfuric acid in rainwater.

The result of the pH lowering was the almost complete elimination of the following fish species from the lake: white sucker, lake trout, lake chub, trout-perch, slimy sculpin, burbot, and yellow perch. Some investigators documented terrestrial plant damage within a 5 mile radius of the smelters (including Linzon, Dreisinger, McGovern) as well as pond acidification within the 5 mile radius, but damage outside of a 15 mile radius was considered negligible. It is now apparent that the bicarbonate buffer system began degrading, while acidification rapidly advanced in the decade of the 1960's.

In the U.S. there have been few long term studies on inland bodies of water with respect to pH changes. One striking result is that reported by Schofield which shows that one large clearwater lake in the Adirondacks has gone from a 1938 pH of 6.6–7.2 with a calcium carbonate concentration of 12.5–20 mg 1 to a 1960 pH 3.9–5.8 with a carbonate concentration of 3.0 mg 1.

Other information on larger aquatic systems appears to show similar, though not nearly as drastic alkalinity reductions. Examples include a 7% alkalinity drop in Lake Michigan over the past 60 years, and sulfate increases in the Ohio and Illinois Rivers.

Suspended Sulfates

Recent preliminary results of the CHESS studies indicate adverse health effects due to suspended sulfates at 24-hour average concentrations in the range 8–12 ug/m^3 (memo from Dr. Finklea to Assistant Administrator, Research and Monitoring, dated 1–12–73 Table 1). Figure 4–1 shows 1967 NASN suspended sulfate data for 160 urban and 31 non-urban sites. The two heavy lines indicate the combustion of geometric mean and standard geometric deviation expected to result in a 24-hour concentration of 8 and 12 ug/m^3 on the second worst day during one year. As can be seen from the figure, the majority of both urban and non-urban sites exhibit sulfate concentrations above both lines. It is clear that significant adverse effects due to sulfates existed in 1967.

The genesis of suspended sulfates is not precisely known. It is certain, however, that a substantial part of observed sulfate concentrations is due to SO_x emissions.

Threshold Standards

When a standard is set based upon a threshold concept, the implication is that the environmental element has a defense system to purge or assimiliate the noxious substance before any chemical damage can occur. However, when the amount of foreign substance becomes great enough, it overwhelms the purging apparatus. On the other hand, a non-threshold standard implies cumulative, non-reversible damage. Usually, the amount of substance plays a role in determining the rate at which damage is done; e.g., silting of a river bottom is harmful, but the damage done is worse if 20 tons/year are deposited than if 10 tons are deposited. This same mechanism holds true for most chemical reactions.

Threshold standards are based upon non-

Footnotes at end of article.

accumulation of pollutant in the environment and an immediate cause and effect when thresholds are exceeded. On the other hand, non-threshold standards are predicated on the fact that: (a) either damage occurs at any level; the lower the level the slower the damage occurrence; or (b) the pollutant accumulates in the biosphere, water, or soil, and *then displays a threshold effect in one of those media.*

The important point to note is that threshold standards protect against high concentration in the atmosphere, while non-threshold standards protect against total quantity of atmospheric fallout. Furthermore, the latter protection may afford biota indirect protection through conserving the medium within which the fauna or flora grows (e.g., water for fishes, soil for trees).

Air quality standards are intrinsically threshold type standards. Emission standards and limitations are non-threshold in that they limit or reduce all environmental impacts of the pollutant in question regardless of the degree of intensity at which those impacts are taking place.

Inadvertent Climate Modification

Based on existing evidence, it cannot be conclusively determined whether man is inadvertently modifying global climate to any significant degree through pollutant emissions into the atmosphere. Nevertheless, certain pollutants are suspected of causing such effects.

The weight of the evidence seems to indicate that global cooling at the earth's surface will result as atmospheric concentrations of suspended particulate increases. It is not clear, however, whether atmospheric particulate levels are even significantly increasing. Nor is it known to what extent controllable emissions contribute to the problem in comparison with agricultural dust, volcanic activity, and forest fires.

Authropogenic injection of sulfur into the atmosphere, primarily in the form of SO_2, is significantly compared to natural sources. Long-term or large-scale effects of SO_2 are largely unquantified, largely due to natural conversion of atmospheric SO_2 to other forms, such as suspended sulfate particulates. It is possible that some of the "measured" increases in background concentrations of suspended particulates are due, in part, to increasing sulfate concentrations. A major climatic effect of suspended sulfates is to decrease atmospheric visibility.

Visibility

The present particulate secondary 24-hour standard is based on preserving a 5-mile visibility. A view of the snow capped mountains would be seriously effected by such a visibility limit. The aesthetic component of particulate limitation is a major portion of the "non-degradation" issue now pending at the Supreme Court. The most likely cause of citizen complaints about air pollution is the sight of particulate emission (smoke). Although aesthetic effects may be difficult to price, they are nevertheless important to the public.

Ecological Impact

In the section on acid rain it is mentioned that breeding habits of some fauna are affected by environmental changes due to pollutants washed out of the atmosphere. Ecological change occurs fundamentally by differential reproduction rates. Any effect on the balance between the reproduction rates of the several animal and plant species in an ecosystem will change the entire system given sufficient time. The "welfare" effect of the decline of a non-economic species may appear negligible, but such decline is an indicator of environmental impact which probably portends much more serious systematic effects if neglected.

REFERENCES

(1) Swedish Case Study for the U.N. Conference on the Human Environment.

(2) D. W. Fisher—Personal Communication to G. Likens, Ref. 18 of Likens, Bermann, Johnson, *Environment*—March 1972.

(3) *Gordon—Interim Report to EPA.* Referenced in: *Likens, Cornell U. Water Resources and Marine Science Technical Report #50,* Oct. 1972.

(4) Beamish, R. J. & Harvey, H. *Journal of Fisheries Research Board of Canada,* Vol. 29, No. 8, 1972.

APPENDIX TO TAB. 5. EXAMPLE OF AN INTERMITTENT CONTROL SYSTEM

Since September 1969, TVA has been exercising intermittent control at its Paradise Steam Plant.[1] The program requires reduction in generating loads to reduce SO_2 emissions during adverse meteorological conditions when a prescribed (threshold) ambient ground-level concentration would otherwise be exceeded.

Through several months of field investigation it was determined that the only meteorological condition likely to cause ground-level SO_2 concentrations in excess of the threshold level was a "limited mixing" situation. Because only one "problem" situation prevails at Paradise, it is possible to apply a single model, based on 9 meteorological criteria, to determine when the emission rate must be reduced. The plant curtails emissions by reducing plant load. The criteria are:

1. Potential temperature gradient between stack top (183 m) and 900 m is > 0.46° C/100 m.
2. Potential temperature gradient between stack top (183 m) and 1500 m is > 0.51° C/100 m.
3. Difference between daily maximum and minimum surface temperature > 6° C.
4. Maximum daily surface temperature < 33° C.
5. Maximum mixing height < 200 m.
6. Maximum mixing height > calculated plume centerline height.
7. Time for mixing depth to develop from plume centerline height to critical (maximum) mixing depth > 1.1 hours.
8. Mean wind speed between stack top (183 m) and 900 m is between 2.5 and 8.0 m/sec.
9. Cloud cover < 80 percent.

To determine when the criteria are met, meteorological measurements are made on a daily basis, utilizing a meteorologically instrumented tower and aircraft, specialized support from the National Weather Service, and an ADP facility. The computer facility is used to determine when the criteria are met and, utilizing a TVA dispersion model, the necessary load reduction to assure that ground-level SO_2 concentrations will not exceed the threshold level.

There are two occasions in which attainment of all prerequisite criteria would *not* result in the required curtailment: (1) When further curtailment would lead to system instability (e.g., blackouts) or (2) When the supply of firm power to customers would be interrupted. Neither of these situations has yet occurred.

Air quality data were used to determine the effectiveness of the ICS. A network of 14 SO_2 monitors was established in a 22½° sector downwind of the plant, bounded by the 22½° and 45° azimuths. Before institution of the ICS (1/1/68–9/19/69), there were 10 violations of the secondary 3-hour NAAQS for SO_2 and 8 violations of the primary 24-hour NAAQS. For a period of similar duration immediately following institution of the ICS (9/19/69–6/25/71), there were only 2 violations of the 3-hour standard and no violations of the 24-hour standard. Thus, the ICS was quite effective in reducing the number of violations at the TVA monitors.

It should be noted that the Paradise ICS utilizes but one (critical meteorological criteria) of *several* theoretical bases for emission curtailment; i.e., predicted and measured air quality may also be used, either in lieu of or in combination with meteorological criteria.

Reference

(1) Montgomery, T. L., et al., "Control of Ambient SO_2 Concentrations by Noncontinuous Emission Limitation (at) Large Coal-Fired Power Plants," TVA, Muscle Shoals, Alabama; presented at the 102d Annual Meeting of the American Institute of Mining, Metallurgical and Petroleum Engineers, Chicago, Illinois; February 25–March 1, 1973.

TAB. 6 COST EFFECTIVENESS

The principal arguments in favor of ICS, and the reason that smelter and power plant operators want to use ICS, is that permanent control technology is not available in every case to meet NAAQS and that ICS may significantly reduce the costs of meeting the air quality standards.

There is no doubt that if source operators were allowed to choose the method of achieving NAAQS, that many would choose a combination of tall stack and ICS, or would at least include these tactics in their control strategy. Kennecott Copper Corp. has estimated that the least cost control system for their smelters to attain the NAAQS is a combination of 40–80% CCS (using acid plants) plus ICS. To attain the standards by CCS alone would increase their costs by 50–350%. TVA has estimated that the cost of ICS is about 1/50 the cost of CCS to achieve short-term SO_2 standards. (TVA power plants emit from tall stacks.) (See enclosures.)

There is no question of the cost-effectiveness of ICS when attainment of AAQS is the measure of effectiveness and the cost to the operator is the measure of cost. However, each of these calculations may be questioned.

ICS cost

The cost of ICS may be divided into three parts: Direct installation and operating costs to the source, lost production for the source and lost wages for its employees, and increased surveillance and enforcement costs to the public sector. The direct costs to the source include equipment for monitoring air quality and emissions and for varying the emission rate, modeling services, additional personnel, clean fuel (if that is the method of reducing emissions) and license fees.

TVA has estimated[1] the cost of ICS operation at one plant at $262,000 initially and $103,000 (1970 dollars) annually, excluding the costs of clean fuel or load transfer. This estimate includes only 6 monitors and no telemetry equipment. If 20 monitors were used with telemetry, the cost would increase to about $500,000 initially and $150,000 annually. These cost increases include additional personnel as well as additional equipment.

Lost production may or may not be a serious cost factor depending on whether the method of emission reduction is production curtailment, on whether the plant operates at full capacity, on whether lost output can be recovered without serious cost penalties, and on the lead time for curtailment. If plant operation must be partially or totally curtailed at short notice during a period of high demand for production, this cost may be high indeed. On the other hand, if emission reduction is affected by switching to cleaner fuel, shifting the load elsewhere (in the case of power plants), or rescheduling periodic suspensions of operations for maintenance, then the lost production cost may be relatively small.

For example, Kennecott estimates[2] that the least cost control system for their smelters should include about 60% CCS via acid plants with additional control by ICS. The CCS is required to reduce smelter operation curtailment time. If more ICS and less CCS were used, the smelter could become a se-

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rious bottleneck in the mine-to-market production system. Custom smelters, such as those operated by ASARCO, do not have mine operation overhead expenses to deal with, so their least cost operation may include more ICS and less CCS.

The cost of load switching to power plants may be very low if the number and duration of load reductions is low. For TVA's Paradise steam power plant, the estimated reduction frequency is 30 days per year with an average duration of 4 hours. If all the power needed during these curtailment periods is purchased from neighboring power plants not in the TVA system (the worst case), the incremental control cost due to the purchase of power would be about ¼ of 1 percent of the cost of power production. This analysis assumes that the capacity to supply the additional power exists. If additional capacity does not exist, then either additional capacity must be built or emission reduction must be accomplished using a dual fuel system. Either of these alternatives would be considerably more costly than load switching.

The increased cost of surveillance and enforcement incurred by the public air quality control agency due to ICS may be considerable. The reliability of ICS in avoiding MAAQS violation is particularly dependent on vigorous policing (see Tabs 2 and 3). This effort will require additional resources at the control agency. The additional cost of policing an ICS may run as high as $130,000 the first year and $50,000 per year thereafter. These figures include 4–6 independent fixed samplers, a mobile sampler, telemetry equipment and 2–3 men full time to operate the equipment, check source operation and equipment calibration, and review source curtailment procedure. It is reasonable to expect the source to defray at least part of this public expense. This cost, then, should appear in the license fee paid by the source in connection with the control strategy approval procedure.

Indicators of effectiveness

The indicator of effectiveness used in virtually all cost-effectiveness calculations done by prospective ICS users is attainment of AAQS. The discussion of unquantified effects of pollutant emissions under Tab. 4 raises some doubt as to the adequacy of this indicator as a measure of environmental effectiveness.

Unfortunately, there is no good indicator of total environmental impact of emissions. The indicators currently used—annual emission, emission rate, and ambient concentration—each leave something to be desired. Measures of emission neglect the effect of atmospheric dispersion while measures of concentration usually are concerned with peak concentration or concentration at one point and neglect the distribution of concentration in time and space.

In order to quantitatively compare the effectiveness of ICS and CCS, or any control strategy elements for that matter, a superior indicator of environmental impact is desirable. An attempt is made in the Appendix to develop such an indicator. The result is an estimate of environmental impact based on emission rate, emission height, wind speed, stability and ceiling height. Although this indicator is probably superior to either average emissions or maximum pollutant concentration, it is far from ideal because it assumes that environmental damage is linearly related to ground-level pollutant concentration and independent of what is *on* the ground, assumptions certain to be overly simplistic.

In summary, then, there is no available indicator of environmental impact that quantitatively includes all adverse effects of pollutant emissions. The minimum acceptable effectiveness of a control system is the attainment of NAAQS; this is the stated criteria of Section 110 of the CAA. Total annual emission is an indicator that includes all environmental effects but is not quantitatively related to the expected environmental damage. Total annual ground-level concentration (see Appendix) is a potentially superior indicator, but it is complex and based on a simplistic damage function.

Cost effectiveness

In order to compare two or more control strategies on the basis of cost-effectiveness the measure of cost and the indicator of effectiveness must be mathematically related to produce one number or figure of merit for each control system. If attainment of AAQS is taken as a sufficient measure of effectiveness, then the cost of achieving AAQS is the only available indicator of cost-effectiveness, and the system with the lowest cost is the most cost-effective. The assumption underlying this procedure is that all control systems that meet AAQS are equally effective in preventing environmental damage.

If attainment of AAQS is taken as a necessary but insufficient indicator of effectiveness, and annual emission is the indicator of environmental impact, then the control system cost-effectiveness is given by (system cost) x (system annual emission after control). As in the previous example, the system with the lowest product is the most cost-effective. The assumption underlying this procedure is that if NAAQS are met, damaging impact of emission on the environment still occurs and that impact is directly proportional to annual emission. These assumptions are probably superior to the one necessary for the previous calculation, but they neglect the effects of dispersion on concentrations and of concentration on damage—serious omissions.

Total concentration (Appendix) may be substituted for annual emission in the cost-effectiveness calculation and thereby internalize the relationship between dispersion and concentration. The effect of this substitution would be to improve the cost-effectiveness calculated for ICS, tall stacks, or other methods that rely principally on improved pollutant dispersion. The assumption required for this procedure is that environmental damage is directly proportional to the time and intensity of ground-level pollutant concentration (dosage). This assumption is conservative in that there may be no damage due to very low or infrequent dosages.

To illustrate the use of these measures of cost-effectiveness, the following data have been assembled from various TVA estimates:

Estimated cost of scrubber (Experimental Widows Creek Plant)	$42, 000, 000
Removal efficiency of scrubber	80%
Initial cost of ICS (Initial cost of program including six monitoring stations)	$262, 000
Operating cost of ICS (Excluding load switching cost)	$103, 000

These data must be manipulated somewhat before they can be made useful. The estimated scrubber cost is undoubtedly high due to its experimental nature. It will be reduced to $20 million. The annualized cost of scrubbers is about 25% of initial cost, so $5 million per year will be used as the cost of the scrubber.

Six monitors are insufficient for ICS air quality feedback. Increasing the number of monitors to 20 will increase the initial cost to about $500,000 and the operating cost to $150,000 per year. If the initial cost is capitalized at 10%, the annual cost of ICS (excluding load switching) is $200,000. The cost of load switching may be as much as $200,000.[3] The total annualized cost of ICS to the plant will, therefore, be taken as $400,000.

Increased surveillance cost must now be added to the cost of ICS. Let us assume that it will cost half as much to police the system as to operate it and set the annualized agency cost at $75,000 per year.

The annual reduction of emissions due to the ICS system will be taken as zero. This assumption is based on the fact that load switching will only need to be performed a few days per year and that the load may increase on some other days due to ICS at other plants. With these very crude data the effects of alternative cost-effectiveness calculations may now be compared.

Case I—Cost Effectiveness as seen by the Operator: Measure of cost—annualized cost of control to the plant; Measure of effectiveness—attainment of NAAQS; CCS cost-effectiveness—$5,000,000; ICS cost-effectiveness—$400,000; Relative superiority of ICS—12.5:1.

Case II—Cost-Effectiveness as seen by the Control Agency: Same measures of cost and effectiveness as in Case I except that $75,000 per year control agency cost is added to the ICS cost; Relative superiority of ICS—10.5:1.

Case III—Cost-Effectiveness using Annual Emission as the Measure of Effectiveness: CCS cost-effectiveness ($5,000,000) (20%) = 1,000,000 $-%; ICS cost-effectiveness ($475,000) (100%) = 475,000 $-%; Relative superiority of ICS—2.1:1.

Case IV—Cost-Effectiveness using Total Concentration as a Measure of Effectiveness (Appendix).

Data are not available to calculate the indicator of effectiveness for ICS and CCS. The cost figures would be the same. The relative superiority of ICS would lie somewhere between Case II and Case III due to the fact that emissions from the ICS would be weighed less heavily than emissions from the CCS because they are released during periods favorable for excellent dispersion.

Summary

Cost-effectiveness calculations performed by plant operators, where attainment of AAQS is the measure of effectiveness used, will make ICS look attractive to large sources of SO_x and perhaps other pollutants as well. Extensive monitoring and real time feedback from the monitors, if required by ICS acceptance procedure, will increase ICS costs and reduce its attractiveness to some marginal sources. The internalization of increased agency surveillance costs in the form of license fees will also increase ICS costs, but probably not enough to make ICS unattractive to a large source.

While attainment of NAAQS is the minimum legal effectiveness required of a control system, it is a poor *measure* of control effectiveness, for all presently unquantified adverse effects of pollutant concentrations below NAAQS are neglected. An indicator of effectiveness that includes all environmental effects of emissions is annual emissions. When this indicator is used in cost-effectiveness calculations ICS and other dispersion techniques appear less attractive, although they still may be more attractive than CCS in some cases.

Annual emission is a very conservative indicator of environmental impact when it is coupled with the requirement that NAAQS must be met. If a control system employing ICS and/or tall stacks can meet NAAQS *and* is more cost-effective than a totally CCS system when annual emission is used as the measure of effectiveness, than acceptance of such a system is most probably in the public interest.

Total concentration (Appendix) is a less conservative and more accurate measure of environmental impact than annual emission. Its use would favor ICS and other dispersion techniques somewhat more than annual emission. It is questionable whether this increased accuracy is worth the greatly increased complexity of this indicator, especially as the accuracy attained is still far from perfect.

FOOTNOTES

[1] An example approach to development of an optimum "Emission Limitation System at Primary Copper Smelters" by Dr. Templeton, Kennecott Copper Corp., presented at a meeting in Washington, D.C. on March 20, 1973. (On file in the Source Receptor Analysis Branch, OAQPS.)

[2] Memorandum "Trip Report—TVA's Paradise Steam Plant" by H. H. Slater, dated October 29, 1971. (Also on file in SRAB, OAQPS.)

[3] TVA Report AQ-72-3, "Cost Analysis for Development and Implementation of a Meteorologically Scheduled SO_2 Emission Limitation Program for Use by Power Plants in Meeting Ambient Air Quality SO_2 Standards." (On file in the Source Receptor Analysis Branch, OAQPS.)

APPENDIX TO TAB. 6. AN INDICATOR OF THE ENVIRONMENTAL IMPACT OF EMISSIONS

The adverse effect caused by the input of a pollutant to an environmental element (animal, plant, ecosystem, etc.) is an increasing function of the rate of input. The rate of input of a pollutant from the ambient air is an increasing function of the concentration of the pollutant in the air. The total environmental impact of a pollutant in the ambient air may be written.

Total Environmental Impact=

$$\sum_{\substack{\text{All}\\ \text{time}\\ \text{periods}\\ (t)}} \sum_{\substack{\text{All}\\ \text{environmental}\\ \text{elements}\\ (i)}} f(x_{it}) \qquad (1)$$

where x_{it}=the ambient concentration of the pollutant around element—i at time t—and f indicates an unspecified function. The function, f, is unknown at present. It is most probably not a linear function and it undoubtedly depends on the kind of environmental element involved. Nevertheless, f (x_{it}) will be approximated by k. (x_{it}) where k is a constant, because this is the simplest available function that fits the attribute of f (x_{it}) that is known, namely, that it increases with x_{it}.

The environmental element used will be a unit area of the earth's surface. This also is a gross simplification, for what is *on* a given area is certainly relevant. Yet, to include this consideration would introduce insolvable complexity, so it will be neglected.

The value of x at a ground-level point located x km downwind and y km crosswind from a source of emissions with total plume rise H is given by

$$x=\frac{Q}{\pi\sigma_y\sigma_z\mu}\exp\left[\frac{-H^2}{2\sigma_z^2}\right]\exp\left[\frac{-y^2}{2\sigma_y^2}\right] \qquad (2)$$

where σ_y and σ_z are horizontal and vertical dispersion parameters which vary with stability, mixing height, and the distance from the source (x).

If Eq. (2) is integrated over x and y for constant wind direction, wind speed, stability, and mixing height, the result is the value needed for the first sum indicated in Eq. (1). If the values of these integrals are then summed over each combination of meteorological conditions, the result is the indicator of environmental impact sought. In mathematical language—

Total Environmental Impact=

$$k\sum_{\text{Speed}}\ \sum_{\text{Direction}}\ \sum_{\text{Stability}}\ \sum_{\substack{\text{Mixing}\\ \text{height}}} \int_0^a x\,dA \qquad (3)$$

If the meteorological history of a region is available, and the emission schedule and stack parameters of a source are known, this function can be computed. If two or more emission control methods are to be compared, the alteration in the emission schedule expected from each method can be entered into Eq. (2) and (3) to produce measures of the effectiveness of the methods.

This indicator is both crude and complex. It assesses the *ideal* effectiveness of a control system. It assumes that meteorological conditions can be predicted infallibly and that the source reacts instantaneously to every meteorological condition regardless of its duration. Yet it is a much better indicator of environmental impact than a few air quality samples or total emission, and its calculation is within the state-of-the-art. The use of such an indicator would be most helpful in quantitatively evaluating control techniques that rely on dispersion for their effectiveness. ICS and tall stacks are such techniques. The value of this indicator would be entered as the "effectiveness" portion of a cost-effectiveness comparison between alternative control methods.

AN EXAMPLE APPROACH TO DEVELOPMENT OF AN OPTIMUM EMISSION LIMITATION SYSTEM AT PRIMARY COPPER SMELTERS

I. INTRODUCTION

This report describes an economically optimum approach to limiting sulfur dioxide emissions from primary copper smelters. The criterion for sulfur dioxide emissions is that the national primary ambient air standards for sulfur dioxide must be achieved. The following ambient air quality conditions must be evaluated before the emissions limitation can be considered:

1. The effect of fugitive emissions and other low elevation emissions on ambient concentrations in the vicinity of the smelter;

2. The effect of changes in stack configuration.

If, after eliminating fugitive emissions and other low elevation emissions, and accounting for the effects of anticipated changes in stack configuration, ambient concentrations exceed the standards, then an emission limitation strategy can be designed.

A control system which limits smelter emission can consist of a steady state component and a variable component. The steady state component provides for constant limitations of sulfur dioxide, while the variable component provides for limiting emissions in response to changing weather conditions.

Steady state sulfur limitation can be achieved at an existing smelter by—

1. Permanently reducing the smelter production rate;

2. Installing sulfur capture equipment.

Variable sulfur limitation can be achieved by—

1. Substitution of concentrates containing a smaller amount of sulfur than the nominal concentrate feed;

2. Intermittently operating sulfur capture equipment;

3. Reducing gas volumes.

STEADY STATE EMISSION LIMITATION

The costs of steady state emission limitation vary from smelter to smelter. The principal factor which determines the cost of continuously capturing sulfur is volume of off-gas produced per unit of smelter throughput. There are two basic methods of achieving steady state emission limitation, including:

1. Permanently reduce smelter throughput;

2. Install sulfur capture equipment.

Permanent reduction of smelter throughput requires little, if any, capital outlays for equipment; however, there may be a significant penalty in loss of production. Nevertheless, under some circumstances, this may be the least expensive method.

In cases where maximum production from an existing facility is desired, steady state limitation of sulfur can be achieved by—

1. Installing sulfur capture equipment on an existing process;

2. Installing a new process wtih a low volume per unit throughput to minimize the amount of sulfur capture equipment needed.

Figure 1 illustrates the steady state emission limitation costs as a function of per cent steady state sulfur capture as an industry average. While the curve for a specific smelter may deviate up or down from the average, the development of such a curve represents the first step in the determination of the optimum strategy for achieving compliance with ambient air quality standards. The second step is to determine the variable emission limitation costs as a function of percent steady state sulfur capture.

VARIABLE EMISSION LIMITATION

Like the costs associated with steady state emission limitations, variable emission limitation costs can be substantially different for each smelter. For a smelter that is in an area where ambient standards are being met, there is no cost. However, when concentration will exceed a standard unless the smelter emission rate is reduced, there is a cost associated with this reduction in emission rate.

The major factor which influences the cost of variable emission limitation is, of course, the frequency and severity of the limitation episodes. These factors are determined by meteorological conditions and smelter emission characteristics. Once the smelter emission characteristics have been determined, a relationship can be developed which describes the frequency distribution for ambient concentrations in the region around the smelter. From this distribution, the frequency and severity of the variable emission limitation (and thus the cost) can be determined for various degrees of steady state sulfur capture. The cost of variable emission limitations is a function of several elements, including:

1. The cost of the surveillance network;

2. The capital and operating costs of intermittently operated sulfur capture equipment;

3. The costs of stockpiling and utilizing alternative feeds;

4. The penalty for loss or delay of production.

5. The costs of production capacity needed to compensate for curtailment losses.

Figure 2 illustrates an example of a variable emission limitation cost curve. Again this relationship varies from smelter to smelter and can only be determined on the basis of each smelter's operating characteristics, economic condition, and atmospheric dispersion characteristics.

SYSTEM OPTIMIZATION

An economically optimum control system is one which provides for compliance with air quality standards at minimum cost. The optimum combination of steady state and variable emission limitation can be determined from the equation:

$$Co=\{\underset{0\leq p\leq 100}{\mathrm{Min}}[Css(p)+Cv(p)]\}$$

where

Co=Minimum compliance cost

Css (p)=Steady state emission limitation cost as a function of percent steady state sulfur capture

EXAMPLE 1[1]

Strategy	Relative sulfur abatement costs		
	Total	Dollars per year	Cents per pound
Continuous control system	$100–$117	$27–$29	5.2–5.5
Fixed emission limitations	127–140	40–41	7.5–7.6

[1] Potential advantage of continuous control system over fixed emission limitation 2 to 2.4 cents per pound.

EXAMPLE 2 (NEVADA)[2]

Continuous control system	$20	$1.8	2.0
Fixed emission limitation strategy	50	6.0	6.7

[2] Potential advantage of continuous control over fixed emission limitation 4.2 cents per pound.

Trip Report—TWA's Paradise Steam Plant

I. PURPOSE

To observe operation of TVA's Intermittent Control System at Paradise Steam Plant.

II. PLACE AND DATE

Paradise Steam Plant (near Greenville, Kentucky) October 26–27, 1971.

III. ATTENDEES

Mr. Jack Leavitt, TVA, Muscle Shoals, Alabama.

Mr. Henry Lekenby, TVA, Paradise Steam Plant.

Mr. Butler, Assistant Supt., TVA, Paradise Steam Plant.

Dr. Noel deNevers, Scientific Advisor—DAT.

Mr. H. H. Slater, Acting Chief, AQMB.

IV. DISCUSSION

1. The intermittent control system used at Paradise was described and discussed. It is essentially as described by Leavitt, et al. in the June 1971 APOA Journal, except that forecast weather conditions are no longer used in the alerting program.

2. Five non-meteorological restrictions are imposed upon implementation of the control procedures. Calculated control actions are not taken if:

(a) The required reduction in plant load threatens plant stability.

(b) The required reduction in plant load threatens system stability.

(c) The required reduction requires a reduction in plant load to below 1500 MW.

(d) The required reduction threatens the coal supply at another plant in the system.

(e) The required reduction in plant load is not more than 10% of the load at the time the reduction is scheduled to take place.

It is understood that to date only Item "e" has been invoked to withhold control action.

3. Because this plant is located on top of its coal supply, it has very low-cost fuel. Thus, its power is the cheapest in the TVA system. Paradise operates at near full capacity at all times. TVA adjusts for daily and seasonal load variations by changing loads to other, higher cost plants.

(a) The operators are reluctant to reduce load because it is inconvenient, and because every change in load introduces thermal stresses into the boiler, thereby hastening the day when the boiler must be shut down to repair tube leaks, which are caused by thermal stresses, erosion, corrosion, etc.

(b) In addition, reduction in load lowers the stack gas outlet temperature, leading to condensation in the cold end of the air preheater, and to tube corrosion. They are currently doing an expensive retubing job on one furnace to repair such damage (not due to load reduction). Because they have this problem they dislike load reduction, which aggravates it.

(c) For each of their three units there are lower operable limits, set by reduction of slag temperature leading to slag drawoff plugging and by minimum fluid recirculation rates. These are equal to about ⅓ of maximum power production, and thus do not normally limit the amount of load reduction which can be accepted.

4. Mr. Leavitt reviewed costs of control system proposed in the recent AQMB staff paper. He will comment further on it after review with the Muscle Shoals staff.

5. Power load reduction is considered when ground-level SO_2 concentrations are expected to reach 0.80 ppm for one-half hour.

6. TVA is considering intermittent control systems for all fossil fueled generating plants.

V. CONCLUSIONS

1. An intermittent control system is a very tenuous mechanism to protect air quality. At TVA, a utility with a reputation for concern for maintaining "acceptable" air quality, the decision to take control action is made by persons whose performance is judged by their capability to produce power at a minimum cost. Their concern for the environment rarely, if ever, is a significant factor in evaluating their "efficiency." The operation at Paradise may at times severely circumscribe the implementation of controls. The outlook for a truly effective use of an intermittent control system by smelters and private utilities is not encouraging.

2. An Intermittent Control System is an inexpensive "control mechanism". See the attached analysis by Dr. Noel deNevers.

Herschel H. Slater,
Acting Chief, Air Quality Management Branch, Division of Applied Technology.

The Economics of Intermittent Control of the Paradise Steam Power Plant

1. Introduction—International control is attractive to TVA's Paradise, Kentucky, steam power plant because it is very inexpensive. As shown in the attached figures, it increases the annual average cost of power by 1/10 to ¼ of 1%. There is probably no other "environmental improvement" project they could undertake which would cost them less. To make the economic calculations shown below one must have a set of data for the plant operations; the data set below are approximations, based on data obtained on this trip, the published paper about intermittent control, and published data about the Paradise plant.

(a) Data:

Plant capacity 2658 mw.

Fuel cost $\$0.17/10^6$ BTU.

Capital cost $150/kw.

Annual capital charge (includes taxes, insurance, maintenance), 15%.

Annual average load factor 70%.

Average heat rate 9000 BTU/kw.

Number of air pollution control days per year, 30.

Average length of pollution control power reduction, 4 hrs.

Average power reduction due to pollution control, 400 mw.

(b) Based on these numbers one may compute that the cost of power from the Paradise plant is:

Capital Charge (kwh)	$0.0037
Fuel Cost	.0013
Labor, materials, misc	.0005
Net cost of power at power plant (kwh)	.0055

2. Worst Case Situation—If the extra power needed to offset the power production at Paradise must all be purchased from neighboring power companies at $0.006/kwh, then the extra cost to TVA is $0.005/kwh minus the fuel saving at Paradise of $0.0013, for a net of $0.0043/kwh. Multiplying this by 400 mw times 30 days times 4 hours equals $204,000. This is the worst-case annual cost to TVA for this system of pollution control. Dividing this sum by the total number of kwh produced at Paradise, we find the incremental pollution control cost is $0.000012/kwh, or about ¼ of 1% of the cost of power at the plant.

3. Most Likely Situation—In most situations, the extra load on the TVA power system due to load reduction at Paradise can be picked up by other plants in the TVA system. These other plants are older and less efficient and/or have higher fuel costs because they are located further from fuel sources than Paradise. Assuming that the extra load is picked up by an older plant with a heat rate of 10,000 BTU/kwh and a fuel cost of $\$0.30/10^6$ BTU, we can compute its fuel cost as $0.0030/kwh. In this case the incremental cost of the control system is this extra fuel cost, less the fuel saving at Paradise, or $0.0017/kwh. Multiplying this by the amount of load so transferred leads to a total annual cost to TVA of $81,000. Dividing this by the total amount of power produced at Paradise leads to an incremental pollution control cost for power production of $0.0000047, or slightly less than 1/10 of 1% of the average cost of power production at Paradise.

4. Summary—

(a) These assumptions are intentionally conservative; Mr. Leavitt informed us that he had heard that the annual cost of the program for FY 1971 was $55,000. Thus, the above figures appear to overstate the costs somewhat.

(b) These figures do not include the cost of the meteorological program carried on in support of the power reduction. This probably adds another $50,000/yr., bringing the real cost to TVA of this program up to about 2/10 of 1% of the cost of power production at Paradise.

Tennessee Valley Authoritys Cost Analysis for Development and Implementation of a Meteorologically Scheduled SO_2 Emission Limitation Program for Use by Power Plants in Meeting Ambient Air Quality SO_2 Standards

INTRODUCTION

The following cost analysis has been prepared for the development and implementation of a meteorologically oriented program, applicable to large power plants, for limiting SO_2 stack emissions during adverse dispersion conditions. The analysis is based on part on TVA's experience with the Paradise Steam Plant SO_2 emission limitation program[1] which was initiated in September 1969. Through use of this type program, atmospheric SO_2 emissions may be reduced during periods of critical meteorological conditions for the purpose of enabling plant operators to meet ambient air quality standards. Such program implementation may be achieved by reduction in power generation and/or by use of low sulfur fue.. This cost analysis is only for those program elements involved with the development and implementation of this type of meteorologically scheduled SO_2 emission limitation program and does not include costs incurred by the plant operator for power makeup, load interruption, need for increased power reserves, etc.

The first step in planning an emission limitation strategy for an individual power plant requires a preliminary assessment of all program components to determine if implementation by SO_2 emission limitation will provide a feasible method for complying with ambient air quality standards. The degree of feasibility will depend primarily on the expected frequency of the implementation and on the magnitude of the SO_2 emission limitations. These two factors must be evaluated on the basis of plant size and configuration, frequency of adverse atmospheric dispersion conditions, local topographical and meteorological influences, and impact areas of maximum ground-level concentrations where ambient air quality standards may be exceeded.

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[1] Leavitt, J. M., Carpenter, S. B., Blackwell, J. P., and Montgomery, T. L., "Meteorological Program for Limiting Power Plant Stack Emissions," *Journal of the Air Pollution Control Association,* 21 (July 1971).

This cost analysis is based on TVA's experience in developing and implementing the meteorologically scheduled SO_2 emission limitation program at the TVA Paradise Steam Plant (2,558 mw) in western Kentucky. This program was initiated in September 1969 and provides a method for limiting SO_2 stack emissions by reducing power generation during adverse atmospheric dispersion conditions. The scheduling of the program is dependent upon the measurement and evaluation of on-site meteorological elements which identify the need for implementation and the degree of SO_2 emission limitation. Meteorological forecast information from nearby National Weather Service Station facilities is usually required to support the prediction of on-site meteorological conditions during the expected implementation periods.

The cost analysis is presented in two parts. The first includes the costs of the *program development* elements during the first year; they include (1) air monitoring, (2) full-scale field studies, and (3) field data processing and analysis and program design. The second part includes the annual recurring costs for the *program implementation* following completion of the development phase.

PROGRAM DEVELOPMENT

Air monitoring

The air monitoring program serves an essential role in the development phase of the meteorologically scheduled SO_2 emission limitation program. It provides continuous documentation of SO_2 ground-level concentrations during the full-scale field studies for augmenting the special mobile field measurements which are used for identifying the critical meteorological parameters associated with maximum ground-level concentrations. Furthermore, the air monitoring provides supportive documentation of SO_2 ground-level concentrations for evaluating the effectiveness of the program, particularly during periods of SO_2 emission limitation when compliance with ambient air quality standards is the prime objective.

Several principal requirements should be considered in the establishment of an air monitoring network. There must be an adequate number of air sampling stations to provide coverage (usually within 10 miles of the plant) of the impact areas where maximum ground-level concentrations may occur. The network planning should be coordinated with the state and local air quality control agencies to determine the minimal air monitoring network requirements. However, to support an optimum-type SO_2 emission limitation program, a minimum of six air sampling network stations would normally be required. The specific number would depend upon the local topographical and meteorological features and the plume behavior during periods of maximum ground-level concentration occurrence. All stations should be equipped with some form of SO_2 data logging in machine-readable format to eliminate routine manual processing of strip charts and to provide greater flexibility and capability in the data display, interpretation, and analysis. Computer facilities at the power plant or elsewhere must be available for routine processing of the data. It is desirable, but not required, to provide telemetry capability for realtime recording of the network data at a strategically located network station or field office. Estimated costs follow:

1. SO_2 monitors, including analog "backup" recording: 6 @ $4,500	$27,000
2. SO_2 monitor shelters, including installation: 6 @ $2,000	12,000
3. SO_2 monitor installation	3,000
4. Data logging system: 6 @ $2,000	12,000
5. Electronic test equipment; work bench, tools, etc	11,000
Total	65,000

(NOTE.—Telemetry (radio) system with integrated data logging at central station would increase cost about $30,000.)

The air monitoring network should include facilities to provide the necessary meteorological support. The instrumentation can be of minimum sophistication, consisting of a 150-foot steel tower with automatic recording of wind direction, wind speed, and temperature gradient or atmospheric stability. The meteorological data would be used primarily for surveillance of the *general* plume transport and dispersion conditions within the network area. The data could also be used, if needed, to augment the vertical wind and temperature profile data collected by fixed-wing aircraft and pilot balloon methods, respectively, which are used for identifying the meteorological parameters involved in the development and implementation of the control program. Before establishing the meteorological facility, the state and local air quality control agencies should be contacted and the installation plans coordinated. The facility should also be established early enough to ensure reliable operation at the outset of the full-scale field studies. Also, it should be designed, if practical, to accommodate more sophisticated instrumentation for support of a permanent air monitoring program, should one be needed. Estimated costs follow:

1. Steel tower (150 feet), including installation	$3,000
2. Instrument shelter, including installation	3,200
3. Wind system, with sensors at 10 meters and tower top	5,300
4. Temperature system, with sensors at 10 meters and tower top	$1,100
5. Data logging system	3,000
6. Instrument system installation	2,000
7. Analog "backup" recorders: 3 at $1,800	5,400
Total	23,000

The air monitoring network should operate continually throughout the 1-year development phase of the program. Estimated operational costs follow. Note: All staff costs are increased by about 60% for related expenses.

1. Staff:	
A. Electrical engineer	$27,000
B. Instrument mechanics; 2 full-time (calibration, servicing, repair of meteorological and air sampling equipment)	35,000
2. Data Handling:	
A. Computer program support	1,000
B. Data summary, preparation, and storage	500
3. Additional Cost:	
A. Vehicle operation	1,500
B. Instrument charts	500
C. Office facilities	750
D. Expendables—miscellaneous	750
Total	67,000

Full-scale field studies

The purpose of the full-scale field studies is to precisely identify maximum SO_2 ground-level concentrations attributable to power plant operations, along with the accompanying atmospheric dispersion conditions, or dispersion models, i.e., coning, inversion breakup, limited layer mixing (or trapping). These concentrations should be * * * determination of required SO_2 emission limitation or power generation reduction. The magnitude of the SO_2 emission limitation will depend primarily upon the criticality of the atmospheric dispersion conditions. Once these conditions are identified, the governing ranges of the meteorological parameter values are established for use in developing a computer program for scheduling the SO_2 emission limitation.

The full-scale field studies are designed to concurrently collect ambient SO_2 and meteorological data. SO_2 measurements will be made by an instrumented helicopter and a mobile surface vehicle. The helicopter is particularly useful in providing near ground-level measurements of plume concentrations in areas not accessible by surface vehicle or not adequately monitored by fixed network air sampling stations. Meteorological measurements will include vertical temperature and wind profiles by fixed-wing aircraft and standard pilot balloon methods, respectively. Measurements should be made from surface to about 6,000 feet in order to identify the pertinent meteorological criteria and the related parameter values associated with maximum ground-level concentrations, particularly those which will exceed ambient air quality standards.

In geographical areas with seasonal variations in atmospheric dispersion conditions, the field studies should be scheduled during selected periods of the year to document the variance in plume behavior patterns. A total of three months of field sampling should be sufficient with emphasis always given to those days when adverse dispersion conditions are expected to occur.

Four full-time staff members, including a meteorologist, will be required to conduct the field studies. The key member is the meteorologist-helicopter observer who has prime responsibility of organizing and conducting the aerial sampling program and to ensure the collection of quality data. Estimated costs follow:

1. Staff:	
A. Supervisor (meteorologist-helicopter observer): 90 days	$7,000
B. Pilot balloon operator: 90 days	4,500
C. Surface vehicle operators (2): 180 days	9,000
2. Vehicular samplers:	
A. Helicopter: 400 hours at $100/hour	40,000
B. Fixed-wing aircraft: 160 hours at $35/hour	5,600
C. Surface vehicle: 5,000 miles at $0.10/mile	500
3. Equipment:	
A. SO_2 instrument, helicopter	7,000
B. SO_2 instrument, surface vehicle	6,800
C. Temperature instrument, aircraft	2,400
D. Portable radios; 2 at $150/each	300
E. Camera	200
F. Pilot balloon facilities, accessories, and equipment	2,200
G. Expendables	500
Total	86,000

Data processing and analysis and program design

About three months, total time, will be required to process and analyze the field data and to design and formulate the implementation programs for limiting SO_2 emissions during adverse atmospheric dispersion conditions. From the data analysis the critical meteorological conditions associated with ground-level concentrations exceeding ambient air quality standards will be identified. The related meteorological parameter values for inclusion in appropriate atmospheric dispersion equations, along with plant operational information and required air quality goals, will then be used to develop a computer program for specifying the SO_2 emission limitation by means of power generation reduction. For example, on a particular implementation day, if the power plant's existing generation load is greater than the allowable load specified by the computer program, the plant would be required to limit SO_2 emission by reducing power generation to the allowable level. The period of SO_2 limitation would depend upon the time of day and the duration or persistence of the adverse meteorological conditions. Estimated costs follow:

1. Supervisor (meteorologist): 90 days	$6,900
2. Mathematician—computer programmer: 90 days	6,900
3. Clerical staff (3): 270 days	7,200
Total	21,000
Grand total	262,000

PROGRAM IMPLEMENTATION

Annual operation

The program implementation would begin following completion of the program development elements, i.e., full-scale field studies, data processing and analysis and program design, which would be conducted at intervals throughout the first year.

The major recurring costs will consist of staff salaries, servicing of air monitoring instrumentation, and rental of fixed-wing aircraft. After the first two years of implementation the costs could be reduced somewhat by the replacement of the on-site meteorologist with a qualified technician who would assume responsibility for conducting the on-site phase of the program. Costs could be further reduced after the first two years of implementation by deemphasis of the SO_2 field sampling program and the data collection, processing, and analysis. Estimated annual recurring costs follow.

1. Staff:	
A. Meteorologist	$27,000
B. Meteorological aide	18,000
C. Electrical engineer (10% of time)	3,000
D. Instrument mechanics; 2 full-time (calibration, servicing, repair of meteorological and air sampling equipment)	35,000
E. Clerical services	1,500
2. Data Handling and Processing:	
A. Computer program support	1,000
B. Data summary, preparation, and storage	500
3. Additional Costs:	
A. Fixed-wing aircraft rental	12,000
B. Vehicle operation	2,000
C. Instrument charts	500
D. Pilot balloon equipment and supplies	500
E. Office facilities	1,500
F. Expendables—miscellaneous	500
Total	103,000

In summary, the cost for developing the above meteorologically scheduled SO_2 emission limitation program, including the installation and 1-year operation of the air monitoring network, the full-scale field studies, the data processing and analysis and program design, will approximate $262,000. The annual cost for the subsequent implementation of the program, including the operation of the air monitoring network, the collection and processing of the field data, and the measurements of on-site meteorological parameters for the scheduling of SO_2 emission limitation, will approximate $103,000.

It should be pointed out that this analysis does not include costs incurred by the power plant operator from the reductions in system power generation. Such costs, involving replacement energy, load interruption, increased reserves needed, etc., would be highly variable with individual power plants and power systems and therefore would be extremely difficult to evaluate.

Also, this cost analysis would generally apply to power plant programs where the SO_2 emission limitation could be achieved, provided adequate "lead time" was available, by switching to a low-sulfur fuel during adverse atmospheric dispersion conditions. However, no attempt is made in the analysis to include direct or indirect costs incurred from the intermittent utilization of the low-sulfur fuel.

TAB 7. NUMBER OF FACILITIES WHICH MAY EMPLOY ICS

Between 50,000-60,000 individual facilities annually emit 25 tons or more of a pollutant. Only a fraction of a percent of these sources are considered likely candidates for an ICS. Sources located in urban areas and in close proximity to other sources are eliminated from consideration because of the complexities of a multi-source ICS and enforceability difficulties associated with their location. Particulate matter is not generally considered appropriate for intermittent control because highly reliable and inexpensive constant control devices are available. Further, particulate matter has persistent environmental impacts in even small concentrations. Hydrocarbons (HC) and NO_x are not viable candidates for ICS because of the confounding atmospheric chemical reactions which take place and because they are largely emitted from automobiles. ICS is unlikely to be cost-effective for small sources, even though isolated. The most likely candidates for ICS are coal-fired power plants and nonferrous smelters.

There are about 900 power plants owned by public utilities in the Nation. Of them, 379 are coal-fired with annual fuel consumption rates of 50,000 tons or more. About 85–100 of these plants are located in rural areas and are subject to state implementation plan requirements to use fuel containing 1% or less sulfur. Another 80–100 remotely located plants must use 2% or less sulfur content fuel. These facilities, which emit over 20% of the SO_2 nationwide, are likely candidates for applying an ICS. (The 63 oil-fired plants operated by utilities are generally in or near urban areas. Along with 185 gas and oil-fired plants they emit about 1.5 million tons of SO_2 or less than 6% of the national total.)

The Nation's 30 nonferrous smelters, particularly the copper smelters, are likewise prospective users of ICS. The 16 copper smelters emit 3.5 million tons, or 10% of the Nation's SO_2.

In summary, about 150–200 large sources of SO_2 in remote locations will likely qualify for intermittent control systems. These facilities emit about 11 million tons of SO_2 annually, almost one-third of the national total.

TAB 8. CONDITIONS FOR ACCEPTABILITY OF AN ICS

This tab presents criteria for an acceptable regulation concerning intermittent control systems. The purpose of the regulation is to ensure that proposed and approved intermittent control systems will enable air quality standards to be attained and maintained and that the systems are policeable and enforceable by the control agency. The criteria for the regulation identifies the necessary elements that a prospective user must speak to when submitting a proposed ICS for approval. They also set forth those items that the agency must be concerned with and carefully evaluate before granting approval of an ICS.

An acceptable regulation should:

1. Authorize approval of each ICS only after reasonable notice and public hearing.

2. Define air quality violations as:

(a) A single ambient concentration that exceeds the standard at any air quality monitor.

(b) Repeated or consecutive excesses at the same monitor or non-simultaneous excesses at different monitors are multiple violations.

(c) Non-compliance with stated and agreed upon emission curtailment criteria and procedures.

3. Permit a source to submit a plan for an ICS only after the source justifies the need for the system. Justification should include consideration of:

(a) Pollutant of concern.
(b) Frequency and severity of violations.
(c) Location of facility.
(d) Demographic considerations.
(e) Anticipated growth: population, industrial urbanization, etc.
(f) Availability and reliability of constant control systems.
(g) General description of application of ICS.
(h) Economic aspects of control methods.
(i) Life expectancy of facility.
(j) Other factors pertinent to the facility.

4. If the permit is granted, require periodic rejustification (e.g., 3–5 year intervals) to insure that changes in economic, control, demographic, etc., factors do not warrant change in authorization for the ICS.

5. Apply only to those sources which are reasonably remote from other sources of the same pollutant (e.g., in areas where background levels of the pollutant do not exceed a small percentage of the annual standard).

6. Apply only to those sources which can curtail their emissions at a rate compatible with the advance warning time (of adverse atmospheric dispersion conditions) afforded by the ICS.

7. Require the source to establish, maintain and continuously operate monitors for sensing the rate of emission of the pollutant, air quality and meteorological parameters.

8. Grant the agency continuous access to all data generated by the source's network of sensors and authority to inspect, test and calibrate all sensors, recorders and other equipment of the monitoring network.

9. Require the source to notify the control agency when emission curtailment is initiated and when air quality standards are exceeded.

10. Authorize the control agency to initiate emission curtailment as it seems appropriate; i.e., allow the agency to override the source's operation of the ICS.

11. Require the source to submit a plan and schedule for implementing an ICS which is designed to attain standards. The plan shall have two parts:

(a) A comprehensive report of a thorough background study which demonstrates the capability to operate an ICS. The report shall describe a study during a period of at least 120 days when air quality standards are frequently or likely to be exceeded which:

(1) Describes the emission monitoring system and the air monitoring network.

(2) Describes the meteorological sensing network.

(3) Identifies the frequency, characteristics, times of occurrence, and durations of meteorological conditions associated with high ground-level concentrations.

(4) Describes the methodology (e.g., dispersion modeling) by which the source determines the degree of control needed under each meteorological situation.

(5) Describes tests and results of tests to

determine optimum procedures and times required to reduce emissions.

(6) Estimates the frequency that ICS is required to be implemented to attain air quality standards.

(7) Describes the basis for the estimate.

(8) Includes data and results of objective reliability tests. "Reliability," as the term is applied here, refers to the ability of the ICS to protect against violations of air quality standards.

(b) An operational manual which:

(1) Specifies and substantiates the number, type, and location of ambient air quality monitors, in-stack monitors, and meteorological instruments needed.

(2) Identifies the meteorological situations before and/or during which emissions must be reduced to avoid exceeding short-term air quality standards.

(3) Describes techniques, methods and criteria used to anticipate the onset of meteorological situations associated with the excessive ground-level concentrations.

(4) Describes the methodology by which the source determines the degree of control needed for each situation.

(5) Identifies specific actions that will be taken to curtail emissions when critical meteorological conditions exist or are predicted to exist and/or when specified air quality levels occur.

(6) Identifies the company personnel responsible for initiating and supervising such actions.

(7) Demonstrates that the curtailment program will result in maintenance of short-term and long-term air quality standards.

(8) Describes the manner by which monitoring data are transmitted to the control agency (in a manner acceptable to the agency).

(9) Describes a program where the source systematically evaluates and improves the reliability of the ICS.

(10) Identifies a responsible and knowledgeable person (and alternates) who can apprise the control agency as to the status of the ICS at any time.

(11) Requires the source to submit monthly reports on the ICS, including an analysis of how the system affected air quality and how response to adverse dispersion conditions will be improved.

(12) Requires annual review of the ICS by the control agency, and authorizes the agency either to impose a fine on the source or to deny its continued use of the ICS if:

(a) The source has not complied with all provisions designed to protect long-term standards.

(b) The source has not developed a control program that is effective in enabling short-standards to be met.

(c) The source has not demonstrated good faith in operating an effective control program by failing to:

1. Employ trained competent personnel.
2. Properly maintain and calibrate the monitoring equipment.
3. Refine and continuously validate and upgrade the response of the ICS to adverse dispersion conditions.
4. Attain annual and short-term standards in the vicinity of the source.

UCLA SPECIAL VETERANS PROGRAM

Mr. CRANSTON. Mr. President, the "Veterans Special Educational Program"—VSEP—at the University of California at Los Angeles has now received funding from the Office of Education as an Upward Bound demonstration project. This program—which I have followed carefully since its inception in 1969—is aimed at encouraging and preparing educationally disadvantaged veterans to pursue higher education, particularly those veterans whose prior educational achievement would not normally qualify them for college admission and whose background has not encouraged them to pursue higher education.

Mr. President, the excellent success record of this fine program is of great interest to me because it also operates under the provisions of section 1691 of subchapter V of title 38, United States Code, which I authored in Public Law 91–219. The VSEP program was the model for section 1691, which was designed, in part, to provide precollege remedial and preparatory educational assistance on college campuses for educationally disadvantaged veterans.

Mr. President, the statistics regarding the VSEP program are particularly noteworthy. Of the 1,606 veteran students who have enrolled in this program in the last 4 years, 1,387 or 86.0 percent are continuing their education. I believe these figures speak legions for the value and importance of such programs for educationally disadvantaged veterans.

Mr. President, I ask unanimous consent that the full text of Coordinator Shulamite D. Ash's paper regarding the "Veterans' Special Educational Program" be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

DEMONSTRATION PROJECT: VETERANS SPECIAL EDUCATIONAL PROGRAM

We have been funded by the Division of Student Assistance, U.S. Office of Education, as an Upward Bound demonstration project, and we wish to acquaint you with our program. The Veterans' Special Educational Program (VSEP) has been in operation since 1969. It encourages and prepares those veterans for success in higher education whose prior educational achievement would not normally be acceptable for admission and whose background has not encouraged them to see higher education.

Students are enrolled for three months in a highly structured, concentrated program of classes held five days a week from 9:00 a.m. to 4:00 p.m. These classes range in size from an average of 20 adult students in skills classes up to 75 in sociology and psychology courses. Every attempt is made to provide as many different learning environments as are presumably experienced on any college or university campus. Personalized tutoring, counseling, and additional assistance are always available, and the Learning Assistance Laboratory provides instructional resources appropriate to individual needs.

The UCLA program does not emphasize occupational (although counseling and guidance are offered), but rather, those skills necessary for student achievement and self-confidence in any field. A curriculum description and a statistics sheet are enclosed for your further information.

The VSEP program is an example of one approach to veterans' education, one that has worked well in our particular circumstances. We invite you to visit us and explore the ways in which we can share each other's experience and knowledge in implementing veterans' special education programs. Depending on your areas of interest, you may want to discuss aspects of the program with our staff members, including administrators, counselors, paraprofessional recruiters, teachers, and our Learning Assistance Laboratory personnel. Our students are also available to discuss with you their needs and perceptions of the program.

We see our responsibilities as 1) serving the veteran; 2) acting as a forum for exchanging ideas and techniques in veterans' programs with educators and other professionals; and 3) encouraging evaluation and feedback on all programs dealing with veterans' education, mutual assistance in general or specific problem areas, and a spirit of cohesiveness among the many efforts for veterans throughout the country.

In that regard we think there are mutual benefits to be gained by your visit or call. Let us hear from you soon.

Cordially,

SHULAMITE D. ASH.

VETERANS SPECIAL EDUCATIONAL PROGRAM STATISTICS

No. of quarters, (Spring 69 to spring '73), 16.	
No. of students enrolled, 1,606.	
No. of students completed program 1,461	90.9
No. of students continuing education of total enrolled, 1,387	86.0
No. of students continuing education who completed program, 1,387	94.0
Admitted to:	
Junior college	29.5
State colleges	31.0
Universities	37.0
UCLA	*24.5
In State	2.7
Out of State	9.8
Technical schools	2.5
Ethnic backgrounds:	
American Indian	4
Caucasian	725
Mexican-American	264
Black	580
Oriental	33
Percentage of minorities	54.9

*Of the 308 students admitted to U.C.L.A. 239 are now enrolled (77.0%).

CURRICULUM FOR VETERANS SPECIAL EDUCATIONAL PROGRAM

Department: English, Course Title & Number: Subject A 824, Units of Credit: (4 units of credit as prerequisite to English courses).

Department: English, Course Title & Number: English Composition XL 1, Units of Credit: (4).

Department: English, Course Title & Number: Critical Reading and Writing XL 2, Units of Credit: (4).

Department: Speech, Course Title & Number: Principles of Oral Communication XL 1, Units of Credit: (4).

Department: Psychology, Course Title & Number: Introduction to Psychology XL 10 or XL 70, Units of Credit: (4).

Department: Sociology, Course Title & Number: Introduction to Sociology XL 1, Units of Credit: (4).

Department: Mathematics, Course Title & Number: Meaningful Mathematics 801, Units of Credit: (specifically designed for the program).

Department: Psychology, Course Title & Number: Reading for Speed and Comprehension XL 416, Units of Credit: (3 upon petition).

Counseling and testing in a group and on an individual basis.

Non-Departmental Study Skills, (preparation for subjective and objective examinations; use of a library and methods of research; lecture note-making; effective time management, etc.), Non-Credit.

Non-Departmental, Vocational and Educational Group Counseling (designed to disseminate information and sources of information about opportunities at various institutions of higher education, career planning and use of interest inventories). Non-Credit.

Non-Departmental, Learning Laboratory, (audio-tutorial approach, utilizing audio-visual equipment, tapes, and specially prepared drill materials, including programmed texts, to enable students to work independently and at their own level and pace). Non-Credit.

AMERICA'S AIR TRANSPORTATION SYSTEMS NEED IMPROVED FACILITIES FOR MOBILITY OF HANDICAPPED PERSONS

Mr. RANDOLPH. Mr. President, the members of the Subcommittee on the Handicapped, which I have the responsibility to chair, are genuinely concerned with the problems of mobility for handicapped persons. We are approaching this vital issue on many fronts in an effort to achieve a national awareness and action to insure that the handicapped enjoy freedom of movement in our Nation. Clearly, convenient access to transportation, buildings, services, public facilities—and the list can go on and on—is absolutely essential if these citizens are to be full participants in our society. Our efforts in this area must be comprehensive because of the involvement of so many elements. It is my genuine hope that we can help bring into being the national endeavor and a necessary change of national attitudes and awareness to secure freedom of movement and access for the handicapped. Justice demands that we vigorously pursue this goal.

In this regard, air transportation is one mode of transportation to which the handicapped need vastly improved access.

In April of this year an article by Harry A. Schweikert of the Paralyzed Veterans of America, appeared in Paraplegia News pointing out that certain airlines were becoming more restrictive in both attitude and policy toward transporting the handicapped.

I immediately wrote Paul Ignatius, president of the Air Transport Association of America, and requested that he check into any incidents in which an airline had refused transportation to a disabled passenger.

Additionally, I contacted Robert Timm, chairman of the Civil Aeronautics Board, strongly urging affirmative action regarding a long-delayed rulemaking on air transportation of handicapped individuals. The CAB has taken the position in the past that it does not have the "expertise" to proceed on this issue and has deferred to FAA. This bouncing of the issue back and forth between CAB and FAA appears to have a history to it.

However, I am gratified to report that on June 5, 1973, the Federal Aviation Administration issued an advance notice of proposed rulemaking to elicit information basically on the safety aspects of air travel by the handicapped. As stated in the FAA release, the purpose of the advance notice is—

> To solicit public participation in developing an operational standard "by which the acceptance of a maximum number and type of handicapped passengers, commensurate with an acceptable level of safety may be achieved."

Mr. President, I do not agree with the hesitancy of CAB and FAA to develop a program now. I do not understand why these two organizations have not moved in concert on this issue. I hope that the FAA action will lead to a resolution of this problem so that a set of standards to insure that the handicapped have access to air travel will be developed. This subject has been intensively investigated in the past, but no final and firm proposal has been brought into being. I strongly urge those involved in this matter to move even more quickly to bring this situation to a satisfactory conclusion.

In 1971, the Paralyzed Veterans of America submitted to CAB an excellent statement on the right of the handicapped traveler to air transportation; the guidelines and recommendations contained in the statement are sensible, appropriate, and provide, in my judgment, a basis for a resolution of the problem. This statement reflects the long delays which have been encountered in this area.

Mr. President, I ask unanimous consent that the letter to Mr. Ignatius and his replies; the letter to Mr. Timm and his reply; the PVA statement; and the FAA announcement and notice be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

April 16, 1973.

Paul Ignatius,
President, Air Transport Association of America, Washington, D.C.

Dear Mr. Ignatius: In April, 1973, edition of *Paraplegia News* there is an article written by Harry A. Schweikert, Jr., entitled: "Airlines Again Limiting Travel for Disabled." Mr. Schweikert mentions Eastern and National Airlines and states that "certain airlines again are becoming more restrictive in their attitudes and policies toward the transportation of physically disabled travelers."

As Chairman of the Subcommittee on the Handicapped of the United States Senate, I strongly urge that you check into any incidents in which an airline has refused transportation to a handicapped individual. I would appreciate knowing the results of your check as soon as possible.

With very best wishes, I am,

Truly,

Jennings Randolph,
Chairman, Subcommittee on the Handicapped.

[From Paraplegia News, April 1973]

Airlines Again Limiting Travel For Disabled

(By Harry A. Schweikert, Jr.)

Certain airlines again are becoming more restrictive in their attitudes and policies toward the transportation of physically disabled travelers.

On the Eastern seaboard, restricting incidents have occurred with both Eastern and National airlines.

In most instances, the denial of travel to handicapped wheelchair users appears to be the result of judgment of an individual agent who quotes from a manual. The traveler who does not know how to respond effectively, or has no one to call, is not permitted to board.

REGISTER COMPLAINT

And if he does *not* register a complaint, he permits his cause and that of every other disabled person to be hurt. Each episode of objection or rejection by an airline or its representatives should be made part of the record of a national representative group, such as the National Paraplegia Foundation or the Paralyzed Veterans of America.

Letter of complaint should contain the *airlines' name, the date, the flight number, source and destination of the flight,* and the *names(s) of individual(s) who made the negative decisions.* With such evidence, our national organizations can continue to pursue equal rights in transportation until such rights become firmly established by law.

Air Transport Association of America,
Washington, D.C., April 19, 1973.

Hon. Jennings Randolph,
Chairman, Subcommittee of the Handicapped, Committee on Labor and Public Welfare, Washington, D.C.

Dear Mr. Chairman: Thank you for your letter of April 16, in which you brought to my attention the article in *Paraplegia News* written by Mr. Schweikert. As I am sure you are aware, our industry constantly is striving to attain the highest possible standards to assure the comfortable and convenient transportation of handicapped passengers.

We are deeply concerned, of course, about any report reflecting dissatisfaction with airline service. Consequently, we are now in the process of reviewing the Schweikert article, and we plan to circulate it to our membership with a request for comments relating to the practices mentioned. I will be pleased to share the results of this review with you.

I am most grateful for your courtesy in bringing this matter to my attention.

Sincerely,

Paul R. Ignatius.

Air Transport Association of America,
Washington, D.C., May 24, 1973.

Hon. Jennings Randolph,
Chairman, Subcommittee of the Handicapped, Committee on Labor and Public Welfare, Washington, D.C.

Dear Mr. Chairman: As indicated in my letter of April 19, I would like to advise you of the results of a recent review by our membership of practices being observed with respect to the air transportation of the physically handicapped. Let me reiterate again our desire to be as helpful as possible to this group of citizens to whom air travel is so important.

I am pleased to report the new study confirms emphatically the policies of our member carriers which clearly provide for the acceptance of unaccompanied paraplegics who have been "trained", to the extent that they can provide for their personal needs, and who have a "stable" physical condition, in the sense of that condition not being degenerative.

I am certain you recognize that questions of policy interpretation still may arise from time to time, and some airline personnel occasionally, out of the best intentions for the welfare of handicapped passengers, may appear to be more conservative than necessary in the application of established policy. In order to minimize any potential problem which might result from questions of interpretation, the ATA Medical Committee has developed a list of physicians who are available on a round-the-clock basis to answer any inquiries from airline personnel regarding the ability of a physically handicapped person to travel on an unaccompanied basis.

Consistent with our policies, practices, and precautions, we wish to maintain a continuing review program in order to minimize the possibility of inconveniencing any physically handicapped passenger. Accordingly, we are considering the possibility of a joint meeting of members of the ATA Medical Committee and other related airline industry groups with representatives of the various interests and concerns involved, and to assure that the airlines provide the most convenient, safe, and comfortable service possible.

I shall be pleased to keep you advised of developments in the event you would wish to have a representative of your subcommittee attend such a meeting. Again, I wish to express appreciation for your interest in helping us to serve the travel needs of the handicapped.

Sincerely,

PAUL R. IGNATIUS.

May 17, 1973.

Hon. ROBERT TIMM,
Chairman, Civil Aeronautics Board, Washington, D.C.

DEAR MR. CHAIRMAN: The Civil Aeronautics Board has had before it for a considerable length of time a Notice of Proposed Rulemaking concerning air transportation of handicapped individuals. Your predecessor, Secor Browne, indicated in a letter to Senator Vance Hartke more than *nine months* ago that he hoped soon to decide upon a mutually satisfactory procedure" with the Federal Aviation Administration on safety questions related to air transportation of the handicapped.

To the date of this writing, it is my understanding that no such procedure has been developed and that the Civil Aeronautics Board's Notice of Proposed Rulemaking, issued in 1971, continues to be undecided.

I strongly urge you to bring this matter to a prompt and satisfactory conclusion. The handicapped citizens of America have waited far too long for a proper resolution of their right to air transportation.

In this connection I am attaching for your consideration an excellent statement which was presented to the Civil Aeronautics Board by the Paralyzed Veterans of America. That statement contains guidelines and recommendations with respect to airline carriage of the handicapped, which are in my opinion eminently sensible and appropriate.

Please let me hear from you in this matter at your earliest opportunity.

With best wishes, I am

Truly,

JENNINGS RANDOLPH.

STATEMENT OF THE PARALYZED VETERANS OF AMERICA TO THE CIVIL AERONAUTICS BOARD ON DOCKET NO. 23904 TRANSPORTATION OF PHYSICALLY DISABLED PERSONS

Mr. Chairman and Members of the Board: Once again the Paralyzed Veterans of America hopes to correct, by presentation of the facts in true perspective, the inadequacies and injustices perpetrated by certain air carriers in the transportation of disabled and handicapped individuals aboard their aircraft. It must be "once again" because it seems that the leaders of this organization have been engaged almost continuously with the problem since the early days of its existence in 1946; and the undersigned can attest to this having been directly and personally involved since that date.

It must also be made a matter of record that PVA can only speak for its members and others who suffer similar disabilities involving traumatic injury or disease of the spinal cord. (1) The term *Paraplegia* is usually used in reference to all spinal cord disabilities. But in simple nonmedical terms it refers to those whose paralysis extends generally from the waist down, leaving the upper extremities unaffected. The greater disability of *Quadriplegia* must also be noted. This type of disability results from a neck injury and ranges from the person with no function from the point of injury down, to one with greater return of normal function.

The organized efforts of PVA to obtain liberalized rules of air transportation for the disabled started in 1946. This was possible because of the special medical care programs of the Veterans Administration which grouped veterans with spinal cord injuries in certain hospitals across the country. Yet the problem of air transportation for the disabled did, in fact, pre-date World War II because Rule 6, Tariff C.A.B., No. 43 was adopted in 1938 and just about prohibited all air travel for the ill, deformed, or disabled.

According to our files, United Air Lines was the first carrier to give special consideration to paraplegics. In December of 1946 it set forth specific criteria for the transportation of these veterans from VA hospitals to their homes and return. (3) The airline's experience must have been good, for it has been the only air carrier which has carried forth its most liberal program for the disabled until this day.

During the subsequent years PVA and its individual chapters carried on attempts to liberalize the air transportation laws by appealing to airlines individually, and to the Civil Aeronautics Board and the Air Traffic Conference of America. A resolution unanimously endorsed by the Twelfth National Convention of PVA in 1958 (3) led to a crash program by PVA to urge these essential changes. During September and October of that year, a special letter and a copy of the resolution was sent to each carrier in the United States. Contact was also established with the Civil Aeronautics Board and the Air Traffic Conference of America. (4) There were some immediate beneficial results from this appeal. TWA set down some ground rules for transportation of paraplegics without attendants on flights of four hours or less duration, but required an attendant on longer flights. UAL went to bat for us and requested ATC of A to place the subject on its agenda. The President's Committee on Employment of the Handicapped [PCEH] joined the fight. And the ATC of A finally considered the subject at a meeting held in November of 1958 and referred the matter to the ATA Medical Committee.

During the next few years PVA continued its unilateral pressure for change in rules, but the appeal of the President's Committee, representing the interests of all the disabled, was perhaps the more compelling. In November of 1960, acting on a resolution by the Executive Committee, the staff of PCEH began discussions with the airlines to bring about a uniformity of regulations and equity in air travel. An Ad Hoc Committee was appointed to carry out this work.

In April of 1961, in reply to a PVA letter, the ATC of A indicated that the subject of air travel for the disabled was referred to the Ticketing of Baggage Committee. (5) Over a year later, a further response was finally obtained reporting the findings of that Committee. (6) Noting that further exploration of the question was necessary, the President of ATA appointed an Ad Hoc Committee.

The first indication that a set of criteria had at last been developed by the medical committee, to which the subject had been assigned in 1958, was an article printed in the February 1961 issue of Archives of Environmental Health. Entitled "Medical Criteria for Passenger Flying," the article also appeared in the March 4, 1961, issue of the Journal of the American Medical Association, and the May 1961 issue of Aerospace Medicine. This publication marked the first time that the airlines and their medical directors had actually set forth a description of who should or should not fly, and under what controls those with crippling diseases or conditions should use commercial air transportation.

In October of 1962, members of the President's Committee [PCEH] met with a committee of the ATA to discuss amendments to the ATC of A Trade Practice Manual. The meeting ended with the adoption of Resolution No. 10.6—"Carriage of the Physically Handicapped"—which became effective December 19, 1962. CAB Agreement 16614, approved in order E–19154, December 31, 1962, in effect approved the resolution but lent no enforcement to it.

For several years, the Criteria and the resolution relieved a lot of the questions which arose on the subject to transporting the disabled. It was far from universally accepted, however, and a large number of airlines continued their absolute prohibition to fly any disabled person in a wheelchair without an attendant. As the years progressed, the rules became more and more restrictive and widespread.

Now another round begins.

In his letter of June 12, 1970, to the Chairman of PCEH (7) the Executive Secretary of ATC of A indicated that another study was necessary, and a report would be made in November of that same year. If such a report was made, this office has no knowledge of it. The only hopeful move since 1962 has been the pending Notice of Rule Making by the Civil Aeronautics Board.

The introductory part of this statement, Mr. Chairman, has been long. It has been done for a purpose, and that purpose is to show that without more definitive rules on the air transportation of the disabled, and without some type of enforcing legislation by your department, our disabled and handicapped citizens will face continuing harassment and rejection by too many commercial airlines licensed by these United States.

RIGHTS OF THE DISABLED

In the old days, many of the aged, infirm, and oppressive, were confined to back rooms, asylums, or ovens. Thanks to modern technology and advanced medicine, the numbers of the elderly and disabled not only have increased, but have been promised longer, healthier, and fuller lives. And the increasing libertarianism of our people and our courts will soon see that all of the pleasures of the American way of life shall in no way be denied any citizen, be he aged, infirm, or "oppressive."

During the nineteenth Century, the far greater majority of the disabled were in the lowest income category. That is no longer so, for the texture of society has changed. The disabled from the Vietnam war have the highest education of any soldier in history. Increasing numbers of severe disabilities are resulting from today's greater mobility, higher speeds, and increased leisure. Therefore a rising number of these severely disabled are among the skilled and well-educated, whose pursuit of their trades are unimpeded by their disabilities—but greatly hampered by the lack of usable public transportation.

Jacobus Ten Broek (8) has written extensively and authoritatively about the application of tort law to the disabled, and what he calls their "right to live in the world." That right—the legal right to be abroad—demands special protection in the case of the disabled, including enactment of . . . appropriate legislation, and forthright judicial opinions on tort cases upholding the right of the crippled, the blind, and the infirm, to use the streets and sidewalks and places of public accommodation in reasonable reliance on their safety, and without being deemed contributorily negligent for having the temerity to make use of them.

Most states of the Nation have enacted laws to provide penalties for discrimination against sightless persons accompanied by seeing-eye dogs. The Legislature of the State of New York has seen bills introduced each year since 1967 to amend the State Civil Rights Law. The amending legislation seeks to provide that "No person shall, because of race, color, creed, religion, national origin, age, sex, or physical or mental handicap, be subjected to any discrimination in his civil rights by the State or any subdivision, agency, or instrumentality thereof, or any person, corporation, or unincorporated association, public or private." The city of New York did in fact enact such legislation in 1968.

During that same year of 1968, a piece of landmark legislation was passed by Congress concerning the rights of the disabled. It was Public Law 90–480 which required that public buildings financed with Federal funds shall be so designed and constructed as to be (made) accessible to the physically handicapped. Let me note, at this time, that this law applies fully to airport facilities.

The godfather of that law was the late Senator E. L. "Bob" Bartlett of Alaska, who said in his introductory statement: "The physically handicapped of this country are citizens of this country—just as others of us are. They pay taxes and contribute to the economy of the country—just as others of us do; and they deserve access to their public buildings on an equal basis with the rest of us . . ."

The most recent addition to this growing list of evidence supporting the rights of the disabled was Public Law 91–453, enacted on October 15, 1970.(9) While this law declared that the elderly and handicapped have the same right as other persons to utilize *MASS* transportation, surely the intent of that law can also be applied to all other forms of transportation.

Present day rules [there apparently are no laws] governing air transportation of the disabled are extremely contradictory and highly impractical. Section 104 of Federal Aviation Act of 1958(10) starts it all by asserting the public right of *any* citizen to freedom of transit through the navigable airspace of the United States. Section 404 of the same Act(11) goes further and states that it shall be the "duty of every air carrier to provide and furnish . . . air transportation . . . upon reasonable request. . . ." The only section of the Act which gives the air carrier authority to refuse transport of any person or property is Section 1111(12) which limits this authority to cases which may be "inimical to [the] safety of such flight." That can be easily understood. But where can it apply to the disabled person?

The notice from the Board in the Federal Register served to compound this contradiction. It notes that "while certified air carriers have a duty to furnish air transportation to all persons upon reasonable request therefore, that duty is not absolute. Thus the courts have long recognized that a carrier may refuse to receive as passengers persons who are sick or infirm unless they are accompanied by someone competent to afford them the required assistance in case of need." It must be agreed that the "Medical Criteria for Passenger Flying" was a monumental stride in describing ailments which might be affected by flying. It was also a monument to negativism. It cleared no one who was less than perfect. Its net effect was perhaps to scare the hell out of airlines personnel and surety groups. No wonder so many individual interpretations follow its negativistic approach and are so stringent and varied!

Even the courts are contradictory. In some instances they assert the rights of the disabled(8) and in others, as noted in the CAB notice, they deny that right.(13) It appears that some type of definitive law governing air transportation is long overdue, and at long last so necessary. The denial of public transportation to the disabled by reason of structural design and/or prohibitive ruling can no longer be tolerated.

SOME PROBLEMS PRESENTED

1. Do or should air carriers and foreign air carriers have a duty to provide transportation to physically disabled persons whether or not that person is accompanied by an attendant?

This organization is on record as fully supporting the right of the disabled to use public transportation whether it be air, land, or water. Were that transportation constructed so as to be accessible to and usable by the disabled, many of them would need no help whatsoever.

In airports where jetways exist, the paraplegic and others with similar disability, would need no help getting to or from his seat were it not for an air carrier rule which requires the wheelchair to be stored in cargo. Consequently, he needs someone only to store his wheelchair upon emplaning and returning it to him for deplaning. Aboard the aircraft he looks for no other assistance than those courtesies which are extended to every passenger.

It would be avoiding the truth not to recognize that there are some disabled who require some physical help to board or deplane, such as the person who may have lost all functional use of his four limbs. At airports where there are no jetways even the paraplegic will require the use of a lifting device or portable escalator to board and deplane.

I would suggest the following guidelines for these situations:

a. Where the disabled individual is physically independent, with the exception of the need of wheelchair for mobility, he shall be accepted as a passenger and be furnished all assistance to board and deplane.

b. Where the disabled individual is in need of any type of extended personal assistance, such as lifting, feeding, or the administration of medicines, he shall be accepted for transport so long as these needs are provided by a second person who is not an employee of the air carrier [e.g., a volunteer who may be a passenger, or a special attendant]. The evaluation of the need for this unusual care should not be left to the indiscriminate judgment of inexperienced airline personnel, however.

2. How can a carrier distinguish between a disabled person able to travel independently and a person not able to do so?

Admittedly, it would be extremely difficult, if not impossible, to distinguish one from the other by casual observation. If it can be determined that the person's obvious disability is all that he has, and is medically stable, then visual observation could determine if he is capable of caring for himself to the extent outlined in paragraph 1(a), and acceptable without attendant care. If he is not capable of pushing his own wheelchair, or of transferring from wheelchair to plane seat and back, then obviously he might require the extent of physical help outlined in 1(b), and acceptable as a passenger under those conditions.

It has been our experience, however, that far too many airline personnel prejudge an obvious physical disability negatively. For example, the attitude is rampant that a person in a wheelchair certainly cannot take care of himself. On the other hand, anyone without any apparent disability is accepted without question. How much better—and safer—it would be for the airline and the other passengers if the reverse were true!

The number of illnesses and disabilities which would suffer adversely from air travel, or require unreasonable assistance from airline personnel, is far too great for us to comment on individually. We make the following suggestions which may tend to alleviate the problems of judgment in this area.

a. Many of the physically disabled, including those confined to wheelchairs, have in their possession licenses for the operation of different vehicles for various purposes. One is the simple driver's license for the passenger car. Some have licenses for the operation of commercial vehicles such as taxicabs, farm equipment, and trucks. Others have flying licenses for small planes. The individual to whom such license, or licenses, have been issued has been required to pass rigid medical requirements, and tests of skill and coordination. This must unquestionably prove his independence, and it is our firm belief that the presentation of any such license shall be sufficient authorization for his acceptance as a passenger without further question.

b. Where the individual does not have such license, it is suggested that any other identification in his possession, which positively identifies his medical physical condition, and qualifies him as being otherwise stable, and independent be recognized and accepted by the air carrier. The possession of medical identification card such as those issued by groups such as Medic-Alert may also be acceptable.

c. Where there is no such easy identification, and where the medical/physical condition is stabilized, that a doctor's certificate be acceptable and permanent.

d. It would certainly simplify matters if the individual airlines, which seem to code everything, could code the individual who has previously been cleared to travel on that airline. This code number could be imprinted on the airline ticket, and the individual so informed. For future travel the passenger's receipted part of the airline ticket, with the coded number, could be accepted on any subsequent flight as sufficient clearance for transport.

3. May or should a carrier require a medical release from a disabled person prior to accepting him for carriage?

It has been shown that in some instances, even where the independence of the disabled person has been proved, except for his dependence upon the wheelchair for mobility, a pilot may use his prerogative to refuse to carry such individual. In the first place we believe this to be an utter abrogation of that person's right to public transportation. In the second place, there is an alternative to such arbitrary action.

Usually the disabled person, in boarding a plane, selects a window seat so as to avoid having people step over him. In so doing, he removes himself as an obstacle. Where any emergency situation occurs, it seems that he would be much less of a hazard to all other passengers than they would be to themselves. Many of the disabled themselves have said that if their own safety is the dominant factor underlying refusal to tranport, then they would sign any waiver for the privilege to fly.

It is our opinion, therefore, in any situation where such action will offset any outright decision not to transport, that the disabled individual be extended the choice to sign a medical release and/or waiver of liability with such form(s) being furnished by the airline immediately prior to flight.

4. Do air carriers have a duty to provide stretcher passenger service?

The members of this organization, with large numbers resulting from the war in Vietnam are acutely aware of the need for immediate and total medicare. The Medivac program of the Armed Forces, providing airlift service from combat areas to field hospitals to the United States, saved untold lives which otherwise would have been lost. Our experiences in this field has compelled us to promote such expedient means for treatment of the injured here in the United States. This includes airlifts from the scenes of injury to local hospitals. It would most assuredly include long flights by means of any aircraft available, whether it be military or commercial, on a high priority basis.

5. Should a carrier be permitted to limit the number of disabled passengers on any given flight?

It is the feeling of this organization that the air carrier should have the right to limit the number of disabled aboard any single carrier consonant with the safety and comfort of other passengers, and the facility of airline personnel.

6. What fare or charges should be paid for the air transportation of the disabled?

The premise that attendant care for the severely disabled should not be charged to the passenger is one with which we cannot fully agree. It is not economically fair to the airline, yet it would place financial hardship on the disabled. There must be some place between. We therefore propose the following suggestions:

a. For the services required to board and deplane the paraplegic, which may require the use of a fork lift or other lifting technique at airports not using jetways, there should be no charge.

b. In the event that the disabled passenger requires extra services to the extent described in paragraph 1(b) the air carrier may charge not more than one half the air fare for this full time attendant.

c. The question of air carrier tariffs, or the charging of multiple fares for transporting stretcher cases will have to be let to further study. There should be no question that every human being has the right to the best and fastest emergency medical care available, and air transportation provides exactly that. What other rules must be applied to assure that no disruption of schedule ensures, must also be left to others. However, this organization must also state its firm opinion that in the case of such medical emergency, the "reasonable safety or comfort of other passengers." has a lower priority than the life of that seriously ill or injured patient.

It may be that these extraordinary charges for the stretcher case, and his attending personnel, could be met through a Federal catastrophic illness law, such as now being considered by Congress, or through some type of tax deduction or tax credit for the air carrier.

In addition to the above suggestions, this organization wishes to express its opinion on certain other questions which have been introduced by airline personnel, or other sources, at some time throughout this contraposition.

OTHER QUESTIONS

A. Ability to move about the plane unassisted.

If this relates to the fact that the paraplegic passenger is expected to utilize the lavatory, it does not apply. In his rehabilitation process, either professionally taught or learned by experience, the paraplegic develops an excellent—and usually infallible—sense of timing. He carefully guards his intake of food and fluids, thereby nullifying the need for use of the lavatory while aboard the aircraft.

If this relates to the safety factor expressed so often, then we must look at it from two directions:

If it is in the interest of the safety and comfort of the paraplegic as a passenger, I must point out that the paraplegic seeks air transportation because of its comfort, safety and speed in relation to the auto. He seeks it because surface transportation is not at all accessible to him, and when used exposes him to multiple physical hazards *excluding* any external occurrences such as traffic accidents.

If it is because of the hazard he may present to the other passengers, it is unreasonable. Because of his limited mobility while on board, the paraplegic presents far less hazard to the nondisabled passengers than they do to each other. And this applies whether or not there is a serious air emergency.

B. Duration of flight:

Somewhere in the days of DC–3's and DC–4's, some desk pilot decided that no disabled person should be accepted for flights exceeding four hours in duration. Apparently that rule was made in the 1940's when it took four hours to fly from Chicago to New York, and sometimes up to sixteen hours to get from New York to California. But what is the justification for that ruling to persist in today's JET AGE? In those days it might have been the concern for patients who were still hospitalized. In today's world the paraplegic, in the pursuit of his vocation or avocation sits in his wheelchair, automobile, or elsewhere, for up to eighteen hours a day—or from the time he gets out of bed until the time he gets back in.

Assuredly a plan's most comfortable seats offer no hazard to him! We feel this time limitation to be archaic and obsolete, and therefor should be completely eliminated.

C. Untoward effects upon the sensibilities of other passengers:

If this has been given as a reason, then there is more sickness and disability in the world than is represented by persons in wheelchairs. Surely there are many persons who become upset by seeing a disability or disfigurement. I've been in a wheelchair for twenty-five years, and I've been associated with all types of disabilities during that time. Bu I still get upset when I see a disabled child or woman. What about the bodies beautiful who smoke too much—drink too much—use too much perfume, to mention a few. Our opinion regarding the "reasonable safety or comfort of other passengers" has been stated before. Sometimes the disabled *passenger* [not patient!] is the "other passenger."

D. Overflight of destination:

Some twenty years ago, the excuse of at least one airline not to accept a disabled person was the probability of overflight of a scheduled destination in case of bad weather. It has occurred to this writer, but I would suggest that such an occurrence is rare in this day of instrument flight. Yet, if it did happen, the disabled expect no special consideration other than that given by the airline to alleviate the inconvenience experienced by any other passenger.

SUMMARY

In summary, Mr. Chairman, the Paralyzed Veterans of America urges that the Civil Aeronautics Board take positive and favorable action on the following recommendations:

1. That the disabled person who is physically independent, with the exception of his need for a wheelchair for mobility, be extended the right to air transportation and be furnished such help as he may need to board and deplane.

2. That the disabled person who is in need of any type of extended personal assistance, such as lifting, feeding, or the administration of medicines, be extended the right to air transportation so long as those personal needs are provided for by a person not employed by the air carrier.

3. That where a special attendant is maintained by the disabled individual to administer to his personal needs, his air fare shall be one-half the usual rate.

4. Where question exists as to the physical independence of the disabled individual, that a license to operate any motor vehicle shall constitute prima facie evidence as to the independence of that disabled person.

5. Where other medical evidence exists as to the stability and extent of the disabled individual, that it be accepted in lieu of any other required medical certificate and/or waiver.

6. Where a medical certificate is required, that such certificate be considered permanent when the disability is certified stable.

7. That the air carrier be required to develop a coded system for the identification of the frequent air passenger who is physically disabled.

8. Where question exists as to the propriety of furnishing air transportation to any disabled person in the area of personal risk, that such person be extended the right to waiver rather than be denied air transportation.

9. That all air carriers be required to furnish transportation to stretcher cases, on a high priority basis, when advised by competent medical authority.

10. That the air carrier be extended the right to limit the number of disabled persons aboard any single carrier.

Respectfully submitted,
HARRY A. SCHWEIKERT, Jr.,
Administrative Assistant.

ADDENDUM/1

(1) "Paraplegia" is defined as organic, chronic, rather stable lesions of the spinal cord and/or intra-spinal nerve roots, sustained as a result of either injury or chronic degenerative, inflammatory or benign neoplastic disease causing practical loss of neurological functions of more than one limb." [Erich Krueger, M.D., Director, Spinal Cord Injury Service, Veterans Administration.]

(2) Paraplegic Passengers: (The following was excerpted from a letter dated December 2, 1946, to K. E. Dowd, Chief Medical Officer, Trans-Canada Airlines, from W. A. Bock, Assistant to Medical Director, United Air Lines.)

UAL has been requested by the American Red Cross to carry as passengers the paraplegic veterans of World Wars I and II for whom they are trying to arrange a trip to their homes.

The agreement reached the American Red Cross and United to date is as follows:

1. The anticipated flights for these paraplegics will not be of over 4 hours duration and primarily constitute trips for the veterans to their homes, convalescent furloughs and convalescent leaves.

2. The American Red Cross has agreed that it will convoy the veteran to the airport and take adequate care of all of his requirements right up to the minute of the plane departure.

3. The American Red Cross will place the veteran in his seat and provide him with all of the necessities that he is accustomed to during any 4-hour period while he 's hospitalized. The steel chair, a folding type, is to be brought aboard the plane and placed in the cloak room compartment by the American Red Cross attendants.

4. At the termination of the flight, the American Red Cross agrees to make arrangements whereby either members of the local Red Cross or the Veterans family will meet him and assist him off the plane and transport him to his home. All arrangements for passage will be made by the Red Cross, depending, of course, upon the availability of space.

(3) [See page 20]
(4) [See pages 21–24]
(5) [See page 25]
(6) [See pages 26–27]
(7) [See page 28]

(8) The Right to Live in the World; the Disabled in the Law of Torts. Jacobus Ten Broek. 54 California Law Review, 842–919. 1966.

(9) [See page 29]

(10) Section 104, Federal Aviation Act of 1958 [72 Stat. 740, 49 U.S.C. 1304].

(11) Section 404, Federal Aviation Act of 1958 [72 Stat. 760, 49 U.S.C. 1374].

(12) Section 1111, Federal Aviation Act of 1958 [72 Stat. 800, 49 U.S.C. 1511].

(13) Casteel v. American Airways, Inc., 88 S.W. 2d 976 (1935), Croom v. Chicago M. & St. P. RR. Co., 53 N.W. 1128 (1893) and Yazoo & M. Valley RR. Co. v. Littleton, 5 S.W. 2d 930 (1928).

CIVIL AERONAUTICS BOARD,
Washington, D.C., June 4, 1973.

Hon. JENNINGS RANDOLPH,
Chairman, Subcommittee on the Handicapped, Committee on Public Works, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of May 17, 1973, inquiring as to the status of the Board's rule making proceeding with respect to the problem of air transportation of physically handicapped persons (PSDR–33/EDR–215, October 14, 1971, a copy of which is enclosed). You also urge the Board to consider the matters set forth in the statement filed in this proceeding by the Paralyzed Veterans of America (PVA).

Through an exchange of correspondence between the Board and the Secretary of Transportation, the Department of Transportation (DOT) undertook some time ago to institute action looking toward the issuance of safety regulations dealing with this most pressing problem. Toward this end, we understand that the FAA intends to issue shortly an advance notice of proposed rule making which will be designed to elicit information with respect to the question of what percentage of an aircraft's available passenger capacity may safely be occupied by physically handicapped individuals. We also understand that representatives of the Civil Aeronautics Medical Institute (CAMI), in conjunction with FAA safety engineers, expect to issue an interim report on a study which they have been conducting with respect to the probable impact which the transportation of handicapped persons may have on flight safety, particularly where emergency evacuation of aircraft is necessary. If the report finds that further facts are necessary to ascertain such impact, the CAMI group expects to conduct such tests as may be appropriate to gather these facts, and to in time issue another report containing its final findings and conclusions on the matter. It is anticipated that any final safety regulations issued by the FAA will be based, in part, on the CAMI group's report.

The Board intends to fashion regulations with respect to the economic aspects of the problem only after DOT has issued regulations with respect to its safety aspects, which are of course central to any appropriate regulatory action in this area.

While the present posture of the proceeding makes it inappropriate for us to comment on the merits of the views expressed in PVA's statement, you may be assured that they will be carefully considered by the Board before it takes further action. For your information, a copy of the PVA statement, as well as copies of all of the other public comments which were filed with the Board in response to the enclosed notice of rule making, have been sent to the FAA for use in connection with their rule making.

Because of your interest in this matter, the Docket Section has been requested to send you copies of any further notices, rules or other documents which the Board may issue in this proceedings.

Sincerely,

ROBERT D. TIMM,
Chairman.

[Policy Statements—Economic Regulations—Docket No. 23904]

CIVIL AERONAUTICS BOARD,
Washington, D.C., October 14, 1971.

PART 399—STATEMENTS OF GENERAL POLICY—PART 221—CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS

TRANSPORTATION OF PHYSICALLY DISABLED PERSONS—ADVANCE NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration rule making action to amend Parts 399 and 221 of the regulations of the Board (14 CFR Parts 399 and 221) so as to provide for terms and conditions governing air transportation of physically disabled persons.

This advance notice of proposed rule making is being issued to invite participation by the industry, interested governmental agencies, physically disabled passengers and their indivdual or organizational representatives, as well as the general public, in the Board's efforts to determine the scope of the problem, to decide whether the promulgation of rules is appropriate, and, if so, the curtent of such rules. If, in the Board's view, comments received indicate that further action is warranted, the Board may then pursue one or more of several alternatives courses of action, including (1) issuing a supplemental notice of rule making with proposed rules, (2) reopening the proceeding in which it approved the ATC agreement dealing with interline acceptance criteria for disabled persons under section 412 of the Act, (3) instituting evidentiary proceedings under section 1002(b) of the Act, and (4) referring the matter to the Department of Transportation under section 1111 of the Act.

Interested persons may participate in this rule making proceeding by submitting twelve (12) copies of written data, vews or arguments pertaining thereto addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before December 20, 1971, will be considered by the Board before taking final action on this proposal. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 712 Universal Building, 1825 Connecticut Avenue, N.W., Washintgon, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

It has been some time since the Board reviewed carrier tariff rules and practices with respect to the transportation of physically disabled persons. In 1962, the Board approved an agreement among various air carriers which provides certain criteria for the interline transportation of physically handicapped persons.[1] In approving the agreement, the Board found that formulation of uniform criteria of acceptability would tend to diminish the problems previously encountered by interline physically handicapped persons. However, the Board expressed no view on the lawfulness of the carriers' governing tariff rule under which certificated air carriers and foreign air carriers may refuse to accept any person whose conduct, status, age, or mental or physical condition is such as to render him incapable of caring for himself without assistance, unless the person is accompanied by an attendant for the duration of the flight.[2]

During the past several months, however, the Board has received an increasing volume of letters from disabled persons, disabled veterans' groups and other organizations, which express dissatisfaction with the carriers' handling of paraplegics, quadraplegics, and other classifications of disabled persons, including in particular several informal complaints reciting incidents where the alleged refusals by air carriers to accept disabled persons for carriage would appear to have been unjustified under a reasonable interpretation and application of the existing tariff rule.

While some of the complaints and letters received raise issues of unjust discrimination and undue prejudice under the Federal Aviation Act of 1958, it is not really clear whether the problems encountered by handicapped persons in arranging air travel stem principally from the existing tariff rule itself or from the lack of uniformity in its interpretation and application by different carriers, and even by different employees of the same carrier, resulting from the absence of reasonably clear standards to govern the acceptability of disabled passengers. Certainly the text of the joint tariff rule and the criteria set forth in the interline agreement make it very difficult for the originating air carrier to avoid subjective decisions as to whether a disabled person is, in fact, able to travel unattended or whether such person will require special in-flight attention. Moreover, in light of the major achievements in therapy and training of physically handicapped persons, enabling many disabled persons to function independently and with a high degree of physical dexterity, it is indeed—and might inevitably continue to be—a formidable task to fashion precise rules covering air transportation of disabled persons by category of disability. We therefore think it appropriate at this time for the Board to reexamine the subject of air transportation for physically handicapped persons, in order to attempt to determine whether rule making in this area is warranted and, if so, the content and scope of any such proposed rules.

We have also received a petition for rule making filed by the Aviation Consumer Action Project (ACAP), a consumer group. The petition requests amendment of the Board's regulations to "prohibit discrimination in air transportation against physically disabled and crippled persons" and includes a set of proposed rules which petitioner asserts will achieve this purpose.[3] In support of its petition, ACAP asserts, *inter alia*, (1) that the carriers' tariff rules concerning air transportation of disabled persons are arbitrary and unjustly discriminatory under the terms of the Act, (2) the assessment of a "double fare" against a disabled person is discriminatory because a disabled passenger alone does not occupy more space in the aircraft than any other passenger, (3) air carriers have no right to require a disabled person to have an attendant, particularly where fellow passengers offer to aid the disabled person during the flight and (4) there is no rational basis for a carrier to refuse transportation to a disabled person on the ground of "comfort" to other passengers.[4]

Although the petition of ACAP raises some very fundamental questions with regard to the duty of air carriers to provide transportation for disabled persons and the appropriate fares or other charges which should be levied for such transportation, it is not clear that the petition makes a prima facie showing of unjust discrimination. To begin with while certificated air carriers have a duty to furnish air transportation to all persons upon reasonable request therefor, that duty is not absolute. Thus, the courts have long recognized that a carrier may refuse to receive as passengers persons who are sick or infirm unless they are accompanied by someone competent to afford them the required assistance in case of need.[5] The policy of this rule is intended not only to assure the health and safety of other passengers but to protect the disabled persons against the risk of serious injury while in transit. Moreover, there are safety problems unique to air travel, particularly with regard to emergency evacuation of the aircraft. For example, in a crash emergency, a sick or infirm passenger might not be able to follow the procedures established for the expeditious evacuation of the aircraft, thus placing his own life in danger and imperiling the lives of other passengers as well. For these reasons, the Board has not heretofore challenged the judgment of those carriers which have declined to carry disabled passengers without an attendant.[6]

As previously indicated, the Board intends hereby to undertake exploratory evaluation of the subject of air travel by disabled persons. Recognizing the numerous and complex is-

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Footnotes at end of article.

sues involved in fashioning a rule adequately to deal with the subject, we have decided to approach the matter by the more preliminary procedure of an advance notice of rule making. For the same reason we have not proposed any specific rules, but would invite comment on any or all of the following questions.

1. Do or should air carriers and foreign air carriers have a duty to provide transportation to physically disabled persons, whether or not that person is accompanied by an attendant?

2. What conditions may or should a carrier reasonably impose on the transportation of physically disabled persons? In this connection:

(a) How should "disabled person" be defined?

(b) Are there paraplegics, quadraplegics and other classifications of disabled persons who are able to travel by air without an attendant?

(c) How can a carrier distinguish between a disabled person able to travel independently and a person not able to do so?

(d) May or should a carrier require a medical release from a disabled person prior to accepting him for carriage?

(e) Should a carrier be permitted to limit the number of disabled passengers on any given flight?

3. Is the charging of a full fare to an attendant accompanying a disabled person unreasonable or unjustly discriminatory, and if so, what fare or charge should be paid by such attendant? In this connection, how should "attendant" be defined?

4. Do air carriers have a duty to provide stretcher passenger service?

5. Are the current air carrier tariffs, which provide for the charging of multiple for a stretcher passenger, unreasonable or unjustly discriminatory, and if so, what fare or charge should be paid by such passenger?

FOOTNOTES

[1] Agreement C.A.B. 16614, approved in Order E–19154, December 31, 1962. The agreement states, *inter alia*, that acceptance of physically handicapped passengers for air transportation by the parties to the agreement will be determined in accordance with certain "lay criteria" and, in particular circumstances, "medical criteria" as set forth therein. In brief, the "lay criteria" provide that a member carrier will not accept as passengers persons who have "malodorous conditions, gross disfigurement, or contagious diseases, or persons who cannot take care of the physical needs without an attendant." The "medical criteria" are stated to be those criteria contained in a report entitled "Medical Criteria for Passenger Flying" published in certain periodicals and incorporated therein by reference. The agreement also classifies the physically handicapped and indicates by class which criteria are to be used in gauging acceptability.

[2] Airline Tariff Publishers, Inc., Agent, Rules Tariff, PB–6, C.A.B. 142, Rule 15(a)(2).

[3] The rules proposed by ACAP would among other things require all certificated air carriers and foreign air carriers (1) to furnish air transportation to all physically disabled persons, whether or not such persons are accompanied by an attendant and (2) where an attendant does accompany a disabled person, to provide transportation to such attendant at a charge of one-half the fare paid by the disabled passenger.

[4] ACAP also contends that the carriers' tariff rules arbitrarily disqualify disabled persons from the benefits of "denied boarding" compensation under Part 250 of the Board's regulations. However, Part 250 does not seem to be apposite. Under Part 250 (14 CFR Part 250) carriers are required to pay denied boarding compensation only where a passenger holding confirmed reserve space on a flight is denied boarding because the flight is oversold and certain other criteria, not relevant here, are satisfied.

[5] See, *e.g.*, Casteel v. American Airways, Inc. 88 S.W. 2d 976 (1935), Croom v. Chicago M. & St. P. RR Co., 53 N.W. 1128 (1893) and Yazoo & M. Valley RR. Co. v. Littleton, 5 S.W. 2d 930 (1928).

[6] Indeed, section 1111 of the Federal Aviation Act expressly provides: "Subject to reasonable rules and regulations prescribed by the Secretary of Transportation, any air carrier is authorized to refuse transportation to a passenger or to refuse to transport property when, in the opinion of the air carrier, such transportation would or might be inimical to safety of flight."

Federal Aviation Administration,
Washington, D.C., June 5, 1973.

FAA Rulemaking To Facilitate Air Transportation of Physically Handicapped

The Federal Aviation Administration of the Department of Transportation is considering rule making to assure more equitable treatment of physically handicapped persons in air transportation, FAA Administrator Alexander P. Butterfield announced today.

"The physically handicapped are one of our most neglected minorities," Butterfield said. "As the victims of a great deal of indifference, as well as a certain amount of prejudice, their special needs have been ignored far too long by society as a whole. I think all of us have a responsibility to do everything in our power to correct this situation."

In issuing an advance notice of proposed rule making, FAA pointed out that the most significant problems associated with transporting the physically handicapped by air are those relating to evacuation of an aircraft in an emergency. This becomes especially critical in survivable accidents involving fire after impact or ditching at sea.

FAA noted that there is currently a lack of uniformity among airlines and air taxi operators with respect to the carriage of handicapped persons. Normally, they will not accept persons who cannot take care of their physical needs without assistance unless they are accompanied by an attendant.

The purpose of the advance notice is to solicit public participation in developing an operational standard "by which the acceptance of a maximum number and type of handicapped passengers, commensurate with an acceptable level of safety may be achieved.

In addition to soliciting general comments, the advance notice poses specific questions concerning the types and numbers of physical or functional disabilities that can be accommodated in air transportation, consistent with present evacuation criteria both with and without an attendant. It also asks whether the present emergency evacuation criteria should be changed to reflect the carriage of the physically handicapped, what special measures might be taken to accommodate large groups of such persons and if identification cards might be used to certify the ability of these individuals to perform certain functions.

FAA said it is particularly interested in receiving the views of handicapped persons on emergency evacuation procedures and how they might be improved to accommodate them.

The advance notice is not addressed to the problems of individuals afflicted with certain ailments that require them to carry a personal oxygen supply. Because this is presently inconsistent with the regulations governing the transportation of dangerous articles, FAA is undertaking separate rulemaking action to resolve this matter.

The full text of the advance notice of proposed rule making (Notice No. 73–16; Docket No. 12881) is printed in the June 5 Federal Register. All comments received through August 6 will be considered by FAA in formulating a notice of proposed rule making. Comments should be submitted in duplicate to the FAA Office of General Counsel Attention: Rules Docket, AGC–24, 800 Independence Avenue, S.W., Washington, D.C. 20591.

JAMES A. FARLEY

Mr. WILLIAMS. Mr. President, on May 30, a dear friend of mine and of many of the Members of this body celebrated his 85th birthday. Jim Farley played a pivotal role in helping to fashion American society as we know it today. I have been fortunate to have spent time with Jim on numerous occasions and I have always marvelled at his insights into American life.

A man who knows Jim Farley better than I, Ernest Cuneo, recently devoted his newspaper column to some reminiscences about Jim's life and philosophy. This column does not tell it all, but it tells a lot and I think that it is well worth my colleagues' attention.

I ask unanimous consent that this article which appeared in the Paterson, N.J., News be included in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Jim Farley at 85: Never Take a Dime, Never Tell a Lie

(By Ernest Cuneo)

Washington.—The Hon. James A. Farley will honor his 85th birthday tomorrow in a manner he has been observing since he was 15 years old, namely, by a full day's work.

Probably no American success legend since Abe Lincoln's childhood in a log cabin is so imbedded in American folklore as the rise of Stony Point's town clerk, James A., to the pinnacle of American political power.

This is of particular interest now, since both the goal and the method of obtaining them are now under intellectual attack.

The American goal of those times was covered by the blanket word success. The accepted method was the work ethic; poor boys didn't drop out, they dug in. They went to work and tried to improve their lot by improving themselves.

James A. Farley went to two schools; the one was to learn bookkeeping and the other was the Democratic clubhouse.

While no classification has ever been attempted on Big Jim's bookkeeping abilities, it is generally conceded that he emerges as the past master of the structure, dynamics and nuances of American politics. His plain advice now to young men and women entering politics is his life story; never take a dime and never tell a lie.

Though he is now the patriarch of the Democratic party, the leaders and presidents of both parties have not only been proud to call him friend, but have called upon him for advice and comfort in the cloudiest days of their administrations.

For he is the Honorable James A. Farley, with emphasis on the Honorable. A sportsman in his heart since he played first base for the Grassy Point and Haverstraw nines, the ex-postmaster general is as regular an attendant at his box on the Yankee first base line as the Yankee coach.

A sportsman against his Republican opponents, from Pres. Herbert Hoover through Ike, they would be the first to declare that Big Jim was incapable of even a mean trick. On the other hand, the Democrat never lived who flailed a heavier political shilelagh on behalf of his party and it is doubtful if one will ever live who enjoys it more.

Somewhat alarmingly for the rest of us

ordinary mortals, James A. attributes his disgracefully good health to the fact that he neither smokes nor drinks. To add to the general discomfiture, he doesn't swear, either. Yet, from coast to coast, no man is more widely recognized in the masculine world as a regular fellow.

Whether it's Toots Shors in New York or the Garden in Paris, the liveliest table in the joint is invariably that of the Hon. James A. His secret, if secret it is, is that of Teddy Roosevelt's; everybody likes him because he likes just about everybody.

Moreover, he is an optimist's optimist and an enthusiast. Interestingly enough, he offers the American history he has witnessed as evidence for his unbounded faith in the future of America. He reminds his listener that when he was born, three months after the Great Blizzard of 1888, the country had yet to see its first automobile factories and neither the airplane nor the wireless had been invented. Tuberculosis, pneumonia, malaria, diptheria and smallpox were dreaded diseases, scourges in fact.

On a broader base, the supermarket today offers 50 different varieties of superior food for every one offered by the old general stores; and the plumbing—here Big Jim just waved an expressive hand.

But, Farley predicted, these are just forerunners of greater things to come—a fuller life not only for Americans, but for the world. He says he sees the growth all over the world, and outside of the State Department couriers, few men visit more countries in a year than the aforesaid James A.

"Then you think J. P. Morgan was correct when he said, 'Never sell America short?' " he was asked. "He was always a man given to understatement," Big Jim grinned.

The Hon. James A. has a problem. It is his mail, which peaks at Christmas and on his birthday. "It takes three weeks after Christmas and another three weeks after my birthday," said Big Jim. "Six weeks in all. That's a lot of time. So I'm thinking of not sending out Christmas cards. What do you think?"

"At a time when every institution in the country is being challenged," he was told, "this is no time to abandon national institutions. The card with the signature in green ink over the fireplace is as much a part of Christmas for thousands of American families as the Christmas tree itself."

Some years ago, Defense Secretary Robert McNamara in a speech said, "The worst of the homely old school-book maxims is that they are true." Never were truer words spoken.

As the twig is bent so shall it grow and Jim was brought up on the straight and narrow. Also, as ye sow, so shall ye reap, at 85, Gen. James A. Farley, continues to reap the respect and affection of a whole nation to which he has rendered several lifetimes of devotion and service.

On his birthday, there'll be thousands of cards from all over the globe telling him so. He's a great American.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 804 (b), title 8, Public Law 91–452, the Speaker had appointed Mr. HANLEY, Mr. CARNEY of Ohio, Mr. HOGAN, and Mr. HUNT as members of the Commission on the Review of the National Policy Toward Gambling, on the part of the House.

The message announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5293) to authorize additional appropriations to carry out the Peace Corps Act, and for other purposes.

RECESS TO 1:45 P.M.

Mr. GRIFFIN. Mr. President, with the authorization of the distinguished majority leader and the assistant majority leader, I move that the Senate stand in recess until 1:45 p.m. today.

The motion was agreed to; and at 12:40 p.m. the Senate took a recess until 1:45 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TUNNEY).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. TUNNEY). Is there further morning business? If not, morning business is concluded.

ORDER FOR CONSIDERATION OF AND VOTE ON NOMINATION OF ROBERT H. MORRIS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished majority leader to propose the following unanimous-consent request, as in executive session. This matter has been cleared with the distinguished senior Senator from Washington (Mr. MAGNUSON), the distinguished junior Senator from Utah (Mr. MOSS), the distinguished junior Senator from South Carolina (Mr. HOLLINGS), and the distinguished senior Senator from Michigan (Mr. HART). It has been discussed with the other side of the aisle, and I believe that it meets with approval there.

Mr. President, I ask unanimous consent that at 2:30 p.m. tomorrow the Senate go into executive session to consider the nomination of Mr. Robert H. Morris to be a member of the Federal Power Commission for the remainder of the term expiring June 22, 1973, and that a vote in relation to the nomination occur at no later than the hour of 4:30 p.m. tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, Is it the intention of the majority whip to divide the time?

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished assistant Republican leader.

I ask unanimous consent that the time for debate with respect to the nomination be equally divided between and controlled by the distinguished senior Senator from Washington (Mr. MAGNUSON) and the distinguished senior Senator from New Hampshire (Mr. COTTON).

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The PRESIDING OFFICER. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 1248, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

The PRESIDING OFFICER. The pending business is Proxmire amendment No. 218.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I understand the pending business before the Senate is my amendment No. 218 on the wage-price control program.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE, Mr. President, I ask unanimous consent that the names of the Senator from Delaware (Mr. BIDEN) and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. *I also ask unanimous* consent that Kenneth McLean of the staff of the Committee on Banking, Housing and Urban Affairs and James Verdiere of Senator MONDALE's staff be permitted to remain in the Chamber during the rollcall vote on this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, before I get into the amendment, let me say that I understand there are Members of the Senate who feel that we should give the President every opportunity to act on this matter, and I agree. I am perfectly frank to say that one of the principal reasons I am pushing the amendment is so that the President will act. I think it would be better if the President acted as he acted on August 15, 1971, in what, at least at the beginning, was a very successful proposal. We did freeze prices, as the Chair will recall, for 90 days. At that time, we had a very low rate of inflation, and our action gave him an opportunity to put into effect a wage-price control program.

Mr. President, if the President will act on his own, I will support him wholeheartedly. I have no pride of authorship, and would be happy to have the President take it away from us.

This amendment provides several things, including a 90-day freeze on wages, prices, rents, interest rates, dividends, and profits. The freeze would apply as of June 4, the date of the Senate Democratic caucus resolution calling for a 90-day freeze. Under my amendment, all prices would be frozen with the exception of prices for raw agricultural products at the wholesale level. In addition, the ceiling on interest rates would apply only to mortgage loans, consumer loans, family farm loans, and small business loans.

Most important—and this is generally neglected in discussing this proposal—following the expiration of the freeze, the President is directed to put into place a tougher and more equitable program for halting inflation. In so doing, he is required to consult with Congress, with business, with labor and with consumer groups. In addition, he is required to submit the details of his proposal to Congress 30 days before it goes into effect. This will give the Congress an opportunity to review the President's programs and to mandate such additional changes as may be necessary.

Needless to say, if the President should, in the next few days, annouce a program which many of us felt was inadequate, then we can proceed with this proposal even though the President might act very shortly after the Senate had adopted this amendment.

At this critical juncture in our economic history, the American people are demanding decisive action to halt inflation. The administration's phase III program has been a colossal and costly failure. Only George Shultz still believes in phase III and I sometimes wonder whether even he does not see the need for stronger action.

Let us briefly examine the record on inflation over the past several years. During the first 8 months of 1971, the consumer price index was rising at an annual rate of 3.8 percent, which was somewhat of an improvement over 1969 and 1970, but still unsatisfactory. This is when the President acted. During the next 3 months of phase I, the rate of inflation in consumer prices fell to 1.9 percent, a dramatic improvement and by far the best 3 months in recent history. In the first 7 months of phase II, consumer prices rose at an annual rate of 3.1 percent, not satisfactory, but still better than the 3.8 percent experienced immediately prior to phase II. However, during the last 7 months of phase II, consumer prices rose at an annual rate of 4.2 percent. In other words, inflation grew to be a worse problem under phase II than it was before price controls were adopted.

Given the trend in price increases during the last half of phase II, the administration should have recognized that stronger measures were required to deal with the persistent inflation which has plagued our economy over the last 4 years. Instead, the administration did just the opposite. It virtually abandoned the phase II controls when they should have been strengthened.

Since phase III was put into effect, consumer prices have been rising at an annual rate of 9.2 percent.

Let me repeat that. Since phase III was put into effect on January 13, consumer prices have been rising at the rate of more than 9.2 percent.

Wholesale industrial prices have risen at an annual rate of 14.8 percent. That is not food prices but wholesale industrial prices. Wholesale food prices skyrocketed at an annual rate of 37.3 percent.

The sharp rise in wholesale industrial prices is particularly disturbing since these prices generally precede increases in the consumer price index.

I might point out that wholesale prices have, traditionally, throughout our long economic history, been more stable than consumer prices historically. To the extent that wholesale prices have gone up, consumer prices have gone up more, in addition they have also preceded—foreshadowed—an increase in consumer prices. That is not a happenstance or a coincidence, but it is for the obvious reason that if the wholesale price goes up, the businessman who sells at retail has very little choice except to reflect the increased cost in his price. Either that, or he will go out of business.

Moreover, the increase is spread throughout many industries and is not merely confined to a few short supply industries such as oil and lumber.

Corporate profits also rose sharply following the abandonment of price controls. Corporate profits in the first quarter were more than 25 percent higher than the comparable figure a year ago. How long can we expect labor unions to settle for the 5.5 percent wage guideline when corporate profits are soaring up 5 times faster than wages?

The investment community accurately foresaw the weakness of the phase III program and, as a result, the stock market took a nosedive. It is no mere accident that stock prices reached an all-time peak on January 10, 1973, 1 day before the phase III program was announced. It is sometimes difficult to decipher the messages given by professional economists. However, the judgment of the market is unmistakable. The investment community has given a resounding vote of no confidence in the administration's phase III program.

The dollar also came under heavy attack because of doubts about the effectiveness of the phase III program. After phase III, we were forced into another devaluation of the dollar and we may even be heading for a third devaluation. Any parliamentary government would surely have fallen by now, had it committed similar economic blunders.

Despite the clear evidence that the phase III program has been a dismal failure, the administration still has not acted to reverse its error. The administration seems paralyzed—unable to act decisively. Under these circumstances, only the Congress can take the action which is so badly needed to halt inflation.

Given the failure of phase III to do the job, I believe a comprehensive, across the board freeze of the type contemplated in my amendment would be fair to everyone, because it covers everything. Of course, in providing for the freezing of retail food prices, it would have an indirect but at least an effective control on farm prices, too, the only kind of control which, on the basis of testimony before the committee, is likely to be capable of effective administration.

Here is why I think this amendment is exactly the right medicine for our troubled economy.

First, a wage-price freeze will give the administration some breathing room to work out a more effective program for controlling inflation.

Many Senators have talked about how they do not want to go quite so far as the phase I program, that phase II would be wiser. That makes sense, of course, that is true. We need something like that now. We do not want to put the economy in a straitjacket indefinitely. Phase I gives us the opportunity for some elbow room to make the decisions and to make the decisions in an atmosphere in which prices are not going out of sight while we are discussing them in anticipation that we will act.

A new control program cannot be developed overnight. Moreover, even the very suspicion that the administration might be working on a stronger program might send prices skyrocketing even higher. Therefore, we need a freeze while a better program is being developed.

Second, we need a freeze to purge the economy of some of the inflationary momentum which it has picked up since phase III was adopted. Once businessmen and labor leaders begin to anticipate an increase in the rate of inflation, their actions become a self-fulfilling prophecy. In a very short period of time, the inflationary psychology can spread throughout the whole economy.

The best example, of course, is what has happened in phase II. Edwin Dale, the very able economic reporter for the New York Times, wrote an article on Sunday in which he said that many of the economists that he talked to do not understand why we should have had such a sharp and sustained inflation. He goes through all the points that have been responsible for the inflation, the untimely move to phase III, the devaluation, the fiscal and monetary stimulation of the economy. All of these things, he admits, contributed to it, but he says that we should not have had an inflation of this dimension.

I think that Mr. Dale does not give sufficient emphasis to the psychological factors feeding on these elements. They have been the principal cause, and what the freeze does is to bite directly into that psychological anticipation of higher prices. It prevents the self-fulfilling prophecy from working out.

The phase I freeze was relatively effective in halting this psychology, at least for a period of time. Unfortunately, the phase II controls were too weak to have any lasting effect on prices.

Third, an immediate wage-price freeze can stop foreign speculation against the dollar and achieve a measure of monetary stability. Even the vaguest rumor that the administration is considering some changes in the control program has strengthened the dollar on foreign exchange markets. Decisive action by the Congress can rescue the dollar before we are faced with the need for a third devaluation.

Fourth, a wage-price freeze will take

some of the pressure off fiscal and monetary policy with respect to fighting inflation.

As we know, we now have the highest level discount rate since 1921, the highest in more than 50 years. What that means is that interest rates across the board will be going up. Almost every edition of the newspapers in the past few days have carried articles about increasing mortgage interest rates. That means that tens of thousands of Americans are being priced out of buying their own homes. It means that people of modest incomes who have looked forward for many years to buying their own homes cannot do it.

One of the advantages of the freeze is that monetary policy, tight money, now the exclusive means of fighting inflation, will have some help, and it will no longer be necessary to have a policy to force up interest rates, which is the only method the Government is now using to hold down prices.

Monetary policy has a particularly disastrous effect on housing, on State and local government borrowing, on small business and on agriculture. If Congress does not act decisively to stop inflation, the Board will be forced to tighten up on the money supply and thus create another credit crunch. In addition, the freeze could obviate the need for another tax increase to slow the economy.

Many people argue that we should have a tax increase now, but I think anybody who has talked to Members of the House or Senate, anybody who has talked to people out in the country, knows that the likelihood that we are going to use the tax increase to stop inflation this year or in the next couple of months is absolutely zero. There is no chance at all. Conceivably, we could have a tax increase later, but I think that is unlikely, and it is overwhelmingly opposed by the people of this country.

Fifth, even if the freeze is not successful in bringing about a stronger long-term control program, the American people will at least have some relief from inflation during the freeze period. Prices have been going up much faster than wages, and the standard of living of the American worker has been on the decline. A freeze will halt this deterioration, at least for 3 months, and permit workers and others to hold their own. The experience with the phase I freeze indicates that it was relatively successful in holding down price increases.

There are some who say the President needs time and flexibility and that he should not be directed to impose a freeze by Congress. The argument for Presidential supremacy may have some validity in the foreign policy area, where the President has access to information which Congress does not have, and where he obviously has to act as one man and to act with great speed for the country.

But the same cannot be said for the economy; we have as much knowledge as the President. In fact, I think that, in the aggregate, we have more.

Members of Congress actually get out and meet the people. They go back home and talk with their constituents. They observe at firsthand the real condition of our economy. By way of contrast, the President—any President—is a prisoner in the Oval Office. He rarely gets out to meet the people. His information is carefully filtered by his staff. Moreover, his mind has obviously been preoccupied on other matters.

For all of these reasons, I think Congress is in a much better position to make the basic economic decision as to whether a freeze is needed. I know there are some Members who agree privately that a freeze is the right answer, but who, because of loyalty to the administration, are prepared to vote against my amendment. I say to them that the American people are sick and tired of inflation and want it stopped now. They want action, not excuses. The Senate has an opportunity to take decisive action. Those who vote against a freeze may console themselves with the belief that the administration will act on its own.

Mr. President, I hope it does, and I hope it acts soon. There are indications that it may. But it seems to me that this amendment is the best, most effective way to persuade the administration to act—for the Senate to act and to act on the basis of a decisive, broad decision across party lines.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MONDALE. I think the point the Senator from Wisconsin makes about the difficulty of getting this administration to act in a way which will dampen these incredible inflationary forces is well taken.

I think we have now had 5 years of pretty sad history of inattentiveness by this administration to this Nation's real economic problems. It began with the disastrous policies of 1969 and 1970; that led us into a recession and inflation, with rising unemployment and rising prices, both at the same time.

Then, finally, as the President neared his own reelection compaign, along came August 1971 and finally we got a system of controls. I think those controls operated unfairly in many respects against the poor and against working Americans, but at least there was some evidence that inflation was beginning to abate, that jobs and unemployment were beginning to build again; and then, suddenly, we had phase III.

To my knowledge, it is very hard to find any economist in the country—I am sure we can always find some—but it is practically universally condemned as a colossal mistake.

The ending of phase II was taken by American business to mean that the lid was off, that prices could be raised; and they were raised. As the Senator has pointed out, we are now in probably the worst inflationary cycle in the peacetime history of the country. Just a few days ago, the wholesale price index reflected a 24-percent annual rate of increase. The latest Consumer Price Index rate of increase is 9 percent. We find that same pattern month after month. The administration is putting out rhetoric in which it, in effect, is saying that things are getting better, but it is not working to improve them. Once again, we see the cycle we saw back in 1969—tight credit, rising interest rates, the highest official prime rate——

Mr. PROXMIRE. Discount rate.

Mr. MONDALE. Discount rate, in 50 years.

The same pattern is being followed. Unless we stop the rising unemployment quickly, we will see economic stagnation and inflation all at the same time. That is why I believe Congress has no choice, but to try to do something to act in the midst of this incredible economic mess.

Mr. PROXMIRE. I think that everything the Senator from Minnesota has said, I can support with enthusiasm. What we must appreciate is that if we do not supply some control system to supplement the present economic policy of relying exclusive on tight money, inflation will be sure to follow. A stringent monetary policy will push the economy down into a serious recession and will increase unemployment. During the period when unemployment is increasing, there will still be a lag in prices. So there must be an alternative approach, another approach, an approach which is not based on pushing us into a depression in order to cure inflation; an approach to provide for a price freeze, during which a control program can be worked out and then put into effect.

The program could be submitted by the President to Congress for discussion, and to labor, management, and other people in the economy, so that we can understand it, have confidence in it, and make suggestions as to how to strengthen it, before it goes into effect.

Mr. MONDALE. I thank the Senator. I should like to discuss at the appropriate time the problem of the poorest families, the problem of workers, because while we have seen a dramatic pattern of rising executive salaries—last year they rose an average of 13.5 percent—while we have seen a drastic increase in corporate profits, the average family has less purchasing power than it had 6 months ago.

Mr. PROXMIRE. Yes; we have had hearings before the Joint Economic Committee on executive compensation. The Senator is correct. The best statistics we can get on Executive salaries—presidents and chief executive officers—is that the average increase has been 13½ percent, or about 3 times the guidelines for wage earners.

As the Senator has pointed out, there are a number of instances where the increase has been a 100-percent increase or more.

When Cost of Living Council Director John Dunlop appeared before our committee, he agreed that the present system did not work; that it must be changed.

The Senator from Minnesota has made an excellent point concerning profits. They always do go up in a period of recovery; but they have been going up far more than usual in the last 6 months, and the rise has been consistent across the board.

Mr. MONDALE. As the Senator knows, in 1972, and he just used this figure, executive compensation rose by 13.5 percent. If one picks up the papers, he hears that the president of this corporation or the president of that corporation got a $50,000, $60,000, or $100,000 salary increase. Not only is that unjust, it seems to me, at a time when we are supposed to be controlling inflation, but the average worker is trying to get a $200 or $300 increase in a year, and he is told that he cannot have it. He cannot keep up with inflation, but right alongside of that he sees the Government condoning these fantastic salary increases.

Mr. PROXMIRE. The Senator is correct. Mr. Gerstenberg, chief executive officer of GM, got an increase of $400,000 in his salary last year. Dr. Dunlop conceded that was legal and in accordance with regulations. What kind of regulations are these to permit that kind of increase?

Mr. MONDALE. Just the other day the administration mounted all of its forces to resist a one-dime-an-hour increase in the minimum wage needed to help working Americans trying to make enough at the end of the year to keep their families together and to get up to the minimum poverty line, based on the statistics of BLS, yet they remain silent when these fantastic increases occur in corporate salaries. In the first quarter corporate profits rose by 26 percent over the comparable period last year, which raised them to the highest levels in American history.

While all this has been going on, real spendable income for workers, real wages, are lower now than they were 6 months ago.

Mr. PROXMIRE. If the Senator will yield for a moment, I wish to point out one example of this abuse. The steel profit increase this year is 80 percent. This is a bellwether industry that affects many other industries. And they are on the verge of asking for a substantial price increase. This is the kind of thing that must be controlled, and this freeze, the pending amendment, would authorize, would provide that control.

Mr. MONDALE. At the proper time I would like to discuss the Senator's understanding and intent in terms of the application of his amendment to any increases that might be ordered in minimum wages, and any application it might have to the Proxmire amendment which exempted wages of $3.50 an hour or less from controls, because I believe that at the lowest level they must be protected against a freeze. I believe that is the intention of the Senator.

Mr. PROXMIRE. I agree with that, and I agree wholeheartedly. We passed it and the House adopted it. We enacted into law, the President signed the law that those with poverty incomes, that is, less than $3.50 an hour, should be exempt from control. I do have the intention here that that exemption carry over. To be frank about it, these people are overwhelmingly not organized, and they have been in a position where their wages are peculiarly subject to the discipline of management determination. It is very unlikely their wages would be increased very much. But it would not be my purpose or the purpose of the Senator from Minnesota, or the Senate to see that we froze wages of people at the poverty level so they could not negotiate for improvement as long as their wages were that low.

Mr. MONDALE. The Senator's amendment does not place a ceiling on increases in minimum wages nor does it affect the applicability of the $3.50 an hour amendment which was adopted on the Economic Stabilization Act.

Mr. PROXMIRE. The Senator is correct.

Mr. MONDALE. So that would be exempt from the operation of this act.

Mr. PROXMIRE. The Senator is correct.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. My question is: Do the major labor organizations support this amendment?

Mr. PROXMIRE. No. I am frank to say that the labor organizations not only do not support this amendment, but they vehemently oppose it. I just talked to the principal legislative representative of one organization and not only do they not support it, but they are very angry about it.

Mr. AIKEN. I thought the Senator said he was offering an amendment for one reason to bring the income of the laboring man up to where it should be.

Mr. PROXMIRE. We cannot do that in the freeze.

Mr. AIKEN. That answers my question.

Mr. PROXMIRE. The point of the freeze is the labor objection. They do not want wages frozen for even 90 days. My argument is that if you are going to have good faith, across the board action, you have to freeze wages, although I think labor makes a very strong case. They are right. As I and the Senator from Minnesota (Mr. MONDALE) pointed out, real wages, that is, wages corrected for inflation, have declined in the last 6 months while profits have gone up.

Mr. AIKEN. I thank the Senator for giving me the information, because I have not heard from the labor organizations myself.

Mr. PROXMIRE. Their position is negative.

Mr. BIDEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BIDEN. Mr. President, I rise to join with the Senator from Wisconsin in asking the Members of this body to support the legislation that he has proposed. As a member of the Senate Banking, Housing, and Urban Affairs Committee which held 2 weeks of hearings in January and February on wage and price controls, I consistently voted in support of those amendments which would have tightened phase III in the direction of the more effective phase II. The amendments would have had the effect of taking the administration's stick out of the closet.

Last April the Senator from Wisconsin offered an amendment similar to the one he proposes today. I supported it then as I do now. At that time, the amendment was ruled out of order by the Chair. I think we would be better off today, however, if the amendment had passed in April and was already in effect.

A 90-day ceiling is a strong measure, but one which is needed to reduce the severe inflation plaguing our Nation. The wholesale price index has soared at an annual rate of over 23 percent during the past 3 months. That is a jump of nearly 6 percent over the preceding 3 months and 13 percent higher than a year ago. Last month alone, wholesale prices increased at a 2.1-percent rate—only slightly less than the 2.3-percent rate in March which was the largest monthly increase since 1951.

While we are all aware of the particularly high food prices prompted by many natural as well as economic factors, the most alarming statistic is the reported rise in industrial prices—a 1.1-percent increase during May.

But we do not have to be economists armed with statistics to know what is happening, we experience it daily in the grocery and department stores across the country.

Our purchasing power is rapidly eroding, in fact, it is being washed away. In order to stem the tide, we should take immediate action to restrain the price spiral.

In this respect, phase III has not worked. It has failed to direct our economy fairly and effectively. Prices and profits have skyrocketed while wages have been held down. Labor has shown admirable restraint, but we cannot expect unending sacrifices from one sector if the others are left unrestrained.

In the absence of effective price and wage controls, fiscal and monetary policies have been left to control the inflation.

By and large, the Congress and the Executive have cooperated to limit expenditures. Similarly, the Federal Reserve Board has increased the bank discount rate to 6½ percent, the highest since 1921, in an effort to restrict the money supply. The impact of these efforts falls unevenly on the American public, however, because they have most severely hit the low- and moderate-income families which need Federal assistance and are also the least able to gain the credit they need to make important purchases for their homes and children.

In an address before the International Monetary Conference last week, Dr. Arthur Burns, Chairman of the Federal Reserve Board, assessed the current policies and said that he would like to see stronger measures to control inflation than have been taken. He added that monetary policy has carried too much of a burden. I concur with his evaluation.

In summary, Mr. President, our Nation needs an effective program now to control inflation and develop long-term economic stability.

The 90-day ceiling proposed by this amendment would give the American people—labor and industry alike—immediate relief from the inflationary spiral and give the President and the Congress time to put an anti-inflationary program into effect which will give more lasting economic stability and security.

The question is, in my opinion, Are we going to wait and listen to hear if the administration's stick is rattling in the closet or will we fulfill our responsibility and exercise our authority to bring the present inflationary nightmare to an end?

I agree wholeheartedly with the statements made by the Senators from Wisconsin and Minnesota, and I am pleased to join in support of the amendment. I hope the remainder of the Senators will see fit to do likewise.

Mr. TUNNEY. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I am happy to yield to the Senator from California for a question.

Mr. TUNNEY. One of the things that has deeply troubled me is the skyrocketing public utility rates, and one of the elements that relates to it is the fact that many public utilities are substantially increasing their advertising and then coming before the Public Utilities Commission in California, and I am sure elsewhere, and asking for a significant increase in rates, which increase, in part, is to make up for the additional cost in advertising. I happen personally to believe that this is an outrage. I do not know how one can justify, at a time when we have such a significant inflation, a rate increase based on an increase in advertising.

I would like to know how the Senator's amendment would affect that practice, which is going on in my State, and perhaps in other States as well.

Mr. PROXMIRE. May I say to the Senator from California that we do provide for a price freeze, including a freeze on prices charged by utilities. We go further than that by providing that the President shall, by order, require reductions in the ceiling with respect to particular prices, rents, or interest rates wherever the President determines that such reductions are necessary to rescind price, rent, or rate increases that are in violation of the phase III guidelines.

I think in some of these cases utility prices may very well have been in violation. I, too, have been outraged by the price increases by the utilities. As I understand it, the administration has delegated substantial authority to local public service commissions. Of course, all utilities are under some kind of regulation, but the ultimate authority lies in the administration in this bill, and they would have the right to prohibit a cost pass-through of advertising costs by utilities.

Frankly, I think the time to deal with this problem would be after it goes into effect and has been in effect for 60 days and the President sends to us his proposed long-range program. After he makes this proposal to Congress, we have a right to consider it. During the freeze period the utilities could not increase their prices. They could after the freeze period had ended, but then we would be apprised of what the President intended to do, and if at that time we considered the proposed controls to be inadequate, we would be in a position to take action.

Mr. TUNNEY. I have been thinking in terms of offering an amendment to the Economic Stabilization Act which would prevent the regulatory commissions from granting an increase on the ground that there may have been advertising increases and passing the increase in the cost of advertising on to the consumers, but as I understand what the Senator is saying, he feels similarly offended, as do I, by this escalation in cost, and he feels the appropriate time to address this matter would be after the freeze has terminated and subsequent to the time that the President would have made a proposal to the country for a permanent stabilization program.

Mr. PROXMIRE. Yes. That would be during the last 30 days. The freeze would still be in effect when he made his proposal. I would agree enthusiastically with the Senator from California.

Mr. TUNNEY. I thank the Senator for his answer to that question. I will at that time approach this matter with perhaps an amendment to the Economic Stabilization Act, or perhaps amending what the President offers to the Congress if it requires congressional approval. I thank the Senator from Wisconsin.

Mr. PROXMIRE. I thank the Senator from California.

Mr. HASKELL. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. HASKELL. One thing that occurs to me, I may say to the Senator, is that although we have the highest corporate profits this year, before that the next highest corporate profits were in the first quarter of 1972, at a time when wage and price stabilization was in effect.

For that reason, I wonder if the Senator would consider an amendment to his amendment which would ask the President, in addition to giving thought to, and giving Congress a program for stabilization of, wages, salaries, and prices, also to propose a program for preventing what might be called excess or windfall profits.

These would not be profits generated by an increase in productivity, nor would they be profits derived from a new process, but they would be strictly windfall profits that might occur because of a shortage of a product, increased sales, increased volume of sales, without any countervailing increase in true productivity.

For that reason, I ask the Senator his attitude toward an amendment which would seek from the Executive, as part of the long-range program, a proposal dealing not only with a stabilization of wages, salaries, and prices, but also a stabilization and prevention of windfall profits.

Mr. PROXMIRE. I think that is very useful. May I say a similar provision is in the law now. I think it would be useful to reinforce it. The law provides that in developing standards which shall be generally fair and equitable, the President shall prevent, and then it gives a series of gross inequities, hardships, and so forth, and then appear the words "and windfall profits."

So the Senator is proposing something we have acted on, that is in the law, but which certainly should be reinforced in view of our experience in the last year. The Senator says profits were high last year, and this year profits are up about 25 percent. The Senator from Minnesota (Mr. MONDALE) contrasted that with the fact that wages went up only 5 percent. So profits were up five times as fast. Something of the kind proposed by Senator HASKELL would be a useful reminder and would reinforce the law.

Mr. HASKELL. I am glad the Senator agrees, because this is asking for an overall program.

Mr. PROXMIRE. Yes. It is not forcing a specific kind of proposal by the President, but indicates that this is something he should consider and have in mind when he sends us his proposal, so we have a report on that as well as other matters.

Mr. HASKELL. Under the circumstances, I was thinking of offering an amendment to the Senator's amendment, on page 3, line 14, following the word "salaries", the amendment being ", and prevent excess or windfall corporate profits,".

This would merely ask the Executive as part of the overall program to address itself to this particular program.

Mr. PROXMIRE. The Senator is correct. That would reinforce this right in the law and state that he shall prevent windfall profits. The Senator would have similar language on page 3, line 14 of my amendment so as to prevent windfall profits.

Mr. HASKELL. The Senator is correct.

Mr. PROXMIRE. Mr. President, does the Senator want to put that language in writing?

Mr. HASKELL. Mr. President, I have that language in writing.

Mr. PROXMIRE. Mr. President, we have that language in writing. The yeas and nays have been ordered on my amendment and it would therefore require unanimous consent.

Mr. President, I ask unanimous consent that on line 14, page 3 of my amendment, after the word "salaries" there be added "and prevent excess or windfall corporate profits."

The PRESIDING OFFICER. Is there objection to the request of the Senator to modify his amendment?

Mr. TOWER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. AIKEN. Mr. President, if the Senator will yield, as the Senator knows, the maple sirup season is very important to my State. Most of it is sold in the month of May and the price normally increases then. I was wondering about the 90-day period. And maple sirup is only one item.

Mr. PROXMIRE. Mr. President, this amendment has been criticized by labor. One of the reasons is that raw agricultural products are exempt. They are covered by the freeze at the retail level. And when the wholesaler buys from the farmers, they are not controlled.

I think the Senator would agree with me. All of the testimony from all outside witnesses is that we cannot have an effective control program at the farm level. It would be counterproductive. And after the freeze period, prices go much higher than they would otherwise.

Mr. AIKEN. Would this result in holding products from the market?

Mr. PROXMIRE. It would not be effective during the 90-day period. My amendment does not touch maple sirup, milk, or the price of other raw agricultural products at the farm level.

Mr. AIKEN. The Senator realizes that a large percentage of this product is sold at retail. Customers come to the farm and buy it in pint and quart containers. Anyway, I realize that the Senator cannot have answers for all of these questions at one time.

Mr. PROXMIRE. There is a hardship exemption provision in the amendment to provide greater flexibility. This may or may not be that kind of a situation. However, there would be discretion. On page 3, line 6, we state, "The President may, by written order stating in full the considerations for his actions, make such exceptions and variations to the orders required under this section as may be necessary to prevent gross inequities and hardships."

I would think that in a season situation, a crop of this kind might very well meet the exemption covered by gross inequities and hardships.

Mr. AIKEN. Mr. President, I understand that price controls do not work perfectly and probably never will. However, I understand the Senator's intention is to check inflation and keep prices from going out of sight. A year ago we were asking for an increase in the price of these commodities and claiming a hardship for producers because they did not increase. Now they have increased. It is pretty hard to satisfy all the people all of the time.

Mr. PROXMIRE. I thank the Senator.

Mr. AIKEN. I think that the Senator from Wisconsin has good intentions. However, that does not mean that I will support the amendment.

Mr. PROXMIRE. Mr. President, I appreciate the sentiment, but not the statement about not supporting the amendment.

Mr. HASKELL. Mr. President, was there objection to the modification of the amendment?

Mr. PROXMIRE. The Senator from Texas objected.

Mr. HASKELL. Mr. President, on page 3, line 12, the Senator from Wisconsin has the words "with a firm, fair, and equitable long-run control program."

Mr. President, in view of the fact that the modification of the amendment would address itself to windfall profits, would it be the Senator's intention to come forward with a firm, fair, and equitable long-run control program, and if so would not windfall profits be one of those things to be considered by the Executive?

Mr. PROXMIRE. That would be my intention, absolutely. The Senator has made a helpful and excellent point. As the Senator has pointed out, this is in the law. If the President is going to make any kind of useful proposal, it would have to include windfall profits under the controls.

Mr. HASKELL. Mr. President, under those circumstances, I withdraw my suggested modification to the amendment.

The PRESIDING OFFICER. The modification is withdrawn.

Mr. GRAVEL. Mr. President, would the Senator yield for a question?

Mr. PROXMIRE. I yield.

Mr. GRAVEL. Mr. President, the FHA has raised the rent of people anywhere from 4 to 30 percent. That, in my mind, is quite unconscionable.

I am very sympathetic with and will support the amendment of the Senator from Wisconsin. I praise him for his effort.

I would like to ask him a question to see if this would cover this specific area. The Senator has terminology concerning "business enterprise or other person." And I would like to know if this "business enterprise or other person," both of which terms are used in the amendment, would also include the Federal Government in the freeze.

I find it odd that we will not permit the private sector to engage in any of these rent increases which aggravate inflation and yet do permit the Federal Government to engage in rent increases and aggravate inflation to the tune of 30 percent.

If it is in a small, remote area, or anywhere else, a person suffers from inflation. Would the terminology cover the Federal Government?

Mr. PROXMIRE. Yes, indeed. The Senator is referring to page 2, line 1, where the term "other person" is used. It is certainly my understanding that would include the Federal Government. The thrust of this is to stop the burden of inflation. And certainly many, many people have been adversely affected by units of government, including the Federal Government. The example of the Senator from Alaska is very helpful.

Mr. GRAVEL. Mr. President, I thank the Senator from Wisconsin. I will support the amendment.

Mr. AIKEN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment is not in order.

Mr. PROXMIRE. Mr. President, I have no objection to laying aside briefly and I mean briefly my amendment and having the amendment of the Senator from Vermont called up.

Mr. AIKEN. Mr. President, I understood the Senator from Wisconsin to say that he withdrew his amendment.

Mr. PROXMIRE. No. The suggested modification of my amendment was withdrawn by the Senator from Colorado. I do not intend to withdraw mine. However, I would be happy to lay aside temporarily my amendment to allow the Senator from Vermont to proceed.

Mr. AIKEN. Mr. President, with that understanding, we will proceed with the consideration of an amendment offered on behalf of the Senator from Alabama (Mr. SPARKMAN) and myself.

The PRESIDING OFFICER (Mr. HELMS). The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 11, strike out lines 11 through 18.

On page 11, line 21, strike out "Sec. 16" and insert in lieu thereof "Sec. 15".

On page 12, line 23, strike out "Sec. 17" and insert in lieu thereof "Sec. 16".

On page 13, line 2, strike out "Sec. 18" and insert in lieu thereof "Sec. 17".

Mr. AIKEN. Mr. President, in brief, this amendment would strike from the bill section 15, which would terminate U.S. contributions to SEATO as of July 1, 1974.

The reason for such action is this: SEATO was organized in 1954. It had eight members. One of those members, Pakistan, has withdrawn. France promises to withdraw now, I believe, or at least not pay her dues.

Whenever one of the others withdraws, the additional cost of maintaining the treaty falls on the United States, and the remaining members. Three other members have shown very lukewarm interest in SEATO, leaving only the Philippines, Thailand, and the United States showing a real interest in the original purpose of the SEATO treaty.

We are committed to pay dues as long as we are a member of the SEATO treaty organization. We can withdraw on a year's notice. Dues amount to $466,000, this year, or approximately that amount, and we can give notice, if we want to withdraw from this obligation, and then make whatever arrangements we may see fit to make with the other two countries which are interested in it.

It seems to me, Mr. President, that we have a commitment here which must be met if we are to maintain the respect of other members not only of SEATO, but of other organizations in which we have membership and with which we have commitments to pay a part of the cost. I do not believe that we should go back on a commitment, even though I realize there are many members of this body who wish we were not now members of SEATO, and would be glad to take us out of that organization.

Let us do it in an orderly fashion. Let us give the year's notice which is required for our withdrawal, and then let Congress decide what we want to do about it. That, in substance, is the reason for offering the amendment. I am not ardently supporting the SEATO treaty itself, but I am ardently supporting the obligation of the United States, once it make a commitment, to carry out that commitment. In this case, the amount involved is less than $500,000.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. AIKEN. I yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I want to endorse just exactly what the Senator from Vermont has said. As a matter of fact, this is a treaty, and we have given no notice of withdrawing. We can withdraw within a year's time.

As a matter of fact, I have felt that as soon as things are brought to somewhat normal conditions in Southeast Asia, we ought to give notice of withdrawal from SEATO. I remember when the SEATO Treaty was promulgated and when we joined it. It was Secretary of State John Foster Dulles who, together with others, dreamed up the idea of the Southeast Asia Treaty Organization, following pretty much the line of NATO and agreements that we had worked out with other nations for security purposes.

I felt when SEATO was organized that it was not adequate, and I told Mr. Dulles at the time that I had this objection to the Southeast Asia Treaty Organization: that it purported to be a Southeast Asia

Organization, and yet there were very few Asian nations in it, and that I did not see how it could do the good that he anticipated as long as that was the case.

In spite of what I felt about it at that time, we did agree to the treaty, with the provision in it that we would support it until we gave notice of withdrawal. We have not given that notice. We can do it at any time, but it takes a year for it to become effective. Until that time, under the treaty, we are bound, as I see it, to help support the headquarters in Bangkok.

That is what we owe this sum of some $466,000 for. I think we are committed to it and we ought to abide by that commitment. If we want to pull out, let us give notice as soon as we can, and in a year's time we will be relieved from any further obligation under SEATO.

I believe it is just a matter of our fulfilling our commitment under the treaty. I think perhaps the beneficiary country that needs SEATO more than any other is Thailand. Thailand has been a friendly nation to us. The SEATO headquarters are in Thailand, at Bangkok. We are committed to make this payment, and I think we ought to meet it. The way to meet it would be to agree to the amendment.

Mr. AIKEN. I believe, Mr. President, that there is sufficient sentiment for abrogating this treaty, and I rather expect that if an appropriate resolution is introduced, it would get a prompt hearing before the Committee on Foreign Relations, and my opinion is that it would be reported to the Senate rather promptly.

I do not like the idea of including all these amendments which might stir up some controversy in the State Department authorization bill. I would like to have this bill go through as soon as we can, and without controversial provisions so that we can get the State Department legislation through before the first of July, and that very important agency of Government will not have to depend upon continuing resolutions to keep in business.

That is about all I have to say.

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I have listened to the words of the distinguished senior Senator from Vermont (Mr. AIKEN) in connection with the amendment that he would strike from the pending bill. It seems to me that, although a strong case can be made for the action taken by the Foreign Relations Committee signaling an impending end to the obligation of the United States to contribute to the maintenance of a rather elaborate permanent headquarters for SEATO in Bangkok, a statement in support of which I have prepared, the need for delivering the statement has been largely removed by virtue of the thrust of the argument made by the Senator from Vermont.

I think it is generally conceded that SEATO is a moribund treaty. It has been observed only in the breach, apart from the role that has been played by the United States. Even now, the treaty, long since dead, is slowly being interred by the action of its members. Most recently, France has notified SEATO that it is no longer prepared to contribute any further to the maintenance of the headquarters in Bangkok.

The amendment that I originally sponsored, which was approved by the Foreign Relations Committee, was meant to give notice that the United States was not prepared indefinitely to pay for the headquarters in Bangkok, in light of the attitude and conduct of the other principal members of the SEATO Alliance.

Now the Senator from Vermont suggests that the best way for the Foreign Relations Committee to proceed is to undertake a thorough review of the treaty, itself, in view of changing circumstances, and determine whether it is any longer in the national interest of the United States to maintain our membership in that treaty.

I agree with the Senator from Vermont.

This is the preferable way to proceed. If we could have an understanding that the Senate Foreign Relations Committee will move forward with a thorough inquiry into this whole question of the continuing efficacy of the treaty, I would be satisfied to let this particular amendment be struck from the pending bill. Then we can examine the whole context of the treaty, and American membership in it, and make the proper determination with respect to the future.

I want the Senator from Vermont to know that if we can proceed along that course, I would be satisfied to let his proposal to strike this amendment from the bill be approved by a voice vote.

I commend the distinguished Senator from Vermont on the approach that he takes to this important question.

Mr. AIKEN. I thank the Senator from Idaho for his cooperative statement and I can assure him that I, for one, and I am sure the rest of the committee, will also cooperate and hold hearings on the SEATO treaty just as soon as we have an appropriate resolution.

When we have reached the point where five of the original eight members of SEATO are fed up with it or have only lukewarm interest in it, leaving only Thailand and the Philippines showing any real interest, then I think it is time to consider how we should cooperate with those two countries. That, of course, may necessitate new understandings or new arrangements which would come back to the Senate for approval, if appropriate.

Mr. CHURCH. We certainly should reexamine the treaty to determine whether it any longer serves the national interest of the United States. I would like to join the Senator from Vermont in cosponsoring the resolution which would form the basis for appropriate hearings by the Foreign Relations Committee.

Mr. AIKEN. Very well. I would be glad to do everything I can to get the hearing, and I am sure the rest of the committee will agree to it. The distinguished Senator from Alabama (Mr. SPARKMAN) is now in the Chamber, and I know that he will agree.

Mr. SPARKMAN. Mr. President, I surely join the proposal made. As a matter of fact, before the Senator came in, I made a few remarks on this subject and suggested that the time is probably near when we should withdraw. I have felt that SEATO could perform some useful service while things are still unsettled there, but the orderly way to do this thing is to give notice of our withdrawal, take our year, and after that we have no commitment.

Mr. CHURCH. I agree with the Senator from Alabama. If the committee does decide on a hearing and an appropriate resolution is introduced, I would like to cosponsor it.

Mr. President, I ask unanimous consent that remarks I had prepared in support of the amendment now to be stricken from the bill, may be printed in the RECORD at this point; also four articles pertinent to this debate concerning SEATO which recently appeared in the press.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CUT U.S. FUNDS FOR SEATO HEADQUARTERS: FLOOR STATEMENT BY SENATOR FRANK CHURCH

Mr. President, as we try to move away from war, we must not overlook a standing commitment which could lead us once again to become mired down in Indochina.

The Southeast Asia Collective Defense treaty binds the United States with six other nations—Thailand, the Philippines, Australia, the United Kingdom, New Zealand and France—to act, in accordance with constitutional processes, to stop Communist armed attack against two members of SEATO, Thailand and the Philippines. The same protection is available to the three protocol states, Laos, Cambodia and South Vietnam, if they request it. In the event of Communist insurgency or non-Communist armed attack, we are obligated to consult with the other signers.

We may believe that it is unlikely that the United States would be asked to join in countering a Communist armed attack or in coping with still more insurgencies. But the executive branch has made it very clear before that the U.S. interprets the treaty as a basis for unilateral action upon request. At the least, SEATO remains a latent commitment and a possible portent of continuing U.S. involvement in Southeast Asia.

The relevance of SEATO at this point is demonstrated in the attitude of others toward it. Of the non-regional members, only we really support it. The French have said they will stop paying their dues. The British choose to stick with SEATO, rather than shake things up. But the British have also stayed well clear of military involvement in the treaty area. The Australians and New Zealanders are staying with us for the moment, but with evident misgivings.

Of the regional members, Pakistan lost Bangladesh and is leaving SEATO. Thailand and the Philippines are supporting SEATO for reasons of self-interest. Two of the three nations afforded SEATO protection by protocol—Laos and Cambodia—have made it clear that they have no interest in SEATO or its protection. And the third nation—South Vietnam—has received what we had to give and more.

I believe we should begin to move away from SEATO now. I have offered an amendment to S. 1248, the State Department authorization bill, that would cut off all funding to the Secretary General's office and the military Planning office of the Southeast Asia Collective Defense Treaty Organization on or after July 1, 1974.

If my amendment is enacted into law, I would expect that the other partners to the treaty, most of whom also have misgivings about SEATO, would also withdraw funding, and that the headquarters would be closed. However, the treaty would remain in force, and we and our other SEATO partners would remain obligated by the treaty. Our relationship to SEATO would be similar to our relationship to ANZUS, the mutual defense treaty binding Australia, New Zealand and the United States in common defense. In the case of ANZUS, there is no need for any organization at all. The ministers and military representatives of the nations involved get together when convenient. That is all that seems to be necessary.

For an interim time, I believe SEATO could be operated in that fashion. In the longer run, I hope the United States will move to get completely out of SEATO. The treaty is a prime example of misguided paternalism—a paternalism that is out of step with the changed world situation and with America's national interests.

The SEATO headquarters in Bangkok employs about 270 persons and spends in excess of a million and a half dollars every year. Expenditures range from the curious—as in the backing for an annual film festival in Bangkok—to the ominous, such as the Seminars on Village Defense, or the Expert Study Groups to explore means of coping with insurgency. There are other small expenditures for possibly useful programs, such as the medical laboratory, technical training, pilot economic programs, and well-drilling.

Most of the money goes merely to keep the headquarters organization going. Of the FY 1973 budget of $1,687,932, nearly a million was required simply for salaries and allowances.

As is too often the case, the U.S. is paying the largest share of the cost. We will contribute an estimated $288,317 this year and cover the $143,000 cost of American citizens loaned to SEATO to work for its Secretary General.

The United States is also sharing about $72,000 of the costs of the military planning office, plus another $29,000 in costs on the scene to support the U.S. military contingent at SEATO. The pay and allowances of 11 U.S. military officers at the SEATO office add another $242,000, according to the Pentagon.

Thus, the direct costs to the United States in FY 1973 of SEATO activities are approximately $775,000. There are also travel expenses, plus the cost of support by the Embassy in Bangkok, the Commander-in-Chief, Pacific, and the State and Defense Departments. There are also the expenses incurred by the United States for participation in the annual command post exercises on land or the annual maneuvers at sea.

Currently, the United States covers 25 percent of the costs of the SEATO operation. Because Pakistan is getting out, the United States' share will go to 26 percent. If France stops paying, we will be asked for still more. I believe much of our spending is wasted now. I do not want to waste more.

The recipients of SEATO largesse, Thailand and the Philippines, already receive substantial direct aid from the United States. The loss of money through SEATO would hardly be felt in either country.

Some say that an abrupt break of the tie with SEATO would cause great alarm in Southeast Asia and consternation elsewhere in the Pacific. I doubt that. The United States has moved to a much more realistic attitude toward China without throwing other Asian nations into panic. I suspect that a withdrawal of further contributions to SEATO, as distinct from the treaty, would be interpreted intelligently for just what it would be—a discarding of an headquarters organization that has outlived its time and usefulness.

The departure of the United States from its support of the SEATO headquarters structure would leave no vacuum in Asia. Other organizations such as the Asian Development Bank, the World Bank and UNESCO are active in Southeast Asia. The Association of Southeast Asian Nations—ASEAN—is flourishing and may be expanded to include South Vietnam, North Vietnam, Laos and Cambodia if the conflict ends in Indochina.

It seems to me that an organization such as ASEAN, which already included the Philippines, Malaysia, Indonesia, Singapore and Thailand, is the sort of venture the United States should favor. It is far better to help those who are working collectively on their own behalf than to hang onto an organization such as SEATO, which perpetuates the paternalism of the past.

Just how irrelevant SEATO has become was indicated by Thanat Khoman, the former Foreign Minister of Thailand, in an article in the Thursday, June 7, New York Times. Mr. Thanat argued, speaking of U.S. forces in Thailand:

"Their threatening presence and air operations call for reprisals and counter-attacks that endanger our well-being. In fact, by embroiling relations with our neighbors, Thailand's position is unfavorably affected without effective help from allies, since existing treaty obligations provide only for 'consultation' which may or may not lead to any concrete action."

Mr. Thanat went on to argue.

"In my opinion, now is the time for both the United States and Thailand to cast off the cold war shackles and look ahead into the new world of coexistence and peaceful cooperation. Indeed, our two countries have much worthier objectives to work for than just one using the other as a launching pad for dropping bombs or recruiting 'mercenaries' for fighting proxy wars."

Others in Thailand want us to at least reduce our forces in that country. There are indications now that there soon may be large student protests against our presence.

Mr. President, we should not cling tenaciously to static positions conceived 20 years ago in far different circumstances. We must find new approaches which better serve a greatly changed world situation. We must move away from outward policies devoid of reality.

[From the New York Times, June 10, 1973]

FRANCE TO STOP PAYING DUES TO SEATO IN JUNE 1974

BANGKOK, THAILAND, June 9.—France has given notice that she will stop paying dues to the Southeast Asia Treaty Organization after June 30, 1974, SEATO has announced.

Secretary General Sunthorn Hongladarom of Thailand said, however, that France did not indicate that she was withdrawing from the orgnization. The Paris Government pays about $1.7-million, to SEATO annually.

France stopped participating in SEATO's military activities and has limited her participation in civic activities since 1967.

Despite the development, Mr. Sunthorn said he was confident that the alliance, formed in 1954, would remain an effective instrument in promoting development, stability and security of the Southeast Asian region.

[From the New York Times, June 7, 1973]

INDOCHINA: THE MORAL DIFFICULTIES

(By Thanat Kohman)

BANGKOK, THAILAND.—While Europe basks in the sun of detente and, in the United States, people breathe more easily after the rapprochement with the People's Republic of China and improved Soviet relations—developments which led to the halt of hostilities in Vietnam—Thailand still remains bogged down, neck-deep, in the cold war quagmire because of a massive American military presence and unwarranted use of Thai territory for war operations in Indochina.

Why? Despite the cease-fire in Vietnam and the return of the American prisoners of war, the United States claims that its continued military presence in Thailand and air attacks launched from Thai territory are necessary to ensure strict observance of the cease-fire agreements. This explanation is likewise dutifully echoed by Thai official circles. The question is whether this contention is admissible on legal, moral and practical grounds.

Under the cease-fire agreements, it behooves the signatories, including the United States, to use the peace-keeping machinery, notably the International Commission for Control and Supervision. Or, violations may be referred to a reconvened peace conference.

By any legal standard, cease-fire violations cannot justify, still less exonerate, international law violations. These have been caused by aerial bombings originating from Thailand by American forces. This matter becomes even more serious for my country since it was not party either to the cease-fire agreements or the Paris conference. The fact that the United States armed forces have been admitted by the Thai authorities on a verbal basis, without written official agreements specifiying the purposes, duration and other conditions of their stay, does not entitle them to commit acts of war against third parties with which Thailand is not in conflict. By so doing, they implicate the host country in a de facto state of war without its consent or approval.

Legally, therefore, the United States authorities will probably have to face responsibility for multiple violations, first, against the agreements they have voluntarily signed and, second, for perpetrating acts of war from a neutral state without its approval.

Morally, it is difficult to find valid explanations. American prisoners of war have been safely repatriated. By signing the cease-fire and withdrawing its troops, the United States explicitly recognized the end of its military role in Vietnam and Indochina. This would conform to the policy of disengagement enunciated at Guam. Now the United States can hardly invoke the right of self-defense. No American nationals are in danger. How, then, can the United States justify its current actions, particularly in Cambodia? Nowhere does the American Constitution provide that the United States is duty-bound to ensure the survival or maintenance in power of generals and marshals in various parts of the world. Obviously, the moral basis is sadly lacking.

From the practical standpoint, long years of intensive employment of air power, exceeding even the tonnage of World War II, should clearly indicate that man-made weapons alone are insufficient to decide the outcome of a war in which human beings play a major part. Instead of continuing bombing, the United States could more usefully provide assistance to those willing to fight for their survival and independence. If people lack that will, no amount of bombs can save them. In Cambodia, despite sustained bombings, Communist forces are ever closer to their objectives.

As for Thailand, it stands to gain little, if anything, politically, economically or in security. Serving as a launching pad for air war casts a distinct opprobrium on the entire nation. Financially, the figure of $200 million cited without details as American annual military expenditures here is doubtful, to say the least. Anyhow, there are better ways to earn a living than depending on foreign soldiers' spending which brings a sequel of social ills, moral deteriortaion and economic disturbances.

From the security standpoint, since United States forces play no role in our insurgency problem, they do not enhance our security. On the contrary, their threatening presence and air operations call for reprisals and counterattacks that endanger our well-being. In fact, by embroiling relations with our neighbors, Thailand's position is unfavorably affected without effective help from allies, since existing treaty obligations provide only for "consultation" which may or may not lead to any concrete action. Concerning regional security, if any other country feels that its security is served by having foreign forces stationed on its territory, Thailand should promptly concede the honor.

In my opinion, now is the time for both the United States and Thailand to cast off the cold war shackles and look ahead into the new world of coexistence and peaceful cooperation. Indeed, our two countries have much worthier objectives to work for than just one using the other as launching pad for dropping bombs or recruiting "mercenaries" for fighting proxy wars. That is why the American Congress, thinking as many of us do in Thailand, adopted resolutions unmistakably expressing views and aspirations which are fortunately shared by a large number of the Thai people.

[From the Far Eastern Economic Review, May 28, 1973]

OUT OF THE SHELL

(By Norman Peagam)

BANGKOK.—A nationwide protest movement against the American military presence in Thailand is likely to begin in July when Thai students return from vacation. The possibility of demonstrations at U.S. bases is not ruled out.

Thirayudh Boonmee, General Secretary of the National Student Centre of Thailand (NSCT), emphasises that no plans can be made until the majority view is heard at a meeting of student representatives in July. But the expectation, he says, is that a protest movement against the bases will develop, as radical elements in the NSCT hope.

There are now about 45,000 U.S. troops stationed in Thailand, mostly at seven large airbases around the country. Thailand is the main centre of U.S. military operations in Southeast Asia, and in particular the home base for jets bombing Cambodia. Thailand has served as an American forward base area since at least 1964, and at one time, thousands of GIs on leave from Vietnam filled the streets and bars of Bangkok. But no anti-war movement ever developed here. When asked why they are only now voicing disapproval of the American presence, Thai students reply rather defensively that until the NSCT was formed, in November 1972, it was not possible to mobilise opinion and organise students across the country; now, they say, Thai student opinion has "climbed out of its shell."

Nevertheless, in talking with students, it soon becomes clear that most are far from radical at present; their style is "respectable," their ideas moderate. When asked why they object to U.S. bases in Thailand, some say it is because of the American troops' behaviour, especially their encouragement of prostitution, which has become something of a major industry in Thailand. Others say an independent country should not allow foreign troops on its soil. All seem to fear that "the line of fire" may spill over into Thailand unless the U.S. bases are removed. They stress that Thailand should live in peace, and develop in cooperation with its neighbours.

This is not a blanket anti-Americanism. The student leaders I spoke to believe that U.S. and ($650 million economic aid since 1950; perhaps $250 million current private investment) has helped Thailand develop. They want friendly relations with the U.S.; some even hope to study there. They say they do not support the Thai Patriotic Front, which since 1965 has organised small-scale armed resistance and propaganda activities in outlying provinces, and they show no enthusiasm for Asian communism.

In Boonmee's words, "We are a quite united country; we have had the same ideology for a long time; we have our King, who is the pillar of our country; we can go on quite well with our present system."

Since the NSCT was formed six months ago, there has been a remarkable surge of Thai student activity, directed against various targets, and not confined to Bangkok. An anti-Japanese goods campaign (the Thai market is flooded with Japanese imports of every variety, and Japanese investment in and control over the Thai economy is rapidly outpacing all competitors), attracted much publicity and, it is fair to say, reflected a growing concern among the Thais over Japan's dominating economic presence. However, it had no immediate tangible effect. Thammasat University student President Samphan Settaphorn even claims with some bitterness that Japanese imports increased after it ended.

Other student protests coordinated by the NSCT have been directed against the "Judiciary Decree" (which gives the Minister of Justice powers over the Supreme Court); the Miss Thailand beauty contest; the relegation of teacher training colleges to sub-university status; the proliferation of luxury goods; and the U.S. Government's attempts to obtain privileges for American businessmen contrary to the recently-passed Alien Business Law. In addition, there have been exam walk-outs and demonstrations against school conditions, such as instructors' behaviour and too-strict college rules (Phra Chomklao Institute of Technology); the alleged corruption of the Rector (Khon Khaen University, where the students' demand for his resignation led to temporary closure of the campus); and dictatorial administration and the disturbance caused by U.S. jet overflights (Udorn Teacher Training College). Contrary to their apparent outward conformity and docility, Thai students are clearly becoming more independent and outspoken.

Not surprisingly, there have been rumours that the Thai authorities will move to disband the NSCT, currently centered at Chulalongkorn University in Bangkok but claiming to represent 100,000 students at seventeen higher educational institutions throughout Thailand. Such a move could come with the demonstrations against the US bases, since US military aid (around $600 million since 1964) is the life-blood of the armed forces, upon which the Thai Government is based, and it is given so freely and so plentifully in return for American use of Thai airbases, ports and communications facilities, and Thai cooperation in Laos and Cambodia.

However, the NSCT is only reflecting views held by many Thais, being expressed more openly since the Vietnam ceasefire agreement. One of the loudest critics of the American presence is none other than Dr. Thanat Khoman, the former foreign minister, who acquiesced in the US military build-up until his ouster from the Government in November 1971. He has "disclosed" that the first US troops in Thailand came in 1961 at Washington's request—not, as the Kennedy Administration maintained, at the Thai Government's request.

Meanwhile, an "Indochina War Exhibition" has been visiting Thai universities; a booklet on Americans in Thailand, "The White Devils," is being read; and preparations are underway for the largest student protest yet. But whether it is likely to have any effect on the US military presence in Thailand is doubtful. The Thai military junta knows that without the bases, and reciprocal US military aid, its own power and position would be fatally undermined.

[From the Christian Science Monitor, May 19, 1973]

U.S. WITHDRAWAL PLANS TAKEN IN STRIDE—THAI LEADERS READY TO DEAL WITH CHINA

(By Saville R. Davis)

BANGKOK, THAILAND.—Contrary to what was expected in American circles, it has not been difficult for Thailand to begin preparing for a separation, if not a divorce, from Washington and to start a flirtation with Peking.

"Separation from what?" asked a Thai official. "We have always been independent."

The Thai leaders are very sensitive about the public view of their relationship to the United States. They put up with a good deal of criticism on domestic matters, but they suppress publicity on the American bases and military units here. They do not tolerate suggestions that Thailand is an instrument of American military power or dependent on it.

From the start of the American presence in Southeast Asia, the Thais have gladly accepted the bounty of weapons and dollars that has flooded their country and insisted that they were doing the Americans a favor.

This image of independence, as carefully nurtured as any creation of Madison Avenue, has eased the transition from a peculiar type of limited involvement in an American war to the prospect of American withdrawal.

The small degree of Thai involvement, as it is seen here, was defined by Prime Minister Thanom Kittikachorn to President Nixon himself.

When the American President came to Bangkok after announcing the Nixon doctrine, he seemed nervous as if the Thai leaders might panic because of his announced intention to withdraw American forces from the area. Publicly, he sought to reassure them. At a ceremony on his arrival here he said firmly that the United States would honor its "commitment" to Thailand.

But when he spoke privately, later on, he did not talk in terms of a commitment. Four persons were present, Prime Minister Thanom and his foreign minister, Mr. Nixon and Dr. Henry A. Kissinger. As the story is told by impartial source, Mr. Nixon seemed to assume that the plan for an American exit when the fighting was over would be a blow to the Thais. He explained at length why it was necessary to remove the American forces.

"We are the ones who invited them to come here," replied the Thai Prime Minister. "But they are not here to defend Thailand. They are here to fight your war."

Having asserted this independence in the proud Thai tradition, it was not too difficult for the Thai rulers to face the end, in principle, of a lucrative and useful relationship that seemed likely in the long run to end anyway.

They applied to the new situation at the realism which is another carefully cultivated aspect of the Thai image and tradition.

In Bangkok there are two schools of thought inside the government about the new American policy.

One, unofficial, holds that President Nixon does not intend to give military support to Thailand after the shooting in Indo-China quiets down. He should be taken at his word.

The other, official, holds that Mr. Nixon does want to defend Thailand if necessary, since it is the bastion of the areas further south; but American public opinion would not let him do it.

So the two opinions, in Thai realism, add up to the same set of conclusions:

In the long run Thailand cannot depend on the United States for its military defense. It has to stand on its own with whatever regional help it can muster.

It cannot continue to take a hard line toward Communist China. That would be an obvious bluff without a firm American guarantee.

Therefore, it is concluded, Thailand has to veer around and take its chances in the new direction, dealing warily but honorably with Peking, not capitulating or letting its guard down, but avoiding offense and provocation.

The American pipeline will be milked as long as it lasts, and that could be a long while. But the military men who run Thailand are already looking north.

Mr. AIKEN. Mr. President, let me say, finally, that the staff of the Foreign Relations Committee is drafting a resolution concerning a hearing, and while it is not concerning a hearing, on the SEATO Treaty and while it is not quite ready to offer it at this time, it will be very shortly.

Mr. JAVITS. Mr. President, I ask unanimous consent that during debate on the Proxmire amendment relating to the 90-day freeze, Leslie Bander may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. Mr. President, I have no further comments to make. I am ready to vote.

Mr. HUMPHREY. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I yield.

Mr. HUMPHREY. I happened to be in the Chamber during this discussion between the Senator from Vermont and the Senator from Idaho and I think the resolution of this difficulty would be highly appropriate and helpful. I believe that, as has been stated here, the SEATO Treaty has come to the point now where its reevaluation by the Foreign Relations Committee is not only desirable but also essential.

Whether we need a resolution to do so, I think, is not really so important as the fact that we proceed with a full understanding that we are looking at its relevancy to the present situation in Southeast Asia and in light of our pending relationships with China and the Soviet Union.

I want to compliment and commend the Senator from Idaho for his reasonableness in working out this amendment. It will be very helpful.

Mr. CHURCH. I thank the Senator from Minnesota very much. Let me add that the reason I offered the amendment to the pending bill and, in my judgment, the reason that the committee supported it, was to bring into focus the need to reappraise the entire SEATO Treaty. Having accomplished that, I am happy to acquiesce in striking the amendment from the bill, with the understanding that the committee will proceed to hold hearings on the SEATO agreement.

Mr. MONDALE. Mr. President, I rise in support of the motion to strike section 15, which would prohibit payment of the U.S. assessment to SEATO. I support this motion not because of my support of SEATO, but because of my support for proper Senate procedures which require that such major changes in U.S. policy be subject to the established hearing process. I do not believe that the Senate should set a precedent of the United States being a member of an international organization but in default of its dues.

Mr. President, I call upon the chairman of the Foreign Relations Committee to begin a full-scale and comprehensive review of our commitment to SEATO to determine whether it accurately represents our national interest in Southeast Asia. It is clear that SEATO has become a weak and impotent organization and, through its 19-year history, has only served to justify the tragedy of Vietnam. When crisis has occurred, SEATO has failed. Recent events have given further indication of the precariousness of SEATO's existence. In 1972, Pakistan presented official notice that it was disassociating itself from the Manila Pact. Just 3 days ago, France gave notice that she will stop paying dues after June 30, 1974. The Philippines has called for a more pragmatic organization of the SEATO countries.

And the newly elected governments in Australia and New Zealand strongly criticized SEATO during their election campaigns and now appear to be reluctant members.

Indeed, in his famous 1967 article in Foreign Affairs, even Richard Nixon terms SEATO "a somewhat anachronistic relic."

Mr. President, as this Nation hopefully withdraws from military involvement in Southeast Asia under a general policy of handing security responsibility over to the nations directly involved, I believe that SEATO has indeed outlived its usefulness. But I think that if we withdraw from our treaty commitment, it should be after ample time has been given to the proper discussions and not through an arbitrary approach such as in section 15 S. 1248.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont (Mr. Aiken).

The amendment was agreed to.

Mr. SPARKMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. AIKEN. Mr. President, I move to lay that motion on the table.

CAMBODIA

Mr. TAFT. Mr. President, it is obvious that the issue raised with regard to U.S. air power use in Cambodia is about to come up again on this State Department authorization bill. In that discussion it may be of some help to consider a letter I have received from a Vietnam veteran. I ask that it be printed herewith.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Walter Reed Army Institute
of Research,
Washington, D.C., June 7, 1973.

Senator Robert Taft, Jr.,
U.S. Senate,
Washington, D.C.

Dear Senator: I am a resident of Ohio currently serving in the Army in Washington. I recently arrived here after an 8-month tour in South Viet Nam.

This letter is to express my support of your stand to limit the Senate's efforts to restrict U.S. involvement (specifically aerial bombing) in Cambodia.

I desire to see peace in Southeast Asia as much as anyone, and, just about like everyone else, I am not sure how best to achieve and preserve peace in that area. It seems to me that the entire future of peace in Indochina would be jeopardized if the Communists were allowed to topple the current Cambodian government. I thus believe the present American involvement in Cambodia is a logical and necessary extension of our policy in Indochina and of our commitments to South Viet Nam and other Asian countries.

The Constitution clearly gives war-making powers to the President. I strongly disagree with Senators and Congressmen trying to inject power into their lackluster foreign policy record by limiting the President at this late stage of the Indochina conflict.

I realize that your amendment to the bombing ban bill was unpopular and may have cost you votes among your constituency. It took courage to take the stand that you did. I applaud your efforts.

Sincerely yours,
Jay Abercrombie, Ph. D., CPT, MSC,
Entomologist.

Mr. HUMPHREY. Mr. President——

The PRESIDING OFFICER. The question recurs on agreeing to the amendment of the Senator from Wisconsin (Mr. Proxmire).

Mr. HUMPHREY. Mr. President, I wonder whether the Senator from Wisconsin would yield to me for the purpose of proposing an amendment that is directly related to the substance of the Department of State Authorization Act of 1973. I believe the amendment will not take undue time, and I think we can dispose of it rather quickly.

Mr. PROXMIRE. May I say, Mr. President, that I am very anxious to accommodate the Senator from Minnesota. He has always accommodated me, and he has been very courteous. But I do want to proceed as rapidly as we can with my pending amendment. I would be willing to do this if we could have a time limitation, so that I would be protected and be sure that I can press this amendment, if possible, to a vote this afternoon.

Mr. HUMPHREY. I would urge the acting majority leader to seek that time limitation. I am prepared to adjust my efforts in this matter to a limitation of time that would permit, let us say, 15 minutes on each side.

Mr. JAVITS. Mr. President, may we know what the amendment is, before we agree to a time?

Mr. HUMPHREY. If the Senator from Wisconsin will yield for the purpose of information, my amendment No. 217 is headed "Mutual Restraint on Military Expenditures." Let me read it for the notification of the Senate. It would add a new section to the bill before the Senate:

On page 14, after line 8, add the following new section:

MUTUAL RESTRAINT ON MILITARY EXPENDITURES

SEC. 19. It is the sense of the Congress that the United States and the Union of Soviet Social Republics should, on an urgent basis and in their mutual interests, seek agreement on specific mutual reduction in their respective expenditures for military purposes so that both nations can devote a greater proportion of their available resources to the domestic needs of their respective peoples; and, the President of the United States is—

I modify my amendment here to read "requested" instead of "directed"——

to seek such agreements for the mutual reduction of armament and other military expenditures in the course of all discussions and negotiations in extending guaranties, credits, or other forms of direct or indirect assistance to the Soviet Union.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. TOWER. Would this be applicable to the ongoing talks with respect to mutual and balanced force reductions and the strategic arms limitation?

Mr. HUMPHREY. That is correct; and the discussions Mr. Brezhnev will be having with the President of the United States in the forthcoming talks.

Mr. TOWER. I am curious as to the reason for the amendment, considering that we are currently engaged in strategic arms limitation talks and the matter of mutual and balanced force reductions.

Mr. HUMPHREY. Because it seems to me that at a time when the Soviets will be asking the Export-Import Bank and will be asking the Commodity Credit Corporation for credits, I believe that the conditions may very well merit it. It appears to me that at least it is wise for us to pursue, over and beyond mutual force reductions, every possible means we can of mutual reductions—not unilateral—and the expenditure of armaments. I do not want to see us financing, through our credits for the domestic needs of the Soviet Union, the armament industry of that country.

Mr. TOWER. Would the Senator regard his amendment as being inconsistent with existing administration foreign policy or consistent with it?

Mr. HUMPHREY. Consistent.

Might I say that I believe from my discussions with the Assistant Secretary of State for Congressional Affairs, the amendment, as I modified it, striking the word "directed" and inserting in lieu thereof the word "requested," would have the support of the administration and would be looked upon with favor as a further expression of congressional attitude on arms control.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I have discussed the following request with the distinguished Republican leader and with the distinguished Senator from Texas (Mr. TOWER) and other Senators.

I ask unanimous consent that the amendment by the distinguished Senator from Wisconsin (Mr. PROXMIRE) be temporily laid aside; that the distinguished Senator from Minnesota (Mr. HUMPHREY) be recognized to call up an amendment on which there be a time limitation of 20 minutes, to be equally divided between and controlled by the distinguished mover of the amendment, Mr. HUMPHREY, and the distinguished Senator from Texas (Mr. TOWER) or his designee.

Mr. PROXMIRE. Is the Senator proposing a limitation of 20 minutes overall, 10 minutes to a side?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. PROXMIRE. Under those circumstances, I will be happy to yield, but I do want to get on with my amendment as quickly as possible.

Mr. ROBERT C. BYRD. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the assistant majority leader? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President, I now formally request that my amendment No. 217 be made the pending business.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The amendment, as modified, was read, as follows:

On page 14, after line 8, add the following new section:

MUTUAL RESTRAINT ON MILITARY EXPENDITURES

SEC. 19. It is the sense of the Congress that the United States and the Union of Soviet Socialist Republics should, on an urgent basis and in their mutual interests, seek agreement on specific mutual reductions in their respective expenditures for military purposes so that both nations can devote a greater proportion of their available resources to the domestic needs of their respective people; and, the President of the United States is requested to seek such agreements for the mutual reduction of armament and other military expenditures in the course of all discussions and negotiations in extending guaranties, credits, or other forms of direct or indirect assistance to the Soviet Union.

Mr. HUMPHREY. Mr. President, I have previously read the text of the amendment. Let me give the rationale for my proposal.

I happen to believe that it is in the interests of world peace for the relationships between the United States and the Soviet Union to be on a most constructive and responsible basis. I fully recognize that there are great differences in our respective systems of government and economic structure. I am fully aware that there are long-term differences in the field of international policy. But, having recognized this, it appears that we have now entered a period in which we are attempting to diminish confrontation and to accentuate negotiation and cooperation.

In saying this, I do not blind myself to the realities of the power struggle that exists in the world, nor am I unaware of the fact that the Soviet Union may very well want to take advantage of any weakness they see in our policy or in our security system. But it is my judgment that we have now come to a point where the American public and the Government of the United States are prepared to at least open lines of commercial contact as well as broaden scientific, educational, and cultural relationships with the Soviet Union.

Mr. President, in less than 1 week Secretary Leonid Brezhnev will begin his first visit to the United States.

This visit is an historic one.

It comes at an important moment in an era of lessening tensions between the United States and the Soviet Union.

Secretary Brezhnev's visit is occurring 13 months after the President's visit to Moscow and the signing of the ABM Treaty and the Interim Agreement on Offensive Nuclear Weapons.

The atmosphere of growing detente produced by the official end of our involvement in Vietnam and the developing Soviet-American economic relationships should provide an excellent setting for a series of very constructive summit meetings next week.

I have offered an amendment concerning mutual restraint on military expenditures because it is critical that President Nixon use every opportunity at his disposal to achieve a mutual reduction in military and armament expenditures with the Soviet Union.

The amendment I am offering today directs the President to seek such agreements with the Soviet Union in the course of any and all negotiations related to expanded trade and commercial relations. The goal of such mutual agreements is the commitment of a greater proportion of government resources to the domestic needs of both the American and Soviet peoples.

Few would deny the interrelated nature of government spending for defense and domestic needs. Whether in a Communist or capitalist system, there is an ever present conflict between these two sectors of resource allocation. We see it in the continued work of the Congress and it is clearly visible in the development of 5-year plans in the Soviet Union.

The resources of any government are limited. Their division among competing interests is a political as well as an economic decision.

It is clear that the United States now has an unparalleled opportunity to urge the Soviet Union to embark upon a program of reduced defense spending which would also enable the United States to reduce proportionally its military budget.

This is not a pious hope. There are numerous indications that the Soviet Union is in the midst of reassessing its economic and political priorities.

First. Experts have stated that the priorities in the Ninth Five Year Plan adopted in April 1971 and which are designed to modernize the civilian economy, improve the quality of living, raise the efficiency of planning and management imply a shift in allocation of resources from military to civilian investment and consumption.

Second. The detailed and public elaboration of these planned targets in the Five Year Plan indicates the desire to attain this shift in priorities.

Third. There are strong indications that Secretary Brezhnev is able and willing to convince the more conservative members of the party and government that a shift from military output to civilian investment should occur.

Fourth. There is repeated evidence that western technology is highly valued and desired as a necessary ingredient for completion of civilian oriented programs.

Fifth. Lastly, the very specific Soviet goals for increased production of energy in the west Siberian oil and gas complex provide evidence of a reordering of priorities.

I strongly believe that the United States can influence this shift of priorities which is now occurring in the Soviet Union. It can do so openly and our willingness to make this a mutual process can only speed developments along.

The forum for reaching mutual reductions in arms spending is not only the SALT talks now in progress. The upcoming Nixon-Brezhnev summit and any other high level negotiations are suitable places for such discussions.

It is clear that we have great leverage at our disposal in the form of various types of technology needed by the Soviet Union. It is, of course, true that we have also expressed a need for Soviet energy resources as seen in last week's announcement of the intention by private U.S. corporations and the Soviet Government to develop Siberian natural gas resources.

U.S. Government approval will be needed for this $10 billion gas deal and for many other similar ventures. It is at this point in the negotiating process that we must press our desire to seek specific mutual reductions in military expenditures.

We must do this not to encumber or confuse the process of negotiation, but to take advantage of a great opportunity.

We can look forward to Soviet commercial interest in five key areas where the United States has a clear lead in the development of technologies needed by the Soviet Union.

First. Large scale petroleum and gas extraction, transmission and distribution systems.

Second. Management control systems utilizing computers.

Third. Mass production machinery output—such as trucks and cars.

Fourth. U.S. agricultural commodities needed for the development of Soviet animal husbandry.

Fifth. Tourist systems including hotels, transport and packaged tours.

It will be in these areas that the bulk of Soviet-American trade and commercial relations will be occurring between now and the end of the decade. And it will be in these transfers of American technology that the Soviet Union will need Export-Import Bank financing, direct loans and loan guarantees and other forms of financial assistance.

I do not believe we should extend this vast financial and technological assistance to the Soviet Union without asking for something in return besides full payment under the terms of the contracts and agreements. We would be foolish to miss such opportunities.

This amendment will require that the President not lose sight of these opportunities. Implied in this amendment is the willingness of the Congress to work in a creative partnership with the President toward the mutual reduction of arms and defense spending. We are not asking him to walk down this difficult road alone. We are not asking him to limit the extension of credits or any other type of economic assistance to the Soviet Union. We are stating simply that with the economic benefits the Soviet Government will be receiving from us, we in turn should attempt to secure from our trading partners, with a reasonable degree of assurance, benefits which will enhance our mutual security.

Mr. President, Members of Congress, continually read that the expanding trade and commercial relations between the United States and the Soviet Union are the vehicle of detente—that expanded Soviet-American trade will result in a mutual economic interdependence that can only decrease tensions. I believe in these economic and political "linkages" which are so widely discussed.

However, true detente means more than an absence of tension or cold war rhetoric. It means more than a growing amount of economic interdependence. True detente means that both nations are willing to take the necessary steps to limit their capabilities to make war. This, of course, should be a mutual process reached through careful negotiations. And true Soviet-American detente will come when a greater share of the energies of our respective governments are turned away from military expenditures and are allocated for the domestic needs of the peoples of both nations. This is the goal of my amendment.

Mr. President, to put it precisely, when President Nixon confers with Mr. Brezhnev I want both of these gentlemen to agree that one way to make these credits for domestic use much more effective is to cut back on military expenditures, and not unilaterally; we are not going to do it alone—asking the President to emphasize the importance of mutual reductions, not only of troops in Europe, and not only the offensive weaponry, but in all military expenditures. In this way the Soviet Union will have much more capital to develop its country and we will have much more in the way of resources to care for the needs of our country.

This amendment gives discussions and negotiations a credibility and acceptance which the American people deserve, need, and want, and that is why I offer the amendment.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I think the Senator made a good point. I think I would want to emphasize in my support of his amendment that I believe it is already the desire of 100 Members of this body and certainly of virtually everybody in the United States, and it is regarded as in the national interest that we secure an end to the arms race. I think we all believe that. I think the problem is convincing the Soviets that it is in their interest to do so.

What the Senator said is correct. There are so many resources they are devoting to military purposes. They spend a higher percentage of their gross national product and national budget, much higher, than we on armaments. The fact of the matter is that the Soviet consumer is not one-half as well off as the American consumer.

It should occur to the Soviets and they should understand that the United States does not choose to initiate war as an instrument of national policy. It is not necessary for them to build a huge military establishment to defend themselves. We do not have a first strike mentality and we do not have a first strike capability. They could dismantle a great deal of that military establishment of theirs and still have enough to maintain their position over the captive nations of Eastern Europe, and get on with the business of becoming a full partner with the rest of the world.

The real influence of the Soviets could be better felt if they devoted their technology and resources to economic development. Of course, right now they have an influence based on fear. But it seems to me they would be better off for the long run, and their economy would flourish if they follow this urging, as I know the President will do. And it is in their national interest. We already know that. I wish we could get through to the Soviets and tell them.

Mr. FULBRIGHT. Will the Senator yield? Does the Senator control all the time?

Mr. HUMPHREY. There is not much time remaining. There was only 10 minutes to a side.

Mr. FULBRIGHT. I just wish to say a word or two. I am going to take this amendment to conference. I do not know of anyone who opposes the amendment. I will be glad to take it.

I must observe that this is a general statement. We all agree to it. But when something specific comes up, like saving a little money, just as in the SEATO agreement or the Azores amendment, then we all vote against it. This way we can vote for the sentiment. We can be good boys and say we want reductions. But every time we have a specific amendment to save money, we will vote the other way, I predict, on most of the amendments. We are all for the sentiment, but we are not for the specifics. But certainly I do not intend to object to this amendment.

Mr. HUMPHREY. Mr. President, when I had the privilege to be in the Soviet Union last December, I had a visit with Mr. Kosygin. I also had a visit with the Chairman of the Council of Ministers. I discussed with Mr. Kosygin the importance of proceeding on the basis of a reduction of military expenditures.

I said, in this instance, to Mr. Kosygin—

> It is going to be exceedingly difficult for the American people to understand why we should pour in all this money in a situation where our dollar is in difficulty, where our balance of payments plague us, where our trade problems are difficult, unless we have some feeling that the Soviet Union itself is cutting back on unnecessary and oppressive military expenditures.

Mr. Kosygin reminded me, with complete candor, that that sentiment applied to the United States. With that I could not help agreeing.

I say to the chairman (Mr. Fulbright) that we will be making, hopefully, some reductions in our military assistance as we go along, and some reductions in the budget; but I am for arms control on a mutual basis. I believe it is imperative that we simply bear down on every occasion.

I want us to keep after the Soviet Union on the subject of arms reduction. Let us stay with it, day after day, year after year, when they are asking us for credits.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, if there are no other speakers, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Minnesota (Mr. Humphrey). The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Kentucky (Mr. Huddleston) and the Senator from Montana (Mr. Metcalf) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The result was announced—yeas 95, nays 0, as follows:

[No. 192 Leg.]

YEAS—95

Abourezk
Aiken
Allen
Baker
Bartlett
Bayh
Beall
Bennett
Bentsen
Bible
Biden
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cook
Cotton
Cranston
Curtis
Dole
Domenici
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Haskell
Hatfield
Hathaway
Helms
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McClure
McGee
McGovern
McIntyre
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—0

NOT VOTING—5

Bellmon
Huddleston
Metcalf
Saxbe
Stennis

So Mr. Humphrey's amendment was agreed to.

FAILURE OF PHASE 3

Mr. MOSS. Mr. President, for several months now, one paramount economic fact has been painfully clear to everyone in the country outside of the White House: Phase 3 is a full-fledged, unmitigated disaster.

In the first quarter of this year, the Consumer Price Index rose at an annual rate of 8.8 percent, which is the sharpest rise since the Korean war inflation of the early fifties. When the American housewife goes to the supermarket these days she finds that food prices are more than 12 percent higher than they were a year ago. And despite repeated assurances from the White House, the end to the price spiral is still not in sight. Last month, wholesale prices rose at the astounding annual rate of 24 percent. Unless forceful action is taken soon, these increases in wholesale prices will be reflected in still higher consumer prices.

The beginning of this rampant inflation coincides with the President's announcement in January that he was abandoning the mandatory controls of phase 2 in favor of the voluntary phase 3 program. Unfortunately, the President chose to lift mandatory controls at the worst possible time. In early January, the tempo of demand was increasing and corporate profits were on the way up. The corporate profit rate for the last quarter of 1972 had been a recordbreaking $57.2 billion. In addition, more than $6 billion in tax refunds were due in the first 4 months of 1973, which would further stimulate the already rising level of demand. Quite clearly, the President's shift to phase 3 in January was one of the worst regulatory decisions since the government of George III imposed a duty on the tea entering Boston harbor.

Even if we grant that it is possible to judge wrongly in the first instance in the complex field of economics, we are still left with the question of why the President has grimly stuck by his phase 3 plan as prices have continued to climb into the stratosphere. Whatever illusory justification there may have been for phase 3 in January has long since completely evaporated as prices have skyrocketed throughout February, March, April, May, and June.

The President and his advisers have been denying the evidence of their senses. They have talked about the much heralded "stick in the closet," but from the way the situation has gone from bad to worse, we can only conclude that it is the President himself who has been in the closet for the past 5 months.

Mr. President, I strongly support the amendment proposed by the Senator from Wisconsin calling for a comprehensive, 90-day freeze. It is a stringent measure, but I am afraid that Presidential paralysis has now left Congress with no other choice.

But in addition to this measure, I would like to present another, more modest recommendation that is related to inflation and Presidential secrecy. As the Watergate scandal continues to mount, a number of proposals are being put forward that would force the President to abandon his seclusion and come out into the open. It is a shame that Mr. Nixon has not heeded these suggestions, for clearly the main vices of his administration have been secrecy, aloofness, and contempt for the best instincts of the American people.

But even though Mr. Nixon has chosen to ignore every good piece of advice that has been heretofor advanced, I still would like to offer a suggestion of my own. I believe that Presidential acceptance of this recommendation would help counter inflation and would bring Mr. Nixon back into touch with the problems of ordinary Americans.

Once a month, the President should go shopping. I realize that Mr. Nixon has many demands on his time, but perhaps Mr. Nixon's cook and valet could expedite these monthly excursions by preparing shopping lists. There are many other busy Americans, and yet many of them manage to go shopping several times a week.

The effect of these Presidential expeditions to the marketplace would surely be salubrious, for anyone who has been to the supermarket, the hardware store, or the gas station in the past 5 months is acutely aware of how prices have been going up. In fact, Mr. Nixon is apparently the only one in the Nation who is not aware of the severe problems caused by rampant inflation. I believe that if Mr. Nixon had emerged from his seclusion just occasionally in recent months to glimpse the problems confronted daily by the average American citizen, we surely would not be in the midst of our current inflationary crisis.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Wisconsin.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the distinguished majority leader has asked me to set aside my amendment temporarily. However, before we discuss that, I would like to say that I am very anxious to get a vote on this amendment. Perhaps some Members of the Senate would like to prevent a vote on my amendment. However, I point out that on tomorrow, the time between the hours of 2:30 and 4:30 p.m. has been set aside by the Senate to debate the nomination of Mr. Robert H. Morris to be a member of the Federal Power Commission.

That means that if we set this amendment aside much longer, we will have great difficulty in coming to a vote today or tomorrow.

There is no issue on which the people are more anxious for action than the issue of inflation. I think the Senate is prepared to act, and I hope this action is not stalled by continuing to lay aside temporarily this amendment. While I am happy to accommodate the leadership to the fullest extent I can, I understand that there has been a tentative agreement that will allow probably 40 minutes' time, 20 minutes to the side. We will go that far, but no farther. After that, I think we should come to a vote, and today if possible.

Mr. SCOTT of Pennsylvania. Mr. President, I hope that the Senator would arrive at a frame of mind that would allow our consideration of this measure on tomorrow, because we have the question of possible alternatives to the Senator's amendment, which we do not have tonight but might have at some time tomorrow.

It would be unfortunate if the other body were unable to consider the administrative viewpoints which would be denied to the Senate simply because of a time situation. I do not want to say too much here. However, I want to assure the Senator that I think more information will be available to the Senator tomorrow as to various possibilities having to do with the control of inflation than is available tonight.

Mr. PROXMIRE. Mr. President, would the distinguished minority leader consider an agreement that would permit us to vote on this amendment at a particular time tomorrow when we would have the material before us and could be assured that we could act? I would be accommodated under those circumstances. Otherwise, I fear that this amendment will be put off indefinitely and we will not be able to come to a conclusion on it.

Mr. SCOTT of Pennsylvania. I think we ought to try to arrive at a time agreement tomorrow, rather than today. I would then have all of the information I myself need. I have asked for it several times today. I cannot speak for any other Senators. However, by the time we have this matter up for consideration on tomorrow, I think that we can discuss a vote on the amendment. There is no desire to prevent our having a vote. However, there is a fear that the vote would have the elements of precipitancy, if I have the right word. And on tomorrow we would be discussing this, not in a vacuum, and not in a take-it-or-leave-it situation, but we would be in a better position in which to consider whether alternatives are available for the consideration of the Senate. I am speaking not alone for myself here, but for several Senators who feel that we should not get an agreement until tomorrow.

I assure the Senator that my best information—which is not always accurate—is that at some time on tomorrow there will be some additional assistance come to this side of the aisle. The 10th Cavalry is over the hill. A column of dust has been observed. I hope it will materialize in time for us to arrive at a rational understanding of this matter.

Mr. PROXMIRE. Mr. President, would the distinguished Senator from Pennsylvania, the minority leader, consider a time certain tomorrow for a vote on my amendment? We have been through this. Very similar amendments have been offered. Two or three times before, the Senate has discussed the matter. There have been exhaustive discussions before the Committee on Banking, Housing and Urban Affairs.

The issue is well understood. The alternatives are understood. So I hope we can come to a vote. Maybe we can discuss this issue—I understand the matter is to be laid aside now for 40 minutes; perhaps we can discuss it informally while the pending amendment is coming up, and arrive at a unanimous-consent agreement.

Mr. SCOTT of Pennsylvania. Mr. President, I want the Senator to know that I do not want to do anything which would prevent the Senator from arriving at a vote. I am aware of the fact that there was a meeting at the White House sometime recently with representatives of the AFL–CIO and others, and there are people in the trade union movement who are very much concerned about certain aspects of this amendment in its present form, which they regard as a rather raw form, and there is hope that we will be able to consider some alternatives which would be more satisfactory to labor and to business.

I assure the Senator that when I say that, I really know what I am talking about with regard to the viewpoint of many people very high in the trade union movement.

Mr. PROXMIRE. The Senator is absolutely correct; there is no question about it. I have discussed this with people in the labor movement as well. They do not want the amendment at all. They want an amendment that provides for a freeze on prices period. They do not think wages ought to be frozen. But I think we all recognize that is impossible. We cannot pass that kind of amendment; it would be economically ridiculous and grossly unfair, and the Senator from Pennsylvania understands that, although as shown by the earlier colloquy we had there is no question that the working people have been hurt and discriminated against very badly by the control program since the first of the year.

Mr. SCOTT of Pennsylvania. I thought I was being subtle, but the Senator's candor has overwhelmed that. That is exactly the meaning I meant to convey.

Mr. PROXMIRE. The Senator is absolutely correct.

Mr. SCOTT of Pennsylvania. They do not like it a bit.

Mr. PROXMIRE. There is no question about it. And we have been petitioned by labor very effectively.

Mr. SCOTT of Pennsylvania. We welcome that, I understand, from any source.

Mr. PROXMIRE. We do indeed. That is a part of the democratic process.

Mr. SCOTT of Pennsylvania. I hope the Senator will bear with us. We are seeking more information. If he will give our Tenth Cavalry time to advance until they are well within sight, we would appreciate it.

Mr. PROXMIRE. I do hope we can arrive at a time to vote. Perhaps after the Morris nomination is voted on tomorrow, or perhaps by 6 o'clock tomorrow, or some such time.

Mr. SCOTT of Pennsylvania. Let us go ahead and reason together during tomorrow, then.

Mr. PROXMIRE. Let us reason together during the coming 40 minutes, and maybe tomorrow.

Mr. SCOTT of Pennsylvania. During the coming 40 minutes I am offering an amendment with the Senator from Alabama (Mr. SPARKMAN). After that, let us see what we can do. I shall need to devote my entire time to the amendment for 40 minutes, because I want it prepared. Maybe that is not the way to do it.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I am glad to yield to the distinguished Senator from Texas.

Mr. TOWER. I would be glad to serve as the Senator's designee in reasoning together with my colleague from Wisconsin.

Mr. SCOTT of Pennsylvania. Mr. President, I am glad to designate the amiable and infinitely reasonable Senator from Texas to pursue with the amiable and infinitely reasonable Senator from Wisconsin that course by which they may arrive at some substitute result.

Mr. PASTORE. Here we go again.

Mr. PROXMIRE. Mr. President, I am sure the Senator from Texas will represent the AFL–CIO version of this matter as only he can. [Laughter.]

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SCOTT of Pennsylvania. I am glad to yield to the Senator from Arizona.

Mr. GOLDWATER. I would just like to inform my leader that I will object to any time certain for a vote on this amendment.

Mr. SCOTT of Pennsylvania. I thank the distinguished Senator from Arizona. Perhaps the distinguished Senator from Wisconsin and the distinguished Senator from Texas can, in lieu thereof, go out and have a cup of coffee.

Mr. RANDOLPH. Mr. President, will the able Senator yield?

Mr. SCOTT of Pennsylvania. I am glad to yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I know that we have enjoyed the delightful reference to the cavalry and the delightful cavalry charge.

Mr. PASTORE. And the dust.

Mr. RANDOLPH. And the dust, of course.

Mr. SCOTT of Pennsylvania. I will throw in the marines for good measure.

Mr. RANDOLPH. In the War Between the States, there was a general, I will not say in whose Army, who massed his troops to repel the enemy. He called his fellow officers about him, and said, "We cannot hold against the forces of the enemy; they are too strong, and I shall in 15 minutes ask the bugler to sound retreat." He added, "You all know I have a bad leg, so I will start now." Our colleague seems to be amassing a formidable force to destroy the amendment of the diligent Senator from Wisconsin. The Wisconsin Senator has not admitted that he has a bad amendment. I know his daily jogging keeps his body in fine fettle for the forthcoming argumentative fray. It is apparent, however, that as he has admitted there are heavy opposing reinforcements which may not permit him to hold his ground. I join him in the appeal that we start moving, either backward or forward that the result can be known in the immediate future. The Senator urges us to move. To this admonition I say amen.

Mr. SCOTT of Pennsylvania. The distinguished Senator from West Virginia is quite correct. However, there was another story of the War Between the States where a young bugler was summoned by the battalion commander to move forward to rescue the flag of the regiment. He said, "Son, go and bring the colors back to the regiment."

But the regimental commander, as the Senator well knows, said, "No, bring the regiment up to the colors."

That is what I hope we can do tomorrow.

Mr. SPARKMAN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. McCLURE). The Chair advises the Senator that it will require unanimous consent to set aside the amendment of the Senator from Wisconsin.

Mr. MANSFIELD. Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, do I correctly understand that the amendment is set aside for 40 minutes?

The PRESIDING OFFICER. The Senator is correct.

The amendment will be stated.

The assistant legislative clerk read as follows:

On page 6, line 12, strike out all through line 19 and renumber the succeeding sections.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 40 minutes on the pending amendment, the time to be equally divided between the distinguished Senators from Pennsylvania and Arkansas and the manager of the bill, or whomever he may designate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT of Pennsylvania. Mr. President, on this amendment I demand the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unaminous consent that there may be a quorum call without the time being charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. CASE. Mr. President, I ask unanimous consent that my assistant, Mr. John Marks, be permitted the privilege of the floor during the consideration of this bill and during any votes with respect thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, what amendment is now pending before the Senate?

The PRESIDING OFFICER. The amendment offered by the Senator from Alabama and the Senator from Pennsylvania (Mr. SCOTT).

Mr. ROBERT C. BYRD. I thank the Chair.

Mr. President, what is the time limitation agreement on that amendment?

The PRESIDING OFFICER. Twenty minutes to each side.

Mr. ROBERT C. BYRD. I ask unanimous consent that the time be allocated as follows: 30 minutes under the control of the distinguished Senator from New Jersey (Mr. CASE) and 10 minutes under the control of the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Pennsylvania (Mr. SCOTT).

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. SPARKMAN. I yield myself 3 minutes.

Mr. President, this amendment is rather simple. It seeks to strike section 7 of the bill. That provision in the bill is to the effect that 30 days after the enactment of this act, no funds may be obligated or expended to carry out the agreement signed by the United States with Portugal relating to the use by the United States of military bases in the Azores until the agreement with respect to which the obligation or expenditure is to be made is submitted to the Senate as a treaty for its advice and consent.

Mr. President, if the time were up under the agreement that has been solemnly entered into, I would not object to requiring it to be a treaty. I would favor its being a treaty. But here is an agreement that has been made, solemnly entered into, and certainly we ought not break into it at this time and declare it void and require the formality of a treaty.

We have been using the Azores under this kind of agreement ever since 1951, but we have been using the Azores since the early days of World War II. We use it as a base. It certainly has served its purpose well. Under the agreement that has been in effect since 1951, which has been renewed from time to time, we have continued to have the use of it as a base. It is important as a part of our defense in that part of the world, and I do not believe that the requirement that is written into the bill should be allowed to stand.

I yield to the Senator from Pennsylvania such time as he may require.

Mr. SCOTT of Pennsylvania. Mr. President, I support the motion to strike the provision approved by the Foreign Relations Committee relating to the Azores agreement. Section 7 would cut off assistance to Portugal, including Eximbank credits, unless the extension of our Azores base rights is ratified by the Senate.

While the intent of this section may be to put pressure on the executive branch to consult more closely with the legislative branch in the foreign affairs field, the effect may be quite different. It is very likely that this would be taken as a gratuitous insult by Portugal. There is, therefore, a very real danger that by forcing a confrontation with the executive branch in this case, we could be faced with the loss of the military facilities in the Azores, a situation which I am sure my colleagues are not seeking. From the Azores, U.S. forces are carrying out vital maritime surveillance activities over a vast area of the mid-Atlantic. There has been ample testimony from the Navy to indicate that the Azores base is essential to its antisubmarine warfare operations.

The prohibition of assistance or expenditure of moneys for Portugal would also cause the loss of substantial business for U.S. firms. Portugal has agreed to buy $30 million worth of U.S. corn under the Public Law 480 program, $15 million of which has not yet been purchased. This corn is to be carried to Portugal in American-flag ships. The committee bill, as it now stands, would block this sale, to the detriment of American farmers, shipowners, seamen. The bill would also deny American exporters and contractors access to Export-Import Bank facilities for doing business in Portugal. Without any exaggeration, this could cause American firms to lose hundreds of millions of dollars of business to their European and Japanese competitors, who can count on export financing from their governments.

It seems clear to me, therefore, that it is not worth damaging U.S. commercial and strategic interests in order to make an issue with the executive branch over the form in which we continue a 20-year arrangement.

Mr. President, I yield back the remainder of my time to the distinguished Senator from Alabama.

The PRESIDING OFFICER. Who yields time?

Mr. CASE. I believe I have time in opposition, and I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. CASE. Mr. President, I do not expect that I shall take that time, at least in my own right. Some of my colleagues may want to add something.

This is not a new issue. Twice last year, the Senate approved this proposition. The sky did not fall; Portugal did not declare war on us; it did not even break off diplomatic relations. The Azores bases remained in operation, so far as I know.

I ask the Senator from Alabama, is that true?

Mr. SPARKMAN. I think that is true If I recall correctly, the provision was in the bill as it passed the Senate. The House, if I recall correctly, did not go along with it, but in the conference we agreed with the House.

Mr. CASE. Yes, that did happen. As a matter of fact——

Mr. SPARKMAN. I am wrong. That bill died.

Mr. CASE. That conference never came to a conclusion.

Mr. SPARKMAN. That is correct.

Mr. CASE. Many good things died with that bill, Mr. President, and this was one of them.

As the Senator from Alabama said, this is an important agreement. Who could agree more? It is terribly important. It seems only unimportant agreements are considered as treaties. The very fact that this is an important agreement is the strongest and most compelling reason this should have been treated as a treaty.

The Senator from Pennsylvania makes much of the importance of the sale of grain. He is concerned about the plight of the American farmer losing sales of grain. I call to the attention of the Senator from Pennsylvania and my colleagues generally that I have offered to accept an amendment stating that nothing in my proposal shall interfere with the normal financing of these matters by the Export-Import Bank.

The specific issue before us concerns the December 1971 agreement with Portugal. But beyond this important pact is the question of what is a treaty. Does an agreement with a foreign country become a treaty only when the executive branch tells us this is the case? I think not.

Yet, at the end of 1971, the Executive told us that the important agreement with Portugal for military bases in the Azores was an Executive agreement and hence not subject to Senate approval. The Senate thought otherwise, however, and on March 3, 1972, it voted 50 to 6 in favor of my resolution (S. Res. 214) which stated the administration should submit the agreement to the Senate as a treaty. Despite this overwhelming vote, the administration chose only to "note" the sense of the Senate and still refused to submit the agreement.

I realized all too well that there was no way the Senate could compel the Executive to submit the agreement, but that, by the same token, the Senate did not have to provide the funds to pay for the agreement.

Therefore, last year I introduced legislation which would cut off all funds for the implementation of the Azores agreement until the administration submitted it to the Senate as a treaty.

And twice last year, the Senate approved my proposal—once by a 41 to 36 vote and once without opposition.

This legislation died in conference with the House last year, but it is now included in the bill before us as section 7. And passage of the amendment to strike section 7 now before the Senate would be a backward step for the Senate in its efforts to reassert its authority in the foreign policy area.

The power of the purse is our ultimate weapon, and one, albeit, which should be used sparingly. I introduced legislation for the Portuguese Azores fund cutoff with the greatest reluctance, but I did so because a fundamental constitutional question is involved.

Under the last six Presidents, the executive agreement has gradually but steadily replaced the treaty as the principal means of making agreements with foreign governments. Land-lease and destroyers-for-bases have led to Korean mercenaries for Vietnam, secret military bases in Ethiopia and Morocco, and even a secret war in Laos.

It was to avoid just such unilateral entanglements that the Founding Fathers wrote into the Constitution the requirement for Senate advice and consent to treaties. They felt that if a particular agreement could stand up to senatorial scrutiny, it was much more likely to involve the United States in a beneficial course of action. I am not saying that any of the agreements I have mentioned necessarily were not beneficial to our country. But I am saying that we have a Constitution; that ours is a system of laws; and that we should follow this Constitution in our foreign as well as domestic policies.

I would like to emphasize that I have in no way taken a position on the substance of the agreement with Portugal. It may well be a perfectly good arrangement which is in the national interest of the United States. That is for the Senate to decide when it is submitted as a treaty. It is not for the executive branch to decide on its own.

Opponents of section 7 have raised several arguments about the importance to the United States of military bases in the Azores. I do not dispute these arguments, but I believe them to be irrelevant to the central issue of whether or not the American constitutional process has been followed in the administration's use of executive agreements. I would remind my colleagues that the executive agreement is nowhere even mentioned in the Constitution, and I cannot conceive that the Founding Fathers would not have included arrangements for foreign military bases in their definition of a treaty.

It is also argued that to submit the Azores agreement to the Senate for advice and consent would give the agreement a formality which might imply some new type of American commitment to Portugal.

I would say to this that executive agreements have the same force in international law as treaties, and the Portuguese pact could be redrafted as a treaty which grants no greater and no less commitment than the present executive agreement. If this somehow were not considered to be enough, then a simple declarative sentence could be added which stated that nothing in the agreement should be interpreted to imply a new commitment.

Another argument being heard is that the 1971 agreement with Portugal simply implements the NATO Treaty of 1949. If that position is accepted, then the Senate will be agreeing to the notion that by having approved a general defense pact with 14 other countries 24 years ago, we somehow forfeited the right to pass a future agreements concerning military matters with any of these countries. To me, this is an unacceptable proposition.

As for the argument that the United States would lose grain exports through a lack of credit facilities, last year I accepted a qualifying amendment—and would be glad to do so this year—stating that nothing in my amendment should be construed to interfere with the normal functioning of the Export-Import Bank.

I might add, somewhat parenthetically, that the Portuguese Prime Minister last year referred publicly to the Azores agreement as a treaty, so the fine distinction between an Executive agreement and a treaty would seem clearer to our own Government than to the parties we are dealing with.

In conclusion, let me say that the Azores agreement concerns the stationing of American troops overseas, and that this is simply too important a matter to be left to an Executive agreement. We have seen how in recent years the presence of our soldiers in a foreign country can lead to a commitment toward the host country and ultimately to war. For both practical and constitutional reasons, the Senate should participate in making a decision of this sort.

And if the Senate does not start to take action now, then we shall only have ourselves to blame for our own impotence.

Mr. President, without beating a dead horse, I do not think there is much more I can say. I understand my chairman would like to put in a word at this time. I yield to him such time as he may desire.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. I thank the Senator for yielding.

This is the fifth time the Committee on Foreign Relations has approved the principle involved here. The Senate has voted on the issue three times, twice in foreign aid bills and once as a resolution.

This amendment would have the effect of reversing two specific votes by the Senate one a vote of 50 to 6, and the other a vote of 41 to 36. In both cases the Senate went on record as saying this agreement was of such significance that it should be submitted as a treaty.

This provision does not say the agreement should not be carried out. It only says this agreement should be submitted as a treaty. This is consistent with what I thought was considered to be the role of the Senate in making foreign policy. The argument that we need this in order to give a market to our corn seems untimely in view of the present market situation for corn, soybeans, rice, and so on. Soybeans, as we know, have been hitting a high of $12 a bushel. Corn is well over parity prices and so is wheat.

If the Senate is a responsible body it should have the opportunity to have hearings to develop the justification for this agreement and to expose it to the usual examination of our committee procedure. Under proper constitutional processes it should be submitted as a treaty. But under the impact of the executive dominance of our Government, nearly all agreements with foreign countries are handled as executive agreements which denies any examination by Congress, particularly by the Senate.

The State Department says that in 1972 there were 282 executive agreements and 21 treaties. That shows how the usual procedure has been reversed.

Of those executive agreements, only one, the agreement with Russia, was submitted to the Senate for approval. Many of the treaties that were submitted were quite insignificant. Many important matters were handled through an executive agreement without the examination or approval of the Senate.

If the Senate wishes to decline to take responsibility for giving away our resources, it has that privilege. But I think it would be a great mistake to do it.

I wish to call to the attention of the

Senate a few aspects of the Azores agreement. Under Public Law 480, there are credits of $30 million, equally divided between the fiscal years 1972 and 1973 at 1½ percent interest. Think of it, Mr. President; interest of 1½ percent. I think the interest rate the Government is paying on Treasury bills is now at 7¾ percent. If that is not a substantial grant I do not know what is.

The Export-Import Bank financing is under what is called usual terms, which are considerably better than the commercial bank rate.

There is the loan of a U.S. hydrographic vessel to Portugal on a no-cost basis; a grant of $1 million for educational projects to be funded by the Department of Defense; a $5 million in drawing rights of nonmilitary Pentagon excess equipment, which figure may be exceeded if desired.

It is incredible to me that such resources should be given away on the decision of someone on the staff of the executive department, without any right of the Senate or Congress to examine and approve the proposal.

I would not prophesy that if the agreement were submitted as a treaty that it would be turned down. I would suspect that Portugal, which, as far as I know, has as good or better fiscal situation in its treasury as we do, would be expected to pay a little more interest, somewhat comparable to what we pay for money we borrow. A few things like that would probably result, if it had to be submitted for approval.

I think I can understand why the executive department does not want to have a partnership. But why a Member of the Senate wishes to say, "No, we do not want to know about these things, go ahead and continue to handle these matters through executive agreements," when every one of them costs a great deal of money, is beyond my comprehension.

We have argued about this a great many times. The Senate is already on record in favor of this procedure. To reverse this now would be a big disappointment when the people of this country expect Congress to begin playing a more responsible role.

The Senator from Alabama calls attention to the fact that the Azores base was activated in World War II. He is correct. In World War II it had some justification. In those days there were short-range planes and it was necessary perhaps for them to stop there to refuel and for the crew to be refreshed. I stopped there once in order to refuel. I did not intend to go there, but that is the way we went. There is a delightful officers' club there. I can understand why any military man would enjoy it. But that has nothing to do with the responsibility of Congress, which is to examine these agreements to see if they are in the national interest. This agreement originated 22 years ago and after all these years it is questionable whether it still has a significant function to play today. I do not think it has a significant function. A Senator can rise here and say the base is for exercising surveillance over Russian subs. That argument is like the famous dog of Pavlov. If the base has any relation to surveillance of Russia we say that is in the national interest. I do not think that necessarily follows.

I do not think the base plays any significant function in our national defense. With nuclear submarines, the Russians do not have to go near the Azores. I do not think it is seriously considered as having that function these days.

The other argument made is that it is significant in the defense of Israel. That is about as potent an argument in this body as it is to say it is designed to keep an eye on Russia. But it is very remote indeed to any useful function in protecting Israel. It is not a relevant argument at all. It is not needed for any purpose of that kind. But it is a pleasant spot for a nice tour of duty for military people.

I will end by reiterating an argument which has been heard before. We have over 1,900 bases abroad. This is one of them. They cost enormous amounts of money. They contribute very substantially to our imbalance of payments. Defense Department spending abroad is about $5 billion a year. And the imbalance in payments is running this year at the highest rate in our history.

I do not understand why Congress is not more determined to try to bring back into balance our foreign commitments. We complain. We read daily about the weakness of the dollar. The dollar, as Senators know, has been extremely weak. We have had two formal devaluations of the dollar, and now an informal one is taking place. Maintaining these many useless bases abroad contributes a great deal to the pressures on the dollar. It is a further drain on us.

When we look at these items individually, it may be said, "Only a few million dollars are involved." In this case, it is quite a bit. We are told that it is not significant; that it is too small. But when these are added, they constitute, as I said, an impact of approximately $5 billion upon our balance of payments.

The point is that this type of agreement is so important and involves so much money and there is so much question about its justification that the least we can do is subject it to a hearing and make a record, so that those who are interested may read it.

We have never had a formal, thorough justification of this agreement. The administration has said why it did not want to go the treaty route, but there has been no real justification for it in the sense that would be required or a domestic project. If a Senator wants a project in his State, if he wants a development of any kind, he goes before the appropriate committee and makes a record. Witnesses are called. The matter is subjected to hearings. Questions are asked. A case is made for or against it. I do not think a case has been made for this matter.

I am not saying that the Senate should reject the agreement but only that the executive branch be required to formally justify it to the Senate.

Mr. GOLDWATER. Mr. President, will the Senator from Alabama yield me some time?

Mr. SPARKMAN. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I oppose the language of the bill not because of the Azores per se, but because of the fundamental, underlying threat that I see in it to undermine the powers of the President—the historic, constitutional powers of the President—in this general field. I might be persuaded to agree with the estimate of the Committee on Foreign Relations relative to the importance of the Azores, only I did not share the enjoyment of the officers' club when I was stationed there, in 3 feet of mud.

However, executive agreements are not new, as this body knows. Between 1946 and the present time, 5,500 executive agreements have been made by the President, and 99 percent of those agreements have received previous or subsequent ratification by Congress.

For example, more than 1,000 of the present executive agreements deal with the disposition of surplus commodities pursuant to Federal statute. Even the category of foreign military base agreements, which are the concern of sections 7 and 8 of the bill, themselves may properly be considered to be specifically provided for in the annual Military Construction Authorization and Appropriation Acts.

This availability on our part to provide funds or not to provide funds for these various purposes gives us, I feel, congressional control over these agreements made in these general fields. I think it points to the proper role of Congress to review base agreements, which should not be an attack on the President's authority to enter into such agreements, but a determination by Congress of whether or not it shall appropriate the moneys required to fully implement such agreements.

My basic objection to sections 7 and 8 is that they do not primarily involve the merits of the particular agreement. In fact, under section 8 no one knows what country we will be dealing with or what circumstances might necessitate the agreement, so these provisions thereby constitute a direct challenge to the fundamental power of the President to enter into these kinds of agreements with any foreign countries without going through the process of a treaty.

In other words, I feel that Congress has more than adequate power to control anything—I will not say "anything," but almost anything—that the President might do through the so-called Executive agreements. In fact, I do not know how this country could set any foreign policy if this body had to approve every single agreement that was entered into by the President, treating it as a treaty.

That gets back to my own conviction that the Constitution gave the power to conduct foreign policy to the President. It gave the power to advise and consent to this body. I think the founders of the Constitution, the founders of our country, very rightly put this power in the hands of one man, with the advice and consent of the many, the many constituting the Senate. I think the language of the bill is just an effort to chop away at the powers of the President given him by the Constitution.

I will reiterate what I have said before the committee, on the floor of the Senate: That if it is the desire of the members of the Committee on Foreign Relations, I think we should submit an amendment to the people of the United States and not attempt to do these things piecemeal, by little changes in the language here and little changes in the language there that will result in a change of the war powers of the President and in the foreign relations powers.

Mr. President, I may be wrong in this assumption. I have reported upon the changes in many articles I have prepared for publication across the country. The President has these powers. If we want to change them, they must be changed by constitutional amendment.

I will support the amendment of the Senators from Alabama and Pennsylvania, because I sense a little devilment here that is not directed solely at the Azores and Portugal which have no bearing on my position. However, they do get to the powers of the President.

The PRESIDING OFFICER (Mr. McClure). The Senator's time has expired.

Mr. CASE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 12 minutes remaining.

Mr. CASE. Mr. President, I think that there is one argument in favor of the amendment offered by the Senator from Pennsylvania and the Senator from Alabama and only one. It was suggested by the Senator from Arizona, by something he said. Maybe this agreement is a fait accompli. Because this point might have some influence with some people, I want to bring it out in the open and object to it. It is not our fault. It is not the fault of the Committee on Foreign Relations.

Last year the Committee on Foreign Relations proposed and the Senate agreed by a 50 to 6 vote to a sense of the Senate resolution that this agreement should be considered as a treaty and sent up to the Congress. It was because the executive branch ignored that advice which the Senate gave it that we find that we have to resort to this rather abrupt action of saying that no funds shall be used.

The power of the purse is the only sanction that the legislative body has in this regard. Because we want to use this sanction from time to time does not mean that we are engaged in a confrontation with the executive that is putting the cart before the horse.

Mr. FULBRIGHT. Not only that, Mr. President, but it is a clear indication that we tried. While it did not result in its being submitted as a treaty, the fact that we had acted in the matter, although it was not submitted to us, resulted in rather substantial savings in this matter.

When it started out, we heard that it was going to cost several hundred million dollars. And after we had the hearings, we were able by persuasion to substantially reduce that amount, to about $50 million, I believe. It was a rather substantial savings.

Mr. CASE. The Senator is absolutely correct.

Mr. FULBRIGHT. Mr. President, it was not anything new. The Senator from New Jersey is absolutely correct on constitutional grounds and also on the ground of trying to be provident with our funds and not give them away heedlessly to every country that comes along. I commend the Senator. It has been a frustrating battle for him.

The Senate has voted several times for this principle. It would be very odd if the Senate were to reverse itself now and say that it did not want to do this.

Mr. CASE. Mr. President, I thank the Senator from Arkansas. Everything he has said is absolutely right. We should maintain the position this year that we maintained so correctly and so strongly in the last session of the Congress.

Mr. President, if nobody else has any desire to discuss this matter, I shall be happy to yield back the remainder of my time.

Mr. SPARKMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. McClure). On this vote the yeas are 46, the nays are——

Mr. BROOKE. Mr. President——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROOKE. I vote "nay."

Mr. SCOTT of Pennsylvania. Mr. President, a point of order.

Several Senators. Regular order, Mr. President.

Mr. SCOTT of Pennsylvania. Mr. President, I raise a point of order which can be raised at this time.

The PRESIDING OFFICER. The Chair would advise the Senator from Pennsylvania that it cannot be raised at this time.

Mr. FULBRIGHT. Regular order, Mr. President.

The PRESIDING OFFICER. A point of order cannot be raised at this time. The yeas are 46, and the nays are 46, and the amendment is not agreed to.

Mr. ROBERT C. BYRD. I announce that the Senator from Kentucky (Mr. Huddleston), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Metcalf), and the Senator from Utah (Mr. Moss) are necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from New York (Mr. Javits), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

If present and voting, the Senator from New York (Mr. Javits) would vote "nay."

The yeas and nays resulted—yeas 46, nays 46, as follows:

[No. 193 Leg.]

YEAS—46

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Buckley
Byrd, Harry F., Jr.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Jackson
Johnston
Long
McClure
McGee
McIntyre
Montoya
Nunn
Percy
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—46

Abourezk
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Eagleton
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Hughes
Humphrey
Inouye
Magnuson
Mansfield
Mathias
McClellan
McGovern
Mondale
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—8

Bellmon
Huddleston
Javits
Kennedy
Metcalf
Moss
Saxbe
Stennis

The PRESIDING OFFICER. On this vote the yeas are 46 and the nays are 46 and the amendment is rejected.

Mr. CASE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SCOTT of Pennsylvania. A point of information. Had the result been announced prior to the casting of the one additional vote?

The PRESIDING OFFICER. The Chair would say that he had not concluded the announcement at the time the one remaining vote was cast.

Mr. SCOTT of Pennsylvania. Mr. President——

Mr. CASE. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. SCOTT of Pennsylvania. Mr. President, I ask for the yeas and nays on the motion to reconsider.

The PRESIDING OFFICER. There is a sufficient second. The yeas and nays have been ordered and the clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for the Senate to convene at 12 o'clock noon tomorrow.)

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The Senate continued with the consideration of the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the vote on the motion to reconsider occur at the hour of 11:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I withhold that request.

Mr. SCOTT of Pennsylvania. Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT DEBATE AND VOTE ON MORRIS NOMINATION AND VOTES ON S. 1248 TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the debate on the Morris nomination begin at 2 o'clock tomorrow and that the vote be taken not later than 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the hour of 3 p.m. the vote on the pending motion to reconsider occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that there be a time limitation of 20 minutes on that particular vote, because of circumstances over which none of us has any control.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. The vote to start at 3 o'clock.

Mr. SCOTT of Pennsylvania. I have no objection.

The PRESIDING OFFICER. The Chair is not clear. The vote will occur at 3 o'clock or debate will start at 3 o'clock?

Mr. MANSFIELD. No; there will be no debate on the pending motion to reconsider. The vote will occur at 3 o'clock without debate. The debate on the Morris nomination will begin at 2 p.m. and go up to 4:30 p.m.

Mr. TOWER. The time to be 20 minutes. Is that what the Senator referred to?

Mr. MANSFIELD. The Senator is correct.

Mr. SCOTT of Pennsylvania. Mr. President, reserving the right to object, what happens if the vote to reconsider shall carry? Is there a time agreement, say 5 minutes on a side prior to the vote?

Mr. MANSFIELD. I think the issue is pretty clear.

Mr. SCOTT of Pennsylvania. All right, I will go along with that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, it is my understanding that this vote on the pending motion will be an up and down vote, on the motion to reconsider.

The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. And that a motion to table is precluded.

The PRESIDING OFFICER. That is correct.

The Chair understands that if the motion to reconsider carries there would be an immediate vote on the amendment itself.

Mr. MANSFIELD. On the motion to consider?

The PRESIDING OFFICER. No. If the motion to reconsider carries there will be a vote immediately thereafter on the amendment itself.

Mr. MANSFIELD. That is correct.

Mr. ROBERT C. BYRD. Mr. President, in the event the outcome of such vote on the amendment is the opposite of the vote today, another motion to reconsider would be in order.

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. In which case the majority leader intends such votes to occur in rapid succession without debate.

The PRESIDING OFFICER. That is correct.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the vote tomorrow on the pending business consume 10 minutes.

Mr. MANSFIELD. Well, Mr. President, I ask unanimous consent that the vote tomorrow on the pending motion to reconsider take not less than 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, is the distinguished majority leader finished?

Mr. MANSFIELD. Yes.

Mr. FULBRIGHT. I would like to submit a conference report.

Mr. ROBERT C. BYRD. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate is not in order. The Senator will suspend until the Senate is in order.

The Senator may proceed.

AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR THE PEACE CORPS—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President, I submit a report of the committee of conference on H.R. 5293, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5293) authorizing additional appropriations for the Peace Corps, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of June 6, 1973, at p. 18334.)

Mr. FULBRIGHT. Mr. President, this is the conference report on the bill (H.R. 5293) authorizing additional appropriations for the Peace Corps. The final agreed text of this legislation contains a 1-year authorization of $77,001,000 to carry out the operations of the Peace Corps program for fiscal year 1974.

In addition to this authorization, the bill contains a provision which would place the Peace Corps under existing Federal procurement law.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

AMENDMENT TO FOREIGN SERVICE BUILDINGS ACT—CONFERENCE REPORT

Mr. FULBRIGHT. Mr. President I submit a report of the committee of conference on H.R. 5610, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5610) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESsional Record of June 6, 1973, at p. 18333.)

Mr. FULBRIGHT. Mr. President, briefly, the Senate conferees receded on their amendment. The substance of the Senate amendment was twofold. In the first place, the Senate amendment limited the authorization of appropriations to fiscal year 1974 and eliminated the sums requested for fiscal year 1975. In the second place, the Senate amendment included authorization for additional appropriations for nondiscretionary costs, such as pay raises and those resulting from exchange rate alinements. The House bill, in lieu thereof, obtained estimates of these costs and added them to the amounts requested by the administration.

As the Senate can tell, these differences were technical, rather than substantive. I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The Senate resumed the consideration of the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

Mr. FULBRIGHT. Mr. President, I have a very simple amendment which I have discussed with the distinguished Senator from Vermont (Mr. Aiken), which I submit as an amendment to the bill.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendment be considered?

Mr. FULBRIGHT. I ask unanimous consent. I understood we were not going to have anything else today. This is a minor amendment.

The PRESIDING OFFICER. Is there objection?

Mr. PROXMIRE. I do not have an objection. I do not want to be precluded. I understood there was no question about it.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk read the amendment, as follows:

On page 14, after line 8, add the following new section:

EXPRESSION OF INDIVIDUAL VIEWS TO CONGRESS

Sec. 19. Section 502 of the Foreign Relations Authorization Act of 1972 is amended by striking out "appointed by the President, by and with the advice and consent of the Senate, to a position in" and inserting in lieu thereof "or employee of".

Mr. FULBRIGHT. Mr. President, the effect of the amendment is as follows: The existing law limits the application of the expression of individual views to any officer appointed by the President. All we wish to do is leave in any officer, but add "employee." It would cover our civil service and reserve officers, persons who are not subject to confirmation by the Senate. It broadens the applicability of the provision relating to expression of individual views. I do not consider it to be of major importance, but it does make it easier for hearing purposes.

If there is any objection to it, I shall not press it.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. AIKEN I do not feel there is anything in the amendment offered by my chairman that is objectionable, but if there is, I am sure it can be taken care of in conference.

Mr. FULBRIGHT. I do not think there is anything objectionable in it

Mr. President, it is a simple amendment to encourage more candid testimony by State Department and other witnesses from foreign affairs agencies who appear before congressional committees.

Last year, at the initiative of the Foreign Relations Committee, Congress approved a provision which became section 502 of the Foreign Relations Authorization Act of 1972, that was designed to encourage witnesses from the foreign affairs agencies to give their personal views when requested to do so. During the year the provision has been in effect the provision has proven to be quite useful. Some witnesses have, indeed, given their personal views when requested, which differed from the executive branch witnesses. However, the provision does not cover many government witnesses who regularly come before the Committee since it covers only officials who are appointed by the President and confirmed by the Senate. It does not cover Civil Service employees of the foreign affairs agencies or Foreign Service Reserve and Staff personnel.

This amendment will make the provision applicable to any employee of the foreign affairs agencies. It is but another step to try to reestablish a proper relationship between Congress and the President on foreign policy matters and, in general, to enhance the effectiveness of the congressional hearing process.

I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I understand the pending question is the amendment on the wage and price control program. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. I just want to say that I have finished my presentation on the amendment. As far as I am concerned, I am willing to vote on it now, or to vote on it as soon as possible. I hope the vote will not be delayed. We now have scheduled something before the Senate tomorrow between 2 and 4:30. It means that if the amendment is delayed much longer, we will not be able to vote on it until late tomorrow, or after that.

As I have said, the amendment proposes action on an issue on which the people of the country want action, and want action now, and that is on the issue of inflation. That is why I have offered it to this bill, even though the bill would not be an appropriate vehicle for the amendment under ordinary circumstances.

I may join in argument with other Senators, but I would hope we could come to a vote as soon as possible.

Mr. McGOVERN. Mr. President, my colleague from Wisconsin (Mr. Proxmire) has offered an amendment with which I generally agree, although with some reservations. His amendment, which is based upon a resolution unanimously adopted by the Democratic caucus, would require the President to impose a 90-day freeze on prices, wages, salaries, rents, interest rate, and dividends.

I think it is clear that the administration's phase III program——

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. PROXMIRE. It is on profits.

Mr. McGOVERN. Has it been modified? I think the original amendment showed dividends rather than profits.

Mr. PROXMIRE. The reason I say that is that it requires price rollbacks to freeze profits at the prefreeze level. At any rate, the general description is correct.

Mr. McGOVERN. Mr. President, I think it is clear that the administration's phase 3 economic program has been an unmitigated failure. And the evidence that the economy is now out of control is undeniable: Since the President relaxed the phase II controls we have seen the worst inflation in 22 years—wholesale prices have shot up at an annual rate of 21.1 percent—consumer prices have increased 8.6 percent, interest rates have soared to levels beyond the reach of the average family.

Investors at home and abroad have lost confidence in the Government's capacity to meet the crisis. Our twice devalued dollar continues to fall while the value of gold remains in a serious decline.

Despite this evidence, the President has resisted the advice of once trusted advisers and in a recent speech again expressed optimism that things would soon get better. He said that only minor adjustments in his existing economic program is necessary.

But economists are virtually unanimous in their disagreement with this assessment. Business Week magazine, usually a staunch supporter of the President's policies, in a recent editorial issued "An Urgent Plea for a New Economic Policy—Now." I ask unanimous consent that a copy of that editorial be inserted at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

AN URGENT PLEA FOR NEW ECONOMIC POLICY—NOW

President Nixon ended his Watergate speech two weeks ago with a reference to the great national and international issues that demand his attention. Among them, none is more urgent than the mounting threat of a violent boom-bust explosion in the U.S. economy.

Absorbed with Watergate and stubbornly hoping that the situation will right itself, the Administration has lost its grip on the economy. The President's advisers are clutching at scraps of favorable news and ignoring the evidence that their economic policies are not working.

This is worse than wishful thinking. It is willful denial of obvious facts. And it is driving the U.S. into a superheated boom that inevitably will end with a paralyzing recession.

Here are the facts:

The U.S. economy is expanding at a pace that cannot be sustained. It is capable of long-term growth at a rate of about 4% a year. For the past two quarters, it has expanded at a rate of 8%, and instead of slowing down, it is, if anything, picking up speed.

Every sector of the economy has picked up the beat. Retail sales, powered by a swift increase of installment debt, increased at a smashing annual rate of 24% in the first quarter of 1973. Automobiles are selling at the rate of over 12-million a year. Homebuilding, which had been expected to turn down this year, is still plunging ahead. Manufacturers' orders are rising twice as fast as they were in 1972, and because shipments cannot keep up, backlogs are building rapidly. Business is programming capital spending at a rate that cannot be achieved.

Inflation has exploded again. It hit a 6% rate in the first quarter, and it is going strong in the second. April wholesale prices were climbing at a 12% annual rate, with the industrial sector gaining at a rate of 15.6%. The showing would have been far worse if farm prices had not taken a temporary breather after increasing at a 60% annual rate in March. Phase III is manifestly a failure, and minor changes—such as last week's order requiring large companies to give advance notice of price increases—will not save it.

In short, the U.S. is launched on another round of boom and bust. It was fed too much monetary and fiscal stimulation in 1971 and 1972. Phase II controls were lifted too soon. Inflationary expectations were fanned by too much talk about voluntarism and self-policing controls in Phase III.

CONTROLS WITH TEETH

The problem that faces President Nixon now is to bring the boom under control before it turns into an inflationary explosion. This does not mean penitently acknowledging past mistakes, as the President's advisers seem to believe. It means taking a realistic measure of the situation and devising measures to restrain the breakneck pace of the economic expansion.

There is an alternative to standing pat and letting the economy rush ahead into disaster. It consists of a combination of new, tough wage-price controls and strict fiscal and monetary discipline. It is a painful answer, and it involves some risk. But it is the course the Administration should take.

The first step should be to scrap Phase III and go back to wage-price controls at least as tough as Phase II and considerably broader in scope. Price controls should apply to all farm and food products—not just at retail but far enough back down the line of distribution and production to put effective pressure on prices at the point of first sale. The rules on passing through cost increases should be tightened. The merry game of taking a markup for profit on cost increases should stop.

With the new controls must go a strict program of enforcement. The big trouble with Phase III has not been its rules but the way the rules have been ignored. Enforcement must apply to small companies as well as large. The U.S. economy is too big and too diverse to be managed by passing the word to a few giant corporations and depending on them to police the markets. The worst mistake of Phase III was to let a large number of medium-sized companies think that controls no longer applied to them.

NOW IS THE TIME

Wage-price controls, however, are essentially a short-term device. They can curb inflationary expectations—which is important—and they can keep the inflation process from feeding on itself. But they cannot bring the economic system into balance. That is a job for fiscal and monetary policy.

The $20-billion deficit the federal government is running in the fiscal year ending next June obviously is more stimulation than the economy should be getting as it comes up toward the peak of an expansion. To plan on top of that for a deficit in fiscal 1974 is planning for a calamity. At this point, the budget should be balanced. If the President and Congress cannot agree on spending cuts, they should be ready to close the budget gap with an emergency surtax.

Meanwhile, the Federal Reserve must move in aggressively to tighten money. It should back up its traditional policy of managing money supply by applying selective controls on credit. Where this takes new legislation, the Fed should ask for it promptly. Consumer credit is expanding too fast; too much money is going into real estate speculation; too many bank loans are financing mergers and acquisitions. The flow of credit must be channeled to the points where it will do the most good and cause the least inflation.

Above all, the Administration must act now. There is always a lag between the time a policy is adopted and the time it takes effect. If the Administration waits, it will find itself in the fatal position of having its toughest restraints start to bite at the worst possible moment—after the economy has gone over the top and started down the slope into recession.

Mr. McGOVERN. The Business Week editorial concluded that—

> President Nixon is so preoccupied with the Watergate scandal that he is unwilling to take broad, decisive action on economic policy.

I do not know whether that is true or not. But I do know that unless prompt action is taken consumer price and interest rates will continue to rise and the dollar and the stockmarket will continue to fall. So I support the major thrust of the Democratic Caucus' resolution and urge my colleagues to vote for this amendment in the national interest.

But there is one in which I think the amendment is unfair and can be improved. The amendment would require the wages of working people to be frozen at a point that does not reflect increased cost of living. In the months when consumer prices have escalated wages have remained stable, resulting in a decline of 10 percent in the value of the average family's paycheck.

This decline in "real income," has not been true of all sections of the economy:

Corporate profits have shot up at an even more rapid rate than inflation itself, increasing on the average 25.9 percent above the comparable level of last year,

And executive salaries which went up on 13.5 percent last year have gone up further under phase III.

It is the worker who has paid the price of the inflation so far this year. The average family has in effect lost 10 percent of its paycheck while more affluent citizens have more or less kept pace with inflation. And, if the present language of the amendment is adopted this inequity would be frozen into law.

So what I suggest is that we give the worker the chance to restore the loss of his purchasing power, to come back to where he was when phase III went into effect.

Mr. President, I have at the desk an amendment to the pending amendment which would accomplish just that. It provides that wages would be permitted to increase in an amount equal to the increase in the cost of living since phase III went into effect.

The pending amendment provides for a freeze on dividends, and as the Senator has explained, apparently on profits which have gone up at least in part because of inflation. What my amendment would accomplish is to redistribute some of those inflated profits to working people and thus restore the status quo between management and labor which existed at the beginning of this year. As such my amendment would not be inflationary; it would merely recognize the inequity between wages and profits which now exists.

Mr. President, I am very hopeful that when and if we call this amendment up for consideration, the Senator from Wisconsin will see fit to accept it as an improvement on his otherwise excellent proposal.

Mr. PROXMIRE. Mr. President, may I say to the distinguished Senator from South Dakota that there is great merit in his proposal. There is no question that the facts he states are correct. There is no question that phase III has badly hurt the workingmen in this country. There has been bad erosion of their wages. The cost of living has gone up faster than their income. The workingmen are taking home less wages than they did before. So, they are being hurt.

The Senator would provide a catch-up in the first year which would mean that we would have about a 10-percent guideline with no reflection of wage increases or costs and prices. This would mean another serious increase in prices, or it would mean that some small businessmen or some businessmen who are on the margin would suffer serious losses.

The Senator is so right in his argument. If we could only return to that kind of a situation, it would serve justice.

I point out that two provisions in the amendment he has drafted do provide for selective rollbacks in the prices in those areas where there has been a violation of phase III guidelines. There is no question that there has been a violation. That is the only way we can explain the immense increases across the board in industrial prices and the tremendous increase in prices.

Phase III guidelines also provide that price increases should be limited to an annual rate of 1.5 percent without specific approval, and the specific approval would only be given where cost increases have forced big increases.

There is no way in which we can have price increases justified on the basis of cost increases when we have the big profits that the corporations have enjoyed.

At the end of my amendment, on page 3, starting at line 22, it reads:

> "(g) The long-run control program required under subsection (d) shall take into account the fact that workers' wages have fallen behind in the inflationary cycle."

I have in mind that the freeze is only 90 days, and the subsequent period which would last only months, perhaps no more than a year, is the more important period. And during this period, the administration would be asked to provide guidelines that would work out equitably. Those guidelines would have to be made available to Congress 30 days before the end of the freeze. We would have an opportunity to act at that time to amend the guidelines or change the law so that we could have a more equitable situation.

Under these circumstances, I would hope that the Senator from South Dakota would reconsider the amendment.

As I say, the amendment does have merit. However, I am very concerned that this kind of proposal could result in guidelines that would be clearly inflationary.

Mr. McGOVERN. Mr. President, I appreciate the Senator's response. I have not yet decided whether we ought to press the amendment to a vote. I think it would perhaps be a wise thing to let it lie overnight and get some reaction on it and reconsider it further tomorrow.

I do think—and I want the Senator to know this—that this amendment points up what is an obvious inequity. There is no question—and the Senator has agreed—that there is a timelag; that wage increases simply have not kept pace with the increase in prices and profits. So even though there is a provision in his amendment for a rollback in some selected prices, there is no provision for a rollback in profits; and some of the profits that have been made have gone far beyond the wages, which have lagged behind the price increases that have been in effect over the last few months.

Mr. PROXMIRE. The Senator is correct. This is the first proposal I have seen that comes to grips, at least, with profits and exploitation by requiring that there be a rollback in those prices, which have exceeded those of the base period. In other words, there cannot be exploitation during the 90-day period.

Mr. McGOVERN. Yes. As the Senator knows, I intend to support his amendment. I think we can give some thought to its possible modification.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, as I said, I am hopeful that we can return to this amendment tomorrow just as soon as possible. I am ready to vote on it right now.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ROBERT C. BYRD. The leadership is constrained to state that there will not, in all likelihood, be any more yea-and-nay votes today. However, the amendment of the Senator from Wisconsin will be the pending business when the Senate meets tomorrow. I believe the yeas and nays have been ordered thereon.

Mr. PROXMIRE. Yes. I know that the leadership is in a very difficult position. It is my understanding that the leadership will support my amendment. This is a situation in which we have to face realities. There are Senators who are determined that we shall not come to a vote on the amendment. We could remain in session, but there would be no way we could come to a vote. I think there is no way we can escape that reality.

Mr. ROBERT C. BYRD. Mr. President, the leadership wishes to thank the distinguished Senator from Wisconsin for his usual consideration, courtesy, cooperation, and understanding. I know that he would like to have a vote this afternoon and that he has been ready to vote at all times during the afternoon. He has been cooperative with the leadership in setting the amendment aside from time to time to enable the leadership to move the bill along and have other amendments acted upon, recognizing that there were Senators who were ready to talk at length to keep the amendment of the senior Senator from Wisconsin from coming to a vote today. So the Senator has been most cooperative in this regard, and I wish to express to him my appreciation on behalf of the leadership. I, too, wish the Senate would vote on his amendment yet today, because I want to vote for his amendment if Senators will let it come to a vote.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO RESUME CONSIDERATION OF S. 1248 TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of routine morning business tomorrow, the Senate resume the consideration of S. 1248, the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION TOMORROW

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Without objection, the Senator from West Virginia will state it.

Mr. ROBERT C. BYRD. Under the orders previously entered, will the Senate automatically go into and come out of executive session tomorrow at appropriate times to accommodate the yea-and-nay votes scheduled?

The PRESIDING OFFICER. Yes; the Senator is correct.

Mr. ROBERT C. BYRD. Without any further consent order.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Hathaway). The Chair, on behalf of the Vice President, in accordance with Public Law 90-351, as amended by Public Law 91-644, appoints the following Senators to the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance: The Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. Abourezk), the Senator from Nebraska (Mr. Hruska), and the Senator from Ohio (Mr. Taft).

THE PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 12 o'clock noon.

After the two leaders or their designees have been recognized under the standing order, there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes each.

At the conclusion of the period for the transaction of routine morning business, the Senate will resume its consideration of the unfinished business, S. 1248, a bill to authorize appropriations for the Department of State, and for other purposes.

The question at that time will be on agreeing to the amendment of the distinguished Senator from Wisconsin (Mr. Proxmire), on which the yeas and nays have already been ordered.

At 2 p.m. the Senate will go into executive session and debate will be resumed on the nomination of Mr. Robert H. Morris to be a member of the Federal Power Commission.

At the hour of 3 p.m. the Senate will resume legislative business, and the vote will occur on the motion to reconsider the amendment by Mr. Scott and Mr. Sparkman striking section 7 on page 6 of the bill. Section 7 deals with the Azores agreement. That vote will be a yea and nay vote, the yeas and nays having already been ordered.

Should the motion to reconsider fail, the Senate will resume the consideration of the Morris nomination immediately, in executive session. Should the motion to reconsider carry, the vote on the Sparkman-Scott amendment would recur immediately, and the yea and nay vote thereon would be automatic.

A vote will occur with relation to the nomination of Mr. Robert H. Morris at no later than 4:30 p.m. tomorrow. That vote may very well occur on a motion to recommit. The Senate will then resume its consideration of legislative business.

The unfinished business, S. 1248, the State Department authorization bill, presumably will still be before the Senate at that time.

Hence, Mr. President, there will be at least two yea-and-nay votes tomorrow afternoon, and in all probability there will be additional yea-and-nay votes.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 5:53 p.m. the Senate adjourned until tomorrow, Wednesday, June 13, 1973, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 12, 1973:

IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code:

To be lieutenant general

Lt. Gen. Eugene B. LeBailly, [redacted]FR (major general, Regular Air Force) U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be lieutenant general

Lt. Gen. Charles A. Corcoran, [redacted], Army of the United States (major general, U.S. Army).

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. James Francis Hollingsworth, [redacted], U.S. Army.

IN THE AIR FORCE

The following-named officers for promotion in the Regular Air Force, under the appropriate provisions of chapter 835, title 10, United States Code, as amended. All officers are subject to physical examination required by law:

LINE OF THE AIR FORCE

First lieutenant to captain

Kloss, Terry P., [redacted].

Major to lieutenant colonel

Stanley, Thomas M., [redacted].

The following-named Air Force officers for reappointment to the active list of the Regular Air Force, in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code:

LINE OF AIR FORCE

To be lieutenant colonel

Brown, Russell F., Jr., [redacted].

To be colonel

Steck, Willard D., [redacted].

The following officers for appointment in the regular Air Force. In the grades indicated, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

To be major

Abel, Jerry L., [redacted].
Adams, Lewis R., [redacted].
Anderson, David L., [redacted].
Anderson, Francis B., [redacted].
Baird, George F., [redacted].
Barton, George C., [redacted].
Bellion, Clement E., Jr., [redacted].
Boots, Thomas E., [redacted].
Ebner, Stanley G., [redacted].
Husak, Johnny R., [redacted].
Kemmerling, Paul T., Jr., [redacted].
Launikitis, William J., [redacted].
McKenzie, Michael G., [redacted].
Ottea, Marion A., [redacted].
Rubeor, Russell G., [redacted].
Thomas, Robert J., [redacted].
Turner, Thomas H., [redacted].
Williams, Arthur B., Jr., [redacted].
Willingham, Frank D., [redacted].
Zdeb, Paul D., [redacted].

To be captain

Abbott, Frank D., Jr., [redacted].
Abbott, Mary N., [redacted].
Adams, Robert A., [redacted].
Adkins, John B., [redacted].
Adubato, Barry T., [redacted].
Ajygin, Victor E., [redacted].
Allen, Edward S., [redacted].
Alley, Ali A., [redacted].
Andrews, John W., III, [redacted].
Archibald, Harold A., [redacted].
Aulbach, Albert E., [redacted].
Bail, Philip G., Jr., [redacted].
Ball, David C., [redacted].
Barbeau, Jack W., [redacted].
Bauer, George R., [redacted].
Baumgardner, Kenneth, Jr. [redacted].
Bavera, Barbara H., [redacted].
Bergeson, Michael B., [redacted].
Bigoni, Robert A., [redacted].
Blankenship, Franklin D., [redacted].
Blockhus, David E., [redacted].
Boaman, Richard A., Jr., [redacted].
Bodem, Robert A., [redacted].
Bodkin, Thomas B., [redacted].
Bohaboy, William R., [redacted].
Boniface, George B., Jr., [redacted].
Bottomley, James A., [redacted].
Brady, James R., [redacted].
Bragg, James J., [redacted].
Branham, Orville M., [redacted].
Brown, Herbert D., [redacted].
Brown, Kenneth N., Jr., [redacted].
Burdick, Kenneth L., [redacted].
Burk, Thomas T., [redacted].
Buttross, David A., [redacted].
Calabrese, Louis, [redacted].
Cantrell, Ronald L., [redacted].
Cappone, Mark W., Jr., [redacted].
Catherwood, Michael I., [redacted].
Cecchini, Maurice J., [redacted].
Childers, Harold D., [redacted].
Chumbley, George W., [redacted].
Clark, John E., [redacted].
Clonch, Herbert L., [redacted].
Couch, Ronald C., [redacted].
Craig, Lamar P., [redacted].
Craig, William R., III, [redacted].
Crump, Ronald S., [redacted].
Cummings, Allan V., [redacted].
Davis, Marcus M., Jr., [redacted].
Day, David A., [redacted].
Decker, Ronald C., [redacted].
Dimaria, Rosario R., [redacted].
Dimity, Charles F., [redacted].
Dove, Timothy H., [redacted].
Dwyer, John F., [redacted].
Edwards, John R., [redacted].
Eichenseer, John C., Jr., [redacted].
Eikerenkotter, Thomas H., [redacted].
Emerson, Robert H., [redacted].
Enos, Zimri A., [redacted].
Erwin, David W., [redacted].
Evans, William A., Jr., [redacted].
Fett, Frederick J., [redacted].
Fiebig, Robert R., Jr., [redacted].
Fields, Willie L., Jr., [redacted].
Flentje, John M., [redacted].
Ford, Walter D., [redacted].
Gamble, Billy R., [redacted].
Gehlhaar, Gert U., [redacted].
Gillis, Charles P., [redacted].
Glatz, Jack A., [redacted].
Graham, Oliver E., III, [redacted].
Grayson, John C., [redacted].
Gruender, Joseph J., Jr., [redacted].
Haakenson, Terrence E., [redacted].
Harrell, Larry J., [redacted].
Hatch, Everette A., III, [redacted].
Hawkins, Lowell F., [redacted].
Hayes, Charles D., [redacted].
Hayes, William A., Jr., [redacted].
Head, James W., [redacted].
Helfeldt, Carl W., [redacted].
Henton, Larry D., [redacted].
Hess, Leon E., [redacted].
Heuer, Gerald R. J., [redacted].
Highfill, Larry G., [redacted].
Hollers, Arthur D., [redacted].
Howard, Jerome R., [redacted].
Howley, Michael J., [redacted].
Hoyer, Gustave R., [redacted].
Hubert, Charles R., [redacted].
Huffman, Melvin E., [redacted].
Hughes, Richard S., [redacted].
Hunter, Stephen A., [redacted].
Hutt, Melvyn D., [redacted].
Inzana, Anthony L, [redacted].
Ivy, James E., [redacted].
Jensen, Phillip E., [redacted].
Jester, Clifton J., [redacted].
Johnson, Franklyn R., [redacted].
Jones, William T., Jr., [redacted].
Jordan, Marcelite C., [redacted].
Kabler, Paul W., [redacted].
Kampe, Arnold J., [redacted].
Knarr, John J., [redacted].
Krzykoski, Stephen H., [redacted].
Kurinec, Ronald G., [redacted].
Lang, Kenneth J., [redacted].
Latham, Rodney H., [redacted].
Lentz, David H., [redacted].
Lestourgeon, Dale S., [redacted].
Lill, Anthony A., [redacted].
Lohse, David L., [redacted].
Lukens, Robert P., [redacted].
Malone, Thomas M., [redacted].
Mannen, James T., [redacted].
Marvin, Bernard D., [redacted].
Massie, Raymond P., Jr., [redacted].
Masten, William A., Jr., [redacted].
McCulley, Rosemary, [redacted].
Medlock, Ronald W., [redacted].
Merchent, Kenneth N., [redacted].
Merritt, Ray L., Jr., [redacted].
Mills, James E., Jr., [redacted].
Mitchell, David E., [redacted].
Morton, David D., [redacted].
Mouw, Daryl J., [redacted].
Murphy, Terrence M., [redacted].
Nagy, Peter J., [redacted].
Nakunz, Martin W., [redacted].
Nutter, Vernon D., [redacted].
O'Hara, Joseph, III, [redacted].
Pahls, George A., [redacted].
Parrish, James E., [redacted].
Parrott, Robert H., [redacted].
Patterson, William W., [redacted].
Patton, Paul G., [redacted].
Peacock, Mark D., [redacted].
Pearsall, Charles E., Jr., [redacted].
Perry, Kenneth, [redacted].
Peterson, Henry R., [redacted].
Peterson, Joel G., [redacted].
Phillips, Leon D., [redacted].
Piker, John T., [redacted].
Pomranka, Carl F., [redacted].
Poole, Luther A., [redacted].
Pope, Larry E., [redacted].
Pope, Ross G., Jr., [redacted].
Powell, George M., IV, [redacted].
Proctor, Ronald L., [redacted].
Pugh, Lorenzo, [redacted].
Quijada, Frank S., [redacted].
Raudenbush, Donald G., [redacted].
Redman, Theodore C., [redacted].
Reed, Perry A., Jr., [redacted].
Reid, James R., [redacted].
Reighn, Oliver C., Jr., [redacted].

Rhode, Raymond H., Jr., [redacted].
Rhode, Storm C., III, [redacted].
Rhodes, Ronald M., [redacted].
Rice, David C., [redacted].
Rice, Robert J., Jr., [redacted].
Rider, Edwin W., [redacted].
Rowland, Robert L., [redacted].
Sadler, Charles D., [redacted].
Sanders, Fred R., Jr., [redacted].
Schantz, Bruce M., [redacted].
Scharf, Richard L., [redacted].
Schimmel, Robert E., [redacted].
Schwenke, Richard T., [redacted].
Sears, Hayden A., Jr., [redacted].
Shirley, Jerry D., [redacted].
Shriver, Arthur D., [redacted].
Simmons, Richard E., [redacted].
Sindt, Linda K., [redacted].
Singleton, Barry A., [redacted].
Small, Dennis E., [redacted].
Smith, Dee R., [redacted].
Smith, Dwight D., [redacted].
Smith, E. C., [redacted].
Smith, Jeremy F., [redacted].
Smith, Richard P., [redacted].
Smith, Steve R., [redacted].
Snyder, John D., [redacted].
Snyder, Richard A., [redacted].
Sonnenfeld, Robert E., [redacted].
Stepetic, Thomas J., Jr., [redacted].
Stout, Charles R., [redacted].
Sutherlin, Lorne D., [redacted].
Talbot, Ferrell L., [redacted].
Tannehill, James, II, [redacted].
Tate, James W., [redacted].
Tate, Jillian D., [redacted].
Taylor, Philip R., [redacted].
Taylor, Terry N., [redacted].
Tepfer, Daniel, [redacted].
Thomas, Austin K., Jr., [redacted].
Thompson, Charles A., [redacted].
Tonner, Robert W., [redacted].
Tripp, Roger C., [redacted].
Tucker, Jackie R., [redacted].
Umberger, John H., [redacted].
Vasilopoulos, John A., [redacted].
Venglar, Patrick W., [redacted].
Ventress, John D., [redacted].
Vriezelaar, Donald W., [redacted].
Wade, James T., [redacted].
Walker, Duncan E., [redacted].
Wally, William M., [redacted].
Walsh, Richard N., [redacted].
Walter, Louis P., [redacted].
Ward, George H., [redacted].
Ward, Larry G., [redacted].
Wardlaw, John W., Jr., [redacted].
Weisinger, William S., Jr., [redacted].
Weitzel, Eilert R., II, [redacted].
White, Henry A., Jr., [redacted].
Wickstrom, Clifton D., [redacted].
Wiggins, Ellsworth E., [redacted].
Wilcoxon, James F., [redacted].
Winters, Henry, Jr., [redacted].
Wodarczyk, Ronald S., [redacted].
Woods, Gary K., [redacted].
Wyspianski, Stanley A., [redacted].
Yahn, David R., [redacted].
Yaunches, George J., [redacted].
Yonke, Gary L., [redacted].
York, James H., [redacted].
Young, Ronald E., [redacted].
Zadareky, Joseph T., II, [redacted].

The following persons for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

To be major (*chaplain*)

Lengel, Stuart H., Jr., [redacted].

To be captain (*chaplain*)

Black, Vernon R., [redacted].
Cathy, Richard J., [redacted].
Eustes, Alfred W., Jr., [redacted].
Frissell, Charles R., [redacted].
Jahren, John C., [redacted].
Kirk, David, [redacted].
McAllister, Robert L., [redacted].
McGuffey, Kenneth D., [redacted].
Nadine, Jerome E., [redacted].
Pressley, Clyde F., Jr., [redacted].
Rowell, Albert J., [redacted].
Sazy, Michael J., Jr., [redacted].
Tipton, Harry S., [redacted].

To be first lieutenant (*chaplain*)

Bohush, John D., [redacted].
Booke, Peter W., [redacted].
Donahugh, Donald E., [redacted].
Dzik, Richard F., [redacted].
Galloway, Edward E., [redacted].
Hancock, Jimmie L., [redacted].
Hendry, Owen J., [redacted].
Hubbard, Beryl T., [redacted].
Knapp, Lawrence E., [redacted].
Macrander, Charles W., [redacted].
Mayotte, Allan J., [redacted].
Moffitt, Robert E., [redacted].
Nicita, Vincent R., [redacted].
Richter, John F., [redacted].
Riza, Bradford L., [redacted].
Shepanski, Donatus C., [redacted].
Singletary, John D., [redacted].

To be major (*judge advocate*)

Ambelang, Richard L., [redacted].
Langdell, Samuel F., Jr., [redacted].
Smith, Earl C., [redacted].

To be captain (*judge advocate*)

Angelides, Nicholas J., [redacted].
Beal, John R., [redacted].
Christo, Thomas A., [redacted].
Cole, Charles R., [redacted].
Dearborn, Oris D. Jr., [redacted].
Eliasen, Lyle D., [redacted].
Forbes, Stuart R., [redacted].
Graham, James H. Jr., [redacted].
Keeshan, James H. Jr., [redacted].
Lingo, Robert S., [redacted].
Loy, William A., [redacted].
Martin, Donald J., [redacted].
Nunn, Leslie E., [redacted].
Page, Joseph F., III, [redacted].
Palochak, John B., [redacted].
Robinson, Jack R., [redacted].
Rothenburg, Richard F., [redacted].
Sasadu, Chester J. Jr., [redacted].
Schmidt, James L., [redacted].
Spillman, Barton L., [redacted].
Stewart, Robert B., [redacted].
Sullivan, David F. Jr., [redacted].
Warren, Keith A., [redacted].

To be first lieutenant (*judge advocate*)

Aaron, Richard J., [redacted].
Alpern, Howard J., [redacted].
Amyx, Clyde H., II, [redacted].
Anderson, Michael J., [redacted].
Blue, Robert C. Jr., [redacted].
Bourland, Michael V., [redacted].
Bradley, Richard C., III, [redacted].
Brandt, Larry C., [redacted].
Burns, Harry A., III, [redacted].
Buynak, Stephen T., Jr., [redacted].
Caputo, Leonard M., [redacted].
Carpenter, Joseph T., [redacted].
Cary, Curtis W., [redacted].
Christian, Thomas R., [redacted].
Cregar, William C., [redacted].
Damante, Raymond P., [redacted].
Dawson, Richard T., [redacted].
Donovan, James P., [redacted].
Forbes, David P., [redacted].
Gann, Tom R., [redacted].
Greer, David E., [redacted].
Hall, Richard F., [redacted].
Harrell, Robison R., [redacted].
Hermann, Dale M., [redacted].
Higgins, Robert F., [redacted].
Hoofnagle, William H., III, [redacted].
Jackson, William L., [redacted].
Jeppe, Gerald L., [redacted].
Johns, Kenneth E., Jr., [redacted].
Jones, Thomas H., [redacted].
Kampschroeder, Halley E., [redacted].
Kardys, Richard, [redacted].
King, Arthur J., [redacted].
Lahmann, Robert C., [redacted].
Landrey, David R., [redacted].
Lopez, Daniel F., [redacted].
Mayes, Robert J., [redacted].
McCarty, Bryan K., [redacted].
Moran, Francis S., Jr., [redacted].
Nicol, Danny F., [redacted].
Partridge, William F., Jr., [redacted].
Peak, John A., [redacted].
Pent, Michael R., [redacted].
Petrowski, Lawrence C., [redacted].
Pettway, James R., [redacted].
Pierce, David M., [redacted].
Porter, Charles A., Jr., [redacted].
Powers, Kenneth R., [redacted].
Prutzman, Peter K., [redacted].
Query, Bryan L., [redacted].
Regan, Gilbert J., [redacted].
Rodriguez, Edward F., Jr., [redacted].
Schumann, Ronald G., [redacted].
Schunke, John H., Jr., [redacted].
Shawver, Norman T., [redacted].
Sherman, Wiliam E., [redacted].
Silvey, Charles D., Jr., [redacted].
Simonton, Stephen L., [redacted].
Smigel, Leroy, [redacted].
Sollner, Richard H., [redacted].
Southam, Lynn W., [redacted].
Stewart, John C., Jr., [redacted].
Teeter, Dennis D., [redacted].
Thompkins, Stephen R., [redacted].
Thompson, James D., III, [redacted].
Walker, Joseph A., [redacted].
Wilhelm, Joseph A., III, [redacted].
Wilson, Charles R., Jr., [redacted].

To be major (*medical*)

Rickel, Rudolf G., [redacted].
Burns, John B., [redacted].
Kaminski, Paul F., [redacted].
Ramey, Ralph, Jr., [redacted].
Reay, Donald T., [redacted].
Shacklett, David E., [redacted].

To be captain (*medical*)

Alexander, Johnny B., [redacted].
Anderson, Robert, Jr., [redacted].
Barrocas, Albert, [redacted].
Baskin, Harold F., [redacted].
Baxter, Thomas L., III, [redacted].
Bedingfield, John R., Jr., [redacted].
Beineke, Daniel D., [redacted].
Bills, Gary L., [redacted].
Blumberg, Lawrence B., [redacted].
Boddie, Arthur W., Jr., [redacted].
Bohnenkamp, Ronald F., [redacted].
Britt, Darryl B., [redacted].
Buchanan, James R., [redacted].
Campbell, John S., [redacted].
Carroll, Herman G., Jr., [redacted].
Carter, Gary D., [redacted].
Castaneda, Tristan A., [redacted].
Christman, James E., [redacted].
Cole, Richard F., [redacted].
Couch, Ellis P., [redacted].
Coudon, Wilson L., [redacted].
Crouch, Edward E., [redacted].
Crute, James A., [redacted].
Cwazka, Walter F., [redacted].
Daniels, David H., Jr., [redacted].
Davis, Jeffrey G., [redacted].
Davis, William M., [redacted].
Derickson, James L., [redacted].
Douglas, Glen A., [redacted].
Dugger, David L., [redacted].
Duncan, Roy D., [redacted].
Feray, Cotton D. E., [redacted].
Fielding, Steven L., [redacted].
Fisher, George H., [redacted].
Foshee, William S., [redacted].
Foster, James E., [redacted].
Foster, William P., [redacted].
Garcia, Raymond L., [redacted].
Gardner, Albert E., [redacted].
Garrott, Thomas C., [redacted].
Gehring, Gordon G., [redacted].
Genrich, John H., [redacted].
Gibb, Paul D., [redacted].
Girod, Marvin G., [redacted].

Graham, Robert J., [redacted].
Gralino, Bernard J., Jr., [redacted].
Greene, Jerry W., [redacted].
Griffin, John J., [redacted].
Guise, Charles W., [redacted].
Gutierrez, Armando N., [redacted].
Hafermann, David R., [redacted].
Halverson, James L., [redacted].
Hammonds, Max W., [redacted].
Hampton, John R., III, [redacted].
Harasimowicz, Joseph A., [redacted].
Harper, William F., [redacted].
Harris, Melvin E., [redacted].
Harris, Walter D., [redacted].
Hayes, Vernon J., [redacted].
Heimburger, Steven L., [redacted].
Hendlick, Richard M., [redacted].
Henrikson, Ronald A., [redacted].
Herpin, Daniel A., [redacted].
Hightower, Leroy W., Jr., [redacted].
Hoberman, Lawrence J., [redacted].
Hoffman, Gerald E., [redacted].
Hood, Royce E., Jr., [redacted].
Horvath, Robert A., [redacted].
Howiler, William E., Jr., [redacted].
Isernamaral, Jesus H., [redacted].
Jackson, Bruce G., [redacted].
Jacobs, Robert L., Jr., [redacted].
James, Richard E., [redacted].
Jernigan, John F., [redacted].
Johnson, Benny D., [redacted].
Johnson, Sherman B., [redacted].
Johnstone, Robert W., [redacted].
Jones, Dennis S., [redacted].
Kane, Daniel D., [redacted].
Kaplan, Peter D., [redacted].
Kee, Jimmy W., [redacted].
Kennedy, James J., III, [redacted].
Kercher, Eugene E., [redacted].
Kippel, Eugene J., [redacted].
Kish, Karl K., [redacted].
Koop, Lamonte P., [redacted].
Kunitz, Saul N., [redacted].
Lee, Dennis R., [redacted].
Legowik, John T., [redacted].
Lehman, Craig A., [redacted].
Lindley, Ancil L., III, [redacted].
Linehan, Timothy E., [redacted].
Loftus, Paul M., [redacted].
Longo, Michael R., Jr., [redacted].
Lonon, Robert W., Jr., [redacted].
Lorenz, Kenneth A., [redacted].
Luetje, Charles M., II, [redacted].
Lyle, Russell R., [redacted].
Mack, Leo W., Jr., [redacted].
Magill, Hubert L., [redacted].
Martin, William C., [redacted].
Martindale, Richard E., Jr., [redacted].
Martineztirado, Jose L., [redacted].
Masters, Charles J., [redacted].
McCluskey, Oliver E., [redacted].
McCollum, Ronald J., [redacted].
McGee, James W. IV, [redacted].
McLaughlin, Gary W., [redacted].
Mead, Philip J., [redacted].
Miller, James B., [redacted].
Miller, John D., [redacted].
Moon, Michael R., [redacted].
Moore, Terence N., [redacted].
Morrow, Robert L., Jr., [redacted].
Mueller, Kenneth H., [redacted].
Mullins, James D., [redacted].
Murray, Harry M., Jr., [redacted].
Orrison, William G., [redacted].
Osteen, Frank B., [redacted].
Patton, Clifton M., Jr., [redacted].
Paullus, Wayne S., Jr., [redacted].
Pedro, Steven D., [redacted].
Perezfigaredo, Rafael A., [redacted].
Pickett, James D., [redacted].
Plager, Stephan D., [redacted].
Player, David M., [redacted].
Pletincks, John R., III [redacted].
Podoloff, Donald A., [redacted].
Pritchett, Paul E., [redacted].
Prochazka, James V., [redacted].
Randall, Eugene H., [redacted].
Rasmussen, Reed C., [redacted].
Reider, Daner R., [redacted].
Rettig, Kenneth R., [redacted].
Richmond, David R., [redacted].
Rist, Toivo E., [redacted].
Robinson, David L., [redacted].
Rogers, William D., Jr., [redacted].
Russell, David A., [redacted].
Rutland, Andrew, [redacted].
Saalwaechter, John J., [redacted].
Sanwick, Steven H., [redacted].
Savran, Stephen V., [redacted].
Schull, Jerry L., [redacted].
Shaw, Jonathan K., [redacted].
Shepard, Martin J., [redacted].
Sill, William F., [redacted].
Singal, Sheldon, [redacted].
Singer, Karl L., [redacted].
Smiley, William H., [redacted].
Smith, Wayne E., [redacted].
Snider, William J., [redacted].
Sox, David W., [redacted].
Spence, Michael B., [redacted].
Stewart, Ralph W., [redacted].
Stroble, Charles P., [redacted].
Stronach, Neil, [redacted].
Stump, Alfred L., [redacted].
Stuteville, Joseph E., [redacted].
Sykes, James D., [redacted].
Taylor, William M., [redacted].
Thomas, Robert F., [redacted].
Tremblay, Normand F., [redacted].
Trent, William G., [redacted].
Trevino, Saul G., [redacted].
Trick, Lorence W., [redacted].
Trunk, Gary, [redacted].
Tuggle, Allen O., [redacted].
Vandersarl, Jules V., [redacted].
Vicik, Gary J., [redacted].
Vonvalkingburg, Earl J., [redacted].
Wardinsky, Terrance D., [redacted].
Wellman, John, [redacted].
Wells, Thomas T., [redacted].
Welsh, George F., [redacted].
Wertz, Andrew W., [redacted].
Westra, John P., [redacted].
Wheeler, Ralph A., [redacted].
Wilder, Thomas C, Jr., [redacted].
Wilson, James M., [redacted].
Wilson, Robert O., [redacted].
Wooddell, William J., [redacted].
Wright, Dennis O., [redacted].
Yrizarryyunque, Jose M., [redacted].

To be first lieutenant (*medical*)

Adams, John A., [redacted].
Anderson, George K., [redacted].
Bellas, Richard C., [redacted].
Biehl, Albert G. III, [redacted].
Bishop, John A., [redacted].
Buckley, Robert L., Jr., [redacted].
Charlesworth, Ernest N., [redacted].
Coburn, Ernest L., Jr., [redacted].
Crawford, Raymond S. III, [redacted].
Davis, David L., [redacted].
Dees, James G., [redacted].
Delp, Glenn R., [redacted].
Evans, Richard M., [redacted].
Evans, William M., [redacted].
Ferguson, Peter E., [redacted].
Gregory, James F., [redacted].
Hall, Ronald R., [redacted].
Hensley, Michael F., [redacted].
Keller, Harrison B., [redacted].
Lanier, Bobby 0., [redacted].
Lockman, David S., [redacted].
Maceluch, John J., [redacted].
Meier, Walter L., [redacted].
Neumann, James F., [redacted].
Newland, Earl F., [redacted].
Owens, Carol A., [redacted].
Owens, Louis F., Jr., [redacted].
Perry, Byron L., [redacted].
Reeves, Jerry D., [redacted].
Rose, Donald D., [redacted].
Shelley, James M., Jr., [redacted].
Shirley, Douglas P., [redacted].
Skiwski, Jacob, [redacted].
Strauss, David D., [redacted].
Sturgeon, Carl L., Jr., [redacted].
Sullivan, Richard J., [redacted].
Trainor, Michael P., [redacted].

To be major (*dental*)

Block, Philip L., [redacted].

To be captain (*dental*)

Anderson, Paul E., [redacted].
Ayres, Randall W., [redacted].
Balzer, Richard R., [redacted].
Barkmeier, Wayne W., [redacted].
Began, Thomas J., [redacted].
Bergman, Dennis W., [redacted].
Blaser, Paul K., [redacted].
Coleman, Robert M., [redacted].
Colvin, John A., III, [redacted].
Domine, Patrick L., [redacted].
Farmer, Richard B., III, [redacted].
Gecsek, Edward P., [redacted].
Gieser, Dennis P., [redacted].
Giles, Joseph E., [redacted].
Gross, Stephen, [redacted].
Haberman, Thomas J., [redacted].
Hager, Ronald C., [redacted].
Harmison, Elmer D., [redacted].
Haveman, Carl W., [redacted].
Igo, Robert M., [redacted].
James, Lawrence D., [redacted].
Landers, Sam R., [redacted].
Lauder, Keith F., [redacted].
Lawless, John E., [redacted].
Lubow, Richard M., [redacted].
Maki, Karl A., [redacted].
O'Connor, John T., Jr., [redacted].
Otto, Paul W., [redacted].
Ray, Daniel W., [redacted].
Sandusky, William J., [redacted].
Scott, George W., [redacted].
Scott, James R., [redacted].
Staab, Robert G., [redacted].
Staley, Jon E., [redacted].
Stormo, Gary C., [redacted].
Swain, Dennis M., [redacted].
Swan, Richard H., [redacted].
Szana, James C., [redacted].
Takesono, Satoru, [redacted].
Thurmond, John W., [redacted].
Voss, James E., [redacted].
Winland, Roger D., [redacted].

To be first lieutenant (*dental*)

Abrahams, Lewis J., [redacted].
Altschuler, Bruce R., [redacted].
Arnold, Philip K., [redacted].
Berkley, Thomas S., [redacted].
Boyd, Douglas C., [redacted].
Bravin, Robert V., [redacted].
Cable, Steven G., [redacted].
Caldwell, Joseph L., [redacted].
Green, Barry L., [redacted].
Hagelin, David C., [redacted].
High, Curtis L., [redacted].
Kendig, Robert L., [redacted].
McGhee, Barton L., Jr., [redacted].
Millar, Leslie C., [redacted].
Neale, William S., Jr., [redacted].
Oesterle, Larry J., [redacted].
Otis, David B., [redacted].
Pearson, Kenneth W., [redacted].
Porter, James F., [redacted].
Quinley, Philip D., [redacted].
Resch, Gary K., [redacted].
Roach, Pat H., [redacted].
Snell, Gerald M., [redacted].
Tebrock, Otto C., [redacted].
Thomas, Lloyd G., Jr., [redacted].
Tobias, Richard T., [redacted].
Vrona, Douglas G., [redacted].
Weiner, Bruce H., [redacted].
Williams, Larry S., [redacted].
Wilmert, Wilbur J., [redacted].

To be first lieutenant (*nurse*)

Allison, Linda K., [redacted].
Anderson, Ingrid L., [redacted].
Annie, Mary V., [redacted].
Ashbrook, Kay A., [redacted].
Bailey, Nilda R., [redacted].
Bailey, Raynelle, [redacted].
Barbi, Susan J. F., [redacted].
Barlik, Sharyn L., [redacted].
Barry, Margaret J. [redacted].
Baumann, William E., [redacted].
Beadle, Claudia S., [redacted].
Beam r, Laura M., [redacted].

Beausang, Linda S., xxx-xx-xxxx
Bergquist, Sandra L., xxx-xx-xxxx
Bigelow, Jane A., xxx-xx-xxxx
Blanco, Barbara A., xxx-xx-xxxx
Bloomquist, Martha M., xxx-xx-xxxx
Booker, Marjorie O., xxx-xx-xxxx
Boothe, James F., xxx-xx-xxxx
Bordas, Carl, xxx-xx-xxxx
Bourdo, Christine A., xxx-xx-xxxx
Boyd, Marjorie S., xxx-xx-xxxx
Bozeman, Ruby A., xxx-xx-xxxx
Bramble, Elizabeth A., xxx-xx-xxxx
Braswell, Alice H., xxx-xx-xxxx
Broadwater, Linda W., xxx-xx-xxxx
Brooks, Mary A., xxx-xx-xxxx
Butler, Nettie L., xxx-xx-xxxx
Butterfield, Ruth A., xxx-xx-xxxx
Campbell, Patricia E., xxx-xx-xxxx
Cantrell, Sandra E., xxx-xx-xxxx
Cardonaserrano, Angeles J., xxx-xx-xxxx
Cauthen, Faye L., xxx-xx-xxxx
Chalmers, Kathleen A., xxx-xx-xxxx
Champion, Sharon A., xxx-xx-xxxx
Chandler, Merry J., xxx-xx-xxxx
Cleveland, Suzann J., xxx-xx-xxxx
Cole, Bobbie L., xxx-xx-xxxx
Cole, Margaret A., xxx-xx-xxxx
Cookson, Grace E., xxx-xx-xxxx
Corley, Linda L., xxx-xx-xxxx
Cox, Catherine G., xxx-xx-xxxx
Daniel, Warren S., xxx-xx-xxxx
Daniels, Martha S., xxx-xx-xxxx
Dascalos, Stephanie J., xxx-xx-xxxx
Delbene, Susan C., xxx-xx-xxxx
Depaola, Maryanne, xxx-xx-xxxx
Derrick, Karen A., xxx-xx-xxxx
Devries, Elwayne L., xxx-xx-xxxx
Dicke, Marilyn A., xxx-xx-xxxx
Dicier, Larry A., xxx-xx-xxxx
Doerrer, Nancy A., xxx-xx-xxxx
Dohany, Darlene S., xxx-xx-xxxx
Douglass, Cheryl A., xxx-xx-xxxx
Eeckhoudt, Barbara A., xxx-xx-xxxx
Eichin, Jane H., xxx-xx-xxxx
Elliott, Barbara A., xxx-xx-xxxx
Ellison, Barbara L., xxx-xx-xxxx
Fennell, Karen S., xxx-xx-xxxx
Ferris, Sandra L., xxx-xx-xxxx
Fettig, Lawrence J., xxx-xx-xxxx
Frain, Patricia E., xxx-xx-xxxx
Gallo, Agatha M., xxx-xx-xxxx
Gans, Genevieve A., xxx-xx-xxxx
Gardner, Marsha, xxx-xx-xxxx
Garnett, Helen A., xxx-xx-xxxx
Gath, Jane E., xxx-xx-xxxx
George, Sharon R., xxx-xx-xxxx
Gould, Roberta L., xxx-xx-xxxx
Gregory, Patricia D., xxx-xx-xxxx
Groth, Nancy E., xxx-xx-xxxx
Grubor, Darlene A. M., xxx-xx-xxxx
Gruenwald, Margaret E., xxx-xx-xxxx
Hahn, Gary E., xxx-xx-xxxx
Hale, Janice J., xxx-xx-xxxx
Hall, Jacklyn I., xxx-xx-xxxx
Harper, Peggy J., xxx-xx-xxxx
Hartmann, Lois E., xxx-xx-xxxx
Hernandez, Gloria A., xxx-xx-xxxx
Hewett, Marion J., xxx-xx-xxxx
Hojnacki, Carolyn F., xxx-xx-xxxx
Hoyt, Judith M., xxx-xx-xxxx
Jackson, Linda C., xxx-xx-xxxx
Klein, Kathylou A., xxx-xx-xxxx
Lamborn, Vicki L., xxx-xx-xxxx
Lamonica, Joan S., xxx-xx-xxxx
Leatherman, Lorie A., xxx-xx-xxxx
Maciejewski, Nancy A., xxx-xx-xxxx
Mack, Patricia A., xxx-xx-xxxx
Mantel, Mikelene L., xxx-xx-xxxx
Marlin, Carolyn E., xxx-xx-xxxx
Marshall, Marilyn M., xxx-xx-xxxx
Mashman, Joanne S., xxx-xx-xxxx
Mayer, Patricia A., xxx-xx-xxxx
McDaniel, Sandra F., xxx-xx-xxxx
McGuire, Suzanne L., xxx-xx-xxxx
McKenna, Barbara K., xxx-xx-xxxx
Meischen, Judith L., xxx-xx-xxxx
Mercer, Kathleen M., xxx-xx-xxxx
Meyer, Ann E., xxx-xx-xxxx
Mikolsky, Janice M., xxx-xx-xxxx
Milec, Ann M., xxx-xx-xxxx
Moore, Linda A., xxx-xx-xxxx
Nabil, Sheila P., xxx-xx-xxxx
Neener, Victoria Anna, xxx-xx-xxxx
Nicholson, Lindy L., xxx-xx-xxxx
Nielsen, Gloria K., xxx-xx-xxxx
Nyberg, Sharon A., xxx-xx-xxxx
Ocker, Shirley M., xxx-xx-xxxx
Ogden, Lynn H., xxx-xx-xxxx
Ohhata, Eileen M., xxx-xx-xxxx
O'Malley, Agnes M., xxx-xx-xxxx
O'Reilly, Patricia M., xxx-xx-xxxx
Parkes, Alvin E., xxx-xx-xxxx
Pavlick, Carol A., xxx-xx-xxxx
Peace, Doris F., xxx-xx-xxxx
Perry, Ada S., xxx-xx-xxxx
Phillips, Harriett, A., xxx-xx-xxxx
Pickett, Shirley A., xxx-xx-xxxx
Pleasanton, Donna A., xxx-xx-xxxx
Pogue, Velza I., xxx-xx-xxxx
Post, Mary A., xxx-xx-xxxx
Propp, Janet G., xxx-xx-xxxx
Ralls, Dorothy J., xxx-xx-xxxx
Ramolo, Theresa A., xxx-xx-xxxx
Ramsey, Delores A., xxx-xx-xxxx
Ramsey, Joe Ella W., xxx-xx-xxxx
Repp, Susan J., xxx-xx-xxxx
Rice, Donna C., xxx-xx-xxxx
Rotramel, Carol J., xxx-xx-xxxx
Rye, Doris A., xxx-xx-xxxx
Sauls, Samuel F., xxx-xx-xxxx
Schuler, Gayle J., xxx-xx-xxxx
Seibold, Margaret A., xxx-xx-xxxx
Shattles, Brenda A., xxx-xx-xxxx
Shelton, Suanne, xxx-xx-xxxx
Simpson, Andreau L., xxx-xx-xxxx
Slusser, Jennie K., xxx-xx-xxxx
Smith, Eva F., xxx-xx-xxxx
Spaulding, Penelope J., xxx-xx-xxxx
Stanford, Joyce A., xxx-xx-xxxx
Stanton, Cheryle L., xxx-xx-xxxx
Stephen, Linda J., xxx-xx-xxxx
Strickland, Judy C., xxx-xx-xxxx
Tarp, Clarence D., xxx-xx-xxxx
Tawes, Frances M., xxx-xx-xxxx
Timer, Roseann D., xxx-xx-xxxx
Torkelson, Richard H., xxx-xx-xxxx
Turner, Jean H., xxx-xx-xxxx
Valdez, Andrea A., xxx-xx-xxxx
Vanduyn, Beverly C., xxx-xx-xxxx
Walter, John J., xxx-xx-xxxx
Whitlock, Martha A., xxx-xx-xxxx
Wilensky, Geraldine E., xxx-xx-xxxx
Woehr, Elsie L., xxx-xx-xxxx
Wyatt, Sarah L., xxx-xx-xxxx

To be second lieutenant (nurse)

Zwick, Cecelia A., xxx-xx-xxxx

To be major (medical service)

Dansby, Bradley L., Jr., xxx-xx-xxxx

To be first lieutenant (medical service)

Beinato, Joseph J., xxx-xx-xxxx
Brannon, Robert H., xxx-xx-xxxx
Brown, Stephen J., xxx-xx-xxxx
Cater, Robert M., xxx-xx-xxxx
Febuary, Richard J., Jr., xxx-xx-xxxx
Hatton, Estil L., Jr., xxx-xx-xxxx
Hayden, Eric M., xxx-xx-xxxx
Henske, Stephen J., xxx-xx-xxxx
Kearns, William P. III, xxx-xx-xxxx
Law, Michael D., xxx-xx-xxxx
McDonald, Kent R., xxx-xx-xxxx
Peters, Thomas A., xxx-xx-xxxx
Reed, Earl W., xxx-xx-xxxx
Rothstein, John F., xxx-xx-xxxx
Russell, Donald B., xxx-xx-xxxx
Spencer, Gerard H., xxx-xx-xxxx
Wilkinson, Lorenzo K., xxx-xx-xxxx
Williams, Theodore H., xxx-xx-xxxx

To be second lieutenant (medical service)

Adams, Donald D., Jr., xxx-xx-xxxx
Aenchbacher, Arthur E., Jr., xxx-xx-xxxx
Anderson, Peter J., xxx-xx-xxxx
Berry, Steve E., xxx-xx-xxxx
Biron, Laurent J., xxx-xx-xxxx
Brandler, Sidney, xxx-xx-xxxx
Brown, Robert P., xxx-xx-xxxx
Brumlow, James W., Jr., xxx-xx-xxxx
Carlton, Alfred P., Jr., xxx-xx-xxxx
Flynn, Barry J., xxx-xx-xxxx
Friestman, Gerald R., xxx-xx-xxxx
Gilliard, Ronald H., xxx-xx-xxxx
Henderson, Robert A., xxx-xx-xxxx
Jones, Lynn M., xxx-xx-xxxx
Kalosis, John J., Jr., xxx-xx-xxxx
Magee, Joe H., xxx-xx-xxxx
Marler, Phillip L., xxx-xx-xxxx
Marrs, Larry P., xxx-xx-xxxx
McKee, Timothy C., xxx-xx-xxxx
Modliszewski, Charles S., xxx-xx-xxxx
Oakes, James L., Jr., xxx-xx-xxxx
Owens, Robert H., xxx-xx-xxxx
Statzer, Fred C., xxx-xx-xxxx
Stovall, William M., xxx-xx-xxxx
Sutherland, Edward, xxx-xx-xxxx
Temple, Thomas R., xxx-xx-xxxx

To be major (biomedical science)

Calder, Glade H., xxx-xx-xxxx
Foley, Thomas J., Jr., xxx-xx-xxxx

To be captain (biomedical science)

Blochberger, Charles W., Jr., xxx-xx-xxxx
Green, Jesse L., xxx-xx-xxxx

To be first lieutenant (biomedical science)

Carter, John S., xxx-xx-xxxx
Christiansen, Charles H., xxx-xx-xxxx
Clapper, Roy L., xxx-xx-xxxx
Darland, Celia M., xxx-xx-xxxx
Haney, James T., xxx-xx-xxxx
Lang, Jerry T., xxx-xx-xxxx
Martone, Joseph A., xxx-xx-xxxx
Morford, Jerry M., xxx-xx-xxxx
Moyer, Nancy L., xxx-xx-xxxx
Payet, Charles R., xxx-xx-xxxx
Pugh, John R., xxx-xx-xxxx
Robinson, Doris J., xxx-xx-xxxx
Russell, Melba E., xxx-xx-xxxx
Stencel, Joseph R., xxx-xx-xxxx
Stonecipher, Dale R., xxx-xx-xxxx
Walter, Darrell R., xxx-xx-xxxx

To be second lieutenant (biomedical science)

Barton, Robert E., xxx-xx-xxxx
Biery, Terry L., xxx-xx-xxxx
Bolerjack, Thomas G., xxx-xx-xxxx
Cox, John D., xxx-xx-xxxx
Eyl, Arland W., Jr., xxx-xx-xxxx
Goetsch, Donald W., xxx-xx-xxxx
Goicoechea, Philip D., xxx-xx-xxxx
Gorman, Richard W., xxx-xx-xxxx
Lunquist, Fred A., xxx-xx-xxxx
Lydon, Michael M., xxx-xx-xxxx
McLaughlin, William H., xxx-xx-xxxx
Mettler, Gerald H., xxx-xx-xxxx
Moss, Pat L., xxx-xx-xxxx
Murata, Steven M., xxx-xx-xxxx
Palagi, Peter A., xxx-xx-xxxx
Peterson, Lamont R., xxx-xx-xxxx
Quirion, Norman F., xxx-xx-xxxx
Schaefer, James M., xxx-xx-xxxx
Selle, Robert I., Jr., xxx-xx-xxxx
Shadowens, Melvin R., xxx-xx-xxxx
Sowers, Rodney W., xxx-xx-xxxx
Stevenson, David R., xxx-xx-xxxx
Sullivan, William F., xxx-xx-xxxx
Tanner, Merle R., Jr., xxx-xx-xxxx
Wesch, Jerry E, xxx-xx-xxxx
Wheeler, Stephen K., xxx-xx-xxxx
Woods, Donald J., xxx-xx-xxxx

To be major (veterinary)

Kupper, James L., xxx-xx-xxxx
Parker. Cleveland L., xxx-xx-xxxx

To be captain (veterinary)

Dale, James E., xxx-xx-xxxx
Dean, Marvin L., xxx-xx-xxxx
Gunnels, Robert D., xxx-xx-xxxx
Little, Herbert E., xxx-xx-xxxx
Rantanen, Norman W., xxx-xx-xxxx
Schneider, Norman R., xxx-xx-xxxx
Schuh, Leonard G., xxx-xx-xxxx

To be first lieutenant (veterinary)

Adkins, Jess O., xxx-xx-xxxx
Albersmeyer, Michael M., xxx-xx-xxxx
Atkinson, George W., xxx-xx-xxxx
Badertscher, Robert R. II, xxx-xx-xxxx
Beach, Ronald T., xxx-xx-xxxx
Bekaert, Denis A., xxx-xx-xxxx

Blumer, Philip W., [redacted].
Booker, Jasper L., Jr., [redacted].
Booth, Dean L., [redacted].
Brock, Samuel L., [redacted].
Burdett, William W., [redacted].
Callaway, Andrew G., [redacted].
Cartledge, Robert M., [redacted].
Causey, John H., Jr., [redacted].
Dickinson, Robert O. III, [redacted].
Diemer, Jerry W., [redacted].
Ebert, Raymond C. II, [redacted].
Eisenbrandt, David L., [redacted].
Fischer, Larry C., [redacted].
Gamby, John E., [redacted].
Goetze, Jonathan B., [redacted].
Grube, Steven G., [redacted].
Hall, James E., [redacted].
Harder, Joseph B., [redacted].
Hartshorn, Rodney D., [redacted].
Jordon, Ronald E., [redacted].
Ksiazek, Thomas G., [redacted].
Langloss, John M., [redacted].
Leininger, Thomas I., [redacted].
Letscher, Robert M., [redacted].
Long, David A., [redacted].
Mills, Andrew C. S., [redacted].
Peterson, David J., [redacted].
Rankin, James T., Jr., [redacted].
Ritchey, William M., [redacted].
Schnarr, John T., [redacted].
Seiler, Jonathan W., [redacted].
Stamp, Gary L., [redacted].
Teeple, Terry N., [redacted].
Thompson, James L., [redacted].
Warner, Ronald D., [redacted].
Watkins, Richard H., [redacted].
Williams, Mark D., [redacted].
Wright, James H., [redacted].

To be first lieutenant (medical specialist)

Bojarski, Richard J., [redacted].
Colgrove, Merry K., [redacted].

HOUSE OF REPRESENTATIVES—*Tuesday, June 12, 1973*

The House met at 12 o'clock noon.

Rev. A. Dickerson Salmon, Jr., All Saints' Parish, Frederick, Md., offered the following prayer:

Almighty God, under whose protection and guidance our fathers founded this Republic, grant us, we pray, Your continuing help, that we may counsel together, ever mindful that all wisdom, sound judgments, and right actions come from You. Grant to the Members of this House and all others in authority the knowledge that they are Your servants in all their deliberations for our beloved country.

Grant to each of us a renewed vision of Your goodness and love, that all our actions begun, continued, and ended in You may be guided by compassion to control ambition; by truth to overcome evil and strife; and by faith to know and to do Your holy will until our life's end, through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 978. An act to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; and

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

WELCOME TO REV. A. DICKERSON SALMON, JR.

(Mr. BYRON asked and was given permission to address the House for 1 minute.)

Mr. BYRON. Mr. Speaker, it is a pleasure to welcome the Reverend A. Dickerson Salmon, of Frederick, Md., rector of the All Saints Parish. I am a member of that body, and it is a pleasure to welcome him here this morning.

APPOINTMENT AS MEMBERS OF COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING

The SPEAKER. Pursuant to the provisions of section 804(b), title 8, Public Law 91–452, the Chair appoints as members of the Commission on the Review of the National Policy Toward Gambling the following Members on the part of the House: Mr. HANLEY, of New York; Mr. CARNEY of Ohio; Mr. HOGAN, of Maryland; and Mr. HUNT, of New Jersey.

THE HUD NEW COMMUNITIES PROGRAM

(Mr. BARRETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BARRETT. Mr. Speaker, the Subcommittee on Housing held 2 days of oversight hearings during the last week of May on the new communities development program administered by the Department of Housing and Urban Development.

As Members know, this is one of the few HUD programs which was not devastated by the President's fiscal year 1974 budget. This program, in fact, is expanded by the budget, which calls for an additional 10 new community project approvals.

Despite this general commitment, however, there have been widespread reports of inadequate staffing, which has led to long processing delays, bureaucratic second-guessing of project decisions, and, in general, a lack of a real commitment by the administration to the program. As a result, the program's image is now a generally negative one with private developers and the investment community.

The subcommittee's oversight hearings generally confirmed these reports of inadequate staffing, leading to long processing periods and substantial losses of time and money for private developers. The Secretary of HUD, on the other hand, minimized the staffing problems, asserting that the overall complexity of projects, combined with the need to implement such time-consuming Federal requirements as the submission of environmental impact statements, are the principal cause of program delays.

In order to resolve these conflicting views of the program's difficulties, the subcommittee will continue its oversight activities with respect to the administration of the new communities program. I plan to ask several of our subcommittee members to visit three or four new-town project sites, interview the developers' staffs and HUD personnel assigned to these projects, and report to me the results of their investigation. In this way I hope the subcommittee can offer HUD some constructive suggestions for improved administration of this excellent program.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS IMPOUNDMENT AND SPENDING CEILING BILL IS AN INITIATIVE AGAINST INFLATION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, I commend to the House bill No. H.R. 8480, the legislation setting up impoundment review procedures and fixing a spending ceiling for fiscal 1974.

Members of the House should be prepared to consider the legislation in the near future.

The bill demonstrates the intent of Congress to pursue a policy of fiscal responsibility without sacrificing our constitutional role in the ordering of national priorities.

The bill deals with the long-range question by setting up a permament mechanism for impoundment review. The procedure is similar to that long established for congressional review of executive reorganization plans.

H.R. 8480 deals with the immediate problem of inflation by fixing a spending ceiling of $267.1 billion for fiscal 1974. That is $1.6 billion less than the administration wants to spend. The bill requires impoundment—on an equitable, across-the-board basis—if necessary to stay below the spending ceiling for fiscal 1974.

This bill shows that Congress, at least, wants action on inflation. H.R. 8480 is an important step by the Congress in behalf of a comprehensive economic program to combat inflation.

CONFERENCE REPORT ON H.R. 5293, PEACE CORPS AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 5293) authorizing additional appropriations for the Peace Corps, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 6, 1973.)

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MORGAN. Mr. Speaker, the House bill (H.R. 5293) which passed this body on March 29, 1973, provided a 2-year authorization: $77 million for fiscal year 1974 and $80 million for fiscal year 1975. The Senate version, which was passed on May 21, 1973, authorized $77 million for fiscal year 1974 only. On this point, the House receded and agreed to the 1-year authorization.

The House conferees also agreed to accept one noncontroversial Senate amendment. It subjects the agency to the provisions of section 3709 of the Revised Statutes of the United States, as amended, and section 302 of the Federal Property and Administrative Services Act of 1949. This brings Peace Corps contracting policy in line with other Federal agencies—particularly with respect to advertising prior to acceptance of domestic bids. Exemptions are still permitted for procurement of necessary services and supplies overseas and therefore adequate flexibility has been insured.

The Senate conferees, for their part, have agreed to drop two amendments which the Senate put in the bill. One would have limited the Peace Corps' overall administrative costs to 25 percent and required ACTION to list these costs in its annual report. The question at issue here was primarily one of bookkeeping. The General Accounting Office will review this matter and submit its recommendations. After that, both Houses will have an opportunity to take another look at this matter.

The second Senate amendment on which the Senate receded would have required Foreign Service personnel assigned to ACTION to spend "substantially all" of their hours of work on Peace Corps' operations. While the House conferees were not unsympathetic to the Senate concern in this instance, we felt that further study was desirable. The Senate conferees agreed.

Finally, the conferees agreed to a technical amendment proposed by the Senate which would merely change the title of the bill to conform to the text.

Mr. Speaker, I believe the agreement which has been reached by the House-Senate conferees on this bill is a fair one, which adequately reflects the positions of both Houses. I urge that the conference report be adopted.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand that the conference report produced a $77 million authorization?

Mr. MORGAN. That is correct. The same figure that was in both bills for fiscal year 1974.

Mr. GROSS. In other words, a slight reduction from $80 million?

Mr. MORGAN. The $80 million authorization was for fiscal year 1975, and was dropped entirely.

Mr. GROSS. That has been dropped?

Mr. MORGAN. The gentleman is correct.

Mr. GROSS. And all amendments adopted by the conferees are germane to the bill?

Mr. MORGAN. They are germane to the bill.

Mr. GROSS. I withdraw my reservation.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

Mr. MORGAN. I yield to the gentleman from California.

Mr. MAILLIARD. Mr. Speaker, I support the conference report on H.R. 5293.

The conference agreement would provide a 1-year authorization of $77,001,000 for fiscal year 1974. The House bill had provided a 2-year authorization, but the House conferees agreed to the 1-year provision in the Senate bill. The conferees also agreed to place the Peace Corps under existing Federal procurement law.

The Senate conferees agreed to drop restrictive language concerning administrative expenses and the utilization of Foreign Service personnel.

With approval of the conference report now before the House, the Peace Corps can move forward with a program that emphasizes quality—not quantity.

Despite a steady increase in volunteer applications since 1969, the Peace Corps has given increasing emphasis to quality, selecting volunteers with the attitudes and skills needed to meet the requests of the countries in which they will serve.

The new directions of the Peace Corps are bringing results in terms of more requests for skilled volunteers and more applications by prospective volunteers with maturity and skills.

I urge approval of the conference report.

Mr. JOHNSON of Colorado. Mr. Speaker, on March 29, this body approved the additional appropriation of $157 million for operation of the Peace Corps in 1974 and 1975. This action was taken after very little debate on the floor and, I understand, after little scrutiny in committee.

Those in favor of continuing the Peace Corps under its present policy spcke well of its achievements, commending the program as productive to volunteers and host countries alike.

As one who dissented from the majority on the 2-year authorization, I have noted a recent article from the Daily Sentinel of Grand Junction, Colo., May 22, 1973, in which a former volunteer speaks of the mismanagement and abuse of our highly praised Peace Corps. The author is Mrs. Mary L. Johnson, who participated in projects in North Africa. I suggest this article be read by friends and foes of the Peace Corps in the hope that an expression of concern from one involved in the program might enlighten all of us on how well the Corps is actually fulfilling its purpose:

This Is How Peace Corps Spends Tax Money

Mary L. Johnson and her husband Alan live at 915 Rood and both are certified teachers. He taught in a handicapped school for mentally retarded and she has taught first grade and kindergarten. In Morocco she taught English as a foreign language.

(By Mary L. Johnson)

Recently my husband and I returned from Morocco as Peace Corps volunteers and have a few things to tell the public about how tax money is being spent overseas.

Here's my story:

After three months of intensive language training we were sent to our stationed sites for our two years of "diligent" work.

My husband was scheduled for four hours of teaching a week. That was all. After much hollering to Peace Corps and the director of his school he was given an extra two hours.

Later he learned that another school just out of town needed a physical education teacher since theirs had not yet shown up so he asked permission from Peace Corps to go to the school and ask to teach.

The Director of P.C. flatly refused him permission and told him to relax, enjoy himself and not to make waves. He had a job and that was it.

My husband went anyway and the school put him to work. After a month of working at the two schools he was busy. Then the P.E. instructor came who was supposed to have the position. Back to six hours.

He formed volleyball and basketball teams but when students are in school from 8 a.m. to 6 p.m. there leaves little time for extra activities. Studying Arabic for two hours a day and mingling with the people kept him going—but barely.

The only thing that saved us was the fact that there are many Moslem holidays and school is out—so we travelled. During November, December and January we had five vacation periods and spent three and one half weeks out of the three months at our site.

Here is my point: most people sign up to go to these countries for a challenge and to work but many times it just isn't possible.

Peace Corps spends millions of dollars in training, medicals, living allowances and transportation. And to what avail? So many, many volunteers aren't doing anything of any value for the countries they're in.

Peace Corps gives volunteers a generous living allowance allowing them to hire maids, rent nice apartments and Villas with nice furnishings, and all kinds of food that's available—(this is because the French are still pretty prevalent in Morocco and many items are imported). Vacation money is also allotted.

Would anyone be surprised to know that many volunteers stay only because of travel benefits. They spend time flying to Rome, Paris, Munich, the French Riviera and Spain.

We were the lucky ones who had jobs—many volunteers are unemployed. Jobs fall through, teachers are turned out by school directors because they look too young and many times are younger than 25 years old students. No cooperation with foreign governments and it goes on and on.

Peace Corps doesn't send you home because it's a black mark from Washington about job situations in that country. So volunteers stay—some of them—because they don't want to think they've failed. You see we go through training and the staff fills volunteers so full of idealistic thoughts on integrity and loyalty and so forth that you get the idea if you terminate it's your fault because you lacked these qualities.

So many stay and study languages through Embassy centers of different countries and many have written a lot and then there are those who get strung up on dope.

Morocco is one of the most accessible marijuana countries in the world. One can buy anything though—opium, heroin, etc. in any alleyway in Tangier, Casablanca, Rabat or Meknes. And grass is available and cheap in all towns and villages.

One can also afford to buy a good used car without too much skimping. In Morocco the P.C. director has outlawed vehicles but many volunteers have them.

In countries like Afghanistan and India help is needed for their people. They work to survive famines and droughts. But in Morocco, Thailand, Liberia, etc., the U.S. government is doling out terrific amounts of money for volunteers to have a pleasurable junket.

May I close with this—Morocco was a 5-year project country. This past February Peace Corps Morocco threw a fantastic booze party celebrating their 10th anniversary in Morocco. It so happens that little third world country has outgrown the Peace Corps. But it sure makes a nice 5-year holiday playground for staff members.

Someday I hope people will wake up and protest our government funding.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The **SPEAKER.** The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 329, nays 64, not voting 40, as follows:

[Roll No. 207]

YEAS—329

Abdnor
Abzug
Addabbo
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashley
Aspin
Bafalis
Baker
Barrett
Bell
Bennett
Bergland
Biester
Bingham
Boggs
Boland
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Cederberg
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Hunt
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McEwen
McFall
McKay
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
O'Hara
Owens
Parris
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shriver
Sikes
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—64

Beard
Bevill
Blackburn
Burke, Fla.
Burleson, Tex.
Camp
Casey, Tex.
Chappell
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Devine
Dickinson
Dorn
Downing
Duncan
Flowers
Flynt
Gross
Haley
Henderson
Hutchinson
Ichord
Jones, Tenn.
King
Landgrebe
Latta
Lott
Lujan
McCollister
McSpadden
Mathis, Ga.
Milford
Minshall, Ohio
Montgomery
Myers
Passman
Poage
Powell, Ohio
Price, Tex.
Quillen
Rarick
Roberts
Robinson, Va.
Rose
Rousselot
Runnels
Ruth
Satterfield
Scherle
Shoup
Shuster
Skubitz
Snyder
Spence
Steed
Symms
Taylor, Mo.
Waggonner
Whitten
Wiggins

NOT VOTING—40

Adams
Alexander
Ashbrook
Badillo
Biaggi
Blatnik
Bolling
Carey, N.Y.
Carter
Daniels, Dominick V.
Dellums
Edwards, Calif.
Erlenborn
Fish
Fisher
Frelinghuysen
Gaydos
Gettys
Gray
Hanrahan
Hébert
Heckler, Mass.
Huber
McKinney
Martin, Nebr.
Mayne
Moorhead, Pa.
Nichols
O'Neill
Preyer
Rooney, N.Y.
Rostenkowski
Ruppe
Sandman
Sisk
Smith, N.Y.
Steelman
Steiger, Ariz.
Waldie
Young, Ga.

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Frelinghuysen for, with Mr. Martin of Nebraska against.

Mr. Steelman for, with Mr. Huber against.

Mr. Dominick V. Daniels for, with Mr. Steiger of Arkansas against.

Mr. Gaydos for, with Mr. Fisher against.

Mr. Erlenborn for, with Mr. Gettys against.

Mr. Moorhead of Pennsylvania for, with Mr. Nichols against.

Until further notice:

Mr. Rooney of New York with Mr. Fisher.

Mr. Rostenkowski with Mr. Hanrahan.

Mr. Blatnik with Mr. Ashbrook.

Mr. Carey of New York with Mr. Carter.

Mr. Hébert with Mr. Mayne.

Mr. O'Neill with Mrs. Heckler of Massachusetts.

Mr. Sisk with Mr. McKinney.

Mr. Waldie with Mr. Ruppe.

Mr. Young of Georgia with Mr. Badillo.

Mr. Dellums with Mr. Biaggi.

Mr. Gray with Mr. Sandman.

Mr Adams with Mr. Smith of New York.

Mr. Alexander with Mr. Edwards of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the conference report just agreed on.

The **SPEAKER.** Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. ADAMS. Mr. Speaker, on rollcall No. 207 I was unavoidably out of the Chamber. I wish to record that I would have voted "yea" had I been present to do so.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The **SPEAKER.** Is there objection to the request of the gentleman from Florida?

Mr. GROSS. Mr. Speaker, reserving the right to object, would the distinguished gentleman from Florida be good enough to give the House some idea of the bills on which he has asked permission to have until midnight to file reports?

Mr. PEPPER. One of them is the bill relative to the public debt ceiling. We heard the distinguished chairman of the committee this morning.

The next is H.R. 3926, National Foundation on the Arts and Humanities Act.

Another is H.R. 7824, Legal Services Corporation Act.

Another is H.R. 8152, law enforcement assistance amendments.

The next is H.R. 5094, to provide for the reclassification of positions of Deputy U.S. Marshal.

The committee, I am advised, may reconsider H.R. 2990, annual authorization of appropriations, U.S. Postal Service, which was heard, on which action was incomplete on the 15th of May. I am advised it is also possible that the committee will take that measure up this afternoon. The committee has been called to meet at 2 o'clock by the chairman.

Mr. GROSS. To take that bill, H.R. 2990 up for a vote this afternoon; is that correct?

Mr. PEPPER. Yes. It is on the agenda.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

JOINTLY ADMINISTERED TRUST FUNDS FOR LEGAL SERVICES PLANS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 423 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 423

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 77) to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 77, it shall be in order to take from the Speaker's table the bill S. 1423 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 423 provides for an open rule with 1 hour of general debate an H.R. 77, a bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

After the passage of H.R. 77, it shall be in order to take from the Speaker's table the bill S. 1423 and to consider the Senate bill in the House.

Mr. Speaker, the principle that all citizens should have a right to access to competent counsel is a goal of our society. Today there are programs providing legal aid for the poor, but adequate counsel is still beyond the means of over 150 million moderate-income Americans. They have the same needs for adequate legal counseling as the poor, yet in many cases they are denied effective legal representation.

H.R. 77 will not direct the establishment of jointly administered legal services programs. But it will bring such programs within the scope of collective bargaining.

Mr. Speaker, I urge adoption of House Resolution 423 in order that we may discuss and debate H.R. 77.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is going to be considering what I look upon as one of the most important pieces of legislation we will consider in this session.

Mr. Speaker, when this legislation came before the Committee on Rules, it was the first time, I believe, a sufficient airing as to what is proposed was held. I was amazed to find after the legislation was delayed in the Committee on Rules at the request of the gentleman from New York (Mr. DELANEY) we still did not have any word from the legal practitioners in this country—and I am talking about the lawyers themselves as well as those who are going to be directly affected by this legislation, the employees and the employers—as to where they stood.

I think that it is important that we know the effect on the lawyer-client relationship which can come about with the passage of this type of legislation.

What does this legislation propose? As the gentleman from Florida (Mr. PEPPER) indicated, it amends the Taft-Hartley law to make the matter of legal services for "employees, their families and dependents" an item for bargaining in labor contracts.

In reality, if this proposal comes into being and they have a contract, the labor unions will have maybe 7 or 8 or maybe 10 lawyers with whom they will contract for for these services. It provides no choice to the employees, their dependents, or families as to whom they can go to for their contracted services.

I called this to the attention of the very able gentleman from New Jersey (Mr. THOMPSON) when he came before the Committee on Rules and explained to him that this would do harm to the lawyer-client relationship. Would the lawyer be represented the client or the union who selects him?

Let me give you an example: For instance, in a community like Defiance, Ohio, a community in my district of approximately 20,000 people, has a General Motors plant employing 6,500 people. They also have several lawyers in that community. When the union enters into a contract with the employer, they will select maybe four or five lawyers in the community to handle all of the legal services for their employees, their families, and their dependents.

What is going to happen to the lawyer-client relationship in the community which existed prior to the passage and implementation of this legislation? You know what will happen. The relationship will be destroyed and these people will be forced to share these services from attorneys selected by the union.

If you have represented a family for 20 years handled their personal affairs and have drawn up the will, they will be forced to go lawyers employed by this union to settle the estate. If they have a divorce proceeding, they will be forced for economic reasons to go to the lawyer provided under the contract. If you have a criminal action, they will go to their lawyers rather than to lawyers of their choice.

I think this is wrong; this legislation ought to be amended to give the employees and their families and their dependents the option and the right, if you please, to go to the lawyer or the counsel of their choice—their choice and not the choice of the union.

I think it is wrong to do otherwise. You ought to give these people the right to go to the counsel they have been going to for years, if we are going to pass this legislation.

Mr. Speaker, I indicated I had called this matter to the attention of the gentleman from New Jersey, and he indicated to me that he would be considering it. I must admit at this moment I do not know whether any proposed amendment will be offered. If the committee does not offer such an amendment, I will propose on page 2, line 3, after the word "dependents," to insert the words "for counsel of their choice." These words must be inserted so that you give these employees and their families and dependents the same right they have now to go to the counsel of their choice for these legal services. To do otherwise I think would destroy the lawyer-client relationship in a good many of these communities.

I think it is important to point out here that another amendment is going to be offered to make the bargaining for legal services discretionary rather than mandatory. I do not think such an amendment will mean too much in practice, however, because if you provide another exception for legal services, it is going to be a subject for contract negotiations, anyway, so what is the difference? I shall vote for the amendment but I do not think the amendment will make much difference if adopted. It will be argued in any bargaining session that you can bargain for legal services and it will become a subject for bargaining.

As I see it, what is of paramount importance to the employees and to the lawyer-client relationship is to give these employees the right to choose—not the union as to whom they shall go to for legal services.

Mr. McCLORY. As I interpret this legislation, a person who belongs to a labor union and that labor union negotiates for legal services for himself, his family, and dependents in a contract with the employer, as a result of this legislation, that person would have the advantage of having his legal services all paid for in advance. In other words there would be a lawyer available to that person, to his family, and his dependents at all times for virtually every type of legal service. In contrast, if that person sues someone else who does not happen to be a member of the union, then are we putting that nonunion person at a disadvantage in our legal system? Are we not thereby building into our society the kind of inequality under the law that we are constitutionally endeavoring to eliminate?

Mr. LATTA. There is no doubt about it that the employee, a member of their family, or a dependent of the employee would have these services paid for under this union contract.

Mr. McCLORY. Let me ask the gentleman from Ohio one other question, if the gentleman will yield further, and that is this: Conversely, the union employee who finds that his legal services are paid for because the union has negotiated for legal services for that employee, is he not, at the same time, constrained to accept those legal services and, in a sense, is being deprived of the opportunity to select the individual lawyer he wishes to represent him. And in that sense that person becomes a second-class citizen with regard to the securing of legal services?

Mr. LATTA. That is my primary concern.

Mr. McCLORY. If the gentleman will yield still further, this proposed legislation has nothing to do with legal services for the poor, does it?

Mr. LATTA. Nothing at all to do with legal services for the poor. If a person makes $20,000 a year, for example, in a plant, and this legislation becomes law and if legal services are a part of their contract with the employer, then they are entitled to it.

Mr. McCLORY. May I ask the gentleman one further question, and that is:

This would be in addition to the lawyer who represents the union organization, or the company lawyer, or the house attorney in the corporation; this is a third branch, then, that we would provide if we enact this legislation?

Mr. LATTA. That is correct.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Speaker, it occurs to me that we have one further problem involved here with regard to the legal profession. I would suppose that, assuming one of these plans are negotiated, there would have to be negotiations with the lawyers in the community as to their fee structure. As a result, the fee structure of the lawyers in that community would in effect be dictated by this plan.

Would the gentleman from Ohio agree with me there?

Mr. LATTA. I think there is no doubt about it that if they agree on a fee structure in a given contract that they will have to come within that fee structure.

Mr. HUTCHINSON. And in that respect, also, the final result would be a dependence—or a failure of independence—so far as the legal profession is concerned in that community. Especially would this be true in a community where most of the employees are members of unions with which prepaid legal service plans have been negotiated. The legal profession in that community would become quite dependent upon what the plan would permit, so far as legal fees are concerned. The plan would cover such a large proportion of the employees in such a community, that there might be little law business outside the plan.

Mr. LATTA. I believe that would be true. But, let me ask the gentleman from Michigan a question, and that is whether or not the Committee on the Judiciary, on which the gentleman from Michigan is the ranking member, has given any thought or consideration to this proposition?

Mr. HUTCHINSON. The gentleman from Ohio, I am sure, knows that this matter was not referred to the Committee on the Judiciary, and this member of the Committee on the Judiciary will state that, insofar as he is aware, the Committee on the Judiciary itself has given no thought to the matter since the matter was not referred to them.

Mr. LATTA. Let me say to the lawyers in the House and throughout the Nation that, according to the information that has been furnished the Committee on Rules, the American Bar Association supports this legislation. And that is not anything new as far as legislation is concerned because they never seem to contact their membership affected by legislation before they come up with some sort of recommendation. I do not have a high regard for such recommendations.

I think if they are going to represent the legal profession, they ought to contact the people who belong to their organization before making any kind of recommendation, either in favor of or against legislation.

Mr. PEPPER. Mr. Speaker, I should like to say just a word in response to the remarks of my colleague. Section 302 of the labor amendment in fact prohibits payments by employers to employee representatives for items other than those specifically excepted in that section. There have been seven exceptions to that prohibition that have already been adopted. It permits employer contribution to trust funds to be used to finance medical care programs, retirement pension plans, apprenticeship programs, life and accident insurance, child daycare programs, and some others.

All this does is add one more exception to make it clear that out of those funds may be paid, if such a fund is provided for by collective bargaining, legal expenses of the members of the union and their families, which seems to me, Mr. Speaker, to be a meritorious purpose.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, with respect to the argument permissive versus mandatory, I might point out that the bill mentions neither, and, as the report shows, contemplates that if the bill passes without the amendment to be offered, the NLRB and the courts will make the decision.

With respect to the selection of lawyers, in a technical sense if one group of lawyers is chosen at the bargaining table—and when we are talking about the bargaining table, we are talking about the employer and the employee having to reach an agreement—that would be called the closed panel. This legislation is absent any such instruction.

In other words, it contemplates what is known as an open panel or the lawyer of one's choice in the county, or, indeed, anyone admitted to the bar of that State.

With reference to the American Bar Association, which supports this, and the American Trial Lawyers Association, there has been much literature by a special Bar Association Committee which has come up with recommendations for adoption of it by the American Bar Association.

In California a questionnaire was sent by the California Bar Association to 35,000 lawyers in the State asking whether they would be willing to participate in a statewide legal services program. More than 20,000 lawyers in the State of California—and there are not 20,000 labor lawyers in the United States States—responded. Ninety-one percent said that they favored setting up a statewide legal services plan, and the California Bar has developed a statewide legal services plan.

Further, insurance companies in Pennsylvania, in California, and in many other States—and California's insurance commissioner has already approved their plan—are preparing insurance plans to be purchased by the employees. This legislation does not contemplate the full amount which a client might pay a lawyer in an extensive trial. It does contemplate that at the bargaining table between the employees and the employer there will be an agreement that limitations will be set and that they will conform to the local bar association's or State bar association's minimum fee scale.

So this is not going to hurt any lawyer. As a matter of fact it is going to help lawyers. Certainly it is going to help lawyers. Certainly it is going to help millions of American working people who desire this plan. This is not a lawyers bill—it is a bill for middle-class citizens who need legal help.

Mr. PEPPER. Mr. Speaker, before I yield may I just add further in addition to the endorsement of this proposal by the American Bar Association and the Trial Lawyers Association of America the bill is endorsed by the bar associations of New York, of Colorado, of Michigan, and by the Dallas, Tex., Bar Association.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, since the gentleman from Florida mentioned the

New York Bar, let me refresh his memory about the statement made by the gentleman from New York (Mr. Delaney). He went back home and investigated the matter and he found the bar association was for it but he did not find one lawyer who was in favor of it.

Let me say I could not agree with the gentleman more when he mentions there are seven items already provided for in law. There is, however, a tremendous difference between an insurance agent-policyholder relationship and a lawyer-client relationship. I maintain we have to give freedom of choice to the employee, his family and his dependents and not dictate to these people to whom they should go for legal services.

Mr. PEPPER. I am not aware that this bill provides any method for the selection of the lawyer. The gentleman from New Jersey would be better informed than I, but it would be my impression that matter would be left to the selective bargaining process.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, the point the gentleman makes on this is an extremely important one. If this proposal were that all plans adopted hereunder would have a closed panel, as has been dealt with by our colleague, the gentleman from New Jersey, this would be a vastly different proposal than it in fact is, but there is no such requirement in this legislation. At the present time there is no prohibition in the law that says an employer cannot set up this type of fund to take care of the legal expenses. There is no prohibition in the law that says a union cannot set up this kind of plan if it elects to do so. The proposal before us today is not to make lawful the type of legal planning here. It is an attempt to say it is already lawful for the employer to do it and it is already lawful for the union to do it with union funds, and this makes it lawful to do it with joint operations where as a result of the bargaining there is a jointly administered fund.

The very point my colleague, the gentleman from Ohio, puts his finger on could be a serious argument if it were open, but under this proposal it would be up to the negotiators to determine whether it would be a closed or open panel.

Mr. LATTA. Let me interrupt at that point. It is at this point where we are in disagreement. When your union selects a panel, it destroys the lawyer-client relationship.

Mr. DELLENBACK. But there is no prohibition against it being an open panel. Some of those that have been in existence have been and are now open panels, which means the union man or woman who would go in and ask for this kind of service, if it were existent in their particular situation, might just as well have an open panel as a closed panel, in which instance the person seeking the legal service could, as in a prepaid health plan, pick any lawyer one would wish. There is no certainty or even likelihood that the panels would be closed panels. There is at least as great a likelihood they would be open panels, and I think that is an extremely important point for us to keep in mind when we deal with this and not be led astray by what is not a valid argument.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to address myself to the subject of the open panels as mentioned by the gentleman from Oregon.

It seems to be clear from the debate which just preceded my remarks, that on the question of agreeing to either open or closed panels, there are very few arguments against open panels, so that the choice is vested in the client for the selection of his own attorney. However, it must be agreed that under the proposed bill the possibility exists that the negotiators will agree to a closed panel in which event a certain number of attorneys then become available to the clients on a take it or leave it basis.

If they wish to have all or part of their legal fees paid, they must accept members of the closed panel even though that is not the attorney of their choice. This legislation proposed today, Mr. Speaker, authorizes a procedure which is not now authorized under law. The question is: Is that procedure in the interests of the Nation; of employers, employees, clients, and lawyers?

I wish to suggest to all of my colleagues that it is not wise to adopt a procedure which authorizes the compulsory appointment of an unwanted attorney to litigate a claim. It is wise to leave that choice with an employee, the client.

I regret that this legislation, if we are going to consider the subject at all, does not mandate open panels. The existence of the possibility, which I am sure the gentleman from Oregon will concede, that a closed panel can exist, makes the legislation unacceptable to me.

What is the consequence of a negotiated closed panel? Unions representing thousands of employees, often the principal labor source in a community, will be empowered to channel all legal affairs in that community which may involve their members through a closed panel of attorneys. What impact does that have on the legal profession and upon the independence of litigants who wish to have their points of view presented in court?

I can only suggest to all members that that impact is a very great one, and is unacceptable from my point of view.

Accordingly, if this bill is subject to amendment, as I believe it will be, I would hope that consideration would be given to requiring open panels. If that fails, I say that the bill is not worthy of support.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Oregon (Mr. Dellenback).

Mr. DELLENBACK. Mr. Speaker, I rise because of the good point of my friend from California has made. It is an important one.

Again, if that were so, that under this any person who sought to use the provisions of such a legal services program as here instituted would be forced to take a lawyer, then I would be objecting to the program. But, there is no mandate that anyone would need to take a lawyer. We have at the present time a series of situations where legal wrongs go unredressed because there is no legal service available to make the service possible.

We are trying to expand that and make it available in some increased degree. I would hope that some of these panels, if not all, would be open panels. If there were a closed panel, I am sure my colleague from the State of California would agree that no one would have to use it, as under the present circumstances no one has to use a doctor if, one feels his freedom of choice is more important.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Ohio (Mr. Latta).

Mr. LATTA. Mr. Speaker, the gentleman from Oregon says he does not have to use it. It will become a part of his union contract, and the gentleman knows and I know that he will use it.

Mr. WIGGINS. If he fails to use a panel attorney, of course he would not be paid part of the fee.

Mr. DELLENBACK. He would be no worse off than he is this minute if he did not use it. However, we have what we hope is an open panel, and a great many thousands of people would be infinitely better off.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Speaker, it seems to me that this legislation is, at the very least, imperfect. There are a number of suggestions made as to how to improve something which I think is intrinsically bad.

It would seem to me that the best thing to do is for the committee to consider the legislation further with a number of suggestions that have been made here.

Furthermore, it seems to me that we should consider the Legal Services Corporation which does fulfill a real need for people who have a dire requirement for legal services.

That legislation will be before the House very soon. We should defer action on this until some later time.

I am going to ask for a rollcall, and suggest that we defeat the rule with the expectation that it be referred back to the committee, to come to us at a later time.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Illinois.

Mr. O'BRIEN. I thank the gentleman for yielding.

I come from a community which lies near the biggest city of Illinois. Our legal practice, which includes workmen's compensation and general litigation, is such that 50 percent of workmen's compensation goes to a firm in that larger city, and one-third of the Scaffolding Act cases go to this particular firm.

While this may not be immediately relative to the issue before the House, it seems to me that every safeguard such as built in by the amendment of the gentleman from Ohio, to allow freedom of choice, is extremely important. I believe, if not built in, the unhappiness produced by this legislation will be exquisite and enduring.

Mr. LATTA. Mr. Speaker, I have no further request for time.

Mr. PEPPER. Mr. Speaker, I just add that this is an open rule. The House will have ample opportunity to work its will if the rule is adopted for consideration of this bill.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCLORY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 307, nays 91, not voting 35, as follows:

[Roll No. 208]

YEAS—307

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Armstrong
Ashbrook
Ashley
Aspin
Barrett
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brooks
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carney, Ohio
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Conyers
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Donohue
Downing
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fulton
Fuqua
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hawkins
Hays
Hébert
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kemp
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shoup
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—91

Abdnor
Archer
Bafalis
Baker
Beard
Bevill
Blackburn
Brinkley
Broomfield
Burgener
Burleson, Tex.
Butler
Camp
Casey, Tex.
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Robert W., Jr.
Davis, Wis.
Dennis
Devine
Dickinson
Duncan
Eshleman
Flynt
Froehlich
Goldwater
Goodling
Green, Oreg.
Gross
Guyer
Hastings
Hillis
Hinshaw
Hogan
Hunt
Hutchinson
Jarman
Johnson, Colo.
Jones, N.C.
Keating
Ketchum
King
Kuykendall
Landgrebe
Latta
McClory
Maraziti
Milford
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Nelsen
Nichols
Parris
Passman
Pettis
Powell, Ohio
Price, Tex.
Quillen
Rarick
Roberts
Robinson, Va.
Rousselot
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Snyder
Spence
Symms
Taylor, Mo.
Thomson, Wis.
Towell, Nev.
Veysey
Whitten
Wiggins
Winn
Wylie
Wyman
Young, Alaska
Young, S.C.

NOT VOTING—35

Badillo
Carey, N.Y.
Carter
Corman
Daniels, Dominick V.
Dingell
Dorn
Edwards, Calif.
Erlenborn
Fisher
Frelinghuysen
Gaydos
Gettys
Gray
Hanrahan
Heckler, Mass.
Huber
Landrum
McKinney
Martin, Nebr.
Mayne
Moorhead, Pa.
Moss
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Ruppe
Sandman
Shipley
Smith, N.Y.
Steelman
Steiger, Ariz.
Treen
Waldie
Ware

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Dominick V. Daniels with Mr. Frelinghuysen.

Mr. Rooney of New York with Mr. Smith of New York.

Mr. Rostenkowski with Mr. Erlenborn.

Mr. Shipley with Mr. Hanrahan.

Mr. Carey of New York with Mr. McKinney.

Mr. Dingell with Mr. Huber.

Mr. Gaydos with Mr. Steiger of Arizona.

Mr. Gray with Mr. Mayne.

Mr. Gettys with Mr. Martin of Nebraska.

Mr. Moorhead of Pennsylvania with Mr. Sandman.

Mr. Waldie with Mr. Ware.

Mr. Corman with Mrs. Heckler of Massachusetts.

Mr. Fisher with Mr. Ruppe.

Mr. Landrum with Mr. Carter.

Mr. Gross with Mr. Steelman.

Mr. Roncalio of Wyoming with Mr. Treen.

Mr. Badillo with Mr. Edwards of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 77) to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 77, with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. THOMPSON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. ASHBROOK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, in the past 10 years our society has come a long way in the direction of making legal services available to the vast bulk of our citizens. The principle that all citizens in time of need should have the right of access to competent counsel, in truth and in fact, as well as in theory, has now come to be accepted by virtually every element in our society. Yet, with the Federally-funded programs providing aid for the poor, reference to which was made in the debate on the rule, and the wealthy being able to afford counsel, adequate counsel is still beyond the means of over 150 million moderate-income Americans. Those moderate-income Americans, living in an increasingly complex society, have the same needs for adequate legal counsel as do the poor, and, indeed, as do the rich, in such areas as the landlord and tenant relationship, debtor and creditor, consumer, property, and family relations, and yet under our system they are effectively denied proper legal representation.

By general agreement the real obstacle to the growth and development of legal service plans for these middle-income Americans is the Taft-Hartley prohibition, section 302(c), which we seek to amend. The bill under consideration today, H.R. 77, would remove that obstacle.

The prohibition contained in section 302 prohibits payments of money or other thing of value by an employer to employee representatives. This broad prohibition was enacted to prevent bribery, extortion, shakedowns, and other corrupt practices. However, section 302 (c), as originally enacted, enumerated five exceptions to the general prohibition in section 302, thus permitting employer contributions to jointly administered labor-management trust funds to finance medical care programs, retirement pension plans, and other specific programs such as the establishment of day-care centers for the children of working mothers.

By enacting a general prohibition on employer payments and then setting forth specific exceptions, the Congress impliedly prohibited payments for any purpose not specifically excepted.

It is clear from the history of section 302(c) that Congress intended only to prohibit abuses of welfare funds to the detriment of union members, and that the funds excepted from the prohibition were those types of benefit funds then in existence. Legal service plans were not mentioned in any of the deliberations leading to the enactment of section 302.

Exhaustive hearings were held on this subject, both in the last Congress and in this session. H.R. 77, as amended, was unanimously reported by both the Special Subcommittee on Labor and the full Committee on Education and Labor. Following the hearings, my friend and colleague, the ranking minority member, the gentleman from Ohio (Mr. ASHBROOK) offered amendments to meet objections that had been raised, and they were indeed comprehensive.

Under Mr. ASHBROOK's amendments, which were unanimously adopted by both the subcommittee and the full committee, legal service trust funds cannot be used to initiate or carry on proceedings directed against, first, employers, their officers or agents, except in workmen's compensation cases; second, against union officers or agents; and, third, to defend union officers or agents in situation arising in such cases as those of Mr. Hoffa and Mr. Boyle.

As amended, H.R. 77 has the broadest range of nonpartisan support by the administration, in the form of a letter from Secretary Brennan; organized labor; the American Bar Association; the American Trial Lawyers Association; the insurance industry; consumer groups, and a great many bar associations. Indeed, an identical bill, S. 1423, which passed the Senate 3 weeks ago by a vote of 79 to 15, had the support of a majority of both Democrats and Republicans alike in the other body.

Mr. Chairman, I urge my colleagues to support this bill without amendment.

By its passage it will not direct the establishment of legal service programs. It will not dictate the terms and conditions of such legal service programs. Since this will be the subject of collective bargaining, the selection of the lawyers or of the insurance company or of the amount of coverage and of an infinite other number of items will all be left to the employer and the employees.

It will not finance such legal service programs. It will not subvert State control over the practice of law with Federal control. It will not require labor or management to agree to any such legal services program, and if they agree the parties will be free to determine the types of benefits and the manner in which, entirely, the legal services will be provided.

Rather, H.R. 77 will bring joint legal service programs within the scope of collective bargaining.

There is no reason for the Federal Government to be an obstacle to private arrangements to insure the availability of legal services to the millions of moderate income Americans, to the millions not covered. This bill will remove that obstacle in a manner that will be decided by the parties themselves.

Mr. ASHBROOK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I endorse H.R. 77 and and hopeful that the House will approve this measure this afternoon.

I favor the concept of providing greater access to our legal system in this country. By permitting the establishment of joint management-labor trust funds for prepaid legal services, H.R. 77 is a positive step in this direction.

During the course of our hearings, I became convinced that certain safeguards were necessary.

Such trust funds should not be used to initiate or carry on proceedings against an employer except in workmen's compensation cases or union administering the fund, or any employer or union in matters arising under the National Labor Relations Act.

And further, such trust funds should not be used to defend union officials in the so-called Hoffa-Boyle situation.

Therefore, I offered an amendment to deal with these problems in the special subcommittee on labor. This amendment was adopted without dissent.

H.R. 77, as now amended, has the support of the Department of Labor and the administration.

It also has the support of the American Bar Association, insurance companies, and most consumer groups.

An identical bill passed the Senate 3 weeks ago by a vote of 79 to 15. As is apparent from the lopsided nature of the vote, that bill had broad-based, bipartisan support.

There is no cost to the Federal Government. The bill, as reported, simply permits the collective-bargaining process to operate freely.

And in the final analysis, the joint administration of these plans is a needed protection for employers. Without this bill, employers could be subject to legal harassment from plans unilaterally set up by unions. With passage of H.R. 77, that will not be possible.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I wish to make the point that I do not think the antagonistic give-and-take in labor-management bargaining is going to exist when these parties sit down to negotiate a trust fund for legal services. The interest of the employer is not necessarily involved in the question of whether there will be closed or open panels. It is of small interest to him.

However, it may be a matter of great interest to the union. I can understand the union's desire to select its own attorneys, because it gives a union a certain degree of control over that attorney.

That is their side of the argument. Management has no counterargument to make. It would accede to all union demands in that regard. We would have more closed than open panels as a consequence. I think that would be intolerable.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, of course this is the possibility when we have a free and open bargaining situation, but the facts do show that for the most part open panels have been made available.

The one in Shreveport, La., for example, has an open panel. For the most part, the parties have left them open, and I would hope that the rank-and-file members would have a lot to say in this regard. It is to their interest to have an attorney of their choice. It is important to have their legal service provided by their own lawyer where possible .

Mr. WIGGINS. Freedom to select one's own attorney is a value worth preserving. This bill, as it is now drafted, permits that freedom to be eroded.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, one of the most successful of all Federal programs was the OEO legal services projects for poor. The wealthy have always been able to afford the best of legal services but what about the average American? What about the American workingman who makes more than $6,000 a year but less than $16,000. He or she is once again the forgotten American.

The bill, H.R. 77, would meet the needs of an increasing demand among middle-income Americans for some sort of prepaid legal services plan. H.R. 77 would permit unions to negotiate with employers through collective bargaining a prepaid legal services trust fund which would be jointly administered by labor and management.

H.R. 77 costs to the employer would be minimal and the benefits to the worker would be tremendous. The added labor cost would run about 2 cents per man-hour or about $38 a year. In terms of tangible benefits for the worker, there is an unlimited range of possibilities. Unions could negotiate programs which would provide for pretrial and trial defense of civil and criminal actions and for the bringing of civil actions in certain consumer situations for their membership.

H.R. 77 could be arranged to include preventive legal assistance through office consultation and document preparation—that is, for preparation of wills, property leases and deeds, adoption papers, and other contracts. H.R. 77 is clearly within the tradition of labor-management relations in the United States.

I ask for your support for H.R. 77 as reported and without further amendment.

Mr. ASHBROOK. Mr. Chairman, I yield 3 minutes to a distinguished Member of our committee, the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate very much the distinguished gentleman from Ohio yielding me this time.

This bill, which amends section 302(c) of the Labor Management Relations Act, would permit employer contributions to jointly administered trust funds.

As the gentleman from New Jersey, the distinguished chairman of the subcommittee which reported this bill to the full committee and now to the floor, has indicated, section 302 of the Labor Management Relations Act has prohibited payments by employers to employee representatives for the purposes other than those which are specifically excepted in section 302(c).

Section 302(c) today has seven exceptions to the prohibition. Those relate to things such as medical care programs, retirement pension plans, apprenticeship programs and the like.

The seventh, which was added in the 91st Congress, Public Law 91-86, covers employer contributions to trust funds for scholarships and day care centers.

The seventh exception specifically provides:

> That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

This indicates that the subjects of scholarships and day care centers are permissive rather than mandatory subjects of bargaining.

As one of those who is a supporter of attempting to expand the availability of legal services, I am sympathetic to the thrust of the bill H.R. 77, but I must say, Mr. Chairman, I went a cropper on the decision of the Committee on Education and Labor to report the bill providing mandatory bargaining rather than permissive bargaining.

The amendment that I would intend to offer, which was printed yesterday in the RECORD, says:

> That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice, however, once bargaining has produced an agreement regarding the establishment of such trust fund, it shall constitute an unfair labor practice to (A) unilaterally modify or terminate that agreement, or (B) fail or refuse to bargain in good faith regarding such trust fund in the next subsequent contract negotiation between the same parties: *Provided further,*

What we are dealing with, it seems to me, in this situation is the question as to whether or not there is in fact a legitimate reason to mandate that a trust fund for legal services shall be the subject for mandatory bargaining. The six other parts of section 302(c), except the seventh that was added in the 91st Congress, of the National Labor Relations Act, at this point are all mandatory.

I believe it is very clear, notwithstanding the subtlety of the gentleman from New Jersey, who argues that the bill is silent on whether or not it is mandatory or permissive, that the National Labor Relations Act will provide that this shall be a mandatory subject for bargaining.

On balance, I believe it is a good idea to authorize a trust fund for this purpose to be jointly administered, but I believe it is bad public policy and it is wrong for the Congress to provide that this shall be done on a mandatory basis, and thus I urge support for the amendment I shall offer.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 77.

I want to take this opportunity to congratulate my good friend and distinguished colleague, the gentleman from New Jersey (Mr. THOMPSON) on his leadership in bringing this important bill to the floor of the House.

I want also to congratulate the distinguished ranking minority member of the subcommittee, the gentleman from Ohio (Mr. ASHBROOK) for the contributions he has made to the shaping of this legislation.

Mr. Chairman, I believe it is important to have in mind as we consider this proposal that at present employers may contribute to funds for legal services for union members but that these employers may not participate in the administration of these funds.

It is a central purpose of H.R. 77 to make possible such employer-employee participation in the operation of the jointly administered trust funds.

Mr. Chairman, I think it is also important to note—and I say this in view of some correspondence that I have had in this matter, as I am sure other Members have had—that trust funds established under H.R. 77 cannot be used to initiate legal proceedings that are directed against: first, the employer, his officers or agents except, of course, in workmen's compensation cases, or the employer who is a nominal defendant; or second, the labor organization, its parent or subordinate bodies, or its officers or agents; or, third, for the furnishing of legal services where the labor organization would be prohibited otherwise from doing so by the provisions of the Labor Management Reporting and Disclosure Act of 1959.

So, Mr. Chairman, it seems to me that, given the increased importance in our country of legal services and effective access to them, given the rise in support for assuring that poor people have effective access to legal services, it ought surely to be possible for labor union members who are not in the category of "poor" to be able to contribute to funds which would be jointly administered by themselves and by management to provide the assurance that they will have the services of a lawyer in those situations in which they need them.

So, Mr. Chairman, I think H.R. 77 is a good bill. It is a carefully drawn bill. It is deserving of our support, and I hope that the amendment offered by my friend, the gentleman from Wisconsin (Mr. STEIGER) will be rejected and that H.R. 77, as reported, will be agreed to.

Mr. ASHBROOK. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, there are several matters in this bill which give me some reservations about it, and which are certainly going to have to be elucidated to my personal satisfaction before I vote for it.

One is the general question of whether it is best to amend the Taft-Hartley law in as important a feature as this bill does, in a piecemeal fashion, as this bill does. I think everyone in the House knows there are a lot of important amendments that ought to be considered to the Taft-Hartley law.

Mr. Chairman, there is the matter of the national emergency strike, for instance, on which this distinguished committee has been sitting for 5 years, to my certain knowledge, and whether we ought to bring this particular measure out here all by itself without a general overhaul of the law and extensive hearings is open to question.

Another question is the philosophy behind this matter. Is it a legitimate obligation of the employer to pay for the legal representation of his employees? Is this a matter which has a reasonable relationship to the employer-employee relationship under our system of government?

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, in relation to the national emergency transportation strike matter, I am sure the distinguished gentleman from Indiana is aware that that legislation which dealt with the transportation industry was referred to the Committee on Interstate and Foreign Commerce, and it was abandoned by the administration, specifically by President Nixon.

Mr. DENNIS. Well, I do not care whether it was abandoned by the administration or by whom it was abandoned, and I am not talking just about transportation.

Mr. Chairman, I think the gentleman would agree with me on this: We might not agree in all the particular instances, but I am sure he would agree with me that this whole statute needs overhauling. I merely raise the question whether we need to bring this particular measure out as a separate matter.

Now, passing from these general philosophical questions, there are two more specific questions which concern me. One is the question of permission. Why should this be a mandatory subject of bargaining? And if it is not, what is the objection to writing in an amendment which says it is permissive, as the gentleman from Wisconsin proposes?

I would suggest that his amendment would be much better if he just said it is permissive and stopped there. I may offer an amendment to that effect, because I see no reason why once you make such an agreement you have to bargain about it thereafter, from here on, if you feel it is a mistake.

The final thing—and I think this is important, too—is this: What becomes of the ordinary practicing lawyer in the small towns across America, and what becomes of the attorney-client relationship? You know, I practiced law for a good many years in a small town, and a good many people in this House have done the same. You are setting up a situation here, unless you adopt the amendment Mr. LATTA is going to offer, which states specifically that this must be counsel of the employee's choice——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. DENNIS. Unless you write that into the law you are actually going to have a situation here as a result of bargaining, of course, under pressure, where the only members of the bar who are going to be able to be employed are either those who have some connection with the company or those who have some connection with the union.

It was not too bad to be a smalltown lawyer 50 or 60 years ago. If you were a good one, you could represent the local companies. But there are not any local companies any more. The only thing a lawyer in a small town represents, if he is fortunate, is, he is local counsel for some gigantic corporation operating out of New York, Chicago, or some place like that. But this was not too bad, because these big corporations brought new people to town, and they were well paid people and they became the local lawyer's clients. They were middle-class people and clients for the smalltown attorney. They are going to be bracketed now into this business, and only the union lawyer will have a chance to represent them.

You know, Winston Churchill said that he did not become the king's first minister in order to preside over the liquidation or the British Empire, and, as a much smaller comparison, I am not sure that I came down here to liquidate the people practicing at the bar throughout this country with whom I spent most of my life; and that is about what we are suggesting we do in this bill.

Mr. ASHBROOK. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. ASHBROOK. Is the gentleman really serious on that point?

Mr. DENNIS. Certainly, I am serious about it.

Mr. ASHBROOK. You know, I have lived in a small town all my life, too, and I know the bar associations in all the counties of my district. Three-fourths of the lawyers back home would not take these cases if their lives depended on it. I think everybody knows in their own areas there are lawyers who work insurance claims, who work divorces. There are Democrat and Republican lawyers and business lawyers and labor lawyers. I see no way that this is going to change the structure of the bar association in any county in my district or anywhere throughout the country.

Mr. DENNIS. I will say to the gentleman my experience has been different from his. He has been in the Congress for a long time. I have been practicing law in these small towns, and let me tell you how it happens. In any given community——

Mr. ASHBROOK. I practiced law, too, before I came to Congress.

Mr. DENNIS [continuing]. There is a lawyer or two who represents the insurance companies and other companies and corporations. There is a lawyer or two representing the AFL-CIO and the Teamsters. There are also a few independent practitioners around who just represent clients, and it is a useful and necessary thing to society that they survive.

Mr. ASHBROOK. But they will continue.

Mr. DENNIS. Let me finish.

Once in a while you need a lawyer who does not mind running into the local corporation. You also need one who does not mind running into the union. And it is hard to find him unless there are some independent fellows who will run into anybody around. And how does he survive? In between these cases that come up he has to do the wills, and the real estate business, and the divorces, and the domestic relations, for all these people who belong to the union and who now will retain him.

This bill is for the birds. We will be destroying a useful and worthwhile way of life in our society.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of H.R. 77. I would like to associate myself with the remarks of our colleague, the gentleman from Indiana (Mr. BRADEMAS) who has already indicated the pride with which we view the fine bipartisan spirit which resulted in the Education and Labor Committee finally reporting a bill out unanimously. While there will be, later on in the debate, some discussion about some specific amendments; that nevertheless, does not take anything away from the efforts over a long period of time by both Republicans and Democrats on our committee to work out a bill that was agreeable and which would be beneficial.

I would like to say that it would appear to me from the remarks of the gentleman who immediately preceded me on the floor that he is mistaken in our purpose. It was not our purpose in enacting this legislation to salvage floundering unsuccessful smalltown lawyers, if any there be, wherever they might be found, but to provide legal services for people who would otherwise not have ready access to them.

Whenever we discuss employee providing legal services we have to remember who is to be directly affected. In this case it is the methods whose interest is paramount. This legislation is not intended as a 'lawyers full employment bill."

We have had no indication from any part of the organized bar, that the practice of law as all of us have known it is in any way going to be changed by the passage of this legislation. Any suggestion that any lawyer now practice either in a small town or on Wall Street will be placed at a disadvantage by virtue of the fact that people who need better and practical access to legal services would be changed in the future is not realistic.

Therefore, Mr. Chairman, I rise in support of H.R. 77, the bill which amends the National Labor Relations Act to permit employer contributions to jointly administered trust funds established by unions to defray the costs of legal services for workers, their families, and dependents.

The effect of this legislation would be to permit legal services plans to become the subject of collective bargaining—assuming employees and employers desire to do so.

At this point, Mr. Speaker, I would like to commend the distinguished chairman of the Special Subcommittee on Labor, Mr. FRANK THOMPSON, who authorized this legislation and the distinguished gentleman from Ohio (Mr. ASHBROOK) for their fine bipartisan spirit of cooperation in handling this bill. Because of their efforts, H.R. 77 was reported unanimously out of the Committee on Education and Labor.

I would also like to point out to my colleagues that this legislation contains the following restrictions and safeguards:

One. It incorporates the annual auditing and other requirements for Taft-Hartley trusts imposed under clause B of section 302(c)(5);

Two. It prohibits the use of trust funds to sue either employers or unions, except workmen's compensation cases, where the employer is usually only a nominal defendant. The bill is designed to prevent the use of funds to finance recognitional or jurisdictional disputes, internal union disputes, or any labor relations disputes between labor and management; and

Three. It prevents the use of funds for legal defense in situations in which union officials are accused of malfeasance or breach of fiduciary duties in office.

Finally, I would like to emphasize that this legislation can make legal services available to a large portion of the estimated 150 million American working people with moderate incomes who presently cannot afford the cost of adequate legal assistance—and it will not cost the U.S. Government a penny.

Mr. Chairman, H.R. 77 is supported by the AFL–CIO, the UAW, the Laborers' International Union, the International Brotherhood of Teamsters, the American Bar Association, the Trial Lawyers of America, the Consumer Federation of America, the National Farmers Union, the NAACP, the National Urban League, and many other major consumer groups and labor unions, and, to the best of my knowledge, not even the White House is opposing it.

An identical bill was recently passed by the Senate by an overwhelming vote of 79 to 15, and at this point I would urge final passage of H.R. 77 by this body.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. ASHBROOK. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I rise in support of H.R. 77, reported unanimously by the Committee on Education and Labor.

The bill as amended in the subcommittee, and the full committee, will end up giving hundreds of thousands of middle-income American workers access to our legal system.

Some time later on we hope to have the Legal Services Corporation bill before the Members, which is primarily aimed at making legal services, badly needed as they are, available to some of the disadvantaged people of our society.

The bill before us today is not aimed at giving that kind of aid to the economically disadvantaged. This bill is aimed at making legal services available to the blue-collar, middle-income working American. This bill will help unplug part of the grave injustice in our legal system at the present time where a great many Americans just plain are not getting any legal services. H.R. 77, as reported, contains safeguards to prevent abuses by prohibiting suits against employers, except in workmen's compensation cases, and it prohibits suits against unions. The trust fund cannot be used to finance the defense of union officials.

At my request language was included in the report to insure that these prohibitions would extend not just to the initiation of proceedings but to all aspects of carrying on those proceedings. This, I think, is necessary language, and the prohibition itself is desired.

We are creating no new causes of action under this legislation, but we would be assuring that the average American might have the advantage of counsel when he or she buys a car or a house, has a domestic problem, or is in any way entangled with the law.

I am most impressed with the preventive law potential of legal services programs. It is my belief that these programs, when successfully developed—as they will be moved in the direction of successful development by this kind of legislation—can very well actually reduce the case load in our courts.

I urge support for H.R. 77.

Mr. ASHBROOK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I rise in opposition to this bill. I call attention of the House to the "Additional Views" that I have placed in the report on this bill. I will offer those views when we return to our regular order.

The material follows:

ADDITIONAL VIEWS

I have serious reservations regarding permitting employer contributions to jointly administered trust funds established by labor organizations to defray the costs of legal services. My reservations are based on the following points which, I believe, were not adequately dealt with by the committee.

First of all is the question: Should legal services be provided through the labor-management collective bargaining process? No one questions the value of legal services. But there are many services of value to any employee, from legal services to life insurance to recreation to education. Are employers quasi-legal guardians of their employees? Or is the provision for expenses for such things as legal services and other personal expenses the responsibility of the individual?

It should be noted, in this context, that legal services are significantly different from other services provided for, in part, by employers. Health insurance, for example, is a service that an individual will make use of only in the case of sickness, an event which he hopes will not occur. Legal services, on the other hand, have a far greater range of usefulness. Consider the wide range of possible civil suits, where an individual may reap great rewards. Without a legal services fund, an individual will enter into a civil suit only if there is a good chance of winning and thus having his legal services paid for. But if an individual does not have to pay for his legal expenses, why not sue someone at the drop of a hat? After all, he has nothing to lose, but much to gain.

What effect would this have on our judicial system? Would there be a greatly increased caseload that may, by sheer volume, tie the hands of the courts? And what about those who would find themselves the defendants in these new lawsuits? Who will pay their expenses? These are questions that ought to be answered before the passage of H.R. 77.

Second, there is the question of the increased cost resulting from a legal services trust fund. The employer contributions will, after going through the collective bargaining process, be in addition to the other fringe benefits and will undoubtedly not come out of employee wages. Whatever costs are incurred will, therefore, be passed on to the consumer in the form of higher prices and/or goods of lesser quality and/or a smaller quantity of goods to choose from. Inflation is the obvious result—the public will pay for the benefit of a few.

What is this additional cost that will be paid by the consumer? Are there any estimates? (I trust that proponents of this bill will not pose as champions of the consumer in the future.)

One further point. If, as is likely, the National Labor Relations Board determines that legal services is a mandatory item of collective bargaining, what will be the effects in the area of labor-management relations? Will there be more in-fighting, with an increased likelihood of strikes?

All of these issues deserve far greater attention than has been given to them.

EARL F. LANDGREBE.

Mr. ASHBROOK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman from Ohio (Mr. ASHBROOK) for yielding.

I wonder if the gentleman from New Jersey (Mr. THOMPSON) would answer a couple of questions. Would legal services be the subject of mandatory bargaining under H.R. 77, in your opinion?

Mr. THOMPSON of New Jersey. That question, I will say to the gentleman from Ohio, is left under H.R. 77 to the courts of the National Labor Relations Board.

Mr. WYLIE. I think the gentleman from Wisconsin (Mr. STEIGER) made a pertinent observation when he pointed out that there are other permissive services provided for under the present law, such as day care benefits and scholarships. Others such as work training, day care, and insurance are mandatory. If we do not specifically say that legal services are the subject of permissive bargaining, then do we imply that legal services are to be the subject of mandatory bargaining or what?

Mr. THOMPSON of New Jersey. I might say to the gentleman that of the seven existing exemptions to 302(c) only one, the seventh, is permissive. I happen to be the author of that one.

Mr. WYLIE. Only one of the seven is permissive?

Mr. THOMPSON of New Jersey. That is correct.

Mr. WYLIE. Which one is that?

Mr. THOMPSON of New Jersey. The seventh, relating to day care centers and education funds. All others are mandatory, and in the course of offering the seventh amendment I made the mistake of making it permissive.

Mr. WYLIE. That is all the more reason, then, for making it quite clear in this legislation what we mean.

Mr. THOMPSON of New Jersey. I do not want to make another mistake. The amendment in H.R. 77 should not be permissive.

Mr. WYLIE. Heretofore, though, in this Congress we have made a distinction between permissive language and mandatory language. We have specifically provided for one or the other.

Mr. THOMPSON of New Jersey. In only one of seven instances is the exception permissive; in each of the other six it is mandatory.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

I think, again reiterating what I said during my brief remarks, failure to adopt the amendment to insure that it is permissive will clearly make it a mandatory subject for bargaining. That is the precedent that has been established. That is exactly what I am sure will happen. Therefore, it seems to me the better part of wisdom to insure that we follow the precedent established in the 91st Congress on an issue like this one and make it permissive.

Mr. WYLIE. Is it the gentleman from New Jersey's position that legal services should be the subject of mandatory bargaining??

Mr. THOMPSON of New Jersey. I leave that to the courts. I would not substitute, as the gentleman from Wisconsin would, my judgment for the courts in this instance.

Mr. WYLIE. But a court is supposed to interpret what we put in the law. The court is not supposed to make the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding further.

It is up to us to legislate, not leave it to the court to attempt to determine what we have said, which could be the source of continued litigation, it seems to me.

Mr. THOMPSON of New Jersey. I would think, if the gentleman will be present during the debate on the Steiger amendment, that he will be persuaded. After all, the board has had 24 years of experience in determining these matters.

Mr. WYLIE. Yes, but we are here now considering the question. Why do we not say specifically whether we want legal service bargaining to be mandatory or permissive? We ought to spell it out. Leaving the issue in doubt would make a lot of work for lawyers, it seems to me, if we leave it unclear.

Mr. THOMPSON of New Jersey. I would say to the gentleman from Ohio the courts are going to get a lot of work anyway, including those struggling, smalltown lawyers, because whether or not H.R. 77 becomes law, there are already now in existence 1,500 unilaterally run prepaid legal care programs.

And in most instances they are paid for by management. H.R. 77 would give management a voice because under the present conditions the management pays for the programs but the union operates them and the management has nothing to say about them. We are trying to make management an equal partner.

Mr. WYLIE. I would just make the additional observation that I think the purpose of this bill is to provide legal services and not to create law business, which it seems to me we would be doing if we leave this issue unclear.

Mr. THOMPSON of New Jersey. In order to provide legal services, I might say to my colleague, we must inevitably create law business, because although persons not licensed to practice law in some instances do so, in the main legal services are rendered by lawyers.

Mr. WYLIE. I am not sure that is true.

Mr. THOMPSON of New Jersey. Mr. Chairman, I have no further request for time.

Mr. ASHBROOK. Mr. Chairman, the last request I have for time is from the gentleman from New York (Mr. PEYSER). I yield 4 minutes to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I rise in support of this legislation, the committee bill. However, I must admit when this bill was being discussed I did not think we were going to end up discussing whether we were going to create business for lawyers or not create business for lawyers. I did not think that was the intent of this legislation.

I think the intent of the legslation is to give working people an opportunity to have decent representation when they are confronted with legal problems. These are not problems where, as someone mentioned, we need an independent lawyer who is not afraid to take on the union or the corporation. In the first place, under this bill according to my understanding, anyone represented by one of these lawyers cannot bring an action against the company or the union. So it is not a question of whether we are going to be looking for a courageous lawyer here or not. What we are basically doing is providing an opportunity for middle income people to have decent representation when they need it.

I also think it is important to specifically understand that this legislation does not provide for mandatory or permissible legislation. This legislation was actually developed as a compromise, and it seems to me there is nothing that could be any more fair than leaving this decision to the courts. I would like the chairman to correct me if I am wrong if a union wanted to discuss this question of putting in legal services and the employer did not want to discuss it, it would then at that time be possible for the question to be submitted to the Labor Relations Board for an opinion at that time. Is that correct?

Mr. THOMPSON of New Jersey. If the gentleman will yield, the gentleman is exactly correct.

Mr. PEYSER. Then the employer does have the right to have his case heard and the Labor Relations Board then will make its ruling. It seems to me we are in the best of all possible worlds, as much as we can have it, in this effort if the intent is truly to give the opportunity to the middle income working man to have decent legal representation, and that is what I think the issue is.

I hope any amendment offered to take away this right and to make it a so-called permissive statement where either party can walk out and simply say, "I do not want to talk about it"—I hope that would be defeated and the legislation would pass as it now stands in H.R. 77.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, the reason I rise is this: I would like to ask a question of the sponsors of the legislation on one side or the other of the aisle.

As I have listened to the debate on this legislation, it strikes me that this proposal is intended to meet a need we have between the poverty level members of our society and the more affluent members who can afford to hire and pay for the services of an attorney.

The thing that concerns me is this: If the union member with his attorney all paid for through this arrangement files an action against someone else who just does not happen to be a union member, who at the same time is in this gray economic area between the poor and the affluent, are we going to leave those people without similar legal representation and establish this kind of unequal system which favors one group because it happens to belong to a union, in contrast to the others who may be at exactly the same economic level but who just do not happen to have union membership, perhaps because they are working in a bank, for instance?

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Chairman, I think that is one of the points we are trying to handle in this bill. There is no way in our society where everybody can have the same services. There are only a limited number of top lawyers. In our system, a right must be vindicated by the individual usually in the legal system. The more we make legal processes available to average Americans, the better our system will be truly just.

In this case, we are at least expanding the concept of availability of legal services to a large number of people who now do not have it. This is a desired goal.

Mr. McCLORY. Mr. Chairman, there is a way to solve this, and that is to nationalize the legal profession. We are going a long way toward that today in this legislation.

If we are going to be fair to everybody and not favor one group against another, than why not go all the way? This is what I think is being done. We are kidding the American people into thinking that we are doing something for a disadvantaged group in this legislation when, in fact, we are leading them down the road to nationalized legal services.

Mr. PODELL. Mr. Chairman, I rise in support of H.R. 77, that would permit employer contributions to jointly administered trust funds for legal services.

I and many of my distinguished colleagues received training in the law. We all know that, as society becomes increasingly complex, the need for lawyers and legal services increases as well. Lawyers are no longer consulted only when there is a legal crisis facing a family. It is now become more and more common for many families to turn to attorneys to advise them when they buy a home, engage in a credit transaction, draw a will, or simply as another resource for the family in making its decisions.

There are, unfortunately, all too many people who need the services of lawyers but cannot afford them. These are not the poor, who at present are being served by OEO legal services attorneys. They are, rather, the vast majority of working and middle-class men and women who simply cannot afford, or who, even worse, believe that they cannot afford, to purchase legal advice.

OEO Legal Services has, in my opinion, admirably filled this gap in adequate representation for the poor. It is about time that we provide the means for similar legal services care for the middle class.

The legislation we are considering today expands the options available to the great majority of Americans. It removes the legal barrier to a jointly administered trust fund, drawing contributions from both employer and employee, to defray the expenses of legal representation for employees and members of their immediate families. Many labor unions have already set up their own prepaid legal services plans, financed entirely by employee contributions. But there are many more labor unions which simply cannot afford to provide such a service to their members, unless employers participate in the funding.

The bill as reported from committee deserves to be passed as is. It does not make such a trust fund a mandatory aspect of the collective bargaining process. That has been left, quite properly to the discretion of the parties at the bargaining table. It is, however, a fair topic for collective bargaining, as it is something that will directly effect how the members of a union will live.

In fact, such a legal services trust fund, where bargaining has resulted in its establishment, may well be one of the major innovations in labor-management relations in recent years. How many hours and dollars in production have been lost due to employees' legal problems? How much financial loss has resulted from the lowered morale generated by such problems? When workers know that they do not have to look any farther than their company or union offices for sound legal advice at a fair price, then problems of productivity and morale may be more easily dealt with.

We all understand the need for such programs. It is only by passing the bill before us that this need can even begin to be met. Perhaps someday we will see a nationwide program of "legal care," that will provide low-cost, high-quality legal services to all who need it. Until that day comes, however, let us at least make it possible to provide such services to a larger number of people than now receive them, by passing H.R. 77 as it stands.

Mr. ASHBROOK. Mr. Chairman, I have no further requests for time.

Mr. THOMPSON of New Jersey. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds.

Mr. THOMPSON of New Jersey (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 2, after "services" insert the following: "for employees, their families, and dependents".

AMENDMENT OFFERED BY MR. LATTA TO THE COMMITTEE AMENDMENT

Mr. LATTA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA to the Committee amendment: Page 2, line 3 after the word "dependents" insert the following: "for counsel of their choice".

Mr. LATTA. Mr. Chairman, in discussing the rule on this bill, I alluded to this amendment which will give the employees, their families, and dependents the right of choice, the right to select their own counsel.

I do not think we ought to deny this right to these employees, their families, and dependents. To do otherwise would leave a doubt in my mind as to whom the lawyer actually would be representing; whether he would be representing the union who is going to select him, or whether he would be representing the employees, the families of the employees, and dependents.

Certainly, if we are going to have freedom of choice, the so-called open panel, we have got to adopt this amendment. I think the amendment speaks for itself.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I object rather strongly to this amendment. Here, by dictating that there be nothing but open panels—and a great majority of the panels which are now in existence and which will come into existence will be open—this may have the effect, first, of foreclosing or prohibiting some of those which are now in existence and are closed panels. We are in fact saying to a community or to a group of workers: "You have to use the yellow pages to find a lawyer rather than use the plan which you and your employer have bargained for."

This amendment ignores the fact that if the bill is left as it is, unamended, a determination will be made at the bargaining table by mutual agreement between the employer and his employees as to what type of legal services will be provided, and in what amount, and under what private arrangement they will be provided.

Further, I believe that the amendment is of rather dubious constitutionality. Under *United Transportation Union* v. *Michigan State Bar,* 401 U.S. 576, handed down in 1971, the Court held that groups have a 1st and 14th amendment right to secure access to the courts through private group legal services, arrangements of their choice. In that case a similar attempt by a bar association to prevent the use of closed panels was held unconstitutional. The Court expressly said that associations of people have a basic right to group legal services in whatever form best suits their own needs.

Under this rather clear language the "freedom of choice" amendment is, in my judgment, unconstitutional, the very antithesis of "freedom of choice," and I urge its defeat.

Mr. LATTA. Mr. Chairman, will the gentleman yield?

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. LATTA. The gentleman showed me that citation. I do not believe the cases are analogous.

It just seems to me that to hold the freedom of an individual to choose a lawyer of his choice for his personal affairs, not for union affairs but for his personal matters, rather than to take the choice of his union, to be unconstitutional would be the most ridiculous and unthinkable interpretation of the Constitution of the United States I have ever heard of. I do not believe the courts have gone quite that far.

I agree with the gentleman who spoke earlier that it is incumbent upon the Congress to act, and then let the courts interpret that action.

Mr. THOMPSON of New Jersey. Mr. Chairman, that is precisely what we are trying to do. That is why we are against the Steiger of Wisconsin amendment, because we do not want to make that decision. We want the courts and the NLRB to make it.

With respect to the denial of freedom of choice, is not the gentleman aware that in the collective bargaining process the union people elect in a democratic manner their representatives, those representatives negotiate with management, arrive at an agreement, and take it back to the union, and the members of the union in a democratic way either ratify or turn it down?

Mr. LATTA. Let me say to the gentleman, if he will yield further, I have heard about some of these meetings they have. They have a handful of people who show up, and they make the determination for thousands of employees.

Mr. THOMPSON of New Jersey. And they take it back to the employees and have secret ballot votes on ratification.

Mr. LATTA. They have about as much to say in those negotiations as I do, and I do not have any.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

I should like to rise, Mr. Chairman, in emphatic support of the amendment offered by the gentleman from Ohio (Mr. LATTA). This amendment, it seems to me, goes right to the crux of this bill. If adopted, it would go some distance toward answering some of the problems I raised when I was previously on my feet.

Mr. Chairman, this is not a question of a lawyers' bill or an antilawyers' bill. It is a question of philosophy, whether or not we should have a free enterprise situation in which we have an attorney-client relationship, one in which the client hires the attorney, or whether this should be done in some mass situation in which the attorney is chosen for the client by other people.

Now, I think that is a very fundamental thing in our society, and I think it is beneficial to the client to maintain this free society we have always had. It is very hard, indeed, for me to see how anybody who believes in that—and all these gentlemen give it lip service—can object to writing into the statute the provision that these people shall have the choice of their own lawyer.

Mr. Chairman, that is not unconstitutional; it is not unwise; it is just plain, ordinary Americanism.

I can see no reason for objecting to putting it in, except that they want to lead these people around like cattle and deny them that choice. If that is not what we want, why do we not just allow this amendment to be adopted by acclamation?

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am not clear on a point or two. Perhaps the gentleman from Ohio can help me. I am not clear as to whether legal services for employees are limited to labor relations or whether they run the whole gamut of litigation under this bill.

Mr. ASHBROOK. Is the gentleman from Iowa (Mr. Gross) referring to this gentleman from Ohio?

Mr. GROSS. Mr. Chairman, I am referring to the gentleman from Ohio (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio. (Mr. Ashbrook).

Mr. ASHBROOK. Mr. Chairman, I would say to my austere friend, the gentleman from Iowa (Mr. Gross) that we are talking about the broad range of legal services. We are talking about the man who needs help in drawing up a will, in buying a home, the man who is having domestic difficulties or being pressed by creditors—any type of legal activity except those which are stated in the bill. There are exceptions, of course. Funds, of course, could not be used to sue the employer, and they could not be used to sue the employer and the union in matters before the NLRB.

Mr. Chairman, we are talking basically about everyday legal services which the rank and file of union members might need.

Mr. GROSS. Mr. Chairman, will the gentleman from Ohio (Mr. Ashbrook) agree with me that the label on this bill provided by the gentleman from Illinois (Mr. McClory) is not quite adequate?

He said the bill will "nationalize" the lawyers, establish a system for "nationalizing" the lawyers in this country.

He must have meant "socialize" the lawyers. Do you not think that is what he meant?

Mr. ASHBROOK. That is what he said, and I think that is what he meant.

Mr. GROSS. Socialize?

Mr. ASHBROOK. I think he said "nationalize."

Mr. GROSS. Mr. Chairman, he did say "nationalize," but does the gentleman from Ohio (Mr. Ashbrook) agree with me that this would be setting up a socialistic system of legal services in this country?

Mr. ASHBROOK. No, I would have to say honestly that I do not agree with the gentleman.

Mr. GROSS. The gentleman does not agree with me?

Mr. ASHBROOK. No, I do not.

Mr. GROSS. Mr. Chairman, I do not believe I lost that argument, although a Member has just suggested that I "lost that one."

The gentleman from Ohio (Mr. Ashbrook), quite frankly, disturbs me with his approach to this matter. I want to ask the gentleman——

Mr. ASHBROOK. Will the gentleman from Iowa (Mr. Gross) yield on this?

Mr. GROSS. Mr. Chairman, let me ask the gentleman this question:

Will the employers' costs of these socialistic legal services be passed on to the consumer of the goods and services?

Mr. ASHBROOK. The employers' costs relating to what?

Mr. GROSS. The cost of doing business, of contributing to this legal system relating to the hiring of attorneys. Will that be passed on to the consumers of this country?

Mr. ASHBROOK. Mr. Chairman, as I understand it—and I certainly do not need to explain it to the gentleman from Iowa—the employers and employees can negotiate as to the pay.

If they agree on $3.56 an hour to the employee, the employee then in the bargaining process can determine that 5 cents goes for this, 10 cents for medical, 12 cents for something else. It is all in the same package. This money has to be paid by the employer and the employer, if he is to make a profit, has to pass it on to the consuming public, evidently. That would be the case whether this bill passes or not.

Mr. GROSS. They would add it to the cost of doing business.

Mr. ASHBROOK. The gentleman makes an honest mistake, I think, in assuming every employer in every situation in every bargaining agreement across the country will be a patsy for anything the unions want. If you hold the line, it will only be $3.60 and then the employee has to determine whether he wants to divert 5 or 6 cents from that package.

Mr. GROSS. If he wants to slice it that way, but it is added to the cost of doing business and passed on to the consumer, is it not?

Mr. ASHBROOK. I would say to the gentleman in some cases it may not even result in an additional cost.

Mr. GROSS. What is the wage ceiling on those who will get these legal services?

Mr. ASHBROOK. The White House did not say what the limit on the wage increases will be, so I do not know.

Mr. GROSS. So it can be anything. The employee may be getting $25,000 or $50,000 and he still can get free legal services.

Mr. ASHBROOK. Again I say to the gentleman from Iowa the mistake made is to think all types of legal bonanzas are going to open up to the rank and file member. The truth of the matter is it is not unlike a scale of medical services. The contracts I have seen thus far will say, for example, a $100 limitation on legal services for a divorce. The divorce might cost $300, so the employee will have to pay $200 himself. There will be fee schedules and limitations.

Mr. GROSS. What will they be?

Mr. ASHBROOK. They will negotiate.

Mr. GROSS. We do not find any schedules or limits in the report or in the bill.

Mr. ASHBROOK. That is why I say very carefully in the ones I have seen and where it has been negotiated that has been the case. You will not pay $4,000 or $5,000 to some employee——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Gross, at the request of Mr. Ashbrook, was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. I would say to my good friend from Iowa the great mistake I have seen in listening to opponents of this is to think everything the employee wants is going to be paid for. The truth of the matter is he is only going to get the bare minimal necessary legal services, subject in most cases to a schedule.

Mr. GROSS. It will increase litigation, will it not?

Mr. ASHBROOK. As a matter of fact, I would say in all honesty I do not think so. It is exactly the other way around.

Mr. GROSS. Oh, come on.

Mr. ASHBROOK. In places where this has been in existence by having a situation where the employee has access to legal services before there is a knock on his door and before the sheriff serves the subpena and before somebody files a suit against him in many cases it cuts down litigation. And you can see it in the report. The general feeling of the bar and judges is in California that prepaid legal services giving the rank and file member access to all legal advice tends to avert a legal crisis and by having prepaid legal services in many cases it ends up reducing rather than increasing litigation.

Mr. GROSS. Did you ever see a socialistic enterprise of this kind that was labeled as nothing that did not spread and spread?

I will yield to the gentleman from California.

Mr. ASHBROOK. When you say "socialistic" with reference to this kind of thing, I do not think it is or else I would not be for it.

Mr. ROUSSELOT. I wonder if you could engage in a colloquy with our good friend from Illinois who felt that this would lead to a nationalization of lawyers by giving these free legal services.

Mr. ASHBROOK. When you are talking about nationalization, in the first place, if I understand the English language correctly and from what little knowledge I have, you are talking about Government control and talking about taking over the operation of an industry. I suppose by talking about that——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. Gross

was allowed to proceed for an additional minute.)

Mr. GROSS. Yes, take over the legal profession as well under this socialistic proposal. Professions as well as industries, and this is the start on another profession.

Mr. ASHBROOK. That is what I am saying. I assume the gentleman is talking about the takeover of a profession. I see absolutely no area where it can happen here. If anything, I have too much respect for the private enterprise system and the collective bargaining process, which, as I understand it, if a person who believes in the private enterprise process—and I believe in it as opposed to compulsory arbitration, because I do not think the Government should become involved in it—I believe that we should go to the private enterprise system.

Of course, the difference certainly here is making it possible to allow the parties in a free enterprise situation their choice.

Mr. GROSS. How long does the gentleman from Ohio suppose it will be before the gentleman will be in here asking for Federal funds to support this program?

Mr. ASHBROOK. No. 1, this gentleman would not be in here asking for for that.

Mr. GROSS. I do not know about that. The gentleman has not convinced me in view of the position he has taken today.

Mr. ROUSSELOT. Mr. Chairman, I would ask does the gentleman from Ohio support the Latta amendment?

Mr. ASHBROOK. I do.

Mr. ROUSSELOT. To allow free choice.

Mr. ASHBROOK. I think there are problems in it, but basically I support it.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Ohio (Mr. LATTA). I think it would be a shame if this record were left with any implication that suggests that the Latta amendment is a "freedom of choice" amendment, when it in fact denies "freedom of choice." We have here an amendment that has the effect of not permitting people to do one or two things which would otherwise be possible, and it prohibits them from at least one of the choices, or it prevents them from exercising at least one or two options available to both management and labor as represented by its collective bargaining agent.

As the bill stands now, the question is what kind of lawyers, whether staff attorneys or an open panel, a wide-open panel such as a Blue Cross type of thing, or whatever form the legal services might take, could be tailored by labor and management in each individual community where such collective bargaining takes place all across the country. What might be appropriate in southern California might not at all fit into the traditions of the area in Ohio from which the gentleman from Ohio (Mr. LATTA) comes. And even what might be appropriate in Mr. LATTA's part of Ohio might not be considered to be the most responsive way to do it in my district in the industrial area around Detroit. So I suggest that we leave it to both management and labor in each of the communities across the country to assume the freedom that they have under the bill as it is written; to bargain in good faith for that form of legal services that best fits the traditions of their area and the needs of their people.

If the Members are talking about a particular part of the country where virtually a single industry and therefore a single union constitutes the bargaining group between management and labor for that entire community, then that is a lot different than a situation where you might have within a single metropolitan area 10 or 12 different union contracts with 10 or 12 different unions, and all of these members living in the same community. One contract could provide for an open panel, another contract could provide for staff attorneys, or they could have a combination thereof, but the choice would be made by the individuals.

So, if in fact one is influenced by the phrase, "freedom of choice," and would like to be able to say that he or she supported freedom of choice, then the only way that one can do that is to support the bill as presented from the committee. Otherwise you will be putting restrictions on the choice by a prejudgment through this legislation, and not through the judgment of the parties at the bargaining table. We will be prejudging the form of every program right here in Washington. The parties to collective bargaining should have the right in free collective bargaining process to exercise their discretion as to what form legal services shall take.

Mr. LATTA. Mr. Chairman, would the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Ohio.

Mr. LATTA. I believe it is important to keep in mind what freedom of choice we are talking about. If we are talking about freedom of choice for the union bosses, or if we are talking about freedom of choice for the workingman, that is one thing. For my part, I am for freedom of choice for the workingman and not for the union bosses.

Mr. WILLIAM D. FORD. I might say to the gentleman from Ohio that the insertion of the words "union bosses," makes about as much sense as an assertion that the discussion we have had heretofore is not valid because it is only a bunch of politicians on the floor of the House who are speaking, and that they are not speaking for individuals. The fact is that we represent the people in our various areas, and they have a remedy if we do not represent them, and there is only one remedy that they have if we do not represent them properly, and that is through the ballot box. And that is just the same as the workingman's union representatives when they go to the collective bargaining table, they are there in a representative capacity to represent all their people, and if they do not represent them then they too are subject to removal at the ballot box.

Mr. DONOHUE. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Massachusetts.

Mr. DONOHUE. I note that among the seven exceptions there is one that permits the financing of medical care programs. Under that exception does a union member have freedom of choice of the doctor that he might select to care for himself or for the members of his family, or his dependents?

Mr. WILLIAM D. FORD. My understanding of the prepaid medical programs is that we do not prohibit them from having such a plan, but in most common prepaid medical plans there are specific doctors that are made available, and they can select from several, but they must select from those provided by the plan.

Mr. HUNGATE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are a number of legal organizations and associations in good standing that support this legislation, and I suppose I shall. I do have some concern—and it becomes deeper as we talk about—medicaid and Blue Cross and the irrelevant practices. It brings antitrust echoes to me, if the Members are familiar with the practices in the medicaid pharmacy field, as it affects independent druggists. Either we will have a plan which is bargained for between the union and the company, and then they deal, let us say, with Blue Cross, which is a big company. Metropolitan is another big one—or any of these large insurance companies. They bargain to provide these medicaid benefits. It is not necessarily simply a union matter. Sometimes it is a corporation that does not want a union, so they give high medical benefits to keep from having one.

Anyhow, it is the big employer, the large union, the large insurance company we are talking about. They come in on these prescriptions, and they go to the druggist and say, "You will now get $2 for filling a prescription."

At first it may be one that lasts for 30 days. It may get up to 60 days. It may be as long as 90 days, and in some instances they may be required to pay sales tax out of that $2 fee. They also transform what has been a cash business into a credit business, because sometimes they will wait 30, 60—and we get testimony that sometimes they wait 6 months—to get their money.

A large drugstore, for example, such as Peoples—and I do not mean this one specifically—they say, "We will give you $2," or they may say, "No; we will need $2.25."

The big insurance company has to think about it, because they are dealing with three or four locations.

But if four or five gentlemen in this room each owned an independent drugstore and did not like the prices, they might say, "Let's get together." We are here in a small town possibly. When two independent druggists get together, they violate the antitrust laws, and then they are in plenty of trouble. They cannot do it. So the big companies come to them and they tell them what they are going to get, and sometimes they can make a living and sometimes they cannot.

If you do not like it, it is too bad for you.

I think those of us who are in the law business may find a similar circumstance coming upon us. I do not think there is going to be a $38 divorce, or anything like that, but I can see the same pattern here that when they start going to lawyers, they are going to tell them what their fees will be, and I do not think it necessarily will benefit the working man. The union negotiates the deal; that is fine; but then I think the man who owns the company, if he can bargain the price of his medicine down lower and get a cheaper rate, or if he can get the cost of legal services down, that does not make it better medicine or legal work, for the workingman seeking to be taken care of.

There is more to good medical and legal care than just price.

I have a very genuine, real concern, because the bar associations with their fee schedules are into antitrust problems now. I think there have already been one or two cases that hold legal fee schedules violate the antitrust laws.

Suppose we are in a town where there is a large employer, and that large employer has a significant number of employees. They advertise their approved lawyers or druggists to their employees. If they go there they are helped in paying their bills, otherwise it is on the employee and he does not even hear about the other druggists or lawyers—other lawyers cannot ethically advertise their services and certainly not their rates.

It seems to me the antitrust laws then protect the large chain drug company, the large union, and the large insurance company and discriminate against the small independent pharmacy and next, the small independent lawyer.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. HUNGATE. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding. If it is put into effect it would simply permit a union and a company to agree to such a plan without violating the Labor Act. Is that not so?

Mr. HUNGATE. My understanding is it is not self-executing, but I presume it will be executed, and there is a lot of support and merit to a plan of this kind, but I am concerned about the antitrust aspects of this. We created the antitrust law to protect small business and small lawyers and now they seem in some cases to protect the large business against the small.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA) to the committee amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 279, noes 126, present 1, not voting 27, as follows:

[Roll No. 209]

AYES—279

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Beard
Bell
Bennett
Bergland
Bevill
Biester
Blackburn
Boland
Bowen
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denholm
Dennis
Devine
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Findley
Fish
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Frey
Froehlich
Fulton
Fuqua
Giaimo
Gilman
Goldwater
Gonzalez
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holt
Hosmer
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lehman
Lent
Litton
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McEwen
McKay
McKinney
McSpadden
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Melcher
Michel
Milford
Miller
Mills, Ark.
Minish
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Murphy, Ill.
Natcher
Nelsen
Nichols
Obey
O'Brien
Parris
Passman
Patman
Pettis
Pickle
Pike
Poage
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Randall
Rarick
Regula
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Roush
Rousselot
Roy
Runnels
Ruth
Ryan
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Stanton, J. William
Steed
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Studds
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wolff
Wydler
Wylie
Wyman
Yates
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion
Zwach

NOES—126

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Barrett
Biaggi
Bingham
Boggs
Bolling
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Chisholm
Clark
Clay
Collins, Ill.
Conyers
Cotter
Culver
Danielson
Dellums
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Eilberg
Fascell
Flood
Foley
Ford, William D.
Fraser
Gibbons
Ginn
Grasso
Gray
Green, Pa.
Hanna
Hansen, Wash.
Harrington
Hawkins
Holifield
Holtzman
Horton
Howard
Johnson, Calif.
Jones, Ala.
Jordan
Karth
Kluczynski
Koch
Kyros
Leggett
Long, Md.
McCormack
McDade
McFall
Madden
Meeds
Metcalfe
Mezvinsky
Mink
Mitchell, Md.
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, N.Y.
Myers
Nedzi
Nix
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Peyser
Podell
Price, Ill.
Railsback
Rangel
Rees
Reid
Reuss
Rodino
Roncalio, Wyo.
Rosenthal
Roybal
St Germain
Sarbanes
Schroeder
Seiberling
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steele
Stokes
Stratton
Sullivan
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wright
Wyatt
Yatron
Young, Ga.

ANSWERED "PRESENT"—1

Dickinson

NOT VOTING—27

Badillo
Blatnik
Carey, N.Y.
Carter
Corman
Daniels, Dominick V.
Derwinski
Edwards, Calif.
Erlenborn
Fisher
Frelinghuysen
Gaydos
Gettys
Hébert
Huber
Landrum
Martin, Nebr.
Mayne
Moorhead, Pa.
Rooney, N.Y.
Rostenkowski
Ruppe
Sandman
Smith, N.Y.
Steelman
Steiger, Ariz.
Waldie

So the amendment to the committee amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 5, after "funds" insert the following: ": *Provided further,* That no such legal services shall be furnished: (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workman's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (ii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, and this Act; and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".

AMENDMENT OFFERED BY MR. BAKER TO THE COMMITTEE AMENDMENT

Mr. BAKER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BAKER to the committee amendment: Page 2, line 10, after "agents," insert the following: "except in the case of legal services for employees to contest the validity of fines levied, or other disciplinary action taken, by such organization against its members,".

Mr. BAKER. Mr. Chairman, we have a bill here which has the evidences of big management and big labor, and possibly the rank and file employee can find himself in a bind. There is an exception here to the provisions of an action against management whereby an employee can proceed and use the legal funds which might be provided in a workmen's compensation case.

This seems reasonable, because he has very little ability to go after the big insurance companies and proceed in his own interests.

There are exceptional costs involved, certainly. Workmen's compensation is most important. The employer pays all of the cost, we recognize, to workmen's compensation. In my amendment the union member who pays the bill is allowed to use the legal fund, if he so desires, to appeal a fine or disciplinary action which has been levied upon him by the big union. He is helpless in the face of some unscrupulous union officials; he has no means by which he can protect himself. He has contributed to the legal fund just as has management. He ought to have the opportunity to benefit from his contribution.

Labor law is certainly complicated. My amendment serves the interests of the union members rather than those of the bosses. The only action in which this provision could be used by the employee would be in answer to a fine or disciplinary action which has been initiated by the union.

Mr. Chairman, I ask for an aye vote in the interests of the person who pays the bill.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition.

Mr. Chairman, I do not question the motives of the gentleman from Tennessee, but I might point out that the policy of this bill is to permit suits against neither management nor the union. The suits against the union and its officers to test the validity of fines or disciplinary actions taken without the structure of the union, presumably in violation of its own set of bylaws; the reason for permitting such suits against unions applying equally to suits against management and disciplinary actions which are prohibited under the policies of this act. The fact is that both suits of union versus union or union versus management or vice versa are inappropriate under the jointly administered fund. An obvious conflict of interest would arise if suits were permitted to be brought against either side of the joint board. In a word, there are grievance procedures and already existing procedures with respect to disciplinary action taken by union members against their own members or by management against its employees.

Mr. Chairman, in my view, this is a well-intentioned amendment but inappropriate to this piece of legislation, and I urge its rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BAKER) to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 2, line 3, immediately after "*Provided,*" insert the following: "That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice, however, once bargaining has produced an agreement regarding the establishment of such trust fund, it shall constitute an unfair labor practice to (A) unilaterally modify or terminate that agreement, or (B) fail or refuse to bargain in good faith regarding such trust fund in the next subsequent contract negotiation between the same parties: *Provided further,*".

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is one which would simply make clear the intent of the Congress that this issue on the establishment of jointly administered trust funds for legal services would be permissive. I would have to say in all honesty that I am somewhat surprised at the argument of the gentleman from New Jersey, my distinguished and able friend, Mr. THOMPSON, who in effect says the bill as it was reported from the Committee on Education and Labor is silent, does not say it is mandatory, does not say it is permissive, but to let the courts and the National Labor Relations Board handle that. That kind of an argument, at the very time that the Congress is grappling with the problem as to whether it can regain its ability to deal with the executive branch, absolutely bamboozles me. It seems to me that the Congress has not only the clear responsibility but the clear opportunity to make that determination one way or another. From my standpoint, I think it is very clear that the establishment of the trust funds as provided in H.R. 77, if they are not done on a permissive basis, will make the whole collective-bargaining process basically much more difficult.

This says in effect that we do agree that there ought to be the opportunity for labor and management to jointly get together and bargain on a trust fund. But we also believe that an employer or an employee organization that fails to bargain on this particular provision ought not to be found in terms of an unfair labor practice before the National Labor Relations Board. That is what the amendment is all about. If you fail to adopt this amendment I think, just as night follows the day, this subject becomes a subject of mandatory bargaining, and it does not allow the parties involved to make the choice. But the safeguard is there, and I think the safeguard is important that says once you have established it then the employer cannot unilaterally break it off. I think that is a protection for the workers. And beyond that it says that you shall then bargain in good faith once it has been established, even if you then decide not to continue the plan.

Both of those latter provisions which stem in part from a court case, the Pittsburgh Plate Glass Co. case, are designed to insure that the right of the employee, once the fund is established, shall not be abrogated by an employer who is not in good faith or who fails to continue to fund during the time of the contract.

Thus, Mr. Chairman, I think it is clear that what this amendment would attempt to do is to insure that the will of the Congress is clearly expressed, at least, the will of the House, that this be a matter of permissive bargaining, and that it should not be an unfair labor practice for an employee to refuse to bargain on the establishment of this jointly administered trust fund.

I hope the amendment will be adopted.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Mr. Chairman, I rise to oppose this amendment in the strongest possible terms. For more than 35 years it has been the policy of the United States to encourage the practice and procedure of collective bargaining.

Collective bargaining simply means a requirement of good faith negotiations. A requirement of discussion—not agreement.

H.R. 77 leaves this issue—the requirement of good faith negotiations—to the National Labor Relations Board, and the courts.

In other words, H.R. 77 is neither mandatory nor permissive. That decision was felt to be better left to the NLRB and the courts, to be made on a case-by-case basis.

This approach is consistent with the legislative history of section 302(c).

Mr. Chairman, the real mandatory provision before this body today is the Steiger amendment which states that it shall be an unfair labor practice—that is, mandatory—to modify or terminate legal services plans once agreed to. And, further, that once an employer agrees to a legal services plan it is mandatory that such plan be discussed in subsequent negotiations.

In other words, once an employer

agrees and has a joint legal services plan with his employees, he must then forevermore negotiate that as distinguished from the language of the bill.

It was our judgment that 25 years of experience in the NLRB and the courts indicates a better ability there than here. Contrary to the implication of the "Dear Colleague" letter from my friend, the gentleman from Wisconsin (Mr. STEIGER) and my friend, the gentleman from Illinois (Mr. ERLENBORN), H.R. 77 is not mandatory but neutral on the issue. The purpose is to give middle-income workers the opportunity for access to the system. Under the Latta amendment just so heavily agreed to, they can go to any member of the bar in their area. This would have the Congress, without the experience or the ability of the courts, deny to middle-class Americans the opportunity to consult with or be represented by counsel. The amendment would in fact take that decision from the NLRB and the courts and let the employer unilaterally determine whether or not legal service plans should be negotiated.

When the original act, the Taft-Hartley Act, was enacted in 1947, the Congress rejected the concept to delineate mandatory and permissive subjects of collective bargaining. We should continue to do so. This amendment would violate the spirit of collective bargaining, and I strongly urge its defeat.

AMENDMENT OFFERED BY MR. DENNIS TO THE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. DENNIS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The Clerk read as follows:

> Amendment offered by Mr. DENNIS to the amendment offered by Mr. STEIGER of Wisconsin: Insert a period following the word "practice", where that word first occurs in the Steiger amendment, and strike out everything thereafter.

Mr. DENNIS. Mr. Chairman, this makes the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) simply read as follows:

> That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

I have stricken out the part of the Steiger amendment which says that it would be an unfair labor practice to unilaterally modify or terminate the agreement, because I think that is unnecessary. If we have an agreement for a year or 2 years, or whatever it is, we have a contract. We cannot unilaterally break it without, in my judgment, being guilty of an unfair labor practice, and certainly we cannot do it without being guilty of a breach of contract for which we are liable in damages. So I do not think we need that provision.

I also strike out that part which says that if you once bargain on this subject, that thereafter, in any renewed negotiation when the contract expires, you are obligated to bargain. It will be said that you do not have to agree. I understand that, but under the Steiger amendment as proposed, while it is permissive, whether you voluntarily bargain the first time, if you ever do that, and the contract expires, if you have tried it out, and you do not think it is a good idea, you have got to bargain again, and you have got to bargain from here on; and, of course, you are under tremendous pressure to agree to something. You almost have to do it, and you will take a strike if you do not do it; so I do not think that is a good provision, and I just say, Leave it out. Make it read very plainly and very simply that no labor organization or employer is required at any time to bargian on setting up this particular scheme. They can bargain on it if they want to. If they do not want to, they do not have to. That was the original form of Mr. STEIGER's amendment. I think it is the best form of his amendment, and I urge the adoption of my amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment to the amendment.

However strongly I feel, as I expressed it, against the amendment of the gentleman from Wisconsin (Mr. STEIGER), I feel even more strongly against this amendment to it. I feel it should be defeated. There is, however unsatisfactory I feel it is—and I think a great many others do—at least an element of flexibility in the Steiger amendment which the gentleman from Indiana's amendment would strike.

I therefore say to those who say the Steiger amendment would make this permissive and to those who want to make this permissive, the language developed by the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Illinois (Mr. ERLENBORN) has been more carefully thought out and has more merit and indeed would work better than the amendment offered by the gentleman from Indiana.

Mr. ANDERSON of Illinois. Mr. Chairman, I strongly support the Steiger amendment to H.R. 77 in the hopes that it will aid in striking a balance between labor and management in the area of collective bargaining. This amendment would in no way block the establishment of jointly administered legal service trust funds for those who want them; it would simply insure that bargaining for such trust funds would not be mandatory, but would instead be the result of voluntary cooperation between labor and management.

Mr. Chairman, there are colleagues of mine here today who are probably asking the question, "Why do we need the Steiger amendment? Why not be neutral in the matter, and let the courts or National Labor Relations Board decide whether bargaining for legal services trust funds should be mandatory or discretionary?" Unfortunately, Congress cannot now be neutral in this matter, for two very good reasons.

The first reason is the action we have taken in the past. In 1969, when we added education scholarship funds and funds for day-care centers to the ever-increasing group of items for which employer contributions may be made, we tacked on a short proviso to insure that the establishment of these funds not be considered a mandatory bargaining item. As a result, an employer may not be cited for unfair labor practices if he does not choose to bargain about such funds.

Moreover, there was a very good reason for that proviso: the entire history of National Labor Relations Board rulings on section 302(c) suggested that unless Congress did take positive action in the other direction, the NLRB and the courts would make scholarship and day care funds mandatory subjects of bargaining. That was something that Congress simply did not wish to endorse.

Yet we have established a clear precedent by including that proviso in section 302(c). Without a similar proviso, is it not safe to assume that the NLRB or the courts will conclude that Congress intended legal service trust funds to be a mandatory bargaining topic?

Even without the language of section 302(c) which precedes the addition we are making today, there is still a very good reason to believe that in the absence of affirmative congressional action, the NLRB or courts will make legal trust funds part of the wide range of bargaining subjects which are now mandatory.

For example, within a year of passage of the original Labor Management Relations Act of 1947, the NLRB had ruled that indvidual merit increases and pension plans were an integral part of "other terms and conditions of employment" and therefore were mandatory subjects of bargaining.

The Inland Steel case was a landmark decision in this area and it is interesting to note that the Board ruled in that case that pension plans constituted an economic enchancement of employee wages since the employee otherwise would have had to use his wages to purchase services provided by a pension plan. For that reason, pension plans could be considered part of wages. It is not hard to see how this reasoning could be applied to just about any fringe benefit, in that without the fringe benefit, the employee clearly would have to use his earnings to purchase the services, whether they were legal services, health benefits, or a retirement plan.

And this is exactly what has happened. In *NLRB* v. *Niles-Bemont Pond Co.*, (199 F. 2d 713), Christmas bonuses were ruled to be a derivative of wages; in Cross & Co., health and accident plans were included as wages; in Black-Clawson, a profit-sharing was added; in Richfield Oil Corp., stock purchase plans were added.

In case after case, fringe benefits have been included as part of mandatory bargaining. I think the only conclusion that we can come to is that the same would be true if we were not to explicitly exempt legal services trust funds by passage of the Steiger amendment.

Mr. Chairman, let us admit that legal service trust funds are a laudable goal. Let us admit that they do serve some useful function and that those who are privileged enough to participate in legal service plans do enjoy a worthwhile benefit. But let us also ask ourselves whether legal service trust funds are a necessity of life, a "right" to be enjoyed by all workers.

I thnk it is evident that no such right can be claimed by anyone. Certainly all workers have a right to bargain for legal services as a fringe benefit from their employers. Yet, if legal service trust funds are an inherent right, then why not cars, and sewers, and food and every other component of living in America?

Indeed, legal service trust funds are more correctly a convenience providing for payment of services which would otherwise be paid out of the worker's pocket. The claim to legal service trust funds as a right and therefore an appropriate item of mandatory bargaining must be dismissed as rhetoric and not as a reasoned argument against the Steiger amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the present situation is this: The law says one cannot pay money to a labor organization or to people associated with it except for the following purposes, and then there is a list of exceptions. One of them for instance is prepaid medical insurance, another is pension and welfare plans, and so forth.

Right now if a union wants to get the employer to agree to one of these prepaid legal services plans, all the employer has to say is, "I cannot even discuss that with you. Do you know if I discuss legal services with you I would be in violation of the law?" All that the bill before us says is that if prepaid legal service is one of the parts of the bargaining package that the union comes forward with, the employer has to discuss that along with whatever might be proposed for medical services or whatever might be proposed for pension improvements or with respect to hours and wages.

There is nothing wrong with that.

But if we were to adopt the Steiger amendment we do not really mean it. The employer can go right on the way he has and say that he will not even discuss it.

It seems to me either we are serious about prepaid legal services or we are not. If we are serious about them, we ought to say that if the union wants to make legal services part of its bargaining package the employer at least has to discuss it with the union. He does not have to agree.

Furthermore, I do not think it will add to wage costs.

As a practical matter, the way it works is the union comes in with a 65-cent-an-hour package, or whatever, and I do not see what difference it makes to the employer whether the package consists of 25 cents fringe benefits and 40 cents wage improvement or 30 cents fringe benefits and 35 cents of wage improvement. The employer treats it that way. He says, "You fellows have a 65-cent-an-hour package and I will not give you any more than 40 cents." Then they discuss how whatever they shall agree upon will be divided.

If we are serious in what we are saying about legal services, then let us defeat the Steiger amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, the gentleman from Michigan and I both supported in the last Congress an amended section 302(c) that established the right to have trust funds on a permissive basis for day care and other services. I did not hear the debate then refer to the adage about the daughter being permitted to swim but not go near the water. I must say to the gentleman from Michigan that statement is without any basis. Under the way the NLRB has operated there are six instances in which they are mandatory, not including day care and scholarships, and it was specifically said by Congress this would be a specific exception. Both employers and employees are using that provision and using it well.

Mr. O'HARA. Mr. Chairman, I would say in response to the gentleman that we made a mistake by giving second-class status to that day care and scholarship provision last year. I hope we do not make the same mistake with regard to legal services.

I think legal services are entitled to the same dignity as prepaid medical plans. If we accept the bill as it is, that is what we will do, give it the same status to legal services as to prepaid medical plans.

Mr. Chairman, I ask that the amendment be defeated.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this term "permissive" is very deceptive. I do not, of course, mean to imply any deceptiveness on the part of the distinguished gentleman from Wisconsin. When one says that it is permissive for the employer to even bargain about a matter, one is saying, in effect, that it is virtually impossible for a union to get the benefit.

The most difficult unfair labor practice to prove in all of that list under 8(a) of the bill is 8(a) 5, which is a refusal to bargain.

The act works this way: It says that an employer and a union must bargain about wages, hours and conditions of employment. It leaves the question of what are conditions of employment broadly to the board. Now, there are certain types of benefits of employment that are mandatory for bargaining. There are certain areas of benefits to employees that are held to be permissive for bargaining. The board has spelled these out and the courts have further refined the question. The decisions are related to the question of whether or not, in the course of bargaining, the company is being fair, is fairly bargaining on legitimate employee concerns relating to the employment.

These questions are extremely difficult for us to spell out in a piece of legislation like this in advance. I suggest to the Members that the wisest thing to do is to leave these questions to be determined by the board and the courts when these circumstances of the cases arise.

It is entirely possible that in some instances the company's reasonable refusal to engage in lengthy discussion of such a plan will not be held to be an unfair labor practice. I can conceive of situations in which such a rule would be right. But, it is characteristic of the labor act rights and duties are spelled out in broad terms of art. The question of unfair labor practices, refusal to baragin, rights of employees to representation, are like constitutional statements. For us in an act such as this to try to prejudge those complex issues is an act of utter futility.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished majority leader, Mr. O'NEILL.

Mr. O'NEILL. Mr. Chairman, I want to congratulate the gentleman on his statement. It is a very concise and knowledgeable statement and I am happy to agree with him.

Mr. Chairman, I do hope the amendment is defeated.

Mr. ECKHARDT. Mr. Chairman, I thank the distinguished majority leader. I would ask merely that the amendment to the amendment be defeated, and that the amendment be defeated.

Mr. PEYSER. Mr. Chairman, I rise in opposition to the Steiger amendment.

Mr. Chairman, we spoke on this provision during general debate, and the one thing which disturbs me—for the many Members who are here now—is the real question we are discussing, is whether middle-income employees will have the right or have the opportunity at least of discussing as a benefit decent legal services.

I think it has been clearly stated that the legal services involved, if they are put in, precludes any opportunity of the employee of suing the company or suing the union, or individuals involved in it. It is not a device that is used against the companies or against the unions.

I think it is also important that everyone recognize that H.R. 77 is really a compromise in that there is nothing mandatory or permissive in its language.

It simply says that if a union wants to negotiate this matter with a company, and if the company declines to discuss the matter—that the union can go to the courts and get a decision. In other words, it allows them that right to get the decision.

Even if it is discussed, there is nothing here that says the agreement must be accepted by the company.

I do not feel this is a protection of a company situation. I really look on this as an opportunity for middle-income people who desperately need at given times some legal help and counsel to get it. For this reason I believe the Steiger of Wisconsin amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS) to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

RECORDED VOTE

Mr. DENNIS. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 293, not voting 29, as follows:

[Roll No. 210]

AYES—111

Abdnor
Andrews, N.C.
Archer
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bray
Brinkley
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burleson, Tex.
Butler
Camp
Casey, Tex.
Cederberg
Clancy
Clawson, Del
Cochran
Collins, Tex.
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dennis
Devine
Dickinson
Duncan
Edwards, Ala.
Eshleman
Flynt
Fountain
Froehlich
Goldwater
Goodling
Gross
Gubser
Haley
Hammerschmidt
Hanrahan
Hébert
Hogan
Holt
Hosmer
Hudnut
Hunt
Hutchinson
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lott
McClory
McEwen
Mahon
Maraziti
Martin, N.C.
Mathis, Ga.
Milford
Mitchell, Md.
Mizell
Montgomery
Moorhead, Calif.
Myers
Nichols
Parris
Powell, Ohio
Price, Tex.
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Rose
Rousselot
Ruth
Satterfield
Scherle
Sebelius
Shuster
Snyder
Spence
Stephens
Stubblefield
Symms
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Treen
Vander Jagt
Waggonner
White
Whitten
Wiggins
Winn
Wylie
Young, S.C.
Young, Tex.
Zion

NOES—293

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byron
Carney, Ohio
Carter
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conable
Conte
Conyers
Cotter
Coughlin
Cronin
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
du Pont
Eckhardt
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Fulton
Fuqua
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gude
Gunter
Guyer
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Holifield
Holtzman
Horton
Howard
Hungate
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lujan
McCloskey
McCollister
McDade
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mailliard
Mallary
Mann
Mathias, Calif.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schneebeli
Schroeder
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Thompson, N.J.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Zablocki
Zwach

NOT VOTING—29

Badillo
Bell
Carey, N.Y.
Corman
Culver
Daniels, Dominick V.
Edwards, Calif.
Erlenborn
Fisher
Frelinghuysen
Gaydos
Gettys
Hanna
Huber
Landrum
McCormack
Martin, Nebr.
Mayne
Moorhead, Pa.
Nelsen
Rooney, N.Y.
Rostenkowski
Ruppe
Sandman
Smith, N.Y.
Steelman
Steiger, Ariz.
Stokes
Waldie

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The questions was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 223, not voting 33, as follows:

[Roll No. 211]

AYES—177

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Beard
Bennett
Bevill
Blackburn
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Evans, Colo.
Findley
Flowers
Flynt
Fountain
Frenzel
Frey
Froehlich
Fuqua
Goldwater
Green, Oreg.
Griffiths
Gross
Gubser
Guyer
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Henderson
Hinshaw
Holt
Hosmer
Hudnut
Hutchinson
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
King
Kuykendall
Latta
Lott
Lujan
McClory
McCollister
McEwen
McKay
Madigan
Mallary
Mann
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mazzoli
Michel
Milford
Miller
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Nelsen
Nichols
Parris
Pettis
Poage
Powell, Ohio
Price, Tex.
Pritchard
Quie
Quillen
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rose
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shoup
Shriver
Shuster
Sikes
Snyder
Spence
Stanton, J. William
Steiger, Wis.
Stephens
Stubblefield
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Treen
Vander Jagt
Veysey
Waggonner
Ware
White
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, Tex.
Zion
Zwach

NOES—223

Abzug
Adams
Addabbo
Anderson, Calif.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
Barrett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Calif.
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Chisholm
Clark
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Conyers
Cotter
Coughlin
Cronin
Culver
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Devine
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Eilberg
Fascell
Fish
Flood
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Fulton
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Goodling
Grasso
Gray
Green, Pa.
Grover
Gude
Gunter
Haley
Hamilton
Hanley
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Hogan
Holifield
Holtzman
Horton
Howard
Hungate
Hunt
Ichord
Jarman
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
McCloskey
McDade
McFall
McKinney
McSpadden
Macdonald
Madden
Mailliard
Maraziti
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Mills, Ark.
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Railsback
Randall
Rangel
Rees
Reid
Reuss

Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shipley
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Steed
Steele
Stratton
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Walsh
Wampler
Whalen
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Yates
Yatron
Young, Ga.
Zablocki

NOT VOTING—33

Badillo
Baker
Bell
Corman
Daniels, Dominick V.
Edwards, Calif.
Erlenborn
Evins, Tenn.
Fisher
Frelinghuysen
Gaydos
Gettys
Hanna
Huber
Landgrebe
Landrum
Long, Md.
McCormack
Mahon
Martin, Nebr.
Mayne
Moorhead, Pa.
Obey
Rooney, N.Y.
Rostenkowski
Ruppe
Sandman
Smith, N.Y.
Steelman
Steiger, Ariz.
Stokes
Waldie
Young, S.C.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. HEINZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we are working our will on what will turn out to be a good and productive piece of legislation, but in the course of the debate, which I have listened to with care this afternoon, one or two important questions have not been raised.

Mr. Chairman, I would like to address the committee which has been handling this legislation for one or two inquiries. Would the distinguished Chairman, the gentleman from New Jersey (Mr. THOMPSON) be willing to answer these inquiries?

Mr. THOMPSON of New Jersey. Mr. Chairman, I would be very pleased to respond to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, would the gentleman say whether the employer contributions which are involved in this proposal, and undoubtedly there will be both employer and employee contributions, will the employer contributions be tax deductible as a business expense to the employer?

Mr. THOMPSON of New Jersey. Mr. Chairman, I thank the gentleman from Pennsylvania for asking this question. I anticipate one or two more, because I think that they are of great importance to the legislative history.

The employer contribution will be deductible to him as an ordinary and necessary business expense of augmentation of wages.

Mr. HEINZ. The employer contribution which accrues to the benefit of the employee, will that be recognized as income under current existing IRS regulations? Will that be recognized as income to the employee, and therefore taxable?

Mr. THOMPSON of New Jersey. Yes. If I may answer, the benefits of the program are includable in the gross income of the employee. They are deductible to the employer. The current half of the cost to the employer is the measure of benefit to the employee.

Earlier I had another opinion, but I have since checked this out.

Similar benefits for group health and accident plans are presently excluded from gross income of employees by section 106 of the Internal Revenue Code. To have such benefits tax free, as in the case of group health, for employees would take an amendment to section 106 of the Internal Revenue Code.

Mr. HEINZ. Is it the intention of the chairman of the committee to subsequently seek such treatment under section 106 of the Internal Revenue Code?

Mr. THOMPSON of New Jersey. I shall do that, from the Internal Revenue Service, and I shall discuss the matter with the chairman of the Committee on Ways and Means.

Mr. HEINZ. Would it also be the chairman's intention to seek exclusion of the benefits, namely the legal services received, from being taxable under section 105 of the Internal Revenue Code?

Mr. THOMPSON of New Jersey. To the employee?

Mr. HEINZ. Yes.

Mr. THOMPSON of New Jersey. It would be.

Mr. HEINZ. Might I say then for the record, if the gentleman is going to seek beneficial tax treatment of employer contributions and employer benefits under sections 106 and 105, that we should not forget the small employer, or the employee of a small employer, or the self-employed person, such as the carpenter who may be self-employed. Far too often in the past we have created inequities in the name of benefiting a large number of people and have had the opposite effect of failing to benefit equally the self-employed, the small employer, and employees of small employers.

Mr. THOMPSON of New Jersey. I quite agree with the gentleman.

Might I add that during the debate it was not made clear that insurance companies, including those in the gentleman's State of Pennsylvania, are drafting policies which will be available, provided the Secretary of Insurance, or whatever he is called in Pennsylvania or in any other State, makes these plans available on a private nongroup basis to nonunion or self-employed persons.

I thank the gentleman for yielding.

Mr. HEINZ. I thank the gentleman for his assistance in clarifying these matters.

Mr. Chairman, I urge my colleagues to support the bill, H.R. 77.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 77) to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services, pursuant to House Resolution 423, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. STEIGER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 149, not voting 27, as follows:

[Roll No. 212]

YEAS—257

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Ashbrook
Ashley
Aspin
Barrett
Bennett
Bergland
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brademas
Brasco
Breaux
Breckinridge
Brooks
Brown, Calif.
Burke, Calif.
Burke, Mass.
Burlison, Mo.
Burton
Carney, Ohio
Carter
Chisholm
Clark
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Conyers
Cotter
Coughlin
Cronin
Culver
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
du Pont
Eckhardt
Eilberg
Esch
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Frey
Froehlich
Fulton
Fuqua
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Grover
Gude
Gunter
Hamilton
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks
Hillis
Holifield
Holtzman
Horton
Hosmer
Howard
Hungate
Ichord
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
McCloskey
McCollister
McDade
McFall
McKinney
McSpadden
Macdonald
Madden
Madigan
Mailliard
Mallary
Mann
Maraziti
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Mills, Ark.
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarasin
Sarbanes
Saylor
Schroeder
Seiberling
Shipley
Shoup
Sisk
Skubitz
Slack
Smith, Iowa
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele

Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Thompson, N.J.
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Widnall
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Ga.
Young, Ill.
Zablocki
Zwach

NAYS—149

Abdnor
Andrews, N.C.
Archer
Arends
Armstrong
Bafalis
Baker
Beard
Bevill
Blackburn
Bowen
Bray
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
Edwards, Ala.
Eshleman
Flynt
Fountain
Goldwater
Goodling
Green, Oreg.
Griffiths
Gross
Gubser
Guyer
Haley
Hammerschmidt
Hanrahan
Harvey
Henderson
Hinshaw
Hogan
Holt
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Latta
Lott
Lujan
McClory
McEwen
McKay
Mahon
Martin, N.C.
Michel
Milford
Miller
Minshall, Ohio
Mizell
Montgomery
Moorhead, Calif.
Myers
Nelsen
Nichols
Parris
Poage
Powell, Ohio
Price, Tex.
Quillen
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Rose
Rousselot
Runnels
Ruth
Satterfield
Scherle
Schneebeli
Sebelius
Shriver
Shuster
Sikes
Snyder
Spence
Steiger, Wis.
Stephens
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Towell, Nev.
Vander Jagt
Veysey
Ware
Whitehurst
Whitten
Wiggins
Williams
Wilson, Bob
Winn
Young, Alaska
Young, Fla.
Young, S.C.
Young, Tex.
Zion

NOT VOTING—27

Badillo
Bell
Carey, N.Y.
Corman
Daniels, Dominick V.
Edwards, Calif.
Erlenborn
Fisher
Frelinghuysen
Gaydos
Gettys
Huber
Landrum
McCormack
Martin, Nebr.
Mayne
Moorhead, Pa.
Rooney, N.Y.
Rostenkowski
Ruppe
Sandman
Smith, N.Y.
Steelman
Steiger, Ariz.
Stokes
Treen
Waldie

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dominick V. Daniels for, with Mr. Landrum against.

Mr. Rooney of New York for, with Mr. Fisher against.

Mr. Gaydos for, with Mr. Gettys against.

Mr. McCormack for, with Mr. Martin of Nebraska against.

Mr. Carey of New York for, with Mr. Huber against.

Mr. Stokes for, with Mr. Erlenborn against.

Mr. Rostenkowski for, with Mr. Treen against.

Mr. Moorhead of Pennsylvania for, with Mr. Steiger of Arizona against.

Mr. Waldie for, with Mr. Ruppe against.

Until further notice:

Mr. Corman with Mr. Bell.

Mr. Edwards of California with Mr. Mayne.

Mr. Badillo with Mr. Smith of New York.

Mr. Frelinghuysen with Mr. Steelman.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services."

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, pursuant to the provisions of House Resolution 423, I call up for immediate consideration the Senate bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 1423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: *Provided further,* That no such legal services shall be furnished (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workmen's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, or this Act, and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".

MOTION OFFERED BY MR. THOMPSON OF NEW JERSEY

Mr. THOMPSON of New Jersey. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMPSON of New Jersey moves to strike out all after the enacting clause of S. 1423 and to insert in lieu thereof the provisions of H.R. 77, as passed, as follows:

That section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents for counsel of their choice: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: *Provided further,* That no such legal services shall be furnished: (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workman's compensation cases, or (ii) against such labor organizaton, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, and this Act; and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 77) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, THOMPSON of New Jersey, CLAY, BRADEMAS, O'HARA, WILLIAM D. FORD, QUIE, ASHBROOK, DELLENBACK, and ESCH.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Steiger of Wisconsin amendment.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 504, AMENDING PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 504) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, ROGERS, SATTERFIELD, NELSEN, and HASTINGS.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 13, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to dispense with business in order under the Calendar Wednesday rule on Wednesday, June 13, 1973.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

A SALUTE TO BILL ARBOGAST ON HIS BIRTHDAY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, it gives me great pleasure to extend birthday greetings and many happy returns of the day to a man held in great esteem and respect by all of us here in the House—Bill Arbogast of the Associated Press.

Bill is 65 today, and I understand he is now looking forward to surcease from the toils and troubles of covering Capitol Hill—for which I do not blame him.

One of the finest newsmen ever to cover Capitol Hill, Bill Arbogast has been chief of the House AP staff for nearly 30 years—since December of 1944, to be exact.

He came to Capitol Hill with an excellent background. He started work with AP as a correspondent on March 16, 1931, in Louisville, Ky. After beating the great depression, he was transferred to Frankfort, Ky., in October of 1934 and covered the Kentucky State Legislature for the next 4 years.

In September of 1938 the AP powers-that-be transferred Bill Arbogast to Washington and assigned him to Capitol Hill as a regional correspondent. He was promoted to the general staff, covering the Hill, in December of 1941 and 3 years later became chief of the House AP staff.

That, briefly, is the history of the AP House chief who has been responsible for the excellent coverage given the House for nearly three decades by the Associated Press.

Mr. Speaker, I join my colleagues in saluting Bill Arbogast on this, his 65th birthday, and wish him many more birthday anniversaries.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to our distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I am happy that the distinguished minority leader has taken this time to pay tribute to one of the finest men I have ever known. I do not believe that anybody in the history of either the Press Gallery or even the House itself ever has left here with more friends than has Bill Arbogast.

He has been an accurate, honest, and fine reporter of the proceedings of the House of Representatives. In my opinion, his chronicles will remain as one of the most accurate penetrating records of the proceedings and activities of the House and its committees during my time as a Member.

I have known Bill ever since I have been a Member of this House. I have always admired him. I extend my best wishes for a very happy birthday and I wish him everything that life has to offer and a long and wonderful retirement when he leaves us at the end of this month.

Mr. GERALD R. FORD. I appreciate those fine words, as I know Bill does. The Speaker has indicated his deep personal appreciation of Bill and I share those sentiments and again wish Bill a happy retirement.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, I do want to echo the words of our Speaker and the minority leader about our good friend Bill Arbogast of the Associated Press and for whom we have great respect. I have been around these halls for many a day, as has Bill Arbogast. He is capable and friendly and enormously fair as a reporter and as a human being.

I recall that some time ago when our great friend Bill was threatening to resign we had quite a day here for him. Now he is celebrating his 65th birthday and we wish him a happy birthday. We were wrong before when we saluted Bill—he did not resign. I hope we are now in error again and that Bill is not quitting at the end of the month. I hope he stays at least until he is 75 years old.

So, Bill, happy birthday, and I know I express the sentiments of all the Members of the House.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I would like to join with all of my colleagues in paying tribute to a fine gentleman on his birthday. I have known William Arbogast since I first came to Congress 24 years ago and have enjoyed working with him. William Arbogast is a hard-working, efficient reporter and a gentleman at all times. He is continuously looking out for the things he can do for the good of others.

We have worked together on many subjects, such as, a report on the effectiveness of Salk vaccine when it first came out and the use of drugs among athletes.

It is with deep admiration and respect that I extend my warmest congratulations to Bill on this day.

Mr. HÉBERT. Mr. Speaker, I join my fellow Members in the happy opportunity of wishing Bill Arbogast a joyful birthday and in the sad duty of saying goodby to him when he retires at the end of this month. Bill Arbogast has been on Capitol Hill longer than I have. There is a rumor that he came here originally with Speaker Cannon, but I have it on good authority that he actually arrived in 1938. To some of us he seems as much a part of the Capitol as its marble and sandstone and it is simply impossible to imagine the place without him. Bill Arbogast is an old fashioned kind of reporter. He begins with the assumption that the readers are more interested in the news than in his opinion of it. Complete objectivity in news reporting is perhaps not obtainable, but Bill Arbogast is one of those great reporters who realizes that it is nevertheless always worth striving for. He has always viewed his responsibility to report the news truthfully and objectively as a public trust. In 35 years he has managed to keep his humility toward the journalist's function and has never gotten himself or his opinions confused with the story.

Most of us know of Bill Arbogast as a reporter and of the unique trust in his judgment that Members of the House have always had for him. Most of us know that he has a profound sense of loyalty toward the House and is discerning enough to refer to the Senate as "the lower body."

But many Members who know him well are unaware of a humanitarian side of Bill Arbogast. The poet, John Dunne, said:

> I have done a braver thing than all the worthies did. A braver thing there yet remains, which is to keep it hid.

In that spirit, Bill Arbogast never talks about the many things he does, his many humanitarian activities, or the countless times he has helped needy individuals. Many might be surprised to learn for example that he spends, on a regular basis, a portion of his weekend hours manning a hot line in Alexandria.

Somebody once said to Groucho Marx a certain new comedian was going to be a truly great performer and Groucho responded:

> I would rather you had told me that he was kind to his friends.

Mr. Speaker, Bill Arbogast is a great performer in a profession I happen to know something about. But above that, he is a kind and good man. We will miss him on both counts. I wish him joy in his retirement.

Mr. DORN. Mr. Speaker, it is a special personal pleasure to join my colleagues in extending birthday greetings to Bill Arbogast of Associated Press. Bill exemplifies the finest in the great traditions of journalism. We have known Bill for many years. We share with Members of the Congress on both sides of the aisle the highest respect for his integrity, honesty, and his dedication to his assignment of informing the American people of the operation of their Congress. Bill Arbogast performs a great service to the Nation, since an informed public opinion is essential to our representative form of government. Mrs. Dorn joins me in wishing Bill and his wonderful family well and we wish for him every continued happiness and success.

DISCUSSION OF IMPEACHMENT OF PRESIDENT PREMATURE

(Mr. ROONEY of Pennsylvania asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROONEY of Pennsylvania. Mr.

Speaker, today the American public, like most Members of the Congress, is confused about the Watergate situation and the guilt or innocence of those involved, including the involvement of the President. It is exactly because of this confusion that Congress should not at this time begin to discuss impeachment of the President. Such discussion would not add 1 gram to the weight of evidence or information to the legal and legislative proceedings now underway and would only prematurely secure the guilt of the President in the minds of the public before the necessary evidence exists to prove this. Floor debate would only be an aimless discourse sifting through evidence accumulated by the present proceedings. I believe that Members of the House should carefully follow these present proceedings, and when either the evidence is in, or the House finds that the evidence presented before the grand jury and the Senate is inconclusive, and the House feels that only the President can supply the needed information, then we should properly begin our investigation by creating a select committee to examine the evidence and to report its findings to the House.

Until such time as the evidence is in, we must remember that we were elected to govern and not to rehash already collected evidence, hearsay, and happenstance.

NATIONAL VOLUNTEER FIREMAN'S DAY—JUNE 12, 1973

(Mr. DU PONT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DU PONT. Mr. Speaker, I am pleased to introduce today a joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen's Day." I selected the date of January 17 to honor volunteer firemen for their heroic services because it is Benjamin Franklin's birthday. He founded the first volunteer fire company in Philadelphia in 1735.

At this time in our history when the willingness of people to help others seems to be on the decline, I am proud to be able to introduce a joint resolution calling for a national day to honor the volunteer firemen of America. Since the beginning of our Republic, these men have risked their lives and given of their time to protect people and property from the tragedy of fire.

While those who have been directly affected by the experience of having a fire in their homes or businesses know how much misery is caused, I do not think many people perceive the tremendous impact fire has on our country as a whole. The last year for which figures are available—1971—indicate that approximately 11,850 citizens were killed in the United States by fires; $2,743,260,000 in U.S. property losses were due to fires; and 175 firemen lost their lives in the line of duty.

These are staggering figures.

Against this background of death, destruction and damage, stand the volunteer firemen of America who account for 83 percent of all the available manpower in the United States engaged in combating this evil. The men who serve in these companies are of a high caliber and have been since the inception of the volunteer fire company by Benjamin Franklin. Included as volunteer firemen in these early days were such giants of our historical heritage as John Hancock, Alexander Hamilton, Samuel Adams, and Paul Revere. The tradition of service in volunteer fire companies is indeed a long and honorable one.

The most illustrious of these early day volunteer firemen was George Washington. In an article written for an early day firefighter's publication the following was said about him—

> Firemen were . . . inspired by the spectacle of the New World's most historic figure laboring manfully at . . . a fire engine or lugging great buckets of water.

Today a million of these heroic figures act as guardians of our lives and property. As illustrated by Currier and Ives over a hundred years ago, these volunteers still stand "always ready." Such service should not go unrecognized, and I urge my colleagues to join me in this resolution.

REMEMBER THE PAST

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, I wish to announce that the special order for Mr. GAYDOS will not be used today, since Mr. GAYDOS lost his mother Wednesday morning.

It has been said that if we do not pay attention to the past, we may have to relive it again. At least for myself, I have come to the conclusion that the past is here.

If this body fails to study this past, I assure the Members that we will relive it again.

For too long we have lived in a dream world, motivated by greed and exploitation and behind the scenes power dealings.

Many times in the last year or so I have made statement after statement concerning the direction this country was moving in, being careful to place particular emphasis onto the disregard of the impact of imports on the American labor market. I said then, and now I repeat, that I was unfortunately right.

In 1962, on the day of the passage of the Kennedy round of tariff negotiations, I told this House that it was the gravest mistake we had made in all of our history economically and internationally.

At that time the Labor Department spokesmen for the BLS, before my committee studying the impact of imports, testified that with the passage of the Kennedy round there would be 3 million new manufacturing jobs through increased exports created in this country.

A week after that the Secretary of Labor, Mr. Goldberg, testified that there would be 4 million jobs created.

I was suspicious that hidden away somewhere, or at least not commonly known to be in existence, was a master plan for the destruction of this country's independence—a blueprint, if you will, misguiding our destiny. I have said all along that no nation can make as many incredible decisions as this country has in the field of foreign trade without a blueprint. My suspicions were confirmed the other day when I read where a midwestern university houses a relief map of the world the size of three football fields. On this relief map, global plans are charted for the manipulation of peoples and goods by multinationalists who are at last beginning to climb out of the woodwork, in which they have hidden for so many years.

I said, "Remember the past." I would like to bring a little of the past before you today.

On June 28, 1962, four different sources of support for the Kennedy round trade agreements made their respective predictions regarding the number of jobs that would be created under that particular agreement. These predictions were made by the following in my own committee, the Ways and Means Committee, and the Joint Economic Committee.

First. The Department of Labor predicted an additional 3 million jobs.

Second. Secretary of Labor Goldberg forecast 4 million additional jobs.

Third. Secretary of Commerce Hodges predicted the number would be nearer 6 million.

Fourth. And the Importers Council hoped for a whopping 12 million.

At the same time, Mr. CHARLES PERCY, then of Bell & Howell, now a U.S. Senator, speculated that an additional 15 million positions would be created.

At that time in 1962, there was a total of 16,800,000 persons engaged in manufacturing, with a payroll of $90 billion a year, and with a total population of 160 million people. Today, with a total population of 208 million, there are 14,127,000 persons employed in the manufacturing sector. Perhaps those prophets were talking about other jobs; Government workers numbered slightly less than 6 million in 1962, while in January of this year, they numbered nearly 13,300,000. Perhaps they were talking about the jobs created in foreign factories and on foreign ships. I point this out because, in spite of all their predictions, there has been a loss of jobs in the manufacturing sector, in the face of a production consumption increase of 50 to 60 percent.

If we in this Congress pass the administration's proposed trade bill, you can be sure that the next 10 years will be worse than the last 10 years.

We are again going through a ridiculous and shortsighted propaganda phase that generally precedes the final vote on trade legislation. We are being told that the balance of payments is turning around—and it probably will. But as everyone on this committee is aware, the appearance of the balance-of-trade switch is just that—an appearance—and is as fraudulent as a $3 bill. It is the same sort of paper maneuvering designed to present an artificially favorable situation.

For example: The United States-Soviet pact with the Occidental Petroleum Corp. for an $8 billion, 20-year deal was endorsed by officials of both countries. Of course, this was the first time in my experience that officials of both countries exchanged letters of approval, since the United States has traditionally sought to keep out of private business deals.

I mention the Russian transaction because it bears witness to Kosygin's statement to the American trade mission. Kosygin, at that time, stated flatly that there would be no currency exchange between the two countries and that barter would be the only basis of trade. So, if you will note, in the article referred to for the RECORD, the Occidental-Soviet deal is a 20 year, $8 billion barter. About $400 million worth of capital equipment will be invested in the Soviet Union, of which $180 million is expected to be lent by the Export-Import Bank. Occidental will additionally provide Russia with technology and equipment for a new Soviet fertilizer complex, as well as storage facilities and a linking pipeline. Occidental will also supply concentrated fertilizer, in exchange for Russian chemicals at the rate of $400 million yearly for 20 years.

Of course, when one considers the wage differential between the two countries and the Russian Government role in industry and shipping, it is easy to see that Occidental will receive many times as many goods as it exports to Russia. These chemicals Occidental imports will flow into the American channels of commerce with enormous profit markups. At the same time, Occidental will make money, but American employment and job opportunities will fade away. This deal has the smell of something different than fertilizers.

I think every Member of Congress ought to consider the Russian trade deal, because it is likely that, in the Kremlin's dealings with hard currency countries, using their wedge of barter deals, it will never be financially successful for the United States to trade with Russia on a national scale.

Foreign countries make no bones or make no apologies for perpetrating this balance-of-payments fraud on the American people. The move to narrow the trade gap is strangely reminiscent of the effort preceding the 1962 trade rounds. As one publication pointed out:

> To help narrow the Taiwan-U.S. trade gap and to prove to the Americans that Taiwan sincerely intends to open its market to U.S. made goods, Taipei has announced it will: buy increased quantities of agricultural products directly from U.S. farmers; buy certain percentages of cotton and industrial goods from the U.S.; and expose Taiwan's people to U.S. made machinery and consumer goods at a fair in Taipei next spring.

Another little read trade letter indicated Pakistan's apparent "interest":

> The Agency for International Development has approved loans to be used for Pakistan's economic and agricultural development. One loan of $40 million will be used to buy general commodities—mostly from the U.S.—such as iron, steel, nonferrous metals, fertilizers, and tallow. A second loan, of $20 million, will finance imports of chemical fertilizer.

I find it amazing that we are unable to devise controls to better deal with the imports into the United States. The Japanese prevent our products from going into their country by every trick known—and are not hard pressed to find new methods, whether border taxes, quotas, limited licensing, distribution maneuvers, add on price arrangements, or any other mechanism available to the most elaborate control distribution system ever devised.

In a recent decision, Takeo Miki, the director of Japan's Environmental Agency, elaborated on Japan's serious problems, and has decided that his country will not follow the U.S. lead and grant a year's extension to Japanese automakers to meet automotive emission standards. By adhering to the strict vehicle emission laws, the market for American made cars is effectively closed.

The European nations, to whom we owe billions and billions of dollars, are now looking to the United States to play the leading role in the North Sea oil field development. The new fields, lying off the shores of England, Scotland, Norway, Denmark, Germany, and the Netherlands will produce 3 million barrels of oil daily by 1980. During the next 10 years, U.S. firms will supply the bulk of approximately $10 billion worth of equipment needed by the complex.

It has always bothered me, and I am sure some of you, that this country, that flaunts itself as the strongest and richest nation on the face of the earth, has hidden behind such a weak and meaningless trade policy. My forefathers came from Italy. It is common knowledge that Italy is far from the richest or strongest or most powerful country in the world family, and it has been beset with international troubles, as well as domestic financial and political ones. It appears to be a cork bobbing in a tub, hoping that no one pulls the plug so that it may stay afloat. I wish to point out, however, my friends in Congress, that the Italian Government had the courage to do what we never have. Fearing the complete breakdown of its own electronics industry, the Italian Government, when swamped by imported Japanese tape recorders, broke every European Common Market rule and slammed the door on all imported tape recorders to protect its own industry.

John D. MacArthur, one of the Nation's best known billionaires, in a recent article said that his father instilled in him and his brother a deep Calvinistic respect for money. All his life, he heeded the advice of his father, who many times told him: "If you own a cow, don't buy milk." We have all the cows we need, but we keep buying milk. Even worse—we feed the cows.

Secretary Hodges appeared a few days later and he testified that 6 million new jobs would be created.

The Import Council, which represents the exporters to this country and the importers within the country, testified that there would be a minimum of 12 million new jobs created during the 10 years of the next decade.

The then head of Bell & Howell, who is now the U.S. Senator from Illinois, Mr. PERCY, testified publicly, and in public statements said that he had every hope there would be 15 million new manufacturing jobs created under the Kennedy round.

I noted at that time that if any one of these statements were true, why should we have four different sections of the act dealing with relief to the unemployed who would be unemployed on account of imports?

At that time I testified to the House. It is in the RECORD today, for the very day the bill passed. We had then 16.8 million manufacturing jobs in America. At the end of 1971 this Nation had 12,127,000 manufacturing jobs.

Oh, there was an increase in jobs all right. Governmental jobs jumped from less than 6 million to 12,247,000, or 127,000 more jobs than all the manufacturing processes require in the entire country.

I predict that if the Congress passes the so-called Nixon addition to the Kennedy round within the next decade this Nation will move completely to a service oriented economy.

I have often said there must be a blueprint some place, because no nation could make so many mistakes without some guidelines, and I find there is such a thing. Somewhere in southern Illinois, in a university, there is a worldwide relief map tended over by 167 attendants. It is built permanently and is larger than three football fields. Every day they move nations and peoples around like one would on a jigsaw puzzle. They are planning which nations are going to produce this and which nations are going to produce that, and we are going to be a service oriented Nation depending entirely on selling services.

Mr. Speaker, no nation can survive without production, distribution, and consumption. What do we have? We have a designed plan, started under the Kennedy round and being carried on with a vengeance under the Nixon plan, to destroy the productive facilities and the trained expert workmen we have in this country, to trade them in for an academic body of citizens dealing in selling and exporting so-called substitutes.

Mr. Speaker, George Ball testified before my committee in 1961 and said that this Nation had to get out of the production of unsophisticated goods.

So I asked him, "What do you call 'unsophisticated' "?

"Oh," he said, "garments and textiles and glass and shoes."

I said, "Mr. Ball, what would you do with my 8,500 glassworkers if they no longer could work in the Flint Glass Plant and make the bottles and dishes and glasses that people use?"

"Well," he said, "It would be my plan that they would be moved into making Steuben glass."

I said, "Would you mind an interruption in your testimony while I make a test?"

Then I asked the audience—and the committee room was jammed, because when a Cabinet officer comes before my committee or subcommittee to give testimony, he makes sure he brings enough of his gang along to fill a hall—I asked if anyone in that room had a piece of Steuben glass.

Not one person in that room had a piece of Steuben glass, including Mr. Ball. Then I said, "How many of you have ever seen a piece of Steuben glass?"

Mr. Speaker, two of them got up and said that they had seen Steuben glass.

Steuben glass is a kind of a vase—pronounced vahz—that sells for $50 when you can buy a vase—pronounced vayse—of the same size for $5.

Mr. Speaker, we cannot make this country tick, we cannot make this country survive with free trade. There has been no argument that has been sustained since the beginning of this country, nor is there one now that can be sustained, in putting a high-cost nation into a free trade world. Production will always flow, and even the most rabid free trader will admit production will flow to the low-wage country and exports will flow to the high-wage country.

Mr. Speaker, right now, today we have lost 55,000 jobs in a period of less than 6 years to the Mexican product territory. Who are they? Garment makers, shoemakers. Some electronics workers. In fact, one electronic company that moved down there from California had over 600 employees. We had given that company well over $2 million of manpower training money to train electronic workers, and they kept these workers on their payroll for a year and a half to 2 years, and we paid the bill. They moved a brandnew smacking plant, closed it down in California, and moved it across the Rio Grande and went out and picked up the peasants, many who could not even read and write Spanish, and certainly they did not know anything about English. In 6 weeks they had these raw recruit laborers doing 100 percent of the productivity that they charged this country more than $2 million to train workers for under manpower training.

Yes, under the limited wage over there—and this is the rule mind you—under that agreement signed by this State Department of ours and the Mexican National Government, we are not allowed to pay any more than the minimum wage. The minimum wage in that particular product territory is a maximum of $3.30 an hour, and the one electronics plant that shut down with 600 workers was paying $3.35 an hour.

Mr. Speaker, production of a necessity, whether that production would be by a corporation, by a domestic corporate entity, or by a conglomerate corporate entity or an international entity, will flow to the low-wage areas.

In fact, once in Hong Kong talking to the Fairchild camera people, they regretted, they said, that they had put so much into their installation in Hong Kong. I said why. Well, he said, our competitors have moved up to Taiwan from the United States—Texas Instruments, for instance. They are paying 25 cents an hour, and we are paying 50 cents an hour down here in Hong Kong. I asked him if they thought they had any obligations to meet the costs of running this government, such as building the roads and maintaining the institutions and providing for the Navy. I pointed out the window into the harbor where we saw the whole fleet of the U.S. Navy, and I said we are paying for that Navy to be here to protect you. There is no other reason for us to be here.

However, they do not pay anything toward that. First of all, they do not pay any taxes in this country unless they bring the money back in, and they just hop-skip from one country to another building plants.

Their competitors here, though, have to pay taxes and add that cost to their production.

Then they tell our American workers you are too highly paid, and they tell our American companies you have to compete because we are not going to protect you.

Well, this economy of ours has always provided a wage in this country with as great as or greater a differential than there is today between American wages and foreign wages. No country on earth has ever come near paying one-fifth of the wage that we paid at any period in our history.

What did we do? We discovered—and Henry Ford, may the Lord bless him, discovered—for the American economy the great secret to our great success and our standard of living: You can make goods, but if people cannot buy them, there is no sense in making them. So he started the old $1 an hour program. He enabled his workers to buy products that enabled other workers to get more money for their work, and they in turn bought Ford automobiles.

This was the beginning of common sense in the economics of this country. From that day on the seeds were sown for the greatest country on the face of the earth. We who were here in 1962 will have to take the brunt of the burden for destroying this America of ours.

Right now, today, the plans are to make this, as I said, a service-oriented economy, but they lay it onto the farmers and say, oh, agriculture must be built up. Why? Why? Well, for expenditure purposes. The Lord did not endow me with the wisdom of selecting who was to live as a free man able to work at a job and who was not to be allowed to work. He did not say to me your glass workers ought to be out of work so that we can subsidize the farmer so that he can work. I am not opposed to subsidies and subsidizing the farmer to 90 percent of parity, but only for the portion of his product consumed by the American people.

You think you have made money through agricultural exports? Well, from the day we exported the first subsidized pound of cotton, the first bushel of wheat, the first bag of peanuts, the first bale of tobacco, from that day on we have paid out of our own pockets for the privilege of exporting, and that burden is placed on the shoulders of the workers who have to get more money from their employers to pay taxes necessary to pay the subsidies.

What are we doing today? We gave our wheat away at a price that has caused a shortage and has increased the price of bread 13 cents a loaf.

Do you know that a family of six consumes ten average loaves of bread a week, and you and I, living in our snug little apartments, buy a pound of bread about once every week or 10 days?

I want to say to all of the Members now, my voice has not been heard, I have been the subject of some ridicule, but not much misunderstanding because they understand where I stand. And I honestly and sincerely believe that if you ignore the past you will live it again—and we will live it again.

How we ever allowed ourselves to get into a position of attempting to do that which killed Great Britain I do not know. When we dumped the tea over the side of the ship in Boston Harbor we were dumping our connections with a colonial empire. Now, what have we done? We were here as a colony to one nation, the British Empire. Do you know what we are now? We are a colony to the world.

Raw materials, foodstuffs and brain services are our exports. Shoes, automobiles, and everything we need we import.

When they dumped that tea into the harbor they did it for this purpose, and this purpose only—to make this Nation independent in peace and in war for its needs and requirements. Are you independent today? Do you know that it took us 10 years to wind down a little banana at the loss of 50 or more thousand men, and billions of dollars, because we did not have the accoutrements. We did not have the accoutrements, and we had to take the shipping that was on our intercoastal traffic and trade and increase the price of lumber 25 percent the first 6 months on every home that was built because we had to ship by rail and road. and we could not do it through our intercoastal traffic; we had to call on foreign-flag ships—that great boon to American commerce, they said 30 years ago—and wiser men than I am predicted that the day would come when we would be hauling less than 25 percent of our trade in American ships. So we got down to the low point of 3 percent, and then the war came in Vietnam, and we finally woke up that we could not provide the needs of our country in peace time, and we will never provide them in war time because they will stop the flow from coming in. We are at the mercy of friendly nations, friendly nations that build trade walls higher than the dome of this Capitol. They have a Common Market that was created to make a better place—for whom? For the people in the Common Market. They did that based on the same principle that made this country great. And that principle we destroyed, and we are destroying us, and that was the principle of free trade within our States, and protective trade without the States—and is it here yet? No.

If I pick up a bottle of whisky here in Washington and take it into Pennsylvania, my State will take my car away from me, perhaps fine me up to $10,000, and even possibly throw me in jail. But I can bring a bottle of Scotch whisky back from Scotland, or anywhere else, with impunity. In fact, up to just a few years ago you could bring back a gallon of Scotch whisky. And then the men here in our country who had the franchises on the Scotch whisky sales went to the President and said that they were losing a lot of money because American tourists were bringing back four bottles of whisky.

I took a trip on a container ship, and went into the North Atlantic, and we were loaded to the gunwales. We went out of Norfolk with 800-some canisters on that ship, and it was the largest ship in the world. We were loaded way down five below the decks and four above.

We finally got into the North Atlantic, and ended up at a place called Glennock in Scotland. Seventy-five percent of our load was put on there. Of course, 65 percent of the load was in empty cans coming back, as well as with some stuff, but the rest of it was all Scotch whisky.

We have to realize some day that there is such a thing as a job. This, I think, is very important. Despite the fact that the United States produces the most advanced and sophisticated manufactured products in the whole world, and a superabundance of agricultural products, the American consumer consumes more goods than are imported in our goods that we produce. We spend $100 billion a year for relief and welfare through 137 agencies. That $100 billion comes out of the pockets of taxpayers, and then it is put back out into the community. The $100 billion has taken the place of $100 billion closed to imports in wages paid to workers in this country.

I will give the Members a little story they might like to hear. How many know how much of the total earnings in the United States come from the Government? The total earnings in the United States of every individual from top to bottom are 25.1 percent from the Federal Government, and an average of 10.2 percent from the State and local governments; 35.3 percent of the total income earned by Americans comes out of their own pockets back into the Treasury. They take a little cut out of it and send it back out to the people—$100 billion we owe foreign countries, not 10 cents. I defy any person in this room to get the truth out of the Department of State or the truth out of the Department of Commerce on what we really do owe.

They have told this House time and time again that we have not had a trade deficit since back in 1884. We have not had a trade deficit since 1959—not once.

We ship an automobile to Japan. What do they do? First of all, they take 10 percent on a customs charge, and then they have what they call a distribution charge, and then they have what they call a dealer charge, and then they have what they call a subdealer charge. A $2,000 Pinto sells in Japan for $5,000.

What do we do? We are very generous. Before Mr. Nixon pulled that fraud on the American people, the so-called 10-percent surcharge—Mr. Speaker, that was the biggest fraud ever perpetrated on the American people at that time—everybody thought there was going to be 10 percent added to all of the tariff charges. There was not. There was a tariff surcharge of the difference between what the tariff was and 10 percent. So the Japanese and others were paying a 3½-percent tariff on American automobiles. They were also paying a 7-percent surcharge that we were charging our own American manufacturers.

In this big shuffle of "now you see it, now you don't," the 10-percent trade surcharge was taken off.

In the meantime he also issued an edict taking the surcharge of 7 percent off of American cars and off of foreign cars, and the Japanese and others, who were shipping cars in before he made this big fraudulent proposal, who were paying 10 percent tariff are now paying 3 percent tariff, and we are paying 50 percent increase on the charges made against American automobiles.

Let me show the Members what an American automobile is worth. Mr. Speaker, what is in an automobile? I will show the Members what is in an automobile. These are 1970 figures, at the end of 1970. I cannot get others. I do not have the agency or the money and the equipment to get the real figures on everything, but I do get some.

A $3,000 automobile manufactured in the United States has $2,400 in wages and benefits, 121 hours of labor in the automobile industry, at $6.40 an hour; 165 days of labor in other manufacturing industries at $6.50 an hour; 37 hours in service and miscellaneous industries at $6.50 an hour; 28 hours in wholesale and retail trade; 20 in transportation; 9 in finance, insurance, and real estate; 6 in communications and utilities; 5 in mining; 5 in construction; and 4 in agriculture, forestry, and fishing, making a complete total of 400 hours, at $6 an hour average, equal to 10 full weeks of labor for an individual, or 1 year's work for an individual on every 5 cars.

We imported 1.4 million automobiles last year. For every five cars produced we lose 1 year's work. For every 100 cars produced we lose one man's job. In the total we lose 225,000 jobs in American enterprise.

But the free traders say to me, "Oh, well, our economy is holding up in wholesale and retail and transportation and finance." Sure, it is. It will hold up if the products are made in Timbuktu or down in "Gasoline Alley." Sure, if they are going to have goods on the shelf, they have to have transportation, and if we keep giving $100 billion a year in taxes back to the people who are not working, they will keep buying things off the shelves, and they will go where the product is the cheapest. And in every instance when they have gone to the point where the American production equipment cannot meet the demands of the American people, the prices of the imported products have been raised for the American consumers.

Take for instance shoes. We cannot buy $2 shoes any more. I was with the Taiwanian Consul. They had bought $22 million worth of Florsheim shoes. When he was asked why, he said:

> We are going to switch the trade balance so that it will show your protective tariff advocates they do not need protection.

He said:

> We sell shoes to Macy's for $38 a dozen and Macy's sells them for from $13 to $15 a pair.

Is the consumer being treated right? Is he not the man we are worried about?

But who is the consumer? In the whole history of the economy of this country every consumer has been a producer, but now the consumers are nonproducers and they are taking jobs away from producers and creating more consumers who are nonproducers.

The President himself in his talk, which gave hope to many of us that he was really going to come up with something powerful to help this Nation get back on its feet, bemoaned the fact that for every 200,000 automobiles sold in this country from foreign countries we lost 25,000 jobs. The figures come out right.

What did he do? He cut the tariff from 11½ percent to 3. It sounds like the story of the fellow who was being hit on the head with a big stick and he said to the other fellow, "Keep on hitting me." The other fellow says, "Why? You are crazy." But the first one said, "No. See how good it will feel when you stop."

That is exactly the kind of economy we are running today. There are not many in this room I believe who have had to work in daily work, being from a family of 12, in a small community of about 450, so they will not have any idea how it feels. Actually because some people have gotten through these great big institutions of learning they think this world of ours and particularly our country is one great big honeycomb and if we just keep squeezing it we will get honey all our lives. But pretty soon we will find out that in order to have honey we have to have worker bees inside the comb. These thousands of little worker bees do not do anything but go in and out day after day, finding nectar to bring in from the flowers in order to make honey.

You do not do that. You are going to go squeeze that honeycomb until there is not going to be any honey in it, because the bees will all be dead.

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 30 minutes.

(Ms. ABZUG asked and was given permission to revise and extend her remarks, and to include extraneous matter.)

GENERAL LEAVE

Ms. ABZUG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. ABZUG. Mr. Speaker, there can be no avoiding the fact that the real issue before us—and before the country—is the leadership of the President. It is to secure and maintain his power and his policies that his associates and subordinates have acted. The admissions made by the President himself, the allegations made by those around him, and a host of circumstantial evidence indicate the existence, almost from the beginning of Richard Nixon's tenure in office, of a broad attempt to subvert the constitutional and democratic system of government in the United States—a system based on the principles of separation of powers and respect for the rights of individuals. While a number of ordinary crimes apparently have been committed in furtherance of this political crime, this political crime itself exists independently of them and towers over them. In fact, it constitutes just the sort of offense which the framers of the Constitution envisioned as being a proper subject for impeachment proceedings.

I propose that the House institute its own inquiry into the conduct of the President or at the very least establish or designate a committee to receive information and have liaison with the Ervin committee and the special prosecutor.

The colonial experience with English monarchs made the framers of our Constitution extremely fearful of granting power to the President. In the words of Edward Corwin, the founders of the Republic felt that "'the executive magistracy' was the natural enemy, the legislative assembly the natural friend of liberty." Accordingly, they replaced an unimpeachable king, who "could do no wrong," with an impeachable President.

James Wilson, a leading framer who later served on the Supreme Court, saw as a subject for impeachment "malversation in office," and noted that impeachments "and offenses and offenders impeachable, come not within the sphere of ordinary jurisprudence. They are founded on different principles, are governed by different maxims, and are directed to different objects." Further, "impeachments are confined to political characters, to political crimes and misdemeanors, and to political punishments."

The impeachment mechanism established under the Constitution is, in the words of Justice Joseph Story, "not so much designed to punish an offender as to secure the state against gross official misdemeanors." Those who debated impeachment in the Constitutional Convention made their principal concern the President, and the phrase making "the Vice President and other civil officers of the United States" subject to impeachment was added only at the last minute. In the Virginia convention considering ratification, James Madison said that even "if the President be connected, in any suspicious manner with any person, and there be grounds to believe that he will shelter him," he would be subject to impeachment.

How much more compelling that argument is today when the activities of the executive branch have grown so vast that no one person can conduct the presidency alone or execute the laws by himself. The very phrase "the Nixon administration" exemplifies the complexity of executive government and at the same time assigns the responsibility for the actions of that administration to the President.

It is obvious that the President cannot run the executive branch or even the White House alone.

That is the function assumed by the President, together with his surrogates, those he has appointed to his personal staff and to head departments, those who act at his behest, in his name, and in his interest. In recent weeks with the resignations of Mr. Nixon's chief advisers, R. H. Haldeman and John Erlichman, with other top appointees departing and with some 40 to 50 high policy jobs left unfilled, we have been told that executive government was virtually at a standstill.

The simple fact is that as head of the Nixon administration, Mr. Nixon is responsible and accountable for its policies and its executors. It is splitting hairs more finely than is conceivable to attempt to consider him either above suspicion, above complicity or above the law which is being applied to members or former members of his administration and his reelection committee.

Under the Constitution, only the House has the power and the duty to discipline, by means of impeachment, an executive or judicial officer who is charged with "treason, bribery, or other high crimes and misdemeanors" within the meaning of article 11, section 4. No other body is conducting a direct investigation into the conduct of the President, because no other body has the authority to do so. The grand jury is neither an appropriate nor an authorized forum for its inquiry is limited to ordinary crimes of the sort which in this instance are only in aid of the larger political scheme. Even if the Senate Committee were to gain full access to all relevant material, the fact that the Senate would sit as the trier of fact if the President ever were impeached creates a natural inhibition to develop facts directly related to any involvement of the President in questionable activities. A House investigation, while focusing upon the conduct of a single individual, Richard Nixon, would consider not only his behavior regarding Watergate, but also any other acts or omissions which relate to attempts to undermine our democratic system of Government.

Any House committee or special commission that undertakes such an inquiry would, of course, be bipartisan in composition, as are the Ervin committee and other congressional committees now looking into various ramifications of Watergate and preceding criminal acts.

I believe we have all been impressed by the high degree of cooperation and thoroughness shown by the majority and minority members of those committees and their counsel, and I would expect the same objectivity and spirit of cooperation to prevail in any investigation this body authorizes.

I fully realize the gravity of undertaking a proceeding that might lead to impeachment charges against the President, and I do not do so in any frivolous or partisan spirit. No one who has any regard for the democratic traditions of our Nation and believes, as I do, that the Bill of Rights is the heart and soul of our society can view recent events with anything but the utmost seriousness and concern.

I know this is a concern shared by my colleagues on both sides of the House. Democratic Members certainly do not view this national crisis as an occasion for partisanship. In my view, they have been, if anything, too restrained in their comments on an issue that affects all Americans and the legitimacy of our political system. Republican Members are also greatly concerned and dismayed by the implications of Watergate and it is to their great credit that whatever may have been the illegal actions performed by the White House and the Committee To Re-Elect the President, no suspicion has been attached to any of the present Members of the House.

I realize there is a reluctance to face the impeachment issue. However, I do not believe that the House should shrink from a process authorized by the Constitution as a method of protecting our democracy simply because it cannot be certain of the outcome or because it finds the process itself distasteful.

It should be understood that as in any grand jury proceeding and trial, the outcome of an impeachment inquiry is not preordained. The investigation may or may not find that there are grounds for bringing formal charges against the President. A trial by the Senate, if it should come to that, may or may not result in a finding of guilt and subsequent removal from office.

But one would have to be deaf, dumb, blind, or hopelessly intransigent to refuse to acknowledge that the President is under suspicion, and thus to condone possible unconstitutional acts, political or other crimes on his part by refusing to carry out our responsibility under the Constitution to investigate his role.

It is tempting to delay, to wait and see what other incriminating evidence may turn up before we undertake such an inquiry. We hear pleas for the President that he come forward and tell the whole truth. Clearly, if telling the "whole truth" would exonerate the President once and for all, he would have long since done so. Instead, he has come forth on a number of occasions in the past year, each time purporting to tell the truth and later changing his story, and one cannot even say with any assurance that he thought he was telling the truth at the time.

Mr. Speaker, you will recall that on June 22, 1972, 5 days after the Watergate break-in, Mr. Nixon stated at a news conference that such an act "has no place whatever in our electoral process." And he added, "The White House has had no involvement whatsoever in this particular incident." Even if the President did not have advance knowledge of that particular burglary, he did know that in 1970 he had approved a domestic intelligence plan that specifically included illegal "breaking and entering."

The President approved the plan after being cautioned that parts of it were "clearly illegal" and involved "serious risks" to his administration if the operations were ever discovered, according to the texts of recommendations made to the President in July 1970 by an Interagency Government Committee, as revealed in the New York Times on June 7, 1973.

In addition to electronic surveillance, burglary, breaking into foreign embassies and consulates, the use of student spies and military undercover agents, the July 1970 plan provided for illegal mail coverage—the opening and examination of sealed U.S. mail before delivery to private citizens.

At a press conference on August 29, 1972, Mr. Nixon "categorically" denied that anyone employed anywhere in his administration was involved in what he called "this very bizarre incident." He promised that there would be no attempt to cover up the facts, saying:

> We want the air cleared. We want it cleared as soon as possible.

A few months later, on October 5, Mr. Nixon told the press that he was pleased with the FBI's investigation. He said:

> I wanted every lead carried out to the end because I wanted to make sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-election had anything to do with this kind of reprehensible activity.

Yet on May 22, 1973, the President admitted that he tried to limit the FBI's investigation, ostensibly to cover up leads that might point to the CIA. Still unexplained by the President is why he did not check directly with the CIA to find out whether the agency was involved in Watergate. Actually, as the New York Times commented on June 7, 1973, the White House was seeking to use the CIA as a screen to protect the White House investigation unit, the so-called "plumbers." The activities of the "plumbers" have not yet been fully investigated and exposed, but it is already clear that some of their secret deeds were illegal. Among these illegal deeds was the burglary of the office of Daniel Ellsberg's psychiatrist.

Elliot Richardson testified at his confirmation hearing for Attorney General that the President knew of the burglary of the office of Daniel Ellsberg's psychiatrist in late March of 1973. Why was this information withheld from Ellsberg's defense attorneys until the last week of April? The withholding of such material evidence constitutes an outright obstruction of justice. Should not the President be asked about his role in the concealment of such evidence?

Also in late April, Judge Matt Byrne, Jr., the presiding judge in the Ellsberg trial, disclosed that he had been summoned to the Western White House by John Ehrlichman and promised a high position, probably the Directorship of the FBI. At this meeting Judge Byrne also talked with the President. Judge Byrne confirms that the offer was made while he was presiding over a trial in which the President had high stakes in a guilty verdict. Should not the President be asked about his participation in such an outright abuse of the law?

In his May 22, 1973 statement, the President declared:

> With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up, and less to the reassurances.

The warning signals were evident to everyone but the President. Despite an earlier denial, the White House recently confirmed that the President met on numerous occasions early this year to discuss the Watergate mess with his former counsel, John W. Dean III. What did they talk about? Did the President exhibit even a normal curiosity about the Watergate events in these conversations?

John Ehrlichman has testified under oath about his many contacts with Watergate figures and has referred in passing to discussions with the President on the subject. He said that throughout February Mr. Nixon was unable to get a coherent report from Mr. Dean on the Watergate matter "in its broadest aspects." Why then did the President say he was reassured?

In fact, one wonders why the President's suspicions were not aroused when his campaign manager and former Attorney General, John Mitchell, suddenly resigned, just 2 weeks after the Watergate burglars were arrested. It is reported that the President did not inquire whether there were any connections between these two events, nor, it is said, did he do so just 5 days later, on July 6, when Patrick Gray, the acting FBI Director, personally informed the President that "the matter of Watergate might lead higher."

Not only has the President not told the whole truth about Watergate, he has been conspicuously silent about many other aspects of the unfolding Watergate scandal and the activities of his Re-Election Committee. He has not addressed himself to the charges that his Re-Election Committee sabotaged the campaigns of his Democratic opponents for the Presidency or manipulated congressional campaigns. He has not indicated whether he had any knowledge of illegal concealment of campaign funds or the use of funds to promote the illegal activities surrounding the Watergate burglary and cover-up. He has not answered any questions about the unsavory GOP convention arrangements with ITT, the Vesco deal, the wheat deal, the milk price deal or his relationships with the Teamsters Union and its former chief, James Hoffa.

There are many other unanswered questions, but perhaps the most serious of all are those relating to the Nixon administration's plans to transform our democracy into a police state. I spoke at length on this aspect of the Nixon administration's activities on May 24, shortly after the President issued his "national security" rationale for admittedly illegal wiretapping, surveillance and burglary activities, so I will not repeat myself. You can find my remarks in the CONGRESSIONAL RECORD.

This is a concern that transcends partisan concerns and goes to the very nature of democracy. President Nixon and his subordinates deliberately sought to ignore the entire framework of our constitutional government, with its coordinate branches and its respect for the rights of individuals. They established units of government wholly outside the constitution and laws and under the control of the President without anybody's consent. They directed and countenanced acts by these units in flagrant disregard of the constitutional rights of our citizens. These are activities which, as Senator SAM ERVIN has said, reveal a "gestapo-like mentality." Malcolm Moos, president of the University of Minnesota and a former speechwriter for President Eisenhower, describes them as an attempted "coup d'etat."

According to the Washington Post of June 1, 1973, domestic espionage of the kind President Nixon says he approved and then abandoned in July 1970 has been widely used against reporters, radicals, antiwar activists, foreign diplomats, and legal organizations like the NAACP since that time. Among newsmen whose homes were suspiciously burglarized and their files rifled were columnist Joseph Kraft and CBS television's reporter Dan Rather. I shall include the complete text of this alarming Washington Post article at the conclusion of my remarks.

Mr. Nixon's claim that some or all of his administration's bugging, burgling and related activities were justified by some inherent power to protect the "national security" is as fraudulent as his claim that his illegal bombing in Cambodia is justified by some inherent power to protect our interests and security.

Even if the existence of a foreign threat to the Nation were sufficient justification for illegal acts by the Executive—and I do not believe that it is—there is not a shred of evidence to support any claim that a foreign threat to the Nation existed at any time during Mr. Nixon's tenure.

Just a few days ago, Mr. Nixon's Attorney General, Mr. Richardson, stated that the national security justification advanced by the President as a basis for the illegal acts committed in the Pentagon Papers "is not convincing."

In point of fact, the claim of "national security" is no more than an excuse employed on an ex post facto basis because it is the only conceivable excuse that has not been ruled on by the Supreme Court. The rationale previously used, at least for wiretapping, was the President's "inherent power" to protect the Nation against domestic threats to its security.

But in the case of United States against U.S. District Court, the U.S. Supreme Court, in an opinion written by Nixon appointee Lewis Powell, held such wiretapping without a warrant to be unconstitutional by an 8 to 0 vote.

I believe that there is sufficient evidence of deliberate deception and illegal activities by the President to justify an inquiry to ascertain whether impeachable offenses have been committed. I do not think that I am alone in that belief. I am sure my colleagues are aware that this subject is under constant discussion in the press, that impeachment committees have been formed in various parts of the country, that Members of Congress are receiving mountains of mail calling for impeachment, that signatures on impeachment petitions by rank-and-file Americans are being collected in large numbers, and that many Americans are wondering whether the President is to be treated like any other citizen who is expected to obey the laws, or in Malcolm Moos' words, like a "semicelestial presence."

We are now seeing a cynical attempt by some of Mr. Nixon's apologists to dismiss the impeachment process out of hand. Joseph Alsop in the Washington Post of June 11, 1973, describes "responsible Democratic leaders of the House" as recoiling "from the very idea of impeachment with open shock."

I question that many of my colleagues think that we should not discuss it, despite what was suggested here earlier. We must have discussion, and I do not disagree with the suggestion of the earlier speaker that we should have a committee of this House—the Committee on the Judiciary, or some other committee—consider the problem. But I doubt that any Member of the House would be shocked at a proposal that we invoke a constitutional responsibility which is assigned to this House by the men who wrote the basic law of our land, specifically a provision that was designed to protect the American people from malfeasance in office by the Chief Executive. I think that it is far more shocking to suggest that a President may freely break the law and then be immune from the consequences of these actions, with the silent consent of the Congress. If we have reached that stage in American life, then we might as well pack up and go home, because we will be betraying our oath of office to uphold the Constitution.

I understand that to some Members of this House the question of impeaching a President may be unthinkable. But I believe it is time to think about the unthinkable, and to act to perform our duties under the Constitution.

What is at stake here is a challenge to the responsibilities of democratic government, and only the House, which was intended to be the place where "the groans of the people" could be heard, has and should exercise this responsibility. I also believe that it is unthinkable for us to pretend that there is not a great deal of instability in the land as a result of our failure to deal with this problem, or to pretend that we can allow this to go on and on for a long period of time in the hope that somehow or other things will resolve themselves.

I believe that we can deal with this problem at the same time that we are producing programs for peace, housing, health, economic benefits, and all of the other things that we are all very arduously at work on in our committees. I want to dispel right now a propaganda campaign that suggests that the House of Representatives is not doing its job. We are doing our job, and we are doing the best job that we can. We are attempting to restore constitutional democracy to this country, and to make the people in this country, as well as ourselves, understand that we do have a great country and a great democracy, which can only survive if we fight for it. This is a challenge that all of us must face, but to do that we must inquire, we must find out, we must put ourselves in the position where we can receive the information that it is our responsibility to receive. That is why we are here, because we have sworn to uphold the Constitution. Unless we at least attempt to find out the facts, we will not have upheld our oath of office.

Mr. ROSENTHAL. Mr. Speaker, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Speaker, I thank the gentlewoman for yielding to me, and I want to commend the gentlewoman from New York (Ms. ABZUG) for the very thoughtful and very concise, very intelligible and very articulate presentation she has made. Much of what the gentlewoman says commends itself to action that I would join in.

I think the first thing is to bring this matter to the attention of the American people, and remind our colleagues of our constitutional responsibilities and obligations.

I want to commend the gentlewoman from New York for taking the leadership in this area, and to specifically ask what are the legislative recommendations that the gentlewoman proposes?

Ms. ABZUG. It is my suggestion that the House should either designate the Committee on the Judiciary or set up a select committee which will inquire into the facts, receive information being produced in evidence before the Senate committee as well as the grand jury, as it is made available, and ultimately recommend to the House what steps, if any, it should take.

Mr. ROSENTHAL. If a Member of the House were to file a resolution of impeachment, would it necessarily follow that the Committee on the Judiciary would hold hearings? Would they then have the burden of responding to that resolution?

Ms. ABZUG. I do not propose to file a resolution of impeachment or a motion to impeach. What I am suggesting is that we designate or establish a committee to conduct an inquiry into the President's conduct in office to see whether there have been impeachable offenses which would require the issuance of articles of impeachment.

Mr. ROSENTHAL. I am just trying to tie it down to a specific resolution or proposal.

Ms. ABZUG. My resolution would have either a standing or a new select committee inquire into the acts or omissions of the President in office.

Mr. ROSENTHAL. Is the gentlewoman filing a resolution of impeachment today?

Ms. ABZUG. No, I am not. I am only proposing that we inquire into the facts. What we are doing here today is having a discussion on this, since there seems to be some difference of opinion—some people do not even want to discuss it—in order to secure and determine the support for such a resolution.

Mr. ROSENTHAL. I should like to see a specific recommendation come out of this discussion. I, myself, would like a discussion of what the legislative opportunities and prerogatives are. I know certainly that if a Member files a resolution of impeachment, that would start the machinery going insofar as an assignment to the Committee on the Judiciary to do something. Would that be a resolution of inquiry which would be referred to the Committee on the Judiciary?

Ms. ABZUG. Let me clarify something. I am suggesting a committee inquiry into the facts. Is that clear?

Mr. ROSENTHAL. Is the gentlewoman suggesting that the Committee on the Judiciary——

Ms. ABZUG. The Committee on the Judiciary could conduct such an inquiry without a resolution, or the House could adopt a resolution which directs the Committee on the Judiciary or some new select committee to conduct such an inquiry. Such a resolution would probably go either to the Committee on Rules or to the Committee on the Judiciary, based upon past precedents.

Mr. Moss has proposed that there be a select committee set up which would have members appointed to it by the Speaker. In either case, the purpose would be merely to inquire and to receive the facts to determine whether there are any impeachable offenses.

If there were on the other hand, a resolution to impeach, it could either be decided on the House floor or referred to a committee.

Mr. ROSENTHAL. To get the Committee on the Judiciary started, how do we do it?

Ms. ABZUG. Members of the Committee on the Judiciary could vote to set up such an inquiry. The chairman of that committee could perhaps set up a subcommittee to inquire, or we could file a resolution which directs the Committee on the Judiciary to conduct such an investigation, which resolution would then need the approval of the House.

Mr. ROSENTHAL. I should like to join with the gentlewoman in doing that. Are we going to do that today, tomorrow, or shortly?

Ms. ABZUG. It would be my desire to do so as soon as possible. Part of the purpose of this discussion is to find out how much support there is for that.

Mr. DAVIS of South Carolina. Mr. Speaker, would the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. I thank the gentlewoman for yielding.

I want to bring one thing to this discussion and that is noticing that we do have a 3-hour special order here, noticing that there is no resolution presented, we are involved in a discussion at its best that one might say is speculative. I would ask the gentlewoman if she realizes that at the present cost of $170 per page for the printing of the CONGRESSIONAL RECORD, if this discussion takes up 50 pages, by dealing with a speculative discussion—and I say it is speculative since no resolutions are introduced—the gentlewoman is costing the U.S. Government $8,500. I know that the gentlewoman is going to agree with me on this next point—that this $8,500 could provide over 2,800 days of care and food services for a needy, hungry child in a child development program.

The gentlewoman from New York has expounded on this and the gentlewoman from Colorado has expounded on our need for day-care and child development programs. I concur, but I would rather see the 2,800 days of child care and I would rather see the $8,500 used on day care than on the speculation here and have the money used here in this way.

Ms. ABZUG. I hope the gentleman will join me in saying that our democracy is big enough to be able to take care of both.

Mr. DAVIS of South Carolina. But

lately we have not taken care of the day-care centers.

Ms. ABZUG. That is correct and I hope the gentleman will join us in our efforts to get that.

Mr. DAVIS of South Carolina. I joined the gentlewoman last year.

Mr. SEIBERLING. Mr. Speaker, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I think the answer to the question of the gentleman from South Carolina is obvious. There can be no more important subject to discuss in this House than the preservation of our constitutional form of government. Members will recall that when the Constitutional Convention finished its deliberations in 1787, some citizens asked Ben Franklin what form of government we were going to get and he said, "a Republican, if you can keep it."

What we are witnessing in the Watergate exposures is the glimmering, to say the very least, of the most serious assault on the Constitution that has ever been leveled.

I would like to ask the gentlewoman some questions now that relate to the form of the inquiry.

The SPEAKER. The time of the gentlewoman has expired.

THE CONDUCT OF THE PRESIDENT

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. DELLUMS) is recognized for 30 minutes.

Mr. DELLUMS. I thank the Speaker.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to the gentlewoman from New York so we may continue?

Mr. DELLUMS. I yield to the gentlewoman from New York.

Ms. ABZUG. I thank the gentleman from California for yielding, and I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I think it is unfortunate if we get the question of what has happened in the executive branch and what has been done to infringe upon our constitutional system mixed up with questions as to the legal status of the person who is the present occupant of the White House.

I would like to ask the gentlewoman, since any proceeding looking toward impeachment is a judicial proceeding, which raises very serious questions about the Office of the Presidency, if we do not have here in a most acute form the same question that has been raised by the Assistant Attorney General Cox's request that the Ervin committee cease its hearings. I would like to ask the gentlewoman if she does not agree that it is more important to bring out the facts through the kinds of hearings the Ervin committee is conducting, so that all the people can see what the problems are, than it is to convict some individuals on a matter this serious?

Ms. ABZUG. I believe it is more important to bring out all the evidence than to convict some individuals.

Mr. SEIBERLING. In other words, in this case it is more important to bring out the facts, and if that makes it more difficult to convict individuals of a serious crime then we will have to forgo the latter.

Ms. ABZUG. Yes; I agree with that.

Mr. SEIBERLING. So I wonder if we should not follow the same approach in discussing the acts of the President himself, and try to avoid casting our inquiry in the direction of a possible eventual impeachment action, but rather focus simply on bringing out the facts for all the people, and particularly the Members of this House to see.

Ms. ABZUG. I think that what the gentleman may be missing is this:

There is a very serious problem here. We have a constitutional responsibility to be the guardians of this country, and to determine whether the President—the Vice President or civil officers of Government have been acting in excess of their power.

I do not know how we can do that unless we inquire into it directly. That issue is what I have been discussing in the 30 minutes I took. It is going to cost a certain sum of money. I believe that it is what I have to do in order to fulfill my responsibilities as a Member of Congress.

I do not see how we can avoid that issue or that kind of investigation, because I am convinced that only this House can act. The Senate is not going to get into the question, because it may very well have to sit as the trier of the facts at some future time. We have a responsibility to get into those facts, not because we want to punish anybody—not at all—but because we want to see to it that this country is governed under the framework of our Constitution.

We have to fight for the maintenance of separation of powers, rights of privacy, and the Bill of Rights. If they have been violated by the person who is the highest elected official in this land, we have to deal with it on those terms.

Mr. SEIBERLING. But, the Judiciary Committee ought to be able to have a resolution cast in such a form that the committee is inquiring into possible threats which would undermine our constitutional system and our separation of powers and so forth, without putting it in a form where it is pointed toward indictment and conviction of an individual. Is that not possible?

Ms. ABZUG. The gentleman means that he does not want to say the words; is that it?

Mr. SEIBERLING. No, I say the major direction should be the preservation of our system, not the impeachment of an individual.

Ms. ABZUG. The question of the preservation of our system really will determine whether or not the President has conducted himself in such a way as to make it necessary to impeach him. It may turn out that we will determine not to. You could phrase it "that the Committee on the Judiciary be authorized and directed to inquire into the conduct of Richard M. Nixon, the President of the United States, to receive information relating to such conduct, and to report whether he has been guilty of any acts or omissions which in contemplation of the Constitution constitute high crimes or misdemeanors, requiring the interposition of the constitutional power of this House."

Mr. SEIBERLING. Might I suggest that when we start to talk about the President committing high crimes and misdemeanors, we are talking about impeachment. What I am suggesting is that in carrying out our solemn duty to uphold and defend the Constitution, we need to find out the facts without necessarily implying that this will result in impeachment.

Ms. ABZUG. We are not seeking to duplicate an inquiry that is going on in the Senate, which is essentially an inquiry as to how the election laws and campaign laws of 1972 have been violated, and some other broadened jurisdiction that the Senate is now seeking.

We only have a right to get into this with respect to the office of the President and other executive officers of Government. That is our responsibility, and we cannot restore constitutional democracy if we are unwilling to face that issue.

I am suggesting that we may come to that, and of course the judiciary committee can conduct such an inquiry. However, I think you are just kidding yourself if you think we can avoid the basic issue.

Mr. SEIBERLING. I would just like to say that it is more important to preserve our Constitution than it is to impeach or convict any one individual.

Ms. ABZUG. I could not agree with the gentleman more. What I am concerned with is not the individual, but the Office of the President. Are we going to make that an office which has its proper role and jurisdiction in our framework, or are we going to allow it to just go on in complete violation of the concepts of separation of powers, checks and balances, the rights of individuals and the Constitution generally?

I do not think we are in disagreement on that issue. It is just that you have not yet reached the point of realizing that you may have to say, "We are going to have an investigation to see if there are any acts."

Otherwise, it is an unfocused duplication of the Senate investigation.

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tem. Under a previous order of the House, the gentleman from California (Mr. DELLUMS) is recognized for 30 minutes.

Mr. DELLUMS. Mr. Speaker, I would begin simply by saying that I applaud and support the statement and proposal by my distinguished colleague, the gentlewoman from New York.

Some of our colleagues in this Chamber question this general discussion on the grounds that it can be or will be construed as a partisan attack upon the President and/or his administration.

I believe this argument to be totally without merit. It is absurd at best, for the revelations of Watergate have gone far beyond partisanship, directly to the foundation of our form of government in this Nation.

These revelations point to the unmistakable conclusion that the customs, traditions, and constitutional rights established by and for the people have been and perhaps still are in very grave and serious danger.

Some have stated that Watergate points out that a "few people" were about the business of stealing this Nation. I would suggest to my colleague who raised the question of $8,500 that to steal a nation against that pittance dwarfs clearly the proposal and accusation that was leveled at my distinguished colleague from New York.

For these reasons I believe the entire Watergate affair is perhaps the most important event facing the people of the country in modern times. It is important for it now gives us, the people of this country, what may be our last chance to make this Nation what it started out to be; that is, a Nation of, by, and for the people—all of the people, and not simply a few.

I would further add that you and I as Members of this Congress are perhaps this Naiton's only hope to achieve that objective.

My point, very simply, is that they did not plan to be caught at the Watergate affair, but the fact that they were gives us now a chance we did not have before, for many of us with a lack of courage, with our expediency and our flamboyance, who were not willing to say what many press people of this country already know, that this has been a Nation of, for, and by the few.

But this is the Nation of the people of America.

Mr. Speaker, the Watergate affair has been valuable not only in exposing wrongdoing and corruption but in educating us about the actual working of many more "normal" Government activities. Wiretapping, classification secrecy, campaign finance abuses—if all these are now readily accepted parts of the system, it is good to understand exactly what is implied. The Watergate hearings are bringing all of this out.

We have also learned much about the realities of the Presidency during this time. In order to excuse his actions, Nixon's own defenders have shown how little control a President can have over actions of his top staff, and how a President can be unsure—after many months of investigation—about what actually happens in his own office. How much better for the country if this concession to reality had been made at the time when the escalation in Vietnam was just beginning? At that time, we were assured by supporters of the war that "the President" knew much more about the situation than anybody else, especially critics, and that President Johnson was personally supervising bombing targets on the other side of the world, so we could not be making mistakes. Even today we are told that the President—President Nixon—can manipulate the complicated internal politics in Cambodia to achieve U.S. aims, and beyond that, to bring permanent peace to the world. It seems as if the President knows more about what is going on in Phnom Penh than what is going on in the oval office.

This leads to the vital question of the reponsibility of a President for the actions of his top aides. Possibility of impeachment has been mentioned. I think we as Representatives have to keep this possibility seriously in mind, and to start making clear in our minds where we will draw the line: what—if anything—would we consider an impeachable offense?

That is why the proposal made by my distinguished colleague from New York, Congressperson Abzug, makes sense and is important for this body to come to grips with.

But whether or not we decide the damage done to our traditions and governmental system by the Nixon White House merits the supreme political weapon or not, we have to face one inescapable task: That is, arriving at a more realistic doctrine of relations between a President and his staff.

As the Presidency becomes more institutionalized and powerful, we must reform our expectations in this area, and if we do not, we are going to find ourselves with more Watergates.

Last week, as a contribution to this process, I introduced into the Record some general reflections on the problem from Machiavelli's classic, The Prince. This can be found on page 18200 of Tuesday's Record of last week, the 5th of June. I hope those remarks will let us view the problem with some detachment.

I would like to share with my colleagues some of the main points made by Machiavelli, and I quote:

> The choosing of ministers is a matter of no little importance for a prince, and their words depend on the wisdom of the prince himself. The first opinion that is formed of a ruler's intelligence is based on the quality of the men he has around him. When they are competent and loyal he can always be considered wise, because he has been able to recognize their competence and keep them loyal. But when they are otherwise, the prince is always open to adverse criticism, because his first mistake has been in the choice of his ministers.
>
> There is another important subject I do not want to pass over, the mistake which princes can only with difficulty avoid making if they are not extremely prudent or do not choose their ministers well. I am referring to flatterers, who swarm in the courts. Men are so happily absorbed in their own affairs and indulge in such self-deception that it is difficult for them not to fall victim to this plague.
>
> A prince should question his advisors thoroughly and listen to what they say; then he should make up his own mind, by himself. And his attitude towards his councils and towards each one of his advisors should be such that they will recognize that the more freely they speak out the more acceptable they will be. Moreover, if he finds that anyone for some reason holds the truth back he should show his wrath. Apart from these advisors, the prince should heed no one; he should put the policy agreed upon into effect straight away, and he should adhere to it rigidly. Anyone who does not do this is hustled by flatterers or is constantly changing his mind because of conflicting advice: as a result he is held in low esteem.
>
> When seeking the advice of more than one person a prince who is not himself wise will never get unanimity in his councils or be able to reconcile their views. Each councillor will consult his own interests; and the prince will not know how to correct or understand them. Things cannot be otherwise, since men will always do badly by you unless they are forced to be virtuous. So the conclusion is that good advice, whomever it comes from, depends on the shrewdness or the prince who seeks it, and not the shrewdness of the prince on good advice.

At this time, I want to carry the process one step further, and analyze the existing Watergate record to learn what we can about present White House doctrine concerning relations between President and his staff. I think we will find it is most unsatisfactory.

Any President must find some way to use his staff for his own purposes. That is his first job. If we asume that we can give credit to a political leader for the positive accomplishments of his lieutenants, we must also assume he must take responsibility for their incompetence. He must take even more responsibility when they transgress boundaries that are more important than any particular positive accomplishment—and should have been declared off-limits in the strongest possible terms. He is even more responsible if he makes it clear that he will go easy on offenders.

Consider the known facts of the Watergate case—as presented by Nixon and his defenders. A special investigations unit is set up to plug leaks. Nixon says he did not authorize illegal activities. Fair enough; but given the fact that he was the only check and balance on the scope of operations of this top-secret unit—given the fact that he chose to play the role of police, legislature and jury in relation to the investigation unit, a decision which he still defends—couldn't we have expected him to call the people concerned into his office and tell them he would not tolerate illegal activities and that anyone who disobeyed would be fired immediately? But evidently, this was not part of his calculations.

After the Watergate arrest, what was the first priority of Nixon? He tells us he had two aims: First, to get to the bottom of Watergate, and second, to keep secret the investigations unit, which had ceased activity about 6 months beforehand. There are many conflicting accounts of White House activities in those days, but the basic, most polite question we must ask is: which aim took priority? Nixon says he did not mean for them to conflict, but it is evident they did conflict, so the question remains: When Nixon became aware of the conflict, how would he—how did he—choose to resolve it? Did he choose to protect his people, or protect the public trust?

Throughout this period, it is evident that—at the least—the President's authority was used improperly, whether by Nixon himself or not is not yet clear. What is clear is that a pattern had been set up that would allow White House staff people to bludgeon the bureaucracy in its own way.

Let us skip to spring, 1973, to examine more indications of how Nixon views the proper relations between himself and his aides. He dismisses Erlichmann and Haldemann with words of praise and encouragement. At the exact same time, Erlichmann admits he knew about the Ellsberg burglary and did nothing effective about it. Is this Nixon's idea of loyalty?

Finally, we may point to Nixon's analysis of the motives of the lawbreakers in his May 22 statement. Nixon puts most emphasis on "a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the administration sought to achieve." That is to say, he still has kind words for the perverted loyalty that got us into this mess. Nixon still thinks the achievements of a particular administration can be mentioned along with the enduring processes of Government.

Throughout the whole sordid affair and beyond, we see loyalty to a particular person put above loyalty to the country—we see the fear of embarassment stronger than the demand for integrity—we see parochial purposes put higher than basic processes—we see people who distrust their own bureaucracy demand that we trust them with enormous grants of powers—we see not a single admission offered freely in a spirit of cooperation but only under intense and resented pressure. Furthermore, we see no sign at the top that this pattern will stop. Mr. Speaker, I submit that no matter what else happens, this syndrome of abuse must cease. These are the basic attitudes of which the Watergate is only a symptom.

What happens next? There does occur a transgression of legality; namely, the Ellsberg burglary, and this comes to the attention of Erlichmann. Erlichmann then shows his rigid intolerance of such activities by ordering Hunt never to do it again. This order is taken so seriously that 6 months later Hunt is at it again.

In conclusion, Mr. Speaker, may I only repeat that I applaud my distinguished colleague from New York for assuming some leadership in this very vital and critical area.

This is a moment in America's history that we have never had before, and it came to us gratuitously. It is a responsibility that you and I must assume far beyond the expediency of whether our courageous acts will allow us to receive enough votes for reelection but whether we came here as people committed to peace, freedom, justice, and humanity and whether or not we have the responsibility to stand up to the President and anyone else who thwarts the rights and privileges of the people of this country.

Men here attempted to steal this Nation, and you and I have a responsibility to help bring it back to the people so that it will be in fact a Nation of, by, and for the people.

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore. (Mr. McKay). Under a previous order of the House, the gentlewoman from Colorado (Mrs. Schroeder) is recognized for 30 minutes.

Mrs. SCHROEDER. Mr. Speaker, last Wednesday, Representative McCloskey attempted to discuss our constitutional impeachment responsibilities. I congratulate him on his courage and join in his disagreement with the apparently prevailing view that the mere discussion of our responsibilities is dangerous and untimely. The other body has not dodged its responsibility. Watergate increases in complexity as time passes. There are matters being investigated in 11 different forums. In its present posture Watergate appears to be heading for an end that will be inconclusive and totally unsatisfactory to everyone. The confusion grows every day and is hideously unfair to the people, to the political process and to the President.

For myself, I do not believe the time for a resolution of impeachment has come.

The Constitution speaks in terms of "high crimes and misdeameanors." No one is sure what that phrase means, but it must surely include illegal action or inaction of the kind that destroys public confidence in the office of the Presidency. Have we reached that point? Are there alternatives left?

I think these are proper questions for this body to raise and discuss publicly. We are charged by our heritage with the responsibility for building strong and responsive institutions, not strong men. Last week I received a petition from 1,600 constituents expressing "no confidence in President Nixon." People like these, from all over the country, are waiting to see whether we will meet that responsibility.

We have heard a number of charges of criminal misconduct—and perhaps have had some admissions. More are expected. Given this situation, the President can no longer explain his role through second hand sources or written memorandums. The President, if he is to have any chance of restoring confidence in his office and his administration, must voluntarily submit to questioning by the principal congressional body which is now investigating the Watergate and related activities.

Therefore, I call upon the leadership to immediately introduce and move a House resolution urging the President to appear before the Senate Select Committee on Presidential Campaign Activities at the first opportunity deemed appropriate by that committee and under suitable procedural safeguards to his personal legal rights. This, to me, is the most responsible action we can take at this time.

Other Members have suggested that we ourselves create an independent committee to investigate the President's role in the Watergate matter. This, I believe, would be duplicitious, costly, and time consuming. Perhaps initially it would have been more "constitutionally appropriate" to have this whole matter explored by the House. But that time has passed. I believe the Senate committee has gained the respect of the American people, and I am fully confident that it is now best able to engage in this ultimate factfinding task.

We have already been told by the White House that the President will not consent to appear before this committee. The reason he refuses, we are told, is that it would "do violence to the separation of powers" doctrine.

I will not accept that excuse, nor will the American public. If there is some kind of Executive privilege in matters such as this which flows from the separation doctrine—a proposition I seriously question—then let him waive that privilege. We are not calling on the President to answer to Congress. We are calling on the President to answer to the American people through Congress.

The continued refusal of the President to so answer will raise, in my mind, the substantial doubt that the loss of confidence in his administration can ever be restored. I believe—no, I hope—this message will not be lost on him.

It has been said that "it is a lack of confidence, more than anything else, that kills a civilization. We can destroy ourselves by cynicism and disillusion, just as effectively as by bombs."

Our continued avoidance of any and all discussions on impeachment does not absolve us of our responsibilities in this grave matter.

Mr. RANGEL. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would like to congratulate and commend my colleague, the gentlewoman from Colorado, for bringing this matter to the attention of the House of Representatives. If allegations of this serious nature were made against any of us, I cannot conceive that we would not feel some very compelling need to come forward to the people in our communities and in our district, and dispel those rumors once and for all, or in the words that we sometimes use on the street, to lay it on the line.

It just seems to me that all of us represent districts that require a high degree of integrity among all of its public officials and our President. It is utterly devastating when they find that a candidate or incumbent falls short of the desired attributes of those who seek or hold public office.

I call on those who are truly concerned about America, the House of Representatives; indeed about the entire country—to join us in pursuing this more honest avenue of investigation into the charges at hand. The goal is to give the President of these United States the opportunity once and for all to show that he was not involved in this affair. It is hard for me to believe that anyone, Republican or Democrat, liberal or conservative, can have absolute faith in any of the President's recent speeches, as he comes before the American people asking for God's blessings.

It is even difficult to determine whether or not Mr. Nixon's press secretary has any confidence in the statements that he is given to tell the American people.

For those who are concerned about integrity of people in high office and the preservation of the high goals that this country espouses at home and abroad; what we are doing is giving the President every chance to show the American people that he was not involved before, during, or after the burglaries were committed. I cannot see how we can be labeled as anything except responsible by discussing this issue now.

Events surrounding the investigation into the electronic eavesdropping of the Democratic National Committee by the

Committee To Re-Elect the President have raised important, fundamental questions concerning President Nixon's prior knowledge of and complicity in the plot to "bug" the Watergate offices.

When the President announced that new facts which had come to his attention made it necessary for him to conduct his own investigation into the Watergate matter, we all welcomed his setting on this course after months of silence, categorical denials, and absolute refusal to allow White House staff to appear before the special committee appointed by the Senate to investigate the Watergate affair. We waited for the President's report on his investigation in the hope that he would answer the important unanswered questions and affix responsibility for the crimes committed in the burglary of the Watergate and the attempt to obstruct justice which followed.

The President's April 20 speech, however, proved to be a distinct disappointment in this regard. In reporting to the Nation on the results of his investigation, the President failed to address himself to the most important question: whether he himself had actual or constructive knowledge of the Watergate bugging or the attempt to prevent a complete investigation of the bugging. Instead, Mr. Nixon spoke in generalities of the need to preserve the integrity of the Presidency even while undermining that integrity by refusing to address himself to the specific findings which must be revealed if the integrity of the office is to be preserved.

Since this speech, the President has returned to efforts to inhibit a full public inquiry into the Watergate matter. His posture, as increasing revelations of his complicity in tampering with the Ellsburg trial have shown him to be intimately involved in attempts to suppress certain aspects of the Watergate investigation, has been to retreat to a national security posture. The President's rationale in this regard comes close to an open admission of guilt with a plea of justification. But the justification of national security seems very hollow in the absence of public scrutiny of what specified national security implications caused the President to act to suppress the truth.

Given the President's failure to address the central issues in his investigation of the Watergate, it is incumbent upon the House to initiate its own investigation of the President's conduct in relation to the Watergate affair measured against the constitutional standard for impeachment.

It is certainly clear that if the President is found to have known of or participated in the attempt to cover up the facts in the Watergate, he will be liable for criminal indictment. In his report to the Nation on his Watergate investigation the President sought to accept responsibility for Watergate without accepting the blame. This position may prove to be untenable if indictments are brought against his top assistants or new evidence uncovered in the continuing criminal investigation show his actual or constructive knowledge of the Watergate events.

The focus of the House inquiry would be the examination of the President's conduct. This focus is entirely different from the criminal investigation which seeks to determine criminal liability, and from the investigation being conducted by Senator ERVIN's committee which is examining the Watergate from the perspective of political campaign reform legislation. The House of Representatives has the responsibility to consider the actions of the President in the light of the constitutional standard for impeachment.

There have been allegations that talk of impeachment on the basis of the evidence revealed in the Watergate investigation to date is irresponsible. Whether or not you accept this premise, it is clear that such talk will not go away so long as almost daily revelations in the press spin a web of complicity closer and closer to the oval office. It has reached the point where the latest Gallup poll indicates that 60 percent of the American people believe the President had prior knowledge of Watergate or was involved in the Watergate coverup. I do not presume to judge the President's guilt or innocence, and neither should any Member of the House. As Members, however, we are charged with the constitutional responsibility of measuring the President's conduct in the Watergate affair against the constitutional standard for impeachment. By taking the lead in the initiation of such an investigation, the House of Representatives would be acting in a responsible manner to clear the air of charges that the President was involved in the Watergate bugging and coverup.

My distinguished colleague, Representative CLAUDE PEPPER of Florida, and I have cointroduced a resolution to create a special House committee to see if the President's role in the events surrounding the Watergate bugging and its subsequent coverup constitutes grounds for impeachment. The creation of such a special committee would be in keeping with the constitutional responsibility given to the House of Representatives by the Founding Fathers. I hope that we will not shrink from this responsibility at this time of national crisis in confidence in our elected national leadership.

I thank the gentlewoman for yielding and include the text of my resolution to create a select committee to investigate the Watergate affair at this point in the RECORD.

H. RES. 380

Resolved,

SECTION 1. (a) There is established a select committee of the House of Representatives, which may be called the Select Committee on Presidential Campaign Activities, to conduct an investigation and study independently or in conjunction with the Select Committee on Presidential Campaign Activities of the Senate of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the Presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of seven Members of the House of Representatives, four of whom shall be appointed by the Speaker from the majority Members of the House and three of whom shall be appointed by the Speaker from the Minority Members of the House.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select commitee and shall be filed in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. The select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the House further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) the breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) the monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) the preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in paragraph (1), (2), or (3) of this section, and the information contained in any such report;

(5) whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments,

and the identities and motives of the persons planning such activities or employing the participants in them;

(6) whether any persons participating in any or the activities mentioned in paragraph (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in paragraph (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other person or any committees or organizations for whom they acted;

(7) any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other person assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in paragraph (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) the planning of any of the activities mentioned in paragraph (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning, procuring, and financing of such activities;

(11) any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the Presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) compliance or noncompliance with any Act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in paragraph (11) of the section;

(13) whether any of the moneys or things of value mentioned in pargaraph (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the Presidential election of 1972 or any campaign, canvass, or activity related to such election; and

(16) whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which Presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the House empowers the select committee (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems neecssary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the House; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to required by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the House any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial reords, papers, physial evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the House may procure such services; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the House committees or the chairman of any subcommittee of any committee of the House the facilities or services of any members of the staffs of such other House committees or any subcommittees of such other House committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the select committee, chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the House to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the House by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new congressional legislation it deems necessary or desirable, to the House at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the House such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual $500,000, of which amount not to exceed $25,000 shall be paid from the contingent fund of the House upon vouchers approved by the chairman of the select committee. The minority members of the select committee shall have one-third of the professional staff of the select committee (including a minority counsel) and such part of the clerical staff as may be adequate.

Mrs. SCHROEDER. I thank the gentleman from New York.

IMPEACHMENT OF THE PRESIDENT

The SPEAKER pro tempore (Mr. McKAY). The time of the gentlewoman has expired.

Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 30 minutes.

Mr. MITCHELL of Maryland. Mr. Speaker, I join my colleagues today in support of an unprecedented pulling together of Congress, not in a witch hunt, but in the full assumption of our responsibility as defined in the Constitution. It was of this that my colleague, Mr. McCLOSKEY, spoke last Tuesday. He spoke not of an immediate desire to prosecute the President, but merely of a need not to back down from the task which has been entrusted to us. He spoke of "investigation," not "conviction." God help us if the two ever become synonymous.

The administration has spoken a great deal, these last few months, of the need they felt to investigate "in the name of national security." Whether or not national security was involved in those instances is something many of us question and should question. But there is no question that, basic to our national security, insofar as that term means the preservation of a democratic system, is the concept of responsible investigation. I will not take the usual tack of saying "and this includes everyone, even the President" for it seems obvious to me that we are talking of a system which must start at the top, which then, applies especially to the President.

Ever since the details of the Watergate break-in and subsequent activities began to come to light, my office has been flooded by a constant stream of letters, some expressing outrage, others, disappointment, and of course most, both.

I am sure that all of you have experienced the same. The letters differ in rhetoric and in degree, but there is one theme common to them all. It is: "What do you think, Congressman?" and "What are you doing?" This message makes a basic presupposition. It assumes that there is a relationship between a Congressman's private thoughts and his public actions. And this is a reasonable assumption.

Therefore, I urge you, as representatives of your constituencies, do not let the thousands of questions pouring in from your districts die in your offices. We are not here to parry those questions or to protect the executive branch from them. We are here to relay those questions, to promote them in such a way that the stability of the system is preserved while the infectants to that system are removed.

When your body shows signs of infection, do you consistently ignore the symptoms, for fear of facing up to the fact that you may have a disease? Without examination of the symptoms, your fears will remain unallayed. Not only do you preclude the possibility of curing yourself, but you deny yourself the relief of perhaps discovering that you are not seriously ill.

Gentlemen, we have been called figureheads, we have been called administration lackies, we have been called just about everything else. Now we have the opportunity to do what the Constitution intended us to do, what the constituents put us here to do and hopefully, what we each, personally, came here to do: represent.

Our system of government is a tripartite system of checks and balances. It cannot exist if one of the three branches declines to accept its responsibility as such.

History may say of us that we did not know the answers. But let it not say of us that we were afraid to ask the questions.

The questions to be asked are outlined for us generally in the Constitution and specifically in the United States Code. The Constitution calls for impeachment in the cases of "bribery, treason, and other high crimes and misdemeanors." Title 18 of the United States Code spells out the line of action to be taken in the case of the obstruction or impediment of justice by means of concealing evidence. This is a felony and I concur with Mr. McCLOSKEY in his statement that suspicion of felony is just stimulus for an investigation.

Early in the course of the Watergate hearings, the President admitted to a concealment of evidence, again "in the name of national security." Mr. McCLOSKEY stressed that we are not interested in hearsay testimony and this is true. But a direct statement from the President is hardly hearsay testimony.

In examining the 11 historical precedents for impeachment, we come across abuses of power, from simple acquisition for personal profit to appointment of incompetent officers whose decisions affect thousands. To indicate the seriousness of the issue before us, I would point out that the questions involved in the case of the President involved both personal profits, in terms of possible illegal actions on the part of the Committee to Reelect the President and offenses against large numbers of people in terms of violation of the privacy of the Democratic National Committee.

I am not here today to ask you for an answer to the question of possible guilt. But if you cannot give me an answer, a negative answer, in which you feel absolutely, 100 percent certain, then you have questions. And if you have questions, this is the time and this is the place for them to be brought to light.

Long before Watergate seized the national headlines, I spoke at Johns Hopkins University. I spoke about a development, an alien development, occurring in our country. I spoke to the issue of the embryonic stages of facism in this country.

Since Watergate has been exposed to us with all its dirty, filthy, sordidness, I speak again to the issue of the emergence of fascism in this country. What are the elements? What are the elements of fascism as it has occurred all over the world?

Awesome power. Awesome power proceeding to one man or group of men known as an oligarchy. That is an element of fascism.

What is another element of fascism? The attempt to suppress the press, to control the press, to dictate to the press what must be done. That is a second element of fascism.

A third element in embryonic fascism is the idea expressed by one dictator who used the phrase, "credere." That means, "believe; just believe, do not question me." This is what has occurred time and time again in the revelations of Watergate. Thus we have three issues which have always accompanied the emergence of fascism.

I submit to you, my colleagues, that those three elements, and more, have been openly and nakedly exposed in the Watergate investigation to date. So, the issue is whether this House, by resolution of inquiry, or by requesting the Judiciary Committee to inquire, or by making the attempt to join in the Senate inquiry; will address itself to the thing that is more frightening to me than any other aspect of Watergate. That is the emergence of embryonic fascism in a nation that we love and hold dear, that we have fought for and that some are still prepared to die for.

That is the issue; not the President, not the Presidency, not the White House; not whether it is safe; not whether it is expedient; not whether it is political. The issue is, can we demonstrate a commitment to an imperfect system that can be perfected and should not be jeopardized by the encroachment of fascism?

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 30 minutes.

Mr. STARK. Mr. Speaker, I have asked for this time to speak this afternoon, because I believe that it is incumbent upon the Members of the House to approach any discussion of impeachment with a recognition of the awesome responsibility thrust upon this body by the framers of the Constitution. Our Founding Fathers chose to rest in the House the sole power to impeach the President, Vice President, and all civil officers of the United States for treason, bribery, or other high crimes and misdemeanors. In such a proceeding, the House of Representatives is analogous to a grand jury. The articles of impeachment are the equivalent of an indictment.

I believe that the House now has the solemn constitutional duty to determine whether the current news which is, indeed, full of "hearsay and innuendo" is true insofar as it touches upon the Office of the Presidency. As we all know, to say that something is hearsay does not mean that it is not true. It simply means that it is a little more difficult to prove its truth or falsity.

There are those who would say that we should discontinue this debate until we have more evidence. I say that we have, as representatives, a firm duty to the American people to pursue these accounts which indicate that the President of the United States participated in, or at least was aware of, a massive conspiracy to conceal White House involvement in the political espionage, burglaries, wiretapping, campaign disruption and illegal use of donated funds that are all a part of the Watergate slime. Can we afford to ignore all warning signs and refuse to even discuss impeachment proceedings—proceedings which are the only remedy the American people have against a President who appears to have covered up the commission of felonies? Can we afford to take at face value naked assurances that there was no wrongdoing by the White House I think not. At which point can we expect those statements to become inoperative?

This is not to say that the President is not entitled to the presumption of innocence. Clearly he is. An impeachment resolution does not mean that he is guilty, it only provides a way for those who believe there has been wrongdoing to prove it. And, if in light of future disclosures, the House finds clear-cut evidence to bring charges, it is left no choice but to carry out its constitutional mandate and initiate impeachment proceedings.

There are House Members who believe that we now have probable cause to introduce an impeachment resolution. I am not prepared to join them in such a movement at this time. We should, though, demand that the House have access to all information gathered by the Justice Department's special prosecutor, the Senate committee, and other investigative bodies which possess facts bearing on our sole responsibility to initiate impeachment proceedings.

Because the procedure calls for the presentation of charges on the floor, as individual Members we must have as much information as possible before any Member develops lists of charges. We must insure that the House remain free of charges of "headline baiting" and irresponsibility.

Incidentally, I should also like to point out to colleagues who call for clear, direct evidence of criminal complicity of the President that the Constitution does not require that charges in a resolution be of an indictable nature. Evidence of corruption, abuse of office, misuse of power, and misconduct are offenses which can be charged in an impeachment resolution. As individual Members, I feel we should voluntarily impose a standard higher than the "probable cause" standard before any of us introduces an impeachment resolution. But we must have access to the information that will allow us to make such a decision.

It is, of course, possible that this whole discussion might be made moot by a full disclosure to the American people by the President. The President's continued suppression of information relating to Watergate justifies the rather unsettling inference that he does not intend to fully cooperate with various investigative bodies which seek to bring the truth of governmental involvement in this scandalous affair to the American people.

So, today, I am calling on the President to choose his own forum and tell all in the hope that we can end this discussion. But if he refuses to do so, or if he does admit to some crime, then we will be forced to exercise our constitutionally mandated responsibility. Today, I have introduced a resolution calling on the Justice Department and all investigative bodies dealing with this affair to make all pertinent data available to individual Members of the House of Representatives.

We have no choice, but to carry out our responsibility. Let us do it in an informed and cautious manner.

AN ALTERNATIVE FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. BURKE) is recognized for 30 minutes.

Mrs. BURKE of California. Mr. Speaker, impeachment is never a pleasant or desirable topic of discussion. Nor is it necessarily an easily administered procedure or desirable remedy. The very mention of the word by Members of this body bids us to act with extreme caution and sobriety of purpose.

Our words must be carefully chosen to assure that there is no misrepresentation of our specific intent. For to discuss seriously impeachment in this Chamber at this time means that we must recognize that it is likely that our words will be heard by many and given broad consideration. Indeed, as Alexander Hamilton noted, "the awful discretion which a court of impeachment must necessarily have, to doom to honor or to infamy the most confidential and the most distinguished characters of the community" must not be invoked at a whim.

I rise today with great reluctance and trepidation. I am mindful of the great heritage of this august body and of the need to preserve the integrity of our institutions of government. But I earnestly believe there is a present compelling need for this body to determine and recognize both its immediate and potential duty in light of the present crisis.

Mr. Speaker, I rise this afternoon only to discuss some of my views on the constitutional duty and prerogatives of this body with regard to impeachment of a President. I must emphatically state that I have not and do not at this time call for this body to institute formal impeachment proceedings against the President. That would at best be a premature act that would only continue to divert attention from governing this Nation. No one individual can pretend to understand the complex web of charges and accusations being hurled about.

In following the development of the Watergate scandal and its related developments, one thing seems clear to me—that the public discussion both in and out of government is not likely to abate. Senator ERVIN's committee is proceeding to explore the facts of the Watergate and related improprieties; Mr. Cox is determining if there is any basis for bringing criminal indictments against Federal officials, and grand juries around the country are investigating a complex and extensive web of campaign corruption. The public will continue to be confronted with news relating to the Watergate affair.

At the same time, the press is being attacked for doing its duty as the fourth branch of government of reporting the news. One only has to consider the consequences to our system of government if the press had been precluded from pressing forward with its inquiry on the Watergate affair to recognize that it must not now be silenced. It is easy to shift the blame to the press for exposing the uncomfortable reality of the existence of high scale and broad level scandal in our Government. I do not believe the answer to the present crisis lies with the restraining or suppression of the press; at the same time, as guardians of civil liberties, we must insure to every individual the full rights of due process under the Constitution and all those protections guaranteed by a trial by court or by jury.

The public has become increasingly suspicious of the operation of Government. At all levels it appears on the surface that corruption abounds. The truth has been too slow in coming out. and the public demands the complete truth and that those who have been charged with wrongdoing be brought to justice.

How do we put these growing doubts, suspicions, and questions to rest? How do we channel our inquiry in a constructive and constitutional direction? It seems to me that at this point in time, we are going to answer some of these questions only by having the House gather the facts and probe the activities of the President and his staff with a view toward some finality in deciding whether impeachment should or should not lie. We all desperately want to get on with the important business at hand of controlling our economy and finding ways to deal with our many important domestic problems.

The House of Representatives is the only organization of Government constitutionally imposed with the power to impeach the President, the Vice President, and all civil officers of the United States. The House must determine if there are sufficient grounds to vote in favor of impeachment; that is, to determine whether it should bring charges—called articles of impeachment—before the Senate for the Senate's final determination of guilt or innocence. The Constitution makes this conclusion clear: The House of Representatives "shall have the sole power of impeachment."

The House cannot delegate this power. But just as it must decide whether articles of impeachment must be presented to the Senate, so too it must make a full investigation to determine the validity of the charges. In my brief historical survey of the procedures for establishing the impeachment, it becomes evident that the mechanism for initiating such an investigation is not a simple matter.

In recent days, we have heard some Members of the House claim that the House must have clear and direct evidence of criminal complicity before it can bring an impeachment resolution. Some even say that an impeachment resolution should not be brought until all the facts are known. They point out that there are three separate and highly competent investigations now being undertaken. Others have claimed that there is only one action that the House can take, namely impeachment.

But my reading of the history and the precedents suggests a different conclusion from that reached by some of my colleagues.

First, impeachment by its very constitutional definition is a pretrial action—a pretrial investigation much like that of a grand jury, but not necessarily identical in every respect.

A review of the uses of impeachment shows that the House can act responsibly now to investigate in a preliminary way the various allegations, charges, countercharges and accounts of the present crisis. Only the House has the constitutional duty to sift through all the information being generated from the ERVIN committee, the Cox investigation, and the grand jury probes to determine whether a resolution of impeachment should be recommended. I am suggesting only that the House either through a standing committee or a select committee, begin to acquire and gather the information being developed by the ongoing investigations. At a minimum, considering the House's constitutional duty and the seriousness of the present situation, the House has a right and duty to know the facts and information.

And in its information gathering process, the House can act to insure that individuals' civil liberties and constitutional rights are protected. In this way, we minimize the use of this forum as a platform for trial by innuendo or by hearsay.

Charges and allegations have generally been examined by the Congress before a resolution of impeachment has been voted. What has not though been carefully articulated, or understood, is the fact that there have often been two types of investigations commenced before a vote on impeachment by the House. There are cases in which there have been both a preliminary investigation and fact finding activity by a standing or select committee followed by a formal investigation into the charges.

Reading the multivolumed edition of Hinds' "Precedents of the House of Representatives of the United States" does not provide dispositive legal precedents for the present situation. It does, however, give one an indication of how the House has proceeded with different cases of impeachment in the past and how this two-step investigation occurs. In one case, involving the impeachment of Judge William Story, U.S. judge for the western district of Arkansas, charges and specifications against the judge were presented to the House and referred to the Committee on Judiciary. After the committee had examined the case for some time, it determined that it needed further specific authority to inquire whether Judge Story "shall be impeached for high crimes and misdemeanors."

There are many other instances in which the House has referred charges against an impeachable official over to a committee for a preliminary investigation. In some of these cases, a report of the investigating committee was presented to the House; in other situations, a resolution was presented asking for more specific authority to consider impeachment proceedings. Indeed, if the House should be called upon to consider impeachment, it ought not have to rely on hearsay testimony or, as in the case of President Andrew Johnson, on the strength of charges made by a Member on his own responsibility only. The charge being that he removed Edwin M. Stanton from the Office of Secretary of War contrary to an act of Congress and that he criticized Congress.

Mr. Speaker, at this point I want to urge the House not to file a formal resolution of impeachment. As I have tried to make clear in my preceding remarks, I believe the situation cautions us to refrain from such a presumptious move. But I think many of my colleagues are cognizant of the constitutional responsibility of this Chamber in impeachment proceedings. If the House should be called upon to review all the information, it ought not have to do so in a mood of rush, bitterness, or anger. It is precisely because of the very cautious attitude this House has exhibited that I suggest that we now consider identifying the mechanism for sifting through the voluminous data and documents presently available. We can no longer pretend that this body has no conceivable duty in light of the seriousness of the present situation and the existing evidence, albeit hearsay and contradictory.

In gathering this information in its preliminary investigation, the House also can and should take great pains to protect the constitutional rights of anyone who may later be indicted. Due process should be afforded anyone called upon to provide information. We must insure that the rights of individuals to a fair and impartial trial are not sacrificed.

In looking outside of the historical development of impeachment of high U.S. officials, I have noted that there are other situations in which quasi-judicial bodies preview the facts before launching a formal investigation. This fact-finding exercise, I believe, presently exists under the Uniform Code of Military Justice. Further, it is my understanding that the Equal Employment Opportunity Commission first determines if there is cause to believe that a full investigation should ensue. It determines whether there is a reasonable basis for believing a violation of law has occured, and if so, it recommends a full investigation.

Some people have said that the involvement of the House at this stage would only be duplicative of the Senate's present investigation. I do not believe that is a correct interpretation. The Senate Watergate Committee is not and cannot be charged with determining if there are grounds for impeachment. That, as I have pointed out, can only be decided by the House. Moreover, there are many areas of inquiry concerning possible impeachable offenses which the Senate committee or the Cox investigation have no jurisdiction to probe. I am speaking of such issues as the continuation of the bombing of Cambodia, the wholesale impoundment of constitutionally appropriated funds, the use of the Executive privilege doctrine, and, of course, the broad spectrum of allegedly illegal campaign activities. The House is the body which should collate and sift through the information while the other investigations continue.

Mr. Speaker, I have taken the floor of the House with utmost caution and reflection, only to discuss—hopefully in a responsible manner—my concern. I believe it is important for a Member to follow his conscience on a matter as important as impeachment. I believe that by delegating to a committee the responsibility of gathering, organizing, and analyzing the facts, we are not escalating the sense of atrophy, drama, or crisis that presently exists. Rather, I believe we are letting the American public know that the underlying but unspoken possibility of impeachment of the President will be handled in a very careful, thorough, deliberative and cautious way to insure that both the right of the public to a final answer on the impeachment question is made and that the rights of innocent men and their reputations are preserved. Only then will we have truly met all of our constitutional responsibilities and only then will we be able to press ahead in a vigorous effort to try to find ways to fulfill the promises of a better life for all Americans.

Mr. McCLOSKEY. Mr. Speaker, will the gentlewoman yield?

Mrs. BURKE. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Speaker, I want to thank the gentlewoman from California (Mrs. BURKE) and my colleagues who have spoken today to the issue of impeachment.

I have heard not a single word of impassioned vengeance or of partisan demagoguery. The point I sought to make last Wednesday was that we, as Members of the House, owed to our constituents and the Nation a high degree of restraint and judicious language in any consideration of this question of constitutional responsibility in the impeachment process—that under the Constitution the House is acting in much the same manner as a prosecutor and grand jury in considering impeachment; that impeachment is legal and constitutional, not a political process; that we have a meticulous obligation to respect rules of evidence and due process, as well as the presumption of innocence which occurs to the President as to all other witnesses who may be accused of high crime and misdemeanors.

Earlier today one of our colleagues suggested that it was unseemly and improper for the House to even discuss the issue of impeachment at the present time because of the danger of inflammatory remarks and exciting an already confused public.

Had the gentleman remained to hear the comments of those who have spoken today I think he would have been satisfied and pleased, as I have been, at the serious and thoughtful approach of those who have discussed the powers and duties of the House at this critical time in our history.

I have asked for an additional hour next Monday afternoon, June 18, to respond to the suggestions offered today, and the new evidence that has come forward since my last remarks last Wednesday.

I would hope that in that discussion next Monday we can maintain the same scholarly level of discussion that my colleagues, and in particular the gentlewoman from California, have demonstrated this afternoon. Again I want to thank them.

A PROFILE OF CLARENCE M. KELLEY, NOMINEE TO HEAD FBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, last week President Nixon nominated Clarence M. Kelley, chief of police of Kansas City, Mo., as FBI Director. Already this choice has been acclaimed to be one of the best made at the White House in these troubled times.

As a Member of Congress who in former years has been privileged to represent a portion of Kansas City Mo., I speak not from hearsay but from personal experience when I say that Chief Kelley, as a former FBI agent, is a man who worked diligently at his job as chief of police for one of our larger cities. He has been an appointive public official who has made himself available to be seen by just about any citizen who had a genuine, good faith, problem of law enforcement to discuss with his chief of police. This open-door policy has earned for him the respect and admiration of even those who might otherwise be classified as his natural adversaries. Even his enemies have praised him for his openness and straightforwardness.

My most recent experience with Chief Kelley was a brief audience with him a little over a year ago, after several persons were killed by a drug-crazed addict in Harrisonville, Mo., the county seat of Cass County, about 35 miles south of the city of Kansas City.

Some of our constituents in Harrisonville thought there might be a recurrence of violence over Memorial Day of 1972. My objective was to try to enlist the help of the State Patrol and some help, if needed, from the metropolitan police force of Kansas City, Mo., to prevent a rumored invasion of Harrisonville, Mo., over Memorial Day by drug pushers and sympathizers as reprisal for the killing of a drug addict a few weeks earlier. In my conversation with Chief Kelley, I found him to be a man whose entire life had been devoted to law enforcement. I found a willingness to cooperate with his smaller neighboring communities. He proved to me an instant readiness to do all in his power to maintain the peace and avoid a breach of the law, wherever he could help.

There have been so many fine things said about Clarence M. Kelley since his nomination that it is difficult to recall them all. Newsweek in its issue of June 18 suggests that all of the present FBI agents who have been leaderless, dispirited, and thinking they have been badly tarnished by Watergate, now welcome Kelley with extreme pleasure.

For some reason both Time magazine and Newsweek in their issues of June 18 compare Chief Kelley to Dick Tracy. It is my interpretation that this is not any kind of a slap at the new nominee. Rather it is because of the fact that he is square-jawed. He somewhat resembles the cartoonist's likeness of the great detective, Dick Tracy. There is a newspaper story that some of his subordinates, good-naturedly, call him Dick Tracy but only because of his insistence on the latest technological weapons and crime control such as Kansas City's new computerized information system, and also because of the helicopter patrol which, as chief, he instituted for the city.

It is my judgment, Mr. Speaker, that Chief Kelley's chances of confirmation by the Senate are not only good, but excellent. There may be some civil rights partisans who might try to make an issue of deaths of some blacks during the rioting of 1968. But as I observed when I first heard of his nomination and was asked for some comments by the Kansas City Star, my immediate reaction was that, "Yes, Chief Kelley had been a firm, chief of police but he had always been fair." The chief's own response to the charge of his unyielding position on law and order, during the riots in Kansas City in 1968, which his enemies charged contributed fuel to the flames rather than quenching them, is that his very hard-nosed approach kept the riots from spreading and avoided many more deaths than if he had taken a soft stand. As one who has some actual knowledge of the east-side rioting of 1968, I will concur with the chief's rebuttal to the charges that had been made against him. I think I know for a fact that if he had not acted quickly and with firmness, the riots would have spread and perhaps cost many more lives.

Clarence Kelley is completely nonpolitical. No one has ever heard him say which party he belongs to. He knows investigative procedures. Kelley has had a three-decade record as a law enforcement officer without a single blemish on his record. Coming to Kansas City in 1961, he took over the police department, shaken by a scandal, quickly restored morale, reestabilshed public confidence and made our police department at Kansas City one of the most innovative in the United States.

Mr. Speaker, on last Friday, June 8, the Washington Evening Star in its lead editorial discussed the nominee from Kansas City to be the new permanent head of the FBI. It is a well-written editorial. I am proud to be able to include it in the RECORD because it mentions the fact that, while crime was rising sharply in other cities, Kansas City's crime rate had only a gentle curve upward. The editorial is factual in that it mentions the modern police force we have in Kansas City. It points out that Chief Kelley is a believer in advanced police technology, bringing new tactical units and a helicopter fleet to the Kansas City police force.

Finally, the editorial covers the proposition that at 61 Chief Kelley is not too far away from mandatory retirement age, and there would be no temptation for empire building but only to make a record of solid achievement.

Mr. Speaker, I embrace and endorse the conclusion of the editorial that the appointment of Clarence Kelley as the new head of the FBI will restore the public respect that the FBI so long prized and enjoyed under J. Edgar Hoover. The editorial follows:

A CHIEF FOR THE FBI

President Nixon's choice of Clarence Kelley to head the Federal Bureau of Investigation may be one of the best decisions made at the White House in this troubled period. We are thankful, at least, that Mr. Nixon has reached beyond the political realm, to select a no-nonsense professional lawman with a reputation for attacking corruption in a city that has had plenty of it. There's a good prospect that Kelley can restore stability and morale to a proud agency that lately has been introduced to political squalor, deriving from the unfortunate appointment of former Acting Director L. Patrick Gray III.

It is well that Mr. Nixon has gone to the ranks, so to speak, and named a 20-year FBI veteran. This should be reassuring to those many dedicated people within the bureau who, deeply worried about its efficiency and reputation, have appealed to the White House for appointment of a career FBI man as director. True enough, Kelley finally left the bureau, but his record since then as police chief in Kansas City tends to inspire confidence.

Very few police departments, in fact, can offer crime-control statistics that come anywhere close to Kansas City's. Since taking over the police department in 1961, Kelley has weeded out internal corruption and modernized the force with a number of striking innovations, which some other cities since have copied. A major achievement was development of a cooperative regional plan of law enforcement. The result has been a 24 percent reduction of Kansas City's crime rate between 1969 and 1972. Kelly has earned a reputation, in law enforcement circles, as a skillful criminologist and administrator.

But his other reputed talents—of persuasiveness and conciliation—may be equally important in heading the FBI. He has, from all reports, won an amazing degree of community support in Kansas City. Admittedly, there are charges that his police used excessive force against black panthers a few years ago, of which we expect to hear more in his confirmation hearings. But on the record, he seems to have a keen respect for civil rights of individuals, and his personal integity has not, we understand, been questioned by anyone.

This appointment also should quieten some lawmakers' fears about installing a long-term director of the FBI, for Kelley, at 61, is not many years away from mandatory retirement age. Usually, at that seasoned stage, there is less temptation to empire-building than to strike out for solid achievement, and his past success seems to have stemmed largely from neutrality in partisan politics, which is what's needed to avoid the pitfalls into which Patrick Gray fell. With scrupulous political independence at the top, the bureau might be restored rather soon to the position of public respect that it prized so long under J. Edgar Hoover.

WAGE AND PRICE CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, since its inception in January, phase III has been a clear failure. Food prices have soared; rents, wholesale and industrial prices, and interest rates continue their steady rise. In retrospect, the President's decision to move to phase III has proven to be premature and correspondingly unwise.

The current economic instability can be tolerated no longer. How can the American worker ever be expected to moderate wage demands when prices, interest, and rents are breaking new records each month? Americans must be protected now from the continuing daily erosion of their wages, salaries, and savings.

Clearly, then, new tougher controls are demanded. But these economic decisions must be based on a clear understanding of the present economic turmoil and the long-range implications of any program of comprehensive controls. In short, any decision to adopt controls must take into account the impact on the economy of not only the imposition of the anti-inflation program, but also the impact of the eventual removal of those controls. This, of course, with the benefit of hindsight, is where phase III met its failure.

Mr. Speaker, in my opinion it is absolutely necessary that the President now move to adopt tough but fair controls that will stabilize the economy and bolster the flagging confidence of all Americans. I believe the wisest course would be to clamp on a short freeze on prices, interest rates, and dividends, then follow this freeze with comprehensive controls, including wages, of the type prematurely abandoned in the January move to phase III. At the same time, the President should also take action to control profit margins of all banks and other lending institutions as a means of restraining and perhaps reducing interest rates, which are now threatening to price all prospective borrowers, both large and small, out of the credit markets.

In conclusion, Mr. Speaker, the lead editorial in this morning's Washington Post contains a well reasoned analysis of the causes of the present economic deterioration. The Post sees our difficulties as arising out of poor economic planning, as well as action based more on political necessity than on economic wisdom. I commend this editorial to all my congressional colleagues. It contains sound analysis as well as wise recommendations for strong governmental action. Such action is demanded if we are to restrain inflation while assuring all Americans plentiful food supplies and other necessities in a full employment economy.

The article follows:

[From the Washington Post, June 12, 1973]

THE NEXT WAGE AND PRICE CONTROLS

President Nixon has recently been suggesting that he may indeed take action shortly to hold down inflation. As a practical matter, the only action worth taking in the present circumstances is a short freeze followed by comprehensive controls roughly along the lines of the late lamented phase II. There has been talk of keeping the freeze very short—30 days, perhaps, instead of the 90 days of the 1971 freeze. That would permit the administration to freeze only prices, without getting into the horrendous legal and administrative snarls that arise when scheduled wage increases are cancelled. That idea makes a good deal of sense.

But the nature of the next round of controls has to depend upon a candid and accurate diagnosis of our present economic troubles. Freezing prices and wages is easy. The dangerous part of the exercise is the thaw, when the economy moves toward flexible controls designed for the long haul. That is the point at which the President needs to explain to the country just what has gone wrong, and what has to be done to cure it. One of the curiosities of inflation is that the cure cannot work unless most people are persuaded that it will work. There is more than mathematics to economic policy.

The questions in most people's minds are the simple ones: Why are controls now necessary again, only five months after the administration lifted them? Why has the administration's plan turned out entirely differently from its expectations? If the effect of controls in 1971 and 1972 is only to leave us with a much more severe inflation in 1973, what can we hope from further controls in the future?

In retrospect, it is very clear that the administration misused the opportunity that it created with the 1971 freeze and the following Phase II. In early 1971 we were in a recession. Unemployment was high. At the same time, prices were rising ominously. Unfortunately, the economic remedies that reduce unemployment tend to raise inflation rates, and vice versa. With an election coming, the administration felt itself to be under great political pressure. The White House decided to apply controls to hold down prices and wages artificially while it applied enormously powerful pressures to expand the economy at drastic speeds and to create jobs faster than the adult population was growing. First came massive tax cuts, then expansion of benefits such as Social Security which have high impact on personal spending. Interest rates were held down as the budget deficits soared. Rep. Wilbur Mills (D-Ark), chairman of the House Ways and Means Committee, put the matter accurately when he said, ". . . we acted as if those controls permitted us to indulge ourselves in a fiscal and monetary orgy . . . I do not care what brand of economics you prefer, you cannot have the supply of money go up by almost 10 per cent in nine months without getting an upward rush in prices afterwards . . . We wasted on a fiscal-monetary policy binge the respite which wage and price controls could have given us."

The unemployment rate dropped from 6.1 percent in August, 1971, when the President put the freeze into effect, to 5.2 percent in November, 1972. That decline undoubtedly contributed to the results of the election. The President's precise intentions for the post-election period are not known, but the outline seems fairly clear. Many economists believe that controls can only postpone price increases. By dropping Phase II last January, the administration apparently expected to let the pent-up flood of these postponed price increases work their way through the economy in a sudden bulge. It would be painful but it would be short and there was nearly two years until the next election. The White House would rely on its new rapprochement with the labor leaders to damp down a wage spiral. Meanwhile, to turn off the inflationary pressure at its source, the President invoked severe and rigid spending limits, moving the federal budget toward balance as fast as his economists dared. Those limits were then defended in a vehement and abusive campaign by the administration against the spendthrifts in Congress.

What went wrong with this strategy? Most obviously, the eruption of the Watergate scandals distracted the administration at a crucial time. But there were other surprises for the White House. The administration, like everyone else, underestimated the extent and effect of the devaluations of the dollar. The first devaluation was planned but the second was not. Since then, there has been in effect a third devaluation as other currencies' values float upward. That has raised the prices not only of all that we buy abroad, but many of the goods, notably agricultural products, that we sell abroad.

Above all, no one had fully reckoned the psychological effects of ending the controls. Many businessmen, it now appears, not only raised prices to compensate for the past but kept right on raising them in anticipation of renewed controls in the future. As the price indices began moving upward in response, the talk of a new freeze began to frighten still more businessmen into still more anticipatory increases.

The first lesson of this melancholy experience is that controls are not omnipotent. They are not a magic spell that permits a government to follow foolish and reckless policies with impunity. Our European friends, incidentally, could have told us that. They have been using controls actively, off and on, ever since World War II and they have had considerably more trouble with inflation over the years than we have. Even under parliamentary governments, with their great flexibility in calling elections, it has proved very expensive to try to make the business cycle conform to the politicians' calendar.

The second lesson is that a large and rich nation cannot afford to make economic policy simply by reacting wildly to one immediate threat. Policy has to move to a larger target than the date of the next election. Mr. Nixon's policy of 1971–72 was successful in ending the recession, but his vast budget deficits then are of course the principal cause of the present inflation. A similar reaction now to the inflation could conceivably drop the country back into a new recession. There are other uninviting prospects. It is quite possible to have a roaring inflation and rising unemployment simultaneously. The next control system will have to be more than an overreaction to an immediate peril. Controls are no more than one part of an economic program that needs to address not only the inflation that is today's concern, but the recession and the erosion of standards of living that might well be tomorrow's.

THE HOBBS ACT AMENDMENT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 60 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, last February, the Supreme Court handed down a truly unfortunate decision. The case—United States against Enmons—centered around charges of sabotage and wanton destruction of property by a group of employees who were on strike for higher wages and benefits. The Court ruled that while blowing up transformers and committing other acts of sabotage might have been Federal crimes under other circumstances, such acts were not Federal crimes if the employees were on strike for legitimate demands. In short, the Court suggesting that the end justifies the means—that in making strike demands, workers could resort even to violence, if necessary, and remain free from Federal prosecution.

The Enmons decision centered on the Hobbs Act, the Federal antiextortion statute, which has been on the books for more than 25 years. Under the act, extortion is defined as the use of violence or the threat of violence to coerce someone into unwillingly giving up property. In one form or another, such acts have been outlawed in business since 1934 by Federal law. Yet in the bizarre case I just mentioned, the Court has suddenly decided that the use of violence as a means of coercing management to meet strike demands is not extortion at all, but a perfectly legitimate bargaining tool in the eyes of the Federal courts.

How is it that we have reached this point? How is it that as we approach the final quarter of the twentieth century we are still confronted with the same type of violence rising from labor-management disputes that supposedly we had banished more than 30 years ago? How is it that despite the plethora of Federal labor laws passed in the last 40 years, men still seek to resolve their differences through violence and coercion rather than the peaceful, legal collective bargaining system we have established and perfected over the years?

The answers to these questions are certainly complex. But I do think legislation to correct the unfortunate Supreme Court decision I have referred to could make an important contribution to remedying the problem. The bill I am introducing today is designed to do just that.

RISE IN VIOLENCE ASSOCIATED WITH LABOR-MANAGEMENT DISPUTES

Violence resulting from labor-management disputes is clearly again on the rise. While the Labor Department does not collect statistics on this phenomenon, I think we need only recall some of the appalling incidents of the past few years to realize that labor violence is a far more serious problem today than it has been for decades.

In April 1970, over 1,500 construction workers stormed Spreens Volkswagen in West Palm Beach, Fla. They demolished a new addition which had been constructed by nonunion labor, damaged and destroyed over 60 cars, and assaulted newsmen who tried to document the event. After 2 hours of uncontrollable rioting, the workers had caused $200,000 in damage, which resulted in indictments handed down on charges ranging from arson to assault and battery.

Just last February—2 days before the Enmons decision was made—400 building tradesmen arrived in chartered buses at the site of a building being constructed for Shell Oil Co. in Kalkaska, Mich., by a nonunion contractor. They outnumbered 20 State troopers and used large building beams to demolish part of the new building, causing $100,000 in damage.

In March 1972, over 500 AFL–CIO pickets stormed a fuel oil facility in Port Allen, La., to protest the use of nonunion labor on the site. The pickets ignored an injunction limiting the number of pickets which could be legally stationed at the site and on March 28 damaged cars and attacked employees who tried to enter the site. The next day helicopters had to be used to get workmen into the site. Finally, on March 30, 500 National Guardsmen had to be called in to restore order in a situation which was simply too big to be handled by local authorities.

In November 1972, the Auburn Electric Co., a nonunion contractor, agreed to do some electrical work on a school being built in the Detroit area primarily by union contractors. On November 19, 1972, between 400 to 500 men stormed the construction site, started fires, ripped out electrical conduits and equipment and damaged construction trailers used by Auburn. Significantly, the damage was limited almost exclusively to the electrical work while the other portions of the site built by union workers remained untouched.

Probably the most incredible act of all occurred last June in Philadelphia. Over 1,000 building tradesmen massed to protest the construction of a large hotel-office complex by Altemose Construction Co.—a nonunion contractor. The workers stormed a cyclone fence around the site and then proceeded to systematically set fire to trucks, a bulldozer, a trailer, and a construction shed as others held fire engines and police officials at bay.

As later described by a reporter on the scene, "the scene at the King of Prussia construction site was right out of Vietnam." A judge who issued an injunction against the mob activity later that day labeled the incident "a scene you would expect to find in a war zone," a "virtual military attack."

These of course are only selected examples. Actually, similar incidents have occurred all over the Nation in recent years. The Associated Building Contractors, Inc., recently documented 170 acts of violence against ABC members, including 9 dynamitings, 34 fires, 64 acts of vandalism, and 42 assaults. All told, damage estimates exceed $5 million—all within the space of a few years.

THE ORIGINS OF RECENT CONSTRUCTION INDUSTRY VIOLENCE

Mr. Speaker, I would like to make clear at this point that the kind of serious violence in the context of labor-management disputes which I have been discussing is a problem which is largely confined to the construction industry; for the most part, it does not extend across the broad range of labor management relations into the other highly organized sectors of the economy. Indeed, with the conclusion of the recent no-strike pact in the steel industry, and its likely emulation elsewhere, we have witnessed substantial progress rather than retrogression in the evolution of labor-management relations.

The question immediately comes to mind then as to why the construction industry has experienced this dramatic upsurge of violence and property destruction. At bottom, I think the answer to that question hinges largely on the growing open-shop movement and the threat which it poses to the traditional craft unions which have so long dominated the industry.

The origins of the now burgeoning open-shop movement lie on the extraordinary wage increase spiral that beset the industry about 1967. During the early sixties wage increases in the construction industry averaged between 5 and 7 percent annually, a figure somewhat higher than the average of U.S. industry as a whole but not notably out of line with wage trends generally.

In 1968, however, construction industry settlements averaged nearly 9 percent, and the following year they rose to almost 13 percent. By 1970 wage settlements averaged 15 percent, with first year increases in settlements negotiated that year amounting to almost 20 percent in many cases.

During the peak of the wage boom in 1970 and early 1971, hundreds of 3-year contracts were negotiated which sent construction wage levels in many areas of the country soaring out of all reasonable relationships to the rest of the economy. In the Wichita, Kans., area, for example, operating engineers negotiated a settlement which raised hourly rates from $5.40 to $10.50 over a 36-month period. In Hartford, Conn., electricians obtained a 3-year increase which boosted wage rates from $6.75 an hour to $12.50. And in Los Angeles, sheet metal workers obtained a similar agreement lifting hourly wage rates from $7.06 to more than $12. Moreover, these are only representative examples. Similar agreements were negotiated all over the country.

To be sure, these were years during which the fires of inflation ravaged the entire U.S. economy, and in which wage rates rose dramatically in almost all industries. Nevertheless, the wage boom in construction was unparalleled even in the context of an inflation-rid economy. The increases obtained by many craft unions shattered most traditional wage rate differentials and opened up a huge, unprecedented gap between wages paid construction workers and those paid workers in other sectors of the economy.

During the early 1960's, for instance, annual construction wage increases consistently averaged about 1.7 times greater than those for manufacturing, a trend that was in line with historical patterns. In 1967, however, construction hourly increases were 2.7 times greater than the average for manufacturing; by 1969 the ratio of construction wage hourly increases to manufacturing was 3.5, and by 1970, hourly increases in construction were nearly four times as large as those in the manufacturing sector—90 cents per hour as opposed to 23 cents in manufacturing.

Even labor leaders outside of the construction industry did not fail to take notice of this unjustified wage rate escalation. Leonard Woodcock, of the UAW, for example, stated:

> There is no question that wage increases in construction are excessive.

He further noted that because construction wages had leaped so far ahead of other wage rates in the economy, the pressures on union leaders outside the building trades to obtain similar settlements were almost unbearable.

Seriously compounding this round of runaway wage settlements was the fact that the construction industry posted almost no gains in productivity during the same period. Whereas large wage increases in some sectors of the economy may be offset in part by vigorous advances in output per man-hour, added wage costs in the construction industry are almost entirely reflected in higher prices or reduced profits. While the examples of productivity retarding practices and restrictive work rules in the construction industry are legion and widely known, suffice it here to say that a recent survey by the Engineering News Record found between 15 and 40 percent of the average construction payroll is accounted for low productivity.

While this figure is certainly sobering, it does not seem to far off the mark when you consider, for example, that an average brick mason laid 600 blocks per day in 1926 but only averages 100 per day at present. Or that a cement mason finished 2,000 square feet a day by hand 40 years ago, but even with the help of vibrators, mechanical screeds and power trowels finishes only 600 square feet today. The basic reason that technological advances have led to lower rather than vastly increased output as might be expected is simply that the building trades unions have insisted on preserving traditional work jurisdictions and padding payrolls with redundant labor to an almost unconscionable degree.

Thus, an electrician must be on hand in many areas during any time in which temporary lights are used on a construction project, even though electricians might not actually be employed in ongoing work on the project. Since on many projects the lights are never turned off, the attending electricians are paid $8 to $10 per hour around the clock week in, week out, to watch them burn. Similarly, in the case of automated welding machines and compressors, an operating engineer must be paid for a full day although these machines are started with the push of a button, run all day unattended, and are turned off by the flip of a switch. The situation is much the same with temporary heating on projects since operating engineers are required on a 24-hour basis even though heaters are fully automatic.

When two or more unions claim the same job jurisdiction, the payroll padding becomes even more ludicrous. For example, one contractor reported that on a powerplant job, using small gasoline-powered generators, he had to pay an operating engineer to watch each gasoline engine, an electrician to watch the generators on each machine, and a pipefitter to watch the electric wires running from the generators to handheld power tools operated by union journeymen.

In another instance, an argument between the electricians and the carpenters as to who should install a chain-hung ceiling lamp with a wire and plug attached was resolved by using one man from each union. The carpenter screwed two hooks in the ceiling and hung the chain while the electrician put the plug into the wall socket. Meanwhile, the contractor ended up paying $40 just for installing each such unit in a 350-room motel complex.

In combination, these excessive wage rate increases and the persistence of productivity retarding practices, exerted an enormous cost toll on the construction industry. Construction costs became so high that knowledgeable observers began to openly suggest that the industry would soon price itself right out of the market if these trends continued. They feared that construction activities would grind to a halt simply because few individuals or firms would be in a position to absorb the huge costs of new projects.

The fact that responsible union leaders as well as contractors accepted this assessment of the situation is attested to by the industries' voluntary acceptance of Government wage and price controls in March of 1971, 6 months before the President imposed a freeze on the economy generally. This program was implemented through the Construction Industry Stabilization Committee on which both labor and management shared the decisionmaking power. Since its inception, the CISC has had measurable success in bringing wage rate increases back to a more reasonable level.

Nevertheless, there were other significant responses to the industry's headlong dash to wage-fueled disaster. The most important of these was the rise of the open shop movement and the loss of numerous large construction projects, formerly almost entirely performed by unionized labor, to nonunion contractors. In early 1972, the head of the AFL–CIO Building Trades Department himself, Frank Bonadio, warned union men that in the previous 2 years open shop contractors had taken more than $7.5 billion worth of powerplant construction alone from unionized contractors.

Similarly, the Associated General Contractors, the largest association of general contractors in the Nation, reports that 35 percent—more than 3,000—of its members now do more than one-half of their work under open shops. A decade or more ago, fewer than 10 percent of its members even dared consider open shop construction, let alone perform the majority of their work under such arrangements.

Likewise, the National Construction Association, an organization of 35 large, nationwide heavy industrial contractors, which operate entirely under union agreements, indicates that in 1971 it lost more than one-third of its work to open shop contractors. According to a recent McGraw Hill survey, cities like Washington, D.C., and Baltimore have already become open-shop strongholds. In Pittsburgh, a traditionally strong union town, it is now reported that more than 75 percent of new construction is performed by nonunion contractors. Similar trends are reported for Ohio, Michigan, and other areas of the country.

Naturally, the building trades unions are not about to passively allow this trend toward open shop operations to continue. They fully realize that $12 per hour wage rates are of little value if unionized contractors continue to be underbid by 20 or 30 percent on projects by their nonunion competitors. Indeed, a significant segment of the national building trades leadership has been quite forthright in pinpointing the blame for current open shop inroads in the industry.

Edward Carlough, president of the sheet metal workers, told a convention of his union that:

> We've met the enemy and he is us . . . since we in the unionized sector of the construction industry helped create the problem, we are the people who can turn it around.

Similarly, Robert Georgine, secretary-treasurer of the AFL–CIO Building Trades Department has said:

> We have a philosophy about how we protect our work . . . we have to make it easier for our union contractors to be competitive. We are placing our weight behind the old labor slogan "a fair day's work for a fair day's pay."

Unfortunately, these wise counsels to self-reform and elimination of costly work rules and excessive wage demands issued by responsible national craft union leaders have been honored most often in the breach at the local level. More typical of the attitude with which many local building trades members confront their eroding share of the construction market is this recent statement made at a 5,000 man union rally in Rhode Island:

> Everything is at stake—our jobs, our wages, our benefits, our pensions, and the health and welfare of our children. The nonunion shop movement is a cancerous growth. We must stamp it out. On this day, February 18, 1973, we hereby declare a full-scale war.

In a similar vein, the president of a local sheet metal workers union in Albany wrote his membership:

> We don't plan to give up easy. We're going to fight with everything we have available. We may get a little bloody . . . but we will be successful.

Thus, craft union leaders at all levels recognize the severity of the challenge posed by the open shop movement. As this brief review of recent construction industry history suggests, the threat is largely a self-inflicted one. To a dismaying degree, however, the building trades movement has chosen to ignore the constructive advice of its own leadership and has attempted to rollback the threat through intimidation, lawlessness, and wanton destruction of property. The statistics and the examples of construction site violence that I mentioned earlier are the natural outgrowth of that wrong-headed and reprehensible response to the problem.

THE NEED FOR LEGISLATION

It should be clear then that the recent upsurge in construction industry violence is a direct outgrowth of the current struggle between the craft unions and a vigorous open shop movement which has sprung to life in response to their excesses. Since the battle as of yet has not been won by either side, such incidents of violence and wholesale property destruction are likely to grow in frequency and severity in the years ahead unless some new deterent is provided.

The legislation I am introducing today, which would make such acts Federal offenses under the Hobbs Act, can provide just such a deterrent. It can help to insure that the entirely legitimate struggle between the craft union movement and the open shop contractors is fought out peacefully on the basis of on-the-job performance rather than by means of threats and violent clashes. It can help to strengthen the hands of responsible labor leaders by emphasizing that self correction and internal reform are the only viable route for the traditional craft organizations to recoup their lost standing in the industry.

In short, the intention of this legislation is not to determine or dictate the outcome of this struggle. Rather its purpose is to establish the ground rules, to insure that the struggle is waged within the accepted framework of civil and legal restraints which govern all activities in our society.

Undoubtedly, some will interrupt the motivation and objectives of this legislation in other terms. They will brand it as merely a one more club for the open-shop movement to employ in beating the building trades into submission or oblivion.

If that happens, I am afraid it will be a sorry day indeed for the building trades movement. It will be tantamount to an admission that the oldest and for decades the most vital segment of the union movement in this country has become so weak and tradition bound that it can only survive by brute force.

I have more confidence in American trade unionism and its leaders than that. I believe they can continue to play an important role in our economic system, and that the new creative leadership which has emerged at the national level can help make union labor once again highly competitive in the industry—if only the advice of these leaders would be heeded by the rank and file.

In the years ahead, the true test will be the test of the marketplace. If building tradesmen will eschew the easy but self-defeating route of intimidation and violence and begin to revise their own archaic jurisdictional lines, set-aside outmoded work rules and featherbedding practices, and refrain from excessive wage demands, that the test can be successfully endured. If it cannot, or chooses not to, those of us charged with preserving the public order and the safety of the lives and property of our citizens have an unavoidable responsibility to provide a firm, swift and certain response to those who would violate the base code of civil conduct in our society.

To be sure, some who accept this conclusion will question the propriety of Federal involvement in local labor disputes. Are not the local and State courts adequate, it might be asked, to settle those disputes?

The plain fact is that 40 years ago Congress recognized that there were certain problems which local and State courts and governments could not handle equitably—including labor-management violence. Moreover, I think we all recognize the tremendous pressure which may be brought to bear against local legal authorities when they must somehow resolve an issue which deeply divides a community. Should we assume that individuals who are willing to engage in burning, sabotage, wanton destruction or even assault would shrink from similar acts or threats in order to avoid prosecution? Indeed, if there is any doubt about the ability of the local and State courts to solve this problem, let me provide some instructive examples.

In 1969, a group of 40 workers in Fort Lauderdale pulled a nonunion crane operator from his rig and beat him up. Even though there were photographs, eyewitnesses and a list of license plates of the assailants, local authorities refused to take action by labeling it another labor dispute in which they did not want to get involved. Similarly, in 1970, several hundred union workers injured 13 persons, including four policemen who were severely beaten. Yet no local arrests were made, and even though the State obtained five indictments, no convictions were made. Numerous additional examples could be cited.

To put it simply: if State and local courts had been successful in their attempts at prosecuting those engaged in such acts, I would not be standing here asking for Federal action. Therefore, let me briefly review the history of the Hobbs Act to show how the Enmons case fits into the picture and why new legislation is necessary.

THE ENMONS DECISION: LEGISLATIVE AND LEGAL BACKGROUND

The history of the legislative attempts to control labor violence began with the Anti-Racketeering Act of 1934. That act provided penalties for anyone who obtained or attempted to obtain "by the use of or attempt to use or threat to use force, violence, coercion, the payment of money or other valuable considerations or the purchase or rental of property; or protective services, not including, however, the payment of wages by a bona fide employer to a bona fide employee." In short, the act made extortion against employers illegal, but carefully excluded payment of wages from the definition of payments which could not be made under coercion or the use of force.

That exemption led to the United States against Local 807 decision of the Supreme Court in 1943. The Court ruled that a New York City Teamsters local could use force and violence to extort a payoff from out-of-city trucks to and from the city. The teamsters in this instance had developed the practice of waiting for out-of-town truckers and demanding payment either to allow local teamster drivers to take the trucks into the city or to simply allow the trucks to be driven in once the fee was paid.

Bills were immediately introduced to Congress to correct this loophole, although the legislative history is somewhat clouded.

When Congressman Hobbs introduced a bill eliminating the wage exception, he specifically denied on the floor that the new act would apply to force or violence used in pursuit of legitimate wage demands. It was designed, he argued only to correct the deficiency in the Anti-Racketeering Act which allowed violence, and threats to be used to exact payment for services which were neither wanted nor needed.

Despite the intent of the sponsor of the Hobbs Act, Congress chose to specifically reject an amendment offered by Mr. Celler which would have exempted "wages paid by a bona fide employer to a bona fide employee" from coverage under the act. As pointed out on the floor, the effect of this amendment would have been to reinstate the old Anti-Racketeering Act. Nevertheless, rejection of this amendment provided grounds for the inclusive interpretation of the Hobbs Act adhered to by the minority of the Supreme Court early this year.

As finally passed, the Hobbs Act prohibited robbery or extortion or any violence or threat of violence aimed at abetting such robbery or extortion which obstructs, delays, or affects commerce. As defined by the act, extortion included "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear."

It was the appearance on the term "wrongful use of force" in the act on which the Enmons decision is hinged. The defendants in the Enmons case had been charged with five specific acts of destruction against company transformers, but the case was dismissed in district court because no violation of the Hobbs Act had been shown.

The Supreme Court split 5 to 4 on the question of whether acts of violence could be considered extortion in instances where they involved legitimate strike demands. The majority ruled that the Hobbs Act proscribed the use of violence to gain illegal ends such as kickbacks or payment for the type of superfluous services included in the 807 case, where milk truckowners were made to pay for the driving services of union members which were clearly unneeded.

However, the use of violence to achieve legitimate union objectives was not prohibited by the act, since such violence would not be wrongful. The majority simply could see no reason for the use of the word wrongful if the Hobbs Act had been intended to outlaw all labor violence.

The dissent from that opinion was written by Douglas, a persistent champion of civil liberties. He said that there was simply no question that even legitimate wages or benefits were property as defined by the act, so that violence used to obtain such property had to be considered extortion under the act. Douglas claimed that the legislative history of the act, in which the Cellar amendment to exclude bona fide wages from the definition of extortion was defeated, shows unequivocably that Congress intended all violence—regardless of motive—to be a Federal crime.

I am afraid that 1947 was before my service in Congress. I surely do not know what Congress intended in that act. Suffice it to say that regardless of how I or anyone else here interprets the act, it is the Supreme Court majority opinion which affects its implementation. The Court has ruled, and as Justice Blackmun pointed out:

> If Congress wishes acts of that kind to be encompassed by a federal statute, it has the constitutional power in the interstate context to effect that result.

PROVISIONS OF THE AMENDMENT

The legislation I am introducing today attempts to provide the statutory clarification suggested by Justice Blackmun. First, it broadens the definition of "interference with commerce" in section 1951 of title 18 of the U.S. Code by explicitly stating that willfully injuring, damaging, burning, or destroying property of an employer to the extent of $2,000 or more is a violation of the act.

Secondly, it provides that such acts shall not be nullified or mitigated notwithstanding the fact that they occur within the course of a leigtimate objective of collective bargaining. In combination, these changes remove any doubt or ambiguity as to whether the kind of destructive acts arising out of labor disputes which I have referred to this afternoon are Federal offenses.

In conclusion, I should add that just as this legislation is not intended to determine the outcome of the current struggle within the construction industry between the craft unions and the open shop movement, neither does it provide any cause for concern or fear on the part of the overwhelming bulk of tradesmen who refuse to have any part of the type of criminal activity we have seen in Philadelphia, Florida, and many other areas of the country. This legislation in no way interferes with or abridges the legal right to strike or peacefully picket. By excluding property damage in amounts of less than $2,000, the bill insures that the minor damage resulting from the occasional scuffles which develop in the sometimes heated atmosphere of a picket situation will not be considered offenses under the act.

In brief, this amendment to the Hobbs Act deals solely with willful destruction of property which reaches serious proportions. There can be no justification for that kind of activity in a society which operates under the rule of law. The sooner the boundary line is drawn between legitimate and unlawful activities in the new kind of labor-management disputes now arising in the construction industry and the firm hand of Federal enforcement is brought into play, the sooner the current struggle will be resolved in a constructive manner. I would hope that all parties to the dispute, both union and nonunion contractors and both organized and open shop labor, will recognize the necessity for this effort to clarify the ground rules, and support its early adoption by the Congress.

REQUIRING THE OPENING OF COMPETITIVE BIDS FOR GOVERNMENT CONTRACTS IN STATE INVOLVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill which would require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered.

In the past, Alaskans have been at a disadvantage in bidding on Government contracts for performance within the State of Alaska. This has been particularly true of construction contractors where revised bids are accepted telegraphically. This bill seeks to equalize the opportunities for all persons in each of the 50 States who desire to do business with the Federal Government.

A recent case which illustrates this point is the contract for the construction of Bureau of Indian Affairs school dormitories at Tok and Fort Yukon, Alaska. Because of the unreliability of the telegraphic service, revised bids from all Alaskan contractors were received at the BIA offices in Albuquerque, N. Mex., a few minutes past the deadline of 2 p.m., the time of bid openings. All Alaskan contractors were, thus, declared nonresponsive. The bids of three of the Alaskan contractors were lower than the successful out-of-State bidder. In this particular case—and I am sure there are many others—the Federal Government was required to accept the lowest declared responsive bid which resulted in a higher cost to the American taxpayers.

Open competitive bidding in the State in which the property or services involved are to be delivered or performed, will, I am convinced, be of benefit to all concerned, most particularly to our Government.

H.R. 8618

A bill to require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any advertisement or other solicitation for bids for a contract for the procurement of property or services, or for the construction, alteration, or repair of a public building, by an executive agency shall provide that such bids shall be submitted to and opened at an office of an executive agency which is located at the seat of government of, or the largest city of, the State in which all or a substantial part of the performance of the contract will occur, as determined under regulations of the Adminstrator of General Services. For the purpose of this section—

(1) the term "State" includes the District of Columbia, Puerto Rico, and any territory or possession of the United States; and

(2) the term "executive agency" has the same meaning given such terms in section 3(a) of the Federal Property and Administrative Services Act of 1949.

GAS BUBBLE II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, one of the most consistent responses to the curtailment of gas deliveries by the Coastal States Gas Co. to San Antonio, has been of shock and surprise. People frequently write me or call me to say that there was little or no warning of Coastal's inability to deliver gas to San Antonio. Company stockholders sometimes complain that they are equally surprised. But the unfortunate truth is that the Coastal States Gas bubble has been on the point of bursting for some time and those who are acquainted with the company, as I have been for the past several years, are in no way surprised at its failure to deliver on its contracts and commitments.

Although there are many other contracts I could discuss today, I will only recite the history of Coastal's San Antonio contract which is its first big contract and probably quite typical of those held by the company.

Coastal undertook to supply San Antonio's gas from April 1, 1962, until April 1, 1982. Under terms of the contract, Coastal was to supply San Antonio with as much as 2 trillion cubic feet of natural gas at specified prices. In order to qualify for the contract, the company had to show reserves of at least 1.2 trillion cubic feet of gas available for San Antonio. Up until this time, San Antonio has used considerably less than one-half the amount of gas called for in the contract, that is to say, about 614 billion cubic feet. Theoretically, at this point in time, San Antonio has used only slightly more than half the gas Coastal said that it had in 1962, and less than one-third of the amount Coastal is required to deliver over the life of its contract. Yet, today the company says it is unable to deliver.

During the early years of Coastal's San Antonio contract, the company grew very rapidly but this did not prevent the company from satisfactory performance of its contract up until January 1968, when San Antonio's gas supply was curtailed for a 27-hour period due to problems which Coastal claimed to be beyond the company's control. I might add that this, in itself, was a violation of the contract since Coastal is obliged to deliver gas to San Antonio on an uninterruptable basis.

Fresh signs of trouble appeared on March 10 and 11, 1969, when Coastal again curtailed deliveries to San Antonio. At this point, the San Antonio City Public Service Board, which administers the contract with Coastal, asked the company to cooperate with it in determining just what the problem was and also requested information on the reserve situation of the company. Coastal did provide some minimal cooperation with the city in working out engineering problems, but provided next to no information on the reserve question.

In 1970, Coastal published a report by a consulting firm, which showed that the company had available reserves sufficient to cover 125 percent of Coastal's "forward sales requirements" during the period 1969 through 1989. In other words, if this report had been true, Coastal would have had more than enough gas to meet all its obligations to San Antonio, and its other long-term customers.

In the spring of 1970, San Antonio asked for detailed information on the supposed ample reserves of Coastal, but the company provided no reply whatever. Even though during the next 3 years it did perform adequately on its contract to San Antonio, the company delivered deficient gas supplies to the city of Austin, to the Lower Colorado River Authority, to the Central Power & Light Co. and to other customers. Obviously, even though the company's 1970 report had been very optimistic and its service to San Antonio was satisfactory, the city could not rest easy.

In 1971, Coastal asked the Texas Legislature for a bill that would enable it to break all its contracts with long-term customers. The company at that time presented itself as being interested in keeping "Texas gas for Texas" and claimed that without the bill, which would allow it to raise its prices to Texas customers, the company would be forced to sell gas in interstate commerce. Ironically enough, even then Coastal was selling no less than 26 percent of its total gas to out-of-State customers. Apparently, the company was far more interested in raising prices than it was in keeping anybody's gas in Texas.

In pursuing the so-called Coastal States bill, the chairman of the Board of the Coastal States Gas Co., wrote on April 6, 1971, to Walter W. McAllister, Sr., who had been the mayor of San Antonio, as follows:

> When we entered West Texas, we bought gas at 16¢ to 20¢ in substantial quantities, and this puts Coastal in an adequate position to supply the City of San Antonio for the remainder of its contract.

What Mr. Wyatt did not say, was that on April 2—just 4 days before, Coastal had asked the Federal Power Commission to be relieved of its contract with the Transcontinental Pipe Line Co., claiming that it did not have sufficient reserves to meet the requirements of that contract. Thus, close study of the company showed that in 1970, it had claimed to have enough gas to meet all its requirements through 1989, and then on April 2, 1971, it claimed not to have such reserves, and then on April 6, 1971, it claimed to have "adequate" reserves through about 1982.

Given all these conflicting claims, the City Public Service Board continued to ask Coastal for information on the company's gas reserves, but in each insistance the company refused.

The City Public Service Board and Coastal continued to spar over the question of the company's reserves and the obligation that Coastal had to cooperate with San Antonio. It was about this time that Coastal began to seek renegotiation of its contract with San Antonio and to replace it with what the company calls for a total fuel contract, which amounts to an obligation of Coastal to supply San Antonio with either gas or fuel oil as supply conditions determine on a cost plus a fixed profit basis. San Antonio was unwilling to buy this contract without having any knowledge of Coastal's capacity to deliver on it. Proposals and counter-proposals flowed throughout 1972, and Coastal showed that it meant business when late last year and early this year it began a series of gas curtailments for San Antonio. It seemed that the company was telling San Antonio that if it did not renegotiate, the City would not get gas at all.

While it was thus pressing negotiations with San Antonio, Coastal went to the Texas Railroad Commission in January 1973, asking it to substantially revise the San Antonio contract and, in fact, to more than double the price of Coastal's gas to San Antonio. While this administrative procedure was pending, the old Coastal States Gas bill reemerged in the Texas Legislature.

Throughout the spring of this year, San Antonio was confronted with a triple threat from Coastal: The threat of continued gas curtailments as a strong inducement to meet the company's demands; and an administrative procedure which threatened to destroy San Antonio's contract through State intervention and a legislative proceeding which threatened not just San Antonio's gas contract, but those of every other gas customer in Texas.

On 13 different occasions between November 1972 and April 1973, Coastal reduced its gas deliveries to San Antonio. On a total of 65 days, San Antonio had to turn to fuel oil to supply at least some of its electrical generating requirements. Altogether, these curtailments cause the city of San Antonio to burn 16 million gallons of fuel oil which it had, fortunately, been able to procure beforehand. But this emergency operation cost the city, $1.5 million to carry on.

During all this time—during all these threats—Coastal claimed that it did, indeed, have the capacity to deliver gas to San Antonio. And then suddenly on May 1, Coastal admitted to the Railroad Commission of Texas, it was unable to deliver all the gas required by its various customers. Finally, on May 20, San Antonio suffered its first really severe cutback, which continues to this day.

Is Coastal capable of delivering on its contract? If you believe their claims of 1970, and the letters of Mr. Wyatt, and the claims of the company's representatives, at various times, the answer is that the company can deliver on its contracts. But, if you rely on other claims made by the company, on almost identical times as I have shown, then the company cannot meet its obligations. Here, then, we find that Coastal is either guilty of fraud or blackmail—you can take your pick, but either way, San Antonio and all the other millions of people affected by this company, are the victims.

When the gas bubble burst, it was not just the downfall of one company, but an explosion that affected the lives and fortunes of millions of totally innocent people—the victims of the great gas bubble.

GREATER CONTROL OVER THE CIA NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 15 minutes.

Mr. HARRINGTON. Mr. Speaker, for the last 20 years, there has been an erosion of authority away from Congress to the executive branch. This flow of authority over matters of vital interest, such as the declaration and conduct of war, has resulted in policy decisions being made in great secrecy. Fewer decisions are being made by the representatives of the public and more by the President and an inner council accountable only to the President himself.

The recent disclosures brought out by the Watergate investigations show the dangers of unchecked executive power. Without such a check, the President, in the name of national security, can subvert American democracy.

It is time for Congress to reassert its authority and make Government open, as it was intended to be. It is time for Congress to define the relationships between itself and the intelligence community, such as the Central Intelligence Agency, and the National Security Agency. Unless Congress acts to check secrecy, there is nothing to prevent future Watergates on a grander scale.

For this reason, today, I have introduced legislation to place greater congressional oversight control over the CIA. This legislation is, obviously, not the answer to the whole problem. It is, however, a start. This bill is identical to S. 1935, introduced in the Senate on June 4 by Senator PROXMIRE.

This bill would amend section 102 of the National Security Act of 1947 to prohibit or restrict certain CIA activities. It would prohibit the CIA from carrying out, directly or indirectly, domestic police, law enforcement, or internal security operations. It would prohibit it from providing assistance for the domestic activities unless written approval is granted by the CIA oversight subcommittees in both Houses. It would prohibit the CIA from participating, directly or indirectly, in any illegal activities within the United States. Finally, it would prohibit the CIA from participating in any covert activities abroad without written approval from the appropriate subcommittees of both Houses.

The CIA is presently accountable only to the President through the National Security Council and the Director of Central Intelligence. Its role, as defined by law, is to correlate and evaluate intelligence, advise and make recommendations to the National Security Council. As Senator Proxmire has stated:

> All these duties are relatively passive . . . [i]n no way can they be interpreted as authority for engagement in domestic operations or foreign operations.

Also, he pointed out that—

> In the same section, the act specifically states that the CIA shall have "no police, subpoena, law-enforcement powers, or internal security functions."

Three paragraphs of the original act should be reiterated for the benefit of the House because of their "oblique" language.

> And provided further, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;
>
> To perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;
>
> To perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

These provisions could be interpreted as sanctioning, by the Executive, domestic operations and covert foreign operations that could subvert American democracy or undermine congressionally approved foreign policies, all in the name of national security.

Congress enacted legislation which set forth the duties of the CIA, but gave the Executive a blank check as to how these duties should be implemented. Therefore, under present law, interpretations of a national security nature are left in the hands of the President alone. Since decisions pertaining to intelligence operations are made in secrecy by a small inner group, there is relatively little control exerted over the agency other than the moral judgments of the President and his inner council.

The purpose of this bill it not to cripple the CIA in carrying out its legitimate activities. It only seeks to place limitations to prevent such operations from being misused. One such check is to place greater congressional oversight control over the CIA and its activities.

Between the enactment of the National Security Act of 1947 and the ending of the 92d Congress, there have been 180 bills introduced in Congress to provide more adequate congressional oversight control of the CIA. This to me demonstrates that Congress did have an active interest. However, these bills have all proposed either a joint committee, select or special committee, a subcommittee, or a separate committee. This bill differs in that that it would utilize the existing oversight subcommittees of both Houses. Presently there are 21 Members on these subcommittees—only 4 percent of the entire Congress with any real knowledge of CIA activities. They are as follows:

Senate

ARMED SERVICES

Subcommittee: Democrats—Stennis, Symington, Jackson. Republicans—Dominick, Thurmond.

APPROPRIATIONS

Subcommittee: Democrats—McClellan, Pastore, Stennis. Republicans—Young, Hruska.

House

ARMED SERVICES

Subcommittee: Democrats—Nedzi, Hébert, Price, Fisher. Republicans—Bray, Arends, Bob Wilson.

APPROPRIATIONS

Subcommittee: Democrats—Mahon, Whitten, Sikes. Republicans—Minshall, Cederberg.

Although there is a need for secrecy to effectively carry out and safeguard operations and intelligence of a national security nature, there still needs to be some restraint to prevent abuses. Perhaps for the time being those Members of Congress who do have access and the responsibility for funding and watching the CIA should be given authority to review and approve or reject future operations—not just rubberstamp existing practices. Congress has a responsibility to insure that operations do not conflict with our own foreign policy decisions. We also have a clear-cut duty to prohibit or restrict domestic CIA activities.

Mr. Speaker, I would like at this point to insert the bill into the Record so that it may be examined by my colleagues:

H.R. 8592

A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof a new subsection as follows:

"(g) (1) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to—

"(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity;

"(B) provide assistance of any kind, directly or indirectly, to any other department or agency of the Federal Government, to any department or agency of any State or local government, or to any officer or employee of any such department or agency engaged in police or police-type operations or activities, law enforcement operations or activities, or internal security operations or activities within the United States unless such assistance is provided with the prior, specific written approval of the Central Intelligence Agency oversight subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives;

"(C) participate, directly or indirectly, in any illegal activity within the United States; or

"(D) engage in any covert action in any foreign country unless such action has been specifically approved in writing by the Central Intelligence Agency oversight subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives.

"(2) As used in paragraph (1) (D) of this subsection, the term 'covert action' means covert action as defined by the National Security Council based on the commonly accepted understanding of that term within the intelligence community of the Federal Government and the practices of the intelligence community of the Federal Government during the period 1950 through 1970."

Mr. Speaker, this bill is not perfect, but it is a step in the right direction. The recent Watergate disclosures have again revealed the dangers of unchecked Executive power that is not only eroding Congress, but eroding our very democratic society.

NIXON BUDGET FOR FISCAL YEAR 1974 WOULD COST HAWAII MORE THAN $60 MILLION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Matsunaga) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, when the Nixon administration announced its proposed fiscal year 1974 budget, many Members of Congress concerned about people-oriented programs were, in a word, shocked.

More than a hundred such programs were slated for zero funding, that is, abolishment, in complete disregard of the congressional responsibility for establishing national priorities.

Some of the programs were to be replaced by "special revenue sharing," which the administration promised to submit to Congress. Some of the programs, the budget message suggested, could be financed out of general revenue sharing funds, if the State and local governments felt they were important enough. Still others were simply to be eliminated, and scant or no justification was offered.

Concerned about the effects that the proposed budget would have on the people of Hawaii, I arranged earlier this spring for public hearings in Honolulu. I invited testimony from various public and nongovernmental officials in Honolulu who have responsibility for administering federally aided programs.

The data generated at those hearings confirmed the worst estimates I had made from figures available here in Washington. It was shown that the administration's 1974 budget would cost Hawaii more than $61,000,000. In a State with only about 800,000 residents, such a reduction would be devastating.

Quite apart from its aggregate effect on the State's economy, the budget reductions would strike at most of the programs designed to improve the quality of life in America.

A few specific examples will serve to illustrate this.

Discontinuing the Office of Economic Opportunity, for instance, would result in an annual loss to the Hawaii OEO and the corresponding Community Action Agencies of approximately $1.2 million; 19,000 to 22,000 residents would be adversely affected. The elderly would be denied further assistance in transportation and senior citizens' activities. Children would be denied Headstart, youths denied the Upward Bound and Youth Development program. In addition, the termination of 450 jobs in the State of Hawaii, where the unemployment rate is already above the national average, would contribute to further economic deterioration.

Also in the area of jobs, the planned $1.9 million cut in the public employment program, as part of a complete program termination, means that at least 414 people will be out of work. Of these 414, at least 50 percent are Vietnam veterans who have a right, if anyone has, to expect a decent break from the country for which they fought so bravely.

The administration's handling of assisted housing programs has been particularly distressing. The January moratorium on funding for federally subsidized housing suddenly left hundreds of units in Hawaii already under construction, or finished and awaiting sale, without promised subsidies. In addition, over $1 million of funds were "recaptured," a term coined by HUD to connote the withdrawal of funds already appropriated and apportioned. The fiscal year 1973 budget for one program, section 235, which provides mortgage subsidies for home ownership to lower income families, was $309,000. Amazingly, HUD recaptured $836,000, drawing from funds from previous years which had yet to be used. Hawaii is already 40,000 to 60,000 units short of a reasonable housing inventory. As Honolulu Mayor Frank F. Fasi so aptly testified at my hearings:

> The effect of this moratorium on Hawaii and the uncertainty of future funding, particularly on housing-short Oahu, will be both enormous in scope and tragic in results.

Among the hardest hit community facilities would be Hawaii's libraries, which would lose $671,000. Without these funds, guidelines for libraries to meet the special needs of the disadvantaged will not be forthcoming; the Library for the Blind and Physically Handicapped will be curtailed; residents not living near a major library will have more difficulty obtaining access to books, periodicals and reference sources; 213,000 pupils will be deprived of urgently needed print and nonprint materials; and the development of total media centers in book-oriented libraries will be discouraged.

Health programs would suffer similarly.

The regional medical program would absorb a $423,000 cut, but the loss to the people of Hawaii because of this cut cannot be so quantified. The cut would mean 28,000 residents in the Waianae area who were anticipating finally having access to health care services will not get their new health center. It would mean emergency patients will not have the benefit of fully trained ambulance personnel. Patients in intensive care units throughout Hawaii and the Pacific Basin would not have the benefits of specially trained nurses. Babies with pulmonary diseases would not receive comprehensive treatment provided by the pediatric pulmonary care project. People ailing from a highly prevalent ear disease in the Pacific Basin islands would not have trained health assistants to help care for them.

Mr. Speaker, these are merely some of the more grisly highlights of the administration's proposed budget for the coming year on Hawaii's people.

It is true that President Nixon intends many of these programs to be included in his "special revenue sharing" proposals. But the administration was unable to provide adequate figures on which to base estimates of expenditures in Hawaii during fiscal year 1974 if these "special revenue sharing" plans are implemented. I am not opposed to such streamlining in principle, but the administration bears the burden of assuring that the people of America will not fall between the cracks of some newly revised organizational chart.

From my Honolulu hearings and extensive inquiries to the executive branch in Washington, I have prepared a chart summarizing more fully the areas where the $61 million loss to Hawaii would occur if Mr. Nixon's proposed fiscal year 1974 budget is implemented. In compiling and presenting this information, I seek not to defend every program proposed for reduction or termination, but to illustrate the impact of the Nixon budget on the people of Hawaii. By making similar observations in other areas of the country, I submit, the Congress will be better able to make informed judgments about the priorities it should set in the coming fiscal year.

President Nixon claims his budget is designed to curb inflation, avoid tax increases, and streamline the Federal Government. I do not believe any of us would quarrel with any of those goals. In fact, the Congress saved the American taxpayers some $20.9 billion by appropriating that much less than what President Nixon requested in the first 4 years of his administration; and the Congress is expected to reduce the President's budget by about $700 million for fiscal 1974. It is his sense of priorities with which many Members of the Congress disagreed fundamentally. We believe the President's proposed elimination of people-oriented programs to be unconscionable.

If we are to continue as a great nation we must care for our sick and disabled, our young and our elderly who are unable to provide for themselves; we must provide education, training, and jobs for the poor and unemployed, in preference to dropping bombs on foreign soil, without even a declaration of war, at the rate of $2½ to $4 million a day. Congress must assert its own sense of priorities and insist that it prevails. The chart follows:

AGRICULTURE

[In thousands of dollars]

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Office of General Counsel: Legal Services to Programs to the Department.	3		3	
Cooperative State Research Service:				
Payments to Agricultural Experiment Stations under the Hatch Act.	420	357	63	
Grants for Cooperative Forestry Research	43	38	5	
Extension Service:				
Payments for Cooperative Agricultural Extension Work	514	502	12	
Nutrition Aid Program	209	204	5	
Agricultural Stabilization and Conservation Service: Rural Environmental Assistance Program.	231	25	206	This program provided cost-sharing grants to farmers for the implementation of conservation programs such as animal waste management, siltation control of rivers and waterways, and wildlife preserves on farmlands.
Farmers Home Administration:				
Direct Loans: Resource Conservation	59		59	
Insured Loans: Housing	10, 000	5, 600	4, 400	This program has subsidized low income and moderate income housing. Due to the President's January moratorium on subsidies for low income housing, this category is not being funded at all for fiscal year 1974. The cut will affect about 180 units.
Administrative Expenses	230	220	10	
Soil Conservation Service: Conservation Operations	635	633	2	
Forest Service: Assistance to States for Tree Planting	35	32	3	
Total cut			4, 768	

ATOMIC ENERGY COMMISSION

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Food Irradiation Program	50		50	The program is developing means of disinfesting papaya and other fruits through radiation. It is now in the final stages of completion and shows great promise for economic success. Success in the program would expand exports by providing a foolproof method of treating a wide variety of packaged products without leaving residues. Three staff members would be affected by the termination.

COMMERCE

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Social Economic Statistics Administration: 19th Decennial	1		1	
U.S. Travel Service: Matching Grants	12		12	
Total			13	
HEW, OFFICE OF EDUCATION				
Formula Grants—State Agencies:				
Elementary and Secondary Education:				
Educationally deprived children (ESEA I):				
Local Educational [1] Agencies	3,794		3,794	
Handicapped Children [1]	195		195	
Neglected and Delinquent Children [1]	24		24	
State Administration [1]	150		150	
Supplementary Services (ESEA III) [1]	809		809	Since there is single, statewide school system in Hawaii, supportive services performed by State level leadership are crucial for management of educational, instructional, and service processes.
Strengthening State departments:				
Grants to States (Part A)	314		314	5 educational officers, 4 classified positions, and 8 student helpers would be affected by termination of the program.
Comprehensive Planning and Evaluation (Section 411, GEPA).	96		96	2 professional and 3 classified positions are affected.
Equipment and Minor Remodeling (NDEA III): State Administration.	10		10	
Education for the Handicapped: State Grant Program [1] (EHA, Part B).	200		200	
Occupational, Vocational, Adult Education:				
Basic Vocational Education Programs: Grants to States (VEA Part B and Smith-Hughes Act). [1]	1,345		1,345	
Programs for Students with Special Needs[1]	70		70	
Consumer and Homemaking Education (VEA, Part F)[1]	90		90	
Work-Study (VEA, Part H)[1]	23		23	
Cooperative Education (VEA, Part G)[1]	233		233	
State Advisory Council (VEA, Part A)[1]	32		32	
Innovation—Grants to States (VEA, Part D)[1]	110		110	
Research—Grants to States (VEA, Part C)[1]	32		32	
Adult Education: Grants to States (Adult Education Act)[1]	273		273	
Higher Education: University Community Services (HEA I)	101		101	
Library Resources:				
Public Libraries:				
Grants for Public Libraries (LSCA I)	273		273	Loss of these funds would (1) eliminate a program to provide guidelines for the library to meet special needs of the disadvantaged; (2) eliminate personnel and training services to more than 600 employees of the State Library System; (3) curtail expansion of the "Library for the Blind and Physically Handicapped," the only library serving both adult and juvenile patrons in the State; (4) cut back the purchasing of books, magazines, and newspapers.
Inter-Library Cooperation (LSCA III)	42		42	A resident not living near one of the major collections in Honolulu will lose access to books, magazines, newspapers, films, recordings, and research and reference services.
Library Resources (ESEA II)	356		356	213,000 pupils will be deprived of much needed print and nonprint materials. This program has been instrumental in developing previously book-oriented school libraries into total media centers.
Formula Grants—Institutions:				
Higher Education:				
Educational Opportunity Grants (HEA IV–A):				
Supplemental Opportunity Grants (SEOG)	899		899	The President proposes to replace SEOG and National Direct Student Loans (NDSL) with Basic Educational Opportunity Grants (BEOG). However, BEOG will only partially make up for the loss of these programs, leaving many disadvantaged students without aid. A University of Hawaii estimate before implementation of the recent Supplemental Appropriations Act (Public Law 93–25) indicated a loss in aid of $1.5 million (including the diminution of College Work Study) of which only $500,000 would be made up by BEOG. The deficit is supposed to be reduced by institutional aid and student insured loans. However, the former is a small source and the latter discriminates against disadvantaged students, who would experience considerable difficulty obtaining loans from commercial lending sources.
Work Study (HEA IV–C)				
College Work Study (CWS)	1,035	885	150	
Direct Loans (HEA IV):				
Contribution to Loan Fund				
National Direct Student Loan (NDSL)	1,270		1,270	
Formula Grants—Other:				
School Assistance in Federally Affected Areas (Impact Aid): Maintenance and Operations (Public Law 874): Payments to local education agencies.	10,885	7,285	3,600	Grants to children of Federal employees living off bases are eliminated in the President's budget. The elimination of this funding category accounts for the entire cut.
Total cut for Office of Education			14,491	
HEW, SOCIAL AND REHABILITATION SERVICES				
Formula Grant Programs:				
Rehabilitation Services and Facilities—Basic Support	1,972	1,810	162	
Developmental Disabilities—Basic Support	150	100	50	
Total cut for SRS			212	
HEW, HEALTH SERVICES AND MENTAL-HEALTH ADMINISTRATION				
Formula Grants—State Agencies:				
Maternal and Child Health Services	950	613	337	(Certain funds which were formerly project grants will appear in this category for the first time in fiscal year 1974. The fiscal year 1973 figure represents the amount spent for all services which will appear in this funding category for fiscal year 1974.) The "Maternity and Infant Care Project" and the "Children and Youth Project" would lose 28 positions from a staff of 50. Cuts in the former project would eliminate 30 percent of the present patients from eligibility.

HEW, HEALTH SERVICES AND MENTAL-HEALTH ADMINISTRATION—Continued

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Formula Grants—State Agencies—Continued				
Regional Medical Program	853	430	423	(The fiscal year 1974 figure represents a hold-over. The program will be completely eliminated in fiscal year 1975.) This proposed cut would cause the following: (1) Termination of the training of personnel in patient care and use of communications equipment for the "Emergency Medical Services Program" just as it is beginning to contribute to lifesaving treatment of emergency patients. (2) Curtailment of Intensive Care Unit training for nurses, particularly in rural and Pacific Basin areas. (3) Termination of the "Health Information Network of the Pacific." (4) Interruption of the "Monitoring of Physiologic Data Program," designed to transmit medical data of patients from neighboring islands and rural Oahu to Honolulu medical centers, just as equipment is being installed and physicians and nurses are being trained in use of the system. (5) Termination of the "UPGrading Rural Nursing Care Project." (6) Impairment of the scope and quality of care to critically ill infants under the "Pediatric Pulmonary Care Project." (7) Elimination of many patients from the "Otology Project" in the Pacific Basin Islands. This program treats highly prevalent ear diseases, which receive the highest priority from island people as diseases most in need of treatment. (8) Preclusion of expansion of the "Regional Dialysis and Transplant Center Project."
Direct Operations:				
Preventive Health Services:				
Venereal Disease Control (317)				A $43,000 cut is anticipated in fiscal year 1975 entailing a reduction of 3 positions. Federal support constitutes 60 percent of this important program.
Other Communicable Diseases (314-e, 317)				A $65,000 cut is anticipated for fiscal year 1975 entailing a reduction of 7 positions. This will practically eliminate the immunization program for school-aged children.
Health Planning and Development:				
Planning and Analysis of Physical Hazards			37	Funds originally intended for the 5-year period ending Nov. 30, 1974, have been cutback to end Nov. 30, 1973. 5 positions will be eliminated.
Health facilities construction (Hill-Burton Program)			2,400	Termination means a loss of $1.2 million in cash grants and $1.2 million in loan guarantees to the state for modernization and new construction of hospitals and other health facilities.
Subtotal			3,197	
Total for Health Service and Mental Health Administration			17,900	

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL SERVICES

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Child Care	[2] 1,700	[3] 1,400	300	The number of eligible children wuld be reduced by 300.
Family Planning	[2] 800	[3] 100	700	14,000 persons would be deprived of counseling and other services.
Community-based Mentally Retarded	[2] 2,800	[3] 500	2,300	This would reduce from 3,000 to 1,000 the number of clients presently maintained in Waimono Hospital who could be placed in the community, thus depriving others who need intensive care of needed bed space.
Transportation services	[2] 300	[3] 100	200	Approximately 1,300 persons now eligible would be dropped.
Housing Referral	[2] 600	[3] 200	400	3,800 welfare-assistance recipients would be denied help in finding low-income housing.
Other	[2] 2,000	[3] 1,500	500	
Total	[2] 9,400	[3] 5,000	4,400	

HEW, UNIVERSITY OF HAWAII

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
				A portion of the following figures for cutbacks already may be reflected in previous data. Due to the difficulty in tracing the overlap and to the importance of cuts to this one institution, it is listed as a separate category.
School of Social Work	814	472	342	30 percent of the cut represents student stipends. The following training programs are to be curtailed drastically: (1) Community Mental Health, including the drug abuse and alcoholism prevention program. (2) Child Welfare, including adoption programs and child abuse protection. (3) Services to the Aging. (4) Programs for the physically handicapped, including vocational rehabilitation. (5) Juvenile and Adult Correction Programs. Seven experienced faculty would have to be discharged.
School of Public Health	1,700	900	800	The proposed cut would reduce the number of students by 33 percent and the work force by 40 percent. The School of Public Health is one of only 18 such schools in the nation.
School of Nursing			75	The funds cut support a graduate program in psychiatric nursing—the first opportunity for Hawaii's nurses to obtain a master's degree in this specialty.
College of Education				The Department of Educational Psychology will suffer a 50 percent reduction in personnel money. In addition, the rehabilitation counselor training project will be terminated at the end of fiscal year 1974.
Graduate Traineeships Overall			1,100	This figure is partially reflected in the above data. The rationale for the cutbacks, that there is a recent and sudden surplus of persons with advanced degrees, is unfair for Hawaii which is still "upwardly mobile." If the cuts go through, Hawaii would have to "import" its leadership from the mainland, or subsidize its citizens with State funds to compete with those whose education was subsidized by Federal grants.
Undergraduate Aid			1,000	This figure is reflected in the previous data.

HUD

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Housing Production and Mortgage Credit Programs:				
Assisted Housing				(All Assisted Housing was suspended under the Jan. 5, 1973, moratorium. "Recaptured" funds are those which were already appropriated and apportioned to Hawaii, but were then rescinded.)
Section 235	309		309	Section 235 provides mortgage subsidies for home ownership to lower income families. $309,259 in contract authority was apportioned to Hawaii. However, $836,363 of Section 235 funds have been recaptured. This was possible because funds from previous years had yet to be used. The effect has been devastating. The state has loan commitments of $10 million to 500 housing units in four projects. Of these 500 units, 291 were expected to be subsidized by Section 235 funding. Most of these units are presently under construction or have been finished and are awaiting sale.
Section 236	310		310	This program provides mortgage subsidies for the purpose of lowering rents in federally assisted housing. Of the amount apportioned, $87,218 has been recaptured. Rent increases cannot be tolerated. Hawaii will soon implement a "flat grant" welfare rental system on the private market and rent increases in public houses. Hawaii residents will be reduced to living on the beach, as some already do.
Rent Supplement	96		96	This program provides rent supplements directly to tenants. $79,244 has been recaptured.

Footnotes at end of table.

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Housing Production and Mortgage Credit Programs—Continued				
Assisted Housing—Continued				
Public Housing	379		379	This figure represents $29,430 in approved contract authority and $350,000 in applications which were submitted before the January 1973 deadline and may still be funded.
College Housing				No figures are available. The program was terminated Jan. 5, 1973.
Nonprofit Sponsor Assistance				No figures are available. The program was suspended Jan. 5, 1973.
Housing Management Programs: Public Housing Modernization	1,263		1,263	These funds are scheduled to be suspended June 30, 1973. Hawaii's public housing areas, among the most attractive in the country, cannot hope to maintain their high standards of modernization without these funds.
HOUSING AND URBAN DEVELOPMENT				
Community Development Programs:				
Model Cities [4]	6,641	7,782		Model Cities per se is scheduled to be terminated June 30, 1973. The fiscal year 1974 figure represents a special final appropriation for the "readjustment" of programs during the interim period before Better Communities Revenue Sharing, it is presumed, goes into effect. 550 employees are either totally or partially supported by this program. An estimated 21,000 persons currently receive assistance under the program.
Neighborhood Facilities [4]				The program is scheduled to be terminated June 30, 1973.
Open Space Land [4]				No figure for fiscal year 1973 is available but $798,000 was received in fiscal year 1972. The program was terminated Jan. 5, 1973.
Water and Sewer Facilities [4]				The program was terminated Jan. 5, 1973.
Urban Renewal Programs [4]				No fiscal year 1973 figure is available but $1.9 million was received in fiscal year 1972. The program is scheduled to be terminated June 30 but will receive an appropriation of about 10% of the fiscal year 1973 budget in fiscal year 1974 to close out the project.
Rehabilitation Loans [4]				The program is scheduled to be terminated June 30.
Public Facility Loans [4]				The program was terminated Jan. 5, 1973.
Community Planning and Management Programs:				
Community Development Training and Fellowship Programs				The program is scheduled to be terminated June 30.
Supplemental Grants for New Communities				Do.
Total cut for HUD			2,357	
INTERIOR				
National Park Service:				
Planning and Construction: Building Utilities, and Facilities	130		130	
Office of Water Resources Research	140	100	40	In fiscal year 1973 the President impounded $40,000 of the $140,000 apportioned to Hawaii's Center for Water Resources Research. Hawaii's principal resource for research in water resources, the Center must have more funds if it is to meet ever-growing needs in this vital area.
Office of Saline Water: Saline Water Conversion	16		16	
Bureau of Outdoor Recreation Grants	1,800	450	1,350	These are grants for planning and development of parks and other recreational resources. Quite apart from the value of these resources in improving the quality of life for Hawaii's residents, they are critical to the development of tourism, one of Hawaii's basic industries.
Total cut for Interior			1,536	
LABOR				
Manpower Training Services:				
Concentrated Employment Program [5]	1,193			
Institutional Training [5]	1,273			
Job Opportunities in the Business Sector [5]	111			
Job Optional Program—On the Job Training [5]	194			
Operational Mainstream [5]	338			
In School [5]	139			
Out of School [5]	216			
Job Corps [5]	1,849			
Public Employment Program	3,123	1,231	1,892	This program provides employment for 414 formerly unemployed persons, 50 percent of whom are veterans.
Federal Unemployment Benefits and Allowances	6,117	5,132	985	
Employment Standards Administration	237	233	4	
Total cut for labor			2,881	
TRANSPORTATION				
Federal Aviation Administration: Grants in Aid to Airports	9,989	3,934	6,055	The high fiscal year 1973 figure reflects a special grant for Honolulu International Airport under the Secretary's Discretionary Fund.
National Highway Traffic Safety Administration: State and Community Highway Safety.	255	246	9	
Total cut for Transportation			6,064	
VETERANS' ADMINISTRATION				
Compensation and pension	14,114	13,965	149	
Readjustment benefits	14,451	13,660	791	The reduction is due to the expected decrease in the number of enrollees in the G.I. Bill program.
General operating expenses	1,041	1,041	24	
Total cut for Veterans Administration			964	

EXECUTIVE OFFICE OF THE PRESIDENT

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Office of Economic Opportunity: Community Action Agencies			1,119	At least 450 employees will lose their jobs through elimination of this program. CAA sponsored programs that will be affected include Head Start, Youth Programs, Senior Opportunities and Services, and Community Organization. 19,000-22,000 persons receive these services annually.
Environmental Protection Agency: Construction grants for waste water facilities:				
November 1972	6,606	9,909	19,818	Cut figure represents a loss to the State over a 2-year period due to cutbacks announced in November 1972. This cut may prevent Hawaii from meeting the 1977 deadline for completion of facilities.
Originally allocated October 1972 (Public Law 92-500)	16,515	19,818		
Solid Waste Management:				
Research and Demonstration Grants	50		50	There is a critical need to establish programs of economically sound recycling of agricultural and municipal wastes. The State has already taken the initiative through grants but needs the support of the Federal Government.
Grants for Student Training	28		28	
Total cut for Executive Office of the President			21,015	

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[1] Programs proposed to be included under Administration's "Education Revenue Sharing."

[2] Existing regs.

[3] Proposed regs.

[4] Programs proposed to be included under Administration's "Better Communities Revenue Sharing."

[5] Programs proposed to be included under "Manpower Revenue Sharing."

SUMMARY OF PRECEDING TABLES

Agriculture	4,768
Atomic Energy Commission	50
Commerce	13
HEW[1]	17,900
HUD	2,357
Interior	1,536
Labor	2,881
Transportation	6,064
Veterans Administration	964
Executive Office of the President	21,015
Total cut	57,548
Social Services loss	+4,400
Total detriment to Hawaii[1]	61,948

[1] Does not include University of Hawaii figures; which are overlapping.

LEGISLATION NEEDED TO PROVIDE BENEFITS FOR SURVIVORS OF PUBLIC SAFETY OFFICER

(Mr. DORN aked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the need for legislation to provide benefits to survivors of public safety officers killed in line of duty becomes more apparent daily. A young officer, neighbor and friend of mine, Deputy Charles A. Rodgers, was gunned down recently while on duty in Greenwood, S.C., and he leaves behind a family. The people of Greenwood are now raising funds for his family. It is time for the Congress to act.

We have introduced legislation that would provide a $50,000 gratuity to the survivors of policemen, sheriffs and deputies, highway patrolmen, firemen, state law enforcement officials and any other law enforcement official who is killed in line of duty. Our bill would provide that the wife and the dependent children of the officer would share the gratuity.

Mr. Speaker, our law officers and our firemen are our frontline soldiers against anarchy, chaos and the law of the jungle. Daily they risk their lives to protect the rights and the property of others. This legislation would provide a measure of security to their loved ones.

We are encouraged to know that our bill will be acted on soon by the Judiciary Committee. We urge its speedy approval. We urge also that the committee give careful consideration to the matter of retroactivity. Our proposal will be amended to provide benefits retroactive to January 3, 1973. This was the fist day of the 93d Congress and the day we introduced the bill.

TAXES PAID BY AMERICAN HOUSEHOLDS HAVE DOUBLED SINCE 1960

(Mr. CRANE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRANE. Mr. Speaker, most of us in this chamber are keenly aware of the ever-increasing demands of government upon the wages earned by our constituents. I wonder how many of us realize however, that the taxes paid by American households have more than doubled since 1960.

According to the Tax Foundation, Inc. of New York, Federal, State and local tax collections for fiscal 1973 will be the equivalent of $5,070 per American household. In 1960, the total tax figure was $2,400 per household; this represents an increase of $2,670—over 100 percent—in 13 years. The increase from last year alone was $300.

Total tax collections in fiscal 1960 were over $126 billion, while in fiscal 1973 they are estimated at $339 billion—over 2½ times as much. In fiscal 1974 Federal Government tax receipts alone are expected to be over $3,600 per household. In addition to this of course, the States, cities and counties will exact their own levies.

Mr. Speaker, the President of the United States very wisely declared last year, in pledging that there would be no tax increase during his second term, that

> The total tax burden of the American people, Federal, State and local has reached a breaking point. It can go no higher. If it does go higher, I believe that we will do much to destroy the incentives which produce the progress we want.

I believe that most of us will agree, Mr. Speaker, that now is certainly not a time to be considering new taxes. A sharp reduction in taxes, is, in fact an imperative.

It is for this reason that many of us are concerned about the Secretary of the Treasury's recent statement that a tax rise may be necessary in the near future. In my own view, nothing could be further from the truth. The American people are expecting—and they have a right to expect—that the administration will stand by its promise not to raise taxes.

According to Secretary Shultz, one reason some of the President's advisers have been considering new taxes is to cool off the economy. It is worth noting, however, that the Government's composite index of leading economic indicators turned down in April for the first time since October 1970, and thus the economy appears to be cooling itself off.

We should also bear in mind that if the economy needs to be deflated somewhat, the Federal Reserve Board, through the interest rate and its control of the supply of money, has the tools to do that job.

Some other advisers, I understand have offered the argument that a tax hike will enable the budget to be balanced in fiscal 1974. In my own view, Mr. Speaker, it would be far better to balance the budget the other way—by sharply cutting Federal expenditures.

There are many Federal programs which are both costly and unnecessary and some which are downright harmful—the OEO Community Action and Legal Services programs spring to mind. Before any new taxes are contemplated, the administration will be doing the Nation a great service by cutting back on such wasteful and unneeded agencies still further, at least until the budget is balanced.

Let us have no new taxes, Mr. Speaker. Let us instead have tax reductions and a balanced budget.

AIRLINE YOUTH FARES SHOULD BE CONTINUED

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on May 1, the CAB issued its decision that youth fares are to be phased out over the next year. In an editorial on June 11, the Miami News took exception with that decision and called on the Congress to act on legislation now pending to authorize the continuation of reduced fares.

As a cosponsor of the bill to authorize reduced air fares on a space available basis for young people as well as for our senior citizens, I share the Miami News' opposition to the CAB action, and urge the Interstate and Foreign Commerce Committee to schedule consideration of H.R. 5713 as soon as possible.

The Miami News editorial follows:

Give Them a Break

There is public resentment, and understandably so, against the Civil Aeronautics Board decision to phase out the youth fares on the nation's airlines. Six months ago the CAB said the fares were discriminatory and reductions were ordered for this month, with the final step to come a year from now.

We could understand the necessity if persons using the discounted youth fares were bumping passengers who paid the full amount from scheduled flights. But this is not the case. Few of the airlines are flying at capacity. Earnings figures reflect there are many empty seats and it would seem good business to make these seats available to young people who might not have the financial means of the more mature.

It's almost too late to help this summer. But the Congress has before it legislation which would authorize lower rates on a space-available basis. This is a pragmatic approach which parents would welcome. Early action, at least would assure more air travelers for the fall return to the campus.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the tribute of the Honorable Gerald R. Ford to William Arbogast.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. Dent, for Friday, June 15, 1973, on account of official business.

Mr. Corman, for today, on account of official business.

Mr. Edwards of California (at the request of Mr. McFall), for today, on account of illness in family.

Mr. Steelman (at the request of Mr. Gerald R. Ford), for the week of June 11, on account of a back injury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. Green of Oregon, for 20 minutes, today; and to revise and extend her remarks and include extraneous matter.

Mr. Randall, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Johnson of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. Heinz, for 5 minutes, today.

Mr. Anderson of Illinois, for 1 hour, today.

Mr. Robison of New York, for 15 minutes, today.

Mr. Robison of New York, for 15 minutes, June 13, 1973.

Mr. Young of Alaska, for 5 minutes, today.

(The following Members (at the request of Mrs. Schroeder) to revise and extend their remarks and include extraneous material:)

Mr. Rooney of Pennsylvania, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Harrington, for 15 minutes, today.

(The following Members (at the request of Mrs. Schroeder), to revise and extend their remarks, and to include extraneous matter:)

Mr. Alexander, for 60 minutes, on June 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Randall and to include extraneous matter in two instances.

Mr. Flynt to follow the remarks of Mr. Staggers on the birthday of Bill Arbogast today.

Mr. Johnson of Colorado to include extraneous matter in his remarks on the Peace Corps conference report today.

Mr. Gray in five instances.

Mr. Matsunaga and to include extraneous matter notwithstanding the fact that it exceeds two pages of the Congressional Record and is estimated by the Public Printer to cost $467.50.

(The following Member (at the request of Mrs. Schroeder), and to include extraneous matter:)

Mr. Lehman in five instances.

(The following Members (at the request of Mr. Johnson of Colorado) and to include extraneous material:)

Mr. Dickinson in three instances.

Mr. Blackburn.

Mr. Hansen of Idaho.

Mr. Heinz in two instances.

Mr. Gubser.

Mr. McCollister in three instances.

Mr. Anderson of Illinois in three instances.

Mr. Baker.

Mr. McClory.

Mr. Talcott in three instances.

Mr. Froehlich.

Mr. Roncallo of New York.

Mr. Ashbrook in three instances.

Mr. Treen in two instances.

Mr. Zwach.

Mr. Thone.

Mr. Robert W. Daniel, Jr.

Mr. Wyman in two instances.

Mr. Hosmer in three instances.

Mr. Shoup.

Mr. Bob Wilson.

Mr. Whalen.

Mr. Derwinski in two instances.

Mr. Michel.

Mr. Broyhill of Virginia.

Mr. Robison of New York.

(The following Members (at the request of Mrs. Schroeder) and to include extraneous material:)

Mr. O'Neill in six instances.

Mr. Teague of Texas, in six instances.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Carney of Ohio in three instances.

Mr. Breaux.

Mrs. Griffiths in two instances.

Mrs. Sullivan in two instances.

Mr. Burton in two instances.

Mr. Johnson of California.

Mrs. Schroeder.

Mr. Dingell.

Mr. Charles H. Wilson of California.

Mr. Waldie in two instances.

Mr. Harrington in two instances.

Mr. Roush in three instances.

Mr. Hébert.

Mr. Vanik.

Mr. Dorn.

Mr. Conyers.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 978. An act to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices; to the Committee on Agriculture.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that the committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4443. An act for the relief of Ronald K. Downie.

ADJOURNMENT

Mrs. SCHROEDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Wednesday, June 13, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1021. A letter from the Acting Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 73 (survivor benefit plan) of title 10, United States Code, to clarify provisions relating to annuities for dependent children and the duration of reductions when the spouse dies; to the Committee on Armed Services.

1022. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 73–13, in which he determined that it is important to the security of the United States to waive the provisions of section 3(b) of the Foreign Military Sales Act, as amended, insofar as they relate to sales, credits, or guarantees to the Government of Peru; to the Committee on Foreign Affairs.

1023. A letter from the Assistant Secretary for Congressional Relations, transmitting a copy of Presidential Determination No. 73–14, in which he determined that the extension of credit to the Governments of Argentina, Brazil, Chile, Colombia, and Venezuela, in connection with the sale of F–5 military aircraft, is important to the security of the United States, pursuant to section 4 of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

1024. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the head of an executive department, a military department, an agency, or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes; to the Committee on Government Operations.

1025. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize grants for Indian tribal governments, and for other purposes; to the Committee on Interior and Insular Affairs.

1026. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; to the Committee on the Judiciary.

1027. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7127. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historical properties throughout the Nation, and for other purposes; with amendment (Rept. No. 93–269). Referred to the Committee of the Whole House on the State of the Union.

Mr. McSPADDEN: Committee on Rules. House Resolution 432. Resolution providing for the consideration of H.R. 3926. A bill to extend the National Foundation on the Arts and the Humanities Act; with amendment (Rept. No. 93–270). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 433. Resolution providing for the consideration of H.R. 5094. A bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes; with amendment (Rept. No. 93–271). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 434. Resolution providing for the consideration of H.R. 5464. A bill to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes; with amendment (Rept. No. 93–272). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 435. Resolution providing for the consideration of H.R. 7824. A bill to establish a Legal Services Corporation, and for other purposes; with amendment (Rept. No. 93–273). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 8619. A bill making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93–275). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 436. Resolution providing for the consideration of H.R. 8152. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes; with amendment (Rept. No. 93–274). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 437. Resolution providing for the consideration of H.R. 8410. A bill to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes; with amendment (Rept. No. 93–276). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 438. Resolution providing for the consideration of H.R. 2990. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; with amendment (Rept. No. 93–277). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Illinois:

H.R. 8580. A bill to amend section 1951, title 18, United States Code, Act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. Harvey, and Mr. Frenzel):

H.R. 8581. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN:

H.R. 8582. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 8583. A bill to revise the pay structure and retirement and disability benefits of policemen and firemen at Washington National Airport and Dulles International Airport; to the Committee on Post Office and Civil Service.

By Mr. BURLESON of Texas:

H.R. 8584. A bill to amend the Internal Revenue Code, in order to protect farm property from estate taxation based upon its valuation for nonfarm use; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself and Mr. Esch):

H.R. 8585. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of healthcare by strengthening the organization and delivery of healthcare nationwide and by making comprehensive healthcare insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 8586. A bill to authorize the foreign sale of the passenger vessel S.S. *Independence*; to the Comimttee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. Eckhardt, and Mr. Corman):

H. 8587. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. FORSYTHE:

H.R. 8588. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 8589. A bill to improve the regulation of Federal election campaign activities; to the Committee on House Administration.

H.R. 8590. A bill to amend the Internal Revenue Code of 1954 to facilitate acquisition of ownership of private enterprises by the employees of such enterprises; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 8591. A bill to authorize the President to appoint to the active list of the Navy and Marine Corps of certain Reserves and temporary officers; to the Committee on Armed Services.

By Mr. HARRINGTON:

H.R. 8592. A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency; to the Committee on Armed Services.

By Mr. HÉBERT (for himself and Mr. Bray) (by request):

H.R. 8593. A bill to amend section 301 of title 37, United States Code, relating to incentive pay, to attract and retain volunteers for aviation crewmember duties, and for other purposes; to the Committee on Armed Services.

By Mr. HILLIS:

M.R. 8594. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN (for himself, Mr. de Lugo, Mr. Won Pat, Mr. Podell, Mr. Moss, Mr. Dellums, Mr. Reuss, Mr. Stark, Mr. Studds, Mr. William D. Ford, Mr. Pepper, Mr. Edwards of California, Mr. Kyros, Mr. Yatron, Mr. Harrington, Mr. Gaydos, Mr. Seiberling, and Mr. Lott):

H.R. 8595. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 8596. A bill to amend title 38 of the United States Code in order to make brothers and sisters of the whole blood eligible for war orphans' and widows' educational assistance if the veteran concerned has no children, wife, or widow; to the Committee on Veterans' Affairs.

By Mr. McFALL:

H.R. 8597. A bill to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MATHIS of Georgia:

H.R. 8598. A bill to amend the Automobile Information Disclosure Act to require disclosure with respect to pickup trucks and farm tractors; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS:

H.R. 8599. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS of Arkansas (for himself and Mr. Gerald R. Ford):

H.R. 8600. A bill to extend and improve the Nation's unemployment compensation programs, and for other purposes; to the Committee on Ways and Means.

By Mr. MINSHALL of Ohio:

H.R. 8601. A bill to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on House Administration.

By Mr. PARRIS:

H.R. 8602. A bill to amend title II of the Water Pollution Control Act Amendments of

1972 (Public Law 92-500); to the Committee on Public Works.

By Mr. REES:

H.R. 8603. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. RHODES (for himself and Mr. Steiger of Arizona):

H.R. 8604. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUSH:

H.R. 8605. A bill to amend section 481 of the Foreign Assistance Act of 1961, relating to international narcotics control, to provide for the suspension of economic and military assistance with respect to any country whenever the Comptroller General determines that such country has not taken adequate steps to control the production or processing of, or traffic in, narcotic drugs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEPHENS:

H.R. 8606. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. STUDDS:

H.R. 8607. A bill to provide that daylight saving time be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. Drinan, Mr. Fraser, Mr. Riegle, Mr. Stark, and Mr. Waldie):

H.R. 8608. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. WALDIE:

H.R. 8609. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542), to include the Smith River, the Middle Fork and North Fork of the San Joaquin River, the Eel, Klamath, and Trinity Rivers as components of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON:

H.R. 8610. A bill to provide retirement annuities for certain widows of members of the uniformed services who died before the effective date of the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 8611. A bill to amend the Railway Labor Act so as to exempt the Long Island Railroad from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Ms. Abzug, Mr. Addabbo, Mr. Bingham, Mr. Brasco, Mr. Brown of California, Mr. Delaney, Mr. Drinan, Mr. Edwards of California, Mr. Flood, Mr. Forsythe, Mr. Fraser, Mr. Gunter, Mr. Harrington, Mrs. Heckler of Massachusetts, Mr. Horton, Mr. Howard, Mr. Kyros, Mr. Leggett, Mr. Matsunaga, Mr. Mazzoli, Mr. McEwen, Mr. Nix, Mr. Podell, and Mr. Roe):

H.R. 8612. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. Rosenthal, Mr. Roybal, Mr. Talcott, Mr. Van Deerlin, Mr. Vander Jagt, Mr. Whitehurst, and Mr. Yatron):

H.R. 8613. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. YOUNG of Texas:

H.R. 8614. A bill to authorize and direct the completion of planning and advance engineering and design of the Harbor Island Project, Texas, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA (for himself and Mr. Hanley):

H.R. 8615. A bill to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. SHIPLEY:

H.R. 8616. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST (for himself and Mr. Wolff):

H.R. 8617. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. YOUNG of Alaska:

H.R. 8618. A bill to require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 8619. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. BROYHILL of North Carolina:

H.J. Res. 608. Joint resolution to establish a nonpartisan commission on political campaign reform; to the Committee on House Administration.

By Mr. du PONT (for himself, Mr. Anderson of Illinois, Mr. Andrews of North Carolina, Mr. Aspin, Mr. Baker, Mr. Bevill, Mr. Biester, Mr. Blackburn, Mr. Boland, Mr. Burgener, Mr. Byron, Mr. Cohen, Mr. Conable, Mr. Collier, Mr. Dominick V. Daniels, Mr. Davis of Georgia, Mr. Davis of South Carolina, Mr. Denholm, Mr. Downing, Mr. Eshleman, Mr. Flowers, Mr. Forsythe, Mr. Frenzel, Mr. Fulton, and Mr. Gaydos):

H.J. Res. 609. Joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. du PONT (for himself, Ms. Grasso, Ms. Green of Oregon, Mr. Grover, Mr. Gude, Mr. Gunter, Mr. Guyer, Ms. Hansen of Washington, Mr. Hastings, Ms. Heckler of Massachusetts, Mr. Helstoski, Mr. Hogan, Mr. Horton, Mr. Howard, Mr. Huber, Mr. Hungate, Mr. Hunt, Mr. Ketchum, Mr. Lent, Mr. McCollister, Mr. McDade, Mr. Mathis of Georgia, Mr. Mayne, Mr. Meeds, and Mr. Mitchell of New York):

H.J. Res. 610. Joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. du PONT (for himself, Mr. Mitchell of Maryland, Mr. Mizell, Mr. Mollohan, Mr. Parris, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Preyer, Mr. Quie, Mr. Quillen, Mr. Rarick, Mr. Robinson of Virginia, Mr. Robison of New York, Mr. Roe, Mr. Roncallo of New York, Mr. Rose, Mr. Sarasin, Mr. Sarbanes, Mr. Sisk, Mr. Snyder, Mr. Steiger of Wisconsin, Mr. Thone, Mr. Treen, and Mr. Walsh):

H.J. Res. 611. Joint resolution authorizing the President to proclaim January 17 of each year as; "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. du PONT (for himself, Mr. Ware, Mr. Whitehurst, Mr. Widnall, Mr. Wolff, Mr. Won Pat, Mr. Yatron, Mr. Young of Florida, and Mr. Zwach):

H.J. Res. 612. Joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.J. Res. 613. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. GONZALEZ (for himself, Mr. Badillo, Mr. Carey of New York, Mr. Conyers, Mr. de Lugo, Mr. Duncan, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Won Pat, Mr. Stark, Mr. Davis of Georgia, Mrs. Chisholm, and Mr. Rangel):

H.J. Res. 614. Joint resolution proposing an amendment to the Constitution of the United States to require each State to provide its citizens with an opportunity for elementary and secondary education; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that no person should be considered for appointment as Ambassador or Minister if such person or members of his immediate family have contributed more than $5,000 to a candidate for President in the last election; to the Committee on Foreign Affairs.

By Mr. BROYHILL of Virginia (for himself, Mrs. Green of Oregon, Mr. Podell, Mr. Won Pat, Mr. Blackburn, and Mr. Whitehurst):

H. Con. Res. 248. Concurrent resolution expressing the sense of Congress regarding the conservation of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. HORTON:

H. Con. Res. 249. Concurrent resolution expressing the sense of the Congress with respect to the sale or abandonment of certain railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. COCHRAN:

H. Res. 430. Resolution amending rule XLIV of the Rules of the House of Representatives, relating to financial disclosure; to the Committee on Standards of Official Conduct.

By Mr. STARK:

H. Res. 431. Resolution to provide the House of Representatives with pertinent information with respect to the possible grounds for impeachment of the President of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

249. The SPEAKER presented a memorial of the Legislature of the State of California, relative to payments to members of the Philippine Scouts; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

238. By the SPEAKER: Petition of the board of aldermen, city of Bellefontaine Neighbors, Mo., relative to an amendment to the Constitution of the United States concerning abortion; to the Committee on the Judiciary.

239. Also, petition of the city council, Baltimore, Md., relative to most-favored-nation status for the Soviet Union; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

ON SELLING MORE SAVINGS BONDS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. MICHEL. Mr. Speaker, I am pleased to note that the administration is taking steps to help the small investor, and give Uncle Sam some "Walking around Money" at the same time, by seeking to liberalize interest rates on U.S. savings bonds.

I have long pushed for action to bring earnings on these "Shares of America" up to parity with commercial rates. I introduced legislation to do so, and have made frequent appearances here on the House Floor to urge action on bond rates. About a year and one-half ago the administration liberalized the interest rates on new and outstanding bonds and as a result, the course of redemptions over purchases was reversed and has stayed up ever since.

But, conditions change, and today we have a genuine need to again adjust interest rates on these bonds to a realistic level. I would suggest that the rate be made equal to that being paid on certificates of deposit by the major banks. For years, those with large sums to invest have been able to obtain premium rates through CID's.

Now, I feel, is an opportune time for action to enable the small investor to obtain a better return on money invested in our Nation's future. Higher bond sales ease the problems of debt management, help fight inflation by diverting funds from consumer buying to savings, and provide security for the future of millions of American families. The fact that $58 billion has been salted away by thrifty Americans who have bought these bonds indicates that they are "bullish on America" and also wisely cognizant of the tax advantages of buying and holding these bonds as a retirement nest egg.

The Chicago Tribune has commented favorably on the bond interest increase in a recent editorial pointing out the desirable aspects of encouraging bond sales. I insert the editorial in the Record at this point:

On Selling More Savings Bonds

The Nixon administration is asking Congress to remove the interest rate ceiling on United States savings bonds. At the same time, it is seeking the removal of the rate ceiling on long term government bonds.

Both of these actions are long overdue. If Congress expects Americans to buy savings bonds in any meaningful amount, then it must make these instruments fully competitive with other forms of savings and investments.

With passbook savings rates at neighborhood savings and loan associations at 5 per cent a year and savings certificate rates even higher, there is little incentive to buy savings bonds and wait until they mature in order to collect 5.5 per cent interest. By eliminating the interest ceiling, savings bonds could be used by the U.S. treasury as a valuable instrument in debt management. A more realistic rate of return would attract small savers who cannot buy regular treasury securities because the minimum amount is $10,000.

Asking a new specific ceiling is pointless. By the time Congress acts on a new ceiling request, other money market rates often have risen to a point where the new ceiling is outdated before it's even effective.

Much the same reasoning can apply to the request for removal of the 4.25 per cent ceiling on long term treasury bonds. Congress did allow the treasury two years ago to issue $10 billion in long-term bonds at interest rates exceeding the ceiling. The move was a success. As a result, the average maturity of privately held public debt has been lengthened.

If the ceiling is removed, the government will be able to attract long term investment by offering bonds during periods of relatively low interest rates. This will alleviate the need to refinance securities with shorter maturities. This would provide a better management tool for the government and cause less havoc in the money markets when the government needs cash.

A third proposal in the package offered by Treasury Secretary George P. Shultz would apply to taxpayers who are entitled to income tax refunds. Under this plan, a refund check would be issued in the normal manner. If the taxpayer decided not to cash the check, it would automatically begin to bear interest after a specified period of time.

Mr. Shultz said this plan would encourage savings and contribute to more orderly cash and debt management. He probably knows what he is talking about. But to the average family breadwinner, whose bookkeeping goes awry if a creditor does not promptly cash a check, it seems appalling to have to cope with millions of outstanding checks—and then have to compute interest on them as well. If the treasury is that efficient, you'd think it could live within its income.

JAMES A. FARLEY BECOMES 85 YEARS OF AGE—NEW DEAL LEADER CONTINUES ACTIVE

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 12, 1973

Mr. RANDOLPH. Mr. President, "A Workhorse Turns 85" is the headline on a photo story on May 30, 1973, in the Washington Star-News.

Woody West, staff writer, said:

> "Genial Jim" Farley despite a heart attack in 1972, continues active.

He also wrote that the strident personality of the New Deal days, is at his office almost daily.

Many Members of the Senate—not as many now as a few years ago—recall the Democrat who helped Franklin Roosevelt become President.

I remember those years, first the 1932 campaign when I was on the ticket in West Virginia with the vigorous fighter in the exciting battle of that year. Through West Virginia came Franklin D. and with him was big Jim. Yes, I can see him now on the rear passenger car of the Baltimore & Ohio train as it rode the rails of a twisty track through the mountains. The people were alongside and at the stations reacting to Jim's smiles and waving arms—and often his brief talks.

And many of us are appreciative of our continuing correspondence with this man who remembers to send congratulatory letters or telegrams when our constituents elect or reelect us to public office.

I am hopeful Jim will be active in political, civic, and industry affairs for many years to come.

Mr. President, I ask unanimous consent to include at this point in the Record, the article to which I have made reference.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Warhorse Turns 85

(By Woody West)

The powerful no longer lapse into respectful silence when he speaks. The hopeful and the ambitious no longer seek his patronage. More than half of the nation's population was not on the scene when the name of James Aloysius Farley was a pre-eminent one in American politics.

The old Democratic war horse celebrates his 85th birthday today, his name still evoking memories of the New Deal, the bleak days of the Depression and the ascendancy of Franklin Delano Roosevelt.

"Genial Jim" Farley, despite a heart attack in 1972, still is active, still appears almost daily at his New York office of Coca Cola Export Corp., and remains, to many, a symbol of political acumen.

He was among the earliest and most adamant supporters of Franklin Roosevelt, and floor manager for FDR at the Chicago convention at which Roosevelt first was nominated for the presidency. He played a key part in swinging the Texas and California delegations, pledged to John Nance Garner, to FDR to put him over the two-thirds required for nomination.

Farley became postmaster general and chairman of the Democratic National Committee and a man to be reckoned with in the heady early years of the New Deal.

Party loyalty was a credo to the big Irishman from Grassy Point, N.Y., and his memory for names and faces became a legend.

But Jim Farley and FDR came to a tense parting in 1940 over Roosevelt's decision to seek a third term—the "third termites," Farley caustically labeled those who urged the President to seek the unprecedented extension of his term.

Farley, it was said, had ambitions himself in those years and his name was put in nomination for the presidency in the 1940 convention.

Although without a political job after 1944 when he quit as Democratic chairman of New York State, Farley was never far from the fulcrum of action in succeeding years and his words still found an audience.

At the 1960 Democratic convention at which he backed then-Sen. Lyndon B. Johnson in the early scrambling, Farley was outspoken against Adlai E. Stevenson. Sending Stevenson to negotiate with Nikita Khrushchev, said Farley, would be like sending "the cabbage patch to the goat."

And though Farley also warned at Los Angeles against a stampede to John F. Kennedy, when Kennedy was elected Farley stoutly defended the young President-elect, saying that anyone questioning his mandate because of the narrow margin of victory over Richard M. Nixon was "perilously close to irresponsible mischief-making."

Farley has spoken out infrequently in recent years. But a 1967 speech, in which he was highly critical of Sens. Robert F. Kennedy and J. W. Fulbright over their views on Vietnam, sparked a brief furor. He blasted Kennedy for "soaring ambition" and said of Fulbright: "No other senator in American history except Sen. Fulbright has had the arrogance to tell the commander-in-chief that he should withhold air support from Americans fighting for their lives on a battlefield."

There were mutterings that Farley had spoken out at the suggestion of the hard-pressed Johnson administration. Farley quietly denied the charges.

His career symbolized the American belief in the ability of a man to rise from adversity. His first political victory was election as town clerk of Stony Point, N.Y., after years of helping his widowed mother support the family.

From town clerk, he was elected a county supervisor, county Democratic chairman, and was elected to the state Assembly in 1923. In 1928, he became secretary of the state party committee and its chairman in 1930. He was a strong backer of Alfred E. Smith in 1928 and began working for FDR in 1930, while Roosevelt was governor of New York.

But all that is behind him. Today he will be 85, and probably will show up at his office on Madison Avenue. His wife, Elizabeth, died in 1955, but he has the comfort of 10 grandchildren belonging to his three children, Betty, Ann, and James Jr.

THE HIGH COST OF AMBASSADORSHIPS

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference a resolution expressing the sense of Congress that no person should be considered for appointment as ambassador or minister if he or members of his immediate family have contributed more than $5,000 to a Presidential candidate in the last election.

The disclosure that a recent ambassadorial appointment had contributed $300,000 to the President's campaign coffers after the election is an unfortunate coincidence at best. It would appear that inflation has driven ambassadorial posts out of reach of even the average millionaire, let alone qualified foreign service professionals. I think the time has come to prune ambassadorships from the political plum tree.

This longstanding practice of rewarding big campaign contributors with the top diplomatic post in other countries has a demoralizing impact on career Foreign Service officers, has discouraged other highly talented people from even entering the Foreign Service, and has diminished the respect which other countries have for our diplomatic corps. And I speak as a former Foreign Service officer myself.

While I am not suggesting that we can or should confine these appointments to career Foreign Service officers, I do think the recommended limitations contained in my resolution would force us to give greater consideration to highly qualified and experienced persons both within and without the Foreign Service—regardless of the size of their political purses.

Last week this body passed the State Department authorization bill which contained a provision requiring that those nominated as Ambassador or minister submit to the Congress a full report of political contributions made by them and members of their immediate families over the previous 4 years. This is an important step in the right direction. The Senate Foreign Relations Committee is currently considering ground rules under which anyone who has contributed more than $5,000 to a political candidate in any calendar year would automatically be rejected by the committee for an ambassadorial appointment unless they possessed exceptional qualifications. I think this is another salutary development.

In drawing up my own bill, I considered the possibility of establishing the contribution limitation eligibility requirement by statute, but my studies revealed that there is some constitutional question that Congress can set such prior conditions on appointments by law, though there has never been a court test of this. On the other hand, there is no question that the Congress can recommend such conditions to the President and that the Senate can fail to confirm a nomination for any reason whatsoever. Therefore, if the Congress, even by concurrent resolution, suggests certain guidelines for ambassadorial appointments, adequate notice will have been served on any President to ignore these at his own peril in submitting nominations for ambassadorships.

I am encouraged by a report in the June 8 Washington Post in which Secretary of State Rogers is quoted as telling the Senate Foreign Relations Committee on April 30 that the President "agrees" that the subject is of concern. I hope that spirit will guide the administration in accepting the recommended conditions set forth in my resolution, and that the Congress will adopt this policy. At this point in the RECORD I include the text of my resolution:

H. CON RES. —

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, from and after January 1, 1977, no person should be considered for appointment as ambassador or minister, except in connection with special missions for the President of a temporary and limited nature, if such person or any member of his immediate family made contributions aggregating more than $5,000 to any candidate for the office of President in the last presidential election preceding his nomination for appointment as ambassador or minister.

SEC. 2. For the purposes of this resolution, an individual should be deemed to be a candidate for the office of President, if, with respect to that office, he was a candidate within the meaning of section 301(b) of the Federal Election Campaign Act of 1971, and a contribution to any political committee registered under section 303(a) of such Act should be deemed to be a contribution to the candidate for the office of President included in its statement of organization under section 303 (b)(6) of such Act at the time of such contribution. As used in this resolution the term "contribution" has the same meaning given such term by section 301(e) of the Federal Election Campaign Act of 1971, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them.

FORT WILLIAM AND MARY FROM COLONIAL TIMES TO THE REVOLUTIONARY WAR

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Tuesday, June 12, 1973

Mr. COTTON. Mr. President, the early history of New Hampshire's Fort William and Mary—which is now known as Fort Constitution and which will be designated as a national historic site if a bill I introduced in behalf of myself and my colleague, Senator THOMAS MCINTYRE, is approved—has been described in a most interesting and well-researched account by the eminent Dr. J. Duane Squires. I ask unanimous consent to have printed in the RECORD his narration, which was originally presented as an address, for the attention of all who are taking such an increased interest in our Nation's past as the country's bicentennial anniversary year continues to draw closer.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

FORT WILLIAM AND MARY FROM COLONIAL TIMES TO THE REVOLUTIONARY WAR

(An address given at the Adjourned Annual Court and Field Day of the Society of Colonial Wars in the State of New Hampshire by J. Duane Squires, Ph. D.)

The period of time covered by this paper is slightly more than a century and a half. New Hampshire's colonial history began on April 16, 1623, when David Thomson anchored his ship, "Jonathan," off our coast. The Revolutionary War ended with the Treaty of Paris in 1783, one hundred and sixty-three years later. We are dealing, therefore, with a period as long as that which separates us in 1972 from the War of 1812, and that to many contemporaries seems like a very long time ago!

Until after the Revolutionary War the most commonly-used entrance to what is now the State of New Hampshire was by sea to Portsmouth Harbor, at the mouth of the Piscataqua River. At this river's junction with the Atlantic Ocean there was, and is, an island, known for hundreds of years as Great Island. The island is somewhat less than a square mile in area, and is roughly rectangular in shape. At each of its four corners from time to time during the colonial era fortifications were erected; but by far the most important of these earthen redoubts was at the northeast angle where by the middle of the 17th century the fort was called "The Castle."

During the century and a half from 1623 to 1775, colonial New Hampshire had three basic problems confronting it, and in all of these "The Castle," or as it was later termed, Fort William and Mary, played an important part. These three problems were, in chronological order: (1) the complex and often acrimonious relationships with Massachusetts, the powerful colony immediately to the south of New Hampshire; (2) the ever-present matter of frontier expansion to the north and west stretching toward the White Mountains and the Connecticut River, inevitably involving conflicts with the Indians; and (3) participation in the imperial wars of the mother country, Great Britain, running from 1689 to 1763, and then drifting into the War for Independence in the 1770's. Let us now examine the relationship of the famous fort on Great Island to these three problems, especially to the world wars of the British Empire in the ninety years from the "Glorious Revolution of 1689" to the American Revolution almost a century later.

We know that as early as 1632 there was a rudimentary kind of fort on the northeast corner of Great Island. We know that it contained several small pieces of artillery, and was partly intended to protect the settlements against marauding pirates. We know that during the years when Massachusetts assumed control over the four New Hampshire towns of Portsmouth, Dover, Exeter, and Hampton—*i.e.* from 1641 to 1680—there were frequent mentions of this fort and of the necessity for keeping it in good condition. In 1680 an observer wrote: "There is at Great Island, at the harbor's mouth, a fort, well enough situated, but for the present too weak." It was a lamentation which would be heard scores of times in the ensuing years.

In the early 1690's the people on Great Island, tired of being controlled by their neighbors on mainland Portsmouth, petitioned the Governor and Council for the right to establish a town government of their own. After prolonged and touchy negotiations this request was granted and on May 30, 1693, Governor John Usher issued the charter for New Hampshire's fifth town. Taking its name from the old fort, the residents asked that the community be called New Castle, and by that name it has been known ever since. Its principal point of interest was the old fort, which in the spring of 1694 was renamed Fort William and Mary. This was obviously a tribute to the then ruling British king and queen, who had ascended to the throne after the expulsion of King James II in 1688, and who had recently presented some artillery pieces to "The Castle."

The exigencies of King William's War demanded the further strengthening of the venerable fort. It is hard to realize today that in 1689–1690 and for several years thereafter there were savage Indian assaults on the towns around Portsmouth Harbor, Dover, Salmon Falls, Durham, Lamprey River, and other places. When "The Castle" received its new name in 1694, it had nineteen cannon and a permanent garrison of five men. The ravages of the Indians and the ever-present threat of an attack by the French navy made it imperative that measures to strengthen the fort be undertaken. French commando forces twice destroyed a colonial fort in Pemaquid, Maine, first in 1689 and again in 1696, throwing great alarm into New Hampshire. The Provincial Council in 1694 voted the considerable sum of £702 to improve Fort William and Mary. Twenty men were retained to repair the fort and a garrison of eighteen men was authorized. When the British and French signed the peace treaty of Ryswick in 1697, however, the garrison at the fort was reduced to eight men.

Of course this treaty proved to be but a breathing spell, prior to a renewal of the imperial conflict under the name of Queen Anne's War; this lasted for eleven years from 1702 to 1713. In 1699 the king had sent over a Dutch military engineer—you will recall that King William was also the ruler of Holland—named Wolfgang William Romer. Romer carried the rank of colonel in the British army. In 1705 Queen Anne sent over another military engineer, likewise of Dutch origin, Col. J. Redknap, to make still further studies and recommendations for repairs. It was on the recommendations of these expert advisers that the massive stone foundations visible even today were erected, a well dug, and barracks and storehouses built. A shipload of supplies for strengthening the fort arrived from Great Britain in 1709. Nevertheless, by 1715, two years after the Treaty of Utrecht, the fort was again reported by the colonial authorities to be in need of extensive repairs. It must have been discouraging alike to the British and to New Hampshire officialdom.

Following the death of Queen Anne in 1714, the American colonies settled down to a period of uneasy truce with the French and Indians. Of course, since New Hampshire was on the most dangerous stretch of frontier, there was no real peace. There were outbreaks of fighting with the Indians in 1718, in 1720, in 1724, and the large-scale affair known as "Lovewell's War" in 1725. In 1740–1741 about a hundred men were mustered at Fort William and Mary to engage in that strange Anglo-Spanish conflict in the West Indies known as the "War of Jenkins' Ear."

In 1744 a formal large scale war again broke out between Britain and France. It was known to the colonists as "King George's War." Lasting for four years, it was highlighted by the capture of colonial forces of the mighty French fortress of Louisburg in 1745. Unhappily for New Englanders, the peace settlement in 1748 was a status quo ante bellum treaty, and the French fortress had to be returned.

In 1740, prior to the beginning of King George's War, a careful examination of Fort William and Mary had been made, with the usual discouraging findings. Let the official report tell its own story.

Capt. of the said Fort is hereby ordered to receive you into the same & to shew you the said Fort and Stores in order to your Effectual executing this Warrant.

Given under my hand at Portsmouth the 13th day of Feb. 1739-40, and in the 13th yeare of his Majesties Reign.

J. BELCHER.

In obedience & pursuant to the within Order, We the Subscribers did repair to his Majesties Fort Wm & Mary on the Great Island which with the Stores therein was shown to us by the Honble Shadrick Walton, Esq. the State and account of which is underneath, viz.

The walls on the South part of the Fort verry much broken & decayed, the Platform rotten, nine guns on that line mounted & five of the carriages very much decayed, 4 guns mounted next the flaggstaff pointing to the South and one of the Carryages Rotten, 4 guns mounted at the East end of the Fort in good Order, (p. 560.) on the north side of the Fort 13 guns mounted pointing up the River, the Platform on which they Stand & the Carriages verry good, at the Fort on each side of the Gate a gun mounted but one of the Carryages rotten, without the Fort 9 field pieces mounted in good order, the Powder House in good order to receive Powder, with one half bbl. of Powder only therein with a bundle of match & abt a Reame of Cartridge paper. Nigh the Powder House in the Fort 4 pile of shot about 1000 in number and in the old Guard House abt 200 shot for the Field pieces. The old Guard House very much decayed, the Gunners House very much out of Repaire, 17 small arms one of which onely fitt for present use, 21 Cartridge boxes, 8 formers, 12 ladles, 4 worms, 7 spunge heads 6 Ramer heads, 2 boxes of partridge shot, 20 aprons for guns, 7 iron Crows 7 Crab handspikes, the Century Boxes all gone.

Fort Wm & Mary, Feb. 14, 1739–40

JOSEPH SHERBURN,
J. RINDGE.

With the renewal of international war between the Great Britain of King George II and the France of Louis XV, it was obvious that the financing of improvements and repairs at Fort William and Mary would be of major proportions. In the years before 1693 the annual upkeep of the fort had been paid for largely by the local towns in the Piscataqua area, principally Portsmouth. Following 1680, when New Hampshire began its independent existence apart from Masachusetts, the fort received certain appropriations from the Provincial treasury. And after William and Mary ascended the throne the royal government itself assumed an increasing share of the burden. In February, 1740, for example, the Provincial Assembly voted £700 for gunpowder and repairs at the fort. Two years later, on January 19, 1742, the King's Council in London ordered that an engineering expert be sent over to Fort William and Mary again to survey the defenses of that place and to make recommendations for its improvement.

By this time Governor Benning Wentworth was in charge of the colony of New Hampshire. Taking his post in 1741, he held it until 1766, twenty-five years in all. It is interesting for us in New Hampshire to note that Governor Wentworth held his office longer than any governor in the history of any other of the thirteen colonies. Benning Wentworth was always keenly aware of the importance of Fort William and Mary, and addressed numerous messages to the Provincial legislature regarding its support and improvement. In 1743 the Provincial Assembly voted the immense sum of £25,000 to put New Hampshire into a state of adequate defense, and of this amount £2500 was allocated to the repairs at Fort William and Mary.

In 1745 occurred the famous assault on Louisburg, already mentioned, for which New Hampshire expended £10,000. During the months in which interest was concentrated on that affair, Governor Wentworth was also preoccupied with the conditions at Fort William and Mary, with the fate of Fort No. 4 at modern Charlestown, and with Fort Dummer at modern Hinsdale. In the face of these military demands, plus all the familiar costs of ordinary government, the executive and legislative authorities often found themselves in fiscal difficulties strongly reminiscent of more recent situations!

Following the treaty of 1748 there was again a short period of peace before the culminating struggle known to Europeans as the Seven Years War, and to Americans as the French and Indian War, broke out in 1755. Once again Governor Wentworth bemoaned the condition of Fort William and Mary, his remarks being reported in the Council records for August 9, 1957, as follows:

"His Excelency then acquainted the Council that he tho't it necessary to pull down the South West bastion of Fort William & Mary at New Castle it being much shaken and is falling down and that he proposed in rebuilding it to make the bastion something larger and also some parts of the wall between the s^d bastion & gateway and asked the Council weither they would advise to the laying the stone work in lime mortar to which they did advise."

In 1757 also the Governor recommended that the permanent garrison at Fort William and Mary be increased by fifty men, and that extensive repairs be authorized. In 1758 it was reported that the pay for military personnel at the fort for the previous twelve months had been £925. In 1759 Governor Wentworth recommended that the "summer garrison" at the fort be forty "good and effective men." In each of the following years the Governor urged more improvements at the fort. The situation might be indicated in my parody of a well-known jingle:

The fort is forgot and the soldier slighted."

"The fort and the soldier we alike adore
In times of danger . . . not before.
The danger past, both are requited;
The fort is forgot and the soldier slighted."

During the years from the close of the French and Indian War in 1763 to the outbreak of hostilities between the mother country and the colonies in 1775, beyond the activities normal to a military post in time of peace, Fort William and Mary led a placid existence. The garrison was gradually reduced to six men on standing duty. To the very end of his tenure as Governor, however, Benning Wentworth was urging that Fort William and Mary "be adequately" maintained.

Benning Wentworth's successor in the governorship was his nephew, John Wentworth, who acceded to the post in 1767. His arrival in New Hampshire in his official capacity was signaled by a salute from ". . . the Castle William and Mary." Governor John Wentworth, like his predecessor, took an active interest in the maintenance of Fort William and Mary. During his governorship expenses at the fort averaged between £200 and £300 annually. In his message to the Council and the Assembly on December 13, 1770, Governor John Wentworth urged that ". . . some provisions be made for Repairs of the Castle William and Mary and to enlarge the garrison." On June 11, 1772, he secured an appropriation for a new powder magazine at the fort.

During all of Governor John Wentworth's administration the tensions between the colonies and Great Britain were rising steadily. There is no need here to go into the recurrent crises year after year from the Stamp Act Congress in 1765 to the First Continental Congress in 1774. New Hampshire's population was officially reported as 52,700 in the first Provincial census of 1767; and by the beginning of the Revolution it was estimated to be 82,000. But the garrison at Fort William and Mary remained constant at six men, and their billeting costs, plus "firewood and candles" did not noticeably rise as the years passed. In the last appropriation prior to the outbreak of the War for Independence, Captain John Cochran at Fort William and Mary was to be paid at the rate of £3 a month, and each of his five men were to receive 25 shillings per month in pay and 5 shillings for expenses. Thirty cords of firewood were allowed the six men for the fiscal year.

The actual events in the famous seizure of Fort William and Mary on December 14–15, 1774, have frequently and lucidly been narrated. On Tuesday, December 13, 1774, the subsequently well-known Paul Revere arrived in Portsmouth with a message to the anti-British committee in that town. The message indicated imminent British punitive actions in and around Fort William and Mary. Two hundred men from Portsmouth, shortly to be joined by approximately the same number from the combined populations of Rye and of New Castle, about noon on December 14 assaulted the fort and easily captured it and the military stores within its walls. Although the garrison fired at the attackers, there was no bloodshed. The seizures included one hundred barrels of gunpowder, 3200 flints, five kegs of bullets; and other military supplies. So ended the first assault. The next night, i.e., late on December 15, John Sullivan with about seventy men from Durham and vicinity again took over the fort. Using boats they removed miscellaneous small arms, fifteen four-pounder cannon, one nine-pounder cannon, and a quantity of twelve-pound and twenty-four-pound shot. These were then taken by water to Durham.

On December 17, in compliance with Governor Wentworth's appeal for help, HMS "Canceaux" arrived in Portsmouth with reinforcements from Boston; and on the 19th HMS "Scarborough" likewise dropped anchor offshore from Fort William and Mary. There were between eighty and a hundred British troops aboard these two ships. With their arrival royal authority was promptly restored at the fort. HMS "Scarborough" stayed in or near Portsmouth harbor and the fort until the autumn of 1775. Governor John Wentworth had taken refuge in the fort in the month of June. On the 15th of July, from his temporary domicile there, Wentworth addressed his last message to the provincial legislature, and on the 21st of September he issued his final proclamation.

In that same month the "Scarborough," with New Hampshire's last royal governor aboard, sailed for Boston. Never again would Wentworth return to his native state. He remained in Boston until the British evacuation of that city in March, 1776; from there he sailed to Halifax, Nova Scotia; from that place he went to New York, where he resided from November, 1776, to February, 1778; and thence he journeyed to London, there to live until King George III could find a new appointment for him.

Meantime, in the autumn of 1775, there was a threat of a British attack on Portsmouth, and Brigadier General John Sullivan was named by General Washington to ward off the incipient danger. Artillery was emplaced along the Piscataqua; a harbor-boom was built; and numbers of minutemen assembled. But the British did not press their attack and the threat evaporated. For the rest of the war there was no action in or around the old fort.

In 1791 the General Court of the State of New Hampshire ceded to the New Federal government 1.75 acres of land, which comprised the fort area in the town of New Castle. In June, 1807, an additional 1.5 acres was ceded by the state to the national government. From then until August 23, 1960, the fort and its surrounding area were government property. On the last-named date the federal government retroceded to the State of New Hampshire the 1.75 acres originally turned over to the nation in 1791. Thus the ancient fortress site now is the property of the State of New Hampshire. Included are the ruins of the colonial and Revolutionay fort, various additions made to it between 1791 and 1960, and some auxiliary buildings. It is to be noted, of course, that under national administration the venerable fortress in 1808 became Fort Constitution, by which name it is often known now.

This, then, is a summary of the history of Fort William and Mary from its earliest beginnings to the forlorn ruins we see today. Under various names for more than three centuries it was a key defense point on the coastline of New England. It was in active use as a U.S. military establishment in all our wars up to and including the Korean conflicts in the 1950's. Efforts are now under way to have Congress declare the ancient remains a National Historic Site. It is an objective to which all persons interested in New Hampshire's colonial and Revolutionary history should heartily subscribe. Never captured in wartime by any opponent, it nevertheless marked a key event in the struggle for American independence. As the Rev. Dr. Alonzo H. Quint once wrote with reference to the seizure of Fort William and Mary on December 14–15, 1774:

"The daring character of this assault cannot be overestimated. It was an organized investment of a royal fortress, where the king's flag was flying, and where the king's garison met them with muskets and artillery. It was four months before Lexington, and Lexington was resistance to attack, while this was deliberate assault. When the king heard of this capture, it so embittered him that all hope of concessions was at an end. It made war inevitable."

That is a just verdict on the most famous episode in the annals of Fort William and Mary during the colonial and Revolutionary War years. And with it I close this essay.

TOWN CRIERS KEEP WATCH ON EDGERTON VILLAGE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. ZWACH. Mr. Speaker, it was a bit of a surprise to me when my constituents indicated in their questionnaire returns that crime prevention and control was the most pressing problem of the day.

However, a news story in the Lyon County Independent, a weekly newspaper in our Minnesota Sixth Congressional District, reported that crime indeed is a top priority and that many small villages have reverted to "public safety" groups to combat unlawful activities.

Mr. Speaker, I believe this is a most serious situation. It moves our country backward into the early days when every man was a law unto himself.

We have our Law Enforcement Assistance Administration which funnels funds to our States to help them with their law enforcement problems but those funds generally do not trickle down to our smaller communities.

With your permission, and for the information of the other Members of Congress, I would like to insert this article in the Congressional Record:

"Town Criers" Keep Watch on Edgerton Village

(Edgerton)—Break-in artists find the small villages of southwestern Minnesota and northwestern Iowa fertile grounds for their late night business activities.

The villages generally are unable to afford around the clock police protection. It is common practice to have a village marshall who also doubles as street repairman, water meter reader, dog catcher and village clerk. Most work a full daytime schedule with little time or energy left for night patrolling.

So between midnight and dawn, criminals have virtually a free reign to do what they wish without fear of disturbance other than perhaps an occasional sheriff's patrol.

But this is not the case everywhere. Crooks in the know steer clear of Edgerton because chances of escaping detection there are remote. It's not that Edgerton has any greater financial resources to finance police activities. It hires only a single man who works a full daytime shift.

The difference is in the people who live here. They believe in citizens working together. One key effort is the civilian night patrol.

Every night at least two Edgerton citizens are on public safety patrol. They never make an arrest or involve themselves directly in control of any nefarious activity. That they leave to the professionals.

They do patrol the village streets, check doors to business places, look inside store windows, watch for fires and observe all that goes on. If trouble develops, a telephone call brings professional law officers on the run to handle it while the civilians go on about their quiet business.

One man has described their activities as something like a burglar alarm. It all started three years ago when a wave of burglaries was in progress in the small towns of the region. At a civil meeting, someone suggested the idea of some "do it yourself" police work. The suggestion caught hold and a patrol was formed.

It has grown to number 150 men. Two are

assigned duty each night and the rotation means each man is required to serve only four or five times a year. They drive their own cars and receive no pay. None are deputized. All carry exactly the same authority as do private citizens and no more.

Each has strict instructions "not to be a hero." "If trouble develops, call for help," is the firm instruction. No "vigilante" attitudes are allowed and the age of the men ranges from 19 to 70.

All do their jobs quietly and effectively. Just ask the five young men from Hills who apparently didn't know of the civilian patrol and who chose Edgerton as the place to burglarize a couple of places this spring.

They were observed by the patrol, a car description obtained and a license number written down. Sheriff Gene Spier was called. The burglars had left town by the time he arrived but it was a simple matter to trace the car. Within an hour and a half the five were in custody and the merchandise recovered. It's a sure bet that if these young men ever decide to burglarize again they won't do it in Edgerton.

For that matter it's fairly certain that other burglars who know of the patrol will find reasons why it is better to "do business" someplace else.

THE 33D ANNIVERSARY OF THE SOVIET INVASION OF LITHUANIA

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. O'NEILL. Mr. Speaker, June 15, marks the 33d anniversary of the Soviet invasion of Lithuania. An important consequence of this illegal takeover of Lithuania has been limitation of the religious and political freedom of the Lithuanian people.

Lithuania achieved its independence on February 18, 1918, following more than 100 years of Russian domination. Thereafter, the independent Lithuanian nation achieved remarkable economic, industrial, and political progress. However, their independence was short-lived. Hitler's troops invaded. A short time later, in June 1940, the Soviets occupied Lithuania. They ruthlessly entrenched themselves in Lithuania, imposing the Soviet system on the Lithuanian people. Always a strong and gallant people, the Lithuanians waged a valiant fight for their freedom. Faced with resettlement and deportation, many Lithuanians have died resisting their oppressors.

Other Baltic peoples, notably the Latvians and Estonians, have also been systematically deprived of basic human rights by their Soviet occupiers. As in the case of Lithuania, these forceful and illegal Soviet occupations have spurred Latvian and Estonian patriots to resistance. Recent demonstrations against Soviets in the city of Kaunas and in other cities dramatize the will of these peoples to be free to determine their own destinies.

The United Nations Declaration of Human Rights insures to all of the world's peoples the right to assemble, to free elections, freedom of worship, and freedom of movement. Soviet occupation of Lithuania, Latvia, and Estonia represents a violation of the charter as well as the United Nations Declaration of Human Rights, to which the Soviet Union is a signatory.

One million people of Lithuanian ancestry, as well as many Latvians and Estonians, now live in the United States. They treasure the religious and political freedom they have found in their adopted land. And their presence here serves to remind us of our obligation to speak for their oppressed countrymen.

Mr. Speaker, let this anniversary of the occupation of the Lithuanian and Baltic peoples' homelands serve to reaffirm our conviction to do what is possible to support the basic human rights of people everywhere.

AFTERMATH OF A CRASH: A BLACK IN WHITE HANDS

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. BURTON. Mr. Speaker, over this past weekend I read a refreshing column by Roger Wilkins in the Washington Post.

The account by Roger Wilkins of his experience in Washington after an auto accident is a warm and refreshing glimpse at compassion, decency, and human relations at their best.

The article follows:

AFTERMATH OF A CRASH: A BLACK IN WHITE HANDS

(By Roger Wilkins)

One night recently on a common street in the District of Columbia, control over my body passed from me into the hands of the public authorities of this community—an event traditionally contemplated by most blacks with about as much enthusiasm as a bite from a rabid dog.

In fact, my first experience with the Metropolitan Police came during my first week in this city more than a decade ago when, as a confused stranger driving behind a bus, I inadvertently ran a red light at the corner of 3d and Constitution. A police officer seeing my New York tags and driver's license told this "boy" how many tickets he was going to give me and how many fines I'd have to pay. When he finally learned that I worked at the State Department, he backed off and went away. Several years later, in sweat shirt and old pants, I was jogging near my home at night. Two officers in a cruiser ordered the same "boy" to stop, frisked him roughly, hands on top of the cruiser and found Justice Department credentials. The "boy" again became "sir" and they left with dispatch.

The lessons of a lifetime, then, are to stay out of trouble, and if trouble comes, to find help in the black community and to avoid at all costs white strangers with guns and power.

Suddenly, on this recent May night, there was an unavoidable reality—a curve, headlights in my path, a swerve, a crash, a fight to control the car. As quickly as it began, it was over and there was the terrible realization that I was hurt—badly. A young white woman rushed up and asked excitedly if I were injured. I nodded. She began to rush off saying, "I'll call 411." "No," I said, "It's 911." Then I closed my eyes, held the left crushed elbow and awaited the arrival of the white strangers in authority.

I lit a cigarette and remembered Watts where two helmeted policemen, one with a sawed-off shotgun and the other with a drawn pistol, frisked two of us—members of a presidential mission to the burning city—for no apparent reason other than race. Then again in Detroit in 1967 at the corner of Grand River and Joy Rd. on another presidential mission, there were more helmets, more guns—at least 20 this time all pointed at my two black colleagues and me.

The officers were white, tired, frightened and angry. Death seemed a reasonable possibility. But finally the words "Department of Justice" got through. Grudgingly, the guns were put away and we were released.

Memories receded and I stubbed out the first cigarette and lit another just as the first policeman arrived. Under the helmet a hard white face appeared at my window.

"Are you hurt, sir?"

"Yes, I think my left elbow is broken."

"Wait here, sir I'll call an ambulance." He left. Shortly, a siren heralded the arrival of a red and white D.C. Fire Department ambulance. "Swell," I thought, "both cops and firemen."

The door on the driver's side wouldn't open, so I crawled over the gearbox, clutching the elbow and got out. The faces of the curious and the hard faces under the helmets surrounded me. I felt pain and fear and a child-like desire to be tended. Suddenly, a big red-haired fireman in blue appeared at my side. Gently, but authoritatively, he took the cigarette and tossed it away. "You don't need that now, sir." "No," I thought, "not now or ever," and ached for another drag.

Another fireman, this one black, produced a rolling stretcher. I wanted to lie on it, light another cigarette, close my eyes and hold my arm. But Red wasn't for that—"We'll have to cut your jacket, sir, and put on a temporary splint. It won't hurt and you'll be more comfortable." Now I felt real impatience. But the fireman seemed gentle and competent; his actions could be endured. All background sights and sounds faded except for the swarm of helmets and uniforms; mainly there were Red's gentle hands rapidly constructing the splint.

The stretcher was wheeled behind me and for a moment my mind resisted. To lie on it would be the ultimate submission. "They" would have had me completely. Suddenly scenes from emergency rooms and hospitals in Washington and New York reeled through my mind. Poor people—mainly black—some bearing fierce ugly wounds moaning and waiting endlessly, to be processed ultimately by robots oblivious to pain, misery and humanity. Oblivious, in other words, to everything but their endless questions, eternal forms and ubiquitious typewriters. I wanted to scream, "No, no—take me to some warm black place where a gentle black doctor and an old black grandma will respect my humanity and heal my pain."

But the big red man was respecting both my humanity and my pain and when he told me to lie down there was no contest between the old memories and fears and the need for somebody to do something and very soon.

When I lay on the stretcher I had yielded all control.

On my back the world was entirely different—black sky interrupted by concerned, disembodied faces looking down on me doing things for me that I could not control. The red-haired fireman and the black one lifted the streacher gently, expertly and almost imperceptively into the ambulance.

Then came the hospital—lights overhead and more questions from white strangers bending over my prone and helpless form. "Where do you hurt, sir?" "My elbow." "Where are you?" "GW emergency room." "Are you hurt anywhere else?" "No." "Can we call someone for you?" It seemed they asked every question in the world except what I did for a living. To this day, I don't think they knew whether I was an employee of the Washington Post or a pimp from lower 14th St. They didn't seem to care and I didn't tell them.

The rest happened fast. The stripping of clothing, an EKG, X-rays, the faces of the white strangers becoming more grave and concerned—and a form to authorize an emergency operation. Then the stretcher is wheeled rapidly down a long hall, under an endless string of ceiling lights, and suddenly, everybody is dressed in operating room green.

Just before entering the operating room a nurse noticed that under the sheet I was still wearing my underpants. "You'll have to take them off, sir," so I raised my rump and a couple of fellows pulled off the shorts while others held my arm gently in place. Somebody patted me on the shoulder and said, "that away pal—it's ok."

As they wheeled me into the operating room. I thought about the evening's score: smashed elbow—and a black man treated with courtesy, professionalism and dispatch by dozens of white strangers in authority. You couldn't call it a winner, but it wasn't altogether a loss, either.

MR. NIXON AIDS THE POOR BY REDIRECTING THE POVERTY DOLLAR

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. DICKINSON. Mr. Speaker, since OEO was established, the Federal Government has spent billions of dollars in an effort to eliminate poverty. When one attempts to determine if such a large expenditure has had any positive effect on the disadvantaged, one is confronted with a very difficult task, indeed. The only logical conclusion is that the war on poverty has been a colossal failure and that a dramatic new approach is needed.

I include the following editorial from the Fresno Guide in Fresno, Calif., in the Record:

New Vigor to Poverty War

In the eight years that have passed since the late President Johnson declared "war on poverty," thousands of administrators have spent almost $15 billion, benefiting supposedly millions of people.

But poverty has not been eliminated.

Now President Nixon has branded the effort a failure and has begun dismantling the Office of Economic Opportunity, where poverty war strategy was mapped.

And despite the crescendo of outraged protest from congressional supporters of social programs, from welfare organizations and from workers in imperiled projects, there is little rebuttal to charges that the antipoverty campaign has been a disappointment.

Mr. Nixon believes the laudable objectives have become bogged down hopelessly in a morass of bureaucracy.

"Too much money has been going to those who were supposed to help the needy," he said, "and too little to the needy themselves."

Mr. Nixon, however, has been reticent in previewing his own plans for aiding the poor in such areas as health, education, welfare and other human concerns.

Presumably some projects conducted under the administration of cities, but utilizing federal funds will be continued under local option through an expanded program of revenue sharing.

Other worthwhile programs may be revived in the President's version of reform, which will be revealed to Congress in a message on human resources.

Spokesmen for the administration have indicated that the changes may not mean abandonment of such promising programs as the Job Corps, Head Start, Legal Services for the Poor and the Neighborhood Youth Corps. Disenchantment with present policies has centered on the fact that too many projects "kept a lot of people comfortable in their poverty" and that the "seemingly inexhaustible flood" of money was reduced to "a mere trickle" by the time it reached those whom it was supposed to help.

The President has conceded that poverty remains a tragic national problem.

Abandonment of questionable tactics in the poverty war is not necessarily a prelude to surrender.

SENATOR HOWARD BAKER CONTINUES TO RECEIVE PLAUDITS FOR HIS ROLE IN SENATE HEARINGS ON WATERGATE

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. BAKER. Mr. Speaker, because of the televised hearings on the Watergate incident, the whole country is learning what we in Tennessee have known for a long time about the ability and character of our senior Senator, Howard Baker.

The response to his incisive questioning and his fairness in handling witnesses has been nothing but favorable. One of the best stories I have seen was written by Jack Waugh in the Christian Science Monitor. He sees Senator Baker emerging as the "Lancelot" of the Watergate hearings.

I am not sure that Senator Baker seeks such a designation, but his impact upon this aspect of the political scene can not be ignored.

Under leave to extend my remarks, I direct the attention of my colleagues to this article on "Watergate's Lancelot":

Watergate's Lancelot

(By Jack Waugh)

Washington.—When Howard Baker was a lawyer back in the Cumberland Mountains, he used to try a case and the whole town of Huntsville (pop. 300) would turn out to hear him argue it.

Things haven't changed much. Howard Baker is now a Republican senator from Tennessee. And he's involved in another case and a lot of the country is turning out every day to hear it.

Senator Baker is the vice-chairman and the ranking Republican on the Senate select committee investigating the Watergate. And with his deep-throated Tennessee accent and his probing questions and photogenic face, he is emerging as a star of the televised hearings. And he also may be rising as the newest political comet in the Republican firmament.

WHAT HE DOES BEST

"That's just Howard," says one of his best friends, Lamar Alexander, a Nashville lawyer, "doing the two things he does best—engaging in a heads-on exchange and being on television."

One of Senator Baker's aides once said that if the Senator had a fault it was that "he doesn't do a good job of letting his light shine before men."

The aide is now eating his words, and 300 letters are piling into the Senator's office every day.

Some of them are accusing him of picking on the President, but most of them are admiring him personally. A young lady from Ohio expressed regret he is not single.

For Senator Baker, going to the Senate, which he first did six years ago, was like coming home to the family reunion.

His father once was a congressman. His mother was a congresswoman. His father-in-law was Everett McKinley Dirksen, the late Republican Senator from Illinois. His brother-in-law, William Wampler, is a congressman from Virginia. And then there is cousin John Sherman Cooper (Senator from Kentucky).

When Mr. Baker first ran for the Senate in Tennessee—in 1964—the state had so infrequently seen a Republican doing that with any conviction, that it almost elected him just because it was so novel.

Next time around, in 1966, Mr. Baker, a moderate Republican, was elected by sheer dint of his appeal and talent. He had to beat a well-known incumbent Governor, Frank Clement, to do it.

TENNESSEE FIRST

He was the first Republican ever popularly elected to the Senate from Tennessee. The only other Tennessee Republicans before him had been appointed in reconstruction times and there hadn't been any since.

The Senator turned out to be, then only 41, the father of the two-party system in Tennessee. After him since has come William Brock, another photogenic Republican, who is now the junior Senator from Tennessee. Together they sport the two most boyish faces in the cloakroom.

Mr. Baker early established himself as a master of the committee hearing. And it is in the give-and-take of the committee room that he has earned nearly everybody's respect. As it was hard to find anybody in Hollywood who didn't like Gary Cooper, it is hard to find anybody in Washington who doesn't respect Senator Baker. Or if they don't, they aren't saying so.

INSTANT GRASP

One of his aides says, "He can go into a hearing cold, with maybe 10 or 15 minutes briefing, listen for half an hour, finally speak up, and show a devastating command of the situation. It is humbling, because it makes me think he doesn't really need me."

The Senator is the ranking Republican on the Public Works Committee and sits on both the Commerce Committee and the Joint Committee on Atomic Energy. He is a recognized expert on environmental legislation.

Even those who often find themselves on the other side of the issue from the Senator circle him warily.

A Democratic staffer on one of his committees, who often finds himself across the issue from the Senator, says, "He is the kind of man, if he takes a position opposite of yours he is so persuasive you find yourself reconsidering your own. If you are still convinced then that you are right, then you can't believe he is against you and that if he just thinks it through long enough he soon won't be because anybody that intelligent can't be."

LOOKING FOR TROUBLE

Besides being the Lancelot of the committee room, Senator Baker, as one of his aides has it, "likes to be on the Senate floor seeing what trouble he can get into."

He got into plenty of it the day the Senate decided to establish the select committee to inspect the about-to-burst Watergate situation. No sooner had the deed been done than the Republican leadership pointed to him and said, "You."

Senator Baker at first figuratively said, "Who, me?" And they said, "Yes, you." And he said, "No, not me." But the leadership, principally minority leader Hugh Scott, put it in terms of duty to the party. Senator Baker, full of misgivings, finally agreed. The day he did there was no bigger albatross to be found in Washington.

A STAR IS BORN

But now the Watergate affair has exploded with such force on the American ken that it is capable of blowing old faces completely out of the political spotlight and new ones in. And one of the new ones may well be Senator Baker's.

ENERGY CRISIS

HON. DICK SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. SHOUP. Mr. Speaker, approximately a year and a half ago a group of scientists at Montana State University, in Bozeman, Mont., offered to counsel with me on science-related problems facing our State and Nation. I have met with this group on a number of occasions and every session has been productive and informative. Some 6 months ago I requested the group to address itself to those energy problems that are becoming more and more apparent each day. Two segments of their response are set forth below. As to some of the particular aspects set forth in the statements, there may, of course, be lack of full agreement, but the significance of these scientists' comments is that they provide valuable insight into the energy crisis and are without doubt a significant prelude for further and more particular inquiry:

May 29, 1973.

To Hon. Richard Shoup, Member of Congress.
From Shoup Group.
Re Energy Crisis Outline.

The following is an edited version of the energy crisis outline which we discussed at our meeting of 26 April 1973.

Some aspects of the so-called "energy crisis" are, as we see them, the following. First, there is a growing national and worldwide shortage of conventional resources, especially fossil fuels, used to produce energy at presently acceptable economic rates. At the current usage and growth rates of energy consumption, known world reserves of oil and natural gas are down to perhaps 20 to 30 years supply, while coal reserves may last for only a few hundred years, depending on the specific uses to which they are put. The shortages in U.S. domestic reserves are worse yet. This raises the serious question of possible over-dependence of the U.S. energy economy on fuel reserves under the political and economic control of foreign countries not necessarily friendly to us. For example, can we maintain the delicate balance of power in the Middle East so as to ensure continued access to this region's rich oil reserves? And even if we can do this, can we deal successfully with the economic problems related to our balance of payments which necessarily accompanies purchase of energy resources abroad?

It would be comforting to assume that we can turn to alternative sources of energy production in the near future in order to deal with these problems. Unfortunately, however, there are no *guaranteed* alternative sources of energy yet developed which are economically and/or environmentally desirable over a long period of time. Nuclear fission, often mentioned as a panacea for our energy ills, is largely in an experimental and developmental stage, with many as yet unanswered technological problems related to reactor safety and disposal of highly radioactive waste products. Controlled nuclear fusion, which together with solar energy may provide an acceptable long term solution to our energy needs, is almost in its infancy—with a great many problems of a fundamental scientific nature still to be solved. The development of other sources such as solar and geothermal energy is and has been regretfully slow for a variety of reasons.

So it is that within several generations at most, the entire quality of life and of modern civilization, which depends heavily on a somewhat profligate use of conventionally produced energy, may be drastically changed. We may be forced by circumstances to return to a much more primitive way of life, which at least some people have thought rather desirable. If, however, this happens before we can reasonably well develop alternative energy technologies, we may never again be able to recover the degree of scientific and technological sophistication required to build and maintain a progressive industrial economy, even for those who want it. For the simple fact is that it takes energy to produce and control additional energy. In any case, the societal and economic upheavals connected with the oncoming energy crisis may well be catastrophic in nature.

Possible short term solutions to this situation in the U.S. are to accelerate development of remaining fossil fuel reserves (e.g., develop the Alaskan oil fields, increase offshore drilling for oil and natural gas, more fully exploit our rather substantial domestic coal reserves, etc.) and to convert as quickly as possible to the use of nuclear fission energy. These solutions have been advocated in President Nixon's recent energy message to Congress. It must be emphasized, however, that these are decidely short range solutions which cannot be maintained in the long run—fossil fuel usage will necessarily decrease as our resources vanish, and the accumulation of radioactive wastes from fission reactors may well become a problem impossibly difficult to deal with. More sensibly, in the long run, we must institute stringent energy conservation methods. This will not only alleviate the demands of growth and usage of our present dwindling resources, but it will buy time valuable for the technological development of alternative energy sources. We must at the same time greatly increase research and development funding of geothermal, magnetohydrodynamic, fusion and solar energy production. Solar energy should probably be considered the ultimate energy source in terms of its long range availability, its minimal effects of local and global heat balances and its relatively pollution-free production. We should seriously consider learning to live within the energy budget imposed by the limitations of solar energy.

Legislation, on both local and national levels, should be developed to implement these solutions. We must carefully and stringently control our present fossil fuel development, with a view toward preserving the environment, and toward maintaining adequate reserves for other uses—such as in the petrochemical industry, which provides seemingly essential items like medicines and plastics. We must learn to distinguish, perhaps as a matter of law, between the present cost of a resource and its potential future value—which may be many times the present cost. We must institute legally based conservation measures such as energy rationing, taxation on usage, and building codes based on optimum usage of available energy. It may even be desirable to encourage such "gimmicks" as a National Save Energy Month, or six-day bicycle races (designed to de-emphasize our reliance on the automobile as a primary transportation source in the U.S.). At the very least, we should re-allocate federal funding to promote research and development of the desirable long term energy sources such as solar energy. At present, the overall budget need not be increased.

The second area where the energy crisis makes itself felt nowadays concerns those problems related to reconciling "necessary" new energy resource development with various environmental issues. Perhaps we are learning to define what is "necessary" in terms of our real needs, both basic and aesthetic, rather than our imagined wants, which depend on our almost unlimited appetites. In any case, we must realize that *all* energy production pollutes our environment to some extent, thermally at the very least. Fossil fuel production suffers from its relatively well-known air pollution problems and nuclear fission from its radioactive waste disposal difficulties. Anticipated future sources such as nuclear fusion and solar energy will still have to deal with the thermal pollution problem. All such pollution affects the environment, usually in harmful and sometimes unpredictable ways. What we are willing to endure as far as environmental degradation is concerned is clearly related to what standards we have in mind regarding our "quality of life."

There exist strong indications that we cannot afford much more pollution before some irreversible ecological disasters may occur. We mention the approximately desert-like quality of some of the strip-mined areas of Appalachia and the near-death of Lake Erie as examples. Various sub-systems in the ecosphere are already in trouble due to pollution—for example, raptor reproduction through North America, and the plankton balance necessary to maintain life in the world's oceans. Ultimately, and perhaps very shortly, such developments will affect the survival of man himself, or—at the very least—his expected "quality of life."

We must ask ourselves how much energy resource development, with its inevitable accompanying pollution, is *really* necessary. Can we learn to distinguish between our basic needs and our ever-increasing wants? We should increase and focus research and development of methods assessing the effects of energy production of various ecosystems. Ultimately, solutions in this area of energy needs versus environmental quality will probably be in the nature of trade-offs. What is reasonable here, and what is necessary regarding the viability of our environment? Again, perhaps, the question of present cost versus potential value of our resources becomes important.

As far as legislation in this area is concerned, we should continue in the direction of passing stringent and strictly enforced anti-pollution laws, including standards of high quality for both air and water. Land development should be carefully regulated, including strong laws requiring the reclamation of strip-mined areas, and defining acceptable conditions for power-plant siting. Such measures will ensure the requisite lead-time necessary to develop effective long term controls on new energy resource development, as defined by our as yet unspecified goals regarding long term environmental quality. Even very strict laws at present will cause relatively minor inconveniences compared to the major ecological disasters which could befall us in the absence of such laws.

A third aspect of the energy crisis on which we feel we must comment is the somewhat misplaced faith on the part of many people in believing that a variety of "scientific miracles" and/or technological breakthroughs will occur in the near future to save us. Clearly we need substantial new and clean energy sources within 10 to 20 years. Can science and technology come up with the necessary solutions? We are mainly developing nuclear fission as a new source—here the technology is reasonably good, but by no means foolproof regarding reactor safety (we have relatively little experience regarding safe reactor operation, some 150 reactor-years total, compared to a projected accumulation of something like 1,000 reactor-years *per year* by the turn of the century). In this area, the questions of radioactive waste transportation and disposal have not been adequately answered, much less the question of possible proliferation of nuclear weapons availability accompanying increased production of fissionable materials.

To a lesser extent than fission, we are trying to develop controlled nuclear fusion. This is a quite reasonable area to encourage, but basic and fundamentally difficult scientific and technological problems face us here, and we will be lucky to develop controlled nuclear fusion by the year 2,000, if at all. To some extent, we are making reasonable progress on coal liquefaction and gasification—but these methods, which depend on our finite and dwindling coal reserves, can provide at best relatively short term solutions. We are all but neglecting the development of geothermal and solar energy (only 2 per cent of President Nixon's proposed 1974 energy research and development budget is devoted to these sources, versus 73 per cent for nuclear energy). All in all, none of these research areas (including fission) is really mature and there is no clear-cut solution to the energy crisis among them, in terms of an energy delivery system which can be expected to take over from fossil fuels within the next 20 to 30 years. About 30 to 50 years is a better bet. This points out that we should be conserving present energy resources rather than expecting scientific miracles.

We need new energy sources, but we cannot expect miracles from the science of relatively immature research areas. Good and effective science needs considerable time, perhaps 20 to 30 years, to progress in new research areas to the point where substantial breakthroughs can be expected. We simply cannot expect that a crash program like the Manhattan Project will solve the energy crisis in the near future—for, contrary to the development of the fission bomb, many of the fundamental scientific principles underlying the successful and efficient development of new energy sources remain undiscovered at the present time. Science definitely has its limitations, in time as well as talent, and the layman must be educated to realize this.

The most plausible new energy source appears to be nuclear fission, so we must presumably learn to live with it—but this *must* be for only a short time, say 20 to 30 years. Fission, with all its built-in environmental dangers related to the production of radioactive byproducts, must be considered at best a very temporary solution to our energy crisis. We should probably also push the development of our remaining fossil fuels as another part of the temporary solution—but we must ensure that we leave ourselves with adequate reserves for other and possibly unanticipated future uses. In both cases, we must prevent vested interests from imposing these short term "solutions" as permanent facts of life. We should immediately begin sensible long term research and development programs on the apparently acceptable and desirable long term solutions such as solar energy.

Clearly we cannot legislate scientific miracles or great technological breakthroughs. As mentioned above, however, we can and should strictly regulate the development of fission and of our remaining fossil fuels—this to ensure that these developments are indeed considered as only temporary, stopgap measures. Finally, we should re-allocate and perhaps increase federal funding of research and development on the alternative energy sources such as fusion, geothermal and solar energy.

In the terms which we have used here to define the energy crisis, namely the growing shortages of conventional energy resources, the conflict between new resource development and environmental values, and the inadvisability of expecting scientific miracles to solve our problems, we will be called upon in the near future to exercise all our wisdom and foresight to prevent the crisis from becoming a catastrophe. We sincerely hope that the American people and the government, faced with this great problem, can reasonably and adequately meet the challenge. Our future as a nation depends on it.

G. R. JULIAN,
Chairman.
C. C. BRADLEY,
D. G. CAMERON,
R. T. ROBISCOE,
S. N. ROGERS,
V. H. SCHMIDT.

SHOUP GROUP: ENERGY CRISIS OUTLINE, APRIL 26, 1973

Some aspects of the so-called "energy crisis" are the following:

A. There is a growing national and worldwide shortage of conventional resources (especially fossil fuels) to produce "cheap" energy.

1. Problem. At present usage and growth rates, known world reserves of petroleum and natural gas are down to $\sim$ 20 years supply, coal, $\sim$ 110 years (depending on specific uses).* Shortages in U.S. domestic reserves are worse (world politics?). There are no *guaranteed* alternative sources of energy yet developed which are economically and environmentally desirable.

2. Significance. Within several generations at most, the entire quality of life and modern civilization (which depends heavily on a somewhat profligate use of energy) may change drastically. We may have to return to a more primitive way of life (desirable?). Societal upheaval may be catastrophic.

3. Solution. Possibly accelerate development of new fossil fuel reserves (Alaskan fields, offshore drilling, etc.)—but consider this a decidedly short-term solution (impossible in long run). More sensibly, institute energy conservation measures (this buys some lead time). Try to avoid fission power as any kind of solution (except perhaps very short term). Increase research and development of alternative sources such as fusion, geothermal (both $\sim$ long-term, say 100 years) and solar energy (probably the ultimate source from consideration of global heat balance).

4. Legislation. Carefully and stringently control present fossil fuel resource development (cost vs. value). Institute conservation programs (legally based; such as energy rationing, taxation on usage, improved building codes, etc.). Push gimmicks such as National Save Energy Week, six-day bicycle races, etc. Re-allocate federal funding of energy R&D (e.g., push solar energy development). The overall budget need not be increased.

B. There are difficulties in reconciling necessary (?) new energy resource development with various environmental issues.

1. Problem. All energy production "pollutes," at least thermally (solar energy least of all): Fossil fuels—well-known air pollution problems; nuclear fission—radioactive waste disposal problems; nuclear fusion—radioactive waste disposal problems; nuclear fusion—mainly thermal; geothermal—thermal (should we tamper with geologic structures?); solar—thermal and visual (sic). All such pollution affects the environment, usually in harmful and sometimes unpredictable ways. This is related to the "quality of life" question.

2. Significance. We cannot afford much more pollution before some irreversible ecological disasters may occur (Appalachia, Lake Erie, greenhouse effect, etc.). Various subsystems in the ecosphere are already in trouble (raptor reproduction, sea otters, plankton balance, etc.). Ultimately, and perhaps very shortly, this will affect survival of man himself or, at the very least, his expected "quality of life."

3. Solution. How much new energy resource development is *really* necessary? In U.S.? World-wide? We should increase R&D on effects of energy production on ecosystems (e.g., invent the perfect cooling tower). Ultimately, solutions in this area will be in the nature of trade-offs. What is reasonable? We must decide on cost vs. value of our resources.

4. Legislation. Perhaps we should "experiment" with fairly strict and strictly enforced anti-pollution laws (air, water, land development—including strip-mining and power plant siting, etc.). This will buy some much needed lead-time to develop "reasonable" controls on new energy resource developments. Even strict laws will cause relatively minor inconveniences compared to the ecological disasters which could befall us in the absence of such laws.

C. Many people have misplaced faith in believing in scientific "miracles," i.e., technological breakthroughs which will save us.

1. Problem. Clearly we need new and clean energy sources in the near future (10–20 years). Can Science deliver? We are mainly developing nuclear fission (technology—good but not fool-proof [China syndrome]; what about radioactive waste transportation and disposal?), nuclear fusion (control of fusion is probably $\sim$30 years away, if at all), and to a lesser extent coal gasification and liquefaction. We are all but neglecting solar and geothermal energy development. None of these research areas is really mature, and there is no clear-cut solution to the energy crisis among them which can reasonably be expected to take over in the next 10–20 years. About 50 years is a better bet.

2. Significance. We need new energy sources, but we cannot and must not expect miracles from Science in relatively immature research areas. Good and effective science needs considerable time ($\sim$10–30 years) to mature in a new area (e.g., plasma physics). We are not running a Manhattan Project type program related to solving the energy crisis at present—many of the fundamental scientific principles remain undiscovered as yet. Science definitely has its limitations (elephants laying eggs), and the layman must be educated to realize this.

3. Solution. The most plausible present alternative energy source is nuclear fission, so we may have to learn to live with it—but this *must* be for only a short time ($\sim$20 years). Fission at best must be considered as only a very temporary "solution" (actually a disease rather than a cure). Also push coal gasification as a very temporary "solution" (cost vs. value, again). In both cases, we must prevent vested interests from imposing these short-range "solutions" as permanent facts of life. We should begin sensible long-term R&D programs on fusion (not too bad at present), geothermal (worse), and solar (awful) energy sources.

4. Legislation. We cannot legislate scientific miracles or great technological breakthroughs. We can, however, rigidly control fission and remaining fossil fuel develop-

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*Figures from Table 4 of "Limits to Growth" (Meadows, et al, 1972) p. 56.

ment—this should be done to ensure that they are, indeed, considered as only temporary, stopgap measures. Then we should reallocate and perhaps increase federal funding on the alternative energy sources (fusion, geothermal, solar).

Miscellaneous topics for consideration:

1. The energy "crisis" could become a "catastrophe" (Bradley).
2. Economic arguments: supply and demand, cost and value (Cameron).
3. Possible funding for MSU Environmental Forum (Robiscoe).
4. What are points of contact between the above and Nixon's recent energy policy speech?
5. Further meetings and contacts.

GORDON JULIAN,
Chairman.
RICK APPLEGATE,
C. C. BRADLEY,
DAVE CAMERON,
DICK ROBISCOE,
SAM ROGERS,
V. HUGO SCHMIDT.

SUGGESTED LEGISLATIVE PROPOSALS, APRIL 26, 1973

The establishment of a National Energy Conservation Commission:

Established as an arm of the legislature, such a Commission would evaluate the potential for and make recommendations concerning significant energy conservation possibilities in the private and public sectors. Where possible, profligate use of energy—e.g., flashing lights and signs, unnecessary use of privately owned automobiles, etc.—would be identified and alternative regulation, taxation or subsidy schemes designed to phase such usage out. Full public participation would be encouraged via public regional hearings and the dissemination of discussion drafts. To be most effective, the Commission should issue some preliminary conclusions within six months of its establishment with subsequent reports following at six-month intervals.

Reorientation of Federal Research Budget:

The Budget should be oriented away from its present, nearly total, commitment of funds to the investigation of fossil fuels and fission, toward such alternative sources of energy as geothermal, fusion, and solar energy. This would mean primarily a reallocation of funds rather than any sizable increase.

Enactment and implementation of a Utility Facilities Siting Act:

Such an Act would state clearly the federal policy that no energy extraction, conversion or transmission facilities are exempt from the requirements of the National Environmental Policy Act. Key provisions would include, as well: no pre-emption of state activities or regulatory powers in those cases where existing state laws are more restrictive than federal minimum standards; the assurance of sufficient lead time for agency decision making by requiring full disclosure of a utility's future plans; and certification establishing public necessity and environmental compatibility of all facilities and energy development-related rail lines, transmission lines, aqueducts, etc.

DEPARTMENT OF ENERGY AND NATURAL RESOURCES

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. FROEHLICH. Mr. Speaker, as everyone is well aware, this country is suffering a serious energy crisis. This problem is now being recognized in its entirety and efforts are being made by the administration and legislation is being introduced in the Congress to rectify this situation. I, myself, have introduced bills to ban oil import quotas, to create an international organization of oil-importing nations, and to establish a Joint Congressional Committee on Energy. All these steps are aimed at getting a handle on the energy problem and at taking prompt action to alleviate it.

Over the weekend, we have received word that the President will shortly be announcing plans to create a Department of Energy and Natural Resources. I applaud this effort to consolidate and coordinate programs in the energy and natural resources fields.

There has, however, also been considerable talk of late about the possibility of increasing the Federal gasoline tax as one of the methods of solving our energy crisis and increasing gasoline supplies. I am wholeheartedly opposed to this proposal. It will place an onerous burden on consumers who are already being forced to pay excessive prices for gasoline and it makes no effort to get at the root of the problem and find solutions to the gasoline shortage.

There is an urgent and definite need to solve our energy problem and to solve it at the earliest possible time. To do this, we need sound, inventive, and workable proposals and programs. I do not believe that increasing the gasoline tax meets any of these criteria.

INFLATION—A VIRUS THAT SHOULD HAVE BEEN DEALT WITH YESTERDAY

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. JOHNSON of California. Mr. Speaker, just 8 weeks ago when this body considered the Economic Stabilization Act of 1973, I joined with those convinced that an immediate and total freeze on prices and wages was essential. I carried this conviction one step further in opposing the act itself, because it gave the President more authority of the type that he had not used.

Since that time, these concerns raised by those of us who felt an immediate freeze was the only course of action have been borne out. Just a few days ago each of us received a copy of the Economic Indicators for last month. This document, prepared for the Joint Economic Committee by the Council of Economic Advisors, by chart and figure clearly shows just what has happened.

During May wholesale prices in all commodities increased 2 percent. If you think 2 percent sounds like a small figure, project that on an annual basis. This is a 24-percent increase in the wholesale price index. This means that which cost $4 today would cost $5 next year. Stop and think for a minute what this means to an elderly couple trying to struggle along on social security or for that matter to anyone on a fixed income.

In recent days we have heard a great deal of talk about food prices. It is true that food prices have increased at a faster rate during the past 6 months than any other commodities. But the charts show that food prices just now are reaching the levels already achieved by the cost of personal services in a steady but less spectacular growth pattern over the past 5 years. Industrial goods have gone up at a steady annual rate of 15 percent since the end of phase II last January. Thus the cost of living continues to grow and grow and grow, especially during the past few months since the end of phase II.

I recognize that controls, and especially an all-inclusive freeze, is not a permanent cure for inflation, but certainly the imposition of controls at this point could halt this skyrocketing inflation and give us, Congress and the Executive, breathing time to get the cards on the table, to get the truth to the public and to work out a solution. If the economy is to be healed, the people of this Nation must be persuaded that any cure for inflation will work. Otherwise there is no hope.

The first medicine which must be administered is the facts. The whole truth of the situation must be outlined. The President must explain what went wrong with our economy and then all segments of our society must work together to correct what went wrong. The President, to date, has not seen fit to do this. He needs no further authority to discuss with the public our economic facts of life. We gave him the authority to take emergency steps to cool the inflation. This authority has not been used. Since he has not seen fit to do this I urge my colleagues here in the Congress to take immediate action to do what I believe we should have done 8 weeks ago, impose an across-the-board, all-inclusive freeze on all aspects of our economy—prices, wages, interest rates, and everything. There is no other choice when you face a wholesale price index skyrocketing at the rate of 24 percent per year. The Congress must act.

In August of 1971, the President imposed a freeze which I believe was not sufficiently inclusive, but it was a freeze. At that time, the President said we had an economic crisis. Compare the 6 months prior to the imposition of that freeze and the situation in which we find ourselves today and we find inflationary trends today four times greater than in August of 1971.

Additionally it must be emphasized, as it was in the Washington Post a few days ago, that a "most striking difference between the present situation and 1971 is that over the past year wages have not contributed significantly to the inflation. But labor cannot be expected to exercise this kind of restraint much longer. It is perfectly apparent that business profits have benefited very sharply from the wave of price increases. In its efforts to correct this inequity, labor has no weapon but to increase the inflationary pressure by forcing higher pay scales."

Again let me say that our people can

not tolerate the type of inflation which we are experiencing today. This is especially cruel for those on fixed incomes. Let us act and act quickly to put a stop to this inflation, to bring back under control our economy.

RESULTS OF THE THIRD OPINION SURVEY OF THE 19TH OHIO DISTRICT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. CARNEY of Ohio. Mr. Speaker, in March of this year I sent out approximately 156,000 questionnaires to the citizens of the 19th Ohio Congressional District, which consists of Mahoning County and part of Trumbull County, including the cities of Youngstown, Warren, and Niles. I asked my constituents their opinion on some of the major issues facing our country and the Mahoning-Trumbull County area. More than 13,000 questionnaires were returned to me—many of them were completed by both husband and wife.

Mr. Speaker, I insert in the RECORD at this time my newsletter containing the results of the survey for the information and consideration of my colleagues in the U. S. House of Representatives and the U.S. Senate and the President. The newsletter and questionnaire follow:

RESULTS OF THE THIRD OPINION SURVEY OF THE 19TH CONGRESSIONAL DISTRICT

Dear Friend:

In March of this year, you received a questionnaire from my office asking your opinion on some of the major issues that face our country. I am pleased to report the results of that questionnaire in this newsletter.

Of the approximately 156,000 questionnaires which were sent to the residents of the 19th Congressional District, more than 13,000 were completed and returned to me. Many of the questionnaires were filled out by both husbands and wives. I want to take this opportunity to thank everyone who participated for making the Third Opinion Survey a success.

By informing me of your opinion, I will be to better represent you in important matters pending before Congress. However, I will always make the final decision on these matters and assume full responsibility for every vote I cast. The results of the survey will be placed in the Congressional Record so that my colleagues in the House and Senate can also consider your views.

Since a questionnaire is necessarily limited both in the kinds of questions that can be asked and also in the kinds of answers that can be given. I would like to hear from you personally on issues which concern you most. You can be sure that I will pay careful attention to what you have to say. For a prompt reply, please write to my Washington office, where most of my congressional business is conducted, rather than to my residence.

FOOD PRICES

The high cost-of-living, particularly soaring food prices, continues to rob the pocketbook of every American. On February 27, 1973, I introduced a bill in Congress to rollback all food prices to the levels which existed on October 31, 1972. I also co-sponsored a resolution which would create a committee to investigate the cost and availability of food to the American consumer. These proposals were pending in committee when the House took up a bill to extend the Economic Stabilization Act of 1970. During the consideration of this bill, I voted for every amendment which would rollback food prices. Unfortunately, none of these amendments passed, and the bill was enacted into law with no rollback of any kind.

The President's March 29th announcement that he was imposing a ceiling on meat prices was a step in the right direction. However, under the Economic Stabilization Act, the President can, if he wishes, establish more effective controls on all food prices. I am very disappointed that he has been unwilling to take such action. Therefore, I have recently introduced a resolution urging the President to exercise his authority under the Economic Stabilization Act by immediately freezing all food prices at the retail level.

TAXES

Taxes were often cited as one of the most important issues facing the country, and I wholeheartedly agree. On January 3, 1973, the very first day of the 93d Congress, I joined with 48 of my colleagues in co-sponsoring a major tax reform bill. Our proposal would close eight loopholes in the Federal tax system amounting to $9 billion annually. By stopping tax giveaways to wealthy individuals and big corporations, the Federal budget deficit would be reduced and a general tax increase would be unnecessary. As long as low- and middle-income people are paying more than their share of taxes while wealthy individuals and big corporations are paying little or no taxes, there can be no true tax justice in America.

In addition, I have co-sponsored a bill in Congress which will remove the unfair tax burden presently borne by single people and working couples. In 1972, millions of unmarried taxpayers were penalized because of their marital status. A similar problem exists for married people when both the husband and the wife work. My bill would establish a uniform rate structure for taxpayers so that earned income is taxed at the same graduated rate regardless of a person's marital status.

I have also introduced a bill to provide tax relief for the nation's Senior Citizens. This bill would provide a basic $5,000 exemption from income tax, in the case of an individual or a married couple, for amounts received as pensions, annuities or other retirement benefits. People living on a fixed income are the ones who suffer the most from inflation and skyrocketing prices. Meaningful tax relief for Senior Citizens is long overdue.

These three tax reform measures are pending in the House Ways and Means Committee, which is expected to act on tax reform legislation this year. I am hopeful that my proposals will be included in this legislation.

FOREIGN TRADE AND JOBS

Our country continues to be plagued by a large balance of trade deficit and high unemployment. Millions of American workers are concerned that foreign imports and growing U.S. investments overseas are threatening their job security. This is a serious problem in the Mahoning Valley.

To deal with this problem, I have co-sponsored legislation in Congress to limit excessive foreign imports and stem the flow of American jobs, factories and technology abroad. This legislation would provide the tools needed to prevent the unfair trade practices of foreign nations. The tax provisions in the bill are designed to discourage U.S. corporations from moving their factories out of the United States. In addition, this legislation would make it easier for American workers, businesses and communities to receive economic assistance whenever they are seriously injured by foreign imports or plant relocations.

I have also reintroduced a bill to strengthen the provisions of the Buy American Act. This measure would require agencies and departments of the Federal Government to take into consideration the hidden costs of buying foreign-made products. Hidden costs include the increased unemployment, the loss of personal and corporate income, the loss of income tax revenue, and the increased unemployment compensation and welfare payments to American workers which might result from purchasing foreign-made products. I believe that the U.S. Government should award contracts to American companies to the greatest extent possible.

THE STUB CANAL

On May 18, 1973, I testified before the Public Works Subcommittee of the House Appropriations Committee in support of an appropriation of funds for the Army Corps of Engineers to begin a study of the Mahoning-Beaver-Ohio Rivers Stub Canal. The Army Corps of Engineers advised me that it is capable of using $10,000 on the Beaver-Mahoning Rivers Canalization Study in fiscal year 1974. The total cost of the study is estimated at $470,000, and will take about 3½ years to complete. In my testimony before the subcommittee, I emphasized the great benefits a stub canal would have for the people of Eastern Ohio and Western Pennsylvania and the strong support for the stub canal in the 19th Ohio Congressional District.

Following my testimony, two Members of Congress from Pennsylvania testified in opposition to the stub canal feasibility study. Since part of the stub canal would be built in Pennsylvania, Pennsylvania's cooperation in this project is absolutely essential. Consequently, unless Pennsylvania officials can be persuaded to reconsider, the future of the stub canal is bleak.

LAKE MILTON DAM

In response to question No. 8 of the survey, many people indicated that the most important issue facing the Mahoning-Trumbull County area is the condition of Lake Milton Dam. Some persons also inquired about the possibility of Federal help to inspect, and, if necessary, to repair the dam. In July 1972, I wrote letters to the Army Corps of Engineers and to the Director of the Office of Management and Budget in the Executive Office of the President. I was told that the Corps of Engineers completed a preliminary inspection of Milton Dam in November, 1971, and advised the City of Youngstown that the City should retain a qualified engineering firm to conduct a full investigation of possible safety defects in the dam. In addition, the Corps of Engineers informed me that Milton Dam is a local responsibility—the dam was built, and is owned, maintained and operated by the City of Youngstown, not the Federal Government. Consequently, no Federal money will be available to conduct the kind of detailed study required to determine the safety of Milton Dam.

RESULTS OF QUESTIONNAIRE SURVEY

[In percent]

	His	Hers
1. Do you think the Presdent has too much authority to act without the consent of Congress:		
Yes	64	53
No	31	40
Undecided	5	7
2. How would you rate mail service provided by the U.S. Postal Service, which was created in 1970?		
Excellent	2	1
Good	20	23
Fair	37	42
Poor	36	30
Undecided	5	

	His	Hers
3. President Nixon has stated he will request several billion dollars to reconstruct North Vietnam. Should Congress appropriate money for this purpose?		
Yes	8	14
No	86	80
Undecided	6	6
4. In a recent speech, President Nixon said that day by day our air is getting cleaner and our water pollution problems are being conquered. Do you agree?		
Yes	20	18
No	68	64
Undecided	12	18
5. What is your opinion of wage and price controls?		
Compulsory	81	74
Voluntary	4	3
None	8	5
Undecided	7	18

ATTITUDES CONCERNING THE USE OF FEDERAL FUNDS

[In percent]

	Spend more	Spend less	Maintain same
Job training	35	24	41
Pollution control	58	10	32
Defense	12	54	34
Anticrime	63	6	31
Foreign aid	2	87	11
Housing	27	39	34
Health	59	12	29
Space	12	66	22
Day care	22	48	30
Education	52	21	27
Urban renewal	24	41	35
Antipoverty	28	42	30
Older Americans	63	5	32
Mass transit	48	23	29

MOST IMPORTANT ISSUES FACING THE COUNTRY

(Ranked According to Number of Times Mentioned)

1. Inflation, High Cost-of-Living, Food Prices.
2. Crime and Drug Abuse.
3. Taxes.
4. Pollution.
5. Unemployment.
6. Government Spending.
7. Honesty in Government and Abuse of Presidential Power.
8. Poverty.
9. Health Care.
10. Miscellaneous.

MOST IMPORTANT ISSUES FACING THE MAHONING-TRUMBULL COUNTY AREA

(Ranked According to Number of Times Mentioned)

1. Crime and Drug Abuse.
2. Pollution.
3. Industrial Growth and Job Development.
4. Stub Canal.
5. Lake Milton Dam.
6. Education.
7. Prices.
8. Taxes.
9. Roads and Highways.
10. Water and Sewage.

A $30 BILLION PRICE TAG FOR CALIFORNIANS ON NADER LAWSUIT

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. HOSMER. Mr. Speaker, as pointed out in the following editorial appearing on June 7 in the Daily Pilot newspaper of Orange County, Calif., should Ralph Nader succeed in abolishing nuclear power by his lawsuit, the cost to Californians alone would amount to $30 billion during the period 1985–2000:

NUCLEAR POWER FEARS

Ralph Nader and the environmental organization Friends of the Earth have filed suit to shut down 20 nuclear power plants around the U.S., including the one at San Onofre just south of San Clemente.

Nader and Friends are asking a federal district court in Washington, D.C., to order the Atomic Energy Commission (AEC) to revoke the operating licenses of the plants on safety grounds.

The suit follows by about a month a Stanford Research Institute (SRI) report urging the acceptance of nuclear energy to augment and replace fossil fuels in California.

If the expansion of nuclear power is not permitted, SRI said, California consumers will spend $30 billion more between 1985 and 2000 for electricity from other sources. And that says nothing about the effects of pollution from those other sources.

Stanford Research also said that siting and safety criteria for nuclear plants are technical problems that can be resolved. The potential savings to Californians, who, realistically, will have to get their power from some source, would seem to make these efforts worthwhile.

The AEC currently is conducting lengthy hearings into whether existing requirements for emergency core cooling systems, i.e. backup safety systems for nuclear power plants, should be modified. Friends of the Earth have been participating in those hearings with full rights to present technical evidence and question AEC experts. And when the AEC makes its determination, that decision will be subject to review by the courts.

So why the lawsuit, at best a negative approach? Why a moratorium when the safety record of licensed nuclear plants is excellent and when AEC procedures are carried out in public view and have proven workable?

One answer, perhaps, lies in the deep-seated fear most Americans harbor with respect to nuclear power—fears based on recollections of Hiroshima, Nagasaki and innumerable tests on remote deserts and atolls.

Maybe it is time to re-educate ourselves about nuclear power with an eye toward its great potential for positive influence in our lives.

LONG ISLAND VOTERS SHOW STRONG OPINIONS ON FIRST RONCALLO SURVEY

HON. ANGELO D. RONCALLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. RONCALLO of New York. Mr. Speaker, I have just received the results of my first survey of the residents of the new Third Congressional District of New York. A total of 8,157 questionnaires were processed, of which 5,886 contained responses from two voters. The survey, therefore, expresses the views of 14,043 individuals.

I am pleased that the residents of my suburban Long Island district have the courage of their convictions. Rather than remain anonymous, fully 74 percent of those responding included their return address. I am even more proud that nearly half took the time to include additional comments on the issues facing us in Congress.

In reviewing the survey, it is most appropriate to keep one statistic in mind. President Nixon was accorded an overwhelming victory last November when he won approximately 60 percent of the popular vote. When viewed in this light, the 10 issues on the questionnaire which registered at least 60 percent in favor of a particular course of action must be considered as representing strong views of the electorate. These opinions are listed below in descending order:

First. Elimination of agricultural subsidies in an effort to curb inflation—90.1 percent in favor.

Second. Removal of all import quotas in an effort to ease the energy crisis—82.6 percent in favor.

Third. Extension of U.S. territorial waters from the present 3 miles—81.2 percent in favor.

Fourth. Granting economic aid for the purpose of rebuilding North Vietnam—81.0 percent opposed.

Fifth. Changing the tax structure to relieve the elderly of the responsibility of property taxes—77.0 percent in favor.

Sixth. Extension of the U.S. claim of offshore rights from 3 miles to 200 miles—75.3 percent in favor.

Seventh. Reduction in the level of Federal spending on welfare—71.3 percent in favor.

Eighth. Granting unconditional amnesty to all draft dodgers—approximately 68.9 percent opposed.

Ninth. Increased spending on law enforcement—63.6 percent in favor.

Tenth. Increased spending on mass transit—61.3 percent in favor.

The survey was divided into four sections and the responses were tabulated in similar fashion. In section one the voters were asked to comment on proposed changes in the level of Federal spending in 12 categories. Three responses for each item were possible: "more," "less," and "same." A count was also kept for each item of the number of persons who had no opinion. Both the absolute number and percentage of responses are tallied for each category.

Spending for public housing for the elderly, mass transit, law enforcement, and the environment were the items on the Federal budget which the majority of voters thought should be increased. However the most prominent opinion, expressed by 71 percent of the voters, was a decrease in the level of welfare spending. The remaining categories in this section did not register a majority opinion in favor of changing the present level of spending.

In section two, voters were asked whether they were in favor of legislation in seven different areas. Two responses "yes" and "no" were possible. As before a count was kept of those who registered no opinion. Both absolute and percentage figures were tabulated.

Voters indicated definite preferences in five areas. They were emphatically in favor of:

First. Changing the tax structure to relieve the elderly of the responsibility of property taxes;

Second. Eliminating agricultural subsidies in an effort to curb the rise in food prices;

Third. Eliminating the Office of Economic Opportunity and other social programs in an effort to curb inflation; and

Fourth. Removing all oil import quotas in an effort to ease the energy crisis.

They were emphatically opposed to instituting a tax credit for families whose children attend private or parochial schools.

In section 3, voters were asked to rank different policies concerning the question of amnesty for draft dodgers. It is apparent that people are substantially against the granting of unconditional amnesty. There is an almost equal division of opinion between those who would give no amnesty at all and those who would grant amnesty on the condition of an equal amount of time being spent in public service.

Section 4 is similar in structure to section 2. The voters have expressed themselves strongly on three issues. They favor:

First. Extension of U.S. territorial waters from the present 3 miles, and

Second. Extension of the U.S. claim of offshore rights from 3 to 200 miles.

They oppose:

The United States granting economic aid for the purpose of rebuilding North Vietnam.

A copy of the complete results of the survey appears below:

VOTER SURVEY, 3D CONGRESSIONAL DISTRICT, NEW YORK, SPRING 1973, HON. ANGELO D. RONCALLO, MEMBER OF CONGRESS

SECTION I

[The administration has announced its determination to keep a ceiling on Federal spending of $269,000,000,000 this year to help curb inflation. Would you favor increased, decreased, or the same level of spending in the following areas]

	More		Less		Same		No opinion	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
A. Defense	1,834	13.1	6,521	46.4	4,950	35.2	738	5.3
B. Social security	5,470	39.0	1,385	9.9	6,446	45.9	742	5.3
C. Medicare	5,104	36.3	1,650	11.7	6,409	45.6	880	6.3
D. Veterans' benefits	4,420	31.5	1,333	9.5	7,327	52.2	963	6.9
E. Low-income public housing	2,847	20.3	6,051	43.1	4,095	29.2	1,050	7.5
F. Public housing for the elderly	7,690	54.8	1,365	9.7	4,040	28.8	948	6.8
G. Highways and roads	2,100	15.0	5,661	40.3	5,436	38.7	846	6.0
H. Mass transit	8,607	61.3	1,626	11.6	2,934	20.9	876	6.2
I. Criminal law enforcement	8,926	63.6	584	4.2	3,648	26.0	885	6.3
J. Pollution and environment	8,127	57.9	1,279	9.1	3,818	27.2	819	5.8
K. Health care	6,359	45.3	1,607	11.4	5,114	36.4	963	6.9
L. Welfare	772	5.5	10,012	71.3	2,406	17.1	853	6.1

SECTION II

	Yes		No		No opinion	
	Number	Percent	Number	Percent	Number	Percent
Would you favor—						
1. Changing of the tax structure to relieve the elderly of the responsibility of property taxes	10,808	77.0	2,631	18.7	604	4.3
2. Institution of a tax credit for families whose children attend parochial or private schools	5,261	37.5	8,306	59.1	476	3.4
3. Elimination of agricultural subsidies in an effort to curb the rise in food prices	12,652	90.1	720	5.1	671	4.8
4. Elimination of the Office of Economic Opportunity and other social programs in an effort to curb inflation	8,341	59.4	4,594	32.7	1,108	7.9
5. Granting the President standby authority to impose wage and price controls, without congressional approval, throughout his 2d term	7,015	50.0	6,336	45.1	692	4.9
6. The removal of all oil import quotas in an effort to ease the energy crisis	11,601	82.6	1,388	9.9	1,054	7.5
7. Legislation prohibiting the use of Federal funds in the construction of the proposed Oyster Bay-Rye Ridge	6,689	47.6	6,453	46.0	901	6.4

SECTION III

[As the new peace settlement in Vietnam takes effect and America's role is ended, the question of amnesty for draft dodgers must be dealt with. Please give a numerical rating to the following courses of action, with 1 being the most desirable and 4 being least desirable]

	1		2		3		4		No rank	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1. Granting of unconditional amnesty to all	1,011	7.2	475	3.4	1,089	7.8	5,590	39.8	5,878	41.9
2. Granting of amnesty on the condition that the same amount of time be spent in public service—Peace Corps, VISTA, etc	3,008	21.4	2,034	14.5	1,491	10.6	1,837	13.1	5,673	40.4
3. Granting of a pardon to those who are serving prison sentences for refusing to serve	1,422	10.1	2,637	18.8	1,898	13.5	2,202	15.7	5,884	41.9
4. No amnesty at all	3,792	27.0	626	4.5	725	5.2	3,348	23.8	5,552	39.5

SECTION IV

	Yes		No		No opinion	
	Number	Percent	Number	Percent	Number	Percent
Do you approve—						
1. Of the Vanick bill which would prohibit more favorable trade arrangements with the Soviet Union unless freedom of emigration is permitted for Soviet citizens	6,344	45.2	5,846	41.6	1,853	13.2
2. Of extension of U.S. territorial waters from the present 3 miles	11,409	81.2	1,505	10.7	1,129	8.0
3. Of the United States granting economic aid for the purpose of rebuilding North Vietnam	1,803	12.8	11,378	81.0	862	6.1
4. Extension of the U.S. claim of offshore rights—fishing, etc.—from 3 miles to 200 miles	10,569	75.3	2,088	14.9	1,386	9.9

HONORING MEN AND WOMEN WHO SERVED IN SOUTHEAST ASIA

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. MIZELL. Mr. Speaker, the General Assembly of North Carolina has passed a joint resolution honoring the men and women who served their country in the Vietnam war.

All of us in this Chamber, I am sure, share the sentiments expressed in the assembly's resolution, and I insert it now in the RECORD for the information and consideration of my colleagues:

RESOLUTION

A joint resolution honoring the men and women who served our country in the conflict in Southeast Asia

Whereas, we recognize that Freedom is not solely a gift or blessing from God. That while God does bless Freedom-loving people everywhere, Freedom is a stewardship and must be preserved by those who would choose to remain free; and

Whereas, America, one of the great free nations of all times, has been richly blessed by God; and

Whereas, America has always had an abundance of men and women who would live up to their stewardship and come to their Country's aid whenever its safety was in danger and the Freedom of its people at stake; and

Whereas, America has had to assume much of the difficult role of preserving the Freedom for the free world; and

Whereas, our recent involvement in Southeast Asia was an effort to assist the people of that portion of the world to remain free; and

Whereas, three of our Presidents have committed our armed forces to aid these people; and

Whereas, many thousands of young men and women have answered the call to leave their families, their jobs, and have put their futures and even their lives on the line in an effort to assist Freedom-loving peoples; and

Whereas, this involvement in Southeast Asia was not always popular with elements of our society but, notwithstanding, these young men and women continued to serve while others chose not to do so; and

Whereas, the vast majority of these young men and women have served honorably in the Armed Services during this long period of involvement; and

Whereas, our involvement is fast coming to an end; and

Whereas, the members of the General Assembly wish to offer their sincere and grateful appreciation to these young men and women for their answer to the call to assist in preservation of Freedom;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly of the great State of North Carolina goes on record honoring these young men and women for their dedicated service during the trying times of our Southeast Asian involvement.

SEC. 2. A copy of this resolution shall be sent to the President of the United States, Richard Nixon; the Governor of the State of North Carolina, James Holshouser; all members of the North Carolina Congressional Delegation in Washington, D.C.; the State Headquarters of all Veterans' Organizations in the State of North Carolina; and the National Commanders of each North Carolina Veterans' Organization.

SEC. 3. This resolution shall become effective upon ratification.

THE 1974 BUDGET SCOREKEEPING REPORT NO. 2

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. MAHON. Mr. Speaker, I am inserting for the information of Members, their staff, and others who may be interested, a few excerpts from the "Budget Scorekeeping Report No. 2, as of May 24," prepared by the staff of the Joint Committee on Reduction of Federal Expenditures. The report itself has been sent to all Members.

This report reflects the Treasury revenue revisions of May 1, indicating a deficit of $5.7 billion for fiscal 1974—a reduction of $7 billion from the original deficit estimate of $12.7 billion. There are indications that further upward revenue revisions may be forthcoming.

Of course, to date, the report shows little completed action on spending legislation. I should note, however, that it shows that the Congress already has some 15 legislative measures under consideration which, if enacted, would provide very substantial increases in "backdoor" and mandatory spending authorizations.

In the House we have acted on six such pieces of legislation which would increase budget authority by a net of $1.6 billion in excess of the 1974 budget requests, with outlay impact of at least $165 million plus undetermined amounts due to increased contract authority.

The Senate has acted on 12 measures which would increase budget authority by $1.4 billion in excess of the 1974 budget requests, with 1974 outlay impact of at least $500 million plus undetermined amounts due to increased contract authority.

Appropriation legislation scored in this report pertains largely to 1973 supplemental bills. However, we expect to move very quickly on the regular appropriation bills in the next few weeks.

The excerpts that I am inserting here include the scorekeeping highlights from the text of the report, the main scorekeeping table, and some summaries and analysis of the budget requests.

These text excerpts point up some of the new material, being incorporated in the report for the first time this year, relating to the controllability of the budget through current actions by the Congress, analysis of the unexpended balances in the "pipeline", analysis of the so-called budgetary reserves—impoundments—and some review and reconciliation of the 1973 estimates.

I would add that these scorekeeping reports, now in their sixth year, are the most comprehensive current source of information on what is happening legislatively to the President's budgetary recommendations. They are authoritative, being carefully prepared by an experienced staff dedicated to complete objectivity, reporting the facts as best they can be ascertained. Some estimating is necessary, especially in regard to legislative actions affecting outlays—expenditures.

The excerpts follow:

EXCERPTS FROM 1974 BUDGET SCOREKEEPING REPORT NO. 2, AS OF MAY 24, 1973

SCOREKEEPING HIGHLIGHTS

Fiscal year 1974

Appropriation Bills

To date, completed action on appropriation legislation reflects an increase of $1.3 million in 1974 outlays under the 1973 Urgent Supplemental bill. In connection with the extension of the continuing resolution to cover vetoed Labor-HEW appropriation bill activities to the end of the current fiscal year, there may be a potential outlay increase due to inaction on certain 1973 budget amendments proposing reductions in these items.

Incomplete action on the Legislative Appropriation Bill—the only regular 1974 bill introduced to date—reflects House reduction of $16.9 million in budget authority and about $16 million in outlays. A relatively minor 1974 outlay change is indicated by incomplete House and Senate action on the Second Supplemental bill.

Legislative Bills—"Backdoor" and Mandatory

To date there is no completed action on legislative bills carrying backdoor or mandatory authorizations affecting fiscal 1974. However, there are 15 such bills which have passed or are pending in one or both Houses of Congress. House action pertaining to 6 measures would increase budget authority by $1.6 billion, having an outlay impact of at least $165 million excluding the undetermined effect of increased contract authority. Senate action pertaining to 12 measures would increase budget authority by $1.4 billion, having an outlay impact of at least $500 million plus undetermined amounts due to increased contract authority.

The scored backdoor or mandatory impact of these legislative bills includes the following major programs and amounts in excess of the budget:

Highway programs: additional backdoor contract authority of $1,124 million as passed by the House, and $414 million as passed by the Senate. The 1974 outlay impact is undetermined. (Pending conference.)

Traffic safety: additional backdoor contract authority of $915 million as passed by the House and $245 million as passed by the Senate. The 1974 outlay impact is undetermined. (Pending conference.)

Airport development: additional backdoor contract authority of $280 million as passed by the House and $60 million as reported by conference committee. The 1974 outlay impact is undetermined.

Veterans national cemeteries: mandatory veterans benefits of $97 million in budget authority and outlays as passed by the House, and $110 million as passed by the Senate. (Pending conference.)

Other veterans benefits: two bills authorizing mandatory veterans health benefits totaling $248 million in budget authority and outlays as passed by the Senate.

Revenue Legislation

To date the only legislation affecting 1974 revenue relates to the proposed increase in trust fund taxes to finance Railroad Retirement benefits. In its action on this legislation the House failed to provide the $612 million in additional trust fund receipts. (Also automatic budget authority reduction.)

Fiscal year 1973

Appropriation Bills

Completed action on the Urgent Supplemental reflects an increase of $1.8 million in budget authority and about $500,000 in outlays. In connection with the final action extending the continuing resolution to cover vetoed Labor-HEW appropriation bill activities to the end of the current fiscal year, the Congress did not act on certain budget amendments proposed for these items. Although this inaction has the effect of increasing budgeted authority by $966 million, due to the lateness in the fiscal year it is unlikely to have any significant effect on the 1973 budget outlay totals.

Incomplete action on the Second Supplemental indicates reduction in budget authority, which is more than offset by inaction on proposed rescissions. At this time action on this bill reflects an estimated outlay reduction of $225 million as passed by the House and about $185 million as pending in the Senate.

Legislative Bills—"Backdoor" and Mandatory

There is incomplete action on two bills carrying backdoor contract authority in excess of the 1973 budget estimates. The outlay impact of these increases on both 1973 and 1974 is as yet undetermined. The following programs are involved:

Highway programs: additional contract authority of $1,575 million in the House version and $1,324 million in the Senate version. (Pending conference.)

Traffic safety programs: additional contract authority of $685 million in the House version and $405 million in the Senate version. (Pending conference.)

Impoundment Restoration

In addition, there has been legislation to restore 1973 funds impounded for four rural loan and grant programs. Impoundment restoration legislation has been enacted relating to the rural emergency loan program, and this is expected to have the effect of increasing 1973 outlays by $154 million. Another bill has been vetoed and one is in conference. Any scorekeeping on impoundment legislation at this time is tentative, and the possible further impact on the 1974 budget estimates cannot be determined pending action on the related current appropriation bills.

SCOREKEEPING TABLES

TABLE NO. 1.—ESTIMATED EFFECT OF CONGRESSIONAL ACTIONS DURING THE 1ST SESSION OF THE 93D CONGRESS ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES) (AS OF MAY 24, 1973)

[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House (1)	Senate (2)	Enacted (3)	House (4)	Senate (5)	Enacted (6)
Fiscal year 1974:						
Appropriation bills (changes from the 1974 budget):						
1973 Labor-HEW appropriations (continuing resolution, Public Law 93-9)				(1)	(1)	(1)
Legislative branch (H.R. 6691)	−16,900			−16,000		
Urgent supplemental, 1973 (Public Law 93-25)				+1,300	+1,300	+1,300
2nd supplemental, 1973 (H.R. 7447)		(3)		−25,000	[2] +75,000	
Subtotal, appropriation bills	−16,900			−39,700	+76,300	+1,300
Legislative bills (changes from the 1974 budget): "Backdoor" spending authorizations (not requiring further appropriation action):						
Federal Financing Bank (S. 925)		[2] Indefinite			[2] NA	
Federal-aid Highway Act of 1973 (contract authority) (S. 502)	+1,124,500	+414,270	(3)	NA	NA	(3)
Airport development (contract authority) (S. 38)		+280,000	[2] +60,000		NA	NA
Traffic safety (contract authority) (S. 893, S. 502)	+915,000	+245,000	(3)	NA	NA	(3)
Subtotal, "backdoor"	+2,039,500	+939,270	+60,000			
Mandatory spending authorizations (requiring payments over which there is little or no control through the appropriation process):						
Uniform relocation assistance (S. 261)		+95,000			+95,000	
Eucalyptus tree fire hazard (S. 1697)		+16,000			+16,000	
Peanut support (H.R. 6646)	[2] +8,600			[2] +8,600		
Winema Forest expansion (H.R. 3867)	+60,000			+60,000		
Public safety officers death gratuity (S. 15)		+6,000			+6,000	
Public safety officers group life insurance (S. 33)		+20,000			+20,000	
Victims of crime—Payments (S. 300)		+7,000			+7,000	
Veterans' drug and alcohol treatment (S. 284)		+144,136			+144,136	
Veterans' dependents' health care (S. 59)		+103,800			+103,800	
Veterans' national cemeteries (S. 49, H.R. 2828)	+96,720	+110,000	(3)	+96,720	+110,000	(3)
Railroad retirement (revenue) (H.R. 7200)	−612,000			NA		
Subtotal, mandatory	−446,680	+501,936		+165,320	+501,936	
Subtotal, legislative bills	+1,592,820	+1,441,206	+60,000	+165,320	+501,936	
Total, fiscal year 1974	+1,575,920	+1,441,206	+60,000	+125,620	+578,236	+1,300
Fiscal year 1973:						
Appropriation bills (changes from the revised 1973 budget):						
1973 Labor-HEW appropriations (continuing resolution, Public Law 93-9)	[1] +966,000	[1] +966,000	[1] +966,000	(1)	(1)	(1)
Urgent supplemental, 1973 (Public Law 92-25)	+1,800	+1,800	+1,800	+500	+500	+500
Second supplemental, 1973 (H.R. 7447)	−326,196	[2] −41,415		[4] −225,000	[2,3] −185,000	
Inaction on proposed recissions	+382,888	[2] +382,888				
Legislative bills (changes from the revised 1973 budget):						
Federal-aid Highway Act (contract authority) (S. 502)	+1,575,000	+1,323,550	(3)	NA	NA	(3)
Traffic safety (contract authority) (S. 893, S. 502)	+685,000	+405,000	(3)	NA	NA	(3)
Legislative bills directing restoration of certain program reductions (impoundments) contemplated in the budget (changes from the revised 1973 budget):						
Rural electrification loans (Public Law 93-32)	[5] NA		[5] NA	[5] NA	+84,000	[5] NA
Rural environmental assistance (REAP) (H.R. 2107)			(3)	+41,000	+51,000	[2] NA
Rural emergency loans (Public Law 93-24)				[6] +154,000	[6] +154,000	+154,000
Rural water and sewer grants (H.R. 3298)			(7)	+50,000	+50,000	(7)
Total, fiscal year 1973	+3,284,492	+3,037,823	+967,800	+20,500	+154,500	+154,500

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[1] The continuing resolution extended funding for items in the vetoed 1973 Labor-HEW appropriation bill to June 30, 1973, in lieu of processing another regular 1973 appropriation bill in this session. The revised 1973 budget estimates showed appropriations for these items at the level requested last session, and also proposed amendments to the then-pending requests. The level of the budget authority under the continuing resolution, the same as provided last session, is estimated to be about $1,000,000,000 higher than shown in the budget, and no action is contemplated on the proposed amendments to reduce budget authority by $966,000,000, with potential outlay effect of $470,000,000 in 1973 and $391,000,000 in 1974. The scorekeeping above shows the impact of inaction on the proposed amendments in budget authority.

[2] Committee action.

[3] Subject to or in conference.

[4] Does not reflect any possible effect on outlays resulting from denial of transfer authority requested for Defense Department.

[5] Would provide for program continuation at higher level than requested, but would remove program from budget.

[6] Enacted figure used for comparability.

[7] Vetoed.

N.A.—Cost estimate not available or undetermined at this time.

EDUCATION, AMERICA'S BEST INVESTMENT

HON. CHARLES THONE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. THONE. Mr. Speaker, America can make no better investment than in education, in my opinion. In addition to being a strong advocate of education in general, I have long been a sincere and active supporter of the University of Nebraska in particular.

My parochial interest in the University of Nebraska is due to its largest campus—Lincoln campus—being in the district I represent, to my having graduated from its law school, to my having served as local and national president of its alumni society and to my service as a visiting master of the campus.

There are many reasons why I point with pride to the University of Nebraska. Perhaps the most notable is because of the outstanding man who heads it, President Durward B. Varner. He is a nationally recognized educational leader. In our State, he has not only been tremendously effective in advancing the stature of the University of Nebraska but also has been a powerful force in harnessing the natural resources and promoting the cultural life of our State.

Mr. Speaker, as we consider legislation that will affect higher education, I believe we will benefit by reading a letter to me from President Varner:

DEAR CONGRESSMAN THONE: I am sure you have had more mail than you would like on the problems which may result from President Nixon's proposed budget. However, you should have in your hands our analysis of the impact on the University of Nebraska.

STUDENT ASSISTANCE

On all campuses, there will be significant realignments of student aid caused by a change from Economic Opportunity Grants and National Defense Students Loans to the Basic Education Opportunity Grants. We are concerned in this area primarily because the decision is not yet made on the number of the BEOGs and the method of selection. We are concerned also that the confusion which the students will face this summer may be overpowering and cause some of them to stay home out of frustration.

The University of Nebraska—Lincoln campus estimates it will lose $792,782 from NDSL funds and $699,308 in EOG funds next year; UNO estimates a loss of $182,000 from NDSL and $61,500 from EOG. Because the BEOG funds are available to the student who may use the grant anywhere he wishes, we are unable to estimate how much (how many students will bring their grant to the University) will come to the University from that source.

CAPITATION GRANT

Under the present legislation the University receives specific funds for teaching students in specific fields; those funds which are excluded from the President's budget are as follows:

Social Work	$200,000
Gerontology	185,000
Nursing	74,000
Pharmacy	181,000
Dentistry	50,000
	690,000

If the budget now being discussed is approved as is, the University would lose this year the Dentistry funds ($50,000), one-half of the Nursing funds ($37,000) and one-half of the Pharmacy funds ($90,500). Then next year the balance of the Nursing and Pharmacy funds and the full funding for Social Work ($200,000) and Gerontology ($185,000) would go. Incidentally the funds lost in Social Work will cause a reduction in the faculty of 40% and in Gerontology of approximately 60%. It will be very difficult, if not impossible, to find funds to replace even a minor portion of those lost.

I need not tell you how important all of the above programs are to the State and the University.

LAND GRANT COLLEGE FUNDS

As you know the President has suggested once again doing away with the continuing funds for teaching in the Land Grant Colleges. In our case that amounts to $165,854 per year. His rationale for the elimination, as I understand it, is the money now is such an insignificant part of the total for the Land Grant College that we can forego the money. It is true we will do the best we can with the resources available, but it seems to me that the $165,854 of Federal funds for the Land Grant Colleges of America is a symbol the Congress ought to continue. It is a continuous reminder to us all of why Congress in its wisdom more than 110 years ago established these colleges for the sons and daughters of rural America and set a course of public higher education which is the envy of all who are interested in education anywhere.

AGRICULTURE FUNDS

Our people estimate that we would lose next year $322,200 which now is spent in agriculturally related teaching, research and extension, broken down as follows:

Hatch formula funds	$186,639
Hatch regional funds	73,572
McIntire-Stennis funds (forestry)	6,208
Smith-Lever funds (extension)	46,300
Expanded nutrition funds	9,481
Total	322,200

In our State in which agriculture is our chief industry, these funds are especially important. We hope very much they will be restored and we can continue to serve the agricultural community as we have in the past.

On this item alone, I could write pages, but I know our people have written you already and I shall not repeat what they have said.

RESEARCH GRANT FUNDS

The President's budget puts in jeopardy a long series of grant funds for which our faculty and staff compete each year. Our estimates of the diminution of those to be received varies between $1,300,000 and $1,700,000. If the current budget proposal is approved without change, substantial amounts of research money and resources will not come to the University.

All of the above is not to ask that you work toward restoration of the status quo for we all know there needs to be a reordering of priorities and some reallocation of resources. What it is designed to do is to give you a picture of what the current proposal would mean to the University of Nebraska.

It seems to me some compromise between the current Presidential proposal and the Congress and the academic community would be in order. As you know I serve on the executive committee of the National Association of Land Grant Colleges and State Universities. In every meeting this year, the President's budget proposal has been the number one topic of discussion. Our executive director, Dr. Ralph Huitt, is knowledgeable about our concerns, and I hope very much he and his associates will be given an opportunity to speak honestly to those who are going to be making the final decisions on these matters.

NAVY'S JOHNNY JOHNSON LENDS ANOTHER HELPING HAND

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. HOSMER. Mr. Speaker, his many friends are very pleased that James E. Johnson, Assistant Secretary of the Navy for Manpower and Reserve Affairs has been installed as national vice president of the Boy Scouts of America on the 25th of May.

Johnny Johnson, is the first Negro to be elected a top officer of the Nation's largest youth organization. He began his volunteer Scouting service as a district vice chairman, and is a member of the advisory board of the National Capitol Area Council. He has been a member of the BSA's national executive board since 1969.

Born in Madison, Ill., the Secretary has an A.A. degree in real estate law from Santa Ana College and a B.S. in business administration from George Washington University. He has completed his requirements for a masters degree in business administration and received an honorary doctor's degree.

During World War II, Johnson enlisted in the U.S. Marine Corps, advancing to the position of squadron adjutant. He was later supply fiscal officer and legal officer. He was graduated from Naval Justice School which qualified him to perform as counsel at special court-martials. Johnny, as he is known to thousands of admirers throughout the country, retired from the Marine Corps in 1965 as a chief warrant officer. He established several firsts for members of his race during his 21 years of active duty, including:

First to become master sergeant in the Marine Corps.

First to become warrant officer in the Marine Corps.

First to retire from the Marine Corps as an officer.

From 1965 to 1967 Secretary Johnson was associated with Prudential Life Insurance Co. in Anaheim, Calif. In that endeavor he became the first Negro to sell $1 million of life insurance in 2½ months, and the first insurance salesman of any race to sell $5 million of life insurance in his first year.

In 1967 Johnson was appointed by Governor Reagan to be director of the California State Department of Veterans' Affairs, and served in that capacity until, on January 21, 1969, President Nixon named him to be Commissioner and Vice Chairman of the U.S. Civil Service Commission. In April 1971 the President nominated Johnson to his present post as Assistant Secretary of the Navy. He has continued his string of firsts during his years of public service at the State and National level. He has been: The first Negro to hold a cabinet-level office in California; the first Negro member of the U.S. Civil Service Commission, and is the first Negro Assistant Secretary of the Navy.

The Secretary is deeply involved in community service; his activities include being chairman of the District of Columbia Health and Welfare Council, past president of the Orange County, Calif., Chapter, Childrens' Asthma Research Institute and Hospital; member of the board of directors of United Christian Centers and member of the board of directors of the United Givers Fund.

WILD AND SCENIC RIVER SYSTEM

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. WALDIE. Mr. Speaker, in each of the past two Congresses I have introduced legislation providing for the inclusion of several river systems in California into the national wild and scenic rivers system.

Again, today I am introducing a wild and scenic rivers bill which will provide for several additions to this system.

As in the past, I have included the Eel, Klamath, and Trinity Rivers of northern California. I have also included the entire Smith River system which runs into extreme northwestern California from Oregon and I have included the North Fork and Middle Fork of the San Joaquin River in central California.

Mr. Speaker, each of these rivers is worthy of inclusion in our wild rivers system, either in their wild, scenic or recreational status, a status to be determined by careful study.

The need to preserve the Eel, Klamath, and Trinity Rivers has been amply demonstrated by the fact that the California Legislature passed legislation which was signed by Governor Reagan which provides for a moratorium on the construction of high dams on these rivers.

While my bill goes farther in that it places these rivers under indefinite protected status, I view the California Legislature's action as a key indicator of public support for long-term preservation of the last free-flowing river systems in the State.

The Smith River is an integral part of the north coastal river system in California. It is presently undeveloped and unthreatened. Inclusion into the wild rivers system would insure its pristine nature.

Mr. Speaker, the San Joaquin River is overused and is polluted along much of its course. However, its headwaters are untouched and run through some of the most spectacular parts of the High Sierra.

Mr. Speaker, in this redrawn wild rivers bill I would like to include the Middle Fork of the San Joaquin and the North Fork from its origin to Mammoth Po/1.

This wilderness land can be further protected by yet another bill which I have introduced in this Congress. This bill provides for the creation of the San Joaquin Wilderness. This new wilderness area would be the last link in a chain of wilderness areas from Yosemite National Park to Sequoia National Park and would provide the ultimate protection for the John Muir Trail across the Sierra Crest.

Two other major California rivers which deserve consideration for inclusion into the wild river system are the American River and the Kings River. I hesitated to include the American River in this package, because of pending litigation on flow requirements. Inclusion of the American could well jeopardize the fate of the other rivers which deserve immediate attention. With regard to the Kings River, it is the contention of many local conservations and public officials that the river should be included in the national wild and scenic rivers system. I feel that the matter of its inclusion should be given further study.

Mr. Speaker, in view of the hearings that the National Parks and Recreation Subcommittee is holding this week on additions to the National Wild and Scenic Rivers Act, I would urge the members of that subcommittee to seriously consider these worthy additions:

H.R. —

A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90-542), to include the Smith River, the Middle Fork and North Fork of the San Joaquin River, the Eel, Klamath, and Trinity Rivers as components of the national wild and scenic rivers system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 3(a) of the National Wild and Scenic Rivers Act of 1968 is amended to include:

"(1) The Smith River, California, in its entirety. To be administered by the Secretary of Interior.

"(2) The Middle Fork and North Fork of the San Joaquin River, California, from their origins to Mammoth Pool Reservior. To be administered by the Secretary of Agriculture.

"(3) Klamath River, California. The main stem from one hundred yards below Iron Gate Dam to the Pacific Ocean; the Scott River from the mouth of Mill Creek west of Fort Jones to the river mouth near Hamburg; the Salmon River from Cecilville Bridge to the river mouth near Somesbar; the North Fork of the Salmon River from the intersection of the river with the south boundary of the Marble Mountain Wilderness Area to the river mouth; to be administered by the Secretary of Agriculture.

"4. TRINITY RIVER, CALIFORNIA.—The main stem from one hundred yards below Lewiston Dam to the river mouth at Weitchpec; the North Fork of the Trinity from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth at Helena; New River from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth near Burnt Ranch; South Fork of the Trinity from the junction of the river with Highway 36 to the river mouth near Salyer; to be administered by the Secretary of Agriculture.

"(5) EEL RIVER, CALIFORNIA.—Main stem from one hundred yards below Van Arsdale Dam to the Pacific Ocean; the South Fork of the Eel from the mouth of Section Four Creek near Branscomb to the river mouth below Weott; Middle Fork of the Eel from the intersection of the river with the southern boundary of the Miidle Eel-Yolla Bolly Wilderness Area to the river mouth at Dos Rios; North Fork of the Eel from the Old Gilman Ranch downstream to the river mouth near Ramsey; Van Duzen River from Dinsmores Bridge downstream to the river mouth near Fortuna; to be administered by the Department of the Interior."

LEAA HELPS DALLAS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the city of Dallas—like so many other cities in the past year—has experienced a most welcome reduction in crime, and I wish to give credit where credit is due. The Law Enforcement Assistance Administration has been a principal factor in that reduction.

Since 1970, crime in Dallas has been reduced by 10.5 percent—which is a very dramatic decrease. I doubt sincerely that this could have been accomplished without the financial assistance of LEAA, and that opinion is shared by many Dallas officials.

Since the Federal crime control program began, Dallas has received $9.5 million from LEAA and has used a substantial amount of the money to improve police services.

These improvements were very crucial; they were profound and they were long overdue. They were needed to make the police department more responsive to the community and to enable officers to meet new and intense demands.

It has not been too long ago that our policemen lacked the proper training to do an adequate job. In terms of technology, they lagged behind—using nearly the same tools they had used at the turn of the century.

All that has changed now. Today the demands upon our police departments are far more intense, and it is imperative that they be especially well equipped and highly trained.

Nowhere has this concept been emphasized and implemented more effectively than in Dallas. With the help of LEAA I am proud to say the Dallas law enforcement system has experienced very gratifying results.

Let me cite a few examples for my colleagues. In 1968 a total of 15 members of our 1,500-member police force held college degrees. Today, 192 officers hold degrees. We have 1,052 enrolled in college, and the education level is such that the average number of college credits for each officer is about 52.

This has been accomplished through an incentive pay program financed by LEAA, and through LEAA's academic assistance program which helps police officers pay for their college studies.

Under the incentive program, each officer receives $4 a month for each 3-

hour course he completes. An officer with a bachelor's degree receives up to an extra $160 each month.

Another significant step in progress has been made through better utilization of our forces. Education and training are meaningless if a police agency does not make full use of its manpower resources. All departments make an effort to avoid wasting highly trained officers on purely routine duties, no matter how necessary they are.

One way the Dallas department has accomplished this goal is to create a police expediter unit to free field units from answering routine calls. This unit was created in 1970 with LEAA financing. It takes calls over the phone and, if the complainant agrees, handles the complaint with a followup investigation not requiring an immediate, preliminary response by the field unit. Police officials in Dallas estimate that this unit so far has helped save more than 27,000 hours of field personnel time—freeing the officers involved to wage a more aggressive war on crime.

Another successful LEAA-financed program involves the hiring of police cadets from the 17- to 19-year-old age group. In 3 years the city has hired 58 cadets; 24 have been promoted to patrolman.

The bulk of the financial assistance which Dallas has received from LEAA has been devoted to what is called the high impact anticrime program.

Some $2 million is being used to put 12 new crime control teams on the street. These units will be frontline troops in the war on street crime and burglary. They will operate in areas of the city where these crimes are most prevalent. Officers in the units will be especially trained to control murder, rape, robbery, and burglary.

It is the goal of Dallas officials to reduce these crimes by 20 percent in the next 5 years. That is an ambitious goal, but, by ultilizing new deployment techniques rather than simply saturating the areas with officers, the officials believe they can accomplish it.

Mr. Speaker, I speak with pride about the efforts of Dallas to reduce crime. I hasten to add that I do not believe we should relax our efforts in any way. Unfortunately there is nothing to indicate that crime will spiral down as it spiraled up during the 1960's.

We would be doing a terrible disservice to our cities and to the country as a whole if we relaxed our efforts in any way. We do not have a lid on crime. We do not have it licked.

We can meet these challenges but it will take coordinated Federal, State, and local effort. In my opinion, Mr. Speaker, the Law Enforcement Assistance Administration is a most critical part of that coordinated effort.

LEAA has been responsible for much of our progress in the past few years. We must not withdraw it from the struggle.

ENABLING THE AVERAGE FAMILY TO OBTAIN MORTGAGE FINANCING DURING PERIODS OF TIGHT MONEY AND HIGH INTEREST RATES BY DIRECT FEDERAL LOANS AT RATES NO HIGHER THAN 6½ PERCENT

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mrs. SULLIVAN. Mr. Speaker, as interest rates continue to soar, more and more average income families which need good housing, and which could afford to buy homes if mortgage terms were reasonable, are being priced out of the market for housing loans. If we do not do something quickly to solve this critical problem, only the rich and the poor are going to be able to buy homes this year and into the foreseeable future. The average family, which pays taxes, and pays its own way in every respect is not able to swing the monthly payments necessary to support an 8½- or 9-percent mortgage.

The poor, under Federal subsidy programs, have been able to buy homes which are, in many instances, better than the homes owned by hard-working families not eligible for any subsidies. The rich, of course, do not need any help to buy the kind of homes they want. So the in-between families, who make up the bulk of the population and pay the bulk of the Federal income taxes to support other people's housing assistance, have no place to turn in trying to obtain financing they can afford for a home purchase.

Mr. Speaker, we do not need to subsidize the average family. The cost of doing so would be prohibitive. These people do not want subsidies. But they do want the opportunity to obtain a mortgage that is within their ability to repay. And right now, such mortgages are not available to most families—interest rates are surging upward again and downpayments are being increased and the family making in the neighborhood of $12,000 a year is just not in the market under these conditions. Yet these are the people who constitute the backbone of this country—its middle class—who make a neighborhood solid and stable: factory workers, civil servants, teachers, technicians, retail employees, police officers, fire fighters, postal workers, whose housing needs are being neglected in today's economy.

A DIRECT LOAN PROGRAM WITHOUT SUBSIDIES

In order to meet the present emergency in mortgage financing for average income families, and to meet recurring future emergencies whenever money becomes tight and interest rates go up, I have introduced H.R. 52, a bill cosponsored by Chairman William A. Barrett of the Housing Subcommittee, to provide for direct, unsubsidized Federal loans to credit-worthy average income families to buy homes valued up to $24,000 under mortgage terms of 6½-percent interest or less.

This program, known as the Home Owners Mortgage Loan Corporation, would be administered by a nine member board of directors who would determine when mortgage money was not available "at reasonable interest rates" for average-income families, and would make such loans available through a revolving fund to be created by appropriations spread over 5 years.

This program would not compete with the lending industry under normal circumstances when adequate supplies of mortgage money are available at reasonable rates. It would function only when such money is not available to the average family. And the interest rates which would be set would reflect the ability of the Federal Government to borrow money on substantially better terms than private lenders can do. While it is true that the Federal Government is temporarily—we hope it is temporary—paying more than 6½ percent for funds, this program recognizes that the total borrowings of the Federal Government are at rates which average well below 6½ percent and that over the 30-year life of a direct loan authorized under this program, the Government would make a significant profit on a 6½-percent loan.

AN IDEA WHOSE TIME HAS COME

Mr. Speaker, I first introduced this legislation, with the cosponsorship of Congressman Barrett of Philadelphia, in 1969. In the omnibus housing bill last year, we incorporated the idea as a pilot program, but the housing bill failed to clear the Rules Committee and died with the end of the 92d Congress. The latest reports on the surge in mortgage interest rates and the drying up of mortgage funds put new urgency behind this proposal.

We do not suggest the creation of a vast new bureaucracy to administer these direct loans. The existing FHA offices would be used to process all applications under the Home Owners Mortgage Loan Corporation. The Corporation board of nine members would set national policy, make the determination as to when the program should operate—only when mortgage money is not available at reasonable rates—and oversee the operations of the program.

The Housing Subcommittee has decided not to try to include this measure in a pending "catch-all" bill on which we are now working, containing generally noncontroversial issues. I am sorry that decision was made. There is greater urgency to this problem than any other we are dealing with in that bill. But I appreciate the assurance of Chairman Barrett that he will set time later in the session to take up H.R. 52. I urge the Members of the House, who have been hearing from their average-income constituents about the difficulties in obtaining financing they can afford for housing they need, to obtain a copy of H.R. 52 and study its terms.

It is only a matter of time before the Congress recognizes the necessity for this kind of approach to middle-income housing needs during periods of tight money—such as right now. The longer we delay, the more imbalance we will see in our housing programs, geared as they are today only for the rich and the poor, and neglecting the great middle class.

THE FORT WORTH FIVE ARE STILL IN JAIL

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. WOLFF. Mr. Speaker, Mr. John Bownes, public relations chairman of the Ancient Order of Hibernians in America, has written to the President in behalf of the Hibernians about Irish-American relations. The Hibernians are particularly concerned about the Fort Worth Five and the President's failure to see bail set for these men and obtain their release.

The letter to the President is dated May 11 and as yet Mr. Bownes has received no reply.

Five men, Thomas Laffey, Kenneth Tierney, Mathias Reilly, Paschal Morahan, and Daniel Crawford, have been in jail almost without break since last fall. They stand accused of no crime; they have repeatedly been denied bail.

Their continued imprisonment makes little sense, but the President's failure to involve himself in any way to help these men and their family makes less sense.

I insert Mr. Bownes' letter in the Record:

June 7, 1973.

Hon. Lester L. Wolff,
Member of Congress,
Congress of the United States,
House of Representatives,
Washington, D.C.

Dear Mr. Wolff: First let me thank you for your continued help in the Irish problem. Your voice has been raised in support of The Fort Worth Five, and the innocent victims in Northern Ireland. We, of the A.O.H. in Nassau County, also support this neglected cause.

We mailed the enclosed letter to President Nixon several weeks ago, but to date have not received a reply. If you can help bring our request to the attention of the American public, it might help our cause, and would be deeply appreciated.

Respectfully,

John Bownes,
Public Relations Chairman.

Hon. Richard M. Nixon,
The White House,
Washington, D.C.

Dear Mr. President: In your statement on the Watergate situation on Monday night, April 30, 1973, you stated you wanted justice for the American people at any price—and you talked of your goals for this country in the coming years.

We, of the Ancient Order of Hibernians, heartily agree with your objectives. We are especially interested in getting back to the work of government and in that connection—for example—what justice have The Fort Worth Five received from this government? We think it is a disgrace to hold men in jail without bail two thousand miles away from their families. Have you ever received or even requested a report on this grave injustice from any of your staff, present or past? If not, why not? This might be one project for Mr. Connally.

While you mention securing peace in the Middle East and Asia, you fail to consider Ireland, of which you and your wife are decendants. Indeed, Mrs. Nixon received the American Irish Historical Society Award last year and you have sought—before election—to discover the roots of your Irish ancestry. Because the Irish were polite about this question during that period does not mean that they were not and are not now very concerned. For our part, we have written many letters to you in the past requesting your help in this cause. We received answers from your subordinates stating that this is an internal matter and you would not intervene. Yet there were newspaper accounts of British troops being relieved in Europe by U.S. troops to allow them to garrison Northern Ireland and other British troops trained here for the same purpose by our own Marines. These British troops have taken the lives of innocent Irish civilians.

Even worse taxpayers' money was spent to train British troops in the United States while England had her ships delivering supplies to North Vietnam even as our soldiers were fighting and dying in that war.

In addition, it was also reported that you were touted off visiting Ireland last year by a personal call to our State Department from Prime Minister Heath.

Whatever the full facts of these matters, your administration has studiously ignored the Irish question and we feel it is because British policy has such an impact on *our* internal affairs, almost as strong as it does on those of Northern Ireland. How else could five men be held prisoners in a Texas jail because they refused to testify about a matter affecting the internal policy of a foreign power, albeit the British Government? We feel you could help allay, if not actually solve, the problem.

The justice of Ireland's demands for a complete freedom from a foreign power is convincing to any informed person. The conduct of the British there for over 800 years remains one of the saddest commentaries on that country's generally sound colonial policy.

If we fail to bend all our efforts for the liberation of Ireland at this time, generations of Irish yet unborn will condemn us as cowards and cravens who lived in a day of opportunity but thought too much of our own wordly and selfish ends to use the power and influence that God has given us to secure freedom with justice for this small nation, which has done more per capita for American freedom in our 200 years than any single nation.

In that connection, our present immigration policies leave much to be desired with reference to Irish nationals anxious to come to this country. Indeed, those laws are frankly discriminatory against a people who have contributed more than their share to the strength, vitality and integrity of this country.

In the years remaining to your administration you have an opportunity to do justice where it is so long lacking.

Let us start anew on this and all our problems.

Respectfully,

John Bownes,
Public Relations Chairman.

TAX REFORM AMENDMENTS TO THE DEBT CEILING BILL

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. REUSS. Mr. Speaker, when H.R. 8410, the debt ceiling bill, comes to the floor on Wednesday or Thursday, Representatives Adams, Moss, Thompson, and I will try to offer two tax reform amendments to it. Our statement to the Ways and Means Committee on June 4, 1973, explains the two amendments and our reasons for seeking to attach one or both of them to the debt ceiling bill. The statement follows:

Tax Reform and the Debt Ceiling

The Ways and Means Committee is now considering the Administration's anticipated request to raise the public debt limit again, this month. This is the fourth time in less than a year and a half that Congress has had to pass debt-ceiling legislation. It is surely high time that we think about raising revenues, instead of raising the debt ceiling. Chairman Mills has promised us a major tax reform bill in the fall, which will be most welcome. But some tax reform is needed now, as part of the debt ceiling bill, for the following reasons:

1. INFLATION

We are in the grip of a boiling inflation. The Consumer Price Index is rising at an annual rate of between 8 and 9 percent, while the Wholesale Price Index (a better indicator of future inflation) is galloping ahead at more than 12 percent a year. Certain tax loopholes contribute to this inflation. Repealing at least one of them (the Asset Depreciation Range system) could help return the country's economy to a sustainable basis.

2. FEDERAL SPENDING

Inflation and anti-impoundment court decisions have made a myth out of the President's announced $268 billion spending target. First, since the fiscal 1974 Budget was put together in December, prices have risen at an annual rate of 8.1 percent. The government is simply not able to provide the goods and services we thought it could for $268 billion. Second, the May 8 federal district court decision in *New York v. Ruckelshaus* required the release of impound anti-pollution funds. If similar decisions are reached in cases involving other impounded funds, as much as $14 billion could be added to fiscal 1974 total outlays. Tax reform now could raise revenues to prevent an inflationary increase in the deficit. It could do it right at the start of fiscal 1974, when we need to know.

3. EQUITY

The tax system is already so full of preferences that equity is seriously impaired. Joseph Pechman and Benjamin Okner, of the Brookings Institution, for instance, estimate that taxpayers with actual incomes of $100,000 to $1 million pay taxes of 29–30 percent instead of the 45 percent which statutory tax tables call for, while millionaires pay an average tax of 33 percent instead of the statutory 67 percent. The Administration has plans to make taxes still more unfair. Secretary Shultz tells newsmen that President Nixon is contemplating raising the federal excise tax on gasoline or even, despite election promises to the contrary, raising general income tax rates. A gasoline sales tax increase would place the heaviest burden, proportionately, on the shoulders of those less able to pay—workers on their way to work, housewives to the market. Let us raise revenues and curb inflation by making the tax system more progressive—not more regressive.

Specifically, we urge this Committee to incorporate two reforms in the debt ceiling bill—repealing the Asset Depreciation Range and strengthening the Minimum Tax. The two reforms would raise an additional $7 billion in revenues annually.

1. REPEAL THE ASSET DEPRECIATION RANGE (ADR) SYSTEM

The ADR, enacted in 1971 to stimulate investment in a recession economy, permits corporations to deviate by as much as 20 percent from the depreciation schedules carefully calculated by engineers to reflect the true life of an asset. The stimulus (together with the 7 percent Investment Tax Credit) was remarkably successful—investment in plant and equipment increased 14 percent in 1972 over 1971, and the latest McGraw-Hill survey estimates that investment will rise a further 20 percent in 1973. Furthermore, corporate cash flow (profits plus capital consumption allowances) is larger than ever—$132 billion in the first quarter of 1973 over $114.3 billion in the first quarter of 1972.

But this investment stimulus has cost us dearly in inflation and high interest rates. Inflation is particularly disturbing in the durable goods and heavy industry sector of the economy. This is where the alarming increases in the wholesale, industrial, and export price indexes are occurring. This is where bottlenecks are showing up. This is where there is overemployment of engineers and skilled workers. And the Federal Reserve, trying to undo by tight money the damage done by expensive tax incentives for investment in plant and equipment, has just raised the discount rate again to 6 percent—the highest since the credit crunch of 1969.

The hyperthyroid investment in plant and equipment we are now witnessing is not only inflationary: if we overbuild plant and equipment today, we are going to see underbuilding tomorrow. These fiscal policies will inevitably lead, if not to a boom and bust, at least to another unlovely combination of continued inflation, high interest rates, high unemployment, and industrial stagnation.

Other countries confronted with inflationary pressures are showing greater wisdom than we. The Federal Republic of Germany, for example, has also had a raging inflation in its durable and heavy industries. There, however, the government is moving to repeal accelerated depreciation allowances; and far from giving a tax incentive to excessive investment, it proposes to discourage such investment by placing an 11 percent tax on investment.

Let us follow this wise example by repealing the ADR, and thus raise $2.5 billion annually and help curb inflation.

2. STRENGHEN THE MINIMUM TAX ON PREFERENCE INCOME

The Minimum Tax was passed in 1969 to make sure that rich taxpayers paid at least a 10 percent tax on preference income. The tax has been far from effective. In 1971, according to preliminary data, the 24,000 taxpayers subject to the Minimum Tax paid at an average rate of only 4 percent!

The Administration has admitted that the tax must be improved. Former Under Secretary of the Treasury Edwin S. Cohen, testifying on July 21, 1972, before the Joint Economic Committee, said, in response to questioning on the Minimum Tax:

> With respect to the minimum tax, I shall not try to defend the efficiency of the minimum tax.

In presenting the Administration's proposed tax "changes", Secretary Shultz told the Ways and Means Committee on April 30, 1973:

> Experience with the Minimum Tax since 1969 reveals that the provision has not been effective in requiring every individual to pay a reasonable amount of tax based on a substantial portion of his income.

Unfortunately, the Administration's substitute provisions are so timid (they do not apply to corporations, for example) that they are estimated to raise no more than $800 million in additional revenues annually.

The following changes in the Minimum Tax would raise $4.5 billion annually and introduce more equity into the tax system:

a. Remove the deduction for other federal taxes paid. This deduction was added on the floor of the Senate, was never adequately debated, and is completely unjustified.

b. Remove the exemption of the first $30,000 of preference income. Since the goal of the Minimum Tax is to see that wealthy taxpayers pay at least something on all preference income, there is no reason to exempt a large chunk of that income.

c. Tax preference income at one-half the rate paid for federal income tax. This change would make the Minimum Tax progressive, rising from 7 to 35 percent in the case of individuals, or to a maximum of 24 percent in the case of corporations. In those rare cases when people in low tax brackets are subject to the Minimum Tax, the proposed change would reduce their burden from the present 10 percent to 7 percent.

We urge the Committee to incorporate these tax reforms in the debt ceiling bill. The time for fiscal responisbility is now.

JOHN MOORE AND THE NORTH CHICAGO TRIBUNE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. McCLORY. Mr. Speaker, my longtime friend, John E. Moore, editor and publisher of the North Chicago Tribune for 43 years, has decided that the time has come for him to retire from active service with the newspaper.

John Moore has been a tireless worker in the community of North Chicago, both with respect to his successful editing and publishing of the North Chicago Tribune, but also in many civic, veteran, and other activities. As a newspaper editor, he can be proud of the award that he received from the Illinois State Editorial Association for the outstanding editorial in weekly newspapers.

In addition, he has been commended for his services to the Boy Scouts of America, the American Legion, the Community Chest, the Red Cross, and the Salvation Army.

It is not my intention to enumerate John Moore's many activities and services to the community of North Chicago. I will say merely that he has come up the hard way, through individual effort and an untiring dedication to the opportunities and responsibilities of a journalist of the highest order.

It is good to know that John's good friends, Don and Sally Herson, will carry on as editors and publishers of the North Chicago Tribune.

Mr. Speaker, in addressing these remarks to my colleagues in the U.S. House of Representatives, I wish also to express in this connection my good wishes to John Moore and his lovely wife, Alice, for many years of good health and happiness together.

NO NARCOTIC DRUG CONTROL SHOULD MEAN NO FOREIGN AID

HON. J. EDWARD ROUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. ROUSH. Mr. Speaker, I rise today to introduce a bill which I believe, if passed, could help stem the flow of narcotic drugs into the United States.

Two years ago I introduced a similar bill amending the Foreign Assistance Act to require the Comptroller General of the United States to report to Congress annually on the effectiveness of measures being taken by countries to prevent narcotic drugs, "partially or completely produced or processed in such country, from unlawfully entering the United States" and on whether countries have undertaken appropriate measures to prevent narcotic drugs from unlawfully entering the United States.

That bill of 2 years ago provided that 90 days after such report, any country found guilty of not taking proper precautions to prevent unlawful entry into the United States of such narcotic drugs would thereafter receive no further economic assistance from the United States.

The bill I am introducing today is very similar. There are some modifications partially due to the fact that the Foreign Assistance Act was amended in 1971 to give the President the power to suspend aid to countries which in his judgment did not cooperate to prevent illegal transport of drugs to the United States.

I find a new bill necessary because the President has not invoked this authority. I believe a bill is necessary that will carefully spell out a machinery for mandatory cessation of foreign assistance. Just a few weeks ago the Fort Wayne Journal Gazette in my district carried the story of Afghan farmers who are harvesting a bumper crop of opium poppies on land newly irrigated that has been developed with U.S. foreign aid. The article goes on to quote officials as bluntly stating that:

> The Afghan government has made little attempt to curb the growth of opium poppy or punish farmers, traffickers and smugglers.

Evidently "implicit" warnings have been made about the new powers to cut off assistance contained in the 1971 Foreign Assistance Act. The same article notes that total U.S. aid to Afghanistan since 1952 has been $425 million.

I am not and have not been a supporter of the foreign assistance program and it is cases like this that have partially contributed to my opposition to such aid. But if the Congress is going to go ahead and provide foreign assistance, I certainly believe that the Congress should withhold such assistance to require compliance with efforts to stem the international drug traffic.

The bill I am introducing today provides, like the earlier one, for the annual Report of the Comptroller General and the 90 day period thereafter before the termination of foreign assistance to any country found remiss in efforts to prevent narcotic drugs from unlawfully entering the United States.

Following this report and discovery of such violation, the President is required in my bill to suspend economic foreign assistance; under present law as amended in 1971 he does so if his own judgment dictates.

Under present law, as amended in 1971, it is up to the President to decide if such assistance can be revived, if the offending country comes into compliance with the law regarding efforts to prohibit unlawful entrance of narcotic drugs into the United States.

Under my proposal today, this power rests with the Congress. If the President finds that a country whose assistance has been suspended has now taken adequate steps to remedy this situation, or if he finds that it is in the overriding interest of the United States to resume foreign aid to a particular country, the President then issues a report to Congress and requests permission that the penalty be waived, the assistance restored.

In either of these two cases, the Congress will then determine if the suspension of foreign assistance is to be waived and if so passes a concurrent resolution to that effect.

Moreover, in this bill proposed today it is clearly stated that the concurrent resolution does not remain in perpetuity; a subsequent adverse determination by the Comptrolled General would require a new suspension of economic assistance by the President and another waiver later by the Congress, if the assistance were to be restored.

Two years ago I indicated that I preferred a mandatory over a voluntary provision on this matter. I expect that the State Department will oppose this approach as State will argue that we need more pleading power, more voluntary compliance. We are not getting it. I think we have tried that approach. It is time we tried another and that is what I am recommending today. I believe this bill could be an important assistance to our efforts to control the source of the drugs that reach the United States. It is time we stoped hoping for compliance and started making sure that we get it.

PERSONAL APOLOGY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. ANDERSON of Illinois. Mr. Speaker, last week I introduced the Alaskan Petroleum Transmission Act of 1973 with cosponsors. I regret to say the name of one of the four prime sponsors of the bill, the gentleman from Michigan (Mr. HARVEY) was inadvertently left off. I am reintroducing the bill today with Mr. HARVEY as cosponsor and extend my apologies to him for the omission.

HON. H. JOHN HEINZ III SENDS SECOND QUESTIONNAIRE

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. HEINZ. Mr. Speaker, for the second consecutive year since coming to Congress, I am mailing a questionnaire to every family in the 18th District of Pennsylvania which I represent.

Soliciting and receiving my constituents' opinions on the major issues facing our Nation is very valuable to me, as such responses are to my colleagues who also send such questionnaires.

The text of my questionnaire follows:

QUESTIONNAIRE

Dear Friend: Once again I am asking you to share with me your opinions on the vital issues facing us as a nation by answering this questionnaire. Your interest in keeping me advised on how you stand on the issues through your letters and personal contacts, and now through this questionnaire, is vital to me in providing the kind of representation you deserve in Washington.

I can't hope to include everything that might be on your mind in these polls. Also, maybe you want to give more than a "yes" or "no" answer to some questions. In either case, feel free to expand your answers in a separate letter so that I can get a true picture of your feelings. It will help me when the times comes for me to vote "yes" or "no" on an issue.

This questionnaire will take only a few minutes of your time and cost you an 8-cent stamp to return. The questions are to be answered by up to two family members of voting age. These answers will be tabulated and the results made available to every household in the 18th District.

Important Notice.—I will soon be starting to send periodic special reports which will be more detailed on legislative matters and other activities I am involved with to better serve you. If you would like to be added to this mailing list, please check the box under your name and address on the return portion of this questionnaire.

Sincerely,

JOHN HEINZ,
Your Congressman.

(NOTE.—Each question provided boxes marked "his" and "hers" and "yes" and "no".)

1. Energy crisis: Which of the following statements reflect your feelings about the energy crisis? (Check one or more)

There is little the Federal Government can do or should do.

The best way to match energy supply and demand is to allow all fuel prices to rise (or fall) accordingly by lessening government regulations.

The Federal Government should enforce conservation of energy resources even if it means restricting auto and air travel or curbing use of electricity.

Other.

2. Amnesty: Would you favor the establishment of a Presidential Amnesty Commission to grant amnesty, order alternate service, or recommend prosecution for those who refused military induction?

3. War powers: Do you favor legislation to prevent the President from committing U.S. troops to hostilities for more than 30 days without Congressional approval?

4. Parochial schools: Do you favor Federal tax credits to reimburse parents for part of the cost of tuition?

5. Environment: Would you be willing to pay more for products and service if their manufacture and use could be made virtually pollution-free?

6. Federal spending: Should the Federal Government spend more (+), less (—), or the same amount (=) on the following programs? (Mark with appropriate symbol)

Agriculture & Farmers.
Defense Weapons Systems.
Education.
Environmental Protection.
Foreign Aid.
Health.
Housing.
Job Training.
Military Pay/Benefits.
Public Works.
Social Security.
Welfare Reform/Aid to Poor.

7. No-fault auto insurance: Which of the following best expresses your attitude? (Please check one)

The Federal Government should require states to adopt no-fault auto insurance.

States should be left to decide for themselves.

Opposed to no-fault insurance.

8. Day Care: Do you favor Federal funding assistance to state and local programs which provide day care for the children of working mothers?

9. New federalism: In principle, do you approve of President Nixon's program to return more responsibility to state and local governments?

10. Food stamps: If an individual or a family qualifies for food stamps because of low income, should they be denied food stamps because the wage earner is on strike?

11. Abortion: Do you favor an amendment to the U.S. Constitution to outlaw abortion?

12. Priorities: What should be Congress' top three priorities?

13. Presidential priorities: Do you approve of the type of budget curtailment proposed by President Nixon to hold spending to $269 billion?

14. My job performance: How would you rate the job I am doing as your Congressman?

Excellent.
Good.
Fair.
Poor.
Don't know.

What could I do to do a better job?

Personal information: (Please use underlined symbols on age, party and religion)

Age: a. (18-34); b. (35-54); c. (55-over).

Political party: Republican, Democrat, Independent, Other.

Religion: Protestant, Catholic, Jewish, Other.

Years of education: (Number).

Union member in household? (Yes or no)

Municipality.

Would you like me to send you information on subjects in which you would appear to have a special interest, based on your answers to this questionnaire? If "yes", be sure to fill out return address on front.

SOYBEANS: A BULL MARKET FOR TRADING

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. STEELE. Mr. Speaker, I have recently sent a letter signed by 52 of my concerned colleagues to Secretary of Agriculture Earl L. Butz. In this letter, we urged the Secretary to impose a moratorium on the export of essential feed grains, specifically, soybeans and soybean meal. One reason which makes the implementation of this action so important is the runaway cost of this essential feed ingredient.

With domestic supply at its present low, soybean prices on the floor of the Chicago Board of Trade are skyrocketing. Day after day the traders do battle with their paper weapons; fighting for control of what little remains. To the victors go the soybeans at an inflationary price. To the losers, the livestock producer, poultry farmer, and the consumer, go higher feed grain costs and continually higher food prices.

Thus, a day ends on the floor of the Chicago Board of Trade, this paper battlefield. Strewn in paper wads all over the floor is a record of the day's transactions. The effects of what is written on those papers may not be felt for weeks or months. But when the impact comes, the already reeling producer, farmer, and consumer will be on the receiving end once again.

Mr. Speaker, this seeming allegory becomes all too real when we witness the devastating effects this bull market has on grain and food prices. I would like at this time to insert some excerpts from an article in the June 5, 1973, issue of the Wall Street Journal, for the benefit of my colleagues:

> "Within minutes of the opening one day last week, some traders in the soybean pit were so worked up that their faces were red and the cords in their necks stood out. One trader in a loud sport coat was bellowing so energetically he seemed about to lift himself into the air. "I've never seen anything so wild," said one trader on the scene.
>
> But then, nobody has ever seen the prices of soybeans and soybean products shoot up to the dizzying heights they have reached in just the past two weeks. The price of a futures contract for July delivery of soybeans was selling for around $3.50 a bushel a year ago. Yesterday, it closed at a record $12.12, up 79½ cents from Friday. The price of soybean meal, an important livestock feed, has quadrupled in the past year. The price of soybean oil, used in margarine, paints and other products, has jumped 70% from a year ago.
>
> Some speculators have made enormous profits in these booming markets, which have helped push up prices for corn and wheat, too. The word on the trading floor is that a few professional speculators have made paper profits of $1 million to $3 million or more since the first of the year, and as long as the price keeps climbing they aren't selling. Some elevators, grain merchandisers, exporters and others who own real soybeans are making big profits, too.
>
> But the soaring prices are leaving a trail of painful consequences as well. Among the hardest hit are speculators who have sold short—that is, sold contracts for delivery of soybeans at a future date. Short sellers gamble that the price of a commodity will fall and that they can fulfill their futures contracts at a price lower than they received, thus turning a profit. But if the price rises, of course, they lose money. . .
>
> "The high cost of feeds is definitely limiting the expansion in hog production", says Phillip Bradshaw, an Illinois hog farmer and president of Illinois Pork Producers, a trade group. "We may get only a 2% to 3% increase in output at best instead of the 6% to 8% increase that some people were expecting." Beef, poultry, egg and dairy farmers say they are reconsidering expansion plans, too, indicating that if demand remains strong food price relief may be further in the future than President Nixon and other officials have promised.
>
> This is heating up a controversy over whether the soybean markets are booming because of a legitimate imbalance of demand over supply or because of speculative skullduggery. A fast run-up in wheat prices at the Kansas City Board of Trade last summer, when the Russian grain deal was being made, already is under investigation by the Justice Department, and some suggest soybean prices might deserve similar attention.
>
> "It smells to high heaven," asserts Oliver Eckles, manager of the commodity department of R. G. Dickinson and Co., a brokerage firm based in Des Moines. "The way the soybean market has been acting convinces me that somebody has a lasso around it. I figure it's a few big-time professional speculators down on the floor of the Chicago Board of Trade."
>
> Some Congressmen also are calling for investigation of the soybean markets, but the Commodity Exchange Authority, an Agriculture Department agency that oversees trading in commodities produced in the U.S. says it has no evidence of price manipulation. The authority, however, is itself under fire; congressional and Farm Belt critics contend the agency doesn't adequately police or punish cases of "price rigging."
>
> The big speculators themselves contend the price is shooting up because of great demand, bad wheather and other factors. One of them scoffs: "Hell, I suppose we're the guys that make it rain all the time."
>
> If there is any manipulation in the soybean markets, it's getting a lot of help from a superbullish combination that influences soybeans. A fundamental factor is unprecedented foreign demand for soybeans and soybean meal, caused by the increasing taste of Europeans, Japanese and others for meat and meat products colliding with reduced worldwide production of grains, fish-meal and other high-protein animal feeds. . . .

BRUCE SAGAN, CHAIRMAN OF ILLINOIS HOUSING AUTHORITY

HON. ROBERT P. HANRAHAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. HANRAHAN. Mr. Speaker, Mr. Bruce Sagan is the publisher of the Economist newspapers in the South Chicago area and its suburbs. He has recently been appointed by Gov. Daniel Walker as the chairman of the Illinois Housing Development Authority.

As the chairman, Mr. Sagan will serve for a 4-year term on the authority which funds Government-financed housing.

Mr. Sagan is president of Englewood Manor, Inc., which was the first moderate-income housing project in the country, and is chairman of the planning committee of the Southtown Planning Association. The organization is active in urban renewal in the Englewood Community.

Mr. Sagan is to be commended for his active participation in these vital community activities.

TERMINATION OF FEDERAL SUPPORT FOR LOCAL COMMUNITY ACTION PROGRAMS

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mrs. GRIFFITHS. Mr. Speaker, as you know, under the fiscal year 1974 budget, the administration has proposed the dismantling of the Office of Economic Opportunity and the elimination of Federal support for local Community Action programs. The President has suggested that continuance of Community Action programs be at local option with local financial support, suggesting possible usage of revenue-sharing funds. However, the transition from Federal to local support is difficult.

Recently, I received a statement regarding attempts to secure local support for the Oakland County Commission on Economic Opportunity in southeastern Michigan. Officials are trying to secure support from the 43 separate units of government currently served by the program. A copy of the statement, describing in detail the problems these efforts have encountered, follows:

Statement

Since January 1973, the OCCEO Board, its eight geographic advisory councils, the agencies which relate to this organization and the various educational institutions located in Oakland County have worked diligently with the units of government to assure the continuation of the basic Community Action Agency in its program thrust through the use of Revenue Sharing funds.

Needless to say the organization is now at a stalemate. The local units of government are saying that they would like to contribute to the programing efforts of this agency so that it may continue to serve the poor and the disadvantaged in their geographical area, but they, in fact, have allocated all of their funds in areas not related to human services. They have also stated that they would like to see the County government provide the basic funding to continue these efforts.

The County legislative body also says that they have earmarked their funds and cannot redirect their priorities at this time and do not feel that the monies needed to continue this organization can be found at this time.

The Oakland County Commission on Economic Opportunity, as a Community Action Program, has operated in 43 of the 63 local units of government in Oakland County providing a wide range of services for the disadvantaged community and also has initiated a host of institutional changes that have benefited the total population in this County. If in fact, an individual wished to exert his many options and become a participant in any of these institutions for service it would allow him to become a tax paying individual rather than a tax consumer through becoming more employable.

It is extremely disheartening to be placed in a position where you are dealing with the illogical and that illogic is; I'll contribute once someone else contributes; or, how much will the County contribute and then we will make a decision; or the County saying, how much has the local unit of government contributed and then we will contribute. All in all the $859,000 did support a total budget amount equal to $3.3 Million. This budget is linked to a central administrative system overlapping no other delivery system and comprehensively coordinating this money with the systems in Oakland County to assure a maximizing of both the Federal and local dollar.

For some reason it is extremely difficult to make the new politicians understand or see this dilemma and they do not feel that there is any obligation on their part to support an agency that was previously Federally funded.

Recognizing that they cannot understand or logically determine for themselves that the reason they have not had the problem brought to their attention through their local constituency is because this agency has adequately provided these services to their constituents and regularly provided the politicans with information regarding what was happening in the area of human services in their geographic area of concern. But now that it is their time to bear the burden and to share their wealth with the poor and the disadvantaged it is now an obligation that they do not see why they should have to assume.

Local units of government, and even the County government in Oakland, are not ready to assume the position of sharing their wealth and providing the bare essentials to serve the poor and disadvantaged in this County. But, they wish this agency to continue delivering its services by some magical way to their constituents. In recognizing the anxiety of the paraprofessional staff who have benefited from opportunities brought about by OCCEO, many have left the organization. This came about because they were threatened by the various news media articles being circulated regarding the status of OEO Nationally. When you explain the problem, their reaction is, you must continue to deliver those services, but without any financial commitment. This is beyond us, where they think the funding will come about to achieve this. They are also looking at building superstructures utilizing Federal Revenue Sharing monies without any consideration for the experience of any agency like this or the fragmentation and duplication that will come about if little empires are built providing big overhead costs and very little programmatic planning, development, coordination and knowledge of the system as a whole.

On behalf of the 67,000 poor families, as defined by the poverty guidelines in Oakland County, we appeal to you to use your influence in assuring that the Community Action Agencies are provided with a grace period, no matter how meager the funding might be, until the local politician is knowledgeable and geared to the fact that if they cannot establish as a priority the funding for services to the poor and disadvantaged that no one will.

Hopefully we will have your support when this comes before you in Congress.

PERSONAL ANNOUNCEMENT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. LEHMAN. Mr. Speaker, I wish to explain that I was absent for rollcalls Nos. 200 through 210 yesterday as I was attending the hearing in Miami held by the Select Subcommittee on Education, of which I am a member, on drug-abuse education.

LONDON NEWSPAPERS AND WATERGATE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. DERWINSKI. Mr. Speaker, I want to call to the attention of my colleagues two articles written from abroad. The first is an editorial from the London Times dated June 5, 1973; the second article is from the London Sunday Express and is dated June 10. This article is written by Angus Maude, a Member of Parliament in Great Britain.

Both of these articles put Watergate in a slightly different perspective. Both seem to feel that the press coverage is less than totally unbiased. I felt they were of sufficient importance to deserve the study and attention of my colleagues.

It is my observation that publishers, editors, a number of columnists, and even working reporters recognize that coverage on Watergate has included a great deal of hearsay and extraordinary emphasis on political rumor. Certainly, the two articles I insert at this point in the RECORD reflect a degree of objectivity, which distance from the event makes possible.

[From the London Times, June 5, 1973]

DUE PROCESS OF LAW

The President of the United States is in the unenviable position of being tried by his fellow countrymen in three different forums, each of which has its own particular deficiencies and two of which have the power to offer freedom from prosecution to those whose evidence may accuse him. That is not to say the President is innocent, or that he would be innocent if any precisely formulated charges had been brought against him. It is perfectly possible for a wholly guilty man to be tried in a wholly unjust way. Indeed, many of the men who have been lynched in the course of history were lynched for crimes they had actually committed. That does not alter the fact that what Mr. Nixon is now receiving is a Washington variant of lynch law, and that while he may or may not be innocent, he may never be proved guilty by a process so clearly lacking in justice.

The three forms of trial, which are taking place simultaneously, are the Ervin Committee in the Senate (and this leaves out other related inquiries by five other Senate or Congressional committees), the Grand Jury, and the media, including *The New York Times* and the *Washington Post.*

PUBLICITY

The Ervin Committee is investigating precisely because the Senate thought that the due process of law was working too slowly. The Senators are trying to to ask fair and relevant questions; there is no allegation that this is a Senate committee on the lines of the McCarthy Committee, though it has approximately the same powers and rules. Yet Senate committees are not courts: they do not have an adversary procedure; they do not have cross examination by Counsel for the accused; they can take and certainly do take hearsay evidence. The Ervin Committee has already been warned by Mr. Archibald Cox, the special prosecutor, of "risk of damage to investigations and any resulting prosecution". The enormous publicity given to hearsay evidence in televised hearings is so prejudicial that it alone would seem to preclude the possibility of fair trial for any accused, even including the President himself if there were impeachment proceedings.

The second tribuinal is the Grand Jury. No student of British law will forget that we abandoned the Grand Jury procedure because of its notorious weaknesses as an instrument of justice. Grand Jury proceedings provide the prosecutor with opportunities to introduce prejudicial evidence which would not be admissible in a trial. The Watergate Grand Jury proceedings have been held in camera but have been widely leaked. The public has therefore a partial and unreliable account of these proceedings: that must be more damaging to the administration of justice than if there were a full account or no account at all. The publication of alleged reports of proceedings held in camera would be contempt of court under British law.

The third tribunal is the press, with television. But for the work of the Washington Post the real elements of the Watergate scandal would not have been uncovered. However, now we have a simultaneous process of trial by newspaper allegation, beside the Senate hearings and the Grand Jury. The American press, and particularly the Washington Post, deserve their full credit for forcing the Watergate affair into the open. They are however now publishing vast quantities of prejudicial matter, that would be contempt under British law, which again must tend to prejudice the fair trial of any accused, or if it came to that, of the President.

The latest and most damaging example of this is the evidence given by Mr. Dean. According to *The New York Times* and the *Washington Post,* Mr. Dean told Senate investigators that he conferred with President Nixon thirty-five to forty times between January 1 and April 30 of this year. The subject of these conversations was alleged to be the concealment of the fact that White House men were behind the break in of June 17 last year, the Watergate burglary. Mr. Dean also alleged that the President agreed to buy the silence of the accused. These alligations have been denied specifically by the White House, though it is agreed that the President saw Mr. Dean, who was indeed the White House counsel at the time.

This is evidence of the greatest possible importance. It is not too much to say that if Mr. Dean's evidence is true Mr. Nixon is not fit to remain the President of the United States. Mr. Dean's evidence, if believed, would convict the President on two counts, firstly of conspiracy to pervert the course of justice and secondly of deliberate, continued and systematic lying to cover up his own part in that conspiracy. In practice, if Mr. Dean's evidence comes to be accepted, it could well lead to the successful impeachment of the President of the United States, and it is the first evidence in the whole case which takes the central matter straight home to the President; not by hearsay but by direct account.

This evidence of Mr. Dean's has come out first in two great newspapers, the most important national newspapers of the United States. Perhaps one should consider what the quality of Mr. Dean's statement is as evidence. In the first place it was given to Senate investigators whose committee have the power to give or withhold immunity from prosecution to witnesses before the Senate committee. Mr. Dean has stated that he will not be the fall-guy, and one way in which he could avoid being the fall-guy would be to obtain immunity for himself in return for his evidence against other people. There is a long legal tradition that the evidence of those who wish to turn Queen's evidence should be treated with suspicion.

SLENDER EVIDENCE

Mr. Dean's evidence was a preparatory statement; it was not given on oath; it was not given in open hearings; it was not given in open court; it must have been subject to questioning by the staff of the Senate committee, but not to public examination. It was most certainly not open to cross-examination by counsel for the President. On these grounds alone it is hard to think how evidence could be less satisfactory. Yet on this evidence could well be based public conclusions which could destroy a President of the United States.

The case is in fact worse than this. Any cross-examination would have put to Mr. Dean the apparent contradictions between this statement, now so unfortunately leaked to the press, and the earlier statement made by Mr. Dean's "friends" in an interview published by *Newsweek* on May 6. Mr. Dean's friends reported that Mr. Dean did think that Mr. Nixon knew of the cover-up, but gave only the slender evidence of an interview in September, 1972, in which the President stated: "Good job. Bob told me what a great job you've been doing." Mr. Dean took this to refer to the cover-up. By May 6 we are therefore already dealing with a Mr. Dean who is a hostile witness to President Nixon. He makes no mention then of the thirty-five meetings, but provides much more remote evidence for his belief that the President knew what was happening.

That is not a crucial inconsistency; Mr. Dean could well have been dribbling out the truth, a little last month, a little this month. In the same interview, however, Mr. Dean's friends quoted another story of Mr. Dean seeing the President. Mr. Dean admitted that he had never conducted the supposed inquiry into White House involvement, and told the President so on March 21, 1973. "The President came out of his chair," in apparent shock. So by Mr. Dean's first account we have the President shocked by a fact which, if Mr. Dean's second account were true, the President could scarcely have failed to know. That little physical detail of President Nixon bouncing out of his chair when he hears that Mr. Dean has been organizing a cover-up tells strongly in the President's favour, particularly as it comes from a hostile witness, and particularly as it refers to a date as recent as March 21 of this year.

SAME PRINCIPLES

That is not to say that this contradiction cannot conceivably be explained. What it does do is illustrate the danger of prejudice inherent in press reports of unsworn, untested, uncorroborated evidence. This is leakage of evidence likely to prejudice the Senate committee, which when it is presented to the Senate committee will further prejudice any trial that may depend upon it. It is prejudice very close to the fountain of information on which justice at some later stage is supposed to be done. The Dean leak is lethal, if believed, and yet of mimimal evidential value; it alone could make a fair public trial impossible.

The tragedy is that the whole case is concerned with justice. What the President is accused of that really matters is to have interferred with the course of justice. That would be as grave an offense as a President could commit. Yet are not the Senate committee who are taking and publishing hearsay evidence to the whole country also interfering with the course of justice? "It is much more important for the American people to know the truth . . . than sending one or two people to jail", said Senator Ervin, the Chairman of the committee. That is not only interfering with the course of justice, but justifying the decision to do so.

And what about the press? Of course the American law of contempt is very different from ours, but the principles of fair trial are the same. How can one justify the decision to publish the Dean leak? Here is a real piece of hanging evidence, the missing element—if it is believed—in a chain of proof. Here is a piece of wholly suspect evidence—unsworn, unverified, not cross-examined, contradicting previous evidence, subject to none of the safeguards of due process, given by a man who may be bargaining for his freedom. How can the newspapers defend themselves from the very charge that they are bringing against the President, the charge of making a fair trial impossible, if they now publish evidence so damming and so doubtful with all the weight of authority that their publication gives?

THE WHITE HOUSE WITCH HUNT

(By Angus Maude, M.P.)

Have the Americans taken leave of their senses? Looking objectively at the handling of the Watergate Affair and its ramifications, one is almost forced to the conclusion that they have.

It is pretty horrifying to watch the way in which supposedly responsible Americans in the higher echelons of politics and public affairs are going about the business of discrediting not only their President but the whole system of government in the United States.

The Press and the other media are enthusiastically urging them on and revelling in the resultant mess. Every accusation against President Nixon and his staff, however untested and however tainted its source, is given the widest publicity.

Every possible innuendo is used to slant the impression given to the public, apparently in the hope of fixing the peoples verdict before half the evidence has been heard.

PRETENCE

Perhaps the most nauseating feature of the campaign is the self-righteous pretence of the smearers that they are only "acting in the public interest" and "helping to get at the truth." The only facts that they are interested in are those that can be used to discredit the President: and the way the campaign has been handled is not in the public interest at all, but deeply damaging to the United States and to all the best things for which America stands.

All the half-forgotten elderly whizz-kids of the Jack Kennedy era have been writing articles—many of them syndicated over here—viciously venting their traditional hatred of President Nixon, but adding sententiously that the whole horrible business is really a blessing in disguise which will lead to much-needed reforms in the system of government.

Clearly they see it as a heaven-sent bandwagon on which they can hitch a ride towards the ultimate triumph of Senator Edward Kennedy. That a victory for this deplorable man would be for them and for most of the Eastern American liberal establishment, a desirable consummation of the present campaign is a sufficient guide to their sense of values.

Of course, the Watergate Affair is a sorry mess. It is at least obvious that the President appointed some pretty strange people to his personal and political staffs. But the widespread assumption that he himself is guilty of corruption and illegal practices is still unsupported by convincing evidence.

DAMAGE

In default of this, his detractors have resorted to the argument that if he were not guilty he would already have proved himself innocent—which is a typical inversion of the principles of fairness and justice for which they purport to stand.

The important point, however, is this. Whatever truth emerges at the end of the inquiries, whether the President is vindicated or brought down, the whole business is being handled and exploited in a way calculated to do the most, not the least, lasting damage to America and to the true interests of its people.

Mr. Nixon's enemies, of course, are saying smugly that it is his handling of the affair that is doing all the damage; but even a cursory study of the American Press coverage makes it clear that this is not true. They are out to destroy him, and they do not seem to care who or what suffers in the process.

Of course I do not know what, if anything, the President has to hide. But at this critical juncture for both the American economy and his own foreign policy, he carries a burden of responsibility that must make him hesitate to become personally involved too deeply in the comparative irrelevancy of the Watergate inquiries. Any responsible householder is more concerned about an imminent threat to the fabric of his building than about a temporary smell in the drains.

You would have thought that any educated American could foresee the desperate consequences of a major constitutional crisis at this time. And that any responsible commentator over here would hesitate before light-heartedly handing out more ammunition to America's enemies in this country. Yet the B.B.C. seems to be positively revelling in it.

Why have the B.B.C.—and indeed ITV—news and current affairs men been playing up the Watergate business so assiduously? They cannot really believe that the British public find it all that rivetting.

They, like their American counterparts, seem to be actuated by a compulsive hatred of Mr. Nixon. Everything is slanted against him. Often they refer to him contemptuously just as "Nixon"—a familiarity they would never resort to with, say, Mr. Brezhnev or General Amin.

Is this just a fixation of intellectual liberals? Or are our media too so deeply infiltrated by anti-American Leftists that they feel compelled to attack the one man who seemed likely to save America and restore its influence in world affairs?

Let us remember one or two things about President Nixon.

He won his landslide election victory because the American people recognised his practical achievements and wanted him to complete the job.

He seemed to be halting the hopeless drift towards anarchy and violence in which the country was involved. Peace had returned to the chaotic university campuses. A stand was at last being made for law and order. He was getting to grips with the problem of inflation.

CALIBRE

Mr. Nixon brought to its only possible end the hopeless bloody struggle in Vietnam—a struggle to which Kennedy and Johnson had committed America at the wrong time and on the wrong terms. He has laid the foundations of detente with Russia and China.

America, and indeed the whole Western world, already owes him quite a lot. If he survives we may yet come to owe him a great deal more. No possible successor is likely to be a stateman of anything like his calibre.

Above all, let us pray that if Mr. Nixon is brought down by the rabble now pursuing him, the damage to America and its friends may be less than they seem determined to inflict. Perhaps they will at least have the grace to stop appearing to enjoy it all so much.

HOUSE JOINT RESOLUTION 533

HON. EDWARD J. DERWINSKI

OF ILLINOIS

Mr. DERWINSKI. Mr. Speaker, as a cosponsor of House Joint Resolution 533, I was especially pleased to have supported it when it passed the House on June 5, 1973. This bill will authorize the President to proclaim June 17, 1973, as a day of commemoration of the opening of the Upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

As a student of history, I feel that the interest being shown in the Marquette-Jolliet tricentennial programs deserves our full support.

Mr. Speaker, Marquette and Jolliet traveled through the heart of what is now the Fourth Congressional District of Illinois, which I am proud and privileged to represent. There is great support in a number of local communities in my district for programs enacting the history of their movements and retracing their steps through the area.

As a cosponsor of House Joint Resolution 533, I was very pleased that it received expeditious handling by the Committee on the Judiciary and that it received the overwhelming support of both the House and Senate.

MR. CONYERS LAYS IT ON THE LINE

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Ms. ABZUG. Mr. Speaker, a major speaker at the 20th Congressional District's recent community conference was my distinguished colleague, the Honorable John Conyers—who last year was reelected for his fifth term, with 88 percent of the vote from Detroit. Mr. Conyers works with me on the Government Operations Committee and is also a member of the House Judiciary Committee. In addition to being a leader of Americans for Democratic Action and the American Civil Liberties Union, he is one of the most dynamic leaders of the Black Caucus in Congress.

I would like to insert in the Record at this point the pithy remarks Mr. Conyers made at our conference:

Speech by John Conyers

I'm delighted to be here with you for a couple of reasons: the first is that I think conferences such as this are extremely important in terms of having a person-to-person communication with our constituents, and secondly, I'm delighted to be here because Bella Abzug *told* me to be here.

Now what if this was August of '72 when all these Watergate revelations were being made? Do you think there might possibly have been a different outcome to that November 5th debacle? If we had known then what we know now? I don't give too much credit to the media—sure they did their bit—but most of them kept it down: the Washington Post and the Times ran the stories and the rest of the people had to find it in small type on the back of newspapers. But back last summer I began thinking about this and I circulated to some members of the House of Representatives this brief statement which said "The Nixon Administration now stands accused of operating an espionage ring for the purpose of sabotaging the Presidential campaign of the Democratic candidate. These charges, widely reported in the media, have been given further substance by detailed investigation by the Washington Post and The New York Times, C.B.S. News, the Los Angeles Times and Time Magazine

"From these sources a picture has emerged of a clandestine committee headed by past and present White House officials and Cabinet officers which used a massive and secret fund raised to support Richard Nixon's election for the following purpose: illegal electronic surveillance of the Democratic National Committee headquarters at Watergate, breaking and entering at the Democratic headquarters in order to steal and copy political files, deliberately issuing false statements and information in the name of the Democratic candidates for the purpose of defamation, deliberate attempts to wreck campaign events scheduled on behalf of Democratic Presidential candidates, assigning investigators to shadow and collect dossiers on the personal lives of Democratic candidates and their families.

"If these charges are true, they constitute not only flagrant violations of the law but an attack on the entire concept of free and democratic elections, consciously directed by those persons around the President for the sole purpose of preserving his personal power. Efforts to discover the truth about these charges before the election date have been consistently blocked by the executive branch and by leaders of the Republican party. The F.B.I. report cited by the press has not been released. The trial of the men caught in the Watergate has been postponed and with certain exceptions a gag placed on the parties to the case. White House aides have refused to testify before Congressional committees. And certain members of Congress have denied their committees the subpoena power needed to compel testimony from those parties allegedly involved.

"Thus, voters on November 7 will be denied the dispassionate presentation of the evidence that they deserve on so grave an issue. The White House claims that neither the President nor any of his aides has been involved in any improper or illegal activity, but sooner or later—no doubt, after the election—all of the facts will eventually come out into the open. At that time we will certainly know what has happened and who must bear the responsibility.

"We, the undersigned members of Congress, would like to go on record at this time to promise that if we find that the White House was directly involved in these acts, we will have no choice but to introduce a resolution of impeachment against Richard Nixon for the criminal sabotage of the electoral process of the United States.

"The Constitution assigns to the House of Representatives the task of enforcing the high standards of conduct expected of the President of the United States. We believe that the present charges against Richard Nixon, if proven to be true, grossly violate those standards and therefore a resolution of impeachment would be the only response consistent with our responsibility as members of Congress."

Now let's examine what it is we hope to find in the course of the investigations of Watergate: the grand jury nosing around, the F.B.I. probes that are now regularly talking to members and former members of the Nixon staff, including the former director of the F.B.I., who we now find is very largely involved. Not to mention two former Attorney Generals, and the President's own personal lawyer and the ex-C.I.A and F.B.I. agents who themselves participated in the Watergate burglary.

What is it that a federal trial, a grand jury, an F.B.I. investigation, a Senate committee hearing the Watergate matter, an overall federal prosecutor, or the House Judiciary Committee can find out? Do we want to find another member of the White House Staff who is implicated? Are we looking for another ex-C.I.A. agent who is involved? Are we looking for another member of the President's campaign? Another member or former member of the cabinet?

Not me. I'm not looking for any more of them. There's only one question I want to find out. Did the President of the United States or the Vice President of the United States have knowledge of the Watergate affair?

That's the question that remains to be determined, and I submit to you that none of these organizations, agencies, courts, and juries and special prosecutors is empowered to determine that question. The President is constitutionally precluded from being sued in an ordinary manner in any court. The doctrine of executive privilege precludes him from coming before any Congressional committee and, as you must know, it also precludes any of his aides who may want to invoke it. Also, those who have been accused or indicted of the crime have the privilege against self-incrimination operating for them so they would be absolutely insane to come before any special committee to take an oath to tell the truth, when they're on trial and could go to a federal penitentiary for their involvement. There is no way that we can find out, short of the President and the Vice-President coming forward and making the one statement that the people want to hear, their complete knowledge about the Watergate, not only *before*, but what they know about it after it started.

There happens to be a crime called being accomplice after the fact that could also be the grounds for an impeachment resolution running to both the President and the Vice President, if you please. It just so happens that these plans did not emanate somewhere in Washington: they started in the Executive Offices of the White House. The phone that was used was the one phone that is in the White House that is is not a government federal phone, perhaps the only one that wasn't wiretapped. That was a phone paid for by the secretary of one of the members of the White House staff.

The President's personal lawyer was involved in those conversations. We know now that the former attorney general of the United States lied to the American people and denied any knowledge of this incident. And so I say to you that we're in a crisis that is unlike the Teapot Dome Scandal of 1924. This is far more serious. This is even worse than the Credit Mobilier Scandal during the Grant Administration. We have never had these wholesale resignations and convictions and indictments thus far, and every day new revelations are brought forward. Catching the plane from Washington this morning, I just saw the latest Washington Post headline. What did it say? "White House House connected to Ellsberg breaking and entering."

We must also show the insufferable connection between Watergate and Cambodia. That is to say, this Administration which came forward with the theme of Law and Order is the most lawless, disorderly, corrupt Administration the United States has ever had.

We're going through a crisis of confidence unlike any we've ever experienced in America. And so, therefore, I see a connection between what went on at Watergate and the surrounding activity. After all, Watergate was a part of a conspiratorial plan. That wasn't the sole activity. That was a part of an effort to subvert the political process in America.

And what about Cambodia? Can you imagine, after ten years of the most illegal and immoral war in America's history, undeclared and unconstitutional, that the President would violate the Paris accords and we now end up in a neighboring country of Vietnam, bombing away, just exactly like we did in Vietnam, not having learned the first lesson. American flyers are already being killed and captured. Vietnam Two, all over again.

So I want to suggest something to you. Yes, a resolution of impeachment might be appropriate on Watergate to inquire into whether or not the President has knowledge of it. I am suggesting to some of my Republican friends that they ought to welcome such a resolution to clear the President's good name, that we should all join in a very fair and thorough and final dispositive hearing. But if for any reason some of them might not agree to that, I think that a resolution of impeachment unquestionably lies on the basis that the President of the United States has once again exceeded his authority as Commander-in-Chief of our armed forces when he unilaterally orders American troops and bombers into Cambodia and Laos when he has told us that those activities would not be conducted again without consulting with the Congress.

Now I'm hoping that we won't prematurely rush to introduce a resolution of impeachment. The day-to-day resolutions are now growing so rapidly that I think it should be deliberate. What we have to do is to begin to get the American people to understand that the resolution of impeachment is not a political tool one party grinds out against another party to harass or embarass it or to merely run a vindictive, partisan game. It is a serious, valid, legitimate weapon of the parliament that's available to the Congress to utilize when it finds that there's a time appropriate for its being brought into use.

We're at the point now, as your Congresswoman has said, to examine if, when, and how we deal with this kind of matter. I'm hoping all of you will help all of us.

And there is another culprit. It's so easy to blame Richard for almost everything wrong with Washington and in the end I guess his responsibility is quite generic, but there is something else wrong with Washington and it's the Congress of the United States.

Let me tell you a couple of things that might have escaped your notice. Guess who passes legislation in America: the Executive Branch or the Congress? Guess who decides what programs will be implemented by the government: the Executive Branch or the Congress? Guess who is supposed to determine the Federal thrust of all the laws in this land? The Congress. It's about time we started to look inside our own political operation to find out what's wrong.

For example, when the President announced that he wanted to dismantle OEO, we had a big meeting and decided on "legislative strategy" which turned out to be a Concurrent Resolution. That really sounds great, I thought. But when my staff and I studied it, we found that it had not one ounce of substantive legislative energy. It was a "sense of Congress" resolution. It didn't stop anything. The dismantlement would go on. It didn't appropriate any money. It did not say to the President, "Thou shalt not impound or dismatle." It didn't demand that he bring before the Congress any reorganization efforts, as he is required to do by law.

So I wrote a bill in which Bella quickly joined me: "Thou shall not impound," plain English. It said we halt all impoundments and any reorganization—call it by any name you wish—will be brought before Congress. Senator Hart cosponsored the bill in the Senate, and we have 54 cosponsors in the House.

I've begun to realize that all that business about following the rules and gaining seniority and making the Congress a more workable institution— that's a bunch of nonsense until you get rid of some of the people in there who don't have our philosophy in mind before they came, while they're there and when they leave. Until we change the makeup, the physical composition of the Congress and the Senate, you're never going to get the progressive kind of legislative results you ought to be having and that you deserve and that brings us here today.

Somebody's got to go!

I mean they ought to be thrown out on their ear. And as I look around at the New York delegation, you've sent your share of do-nothing liberals and a portion of dried up reactionaries right out of New York.

Don't look at Michigan, because we're just as guilty.

So, my feeling today is, let's clean up the Congress, and I'm talking about cutting out some of the rhetorical solutions and beginning to challenge the leadership. Until we do that, we'll be writing perfect bills that are going no place because the leadership, the bosses, the chairmen of the Congress are not disposed to enact them at this time. And so it's out of these concerns that I join you today and also to say that I finally found the courage to announce to you that from next year on, the First Congressional District of Michigan is going to be having this same type of conference.

Thank you very much.

ON MAKING GASOLINE FROM WATER

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. HOSMER. Mr. Speaker, when I originally read the item many years ago it was with considerable excitement and I have recalled it occasionally since. When I ran across it again recently it occurred to me that others might enjoy it.

The item first appeared in 1935 under the byline of Drew Pearson and Robert S. Allen in their syndicated column called Washington Merry-Go-Round. Not long ago Mrs. J. D. Henderson of Costa Mesa, Calif., found it in her files as it was carried by the Des Moines Register. It has an uncertain and ambiguous relevance to today's energy situation. Mrs. Henderson thought it would make interesting reading and submitted it to the Daily Pilot newspaper of Orange County which reprinted the item on May 20, 1973, as follows:

INVENTOR WHO MADE GASOLINE FROM WATER

WASHINGTON, D.C.—Today, with gasoline scarce along the Atlantic coast, certain U.S. naval officers remember with regret a mysterious inventor who turned up during the last war and said he was able to make gasoline out of water.

The story seems like a myth, but it is recorded in the U.S. naval institute proceedings, an official record, and the navy in 1916 was so convinced that gasoline could be made out of water that it was willing to pay $2,000,000 for the process.

But suddenly, the inventor, a Portuguese, disappeared. The navy has never been able to find him since.

Here is the official version as written down by Captain E. P. Jessop, then senior engineering officer at the New York navy yard. He records that a Portuguese named John Andrews came to the engineering laboratory of the New York navy yard where he poured water from a navy bucket into the fuel tank of a navy motor boat engine, then took a small phial from his pocket and dropped 6 or 7 drops of a greenish fluid into the tank. Then he said, "Start the engine."

The inventor had not examined the engine or altered it in any way. It sputtered a bit at first, then settled down to work and consumed every drop of fuel in the tank, developing 75 percent of its rated horsepower.

"By this time," writes Captain Jessop in the official record, "we were in a state of mind to describe. We had seen a gas engine assimilate a great percentage of water in its fuel, when all our experience had proved that a very small percentage of water in the fuel would make the engine refuse duty; and the simplicity of Andrew's equipment seemed to make it impossible for him to have deceived us."

WANTED CASH OR NOTHING

Next day the experiment was repeated with salt water. This time, to make sure there was no deception, the mixture was made in a room entirely bare of furniture. Again the inventor poured water into the gasoline tank, mixed a few drops of green liquid with it, the engine started and did not even sputter. It settled down at once, developing 75 percent of its rated horsepower.

Next, Inventor Andrews was taken to Washington for a demonstration before the navy's bureau of engineering. It was so convincing that the navy asked to buy his invention. The price asked was $2,000,000. The navy countered by offering to put $2,000,000 in the bank in escrow, the money to be paid when he had taught ten naval experts to mix the fuel. Andrews refused the offer, saying he wanted cash. This made the navy skeptical. They hesitated, and a day or two later the inventor disappeared. He has never been heard of since.

"Personally," concludes Captain Jessop, "I believe that John Andrews had a very valuable secret, and it is a pity some way could not be worked out to satisfy his requirement."

COURT BLOCKS ILLEGAL TENURE OF ACTING OFFICE OF ECONOMIC OPPORTUNITY DIRECTOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. RANGEL. Mr. Speaker, yesterday the U.S. district court in Washington held that Howard J. Phillips is serving illegally as Acting Director of the Office of Economic Opportunity. The hypocrisy of the President's call for law and order is emphasized once again: Watergate, illegal impoundments of appropriated funds, and now an illegal appointment to a high Government position.

Not only is the administration's lack of respect for the law of the land an issue, but Congress must also deal with the White House's attitude that the poor are second-class citizens.

During the tenure of Howard J. Phillips as Acting Director of the Office of Economic Opportunity, the administration began a deliberate, concerted attack on antipoverty programs. A court order was required to block Phillips' illegal efforts to dismantle OEO. Now, we learn, Phillips has been appointed to an important position of trust and responsibility in direct violation of the law.

The victims of this latest administration escapade into lawlessness are the 25.6 million poor Americans who must bear the burden of the emasculation of

Federal programs which were originally designed to help them into the economic, educational, legal, and social mainstream in this country. The efforts of the President and his officials to destroy the antipoverty program will sentence the poor in the United States to further discrimination and degradation. Yesterday's court decision represents another roadblock for the administration's path of lawlessness.

THE WATERGATE AFFAIR AND A DUAL STANDARD OF MORALITY

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. GUBSER. Mr. Speaker, I do not condone anything that happened in the Watergate affair, and I believe that all persons who were guilty of illegal acts should be punished; but I do believe there has been a dual standard of morality and a dual standard of justice applied by many individuals, including segments of the American press.

Recently I have received a letter from a constituent whose name I do not submit because I have not requested permission to use his name. However, his letter was most effective and clearly states a point of view which I think should be expressed in this day and age. The letter follows.

MAY 17, 1973.

Hon. CHARLES GUBSER,
House of Representatives,
Washington, D.C.

DEAR CHARLIE: This letter is philosophical, but I think it is something with which all of us had better concern ourselves. I don't like what I see. I am not as certain as the Birchers seem to be that this whole sordid mess is an insidious plot to destroy this nation, but if it is not, it sure as hell has all the symptoms of such a plot.

Let's make some comparisons of how certain news items are carried by the media and/or are seized upon by various groups and organizations and used for their own ends.

Watergate is treated as a horrendous crime. To date, we are sure of only one thing—a crime was committed—burglary. The rest appears to be allegations blown out from within the confines of allegation into "fact".

Yet, in 1960, and again in 1964, stolen ballot boxes were sluffed off with Mona Lisa smiles while break-ins of local Goldwater headquarters and the planting of spies inside the Goldwater Campaign was justified to save the nation from a "trigger-happy war-monger". Where was the righteous indignation of Congress and the news media then?

Ellsberg stole documents. Whether their revelation was harmful to the U.S. is not the issue, although it is of major concern. At issue was the stealing of documents (property) not belonging to Ellsberg. Result? He is a hero—not in my book—but among the news media and certain elements in this country. In my book— he was a spy, the same as Liddy, McCord etc. Could we not just as easily say that the motives of both the Watergate people and Ellsberg were the same? Ellsberg claims he did what he thought was right. What we have here is situation ethics.

The Watergate episode was justified on the grounds of National Security and protection of the President. This became unthinkable as a despicable act, but the stealing of security documents becomes heroism.

Secrets are stolen and Congress dignifies the admitted thief by giving him credibility as a witness.

Angela Davis, Magee, Ellsberg and other radicals are treated as the persecuted minorities and acquittal with jubilance.

Refusal of reporters to testify is equated with courage and heroism. Refusal of Liddy to testify against himself becomes a criminal act. Murderers and rapists are the "victims of society" while the real victim sees no justice.

We find supporters of the Genocide Treaty that would supersede the Bill of Rights and permit an American citizen to be hauled off and tried in Russia, Cuba, Red China or other foreign countries on "genocide" charges. You also have many of these same people insisting that five Irish-Americans imprisoned in Texas for refusal to testify before a Federal Grand Jury should have been tried before a hometown Grand Jury in New York.

The President is charged, prosecuted, judged, convicted and sentenced by allegations of witnesses, the veracity of whom is highly questionable to the extent that even Jack Anderson stated there were no legal facts submitted. Senators Proxmire and Mansfield attacked the press and news media in stronger terms than Spiro Agnew ever uttered. The only ripple was a blast by the media against Proxmire and Mansfield, a blurb about the 1st Amendment and then they let it die.

There are some who seem more interested in destroying the President as a man. There are some who seem to go beyond that. They are more interested in destroying the Presidency. Then you have some of both who are more interested in their respective ends than the United States or its form of government. They could care less if it destroys the nation so long as their vindictive goals are achieved.

I would suggest that those who have all the "inside" information use those sources to find out who the people are that want to destroy the President and the Presidency itself, and while they are at it find the double agent in the President's Campaign Headquarters and/or his White House staff. There had to be one Charlie.

Quod licet jovi, non licet bovi.

—— ——.

SAD DAY FOR LITHUANIANS

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. McCOLLISTER. Mr. Speaker, I would like to join with all Lithuanian people in taking special note of today, June 15. This is a day of special sadness. Not only for the Lithuanians but for all freedom-loving persons throughout the world. On this day in 1940, Lithuania was forceably annexed into the Soviet Union.

Lithuanians are still risking their lives in defiance of the Communist regime 33 years later. This courage and determination on the part of Lithuanian citizens in their country and in America serve to remind us that there has been no widespread acceptance among Lithuanians of Soviet rule.

To remember this day is not a happy task, but it is significant, because it symbolizes the will and spirit of those who have not given up in their quest for a free Lithuania. Freedom of self-government is the right of every human being. It is hoped the injustices suffered by Lithuanians will be recognized and something soon will be done to correct this intolerable situation.

VEYSEY OUTLINES NATIONAL BLOOD BANK ACT

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. VEYSEY. Mr. Speaker, last week I reintroduced the National Blood Bank Act, an updated version of the bill which I authored with nearly 100 cosponsors in the 92d Congress. The new legislation, H.R. 8386, contains several improvements over last year's legislation. We have been assured serious committee attention to this bill in both the House and the Senate. The need for this legislation is well recognized. Our archaic blood bank system contributes to at least 50,000 cases of serum hepatitis annually, and this bill is directed squarely at eliminating that tragic and unnecessary statistic.

Mr. Speaker, since the introduction of my original legislation in November 1971, I have received literally thousands of letters of encouragement from throughout the Nation from serum hepatitis victims who survived, and from the families of serum hepatitis victims who were not so fortunate. On the other hand, the opposition to this legislation has been almost nonexistent.

The legislation would set up under the Department of Health, Education, and Welfare, a national blood bank program, to be administered by the Secretary of HEW and with the job of assuring an adequate supply of safe blood throughout the Nation.

Mr. Speaker, the main thrust of my legislation will be to begin a transformation in our nationwide blood banking system—a movement to do away with our long time reliance on buying and selling blood to supply our needs. This legislation would direct instead, a nationwide campaign for volunteer blood, which by documented medical statistics ranges from 11 to 70 times safer than purchased blood. In short, the intent is to do away with the skid-row brokers of disease-ridden blood who are not controlled by law in most States.

My bill would require simply that predominately volunteer blood be labeled class A, and that commercial, or purchased blood be labeled class B unless the Secretary of HEW can otherwise justify classifying purchased blood class A from a particular blood bank's past performance.

Along with the drive to develop a reliable supply of volunteer blood, my legislation would institute a close watch on sources of diseased blood, through the establishment of a National Blood Donor Registry. Persons who are involved in the transmission of hepatitis will then be notified and screened out—for their own good as well as that of the potential unwitting victim.

Mr. Speaker, I offer the complete text of the National Blood Bank Act for the information of our colleagues, and include it as an extension of my remarks.

H.R. 8386

A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, and to establish a national registry of blood donors

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Congress finds that human blood is necessary for medical treatment and that an adequate supply of pure and safe blood throughout the United States is essential to the welfare of the Nation. Congress further finds that interstate shipment of pure and safe whole blood and blood components is necessary for the welfare of the United States; that since human blood is a living tissue which cannot be manufactured, an adequate interstate supply of blood depends upon the willingness of individuals to donate their blood; that since the virus hepatitis, malaria, and other diseases are transmitted in human blood and are found significantly more often in the blood of persons who donate for monetary compensation than in the blood of voluntary donors, the purity and safety of the national blood supply is seriously threatened by the inadequate level of voluntary donation and by monetary compensation of blood donors. The Congress therefore finds that the welfare of the United States will be promoted by development of a 100 per centum voluntary blood supply as soon as feasible, that voluntary donation should therefore be encouraged and promoted, and that certain procedures and standards should be established with respect to the operation of all blood banks in the United States.

SEC. 2. There is established in the Department of Health, Education, and Welfare a National Blood Bank program.

SEC. 3. (a) In order to assure an adequate supply of pure and safe blood throughout the Nation, the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall—

(1) promulgate regulations for licensing and inspection of blood banks;

(2) develop, by grant or contract, new procedures, materials, and techniques to inform the public of the need to donate blood voluntarily;

(3) provide direct assistance to establish an adequate supply of voluntary blood in those parts of the country where it is presently unavailable;

(4) develop a national program to honor and recognize voluntary donors;

(5) establish yearly goals of voluntary donors for each blood bank;

(6) conduct evaluations of the effectiveness of various recruitment techniques and inform the licensed blood banks of the most effective techniques;

(7) classify blood banks as either "class A blood banks" or "class B blood banks";

(A) a class A blood bank is one which collects no more than a specified percentage of its blood from paid donors. The Secretary is authorized to qualify a blood bank which does not meet this percentage as a class A blood bank if, in his opinion, its previous record of performance qualifies it to be so classified;

(B) a class B blood bank is any blood bank not classified as a "class A blood bank";

(8) annually increase the percentage of voluntary donors to qualify as a class A blood bank to the highest level consistent with an adequate national blood supply; and

(9) require that each unit of blood collected by a blood bank be clearly labeled as obtained either from a class A blood bank or a class B blood bank.

(b) The Secretary shall maintain a registry of all persons who give blood after July 1, 1973, to a licensed blood bank and shall identify donors on such registry who may have been implicated in the transmission of hepatitis or who should otherwise be disqualified as blood donors. The Secretary shall notify all blood banks of such disqualifying information.

ADVISORY COUNCIL

SEC. 4. (a) ESTABLISHMENT.—There is established an Advisory Council to be composed of the following nine members appointed by the President:

(1) two representatives from each national blood bank system, one of whom shall be a person with not less than five years' recent experience in blood bank administration;

(2) three representatives of blood consumer groups including:

(A) one hospital administrator;

(B) one representative of organized labor;

(C) one representative of business management; and

(3) two persons experienced in advertising and public relations neither of whom may be employed or retained during their service on the Council by any firm or other organization which is engaged in operating a blood bank.

(b) DUTIES OF COUNCIL.—The Advisory Council shall—

(1) make recommendations to the Secretary with respect to long-term policy goals to be pursued by the Secretary in carrying out his functions under section 3 of this Act;

(2) make recommendations to the Secretary with respect to the encouragement of blood donation and the motivation, recruitment, and recognition of blood donors;

(3) make recommendations to the Secretary relating to reciprocal transactions between national blood bank systems to the extent that no agreement relating to such transactions exists between such systems; and

(4) make recommendations to the Secretary relating to the removal of the cost for purchasing blood, as distinguished from the combined cost of the blood and its processing from coverage under health insurance plans.

(c) TRAVEL EXPENSES: PER DIEM.—While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

BLOOD ASSURANCE PROGRAMS

SEC. 5. No person other than a blood bank which is classified as a "class A blood bank" may maintain any program in which individuals deposit blood in advance of their need for blood or pledge to give blood upon request.

PURCHASE OF BLOOD BY FEDERAL GOVERNMENT

SEC. 6. No agency, department, or other instrumentality of the Government of the United States shall contract for or pay for the provision of blood from any person other than a class A blood bank and such agency, department, or other instrumentality shall take such measures as may be necessary to insure that such blood has been tested according to the best available test for hepatitis.

PENALTIES

SEC. 7. Any person who willfully violates any provision of this Act or any rule or regulation promulgated thereunder shall be guilty of a misdemeanor and shall, on conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than $1,000 or both.

DEFINITIONS

SEC. 8. For the purposes of this Act, the term—

(a) "Blood" means human whole blood, or any component thereof.

(b) "Blood bank" means any person or other entity engaged in the bleeding of individuals and performing any of the following functions—

(1) recruitment of blood donors;

(2) processing of blood for transfusions;

(3) storage of blood;

(4) crossmatching of blood;

(5) administration of blood to individuals; or

(6) preparation of blood components for transfusion.

(c) "Blood donor" means a paid blood donor or a voluntary blood donor.

(d) "Paid blood donor" means an individual who receives monetary compensation or an adjustment in his scheduled period of prison confinement for his donation of blood or any component thereof.

(e) "Voluntary blood donor" means any individual donating his blood other than a paid donor.

AUTHORIZATION

SEC. 9. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

MAY WE HAVE QUIET, PLEASE?

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. HANSEN of Idaho. Mr. Speaker, it seems obvious from an analysis of the current fuel shortage that because the causes are so many and the problem is so enormously complex no simple, short-range "solution" is possible. Steps have already been taken, however, to relieve immediate pressures and to deal with the most critical needs. The administration initiated a voluntary allocation formula on May 23, 1973, and indications I have received from Idaho's Second District are that those who have contacted regional offices of the Office of Oil and Gas within the Department of the Interior have received the necessary assistance and complete cooperation.

The Oil Policy Committee will soon be taking testimony on the question of whether the voluntary program is adequate and whether mandatory controls should be instated. Reports of the results of the voluntary program thus far have been encouraging. However, I am deeply concerned over the prospects for later this summer when harvesting operations on the farms are at their peak. If the usual recreation and vacation demands for petroleum create still stronger competition with farmers, a voluntary allocation system may prove insufficient.

Those of us who represent rural areas know that there simply is no greater problem facing us at this moment than assuring an adequate supply of vital petroleum to farmers and the related transportation industry.

Apparently a majority of the Senate shares my concern, as that body recently passed legislation which would make the allocation program mandatory. The bill is now before the House and we shall soon have to decide the question. Though I do at this point have some reservations regarding the practical effectiveness of the mandatory mechanism incorporated in the Senate bill, my concern over its being able to cope from hour to hour with farmers' needs across the Nation is even greater.

Again, more thoughtful study will be necessary before the proper answers become apparent. The potential consequences of any ill-advised action in a nation as technologically oriented as ours are such that we must take a calm, level-headed look at the problem. In this connection, Mr. Speaker, I commend to my colleagues an address which was recently delivered by one of Idaho's and the Nation's most respected authorities on the subject of power, Mr. Ralph H. Wickberg, who has been a long-time and dedicated commissioner on the Idaho Public Utilities Commission. To bring Mr. Wickberg's analysis of the problem to the attention of my colleagues, I include his address as part of my remarks:

May We Have Quiet Please!

(By Commissioner Ralph H. Wickberg)

The present energy crunch or crisis poses some very unusual possibilities. The conventional wisdom indicates that the United States has consumed its available energy resources in a profligate manner. This consumption of energy resources without regard for economic consequence or for future availability has now created some interesting trade offs.

The U.S. consumer has been provided a high standard of living that cannot be maintained by the continued use of cheap energy resources that have been but are not now available. We now must seek out alternative energy sources if our standard of living is to be maintained at its present level.

There have been numerous studies discussing our shortage of fossil fuels, particularly petroleum products, and there have been many suggestions as to how the U.S. can develop other energy sources to replace those now in short supply. There are so many conflicting interests involved in assessing our apparent energy shortage and possible cures thereto that it resembles the Tower of Babel. The public is being torn between all of these conflicting interests that on the one hand contend that disaster will overtake the human race if more energy resources are not developed, and those interests who contend that there is no energy crisis and that in their belief the absence of additional energy will bring back the good life. Since national and community leaders are themselves divided on this issue there can be no national consensus.

As a state regulator it is my considered judgment that an unnecessary crisis is quickly approaching because of a lack of consensus amongst our intellectual, scientific, political and technical leaders. It is impossible for anyone to alert the American public to the true situation when everyone is talking and no one is listening.

It would seem to this individual that some basic criteria could be established that would inform not only the leaders of this nation but also the general public as to what penalties the energy crisis would impose on this nation's economic and social fabric if certain energy requirements are unmet.

There have been glowing pictures painted of our increasing affluent society that has been predicated in our past use of an apparent unlimited supply of reasonably priced energy. Many people have also assumed that the work day and work week may decline without additional energy supplies and still the U.S. standard of living will continue to flourish. This, in my opinion, is an unwarranted assumption and those that practice this theory must be ill informed as to the role that energy plays in our affluent society.

There may well be ligitimate conservation practices that this nation and its people may adopt, but each has economic and social consequence. In other words, any long range economic forecast that has promised continued affluency to those people now affluent with glowing additional promises to the disadvantaged that they will become affluent, inevitably will be inaccurate and misleading to the degree that energy could become unavailable or extremely expensive. Should energy become scarce the promises of a better material life will wither away.

Our present national debate on energy does not place the problem before the American people in its true perspective. In my judgment, this nation must decide, through a soul searching inquiry, our national goals for the furnishing of goods and services for the present and succeeding generation. Should the country decide that the material standard of living is too high and that the consumption rate of natural resources cannot be maintained, our energy goals will be determined by those decisions.

The consequences of slowing down our economy by failing to provide for adequate supplies of clean energy would be catastrophic. Many millions of our citizens would be added to our presently defined poverty class vis a vis other heavily populated energy short countries. Our great middle class would gradually fade away and we would become a nation composed of a wealthy minority and an economically deprived majority. In other words those that have and those that will never have.

Every person should understand that the majority of energy is used for and by the masses and that if energy becomes scarce the one who will suffer will be you and I.

If, on the other hand, we decide to maintain or improve our supply of goods and services, that decision will also help set our national energy policy.

This nation has a large number of well trained experts in all of the necessary disciplines to accurately project population trends for several years into the future. Setting economic goals and service levels for the projected population would be more speculative, but at least we should be able to ascertain some beneficial results by using our national intellect in a major effort to solve our present and future people problems.

This nation is blessed with the capability of solving not only our energy requirements, but we can also address ourselves to the pleasurable task of attracting people to meet these national goals. A well articulated national policy should include benefits for all citizens including the young, the old, minorities, scholars, the disadvantaged and, yes, the affluent.

Establishing these attainable goals should set the stage for the third century of progress for this nation and its people.

NO LONGER A MIRACLE

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. BREAUX. Mr. Speaker, one of my constituents from Westlake, La., makes some salient points concerning pollution of our environment. She is Ms. Suzanne Pelley, a graduate of Westlake High High School and now a freshman at Northwestern State University in Natchitoches, La.

She writes:

> It seems that the pollution problem has gotten completely out of hand. It is no longer a miracle to walk on water.
>
> Also, for some reason, "fresh air" smells funny.
>
> Surely something can be done to prevent industries from polluting our water and air. I feel that with the combined efforts of concerned citizens and our government, this problem can be corrected.

Mr. Speaker, when the act of walking on water ceases to be a miracle, any efforts we make in Congress to clean up the environment will be useless, for then the age of miracles will truly have passed. Only our decisive action now will avert an irrevocable situation and protect the miraculousness of water-walking.

HISTORIC I. & M. CANAL

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. DERWINSKI. Mr. Speaker, throughout the year, numerous communities in Illinois will commemorate the historical events relating to the passage of Father Marquette and Louis Jolliet through what is now Illinois and neighboring States. Commemorations such as this properly stimulate an interest in other historical events.

One of the truly historical facilities in the State of Illinois is the old Illinois and Michigan Canal. Mrs. Sonia Kallick, an active member of the Lemont Area Historical Society, has contributed a very fascinating article on the building of the canal and its direct impact on the growth of the Lemont community. The article follows:

I. & M. Canal Sparks Lemont's Growth

(By Sonia Kallick)

Throughout history, cities and urban areas have developed because of their proximity to transportation, and in the past the seas, streams and lakes were the highways of the day.

As early as 1673, Father Marquette and Louis Jolliet were hindered by a portage between the Chicago and DePlaines River. In his journal, Jolliet pointed out that a short canal at the Chicago portage would allow a ship to travel from Lake Michigan to the Gulf of Mexico. But, nothing was done until after Illinois became a state in 1818.

Then, urged by the success of the Erie Canal in New York, pressure was brought to get Congress to pass enabling legislation to construct such a canal and thereby open our area to settlement.

On March 30, 1822, Congress authorized Illinois to build the Illinois and Michigan Canal and to finance the surveying with the sale of land along the route of the canal. By 1830, the first lots were sold in Chicago and Ottawa. Only $18,000 was received from the first sale and some people began to have doubts about the future of the area and the canal.

Surveying also revealed that a longer canal had to be built, since the upper reaches of the river could not be used.

On July 4, 1836 the canal was begun with a big celebration at Bridgeport. Contractors and land speculators flocked to the area.

Some few contractors finished their portions of the canal early, such as N.J. Brown, who by 1837 had completed one mile of the canal that fronts on Lemont, but most contractors ran into financial and labor difficulties and the main portions were not dug until between 1843 and 1848.

The promise of construction brought workers, farmers, storekeepers and families, each looking for wages and land or both. Public land along the canal could be purchased for 25 cents an acre (before the panic of 1837) and by 1845 the going wage for a canal worker ranged from 50 cents to $1.50 per day depending upon a man's skill.

The first settlers in the 1830's were mainly from the eastern seaboard (especially Pennsylvania and New York) and of English, German or Scottish ancestry. Here in Lemont, Jeremiah Luther and Forbes H. Miner were the first to settle in 1833, both coming from the East. They farmed the land near 131st St. and Derby Road.

These settlers were farmers looking for the fabled rich farmland of Illinois and were attracted by the ease of transportation through the newly completed Erie Canal, and by the lack of an Indian threat (the Blackhawks were defeated in 1833). They also saw opportunities to supplement their farm income by surveying, contracting, supplying animals, operating boarding houses, taverns, inns, selling equipment and offering a whole array of services to the laborers.

The unskilled and semi-skilled laborers on the Illinois and Michigan Canal were largely immigrants from Western and Northern Europe along with part-time local help and nonfarmers. The largest groups of immigrants were from Germany, Scandinavia and Ireland.

The immigrants came for many reasons (some of the same reasons that cause people to emigrate today.) In the Scandinavian countries and Germany, the practice of leaving all the inheritable land to the eldest son drove many younger sons out to seek land in the new world.

In Sweden, the society was based on property and a non-land owner could not vote but he had to serve in the military for three months a year for three years. This draft was not popular and many left to avoid service.

In Germany, liberal student groups were attacked for the murder of a conservative writer. A series of repressive measures, including press censorship, dismissal of teachers and arrests sent many young Germans to the United States and eventually to Illinois.

The Irish came because of overcrowding, political unrest and famine. A young Irishman, Daniel O'Connell, created agitation against the Protestant English authorities and the fearful landowners encouraged the Irish Catholic emigration to reduce the number of people (Ireland had 8,200,000 people in 1841 compared to 3,000,000 in 1961). The landowners often paid passage for the emigrees.

To add to the problem in Ireland, in 1846 and 1847 the potato crop failed due to a blight, and faced with famine, the families of those who left earlier followed them to the new world.

The working conditions were severe and life hard for the immigrant canal digger; part-time workers, farmers and townspeople looked down upon them. Those with no land or money in reserve and families to support had to live in tent cities. Many spoke no English or did so with a strange accent. Religious differences became a reason for misunderstandings.

The canal was built with hand tools and black powder and much was dug through marshy bottom land. The men working on the canal stood knee deep in water a good deal of the time and were subject to such diseases as dysentery, cholera and malaria.

If it rained, work was halted and the men not paid, but the daily hotel or boarding house bill continued to pile up. Lonely men in a strange country often drank too much, got into fights and met violent deaths.

Accidents were common among the unskilled and there was no health insurance for the disabled or permanently injured.

Unscrupulous foremen would start fights that led to such disagreements that no one was paid. Or from 1837 to 1842, workers were paid in script rather than money. Some businessmen would honor the script but much of it was never redeemable, especially as the state of Illinois grew closer to bankruptcy due to the cost of the canal and other internal improvements.

Original plans for the canal called for a six foot depth of water and a 60 foot wide canal from Bridgeport to LaSalle. The water level was to be maintained from Lake Michigan—but the increased building costs caused a change to a shallow cut canal with feeder canals from the Calumet, Fox and Kankakee Rivers to maintain water levels.

The canal was finally completed in 1848. Lemont had grown from two people in 1833 to 3,000 people 15 years later. This growth was due mainly to the canal. The I and M Canal brought goods and people into the area and carried out farm products and limestone to the Midwest and South.

The first boat to pass through the entire canal was the "General Thornton" of LaSalle—it carried a cargo of sugar.

One of the best known passenger barges on the canal was called "the Queen of the Prairie." It had a 50 foot cabin, nine feet wide and seven feet high. It held 30–50 people traveling six miles per hour. If that seems slow, remember it was considerably more comfortable than traveling dirt roads filled with ruts and holes in dry weather and a sea of mud in rainy weather.

The greatest contribution of the I and M Canal to Lemont was the people it attracted to work and live here. From all over the United States and the world they came. Some moved on when the canal was completed but many stayed. They saved their pay, bought land or shops, became farmers, shopkeepers and tradesmen. They or their children learned English and the customs of the country. They built the churches we see today. They became citizens of this country and the pioneers of the Lemont area.

TRIBUTE TO "BIG JIM"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 30, 1973

Mr. RANGEL. Mr. Speaker, I join with my colleagues in Congress, on both sides of the aisle, in paying tribute to a great American.

James A. Farley, now 85 years old, has been a towering figure in American political life for some 35 years. As the leader of the Democratic Party, as a confidant and close friend of Franklin Roosevelt and as Postmaster General, Jim Farley helped to shape and initiate the New Deal and move our Nation toward progressive and compassionate policies. Today, as chairman of the board of the Coca-Cola Export Corp., Farley is an important figure in the world of business.

Now, as American politics and politicians are being dragged through the mud of corruption, deceit, and dishonesty, it is encouraging to think back to the glorious days of the New Deal politics and remember colorful men, such as James A. Farley, and to rededicate ourselves to living up to the examples and legacies that have been left.

ABANDONING OUR VIETNAM VETERANS

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mrs. GRASSO. Mr. Speaker, the Vietnam veterans, like the veteran of earlier generations, deserves adequate benefits.

It is deeply disturbing that veterans aged 20 to 24 have an unemployment rate of 9.1 percent while 7.7 percent of nonveterans in the same age group are unemployed.

It is also a matter of grave concern that educational benefits for veterans are insufficient in many instances.

Today, an informative article by Peter Braestrup appeared in the Washington Post entitled "Abandoning Our Vietnam Veterans."

Indeed, it is essential that we not abandon our Vietnam veterans, or veterans of earlier wars, for that matter.

Prisoners of war, recently returned, are certainly deserving of the honors they are receiving. At the same time, there are thousands more veterans who have also shown courage and dedication to our country and merit special attention and assistance as they go through the sometimes painful process of *moving* back into the mainstream of American life.

For the interest of my colleagues, I am inserting the perceptive article by Peter Braestrup in the Record:

Abandoning Our Vietnam Veterans

(By Peter Braestrup)

Amid widespread attention to the 600 returning POWs since February, there has been little new emphasis in Washington on schools, jobs, and other benefits for the 2.5 million other veterans who served in Vietnam in 1965–72.

Sen. Vance Hartke (D-Ind.), chairman of the Senate veterans committee, and a handful of likeminded colleagues on Capitol Hill voiced the hope that Mr. Nixon's focus on the POWs, climaxed by last month's White House dinner in their honor, would help the Vietnam ex-GIs as well.

According to both congressional and administration sources, no such effect has occurred. Indeed, the administration, largely on budget grounds, has quietly resisted congressional pressure for more "action" to help veterans.

"Our POWs," observed Sen. Alan Cranston (D-Calif.) recently, "deserve all the attention they are getting. Our disabled and unemployed veterans deserve equal attention which they are not getting."

Veterans Administration sources said that the $12 billion a year agency had received no fresh guidelines from the White House Office of Management and Budget to speed up VA benefit payments, including GI Bill checks, in response to recent criticism, notably in Denver and San Diego.

Moreover, these sources said, OMB was still exploring ways to cut VA disability payments to Vietnam amputees and others as an anti-inflation measure. A VA "draft" plan, ordered by OMB, to cut such benefits up to 60 per cent was withdrawn last February by White House order after an uproar on Capitol Hill.

Education and jobs have been the chief congressional concerns.

One major contention by Sen. Hartke, Sen. Charles McC. Mathias (R-Md.) and their allies is that the current $1,980-a-year allowance to Vietnam veterans for tuition, living expenses and all other college costs fails both to meet 1973 costs and to match, in real terms, the tuition-plus-$75 a month GI Bill enjoyed in the '40s by World War II veterans. Veterans Administrator Donald E. Johnson has not argued otherwise in congressional testimony.

Under a law signed by President Nixon Oct. 14, Johnson had six months to produce a comparative study of World War II and Vietnam era GI Bill costs and benefits. Congress wanted the study by April, 1973, in order to revise Vietnam veterans' benefits in time for the start of 1973 school year.

In April, Johnson quietly informed the Senate and House veterans panels that his agency had been unable, because of various procedural problems, to get started on the study. He said it would be ready in September.

Hartke was enraged. He wrote Johnson May 3 that Vietnam veterans "may infer that this delay is intentional" so as to handicap any congressional action to increase GI Bill benefits "prior to the start of the 1973 fall term."

On May 7, Sen. George McGovern (D-S.D.) with the backing of four other senators, introduced legislation adding up to $1,000 per year in tuition payments to the current $1,980 GI Bill benefits—theoretically enough, with work-study programs and other aid, to get the ex-GI through most schools, despite inflation. A similar bill is being circulated in the House.

However, Hartke plans no hearings on McGovern's bill, on grounds that the more conservative House, buttressed by White House objections as in the past, will reject it both as too generous and as conducive to "profiteering" by educational institutions.

Hartke's own revived proposition, also likely to encounter White House objection but more House sympathy, is to allow Vietnam veterans to borrow up to $1,000 a year for school costs, repayable with safeguards at low interest in 10 years, from the $7 billion National Services Life Insurance trust fund. The fund is financed by GI insurance premiums paid mostly by World War II veterans.

None of these congressional initiatives has stirred administration support or the fervor of most congressmen. Only after a lawsuit by veterans did the U.S. Office of Education agree last month to start spending $25 million appropriated by Congress last fall as incentives to colleges to admit and counsel ex-GIs—too late for the 1973 spring term. Not one of 70 new Labor Department specialists, ordered by Congress in the 1972 law to monitor civil service hiring under veterans job preference regulations, has been hired.

Meanwhile, for veterans aged 20–24, the April unemployment rate is 9.1 per cent, versus 7.7 per cent for their non-veteran contemporaries.

JIM FARLEY, GREAT AMERICAN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. PICKLE. Mr. Speaker, we all join in happy congratulations to see Jim Farley celebrate his 85th birthday. Dick West in the Dallas Morning News captures the spirit of this dynamic American. I particularly call your attention to the description of this "sensible, compassionate, and knowledgeable" American. Jim Farley is one of our greatest elder statesmen. The editorial is as follows:

Jim Farley at 85

The Hon. James A. Farley was 85 the other day. This is hard to believe. He still is erect as ever, still as alert, still as sensible, compassionate and knowledgeable.

"Jim" was the political power of his day—the terrible depression years which spawned the New Deal and Franklin D. Roosevelt. He now lives at the Waldorf-Astoria in New York City, and at a press conference on his birthday made these comments on a currently emotional subject:

Impeachment of President Nixon because of Watergate "would be disastrous because I have such high regard for the office of the President." Such action, he said, "would divide the country in a way it never has been divided before."

National chairman of the Democratic party and Postmaster-General during Franklin D. Roosevelt's first two terms, Mr. Farley is not gloating over the GOP's present embarrassments. This is typical of him; he puts his country's interests first, rather than to seize on a political scandal to advance his own party's interests.

The News applauds an attitude like this. It also wishes Jim many, many more birthdays. There are too few, like him, who put integrity, personal faith and devotion to country ahead of expediencies.

PERSONAL INCOME TAX RETURNS AND THE COMMITTEE ON INTERNAL SECURITY

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. DANIELSON. Mr. Speaker, I note that in the Federal Register, for today, June 12, 1973, at page 15437, there appears Executive Order 11722 which opens any income, estate, or gift tax return for the years 1964 to 1974, inclusive, for inspection by the House Committee on Internal Security. This is a broad grant of authority.

There is no doubt that a committee of Congress has the right, and sometimes the duty, to inspect tax returns. But as is the case with any confidential material, clearance to see confidential material is not sufficient; there must also be a need to know.

Mr. Speaker, I question whether any committee of Congress has a need to know the tax returns of every American for the past 10 years. This merely facilitates a fishing expedition into the personal and private affairs of citizens.

I would remind my colleagues that the term "return" does not only include forms, schedules, and statements. It also includes records, reports, information received orally or in writing, factual data, documents, papers, abstracts, memorandums, or evidence taken, or any portion thereof, relating to returns. Internal Revenue Code Regulations, section 301.6103(a)-1(a)(3). This is material that an individual files under penalty of law, not voluntarily. We should be wary of any grant of authority which permits a congressional committee or anyone else to conduct a fishing expedition into the personal and private affairs of individuals.

POWER ON CAPITOL HILL

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. WHALEN. Mr. Speaker, the current issue—June, 1973—of the Ripon Forum magazine contains a very interesting article written by one of our distinguished colleagues, the gentleman from Ohio (Mr. Mosher).

Titled "Power on Capitol Hill," my good friend discusses the energy problem, eruditly identifying the principal requirements for a truly effective solution.

Because of Chuck Mosher's great expertise in this area and also because of the germaneness of the subject at this particular time, Mr. Speaker, I herewith insert the article at this point in the Record:

Power on Capitol Hill

(By Charles A. Mosher)

The complex imperatives of "the energy problem" cut across and into all other policy considerations—economic, social, ecological, moral, philosophical, aesthetic, political, and jurisdictional. It will be involved in and fester all other national policy issues and decisions for many, many years to come.

Thus, there is only one center of authority and power in American life capable (hopefully) of providing the innovative coordinating leadership and leverage required to begin to deal effectively with these "energy crisis" problems so innately part and parcel of all national problems—and that is the presidency.

It has been popular recently in the Congress to call for the creation of some form of new coordinating and action mechanism in the bureaucracy, an Energy Council or an Energy Czar; but I am convinced that no such device can possibly succeed, except as a direct arm of the President right at the White House level.

And even a strong President can succeed only by enlisting big majorities in the Congress, persuading public opinion, winning some key decisions in the courts, negotiating effectively with other nations—no simple, easy assignment. Can Richard Nixon do it?

One starting point certainly must be a radical reorgnization to consolidate and coordinate, to make coherent the responsibilities for energy now fragmented and often at cross purposes in literally dozens of government offices, committees, commissions, and councils.

Many of us were heartened when Mr. Nixon decided to create an energy staff in the White House and named Charles Di Bona to head that new, small, competent group. Its mission is to identify and assess energy problems and opportunities that abound in each and all of the three policy jurisdictions assigned to President Nixon's top assistants—Shultz, Ehrlichman (formerly) and Kissinger—in economics, domestic issues and national security, respectively; to coordinate energy policy in all three areas, to use the authority and powers of the presidency to pull together a coherent national energy *action* program.

Obviously, as with every other aspect of this "crisis," it is a complicated, difficult assignment for Di Bona to act as special energy consultant to the President, heading a staff that will work with all three presidential assistants and their respective staffs. I assume there is implied considerable authority to knock heads together, to begin to force all of the many scattered government energy policies and activities into a coherent system.

It is much too early to know whether this strategy will succeed. Di Bona has been there only a few weeks, and I suspect he had to concentrate all his attention until April 18 in an effort to pull together ideas for Mr. Nixon's second energy message, sent to the Congress on that date. Months before Di Bona arrived, others in the White House—Peter Flanigan and Jim Akins especially—had been studying, analyzing, writing and rewriting in what must have been a frustrating, discouraging effort to produce an energy message acceptable to the President and his advsiors.

Few "hurrahs" greeted the President's energy recommendations when finally announced. The message was a mixed bag and provoked mixed reaction.

Interior Secretary Rogers Morton (using excessive hyperbole characterization of this Administration's view of its own policies) immediately declared, "President Nixon's energy program is one of the most far-reaching and significant pronouncements in recent history . . ."

Administration critics, of course, took the opposite view. U.S. Rep. Morris Udall pointed to reliance on "oil from the Arabs" and "the all-out dig-dam-drill approach" as two "unacceptable . . . nonsolutions." Hobart Rowen, *Washington Post* finance writer, called the message, "a great disappointment . . . he has produced nothing more than a dry hole . . . a bit of Pabulum."

My own personal reaction is at the "well yes and no" level. Certainly the President does for the most part point us in good directions; but I hear no clarion call, no imperative demand, no great sense of urgency at several points where I am convinced the need for greater urgency is very real.

His proposal for a new cabinet-rank Department of Energy and Natural Resources (DENR) makes good sense; but his somewhat similar recommendation to the 92d Congress was ignored. Now, by including "energy" in the proposed department's name, he adds a welcome new emphasis; but it seems doubtful that this Congress will adopt the plan. U.S. Rep. Chet Holifield (D-Calif.) probably is one formidable obstacle. As chairman of the Government Operations Committee, Holifield will control that reorganization bill; but he also is the leading congressional champion of the Atomic Energy Commission. He is reported to be very dubious about the President's plan to transfer major energy functions from the AEC to a huge new DENR. The DENR would absorb almost all of the present Interior Department, plus parts of the AEC and several other agencies.

Pending action on the DENR concept, Mr. Nixon directed the Interior Department to establish a new Office of Energy Conservation. Secretary Morton has taken that action as part of a larger, related reorganization in his department which also creates other new offices, for Energy Data and Analysis, Research and Development, Mining Enforcement and Safety Administration, and Land Use and Water Planning, respectively—all to be involved in supporting the President's energy program.

Significant changes designed to strengthen energy-related policy also are in progress in the National Science Foundation, NASA and, perhaps most importantly, in the Office of Management and Budget. (We in the Congress resent it and fight it, but OMB's increasingly powerful role in making crucial policy decisions is currently undeniable.)

The President certainly is right in abolishing the oil quota system and tariffs on imported oil. The move should have been made two or three years ago; but it is a prime example of how an expedient solution to one public problem so often creates two or three other problems. He was forced to end the quota system, because that is the only way to obtain sufficient oil to meet the next ten or so years; now, however, we have got to rely increasingly on oil from the Mideast during those years.

That also perhaps justifies the legislation he proposes for federal licensing to encourage the building of deep sea ports and rights-of-way for pipelines to carry into land the oil unloaded far out at sea.

But obviously, all those actions will encourage our increasing reliance on Mideast oil, and who wants that? Our resulting balance of payments problems, the threat of increased Arab wealth being used to disrupt world money markets, our increasing dependence on the erratic political and military situation in the Mideast or our own increased political and military involvement there . . . all these are extremely unhappy prospects.

So, how do we manage to obtain that imported oil for the next few years when we desperately will need it, but at the same time feel confident of being able to end that reliance early in the 1980's when we will have developed adequate domestic sources?

Mr. Nixon proposes to accomplish that trick by opening the flood gates to imported oil now, but then by gradually increasing license fees on imports to be levied in the years ahead, and by a much higher fee on imports of refined petroleum products than on crude oil (to encourage increased refinery production here)—those licensing devices, plus new tax incentives to encourage oil prospecting, plus tripling the federal leasing program for offshore oil and gas exploration—plus his urgent support for construction of the Alaska pipeline, and speeding up the leasing of oil shale areas of the public lands in western states. Obviously, these are controversial plans, and it is too early to judge how readily or how far the Congress may go in accepting them.

One imperative necessity (both in the short term period of dependence on imported oil and looking to the long term availability of more domestic oil) is the construction of new, modern refineries (designed *not* to pollute) at strategically located cities especially in the northeastern states; the White House also is pushing strategies to accomplish this.

But I am so convinced that the nation (and eventually the rest of the world, too) must end entirely our dependence on oil and natural gas as energy sources and I believe so urgently in that necessity, that I tend to be very doubtful and impatient about these plans to import oil and gas in vast new quantities, and to increasingly tap new domestic supplies. No matter where they are, these resources are in the long view extremely limited and therefore extremely valuable; we have an imperative obligation not to use them recklessly, but to conserve them diligently. That is our profoundly moral and practical obligation to future generations.

Mr. Nixon did say we must achieve a "national energy conservation ethic." I hope that a really tough-minded, strong-willed somebody, able and skilled, will be named to run Interior's new Office of Energy Conservation. There is a suspicion that considerably more than the efforts mentioned in the President's message—voluntary labeling of appliances to indicate their relative efficiency in use of electricity, for example—are needed. The President is demanding cooperation for energy conservation in all the federal agencies and major efforts are underway in the General Services Administration, National Bureau of Standards, Environmental Protection Agency, Department of Housing and Urban Development, National Science Foundation, and undoubtedly others.

Note well that many proposals for reducing energy use would require difficult, controversial adjustments in the average guy's present way of life. Guy Stever, recently named science advisor by the President and director of NSF, comments, "The pathways out of this dilemma are tortuous and complex."

Most significant of all are critical doubts about the Administration's energy research and technology development funding effort. Substantial appropriations beyond those allowed by OMB in the FY 1974 budget proposals could produce big dividends if used effectively for concentrated R & D efforts in certain energy areas. (As a matter of budgeting philosophy, I look upon all good R & D not as expense but as capital investment from which there will be profitable return.)

There were advance rumors that Mr. Nixon might recommend an added $100 million or so for energy R & D. But his message did not offer a cent more than already proposed in his original budget. He plans to obligate about $772 million for energy R & D in FY 1974, compared with approximately $537 million actually used in FY 1973—obviously a very substantial increase. And the private sector also will spend more than $1.1 billion on energy-related R & D in 1974. But Sen. Jackson is getting a lot of attention for his bill which projects federal funding at average levels of $2 billion per year for 10 years; and our "Energy Task Force" of the House Science Committee chaired by U.S. Rep. Mike McCormack recently declared that at least an additional $1 billion per year could be well invested for R & D in that area. I agree.

I recognize the very real budget constraints right now. I willingly accept the President's demand that federal expenditures shall not exceed a total of $268 billion for FY 1974; in fact, most everyone in this Congress accepts that total, and it is a good guess we actually will appropriate a bit less than that. But each of us has his own vigorous disagreements with the Nixon expenditure priorities within that $268 billion total, and perhaps a majority of us may agree on a higher priority for energy R & D.

Agreed, for the short run (10 years, maybe) we will have to scramble, using almost any expedient to try to find enough of our traditional fuels; and such expediencies are evident in the President's energy message. Yes, it really may be essential, as the President suggests, that some states will be forced to postpone (very selectively and temporarily, I hope) fully implementing their air-quality standards. Unhappily, that may be required by a genuine short term need to burn increased amounts of dirty coal. As yet, there is no adequate technology to remove the sulphur oxides in stack gasses.

But for the longer period (from 1980 to 2000) surely we can have a coherent plan, and I assume that means: 1) Decreasing reliance on oil and gas; 2) A huge new reliance on coal, after we have succeeded in a crash R & D program to achieve (sulphur free) coal gasification and coal liquifaction on a commercial basis; 3) Continuing construction of a good many nuclear fission power plants, with increasing emphasis on safety and pollution abatement technologies; 4) Moving as rapidly as possible to achieve commercially successful breeder reactors—but using them only in that intermediate period.

And then, our ultimate goal (beginning in the next century) must be to diminish as quickly as possible any reliance on today's principal energy—let us forget oil, gas, coal, nuclear fission—and by that time depend on thermonuclear fusion and solar energy.

So, if the above, sketchy, oversimplified plan for 50 years of energy progress makes good sense, then let us recognize that it can happen only if given sufficient momentum right now, only if we have the foresight, will and courage to embark now on a really tremendous, vigorous, urgent R & D effort, using the total systems approach.

I am guessing the prime candidates for considerably greater R & D funding immediately should be the following: 1) Coal stack gas removal. 2) Coal gasification and liquifaction, plus vastly improved techniques for mining safety and environmental protections in mining. 3) Fast breeder reactors, with increased emphasis on alternatives (gas cooled?) to the currently emphasized liquid metal fast breeders. 4) Long term nuclear waste disposal technology. 5) Thermonuclear fusion. 6) Solar energy. 7) Pollution controls. 8) Energy conservation technologies, including new concepts in building construction, more efficient storage and transmission of electricity, and surely more efficient economically feasible, productive systems for recycling wastes.

Let us acknowledge that all of the above R & D needs are recognized to some extent in the President's April 18 message, or in his executive agency planning. In fact, his 1974 budget proposes substantially increased funding for several such efforts, notably fast breeders (up $63 million), fusion (up $22 million), coal production and utilization (up $28 million), and solar energy (up $8 million). And Guy Stever of NSF, the new science advisor, assured the House Science Committee that. "When additional funds are found to be essential for proper implementation of well-conceived and designed research programs, (the President) will make every effort to see that they are provided . . . (but) it is clear that we must identify the tradeoff . . ."

Nevertheless, I am one of those who remain unhappy with the level and tone of Mr. Nixon's commitment to our national energy R & D needs . . . and in fact his attitudes in the whole realm of national policy making for science and technology; the essential sense of genuine awareness and urgency does seem lacking. I cannot help but feel that he is allowing OMB to skimp on R & D funding to an extent that produces false economies.

THE FEATHERSTONES HONOR MEDGAR EVERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. CONYERS. Mr. Speaker, 10 years ago today on June 12, 1963, Medgar Evers was shot to death at his home in Jackson, Miss. He was the executive secretary of the Jackson branch of the National Association for the Advancement of Colored People. Medgar Evers represented the hopes and aspirations of hundreds of thousands of black Mississippians who had an unyielding faith in this Government and its processes. He traveled the length and breadth of his State attempting to make it a more decent place for its black citizens to live in.

Today Medgar Evers is still remembered. He is remembered as an ordinary man whom circumstances made a giant and a leader. He is remembered as a man who loved and was loved by his family. He is remembered as a black hero who lived and died for the dream of justice and equality in America.

In Detroit, Mich., Arthur and Ruth Featherstone have chosen to remember Medgar by naming their first born child Medgar Evers Featherstone. Arthur was a roommate of Medgar Evers in college. The Featherstones chose to honor Medgar Evers in their own way. Today, on this 10th memorial of one of America's truly unsung heroes, I would nope and urge those of us who shared in his dream to reflect on the Medgar Evers contribution, and in doing so, renew our determination to eliminate injustice and inequality wherever it exists.

MOUNTING EVIDENCE ABOUT RED CHINA AND NARCOTICS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. CRANE. Mr. Speaker, there is mounting evidence pointing to the involvement of Communist China in the production and sale of narcotic drugs.

Recently, the Senate Internal Security Subcommittee held a series of hearings concerning the worldwide narcotics traffic. Among those testifying was former Assistant Commandant of the U.S. Marine Corps, Gen. Lewis Walt. Walt gathered his information for the subcommittee when he visited 15 countries during the spring of 1972.

He testified that there is strong circumstantial evidence leading to the conclusion that Communist China is deeply involved in the production and distribution of narcotics.

The director of British customs in Hong Kong told General Walt that he was looking for evidence of Communist China shipment of narcotics but, for political reasons, no searches are made of ships or cargo coming out of Communist China. What this adds up to, says Walt, is that—

> We have no way of knowing whether illicit opiates are coming out of China. . . . China's ability to move contraband through Hong Kong and Macao—if she is disposed to do so—is further enhanced by the fact that a large number of ships of Hong Kong registry are operated by companies known to be controlled by the Peking government.

In addition, reports General Walt, increasing numbers of Chinese seamen, many of them based in Hong Kong, are being apprehended in the United States and Britain with quantities of heroin. In the case of the Hong Kong seamen, Walt points out:

> Virtually all of them are members of the Hong Kong Seamen's Union, which is completely controlled by pro-Peking Communists.

Communist China, it must be remembered, has not signed the 1961 single conventions on drugs. Consequently, it does not report to the U.N. on its illicit opium agriculture, nor does it accept inspection of any kind, nor does it participate in any international drug control operations.

Recently the New York Daily News published an important series of articles by reporters Frank Faso and Paul Meskil concerning Communist China's involvement in narcotics.

These reporters revealed a Red Chinese heroin business which flourishes amid espionage, murder, and "protection" by the Chinese Communist Army and Navy. In one instance, heroin profits were to go to a Maoist youth organization in Seattle. The heroin, they note, is being brought in by ship jumpers, some of whom had what they thought were secret meetings with Communist Chinese personnel at the United Nations.

Reporters Faso and Meskil find it difficult to understand the silence of official Washington concerning Communist China's role in the narcotics traffic. They write that—

> The Nixon Administration insists that Peking is not sending drugs or spies to the U.S. But agents of the F.B.I., C.I.A., Immigration and Naturalization Services, Bureau of Narcotics and Dangerous Drugs and other federal agencies are still trying to find out what all those ship-jumping seamen are up to.

It is time for an open and complete discussion of this subject. I wish to share with my colleagues the articles which appeared in the New York Daily News of March 20, 21, and 22, 1973, by Frank Faso and Paul Meskil, and insert them into the Record at this time:

COLOR NEW DRUG EPIDEMIC HONG KONG HUE

(By Frank Faso and Paul Meskil)

At 2:43 a.m. last July 8, a prosperous Chinese businessman named Hong Moy entered the Rickshaw Garage, across the street from the Elizabeth St. police station, in Chinatown.

President of the 2,000-member Moy Family Association, Moy was one of Chinatown's most influential business and civic leaders. He had about $3,000 cash on him, the receipts of the supermarket, book store and two coffee houses he owned in the Chinese community.

He intended to drive home to Port Washington, L.I., where he lived with his wife and four children. As the night attendant went to move a car that was parked in front of Moy's 1972 Cadillac, three young Chinese men slipped into the garage and seized Moy from behind. Pressing a gun muzzle to his head, they made him kneel on the floor and handcuffed his arms behind him.

They went through his pockets and took his wallet and bankroll. When the attendant returned, they pointed pistols at him, and told him to stand still. Then one of the men pulled a hunting knife and calmly stabbed Moy in the back. As the three departed, the stabber wiped the knife handle clear of fingerprints and dropped the weapon near the garage door.

ROBBERY WASN'T THE MOTIVE

Moy died an hour later in Beekman Downtown Hospital. A detective called the killing "a routine robbery murder," but it was far from routine. The unarmed victim offered no resistance, made no outcry. There was no need to kill him to get his money. And if the stabber was some sort of homicidal maniac, why didn't he also kill the only witness?

"Robbery was not the motive," a high-ranking police official said recently. "This was a carefully planned execution."

Pressed for details, he said: "I can't say anything more. It's a federal case now."

The FBI, which normally has no jurisdiction in a city homicide investigation, has been quietly checking Moy's background. So has the federal Bureau of Narcotics and Dangerous Drugs.

SEEN WITH SUSPECTED DRUG DEALERS

Federal agents told reporters that Moy had been seen with several suspected drug dealers who came from China and were in this country illegally.

Since President Nixon went to Peking, the official Washington line is that China is not involved in the global dope trade. Still, the rumors and charges persist.

The latest accusation against China was made by two veteran New York crime fighters—Frank Rogers, citywide prosecutor of narcotics cases, and Brooklyn District Attorney Eugene Gold.

At a January press conference announcing the bustup of a smuggling ring that brought hundreds of pounds of heroin into the U.S. last year. Rogers showed reporters a plastic bag on which the words "People's Republic of China" were printed in English and Chinese.

BAG CONTAINED HEROIN

He said the bag had contained "brown rock heroin" from mainland China. Rogers added that he had additional evidence of a Chinese connection including tape recordings of phone conversations between dope smugglers and dealers.

"This is the first clear and substantive evidence we have that mainland China and Hong Kong (a British colony) are being used as a means of getting heroin into the United States," Gold said.

The boss of the smuggling ring, The News learned, is an important Chinese national who makes frequent trips between the U.S., Canada and Peking where he confers with top government officials. He has not been arrested.

Of the 36 persons arrested during the five-month investigation of the smuggling ring, 24 were ship-jumping members of the Hong Kong Seamen's Union. A secret report prepared by the Strategic Intelligence Office of the Bureau of Narcotics and Dangerous Drugs confirms that Hong Kong seamen are deeply involved in the international dope traffic.

The report states, "The smuggling activities of Chinese seamen imply a loose but rather extensive arrangement between the seamen and their United States contacts to carry out the movement of narcotics from Southeast Asia on a continuing basis . . .

"Sensitive sources also reveal frequent communications between Chinese heroin traffickers in New York, Seattle, San Francisco, Portland (Ore.) and Vancouver (British Columbia), suggesting that an extensive wholesale mechanism exists."

Other recent Narcotics Bureau and CIA reports on the Asian dope trade mention "ethnic Chinese" and "Chinese seamen." Their reports say the opium poppies are grown in Burma, Laos, and Thailand, and that opium, morphine base and heroin are transported from Bangkok, Thailand, to Hong Kong, the main transfer point for shipments to the U.S.

A secret CIA report on narcotics operations in Southeast Asia states that tons of opium and morphine base, from which heroin is made, are carried from Bangkok to Hong Kong in fishing boats. The report says: "One trawler a day moves to the vicinity of the Chinese Communist-controlled Lema Islands—15 miles from Hong Kong—where the goods are loaded into Hong Kong junks."

Chinese army and navy units guard the Lema Islands and no boats pass there without inspection. The opium fleet could not possibly operate off these islands without Peking's knowledge and consent.

MAJOR DRUG CENTER

So much Asian heroin is flowing into New York that Chinatown has become a major drug center. Over the years, detectives and federal narcs have made sporadic raids on Chinatown dope dens, but the addicts and sellers there were members of the Chinese community and the traffic, mostly in opium, did not amount to much.

In 1971 there was only one big case here involving Asian heroin. But last year there was a virtual deluge. Of the 273 pounds of heroin seized by the Federal Narcotics Bureau here in 1972, nearly a third originated in Asia. Additional seizures of Chinese heroin were made by police and customs agents. Among the major heroin hauls of 1972:

Jan. 28—Customs agents raided an apartment in Sunnyside, Queens, and caught two Chinese seamen with 18 pounds of pure heroin, worth about $4 million on the addict market.

April 11—Narcotics Bureau agents arrested seven Chinese men and one woman in an apartment at 60 East Broadway and confiscated 11 pounds of heroin, part of a 100-pound shipment.

April 26—Eighteen pounds of heroin, hidden in a teakwood trunk, were seized in Port Washington, L.I. Two Chinese were arrested.

June 27—Four more Chinese seamen and three pounds of heroin were seized at the Sunnyside building raided earlier.

July 21—Six pounds of "pure brown rock heroin" from China were confiscated by federal agents; three Chinese were arrested.

Aug. 23—Four Chinese, including the self-styled unofficial mayor of Chinatown, were grabbed by federal agents while completing a deal to sell 20 pounds of heroin for $200,000 cash.

Oct. 6—A Westchester dope dealer was arrested after selling "brown China" to an undercover agent. The evidence was described as "brown, granular, rocklike crystals of heroin from Communist China."

Dec. 29—Bureau agents recovered 18½ pounds of heroin and arrested two suspects—a Danish seaman who allegedly brought the dope from Hong Kong and a Chinese restaurant owner.

Of the 23 Chinese involved in these cases, all but two were present or former members of the Hong Kong Seamen's Union. Daniel P. Casey, regional director of the bureau, said Chinese seamen are "attempting to become the key suppliers of heroin in the United States."

Jerry Jenson, deputy regional director, said the amount of heroin smuggled into this country from Asia does not yet equal the dope imports from Europe and Latin America, "but if the growth continues as it has in the past year, it will catch up."

UNDERGROUND RAILWAY USED BY CHINA AGENTS

(By Frank Faso and Paul Meskil)

On a sunny spring day in 1971, United States border patrolmen went into the woods near upstate Perrys Mills and found the bodies of two men lying about 200 yards apart.

One was Donald Levac, 37, of Montreal; the other, Chan Sun Tung, 56, of Hong Kong. Investigation of their deaths uncovered a smuggling ring that brought hundreds of Chinese seamen, some of them Peking agents and dope dealers, into this country from Canada.

PICKUP IN A RESTAURANT

Levac was one of the few non-Chinese employed by the smuggling ring. A former Eagle Scout, he owned a Montreal automatic laundry and held a prized black belt in judo. A friend introduced him to Chan Chu Lok, one of three partners in a Montreal restaurant where ship-jumping Chinese seamen could buy transportation to New York.

Levac was hired to smuggle the aliens over the border. He drove them to a Bronx restaurant that was the southern terminus of the Vancouver-Montreal-New York route. He carried three passengers per trip and received $300 a head, or $900, for the run.

Around 3:30 p.m. Dec. 5, he picked up three Chinese seaman at a restaurant in downtown Montreal. Chan Chu Lok gave him $500 cash, the remaining $400 to be paid on his return.

Levac's girl friend, Rita LeVerdiere, went along to help drive. They took Levac's usual route—a dirt road from the village of Hemingford, south of Montreal, to a farm field directly on the U.S.-Canadian border. When they reached the field around 5 p.m., it was dark and snow was falling.

Levac told Rita to drive the car across the border legally at an official port of entry three miles away. She was to meet Levac and the seamen on a country road near Perrys Mills.

When the car left, the four men walked through the field and over the border.

Although Levac was an experienced woodsman, he became lost in the darkness, driving snow and tangled trees. They spent the night in a tiny clearing, huddled together for warmth.

Next day, Levac collapsed and froze to death. So did one of the seamen. The remaining two Chinese were badly frostbitten but made their way out of the woods.

SEVERAL ROUNDED UP

By the time border patrolmen learned what had happened and searched the area, the bodies were buried in deep snow. They were not recovered until the spring thaw.

Canadian authorities closed the smuggling ring's headquarters, the Yung Garden Restaurant. Its owners were deported to Hong Kong. Immigration officers rounded up several of the Chinese who were driven to New York by Levac.

The Montreal ring was linked to similar smuggling operations that brought Chinese seamen over the border in New England, Michigan, Washington state and other parts of the U.S.

Immigration officials estimate that 4,000 to 5,000 Chinese seamen are sneaking into the U.S. illegally every year. Most of them carry no identification except their membership cards in the Hong Kong Seamen's Union.

A FRONT FOR PEKING

Many of the illegal aliens are simply looking for better jobs, but some are working for the People's Republic of China. Although the seamen's union is based in Hong Kong, few of its members were born in the British crown colony. They enter Hong Kong from mainland China, then sign up and ship out.

According to a secret FBI report, the seamen's union is a front for Peking's "propaganda, subversion and clandestine intelligence operations." A summary of this report says:

"HKSU has approved a policy of placing Communist seamen on Western ships for the purpose of sabotage or capture in the event of future hostilities."

"HKSU is a major distributor of Chi-Com (Chinese Communist) propaganda to union members, overseas Chinese and other sympathizers."

"HKSU has been able to penetrate many foreign shipping lines that recruit seamen in Hong Kong."

A VARIETY OF TRANSPORT

Hong Kong mariners have been caught crossing the border in the Maine woods, at Niagara Falls, in the Detroit area and near Blaine, Wash., where a hippie commune helped smuggled Chinese over the line.

The border-jumpers cross by foot, car, truck, snowmobile, boat and private plane. Several small boats have been apprehended while carrying Chinese aliens across Lake Huron and Lake St. Clair from Canada to Michigan. One such vessel had six Chinese aboard. Five carried Hong Kong Seamen's Union cards and one also had "classified material" indicating that he was a Peking secret agent.

SLAVE MARKET

The 21-foot cabin cruiser was piloted by the sixth man, a young Chinese who had entered the U.S. illegally and had applied for citizenship. The boat was owned by his uncle, a wealthy restaurateur living in Grosse Pointe, Mich.

Questioned by federal agents, the restaurant owner insisted he knew nothing about his nephew's alien-smuggling activities. A few weeks later, he flew to New York and visited a Mott St. barbershop described in federal intelligence reports as "a terminus, where smuggled Chinese crewmen are dropped and where the payoff is made."

According to investigators, a New York Chinatown restaurant serves as a "slave market" where prospective employers gather every weekend to hire illegal aliens for coolie wages. Chinese businessmen are among the "slave" traders and several have switched sides from Taiwan to Peking.

Former members of Peking's Red Guard are among the Hong Kong sailors who have surfaced here. Trained in guerrilla warfare and terrorist tactics, these men helped organize the street gangs that have sprung up in Chinatown.

Some of these gangs are led by militant Maoists. Others consist of young thugs hired by the local tongs, or business groups, as protection against the Maoists. Warfare between the gangs has resulted in the worst wave of Chinatown violence since the Tong wars of the 1920s.

KWA LIN: THE DOPE TRADE'S DEALER IN DEATH

(By Frank Faso and Paul Meskil)

This is the story of Kwa Lin, a Hong Kong hatchetman who littered New York's Chinatown with corpses.

Kwa Lin is probably not his real name, but it's the one that investigators know best. He has used a score of aliases and has worked at many jobs—on freighters as a seaman and oiler, in restaurants as a cook and dishwasher, in offices and shops where he was self-employed.

His principal occupation, according to investigators, is enforcer and executioner for a Peking-based Hong Kong-based network of seagoing spies and smugglers.

He is only 5–2 and 140 pounds, but his tiny frame ripples with muscles, and his hands are deadly weapons. He has been trained in Oriental hand-to-hand combat. Moreover, he is equally adept with gun, knife or hatchet.

A member of the Hong Kong Seamen's Union, he sailed to Canada in 1970, jumped ship in Vancouver and slipped into the U.S. illegally. He rented a small apartment on Delancey St. in Newark, obtained a social security card in the name of John Lee and started a small business dealing in Chinese herbs and spices.

His first New York target, investigators said, was a fellow Hong Kong seaman, Sing Hop, 27.

TWO MORE TARGETS

At sunset on Aug. 5, 1970, Sing Hop was walking along Park St., a short, narrow street that runs downhill from Mott St. to Mulberry St. in Chinatown, when a small neatly dressed man approached and fired three rounds from a snub-nosed revolver into his head. Sing Hop fell dead near the rectory of the Church of the Transfiguration. His killer hurried down Park St. into a crowd.

Sing Hop lived in a furnished room at 28 Chatham Square. A search of his meager possessions turned up a forged passport and documents including what investigators described as classified material.

These investigators believe he was killed because he disobeyed orders to return to Hong Kong or China for a new assignment.

A month after Sing Hop was murdered, a man named Kuee Tang was shot to death outside a Chinese social club on Canal St. A police intelligence report describes the club as "a known gambling establishment frequented by illegal aliens, including seamen involved in smuggling operations."

The same report describes Kuee Tang as a ship-jumping member of the Hong Kong Seaman's Union, an illegal alien and "a Communist courier involved in smuggling operations."

Jerry Ginn and Larry Wong also were Hong Kong seamen who entered the U.S. illegally and entered the dope trade. They sold samples of pure Asian heroin to Cuban and Puerto Rican drug dealers here and offered similar wares to Mafia narcotics racketeers. But instead of sending the profits to their bosses in Hong Kong and Peking, they kept some of the money and dope. Ordered to return to Hong Kong, they refused.

September 1970, Ginn and Wong decided to cool off at an air-conditioned movie house. A federal agent trailed them to the Sun Sing Chinese Theater, 75 East Broadway, under the Manhattan Bridge.

They left the theater at 6:30 p.m. and started walking west on East Broadway toward Chatham Square. The glare of the setting sun was in their eyes and they did not notice the little man until he was directly in front of them, an automatic pistol in his hand.

ESCAPES WITH HELP OF FRIENDS

Shot three times in the head, Ginn fell dead near the intersection of East Broadway and Market St. Wong was hit once in the jaw and survived. At least 30 persons witnessed the shooting, including the federal agent. He was unable to intervene, lest he blow his cover.

The agent and several other witnesses followed the killer, believed to have been Kwa Lin, down Market St. one block to the headquarters of I Wor Kuen, a militant Maoist organization, on the southeast corner of Market and Henry Sts.

The gunman opened the door to the I Wor Kuen club and shouted to those inside. Several young men rushed out. Some of the youths held back the witnesses to the shooting. Others walked away with the killer.

Later that night, Kwa Lin boarded a bus. FBI agents kept him under surveillance all the way to Montreal, where the Royal Canadian Mounted Police took over.

On Oct. 18, 1970, Kwa Lin returned to the U.S. in a car driven by another man. They carried Canadian identification papers and crossed into Washington State without incident. The following day, a 23-year-old Hong Kong seaman named Choy Lung was shot to death in Seattle's Chinatown.

According to an intelligence report on the Seattle murder, Choy Lung was a Peking courier who was supposed to have delivered $18,000 to a Maoist youth group in Seattle. When he kept the money for himself, an enforcer believed to have been Kwa Lin, was ordered to kill him.

Kwa Lin's last New York mission was accomplished at 9:32 p.m. June 1, 1971, when Hong Kong seaman Lee Wing Sun, a suspected dope dealer, was shot dead at Chrystie and Division Sts. Two weeks later, Kwa Lin flew to Montreal and from there to Vancouver, where he visited a travel agency known to intelligence agents as a center for Chinese ship-jumpers, spies, smugglers and couriers.

As Kwa Lin left the travel agency, Mountie agents arrested him. The New York City Police Department was notified. The department asked Canada to hold Kwa Lin for New York authorities. However, he reportedly was turned over to the Central Intelligence Agency.

What happened to him is a closely guarded CIA secret. But members of other agencies say Kwa Lin has turned informer and provided the first major intelligence breakthrough concerning Peking's undercover operations in North America.

Interrogation of Kwa Lin led to the arrests of at least 20 other members of his narcotics ring, a federal source says. All were ship-jumping seamen. U.S. agents also seized forged documents, Communist propaganda, narcotics and classified information, the source says.

The Nixon administration insists that Peking is not sending drugs or spies to the U.S. But agents of the FMI, CIA, Immigration and Naturalization Service, Bureau of Narcotics and Dangerous Drugs and other federal agencies are still trying to find out what all those ship-jumping seamen are up to.

The official Washington explanation for Chinese operations here is that the Hong Kong seamen caught selling heroin and committing other crimes are professional criminals, not Peking agents. Yet investigators have tailed several of these ship-jumping felons to secret meetings with members of China's United Nations mission here and the Chinese Embassy in Ottawa. There is no official explanation for the conferences between Peking's diplomats and Hong Kong's extraordinary seamen.

NATIONAL PRIORITIES RESOLUTION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. RANGEL. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the CONGRESSIONAL RECORD statement by Senator HUMPHREY relating to House Concurrent Resolution 216 which I recently introduced. This national priorities resolution deserves, I believe, the full support of all Members of both Houses of Congress:

[From the CONGRESSIONAL RECORD proceedings and debates of the 93d Congress, First session, Washington, Tuesday, Mar. 6, 1973]

SENATE CONCURRENT RESOLUTION 14—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO NATIONAL PRIORITIES

(Referred to the Committee on Government Operations.)

Mr. HUMPHREY. Mr. President, I am introducing today a resolution on national priorities that I believe will help prevent an era of retrenchment and retreat in the pressing domestic problems in our country.

This resolution would call for a fiscally responsible Federal budget for fiscal 1974 while at the same time placing the Congress clearly on record for reduced military expenditures and a reformed tax system. It would provide a means for meeting our domestic needs in public employment, health care, urban rehabilitation, rural economic development, housing, education, and pollution control.

Mr. President, this resolution squarely challenges the assumption that, in a time of peace, the United States must have a bigger and higher military budget. It certainly is an ominous sign that at the time when the energies so long postponed by the Vietnam war should be turned to the problems at home, the fiscal year 1974 budget ushers in an era of domestic retreat.

We saw the same thing happen after the Korean war in the 1950's. We should have moved ahead then—on our domestic problems. We did not, and in part, the problems of the 1960's resulted from the indifference of the 1950's.

We simply cannot allow that to happen in the 1970's.

Under my resolution, we can take the first step toward meeting the responsibilities of the 1970's.

This resolution expresses the sense of Congress that $5 to $7 billion can be pared from the military budget in such areas as weapons procurement, weapons research and development, and by economizing in foreign assistance and space programs, and that through the elimination of unwarranted tax preferences in the internal revenue code another $5 to $7 billion in revenues can be produced.

We can use these funds to promote full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

We can do these things while at the same time providing, through a fiscally responsible Federal budget, for the promotion of national security, stable prices, and tax justice. We can place the additional dollars realized through the paring of nonessential defense expenditures and the elimination of unwarranted tax preferences, into programs to meet vital domestic human needs.

In short, through a rearrangement of priorities, we can fund some of the programs that the Nixon administration refuses to fund.

And, we can do so without increasing the Federal deficit.

Mr. President, I am asking for nothing more than that the Congress apply the same standards toward defense, space, military assistance, and tax subsidy budgets that the President has applied to domestic programs.

We have streets that need repair. We have critical air and water pollution problems to solve. We have poverty and racial injustice to overcome. We have massive housing and transportation problems. We have serious health needs and educational needs.

These are the priorities before us. These are the challenges of our time. And we must seize the opportunity now to target Federal funds effectively in serving these vital national interests. That is the purpose of my national priorities resolution.

I ask unanimous consent that a copy of my resolution be printed at this point in the Record.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

S. Con. Res. 14

Resolved by the Senate (the House of Representatives concurring), Expressing the sense of Congress that certain economizing and tax reform measures shall be taken to assure through a fiscally responsible Federal Budget for Fiscal 1974 effective action to promote national security, stable prices, tax justice, full employment, quality education and health care, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunity for all Americans.

Whereas the Constitution of the United States places the power of the purse in the Congress of the United States and requires the President to "take care that the laws be faithfully executed," and

Whereas it is in the national interest that the Legislative and Executive Branches work in harmony to promote prosperity and opportunity for the American people, and

Whereas the priorities, revenue policies and spending decisions of Federal Government play a critical role in assuring the health of the economy, equal opportunities for all citizens, a secure national defense, and a high quality of public services, and

Whereas control of inflation requires fiscal responsibility, the avoidance of unjustified deficit spending and the most prudent use of taxpayers' dollars, and

Whereas the Federal Budget for Fiscal 1974 and future budget projections call for the expansion of military programs but the elimination or drastic reduction of some $14 billion in domestic programs annually notwithstanding the cessation of hostilities in Vietnam, and

Whereas it is estimated that the Administration's budget requests for military, foreign assistance and space budgets can be reduced by between $5 to $7 billion without danger to our national security and without jeopardizing our international commitments, and

Whereas it is recognized by Treasury Department officials, the appropriate Committees of Congress and recognized experts that minimal, long overdue tax reform can produce $5 to $7 billion in new revenues and without increasing the tax burden of the average taxpayer, and

Whereas unilateral elimination or reduction by the Executive of federal domestic programs, contrary to law, without thorough evalution of those programs by the Legislative Branch neither serves the national interest nor complies with the spirit or letter of the Constitution: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that (1) equally rigorous economies shall be applied by Congressional review to military, foreign assistance, space programs, and unwarranted tax preferences.

(2) Congress shall set as a target for action the proposed Federal Budget for Fiscal 1974, by the relevant committees with respect to

(a) the realization of savings of $5 to $7 billion by paring unneeded weapons procurement, weapons research and weapons development, by reducing excessive forces in the military, and by economizing in foreign assistance and space programs, and (b) the elimination of unwarranted tax preferences in the Internal Revenue Code, to produce additional revenues of $5 to $7 billion.

(3) These budgetary resources—all within a fiscally responsible and non-inflationary budget ceiling as developed by the Congress—shall be redirected to promote full employment, quality education and health care for citizens, environmental protection, safe and improved living conditions in urban and rural areas, and equal opportunities for all Americans, with particular but not exclusive emphasis given to providing for health care and national insurance coverage of health care costs for all Americans, expanded public service job opportunities, improvements in public assistance and social services programs, increased federal assistance for housing, education, and the rehabilitation of urban areas, adequate law enforcement, the promotion of rural economic development, and new programs designed to improve the living conditions of American working families.

CAPITOL POLICE

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. PRITCHARD. Mr. Speaker, on June 4 the gentleman from Ohio (Mr. Hays) moved to suspend the rules and pass the bill to promote 32 members of the Capitol Police and to reduce by 15 the number of positions on the force. A two-thirds majority vote being necessary for passage under suspension of the rules, the House agreed to the motion by a vote of 299 to 0. Unfortunately, I was detained in my district and unable to vote on the motion. Had I been present, I would have agreed to the motion.

REV. JOEL PUGH

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, members of the Falls Church, the historic church around which the city of Falls Church, Va., grew, have called my attention to an excellent sermon preached by their new rector, the Reverend Joel Pugh, on May 27, 1973.

Mr. Pugh was quite recently installed as rector of the Falls Church. He is a graduate of the University of the South, Sewanee, Tenn., where he received his BA degree in 1954. Thereafter he received his BD degree in 1957. Between 1960 and 1962, he did graduate work at Oxford University in England, where he also was assistant chaplain from 1962 to 1966. In 1966, he returned to the University of the South, Sewanee, where he became chaplain in which position he remained until the end of 1972.

As I believe Mr. Pugh's sermon would be of interest to all those seeking to live their lives in the Christian faith, I insert it at this point in the Record:

A Sermon Preached in The Falls Church, Falls Church, Va., by the Reverend Joel Pugh, Rector, on May 27, 1973, the Sunday Before Memorial Day and Before the Rogation Days or Days of Solemn Supplication

It is absolutely fundamental to the Christian faith that the whole world belongs to God. Our sacred Scriptures begin with the proclamation of this fact. Page one of Chapter one of Book one drives this home as it unfolds God's hand in and dominion over heaven and earth and all that is contained within them. And in case we might want to make exemptions, Chapter I of Genesis lists what it means by all contained therein: grass, herbs, fruit trees, stars, moon, sun, birds, fish, beasts, cattle, creeping things, and man and woman.

The Christian observance of the Rogation Days which is a very old observance in the Church plays on this theme of Gods dominion over the world. It was the custom—and still is in many places in England—to "beat the bounds of the parish" during this week. That means that the clergy and laity of the parish church process around the geographical boundaries of the parish and at each landmark stop to ask God's blessing on all within and to re-dedicate their labor and life to him. This ceremony is to proclaim that everything inside these boundaries—farms, houses, shops, and government are Gods. We are only his overseers and his stewards, and like stewards must give an account of our stewardship to the owner.

The church building is not a sacred space dedicated to God within a secular world alien to him. The church building is to remind us that all the space around it as far as the eye can see—and farther—is God's domain, and is thereby hallowed.

For that reason to destroy natural beauty, for example, with no other motive than profit is not just esthetically unpleasant. It is an offence to the owner who is God. Dishonest business is not just unfair to the customer; it is a sin against God. Political absolutism and unaccountability are not just illegal; they fly in the face of the God who is King: King of all princes, governors, and magistrates whoever and wherever they are. And no matter how high or mighty they may be, they stand as his servants and accountable to him for their administration of power.

Anyone who believes Christianity is what you do in your spare time on Sunday morning has read neither the Bible nor the Prayer Book, nor has he taken on board what the Church has been up to for almost 2000 years.

Now most of us are aware of this. Our problem is not that we are stupid on these matters. Our problem is the fundamental religious problem—and that problem is idolatry: putting something in the place of God. We have been duped into thinking that because we don't set up golden statues in the market place and dance around them as in a good old fashioned Hollywood movie that we have gone beyond idolatry. That is simply not true. In fact we are all the more susceptible to idols because we do not recognize them as such. It is no accident that the First Commandment was and still is "Thou shalt have no other Gods but me." Idolatry is the crucial issue for each of us. For putting something other than God in God's place will end every time in sorrow and tragedy, with ourselves facing the abyss of darkness with nothing to hold on to. For our idols desert us sooner or later. They cannot bear the burden of being God.

The problem of idolatry is further compounded because our idols are seldom evil. Usually they are good and admirable: our family, our work, our country, our healthy ambition, our way of life, our own good. Even the Church can become an idol. Idolatry is taking something good which can lead us to God—can disclose the Almighty to us, and instead of letting it do just that—idolatry is stopping with that good thing and saying: "This is enough. I do not need to go further."

And so we dethrone God and put in his place that which is not God, and believe me, my brethren, our idols will fail us every time. They cannot deal with disillusionment or suffering or failure or death. They cannot even deal adequately with our success and joy and whatever richness life gives us. We are even frustrated in these and unable to cope with them without the God who is God.

Where do we begin to deal with our idolatry? I think we begin only on our knees in confessing to God, to others, and to ourselves our flirtation with our idols. Only out of this will we begin to see our idols as that and begin to see that with God we do not need our idols.

From our confessing our idolatry we begin to have a vision of the God who is larger than our idols: the God who is Lord of more than we know,

Lord of more than we can see,
Lord of more than we love.

And out of this vision can come a peace: a peace that is not of our making; a peace that passes all understanding.

It does not mean that we forsake our loyalties to home, to work, to country, and to Church, but we begin to see them as avenues to God; not as idols to replace him.

Let me give you two examples of the breadth of vision, of the greatness of soul, of the peace that can come of this knowing God rather than idols.

The first is ancient—it comes from the middle of the second century A.D. Some of you have heard me quote it before. It is a letter by an anonymous writer and is known to us by the title of "The Epistle to Diognetus":

"Christians are not distinguished from the rest of mankind by country or language or customs . . . This doctrine has not been discovered by them through any inventive faculty or the careful thought of pretentious men; they are not champions of a man-made principle, as some are. While they live in cities both Greek and oriental, as falls to the lot of each, and follow the customs of the country in dress, food, and general manner of life, they display the remarkable and confessedly surprising status of their citizenship. They live in countries of their own, but as sojourners. They share all things as citizens; they suffer all things as foreigners. Every foreign land is their native place, every native place is foreign . . . They pass their life on earth; but they are citizens in heaven. They obey the established laws, but they outdo the laws in their own lives. They love all men; and are persecuted by all. They are not understood, and condemned. They are put to death, and yet made alive."

The second example is from our own century.

The most cataclysmic event in western civilization in our time was the First World War. It destroyed our illusions. It almost destroyed our civilization. It had a brutality that would have made savages blush with shame. And the participants were the most civilized nations history had ever seen. The death toll was terrible; far worse in Europe than here. A whole generation of young men was almost completely wiped out. Toward the end of that war an Oxford teacher said to a friend with tears in his eyes "My life has been wasted. All my pupils have been killed." 2700 alumni of Oxford University were killed in France at a time when the university student population did not exceed 3000. By contrast Harvard University lost 373. In the chapel of New College, Oxford, is a tablet to the members of that one college who died. It is 30′ long: half the length of this church. Below it is a small tablet with this inscription:

"In memory of the men of this College who coming from a Foreign Land entered into the inheritance of this place and returning died for their country."

Below the inscription are the names of three young Germans who died in that terrible war.

To be able to put up such a plaque is what we mean by civilization: Christian civilization.

Christian civilization is with God's help to look beyond the limits of our vision. . . . in our sorrow, our devastation, our anger, our tragedy to see the Lord of the universe who looks with love on all creation: even as we make a mess of it and bloody ourselves doing it.

If Memorial Day is only a time to reinforce our prejudices and nourish our partisanship and confirm our hatred we shall have failed. We shall only allow the idols to creep in and deny the God revealed in the Christ who loves us all—sinners though wc be.

This is surely a time when in our bewilderment we beseech God for understanding, when in our hatred we beseech God for his compassion, when in our resentment we ask him to give us magnanimity of spirit.

O Lord, our Christ, may we have Thy mind and Thy spirit; make us instruments of Thy peace; where there is hatred, let us sow love; where there is injury, pardon; where there is discord, union, where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O divine Master, grant that we may not so much seek to be consoled as to console; to be understood, as to understand; to be loved, as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

THE OEO'S HISTORY OF FAILURE

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. FISHER. Mr. Speaker, I am sure the Office of Economic Opportunity has some pluses in its favor. But according to every responsible report, the minuses dominate the picture.

Much of this ugly record of failures is the fault of the Congress. Because perhaps never in history has the Congress delegated so much loose-end authority willy-nilly, so many blank checks, to a bureaucracy to spend tax money free of meaningful guidelines and controls. The net result has been a dismal failure, replete with unprecedented waste and favoritism.

The documented record of waste, corruption, extravagance, mismanagement, abuse, and misuse of power by OEO would fill several volumes.

Recent efforts by the Nixon administration to dismantle this outfit have run into obstacles. Opposition comes from OEO jobholders, politicians, courts, free spenders, and others who show no concern for the plight of the American taxpayers.

The time is overdue for the Congress—Democrats and Republicans alike—to forget about politics, face up to its responsibility and, even though somewhat belatedly, do its duty by supporting the dismantling process. The Nation will acclaim our action.

Under leave to extend my remarks, I include an article on the OEO written by John E. Peterson of the Detroit News.

The article follows:

The OEO's History of Failure: Twenty-Five Million Still Live in Poverty

(By John E. Peterson)

WASHINGTON.—When the Office of Economic Opportunity (OEO) was set up as the command post for President Johnson's "war on poverty" in 1964, its announced goal was to help the nation's 25 million poor become self-sufficient.

Today, after OEO and a dozen other federal agencies have spent nearly $200 billion in efforts to upgrade the poor, 25 million Americans still have incomes below poverty level.

Even many of its supporters are conceding that the anti-poverty program has failed to meet its main objectives and an investigation by *The Detroit News* has turned up widespread abuses.

Nevertheless, the Nixon administration has come under fire from Congress, a number of civil rights leaders and thousands of anti-poverty workers for its decision to dismantle OEO and transfer only its most effective programs to other agencies.

These critics have depicted that decision as cruel, cold-hearted and, in words of one, "further evidence of callous insensitivity toward minorities."

Some observers see the criticism as valid but others charge that some politicians—particularly those with large urban constituencies—seem to have used the issue to court votes among the poor.

"A lot of congressmen know better," said a black OEO official who has been with the agency since the Johnson administration.

"I know because I've sent them case after case where none . . . I mean absolutely none . . . of the millions funded for particular programs ever trickled down to poor blacks.

"Most of it ended up in the pockets of friends or relatives of politicians or with radical and militant groups the politician was trying to appease."

Anti-poverty workers (nearly 200,000 are employed by OEO funded agencies) are hypocritical, the black official said.

"A large number already have used thousands of dollars in OEO funds to charter buses to come to Washington to protest the cutbacks," he said. "And more rallies are being planned.

"The anti-poverty program has become like all bureaucracies. Its chief concern now is not helping the poor but perpetuating itself."

A Mexican-American who works as OEO administrator in Los Angeles said:

"Sometimes I really believe that most of the social workers we fund at local levels are out to unionize the poor . . . to set them up as a separate class, so they (the social workers) will always have jobs."

While some good programs have been implemented and well-publicized, OEO files contain examples of alleged misuse of funds, graft and embezzlement.

OEO officials blame much of the waste on lax accounting procedures at the local level and a lack of following up OEO inspection reports by middle-level officials.

"There was not a conspiracy at the top to hamper inspections," said Howard R. Phillips, the 32-year-old Bostonian appointed by President Nixon to oversee OEO's dismantling.

"But we, as an agency, have been remiss in not following up the findings of our inspection people."

Phillips has received some criticism because of his expressed enthusiasm for his dismantling job.

"All I said was that I was really going to enjoy this job," he said, "and all of a sudden the media was painting me as Attila the Hun.

"What they left out, however, was the main reason I'm enjoying this job . . . and that's because taxpayers and the poor are getting ripped off. We've got a hell of a lot of people using federal anti-poverty monies to line their own pockets and/or radicalize the poor and use them for their own purposes.

"The idea behind the anti-poverty program was to help the poor out of poverty and not set them up as a class apart."

When Phillips talks about persons enhancing their bank accounts with funds meant for the poor, he could cite, among others, these cases—all documented during the course of a three week investigation by the *News*:

The finance officer of a rural Kentucky health center took for himself more than $18,000 in funds meant to help the poor meet medical bills.

More than $250,000 turned up missing in an OEO Community Action program in Delaware County, Pa. Subsequently, OEO inspectors and General Accounting Office (GAO) investigators found that the program's board chairman had hired members of his family in OEO jobs.

The director of a Chicago-based OEO health project used federal funds to finance a private group attending a conference in Los Angeles about the People's Republic of China. OEO investigators are still attempting to audit $210,000 in grant funds, which the director transferred to a private bank account.

The director of a South Duxbury, Mass., community action council was found to have illegally increased his salary by $6,000 a year, taken $1,600 from the program to buy a new car and illegally used a government credit card to make $5,000 in personal purchases.

An Atlanta employe of the Department of Health, Education and Welfare (HEW) received $150,000 in OEO funds to serve as a consultant on black business problems, while still earning $12,500 a year as a full-time HEW employe.

A wealthy Montana attorney received more than $20,000 in salary and fees from a community action council on an Indian reservation to act as a "tourist specialist" and "economic consultant."

The attorney was also employed to represent the reservation in legal matters and was closely associated with a management consultant firm receiving an OEO vocational training contract from the community action council.

Community organization in Chicago received an OEO grant of nearly $1 million for an attempt to "de-alienate" two rival youth gangs.

A subsequent OEO investigation showed that recruiters for the program had encouraged hundreds of youths to drop out of school so they could receive government stipends. An audit of books also indicated the theft of more than $200,000 through payroll forgeries.

In addition to these specific instances, the *News'* investigation found nearly 100 other examples of possible graft, theft, embezzlement and nepotism involving amounts ranging from $682.50 to more than $875,000.

Together, the cases amounted to more than $3.8 million in OEO funds over a period of four years. OEO officials claim they have hundreds of other such cases in their files.

"A lot of these reports were never acted upon when they came in from the field," said a high-ranking OEO administrator. "Many carried memos that dismissed them as 'nickel and dimes cases' and 'isolated instances.'

"But when you add up all those isolated instances, of course, what you have is graft and kickbacks and theft and waste involving billions of dollars."

The average administrative cost of a federal program is 30 to 35 cents on the dollar, the official said, but the average administrative cost of OEO programs often runs twice that amount.

"The poor, in most cases, just haven't been getting anywhere near what they should have from these programs," he said.

"And you have to remember the cases we're talking about don't even come close to rivaling many of the ones still under investigation. What you have is the tip of the iceberg."

But Phillips and other federal officials say they are even more troubled by the hundreds of examples of misuse of federal funds for political purposes uncovered in OEO files during the last year.

"We aren't turning our back on the poor," Phillips said. "Our expenditure on the poor for the fiscal year beginning July 1 will be slightly higher than last—$30.4 billion, compared to $30.1 billion.

"But we are—and I think quite properly—cutting back on funds used for 'politicizing' the poor. I want to emphasize that very few cases involve Republicans or Democrats . . . that almost all have concerned radical groups like the SDS (Students for a Democratic Society), Black Panthers, etc."

Phillips is particularly critical of OEO-funded lawyers who, he said, have attempted to "radicalize" the poor.

"Whatever has been fashionable with the New Left," he says, "has been either preceded or followed by legal service activities in those same areas." * *

NEW PENSION PROGRAM FOR WORLD WAR I VETERANS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. BOB WILSON. Mr. Speaker, I would like to speak on behalf of my bills, H.R. 4693 and 4694, to increase the earnings limitation for veterans' pensions to take into account the social security raise last fall and to establish a new pension program for the veterans of World War I.

I am certain that all of us have received letters from elderly pensioners and their widows regarding the reductions in pension they have suffered as a result of the social security increase. While very grateful for the 20-percent increase Congress enacted last year, they nonetheless sorely miss the dollar cut from their VA pensions, particularly in these inflationary times.

H.R. 4694 would raise the annual income limitations for eligible veterans and their survivors and provide an average 8-percent increase in the pension rates. In addition, the bill would increase the income ceiling for "old law" pensioners and for parents receiving dependency and indemnity compensation. I urge the subcommittee's favorable consideration of this legislation, retroactive to January 1, 1973.

My second bill, H.R. 4693, deals with the unique difficulties faced by World War I veterans. In at least their late seventies, these veterans of the "war to end all wars" often live in ill health on the fringe of destitution. H.R. 4693 would provide $135 per month for unmarried veterans and $150 per month for married veterans, compared to the present $78.78 for old law pensioners. Widows covered by the bill would receive $100 per month, nearly double the present $50.40 payment. The income limitation for old law pensioners would be increased to $3,000 for single veterans and $4,200 for married veterans. In addition, the measure gives priority for hospital and medical care to veterans receiving a pension under its provisions.

This legislation would provide a long-needed reform for the World War I veteran who for pension purposes is treated like the World War II and Korean veteran, and yet has never had the many other veterans' benefits which have been made available to these other veterans groups. There was no "readjustment assistance bill" for the returning warriors of 1918. For many of these men the additional money contained in H.R. 4639 will mean the difference between financial self-sufficiency and the necessity to resort to welfare. While welfare is designed to help those who have no other resources, the tragic irony of public assistance is that those it is intended to help are too proud to accept it. Enactment of H.R. 4693 would help the remaining veterans of World War I receive adequate medical care when they are most in need of medical aid. As a strong supporter of educational benefits for the Vietnam veteran, I urge the Congress to pass a GI bill for the World War I veteran—by increasing pension benefits to see him through the final years in dignity and self-respect.

The Compensation and Pension Subcommittee of the House Veterans' Affairs Committee is today holding a hearing on veterans' pension legislation and I hope that the committee and the Congress will approve H.R. 4693 and 4694, or similar legislation.

LIFE WITH AUTISTIC CHILDREN

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. HARRINGTON. Mr. Speaker, yesterday the Washington Post published a front-page article concerned with autistic children. The story depicts the difficult life of Mrs. Leslie Grant and her two autistic children, Mooza and Linda. An autistic child is considered by some experts to be one of the sickest of the mentally disturbed children, and he can suck dry the deepest wells of love and devotion. Yet Mrs. Grant, as well as thousands of other parents of autistic children, has devoted her life to her children. This is in direct contrast to the stories that parents of autistic children were told in recent years that their lack of love for their children caused the disease.

Ten years ago, very few people who were not health professionals knew about autism. The recent interest in newspapers and magazines creates the impression that autism is a relatively new disease, although it has been plaguing man for centuries. This, coupled with National Autistic Children's Week at the end of the month, will let more Americans know about the plight of autistic children. The Washington Post article clearly depicts the hardships placed on both the family and the children. But knowledge of the disease and suffering does little to alleviate the situation. H.R. 5785, which I introduced with 30 colleagues, will coordinate the fight against autism under the Director of the National Institute for Child Health and Human Development.

The Post article on autism is printed below:

LIFE WITH AUTISTIC CHILDREN

(By Philip A. McCombs)

Linda was hitting herself, the movie showed. Her mother grabbed her, but Linda hit and hit—sharp, upward thrusts, the bony backs of her hands striking her temples. She flopped on the ground and hit at the big, red welt on her temples.

A self-destructive, autistic child, that's what they call Linda Grant. Those are flat, hollow words for describing the depths of human agony etched in that tortured, puffy, white, childish face trying to smile but full of fear and confusion, crying, hitting, looking about wildly.

And where are words to describe the parental love that has kept this child out of mental institutions for 20 long years? Twenty screaming, exhausting years of daily, nightly, unrelenting, holding, fighting, rocking, soothing?

That love shines in Linda's mother's face. Mooza Grant is a whirlwind of a woman who steamrolls over obstacles with the force of her personality. Her face is handsome and strong and happy, with darting, sensitive eyes.

Mooza Grant was born the daughter of a lieutenant in the Imperial Russian Navy in St. Petersburg in 1917. Her family fled the Revolution and she grew up in Brooklyn as part of that tough, uncomplaining world of Russian emigres—a world of fallen aristocracy where generals washed dishes in restaurants run by noblemen, and where private tutors climbed the dingy stairs of walkups to teach art, literature, music, poetry, and ballet to children like Mooza Grant.

She flourished, came to Washington, married a lawyer from the Midwest. They had two autistic children.

That was more than 20 years ago. "I've washed diapers now for 20 years," she said. "Do you know what it means to change diapers for 20 years?"

Mrs. Grant, who was driven by these circumstances to found the American Foundation for Autistic Children in Chevy Chase, says there may be more than a quarter of a million autistic children in the United States. She knows of at least 70 cases in the Washington area and thinks there are more.

Autism is a word that has been used during the past several decades to describe a little-understood mental disorder. Basically, an autistic child is one that seems to live in his own world with little or no response to other human beings.

An autistic child may be as intelligent as any normal child—but no one knows because the child seldom displays intelligence.

"The autistic child may be mute, unresponsive, excessively restless, withdrawn," wrote Dr. Milton J. E. Senn in 1966 in McCall's magazine. "His behavior is so often confused with mental deficiency that frequently you find him in an institution for the feebleminded.

"Yet such a child astounds and confuses professional workers and parents alike by his amazing memory, his interest in music and rhythm, his ability to perform certain difficult tasks, his skill in the use of numbers and in mathematics."

A small percentage of autistic children are also self-destructive, which means that they hit themselves or hurt themselves in other ways. Linda is self-destructive, but Mooza, the Grants' older daughter, is not.

What is the prognosis for autistic children? No one including Mrs. Grant and psychiatrists who have studied the problem, is exactly sure. That's because the condition has only in the last several decades been identified as separate from schizophrenia, feeble-mindedness and other mental conditions. Experts still disagree on the point.

As a result, autistic children have been mixed in with other children who have mental problems—and they are among the children you see, from time to time, in photos taken in mental institutions—straitjacketed, chained to posts, groveling and screaming their lives away in a nightmare world.

But Mrs. Grant and her husband, Leslie, a legal counsel in the State Department's Agency for International Development, could not bear the thought of placing their children into an institution. No matter what the consequences to themselves, they decided that they would keep the children at home and hope that somehow, through the struggle, they could help them.

They have performed near miracles. They stopped Linda's hitting two years ago by badgering and cajoling military scientists to manufacture an electric-shock apparatus that jolted Linda every time she hit.

Now Linda, Mooza and several other autistic children attend daily sessions at the Center for Autistic Children that their parents set up in a frame house at 4510 Cumberland Ave., in Chevy Chase.

Mrs. Grant is seeking land and money to expand it into a national institution that will survive and grow and care for increasing numbers of autistic children.

It didn't dawn right away on the young couple that their children were having problems. Mrs. Grant:

"In January, 1954, Linda was born, and by then I had already noticed peculiarities in the older child of not being able to relate to me when I called to her, which I didn't notice until the age of 2. Until then, she related just like any other child, imitating sounds and words and melodies. She would look at you and imitate you.

"The change almost seemed like a sudden thing. I took a photo of her, and I noticed she wasn't really looking at me, I noticed the eyes looked off to the side. Then she would cry at night, sleep badly, run from wall to wall all day. In the car she sat without looking to the right or the left.

"She didn't respond to her name. She was dramatically, rapidly withdrawing from the environment."

"People don't pay attention because they think it's just a compliant, quiet child. But there's a gradual restlessness away from you rather than with you; instead of crawling into the kitchen and grabbing stuff, getting into drawers and boxes, she didn't do that."

Mrs. Grant called a psychiatrist and was told the child could be seen in eight months. "That really frightened me because I realized I had no help." She kept telling herself not to get excited, that after all the child had said "cheese" and hummed melodies before the age of 2. And Mrs. Grant comforted herself with this: Mendelssohn had not spoken a word until he was 5.

After the second child, Linda, was born, it soon became apparent that there were grave problems with her, too.

"What happened was that we were focusing attention on the older child and I went once to Catholic University and there was a doctor there who said to me, 'You better pay attention to the younger child, too. There's something wrong with her.'

That was the true beginning of a nightmare.

"Linda began to rock in her crib and started to hit herself against the bed and I padded the crib around. Then gradually she began to strike herself with her hands when she was 16 or 17 months.

"At first it was intermittent. Then all sorts of devices were created (to stop it). We tied her arms in back, put her arms in wooden things. I put (tubes) on her arms so she couldn't bend the elbow to strike. Meanwhile the problems with the elder child were getting more pronounced. The doctors said she was suffering from childhood schizophrenia."

For all sorts of understandable, human reasons, the full impact of the growing nightmare did not hit the Grants all at once.

For one thing, they were close to the situation and, for all they knew, the apparent abnormalities would fade away. And because doctors disagreed on what was wrong with the children, there was a tendency to discount what the doctors said.

But even the flimsy sense of assurance and hope that the Grants built up faded one day in 1956. It was just another visit to another doctor's office, but for some reason everything crystallized for Mrs. Grant at that moment.

"I remember when we went to the doctor's office, the neurologist, and he said that this child (Linda) is definitely never going to be up to par.

"Linda was 2 and I remember this was the first time in my life I felt the walls were moving, and I just swayed in that room. I walked up and down the hall, down the street and around the building, and I just felt like it wasn't me."

It is widely accepted among psychiatrists that an autistic child will generally have a shattering effect on his parents and their marriage because of the extraordinary demands he makes. An autistic child is considered by some experts to be one of the sickest of mentally disturbed children, and he can suck dry the deepest wells of love and devotion.

"I find that a great many difficulties arise (in your marriage) that ordinarily wouldn't," Mrs. Grant says. "One thing you really begin to lose is a real sense of communication. In a case like this, your communication very often revolves around the problem. It's very tense and only leads to a great deal of (frustration). You can't really relax in a state of communication that is pleasurable. It's usually something that is insurmountable.

"Also, you're very, very tired. It completely cripples one's ability to act because one doesn't know what to do. Over all these years it has crippled absolutely and completely any opportunity of doing anything together. We've never been on a trip together, never able to go out and visit someone together.

"For years, until the last two anyway, it has been impossible to sit in the living room and talk calmly together. Somebody had to hold the self-destructive (child) all the time; then all the time you have to watch the other one, too.

"I think one of the principal things that holds a marriage together is the recognition that each one of us has a special job to perform to help the children. The father must be given the opportunity to make money, and the mother had better keep her mind on the job.

"In fact, they may even hold you more together, because you very quickly realize that without the support of both, it's all over."

"I have many times gone to institutions, some of the most outstanding ones, but when I see what I found there, I couldn't envision sitting in Chevy Chase with roses growing around outside and my child being in an institution."

As Linda grew older, it became more difficult to hold her because she became stronger. Linda's self-battering finally got so bad that her mother had to spread-eagle her on her bed, with her arms and legs tied and her head secured in a device designed for people in traction.

"She was like that for a month and getting worse. I had to feed her, change her like that—you couldn't possibly let her go, she was absolutely a wild tiger. No medication worked. To the wonderful girl who helped me for eight years I said, 'We can't go on. Get me the cattle prod.' "

At various times over the years, the electric shocks of the cattle prod, medication and other forms of control kept Linda from hitting herself for brief periods.

Linda attended Eunice Shriver's summer camp for children for several summers, and that helped her. There were respites of a week, a month, or even longer here and there over the years. But Linda always went back to hitting herself.

In desperation, Mrs. Grant went to Walter Reed two years ago with the idea of constructing a helmet and arm device that would give Linda an electric shock every time she hit herself.

In less than a day, the device stopped the hitting. That was two years ago. She hasn't hit since, and wears a small knit cap that simulates the headgear. As long as the cap is on, she is conditioned not to hit.

Now that autism is increasingly recognized by psychiatrists, and the association and the center set up by the Grants and others is drawing about it a core of interested physicians and professionals, and promises to expand, the future looks better for the Grants and their children.

The center, which first was housed in the North Chevy Chase Christian Church, now is in a house donated by the tiny municipality of Somerset.

At the center last week, Linda ran up to a visitor and hugged him affectionately, touched his hand, then ran off to play with a counselor.

In small classrooms upstairs, counselors and teachers worked with Mooza, Linda and a small child, Larry, who is thought to be somewhat schizophrenic and also autistic.

The classroom work is helped along by the use of small bowls of candy with which the children are rewarded when they do well. They are also rewarded with hugs.

The teachers work patiently, drawing numbers and pictures on blackboards and then getting the children to repeat the drawings or say something about them.

Mooza, in the middle of one session, jumped up and down happily, squeaking with joy. She had got several numbers right and had been rewarded with a big hug by her teacher, Lewis Stein.

Mrs. Grant and others watch the classroom work through one-way windows. Mrs. Grant looks at her happy daughter wtih delight shining on her face.

"It never dawned on me to run away," she said. "My only thought was I had to do more. The lower you sink, it's like a cork—the higher you jump up above the water."

PHANTOM JETS TO SAUDI ARABIA

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. BURTON. Mr. Speaker, I have read with concern a memorandum from the American Israel Public Affairs Committee regarding a proposed sale by the United States of Phantom jets to Saudi Arabia.

The demonstrated hostility of the Arab nations toward Israel makes the increased flow of offensive arms such as the Phantom jet unthinkable.

I would hope that this policy decision by the administration to sell these offensive planes to Saudi Arabia might be not only reconsidered but reversed.

I am placing in the Record at this time the full text of the memorandum by I. L. Kenen, chairman, American Israel Public Affairs Committee:

Phantom Jets to Saudi Arabia

We are dismayed to learn that our Government plans to sell Phantom jet planes to Saudi Arabia and possibly to Kuwait and we urge the Administration to reconsider.

We can understand the reasons why our Government feels impelled to provide military equipment to the Persian Gulf states. Our reservations have to do with the type of equipment—the highly sophisticated Phantom. Saudi Arabia is at war with Israel and will be under temptation to use these long-range fighter-bombers against Israel or make them available to Egypt for that purpose.

There are several possible explanations for the arms deals:

1. The British withdrawal from the Persian Gulf has resulted in a power vacuum. Kuwait is threatened by a Soviet-armed Iraq, while Saudi Arabia is exposed to attack from South Yemen and other radical forces, internal and external.

2. There is an understandable desire to maintain cordial relations with pro-Western Arab countries in order to ensure an uninterrupted flow of oil. Moreover, trading guns for oil helps our balance of payments.

3. We now sell Phantoms to another Persian Gulf state—Iran. (But this non-Arab state has excellent de facto relations with Israel and has accepted large-scale technical assistance from her.)

4. It has been suggested that if we do not sell Phantoms to Saudi Arabia, France will provide Mirages. (But she probably will in any case. Besides, there is a vast difference between the Mirage and the much more powerful Phantom.)

We have been providing weapons such as the F–5 Freedom Fighter and the Hawk ground-to-air missile to Saudi Arabia—beginning with 18 tanks in 1956, which prompted a Senate inquiry. Our weapons have been intended primarily to buttress the Saudi regime from radical revolt or attack.

But the Phantom is an offensive plane which poses a grave threat to Israel's security.

Israel is not at war with Saudi Arabia. On the contrary, her very presence in the region has been a barrier to any Egyptian move against Saudi Arabia in the past.

But Saudi Arabia, a feudal dictatorship, is in a holy war with a democratic Israel. Former King Saud once said that the Arabs should be willing to sacrifice 10 million men to destroy Israel. King Faisal has been no less virulent. Saudi Arabia still bars Jews from the country. It strongly objects to Israel's presence in Jerusalem. It has always challenged Israel's right to transit the Straits of Tiran. Its frontier is just a few miles from Eilat and Israel's oil pipeline.

We cannot be complacent if Saudi Arabia is permitted to acquire weapons deadly enough to give belligerent effect to its bigoted hostility.

Late in 1968, the U.S. decision to sell Phantoms to Israel was widely supported in Congress and in the press because of Israel's urgent need for deterrent capacity. The Phantoms enabled Israel to repel Nasser's war of attrition and opened the way to the U.S.-initiated truce in 1970. The Phantom was a concrete expression of America's commitment to Israel's survival.

But the balance of strength, so essential to the maintenance of the truce, will be impaired if Saudi Arabian Phantoms are able to blitz Israel's cities and to strangle Israel navigation through the Gulf of Aqaba and the Red Sea. Newly-endangered, Israel would be forced to build new defenses and to plunge more deeply into debt.

While Saudi Arabia may promise not to transfer the Phantoms to Egypt or any other country, no one can really guarantee the durability or the enforceability of such an agreement. The United States armed Iraq from 1954 to 1958, a palpable blunder which we protested at the time, and a radical group overthrew the Hashemite rulers, inherited the weapons, and expelled the Americans, turning to Russia along with Egypt.

In 1966, our Government assured Israel that Jordan would not use its new American tanks against Israel, but King Hussein rolled them across the Jordan River when he entered the Six-Day War.

There is evidence that Egypt, which persists in threats to go to war and which spurns negotiations, has been collecting weapons from all sides, despite their alleged nontransferability. French Mirages have been coming via Libya, and there are reports that British Hunter jets are on the way from Iraq, and that British Lightning jets may be headed from Saudi Arabia.

Saudi oil revenues continue to subsidize Arab terrorists and to lubricate Egypt's war machine. Who would dare to interfere if the

Saudis permitted Egyptian pilots, masquerading as Saudis, to train in Phantoms and fly them across the Red Sea to the Nile? And who can guarantee that American Phantoms dispatched to tiny Kuwait may not fall into the hands of others in a left-wing coup?

It is axiomatic that Arabs will never make peace with a weak Israel they think they can destroy. Our new arms deals with Saudi Arabia and Kuwait may total $1.5 billion, to which should be added a $600 million training deal with the British—and an unknown amount of arms from the French. If the balance of strength tilts in favor of the Arabs, what hope is there for a negotiated peace?

We have often been told that the Arabs intend to use oil as a weapon against Israel. We have never construed this as a serious threat to withhold their oil from the West. But if they can alchemize oil into bombers, no one can predict where their blackmail will ultimately lead.

We hope that our Government will reconsider the proposed sale of Phantoms to Saudi Arabia and Kuwait.

I. L. KENEN,
Chairman, American Israel Public Affairs Committee.
JUNE 4, 1973.

U.S. BOTANIC GARDEN DOING A GOOD JOB

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. DICKINSON. Mr. Speaker, one of the little noticed operations here on Capitol Hill is the U.S. Botanic Garden. Although there is seldom any official recognition given Botanic Garden, it plods along from day to day performing an outstanding service for offices and individuals on and off Capitol Hill. I was surprised to learn, for instance, that the garden sometimes receives as many as two dozen questions a day concerning plants and flowers.

Earlier this year there was an interesting article in the Wall Street Journal regarding the U.S. Botanic Garden. I would like to share its contents with my colleagues. Therefore, I am pleased to insert the article at this point in the RECORD:

[From the Wall Street Journal, Jan. 2, 1973]

ARE YOUR GARDENIAS GRUMPY? JUST CALL THE BOTANIC GARDEN—BESIDES HELPING YOU PERK UP YOUR PLANT, NURSERY SERVES AS MAIN FLORIST TO CONGRESS

(By Carol H. Falk)

WASHINGTON.—J. Edgar Hoover frequently brought his problems there. Lonely old ladies, schoolchildren, Congressmen, worried mothers and the National Geographic Society still do.

They all come to the little, two-story house at the foot of Capitol Hill and ask, well, things like:

How can you keep a gardenia plant happy in the Washington climate? (This was a continuing concern of the late FBI director.) How do you grow a mango from seed? Can this sick rubber plant be saved? And can this child be saved? (The latter query coming from an anxious mother whose offspring had just eaten part of a household African violet.)

They all come, the great and the merely ordinary, to the U.S. Botanic Garden, which fields as many as two dozen questions every day about grumpy gardenias, ailing philodendrons and the like. Not that fielding questions is the garden's only business. As the chief nursery and florist for the Congress, it has some weightier responsibilities as well.

For instance, the garden staff is busy right now readying plants and floral displays for Capitol Hill festivities connected with this month's inaugural. Looking well ahead, they're already starting the trees that will be set out in tubs around the Capitol grounds for the nation's bicentennial in 1976. And their routine duties include raising the shrubs and trees that landscape the Capitol grounds, loaning plants to decorate the offices of Senators and Representatives, and arranging flowers for official Capitol Hill parties.

THE REGULARS CALL IN

But to Assistant Director Jimmie L. Crowe, the garden's top-priority mission is public education. (Mr. Crowe is the man actually in charge of the garden, although since 1934 the Architect of the Capitol has held the title of "acting director.") So Mr. Crowe, a professional horticulturist, personally handles every one of the individual questions that pour into his tiny office each day—by phone, by letter and on foot.

Repeatedly, he'll pick up the phone to hear some plaintive voice begin, "I have a sick plant." Mr. Crowe, a spare man whose twinkling eyes hint that he enjoys people at least as much as he does plants, often recognizes the voice as a regular caller.

The other morning he took a call, listened a moment and then cheerfully launched into a spiel on how to grow a Bird-of-Paradise plant from seed. "What's the temperature of the house? About 70? Put a thermometer in the pot; I'll bet it's around 60. You need to get it up to 72 degrees for the seeds to germinate. Let the heat blow right on it and keep it pretty moist." After hanging up, he explained that the woman caller had just brought seeds back from Hawaii. "Every time she makes a trip somewhere we get a call," he chuckled.

Some callers are probably just plant hypochondriacs looking for someone to talk to. Others, though, can be quite emotionally attached to their plants, Mr. Crowe and James I. Jones, the garden's administrative officer, recall one letter that arrived on black-bordered stationery. The writer feared his plant was dying. Then there was the young mother, distraught because her little boy had watered her cactus with Lux soap. Mr. Crowe told her to relax; the soap was biodegradable and therefore harmless.

A CRUCIAL LIST

More serious are the calls from parents or hospitals worried about potential plant poisoning. Mr. Crowe keeps a list of poisonous plants by his desk and offers advice or reassurance. Actually, most house plants, including African violets, are nonpoisonous, though some may produce a toxic reaction in certain individuals, he explains. So Mr. Crowe had good news for the mother whose child ate some bright red seeds from a magnolia grandiflora not too long ago. The seeds were unlikely to cause any serious problem. Another question involved a classroomful of school children who had sampled each of the various kinds of cacti they were growing as a project. They didn't fare as well; a few broke out in a rash.

The unbureaucratic nature of the botanic garden's operations probably invites such queries. With a staff of only 56, including growers and night watchmen, and an annual budget of under $800,000, the garden seems far less formidable to citizens, prominent or otherwise, than, say, a huge bureaucracy like the Agriculture Department, which oversees Washington's National Arboretum.

Not all the questions come from little old ladies or worried mothers. Some come from people who are frankly interested in making money. Garden officials report "hundreds of queries" on ginseng—a plant whose roots are valued for their curative powers by the Chinese—and how to make a profit by growing and marketing it.

Recently a Hendersonville, N.C., man wrote to report that he had two acres of land and wanted to grow ginseng or whatever "medicinal plant would yield the most profit." He provided detailed descriptions of the moisture, sun and shade conditions, evaluation and even the dates of first and last frost. The garden told him that ginseng probably would work out but suggested he check soil and water samples with state university or county agricultural experts.

Each day's mail usually brings the garden three or four samples of sickly leaves and sometimes even the bugs that are the suspected culprits. After a quick examination, the bugs are dispatched to the incinerator, before they can start feeding on the Botanic Garden's own delicacies.

Those delicacies include plants and trees from all over the world, growing in permanent exhibits in the garden's conservatory, a giant greenhouse just west of Capitol Hill. (A couple of miles away the garden also maintains 10 acres of greenhouses and growing grounds.) In addition, the conservatory features special annual exhibits of poinsettias, azaleas, spring flowers and chrysanthemums.

Just like these exhibits, the incoming questions and leaf samples follow seasonal cycles. Thus, when mangoes reach the grocery stores each fall, "we always get at least 50 requests on how to plant the seed and care for it," says Mr. Jones. "Everyone just loves mango seeds. They're so big and ugly-looking." But the garden doesn't hold out much hope to the would-be growers; the fruit usually has been picked too early for the seed to have ripened fully.

Every fall, too, brings an influx of brown or mottled magnolia and azalea leaves. People knowing these two plants to be "evergreen," think there's something wrong when they start losing some of their leaves. Actually, says Mr. Crowe, it's perfectly normal: magnolias and azaleas replace some leaves every fall.

MR. POINSETT'S PLANT

This holiday season, of course, has brought the usual queries about Christmas trees and poinsettias. Why isn't last year's poinsettia plant blooming this year? Probably, explains Mr. Crowe, because the plant needs 16 hours of darkness daily for a couple of weeks to trigger its blooming process. Even the striking of a match in the darkness will delay the bloom.

Schools tours and letters from schoolchildren claim a big share of the garden's time and attention. But even Hollywood and the National Geographic Society have weighed in with problems.

Moviemaking filming scenes in Georgetown for the movie, "The Exorcist," had to construct an addition to a house that appears in the movie. The problem was that the addition blocked the sun from some venerable English boxwood. The garden staff was consulted on the design of a removable partition that would allow light to reach the boxwood at least part of the day. And the National Geographic Society magazine once sent over a photo to make sure its photographer got the name of a particular plant right.

There are limits to the advice Mr. Crowe will give, however. He refers all questions on the identification of poisonous and nonpoisonous mushrooms to specialists at the National Arboretum or the Agriculture Department, and he declines invitations to speak on specific horticultural subjects before garden-club groups. When you agree to match wits with highly informed garden clubbers who may spend all their time on say, African violets, he explains, "you're in deadly territory."

BETTER LATE THAN NEVER

HON. ROBERT W. DANIEL, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, on June 10, 1973, a respected newspaper in my district, the Progress-Index of Petersburg, Va., printed the following comments as its lead editorial. I commend to the Members of the House of Representatives this articulate and objective discussion of the injustice of the Voting Rights Act of 1965 in the hope of broadening the acceptance of the principle that, as the editor writes—

> Good voting rights medicine for selected states should be good voting rights medicine for the entire United States.

The newspaper editorial follows:

Better Late Than Never

Carrying out the will of the General Assembly as expressed in resolution, Attorney General Miller has filed a petition in the U.S. District Court for the District of Columbia seeking to have Virginia relieved of the restrictions imposed upon it by the Voting Rights Act of 1965.

That the effect of the law is something more than academic is illustrated by the fact it is the reason for Petersburg's special election on Tuesday in which members of the governing body will be chosen by the ward system rather than the at-large method which had prevailed since adoption of the city manager form of government half a century ago. Discovery that there was a connection between annexation and the Voting Rights Act came as a rather general surprise. That makes another reason for reading proposed laws while they are under consideration.

The petition asks for the convening of a three-judge court to hear a complaint for a declaratory judgment on the ground that conditions no longer exist to justify application of the law to Virginia. They did not exist when the law was enacted, but facts did not carry much weight when this bit of the Johnson Great Society was created.

The law has won some support from civil rights and black leaders, presumably because of its symbolism, but Virginia's inclusion came as a surprise eight years ago. There are no documented complaints of abuses justifying the state's inclusion, and even talk of difficulty of finding registrars in Southside Virginia sounds pretty hollow. It has been a very long time since would-be voters had to chase registrars around or track them down.

The act is an unjust, ill-advised thing which has serious consequences, as is demonstrated by Petersburg's forced shift to a regressive feature of local government. A quick or desired decision on Virginia's effort should not be expected. Months are expected to pass for filing briefs and counterbriefs with the court. A decision earlier than 1974 is regarded as improbable.

Virginia, conscious of its righteousness in the matter, should have sought relief when the law went into effect. Even now, it is the first state to go on the defensive-offensive. We assume that all of the states affected, like Virginia, chose inaction on the basis of advice that the political climate of opinion, regardless of the facts, the merits and the demerits, was not favorable.

Whether or not the same punitive, anti-Southern spirit of which the act is an expression is still operative remains to be seen. Judging from the failure of attempts to amend the law at the time of its extension in order to give it nationwide application, the outlook is not encouraging. The fact at present is that, regardless of registration and voting percentages in the test year of 1964, such possible deterrents to voting as literacy tests and registration hurdles are much more likely to be found in the non-South than in the South. The best civil rights hunting is in the non-South.

All over the United States there are cities in which successful annexation proceedings affect the racial composition of their electorates. If the merits and demerits of individual states cannot be considered factually and objectively, certainly the law should be applied to the entire country. The logic of the proposition ought to be beyond debate.

Good voting rights medicine for selected states should be good voting rights medicine for the entire United States. All that is needed is to sell the idea in that great center and source of public morals, the nation's capital.

MISCONCEPTIONS IN CHANGED ECONOMY

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, in these days of continuing and sometimes befuddling economic problems, we are all interested in sound economic analysis.

I have come across an article which I believe makes some worthwhile comments on the economy. It is the May 28 Charles W. Steadman Letter, a newsletter published monthly by Steadman Security Corp. of Washington, D.C.

Although the entire letter is too long for inclusion here, I would recommend that my colleagues obtain it and read it. I would like to include the following excerpts in the RECORD:

Inflation and Monetary Misconceptions in a Changed Economy

Fighting inflation with high interest rates and tight money is something like fighting fire with gasoline. Nothing is quite as counterproductive—and we have by way of reference some prior results: 1966 and 1969–70 in which these measures were applied.

The persistent use of tight money as an inflation antidote is rooted in early economic theory that received almost unchallenged acceptance for a period long enough to entrench it—or enthrone it if you will—as "classic." Bluntly stated, the high interest-money squeeze gambit was intended to reduce demand by throwing people out of work and by dampening the spending enthusiasm of those who could still find employment. Business organizations—merchants and manufacturers—would then be left with unwanted quantities of goods on hand which then could only be moved in the market by price reductions. Such business organizations would then find themselves induced to spend less for wages, seek lower prices for raw material and would scrap plans for plant expansion or renewal.

Such conditions were sometimes known as depressions. One such occasion which occurred in the presence of acute illiquidity in the early 1930's became known as the "Great Depression." The political upheaval following this paved the way for a national resolve to banish depressions which had never been popular anyway.

The nation found a way for expressing its distaste for such economic events in the Employment Act of 1946 in which unemployment was to be eschewed (as a means of combating inflation or otherwise) and full employment as a national goal was embraced to be implemented by measures suitable to this accomplishment.

Somehow or other a contradiction between full employment and use of the high interest-money squeeze gambit was hardly recognized in official quarters. As a result of this blind spot the money squeeze gambit has been retained in the arsensal as an inflation fighter. And the results have been consistent: A fizzle in reducing inflation. Often effective in aggravating unemployment. Always effective in depressing securities prices.

Whatever effect these monetary measures may have had respecting the restraint of inflation in times past it is very clear that high interest and tight money do not and cannot cure inflation—but they may create unemployment and business failures, and they will depress securities prices.

THE ECONOMY HAS CHANGED STRUCTURALLY SINCE 1900

Restrictive monetary measures do not in today's context reduce prices. In the near term they raise prices by higher interest costs. In the long term they stultify capital spending programs which will expand the nation's productive facilities to provide more goods at home and make the U.S. more competitive abroad.

That the money squeeze gambit does not squelch inflation results from some structural changes both economic and political.

Wages have become insensitive to deflationary measures. Union labor wage scales tend to provide a broad underpinning for wages generally which have become resistant to any downward pressures. Further immunity to deflationary endeavors is provided by social security payments which are maintaining disposable income at high levels. The recent increase in social security benefits was certainly inflationary, adding vast sums to the economy convertible into consumer demand.

The trend away from an industrially dominated to a predominantly service type of economy also bears upon this. Fifty-five percent of the U.S. Gross National Product (GNP) is now generated by service organizations. This makes the economy less responsive to monetary measures than was the case when the industrial component was dominant. Service organizations are less dependent upon bank credit for their operations. They do not stock inventory nor are they in need of financing for new plant and equipment or its maintenance in the measure required by manufacturers of goods.

HOW NOW?

Interest rates: Prime rate is now at 7¼% and our forecast is for a further rise to 8% or 8¼% by mid-summer.

Inflation: Has also continued to rise and during the past three months (February, March and April) has been going up at a rate of over 9.2%. This is the highest level in 22 years—since the Korean War in 1951.

Money supply: (Total private demand deposits plus currency in the hands of the public). Earlier this year and until just recently the nation's money supply appeared to be contracting. But the report just issued by the Federal Reserve Bank of St. Louis for the week ending May 23, 1973 shows that the money supply grew at an annual rate of 6.1% during the past three months, at 5.6% for the most recent six months and 6.5% during the past 12 months. By comparison, the average growth rate was 6.3% from 1967 to early 1972. But it was only 2.9% from 1957–1967.

A tightening of the money supply is no precursor of economic ebullience. But there is no evidence of any credit crunch—a synonym for severe illiquidity—such as existed in 1966 and in 1969–70.

In each instance severely tight money conditions were found in the presence of unusually high interest rates. And it is quite likely that the current presence of high interest rates rising toward the even higher levels which obtained in 1969–70 has excited apprehension that another credit crunch is at hand. But the fact is to the contrary as some other (and more indicative than the money supply itself) monetary measures show. I refer to Federal Reserve credit and the monetary base in which the growth of the money supply is rooted. Changes in the growth rate of these components foretell changes which can be expected in the money supply.

During the past six months Federal Reserve credit has expanded rapidly and shows a rise of 18%. But in the past three months it grew at a rate of nearly 20% (19.8%). By contrast Federal Reserve credit grew at a 10.8% rate from April 1972 to April 1973. From Qtr. I 1967 to Qtr. II 1972 the growth rate was 8.4%. not too far different from the period 1957–1967 during which the growth of Federal Reserve Credit was 7.7%.

Looking at the monetary base (defined as the net monetary liabilities of the U.S. Treasury and the Federal Reserve System held by commercial banks and the nonbank public—these monetary liabilities are member bank reserves and currency in the hands of the public) we find a continued growth at about the 9% rate which prevailed during January to April 1973. For the six months (October–April 1973) it was also at this rate (9.1%). For the year April 1972–April 1973 it was 8.3%. (It was during this period that the GNP began to grow at an unparalleled rate.) But for the period Qtr. I 1967 to Qtr. I 1972 the monetary base expansion rate was only 5.9% by comparison, and only 3.3% for the decade 1957 to 1967.

WHAT NEXT?

What does this add up to? Well, in my book it signifies that the Federal Reserve is not on a restrictive course. The banking system is not lacking for funds and conditions today are far removed from anything even implying the emergence of a "credit crunch."

Some recent developments seem to indicate that the Federal Reserve has turned the emphasis of its activities away from attempting to directly suppress inflation but rather to restraining the present industrial expansion at a rate which would level out some of the cyclical aspects of the nation's economic growth. We see some signs that the Federal Reserve may have embarked upon an allocation of credit program. Bankers are being urged by the Chairman of the Federal Reserve to examine more closely the quality of credit being sought and to exercise restraint and "discipline" in making loans. An effort to restrain loan expansion is also apparent in the increase of reserve requirements which banks must maintain particularly respecting large CD's. This is intended to discourage lending by making it most expensive for banks to acquire lendable funds.

The higher interest rates which the Federal Reserve has sanctioned by increases in the discount rate and that for Fed funds is aimed at discouraging borrowing. It is not having much effect in this regard but will end up in higher prices.

But if the Federal Reserve has foresworn the attempt to use tight money as a weapon to kill inflation this is good—very good news. It may be a bit too early to tell but present evidence is encouraging.

In summary: The monetary outlook is good and conditions which should be the forerunner of stability in interest rates at lower levels than those prevailing seem to be in the making.

HOWARD H. CALLAWAY, SECRETARY OF THE ARMY

HON. BEN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. BLACKBURN. Mr. Speaker, recently, a distinguished gentleman from the State of Georgia, Howard H. "Bo" Callaway, was appointed to fill the position of Secretary of the Army by President Nixon.

Bo Callaway is the highest ranking Republican from the State of Georgia and we are proud to have him here in Washington serving as Secretary of the Army.

Last summer, Mr. Hubert F. Lee, editor and founder of Dixie Business, wrote an article on "Bo" Callaway when he was elected president and chief administrative officer of Atlanta based Interfinancial, Inc. At this time, I would like to insert this article in the RECORD:

"BO" CALLAWAY HEADS INTERFINANCIAL, INC.

(By Hubert F. Lee)

"A Great man makes his decisions on the basis of what is right and not on what people think," Howard H. "Bo" Callaway told a civic club on Oct. 9, 1962.

"Bo" Callaway is a man of many talents, as was his father the late Cason Callaway and his grandfather Fuller Callaway, Sr.

"Bo" Callaway in 20-years built Callaway Gardens into, what Cason dreamed he would do, a show place of beauty and one of the world's greatest tourist attractions.

Howard H. "Bo" Callaway was elected president and chief administrative officer of Atlanta based Interfinancial, Inc., on May 31, 1972.

He succeeds Charles V. Parham, who was named vice chairman of the board.

Announcement was made by O. Ray Moore, chairman and chief executive officer.

Callaway was also elected chairman of the following subsidiaries: Coordinated Capital Consultants; Intercapital Investers, Inc.; International Securities Corp.; United Family Life Insurance Company; and Universal Reserve Life Insurance Company.

Interfinancial, Inc. has more than $150 million in assets.

Net income for 1971 was $2 million or 80 cents per common share, double that of 1970.

Shareholders number 17,000, making it among the top five most widely held Georgia-based corporations.

Interfinancial was formed in 1969 with the merger of United Family Life Insurance and American Securities Insurance Companies. Insurance in force today is more than $1.3 billion.

Interfinancial, since the beginning of 1971, has acquired Security Mutual Finance Corp., American Finance Corp., Service Discount Co., General Furniture Leasing, and Furniture, Inc.

Other subsidiaries include American Security Insurance, United Family Life, Coordinated Capital Consultants, Intercapital Consultants, Intercapital Securities Corp., Paco, Inc., Standard Guaranty Insurance Co., and Union Security Insurance Company.

Callaway became excutive vice-president of Interfinancial last January.

He was born in LaGrange, Ga., April 2, 1927.

He attended Episcopal High School in Alexander, Va., Georgia Tech and graduated from West Point in 1949.

After serving with the 17th Infantry Regiment, 7th Div., in Korea, "BO" was an instructor in tactics at Fort Benning while Gen. Alvin Gillem, Jr. was CG of the Third Army.

He resigned his commission in 1952 to help his father launch Callaway Gardens. Cason had heart trouble and had need of his son to put muscle to his dreams. It was Cason's great hope that one of his sons would carry on his plans for Callaway Gardens after he passed on.

He was a director of the Georgia Power Company from 1961 until he ran for Congress and was elected to 89th Cong. He also resigned as a director of the Trust Co. of Ga.

He received a plurality of the vote for Governor of Georgia in 1966.

He was President Nixon's campaign manager in the southern states in 1968.

He was president of the Young Presidents Organization in 1967.

When his father resigned from the Georgia Board of Regents after serving from Jan. 1, 1932, Governor, now Senator, Herman Talmadge appointed "Bo" to fill the unexpired term until Jan. 1, 1958. Bo served for 11½ years, the youngest ever to serve. 1953 until 1964.

"Bo" also succeeded his father on the South's "Hall of Fame for the Living," the honor group limited to 200 living leaders, from which the "Man of the South" is named each year.

Bo is Chairman, Board of Trustees, Freedoms Foundation at Valley Forge, succeeding General Eisenhower.

THE RESTRUCTURE OF OEO

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. DICKINSON. Mr. Speaker, an excellent editorial appeared in the March 7, 1973, edition of the Contra Costa Times of Walnut Creek, Calif.

This editorial gives a very good background on the restructuring of OEO, and I feel it is imperative reading for every lawmaker who is concerned with the elimination of poverty from American society.

I insert the following editorial in the RECORD.

POVERTY WAR NEEDS A NEW APPROACH

Instead of decrying President Richard M. Nixon's move to scrap many of the so-called "war on poverty" programs of the "Great Society," Congress would better serve the people by attempting to trace failures of these programs.

Perhaps our Representatives and Senators haven't noticed, but under the poverty banner, the number of Americans living in poverty, as defined by the government, has increased from 24.1 million in 1969 to 25.5 million in 1971.

Going back to 1964, in eight years since this "Great Society" program began, it has cost government almost $15 billion, and yet poverty is on the increase.

It would appear on the surface, at least, that as the President observes, "Too much money has been going to those who were supposed to help the needy and too little to the needy themselves."

There have been instances, for example, where Community Action Agency grants for federal money have been used to provide "patronage for local cadres of political activists" rather than to relieve the plight of the poor. Community Action agencies have even been in frequent conflict with elected local governments.

Another example is the Legal Services program which employs 2,300 lawyers to represent poor people with legal problems not involving crimes. Yet we see Legal Services going well beyond this purpose and spending much of its resources on attacking the very system that is attempting to help their clients.

The acting head of the Office of Economic Opportunity, Howard J. Phillips, reports:

"Some of these lawyers who are paid with federal funds have taken the view that their mission is to change the fabric of society through law reform. They have brought class action suits, challenges to constitutionality of laws, suits to put more people on welfare.

"They have organized rent strikes, done lobbying, aided political action groups. They have organized prison inmates, helped peace organizations and the gay liberation movement, and have represented ineligible clients.

"All this is not helping the poor—it is purely political."

And, he might have added, with all this political activity, when do Legal Services attorneys have time to help the poor, originally set up as their prime goal.

Congress should investigate, for instance:

Why some of the projects funded by OEO have done little but to keep people comfortable in their poverty, and has done so little in many areas to lift people out of poverty?

Why some grants tend to foster the welfare ethic rather than the work ethic?

Why some programs are pursued on the premise that the problems of poverty are political rather than economic?

As Phillips observes:

"Too much of the anti-poverty money has gone into setting up an administrative bureaucracy rather than into the hands of the poor."

This is another reason why it is questionable whether the agency system approach really helps those truly in need.

This is perhaps the reason why the majority of Americans today are impatient with OEO and a number of its programs—not all, but enough to jeopardize even worthwhile programs, and there are a number of these.

This is also why many of the programs will be transferred to other agencies and continued, in some form. A few will even be given increases in funds.

In defending his approach, President Nixon pointed out that "it has been charged that our budget cuts show a lack of compassion for the disadvantaged. The best answer to this is to look at the facts.

"We are budgeting 66 percent more to help the poor next year than was the case four Americans, and 242 percent more to help the hungry and undernourished. Altogether, our human resources budget is nearly double that of four years ago when I came into office.

"We have already shifted our spending priorities from defense programs to human resources programs. Now we must also switch our spending priorities from programs which give us a poor return on the dollar to programs that pay off. That is how to show we truly care about the needy.

"The question is not whether we help, but how we help. By eliminating programs that are wasteful, we can concentrate on programs that work."

And this is precisely what Congress should be doing, attempting to work with the President to make certain this goal is realized, not attacking him for proposing to dump programs that are, at best, of questionable value.

It is estimated this round of budget cuts can save $11 billion in this fiscal year, $19 billion next fiscal year, and $24 billion the year after.

This would mean, it is estimated, an average saving of $700 over the next three years for each of America's 75 million taxpayers.

Congress should seek ways and means of eliminating the high administrative and bureaucratic costs of Office of Economic Opportunity programs by working with the poor and needy directly through existing departments in both federal and state government.

Only then is it likely that poor, needy and impoverished Americans will be helped where they need help the most, without some bureaucrat or bureaucracy taking his cut of the poverty war right off the top.

HOUSE OF REPRESENTATIVES—*Wednesday, June 13, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Create in me a clean heart, O God; and renew a right spirit within me.—Psalms 51: 10.

Almighty God, we lift our hearts unto Thee in the midst of a culture where a person is often judged not by what he really is but by what he seems to be. In our daily lives we have submerged the virtues of integrity, kindness, and hard work beneath our cushioned greed, our soft indulgences, or selfish ambitions, and our lack of faith in the goodness of every human life.

Forgive what we have been, help us to amend our wearied, our worried, our wicked ways, and by Thy spirit direct us that henceforth we may live lives motivated by a devotion to honesty, truthfulness, and good will—to the glory of Thy holy name and for the good of our human family. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Marks, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5293) entitled "An act authorizing additional appropriations for the Peace Corps."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5610) entitled "An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes."

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1938. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974.

The message also announced that the Vice President, pursuant to Public Law 90–351, as amended by Public Law 91–644, appointed Mr. McClellan, Mr. Abourezk, Mr. Hruska, and Mr. Taft, on the part of the Senate, to the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance.

EULOGIES TO THE LATE HONORABLE HALE BOGGS, OF LOUISIANA, AND HON. NICK BEGICH, OF ALASKA

Mr. HAYS. Mr. Speaker, this announcement is to advise the membership that the closing date for printing the eulogies and encomiums to the late Representative Hale Boggs, of Louisiana, and Representative Nick Begich, of Alaska, has been set for Friday, June 29, 1973. All copy for insertion must be submitted before this cutoff date so as to be included in the final publication of their compendiums of eulogies.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON DISTRICT OF COLUMBIA APPROPRIATIONS, 1974

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the District of Columbia appropriation bill for the fiscal year 1974.

Mr. SCHERLE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

MAJORITY LEADER THOMAS P. O'NEILL, JR., NOTES THAT COURTS HAVE RULED OVERWHELMINGLY AGAINST IMPOUNDMENTS

(Mr. O'NEILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, the courts have ruled against the Nixon administration in eight consecutive cases involving impoundment of appropriated funds.

Most recently, a Federal court in Baltimore held that the administration had no right to withhold $20 million from the Maryland Department of Employment and Social Services.

In Missouri, State officials have successfully sued the administration for release of impounded highway funds, and an appellate court has upheld the decision.

Here in Washington the district court refused to permit an impoundment that would have scuttled a veterans' education program.

And here in Washington, too, the administration suffered its greatest court defeat when it was ordered to release $6 billion in antipollution funds.

The record in the courts is an emphatic vindication of Congress. The record shows that the President has extended his use of impoundment beyond any constitutional authority—that he has encroached upon the equal status of Congress as a policymaking body.

But it should not take litigation on top of legislation to assure that the congressional mandate is carried out. Impoundment is an issue that extends beyond this particular President and this particular Congress. The problem is enduring and recurring. Congress must create a permanent, standing method of dealing with it.

SUBSIDIZING CANCER

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, when the Agriculture appropriation bill comes before the House, probably later this week, I shall move to strike from the bill $140,000 included—incredibly enough—for the overseas promotion of tobacco and tobacco products.

I say incredible, because I simply cannot conceive how the same Government, our own, can on the one hand go out of its way to discourage cigarette smoking at home and on the other hand use tax moneys to plug the same product abroad.

The $140,000 in the new bill actually represents a drop from the $162,000 spent over the past fiscal year for these ongoing and dubious advertising campaigns in Thailand and Austria, but I cannot see the justification for spending even a penny for this purpose.

In fairness, I should note that the host governments, which operate their own tobacco monopolies, invite and welcome this U.S. participation in undermining the health of their own citizens. The Agriculture Department's angle is that U.S. tobacco is used in the cigarettes, bearing exotic brand names such as "Falling Rain" and "Smart Export," promoted with funds provided by our own Foreign Agricultural Service.

It should be noted that in Thailand, at least, the powers that be do not bother to warn the populace of the health hazards of smoking. An official report of the Thai Board of Trade, published last week in the English language Bangkok World, comments first on the "high nicotine content" of American leaf tobacco and then notes:

> While most of the countries in Europe are campaigning to stop smoking or turn to smoke low-nicotine cigarettes, cigarette producers in Thailand on the other hand are encouraging smokers to smoke high-nicotine cigarettes openly without warning about the hazards of cigarette smoking.

Mr. Speaker, the time has come to halt these particular advertising campaigns—and the hypocrisy of warning Americans against cigarettes, while playing the role of pusher to young Thais and Austrians.

INTERIM ESTABLISHMENT OF 200-MILE FISHERY ZONE

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STUDDS. Mr. Speaker, today I am introducing a bill, which is being filed simultaneously by Senator MAGNUSON in the other body, to establish a fishery zone up to a total of 200 miles from our coastline. My bill is designed as an interim measure to conserve our valuable coastal fish resources until the Law of the Sea Conference generates an international agreement to accomplish this purpose; and it extends additional protection to our anadromous fish.

It is clear that immediate strong measures are necessary to prevent further depletion of our marine fish resources. Haddock stocks in the North Atlantic have been so badly depleted that haddock has become virtually extinct. We cannot afford to wait until the same thing happens to flounder, herring, cod, and salmon.

Almost all species off New England are being harvested far beyond their maximum sustainable yield, primarily through the virtually unregulated activities of foreign fishing fleets. None of the international agreements now in force have been effective in regulating the foreign catch and preserving the supply. We cannot afford to allow foreign fishing fleets to wipe out the fish stocks off our shores and eliminate our domestic fishing industry.

My proposed fishery zone is first and foremost a conservation zone. It is not an extension of our territorial waters, but a 200-mile fishing limit within which the United States would assume authority and responsibility for managing and conserving our marine fish resources. Adequate and immediate management measures must be undertaken to conserve and protect our coastal and anadromous fish from depletion and possible extinction. We cannot afford to wait for further international negotiations. We must take immediate and unilateral interim action to insure the continued supply of fish.

SOCIAL SERVICES LEGISLATION

(Mr. HEINZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. HEINZ. Mr. Speaker, I rise to give a progress report on a piece of legislation of vital interest to this country's aged, blind, and disabled, and to urge the fullest possible support of this measure in order to prevent further disruption to social services programs.

On February 6, I introduced H.R. 3819 to free States from the Federal requirement that 90 percent of the Federal-State social services moneys be spent only on actual cash welfare recipients. Since that time, 153 Members have joined in cosponsorship of H.R. 3819.

Today I am once again reintroducing this legislation, cosponsored by Chairman WILBUR MILLS of the Ways and Means Committee and Congressman HERMAN SCHNEEBELI, the ranking minority member. I believe this represents a significant deepening and broadening of concern in changing the law as quickly as possible to aid our senior citizens and the handicapped.

However, we must continue to drive not only to increase support for it but also to inform the Senate, which is currently deliberating on the future of social services, of the House's strong interest in eliminating from the law a formula which makes it difficult to provide social services equitably. To influence the Senate, we must move quickly as several vehicles are now pending in the other body. H.R. 3153, particularly the technical and conforming changes amendment to the Social Security Act, provides the Senate with an opportunity to help write H.R. 3819 into law. Increased cosponsorship of H.R. 3819 will bring the concerns of the House to the attention of the other body.

Mr. Speaker, I urge my colleagues who are similarly minded but are not as yet cosponsors to join with us in cosponsoring this needed measure.

A fuller progress report, the text of H.R. 3819, the names of the current cosponsors, and letters of support from three senior citizens groups will appear in the Extensions of Remarks in today's CONGRESSIONAL RECORD.

HONORING AMERICA

Mr. SARBANES. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 27) to observe a period of 21 days to honor America.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 27

Whereas it is the sense of Congress that 1973 be recorded as the year that all freedom loving Americans demonstrate a reaffirmation of their patriotism and love and respect for these United States of America upon the occasion of the one hundred and ninety-seventh anniversary of its founding; and

Whereas the Congress is aware that while many of the problems confronting America may appear to be monumental, they are problems that are surmountable through the exercise of the American spirit and will; and

Whereas the rekindling of that spirit and will can begin by honoring America: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress declares the twenty-one days from Flag Day, June 14, 1973, to Independence Day, July 4, 1973, as a period to honor America, and let there be public gatherings and activities at which the people of the United States can celebarte and honor their country in appropriate manner.

AMENDMENT OFFERED BY MR. SARBANES

Mr. SARBANES. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sarbanes: On page 1, strike out the entire preamble.

The amendment was agreed to.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SARBANES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

BOB HOPE HONORED ON FLAG DAY

(Mr. KEMP asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KEMP. Mr. Speaker, tomorrow is Flag Day, and we in the Congress will have the unique opportunity to honor one of America's greatest citizens, all-time great Mr. Bob Hope.

Bob, who will be our honored guest at Flag Day ceremonies commencing at noon, has served our country and his fellow men with consistent and unparalleled dedication for so many years and at so many places around the world that he has become an American tradition.

When we think of our American flag, when we think of our fighting men—far away from home in World War II, in Korea, in Vietnam and those guarding the peace at any installation or at sea—we think of this patriotic American who, with uncommon talent, makes us laugh and brings our men closer to home, to their families and everything that is good about America.

Mr. Speaker, Bob Hope—comedian, motion picture and television star, outstanding humanitarian, world citizen, husband, father, and grandfather—has been entertaining American GI's around the world for 31 years.

He has nourished our spirit with wholesome humor, in our living rooms, on stage and movie houses since his radio debut with Rudy Vallee in 1934—before some of us were born.

Only 70 years young, Bob still gives his time and talent to an average of two benefit performances a week.

And he has just written his seventh book.

Bob Hope is the most decorated civilian in U.S. history. He holds the Defense Department's Distinguished Public Service Medal, the highest honor given a civilian. He has been honored by Presidents Johnson, Kennedy, and Eisenhower.

Mr. Speaker, my favorite description of this indomitable, courageous and totally unselfish American is that he is "a diplomat of comedy whose lifelong credo is the lifting of the human spirit."

In recent days, I have been talking to Bob and he has told me he considers tomorrow's ceremony, at high noon, one of the greatest honors of his life.

In turn, I look upon the honoring of this great American as one of the greatest pleasures I will experience in this historic Chamber.

Mr. Speaker, I urge all Members to be here to help show our gratitude and profound respect for this distinguished American who exemplifies all the great and wonderful qualities of our American flag, the hope of freedom here and around the world.

REPORT OF THE COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1972.

RICHARD NIXON.

THE WHITE HOUSE, *June 13, 1973.*

GASOLINE SUPPLIES

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I had occasion to talk with a legal representative of one of the big oil companies in the country this morning about shutting off independent dealers from gasoline.

It is my considered judgment that the so-called gasoline shortage in this country is an artificially contrived shortage in order to drive the price of gasoline up.

I was in Europe about 3 weeks ago. There are millions of cars over there. The Spring Bank holiday in London saw cars backed up 50 miles trying to get back in the city Sunday night. There is no word of a gasoline shortage in Europe, where the price ranges from 70 cents to $1.15 a gallon, and Europe gets its total supply of gasoline from the same source, the Arab nations, that we get only 20 percent of ours.

This gentleman tried to tell me about the difficulty of transportation and all that, but if the total supply for Europe can be transported, certainly 20 percent of ours could be.

I am considered, I guess, to be on the conservative side around here, but so far as I am concerned, unless these oil companies show more responsibility to the American people, I think perhaps nationalization ought to be something we should seriously consider; and that is a long step for me.

I will say this: I looked up the financial statement of one of the major oil companies, and it has made three-fourths of a billion dollars' profit in the last 5 years and has not paid 1 cent in income taxes.

GASOLINE SUPPLIES

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILFORD. Mr. Speaker, I keep reading and hearing that the energy shortage we have in the United States this summer is the result of some kind of a "conspiracy" on the part of the energy producers.

Today, I hear that charge repeated in this body.

There is no question that we are short of energy.

The darkened hall in front of my office is a clear indication. There is no question we are short of gasoline and diesel fuel. The people of Texas, one of the leading oil producing States, have let me know about it.

But to charge conspiracy is folly. I have enough faith in American industry—all segments of industry—to believe that no company, group of companies, or industrial complex would knowingly reduce their own income by restricting sales. Neither would they run the risk of jeopardizing their companies by violating existing antitrust laws, particularly when it would cause what literally is a crisis. And I have some figures to back up my faith in this instance.

We are simply doing the best we can under present circumstances. The oil refineries in the United States have the capacity to handle 13,618,000 barrels daily—and these refineries are presently operating at 92.8 percent of total capacity. The remaining 7 percent consists mostly of "down time" for routine maintenance.

Throughout this summer, American refineries have established new monthly, weekly, and daily records in the production of gasoline. These facts are available for anyone to check and verify.

I believe that indicates a pretty strong commitment to produce as much fuel as possible.

Another panacea which is constantly offered is to "import more oil from the Middle East."

But there is another vital fact of life which has a bearing on this solution. Middle Eastern crude oil is predominantly sour crude.

Of our total refining capacity—which is running at almost 93 percent of full capacity—only 41 percent is capable of refining sour crude. We cannot import more sour crude, because we have no means of refining it.

There are many other reasons, Mr. Speaker, why we have this energy crisis today. But we are not going to solve it by making false cries of blame. We must immediately start trying to find alternatives that will produce solutions.

Casting a cloud of conspiracy over the oil industry is not going to produce one additional drop of oil. It will only cloud the issue and delay a real answer.

PROVIDING FOR CONSIDERATION OF H.R. 8410, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 437 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 437

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order an amendment to the bill H.R. 8410 which shall consist of the text of H.R. 3932, as passed by the House by a vote of two hundred and twenty-nine yeas to one hundred and seventy-one nays on May 1, 1973, with conforming changes in section numbers and internal references to comply with the bill H.R. 8410. At the conclusion of the consideration of H.R. 8410 for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. YOUNG of Texas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 213]

Badillo
Brown, Ohio
Buchanan
Burke, Calif.
Chisholm
Conyers
Coughlin
Daniels, Dominick V.
Dellenback
Diggs
Edwards, Calif.
Erlenborn
Fisher
Gray
Hébert
Huber
Morgan
Nedzi
Poage
Powell, Ohio
Reid
Rooney, N.Y.
Rostenkowski
Ruppe
Sisk
Smith, N.Y.
Steed
Steelman
Stokes
Teague, Tex.
Waldie

The SPEAKER. On this rollcall 402 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

PROVIDING FOR CONSIDERATION OF H.R. 8410, TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I will state for the Record at the beginning that any time I yield will be for the purposes of debate only. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. Anderson), pending which I yield myself such time as I may consume.

(Mr. YOUNG of Texas asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Texas. Mr. Speaker, House Resolution 437 provides for an open rule with 2 hours of general debate on H.R. 8410, a bill providing for continuation of the present debt limitation level of $465 billion through November 30, 1973.

All points of order against the bill for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House of Representatives are waived. The waiver against points of order is required because of appropriations in the original Liberty Bond Act. The rule also provides it shall be in order to consider without the intervention of any point of order an amendment to the bill which shall consist of the text of H.R. 3932, as passed by the House, with conforming changes in section numbers and internal references to comply with H.R. 8410.

H.R. 8410 modifies the $10 billion limitation on outstanding long-term bonds which have an interest rate greater than 4½ percent. The purpose of this new change in the law is to provide that the Treasury Department issue a limited amount of long-term bonds to the public at higher interest rates.

The bill also gives the Treasury Department the authority to issue "checkbonds" for tax refunds caused by overwithholding. If the individuals hold the check for 6 months or longer from its issue date, the tax refund check is to become a bond having series E characteristics.

Mr. Speaker, I urge adoption of House Resolution 437 in order that we may discuss and debate H.R. 8410.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am going to ask for the defeat of the previous question when that is in order on House Resolution 437 because, in response to the colloquy the gentleman from Iowa (Mr. Gross) engaged in with the gentleman from Texas (Mr. Young), I agree that this probably is the most unusual and irresponsible rule I have read in my tenure of ten years on the Rules Committee, because this resolution would waive completely the germaneness rule against the text of H.R. 3932, a bill which can be described as the "axe Ash" bill dealing with the confirmation of the Budget Director and the Deputy Budget Director, it could be offered as an amendment to the debt limit bill.

Let me make it perfectly clear, it was not the kind of rule the distinguished chairman of the Ways and Means Committee asked for when he came before this committee and, therefore, I will ask that Members vote down the previous question so we can strike the language in this resolution as it is found on page 2, beginning with line 1 down through line 8 of this resolution.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. Mr. Speaker, I am pleased to yield to the distinguished chairman of the House Ways and Means Committee.

Mr. MILLS of Arkansas. Mr. Speaker, I want to advise my friend, the gentleman from Illinois, that I agree completely with his position.

I am going to vote with the gentleman from Illinois to vote down the previous question not because of the subject matter of the amendment—that has nothing to do with it—but because I think this would establish a precedent that not only will haunt us today but will haunt us on into the future and may well lead to the elimination of our rules on germaneness.

Mr. ANDERSON of Illinois. Mr. Speaker, the gentleman from Arkansas is always listened to, I know, with great respect by other Members of this body and he has well and truly said that the precedent we would establish here today would certainly come back to haunt us.

We might as well adopt the chaotic procedures of the other body if we are going to forget entirely about a rule of germaneness.

Let me point out also it is very ironic that on yesterday afternoon when the Committee on Rules reported out this resolution they refused to protect two other nongermane amendments to the bill that at least were within the jurisdiction of the Ways and Means Committee. This particular bill, this section that is made in order by this resolution as an amendment is not even in the jurisdiction of the Ways and Means Committee. It comes out of the House Committee on Government Operations and has nothing to do with the work of the Ways and Means Committee.

What in effect we are saying is the gentleman from Texas (Mr. Brooks) is trotting out the same old political horse to run it around the barn for the third time at the very moment when we should be responsibly and seriously addressing ourselves to the very important question of extending the debt limit so that we can keep the wheels and the machinery of Government in motion.

But some are going to stand before you, I suppose, if they get some time on the other side, and with a straight face make the sweeping claim that this amendment dealing with the confirmation of the Budget Director and Deputy Budget Director is going to somehow reassert the constitutional prerogatives of the Congress. That is hogwash because we have got plenty of other opportunities in an orderly and regular procedure to deal with the reestablishment of the prerogatives of this Congress. We can get to work on the Ullman-Whitten bill that would do something about the budget procedures in this body.

If the Members really want to restore congressional power and order, let them do it by getting action on that bill, not by adding a completely nongermane bill to this particular measure. I would add simply in conclusion that I am one of those—and I think this is relevant—who did support on the floor of this House when it was offered a few weeks ago, an amendment by the gentleman from Texas (Mr. STEELMAN), an amendment that would have made confirmation for the Budget Director required prospectively.

Therefore, I am not standing here as an absolute opponent of the principle of confirmation.

But, I am here to defend the rules of this House, to try to assert that I think the Commitee on Rules in time will become the ruleless committee or the unruly committee if we set the kind of precedent that is suggested by the adoption of this resolution.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 1 additional minute.

There was no objection.

Mr. ANDERSON of Illinois. At the appropriate time, therefore, when the previous question is ordered on House Resolution 437, I hope that the Members will join me, join the distinguished chairman of the House Committee on Ways and Means, Mr. MILLS; and I know the leadership on my side of the aisle and many Members on the other side of the aisle, in standing for responsible procedure, and vote no on the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I rise in support of the rule, in support of the previous question.

We should consider this legislation today, and during consideration of it, I plan to offer an amendment providing for Senate confirmation of the Director and Deputy Director of the Office of Management and Budget. The amendment will also return to the Office of Management and Budget the statutory functions that were removed from it by the 1970 Reorganization Act.

I agree with my distinguished friend from Illinois (Mr. ANDERSON) that we should confirm in the future. I further agree that we should do it now with the incumbent.

The Director of the Office of Management and Budget plays a vital and important role in determining the size of the national debt, which is a direct result of the management of our national revenues and expenditures.

The Director of the Office of Management and Budget makes decisions concerning Government economic policies which have an overwhelming impact on the conduct of our national economy, and therefore upon the size of the national debt, which seems to increase weekly. Despite the extraordinary power and responsibility residing in the Office of the Director of Management and Budget, we in Congress have no part in his selection, nor any opportunity to evaluate his qualifications.

Twice already this year, this House has passed by a 58-vote margin a bill that would require the confirmation of the Director of the Office of Management and Budget, and the Deputy Director. Legislation doing the same thing has passed the U.S. Senate on three occasions, including overriding of a Presidential veto.

I say to the Members, if it is a precedent that this House of the Congress of the United States, by a majority vote of 58 shall pass legislation, then I am for that precedent. What is wrong with a majority of this Congress acting and having those acts become law? Why must we have a two-thirds vote on this in this Congress? If it takes 66⅔ percent of the votes to pass legislation, How are we going to run this Congress on majority rule?

There is absolutely nothing wrong with a precedent established by letting a majority of 58 Members of this body put into action, into law, the majority decision. There is nothing wrong with that.

Mr. Speaker, there is no question that the Congress wants more input into these important decisions surrounding the Office of Management and Budget.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. Mr. Speaker, as soon as I finish this statement I will be delighted to yield to my distinguished Republican colleague from California.

There is no more compelling time and no more compelling reason than to do this at the time we are considering the extenson of the debt limit. I can think of no time when we need it more.

I have many times seen bills from many committees come out of the Committee on Rules that did waive points of order.

There is nothing new about this. This has been done before. It is within the rules of this House. It is within the prerogatives of this House.

If we are going to maintain the integrity of the House of Representatives we should consider this amendment today.

I urge support of the rule. I urge support of the previous question, because if the previous question is defeated they can thereby prevent this House from acting on an amendment to cause the Director of the Office of Management and Budget to be confirmed, an action which has been taken twice in the past by a substantial majority vote.

I am now pleased to yield to my distinguished friend from California (Mr. MCCLOSKEY).

Mr. McCLOSKEY. Mr. Speaker, the gentleman from Texas is aware that the alternative procedure to this unusual procedure, to amend the rule, which is offered today is that we have also offered a bill to make future directors of OMB subject to confirmation by the Senate. That bill is in front of the gentleman's committee. Can the gentleman tell us if we have a reasonable chance of having that bill reported out in the next few weeks, to make future directors of OMB subject to confirmation, but not to apply this retroactive "ripper" and very probably unconstitutional provision to Mr. Ash and to Mr. Malek?

Mr. BROOKS. I appreciate the gentleman's viewpoint. I would say that that same provision was offered earlier in the consideration of this legislation, and the House rejected that.

I would say it is a great idea to do it for the future but that it is an even better idea to do it now.

Mr. McCLOSKEY. The question is, if we fail today can we expect in the next few weeks for that bill to be reported?

Mr. BROOKS. I am not the chairman of the full committee nor of the subcommittee to which it was referred.

Mr. LEGGETT. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I am pleased to yield to another distinguished gentleman from California.

Mr. LEGGETT. I want to commend the gentleman for discovering the ingenuity and capability we have in respect to this particular debt limit bill, which we have extended rather blindly from year to year and term to term over the past three Congresses.

This is one of the "gut" bills, as I see it, which we need to run the country, and it is one we can use, as the gentleman indicates, to show majority action by majority vote in this Congress for Congress to have its way.

I should like to ask the gentleman a question. The gentleman's amendment is now in order. There are some other amendments relating to taxes that some other of our colleagues want to offer. Would it be possible to defeat the previous question and then to amend the rule in such a way that both the gentleman's amendment and other amendments might be in order to attach to this bill at this time?

Mr. BROOKS. The Rules Committee has been so kind to me that I feel constrained to abide by the rule they reported out. I would be for the previous question and for the rule by the Rules Committee, which I believe would give us an excellent opportunity to implement the will of the majority of this Congress, both the House and the Senate.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 4 minutes to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. Mr. Speaker, at the outset let me say that this issue on this vote is not one that is either Democratic on the one hand or Republican on the other. In my humble judgment this vote on ordering the previous question involves in a very serious manner the orderly procedure of the House of Representatives.

If there is a favorable vote on ordering the previous question, we will have taken today a giant step down the road to destroy orderly procedure in the House of Representatives. Therefore, I strongly urge a "no" vote on ordering the previous question.

This rule could be categorized on the one hand as an absurd, irresponsible rule. At best it could be categorized as an unusual rule.

We have seen rules committees come and go. Some previous committees on rules have been castigated because they were too limited in their attitude, and perhaps they were.

Mr. Speaker, in those circumstances the House then made some adjustments in our rules, and in the last 2 years the Committee on Rules has been more responsive to the House. But if this rule is indicative of the kind of rules we are going to receive from the Committee on Rules in this Congress, it is a completely irresponsible Committee on Rules.

Let me say that some of the outstanding statesmen of this body in years past who have left us must be jumping out of their graves to see this kind of a rule come out of that distinguished committee.

I might say, with all the reverence I have, that our great Speaker of a few years ago, the Honorable Sam Rayburn, must be having some problems to see this kind of a rule brought to the floor of the House. It is irresponsible, it is absurd, it is completely and totally unjustified.

Mr. Speaker, we have had discussions in the past about an open or closed rule when a bill comes from the Committee on Ways and Means. There can be some arguments made that perhaps there ought to be an open rule when the Committee on Ways and Means brings out a trade bill or a tax bill or social security legislation. I do not say that I necessarily agree with that view, but one can make an honest argument about that, because in those cases at least the germaneness of an amendment would be limited to the subject matter coming from the Committee on Ways and Means.

But this action by the Committee on Rules takes a bill from a totally different committee, the Committee on Government Operations, and says that it is germane to a bill involving the federal debt limitation. It is completely contrary, completely different from any rule that has been drafted by a Committee on Rules during my twenty-four plus years in the House.

Mr. Speaker, I believe that if we approve this rule, the House of Representatives goes down the path of the other body in the consideration of legislation. I am proud of the record of the House, whether I have agreed with every piece of legislation we have approved or disapproved.

The SPEAKER. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 additional minutes to the gentleman from Michigan, the distinguished minority leader, Mr. Gerald R. Ford.

Mr. GERALD R. FORD. Mr. Speaker, I say again that I am proud of the record of the House. It has been responsible; it has been a record that we can stand up and be proud of over the years, because we have used a responsible procedure. We follow a method by which we concentrate on an issue. We do not bring in a lot of irrelevant, nongermane material, amendments or proposals.

On the other end of the Capitol, their procedures are quite different, and the net result is that I do not believe they measure up qualitywise to the House of Representatives in the consideration and the action taken on legislation.

Mr. Speaker, I ask every Member of this House on both sides of the aisle: Do we want to be put in the same parliamentary mold that the other body has been, in the consideration of legislation? Do we want to follow that path in the future consideration of legislation, whether it is from this committee or another committee?

Mr. Speaker, I certainly do not want to do that, and I hope the House does not go down that path, the path that will put us in the same position the other body is in today. We have a reputation; it is a good one. An action taken today, in my judgment, to approve this rule will undercut and undermine this fine reputation that the House has for the consideration of legislation in an orderly, proper procedure.

Mr. Speaker, I strongly urge that the House vote down the previous question so that the gentleman from Illinois can offer his amendment to strike that part of the resolution that brings or would bring into the consideration here a totally irrelevant piece of legislation. We must consider the basic bill. A "no" vote on the previous question helps to get that bill on the floor without an irrelevant issue muddying the issues.

Mr. Speaker, I hope the Members vote no on the previous question.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. Reuss).

Mr. REUSS. Mr. Speaker, I am going to subdivide my 5 minutes; 2½ on the merits and 2½ on the procedure.

On the merits, we are about to consider the debt ceiling bill. This is the time when this body casts its fiscal vote.

There could not be a better day on which we could do that. The dollar is in trouble abroad, the price of gold is soaring, inflation in the United States is out of hand, the executive branch is in confusion. Today is the day when we ought to see that the House of Representatives is fiscally responsible, and today is the day on which we ought to pass a couple of simple amendments which will plug two of the most outrageous tax loopholes, and thus put another $6 or $7 billion into the Treasury.

The loopholes sought to be plugged by the amendment to the resolution I am going to mention in just a moment are, first, in the minimum tax set up in 1969 to provide that tax avoiders of great wealth at least pay a pittance to the Treasury. It has been a farce. Our amendment, following the line suggested by the independent experts of Brookings Institution, would tighten the minimum tax, and thus yield an extra $4.5 billion a year.

The other amendment—and these are treated separately—would repeal the so-called ADR superrapid depreciation, which gives a mythological 20 percent added depreciation on the regular depreciation rates carefully calculated by engineers, and is largely responsible for the current boiling inflation that we have in the heavy and capital goods industry today.

These amendments, if they are affirmatively considered, will help to restore equity to the tax structure and put an extra $6 billion or $7 billion into the Treasury, which it desperately needs, and at the same time strike a blow against inflation.

Now, what is the parliamentary situation? I hoped it would be a little cleaner, and for one brief and shining moment it looked like the great Committee on Rules would be with us yesterday. By a narrow 7-to-6 margin, we failed to get a rule making these amendments in order.

But all is not lost. Hear me out.

I vigorously support the amendment that will be offered by my distinguished colleague, the gentleman from Texas (Mr. Jack Brooks), inserting congressional responsibility into the selection of the Director of the Office of Management and Budget. But I think we can best reach that if we will join with our friends on the Republican side and vote down the previous question on the rule. Then when our friends get up to offer their little amendment eviscerating Jack Brooks from the rule, and cutting out those precious words that he got from the Committee on Rules, then let us vote down the previous question on their amendment by an overwhelming vote. Then in the most germane and parliamentary fashion, I will be eligible for recognition for a substitute amendment which will do two things: First, restore to its full strength and vigor the Brooks amendment, so that we can vote on that; and second, make in order the two salutary and salubrious tax reform amendments so that, in the words of Daniel Webster, we can perform this afternoon something worthy to be remembered.

Mr. LEGGETT. Will the gentleman yield?

Mr. REUSS. I yield to the gentleman from California.

Mr. LEGGETT. I would like to ask the gentleman this: If we vote down the previous question and then if the minority side has the opportunity to offer a revised amendment to get rid of the Brooks amendment, they will have control of the time. If they move the previous question on that amendment and that is voted down, then would not your amendment at that point be perhaps nongermane to the present bill, because we do not waive points of order as to your particular amendment?

Mr. REUSS. I believe my amendment would be clearly germane and in the proper degree because it waives the necessary point of order. But let us assume the worst. Let us look ahead to this ultimate darkness at the end of the tunnel.

If that happens, I hope Members will join me in voting down the rule, which can then be taken across the hall and up the stairs to our friends on the Committee on Rules, where that 7 to 6 vote can readily become 8 to 7, and they can readily return a rule making the Brooks amendment in order, and tax reform in order.

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. Wylie).

Mr. WYLIE. Mr. Speaker, I want to associate myself with the remarks of the distinguished gentleman from Illinois (Mr. Anderson) and the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD). I take this time to remind the distinguished chairman of the subcommittee, the gentleman from Texas (Mr. BROOKS) that there is a bill pending in the Committee on Government Operations a fact which was alluded to a little while ago by the gentleman from California (Mr. McCLOSKEY) with almost 100 cosponsors, introduced by the gentleman from Texas (Mr. STEELMAN) and myself.

Many members of the Committee on Government Operations are cosponsors of these bills that would require confirmation of the Director of the Bureau of Management and Budget, and I submit, Mr. Speaker, that adopting a nongermane amendment to get at Mr. Ash and Mr. Malek is irresponsible and politically contrived. If the gentleman from Texas is sincere then the gentleman should consider the bill which has recently been introduced and cosponsored by almost 100 Members of this body. This bill is now before the Committee on Government Operations, and would provide for confirmation of the Director and Deputy Director of the Bureau of Management and Budget according to the Rules of this House and in a constitutional manner.

Mr. Speaker, I urge that the previous question be voted down.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I merely want to thank my distinguished colleague, the gentleman from Wisconsin (Mr. REUSS) for invoking with his usual very colorful language, support on the gentleman's side of the aisle for my request for a nay vote on the previous question. I have only one mild demurrer that I would offer to the gentleman's otherwise very effective statement, and that is that the amendment that I will offer will not be an eviscerating amendment, but it will be an invigorating amendment so that we can proceed to follow the rules of the House of Representatives.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from California (Mr. LEGGETT).

Mr. LEGGETT. Mr. Speaker, I support the motion of the gentleman from Illinois, and the gentleman from Wisconsin, to defeat the previous question at this point, and then, in the event that proper amendments are not in order to fully enlarge the scope of this bill, then I would join the gentleman from Wisconsin in defeating the rule on this bill, and sending it back to the Committee on Rules. The Committee on Rules voted 7 to 7 on the issue of reporting this bill to this House. I can well understand why the minority leader might say that he is proud of the record of this House to responsible procedure, to orderly and proper procedure. I guess what the gentleman was referring to is the vote that we had on the Vocational Rehabilitation Act of 1972, where 36 Members of the Senate sustained the veto of the President and all of our work on vocational rehabilitation went down the drain at that time.

I suppose the gentleman is referring to the rural water and sewer grant program in the current session that was defeated, not by a majority, but by 189 Members of this House that voted not to override the veto of the President of the United States.

I suspect that the gentleman also is referring——

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. Not at this time.

I suspect that the gentleman was referring to the confirmation of the Director and Deputy Director of the Office of OMB, where 178 Members determined the course of action in this House.

And if we look back over the 2½ years we will find that out of 34 bills vetoed by the President of the United States, substantially nullifying the nuts and bolts of what makes this House of Representatives go, we will find that the last time that we could overcome this minority that has been running this House was back in October, when we overrode the President on two occasions.

We are also concerned about impounded funds. At the present time we have impounded, as admitted by the President of the United States, some $8.4 billion of regularly impounded moneys, some $6 billion in EPA funds, some $2 billion of highway funds, and the Library of Congress indicates that the total amount currently impounded is about $18 billion, or about 9 or 10 percent of our regular administrative budget. If the Members think it is a regular and a proper and a very neat way to run this Congress, I say that we ought to take inventory of our legislative procedure.

Why do we do this today? This is the only single bill that the President needs to run this country. He does not need appropriations. He can operate on continuing resolutions. What he needs is the ability to turn over a $400 million monthly maturity of bonds that will mature in July and August and September, and he needs this power under this bill to temporarily extend the debt limit from the permanent level of $400 billion, which it will revert to on July 1, to the $465 billion level temporarily.

I have an amendment to this bill which is going to be germane, no matter what is done, and I intend to offer an amendment to reduce the time frame from the 5-month extension, which the chairman of the Committee on Ways and Means has agreed to in negotiation with the leadership, to 3 months. I think that by the end of September, no matter what we do, we ought to have another look at this debt extension bill, and at that time I am going to urge the Committee on Rules to really put a daisy chain Christmas tree on this bill so that a majority can start running this House of Representatives once again. This is our only opportunity to do this. This is the only—what we call—choke point in the procedure of the House of Representatives. They do not need us for appropriations; they do not need us on practically anything to run the country. The President can do it virtually as he wants, but he does need the debt authority, and I think the debt has got to be extended.

We have got to keep the country running; we have got to pay the bills; but we can use this procedure as a vehicle to see that a simple majority help run the country.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to the distinguished minority leader (Mr. GERALD R. FORD).

Mr. GERALD R. FORD. The gentleman from California has cited three instances where either the other body or the House has sustained the Presidential veto. Does the gentleman suggest that that is an improper procedure in the Congress?

Mr. LEGGETT. I would answer the gentleman from Michigan this way: Certainly we are entitled to use the procedure as best we can, and we have, and I think we are entitled to use this procedure as best we can, and I hope we do it today.

The SPEAKER. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. I yield 1 additional minute to the gentleman from California.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. If the gentleman does not approve of the proper procedure we have used on those three instances he has cited, I guess by inference he wants the Congress to go back to the old rubberstamp days where in effect we took anything that the White House approved.

Mr. LEGGETT. No; I just think it ought to be a partnership, and it should not be dominated by a few people down in the Oval Office downtown. I think that there are ways we can work together within the framework of a properly balanced budget, and I do not think that we care to have it totally dominated from downtown.

We have got a legal procedure with respect to budget and veto overriding. This is also a legal procedure we are using here today. It is a procedure which allows for nongermane amendments. It is all a proper procedure.

Mr. GERALD R. FORD. The gentleman is not suggesting that this rule is a usual rule; is he? He must concede that, to say it the kindest way, it is unusual; and on the other hand, it is absurd and ridiculous.

Mr. LEGGETT. And it is highly unusual to have 34 vetoes in 2½ years.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. YOUNG of Texas. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Washington (Mr. ADAMS).

Mr. ADAMS. Mr. Speaker, I thank the gentleman from Texas for yielding.

I join in support of the gentleman from Wisconsin and the gentleman from Illinois in their proposition that we vote down the previous question. I am in support of the position of the gentleman from Texas (Mr. BROOKS) with regard to the fact that when we vote the debt ceiling we certainly should begin to have some congressional control over those who are administering this area of our Government. I also agree that we must have a tax reform measure before this House, and frankly the gentleman from California (Mr. Moss), the gentleman from Wisconsin (Mr. Reuss), the gentleman from New Jersey (Mr. Thompson), and I have tried to pick the lowest common denominator of tax reform that can be placed before this House. We have presented this testimony to the Ways and Means Committee. It is clearly within the jurisdiction of that committee.

I might say to the Members of this House that the administration, according to press releases, seems to indicate that there will be a tax surcharge. I am sure the House will find it a great deal more preferable to raise $6 billion to $7 billion through tax reform measures. We intend to offer an amendment to this debt ceiling bill, as outlined by the gentleman from Wisconsin, to do away with the accelerated depreciation range, which incidentally was never voted by this House. The accelerated depreciation range was put into effect by Executive order out of the Treasury Department.

Our second amendment would strengthen the minimum tax. We would simply say on any more tax that everyone pay his fair amount. The statistics last year indicated 24,000 people who paid any of this tax at all paid only 4 percent rather than 10 percent as this House mandated. The administration itself admits that the minimum tax needs to be tightened, but we are faced with the problem that the Ways and Means Committee has put over hearings on tax reform measures until sometime in the fall.

If it occurs, as indicated by this debt ceiling bill, that this Government is running at a deficit and will continue to run at a deficit, the only way to correct this is to raise revenues. If the raise in revenues is going to be presented in this House as an increase in the gasoline tax, or an income tax surcharge as announced, I think the Members would be wise today to vote for these two tax reform measures and avoid that.

This is an integral part of the debt ceiling problem, and as well stated by the gentleman from California (Mr. Leggett), this is a legitimate device, a legitimate method of operation for a majority of this House.

We are not asking that a minority of the House adopt any position but simply that the Members be entitled to vote on these propositions. If the propositions are adopted, then the will of the House by a majority has been so established. If they are not adopted, then we bow to the will of the majority on that problem.

We are also facing the fact that the President then has his choices as to whether or not he wishes to veto the debt ceiling and drop the entire spending level down to that limit.

Mr. WAGGONNER. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, I think the gentleman would like to be entirely accurate and I do not think he intended to convey the idea that there had been a recommendation from the administration that we enact a gasoline tax, as some have suggested might be done.

Mr. ADAMS. I would state to the gentleman that all I understand is what I see released in the press, and this has been released in the press, that this was a proposal that would be presented, and that is what I have stated, and that I would stand by. Whether or not the President has sent a formal message on it I do not know. I understand it is going to be announced in some fashion today as to what the position of the administration is, but I think the House should consider the fact that the administration's trial balloons have gone up and this is something the House is going to have to wrestle with.

Mr. WAGGONNER. The gentleman is correct, there have been some trial balloons but no proposals have been made. I understand the gentleman said earlier there had been some proposals.

Mr. ADAMS. I thank the gentleman.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Speaker, I want to concur in what my colleague, the gentleman from Washington has said. I think we have waited long enough for tax reform action. We are not sure what our Ways and Means Committee will do this autumn. The President first proposed the asset depreciation writeoff as an administration matter. This was a proposal by the administration which was subsequently ratified in a conference report which was not very widely understood until the deed was done. It seems to me that the imbalance in our economy is the result of the excess of corporate tax writeoff.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. YOUNG of Texas. Mr. Speaker, I yield the gentleman from Washington 2 additional minutes.

Mr. ADAMS. Mr. Speaker, I yield to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Speaker, the fact of the matter is that the asset depreciation range can be changed very simply today. I think it would serve two purposes. It would increase the revenues of the Government and cool off the inflationary spiral. I think the idea of combining the increase in the minimum tax and the repeal of the asset depreciation range is very good. It would provide billions in needed revenue to reduce the deficit and cool off the inflationary spiral in precisely the right area—in the overheated sector of corporate expansion.

In the Ways and Means Committee, I offered an amendment to provide a 10-percent surtax on corporate profits, but this amendment did not prevail.

Mr. ADAMS. Mr. Speaker, we are faced with an inflationary spiral. One of the key factors in viewing this is the accelerated depreciation range, which goes on top of the 7-percent investment credit.

Many of us in the House opposed this type of action going ahead with the accelerated depreciation range, as long as we have the 7-percent investment credit.

We have not done anything and do not propose to do anything today with that investment credit, so the Members of the House know that this still is in place and is ample incentive to business to continue its expansion.

However, we have found the accelerated depreciation range has had no effect on unemployment. It has fueled inflation. Therefore, I hope my colleagues vote down the previous question so that the Reuss substitute can eventually be offered and the House will have the opportunity to work its will on the matter of tax reform, as well as the Office of Management and Budget.

Mr. WYDLER. Mr. Speaker, will the gentleman yield?

Mr. ADAMS. I yield to the gentleman from New York (Mr. Wydler).

Mr. WYDLER. Mr. Speaker, I am a little bit confused by the statement of the gentleman from California that this debt limit is something the President needs.

I really think that this is something that not only the President needs, but that the Congress needs and the country needs. We are playing these very dangerous kinds of games with this bill on the theory that this is something only the President needs, and it could get our country in a lot of trouble.

I think every Member should consider that in voting on this bill.

Mr. YOUNG of Texas. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. Moss).

Mr. MOSS. Mr. Speaker, this is not a new or novel rule. With all due deference to the very distinguished gentleman from Michigan, the minority leader, he knows that it is not a new or novel rule.

As a matter of fact, it is utilizing the rules of this House in order to arrive at a desired result. That is what the rules are for, to permit us to use them. It is perfectly legitimate.

The gentleman knows, as I certainly do from my experience, that it would be very difficult to look at any rule and say, "This is unprecedented," because there is virtually an endless range of precedents for rules which have been reported to this House on numerous occasions.

During my days as a newcomer here in the 83d Congress, when the gentleman from Michigan was in the majority, and I was getting my experience as part of the minority, I have a vivid recollection of hearing the minority leaders then decry some of the rules proposed by the majority of that day.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the distinguished minority leader (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Speaker, can the gentleman from California cite for me one specific instance where a rule for the consideration of legislation from one committee provides that legislation from another committee which has been vetoed, and the veto sustained, has been included and made eligible under a rule?

Mr. MOSS. Mr. Speaker, I said that the range was limitless, and I would not undertake the assignment of research.

However, I am quite confident, as experience has taught me, that when one wants to get the precedent, one can find it, believe me, and one can find it on all four points.

But, the fact is that what we are proposing today is to actually originate a revenue measure here in this House. We are going to participate, I hope, and again there is nothing wrong with that. It is, in a sense, the highest sense of fiscal responsibility to increase the revenues of this Government at a time when it is suffering a serious lack of income; at least, an income matched to its outgo.

So, if we can pick up through the elimination of this asset depreciation range proposal, which was sort of pushed into the tax pattern, and we can clear a couple of billion dollars and deal with certain minimums, and pick up another conservative $4 billion, that is good fiscal responsibility. I invite all Members to join me in that effort.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. YOUNG of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 21, nays 395, not voting 17, as follows:

[Roll No. 214]

YEAS—21

Brooks
Evins, Tenn.
Gonzalez
Gunter
Hays
Hicks
Kastenmeier
McSpadden
Matsunaga
Milford
O'Hara
O'Neill
Patten
Rose
Rosenthal
Sisk
Stanton, James V.
Stratton
Udall
Wright
Young, Tex.

NAYS—395

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Ashley
Aspin
Bafalis
Baker
Barrett
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blackburn
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Byron
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Crane
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Esch
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landgrebe
Landrum
Latta
Leggett
Lehman
Lent
Litton
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Miller
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Brien
Owens
Parris
Passman
Patman
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Rhodes
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Satterfield
Saylor
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Stark
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, S.C.
Zablocki
Zion
Zwach

NOT VOTING—17

Badillo
Chisholm
Daniels, Dominick V.
Dellenback
Edwards, Calif.
Erlenborn
Fisher
Gray
Jones, N.C.
Nichols
Poage
Rooney, N.Y.
Rostenkowski
Ruppe
Smith, N.Y.
Steelman
Waldie

So the previous question was not ordered.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Smith of New York.

Mr. Rostenkowski with Mr. Dellenback.

Mrs. Chisholm with Mr. Waldie.

Mr. Gray with Mr. Erlenborn.

Mr. Badillo with Mr. Fisher.

Mr. Edwards of California with Mr. Ruppe.

Mr. Nichols with Mr. Steelman.

Mr. Dominick V. Daniels with Mr. Jones of North Carolina.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. ANDERSON).

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ANDERSON OF ILLINOIS

Mr. ANDERSON of Illinois. Mr. Speaker, I offer an amendment in the nature of a substitute.

Amendment in the nature of a substitute offered by Mr. ANDERSON of Illinois: In lieu of the matter contained in H. Res. 437, insert the following:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, and all points of order against said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for the benefit of those Members who may not have been in the Chamber during the previous hour when we were considering House Resolution 437, the amendment in the nature of a substitute which I have offered, and which the Clerk has now read, simply does this:

It takes the language on page 2 of the resolution, beginning with the words, "It shall be in order to" found on line 1, and eliminates the wording down through the words, "bill H.R. 8410." on line 8 on page 2.

This simply means that it will now, upon the adoption of the previous question, be possible for the House to vote and, I would hope, adopt the rule so that we can get on with the business that confronts us, to debate for 2 hours, under an open rule, the question of extending until November 30, 1973, the existing temporary increase in the public debt limit.

I think the very decisive nature of the vote we have just had, plus a very adequate discussion that we had during the previous hour, requires no further explanation. Therefore, Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. REUSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 160, not voting 19, as follows:

[Roll No. 215]

YEAS—254

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bell
Bevill
Biester
Blackburn
Boggs
Bolling
Bowen
Bray
Breaux
Breckinridge
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conlan
Conte
Corman
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Findley
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Gilman
Ginn
Goldwater
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Heinz
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Keating
Kemp
Ketchum
King
Kuykendall
Landgrebe
Landrum
Latta
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKay
McKinney
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Natcher
Nelsen
O'Brien
Parris
Passman
Patten
Pettis
Pickle
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Runnels
Ruth
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—160

Abzug
Adams
Addabbo
Anderson, Calif.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Biaggi
Bingham
Blatnik
Boland
Brademas
Brasco
Brooks
Brown, Calif.
Burke, Calif.
Burlison, Mo.
Burton
Carney, Ohio
Clark
Clay
Collins, Ill.
Conyers
Cotter
Culver
Danielson
de la Garza
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Dulski
Eckhardt
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Foley
Ford, William D.
Fraser
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Green, Pa.
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hillis
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Jordan
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, Md.
McCormack
McFall
Macdonald
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roush
Roy
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Stokes
Studds
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Whalen
White
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—19

Badillo
Chisholm
Conable
Cronin
Daniels, Dominick V.
Dellenback
Edwards, Calif.
Erlenborn
Fisher
Gray
Henderson
Nichols
Poage
Rooney, N.Y.
Rostenkowski
Ruppe
Smith, N.Y.
Steelman
Waldie

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Conable for, with Mr. Dominick V. Daniels against.

Mr. Erlenborn for, with Mr. Badillo against.

Mr. Ruppe for, with Mr. Rooney of New York against.

Mr. Cronin for, with Mr. Rostenkowski against.

Mr. Smith of New York for, with Mr. Gray against.

Mr. Steelman for, with Mr. Waldie against.

Mr. Fisher for, with Mrs. Chisholm against.

Until further notice:

Mr. Henderson with Mr. Edwards of California.

Mr. Nichols with Mr. Dellenback.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ANDERSON).

PARLIAMENTARY INQUIRY

Mr. BROOKS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BROOKS. Mr. Speaker, do I correctly understand that the next vote will be a vote up or down on whether or not we will have in the rule the permission for the House to express its will on the confirmation of the Director of OMB? Is that what the vote will be?

The SPEAKER. The amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ANDERSON), leaves out the provision to which the Chair believes the gentleman is making reference. If that amendment is adopted, then, of course, the amendment which the gentleman intends to offer will not be in order. If it is not adopted, the amendment will be in order.

Mr. BROOKS. I thank the Chair.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. ANDERSON).

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. ANDERSON of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 248, nays 163, not voting 22, as follows:

[Roll No. 216]

YEAS—248

Abdnor
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Arends
Armstrong
Bafalis
Baker
Bell
Bevill
Biester
Blackburn
Boggs
Boland
Bolling
Bowen
Bray
Breaux
Brinkley
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collier
Collins, Tex.
Conable
Conlan
Conte
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Esch
Eshleman
Findley
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Gilman
Ginn
Goldwater
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Heinz
Henderson
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson

Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Keating
Kemp
Ketchum
King
Kuykendall
Landrum
Latta
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKay
McKinney
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Mosher
Myers
Nelsen
Nichols
O'Brien
Parris
Passman
Patten
Pettis
Pickle
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Roy
Runnels
Ruth
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Snyder
Spence
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Vander Jagt
Veysey
Waggonner
Walsh
Wampler
Ware
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—163

Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Annunzio
Ashley
Aspin
Barrett
Bennett
Bergland
Biaggi
Bingham
Blatnik
Brademas
Brasco
Breckinridge
Brooks
Brown, Calif.
Burke, Calif.
Burlison, Mo.
Burton
Carney, Ohio
Clark
Clay
Collins, Ill.
Conyers
Corman
Cotter
Culver
Danielson
de la Garza
Delaney
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Drinan
Eckhardt
Eilberg
Evans, Colo.
Evins, Tenn.
Fascell
Foley
Ford, William D.
Fraser
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Green, Pa.
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Hillis
Holifield
Holtzman
Howard
Hungate
Ichord
Johnson, Calif.
Jordan
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Lehman
Litton
Long, Md.
McCormack
McFall
Macdonald
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Pepper
Perkins
Peyser
Pike
Podell
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rinaldo
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Sisk
Slack
Smith, Iowa
Staggers
Stanton, James V.
Stark
Stokes
Stratton
Studds
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Vigorito
Whalen
White
Wilson, Charles H., Calif.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—22

Ashbrook
Badillo
Beard
Chisholm
Daniels, Dominick V.
Dellenback
Edwards, Calif.
Erlenborn
Fisher
Gray
Landgrebe
Poage
Powell, Ohio
Rooney, N.Y.
Rostenkowski
Ruppe
Sandman
Smith, N.Y.
Steelman
Waldie
Whitten
Wilson, Charles, Tex.

So the amendment in the nature of a substitute was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Fisher for, with Mr. Dominick V. Daniels against.

Mr. Erlenborn for, with Mr. Rooney of New York against.

Mr. Ruppe for, with Mr. Rostenkowski against.

Mr. Powell of Ohio for, with Mr. Gray against.

Mr. Landgrebe for, with Mr. Badillo against.

Mr. Smith of New York for, with Mrs. Chisholm against.

Mr. Steelman for, with Mr. Waldie against.

Mr. Ashbrook for, with Mr. Charles Wilson of Texas against.

Until further notice:

Mr. Whitten with Mr. Edwards of California.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

PARLIAMENTARY INQUIRY

Mr. LEGGETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEGGETT. We have now had one amendment to the rule. I am wondering at this point would another amendment for tax reform, as suggested by Mr. Reuss, be in order?

The SPEAKER. The answer is "no," because the previous question has been ordered on the resolution.

Mr. LEGGETT. Mr. Speaker, let me ask further, then, would the only way for the Committee on Rules to have power to reconsider this rule be to defeat the rule at this point?

The SPEAKER. The Chair cannot answer that.

The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. REUSS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 271, nays 141, not voting 21, as follows:

[Roll No. 217]

YEAS—271

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Ashbrook
Bafalis
Baker
Beard
Bell
Biester
Boggs
Bolling
Bowen
Bray
Breaux
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Butler
Byron
Camp
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Collins, Tex.
Conable
Conlan
Conte
Corman
Coughlin
Crane
Cronin
Daniel, Dan
Daniel, Robert W., Jr.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Denholm
Dennis
Derwinski
Devine
Dickinson
Downing
Dulski
du Pont
Edwards, Ala.
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Ginn
Goldwater
Goodling
Gray
Green, Oreg.
Griffiths
Gross
Grover
Gubser
Gude
Guyer
Haley
Hammerschmidt
Hanrahan
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Heinz
Henderson
Hillis
Hinshaw
Hogan
Holt
Horton
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Karth
Keating
Kemp
Ketchum
King
Kluczynski
Kuykendall
Landgrebe
Landrum
Latta
Lent
Long, La.
Lott
Lujan
McClory
McCloskey
McCollister
McDade
McEwen
McKay
McKinney
McSpadden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Mathis, Ga.
Mayne
Mazzoli
Michel
Milford
Miller
Mills, Ark.
Minshall, Ohio
Mitchell, N.Y.
Mizell
Montgomery
Moorhead, Calif.
Morgan
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nelsen
Nichols
O'Brien
O'Neill
Parris
Passman
Patten
Pettis
Peyser
Pickle
Powell, Ohio
Preyer
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rogers
Roncallo, N.Y.
Rose
Rousselot
Roy
Runnels
Ruth
Sandman
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shriver
Shuster
Sikes
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Spence
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Waggonner
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Winn
Wyatt
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, Ill.
Young, S.C.
Zion
Zwach

NAYS—141

Abzug
Adams
Addabbo
Anderson, Calif.
Ashley
Aspin
Barrett
Bennett
Bergland
Bevill
Biaggi
Bingham
Blackburn
Blatnik
Boland
Brademas
Brasco
Breckinridge
Brinkley
Brooks
Brown, Calif.
Burke, Calif.
Burlison, Mo.
Burton
Carney, Ohio
Clark
Clay
Conyers
Cotter
Culver
Danielson
Dellums
Dent
Dingell
Donohue
Drinan
Eckhardt
Eilberg
Evans, Colo.
Fascell
Foley
Ford, William D.
Fraser
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Green, Pa.
Gunter
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hawkins
Hays
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Holifield
Holtzman
Howard
Hungate
Johnson, Calif.
Jordan
Kastenmeier
Kazen
Koch

Kyros
Leggett
Lehman
Litton
Long, Md.
McCormack
McFall
Macdonald
Madden
Matsunaga
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Moakley
Mollohan
Moorhead, Pa.
Moss
Nedzi
Nix
Obey
O'Hara
Owens
Patman
Pepper
Perkins
Pike
Podell
Price, Ill.
Randall
Rangel
Rees
Reid
Reuss
Riegle
Rodino
Roe
Roncalio, Wyo.
Rooney, Pa.
Rosenthal
Roush
Roybal
Ryan
St Germain
Sarbanes
Schroeder
Seiberling
Staggers
Stanton, James V.
Stark
Stokes
Studds
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Vanik
Vigorito
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki

NOT VOTING—21

Badillo
Chisholm
Clawson, Del
Daniels, Dominick V.
Dellenback
Diggs
Dorn
Duncan
Edwards, Calif.
Erlenborn
Fisher
Gilman
Martin, Nebr.
Poage
Rooney, N.Y.
Rostenkowski
Ruppe
Smith, N.Y.
Steelman
Veysey
Waldie

So the resolution, as amended, was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Del Clawson for, with Mr. Dominick V. Daniels against.

Mr. Martin of Nebraska for, with Mr. Rooney of New York against.

Mr. Erlenborn for, with Mr. Waldie against.

Mr. Duncan for, with Mr. Rostenkowski against.

Mr. Ruppe for, with Mr. Badillo against.

Mr. Smith of New York for, with Mr. Diggs against.

Mr. Dorn for, with Mrs. Chisholm against.

Until further notice:

Mr. Fisher with Mr. Edwards of California.

Mr. Steelman with Mr. Smith of New York.

Mr. Gilman with Mr. Dellenback.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

Mr. MILLS of Arkansas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Arkansas (Mr. MILLS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 8410, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 1 hour, and the gentleman from Pennsylvania (Mr. SCHNEEBELI) will be recognized for 1 hour.

The Chair at this time recognizes the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, the first section in the bill H.R. 8410, which contains the Ways and Means Committee action on the public debt, provides for an extension of the present limit on the public debt at the level of $465 billion for 5 months.

The committee action continues the present permanent limit at $400 billion and the temporary additional limit of $65 billion through November 30 of this year. At that time we hope that there will be a clearer picture and a better setting in which to determine an appropriate limit for the rest of fiscal year 1974.

In the public hearings before the committee last week, the administration requested an increase in the debt limitation to $485 billion for all of fiscal year 1974. The increase requested is based on estimates of receipts that have been revised upwards since January and on the assumption that the administration's recommendation for budget outlays next year will be realized at the $268.7 billion level. Estimates of the end of month debt levels, based on the receipts and outlays projections, showed that at the end of August and November, the Treasury Department estimates that the debt then will reach $467 billion.

Their projection of debt levels of $467 billion on these dates assumes that there will be on hand an operating cash balance of $6 billion.

With an operating cash balance of $4 billion on August 31 and November 30, 1973, a public debt of $465 billion is satisfactory according to their figures. This is a tight limit for a few days of activity, but it is one the Treasury Department acknowledged that it can manage.

While Congress frequently provides a margin for contingencies within the limit when the public debt limit is extended for a relatively long period of time, this should not be necessary for the short period immediately ahead. Should the present debt limitation appear inadequate, Congress can reconsider the limitation before the November 30 expiration date for the extension.

It was primarily because the economic and budget outlooks are so uncertain that the committee decided simply to extend the present limit for several months. The outlook has changed drastically between the end of January when the President sent his budget recommendation to the Congress and last week when Secretary Shultz presented the administration request for an increased debt limit before the Ways and Means Committee. In that period, the anticipated deficit in the unified budget fell by $10 billion, from $12.7 billion to $2.7 billion, and, the anticipated deficit in the Federal funds budget fell from $27.8 billion to $18.8 billion. We cannot at this time be sure there may not be other changes in the budget picture for this year.

The favorable change in the deficit outlook since January primarily results from an increase in receipts that reflects an unusually high rate of economic growth and the undesirably high rate of increases in prices that occurred in the first quarter of this year. In addition to the uncertainty in the receipts picture, the level of outlays remains unchanged because we have not had much action so far this year on appropriations bills. We know that before the end of this month, the House hopes to have completed its legislative work on all but three appropriations bills, but this does not give us a clear idea yet whether budget outlays may turn out to be higher than the administration's request.

Against this background, it is extremely difficult to know what to anticipate in the way of Federal Government needs for a public debt limit.

In addition to the uncertain budgetary outlook, the committee believed that the absence at this time of means for obtaining effective overall congressional control of the budget makes it desirable to use the debt limitation as Congress major tool for budget control to the fullest extent possible. When Congress establishes its own procedures for effectively establishing its own budget ceilings and for allocating portions of the budget total among various programs, the use of the debt limitation as a substitute for such procedures will not be necessary. However, in the absence of this type of control, the committee decided to keep a tight limitation on the debt during the period immediately ahead and to undertake another review of the budget situation later in the year.

At that time, the committee hopes that the uncertainty clouding the budget and public debt limit picture will have been dissipated because congressional action on appropriations bills will have been completed. It also will be more evident whether the economy's rate of growth will slow to a sustainable growth rate. At that time, we should know budgetary needs and whether fiscal policy must be revised because of changes in the economic outlook.

In the second major issue in the bill, in addition to the one dealing with the debt limit, the Ways and Means Committee responded to a request by the administration for elimination of the 4¼-percent ceiling on all bonds—securities with maturities longer than 7 years—issued by the Federal Government. Present law permits the Treasury Department to issue up to $10 billion in long-term bonds at interest rates in excess of the statutory limit of 4¼ percent. Authority for the $10 billion exception was enacted 2 years ago and the Treasury has exercised it seven times since mid-August 1971 at coupon rates that have varied between 6⅛ and 7 percent. Presently, there are $8.4 billion in such long-term bonds outstanding.

Approximately half of that total, or $3.9 billion, is held by Government accounts and the Federal Reserve System.

Holdings by these accounts and the Federal Reserve reduce the ability of the Treasury Department to issue such bonds to the general public where there is a continuing market for this type of security. At the same time, there unquestionably is a need for the trustees and the managers of the various Government accounts to acquire public debt securities with relatively long maturities at the most favorable interest rates available.

The committee believes that the solution to this problem is to exclude holdings by Government accounts of such long term bonds. When the $10 billion exception to the interest limit was enacted, it was not contemplated that Government accounts would use up such a large portion of the authority. In fact, the committee did not generally think then that the limitation should be applied to Government account holdings. This is because it really is meaningless to impose the limitation on interest rates on these accounts. Most Government accounts, by law, are limited to a rate of interest that is equal to the average market yield on outstanding marketable securities. This serves as the most effective limitation on the rate of interest that can be paid to such accounts and no other limit on these accounts is needed.

The committee action provides that no interest rate limitation is to apply to bonds held by Government accounts but that the $10 billion limitation will continue to apply to bonds held by the public. The limitation applies with respect to a new issue of bonds at the time the bonds are issued. Government accounts generally may sell bonds with an interest above 4¼ percent to the public, but the sales may not be made when the result would be to increase the public's holdings of these bonds above $10 billion.

By removing the holdings of the Government accounts from the $10 billion exception, the committee has amended present law so that it will work as initially intended. This will provide the Treasury Department with the additional ability to reach out to the public with the long-term bonds. By using this greater authority to issue long-term bonds, the Treasury will be able to lengthen the present average maturity on the public debt from the present average of 3 years—a period so short that the Treasury Department frequently returns to the money market for refunding operations. Lengthening the average maturity will mean that the Treasury Department will not have to return to the money market so often—or for as large amounts—as it has in recent years.

Your committee wants to assure the Members of the House that its action on this provision is not to be construed as approval of the Federal Government to pay high interest rates. Your committee has always tried to act in such a way as to keep the interest rates at as low a level as is satisfactory for the well-being of the country. This provision essentially makes it possible for the Treasury Department to sell its long-term bonds to those individuals in the long-term bond market who are interested in Federal securities, and these sales represent only a minor fraction of long-term securities, when compared with corporate and State and municipal offerings.

Under the present 4¼ percent ceiling on long-term interest rates, it simply is not possible to sell long-term Federal securities, unless the Treasury Department is willing to accept a substantial discount at the time of issue. The limited authority to sell above the 4¼ percent level was enacted 2 years ago in recognition of the existing state of financial affairs.

A third related topic is also dealt with in this bill. This proposition has to do with the suggestion that was made by members of the Committee on Ways and Means last year when we were considering in the committee the debt ceiling. At that time, some of the members of the committee discussed with the Secretary of the Treasury and other representatives of the Government the idea—I believe the gentleman from Ohio (Mr. VANIK) was one of the principal ones, as well as the gentleman from New York (Mr. CAREY) of trying to convert the large amounts of overwithholding and the refund of these overwithholdings into some type of investment by the person who is entitled to that refund.

The intent was to convert these refunds into savings bonds to avoid the potentially dangerous inflationary impact of a sudden burst of spending of such a large amount of money within a short period of time when the tax refunds are paid. In response to this request, the Treasury Department last week presented a recommendation for paying refunds in the form of a check which the taxpayer can convert into a savings bond identical in character to Series E savings bonds. However, the taxpayer would still have the option to cash the check-bond as soon as he receives it, if he wants to.

To carry out this objective, all refund checks on timely filed returns, even though issued on April 15, will carry an effective date of January 1. If the checks are not cashed by July 1 of the same year, they will automatically become savings bonds, and they will earn interest from January 1 at the 5½ percent rate now applicable for Series E savings bonds. From then until the bond is redeemed, it will possess all the characteristics of a savings bond, and it will be subject to the identical regulations that apply to savings bonds issued in the usual manner. Taxpayers will be eligible to receive the check-bond only when their tax returns have been filed within the time limit currently specified in tax law and when no extensions of time have been requested. The Treasury Department will be able to put this program into effect after December 31, 1973.

The dates just described apply to taxpayers who file on a calendar year basis which is the great bulk of taxpaying individuals. For taxpayers who report on a fiscal year basis, the check-bond will earn interest from the day after the close of the fiscal year, and the tax return must be filed within 3½ months after the close of the fiscal year.

The committee has taken this action because it believes that it is important to have this means available for converting tax refunds into savings so taxpayers may continue to keep those funds out of the normal spending streams during the present inflationary period. It is clear that taxpayers have implicitly treated overwithholding as a form of savings because they did not exercise their option of filling out new withholding certificates to adjust the amount of withholding to coincide with their estimated tax liability. Your committee hopes that these taxpayers will have a continued desire to save and that they will respond favorably to this opportunity to convert their overwithholding into savings bonds.

I do not like to have to extend the debt limit for just part of a year. I would rather have just one debt ceiling bill a year and not have to come to the House on more than one occasion for this reason. But I do not see any other way to do it and do it effectively.

Mr. Chairman, I also want us to get a better picture of what Congress intends to do to itself, to clothe itself with better procedure for making its own budget determination. If we wanted to do what the committee which Mr. ULLMAN and Mr. WHITTEN headed, as far as the House is concerned, recommended—if we wanted to set up some type of budget machinery—that would be another matter. However, as ineffective as I think the debt ceiling itself is in trying to provide a degree of budget management by the House, I would want to use it as a last resort if we do not have any other procedure. But I do think the recommendations of the Joint Study Committee should be accepted by the House. They are sound and are a much better way of trying to accomplish the objective than trying to use the debt ceiling method. But if the debt ceiling is the only way left for us to go, then I think in some way we ought to try to use it effectively.

For this reason and because of the uncertainty as to the size of revenues and expenditures the committee decided last week to continue for this 5-month period the temporary ceiling. Of course, if we do not extend the debt limit, it lapses on June 30. Then the debt cannot be greater than $400 million. All of the securities already issued would be recognized as legal obligations, but the Secretary of the Treasury could not issue additional securities with a $400 billion debt ceiling, and he probably would run through his cash balance by the 15th day of July and not be able to make any payments out of the general fund after that date. So the legislation here is essential if the Government is to operate during this period of time.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from New York.

Mr. REID. Mr. Chairman, I thank the distinguished chairman for yielding to me. I would like to ask the gentleman one or two questions if I might.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute.

Mr. REID. Mr. Chairman, first I would like to ask the gentleman about the regulations promulgated by Secretary Weinberger because I am concerned, and I am sure the chairman and other Members of the House have been concerned, with the new regulations, because they would result in less freedom for the States to change their eligibility standards, and a possible reduction of about $700 million below the $2.5 billion ceiling authorized by the House.

Mr. MILLS of Arkansas. I am glad the gentleman from New York has asked that question, but let me make a short statement, first.

The gentleman, I am sure, is aware that when we adopted what we did in the conference we were unaware that the Department would in any way change its existing regulations that had to do with other aspects not included in the conference amendment. What I favor, and I think perhaps the gentleman from Pennsylvania (Mr. SCHNEEBELI) favors, and what I think is being introduced today in our names as well as another name——

Mr. SCHNEEBELI. If the gentleman will yield, in the name of the gentleman from Pennsylvania (Mr. HEINZ).

Mr. MILLS of Arkansas. In the name of the gentleman from Pittsburgh, Pa. (Mr. HEINZ) and that would eliminate from what we did everything that we did except provide the formula for the distribution of the money among the States. That formula would still be retained to the amount of money distributed on the basis of population; nothing else would happen except the overall limitation of our $2.5 million. If the Senate amends one of our bills that we have sent over there, as I think they probably will, that is the type of amendment I would want to bring back to the House for the approval of the House. I do not want to delay the implementation of the regulations. I want to change the law so that the regulations themselves have to be changed. I would rather do it forthright and straight across the board.

I know there is a suggestion on the other side that they adopt an amendment to hold up the implementation of these new regulations until January 1, 1974, but I believe that we should get this job behind us.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute.

Mr. REID. Mr. Chairman, if the gentleman will yield further, it is my understanding that Senator LONG had announced a 6-month moratorium as a possible amendment.

Mr. MILLS of Arkansas. That is what I understand has been announced, and I hope that the Senator will change his mind, and do what the gentlemen from Pennsylvania (Mr. SCHNEEBELI and Mr. HEINZ) are suggesting.

Mr. REID. Might I ask the chairman where that would leave the existing regulations, either old or new?

Mr. MILLS of Arkansas. Any regulations with regard to who is a welfare or prospective welfare client would have no application, because we are not limiting the money in any respect to those particular individuals. The money would be used for social services in such a way as the individual States would feel was best from the viewpoint of each individual State. If they want to use it for retarded children, if they want to use it for any other social service, then they can do so.

I must admit that this takes on the characteristics and the attributes of a revenue-sharing proposal, but it is limited in its use to social services.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute.

Mr. REID. If the gentleman will yield further, I have just two other brief questions.

As I understand it, under the new regulations as they are proposed it would wipe out the opportunity of the State in drug and alcoholic care, health care, special care cases, and among the mentally retarded. If I understand the chairman as to what the gentleman was proposing, and would like to bring back to the House, it would leave the eligibilty and/or the availability of those programs to the States?

Mr. MILLS of Arkansas. The States would make the determination as to how they would want to use that money.

Mr. REID. Would there by any particular standards established? As the chairman is well aware, some States have not always had the concern or the need, and indeed many States do not have the need to deal with certain social services.

Mr. MILLS of Arkansas. The Department might have to establish a standard with respect to what constitutes social services, but the Department has not done that in the past. That was one of the problems that resulted in this very amendment being adopted, that they would make no determination as to what a social service was; they left it entirely to the States, and the gentleman knows, as I do, that the money was running through the ceiling under that situation.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute.

I do not see any justification for any type of a standard that would have to do with anything else than what possibly social service is. I will review the bills that have been introduced today to make sure that the States have the latitude I have described. If a further bill is necessary to make this clear, I will introduce such a bill tomorrow.

Mr. REID. My concern, Mr. Chairman, is that there have been eligibility opportunities as well as standards.

Mr. MILLS of Arkansas. Eligibility is limited. They can use 100 percent of their money for people not on welfare, but I would not advise them to do it, because the social service program was initially solely and exclusively for the benefit of the many people we have on welfare.

Mr. REID. I would ask the chairman whether some of these programs can continue in a wise way without adverse impact to people who need care?

Mr. MILLS of Arkansas. The State might do something. The State is the only authority that could say how the money is to be spent within the State.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, I think everybody realizes the need to extend the temporary debt limit at this time, and I am pleased to note the chairman's apprehension with respect to the fact that the condition of the economy is changing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield myself 1 additional minute.

I yield to the gentleman from California.

Mr. LEGGETT. I am pleased to note the chairman's apprehension with respect to the fact that the condition of the economy is changing every 3 or 4 or 5 months. Is it not a fact that earlier in the year when the original budget was made up, we projected that there would be a deficit of some $24.8 billion for the current fiscal year and $12.7 billion on a combined basis the next fiscal year, for a total increase in debt of some $37.5 billion, whereas the midyear report that came out the other day indicates that we are $17 billion better off on a 2-year basis?

Mr. MILLS of Arkansas. Yes, but the debt for the 2 years on a unified budget basis would still amount to $20.5 billion.

Mr. LEGGETT. Exactly, but however you slice it, we are $17 billion better off on a 2-year basis?

Mr. MILLS of Arkansas. Oh, yes.

Mr. LEGGETT. We are $17 billion better off on a 2-year basis today than we were at the first of the year, and that might well affect our priorities on spending and taxes and other matters; is that not correct?

Mr. MILLS of Arkansas. I do not know that it has to but it is possible.

Mr. LEGGETT. I said it might.

Mr. MILLS of Arkansas. I said, I do not know that it has to but it is possible.

Mr. Chairman, I yield back the balance of my time.

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I rise in support of H.R. 8410, which will continue the existing temporary increase in the debt limit until November 30 of this year. As the chairman noted, the bill also amends provisions of existing law allowing a limited amount of long-term bonds to be issued at market interest rates above the 4¼-percent interest ceiling, and also provides a special procedure for issuing income tax refunds in the form of a tax refund bond.

Mr. Chairman, as we are all aware, the present permanent statutory debt ceiling is $400 billion. The permanent ceiling is supplemented by temporary borrowing authority of $65 billion, which expires on the 30th of this month. The committee bill simply extends this $65 billion temporary borrowing capacity for another 5 months through November 30 while making no change in the permanent ceiling of $400 billion.

During this time the debt ceiling, both the permanent and the temporary, will remain at its present level of $465 billion. The debt subject to limitation was $457 billion as of the first of this month and is estimated to be approximately $458 billion by the end of this month. So, unless action is taken extending the present debt ceiling, the ceiling will revert back to $400 billion at the end of the month.

As the Members know, it would then become impossible for the Government to issue any new debt, roll over existing debt, and meet its bills as they occur. It is, therefore, imperative that action be taken now.

I think it is actually rather surprising that we can still operate within our present debt ceiling for another 5 months in the light of our Federal spending experience over the last 10 years. During fiscal year 1972 we spent $232 billion and the forecast for the next fiscal year—1974—is $268.7 billion. That is an increase of $36 billion in spending over a 2-year period despite reductions, impoundments, et cetera. Were it not for this latter factor the spending would be much greater. In light of our projected spending of an additional $36 billion in the 2-year period, it is rather surprising that we can come to the House at this time and ask for a mere extension of our present ceiling rather than requesting an increase.

One of the reasons for this situation is the unanticipated large increase in tax receipts which we are getting from both personal and corporate income tax. These receipts were not envisioned in January when the budget figures were estimated.

The committee bill imposes a very tight debt ceiling on the Treasury during the next few months. As shown in the committee report, it is estimated that with a $6 billion operating cash balance and the normal $3 billion contingency, which is always allowed, the debt subject to limitation will be $470 billion on August 31, $5 billion above the ceiling that is being requested. As a result, this will require the Treasury to draw down its cash balance and be very cautious in the management of public funds during the 5 months for which the committee proposes to extend the present limitation.

Additionally, since the present limitation is extended for a period of only 5 months, we will be required to again review the appropriate level of the Federal debt limit sometime in the fall. As the Members know, Congress has not yet passed any appropriation bill for fiscal year 1974, although I presume the first one will be coming up this Friday. The buoyant economy has resulted in significant improvements in revenue projections since the President's budget message in January. I think for the fiscal year 1974 budget the receipts will be as much as $10 billion greater than anticipated in January.

In view of the uncertainties affecting both outlays and receipts, the committee felt it would be desirable to have more concrete information on congressional action on the fiscal year 1974 budget, as well as final figures on fiscal year 1973, and another look at the relevant economic data, before establishing a debt ceiling for all of fiscal year 1974.

I think at this time we should focus our attention on the real problem of Federal finances, which is the lack of congressional control over the budget. We concentrate on the component parts of the Federal budget, sometimes in minute detail, through various committees and subcommittees, but we have no mechanism for fitting the parts to the whole.

We know that the appropriate level of Federal spending, taxes, and debt is a question vitally affecting not only each citizen's individual welfare but also our future as a Nation. Yet, we give little attention to this larger question—almost none on a comprehensive and coordinated basis—since we lack the institutional and legislative procedures for doing so.

What we need are procedures for focusing our attention on the Federal budget as a whole so that when we look at its component parts we will have some guiding criteria enabling us to establish priorities in accordance with a responsible fiscal policy that serves all of our people. When we passed Public Law 92-599, temporarily increasing the debt ceiling last year, we recognized the common sense and urgency of these arguments for budget control. We established a Joint Study Committee on Budget Control charged with "improving congressional control over budgetary outlay and receipt totals" and to insure a comprehensive and fully coordinated congressional examination of the budget.

This bipartisan membership of the joint committee is composed of members from the taxing and appropriation committees in both houses, as well as several members from legislative committees.

The CHAIRMAN. The gentleman from Pennsylvania has consumed 7 minutes.

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 2 additional minutes.

Despite the widely divergent ideological views of the members of this committee, the urgency of the task enabled the committee to organize and produce an interim report, hold hearings, and by unanimous vote issue a final report in about 3 months time. Legislation encompassing our specific recommendations for congressional control over the budget has now been introduced in both houses.

I see my good friend, the gentleman from Oregon (Mr. ULLMAN) sitting here. As cochairman of the joint committee, he was responsible for many of the recommendations which were finally adopted. I believe he will speak to this question during discussion of this bill. The point is that when we attempt to control federal spending through a debt ceiling, we are glossing over the symptoms rather than attacking the root cause of the Federal fiscal disorder.

The recommendations of the Joint Committee would insure that the budget is looked at not only in its component parts, but as a comprehensive whole. There would be several times during congressional review of the budget when we will be required to fit the sum of the parts into a realistic, responsible and meaningful total.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Pennsylvania. I wish to say that he is one of the most valuable members on this Joint Study Committee on Budget Control.

The gentleman will agree with me that we tackled a rather difficult job. We have 32 of the members who have served for long periods in the Congress and who have done a lot of individual thinking on the subject. We did come up with a unanimous report which I think the gentleman will agree with me was not expected in the beginning.

Mr. SCHNEEBELI. A most unique accomplishment.

Mr. ULLMAN. When we introduced it in the House, Congressman WHITTEN, my cochairman, and I and the gentleman in the well, Mr. SCHNEEBELI, and all the other House members on the committee were agreed on the subject of the bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 2 additional minutes.

Mr. ULLMAN. Mr. Chairman, will the gentleman yield further?

Mr. SCHNEEBELI. I yield to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I want to again commend the gentleman for his work and dedication on the committee, and also for speaking out now and continuing to speak out at every opportunity toward the establishment budget control in the Congress.

Mr. SCHNEEBELI. Mr. Chairman, it is quite obvious that but for the great leadership the gentleman has exerted as cochairman of this committee, we would not have been able to accomplish what was accomplished. He has contributed much to this committee.

Mr. BROYHILL of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I think it is interesting to note that the last time we were considering an increase in the debt ceiling, this same subject was under consideration. That is, what are we going to do about the appropriation process? What are we going to do to reform the appropriation process?

An amendment was added to the debt ceiling bill of last year which granted this special committee. The committee has reported legislation in the form of H.R. 7130, which is before the Committee on Rules and has been before the Committee on Rules for almost 2 months. No action has been taken.

Mr. Chairman, I think it is high time that the Committee on Rules hold hearings, report out the bill, because in my opinion the majority of the House of Representatives is in favor of such legislation to reform the appropriation process to give more congressional control over the budget.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. Mr. Chairman, before I yield, I would like to acknowledge the great contribution which the gentleman from North Carolina (Mr. Broyhill) has made to this Joint Committee. He was one of the members from the legislative committee appointed to serve on the Joint Budget Committee. He has worked very hard, and I think he will agree that at the time of the last debt ceiling bill we did not realize we would accomplish so much in so short a time.

Mr. CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 2 additional minutes.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from New York, Mr. Kemp.

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding. As one who is deeply concerned about budget reform, I wish to associate myself with his remarks and those of the gentleman from North Carolina.

I join them in this move and intend to work with them toward the day when we can present it to the floor and act upon this vital issue which is so important to the future of this country and its budgetary process.

I have long held that budget reform is and should be the foremost issue to be dealt with in this Congress. I have introduced legislation in this session to improve and implement procedures for fiscal controls in the Government.

I appreciate the gentleman's leadership, and that of the gentleman from North Carolina.

Mr. SCHNEEBELI. I thank the gentleman. The leadership of the Republican Party has once or twice reminded the Rules Committee of the urgency of this matter.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. SCHNEEBELI. I yield to the gentleman from California.

Mr. ROUSSELOT. I thank the gentleman for yielding.

I compliment the gentleman from Pennsylvania (Mr. Schneebeli), the gentleman from Oregon (Mr. Ullman), and others who have participated in forcefully bringing this recommended budget control legislation, H.R. 7130, to the Congress for much needed action. Many Members of this House and taxpaying citizens everywhere appreciate the action of the gentleman in the well (Mr. Schneebeli) and the entire Joint Committee on Budget Control for trying to get the Rules Committee to move and to bring H.R. 7130 before the Congress so that we can fulfill our commitment to once again be a responsible body in fiscal planning. In short, H.R. 7130 would make it possible for us to take command of the budget.

The gentleman from Pennsylvania has been very active and very persuasive in his effort to bring this legislation before us. Now that it is properly drafted, I believe we should all give full attention to it. Perhaps we should encourage the gentleman from Iowa (Mr. Gross) to help us get the bill out of the Rules Committee, as he so effectively has found a way to pry other legislative bills out of the Rules Committee. Perhaps we can encourage him to join us in this effort to get this bill out of the Rules Committee. I congratulate my colleague, Mr. Schneebeli.

Mr. SCHNEEBELI. I thank the gentleman for his observation, Of course, the reputation of the gentleman from California for fiscal responsibility is well known in this House.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. SCHNEEBELI. Mr. Chairman, I yield myself 1 more minute.

Mr. Chairman, the bill before the House contains the needed extension of the present debt limit and improvements in the tools for managing the Nation's huge public debt. Responsible management of the Nation's finances requires reform in congressional budgetary procedures. As one of my colleagues observed, we have reached the point of no return so far as budgetary responsibility is concerned.

This important goal is not partisan, so let us move forward to the task of accomplishing this important job. Meanwhile, until action is taken on the budgetary front, it is necessary for the House to approve the existing debt ceiling for several more months, through November 30.

I urge the approval of H.R. 8410.

Mr. BROYHILL of North Carolina. Mr. Chairman, today we are debating once again an extension of the national debt ceiling. I am reminded of the discussion—and the work that we did—last fall on H.R. 16810 which raised the temporary ceiling to $465 billion and extended it to June 30, 1973. I would like to recall some of the prevailing attitudes expressed at that time.

Quite frankly, Members of Congress were at that time dissatisfied with the position of Congress in continually needing to pass emergency extensions of the debt ceiling. There were also calls for a congressional mandate for a spending ceiling for 1973. Colleagues on both sides of the aisle said, in effect, "Congress, to fulfill a constitutional mandate in the fiscal and budgetary affairs of this Nation, simply must have a better procedure to deal with the matters of economic priority."

Because of this dissatisfaction, Congress included in H.R. 16810 a provision—title III—which established the Joint Study Committee on Budget Control. In no uncertain terms, Congress gave this committee an urgent mandate to come to grips with the appropriations process and to submit legislation that would materially improve congressional control over the Federal budget. It has been my privilege to serve on this committee and to take an active part in its work this year.

In the current situation, consideration of budget totals and appropriate levels of budget debts or surpluses are thrust upon Congress at times like these when we consider extensions or increases in the public debt limits. But this process does not constitute an adequate substitute for considering and voting on budget totals at the beginning of the appropriations process.

The Joint Committee on Budget Control under the able cochairmanship of the gentleman from Mississippi and the gentleman from Oregon has attacked the task set down before it by Congress. Out of our hearings and discussions on the budget and appropriations process grew the legislation, H.R. 7130, which we introduced on April 18. You are all aware of the provisions of this legislation so I see little reason to discuss its details today. But I think that it is fair to say that many of you share my opinion that this is sound and viable legislation that carries out the responsibilities given to us by the last session of Congress.

The joint committee has met its legislative responsibility on the issue of budget control. Individual Members of the House have indicated their support of this effort to restore to Congress its constitutional powers of budget responsibility by improving and updating our own appropriations procedures.

H.R. 7130 now sits in limbo before the Rules Committee. In the nearly 2 months that it has had H.R. 7130 before it, we have heard only vague promises that it will be considered at some later date. The Democratic leadership of this Congress has been vocal in partisan attacks on the problems of inflation and budget related questions of impoundment. Indeed, I understood that the Rules Committee is now preparing to report an anti-impoundment bill with a spending ceiling amendment—the very issue that prompted the urgency of the congressional mandate to the Joint Study Committee last year. Yet that leadership has proved unresponsive to the demands of both the membership of this House and of the public for needed and effective revamping of the appropriations process and an improvement in congressional control of the budget.

It is time for the leadership of this House to look beyond the narrow focus of some supposedly partisan issue. It is time that they moved past mere criticism to positive, constructive and long range action.

I trust that this measure before us this afternoon will remind the majority leadership of its commitment to the demands of responsible Government spending and an effective Federal budget. It is the time for them to join with their colleagues on both sides of the aisle in providing for immediate hearings on H.R. 7130 to improve congressional control of the Federal budget.

Mr. ULLMAN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want again to commend the gentleman from Pennsylvania for bringing up the subject of the budget.

I also want to express my appreciation to the chairman of the committee, Wilbur Mills, and to the chairman of the Committee on Appropriations, George Mahon, both of whom have been extremely helpful in putting together this recommendation.

Is it not ironic that this debate today, with these few people in the House Chamber, marks the most important economic debate on congressional spending policy that we have during the year? We simply do not have an opportunity here procedurally to act responsibly—on this subject.

What we should have, and what we are recommending in the Budget Committee proposals, is a full-scale economic debate on economic policy, on revenue objectives, on expenditure limitations, and I believe most importantly of all on priorities.

When did a Member of this body ever have an opportunity to go before the House of Representatives and debate and vote on those issues? That is really all we are asking in the Budget Committee proposals.

Now, there have been those who think that this is some kind of a grab for power on the part of a committee or a few Members of Congress, I want to assure the Members that Jamie Whitten and I, having worked so closely with Senator McClellan, Senator Long, Senator Proxmire, all of the Senators that were on the committee in the other body, and with the gentleman from Texas, George Mahon; the gentleman from Pennsylvania, Herman Schneebeli; the gentleman from North Carolina, Jim Broyhill; and the gentlewoman from Michigan, Martha Griffiths; and all of those who were on the committee, that there never was any consideration here as to any kind of concentration of power. Our entire effort was devoted to devising a procedure for bringing to the floor of the Congress a meaningful approach to a congressional budget, an attempt for the first time to put it all together.

Mr. Chairman, when do we ever have an opportunity in the procedures of the Congress to put it all together? That is what this effort is; it is an effort for the first time to establish procedurally a concept of putting the whole package together to form a meaningful national policy.

Let me say that there never has been a time in the history of this country when it was more important that we in the Congress come to a determination on national policy. The country is in trouble. We have far-reaching economic problems; I do not need to reiterate them. We are entering an era when it is becoming almost a necessity that the Congress make its budget decisions in a meaningful way, that we recapture, in fact, the prerogatives that the Constitution intended the Congress to have in forming national economic policy and in determining spending priorities and in establishing a national plan, a national goal.

The major theme in the congressional debate on the public debt limit in the past has been that any increase in the debt was to be deplored, but since Congress already had approved the spending proposals, it could not refuse to pay the bills when they became due. In fact, this was true, but it also was a measure of the weakness of our institutional procedures which made it impossible for us to control our spending. We simply piled one spending program on another without considering the total or its impact on the economy.

As we approach the debt limit today, our situation in many respects is much the same. We know very little as yet about our appropriation and expenditure totals. We know the totals recommended by the President. We also know that the views of the Appropriations Committee as to a number of individual appropriations will soon be reported to the House but on a piecemeal basis. Actually, we have acted on only one appropriation bill to date—our own—and the fiscal year starts in 2½ weeks. We have not debated what the deficit or surplus should be from the standpoint of the economy nor have we considered what our revenues should be in view of the economy or in view of the spending program. To put it bluntly, we have no budget plan of our own. We have only the President's proposal of last January warmed over with his new revenue estimates.

It is true that we may be able to whittle a little bit off here and add a little bit there, but it will still be basically the President's budget plan and not ours. As a result, we are considering a debt limit today which of necessity is based on the President's figures, plans and programs, not our own. The best we can do is hold him to the minimum of what he may need for a few months ahead and then hope we will have enough more information to provide a realistic figure for the rest of the year—but we will be following the President, not setting the pace.

The only difference I can see from the past is a realization, on what I believe is clearly a majority of the House, that we need our own procedures for establishing a congressional budget. As you know, Jamie Whitten and I have had the honor to be cochairmen of the Joint Study Committee on Budget Control, which has presented to the House a procedure for congressional budget control. The bill we introduced to carry out this procedure, H.R. 7130, was referred to the Rules Committee where it currently is waiting consideration. I urge the Members of the House to encourage the Rules Committee to take up the consideration of the bill with the intention of bringing it to the floor before the August recess.

While H.R. 7130 represents the best thinking of our Joint Study Committee, I do not question that it may be improved upon, and I am willing to see compromises adopted in some areas to make sure it is acceptable to a substantial majority of the House. Fundamentally, however, something like the procedures in this bill for budget control and for the making of tough, necessary political decisions must be enacted so that Congress can develop its own budget and set its own priorities within it. Our constitutional responsibility for this role is quite clear, and we have allowed Executive encroachment for far too long.

I do not believe we would be here today with a debt limit based on the President's plans for spending and revenues if we had acted on a procedure for establishing our own budget procedure. The Ways and Means Committee recognized this when in its report on the debt limit it said:

> The committee believes that in the absence at this time of any other means of providing an effective overall congressional control of the budget, it is desirable to use the debt limitation for this purpose to the extent possible. If there were procedures for Congress to establish its own budgetary ceilings with the allocation of the amounts involved to the various programs, the use of the debt limitation in this manner probably would not be necessary. However, in the absence of control of this type, it appeared desirable to your committee to have a tight limitation on the debt in the period immediately ahead, with another review of the budget situation this fall.

I would like to take this opportunity to outline for you in general terms the congressional budget procedure the Joint Study Committee bill would provide.

The bill first of all calls for the creation of budget committees in both the House and the Senate. One-third of the House Budget Committee members would come from the Appropriations Committee, one-third from the Ways and Means Committee and one-third from the legislative committees. The exact proportion of the members to be drawn from the appropriations and tax committees is something that would be modified. I would not object to a ratio of 50–50 between the financial committees and the legislative committees generally.

Both the House and Senate committees would be served by a joint staff headed by a legislative budget director. This is to be a nonpartisan professional staff with the highest qualifications, which would be available to all Members of Congress on questions of the budget.

These budget committees would devote themselves to reporting out an overall legislative budget early each session. This measure would reflect the suggestions and testimony received by diverse groups within Congress and from private organizations. It would also reflect the analysis of the budget committee and its staff.

This measure, in the form of a concurrent resolution, would set the total new budget authority, total outlays, and total revenue to be raised. The same measure would also allocate the spending total among the program categories, reflecting in general the division of the programs among the appropriation subcommittees. This allocation or subdivision of the spending total is particularly important because it is to reflect the congressional review of national spending priorities.

When the resolution reaches the floor, 30 hours are allowed for extended floor debate during which any Member can offer amendments to any part of the resolution. Amendments which result in an increase in any category are to indicate the source of the funds for the increase. This can come from either reductions in other programs or from an increase in the total spending—reflecting either an increase in debt or calling for an increase in taxes. These procedures have been designed to insure that full and open discussions will occur and that Congress can work its will on the budget.

The first concurrent resolution which I have described for you is to be completed by the first of May. Appropriation bills are to follow in the months of May and June. We believe that this can be done since the preliminary committee work on the appropriation bills can be done by that time and the Budget Committee can start public hearings on budget priorities and totals as soon as Congress convenes. In addition, it seems to me that there will be less argument about individual appropriation bills since Congress will have made up its mind in the concurrent resolution on the priorities of different programs.

We recognized the difficulty in completing action on congressional priorities by the first of May, and we have dealt with this problem in the procedures that we set up. It was because of this that we provided for a contingency fund in the first resolution for those areas where decisions have not yet been reached. It is contemplated that specific allocations for them will not be made in the first resolution, and instead, they will be allocated in a second resolution dealt with in July or perhaps September, after Congress has relatively complete information on the affected programs.

The second resolution to be considered in July or September not only would allocate the amounts set aside in the contingency fund but also could change other programs and the expenditure or revenue totals, if the Congress thinks this is appropriate. It would be followed by a wrap-up, or supplemental appropriation bill, specifically providing for the funding of any new programs for which allocations were made in the second resolution.

Another feature of the bill provides that in the concurrent resolution the Congress is to indicate the level of deficit or surplus that it believes is appropriate in view of economic conditions and other important national objectives. If the deficit or surplus that develops in the second concurrent resolution is not the deficit or surplus Congress considers economically desirable, then provision is made for adding to the wrap-up appropriation bill a surcharge to decrease the deficit to the economically desired level or increase the surplus to that level. The Congress can substitute other revenue measures for the surcharge, if this seems appropriate.

It seems to me that the budget control bill gives Congress an unparalleled opportunity to regain from the executive its appropriate control over the pursestrings. I trust that the Congress will not forgo this opportunity because of the difficulties in arriving at a coherent decisionmaking procedure and because of any seemingly temporary advantage the legislative branch may have gained over the executive. We must, and I feel sure we will, grasp this opportunity to restore the congressional control over the fiscal affairs of the Government to the status intended by the Constitution.

I, of course, am aware of the fact that there have been criticisms of the report of the Joint Committee on Budget Control. It seems to me that it is inevitable that improvements can be made in any area which recognizes as many innovative ideas as this includes.

I would like to have it understood that I—and I believe the majority of the members of the Joint Committee on Budget Control agree—do not believe that the bill introduced by the Joint Committee must necessarily be passed in exactly the same form in which it was introduced.

As I have indicated, I, for example, am not opposed to giving the legislative committees equal representation on the Budget Committee with the Tax and Appropriation Committees if this is the will of the Congress. I also am not opposed to the selection of the Democratic members under the regular caucus rules.

I also recognize that it may be desirable to loosen up to some degree the procedures followed in the first resolution to make later changes in this resolution easier for the membership of the Congress as a whole.

I also want it understood that the congressional budget staff would be large enough so that it can be available to all Members of the Congress whether or not they are members of the Budget Committee and that it could be available to them on a confidential basis to assist them in working out alternatives to the congressional budget proposed by the Budget Committee.

I want this procedure to be a true reflection of congressional priority decisionmaking. At the same time, I believe that we should not postpone the consideration of this measure further because of either real or imagined imperfections in the major outline. I think we are entitled to see an honest effort made to work out these differences and to work them out as soon as possible. I believe firmly that a majority of the Members of the House favor a priority budgetmaking procedure along these lines, and I believe that they must be given an opportunity to act on this early in this session of Congress.

Mr. CONABLE. Mr. Chairman, will the gentleman from Oregon (Mr. Ullman) yield?

Mr. ULLMAN. I will be happy to yield to my colleague, the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman, I thank the able gentleman from Oregon for yielding.

It has been said, I think, more often than we need to have it said, that the debt ceiling as a fiscal tool is a crude device at best. I am wondering if the gentleman would feel that if we could adopt the recommendations of the Joint Committee on the Budget, it would be possible for us then with some safety to abandon the debt ceiling device.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. Ullman) has expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I yield further to the gentleman from New York (Mr. Conable).

Mr. CONABLE. Mr. Chairman, it has been said that one of the primary justifications for the debt ceiling review is that it does force us to face up to our fiscal responsibilities and it does provide us with the responsibility of looking at the forest and not just the trees.

Now, the procedure that is recommended—and I support it fully—would provide for a review in, I believe, a much more sensible form. So if the recommendations of this joint committee are adopted, is it not possible that we might not have to go through this annual ritual of the debt ceiling?

Mr. ULLMAN. Mr. Chairman, the gentleman from New York (Mr. Conable) is absolutely right. As a matter of fact, the recommendations as to the level of debt would be incorporated in the budget package. There might still have to be a revision in the statutory limit from time to time, but this then would be perfunctory.

Here we are trying to control the level of spending after the fact, when it is time to pay for the spending. Of course it is not possible to have much impact on spending after the spending has been funded. The time to get hold of the budget process is in its formation.

Mr. Chairman, let me fully agree with the gentleman, that this procedure of ours in the Federal debt ceiling is a meaningless one. It does not give us any chance to responsibly control national policy in any sense of the word. But if we incorporate this in a budget proposal where we establish spending ceilings and revenue obligations, and then in a rational way look at the budget effect and at the debt effect, and in the same process expand the debt, that would be a meaningful act on the part of the Congress.

Mr. CONABLE. Mr. Chairman, I thank the gentleman, and I want to put myself firmly on record as favoring his recommendation as by far a preferable fiscal device for the debt ceiling at this point.

Mr. DENNIS. Mr. Chairman, will the gentleman from Oregon (Mr. Ullman) yield?

Mr. ULLMAN. I yield to the gentleman from Indiana (Mr. Dennis).

Mr. DENNIS. Mr. Chairman, I just did not want to let the occasion of this debate pass without joining my colleagues here in expressing my appreciation as one member who has not had any particular part in the work done by the gentleman and his colleagues on the special Joint Committee on Budget Control.

It seems to me that this is one of the most serious-minded, intelligent efforts to a commonsense approach to this problem. This is probably the most serious common sense approach that I have seen since I have been a Member of this body. I would like to congratulate the gentleman and his colleagues and express the hope that they will be able to persuade the leadership to give their legislation a rule and bring it out for consideration on the floor.

Mr. ULLMAN. I thank the gentleman.

Mr. LEGGETT. Will the gentleman yield?

Mr. ULLMAN. I am glad to yield to the gentleman.

Mr. LEGGETT. I want to commend the gentleman on bringing up the subject of budget control. Certainly the leadership you have given in the development of a format for control of the budget in this House is probably 50 or 100 years late. It is idiotic, I think, that we run this House stacking programs on programs and running the deficit up to a projected $505 billion, which is the budget summary at the end of fiscal year 1974, although it may not be as bad as that in the way it develops.

However, what many of the Members are concerned about is that the committee the gentleman is working on may be dominated by Members who have been around here for a long time and who may be tending to be a little bit conservative and may not have the same ideas as far as priorities of spending are concerned as some of the junior Members of the House who have been here only for 10 or 15 years.

I wonder if the gentleman is as concrete on the makeup of the budget control committee, because that seems to be the key to the program. I know many Members fully support the idea of a balanced budget approach or a controlled deficit approach with some kind of checks and balances but do not want to get the cart before the horse at the beginning of any session of Congress or the midpoint.

Mr. ULLMAN. I am glad the gentleman raised that issue. The important thing here is not the makeup of the Budget Committee or the exact time schedule we worked out. I am certainly flexible on those points. But the important thing is that we have procedures for considering priorities when we bring the matter before the Congress and the Congress can work its will. This will mean that for the first time you as an individual Member can stand up on the floor and make an argument for an expenditure level of *x* number of dollars and a given revenue objective, all at one time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. ULLMAN. What we want is a chance for a meaningful budget debate here on the floor of the House. You do not have any procedures now whereby you as an individual Member can argue national priorities or revenue objectives and expenditure limitations. This would give you that format. The important thing is we bring that kind of matter to the floor under a rule whereby you would have a meaningful debate and Congress could work its will. That is the important thing.

Mr. LEGGETT. If the gentleman will yield further, unfortunately it still happens many times even though a bill comes to the floor and is fully amended, the will of the chairman seems fairly well to dominate. An example of that is the vote that we just had where 236 Members of the House only a few weeks ago voted to review the Office of Management and Budget appointment, including Mr. Ash. Today we get almost the very same issue posed with the Anderson amendment except in the reverse fashion. The chairman was opposed to the amendment and the amendment was defeated, so that the will of the House as expressed a few weeks ago did not effervesce today. That is why I think the form and makeup of the committee is critical, because probably there are going to be only a half a dozen people who are going to be able reasonably to relate priorities.

And the priorities that they relate to and bring to this floor are going to be concrete regardless of whether or not they are overruled.

Mr. ULLMAN. Let me respond to the gentleman that the vote that we have just had was a vote on a rather longstanding principle in the House of Representatives, and that is one of germaneness. We did not at this time vote on the subject of the review of the appointment of the Director of OMB.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. MILLS of Arkansas. I yield 2 additional minutes to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. The membership already expressed its judgment on the issue to which the gentleman from California refers, but now the membership voted its disapproval of a violation of the rule of germaneness in this House of Representatives.

We brought an open rule before this body. I think particularly in view of the precedents that just bringing in an open rule before this body should be enough without having a rule that violates the rule of germaneness.

Mr. LEGGETT. If the gentleman will yield further, I think that where we got the idea that maybe we would have an opportunity to add nongermane amendments was when the chairman of the full committee came before the Committee on Rules and asked for a waiver of points of order for two nongermane amendments, so we took it, then, that nongermane amendments were the order of the day. Unfortunately, that did not prove correct.

Mr. MILLS of Arkansas. If the gentleman will yield, I would like to correct my friend, the gentleman from California (Mr. LEGGETT), and say that the waiver of points of order that we asked for in the Committee on Rules, and that the Committee on Rules granted to us, is always necessary when you amend a statute that, as initially enacted, both authorized and appropriated at the same time.

Any amendment of that statute in the future is subject to a point of order. That is the only way an amendment to such an act can be brought to the House. We did not ask to have a waiver for anything we included in this bill.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. ULLMAN. Would the gentleman from Arkansas yield me 1 additional minute to conclude my statement here?

Mr. MILLS of Arkansas. I yield 1 additional minute to the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, I believe the bill as reported out by the joint committee is a responsible, basically well thought out and worked out proposal. It has been approved unanimously by all 16 Members of the House. The gentleman from Mississippi (Mr. WHITTEN) and I cosponsored it in the House, and jurisdictionally it now is before the Committee on Rules. And with all the sincerity that I have I would urge the Committee on Rules to move expeditiously on this matter, so that the House can work its will.

Certainly the House should work its will on the formation of the new procedures and new committees. There are a couple of amendments that I would join in when the House begins its consideration of the bill. I want to reemphasize that what we have proposed is entirely responsible, and that if we were to adopt it without a single change it would be one of the most responsible acts that this Congress has passed.

But that does not mean that there are not alternatives, and I would be glad, if it would make some of the Members of the House happier, to look at some of the alternatives.

Mr. McCLORY. Mr. Chairman, would the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding. I would like to associate myself with the remarks of the gentleman with respect to the establishment of the Joint Legislative Budgetary Commission.

The CHAIRMAN. The time of the gentleman from Oregon has again expired.

Mr. MILLS of Arkansas. I yield one additional minute to the gentleman from Oregon.

Mr. McCLORY. Will the gentleman yield further?

Mr. ULLMAN. I yield further to the gentleman from Illinois.

Mr. McCLORY. Again I thank the gentleman for yielding.

I would like to say, Mr. Chairman, that my first impression when I arrived here in the House of Representatives was the lack of initiative and control which the Congress of the United States appeared to exercise with respect to the budgetary process. We have deliberately and, I believe, unthinkingly surrendered this authority. It is about time now that we recapture this prerogative, and reassert our constitutional authority with respect to the establishment and administration of the budget. We should provide the machinery for the establishment of a ceiling on spending, and with respect to the determination of an order of priorities.

It seems to me that these and other aspects of good fiscal management are entirely possible through this concept of a Legislative Budget Commission.

I congratulate the gentleman from Oregon and his colleagues who have developed this legislation for presentation, hopefully very soon, to the House for its action.

Mr. ULLMAN. I thank the gentleman from Illinois.

It seems to me that in view of the circumstances this country finds itself in, and the awareness of the people of America of the problems and of our lack of procedures to decide priorities with respect to them that this is far more than just a challenge, and that it is almost a mandate to the House that we act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield to the gentleman from Oregon 3 additional minutes.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. ULLMAN. I yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman's yielding to me. I wish to congratulate the gentleman on his remarks and his answers contained in the colloquy with the gentleman from California. I should like to associate myself with the remarks of the gentleman from Oregon (Mr. Ullman) and commend his leadership in this area of budget reform so vital to the fiscal responsibility of this country.

I should like to ask the gentleman just one question, and that is this: What is the gentleman's guess as to the possibility of a rule being granted on legislation in the near future?

Mr. ULLMAN. Let me clarify the issue. The Committee on Rules has original jurisdiction. They will have to hear the bill and bring out the bill themselves. I have received some assurances that they are considering setting a time certain for consideration of the bill, and I certainly urge the Committee on Rules, the leadership, and everybody in this body to do what they can to accomplish this.

Mr. KEMP. If the gentleman will yield further, I join him in that urging and appreciate very much his comments.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Chairman, I yield myself 1 additional minute.

I yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. I have congratulated the gentleman many, many times for his leadership in this area. But let me ask the gentleman a question. Is it not possible for the Committee on Rules to so report the bill that the House itself could have an opportunity of amending any provisions that are in the bill? If anyone does not like the composition of the budget committees, could not that composition be changed by an amendment before the House if the House wanted to do it?

Mr. ULLMAN. I am glad the distinguished chairman raised the issue. This is all we are asking. We ask that the Committee on Rules work its will and then bring it to the floor for full and open consideration where the House can work its will on all of the procedures. There has not been one single objection that has been raised that cannot be responded to legislatively. I know I have talked to all of the members of the committee. We are all flexible in our approach to the problem. The only thing in adopting amendments that we are going to have to insist on is that on the basic integrity of the proposal; it has got to be meaningful. The budget committee has got to have legislative authority to bring the matter procedurally to the floor, and when the House works its will, it has got to be based upon a rule of responsibility. Otherwise the budget is meaningless.

I yield back the remainder of my time.

Mr. SCHNEEBELI. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Collier), who is not only a valuable member of the Committee on Ways and Means but also did yeoman work on the study on this budget committee which we have been discussing.

Mr. COLLIER. Mr. Chairman, there is one obvious conclusion to be drawn from the discussion we have heard today for the extension of the temporary debt ceiling. It is the simple fact that the fiscal woes which have plagued efforts to achieve proper budget management lie in the lack of adequate congressional control over the budget.

In the 43 years since 1931 the Federal Government has been in a deficit position 37 times. In 32 of these years, budgets were submitted to Congress with a deficit.

The simple fact of the matter is that the increasing size of deficits illustrates the need for Congress to obtain better control over the budget and this cannot be done under the present system of spending more each year than our revenues produce. The device known as backdoor or mandatory spending actions have, in effect, divided the control over spending among numerous committees to a point where today the appropriations committees have effective control over less than 50 percent of the budget.

It is ironical that most Members of Congress have assumed a public position for years of supporting a balanced budget, but most have given little more than lipservice to this pious precept.

This year the Joint Study Committee on Budget Control has issued a report which offers the only hope for curbing this practice using the slang axiom and permitting each Member of this House to put the taxpayer's money where his mouth is. If the bill—H.R. 7130—introduced by the bipartisan Joint Study Committee on Budget Control on April 18 is not reported or is delayed in the Rules Committee because of opposition of the Democratic Study Group, I would suggest to the rest of my colleagues that we do not let this session come to an end without using the discharge petition procedure to bring it to the floor. While this would not be the most desirable route to take in pursuing of the orderly process of legislation, it may be the only one open to those of us who want the opportunity to do what the vast majority of the American taxpayers want—to face up to our responsibility and get our fiscal house in order.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman from New York.

Mr. CONABLE. Mr. Chairman, I would like to thank my friend, the gentleman from Illinois, for yielding to me. I think the gentleman has made a very responsible statement. I would like to ask him about a practice that seems to have sprung up in recent years relating to the extension of a temporary debt ceiling.

Let us assume for instance that the report of the Joint Committee on the Budget study is not adopted and that we go on from time to time raising the debt ceiling. We seem to have yielded to a higher debt ceiling with such reluctance that we are constantly putting it up on a temporary basis, so that when the time expires it reverts to a much lower level. This permits people to add to the debt ceiling bill provisions, political and otherwise, but to which the whole Government is held hostage. I can give the gentleman many examples recently when this was done. An effort was made to do this today. The gentleman will also recall we had a 20-percent social security benefit increase which was attached to an effort to raise the debt ceiling and if we had not done it we would have reverted to the much lower level.

I have personally come to the conclusion if we raise the debt ceiling we should raise it permanently so we will not have this degree of blackmail implicit in our failure to act in timely fashion. Admittedly if expenditures are going beyond the permanent ceiling, that is bad, but it is nowhere near as desperate as it might be to have the legal debt revert to a much lower level. I wonder if the gentleman would comment about that.

Mr. COLLIER. Mr. Chairman, I think the gentleman is eminently correct. The procedure which is now followed with regard to the establishment of a temporary debt ceiling, the extending of it, is simply a routine exercise as it relates proper of debt management. But I agree with everything he has said.

I also agree with what has been stated by my distinguished colleague, Mr. Ullman in his urging that we deal realistically with the problem through the type of proposal that has come out of the joint committee. We then would not have to go through this exercise in the future subjecting this legislation to the type of amendments and political window dressing that has repeatedly occurred in the past in the routine action of increasing the debt ceiling.

Mr. WAGGONNER. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. Vanik).

Mr. VANIK. Mr. Chairman, I just take this time to point out that the debt ceiling that we act on today is only a part of the story, only a part of the total public obligation which fuels inflation and depreciates the dollar. I think my colleagues will agree with my concern about the growth of the Federal borrowing and the Federal responsibilities outside of the debt.

I have a table which I have received from the Office of the Secretary of the Treasury on debt analysis, which points out that the net increase in outstanding debt, excluding public debt securities, in 1972, was $17.9 billion. This will increase in 1973 to $26.5 billion and continues at about that level.

I think that we must realize that there are other factors which affect inflation, interest rates and the national credit. The national credit is very vitally affected by these activities of agencies which are beyond the control of the Congress, who now can issue bonds on which the public has a liability, and they can issue these bonds at their discretion.

Some effort will be made, when we consider the Federal financing bank, to correct this problem, but I think that, practically speaking, that a great deal of the pressure on the money markets today is caused by this borrowing outside of the debt. I think that it is something on which we must legislate.

It is incredible but, according to testimony submitted by Under Secretary Volcker to the House Ways and Means Committee last September, over $27 billion will be borrowed in fiscal year 1973 outside of the debt limit. The authority for borrowing and guaranteeing outside of the debt limit is incredible. The following list includes projected borrowing:

Export-Import Bank—$2 billion in coming years.

Rural Telephone Bank—$100 million.

Postal—$10 billion—$2 billion of which may be bought by Treasury.

Farmers Home Administration asset sales—$3 billion.

Maritime merchant marine bonds—$400 million—1974.

Academic facilities (HEW)—$300 million.

Student Loan Market Association—$1–$2 billion/year.

College housing bonds.

Community debentures—$100 million.

Public housing bonds and notes—$2–$3 billion/year.

Urban renewal notes—235 and 236 housing—several hundred million.

Amtrak.

Washington Metro Authority—$1 billion.

GSA building program—leaseback guarantee—not under debt ceiling.

OPIC—Anaconda and Kennecott losses repaid by notes guaranteed by OPIC.

Economic Development Administration.

Defense Department—occasionally guarantees foreign government borrowing in United States to finance foreign military purchases.

Nurse training program.

SBA guarantees.

FHA—Several billion per year.

This list is incomplete and had to be extracted from testimony before the Ways and Means Committee on September 28. The administration testimony is confusing, incomplete and misleading.

Subsequently, on May 8, I wrote to the Treasury Department and obtained from Under Secretary of Treasury Paul A. Volcker the following table on Federal and federally assisted borrowing from the public other than public debt—Treasury—securities for the fiscal years 1972–74:

	Net increase in outstanding debt—Fiscal years—		
	1972	1973[1]	1974[1]
Securities issued by Federally-sponsored agencies:[2]			
Farm credit system	1.2	1.6	1.8
Federal home loan bank system	−1.5	2.5	3.2
Federal National Mortgage Association	3.5	3.5	3.1
Total sponsored agency issues	3.2	7.6	8.0
Securities issued by Federal agencies:			
Export-Import Bank	−.8	1.5	1.4
U.S. Postal Service	.3		.8
Tennessee Valley Authority	.4	.5	.4
Other	−1.0	−.5	−.1
Total agency issues	−1.1	1.5	2.5
Asset sales by Federal agencies:			
Commodity Credit Corporation		.3	1.0
Farmers Home Administration	1.9	3.5	2.2
Housing and Urban Development	.2	1.1	.3
Veterans Administration	.4	.6	.4
Other	.1	.1	(3)
Total asset sales	2.5	5.6	4.0
Securities guaranteed by Federal agencies:			
Housing and Urban Development:			
Community development notes	0.3	0.7	0.4
Public housing bonds and notes	1.3	1.4	1.6
New community debentures	.1	.1	.1
GNMA mortgage-backed securities[4]	3.4	4.0	4.8
Transportation:			
Washington METRO bonds		.4	.3
Railroad equipment certificates		.2	1.1
General Services Administration: Public building certificates		.6	.5
Commerce: Merchant marine bonds	.2	.1	.2
Total agency guarantees	5.2	7.6	9.1
Obligations guaranteed by Federal agencies but not ordinarily financed in the securities market[5]	8.2	4.2	2.3
Total Federal and federally assisted borrowing (excluding public debt securities)	17.9	26.5	25.9

[1] Estimates.

[2] Reduced by amounts of sponsored agency issues of GNMA mortgage-backed bonds and investments in Federal agency issues.

[3] Less than $50,000,000.

[4] Includes "pass-through" as well as bond-type securities.

[5] Excludes FHA and VA mortgages financed by sponsored agencies or by GNMA mortgage-backed securities. Includes obligations guaranteed by HEW, SBA, Eximbank and other agencies, which are financed in part in the securities market.

Source: Special analyses C and E of the budget of the U.S. Government for the fiscal year 1974.

The Washington Metro Transit Authority, without consulting anyone, last autumn put on the market a quarter billion dollars worth of bonds apparently without any further review by anyone here about whether it was a good time.

We have another area of pressure on public credit. That is the extent of public insurance, guarantees, and government loans. We are moving more and more toward guarantees on loans. In this area, we are close to the trillion dollar mark, or above it.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the distinguished gentleman from Arkansas (Mr. MILLS), chairman of the House Ways and Means Committee.

Mr. MILLS of Arkansas. Actually the contingent liabilities of the Federal Government are above the trillion dollar figure by $129 billion.

I think the gentleman's figures outside this amount are a little high. I think something which the gentleman has referred to, the so-called Federal Financing Bank, involves some debt which is still within the limitation.

If the gentleman will look on page 42 of the Special Analyses of the Budget of the U.S. Government, he will see that for the end of fiscal 1974, the gross Federal debt was estimated at $505,453,000,000.

The Federal debt subject to statutory limit was estimated at $491,587 million, which leaves a figure not within the debt subject to statutory limitation of $13.9 billion. I can remember some several years ago when that figure was $8 billion. It has grown, but it has not grown as fast, apparently, as the debt subject to such limitation.

The figures I am looking at differ, as I read them, from the figures the gentleman has, but the important point, from the gentleman's point of view——

Mr. VANIK. Is the extent of the growth.

Mr. MILLS of Arkansas. That is right.

Mr. VANIK. If we take those figures, it shows $40 billion of borrowing over and above the debt ceiling, to $505 billion.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the distinguished gentleman from Arkansas, the chairman of the Ways and Means Committee.

Mr. MILLS of Arkansas. That is true, but the gentleman knows we have not completed our action with respect to the entire fiscal year in this bill.

Mr. VANIK. That is right.

Mr. MILLS of Arkansas. We do not purport to cause anyone to believe we will get by on $465 billion for the whole year.

Mr. VANIK. I thank our distinguished chairman.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Pennsylvania, the distinguished ranking members of the Committee on Ways and Means.

Mr. SCHNEEBELI. I believe the figures the gentleman is speaking about are very pertinent. I welcome his bringing these up on the floor. These are matters about which we should be vitally concerned.

This is an area, also, in which it is proposed the Budget Committee will act. It will come within its purview and review. This is another argument for the Budget Committee, because this is an area which will be under their jurisdiction.

Mr. VANIK. As the gentleman will recall, I appeared before the Budget Committee and asked that this kind of power be developed, because unless we control borrowing, guaranteeing and insuring we can be offsetting or completely washing out what we do on budget control.

Mr. SCHNEEBELI. This indicates the area beyond the present debt ceiling in which the Budget Committee would serve. I thank the gentleman for bringing it up.

Mr. VANIK. I thank the gentleman.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the distinguished gentleman from Arkansas, the chairman of the Ways and Means Committee.

Mr. MILLS of Arkansas. I remember that the gentleman did appear before the joint committee and made recommendations. There was authority given for the joint committee to exercise control in this very area of contingent debt as a result of the gentleman's recommendation. They will have to do it. The gentleman did accomplish that.

Mr. VANIK. Mr. Chairman, I hope during the course of our discussion on that bill we can work to make its provisions more effective and strengthen them.

Mr. MILLS of Arkansas. The Gentleman understands I am talking about the bill that sets up the joint committee.

Mr. VANIK. Yes, I understand.

I want to point out further that unless we can put a limit on this borrowing, lending and guaranteeing we might negate our work in fiscal management, because what we control by direct appropriations we may be losing control of in the actions of faceless bureaucrats who in their own discretion can decide when to issue bonds, when to issue guarantees, and when to issue assurances that some creditor is going to be paid on his note of obligation by the taxpayers of this Nation.

Mr. Chairman, I certainly hope that with respect to contingent liabilities we will think about building a reserve, on these contingent liabilities. It seems to me we ought to rightfully expect there might be at least a 2 to 5% percent loss.

One of the things we ought to consider, as we appropriate and extend our credit with contingent liabilities, with insurance programs, and with guarantee programs is that at the same time we should consider the possibility of funding a reserve fund of perhaps 5 percent or some appropriate amount which could be used to offset and pay for a serious liability which may develop on any insurance program, guarantee program, or some costly charge that might be made on these responsibilities which would affect the Treasury.

Mr. MILLS of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. VANIK. Yes, I will yield to the chairman of the committee, the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, I agree with my friend, the gentleman from Ohio (Mr. VANIK) that that is a desirable objective. I am concerned, however, as we look at it, with this: I would consider setting up a special reserve to assist us with respect to contingency liabilities where we are not adequately protected now.

But there are problems. Let me cite an example. Rather than to deny eligibility to any American citizen for social security benefits who is not now drawing those benefits, we would have to leave the payroll tax in effect, because those who are presently on the rolls will receive, before they die or become ineligible for benefits, approximately $400 billion over a period of years.

Mr. VANIK. Mr. Chairman, that worries me. However, I was not talking about the social security fund; I was talking about the increasing premiums on insurance and contingent liabilities to develop a reserve fund.

Mr. MILLS of Arkansas. I understand.

Mr. VANIK. I was talking about raising some kind of a reserve fund by putting a charge on those conditions and facilities which are benefited by loan, insurance, or guarantee.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. VANIK) has expired.

Mr. MILLS of Arkansas. Mr. Chairman, I yield 2 additional minutes to the gentleman from Ohio (Mr. VANIK).

Mr. Chairman, will the gentleman yield further?

Mr. VANIK. I yield further to the gentleman from Arkansas (Mr. MILLS).

Mr. MILLS of Arkansas. Mr. Chairman, when we talk about the contingent liabilities, we are talking about such contingent liabilities as this social security liability that I just referred to. We are also talking about the contingent liability to the Railroad Retirement Board, and to the civil service retirement fund. In addition there are also a lot of our guarantees with respect to housing loans, veterans' loans, and the Farmers Home Administration. There are all these kinds of liabilities, but the loss experience with respect to most of them is very small as a percentage of the total outstanding liabilities.

Mr. VANIK. Well, Mr. Chairman, I hope they can be kept at a small percentage so we will not be exposed to any sudden Treasury drain.

Mr. Chairman, I want to thank my distinguished chairman, the gentleman from Arkansas (Mr. MILLS) and the ranking Republican member of the Ways and Means Committee, the gentleman from Pennsylvania (Mr. SCHNEEBELI) for their contributions.

Mr. MILLS of Arkansas. Mr. Chairman, if the gentleman will yield further, I want to thank my friend, the gentleman from Ohio (Mr. VANIK) because he has expressed his great concern in the debate getting to some degree of better control of these debts that are outside this statutory limitation.

I am leaning more and more to the point of view that we should get all of our debts, even though it may be a debt by the TVA or by anybody else, within this limitation. But we would horrify the House, I suppose, if we came back here with a ceiling high enough to include this $13 billion in 1974.

Mr. SCHNEEBELI. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CHAMBERLAIN) a valued member of the committee.

Mr. CHAMBERLAIN. Mr. Chairman, I rise in support of H.R. 8410 which will extend the existing $465 billion debt limitation, until November 30, 1973. Since the authority of the Treasury to meet its obligations vis-a-vis the public debt expires on June 30 of this month, it is critical that we act now to approve this legislation.

The permanent debt limitation under present law is $400 billion and the temporary additional limitation amounts to $65 billion bringing the total overall public debt limit to $465 billion. H.R. 8410 extends this existing level through November 30 of this year. No additional borrowing authority is authorized by this bill even though the administration requested an additional $20 billion in the temporary debt ceiling for the period up through June 30, 1974.

The Committee on Ways and Means gave this request most serious consideration and decided that a simple extension of the existing level—$465 billion—was preferable to any increase. The rationale behind our decision lies in the immediate past performance of the economy, its uncertainty in the next few months, and in the fact that no congressional action has been completed on fiscal year 1974 appropriation bills. In this connection, we concluded that it would be wise to attempt to restrict spending by limiting the borrowing authority of the United States in the near-term and at the same time, insure another review of the entire budget picture within 5 months. I believe this approach makes sense and should be supported.

Another provision in the bill grants the Treasury Department authority to initiate a program of income tax refund bonds for individuals. Under this authority, for tax returns filed on or after January 1, 1974, individual taxpayers who are overwithheld would be offered the option of either cashing in their overwithholdings or allowing these amounts to receive treatment similar to that obtained in a series E savings bond.

In the Revenue Act of 1971, the Congress enacted new withholding rates for individuals in an attempt to eliminate serious underwithholding. While this action apparently corrected the underwithholding problems some taxpayers have experienced, it caused overwithholding for others with the result that significant overwithholding occurred. A major reason for this situation apparently was the preference by many individuals to continue overwithholding as a means of savings.

In view of this result, the committee decided that it would be wise to encourage individual taxpayers who are overwithheld to invest these funds in Government bonds. Under the provision in H.R. 8410, the Treasury Department could issue "check-bonds" for tax refunds. If this check is held for 6 months or longer from its issue date, the check is to become a bond with the same general characteristics as a series E bond and would draw interest from January 1 of the year of issue. The interest rate and redemption procedures will be the same as the series E bond.

I believe this provision will be utilized to a significant extent and will provide many taxpayers with the opportunity to help themselves at the same time they are helping their Government.

Mr. Chairman, H.R. 8410 is a necessary and important bill which must be approved now. Our committee gave careful consideration to its provisions before making its recommendations. I urge my colleagues to support it.

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of H.R. 8410 to extend through November 30 of this year the existing public debt limit of $465 billion. We must take action now in order to insure the ability of our Government to be able to meet its obligations after June 30 of this month.

On its face, H.R. 8410 simply represents a 5-month extension of the public debt ceiling but in reality, it is intended to be more than that.

The Ways and Means Committee hopes that in the absence of any other available mechanism for providing effective congressional control over the budget, the continuation of the public debt ceiling at its present level will serve this purpose. This, Mr. Chairman, is a worthy and necessary objective at this time. As every Member is well aware, our economy is operating in high gear, yet inflation is rampant and shows no signs of improvement. While many factors have contributed to the spiraling prices, excessive Government spending is high on the list of causes and we must at the very least restrict that spending immediately in order to insure against further fanning of the inflationary fires.

Ideally, we should not find it necessary to use legislation of this type for the ancillary purpose of insuring congressional control over the budget. Ideally, the mechanism for doing so—as was recommended by the Joint Study Committee on Budget Control, of which I am a member—would be in place and operational but, unfortunately, we do not yet have those necessary procedural tools functioning. Accordingly, the committee felt that the method offered by this bill represented the only near-term possibility for containing spending and exercising budgetary control.

As the chairman has already stated, H.R. 8410 extends the $65 billion temporary borrowing authority of the Treasury through November 30, 1973. No change is made in the $400 billion permanent debt ceiling. Thus, in this interim period, the overall public debt limitation will remain at $465 billion.

The administration recommended an increase in the temporary borrowing authority of $20 billion through June 30, 1974. That would have meant an overall limitation of $485 billion. The committee considered this proposal very carefully and weighed all the factors involved before deciding to recommend the action contained in H.R. 8410. Central to our decision were the factors I have already discussed but we also believed it necessary for the Congress to have another look at the entire budget situation within the next few months. If, indeed, what is past is prologue, we will have every reason to review our economic position in November.

Since January, we have witnessed significant alterations in our economy—some good, some bad. On the plus side, the fiscal year 1973 deficit in the unified budget is down $7 billion and the estimated deficit for fiscal year 1974 is now $2.7 billion in contrast to the January projection of $12.7 billion. These changes are solely attributable to increased tax receipts.

On the negative side, there has been a disturbing increase in all prices, particularly in the cost of food where the rate of change has topped all other price increases. In addition, there has been renewed speculation against the dollar in foreign currency markets and the price of gold has hit all-time highs.

Other changes have also caused economic analysts to revise their projections for the economy in late 1973 and 1974. For example, in the first quarter of this year, the Gross National Product increased by $43 billion over the fourth quarter of 1972. This rapid increase represents an 8 percent annual rate of increase in real output and a 6.6-percent increase in prices. While many commentators question whether this kind of expansion can continue indefinitely, they also have difficulty predicting just what is in store for the economy in the next 18 months.

This uncertainty about the short-term economic picture, coupled with the fact that Congress has not yet completed action on any appropriation bills, brought the committee to the conclusion that it should recommend a tight rein on the debt limit and then take another look at the situation in the fall. I believe this represents a sound approach.

Mr. Chairman, in addition to the debt extension language, H.R. 8410 contains provisions to permit a limited amount of long-term Treasury bonds to be issued at an interest rate greater than the 4¼-percent ceiling and provides for a procedure whereby the Treasury will be able to issue a tax refund bond similar to existing series E savings bonds for amounts overwithheld by the Department. Both provisions have been explained by the chairman and my colleague from Pennsylvania, the ranking minority member of the committee. I support them fully and urge that the bill, as reported by our committee, be approved.

Mr. FRENZEL. Mr. Chairman, I rise in support of H.R. 8410, the bill to continue the existing temporary increase in the public debt limit through November 30, 1973. That temporary limit is now $465 billion.

I note with pleasure that the committee believes that the current temporary limit need not be increased now, even though the administration had requested an extra $20 billion. Also noted with pleasure is that the committee is admittedly using the debt ceiling as a means for controlling spending, but only because no other control mechanism is now available.

It is also pleasant to hear that improved economic conditions probably mean that no more than $10 billion in extra debt will be needed this year. With a little self-control, and a little economic good luck, we may, in fact, escape any increase at all.

Whatever our economic fortunes, we have no alternative but to pay for the obligations we have all jointly incurred. Nobody enjoys raising, or extending, debt. Nobody here ever gets exactly the spending priorities he desires. But, we all share the responsibility to pay for what we have done.

Last but not least, I commend the individual Members who have labored long and hard to achieve control of spending and taxing procedures. I endorse their work and their product, and hope we will have a chance to vote on their proposal as soon as possible.

Mr. LUJAN. Mr. Chairman, I stand before this body to openly oppose any extension of the national debt. And as I have in the past I rise in personal protest of the size and growth of the debt itself. I cannot in all good faith place additional fiscal burdens on the American people by *endorsing action* that would raise the limit of the national debt to $465 billion.

In the strongest terms I can muster, I stand here to urge my colleagues to consider the burden we are being asked to put on our people.

My opposition to an increase debt limit is strictly pragmatic. I do not think it is in the best interest of the Nation to continue this type of spending. We must rid the Nation now of this cancerous growth of spending before we are destroyed by it. The time to do that is now. The place to do it is right here in the House of Representatives. The way we are spending money is just bad business. No businessman or head of a household could handle his finances like this without being considered completely insane.

As you know, I have long voiced an opinion for a balanced budget. I do not think the Government should be allowed to spend more than it takes in.

To raise the debt limit to $465 billion will result in the spending of more than $25 billion a year in interest alone. To be a little more specific that figures out at a little more than $40,000 per minute in interest payments. Payments for which the American taxpayer gets absolutely nothing. That is not fiscal responsibility.

Extending the debt limit to the requested $465 billion is only adding more fuel to the fire. The least we can do is show our responsibility and not add to the taxpayer's burden.

The United States is at this moment $452 billion in debt. Every year as the reckoning on this debt is brought before the House for an accounting, those of us who believe we should live within our income and begin paying off what we owe are shouted down. Even when the spending bills come back marked "insufficient funds" the answer of the majority in this House is always the same: "Borrow, borrow, borrow, then borrow some more" to pay the interest on what we have already borrowed.

What we should be doing is cutting back on some of the spending habits of this Government. Certainly we should not be giving the various agencies an additional $13 billion to play with.

If a business or individual family followed the same spending practices as does the Government it would soon face economic disaster.

I say to you, Mr. Chairman, and to my colleagues here in the House that we must stop this irresponsible spending before we, too, reach that economic disaster. We are not too far from it at this moment.

I strongly oppose any and all legislation that would allow an extension to the limit of the national debt.

Mr. CAREY of New York. Mr. Chairman, I rise to comment briefly on the bill, H.R. 8410, and to address some specific remarks to the committee amendment which encourages greater participation in the savings bond program by the average American investor.

Once again the administration has requested an increase in the temporary public debt ceiling. This ceiling presently stands at $465 billions, a combination of the permanent ceiling of $400 billion, plus the temporary addition of $65 billion. This total ceiling, incidentally, is an even $100 billion more than when the incumbent President took office. When one looks at the overall economic mismanagement of the economy and the record interest rates and corporate profit levels that obtain in spite of this mismanagement, the full employment budget device has been a smashing success—success for the wealthy; unemployment and despair for the workingman.

The committee has wisely decided, based on figures supplied by the administration itself, that the present temporary level is sufficient to carry the Government through the end of November of this year. I applaud this action by the committee not only for its fiscal rightness but for its political wisdom. Clearly, the only way to come to an understanding with the President on the needs of America and on the proper course for cooperation between the branches of Government in providing for the general welfare, is to send him veto-proof packages which include items the Congress regards as absolutely necessary to responsible Government.

Mr. Chairman, why are we again going through this unpleasant exercise of legislating on the public debt? One would think that, in a period of such rampant inflation, Federal revenues long ago would have reached a surplus position of many billions of dollars. Apparently the historic deficit binge of the last several years, totaling nearly $100 billion, remains with us in the form of a gradually receding hangover.

Clearly Nixon economic mismanagement persists, in spite of rapidly increasing Government revenues. The economy, once released from the mild restraints of phase II, "like a horse full of high feeding, madly hath broke loose and bears down all before him." (Henry IV I:1.) And make no mistake, this horse of inflation is eating the average American out of house and home.

Consumer prices are rising at a 9 percent annual rate, with food leading the parade at an annual rate the highest since the Government began to compile statistics on these items back in the 1950's. The wholesale price index is climbing at an annual 23 percent rate, presaging further jumps in prices the average consumer will pay when these items get to the marketplace. The GNP deflator, our best current measure of inflation, has increased more than 16 percent since Mr. Nixon took office in 1969.

Despite this rampant inflation, the budget deficit in 1972 was $23 billion, compared with a surplus of $3 billion in 1969. And during this time of record-breaking Federal deficits inflation has become increasingly severe. Price increase rates during phase III are more than double the increases prior to the original freeze of phase I. What is the President waiting for? The time for the President to act is now—he must use the powers the Congress has given him and impose an across-the-board freeze on every volatile item in the Nation's economy—with some flexibility to permit the workingman to recover somewhat from the economic clobbering he has suffered from inflation during the last 4 years. This freeze should also be selectively retroactive—rolling back prices of items that have exceeded even the intolerable bounds of recent average price increases.

Clearly someone has been prospering during the Nixon inflation. Substantial, even record, gains have been posted by financial and corporate interests. The prime interest rate has again begun to soar and corporate profits, after taxes, have climbed more than 50 percent since Mr. Nixon took office. The only thing the Nixon administration has succeeded in stabilizing has been the working man's wages. Action, I repeat, must be taken now to restrain the appetite of the horse of inflation. Surely, it is now beginning to join its other apocalyptic brothers, ravaging the land.

Americans should no longer be subjected to an average grocery bill $208 higher than a year ago; a $3,500 increase in the median price of a new home; lumber costs up 30 percent—and all this economic erosion coupled with an unemployment rate that is now at a shocking 5 percent and had averaged approximately 6 percent for over 2 years.

Mr. Chairman, the debt limit bill is admittedly a worthy vehicle to bear discussion of the adminstration's economic mismanagement, but it is also, thanks to the Rules Committee, becoming a worthy vehicle for other must legislation.

One amendment to the bill, added by the Committee on Ways and Means, with the support of the administration, would provide a means of permitting taxpayers to change their income tax refunds into series E Savings Bonds simply by not cashing them.

I am particularly gratified by this amendment since it is precisely what I suggested back in 1972, and as the report on the bill indicates, the committee requested such a recommendation from the Treasury at that time. This device will again permit the average American investor to participate in the Government securities market in a way, and in amounts, not readily available to him now. It will also provide an anticyclical device that will divert consumer purchasing power into savings.

Mr. Chairman, the fact that this amendment has been included in the committee bill is indicative of a great deal more than massive Government overwitholding during the tax year of 1972. It also means that some method must be devised so that the average investor and the average workingman can make an investment in America and not only have that investment adequately protected, but also receive a fair return on that investment. At present, neither situation is the case.

Rate trends for major types of bonds indicate lower yields for U.S. Government securities when compared with corporate and other bond rates. Corporate yields have risen to as much as 8 percent and more during the last 2 months, while taxable Government securities have not risen much over 6 percent. High grade municipal bonds have been yielding a tax-free return of just slightly over 5 percent. How has the average man fared in the securities market? He has been cut out of the Treasury bill market since March of this year, when the Department upped its smallest denomination to $10,000. Also unavailable to the average investor is the tax exempt municipal bond, offered in denomination of $1,000, in lots of five. Savings bonds are perhaps the only Government security available to the small investor.

The committee amendment, following the lines of my earlier proposal, would make it easier to invest in savings bonds at a financial level that is more meaningful. But a restudy and an upgrading of the yield rates on savings bonds is also needed and needed soon. We need to provide better protection to those who invest in America—protection from the comparative unfairness that exists between holders of commercial securities and holders of U.S. savings bonds.

This comparative unfairness has two basic causes: First, the return for those investing in their country is less than the yield in the commercial money market. Present law limits the interest rate on Series E Bonds to 5.5 percent, compared to a prevailing rate of 8 percent in the money market. The second factor which adds to the frustration of the

American who is willing to invest in his Country is, again, inflation.

Despite the fact that Americans have been "bullish" on America and have invested over $58 billion in savings boards, this program is heading for increasingly troubled waters, and, as I mentioned above, the reasons are inflation and low rate of return. Even adding accumulated interest, these bonds are worth significantly less today in terms of purchasing power, than when purchased.

The investor in America is still faced with prices which rose 9.2 percent on an annual basis during the first 3 months of this year. Thus, the economic mismanagement of the administration has made it increasingly difficult for Americans to buy savings bonds. Inflation leaves him with less money to invest and erodes the value of the dollars he does have.

Interest accruing to savings bond holders is continually eroded by inflation and relief looks to be slow in coming. The principal dollar invested, plus the interest dollar received at maturity, have less buying power than did the original dollar invested. This situation simply cannot be permitted to continue—it robs the small investor and will lead eventually to the failure of this type of savings program—to the detriment of the small investor and of the Nation.

Mr. Chairman, this situation needs immediate study and remedy. I am determined to work in behalf of the reform necessary to provide protection to the investor in America—protecting both the original dollar invested and the dollar he has a right to expect in return.

Those who invest in America should receive this increased protection. Action must and will be taken to protect the depredations permitted during the past several years.

The average American should not have to bear the whole brunt of administration policies which provide gains only to the rich through increased corporate profits and interest rates. The economy must be managed in such a way as to provide equal investment opportunities for all Americans—investment made attractive not only through implementation of the savings bond amendment to the pending bill and improving the guaranteed return, but also in managing the Nation's economy in such a way that the little investor is not shortchanged again and again.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to H.R. 8419, the public debt limit temporary increase extension on several grounds. First and foremost, however, is the fact that the fiscal irresponsibility of continuing such a high debt must be stopped. I have opposed so-called temporary increases in the past just as I oppose this one.

President Nixon first came into office with the glowing promises of a balanced Federal budget. He has added more to the Federal debt during his 5 years in office than any other President before him. The trend must be reversed and the way to do it is to vote against this bill.

In addition steps must be taken to cut back on the extensive tax loopholes that permit wealthy individuals and giant corporations to get away with paying little or no taxes.

It is for this reason that I supported efforts earlier today to defeat the previous question and provide for an open rule permitting tax reform amendments to be offered. I regret that the vote was not sufficient to permit the House to consider these two amendments.

The two amendments were very sound. The first would have strengthened the minimum tax by removing the deduction for other Federal taxes paid, by removing the deduction of $30,000 of loophole income and by making the rate progressive by fixing it at one-half the marginal Federal income tax rate. The second would have repealed the asset depreciation range—ADR—system which was designed to stimulate investment in a recession economy. Both these amendments would have brought in an additional $6 billion in Federal revenues.

Let us make no mistake about it. There is no infinite pot of gold in the basement of the U.S. Treasury Building. Every year the special interests come to Washington in increasing numbers—hat in hand—asking for a bigger cut of the taxpayers' dollars. It has just got to stop. The little guy in the middle cannot continue to pay and pay and pay.

I urge my colleagues to join with me in voting against this bill. It is fiscally irresponsible and will only contribute further to the already highly inflationary period we are now experiencing. Let us reverse the trend on the upward spiral of the Federal debt. Let us say no today.

Mrs. HOLT. Mr. Chairman, today the House is considering an extension of the public debt ceiling. I am reluctantly supporting this extension because I realize that it is necessary to meet our commitments for the upcoming fiscal year. However, I think that it is time that this distinguished body must begin to implement ways in which we can effect reductions in the public debt and ways in which we can become more responsible in our considerations of the budget.

Deficit budgets are necessary under certain economic conditions; however, we cannot allow them to become a permanent way of life. There is no question in my mind that this form of financing Government activities is a primary contributor to the accelerated rate of inflation which we have experienced during recent years. For us to articulate concern over inflation while we simultaneously increase Government spending and the resulting deficits is an abrogation of our responsibilities.

I strongly urge that the Rules Committee bring H.R. 7130 to the floor so that we can consider our reform of the budgetary process and so that we can debate our priorities and devote attention to equitable methods of debt reduction. A viable economic climate demands that Government cease living on credit and begin to make expenditures match anticipated revenues.

Ms. ABZUG. Mr. Chairman, I rise in opposition to this bill. I certainly do not oppose additional Federal spending, and have in fact fought hard to prevent Mr. Nixon's cruel cuts in desperately needed domestic programs. I believe that we must be prepared to spend as much as is necessary for such programs as housing, child care, public service employment, mass transit, and pollution abatement. I also think that we can do so without borrowing huge sums of money—a means of raising funds that merely creates an additional burden on the taxpayer because of the great cost of debt service. This sort of device merely adds to the lion's share of the burden already borne by our low and middle income citizens, and we then add insult to injury by spending the money on weapons instead of houses, schools, and child care centers.

There are unquestionably better ways to raise this money. Revisions in the capital gains tax ceiling, in the oil depletion allowance, in the interest-free income from municipal bonds are but a few of the alternative solutions. The repeal of the accelerated depletion range and the tightening of the minimum tax provisions, proposed here today by my distinguished colleague, Mr. REUSS, are others. Also, we must reduce our defense spending and apply that money to the domestic priorities I have mentioned above.

This bill is not a satisfactory solution, even on a temporary basis. I urge its rejection, followed by immediate congressional action on tax reform and a shift of priorities from military to domestic spending.

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Mr. MILLS of Arkansas. Mr. Chairman, I have no further requests for time.

Mr. SCHNEEBELI. Mr. Chairman, I have no further requests for time.

Mr. LEGGETT. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-six Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 218]

Badillo
Beard
Blatnik
Bolling
Brown, Calif.
Carey, N.Y.
Chisholm
Clark
Conyers
Daniels, Dominick V.
Dellenback
Dennis
Diggs
Edwards, Calif.
Erlenborn
Evins, Tenn.
Fisher
Forsythe
Fraser
Hébert
Holifield
Hunt
Jarman
McCollister
Moakley
Nedzi
Pike
Poage
Rees
Reid
Rooney, N.Y.
Rosenthal
Rostenkowski
Ruppe
Ryan
Seiberling
Smith, N.Y.
Stanton, James V.
Steed
Steelman
Teague, Tex.
Tiernan
Waldie
Wilson, Charles H., Calif.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 8410, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 389 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 8410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Act of October 27, 1972, providing for a temporary increase in the public debt limit for the fiscal year ending June 30, 1973 (Public Law 92–599), is amended by striking out "June 30, 1973" and inserting in lieu thereof "November 30, 1973".

SEC. 2. The last sentence of the second paragraph of the first section of the Second Liberty Bond Act, as amended (31 U.S.C. 752), is amended to read as follows: "Bonds authorized by this section may be issued from time to time to the public and to Government accounts at a rate or rates of interest exceeding 4¼ per centum per annum; except that bonds may not be issued under this section to the public, or sold by a Government account to the public, with a rate of interest exceeding 4¼ per centum per annum in an amount which would cause the face amount of bonds issued under this section then held by the public with rates of interest exceeding 4¼ per centum per annum to exceed $10,000,000,000."

SEC. 3. (a) Section 22 of the Second Liberty Bond Act, as amended (31 U.S.C. 757c), is amended by adding at the end thereof the following new subsection:

"(j) (1) The Secretary of the Treasury is authorized to prescribe by regulations that checks issued to individuals (other than trusts and estates) as refunds made in respect of the taxes imposed by subtitle A of the Internal Revenue Code of 1954 may, at the time and in the manner provided in such regulations, become United States saving bonds of series E. Except as provided in paragraph (2), bonds issued under this subsection shall be treated for all purposes of law as series E bonds issued under this section. This subsection shall apply only if the claim for refund was filed on or before the last day prescribed by law for filing the return (determined without extensions thereof) for the taxable year in respect of which the refund is made.

"(2) Any check-bond issued under this subsection shall bear an issue date of the first day of the first calendar month beginning after the close of the taxable year for which issued.

"(3) In the case of any check-bond issued under this subsection to joint payees, the regulations prescribed under this subsection may provide that either payee may redeem the bond upon his request."

(b) The amendment made by subsection (a) shall apply with respect to refunds made after December 31, 1973.

Mr. MILLS of Arkansas (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

AMENDMENT OFFERED BY MR. LEGGETT

Mr. LEGGETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEGGETT: Page 1, line 7, strike "November 30, 1973" and insert "September 30, 1973".

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, the amendment which we have here is very simple. It is almost the only amendment under the rule as revised by the votes we have had here this afternoon which is germane. I do not purport to change the amount of the temporary debt limit, which has been suggested in this bill as $465 billion, but I do purport to change the date from a 5-month extension to a 3-month extension.

Very frankly the reasons why I do that are very obvious to many. I think many of us recognize that the debt limit bill is one of the primary bills that moves through this Congress. It is the bill we need to keep the Government machinery oiled and going. I think we would make a disastrous mistake if we were ever to take the President off this tether where we do have some control over the borrowing power of the administration.

The administration, as I have indicated previously, absolutely needs this bill, needs the authority to cash $400 million worth of bonds every month that were purchased during World War II or shortly thereafter, and if they do not have that authority they have got to come back to Congress and get it.

We have had a rather disastrous relationship with the President of the United States, and I am addressing myself now to the gentleman on the majority side.

We have had some 34 bills vetoed, as I have indicated previously. We have only been able to override those vetoes in the past 2½ years on four occasions. We have had, in fact, a small minority of the House and Senate who have actually dictated policy in a great number of areas.

I think that to have this many vetoes is not in the public interest or in the congressional interest.

We have got some $18 billion worth of funds in contract authority which is currently impounded, which is not being exercised, in spite of the fact that we have got some $5 or $10 billion worth of additional income which has recently been reported by the administration. There is no effort to modify the earlier limitations on spending which have been announced rather dogmatically and autocratically by the Office of Management and Budget and by the President.

We have got a number of bills coming up. The bill which was passed out of the HEW subcommittee chaired by Mr. FLOOD is going to be going to the full committee over the next several weeks. This bill includes money for OEO; it includes money for impact aid, as I understand, some 68 percent; includes money for the regional medical programs and is $1.6 billion over the President's budget.

I anticipate that the Committee on Appropriations is going to pass that bill. It is going to pass in probably a more jumbo fashion perhaps on the floor of the House, and clearly the Senate will add more money to it. The bill will go to the President. He will veto it. It will come back to the floor and we will back to square one and be without a HEW bill for next year. We are going to start the same kind of negative marathon we have had over the past year, where it is the blind leading the dull and uninformed.

I think there is a way we can guard against that. There is only one shock point that we have, only one bit of authority that this Congress has over the President of the United States. Members can say that this is gut fighting or dinner politics or blackmail or say what they wish, but I think before November 30, we ought to have an opportunity to review by simple majority vote the vetoes that are going to be cast by the President of the United States.

If his past procedure is carried out over the next 3 or 4 months, he is going to have a number of vetoes. His average has been about one or two per month. We should have an opportunity to do what the Committee on Rules suggested that we originally do today. That is, review by majority vote the referendum we wanted on the appointment of Roy Ash as Director of the Office of Management and Budget.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LEGGETT. Mr. Chairman, I ask unanimous consent that I be permitted to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. KING. I object.

The CHAIRMAN. Objection is heard.

Mr. MILLS of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I can well understand my friend's interest and desire to hold in hostage this particular subject matter in order that we may have another opportunity to add nongermane material when it comes to the floor of the House the next time, but the decision of the House today would lead one to believe that it might not be possible sometime down the road.

Mr. LEGGETT. Mr. Chairman, would the gentleman yield for a question?

Mr. MILLS of Arkansas. I yield to the gentleman from California.

Mr. LEGGETT. Mr. Chairman, might not the posture of the House be different sometime down the road, say in 3 months, were we to have say three vetoes and have action by the Democratic caucus, and were we to have very concerted effort by the leadership of this House? Might not then at that point we would be interested in having other gentlemen's assistance in nongermane amendments to this bill?

Mr. MILLS of Arkansas. I would leave that to my friend's judgment. Certainly his judgment on the subject would be as good as mine. I never can predict, really, what will happen 3 months in the future.

At any rate, let me call the attention of my friend to one thing which I do not know whether he has properly considered. It is the intention of the Committee on Ways and Means to begin, as soon as we return after the August recess, its consideration of tax reform. I have said that many, many times. That is still the program of the committee. If it were not for the fact that we are taking off the entire month of August the committee in all probability would begin that consideration around the 1st of August.

What the gentleman is doing, and I know he does not intend it, for certainly the gentleman is much interested in tax reform, is causing us to break right into the middle of it, if we adopt the amendment and have to pass legislation, say, by the first, second, or third week in September in order for the Senate to have an opportunity to consider it. This would be breaking right into the period we are marking up a bill on tax reform and delaying that matter, and perhaps making it less likely that the committee could bring to the floor of the House a bill reforming the tax laws before the Congress adjourns.

We have to go through hearings on these matters, and if we have to go through a long fight in the House, such as we had today with respect to a decision of the House on nongermane amendments, I do not know what would happen.

In addition, we do not know whether the President would veto such a bill. If he had another bill appended to it, he might see fit to veto it. He might not. But if he did, then we would have to go through this operation again.

I hope my friend will recognize the point I am making, because I know he is so interested in tax reform. I am certain he does not want the committee to be further delayed than it already has been with respect to that matter.

I wish my friend would be patient with us. We will probably come back toward the end of October with a debt limit bill anyway. The President might veto three bills by September 30, and my friend might want to add six more he vetoes in October as nongermane amendments.

I believe the gentleman can still hold the matter as hostage and still have an opportunity to exercise his point of view and obtain the approval or disapproval by the House of it, if the amendment is defeated, just as easily as he could if the amendment succeeded and carried.

Mr. SCHNEEBELI. Mr. Chairman, will the gentleman yield?

Mr. MILLS of Arkansas. I yield to the gentleman from Pennsylvania.

Mr. SCHNEEBELI. I agree with the position stated by the gentleman from Arkansas, the chairman of the committee.

I rise in opposition to the amendment. It seems to me the longer period of time we have as a control of the expenditure, the more effective our legislation is. If we have it for 5 months instead of 3 months, this is an additional period during which we can control spending, an additional period of time of 2 months.

It will be very precarious for the Treasury Department to conform to our restrictions, and the longer the period the better.

Mr. MILLS of Arkansas. I would hope that my friend, if I could appeal to his great judgment and wisdom, would withdraw his amendment. I believe it would work directly to the opposite effect of what he wants.

Mr. LEGGETT. Mr. Chairman, I know the gentleman probably made his last point facetiously.

Is it not true that of all the bills the President might veto this probably is the least likely candidate, and therefore if we want to maintain some power in the Congress and some interrelation with the Chief Executive, is this not the best vehicle, so-called, to keep our powder dry in the Congress, so that we can deal with the President and maintain some of the powers set forth in article 1 of the Constitution?

Mr. MILLS of Arkansas. The gentleman can keep his powder dry for 5 months as well as for 3 months.

Mr. Chairman, I am saying that it does not make any difference whether the bill is extended to November 30 or September 30.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on this subject matter most of us fear even getting near the water. But I find that if we really want to learn about it, it is not too difficult a subject. It is not deep and mysterious; it is just something that any little ordinary guy like myself can learn a great deal about.

Mr. Chairman, in reading some of the past history of this country and some of the testimony that has been given before the committees of this Congress, I discovered that probably what we need is just to quit doing the same old thing. Let us do what should be done and what should have been done in the past.

We discovered that we could draw up paper money and get away from hard currency.

A long time ago many economists held to the fact—and it is not fiction—the following:

> Government possessing the power to create and issue currency and credit as money and enjoying the right to withdraw both currency and credit from circulation by taxation and otherwise, need not and should not borrow capital at interest as a means of financing governmental work and public enterprise. The government should create, issue and circulate all the currency and credit needed to satisfy the spending power of government and the buying power of consumers. The privilege of creating and issuing money is not only the supreme prerogative of government but it is the government's greatest creative opportunity. By the adoption of these principles, the long-felt need for a uniform medium will be satisfied. The taxpayers will be saved immense sums of interest, discounts and exchange. The financing of all public enterprises, the maintenance of stable government and ordered progress and the conduct of the treasury will become matters of practical administration. The people can and will be furnished with a currency as safe as their own government. Money will cease to be master and become the servant of humanity. . . .

The taxpayers will be saved immense discounts in exchange. The financing of our public enterprise, the maintenance of a stable Government, ordinary progress, and the conduct of the Treasury will become matters of practical administration. The people can and will be furnished with currency as safe as their own Government, and there is not anything behind this debt but the credit and the faith of this Government.

This debt that we have is less than the amount of money that has been paid by this Government for interest alone on the borrowings it has made.

Mr. Chairman, money will cease to be the master of our destinies and will become the servant of humanity.

Anyone who proposes an outright issue of money to finance Government runs smack into an inventory of invective kept on hand by the superbanking fraternity.

It is not any kind of an ordinary situation, but, rather, it is a big and a mighty one in the country.

Mr. Chairman, I relate now to the testimony given to the Finance Committee by Thomas A. Edison and Henry Ford when they proposed that $30 million for Muscle Shoals be financed with interest, with currency and exchange produced by Government itself instead of buying debt when you issue bonds at interest.

What happened? They were laughed out of court, and every paper ridiculed them. And Henry Ford, himself, and Thomas Edison said:

> We will pay the entire cost of Muscle Shoals. We will hold the paper without interest, and when you pay it back, we will give you the deeds to the property in the hands of the people.

These are expenditures that belong to the public domain, and we are paying tribute every time that they come into this Congress of ours and raise the debt limit. And what else do we do when we raise the debt limit?

Henry Ford and Thomas A. Edison recommended that the big Muscle Shoals project be developed with the issuance of $30 million in currency.

Edison said:

> Under the old way, any time we wish to add to the national wealth we are compelled to add to the national debt.
>
> Now, that is what Henry Ford wants to prevent. He thinks it is stupid and so do I, that for the loan of $30 million of our own

> money, the people of the United States should be compelled to pay $66 million—that is what it amounts to—with interest. People who will not turn a shovelful of dirt nor contribute a pound of material will collect more money from the United States than will the people who supply the material and do the work. That is the terrible thing about interest. In all our great bond issues the interest is always greater than the principal. All of the great public works cost more than twice the actual cost on that account. Under the present system of doing business we simply add 120 to 150 percent to the stated cost.
>
> If our nation can issue a dollar bond it can issue a dollar bill. The element that makes the bond good, makes the bill good also. The difference between the bond and the bill is that the bond lets the money brokers collect twice the amount of the bond whereas the currency pays nobody but those who directly contribute to Muscle Shoals in some useful way.

American Bankers Association members came up fighting from their chairs on that one. "We must combat this most damnable propaganda which threatens to disrupt the stability of our currency system," became the outcry. Financial "experts" ridiculed the plan, stating that Edison "lacked instruction in the elementary principle of economics and money."

The position that epithets put Edison in was the same one under which Carl Wilken suffered most of his adult life. The New York Times said:

> The experts and the bankers who conduct finance in Wall Street and writers who report finance in the newspapers all were at one opinion about Edison. It was the only thing about which they could agree perfectly; namely, that he hadn't the remotest idea of what he was talking about.

And yet Edison was right.

A permanent, non-interest-bearing money no longer figures. The law nowadays proceeds with vengeance against a counterfeiter, but permits banks to create money by wholesale lots and lend it at interest. A recent issue of the Wall Street Journal best described the process:

> The process is simplest when the open market staff at the Fed's New York district bank buys, for instance, $1 million of securities from a big commercial bank in New York. To pay for them, the Federal men simply add $1 million to the "reserve account" that commercial bank has at the Federal bank; or when the $1 million check is deposited by a dealer in his bank account, that bank also gets the $1 million addition to its reserve account as it sends the check back to the Federal bank.
>
> This sets the stage for the multiplication of money. It comes about because the Federal regulations require commercial banks to keep idle as reserves only a fraction of the customer's deposits they receive. Assuming that the reserve requirement is 15%, a bank receiving a check for $1 million needs to keep only $150,000 of reserves behind the deposit. So, it suddenly has $850,000 of "excess reserves" that the profit motive usually impels it to lend. Here's where the money creation process begins in earnest.
>
> The bank lends $850,000 by adding that sum to the borrower's checking account on its books. When the borrower spends this money, the check he writes soon winds up in another bank, giving that bank new ability to lend all but the 15% it must keep as reserves. As the process progresses, Federal theoreticians say, the initial $1 million of new reserves evidently supports an extra $6.7 million of checking-account deposits.

Gold is barbaric because it bears no interest. Worsening raw material prices bring on borrowing, and borrowing brings on credit creation, or a bigger interest-bearing money supply. As defined by the Federal Reserve Bank of St. Louis, the money stock toward late 1970 was $207.1 billion, $55 billion of which was currency. The billions in CD's were not counted, nor were the billions in savings deposits, although a mature sense of values would seem to insist that savings and short-term bonds are money in circulation.

Permanent money is considered barbarous simply because it bears no interest. Credit money deserves that title because it requires a subtle form of slavery. And until governments learn to create interest-free money, gold deserves a nonpareil rating. History has shown that when silver and gold supplies increased, economic activities got a shot in the arm. The gold standard per se went down the drain with World War I. For one thing, foreign deposits were blocked and other sticky situations came into being.

Interest sits down at the table and eats three meals a day, 7 days a week, taking the first bite. There just is not any way around the arithmetic of compound interest.

Let me show what we do. If our Nation can issue a dollar bond, it can issue a dollar bill. It is that simple. The bond is a promise to pay on the part of the Government, and the dollar is a promise to pay on the part of the Government. A bond issue will do exactly the same thing in the marketplace. It is used to purchase goods and services. Then what happens? On the other hand, we try to satisfy the insatiable appetite of interest—interest that sits down three times a day and 7 days a week and every day of its life eating.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LEGGETT).

The amendment was rejected.

Mr. GROSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a question I should like to ask of the distinguished gentleman from Arkansas (Mr. MILLS).

What is the amount of the present Federal debt that is subject to the debt ceiling?

Mr. MILLS of Arkansas. Subject to the debt ceiling?

Mr. GROSS. Yes.

Mr. MILLS of Arkansas. It is $455 billion now.

Mr. GROSS. Well, it was between $457 billion and $458 billion on June 1, according to the Treasury statement.

Mr. MILLS of Arkansas. That is true. But it has fallen since then and bear in mind that revenues come in in sizable amounts during the month of June.

Mr. GROSS. And the gentleman thinks that with an extension of the present debt ceiling of $465 billion to November the amount of the debt subject to the ceiling will not exceed $465 billion in the meantime? Is that correct?

Mr. MILLS of Arkansas. In my judgment, of the actual debt, allowing for $4 billion of cash on hand, does not need to exceed the $465 billion between now and November 30.

Mr. GROSS. Do we presently have $4 billion in cash on hand?

Mr. MILLS of Arkansas. Yes, and let me give the gentleman this figure. If the Secretary has $6 billion cash on hand on June 30 next, the Treasury estimates the debt then will be $455 billion. So the $10 billion difference is sufficient for this 5-month period with the revenues that will come in in September and October and November to enable us to go through November 30, except that on two occasions, August 31 and November 30, the Secretary of the Treasury, in order to have $465 billion of debt outstanding, would have only $4 billion of cash on hand on those two occasions.

Mr. GROSS. Then, Secretary of the Treasury Shultz, when he appeared before the Committee on Banking and Currency earlier this year and suggested an increase in the debt ceiling, was not exactly correct when he said that as of that time this Government was broke?

Mr. MILLS of Arkansas. I do not know what definition he used for the word "broke." I do not think the Government is broke by any means. I think the Government can go broke at some time in the future in the sense that the values by which we measure things would become meaningless, if we do not change some of our actions.

Mr. GROSS. I listened intently to the exchange between the gentleman from Arkansas (Mr. MILLS) and the gentleman from Ohio (Mr. VANIK) a little while ago with respect to the debt of this country, and I know that recently the net public and private debt of this country as of December 31, 1972, was stated to be $2.3 trillion.

Mr. MILLS of Arkansas. This figure of $1.2 trillion was the contingent debt of the United States. But we are making large interest payments. The Federal Government probably this year will pay out in interest to all holders of its debt obligations approximately $27.5 billion.

Mr. GROSS. How long does the gentleman think that we can keep up this race between inflation, with the dollar becoming more worthless all the time, and the retention of any kind of debt ceiling?

Mr. MILLS of Arkansas. Longer than some people think, and not quite as long as others think.

Mr. GROSS. On that note I will yield back my time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, pursuant to House Resolution 437, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS of Arkansas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 261, nays 152, not voting 20, as follows:

[Roll No. 219]

YEAS—261

Abdnor
Alexander
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Arends
Armstrong
Baker
Barrett
Bell
Bergland
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Brasco
Bray
Breaux
Breckinridge
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Carey, N.Y.
Carter
Casey, Tex.
Cederberg
Clancy
Clark
Clausen, Don H.
Clay
Cohen
Collier
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
Delaney
Dennis
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Edwards, Ala.
Eilberg
Esch
Eshleman
Evins, Tenn.
Findley
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Forsythe
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gettys
Gibbons
Gilman
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harsha
Harvey
Hastings
Hawkins
Hébert
Heckler, Mass.
Heinz
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hutchinson
Jarman
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, Okla.
Jordan
Karth
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kuykendall
Landrum
Lehman
Lent
Litton
Long, La.
McClory
McCloskey
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Melcher
Metcalfe
Mezvinsky
Milford
Mills, Ark.
Minish
Mink
Minshall, Ohio
Mitchell, N.Y.
Mollohan
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nelsen
Nix
O'Brien
O'Hara
O'Neill
Passman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rees
Regula
Reid
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Rooney, Pa.
St Germain
Sarasin
Schneebeli
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Iowa
Snyder
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Sullivan
Symington
Talcott
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Walsh
Ware
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Winn
Wyatt
Wydler
Wylie
Young, Alaska
Young, Ill.
Young, S.C.
Young, Tex.
Zablocki
Zion

NAYS—152

Abzug
Adams
Addabbo
Anderson, Calif.
Ashbrook
Ashley
Aspin
Bafalis
Beard
Bennett
Bevill
Biaggi
Blackburn
Bowen
Brademas
Brinkley
Brooks
Broyhill, N.C.
Burgener
Burke, Fla.
Byron
Camp
Carney, Ohio
Chappell
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Conlan
Conyers
Crane
Daniel, Dan
Daniel, Robert W., Jr.
de la Garza
Dellums
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Drinan
Eckhardt
Evans, Colo.
Fascell
Foley
Ford, William D.
Fountain
Gaydos
Giaimo
Ginn
Goodling
Gross
Gunter
Haley
Hansen, Idaho
Harrington
Hays
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hudnut
Hungate
Hunt
Ichord
Jones, N.C.
Jones, Tenn.
Kastenmeier
Ketchum
Kyros
Landgrebe
Latta
Leggett
Long, Md.
Lott
Lujan
McCormack
Madden
Mathis, Ga.
Meeds
Michel
Miller
Mitchell, Md.
Mizell
Moakley
Montgomery
Moorhead, Calif.
Myers
Nichols
Obey
Owens
Parris
Patman
Pike
Podell
Powell, Ohio
Price, Tex.
Quillen
Randall
Rangel
Rarick
Reuss
Riegle
Roberts
Robinson, Va.
Roe
Rogers
Roncallo, N.Y.
Rose
Rosenthal
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
Ryan
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Schroeder
Seiberling
Shoup
Shuster
Sikes
Spence
Staggers
Stark
Steiger, Ariz.
Stokes
Stuckey
Studds
Symms
Taylor, Mo.
Taylor, N.C.
Thompson, N.J.
Udall
Veysey
Wampler
Whitten
Wilson, Charles, Tex.
Wolff
Wright
Wyman
Yates
Yatron
Young, Fla.
Young, Ga.
Zwach

NOT VOTING—20

Badillo
Brown, Calif.
Chamberlain
Chisholm
Daniels, Dominick V.
Dellenback
Edwards, Calif.
Erlenborn
Fisher
Goldwater
McCollister
Poage
Roncalio, Wyo.
Rooney, N.Y.
Rostenkowski
Ruppe
Smith, N.Y.
Steelman
Waldie
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rostenkowski for, with Mr. Badillo against.

Mr. Rooney of New York, for with Mr. Roncalio of Wyoming against.

Mr. Steelman for, with Mr. Waldie against.

Mr. Chamberlain for, with Mr. Brown of California against.

Mr. McCollister for, with Mrs. Chisholm against.

Mr. Erlenborn for, with Mr. Goldwater against.

Until further notice:

Mr. Dominick V. Daniels with Mr. Wiggins.

Mr. Edwards of California with Mr. Ruppe.

Mr. Fisher with Mr. Smith of New York.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FULTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT BY THE MAJORITY LEADER

Mr. O'NEILL. Mr. Speaker, I take this time to advise Members that arrangements have been made for Dr. Henry Kissinger to meet with Members tomorrow, June 14, at 11 a.m. in the Foreign Affairs Committee room, 2172 Rayburn House Office Building, to discuss the Paris communique issued today and answer any questions Members may have on this subject. Due to the limited space, the meeting will be for Members only.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT EXTENSION

Mr. McSPADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 432 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 432

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3926) to extend the National Foundation on the Arts and the Humanities Act. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against section 2 of said substitute for failure to comply with the provisions of clause 4, rule XXI are hereby waived. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instruction. After passage of H.R. 3926, the Committee on Education and Labor shall be discharged from the further consideration of the bill S. 795, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and insert in lieu thereof the provisions contained in H.R. 3926 as passed by the House.

The SPEAKER. The gentleman from Oklahoma is recognized for 1 hour.

Mr. McSPADDEN. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Illinois (Mr. ANDERSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 432 provides for an open rule with 1 hour of general debate on H.R. 3926, a bill to extend the National Foundation on the Arts and Humanities Act.

The rule provides that it shall be in order to consider the amendment in the nature of a substitute now printed in the bill as an original bill. All points of order against section 2 of the substitute for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House of Representatives—prohibiting appropriation language in a legislative bill—are waived.

H.R. 3926 extends the National Foundation on the Arts and Humanities and its two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities. The purpose of the endowments is to complement and add to programs for the advancement of the humanities and the arts by local and State agencies.

During the past 3 years, the programs supported by the endowments have been directed toward making the arts available to a wider audience, assisting cultural institutions, and encouraging the creative development of artists.

After passage of H.R. 3926, it shall be in order to move to strike out all after the enacting clause of S. 795, and insert in lieu thereof the provisions contained in H.R. 3926 as passed by the House.

Mr. Speaker, I urge adoption of House Resolution 432 in order that we may discuss and debate H.R. 3926.

Mr. GROSS. Mr. Speaker, will the gentleman from Oklahoma yield?

Mr. McSPADDEN. I yield to the gentleman from Iowa.

Mr. GROSS. If the gentleman explained the reason for the waiver of points of order on this rule. I failed to hear it.

Mr. McSPADDEN. The gentleman is eminently correct. All points of order against section 2 of the substitute for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House, are waived, which has to do with prohibiting appropriation language in legislative bills. Is that what the gentleman has reference to?

Mr. GROSS. Then there is an appropriation in the bill?

Mr. McSPADDEN. Yes, sir.

Mr. GROSS. I thank the gentleman.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in further reply to the gentleman from Iowa (Mr. GROSS), I am informed by counsel that on page 7, subsection (D)(3), beginning on line 6 of that page, there is language which reads:

> Of the sums available to carry out this subsection for any fiscal year, 75 per centum shall be allotted among the States which have plans approved by the Chairman, in equal amounts, except that each State shall be allotted at least $200,000.

This is a new, basic change in the law on the Arts and Humanities.

In addition to that, because it does involve a reallocation of funds under the rule cited, rule XXI, clause 4, it would be necessary to waive points of order.

Likewise on that same page, subsection (4)(A), which begins, "Amounts made available for any fiscal year under this subsection shall be used to pay not more than 50 percentum," and so on; that is a reallocation involving a waiver for the same reason. And on page 8, subparagraph (B), beginning in line 5, "Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not granted to the State prior to sixty days prior to the end of the fiscal year for which such sums are appropriated shall be available for making grants to regional groups." As I understand it, this is also one of these reallocations of funds involving moneys that might possibly be in the pipeline, and it, therefore, requires a waiver.

Other than that, with respect to the amount of the authorization, we were informed in the Committee on Rules that this is the figure the administration has requested in its budget, its January budget message, $145 million for fiscal year 1974. The Committee on Education and Labor has left the authorization open-ended for fiscal year 1975 and 1976 because of its inability to determine what the costs of these programs would be for these 2 fiscal years, because of the growth that is taking place.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I am glad that the gentleman pointed out that this is open-ended, and as I understand it, the other body—sometimes known as the "upping" body—has already agreed on something like $300 million for 1975 and $400 million for 1976. This is a program that started in fiscal year 1966 with a total appropriation, as I recall, of $5 million.

It went to about $80 million in this fiscal year and under the terms of this bill would go to about $145 million, which is, believe me, something of an increase. This thing is fast approaching the stage of being in orbit.

Mr. ANDERSON of Illinois. Mr. Speaker, there seems to be a growing appetite for culture in the country. Some people think it is good, I guess, and some people think it is bad.

Mr. GROSS. Mr. Speaker, do I understand this bill is supported by the administration?

Mr. ANDERSON of Illinois. Yes, that is my understanding. Yes, indeed.

Mr. GROSS. Well, I wonder if there is anyone here who can tell me whether the administration will be satisfied with $145 million, almost double the amount for the current fiscal year.

Mr. ANDERSON of Illinois, Mr. Speaker, I should add, with reference to the question of the gentleman from Iowa (Mr. GROSS) that my report indicates that no departmental letters are contained in the report of the Committee on Education and Labor, but we were told that the administration figure is $145 million, so I assume that they approved of the bill.

Mr. GROSS. Mr. Speaker, this is the same administration that has been impounding funds and instituting cutoffs and cutbacks of other funds, except for the arts and humanities, whatever that is. I wonder if the gentleman would yield further, so I may inquire of the gentleman from Indiana (Mr. BRADEMAS).

Mr. ANDERSON of Illinois. I yield to the gentleman from Iowa, Mr. GROSS).

Mr. GROSS. Mr. Speaker, I wonder if the gentleman from Indiana (Mr. BRADEMAS) can tell us whether the administration will be satisfied with $145 million next year, and $300 million in 1975 and $400 million in 1976.

Mr. BRADEMAS. Mr. Speaker, this is the first time, I might say to my friend, the gentleman from Iowa (Mr. GROSS), that I have been asked to explain the thinking of this administration.

Mr. GROSS. The gentleman must include them somehow or other in his thinking.

Mr. BRADEMAS. Mr. Speaker, I would hope that the gentleman from Iowa (Mr. GROSS) would turn his request in to a Member from the side of the aisle which is represented by the administration.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield further to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I would like to ask the gentleman from Indiana (Mr. BRADEMAS) where this bill originated.

Mr. BRADEMAS. Mr. Speaker, the bill originated with a legislative proposal by President Nixon, as well as by bills introduced by Members of the House, both Democrats and Republicans, as well as in the other body.

Mr. GROSS. And it came out of the committee of which the gentleman is a member?

Mr. BRADEMAS. I am delighted to say that it was reported favorably by the subcommittee which I have the honor to chair, without a single dissenting vote from either the majority or minority members, and it won such widespread support of the full Committee on Education and Labor that it was approved by a voice vote.

Mr. GROSS. So it is pretty clear the gentleman is on the same wavelength as the administration.

Mr. BRADEMAS. I am delighted to say for the first time this year I find myself enthusiastically on the same wavelength as the administration.

Mr. GROSS. And all in behalf of the arts and humanities. Is that correct?

Mr. BRADEMAS. The gentleman is correct.

Mr. ANDERSON of Illinois. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I appreciate the gentleman yielding.

I would say to the distinguished gentleman from Indiana and my friend, who heads up the subcommittee that as one member of the full committee, I opposed the excessive level of authorization in committee. I would point out that tomorrow I am going to propose an amendment to continue funding on the basis of the 1973 level, which would be $80 million.

As I understand the authorization levels that they started in 1969 at $22 million and would go to $40 million in 1976 in the Senate version.

Mr. BRADEMAS. Will the gentleman from Illinois yield?

Mr. KEMP. Please let me finish my statement first and I'll be happy to yield.

We sat here a few moments ago and heard the colloquy between the gentleman from Iowa and the distinguished chairman of the Committee on Ways and Means, the gentleman from Arkansas (Mr. MILLS).

As I understand it, not trying to quote him directly, the essence of his remarks was that unless this Nation changes its spending habit, it could very well be that we will be bankrupt at some future point. I do not see how we can move toward a point in the future of this legislation that would include $400 million in 1976 for the arts and humanities without helping bankrupt this Nation.

Mr. BRADEMAS. Will the gentleman yield?

Mr. ANDERSON of Illinois. I will be delighted to yield to the gentleman.

Mr. BRADEMAS. Earlier I had been asked to defend the thinking of the administration, and I indicated I did not feel I was the appropriate person to do so. Now I want to say to my friend from New York that I certainly do not feel I ought to have to defend the actions of the other body, because it is the bill in the other body to which the gentleman refers which provides $400 million by 1976 for these programs.

That is not true of the bill under consideration here. The bill under consideration contains the amount of money requested by President Nixon in his budget. It does not contain any more money for that, and I know my friend from New York will not mind if I say to him that his figures are inaccurate. The bill does not contain $400 million.

Mr. KEMP. Will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. KEMP. What plans do we have for the bill for 1975 and 1976?

Mr. BRADEMAS. I have no plans for the bill for 1976.

Mr. KEMP. What does the bill say?

Mr. BRADEMAS. The bill says such sums as the Congress may deem necessary in both fiscal years 1975 and 1976. This, may I say to my friend from New York further, is exactly what the administration requested in respect to that.

Mr. KEMP. Regardless of what the administration says, I think that is what concerns many of us here today, that is, "such sums as may be necessary."

Mr. BRADEMAS. I appreciate that.

Mr. KEMP. We hope to amend that part of it, also.

Mr. PEYSER. Will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. PEYSER. So that there is at least a Republican voice that was on the committee stating the administration position, the administration has enthusiastically endorsed the $145 million figure, and they have sent their representatives to the committee and made it clear in no uncertain terms that it is what they were looking for.

We worked within the $145 million figure for the coming year. So in answer to the question of the gentleman from Iowa, the administration certainly did aggressively put forward this figure and aggressively supported it in committee.

Mr. GROSS. If the gentleman will yield, I would like to respond to the gentleman from New York, Mr. PEYSER.

Mr. ANDERSON of Illinois. I yield to the gentleman.

Mr. GROSS. As I understand it, the Nixon administration also endorsed enthusiastically a $10 billion increase in the debt ceiling, too. Is that right? Or was it $20 billion that was requested?

Mr. PEYSER. I think we are talking on this bill and talking about a comparatively small amount of money for a tremendous program for this country.

Mr. ANDERSON of Illinois. Mr. Speaker, I believe I still have the time.

I think the rule provides for 1 hour of general debate under an open rule. Therefore I hope we can adopt the rule. There is obviously great interest in this measure, and we can then proceed to debate the bill under the rule.

I urge adoption of the rule.

Mr. McSPADDEN. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3926) to extend the National Foundation of the Arts and the Humanities Act.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana (Mr. BRADEMAS).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 3926, with Mr. YOUNG of Texas in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Indiana (Mr. BRADEMAS) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I yield myself 8 minutes.

Mr. Chairman, I rise in support of H.R. 3936, a bill to extend the National Foundation on the Arts and the Humanities Act of 1965.

I should, at the outset, Mr. Speaker, commend in particular the distinguished chairman of the Education and Labor Committee, the gentleman from Kentucky (Mr. PERKINS); the gentleman from New Jersey (Mr. THOMPSON); the distinguished ranking minority member of the committee, the gentleman from Minnesota (Mr. QUIE); the gentleman from Pennsylvania (Mr. ESHLEMAN); as well as the gentleman from Washington (Mr. MEEDS); the gentleman from Florida (Mr. LEHMAN); the gentleman from Idaho (Mr. HANSEN); and the gentleman from New York (Mr. PEYSER) for their outstanding efforts in developing this measure and seeing it through the committee.

BACKGROUND

Mr. Chairman, the National Foundation on the Arts and the Humanities Act was established in 1965 by Public Law 89–209 and was, thereafter, amended in 1967 and 1970.

The 1965 legislation created the foundation and its two cooperative operating entities, the National Endowment for the Arts and the National Endowment for the Humanities.

Since 1966, Mr. Chairman, funds under the act have increased from $5,034,308 to the $76.2 million appropriated for fiscal year 1973.

COMMITTEE ACTION

The bill before us today, Mr. Chairman, is essentially a combination of a bill cosponsored by members of the subcommittee and another measure introduced by the gentleman from Minnesota, (Mr. QUIE) together with myself and other members of the committee, on behalf of the administration.

The Select Subcommittee on Education, which I have the honor to chair, held 7 days of hearings on these measures, 3 days in joint hearings with the Special Subcommittee on Arts and Humanities, chaired by Senator CLAIBORNE PELL of Rhode Island, of the Committee on Labor and Public Welfare.

Mr. Chairman, the testimony we heard, from administration witnesses, representatives of State arts and humanities programs, as well as from public witnesses, including distinguished artists and scholars, emphasized the progress made since 1965 by both endowments.

And the testimony indicated, as well, that both endowments have developed the capacity fully to utilize increased funding, and, indeed, that increased funding is essential if we are adequately to stimulate the kinds of artistic and scholarly activities supported by the endowments.

PROVISIONS OF THE BILL

Mr. Chairman, I should like briefly to tell the House of the following major provisions in the bill before us:

Increased authorizations;

Changes in State allotments and matching requirements;

Regional programing; and

Grantmaking authority of the two chairmen of the endowments.

FUNDING AUTHORIZED

With respect to the authorizations provided in this bill, Mr. Chairman, H.R. 3926 provides $145 million, equally divided between the two endowments, for fiscal year 1974—a figure which is also the administration's budget request. For fiscal years 1975 and 1976, we also adopted the administration's language by providing for "such sums as Congress may deem necessary" for Federal support of arts and humanities programs. As I say, this provision was requested by the administration.

Mr. Chairman, as I have already stated, the witnesses before our subcommittee were unanimous in their praise of the work of the two endowments, and they told us, also, that both agencies could effectively use these additional funds.

ARTS BUDGET INADEQUATE

Indeed, Mr. Chairman, I understand that the arts endowment's program of "artists-in-schools", which reaches 2,700 elementary and secondary schools across the Nation, would, if extended to the 90,000 schools in our land, cost over $75 million.

Similar gaps between the accomplishments of the endowment and the great needs in the arts can be seen in other programs:

Touring professional theater companies last year were able to visit only 27 of the 20,000 communities with populations below 50,000;

The expansion arts program can fund only 10 percent of the requests it receives for programs to assist the residents of inner cities and rural areas;

Eighty million dollars will be required to preserve just films made prior to 1951, which are rapidly disintegrating.

NEEDS IN THE HUMANITIES

I should observe also that similar problems, with respect to available funds and the overwhelming number of requests, exist within the humanities endowment.

Consider:

That in fiscal year 1972, the number of applications to the humanities endowment increased by 34 percent;

That of the 4,500 grant requests received by the endowment, only 1,100 could be funded;

That many of the 3,400 applications that were rejected were applications of substantial scholarly merit.

So I want to assure the House, Mr. Chairman, that the funding provided in this bill is not excessive, and that, indeed, both endowments could make good use of even greater funding if we had the moneys available.

STATE ARTS ALLOTMENTS

Mr. Chairman, this bill also provides an increase in the minimum allotment to the State arts agencies, from the existing $65,000, to $200,000.

The State arts councils, authorized in the original 1965 legislation, have greatly encouraged arts programs within State boundaries, and the committee is satisfied that these agencies are now fully able to utilize increased funds.

And the bill before us today, Mr. Chairman, provides broad new authority for innovation by the States arts agencies, by waiving, in special circumstances, the 50-to-50 matching requirement on the part of the grantees. The new provisions stipulate that, after matching the minimum allotment of $200,000, the States may spend up to 20 percent of their funds to pay for up to 100 percent of the costs of projects and programs.

The committee adopted these provisions in the belief that certain new programs might require 100-percent funding if they are to be successful.

REGIONAL PROGRAMS

The bill also provides that States may fund regional arts programs, these supported by multi-State groups, where resources can be pooled to support the arts so as to make the most significant impact on the widest possible audience.

I should tell the House that we anticipate that providing for regional arts programs will be of particular value in sparsely populated States with limited arts resources.

CHAIRMAN'S GRANTS

Finally, Mr. Chairman, I should say a word about the provisions in H.R. 3926 which authorize the chairmen of the two endowments to approve, at their own discretion, grant applications for $20,000 or less.

The existing legislation authorizes each chairman to make grants for $10,000 or less without seeking the approval of the appropriate Council.

The administration, however, requested that the authority for these "chairmen's grants" be set at $25,000, and the bill, as reported from the committee, accepts that suggestion, but sets the figure at $20,000.

I should stress to my colleagues, however, that the bill limits this grantmaking authority to a maximum of 10 percent of the moneys appropriated for the national programs of each of the endowments.

I should also note that the committee does not anticipate the utilization of the full 10-percent authority, particularly since only approximately 4 percent of national program money has been used for "chairmen's grants" in the last few years.

CONCLUSION

Mr. Chairman, I urge my colleagues to join with me in supporting the bill before us today.

The bill is the result of extensive deliberation on the part of the Select Subcommittee on Education as well as of the Committee on Education and Labor.

The bill provides a much needed increase in funds to help stimulate artistic and scholarly endeavors.

This measure builds solidly on the achievements of existing State arts programs and provides authority for innovative new approaches to State funding of the arts.

Finally, Mr. Chairman, the bill has received impressive bipartisan support, having been reported out of my subcommittee with but one dissenting vote and out of the Committee on Education and Labor by a voice vote.

Mr. Chairman, legislation for the arts and the humanities has always enjoyed support from both sides of the aisle, as well as from the executive branch.

Indeed, I recall in this respect, that in 1965 President Johnson told the 89th Congress:

> This Congress will consider many programs which will leave an enduring mark on American life. But it may well be that passage of this legislation, modest as it is, will help secure for this Congress a sure and honored place in the story of the advance of our civilization.

And when President Nixon, 3 years ago, endorsed extending the Foundation, he said:

> Few investments we could make would give us so great a return in terms of human understanding, human satisfaction, and the intangible but essential qualities of grace, beauty, and spiritual fulfillment.

And President Nixon returned to this theme again in March of this year, when in his state of the Union report on human resources, he said:

> . . . renewed faith in ourselves also arises from a deeper understanding of who we are, where we have come from and where we are going . . . an understanding to which the Arts and Humanities can make a great contribution . . . .

Mr. Chairman, I am not one of those who believes that Government should support the arts and humanities providing there is a little money left over.

For there will never be money left over.

I urge my colleagues, therefore, to support the measure before us today, not because the arts and humanities deserve this token support, but because in their own right, they are essential to the well-being of the human spirit.

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield.

Mr. BRADEMAS. I yield to the gentleman from New Jersey (Mr. THOMPSON), the original sponsor of this legislation and one who can justifiably claim great credit for the effectiveness of the programs which have since been supported under it.

Mr. THOMPSON of New Jersey. I thank my great and beloved friend the gentleman from Indiana.

Mr. Chairman, I rise in support of what the gentleman is saying and to congratulate the gentleman and the members of the subcommittee for what they have done on this piece of legislation. It has been nothing short of amazing to see the growth and success of the arts and humanities programs. I cannot help but include congratulations in particular for Miss Nancy Hanks, Chairman of the National Endowment for the Arts and Ronald S. Berman, Chairman of the National Endowment for the Humanities.

Mr. Chairman. It has been my personal privilege to be associated with legislation concerning the National Foundation on the Arts and the Humanities since before the inception of this agency. I was, in fact, the original sponsor of the legislation now so brilliantly being sponsored by my friend Mr. Brademas.

I recall, with great satisfaction, that day in September, 1965 when the original bill creating the Foundation was debated on the floor of this House. At that time I praised the cosponsors of the bill for their great vision; I repeat that praise today. For I believe that few actions taken by this House reflect more honor upon it than did the beginning years of the National Endowment for the Arts and the National Endowment for the Humanities.

We must bear in mind that these two

agencies have been in existence less than 8 years. Yet during those intervening years, the actions of both have more than borne out the hopes the Congress expressed for them.

We are asked, this year, to take action on reauthorization of the two endowments and eventually, to appropriate funds for them at a higher level than before. That request comes at a time, for many of us, which requires considerable soul-searching.

For while the level of authorization for the Arts and Humanities will be increased by this legislation, we are being asked, at the same time, to make some serious cuts in the levels of funding for other programs many of us have long supported. A number of those programs fall in the areas of education and social welfare—areas which are clearly of the highest priority to the Congress and to the people of this Nation.

The question then, logically becomes: Why should we grant an increase to this program while we are being asked to cut back on others of equal value, when, in point of fact, the intent of the Congress is often being frustrated by refusals to allocate and use funds at levels we feel are compatible with the needs of our educational institutions and social agencies?

That is an honest question and it is germane to our debate on this legislation.

Responding to it, I am constrained to point out that most of us who support increased funding for the National Foundation on the Arts and the Humanities are equally strong supporters of nearly all other programs which are of direct social benefit to all citizens. We do not, by any means, ask that funds for such programs should be diverted or redirected to the arts and humanities. All of these programs—elementary and secondary education, education, and training for the handicapped, rehabilitative programs of all kinds—all of these programs and many others are of critical importance to the effort to make this Nation a better one.

Not too many days ago, my distinguished colleague in the Senate from Rhode Island (Mr. Pell) noted that the people who would cut many of these programs do not serve in any elective capacity, that they are not on the committees bringing this reauthorization legislation for the Foundation to the floor, nor do they serve in any deliberative capacity on committees directly involved in the consideration of the priorities any social or educational programs must have in our society.

Senator Pell felt—and I emphatically concur in his feeling—that our Federal budget is large enough to include the social and education programs as well as increased funding for both the arts and the humanities. Senator Pell expressed it very economically when he said:

> This increase is not a contradiction, but a continuation of our commitment to human beings and the well-being of the Nation.

For my own part, let me say that I believe that a nation that can devote close to $80 billion a year to defense can find $72 million for the arts and humanities. Especially when we know that we are investing that $72 million in a proven program, a program that works, a program that reaches people and enhances the quality of life of all our citizens and insures the preservation and transmission of a rich cultural heritage to those who will come after us.

Speaking very practically, what would $10 or $12 million mean if it were chopped from this program? Could it have any possibility of being used for a program even close to the importance and overall value of the arts and the humanities?

The Congress has had numerous experiences these past 2 years in trying to secure funds for badly needed social programs, only to see legislation vetoed or blocked. It has seen funds appropriated for education and social programs only to have those funds pass the year unused.

There is no question—no serious question, at least—that the work of the Arts Endowment and the Humanities Endowment are of great worth to our people and our society as a whole. And here we have an opportunity to allow funds to go into programs of proven worth. Even critics or those who have tried to cut back on the level of authorization at this time have given full credit to the worth of the National Foundation on the Arts and the Humanities. They have questioned only the level of funding this year.

I have no desire to retrace old history. Yet I come back, once more, to our original debate about this agency—a debate which dramatically emphasizes the extent to which these two endowments have abided by the mandate we gave them.

We urged the agencies to be responsive to the expressed needs of individual artists, scholars and arts organizations—and they have done so with increasing determination, broadening the base of their advisory panels from the field, seeking out young people and those who are isolated from the major cultural centers of our society, offering hope for study and research and creative time to those individuals committed to a professional pursuit of careers in the arts or in humanistic fields. We directed them to find new ways to make the arts germane within our education system—and they have responded with the largest and most successful program placing professional artists in direct contact with elementary and secondary school students all across the Nation. We warned them that support from Federal dollars should not, in any way, tempt them to interfere with or attempt to manipulate the artistic decisionmaking of any organization or individual given assistance—and the record shows that there have been no incidents of this kind in nearly eight years. We urged them to make maximum efforts to bring top quality professional arts performances to much wider audiences—and they have given this country the most extensive touring programs in all of the arts in its history.

Today our major dance companies, symphony orchestras, opera companies and theater organizations are reaching hundreds of thousands of citizens in every area of the Nation. With proper funding, the Arts Endowment will be able to sharply increase the access our people want and need to have to high quality artistic presentations in all fields.

In the beginning, we urged the Arts Endowment, particularly, to devote a large part of its resources to the kinds of projects which would reach that community of citizens which has, in the past, often been ignored by major arts institutions. By this, of course, I mean those who live in urban ghettos, in relatively remote rural regions, in hospitals, schools and other institutions without previous exposure to the arts. And the Arts Endowment has dramatically increased its programs in all of these areas. Although I have no wish to sound parochial in this matter, I think I can best illustrate what I mean by pointing to a few of the grants the Arts Endowment has made in my own State.

A number of those grants have been made to neighborhood or community centers, for example—to the Langston Hughes House of Kuumba in Newark to assist its performing arts groups, to the Newark Community Center for support of its classes in music, dance and drama for nearly a thousand inner-city children and to the New Jersey Symphony Orchestra to enable it to carry out a number of concerts for general audiences in several counties around the State. In particular, I want to point to a relatively small grant to the Peters Valley Craftsmen, Inc.—one of the first grants made in the field of the crafts.

I cannot say, of course, that any of the Arts Endowment's programs or those in the humanities will have direct bearing on such matters as crime or drug abuse or any other infraction of society's laws or mores. But I think I can safely assume that the mind of a child or a teenager is less likely to become destructive, either to himself or to other people or their property, when it is actively involved in the expenditure of his or her own creative energy.

We need only look at the enormous sums of money the Congress is asked to appropriate for law enforcement, for the apprehension and punishment of criminals and for drug rehabilitation programs to see that the dollars we invest in this kind of potential preventive measure are minuscule in the extreme.

In 1974, Federal outlays for the reduction of crime will total almost $2.6 billion—I repeat: $2.6 billion. The request for the Law Enforcement Assistance Administration alone is close to $1 billion.

If we add to this the expenditures for law enforcement and crime reduction at the local and State levels, we come up with a figure of $18 billion in total expenditures from all levels of government.

It seems preeminently plausible to me that the small amount of money we put into the Arts and Humanities may be the best investment we can make in the Congress—an investment calculated to bring about the kind of meaningful lives and individual self-worth which nearly all of us believe will be the salvation of our country.

No one would be foolish enough to say that the arts "cure" crime. But it is demonstrable that a knowledge of the arts, and learning to become an artist, can radically alter the minds and the lives of men and women who have been imprisoned for crimes. It is conceivable, therefore, I think, that a child who is exposed to the learning experience of working with a good poet or painter in the schools, a ghetto youth who is trained in graphic arts, a child whose life is touched by music and literature and is given hope and a vision beyond the limited possibilities he sees around him—it is not only conceivable, but probable, that these children will find the resources within themselves to meet the responsibility of life in society without looking for the quick "fix," the "fast buck" or revenge against "the system."

Talk with most young people who have been into drugs and you will find that, while there were many reasons for experimenting with them, the underlying cause is generally rooted in frustration and boredom. In this regard, the arts are superbly equipped to serve as an antidote, for they are, at their best, exciting, stimulating, enormously enriching and instructive.

Seven and one-half years ago, when we first considered the National Foundation on the Arts and the Humanities legislation, many of us who supported the bill pointed to the unfortunate imbalance between what the U.S. Government was doing to aid science and scientists and what we had traditionally done to assist the artists and humanities of our society.

At no time, however, did we suggest that the funds made available to science or scientists should be cut back or diverted to other purposes. We knew then, we know now, the great importance of our scientific effort to ourselves and to the world.

So, too, we know that, at this juncture in our history, the question is not whether we must have greater support for the arts and for humanistic pursuits at the expense of equally imperative education and social programs. It is not a question of "either" we have these programs "or" we cannot have increased support for the arts.

As with science, so it must be with education, social programs and health projects—and with these programs for the arts, artists, audiences, scholars and humanistic institutions. For they are coequal in importance, literally, and they must be so treated.

The funds asked for in this reauthorization bill are deserved and, by the standards of other items in the Federal budget, they are extraordinarily modest.

I strongly urge support for this bill as a commitment on the part of this House of the Congress to a determined effort to bring greater opportunity to all Americans for fulfilled, creative lives.

Mr. BRADEMAS. Mr. Chairman, I thank the gentleman from New Jersey.

In summary, Mr. Chairman, I urge members of the Committee to join in supporting the bill before us today.

I echo the congratulations to Miss Hanks and Dr. Berman for directing the work of the two endowments. I think one of the reasons the programs supported by this legislation have enjoyed such great success has been the outstanding work of these two chairmen as well as the fact that these programs have enjoyed the support from both the Democratic Presidents and Republican Presidents and the Democratic Members of Congress and the Republican Members of Congress.

Mr. PICKLE. Mr. Chairman, in reading the committee report on H.R. 3926, I notice on page 18 the committee states, and I quote from the report:

> The committee does, however, stress that the National Endowment for the Humanities should cooperate, to the extent possible, with existing State agencies for the humanities.

During the debate of this measure in the other body, the Senator from Texas (Mr. BENTSEN) offered an amendment which added the words "designated State humanities agencies" after the words "Federal programs" of section 7 (d). The other body passed this measure unanimously, and is part of the bill.

During that debate, the Senator from Texas inserted into the RECORD a copy of a letter from Mr. Ronald Berman, Chairman of the National Endowment for the Humanities, dated April 10, 1973, which states Mr. Berman's strong approval of this aproach. I will ask unanimous consent when the Committee rises that this letter be put in the RECORD at this point:

NATIONAL ENDOWMENT
FOR THE HUMANITIES,
Washington, D.C., April 10, 1973.

Hon. LLOYD BENTSEN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BENTSEN: Stephen Wexler of the Special Subcommittee on the Arts and Humanities has informed me of the proposed amendment to NEH legislation. I would like to say that I find this amendment not only entirely acceptable but indeed perceptive and helpful. You may rest assured that we will do our best to implement the letter and spirit of the proposed change, and I am personally most grateful to you for the attentive thought you have given to the Endowment's purposes and procedures.

Naturally we have discussed the pending legislation with many of the 26 members of our board, the National Council on the Humanities. Being simply private citizens, they are, as I'm sure you understand, deeply concerned about potential changes in programs which they have originated and to which they have deep personal commitments within their states. In the attempt to clarify the situation, some of them may, I think, have tried excessively to make themselves heard: this is certainly to be regretted and I assure you that we will try as hard as possible to keep their reactions from interfering with normal Congressional procedures.

May I take this occasion of making it a matter of record that we intend to review proposals emanating from state councils and indeed to stimulate them at all appropriate times. This confers upon us the obligation not only to cooperate with these designated groups but to take the best occasion of funding their justified proposals.

We would like to thank you for your patience in this matter, and for your continued interest in the Humanities.

Sincerely,

RONALD BERMAN,
Chairman.

This does not mandate the creation of new humanities councils, but it does allow these programs to be coordinated through State agencies when there are State agencies already in existence. This is the situation we face in the State of Texas: We have a Texas Committee on the Arts and Humanities. This agency is receiving more and more support from the Texas legislature as these arts and humanities programs become more popular with the people. I have spoken to the chairman and to members of the committee about this possible change in the House bill, and it is my sincere hope that our conferees will agree to this amendment, as the Senate has already done, and I ask for that consideration.

Mr. BIAGGI. Mr. Chairman, I wish to express my wholehearted support for H.R. 3926, which authorizes a 3-year extension for the National Foundation on the Arts and Humanities, as well as a $145 million appropriation for fiscal year 1974.

The Foundation, which is comprised of a National Endowment for the Arts and a corresponding Endowment for the Humanities was established in 1965 as an ongoing source of public support for the kinds of creative and cultural activities which have never been adequately funded in this country through private resources alone. It was indeed encouraging to learn that the administration did not intend to phase this program out, but had rather decided to recommend a sizable increase in funding. In fact, the $145 million appropriation for 1974 represents an 80 percent increase over the fiscal 1973 level.

Mr. Chairman, an excellent example of the need for this Federal support appears in today's New York Daily News. An article by Ron Eyer entitled "People Are Seeking More Cultural Fare" reveals the findings of an interesting survey recently by Louis Harris & Associates into the cultural attitudes of average American men and women. The results show that there is a surprisingly high percentage of citizens in this country who would avail themselves of cultural facilities if there were greater access to theaters and galleries.

Mr. Chairman, we must strive to create an atmosphere in which the arts will flourish in America. The National Foundation has already contributed greatly to this end. I would exhort my colleagues to continue this vital support by voting in favor of increased funding for the National Foundation on the Arts and Humanities, as contained in H.R. 3926.

Mr. BRADEMAS. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. MEEDS), a member of the subcommittee.

Mr. MEEDS. Mr. Chairman, the State of Washington is known for its great beauties of nature. Increasingly, the citizens of the State are taking great pride in their cultural achievements and the opportunities afforded to all of its people to participate in and appreciate the arts in all their forms.

Washington State was the one in the Nation that created a far-ranging cultural enrichment program following the transfer of title III authority from the U.S. Office of Education. We are certain that the State's continuation of this program has been beneficial to all the arts in our State.

The cultural development of Washington has been encouraged—with effective use of modest sums and great imagination—by the National Endowment for the Arts working in closest cooperation with civic, educational, and cultural leaders in the State. Despite the fact that the past few years have seen severe economic problems in some areas of the State, I note to my colleagues that the growth in the arts has been phenomenal. Audiences are up, participation is widespread, and private and State and municipal moneys have increased substantially. One of the strengths of the arts endowment program is that small amounts of Federal moneys are used to encourage funding from other sources. And they are used to make the benefits of the arts more widely available, not only in our State but in our region. It was a source of great pride to the people of the State of Washington, that the Seattle Symphony has toured Alaska in each of the past 2 years with the assistance of the National Endowment for the Arts, in partnership with the Alaska Charitable Foundation, whose members include the New England Fish Co., Whitney Fidalgo, Western Airlines, and Sea-Land Service and other business and community sources. In 1972 the symphony spent 6 days in Alaska, played 37 concerts in 20 communities, and was heard by an audience of some 18,000 people—6 percent of the population in less than a week. This past year there were 34 performances and 9 master classes.

The symphony also tours extensively in the State. This past season there were 54 performances outside of Seattle. In Bellingham and Everett, for example, there were concerts for adults and then there were very imaginative school concerts, a program that includes film and an actor and is concerned with American literature, visual arts and music. When the symphony played in the San Juan Islands, which have a total resident population of 3,400, 1,400 people attended.

Funds from the National Endowment for the Arts have also been used to finance outreach programs by the Seattle Opera Association. These programs have included low-cost student matinees, three annual concerts in other parts of Washington State, college opera workshops, training programs for young people, public service lectures, and periodic performances before isolated groups such as senior citizens and retarded children.

Much of the Seattle Opera's activity outside its regular main season has been financed in this manner.

It is also a subject of great interest to me that so many of the endowment's programs have been particularly successful and visible. This joint program with the U.S. Office of Education involves poetry, the visual arts, film, and dance in Washington. Other arts are included in some of the other States. The opportunity to work with professional artists is increasing the children's powers of perception and their ability to communicate creatively.

Almost without exception the program has been applauded by teachers, superintendents, children and artists. The program affects only 2,700 out of the tens of thousands of schools in the Nation. It involves some 1,250 artists and there are many more who would like to participate. This, like all programs of the endowment, involves local moneys and participation and this particular one is handled by the State arts agencies.

The endowment has relatively small and new programs—that I hope will be increased—for placing artists and craftsmen in residence at our institutions of higher education. Western Washington State College in Bellingham has participated in this program for each of the past 2 years. It is quite clear all over this country that our colleges and universities are going to have to become more involved in the creative arts, and I believe the National Endowment for the Arts has an important role to play in this regard.

Indeed, funds from the arts and humanities legislation has sparked renewed interest in the arts not only in Washington State but all over this Nation—funds which have enhanced the arts and enriched the lives of many Americans.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. Esch).

Mr. ESCH. Mr. Chairman, I rise in support of this legislation renewing funding for the National Endowment of the Arts and Humanities. As an original sponsor of this program, and a strong supporter of its continuance for the past 5 years, I have many times risen to urge my colleagues to support increased funding for these vitally important programs, and I am happy to have the opportunity to do so again today.

The National Endowment for the Arts and Humanities have had a significant impact in my home State. By working through the Michigan Council for the Arts and others, the endowment has promoted such widely recognized projects as Artrain, which has brought the masterpieces of the great artists to hundreds of thousands, not only in Michigan but throughout the Midwest. Michigan has benefited in a host of other areas from the work of the Endowment for the Arts, but it is the lesser known area of the humanities which I wish to address myself today.

Mr. Chairman, if we are to attain a fuller understanding of the problems we Americans face, we must not ignore those subjects which fall into that elusive category, "the humanities." An understanding of our natures—what has made us what we are and made us build the country that we have built is the only means we have of placing our science and technology in perspective. The National Endowment for the Humanities is the only agency of the Federal Government directly and explicitly concerned with the study of these values and with the dissemination of humanistic knowledge.

As noted in the report of the Committee on Education and Labor:

> The Endowment for the Humanities has acted since its establishment, with energy and imagination to provide leadership to the institutions and professions in the humanities; to expand traditional concepts and constituencies of the humanities in order to encourage greater participation in them by the American public; and to direct the attention of persons and institutions involved in the humanities to questions of pressing social concern.

If we are to continue to receive whole truths, we must continue to support the work of NEH. NEH provides not only support for scholarly pursuits but also—and increasingly—seeks to encourage throughout the Nation an understanding of the moral, the philosophical, the legal, and the political bases upon which our society rests.

The endowment has an extraordinary range of activities which they carry out in the area of arts and humanities. I am particularly enthusiastic about the work supported by the endowment in the area of television programing. At a cost of less than 1-cent per viewer, the endowment has initiated programing which brings the humanities to millions of Americans. The committee's bill provides additional funding for high quality American-produced television programs to rival the much acclaimed British television productions, such as the series, "Civilisation." With increased funding the endowment will be able to help inform millions of our citizens about American history and experience.

A second important contribution by the endowment is its extensive scholarship support. This work is vital to our knowledge about ourselves and underpins the whole educational system. The endowment in the Fellowship for Professions has steadily expanded its reach beyond its traditional academic constituency to new constituencies and has involved ever greater numbers of Americans in acquiring humanistic knowledge. This year a *small* number of practicing journalists and lawyers—two groups whose daily decisions have a tremendous influence over our society—are being given an opportunity to undertake a course of humanistic study. I am particularly pleased that a grant for this purpose was made to the University of Michigan. With increased funding, as proposed in the committee's bill, these opportunities can be extended to more individuals and in other areas of national life including city planning, medicine, engineering, business, architecture to enable them to examine the implications of their work for the larger society.

Through its matching funds program NEH has generated a significant amount of public interest in and public support for the humanities. Nearly $13 million, in the form of 1,900 separate private gifts, have been donated to NEH since its establishment; in each of the last 2 years the endowment has attracted the limit of its matching authority.

Among the other 124 projects now being conducted across the Nation with the aid of private gifts received last year are community adult discussion programs focusing on issues of U.S. foreign policy, student-conducted archeology field work in Nebraska, programs on medical ethics for medical students, a folklore institute for high-school teachers of the disadvantaged in Arizona, Afro-American music study centers, an experimental college in Vermont, Indian education programs in North Dakota, studies of America's relations with China, the first complete edition of George Washington's papers, a traveling museum exhibition on the environment, and numerous television projects bringing humanistic knowledge directly to the American public.

The committee's bill contains expanded matching funds—$7.5 million—and compared to the $80 billion we spend on defense this would seem a paltry sum—and in fact, it is. But these funds will sustain the momentous interest generated thus far, and I urge my colleagues to support this important legislation.

Mr. QUIE. Mr. Chairman, I yield five minutes to the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I rise in enthusiastic support of the legislation before us to extend the National Endowment on the Arts and Humanities for an additional 3 years. I strongly urge a vote of approval without any reduction in the authorized level of spending for these programs.

I applaud President Nixon for his strong and consistent support of the Arts and Humanities programs. I agree fully with the assessment of our national needs and priorities that is reflected in the President's budget recommendation. From a very small beginning a few years ago these programs have grown steadily. The solid record of performance that has been achieved has fully justified the consistent support that Congress and the President have given to the arts and humanities programs. Based on past performance and future promise the legislation before us today to extend those programs is deserving of another vote of confidence by the House of Representatives.

Much has been said about the proposed increase in the level of support for the arts and humanities over the spending for the current fiscal year. The fact remains, however, that the higher level proposed in this bill represents only a modest effort. Ours will still be a relatively small investment when viewed in terms of our total wealth and when compared to the contributions of other nations to the arts and humanities.

Those comparisons help to place in proper perspective the amounts proposed in legislation before us.

From the beginning of the National Endowment for the Arts in fiscal year 1966 through 1973, Congress appropriated a total of $116,721,166. Over 2,500 years ago in Athens the great statesman Pericles, during his reign as leader of the democracy, convinced his fellow Athenians to spend during one 16-year period a total of $57,000,000 for the beautification of Athens, for the construction of the Parthenon, for statuary and paintings, and for other public buildings.

The Parthenon itself, according to historian Will Durant, cost 700 talents, or $4,200,000. The statue of the goddess Athena, which stood in the Parthenon, cost $6,000,000 alone—it was a gold reserve. The unfinished Propylaea cost $2,400,000. Minor Periclean structures in Athens and the Piraeus cost $18,000,000. Sculpture and other decorations cost $16,200,000. Will Durant said:

> The spread of this sum ($57,000,000) among artisans and artists, executives and slaves, had much to do with the prosperity of Athens under Pericles during what was called the Golden Age of Greece.

In 16 years Athens spent roughly half of what I consider the rather small amount which our Federal Government has contributed to the arts in 7 years. Our country also lags behind European countries in amounts spent per capita on the arts. The relatively modest amount we are proposing to authorize today—$145 million—is fully justified.

The Greeks knew that the creative potential of each citizen must be given a chance for expression—be it in drama, in dance, in art, in playwriting, in verse, in sculpture, in literature or whatever. They were perhaps wiser than we because they understood this human need. And is it not a fact that works which they created centuries ago still speak to the condition of modern man?

Are we not indebted to the Greeks for the days of Aeschylus, Euripides, Sophocles, Aristophanes? Are we not wiser for the philosophy and for the courageous person of Socrates, the poetry of Homer, the laws of music which Pythagoras the philosopher and mathematician discovered? Are we not richer because the Greeks left us the architecture of the Parthenon—we still copy it—for the sculpture—for the Winged Victory, for the superb Hermes by Praxiteles which still stands on the site of ancient Olympia—where were held the Olympic games which we still follow?

To the critics who rationalize cutting this budget because the material needs of Americans have not been fully met, I counter with the argument that we should think for a minute of where our preoccupation with material things has led us. Are we nearer to peace or understanding between nations? And do not the humanities—the great works of literature, the study of ethics, history and philosophy and the like—have something to say to the present condition of man in this country?

I agree wholeheartedly with witnesses who testified before our committee that "humanistic studies have as vital and unique a contribution to make to the amelioration of problems in our national life as do the sciences."

Said W. H. Masterson, chancellor of the University of Tennessee:

> Now more than ever it is imperative that America be put in touch with her ideological roots and that our citizens be encouraged to rediscover those roots by consulting the fund of accumulated human experience available in the humanities.

This is what the National Endowments for the Arts and Humanities are attempting.

I agree with Dr. Ronald Berman, chairman of the National Endowment for the Humanities, who said in testimony before the committee that by the study of the great books of literature such as, say, John Milton, Shakespeare, and others, we are challenged by moral imperatives which demand that we conduct our private and public lives in the best way we know how.

Let me list a very few of the endeavors of the humanities endowment and what they are doing to acquaint the American people with their ideological roots. These include State-based programs, film-TV programs, museum grants, national humanities series, great issues in the American experience, college and school curricula, fellowships for America's future, research and editing, bicentennial conferences, State guides and histories.

This country over the years has made a commitment to the sciences. In 1958 after the Russian Sputnik went up we undertook a crash program to upgrade the sciences in the Nation's classrooms. Our multi-billion dollar space programs alone are proof of the excellence of American science and technology. We continue to fund the National Science Foundation programs at roughly $600 million a year. We spend $17 billion for scientific research and development.

The humanities have not fared so well, perhaps because we have failed to make the connection of how very valuable and relevant are the studies of the great works of history, philosophy, political science, literature on contemporary life, and to bring to bear insights from those works on the issues which so perplex us.

One of the most exciting programs is humanities endowment's State-based programs which will soon be in all 50 States to bring together groups of people in the various disciplines—from adult education, from academic humanists and from institutional leaders, from colleges and universities, historical societies, libraries, the media and the like—meeting in open forum to discuss the great issues of the Nation as well as State and local issues, and trying to bring the insights of their discipline to bear on these problems.

The budget for the endowment is $28 million for public programs, $20 million for education, $14 million for research, and $10 million for fellowships. Dr. Berman said he is proudest of the development of the public programs. Dr. Berman told our committee:

> Our interest is not esoteric, but to bring our knowledge resources to bear on the conduct of national life, the rational setting of national goals . . . to enhance the national capacity for anticipating the understanding problems by applying value judgments rooted in history, philosophy, ethics and other fields of humanistic learning.

Berman is also proud of the newspaper lecture series, to be run in 125 newspapers across the country, with an endowment grant, which will be a series of 20 lectures on American history from the best intellects of the country, and for which college credit can be obtained, if desired. This is part of the public programs budget.

A series of Humanities films dealing with man's history is currently being shown weekly on public television stations; the endowment subsidized the Civilization series of Lord Kenneth Clark and was primarily responsible for the National Gallery of Art receiving the recent Russian exhibit of post impressionist art.

There was fine bipartisan work on the committee this year in working toward a goal of writing into the authorizations for fiscal 1974 the amount which the President has requested be spent in that year—$145 million for both endowments, or $72.5 million for each. It is my hope that the House will vote for full funding in order that the States—each of your States—will continue to be able to expand the programs which are now being made available to our people. It is an error for critics to say these programs are for an elite; they are not, and I shall list just a few examples:

MUSEUM PROGRAMS

Our Nation's museums, over 5,000 of them, are in weak condition because of the pressures of our population growth and increased use of their services. We, in Congress, have added to the museums' pleasant misery with our education legislation which has called on them to take cognizance of the need of disadvantaged youngsters—both inner city and rural. Touring companies of youngsters have poured in upon them, but the educational systems offer little to recompense the museums for the burdens we in Congress are partially responsible for creating. The endowments spend a substantial sum for museums—anticipated expenditures in fiscal 1974 are $5 million, and this money is badly needed.

Under the gifted leadership of Miss Nancy Hanks, the chairman of the National Endowment for the Arts, the renaissance of the arts which already had begun has been stimulated further by Federal support. The ballet was close to death before it was rescued by the endowment. Our citizens are taking a renewed interest not only in national touring companies of famed groups such as the New York City Ballet and the American Ballet Theatre, but in their own home-grown ballet groups. In fiscal 1973, $2.6 million will be spent for dance. Under the State/Federal program, each State in fiscal 1973 will receive about $127,000. Under H.R. 3926, each will receive a minimum of $200,000, and may receive more—on a matching dollar-for-dollar basis—by going back to the endowment for funding programs of excellence.

I might say that for each Federal dollar spent in each State, an average of $4 has been raised for these programs. That is quite an accomplishment for NEA.

Robert Hooks, the black television actor, testified before our committee that the endowment provided the needed funding so that he could begin The Black Repertory Company in New York and another theatre group in Washington, D.C. The legitimate theatre had ignored him because of discrimination, he said, before NEA came along with help.

Repertory theatre groups, because of NEA, have brought fine plays into areas of the country which have heretofore not had the privilege of seeing live legitimate theatre. This was the case with the Guthrie Theatre.

Since 1968 the endowment has invested $276,766, in Idaho in the State's cultural institutions, and has been responsible for making possible such projects as the Oinkara Basque Dance Tours, the Boise Philharmonic Children's Concerts and telecasts, Idaho Falls Symphony Elementary String program, Idaho Antique Festival Theatres tours, University of Idaho Troupers Theatre, Arts for Idaho's Senior Citizens, Lewis Clark Children's Theatre, and the Coeur d'Alene PTA Council summer arts program.

This has meant a great deal in the small State of Idaho, and the increase in funding which will guarantee each State $200,000 will be productive in making more States—particularly the less populated States—attractive places in which to live.

Our State Commission on the Arts and Humanities sponsored a tour in February by the National Theatre of the Deaf, a highly skilled ensemble which performs for the hearing as well as the deaf.

The arts can comfort and enrich life for the aged, the sick and the institutionalized, the handicapped and for citizens who are not sharing in our total society. And the arts endowment helps make this possible.

For example, the arts endowment supported open dress rehearsals of the Milwaukee Symphony Orchestra for senior citizens in that Wisconsin city; it provided a travel and study fellowship for a blind musician from Louisiana to work with the great jazz artist Cannonball Adderley; it provided help to the North Carolina Symphony Society for 10 free public concerts in institutions such as the North Carolina Prison, Fort Bragg, the School for the Blind, the Cerebral Palsy Hospital, et cetera.

The arts endowment has supported the work of Hospital Audiences, Inc., in New York State for several years and now is helping the project expand nationally. Hospital Audiences, in a 2-year history, has reached about 250,000 individuals in nearly 700 hospitals, drug treatment programs, prisons, agencies for the retarded, and physically handicapped.

Following is a listing of the themes of various States and the problems which they are addressing:

STATES PARTICIPATING IN THE NEH STATE-BASED PROGRAM AS OF JANUARY 1973; OPERATIONAL STATE COMMITTEE; AND THEMES

STATE, COMMITTEE TITLE, AND THEME

Alaska: Alaska Humanities Forum, "Passage to Community."

Florida: Florida Citizens' Committee for the Humanities, "Population Density and the Future of Florida."

Georgia: Georgia Committee for the Humanities, "Georgia in Transition: Race, Land Use, and Liberty."

Indiana: Indiana Committee for the Humanities, "Government and the Family."

Iowa: Iowa Board for Public Programs in the Humanities, "Awareness of Human Needs on the Eve of American Century III."

Kansas: Kansas Committee for the Humanities, "Human Values in a Changing Kansas."

Louisiana: Louisiana Committee for the Humanities, "The Cultures of Louisiana: Issues-Values-Conflicts."

Maine: Maine Humanities Committee, "Man on the Maine Frontier."

Minnesota: Minnesota Humanities Commission, "Regionalism, Regional Government, and the Individual."

Mississippi: Mississippi Committee for the Humanities, "Education: New Horizons for Mississippians."

Missouri: Missouri State Committee, "What Happened to the American Dream."

Montana: Montana Committee for the Humanities, "The Distribution of Political Power in Montana."

Nevada: Nevada Humanities Committee, "The Role of Law in Society."

North Carolina: North Carolina Committee for Continuing Education in the Humanities, "Traditions in Transition: The Impact of Urbanization on North Carolina Communities."

Ohio: The Ohio Committee for Public Programs in the Humanities, "Justice, Law and Public Opinion."

Oklahoma: Oklahoma Humanities Task Force, "Are American Traditions of Justice Adequate for Today's Problems?"

Oregon: Joint Committee for the Humanities in Oregon, "Man and the Land: Humanistic Perspectives on the Uses of Space.'

South Carolina: South Carolina Committee for the Humanities, "South Carolinians in Transition: Industrial, Urban and Cultural Challenges."

South Dakota: South Dakota Committee for the Humanities, "Indian and Non-Indian: Cultural Contributions for a Better South Dakota."

Washington: Washington Commission for the Humanties, "Education: Changing Perspectives."

Wisconsin: Wisconsin Humanities Committee, "The Dimensions of Social Alienation in Wisconsin."

Wyoming: Wyoming Committee for the Humanities, "Century III: Equality."

Total States with operational programs: 22.

It provides a program of cultural enrichment and rehabilitation.

The National Council on the Aging is being helped by the arts endowment to continue its function because of its strong involvement in the arts for the senior citizen.

The National Guild of Community Music Schools has been helped by the arts endowment every year since 1967 and youngsters from disadvantaged areas in cities *throughout* the United States have been able to study music free or for a very small fee. There are 42 schools in the guild, more than half in or near poverty areas, and better than 70 percent of the students are from these disadvantaged sections. The guild is devoted to the idea that the best possible musical training should be available for any child in the community at a price parents can afford. *Who are some of the* outstanding performers who began their musical lives in settlement music schools? There are many, but Benny Goodman, Leslie Parnas, Grace Bumbry, and Harry Belafonte tell the story best.

In New Jersey, the State Council sponsored a project which took theatre and dance workshops into prisons. This project made use of the "Theatre for the Forgotten," a New York-based activity which for years has been taking professional theatre productions to the incarcerated. It, too, is helped by the National Endowment for the Arts.

In New Mexico, the Arts Commission in 1971 helped fund an arts workshop in the Santa Fe State Penitentiary to teach fundamentals of drawing, painting, composition, and framing to inmates who were interested in learning. The project went so well that a young artist, James Harrill, recognizing the latent talent of some of the participants, volunteered his services in 1972 to help teach the prisoners.

Some of the artists in the "Project Newgate" entered the National Annual Exhibit for Incarcerated Artists in

South Carolina and won top awards. Two of the artist-inmates have been paroled. One of them earned an art scholarship to the University of New Mexico and the other is working part-time and going to college. The art training in this instance has given both new purpose to these young men's lives and vocational opportunity.

Our senior citizens can play an important role in the preservation of our traditions and culture and can be given a sense of their own worth and a purpose in life when they are involved in such projects. For example, through the Arts Endowment we find activities such as these:

In Amherst, N.Y., a senior citizen painting class, photo workshop and organ workshop encouraged senior citizens to explore their memories and skills. A live audience of 1,000 attended the resulting exhibit and an estimated 10,000 saw the local TV show.

In Washington State, the Seattle Symphony Orchestra performed for 3,000 senior citizens in a series of six Sunday matinees.

In Hawaii, at the State Senior Center, classes in rondalla, a kind of balalaika band, were set up and a concert drew more than 1,600 people.

At Hoosick, N.Y., the Senior Center and the Central School worked together on a project called "Tapes Tell Traditions" in which about 25 senior citizens told stories of the history and folklore of the area with technical and creative collaboration from about 30 young people.

These endowment moneys are not for the elite; they are people programs and should be supported.

There has been criticism that the increases—roughly $30 million for each endowment—will go for Bicentennial programs. I should like to quote Miss Nancy Hanks on Bicentennial efforts:

> We cannot stress too strongly the Council's commitment to the potential for making a long-range contribution to the Nation's cultural life, for avoiding razzle-dazzle one-shot activities, for bringing the highest level of quality and citizen involvement possible to all Americans—quality and involvement which will continue long after the 1976 festivities have ended;
>
> In sum, this is not "earmarked" money; there is no "special kitty" sitting somewhere outside of the Endowment's on-going commitment to quality and availability of the arts;
>
> Thus, the states will share in this programming as the Endowment responds to applications, within guidelines, from artists, state and regional arts agencies, and cultural groups all over the country.
>
> There will be no special "earmarking" within the Endowment that would force any applicant into dreaming up Bicentennial programs;
>
> All applications which reflect a Bicentennial relationship will be treated in exactly the same manner as those which do not, i.e. they will be reviewed by the appropriate professional staff, the appropriate Panel, and by the National Council; and
>
> By way of examples: the Endowment's on-going programs in improvement of Federal Design; in national research in architecture and environmental arts; in commissioning; in touring; in preservation work (museums and film); pilot programs for choral groups, for design of innovative cultural facilities, for posters by outstanding American painters and sculptors for our great opera, dance, theatre, orchestras—all of these, as the Bicentennial celebration approaches, are highly appropriate means of saving and enriching and expanding the nation's cultural life.

One of the finest programs in the endowment, in my opinion, is the expenditure of $2.5 million for the expansion arts program in 34 States, mostly working with inner city and rural youth who have not had opportunities for creative outlets. Expansion arts is mostly training programs for the young.

Miss Jimilu Mason, one of Washington's gifted sculptresses, whose work is on display in the Capital and the National Portrait Gallery, spoke to the point of the need for creativity when she told the committee in written testimony:

> We rightfully look upon our top musicians, orchestras, theatres, dance companies, writers, painters, sculptors, potters, weavers, as our national treasure; and they are indeed just that. But just as important a national treasure is that natural creative yearning each of us is born with, and if it isn't given an outlet, it finds one in destruction.

Miss Mason, I believe, hits on an important bit of human psychology. When we deny our youth an outlet for their creativity, do they in fact turn destructive—destructive of self, and destructive of the society which denies them opportunity for creativity? Is graffiti destructive? Is school vandalism destructive? Are dropouts self-destructive? What if the creative instincts of these youngsters were captured and allowed form in the schools,

The Endowment's Artists in Schools program is attempting in some 2,700 schools to do this. More funding is needed and the increase in budget will allow the program to expand this year.

Mr. Chairman, I would like to comment further on one of the most imaginative and creative projects designed to bring art to the people being sponsored by the National Endowment on the Arts—the Artrain. This outstanding project is now touring the Rocky Mountain Region. The train arrived in New Mexico on January 9, and it is spending about 1 month in each of the eight Rocky Mountain States: February in Arizona; March in Colorado; April in Utah; May in Idaho; moving on to Montana in June; Wyoming in July; and finally Nevada in August. The communities where the train stops have generally been chosen for their remote geographical locations and lack of cultural opportunities.

The success of the Artrain phenomenon is something to behold. We have a little competitive game going on among the communities in our region—each one tries to outdo the previous town in terms of attendance figures. Mesa, Ariz., set a record—with 2,400 visitors on 1 day. Now I am proud to state that Idaho Falls has topped that—with 2,500 in a half-day session. And bear in mind that Idaho Falls is a modest-sized community of just over 35,000 inhabitants.

While the exhibits and films in some of the cars of Artrain remain the same as those used in Michigan, the third car is now devoted entirely to works collected from museums in the Western States. An attempt was made to include works from each of the eight participating States. Fred Bartlett, former curator of the Colorado Springs Fine Arts Center and member of the Colorado Council on the Arts and Humanities, assembled the exhibition, and the works range from Picasso to Peter Hurd.

The studio area in car four has offered a wonderful opportunity to showcase the rich heritage of arts and crafts from the many cultures of our area. Here local and resident artists work in various media. Visitors are invited to ask questions and view, firsthand, the creative process.

Local artists have also joined the Artrain exhibition, working in painting, sculpture, pottery, macrame, crocheting of beads—and in Craig, Colo., we had a demonstration of Navajo jewelry making by Harvey Begay.

Artrain has been a powerful force in creating interest in the arts in each community it visits. It is also generating new community effort which remains after the train has left. For example, a permanent arts council has been formed by members of the Artrain Committee and donors to the Artrain project in Prescott, Ariz. Mesa, Ariz., is now making plans for a civic arts center. A high school in Fruita, Colo., now plans to hold an annual spring arts festival.

Artrain is an especially valuable asset to local schools. Generally, an education committee from the local community works within its own and surrounding school districts. It shows movies, slides, and an Artrain comic book to arouse interest and understanding of Artrain's purpose and contents.

The enthusiasm of people in the Rocky Mountain region for this project is reflected in a letter to the editor of the Albuquerque Journal, written by Mrs. Julianne S. Sheehan. She and her husband had traveled from Albuquerque to Belen, N. Mex., to see Artrain. In her letter she said:

> This was a wonderful opportunity for school children in small towns to be exposed to such excellent art. I certainly hope in the future we will have additional exhibits like the Artrain. This was a very worthy use of the taxpayers' money and it is regrettable that this exhibit could not have gone to many more towns in New Mexico.

I know that I speak for the citizens of Idaho when I express my own thanks and congratulations to the national endowment for their assistance with Artrain, and I woud hope that increased funding levels will help to bring Artrain, and projects like Artrain, to all citizens.

I should also note that the people of Idaho, with help from the national endownment, have been working hard in other ways as well, to expand cultural horizons in our part of the country. Idaho is an active member of the Federation of Rocky Mountain States, a regional coordinating body which has sponsored a variety of endowment-assisted arts projects in addition to Artrain. Through this body, the eight State Arts Agencies are sponsoring regional tours by professional companies such as the Utah Symphony, the Ballet West Company, the Montana Repertory Theater, and the young audiences program, all of which have brought cultural enrichment to the cities and towns of Idaho, as well as other States. The Utah Symphony is a fine example of a professional company carrying high quality artistic performances into the most isolated communities, including Indian reservations.

Within Idaho, Boise State College has conducted its own Outreach Drama Theater Summer Tour, with help from the national endowment. The College of Southern Idaho Lyceum Committee has been helped by the endowment to sponsor a tour of the National Theater for the Deaf in the Twin Falls area.

Like many other States, we are delighted with our programs of poetry and dance in the schools, funded by the endowment and sponsored by the Idaho State Arts Council. Finally, I should mention that the services of the Boise Art Gallery have been strengthened through endowment grants for installation of climate controls, visiting museum fellowships, and the opportunity for local museum personnel to visit and study the collections and techniques of major eastern museums.

I have heard critics claim the national endowment benefits only the big cultural centers on the east and west coasts. Let me state emphatically that the programs of the national endowment have given badly needed encouragement and new life to our efforts to enhance cultural opportunities in the sparsely populated Rocky Mountain region. We do not begrudge any of the endowment funds which are also assisting the arts in major eastern centers, because we share the pride of all Americans in the world-famous arts institutions which exist there. We would not want to see increased help for States such as Idaho at the expense of weakening these great national treasures.

But we join in the growing judgment of Americans from all walks of life that cultural development and enrichment of human life rate a higher priority—across the board. The National Endowment for the Arts has proven itself a very effective agent of response to this growing concern of our people. We can have no excuse for failing to assure the continued development and support of this fine program.

Mr. Chairman, by any standard of measurement the National Endowment on the Arts and Humanities, during its rather short life, has compiled an outstanding record of success. The programs deserve to continue and to grow. I urge my colleagues to give these efforts an enthusiastic vote of confidence by approving, without any reduction in authorized levels, the bill before us today.

Mr. BRADEMAS. Mr. Chairman, I move that the Committee do now rise.

Mr. QUIE. Mr. Chairman, will the gentleman withhold his motion?

Mr. BRADEMAS. I shall be happy to withhold the motion at the request of the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. Cohen).

Mr. COHEN. Mr. Chairman, I rise in support of H.R. 3926 to amend the National Foundation on the Arts and the Humanities Act of 1965. Congress has over the past 7½ years helped contribute to a better quality of life for all Americans through our support of legislation for the arts. Today, we have another opportunity to help achieve a more fulfilling life for Americans throughout this Nation by voting in favor of this legislation.

I have no intention of delivering a panegyric on art as a justification for the expenditures involved. I know that many of my fellow colleagues have serious and sincere opposition to the bill. Some question the value of our endeavor in this area in any event, and particularly during a time when we are called upon to exercise great fiscal restraint.

Last evening, in listening to the sounds that fill the night—including the air conditioner—it occurred to me that the song of a bird has no monetary value, no cost-benefit ratio, and perhaps no moral purpose, but its influence is humanizing.

The same must be said for art and the humanities, for they reach the highest form of expression, of history and prophecy. And I would respectfully suggest that we do not measure the success of a society or a civilization in terms of its gross national product, but in the quality and the character of the men and women it produces. The arts and humanities give us inspiration and the impetus to reach for the ideal. And, given the times in which we live, there can be no greater need.

To be sure, there is legitimate debate on the amount of funding to be expended. At the same time, however, I believe we must give full recognition to the essential role played by the arts in any worthwhile civilization. This requires some financial commitment on the part of the Federal Government, for we have too long relied on State, local, or private support of this area of national importance.

As the trustees of the taxpayers' dollar, we are called upon to rest our investment decisions on something more solid than our inspirational needs.

First, we should ask is there any documented educational value? Second, does the public really want more Federal aid in the area of the arts and humanities?

The Carnegie Commission on Higher Education recently issued a report on "The Purposes and Performance of Higher Education in the United States: Approaching the Year 2000." The first priority in their recommendation is that "More broad learning experiences should be made available to students, and more opportunities for creative activity should be provided as through independent study and the creative arts." The Commission further urged that:

> Federal research funds should be substantially increased for the social sciences, humanities, and creative arts.

A survey of the New York State public was just released by the American Council for the Arts in Education and the New York State Council on the Arts. The survey was conducted by Louis Harris, Inc., and is considered a statistically sound base for a national survey. The study shows that the public strongly favors children developing skills and participating in the arts on all levels. A notable theme in the survey is "the great importance most people place on making culture readily accessible to children." Of those surveyed 52 percent said that they would like to see their children pursue careers in the arts—57 percent of nonwhites wanted arts careers for their youngsters.

The public also wants more arts courses offered as part of the core curriculum and taught for credit just like math or science or English, not merely given on an after-school basis. Majorities ranging from 54 to 78 percent felt that credit should be given for such courses as creative writing, painting, and sculpture, playing a musical instrument, voice and singing, and photography and filmmaking.

A little over a year ago a Gallup poll surveyed the interests of college and university students in the arts. The sample is representative of 7 million students. The survey showed that more than one-third of American higher education students are considering a career—as direct participant, administrator or teacher—in the arts. Which is to say that working in some aspect of the arts is their choice for their full-time, lifelong occupation. And dramatically, 76.2 percent said that the arts should play a more important part in the daily lives of Americans.

The National Endowment for the Arts over its brief history has not only been aware of the importance of arts in education, but has fostered and supported quality programs in this area.

I would like to highlight briefly three of these programs that the Arts Endowment is supporting:

Artists-in-Schools program: A highly successful on-going program jointly planned and funded with the Office of Education places professional artists in elementary and secondary schools in all 50 States in the country. It is not designed to train professional artists. Rather, its purposes are to increase children's powers of perception, their ability to express themselves and communicate creatively, through using tools and skills they might *otherwise not* develop. In the poetry component alone, there were some 1,200 poets in the schools during the 1972–73 school year. Altogether in the 1972–73 school year, around 2,700 schools had artists in residence. But this figure represents only 3 percent of the Nation's schools, and more needs to be done.

Artists, Photographers, Critics and Craftsmen in Residence program: This program enables art schools, colleges, and community centers to hire distinguished visitors, generally for short-term stays, to instruct and influence by work and example. Under this program, even the small-town community has benefited as evidenced by a program set up in 1972 at the Skowhegan School of Painting and Sculpture in my State.

Orchestral program: Many of the orchestras receiving grants under this program perform before and work with students in schools, colleges, and universities. In fact, 63 percent of the endowment grants in this program are for youth activities. In my own State of Maine, the Portland Symphony Orchestra toured to northern Maine this past year under an endowment grant. The orchestra performed for high schools in Lewiston and Presque Isle; and also at the Machias and Presque Isle campuses of the University of Maine.

Alternative education forms: This program is similar to the artists-in-schools program, but the setting is different—outside of the schools rather than within. Grants are basically made to community cultural centers such as Harlen School of the Arts, in New York City, Workshops for Careers in the Arts in Washington, D.C., Inner City Cultural Center in Los Angeles, and Dynamic Museum in East St. Louis, Ill. The potential here is immeasurable.

Poets in developing colleges program: This program places professional writers in English departments of developing colleges. The program began primarily in black colleges and is now on a pilot basis in several community colleges.

These program highlights are just examples of the kinds of efforts being presently pursued by the endowment in the area of arts in education.

The importance of these programs and the need for their continuation and expansion is more than evident. We have an opportunity today to not only assist the endowment to continue and expand these programs, but also to respond to the demand of the people of this Nation—young and old—to contribute to a change in our society that is not merely for more, but for the better. We must have bread. But we must have symphonies too.

Mr. PRICE of Illinois. Mr. Chairman, today we are called upon to act on H.R. 3926, the National Foundation on the Arts and Humanities Amendments of 1973. This legislation would provide $145 million as the 1974 budget for the National Foundation on the Arts and Humanities, with budgets for 1975 and 1976 to be decided as Congress deems fitting.

The National Foundation on the Arts and Humanities, along with its two cooperating branches, the National Endowment for the Arts and the National Endowment for the Humanities were created in 1965 to provide Federal support and encouragement for the progress and spread of the arts and humanities in the United States.

From its inception this program has been a success. With each succeeding year, appropriations have grown as the Foundation responded to congressional requests to share the wealth of this country's talent with all of its citizens. Special programs in art, music, film, dance, and the theater have been formed by the Foundation, providing a showcase for gifted young Americans who might otherwise have never had the chance to realize their potential in the arts.

In addition, the Foundation has established the means of allowing more Americans to become acquainted with the arts, perhaps for the first time. Those who had never seen a play or heard an opera—whether because of remoteness or socioeconomic factors—have been given the opportunity to experience the arts and humanities through Foundation programs.

Mr. Chairman, the United States has long been known as a scientific, technological nation. A highly developed civilization demands excellence in all branches of human endeavor—in scholarly and artistic pursuits as well as technological. The National Foundation on the Arts and Humanities has proved itself a worthwhile program for my district, as well as every other district in the Nation. I support its continued endowment and the passage of this bill wholeheartedly.

Mr. QUIE. Mr. Chairman, I yield myself such time as I may consume for the purpose of asking the gentleman from Indiana a question.

By rising tonight, we will still retain time for general debate tomorrow; is that correct?

Mr. BRADEMAS. That is the understanding of the gentleman from Indiana, that we reserve the remainder of our time by rising now.

Mr. Chairman, I renew my motion.

PARLIAMENTARY INQUIRY

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. What is the motion?

Mr. BRADEMAS. Mr. Chairman, I move that the committee do now rise.

Mr. GROSS. And general debate has not been concluded and will be concluded tomorrow?

Mr. BRADEMAS. The gentleman is correct.

The CHAIRMAN. The question is on the motion offered by the gentleman from Indiana.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. YOUNG of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3926) to extend the National Foundation on the Arts and the Humanities Act, had come to no resolution thereon.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have permission to revise and extend their remarks and include extraneous matter on the bill under consideration, H.R. 3926.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. GOLDWATER. Mr. Speaker, on rollcall No. 219 I was unavoidably detained. Had I been present I would have voted "no", and I ask that the record so show.

PERSONAL EXPLANATION

Mr. PARRIS. Mr. Speaker, on Friday, June 8, I was unable to be present on the floor when the votes were taken on the conference report on H.R. 2246, to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; and on H.R. 7670, to authorize appropriations for fiscal year 1974 for certain maritime programs of the Department of Commerce.

Had I been present, I would have voted for both H.R. 7670 and the conference report on H.R. 2246.

TRIBUTE TO MAJ. JIM TURNAGE

(Mr. WAGGONNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAGGONNER. Mr. Speaker, I make tribute today to the memories of Maj. Jim Turnage and Mrs. Turnage's son, Kevin, who were killed February 6 in a tragic automobile accident. Major Turnage, despite the demands of a very distinguished military career, consistently found time to devote to another organization he believed in, Boy Scouting. He was regarded as an outstanding leader of and exemplar for youth, helping to mold good character in hundreds of boys with whom he was involved in Scouting activities.

Major Turnage's association with Scouting spanned more than a quarter of a century. As a Boy Scouter himself, he attained the rank of Eagle in 1953 and was a member of the Order of the Arrow. While earning a B.S. degree in sociology from Centenary College in Shreveport, La., he was an assistant scoutmaster working with underprivileged youngsters and also was president of the Alpha Phi Omega Fraternity, all members of which hold Eagle rank.

Although his subsequent military assignments took him throughout the world, he continued his efforts in Scouting. He worked with Scout troops from coast to coast in the United States and also in Germany, Italy, and Thailand. At the time of his death, he was serving as scoutmaster of troop 253 in Indian Head, Md.

Because of the life and interest that Major Turnage so devoted to Scouting, Mrs. Turnage has esablished the Jim Turnage and Son Memorial Fund in their honor. Many contributions have already been received from all over the world. Funds will be used to enable needy boys to participate in Scouting who otherwise would not be able to do so.

To touch the life of another person is the most satisfying work one may experience. Yet strange as it may seem, such is also a gift we give unto ourselves. By striving to enrich the lives of others, our own lives become enriched; and Jim Turnage was a very, very rich man. The true spirit of Scouting that Major Turnage lived will always remain with those Scouts and Scouters he so ably trained. He could wish no greater tribute. In the loss of Jim and Kevin, I extend my heartfelt condolences to Mrs. Irene Turnage and to Jim's parents, Mr. and Mrs. Carson J. Turnage, Sr., who reside in Shreveport, La., in my congressional district. Mrs. Turnage has written of Jim that "we need more dedicated people like this in the world to help children of all walks of life." I sincerely agree.

BUGGING B'NAI B'RITH

(Mr. PODELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PODELL. Mr. Speaker, we have heard many stories in the last few days about the "dirty tricks" operations in this administration. Each day we learn of some new covert operation that was conducted by the Committee to Re-Elect the President, or of some new secret White House memorandum that would propose Government activities in violation of our most cherished rights.

So when we hear of another such episode, we are so surfeited with past disclosures of clandestine operations and doubledealings, that we merely shrug it off and say, "What else can you expect from them?" But we should not let the latest disclosure of CIA shenanigans go unnoticed.

The New York Daily News reported on Sunday, June 11, that it had learned of the CIA's activity in spying on the B'nai B'rith. For starters, this is clearly illegal. The CIA is by law forbidden to engage in domestic surveillance activities. Additionally, it defies comprehension to try and understand why, of all prominent national organizations, the CIA would choose to spy on the B'nai B'rith.

B'nai B'rith has had over a century of involvement in civic affairs in this country. This 500,000 member fraternal organization has always been renowned for its charitable activities, and for the crusading work done by the B'nai B'rith Anti-Defamation League in combating discrimination against all minorities.

However, the seemingly perpetual state of crisis in the Middle East has created a sense of paranoia in this Nation, especially since it has become known just how dependent we are on Arab-produced oil products. Thus, it may be that the B'nai B'rith was chosen as a target for CIA surveillance because, as a Jewish organization, it would logically have close ties with the State of Israel. Thus, the CIA would have an easier job in carrying on surveillance activities on Israeli policies.

The implications of this are appalling. We all remember the news stories circulating a short while ago about the bugging of the Israeli Embassy. Surveillance of the B'nai B'rith falls into a similar pattern. How many other fraternal or welfare associations with ethnic identities or ties with groups in other nations are under CIA surveillance? To what lengths is the CIA going in the name of "national security?" How many times has this agency, not to mention the other national security organizations, violated the law?

The time has come to pull the reins in on the CIA. From their role in the Watergate scandal, to this most recent disclosure of surveillance activity, the leaders of this agency have demonstrated that they have violated their authority in the most high-handed, callous manner. We can no longer permit this to continue. If it means the total restructuring of all domestic and foreign intelligence-gathering activities by this Government, then so be it, if that is the only way we can preserve our constitutional rights.

It is not merely the surveillance of the B'nai B'rith itself that is so outrageous, although that is certainly enough. It is the callous disregard of the laws of this Nation by the CIA which the B'nai B'rith incident demonstrates. I demand an immediate end to these activities which clearly violate the law of the land, and an immediate accounting by those officials responsible for these activities.

STUDENT LOAN DELINQUENTS

(Mr. DEVINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DEVINE. Mr. Speaker, for the last year, or so, I have been watching the collection operation of the Student Loan program by the Office of Education. In the fiscal year of 1971 the Federal taxpayers spent $2.4 million to collect student loans. Congress gave them an additional million dollars in 1972 to collect some $30 million in default loans. This created 55 new positions making it a total of 170.

Unfortunately, the Office of Education has not learned how to collect money from delinquent students. The number of students who failed to pay their loans is increasing so fast that some pessimists feel the entire program is ready to collapse.

In a report dated February 23, 1973, from the Comptroller General's Office, there are presently $31,354,860 in default payments with 38,000 individuals involved. The Office of Education, in fiscal year 72 collected $300,000. In their Boston regional office, for example, with 179 defaulted loans they collected on 9 for a total of $257. At this rate how long will it take them to collect $31 million. Mr. Speaker, to spend $3½ million for return of $300,000 is not good business even for the U.S. Government.

Today, I am introducing legislation that would permit the Secretary of Health, Education, and Welfare to contract with professional, commercial claims collection services to collect loans as it is obvious the Office of Education does not have the expertise to accomplish the job that needs to be done, and so that other students may participate in the Guaranteed Loan program.

The Guaranteed Loan program is one of the innovative and practical developments of our time. The time to keep it on the track is now, this year; next year it may be too late.

A loan from whatever source is a contract entered into in good faith on both sides. A borrower who deliberately violates his contract is just not only cheating the U.S. Government, but is also cheating society and himself.

Other young people are clamoring for assistance that they may continue their education and $31 million would go a long way toward assuring them of sufficient funds to increase their knowledge and in turn, the welfare of our Nation.

THE TIME IS NOW FOR A PRICE FREEZE TO COOL INFLATION

(Mr. DINGELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks and include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the Nation is currently going through the worst peacetime inflation in our history. Although the President now has the power to impose a freeze on prices and wages—the entire administration appears to be paralyzed in the face of this crisis.

Congress on April 30, 1973 passed the 1-year extension of the Economic Stabilization Act which gives the President the power to order economic controls.

A recent Gallup poll indicated that the American people recognize the high cost of living as the No. 1 issue facing the Nation. One cannot look at the economic indicators or pick up a paper these days without finding oneself knee deep in economic chaos regarding the price of gold, the balance of payments, the stock market decline, consumer confidence, and the rise in interest rates and unemployment.

Meanwhile, the administration continues to claim that inflation is cooling, that prices will level off, that unemployment will decrease and that the stock market will rebound.

Any doubts left in anyone's minds, including the minds of Nixon's economists, I would think, should have been shattered when the wholesale price index was released last Friday, June 8, showing an increase of 2.1 percent in May for an annual rate of 24 percent. This coupled with the consumer price index advance at a rate of 9.2 percent during the first three months of this year calls for immediate action to get inflation under control.

Mr. Speaker, I recommend, in view of the inaction by President Nixon, that the Congress impose a 90-day across the board freeze on all prices, rents, and consumer interest rates and direct the President to use this time period to develop and implement a long-term program to control inflation.

It is clear to everyone that voluntary controls will not work. They are an administration sham at the expense of the common working man and woman. It is also clear that this administration not only is unwilling to act, but has made no announcement of such intention to act to try to straighten out this economic mess. Therefore, the only alternative is for the Congress to act, and act now.

Wages and salaries should not be frozen, however, the present 5.5 percent guideline for wage increases would be continued.

The salaries of working men and women have borne the brunt of the administration's inflation control program, while prices and corporate profits have skyrocketed at a record rate. The average hourly earnings of blue collar workers—over 50 million workers—increased by 5.4 percent. Prices increased over 6 percent—in other words, the actual buying power of the average working family is less today than it was a year ago.

At the same time corporate profits are skyrocketing, a full 23 percent ahead of the first quarter of 1972.

The wage increases and labor contracts negotiated in the first quarter of this year averaged only 5.3 percent, below the 5.5 percent phase III standard.

It is simply unfair to ask the American workers to remain behind in the race against inflation.

Let me outline a few of the facts which led me to the conclusion that a price freeze should be implemented immediately:

The Consumer Price Index shows prices advancing at a rate of 9.2 percent during the last 3 months, almost four times the administration's stated inflation control goal.

The average family grocery bill is now $208 above that of last year.

The median price of a new home is up more than $3,500 over a year ago.

The wholesale price index increased by 2.1 percent in May or at an annual rate of over 24 percent.

Farm product prices, after dipping in April, rose strongly again in May. This index has climbed by 39.4 percent in the last year.

These figures are ominous for the consumer in the coming months.

Unemployment is still at 5 percent with no prospect of getting back to full employment while more than 4.4 million Americans are jobless and another 2 million Americans are forced to work part time. Yet the Nixon administration proposes to close down the public employment program and other job training programs.

The average hourly earnings of blue collar workers—over 50 million workers—increased 5.4 percent. Prices increased over 6 percent—actual buying power for the average working family is less today than it was a year ago, however, the compensation of top executives increased by an average of 13.5 percent in 1972.

Corporate profits are skyrocketing—a full 23 percent ahead of the first quarter of 1972.

The balance-of-payments deficit, up to $10.2 billion, is $1.6 billion more than the last quarter of 1972.

The dollar has been devalued two times since 1969. Each time, devaluation has cost the American people with the dollar today worth only 77 cents compared to the base year of 1967.

After the 1971 devaluation, the trade deficit tripled from $2.6 billion to $6.8 billion.

The price of gold on the London market has gone well over $110 an ounce or approximately three times the official exchange rate.

The stock market has plumeted from over 1,000 to the 800's indicating investor uncertainty and uneasiness about the stabilization program.

Interest rates are increasing and the Nation is threatened by a credit crunch, tight monetary policy, and rising interest rates—the prime rate went up from 7¼ to 7½ percent, the sixth such one-quarter increase so far this year.

The Federal Reserve Board increased its official discount rate to 6½ percent, the highest since 1921.

Mr. Speaker, I will also point out, and as our colleagues know, another measure of the irresponsible fiscal policy of the White House is that since 1969 they have accumulated a $78 billion budget deficit—more than one-fourth of the total debt of the United States has been added since 1969.

Pierre Renfret, once the Nixon administration's most highly touted economic adviser, calls the present economic policies a joke. And, he claims it is "one of the funniest economic games played upon the American people."

This is a cruel game to play on the American people. The President has the power now to impose a freeze on prices and he should do it now.

The American people should no longer be asked to shoulder the burden of runaway inflation, especially those who suffer the most—the elderly and the poor. But, it also is seriously eroding the common man's checking and savings account.

Mr. Speaker, as we all know, the Nixon administration is having more than a little trouble being candid with itself these days. Their candor with themselves and the American people over the state of the economy is one noted example.

Most economists outside the administration are predicting a recession and rising unemployment. However, one is to be cheered by none other than the old administration hatchet man, Spiro Agnew, who is now fronting for the President—while he is preoccupied with other matters. I read an Agnew interview in the Washington Post on Sunday and nearly gagged. He reassured the American people, who are suffering from the worst peacetime inflation in our history, that "the commentary right now about the economy I do not think justifies what you might call a dismal view." In other words, it is the press' fault, not the administration's economic policies that are causing economic chaos at home and abroad.

Last year, the real income of the average working family declined because of inflation—yet corporate profits are hitting near record levels—a full 23 percent ahead of the first quarter of 1972.

Here is another example of Agnewomics:

> The comparisons between wages and profits really aren't fairly made. On the one hand, you have profits coming out of the growth of the business, accelerating at a high rate, and on the other hand you have wages of the individual not changing that quickly because there are more and more individuals to distribute the increased total of wages among.

I challenge Agnew to come to my district and explain to the workers in their plants why corporate profits can skyrocket, but wages in real terms can decline—and that this is equitable and in the public interest.

Mr. Speaker, I include Monday's Washington Post editorial "The next Wage and Price Controls" and Edwin L. Dale's article in the Sunday New York Times "A Phase That Can't Be Cut Off" to be printed in the Record.

The articles follow:

THE NEXT WAGE AND PRICE CONTROLS

President Nixon has recently been suggesting that he may indeed take action shortly to hold down inflation. As a practical matter, the only action worth taking in the present circumstances is a short freeze followed by comprehensive controls roughly along the lines of the late lamented Phase II. There has been talk of keeping the freeze very short—30 days, perhaps, instead of the 90 days of the 1971 freeze. That would permit the administration to freeze only prices, without getting into the horrendous legal and administrative snarls that arise when scheduled wage increases are cancelled. That idea makes a good deal of sense.

But the nature of the next round of controls has to depend upon a candid and accurate diagnosis of our present economic troubles. Freezing prices and wages is easy. The dangerous part of the exercise is the thaw, when the economy moves toward flexible controls designed for the long haul. That is the point at which the President needs to explain to the country just what has gone wrong, and what has to be done to cure it. One of the curiosities of inflation is that the cure cannot work unless most people are persuaded that it will work. There is more than mathematics to economic policy.

The questions in most people's minds are the simple ones: Why are controls now necessary again, only five months after the administration lifted them? Why has the administration's plan turned out entirely differently from its expectations? If the effect of controls in 1971 and 1972 is only to leave us with a much more severe inflation in 1973, what can we hope from further controls in the future?

In retrospect, it is very clear that the administration misused the opportunity that it created with the 1971 freeze and the following Phase II. In early 1971 we were in a recession. Unemployment was high. At the same time, prices were rising ominously. Unfortunately, the economic remedies that reduce unemployment tend to raise inflation rates, and vice versa. With an election coming, the administration felt itself to be under great political pressure. The White House decided to apply controls to hold down prices and wages artificially while it applied enormously powerful pressures to expand the economy at drastic speed and to create jobs faster than the adult population was growing. First came massive tax cuts, then expansion of benefits such as Social Security which have high impact on personal spending. Interest rates were held down as the budget deficits soared. Rep. Wilbur Mills (D-Ark.), chairman of the House Ways and Means Committee, put the matter accurately when he said, ". . . we acted as if those controls permitted us to indulge ourselves in a fiscal and monetary orgy . . . I do not care what brand of economics you prefer, you cannot have the supply of money go up by almost 10 per cent in nine months without getting an upward rush in prices afterwards . . . We wasted on a fiscal-monetary policy binge the respite which wage and price controls could have given us."

The unemployment rate dropped from 6.1 per cent in August, 1971, when the President put the freeze into effect, to 5.2 per cent in November, 1972. That decline undoubtedly contributed to the results of the election. The President's precise intentions for the post-election period are not known, but the outline seems fairly clear. Many economists believe that controls can only postpone price increases. By dropping Phase II last January, the administration apparently expected to let the pent-up flood of these postponed price increases work their way through the economy in a sudden bulge. It would be painful but it would be short and there was nearly two years until the next election. The White House would rely on its new reapproachment with the labor leaders to damp down a wage spiral. Meanwhile, to turn off the inflationary pressure at its source, the President invoked severe and rigid spending limits, moving the federal budget toward balance as fast as his economists dared. Those limits were then defended in a vehement and abusive campaign by the administration against the spendthrifts in Congress.

What went wrong with this strategy? Most obviously, the eruption of the Watergate scandals distracted the administration at a crucial time. But there were other surprises for the White House. The administration, like everyone else, underestimated the extent and effect of the devaluation of the dollar. The first devaluation was planned but the second was not. Since then, there has been in effect a third devaluation as other currencies' values float upward. That has raised the prices not only of all that we buy abroad, but many of the goods, notably agricultural products, that we sell abroad.

Above all, no one had fully reckoned the psychological effects of ending the controls. Many businessmen, it now appears, not only raised prices to compensate for the past but kept right on raising them in anticipation of renewed controls in the future. As the price indices began moving upward in response, the talk of a new freeze began to frighten still more businessmen into still more anticipatory increases.

The first lesson of this melancholy experience is that controls are not omnipotent. They are not a magic spell that permits a government to follow foolish and reckless policies with impunity. Our European friends, incidentally, could have told us that. They have been using controls actively, off and on, ever since World War II and they have had considerably more trouble with inflation over the years than we have. Even under parliamentary governments, with their great flexibility in calling elections, it has proved very expensive to try to make the business cycle conform to the politicians' calendar.

The second lesson is that a large and rich nation cannot afford to make economic policy simply by reacting wildly to one immediate threat. Policy has to move to a larger target than the date of the next election. Mr. Nixon's policy of 1971–72 was successful in ending the recession, but his vast budget deficits then are of course the principal cause of the present inflation. A similar reaction now to the inflation could conceivably drop the country back into a new recession. There are other uninviting prospects. It is quite possible to have a roaring inflation and rising unemployment simultaneously. The next control system will have to be more than an overreaction to an immediate peril. Controls are no more than one part of an economic program that needs to address not only the inflation that is today's concern, but the recession and the erosion of standards of living that might well be tomorrow's.

A Phase That Can't Be Cut Off

(By Edwin L. Dale, Jr.)

Washington.—President Nixon was confronted last week with new and convincing evidence of the worst peacetime inflation in the American economy since World War II, and, in agreement with several polls of public opinion, called it "the nation's number one problem." The President conferred several times with his economic advisers, but the week ended with present policies intact and no assurance of change in the immediate future.

There was a great deal of bad news to consider:

Worst of all, the wholesale price index, a major measure of inflation, continued to rise at a rapid rate. The increase of 2.1 per cent in May alone was bad enough. Even worse was the figure for the closely watched index of industrial commodities, which rose by 1.1 per cent, and which in the last three months has increased at an annual rate of 15.9 per cent, the worst since the Korean War. And farm product prices, after dipping in April, rose strongly again in May. This index has climbed by 39.4 per cent in the last year. All of this will inevitably affect consumer prices, though by exactly how much is impossible to say.

Some interest rates, led by the "prime" rate charged by banks to big business borrowers, rose further. The prime rate went up from 7¼ to 7½ per cent, the sixth such quarter point increase so far this year. The increase reflected the huge demand for money in the economy, a counterpart of the inflationary boom. At the end of the week, the Federal Reserve Board followed the rise in private interest rates with an increase in its official discount rate to 6½ per cent, the highest since 1921.

The newly "floating" dollar declined further in the European and New York currency markets early in the week, accompanied by another spurt in the price of gold. Though both trends were reversed later in the week, the dollar dipped again on Friday and finished the week well below its value of only a month ago against the major foreign currencies.

About the only encouraging news was what appeared to be a relatively moderate wage settlement in the important electrical industry. The General Electric Company and two unions agreed on a contract with a relatively small wage increase plus a cost of living "escalator." The maximum increase over three years will be 22 per cent, and possibly considerably less.

Mr. Nixon faced a painful dilemma. With public opinion seemingly in favor of much tougher controls, Senate Democrats voted unanimously in caucus for a new price and wage freeze and are threatening to attach a provision for a mandatory freeze to a handy piece of legislation.

The President has the power now to impose a freeze—and he was aware it would be popular—but his own instincts and the great bulk of his economic advice were against such a move as bad economics at a time of booming demand and near-capacity production. At the time of the first freeze, in 1971, the economy was sluggish.

The extent of the current inflation has surprised almost everybody—the Administration and economists of various shades of opinion. And there is anything but unanimity over what to do about it, despite the rising clamor from members of Congress in both parties for tougher controls.

The trouble with controls, at least according to experience, is that they do not work well when demand is high and the nation's factories and farms are already producing as much as they can. Sometimes higher prices are charged surreptitiously, as sellers find willing buyers, or there are black markets, or goods simply disappear from the shelves.

What is now clear is that the economy was overly stimulated by the Government last year in an effort to spur the slow recovery from the 1970 recession. There was a massive budget deficit and the Federal Reserve Board permitted a rapid expansion of money and credit. Production and employment responded as desired. But now the price is being paid in the form of an exceptionally virulent inflation.

It is not clear how much of this extraordinary inflation of the past four months can be attributed to the shift from Phase 2 to the less mandatory Phase 3 of price and wage controls. Many of the prices that have risen the most, including a wide variety of farm products and such other items as lumber, were never really controlled even under Phase 2, and thus the change is not a factor. Prices for these products have risen for the classic reasons of booming demand and an inability of producers quickly to increase supply. Some others, including a number of metals like copper and zinc, are traded in world markets and their price increase reflects booming conditions in nearly all the industrial countries.

Controls were most effective for manufactured products, and particularly those produced by large companies. These prices have not risen nearly as much as those of the virtually uncontrollable raw materials, agricultural and nonagricultural.

But many economists believe there is indirect evidence in the wholesale price index of increases in manufactured products well above the "self-administering" guidelines of Phase 3, which basically permit price increases only when justified by higher costs of labor, materials and the like. The Administration is collecting documentation on specific price increases and its eventual "action" may well be not a freeze but a series of dramatic, company-by-company price rollbacks, which are permitted under Phase 3.

The Administration's basic plan for solving the problem has been simply to slow the boom without toppling the economy into recession. The budget will be close to balance in the new fiscal year, starting next month; the growth in Federal spending has been restrained, and the Federal Reserve has a much less easy monetary policy. And there are a few straws in the wind, among them a dip in the index of "leading indicators" of the economy, that the desired slowdown may be coming.

Abroad, the new floating exchange rate system was undergoing its first severe test. American inflation was one reason for the new decline in the dollar—higher prices make it more difficult for the United States to achieve the needed improvement in the balance of trade and hence the overall balance of international payments—but the psychological impact of Watergate and its implications for the stability of the American Government was probably the major influence in the new flurry.

In any case, George P. Shultz, Secretary of the Treasury, and Arthur F. Burns, Chairman of the Federal Reserve Board, firmly decided to let the float work without Government intervention, despite French demands that the United States act to support the dollar's international exchange rate.

Melvin R. Laird, newly appointed as the President's chief domestic adviser, told reporters: "Those people that are speculating against the dollar are making a grave error that I think they will live to regret." He could be right. The dollar was higher at the end of the week than at the beginning.

Meanwhile, the Democrats in Congress were understandably making what political hay they could out of the solution, and Republicans were increasingly embarrassed.

Senator William Proxmire, Democrat of Wisconsin, the author of the freeze proposal approved in the Democratic caucus, said the Administration's "paralysis" in light of the latest figures "is impossible to understand, justify or defend."

"The issue," he said, "is not only massive price increases. The issue is whether the President and the Government can function to meet this crisis."

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks, and to insert into the Record extraneous matter, on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SOVIETS OPPRESSION OF UKRAINIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 30 minutes.

Mr. DINGELL. Mr. Speaker, recently on May 27, 1973, my friend and colleague, the gentleman from Michigan (Mr. HUBER) and I attended a mass rally of citizens of Ukrainian descent in Detroit's Cobo Hall. The purpose of the mass rally was to commemorate the 40th anniversary of the man-made famine in the Ukraine in 1932 and 1933.

Mr. Speaker, that famine, induced deliberately by the Communist Party and the Communist government of the Soviet, cost in excess of 7 million lives of citizens of the Ukraine. On behalf of those present and on behalf of right-thinking men everywhere, I insert at this *point* in the RECORD the resolution adopted there:

RESOLUTIONS, ACCEPTED AT THE MASS RALLY ON MAY 27, 1973, COBO HALL, DETROIT, MICH.

We, Ukrainians, the citizens of Metropolitan Detroit, having gathered today, May 27, 1973 at this mass rally to commemorate the 40th anniversary of the man-made famine in Ukraine 1932–1933, do state:

This man-made famine was not an accident of nature but diligently planned genocide that cost Ukraine seven million people.

We are gathered here today for a mournful manifestation and protest against communist inhumanity.

We condemn most urgently the forced occupation of Ukraine and the biological destruction of the Ukrainian nation by the communist Russian regime of the USSR.

We condemn the Soviet regime's policy of forced and persistent Russification of Ukraine and persecution of Ukrainian intellectuals.

Therefore, we, Ukrainians, the citizens of Metropolitan Detroit, do ask the President of the U.S.A. to speak out in behalf of the unjustly repressed people in Ukraine.

We do appeal to the United Nations to send a special commission to investigate the destruction of basic human rights and freedoms in Ukraine.

In the era of disappearing colonial imperialism we beseech the UN to act on the last and largest of these the USSR and divide it into free and independent nations.

PRESIDIUM OF THE MASS RALLY.

DETROIT, *May 27, 1973.*

Mr. Speaker, I also insert at this point in the CONGRESSIONAL RECORD the summary and highlights of the speech presented by Prof. Mychajlo Symk, who was the chairman of this event:

The summary and highlights of the speech follow:

THE SUMMARY AND HIGHLIGHTS OF THE SPEECH PRESENTED BY PROF. MYCHAJLO SMYK, CHAIRMAN

In the spring of 1933 an American correspondent William Chamberlain traveled through Ukraine. In spite of severe restrictions, imposed on foreigners, he managed to visit several villages, located between Kiev and Bila Tserkva.

On the way to one of the villages he saw a leaning roadside Cross. The Image of the Crucified Savior was gone, only the Crown of Thorns remained; it struck him as the most appropriate Symbol of the Suffering Ukraine in the year 1933.

Regretfully, this Symbol was and still is the bitter Fate of Ukraine since historical events bound Ukraine to Moscovy.

Russia's colonial policy robbing Ukraine of natural resources and systematic Genocide remained consistent through the centuries. It became even harsher when Russian Imperialism took on the garb of communist ideology.

The war of 1919–21 between the Russian-Soviet Forces and Ukrainian National Republic was fought solely for the reason of possessing the Ukraine-Russia's "bread basket" and treasury of raw materials.

Leon Trotsky, the Supreme Commander of Soviet Forces in 1919, wrote: "It is imperative for us to return Ukraine to Russia . . . in lieu of the necessity for the Soviet Government to transport wheat out. Any means to achieve this goal are justifiable."

Lenin himself was in complete agreement with this line of action. After the occupation of Ukraine the resistance of the population prevented Russia from using the Ukrainian resources freely. Consequently, Russia had to use its own people to impose communism on Ukraine.

The struggle was long and hard, culminating in the First massive Famine of 1921, which was a prelude of the organized Famine of 1933.

To regard the Great Famine of 1933 as a separate occurrence would be a grave mistake. It was a pinnacle in the Russian effort either to subjugate or to eliminate Ukrainians.

Neither, ought one believe that the social experiment of collectivization and de-kurkulization (kurkul—rich farmer) of the peasants were the only reasons for the Soviet made Famine and the loss of 7 million lives.

The process of collectivization went on in Russia-proper also, but with less intensity and brutality than in Ukraine.

In 1929 8.6% of farmers in Ukraine were members of collective farms, as compared to only 7% in Russia.

In 1930 in Ukraine 65% were in collective farms, in Russia only 59%.

By 1932 in Ukraine 70% of the farmers were in collective farms, but in Russia only 59%.

Since the Ukrainian Declaration of Independence in 1918, Ukraine experienced a great Renaissance of National consciousness. The period between 1918 and 1929 was marked by an explosion of Ukrainian Art, Music and Literature—the Era of Ukrainization.

These events prodded Moskov to initiate a wave of Terror against the Ukrainian Nation. According to Stalin, peasantry was "the backbone of any nationalistic movement", it suffered the first blow.

Hard working, honest farmers were thrown out of their homesteads, or exiled to Siberia. Their land, cattle were incorporated in the collective farms. Thus, 1929 marked the first step toward planned Genocide of the Ukrainian Nation. By 1932–33 trucks, trains, storage bins were full of grain, ready to be shipped to Moscow, but the citizens of "Europe's bread basket"—Ukraine were starving and dying for the Glory of the Soviet, but still Imperialistic Russia.

One fifth of the Ukrainian population, primarily peasants, was murdered; 80% of the intellectuals; writers, painters, musicians and scholars were also annihilated.

Even the Communist Party of Ukraine was purged, 46% of Party members and 49% of the Communist Youth were expelled, jailed, exiled or executed.

By 1933 Moscow intensified the process of Russification in Ukraine: the schools, press and governmental institutions were the prime target.

Even today, 40 years later Russia's policy toward Ukraine had not changed. The process of Russification had been intensified; Ukrainians are being moved beyond the borders of Ukraine: libraries and churches of great historical value are being destroyed; Ukrainian intellectuals and dissenters are either jailed and sentenced to long terms or are being sent to mental institutions. Today, in memory of countless millions in common graves we bow our heads in silent tribute to their resistance and remember that the villany has not ended and our struggle against our eternal enemy Moscow goes on!

Mr. Speaker, this is an event of great sorrow. It points out the fact that the Soviet Government intends not only to continue its efforts toward domination of the world, but it also points out to right-thinking men everywhere what happens when a nation loses its freedom, as did the Ukraine, when it becomes Communist, and it points out the lack of concern and the great callousness of those responsible and the hardship of the people. It points out the full ability and the determination of the Soviet Government to use any measure to suppress liberty and to achieve its ends.

Mr. Speaker, the Ukraine was for a brief period following World War I a free and independent nation. It lost that liberty and the price of that liberty has been the suppression of all the freedoms of the peoples in the Ukraine and the loss of self-determination by those peoples. It has also been the hardships inflicted, the starvations, the forcible deportations, the loss of life, and, of course, the great Soviet-induced famine of 1932–33, which cost so many lives of so many innocent people.

Mr. HUBER. Mr. Speaker, it was my privilege on May 27 to address the Ukrainian Community in Michigan in Detroit as these Americans of Ukrainian descent met to commemorate the 40th anniversary of the virtual genocide of their nation at the hands of the Communist regime.

The world should long remember that Soviet leaders ordered the inhumane liquidation of the Ukrainian peasantry—some 7,000,000 men, women, and children who were deliberately starved in the winter of 1932 and the spring of 1933.

The Communist Russian Government, by the early 1930's had reached two conclusions. The Ukrainian peasantry must be destroyed because they believed in private property and ownership and opposed enforced farm collectives, and the U.S.S.R. had to transform itself into an industrial state in the shortest possible time.

In the fall and winter of 1932, the Kremlin masters began their drive to achieve both purposes. They collected the bumper crop of wheat raised by the Ukrainians and shipped it abroad, using the income to buy the machinery they wanted. The Ukrainian peasants, left without food, flocked to such cities as Kiev, Kharkov, and Odessa, where they died, quite literally by the millions.

To cap off this act of cruelty, the U.S.S.R. would not permit other countries, including the United States, to furnish aid to the starving millions in the Ukraine.

The Ukrainian descendants in Michigan tell me that the U.S.S.R. has not changed a great deal since 1933. The Kremlin today is savagely russifying the three Baltic countries of Estonia, Latvia, and Lithuania and such non-Russian nations as Byelorussia, Georgia, Armenia, Azerbaijan, and Turkestan, and we all are aware of treatment of Jews by the Russian leaders and the hurdles they have been placing in the paths of those wishing to emigrate to Israel.

TRIAL AND ERROR—STILL ANOTHER ECONOMIC REMEDY COMING FORTH FROM THE NIXON ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 40 minutes.

Mr. PATMAN. Mr. Speaker, slowly the message has crept into the White House that the people want something done about runaway inflation.

The White House spokesmen now indicate that the President—after months of amazing silence—is contemplating some type of action under the Economic Stabilization Act. This action may be announced as early as tonight if the reports are correct.

History will look on the past 5 months as an amazing period of inaction by the Chief Executive in the face of mounting economic troubles. Only President Herbert Hoover's inaction during the great depression can match the paralysis which has gripped the White House since the disastrous phase 3 was announced.

Over the past 5 months, the figures have been universally bad and they have been available to the President and his economic advisers. Now with the disaster facing the Nation's economy, the President reluctantly indicates he may act.

Mr. Speaker, this is the same President who unleashed his lobbyists—right from his White House staff—to beat back a strong economic controls measure approved by the House Banking and Currency Committee. This bill was beaten down in the House on April 16 and the White House lobbyists sat in the gallery and openly chortled about their success in defeating the measure.

At that time, I stated that the American people would soon realize the serious mistake that the House of Representatives made in defeating the committee's bill.

In May, the first full month after the defeat of the bill on the floor—wholesale prices rose at an annual rate of 24 percent. Since the defeat of the legislation on the House floor, the prime interest rate has risen from 6½ percent to 7½ percent. The discount rate charged by the Federal Reserve banks has risen from 5½ to 6½ percent over this same period.

Mortgage interest rates have spurted since the defeat of the bill on the floor and today, an 8-percent mortgage plus points is not uncommon.

Mr. Speaker, all of us hope that the President—after this long period of hesitation—will come up with a new program that will straighten out the economy and bring about relief from high prices and high interest rates. But the mistakes that this administration has made on the economy since 1969 are monumental and repeatedly the moves have been made reluctantly—repeatedly "too little, too late."

With this background of mistakes, it will be difficult for the administration to inspire the confidence of the American people in their ability to handle any new program of economic controls.

We can only hope that the shock waves of recent weeks will have brought the administration to a realization that deeds and action are better than public relations window-dressing embellished with periodic Presidential appearances on national television.

Mr. Speaker, the President's performance under the Economic Stabilization Act has been strange indeed. The Act originated in the House Banking and Currency Committee in June of 1970. Almost immediately the White House launched a bitter attack on the committee for even suggesting the legislation.

Despite these attacks, the Congress did pass the Economic Stabilization Act as part of a broader bill extending the Defense Production Act. In signing this Act on August 15, 1970, the President denounced the controls section and stated that he would never use the authority contained therein.

For 1 solid year, the economy drifted, and finally—with prices moving up at a rapid rate, the President reversed himself and announced that he would use the Economic Stabilization Act. This was on August 15, 1971—a full year after the Congress had sent him the measure.

If the President had used this act in a timely fashion after the Congress passed it in 1970, we would not have the economic troubles which we face today. The President imposed the freeze too late and it hurt the effectiveness of the whole stabilization effort.

The President then compounded his earlier errors by suddenly abandoning mandatory controls on January 11, 1973, and announcing the toothless phase 3 under which prices and interest rates have skyrocketed.

Once again, Mr. Speaker, this is not a record which inspires confidence in any new program to be administered by the same tired old team.

IN HONOR OF MIA'S FLAG PRESENTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 5 minutes.

Mr. DICKINSON. Mr. Speaker, as we all know tomorrow is the one day of the year we specifically set aside to pay honor to Old Glory, our Nation's flag.

Since the birth of this Republic we have had many banners—some with varying numbers of stripes; others with unique star patterns—but all have had a common thread in the dedication of men and women who have served in the Armed Forces to protect the red, white, and blue.

This year Flag Day will be exceptionally special—our former prisoners of war are home, free at last to breathe deeply the air of liberty in the land they love so deeply that they gave months and years of their young lives in its service.

You saw and heard how much seeing that Star Spangled Banner meant to these men when they disembarked in the Philippines. You saw one returnee wave his handcrafted version of Old Glory when he set foot on free soil. Their flags will fly on Flag Day.

But, from the former captives own homecoming words, we all know that these returned heroes will look at those flags and give a thought to their 1,300 comrades who are still unaccounted for—the missing in action. They will think of the thousands we know were killed in the Vietnam war. Yes, they will think of these fallen heroes, as we should also.

With thoughts of these men and the children they left behind, No Greater Love, the project for young Americans of which I am proud to be a National Advisory Council member, will hold a press conference tomorrow here on Capitol Hill in the Rayburn Building. The purpose: To announce that this organization, which was begun by U.S. athletes to help the POW's children over the rough, lonely road while their dads were abused guests of Hanoi, will continue its work on behalf of the children of our missing and killed in action.

Just as the POW's children received gifts and special attention from the men and women of the sports world, so now will these children.

The autographed photos of Brooks Robinson, Wes Unseld, Larry Brown, Al Kaline, Joe Namath, Johnny Unitas, Ted Williams, Don Schollander, the autographed footballs from entire teams, the pennants and baseballs and invitations to sports events will still be sent out on Christmas and birthdays from No Greater Love to the special youngsters.

Appropriately, on Flag Day, 3 days before Father's Day, one of the former POW's will present an American flag that has flown here at the Capitol to the son of one of the MIA's. Subsequently, other children will receive one of these flags on his father's birthday. And there will be other considerations given these youths as they go through the years—or until, we pray, their fathers are found alive, and reunited with their families.

I would like to see as many of you at the presentation ceremony as possible, along with former POW's and the sports personalities. The ceremony will be held at 10 a.m. in room 2212 of the Rayburn House Office Building. Let us join together in this program. Let us support it to the fullest measure. Is this too much to ask on behalf of these youngsters who have given so much of their happiness for the Nation? I think not.

EXPANDING PRIVATE OWNERSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, on March 27, 1973, Senators FANNIN, HANSEN, and DOMINICK introduced S. 1370, a bill to amend the Internal Revenue Code of 1954 to facilitate acquisition of ownership of private enterprises by the employees of such enterprises. Senator FANNIN's excellent statement about his bill appears on pages 9635 and 9636 of the Congressional Record of that date.

Yesterday I introduced an identical bill, H.R. 8590, in the House. The bill's intention is to expand capital ownership in the United States—to broaden the base of capitalism by making it easier for employees to own "a piece of the action."

The bill would amend the Internal Revenue Code to stimulate the growth of employee stock ownership plans. It would provide incentives for corporations to finance and expand through employee trusts.

Successful employee trusts do exist, and their number is growing. A typical plan has the trust borrowing money to buy equities of the employer corporation. The corporation uses tax-deductible dollars to pay off the trust in amounts adequate to amortize the debt. The corporation gets its expansion capital and the employees, usually members of the trust in proportion to annual wages, become the owners of the new stock issued by the employees' corporation.

Without the incentives in this bill, the corporation would borrow money on its own and expand its business. Its capital stock position would not be changed. The ownership would remain the same, and the present owners would be the sole beneficiaries of expansion.

Obviously, not all corporations would be interested in employee stockownership plans. Those corporations who are interested will begin what I believe will be a rapid expansion in the numbers of people owning shares in American industry.

In my judgment, an expansion of the people's capitalism from the current status in which less than 10 percent of our population owns shares of American enterprise would begin the revitalization of the free enterprise system. I can think of few things that Congress can do to preserve and enhance the free enterprise system than to provide incentives to spread its benefits over a greater proportion of our people.

Specifically, this legislation proposes the following changes.

First. Provides that a qualified employee benefit trust shall have the tax characteristic of a charitable organization for purposes of income, estate, and gift taxes.

Second. Provides a tax deduction to corporations for the amount of dividends which they pay on stock held by qualified profit sharing or stock bonus plan trusts, provided that the dividends are promptly paid over to the employees covered by the plan.

Third. Provides for an increase from 15 to 30 percent in the percentage limitation on the maximum annual tax-deductible contribution that can be made to a qualified employee benefit trust.

Fourth. Provides an additional tax deduction for a corporation making a contribution to a qualified profit sharing or stock bonus trust where the trust pays off indebtedness incurred to purchase stock of the corporation. The amount of the special deduction would be 50 percent of the principal amount of the indebtedness paid by the trust during the taxable year of the corporation.

Generally, it would broaden the base of capitalism, stimulate increased productivity, broadly distribute new income and purchasing power, and give large numbers of working people in this country a whole new interest in our free system.

IMPOUNDMENT-BY-CONTINUING RESOLUTION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California (Mr. Bell) is recognized for 15 minutes.

Mr. BELL. Mr. Speaker, the rapid approach of the next fiscal year presents a crisis requiring immediate action by this body. The crisis stems from the precedent established by the administration of spending policies which blatantly disregard the terms of the continuing resolution covering the Departments of Labor and HEW. It is a precedent which would wipe out several hundred million dollars of ongoing education programs as of July 1.

In other words, Mr. Speaker, our decisions concerning the next continuing resolution will determine whether we are going to adhere to our constitutional responsibility to legislate or surrender that power completely to the executive branch. Our situation is rather like the owner of the cow pasture who fails to object to trespassers—before he knows it, he has granted a legal right-of-way.

Mr. Speaker, it is not my purpose today to get into the entire legalistic debate over impoundment. But this element of the impoundment controversy, this method of impoundment-by-continuing resolution, demands an immediate decision. And if we fail to make that decision here on Capitol Hill, it will be made automatically on the first day of fiscal year 1974.

The report accompanying the last continuing resolution stated that the level of appropriations for Labor-HEW programs would be determined by reference to the lower of the House or Senate versions of H.R. 15417. This could not have been made more clear. Colloquy both in this House and in the other body explicitly reiterated the level of funding provided by the resolution. I quote:

> Mr. Perkins. As I understand, under the general rule one determines the amount appropriated by reference to the two versions of the first Labor-HEW Appropriations Bill for fiscal year 1973. One does not refer to either the fiscal year 1972 appropriation or the fiscal year 1973 budget estimate . . .
>
> Mr. Mahon. The continuing resolution provides that the executive branch will proceed under the lowest version of the bill which passed the House and Senate in June of last year . . .

And in the other body, this colloquy took place:

> Mr. Mondale. As I understand it, reference is to be made only to the House and Senate bills of last June and no reference is to be made to either the appropriations for fiscal 1972 or to the administration's budget request for fiscal 1973.
>
> Mr. McClellan. The Senator is correct. The controlling factor is the lower of the two amounts—the amount of the House item and the amount of the Senate item in the appropriation.

Despite the clarity of all of the language involved here, Mr. Speaker, the administration is nonetheless spending by reference not to the continuing resolution but by reference to the budget request for fiscal 1973. In a letter responding to an inquiry from me on this point, the Secretary of Health, Education, and Welfare stated:

> The Department is in fact maintaining its level of expenditure wherever possible at the rate established in the President's revised 1973 budget request as submitted to Congress on January 29, 1973.

A similar letter from Labor Secretary Peter J. Brennan stated:

> The Department of Labor's actual operating level for fiscal year 1973 is the President's budget request for FY 1973, as revised by the Budget Document submitted to the Congress in January of this year.

Earlier this year my inquiries about this level of spending prompted replies to the effect that the continuing resolution had been "interpreted" as containing a third applicable reference point: The 1973 budget request. Since no reasonable person could possibly read into the resolution this third reference point that simply was not there, the administration changed its reason to one amounting to straightforward impoundment. Reading into the resolution language which is not there—or simply impounding the funds—are merely two different paths leading to the same use of the budget request—a use never intended by the Congress.

Our failure to insist on adherence to the terms of the continuing resolution has permitted the administration to establish a precedent during fiscal 1973 that would be devastating if followed during fiscal year 1974. For example, the administration's proposed plan for education revenue sharing would fold 32 programs into a new spending authority. Part of this consolidation plan, however, calls for the complete elimination of certain other education programs presently being funded. The 1974 budget document not unexpectedly reflects the administration's assumption that the Congress would approve not only the revenue-sharing plan but also the termination of these other programs—and thus the budget contains zero funding for these programs. But, Mr. Speaker, the House has not yet acted on the proposed legislative package.

It is my understanding, furthermore, that certain education programs which would be zero funded under the 1974 budget request would in fact be funded under the subcommittee draft of the 1974 Labor-HEW appropriations bill. On the authorizing side of the argument, the tenor of the Education and Labor Committee is in the same vein—proposals to terminate program authority are meeting with little support among my committee colleagues. Thus, we have a situation where both the authorizing and appropriating processes would continue these programs beyond July. But all of these efforts will be mere wheel spinning if the continuing resolution does not explicitly mandate the continued funding of these programs pending the final decisions of Congress.

A "continuing" resolution should be just that, Mr. Speaker. It should preserve the status quo while the Congress has the opportunity to make the decisions they are constitutionally required to make. To the extent that a fiscal 1974 continuing resolution permits the administration to terminate programs altogether, it is permitting the administration to legislate by reference—reference to a budget document reflecting profound changes in existing programs—a budget document whose contents can be changed by a stroke of the pen.

I fully recognize that the budget document is and has been a standard reference point under continuing resolutions in the past when neither House has acted on appropriations. But that has not been the case this year nor, presumably, will it be the case on July 1. But the critical point is that the use of the budget document would not continue these programs; it would eliminate them.

As of today, school officials all over this Nation are in the untenable position of not knowing whether to fire employees whose jobs depend on some of these programs. I urge as strongly as possible that the Appropriation Committee prepare a continuing resolution that mandates explicitly, leaving no room for interpretation of any kind, the continuation of all programs scheduled for termination under the budget request until the Congress has the opportunity to decide their future—or lack thereof—in an orderly fashion.

I have today sent the following letter to the chairman of the Appropriations Committee:

House of Representatives,
Washington, D.C.

Hon. George H. Mahon,
Chairman, House Committee on Appropriations, Washington, D.C.

Dear Mr. Chairman: Enclosed for your review is a speech prepared for the floor in which I express my deep concern about the status of various HEW programs, especially some education programs, under the terms of the continuing resolution that undoubtedly will be needed next month.

Assuming that the House will have acted on the Labor-HEW appropriations bill by that time, my understanding is that the continuing resolution would ordinarily provide for the continuation of the programs at the lower of the House-passed appropriation bill or the current rate. While not particularly desirable, this level of operation would at least be tolerable. What concerns me is the danger that the administration would interpret its authority under the 1974 continuing resolution the same way that it has under the 1973 resolution, i.e. that despite the language of the resolution it will spend at the level of the budget request. Translated into practical terms, this would mean the complete unilateral termination of on-going programs as of July 1.

Both your committee and my committee are presently considering the future of these very programs. It would be intolerable in my view if the Congress were to permit a situation wherein the executive branch can end-run our deliberative process and wind up virtually legislating by reference to the budget request.

I therefore want to join with the many school officials who have already contacted your committee to urge as strongly as possible that the continuing resolution contain language mandating, not merely permitting, the continuation of these various programs until such time as the Congress can make its final decisions concerning them.

With appreciation for your attention to this urgent request, I am

Cordially,

Alphonzo Bell,
Member of Congress.

DOES ERA ILLUSTRATE "REPRESENTATION GAP"?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Ashbrook) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, slightly more than a year ago the U.S. Senate overwhelmingly approved the so-called equal rights amendment guaranteeing full equality of rights under the law regardless of sex. Only eight votes in the entire Senate were cast against it. Since the ERA had been approved by a similarly lopsided margin, with only 24 negative votes, by this House in October of 1971, the Senate action dispatched the proposed amendment to the several States, where, it was confidently expected, it would be promptly ratified. My good friend, the distinguished Senator from Texas, John Tower, said as he prepared to vote for the measure:

> When the results are in, I have little doubt that this amendment will be ratified, most probably in record time.

If one had judged solely by the verdict of the Congress in its vote on the measure, it would have been difficult to disagree with Mr. Tower's formulation. Yet what has happened since then illustrates what I have often referred to as a "representation gap."

What has, however, been the fate of the ERA in the State legislatures which must say the final word on amending the Constitution? At first it appeared that the equal rights amendment would indeed be ratified in record time. Within 16 days after receiving the amendment, 11 States had ratified it without really debating the measure very extensively or soberly considering its consequences. But then something happened. The average American woman began to realize that something not very desirable was going on, she began to feel vaguely that there was something much more to this amendment than originally met the eye, that it was in fact what the Senator from North Carolina, Mr. Ervin, had termed:

> The most drastic proposal for amendment of the Constitution ever recommended or supported in the history of this Nation.

And they began to organize politically to fight the equal rights amendment at the last constitutional barricade, in the State legislatures. At first their task might have seemed hopeless. Both Houses of Congress had passed it by overwhelming margins. The President of the United States had indicated his support for it. The highest echelons of the Republican and Democratic parties supported it. It had the backing of many large and influential women's groups and other political organizations. The major communications media were all for it. And it had already been ratified by a number of States by the time the amendment's opponents began to rally organized opposition to it.

Yet, what has been the result? In the space of only about half a year, the seemingly unstoppable momentum of the ERA has been halted and, if anything, reversed. True, some 30 States have ratified the amendment but only two since the beginning of the year, and 19 have refused to ratify, with action by one still pending. Moreover, of the 30 which have ratified, one—Nebraska—has voted to rescind its action, and nine others, realizing that they acted too hastily to begin with, are considering rescision.

We have still 6 years to go for the ratification process, and the pro-ERA forces are resourceful, energetic, and determined. Even after the steady series of reverses which the ERA has now suffered in the States, one cannot safely predict that it will never be added to the Constitution. The New York Times on May 24, published an extensive report on the organizational efforts now being made by pro-ERA groups to secure ratification within the next 2 years.

Mrs. Phyllis Schlafly, the most prominent spokesman for the anti-ERA coalition, has called the amendment a "terminal case." Let us trust she is correct in that assessment. In any case, the chances are now good that it will fail and if it should win through it will almost certainly be by a narrow margin and not at all in the way it passed both Houses of Congress here in Washington. And that fact alone should give us food for thought.

Why do the people at the grassroots object to that which seemed so patently acceptable to the Members of this House? For one thing, they realize that it would introduce what Senator Ervin called "legal chaos," that it would, as he said:

> Invalidate thousands of laws which make legal distinctions between men and women, many of which are based upon entirely rational grounds and a recognition of the fact that God did create two sexes.

In other words, the States have come to see that ratification of the amendment would lead to the wholesale dismantling of an entire area of legal doctrine granting women certain privileges and dispensations and which the great majority of American women certainly wish to preserve.

The amendment's backers, for example, explicitly and firmly rejected modifications which would have continued women's exemption from the military draft. As my able colleague from Indiana (Mr. Dennis) said during the House debate:

> It does not make sense to write into the Constitution of the United States a proposition which means that if we ever have to draft men, we have to draft women, and if we ever have to draft fathers, we have to draft mothers.

The lobbyists for ERA claimed this was precisely what American women wanted, and because there was no countervailing voice in these Halls at that time, too many Members of this House, sometimes reluctantly and against their better judgment, voted for the ERA despite this prohibition.

The Senator from Kentucky, Mr.

Cooper, said this in so many words before the vote:

> I am doubtful that the amendment is really needed, but I have the belief that the women of this country believe it is needed, and that they want Congress and the State legislatures to express their full equality. I shall vote for the measure.

When the amendment's opponents, especially during the Senate debates, raised serious questions about the radical legal ramifications of the amendment, its prime sponsor, Senator BAYH usually replied soothingly to the effect that of course commonsense would temper the practical application of the far-reaching principle of nondifferentiation on the basis of sex.

But the junior Senator from New York, Mr. BUCKLEY, expressed severe doubts about the willingness or ability of the courts to follow Mr. BAYH's commonsense approach when he said:

> I would like to suggest, however, on the basis of our experience with the sometimes extravagant extension of newly defined rights in other fields, that in due course extremist groups will demand, and some Federal regulators and some Federal courts will concede, other interpretations too bizarre to contemplate.

Mr. BUCKLEY was absolutely right. We already have experience on the local level—specifically in the State of Maryland, which has added an equal rights amendment to its State constitution—as to the absurd and extreme legislation which the advocates of sexual equality have hastened to introduce in implementation of the principle of nondiscrimination on the basis of sex. "Bizarre" is indeed an appropriate adjective for many of their proposals.

The States are also justifiably worried about the federalization of the entire matter of legal distinctions between the sexes which would be mandated by the amendment. This is combined with the recognition that a constitutional amendment is a much more radical, sweeping measure than is really needed to eliminate the remnants of unjust discrimination on the basis of sex which still exist. In short, these abuses can best be eliminated by legislation aimed precisely at them, and carried out at the State level. These points were made very well by the only woman in the House of Representatives to vote against the ERA, the Representative from Missouri (Mrs. SULLIVAN) when she said during the debate:

> What is the matter with women in any State who permit a State law to remain on the books which is clearly discriminatory? Missouri has no such laws. Our women were instrumental in eliminating them. I suggest the women of other States do likewise.

The State legislatures recognize, I believe, that ratification of the ERA, in addition to introducing "legal chaos," would lead to a very substantial erosion of already greatly weakened local authority. And this is an excellent reason for them to reject the amendment.

It is not my purpose here to detail all the arguments against the REA. I voted against the amendment without any doubts. The actions of the States since then confirm me in my belief that I was correct in opposing it. But the really interesting question is this: Why, in the matter of the ERA, was the Congress of the United States so massively out of touch with the sentiment of the population as a whole, with the popular will? I think that question is worth dwelling on for a moment.

One major reason for this is that the proponents of ERA organized themselves very effectively and concentrated their resources here on Capitol Hill. Many Congressmen's and Senator's offices were simply besieged at that time by zealots for the feminist cause who would not take "no" for an answer and who insisted that they spoke for nearly all women in accepting the most radical consequences of the principle of nondiscrimination on the basis of sex.

Some offices never heard from a visitor with anything different to say, because the opponents of ERA were not organized at the time and did not realize what was being done to them. The proponents of ERA are the sort of people experienced in putting across their point of view here at the center. They are not nearly so good at it out in the States. We have been exposed to many instances of this sort of operation recently. For example, when some of us are visited by lobbyists from distant places opposing President Nixon's termination of certain domestic programs who tell us of all the benefits the localities derive from those same programs, we occasionally suggest that, if the programs are indeed so beneficial, then the local authorities will be pleased to take over their funding through revenue sharing.

The lobbyists are usually appalled at this suggestion, and one can only surmise that the programs in question often are not considered very essential by local officials and will not in fact be funded. The only hope for funding—or enactment, in the case of the ERA—is through persuasion of the Congress, which is both compact and therefore easily targetable, and also generally unaware of local conditions. We too often take the lobbyists' word for it that the programs in question are beneficial, and do not obtain any independent information from the field. If we had done this in the case of the equal rights amendment, we might well have discovered for ourselves that the zealous lobbyists in our offices did not speak for so very many women after all.

A second reason for the discord between Congress' adoption of the ERA and grassroots sentiment is the one-sided information available to us. Not only were the feminist organizations available to gather material and draft statements for ERA supports in the Congress—a resource which its opponents generally lacked—but the committee hearings, supposed to provide us with information on legislation, were generally one-sided and biased. This was especially true of the Senate hearings, less so of the House hearings.

And this is a problem which national legislators of conservative persuasion must face on a whole range of issues. Congressional committees and their staffs, as we well know, are under the control generally of people who sincerely believe in the steady extension of Federal intervention into all areas of the national life. Consequently, committee reports often read like briefs on behalf of whatever legislation a given committee is reporting out, and those opposed to the legislation are given precious little material with which to work.

In this connection I would urge that we seriously consider a proposal made recently by the junior Senator from New York, Mr. BUCKLEY, in an article published on February 2 of this year in National Review. He wrote then:

> It might be desirable to require that every committee report outline as objectively as possible the principal arguments for *and* against each new legislative proposal, even when the bill is in fact unanimously supported by the entire committee.

I should think that such a modest and reasonable requirement as this could significantly improve the quality of the legislative process in the Congress—such a thing as merely requiring a serious outline of the chief arguments both for and against proposed legislation.

I should add that in order to obtain the arguments on both sides, committees ought to invite witnesses both for and against any proposed piece of legislation. If no witnesses do appear on one side or the other, the committee staff must be able to show that it has made a serious and good-faith effort to discover and invite such witnesses, but that this effort was unsuccessful. This would necessitate very little effort on our part, probably, but it could certainly reflect most beneficially on the quality of the legislation we do pass.

If the committee system with its staffing cannot or will not provide us with balanced and objective information on proposed legislation, and if we feel—as we too often do—that we are inadequately informed on a bill, then we ought to make it a rule of thumb to vote "nay" rather than "yea" when we are uncertain. Proposals once rejected can always be reintroduced—as, by the way, the ERA was for many decades—but a program once initiated is exceedingly difficult to terminate no matter how much harm it does.

We have this year had vivid examples of this with congressional reaction to the President's desire to end certain useless and sometimes even damaging programs. Once begun, Government programs acquire a momentum of their own. It is this ever-accelerating momentum which has brought us the monetary inflation and excessive governmental interference in our lives from which we now suffer.

The striking difference between the fate of the equal rights amendment in the Congress of the United States and in the several States should give us cause for reflection. So far the dedication of what Senator ERVIN called that "exceedingly small band of stout-hearted Senators" who opposed ERA—and the small group of Members of this House—has been vindicated.

But there is great reason for concern when we who were in such a small minority in a legislature supposed to represent the popular will can turn out to have represented a very major current indeed in our political life at the local level. It shows that something is not quite right in the political process in Washington. I have tried to isolate certain reasons for this "representation gap" in my remarks today. I have offered them seriously. I hope they will be seriously considered.

RENT CONTROL AND THE NEEDS OF PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. Abzug) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, today I am reintroducing with 14 cosponsors an important measure for the 37 percent of Americans who rent their dwellings. My measure would roll back and stabilize rents at the levels of January 10, 1973, until June 30, 1974, the date the current moratorium on Federal housing funds—imposed by the Nixon administration—is set to expire. Landlords would be permitted to raise rents only to cover any increase in taxes or because of "necessary capital improvements" to the housing unit.

We have all heard reports that the President will shortly announce some new form of economic controls but we have, unfortunately all come to realize that Nixonomics will not do anything to help the working people of America. We have also come to know that Nixon will not consider the particular problem of soaring rents. The low- and middle-income people of the Nation are buckling under the skyrocketing cost of living. Their plight cries out for immediate relief. Along with the price of food, the cost of rent is a major component of the burden these people—especially—in our major cities—are currently bearing. This bill would substantially alleviate this burden.

Another provision of my bill indicates that if a State or locality has its own rent control laws, the Federal law would apply when it would result in a lower unit rental. In New York City, the measure would prevent the unbridled increases currently permitted under the State vacancy decontrol law and would have the effect of nullifying recent rent increases in tens of thousands of units there.

I would like at this time to include the text of my bill and the 14 cosponsors: Herman Badillo; Frank Brasco; John Conyers; Augustus Hawkins; Henry Helstoski; Patsy Mink; Parren Mitchell; Won Pat; Bertram Podell; Charles Rangel; Robert Roe; Benjamin Rosenthal; Fortney (Pete) Stark; Charles H. Wilson of California.

H.R. 8621

A bill to provide for equitable rents under the economic stabilization program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (h) of section 203 of the Economic Stabilization Act of 1970 is amended to read as follows:

"(h) (1) Notwithstanding any other provision of this Act, the President is authorized and directed to stabilize rents at levels prevailing on January 10, 1973. Thereafter, the President shall only allow rents to increase by the actual amount of any increase in any tax, fee, or service charge levied by a State or local government and any necessary capital improvement after the beginning of the preceding period of occupancy (and not previously charged to any lessee) and allocable to that residence.

"(2) The President may roll back rents to levels lower than those prevailing on January 10, 1973, to carry out the purposes of this Act.

"(3) This subsection shall preempt the applicability of the provisions of State and local rent control laws with respect to a rental unit only to the extent that such laws operate to permit to be charged for such unit a rent in excess of that permitted by this subsection."

NO PHANTOM JETS FOR SAUDI ARABIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida, Mr. Lehman, is recognized for 5 minutes.

Mr. LEHMAN. Mr. Speaker, the U.S. Government is about to approve the sale of high-performance F–4 Phantom jets to Saudi Arabia.

We have been providing weapons to Saudi Arabia such as the F–5 Freedom Fighter and the Hawk ground-to-air missile since 1956. These weapons have been justified as being primarily defensive in nature.

But the Phantom is an offensive plane which poses a grave threat to Israel's security.

Saudi Arabia, a feudal dictatorship, considers itself to be engaged in a holy war against the democratic state of Israel.

Former King Saud once said that the Arabs should be willing to sacrifice 10 million men to destroy Israel. King Faisal has been equally threatening.

Saudi Arabia still bars Jews from entering the country. It strongly objects to Israel's presence in Jerusalem. It has always challenged Israel's right of free passage through the Straits of Tiran. Its frontier is just a few miles from Eilat and Israel's oil pipeline.

Providing Phantoms to Saudi Arabia will definitely threaten the stability of the Middle East. With Phantoms based at Tabuk where they could reach any target in Israel and return to base, the current balance-of-power, so essential to the maintenance of the present cease-fire, would be clearly jeopardized.

The United States insists that these planes would be used only for defense and could not be transferred to another Arab state.

While Saudi Arabia may promise not to transfer these Phantoms to Egypt or any other country, no one really believes that such an agreement can truly be enforced.

Back in the 1950's, the United States armed Iraq until a radical group overthrew the government, inherited the weapons, expelled the Americans, and gave their full support to Russia and Egypt.

In 1966, our Government assured Israel that Jordan would not use its new American tanks against Israel. When war came, the assurance proved worthless as the Arabs sent their American tanks across the Jordan River to attack Israel.

Today, Egypt is busily engaged in building up its arsenal for the next war which it insists must soon begin. Despite solemn promises of non-transferability, French Mirages have been sent to Egypt from Libya, British Hunter jets are reported to be on their way from Iraq. British Lightning jets may be coming to Egyptian bases from Saudi Arabia.

In light of these reports, some of which have been confirmed by our own intelligence services, I do not see how we can claim to act responsibly in the Middle East if we intend to provide the Arabs with American warplanes so that they can renew their attack against Israel.

Let us consider what this new American action would do to the long-range prospects for peace.

The Arabs will never make peace with Israel if they think she is weak and can be destroyed. Our new arms deal with Saudi Arabia and perhaps Kuwait may total $1.5 billion.

To this must be added a $600 million training agreement with the British and an unknown arms deal being worked out with the French.

If all of these arms agreements tilt the balance of strength in favor of the Arabs, what hope can there be for a negotiated peace?

Some have made the argument that by providing new warplanes to Saudi Arabia we will assure ourselves of a continued flow of Arab oil.

Let us all remember that America settled this question of submission to Arab blackmail back in 1801 when we stopped paying tribute to the states of Barbary I cannot believe that anyone wishes us to return to such a policy.

Let us also remember that the American people have long been proud of our relationship with the courageous nation of Israel. They recognize Israel as a strong country which has the will to defend its freedom.

The American people do not want to see their Government arming the enemies of Israel.

The American people do not want us to sell American Phantom jets to Saudi Arabia.

AMERICA IS HEADED FOR ANOTHER SERIOUS CRISIS

The SPEAKER pro tempore (Mr. Mazzoli). Under a previous order of the House, the gentleman from South Carolina (Mr. Davis) is recognized for 10 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, America is headed for another serious crisis. I am reading daily in the newspaper, hearing constantly on the radio, watching on television, and being briefed by my constituents of the forthcoming serious impact that is being thrust upon us by the so-called fuel shortage. I have been prompted to take a serious in-depth look at just what we can expect, and what I am finding out is not exactly what I am hearing or reading. There are Americans being seriously affected by the crisis. However, it does not appear to be any of the so-called major oil companies who are telling us that enough fuel is not available to meet our Nation's needs.

It is not the large retail outlets in our major metropolitan centers. No, Mr. Speaker, it is again that same group of forgotten Americans of all nationalities, races, and creeds, those who pay taxes, are the first to come to the defense of our Nation, support their local government and schools. Yes: The so-called middle Americans. Included in this group are farmers, service station dealers, oil distributors, small building contractors and others who depend upon an orderly supply of petroleum products to operate their businesses. I am concerned about these people. When I learn of one of my constituents who has invested his life savings in a retail gasoline outlet, and who was doing a thriving business, is being threatened with losing everything that he has, I am disgusted.

But, Mr. Speaker, when the same company that cut him off comes in and wants to buy his accounts, I am disgusted. When I hear that 85 farmers being supplied by a small oil distributor are unable to secure gasoline because it is not readily available, I take great interest in their problem. When I become aware of the serious farm fuel supply problem that is upon us, I also get apprehensive about all Americans who are touched the hardest by the instability this brings about in our economy. Mr. Speaker, I watched on the Today Show this morning, a sad story relating to the rural community of Cedartown in my sister State of Georgia. Ten of 14 independent service stations operated by local taxpaying citizens, owned by a native son, were forced to close their doors and withdraw service to their customers because no fuel was available. We often hear that from one small acorn, a mighty oak grows, Mr. Speaker, today we are seeing the mighty oaks crush the acorn. Is this the reward for a job well done? I say "no." I say it is selfishness.

The Congress spends many hours of deliberation dealing with the problem of the small businessman. We have an agency of the Government established to handle their problems with officers in every State of the Union. We debate almost daily on the impact of inflation upon our people, rising food cost, rising medical care costs and other inflated purchases that these people must make. We are about to completely upset the apple cart, because if this Congress does not act to assist the farmer, the small businessman and others, the products which the farmers produce, the markets that are supplied by the small businessman, and the services offered by others in middle America will become ever more scarce.

Mr. Speaker, we can ill afford to neglect any longer this problem. Under consideration in the Interstate and Foreign Commerce Committee now is Senate bill 1570 introduced by my good friend, the distinguished Senator JACKSON from Washington and approved overwhelmingly by the Senate. This bill gives the President the authorization to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the National Distribution System which jeopardizes the public health, safety, and welfare of our people. We need to get on with the business of acting on this bill and I hope that my colleagues on the committee are working diligently to report it to us at the earliest possible time. While we await their action. I want to encourage each of my friends in the House to do everything possible to secure prompt action from our friends in the petroleum industry to meet the needs of our people.

PAROLE BILL HEARING SCHEDULED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary announces 2 days of public hearings on H.R. 1598, the Parole Reorganization Act of 1973. The hearings will be held on Thursday, June 21 and Thursday, June 28, 1973, in room 2226, Rayburn House Office Building at 10 a.m.

Witnesses will include:

Hon. Maurice H. Sigler, Chairman, U.S. Board of Parole.

Hon. Antonin Scalia, Chairman, Administrative Conference of the United States.

Hon. Norman A. Carlson, Director, Federal Bureau of Prisons.

THE FOURTH DISTRICT OF PENNSYLVANIA VIEWS THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 5 minutes.

Mr. EILBERG. Mr. Speaker, for months now the country has been agonizing over the state of the economy. Prices on basic commodities, especially food, have risen disastrously.

While economists, Members of Congress, consumers' organizations and private citizens have called for action, the White House has been silent except for statements that everything is going to be all right in a few months. Unfortunately, each of these announcements push the big day farther into the future.

Now it is apparent that even the President has realized that something is wrong. Rumors have been circulating that his advisors are planning phase 4 and this morning it was announced that Mr. Nixon will go on television tonight to tell the Nation about his new economic game plan.

It is my hope that he has decided to take the bold steps necessary to check inflation which will restore confidence in our Nation's economy both at home and abroad. This is also the hope of the people of my district in Philadelphia.

Last week, I sent a questionnaire to the more than 160,000 homes in the district. This morning my staff tabulated the first returns and they show a clear dissatisfaction with phase 3 and a demand for tight controls on wages and prices, including food.

Ninety-three percent of those who have replied so far believe phase 3 is a failure and 86 percent want "comprehensive wage and price controls."

I wish to emphasize that these returns come from all areas of my district and the answers to other questions indicate that these are the feelings of both liberals and conservatives.

Mr. Speaker, the people realize that strong action must be taken and they are willing to make sacrifices now if they can be sure that these sacrifices will be shared equally and that the future rewards will also reach every level of society.

It is my hope that the President has reached the same conclusion.

At this time I enter into the RECORD the first tabulation of my poll.

[In percent]

	Yes	No	Undecided
(a) Do you believe the President's phase III "voluntary control" economic policy is working?	1	93	6
(b) Would you favor a return to comprehensive wage and price controls?	86	7	7
(c) If price controls are put into effect again, should they include food prices?	94	5	1
(d) Have the increases in food prices caused a change in the kind or amounts of food you buy?	89	10	1
	More	Less	Same
(e) Are you buying more or less:			
Meat	0	87	13
Poultry	43	31	26
Fresh fruits and vegetables	15	59	26
Canned and frozen foods	27	26	47

SELF-REALIZATION—A GOAL FOR US ALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, on May 28, I had the honor and privilege of attending the annual Honors Convivium of Quincy Junior College in Quincy, Mass. Quincy Junior College is the only municipally sponsored public institution of higher learning in the South Shore area, and will soon be unique within the Commonwealth of Massachusetts. The college serves 2,325 students, and will soon extend its services to cover five more towns on the south shore.

The purpose of this banquet was twofold. First, well-deserved recognition was accorded to Mrs. Maude Johnson, a tireless and dedicated woman whose constant efforts and hard work have served the Quincy community. The division of continuing education has established a scholarship in her name to be used to assist students enrolled in the evening programs. This way, the college and the students will always be mindful of Mrs. Johnson's tireless work on their behalf. Second, the banquet was, of course, to give well-deserved recognition to those students who have maintained records of high academic excellence.

Keeping in mind these two purposes, Joseph P. Cunniff of Quincy delivered an appropriate address to those who were gathered at the Red Coach Grill in Hingham that night. In his talk, he tried to put across some of the values and ideals that he holds dear, tying in the concepts of truth, religion, education, and philosophy with self-realization. I found his speech to be most enlightening and thought-provoking. For these reasons, Mr. Speaker, I would like to submit it to you, so that others may share in it, and find, perhaps, some substantial "food for thought."

The speech follows:

Dr. Creedon, Dr. Pierce, Congressman BURKE, Mayor HANNON, Members of the QJC Board, Faculty, and the students we are honoring tonight.

I feel this was an excellent dinner—why shouldn't it be it was free. Now let us sit back and relax and ponder food of a different nature—food for thought. Earlier this week I was pondering and reflecting upon some thoughts I would like to share with you; thoughts which I hope you will ponder as you go through your college life and into the world of work. I say share because they have touched the very basis of my own life. If you listen carefully and piece them together they form a word—I call it mnemonics.

My mother who is dead a few years and who also was an immigrant to this country made a statement to me when I was in high school and has left quite an impression on me all these years. . . . That I would never be secure in this life, but as long as I live I would always have need of spiritual arms. That I will be in the midst of enemies, and that I will be assaulted on all sides. How true it is . . . . living in this divided, pluralistic society we sometimes have to search through the wreckage for the traditional values. Yes, we are a shook up generation living in an anxious age. We are living in an era with the unenviable distinction of the first time in history it is possible to destroy civilization and wipe out the human race perhaps within a few weeks. And just a few years ago we were talking about the achievements of science and technology that was the thing. We were filling our homes with new gagdets designed to make work easier and pleasanter. And then suddenly we read in the newspapers the rumblings of a hostile power grown to stature in less than a generation, a power we really saved from annihilation threatening us with a shout of "we will bury you."

These anxieties and tensions which grip so many of us are heightened by the feelings of frustration of our inability to take any strong action to relieve our fears. Then frantically (Yes, desperately) we reach out for the truth (eternal truth) more certain now that while science and technology can destroy us, they lack the power to save us. Then the fault lies not in the product but in the user. Scientific achievements in the past 60 years have surpassed the preceding 500 years. However, man's moral advance has lagged far behind and from what we can see and read . . . is faltering fast. Edwin H. Markham said:

"We are all blind until we see that in the human plan nothing is worth the making if it does not make the man."

"Why build glorious cities if the man unbuilded goes; in vain we build the world unless the builder also grows."

Folks, in this disillusioned, shaken, jittery and anixous world of ours we seem to be reaching and searching for ideas which make us free. You really only have to lift your eyes, heart and mind to the one who holds this universe in his hands. If you have your religion hold on to it don't be a stranger in paradise.

Speaking of social pressures as I did a moment ago—to me there is no discipline as important as economics. To me it far outranks everything—if there is one idea you must grasp now to understand how societies function, it is the idea of interdependence of segments of life on the whole society. When Mayor White of Boston (or for our purpose here, Mayor Hannon) says the problems of our country are in the cities. How true it is again. The American city although almost last in the hierarchy of the intergovernmental structure that rules our nation does maintain an operational primacy in dispensing our common resources, and I hope for the common good. And those who are working to resolve the problems of unemployment, transportation, poverty, taxes, social isolation, educational deficiencies, racism and crime. . . . They have to be commended. We have skyscrapers tangled beside skid rows: We have humans crowded together, and we have the innocent children who come too, daily, with brutality of an institutional nature as well as of a personal nature. You know we are in a system of administrative arrangements and social conveniences. We have crowds of people each trying to carve out some happiness and all we find is confusion, strangers and in a type of world we seem to have never made.

Our economy doesn't run itself—why, it doesn't even come close to it. Perhaps your principal reason to study economics was to understand that the laws of economics must be obeyed—primarily that governments should not interfere with the operation of an economy. Anyone who thinks like that courts disaster, furthermore.

You are part of the government—speak out and base them on your value judgments. Help us stick together for so many are confused and without roots, so many are searching for meaning and yet lack security. Help them you can thru economics.

The future is dark, the present burdensome, only the past is dead and that bears contemplation. All too many of the educational ideas of the past have survived and are found today in our modern mind. Some are outdated, some useful, some through derision fall into oblivion. The ones that survive are added to our knowledge known as science, and to that of the valid reasoning known as philosophy. Some years ago the Quincy schools were interested and I hope still interested in a system of values. While I hope each of us has a system of values it took a course in philosophy to develop mine and make it more meaningful. Surprising enough it was in the very early '60s that I took it with Dr. Creedon. While exploring philosophers, you draw out ideas which can help you and be put to use to help others.

I became very interested in the philosophy of Thomas Jefferson. His aims on education and nationalism. What our leading statesmen have thought throughout all of the history of this country is as true today; a free people can remain free only when they know well the great principles and causes upon which their happiness depends. Of course, I have other favorite philosophers from Thomas A' Kempis to John Dewey. Develop your philosophy and stick with it.

My next two reflective thoughts concern education and teaching. Let me start with a quote from Alfred North Whitehead because I think it appropriate . . . "our minds are finite, and yet even in these circumstances of finitude we are surrounded by possibilities that are infinite, and the purpose of human life is to grasp as much as we can out of that infinitude." Then the problem of education, the same as with life, becomes that of establishing for the individual the most effectual relationship with the environment that surrounds us. Right now our country yes, our world is involved in a crisis such as history has never witnessed. It's in values in the things men live by. When you start thinking about education—think in terms of objectives—self-realization, human relationship, economic efficiency, and civic responsibility. It can be correctly resolved in the home, the family, the school, the church, the business world because we hope education and teaching help to equip men to become fit to live in a free society. Each and everyone is a teacher of a sort. We pass on to others information we have learned. We are in a way theorists. Some of the problems that confront you as teachers, parents, administrators, legislators, counselors, students to be developed are:

Is it education for the benefit of society conformity; is it selective education as imitation or memory, education for men, applied learning.

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Or for the individual; or for original thinking; or universal education; judgment or creative thinking, women as well as men, learning from books for its own sake.

I hope we have started you towards a goal—keep at your education and teaching.

How? Organize yourself as a business with the profit motive in mind. Structure yourself like a table of organization. Sounds like a principles of management course. Industrial organization is a means by which human resources, assets, money and time are coordinated into efficient productions for products and services. For your own product development—have you selected. The field you are going to specialize in might be highly competitive purchasing—have you bought from your professors, the materials, the parts, the supplies, the tools to equip you in life?

Manufacturing—make your own product, put your own distinctive imprint on it, your hallmark, and then carefully market it, sell it, promote it and service it. Now I don't want you to go about parading yourself as a business unit, but you must organize and administrate yourself—take the initiative. You can succeed. How?

There is always a better way and it can be found. In industry, methods improvement is to find a better way. Those seeking to improve methods question the product, the process, the job, you do likewise, well, every thinking person is continually brought face to face with the need to discriminate between what is true and what is false, what is probable and what is doubtful or impossible. These decisions rest on a combination of knowledge, faith, common sense and intelligent guessing. In one way or another we decide whether the road to Quincy Square is icy and I should take the MBTA: and whether the threatened layoff at General Dynamics will take place after all. Any adult has acquired techniques for verifying these reports and rumors.

I hope at a QJC we have taught you to use this reflective thinking to search for the truth in civic and economic matters. By seeing and foreseeing and weighing the consequences of alternative actions. When you as an individual come to a forked road in your life—you must take one turn or another; you think reflectively about it, you explore the consequences of going in this direction and then weigh the consequences of going the other. You don't think reflectively when you imitate some so-called authority or stubbornly choose one way without giving consideration to the other. What you really did was researched it thoroughly.

You know I have been talking for about 20 minutes and perhaps you are saying, "Boy, am I confused." I started out by telling you things that affected me personally. I tried to transfer them to you by reviewing important ideas, told you to organize them like a buisness, improve them, sift them, discard them and then say "What's it all about Alfie." Yes, the highlights spell a word, a word which I hope you can remember and develop in your life accordingly. It's a word you honored guests can go out of here and place in your repertoire, religion, economics, philosophy, education, organization, initiative, research, evaluation. Amen.

THREE MILLION SEVEN HUNDRED AND TWENTY THOUSAND POUNDS OF MANMADE DEBRIS REMOVED FROM NORTH BRANCH OF THE CHICAGO RIVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, many concerned citizens of the 11th Congressional District of Illinois, which I am proud to represent, joined together during the past year in a cleanup of the North Branch of the Chicago River. With the help of U.S. Army Corps of Engineers, the final phase of this project was completed last week, and I congratulate these public-spirited citizens.

This is a victory for those on the Northwest Side of Chicago who have been directly involved in trying to clean up this stream, to control erosion, to reduce pollution, and especially to improve recreational usage of the North Branch.

Among those who initiated and were directly involved in the success of this commendable achievement were Mrs. Carol Miller, 5504 West Hutchinson, chairman of Project SOAR—Save Our American Resources—Mr. Ralph C. Frese, chairman of the North Branch Coalition; Mr. James Parker, president of the Parkview Civic Association; Mrs. Eleanor Nemcek, president of UNICA—United Independent Community Associations—the Boy Scouts and Girl Scouts in the area; and all of the citizens who have given of their time and effort to insure that the second most polluted river in Illinois, the Chicago River, will one day be among the cleanest.

Mr. Speaker, the type of debris removed from this water resource is only further proof of the role each and every citizen must play in order to maintain a clean environment. No less than 3,720,000 pounds of manmade rubbish were dredged from the river.

This amounts to 10 loads per mile or approximately 124 50-yard trailer loads of debris. Random loads were weighed and indicated an average of 15 tons per load. Recyclable material was at a minimum; only large willow and poplar logs and some downed trunks. This would constitute less than 400 cubic yards. Total yardage hauled from the job was 6,200 cubic yards. The average cubic yard weighed 600 pounds, for a total of 3,720,000 pounds of debris.

As to the type of debris removed, we estimate 1,000 shopping carts and 125 to 150 picnic tables. The largest single item was a complete automobile. In addition to the above, the following items were also removed:

A complete telephone pole with four cross arms, 12 wheelbarrows, two motorcycles, 30 bicycles and numerous wagons, three or four pay telephones, a full barrel of beer, parking meters, a traffic light signal with pole, a cattle tank, air conditioners, and television sets, road and traffic signs, railroad ties and plates, construction debris, concrete forms and numerous mortar tubs, tires, auto fenders and two-thirds of a disassembled Chevrolet station wagon.

Steel fencing and snow fences, the flag from the seventh hole of a golf course, a sofa, chairs, beds, bed springs, refrigerators, hot water tanks, gas stoves, washers and driers, one metric ruler, barrels, drums, oil tanks, and two barrel racks, one hub from a wagon wheel (antique), bottles and cans, one steel desk, one rifle and two B-B guns, lawn mowers, fertilizer spreaders and a snow blower, two rowboats, one military bayonet and sheath, dead animals.

ACTION ON OIL IMPERATIVE NOW—FAILURE TO DO SO NOW WILL BRING A COLD AND BLEAK FALL AND WINTER TO NEW ENGLAND AND OTHER AREAS OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, the President's Oil Policy Committee this week is holding public hearings for the purpose of gathering evidence as to whether the administration's current voluntary petroleum allocation program is working, should be improved, or should be replaced with a mandatory allocation system which I support.

Unless we go to a mandatory allocation system immediately, the gasoline shortages motorists are experiencing this summer will be nowhere near as discomforting as the home heating fuel shortage New Englanders will have to endure next winter.

The experts have testified that there is no petroleum crisis—just temporary shortages of gasoline in selected areas. The gasoline supplies are tight because refineries had not geared up for extra production, but output is rising and new refineries will be under construction, they say.

These answers will not get us through the gasoline shortages for motorists this summer.

But, what is more important, it almost assures a most dangerous and severe shortage of No. 2 home heating fuel in New England and the northeast region next winter.

Refineries this summer are attempting to maximize gasoline production in a period when they would normally be building up stockpiles of winter heating fuel.

Prompt action must be taken by the Government to prevent a heating oil shortage in the Northeast next winter which would pose a severe threat to the health and safety of millions of families.

No. 2 home heating oil is vital to New England.

Seventy-one percent of our homes and businesses and 74 percent of the population depend on this fuel for heat.

The supply system which brings this fuel to more than 9 million people of the region is massive and intricate. Advance plans must be laid out if the system is to operate effectively and intelligently. Last minute "crisis" decisions are of little help.

Next winter home heating fuel demands in New England will be at record levels and supply extremely tight. The margin of safety is going to be smaller than ever.

Inventory shortages of some 19 million barrels of No. 2 fuel oil are expected as the cold weather begins next autumn.

With any severe cold weather next winter this can be disastrous and houses will be without oil.

It is, therefore, imperative that the Government make plans and decisions now to ease the predicted home heating fuel shortage in the Northeast next winter.

I have urged the chairman of the President's Oil Policy Committee, Deputy Treasury Secretary William E. Simon, to implement mandatory petroleum controls to assure equitable distribution of fuels in short supply. I have sponsored legislation to accomplish this purpose, H.R. 7870, similar to the Emergency Petroleum Allocation Act passed by the Senate last week.

Also, the Oil Policy Committee must allow New England to increase its imports of No. 2 home heating fuel from 50,000 barrels a day to a minimum of 150,000 barrels per day, free of import fees of 20 cents per barrel.

New England needs increased imports and needs them on a regular basis.

Hard cold winter weather and heating oil shortages only create crisis situations. Oil importers and distributors then have to rush to the Oil Import Appeals Board to go through the annual rituals of appeals, pleas, and crash decisions for additional import allocations.

This is not a very stable way to assure adequate winter heating oil for the northeast region.

Mr. Speaker, a severe heating oil supply crisis can be averted next winter. Prompt action must be taken by the Government to prevent a shortage of home heating oil throughout New England and the Northeast.

Not all of the burden falls upon the Government, however.

To conserve on petroleum products, motorists this summer must drive slower to save gasoline. The experts say a gallon per week savings on the part of every motorist may put an end to the gasoline shortage.

If refineries can cut down on the processing of gasoline this summer, adequate home heating fuel supplies can be produced for the frigid winter ahead.

PENDING FUEL SHORTAGE IN AIRLINE INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 15 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, all of us are aware of the recent problems related to fuel availability and pricing. The production of gasoline is a major concern of refineries. One industry, the airline industry, could face shortages of turbine fuels and the carriers probably will have to consider allocating available fuel supplies.

I am pleased to see that the Civil Aeronautics Board "bit the bullet" on this subject.

This past May 23, Vice Chairman Whitney Gillilland, in his usual articulate manner, outlined the CAB's views on this subject. The occasion was the spring quarterly regional meeting of the Association of Local Transport Airlines held in San Francisco. The ALTA quarterly meeting drew together the top officials of the local service carrier industry and leading representatives of financial institutions and aircraft manufacturers.

I insert Vice Chairman Gillilland's presentation in the Record at this point:

Remarks of Whitney Gillilland, Vice Chairman, Civil Aeronautics Board

It is a joy to again attend an Annual Meeting of ALTA. My first was about 13 years ago in Philadelphia. At that time I predicted that a meeting in the City of brotherly love, beyond a doubt, would be a "dependable omen for General Adams and your Association." That worked out well. Accordingly I will try another which is that this meeting in the City of discovery of gold portends a great flow of it into your airline coffers.

Each time has or has had its peculiar concerns for the future of air transportation. The first occurred in a climate of deep anxiety for safety. The Electra had recently been introduced and there had been two bad accidents. Nevertheless, the Electra turned out to be a very fine aircraft, and after some modifications a very safe one, and the anxiety to be transitory. This meeting occurs in a time of real and increasing concern as to the continuing adequacy of the airline fuel supply. It now appears that the need for this concern may be much less transitory.

It has been the good fortune of the Civil Aeronautics Board to have had among its Members two erudite prophets and wise men who came to us from the great State of Washington. The first of these was General Joe Adams who we long ago learned to honor and to admire. The second is Bob Timm who we are now in turn learning to honor and to admire. Now both of these gentlemen are enthusiastic articulators and propounders of doctrine to which I can adhere.

On that occasion at Philadelphia 13 years ago I undertook to preach the gospel according to General Joe and I thought it was mighty good gospel. On this occasion I shall undertake to preach it, at least in part, according to Chairman Timm and I think it is good gospel likewise. It may be, however, that I will, from time to time, interject a few expressions with reference to petroleum, or others, which I have not had opportunity to discuss with him, and for which he should not be held accountable, at least unless he wants to. For purposes of simplicity therefore, let us say that whenever I wax unduly pessimistic, sour, arbitrary, revolutionary, mistaken or unreasonable, I am to be regarded as speaking only for myself.

Although Bob Timm has been Chairman but a few months he has already authored some significant chapters and verses. I will select my text from the Washington Aero Club speech of date April 24, 1973, wherein he spoke thusly:

"In order for the American consumer to have a sustained and economically viable air transportation system, it will be imperative that the air carriers achieve and maintain on a continuing basis the 12 percent return on investment which the Board prescribed in the recent Domestic Passenger Fare Investigation. The American consumer must have air transportation not just in 1973, but in 1980, 1990, and 2000. Only a healthy industry can provide the consumer with the quality and quantity of service he requires."

Now ladies and gentlemen, that is, as I view it, mighty superior doctrine, and doctrine which I wholeheartedly endorse.

He then projected methodology in several specific matters, with all of which you are concerned. With regard to the particularly intimate one of service to small communities he said:

"Unfortunately, as certificated fleets have grown in numbers and size, some of the markets of the Nation have not. Realistically, in order to give the consumers in these markets the service they need, it will be necessary to continue a program of Federal support. . . ."

Chairman Timm continued—

"Even with this support, however, some communities will no longer be able to provide the traffic for continued certificated service."

He then went on to identify potential remedies for such situations in substance as follows:—

"When this occurs, every effort must be made to provide the communities with substitute service using, as support, for example the system of joint fares. There are other considerations which are in the mill at this time, including the possibility of substitute route protection . . ." and ". . . the possibility of flowing through subsidy to a substitute carrier, a practice with some Board precedent. . . ."

That is likewise sound doctrine to which I can subscribe. It not only reflects a sophisticated understanding of the problem which it addresses, but inherently recognizes and seeks to perpetuate the enormous contribution the members of this Association have made and are making to the development of the air transportation system of this country.

Among the other strong points made by Chairman Timm there are two which I wish to specifically mention. One referred to excessive capacity and the other to the danger of fuel shortage. He very properly associated these two, *i.e.*, excessive capacity and the danger of fuel shortage for they are in essence very closely related, and in this connection announced the imminent issuance of Board Order 73-4-98. That Order, extending as it does a hand of welcome to the consideration of capacity reduction agreements, is probably one of the most significant policy documents of recent years. Concerning capacity the Order speaks in part as follows:

". . . the Board is convinced that the industry should earn, on a consistent basis, an adequate rate of return in order to be in a position to maintain and improve, on the long term, a transportation system that will meet the growing and changing needs of the American people. All parties agree that while many factors have contributed to the industry's failure to achieve an adequate rate of return, the principal single cause has been the cost of operating excess capacity. Until capacity can be brought into a rational relationship with demand, industry profits will not reach required levels."

Now from time to time there have been some other worthy prophets and wise men at the Board. One of them is that superb lawyer, Welch Pogue, who served as General Counsel of the Board and then as Chairman during a very formative period and greatly influenced the course of development. Indeed we have two very fine ones now who recently demonstrated such propensities in connection with Board Order 73-4-98. These are G. Joseph Minetti and Robert T. Murphy. To that Order, Member Minetti appended a concurrence, joined by Member Murphy, and stated in part:

". . . I cannot ignore the growing signs that a severe fuel shortage may be impending. Such a shortage could take on the same emergency character as the carrier earnings crisis which led me originally, albeit with great reluctance, to countenance the departure from competitive norms involved in capacity reduction discussions and agreements between carriers. Accordingly, I do not feel that under present circumstances it would be a responsible act to refuse to permit carriers (and other interested parties) to devise and present to the Board any type of plan—including but not restricted to capacity limitation agreements—which might prove effective in dealing with an acute fuel shortage if one should develop."

That is likewise sound doctrine and very closely related to the economic compulsions which are of the essence of the Timm doctrine, and have more and more propelled the Board toward a tolerant attitude concerning restrictive agreements .

This newly developing state of affairs was likewise taken into account and given weight in the text of Board Order 73-4-98 announced by Chairman Timm and to which the concurrence is appended. It has its origins in the fact that U.S. consumption of petroleum products has outdistanced U.S. production and we are rapidly becoming heavily dependent upon imports, and imports for that matter from nations which have little present need for revenue. Thus there is a seller's market and to an uncomfortable extent subject to the influence of international political considerations, some of them turbulent. It appears to be aggravated, at least temporarily, by inadequate refining capacity.

This state of affairs would be worrisome enough if consumption were to remain constant at the present rate. It is very much more worrisome in the light of predictions of increase in consumption so great that the world may in the next twelve years use up more petroleum than in all previous years since Adam. That is, the world may consume it if enough petroleum proves to be available to supply it, or unless some very firm and purposeful steps are taken to reverse the trend.

There was little reason to take note as to the amplitude of the oil supply throughout most of the years of the world's history, for horses used very little of it. Furthermore, a new crop of fuel could be planted every spring. Unfortunately that can't be done with fuel for aircraft, and we have been a very long time in taking sufficient account of just what that difference could mean.

We have already had instances of temporary interruption in air transportation due to shortages. The Board has taken steps to help this situation but the threat has scarcely subsided. Similar and even more immediate hazards have been manifest in surface transportation, public and private, agriculture, the construction industries, and elsewhere.

The state of affairs is serious enough, as I view it, to be certain to produce changes in air transportation. Just what the changes will be and how great they will be is less certain. Undoubtedly there will be an effect on fuel costs. Undoubtedly such effect on fuel costs will have an impact on fares and charges. Undoubtedly as fuel takes on increasing proportion as a share of costs the changes will influence aircraft ultilization, acquisition, and eventually design. Depending upon the extent of that proportion the influence could be very great. Indeed it seems that the very nature of the route structure may be affected. Are we now to have a reversal in the course of growth of the air transportation industry?

The answer to that question depends upon the ability to adjust. I am possessed of enough foreboding to believe that if very disagreeable consequences, whether soon or late, are to be avoided, both Board and industry must assert stricter disciplines than they have in the past. Other governmental units, local, State and national must do likewise and it is not unreasonable to expect, as the President has proposed, that the public should assert some self discipline of its own, for it is much in its interests to do so.

The overwhelming need now in air transportation is the complete elimination of waste and the achievement of the very greatest possible efficiency. In short, the need is to maximize the ratios between revenue ton miles and fuel consumption, and to strive for the attainment of very high load factors. Viewed in this context all such matters as pollution, noise, airport congestion, departure and arrival times, frequencies, speed, single-plane services, nonstop services, promotional, discount and off-peak fares, competition, charters, the role of the scheduled carriers with regard to charters, demand schedule service, mergers including potential mergers between route and supplemental carriers, and many other matters assume new proportions, new relative significance and new relationships to each other. This does not necessarily mean that future services cannot be good, or that the industry cannot continue to grow.

Greater emphasis on aircraft utilization might be expected to cause some inconveniences to passengers and shippers. Any such inconveniences appear minor if considered in the context of the threat to the system. The Board has not yet adequately recognized this state of affairs, or so it seems to me, but hopefully it may do so. The public has already taken in stride inconveniences attendant upon routine reductions in frequencies following the substitution of larger for smaller aircraft.

In the past the Board has, at various times, belabored the industry for the acquisition of new and improved equipment for, it has been said, and despite the superior economics of the new equipment, that it results in excessive capacity. That is not necessarily the case for it is frequently used in substitution for older, less economical equipment.

A much more apparent reason for excessive capacity is properly attributable to past actions of the Board itself. This cause is the propensity of the Board to make excessive duplicative awards in licensing cases. Despite protestations of some properly motivated but unduly credulous antitrust sloganeers, there is no escape from the fact that it costs more and requires more fuel to operate two flights than it does one. This is true whether the two flights are operated by competitors or by a single carrier. It will frequently continue to be true although one flight provides greater total capacity than two which it replaces. Fortunately the Board has moderated its policy in this regard and may be expected, I am confident, to continue such moderation in the foreseeable future.

The Board's Order 73–4–98 is a firm step in the elimination of fuel waste. That Order shows that in the first twelve months of operation under the existing agreement between TWA, American, and United approximately 10,000 departures have been eliminated in transcontinental markets and 2,700 more Chicago-San Francisco. This resulted in savings of upwards of 120,000,000 gallons of fuel, or more than 1.5 percent of the total domestic trunk consumption for 1971. A United Air Lines petition to the Board, seeking authority for intercarrier talks on possible uniform flight times, asserts that a reduction in Chicago-Los Angeles DC–8 speed from 544 to 530 miles per hour would save 1,000 pounds of fuel; yet the time penalty is said to be but 4 minutes.

Estimates I have made from TWA figures indicate that if domestic system load factors similar to those prevalent in the mid-1940's could be attained, revenue ton-mile fuel savings in excess of 30 percent could result. That is a very respectable percentage and compares with the recent percentage rate of petroleum imports. Such savings, if reasonably matched by other users of petroleum, and supplemented by implementation of the President's plan for expansion of domestic production, would put a very different aspect on the prospective adequacy of fuel supply. A purpose of this kind is already very evident in the planning of American automobile manufacturers, and in other areas.

An important boost to air carrier load factors may result from implementation of methods such as the projected demand schedule service referred to by Chairman Timm in a statement to the Senate Commerce Committee on May 15. Under this plan customers are required to make reservations three months or more prior to departure date together with nonrefundable deposits. After reservations have been closed a schedule pattern designed to consolidate traffic demand for that particular date is developed. The passengers are notified accordingly, and then pay the balance of their fares. It strikes me that if such methods should be supplemented by revision of the statute which now effectively blocks mergers between scheduled and supplemental carriers, and strait jackets the services of both, very long steps would have been taken toward maximum economy. Under such a regime, attention could be directed to low-cost transportation for everybody, not just tourists.

Some very worthy persons charged with responsibility in air transportation matters have expressed the view that the impact of a fuel shortage could be particularly acute in the case of the regional carriers. The view is based on the proposition that such carriers are normally short haul, and users have, although inconvenient, alternate forms of transportation available, namely the private automobile. Thus it is said that they may be more susceptible to major reductions in traffic than long-haul trunk carriers.

I do not, however, agree with this view, at least entirely, for it seems to me that the impact of any fuel shortage is likely to fall more heavily upon operators of private automobiles than upon air transport. This is true because the operators of private automobiles have no crew, station, nor promotional costs to meet, and accordingly the cost of fuel is a much greater share of total costs than is the case with commercial aircraft. Accordingly, as fuel costs go up such persons may be inclined to more and more opt for the airlines, and that may be so even though available departure times, frequencies or air travel elapsed times may become less favorable than at the present. Given that assumption it seems to me the air carriers may be able to maintain reasonably constant fare levels and increase the traffic flows without waste of fuel. A similar result could be expected if fuel shortage should be reflected in rationing rather than in price.

One very strong facet of Chairman Timm's proposals concerning service to small communities is the substantial potential for fuel savings. A Beech 99, for example, will carry 15 passengers over a stage length of 100 miles and consume about 40 gallons of fuel. A CV–580, on the other hand, requires approximately 190 gallons of fuel to carry the same passenger load over the same distance. Thus, service in short-haul markets of consistently low-density nature can be provided with substantially less aviation fuel.

If the present threat to the fuel supply should result in a reversal of the course of improvement in man's methods of moving himself and his goods about it will be the first time, at least since he swung down out of the trees, that that particular kind of change has occurred. That such a possibility exists now can scarcely be doubted and much care is certainly called for. But man is a resourceful creature and in the course of his advancement has many times demonstrated his ability to adjust to newly apparent circumstances. Man is also a responsible creature and given a little thought he is quite likely to conclude that it will be best for him to save for tomorrow.

COURT AFFIRMS RIGHT OF CONGRESSWOMAN HOLTZMAN TO CHALLENGE CAMBODIA WAR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 15 minutes.

Ms. HOLTZMAN. Mr. Speaker, I would like to draw the attention of my colleagues to an important decision which was issued today in my law suit challenging the Nixon administration's military involvement in Cambodia.

Federal Judge Orin G. Judd denied the Government's motion to dismiss this case. In so doing he upheld the right of a Member of Congress to bring a suit of this nature and found that the suit did not raise a political question. Judge Judd ruled that the Government must reach the merits of the case and prove the constitutionality of its actions in Cambodia by June 25.

I would particularly like to call the attention of my colleagues to the following language used by the court in deciding the right of a Member of Congress to sue:

> Plaintiff *qua* Congresswoman does not merely suffer in some indefinite way in common with people generally. She is a member of a specific and narrowly defined group—the House of Representatives. As a Congresswoman, plaintiff is called upon to appropriate funds for military operations, raise an army, and declare war. Additionally, plaintiff has a continuing responsibility to insure the checks and balances of our democracy through the use of impeachment.

This is a landmark decision. It acknowledges the constitutional right of a Member of Congress to challenge the Executive when it attempts to usurp congressional powers. This ruling makes it clear that courts will not back away from preserving our system of checks and balances.

As a result of this decision the President can no longer unilaterally commence a war without having to answer to the courts as well as to the Congress—and ultimately to the people of the United States. This decision is especially timely because of the many attempts by the executive branch to encroach on congressional prerogatives:

[In the U.S. District Court, Eastern District of New York, June 13, 1973]

MEMORANDUM AND ORDER

Elizabeth Holtzman, individually and in her capacity as a Member of the United States House of Representatives, plaintiff, against Elliot L. Richardson, individually and as Secretary of Defense and Robert C. Seamans, Jr., individually and as Secretary of the Air Force, Defendants.

Judd, J.

Plaintiff, a member of the United States House of Representatives from a Brooklyn district, seeks a determination that the President of the United States and the military personnel under his direction and control may not engage in intensive combat operations in Cambodia and elsewhere in Indochina in the absence of congressional authorization.

MOTIONS

1. Plaintiff has moved for summary judgment declaring that the defendants may not order American military forces to combat in

Cambodia and granting appropriate injunctive relief.

2. Plaintiff has also moved to serve an amended and supplemental complaint adding as plaintiffs three Air Force officers stationed in Guam, none of whom are residents of the Eastern District of New York.

3. Congressman Parren J. Mitchell of the Seventh Congressional District of Maryland, together with seven other Congressmen from districts not within the Eastern District of New York, have moved for leave to file a brief as *amici curiae*.

4. Defendants have moved to dismiss the complaint for failure to state a valid claim for relief because (a) plaintiff lacks standing; (b) the court lacks jurisdiction over the subject matter; and (c) the complaint involves non-justiciable political questions on which relief cannot be granted. Defendants also assert that the motion for summary judgment is premature.

No motion has yet been made to implement the statement that the complaint is brought on behalf of all similarly situated Congressmen. It is not yet neecssary to determine whether the case may properly be treated as a class action.

FACTS

The complaint was filed on April 17, 1973. Plantiff asserted among other things that her right to an undiluted vote upon the declaration of hostilities was impaired by presidential action in engaging in extensive combat in Cambodia without congressional authorization. She pointed out that a cease-fire had been negotiated in Vietnam, all American servicemen had been withdrawn, and all American prisoners of war had been released: and she asserted that no congressional authorization exists for committing American forces to combat in Cambodia.

An order to show cause why the court should not declare continued military activities on Cambodia to be unlawful was signed April 19 by Judge Dooling, to whom the case had been assigned as a related case. Before the return date of the motion, Judge Dooling determined that the case was not in fact related to prior matters before him, and directed that it be reassigned under this court's random assignment plan. On the return date of the order to show cause on April 26, 1973, the matter was adjourned at defendant's request until May 18, with answering papers to be served by May 16.

The motion for summary judgment and injunctive relief was served and filed on May 8, 1973; accompanied by a statement of allegedly undisputed facts pursuant to Rule 9(g) of this court's Civil Rules. In particular, plaintiff asserted that the United States is currently engaged in large-scale combat air operations in Cambodia involving hundreds of war planes based in Thailand and Guam, and that United States war planes dropped 39,500 tons of explosives on Cambodia during March 1973 and flew 180 combat missions daily during the first three weeks of April. Plaintiff further asserts as undisputed material facts that the last American serviceman was withdrawn from Vietnam on March 28, 1973 and the last American prisoner of war was repatriated on April 1, 1973, and that although no Congressional authorization exists for the commitment of American forces for combat in Cambodia, the Executive has informed Congress that it is prepared to continue its military activities whether or not the Congress appropriates funds for the Cambodian combat operations.

Defendants' response asserts that there are still over 1,300 missing in action in the Vietnam hostilities who have not yet been accounted for. Defendants also assert by affidavit of the Chief of the Civil Division of the United States Attorney's office that "there may well be dispute as to assertions made in plaintiff's Rule 3(g) statement." They request time to submit papers addressed to the merits.

The plaintiffs who are proposed to be added assert that they are being compelled to comply with unlawful orders, and to risk their lives in unauthorized bombing missions over Cambodia.

The brief of the Protestant, Catholic and Jewish religious groups, which appear as *amici*, assert that the existence of Congressional authorization to make war is justifiable, and point out that participation in Cambodian hostilities may conflict with the Agreement on Ending the War and Restoring Peace in Vietnam.

DISCUSSION

It is necessary to deal first with the question of the timing of the motions, then with the issue of plaintiff's standing and other jurisdictional questions, and finally with the particular motions of the several parties.

TIMING

The government relies on the provision of F.R.Civ.P. 12(a) that the United States or an officer or agency thereof has sixty days "after service upon the United States Attorney of the pleading" within which to answer a complaint.

Rule 56, however, provides that a party may move for summary judgment "at any time after the expiration of 20 days from the commencement of the action." Plaintiff's motion for summary judgment was served 21 days after the complaint was filed.

The difference between the two rules is significant. The time is computed in different ways. Since an action is commenced under F.R.Civ.P. 3 by the filing of a complaint, regardless of the time when it is served, the measure of time in Rule 56 is unrelated to the time in Rule 12. Moreover, Rule 56 does not provide for a longer time before a motion can be made against a government agency than one against a private party.

Judge Charles B. Clark, a distinguished authority on procedure, criticized the original federal rule for not permitting the filing of a motion for summary judgment as soon as an action is brought. See his dissent in *United States* v. *Adler's Creamery, Inc.*, 107 F.2d 987, 992 (2d Cir. 1939). The 1946 amendment, which permitted a motion for summary judgment in advance of answer, should be interpreted in a manner to expedite the disposition of litigation. There is no need to impart into it the 60-day period for government answer that was specified in old Rule 12. A plaintiff moving for summary judgment before answer may be required to face a somewhat higher standard, however. As professor Moore has suggested, a motion before answer should not be granted "unless it is clear that an issue of material fact cannot be presented." 6 Moore's *Federal Practice* (2d ed. 1948, 1972) ¶ 56.07, p. 2092.

There has never been any requirement of any delay in the consideration of a preliminary injunction in an action against a United States officer or agecy, except as the court in its discretion may find to be appropriate.

The court therefore rejects the argument that the motion for summary judgment was premature.

DEFENDANTS' MOTION TO DISMISS

Jurisdiction

Defendants' three grounds for this motion to dismiss are all essentially jurisdictional, whether described as relating to standing, subject matter, or political question.

Standing

Under Article III, § 2, Clause 1, of the Constitution, the jurisdiction of federal courts is limited to "cases" and "controversies." Judicial definitions of the elements requisite for "cases" and "controversies" have proved to be elusive.

Unlike case or controversy, terms specifically enumerated in Article III, "standing" is not mentioned in the Constitution. It received its first full expression in *Frothingham* v. *Mellon*, 262 U.S. 447, 43 S.Ct. 597 (1923).

Later, in *Flast* v. *Cohen*, 392 U.S. 83, 88 S.Ct. 1942 (1968), the Court stated that political questions, advisory opinions, and lack of standing result in there being no justiciable controversy. Whether standing is denominated a component of jurisdiction or of justiciability may at first blush seem unimportant, due to the requirement that both issues must be resolved before any determination can be made of the merits of the controversy. *Baker* v. *Carr*, 369 U.S. 186, 82 S.Ct. 691 (1962); *DaCosta* v. *Laird*, 471 F.2d 1146 (2d Cir. 1973). However, a complaint may be dismissed for lack of jurisdiction of the subject matter only if the claim is so attenuated and insubstantial as to be absolutely devoid of merit. *Newburyport Water Co.* v. *Newburyport*, 193 U.S. 561, 24 S.Ct. 553 (1904); *Baker* v. *Carr, supra*.

Plaintiff has raised a serious constitutional question dealing with the war-making power of Congress enumerated in Article I, § 8 of the Constitution. The seriousness of this question has been recognized repeatedly within this circuit. *Berk* v. *Laird*, 429 F.2d 302 (2d Cir. 1970); *Orlando* v. *Laird*, 443 F.2d 1039 (2d Cir. 1971). The delicate balance in the relationship between Congress and the President concerning the power to wage war is a controversy arising under the Constitution and therefore within the jurisdiction of this court. 28 U.S.C. § 1331(a).

Whether a particular party has a sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of it is what has traditionally been referred to as the question of standing to sue. In *Sierra Club* v. *Morton*, 405 U.S. 727, 732, 92 S.Ct. 1361, 1364 (1972), the Supreme Court held that when a party, such as the plaintiff here, does not rely on any specific statute authorizing invocation of the judicial process.

"The question of standing depends upon whether the party has alleged such a 'personal stake in the outcome of the controversy,' *Baker* v. *Carr* . . . as to ensure that 'the dispute sought to be adjudicated will be presented in an adversary context and in a form historically viewed as capable of judicial resolution,' *Flast v. Cohen*."

The heart of the question becomes whether the plaintiff has alleged such a personal stake in the outcome of the controversy as to assure the concrete presentation of issues in an adversary context so that a court will be properly guided in determining difficult issues. The controversy involved must be a substantial one admitting of specific relief. *Aetna Life Insurance Co.* v. *Haworth*, 300 U.S. 227, 57 S.Ct. 461 (1937).

In the present case the court is not being asked to decide ill-defined controversies over constitutional issues. The issue has been focused as sharply as possible. Whether the President's orders directing the bombing of Cambodia constituted a usurpation of Congress' war making power under Article 1, § 8 of the Constitution. Nor is this a case in which the court is being asked to decide a hypothetical question or abstract issue. Plaintiff is not asking for a determination whether the President would violate the Constitution by engaging in certain acts, but rather a determination that the present action of the President violates the Constitution. Nor is this a collusive suit where the parties are suspected of sharing the same interests.

Plaintiff *qua* Congresswoman does not merely suffer in some indefinite way in common with people generally. She is a member of a specific and narrowly defined group—the House of Representatives. As a Congresswoman, plaintiff is called upon to appropriate funds for military operations, raise an army, and declare war. Additionally, plaintiff has a continuing responsibility to insure the checks and balances of our democracy through the use of impeachment. When a plaintiff is a member of a narrowly defined group, which has been more directly affected by the conduct in question than has the general population, the test for standing should be met. Scott, *Standing in the Supreme Court—a Functional Analysis,* 86 Harv. L.Rev. 645 (Feb. 1973).

The question whether a particular person is a proper party to maintain the action does not, by its own force, raise separation of powers problems related to improper judicial interference in areas committed to other branches of the federal government. *Flast* v. *Cohen, supra.*

Professor Jaffee has stated, in *Standing Again,* 84 Harv.L.Rev. 633, at 634, 635 (1971):

"My own view has been and continues to be that a plaintiff who does not have a 'protected interest,' whether as an individual or as a group, does not have a *right* to review, but that a court in its discretion may at the suit of such a person review the legal question if it deems such consideration to be in the public interest.

". . . I believe . . . that any citizen can constitutionally be a plaintiff . . . in a 'public law' suit even though he suffers no injury whatever beyond his concern for the public interest."

In *Mitchell* v. *Laird,* No. 71–1510 (D.C. Cir. March 20, 1973), thirteen members of the United States House of Representatives filed a complaint against the President, and the Secretaries of State, Defense, Navy, and Air Force, seeking declaratory and injunctive relief against continued warfare in Indochina. In finding that the plaintiffs had standing, the Court relied upon the fact that it would be the duty of plaintiffs to consider impeachment if defendants' actions contravened the Constitution, that plaintiffs have a quite distinct duty to determine whether to make appropriations to support the hostilities, and that plaintiffs might have to take other legislative actions related to such hostilities, such as raising an army or enacting other civil or criminal legislation.

Standing of legislators was also upheld in *Trombetta* v. *State of Florida,* 353 F. Supp. 575 (M.D. Fla. 1973), ruling that members of the Florida Legislature had standing to seek a declaratory judgment whether the proposed Twenty-seventh (Equal Rights) Amendment to the United States Constitution was repugnant to Articles V and VI of the United States Constitution; and in *Coleman* v *Miller,* 307 U.S. 433, 59 S. Ct. 972 (1939), an original proceeding in mandamus by members of the Kansas Legislature against the Secretary of the Senate of Kansas and others to compel the Secretary to erase an endorsement on the Senate resolution ratifying the Child Labor Amendment to the United States Constitution. The *Trombetta* and *Coleman* cases, involving state legislatures, are not completely parallel, but a member of Congress should have an equal right to invoke the jurisdiction of a federal court.

Congresswoman Holtzman is a member of a well defined group that is directly affected by defendants' action. She has presented a sharply focused controversy in an adversary context. Her responsibilities as a Congresswoman give her the means necessary to have standing to contest the policies of defendants that allegedly infringe upon her Article I duties.

The standing of the airmen as added plaintiffs is clear, *Berk* v. *Laird,* 429 F. 2d 302 (2d Cir. 1970), if they can pass the test of venue, discussed later.

POLITICAL QUESTION

In determining whether there is subject-matter jurisdiction, the court must consider whether the case presents a "political question" outside its jurisdiction, before it can reach the merits of the controversy. This is a facet of the problem of justiciability.

The Second Circuit has shaped its formulation of the political question doctrine from guidance provided by the Supreme Court in cases such as *Baker* v. *Carr,* 369 U.S. 186, 82 S. Ct. 691 (1962), *Youngstown Sheet & Tube Co.* v. *Sawyer,* 343 U.S. 579, 72 S.Ct. 863 (1952); and *Powell* v. *McCormack,* 395 U.S. 486, 89 S.Ct. 1944 (1969). In *Berk* v. *Laird, supra,* 429 F.2d at 305, it held that a soldier seeking to enjoin orders in the Vietnam hostilites as lacking constitutional authority had a right to ask a court to determine whether there were "judicially discoverable and manageable standards" for resolving the issue. In *Orlando* v. *Laird,* 443 F.2d 1039, 1042 (2d Cir. 1971), it held that courts should not review the form of congressional authorization, once it had been determined that there was "any action by the Congress sufficient to authorize or ratify the military activity in question." In *DaCosta* v. *Laird,* 471 F.2d 1146, 1155 (2d Cir. 1973), it held that judges could not appropriately determine "whether a specific military operation constitutes an 'escalation' of the war or is merely a new tactical approach within a continuing strategic plan."

Defendants rely on this statement but fail to consider the court's further statement (p. 1156) that "We specifically do not pass on the point urged by appellant whether a radical change in the character of war operations—as by an intentional policy of indiscriminate bombing of civilians without any military objective—might be sufficiently measurable judicially to warrant a court's consideration, i.e., might condone a standard which we seek in this record and do not find."

The appeal in that case was from an order denying injunctive relief, after the court had reviewed documentary material submitted by both sides. Here the issue arises on a motion to dismiss the complaint on its face. The motion for summary judgment on the merits is not being considered yet.

The teaching of those cases is that the political question exception to jurisdiction depends on the facts of the patricular case, but that the question of the balance of constitutional authority to declare war, as between the executive and legislative branches, is not a political question.

The Second Circuit rule was not repudiated by the Supreme Court's summary affirmance of *Atlee* v. *Laird,* 347 F.Supp. 689 (1972), aff'd, U.S. —, 93 S.Ct. 1545 (1973). The district court there dealt with a question whether Congress could constitutionally authorize warfare by appropriation bills rather than whether Congress had in fact given approval to the acts of the executive. The district court in *Atlee* referred to the rapid changes in world politics as a reason for not taking jurisdiction, but stated (p. 707):

"This, of course, is one reason justifying a court's taking small steps in sensitive areas, because the judiciary lacks the flexibility found in the political departments, to deal adequately with a constantly changing world scene."

The *Atlee* case dealt with a general challenge to "the constitutionality of the war in South East Asia." 347 F.Supp. at 691. Lack of merit may also have been mingled with procedural issues in the affirmance of the *Atlee* case, since the Supreme Court had previously refused to review cases which upheld the president's authority to use American forces in Vietnam. It had denied *certiorari* in the *Berk, Orlando,* and *DaCosta* cases. *Berk* v. *Laird,* 429 F.2d 302, *cert. denied,* 404 U.S. 869, 92 S.Ct. 94 (1971); *Orlando* v. *Laird,* 443 F.2d 1039, *cert. denied,* 404 U.S. 869, 92 S.Ct. 94 (1971); *DaCosta* v. *Laird,* 448 F.2d 1368, *cert. denied,* 405 U.S. 979, 92 S.Ct. 1193 (1972).

The present case, dealing with Cambodian combat operations, involves other issues, for the Senate and the House have spoken separately on Cambodia, and the entire Congress, in approving limited foreign aid to Cambodia, 22 U.S.C. § 2416(g), expressly stated in 1972 (P.L. 92–226) that such aid ". . . shall not be construed as a commitment by the United States to Cambodia for its defense."

Judge Dooling said in his opinion in *DaCosta* v. *Laird* of May 24, 1972, concerning political question:

"The actual conduct of the defined war, *when that war is in its lawful progress,* is such an area." (Emphasis added).

The present case, attacking only the use of bombers in Cambodia after the Vietnam cease-fire, has a narrower reach than *Atlee* and *may* present one of the "small steps in sensitive areas" which is within the realm of justiciability under the district court's opinion in *Atlee.*

This is one of the first suits brought *after* the withdrawal of American troops from Vietnam and the return of prisoners of war. Reluctance to jeopardize the safety of American soldiers or prisoners is no longer a barrier to judicial determination of the constitutionality of a phase of war activity.

Therefore the case does not present a tactical decision in an ongoing war like *DaCosta* III, *supra,* 471 F.2d 1146 (whether to mine Haiphong harbor). Rather it involves the question whether the authorized Vietnam war has terminated. Courts have often been asked to determine when a war has ended and peace has begun. *E.g., United States* v. *Curtiss-Wright Corp.,* 299 U.S. 304, 57 S.Ct. 216 (1936); *cf., United States* v. *Swift,* Crim. No. 72–747–W, District of Massachusetts, Opinion of Wyzanski, J., March 28, 1973.

The political question doctrine does not appear to justify dismissal of this complaint before examination of the merits, on which this court has reached no decision.

ADVISORY OPINION

Plaintiff is not seeking a judicial determination as to her rights upon the happening of some events in the future. Rather, she is seeking a judicial declaration that military operations currently being conducted in Cambodia are in violation of the United States Constitution. This does not come within the rule forbidding advisory opinions, a rule which stems from the risk that comes from passing on abstract questions rather than limiting decisions to concrete cases in which a question is precisely framed by a clash of genuine adversary argument. Wright, *Federal Courts* (2d ed. 1970) pp. 37–38; Berger, *Standing to Sue in Public Actions: Is It a Constitutional Requirement?* 78 Yale L.J. 816, 830–31 (1968).

VENUE

There is no doubt of the proper venue of this action as originally brought by plaintiff, a Brooklyn resident, since express provision in 28 U.S.C. § 1991(c)(4) permits suit against a federal officer or agency in any judicial district where the plaintiff resides. Suit by the airmen might have to be brought in some other district if they were not joined in this action, or if plaintiff Holtzman did not have standing. Their presence as plaintiffs in a suit properly brought by Congresswoman Holtzman, however, does not prevent the venue being proper for all plaintiffs, since only one plaintiff need be a resident of the district. *Natural Resources Defense Council* v. *Tennessee Valley Authority,* 340 F. Supp. 400 (S.D.N.Y. 1971), *rev'd on other grounds,* 459 F.2d 255 (2d Cir. 1972).

AMOUNT IN CONTROVERSY

In determining the amount in controversy, the court may consider the pecuniary result to either party which a judgment might produce. *Herman* v. *Narragansett Racing Assoc.,* 414 F.2d 311 (1st Cir. 1969); *Bass* v. *Rockefeller,* 331 F. Supp. 945 (S.D.N.Y. 1971); Note, *Federal Jurisdictional Amount—Determination of the Matter in Controversy,* 73 Harv. L. Rev. 1369 (1960).

With millions of dollars in expenditures involved as part of the bombing operation, there is no question that the requirement of $10,000 or more in controversy is met.

PLAINTIFF'S MOTIONS

Addition of parties is not governed by F.R.Civ.P. 15, concerning amendments of pleadings, but F.R.Civ.P. 21, which states that "parties may be dropped or added by order of the court on motion of any party or on its own initiative at any stage of the action. . . ."

Hurlington Hospital v. *Charles Pfizer & Co.* 48 F.R.D. 343 (S.D.N.Y. 1969); *Maynard, Merel & Co.* v. *Carcioppolo,* 51 F.R.D. 273 (S.D. N.Y. 1970).

It is entirely appropriate and timely to permit the addition of the proposed military plaintiffs.

SUMMARY JUDGMENT

Plaintiff's motion for summary judgment will be held in abeyance pending the receipt of additional papers from the defendants. In view of the length of time the court has had the matter under advisement, during which defendants have had an opportunity to assemble the pertinent facts, they should be prepared to set forth their contentions without much further delay.

It is ordered;

(1) That defendants' motion to dismiss the complaint be denied;

(2) That plaintiff be granted leave to serve an amended and supplemental complaint adding First Lieutenant Arthur Watson, Captain Michael Flugger, and Captain James H. Strain as plaintiffs;

(3) That defendants answer such amended and supplemental complaint within ten days after its service on the United States Attorney;

(4) That Hon. Parren J. Mitchell, Bella S. Abzug, Donald M. Fraser, Herman Badillo, Benjamin I. Rosenthal, Robert W. Kastenmeier, Don Edwards, and Michael J. Harrington, Members of Congress, be granted leave to file briefs in the case as *amici curiae;*

(5) That defendants shall file papers responsive to the motion for summary judgment by June 25, 1973; and

(6) That the matter be set down for argument on that motion at 10:30 a.m. on June 29, 1973.

THE MAKING OF A PARK AT HENRIETTA SZOLD PLACE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 10 minutes.

Mr. **KOCH**. Mr. Speaker, when one sees the Government bureaucracy that confronts community efforts to get something like a park completed, one cannot help but admire those neighborhood residents who suffer its frustrations and yet refuse to give up. One such case is a community in my congressional district that has been waiting for the completion of a park at Henrietta Szold Place at East 10th Street and Avenue D. This park, which is a little over an acre in size, has been in the making for years and yet still to be completed. The pool has been used for two summers while rubble and debris from its construction lay in the surrounding vacant lot providing a haven for rats and other vermin.

In April 1972 I visited the area with some of the neighboring residents and immediately started to press the three city agencies involved to get the lot cleaned up and paved. Everyone expressed an interest in helping, but no one would take responsibility for getting the job done. While the debris was removed in June by the parks department, the lot could not be landscaped until it was graded and paved by the department of highways. For months the department of highways protested it did not have the equipment necessary to do the job.

I continued to work with the community and our unwillingness to resign in the face of this bureaucratic runaround finally had its positive impact on the city administration. We demonstrated to the city the community's interest in a park and the need for an open space area in this community of many high rise apartments. As a consequence, a $315,000 plan was developed for the construction of a park around the pool—basketball courts, benches, game tables, sandpits, a play area, comfort stations, and shrubbery; $165,000 was requested from the Federal Government. Then President Nixon announced his moratorium on community development projects, including the open space program. Was the park's construction to be further delayed? Fortunately, after many phone calls and because of the pressing need for the park, Federal funding came through and the remaining $150,000 was included in the city's capital budget.

Construction of the park is now scheduled to commence in August.

In the meantime the lot lies vacant, having just been cleaned by Con Edison because one of its contractors mistook this long neglected lot for a dumping ground. When confronted with this error Con Ed agreed to clean up not only its dumpings, but other material that had accumulated on the property.

The landfill and the rubble has been removed and now the community is determined to keep the area clean until the park is constructed. The Szold Place Park Committee has been formed and a final cleanup and park celebration has been scheduled for 1 p.m. on Saturday, June 23. The whole community will be out to assist in cleaning up the vacant lot so that even before the park's construction, the community can more fully enjoy the pool and use the vacant lot as a play area. The efforts of the community will be assisted by a commendable Parks Department program, "Volunteers in Parks"—VIP—in which the community supplies the manpower and VIP, the tools.

The future of Szold park can now be described as promising. It has been given a top priority in the Park Department's construction schedule. Furthermore, through another program recently established by the Department, Parks Partnership, a partnership will be established between the Parks Department and the community to make future decisions on the park's use and maintenance. A senior Parks Department official will be assigned to the park; this individual will be in a position to assist the community in cutting through any bureaucratic restrictions that may hamper solutions to problems in the future. I have joined this partnership and will be giving my assistance to insure the completion of Szold Park and its full and safe use.

May I suggest at this time that if our cities are to survive, more such partnerships between communities and Government agencies will have to be provided. The Federal Government can fund the construction of a park or some other community facility, but in the long run its success depends on how it is maintained and used by the local government and community.

PANAMA CANAL: HEART OF AMERICA'S SECURITY—REVIEWS IN U.S. NAVAL INSTITUTE PROCEEDINGS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. **WAGGONNER**. Mr. Speaker, in recent years, there have been many books published concerning the Panama Canal, many of them predicated upon fallacious assumptions and thus grossly misleading. The first of them to come to grips in realistic manner with the two crucial canal issues of continued U.S. sovereignty over the U.S. Canal Zone and the major modernization of the existing Panama Canal is that by Jon P. Speller, published in 1972 by Robert Speller & Sons, 10 East 23d Street, New York, N.Y. 10010, under the title of "The Panama Canal: Heart of America's Security."

This relatively brief and interesting volume has been extensively and favorably reviewed by engineers and ecologists, clergymen and scientists, editors and librarians as well as by business executives and labor leaders.

The latest review was by Brig. Gen. Herbert D. Vogel, a highly distinguished Army engineer, whose service included extensive Panama Canal experience as Lieutenant Governor of the Canal Zone, the chairmanship of the TVA, and currently as the chairman of the board of consultants for water supply of the Panama Canal. Thus, his views reflect digested knowledge gained from observation and experience in addition to study.

Mr. Speaker, it is significant that this review by a distinguished Army engineer was published in the "U.S. Naval Institute," the highly respected professional magazine of the Navy.

The indicated review by General Vogel, which I quote as part of my remarks, should be of special interest to members of congressional committees now working on the canal problem:

THE PANAMA CANAL

(Reviewed by Brig. Gen. Herbert D. Vogel, U.S. Army (Retired))

The Panama Canal stands as a monument to engineering skill and determination. It speaks of success built upon failure in the face of overwhelming odds, and it demonstrates the forethought and prescience of men who designed for ships of a size not dreamed about in their time. It represents not only the strength and generosity of a great nation in its relationships with the family of nations, but also its assailability.

While no one will deny that the Canal has served its designed purpose with distinction for well over half a century, it is now realized that something more must soon be done to meet the needs of the future. Ships are growing in size, and traffic is increasing in volume. Either new and larger locks must be built and additional sources of water found for their operation, or a new sea-level canal will be required.

With controversy raging about this, a greater threat to the existing canal has been created by international political arguments. The Republic of Panama has sought for many years, by many means, to gain sovereignty over the ten-mile-wide zone across the Isthmus, through which the canal extends. Treaties of the past, which conveyed sovereignty to the United States, have been increasingly challenged. Loud voices have demanded treaty revisions, and in recent years, talks have centered about an entirely new treaty that would convey great powers to Panama and seriously threaten effective operation of the Canal.

Jon Speller's book provides a timely reference for those who would become better informed about the historical background of the Panama Canal and the dangers surrounding it. It is a book of facts and opinion, an excellent assessment of the current situation, in which the views of those who have long defended the Canal are expressed in their own words. Paramount among these are such stalwarts as Congressman Daniel J. Flood (Dem., Pa.), and Senator Strom Thurmond (Rep., S.C.), but many others of high credibility are quoted at considerable length. Captain Miles P. Duval, U.S. Navy (Retired), long an exponent for development of the existing canal by adding a third set of locks and a terminal lake at the Pacific end, is included in the list of distingushed statesmen, writers, scientists, and engineers whose opinions are expressed.

While 122 pages of the book's total of 164 consist of direct quotes, Mr. Speller has arranged them in logical order and has tied them together with a matrix of his own, in such a way as to make the whole book highly-readable, interesting, and revealing.

HON. JOHN D. DINGELL CONDEMNS APPEALS COURT DECISION ON DETROIT BUSING CASE

(Mr. DINGELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DINGELL. Mr. Speaker, the action of the sixth circuit court of appeals Tuesday in Cincinnati in sustaining in part the ruling of Judge Stephen Roth in the Detroit school case is outrageous.

Apparently the sixth circuit did not choose to make itself aware of the action of the Supreme Court in the Richmond, Va., case, a decision which, although not precedent setting, does have direct bearing on the Detroit case.

As everyone knows, in the Richmond case the finding of the court of appeals was that where school districts are set up on a nondiscriminatory basis and where there is no other evidence of discrimination that the court will not require cross district busing to achieve particular racial balance or the redrawing of school district lines to achieve a larger metropolitan area within which busing may be implemented for achievement of particular racial quotas or balance.

Mr. Speaker, this country has established as a matter of just national policy that every child is entitled to equal educational opportunity and that race, creed, or color will not be used to deny educational opportunity or to distinguish between our children insofar as access to schools.

However, cross district busing to achieve racial balance or indeed, enforced busing to achieve racial balance, is morally, economically, and socially wrong.

Scarce public funds are dissipated on busing, children undergo hardship and peril while traveling excessive distances to achieve a shared inadequacy of educational opportunity and environmental pollution and resource abuse is accelerated. This means that the child, the parent, the school district, and the Nation are the poorer for the wasteful and unjust practice.

I am satisfied that the matter will be rectified in the Supreme Court; however, I recognize clearly that the need for explicit congressional direction to the courts is urgently needed.

For that reason I intend to redouble my efforts toward enactment of legislation I have introduced in the 93d Congress, H.R. 40, to further the achievement of equal educational opportunities and which states that—

> No court, department, or agency of the United States shall . . . order the implementation of a plan that would require the transportation of any student to a school other than the school closest or next closest to his place of residence which provides appropriate grade level and type of education for such student.

I also urge enactment of House Joint Resolution 240, which I have cosponsored and which would achieve a constitutional amendment prohibiting enforcement of busing.

I also note that the Committee on Education and Labor is coming forward with legislation to extend and improve Federal educational legislation. I intend to cooperate with other correct thinking Members of Congress to make a strong effort to amend that education legislation to achieve effective legislative prohibition against enforced cross district busing for the purposes of racial balance.

I call upon all citizens and legislators to join me in these efforts.

THE RESTORATION OF SOCIAL SERVICES TO THE ELDERLY POOR

(Mr. HEINZ asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HEINZ. Mr. Speaker, at the beginning of today's session I gave a brief progress report on a piece of legislation of vital interest to this country's aged, blind, and disabled. I now rise to give a more complete report and to urge the fullest possible support of this measure in order to prevent further disruption to social services programs.

On February 5, I introduced H.R. 3819 and subsequently with cosponsors H.R. 4636, H.R. 5710, H.R. 5711, H.R. 8018, H.R. 8019, and H.R. 8020. These identical bills correct a provision added in conference last fall when the $2.5 billion ceiling on social services was considered with the Revenue Sharing Act. At the time, there was little attention to some of the apparently minor fine print. The language in question stipulated that 90 percent of the social services funds to be spent under titles I, X, XIV, and XVI must be applied to those elderly, blind, or disabled who are actual cash recipients of welfare, while limiting to 10 percent what can be applied to former or potential recipients.

In the few short months since this amendment took effect, it is apparent that States and communities are forced to deny a large number of their elderly, blind, and disabled citizens the access to homemaker services, senior citizen centers, counseling, and transportation services which are in some part responsible for the financial and social independence of many of the recipients. What is more, the requirement that 99 percent of the funds be spent on welfare recipients is now resulting in an even higher cost to the American taxpayers by forcing many of the elderly to turn to welfare, and in some cases to expensive institutionalization. In effect, this new provision in the law, which H.R. 3819 will correct, serves as a barrier between many of this country's elderly and the services that allow them to maintain themselves independently. I am pleased to report that H.R. 3819 has received wide support from several important organizations representing the interests of senior citizens, and have included the text of these letters at the end of this statement.

Because many of my colleagues believe that Congress did not intend to close already established ancillary programs to those who, though eligible, refuse to go on welfare, 153 Members of the House have cosponsored companion bills. I have asked that their names appear below.

And today, I am once again reintroducing this legislation, cosponsored by Chairman WILBUR MILLS of the Ways and Means Committee, and Congressman HERMAN SCHNEEBELI, the ranking minority member. I believe this represents a significant deepening and broadening of concern in changing the law as quickly as possible to aid our senior citizens and the handicapped.

In fairness to this country's aged, blind, and disabled, I think we must pass H.R. 3819 and must continue to drive not only to increase support for it but to inform the Senate, which is currently deliberating on the future of social services, of the House's strong interest in eliminating from the law a formula which makes it difficult to provide social services equitably. If we want to influence the Senate we must move as quickly as possible. Several vehicles now pending in the other body could be used to affect this change. Most notably, H.R. 3153, the Technical and Conforming Changes Amendment to the Social Security Act, which passed the House on April 2, 1973, provides the Senate with an opportunity to correct injustice and inequity in social security. In any case, we can urge the Senate to remedy the wrongs in social services by increasing cosponsorship of H.R. 3819.

I urge my colleagues who are similarly minded but are not as yet cosponsors to join with us in cosponsoring this needed measure.

The text of H.R. 3819 is as follows:

Be it enacted by the Senate and and House of Representatives of the United States of America in Congress assembled, That section 1130(a)(2) of the Social Security Act is amended—

(1) by striking out "of the amounts paid (under all of such sections)" and inserting in lieu thereof "of the amounts paid under such section 403(a)(3)"; and

(2) by striking out "under State plans approved under titles I, X, XIV, XVI, or part A of title IV" and inserting in lieu thereof "under the State plan approved under part A of title IV".

Cosponsors of H.R. 3819, H.R. 4636, H.R. 5710, H.R. 5711, H.R. 8018, H.R. 8019, H.R. 8020, and Other Identical Bills Introduced by Mr. Heinz

Ms. Abzug, Mr. Anderson of Illinois, Mr. Bafalis, Mr. Bell, Mr. Bergland, Mr. Bevill, Mr. Biester, Mr. Bingham, Mr. Blackburn, Mr. Blatnik, Mrs. Boggs.

Mr. Brasco, Mr. Breckinridge, Mr. Broyhill of North Carolina, Mr. Brown of California, Mr. Buchanan, Mr. Burgener, Mrs. Burke of California, Ms. Chisholm, Mr. Del Clawson of California, Mr. Cleveland.

Mr. Cohen, Mr. Conyers, Mr. Cotter, Mr. Coughlin, Mr. Cronin, Mr. Davis of South Carolina, Mr. Dent, Mr. Devine, Mr. Diggs, Mr. Drinan.

Mr. du Pont, Mr. Duncan, Mr. Eilberg, Mr. Esch, Mr. Eshleman, Mr. Fauntroy, Mr. Findley, Mr. Flood, Mr. Forsythe, Mr. Fraser.

Mr. Frenzel, Mr. Frey, Mr. Gaydos, Mr. Ginn, Mr. Gonzalez, Mrs. Grasso, Mrs. Green of Oregon, Mr. Green of Pennsylvania.

Mr. Gude, Mr. Gunter, Mr. Hanley, Mr. Hansen of Idaho, Mr. Harrington, Mr. Hastings, Mr. Hawkins.

Mrs. Heckler of Massachusetts, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Hillis, Mr. Hinshaw, Mr. Hogan, Mrs. Holt, Ms. Holtzman, Mr. Horton, Mr. Hosmer.

Mr. Hudnut, Mr. Hunt, Mr. Johnson of Pennsylvania, Mr. Keating, Mr. Kemp, Mr. Koch, Mr. Lehman, Mr. McCloskey, Mr. McCollister, Mr. McDade.

Mr. McKinney, Mr. Madigan, Mr. Mailliard, Mr. Matsunaga, Mr. Meeds, Mr. Metcalfe, Mr. Mills of Arkansas, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Moakley.

Mr. Mollohan, Mr. Moorhead of Pennsylvania, Mr. Morgan, Mr. Mosher, Mr. Murphy of New York, Mr. Nix, Mr. O'Brien, Mr. Owens, Mr. Pepper, Mr. Podell.

Mr. Preyer, Mr. Pritchard, Mr. Quie, Mr. Railsback, Mr. Rangel, Mr. Rees, Mr. Regula, Mr. Rhodes, Mr. Rinaldo, Mr. Robinson of Virginia.

Mr. Robison of New York, Mr. Rodino, Mr. Rogers, Mr. Roncallo of New York, Mr. Rosenthal, Mr. Roy, Mr. Roybal, Mr. Ruppe, Mr. St Germain, Mr. Sarasin.

Mr. Sarbanes, Mr. Schneebeli, Mrs. Schroeder, Mr. Sebelius, Mr. Seiberling, Mr. Stark, Mr. J. William Stanton, Mr. Steele, Mr. Steelman, Mr. Stephens, Mr. Stokes.

Mr. Stratton, Mr. Stuckey, Mr. Symington, Mr. Talcott, Mr. Thompson of New Jersey, Mr. Thomson of Wisconsin, Mr. Thone, Mr. Thornton, Mr. Tiernan, Mr. Vander Jagt.

Mr. Walsh, Mr. Ware, Mr. Whalen, Mr. Whitehurst, Mr. Williams, Mr. Bob Wilson, Mr. Charles H. Wilson of California, Mr. Wolff.

Mr. Won Pat, Mr. Wydler, Mr. Wyman, Mr. Yatron, Mr. Young of Florida, Mr. Young of Alaska, Mr. Young of Illinois.

There follows the complete text of letters of support for H.R. 3819—and identical bills—from Mr. Nelson H. Cruikshank, president, National council of Senior Citizens, Inc., Mr. Jack Ossofsky, executive director, National Council on the Aging, Inc., and Mr. Cyril F. Brickfield, legislative counsel, American Association of Retired Persons/National Retired Teachers Association:

National Council of
Senior Citizens, Inc.,
Washington, D.C., May 22, 1973.

Hon. H. John Heinz, III,
U.S. House of Representatives,
Washington, D.C.

Dear Congressman Heinz: I urge for the National Council of Senior Citizens your favorable consideration of H.R. 3819, introduced by Congressman H. John Heinz, III.

This legislation eliminates a hastily considered provision to the Social Security Act which threatens to deny vitally needed social services to the elderly.

You will recall that when the $2.5 billion ceiling on social services was considered with the Revenue Sharing Act last fall, there was a stipulation that 90% of these social services funds must be applied to the elderly, blind and disabled who are actually cash recipients of welfare. The remaining 10% of the funds could be applied to former or potential recipients.

This stipulation reverses a long established Congressional policy of making services available not only to persons on welfare, but to those in danger of becoming dependent. This latter category particularly includes hundreds of thousands of older persons who are managing to get by, in part because of constructive services—homemaker, senior citizens centers, counselling, nutrition services, and transportation services that have been made available to them.

We think it is of high importance that these older individuals with low income but not on welfare, continue to have access to these important services which contribute to their ability to manage independently and to enjoy a significant degree of dignity and security in their older years.

Sincerely,

Nelson H. Cruikshank, *President.*

The National Council
on the Aging, Inc.,
Washington, D.C., May 15, 1973.

Dear Congressman: The National Council on the Aging wishes to alert you to a critical matter of growing concern: the social services provisions for the elderly authorized under Titles I and XVI of the Social Security Act.

While there has been a great deal of publicity and congressional debate surrounding the new *regulations* for the social services program, there appears to be a lack of understanding about the new *law* (P.L. 92–512) to which these regulations must conform.

P.L. 92–512 stipulates that at least 90% of the allocated federal matching dollars must be spent on current welfare recipients (in this case, Old Age Assistance recipients) and only up to 10% on past or potential recipients. NCOA finds the stipulation deplorable, as it will virtually eliminate programs designed to prevent dependency and institutionalization of our older people—resulting eventually in a higher cost to the taxpayers. It will also result in means testing the client group which—because of the stigma attached—will keep even the most needy of the elderly away from the provided services.

This tragic dilemma now facing our elderly population is vividly portrayed in the enclosed *Baltimore Sun* article "Good-by Aide: Good-by Home." Did Congress intend that this 75 year-old woman, maintaining her independence and dignity through the use of a homemaker, be forced into a dependent state of institutionalization? Did Congress intend that the taxpayers shoulder the costly burden of residential care when inexpensive homemaker care is eliminated as an alternative? We think not.

Congressman Heinz, along with 90 cosponsors, has introduced a bill (H.R. 3819) to remedy this cruel, senseless situation. NCOA heartily applauds his effort to exempt the elderly from the 90/10 welfare/nonwelfare ratio and asks that you consider joining with Mr. Heinz in this important measure.

Sincerely,

Jack Ossofsky,
Executive Director.

American Association of Retired
Persons, National Retired Teachers Association,
Washington, D.C., May 17, 1973.

Dear Congressman: The American Association of Retired Persons and the National Retired Teachers Association, with a combined national membership of over five million, one hundred thousand older Americans, are most concerned about the impending reduction of services to older persons under Title I and Title XVI of the Social Security Act.

The primary purpose of social services for the elderly is to prevent dependency and institutionalization by providing the support that can enable older people to remain in their homes. To be efficacious, these services must be provided when they are most needed. And, they are needed not at some arbitrary age, not at the point when the individual's income and resources meet cash assistance eligibility standards, but at that point in time when the individual becomes vulnerable to dependency.

In order to prevent the loss of needed services by thousands of older Americans, our Associations urge Congress to enact legislation which would exempt the elderly from the restrictive 90/10 welfare/non-welfare eligibility ratio imposed by P.L. 92–512.

The American Association of Retired Persons and the National Retired Teachers Association strongly support H.R. 3819, introduced by Congressman John Heinz, as a model for Congressional action. H.R. 3819, which now has 90 cosponsors, would exclude services to the aged, blind and disabled from application of the 90/10 welfare/nonwelfare limitation.

We impress upon you the need for corrective legislation to lighten the social services restrictions placed on older Americans, and we urge you to cosponsor and support H.R. 3819.

With best wishes,

Sincerely,

Cyril F. Brickfield,
Legislative Counsel.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Adams, for June 15 to 18, on account of official business.

Mr. Edwards of California (at the request of Mr. McFall), for today and June 14, on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman, for 40 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Johnson of Colorado) to revise and extend their remarks and include extraneous matter:)

Mr. Dickinson, for 5 minutes, today.

Mr. Frenzel, for 5 minutes, today.

Mr. Bell, for 15 minutes, today.

Mr. Ashbrook, for 30 minutes, today.

Mr. Ashbrook, for 30 minutes, on June 14.

(The following Members (at the request of Mr. Ryan) to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Lehman, for 5 minutes, today.

Mr. Davis of South Carolina, for 10 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Eilberg, for 5 minutes, today.

Mr. Burke of Massachusetts, for 10 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Boland, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 15 minutes, today.

Ms. Holtzman, for 15 minutes, today.

Mr. Annunzio, for 5 minutes, on June 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Broyhill of North Carolina to follow the remarks of Mr. Schneebeli during general debate on H.R. 8410 today.

Mr. Vanik to include extraneous material during the debate on H.R. 8410 today.

(The following Members (at the request of Mr. Johnson of Colorado) and to include extraneous matter:)

Mr. Keating.

Mr. Steele in two instances.

Mr. Brown of Ohio.

Mr. Carter.

Mr. Hudnut.

Mr. Minshall of Ohio.

Mr. McKinney.

Mr. Nelsen in two instances.

Mr. Derwinski in two intsances.

Mr. Whalen in three instances.

Mr. Bray in three instances.

Mr. Snyder.

Mr. Crane in five instances.

Mr. Huber.

Mr. Frenzel in three instances.

Mr. Price of Texas.

Mr. Vander Jagt.

Mr. Lent.

Mrs. Holt.

Mr. Gilman.

Mr. Lujan.

Mr. McClory.

Mr. Mizell in five instances.

Mr. Robison of New York in two instances.

Mr. Heinz.

Mr. Parris in five instances.

(The following Members (at the request of Mr. Ryan) and to include extraneous matter:)

Mr. Aspin in 10 instances.

Mr. McSpadden in four instances.

Mr. O'Neill.

Mr. Gonzalez in three instances.

Mr. Rarick in three instances.

Mr. Riegle.

Mr. Rodino.

Mr. Dingell in two instances.

Mr. Studds.

Mr. Patten in two instances.

Mr. Giaimo in 10 instances.

Mr. Green of Pennsylvania in three instances.

Mr. Fuqua.

Mr. Donohue.

Mr. Rosenthal in five instances.

Mr. Roncalio of Wyoming in five instances.

Mr. St Germain.

Mr. Brown of California in 10 instances.

Mr. Burton.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1938. An act to extend the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1974; to the Committee on Agriculture.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 5610. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; and

H.R. 5293. An act to authorize additional appropriations to carry out the Peace Corps Act, and for other purposes.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 5293. An act to authorize additional appropriations to carry out the Peace Corps Act, and for other purposes; and

H.R. 5610. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

ADJOURNMENT

Mr. LEHMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Thursday, June 14, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1028. A letter from the Director, Office of Legislative Affairs, Agency for International Development, Department of State, transmitting a quarterly report on the programing and obligation of contingency funds, covering the period ending March 31, 1973, pursuant to section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

Received From the Comptroller General

1029. A letter from the Comptroller General of the United States, transmitting a report on the need for further improvement in assisting military personnel in finding adequate housing near bases to which they are assigned; to the Committee on Government Operations.

1030. A letter from the Comptroller General of the United States, transmitting a report that in-flight escape systems for helifatalities; to the Commmittee on Governcopters should be developed to prevent ment Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NATCHER: Committee on Appropriations. H.R. 8658. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93–278). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 8620. A bill to insure the separation of Federal powers and to protect the legislative function by abolishing the Subversive Activities Control Board; to the Committee on Internal Security.

By Ms. ABZUG (for herself, Mr. Podell, Mr. Rosenthal, Mr. Charles H. Wilson of California, Mr. Badillo, Mr. Brasco, Mr. Helstoski, Mr. Stark, Mr. Conyers, Mr. Rangel, Mr. Roe, Mr. Won Pat, Mrs. Mink, Mr. Hawkins, and Mr. Mitchell of Maryland):

H.R. 8621. A bill to provide for equitable rents under the economic stabilization program; to the Committee on Banking and Currency.

By Mr. ADDABBO:

H.R. 8622. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois (for himself, and Mr. Cleveland):

H.R. 8623. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. BREAUX (for himself, Mrs. Burke of California, Mr. Dan Daniel, Mr. Dominick V. Daniels, Mr. Fascell, Mr. Flood, Mr. Ginn, Mr. Gude, Mrs. Hansen of Washington, Mr. Leggett, Mr. McCormick, Mr. Mollohan, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nix, Mr. Quie, Mr. Railsback, Mr. Riegle, Mr. Rinaldo, Mr. Robinson, of Virginia, Mr. Seiberling, Mr. Stokes, and Mr. Thomson of Wisconsin):

H.R. 8624. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself, Mr. Winn, Mr. Young of Georgia, and Mr. Young of Illinois):

H.R. 8625. A bill to amend title 38 of the United States Code to clarify the circumstances under which the Administrator of Veterans' Affairs may pay for care and treatment rendered to veterans by private hospitals in emergencies; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself, Mrs. Burke of California, Mr. Culver, Mr. Dan Daniel, Mr. Dominick V. Daniels, Mr. Fascell, Mr. Flood, Mr. Ginn, Mr. Gude, Mrs. Hansen of Washington, Mr. Leggett, Mr. McCormack, Mrs. Mink, Mr. Mitchell of Maryland, Mr. Mollohan, Mr. Mosher, Mr. Murphy of New York, Mr. Murphy of Illinois, Mr. Nix, Mr. Quie, Mr. Railsback, Mr. Rangel, Mr. Rinaldo, Mrs. Schroeder, and Mr. Seiberling):

H.R. 8626. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. BREAUX (for himself, Mr. Sisk, Mr. Stokes, Mr. Thomson of Wisconsin, Mr. Winn, Mr. Wolff, and Mr. Young of Georgia):

H.R. 8627. A bill to amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed; to the Committee on Veterans' Affairs.

By Mr. BROWN of California (for himself and Mr. McCormack):

H.R. 8628. A bill to further energy research and development by establishing a Geothermal Energy Development Corporation; to amend the National Science Foundation Act of 1950 and to authorize and direct the National Science Foundation to fund basic and applied research related to energy and thereby support the objectives of the Geothermal Energy Development Corporation; and for other purposes; to the Committee on Science and Astronautics.

By Mr. BURKE of Massachusetts:

H.R. 8629. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income the severance pay received by individuals as a result of the consolidation, reduction, realinement or closure of certain military and naval installations; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 8630. A bill to amend section 4 of the Internal Security Act of 1950; to the Committee on Internal Security.

H.R. 8631. A bill to amend the Federal Claims Collection Act of 1966 to permit agencies to contract with commercial claims collection services for the collection of claims of the United States; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 8632. A bill to provide that U.S. Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

H.R. 8633. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. ESHLEMAN:

H.R. 8634. A bill to amend section 8(e) of the National Labor Relations Act with respect to its application to labor agreements relating to construction; to the Committee on Education and Labor.

By Mr. FISH:

H.R. 8635. A bill to amend the Internal Revenue Code of 1954 to provide that the valuation of a decedent's interest in a ranch, farm, or closely held business may at the election of the executor be determined, for estate tax purposes, solely by reference to its value for such use; to the Committee on Ways and Means.

By Mr. GAYDOS:

H.R. 8636. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. GOODLING (for himself, Mr. Symms, Mr. Scherle, Mr. Teague of California, Mr. McEwen, Mr. Hutchinson, Mr. Baker, Mr. Nelsen, Mr. Wampler, Mr. Robinson of Virginia, Mr. Hunt, Mr. Vigorito, Mr. Dan Daniel, Mr. Myers, Mr. Bray, Mr. Shuster, Mr. Michel, Mr. Mizell, Mr. Mayne, Mr. Dennis, and Mr. Carter):

H.R. 8637. A bill to require public hearings on certain regulations promulgated by the Secretary of Labor; to the Committee on Education and Labor.

By Mr. GOODLING (by request):

H.R. 8638. A bill to amend the Federal Crop Insurance Act; to the Committee on Agriculture.

By Mr. GUDE:

H.R. 8639. A bill to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HARSHA:

H.R. 8640. A bill to amend title 5 of the United States Code to provide for the immediate retirement of Federal personnel employed in Veterans' Administration neuropsychiatric hospitals or facilities after attaining 50 years of age and completing 20 years of such service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HEINZ (for himself, Mr. Mills of Arkansas, and Mr. Schneebeli):

H.R. 8641. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. HEINZ (for himself, Mr. Cotter, Mr. Ginn, Mr. Hanley, Ms. Heckler of Massachusetts, Ms. Holt, Mr. Sebelius, Mr. McCollister, Mr. Robinson of Virginia, Mr. Bafalis, and Mr. Steele):

H.R. 8642. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. JONES of Alabama (for himself, and Mr. Bevill):

H.R. 8643. A bill to amend the Wild and Scenic Rivers Act by designating the West Fork of the Sipsey Fork in the State of Alabama for potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. KETCHUM:

H.R. 8644. A bill for the relief of Kern County, Calif.; to the Committee on the Judiciary.

By Mr. MILLER (for himself and Mr. Harsha):

H.R. 8645. A bill to direct the Commandant of the U.S. Coast Guard to develop and issue rules and regulations governing the movement and anchorage of vessels and barges in a portion of the Ohio River; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS of Arkansas (for himself, Mr. Schneebeli, and Mr. Heinz):

H.R. 8646. A bill to amend section 1130 of the Social Security Act to make inapplicable to the program of aid to families with dependent children the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. MOAKLEY (for himself and Mr. O'Neill):

H.R. 8647. A bill directing the Secretary of Defense to transfer jurisdiction and control of a portion of the property comprising the Boston Naval Shipyard at Charlestown, Mass., to the Secretary of the Interior; to the Committee on Armed Services.

By Mr. NELSEN:

H.R. 8648. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 8649. A bill to require that burials be permitted in national cemeteries on weekends and holidays; to the Committee on Veterans' Affairs.

By Mr. ROE:

H.R. 8650. A bill to repeal the bread tax on 1973 wheat crop; to the Committee on Agriculture.

By Mr. ROYBAL:

H.R. 8651. A bill to provide relief to certain individuals 60 years *of age* and over who own or rent their homes, through income tax credits and refunds; to the Committee on Ways and Means.

By Mr. SCHERLE:

H.R. 8652. A bill to provide a 2 cents a gallon tax reduction on gasoline sold for use in highway vehicles where the gasoline contains cereal grain alcohol as a substitute for lead; to the Committee on Ways and Means.

By Mr. WAGGONNER (for himself, Mr. Hébert, Mr. Passman, Mr. Rarick, Mr. Breaux, Mr. Long of Louisiana, Mrs. Boggs, and Mr. Treen):

H.R. 8653. A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University; to the Committee on Agriculture.

By Mr. WALDIE:

H.R. 8654. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. CHARLES WILSON of Texas:

H.R. 8655. A bill to establish the Big Thicket National Biological Reserve in Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WYDLER:

H.R. 8656. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. ZWACH:

H.R. 8657. A bill to amend section 107 of the River and Harbor Act of 1970; to the Committee on Public Works.

By Mr. NATCHER:

H.R. 8658. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. ANDERSON of California (for himself, Mr. Brown of California, Mr. Stark, Mr. Edwards of California, Mr. Rees, Mr. Danielson, Mr. Waldie, Mr. Bell, Mr. Ketchum, Mr. Roybal, Mr. Hinshaw, Mr. Goldwater, Mr. Charles H. Wilson of California, Mr. Veysey, Mr. Pettis, Mr. Leggett, Mr. Don H. Clausen, Mr. Moorhead of California, and Mr. Rousselot):

H.R. 8659. A bill to provide for a Federal income tax credit for the cost of certain motor vehicle emission controls on 1975 model motor vehicles sold in the State of California; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 8660. A bill to amend title 5 of the United States Code (relating to Government Organization and employees) to assist Federal employees in meeting their tax obligations under city ordinances; to the Committee on Post Office and Civil Service.

By Mr. MAZZOLI:

H.R. 8661. A bill to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development, to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire, to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government, and for other purposes; to the Committee on Science and Astronautics.

By Mr. PRICE of Illinois (for himself, Mr. Holifield, and Mr. Hosmer):

H.R. 8662. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; to the Joint Committee on Atomic Energy.

By Mr. RONCALIO of Wyoming:

H.R. 8663. A bill to amend section 613(c)(4)(F) of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. St GERMAIN:

H.R. 8664. A bill to make the provisions of the Federal Employees' Compensation Act providing cost-of-living increases applicable to employees of the Federal Civil Works Administration and certain other agencies not now in existence, and for other purposes; to the Committee on Education and Labor.

By Mr. STUDDS:

H.R. 8665. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Idaho:

H.J. Res. 615. Joint resolution authorizing the President to declare the third week in June of each year as "National Fiddle Week"; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.J. Res. 616. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. HANLEY:

H. Con. Res. 250. Concurrent resolution expressing the sense of Congress that the Holy Crown of Saint Stephen should remain in the safekeeping of the U.S. Government until Hungary once again functions as a constitutional government established by the Hungarian people through free choice; to the Committee on Foreign Affairs.

By Mr. STUDDS:

H. Con. Res. 251. Concurrent resolution relating to the U.S. fishing industry; to the Committee on Merchant Marine and Fisheries.

By Mr. GIBBONS:

H. Res. 439. Resolution to amend the Rules of the House of Representatives to establish as a standing committee of the House Committee on Energy, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HINSHAW:

H.R. 8666. A bill for the relief of Ola Belle Meredith; to the Committee on the Judiciary.

By Mr. McKINNEY:

H.R. 8667. A bill for the relief of William J. Walsh; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 8668. A bill for the relief of Giovanni Battista and Caterina Asaro; to the Committee on the Judiciary.

H.R. 8669. A bill for the relief of Carmelo Andolina; to the Committee on the Judiciary.

H.R. 8670. A bill for the relief of Emanuel Licitra; to the Committee on the Judiciary.

H.R. 8671. A bill for the relief of Giuseppe Cappello; to the Committee on the Judiciary.

H.R. 8672. A bill for the relief of Anna D'Angelo; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 8673. A bill for the relief of George L. Smith; to the Committee on the Judiciary.

SENATE—*Wednesday, June 13, 1973*

The Senate met at 12 o'clock noon and was called to order by the President pro tempore (Mr. Eastland).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray in the words of the first Psalm:

Blessed is the man that walketh not in the counsel of the ungodly, nor standeth in the way of sinners, nor sitteth in the seat of the scornful.

But his delight is in the law of the Lord; and in his law doth he meditate day and night.

And he shall be like a tree planted by the rivers of water, that bringeth forth his fruit in his season; his leaf also shall not wither; and whatsoever he doeth shall prosper.

The ungodly are not so: but are like the chaff which the wind driveth away.

Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous.

For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish.

O Lord, our God, lead us ever in the way of the righteous man. Amen.

REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 12, 1973, Mr. Jackson, from the Committee on Interior and Insular Affairs, reported favorably, with an amendment, on June 12, 1973, the bill (S. 1081) to authorize the Secretary of the Interior to grant rights-of-way across Federal lands where the use of such rights-of-way is in the public interest and the applicant for the right-of-way demonstrates the financial and technical capability to use the right-of-way in a manner which will protect the environment, and submitted a report (No. 93–207) thereon, which was printed.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 12, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

REPORT OF COMMODITY CREDIT CORPORATION—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry. The message is as follows:

To the Congress of the United States:

In accordance with the provisions of section 13, Public Law 806, 80th Congress, I transmit herewith for the information of the Congress the report of the Commodity Credit Corporation for the fiscal year ended June 30, 1972.

Richard Nixon.

The White House, *June 13, 1973.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendments to the bill (S. 504) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Staggers, Mr.

Rogers, Mr. Satterfield, Mr. Nelsen, and Mr. Hastings were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services, with an amendment, in which it requested the concurrence of the Senate; that the House insisted upon its amendment to the bill and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Perkins, Mr. Thompson of New Jersey, Mr. Clay, Mr. Brademas, Mr. O'Hara, Mr. William D. Ford, Mr. Quie, Mr. Ashbrook, Mr. Dellenback, and Mr. Esch were appointed managers on the part of the House at the conference.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DISPOSAL OF CERTAIN ABACA AND SISAL CORDAGE FIBER HELD IN THE NATIONAL STOCKPILE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 190, H.R. 4682.

The PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 4682, to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in national stockpile.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, was read the third time, and passed.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on those nominations which were confirmed by the Senate on the last day it was in executive session, the President be notified.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Now, Mr. President, I move that the Senate proceed to the consideration of nominations on the Executive Calendar, beginning with New Reports.

The motion was agreed to, and the Senate proceeded to the consideration of the nominations on the Executive Calendar, beginning with New Reports.

DEPARTMENT OF COMMERCE

The second assistant legislative clerk read the nominations in the Department of Commerce, as follows:

John K. Tabor, of Pennsylvania, to be Under Secretary of Commerce.

Tilton H. Dobbin, of Maryland, to be an Assistant Secretary of Commerce.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

U.S. COAST GUARD

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Coast Guard.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Does the distinguished Senator from Michigan desire to be heard?

Mr. GRIFFIN. No, Mr. President.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMPENSATION OF VICTIMS OF VIOLENT CRIME

Mr. MANSFIELD. Mr. President, a young law student, Mr. Robert Ian Gruber, has been in contact with me concerning my proposal to compensate victims of violent crime.

Mr. Gruber attends the Fordham University School of Law, and in his studies he has undertaken an examination of the crime victim bill that passed the Senate. The bill is now pending before the House Committee on the Judiciary. Based on his examination, Mr. Gruber prepared an evaluation of the proposal, together with "Comments" published in the spring issue of the Fordham Urban Law Journal.

I think that Mr. Gruber's work represents a contribution to the dialog on the issue of compensating victims of violent crime; therefore, I ask unanimous consent that these articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Statement on Title I of S. 800, the Proposed Victims of Crime Act of 1973

(Submitted by Robert Ian Gruber)

This proposed legislation is necessary, salutary, and long overdue. In providing for the compensation of the "victims" of crime, Title I has focused attention on the rights of the victim, where heretofore the law has only recognized and provided for the rights of those accused of crime. In classifying two groups of people, "victims" and "intervenors", the proposal is seeking to encourage citizens to become involved, and to avoid the apathy which has existed in the past, reflected in cases where citizens have looked on while a fellow citizen is the object of violent criminal attack. Accordingly, it is apparent from the provisions of Title I, that in terms of the type of losses recoverable, i.e., property damage and personal injury, the amount of recovery, and the conditions precedent to recovery itself, the "intervenor" is favored over the "victim".

The proposal is for the most part comprehensive in scope and coverage and in its provisions reflects the benefits of experience learned from the operation of presently existing state crime victims compensation statutes. However, there are a few areas in Title I which in my opinion should be scrutinized for possible modification and amendment. These areas are discussed more fully in the appending article; however, I would like to briefly highlight three of them.

Title I provides that a "victim" will not recover unless he can show "financial stress" as a result of his victimization. This is not a requirement for the "intervenor". Whether or not there should be such a requirement for both intervenors and victims is beyond the scope of this statement. However, the existing financial stress requirements for victims indicates that those victims who are in lower income brackets have a greater possibility of receiving an award than those in higher brackets, since the former group will more likely suffer "financial stress". Yet, this legislation is aimed at compensating all victims, to the extent that they do not receive outside sources of reimbursement for their losses, e.g., insurance, workmen's compensation, and the availability of a civil action in tort. Since the purpose seems to be to avoid double recovery to any claimant at the Board's expense, and since sources of recovery reduce the amount of an award, it seems that making "financial stress" a condition precedent to recovery could produce harsh results to that victim who does not quite suffer financial stress, but who does not have an income in an amount sufficient to absorb his losses. Therefore, it is suggested that the test be not one of financial stress, absolutely, but rather one of his standard of living being reduced coupled with the consideration of the extent and permanence of the injury and the depletion of the victim's personal funds expended for recovery from his injury. In this way, the seeming purpose of Title I, that of making the victim whole and preventing the possibility of his having to seek public assistance, i.e., welfare, could be more effectively accomplished.

Secondly, the "intervenor" may recover losses for property damage as well as for personal injury whereas a "victim" can only recover for personal injury. This statement will not discuss whether or not the victim should also be permitted recovery for property damage, as it obviously is in keeping with the proposal's favored treatment of the intervenor to recover for property damage. However, there are possibilities for abuse inherent in allowing for recovery of property damage. For example, Citizen A intervenes while Citizen B is being robbed. Citizen A is also robbed and claims from the Board reimbursement for the $10,000 in cash he was carrying in his wallet. While this is an extreme example, it points out the difficulties for the Board in determining the amount of cash the intervenor in fact had in his wallet. Hence, it is suggested that a maximum amount be fixed for the recovery of cash and other negotiable property.

The third area I shall discuss relates to the exclusion from recovery of family members of the offender. If a father with three infant children shoots and kills his wife and is imprisoned, under the present exclusion the children may not recover. Since another provision of Title I would deny altogether a claim if it were found that the claimant was "a substantial contributing factor" to the crime giving rise to the claim, it is suggested that the family member exclusion which can lead to harsh results is unnecessary in trying to prevent fraud and collusion between victims and claimants.

As mentioned above, these are only a few of the areas of Title I that bear reviewing. However, this legislation is so necessary and urgent that it is my opinion that it should be passed in its present form as soon as possible, and any modifications deemed necessary should be made pursuant to the Board's rulemaking power, or if necessary, by subsequent amendment.

Thank you very much for this opportunity to express my views on this proposed legislation.

[Comments]

Crime Victims' Compensation—Title I of the Proposed Victims of Crime Act of 1973: An Analysis

I. INTRODUCTION

[I]n directing our full attention to how we can best combat the alarming crime rise we have ignored, unfortunately, certain aspects of the problem. The point has been reached, for example, where we must give consideration to the victim of crime. . . . For him, society has failed miserably. Society has failed to protect its members adequately. To those who suffer, society has an obligation.[1]

The concept that society has an obligation to help meet the needs of victims of criminal violence arose almost 4,000 years ago.[2] The Code of Hammurabi provided that if the criminal was not apprehended "the man who has been robbed, shall . . . make an itemized statement of his loss, and the city and the governor . . . shall compensate him for whatever was lost."[3] However, modern law has been more concerned with the offense against society than with the compensation of the vicitim; the criminal is thought to owe a debt to society which must be paid.[4] Since the offense is deemed to be against the state, it is the state which prosecutes the offender. The victim is not party to the proceeding; his recourse against the offender is to initiate a private action in tort. Unfortunately, the expenses of litigation, the difficulties of apprehending the alleged offender and the judgment-proof status of many of those apprehended are factors which militate against the adequacy of the victim's civil remedy.

The inadequacy of the victim's remedy in tort led Margery Fry, an English penal reformer, to propose the first practical scheme of governmental compensation to victims of crime in modern times.[5] In 1963, nine years after Fry's proposals, New Zealand enacted the first crime victims compensation statute.[6] The New Zealand statute established a crime compensation tribunal which had discretionary power to award public compensation from an indemnity fund to the victim or his dependents, when he had been injured or killed through the commission of certain specified offenses, including homicides, assault and woundings, and sexual offenses of violence.[7] Compensation was authorized for out-of-pocket expenses, loss of earnings, and pain and suffering, and the tribunal was empowered to order the victim to refund all or part of an award if he subsequently recovered damages from the wrongdoer.[8]

In 1964, Great Britain put into operation a program somewhat similar to the New Zealand statute.[9] In the United States, the first jurisdiction to adopt a compensation scheme for the victims of crime was California[10] in 1965. Subsequently, crime victims compensation statutes were enacted in New York[11] in 1966; Hawaii[12] and Massachusetts[13] in 1967; Maryland[14] in 1968; Nevada[15] in 1969; New Jersey[16] in 1971; and most recently, Rhode Island[17] and Alaska[18] in 1972.

There are three main theories upon which these modern compensation statutes have been based.[19] At one extreme is the social welfare theory of compensation. This theory is not based on any "inherent" obligation on the part of the sovereign, but rather rests upon the idea that the "twentieth century conscience cannot tolerate the suffering" which befalls the victim of crime.[20] At the other extreme is a theory of compensation which assumes that there is an inherent duty of the sovereign to indemnify those members of its society whom it fails to protect from criminal victimization.[21] This might be termed the legal right theory which is founded on an implied contract between the state and its citizens.[22] The citizen undertakes to pay his taxes; the state undertakes to protect him from criminal violence.[23] Thus, in failing to protect the victim from criminal violence the state breaches the implied contract and is obligated to compensate the victim for injuries resulting from the breach. A third theory, which might be called one of legislative grace—lying somewhere between the extremes—is that the sovereign has a moral obligation to deal "mercifully with individuals" who are the innocent victims of crime.[24] While all compensation statutes rest on one of the aforementioned theories, in practice the statutes can best be distinguished by (1) the presence or absence of a requirement of financial need, and (2) the nature of the proceeding through which the claimant receives his award—*i.e.*, administrative or judicial.

II. PROPOSED FEDERAL LEGISLATION

In the United States, proposals for legislation in this area have also been made on the federal level.[25] Unfortunately, none of these proposals has been enacted.[26] Title I of the proposed Victims of Crime Act of 1973,[27] which is based upon the legislative grace or moral obligation theory,[28] is the latest and most comprehensive in scope of the federal proposals. It possibly could become law in the first session of the Ninety-Third Congress.[29]

The purpose of this comment is to analyze and explain the operation of the major provisions of Title I. The provisions discussed are those relating to the scope of compensation, limitations and requirements for recovery, and procedures for the disposition of claims. Where useful, the federal proposal will be compared with existing statutes in New York,[30] Hawaii[31] and Massachusetts.[32] These laws are representative of the various state compensation statutes in that New York employs an administrative proceeding and requires financial need;[33] Hawaii utilizes an administrative proceeding but does not require financial need;[34] and Massachusetts uses a judicial proceeding.[35] [See chart pages *426–31*.] Where the comparison indicates that improvements can be made in Title I, they will be suggested.

Title I may be grouped with those crime victim compensation statutes which require a showing of financial need and have a proceeding which is administrative in nature.[36] It establishes a federal program of compensation for victims and intervenors where the crime takes place within the federal jurisdiction[37] and also grants reimbursement of up to 75 per cent of the costs to those states which have victim compensation statutes that are "substantially comparable in coverage and limitations"[38] to Title I. While the analysis that follows is limited to the program of direct federal compensation to those victimized by crime within the federal jurisdiction, it is clear that in light of the requirement of substantial comparability,[39] Title I will serve as a model for states which have not yet enacted compensation statutes.

FEDERAL AND STATE CRIME COMPENSATION STATUTES: MAJOR FEATURES[1]

1. GENERAL

Government	Authority	Administration	Jurisdiction
United States	Victims of Crime Act of 1973 [Proposed]	Violent Crimes Compensation Board (Department of Justice).	Crimes or other acts giving rise to the claim must occur (1) within the maritime or territorial jurisdiction of the United States; (2) within the District of Columbia; or (3) within Indian Country.
Hawaii	Criminal Injuries Compensation Act of 1967	Criminal Injuries Compensation Commission (independent)	Coextensive with jurisdiction to prosecute crimes giving rise to the claim.
Massachusetts	Compensation of Victims of Violent Crimes Act of 1967	District Courts of the Commonwealth	Situs of crime giving rise to the claim must be within the Commonwealth.
New York	Crime Victims Compensation Act of 1966	Crime Victims Compensation Board (independent)	Situs of crime giving rise to the claim must be within the State.

See footnote at end of table.

Footnotes at end of article.

FEDERAL AND STATE CRIME COMPENSATION STATUTES: MAJOR FEATURES [1]—Continued

2. SCOPE OF COMPENSATION

Government	Claimants recognized	Losses recognized	Need requirement	Maximum compensation
United States	(1) Victim; (2) Intervenor or their surviving dependents.	(1) Pecuniary losses of victims; (2) Net losses of intervenors.	Victim must show "financial stress." Not applicable to intervenors.	$50,000 as to victims. Not applicable to intervenors.
Hawaii	(1) Victim: dependents, individual bearing loss; (2) "Private citizen" (intervenors): individual bearing loss.	(1) Pecuniary losses; (2) earning power; and (3) pain and suffering.	None	$10,000 plus any recovery from *criminal*.
Massachusetts	Victim: dependents	(1) Out of pocket expenses; (2) earnings; (3) support.	None	$10,000.
New York	Victim: spouse, child, dependents	(1) Out of pocket expenses; (2) loss of earnings; or (3) support.	"Serious financial hardship."	$15,000 as to support or income. No ceiling on out of pocket expenses, including medical expenses.

3. LIMITATIONS

Government	Crimes covered	Period of limitations (filing)	Members of household	Deductible feature (minimum)	Collateral recovery
United States	List of crimes and "any other crime which poses a substantial threat of personal injury."	1 year. Extended upon showing of "good cause."	No claim if person is member of the family or household or maintaining continuing unlawful sexual relations with offender or accomplice.	Loss must be over $100 or equivalent to 2 weeks' earnings or support.	"Net losses" reduced by amounts recovered or recoverable from "public or private means." "Pecuniary losses' are derived from net losses." If suit gives rise to collateral recovery amount is first deducted from "gross losses."
Hawaii	Lists specific offenses	18 months	No claim allowed if person is relative or member of household of offender.	None	Compensation reduced by money received from offender or agency of State or Federal Government.
Massachusetts	Crimes of force committed in the Commonwealth. Motor vehicle crimes are covered only if intentional.	1 year or 90 days after death, whichever is earlier.	No claim allowed if person is a member of the family or household or maintaining sexual relations with the offender.	Loss must be over $100 or 2 weeks' earnings or support.	Compensation reduced by "insurance, amounts received from offender and other public funds."
New York	Crimes under State law. Motor vehicle crimes are covered if intentional.	90 days. Extended to 1 year upon showing of "good cause."	do	do	Compensation reduced by collateral recovery.

4. REQUIREMENTS

Government	Duty to report	Duty to cooperate	Responsibile claimant
United States	Must be reported within 72 hours, but not necessarily by victim or claimant. Waived upon showing of "good cause."	May reduce, deny, or withdraw compensation if claimant does not substantially cooperate with law enforcement officials incident to act giving rise to claim.	Compensation may be reduced in proportion to responsibility of claimant for act giving rise to claim, or deny compensation if claimant's behavior is substantial contributing factor.
Hawaii	Must be arrest or report of crime to trigger statute. No personal duty for claimant.	None	Compensation may be reduced or denied in proportion to responsibility of claimant for act giving rise to claim.
Massachusetts	Crime must be reported within 48 hours, but not necessarily by victim or claimant.	do	Do.
New York	Crime must be reported within 48 hours, but not necessarily by victim or claimant. Waived upon showing of "good cause."	do	Do.

5. PROCEDURES

Government	Hearings	Burden of proof	Attorneys' fees	Standards of review
United States	Initially determined by 1 member. Hearing en banc (of record) is a matter of right.	"Preponderance of the evidence" is burden to be met by claimants.	Authorized in accord with Criminal Justice Act. Do not diminish recovery and are not subject to ceiling.	"Substantial evidence" is standard for sustaining Board.
Hawaii	Hearing (not of record) is a matter of right.	None set forth in statute	Up to 15 percent of award, but subject to maximum. Do diminish recovery.	None.
Massachusetts	Proceeds as civil action in which State attorney general defends suit.	do	do	Do.
New York	Hearing optional with disposition by individual member. Matter of right if claimant requests subsequent hearing en banc.	do	Not authorized	Do.

6. MISCELLANEOUS FEATURES

Government	Emergency payments	Subrogation	Indemnity fund
United States	Maximum of $1,500 which is subsequently deducted from final award or repaid if award is denied. Repayment may be waived.	Claim of victim against offender to extent of compensation paid may be pursued by the Attorney General for the United States.	Fund established which is the repository of (1) fines; (2) appropriated funds; (3) subrogation recovery; and (4) contributions.
Hawaii	Commission must have determined claim and immediate need must exist. Deducted from final award.	Claim of victim against offender may be pursued by the State to extent compensation is paid and recovery is to the State.	Fund established from which emergency payments are made.
Massachusetts	Not authorized	do	None authorized.
New York	Maximum of $500 which is subsequently deducted from final award or repaid if claim is denied.	do	Do.

[1] This chart, with the exception of some minor changes, appears in the Congressional Record ,vol. 118, pt.24, pp. 30998–31001.

III. TITLE I OF THE VICTIMS OF CRIME ACT OF 1973

A. Scope of Compensation

It is the declared purpose of Congress in this title to promote the public welfare by establishing a means of meeting the financial needs of the innocent victims of violent crime or their surviving dependents and intervenors acting to prevent the commission of crime or to assist in the apprehension of suspected criminals.[40]

While Title I compensates the innocent victim and the intervenor, it makes three significant distinctions between the two classes of claimants, each of which favors the intervenor. The distinctions concern (1) the type of loss each may recover, (2) the requirements of financial stress for victims and (3) the existence of a maximum recovery

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Footnotes at end of article.

for victims. Although the proposal is silent as to the purpose of these distinctions, one must conclude that Congress has set out to encourage third parties to assist fellow citizens and to aid law enforcement officials. Each of these distinctions shall now be examined.

The first significant distinction is that a victim can recover "pecuniary losses"[41] whereas an intervenor can recover "net losses."[42] "Pecuniary losses" are those net losses "which cover" the list of enumerated damages. They are generally all reasonable and necessary medical, hospital and rehabilitation expenses, actual loss of past earnings, anticipated loss of future earnings and reasonable and necessary child care expenses enabling either the victim or his or her spouse to continue gainful employment.[43] "Net losses" are gross losses, excluding pain and suffering.[44] Since "gross losses" are defined as "all damages, including pain and suffering and including property losses."[45] it appears that, despite clumsy language, the significant distinction is that net losses include property losses whereas pecuniary losses do not. While Title I does not define "property losses," the words are probably used in the traditional sense, *i.e.*, damages other than personal injury.

The definition of pecuniary losses creates some confusion as to whether they include *only* those losses enumerated or whether the list is intended to be merely illustrative. If the prior meaning is the intended one, the ambiguity can be removed by changing the word "cover" to "cover exclusively;" if the latter meaning is intended, the word "cover" can be replaced by "cover, but not limited to."

The second significant distinction between intervenors and victims is that a victim must establish "financial stress" as a result of his pecuniary loss, whereas an intervenor's net losses are recoverable without such stress.[46] "Financial stress" is defined as: the undue financial strain experienced by a victim or his surviving dependent or dependents as the result of pecuniary loss from an act, omission, or possession giving rise to a claim. . . .[47]

Failure of the Board to find such financial stress will result in a denial of the victim's claim.[48] While New York also requires a showing of financial need, its test is "serious financial hardship."[49] Whether any difference will develop between the federal and New York tests of financial stress and serious financial hardship cannot be determined at this time. Hawaii[50] and Massachusetts[51] have no such requirement since recovery in these states is a matter of legal right.[52]

It is noteworthy that Hawaii is the only state that compensates the victim for pain and suffering.[53] New York and Title I do not, presumably because pain and suffering, no matter how great, do not cause "serious financial hardship" or "financial stress."

The third and final distinction between the victim and the intervenor in the federal proposal is the provision for a $50,000 maximum on any claim by a "victim" or his surviving dependents.[54] Since this section mentions only "victims" it would appear that, on its face, the statute permits an intervenor to recover all his net losses up to and exceeding the maximum otherwise applicable to victims. The state statutes have a lower maximum recovery schedule than does the federal legislation. In New York the maximum recovery for losses of support and income is $15,000,[55] although significantly, there is no ceiling on the amount of compensation the Board will grant for out-of-pocket expenses.[56] Hawaii and Massachusetts limit recovery to $10,000 for all losses.[57] Since Title I provides for direct grants to the states of up to 75 per cent of the costs of their compensation statutes,[58] it is submitted that the states can raise their maximums on awards to reduce still further the possibility of hardship to a victim and his dependents.

The federal proposal, New York and Massachusetts require a minimum loss in order to exclude frivolous claims that would otherwise consume a substantial part of the Board's time.[59] The federal minimum is the equivalent of a week's earnings or support.[60] New York and Massachusetts require the claimant's loss to exceed $100 or two weeks' earnings or support.[61] Hawaii has no such minimum.[62]

Recovery of an award by the claimant under Title I would result in double recovery if the claimant has been or will be compensated by collateral sources. Accordingly, Title I provides for set-offs of such recoveries,[63] as do all state statutes in varying ways.[64] Collateral sources under Title I include monies recovered or recoverable:

(A) under insurance programs mandated by law;

(B) from the United States, a State, or unit of general local government for a personal injury or death otherwise compensable under this part;

(C) under contract or insurance wherein the claimant is the insured or beneficiary; or

(D) by other public or private means. . . .[65]

However, the effects of the set-offs are often alleviated by the fact that collateral source recovery is "first used to offset gross losses that do not qualify as net or pecuniary. . . ."[66] The above language will permit a victim to use collateral sources to compensate for his property losses and pain and suffering, the two most important non-compensable losses. New York and Massachusetts simply set-off any collateral payment from the award.[67] Hawaii permits a claimant to add to the award any sum recovered from the criminal to the extent his losses exceed the maximum award.[68] Perhaps the best scheme is a recently proposed, but unsuccessful, amendment in Massachusetts which offsets compensation from collateral sources, "but only to the extent that the sum of such payments and any award . . . are in excess of the total compensable injuries suffered by the victim. . . ."[69] The Massachusetts proposal would prevent double recovery and, unlike the other statutes,[70] would permit a victim to recover under these circumstances the full amount of his losses. Thus the Massachusetts proposed amendment more simply and consistently accomplishes the desired result, *i.e.*, preventing double recovery and excessive drain on the government's funds, while at the same time permitting the claimant to, as nearly as possible, be made whole.

There remain two further provisions that affect the scope of compensation. The first seems reasonable enough in that it gives the Board discretion to consider the claimant's behavior and contribution to the crime,[71] and to reduce the award "in accordance with its assessment of the degree of" that contribution[72] or deny altogether any award if his behavior was a "substantial contributing factor."[73] However, the second provision provides that "[n]o order for compensation . . . shall be made to . . . a member of the family or household" of the wrongdoer.[74] While the rationale for both exclusions is to prevent one from profiting from his own wrongdoing and to prevent fraud and collusion, the second is not only unnecessary but can also result in significant hardship:

> Those family members who provoke, or are in part responsible, for the violence should of course be dealt with as [provided]. But I would suggest no more is needed. If a father shoots and disables a small child, surely that child is as deserving as a child who lives next door.[75]

B. Requirements and Limitations

The threshold requirement to recovery under any compensation statute is that there be a nexus between the sovereign and either the crime or the victim. New York requires simply that the crime occur within the state;[76] no distinction is made between residents and non-residents. California, on the other hand, will grant compensation to a "domiciliary" wherever the crime occurs, and to a "resident" only if the crime occurs within the state.[77] While neither "domiciliary" nor "resident" is defined in the statute it appears that California would not compensate "transients" injured in the state. Hawaii compensates a victim for injury resulting from conduct "within the criminal jurisdiction of the State. . . ."[78] Thus, Hawaii will only compensate the victim if it could have prosecuted the assailant. Massachusetts, like New York, requires that the crime occur within the state;[79] and by requiring that "claims shall be brought in a district court within the territorial jurisdiction in which the claimant lives," it limits compensation to residents of the state.[80] Title I follows the New York approach in that it requires the crime to occur within the federal jurisdiction— the District of Columbia, the maritime or territorial jurisdiction of the United States and Indian country.[81]

The second fundamental requirement to recovery under any compensation statute is that the crime be a violent one. Hawaii lists the specific crimes to which its statute applies.[82] Massachusetts requires only that the crime involve "the application of force or violence or the threat of force or violence. . . ."[83] New York requires merely that the victim suffer "personal physical injury"[84] from a crime "proscribed by the penal law. . . ."[85] Title I lists specific crimes[86] and adds a catch-all provision—"any other crime, including poisoning, which poses a substantial threat of personal injury. . . ."[87] This is perhaps the preferable approach in that it avoids the vagueness that can result from a broad and general definition of crimes; and at the same time, the use of a catch-all provision overcomes the disadvantages inherent in a closed-end listing of specific crimes which cannot deal with changes in the criminal law. It is interesting to note that while victims injured inadvertently by an intervenor may recover under Title I, a victim injured by a would-be intervenor who acts recklessly will not.[88] This results from Congress' intent to deny recovery to those who act recklessly.[89] But while this intent is equitable when applied to the reckless would-be intervenor, it is inequitable to deny recovery to the victim of such recklessness. This result could be avoided by expanding the definition of victim to include those injured by would-be intervenors.

Under Title I, the victim must also comply with three additional requirements. The crime must be reported "to law enforcement officials within seventy-two hours after its occurrence."[90] Moreover, the claimant must have "substantially cooperated with all law enforcement agencies."[91] If the claimant breaches this duty the Board is empowered to "reduce, deny or withdraw any order for compensation."[92] Finally, unless otherwise justified by good cause, the claim must be filed within one year of the date of the occurrence.[93] California[94] and Maryland[95] also require cooperation with law enforcement officials, and New York,[96] Hawaii[97] and Massachusetts[98] have similar filing provisions, ranging in time from ninety days to eighteen months.

C. Procedures

Title I establishes an administrative body within the Department of Justice, to be known as the "Violent Crimes Compensation Board"[99] which "shall order the payment of compensation"[100] in appropriate cases. The Board is authorized to "promulgate such rules and regulations as may be required"[101] and to "establish a program to assure extensive and continuing publicity [of the Title's existence] . . . including information on the right to file a claim, the scope of coverage, and procedures. . . ."[102]

The statute in New York creates an autonomous administrative body within the Executive Department, known as the Crime Victims Compensation Board,[103] which has the power "[t]o adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions and purposes" of the statute.[104] The Hawaii statute establishes an independent administrative agency, the Criminal Injuries Compensation Commission [105] which may adopt rules and regulations to aid in the performance of its functions.[106] In Massachusetts, on the other hand, the "district courts of the commonwealth shall . . . have jurisdiction to determine and award compensation to victims of crimes." [107]

Title I has some distinct procedural advantages over a statute that looks to the judiciary for its administration. For example, the Board will have the freedom to relax some of the formalities that ordinarily attend a judicial proceeding. The Board may likewise avoid the delays of the crowded courts of our larger cities, where presumably most victims would be found. Since the Board is independent and is intended to deal with only one problem, *i.e.*, crime victim's compensation, it need not be burdened by extraneous rules as it might be if it were part of a larger, preexisting agency.

The authority of the Board to promulgate its own rules and regulations [108] helps to assure that any expertise gained in administering the statute will be tangibly implemented in the form of substantive and procedural guidelines. The power of the Board to establish a program of extensive and continuing publicity of the statute's existence, operation, and coverage [109] is clearly desirable since the usefulness of any such statute is predicated upon the people's knowledge of its existence.[110]

Under Title I, when the claim is filed, the Chairman of the Board may assign one member to evaluate the claim.[111] If the claimant is not satisfied with the evaluation he is entitled, as a matter of right, to a de novo hearing by the full three-man Board [112] where he must prove his claim by a "preponderance of the evidence." [112] Once the Board renders a final order, the claimant may obtain judicial review [114] in the United States Court of Appeals for the District of Columbia.[115] "No finding of fact supported by substantial evidence" will be set aside on review.[116]

At the conclusion of the Board's proceeding, an attorney may file with the Board a statement for a fee for services rendered.[117] The Board will award a fee on substantially similar terms as provided in the Criminal Justice Act.[118] The payment of a fee to an attorney does not diminish the claimant's award.[119] Hawaii and Massachusetts permit payment of attorney fees up to 15 per cent of the award,[120] but the fees diminish the claimant's award.[121] In New York, the Board is authorized to adopt "suitable rules . . . for the approval of attorneys' fees . . . ." [122]

Prior to final action, the Board may authorize emergency compensation not to exceed $1,500 if it determines that the claim "probably" will result in an order of compensation.[123] The amount of the emergency payment is deducted from the final award; [124] and if the claimant is ultimately denied compensation, he is liable to the Board for its repayment [125] unless the Board waives it.[126]

New York [127] and Hawaii [128] also provide for emergency payments, whereas Massachusetts [129] does not, presumably because it employs a judicial proceeding rather than an administrative one.

Once compensation has been awarded to a victim, both the federal proposal [130] and the state statutes [131] provide for subrogation to the rights of the recipient of the award. The Attorney General of the United States may, within three years from the date the order of compensation was made, institute an action against the offenders.[132]

Title I provides for a Criminal Victim Indemnity Fund [133] which will be funded by subrogation recoveries,[134] and in addition:

> [T]he Fund shall be the repository of (1) criminal fines paid in the various courts of the United States, (2) additional amounts that may be appropriated to the Fund as provided by law and (3) such other sums as may be contributed to the Fund by public or private agencies, organizations, or persons.[135]

The state statutes differ from Title I in that in all but two there is no separate indemnity fund established into which subrogation recoveries, criminal fines, additional appropriations, and public or private contributions may be deposited.[136]

IV. CONCLUSION

Title I is more comprehensive in scope and coverage than any presently existing crime victims compensation statute. The drafters of Title I, to be sure, have benefited from the experience gained by the other jurisdictions in administering their own respective statues.

The federal statute is salutary, necessary, and long overdue. If and when it does become law, an initial problem for the Board will be to inform the public of the statute's existence. Once this is accomplished, it appears that the statute can effectively and efficiently accomplish its purpose—compensating the victims of crime.

FOOTNOTES

[1] 117 Cong. Rec. 2633 (1971) (remarks of Senator Mansfield).

[2] Childres, Compensation for Criminally Inflicted Personal Injury, 39 N.Y. U.L. Rev. 444 (1964) [hereinafter cited as Childres].

[3] Code of Hammurabi §§ 22–24 (c. 2250 B.C.) quoted in Harper, The Code of Hammurabi 19 (1904).

[4] 118 Cong Rec. 15087 (daily ed. Sept. 18, 1972) (remarks of Senator McClellan).

[5] Id. See Childres, supra note 2, at 451–55. A compensation scheme was published in a report of a distinguished committee of justice—the British Section of International Commission of Jurists—in Justice, Compensation for Victims of Crimes of Violence 2 (1962); Childres, supra note 2, at 446 n.12, 451 n.39. This report has been favorably discussed in Griew, Compensation for Victims of Crimes of Violence, 1962 Crim. L. Rev. (Eng.) 801. See also Compensation for Victims of Criminal Violence: A Round Table, 8 J. Pub. L. 191 (1959), which consists of reactions and criticisms from commentators to Fry's proposal for governmental compensation to victims of crimes of violence.

[6] Pub. Act No. 134 [N.Z. 1963]. For a commentary on the New Zealand program see Cameron, Compensation for Victims of Crime: The New Zealand Experiment, 12 Pub. L. 367 (1963) [hereinafter cited as Cameron].

[7] Cameron, supra note 6, at 370–71 n. 16.

[8] Id. at 373–74.

[9] Home Office and Scottish Home & Health Dep't, Compensation for Victims of Crimes of Violence, Cmnd. No. 2323 (1964). For commentary on this compensation scheme see Samuels, Compensation for Criminal Injuries in Britain, 17 U. Tor. L.J. 20 (1967); Note, 78 Harv. L. Rev. 1683 (1965). Criminal victims compensation legislation has also been proposed and enacted in a few Canadian provinces and Australia. See generally Chappell, Compensating Australian Victims of Violent Crimes, 41 Aust. L.J. 3 (1967); Note, Awards of the Crimes Compensation Board, 33 Sask. L. Rev. 209 (1968).

[10] Cal. Gov't Code §§ 13960–66 13970–74 (West Supp. 1972). Sections 13960–66 provide for indemnification of private citizens who are victims of crime. Sections 13970–74 grant compensation to citizens who are victimized when they attempt to prevent the commission of crime, apprehend a criminal or rescue a person in immediate danger, on the theory that these citizens are benefiting the public.

[11] N.Y. Exec. Law §§ 620–35 (McKinney 1972), as amended, (McKinney Supp. 1972).

[12] Hawaii Rev. Stat. §§ 351–1 to –70 (1968), as amended, (Supp. 1972).

[13] Mass. Ann. Laws ch. 258A §§ 1–7 (1968).

[14] Md. Ann. Code art. 26A §§ 1–17 (Supp. 1971), as amended, (Interim Supp. 1972).

[15] Nev. Rev. Stat. §§[1] 217.010 to .260 (1971).

[16] N.J. Stat. Ann. §§ 52:4B–1 to –21 (Supp 1972).

[17] R.I. Gen. Laws Ann. §§ 12–25–1 to –12 (Supp 1972) [effective one hundred twenty days following enactment of the federal statute].

[18] Alaska Stat. §§ 18.67.010 to .180 (Supp. 1972).

[19] Report of the Special Comm'n on the Compensation of Victims of Violent Crimes, Mass. H. Doc. No. 5151, 10–14 (1967) [hereinafter cited as 1967 Mass. Report].

[20] Id. at 11.

[21] Id. at 10–11.

[22] Kutner, Crime-Torts: Due Process of Compensation for Crime Victims, 41 Notre Dame Law. 487, 497–98 (1966).

[23] Id.

[24] 1967 Mass. Report at 12.

[25] E.g., S. 2994, 92d Cong., 1st Sess. (1971); S. 750, 92d Cong., 1st Sess. (1971); H.R. 3963, 92d Cong., 1st Sess. (1971); S. 4576, 91st Cong., 2d Sess. (1970); S. 9, 91st Cong., 1st Sess. (1969); S. 646, 90th Cong., 1st Sess. (1967); S. 2155, 89th Cong., 1st Sess. (1965); H.R. 11818, 89th Cong., 1st Sess. (1965); H.R. 11552, 89th Cong., 1st Sess. (1965); H.R. 11291, 89th Cong., 1st Sess. (1965); H.R 11211, 89th Cong., 1st Sess. (1965); H.R. 10896, 89th Cong., 1st Sess. 1965).

[26] Opposition to these proposals has centered around the belief that these proposals will quickly grow in expense, that the indemnity fund (see notes 133–36 infra and accompanying text) will in no way provide sufficient monies, and that the problem can best be left to the states. 118 Cong. Rec. 15092 (daily ed. Sept. 18, 1972). See generally Hearings on S. 16, S. 33, S. 750, S. 1946, S. 2087, S. 2426, S. 2748, S. 2856, S. 2994 and S. 2995 Before the Subcomm. on Criminal Laws and Procedures of the Senate Comm. on the Judiciary, 92d Cong., 1st Sess. (1972) [hereinafter cited as Hearings].

[27] S. 800, 93d Cong., 1st Sess. (1973). The Victims of Crime Act of 1973 contains five titles. In addition to Title I [hereinafter cited as Title I]. Title II establishes a federal-state group life and disability insurance program for state and local public safety officers, including policemen, firefighters, and correctional guards. Title III establishes federal minimum death or disability benefits for public safety officers, their families or dependents, for death or disability in the line of duty as a result of a criminal offense. Title IV strengthens the procedural implementation of the civil remedies available to victims of racketeering activity under the Organized Crime Control Act of 1970. Title V [hereinafter cited as Title V] includes provisions for effective dates and authorization for appropriations for the other titles of the bill. 119 Cong. Rec. 2263–71 (daily ed. Feb. 7, 1973). Title I consists of §§ 101–07. Section 102 incorporates §§ 450–60 into Title I. Id. at 2263–66.

[28] Statement of Findings and Purpose, S. 800, 93d Cong., 1st Sess. (1973).

[29] The Victims of Crime Act of 1972 passed the Senate September 18, 1972 by a vote of 74 to 0, 118 Cong. Rec. 15148 (daily ed. Sept. 18, 1972). By the close of the 2d Session of the 92d Congress, the bill had not been presented on the House floor.

[30] N.Y. Exec. Law §§ 620–35 (McKinney 1972), as amended, (McKinney Supp. 1972).

[31] Hawaii Rev. Stat. §§ 351–1 to –70 (1968), as amended, (Supp. 1972).

[32] Mass. Ann. Laws ch. 258A §§ 1–7 (1968).

[33] N.Y. Exec. Law §§ 620, 622–23, 631 (McKinney 1972). See also Cal. Gov't Code §§ 13960, 13962–63 (West Supp. 1972); Md. Ann. Code art. 26A §§ 3, 12(f) (Supp. 1971).

[34] Hawaii Rev. Stat. § 351–11 to –13 (1968). See Hawaii Rev. Stat. § 351–31 (Supp. 1972). See also Alaska Stat. §§ 18.67.020, 18.67.080(c) (need is to be considered with other relevant circumstances) (Supp. 1972); Nev. Rev. Stat. §§ 217.030, 217.100, 217.160, 217.200 (1971); N.J. Stat. Ann. §§ 52:4B–3 to –10 (Supp. 1972).

[35] Mass. Ann. Laws ch. 258A § 2 (1968). See also R.I. Gen. Laws §§ 12–25–2(2) to –3 (Supp. 1972).

[36] See notes 30, 33 supra and accompanying text.

[37] Title I §§ 456(a)–(b). See 119 Cong. Rec. 2262 (daily ed. Feb. 7, 1973) (remarks of Senator McClellan).

[38] Title I § 105. See 119 Cong. Rec. 2262 (daily ed. Feb. 7, 1973) (remarks of Senator McClellan). It remains to be seen whether certain features of existing state statutes that are in conflict with the corresponding provisions in Title I i.e., no financial need requirement in Hawaii and Massachusetts, and compensation for pain and suffering in Hawaii, will prevent these statutes from meeting the test of substantial comparability S. 2994, a predecessor of S. 800 provided specific criteria for determining whether a state's program qualified for the federal grant. S. 2994, § 106 92d Cong., 1st Sess. (1971), 117 Cong. Rec. 21334 (daily ed. Dec. 11, 1971).

[39] Title I § 105.

[40] Id. § 101. Section 450(18) defines a victim as "a person who is killed or who suffers personal injury where the proximate cause of such death or personal injury is—(A) a crime enumerated in section 456 . . . or (B) the not reckless actions of an intervenor in attempting to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 . . . or in attempting to apprehend a person reasonably suspected of having committed such a crime." Section 450(7) defines dependent as "(A) a surviving spouse; (B) an individual who is a dependent of the deceased victim or intervenor within the meaning of section 152 of the Internal Revenue Code of 1954 (26 U.S.C. 152); or (C) a posthumous child of the deceased intervenor or victim. . . ." Section 450(11) defines intervenor as "a person who goes to the aid of another and is killed or injured while acting not recklessly to prevent the commission or reasonably suspected commission of a crime enumerated in section 456 . . . or while acting not recklessly to apprehend a person reasonably suspected of having committed such a crime. . . ."

[41] Id. § 453(b)(2).

[42] Id. § 453(b)(1).

[43] Id. § 450(16). Anticipated loss of future earnings and child care expenses are recoverable up to $150 and $30 per week, respectively.

[44] Id. § 450(15).

[45] Id. § 450(9).

[46] Id. § 454(a).

[47] Id. § 450(8).

[48] Id. § 454(a). However, the statute lists the following items, ownership of which will be disregarded in determining whether or not financial stress exists: a residence, normal household items and personal effects, an automobile, tools of trade, and liquid assets not in excess of one year's gross income or $10,000 in value, whichever is less. Id. §§ 450 (8)(A)-(E). Whether or not there should be a requirement of a showing of financial need in a crime victims compensation statute has been discussed in Childres, supra note 2, at 462; Wolfgang, Victim Compensation in Crimes of Personal Violence, 50 Minn. L. Rev. 223, 234–35 (1965); Comment, Victims of Violent Crime: Should They Be an Object of Social Effection?, 40 Miss. L.J. 92, 120 (1968).

[49] N.Y. Exec. Law § 631(6) (McKinney 1972). The term "serious financial hardship" is not defined by the statute. However, "[t]he board shall establish specific standards by rule for determining such serious financial hardship." Id. For such standards, see Crime Victims Compensation Board [hereinafter cited as CVCB], Rules Governing Practice and Procedure [hereinafter cited as CVCB Rules] § 525.8 Rule VIII(8) (Nov. 1968, amending Rule VIII(8) of Sept. 1967). Under the New York rules the following are not considered in computing financial resources: a homestead, personal property consisting of clothing and strictly personal effects, household furniture, appliances and equipment, tools and equipment necessary for the claimant's trade, occupation or business, a family automobile, and life insurance, except in death claims. Id. The Amendments of May, 1971 have lessened the strictness of the need requirement somewhat and now provide that the "Board . . . shall exempt . . .[a]n amount not exceeding the victim's annual income." Furthermore, the Board may in its discretion consider the lowering of the victim's individual standard of living in determining "serious financial hardship." CVCB Rules § 525.8 Rule VIII (8(g)), (9) (May 1971, amending Rule VIII (8(a)), (9) of Nov. 1968). There is a "need" requirement in Md. Ann. Code art. 26 A § 12(f) (Supp. 1971), and one for "victims" only, in Cal. Gov't Code §§ 13960, 13963 (West Supp. 1972). However, there is no "need" requirement in California for "private citizens" (intervenors). See Cal. Gov't Code § 13972 (West Supp. 1972).

[50] See Hawaii Rev. Stat. §§ 351–31 (Supp. 1972).

[51] See Mass. Ann. Law ch. 258A §§ 3, 6 (1968).

[52] "Need" is a consideration, but not a requirement for compensation, in Alaska Stat. § 18.67.080(c) (Supp. 1972) and Nev. Rev. Stat. § 217.180(1) (1971). The Nevada statute compensates only intervenors. See Nev. Rev. Stat. §§ 217.070 & 217.160 (1971). The statutes in New Jersey and Rhode Island require no showing of "need" for recovery. See N.J. Stat. Ann. §§ 52:4B–1 to –21 (Supp. 1972); R.I. Gen. Laws Ann. §§ 12–25–1 to –12 (Supp. 1972).

[53] Hawaii Rev. Stat. §§ 351–33(4) & 351–52(2) (1968). Rhode Island is the only other enacted statute which allows recovery for pain and suffering. See R.I. Gen. Laws Ann. § 12–25–5(c) (Supp. 1972). However, the statute is not yet in operation. See note 17 supra. For a more complete discussion on whether or not recovery for pain and suffering should be granted, see Childres, Compensation for Criminally Inflicted Personal Injury, 50 Minn. L. Rev. 271, 278 (1965); Starrs, A Modest Proposal to Insure Justice for Victims of Crime, 50 Minn. L. Rev. 285, 306–08 (1965); Comment, Compensation for Victims of Crime—Some Practical Considerations, 15 Buffalo L. Rev. 645, 653 (1966); Comment, Compensation for Victims of Crimes of Violence, 30 Albany L. Rev. 325, 332 (1966); Comment, Crime Victim Compensation: The New York Solution, 35 Albany L. Rev. 717, 731 (1971).

[54] Title I § 454(e).

[55] N.Y. Exec. Law § 631(3) (McKinney 1972). The highest maximum recovery authorized among the states is $25,000 in Rhode Island. R.I. Gen. Laws Ann. § 12-25-6(b) (Supp. 1972).

[56] N.Y. Exec. Law § 631(2) (McKinney 1972).

[57] Hawaii Rev. Stat. § 351-62(b) (1968); Mass. Ann. Laws ch. 258A § 5 (1968).

[58] See note 38 supra and accompanying text. See also Title V, supra note 27, at §§ 501–02.

[59] Title I § 454(c); Mass. Ann. Laws ch. 258A § 5 (1958); N.Y. Exec. Law § 626 (McKinney 1972). For similar provisions, see Md. Ann. Code art. 26A § 7 (Supp. 1971); N.J. Stat. Ann. § 52:4B–18 (Supp. 1972). For application of this provision in New York see CVCB 3d Annual Rep. 35, N.Y. Leg. Doc. No. 97 (1970) (hereinafter cited as 1969 N.Y. Report).

[60] Title I § 454(c).

[61] Mass. Ann. Laws ch. 258A § 5 (1968); N.Y. Exec. Law § 626 (McKinney 1972).

[62] See Hawaii Rev. Stat. §§ 351–1 to –70 (1968), as amended, (Supp. 1972). Similarly see Alaska Stat. §§ 18.67.010 to .180 (Supp. 1972); Cal. Gov't Code §§ 13960–66, 13970–74 (West. Supp. 1972); Nev. Rev. Stat. §§ 217.010 to .260 (1971); R.I. Gen. Laws Ann. §§ 12–25–1 to –12 (Supp. 1972).

[63] Title I § 453(g).

[64] E.g., Hawaii Rev. Stat. § 351–63(a) (Supp. 1972); Mass. Ann. Laws ch. 258A § 6 (1968); N.Y. Exec. Law § 631(4) (McKinney 1972).

[65] Title I § 450(15).

[66] Id. § 453(g)(1).

[67] Mass. Ann. Laws ch. 258A § 6 (1968); N.Y. Exec. Law § 631(4) (McKinney 1972). The collateral payments must have come from sources specified in the statutes.

[68] Hawaii Rev. Stat. § 351–35 (1968).

[69] Mass. H. Acvt No. 2854 (1972).

[70] See note 64 supra.

[71] Title I § 454(g).

[72] Id. § 454(g)(1). In the three states, as in Title I, the amount of compensation may be reduced or denied in proportion to the degree of the claimant's responsibility for the crime giving rise to the claim. See Hawaii Rev. Stat. § 351-31(c) (Supp. 1972); Mass. Ann. Laws ch. 258A § 6 (1968); N.Y. Exec. Law § 631(5) (McKinney 1972).

[73] Title I § 454(g)(2).

[74] Id. § 454(h). Despite this limitation, nowhere in Title I is the term "family" defined. New York and Massachusetts have similar family member exclusions, but define the term "family." See Mass. Ann. Laws ch. 258A §§ 1, 3 (1968); N.Y. Exec. Law §§ 621(4), 624(2) (McKinney 1972). See also Alaska Stat. §§ 18.67.130(b)(1)–(2) (Supp. 1972); Md. Ann. Code art. 26A §§ 2(d), 5(b) (Supp. 1971); Nev. Rev. Stat. § 217.220(1)(a), (b) (1971); N.J. Stat. Ann. §§ 52:4B–2 (Supp. 1972). There is no such restriction in Hawaii and California. See Cal. Gov't Code §§ 13960–66, 13970–74 (West Supp. 1972); Hawaii Rev. Stat. §§ 351–1 to –70 (1968), as amended, (Supp. 1972).

[75] Hearings, supra note 26, at 1005. The statute in Hawaii avoids this hardship. See Hawaii Rev. Stat. § 351–31(c) (Supp. 1972). For criticism of the family member exclusion see Comment, New York Crime Victims Compensation Board Act: Four Years Later, 7 Colum. J.L. & Soc. Prob. 25, 41 (1971). However, in New York during the period 1968 to 1970, only a comparatively small number of claims have been disallowed because of the family member exclusion. The figures are compiled from CVCB 2d Annual Rep. 7–8, N.Y. Leg. Doc. No. 100 (1969) [hereinafter cited as 1968 N.Y. Report]; N.Y. Report, supra note 59, at 10–11; CVCB 4th Annual Rep. 10–11, N.Y. Leg. Doc. No. 95 (1971) (hereinafter cited as 1970 N.Y. Report), and are as follows:

Year	Total awards	Total disallowed claims	Disallowed claims for family membership
1968	220	202	2
1969	336	490	9
1970	458	632	6

Yet the growing number of claims makes the exclusion a bar to compensation for a potentially large number of innocent, injured people. "The claims have increased each year since the inception of the Board." 1970 N.Y. Report 5.

[76] N.Y. Exec. Law § 621(3) (McKinney 1972).

[77] Cal. Gov't Code § 13962 (West Supp. 1972).

[78] Hawaii Rev. Stat. § 351–2 (1968).

[79] Mass. Ann. Laws ch. 258A § 1 (1968).

[80] Id. § 2.

[81] Title I § 456(a)(1)–(3).

[82] Hawaii Rev. Stat. § 351–32 (1968). These crimes are: (1) arson; (2) intermediate assault or battery; (3) aggravated assault or battery or any other aggravated assault offense enacted by law; (4) use of dangerous substances; (5) murder; (6) manslaughter; (7) kidnapping; (8) child-stealing; (9) unlawful use of explosives; (10) sexual intercourse with a female under sixteen; (11) assault with intent to rape or ravish; (12) indecent assault; (13) carnal abuse of female under twelve; (14) rape; and (15) attempted rape. The Alaska statute also specifies the crimes covered. See Alaska Stat. § 18.67.100 (2) (Supp. 1972).

[83] Mass. Ann. Laws ch. 258A § (1968).

[84] N.Y. Exec. Law § 621(5) (McKinney 1972).

[85] Id. § 621(3).

[86] Title I § 456(b)(1)–(18) specifies the following acts, omissions, or possessions: "(1) aggravated assault; (2) arson; (3) assault; (4) burglary; (5) forcible sodomy; (6) kidnapping; (7) manslaughter; (8) mayhem; (9) murder; (10) negligent homicide; (11) rape; (12) robbery; (13) riot; (14) unlawful sale or exchange of drugs; (15) unlawful use of explosives; (16) unlawful use of firearms; (17) any other crime including poisoning, which poses a substantial threat of personal injury; or (18) attempts to commit any of the foregoing." Section 456(c) reads: "For the purposes of this part, the operation of a motor vehicle, boat, or aircraft that results in an injury or death shall not constitute a crime unless the injuries were intentionally inflicted through the use of such vehicle, boat, or aircraft or unless such vehicle, boat, or aircraft is an implement of a crime to which this part applies."

[87] Id. § 456(b)(17). N.J. Stat. Ann. § 52:4B–11(b) (Supp. 1972) and R.I. Gen. Laws Ann. § 12–25–4 (Supp. 1972) are similar to Title I, in that in addition to listing the crimes, these statutes provide a catch-all clause which includes generally any other violent crime resulting in a personal injury or death.

[88] Title I § 450(18)(B).

[89] By definition, one who acts recklessly is not an intervenor. See id. § 450(11), supra note 40.

[90] Title I § 454(d). Failure to report within the specified time may be waived if good cause is shown. Id. Also the report does not necessarily have to be made by the victim or claimant. Id. For similar provisions see Mass. Ann. Laws ch. 258A § 5 (1968) (48 hours); N.J. Stat. Ann. § 52:4B-18 (Supp. 1972) (3 months); N.Y. Exec. Law § 631(1) (McKinney 1972) (48 hours). There is no such requirement in California, Hawaii or Rhode Island. See Cal. Gov't Code §§ 13960–66, 13970–74 (West Supp. 1972); Hawaii Rev. Stat. §§ 351–1 to –70 (1968), as amended, (Supp. 1972); R.I. Gen. Laws Ann. §§ 12–25–1 to –12 (Supp. 1972).

[91] Title I § 454(f). For similar provisions see Cal. Gov't Code § 13963 (West Supp. 1972); Md. Ann. Code art. 26A § 12(a)(3) (Supp. 1971). There is no such duty in most of the states. See Alaska Stat. §§ 18.67.010 to .180 (Supp. 1972); Hawaii Rev. Stat. §§ 351–1 to –70 (1968), as amended, (Supp. 1972); Mass. Ann. Laws ch. 258A §§ 1–7 (1968); N.J. Stat. Ann. §§ 52:4B–1 to –21 (Supp. 1972); N.Y. Exec. Law §§ 620–35 (McKinney 1972), as amended, (McKinney Supp. 1972).

[92] Title I § 454(f).

[93] Id. § 454(b).

[94] Cal. Gov't Code § 13963 (West Supp. 1972).

[95] Md. Ann. Code art. 26A § 12(a) (Supp. 1971).

[96] N.Y. Exec. Law § 625(2) (McKinney 1972) (90 days or up to one year for good cause shown).

[97] Hawaii Rev. Stat. § 351–62(a) (1968) (18 months).

[98] Mass. Ann. Laws ch. 258A § 4 (1968) (1 year from occurrence or 90 days from death, whichever is earlier). See also Alaska Stat. § 18.67.130(a) (Supp. 1972) (2 years); Md. Ann. Code art. 26A § 6(b) (Supp. 1971) (180 days or up to 2 years for good cause shown); N.J. Stat. Ann. § 52:4B–18 (Supp. 1972) (1 year).

[99] Title I § 451(a).

[100] Id § 453(a) reads: "(1) in the case of the personal injury of an intervenor or victim, to or on behalf of that person; or (2) in the case of the death of the intervenor or victim, to or on behalf of the surviving dependent or dependents of either of them." Since the compensation provided for under Title I is based on a moral obligation rather than on a legal right, there is a requirement that "need" be shown before compensation will be granted. See notes 24, 46–52 supra and accompanying text. The administrative functions of the board are detailed in Title I § 452(1)–(11).

[101] Id. § 452(3).

[102] Id. § 452(11).

[103] N.Y. Exec. Law § 622(1) (McKinney 1972).

[104] Id. § 623(3). There are similar rule making powers in other compensation statutes. See, e.g., Md. Ann. Code art. 26A § 4(b) (Supp. 1971).

[105] Hawaii Rev. Stat. § 351–11 (1968).

[106] Id. § 351–68.

[107] Mass. Ann. Laws ch. 258A § 2 (1968).

[108] Title I § 452(3).

[109] Id. § 452(11).

[110] In New York, for example, it has been commented that the public is not yet well informed as to the existence and operation of the New York statute. See Comment, Crime Compensation: The New York Solution, 35 Albany L. Rev. 717, 730 & nn.109 & 110, 730–31 & n.111, 731 & n.112. See also N.Y. Times, Mar. 15, 1973, at 45, col. 1–3, at 36, col. 1–3.

[111] Title I § 455(e)(1).

[112] Id. § 455(e)(2).

[113] Id. § 455(f).

[114] Id. § 455(h).

[115] Id.

[116] Id.

[117] Id. § 455(g)(1).

[118] Id. § 455(g)(2). The section of the Criminal Justice Act referred to is found in 18 U.S.C. § 3006A (1970). It deals with the rates and qualifications for payment of attorneys' fees for indigent clients. The rates are not to exceed $30 per hour for an attorney's time expended in court, and $20 per hour for his time expended out of court. Id. § 3006A(d)(1).

[119] See Title I, § 455(g)(2); 118 Cong. Rec. 15089 (daily ed. Sept. 18, 1972).

[120] Hawaii Rev. Stat. § 351–16 (1968); Mass. Ann. Laws ch. 258A § 4 (1968). In Hawaii, the 15 per cent maximum applies only to awards greater than $1,000, "provided that the amount of the attorney's fees shall not, in any event, exceed the award of compensation remaining after deducting that portion thereof for expenses actually incurred by the claimant." Hawaii Rev. Stat. § 351–16 (1968).

[121] Hawaii Rev. Stat. § 351–16 (1968); Mass. Ann. Laws ch. 258A § 4 (1968). See Title I § 455 (g)(1)–(3). See also 118 Cong. Rec. 15090 (daily ed. Sept. 18, 1972).

[122] N.Y. Exec. Law § 623(3) (McKinney 1972).

[123] Title I § 453(e)(1).

[124] Id. § 453(e)(2).

[125] Id. § 453(e)(3). If the emergency payment was greater than the amount of the final order, the recipient is liable only for the excess. Id.

[126] Id.

[127] N.Y. Exec. Law § 630 (McKinney 1972). In New York, "if it appears to the board member to whom a claim is assigned, prior to taking action upon such claim that, (a) such claim is one with respect to which an award probably will be made, and (b) undue hardship will result to the claimant if immediate payment is not made, such board member may make an emergency award to the claimant. . . ." Id. However, the award may not exceed $500. Id. The amount of the emergency award will be deducted from the final award; and in the event the claim is denied, the emergency payment must be refunded to the board. Id.

[128] Hawaii Rev. Stat. § 351–62.5 (Supp. 1972). The conditions for these emergency payments are that the Commission must have made an award and it then "determines that there is an immediate need of funds in order to meet expenses incurred as a direct or indirect result of injury or death. . . ." Id. The amount of the emergency payment is deducted from the amount of the final award and the amount deducted is redeposited in the emergency payment fund. Id. The only other states that provide for emergency payments are Alaska and Maryland. See Alaska Stat. § 18.67.120 (Supp. 1972); Md. Ann. Code art. 26A § 11 (Supp. 1971).

[129] Mass. Ann. Laws ch. 258A §§ 1–7 (1968).

[130] Title I § 457(a).

[131] Alaska Stat. § 18.67.140 (Supp. 1972); Cal. Gov't Code § 13963 (West Supp. 1972); Md. Ann. Code art. 26A § 15 (Supp. 1971); Mass. Ann. Laws ch. 258A § 7 (1968); Nev. Rev. Stat. § 217.240 (1971); N.J. Stat. Ann. § 52: 4B–20 (Supp. 1972); N.Y. Exec. Law § 634 (McKinney 1972); R.I. Gen. Laws Ann. § 12–25–10(a) (Supp. 1972). In Hawaii, the Commission may institute a derivative action in the name of the victim and recover such damages as may be recoverable at common law by the victim, without reference to the payment of compensation by the Commission to the victim. Hawaii Rev. Stat. § 351–35 (1968).

[132] Title I § 457(a).

[133] Title I § 458(a).

[134] Id. § 457(a).

[135] Id. § 458(a). Further, "[i]n any court of the United States . . . upon conviction of a person of an offense resulting in personal injury, property loss, or death, the court," after considering the financial condition of such person "may, in addition to any other penalty," order such person to be fined $10,000 or less. Id. § 104.

[136] Such a fund is authorized under the California, Hawaii and Rhode Island statutes. See Cal. Gov't Code § 13964 (West Supp. 1972); Hawaii Rev. Stat. § 351–62.5(a) (Supp. 1972); R.I. Gen. Laws Ann. § 12–25–12 (Supp. 1972). See also 118 Cong. Rec. 15091 (daily ed. Sept. 18, 1972).

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NUNN). Without objection, it is so ordered.

WELCOME THE VISIT OF MR. BREZHNEV

Mr. HATFIELD. Mr. President, we are hopeful that the barriers that have for so long divided our postwar world may be broken down. In the past years we have seen significant progress toward this end. The trips of President Nixon to the People's Republic of China and to the Soviet Union have been powerful signs that we are ending the era of the cold war. Important and courageous strides have been taken toward the reshaping of the international political environment.

The forthcoming trip of Mr. Brezhnev, Secretary of the Communist Party, to our country and his talks with President Nixon represent another crucial step in the process of attempting to overcome decades of paranoia and enmity, creating a sounder and more realistic relationship between our two nations. There has been the most careful preparation leading to this summit meeting between Mr. Brezhnev and President Nixon. Pressing issues between our two nations need to be resolved—issues relating to arms control and disarmament, trade, troop reductions, and other matters. I, for one, do not want 1 day to pass when any opportunity for resolving those issues is left unexplored. Thus, I welcome the coming visit of Mr. Brezhnev and have strong hopes that these days will be marked by historic steps toward improving understanding between the Russian people and the American people.

It has been suggested by some that the visit of Mr. Brezhnev should be delayed because of the current Watergate crisis. I could not disagree more with such a suggestion. On several occasions, I have stated that the truth in the Watergate matter must be followed fully to wherever it leads and to whatever conclusion. It is one of the marks of our strength and viability that our system, when faced with such devastating evidence of fundamental corruption, can conduct in public an investigation to reveal all the truth and bring the guilty to justice. In my judgment, it is, indeed, fortunate that Mr. Brezhnev is scheduled to come to Washington during the very course of one of the Government's most historic investigations of its own operation. If I were to have a foreigner learn of our country, I could not think of a better time for him to come and visit, observe the workings of our Government.

I am anxious to have Mr. Brezhnev visit America. I believe we have nothing to hide. On the contrary, I am committed to doing everything possible to expose the truth about all aspects of our Government to both the American people and the world. That is not something to be ashamed about, but something to encourage if we believe in the strength of democracy.

With deep anticipation, I look forward to the coming visit of Mr. Brezhnev to America and trust that it will be marked by substantial progress toward easing the tensions and fears that divide us and the world.

The President should be credited with the initiations that have made this historic encounter possible, and he deserves the encouragement of the Congress in pursuing these goals.

THE SUMMIT CONFERENCE SHOULD GO FORWARD

Mr. BROOKE. Mr. President, for some time, I have been concerned about the calls for postponement of the Brezhnev trip to Washington, and I share with my distinguished colleague, the senior Senator from Oregon (Mr. HATFIELD), the necessity for us to speak out in support of Mr. Brezhnev's visit.

Postponement of President Nixon's summit talks with Soviet Party Leader Leonid Brezhnev, as some have suggested, would be a distinct disservice not only to the American people but to nations throughout the world.

Suggestions that the President might bargain away vital American interests are contrary to both logic and history.

I believe the Russians have a healthy respect for Richard Nixon, who has dealt with them forcefully for over 20 years.

President Nixon knows how to bargain with the Russians and obtain agreements which are favorable to both sides, and favorable to building a structure of world peace. He is the first President in our history to visit Moscow. During his visit there in 1972, he negotiated the most comprehensive set of agreements with the Russians since the end of World War II. Among them were agreements on arms control, the environment, health, and joint space exploration.

I have confidence in President Nixon's skills as a diplomat. He understands that summits must be much more than cosmetics, creating "spirits" which waft away with the next summer breeze. Less than 3 weeks after he first took office, President Nixon made it clear that he opposed "instant summitry." He said then—and he maintains today—that he believes only in a "well-prepared summit meeting" where differences between countries can actually be negotiated, not simply discussed. Thus it was that 3 years of planning went into the President's first summit conference with the Russians and that summit proved to be the most successful of any held in more than a quarter of a century. During the past 4 years President Nixon has negotiated more agreements with the Russians than have been negotiated in all of the other postwar years combined.

The same painstaking preparation which went into the 1972 summit conference in Moscow has now entered into the planning for the current meeting. Both the President and his top advisers, Secretary Rogers and Henry Kissinger, have been engaged in extensive discussions with the Soviets since the Moscow trip last year, agreeing on tentative items for the 1973 summit agenda and mapping out areas where progress could be made. All of these discussions began long before the Watergate affair broke open this year and bear no relationship to it.

Mr. President, to postpone the summit now would jeopardize the progress which has already been made in Soviet-American relations and would probably diminish any hope of success in the vital subjects now under discussion with the Soviet leaders: new arms control measures, mutual reduction of forces in central Europe, and the opening of new trading lanes between our countries.

The President's forthcoming meeting with Soviet Party Leader Brezhnev is essential to maintain the increasing momentum for a firm structure of peace. This momentum must not be reduced or halted.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. ROBERT C. BYRD. Mr. President, how much time remains for morning business?

The PRESIDING OFFICER. Two minutes.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders or their designees on tomorrow, the following Senators be recognized, each for not to exceed 15 minutes and in the order stated: Mr. BROCK, Mr. GRIFFIN, Mr. CURTIS, and Mr. HANSEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DANGER OF RELYING ON ECONOMIC STATISTICS

Mr. PROXMIRE. Mr. President, in the morning hour, in the minute or so remaining, let me say that I have just chaired a hearing of the Joint Economic Committee at which we had some of the top statistical experts of the country appear.

An astonishing situation we have in this country now is that it would be possible—conceivable, at least for an incumbent administration—to rig the economic statistics to show falsely just before an election, that unemployment has declined sharply, or to falsify the inflation statistics to show that prices are no longer rising or are falling—and there is no law against it. In this way an election could literally be stolen by offering lies without breaking the law.

While many people may feel that this would be most unlikely, many unlikely things have happened in this country in recent months, as we all know.

For that reason I would like to inform the Senate that I am asking the Joint Economic Committee to authorize a study in depth as to precisely how we can prevent any kind of rigging, modifying, or changing the economic statistics in any way, how we can have a fail-safe system to assure credibility, reliability, accuracy, and honesty of our economic statistics. Under present circumstances that is essential. If persons in position of power are willing to burglarize committee files, fabricate phoney letters to discredit Presidential candidates and engage in other outrageous and illegal offenses to help win advantage in an election, is it not perfectly realistic to expect that some future administration or zealots in it might rig the price or unemployment statistics to win an election. Such rigging could easily swing literally millions of votes far more surely than any Watergate-connected activity. And what chilling and disastrous consequences. The economic confidence factor could be reduced to zero.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. **ROBERT C. BYRD**. Mr. Presidet, I ask unanimous consent that, tomorrow after the orders for the recognition of Senators have been consummated, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROPOSED LEGISLATION FROM THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Railroad Safety Act of 1970 and other related acts to authorize additional appropriations and for other purposes (with accompanying papers). Referred to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of Louisiana. Referred to the Committee on the Judiciary:

HOUSE CONCURRENT RESOLUTION No. 178

A concurrent resolution to memorialize the Congress of the United States to adopt, and submit to the states for ratification, an amendment to the United States Constitution which will guarantee the right of the unborn human to life throughout its development

Whereas, the United States Supreme Court on January 22, 1973, nullified the laws of the various states, including Louisiana, regarding abortion and interpreted the United States Constitution in a way which allows the destruction of unborn human life; and

Whereas, the sweeping judgment of the United States Supreme Court in the Texas and Georgia abortion cases is a flagrant rejection of the right of the unborn child to life through the full nine months of the gestation period; and

Whereas, unborn human life is entitled to the protection of laws which may not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States.

Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Congress of the United States is memorialized, requested and urged to adopt, and to submit to the states for ratification, an amendment to the Constitution of the United States which will guarantee the explicit protection of all unborn human life throughout its development, except in such case as such protection would cause the death of the mother; will guarantee that no human being, born or unborn, shall be denied protection of law or shall be deprived of life on account of age, sickness or condition of dependency, and will provide that Congress and the several states shall have the power to enforce the provisions of such amendment by appropriate legislation.

Be it further resolved that copies of this resolution shall be transmitted to each member of the Louisiana congressional delegation, to the Secretary of the United States Senate, to the Clerk of the United States House of Representatives and to the President of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HUGHES, from the Committee on Labor and Public Welfare, with an amendment:

S. 1125. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related Acts to concentrate the resources of the Nation against the problem of alcohol abuse and alcoholism (Rept. No. 93–208), together with additional views.

By Mr. CANNON, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 29. Concurrent resolution authorizing the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972 (Rept. No. 93–209);

H. Con. Res. 110. Concurrent resolution providing for the printing, as a House document, of the eulogies and encomiums of the late President of the United States, Harry S. Truman (Rept. No. 93–210); and

H. Con. Res. 200. Concurrent resolution providing for the printing of the compilation of the social security laws (Rept. No. 93–211).

By Mr. CANNON, from the Committee on Rules and Administration, with amendments:

S. Res. 108. Resolution authorizing additional expenditures by the Committee on Commerce for inquiries and investigations (Rept. No. 93–212); and

H. Con. Res. 132. Concurrent resolution providing for the printing as a House document of a revised edition of "The Capitol" (Rept. No. 93–213).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

S. Res. 67. Resolution calling on the President to promote negotiations for a comprehensive test ban treaty (Rept. No. 93–214).

By Mr. HATHAWAY, from the Committees on Labor and Public Welfare, and Finance, jointly, with amendments:

H.R. 7357. An act to amend section 5 (I) (1) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes (Rept. No. 93–215).

By Mr. HATFIELD, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 3867. An act to amend the Act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes (Rept. No. 93–216).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Graham A. Martin, of North Carolina, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Vietnam.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH:

S. 1986. A bill to amend the Act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

By Mr. FONG:

S. 1987. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain contributions to organizations providing services to the community. Referred to the Committee on Finance.

By Mr. MAGNUSON (for himself, Mr. COTTON, Mr. HOLLINGS, Mr. PASTORE, Mr. STEVENS, and Mr. JACKSON):

S. 1988. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes. Referred to the Committee on Commerce.

By Mr. McGEE (for himself and Mr. FONG):

S. 1989. A bill to amend section 225 of the Federal Salary Act of 1967 with respect to certain executive, legislative, and judicial salaries. Referred to the Committee on Post Office and Civil Service.

By Mr. BROCK (for himself and Mr. HELMS):

S. 1990. A bill to establish a Federal Legal Aid Corporation through which the government of the United States of America may render financial assistance to its respective States for the purpose of encouraging the provision of legal assistance to individual citizens who are in need of professional legal services for prosecution or defense of certain causes in law and equity. Referred to the Committee on the Judiciary.

By Mr. HANSEN (for himself and Mr. McGEE):

S. 1991. A bill to amend section 613 (c) (4) (F) of the Internal Revenue Code. Referred to the Committee on Finance.

By Mr. HATHAWAY:

S. 1992. A bill to amend title II of the Legislative Reorganization Act of 1970, to establish a central data bank for Federal fiscal, budgetary, and program-related data, and to improve the ability of all branches of government to specify, obtain and use such information, and for other purposes. Referred to the Committee on Government Operations.

By Mr. PASTORE (by request):

S. 1993. A bill to amend the EURATOM Cooperation Act of 1958, as amended. Referred to the Joint Committee on Atomic Energy.

By Mr. PASTORE:

S. 1994. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. Referred to the Joint Committee on Atomic Energy.

By Mr. MATHIAS:

S. 1995. A bill for the relief of Ivy Mae Harding. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH:

S. 1986. A bill to amend the act of March 16, 1926 (relating to the Board of Public Welfare in the District of Columbia), to provide for an improved system of adoption of children in the District of Columbia, and for other purposes. Referred to the Committee on the District of Columbia.

ADOPTION SUBSIDY FOR THE DISTRICT OF COLUMBIA

Mr. BAYH. Mr. President, today I am introducing a bill which would provide for an improved system of adoption for children in the District of Columbia. This legislation aims to promote increased adoption of Washington children by providing financial aid subsidies to parents who want to adopt children considered "hard to place." It attempts to secure permanent homes for neglected and dependent children who are now receiving foster care in the District of Columbia.

Adoption subsidy plans, such as the one I am proposing today for the District, are currently in effect in 23 States. Over the past few years, total adoption placements in the District of Columbia have approximated 100 children per year, an extremely low number considering the fact that there currently are 2,700 dependent or neglected children under Welfare Department care in the District. These children receive various types of foster care, some living traditional home settings and others in group arrangements. The cost of foster care ranges from approximately $2,160 to $3,600 annually per child. Nearly 150 children, many of whom are hard to place, are being cared for in institutions outside the city at a cost of $4,000 to $8,000 a year. Since Junior Village was ordered closed in 1971 due to disclosures of inadequate care and supervision, the number of children in foster care and private institutions has greatly increased.

Under my bill, any child who has not been adopted within 6 months after he is available for adoption would be considered a "child with special needs." This will include children who are difficult to place because of age, racial or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. This legislation would enable the District of Columbia Department of Human Resources to provide adoption subsidy payments for these children with special needs. The amount that could be spent for an adoption subsidy cannot exceed the amount that the Department would be authorized to spend if the child continued in foster or institutional care. Payments will vary according to the special needs of the child, and will include such costs as medical, dental, and surgical expenses, and psychiatric and psychological expenses. The Commissioner of the District of Columbia is authorized to review periodically the continuing need for each family's subsidy and to make appropriate adjustments in payments based upon changes in the needs of the child.

Subsidized adoption plans have resulted in savings to the taxpayers in those States which have established this program. This legislation encourages adoption by requiring that the Commissioner make an annual report informing prospective adoptive families of the availability of adoptable children. Many States have reported that the publicity and specialized services made available under this plan have resulted in the adoption of children by families who did not need financial assistance, or who required such assistance for only a limited time.

My legislation is intended to help those children in the District of Columbia for whom the right to a family is not a reality. Provisions should be made for supplementing the income of families which have the essential qualifications required to meet the needs of adopted children but are unable to assume financial responsibility for the full cost of a child's care. The benefits of a permanent family and home to youngsters who otherwise are forced to live in institutions, hospitals, and foster-care facilities cannot be measured in monetary terms. These children deserve the love and care that only a family can provide. Subsidies that make it possible for a child to have both a permanent home and continuity of care and affection are clearly a more beneficial arrangement for the child, and in the long run would cost the community no more than the alternative of long-term foster care.

Mr. President, I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 11 and 12 of the Act entitled "An Act to establish a Board of Public Welfare in and for the District of Columbia, to determine its functions, and for other purposes", approved March 16, 1926 (D.C. Code, secs. 3–114 and 3–115), are each amended to read as follows:

"Sec. 11. The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') is authorized to—

"(1) make temporary provision for the care of children pending investigation of their status;

"(2) have the care and legal guardianship, including the power to consent to or arrange for adoption in appropriate cases, of—

"(A) children who may be committed by courts of competent jurisdiction; and

"(B) children who are relinquished by their parents to the Commissioner or whose relinquishment is transferred to the Commissioner by a licensed child-placing agency under section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786); and

"(3) make such provision for the care and maintenance of such children in private homes, under contract including adoption subsidy pursuant to section 12 of this Act (D.C. Code, sec. 3–115), or in public or private institutions, as the welfare of such children may require; and

"(4) provide care and maintenance for substantially retarded children who may be received upon application or upon court commitment, in institutions or homes or other facilities equipped to receive them, within or without the District of Columbia. The Commissioner shall cause the wards of the District of Columbia placed out under temporary care to be visited as often as may be required to safeguard their welfare and when children are placed in family homes or private institutions, so far as practicable such homes or private institutions, shall be in control of persons of like faith with the parents of such children, and whenever the Commissioner shall for any reason place a child with any organization, institution, or individual other than the same faith as that of the parents of that child, the Commissioner shall set forth the reasons for such action in the records of the case.

"Sec. 12. (a) The Commissioner shall have the power to conclude arrangements with persons or institutions at such rates as may be agreed upon.

"(b)(1) The Commissioner shall make adoption subsidy payments as needed on behalf of a child with special needs, where such child would in all likelihood go without adoption except for the acceptance of the child as a member of the adoptive family, and where the adoptive family has the capability of providing the permanent family relationships needed by such child in all areas except financial, as determined by the Commissioner.

"(2) For the purposes of this subsection—

"(A) The term 'child with special needs' includes any child who is difficult to place in adoption because of age, race, or ethnic background, physical or mental condition, or membership in a sibling group which should be placed together. A child for whom an adoptive placement has not been made within six months after he is available for adoptive placement shall be considered a child with special needs within the meaning of this section.

"(B) The term 'adoptive family' includes single persons able to meet the emotional needs of prospective adoptees.

No subsidy shall be paid under this section unless a tentative adoption subsidy agreement shall have been entered into prior to the completion of the child's legal adoption.

"(c) Any person, public agency or licensed childplacing agency having a child with special needs in foster care or institutional care may recommend to the Commissioner a subsidy for the adoption of such child, and may include in the recommendation advice as to the appropriate level of payments and any other information likely to assist the Commissioner in carrying out the provisions of this section. The Commissioner shall make the determination as to whether or not an appropriate adoptive home exists for the child, but in so doing the Commissioner shall refer to the recommendations of the referring agency. If the Commissioner concludes that the child referred is a child with special needs within the meaning of this section, and that an appropriate adoptive home exists for the child, the Commissioner is authorized to enter into a tentative adoption subsidy agreement with the prospective adoptive family and to accept a transfer of relinquishment of parental rights from the referring agency pursuant to section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786).

"(d) If a child in the custody of the Commissioner or a licensed child-placing agency has been in foster care or institutional care for at least six months after the child is considered legally free for adoptive placement, the Commissioner or agency shall inform the family providing care of the possibility of financial aid for adoption under this section. If the family caring for the prospective adoptee applies to the Commissioner for adoption of the child, and if it appears to the Commissioner after study that the family would be an appropriate adoptive family for the child but for the family's economic inability to meet the child's needs, the Commissioner shall enter into a tentative agreement with the family concerning the amount and duration of a proposed subsidy in the event the child is placed for adoption with that family. Thereafter the Commissioner may accept a transfer of relinquishment of parental rights from the referring agency in appropriate cases, and shall in all cases take all steps necessary to assist the family in completing the legal and procedural requirements necessary to effectuate the adoption.

"(e) The amount and duration of adoption subsidy payments may vary according to the special needs of the child, and may include maintenance costs, medical, dental, and surgical expenses, psychiatric and psychological expenses, and other costs necessary for his care and well-being. A subsidy may be paid on a long-term basis, to help a family whose income is limited and is likely to remain so, on a time-limited basis, to help a family meet the cost of integrating a child into the family over a specified period of time, or on a special services basis, to help a family meet a specific anticipated expense of expenses when no other resource appears to be available. The Commissioner shall continue responsibility for adoption subsidy payments in the event that the adoptive family moves to another jurisdiction: *Provided*, That the family continues to meet the conditions of the adoption subsidy agreement. Eligibilty for payments shall continue until the child reaches eighteen.

"(f) The Commissioner is authorized to make payments under this section from appropriations for the care of children in foster homes and institutions, and to seek and accept funds from other sources including Federal, private, and other public funding sources, to carry out the purposes of this section. The amount expended by the Commissioner for any subsidy may not exceed the highest amount the Commissioner would be authorized to spend in providing or securing support and special services for the child if the child were in the legal custody of the Commissioner.

"(g) The Commissioner may periodically review the need for continuing each family's subsidy, not more often than once a year. At the time of such review and at other times during the year when changed conditions, including variations in medical opinions, prognosis, and costs are deemed by the Commissioner to warrant such action, appropriate adjustments in payments shall be made based upon changes in the needs of the child. Any parent who is a party to a subsidy agreement may at any time in writing request, for reasons set forth in the request, a review of the amount of any payment or the level of continuing payments. Such review shall be begun not later than thirty days from the receipt of the request. Any adjustment may be made retroactive to the date the request was received by the Commissioner. If the request is not acted on within thirty days after it has been received by the Commissioner, or if the Commissoner modfies or terminates an agreement without the concurrence of all parties, any party to the agreement shall be entitled to a hearing under the applicable provisions of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1-1501-1-1510).

"(h) The Comissioner shall keep such records as are necessary to evaluate the effectiveness of adoption subsidy as a means of encouraging and promoting the adoption of children with special needs. The Commissioner shall make an annual progress report which shall be open to public inspection. The report shall include, but not be limited to—

"(1) the number of chidren placed in adoptive homes under subsidy agreements during the year preceding the annual report and the major characteristics of the children placed; and

"(2) the number of children currently in foster care with the Commissioner for six months or more, and the legal status of those children.

The Commissioner shall disseminate information to prospective adoptive families as to the availability of adoptable children and of the existence of aid to adoptive families under this section.

"(i) All rules and regulations adopted by the Commissioner pursuant to this section shall be published in the District of Columbia Register as required by section 6 of the District of Columbia Administrative Procedures Act (D.C. Code, sec. 1–1505)."

(b) Section 14 of such Act (D.C. Code, sec. 3–117) is amended to read as follows:

"SEC. 14. The Commissioner shall have full power to—

"(1) accept for care, custody, and guardianship dependent or neglected children whose custody or parental control has been transferred to the Commissioner, and to provide for the care and support of such children during their minority or during the term of their commitment, including the initiation of adoption proceedings and the provision of subsidy in appropriate cases under section 12 of this Act (D.C. Code, sec. 3–115);

"(2) with respect to all children accepted by him for care, place them in private families either without expense or with reimbursement for the cost of care, or in appropriate cases to place them in private families under an adoption subsidy agreement concluded under section 12 of this Act (D.C. Code, sec. 3–115) or to place them in institutions willing to receive them either without expense or with reimbursement for the cost of care; and

"(3) consent to arrange for or initiate court proceedings for the adoption of all children committed to the care of the Commissioner whose parents have been permanently deprived of custody by court order, or whose parents have relinquished a child to the Commissioner or to a licensed child-placing agency which has transferred the relinquishment to the Commissioner under section 6 of the Act entitled 'An Act to regulate the placing of children in family homes, and for other purposes', approved April 22, 1944 (D.C. Code, sec. 32–786)."

SEC. 2. (a) Section 307(b)(1)(D) of title 16 of the District of Columbia Code is amended by inserting immediately after "should have knowledge" the following: ", including the existence and terms of a tentative adoption subsidy agreement entered into prior to the filing of the adoption petition under section 12 of the Act of March 16, 1926 D.C. Code, sec. 3–115)".

(b) Section 309 (b) of title 16 of the District of Columbia Code is amended by adding at the end thereof the following new sentence: "In determining whether the petitioner will be able to give the prospective adoptee a proper home and education, the court shall give due consideration to any assurance by the Commissioner that he will provide or contribute funds for the necessary maintenance or medical care of the prospective adoptee under an adoption subsidy agreement under section 12 of the Act of March 16, 1926 (D.C. Code, sec. 3–115).".

By Mr. FONG:

S. 1987. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for certain contributions to organizations providing services to the community. Referred to the Committee on Finance.

Mr. FONG. Mr. President, the bill which I introduce to amend the Internal Revenue Code would permit a taxpayer to take a tax deduction for contributions of up to $200 made to nonprofit organizations providing services to the community.

Under the present provisions of the tax law, "charitable contributions" can be made only to five categories of recipients. These are: First, governments in the United States or its possessions, if the gift is made exclusively for public purposes; second, nonprofit corporations, trusts, community chests, funds or foundations incorporated in the United States or its possessions, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, and no substantial part of whose activities is carrying on propaganda or influencing legislation; third, nonprofit war veterans organizations; fourth, individual contributions to domestic lodges, if used for religious, charitable, scientific, literary, or education purposes, or for the prevention of cruelty to children or animals; and fifth, nonprofit cemetery companies or corporations.

This provision does not permit the deduction for tax purposes of contributions to such worthwhile activities as those of the community little league team or the community baseball team, or the community swimming team or for community festivals, parades, or other such worthwhile community activities.

Especially in these times, when it is necessary to channel the energies of the community, from its youth to its senior citizens, into worthwhile outlets, contributions from individuals, foundations, and corporations to support these activities should be encouraged to the utmost. Making such contributions deductible for tax purposes as "charitable contributions" would greatly enhance the giving to support such community activities.

So as to prevent a taxpayer taking a double deduction for such contribution, my bill excepts contributions which may be taken as a trade or business expense or which are deductible under the present provisions of the Internal Revenue Code as charitable deductions.

Also, so as to assure the contribution will not in any way enure to the benefit of the donor, my bill provides that the contribution may not be made as a condition of receiving services provided by the donee or by reason of which the donor is entitled to receive such services.

Furthermore, since the amounts needed for most community activities are not too great because of the participation of the people of the community, my bill limits the contribution to each such activity to $200, a most modest sum.

Mr. President, I urge the Senate to give this bill its prompt and careful consideration, and at this time ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to itemized deductions) is amended by adding at the end thereof the following new section:

"Sec. 189. Contributions to community service organizations.

"(a) General Rule.—There shall be allowed as a deduction the amount of contributions made during the taxable year to nonprofit organizations, whether permanent or temporary, for use by such organizations in providing services to the communities in which they operate.

"(b) Limitations and Exceptions.—

"(1) $200 per organization.—Deduction shall be allowed under subsection (a) for contributions made during the taxable year to any organization only to the extent the amount of such contributions does not exceed $200.

"(2) Certain contributions excepted.—Subsection (a) shall not apply to any contribution which—

"(A) is allowable as a deduction under section 162 (relating to trade or business expenses),

"(B) is a charitable contribution (as defined in section 170(c)), or

"(C) is made as a condition of receiving services provided by the donee or by reason of which the donor is entitled to receive such services."

(b) The table of sections for such part VI is amended by adding at the end thereof the following new item:

"Sec. 189. Contributions to community service organizations."

(c) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act, but only with respect to contributions made after such date.

By Mr. MAGNUSON (for himself, Mr. COTTON, Mr. HOLLINGS, Mr. PASTORE, Mr. STEVENS, and Mr. JACKSON):

S. 1988. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, as most of my colleagues in the Senate know, I have long been a supporter of a strong and healthy domestic fishing industry. The Commerce Committee, which I have the privilege to chair, has been the architect over the past several years of a number of important pieces of legislation designed to breathe some life into our declining fishing industry. Senate Concurrent Resolution 11, which recently passed the Senate without a single dissenting vote and which, when adopted by the House, would express a national policy in support of the domestic fishing industry, is the most recent example of the committee's deep concern about the future of America's fishermen and the resources they seek to catch.

In discussing Senate Concurrent Resolution 11, many members of the committee, including myself, raised and debated the dual questions of whether effective and timely steps were being taken internationally to reduce fishing pressure on the threatened stocks of fish and whether international arrangements had, to date, advanced the cause of rational fishery management and conservation. The consensus was that it had not been done, on both questions. Consequently, an amendment was adopted emphasizing the committee's alarm about our rapidly deteriorating resources. Another amendment was adopted which, in unequivocal terms, demonstrated the committee's willingness to discuss and, if necessary, legislate interim measures designed to protect our living ocean resources prior to effective international agreement in the Law of the Sea negotiations now underway.

Mr. President, I believe that the time is now ripe for the Senate's consideration of an interim measure. Today, I introduce for appropriate reference a bill to extend, on an interim basis only, the U.S. contiguous fishery zone from 12 to 200 nautical miles from our coast. The bill also provides special protection for anadromous species of fish which are hatched in this country and then migrate out into the high seas before returning to spawn in the streams of their origin.

As you will recall, I sponsored and actively supported a bill to create a 9-mile contiguous zone which became law just 7 years ago. Although this law has been extremely helpful to both our Atlantic and Pacific fisheries, it has simply not been enough. I said then that it would not be enough but I was hopeful that a viable conservation regime might be forthcoming on a worldwide basis. Regrettably, this has not occurred. Many foreign fishing nations still hunt fish, when we should all be joining together to farm them. Warnings of continued depletion from our fishery scientists are now more frequent and are cast in more urgent tones, but are still ignored by foreign nations fishing near our shores. The statistics which I am including with this statement describe better than I can this dangerous trend of overfishing.

While the world is debating conservation, management, and perhaps uppermost, who gets the fish, a number of our own adjacent resources are going the way of the California sardine. Although we hear cited most often as an example of Pacific Ocean perch off Oregon and Washington and the haddock of the Northwest Atlantic, National Marine Fisheries Service scientists and international scientific bodies concerned with fisheries management have, for biological reasons, recommended reduced levels of exploitation of a number of high value species such as Atlantic herring, yellowtail flounder, cod, Pacific halibut, Bering Sea groundfish and Atlantic mackerel. While we are discussing an orderly management and harvest regime at the United Nations, massive foreign fishing fleets, utilizing the "pulse fishing" technique are decimating our offshore resources.

This week the U.S. delegation at meetings in Copenhagen of the International Commission for the Northwest Atlantic Fisheries—ICNAF—are fighting a continuing battle for our resources which has been a losing one for far too long a time. Because of his concern, Secretary of Commerce Frederick Dent, on the eve of these meetings, has gone to the point of threatening U.S. withdrawal from ICNAF if something is not done soon about overfishing:

> We cannot continue to see the fishery resource or the livelihood of the U.S. fisherman threatened by a lack of affirmative action on the part of the members of ICNAF.

He went on to say—

> The precarious state of certain resources in the Northwest Atlantic calls for immediate restraint and enlightened conduct by all nations who share in their harvest.

Mr. President, I find I can no longer be silent on this imoprtant issue. Since I am a congressional adviser to the U.S. delegation attending the preliminary deliberations on a new Law of the Sea Treaty in the United Nations Seabeds Committee, there was some hesitation on my part to make this move at this point in time. However, I and many of my colleagues have been deeply concerned with the lack of progress toward achieving a measure of consensus on the many issues before the Seabeds Committee, including the fisheries questions. And, having been involved in the previous two Law of the Sea Conferences, I can say that even in the event of early agreement, conventions agreed to may not come into full force and effect for several years after signature by the parties. With 130 nations involved, the potential for delay is inherently high. I would be willing, as I am certain fishermen and others concerned with the oceans would be, to allow this debate and consideration to continue for as many years as necessary to achieve the best possible agreement with a hope that the agreed conventions might stand for years to come. However, other considerations, to which I alluded earlier, make protracted delay intolerable, indeed dangerous.

I ask unaimous consent to print the bill at this point in the RECORD together with some additional information on this question which I am submitting.

There being no objection, the bill and material was ordered to be printed in the RECORD, as follows:

S. 1988

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That this Act may be cited as the "Interim Fisheries Zone Extension and Management Act of 1973."

FINDINGS AND STATEMENT OF PURPOSE

SEC. 2(a) The Congress finds—

(1) that valuable coastal and anadromous species of fish and marine life off the shores of the United States are in danger of being seriously depleted, and in some cases, of becoming extinct;

(2) that stocks of coastal and anadromous species within the nine-mile contiguous zone

and three-mile territorial sea of the United States are being seriously depleted by foreign fishing efforts beyond the existing twelve-mile fisheries zone near the coastline of the United States;

(3) that international negotiations have so far proved incapable of obtaining timely agreement on the protection and conservation of threatened species of fish and marine life;

(4) that there is further danger of irreversible depletion before efforts to achieve an international agreement on jurisdiction over coastal and anadromous fisheries result in an operative agreement; and

(5) that it is therefore necessary for the United States to take interim action to protect and conserve overfished stocks and to protect our domestic fishing industry.

(b) it is the purpose of this Act, as an interim measure, to extend the contiguous fisheries zone of the United States and certain authority over anadromous fish of the United States in order to provide proper conservation management for such zone and fish and to protect the domestic fishing industry until general agreement is reached in international negotiations on Law of the Sea with respect to the size of such zones and authority over such fish, and until an effective international regulatory regime comes into full force and effect.

EXTENSION OF CONTIGUOUS FISHERIES ZONE

SEC. 3. Section 2 of the Act entitled "An Act to establish a contiguous fishery zone beyond the territorial sea of the United States," approved October 14, 1966 (80 Stat. 908), is amended by striking "nine nautical miles from the nearest point in the inner boundary." and inserting in lieu thereof "one hundred ninety-seven miles from the nearest point in the inner boundary."

EXTENSION OF JURISDICTION OVER ANADROMOUS FISH

SEC. 4. (a) The United States hereby extends its jurisdiction to its anadromous fish wherever they may range in the oceans to the same extent as the United States exercises jurisdiction over fish in its territorial waters and contiguous fisheries zone except that—

(1) such extension of jurisdiction shall not extend to the territorial waters or fishery zone of another country; and

(2) sixty days after written notice to the President of the Senate and the Speaker of the House of Representatives of intent to do so, the Secretary of the Treasury may authorize a vessel other than a vessel of the United States to engage in fishing for such fish in areas to which the United States has extended jurisdiction pursuant to this section upon determining, after consultation with the Secretary of State and the Secretary of Commerce, that such fishing would not result in depletion of such fish beyond the level necessary for proper conservation purposes.

(b) As used in this Act the term "anadromous fish" means all living resources originating in inland waters of the United States and migrating to and from waters outside the territorial waters and contiguous fisheries zone of the United States.

PROMOTION OF PURPOSES OF ACT BY TREATIES AND AGREEMENTS

SEC. 5. The Secretary of State shall—

(1) initiate negotiations as soon as possible with all foreign governments which are engaged in, or which have persons or companies engaged in commercial fishing operaitons for fish protectd by this Act, for the purpose of entering into treaties or agreements with such countries to carry out the policies and provisions of this Act;

(2) review and, if necessary, initiate the amendment of treaties, conventions, and agreements to which the United States is a party in order to make such treaties, conventions, and agreements consistent with the policies and provisions of this Act;

(3) seek treaties or agreements with appropriate contiguous foreign countries on the boundaries between the waters adjacent to the United States and waters adjacent to such foreign countries for the purpose of rational utilization and conservation of the resources covered by this Act and otherwise administering this Act; and

(4) seek treaties or agreements with appropriate foreign countries to provide for the rational use and conservation of—

(a) coastal fish common both to waters over which the United States has jurisdiction and to waters over which such foreign countries have jurisdiction through measures which will make possible development of the maximum yields from such fish;

(b) anadromous fish spending some part of their life cycles in waters over which such foreign countries have jurisdiction through measures which restrict high seas harvesting and make available to the fishermen of such foreign countries an equitable share of such anadromous fish which are found in their territorial waters;

(c) fish originating in the high seas through strengthening existing or, where needed, creating new international conservation organizations; and

(d) coastal fish in waters over which other countries have jurisdiction through measures which make possible the harvesting by United States fishermen of an appropriate share of such fish not being harvested by the coastal country, under users' fees, licenses and regulations which are nondiscriminatory and non-punitive and take United States traditional fishing into account.

RESEARCH

SEC. 6. The Secretary of Commerce is authorized to promote the conservation of fish originating in the United States territorial sea and contiguous fisheries zone and anadromous fish by carrying out such research, or providing financial assistance to public or private agencies, institutions, or persons to carry out research, as may be necessary.

REGULATIONS

SEC. 7. There are authorized to be promulgated such regulations as may be necessary to carry out the provisions of this Act, but the sums appropriated for any fiscal year shall not exceed $1,000,000.

EFFECTIVE DATE

SEC. 9. The provisions of this Act shall become effective on the date of enactment of this Act, except that the provisions of Sections 3 and 4 shall become effective after 90 days following such date or enactment.

TERMINATION DATE

SEC. 10. This Act shall cease to be in effect on the date the Law of the Sea Treaty or Treaties now being developed regarding fisheries jurisdiction and conservation shall enter into force.

SEC. 11. Nothing contained in this Act shall be construed to abrogate any treaty or convention to which the United States is a party on the date of the enactment of this Act.

HISTORY OF INCREASE OF FOREIGN FISHING OFF THE UNITED STATES COASTS *

During the last decade, foreign fishing off the coasts of the U.S., primarily by U.S.S.R. and Japan, has expanded rapidly.

PACIFIC COAST

From the late 1950's Japan and the Soviet Union have conducted extensive factoryship fishing operations in the Bering Sea and the Gulf of Alaska. In the late 1960's, the fleets extended their fishing operations southward to waters off Oregon and Washington. In 1972, vessels of Japan, the Soviet Union, and the Republic of Korea fished off the U.S. Pacific coast. The greatest activity was on the Continental Shelf in the eastern Bering Sea.

Japan began fishing in the eastern Bering Sea in 1930 for king crab. World War II temporarily halted this activity until 1952 when the Japanese began to fish salmon on the high seas west of 175°W. longitude. They began fishing in the eastern Bering Sea in 1953. In 1962, they extended operations to the Gulf of Alaska, and further southward in the late 1960's. It is estimated that in 1971 the Japanese landed approximately 2.0 million metric tons of fish, primarily pollock, from waters adjacent to the Pacific coast of the United States.

The Soviet Union began a limited fishery in the late 1950's. By 1961, over 150 Soviet vessels were observed by NMFS enforcement agents in the Bering Sea. In 1962, the Soviets expanded their operations to the Gulf of Alaska, and in 1966 to waters off the Pacific Northwest where they fish primarily Pacific hake. In 1971, the Soviet catch from waters adjacent to the Pacific Coast of the United States was 600,000 metric tons.

The South Koreans began fishing in the eastern Bering Sea in 1968. Their activity has been minimal so far; only up to a dozen vessels have been deployed in the Bering Sea. In 1973, a Korean longliner was observed for the first time in the Gulf of Alaska fishing blackcod.

Table 1 lists the numbers of Japanese vessels fishing off Alaska by types of vessels from 1952–1972 and table 2 shows the estimated number of Soviet vessels fishing off Alaska. The number of foreign fishery vessels off Alaska in 1972 ranged from 94 to a peak of 504; smaller foreign fleets, numbering up to 64 vessels engaged in fisheries off the Pacific Northwest (see table 3).

ATLANTIC COAST

In 1961, a Soviet fishing fleet entered the fisheries on Georges Bank off the New England coast. The Soviet Union has since maintained large, highly modernized fishing fleets operating off the New England coast and, at times, along the mid-Atlantic coast as far south as Cape Hatteras in North Carolina. In addition to the Soviet Union, Canada, Spain, the Federal Republic of Germany, Poland, Bulgaria, Romania, East Germany, Japan, Italy, and a few other nations now fish the waters off the east coast of the United States.

In 1972, the number of foreign fishery vessels sighted monthly ranged from 145 to a peak of 329 (see table 3). The largest number of vessels is from the U.S.S.R. and Eastern European countries (see table 4). Less than 10 percent of the foreign vessels come from Western European countries and Japan.

The fisheries catch of foreign fleets, operating from Maine to Cape Hatteras, amounted to 960,000 metric tons in 1971. This quantity was about equal to the total catch by the United States fishermen in that same area.

In the Gulf of Mexico, foreign fishing is limited. The Japanese fish tunas with longlines, while the Cubans trawl for snappers, groupers and other demersal species. The most intense foreign fishing in the Gulf of Mexico takes place during the spring and summer months (see table 3).

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* Source: National Marine Fisheries Service, NOAA, U.S. Department of Commerce.

TABLE 1.—JAPANESE FISHING VESSELS OFF ALASKA, 1952–72

Year	Stern trawlers	Trawlers [1]	Longline	Gillnet	Crab catchers	Whale killers	Total
1952				57		4	61
1953				105		4	109
1954	9			205		10	224
1955	6			247		14	367
1956	13			447		15	475
1957	13			405		17	435
1958	20			460		15	495
1959	44			460		15	519
1960	125–135			410		15	600–615
1961	125–135			410		15	600–615
1962	149	2	37	369	19	21	597
1963	85	3	115	369	9	21	599
1964	155	9	14	379	12	21	590
1965	116	8	12	369	10	25	540
1966	117	26	18	370	10	28	569
1967	128	71	23	370	10	33	627
1968	130	133	22	375	29	29	719
1969	98	118	37	399	46	26	724
1970	107	99	32	399	43	10	690
1971	110	114	28	385	52	27	716
1972	148	137	26	350	42	27	730

[1] Includes side trawlers, pair trawlers, and Danish seiners.

TABLE 2.—ESTIMATED NUMBER OF SOVIET FISHERY VESSELS OFF ALASKA, BY MONTH; 1963 TO 1972

Month	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972
January	119	155	163	151	160	109	120	156	184	145
February	186	160	181	204	170	116	160	198	191	171
March	155	188	194	246	180	110	163	178	195	160
April	172	221	205	165	130	82	94	108	171	134
May	186	207	212	154	90	34	51	61	113	37
June	200	200	216	102	80	28	22	19	32	24
July	211	99	182	30	75	23	15	14	23	30
August	157	76	178	44	60	27	13	12	24	35
September	75	55	169	36	40	33	17	17	39	25
October	44	40	128	20	25	29	12	17	40	27
November	4	44	105	23	20	33	22	31	57	27
December	57	97	121	75	60	72	99	119	123	59
Total	1,566	1,532	2,054	1,250	1,090	696	788	930	1,292	884

TABLE 3.—FOREIGN FISHING AND FISHERY SUPPORT VESSELS SIGHTED DURING 1972 OFF THE U.S. COASTS, BY MONTH AND AREA OF OPERATIONS

Month	Area of operations						Total
	Alaska	Pacific Northwest	California	Gulf of Mexico	Atlantic coast	Hawaii	
January	235		1	2	258		496
February	257	1	1	3	291		553
March	334	1		12	306		653
April	296	1	2	17	329		645
May	401	31	8	21	267		728
June	445	50		40	236		771
July	504	64	3	18	187		776
August	265	42	1	10	242		560
September	270	41	3		300	6	620
October	123	29	2	1	278		433
November	94	15	3		145		257
December	126		1		173		300
Yearly total	3,350	275	25	124	3,012	6	6,792

Note: Monthly sighting exclude duplicate sightings; yearly total includes duplicate sightings.

Source: National Marine Fisheries Service, NOAA, U.S. Department of Commerce.

TABLE 4.—FOREIGN FISHERY VESSELS, SIGHTED OFF U.S. ATLANTIC COAST DURING 1972

Country	Month												Total by country
	January	February	March	April	May	June	July	August	September	October	November	December	
Soviet Union	167	188	190	209	201	166	143	135	141	133	101	87	1,861
Poland	43	49	63	65	38	33	11	26	55	51	30	31	495
East Germany	21	18	27	27	11	22	16	30	49	50	10	18	299
Bulgaria	9	8	8	7	7	6	5	5	5	3	3	5	71
Romania			1	3	3			2	4	5		5	18
Cuba						1		1	1				3
Subtotal 1	240	263	289	311	260	228	175	199	255	242	144	141	2,747
West Germany							3	14	14	14	1	2	48
Spain	12	17	8	5	3	2	2	18	8	1		8	84
Japan	5	10	7	6		6	7	10	15	12		17	95
Italy	1	1										5	7
Norway			2										2
Greece				2	1								3
Denmark					3								3
France									1	2			3
Other													
Subtotal 2	18	28	17	13	7	8	12	42	38	29	1	32	245
Grand total, by month	258	291	306	324	267	236	187	241	293	271	145	173	2,992

Source: National Marine Fisheries Service, NOAA, U.S. Department of Commerce.

Foreign fishing fleets off the U.S. Atlantic Coast numbered 312 vessels in March 1973, or more than in March 1972 or in March 1971, when 306 and 258 foreign vessels were sighted, respectively. These totals include both fishing and support vessels.

The Soviet Union had exactly the same number of vessels (190) in March 1972 and 1973. To compare the numbers alone, however, can be misleading: in March 1972, a total of 136 Soviet fishing vessels were medium trawlers and 39 stern factory trawlers. However, in March 1973, the Soviets deployed only 52 medium trawlers, but operated 120 stern factory trawlers. Since the catches of a large Soviet stern factory trawler are on the average about 6 times greater than those of a medium side trawler, the total Soviet effort in March 1973 was considerably greater.

Poland and East Germany operated fewer vessels, 58 compared to 90 in March 1972.

Spain and Japan greatly increased their effort, deploying a total of 40 vessels as compared to 15 in March 1972. Both countries are also rapidly increasing the number of stern factory trawlers (9 stern trawlers in March 1972 versus 28 stern trawlers in March 1973).

Italy, which had no vessels fishing off New England in March 1972, deployed 6 stern trawlers and one side trawler in March 1973.

The above data (see table 5 for details) indicates that despite the poor condition of certain fishery stocks in the Northwest Atlantic off the U.S. coast, foreign fishing effort continues to be extremely heavy. Utilizing the estimate that a stern trawler catches about 6 times as many fish as a side trawler during the same period of time, then the foreign fishing effort as measured in numbers of vessels in March 1973 can be said to have been about 70 percent greater than in March 1972. (This assumes, of course that the surveillance was equally efficient in both years and the foreign fleets fished the same type of gear and same amount of time).

(By M. A. Kravanja).

TABLE 5.—FOREIGN STERN FACTORY AND FREEZER TRAWLERS AND MEDIUM SIDE TRAWLERS SIGHTED OFF U.S. ATLANTIC COAST IN MARCH 1972 AND 1973

[In number of vessels]

Nationality	March 1973		March 1972	
	Stern	Medium	Stern	Medium
Soviet	120	52	39	136
Polish	17	16	23	37
East German	9	8	10	15
Bulgarian	8		8	
Romanian	6		1	
Total	160	76	81	188
West German	1			
Spanish	14	12	2	6
Japanese	14		7	
Italian	6	1		
Other				
Total	35	13	9	6
Grand total	195	89	90	194
Estimated fishing effort in units of medium trawlers	1, 170	89	540	194
Total	[1]1, 259		734	

[1] 72 percent greater than in March 1972.

TABLE 6.—FOREIGN FISHING AND FISHERY SUPPORT VESSELS SIGHTED DURING 1973 OFF THE U.S. COASTS, BY MONTH AND AREA OF OPERATIONS

Month	Area of operations						
	Alaska	Pacific Northwest	California	Gulf of Mexico	Atlantic coast	Hawaii	Total
January	172	2	1		198		373
February	173	2		4	220		399
March	323	3	1	1	312		640
April	336	1	25	3	280		645

Note: Monthly sighting exclude duplicate sightings; yearly total includes duplicate sightings.

TABLE 7.—FOREIGN FISHING AND FISHERY SUPPORT VESSELS SIGHTED DURING 1972 OFF THE U.S. COASTS, BY MONTH AND AREA OF OPERATIONS

Month	Area of operations						
	Alaska	Pacific Northwest	California	Gulf of Mexico	Atlantic coast	Hawaii	Total
January	235		1	2	258		496
February	257	1	1	3	291		553
March	334	1		12	306		653
April	296	1	2	17	329		645
May	401	31	8	21	267		728
June	445	50		40	236		771
July	504	64	3	18	187		776
August	265	42	1	10	242		560
September	270	41	3		300	6	620
October	123	29	2	1	278		433
November	94	15	3		145		257
December	126		1		173		300
Yearly total	3, 350	275	25	124	3, 012	6	6, 792

Note: Monthly sightings exclude duplicate sightings; yearly total includes duplicate sightings.

TABLE 8.—FOREIGN FISHING AND FISHERY SUPPORT VESSELS SIGHTED DURING 1971 OFF THE U.S. COASTS, BY MONTH AND AREA OF OPERATIONS

Month	Area of operations						
	Alaska	Pacific Northwest	California	Gulf of Mexico	Atlantic coast	Hawaii	Total
January	248			7	123		378
February	247			9	259		515
March	364	2		9	258		633
April	346	11	2	25	288		672
May	372	57	3	18	310		760
June	413	70	1	65	185		734
July	549	81	1	61	126		818
August	237	64	4	12	241		558
September	238	82	4	7	277		608
October	107	39	8	1	271		426
November	124	10	2	5	218		359
December	176	1	2		247		426
Yearly total	3, 421	417	27	219	2, 803		6, 887

Note: Monthly sighting exclude duplicate sightings; yearly total includes duplicate sightings.

TABLE 9.—JAPAN: BERING SEA TRAWL CATCH, BY SPECIES, TYPES OF FISHERIES, AND NUMBER OF VESSELS; 1969–71

Fishery, year	Number of vessels		Catch by species (metric tons)							
	Motherships	Trawlers	Alaska pollock	Flatfish	Cod	Sablefish	Rockfish	Herring	Others	Total
Motherships:										
1971	12	155	1, 079, 148	130, 323	18, 761	2, 828	4, 427	9, 083	5, 426	1, 249, 996
1970	11	137	1, 030, 826	89, 495	46, 736	3, 114	2, 226	9, 392	2, 649	1, 184, 438
1969	12	172	667, 730	106, 221	38, 777	3, 520	11, 614	11, 615	5, 136	844, 613
Independents:										
1971		42	432, 696	31, 035	15, 962	8, 743	69, 354	9, 585	12, 576	579, 951
1970		42	235, 540	17, 764	16, 839	8, 042	68, 941	17, 829	36, 180	401, 135
1969		42	199, 983	12, 141	11, 332	10, 006	89, 066	23, 035	14, 943	360, 506
Longline/gillnets:										
1971		22				23, 428			3, 731	27, 159
1970		22				27, 643			2, 387	30, 030
1969		21				19, 992			302	20, 294
Total, Bering Sea:										
1971	12	219	1, 511, 844	161, 358	34, 723	34, 999	73, 781	18, 668	21, 733	1, 857, 106
1970	11	201	1, 266, 366	107, 259	63, 575	38, 799	71, 167	27, 221	41, 216	1, 615, 603
1969	12	235	867, 713	118, 362	50, 109	33, 518	100, 680	34, 650	20, 381	1, 225, 413

Source: Suisan Tsushin, June 12, 1972.

TABLE 10.—SOVIET FISHERY CATCH OFF CONTINENTAL U.S. COASTS AS PERCENT OF TOTAL SOVIET MARINE CATCH, 1966–73

[In thousand metric tons]

Year	Total Soviet marine catch [1]	Atlantic coast		Pacific coast		Continental U.S. coasts	
		Catch	Percent of total catch	Catch	Percent of total catch	Catch	Percent of total catch
1964	4,079.3	367.7	9.0	623.6	15.3	991.3	24.3
1965	4,623.0	551.4	11.9	685.4	14.8	1,236.8	26.8
1966	4,924.0	624.5	12.7	455.0	9.2	1,079.5	21.9
1967	5,315.7	338.9	6.4	476.7	9.0	815.6	15.3
1968	5,667.1	341.5	6.0	329.7	5.8	671.2	11.8
1969	6,092.5	492.4	8.1	408.2	6.7	900.6	14.8
1970	6,824.5	268.5	3.9	584.1	8.6	852.6	12.5
1971	6,849.2	206.7	5.9	602.8	8.8	1,009.5	14.7
1972	NA	[2] 489.0	NA	NA	NA	NA	NA
1973	NA	NA	NA	NA	NA	NA	NA

[1] Exclusive of freshwater species includes carps, other freshwater species, sturgeons and river ells, and marine mammals.

[2] Preliminary.

Sources: FAO Yearbooks of Fishery Statistics. For Atlantic coast: ICNAF Statistical Bulletins; for Pacific coast: data supplied at U.S.–U.S.S.R. scientific exchanges.

TABLE 11.—SOVIET FISHERIES CATCH FROM WATERS ADJACENT TO U.S. PACIFIC COAST, BY SPECIES; 1971

[In metric tons]

Species	Off Alaska				Total, off Alaska	Off Pacific Northwest	Off California [1]	Total, off U.S. Pacific Coast	Off British Columbia
	Eastern Bering Sea	Off Aleutian Islands	Western Gulf of Alaska	Southeastern Gulf of Alaska					
Flatfish	119,470				119,470			119,470	
Halibut and turbot	17,460				17,460			17,460	
Sablefish	2,830	170			3,000			3,000	
Herring	23,000				23,000			23,000	
Pollock	219,840				219,840			219,840	
Pacific Ocean perch		7,190			7,190			7,190	
Hake						[2] 146,726		146,726	5,021
Rockfishes [3]			21,600	8,100	29,700	2,462		32,162	900
Other	24,857	5,510	879	140	31,386	2,540		33,926	87
Total, fish	407,457	12,870	22,479	8,240	451,046	151,728		602,774	6,008

[1] No catches were reported off California by the Soviets, although their vessels fished off that State throughout 1971.

[2] Probably includes catches off California.

[3] Probably mostly Pacific ocean perch.

Source: Soviet Pacific Institute for Fisheries and Oceanography, Vladivostok (as submitted to United States during bilateral scientific meeting, Seattle).

TABLE 12.—FOREIGN FISHERIES CATCH OFF THE U.S. ATLANTIC COAST BY NEW LIVE SPECIES COMPARED WITH U.S. CATCH; 1971

[In metric tons]

Species	Country		Total foreign [3] catch	United States catch	United States as percent of foreign
	[1] Communist	[2] Non-communist			
Mackerel	342,468	3,870	346,338	2,406	0.7
Herring	195,736	87,314	283,050	35,313	12.5
Silver hake	91,435	152	91,587	16,321	17.8
Red hake	36,319	14	36,333	3,604	9.9
Shellfish	814	32,575	33,389	509,358	1,525.5
Alewife	23,027	5,398	23,027	12,804	55.6
Squid	6,228	14,800	21,028	1,182	5.6
Cod	1,542	10,741	12,283	23,558	191.8
Sharks	10,832	140	10,972	102	.9
Pollock	8,013	2,458	10,471	4,732	45.2
Argentine	1,895		7,293		
Butterfish	512	5,768	6,280	1,570	25.0
Skates	5,218	2	5,220	900	17.2
Redfish	3,494	273	3,767	16,267	431.8
Ocean pout	3,741	3,065	3,741	4,127	110.3
Haddock	603	5	3,668	8,500	231.7
Angler	3,644	2,890	3,649	88	2.4
Groundfish, n.s.	128	31	3,018	5,032	166.7
Witch	2,838		2,869	3,220	112.2
Atlantic saury	2,144		2,144		
Yellowtail	2,010	115	2,125	29,208	1,374.5
Winter flounder	2,060	62	2,122	11,841	558.0
Sculpin	1,538		1,538	1,156	75.2
Tunas	2	1,114	1,116	2,568	230.1
Scup	1,049		1,040	3,157	303.6
Summer flounder	840	42	882	2,470	280.0
American plaice	904		904	2,170	240.0
Searobin	792	20	812	110	13.5
Dogfish	754		754		
White hake		314	314	2,715	864.6
Wolfish		98	98	189	192.9
Halibut		38	38	81	213.2
Bluefish	23		23	1,718	7,469.6
Greenland halibut	22		22		
Menhaden				240,751	
Unspecified	37,467	303	37,770	17,509	215.7
Grand total	788,092	171,602	959,694	964,726	100.5

[1] Includes Soviet Union, Poland, East Germany, Bulgaria, Cuba, and Romania.

[2] Includes Canada, Federal Republic of Germany, Japan, and Spain.

[3] Does not include catches by Italy and Greece. Their vessels fished off the U.S. Atlantic coasts, but neither country submitted their catch statistics to ICNAF.

Source: ICNAF Statistical Bulletin, vol. 21, 1971.

TABLE 13.—FOREIGN FISHERIES CATCH OFF THE U.S. ATLANTIC COAST COMPARED WITH U.S. CATCH; BY QUANTITY AND VALUE; 1971

[In metric tons and millions of 1971 U.S. dollars]

Species	Quantity				Price, U.S. dollars per metric ton [2]	Value	
	Foreign	United States	Total	United States as percent total		Foreign	United States
Mackerel	346,338	2,406	348,744	0.7	110.08	38.12	0.26
Herring	283,050	35,313	318,363	11.1	43.09	12.20	1.52
Silver hake	91,587	16,321	107,908	15.1	139.84	12.81	2.28
Red hake	36,333	3,604	39,937	9.0	110.88	4.03	.40
Shellfish	33,389	509,358	542,747	93.8	824.66	27.53	420.05
Alewife	23,027	12,804	35,831	35.7	43.34	1.00	.55
Squid	21,028	1,182	22,210	5.3	48.59	1.20	.06
Cod	12,283	23,558	35,841	65.7	264.81	3.25	6.24
Sharks	10,972	102	11,074	.9	190.16	2.09	.02
Pollock	10,471	4,732	15,203	31.1	168.29	1.76	.80
Argentine	7,293		7,293		NA	[3] 1.19	

Footnotes at end of table.

TABLE 13.—FOREIGN FISHERIES CATCH OFF THE U.S. ATLANTIC COAST COMPARED WITH U.S. CATCH; BY QUANTITY AND VALUE; 1971—Continued

[In metric tons and millions of 1971 U.S. dollars]

Species	Quantity				Price, U.S dollars per metric ton [2]	Value	
	Foreign	United States	Total	United States as percent total		Foreign	United States
Butterfish	6,280	1,570	7,850	20.0	381.33	2.39	.60
Skates	5,220	900	6,120	14.7	NA	[3] .85	[3] .15
Redfish	3,767	16,267	20,034	81.2	112.23	.42	1.83
Ocean pout	3,741	4,126	7,867	52.4	NA	[3] .61	[3] .67
Haddock	3,668	8,500	12,168	69.9	573.64	2.10	4.88
Angler	3,649	88	3,737	2.4	NA	[3] .60	[3] .01
Groundfish, n. s.	3,018	5,032	8,050	62.5	NA	[3] .49	[3] .82
Witch	2,869	3,220	6,089	52.9	NA	[3] .47	[3] .53
Atlantic saury	2,144		2,144		NA	[3] .35	
Yellowtail	2,125	29,208	31,333	93.2	316.02	.67	9.23
Winter flounder	2,122	11,841	13,963	84.8	313.52	.67	3.71
Sculpin	1,538	1,156	2,694	42.9	NA	[3] .25	[3] .19
Tunas	1,116	2,568	3,684	69.7	NA	[3] .18	[3] .42
Scup	1,040	3,157	4,197	75.2	516.77	.54	1.63
Summer flounder	882	2,470	3,352	73.7	756.21	.67	1.87
American plaice	904	2,170	3,074	70.6	NA	[3] .18	[3] .35
Searobin	812	110	922	11.9	NA	[3] .13	[3] .02
Dogfish	754		754		NA	[3] .12	
White hake	314	2,715	3,029	89.6	133.51	.04	.36
Wolfish	98	189	287	65.9	153.85	.02	.03
Halibut	38	81	119	68.1	516.24	.02	.04
Bluefish	23	1,718	1,741	98.7	264.60	.01	.45
Greenland halibut	22		22		NA	Negligible	
Menhaden		240,751	240,751	100.0	36.25		8.73
Other		[1] 11,918	11,918	100.0	NA		[3] 1.95
Unspecified	37,770	5,591	43,361	12.9	NA	[3] 6.18	[3] .91
Grand total	959,685	964,726	1,924,411	50.1		123.14	471.56

[1] Includes small amounts of eels, smelt, striped bass, sea trout, Atlantic croaker, black bass, shad, spot, and white perch.

[2] The average U.S. price for species marked NA is not available. A weighted average price of $163.59 per metric ton was used to obtain the estimated value for these species. This average price was obtained by dividing the total value of U.S. landings by the total quantity. Both the quantity and value of shellfish and menhaden were excluded from this calculation since the U.S. catches are so large a proportion of these 2 species compared to foreign fleets that the average price would not be applicable.

[3] Estimates based on the weighted average price. (See footnote 2.)

Source: ICNAF Statistical Bulletin, Vol. 21, 1971.

TABLE 14.—FOREIGN FISHERIES CATCH OFF U.S. ATLANTIC COAST, 1971

[In metric tons]

Species	ICNAF Subarea 5				ICNAF Subarea 6				South of Cape Hatteras	Total, off U.S. coast
	5Y	5Ze	5Zw	Total	6A	6B	6C	Total		
Cod	282	10,600	1,148	12,182	75	24	2	101		12,283
Haddock	112	3,404	123	3,668						3,668
Redfish	121	3,449	17	3,767						3,767
Halibut	1	37		38						38
Silver hake	53	54,055	11,568	83,802	5,367	1,776	372	7,785		91,587
American plaice	4	426	252	882						882
Greenland halibut		22		22						22
Summer flounder		227	326	843	61			61		904
Winter flounder		885	707	2,008	112	2		114		2,122
Witch	16	918	1,100	2,745	114	2	8	124		2,869
Yellowtail		771	308	1,164	930	21		961		2,125
Angler		1,831	842	3,649						3,649
Pollock	5,326	4,059	142	9,585	886			886		10,471
Ocean pout		900	2,315	3,553	188			188		3,741
Red hake		5,858	11,578	26,823	9,225	87	3	9,510		36,333
Grenadier										
Sculpin		443	422	422	358	85		443		1,538
Scup		74	148	276	282	460	31	773		1,049
Searobin					355	250	207	812		812
White hake	18	187	4	209	7	53	45	105		314
Wolffish	2	96		98						98
Ground fish, n.s	124	2,256	68	2,448	205	296	69	570		3,018
Herring	19,498	207,796	10,403	242,520	21,841	14,031	2,988	40,530		283,050
Mackerel	464	64,621	38,592	114,847	98,915	116,406	13,929	231,491		346,338
Atlantic saury		2,144		2,144						2,144
Butterfish		612	655	1,374	1,296	3,105	505	4,906		6,280
Bluefish		6		6	2		1	2		23
Tunas		52	497	549	451		116	567		1,116
Alewife		2,825	9,489	13,613	3,730	3,296	2,388	9,414		23,027
Argentine	361	6,784	21	7,293						7,293
Capelin										
Dogfish	4	10	181	195	128	364	67	559		754
Sharks		3,188	4,596	7,899	1,891	1,133	49	3,073		10,972
Skates		2,561	2,243	5,005	215			215		5,220
O. fish, n.s	35	15,897	3,704	21,585	6,841	8,327	1,007	16,185		37,770
Squid		7,769	1,921	10,657	4,032	4,878	1,459	10,371		21,028
Shellfish		32,536	1	33,351	3	22	13	38		33,389
Total (added)	26,421	437,269	103,371	619,895	157,510	154,618	23,259	339,784		959,694
Total (ICNAF)	26,421	437,293	103,388	619,982	157,568	154,623	23,261	339,868		959,846

TABLE 15.—SOVIET CATCHES OFF U.S. ATLANTIC COAST, 1971

[In metric tons]

Species	ICNAF Subarea 5				ICNAF Subarea 6				South of Cape Hatteras	Total off U.S. coast	Total ICNAF (1–6)	5+6 as percent total ICNAF	6 as percent total off United States
	5Y	5Ze	5Zw	Total [1]	6A	6B	6C	Total [2]					
Cod		1,055	63	1,270						1,270	111,996	1	
Haddock		292	53	374						374	1,425	26	
Redfish		3,210	4	3,394						3,394	100,763	3	
Halibut											241		

Species	ICNAF Subarea 5				ICNAF Subarea 6				South of Cape Hatteras	Total off U.S. coast	Total ICNAF (1—6)	5+6 as percent total ICNAF	6 as percent total off United States
	5Y	5Ze	5Zw	Total [1]	6A	6B	6C	Total [2]					
Silver hake	53	52,191	11,145	81,515	4,710	1,719	362	7,061		88,576	217,209	41	7
American plaice		94	46	340						340	28,490	1	
Greenland halibut											9,813		
Summer flounder		227	326	843	61			61		904	904	100	7
Winter flounder		793	707	1,946	112	2		114		2,060	3,707	56	6
Witch		903	1,099	2,713	114	2	8	124		2,837	30,615	9	4
Yellowtail		532	308	925	806	13		829		1,754	15,584	11	47
Angler		1,830	838	3,644						3,644	17,181	21	
Pollock		1,088	17	1,163						1,163	2,322	51	
Ocean pout		900	2,315	3,553	186			186		3,739	3,911	96	4
Red hake		4,398	11,568	25,353	8,008	79	3	8,285		33,638	35,437	95	25
Grenadier											78,287		
Sculpin		443	422	1,095	358	85		443		1,538	1,538	100	29
Scup		22	117	193	178	165	29	372		565	570	100	66
Searobin					348	239	205	792		792	792	100	100
White hake											4,588		
Wolffish											2,596		
Ground fish n.s.													
Herring		54,358	4,722	63,903	10,267	3,806	1,612	17,355		81,258	110,306	74	21
Mackerel		32,093	15,811	59,074	32,070	23,523	10,920	68,754		127,828	137,320	93	54
Atlantic saury		2,144		2,144						2,144	2,144	100	
Butterfish		61	232	400	72	14		86		486	486	100	18
Bluefish					1		1	1		16	16	100	100
Tunas													
Alewife		389	7,326	9,014	1,047	420	808	2,275		11,289	11,289	100	20
Argentine	7	1,738	21	1,893						1,893	5,535	34	
Capelin											750		
Dogfish													
Sharks		3,086	4,594	7,795	1,877	1,104	16	2,997		10,792	10,792	100	28
Skates		2,556	2,243	5,000						5,000	22,673	22	
O. fish n.s	3	4,829	1,910	8,691	2,206	1,054	461	3,731		12,422	32,681	38	30
Squid		4,148	544	5,659	363	114		479		6,138	13,364	46	8
Molluscs	NA	NA	NA	814						814	814	100	100
Total (added)	63	173,380	66,431	292,708	62,784	32,339	14,425	113,945		406,668	1,016,139		
Total (ICNAF)	63	173,380	66,431	292,754	62,784	32,339	14,425	113,960		406,714	1,016,185	40	30

[1] *Includes*, according to source, 52.950 tons of fish caught in unknown divisions of subarea 5 (however, subtraction of the sum of the totals of division 5Y, 5Ze and 5Zw from the total of subarea 5 amounts to 52,880 tons).

[2] Includes, according to source, 4,412 tons of fish caught in unknown divisions of subarea 6 (270 tons of silver hake, 10 tons of yellowtail flounder, 195 tons of red hake, 1,670 tons of herring, 14 tons of bluefish, 2,241 tons of mackerel, 10 tons of other fish, and 2 tons of squid).

Source: ICNAF Statistical Bulletin, vol. 21, 1971.

TABLE 16—SOVIET, EAST EUROPEAN AND CUBAN FISHERIES CATCH OFF ATLANTIC COAST, 1971

[In metric tons]

Species	ICNAF Subarea 5				ICNAF Subarea 6				South of Cape Hatteras	Total, off U.S. coast
	5Y	5Ze	5Zw	Total	6A	6B	6C	Total		
Cod		1,208	81	1,441	75	24	2	101		1,542
Haddock		521	53	603						603
Redfish	1	3,296	17	3,494						3,494
Halibut										
Silver hake	53	53,973	11,574	83,699	5,339	1,765	362	7,736		91,435
American plaice		388	252	840						840
Greenland halibut		22		22						22
Summer flounder		227	326	843	61			61		904
Winter flounder		793	707	946	112	2		114		2,060
Witch		903	1,100	2,714	114	2	8	124		2,838
Yellowtail		663	308	1,056	923	21		954		2,010
Angler		1,830	838	3,644						3,644
Pollock	4,761	2,291	17	7,127	886			886		8,013
Ocean pout		900	2,315	3,553	188			188		3,741
Red hake		5,852	11,577	26,816	9,224	81	3	9,503		36,319
Grenadier										
Sculpin		443	422	1,095	358	85		443		1,538
Scup		74	148	276	282	460	31	773		1,049
Searobin					348	239	205	792		792
White hake										
Wolffish										
Ground fish, n.s		57	14	71	36	21		57		128
Herring	2,257	138,418	9,740	155,238	21,811	14,029	2,988	40,498		195,736
Mackerel	72	63,936	38,219	113,397	96,800	116,117	13,913	229,071		342,468
Atlantic saury		2,144		2,144						2,144
Butterfish		62	232	401	81	30		111		512
Bluefish		6		6	2		1	2		23
Tunas		2		2						2
Alewife		2,825	9,489	13,613	3,730	3,296	2,388	9,414		23,027
Argentine	7	1,740	21	1,895						1,895
Capelin										
Dogfish	4	10	181	195	128	364	67	559		754
Sharks		3,126	4,594	7,835	1,877	1,104	16	2,997		10,832
Skates		2,559	2,243	5,003	215			215		5,218
O. fish, n.s	27	15,854	3,681	21,511	6,771	8,201	974	15,956		37,467
Squid		4,228	544	5,739	373	114		489		6,228
Shellfish				814						814
Total (added)	7,182	308,351	98,666	467,033	149,734	145,955	20,958	321,044		788,092
Total (ICNAF)	7,182	308,374	98,674	467,110	149,787	145,955	20,958	321,112		788,222

TABLE 17.—U.S. PERCENTAGE OF ATLANTIC CATCH

In 1960, the U.S. was taking 93+% of its offshore resources, with the remainder being taken by Canada.

In 1971, the U.S. was taking only about 50% of the total catch.

Georges Bank: 1960, U.S. took 100%; 1970, U.S. took 15%.

Southern New England: 1960, U.S. took 100%; 1970, U.S. took 20%.

Gulf of Maine: 1960, U.S. took 96%; 1971, U.S. took 84%.

Mid Atlantic Bight: 1963, U.S. took 100%; 1971, U.S. took 68%.

REPORT ON FOREIGN FISHING OFF U.S. COASTS (APRIL 1973) *

Summary: The number of foreign fishing vessels sighted by the National Marine Fisheries Service (NMFS) surveillance patrols, conducted in cooperation with the U.S. Coast Guard, remained stable at about 640 vessels, the same as in March 1973. Table 1 shows the detailed composition of foreign fleets by country and vessel type.

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* Prepared by the International Activities Staff of the National Marine Fisheries Service, Washington, D.C.

The largest concentration of foreign vessels in April was off Alaska, where their number continued to increase, but only slightly (from 323 vessels in March to 336 in April). During March, it doubled due to a rapid expansion of Japanese fishing operations (see March 1973 monthly report), which also remained the largest in April (188 vessels). The Japanese were taking primarily Alaska pollock and Bering Sea crab; smaller fisheries for Pacific ocean perch and sablefish were conducted in the Gulf of Alaska. Soviet effort also increased, from 124 vessels in March to 146 in April; however, since the increase was in the number of large stern factory and freezer trawlers, rather than in medium trawlers, the expanded fishing effort was greater than the figures alone suggest. It should be noted that a Soviet stern trawler may catch several times the amount of fish that one of their medium trawlers can. In April, Soviet fishermen caught herring, flounders, ocean perch, shrimp, and various groundfish species. Figure 1 shows the fishing grounds of the foreign fleets. On May 1, NMFS Regional Director Rietze met with the Soviet Fleet Commander to discuss the prevention of conflicts between the Soviet mobile trawl gear and U.S. fixed gear near Kodiak Island.

Off the Pacific Northwest, only one single Japanese longliner was sighted fishing. The NMFS fishery surveillance personnel in Alaska, however, reported that some Soviet vessels began moving southward towards the Washington coast in late April. It is expected that in May, the Soviet will begin a large-scale fishery for Pacific hake off Washington and Oregon as they have done since 1966.

Off central California, a fleet of about 20 Soviet trawlers suddenly appeared to fish for hake. It is not known whether these vessels were part of the Soviet fleet operating off Alaska, or whether they came directly from the Soviet Union.

Foreign fishing in the Gulf of Mexico was minimal—only 3 Cuban shrimp boats were sighted.

In the Northwest Atlantic, off New England states and in the Mid-Atlantic Bight, the number of foreign vessels decreased somewhat (to 280 vessels) from the high March level (312 vessels). The principal species sought by foreign fishermen were mackerel, sea herring and Atlantic hakes, but they were observed taking also other species, such as argentine, scup, sea robin, flounder, and squid. Figures 5 and 6 show in greater detail country catches by species and locality. Mexico and Venezuela, each for the first time, deployed 2 trawlers on Georges Bank, bringing the number of countries which fished off the U.S. Atlantic coast in April 1973 to 10. Spain, Italy, and Japan continue to fish off New England and mid-Atlantic states with more vessels than during 1972. Several violations of ICNAF conservation regulations by Soviet fishermen were reported.

Estimates of April 1973 fish and shellfish catches made by foreign fleets on the Continental Shelf adjacent to the United States are not available.

TABLE 1.—FOREIGN FISHERY VESSELS OPERATING OFF U.S. COASTS DURING APRIL 1973 (EXCLUDING DUPLICATE SIGHTINGS); BY TYPE OF VESSEL AND COUNTRY

Fishing grounds	Stern trawlers[1]	Medium trawlers[2]	Other fishing vessels	Processing and transport vessels	Support vessels[3]	Research vessels[4]	Total
Off Pacific coast:							
Off Alaska:							
Japan	35	94	41	17	1		188
Soviet Union	41	79		15	7	4	146
Republic of Korea	1		1				2
Total	77	173	42	32	8	4	336
Off Pacific Northwest:							
Japan			1				1
Soviet Union							
Other							
Total			1				1
Off California:							
Soviet Union	17	5				2	24
Japan			1				1
Total	17	5	1			2	25
In the Gulf of Mexico:							
Mexican							
Cuban			3				3
Soviet							
Japanese							
Other							
Total			3				3
Off Atlantic coast:							
Soviet Union	89	31	[5] 29	18	4	2	173
Poland	14	17		5			36
East Germany	7	12		2			21
Federal Republic of Germany							
Bulgaria	7			1			8
Romania	6						6
Spain	13	10					23
Japan	7						7
Italy	1	1					2
Mexcio	2						2
Canada							
Other (Venezuela)			[6] 2				2
Total	146	71	31	26	4	2	280
Grand total	240	249	78	58	12	8	645

[1] Includes all classes of stern factory and stern freezer trawlers.

[2] Includes all classes of medium side trawlers (nonrefrigerated, refrigerated, and freezer trawlers).

[3] Includes fuel and water carriers, tugs, cargo vessels, etc.

[4] Includes exploratory, research and enforcement (E) vessels.

[5] Rigged as purse seiners.

[6] Pair trawlers.

TABLE 2.—FOREIGN FISHERY VESSELS OPERATING OFF THE U.S. ATLANTIC COAST DURING APRIL 1973 (EXCLUDING DUPLICATE SIGHTINGS); BY TYPE OF VESSEL AND COUNTRY

Fishing grounds	Stern trawlers[1]	Medium trawlers[2]	Other fishing vessels	Processing and transport vessels	Support vessels[3]	Research vessels[4]	Total
Off New England (ICNAF subarea 5):							
Soviet Union	59	11	[5] 29	9	3	1	112
Poland	9	10		1			20
East Germany	2	5		1			8
Bulgaria							3
Romania	1						1
Cuba							
Federal Republic of Germany							

Fishing grounds	Stern trawlers [1]	Medium trawlers [2]	Other fishing vessels	Processing and transport vessels	Support vessels [3]	Research vessels [4]	Total
Spain	2	1					3
Japan	1						1
France							
Italy	1						1
Mexico	2						2
Greece							
Canada							
Other (Venezuela)			[5] 2				2
Total	80	27	31	11	3	1	153
In the Mid-Atlantic bight (ICNAF 6):							
Soviet Union	30	20		9	1	1	61
Poland	5	7		4			16
East Germany	5	7		1			13
Bulgaria	4			1			5
Romania	5						5
Cuba							
Federal Republic of Germany							
Spain	11	9					20
Japan	6						6
Other	1						1
Total	67	43		15	1	1	127
Off the Southern Atlantic coast (from Cape Hatteras to Florida):							
Soviet Union							
Poland							
East Germany							
Spain							
Japan							
Other							
Total							
Grand total	147	70	31	26	4	2	280

[1] Includes all classes of stern factory and stern freezer trawlers.

[2] Includes all classes of medium side trawlers (nonrefrigerated, refrigerated, and freezer trawlers).

[3] Includes fuel and water carriers, tugs, cargo vessels, etc.

[4] Includes exploratory, research and enforcement (E) vessels.

[5] Rigged as purse seiners.

[6] Pair trawlers.

OFF ALASKA*

A total of 336 individual vessels from Japan (188), the Soviet Union (146), and the Republic of Korea (2) engaged in fisheries off Alaska in April. This was 13 vessels more than in March 1973 and 39 vessels more than in April 1972.

Soviet: The 146 individual Soviet vessels included 79 medium trawlers, 41 stern trawlers, 15 processing and transport vessels, 7 support ships, and 4 research trawlers. The number of Soviet vessels present simultaneously decreased from 130 in early April to 87 at month's end. That was a much sharper decline than in April 1972 when the number of vessels present simultaneously varied from 134 in early April to 114 at the month's end. The larger number of vessels observed in 1972 was due to the greater effort in the herring, flounder and pollock fisheries in the Bering Sea.

The trawl fishery for groundfish along the edge of the Bering Sea Continental Shelf from north of the Fox Islands to northwest of the Pribilof Islands (see fig. 1) increased sharply in early April. The fleet increased from 15 trawlers and 1 refrigerated transport in early April to 47 trawlers and 2 refrigerated transports by mid-month, primarily as a result of shifting of vessels from the central Bering Sea herring fishery. The fleet declined again to 23 trawlers and 2 refrigerated transports in late April when the Soviet vessels began moving southward towards the Pacific Northwest.

The Soviet flounder fishery off Kodiak Island in the Gulf of Alaska declined steadily in April from 32 vessels early in the month to 18 by month's end. The fleet concentrated on the outer grounds of Chiniak Gully in early April and then expanded the fishing area both east and west on outer Albatross Bank as the month progressed (see fig. 1).

The Pacific Ocean perch fishery in the Gulf of Alaska was small. Only 3 to 4 trawlers fished this species in mid-month on the Yakutat grounds in the eastern Gulf.

The herring fleet in the central Bering Sea decreased sharply in early April from 66 to 44 vessels and moved westward to the edge of the Continental Shelf where it also fished for Alaska pollock. By the end of April, the entire fleet was centered along the Continental Shelf edge and pollock was the predominant species sought.

The shrimp fishery east of the Shumagin Islands in the western Gulf of Alaska involved 8 to 10 medium trawlers and 2 support ships during the first three weeks of April and then ended. By comparison, the 1972 Gulf shrimp fishery ended in early April. That expedition, however, involved about twice the number of trawlers and began at least a month earlier than the 1973 fishery.

Japanese: The 188 individual Japanese vessels included 94 medium trawlers, 35 stern trawlers, 32 crab pot vessels, 9 longliners, 17 processing and transport vessels, and 1 support ship. The number of vessels present simultaneously varied between 182 and 188. That was an increase from April 1972 when the number varied between 156 and 162. The larger effort in 1973 was primarily in the Bering Sea pollock fishery.

The ocean perch fleet in the Gulf of Alaska included 12 to 15 stern trawlers and up to 3 support ships. The fishery ranged from southeastern Alaska to the Shumagin Islands, with most effort between Kodiak and the Shumagin Islands (see fig. 1).

Twenty stern trawlers, supported by 2 transport vessels fished for groundfish (Alaska pollock and other species) along the edge of the Continental Shelf in the Bering Sea. The fleet was widespread from the Fox Islands in the eastern Aleutians to northwest of the Pribilof Islands in the Central Bering Sea.

Five factoryship fleets in the Bering Sea continued fishing for Alaska pollock. The fleets were concentrated north of the Unimak Pass in the eastern Bering Sea in early April. Later, they began dispersing and by the end of April were scattered from the Unimak Pass to northwest of the Pribilof Islands in the central Bering Sea. This pattern of fishing was similar to those observed during the past years except that in 1973 the factoryship fleets arrived earlier.

The number of longliners fishing for sablefish in the Gulf of Alaska increased from 7 to 8; they were widespread from the coast of southeastern Alaska to the Shumagin Islands. Another longliner fished for sablefish along the Fox Islands in the eastern Aleutians in mid-April.

The two Japanese crab motherships, supporting 33 catcher vessels, remained centered on the traditional grounds north of Unimak Island in the eastern Bering Sea. Two other vessels, apparently conducting reconnaissance operations, continued fishing off the Pribilof Islands.

Republic of Korea: Two South Korean vessels, a stern trawler and a longliner, engaged in fisheries off Alaska in April. The longliner, which began fishing in late March, continued fishing for sablefish off the coast of southeastern Alaska. The stern trawler arrived in mid-April and fished for ocean perch off the Yakutat grounds in the eastern Gulf.

Meeting with the Soviet Fishing Fleet Commander: After more than a month of arrangements, the National Marine Fisheries Service Regional Director, H. Rietze, headed a team of Government officials and fishermen representatives to a meeting with the Soviet Fleet Commander Genadii Ibragumov. The meeting was held aboard the Coast Guard Cutter *Confidence* in Womens Bay near Kodiak, Alaska on May 1. The Soviets began fishing for flounder and pollock about 40 miles east of Kodiak Island during January. Potential for conflict between fixed U.S. tanner crab gear and mobile Soviet trawls has existed for the past three months. The potential for conflict would have increased drastically with the opening of the halibut season in this area on May 10. The objective of the meeting was to exchange information which might aid in avoiding such conflict. The Fleet Commander indicated that the Soviets had decided to switch the vessels, fishing off Kodiak, to the Bering Sea within the next few days, thus greatly reducing potential for gear conflict. The decision was apparently taken prior to the May 1 meeting. The flounder fleet might return to the Kodiak area next winter depending on Bering Sea ice conditions, according to the Fleet Commander. On another matter, Mr. Ibragumov advised that the Soviets would not be sending a crab fishing fleet to the Bering Sea this year. Although this was expected since the Soviet crab effort usually begins before May, and since no crab vessels were sighted in 1973, it is contrary to statements made by the Soviets at the bilateral negotiations in Moscow during February 1973. The Soviets did indicate then that a crab fishing fleet would be sent to the Bering Sea to fish only with pots in accordance with the current U.S.-U.S.S.R. crab agreement.

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* Information supplied by the Regional Divisions of Enforcement and Surveillance of the National Marine Fisheries Service (published in the order received).

Foreign Fishery Patrols: The Alaska Enforcement and Surveillance Division in April conducted 29 foreign fishery patrols in cooperation with the U.S. Coast Guard. No violations of U.S. fishing laws or agreements were observed. A total of 949 foreign vessels was sighted, and a South Korean and 7 Japanese vessels were boarded. Five Japanese vessels entered Alaskan ports for medical assistance, refuge from storms, and shelter from rough seas to transfer supplies.

OFF THE PACIFIC NORTHWEST

Japanese: A single Japanese longliner was sighted off the Washington coast during the first week of April and off the Oregon coast thereafter. This vessel had fish pots aboard. The catch consisted of sablefish, black cod and various flatfish. (By comparison, 1 Japanese longliner was sighted during April 1972).

OFF THE SOUTH ATLANTIC AND GULF OF MEXICO COASTS

Three Cuban vessels were sighted fishing off the southern coast in April (see table 1).

Off Texas: Three Cuban shrimp trawlers (built in Spain) were sighted fishing off Rock Port, Texas, on April 27 by a Coast Guard aircraft (see fig. 3). The vessels had previously been reported by the U.S. Border Patrol. This is the first report of Cuban shrimpers off Texas since September, 1971 when 4 Cuban trawlers were grounded off Aransas Pass during a hurricane.

OFF CALIFORNIA

Soviet: A total of 23 Soviet fishing vessels fished off the coast of California in the last week of April.

One exploratory side trawler was sighted operating 35 nautical miles west of San Francisco in the first week of April, it moved north during the second week to a point 25 nautical miles south of Pt. Arena (see fig. 4). Sixteen Mayakovskiy-class large stern factory trawlers and one Atlantik-class stern freezer trawler joined the exploratory vessel in the third week of April to fish 25-45 miles south of Pt. Arena.

The entire fleet moved southward during the last week of April to heavily fish 30 miles southwest of San Francisco. Five additional side trawlers moved into an area 55 miles northwest of San Francisco during the same week to bring the total number of Soviet fishing vessels off California to 23 at the end of the month. Catches of Pacific hake were sighted during enforcement patrols; one incidental haul of mixed rockfish species was also recorded.

One stern trawler (*Aleksei Makhalin*) requested the U.S. Coast Guard to help in the medical evacuation of a sick fisherwoman, who was admitted to a Public Health Service Hospital on April 23.

The Soviet research trawler *Kamenskoie* returned off the California coast as part of the current US-USSR cooperative fisheries research. The last part of the cruise, an acoustical survey run from Monterey Bay, California to Magdalena Bay, Baja California, Mexico, was concluded on April 24. The *Kamenskoie* returned north and rendezvoused on April 26 with the National Marine Fisheries Service research vessel *David Starr Jordan* off Santa Catalina Island, to remove the U.S. observer and his research gear. The Soviet research vessel then departed northward to continue independent research work.

Japanese: One Japanese longline-gillnet vessel (*Cyosei Maru No. 8*) entered Los Angeles harbor on April 11, 1973 to obtain medical treatment for a sick crewman. The vessel is fishing off Baja California, Mexico for tile fish with anchor gillnets set at depths of 150 meters. It will return to San Pedro, California in May to pick up new gillnets which will be delivered by air freight from Japan.

OFF HAWAII

In April 1973, a total of 58 Japanese fishing vessels called at the Hawaiian ports of Honolulu and Kahului. Information received from the National Marine Fisheries Service regional representative in Hawaii indicates that Japanese fishing activity off the Leeward Islands in 1973 may not reach the level of activity seen in 1972 unless their coastal fishery is once again poor. The Japanese fishing vessels, calling at Hawaiian ports, are stopping primarily for fuel, water and rest and recreation. They have been doing so for some time.

IN THE NORTHWEST ATLANTIC

A total of 280 individual foreign fishing and support vessels from the Soviet Union (173 vessels), Poland (36), East Germany (21), Bulgaria (8), Romania (6), Spain (23), Japan (7), Italy (2), Mexico (2), and Venezuela (2) was sighted off the New England and Middle Atlantic coast during April 1973. The number of vessels was about 9 percent (32 vessels) less than in March 1973 and 15 percent (49 vessels) less than in April 1972. A 26-percent (31 vessels) decrease in the number of Soviet stern trawlers accounted for most of the April decrease. It's believed that many of these trawlers have shifted northward to fishing grounds off Nova Scotia, Newfoundland, and Labrador. Displaying their traditional seasonal withdrawal, the Japanese fleets decreased by 50 percent from 14 vessels to 7. Fishing effort by other countries showed little change compared with the previous month.

The Soviet fleet was the largest foreign fleet with weekly concentrations of 140-150 vessels. Individual vessels sighted totaled 173 (213 in April 1972) and included 89 medium freezer and factory stern trawlers, 60 medium side trawlers (29 of which were rigged as purse seiners), 5 factory base ships, 13 refrigerated fish carriers and supply vessels, 2 fuel and water carriers, 2 tugs, and 2 fisheries enforcement vessels (1 of which has been designated as the ICNAF International Inspection vessel).

OFF SOUTHERN NEW ENGLAND AND ON GEORGES BANK

Soviet: Several fleets, totaling about 120 vessels, were dispersed from south of Block Island, Rhode Island and Nantucket Island onto the eastern and northern slopes of Georges Bank (see fig. 5 and 6).

The largest Soviet fleet (55-60 vessels), including both stern trawlers and side trawlers, was divided into several groups. They were dispersed along the 30 and 50 fathom curves from south of Block Island to south and southeast of Nantucket Island. About 20 of the vessels in this group, fishing the inner shoals southeast of Nantucket Island (30-40 fathoms), were medium side trawlers rigged as purse seiners. Their arrival was about one month earlier than in previous years. Moderate catches of herring and perhaps mackerel were at times seen in the nets and on deck. Factoryships anchored nearby were occasionally seen with large amounts of fish heaped in open deck storage bins.

Vessels engaged in conventional trawl fishing were observed with moderate catches of herring, mackerel, and red hake. Herring and mackerel catches appeared to improve considerably as the month progressed.

A second large group of 34 Soviet vessels (stern trawlers and side trawlers) fished along the southwest part of Georges Bank between Hydrographer and Lydonia Canyons (see fig. 5). Catches were identified as mostly herring, mackerel, and red hake. Included in this group were about 10 medium trawlers rigged as purse seiners. Herring and mackerel were seen occasionally in the nets and on deck. The stern trawlers were taking mostly red hake, and some herring toward month's end.

Early in April, 15-20 Soviet stern trawlers fished briefly in the deep channel separating Georges and Browns Bank about 120-150 miles northeast of Cape Cod (see fig. 5). Limited catches were mostly hakes and argentines.

Polish: A total of 36 individual vessels (14 stern trawlers, 17 large side trawlers, 1 factory base ship, and 4 fish transports) was sighted. This was only slightly less than the 39 vessels sighted in March 1973 but 29 vessels less than in April 1972. During the month, about 15-20 vessels fished along the 40 and 50 fathom curves south of Block and Nantucket Islands. Moderate to heavy catch of herring and mackerel, especially late in the month, were observed.

East German: A total of 21 vessels (7 stern trawlers, 12 side trawlers, and 2 fish transports) was sighted—compared to 19 in March 1973 and 27 in April 1972. The 8 vessels sighted off southern New England fished among the Soviet and Polish fleets south of Block and Nantucket Islands (see fig. 5). Moderate and heavy catches of herring (heaviest late in the month) were observed.

Bulgarian: A total of 8 vessels (7 stern trawlers and 1 fish transport) was sighted—compared to 9 in March 1973 and 7 in April 1972. Three of these vessels shifted in and out of the mid-Atlantic area. Herring and mackerel were observed occasionally.

Romanian: A total of 6 stern trawlers was sighted, one of which fished late in the month among other foreign fleets off southern New England (see fig. 6).

Japanese: A total of 7 stern trawlers was sighted in April (compared to 14 in March 1973 and 6 in April 1972). Only one vessel was sighted fishing among large foreign fleets between Marthas Vineyard and Nantucket Island. No catches were noted.

Spanish: A total of 23 vessels (13 stern trawlers and 10 side trawlers) was sighted compared to 26 in March 1973 and 5 in April 1972. Three of these vessels fished briefly early in the month along the 100 fathom curve between Marthas Vineyard and Nantucket before moving into the Mid-Atlantic Bight. Principal catch is known to be squid.

Italy: Two vessels (1 stern trawler and 1 side trawler) were sighted—compared to 7 in March 1973. One of these vessels fished off southern New England among Spanish and Japanese vessels. Squid is believed to be the principal catch.

Enforcement of ICNAF Closed Areas: On April 9, 1973 during a joint Canadian-U.S. fishery patrol, 2 Mexican and 2 Venezuelan vessels were sighted fishing within closed area B (see fig. 5 for details). Radio communications were established with the Venezuelan pair trawlers *Alitan* and *Denton* and the captains were advised of the ICNAF closed areas. The Venezuelan captains agreed to comply and further agreed to contact the Mexican stern trawlers *Patachin* and *Matlamani* fishing nearby. Chartlets showing closed areas were passed by heavy line to the *Denton*. All four vessels hauled in their gear and cleared the area.

This is the first report that either of these countries has engaged in fishing on Georges Bank. Like the Spaniards, it is believed that the Mexicans and the Venezuelans were seeking mainly large cod.

IN THE MID-ATLANTIC BIGHT

Soviet: Soviet fishing by 61 vessels in the Mid-Atlantic during April 1973 was 43 percent (56 vessels) less than the 107 vessels sighted in March 1973.

The heaviest fishing occurred in the first half of the month when 25–30 vessels (mostly side trawlers and various support vessels) fished briefly near the extreme southern and western boundary of the "no fishing" zone, 65–75 miles off the Virginia coast (see fig. 6). Moderate catches were mostly herring and mackerel. Incidental mixed species appeared to be hakes, scup, sea robins, and a few flounder.

North of this area, 30 Soviet stern trawlers were widely dispersed 20–30 miles between Montauk Point and Moriches Inlet, Long Island. Moderate to light catches were mostly herring and mackerel; some hakes were also taken.

An estimated 8–10 vessels were scattered off New Jersey between Sandy Hook and Atlantic City.

After mid-month, only several Soviet vessels remained in the Mid-Atlantic off Long Island and New Jersey.

Polish: Early in the month 15–20 vessels (mostly side trawlers) fished briefly in a small area off the Virginia coast 15–20 miles east of Wachapreague Inlet. Moderate to light catches were mostly herring and mackerel. Some scup and hakes were also observed among the catch. In the subsequent weeks most of the Polish fleet shifted northward out of the Mid-Atlantic; only a few vessels remained off New York and New Jersey.

East German: Throughout the month, 6–8 vessels fished in numerous areas along the New Jersey to Virginia coast. Considerable fishing time by these vessels was spent in the Mid-Atlantic "no fishing" zone both prior to and after April 15th (see fig. 6). Moderate catches were herring and mackerel. Near month's end, most vessels shifted northward to waters off southern New England.

Bulgarian: Four stern trawlers fished almost the entire month within the confines of the Mid-Atlantic "no fishing" zone. Occasional support vessels were seen off Long Island. Some catches of herring and mackerel were noted.

Romanian: Six Romanian stern trawlers fished the entire month within the "no fishing" zone. Moderate catches were mostly mackerel and some herring.

On April 15, 1973, during a Mid-Atlantic enforcement and surveillance sea patrol of the U.S.C.G.C. *Tamaroa,* radio contact was made with the Romanian stern trawler *Marea Neagra* which was actively fishing in the "no fishing" zone. The Romanians responded in English that they "were permitted" to fish in the zone, but stated that they were aware of U.S. lobster pot areas and avoided them. They reported taking mostly mackerel.

Japanese: A total of 6 stern trawlers fished from south of Long Island (Hudson Canyon) to east and southeast of Cape May, New Jersey (within the "no fishing" zone). No catches were observed.

Spanish: A total of 20 Spanish vessels (11 stern trawlers and 9 side trawlers) were sighted off the Mid-Atlantic within the "no fishing" zone. Their operations extended southward to the Virginia and North Carolina coasts. Light catches of squid and other mixed species were observed occasionally.

Italian: One Italian stern trawler was sighted fishing within the Mid-Atlantic "no fishing" zone from south of Long Island (Hudson Canyon) to east and southeast of Cape May, New Jersey. The Italians are known to be fishing primarily for squid.

U.S./U.S.S.R.-U.S./POLISH MID-ATLANTIC FISHERIES AGREEMENTS

During April 1973, Soviet and Polish vessels were not observed fishing in the "no fishing" zone.

INTERNATIONAL INSPECTION

No foreign vessels were boarded under the ICNAF International Inspection Scheme during April 1973.

ATTEMPTED COURTESY VISITATIONS OF VESSELS OUTSIDE ICNAF CONVENTION AREA

On April 15, 1973, two East German stern trawlers *Erich Weinert* (*ROS-304*) and *Rudolf Leonhard* (*ROS-311*) declined courtesy visits by a United States Coast Guard-National Marine Fisheries Service fishery enforcement team. At the time the request was made, both vessels were located within the Mid-Atlantic "no fishing" zone, 40 miles east of Assateague, Virginia.

VIOLATIONS OF ICNAF REGULATIONS

During the period from March 28 through April 12, a total of 20 Soviet stern factory and freezer trawlers was observed fishing inside the ICNAF closed area B. Fishing inside this closed area is prohibited during March and April to vessels fishing with gear capable of taking demersal species. This regulation was put into effect to protect the remaining haddock stocks which were largely depleted in 1965 and 1966 by Soviet overfishing.

The last Soviet violation was reported on April 12, 1973, when a U.S. enforcement agent spotted 7 Soviet stern trawlers in the closed area B. One of these (*BMRT–ZB–355*) was seen actively fishing with gear capable of taking demersal species in violation of ICNAF regulations. The other 6 were not fishing and had their gear on deck which was clear of fish. One of the non-fishing, steaming trawlers, however, had its fish meal plant working, an indication that fish were taken prior to the observation.

NOTE.—U.S. fishery surveillance patrols, jointly conducted by the National Marine Fisheries Service and the Coast Guard, normally cover the fishing grounds situated on the Continental Shelf of the United States. During these patrols, the total number of foreign fishery vessels is recorded. Each vessel is also identified by its flag, type, and position.

In preparing the monthly summary, each foreign vessel is counted but once, irrespective of how many times it was sighted that month by the surveillance patrols. In other words, duplicate sightings of the same vessel are eliminated in the monthly reports.

During the month, foreign vessels continuously arrive at and depart from the fishing grounds adjacent to the U.S. coast. The total monthly sightings of foreign vessels without duplication will therefore always be larger than the number of foreign vessels sighted during a single fisheries surveillance patrol.

APPENDIX 1

FISHERY ENFORCEMENT AND SURVEILLANCE OFF ALASKA, APRIL 1973

FISHERIES PATROLS

Patrols					Number of sightings		
Type	Number	Hours	Days	Miles	Japanese	Soviet	South Korean
Aerial	25	173		31,036	320	262	10
Surface	4		52	13,000	171	184	2

Note: Boardings of foreign vessels—Japanese, 7; Soviet, 0; South Korean, 1.

ENTRIES OF FOREIGN VESSELS INTO ALASKA WATERS OR PORTS

Nationality	Medical assistance	Refuge	Other	Total
Japanese	2	1	2	5
Soviet				

PATROLS OF DESIGNATED LOADING AREAS IN THE CFZ

Area	Number of patrols	Number of patrols foreign vessels sighted	
		Japanese	Soviet
Forrester Island	11		
Kayak Island	4	2	
Afognak Island	3		
Semidi Islands			
Sanak Island	5		
Unalaska Island	5		
Nunivak Island			
St. Matthew Island			
St. George Island	2		
Total	30	2	

Note: Fishery violations—No fishery violations were detected in April.

Mr. STEVENS. Mr. President, on June 1, 1973 the Senate approved Senate Concurrent Resolution 11, and thereby expressed a policy of support for our Nation's commercial fisheries. Today, I am proud to cosponsor the first major legislative step toward implementation of this policy by law—the Interim Fisheries Zone Extension and Management Act of 1973.

I have stood here with frequency pointing to violations of international fisheries pacts in the North Pacific and Bering Sea. My colleagues from other coastal States have reported similar incidents. We have repeatedly called for strong measures to enforce these agreements. Despite our complaints and urgent requests, the agreements are continually violated and our North American fish continue to be massively harvested by foreign fleets without regard to the need to sustain the fisheries resources. It is the general policy of our Government to postpone action until conclusion of the very difficult and lengthy negotiations of the Law of the Seas Conference. Unfortunately, the foreign governments are not so patient.

In a recent incident in my part of the world, three Japanese fishing vessels were spotted by a Coast Guard aircraft from Kodiak Air Station taking salmon east of the treaty abstention zone. The offenders abandoned their free-floating monofilament gill nets, regardless of the fact that these could remain adrift for years, killing more mammals and fish. Fortunately, in this case, the vessels were apprehended and the nets were retrieved by our own Coast Guardsmen. Experience, however, convinces me that whatever penalty is imposed will not deter continued Japanese operations of this type.

Carrying this one typical example of the foreign fishery problem further, I think the following quotes from the

March issue of the National Fishermen, by the Pacific editor, Richard H. Philips, illustrates the reason I am strongly advocating that part of the Interim Fisheries Zone Extension and Management Act of 1973 which would provide protection for anadromous species, such as salmon, through the full range of their migration. The quoted article deals with one of the most important of Alaskan fish runs. It describes very well how powerless we have been to prevent the destruction of immature salmon on the high seas. The article follows:

> The problem was brought about by a lack of knowledge concerning the Bristol Bay salmon runs. In 1953, when the International Convention for the High Seas Fisheries of the North Pacific Ocean was brought into force, the Japanese agreed to abstain from fishing for salmon east of 175 degrees W. Longitude. At the time, scientists from the United States believed that salmon spawned in U. S. waters did not migrate west of the abstention line. Unfortunately, they were wrong, and as the accompanying charts show, Bristol Bay salmon do venture far west of 175 degrees W. longitude.
>
> The Japanese are reluctant to abandon their high-seas mothership fishery in Bristol Bay salmon areas since, in good years the catch of U.S. salmon can amount to almost 7 million fish, as it did in 1965.
>
> On the other hand, the abstention line does protect most other U.S. salmon runs and all Canadian salmon runs, so the North American nations are unwilling to jeopardize that protection by threatening the treaty.
>
> Since 1956, the Japanese high-seas mothership fleet has taken an average of 19.6% of the total Bristol Bay catch, with the percentages ranging from a high of 49.2% in 1957 to a low of 3.9% in 1964. If the immature salmon taken by the Japanese fleet the year before their return to Bristol Bay are added to these figures, it reveals that the high-seas fleets take an average of 22.1% of the Bristol Bay catch. In fact, the Japanese high-seas fleet caught more salmon from the 1957 run than did U.S. fishermen: 7,326,000 compared to 6,660,000. Of the Japanese catch, which amounted to 52.4% of the total 882,000 were caught as immature fish in 1956 before they had an opportunity to reach their full weight and return the maximum amount to the fishermen.
>
> Bristol Bay fishermen sacrifice their fishing time, and hence their catch, to allow enough fish to spawn, and they resent the fact that the Japanese fleets, whom they feel have no claim to the fish, are under no such restrictions.
>
> The U.S. industry also resents what they consider light punishment for those Japanese fishing vessels who violate the abstention line and fish illegally. * * *
>
> At the recent INPFC meeting held in Vancouver, B.C., the Japanese refused to restrict their fishing operations in areas where Bristol Bay fish are vulnerable next year, despite warnings that the 1973 run may be one of the smallest in history, and that the maximum number of fish must be available in the Bay to assure an adequate escapement. Preliminary reports indicate that the Japanese have already taken at least 50,000 fish from that fragile run.

According to reports we have received, the Japanese Government meted out strong penalties to the owners and masters of four Japanese fishing vessels caught fishing last summer near Kodiak Island, Alaska, hundreds of miles east of the abstention line. The vessels were required to remain in port during the time of the court proceedings until the final judgment was delivered. The judgment decreed that the vessels would be required to remain in port for 100 days during the 1973 fishing season—from April 30 to August 7. The owners were fined from $20,000 to $80,000 apiece. The masters were given 1 year each at hard labor. Each vessel was required to forfeit an amount equal to the value of the catch.

This judgment may have been a responsible penalty. If any single nation or group of nations overfishes an area or species or fishes in a manner inconsistent with good conservation practices, all nations presently or potentially fishing for that species or fishing in that area are likely to suffer. Each fish species forms an integral part of a complex food change. The disappearance of one fish may spell the death of others and the elimination of one or more valuable and important fisheries. This in turn is likely to cause severe economical hardship not only to the fishermen and their families, but to all those who depend upon them.

Until the Law of the Seas Conference can meet and formulate a major fishing treaty that is accurately drafted, widely accepted, and rigidly enforced, this Nation must be prepared to take firm steps to protect the natural resources of the oceans upon which so many of our citizens depend. This legislation takes such action.

For these reasons, and because of the urgency of the situation, I endorse this legislation. I urge immediate action on this bill in order to insure that the fisheries of the world may be preserved for future generations of mankind.

By Mr. McGEE (for himself and Mr. Fong):

S. 1989. A bill to amend section 225 of the Federal Salary Act of 1967 with respect to certain executive, legislative, and judicial salaries. Referred to the Committee on Post Office and Civil Service.

Mr. McGEE. Mr. President, I introduce for appropriate reference a bill to amend the Federal Salary Act of 1967 pertaining to executive, legislative, and judicial salaries.

The Federal Salary Act sets forth as public policy the necessity for a regular review every 4 years of the compensation of the top officials of the three branches of Government. It establishes a nine-member, quadrennial Commission on Executive, Legislative, and Judicial Salaries which studies and reviews the compensation of Members of Congress, the judiciary, and the top officials of the executive branch. The Commission, which serves for 1 fiscal year, then makes pay recommendations to the President. Under the act, the Commission reports to the President no later than the January 1 following the close of the fiscal year in which the Commission makes its quadrennial pay review. The President may then include the Commission's pay recommendation—or a modification of it—in his budget message to Congress.

The first Commission, appointed by President Johnson in July 1968, submitted its recommendations to the President in December of that year. These recommendations were included in President Johnson's 1969 budget message and became effective in March 1969. The present Commission, appointed by President Nixon in December 1972, has prepared its report to the President and will, I understand, submit it to him by June 30 of this year. Under existing law, the President may then include the Commission's recommendations, or a modification of them, in his January 1974, budget. His recommendations to the Congress would become effective next year 30 days after Congress receives the message and has been in continuous session, unless Congress enacts a conflicting law or specifically disapproves the President's recommendation.

The bill I introduce today would expedite consideration by the Congress of the pay recommendation which the bill authorizes the President to make this year. The time frame of this measure would require full public hearings this month and the early consideration by Congress of the pay adjustments involved, including the possibility that pay adjustments could become effective on October 1 of this year, along with statutory pay raises for other Federal employees.

I think Congress should look realistically at the question of top Government salaries. No matter how justified an adjustment may be, such action inevitably causes rumbles from those who do not know that more than 4 years have elapsed since this question was last taken up. If Congress approves a Presidential recommendation for increases in an election year, the rumbles become louder and more emotionally charged. This issue then, can be explored by Congress more rationally now than next year.

Specifically, the bill provides as follows: The mechanism for recommending adjustments in executive, legislative, and judicial salaries would operate every other year instead of every 4 years.

After 1973, a new Commission would be appointed every other year, the term of each member to be for 1 fiscal year. Thus, a Commission would be appointed July 1, 1975, and would make its report to the President by June 30, 1976. The same procedure would be followed in successive 2-year periods.

The President would consider the Commission's report and make his pay recommendations to the Congress by August 31.

If the Congress did not disapprove his recommendation, pay adjustments would become effective October 1, the date set by law for general Federal Government pay adjustments based upon Bureau of Labor Statistics comparability figures.

I see no compelling reason why executive, legislative, and judicial salaries should not be adjusted on the same effective date as other general Federal Government pay adjustments. The law provides that the general Government pay adjustments to be effective each October may be changed or postponed by the President if he considers them inappropriate because of a national emergency or economic conditions. In 1972, he availed himself of this statutory right, and the October 1 pay increase did not become effective until January 1973. The President simply postponed the pay adjustments for 3 months for economic reasons.

If this bill is enacted, I believe the same pattern will prevail: the President will probably make no October 1 pay-adjustment recommendations to Congress because of economic conditions; but I believe it reasonable to assume that executive, legislative, and judicial, as well as general schedule, pay increases will be recommended for a January effective date. By then, the will of Congress with respect to this question will have been expressed this year as Congress considers this bill and whatever recommendations the President submits.

Mr. President, the explanation of current law and the changes proposed here can, in their careful explanation, prove somewhat complicated; but the principle upon which this bill is based is simplicity itself.

First, the question arises whether it is fair, in these days of unchecked inflation, to require Members of Congress, members of the Federal judiciary, and the highest officials of the executive branch—the secretaries of the departments, the under secretaries, the administrators, the members of commissions—to wait 4 years before pay adjustments for them can ever be considered.

And when these pay adjustments are finally approved, the percentage increases, covering as they do a 4-year period, appear to be out of all proportion to what many people, thinking in terms of annual adjustments, have come to expect, in line with general economic conditions and the cost of living.

No study group can fail to note at least a 5-percent annual increase in living costs over the past half decade. Multiply that figure by the 4 years between pay adjustments, run it through the Presidential and congressional mills, and you end up with a headline proclaiming a horrendous—to some people—20-percent pay increase for Washington officialdom. It is then that Members of Congress begin receiving concerned and perplexed letters. Few people stop to consider—or are even aware—that the last pay increase for these officials was more than 4 economically inflated years ago.

If a distinction is to be made between pay adjustments for executive, legislative, and judicial salaries on the one hand and adjustments for Federal General Schedule and Wage Board employees on the other, it seems clear to me that these adjustments should become effective at the same time.

Moreover, in my view, a biennial consideration for Federal executives, judges, and Members of Congress is reasonable. This interval is frequent enough to be equitable, but not so frequent as to authorize yearly pay increases.

Mr. President, the annual salary of a level V executive—the lowest rank in the executive branch hierarchy—is $36,000 a year. This salary was set 4 years ago—at the same time that congressional salaries were established at $42,500. Since then, general schedule employees have received five pay incrases—five increases for all except certain employees in grades GS–16, 17, and 18, whose salaries are limited to a maximum of $36,000; limited to this figure not for reasons of equity, but for the pragmatic reason that it would be inappropriate for these employees to be paid more than their bosses in level V, who are paid at that rate. If the comparability principle—which the Congress declared to be public policy in 1962—were followed, a grade GS–18 employee today would be entitled to $41,734, a figure arbitrarily cut back by the strictures of the 4-year provisions of law that this bill would amend. This is compression; compression between the pay of employees at the top levels of the general schedule and the pay of their superiors, most of whom are appointed by the President; compression created by the current quadrennial provisions of law which frustrate efforts to establish a top-to-bottom salary system that makes sense. The bill that we introduce today will go a long way toward ending that compression and bringing equity to the Federal pay structure.

Mr. President, I mean to speak plainly about the salaries with which this bill is concerned. In my view, we need make no apology for advocating upward adjustments in this compensation. Some Members of Congress, some Federal judges, some officials of the executive branch are wealthy men. Others live on what they earn. I contend that if an objective survey of Bureau of Labor Statistics figures indicates that a grade GS–18 deserves $41,734 in accordance with the comparability principle, then he is entitled to that amount and should receive it. And it follows that if an impartial commission finds that Members of Congress and other top Government officials should be compensated at a rate higher than that of a GS–18, we should not acquiesce in a system providing that the views of that commission should be considered only every 4 years. The amount of money involved, considered in the aggregate and compared to run-of-mill Federal expenditures, is miniscule; but it is an amount representing an equity which I feel is due every official involved.

Mr. President, Senator Fong, who joins me in introducing this bill, concurs with me in a decision to hold early hearings on this measure. We invite all interested Members or other concerned citizens to testify so that this question may have the fullest possible airing.

I ask unanimous consent that two news media articles on this subject be printed in the Record. One is a Washington Post article by Mike Causey entitled "High Level Pay Raises Proposed." The other is an editorial from the Foreign Service Journal entitled "In All Fairness."

There being no objection, the articles were ordered to be printed in the Record, as follows:

High Level Pay Raises Proposed

(By Mike Causey)

Congressmen, Supreme Court justices and top federal officials would get significant "catch-up" pay raises next year under a proposal that will be delivered to President Nixon by June 30.

The blue ribbon panel of businessmen studying the relationship between salaries of private and government executives has completed most of its staff work. It should have a final report this week. Arch Patton of McKinsey and Co. is chairman of the quadrennial salary review commission. He will return here from his Bermuda home this week to put the final touches in the pay package.

Although the final recommendations are still under wraps, insiders speculate that the proposal for top government executives—at the Grade 18 level—will be between $40,000 and $42,000 a year. Employees at that level now get a flat $36,000. Raises for congressmen who now get $42,500, would be sufficient to maintain their differential with the career government brass.

The pay raises—if cleared by Mr. Nixon and Congress—would be the first executive salary boosts since 1969. Since that time, pay of other federal workers has steadily moved upward. White collar employees got two raises in 1969, of 9.1 and 6 per cent; another 6 per cent in January of 1971; 5.5 per cent in January of 1972 and 5.1 per cent this year.

That upward movement has caused a crunch at the top, because the statutory federal salary for GS 18 cannot exceed that of executive level 5, which is $36,000. The result has been that government employees at Grades 16, 17, 18 are bunched closely together salarywise.

Proposals of the nine-member salary panel (three appointed by Mr. Nixon, two by the House, two by the Senate and two by the Supreme Court) are not binding on the President. He can revise them, either up or down, before sending the package up as part of his budget to Congress next January. Congress then has 30 days to veto the plan (a majority vote of either the Senate or House could kill it) before it becomes law.

The negative veto aspect of the system was designed to lessen the embarrassment of congressmen, so that they wouldn't have to vote themselves a pay raise. But two factors will put the heat on members who are still smarting from the public outcry raised in 1969 when they increased their paychecks 41 per cent.

First, 1974 is an election year. Congress has a tradition of being nervous about voting on pay raise proposals before it has to face the voters.

Secondly, several conservative members are threatening to force a record vote on any such pay raises—so that members would have to commit themselves publicly. This could persuade even the most financially hard-pressed congressman to cast a nay vote.

Mr. Nixon's role also is uncertain. He has delayed or attempted to delay the last two general federal pay raises on grounds that their cost would fuel the fires of inflation, and set a bad example for the nation. If economic conditions remain bad—that is rising prices and pay freezes for the private sector—he could easily scale down the proposals made to him, and be hard to beat on the matter.

According to the government's own statistics, Grade 18 employees who now get $36,000 a year should actually be making $41,734 to put them on a par with their industry counterparts. But the $41,734 figure is misleading, since government "comparability" salaries with industry are based on the fourth step of the pay grade. Although most government employees are in a 10-step system within each grade, the GS 16 and 17 slots have fewer in-grade steps, and Grade 18 has only one step.

Even assuming that Mr. Nixon goes along with the salary panel's recommendations, the final result will depend on efforts in Congress to derail the pay boosts by forcing members to stand up and be counted over a very touchy political issue.

Major Travis of Defense is the new national vice president for the American Federation of Government Employees representing metro Washington area members. Travis was elected over Bea Osbia of Civil Service Commission and Roy Morgan of HEW to serve out the term of Ralph Biser who retired.

Clinical Pathologist: State Department needs one, salary $26,000 to $35,000. Call 557–9120.

In All Fairness

Is there anyone who has not expressed genuine concern for the effects of rampant inflation on both the national economy and individual pocketbooks? Yet most federal employees have received substantial pay increases during the past few years which have largely offset the effects of rising prices.

However, for those employees whose salaries have been frozen at the salary ceiling of $36,000 imposed by Congress, the years of rapidly rising prices have been an unmitigated and increasing hardship.

For example, Foreign Service officers, Information officers and Reserve officers of Class One have been denied every pay increase since July, 1969. Under the latest pay increase, officers of Class Two, step six and above have hit the ceiling and must therefore acquiesce in an actual *decrease* in pay as both prices and salaries of other wage earners have risen regularly. As of January, FSO–1s are receiving $5,173 per year *less* than what they would have been receiving as their fair compensation, and FSO–2s in steps six and seven find themselves shorted by varying smaller amounts. Since July, 1969, after which those at the ceiling received no further pay increases, the pay of most white collar employees has risen about 30 percent.

Unfortunately, remedies for this obvious injustice are not readily at hand. Under existing law, congressmen, Supreme Court Justices and top political appointees can not get another pay raise until 1974 at the earliest. Until these people get a raise, there can be none for career federal workers who are now held at the same ceiling of $36,000. Recommendations for a pay raise must come from the commission on executive, legislative, and judicial salaries which has been requested to submit a report on the matter to the President by June 30, 1973. Any resultant wage increases can not come until March 1974.

The situation discriminates blatantly against those employees whose ability to reach the top echelons of federal service has been "rewarded" with a substantial reduction in real income.

Legislation to lift the current unfair ceiling of $36,000 is obviously called for. Given the current political situation, however, such legislation is not likely to be enacted in the immediate future. Congress *could* enact legislation authorizing employees in the affected grades to receive retirement benefits based on the pay they should be receiving, rather than the pay they actually receive. Of course, they would also contribute to the retirement fund on the basis of the larger amount. Another remedy is to make cost of living increases available to all employees regardless of income.

AFSA strongly supports the proposals to raise the $36,000 ceiling, to base both retirement fund benefits and contributions on what the affected employee should actually be receiving, and to provide cost of living relief to all employees equally. We will communicate these views to Congress and propose legislative remedies to correct this situation.

By Mr. BROCK (for himself and Mr. HELMS):

S. 1990. A bill to establish a Federal Legal Aid Corporation through which the Government of the United States of America may render financial assistance to its respective States for the purpose of encouraging the provision of legal assistance to individual citizens who are in need of professional legal services for prosecution or defense of certain causes in law and equity. Referred to the Committee on the Judiciary.

Mr. BROCK. Mr. President, I am today introducing a bill establishing a Federal Legal Aid Corporation. When enacted, it will encourage the provision of legal assistance to individual citizens who lack adequate financial resources to engage legal assistance for themselves. This legislation enables attorneys to practice according to the highest professional standards while providing safeguards against the recognized abuses present in the current OEO funded legal services program.

The President, in his message to the Congress on human resources, gave his support to the creation of such a program. The administration has submitted legislation to establish such a program. However, the legislation falls short of what is necessary to insure quality representation to the clients it is designed to serve, and is deficient in at least five areas:

First. It would, if enacted, tend to lock in the present monolithic staff-attorney system with all of its abuses and shortcomings

Second. It would not sufficiently curtail the abuses in the present program;

Third. There would be little, if any, public accountability. The taxpayers who foot the bill for the program will have little impact on its activities;

Fourth. It would provide little flexibility in the establishment and operation of the program; and

Fifth. It does not assure adequate local control or supervision of the program.

The viability of the proposal, as it will come to the Senate, has been further eroded with the deletion or emasculation, by the House Judiciary Committee, of many of its key safeguards against program abuse.

In light of this, I came to recognize the need for a constructive alternative to the administration proposal. The bill I am submitting will make legal services a responsible institution in our system of justice.

The primary concept of my proposal is the belief that no single, rigid scheme, imposed out of Washington, is capable of meeting the needs of this Nation. The legal services program that will work best is not one which tries to force all projects into a single restrictive mold. The program that will work best is the one that helps the people in each community meet their own needs in the way they think best.

Under the proposal, I am offering for your consideration today, a Federal Legal Aid Corporation would be chartered by the Congress. Within 90 days of the effective date of this legislation the governments of the various States would be required to enact enabling legislation creating a system for the provision of legal services in the individual State. Their State plan could be any one of these alternatives:

First. Empowering an existing State instrumentality to administer a program for the provision of legal assistance in the State;

Second. Empowering the State bar association to administer the program; and

Third. Establish a method of direct payment or voucher system, to pay attorneys assisting those eligible for legal services in the State.

Safeguards are present in the proposed legislation to insure that each State does have a plan, even in the event a State's legislature is not in session during the period when the system for provision of legal services must be adopted.

Once a State has established a plan, the Federal Legal Aid Corporation then disburses funds to that State, in an amount proportionate to the State's respective share of the total number of those eligible for receipt of legal services in the United States. These funds are then used by the State to energize the legal assistance program adopted in the State.

As you can readily see, this proposal provides flexibility from State to State and allows local control and public accountability of the program through the elected representatives of the people on the State level.

Flexibility of eligibility from State to State is also present in the proposal. A person whose income is such as would qualify him for medicaid benefits in that State is eligible for legal aid. As the criteria for medicaid eligibility in each State will reflect the poverty line in that State, Congress can be assured that the benefits of this legislation will go only to those in need of them.

Finally, my proposal provides strong and adequate safeguards to protect against perpetuation of the abuses present in the current program. The bill prohibits legal services employee involvement in strikes, demonstrations, and protest marches. Additionally, program funds may not be used to support or oppose candidates, legislative proposals, ballot measures or similar enactments or promulgations.

This measure can be summed up in a few words—Freedom of Choice. The spirit of the bill I am proposing is to allow the provision of quality legal services by any attorney to eligible clients. While I believe that I may desire to offer certain amendments during the course of consideration, I am convinced that the enactment of this measure will signal the end of the separate system of access to the courts now imposed upon the poor.

Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Federal Legal Aid Corporation Act of 1973".

SECTION 1. DECLARATION OF PURPOSE.

Where fundamental rights are to be protected and justice attained, it is essential that the institutions of government be accessible to all. In a nation where justice is dispensed by the courts it is inherent that they be available to all regardless of race, religion, sex, national origin, or personal wealth.

SEC. 2. DEFINITIONS.

a. The word "State" shall include each of the several States of the United States, the Commonwealth of Puerto Rico and the District of Columbia.

b. An "eligible client" shall be an individual in need of professional legal services who meets certain criteria as established in section 4, subsection k(4) of this Act.

c. A "State instrumentality" shall be an agency of a State government established solely to carry out the purposes of this Act, or an existing State agency which shall have assigned to it by the State the responsibility to carry out the purposes of this Act.

SEC. 3. ESTABLISHMENT AND GOVERNANCE.

a. There is authorized to be established in the Federal city a nonmembership nonprofit corporation chartered by the Congress of the United States of America which shall be known as the "Federal Legal Aid Corporation" (hereinafter referred to as the "Corporation").

b. The Corporation shall be brought into being by a board of directors (hereinafter "Board") consisting of seven members who shall be appointed by the President of the United States of America, to take office upon confirmation by the United States Senate.

c. Of the initial members of the Board, one each shall be chosen for fixed terms of seven, six, five, four, three, two, and one year(s), respectively. Succeeding appointments to fill terms which have expired, will be for seven years each. Each person duly appointed by the President and confirmed by the Senate, to fill a vacancy, shall serve for the balance of the term to which he was appointed. No member shall be appointed for more than seven years.

d. No more than four members of the Board shall be members of the same political party. A majority of the members of the Board shall be members of the bar of the highest court of a State and none shall be full-time employees of the United States.

e. No fewer than four members of the Board may be present to conduct the business of the Corporation. Should there, at any time after the Corporation has come into being, be fewer than four members, as a result of the failure of the Senate to confirm nominations submittted by the President of the United States, the President may designate one of the remaining directors or, if none remain, some other citizen of the United States, to supervise the affairs of the Corporation in a manner not inconsistent with policies already established.

f. The terms of the original members of the Board shall be measured from the date on which this Act is enacted into law.

g. The Board of Directors shall have a Chairman, to be appointed by the President of the United States from among the duly appointed members of the Board of Directors for a term of one year, with the term of the first Chairman to be measured from the date on which this Act is enacted into law. If the President shall fail to name a Chairman within thirty days of a vacancy in the chairmanship, the members of the Board shall choose a Chairman from their own membership. No Chairman may immediately succeed himself. A Chairman may be removed at any time by a vote of a majority of the members of the Board.

h. Meetings of the Board shall be held at the call of the Chairman, or by written request of a majority of its members, and shall be required to be held at least once in every four-month period. All meetings shall be held in the Federal City, except by unanimous agreement of the members of the Board.

i. The purpose of the Corporation shall be:

1. To render financial assistance to the States to enable the provision of legal assistance to qualified individual citizens who are indigent and in need of professional legal services (hereinafter "eligible clients");

2. To assist in the provision of legal services to eligible clients by obtaining and making available information of a technical nature to those rendering legal services to eligible clients; and,

3. To, consistent with the provisions of this Act, set forth such procedures and regulations governing the use of Federal funds as may be authorized for expenditure by the Corporation.

j. The Corporation shall maintain a principal office in the Federal city and shall therein designate an authorized agent for service of process.

k. Subject to approval by a majority of the members of the Board, the Chairman shall select an Executive Director of the Corporation who shall serve at the pleasure of the Chairman, and be authorized to secure as many staff members as may be authorized pursuant to law, but in no event shall the Corporation have more than twenty-five employees. Employees of the Corporation shall serve at the pleasure of the Executive Director. No Executive Director may serve more than four years.

1. Compensation of Board members shall be limited to cost of travel plus a per diem rate equal to one two hundred sixtieth the annual pay of the highest Civil Service grade schedule, on days actually employed on Corporation affairs. The Executive Director shall be compensated at the rate of an employee in the highest Civil Service grade.

SEC. 4. CORPORATION POWERS, REQUIREMENTS AND PROHIBITIONS.

a. The Corporation shall assign and disburse all funds appropriated to it to the governments of the several States, as qualify, in amounts proportionate to their respective shares of the total number of eligible clients in the United States (which shall be calculated so as to include eligible clients in the District of Columbia and the Commonwealth of Puerto Rico), as of June 30 of the fiscal year preceding the fiscal year for which an appropriation is made by Congress to further the provisions of this Act: *Only excepting:*

1. Such funds as are necessary for administrative expenses including compensation of the Executive Director and his staff, payment of expenses and per diem of Board members, costs incurred in purchase and rental of space and equipment, and costs necessary to pay for such audits, evaluations and inspections as may be required to assure adherence to the provisions of this Act;

2. Such funds as may be made available by special grant to the various States as incentives to experiment with alternative delivery systems for legal services to eligible clients. Funds available to the Corporation for special grants shall be limited to maximum of five per cent of the Corporation's annual appropriation; and,

3. Such funds as may be expended by the Corporation in entering into any Contract as provided for in subsection b., below. Funds available to the Corporation for such a contract shall be determined by Congress at the time of the Corporation's appropriation.

b. The Corporation shall have the power to contract with a private or public group, association or organization for the purpose of doing research into special legal problems encountered by those who qualify as eligible clients. Such research shall be made available by the corporation to those rendering legal assistance to eligible clients and to all others interested in such research.

c. Funds appropriated to the Corporation, or appropriated by the Corporation to the States, shall only be used to make legal assistance available to individual eligible clients, and to pay necessary expenses as authorized by subsection a., above.

d. No funds shall be disbursed by the Corporation to any State until said State has qualified as set forth in Section 5.

e. Personnel employed by the Corporation and funds appropriated to the Corporation or disbursed by it to a State shall not be used or commingled with other funds being used:

1. To initiate, organize, support, represent, or assist any training program, workshop, seminar, school, publication, newsletter, club, association, group, organization, demonstration, boycott, meeting, rally, march, strike, or any other activity, group, or institution;

2. To support or oppose, directly or indirectly, any candidate for public or party office, or any political party;

3. To represent any person less than eighteen years of age without formal written consent of one of said person's parents or guardian; or,

4. In a manner which tends to discriminate in favor of or against individual attorneys, employees, or clients, on grounds of race, religion, sex, or national origin;

f. The Corporation shall not:

1. Initiate or defend litigation on behalf of clients other than the corporate entity itself;

2. Seek to influence, nor shall any funds appropriated or disbursed by it be used to influence the passage or defeat of any legislation by the Congress or State or local legislative bodies or otherwise support any group or association advocating or opposing any legislative proposals, ballot measures, initiatives, referendums, executive orders or similar enactments or promulgations.

g. The income or assets of the Corporation shall not inure to the benefits of any director, officer or employee thereof, except as salary or reasonable compensation for services.

h. Persons directly or indirectly receiving compensation under this Act, as attorneys, for the provision of legal assistance, shall only receive such compensation subsequent to admission to practice law in the jurisdiction where such assistance is rendered.

i. Persons advocating disregard or violation of federal or State law, during their service, may not receive compensation under this Act.

j. Notwithstanding the provisions of Title I of the United States Code, all persons salaried by the Corporation, or paid from funds disbursed by the Corporation through the States in an amount which is equal to fifty per cent or more of said person's income during any four month period, shall be subject to the provisions of Rule IV of the Civil Service Rules prescribed by the President of the United States pursuant to 5 USC 3301, as amended as of the date of enactment of this Act, as if said employees were employees of the Federal government. Said employees shall not be treated as employees of the Federal government for any purpose not specifically authorized in this Act.

k. Funds made available by the Corporation, pursuant to this Act, may not be used—

1. To provide legal services with respect to any criminal proceeding or, in the case of juveniles, proceedings which would be criminal if involving adults (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding); or,

2. For any of the political activities described in this section, or to contribute to or in any way assist any group or association participating in such activities;

3. To maintain any action at law until such time as any and all administrative remedies provided for in applicable contracts have been exhausted; or

4. To represent any person who fails to meet eligibility standards established in accordance with this subsection. An individual shall be eligible for legal assistance pursuant to this Act (an "eligible client") if his assets or income would entitle him to receive benefits, in the State in which he is seeking legal assistance, under the program of the State established pursuant to subchapter XIX or chapter 7 of title 42 of the United States Code or, in the event a State has not established a program, an individual shall be eligible for legal assistance pursuant to this Act if his income and assets fall below the official poverty line, as defined by the Office of Management and Budget: *Provided,* That no person shall be eligible for the receipt of legal services provided through this program if his lack of assets or income results from his refusal or unwillingness to seek or accept employment but in no event shall physical or mental incapacity prohibit an individual

from receiving benefits under this Act: *And provided further*, That the States may impose additional eligibility criteria.

l. The Corporation shall evaluate annually the program for provision of legal services to eligible clients being conducted in each State. Should any such evaluation disclose: discrimination on the basis of race, religion, sex, or national origin in the provision of legal services to eligible clients; or violation of the Code of Professional Responsibility for Attorneys, in any State's program, the Corporation may terminate disbursal of funds to that State until it is determined by the Corporation that such discrimination or violation of the Code or Professional Responsibility will no longer occur.

m. Upon request by any Governor, Member of Congress, or authorized officials of executive branch departments and agencies; reports of particular audits, evaluations, and inspections will be made available to the requesting official or to the public. Such inspections, audits, and evaluations shall be initiated in response to the written request of any Governor, Member of Congress, or official of the executive branch whose appointment has been confirmed by the U.S. Senate or the separate request of a member of the Board or Executive Director of the Corporation.

n. Violation of any of the provisions of this section by an individual shall constitute a misdemeanor. The penalties for such shall not exceed six months' imprisonment or a $500 fine or both.

SEC. 5. QUALIFICATION BY STATES.

a. To qualify for assignment of funds from the Corporation, States shall be required to enact enabling legislation setting forth the manner in which grant funds will be used to furnish eligible individuals with legal assistance. Such enabling legislation shall provide for at least one of (but none other than) the following procedures:

1. Empower a State Instrumentality to administer the funds received from the Corporation and disburse such funds to attorneys representing eligible clients as such attorneys provide proof to such State Instrumentality of services actually rendered eligible clients; or,

2. Transmit the funds received from the Corporation to the Bar Association with overall jurisdiction in the State, which Bar Association shall have established a method for disbursal of funds to attorneys representing eligible clients as such attorneys provide proof to the Bar Association of services actually rendered on behalf of eligible clients; or,

3. Establishment of a method of direct payment of funds received from the Corporation to eligible clients or their attorneys based upon a voucher system or other method whereby proof of services actually rendered on behalf of eligible clients is provided to the State.

b. In their enabling legislation, all States shall (1) Permit eligible clients to retain the individual attorney of their choice; (2) Ensure that all attorneys, while engaged in activities funded by Corporation grants:

A. Refrain (i) from political activity, (ii) from any voter registration activity, (iii) from any activity to provide voters with, or prospective voters with, transportation to or from the polls or provide similar assistance in connection with an election and (iv) from any activity organizing individuals or groups or encouraging groups to organize in the community.

B. Shall not at any time identify the Corporation or any program assisted by the Corporation with any partisan or nonpartisan political activity.

C. Maintain the highest quality of service and professional standards in providing legal services to eligible clients.

c. In the event a State does not enact the required enabling legislation within ninety days of the effective date of this Act or the legislature of a State is not sitting when this Act becomes effective and will not be able to enact the required enabling legislation within ninety days of the effective date of this Act, the bar association of the State may submit a plan in the form of a petition, embodying the provisions of subsections a. and b., above, to the court of highest jurisdiction in the State. Said court may adopt such plans and upon such adoption, the State shall be qualified to receive funds pursuant to this Act. Where such a plan is adopted by the court of highest jurisdiction in the State, the plan shall be annually reviewed by said court: *Provided*, That nothing contained herein shall be construed to prevent the State legislature from reviewing, amending or revoking such plan adopted by the court of highest jurisdiction in the State.

d. In the event a State fails to adopt a plan as provided in subsections a, b, and c, within one hundred and twenty days of the effective date of this Act, the Corporation may assign funds for expenditure within said State in a manner to be determined by the Corporation, *Provided, however*, that shall a State determine not to participate in a program of legal assistance to eligible clients, pursuant to this Act, the authority of the Corporation to so assign funds in that State shall be terminated.

SEC. 6. ATTORNEY-CLIENT RELATIONSHIP.

a. As this program is one for the benefit of those individuals financially unable to afford counsel, the Corporation, officers and employees thereof, may not interfere with any attorney in carrying out his professional responsibility to anyone who has become his client, or abrogate the authority of a jurisdiction to enforce adherence by any attorney to applicable standards of professional responsibility.

b. Nothing contained herein shall be construed to limit an attorney, representing an eligible client, from taking any necessary legal action to protect the legal rights of his client.

SEC. 7. REPORTS AND RECORDS.

a. The Corporation shall have authority to require, from the States, such reports as it deems necessary.

b. The Corporation shall have authority to prescribe the keeping of records with respect to funds provided and shall have access to such records at all reasonable times.

c. The Corporation shall publish an annual report by April 15th of each year which shall be filed by the Corporation with the President and with Congress.

SEC. 8. AUDITS.

a. The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent Certified Public Accountants who are certified by a regulatory authority of a State.

b. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons. The report of the annual audit shall be available for public inspection during business hours at the principal office of the Corporation. The above shall not be construed to limit the authority of the General Accounting Office to conduct such audits of the Corporation as deemed necessary.

c. The Corporation may require from every State, an annual report conducted in accordance with generally accepted accounting standards by independent Certified Public Accountants, who are certified by a regulatory authority of the State, with respect to funds received from the Corporation. The Comptroller General of the United States shall have access to such reports and may, in addition, inspect the books, accounts, records, files and all other papers or property belonging to or in use by the State which relate to the disposition or use of funds received from the Corporation.

SEC. 9. RIGHT TO REPEAL, ALTER, OR AMEND.

a. The right to repeal, alter, or amend this Act at any time is expressly reserved.

SEC. 10. APPLICABILITY OF OTHER PROVISIONS OF LAW.

a. In the absence of specific reference to this Act, the provisions of the Economic Opportunity Act (EOA) of 1964, as amended (and references to the EOA in other statutes) shall not be construed to affect the powers and activities of the Corporation or to have any applicability with respect to programs and activities assisted by Corporation grants.

b. The Economic Opportunity Act of 1964, 78 Stat. 508, is further amended (42 USC 2701, *et seq.*) by striking out Paragraph (3) of Section 222(a) thereof.

SEC. 11. EFFECTIVE DATE.

a. This Act shall take effect on the date of enactment.

b. Section 10(b) of this Act shall take effect on (1) the date of incorporation of the Federal Legal Aid Corporation, or (2) the date on which the first appropriation after incorporation becomes available to the Corporation, whichever is later.

Mr. HELMS. Mr. President, the past history of the legal services program in OEO has been interlaced with political activity, both overt and in the form of litigation in the courts. It is true that OEO records indicate that about 80 percent of the legal services activity has been concerned with personal problems in the social services area—housing, bankruptcy, family relations, and so forth. A smaller number of cases have dealt with what is called, in the jargon of the legal services program, "law reform." It is here where it is deceptive to talk in terms of numbers. Here you have political advocacy in unrestrained form. It may be carried on in the guise of litigation, but the impact is to change laws, and, in effect, to make laws.

The law reform activity of the legal services program, including its backup research centers, amounts to a legislative function. It is making law. It is politics in the highest sense, because we are talking about the distribution of the rewards, privileges, and benefits of society.

It is my view that political activity, even when disguised as litigation in the judicial system, ought to be subject to the traditional checks and balances of the free political system. It is undemocratic to give power to political faction and at the same time insulate the use of this power from the constraints of free government. Moreover, it flies in the face of our constitutional structure.

I am, therefore, pleased to join the junior Senator from Tennessee as a principal sponsor of this bill to create a legal services corporation that would place the planning and execution of the delivery of legal services to the poor in the hands of the States. The appropriate officials in each State are most aware of the local needs. The bar in each State has an intimate knowledge of the problems being brought before the judiciary in each

State. The legislators in each State must answer to their constituencies and have the wisdom to understand the local situation. This is in keeping with the American system.

As the legal services system is presently structured, the program amounts to a single national law firm with 2,200 lawyers, pursuing a national agenda more related to their own needs than to the needs of the clients. The client has no control over his own case, no choice of attorneys, nor even a good chance of getting his case accepted by the program. Worse yet, the system has no accountability to the American people or to their elected representatives.

The most important problem in my view is the stranglehold of the "staff attorney" system on our legal services program. Under the present system and the proposed bill, the bulk of legal services funds go to pay a staff of attorneys employed by the local legal services program under guidelines set by OEO or by the Legal Services Corporation.

These attorneys essentially control the direction and administration of the program. They effectively have the power to decide what clients and what type of cases to take—and even if they do not overtly discriminate between clients, they can decide which cases to put their real effort into and which ones to give only cursory attention.

This is a situation which could be, and is being abused. Even the administration bill, as amended, contains no effective safeguards against such abuse. Indeed, regulation is not the best cure. A change in the system used to give the clients the power of choice between attorneys is a far easier and at the same time far more basic and effective cure; and it is a cure in consonance with the genius of the American system of local government and local "initiative."

Under this bill, the Legal Services Corporation will be the mechanism for giving funds to the States and guaranteeing, with a minimum of meddlesome interference, that the program is effective and free from political interference and political involvement—in short that it really helps the poor, not the staff attorneys, political pressure groups or ideologically motivated social engineers.

The other problem, of course, is that of accountability. I believe in the American form of representative government. It is not perfect, but I know of no other equitable system of resolving conflicting desires and priorities. Our legislative system is responsive to the needs of our people. Its internal checks and balances, in the main, work to keep these conflicting demands satisfied. Everyone knows that the pendulum swings from one side to another, and that at different times in our history, different sectors of society receive a different emphasis in the legislative process. Yet it is our main political forum, and it ought to remain so. We should not thrust the burden of politics upon our courts.

This bill will keep the courts out of politics and politics out of the court. It will provide a decent system of delivery of legal services to the poor. It will keep the delivery system responsive to the American people as a whole. I am proud to join in sponsoring this important piece of legislation.

By Mr. HANSEN (for himself and Mr. McGEE):

S. 1991. A bill to amend section 613 (c) (4) (F) of the Internal Revenue Code. Referred to the Committee on Finance.

Mr. HANSEN. Mr. President, the purpose of the bill I introduce is to continue to allow percentage depletion based upon the value of soda ash extracted from trona. The amendment does not extend the existing cutoff point or increase the amount of percentage depletion miners of trona would be entitled to. Miners of trona have always been allowed depletion based on the value of soda ash extracted from trona. The Treasury Department has specifically allowed this treatment for over 15 years and will allow it through 1970.

This amendment merely codifies and restates the intent of Congress when it added trona to the list of depletable minerals in 1947. This intent was clarified by the Senate Finance Committee in a 1951 committee report and again, this time by the Treasury Department itself, in 1959 when the Congress was then considering enactment of detail depletion rules which became part of the law in 1960 and which is known as the Gore amendment.

This amendment is vital to the health of the trona industry in Wyoming and simply prevents the harmful effects that would occur in that industry, and to all of southwest Wyoming, if the Treasury Department were allowed to follow its announced intent to attempt to administratively change the rules for the future. In short, the State of Wyoming would be adversely affected very severely if this administrative attempt to override the clear intent of Congress, and the basis upon which the industry is based, if the years and years of uncertainty created by the resulting litigation were allowed to occur.

For the benefit of those who may not be familiar with the trona industry in Wyoming, it might be well to briefly recount the history of trona mining in Wyoming. It is a short history and a history of a truly growth industry. The type of industry that should be encouraged, or at the very least one that should not be hamstrung by unfounded change in administrative policy.

In the late 1940's, southwest Wyoming in the area around Rock Springs was dying. It was an area that had grown and prospered as a result of the coal-mining industry but then faced economic disaster as a result of the exhaustion of the mines. Fortunately, about this same time, one company became interested in a report, routinely made to the Department of the Interior by a company prospecting for gas, that showed in a core sample that a strata of trona existed about 1,500 feet underground. One company followed up on this report and shortly thereafter sought to determine if this natural deposit of soda ash could be economically recovered. This first experimental shaft was started in 1947, the same year Congress with a view of encouraging this embryonic industry, added trona to the list of depletable minerals.

There was never any question in anyone's mind that the sole purpose for the investment then being made was to tap this natural resource for its natural soda ash content and, as explained above, Congress in 1951 reaffirmed that this was its intent when it had earlier authorized percentage depletion for trona.

The first plant became operational in 1952. To say that the soda ash industry in southwest Wyoming has been a growth industry is an understatement. From the first investment by one miner in 1952 with a capacity to extract 300,000 tons of soda ash per year, the industry has grown to where it is now comprised of several mining companies with 1972 production estimated to be about 4,250,000 tons per year. That works out to a growth rate of about 1,400 percent over a 20-year period.

Most important, however, the soda ash industry completely reversed the economic fortunes of southwest Wyoming. It has turned an area that faced economic disaster from the death of an old, depleted industry into the biggest job and investment growth area in the State.

From zero jobs about 20 years ago, the Wyoming soda ash industry now conservatively supports about 12,000 people in the immediate area. On top of that, there are now almost 1,000 construction workers in Sweetwater County directly involved in construction of expanded soda ash facilities. When completed, these facilities will in turn result in a substantial increase in jobs. Well over $100 million of investment is involved, with an effect that spreads throughout the country. This is certainly not the type of industry that should be choked by an uncertainty that could be created by extended litigation over the validity of a bureaucratic decision to try to change the rules upon which the industry is based.

In the past, the Wyoming soda ash industry as it grew from nothing to its present status has primarily concentrated on the domestic market. However, as the industry now moves into a more mature stage, it has turned its attention toward ways and means of entering the export market. Since the Wyoming deposit represents the only natural deposit of soda ash known to exist, it is potentially in a unique position to compete in the world markets for soda ash. However, price competition in world markets is extremely competitive and foreign sources of man-made soda ash, although higher in cost, do have the advantage of being closer to the potential foreign customers and the benefit of the resulting freight savings. Nevertheless, Wyoming soda ash producers now believe that their basic cost benefits approximate their transportation liabilities and that they are on the verge of being able to effectively compete in foreign markets. However, this balance is very thin and a change in the depletion rules, or even the threat of such a change, will swing the scale back in favor of foreign producers and rob the United States of a probable new and valuable export to help solve the adverse balance-of-payments position of this country and create many additional jobs in the trona industry. The offshore market is just now beginning to be tapped by Wyoming soda ash producers and represents a $750 million a year potential, almost 10 times the value of present production.

To summarize, this amendment does not extend or increase the amount of percentage depletion this industry has always received. It simply restates and reaffirms this treatment. It will continue to create jobs in what has been a truly growth industry. It will aid in the fight to correct our balance-of-payments difficulties. And, finally, it will prevent all these benefits from being thwarted by the uncertainty caused by an administrative effort by the Treasury Department to override the intent of Congress and attempt to change the rules for the future.

By Mr. HATHAWAY:

S. 1992. A bill to amend title II of the Legislative Reorganization Act of 1970, to establish a central data bank for Federal fiscal, budgetary, and program-related data, and to improve the ability of all branches of government to specify, obtain and use such information, and for other purposes. Referred to the Committee on Government Operations.

Mr. HATHAWAY. Mr. President, I introduce for appropriate reference a bill to improve and centralize the machinery for handling the fiscal and budgetary business of the Federal Government.

There has been much discussion in recent months of the inadequate budgetary and fiscal machinery of the Congress, and the near impotence of the legislative branch with regard to determining and enforcing national spending priorities.

At the same time there has been an acknowledgement of the near omnipotence of the executive branch in dealing with budgetary matters—an omnipotence largely based on a computer and technical capability to handle Federal fiscal and budgetary data, and an unwillingness to share this data with Congress.

This imbalance between the executive and legislative branches must be corrected, and there are many proposals now under consideration which are designed to do just that. Among them are proposals to enhance the computer capability of Congress vis-a-vis OMB.

While I endorse the concept of an improved computer capability for the legislative branch, I feel it makes more sense—in terms of both dollars, manpower and effort—to establish one central data bank for the storage of budgetary information.

Rather than compete with OMB for hardware and data, there should be one central objective agency, manned with sufficient professional personnel and computer equipment to provide needed fiscal data to all branches of the Government.

The bill I am introducing proposes the establishment of a national center for the selection, storage, retrieval and dissemination of information and data to meet the requirements of all branches of the Federal Government for fiscal, budgetary and program-related data and information. The center will be developed and maintained by the Comptroller General of the United States, and each agency of the Federal Government will be required to furnish the center with data relating to its budget requests, its functions, programs, projects and activities.

The bill calls for the standardization of all Federal fiscal and budgetary information systems, and mandates that information and data in the center be made available to all of the legislative, executive and judicial agencies of the Federal Government on request, and insofar as practicable, to State and local governments also.

My proposal reduces the congressional reliance on the executive branch for fiscal and budgetary information, and puts both branches on a more equal footing. In so doing, it makes our constitutionally-given "power of the purse" mean more than simply allocating the loose change left by OMB.

At the same time, it saves the taxpayers a great deal of money by mandating that we share facilities and professional personnel in meeting our recurring needs for fiscal, budgetary and program-related data and information.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Fiscal and Budgetary Information Act of 1973".

SEC. 2. That part of title II of the Legislative Reorganization Act of 1970 which precedes section 201 thereof (84 Stat. 1167; Public Law 91–510; 31 U.S.C. chapter 22) is amended by striking out—

"TITLE II—FISCAL CONTROLS

"PART 1—BUDGETARY AND FISCAL INFORMATION AND DATA"

and inserting in lieu thereof—

"TITLE II—FISCAL AND BUDGETARY DATA CENTER AND CONTROLS

"PART 1—FISCAL, BUDGETARY AND PROGRAM-RELATED DATA CENTER"

SEC. 3. Part 1 of title II of the Legislative Reorganization Act of 1970 (84 Stat. 1167; Public Law 91–510; 31 U.S.C. 1151 and following) is amended by striking out sections 201, 202 and 203 and inserting in lieu thereof the following:

"FEDERAL FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA CENTER.

"SEC. 201. (a) The Comptroller General of the United States shall develop, establish and maintain a national co-ordinating facility (hereafter referred to as the "Center") for the selection, storage, retrieval and dissemination of information and data required to carry out the purposes of this title, and to meet, in a coordinated manner, the recurring requirements of all branches of the Federal Government for fiscal, budgetary, and program-related data and information. The Center shall contain, but not be limited to, data and information pertaining to budget requests, congressional authority to obligate and spend, apportionment and reserve actions, and obligations and expenditures.

"(b) Each agency of the Federal Government shall furnish to the Center such information as the Comptroller General considers necessary to carry out the function of the Center, which is to provide in a timely manner and in useable form, data needed to make federal budgetary, fiscal and program decisions.

"(c) The Comptroller General shall establish an initial capability to perform the functions specified in this section by January 1, 1974, and shall report to Congress on implementation of the provisions of this section annually thereafter."

"STANDARDIZATION OF TERMINOLOGY, DEFINITIONS, CLASSIFICATIONS, AND CODES FOR FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA AND INFORMATION

"SEC. 202. (a) The Comptroller General of the United States, in cooperation with the Secretary of the Treasury and the Director of the Office of Management and Budget, shall develop, establish, maintain and publish standard terminology, definitions, classifications, and codes, for Federal fiscal, budgetary, and program related data and information. The authority contained in this part shall include, but not be limited to, data and information pertaining to Federal fiscal policy, revenues, receipts, expenditures, functions, programs, projects and activities and shall be carried out so as to meet the needs of the various branches of the Federal government and, insofar as practicable, of governments at the state and local level. Such standard terms, definitions, classifications, and codes shall be used by all executive departments and agencies in their fiscal, budgetary, and program-related data and information systems.

"(b) The Comptroller General of the United States shall publish the effective terminology, definitions, classifications, and codes semi-annually on March 1 and September 1.

"AVAILABILITY TO AND USE BY THE VARIOUS BRANCHES OF THE FEDERAL GOVERNMENT, AND OTHERS, OF FEDERAL FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA

"SEC. 203. (a) The Comptroller General shall make available, on request and in useable form, the information and data in the Center to:

"(1) The Congress and all the legislative, executive and judicial agencies of the Federal government; and

"(2) all the states and political supervisions thereof, except that in any case where it is determined that the service requested is substantial, the payments of such fees and charges may be required as may be necessary to recover all, or any part of the cost of providing such retrieval service to State and local governments.

"(b) In all instances the Center shall perform its functions as to protect secret and national security information from unauthorized dissemination and application."

SEC. 4. The table of contents of title II of the Legislative Reorganization Act of 1970 (84 Stat. 1140; Public Law 91–510; 31 U.S.C. chapter 22) is amended by striking out—

"TITLE II—FISCAL CONTROLS

"PART I—BUDGETARY AND FISCAL INFORMATION AND DATA

"Sec. 201. Budgetary and fiscal data processing system.
"Sec. 202. Budget standard classifications.
"Sec. 203. Availability to Congress of budgetary, fiscal and related data."

and inserting in lieu thereof—

"TITLE II—FISCAL AND BUDGETARY DATA CENTER AND CONTROLS

"PART 1—FISCAL, BUDGETARY, AND PROGRAM-RELATED DATA CENTER

"Sec. 201. Federal fiscal, budgetary and program-related data center.

"Sec. 202. Standardization of terminology, definitions, classifications, and codes for fiscal, budgetary and program related data and information.

"Sec. 203. Availability to and use by the various branches of the Federal Government, and others, of Federal fiscal, budgetary, and program-related data."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 118

At the request of Mr. Inouye, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 118, the Child Adoption bill.

S. 821

At the request of Mr. Bayh, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 821, a bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problem of juvenile delinquency, and for other purposes.

S. 1036

At the request of Mr. Muskie, the Senator from Washington (Mr. Jackson) was added as a cosponsor of S. 1036, a bill to amend the Internal Revenue Code of 1954 with respect to legislative activity by certain types of exempt organizations.

S. 1058

At the request of Mr. Hartke, the Senator from Montana (Mr. Mansfield) was added as a cosponsor of S. 1058, to amend title II of the Social Security Act so as to liberalize the additions governing eligibility of blind persons to receive disability insurance benefits thereunder.

S. 1064

At the request of Mr. Burdick, the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 1064, the Judicial Disqualification bill.

S. 1641

At the request of Mr. McClellan, the Senator from Texas (Mr. Bentsen) was added as a cosponsor of S. 1641, proposing an amendment to the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and Staff.

S. 1769

At the request of Mr. Mansfield (for Mr. Magnuson) the Senator from Rhode Island (Mr. Pastore), the Senator from North Dakota (Mr. Burdick), and the Senator from Utah (Mr. Moss) were added as cosponsors of S. 1769, to establish a U.S. Fire Administration and a National Fire Academy in the Department of Housing and Urban Development; to assist State and local governments in reducing the incidence of death, personal injury, and property damage from fire; to increase the effectiveness and coordination of fire prevention and control agencies at all levels of government; and for other purposes.

S. 1899

At the request of Mr. Scott of Virginia, the Senator from Alaska (Mr. Gravel), and the Senator from Idaho (Mr. McClure) were added as cosponsors of S. 1899, to transfer the Office of Management and Budget from the Executive Office of the President to the legislative branch of Government, and to establish a Joint Committee on the Budget.

SENATE JOINT RESOLUTION 117

At the request of Mr. Inouye, the Senator from Nevada (Mr. Bible), the Senator from Utah (Mr. Bennett), the Senator from California (Mr. Cranston), the Senator from Arizona (Mr. Goldwater), the Senator from Massachusetts (Mr. Kennedy), the Senator from Oklahoma (Mr. Bartlett), the Senator from Georgia (Mr. Talmadge), and the Senator from California (Mr. Tunney), were added as cosponsors of Senate Joint Resolution 117, to authorize and request the President of the United States to issue a proclamation designating September 17. 1973. as "Constitution Day."

SENATE RESOLUTION 126—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO JOCILE D. JOHNSON

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported an original resolution, which reads as follows:

S. Res. 126

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Jocile D. Johnson, stepdaughter of Earl P. Agnor, an employee of the Senate at the time of his death, a sum equal to eight months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 127—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO JOSEPHINE S. ELLIS

(Placed on the calendar.)

Mr. CANNON, from the Committee on Rules and Administration, reported an original resolution, which reads as follows:

S. Res. 127

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Josephine S. Ellis, mother of Joyce S. Ellis, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 128—SUBMISSION OF A RESOLUTION RELATING TO THE AGED, BLIND, AND DISABLED

(Referred to the Committee on Finance.)

ELDERLY MUST NOT BE DENIED FOOD STAMP AID

Mr. HUMPHREY. Mr. President, I submit for appropriate reference a resolution calling upon the Department of Health, Education, and Welfare and the several States to take immediate action to prevent about 1.5 million aged, blind, and disabled welfare recipients from losing their eligibility for food stamps, and to protect other thousands of elderly persons against the loss of further benefits and services, when the supplemental security income program, authorized under the Social Security Amendments of 1972—Public Law 92-603—goes into effect on January 1, 1974.

It is unconscionable that American citizens who happen to be poor and dependent should be denied the assistance to which they are entitled simply because of incredible bureaucratic delays—in this instance, the failure of the Department of Health, Education, and Welfare to promulgate regulations on the supplemental security income program until last week—with the result that State legislatures have not enacted such enabling legislation as may be required.

In a previous statement in the Senate, on May 31, I noted the critical importance of maintaining the eligibility for food stamp benefits on behalf of hundreds of thousands of elderly persons who otherwise would be denied daily nutritious meals. There is no excuse for this administration to permit these people to go hungry or to be crippled by the malnutrition that so readily leads to serious illness in old age, simply because this Government cannot complete its paperwork. I am appalled by this apparent bureaucratic insensitivity, whatever the allegations of complicated procedures that are employed as an excuse for a failure to act.

Will the States fully supplement the basic Federal payment, under the supplemental security income program, in order to assure recipients a payment no less than what they are now receiving, or will they seek to reduce welfare costs? I submit, respectfully, that this question is academic at the present time—we simply cannot know until the States have the information that the Federal Government was supposed to provide much earlier. Nor can we permit millions of low-income elderly persons to suffer hunger, the denial of health care, and the termination of other services—that is the central issue.

Mr. President, I ask unanimous consent that the text of my resolution, and an editorial, entitled "Shortchanging the Aged Poor," appearing in the June 8, 1973 issue of the Washington Post, be printed in the Record.

There being no objection, the resolution and article were ordered to be printed in the Record, as follows:

S. Res. 128

Resolution to expedite the maintenance of benefits for aged, blind, and disabled under the supplemental security income program authorized by the Social Security Amendments of 1972 (PL 92-603)

Whereas many of the several million aged, blind, and disabled eligible for public assistance under the Social Security Act were to have benefitted under the new supplemental security income program authorized by the Social Security Amendments of 1972 (PL 92-603);

Whereas it is estimated that some 1.5 million aged, blind, and disabled welfare recipients will lose eligibility for food stamps, and up to 150,000 other persons may no longer receive Medicaid benefits, when the supplemental security income program becomes effective on January 1, 1974;

Whereas this loss of benefit eligibility is attributed to extended delays by the Department of Health, Education, and Welfare in promulgating regulations on incentives for State supplementation of the basic Federal payment under the supplemental security income program, and to the corresponding failure of State legislatures to enact enabling legislation;

Whereas the Senate has acted to address this emergency in passing the Agriculture and Consumer Protection Act of 1973, wherein Section 808(b) provides for the restoration of eligibility of recipients of benefits of the supplemental security income program for food stamps;

Whereas rising costs of living further make immediate corrective action by the executive branch and by the States imperative if indigent elderly persons, the blind, and the disabled are not to be denied vitally needed assistance:

Now, therefore, be it

Resolved, that (a) the Department of Health, Education, and Welfare shall forthwith provide full and complete information to State governments on regulations implementing the supplemental security income program, such regulations to carry out the intent of Congress that present and additional persons receiving benefits under adult categories of public assistance programs shall be better enabled to provide for their self-sufficiency and to meet the rising cost of living; and that the Department of Health, Education, and Welfare shall expedite the determination of State supplemental payment levels; and

(b) State legislatures currently in session are urged to enact appropriate enabling legislation, and the Governors of States whose legislatures are not in session are urged to call back the legislatures in special session and/or to take such administrative action as may be feasible under the laws of the respective States, to assure that the intent of Congress with respect to the enactment of the supplemental security income program is carried out by January 1, 1974, when this program becomes effective.

SHORTCHANGING THE AGED POOR

It has long been an article of faith among those who are familiar with welfare politics that the so-called "adult categories"—the aged, blind and disabled—would never be treated with the indifference, hostility or contempt that many legislators reserve for the young and able-bodied welfare poor. In recent times, it has been the latter recipients—typically, the black woman with several small children—who bore the brunt of the animus. Thus, it came as no surprise last year that the Congress, while rejecting President Nixon's Family Assistance Plan (shortly after he had rejected it himself), did enact reforms that were far-reaching for aged, blind and disabled recipients. The new program foresaw almost a doubling of the number of those eligible to receive aid, and it also was estimated that aproximately a third of those already receiving aid would be financially better off under its terms. Now we learn from testimony provided to a Senate committee that many of the aged and handicapped poor who were meant to benefit from the new program stand in danger of losing income instead.

The source of the problem is the fact that the legislation did not require that the states supplement the income of these welfare recipients under the federal program so as to guarantee that they would not be worse off under the new law. Instead, some very complicated provisions were included to encourage and entice the states to do so. However, to date none has—that is, no state has yet taken the necessary legislative actions to supplement the income of these recipients who stand to lose a certain amount of income if they don't act.

To some extent this failure doubtless proceeds from a general anti-welfare feeling that has caught in its net these recipients who are not usually victimized by politicians when the welfare cutback drives are on. But at least as important, and probably much more so, is the fact that the Department of Health, Education and Welfare delayed until the very last minute getting the complicated regulations for supplementation to the states. It has been a case of bureaucratic fumbling and administrative lethargy and the result could easily be considerable hardship and new suffering for these people whom both the Congress and the administration intended to help.

Unless government is content to let these hapless victims of its own incompetence pay the price, some legislative step—probably a delay in the effective date of the new program—will be required. Beyond that, HEW should get down to the serious business (and with the proper sense of urgency) of working out on a state-by-state basis the necessary information on the implications of putting the supplementation provisions into effect. Federal help and leadership are required here. So are energy and action on the part of HEW. And so is good faith. There were many reasons why the larger welfare reform measure was defeated last year. But one was a suspicion held by many of its opponents that the federal bureaucracy was incapable of presiding over such an effort wisely or efficiently. For the immediate sake of those adult welfare recipients who are now in danger and for the sake of the long range prospects of passing a more comprehensive and generous federalized plan, HEW should take care not to prove the critics right.

AUTHORIZATION TO FURNISH DEFENSE ARTICLES AND SERVICES TO FOREIGN COUNTRIES—AMENDMENTS

AMENDMENT NO. 221

(Ordered to be printed, and to lie on the table.)

Mr. NELSON submitted amendments, intended to be proposed by him, to the bill (S. 1443) to authorize the furnishing of defense articles and services to foreign countries and international organizations.

AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF STATE—AMENDMENT

AMENDMENT NO. 222

(Ordered to be printed.)

Mr. GRIFFIN proposed an amendment to the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

AMENDMENT OF SECURITIES EXCHANGE ACT OF 1934—AMENDMENT

AMENDMENT NO. 223

(Ordered to be printed, and to lie on the table.)

Mr. TAFT. Mr. President, today I am introducing an amendment to S. 470, the bill to amend the Securities Exchange Act of 1934 and ask it be printed. This amendment deals separately, straightforwardly, and definitively with the fundamental questions of requirements for membership on stock exchanges and the method for determining commission rates.

Section 2 of S. 470 presently links the two questions by forbidding any SEC-imposed "public business requirement" to limit dealing for one's own account by present or future members of stock exchanges until commission rates on transactions of all sizes are negotiated rather than fixed. No action along the lines of the present Exchange Act rule 196–2 could be taken until that time. Particularly in view of the lack of a definite date for the advent of fully negotiated commission rates, the result of section 2 seems likely to be an increase in self-dealing on exchanges, brought about largely through more institutional membership.

In my judgment, the rationale for section 2 is faulty because it is based upon an artificial linkage of the institutional membership-public business question to the commission rate question. I cannot accept the argument that the primary element in any discussion of institutional membership or a public business requirement is the desirability, or lack thereof, of the present commission rate structure.

The adoption of the approach of section 2, which reopens exchanges to the type of institutional members whose primary mission is trading for the accounts of the institutional parent, will indeed provide undeniable pressure to move toward fully negotiated rates. Most institutions have already stated that lowering the size of a transaction subject to negotiation will in large part assuage their desire to become stock exchange members. However, the consideration of tactics in the battle over commission rate structure is not a sound basis on which to decide whether, and to what extent, dealing by exchange members for their own account should be allowed or encouraged.

I believe that there should be an overriding concern with the character of the business required of every exchange member. The public interest can be served only if the primary function of every exchange member is to serve the public, rather than to do business for itself or its parent owner. If exchange membership does not carry with it the continuing obligation to conduct at least a predominantly public business, there is the strong possibility that the exchange system will move in the direction of a private club where large institutions and other members can gain unfair advantage over the public. The possibility of such unfairness was pointed out by former SEC Chairman Casey, in his testimony before the Securities Subcommittee:

> If the gates are thrown open to institutions, this great bulk of (exchange) trading—60 percent of all trading today—could be done not at negotiated rates but at cost, while individual investors and small institutions, unable to justify a seat, would have to pay still higher rates.

Members dealing for their own accounts would have other possible trading advantages besides cost. These include proximity to trading information and greater inducement or ability to engage in short swing speculation, which may cause public orders to be executed at a different price than otherwise. Actions by such members could delay the execution of public orders or even wipe out attractive trading situations before the public can act. Even if the additional regulation of exchange member trading, provided by section 1 of the bill, is reasonably effective, some abuses will occur and it will probably appear to the investing public that private advantage is being encouraged.

Most observers agree that the individual investor is truly an essential element in the market's composition. Continued participation by individual investors is vital to the market's depth and liquidity. Unfortunately, however, the latest NYSE estimate of the total number of individual shareholders shows a decline of 800,000 in the past year, the first such reversal in 20 years of recordkeeping.

The individual investor is leaving largely because he has lost faith and confidence in our securities market. The adoption of this bill, with its suspension of any SEC-imposed public business requirement pending the elimination of fixed commissions, will only erode investor confidence still further. It will reduce the probability of sustained participation in the market by both small brokers and small investors. At this crucial time, the market needs more small brokers and investors rather than fewer. They will not be attracted or even retained at current levels in a market which appears to be becoming more dominated by institutional investors operating through their own outlets. Perhaps the exchanges can control this problem by their own rules, but it would be better to do so through specific statutory or administrative guidelines not related to the negotiated rate issue.

Accordingly, my amendment would require that after a 2-year phase-in period, all stock exchange members do a 100-percent public business rather than effecting any transactions for their own accounts, the accounts of affiliates or institutional accounts which they manage. This is exactly the same "public business" requirement as S. 470 already contains, except that the phase-in period would start upon the date of the bill's enactment rather than upon the date on which no commission rates remain fixed.

Senators WILLIAMS, BROOKE, BENNETT, and TOWER have correctly emphasized, however, that the commission rate question should be dealt with at the same time as the institutional membership-public business question, because of the relationship between uneconomically high fixed commission rates for large transactions and the desire of institutions who effect these transactions to join stock exchanges. My amendment, therefore, would require commission rates on portions of transactions over $100,000 to be on a negotiated basis by April 30, 1974, or by April 30, 1975, if the SEC determines that the public interest calls for a longer time period to reach this goal. The amendment would vest in the SEC, by virtue of its present statutory authority, the discretionary power to permit retention of fixed minimum commission rates for transactions or portions of transactions involving less than $100,000. Of course, the rate, if fixed, would not necessarily be at the present fixed rate level.

A reduction in the cutoff size for fixed commission rates from the present $300,000 level to $100,000 would, to a large extent, eliminate: First, the present advantage held by exchange members over nonmembers with respect to competition for money management business; second, payment by institutions of excessive fixed commission rates; and third, efforts by the institutions to circumvent the effect of these rates through complex and anticompetitive reciprocal practices. At the same time, fixed rates for smaller transactions could be retained, to the extent found by the SEC to be necessary, to protect small broker-dealers against predatory pricing and provide some control over the price of brokerage services offered to unsophisticated small investors with little negotiating power. Fixed rates for these transactions also should tend to reduce the likelihood of public disadvantage from a "rate war," resulting in aggravation of the demise of smaller brokers and small individual investors.

My amendment would provide more rational and specific resolutions of the public business-institutional membership and commission rate questions than S. 470. I urge the Senate to adopt it without delay.

I ask unanimous consent that the amendment be printed in the RECORD at this time.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 223

On page 15, strike lines 4 through 7.

On page 15, line 8, strike out "(B)" and insert in lieu thereof "(A)".

On page 15, line 9, strike out "specified in subparagraph (A)" and insert in lieu thereof "of enactment of this subsection".

On page 15, line 17, strike out "(C)" and insert in lieu thereof "(B)".

On page 15, line 18, strike out "(B)" and insert in lieu thereof "(A)".

At the end of the bill add the following new section:

"SEC. 11. Section 6(c) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 73f(c)), is amended to read as follows:

"'(c) Nothing in this title shall be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with this title and the rules and regulations thereunder and the applicable laws of the State in which it is located, except that, after April 30, 1974, no exchange shall maintain or enforce any rule fixing minimum rates of commissions with respect to that portion of any transaction which exceeds $100,000: *Provided, however,* That the Commission may, by rule, permit an exchange to fix reasonable minimum rates of commission until April 30, 1975, with respect to that portion of any transaction which exceeds $100,000 if the Commission finds that the public interest requires the continuation, establishment, or re-establishment of reasonable fixed minimum rates for such portions of transactions.'"

NOTICE OF HEARING ON NOMINATION OF ARTHUR F. SAMPSON

Mr. ERVIN. Mr. President, I wish to announce that the Committee on Government Operations will hold a hearing on Monday, June 18, 1973, on the nomination of Arthur F. Sampson to be Administrator of the General Services Administration.

The hearing will commence at 10:30 a.m. in room 3302, New Senate Office Building.

All persons wishing to testify should contact Mrs. Gay Holliday, room 3306, New Senate Office Building; telephone 225-7461.

ANNOUNCEMENT OF HEARINGS ON NOMINATIONS TO THE DISTRICT OF COLUMBIA CITY COUNCIL AND TO BOARD OF DIRECTORS OF THE DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

Mr. EAGLETON. Mr. President, the Committee on the District of Columbia has scheduled a hearing in room 6226, New Senate Office Building, on Tuesday, June 19, 1973, at 9:30 a.m. on the following nominations:

Dr. Henry Robinson, Jr., District of Columbia City Council;

Mrs. Marguerite C. Selden, District of Columbia City Council;

Mrs. W. Antoinette Ford, District of Columbia City Council; and

Mr. Alfred P. Love, Board of Directors, District of Columbia Redevelopment Land Agency.

Persons wishing to present testimony at that time should contact Mr. Andrew Manatos, associate staff director of the District Committee, 6222 New Senate Office Building.

ADDITIONAL STATEMENTS

REPORT ON THE PARIS AIR SHOW

Mr. GOLDWATER. Mr. President, this year as he did 2 years ago, the President invited me to represent him at the Paris Air Show. I did this and have prepared a report which I have submitted to the President. I am sure he would have no objections to my making it available to all Members and, therefore, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., June 6, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Again it has been my honor to have served as your representative at the Thirtieth Paris Air Show which is held every two years. I will preface my report by telling you that it rained nearly all of the time that I was there but in spite of this the attendance was good and the interest was high. This undoubtedly established a record in participation, and while attendance figures are not available and while they will be affected by bad weather, I am certain it will be the biggest of all recorded. There were over six hundred exhibitors from twenty-one countries compared to five hundred and eighty from sixteen countries in 1971. I would suggest that in the future your representative plan to spend at least one week instead of the five days that I spent at the show.

My general impression on returning from Paris is that the determination on the part of foreign competitors to become more competitive has not abated one bit. Instead, I witnessed a real determination to make even more advancements. I think this attitude was best expressed by Pierre Messmer, the Prime Minister of France, who spoke at a luncheon on the 2nd of June attended by some four thousand people, including representatives from the entire world. I will attach his speech with this report, the most interesting and indicative parts I would like to quote. He said, for example, in speaking of defense: "The first is France's determination to remain the sole master of her defense capability, despite her friendly relations with many of the world's nations, as testified by this great aerospace gathering. One need hardly insist that an air force equipped with modern equipment is indispensable to effective defense. France wants her armed forces to be equipped with the very best defense materiel. This is confirmed by the assembly line products on exhibition here, while the planned projects that you can see, such as the combat aircraft of the future, show that our manufacturers will continue to build planes, helicopters and missiles equal to the very best produced abroad."

Then in getting down to the specifics in aviation industry growth in France he said: "From time to time our exports have given rise to criticism, some on grounds of principles, some of it biased. To the former I declare that the interests of France and of those countries that rely on our industry and our air force must be served. To the latter, I reply that friendship does not preclude commercial competition which is stimulating and therefore useful, as long as it remains within limits that we know not to overstep."

I can find absolutely no quarrel wth that statement. In fact, I believe it to be a statement that could be made by you in the interest of our own aviation industry.

The Prime Minister said later in his speech: "I am convinced that international cooperation is the answer to these problems starting with cooperation on the European level." Without exception, every high ranking official in European aviation that I visited with expressed the same attitude and then expanded it to include the problems now faced with the attitude of the United States; namely, they oppose the taxes that are placed upon the purchase of each foreign aircraft, regardless of its size, and I would seriously suggest that you consider removing this tax. To show you why, we now dominate the world's aviation markets in aircraft of all sizes, and we can well afford to encourage this outside competition; for example, a business or corporate jet made in Europe that would retail for one million dollars in the United States could have an added cost in the neighborhood of fifty thousand dollars which in itself could preclude the purchase of that foreign aircraft even though the customer preferred it.

The Prime Minister went on to say: "The main advantage of aerial transport over other means of passenger transport is, and will remain, speed. Whether we like it or not, the supersonic transport will occupy a significant place in long range transport in the years to come. Just as planes, despite their relative discomfort, have gradually replaced ocean liners in intercontinental travel, supersonic aircraft will, before long, supersede current modes of air transportation."

Mr. President, this statement is as true as true can be, and whether we like it or not, when the first supersonic jet, either French-British or Russian, crosses the Atlantic to the United States, demands for travel in this aircraft will astound and even shock American companies. I am as convinced now as I was two years ago when Congress made, what I felt then and still feel, a monumental and deadly mistake in abandoning the SST, that we are going to buy them or make them and if we buy them we are going to give up a sizeable part of our international aircraft to other countries. Those who scoffed at the railroad replacing the horse; those who scoffed at the automobile replacing the horse; those who said we would never travel at speeds approaching that of sound are still with us and they have placed our country on a downward curve in the aviation industry.

As I reported to you two years ago, foreign competitors are still amazed that the United States would give up its place in the world of technology, avionics and aeronautics, and they are more determined now to take advantage of that shortsightedness than they ever were.

The Prime Minister went on to say at a later point: "The first is financial. Due to its technological advances, the aerospace industry involves large investment capacity, with uncertain, long term returns. The government is therefore obliged to share the financial burden, which is frequently heavy." I believe that the French recognition of this fact is one that we will have to accept, to some extent, in our country and while I recognize that coming from a conservative, this sounds peculiar, nevertheless, we are no longer alone in this world in the airframe, engine and avionics manufacture and we may have to, whether we like it or not, subsidize research and development in many areas of aircraft and components development.

I am very happy to report to you that your determination to approve the General Electric-SNECMA Consortium met with great approval with everyone I visited with at the show subsequent to its announcement.

The day I left Paris there was an announcement made that France's Aerospatiale and the Westland Aircraft Company of Britain had joined hands in a new company called Heli-Europe Industries, Ltd. This is the outcome of six years of cooperation and includes work with and from agreements with Messerschmidt-Bolkow-Blohm of West Germany, August of Italy and Casa of Spain. I mention this to you because it is typical and indicative of the drive of the Europeans to compete in our markets. With the exception of the military helicopter market, they are doing an increasingly good job in the United States.

While at the Air Show I was allowed to fly the A–300 Airbus which I firmly believe will give our industry competition when our airlines are in the market for shorter range, larger capacity aircraft. This is another aircraft developed by a team of French, German and English companies. This aircraft, by the way, uses about five million dollars worth of equipment from the United States, chief of which are the engines and the nacelles. So important has the latter become that the Rohr Company has established a factory in France to construct them.

I was asked to fly the aircraft from the co-pilot's seat beginning at an altitude of approximately 25,000 feet and to take it down to the instrument landing system by radar vectors, which I did, breaking out of the overcast about 500 feet above the ground. The aircraft handles exceedingly well. It is not quite as light on the controls as our larger aircraft, but the controls are positive and the instrumentation is excellent.

On another day I was asked to fly the Mirage 3–B which I did from the back seat and, as I suspected, this is an extremely effective small fighter plane, highly maneuverable, high altitude capabilities which in our case was limited to 50,000 because of the lack of pressure suits. It reached Mach 1.7 and would have gone higher, but the temperature at the altitude we were flying was too warm.

I believe I have discussed with you in the past my belief that the United States cannot continue to consider spending in the neighborhood of fifteen million dollars for a fighter aircraft when small, lighter, equally maneuverable aircraft at greatly lower prices will become available. We are developing these in research and development programs in our country now, but while I know that the Air Force and the Navy will not agree with me, I believe that more and more we have to get back to the basic fundamentals of fighter plane technique and construction so that we can build up the forces that we must build up to be able to protect our interests around the world.

I visited nearly all of the American companies' chalets and had occasion to discuss their attitudes with the leaders of the companies. They have not changed in their opinions expressed two years ago, namely, a disappointment in the lack of a strong United States demonstration at the Show. This feeling I must report is held in general by most American aviation authorities attending the show and is best expressed by an article appearing in the Paris Air Show Daily News of the 31st of May. I report that verbatim here and will comment following it in a general way.

"The relative lack of a strong U.S. presence in the static display area is only one of a number of striking aspects of the 30th Salon. Others are less obvious but have consequences that are far greater, according to long-time observers of the Paris Air Show.

"First, they note the overwhelming display of all types of aviation and aerospace equipment and are impressed by the strong competition that faces the once predominant U.S. industry. 'The day of the technological Marshall Plan is over,' U.S. Air Force Lt. General Otto J. Glasser, chief of USAF research and development told the Daily. 'We must stop being paternalistic and be a real competitor.' Glasser is one of a number of top U.S. officials in Paris for the show.

" 'An example is the Israelis,' he continued. 'Their display area shows some very, very excellent equipment. It's made well and it's cheap.'

"John W. R. Taylor, editor of the authoritative *Jane's All The World's Aircraft* found the equipment display areas much larger than those of previous years. 'It's completely overwhelming,' he said. 'There is immense capability represented there.'

"Other observers are impressed by Russian activity at the Show. They find the Russians more amenable to talk specifics about sales of aircraft and other matters, and note that their attitude may be sparked by two things: the theme of U.S.-Soviet cooperation stressed by the joint Apollo-Soyuz exhibit and the upcoming Moscow conference and display of U.S. air traffic control and other gear. The event, slated for July, is to be the first of its kind, and although much groundwork has already been laid, the atmosphere at Paris is ripe for reaching more solid agreements. Some American electronic companies are taking advantage of having their chalets within easy walking distance of Russian customers, who may want up to $1 billion worth of U.S. gear over the next ten years.

"And Russians are moving freely among the U.S. chalets. The head of the Soviet TsAGI, roughly the equivalent of NASA, is known to have expressed an interest to one U.S. firm in advanced metallurgical techniques.

"The unique atmosphere has produced some other unique events. One was a birthday party at the Boeing chalet for Soviet cosmonaut Aleksei Leonov. Leonov, who will fly the Soyuz spacecraft in the 1975 joint U.S.-USSR mission, expressed his gratitude by doing a handstand. U.S. astronaut Eugene Cernan held his feet.

"And famed exhibition pilot Bob Hoover has had discussions with the Russians about flying their Yak-40 trijet commuter at the air show. It would be the first time an American has flown a Russian aircraft at a major show."

The comments of retiring Air Force General Otto Glasser, to me, come as close to hitting the nail on the head as any statement I have seen or heard. The truth of the matter is that outside of the C-5A, the Boeing 747, Lockheed 1011, and the Douglas DC-10, the United States has done very little in producing evidence of any continuing interest in technological development on the part of the United States for the last two shows.

For example, I had urged the Air Force to allow the SR-71 to make a record flight from above the Golden Gate to the Paris Air Show, a flight which could have been done in less than three hours and a half and which would have literally "stood the show on its head." Again for at least the second time this effort was denied. I know it would have cost money but the resulting interest and sales possibilities would, in my opinion, more than have paid for it.

The Israeli demonstration was, in my opinion, as typical of the progress being made around this world as any one demonstration I can think of. Here is a small country twenty-five years old which ten years ago had no aircraft industry but which today has developed its own aircraft, its own missile system which, in many respects, I believe to be equal or better than ours, in avionics and again above all, a determination to make its mark in the world.

An interesting meeting I attended was made up of some of the leaders of French aviation and leaders of our own military. A list of these people is attached. Again the consensus at this meeting, including Americans, was that the United States had better prepare itself for world cooperation by tearing down whatever doors we have erected and come to the realization that whether we like it or not, we have, to a great extent, outpriced ourselves in the world markets, and that we no longer dominate the technological, aeronautical or avionics fields.

An interesting meeting with Henri Ziegler who is President of Aerospatiale was a continuance of discussions held two years ago, interesting mainly because this man is one of the most knowledgeable in the field and is very friendly toward American aviation.

Later I visited with Secretary General M. Jacques Maillot who was head of the Air Show. I specifically asked him his opinion of our Transpo '72 and he was extremely high in his praise of it and convinced me he expressed the feelings of all Europeans who attended the show. That show, by the way, is receiving derogatory attention from some of our leading eastern newspapers, and I strongly urge you, sir, to continue this show and plan now to have Transpo '74 so that it will be even better than what he had last year.

It was my pleasure to meet with Transportation Minister Guana and we had a long discussion about the necessity of cooperation between the nations and it was he who brought up the subject of the General Electric-SNECMA combination which caused me to consult immediately with Peter Flanagan in your office, and I am again most happy that you have reached the very proper decision.

Attempts to visit with the Soviet representatives relative to their air traffic control problems came to naught because of the extreme business of their delegation. For your information, however, there is already set up a conference in Moscow later this year on this same subject and American experts from government and industry will attend. Properly conducted and represented, this could bring a very substantial amount of business to our country.

I do not want to finish this report without recognizing some distinct pluses on America's side because we have them

The American Pavillion was the best organized I have ever seen, and I believe I visited almost every exhibit and almost without exception the exhibitors reported great interest and, in most cases, good sales. The exhibits were well planned, well presented, manned by very competent people and I especially commend to you Mr. Richard Cohen who was my escort at the pavillion who did an excellent job.

The most popular exhibit was the Apollo-Soyuz which was literally swamped by people from morning to night. I met there with our own astronauts and with the cosmonauts from Russia who will man the Soyuz. They were extremely open and frank, answering every technical question I cared to ask and once again convinced me that probably the best way to understanding the Soviets is not through the field of politics, but through the fields of science, academies, professionals, etc. This same openness and frankness carried through in my visit to the TU-144 which I had been in before, but which is now what they called their product model, and is a vast improvement over what they had two years ago. It is with great regret that I learned of the crash of the TU-144 and I sincerely hope that this will not retard the Russians in their great efforts in this area. It was a fine aircraft.

Both the Concorde and the TU-144 SST's flew during the show. The Concorde has greatly reduced its noise level where the 144 has not. Their maneuverability at low level and within the confines of the airport were, frankly, amazing.

I must pay special tribute to Mr. Bob Hoover who daily flew the F-5E, probably our best light-weight fighter, and the Shrike Commander on thrilling demonstrations of his skill. He was loudly and enthusiastically greeted. The Blue Angels were at their very best and we were extremely proud of their performance.

The new Grumman F-14 left even the most ardent Mirage and other high performance European aircraft backers amazed at what this aircraft will do. I am attaching the names of the pilots who flew all of these aircraft along with the suggestion that you personally thank them for the contribution they made on behalf of the United States.

My last impression was that just as the Europeans are pushing the sales of their smaller corporate jets in a most successful way in our country, the general European aviation market is growing. Again quoting from the Paris Air Show Daily News is an observation which I think is very solid, interesting and encouraging:

"The Paris Air Show has become known over the years as an international display of commercial air transports and military aircraft. But in this, the 30th Salon, there is enthusiastic participation by general aviation manufacturers and in sheer volume, general aviation displays are outnumbering those of the larger aircraft.

"General aviation manufacturers are also reporting an unusual number of solid sales. Rockwell International's general aviation divisions, for example, announced that they have consummated over $4.75 million in airframe sales in their chalet.

"U.S. general aviation manufacturers now export between 20 to 25 per cent of their total production. Most of those exports go to European countries. And each manufacturer interviewed here yesterday by the Daily has plans to increase its marketing efforts in Europe.

"Rockwell indicates that it is doubling the staff in its Geneva office. Cessna's Citation Division is adding both manpower and resources to its European sales organization. Piper is looking for new ways to manufacture and market U.S. designed products in Europe."

In summation, Mr. President, I think we in America have to wake up to the fact that the Europeans intend, not just to catch up, but to replace us as the world leader in aeronautics and everything associated with the field. Our industry must realize that it no longer dominates as it did before the ridiculous decision to stop the SST. I think we must also realize that growth and advancements in the general fields of aeronautics, particularly in the medium of heavier aircraft will have to be done with an eye on international cooperation and also with the possible, although not needed now, across the board support of the federal government in the encouragement of constantly advancing technology.

I know there will be those who read this report who will say I am placing the emphasis on the wrong priority. Those are people who believe that all of our tax money should go to support people and I can only say to them that that attitude has retarded American business, technology and development and that the only way we can produce jobs for the unemployed of today and tomorrow is to see to it that our endeavors in the highly specialized fields of aeronautics, avionics, electronics, engine technology and technology generally never take a step backward. Space and aeronautics expenditures today are the keys for the jobs of tomorrow and if there is a better priority than the guarantee of our future, I can't conceive what it would be.

I have been honored to have represented you. If you have any questions concerning this report, please don't hesitate to call.

With respect and admiration,

BARRY GOLDWATER.

GENOCIDE CONVENTION: NO THREAT TO AMERICAN MILITARY FORCES

Mr. PROXMIRE. Mr. President, one criticism frequently advanced against the Genocide Convention is that it would threaten our U.S. military forces in time of war. This criticism has arisen from the reference to "time of war" in article I of the Convention which states that—

> The contracting parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Thus, some critics of the Convention have believed that such incidents as My Lai would come under the treaty's jurisdiction. This mistaken belief has been encouraged by the loose application of the word "genocide" in popular reference to the My Lai incident. However, the Foreign Relations Committee report on the Genocide Convention clearly demonstrates that these charges are groundless. The report states that—

> Combat actions do not fall within the meaning of the Genocide Convention. They are subject to other international and national laws.

However reprehensible the My Lai incident was, it did not constitute genocide under the terms of the Convention.

Mr. President, this Nation was founded in the belief that men should be free and allowed the right of self-determination. Fundamental to these rights is the right to life itself. The Genocide Convention acknowledges and protects this right for all peoples. The time has come to stop dragging our feet on this matter. We must join the 75 nations who have already ratified the Genocide Convention without further delay. America has always stood for freedom and human rights, and this is no time to turn our back on those beliefs.

I call upon the Senate to ratify the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.

MARYLAND COMMISSION ON MEDICAL DISCIPLINE DOING GOOD JOB IN POLICING THE PROFESSION

Mr. BEALL. Mr. President, as a member of the Health Subcommittee, I naturally am concerned that quality care is delivered to all of our citizens wherever they live and at a price they can afford. While the medical profession is one of the outstanding professions in the country, it like all professions has an occasional "bad apple" that may often present a danger to the public and represents a disservice to the profession.

I have seen cases, even when a local medical society has identified a doctor as being "incompetent," the medical profession or State authorities have been unable to protect the public by ordering the necessary corrective action or by taking the needed appropriate disciplinary steps.

This is an intolerable situation and I am pleased to say that it is not the case in the State of Maryland. Maryland in 1969 established the Commission on Medical Discipline, which is demonstrating that the medical profession can, indeed, police itself and remove the "bad apples."

As John Sargeant, the executive director of the Maryland Medical and Chirurgical Faculty stated—

> A medical disciplinary commission that really works is not only protecting the public—it is also upgrading the standards of physicians and improving the quality of care.

I ask unanimous consent that a May article from Medical Economics describing this pioneering Maryland effort, be printed in the RECORD. I certainly want to extend my congratulations to the State of Maryland and the medical profession for its leadership in this important field.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THEY'RE GOING AFTER BAD APPLES AS NEVER BEFORE

(By John Carlova)

Doctors in Maryland man a state agency with the power to go after 18 kinds of bad apples and publicize their findings. They're doing just that!

For a G.P., he kept peculiar office hours—8 P.M. to 4 A.M. His patients had odd habits, too; they rolled up to the office by the carload, and some returned two or three times in a night. These strange comings and goings eventually attracted the attention of the police, who suspected that the G.P. was supplying drugs to addicts. But there was no proof.

In nearly all states, this would have meant that the suspected G.P. could have continued practicing his bizzare sort of medicine. In this case, though, the G.P. was a resident of Maryland, which has its own hard-hitting method for dealing with medical bad apples. The police turned what evidence they had over to the Maryland Commission on Medical Discipline, a state agency composed entirely of M.D.s. The commission, in turn, hired a private investigator to obtain additional information about the G.P. Doctors in the community also supplied the commission with relevant material.

Finally, the G.P. was subpoenaed by the commission. After undergoing medical and psychiatric examinations—which showed physical and mental deterioration—he appeared for a formal hearing. Under questioning, he admitted he was a drug addict. It was also obvious that he was professionally incompetent; for some illnesses, he recommended medication dosages that would have harmed or killed patients. His license to practice was promptly revoked.

Consider this swift and effective action in the light of what happens in most other states, where the disciplining of doctors is left to the Board of Medical Examiners. One state board hasn't revoked an M.D.'s license to practice in 20 years. In a recent, typical year, no licenses were revoked in 30 of the 50 states, and 13 states recorded no disciplinary actions at all.

"The appalling fact is that only 15 licensure statutes enumerate professional incompetence as a cause for disciplinary action," points out Robert C. Derbyshire, a Santa Fe surgeon who's secretary-treasurer of the New Mexico Board of Medical Examiners and a past president of the Federation of State Medical Boards of the United States. "An additional eight laws mention malpractice, generally referring to 'gross malpractice' or 'repeated malpractice,' so that one would infer that disciplinary action can be taken only after the act and not when a man's incompetence is such that he seems in danger of committing malpractice."

In Maryland, up until 1969, medical discipline for serious offenses was handled by the Board of Medical Examiners. So-called lesser offenders went before disciplinary bodies of the state or county medical societies. John M. Dennis, a Baltimore radiologist who was on the state society's Mediation Committee at that time, recalls:

"The committee felt powerless and frustrated."

CHARGE: ADDICTION TO NARCOTICS

Finding: The respondent admits he was addicted, but has broken the habit and is now under the supervision of probation officer. Commission orders that doctor's license to practice medicine be revoked. However, this order is stayed on condition that doctor surrenders narcotics permit and participates in therapy program.

We had doctors coming before us who obviously shouldn't have been allowed to practice medicine. However, since they were doing things that were unethical but not illegal, we couldn't take any really effective action against them. Oh, we could scold them or kick them out of the medical society, but that didn't stop them from practicing medicine—nor, in many cases, did they even change their ways. Something definitely had to be done."

CHARGE: UNPROFESSIONAL CONDUCT

Finding: Accused suggested birth-control pills to regulate patient's periods. In examination that followed, the respondent caressed and kissed the patient's breasts. It is therefore ordered that accused be placed on probation for the practice of medicine for two years, and that he report to the commission every three months.

John Sargeant, executive director of the state society (formally known as the Medical and Chirurgical Faculty of the State of Maryland), felt the same way. For a year and a half, he and Dr. Dennis worked on a plan to set up a medical disciplinary body that would (1) have the power of a state agency, (2) be run by M.D.s, and (3) have jurisdiction over all doctors in the state, not just members of the medical society. The plan appealed to the State Legislature, and the Commission on Medical Discipline—with Dr. Dennis as chairman—was established by law on July 1, 1969. The law is remarkably comprehensive, and it gives the commission extraordinary powers. Some main points:

There are 18 reasons for disciplinary action. Among them: gross overcharging; fee-splitting: professional or mental incompetence; practicing medicine with an unlicensed physician; solicitation of patients; abandonment of a patient; immoral conduct; filing false reports; addiction to drugs or alcohol; failure to furnish details of a patient's medical record to succeeding physicians or a hospital on request, and conviction of a crime involving moral turpitude.

The commission, receiving legal counsel from the State Attorney General's office, can issue subpoenas and administer oaths. The chairman in effect acts as judge during a hearing, and a stenographer is present. It's much the same as a court hearing.

The state provides a small budget for the commission. This covers the expenses of an office and part-time secretary, as well as a court stenographer and private investigator whenever they're needed. Members of the commission, however, receive no pay, only reimbursement for expenses incurred.

There are nine members. They include the president of the state medical society, the chairman of its council, three members of the Board of Medical Examiners, two practicing physicians appointed by the State Secretary of Health and Mental Hygiene from a list submitted by the faculty, and two practicing physicians selected by the Secretary himself. Seven of the nine members of the commission must be present before business can be transacted.

Hearings are held about half a dozen times each year, ensuring a reasonably quick disposal of most of the cases.

The commission can revoke or suspend a license, reprimand a doctor, or place him on probation. A majority of the members must agree before a defendant can be found guilty.

A doctor appearing before the commission has a right to counsel. If he is found guilty, he can appeal to the Baltimore City Court or to the circuit court of the county where he practices. Members of the commission have no immunity against possible legal counteraction by a defendant.

After the commission was set up, the big question was: Would the doctors on this panel use their extraordinary powers against other doctors? The answer to date is definitely **Yes**. In the three years prior to the establishment of the commission three licenses were revoked by the State Board of Medical Examiners. The commission, in its first three years of existence, revoked four licenses. This, however, is only part of the picture; in those same three years, six doctors voluntarily gave up their licenses rather than go through a hearing before the commission. Therefore, since one of the main purposes of the commission is to remove substandard doctors from practice, its real score of success adds up to an impressive 10.

Only one other state, Washington, has a medical-disciplinary arm with anywhere near the clout of the Maryland commission.* In some respects, however, the Maryland agency has gone beyond the pioneering efforts of the Washington disciplinary board, which was established in 1955. For example, if a doctor is found guilty by the commission, a report of the case is published in the Maryland State Medical Journal. The doctor is named, and no punches are pulled. Here's a sample:

Charge: Making false reports, misrepresentation in treatments, overcharging for services.

Finding: Doctor charged patients for some X-rays that were blank. Diagnostic work was inadequate. Prescription drugs that were contraindicated or irrelevant. Patients were also treated for conditions that were not verified. License to practice is revoked.

A recent report in the journal detailed how a physician had caressed and kissed a woman patient's breasts while ostensibly giving her a physical examination. The doctor was found guilty of immoral conduct; he was placed on probation for two years, on condition that he report to the commission at three-month intervals.

Publication of such cases has raised eyebrows and stirred up some grumbling among doctors in Maryland, but no attempt has been made to stop it. The fact is, when a doctor is found guilty by the commission, the hearing becomes a public record and is therefore publishable. There is no doubt about the effectiveness of such publication. As one Baltimore surgeon puts it: "I wouldn't want to get my name in there."

Maryland doctors in general seem to support the actions of the commission. Material help has come from more than a few physicians who have instigated cases against colleagues or have voluntarily testified at hearings.

One doctor who cooperated with the commission says: "I don't feel like a squealer. When I became aware that a doctor in our community was senile, I felt it my duty to have him checked out by his peers. He wasn't really practicing medicine—he was just prescribing painkillers for almost everything. Before he could be brought formally before the commission, he gave up his license and left practice. If allowed to go on as he was, he'd surely have killed one or more patients. Then I'd have felt like an accessory to murder."

Organized medicine in Maryland also cooperates fully with the commission. Disciplinary cases that can't be handled effectively at the county society level, or by the state society's Mediation Committee or Peer Review Committee, are passed on to the commission with complete reports and recommendations. Commission members, however, are not obliged to follow those recommendations. Further investigations are sometimes carried out.

State and local police have been especially helpful in commission investigations. In one case, when a doctor was suspected of selling prescriptions to drug addicts, the police collected incriminating evidence from scores of pharmacies in the area and turned it over to the commission. The doctor's license to practice was revoked.

Sometimes a patient will come directly to the well-publicized commission with a complaint against a doctor. Whether the complaint is minor or serious, the commission refers it immediately to the appropriate county medical society or committee of the state society. Often the complaint will turn out to be a misunderstanding that can readily be corrected without the commission's high-powered machinery. If a charge is valid and serious, however, the commission usually insists on a report from the county society or state committee within 90 days. All the reports and investigations are considered confidential until final action is taken by the commission.

Third-party insurance carriers also work closely with the commission. On one occasion, when Blue Cross and Blue Shield complained that a doctor was grossly overcharging patients, the probings of the commission turned up much more than greed. Evidence showed that the doctor's diagnostic work-ups were inadequate; that he treated patients for nonexistent ailments; that he prescribed drugs deemed to be contraindicated or irrelevant; that most of his X-rays viewed by the commission were of such poor quality they had little or no medical value; and that he had charged or attempted to charge one or more patients for X-rays that were actually blank. On top of all that, he had consistently charged $50 or more for an office visit. The doctor's license was revoked for filing false reports, gross and continued overcharging, and professional incompetence.

The commission isn't always that tough. One doctor who came before the disciplinary group admitted he had given prescriptions for narcotics to addicts. This idealistic young physician had once taken part in a church-sponsored program to rehabilitate drug addicts. Several of the addicts later came to his office seeking prescriptions for narcotics. If they didn't get the prescriptions, they warned, they were desperate enough to commit crimes to buy high-priced street drugs. The doctor handed over the prescriptions.

Investigation disclosed that the doctor himself was not an addict. He was a married man with four children, and leaders of his community testified that he was respected and needed. The commission decided that although he had done wrong, he hadn't done enough wrong to pay for it for the rest of his professional life. Instead of revoking his license, the commission suspended it for six months.

In another case, a physician was charged with filing false reports, misrepresentation in treatments, and professional incompetence. A number of doctors and patients appeared on the accused doctor's behalf, and many letters from other patients were offered in evidence. The physician, when testifying, answered medical questions fully and accurately. His records, however, were a mess—and might well have been the reason for misunderstandings about his treatments.

The commission therefore dismissed all counts against the doctor except the one of professional incompetence. On this, he was found guilty because of his careless record-keeping. Upon his agreement to upgrade his records and open them to periodic inspection by a member of the commission, he was let off with a reprimand.

Sometimes when a physician appears before the commission, it turns out that he's committed an offense in ignorance rather than with willful intent. One young doctor, for instance, put an ad in a local newspaper when he was going on a vacation; it informed the general public how long he'd be gone and directed patients to his covering M.D.

The local medical community considered this undue solicitation of patients, and the case eventually went to the Commission on Medical Discipline. After talking to the accused doctor, however, the members of the commission were convinced he hadn't deliberately done anything wrong; he just didn't know that the paid newspaper announcement could be construed as advertising. He agreed to bone up on medical ethics and was let off with a reprimand.

Whenever possible, the commission tries to salvage doctors who are drug addicts or alcoholics. At least three addicts have been returned to practice because they agreed to give up their Federal narcotics permits and follow a strict program of rehabilitation laid down by the commission.

The commission isn't always a winner, though. One doctor who was reprimanded on a charge of solicitation appealed to the courts. A pathologist, he had sent a form letter to doctors, detailing his services and fees. The judge ruled that the charge against the doctor hadn't been proved, mainly because the commission itself had set no real definition of solicitation.

Another doctor, who had his license revoked on a variety of charges, also appealed to the courts. This automatically stayed the revocation, and the doctor has continued to practice for more than a year while his appeal is pending. Meanwhile, other complaints have been made against him, but the commission is unable to act on them until the appeal is heard.

"This is a weak spot in the law under which the commission was established," admits John Sargeant, executive director of the Medical and Chirurgical Faculty. "Nevertheless, even with the law as it is, we feel the Commission on Medical Discipline has taken a big step forward. It's caught up with medical offenders who might otherwise have gone unapprehended and it's deterred more than a few doctors from going wrong. That's important in these days when the health-care system is being closely scrutinized. Critics in Maryland just can't say that little or nothing is being done by the medical profession to police itself."

Can medical societies in other states get the Maryland type of authority?

"They can if they ask their legislatures for it," Sargeant declares, "and they certainly should ask. Mind you, there's a lot of work involved—a plan has to be prepared and presented—but it's well worth it. A medical disciplinary commission that really works is not only protecting the public—it is also upgrading the standards of physicians and improving the quality of care."

ADDRESS BY AMBASSADOR SCALI—SANCTIONS AGAINST RHODESIA

Mr. McGEE. Mr. President, last Thursday, June 7, Ambassador John Scali, U.S. Representative to the United Nations, delivered a statesman-like address to a UNA-USA dinner in New York.

As a Senate delegate to the 27th General Assembly of the United Nations last fall, I was particularly appreciative of the Ambassador's strong and courageous statement in support of the United Nations and the need to strengthen U.S. participation in that institution.

I was particularly gratified to note that, in his speech, the Ambassador invited the Congress to reconsider its action of 2 years ago which placed the United States in open violation of international law. Mr. Scali was referring to congressional passage of legislation which allowed us to violate UN sanctions against Rhodesia—sanctions we had vigorously sought and supported.

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*See "Found: a Potent Way to Deal With Bad Apples," MEDICAL ECONOMICS, July 6, 1970. Another state, Florida, has a "sick-doctor statute," designed to protect the public from physicians who are mentally ill, senile, or addicted.

Ambassador Scali pointed out that:

> The evidence is mounting that this amendment not only damages America's image and reputation as a law-abiding nation, but it also has net economic disadvantages as well.

As my fellow colleagues are well aware, 25 of us in this body have introduced legislation which would return us to compliance with our international obligations under provisions of the United Nations Participation Act of 1945.

In light of Ambassador Scali's positive and vigorous approach to the question of UN sanctions against Rhodesia, I was, therefore, very concerned that some Members of this body have seen fit to criticize the Ambassador's remarks.

It is even more disconcerting to note the justification for this criticism—that the Congress of the United States should have little, if any, regard for our international obligations. If one just examines this line of thinking very closely, it becomes apparent that a perpetuation of such an attitude could throw the international community into complete chaos.

Take, for example, such international agreements as the General Agreement on Tariffs and Trade, the Organization for Economic Cooperation and Development, the World Bank, the International Monetary Fund, the enactment of legislation which led to the Kennedy round of drastic tariff reductions, NATO and our other mutual defense treaties, the SALT agreements. One could go on and on. What if we would begin passing legislation putting the United States in violation of these agreements? We would have a credibility problem of such magnitude that other nations just would not deal with us because we could not be trusted to live up to agreements that we have supposedly entered into in good faith.

I would hope that Congress recognizes the need for international cooperation and involvement. The United States just cannot isolate itself from the rest of the world and survive economically. We do not live in a vacuum. Thus, this attitude, if one would carry it to its logical conclusion, would certainly spell the complete demise of this Nation.

I also believe there is an apparent misunderstanding of how this Nation came to comply with UN sanctions against Rhodesia. It was not a unilateral action by President Lyndon Johnson in 1967, without consultation of the Congress. It was Congress who ratified the United Nations Participation Act of 1945, not the President.

I, for one, believe very strongly that when a nation enters into an agreement with another nation or group of nations, we have an obligation to live up to that agreement. I believe in the integrity of this Nation. If we cannot live up to our international obligations and responsibilities, then it is our integrity which is tarnished. As the saying goes: "A man is only as good as his word." This is equally applicable to relations with other nations. We, as a nation, are only as good as our word.

Thus, as I mentioned earlier in my statement, it was very disconcerting to see this line of reasoning surface in this body. It would be my hope that Congress can regain its sense of integrity and once again act in a responsible manner. A positive step in this direction is to support Ambassador Scali's call for a return to our adherence to international law and our international obligations.

I ask unanimous consent that Ambassador Scali's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

ADDRESS BY AMBASSADOR JOHN SCALI

It is a very special satisfaction for me to address so large an audience of distinguished representatives of American business and labor. You are men and women whose concrete achievements in the real world of the American economy have helped make it the most productive economy on earth. In a real sense, you are people whose achievements move America.

At the same time I am aware that your being here tonight demonstrates that you are also profoundly attached to ideals—to those cherished fundamental American goals and dreams enshrined in our own Constitution, which, in turn, have helped inspire the Charter of the United Nations.

It is this blend of realism and idealism that makes us proud of our national heritage as we approach our 200th birthday. President Nixon, in naming me United States Permanent Representative to the United Nations, has charged me with the responsibility of promoting concrete results within the family of the United Nations—132 Member countries, each proud of its identity, its cultural background and its right to share the riches, both spiritual and material, of our planet.

Those of us who were young when the United Nations was born, back in 1945, in the aftermath of a terrible war, hoped that man would be wise, creative and inspired enough to create a magnificent structure of international peace. We dreamed of one that would guard the safety of all nations large and small, and create a new world order. The lofty goal was proudly proclaimed in the Charter in these words:

"To practice tolerance and live together in peace with one another as good neighbors and to unite our strengths to maintain international peace and security."

This was and is a noble goal.

But, as we look back now, 28 years later, we recognize that perhaps our dream of a universal justice exceeded the strength of the structure we created to fulfill our yearnings. We can see now clearly that we did not create an instant world government. Instead, what we put in place was an international forum where the separate, often conflicting foreign policies of Member Governments collided, at a time when the tidal wave of nationalism became a dominant force in relations between governments. And collide they did, with resulting arguments, tension, and deadlock—but occasional visible agreement and progress. In other words, the United Nations has turned out to be a mirror of the real world.

As a newsman back in 1945, I watched as the United Nations structure was put together word by word. But perhaps I and others failed at that time to recognize that the final structure laboriously pieced together after millions of words of discussion and debate and reconciling of diverging views was a compromise, albeit the best a war-weary mankind could devise at that time.

In those days, as a newly returned, young war correspondent, I firmly believed in the need for a United Nations. Almost 28 turbulent years later as a man who prides himself in being a pragmatist, one who seeks to specialize in what works, I can still tell you I believe profoundly in the United Nations. I am honored that our President has offered me the opportunity to support his effort to make faith in the United Nations. I am honored that our President has offered me the opportunity to support his effort to make faith in the United Nations a realistic faith.

I am committed, and I can assure you the President is committed, to bringing this about. In his most recent Report to the Congress, President Nixon puts it like this:

"Unable to retreat into isolation in a world made small by technology and shared aspirations, man has no choice but to reach out to his fellowman. Together we must build a world order in which we can work together to resolve our common problems."

I have observed before that this is what the United Nations is all about. It is a truism to say that the world community, and particularly the American people have been disappointed in the achievements of the United Nations thus far. If at times we appear to be criticizing rather than praising the UN, it is because we need it and because we want to make it a more dynamic instrument for promoting a lasting peace in a world where nuclear weapons can incinerate a hemisphere. Yes, nearly 28 years have gone by. But 28 years, ladies and gentlemen, represent a speck in the march of civilization.

At the very moment that you have convened in New York, the Security Council of the United Nations is once again grappling with an issue that has resisted ultimate solution for 25 years—the Middle East question. In the days ahead we will be solemnly reviewing the agonizing history of this conflict and searching for a solution that has defied the wisdom and the best efforts of many distinguished statesmen.

Critics can rightfully claim that during this quarter of a century the United Nations has achieved only limited success in moderating the fear and suffering of the people of the Middle East. Yet, even as we sit around the United Nations Conference Table and examine this problem anew, we do so with the assurance that the guns are silent while the statesmen talk of a new beginning. A cease-fire, promoted by the Government of the United States, has stopped most of the killing for 33 months and eased the grave danger that this conflict can engulf other nations in a larger and bloodier war.

The fact that eight foreign ministers have come to New York to join the members of the Security Council in this new search for peace within the Security Council Chamber is testimony to mankind's continuing hope that this great international organization can move toward its most important goal as the guarantor of peace. I cannot predict for you tonight that this newest review of the melancholy history of this war will succeed. But I can assure you that I and the members of my delegation and, I am sure, others of goodwill will do their best to bring about the kind of negotiations between the parties that one day will bring real peace to this region which has known more than its share of sorrow.

I mentioned earlier that an American initiative in the United Nations framework, a cease-fire proposed and accepted by all parties, has at least provided an atmosphere where statesmen can seek to convert this fragile cease-fire into a permanent peace.

So I reject the judgment that the Middle East represents a record of United Nations failure and futility. The present Security Council review is moving ahead under the leadership of Ambassador Yakov Malik of the Soviet Union, whose turn it is to preside as President over this 15-nation organ of the United Nations.

To many of us who are only too familiar with the harsh, often ugly vituperation of the cold war, it was a source of deep satisfaction to hear Ambassador Malik open the debate yesterday morning with words which are new evidence of the winds of peace that are stirring around the world. Ambassador Malik said:

"The necessity for the establishment of a just and lasting peace in the Middle East without delay is particularly obvious to all in the conditions of the auspicious changes which have been achieved in the international situation, the perceptible improvement in the political climate on our planet and the continuing further easing of international tension. The world is going through an important turnabout in international relations, a turning away from the dangerous tension of the cold war towards *detente* and peace."

I welcome these words by Ambassador Malik. If there is to be a lasting peace in the Middle East, it will be partly because of cooperation between the United States and the Soviet Government in encouraging both sides to negotiate their differences before it becomes an explosive threat to international peace and security.

The words of Ambassador Malik are a reflection of the search for a step-by-step improvement in Soviet-American cooperation for peace, to which President Nixon and General Secretary Brezhnev are now committed.

As one who has stood at the President's side for the past several years, as he launched and followed through with his historic initiatives to open the door to China and to Moscow while he ended American involvement in an agonizing war in Southeast Asia, I perhaps can be forgiven if I give full credit to our President for the initiatives that have led to the improving international climates. Within a few weeks, General Secretary Brezhnev will be meeting face-to-face with the President in talks that will, I am confident, move us further on the road toward a better understanding with the Soviet Government. This newest move, as you are aware, comes only a few weeks after the United States and the People's Republic of China after years of isolation from one another have set in motion a series of important moves to normalize relations, the newest of which is the establishment of diplomatic liaison offices in each other's capitals.

I mention these bilateral achievements because it is inevitable that these daring, imaginative initiatives by our President inevitable will be reflected some day in greater cooperation among the major powers within the framework of the United Nations. I am not naive enough to believe that some reasonable, encouraging words by Ambasador Malik in themselves guarantee a new spirit of cooperation in achieving a settlement of the Middle East crisis. But, it at least is an augury of hope for those who believe that the success of the United Nations depends on less rivalry and more working together by larger nations to help the smaller ones whose security sometimes depends on membership in the United Nations and the conscience of mankind.

It is my belief, as a man who it is sometimes difficult to persuade, that we could be on the threshold of the generation of peace to which the President has dedicated most of his life and leadership.

I am conscious, as you are, that I am speaking in the presence of the distinguished Secretary-General of the United Nations, Dr. Kurt Waldheim. He knows that I hold him and his statesmanship in great respect. I hope he will forgive me if I turn for a moment to matters that are of special concern to you and to me as Americans.

At a time when everyone is preoccupied with the question of morality in public affairs, let us examine briefly the role of morality, the role of principle in American foreign policy. I submit that when historians look back on these troubled years, they will discover a record of which Americans can be proud.

As President Nixon moves with careful planning from one foreign policy initiative to another, to the applause of Democrats and Republicans alike, I submit it is because this policy is firmly grounded in morality—in the search for an enduring peace.

In the words of the Charter of the United Nations, the President's policy "seeks to reaffirm the faith in the fundamental human rights, in the dignity and worth of the human person and the equal rights of men and women and of nations, large and small, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained . . . This is a search for a way to live with one another as good neighbors.

I mention this before a gathering of those who believe in the United Nations because the waves emanating from the success of the President's individual initiatives will one day make this United Nations house a stronger, more enduring structure.

It is on this foundation of principle that I hope to shape our conduct in the United Nations. Our goal will not be a selfish short-term one which relies on superior economic-military might or geographic position. At the United Nations we will seek to build on principle because our tradition and our heritage demand it and mankind expects it.

This same concern for principle has motivated our conduct in the UN. We are prepared to forego short-run advantages to do the momentarily unpopular thing, if, in so doing, we can contribute in the longer run to a world at peace if we can make of the UN a more realistic and effective instrument of peace.

As an example of this approach, I would cite my recent veto of a resolution calling for an extension of economic sanctions, now in force against trade with Rhodesia, to cover South Africa and Portuguese territories. I vetoed because we were convinced the proposed new sanctions would be ignored by many countries, large and small, inevitably weakening the credibility of the United Nations.

There were those in the UN who disagreed with us. I am morally certain that time will demonstrate that our vote was a constructive step toward liberty and justice in a troubled part of the world.

In this connection, I have respectfully invited the Congress of the United States to reconsider the amendment to the Defense Appropriation Act which two years ago placed the United States in open violation of international law. At that time the Congress voted legislation making it impossible for the Executive Branch to prevent imports of chrome and other strategic commodities from Rhodesia as required by the Security Council, a decision which the United States voted and which is legally binding on the United States.

The evidence is mounting that this amendment not only damages America's image and reputation as a law-abiding nation, but that it has net economic disadvantages as well. The United Nations Association has itself made public studies suggesting that the amendment's repeal would be advantageous from the point of view of our economic health, of increasing employment, and of the national security. I would urge you, leaders in American business and labor, to acquaint yourselves with this issue and to address it.

This is only one modest issue. It is only one example of the kind of concern for our position in the international community to which I would bespeak your attention. It is the nature of the American political system that the effectiveness of your representatives depends ultimately on the wisdom and energy of the public and its leaders. I urge you most earnestly to bring that wisdom and energy to bear on the issues before us. There is no magic in the United Nations, but working together we can make it increasingly effective as an instrument of peace and well-being, and, pray God, worthy of our noblest dreams.

THE PUBLIC SERVICE PROGRAMS OF AMERICAN MULTINATIONAL CORPORATIONS

Mr. JAVITS. Mr. President, at a time when the American multinational corporation is coming under increased scrutiny in the Congress and increased criticism at home and abroad, the highly positive contributions that such corporations make to our economy and the international economy are often overlooked.

The prestigious Conference Board has now issued a report outlining the broad range of public service programs that the American multinational corporations undertake in the nations in which they operate.

I ask unanimous consent that the press release of the Conference Board which was issued on May 21 be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

Released by the Conference Board

New York, May 21.—American multinational companies are contributing money, gifts and time in widely varying amounts to a broad range of public service programs in the nations in which they operate, The Conference Board reports today in releasing the initial half of a two-part study.

The Board's report is the first comprehensive body of information ever compiled on the international contributions of U.S. multinationals. It was developed with financial assistance from ten American corporations and the Bureau of Educational and Cultural Affairs of the U.S. State Department.

In commenting on this work, John Richardson, Jr., Assistant Secretary of State for Educational and Cultural Affairs, stated: "It is increasingly clear that the basic patterns and climate of our relations with other countries are shaped and influenced as much or more by private motivations, private interests and private actions, as they are by government. I am confident that in the years ahead corporate public service activities such as those described in The Conference Board report will help improve the climate not only for doing business internationally but for other forms of international cooperation as well. The rapid expansion of world business and the evolving social and economic interdependence of nations are developments of great promise for the future of our international relations."

Part I of the Board's report, released today, deals with international public service activities carried on from the U.S. corporate headquarters. These consist primarily of contributions of money and time to international service organizations based in the

United States, and of policy and administrative guidance on the public service activities which their corporate subsidiaries are engaged in abroad.

When completed, the second part of the Board's study will describe the public service activities of the subsidiaries themselves, and provide an assessment of them by recipient institutions and thought leaders in selected countries.

EDUCATION, RESEARCH HEAD THE LIST

Among the 218 U.S. companies with foreign operations which cooperated in the Board's study, programs in education and research abroad are the types most frequently assisted from the U.S. headquarters, followed by health and welfare projects. Assistance takes varied forms, such as financial grants to institutions of higher education; part-time or vacation employment for students; exchange programs for travel, study or work abroad; emergency relief programs; and financial grants to hospitals or clinics.

Many American companies support international programs through gifts-in-kind or the services of executives and other employees. For example, pharmaceutical companies support medical conferences and distribute free medicines in times of natural disasters; food products firms give assistance to improve diets in poor countries and sponsor nutrition conferences; and an insurance company has endowed a chair in a foreign university for the teaching of principles of insurance.

WIDE DOLLAR SPREAD

Ninety-six of the 218 companies studied reported a dollar figure for contributions from their U.S. headquarters during their last fiscal year. These ranged from a low of $200 to a high of $2 million. The total for the 96 firms came to $7,642,053, and the median contribution was $15,000.

These sums were contributed almost entirely to American-based international service organizations for use in their programs overseas. The total does not include the contributions made by foreign subsidiaries. Preliminary data from the second part of the Board's study suggest that contributions by U.S. subsidiaries for foreign public service programs come to a considerably higher total.

A number of companies reported that their support for international public service activities had been reduced in recent years due to adverse business conditions.

WHY MAKE CONTRIBUTIONS?

The companies studied by The Conference Board apparently contribute to foreign public service programs for the same reasons that they contribute to domestic programs. The objectives most frequently cited are: to demonstrate social responsibility as a good corporate citizen, to improve the company's image in general and to create a favorable climate for doing business.

A number of companies believe they should design their foreign public service programs so that specific business benefits accrue to the company as well as to the community. A manufacturing company, for example, supports programs in education "to promote an adequate source of qualified manpower."

Two companies—both banks—specifically stated that an objective of their contributions program was to improve the image of the United States abroad.

RELIGION AND POLITICS

Religion and politics are the only activities commonly denied support among the companies studied by The Conference Board.

In the case of political activity, constraint usually reflects a rigorous policy based upon legal prohibitions against such support in the United States, although a few companies specified "leftist organizations," "subversive organizations" and "extremists of the left or right" as groups they are careful not to assist.

The view on support of religious activity held by a large number of companies is summed up by one respondent who said that his firm does not make grants to sectarian or religious organizations "operated primarily for the benefit of their own members." There are exceptions, however, and U.S. business support for religious organizations is more common abroad than in the United States.

Source: U.S. Business Support for International Public Service Activities. Part I: Support from U.S. Headquarters. The Conference Board.

Author: James R. Basche, Jr., Senior Specialist, International Management Research.

GREECE, NATO, AND U.S. POLICY

Mr. JACKSON. Mr. President, the NATO Council of Ministers will be convening in Copenhagen on June 14. It is fair to say that the Ministers will be confronted by questions of exceptional difficulty. The alliance, so successful in the past, now operates in an atmosphere of uncertainty—over America's future role, over the Soviet Union's future intentions, over Europe's commitment to its own defense, over the strategic and political implications of recent changes in the global military equation.

The meeting in Copenhagen thus promises to be a trying one. Given the range of problems explicit and implicit—more than sufficient to occupy the 2-day conference—I hope I will be forgiven for urging an additional timely matter for the Ministers' consideration. I refer to political conditions in Greece and their implications for the future effectiveness of the alliance.

Strategically speaking, Greece plays an important role in the overall defense of the West. It helps guard the "soft underbelly" of Europe, and is well situated for the protection of Western interests in the Mediterranean and the Middle East. This perception of the relationship between the Mediterranean area and the "Atlantic world" is what contributed to Greece's inclusion in NATO in the first place.

Yet NATO is far more than an ad hoc arrangement for military collaboration. The North Atlantic Treaty makes it explicit that the signatories are committed not only to the defense of each other's territory but to "the principles of democracy, individual liberty and the rule of law" and to "strengthening their free institutions." And it is these basic values of the alliance—the links which bind it together—that are called into question by the military dictatorship in Greece.

I regard the subversion of the democratic order in Greece as a serious matter, and an appropriate concern for alliance partners committed to the defense of free peoples. In Greece today, legitimate political activity has been suppressed, and free expression in the cultural sphere abolished. And while participation in NATO is an undertaking of the Greek Government, it is increasingly clear that the unrepresentative character of that Government makes the commitment of the Greek people less than certain.

Given these circumstances, the "business-as-usual" approach of the U.S. Government strikes me as fundamentally unwise. In particular, if the justification for the present policy rests on the premise that Greek forces are vital to the common defense effort, that justification has about evaporated.

It is now undeniable that the Greek regime has met with considerable resistance within the military itself, as recent events in the Greek Navy clearly show. How, then, is the security of the eastern Mediterranean enhanced by Greek Armed Forces when key elements of those forces are demoralized or are not on station because they cannot, in good conscience, support a government which has abrogated the liberties of their fellow citizens? How will a regime, so lacking in support that it must resort to brutality in enforcing its writ, command the loyalty of its people at a time of crisis?

Thus, the suppression of individual liberty, the lack of a genuine popular base for the regime, and the fissures between the Government and the military all make Greece a serious problem for the alliance. In particular, thoughtful statesmen—in Europe and North America—know the difficulty of generating support among their own constituents for a policy which seems to acquiesce in the fait accompli of the present Greek authorities. Indeed, such a policy will ultimately be self-defeating, and it is now time to realize that.

Mr. President, I recognize that a certain portion of what is happening in Greece represents the result of deep divisions in Greek society. The history which led to the rise of the colonels cannot be repealed, and outsiders simply cannot restructure Greek politics in accordance with their own ideas.

But there are certain positive steps that can be taken. I would hope, for example, that the American Government would abandon the wholly fictitious notion that "progress toward constitutional government" exists in Greece, and that it set aside this fiction as the official rationale for our military aid. Instead, I would prefer a policy which conditions such aid on real progress toward free institutions. A genuinely open and unrigged popular referendum on the recent decree abolishing the monarchy must be insisted upon as a minimum demonstration of such progress.

Second, I understand that the NATO foreign ministers may be asked to express themselves on the importance of political liberalization in Greece. I hope the United States will adopt an affirmative attitude toward such a move, and not seek either to evade the issue or water down explicit language on the subject.

Obviously, Mr. President, such actions on our part will not lead to the immediate restoration of individual liberty and democratic procedures in Greece. But they are a good way to begin implementing a forward-looking and productive policy, consistent with both our NATO treaty commitments and our own political traditions.

CONTROL OF THE NATIONAL PURSE

Mr. McCLURE. Mr. President, the Senator from Virginia (Mr. Scott) has received nationwide attention for his interesting proposal that Congress assume control of the Office of Management and Budget.

If there is one thing we have come to expect from the Senator, it is the unexpected. Senator Scott is just old-fashioned enough to believe that the adage, "Congress controls the purse strings," is true. Or, at least, it ought to be true.

Whether or not one agrees with this approach to the problem, I think it shows the kind of imaginative thinking which characterizes the younger Members of this body. Senator Scott is to be commended, and I ask unanimous consent at this point to include an article on his bill, as written by columnist Holmes Alexander, in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Heavy Burden of the Federal Purse

(By Holmes Alexander)

Washington.—As the latest of several moves by the rambunctious 93rd Congress to regain control of the national purse, there is this one by Sen. William Scott, R-Va., which would move the Office of Management and Budget (OMB) lock, stock and barrel to Capitol Hill.

As an endeavor in governmental engineering, the Scott bill is of impressive magnitude, indicative of the senator's well-earned reputation of an economizer while serving three terms in the House of Representatives, and of his down-with-deficits pledges in his 1972 campaign. Since there are a half-dozen similar measures, by Democrat and Republican alike, floating around the Hill, Scott's move shows that he is not a lone crusader, as would have been the case a few years ago. I know that he has been at work in the drafting of his bill for several months, so that the timing of its appearance could not have been a gimmick.

Nonetheless, the timing has almost a playwright's touch of the dramatic, even though it was accidental. There couldn't have been a time in this session when more legislators were talking, and more information was at large about the OMB, than when he sprang his notion. On the day I was handed a draft of his OMB bill, the OMB itself was the subject of a debate in the House, and had been the subject of a Senate debate on the previous day.

The House, it will be recalled, voted to sustain (236 to 178) the President's veto of a previous measure that would have required Senate confirmation of the OMB director and deputy director. The Senate, after its debate, had voted the other way (62 to 22). Thus although Mr. Nixon's veto was not overturned, each chamber voted in favor of having the two officers of OMB be subject to confirmation. Scott's bill would provide the 93rd Congress with the means of getting its way on a subject where feelings run high.

If his engineering project of relocating this huge agency (which administers 60 statutes and employs 700 persons) were to succeed, the President would still appoint its director and deputy director, but "by and with the advice and consent of the Senate." This is what the veto-contest was all about. To pass Scott's bill requires only a simple majority of both houses, and this is seemingly in the bag.

We are talking here about a massive transfer of power from the executive to the legislative branch. For Congress to become owner and operator of the Office of Management and Budget would be, without exaggeration, a major legislative event. It would mean a return of what amounts to the swag of a Great Governmental Robbery, one committed by slow stealth over a half-century.

In 1921 the Bureau of the Budget was created, with little notice, as a function of the executive. In 1939 it was attached to the Treasury Dept. Its director fell within the definition of an "inferior" official, not required by the Constitution to be confirmed. In 1970, with Congress meekly concurring, OMB's name and nature were changed, so that its director and deputy director vaulted in importance to super-Cabinet rank.

Were it not for this year's commotion over the impounding of funds and other exercises of presidential power, few congressional members and fewer citizens would know that OMB holds unprecedented control over the resources of the federal government. As Senate Majority Leader Mansfield puts it, "the OMB director sits today without peer as policymaker and policy implementer whose jurisdiction is limited only by the bounds of total American government involvement."

Of course, this concentration of authority in a presidential assistant is a great convenience to a President who seeks to be a strong executive. Up till lately, the arrangement has also been a convenience to a Congress whose members would rather not pore over thousands of budgetary items.

The amount of work which the Scott bill will require of committee members is staggering and downright mind-boggling.

But if the legislative branch wants to recover its megabillion-dollar purse, this is how to do it.

SNOW ISLAND IN FLORENCE COUNTY, S.C.—A HISTORIC LANDMARK

Mr. HOLLINGS. Mr. President, on behalf of Senator Thurmond and myself, I would like to bring to the attention of my colleagues a resolution passed by the South Carolina House of Representatives memorializing Congress to enact legislation to make Snow Island in Florence County a national park.

I ask unanimous consent that this resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

A Concurrent Resolution

Memorializing Congress to enact such legislation as will make Snow Island in Florence County a National Park.

Whereas, Snow Island in Florence County is one of the most historic landmarks in the United States; and

Whereas, Francis Marion, the great "Swamp Fox" of the Revolutionary War, used Snow Island as his base for military operations against the British; and

Whereas, the beauty and tranquility of Snow Island have remained unchanged and undamaged since the days of the "Swamp Fox"; and

Whereas, the beauty and tranquilty of land be preserved for the use and enjoyment of future generations. Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring;

That the Congress of the United States be memorialized to enact such legislation as will make Snow Island in Florence County a National Park.

Be it further resolved that copies of this resolution be forwarded to the President of the United States, to each United States Senator from South Carolina and to each member of the House of Representatives of Congress from South Carolina.

THE 33D ANNIVERSARY OF SOVIET AGGRESSION AGAINST LITHUANIA

Mr. CURTIS. Mr. President, Friday marks the 33d anniversary of Soviet aggression against Lithuania. On June 15, 1940, the Soviets occupied this proud country and demanded immediate formation of a "friendly" government. A month later rigged elections produced a Congress which requested the incorporation of Lithuania into the Soviet Union. On August 3, 1940, at this "request", Lithuania was declared a Constituent Republic of the U.S.S.R. by the Supreme Soviet in Moscow.

In less than 2 short months the Lithuanian people were sealed off from the free world.

Deportation soon began and reached its height on the night of June 12–13, 1941, when more than 30,000 Lithuanian citizens were loaded in cattle cars and shipped to the Siberian tundras and Asiatic deserts.

Thus began another sad chapter in the long history of this nation's struggle for freedom.

Lithuania has been known to history since 1009, when it was a nation divided into many principalities. Mindaugus the Great unified these principalities into one kingdom in 1251.

By the 14th century the boundaries of Lithuania extended into what is now the Byelorussian S.S.R. and the Russian S.S.R.

In 1387 Lithuania was officially proclaimed a Christian state. During the following two centuries one of the most outstanding rulers of the Middle Ages was Vytautas the Great who extended Christianity and strengthened Lithuania's ties with western Europe.

Of Lithuania's role in the Middle Ages, historian Clarence Manning has written the following:

> The Lithuanians had established a powerful and independent state in Europe during the Middle Ages. They were able to check the German drive to the east for centuries. They protected Europe against the Mongols and the Tartars. They furnished a power and a government behind which the Eastern Slavs could live in peace and safety with a freedom that was unknown in Moscovite Russia. They blessed their subjects with more human freedoms than in the neighboring countries. They encouraged education and toleration, and they played their part in the general development of European civilization.

In 1795 during the third partition of Poland, Lithuania was annexed by Russia. During the next 120 years Lithuania was under Russian domination. In 1831 the tsarist government began a policy of attempting to replace Lithuanian language and culture with Russian. The Lithuanian people resisted and remained faithful to their religion, language, and traditions. The policy of russification was abandoned in 1905.

Russian domination came to an end in 1915 when Lithuania was overrun by German armies. German defeat, coupled with the revolution in Russia, made conditions favorable for Lithuanian independence. In 1917, in response to Lithuanian pressure, the German Government authorized the gathering of a congress of 200 Lithuanian delegates. The congress proposed an independent Lithuania based on ethnographical frontiers, with its capital to be at Vilnius, and elected a 20-member council. On February 16, 1918, the council proclaimed an independent Lithuanian state based on democratic principles.

But, independence was not yet a reality. As soon as German troops evacuated Vilnius on January 15, 1919, the Red Army entered the city and installed a Communist government. The next year Soviet troops were driven out by the Polish army led by Marshal Joseph Pilsudski and Lithuanian fighting units. On July 17, 1920, Russia signed a peace treaty with Lithuania.

Thereafter, this proud country had freedom for a little more than two decades before it once again—in 1940—became a pawn in European conflict.

Lithuanians have not taken the present occupation quietly. Between 1940 and 1952 over 30,000 Lithuanian partisans lost their lives fighting the present Soviet tyranny.

Since June of 1940 the three Baltic Countries—Latvia, Estonia, and Lithuania—have lost more than one-fourth of their entire population through the various genocidal operations of the Soviets.

The Lithuanian people have never accepted captive status. They have clung tenaciously to their national identity and culture. It is this spirit that has earned for the Lithuanian people the abiding respect and admiration of the free world.

Today provides us with the opportunity to reaffirm to the people of Lithuania that we in the United States have not forgotten them or the justice of their cause.

Today I voice my earnest support for the just efforts of Lithuanians everywhere to reestablish their country as an independent state to free their homeland from Soviet control.

WATERGATE

Mr. CRANSTON. Mr. President, Los Angeles' able and intelligent police chief, Edward M. Davis, recently delivered a speech before the Los Angeles County Peace Officers Association which has some food for thought for all American citizens who are trying to understand the meaning to our society of the events surrounding the Watergate scandal.

Chief Davis discusses the Watergate with relationship to law enforcement but his remarks and advice are worth considering by all citizens.

Says Chief Davis—

> The sacred thing that we have to remember, is reverence for the law and how it should be the political religion of the land.

Mr. President, Chief Davis has some very sound advice for all of us. I request unanimous consent for the publication of his remarks in the Record as recorded by the Los Angeles Times of June 6, 1973.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Chief Davis on Watergate: Five Lessons for Police

(By Edward M. Davis)

There are some aspects of Watergate that apply as an administrative lesson to those of us in law enforcement.

First of all, Watergate would never have happened if President Nixon had chosen as his chief of staff someone like the venerable Roger Murdock. I didn't choose Roger as my chief of staff because he was a friend or because he was necessarily loyal to Ed Davis. I would be suspicious of anyone who is loyal only to Ed Davis. So, I think one of the first lessons of Watergate is to be wary of excessive personal loyalty.

In this police department, there has to be something bigger than me for someone to be loyal to. That something that is bigger than me includes the City Council as a group and the people of this city, all 3 million of them. And it is the law—above all, it is the law.

If I hire someone to be loyal only to Ed Davis, I must be seeking a very shallow sort of loyalty; that's true for any man. The real power in our form of government comes from the people, and that is where the loyalty has to be.

Another problem that Watergate reveals, it seems to me, is the propensity of many governmental leaders to surround themselves with youth.

Now there is nothing wrong with youth; most of us were youthful at some point. But we made some beautiful mistakes, and to surround ourselves with young men to create the illusion of youth in ourselves or so that we can dominate others is just bad business.

Gray hair in itself has no intrinsic value, but what it represents, in terms of past mistakes in the learning experience, has great value. Throwing away the value of people who have been tempered in the fires of experience to those who have yet to receive that kind of heat treatment is shortsighted expediency.

A third lesson of Watergate, I think, is that you cannot play down professional experience. I don't care whether it's being a "wire man" or whether it's being a police administrator to head the FBI, or whether it's being a prosecutor to head the prosecutorial forces of the United States. Tried and tested, professional experience is absolutely invaluable.

Poor Pat Gray. Had he once been chief of police of a small city, he would have learned about some of these things in dealing with the elected officials of Washington, D.C.

A fourth and most important lesson, particularly for policemen, is the realization that the catching of a felon never justifies the catcher becoming a felon himself—the end does not justify the means when we are talking about the law. I hope that no American police executive is ever caught committing a felony to catch a felon.

We were lectured about this, weren't we? In *People v. Cahan* and *Mapp v. Ohio* and case after case—it's an ancient lesson. The sacred thing that we have to remember is reverence for the law and how it should be the political religion of the land.

Really, I think perhaps we ought to change the oath we take. We take an oath to uphold the Constitution. I think we ought to add to that oath something about reverence for the law, not just upholding and enforcing the law.

The last lesson I want to discuss from Watergate is the great value of openness as opposed to covertness in the day-to-day operation of any organization. The openness automatically keeps you honest.

In the LAPD, we have had an extremely open press policy. Members of the press can go to any member of my department and ask him a question about any subject—and they do it. This is an insurance policy against our getting off the track.

I think that the police, who used to be a very insular group, have become much more open in the last 10 years. The fact that we have opened up police work to public scrutiny is one of the things that have made police work much better.

Perhaps Watergate has other lessons, personal ones for each of us. These are a few of them that have come to my mind as Los Angeles chief of police. If we all learn lessons from Watergate, then as a nation, we can emerge the better from it.

VFW POST 7315, HAVELOCK, N.C., GETS NATIONAL GOLD MEDAL FOR COMMUNITY SERVICE

Mr. JAVITS. Mr. President, over the past weekend, an event took place in Durham, N.C., which did not get the national attention I feel it deserves. The VFW Post 7315 of Havelock, N.C., was presented with the VFW's Community Activities Gold Award of Honor's. The genesis of that award is an interesting and inspiring tale. In June of last year, Mr. Arthur H. Winds of Buffalo, N.Y., then a member of the U.S. Marine Corps was assigned to the Cherry Point Marine Air Base near Havelock after a tour of duty in Southeast Asia.

In the course of his stay at Cherry Point, Mr. Winds saw television reports on the disastrous effects of Hurricane Agnes and was moved to organize disaster relief efforts on behalf of the victims of that catastrophe. As chairman of a committee to raise funds and supplies, Winds expanded his work from the Marine Air Base to other parts of North Carolina and neighboring States. He was then a member of the VFW post in Havelock, N.C., and when the supplies began to stream in the ladies auxiliary of the post pitched in to help package the supplies. Mr. Winds gives the auxiliary credit for doing some 90 percent of the work which resulted in 15 tons of supplies being flown to Wilkes Barre, Pa., in two planes.

It is in recognition of that noble effort by one group of people to help another in its hours of need that the Havelock Post of the VFW was honored at the North Carolina VFW convention this past weekend. I feel this story is a shining example of the nobility of the human spirit, and I congratulate Mr. Winds, VFW Post 7315, and its Ladies Auxiliary.

Mr. President, I ask unanimous consent that an article entitled "Buffalo Man Paves the Way To Honor for N.C. VFW Post," published in the Buffalo Courier Express on June 4, 1973, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Buffalo Man Paves the Way To Honor for North Carolina VFW Post

(By Albert L. Hershey)

Thanks to a former Marine from Buffalo, a tiny Veterans of Foreign Wars (VFW) post in Havelock, N.C., has won a national award.

The award, the National Gold Medal for Community Service, will be presented to the post at the North Carolina VFW convention on Saturday in Durham, N.C.

Arthur H. Wind, 35, the former Marine who helped make it all possible, plans to be in Durham when the award is presented to the Havelock Post, No. 7315.

Wind, of 669 Northumberland Ave., organized and spearheaded a drive to bring relief supplies to Wilkes-Barre, Pa., following Hurricane Agnes last June.

Wind said the drive, begun when he was stationed at Cherry Point Marine Air Base near Havelock, ultimately raised 15 tons of supplies which were flown to Wilkes-Barre.

"Last June I had just returned from Southeast Asia when I saw reports of Hurricane Agnes on television," Wind said, "and I had just joined the VFW post in Havelock." He said that at the time, only about eight members attended the meetings.

Wind said he got involved with disaster relief for Hurricane Agnes by initiating a drive at the Cherry Point base, then expanded his efforts elsewhere as chairman of the committee to raise funds and supplies. The effort spread throughout North Carolina and adjoining states.

"When the supplies started coming in, the Havelock post's Ladies Auxiliary did about 90 per cent of the work in packaging them," Wind said. There were two separate flights in Wilkes-Barre with supplies, he said, on different dates about a month apart.

"Basically we took cleaning supplies and clothing," Wind said.

A few weeks ago when Wind was at home at 669 Northumberland with his parents, Mr. and Mrs. Herbert H. Wind, he received a letter from the Havelock post, informing him he had been chosen for the award and inviting him to be an honored guest at the VFW convention.

"I certainly expect to be there. I wouldn't pass it up for anything in the world," Wind said. He said he had been informed that this was the first time that a VFW post in North Carolina won the award.

Wind, a graduate of Kensington High School in 1965, spent 16 years as an enlisted man in the Marine Corps. He received his discharge last October.

PRIVATE PENSION REFORM

Mr. RIBICOFF. Mr. President, the Pension Subcommittee of the Senate Finance Committee has been holding hearings on issues related to proposed pension reform legislation. Various witnesses have testified before the subcommittee, pointing out the various deficiencies and inequities existing in our private pension system and the need to institute congressional reform. The solution to the problems of private pensions must be directed to assuring that pension benefits which are committed or promised to workers must be fulfilled when promised and due.

Yesterday, Chairman HARRISON WILLIAMS and ranking minority member Senator JACOB JAVITS testified before the Pension Subcommittee. They are the cosponsors of the Williams-Javits Retirement Income Security for Employees Act of 1973, S. 4, which is now pending on the Senate Calendar. This legislation provides for a comprehensive and meaningful reform of our private pension system and would assist in the fulfillment of the pension promise to the American workers. I ask unanimous consent to place in the RECORD the statement and its attached appendix of Chairman WILLIAMS, submitted in his testimony before the subcommittee on June 12.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR HARRISON A. WILLIAMS, JR. BEFORE THE SUBCOMMITTEE ON PENSIONS OF THE SENATE FINANCE COMMITTEE, JUNE 12, 1973

Mr. Chairman, I appreciate this opportunity to appear before your subcommittee.

As you know, the subject you are discussing—reform of our nation's private pension system—is one to which I've devoted a great deal of effort in the last three years.

Today, I would like to outline what our Labor Subcommittee has done, the conclusions we drew, and the reforms we have recommended.

I know you have a heavy schedule, so I will keep my remarks brief.

However, I do have a more lengthy, written statement, and I would ask that it, together with an attached Appendix, be made part of your record.

Mr. Chairman, this Appendix contains an analysis of Federal regulation of private pension plans, and its development.

I hope the Subcommittee will find this background information useful during your deliberations.

This discussion of Federal controls is also specifically responsive to your statement of May 1st, inviting views on which government agency is best suited to administering such regulations.

As you know, Mr. Chairman, the Senate Subcommittee on Labor recently completed a detailed study of the private pension system in our country.

As chairman of the Subcommittee, as well as of the full Committee on Labor and Public Welfare, I directed that study from its inception, three years ago.

Our study was the most recent—and I believe most comprehensive—in a series of inquiries into private pension plans by both the House and the Senate Labor Committees.

These Labor Committee studies, which go back at least to the 83rd Congress, have provided a history of our private pension system, and of Federal legislation affecting it.

And the conclusion which one must draw from an examination of all this accumulated evidence, is that pension legislation enacted thus far has been totally inadequate to the needs of workers.

These statutes were aimed in the right direction.

But, they have failed to assure American workers that their pension benefits are secure, and will be available when promised and due.

The inadequacy of existing law, and the obvious need for pension reform, has been recognized by the Senate during the last three sessions of Congress.

In 1970, 1971, and 1972, the Senate adopted resolutions mandating the Subcommittee on Labor to conduct a general study of pension and welfare funds in the United States.

Furthermore, on each of those occasions the Senate directed our Subcommittee to place special emphasis on the need for protection of the 35 million workers covered by private pensions.

That study has been completed.

The methods of inquiry employed by the Labor Subcommittee, and the evidence we gathered, are matters of record.

Our findings have been published in considerable detail in a series of reports during the past three years.

And the record we assembled presents, in my judgment, an indelible picture of serious and widespread shortcomings in private pension plans.

In our study, the Labor Subcommittee first addressed itself to how widespread the denial of pension benefits really is.

Having established that this problem exists to a shocking degree, we examined the reasons for denial, and the effects it produces.

We held hearings here in Washington, and in Newark, Philadelphia, St. Louis, Minneapolis, and Cleveland.

And throughout our study, we heard from all sides of the issue.

We listened carefully to both employees and employers, and to both proponents and opponents of pension reform legislation.

Mr. Chairman, I will say that from a personal point of view, these hearings were often most disturbing.

It was most painful to come face to face with the tragic, true stories of men and women denied the retirement security they had been relying on.

Time and again, we heard from workers who had given a lifetime of loyal service to their employers, counting on the promise of future pension benefits.

But in case after case, the promises proved empty, and the dreams of economic security in retirement simply evaporated.

While the causes of these broken promises varied, the results were personal economic catastrophes.

We found that generally the causes fell into one or more areas, all of which were closely examined by our Subcommittee.

These areas are vesting, funding, portability, insurance, and fiduciary conduct.

And we also found that most of these tragedies could have been prevented.

They could have been prevented by adoption of comprehensive, nationwide, and vigorously-administered guidelines for private pension systems.

Accordingly, the Subcommittee on Labor recommended, in February, 1972, six major reforms:

1. A federal law establishing minimum standards of vesting.
2. A federal law establishing funding requirements, accompanied by a program of plan termination insurance.
3. Uniform, federal standards of fiduciary responsibility.
4. Improved requirements for disclosure, and communication of plan provisions to participants.
5. A program to develop portability and reciprocity among private pension plans.
6. Centralization in one Federal agency of pension plan regulation.

These recommendations for reform were embodied in the Retirement Income Security for Employees Act—S. 3598—which Senator Javits and I introduced just over a year ago.

That bill was carefully considered by the Subcommittee on Labor, and the full Labor and Public Welfare Committee.

We reviewed the findings of our study, and heard a great deal of testimony both pro and con on specific features of the legislation.

Let me say at this point that we gave specific consideration to the question of which Federal agency ought to be charged with implementing these reforms.

Our conclusion was that it must be an agency which workers will look to with confidence for help. It must be an agency which will restore their faith in the private pension system.

Only in this way can their faith in the reliability of private pensions be restored.

Accordingly, the Committee's judgment was that administration of pension plan regulation ought to rest with the agency which has as its primary mission, safeguarding the rights of working people—the Department of Labor.

As you know, Mr. Chairman, S. 3598 was reported to the Senate, with a favorable recommendation, by unanimous vote of the Labor and Public Welfare Committee.

In the current Congressional session, Senator Javits and I re-introduced this legislation as S. 4.

This bill was again carefully considered by both the Labor Subcommittee, and the full Committee, and additional hearings were held.

As a result of our additional consideration, some modifications were made.

And on March 29th, the Committee on Labor and Public Welfare once again unanimously endorsed this legislation, and sent it to the Senate with a recommendation for passage.

S. 4 is now awaiting a vote by the full Senate.

I would point out, Mr. Chairman, that a total of 53 Senators have joined as co-sponsors of this measure.

Mr. Chairman, I know you agree with me when I say that there can be no doubt of the urgent need for comprehensive, pension reform.

The painstaking study by the Subcommittee on Labor provides a compelling case for such legislation.

Furthermore, it has shown us how the rights of workers can be effectively protected, while our system of private pensions is strengthened.

The bill our Subcommittee developed—S. 4—is based on that study and tempered by two sets of additional hearings.

It has now been offered to the Senate as a realistic, workable, and effective means of reforming private pensions.

There can be no justification for further delay in enacting pension reform.

Congress has already delayed too long, and American workers have suffered as a result.

To let them suffer longer would be unconscionable.

Thank you.

MEMORIAL SUBMITTED BY CHAIRMAN HARRISON A. WILLIAMS, JR. AND JACOB K. JAVITS, RANKING MINORITY MEMBER U.S. SENATE LABOR AND PUBLIC WELFARE COMMITTEE TO SUBCOMMITTEE ON PENSIONS—U.S. SENATE FINANCE COMMITTEE, JUNE 12, 1973—ANALYSIS OF WHICH FEDERAL ENFORCEMENT AGENCY SHOULD ADMINISTER PRIVATE PENSION PLAN REFORM

THE CASE FOR PRIVATE PENSION REFORM AS A LABOR LAW

(In the consideration of pension reform legislation now pending before the United States Senate, a diversity of views exists on the issue of which federal agency shall be given responsibility for the administration and enforcement of pension reform enactments. This memorandum is an analysis of those arguments which support the designation of the Department of Labor as the appropriate agency.)

I. DEVELOPMENT OF PRIVATE PENSION PLANS

Although private pension plans were introduced in the United States before the turn of the century, their growth in coverage and assets has been most substantial during the last two decades.[1] This rapid development was due to several formative influences:

Tax inducements: Tax incentives were granted to employers in the deductions provided for employer contributions to private plans;

Wage stabilization programs: Wage freezes in World War II and the Korean Conflict encouraged the granting of fringe and retirement benefits in lieu of higher wages;

Collective bargaining: Recognition of the pension benefit as a mandatory subject of collective bargaining under the National Labor Relations Act stimulated bargaining for private pension benefits;

Business necessity: employers hiring in a free competitive economy offer the pension benefit to meet the demands of the labor market.

While no single influence is responsible for the phenomenal growth of the private pension system, the major reason is that private pensions offer substantial advantages to both employer and employee.

Today, more than 35 million workers are looking toward a private pension plan as a major source of economic security for old age. Pension funds control assets in excess of $160 billion and this figure is increasing by more than $10 billion each year. Estimates indicate that by 1980, private plans will control $280 billion in assets and cover over 42 million workers.

Failure to realize expectations created by the pension promise have generated public concern for the adequacy and effectiveness of regulatory control exercised over pension funds. The need for governmental supervision over the private pension system has become a matter of increased debate and is now a crucial issue before Congress. The debate has ranged from the extremes of absolute control to minimal regulation.

The public interest in private plans, as identified in the reports of 1972 and 1973 by the Senate Committee on Labor and Public Welfare, is rooted in its effect on the incentives, the mobility and the employment prospects of the labor force. Work performed in reliance on the pension promise can be rendered but once in a lifetime. Once regarded as a gratuitous reward for long and faithful service, the pension benefit has now evolved into an important element of wages in the form of deferred compensation.

Congress has from time to time expressed concern for the operation of the private pension institution. Yet, legislative progress for reform has been slow and of questionable effectiveness in resolving the real issues within the system. Lack of protective legislation at the federal level has prompted individual states to attempt to fill the regulatory vacuum. An institution of this magnitude, therefore, demands effective federal legislation for establishment of minimum national standards which will protect the reasonable expectations of its millions of participants.

II. EXISTING FEDERAL LAWS GOVERNING PRIVATE PENSION PLANS

A. Background of labor law regulations governing private pensions

Within the last 25 years, Congressional concern for some measure of protection for workers' private pensions has been expressed by enactment of labor law measures. A survey of existing federal jurisdiction over pensions was conducted by the General Accounting Office for the Senate Labor Subcommittee, as a part of the Subcommittee study, and concluded that:

"Among the various agencies exercising legal authority and responsibility over private pension plans, *the Department of Labor has the most significant role.* Under the authority of seven different laws, Labor's responsibilities in the private pension area range from requiring disclosure of pertinent information on plans to preventing discrimination against various classes of workers." [2]

The National Labor Relations Act, as amended, (29 USC 141 et seq.) and the Welfare and Pension Plans Disclosure Act (29 USC sec. 301 et seq.) are the principal labor statutes exercising regulatory control over private plans.

The National Labor Relations Act, as amended, provided the impetus for the phenomenal growth of the private system in the last two decades, when the federal courts in the Inland Steel decision of 1948 [3] recognized the pension benefit as within the purview of the "wages or other conditions of employment" as defined in the NLRA, thus making pensions a mandatory subject of bargaining.

In addition, the Taft-Hartley Amendments of 1947 to the NLRA set forth the conditions of administration for the jointly administered union-management pension funds. Subject to certain conditions, this Act allowed employers to contribute to welfare and pension plans administered by boards of trustees with equal representation of labor and management. The essential conditions required the pension agreement to be in writing, the funds to be used for the exclusive benefit of the employees, and an annual audit to be conducted.

Extensive investigations into the management of specific pension funds by the Senate Labor Committees in the 1950's led to the enactment of the Welfare and Pension Plans Disclosure Act of 1958. This Act required registration, reporting and disclosure of private pension fund transactions to the Secretary of Labor. It was amended in 1962 to make theft, embezzlement, kick-backs and bribery a federal crime if such activity occurred in connection with a pension or welfare plan.

At least seven other federal labor statutes also affect the operations of private plans (See Appendix). For example, the Fair Labor Standards Act regulates employer contributions to private plans in determining employee rates of pay and the Age Discrimination Act of 1967 provides that pension contributions cannot be used to discriminate against older workers.

It should be noted that none of the foregoing labor legislation affected the Internal Revenue Code directly or otherwise, nor required amendment to the tax laws. Since they consist of affirmative mandates directed to protecting the interests of workers in private pensions, Congress did not believe that these measures were either appropriate or necessary for incorporation into tax qualification statutes. Even though these laws have not achieved the degree of protection necessary to provide adequate safeguards for employee interests in private pensions, their very existence demonstrates a long-established and accepted pattern of Congressional determination to secure the public interest in private pension plans beyond the limited requirements attending tax benefits and considerations.

B. Background of tax law regulation of private pension plans

Under Section 401 of the Internal Revenue Code of 1954, tax exempt status is conferred on all pension funds which "qualify" for such benefits. The grant of "qualified" status results in tax advantages in that: (1) employer contributions into a pension fund are deductible as they are made, (2) profits made by fund investments are free from tax, and (3) employee tax liability on pension benefits is deferred until such time as the benefits are received by eligible participants.

To "qualify" for favorable tax treatment, a plan must be written, permanent and in existence during the year in which exemption is claimed. In addition, the plan must be "for the exclusive benefit of covered employees" and their beneficiaries and must provide benefits in a way which *does not discriminate* in favor of stockholders, officers, supervisors or highly paid employees.

The early history of tax exemptions for private pensions goes back to the Revenue Act of 1926. Prior to the adoption of this statutory authority for tax exemption, the income of employee trusts was taxable either to the employer, employee, or to the trust itself, depending on the terms of the trust instrument. Amounts contributed by employers to such trust funds were generally taxable income to the employee at the time paid unless his rights under the plan were so contingent on future events that it would be unreasonable to impose a tax on the basis of currently realized income.

The tax exemption legislation of 1926 imposed no limitations on employer deductions and no special rules relating to coverage. Most of the restrictions currently existing in tax legislation were adopted in a series of tax bills between 1928 and 1942. Those of major importance include:

1928—provisions were added to tax laws which restricted employees contributions to a pension plan over a ten-year period. One of the main purposes of this provision was to prevent employers from concentrating pension deductions in years most advantageous from an income tax standpoint.

Footnotes at end of article.

1938—provisions were added requiring that employer contributions be irrevocable with no use of funds permitted for purposes other than the exclusive benefit of employees. The purpose of this legislation was to prevent the possibility of pensions becoming a tax avoidance device whereby employers could set up funds in good years and later recapture them in years of financial distress.

1942—provisions were added establishing minimum coverage requirements; prohibition of discrimination in contributions or benefits in favor of higher-paid employees; deductions for employer contributions to fund past services extended to 10% of past service liability or an amount when combined with current service contribution would not exceed 5% of covered employee compensation; and capital gains tax treatment extended to lump sum payments to employees at termination of service.

1954—entire Revenue Code revised. It generally continued and strengthened the tax advantages existing previously. However, two major additions were made: qualified trusts were made subject to tax on "unrelated business income" and faced loss of exempt status if they engaged in certain "prohibited transactions". Again, the basic purpose was to prevent the trust from becoming an instrument for tax avoidance by subverting its objectives.

The changes made by the 1942 Revenue Act included restrictions and liberalizations of earlier tax provisions. The restrictions imposed (coverage and nondiscrimination requirements) were largely corrections of omissions in the original tax exemption law which had become obvious during years of experience with such legislation, and which had been accentuated by changing economic conditions. The absence of such requirements had led to the creation of some plans for the benefit of a few key individuals within companies which, in operation, were merely tax avoidance devices rather than bona fide retirement plans.

As early as 1973 the President informed Congress that attempts to encourage employee retirement plans through special tax treatment had resulted in tax avoidance and he requested remedial legislation. When Congress failed to enact coverage and nondiscrimination requirements in 1938, the Treasury Department attempted by regulation to institute standards of this nature to prevent tax abuses. In 1940, the Treasury Department was forced to rescind its regulatory authority in this regard because of lack of statutory authority and adverse decisions by the Board of Taxation.

Those who have advocated the use of Internal Revenue Laws to protect employee benefits have argued that the IRC was intended to provide adequate security to employee interests as a condition of obtaining tax benefits. However, after exhaustive analysis of this issue, Cardoza Professor Emeritus of Jurisprudence at Columbia University, Edwin W. Patterson (who was a Deputy Superintendent of Insurance in New York) in his book, *Legal Protection of Private Pension Expectations,* concluded that:

"On the whole, the Internal Revenue Code of 1954 provides only limited safeguards of the security of anticipated benefit rights under private pension plans. It is primarily a law designed to produce revenue and to prevent evasions of tax obligations under the guise of recognized exceptions."

"The inquisitional powers conferred on the service by the Code . . . and the keeping of records and the making of statements under oath when called for are limited to the objectives of the Internal Revenue Code, namely, to prevent tax evasion and discrimination." [4]

III. PROPOSED LABOR LEGISLATION FOR PRIVATE PLAN DEFECTS

A. Study of private pensions by the Senate Labor Subcommittee

Viewed from historical perspective, the recent Senate pension study has served as a successor to the investigations of the Senate Labor Committees, dating back to the 83rd Congress in 1954. Those investigations surfaced shocking abuses of internal administration and misuse of fund assets in a number of private pensions. Enactment of the Welfare and Pension Plans Disclosure Act of 1958 as well as the Landrum-Griffin Act of 1959, were direct result of these and related Senate investigations.

The latest Senate study of the private pension system was directed by three successive Senate Resolutions dating back to March 12, 1970.[5] Congressional concern was generated by the complaints and allegations that thousands of workers entitled to receive earned pension benefits were being denied their pensions. It is significant that each resolution contained a specific mandate to the Senate Labor Committees to conduct the study with *"special emphasis on the need for protection of employees covered."*

These three charters manifest the continuing recognition by the Senate that the Labor Subcommittee was and is the appropriate Committee to define the pension problems of workers and to propose the legislative solutions which would adequately protect the pensions of workers covered. In pursuit of this objective, the Senate appropriated approximately $1 million in funds.

After three years of methodical and analytical study, the "Retirement Income Security for Employees Act of 1972" was introduced as S. 3598 in the 92nd Congress. This bill, with unanimous approval by both the Subcommittee and full Committee on Labor and Public Welfare, was not acted upon due to other priority legislation pending before the early Senate adjournment for national elections in 1972. However, the Senate leadership announced prompt consideration of this legislation if brought to the Senate Floor in the 93rd Congress. The RISE Act was reintroduced as S. 4 in the 93rd Congress, with the co-sponsorship of 53 Senators. S. 4 was approved unanimously by both the Senate Labor Subcommittee and Labor and Public Welfare Committee and has been pending on the Senate Calendar since April 18, 1973.

B. Senate findings as the basis for S. 4

To define existing problems, the Senate Pension Study undertook a meticulous investigation of the workings of the private pension system. Among the various studies, one utilized the Senate computer for the first time in preparing a statistical analysis of the provisions of 1493 private plans selected as a representative cross-section of plans and participants. Findings of this study were published in Senate Report 92–634 on February 22, 1972 and subsequent publications.[6]

Detailed analysis of many plan provisions produced disturbing results. While many plans were found to be administered and operated in a safe and equitable manner, substantial defects and inequities were discovered which evidenced sufficient proof that a number of workers were losing or being denied pension benefits. Testimony of workers in several major public hearings before the Senate Labor Committee confirmed the existence of serious shortcomings in the administration and operation of the system.[7] Since private pension benefits are governed exclusively by the rights and obligations specified in the pension contract, it was apparent that all defects were traceable either to the terms or non-existent provisions in the contract. The denial or loss of pension benefits to workers were principally attributable to:

The lack of effective centralized federal regulatory control over the scope of operation and administration of the private pension plan;

Inadequate or nonexistent vesting provisions which result in the denial of retirement benefits despite long years of employment;

Inadequate accumulation of assets in funds to meet obligations to workers entitled to benefits;

The lack of transfer mechanisms to allow workers to transfer earned pension credits from one plan to another;

Premature termination of pension plans with inadequate resources for payment of benefits due;

Lack of uniform rules of conduct for fiduciaries who administer the investment of pension funds;

Lack of adequate and comprehensive communication to plan participants of their rights and obligations under the contract.

C. Legislative remedies proposed by S. 4

The proposed remedies of S. 4 are directed to the specific documented findings of the three year Senate Study. They respond to the major defects identified which require reform if workers are to be protected.

S. 4 is intended to restore the credibility and faith of American working men and women in their pension plans. Simply stated, a pension plan is either a promise which an employer expects to fulfill and which his employees expect to be fulfilled, or a warranted expectation by them that they will receive pensions.

Any failure by the employer to carry out his part of the agreement, or any lack of faith by his employees in the willingness of the employer to pay in full their earned and reasonably expected pension benefit serves to defeat the combined labor, management and social objectives which the pension plan was established to serve. The failure of the pension promise produces irreparable injury to the interdependent relationship which must exist between employee and employer. Thus a major work incentive which is indispensable to the productivity of a sound economy is undermined.

The basic reforms approved in S. 4 by the Senate Committee on Labor and Public Welfare are as follows:

1. Prescribes minimum vesting standards whereby employees, after 8 years of service would be entitled to a vested non-forfeitable right to 30% of his earned pension credits accumulating an additional 10% each year thereafter until 100% vested at 15th year of employment.

2. Establishes minimum funding requirement for funding of all pension liabilities over a 30 year period.

3. Establishes a voluntary program for portability of pension credits through a central fund, whereby employees of participating employers may transfer vested credits from one employer to another upon change of employment.

4. Establishes plan termination insurance program to guarantee that vested pension credits of employees will be paid upon premature termination of a plan when there are not sufficient assets to pay workers' vested benefits.

5. Establishes minimum rules of conduct for trustees and other fiduciaries in the administration and investment of pension fund assets.

6. Requires comprehensive disclosure of vital financial data in reports to be filed with the Federal Government, and understandable explanations to workers of their rights and obligations under their pension plans.

7. Makes it unlawful for any person to discharge, suspend, expel, fine, discipline or discriminate against participants in order to interfere with their rights under the plan

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Footnotes at end of article.

or the Act, or for the purpose of preventing the attainment of their rights under the plan or the Act. It is made a criminal offense to use fraud, force or violence, or threats thereof, in this connection.

8. Provides adequate remedies to both the Government and individual worker for judicial and administrative enforcement of the bill's provisions, including recovery of pension benefits due.

The underlying thrust of S. 4 is to protect workers' rights in and expectations in private pension benefits. It accomplishes this objective by establishing minimum safeguards which all plans must contain, independent of their taxable status at any particular point in time. This legislation is a minimum standard labor law based upon the constitutional authority to regulate interstate commerce, and industries and activities affecting such commerce.

The minimum proscriptions required by S. 4 are based upon the recognition that lack of adequate protection for workers' pension benefits results not from abuse or misuse of the tax advantages afforded to private pension plans, but from the inadequate provisions of the pension contract in the absence of mandatory provisions which would guarantee minimum protections.

Further, S. 4 acknowledges that the development of private pension plans involved considerations transcending tax incentives. Among the considerations are those relating to the conditions of employment, labor-management relations, worker productivity, management efficiency, and the social need for a pension plan as an integral element of retirement planning, with obvious concern for adequate economic security in retirement.

D. Analogy of S. 4 to other laws

Labor laws for the protection of workers have generally followed the industrial development of the nation—and to meet their needs, public conscience at times demands governmental action where the private sector is unable to or is unwilling to meet such needs.

The first important labor law took the form of child labor legislation to protect the exploitation of children. Close behind came laws to protect women against excessive hours of work and further safeguards against hazardous working conditions.

Subsequent federal legislation later recognized labor's right to promote its own welfare through mutual association. It guaranteed labor's right to organize, to strike, and to bargain collectively, and extended the help of government in promoting industrial peace and fair treatment through mediation and conciliation. More recent measures also included insurance against occupational accidents and disease, unemployment, or sickness, minimum wages, and prohibition of discrimination in employment because of race, creed, color, sex, or age.

Modern labor laws, while providing for corrective and protective measures, also assure certain basic rights of labor, and obligations of society as a whole to all workers.

Experience has shown that laws to protect workers are not self-executed. They are meaningless unless their provisions can be translated into actual benefits for workers through competent and adequately financed administration, by penalties for violation, and adequate remedies in the judicial process.

Labor laws are interrelated, both in purpose and effect on the worker and our nation's economic and social structure. This interrelationship, for maximum benefit, requires effective and efficient administration of the governing laws designed by a strong and competent administration of a coordinated agency, such as the Department of Labor, which has encouraged and understood the labor-management relationship.

There are at least seven significant labor laws affecting regulation of private pension plans which are administered by the Department of Labor. Thus, the addition of new regulatory measures protecting the interests of workers in pension plans as recommended by S. 4, can and should be logically and consistently integrated within the framework of other labor standard measures administered and enforced by that Department.

Equally important is the similarity of the approach to administration and enforcement for the reform of private pension plans, and the approach taken under such laws as the Fair Labor Standards Act, Occupational Health and Safety Act and the Age Discrimination in Employment Act.

Underlying the policy of all labor law is the effort to protect workers' interests. As the Senate Labor Subcommittee has demonstrated in its findings, lack of adequate safeguards in private pension plans requires government action to protect workers' benefits. All too frequently, the pension promise is broken, and like sub-standard wages, unsafe working conditions, discriminatory employment and similar practices, it becomes a real and legitimate subject for labor law regulation. The same compelling reasons which require judicial enforcement of other labor standard laws, are equally applicable in the implementation of the minimum standards for private pensions.

It follows that the federal agency historically equipped to administer such protective pension legislation is the Department of Labor. The purpose of the Department as stated in 29 U.S.C. Sec. 551 is to:

"Foster, promote and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment".

IV. S. 4 DOES NOT AMEND THE INTERNAL REVENUE CODE OR CREATE DUAL ADMINISTRATION

A. S. 4 Does not amend the Internal Revenue Code

The provisions of S. 4 make no direct or indirect incursion, revision, or amendment of the Internal Revenue Code. The bill does not conflict with any statutory provision which governs grant or denial of tax deductions or privileges. The awareness of tax law aspects affecting private pensions is emphasized by the references to provisions in the IRC in the text of S. 4. The references are deliberate and indispensable for reasonable comprehension of S. 4 and intended to assure compatibility of administration and enforcement with appropriate IRC provisions.

On September 25, 1972, having requested S. 3598 (S. 4's predecessor) from the Senate Calendar for its consideration, the Senate Finance Committee filed a report reflecting its views of the bill. While the report made no attempt to pass judgment on its substantive provisions relating to coverage, vesting, funding, insurance or portability, it did contend that legislation such as proposed by the bill has been handled historically through tax laws and, accordingly, was outside the jurisdiction of the Senate Labor and Public Welfare Committee.

The objections, as reported by the Finance Committee, are essentially that:

(a) Its provisions attempt to revise tax laws without specifically amending them, and such effect would be inevitable because of S. 4's references to specific provisions in the Internal Revenue Code, and,

(b) Administration of its provisions would require enforcement by the Secretary of Labor, and this would result in dual administration and conflict with the Internal Revenue Service, both in regulation and enforcement of affected laws.

To these objections, it is noted that the references to the Internal Revenue Code do not incorporate into S. 4 any of the IRC provisions. They are instead used deliberately to specifically avoid complicated and unnecessary repetition in S. 4 and they serve to signal the limits of jurisdiction established by S. 4. The references further serve to assure compatibility in administration and enforcement of S. 4 provisions, with provisions of the IRC. As to the objections relating to dual administration, these are considered in detail in Sec. B.

B. S. 4 does not create dual administration

It has been contended that the new substantive requirements in S. 4 regarding coverage, vesting, funding, fiduciary standards, would, if administered by the Department of Labor, result in dual administration of certain comparable requirements by the Internal Revenue Service.

Specifically, it is observed that the IRS has imposed vesting and funding requirements to secure protection against discrimination in favor of higher paid employees, and fiduciary standards under the prohibited transactions provisions of the Code in order to prevent pension plans from being converted into tax evasion schemes.

Accordingly, it is argued that enactment of S. 4 as a labor measure would result in problems of (1) dual staffs in two agencies, (2) dual reports, (3) differences in coverage, (4) conflicting requirements, (5) qualifications under one set of requirements and not the other, and (6) changes in enforcement procedures.

Vesting conditions administratively imposed by the IRS are greatly limited in scope and application; otherwise, the problems of non-existent or inadequate vesting provisions exposed by the Senate Labor Subcomittee would not have occurred. In essence, the IRS may refuse to grant or continue tax privileges of a plan if the absence of vesting in such a plan would result in discrimination in favor of higher paid employees. This requirement is not specifically contained in the provisions of Section 401 of the IRC, but is an administrative policy of IRS which results from its construction of the anti-discrimination provisions of Section 401. The reason given for this construction is that in the absence of vesting for all employees in a small plan, only the highly compensated proprietors and managers of the enterprise are likely to have sufficient length of service to qualify for a pension.

Since S. 4 does not assume jurisdiction over small business pension plans, it is doubtful that S. 4 would interfere with, or impede, the administrative practice that IRS has made concerning the anti-discrimination provisions of the Code.

IRS also requires employers to fund certain service liabilities of a plan and the interest on the past service liabilities. It does not require compulsory funding of all accrued past service liabilities. and this is the very core of the funding requirement in S. 4. As noted later, the inability of the IRS to compel employer contributions for sound funding renders the IRS impotent to assure promised retirement security for workers.

In addition, IRS administers a loosely defined and vague set of fiduciary standards through the so-called "prohibited transactions" provisions of the IRC. Essentially, these requirements permit conflict of interest investments and transactions if they are for "adequate consideration." It should be noted, however, that these standards relate only to the issue as to whether tax privileges should be withdrawn and not to fiduciary abuse. It is therefore universally conceded that these standards are totally ineffectual to prevent fiduciary abuse in private pension plans. IRS has testified to this effect before Congressional committees [8] and the Administration itself has endorsed a fiduciary bill (S. 1557) which ties administration and enforcement of fiduciary standards to the Secretary of Labor and court remedies, as in S. 4.

There is no valid reason why the "prohibited transactions" provisions of the In-

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ternal Revenue Code cannot be augmented by independent legislation, such as was done in the WPPDA Amendments of 1962, when kickbacks, bribery and embezzlement involving private pensions and welfare plans were made federal crimes under Title 18, USC. If the fiduciary provisions recommended by either S. 4 or the Administration's bill (S. 1557) were limited to enforcement under the IRC, the problems of fiduciary abuse would continue unabated since the IRS lacks powers to seek judicial sanctions. In addition, splitting off the fiduciary standards from the disclosure requirements of WPPDA (which is administered by the Labor Department) would seriously hamper effective implementation of fiduciary requirements since the disclosure provisions are designed to provide information that would assist in uncovering and preventing fiduciary abuse. Thus, for example, if reports to the Labor Department disclosed a serious conflict of interest on behalf of a fund administrator under S. 4, the Labor Department could move immediately to the courts to set aside the conflict of interest and require payment to the pension fund of any monies that were diverted by reason of such conflict. The IRS, on the other hand, would be limited to removing the plan's tax qualification or imposing tax penalties (assuming that information of the conflict had come to their attention), but could take no action to set aside the conflict and compel the return of diverted pension assets to the trust fund.

Arguments have been made that enactment of S. 4 would result in:

(1) *Dual staffs*—To some extent, dual staffs now exist and are sanctioned by the Congress since the Department of Labor, as previously noted, is currently responsible for private pension regulation under seven different labor laws, including the WPPDA; and the IRS enforces the tax incentive provisions of the IRC. Since both agencies regulate private pension plans for different statutory purposes, such dual regulations is not anomalous. Such duality of staffing does not involve nor result in *duplication of regulation or function*. Regulation of vesting, funding, fiduciary standards, coverage, etc., is different in nature and purpose under S. 4 from any similar incidents of regulation performed under the IRC. The latter is designed to prevent abuse of tax incentives; the former is designed to safeguard the minimum retirement security interests of workers in private pension plans, *regardless of the plan's* taxable status.

(2) *Dual reports*—It is argued that plan administrators would be required to file two different and separate reports relative to the same general area. *Dual reporting, however, should not be confused with duplicatory reporting*. In fact, dual reporting is now required of pension plans under regulations of the IRS and under the WPPDA. The reports serve different purposes in discharge of statutory responsibilities of two different agencies and to the extent duplication has been found to exist, it has been eliminated by agreement between IRS and the Secretary of Labor. (See Rev. Proc. 66-51 and General Instructions E to IRS Form 2950.)

If the substantive reporting requirements of S. 4 were incorporated into the Internal Revenue Code, they would require additional reporting to the IRS since the data necessary is intrinsic to the implementation of S. 4. The reports provided now to IRS in connection with tax deductions and the tax exempt status of a pension trust are not sufficient for comprehensive oversight of plan administration and operations. They do not, for example, enable IRS to determine the actuarial soundness of the pension plan's funding procedures, a matter vital to effective enforcement of new funding standards required by S. 4. If opposition to S. 4 based on dual reporting has validity, then logic and sound administration would require transfer of the current reporting and disclosure requirements of the WPPDA from the functional jurisdiction of the Labor Department to the IRS.

(3) *Gaps in coverage*—The IRC requires certain qualification standards regardless of the number of employees covered by a plan, where a plan requests qualificaton for favorable tax treatment. On the other hand, S. 4 exempts all plans with less than 26 employees. This size cut-off exemption in S. 4, however, reflects a conscious legislative policy to exempt small plans from the more stringent requirments in order to avoid inhibiting their future development. While the validity of such exemption may be arguable, it would have little relation as to whether private pension reform standards should proceed by way of amendment to the Internal Revenue Code or through enactment of a labor bill, S. 4.

(4) *Conflicting requirements*—It has been asserted that S. 4 would create conflicting requirements because plans seeking tax qualification would have to meet different standards under the IRC than standards required for registration under S. 4. There is no conflict since S. 4 does not infringe upon or impair IRS standards for qualification purposes; IRS standards remain intact for plans seeking to obtain or maintain tax privileges. S. 4 does impose different requirements which are totally unrelated to qualification for tax benefits. The approach of S. 4 is identical to the WPPDA. *The WPPDA which requires all pension plans (with certain exceptions not relevant here) to file plan descriptions and annual financial reports with the Department of Labor, regardless of the plan's compliance with IRS standards for tax qualification.* There is no conflict between the IRC and the WPPDA; the statutes are designed to accomplish different purposes and the IRS and the Secretary of Labor discharge different but mutually compatible statutory responsibilities.

(5) *Dual investigations*—It is argued that S. 4 would subject private pension plans to dual investigations from both the Internal Revenue Service and the Department of Labor, with the implication that such investigations would impose burdens upon the plans. Dual investigations currently are conducted both by IRS and the Labor Department on related subjects of inquiry without resulting duplication. The scope of the investigations though related are conducted pursuant to different statutory objectives. It must be assumed that with passage of S. 4, proper coordination would be required between IRS and the Labor Department in performing audits and investigations of private pensions. This is certain to result in more comprehensive and effective enforcement of each agency's different statutory responsibilities.

It is not uncommon today in the government for agencies with investigative responsibilities, e.g. the F.B.I., Narcotics, Labor, Secret Service, Customs, SEC, Comptroller of Currency, FDIC, etc., to have the same subject of investigation pursuant to each agency's statutory responsibilities. Each agency necessarily limits the scope and nature of its inquiry to its statutory limitations; however, by appropriate coordination, it not only eliminates any functional overlapping, but actually achieves better efficiency and effectiveness. For example, the Labor Department has already entered into enforcement-sharing agreements with the Department of Justice under the WPPDA to coordinate investigations in both reporting violations (Labor Department responsibility) and criminal violations of Title 18, U.S.C. relating to kickbacks, bribery, embezzlement and false statements (Justice Department responsibility).

(6) *Changes in enforcement procedures*—It has been asserted that S. 4 is a departure from the traditional enforcement policy of the IRC which is to remove tax privileges where a pension plan fails to comply with required standards. The weaknesses in relying on a tax penalty approach to enforcing S. 4 standards of vesting, funding, termination insurance, fiduciary provisions, etc., are described fully in Part V, *infra*. It is sufficient to observe that provision for administrative and judicial enforcement is indispensable to the achievement of the objectives of minimum safeguards for employee benefits. Moreover, no provision in S. 4 interferes with existing tax penalties for failure to comply with tax qualification standards. Again, the analogy is to the enforcement procedures of the WPPDA. Failure to comply with the WPPDA does not result in withdrawal of the plan's tax privileges. Instead, the provisions of the WPPDA are enforceable in the courts. With this precedent, it is evident that enforcement procedures governing pension plans have not been confined by the Congress to withdrawal of tax privileges. The same is true concerning enforcement of pension plan regulation under the Labor Management Relations Act, the Fair Labor Standards Act, the Davis-Bacon, the Age Discrimination in Employment Act, and other relevant labor measures administered by the Labor Department.

V. PENSION REFORM LEGISLATION SHOULD BE ADMINISTERED AND ENFORCED BY THE SECRETARY OF LABOR

Under S. 4, the Secretary of Labor is delegated overall authority for the administration and enforcement of the vesting funding, plan termination insurance, portability and fiduciary-disclosure standards. The rationale for this delegation is based on logic and compelling practical considerations.

Logically, private pension benefits are a form of deferred wages for workers, and therefore, employee benefits. Employee benefits, whether derived from pension plans or minimum wage standards, occupational health and safety standards, wage and hours legislation, discrimination in employment laws, etc., have been given historically to the Secretary of Labor to administer. It follows therefore, that new legislative minimum standards to protect workers' pension benefits, should also be administered by the Secretary of Labor.

There are other serious practical considerations which dictate the incorporation of these new reform standards into a labor measure appropriate for administration by the Labor Department. These concern the serious weaknesses and deficiencies in administration and enforcement which would result if the provisions of S. 4 were adopted as amendments to the Internal Revenue Code to be administered within the existing framework of IRS regulatory structure.

The incorporation of private pension plan reform standards into the Internal Revenue Code would frustrate the effectiveness of the legislation and deprive workers of rights and remedies which are vital to their retirement security needs under private pension plans because:

(1) *The Internal Revenue Code does not create any private rights*. Neither the Internal Revenue Service nor participants can enforce their rights to vested benefits under the Internal Revenue Code. The only sanction under the Internal Revenue Code for the failure of a tax qualified pension trust to provide vested benefits in accordance with new federally imposed vesting standards is for the Internal Revenue Service to disqualify the pension plan for tax purposes, and if authorized to do so, impose tax penalties on the employer. The removal of the plan's tax qualified status will not necessarily result in participants securing their vested rights. By way of contrast, under S. 4, either the Secretary of Labor or a plan participant can proceed directly to federal court to enforce statutorily granted vested rights.

(2) *Funding standards cannot be enforced under the Internal Revenue Code*. Under S. 4,

the funding of private pension plans can be compelled by the Secretary of Labor through court action if the employer fails to pay the statutorily required contribution, or otherwise deviates from standards established to assure that the plan is funded on an actuarily sound basis. Because of the integration of S. 4's funding provisions with the federal plan termination insurance program established under the bill, in the event an employer deliberately terminates a private pension plan in order to avoid funding requirements, the employer is liable to reimburse the federal termination insurance program for up to 50% of his net worth for any vested benefit losses paid for by insurance.

None of these safeguards are available under the Internal Revenue Code. A failure to make a required funding contribution under the Internal Revenue Code will only result in loss of the plan's tax qualification, imposition of a tax penalty on the employer, deliberate plan termination by the employer, or possibly all three. The threat by IRS to remove a tax deduction is meaningless where the employer refuses to contribute to the plan and therefore claims no deduction. Loss of the plan's tax qualification for future tax purposes does not compel current funding and would undoubtedly result in plan termination. In the event of plan termination, the Internal Revenue Code would not create a contingent liability with respect to the employer's assets thus leaving no financial guarantee for the workers benefits unless plan termination insurance assumes the loss. Assumption of this loss by the insurance program where the employer has the means to continue funding of the plan is inequitable. If the employer was compelled to pay a tax penalty for refusal to fund the plan, the money would go into the U.S. Treasury, but not into the pension fund where it is needed. Funding standards, like minimum wage standards, can only be enforced affirmatively through the judicial process.

(3) *Administration of plan termination insurance through the Internal Revenue Code is anomalous and ineffective.* Under S. 4 private pension plans are required to obtain and maintain plan termination insurance and to pay appropriate premiums to a federal insurance fund for this protection. It is clear that the establishment of this program to protect workers against loss of vested pension benefits owing to employer bankruptcy, plant closing, merger or a similar event at a time when the plan has not been sufficiently funded, is completely irrelevant to the tax qualification purposes of the Internal Revenue Code. Plan termination insurance is designed to protect workers against loss of vested pension benefits and this program is no more a revenue measure than FDIC coverage for banks, Federal crop insurance for farmers, Federal broker dealer securities insurance, etc. For the same reasons as to why funding standards cannot be effectively administered and enforced through the Internal Revenue Code, a plan termination insurance program is unenforceable through the Internal Revenue Code. Failure to pay required insurance premiums, for example, only results in loss of the plan's tax qualified status under the Internal Revenue Code or the imposition of tax penalties, etc., and these mechanisms do nothing to support adequate insurance protection to workers.

(4) *Fiduciary standards and disclosure for private pension plans are outside the scope of any revenue measure.* From its inaction it is reasonable to infer that Senate Finance Committee recognized the underlying validity of incorporating fiduciary and disclosure standards into a labor bill. Abuses of trust are not curbed by removing a plan's tax exemption. A trustee committing a serious breach of trust cannot be removed or barred from holding a position in the plan simply by removing the plan's tax exemption. The proceeds of a transaction involving a breach of trust cannot be traced and trustees held personally liable for damages by removing a plan's tax exemption. There is a consensus that effective enforcement of the fiduciary and disclosure standards require provisions for independent judicial remedies which are not available or contemplated under IRC.

Moreover, successful supervision of the vesting, funding and plan termination insurance requirements are intimately related to supervision and enforcement of the fiduciary standards. If the assets of a pension trust are mismanaged or wasted due to fiduciary misconduct, it has a critical bearing on the acceptable funding status of the plan as well as an intimate relationship to the degree of risk of exposure to the plan termination insurance program in the event of plan termination. If the investment policy of the pension trust is manipulated contrary to fiduciary requirements in order to minimize the necessity for funding contributions, it has a critical bearing on the effective implementation of the funding standards. Finally, if the procedures for processing and deciding on vested benefit claims are rigged in violation of the fiduciary requirements, it has an important impact on the implementation of the vesting requirements in S. 4.

Thus, the enforcement of the fiduciary and disclosure requirements are intimately related to administration of the vesting, funding and insurance standards. If it is assumed that the appropriate agency to enforce the fiduciary and disclosure standards is the Department of Labor (as is the case under S. 4 and Administration proposal S. 1557) sound legislative judgment would require that effective administration of these integrated standards would be better achieved by giving responsibility to the Secretary of Labor.

(5) *Enactment of S. 4 into the Internal Revenue Code will deprive workers in unfunded plans of vesting, funding and insurance protection.* If the vesting, funding and insurance requirements are placed in the Internal Revenue Code, then plans which are established outside tax qualification procedures of the Code will escape coverage of S. 4 requirements. Primarily these will be plans which are unfunded, i.e. the employer pays pension benefits out of his general assets and thus does not seek a tax deduction for contributions to a qualified pension trust. In short, the treatment of S. 4 as a revenue measure tied to tax qualification procedures under the Internal Revenue Code would create a loop-hole, depriving potentially millions of employees of the vesting, funding and insurance protections of S. 4. S. 4, it should be noted, requires all plans to be funded properly (i.e. no loop-hole for unfunded plans).

(6) *Treating S. 4 as a revenue measure to be administered through the Internal Revenue Code will deprive 35 million American workers of an advocate in the government establishment which they need to protect their rights and interests.* The primary and historic mission of the Treasury Department and the Internal Revenue Service is protection of the revenues and collection of taxes. The tax qualification procedure established for pension trusts under Section 401(a) of the Internal Revenue Code is designed to provide tax incentives to encourage the establishment of private pension plans but subject to certain restrictions designed to protect against abuse of these tax priviliges and subsequent loss to the revenues. The principal mechanisms in the Internal Revenue Code to prevent tax abuse in pension funds are the insistence that (a) such plans not discriminate in favor of higher-paid employees because such discrimination would result in a tax loop-hole for the wealthy and (b) examination of the "reasonableness" of the tax deduction claimed for contributions. Virtually all IRS regulations pertaining to tax qualifications of private pension trusts are based upon these concerns.

It is apparent that since the primary mission of the Internal Revenue Service is to protect against tax abuse that agency's statutory obligation for the interests of 35 million American workers—covered by private pension plans—is minimal. The IRS is unsuited from both a theoretical and practical viewpoint for the mission of protecting adequately the interests of American workers. It is not structured to handle complaints of misconduct or abuse, or failure to pay pension obligations owed to workers. It lacks adequate background in the elements of collectively bargained pension plans and the related interests of unions, employers and sometimes the beneficiaries themselves.

For all these reasons, it is doubtful that the IRS can serve as an effective advocate for the rights and interests of 35 million pension beneficiaries as these rights and interests are set forth in S. 4. In recognition of the established need of 35 million American workers to have an effective advocate for protection of their interests, the vesting, funding, insurance, portability, fiduciary and disclosure provisions should be put under the administration and supervision of the Secretary of Labor whose organic mission is defined as advancing and protecting the interests of American workers.

VI. CONCLUSION

The American private pension system is deeply rooted in our economy and intrinsically woven into our social fabric. The relationship of social and economic problems attending old age and the financial security necessary to our citizenry for dignified retirement are inseparable. If inequities and deficiencies exist in the system which produce irreparable harm to our workers, legislative reform cannot be delayed.

The hearings, findings and reports of the Senate Labor Committee sufficiently document the inescapable conclusion that workers are asking for and entitled to real and effective protection for their earned pensions. After long and exhaustive study, it is believed that the most effective and efficient remedy lies in the establishment of minimum standards and requirements, with their enforceability provided for administratively and judicially. These minimum benefits for workers and their protection and enforcement should be treated no differently than other minimum requirements enacted for protection of our workers by the federal government in relation to wages, health and safety, and various other measures intended for their benefit. Pension problems produce social ills and economic insecurity which disrupt the employee-employer relationship. Legislation must be directed to strengthen that relationship. Workers' faith in the private pension system can be restored by social reform, and a law to be enforced by a government agency which historically workers have looked to for protection of their benefits conferred by law and, more importantly, one in which they can place trust.

FOOTNOTES

[1] See Interim Report, Senate Subcommittee on Labor, S. Rep. No. 92-634, 92nd Congress, 2nd Session, 1972.

[2] Interim Report op cit. p. 91.

[3] 170 F.2d 247 (7th Ci. 1948), cert denied, 336 U.S. 960 (1949).

[4] Richard D. Irwin, Inc., Homewood, Ill., 1960, p. 97–99.

[5] S. Res. 360, 91st Cong., 2nd Sess.: S. Res. 35, 92nd Cong., 1st Sess.: S. Res. 235, 92nd Cong., 2nd Sess.

[6] See Preliminary Rep. of the Private Welfare and Pension Plan Study, (1971), 92nd Cong., 1st Sess.: Rep of Hearings on Pension

Plan Terminations, 92nd Cong., 2nd Sess.: Statistical Analysis of Major Characteristics of Private Pension Plans, 92nd Cong., 2nd Sess. (1972).

[7] See Hearings, Subcommittee on Labor, Senate Committee on Labor and Public Welfare, Parts I & II, 92nd Cong., 1st Sess. (1971); also, Hearings, Subcommittee on Labor, Senate Committee on Labor and Public Welfare, Parts I, II, III, 92nd Cong., 2nd Sess. (1972).

[8] See Welfare and Pension Plans Investigation, Final Report, submitted to the Committee on Labor and Public Welfare by Subcommittee on Welfare and Pension Funds, U.S. Senate, 84th Cong., 2nd Sess. at pps. 59-60 (April, 1956).

APPENDIX I

MAJOR CONGRESSIONAL ACTIVITIES AFFECTING PRIVATE PENSION PLANS, 1921–72

(By Peter Henle, senior specialist, labor; Ann Marley, analyst in taxation and fiscal policy; Brian Henning, economic analyst, Economics Division; and Raymond Schmitt, analyst in social legislation, Education and Public Welfare Division, March 27, 1973)

I. MAJOR LEGISLATION AFFECTING PRIVATE PENSION PLANS

Labor legislation

Private pension plans have been an issue in several different types of labor legislation. The basic labor relations legislation (1935) set the foundation for a court ruling that employers were required to bargain with representatives of their employees over terms of a pension plan. Later legislation (1947) set forth conditions under which employers could contribute to joint union-management pension funds.

Investigations into the management of specific pension funds led to legislation in 1958 and 1962 requiring registration, reporting, and disclosure of pension plan information to the Secretary of Labor. More recently, two Acts dealing with equal pay for women (1963) and age discrimination in employment (1967) include provisions specifically directed at clarifying the relation of pension plans to the objectives of the two acts.

I. MAJOR LEGISLATION AFFECTING PRIVATE PENSION PLANS

Title	Committee	Dates of hearings	Effect on private pensions
LABOR LEGISLATION			
National Labor Relations Act (Public No. 198, July 5, 1935).	House Labor (74th Cong., 1st sess., H. Rept. 969). Senate Education and Labor (74th Cong., 1st sess., S. Rept. 573). Conference committee (74th Cong., 1st sess., Conf. Rept. 1371).	Mar. 11 to Apr. 2, 1935 Mar. 13 to Apr. 4, 1935.	Sec. 8(5) sets forth employer's duty to bargain with representatives of employees regarding wages and working conditions. In 1949, this was interpreted by Federal courts to include bargaining over terms of a pension plan (Inland Steel v NLFB, 170 F. 2d 247, cert. denied 336 U.S. 960).
Labor-Management Relations Act (Public Law 101, June 23, 1947).	House Education and Labor (80th Cong., 1st sess., H. Rept. 245). Senate Labor and Public Welfare (80th Cong., 1st sess., S. Rept. 105). Conference committee (80th Cong., 1st sess., Conf. Rept. 510).	Feb. 5 to Mar. 15, 1947 Jan. 23 to Mar. 8, 1947.	Sec. 302 regulates pensions financed by employer contributions to union-management pension plans, requiring that such plans be committed to writing that funds be used only for paying benefits, and that management and union be represented equally in the operation of the fund.
Welfare and Pension Plans Disclosure Act of 1958 (Public Law 85–836, Aug. 28, 1958).	House Education and Labor (85th Cong., 2d sess., H. Rept. 2283). Senate Labor and Public Welfare (85th Cong., 2d sess., S. Rept. 1440). Conference committee (85th Cong., 2d sess., Conf. Rept. 2656).	June 12 to July 25, 1957 May 27 to July 1 ,1957.	Provided for registration, reporting, and disclosure of employee welfare and pension benefit plans.
Welfare and Pension Plans Disclosure Act Amendments of 1962 (Public Law 87–420, Mar. 20, 1962).	House Education and Labor (87th Cong., 1st sess., H. Rept. 998). Senate Labor and Public Welfare (87th Cong., 1st sess., S. Rept. 908). Conference Committee (87th Cong., 2d sess., Conf. Rept. 1417).	May 24 to May 31; June 1 to June 28, 1961. July 31, 1961.	Amended the Welfare and Pension Plans Disclosure Act of 1958. Designated certain acts of conduct as Federal crimes when they occurred in connection with welfare and pension plans. Amendments also conferred investigatory and various regulatory powers upon the Secretary.
Equal Pay Act of 1963 (Public Law 88–38, June 10, 1963).	House Education and Labor (88th Cong., 1st sess., H. Rept. 309). Senate Labor and Public Welfare (88th Cong., 1st sess., S. Rept. 1409).	Mar. 15 to Mar. 27, 1963 Apr. 3 to Apr. 16, 1963.	Amends sec. 6 of the Fair Labor Standards Act. Prohibits discrimination on the basis of sex for any employer who is subject to the minimum wage provision of the law. Employer contributions to employee benefit plans are considered "wages." Differing benefits to men and women are not considered a violation as long as the employer's contributions for men and women are equal. Also, unequal contributions based upon the sex of employees will not be considered a violation of law, as long as the resulting benefits do not differ by sex.
Age Discrimination in Employment Act 1967 (Public Law 90–202, Dec. 15, 1967).	House Education and Labor (90th Cong., 1st sess., H. Rept. 805). Senate Labor and Public Welfare (90th Cong., 1st sess., S. Rept. 723).	Aug. 1 to Aug. 17, 1967 Mar 15 to Mar. 17, 1967.	Act prohibits discrimination in employment on the basis of age. Section 4(f)(2) of the act provides that an employer would not be in violation of the law if he observes the terms of a bona fide employee benefit program, as long as it is not a subterfuge to evade purposes of the act. An employer cannot utilize benefit plans as an excuse for not hiring an applicant.
TAX TREATMENT OF PRIVATE PENSION PLANS			
Revenue Act of 1921 (Public No. 98, Nov. 23, 1921)	House Ways and Means Committee (67th Cong., 1st sess., H. Rept. 350). Senate Finance Committee (67th Cong., 1st sess., S. Rept. 275). Conference Committee (67th Cong., 1st sess., H. Rept. 486).	----------------------------	Provided that income of a trust created by an employer as part of a stock bonus or profit-sharing plan was exempt from income tax until distributed to employees, at which time it was taxable to them to the extent the distribution exceeded the amount paid in by the employee.
Revenue Act of 1926 (Public No. 20, Feb. 26, 1926)	House Ways and Means Committee (69th Cong., 1st sess., H. Rept. 1). Senate Finance Committee (69th Cong., 1st sess., S. Rept. 52). Conference Committee (69th Cong., 1st sess., H. Rept. 356).	----------------------------	Extended the exemption from income tax to pension trusts.
Revenue Act of 1928 (Public No. 562, May 29, 1928)	House Ways and Means Committee (70th Cong., 1st sess., H. Rept. 2). Senate Finance Committee (70th Cong., 1st sess., S. Rept. 960). Conference Committee (70th Cong., 1st sess., H. Rept. 1882).	----------------------------	In the case of trusted pension plans, the employers' deduction for contributions for funding past service liabilities must be apportioned over a period of not less than 10 years. This act also provided that the amount contributed by the employer, plus the earnings of the fund, constituted taxable income to the participating employee for the year in which distributed to him.
Revenue Act of 1932 (Public No. 154, June 6, 1932)	House Ways and Means Committee (72d Cong., 1st sess., H. Rept. 708). Senate Finance Committee (72d Cong., 1st sess., S. Rept. 665). Conference committee (72d Cong., 1st sess., H. Rept. 1492).	----------------------------	Restored tax treatment prior to 1928 act that a distributee under an employees' trust was taxable only in the year amounts were distributed to him to the extent they exceeded amounts paid into the trust by him.
Revenue Act of 1938 (Public No. 554, May 28, 1938)	House Ways and Means Committee (75th Cong., 3d sess., H. Rept. 1860). Senate Finance Committee (75th Cong., 3d sess., S. Rept. 1567). Conference committee (75th Cong., 3d sess., H. Rept. 2330).	----------------------------	Established the nondiversion rule which provided that a pension trust had to be irrevocable and the funds had to be used for the exclusive benefit of employees.

I. MAJOR LEGISLATION AFFECTING PRIVATE PENSION PLANS

Title	Committee	Dates of hearings	Effect on private pensions
TAX TREATMENT OF PRIVATE PENSION PLANS—Continued			
Revenue Act of 1942 (Public Law 753, Oct. 21, 1942).	House Ways and Means Committee (77th Cong., 2d sess., H. Rept. 2333). Senate Finance Committee (77th Cong., 2d sess., S. Rept. 1631). Conference committee (77th Cong., 2d sess., H. Rept. 2586).	Mar. 3 to Apr. 17 ,1942 July 23 to Aug. 14, 1942.	Provided broad revision of provisions relating to qualification of a stock bonus, profit sharing or pension plan, deductibility of contributions to the trust and taxability of amounts received by employees under the trust. This act provided that the plan must include coverage and benefits which do not discriminate in favor of highly paid or stockholder employees. It provided that the employers' annual tax deduction for contributions not exceed stated limits. It provided that long term capital gain treatment be made available to lump-sum distributions from an exempt employees' trust paid to an employee in 1 taxable year on account of his separation from the service of his employer. The annuity treatment was applied to other types of distributions. The act also provided that employers' contributions under nonqualified plans were deductible only if the employees' rights were nonforfeitable at the time the contribution was paid. An employee under a nonqualified plan was taxable on employer contributions to the extent he had a nonforfeitable right in the contribution at the time made. If his rights were forfeitable, he was not taxable until he received a distribution or the funds were made available to him.
Revenue Act of 1951 (Public Law 183, Oct. 20, 1951)	Senate Finance Committee (82d Cong., 1st sess. S. Rept. 781) (Supplemental Report—82d Cong., 1st sess., S. Rept. 781). Conference committee (82d Cong., 1st sess., H. Rept. 1179).	June 28 to Aug. 3, 1951 Feb. 5 to Apr. 2, 1951.	Provided change in the treatment of appreciation in securities included in a distribution from an exempt employees' trust. This Act excluded the net unrealized appreciation in securities of the employer corporation, or parent or subsidiary company, purchased with employee and/or employer contributions included in a total distribution from an exempt employees' trust, qualifying for the long-term capital gains treatment.
Public Law 589, July 17, 1952	House Ways and Means Committee (82d Cong., 2d sess., H. Rept. 2181). Senate Finance Committee (82d Cong., 2d sess., S. Rept. 1831).		Extends exclusion of appreciation in determining the distributive value of securities to any distribution of employer securities purchased with employee contributions only.
Internal Revenue Code of 1954 (Public Law 591, Aug. 16, 1954).	House Ways and Means Committee (83d Cong., 2d sess., H. Rept. 1337). Senate Finance Committee (83d Cong., S. Rept. 1622).	June 16 to Aug. 14, 1953 Apr. 7 to Apr. 23, 1954.	Classified exempt pension trusts with general group of exempt organizations. Provided that restrictions relating to prohibited transactions and unrelated income be applicable to pension trusts. Extended capital gains treatment to lump-sum distributions made by qualified insured plans because of separation of service. Also extended capital gains treatment to beneficiaries of employees who die after retirement.
Tax Reform Act of 1969 (Public Law 91-172, Dec. 30, 1969).	House Ways and Means Committee (91st Cong., 1st sess., H. Rept. 91-413). Senate Finance Committee (91st Cong., 1st sess., S. Rept. 91-552). Conference committee (91st Cong., 1st sess., H. Rept. 91-782).	Feb. 18 to Apr. 24, 1969 Sept. 4 to Oct. 22, 1969.	Provided that part of a lump-sum distribution attributable to employer's contribution received from a qualified employees' trust within 1 taxable year on account of separation from service be given ordinary income treatment instead of capital gains treatment. Modified the treatment of nonexempt trusts and nonqualified annuities to conform with the treatment of restricted property.

I. MAJOR LEGISLATION AFFECTING PRIVATE PENSION PLANS

Tax treatment of private pension plans

Prior to the Revenue Act of 1921, there were no specific statutory provisions dealing with the tax treatment of a pension, profit-sharing or stock bonus trust created by an employer for the exclusive benefit of some or all of his employees. Generally, however, early regulations provided that amounts contributed by an employer to a pension fund were deductible as ordinary and necessary business expenses. Employer contributions constituted income to his employees unless the contributions were under a plan where the eventual receipt was too contingent to be income constructively received. Income of a pension or profit-sharing trust was taxable either to the employer, the employees, or the trust itself.

Major provisions of acts affecting the tax treatment of private pension plans for employees are outlined below. Legislation affecting the tax treatment of retirement plans for the self-employed has not been included.

II. CONGRESSIONAL COMMITTEE HEARINGS ON PROPOSED PRIVATE PENSION PLAN LEGISLATION

Committee	Dates of hearings	Report	Substance of report or hearings
House Committee on Education and Labor, General Subcommittee on Labor (89th Cong., 1st sess.).	Aug. 5, 1965	None	Permissible uses of jointly administered union trust funds. Hearing on H.R. 7720 to amend sec. 302(c) of the Labor Management Relations Act to permit the participation of retired employees of certain self-employed persons to participate as beneficiaries of welfare and pension trust funds.
House Committee on Education and Labor, General Subcommittee on Labor (89th Cong., 2d sess.).	Aug. 22, 1966	do	Hearings on H.R. 11778 amending the Welfare and Pension Plans Disclosure Act, to eliminate or modify certain requirements with respect to the making of affidavits and the filing of copies of certain information.
House Committee on Education and Labor (90th Cong., 2d sess.).	Mar. 19-May 8, 1968	H. Rept. 1867, 1968	Report to accompany H.R. 6498—the proposed Welfare and Pension Protection Act of 1968.
House Committee on Education and Labor, General Subcommittee on Labor (91st Cong., 2d sess.).	Dec. 10, 1969 to May 20, 1970	None	Private Welfare and Pension Plan Legislation—Hearings on H.R. 1045, H.R. 1046, and H.R. 16462 to amend the Welfare and Pension Plans Disclosure Act; to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, to provide a system of plan termination insurance, to provide standards of fiduciary conduct and improved disclosure and financial reporting.
House Committee on Education and Labor, General Subcommittee on Labor (92d Cong., 1st and 2d sess.).	April 21-28, 1971	Interim Report, April 1972.	Welfare and Pension Plan Legislation.—Hearings on H.R. 1269 (1) to establish minimum standards of fiduciary conduct for plan trustees and administrators, to provide for enforcement through civil and criminal means, and to require expanded reporting of the details of a plan's administrative and financial affairs; and (2) to improve the equitable character and soundness of private pension plans by requiring them to (a) make irrevocable (or vest) the accrued benefits of employees with significant periods of service with an employer, (b) meet minimum standards of funding, and (c) protect the vested rights of participants against losses due to essentially involuntary plan terminations. Interim report presents statistical data and draws some tentative conclusions about the data presented.
House Committee on Ways and Means (92d Cong., 2d sess.).	May 8-16, 1972	None	Tax proposals affecting private pension plans.—Hearings on the legislative proposal sponsored by the Administration (H.R. 12272) to (1) permit employees who wish to save independently for their retirement or who wish to supplement employer-financed pensions to deduct on their income tax returns amounts set aside for these purposes, (2) give self-employed persons who invest in pension plans for themselves and their employees a more generous tax deduction than they now receive, and (3) establish a *minimum* standard for the vesting of pensions.

Committee	Dates of hearings	Report	Substance of report or hearings
Senate Committee on Labor and Public Welfare, Subcommittee on Labor (90th Cong., 2d sess.).	July 25, 1968	No report	Hearings of 4 bills including S. 3421 to provide additional protection for the rights of participants in private pension plans, to establish minimum standards for vesting and funding of private pension plans, and to provide an insurance program guaranteeing plan termination protection.
Senate Committee on Labor and Public Welfare, Subcommittee on Labor (92d Cong., 1st sess.).	July 27–29 and Oct. 12–13, 1971		Private welfare and pension plan study, 1971—Testimony of employers and employees with respect to various inequities and hardships resulting to plan participants from nonexistent or defective provisions of private pension plans.
Senate Committee on Labor and Public Welfare, Subcommittee on Labor (92d Cong., 2d sess.).		S. Rept. 92–634, Feb. 22, 1972.	Interim report recommended (1) minimum standards of vesting, (2) systematic funding of plan liabilities accompanied by a program of plan termination insurance, (3) uniform Federal standard of fiduciary responsibility, (4) improved disclosure and communication of plan provisions to employees, (5) a program to develop portability and reciprocity among plans, and (6) centralization in 1 agency of all existing and prospective regulations.
Senate Committee on Labor and Public Welfare, Subcommittee on Labor (92d Cong., 2d sess.).	May 1 to July 17, 1972	Committee print, September 1972.	Private welfare and pension plan study, 1972—Field hearings and report on plan terminations in 5 major cities. Disclosed the adverse effects resulting to participants from inadequate plan funding. Recommended remedial Federal legislation in the areas of funding, reinsurance, disclosure, and fiduciary standards.
Senate Committee on Labor and Public Welfare, Subcommittee on Labor (92d Cong., 2d sess.).	June 20 to 29, 1972	Senate Report 92–1150, Sept. 18, 1972.	Legislative hearings on S. 3598; report to accompany S. 3598 which provided (1) minimum vesting requirements, (2) minimum funding levels, (3) a voluntary portability program, (4) a plan termination insurance program, and (5) fiduciary standards and improved disclosure of plan operations.
Senate Committee on Finance (89th Cong., 2d sess.)	Aug. 15, 1966	None	Hearings on S. 1575—a bill to establish a self-supporting Federal reinsurance program to protect employees in the enjoyment of certain rights under private pension plans.
Senate Committee on Finance (92d Cong., 2d sess.)		Senate Report 92–1224, Sept. 25, 1972.	Report deleted all provisions except for the fiduciary and disclosure provisions of S. 3598 which was referred to Finance after being reported out of the Senate Committee on Labor and Public Welfare.

III. CONGRESSIONAL COMMITTEE INVESTIGATIONS OF PRIVATE PENSION PLANS

House Committee on Education and Labor, Special Subcommittee on Investigation of Welfare and Pension Funds (83d Cong., 1st and 2d sess.).	Nov. 23–27, 1953, Sept. 22, Dec. 1, 1954.	Subcommittee report 1st sess.—July 20, 1954; subcommittee report 2d sess.—Dec. 31, 1954; committee print.	Investigation of welfare funds and racketeering—hearings and report pursuant to H. Res. 115 authorizing committee studies and investigations.
Senate Committee on Labor and Public Welfare, Subcommittee on Welfare and Pensing Funds (83d Cong., 2d sess.; *84th* Cong., 1st and 2d sess.).	March, April, July, November, and December 1955.	Interim reports, Jan. 10 and July 20, 1955; final report Apr. 16, 1956, S. Rept. 1734.	Hearings and report pursuant to S. Res. 225 (83d Cong.) and S. Res. 40 (84th Cong.) giving the committee authority to investigate employee welfare and pension plans subject to collective bargaining. Disclosed a number of abuses in the administration of health and welfare funds. Found that there was a need for corrective legislation to insure more adequate protection of employee-beneficiary rights and interests; recommended that consideration be given to a Federal Disclosure Act embracing all types of employee benefit plans.
Senate Committee on Labor and Public Welfare, Subcommittee on Labor (91st Cong., 2d sess.).	July 29—Aug. 26, 1970	None	Hearings on the United Mine Workers Welfare and Retirement Fund.

IV. CONGRESSIONAL COMMITTEE ECONOMIC STUDIES OF PRIVATE PENSION PLANS

Committee	Dates of hearings	Committee report	Substance of report or hearings
House Committee on Education and Labor (85th Cong., 1st. sess.)		Committee Print, 1957	Background material on the legislative history of the Labor-Management Relations Act, significant legislative proposals, 1948–56, designed to amend existing law or to provide new regulations governing the establishment or administration of employee benefit plans, a digest of testimony and a summary of previous reports and committee recommendations regarding the employment-benefit provisions of the LMRA.
Joint Committee on the Economic Report (82d Cong., 2d sess.)		Joint Committee Print, 1952	Pensions in the United States—a study prepared by the National Planning Association on the effects of public and private pension programs on the national economy as recommended in the final report of the subcommittee on low-income families.
Joint Economic Committee, Subcommittee on Fiscal Policy (89th Cong. 2d sess.)		Joint Committee Print, 1966	Materials prepared for the subcommittee on old age income assurance—an outline of issues and alternatives.
Joint Economic Committee, Subcommittee on Fiscal Policy (89th Cong., 2d sess.)	Apr. 26 to May 2, 1966	None	Hearings on private pension plan operations.
Joint Economic Committee, Subcommittee on Fiscal Policy (90th Cong., 2d sess.)		Joint Committee Print, 1967	Old Age Income Assurance—a compendium of papers on problems and policy issues in the public and private pension system.
Joint Economic Committee, Subcommittee on Fiscal Policy (91st Cong., 2d sess.)	Apr. 27 to Apr. 30, 1970	None	Hearings on the investment policies of pension funds.
Senate Special Committee on Aging, Subcommittee on Employment and Retirement Incomes (89th Cong., 1st sess.).	Mar. 4 to 10, 1965	Committee Report, 1965	Hearings and report on extending private pension coverage.
Senate Special Committee on Aging (91st Cong., 2d sess.).	Feb. 17 to 18, 1970	None	Hearings on the economics of aging—toward a full share in abundance. Parts 10A and 10B—pension aspects.
Senate Special Committee on Aging (92d Cong., 1st sess.)		Committee Print, 1971	Pension aspects of the economics of aging—present and future roles of private pensions.
Senate Committee on Labor and Public Welfare, Subcommittee on Labor (92d Cong., 1st and 2d sess.).		Committee Prints—November 1971 and September 1972.	Study of benefits and forfeitures in private pension plans and statistical analysis of major characteristics of private pension plans.

PRIVATE PENSION REFORM

Mr. JAVITS. Mr. President, yesterday Senator WILLIAMS of New Jersey, chairman of the Committee on Labor and Public Welfare, and I jointly testified before the Senate Finance Committee's Subcommittee on Pensions on private pension and welfare reform legislation—and particularly S. 4, the Williams-Javits pension reform bill—which is cosponsored by 53 Members of the Senate and is pending on the Senate calendar. I also note with appreciation that yesterday, Senator TAFT of Ohio—a staunch supporter of the Williams-Javits bill—made an excellent floor statement on this subject.

In view of the widespread interest and concern over the need to reform comprehensively our Nation's private pension plans—and to do it in this session of Congress, and in view of the great support behind early enactment of the Williams-

Javits bill—I ask unanimous consent that my testimony before the Finance Committee, as well as related articles and editorials, be inserted in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

TESTIMONY BEFORE THE SUBCOMMITTEE ON PENSIONS OF THE SENATE FINANCE COMMITTEE

REFORMING OF PRIVATE PENSIONS—WHAT IS REALLY NEEDED

In 1963, Studebaker shut down its automobile facilities in South Bend, Indiana and cancelled its pension plan. Approximately 4500 employees lost eighty-five percent of their earned pension benefits. Some of them committed suicide. This economic and social tragedy caused the later Walter Reuther to observe—

"Studebaker made covered wagons. They celebrated their 100th anniversary a few years back, and now they are part of history. But the workers, what happened to the workers?"

Mr. Chairman, for the last 3 years, the Senate Committee on Labor and Public Welfare has made inquiries into what happened to the workers—and not just the workers at Studebaker but thousands of workers in private pension plans all over the country. Personally, my concern over the injustices in private pension plans dates back to 1967, when I introduced the first comprehensive private pension reform bill—the predecessor to S. 4, the current Williams-Javits bill.

What I discovered in 1967, and what the Senate Labor Subcommittee discovered within the last 3 years—after a massive and thorough study—authorized and funded by the Senate—is that the private pension promise all too frequently is a broken promise—leading to economic deprivation and bitter resentment by older workers looking forward to retirement years of dignity and security.

By now the "horror stories" concerning unjustified loss of pension benefits are commonplace. The files of the Senate Labor Subcommittee are bulging with case histories of private pension plan victims and any newspaper reporter with a minimum degree of enterprise can discover similar examples in virtually any community throughout the United States. The Administration has itself estimated that somewhere between one-third and one-half of the 35 million workers covered by private pension plans will never collect a dime from their plan, and studies by the Senate Labor Subcommittee indicate that historically the rate of benefit loss has been much, much greater by about half of that estimate.

Yet the progress toward achieving enactment of meaningful private pension reform —while substantial—has been slow and painful, and there still is no law on the U.S. statute books which safeguards adequately the pension rights of workers. While careful legislative deliberation is always appropriate in consideration of such a complex field as private pensions, we should be aware that while we debate, discuss, differentiate and study, untold numbers of workers are being needlessly and irreparably injured by the lack of sufficient pension protection.

To illustrate this point, I feel compelled to advance yet another recent "horror story" —perhaps one of the most shocking I have encountered.

In August of 1971, Mr. Robert E. Pratt of Hudson, New York was laid off from Gifford-Wood Co. due to poor business conditions. In the meantime, the company was sold to Greer Industries, Wilmington, Massachusetts, in June 1972 by Stowe-Woodward Co., Inc. of Upper Newton Falls, Massachusetts, former owners of Gifford-Wood Co. Gifford-Wood manufactured coal extraction, materials handling and other machinery. It was a very old company that dates back to 1814.

On June 30, 1972, the Gifford-Wood plan was terminated, three months before Mr. Pratt's 65th birthday. Mr. Pratt had worked for Gifford-Wood Co. for 47 years. When he applied for retirement benefits on attaining age 65 he was told he would receive nothing for his 47 years of service since the plan had been terminated on June 30, 1972 and there were funds available to pay retirement benefits only to those who had retired before that date.

A copy of the correspondence between Mr. Pratt and company, insurance, banking and government officials concerning this matter is appended to my testimony. Included is an "unofficial" note from the insurance agent who advised Mr. Pratt to contact me for help since while "the company has no legal obligation to you—there is definitely a question of the morality of choosing June 30, 1972 as the cut-off date or of not offering you something for your 47 years of service".

I doubt there can be any more eloquent testimony than such case histories—and they are legion—as to the imperative need for enactment of the Williams-Javits bill without any further delay.

The bill has been 3 years in the making, it is co-sponsored by 53 Senators, it is on the calendar and ready for consideration by the Senate.

We await now the disposition of concerns expressed by the Finance Committee regarding this legislation, and it is to these concerns that I now turn.

I

The Administration and Enforcement of Private Pension Legislation.

There are three major fallacies that have arisen in connection with the argument that the Williams-Javits bill or its analogues should be handled as part of the tax qualification procedures of the Internal Revenue Code. *The first fallacy is that private pension plans are exclusively a creature of the tax incentives; the second fallacy is that the Internal Revenue Service regulates private pension plan design; and the third fallacy is that the need for supporting IRS jurisdiction over this legislation is that it would result in more effective administration.*

As to the first, there has been expert testimony before numerous Congressional committees that the growth and development of private pension plans has *not* resulted exclusively from the provisions for favorable tax treatment. For example, the Research Manager of Hewitt Associates (a well-known pension-consulting firm), Pearl E. Charlet, testified before the Joint Economic Committee in 1966 that:

"A company does not initiate and maintain a retirement plan because it receives a tax deduction for its contributions, since the same tax deduction would be permitted for the same amount of money paid in wages. *Employer motivation for retirement plans in most cases is for reasons completely apart from tax considerations.* The reasons may include need for an orderly method of removing the too-old workers from the payroll, creation of a sense of employee security and morale, competitive advantage in the labor market, and a form of extra-compensation for long service." (Emphasis added)

While tax incentives, no doubt, help in getting private pension plans established, incentives are an element of facilitation not *the* element of decision. The other factors contributing to pension plan development must be considered for purposes of determining a suitable administration of pension reform legislation. Indeed, the testimony cited above indicates quite clearly the great significance of pension plans in labor relations and their almost universal use as a major work incentive. Moreover, over 50 percent of all private pension plans are collectively-bargained—which means that tax considerations are not the prime conditions for private pension growth.

It has also been acknowledged that IRS regulation of pension plans is only incidental to its basic task of revenue collection.

Mr. Harold Swartz, then the Director of the Tax Rulings Division of the Internal Revenue Service, on July 20, 1955 told the Senate Subcommittee on Welfare and Pension Funds that:

"I would like to emphasize that the principal function of the Internal Revenue Service is the collection of Federal taxes. There are more than 70 different internal revenue taxes so imposed. The collection of these taxes involves the processing of nearly 95 million tax returns. Obviously, we can neither examine nor audit all of these returns. We must channel our limited examining manpower to the items which are believed to be the most productive. Accordingly, only a small portion of our time can be devoted to examining into the annual information returns filed by exempt organizations."[1]

The Douglas Subcommittee in its Final Report referred to Mr. Swartz' testimony in concluding that the I.R.S. does not perform a regulatory function in the pension area:

"A plan may lose its tax-exempt qualifications if it engages in any of a list of prohibited transactions, most of which involve dealings between the trustee and the entity which set up the trust that would benefit the concern to the detriment of the employees. However, as pointed out by Mr. Swartz during his testimony, 'It should be understood that the transactions are not actually forbidden by the revenue laws but are *prohibited* only in the sense of being inconsistent with continued tax privileges.' It is apparent then that 'regulation' by the Internal Revenue Service does not regulate as such, but merely allows certain tax exemptions in return for compliance. Mr. Swartz made this position clear when he told the subcommittee, 'In seeing that the taxes levied by Congress are paid, the Revenue Service does not seek to act as a regulatory agency'."[2]

Many others have reached similar conclusions about the adequacy of tax "regulation" to protect employee benefit plan participants.[3]

Incidentally, the same Mr. Harold Swartz who testified before the Labor Subcommittee in 1955 as to the limitations of the Internal Revenue Service in regulating pension plans, testified before this subcommittee on May 31, 1973, that "it would seem logical and preferable, therefore, that any additional vesting, funding and other similar provisions that may be required of these plans be enforced and administered through the Treasury Department."

I believe it is also incorrect to assume that incorporation of the Williams-Javits pension reform standards into the tax code presents the most effective administrative and enforcement mechanism available. Senator Williams and I have prepared a detailed memorandum on this subject which is being submitted jointly in connection with our testimony today. I will, therefore, sum this up in three points as follows:

First, imposition of tax penalties may be either too drastic or too weak a remedy, depending on the circumstances.

Second, the exclusive use of the tax code mechanism may permit additional state legislation in the field—which could lead to duplicating—or even conflicting—pension regulation at the federal and state levels.

Third, it is not the greater effectiveness of the IRS but rather anxiety over administration by the Labor Department of new pension laws which creates the impetus for putting IRS in charge of pension reform legislation.

Footnotes at end of article.

There are literally hundreds of examples that could be given that would demonstrate the comparative inflexibility of the Internal Revenue Code as an enforcement mechanism but here are two, the first illustrating overkill and the second indicating ineffectiveness.

Example #1 (overkill): An employee participating in a nationwide multiemployer pension plan with more than 1000 contributing employers, complains that the trustees of the plan have improperly applied the vesting-eligibility standards and disqualified him for vested pension rights. IRS investigates the complaint and confirms its validity under law. The trustees of the plan disagree and refuse to qualify the participant for a vested pension. IRS then disqualifies the plan with the following consequences: contributions of over 1000 employers to the pension fund are no longer tax deductible, the income from the trust is no longer tax free, and any employer contributions that are made are taxable to the employees—in short, the operations of a nationwide pension plan are brought to a standstill over a complaint involving a single employee.

Example #2 (ineffectiveness): A company going out of business terminates the pension plan. The participants complain to IRS that the assets of the trust were distributed inequitably and in violation of the prorities established by statute. IRS cannot disqualify a terminated plan nor can it retroactively disallow deductions for prior years of plan qualification since the company is no longer in existence. The beneficiaries may have a cause of action under state law but may also lack the resources to bring such an action. Result—the violation is not remedied.

Both of the deficiencies described above with respect to an IRS approach are more suitably handled under the Williams-Javits bill. In the first example, the tax status of a multiemployer plan would not be adversely affected by the misapplication of law to a single worker. The Secretary of Labor would enforce the participant's rights in court. In the second example, the Secretary could, through court action, compel the plan trustee to redistribute the plan assets in accordance with the governing statutory priorities.

I also have serious doubts as to whether incorporating pension reform standards in the Internal Revenue Code would prevent the States from legislating further in the field through additions to their banking, insurance or securities laws or by some independent enactment. There are bills concerning pension reform standards already pending in several state legislatures, and at least one state—New Jersey—has passed a pension law regulating pension funds of companies that remove themselves from the local jurisdiction.

There ought to be a uniform national set of standards for private pension plans so as to avoid unnecessary regulation at both the Federal and State levels. The Williams-Javits bill, with minor exceptions, preempts the States from regulating the subjects covered by the bill. The question is whether a similar objective can be reached by exclusive reliance on the Internal Revenue Code. My staff is currently engaged in legal research on this subject and I would be pleased to share the results of that research with this Subcommittee.

The IRS has developed substantial expertise concerning pension plans under the tax qualification provisions of the Internal Revenue Code. The Labor Department has developed substantial expertise on pension plans under the reporting and disclosure provisions of the Welfare and Pension Plans Disclosure Act as well as under seven other labor laws it administers which regulate some incidents of pension plans.

I do not profess to know whether the expertise of the IRS outweighs the expertise of the Labor Department. What is more important, in my judgment, is whether a law for safeguarding the interests of workers in private pension plans should be given to an agency whose primary interest is tax collection and whose primary means of enforcement is removal of tax privileges (or, if we were to adopt Senator Bentsen's bill, the imposition of additional tax penalties).

Even if more adequate enforcement powers were given to IRS for purposes of protecting workers' pension rights, there is still a serious question as to whether the primary interest of IRS in tax collection would not displace effective protection for beneficiaries or result in undue disruption of IRS's traditional role. In this regard, a recent editorial in the Journal of Commerce notes:

"Ideally, IRS should be kept strictly to its statutory function of tax-collecting, and in all other respects be allowed to keep as low a political profile as possible. The greater the extent to which it is detoured into other fields of action—such as the enforcement of Phase Two and Phase Three of price controls—the more prominent its profile becomes and the less effective it is likely to become in its own theater.

"After all, when a taxpayer is called in to discuss problems that have come to the attention of IRS, he ought to be confident that the agency he is dealing with is interested solely in his tax liability, not in the manner in which he has (or has not) conformed to price controls or in the viability of his company pension plans, or anything else. This is—or should be—as important as the separation between church and state in the American Constitution."

Indeed, I believe that the professionals in IRS and Treasury also have serious reservations about this matter. I have with me today a copy of the draft bill which a joint Treasury-Labor Department Task Force drafted and which was submitted for clearance to the White House in April. This draft bill would have established mandatory funding and fiduciary standards and a program of Federal reinsurance, and is similar in number of important respects to the approach taken in the Williams–Javits bill.

As we know, the White House did not accept the bill—and certainly that is its right and prerogative. However, what I find particularly interesting about the Task Force bill—and I emphasize this—is that administration and enforcement of the funding and reinsurance provisions were turned over to the Labor Department. Apparently, the experts in both the Treasury and Labor Departments concluded that this approach would be the most effective.

Accordingly, while I have no doubt that many arguments can be advanced for entrusting new pension reform standards to the IRS, the heart of the problem is that there is anxiety that the Labor Department, if entrusted with this responsibility, would not act objectively but would favor the interests of organized labor.

I don't believe this would be the case, and I have seen no serious evidence that supports this proposition. In any event, the argument that the Labor Department is the wrong place does not make the Treasury Department the right place. There are other viable alternatives, such as the independent commission approach, which I originally espoused.

The important thing is that the agency selected be unencumbered with other potentially conflicting missions, and that it be given the tools to do an effective job. If we are to make pension reform legislation work in the interests of 35 million workers, we cannot afford to do less.

II

The substantive standards of effective private pension reform

A Vesting

The Williams-Javits bill provides a vesting formula which gives a worker a 30% vested right after 8 years of service, increasing by 10% each year thereafter, until 100% vesting is reached with the completion of 15 years of service. Further, the Williams-Javits bill gives workers vested benefit credit for all service performed prior to the effective date of the law.

Senator Bentsen's bill (S. 1179) provides a vesting formula which gives a worker a 25% vested right after 5 years of service, increasing by 5% each year thereafter, until 100% vesting is reached with the completion of 20 workers who are 45 years old, vested benefit years of service. Senator Bentsen's bill gives credit for service prior to the law.

Senator Griffin's bill (S. 75) provides vesting of 100% after 10 years of service with credit for service prior to the bill.

Finally, Senator Curtis's bill (S. 1631), the Administration's proposal, provides for 50% vesting when a plan paticipant's age and service add up to 50 and 100% vesting within 5 years thereafter. The so-called "Rule of 50" is prospective only in application; no credit is given for service performed for the employer prior to the law.

Of these four proposals, all but the Administration's incorporates the two principles which I regard as indispensable to an effective and meaningful vesting standard. These two principles are: first, a federal vesting standard should be based on length of service only i.e. the standard should be age-neutral; the second, some form of credit should be given for service rendered prior to the law in order to protect adequately the interests of this generation of older workers.

The Administration's "Rule of 50" is the least acceptable. I believe that it will exacerbate age discrimination in hiring. In a recent speech, former Secretary of Labor James D. Hodgson stated:

"I worry that the Rule of 50 might well cripple job opportunities for some older workers. It could work like this. An employer has two job candidates, one age 35 and one age 45. He knows the latter would vest in only three years while he would have no obligation to the former for eight years. In such circumstances the temptation to hire the former seems considerable to me."[4]

The Rule of 50 also deprives a worker of credit for his early years of hard work, and this also seems inequitable.

In general, I prefer the graded approach to vesting used in the Williams-Javits bill and the Bentsen bill since it tends to avoid the "all or nothing" result for the worker who is severed from employment just prior to the year when vesting is applicable. However, we permit 100% vesting at the end of 10 years under the Williams-Javits bill where it can be shown to be as equitable; while the Bentsen bill does not provide such an alternative.

I am opposed strongly to the idea that has been advanced in these hearings that the law ought to permit employers to choose between the four vesting alternatives that have been advanced. Aside from the fact that many might choose the Rule of 50—which I regard as inadequate—there ought to be as nearly as possible a single basic standard. The law ought to tell the worker what he is going to get, and when he is going to get it, and there should not be any wide variation in achieving vested pension rights if workers are to be convinced that they are being treated fairly.

B. FUNDING

Both the Williams-Javits bill and the Bentsen bill provide for the funding of all unfunded pension liabilities over a thirty year period. By way of contrast the Administration's bill calls for the funding of the unfunded vested liabilities at the rate of 5% of the liabilities existing during the year. Thus, under the Administration's bill, there is no target period during which all unfunded vested liabilities must be fully funded.

Footnotes at end of article.

The major difference between the Williams-Javits bill and the Bentsen bill in connection with funding is a difference in treatment for "experience deficiencies" caused by actuarial error. Under the Williams-Javits bill, experience deficiencies must be funded over a five year period unless the employer is not financially able to make the payment, in which event he may obtain an additional five year period to fund the deficiency. Under the Bentsen bill, on the other hand, experience deficiencies can be funded for the remaining working period of the workers—which could be as long as another thirty years.

The Williams-Javits approach on experience deficiencies is to be preferred because it protects more adequately the federal reinsurance program against the possibility of pension plan liabilities being shifted unnecessarily to the insurance program due to actuarial mistake. Actuarial practice is not an exact science, and it is all too possible that underestimated liabilities would be cranked into the cost of reinsurance despite the fact that the employer has the means to fund these deficiencies more quickly.

The Administration's formula for funding is the least preferable because it has no fixed target date when full funding of vested liabilities must be completed and also because it is unenforceable. It is least preferable because this is the slowest method of funding that has been proposed and is even inconsistent with Accounting Opinion #8, as the American Institute of Certified Public Accountants confirmed in testimony before this Subcommittee on May 22nd.

The Administration's funding standard—weak as it is—is unenforceable because in the event of the failure to make the 5% contribution the only sanction is that all employees would vest in contributions made to the plan up to that point. If no contributions have been made, the employees vest in nothing. Also, the Administration's bill does not resolve the status of the plan if the year after a failure to make the required contribution the employer gets back on the track and begins to fund in compliance with the bill. Do all the employees who previously became vested then become unvested? Do they continue to be vested in the new contributions made by the employer? The bill is quite deficient in these areas.

C. PLAN TERMINATION INSURANCE

There is no more vital need in pension reform than a program of federal plan termination insurance.

When Congress enacts a law which contains requirements for vesting it will generate new expectations and bring into being new rights. It will be the law that fixes the worker's pension rights and not just the pension plan. How are we going to answer those who will continue to lose their pensions as a result of plan termination, after we in the Congress have enacted a law which gave them those rights? Only a program of plan termination insurance, as proposed in the Williams-Javits bill or in the Bentsen bill, will assure that the statutory rights that Congress has enacted will be adequately protected.

I recognize that we are breaking new ground here and that as one witness has put it: "we are changing the rules of the game". So because this is an innovative program, concern is being expressed from a number of quarters as to the feasibility of reinsurance. They are the same kind of concerns that were expressed when the federal insurance for bank deposits was first proposed, and it should be recalled that, originally, that type of insurance was opposed—and opposed vigorously—by the banking community.

These government insurance programs have been highly successful. They restored and promoted confidence in private institutions and contributed greatly to the growth and expansion of these institutions. The same is true of federal pension reinsurance. We should not, and must not wait for another catastrophe—such as the Studebaker closing in 1963—in order to protect pension rights of a generation of beneficiaries.

D. PORTABILITY

The Williams-Javits bill establishes a federal clearinghouse fund in the Department of Labor to promote on a voluntary basis the transfer of vested pension credits from one plan to another as a worker changes jobs. The Bentsen bill would permit the tax-free transfer of vested pension credits from plan to plan without establishing a federal clearinghouse. The Administration also claims that the liberalized tax treatment it proposes for lump-sum distributions from pension plans could also encourage portability.

There is much to be said in favor of either the Williams-Javits approach or the Bentsen approach. Senator Bentsen's bill is based upon the experience in Canada where both tax-free transfers of vested credits were authorized as well as the establishment of a clearinghouse mechanism. Apparently the clearinghouse mechanism has never been utilized in Canada. The advantage to the Williams-Javits proposal is that it would centralize record keeping and relieve employers of these burdens and also would provide a mechanism which could ultimately serve as a type of pension bank for universal portability. There may be merit to trying both the Williams-Javits approach as well as the Bentsen approach since there is no inherent conflict between the two.

E. FIDUCIARY STANDARDS

There is a consensus that additional federal fiduciary standards for pension fund administrators are required. Both the Williams-Javits bill and a separate Administration proposal (S. 1557) would establish protection against fund abuse and conflicts of interest. Both bills amend the Welfare and Pension Plans Disclosure Act and would charge the Secretary of Labor with responsibility for administering and enforcing the fiduciary standards.

S. 1631, however, would also incorporate the new fiduciary standards into the "prohibited transactions" provisions of the Internal Revenue Code and would impose tax penalties for a breach of trust.

The inherent disadvantage of this approach—or any approach that seeks to curb fiduciary abuse by removal of tax privileges or imposition of tax penalties—is that it is the participants who bear the brunt of tax sanctions. If the plan's tax qualification is withdrawn because of some abuse by a trustee, the employer may very well terminate the plan to the detriment of the participants. If tax penalties are imposed for breach of trust there may be less money available to pay pension benefits. Tax sanctions are not effective in this area because they are only imposed after the breach of trust has occurred. Under the Williams-Javits bill, steps can be taken *to prevent* as well as redress breaches of trust.

Although consistency between the "prohibited transactions" provisions of the Internal Revenue Code and the new fiduciary standards bill might seem desirable, this consistency is designed more in the interests of symmetry than practicality. Insofar as the "prohibited transactions" provision of the Internal Revenue Code is duplicatory or inconsistent with the fiduciary standards of the Williams-Javits bill, I recommend that it be repealed.

III

Further tax incentives to encourage the expansion of private pension coverage

In order to encourage the further expansion of private pension coverage, I support, in general, the Administration proposal for permitting individual employees to deduct from taxable income an amount equal to 20 percent of earned income or $1500, whichever is less, for annual contributions to individual retirement funds or company funds. I am in favor of increasing tax deductions for contributions to plans covering the self-employed and their employees also. Although I feel the deduction for the employed and the self-employed should be the same. I believe that Senator Bentsen's proposal for a tax credit in addition to a tax deduction for the employees contribution to an individual retirement plan or a company plan is a good one and should be supported because it would more adequately extend the benefits of the Administration's proposal to lower paid employees.

Nevertheless, it seems to me that the major obstacle to widespread employee utilization of these advantages is the fact that they rely on specific tax deductions and credits. The majority of employees the Administration and Senator Bentsen are attempting to reach with these tax incentive proposals do not itemize tax deductions but rather use the standard deduction. Accordingly, it is unlikely that many employees will take advantage of these proposed benefits unless some method is found to simplify the tax reporting responsibilities to the Internal Revenue Service.

In addition, I believe that special consideration should be given to establishing a tax credit for small businessmen which would encourage them to establish or participate in pooled pension fund plans. The overwhelming majority of employers without private pension plans are in the small business sector.

Finally, should the Finance Committee wish to report separately the tax incentive proposals—which clearly belong in the Internal Revenue Code—from the pension reform proposals of the Williams-Javits bill I could see no objection.

CONCLUSION

I have no doubt that the Congress can develop a fair, feasible and efficient system of private pension plan regulation. And under that kind of regulation, private plans will develop even more rapidly than in the past because we will have assured to the beneficiaries that pension promises are kept and reasonable expectations built upon those promises are not disappointed.

The legislation will be better—fairer, more feasible, more efficient—if we work it out in the bipartisan manner which has characterized its progress to date—and if we keep the interests of 35 million workers uppermost in our minds.

This is historic legislation. It breaks new ground and recognizes that not since the enactment of Social Security has there been such a welling-up of public interest in assuring more adequate retirement security through reform of the private pension plans. In response to inquiries I made in New York just two weeks ago, I have received over 20,000 letters of support for prompt enactment of the Williams-Javits bill—and that is just in a two week period!

The one thing above all else that we must assure is that the legislative remedies we enact are real and not illusory. There has been enough disappointment in this field. Let us put that disappointment and frustration to an end, and let us do it this year.

FOOTNOTES

[1] *Welfare and Pension Plans Investigation,* Hearings before the Subcommittee on Welfare and Pension Funds of the Committee on Labor and Public Welfare, U.S. Senate, Part 3, 84th Congress, 1st Sess., July 20, 1955, p. 847.

[2] *Welfare and Pension Plans Investigation, Final Report,* submitted to the Committee on Labor and Public Welfare by its Subcommittee on Welfare and Pension Funds, U.S. Senate, 84th Cong., 2d Sess. (April 1956).

[3] Isaacson, *Employee Welfare and Pension Plans: Regulation and Protection of Employee*

Rights, 59 Col. Law Rev. 96 (Jan. 1959) at 105. Regulations under the Internal Revenue Code and Taft-Hartley Act have "some impact on the plans, but have failed to be effective sources of regulation, in large part because their concern with the benefit plans has been incidental to other purposes." See also 45 Minn. Law Rev. 575 at 607.

[4] *Private Pensions and Public Policy*, Remarks by James D. Hodgson, First Annual Pension and Profit Sharing Conference, Sutro & Co., Inc., Los Angeles, California, April 18, 1973.

APPENDIX

CORRESPONDENCE INVOLVING LOSS OF PENSION BY ROBERT E. PRATT, HUDSON, N.Y. 12534

JUNE 6, 1969.

SUMMARY OF PERTINENT POINTS OF GIFFORD-WOOD, INC. EMPLOYEE RETIREMENT PLANS

Normal retirement date is after an employee has reached the age of 65.

The current monthly retirement allowance is $1.75 per month per year of Credited Service commencing with the first day of the month following the date of retirement.

Recent changes which clarify and improve the benefits are as follows:

(1) A member shall be retired on a Normal Retirement Allowance upon reaching his Normal Retirement Date, provided that on such date he has ten or more years of Credited Service.

(2) Any Member, upon ceasing to be an Employee for any cause other than death or retirement under the Plan, if he has completed 10 or more years of Credited Service, shall be entitled to a Retirement Allowance commencing at his Normal Retirement Date. The amount of such Retirement Allowance shall be the amount accrued to the Employe's date of termination of employment.

(3) The Normal Retirement Allowance shall be a monthly amount equal to $2.00 multiplied by the number of years of his Credited Service, effective April 15, 1971.

All other terms of the Retirement Plans remain unaltered. Any employee desiring further information regarding the Retirement Plan may obtain it by contacting the Manager of Manufacturing or Supervisor of General Accounting, with whom a copy of the amended retirement plans is on file.

G. W. DIETRICH,
Vice President and General Manager.

GIFFORD-WOOD, INC.,
Hudson, N.Y., October 23, 1970.

Mr. ROBERT E. PRATT,
Hudson, N.Y.

DEAR BOB: It is a pleasure for me to congratulate you on your forty-seventh year with Gifford-Wood. This is indeed a fine record, not often attained. May you enjoy many more pleasant years with our firm.

Sincerely,
C. F. STEPHENSON, *President.*

GIFFORD-WOOD,
A COLUMBIA PRECISION CO.,
Wilmington, Mass., October 27, 1972.

Mr. ROBERT E. PRATT,
Hudson, N.Y.

DEAR BOB: Received your letter last week, and it was certainly nice to hear from you.

Reaching retirement age is an accomplishment, and I hope you find the opportunity to enjoy your years of retirement. Bob, I am sorry to hear that you are not receiving a pension. The problem is a complicated one and involves the fact that Gifford-Wood is no longer a separate company, but is a predecessor to another corporation. Please be assured, though, that Mr. Loehr is investigating all the facts relative to retirement with our retirement principal. You should hear from him shortly—be patient a little longer.

We enjoyed many good years together at Gifford-Wood, but as is the case so often, we must look ahead not back.

If you are ever over this way, please drop in for a visit.

Very truly yours,
R. E. ADAMS,
Vice President, Research & Development.

GIFFORD-WOOD,
A COLUMBIA PRECISION CO.
Wilmington, Mass., November 29, 1972.

Mr. ROBERT E. PRATT,
Hudson, N.Y.

DEAR MR. PRATT: I am sorry to advise you that when the Gifford-Wood Salaried Employee's Retirement Plan terminated on June 30, 1972, the Plans' assets were only sufficient to provide annuities for those employees who then had reached the normal retirement age of sixty-five years. As a result, you will not be able to receive an annuity under the Plan.

Sincerely yours,
HERBERT F. LOEHR,
Vice-president, Finance.

HUDSON, N.Y., *November 28, 1972.*

NATIONAL COMMERCIAL BANK AND TRUST CO.
Albany, N.Y.

Attn. Mr. ALFONSE MECCARIELLO, Assistant Manager, Trust Division.

Re: 40-034134—Gifford-Wood Co. Salaried Employees Retirement Plan.

GENTLEMEN: As your Bank was a former distributor of checks to retired employees of Gifford-Wood Co. under the above plan, may I ask your opinion regarding refusal of Greer Industries who took over Gifford-Wood Co. to put me on the list to receive a pension check, the same as other former retired employees of Gifford-Wood Co.

In August of 1971 I was under lay-off until negotiations were consummated regarding a sizable contract. However, I was never recalled to work in the Engineering Department.

On September 11, 1972, I reached my 65th birthday and, naturally, hoped to receive word of my eligibility for pension, after 48 years of service in the employ of Gifford-Wood Co.

I wrote to Greer Industries about a month ago and my letter was never answered until November 25, when I received notification that my pension check would not be forthcoming, as my name would not be placed on the list with the other employees.

You, of course, are not obligated to reply to this letter as you are no longer identified with the Pension Plan in question. However, I would greatly appreciate your review of the situation regarding the awarding of this pension to me. Or, if there is no redress on my part and I will have to abide by their decision to deny me this compensation in the form of a pension after my long years of service.

Please overlook my audacity in addressing this letter to you, but I was quite shaken up on being advised this income on which I have been planning for living expenses, etc. would be denied to me.

Very truly yours,
ROBERT B. PRATT.

NATIONAL COMMERCIAL BANK
AND TRUST CO.,
Albany, N.Y., December 1, 1972.

Re: 40-034134 Gifford Wood Company Salaried Employees Retirement Plan.

Mr. ROBERT E. PRATT,
Hudson, N.Y.

DEAR MR. PRATT: I received your letter of November 28, 1972 which was directed to Mr. Meccariello. As you know, this bank is no longer trustee for the above plan.

We do not feel that we can give an opinion concerning the decision made by Greer Industries. However, we suggest that you contact your attorney, who should deal directly with Greer Industries if you wish to continue to pursue this matter any further.

Very truly yours,
RICHARD E. RIGHTER,
Assistant Trust Officer, Trust Division.

HUDSON, N.Y., *January 11, 1973.*

THE TRAVELERS,
One Tower Square,
Hartford, Conn.

Attention: L. A. & Gr., Claim Department Group Annuity Unit—3 WS.

GENTLEMEN: As your company (The Travelers) is now Trustee of the Gifford-Wood, Inc. Retirement Plan (salaried employees) and in turn is issuing the monthly pension checks to those retired people from Gifford-Wood who are entitled to the benefits, I wish to submit the following:

I was laid off (retired) from Gifford-Wood in August 1971 due to poor business conditions. In the meantime, the company was sold to Greer Industries in June 1972.

On September 11, 1972 I reached my 65th birthday, but was never notified as to the status of my pension.

I have a record of 47 years of actual service with Gifford-Wood from 1923 to 1971 and Gifford-Wood has all this information. I have written letters to personnel of the company who are in a position to give me some positive information regarding the reason why I am not receiving my benefits under the pension plan.

I am enclosing a copy of a letter dated November 20, 1972, in answer to my letter regarding my pension. This letter was signed by Mr. Herbert F. Loehr, Vice-President, Finance. I know that there must be a lot of information and a more concrete explanation than what is spelled out in this letter to me.

I have been a member of the Gifford-Wood Retirement Plan from its beginning. It seems that I must have accumulated quite a sum from my services and should receive any just benefits. I cannot understand how I can be completely cut off from any annuity under the Plan.

You, of course, are not obligated to reply to this letter. However, I would greatly appreciate your review of the situation regarding the awarding of the pension to me. Or, if I have no redress and will have to abide by Mr. Herbert Loehr's decision to deny me my just and due compensation in the form of a pension for my services.

Please overlook my audacity in addressing this letter to you, but I was quite shaken up being advised this income on which I have been planning for living expenses, etc.

Very truly yours,
ROBERT E. PRATT.

P.S. Enclosed is copy of the original plan in part dated April 15, 1971 indicating a change in the normal retirement allowance which is self-explanatory and may be of some help in solving my dilemma.

THE TRAVELERS INSURANCE CO.,
Hartford, Conn., January 18, 1973.

Re Group Annuity Contract GR-2056.

Mr. ROBERT E. PRATT,
Hudson, N.Y.

DEAR MR. PRATT: I have reviewed your letter of January 11, 1973 and attachments. I have also reviewed the Retirement Plan for Salaried Employees of Gifford-Wood. As the Plan stands as a legal document, qualified by the Internal Revenue Service, the discontinuance falls within approved guidelines. Unfortunately you are one of the former employees who is not entitled to a benefit. Had you already attained age 65 on June 30, 1972, you would have been eligible for some annuity.

I think that a clarification of The Travelers involvement is in order. The Travelers is not the Trustee of this Plan as noted in the first line of your letter. We have merely contracted with Gifford-Wood to disburse the monthly annuity payments they advised us to make. We hold the money and guarantee that we will administer the payments.

As an employee of The Travelers I can only advise you that you are not one of the employees who we were contracted to make annuity payments to. Also, I can advise you that from the documents that were sent to me, the company acted within IRS guidelines in disbursing the funds of the Pension Plan when it discontinued.

I hope that this letter clarifies the involvement of The Travelers in this situation.

Very truly yours,

John J. Rzasa,
Underwriter, Group Pension Division.

Mr. Pratt: On an unofficial basis I might suggest that you contact your Senator who has been very active in this area recently, Mr. Javits. The company has no legal obligation to you but there is definitely a question of the morality of choosing 6–30–72 as the cutoff date or of not offering you something for your 47 years of service. Hopefully the Senator would contact Gifford-Wood regarding the situation.

J. Rzasa.

State of New York,
Department of Law,
February 26, 1973.

Mr. Robert E. Pratt,
Hudson, N.Y.

Dear Sir: We are in receipt of your letter of February 23, 1973, dealing with your pension difficulties, and we have noted the correspondence which you have enclosed therewith.

Unfortunately, neither this office nor any State agency has any jurisdiction over unilateral pension plans in effect between employers and employee members thereof. Such plans are considered to be private contracts between the parties, and the rights of the respective beneficiaries depend entirely upon compliance with all of the terms and conditions of the plan.

The only Government agency that may have some information for you in the matter would be the U.S. Department of Labor, through its Welfare and Pension Plan Division, located at 26 Federal Plaza, New York, N.Y. Under Federal law all retirement plans of any nature are required to be filed with this agency, and its has certain limited supervision over such plans.

As a last recommendation, we suggest that you consult a private lawyer concerning your rights in this matter, and it is quite possible that after a review of the pension plan and all of the facts that you furnish him, that he will be able to give you a sound opinion which can guide you in determining your right to retirement benefits at this time.

We are returning the file that you sent us with your communication.

Very truly yours,

Louis J. Lefkowitz,
Attorney General.
By Daniel Polansky,
Assistant Attorney General,
In Charge of Labor Bureau.

U.S. Department of Labor Welfare and
Pension Plan Division,
New York, N.Y.

Gentlemen: In February, 1973, I wrote to Mr. Daniel Polansky, Assistant Attorney General in regards to the Retirement Pension Plan of Gifford-Wood Co., Hudson, New York, (Columbia County), as it was originally set up and written for all eligible retired employees of the company. Mr. Polansky has referred me to your department, as you will see in the copy of his letter that I have attached hereto.

Enclosed is a copy of the revised "Pension Plan" dated June 6, 1969 and paragraph (3) noting a change in the Normal Retirement Allowance effective April 15, 1971, which plan includes all employees upon reaching the age of 65, and accumulating ten years or more of credited service.

I was laid off (retired) from Gifford-Wood Co. in August, 1971 due to poor business conditions. In the meantime, the company was sold to Greer Industries, Wilmington Massachusetts in June, 1972 by Stowe-Woodward Co. Inc. of Upper Newton Falls, Massachusetts, former owners of Gifford-Wood Co.

I became 65 years of age on September 11, 1972, and according to the Pension Retirement Plan, I should have started receiving pension benefits in October, 1972. As time went on, I anxiously awaited for some word as to the status of my pension.

Rather than go into too many details at this time, I am particularly interested in whether your department handles such cases as this one.

I am enclosing copies of all correspondence that I have had in reference to this matter as well as the responses that I have received.

I would appreciate any help that you might be able to give me in this matter, and I look forward to hearing from you.

Very truly yours,

Robert E. Pratt.

Department of Labor,
New York, N.Y., March 14, 1973.

Mr. Robert E. Pratt,
Hudson, N.Y.

Dear Mr. Pratt: We have received your letter of March 1, 1973 and its attachments concerning your attempts to obtain pension benefits.

Unfortunately, this agency is not in a position to aid you because there is no provision in the law—over which we have jurisdiction—which covers your case, i.e. withdrawal or cessation of a unilateral pension plan by an employer.

This agency's jurisdiction regarding pension plans is cited in "The Welfare and Pension Plan Disclosure Act." A guide booklet which defines and highlights provisions of this Act is enclosed with a copy of the Act.

It is with regret that we must advise you that under the present law, we cannot assist you in your claim.

Very truly yours,

Henry W. Berry,
Assistant Area Administrator.

[From the New York Times, June 13, 1973]

FORTY-SEVEN YEARS ON JOB, WORKER LOSES PENSION

(By Fred Ferretti)

Hudson, N.Y., June 12.—Robert and Grace Pratt don't really expect to get their pension money, but, as Mrs. Pratt said, they hope "that what happened to us will help other people."

"We're not starving," Mr. Pratt said here today in the pine and maple living room of the second-floor apartment where the Pratts have lived for 32 years. "But not having what I think I earned will stop us from doing things we wanted to when I retire. It's just not right. It's not right."

Mr. Pratt, who will be 66 years old this Sept. 11, worked for the same concern—the Gifford-Wood Company, a conveyor-equipment contractor here in this Columbia County city for 47 years. He expected that when he reached the age of 65 he would receive the $94-a-month pension he had been counting on.

FULL OBLIGATION REJECTED

But, as has happened to other people who work for companies that have private pension plans and that are sold to other companies or to conglomerates, Mr. Pratt found out that the company that bought Gifford-Wood said it would honor the pension obligation only to a point. The point did not include Mr. Pratt.

Only those with 10 or more years of service and who became 65 on or before June 30, 1972—the day the company was sold—were covered, he was told. Mr. Pratt was out of luck by less than three months. He became 65 on Sept. 11, 1972.

"But don't 47 years mean anything?" he asked today "What incentive is there to be faithful if things like this happen?"

LONG TRIPS ARE OUT

So the Pratts, unless there is a reversal of the corporate decision to disallow his pension claim, will have to rely on their combined Social Security payments of $359.60 a month here in this city where they have lived all of their 39 years of married life. They will not be able to travel, "as we wanted to and as I think we're entitled to."

They will visit their oldest and youngest daughters, who live in neighboring communities, but "we won't be able to pick ourselves up and drive down to Portsmouth, Va., where our middle daughter lives," Mr. Pratt said, adding: "You just can't do that when you're watching your pennies."

"We were thinking about a trailer, but we can't afford anything like that now," Mrs. Pratt noted.

Mr. Pratt began working for Gifford-Wood as a boy of 16 in 1923. The company originally made ice-making machinery, they went through a coal-handling phase and finally emerged as a builder of conveyor equipment.

When he went to work at the plant, only three blocks from where his apartment now is, Mr. Pratt made $15.85 a week.

In 1965 Gifford-Wood was bought by Stowe-Woodward, of Upper Newton Falls, Mass., and in 1972 it was sold to yet another Massachusetts company, Greer Industries of Wilmington.

LAUDED, THEN LAID OFF

After the first sale, "things stayed the same," Mr. Pratt said. He got a letter in November of 1968 congratulating him on his 45th anniversary with the company; another in October, 1969, for his 46th, and another in October, 1970, noting his 47th anniversary and wishing him "many more years with the firm."

The following August Mr. Pratt was called into a superior's office and told he was being laid off "because business was bad." He was earning $170 a week in a drafting job at that time.

While awaiting the pension he thought he would receive, he went to work for the Hudson Department of Public Works as an inspector and "kept going to the plant, asking about my pension."

"They kept telling me I was on the list," Mr. Pratt recalled.

THE BAD NEWS

Then he was informed by an officer of Gifford-Wood that pension benefits would be terminated as of June 30, 1972. He received a letter that said: "The plan's assets were enough to provide annuities only for those who had reached age 65 when the plan terminated on June 30, 1972."

Mr. Pratt wrote again to the company and received a similar reply. He wrote to the United States Department of Labor, to the Internal Revenue Service and to State Attorney General Louis J. Lafkowitz, among others, and "all of them said they were sorry but there wasn't much they could do."

The Travelers Insurance Company, which paid the pension money, said it too, was sorry. But the underwriter who notified Mr. Pratt officially also wrote him a note by hand. It said:

"On an unofficial basis, I might suggest that you contact your Senator, who has been very active in this area recently, Mr. Javits. The company has no legal obligation to you, but there is definitely a question of the morality of choosing 6–30–72 as the cutoff date or of not offering you something for your 47 years of service. Hopefully the Senator would contact Gifford-Wood regarding the situation."

The note was signed by the underwriter, John J. Rzasa.

SENATOR INFORMED

"It was the kindest thing anyone's done for me: He was a fine man," Mr. Pratt said. And he followed the advice and wrote to Senator Jacob K. Javits.

Mr. Javit's letter took note of Mr. Pratt's plight, mentioned the Williams-Javits pension-and-welfare bill but offered little hope in writing.

"Then last week we got a call from the Senator's office," Mr. Pratt said. "They wanted to know if he could use our name and what had happened to us as an example. We said, 'Yes; we hope it helps'."

So today Mr. Pratt found himself a quasi-celebrity. He was telephoned by out-of-state newspapers, photographed, taken over to his old plant, which has been resold once more and is owned by a manufacturer of dock equipment, now and asked to reminisce.

"It's nice remembering," he said. "But I don't know why I shouldn't get something out of it, being there half a century and all."

SPONSORS CALL FOR ACTION ON PENSION BILL

(By Linda Charlton)

WASHINGTON, June 12.—The two principal sponsors of a bill aimed at reforming the private pension systems on which 35 million workers are dependent told a Senate subcommittee today that speedy action was urgent to end a situation in which "a private pension promise all too frequently is a broken promise."

That phrase was in the testimony of Senator Jacob K. Javits, Republican of New York, who with Senator Harrison A. Williams Jr., Democrat of New Jersey—the other chief sponsor of the bill—appeared today before the Subcommittee on Pensions of the Senate Finance Committee.

Fifty-one other Senators are also sponsoring the bill.

"VESTING" IS DEFINED

The Williams-Javits bill includes a number of provisions designed to correct flaws in many private pension plans uncovered in a three-year study by another Senate subcommittee headed by Senator Williams.

These provisions include a requirement that pension rights be vested after eight years, that a centralized system be set up to allow the transfer of vested pension rights from one employer to another and that a Federal pension-insurance fund be set up.

"Vesting" is the term for the procedure giving an employee an absolute right to all or part of the retirement benefits earned for that worker under a pension plan, whether or not he leaves a company before his retirement date.

Senator Javits, in his testimony, said that "by now, the 'horror stories' concerning unjustified loss of pension benefits are commonplace." But he cited as "perhaps one of the most shocking I have encountered," the story of Robert E. Pratt of Hudson, N.Y., and attached copies of correspondence between Mr. Pratt and others involved.

Mr. Pratt worked for a company whose pension plan was terminated three months before his 65th birthday. As a result, he was told that, despite his more than 47 years' service in the company, he would receive no pension.

"I doubt there can be any more eloquent testimony than such case histories," Mr. Javits said.

Senator Williams, in his testimony, also spoke of the "men and women who gave full and faithful service to their employers" only to find "broken promises which wrecked human lives and produced untold human misery."

JURISDICTION ASSIGNED

The Williams-Javits bill would charge the Department of Labor with the responsibility of implementing its reforms. Senator Williams said that the department had been chosen after "much thought and concern" as "one which workers will look to for help with confidence; it must be the agency that will restore their faith in the private pension system."

He said also that it is this department that "has the primary mission to safeguard the interest of working people."

There has been argument in favor of giving jurisdiction to the Internal Revenue Service, which now regulates private pension plans because of the tax considerations involved.

The Williams-Javits bill, which is considerably broader than Administration pension-reform proposals put forward in April, has been approved by the Senate Labor and Public Welfare Committee. A similar bill was drastically pared by the Finance Committee last year, however. Similar legislation is pending before the House Education and Labor Committee.

[From the New York Daily News, June 13, 1973]

HE WORKS 47 YEARS, SEES PENSION TURN TO DUST

WASHINGTON, June 12.—Robert E. Pratt worked for 47 years for a machinery manufacturing firm, the Gifford-Wood Co., of Hudson, N.Y., then was abruptly laid off in August 1971.

He was 64 and a year from the $94-a-month retirement benefits that those 47 years had earned him.

So he went out looking for a job. Through the federally sponsored Emergency Employment Act he got work as an inspector for the Department of Public Works in his home city of Hudson.

CALLS IT "HORROR STORY"

After turning 65 last September, he applied to Gifford-Wood for his pension only to be told that the pension plan had been terminated three months earlier when the firm was absorbed by Greer Industries of Wilmington, Mass.

Calling the incident a "horror story—perhaps one of the most shocking I have encountered," Sen. Jacob Javits (R–N.Y.) told Pratt's story today to the Senate Finance Committee in pleading for sweeping reform of private pension plans.

"He was told that he would receive nothing since the plan had been terminated on June 30 and there were funds available to pay retirement benefits only to those who had retired before that date," Javits said.

SENATE VOTE BLOCKED

"The private pension promise all too frequently is a broken promise," Javits added, "leading to economic deprivation and bitter resentment by older workers."

Sen. Harrison A. Williams Jr. (D–N.J.), co-author with Javits of a major pension reform bill, charged in testimony before the finance panel: "Congress has already delayed too long, and American workers have suffered as a result. To let them suffer longer would be inconscionable."

The Labor and Welfare Committee unanimously approved the Javits-Williams bill last year and again this year. But the Finance Committee, which demanded an opportunity to consider it, has blocked a Senate vote.

The measure, which has now 53 co-sponsors—more than half the Senate—would guarantee an employe covered by a private pension plan 30% of his earned pension credits after eight years of service with an additional 10% each year thereafter until he has a vested right in his full pension after 15 years with a firm.

Because no such guarantees exist in many private firms, Javits said that based on experience only about 16% of the 35 million Americans covered can expect to receive any benefits.

While the Senate debates, Pratt, whose three daughters are now married, lives with his wife in their Hudson home on his $253.60-a-month social security.

[From the New York Times, June 10, 1973]

THE CASE FOR PENSION REINSURANCE

(By Jacob K. Javits)

The pending pension legislation sponsored by Senator Harrison A. Williams Jr., Democrat of New Jersey, and Senator Jacob K. Javits, Republican of New York, provides, among other items, for a plan of reinsurance.

In an article in the Business and Financial Section last Sunday, William H. Moore, chairman of the Bankers Trust Company, stated that while it was necessary to expand the private pension system, the need for a reinsurance plan "has yet to be sufficiently demonstrated."

I doubt that there is much disagreement anymore over the need both to reform existing private pension plans and to expand their coverage to employes who do not participate presently in a private plan. Congress would like to do both and I am reasonably confident that the legislation it enacts for pension plans will go a long way toward meeting these objectives.

Yet, I think the record should note that it wasn't until private pension reform—and particularly the Williams-Javits bill—started getting up a head of steam that we heard very much about the importance of expanding private plans to the noncovered work force. This minor bit of history demonstrates the primary role of reform legislation in stimulating efforts to improve our nation's whole private pension system.

To encourage the further expansion of private pension coverage, I support, in general, the Administration's proposal for permitting individual employes to deduct from taxable income an amount equal to 20 per cent of earned income or $1,500, whichever is less, for annual contributions to individual retirement funds. I am also in favor of increasing tax deductions for contributions to plans covering the self employed and their employes.

However, I believe that the limits for tax deductions proposed by the Administration are unrealistic and should be raised to at least $2,500, which is the current deductible limit for the self-employed.

Further, to extend adequately the benefits of this proposal to the lower-paid employe, the tax deduction should be coupled with a tax credit and some method should be devised to relieve employes from the necessity of having to itemize deductions. Otherwise, it is unlikely that many will take advantage of these benefits.

Finally, special tax incentives should be provided to encourage small businessmen to establish pooled pension funds with minimal administrative expense.

I find it disturbing that suggestions should be made that certain private pension-reform priorities, such as the Williams-Javits reinsurance proposal, are somehow less vital than expansion of pension coverage among workers. In fact, quite the opposite is the case.

A Federal program of plan-termination insurance is vital not only to protect existing pension benefits against loss due to employer bankruptcy, merger, sale or similar events, but also to promote the confidence in 35 million beneficiaries that is essential to assure the future development and expansion of the private plans.

While it is true that the recent Treasury-Labor Department study of plan terminations showed that for the first seven months of 1972 only one-tenth of 1 per cent of all participants covered lost benefits as a result of plan termination, in absolute numbers 8,400 workers lost approximately $20 million in earned pension benefits.

To each of the 8,400 workers who saw his expectation of retirement security and dignity wiped out it is no consolation to play the "numbers game" and say: "Well, what about the fellow who had no pension plan at all?"

Moreover, if the rate of loss due to plan terminations was projected over a generation of workers (approximately 30 years) it would mean that some quarter of a million workers would lose $600-million in private pension benefits—a staggering sum.

I doubt very much that the successful expansion of private pensions would evolve under these circumstances, especially since it is the small businessman who lacks a private pension plan for his employes. Yet he is the very employer who is most likely to experience economic reversals and terminate his pension plan with inadequate funds to back up the pension promise.

Pension promises made should be pension promises kept. While I fully support the idea of greater tax incentives to encourage small employers and individual workers to set up retirement funds, the greatest obstacle to further development of private pensions is worker uneasiness over the reliability of the private pension promise.

For analogous reasons, Congress has enacted the Federal Deposit Insurance Corporation to insure bank deposits, Federal mortgage insurance and Federal insurance for stock brokerage firms. Similar considerations dictate Federal reinsurance of private pensions plans.

The anxieties that have been expressed over the impact of such a program are out of proportion to the enormous benefits that would flow from its adoption. Indeed, the alleged small percentage of benefit losses only show that Federal reinsurance is viable at a reasonable premium.

The adoption of reasonable funding requirements and mandatory Federal fiduciary standards are an essential part of the Williams-Javits pension reform proposal. However, I disagree with the notion that the enactment of these standards standing by themselves would alleviate problems created by plan terminations.

The fact is that a substantial number, if not the overwhelming majority, of plans that have terminated adhered to acceptable fiduciary standards. Moreover, in a surprising number of cases the employer contributing to the plan was following an acceptable funding procedure.

In the Studebaker case, for example, where some 4,500 workers lost 85 per cent of their vested pension benefits when the company shut down in South Bend, Ind., in 1963, Studebaker was contributing to the plan in accordance with funding procedures equal to or superior to those imposed by the pension-reform legislation currently pending.

The difficulty is that as plans mature their benefits are frequently improved and these improvements add additional liabilities that must be funded. Full funding of pension benefit commitments, however, can only take place over a period of time; it would be quite impossible for most private pension plans to be fully funded at the outset of the plan or when a new benefit improvement is installed.

Experience demonstrates that some employers do terminate their pension plans for economic and other reasons prior to achieving full funding. In the absence of reinsurance there will not be sufficient protection to workers in these situations.

Indeed, it is quite misleading to suggest that funding and fiduciary standards would adequately handle the termination situation because such a proposal if enacted into law would generate expectations that cannot possibly be met.

In terms of vesting requirements, there is a growing consensus that the Administration's "Rule of 50" (50 per cent vesting when age and service add up to 50) is far less desirable than the Williams-Javits bill recommendation that provides 30 per cent vesting after eight years of service, with additional increments of 10 per cent each year thereafter until 100 per cent vesting is achieved with 15 years of completed service.

The important advantage of the Williams-Javits rule is that it is "age-neutral." It provides vesting on the basis of an employe's length of service on the theory that if he has worked long enough for something he deserves to get it irrespective of his age.

On the other hand, the Administration's Rule of 50, by factoring in the workers age irrespective of how long he has worked, is bound to exacerbate age discrimination in hiring, which, while illegal, nevertheless has a regrettable influence on an employer's hiring practices.

Moreover, the Rule of 50 is prospective only in its application. Under the Rule of 50, older workers would have to start earning pension credits anew to qualify for vesting, regardless of how long they worked for the employer prior to enactment of the law.

By way of contrast, the Williams-Javits bill gives credit for service with the employer prior to enactment of the bill. Thus, the Williams-Javits bill does the most good for older workers by adequately recognizing a lifetime of hard work.

As for "portability," the Williams-Javits bill provides for a voluntary arrangement whereby vested pension credits can be transferred by a worker from one job to another, leading to improvement of his pension benefit as he advances in his career.

While it is argued that portability would require formation of a complex new Federal bureaucracy, this objection seems overblown in view of the fact that the portability system is only voluntary on the part of both employers and employes. It represents a start—and only that—on the ideal, which would be a system where workers universally could transfer credits from plan to plan.

The Williams-Javits pension reform proposal is a moderate one. All the evidence to date, including testimony before the Senate subcommittee on Labor and other committees in Congress, indicates that its costs can be well tolerated by the private pension system. In my judgment, its enactment will encourage, rather than discourage, growth in the private pension system because it will renew the confidence of working people in the security and performance of the private pension promise.

Further incentives are fine and they should be stimulated by additional legislation. But we should never lose sight of the necessity of assuring that the programs Government encourages deliver the goods.

The Williams-Javits bill is now on the Senate calendar ready to be considered, after having been approved unanimously by the Senate Committee on Labor and Public Welfare on March 29. The Senate Finance Committee has been holding hearings on the subject and the House is also making progress in moving ahead with similar pension reform proposals.

Thus, there is an excellent chance that legislation improving private pensions will be enacted in this Congress—even this year.

[From the Los Angeles Times, March 20, 1973]

End the Pension Mirage

More than 30 million Americans, half of all those employed in private industry, are covered by pension plans that supposedly guarantee them a measure of financial security in their retirement years. Unless the laws are changed, a sizable number of those 30 million will never collect a dime.

A pension reform bill introduced by Sens. Jacob K. Javits (R-N.Y.) and Harrison A. Williams, Jr. (D-N.J.) was approved last year by the Senate Labor Committee. But it never came to a vote in the House or the Senate.

It seems, however, that a lot of senators and congressmen are discovering that their constituents have become aware of the potential for pension abuse and are demanding that something be done about it.

The Javits-Williams bill, which has been reintroduced with 50 senators as cosponsors, is expected to emerge soon from the Senate Labor Committee. A companion measure has strong support in the House. There is no reason that pension reform legislation cannot be enacted before the 93rd Congress goes home next year provided that an aroused public keeps up the pressure.

The need for corrective action should not obscure the fact that private pension plans are making a great and growing contribution to the retirement-age security of millions of Americans. About 5.3 million retirees are receiving an aggregate of $8 billion a year, in addition to Social Security benefits, and both figures will rise sharply in the years just ahead.

Senate committee hearings, however, have documented many cases where an employee can work for the same company for 20 or 30 years, then discover that his promised pension benefits are not forthcoming.

One big problem is that many corporate pension plans do not provide for so-called vesting. That is, an employe whose job is terminated before retirement age is not entitled to pension benefits.

The result is that, in today's volatile and highly mobile economy, many workers lose their retirement rights when they change or lose their jobs. Others find their pension rights voided when their company goes bankrupt, is merged into a larger conglomerate—or simply fails to run the pension fund on an honest, actuarially sound basis.

The Javits-Williams bill includes a minimum vesting requirement: An employe who has been covered by a pension plan for eight years could, for example, take 30% of the company's contributions with him if he lost or changed his job. After 15 years, vesting would reach 100%.

The measure also spells out new standards of conduct required of pension fund managers, as well as new rules for public disclosure. It would create a federal insurance program to guarantee workers against the financial collapse of their pension plans. And it would encourage the establishment of truly "portable" pensions that could be transferred from one employer to another.

According to most experts, the pension reform bill would not cost the average employer more than 1½% to 2% in extra payroll costs. That is little enough to pay for assuring millions of Americans that, when retirement day comes, the pensions that they have anticipated will not turn out to be a mirage.

[From the New York Times, April 19]

Minimal Pension Reform

The need for strengthening the private pension plans on which 30 million workers depend for much of their old-age protection was ably delineated in the message President Nixon sent to Congress the other day. Unfortunately, the reform program he has recommended fails to match his rhetoric.

Particularly disappointing is the President's failure to propose any form of Federal reinsurance to protect workers whose expectation of retirement benefits is wiped out by the closing down of a business or the bankruptcy of a pension fund. In December, 1971, when Mr. Nixon instructed the Treasury and Labor Departments to study this problem, he asserted that "even one worker whose retirement security is destroyed by the termination of a plan is one too many." Now he blandly turns the whole issue back to employers, unions and private insurance companies for solution.

The President's proposals on vesting and funding are essentially repeats of the inadequate recommendations he made originally. The Williams-Javits pension reform plan, which now has the co-sponsorship of a majority of the Senate, represents a much more solid foundation for changes needed to make workers secure. Even that bill provides less than perfect protection, but its adoption would go much further than the Administration's toward achieving the Nixon goal of making 1973 "a year of historic progress in brightening the retirement picture for America's working men and women."

[From Business Week, April 21, 1973]

Gingerly Pension Reform

Ten years ago, President Nixon's proposals for pension legislation would have been considered a strong, forward-looking proposal. They are good as far as they go, but they do not go far enough to meet all the legitimate demands for reform that have built up in the past decade.

The President proposes, for instance, to start vesting pension rights at the point where a worker's age and years of service add up to 50. This is a sound approach to the problem of confirming a worker's right to his accumulated credits if he leaves his job before retirement. But unlike other proposals before Congress, the President's plan would only vest credit earned after it became law. A full generation would have to pass before the law's promise of pension security would be fulfilled. This is too long. The vesting standard that Congress adopts should provide for at least partial retroactivity.

Similarly, the President is heading in the right direction when he proposes that 5% of a pension plan's unfunded, vested liabilities should be funded each year. But again, this will not eliminate the possibility that individuals will lease their credits when pension plans are discontinued or companies go bankrupt. A better answer would appear to be a nationwide termination-insurance plan, either public or private. This would involve some risk of increasing costs but several studies by government agencies indicate that they would not be great.

The nation's private pension system is far healthier than its critics will admit. It delivers on its promises to millions of retired workers each year. But it does have inequities and weak spots. The goal of reform legislation should be to deal effectively with these weaknesses before they lead to general mistrust in the whole system. This is not a time for half-measures and a gingerly approach. It is a time to fill the holes in a strong but imperfect system.

[From Pension and Welfare News, June 1973]

The Administration Pension Proposal

This spring President Nixon submitted his proposals for pension reform to Congress in a message which is likely to increase the pace of a movement which has had the inevitability, and the speed, of a glacier.

Except for a moderate proposal on compulsory funding of vested liabilities, the Administration message requested legislation similar to the President's proposals of December 1971.

CONTENTS OF BILLS

In two bills, the Retirement Benefits Tax Act and the Employee Benefits Act, the Administration-backed legislation would require vesting according to the Rule of 50 (50% vesting when age and years of participation equal 50, with 10% for each year thereafter) and funding of 5% of unfunded vested liabilities each year, allow deduction of employee contributions to $1,500 per year or 20% of earned income, increase allowable HR 10 deductible contributions to $7,500 or 15% of earned income, allow transfer of lump-sum termination benefits tax-free to another qualified plan, and provide for stricter fiduciary and disclosure provisions.

Compulsory vesting is a necessary part of pension reform. The Administration's proposals are, therefore, steps in the right direction. The Rule of 50 does not go far enough, however. Nothing less than the Williams-Javits bill's provisions should be accepted by the legislators in Congress at this time. Williams-Javits calls for vesting 30% at the end of eight years, with 10% annually thereafter. Adoption of Williams-Javits vesting would establish a platform achieved in future sessions of Congress.

EMPLOYEE DEDUCTIONS

The Administration proposals for funding are, again, moves in the right direction. Funding should be required, however, for all pension liabilities over 30 years.

The Administration proposal to give tax-deductibility to employee contributions to $1,500 or 20% of earned salary (whichever is less) deserves strong support. At present, employer contributions to qualified plans enjoy income-tax deduction. The Treasury forgoes large amounts of income, which must be replaced by income tax payments of all taxpayers. Beneficiaries of qualified plans, however, derive a benefit, whereas those persons not covered by such plans do not.

It is difficult to follow the rationale of persons opposed to reasonable deduction of employee contributions. A number of advanced industrial countries allow income-tax deduction for such contributions. This measure would benefit chiefly employees in the lower and middle bands of the middle economic class. It would help employees where an employer cannot or will not set up a plan, bringing into the private pension system people who are now unfairly excluded. It is hard to see how allowing a maximum of $1,500 to be exempt from income tax would unduly benefit the rich; they have minimal need of a pension anyway.

Increasing the HR 10 (Keogh) contribution limits would make retirement plans for the self-employed more nearly approach those available to corporate employees of similar income. This, too seems desirable for purposes of equity.

LUMP SUMS ON TERMINATION

The present tax on lump sums received by employees on termination can be onerous. Where such sums go into another retirement plan it makes sense to defer taxation until retirement. This the Administration legislation would do.

Improved fiduciary and disclosure legislation is recognized by all involved in pensions as essential and needs no further comment.

It is disappointing that the Administration proposals contain no guaranty fund to protect benficiaries of plans which are discontinued. Surely ingenuity of pension technicians is equal to this task. Critics of a guaranty fund say that cases are relatively few where it would apply. The economic blow is nevertheless hard on those on whom it does fall. If the cases are indeed few it should be that much easier to devise a workable insurance plan at reasonable cost.

[From Journal of Commerce, June 13, 1973]

Rather Than IRS: Labor Department Control on Pensions Urged

(By Leah Young)

WASHINGTON, June 12.—Sen. Jacob Javits, R–N.Y., today revealed that preliminary plans by the Treasury and Labor departments for pension legislation would have placed an enforcement of funding and reinsurance proposals in the Labor Department.

Sen. Javits made his revelation as he and Senate Labor Committee Chairman Harrison A. William, Jr., D–N.J., testified before the Senate Finance Committee on pension legislation. The Finance Committee is holding hearings on pension proposals that would place all pension regulation except for fiduciary responsibility rules under the aegis of the Internal Revenue Service.

In today's testimony, the two senators explained to their colleagues on the Finance Committee why they believe Finance has no jurisdiction over pension legislation and why the Labor Department and not the Treasury should supervise pension reform.

CRUX OF THE BATTLE

The issue is not the crux of the pension reform battle. All sides now agree that vesting—assuring a guaranteed interest in one's pension plan—and funding will be regulated by federal law. Further, most observers believe that in the Senate, at least, reinsurance of pension plans to safeguard pensions when plans or firms go under has very good odds on passage.

By and large, however, the business community wants IRS supervision of pension plans while organized labor is fighting for Labor jurisdiction.

By turning the draft Labor-Treasury bill over to the committee, Sen. Javits is nullifying official testimony by Labor and Treasury spokesmen, including Treasury Secretary George P. Shultz, that only IRS is competent to regulate funding and reinsurance provisions.

The Treasury-Labor draft pension legislation was altered by the White House to eliminate any reinsurance program and to lessen the impact of the funding proposal. The White House then placed funding under Treasury's aegis.

"As we know, the White House did not accept the bill—and certainly that is their right and prerogative. However, what I find particularly interesting about the task force bill—and I emphasize this—is that administration and enforcement of the funding and reinsurance provisions were turned over to the Labor Department. Apparently, the experts in both the Treasury and Labor departments concluded that this approach would be the most effective," Sen. Javits told the committee.

Sen. Javits stressed further if there is real fear that the Labor Department will be too partial to the labor viewpoint, then an independent commission should be established to administer the new pension rules.

QUOTES EDITORIAL

The Senator backed up his viewpoint by quoting from an editorial from the June 6 Journal of Commerce in which this newspaper noted that "when a taxpayer is called in to discuss problems that have come to the attention of IRS, he ought to be confident that the agency he is dealing with is interested solely in his tax liability, not in the manner in which he has or has not conformed to price controls or in the viability of his company pension plan, or anything else. This is—or should be—as important as the separation between church and state in the American Constitution."

In their joint brief to the committee, Senators Williams and Javits stressed that the Internal Revenue Service "is not structured to handle complaints of misconduct or abuse, or failure to pay pension obligations owed to workers. It lacks adequate background in the elements of collectively bargained pension plans and the related interests of unions employers, and sometimes the beneficiaries themselves.

In his presentation, Sen. Williams advocated the Labor Department as the proper administrator of pension plan reform on the grounds that "the administration and enforcement of private pension regulations belongs with the federal agency which has the primary mission to safeguard the interests of working people—the Department of Labor, and necessary pension safeguards belong with that mission."

Sen. Javits also raised the spectre of state pension plan regulation if the IRS approach is upheld in Congress.

"There ought to be a uniform national set of standards for private pension plans so as to avoid unnecessary regulation at both the federal and state levels. The Williams-Javits bill, with minor exceptions, pre-empts the states from regulating the subjects covered by the bill."

The Williams-Javits approach would guarantee 30 per cent vesting after eight years service with 100 per cent reached in stages after 15 years. All unfunded liabilities would have to be funded within 30 years under the bill and a reinsurance fund would be established to guarantee plans. A voluntary portability system would be established to allow workers to deposit pension credits with a new plan if both the worker and the employers agree.

CHRISTOPHER TIBBS, POET

Mr. MATHIAS. Mr. President, to some lucky few, fame comes early. Christopher Tibbs, a fourth grader at Dr. Samuel A. Mudd's Elementary School in Waldorf, Md. is among this select group. As reported in the Charles County Independent Beacon on May 17, 1973, a poem composed by Christopher is to be published in a national magazine, Children's Playmate. It is an excellent and inspiring piece and I commend it to the attention of all my colleagues. I request unanimous consent to have the article from the Independent Beacon printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEAUTY IS ABOVE ME . . . AREA BOY'S POEM TO BE PUBLISHED

A 9-year-old pupil at Dr. Samuel A. Mudd Elementary School in Waldorf will become a nationally published poet in the fall because of a school project.

Christopher Tibbs, a fourth grader at Dr. Mudd school, will become a contributor to "Children's Playmate," a national magazine published for elementary age children, in the magazine's August-September issue.

"He got the idea for the poem from some pictures we looked at in class," said Mrs. Robert Engels, one of Chris' teachers. "But he did the writing all on his own. Together we decided to send it to the magazine."

The poem, "Beauty Is Above Me" was recopied and displayed at the school library. "Now we have it home and it's framed," explains Chris' mother, Mrs. William T. Tibbs.

"Chris wrote the poem several months ago, and after we got it home we sort of forgot about it for awhile. Then Chris came home with the letter (from "Children's Playmate") saying they had accepted it. We never really expected to hear from them again," recalled Mrs. Tibbs.

But the children's magazine did respond and promised to publish the poem as follows:

Beauty is above me . . .
Water splashing on the rocks.
Clouds making pictures in the sky.
Cotton falling softly off the plant.
Trees as straight as pins.
Rocks all shapes and sizes.

Chris' reaction to his newfound fame? "At first he had a big head," admitted Mrs. Tibbs. "He made sure all the neighbors had seen it and was very excited. But he's settled down now."

Settled but apparently still inspired. "He has said he wants to continue his creative writing and poetry," said Mrs. Engel. "He wants to sit down and write a letter to the magazine thanking them and letting them know he will continue. So we'll get together and do that."

One would get the impression Chris is a boy scholar, but those who know him well know him better. "He's just a typical fourth grader," Mrs. Engel figures. "He's not very studious," agreed Mrs. Tibbs. "His other interests center around science. He's interested in a lot of the underwater shows on television, and likes to experiment and collect things. He's also very active in Cub Scout Troop 1780 and boating."

Chris is apparently living up to his promise, though, to turn out more creative material. His next project, say Mrs. Engel and Mrs. Tibbs, is a short story, the plot of which is still in doubt.

S. 268—THE LAND USE POLICY ACT

Mr. FANNIN. Mr. President, in the near future the Senate will be debating S. 268, the Land Use Policy Act.

It is my conclusion that this bill, as approved by the Senate Interior Committee, is legislation which would do great harm to the rights of our States and local governments and individual property owners.

I am especially concerned that a bill which could have such fundamental effect on our Nation is being considered at a time when the public attention is diverted to other problems.

I do not believe that our people generally realize that this bill affects the rights of everyone and would be another step toward centralizing Government in Washington.

Mr. President, Industry Week magazine has done an article which summarizes many of the arguments which have been made concerning land use legislation. I ask unanimous consent that this article which was in the June 4, 1973, edition of the magazine be printed in the RECORD to promote a more thorough understanding of the questions involved in this legislation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAND USE POLICY: A LIMIT TO GROWTH

(By John H. Sheridan)

During most of the nearly two centuries since the American Revolution, land in the U.S. was considered an abundant commodity.

Federal land programs centered on opening up new frontiers. The states, for the most part, sat back and gave local government a free hand in regulating land development. And a property owner's right to make the lights—was largely unchallenged.

Those days belong to history.

Today, a groundswell of concern about the environment, urban sprawl, and diminishing land resources is shaping a new approach to land use. The dividing line between property rights and the public interest is becoming a battleground.

In a number of states, new layers of bureaucracies have been created to guide and restrict land use. Construction of homes, factories, powerplants, and airports, and the extraction of natural resources are certain to collide more frequently with policies that seek to limit growth.

A NEW LAND ETHIC

"The cowboy land use ethic is changing," asserts Daniel W. O'Connell, executive director of the Florida Environmental Land Management Study Committee, a 15-member citizens group working with the state legislature to devise a statewide land use strategy.

"Slowly, but surely, people are beginning to realize that land is a natural resource that we have to think more about. And they're recognizing that overdense land uses are causing many of our problems. In Florida, we've already had a spate of moratoriums on development and even population caps set by local governments."

Pollution control laws at the federal, state, and local levels have already chiseled deepy into the cornerstone of property rights. Legislation now in Congress—to establish a national land use policy—promises to spin an even more extensive web of restrictions.

A sound land management policy can eliminate much of the parochialism and uncertainty which has frustrated development in the past. For that reason, industry has generally supported the concept of "balanced" land use planning which provides for economic needs. But industry shudders at the prospect of a law which would only add another cannon to the arsenal of fanatical environmentalists.

Federal lawmakers generally agree that a better scheme of land management is needed.

Based on current projections, notes Rep. John P. Saylor (R, Pa.), we can expect that "during the next 30 years, the pressures upon our land will cause an additional 18 million acres of undeveloped land to be converted to urban use."

Today, land planning authority is fragmented. There are, Sen. Henry M. Jackson (D, Wash) points out, more than 80,000 units of government—cities, counties, water districts port authorities—which "exercise land use planning and management authority It is no wonder that without a generally agreed upon design for America's future, we have needless conflict, delay, and the dedication of scarce land resources to uses which are not desirable."

For lawmakers at every level, it seems, a major obstacle is deciding how to proceed in devising an "agreed-upon design." The Maryland legislature, for example, couldn't agree on how much authority to delegate to the counties—and its land use proposal was stymied.

In Congress, where six different land use bills have been introduced, debate has focused on a number of issues—including what the federal-state relationship ought to be.

CRACK A BIG WHIP?

Should the federal government have strong sanctions with which to coerce state action? And how far should it go in dictating the terms of state programs?

In sponsoring S. 268—the Land Use Policy & Planning Assistance Act of 1973—Sen. Jackson outlined a limited federal role: planning grants to "encourage" state programs. States would be allowed considerable flexibility in shaping programs to meet their own needs, but—to qualify for the planning grants—would have to follow broadly defined federal guidelines. States choosing to go a different route would forfeit the planning grants only.

Under the Administration's proposal (S. 924), states would be threatened with cutbacks of up to 21% in federal funds for airports, highways, and conservation if they failed to adopt an approved land use planning program. (Sen. Jackson included such sanctions in the bill he sponsored last year, but they were deleted on the Senate floor. He omitted them in drafting his 1973 legislation.)

Sen. Edmund S. Muskie (D, Maine) has urged a different brand of sanctions for recalcitrant states: loss of water treatment grants and no extensions of Clean Air Act deadlines. Further, his proposal—Title VI of the Water Pollution Control Act—would have Congress establish more specific criteria for states to follow. Otherwise, he contends, Congress would be passing the buck "with no instructions on what to do with it."

Hearings on the Jackson Bill and countermeasures have stirred controversy on a number of other questions:

Is the legislation likely to spur states to prohibit or severely restrict development of vast areas of the country—in the name of environmental protection?

What recourse should property owners have if they suffer financial setbacks due to state land control actions?

To what extent should the legislation strike a balance between environmental and economic priorities?

Should states be required to designate areas suited for energy-producing and transmission facilities and for resource development?

"EVERY ACRE OF LAND . . ."

Both the Jackson and the Administration proposals call for state control over "areas of critical environmental concern," developments of regional benefit, and areas likely to be impacted by key facilities—such as airports and energy transmission lines.

An "adequate" state land use program, the Jackson Bill says, "shall include" state authority "to prohibit, under state police powers, the use of land" in designated critical areas.

Testimony on the Jackson Bill suggested some far-reaching consequences:

Howard L. Edwards, vice president-secretary, Anaconda Co., New York, pointed out that the original definition of "areas of critical environmental concern" specified nine different categories of land. "That mandatory list includes nearly every acre of land in the United States and, without question, does include every acre west of the Mississippi River," he told the Senate Committee on Interior and Insular Affairs.

"The bill could be administered so as to designate the entire nation as an 'area of critical environmental concern' . . . [and] each of the defined areas could likely be restricted to a single use."

Gene C. Brewer, vice chairman, Southwest Forest Industries, Inc., Phoenix, testifying on behalf of the National Assn. of Manufacturers (NAM), also expressed concern that there could be "a strong tendency to designate vast areas . . . and to severely limit the land uses which may take place within such areas."

During one phase of the Senate committee's deliberations, the language of the bill was revised—and "areas of critical environmental concern" were defined as areas where "uncontrolled or incompatible development could result in damage to the environment, life or property, or the long-term public interest."

The implication is that "compatible" land use is permissible, but industry observers fear the connotation leans heavily toward a nonuse policy.

A NATIONAL GROWTH POLICY

"What we are talking about," says Daniel B. Denning, staff associate, U.S. Chamber of Commerce, "is what may be the beginning of a national growth policy. It will be more fundamental than a national energy policy. This is the biggest thing since wrapped candy."

The pending legislation, he notes, requires the Council on Environmental Quality to review the "desirability" of national land use policies and, within a year, submit a report containing specific recommendations.

What it amounts to, Mr. Denning believes, is a backward approach. A national land use policy—with provisions for growth—should precede enactment of control measures, he says. "In effect, we're getting on a train without knowing where it's headed."

The chamber and most industry spokesmen have opposed giving the federal government a big whip.

"With sanctions, the bill takes on a whole different tenor and color," says Mr. Denning. "It would mean that the secretary of the interior [as federal administrator] would be making substantive judgments on state programs in deciding whether or not to withhold funds."

Without sanctions, states would not feel unduly pressured to accept federal land use criteria.

"We support a limited amount of federal review," Mr. Denning explains, "to insure that national goals and requirements are met—but other than that, we feel states should be free to draw up their own plans to meet their own needs."

Some federal review is necessary, he adds, to assure that states do not act contrary to the best interests of the nation as a whole. "If only one state had a site adequate for a deepwater port, should that state be allowed to deny the nation that port?"

Further, what consequences might arise if the states in which low-sulfur coal deposits are located chose to designate those regions as "areas of critical environmental concern"—and allow only enough production to meet their own needs?

The U.S. chamber is also concerned about the possibility that landowners may be denied partial or total use of their property without just compensation. In committee testimony, it urged a provision guaranteeing access to the same remedies an owner has in cases in which a state exercises its "eminent domain" powers.

The issue raises some serious constitutional questions.

Half a century ago, Supreme Court Justice Oliver Wendell Holmes said: "A strong public desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way of paying for the change. When this seemingly absolute protection is found to be qualified by the [state's] police power, the natural tendency of human nature is to extend the qualification more and more until—at last—private property disappears."

A provision in the Jackson legislation would prohibit use of federal land-planning funds to purchase real property. This prohibition, coupled with strong sanctions and severe restrictions on the use of land in critical areas, would encourage states to circumvent constitutional safeguards against "taking" of private property without compensation, Mr. Denning warns.

Lacking funds for land acquisition, he adds, states might be forced to expand their noncompensable police powers to actions traditionally considered to constitute "taking."

"That is just what Justice Holmes warned against," Mr. Denning observes.

SOME "PLUS" FACTORS

If drafted and implemented with a proper balance between economic and environmental needs, state land use programs can "reduce the indecision which industry faces . . . and may speed up the land use decision-making process," Mr. Denning points out.

And another potential benefit: "Industry will have a clear idea where it can go and where it cannot . . . and what it can do when it gets there. That's important for industrial planners—especially utilities and large corporations trying to plan 15 or 20 years in advance. They would know which areas are open and what the constraints are. At least, I would hope that's the kind of result which will come from this.

"Today, when industry or a power company wants to go into an area, it has to get dozens of permits from various local and regional decision-making authorities. Hopefully, these [delays] will be consolidated in a rational process—so you have one-stop shopping for permits and land use decisions."

Lance Marston, director, Office of Land Use & Water Planning, U.S. Dept. of Interior, believes large-scale developments will benefit from advance planning by states "working with countries to help identify those areas that would lend themselves to various kinds of development.

"If we continue to go the way we have been . . . then we'll find that everything is going to end up in a stalemate," says Mr. Marston, whose office was instrumental in drafting the Administration's land use bill. "Numerous powerplant siting decisions are being held up because of the inadequacy of the current regulatory system—the exclusionary provisions in much of the local zoning laws."

The Administration's legislation, he says, would force states to look at coastal zones and other areas "and determine where they ought to be thinking about siting powerplants, industrial parks, oil refineries, and other facilities. A state simply can't treat itself as one little island and say, 'Let some other state take care of the refinery problem.' It's going to have to sit down and look at the tradeoffs."

STATES' OPTIONS

Mr. Marston sees the federal role as assisting states in identifying appropriate land use methodologies. "But the ultimate decision of how they develop their programs is going to be left up to the states." One of the state's functions would be to set up an "institutional mechanism" that would permit all parties—including industry—to be heard on long-range planning needs. "As it is, no one is looking at that. Planning and decision-making are fragmented. And, many times, local jurisdictions are making decisions that impact constituencies greater than they represent."

While states will assume a greater degree of responsibility for developments having a major impact, local government units will still be making 90% or more of the land use decisions, the Interior Dept. official believes.

A prospect which worries developers is the likelihood that creating new planning agencies will mean additional delays in obtaining approval for large-scale projects.

"We're concerned that we could, literally, be put out of business with improper land use planning," says E. G. Johnson, executive vice president, National Assn. of Industrial Parks, Washington. "It makes sense to have some kind of land use program—but not if it means you have to go through not only the local, but also the state and federal governments for permits. When a developer is held up for a year or two, it becomes a terribly burdensome and expensive situation.

"Obviously, some guidance is needed. But I'd hate to see things reach the point—as some people advocate—of a quasi-government operation, such as exists in Europe, where [it's] pretty much dictated where you can build a new plant."

The tricky problem, Mr. Johnson believes, is striking the balance between federal guidelines and states' options. Without some federal overview, "some states just aren't going to do anything—and other states are going to be overambitious."

A SQUEEZE ON RESOURCES?

Petroleum and mining companies are understandably worried that land use controls might be used to severely limit the areas which will remain open to exploration and extraction of resources.

"To predetermine the geographic locations of lands suitable for mineral development is an impossible legislative requirement," says Anaconda's Mr. Edwards. "These are lands where God saw fit to deposit the minerals, and He has not yet revealed to man all of His hiding places. . . . The location of lands suitable for mineral development is unknown, and projections would be meaningless.

"As our nation becomes increasingly a mineral-deficient country dependent on foreign sources, the value of land for mineral development will become comparatively higher. Curiously, as our mineral needs accelebrate and the supply dwindles, the plethora of measures that would impair the development of domestic mineral resources multiply.

"If government policy inhibits or thwarts mineral development, the alternative is to force undue reliance on foreign—and frequently unstable—sources. . . . For example, in the last two years seven domestic zinc plants have been shut down and 40% to 50% of the zinc industry of the United States has been exported to foreign countries [despite the fact that] zinc consumption in the U.S. has reached an all-time high."

Carl E. Bagge, president, National Coal Assn., says a rational land policy "must recognize as a priority land use the necessity to permit the full development of our coal reserves, as well as other nonrenewable natural resources. . . . No land area should be zoned, withdrawn, or otherwise removed from prospecting or exploration unless an exhaustive geological analysis of its mineral potential has been made.

"Land use planning must be geared to resolve the conflicts for land use rather than align state interests against regional and national interests," Mr. Bagge stresses. With an unrealistic approach to land use policy, "the outlook for energy through the latter part of this century could be catastrophic for the nation."

COASTAL BARRIERS

The petroleum industry fears overzealous regulation of coastal areas, which could prevent the construction of ports and refineries needed to handle the expected increase in oil imports.

Maine, one of the first states to seize the land control initiative, enacted its Site Location Act in 1970. "It's common knowledge," a state official admits, "that it was originally an anti-oil law." The measure was watered down, however, before getting final approval from the legislature.

Last November, California voters approved a referendum to create a Coastal Zone Conservation Commission which is charged with controlling development on land within 1,000 yards of the coastline. And Delaware adopted a state law banning new heavy industry along the 100-mile Delaware Bay coastline.

The Delaware action ruled out "at least one potential new oil refinery along the Atlantic Coast," says John L. Loftis, Jr., senior vice president, Exxon Corp.'s Exxon Co. U.S.A. Div., Houston.

Moratoriums—or bans—on coastal development will only intensify the energy crisis, Mr. Loftis told the Senate Interior & Insular Affairs Committee. To handle the volume of oil imports which the U.S. will require by 1985, "at least three deepwater offshore unloading terminals . . . and [new] refining capacity of some 8 million barrels per day" will be needed.

ANALYSIS OF THE NIXON ADMINISTRATION'S RELATIONS WITH THE PRESS

Mr. MUSKIE. Mr. President, the Professional Relations Committee of the National Press Club, in cooperation with the Communications Department at American University, has just completed a most comprehensive analysis of the Nixon administration's relations with the media. I commend it to my colleagues as a significant commentary from a responsible group of journalists with deep concern about free and full access to Government information.

Because this study bears directly on numerous policy issues and legislative matters pending in Congress, including the question of public television financing, the Freedom of Information Act, the White House Telecommunications Policy Office, and the so-called Newsmen's Shield law, I ask unanimous consent to have the bulk of the Press Club report printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

The Press Covers Government: The Nixon Years From 1969 to Watergate

(A Study by the Department of Communication, American University, Washington, D.C., for the National Press Club, with conclusions and recommendations by the Professional Relations Committee of the National Press Club)

PREFACE

The Department of Communication at American University joined in this study with the National Press Club in the hope that it could help people better understand the role of the news media in Washington, and some of the problems involved in reporting on the federal government.

The Press Club's Professional Relations Committee asked the department to examine press-official relations during the first Nixon Administration. The committee had been charged by the club's board of governors in June, 1972, with carrying out and publishing such a study. It subsequently was decided not to begin work until after the 1972 elections to remove any suggestion of partisanship.

The study director was asked in October to put together a team of volunteers, and to complete the report by January, 1973. The time later was extended to secure all the interviews, and to include developments in the early months of the second Nixon term.

The study team was made up of 20 Press Club members, American University graduate journalism students and recent graduates. Each volunteered time out of a busy schedule with the only recompense being his or her feeling that the end product would be useful to many people. The team did not pretend to be antiseptically "objective" in its outlook. But every effort was made to retain a fair and independent view of the process. For the interviews, for example, we asked the same general questions of both officials and correspondents. The idea was to try to induce them to talk freely about their work and their views.

Thus, it was disappointing that only three out of the 15 White House officials we approached would join in the spirit of the study.

Innumerable efforts were made to discuss the interviews and the aims of the study with White House press secretary Ronald Ziegler. Ziegler pledged repeatedly that he was interested, and would meet with us. He did not, however, and waited nearly four months before he finally told committee chairman James McCartney on March 1, 1973, that he had ruled out all White House participation. A promised letter of explanation was never received.

It is not felt that the White House refusal measurably affected the validity of the study's conclusions. Three officials did talk to us extensively, and we included their observations, though Ziegler insisted that they were not speaking officially. In addition, much of what the other officials who were approached think about the press is a matter of public record.

The overall findings are outlined in the first chapter of the report. The final chapter sets forth the conclusions and recommendations drawn up by the Press Club's Professional Relations Committee after its members had reviewed the study.

The deeper our examination of the issues, the more it became apparent that a fuller, ongoing review of this process is urgently needed. It is hoped that this report will be seen as the first step in a periodic appraisal of press-government relations in succeeding administrations that would be welcomed by the press corps, and by politicians of both parties.

I am grateful to the many people in Washington and outside who offered us encouragement throughout the study. Special thanks are owed to Donald Larrabee, president of the National Press Club for 1973, and his predecessor, Warren Rogers; to James McCartney, Grant Dillman, Samuel J. Archibald and the other members of the Professional Relations Committee; and to Jack Germond, who served as liaison for the Press Club board.

Above all, this study could not have been pursued as it was without the support and unflagging faith invested in our efforts by Dr. Robert O. Blanchard, chairman of the Department of Communication.

Lewis W. Wolfson.

Chapter 1

The Truth About Government: The Nixon Administration Versus The Washington Press Corps

(By The Professional Relations Committee, the National Press Club, and Prof. Lewis W. Wolfson)

We knew when we undertook this study that while both officials and journalists pledge to inform the public fully, they hardly see eye to eye on what is full information about government, even in the best of times.

Politicians want news people to be "constructive" on behalf of their programs and their view of the national interest, as former White House press secretary George Reedy has pointed out. And, though the President and other officials are given an expansive, uncontradicted forum for their pronouncements in much of America's news media every day, they still will not readily accept the fact that for news people that is not enough. No journalist can remain true to his trade if he simply reports what officials think is "constructive" news about government.

This debate over defining what should be reported became *news itself* in the last two presidential administrations, starting with the Johnson Administration's crisis of credibility, and continuing with Nixon officials efforts to discount much of the press's reporting of Washington and so, many feel, to try to discredit its appraisal of their performance.

The public needs no coaching to mistrust the media. But there is much evidence that Americans do need to recognize that this clash over the openness of government is not simply a matter of journalists' peevishness, as officials might try to picture it; it is the public's battle as well. The truth of this finding was brought home with unexpected force even as we were completing the study, as the Watergate exposures unfolded.

Watergate already stands as a landmark in American journalism. It was the press, and essentially the press alone, that unearthed the most scandalous misuse of the powers of government in this century. Watergate showed again how all of us profit when a single news organization persists in a lonely crusade in the face of massive official pressure and public indifference. It demonstrates beyond words the press's responsible pursuit of its First Amendment charge to act as a free and independent check on government.

The exposures early in Nixon's second term seemed almost to be the fated result of the unprecedented official suspicion and dislike of the media that, we found, had grown up in Nixon's first term. The contempt that some members of this administration have shown for the role of a free press has, in good measure, visited this tragedy upon them, and upon the country. Had there been more access to officials, more frankness in government, more honest dialogue about the press's role instead of harangues on its failings, restraints might have been set on the secretive instincts of the officials who created a web of covert political operations that led to their downfall.

But; while government clearly has hampered the press in its reporting during the Nixon years, this was not meant to be a one-sided study. Another lesson of the Watergate is that that are many in the media who did not try to search further when they might have, and many other stories of government that remain untold. Thus, before examining further the deterioration of press-official relations, it seems appropriate to first look generally at the state of reporting from Washington.

THE PRESS'S FAILURE TO KEEP UP

Changing public needs flash by the press with stunning rapidity these days. But, despite the new demands that this places on the federal government, America's news organizations rarely seem to pause to review their coverage to ensure that they are keeping up with government's changing responsibilities. Too often the news media seem to leave it to officials to "discover" problems and prescribe national priorities for dealing with them—frequently in terms of their own political fortunes rather than the public's interest.

We found no shortage of men and women in the national press corps who are clear-eyed about the press's failings. They know that it is not necessarily true to its independent role here, no matter how often editors and reporters may invoke the press's freedom to be independent under the First Amendment. Indeed, some felt that the news media should be held to account equally with public officials for any breakdown in "the system" that can be attributed to the public's poor information about the state of government and the country's other political and social institutions.

But the 'press corps' that fans out in Washington each day is hardly monolithic either in the thoughtfulness of its members about the reporting of government, or their wherewithal to tell the story. One or two-man bureaus that must daily grind out items for strings of newspapers or broadcast outlets might as well be on another planet from the 41-man Washington staff of reporter-analysts for The New York Times, or the network newsmen whose names are household words for millions of Americans.

They do look alike in one respect: all often seem to be scrambling helter skelter in pursuit of the day's story. Washington press practices still develop nearly as "informally and haphazardly" as when Douglass Cater wrote that line about them more than a decade ago. Reporters still move in herds much of the time, writing the same stories and following formulas for coverage of Washington that may no longer be relevant to the reporting of complex issues.

The press thrusts itself compulsively into the task of chronicling all the 'breaking' news, often at the expense of providing explanation and analysis. Much federal decisionmaking remains a mystery to the public, making it hard for people to intelligently debate policy that may change their lives. The press explores government's mistakes only on a hit-or-miss basis, and it rarely alerts people to tomorrow's problems until they are upon us.

The press corps still can count some notable successes during the last four years. The Washington Post and others acted in true press tradition when they pursued the Watergate scandal undaunted by supposedly authoritative government denials and derision. The Pentagon Papers fight gave new heart to reporters to ferret out information that government tries to conceal. And aggressive probing produced many in-depth newspaper, magazine and television stories that showed how government aggravates social problems as much as it solves them.

But the wrenching experience of the Vietnam war, and other policy failures, have made many more journalists conscious of how often they have left it to high officials to make vital national decisions without the challenge of informed public debate. And some correspondents concede that there are whole areas of government—the Congress, for example—that the news media scarcely penetrate despite their enormous impact on people's lives.

The press has been looking at itself more in the last four years, at least in part because of the sudden spotlight of criticism from the White House and others. But even with advances in coverage, it cannot be said that news organizations are moving smartly to deploy their forces to give people a better picture of the workings of the system. While they fend off critiques by self-interested politicians, America's news executives have only timidly reached out for suggestions for improving reporting on government so that the public achieves a better grasp of what is going on in that "mystery off there" that so often decides their fate, as Walter Lippman once described the federal government.

The need for such soul-searching seems particularly acute at a time when public confidence in both the press and government is perilously low. It also may be that America's journalists have less time than they think to stake out their role in government news reporting before others do it for them. Today's attempts to manipulate coverage may well seem tame by comparison with the apparatus for instant publicity that could open up to public officials as cable television and other new technology generate a sudden pressure for more news of Washington.

The changes ahead obviously pose great opportunities for the news media. But they also will lay on them an even heavier responsibility to exercise independent judgment in newsgathering and reporting. If they fail to meet that challenge, it inevitably will mean that America's news media more than ever will be leaving it to the politicians to feed the public a steady diet of "constructive" news of government.

A NARROW VIEW FROM THE TOP

Eight years ago, in a report to a group of leading House Republicans (called Operation Enlightenment), Bruce Ladd pointed out to the GOP that they have "no exclusive monopoly on truth." He said that even if a journalist may personally favor the Democratic Party, officials should recognize that "a newsman's personal political beliefs rarely have influence on his professional competence as a reporter." Newsmen, like politicians, "want superior performance in reporting," Ladd said. He called this "the mutual interest and mutual challenge" of both the press and Republicans.

Officials professed to pursue that interest in the first Republican Administration since Ladd wrote those words. But, as they seized upon the "bully pulpit" of the White House to discuss media responsibilities, Nixon Administration leaders showed little of this spirit of a shared search for better reporting of government. It seemed to be attack, not dialogue, that Vice President Agnew and others most had in mind.

There was no hint of an admission of their own frailties. No official critic would concede that his favored brand of "objective" reporting well might abet the Administration's purposes without really serving the public's interest in knowing what goes on in government. None showed much sympathy about the pressures on the news media.

In short, with their narrow-gauged approach, and statements salted by such oversimplifications as "Eastern establishment" and "ideological plugola," top Nixon officials debased a genuine opportunity to give the public a greater appreciation of the news media's problems in developing more thoughtful reporting of Washington. It is almost as if they were telling Americans that the more simplistic the reporting of government, the better off they would be.

THE DETERIORATING ADVERSARY RELATIONSHIP

In the end, the study's main concern was to go beyond the public exchanges and examine what had happened in day-to-day relations between Nixon officials and journalists, and how that affected the quality of reporting of government.

We found in the press corps an overwhelming feeling that Washington's traditional adversary jousting between journalists and officials had deepened into an attempted freeze by government on any but the most superficial "straight news" reporting of the Nixon presidency.

Even in the worst moments in previous Administrations, correspondents felt, most Washington-wise politicians seemed to adopt certain unwritten rules for their encounters with news people. The adversary battle was a love-hate relationship. You talked to the press, even if you wanted to say as little as possible. You were friendly when it served your purposes, suddenly unavailable when you didn't want to talk. You could play favorites. You could rage at the reporter who, you thought, had 'burned' you. You could even cut him off for a while, though rarely for good. After all, you did need the press.

And sometimes both of you could even let down your hair over a late-afternoon scotch, with the greater mutual understanding between the journalist and his sources that develops over a period of time. You gave a little to get a little, and everybody had a vague feeling that somehow good government was being served, even if journalists and politicians could never agree on exactly what the public should know what went on in Washington.

In the first Nixon Administration it was different, the correspondents say.

White House and other officials who came here with little previous experience in national politics were not used to having reporters hanging around outside the door while they were making decisions and picking over policy after it had been set. They were not inclined to abide by the traditional adversary conventions. From there, it was only a small step to trying to put the press on the defensive by discrediting its reports about government.

Indeed, Nixon Administration officials reacted to the traditional give-and-take by framing a policy of massive official hostility to all but a few, selected portions of the news media—even while they argued that it was the press that was overreacting to *their* criticism.

The hard-nosed reporter who had gone through the minuets of the Eisenhower and Kennedy years, and the often unprecedented slugging matches in the Johnson Administration to get sound information on policy decisions, felt that there was now a calculated effort to make it difficult for him to report on anything other than the official view of what was going on in the federal government.

Was Richard Nixon's first Administration an 'open' one, as promised? we asked. Most said that, to the contrary, this was the most 'closed' Administration in memory, both in the access to information, and in access to the people who knew how the decisions had been made.

There was praise for communications director Herbert Klein's efforts to make agencies more responsive on routine requests for information and interviews. There was ready acknowledgement that some officials (most notably Henry Kissinger) did give out reliable information on policy on a regular basis, as had key officials in past administrations. But the people interviewed felt that the whole approach of the White House on even minimally sensitive questions was to discourage such dialogue and to try to diminish whatever impact their reporting might have on the public's insight into this administration.

White House reporters, especially, felt that they were at the mercy of a very sophisticated presidential public relations apparatus that aggressively sought out television coverage in controlled settings, simultaneously downgrading the importance of in-depth questioning about policy, and trying to undermine the integrity of the national press corps in the public's eye. The Nixon people "tried to shift the credibility gap from the presidency to the press," as one person put it.

All the other moves of the last four years—the disdain for the tradition of periodic presidential press conferences, attempts to bypass the press corps to influence local editors, the 'suggestions' from Clay Whitehead about the content of network news, the subpoenaeing of news people—were seen by correspondents as part of the pattern of throwing fences up around free and searching reporting of the federal government, and trying to keep the most influential—and most troublesome—news organizations on the defensive.

Some correspondents felt that the official freeze probably could not, and would not, be sustained in Nixon's second term. But most of the members of the press corps whom we interviewed felt that the basic Administration attitude toward the news media would not change, even if there were periods of more amicable relations.

THE URGENT NEED

It is hard to be certain at this point whether this burst of attention to Washington reporting will prompt a sharper awareness of the press's responsibilities, or whether the deepening resentments of the last four years have pushed further out of reach the ultimate objective of getting across to the American people the real news of Washington—what Cater has called the "essential truth" about government that makes democracy possible.

In the long run, debate of any kind seems a sign of health. Anything that is so important to good government as improved reporting should be a matter for national discussion, and the news media should welcome that. It is difficult to argue that their operations in Washington cannot stand more scrutiny and planning. Nor is it to be doubted that the local view of the federal government, which Nixon Administration officials have so passionately sought, must be heard in the press and on television.

But national leaders don't enhance the debate if they play politics with journalism's shortcomings. A politician might decry "instant" analysis of government; a statesman will also call for fuller, more thoughtful analysis by America's news media. He will seek the common objective of full reporting by all agents of a free press, no matter what risk that "multitude of tongues" might hold for his own public image.

We found in this study an urgent need for a will on the part of both officials and journalists to seek superior reporting of complex public issues and of the decisions being made by the most powerful government in the world. If 'the system' is in trouble, then it would seem to be in the interest of this (or any) administration, and of the press—adversaries though they may be—to awaken to the fact that the American people need to know what's really going on at its center in Washington if they are to feel more a part of democratic government than they do now.

CHAPTER 2

JOURNALISTS AND OFFICIALS TALK ABOUT THE ROLE OF THE PRESS IN WASHINGTON

Top national reporters believe that officials in the first Nixon Administration had a sharper restricted understanding of the traditional give-and-take between American journalists and federal officials and virtually unprecedented tunnel vision about the role of the press in Washington.

In 21 wide-ranging interviews, journalists—some of them veterans of covering as many as eight presidential administrations—could recall no other recent period when their latitude to report the workings of government had been so severely limited by such a narrow approach on the part of high government officials to their relations with the national press corps.

Bureau chiefs and White House correspondents for major newspapers, magazines and broadcast outlets told us that news people who wanted to give the public insights into the planning of policy and other government actions found themselves thwarted by the concentration of power among a small circle of decisionmakers who were far less accessible for information than presidential staffers and other high officials had been in past administrations.

Reporters felt that this declining access to knowledgeable sources and key information was reinforced in the bureaucracy by the hard line taken toward the press by leading officials in public statements, turning what President Nixon promised would be an open period in American government into one of the most closed administrations in memory.

The White House officials who consented to be interviewed for the study (all three were press officers, not policymakers) felt that they had maintained an open administration despite considerable problems in getting fair press coverage. They complained that many news people—some of whom had always been hostile to Nixon, they felt—shaded their reporting with a liberal bias. They also felt that some Washington correspondents tend to slip into a parochial, Washington-oriented approach to reporting that does not take into account the view of government held by many Americans.

The Nixon advisers said there is a need for the press to explain what government does. But they felt that many of the 'interpretative' stories correspondents think are essential to explaining government's actions really amount to "advocacy" journalism—stories that promote a particular point of view.

The deep estrangement between the press and government in the first Nixon years clearly posed serious problems for both institutions, and for the public whose interest both journalists vow that they are representing in Washington. To examine the causes of this rift and its effect on the flow of information to the public, we asked correspondents and those White House officials who agreed to talk to us (plus some media commentators) to discuss such broad issues as the press-official 'adversary' relationship, how "open" this administration had been, and the charges of bias and attempted intimidation that have been traded between the press and officials.

THE CORRESPONDENTS

The correspondents were deeply troubled about the attacks on their credibility and the subsequent public feud between the press corps and the Administration. Some described it in impassioned terms as a struggle over the press's constitutional right to report the news free of government interference, and the public's right to know what the government is doing.

To reporters accustomed to fencing with those in power, it seemed natural that the Nixon Administration would try to manage the news. "Every President . . . tries to tell his story the way it does the most good for him. That's human nature," said Benjamin Bradlee, executive editor of the Washington Post. News people for their part tend to be suspicous of government statements and press handouts, and not a little "ornery" toward those in power, as one correspondent put it, because they have been manipulated so often by public officials.

But reporters came to believe that Nixon advisers failed to accept the traditional adversary sparring despite the President's own avowed relish for "tough questions" in his encounters with the press. Correspondents felt that White House aides, in particular, persistently misread the news media's professional probing of the people in power as personal hostility toward the President. The officials seemed to lack the experience of dealing with reporters who are as "knowledgeable and skeptical" as the experienced Washington correspondent often is, media critic Ben Bagdikian said.

When we asked about the charge that the press corps' approach to reporting was colored by a "liberal" outlook and personal bias against Nixon, several newsmen branded this as a White House attempt to neutralize the press's effectiveness by using a broad-brush condemnation of its reporting.

Were they biased against Nixon from the start? To the contrary, said Dan Rather, White House correspondent for CBS. News people were so determined to keep any biases out of their reporting that they, in fact, "leaned the other way," especially during the early months of the Administration. Rather and others felt that Nixon received a full measure of the uncritical press 'honeymoon' that is invariably accorded a new President. Besides, said Newsday bureau chief Martin Schram, what is often forgotten is the fact that there are many reporters "who liked Mr. Nixon personally" from the beginning of his first term.

Most of the correspondents interviewed conceded that a majority of the press corps probably votes Democratic (though some disputed even this assumption), and that reporters often are "liberal" in the sense that they are impatient about seeking solutions to the public problems they encounter.

But the crucial question, newsmen said, is whether this outlook affects their ability to report fully and fairly about government, no matter who is in power. A number of people said that the fact that the national press corps was tougher on George McGovern than it was on Richard Nixon in its coverage of the 1972 campaign was, as Wall Street Journal bureau chief Alan Otten put it, "a perfect refutation of the liberal bias theory."

On the other hand, some of the correspondents do think that their colleagues exhibit a bias in the way they select sources and what they choose to report. Liberals in the press "tend sometimes to color their copy or (let) their sentiments get in," said Hugh Sidney, Time bureau chief. "But the suggestion that because we are liberal we are constantly . . . out there to belittle the President is nonsense."

Clark Mollenhoff, bureau chief for the Des Moines Register and Tribune and a former White House and himself, charged that many of those in the news media who aggressively probed the Watergate case had failed to pursue government scandals with equal vigor during the Kennedy and Johnson Administrations because, he felt, they had a partisan bias. Severest with his colleagues was syndicated columnist Robert Novak who maintained that it is no longer a point of pride among many reporters to cover a candidate for office or an official without letting their personal beliefs creep into their writing. He said that such reporters are "not very interested in pursuing objectivity" but, rather, are advocates of a "liberal" line.

But some correspondents, such as Martin Nolan, bureau chief for the Boston Globe, said that whatever bias there might be in the press corps is far offset by the fact that the American press as a whole is overwhelmingly conservative.

Nearly all the correspondents denounced "advocacy" reporting, though a few said that it sometimes finds its way into the news columns, usually in subtle form. But many reporters said that interpretation of government news that goes beyond what officials say is happening is a must if readers are to understand how complex federal action will affect their lives. News people said that they would mislead their readers if they reported just the bare "facts" of an issue.

What does the Nixon Administration's coolness to the press corps really cost the news media? Newspapers still sell and the networks manage to get the news of Washington out every night. But newsmen and women here believe that the Nixon aloofness has exacted a high price in reporting by limiting their ability to describe what goes on in government the way they think the story should be told. And, ultimately, contended Courtney Sheldon, bureau chief for the Christian Science Monitor, "if you and I do not know what's going on in the White House, there is one big loser—the American public."

THE OFFICIALS

The White House officials interviewed felt that they had helped to conduct an open Administration during the first Nixon term.

They described themselves as the "pro-press" people in the White House, and said that they had compelled foot-dragging federal bureaucrats to provide more information to reporters than they had before. Herbert Klein, director of communications for the executive branch, specifically noted that he had used the Freedom of Information Act as "a major help in forcing open the bureaucracy."

The question of what constituted "openness" in government and help to the press was hotly disputed. While Washington newsmen said they were shut off from access to the President and top policymakers, the press aides argued that, to the contrary, the White House improved journalists' access to government by opening the Administration to reporters and editors who work outside of Washington.

"Newsmen around the country have had more opportunity to question Administration officials than in all previous administrations put together," said Klein. DeVan Shumway, public affairs director for the Committee for the Re-election of the President, said that the Washington press corps "considers itself deified . . . but I don't think it has a vested right in talking to the President of the United States."

A chief weakness in some reporters, the officials said, is that they lack initiative and a willingness to probe for stories. "Too often, reporters don't take the trouble to make the extra call or dig for the extra fact, (though) maybe that's because of deadlines," said Klein. "And when there's a correction, it often doesn't get the same play as the original."

Ken Clawson, deputy communications director, said one way a newsman can get a response out of the White House is to "get off your butt and go to work and come up with material of a meaningful nature that nobody else has got. Then, by God, the White House guy doesn't have any choice but to talk to you."

He and his colleagues complained about "advocacy" reporting where, as Clawson described it, "you weave your own feelings into the material." All three singled out the ITT-Kleindienst confirmation hearings as a prime example of the correspondents' urge to advocate a cause and their obsession with what the presidential aides saw as "negative aspects" of a story.

"All you'd hear on a day-by-day basis was somebody making a critical statement—usually Senator Kennedy or Senator Tunney or Birch Bayh, someone of this kind," said Klein. ". . . The public got a distorted picture of what was happening until the results (of the Senate vote) came out (confirming Kleindienst's nomination). It was a big surprise. . . ."

But the three spokesmen felt that there was one period during the first Nixon term when the Washington press corps was notably fair in its reporting: the 1972 presidential campaign. Said Klein: "I raised the question as to whether newsmen might become emotionally involved in this particular election and would tend toward more bias in their coverage. Having observed what happened, I don't think that took place."

(The interviews were conducted between November 1972, and March 1973):

Question. Was this an "Open Administration," as President Nixon had pledged it would be?

Answer. I think it's probably the most closed administration since I've been in Washington, and that goes over 25 years. Maybe it's part of a continuing trend and we'll be saying this about each succeeding administration. I rather doubt it . . . I think when Nixon came in he did make some moves in the direction of openness. There was a period when some of us hoped for better days. The Johnson Administration had not been terribly good from that point of view. But I think the Nixon Administration has gotten increasingly worse as power has centralized in the White House, as the decisionmaking circle has drawn tighter and tighter, and their suspicion and distrust of the press has deepened.—Alan Otten, Bureau Chief, Wall Street Journal.

Mr. Nixon is a closed man, so the idea that he was going to run an open administration is probably impossible to begin with. He's constitutionally incapable of it. Beyond that, he has a deep distrust and dislike of the press. He always has had, probably always will.—Hugh Sidey, Bureau Chief, Time.

Now I happen to believe that there are certain people within this administration who sincerely believe that theirs has been an open administration. There are some (who) know damned well that it hasn't been. There have been efforts to open up in some very important ways . . . Particularly in the beginning, cabinet officers were more accessible than they had been in the preceding administration. But in the most important way—the accessibility to the President himself—this administration has been closed. It isn't simply a case of not being as open as preceding administrations. It has been closed.—Dan Rather, White House Correspondent, CBS News.

Well, I think it's on a par. As a matter of fact, I think we get more information than ever . . . in this administration than in some previous ones . . . If a reporter has a reputation for being fair and honest and not out to advocate an adverse point of view—not out to make a monkey out of somebody—he can generally get to see whomever he wants to.—Garnett Horner, White House Correspondent, Washington Star-News.

I have seen three administrations and would rate them just about even. The Kennedy Administration, when Salinger was press secretary, was perhaps the most flamboyant operation. I think Bill Moyers was probably the most opinionated news secretary, and Ron Ziegler is the best one.—Raymond McHugh, Bureau Chief, Copley News Service.

An administration should make everything about the public's business available unless there is a national security question involved, and I don't mean an imaginary national security issue . . . These people have a tendency—as every administration has—to fail to distinguish between their own political security and national security.—Clark Mollenhoff, Bureau Chief, Des Moines Register and Tribune.

This is the fourth administration I've been in Washington for . . . and none of them has been very open. I doubt seriously that I'm going to see an open administration . . . Government of any kind—whether it's democratic or authoritarian—wants to keep secrets and, particularly, to cover up its mistakes. So this so-called "openness" is mostly a public relations gimmick.—Robert Novak, Syndicated Columnist.

I think that if you really opened up the government—if you answered questions honestly—pretty soon the novelty would wear off and it would be treated normally. There would be no condemnations for things that went wrong—or there would be less of it . . . It just seems to me that (in order to govern effectively) in this country, an administration has to keep the people as much informed as possible about as much as possible.—Richard Valeriani, White House Correspondent, NBC News.

Question. What has been the effect on the news media of Vice President Agnew's critiques?

Answer. I don't regard Agnew's (comments) as serious or meaningful journalistic criticism. He was engaged in a political exercise against certain parts of the press. The fact is that he has not been exercised at all about some of the worst performers in the press field . . . because their political communes are closer to his . . . I think it is a mockery that he did, in fact, pick on the most effective journalistic operations.—Max Frankel, Sunday Editor, New York Times.

Journalism, like every institution, needs reform. He latched onto popular . . . suspicions about journalism and a few truths, and painted (the field) with a broad brush. And whether he intended to do so or not, he used the traditional technique of the demagogue in pitting one group of people against another . . . On balance, I have to say this has had an adverse effect because it has poisoned the air. It has (caused) unnecessary rancor between reporters and their sources, and between reporters and the public. From that standpoint, you would have to say that it has hurt—and hurt a lot.—Dan Rather, CBS News.

In many cases . . . it created kind of a psychological undertow that forced some people in our business to pull their punches, to be a little more cautious than they might be justified in being.—Peter Lisagor, Bureau Chief, Chicago Daily News.

The purpose of a good part of these attacks was not to set the record straight but to intimidate the press—particularly television and radio, which are more directly subject to government control. I think it was completely and obviously nonsense to say that they were seeking fair coverage. They were seeking coverage that would be quote—'fair'—unquote, in their favor Unfortunately, they have succeeded to a considerable degree in intimidating some people, particularly in the broadcasting field, and making other people lean over backwards to give them a much fairer shake than they sometimes deserve.—Alan Otten, Wall Street Journal.

I would guess that I've answered more questions from newsmen or from the public than anybody in the Administration, and in four years I've not met an intimidated reporter. I (don't) expect to and I don't think I should. I think the idea of intimidation by the Administration is not well taken at all. The Administration should not, has not and will not (intimidate).—Herbert Klein, Director of Communicatons for the Executive Branch.

Question. How do you feel about the suggestion that the Administration has encroached on some news freedoms? There have been complaints in that area.

Answer. I think that that's the most ridiculous thing I've ever heard of.—Ken Clawson, Deputy Director of Communications for the Executive Brach.

I think the press is a little oversensitive to criticism of itself. The right to freedom of the press is a terribly important part of our Constitution, which we've got to protect. There's a sensitivity in the press that when you criticize them and you're in an official government position, you're stepping on that right. Well, you're not . . . You're protecting that right.—DeVan Shumway, Public Affairs Director, Committee for the Re-election of the President.

(His critiques) probably were ill-advised, but they were accurate on facts . . . He's got every right to . . . argue with the press on anything. We certainly should not be beyond criticism. The problem (comes) when they suggest governmental control or cutting into our free access (to information). (The criticisms) are a hell of a lot less of a menace than is the negligence of the press itself in not taking care of its own rights.—Clark Mollenhoff, Des Moines Register and Tribune.

The (critiques) probably had a good effect overall because they've made the intelligent editor be self-critical and examine the (journalistic) decisionmaking proceses . . . But it also has had a negative effect in making it popular to be critical of one of the major institutions of a democratic society. I don't think a society whose institutions are constantly under attack and disbelieved is healthy. Agnew's attacks have made the journalist's job more difficult.—Benjamine Bradlee, Executive Editor, Washington Post.

Question. What understanding does this administration have of the traditional adversary relationship between officials and journalists?

Answer. Not many public officials (understand). Most really believe . . . that the press's (job is to) make their decisions understood and accepted by the public. The (officials) have looked at the alternatives and come to this decision . . . And they see the press as spoiling it . . . by reporting contrary arguments that they already have struggled with . . . I don't blame them for feeling that way. I blame them for not understanding the Constitution and the way our society should operate. This administration, in a way, has said publicly what most politicians feel privately: that we want support from the press and we want them to give hell to our enemies.—Ben Bagdikian, Media Critic.

The President understands (the adversary relationship) very well. The way he was quoted in the (Washington) Star-News interview indicates his understanding of it. That doesn't mean he always likes it, but he understands it.—Herbert Klein, Director of Communications for the Executive Branch.

No person who is on the other end of it ever enjoys it. (But) by the time they're reached the upper reaches of a (presidential) administration . . . politicians ought to be able to understand its importance . . . The key people in this administration—partly because of their lack of background in government—do not understand this, and just completely regard us as the enemy.—Alan Otten, Wall Street Journal.

I am in favor of the adversary relationship. I think the people in this administration . . . understand it. The problem is that the adversary relationship gets out of hand . . . and reporters begin to become prosecutors . . . The adversary relationship gets exaggerated, and (reporters) run amuck.—James Keogh, Author, President Nixon and the Press.

(The Administration) goes through elaborate charades to make sure that they put out just what they want to and to hide other things . . . Our purpose is to put out the whole story . . . I hope there's never a resolution of the adversary relationship. If there is, it means that we're working in concert with them. And, if we're working in concert with them, we're not doing our job.—Martin Schram, Bureau Chief, Newsday.

They would like to make cheerleaders out of newsmen. And when newsmen don't agree to be cheerleaders, we have the constant struggle to find out more than they want us to know . . . You can invest that with all kinds of grandiloquent rhetoric, but it boils down to the simple fact that we're in the business of finding out what's going on, and they're in the business of only telling . . . us what they think we, or the public, ought to know. And as long as we represent the public's interest, we'd better keep at it as aggressively as we can. I suspect that the more aggressive we are, the less inclined they may be to withhold (information).—Peter Lisagor, Chicago Daily News.

Question. How accessible have the principal Nixon administration policymakers been to news people?

Answer. I feel that when you look at the complaints, there's certainly been no lack of . . . access basically to most people. It's just that all reporters haven't been able to get to all the people at the right time for themselves.—Herbert Klein, Director of Communications for the Executive Branch.

Most of the top officials in the White House act pretty much on their own. As a former White House reporter, I can tell you how you get dealt with. You can get off your butt and come up with material of a meaningful nature; and then, by God, the White House guy doesn't have any choice but to talk to you. When you've got the material, his choice evaporates, because . . . any damned fool knows that you're better off talking about it than not talking about it.—Ken Clawson, Deputy Director of Communications for the Executive Branch.

They maintain a closed shop over there . . . I happen to think it's a tragedy. They should share with the people the deliberative process of government—where you create legislation or (policy) ideas. This crowd in the White House now has a very limited concept of the idea of government of the people, by the people, for the people. I think they have a duty to inform the public, and to create public debate, which they are ignoring.—Hugh Sidey, Time.

The truth in government is infinitely harder to get at because the people in the White House are harder to get at. For all Lyndon Johnson's bellyaching—God knows he bellyached about Newsweek—the White House was a more open place. You could call up an aide on the White House staff, for instance, with a reasonable assurance . . . that you'd get phone calls back, and that you could get in to see (him). In this administration, frankly, all you do is pray that the phone will ring. We've gone for months where the phone calls would not come back on routine things. I know reporters who have been on the so-called freeze list where orders have been issued someplace in the White House not to return their phone calls. There are other officials there who make it a policy never to return phone calls of certain publications . . . In general, there are reporters and publications who have been in the doghouse. The difference is that when we were in Lyndon Johnson's doghouse, we'd still get to see people.—Mel Elfin, Bureau Chief, Newsweek.

Question. Is there a "liberal" bias in the Washington press corps and does it affect what correspondents write?

Answer. The press's performance in explaining what's going on is, unfortunately, tarnished by this obsession with the negative, and with a preconditioned, left-of-center political point of view . . . (The liberal bias) has affected coverage of President Nixon very considerably. It has affected what has been reported, and how it's been reported. The Washington press corps tends to give the impression that if the Administration would only follow what is the liberal solution, then the problems would be easily solved. Well, that's a distortion of both the problem and the possible answer.—James Keogh, Author of President Nixon and the Press.

This has to do with the insecurities of the President and those closest around him. They are the one who came to own . . . with their bias packed in their suitcase, and they still have it to a very large degree . . . The reporters' biases, when they existed, were far less than the biases of, let us say, (H. R.) Haldeman, (John) Ehrlichman and certainly (Pat) Buchanan.—Dan Rather, CBS News.

(It's the) people around Nixon who are doctrinaire. They came to Washington without the experience of dealing with a press that is knowledgeable and skeptical . . . Suddenly, they find that there are people who don't take at face value anything that a public official says . . . (and) who will call them on changes of policy or contradictory things that are said . . .

(And) they have a very simplistic view of American society and what it ought to be. They really believe in the Norman Rockwell Saturday Evening Post cover picture of America, and they are offended by all of the complexities of urban life. As a matter of policy, they will tell you privately that they have given up on the inner city. They talk about the real America being west of the Appalachians where people still believe in the homilies, meaning, I guess, the Ten Commandments. That's a very simplistic view of modern life, and the Washington press has a number of people who simply know better.—Ben Bagdikian, Media Critic.

What may be regarded by some people as a liberal bias in the press is a reflection of a current generation of reporters . . . It's the old story: today's liberalism becomes tomorrow's conservatism. Things change. If your mind's closed to change, we'd all be in trouble.—William Theis, Bureau Chief, Hearst Newspapers.

Most reporters do tend to be liberal, in the loose definition of that word . . . They're more marinated in the problems of this society. But what difference does that make? When they cease being professional about their work, they ought to quit or be fired . . . I know some of the most prejudiced people in this town who are straight, honest, objective reporters . . . I know people who hate given government officials, and write very straight accounts about them . . . All of these charges simply ignore the fact that there is a high degree of professionalism in the press corps.—Peter Lisagor, Chicago Daily News.

I just think (the liberal bias) happens to be a matter of fact, and it's one that you live with. There is in the leading press of Washington a liberal bias . . . and the facts are interpreted with that bias in mind . . .

The President went out to Portland, Oregon, about a year and a half ago . . . The Seattle and Portland newspaper stories had a sort of 'gee whiz' flavor to them. The Washington and New York papers had a 'well here we go again' flavor to them. There's a lot of difference between the two. I think the average person is very impressed with the President of the United States, and very interested in his activities down to the slightest detail. And I think the papers in Seattle and Portland in that case did a much better job of reporting those activities than did those in Washington and New York.—DeVan Shumay, Public Affairs Director of the Committee for the Re-election of the President.

This (liberal bias charge) is the biggest canard. The American press, generally, is right wing. There are 1,200 papers in this country, and I would guess that 1,100 must be Republican . . . The majority of the Columnists have been on (Nixon's) team, that's for sure . . . The White House press corps is, I think, pro-Nixon . . . The bias always is with authority—Martin Nolan, Boston Globe.

I think . . . this business of us being a bunch of parlor pinks, limousine liberals and Harvard-educated pink-tea types who look down our noses at anybody who was born west of the Hudson River . . . is a lot of baloney . . . There are certainly plenty of very respectable, very conservative . . . reporters in this town . . . This business that we're all a bunch of Spock generation liberals is a lot of baloney.—James Deakin, White House Correspondent, St. Louis Post-Dispatch.

Question. Was press coverage basically favorable or unfavorable to President Nixon in his first administration?

Answer. I think there's basic sympathy for the man in the White House. There is a respect for the office and the institution . . . If you added it up, I think you'd come out (with the fact that) . . . a majority of the reporting—and of the whole press approach—was favorable to Nixon.—Hugh Sidey, Time.

Despite all the bitching going on around here, by and large, the Nixon Administration has gotten a pretty good press, (and) I think that some people within the Nixon Administration would agree to that.—Peter Lisagor, Chicago Daily News.

Reporters were much more forgiving and much more generous, and much less critical with the Kennedy Administration than they have been with the Nixon Administration. And I think the reason is, by and large, President Kennedy was extremely popular with the press corps and President Nixon is not.—James Keogh, Author, President Nixon and the Press.

Probably in the initial stages (reporters) suddenly discovered a Nixon they didn't understand. He was better than they thought. So you probably had more favorable coverage in these initial stages. It ebbs and flows. You can look at a time when they feel there ought to be more press conferences, and they become more critical. Or you can look at a time when they're deeply impressed with the President for what he's done in China or the Soviet Union, and you probably have an underlying factor that's more favorable.—Herbert Klein, Director of Communications for the Executive Branch.

Overwhelmingly favorable. Pick up papers from around the country and you saw overwhelmingly what the President and other officials have said, and nothing else. That's one reason that (the Administration) hates The Washington Post and The New York Times so much. The Post and the Times have contrary voices in their stories for background and interpretation . . . And even in the Post and Times, most of the stories are pretty much straightaway.—Ben Bagdikian, Media Critic.

Any administration is going to have to suffer some critics . . . But in terms of what actually gets in the paper—what's on the front page and the editorial page—Mr. Nixon has done exceedingly well.—Courtney Sheldon, Bureau Chief, Christian Science Monitor.

The President pursued the image of a man who addresses problems and does things dramatically . . . How can you look at the election result and not feel that the President ultimately came across to the country more or less as he wanted to be portrayed.—Max Frankel, New York Times.

CHAPTER 3

THE NIXON ADMINISTRATION CRITIQUES THE NEWS MEDIA

Journalists and public officials throughout our history have cast themselves in the role of chief protector of the public's right to know what government is doing. And each frequently has rushed to paint the other as playing fast and loose with the public's interest by grasping for power, manipulating information and arrogantly refusing to admit their errors.

This time the setting for the charges was not the muckraking and yellow journalism period of the early 1900s, but the interpretative reporting age of the 1970s. It was the Vice President of the United States, joined by a cadre of high officials, who abruptly challenged the news media's entire approach to the reporting of government, and set forth what came to be seen by many as the Nixon Administration's official line of media criticism.

At no time in memory had the press as a whole been attacked from the White House with such startling directness and persistence. The first two speeches in November, 1969, were to be followed by at least nine others by the Vice President during the first term that were devoted substantially to analyzing the media.

Agnew's first media speech apparently was prompted by the Administration's pique at commentary by the networks following a televised address to the nation on Vietnam by President Nixon. Speaking before a meeting of the Midwest Republican conference in Des Moines, the Vice President accused the media of rampant parochialism and of distorting the news. The President's address, Agnew said, had been subjected to "instant analysis and querulous criticism" by a "small band of network commentators and self-appointed analysts, the majority of whom expressed, in one way or another, their hostility to what he had to say."

The television commentators and producers were "a tiny and closed fraternity of privileged men, elected by no one, and enjoying a monopoly sanctioned and licensed by the government," Agnew said. Further, they were unrepresentative of the country as a whole: "To a man [they] live and work in the geographical and intellectual confines which Agnew said "bask in their own provincialism." He also charged that the networks were preoccupied with bad news and dissent. "The upshot of all this controversy is that a narrow and distorted picture of America often emerges from the televised news," he said.

A week later, the Vice President broadened his attack to cover The Washington Post and The New York Times. He pointed out that the Washington Post Co. controlled not only the Post, but also one of the city's four major television stations, an all-news radio station and Newsweek magazine. He claimed that these four outlets were "all grinding out the same editorial line." The Times, he said, had failed to report that 300 congressmen and 59 senators recently had signed a letter endorsing the Nixon policy in Vietnam (in fact, the Times had carried the story in other editions, but not the one the Vice President read in Washington). New York, now a three-newspaper city, was just one example of the "growing monopolization of the voices of public opinion," Agnew said.

The President, himself a bitter battler with the press in the past, for the most part remained above the fray. But it became clear that Agnew was speaking for more than just himself, as a phalanx of presidential assistants (H. R. Haldeman, John Ehrlichman, Patrick Buchanan, Charles Colson, William Safire, Clay Whitehead, etc.) and other Administration figures (Robert Dole, John Connally, L. Patrick Gray III, Helen Bentley) made public statements over the next three years echoing these criticisms.

The themes were the same: the networks had assumed unchecked power over public opinion; much of the national reporting was tainted by an Eastern, liberal bias; and a kind of journalistic Gresham's law prevailed, as bad news drove out the good, and the media emphasized the negative in American society and, especially, in the Nixon Administration.

Thoughtful critics conceded that the Agnew speeches had raised legitimate questions about the role and performance of the media—notably, the issue of growing monopoly control of newspapers, magazines and broadcast outlets. But many questioned whether the Vice President really intended to stir a reasoned debate of the press's role by such cannonades from the highest office in the land.

If he wanted to raise questions about monopoly, critics asked, why did he select his examples only from media concentrations in New York and Washington? The attack against the Post and Times, for example, was delivered in Montgomery, Ala., which had its own closed media situation—representative of many other, more conservative monopolies around the country. Quite obviously, the main Agnew target was those news outlets which were best equipped to keep officials under close scrutiny, and considered least friendly to the Administration.

In broadcasting, people saw the Vice President's remarks as a thinly-veiled threat of tougher oversight of the government-regulated industry, or even censorship. Even ABC's Howard K. Smith, generally regarded as the most conservative of the network anchormen-commentators, detected "a tone of intimidation."

Some correspondents found particularly disturbing the Administration suggestion that the news media somehow must be "made more responsive to the views of the nation." The Times's Tom Wicker wrote that "no institutional or professional formula" could enable the press corps to cope with "this age of transformation." " 'Let a hundred flowers bloom' is the only recommendation anyone can make," Wicker said. CBS's Eric Sevareid told an interviewer: "I'm not about to adjust the work I do according to the waves of popular feeling that may come over the country. No responsible person can do that. They ought to be out of this business if they do."

Some of Agnew's specific charges would not bear scrutiny. The "instant" analysis of the Nixon Vietnam speech, for example, had hardly been instant, since the networks had received in advance a text of the President's remarks, and reporters were given an official briefing by Henry Kissinger before the speech was delivered. The Washington Post, Newsweek, WTOP–TV and WTOP radio did not in fact "grind out" the same line, and they had differed editorially on some major issues, including the war.

News people argued that, far from contributing to an understanding of the press's role and problems, the Nixon Administration was trying to make the media a scapegoat. Life magazine chided the Vice President and others who "at a time of extraordinary . . . contentiousness in U.S. public life" foster the idea that the "medium is the menace." John S. Knight, editorial chairman of Knight Newspapers, wrote a column entitled, "If the World's in a Mess, Don't Blame the Press." To the charge that the media exercised vast, unchecked power, Sevareid retorted that it was the power of government, not of the press, that had mushroomed in recent years, "and within government, the power of the presidency."

Two former White House aides tried to add a semi-scholarly patina to the criticisms. Former White House domestic affairs adviser Daniel P. Moynihan wrote in Commentary magazine that:

Journalism is becoming more and more dominated by a liberal, Eastern, Ivy League elite, heavily "influenced by attitudes generally hostile to American society;"

The Washington press corps relies heavily on information leaks which are often "antagonistic to presidential interests;"

The news profession lacks a tradition of self-criticism and self-correction.

And in a book entitled **President Nixon and the Press**, James Keogh, onetime chief of the White House research and writing staff (and later to become USIA director), said that the combination of an anti-Nixon liberal "orthodoxy" in the major media plus the press's "frantic reach for the negative" precluded any possibility of balanced news coverage of the Administration. Top presidential aide Haldeman said flatly that many news people had "an interest in the unsuccess" of the Nixon policies.

Agnew had stated the obvious: that journalists are human and inevitably have points of view. But he had failed to suggest any reasonable ideas for dealing with that age-old problem, wrote Vermont Royster of The Wall Street Journal. Few responsible observers in or outside of the media denied that the profession could profit by more criticism—reasoned criticism. But neither could they see in the partisan complaints of Agnew and other White House spokesmen much besides a petulant appeal to "tell it like the Nixon Administration sees it."

Chapter 4

The Presidential Press Conference

Richard Nixon, December 1969:

"I try to have a press conference when I think there is a public interest—not just a press interest or my interest. . . . If I considered that the press and the public need more information than I am giving through press conferences, I will have more. I welcome the opportunity to have them. I am not afraid of them—just as the press is not afraid of me."

Richard Nixon may truly have "welcomed" the opportunity for press conferences when he spoke these words, but he ultimately was to hold fewer of them than any President since Herbert Hoover, prompting correspondents to charge that he had undermined the traditional exchange between the public and their President.

Each of the last five Presidents averaged more than twice as many press conferences a year, and some gave many more. Nixon held 34 (through June 1, 1973), an average of about 7 a year. John Kennedy averaged 21 a year, Dwight Eisenhower 24, Lyndon Johnson 25 and Harry Truman 40 a year. Franklin Roosevelt held an average of 83 press conferences a year—or close to two every week—compared to fewer than one a month by Nixon.

The presidential press conference is a uniquely American institution. It is not the only route to a healthy public dialogue with government, but the Washington press corps rightfully sets great store by it. The press conference remains the only forum in which the immensely powerful head of one of the world's major governments can be cross-questioned about his policies and intentions between elections. An American President, unlike some other national leaders, need not answer to the political opposition directly. But he is expected to meet with the press on a reasonably regular basis, and to submit to their on-the-record questioning on most any topic. Many Americans may even consider that the White House press conference is an integral part of government.

The Nixon era has marked a sharp downgrading of this institution. While he maintains that he relishes encounters with reporters, Nixon in fact has avoided their questioning. In addition, the White House has belittled a process that the preceding five Presidents had made an important part of government communication with the public. Despite the President's deference to the "public interest" in press conferences, during his first term he and associates tried to foster the impression that these sessions were largely of interest to correspondents. They had less importance in the President's eyes, said aide John Ehrlichman, because he winds up getting "a lot of flabby and fairly dumb questions" from the national press corps.

Nixon also seemed to attach less importance to the live, televised news conference, which was first made popular by President Kennedy. As of this writing, he had not held one for 10 months (since June 29, 1972), and he had held only two in nearly two years.

At first, the President seemed to favor these full dress sessions in the East Room of the White House which the public could watch on television. Eight out of the 9 news conferences he held in his first year in office were in that format. But, by the last year of his first term, he clearly had opted for a different approach. Five of the seven news conferences in 1972 were held in his White House Oval Office, and live television cameras were not permitted. The limits continued this year as Nixon held only three news conferences in the first three and a half months—all of them in the White House press briefing room, with cameras present only for taping.

All in all, the press conference is the President's own vehicle. As experienced politicians, most chief executives can hold their own in them and appear to advantage. The intangibles of the occasion work in their favor. The President has the aura of high office. The reporters are there as his guests: they rise as he enters the room. Aggressive news people who might challenge a lesser figure generally feel more constrained in his presence. He recognizes whomever he chooses.

He can answer questions as briefly or as fully as he likes. Presidential replies can range from a terse "no comment" to a lengthy ramble that may use up a considerable part of the customary 30 minute session. A President often can escape with having to answer only one or two queries on a sensitive issue, and he is only confronted with a small sampling of the many issues his administration has to deal with. Followup questions usually are only possible in the smaller briefings. If he wants to look statesmanlike, or to avoid certain subjects, he can brush aside whole areas of inquiry, such as diplomatic negotiations, administration appointments, partisan politics or hypothetical, "iffy" questions.

Each type of conference has its own usefulness to the President. The live, televised conference in the White House's capacious East Room is political theater. The President is talking directly to the public, selling himself and his policies as he makes it seem that he is "glad you asked me that"—pleased that the correspondents have given him the opportunity to discuss his thinking on knotty issues. Viewers often react most to impressions rather than substance: the President looks responsive, he's in command, he's on top of things, he has an answer for everything—though he also runs the risk of fumbling a response, as happened this year when his press secretary had to admit that Nixon had "misspoken" in a press conference statement.

The conference in the Oval Office removes him from direct public view. Should he "misspeak," he can correct it right away. Reporters usually have only one to three hours advance notice, so they have less time to hone their questions, and only about 30 to 50 usually attend (compared to 300 to 400 for full scale conferences). The absence of live television and more advance notice generally means that these questions are dominated by news people who cover the White House regularly and, especially, by the "pencil press." For their part, correspondents can bore in more with followup questions and search out the issues more deeply than is possible with the East Room smorgasbord.

When conferences are held in the press briefing room, as has been the case this year, about 100 to 150 reporters attend. Though these sessions are less intimate than those held in the Oval Office, news people still can crowd around the President, and their exchanges are more conversational than in East Room sessions. But the format militates against specialized writers and other reporters who don't cover the White House regularly, and there is still little time for preparation. Some White House regulars prefer this variation, however, because it gives a good number of correspondents a chance to be present, retains an air of informality and also enables the public to see the President later through television tapings.

While the press vents its frustration at not being able to establish a regular dialogue with President Nixon through press conferences, he has turned to alternative means of getting his message across to the public. In 1972 he delivered a total of 23 radio or television addresses to the nation. In this format he is not, of course, subject to press questioning, though the networks have attempted to put television speeches in context afterwards, at the price of Vice President Agnew's celebrated polemic against 'instant analysis.'

The President also has conducted television interviews with TV correspondents and anchormen. But many press corps members feel that these sessions, though valuable, cannot match the long range value of regular news conferences with a wide-ranging format.

Indeed, most correspondents feel that there can be no substitute for regular White House press conferences. Our politics is more freewheeling than that of most democracies. But once a man is in the White House, he has great control over his contacts with the people and, for all its shortcomings, the press conference provides the only ongoing record of a President's reaction to the flow of events, giving press and public a chance to appraise his views and gauge changes in his mood and outlook. It is virtually the only time in the four years between elections that people can remind him directly of previous positions he has held and pledges he has made.

Press conferences seem to take on even greater importance with a President who has been relatively isolated from public exchanges as this one has. He almost never sees reporters on an informal or background basis, and his associates have emulated this buttoned-up style. The public is left with little choice. Neither they nor the press can compel a President to conduct more news conferences. He will make himself available only when he wants to be available. He can choose the frequency, timing and format of meetings with the press. He controls the process completely.

It is important, nonetheless, that the public recognize when an American President is not submitting himself to such questioning in accord with traditions that have been firmly established by his predecessors. And it is important to understand that, ultimately, when the President does not meet with the press, it is not the press corps itself that suffers. The main casualty is the American people and their confidence in the openness of their government.

Chapter 5

Freedom of Information in the First Nixon Years

Herbert G. Klein, Director of Communications, May 1969: "Truth will become the hallmark of the Nixon Administration. I'm charged directly by the President to emphasize to every department of government that more facts should be made available. With this kind of emphasis, we feel that we will be able to eliminate any possibility of a credibility gap in this Administration."

It has been a long, winding road from this early promise of open government and closed credibility gaps. While some information has been opened up in the last four years—often with Herb Klein's help—it is doubtful that history will recall Richard Nixon as the promised champion of truth in government during his first administration.

There was every hope in the glow of a new inaugural that the public's right to know would be honored as never before. The President installed Klein, a respected editor and close personal friend, as government's first director of communications. To break through the walls of the bureaucracy, he had in hand the Freedom of Information Act which had been in effect for 18 months, but was seldom invoked in the waning months of the Johnson Administration.

But, in the view of Congress, information experts, scholars, lobbyists and the press, the cause of public access to reports, records and other materials in the federal government's vast tangle of agencies was advanced little, and was sometimes actively hindered, during the four years of the first Nixon Administration. In 1972, after 41 days of hearings with 142 government and private witnesses, the House Foreign Operations and Government Information Subcommittee, which created the Freedom of Information law, characterized its administration as "five years of bureaucratic foot-dragging"—and three and one-half of those were Nixon years.

In some cases, Herb Klein, using his White House powers, was able to convince the bureaucracy to honor the FOI Act and release data that news people sought:

The Agriculture Department had to identify those hotdog makers who used so much fat in their product that they did not make both ends meat;

The Office of Emergency Planning finally named the man who had been selected to head an Office of Censorship in the event of a national emergency;

The Housing and Urban Development Department was made to disclose the salaries of government employees at an experimental housing site in Indiana;

The Labor Department reluctantly released an evaluation of a federal job training program in Ariozna.

But, generally secrecy-minded bureaucrats still held tight control of public records, and they usually had the backing of the Department of Justice:

The previously buried Defense Department record of U.S. involvement in the Vietnam War came into the press's hands only because of the pursuit of the publication of the "top secret" Pentagon Papers by Daniel Ellsberg;

Most of the records of the 1968 My Lai massacre and the military investigation of it still were hidden at the end of the first Nixon term in spite of repeated prodding by investigative reporters.

Parts of a report on the Interior Department's publicity program remained censored even though it commented largely on the photogenic qualities of the Secretary of the Interior;

THE COURTS AND FOI

But these specific cases of government secrecy merely issustrate the continuing restrictions on access to information caused by the efforts of many federal agencies to dodge the spirit and intent of the FOI Act. According to the congressional report, prolonged delays in responding to requests for public records, and exorbitant fees charged for searching and copying them, have undermined the Act.

The House committee also pointed out that the Justice Department went to court in more than 40 cases during the first Nixon Administration to help prevent disclosure of sought-after government information. A pattern of favorable court intepretation of the public's right-to-know under the law seems to be emerging, nevertheless. An analysis by the Library of Congress of the first four years in which cases were decided under the FOI Act showed that the courts consistently rejected the government's most often used argument that information came under the section of the law allowing exceptions for "privileged or confidential" information.

The courts also rejected the government's argument in 60 per cent of the cases where it was claimed that public records could be withheld because they were "inter-agency memoranda." But they unanimously upheld the government in cases where it contended that the data involved "investigatory files compiled for law enforcement purposes."

In every case, except those involving national defense and foreign policy matters, the courts rejected government arguments that judges should not look at the documents in question. The courts did not always come down on the side of disclosure after they had looked at the documents that the government wanted to withhold. But judges at least provided a separate judgement on the material as a third party, free of other obligation.

The most celebrated court decision on concealed information in the first Nixon term was, of course, the Supreme Court's 6–3 ruling against the Administration's virtually unprecedented effort to restrain two newspapers—The New York Times and The Washington Post—from publishing the Pentagon Papers.

But, even as they acted to uphold the First Amendment, the justices on the whole did not extend their opinions into a strong stance for opening up such classified information. Moreover, Nixon Administration lawyers went on to pursue prosecution of Ellsberg, and they did nothing to foreclose the possibility that they might also bring charges against some or all of the newspapers that printed the documents that Ellsberg had single-handedly declassified.

DECLASSIFICATION ORDER

The first Nixon Administration did, however, compel the military bureaucracy to change its system for classifying and controlling government information in the name of national security. In June, 1972, Richard Nixon became the third U.S. President to completely revamp the classification system.

Shortly after World War II, Harry Truman issued an executive order setting up the first government wide classification system. The first major revision in system was ordered by Dwight Eisenhower 10 months after he took office.

President Nixon's Executive Order 11652 retains the top secret, secret and confidential categories and makes few changes in the definition of documents which qualify for the three stamps. But it does make other changes. For the first time, the order sets up an appeal procedure which might give the press and public a tool to ferret out documents that military and foreign service officers would rather keep hidden.

The Nixon order sets as 10 years the period during which many documents can be kept classified "top secret," and made eight years the limit for keeping material "secret" and six for "confidential" data. Many documents will be declassified automatically at those times, though the order also has a provision for bypassing this process if a top official specifies the reason for the exception in writing.

It turns out, too, that the Nixon order for the control of national security information still leaves untouched other mechanisms that the bureaucracy can use to keep information from being declassified and publicized. In addition, many of the same bureaucrats who have always been administering the secrecy system still hold the reins over information.

In the first tests that news people made of the new Nixon security system, they discovered that bureaucrats did not even have to use the most obvious loophole built into the Nixon order—the provision that the automatic declassification procedure need not be applied if there is a written statement that the document being sought falls within certain broad categories. Instead, the bureaucrats used the standard tactics of delay and obfuscation.

Soon after the Nixon classification order was issued. The New York Times requested 31 documents which appeared to fall under the automatic declassification section of the new order, and the Associated Press requested eight items.

At first, the State Department security experts handling the two requests were unable to identify the papers sought. Then, after pressure from the White House, they identified the material, but estimated that it would cost the news organizations some $7,000 to search out and copy it. When the Times zeroed in on three documents, the records were provided for $195 and, upon declassification, turned out to contain no information that had not already been published officially.

While the new Nixon order fails to prevent bureaucratic foot-dragging in the name of national security, it does make an attempt to reduce the number of controllers. It reduces from 37 to 25 the number of government agencies which have authority to use the confidential, secret and top secret stamps, and requires that officials who have the power to classify documents be designated in writing by the head of the agency. These new restrictions have reduced the number of stamp wielders in government by 63 per cent in the major departments—from 43,586 to 16,238.

By the end of his first term, Richard Nixon had achieved considerable control over the government's whole information apparatus, and so entered his second administration with even more direct power over how much information government will disclose to the press and public.

All of the top-level publicists in government agencies are his appointees, and many of the middle-level officials have been appointed or promoted since January, 1969. A survey of government agencies covering the first two years of the Nixon Administration showed that at that time 51 per cent of all information directors and their deputies had achieved their positions in the first term, and that figure has risen as vacancies have been filled.

After its hearings last year, the House information subcommittee urged that administration of the Freedom of Information Act be taken out of the hands of lawyers or program operators, and turned over to the government information experts. The subcommittee concluded that this action would not only improve administration of the Act, but it would also recognize the role of public information officers as "the bridge between faceless government and its citizens."

There was some movement during the first Nixon Administration in the direction of giving more force to the role of the government information officer. Two public affairs experts were added at the assistant secretary level, thus making a total of four agency appointees with enough clout to argue for the public's right to know at the policymaking level. And there was hope that more top-level information experts would be recruited.

But whether such moves will lead to more information being made public by government, or to self-serving propaganda, depends largely upon whether the second Nixon Administration pursues the ideals expressed by former newsman Klein in the early Nixon days in Washington, or follows instead the manipulative information policies prompted by advertising and public relations men who held top posts in the White House as the second term began.

Chapter 6

The President's Press Secretary

For 10 months White House correspondents listened to adamant and caustic denials that anyone at 1600 Pennsylvania Avenue was involved in the activities surrounding the Watergate affair. The White House press secretary called it nothing but a "third-rate burglary" and he and other Nixon Administration officials derided the press for its stubborn refusal to take their word as fact.

Then, suddenly, on April 17, 1973, press secretary Ronald Ziegler put an "inoperative" stamp on all that he had said before in this respect. Ziegler had not coined the word, but he quickly seized upon it as just the phrase he was looking for—and the 'inoperative' briefing seemed destined to live for years as a symbol to correspondents of the problems they face when they try to search beyond official statements to explore the activities and thinking of the President and his staff.

The President's chief spokesman had suddenly found himself in a situation no press secretary in memory had faced. Ziegler's personal integrity, as well as the credibility of the news his office dispenses, was publicly challenged. He had to apologize to the Washington Post for once accusing that newspaper of "shabby journalism" in pursuing the Watergate case. Calls for his resignation were heard, and some observers felt that it might take months or, perhaps, years for the reputation of the news secretary to recover from such an arrant disregard for truth from the highest office in the land.

Every press secretary inevitably puts the President's view of information first and foremost. "He is not there to tell as much as possible, but as little. He is not supposed to be effusive, merely quick. And these rules, while unwritten, are very clear because he is not the press's secretary but the President's," wrote New York Times correspondent James M. Naughton in a Times Magazine article about the Nixon press aide in 1971.

Yet, when he came to the White House, Ziegler—like his predecessors—had to decide not simply how he would promote the President's image and reflect his attitude toward the press, but also how forthrightly he would deal with the press and the public's need for information. Some press secretaries have attempted to nurse along both objectives, trying to give the press more than just minimal guidance on policy questions and even having the President endorse their suggestions for improving press relations and access to information.

Ziegler turned out to be more the loyal foot-soldier than the battlefield innovator. Ironically, it was President Nixon himself who pointed up this fact when he told a White House Correspondents Association dinner this year how he had kept an eye on Ziegler's daily briefings of the press, and felt that his spokesman had been "loyal" to both of his masters, the press as well as the President. "I must say you have really worked him over, however," Nixon went on to say. "This morning he came into the office a little early, and I said, 'What time is it, Ron?' and he said, 'Could I put that on background?' "

That was more like the Ziegler that correspondents had known for more than four years. Though this superfealty is built into his role, leaders among the correspondents who regularly cover the White House still feel that Ziegler has been especially single-minded in his devotion to shielding the President from the press, and has shown little "loyalty" to the press or public's need for more information about presidential activities and decisionmaking. They feel that he has given reporters an almost continuous diet of evasions on important matters—with little sign of the helpfulness shown by those past press secretaries who have tried to recognize a journalist's need for fuller explanation.

Questions which try to draw more out of Ziegler invariably cause him to resort to an endless assortment of euphemisms for 'no comment,' at times pushing him to the point where he says, "I have said all I am prepared to say on the subject." White House press regulars say that in the few instances when Ziegler does put something 'on background' for their guidance, it often involves superficial information, such as when the President's plane will depart for Key Biscayne or San Clemente.

Despite his tight-lipped approach, the Nixon press secretary himself has said that he makes it a point to keep informed on matters that he might be questioned about. "I think I know as well as anyone else what is happening in the White House," he told the New York Times' Naughton. Every morning Ziegler talks with key people on the President's staff about the news and what they think should or should not be publicized, often asking them (as one such official recalls) to "just tell me the main point" of some issue that he might be asked about. It apparently was this approach that led to Ziegler's many months of tossing off Watergate queries, and to his subsequent public embarrassment when it turned out that the very officials who were giving him 'the main point' were involved in the scandal.

The convolutions that Ziegler will go through in order to avoid answering reporters' inquiries—and the consequent cost to enlightenment of the public—is illustrated by one exchange that occurred early in the Watergate affair when the allegations of Republican political espionage by Donald Segretti suddenly broke into public view before the 1972 election.

News accounts reported that Segretti had had frequent phone conversations with Dwight Chapin, a White House aide who worked for H. R. Haldeman, then Nixon chief of staff. Asked about this, Ziegler said that the stories were not fundamentally accurate. Could Chapin then come out and explain for himself? reporters asked. No, replied Ziegler. Could the press secretary at least tell them if the White House had records of phone calls between Chapin and Segretti? Ziegler demurred. Would the White House switchboard personnel answer questions if reporters asked them directly? "I would hope not," Ziegler replied with a smile. And there the matter ended.

Some White House reporters feel that Ziegler and those who advise him at times have gone to absurd lengths in their zeal to portray the President as always being fully-informed, decisive and right.

When the President said in a press conference early in his second term that North Vietnam had the right to replace forces in South Vietnam, correspondent Courtney Sheldon of the Christian Science Monitor immediately asked lower echelon members of Ziegler's staff if the President had made a mistake. They quickly checked it out, and one of them said that "the President misspoke himself." The next day, however, no amount of questioning at the daily briefing could elicit any such admission from Ziegler himself.

Despite the problems, the White House's daily briefings are still well-attended. Correspondents pick up presidential messages, hear Administration officials explain background details on policy announcements, and press endlessly for small scraps of information. They also attend the briefings to be certain that they are there in case the President should call a press conference. During most of the first three and a half years of the Nixon Administration, there were two briefings daily. But this has been cut back to one a day, with a "posting" scheduled for the afternoons in which statements or releases are handed out and Ziegler or his deputy are usually available to answer questions about them.

In many ways, Ziegler's performance has been no different from that of predecessors, who were also in the business of protecting their boss and rationing information. He did lack the press secretary's customary training in the news media itself. But as a onetime account executive for the J. Walter Thompson advertising agency, he soon was able to acquire the shadow language of his new trade, and learned how to remain unruffled even when the terriers of the White House press contingent were snapping at his heels.

He also learned the games that press secretaries play with correspondents and their news organizations to give presidential nods to those who provide friendly coverage, and how iciness to frequent Nixon critics. Several leading correspondents feel that the snubs have been particularly heavyhanded in this Administration. There have been many reports of officials' refusals to take, or return, telephone calls, of correspondents being kept waiting unnecessarily for interviews, and of people who offend the Administration—or their news outlet—being barred from representation among the pool reporters who travel closest to the President.

Soon after Nixon was reelected, Dorothy McCardle, a longtime social affairs writer for the Administration's nemesis, the Washington Post, was suddenly closed out of White House events. Garnett Horner, correspondent for the Star-News, a Post competitor, was blessed with an exclusive interview with the President, and his newspaper was given some scoops on Administration plans—moves that many correspondents construed as another slap at the Watergate-probing Post.

Similarly, five news organizations who had covered the White House regularly—the Boston Globe, Newsday, RKO General Radio, the Buffalo Evening News and Golden West Broadcasting—were not allowed to make the trip with the President to China and were supplanted by individuals or organizations which did not cover the President nearly as much.

If Ziegler's briefings sometimes deteriorate into bitter exchanges with the press or games in one-upsmanship, there are also times—particularly after the Watergate exposures—when the press secretary has been more self-effacing. It is not all open warfare, as the good-humored, boyish-looking, 34-year-old press secretary will banter a good deal with press corps veterans, and is not heedless of their demands.

The White House Correspondents Association has taken up with him matters such as pool arrangements, and they feel that a better understanding of their problems has resulted, even if the concords do not always last. Ziegler also moved to eliminate the restrictions on naming the source of briefings by national security adviser Henry Kissinger after some correspondents who had felt co-opted broke unwritten press corps vows of silence over the source of such high-level briefings.

Ziegler's deputy is Gerald Warren, a former newsman from San Diego. Warren often takes calls from reporters who may be working on deadline and cannot get through to Ziegler himself. Some White House reporters feel that while Warren's approach to their inquiries is restrained and cautious, he gives a credibility to the press operation by checking out everything that he is allowed to pursue.

Personnel under Ziegler and Warren has turned over several times, but hard-working secretaries smoothly dispense the official statements and other materials that pour out of the White House printing machines each day, and correspondents generally feel that the Ziegler office is an efficiently-run operation—not always the case with some past press secretaries. The comforts of the always fussy correspondents also have been looked after, with the improvement of working space in the White House and the booking of the best hotels whenever they travel with the President.

There is a general feeling that Ziegler's durability so far stems from the fact that he has served well as the right spokesman for a President like Nixon who has preferred to remain more aloof from exchanges with the press and public.

"Not programed to interpret or explain presidential policy," Newsweek wrote after the Watergate exposures, "Ziegler has harnessed himself so closely to the man he serves that his personal credibility is wholly a reflection of the President's." Adding to this impression of Ziegler is the fact that while he reportedly meets frequently with the President, he has not developed anything like the stature of President Eisenhower's James Hagerty or President Johnson's Bill Moyers, who reputedly had an independent impact on news and other policy. Nixon appeared to upgrade Ziegler's role early in June when he made him an assistant to the President.

There probably never will be an ideal press secretary from the standpoint of the news media. It seems unrealistic to expect that anyone in the post can be "loyal" to both the President and the press, as President Nixon has suggested.

But most correspondents still hope for the kind of presidential press secretary whose loyalty to the President is conditioned by a professional awareness of the need for the chief executive to know what the press and public is asking about his programs and policies, and the necessity to offer some substantial response—not simply adroit sidesteps—to the questions that are on people's mind.

CHAPTER 7

THE DIRECTOR OF COMMUNICATIONS FOR THE EXECUTIVE BRANCH

American Presidents have always sought to manipulate the mass media, since their roles as chief policymaker and opinion leader for the nation are so closely intertwined. To put across his programs, the President "must persuade, bargain, exhort and, on occasion, bribe," writes Elmer Cornwell in Presidential Leadership of Public Opinion. Above all, he must "win and channel public support."

Like his predecessors, Richard Nixon was determined to use the media in his own way. In the process, he altered the traditional White House relationship with the press by creating a new press/public relations apparatus that put the most emphasis on appealing directly to the public and to the press outside of Washington, downplaying the role of the press corps. To the correspondents, this attempted bypassing of their scrutiny was one more sign that the Administration did not intend to be truly "open" about government.

In 1968, while candidate Nixon was crisscrossing the country, a smooth public relations and news operation developed to "sell" the future President through various media. Herbert Klein, newspaper editor and longtime Nixon friend, who had served as press adviser in each of his campaigns since 1948, helped plan news strategy in the campaign, while Ronald Ziegler, a former advertising executive, buffered Nixon from a restive travelling press corps.

When Nixon came to the White House, Klein was named to the post of Director of Communications for the Executive Branch. It was a new wrinkle in presidential staffing. While Ziegler would deal with the people who cover the White House regularly, as press spokesman, Klein would coordinate all Administration information operations and try to make the federal bureaucracy more accessible to the entire press corps. Klein promised that this was to be no ministry of propaganda but an effort to "get more information" out to the press. He said that it would "lead to a more open Administration."

Klein was to win the thanks of many Washington news people for the help he gave in opening up the bureaucracy and arranging interviews with policymakers, especially at the outset of the Administration. Peter Lisagor, bureau chief for the Chicago Daily News, recalls that at one point correspondents were having trouble getting through to people in the Justice Department. "They tried to structure it so that matters had to go through the press office. An assistant attorney general in the Civil division or criminal division was loath to speak unless it was cleared. Herb worked that out. He saw that it created bad will in town." Cabinet officers also were more available for interviews and press conferences early on. And Klein helped to work out information for frustrated reporters in some cases under the Freedom of Information Act.

But some correspondents felt that the new "openness" did not extend to unearthing matters of substance about policy. And they became wary about the Klein office's principal purpose as its other activities emerged. An important aspect of the new Nixon press policy, it turned out, was to make "a clearly visible end run around the national news corps," as former White House aide James Keogh put it in his book, President Nixon and the Press.

Klein began his 'end run' by mailing to publishers, broadcast executives, editors and editorial writers outside of Washington thousands of copies of presidential statements and speeches, and news articles favorable to the Administration.

The mailings weren't a new idea, but the size and organization of the Nixon effort was. Former press secretary Bill Moyers says that in the Johnson Administration "when the President made an important statement on Vietnam, for example, we'd send it over to the State Department and they would mail it out." But he feels that this was quite different from the setup in this administration where Nixon staffers "want everything to be controlled and centralized. Our relations with the press outside of Washington were erratic and unorganized." Andrew Hatcher, associate press secretary to President Kennedy, says the same about their press operation. The Kennedy White House would mail out press releases on request, he said, but there was no "mass," indiscriminate mailing.

Under the new Nixon operation, on the other hand, while the President was delivering his State of the Union address in 1971, for example, Klein was busy sending to 3,827 news people a six-page list of questions and answers about the message. Presidential speeches against campus protest were mailed to 8,000 editors of weekly newspapers. And, early this year, 1,500 editors, editorial writers and station officials were to receive copies of the President's statements on the economy and his veto messages.

The information/propaganda campaign reached beyond the press, too. John Pierson wrote in The Wall Street Journal that during Nixon's first term "special interest groups ranging from 131 Negro insurance executives to 77,000 blue collar workers" were sent Administration materials through the mail.

Klein insists that the mailings help to keep the entire press more informed, and he chides the press corps for having a parochial view of what is "openness" in government: "One of the big things we have done is to open the government more to newsmen outside the confines of the District of Columbia." Correspondent Jules Witcover says that the main point of the Klein operation is to put the Administration view across to thousands of radio stations and small papers who aren't represented in Washington—"without having it filtered through the Washington press corps" which usually is more knowledgeable about issues and more skeptical of Administration political rhetoric.

There is some duplication in the Klein operation. Veteran correspondent Sarah McClendon, who reports for newspapers and broadcast outlets in several states, feels that "the main activity of Herb Klein's office is to send your editor—and occasionally to you—copies of speeches with notes that imply that maybe you overlooked this item, or maybe you ought to give it more space."

Another White House device for 'opening' government was to deliver the Administration to editors, broadcast executives and reporters in the form of regional press briefings. In 1969, Klein had arranged a briefing for Washington reporters on the new U.S. postal service, and then struck upon the idea of sending the government briefers out to editors and news directors around the country, according to Witcover. "The approach worked so well that Klein was soon forming briefing teams on other major Administration proposals and dispatching them to the hinterlands," he says.

In July 1971, for example, the communications director accompanied the President, two of his aides, and then HEW Secretary Elliot Richardson to a Kansas City, Missouri, briefing for 141 news people from nine midwestern states. The President also made visits to selected newspapers for editorial meetings at various times. Another example of such briefings were week-long tours that White House consumer adviser Virginia Knauer made across several states to brief news people on Nixon's consumer protection legislation.

Klein says that journalists around the country "have had more opportunity to question Administration officials than in all previous administrations put together." Don Larrabee, whose Washington bureau serves more than 30 papers in various states, feels that the briefings are "a good device for Mr. Nixon to sell his policies" to local news people. Larrabee thinks that many of the people who attend the briefings don't feel that they've learned much that they had not already read from Washington. But it still is "intriguing for the local editors to see the President in action, and they invariably write a story about it," he says.

How successful was this President overall with his reliance on a new press/public relations apparatus?

A majority of the people interviewed for the study felt that Nixon had a 'good press' in his first term. They acknowledged the skill with which Klein and others in the White House had manipulated the media to try to put the Nixon message across to the public. CBS's Dan Rather even commented at one point during the 1972 campaign that Nixon chief of staff H. R. Haldeman "thinks he knows as much or more about my business than I do, and I'm inclined to think he's correct."

Klein announced that he would be leaving early in the second term. Some said he had lost ground in an internal struggle with White House advertising and public relations interests. Press secretary Ziegler was put in charge of all press operations and, while the new communications office continued, it was expected to play a subordinate role.

In any event, in his first administration, Nixon and his staff were to find, as many Presidents had, that there are limits to how much you can control the flow of government information, contain a maverick press corps or shape the image of your administration. As correspondent Lisagor put it, this administration was to discover "as all administrations discover, that government is an untidy business. It is operated, even in its news policies, on an ad hoc basis. You can't compress your news setup into a table of organization."

Chapter 8

The Office of Telecommunications Policy, and Television News

A new White House Office of Telecommunications Policy (OTP) was established during the First Nixon Administration, adding a powerful new government voice to decisions about the role and content of broadcasting in this country. OTP's pronouncements in news and public affairs programming in particular suggested the possibility that an American President could acquire greater influence over what people see or hear about government and public issues on television.

Despite a politician's natural urge to want to control broadcast news, U.S. high officials—unlike those in some other democracies—usually have drawn back from actions that might give even the appearance of government censorship. Indeed, the director of OTP, Clay T. Whitehead, himself insists that his pronouncements in this area have been misread, and that the White House has "no intent or desire to influence in any way the grants or denials of licenses by the FCC."

But the furor raised by statements by Whitehead and other officials is evidence that mere suggestions about television programming from the President's own staff inevitably carry great weight with the federally-regulated broadcasting industry, and their impact could carry over into the news media's reporting of government.

OTP was set up in 1970 by Richard Nixon to fulfill a need for a central policymaking body on communications matters that had been foreseen in recommendations made by a Johnson Administration task force. Under Whitehead, the office soon became spokesman for major policy guidelines on commercial and public television, cable television and satellite communications.

Advocates of the public's interest in broadcasting themselves long have argued that somebody must keep a closer watch over the burgeoning channels of mass communication in this country if they are to be allocated fairly and be used for civic purposes, not simply to reap excessive profits or political power for special interests.

But, to many, OTP's statements on the role of the news media were seen not so much as a watchdog effort to protect the public's interest in open communication, but rather as a move to put seemingly unfriendly news organizations on the defensive. Critics saw this as one more sign of the Nixon Administration's love-hate affair with television. The White House sees TV as a powerful means to inform the public of its policies and gain acceptance of them. But it is very unhappy whenever network news people pursue deeper analysis of Administration policy pronouncements as good journalists should.

The most dramatic OTP move came in December, 1972, scarcely a month after Richard Nixon had achieved one of the largest election mandates of any American President. Telecommunications director Whitehead announced that the Administration would propose broadcast license renewal legislation making clear that "station managers or network officials who fail to act to correct imbalance or consistent bias in the networks—or who acquiesce by silence—can only be considered willing participants to be held fully accountable . . . at license renewal time . . . "

He said that local broadcasters should not automatically accept network standards of "taste, violence and decency," and that they should make stronger effort to curb what he termed "ideological plugola" and "elitist gossip" in the news broadcasts of networks with which they are affiliated.

Even as he raised the hackles of the networks and individual broadcasters, Whitehead also proposed giving station owners more immunity from license challenges. He called for a five-year period between renewals instead of the current three years, and also suggested setting up rules that would make it more difficult for citizen groups and others to challenge a station's license. Whitehead, in effect, seemed to be telling network affiliates: Be more "responsible" in judging network news and other programming; but don't worry too much about those in the community who might disagree with your definition of civic responsibility.

The storm broke immediately. Renegade FCC commissioner Nicholas Johnson, himself a longtime critic of network practices, said the Administration was attempting to work a "deal" with broadcasters, giving them longer periods between license renewals in exchange for a "crackdown on the news and public affairs . . . from the networks, especially if it came from CBS." "Ideological plugola" was simply "Nixonese for anything unfavorable to the Nixon Administration," Johnson said.

Rep. Torbert Macdonald (D-Mass.), chairman of the House Communications subcommittee that later would pass on the legislation, called the proposal part of "Nixon network neurosis." The Administration was saying "stop the criticism or we'll stop you," Macdonald told a meeting of California broadcasters.

As broadcasting and other journalistic groups issued a barrage of denunciations, Whitehead said that he had been misunderstood. His proposals simply were intended "to remind licensees of their responsibilities to correct faults in the broadcasting system" instead of passing that responsibility on to the networks. He insisted to the Senate communications subcommittee that the proposed legislation would give broadcasters no obligations for programming that they did not already have.

When it was finally introduced, the Nixon bill called for stations to respond to community needs and interests, and to emphasize "localism" in programming. In addition to providing for five-year renewals, the measure would restrict the FCC from requiring reports on news and public affairs programming, and from using percentage standards for different categories of programming in judging a station's performance for license renewal. Whitehead's strong rhetoric of December, not unexpectedly, was not repeated in the bill or the accompanying explanation, and he maintained that, contrary to earlier fears, their bill "would remove the government from the sensitive area of making value judgments on the content of broadcast programming.

But news people did not feel reassured. Skeptics in Congress were not likely to leave unexplored the OTP director's allusions to "imbalance" in the news or other suggestions for more "responsive" broadcast reporting of government news that have been advocated by a host of Administration officials. Leading Senate constitutionalist Sam Ervin of North Carolina said that the White House approach inescapably would bring government into the process of judging the news, and he called Whitehead's words "a thinly veiled attempt to create government censorship over broadcast journalism."

Government in this country usually has been circumspect about passing official judgement on radio-TV programming. The traditionally conservative Federal Communications Commission has kept to a general "public interest" standard in evaluating station performance at renewal time and, though it recently has set up its own guidelines for license renewals, the commission invariably has been reluctant to be too specific about program content. Congress, too, has been very wary about looking like a censor. Even the much-publicized hearings by the Senate subcommittee on communication into violence on television resulted in an admonishment to the networks, but no legislation of standards.

If the White House had not necessarily gotten involved directly in news censorship with Whitehead's pronouncements, it had at least ventured further than before into the twilight zone of government's judging what might be balance or objectivity in news. What a Whitehead might brush off as being "ideological plugola" or "elitist gossip" might seem to a correspondent to provide precisely the kind of interpretation the public should have to undertand federal actions.

It was not hard to see how such government guidance could set a legion of license-conscious station executives to fussing over network interpretative reporting, tempting them to try to screen out unpleasant issues in the name of 'balance.' 'Localism' in the news could lead to parochialism and for any who doubt its cost, media scholars note that the civil rights movement might not have moved the nation's conscience as it did if the TV networks had not for the first time provided Southern blacks with unfiltered national news about race relations.

PUBLIC TELEVISION

The Nixon Administration similarly began to scrutinize the content of public television programs. Its concerns were twofold: the White House wanted to shift programming decisions away from what Whitehead and others viewed as an Eastern "liberal" bias in the production of public TV programs; and they also questioned whether federal funds should be used to finance what they saw as politically sensitive news and public affairs programs which they felt could better be left to the commercial networks.

In 1972, the President vetoed a $165 million, two-year funding bill for public television. He called for a measure that, again, stressed "localism" in program development, and urged a one-year, $45 million authorization. The Corporation for Public Broadcasting (CPB), which administers government funds for public television, kept operating under a continuing appropriation. Senate Democrats went on to introduce legislation in 1973 that called for $140 million for CPB over the next two fiscal years, but Whitehead kept to the Administration's call for a one-year, $45 million budget.

By that time the plot had thickened as CPB, which holds the pursestrings, decided to take much of the power over program selection and scheduling out of the hands of the Public Broadcasting Service (PBS), and to cut back funding for several national public affairs programs which the White House also had disapproved. The reaction in the trade was bitter. After months of negotiations, CPB finally agreed to return basic control of the network to PBS, which is run by 234 public television station managers. The corporation did retain a say for itself in programming and schedules, however, and established a mechanism to work out CPB and PBS differences.

During this period, the new CPB board chairman, former Congressman Thomas Curtis of Missouri, suddenly resigned, claiming White House pressure against an earlier compromise. Whitehead denied that he had pressured people, and the Washington Post later reported that the board of the supposedly semi-autonomous CPB had tried to keep its distance from White House "orders," especially as the Watergate manipulations came to light.

Some analysts nevertheless saw this dispute as a warning that there should be a fresh look at the entire question of how public broadcasting is to be financed and kept insulated from political manipulation. Former Johnson press secretary Bill Moyers (whose TV program had been among those dropped) argued that "What is emerging is not public television, but government television shaped by politically-conscious appointees whose desire to avoid controversy could turn CPB into the Corporation for Public Blandness."

The White House in the Nixon years thus has put itself squarely into the area of television news and other broadcasting issues. The government-dictated "newsspeak" of George Orwell's 1984 was not necessarily upon us. But OTP well might be another bureaucracy in the making—this time in the sensitive area of the mass media, with the power of the presidency behind it. It seems clear that both the President and the news media need to be watchful that this office does not become just the voice of special interests, and that no one turns it into a 1984ish voice for deciding what is proper news of government and how it should be reported.

The Nixon Administration and Journalists' Protection of Sources

Courts seeking information from journalists is not a new phenomenon; in fact, 1974 will mark the centennial of the first such recorded case in America.

Through the 99 years since, prosecutors, politicians and others have found that new people's probings and confidences that they glean are a tempting source of legal material. In many cases reporters, seeing themselves as good citizens, have supplied such information. But at other times journalists have claimed a right—indeed, a responsibility—not to reveal the source of sensitive social and political stories, basing their stand on the First Amendment's guarantee of the press's independence.

In June, 1972, the Supreme Court sent reporters looking elsewhere for protection. In deciding the cases of New York Times reporter Earl Caldwell and two other newsmen who would not yield such material to grand juries, the high court ruled 5 to 4 that the First Amendment does not give journalists the right to refuse to disclose sources or other data under subpoena by grand juries.

But the Supreme Court also suggested that Congress should be the final arbiter of this issue. Some senators and congressmen moved quickly for legislation to help journalists to 'shield' their sources just as lawyers, doctors and clergy can protect confidences, triggering a lively debate in Congress and in the profession.

The Nixon Administration argued that reporters are covered adequately by means short of federal legislation. It has opposed bills that would provide absolute protection for news people and their sources, and has been lukewarm about those that would provide protection with certain exceptions. Asst. Atty. Gen. Roger C. Cramton told a House subcommittee in September, 1972, that absolute privilege would "unduly subordinate to the interests of the press the vital national interest in vigorous law enforcement." Cramton said that the Justice Department was not opposed, in principal at least, to some protection for news sources, but felt that legislation was "unnecessary" because guidelines for subpoenaeing that the attorney general had set up in 1970 would provide sufficient protection.

Some news people think that Nixon Administration law officials could have done more initially to discourage the subpoenaeing of reporters before the practice mushroomed. Courts, lawyers and legislators all over the country suddenly have been calling upon reporters to provide eyewitness reports, notes and tapes in various cases—sometimes because the material could not be obtained elsewhere, but often on legal fishing expeditions. CBS and NBC and stations they owned, for example, were served 122 times by groups and individuals in one recent two-and-a-half year period, according to congressional testimony. In time, four reporters from various news organizations—Peter Bridge, William Farr, Harry Thornton and Los Angeles Times Washington bureau chief John Lawrence—have gone to jail rather than disclose their sources, though none is still there at this writing.

The Nixon Administration guidelines, issued in August, 1970, by the then Atty. Gen. John Mitchell said that a journalist could be compelled to testify in a federal case if he is thought to have information that could prove or disprove someone's guilt—information that cannot be obtained from any other source. Federal officials first must negotiate with the journalist, and the attorney general himself must finally approve a subpoena.

Thirteen subpoenas have been issued by the Justice Department since August, 1970, but only two of the 13 were the result of a complete rebuff to the Administration by the organization being subpoenaed. In the past, news organizations often readily provided the government with information. Now, they still may be willing to cooperate, but request the formality of a subpoena so that they do not seem to be just a surveillance arm of the government. For instance, the government had to issue a subpoena to obtain film footage of the assassination attempts on Alabama Governor George Wallace.

Some witnesses before Congress have been less sanguine than the Administration about the guidelines. Attorneys general change, critics feel, and so, too, does their interpretation of the standards. The rules could be withdrawn at any time and, even if they remain in force, they still provide for subpoenas that "do not conform to these guidelines" in emergencies, and "other unusual situations."

In February of this year. Assistant Attorney General Cramton quoted to congressmen a letter from President Nixon to Robert Fichenberg, chairman of the Freedom of Information Committee of the American Society of Newspaper Editors (ASNE), in which the President said he would reconsider the Administration's position on shield laws "'should it ever become apparent that the federal guidelines fail to maintain a proper balance between the newsmen's privileges and his responsibilities of citizenship . . .'"

In Congress, much debate centered on whether a federal law should give absolute protection to news people and their sources or include certain qualifiers, and whether the federal legislation should apply also to the states.

One of the principal bills, introduced by Sen. Alan Cranston (D-Calif.), calls for such blanket coverage. Early in 1973, Sen. Sam J. Ervin Jr. (D-N.C.), who probably will decide the fate of such legislation in the Senate, surprised many people by introducing a bill that also would apply to the states, and make an exception to protection of information if the reporters has actually witnessed, or has personal knowledge of, a crime. A bill introduced by Rep. Charles Whalen Jr. (R-Ohio) would apply at the federal level only, and would not protect the reporter if he has information about a crime that is not available elsewhere in a case involving a "compelling and overriding national interest."

The Administration opposes federal legislation that would apply to the states. White House press secretary Ronald Ziegler and communications director Herbert Klein told media groups this year that, beyond the attorney general's guidelines, they would leave the matter of protection to state shield laws. Some prominent news executives also have expressed doubts about the wisdom of federal legislation in this area. At a meeting of the ASNE in May there was strong sentiment that a federal law had its own perils and might create new complications in newsgathering.

Twenty-two states have shield laws and more are considering them. But some reporters contend that these laws cannot provide adequate, uniform protection. They point out that the main battle over the protection of sources is being fought out in state and local courts, and that reporters have lost out even in states where there already are shield laws because the courts have interpreted such laws narrowly.

Two national correspondents, Fred Graham of CBS and Jack Landau of Newhouse News Service—both members of the Washington-based Reporters' Committee for Freedom of the Press—have argued that anything short of an all-encompassing, federal-state law would not be adequate from a reporter's point of view.

Writing in Columbia Journalism Review, they note that the federal government is only one among many legal jurisdictions that include the 50 states and some 3,000 county court districts. They feel this means that, whatever the political difficulties, "it is absolutely essential that . . . the shield law protect every news reporter in the nation—not just those who, by happenstance, are involved in federal proceedings."

Many reporters have come to feel that protection will only be secured when media owners and publishers themselves join in court suits. Most news organizations have provided legal counsel for subpoenaed reporters. But some news people think that court fights would carry much greater weight if a few publishers and station owners forced the issue. They were encouraged by the fact that New York Times publisher Arthur Ochs Sulzberger recently claimed ownership of the notes and records of an employee in one case, thus making himself liable to court action.

Graham and Landau feel that ownership also could be helpful in the fight in Congress. They point to publisher's successful lobbying for the Newspaper Preservation Act that gave newspapers special privileges when it came to anti-trust action. "The conclusion is quite simple: what the media owners want from Congress, the media owners get from Congress," they say. "The only question that remains is whether the First Amendment is of as much concern to the media owners as was exemption from the anti-trust laws."

For the reporters, then, there still is my assurance that they will secure from Congress or state legislatures the protection of infomation that the courts, from the Supreme Court on down, have denied them and their sources in most cases. Nor has the Nixon Administration given any indication to-date that it would help forestall further jailings of news people.

Thus, until there is legislation, or a breakthrough in the courts, the individual reporter apparently will have to learn to live with the inability to assure sources that he can protect them from public exposure which might prove embarrassing or hazardous for them. More reporters, and possibly editors and publishers, may go to jail, and the uncertainty will persist as government, the media and public wrestle with the question: How free should a free press be?

Chapter 10

Politicians, Reporters and Backgrounders

India and Pakistan were at war late in 1971 and the United States wanted the Soviet Union to help exert a restraining influence—so much so, that an unidentified source told a pool of five reporters in a 'background' briefing that President Nixon might be forced to reconsider plans for a 1972 summit talk in Moscow if the Russians did not act.

The comment was made, of course, by Nixon's national security affairs adviser Henry Kissinger. He was immediately named as such in a story by The Washington Post, a paper which had not had anyone in the reporters' pool. The Post said it had "learned Kissinger's identity independently," and it did not feel bound by the Washington rule that reporters present at background briefings cannot identify sources or quote them by name.

In this case, Kissinger's identity was meant to be kept even more hush-hush since the announcement was made on a "deep background" (or Lindley Rule, for its originator Ernest K. Lindley) basis, meaning no attribution of any kind—with reporters left to resort to such spongy allusions as "it was learned" or "it was understood" in reference to the source of the story.

In the end, India and Pakistan went their ways, the President went to Moscow and the backgrounders went on. But for a time this peculiar media event had made a few headlines. Administration officials, the Post and the press corps became embroiled in one of those Washington insiders' debates which, while it might have left the general public yawning, nevertheless did have some bearing on the depth of news about policymaking that the press reports.

Backgrounders came into vogue early in World War II as a device for officials to brief reporters without being identified. In the 30 years since, they have become a Washington institution as little bands of correspondents also sprang up to invite officials in for not-for-attribution tete-a-tetes over bacon and eggs or London broil in private dining room of posh Washington hotels and restaurants.

The guest usually is a public figure who has been much in the news at that moment. Sometimes, a group will extend a standing invitation to a well-known official to which he responds when he has something he wants to talk about. Or it may be that a hitherto press-shy official decides to surface at least part way. But the backgrounders initiated by reporters are far outnumbered by the official background briefings, such as the Kissinger session, which are called by the White House and other government agencies to tell news people about new legislation, discuss an important address or send messages to Moscow.

The question at stake is whether the information derived from the backgrounder is worth the compromises it entails on the part of the press. After the Post-Kissinger incident, officials of the White House Correspondents Assn. said that backgrounders are "a fact of life" in Washington, and contended that government officials often will "speak more frankly and provide more information on a 'background' basis than when they are to be identified."

If officials did, indeed, uncover the policymaking process to reporters, and both parties jawed about the problems of getting more information out to the public, backgrounders well might be educational for both politicians and journalists. But such deeper exchanges are hardly the rule. Few officials trust themselves enough in a group of news people to really let down their hair, and few correspondents can forsake the quest for a 'good' story that will make headlines overnight. It is very hard to resist turning that confidence from a nameless "high source" into an 'inside' story that may impress your editor, if not necessarily a public that's not in on the game. This is the case even though correspondents know that these 'confidences' soon may become a matter of public record—or ought to be.

On the other hand, all correspondents find that in the normal course of their reporting, there are instances where they feel bound to publish important government information and news tips, and must mask their sources to protect them. "Without the use of secrets, there could be no adequate diplomatic, military and political reporting of the kind (Americans) take for granted," says Max Frankel, Sunday editor of the New York Times. "A lot of skulduggery in government and in Congress would never come to light if everything had to be attributed," says Julius Frandsen, retired Washington bureau chief for United Press International.

Backgrounders also have been used to alert correspondents to news that they might have overlooked, soothe the fears of the public about certain events, or to explain government policy which, for legitimate reasons, had only been discussed by officials in vague terms.

But many news people feel that officials more and more have violated the spirit of backgrounders by using them simply to ladle out self-serving information and official versions of the news, or float trial balloons to test public sentiment for proposed actions. The Time's Frankel feels that "backgrounders sometimes serve the public interest, but most usually serve only the government's interest." And Washington Post executive editor Ben Bradlee argues that "in backgrounders, a reporter doesn't get his story, he gets *their* story, the press gets used, and the public gets short-changed."

The potential harm done by the loose news practices that can grow up around the backgrounder was never so dramatically evident as with the information being fed to the press corps about Vietnam. "The Vietnam War was initiated, escalated and waged to the orchestration of official backgrounders," says Erwin Knoll, Washington editor of The Progressive. Richard Harwood, national editor of the Post, has spelled out the process:

". . . Various factions in the (Johnson) Administration were deliberately and consciously leaking top-secret plans and recommendations in order to build support for further U.S. action (in Vietnam) . . . and it seems, in retrospect, that both the Administration and the newspapers were deluding themselves in assuming that leaks were an adequate substitute for the kind of awakening and education that arises from vigorous public debate by officials."

The Kissinger incident seems to be another prime example of how the press was used, in this case to float a trial balloon on a policy—the threatened freeze toward Moscow—that never materialized.

Caught by surprise by the Post's blowing of Kissinger's cover, the White House sniffed that the action was an "unacceptable" breach of press protocol. Post editor Bradlee shot back that the Post would set up guidelines to get the paper out of the business of "distributing" the official government line without identification. But the Post also drew the wrath of some colleagues for breaching agreed-upon rules. One of the five Kissinger pool reporters, David Kraslow, who was then Washington bureau chief for the Los Angeles Times, called it "cheap journalism," and said that everyone travelling with the President was bound by the pool arrangement. Officers of the White House Correspondents Assn. agreed.

Did the public airing reduce the trafficking in 'background' goods? Kissingers briefings now are on the record. Reporters feel that some departments also were more straightforward than they had been, at least right after the affair. The White House even said that President Nixon wouldn't mind scrapping backgrounders completely, if the press wanted that.

But press critic James Aronson feels the arrangement won't change because news people don't want to alter "an extremely comfortable private relationship between government and the press." Former Johnson press secretary Bill Moyers says that backgrounders permit the press and government "to sleep together, even procreate, without having to accept the responsibility for the offspring." And members of the press corps have been "consenting adults" in the practice, says Moyers.

Some correspondents think that the only way to end the ambiguities surrounding backgrounders is for people to boycott them and force all information on the record. But that is not easily done. Even the new policies instituted by the Post and the Times after the Kissinger incident, while restrictive, do not totally exclude attendance at backgrounders or the use of unnamed sources. On the other hand, Alan Otten, bureau chief for The Wall Street Journal, suggests that there may be another way to dispel many of the problems over unattributed information:

"An administration that reveals most of its discussions and actions as it goes along obviously will have fewer secrets to worry about leaking out later, and government officials, lawmakers and the press would be far readier to accept its judgment on the need to keep other matters in confidence."

Chapter 11

Conclusions and Recommendations by the Professional Relations Committee of the National Press Club

The following statement of conclusions and recommendations was approved by the Professional Relations Committee of the National Press Club on June 12, 1973:

It is a coincidence that work on this study paralleled in time the gradual unfolding of the Watergate scandals; the study had broader, independent origins. Yet, those scandals serve unexpectedly, and with dramatic intensity, to focus the diverse issues in the Nixon Administration's relationship with the press.

The Watergate scandals grew and flourished in an unhealthy atmosphere of secrecy, official lies, and attempted manipulation of newspapers, radio and television. Moreover, only an administration so insulated from the press and so contemptuous of its reporting function could have ignored the press's disclosures of scandal over the last year and attempted the complex cover-up which is now breaking down.

The Professional Relations Committee of the National Press Club on the basis of the facts set forth in this study, which are corroborated by our own daily experience as journalists, concludes that President Nixon has not only fallen short of his publicly-stated goal of achieving an "open administration," but has actually moved in the opposite direction. The Nixon Administration is the most "closed" administration in recent decades.

We find evidence of numerous and persistent attempts by the Administration to restrict the flow of legitimate public information necessary to the effective functioning of a responsible government in a self-governing society.

At the highest level, President Nixon has failed to hold regular and frequent press conferences, and has thereby deprived the press of the only forum in which it can question the President, and deprived the public of vital access to presidential thinking on public issues. By holding fewer news conferences in the last four years than any of his predecessors in the previous 36 years, Mr. Nixon has seriously weakened a well-established and essential American institution. To renew a regular and continuing dialogue with the public, we recommend that the President hold once-a-week press conferences announced in advance.

The White House press secretary has been reduced to a totally-programed spokesman without independent authority or comprehensive background knowledge of Administration policies. Rather than opening a window to the White House, the press secretary closes doors. Information about public business is supplied on a selective, self-serving basis. Legitimate questions about public affairs are not answered on a day-to-day basis; even worse, such questions are often not seriously considered.

Ronald Ziegler as White House press secretary, particularly during the Watergate disclosures of the past year, has misled the public and affronted the professional standards of the Washington press corps.

We believe there is need for a better public understanding concerning the function of a White House press secretary, or any other government information officer. They hold public offices paid for by public funds. The only justification for such an office is to improve the flow of information from the government to the public. There is no need, for example, for a White House press secretary in the name of "improved coordination" to control the access of working reporters to responsible Administration officials. Such contacts ought to be on a person-to-person basis. Officials entrusted with the conduct of important government business can be expected to be mature enough to manage their own relations with the press without arbitrary outside control. Ideally, the White House press secretary would intervene in these relations only to open up access for reporters with officials who proved unresponsive to press queries. If the post of White House press secretary is to serve a function for the press and public, it should be occupied by an individual—not necessarily with news experience—but of stature and broad background.

The Office of the Director of Communications has operated as a propaganda ministry. There is no place in our society for this kind of operation.

We commend the Administration for adopting a policy of on-the-record news conferences for Henry Kissinger, the President's national security adviser. As against that gain, however, we have to set the fact that Administration officials seriously abused the Washington institution of the "backgrounder" which, notwithstanding its inherent difficulties, has served a useful purpose. If abuses have been less frequent in the last two years, that is because the number of backgrounders has dwindled.

Despite Administration claims to the contrary, we conclude that the cause of freedom of information—public access to government reports and records—made no net progress in the first Nixon term, and was sometimes actively hindered. Many federal agencies dodged the spirit and intent of the Freedom of Information Act.

We note specific dangers in the Nixon Administration's aggressive attitude toward public and commercial television. It has sought to influence the news, commentary and documentary programs of public broadcasting stations. We strongly recommend that the institutional structure of public broadcasting be strengthened and its financing arranged in ways that will guarantee that the content of its programs is completely and unquestionably insulated from direct control by the White House or Congress.

The Office of Telecommunications Policy has raised the specter of government censorship of commercial television more seriously than at any time in history. The Administration appears to want a role in deciding what news should be reported about its own activities and how it should be reported. Nothing could be further from the spirit of the First Amendment to the Constitution.

Threats to the freedom of the press in the last four years have come from the courts as well as from the Administration, but in several cases the Administration has been behind these threats. Four reporters have gone to jail for protecting sources and the prospect is that more will go in the future, perhaps joined by editors and publishers. Although this issue spans Congress and the courts as well as the executive branch, it has to be noted that the record of the Justice Department under the Nixon Administration has been particularly hostile to adequate legal protection for newsmen in the practice of their profession.

In this context, the nation's press is not wholly without blame for the unfavorable drift of public policy. We deplore the failure of many publishers, network officials, radio and television station owners, and editorial page editors to protect vigorously the Administration's incursions into press rights, the concealment of information, and the narrowing of news channels.

In summary, we conclude that the Nixon Administration has engaged in an unprecedented, governmentwide effort to control, restrict and conceal information to which the public is entitled, and has conducted for its own political purposes a concerted campaign to discredit the press. The Administration appears unwilling to accept the traditional role of an independent press in a free society. It is to be hoped that this Administration attitude will change, but we see no strong likelihood of such change. We urge the nation's press to muster all of the resources at its command to resist any and all forms of intimidation and control, and to assert its legal rights and the proud traditions of its profession.

TESTIMONY BY SENATOR HELMS ON URGENT NEED FOR FUEL IN HARVESTING TOBACCO

Mr. HELMS. Mr. President, earlier today I testified before the Subcommittee on Agricultural Research and General Legislation, chaired by the distinguished Senator from Alabama (Mr. ALLEN). Both Senator ALLEN and I are members of that subcommittee of the Agriculture and Forestry Committee.

The purpose of the subcommittee hearings this week is to explore the acute fuel shortage in some sections of the country, particularly in terms of how farmers are being affected adversely.

Our No. 1 concern at the moment in North Carolina, Mr. President, is our tobacco crop which is now just a few weeks away from being brought in. Without sufficient fuel to harvest and cure this crop, the economic situation in my State could be disastrous. But it is a national problem also, Mr. President, because of the important role tobacco plays in our export and balance-of-payments picture.

Mr. President, I ask unanimous consent that the text of my testimony today be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY SENATOR HELMS

Mr. Chairman, members of the subcommittee, ten or fifteen days from now the tobacco crop in North Carolina will be ready for harvesting. It will be a bumper crop, because the acreage allotment was expanded by 10 percent this year. Yet many of our farmers do not have the gasoline and diesel fuel needed to operate the tractors and pickups to bring in the crop. And when the crop is brought in, many of these same farmers are going to be short the No. 2 fuel oil and propane gas necessary to cure the tobacco.

Unlike some other crops, tobacco is not a crop that can wait for curing. A matter of a day or two can be critical, and will determine whether the farmer gets a fair price, a low price, or none at all at the auction.

I don't have to tell this Committee that tobacco is the No. 1 agricultural crop in North Carolina. North Carolina's reputation for fine tobacco began even before this country was founded as a nation. The name of North Carolina and the names of her cities are identified with tobacco all over the world.

Nor do I have to tell this Committee that tobacco is essentially a crop of the small family farm. The average acreage allotment is about 3 acres. Yet it is a labor-intensive crop that requires every able-bodied person on the farm to pitch in where needed. Despite the small allotments, tobacco remains the chief economic mainstay of the little farmer and his family.

This is not one of your giant agribusiness crops produced by vast machinery and absentee owners reaping large benefits. When the tobacco crop is hit, it hits the small fellow struggling to hold on to his land.

I had a call just yesterday from Mr. Hap Collier, of Collier-Rose Fuels, Inc., in Whiteville, North Carolina. I cite it because it is typical of what is happening. Mr. Collier reports that in the next 90 days he needs 216,000 gallons of fuel oil for tobacco barns, 428,400 gallons of kerosene for tobacco curing, 253,400 gallons of gasoline for farm tractors and pickups, and 151,500 gallons of diesel fuel.

Mr. Collier supplies very few gasoline stations; most of his business is direct with farms and producers. He has 1600 customers who will not get the above mentioned quantities of fuel, because he has none.

What has been happening to Collier-Rose has been happening to many of our dealers. Mr. Collier was a branded dealer selling Arco products. Yet Arco, for the most part, has pulled out of eastern North Carolina. Mr. Collier then was able to get supplies from Gulf; but now Gulf has refused to supply him.

Indeed, the situation in North Carolina has been aggravated by the fact that all of the so-called independent suppliers, representing 24.53 percent of the gasoline market in North Carolina, has pulled out in whole or in part. Overall, this alone amounts to about ten to fifteen percent of our supplies.

Murphy, for example, has cut back 75 percent. Crown Central has cut back 75 percent. Tenneco has cut back 33 percent, Texas City has cut back 50 percent, and is under a court order prohibiting further attempted cutbacks. Arco has cut back close to 90 percent, and BP is out entirely.

On top of this, we must add the shortages among the majors, and the increase in the tobacco allotment, resulting in a situation of critical magnitude.

Mr. Chairman, I have with me the North Carolina share of the market report for gasoline for April, 1972 which clearly shows the dependence of North Carolina on the independents in the period just before the shortages began.

Mr. Chairman, I would now like to focus on the tobacco curing problem in our State and its importance to our hard-working farmers.

We have 71 counties that produce flue-cured tobacco in North Carolina. There are 114,954 farms that raise tobacco, and between 60 and 70 thousand farm families involved in tobacco production. We have 200,000 seasonable laborers involved in tobacco manufacturing, marketing, and processing with a gross salary of approximately $572 million.

The allotted acreage in 1973 was 431,000 acres. This breaks down into 181,711 allocated acres in 1973 of type 11 flue-cured tobacco, 198,570 allocated acres in 1973 of type 12, and 50,678 allocated acres in 1973 of type 13.

Mr. Chairman, I have some small maps of North Carolina which illustrate the allocated acreage of tobacco for 1972 and 1973 and clearly demonstrate that tobacco growing is concentrated in the eastern and border counties of the State. It is precisely in these rural areas that there is the most difficulty in getting adequate supplies.

Mr. Chairman, there are approximately 120,000 tobacco barns in our State. About 60 percent of these use propane for fuel, and about 40 percent use fuel oil or kerosene. There is no practical way to convert from one type of fuel to another. Nor would it do much good, since all types of fuel are short.

I have been in contact with the North Carolina Liquified Petroleum Gas Association, Inc., on the shortage situation in propane. The Executive Secretary of the Association, Mrs. Bobbie O'Neal, wrote to me as follows: "In summary, please be advised that as of this date, the State of North Carolina is short 50,000,000 gallons of propane to cure our 1973 agriculture products (tobacco, grain, soybeans, peanuts, potatoes, poultry and livestock farms)."

I asked Mrs. O'Neal to survey her members on the situation, and this was the result of the survey completed three weeks ago:

67 dealers reported that they had a propane gas contract, and 26 said no.

39 said that they had enough propane gas on contract to carry them through the tobacco season, and 33 said no.

32 said they had an adeqaute supply of propane to carry them through 1973, and 41 said no.

1,640 customers had already been cut off.

Mr. Chairman, these figures represent a stocking situation, and the tobacco curing season has not even begun yet.

Mr. Chairman, the propane situation is getting worse. Reportedly cutting back in propane supplies to the North Carolina market are Shell, American, Cities Service, Mobil, Phillips Petroleum, Sun Oil, Texaco Petro-Oil, Union Petroleum, Union Texas Petroleum, Wanda Petroleum, and Warren Petroleum. Only Exxon is reported holding relatively firm.

I have been concentrating on tobacco in this report, it certainly is not the only crop in our State that requires fuel for drying or curing. It is however, the major crop, and the crisis is upon us now. I, therefore, make the strongest recommendation to this Committee that the Oil Policy Committee include tobacco in with other agricultural crops in making top priority allotments in the distribution of supplies in the voluntary allocation program. The shortages which we are now experiencing are due to the dislocation of the market and the supply and demand curve created by the lack of a national energy policy. Uncertainty over government intervention and restrictive economic controls have put a tight squeeze on the supplies available to consumers.

It is easy to make industry the whipping boy. But the fact is that the demand curve has gone up spectacularly, while the industry has been struggling along under outmoded restrictive government policies of ten and twenty years ago. These policies, like most government regulations, have been too inflexible to meet consumer demand or to foresee the needs of the economy.

In the interests of the consumer—and in that term I include the individual citizen, the industrialist, and the farmer—these rigid policies will have to be changed. In propane, for example, the market has increased by 11.2 percent in 1972 over 1971 alone. That's an amazing one-year jump from 456.7 million barrels to 573.3 million barrels. Yet at the same time, the price ceilings invoked on propane have discouraged refiners from increasing their production.

In the long run, the free market price is the best allocator of scarce supplies. I strongly recommend that the ceiling price be removed from LP-gas. This is certainly only one factor in shortages, but it is a significant disincentive.

Nevertheless, it is better to have a dependable supply available, even at a higher price, than no supply at all. We must face the fact that energy is going to cost us more in the years ahead.

There are other long term steps that can also be taken. Environmental restrictions ought to be eased to lessen the pressure on the market for clean-burning fuels. Tax incentives for new exploration and development are desperately needed if consumers are to have adequate supplies. But these considerations, I believe, are beyond the immediate concerns of these hearings. In the short run, it is of the utmost importance to North Carolina to have tobacco included in the high priority allocation formula for agriculture products set by the Oil Policy Committee.

TEST BAN

Mr. KENNEDY. Mr. President, today, the Senate Foreign Relations Committee approved Senate Resolution 67, urging the President to take a new initiative to achieve a permanent halt to all nuclear testing.

I introduced this resolution on February 20 of this year with strong support from bipartisan list of Senators.

Today, the major sponsors of this resolution, which represents an amalgam of resolutions which I and Senators Hart and Mathias introduced last year, issued a statement following the committee action. I ask unanimous consent that this statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement by Senators Edward M. Kennedy, Philip A. Hart, Charles McC. Mathias, Jr., Edmund Muskie, Hubert H. Humphrey, and Clifford P. Case on Senate Foreign Relations Committee Approval of Test Ban Resolution

We are pleased that the Senate Foreign Relations Committee today has voted 14 to 1 to favorably report Senate Resolution 67 calling for an immediate and permanent end to all nuclear testing.

This resolution which Senator Kennedy introduced with Senators Hart, Mathias, Muskie, Humphrey and Case now has 33 Senate co-sponsors.

Ten years ago this week, President Kennedy announced a similar suspension of nuclear testing in a speech at American University and concluded the Partial Test Ban Treaty with the USSR less than two months later.

With the pending arrival of Soviet General Secretary Brezhnev, we urge the President to act now on the resolution reported by the committee by proposing to Mr. Brezhnev that both nations immediately suspend all further underground testing and undertake new negotiations for a permanent comprehensive test ban treaty.

A mutual end to nuclear testing would symbolize more forcefully than any other single action the determination by the major powers to clamp a lid on the arms race. A year ago, SALT I was concluded, placing the first ceiling on the quantitative arms race. A CTB would be the first major qualitative restriction, one which both complements and reinforces the SALT agreement itself.

The resolution sets forth the history of efforts to halt the spread of nuclear weapons including the adoption of the non-proliferation treaty of 1968. Adoption of Comprehensive Test Ban Treaty by the major powers would be the single most important element in reinforcing the Non-Proliferation of Nuclear Weapons Treaty and reducing the chance of the spread of nuclear weaponry to other nations.

The resolution does not tie our hands in any way as to the kind of proposal that should be put forward at Geneva, but it does affirm Senate support for a new initiative to be taken. New technology in the field of verification makes it feasible and desirable for a new proposal to be set forth.

The resolution urges, first, that the President propose a suspension of underground testing to the Soviet Union, a suspension which would remain in effect only so long as the Soviet Union respects it. Second, it proposes that a new proposal be set forth to the Soviet Union and other nations for a permanent treaty to ban all nuclear tests.

The U.S. has not made a new proposal to achieve a Test Ban during the last decade. During this period of ten years, our ability to detect Soviet underground tests have improved immensely, the negotiating climate has changed dramatically, and our arsenal has grown immensely.

Now is the time for the unfinished business of arms control to be completed. The test ban is a test case as to the degree of commitment of the major nuclear powers to turn the energies of man away from the weapons of mass destruction.

LIEUTENANT PELOSI AND THE HONOR CODE

Mr. JAVITS. Mr. President, last Wednesday one of my constituents, Lt. James J. Pelosi of West Hempstead, L.I., graduated from the U.S. Military Academy at West Point. Like thousands of other young men who graduate from our service academies every year, he entered the Academy with high ideals and a deep commitment to serve and defend the American people.

Lieutenant Pelosi retains those ideals and that commitment despite his having undergone a personal ordeal which severely challenged his courage and his determination to finish his course and become an officer.

For more than a year and a half, he was subjected to an extraordinary form of punishment, rooted in the long traditions of West Point—the "Silence."

Despite the fact that a finding by the Honor Board that he had taken too long to complete an examination was reversed by the Superintendent of the Academy, Lieutenant Pelosi was nevertheless virtually isolated from his fellow cadets.

Mr. President, I extend my congratulations to Lieutenant Pelosi. I commend his extraordinary perseverance and the great strength of character which enabled him to survive the impact of so severe a punishment. He is a great credit to the Army and to the Academy.

An article in the New York Times of June 7, and an editorial in the Washington Post of June 10, entitled "Honor Comes in a Code—And in a Man," chronicle the case of Lieutenant Pelosi. I ask unanimous consent that the text of these materials be printed in the Record.

There being no objection, the text was ordered to be printed in the Record, as follows:

[From the New York Times, June 7, 1973]

Silent Agony Ends for Cadet at Point

(By Linda Greenhouse)

West Point, N.Y., June 6.—James J. Pelosi was graduated from the United States Military Academy here today, more than a year and a half after he was officially "silenced" by his fellow cadets.

Beginning in November, 1971, Cadet Pelosi, who received his commission today as a second lieutenant in the Army, had roomed alone and eaten by himself at a 10-man table in the cadet mess hall. Almost none of the 3,800 other cadets talked to him except on official business, in class, or to deliver a message.

A 44-member Honor Committee, senior cadets elected by their companies, had found Cadet Pelosi guilty of completing an answer on a quiz after the examiner had given the order to stop writing. Although he denied the charge and produced witnesses on his behalf and although the conviction was reversed, the Silence was imposed by his fellow cadets.

When his name was called to step up and receive his diploma today, Lieutenant Pelosi, who was 452d in a class of 939, expected that his classmates might boo him as silenced cadets have been booed in the past. But only a brief moment of silence greeted his name, and there were welcoming handshakes when he made his way back to his seat in Michie Stadium.

"It was just as if I were a person after all this time," he said.

In the last few months before graduation, the rigid observance of the Silence had all but broken down, at least among cadets who had been Lieutenant Pelosi's friends before the Silence began.

Standing with his family on the field after the ceremony, Lieutenant Pelosi exchanged warm congratulations with members of his class, and there were no visible traces of the ostracism that had marked the last third of his career here. According to some of the other cadets, many of his classmates had come to respect Lieutenant Pelosi for his determination to stay at the Academy and graduate.

In the first few months after the silence began, Lieutenant Pelosi, a 21-year-old native of West Hempstead, L.I., lost 26 pounds, found his mail destroyed and his possessions vandalized, and saw his cadet peer rating drop from among the highest in his 100-man company to 979th, lowest in his entire class.

AN UNWRITTEN PROVISO

A member of the Cadet Honor Committee himself, Lieutenant Pelosi was accused of violating the honor code at the beginning of his junior year. In his attempt to maintain his innocence, he found himself caught in an aspect of the honor system that is unique to West Point among the nation's service academies, little known to the public at large, yet almost as old as the honor code itself.

The "Silence," a total form of social ostracism, is defined in an official Army memorandum as "a traditional and unwritten proviso of the Honor System designed to deal with a cadet found guilty of an honor violation, but who does not elect to resign and cannot be discharged because of lack of sufficient legal proof."

The Silence is rarely imposed, because most cadets faced with the prospect chose to resign. Perhaps the best known victim of the system was Benjamin O. Davis Jr., who was silenced during all his four years at West Point, 1932 to 1936, because he is black. He went on to become a lieutenant general in the Air Force.

Under the Cadet Honor Code—"A cadet will not lie, cheat or steal or tolerate those who do"—the charge against Cadet Pelosi was construed as cheating by the Honor Committee.

Cadet Pelosi refused to take the usual course of resigning from the Academy and appealed his case to a board of officers. "When you're right, you have to prove yourself," he said the other day in an interview at the Bear Mountain Inn.

It was a decision that changed the young man's life. "I'd do it over again," he said. "I'd hate to have seen some guy silenced who might have given in to it and quit."

COMMAND INFLUENCE

An officer board was convened, but halfway through its hearing Cadet Pelosi's military lawyer, Capt. David Hayes, moved to have the case dismissed. He learned that the Honor Committee, before it made its decision, had seen a note from a high-ranking officer urging the members to "expedite" the case because it was a clearcut honor violation.

Lieut. Gen. William A. Knowlton, the West Point superintendent, ordered the case dismissed for "command influence" and ordered Cadet Pelosi returned to the Corps of Cadets in good standing.

In response, the Honor Committee decided to impose the Silence, a step that was supported by a referendum of the corps.

Lieut. Col. Patrick Dionne, public information officer for the Military Academy asked yesterday to supply details of the case, said that under the pressure of preparing for graduation, no one on the staff would have time to look up the records.

By his own account and the accounts of cadets who know him, Cadet Pelosi endured the Silence for almost 19 months with an almost stoic calm, turning back cat-calls with ironic humor, ignoring occasional rocks and ice cubes thrown his way, confiding his thoughts only to the journal he recorded in a green looseleaf book in the few free minutes before 6:15 breakfast each morning.

A KIND OF GAME

At times, he said he felt compelled to make a kind of game out of his experience. During one vacation this year, he drove some of his high school friends to West Point. Dressed in civilian clothes, he stopped random plebes and asked them if they had ever heard of "a guy named Pelosi," and then watched his friends' reactions as the first-year cadets described what a "terrible" person he was.

Cadet Pelosi agreed to talk about his experience during the four-hour interview a few days before graduation. But he had mixed feelings about telling his story, not because he feared reprisals, he said, but because "I don't want to wreck this place."

"I put in four years here and it means something to me," he asserted. "I don't want people to look at me like a martyr. I'm happy with myself. There's nothing I regret."

He had finally decided to share his experience, he said, because "if people know, it might help to implement some change."

"Maybe people around here can start examining their own consciences instead of always watching everyone else's," he said. "I have the greatest respect for my classmates who abide by the rules and regulations, but no respect at all for someone like the Honor Committee who can't admit they made a mistake.

They have placed themselves above the law, and no one has the right to do that. If I'm such a heinous criminal who deserves such suffering, then why has the Academy allowed me to stay here as a thorn in their side for all this time? There is wrongdoing here and it can't all be mine.

"I've told myself I didn't care. I changed myself to suit the circumstances. That's how I beat them. I read a lot. I went to the gym. I found friends among the civilians here, the waiters in the mess hall, the M.P.'s. No matter what anyone did, I never let it get to me. But if I thought I could make a difference, then maybe I would care."

PAYING A PRICE

But each time Cadet Pelosi repeated that he had "never let it bother me," he sounded less convinced that he had been quite so untouched. There is evidence that he paid a price for his rigid self-control. For one thing, there was the rapid weight loss, down to 132 pounds on an already spare 5-foot-11-inch frame. He has gained back only about 10 of the 26 pounds he lost.

And there was the good friend, the one who cried the night Cadet Pelosi was convicted, but who waited six months after the Silence began to find his friend and ask how he was getting along.

"Yes, I guess that bothered me," Cadet Pelosi said. "That's what bothered me the most—no one has ever asked me what it was like. I never expected anyone's sympathy. But at least I expected some concern for my health and welfare, after they isolate a guy and torment a guy."

"Sometimes now I feel like two people," he added after a moment. "The one that it didn't get to and the one it got to."

A STARK RECORD

His diary entries provide a stark, almost emotionless record of his daily life:

"Friday, 26 November: I returned to my room after class in the afternoon and found a letter from Richard C. ripped up and placed on my desk . . . I believe it is a Federal offense to destroy a person's mail."

"Friday, 10 December: I inspected my gym locker as part of my preparation for the next day's inspection. All my articles of clothing had been thrown in the shower, soaked and then dragged around the floor of the latrine."

"5–7 May: Ring Weekend for the class of 1973. On Saturday, 6 May I received a telephone call in the F–1 orderly room. The unidentified caller said, 'Pelosi, we're going to get your ring if we have to cut off your finger to get it.' On Monday evening, 8 May I received another phone call. The caller said, 'Pelosi, you wear that ring and you're dead.' "

Cadet Pelosi did accept his West Point class ring, but he has never worn it—not out of fear, he said, but because the idea of wearing it no longer appealed to him.

A DRAMATIC IMPROVEMENT

Cadet Pelosi's life improved dramatically when the Commandant of Cadets ordered him transferred back to Company B–4, his original company, after 14 months of nearly total silence in Company F–1.

His civilian lawyer, Edwin Cooperman, a former member of the judge advocate general's office here, had threatened West Point with a lawsuit on the ground that the transfer out of his original company had been an official act furthering the Silence, which Academy officials have always maintained is an unofficial and spontaneous action of social sanction by the cadets.

With his transfer back to B–4, where he had many friends, the Silence became, by common admission here, almost unenforceable. In the last few months, as many as half his classmates have talked with him openly, visited his room, even sat with him.

Last week, Cadet Pelosi received a letter from his class president informing him that "because of the situation in which you find yourself" he would not be allowed to attend last night's graduation banquet and dance, the social highlight of June Week.

Cadet Pelosi protested and, somewhat to his surprise, the class officers reversed themselves and gave him an invitation. But at the last moment he decided to dine out with his parents instead.

"I just had it in my mind that I might be stuck off in a corner somewhere and it meant more to me to be with my family," he said.

[From the Washington Post, June 10. 1973]

HONOR COMES IN A CODE—AND IN A MAN

A freshly minted lieutenant in the United States Army—he graduated from West Point on Wednesday, June 6—has already proved himself to be an extraordinary man. Perhaps he may also have taught the United States Military Academy something about honor as well. The man's name is James P. Pelosi and since November 1971, he has endured an exquisite form of punishment, called "the Silence." Normally, that means that a man lives alone, eats alone and is not spoken to by other cadets except in class or on official business or for the delivery of messages. According to one old West Point graduate, that's how it's supposed to be. The silenced cadet is neither to be hindered nor helped—it's as if he has ceased to be a cadet. The assumption apparently is that no ordinary man, confronted by the Silence, would wish to continue on at West Point.

In Lt. Pelosi's case, however, that's not how it worked out. It started with an allegation that he had cheated. He was brought before the cadet Honor Committee, of which he had been a member, where the case was made against him. He denied the charges and produced witnesses who supported his denials. He was found guilty and appealed to a board of officers, but while the appeal was proceeding, his military defense lawyer learned that before the Committee had made its decision, it had seen a note from a high ranking officer, urging the Committee to expedite the case because it "was a clear-cut honor violation." The lawyer moved to dismiss the case and the superintendent of the academy did dismiss it on the ground of "command influence."

One would think that that would have been that. But no. The honor committee responded to the dismissal by imposing the Silence, which is described in an Army memorandum as "a traditional and unwritten proviso of the honor system designed to deal with a cadet found guilty of an honor violation, but who does not elect to resign and cannot be discharged because of lack of sufficient legal proof." Usually a cadet will resign. But not cadet Pelosi. Believing himself to be right and the honor committee to be wrong, he decided to tough it out—as did Benjamin O. Davis, Jr., who was silenced during his whole 4-year stay at the academy during the thirties, simply because he was black.

The question in Lt. Pelosi's case is, where's the honor in all of this? West Point graduates will tell you that it is splendid to be able to go through four years without ever having to question a man's word. We don't doubt that, nor do we doubt that instilling this pure discipline in future officers has toughened and strengthened the Army over the years. But the system clearly broke down in cadet Pelosi's case. The essence of the dismissal of the case against him was that the deliberations of the honor committee had been tainted by "command influence." If that means anything, it means that the Honor Committee could not be sure that it had not been influenced by the note from the high ranking officer, that cadet Pelosi had not received a fair trial and that no one could determine whether the Honor Committee's verdict was just, or for that matter, honorable. Nevertheless, the Honor Committee, meted out its punishment anyway.

Despite the unwritten rule that the silenced man is not to be hindered, cadet Pelosi was harassed. His mail was sometimes destroyed, his gym clothing was taken from his locker, soaked in the shower and dragged over the latrine floor and he received anonymous phone calls telling him that if he ever put on his class ring, it would be cut off his finger. So much for honorable adherence to unwritten rules. But Lt. Pelosi endured, though during part of his ordeal, he lost 26 pounds.

Now he has graduated and is an officer. According to a news account, he was reluctant to talk about his ordeal because, as he put it, "I don't want to wreck this place. . . I put in four years here and it means something to me." There, it seems to us, is true honor. The Pelosi experience—his grit, and his decency in the face of an antediluvian and dehumanizing "punishment" are things that the Academy, the members of the committee who passed judgment on him and the high ranking officer who denied him due process can ponder. Hopefully, they may come to conclude that all honor is not to be found in blind and repressive adherence to anything so simple as an Honor Code.

THE PLIGHT OF THE CARABANCHEL 10

Mr. KENNEDY. Mr. President, in 1970, a number of Basques were sentenced to death in the now famous Burgos trial. It was only after vigorous protest by millions of people throughout the world that their sentences were commuted.

Today we must again raise our voices in protest over the jailing of a group of Spanish labor leaders. According to news reports, these men, known as the Carabanchel 10, are being held without bail and are to be tried by the Spanish Government for "illegal association." Each of these workers face sentences from 12 to 20 years for the crime of seeking to form free labor unions with the right to strike.

Freedom of association and the organization of trade unions has been an essential factor in improving the rights and dignity of the working class throughout the West's industrial history. Workers must have the right to protect and promote their own interests without fear of oppression or prison sentences.

The plight of the Carabanchel 10 confirms the fact that Spain has yet to achieve a society where the free exercise of fundamental rights is protected by the institutions of government.

Mr. President, I ask unanimous consent that the articles reporting on this situation which were published in the Nation on April 16, 1973, and in the Village Voice on May 3, 1973, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Nation, Apr. 16, 1973]

THE CARABANCHEL TEN

A group of Spanish metalworkers, but including also a lawyer, a taxi driver and a priest-construction worker, are shortly to be tried by the Franco dictatorship for illegal union activities. The plight of these men, known as the Carabanchel Ten, is quite unrecognized in the United States; we are allied with so many dictatorships that a crackdown on labor in one or another is hardly news. The Canadians are more aware: there is in Toronto a Canadian Committee for a Democratic Spain.

After thirty-four years of Generalissimo Franco's rule, Spain is on the way to becoming a tinderbox, and Franco and his henchmen know it. Their response is a pretense of liberalization that fools no one. Franco, now 80, declared in his year-end address that his National Movement "will accentuate the participation of all Spaniards in political work, opening increasingly wide channels for the incorporation of those who feel concern for public affairs." Everyone understands that this participation must be within the limits decreed by the dictatorship.

The crime of the Carabanchel Ten is that they seek to form free labor unions, with the right to strike. Spain has labor unions—vertical syndicates imposed on Spanish workers by the Falange at the end of the 1936–39 civil war. These syndicates are about as effective for worker protection as the all-inclusive Nazi labor organization, presided over by Gauleiter Robert Ley. As in Nazi Germany and Fascist Italy, the basis of the Spanish dictatorship is the exploitation of the underlying population. Hence the ban on trade unions and the right to strike. When workers strike in defiance of the law, they speedily find themselves in jail.

Constant repression is required by the alliance of the big industrialists with the regime; it is not confined to labor, but extends to housewives, dissident priests and the whole working and lower-middle class. The police are everywhere. When the price of a subway ride was increased from 3 to 4 pesetas, Madrid policemen and the even tougher Guardia Civil were stationed at the ticket windows and on the platforms; each time the price of bread goes up, they are in front of the bakeries. When students seek to meet on their campuses, the police move in to break up the gatherings.

Henry Giniger described the general situation adequately in the March 18th *New York Times*, but he made no reference to the ten labor leaders in jail since last June for "illegal association," and facing sentences ranging from twelve to twenty years, mostly the latter. Trade unions have protested in Britain, France, West Germany, the Soviet Union, Italy, Poland, Venezuela, Bulgaria, India and Canada, but in the United States only President Leonard Woodcock of the UAW has spoken out. Most Americans are oblivious of repression in Spain, largely because neither the printed nor the electronic press is interested in reporting it. Apparently the sentiment is that as long as Franco allows us to keep our military bases in Spain (at a stiff rental) all's well in the world of the Falange.

[From The Village Voice, May 3, 1973]

THEY STAND ACCUSED OF TRYING TO UNIONIZE

(By Anna Mayo)

If no country is quite an island unto itself, still Spain has formidable historical pretensions to that topography. It is a counter-reformation country, much given to periodic expulsions of the better half of its population (the Jews in 1492, the Republicans in 1939) and the definition of crimes non-existent in other parts of the Western world, such as the organization of trade unions, an activity acceptable in the West for as long as anyone cares to remember.

In Franco's Spain, individuals suspected of such activity routinely draw sentences of 12 to 20 years. Of the thousands of recent and current prosecutions of workers and labor lawyers suspected of trade unionism, none is likely to elicit more international attention than that of the Carabanchel 10, defendants accused of being the leaders of not merely a local but a national movement. The police report denouncing them argues that, given their home addresses in all four corners of the peninsula, they must have come together in the town of Pozuelo as a coordinating committee for the whole country.

The 10 will be defended by conservative Catholic lawyers, some of whom are thought to be weary of the "imperio hacia Dios" (from the Falangist slogan: "the empire that keeps its sights set on God"). The defense will have to dispel the government's contention that the accused advocate a violent overthrow of the state; for instance, it will have to establish that metalworker Marcelino Camacho is associated with a leftist faction which favors gradual democratization, and that another principal, Francisco Garcia, is not a Communist at all, seeing that he is one of the country's many worker-priests. This clarification of the 10 defendants' political beliefs, plus the refutation of the police report by establishing that they were in Pozuelo on business other than organization—all this will have to be accomplished in a trial which will run at most two hours.

The presence of conservative counsel reflects Franco's growing middle-class opposition, now embracing lawyers, doctors, architects, and other intellectuals, many of whom face prison sentences for their actions in defense of the working class. In addition a wing of the Church up to the hierarchial level of bishop is also protesting the excesses of Francoism.

The mood of the working class is one of defiance; it provides Spain with more strikes than any other European country. In 1970 25,000 workers struck the SEAT automobile industry plant in Barcelona for two months until they were fired upon by the police.

Spain has 17 categories of police for all seasons, those who stand at the subway turnstiles when the fare goes up, those who stand at the bakeries to defend the rising price of bread, those who search for clandestine literature in the backrooms of bookstores, and, of special interest to Americans, those who, since 1953, have guarded the security of the three Yankee bases in Spain.

For these properties the United States pays some $400 million in annual rent. Further, private American capital is a cornerstone of the thriving Spanish economy. Optimistic Spaniards sometimes speculate that American employers will grow impatient with Franco's so-called vertical unions, state syndicates after the Hitler-Mussolini models wherein the officers are government functionaries and employers share equal membership with workers—an Orwellian equality. Liberals foresee that employers have had enough of negotiating wages and salaries only to find that the arrangements are not agreeable to workers. Even the attractions of 12-hour days and a minimum of $3 a day may not compensate management for the inconvenience of strikes.

Against this background the 10 prisoners wait, bailless in Carabanchel, for a trial on a date to be announced only at the last moment. Outside the country trade union protests are already taking place in the United States, England, France, West German, Italy, Venezuela, India, Canada, and several Communist countries. National and international legal associations will send observers to the trial. With this kind of continuing and mounting pressure, Franco may even stop asking for whom the bell tolls and grant the workers of Spain the minimal 20th century rights to organize and bargan collectively.

SCHOOLBUS SAFETY

Mr. BEALL. Mr. President, on January 29, I joined in cosponsoring a resolution that would authorize the President to proclaim a "School Bus Safety Week." This measure, Senate Joint Resolution 43, is presently pending in the Judiciary Committee's Subcommittee on Federal Charters, Holidays, and Celebrations.

I am concerned, Mr. President, by the lack of interest and lack of effort that has been made in the direction of schoolbus safety. A great deal of attention is focused on the structural design of automobiles, and some advocates even proposed legislation requiring the use of seat belts. Remarkably enough, schoolbuses which transport millions of young Americans to and from school every day are, by and large, ill equipped to provide maximum safety features for their passengers. This point was recently brought out to me in a letter I received from a number of students who attend McCoole Elementary School in Allegany County, Md. In a very brief letter, these first-grade constituents of mine have expressed very vividly their concern about their safety as they ride their schoolbus to and from school each day. As a result of this letter, I have written to the Department of Transportation, and to other appropriate officials; and I intend to bring the replies I receive to the attention of my colleagues.

Mr. President, I ask unanimous consent that the text of the letter I received from Mrs. Patricia Correll's first-grade class at McCoole Elementary School in McCoole, Md., be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Dear Senator Beall: In school we are studying about safety in the car and on the school bus. We are worried because we don't have safety belts on our school bus. Our bus driver has a seat belt, but we dont. Can you help us.

Sincerely,

Grade One, McCoole School. Michael Dailey, William Yocum, Crystal Grogg, Timothy Ahern, Christophe Doolan, Wayne Cook, Kelly Gryeen, William Cook, Joyce Kile, George Kimble, Tina Feaster, Jeffrey Kasmier, Lester Cunningham, Herbert Llewellyn, Dawn VanPelt, Carrie Broadwater, Wendy Merrill, Karen Cavey, Sonia Purdy, and April Fike.

THE DANGER OF UNREGULATED STRIP MINING

Mr. MANSFIELD. Mr. President, one segment of our population which has a greater stake in the development of coal deposits in eastern Montana, are the Northern Cheyenne and Crow Indians who have vast acreage of land with significant coal deposits. Strip mining for coal on these lands can have a great influence on the future of the Indian culture and the people now living in the area. Proper development of these deposits must be taken into consideration and I am delighted to report that the Indians themselves are beginning to realize what could happen through unregulated strip mining.

The Washington Post for June 11, contains an interesting feature story on the Indians testing the U.S. policies on coal development. I ask unanimous consent that this story be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Indian, Coal Fight Tests U.S. Policies

(By George C. Wilson)

Lame Deer, Mont.—The political leaders on this Northern Cheyenne Reservation close to the Custer battlefield are preparing for another Last Stand—this time to save what land they have left from being stripmined for coal on the white man's terms.

The stakes could hardly be higher.

For the Northern Cheyennes, the stakes include "tribal survival," as some of the Indians here see it; millions—and maybe billions—of dollars, and the land Cheyenne forbears walked from Oklahoma to claim for their people.

For the Nixon administration, the contest is viewed as a highly visible test of its new Indian policy of "self-determination," with another Wounded Knee a possibility if things go wrong. It also affects the administration's master plan for finding new sources of energy and holds up for public evaluation its whole platform on safeguarding the natural environment.

The order of battle is different from when Gen. George Armstrong Custer lost to the Cheyennes and Sioux near here in the Little Big Horn disaster of 1876. For one thing, the white ranchers holding thousands of acres of land around the reservation are allied this time with Cheyennes against the coal companies. For another, the Cheyennes are not as united against the "intruders" as they were 97 years ago.

The "intruders" from the viewpoint of the Indians trying to mobilize the Cheyennes against them, are the coal companies and speculators who have discovered millions of tons of coal just under the surface of the reservation. They want to dig it out through strip mining.

Somewhat belatedly, the Tribal Council—the ruling body for the 3,000 Northern Cheyennes enrolled at the reservation—is trying to keep the coal from being mined as previously agreed to under existing leases.

The council in March asked Secretary of Interior Rogers C. B. Morton to cancel the contracts for looking for coal on the reservation and digging it out. The council argued that the Bureau of Indian Affairs superintendent at the reservation failed to follow required procedures in granting the permits and leases, including the failure to set forth rules for restoring the land after it is mined.

The Seattle law firm of Ziontz, Pirtle, Morisset and Ernstoff—specialists in Indian land law—has just been retained by the Northern Cheyenne tribe. The firm asked Secretary Morton to delay acting on the council resolution until it had time to study the whole case—a request that the Interior Department has granted.

How Morton ultimately rules will affect coal leases on other Indian reservations as well, including the coal-rich lands of the Crows adjacent to the Northern Cheyennes here.

The Indians' concern about what will happen to their land if it is strip-mined also is part of the larger national picture—the argument over whether it is environmentally safe and sound to rip up the often fragile prairies to get at the coal.

The controversy, in geographic and mineral dimensions, is much larger than the one over strip mining of Appalachia. This is because most of the nation's remaining coal within easy reach lies in the West, not the East.

The Library of Congress, in a report prepared this year for the Senate Interior Committee, noted that almost half of this western lode of "black gold" is in Montana, North Dakota and Wyoming—the new frontier for the strip miners.

With President Nixon urging a stepup in coal production to ease expected energy shortages, the coal rush in the West is on. So, again, the Cheyenne controversy represents in microcosm the tough choices which this rush presents to the people living on top of the land covering the coal.

Rep. John Melcher (D.-Mont.), whose congressional district includes the reservation and who has taken a leading role in controlling strip mining, said that on the Southwest flatlands of Black Mesa and Four Corners—the area where Arizona, New Mexico, Utah and Colorado meet—"they had development before they had protection" from strip mining.

The same thing must not happen in Montana and other western states where strip mining is just getting started, he said. "We must have protection before we have development," Melcher said. He added that the Indians' "sacred regard for land" and their conviction "it should be protected so it can be used by everybody" is "an attitude the rest of us are just swinging around to."

The Indians and their allies among the white ranchers trying to keep the land from being stripped are colliding with the Nixon administration master plan to develop the energy resources of the West.

Allen Rowland, the 47-year-old tribal chairman of the Northern Cheyennes, is the first to admit he is outgunned in this new fight.

The land involved—a country of prairie and roughed-rock parapets—looks refreshingly untrammeled, with seemingly endless sky and prairie. In an interview in his modest home off the red-dirt road running along Muddy Creek, Rowland said if it is left up to him, the land he loves will stay this way. He is against strip mining in any terms.

But he is not sure the whole tribe—perhaps not even the majority of it—stands with him.

So, the council resolution asking a cancellation of the coal leases and permits is only his first line of defense. Rowland knows he may lose to the Interior Department.

If he does, Rowland plans to set up a second defense line by taking the tribe's request to the courts. And if he loses there, too, the tribal chairman intends to impose the toughest rules anywhere as far as what the coal companies would have to do toward restoring the dug up land.

As he surveys the options, Rowland said he can feel the hunger of his fellow tribesman for a way out of their spiritual and economic depression on the impoverished reservation of 440,000 acres. He knows they are faced with a cruel choice.

"If I got everybody in the tribe a room and asked who is an environmentalist, who is for protecting our land, why everybody would raise their right hand. But when it came to voting by secret ballot who was for selling the coal, I'm not sure how it would go."

This is why Rowland is not galloping into the battle with the Interior Department and coal companies but advancing carefully—as he did during World War II as an Army rifleman before he was machinegunned in the left arm by the Japanese on the Pacific Island of Ie Shima.

"I don't know, I don't know," Rowland said soberly in pondering whether the majority of the tribe can long resist of the lure of money from coal. "So many here have had it hard for so long."

If he wins the first fight and gets the leases and permits cancelled, Rowland intends to let everyone 18 and over in the tribe vote on whether to renegotiate the leases to get more money or leave the land alone. If he loses all down the line, the chairman intends to let the tribe vote on whether to lease the uncommitted part of the reservation to the coal prospectors.

The voting will provide a dramatic test as Indians—this nation's first environmentalists—weigh ancient traditions against immediate needs.

Peabody Coal Co. of St. Louis is the only firm with leases to dig coal. Several other companies have permits to prospect for coal on the reservation which, in the managements' view, give them the right to mine any profitable deposits they find in the process.

Peabody, under the 16,000-acre lease the Cheyennes want cancelled, would pay the tribe 17½ cents for every ton of coal stripped out of the reservation. Rowland said this is a ridiculously low price, citing the $21 a ton Japanese are willing to pay for coal.

Even at 17½ cents a ton, though, the coal under the Northern Cheyenne reservation represents a big economic lift to the tribe which has many of its members at or below the poverty level.

The Indians here give figures ranging from 2 billion tons to 10 billion tons when asked how much coal lies near the surface of the reservation. A Peabody spokesman said it plans to mine 550 million tons over a period of 30 years, to feed two plants on or near the reservation that will convert coal to gas.

Even that 17½ cents a ton royalty for 2 billion tons of coal would work out to more than $116,000 for each of the 3,000 Indians—certainly tempting on this reservation of partially paved roads, few jobs and little hope for anything better.

"I had a meeting with the elder chiefs of the tribe," said Rowland, "and they all said there must be another way to help our people. I agreed. But then I asked them, 'What?' They told me, 'That's why we elected you.' "

Why, given the desperate needs of his tribe, is Rowland so dead set against strip mining?

"Because," he answered, "we would end up as a minority on our own reservation."

By that, he explained, he means that the workers coming into the area to man the coal gasification plants—2,000 of them for each plant, by Rowland's estimate—would outnumber the Indians on the reservation almost 3 to 1.

Rowland bases his estimate on the expectation that there will be four plants rather than two. He says he was told that by a coal company. W. G. Stockton, vice president for public relations at Peabody, said his firm knows of plans for only two, with 600 employees at each.

But other companies with exploration permits for the reservation might build other gasification plants.

Among those firms and the acres covered in their exploration permits are: Amax Coal Co. of Indianapolis, 55,398; Consolidation Coal Co. of Pittsburgh, 23,399; Chevron Oil Co. of California, 27,795; Bruce L. Ennis, 16,216; Meadow Lark Farms, Inc., a subsidiary of American Metal Climax of New York, 71,547 acres.

Also, Rowland said meetings he has had with Indians from areas already strip-mined—including Black Mesa and Four Corners—have convinced him there is no way to restore prairie land to a state approaching its original condition. The National Coal Association and Peabody voice an opposite view, that land can be reclaimed after being stripped.

The majority of the Tribal Council is supporting Rowland on at least his first line of defense, the effort to vacate the current leases. So are other members of the Cheyenne leadership.

"It scares me. The biggest problem would be the influx of people working at the gasification plants. We aren't ready for that," says James Dahle, 39, a rancher and chairman of the tribe's mineral committee which has drafted a tough reclamation bill in case strip mining takes place on the reservation.

"We're like a foreign nation. We have no jurisdiction over non-Indians. And who would take care of the schools, the hospitals and all your law? . . ."

"Some people say that we walked back 3,000 miles from Oklahoma to this country, and why should they dig it up?"

"We're not prepared for strip mining—especially not the influx of people. We have no planning to meet what can come with coal development," says Ted Risingsun, 46, chairman of the Busby school board and director of the bilingual program on the reservation to preserve the Cheyenne language and culture.

"What little progress we have made in our history would be reversed.

"Supposing we get a whole bunch of money, will it help us? I'm more afraid of pollution from gasification plants than what will happen to the land. Those plants mean air pollution, water pollution, the whole bit . . .

"Preservation of our culture depends on us. This is going to disrupt our entire way of life. Who is going to pay attention to the real basic essentials of life if we all of a sudden get some money?"

"Strip mining would completely destroy this country," says David C. Robinson Sr., president of the recently formed Northern Cheyenne Landowners Association. "Our fight is to get the resolution (vacating the coal permits and leases) through . . ."

Interviews with a cross section of Northern Cheyennes on the reservation produced evidence of the splits in the Indian ranks that Tribal Chairman Rowland worries about:

"It couldn't be any worse here than it is," said Ervin Small, 18, who makes $98.50 a week on the Indian Action Team where he is studying welding now but has no assurance of finding a job on the reservation.

"I think they should mine it," said Mary Miller, 15. But her companion, Anita Onebear, 14, took a contrary view: "You can have land-forever, but you can't have money that long."

"It would be the final destruction of our tribe" because of the influx of people that would come with the strip mining, said Ruby Sooktis, 25. She is a staffer on the Northern Cheyenne research group collecting and organizing information about the tribe as part of the effort to preserve its heritage.

"They should mine the coal because everybody else needs it," Raymond King, 21, asserted. "They aren't going to ruin the land.

"People would go on a big spending spree with the money. But alcoholics sell what they buy. So after everybody went broke again, we'd go back to normal. But most of my friends are against it because once coal does come in, Indians will be a minority."

The Jimtown bar just outside the reservation's boundaries—curious rules provide that no beer or liquor can be bought or consumed on the reservation itself—adds evidence for King's prediction about what would happen if coal money came suddenly to the Northern Cheyennes.

"Buy me some cigarettes," a young Indian male with a can of Olympia beer in his fist demanded of the white "colonial" entering the bar. "You have money, don't you?"

Encountering some resistance, the Indian offered to exchange his watch for a pack of cigarettes. Nothing, it appeared, had any lasting value to those among the Indians who saw no future for themselves. The moment at hand was everything.

"Sometimes," said the white girl tending the counter at the recreation hall on the reservation itself, "Indians will come in here and offer to pay $90 to anybody who will drive them to Billings to buy a $300 car. Or they will give away anything they have for a ride to Jimtown."

But some members of the tribe believe that selling the coal lying underneath the Northern Cheyenne reservation offers the best way out of the Jimtowns for young Indians. James King, 50, head of several federally funded youth projects on the reservation—including the National Youth Corps and Operation Main Stream—takes this view.

"There has to be a change," said King in an interview in the library he helped get for the reservation. The money from the coal, he argued, could be invested and the earnings spent for financing education for Northern Cheyennes. He said the tribe could keep strip mining from ruining the land "if it is careful."

Tribal Chairman Rowland said that change may indeed come, despite all his efforts to hold back the white man's idea of "progress." Whichever way the battle goes, Rowland said, he is not going back to the drinking-fighting-tumbleweed life he led before he got a sense of mission about his tribe.

His wife, in a voice mixing bitterness and humor, called to him from the kitchen of their home: "Yeah, you're going to die right here and they're going to give you a chunk of coal for a tombstone."

As Secretary Morton weighs the Northern Cheyenne request to cancel the leases and permits, he cannot help but worry about how the Indians will interpret it. The Northern Cheyenne leadership is portraying its request as a test of President Nixon's pledge of "self determination" for the Indian—with his Indian affairs message of July 8, 1970, the signal document.

However, as Bureau of Indian Affairs and coal companies point out, Rogers must be guided by the law—not by what he would like to do—governing contracts like the coal leases and permits. The self-determination statements which the Indian leaders refer to in discussing the Northern Cheyenne resolution include these words from Mr. Nixon's 1970 message:

"The time has come to break decisively with the past and to create the conditions for a new era in which the Indian future is determined by Indian acts and Indian decisions. . . . .

"Self determination among the Indian people can and must be encouraged without the threat of eventual termination . . . This must be the goal of any new national policy toward the Indian people: to strengthen the Indian's sense of autonomy without threatening his sense of community.

"We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group. And we must make it clear that Indians can become independent of Federal control without being cut off from Federal concern and Federal support."

ACCEPTANCE ADDRESS OF HON. GEORGE L. RUSSELL, JR., AS PRESIDENT OF THE BAR ASSOCIATION OF BALTIMORE CITY

Mr. MATHIAS. Mr. President, last Thursday night I had the honor of being present at the induction of the Honorable George L. Russell, Jr., as president of the Bar Association of Baltimore City. Judge Russell, challenged the bar to address itself, personally as well as professionally, to the grave problems faced by a society governed by laws. I ask unanimous consent that his remarks be printed in the Record. His analysis of the current opportunities for the legal profession should be read by all who have an interest in justice and a desire to pursue the principles of equal justice under law.

There being no objection, the address was ordered to be printed in the Record, as follows:

Acceptance Address of Hon. George L. Russell, Jr.

I am honored at the trust you have shown in me, by electing me the 95th President of the Bar Association of Baltimore, its first black one, and the fifth who also served as City Solicitor. There is no greater tribute a man can receive than recognition by his peers.

It is a challenge to follow in the footsteps of other City Solicitors such as Bernard Carter, John Poe, William Shepard Bryan, Jr. and Edgar Allen Poe—all of whom served as President of this Association; and of such great lawyers and distinguished men as William L. Marbury, Eli Frank, Michael J. Manley, (whom I succeeded on the Bench), R. Dorsey Watkins, Reuben Oppenheimer, Rignal W. Baldwin, Edwin J. Wolf, Charles Mindel, Judge Charles Harris, Bill Somerville, Leroy Preston, Harrison Roberston, Pete Moser and my immediate predecessor, Wilbur D. Preston.

They are indeed hard acts to follow.

I know that my best efforts are called for, and I am prepared to do all I can to justify membership and leadership in this association of true professionals.

I hope, however, that the Bar Association does not ever become an "exclusive" club, "exclusive" in the sense of detachment from or superiority to the critical issues of our time.

In fact, I hope to continue and expand our efforts in the lay community, and to become more integrated—if you'll excuse the expression—in the world around us.

I would like, if I may, to take a few moments to tell you why. Our age, it seems to me, may go down in history as the Age of the Gap.

There's the Generation Gap, the Communication Gap, the Education Gap, the Housing Gap.

Whichever aspect of society you choose to focus on, you will find some Gap, somewhere. I don't intend to be facetious, but I do think that one of these gaps is threatening our nation, its laws, its attitude toward the laws, its economic, political, and social systems, and its government.

That Gap, one that profoundly affects all the others and overrides them in importance, is The Dollar Gap.

It yawns wider all the time between the haves and have nots—in this country, and all over the world.

The poor are simply getting poorer, and the rich richer, faster than ever in history.

While the gap has always existed, in the past it was meekly accepted. Today, in our more sophisticated society, it is no longer acceptable.

That's the new element—and the explosive one. The poor are sufficiently informed by education and by mass media, constantly rubbing it in. They now are aware of what is happening and likewise know that it need not happen, that it *can* be changed, and *must* be changed.

The major revolutionary situation developing in my mind, is the key issue of our times.

The question we must ask is: what are we going to do about it? Face it, or ignore it as long as we can? Accept it, or fantasize it? Act voluntarily to change the status quo while we still retain that option, or blindly wait until we are jolted by burning cities and escalating violence, born of desperation?

Simply stated, the philosophical basis for the dollar gap—individual difference and superiority—is no longer valid. In past times the difference between the economically deprived person and the affluent ("serf" and "lord") was reflected in the difference between a hut and a castle—but not the difference today that is the intolerable one of that between a $2,000.00 and $200,000.00 annual income—with all the differences between deprivation and luxury which such income entails.

Not when each individual is fundamentally no more or less human than his neighbor.

Not when each is presumably born free and equal, with the same opportunity of sharing in the bounties of the richest nation that ever existed.

Not when each knows—despite all the rhetoric of equality—under the law—that in attaining and measuring success, prestige and the value of human life—we employ two sets of standards, two sets or rules of conduct, and two sets of laws—one for the rich and powerful, the other for the poor and weak.

Now let me make two things "perfectly clear," to borrow a phrase.

The first is: *I am not talking about blacks,* but about all the poor people in our land, white, brown, yellow and red. In fact, of forty million poor people in America, the majority are not black.

The second point is: I am not talking about Watergate, about upper-class immorality and criminality. The poor people find such power games fascinating but remote, like the unattainable high life style of a 1933 Hollywood film extravaganza, which made them drool with envy over the lavish corruption they could only dream about, while half starving. I am talking about what Supreme Court Justice Hugo Black referred to when he said "There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."

Most of the lawlessness we see as lawyers, bears a direct relationship to the urban problems of poverty, unemployment, welfare, cost of living, miserable schools and blighted housing which inevitably result in broken families, drugs and violence.

In a materialistic society such as ours, preservation hinges on those who have a stake in it. In previous civilizations, those who derived nothing from this world fully believed they would get their just rewards in the next. Today, the poor feel that if they don't get it now, the loss is irretrievable. Moreover, we do not let them forget the luxuries and affluence they have failed to acquire. They are constantly tempted by their television screen with goods and services that must be possessed, and subtly for their inability to acquire them. They are verbally harrassed, degraded and unfairly characterized as costly, unproductive, inadequate and troublesome members of society who cannot cope. The hopeless frustrations that follow produce aggressive conduct and violent behavior. At that point, we call for law and order.

As lawyers, we must acknowledge that law and order are currently in serious jeopardy. In our parochial world of precedents, logical argument and respect for established rules, it is difficult to fathom that such civilized standards are completely alien to millions of Americans. The poor have borrowed from the establishment only one universally respected rule: Don't Get Caught. Anything goes that you can get away with. Better to be shrewd, selfish and rich than honest, unselfish and poor. That the meek shall inherit the earth is OK for Sunday morning, but for the rest of the week it is the powerful and ruthless. That, my colleagues, is the prevailing view.

Is it any wonder that in the midst of degrading poverty and cynicism, the most recognized law is that of the jungle?

I, for one, am extremely skeptical of current statistics tending to show that crime is decreasing. Law enforcement agencies underestimate the amount of crime, because their figures are based solely on crimes reported to police. The Eisenhower Commission, several years ago, indicated that violent crime, except murder, might be twice that stated by the FBI. Many citizens fail to report crimes because they either distrust the police or discount their ability to solve them. Some simply do not know how or where to report, or just don't care. Some fear reprisals. Whatever the reason, the crime rate has not decreased or stabilized. It has, in fact, alarmingly increased.

The murder rate has gone up over 25 percent in the past 4 years. Rape has risen by 29 percent, assault and burglary by 25 percent, robbery and larcency by 43 percent. I'm not talking just about the inner city, or even urban areas generally. I'm talking also about crime in the suburbs, which has been rising at a faster rate than crime in the cities: 27 percent overall as opposed to 21 percent.

In '70 and '71, crimes directed against property such as burglary, larceny and auto theft increased 24 percent in the suburbs as against only 10 percent in the cities. While the plight of city dwellers is more aggravated, with the widening of the poverty circle, the suburbanite has begun to experience the effect of violent crime.

Our concepts of law, and our free democratic government based on law, are merely several hundred years old. Viewed in the broad perspective of man's history on earth a few hundred years is not very long. Most of our past, and hence most of our instincts, especially in times of stress, cause us to strain against the double leash of law and freedom. Legal restraints and community mores are still unnatural for us; because man's nature was formed in times of anarchy and under various forms of serfdom.

The question confronting us is whether this precious, but very fragile and untested, system of law and freedom can survive here in our country, in a world that rejects the concept of individual liberty as unworkable.

The question is whether we truly believe in that inscription on the Department of

Justice Building in Washington: "Liberty is maintained in the security of justice."

And the question that you and I face, particularly as lawyers, is what we can and should do about trying to help save it.

The law has its roots in scholarship and the practice of law its roots in the practical application of that scholarship. Some of us have sought to think of scholarship and the scholarly approach to problem-solving as techniques reesrved for an elite. Scholarship must not, however, be clothed in isolationism. We must make its garments appropriate in size and conformation for every citizen in this community.

The application of scholarship has for us a rudimentary importance in that we must see ourselves as living in a huge classroom where teaching and learning are a part of the continuum of energy flow for our other basic living experiences. In concrete and practical terms this means we must accept the full responsibility for teaching, counseling and providing an optimum learning atmosphere for our colleagues at the bar as well as for citizens at large. To do this we must emerge from our lofty perches of self-adulation and become a part of the real stream of life in the streets and in the bush.

One scriptural reference indicates that "In the last days knowledge shall be increased and many shall run to and fro." The first part of this prophecy indicates a useful process and the latter the possibility of chaos. It is our responsbility to be in the foreground of the process which organizes and disseminates truth. *Truth is essential to the development of knowledge* since to have knowledge one must *believe* a transmitted truth.

Our disciplinary and educational committees should expand their functions to insure that the atmosphere within which this transition can occur is available to all our membership. Further, we should use our expertise and scholarship to promote emulation from the grass roots level of the community.

To these ends my term of administration is steadfastly dedicated.

We have many functioning committees that are "people-oriented"—and I want to see them strengthened and expanded.

I would like to see greater involvement in our Lawyer Referral Service.

I would like to see more of our members active in Legal Services to the Indigent.

I would like to see an upgraded priority for our Equal Justice Under the Law Committee.

I would like to see greater interest and participation on our Urban Law Committee, and our Committee on Prepaid Legal Services.

I believe it is our duty, as members of the bar and responsible citizens, to help protect, and to achieve, rights for the poor, including welfare recipients and indigents accused of crime, as well as the rights of consumers, minorities, women, and the incarcerated.

National figures show an average of one lawyer for every 637 of the population as a whole.

But they show only one black lawyer for every 23,000 blacks, in ten Southern states, and only one Chicano lawyer for every 9,000 Chicanos in states like California. Therefore, the WASP American of some means has at least ten times more opportunity of getting quality legal counsel than the minority poor American citizen who must face exhausting entanglements with the law over schooling, juvenile justice, public housing, welfare, crime and police indifference. As we all know, the poor have the most legal problems. Fast-talking salesmen take advantage of them. Landlords harass them. Husbands, wives and children get hooked on drugs. Teenagers get into trouble. Legal problems are constantly arising with social security, the military and governmental agencies.

The Constitution promises equal justice for all. I think it is our responsibility as lawyers to see that it is provided—WITH fee wherever possible, and, where not, without it. Free legal aid for those who can't afford it is absolutely essential to the preservation of our legal system.

With federally supported legal services being curtailed because of reduced budgets, however, there are many cases that can't just be left to Legal Aid. The elderly person dispossessed. The young boy mistakenly accused of committing a crime, facing jail confinement with hardened criminals. The old woman denied social security because she can't prove her age. Such calls for justice must never go unanswered.

Our "people-oriented" committees must also work to expand the law schools' capacity to teach the growing numbers who want to study law. By the most recent year's figures, almost 140,000 students applied to law schools that could handle only 28,000. It is predicted that law schools in 1980 will be turning away 200,000 applicants per year. Considering the desperate need for lawyers, it is our responsibility, as I see it, to work for increasing the supply to meet the demand.

Along with the need for greater participation *in* the community by The Bar Association, I see also the need for greater disclosure *to* the community of Bar Association activities.

I think the time is past for us to meet in strict privacy to discuss matters which concern our relationship with the total public except matters concerning grievances and ethics which should be public only *after* investigation, if appropriate.

I think we must start letting the press in on what we're doing in executive council and committee, as is done in other major cities—not with releases to the press afterwards, but with invitations *in advance* to the press. Why should we not open up our meetings? What can we hope to gain from keeping them closed? As matters stand now we seem to make the headlines only when a few alleged bad actors get top billing for some alleged questionable performances.

If the people don't know the facts, they propagate myths about us. They see us as the foundation of the Establishment, all right—and think of our ideas as solid concrete relics handed down from the 19th and 18th centuries.

Let's get some *good* publicity for a change, and a new image of the Bar Association as a constructive force in the community, and of the lawyer as a useful citizen.

It is time for us not only to confront issues, but also to let the public know it. We can be proud of the work we do, in our executive council, and in the committees—especially the ones I've mentioned.

It is time to get rid of the image of the lawyer as a slick operator in the same class with the used car salesman.

It is time, also, to sweep out the public's picture of us as fuddy-duddies living in the past. We must move into the present and the future. We must appear more frequently in the mainstream of public life instead of the backwaters. We are a part of the continuing process that is the Law.

These, then, are my plans for the Bar Association:

1. to exert all possible effort to see that everyone, regardless of rank, receives the full protection and support of the law;
2. to maintain our liberty in the security of justice;
3. to work toward expanding the capacity of our law schools;
4. to open up the activities of the Bar Association and thus improve our image.

In conclusion, I note that we are approaching the 200th birthday of our nation. We are the nation living under the world's oldest written Constitution and Bill of Rights. I would like to support the recommendation that, in celebration of the event, every American can be given the opportunity to sign and ratify these historic documents—just as the Founding Fathers signed in 1776—and pledge, as they did, to defend them with their lives and sacred honor. I suggest that the campaign begin here—and now—and, Lord, let it begin with us!

COMMITTEE REPORT ON S. 1081, THE "FEDERAL LANDS RIGHT-OF-WAY ACT OF 1973"

Mr. JACKSON. Mr. President, yesterday the Interior and Insular Affairs Committee Report on S. 1081, the Federal Lands Right-of-Way Act of 1973 was filed with the Senate and ordered to be printed.

The purpose of this very important measure is to establish a comprehensive national policy and procedure for the granting of rights-of-way across the Federal lands for those transportation and transmission purposes which meet the requirements of the act.

Federal legislation on right-of-way authority is needed because the recent decision of the Circuit Court of Appeals for the District of Columbia on the proposed trans-Alaska oil pipeline has cast a cloud of uncertainty over the Secretary of the Interior's legal authority to grant rights-of-way for oil and gas pipelines, water lines, electrical transmission lines, communication facilities, roads, and other necessary transportation facilities across public and Federal lands.

The full reach and effect of the Circuit Court's decision in the case of the Wilderness Society et al. against Secretary Morton is not entirely known. It is clear, however, that many of the existing Federal rights-of-way statutes which have specific width limitations are no longer adequate. Rights-of-way granted in the past for many different purposes may now, in whole or in part, be illegal in view of the court's decision. In addition, the court's ruling means that with respect to proposals for large oil and gas pipelines, the Secretary and the heads of other Federal agencies with land management responsibilities do not now have the legal authority to issue rights-of-way of sufficient width to allow needed new transportation facilities to be developed.

This means that at a time when the Nation is experiencing critical shortages of gasoline, diesel, heating oil, and natural gas there is no Federal statute which will permit the issuance of right-of-way permits across Federal lands for large oil and gas pipelines. This is a situation which must be corrected.

Under S. 1081 the Secretary of the Interior and other agency heads would be granted the authority to issue rights-of-way for the proposed trans-Alaska pipeline as well as for other needed oil and gas pipelines which meet the requirements of the act.

Mr. President, I ask unanimous consent that a May 9, 1973, statement by the AFL–CIO executive council in support of S. 1081 and an early solution to the legal technicality which is holding up the grant of a right-of-way for the proposed trans-Alaska pipeline be printed in the RECORD.

Mr. President, I also ask unanimous

consent that the following provisions from S. 1081 and the committee report on this measure be printed in the Record:

First. Section 114 of S. 1081 and pages 25–28 of the committee report;

Second. Title II of S. 1081 and pages 18–25 of the committee report.

There being no objection, the material was ordered to be printed in the Record, as follows:

Statement by the AFL–CIO Executive Council on Alaska Pipeline

Washington, D.C.,
May 9, 1973.

It is tragic that while the United States is facing an energy crisis, including shortages of petroleum products, one of the largest reserves of petroleum—Alaska's North Slope—remains undeveloped.

At a time when the U.S. is forced to increasingly rely on oil imports—with resultant loss in American jobs, damage to this country's balance of trade and potential threat to national security—development of Alaskan oil reserves is blocked by outdated right-of-way requirements and environmental concerns, some real and some imagined.

The fastest, most economically feasible and most secure method of transporting Alaskan oil to the burgeoning American markets is by pipeline to Valdez and by tanker to West Coast ports.

Jobs for American workers would be generated not only in building the pipeline and related plant construction, but also in maintaining it and in manning the transshipment facility at Valdez. Approximately 33 new U.S.-flag tankers would be needed to carry the oil, thus stimulating employment in U.S. shipyards and for U.S. shipboard workers.

However, the key to transshipment is construction of the Alaskan pipeline, and construction of the pipeline depends on Congressional action to give the Secretary of the Interior legal authority to grant the right-of-way.

Congressional action is also necessary to legalize many oil and gas pipelines in all regions of the country which, as a result of a recent court decision, are technically illegal. Unless legal remedy is provided, these pipelines could be enjoined and the jobs of many workers endangered.

Senator Henry M. Jackson, chairman of the Senate Interior Committee, has sponsored legislation (S. 1081) that would solve the right-of-way program while providing very tough environmental safeguards and stringent liability requirements for damages caused by the pipeline. Additionally, the bill would insure that the Alaskan oil reserves are used in America's domestic markets. We urge immediate enactment of S. 1081 to eliminate a legal obstacle to construction of the Alaskan pipeline which we wholeheartedly favor.

Enactment of the Jackson bill would leave one hurdle to construction of the pipeline—a court challenge to the environmental impact study conducted by the U.S. Department of Interior in accordance with the National Environmental Policy Act. This question now properly reverts to the courts where a decision should be rendered without delay.

Various routes through Canada to the Midwest have been proposed as alternatives to the Alaskan pipeline. But this is not an "either . . . or" question—both an Alaskan and a Canadian route will be needed. But a Canadian route is considered by experts to be at least 10 years away from construction, and time is of the essence. We believe a study of a Canadian route has merit, because the resources in the Alaskan and Canadian Arctic will eventually require two or more pipelines.

Therefore, we support the provision in S. 1081 that establishes proper procedures for negotiations with the Canadian government leading to construction of a second, later route.

We recognize that full development of Alaskan oil reserves will not solve America's larger energy crisis. The future stability of this country's economy requires immediate measures to insure America's self-sufficiency in all forms of energy.

To meet this long-range need, we support S. 1283, introduced by Senator Jackson and 27 other Senators, that would mobilize the nation's scientific and technological resources for a 10-year, $20 billion crash program to develop alternative energy sources.

If America does not solve its immediate and long-range energy needs, this country will be forced to depend largely on foreign sources with political, economic and national security hazards.

Without sufficient energy resources America will not be able to meet its economic and social goals, but if the Congress acts now it can assure Americans both a better environment and a better life for everyone.

LIMITATIONS ON EXPORT OF NORTH SLOPE CRUDE

Sec. 114. (a) Any crude oil produced from the geographical area in which the President is authorized to establish special national defense withdrawals by section 10(b) of the Alaska Statehood Act (Act of July 7, 1958; 72 Stat. 339) shall be subject to all of the limitations and licensing requirements of the Export Administration Act of 1969 (Act of December 30, 1969; 83 Stat. 841) and, in addition, before any crude oil subject to this section may be exported under the limitations and licensing requirements of the Export Administration Act of 1969 the President must make and publish an express finding that such exports are in the national interest and are in accord with the provisions of the Export Administration Act of 1969.

(b) Any violation of this section shall be subject to the penalty and enforcement provisions of sections 6 and 7 of the Export Admininstration Act of 1969.

2. EXPORTS OF ALASKAN OIL

The question of possible exports of crude oil produced on Alaska's North Slope has been raised repeatedly before this Committee and elsewhere in connection with consideration of alternative pipeline routes for that oil. Some have contended that, despite the national deficiency in crude oil supply, the oil companies with major reserve interests on the North Slope chose the Trans-Alaska alternative in order to be in a position to export a significant fraction of its through-put to Japan.

Despite strong denials by spokesmen for the companies and the National Administration, these allegations have not been *totally* implausible. Their most important foundation has been the possibility of a crude oil surplus on the West Coast. The throughput schedules announced for the Trans-Alaska pipeline in 1969 and 1970 considerably exceeded the anticipated domestic supply deficiency in P.A.D. District V (the West Coast) for several years after the pipeline's completion date. Notwithstanding this expected crude oil surplus on the West Coast, the owner companies indicated no clear plans for shipping Alaska oil to other United States markets.

With the prolonged delays in authorization of a Trans-Alaska pipeline right-of-way, and the repeated slippage of the expected completion date, however, projected West Coast oil demand in the early years of pipeline operation has greatly increased; at the same time, projected onshore production in California has declined. Current estimates by both the Interior Department and industry groups now indicate that demand in P.A.D. District V would substantially exceed domestic production in the District, even including North Slope production.

These recent projections from government and industry sources do not completely dismiss the possibility of crude oil surpluses on the West Coast after the pipeline is completed, however, because these projections assume that no major reserve additions will occur in the region. Areas in which there could be significant reserve additions include the Gulf of Alaska, Lower Cook Inlet and Santa Barbara Channel provinces, where major new lease sales are scheduled or are under active consideration.

Public suspicions that exports were to be a significant function for the Trans-Alaska pipeline have been rekindled from time to time by a number of circumstantial indications. Premier Sato suggested in a 1971 interview in Anchorage that Japan was looking forward to receiving crude oil by way of the pipeline; a consortium of Japanese companies obtained a part interest in some (as yet unproved) North Slope leases; and Phillips Petroleum Co. proposed to the Cabinet Task Force an Oil Import Control that barrel-for-barrel import quotas be granted to producers who exported crude oil from the United States.

The import-for-export proposal envisioned a crude oil excess in one part of the United States, presumably the West Coast, in the context of a general national deficiency, and was aimed at reducing transportation costs. Alaska crude oil could be sold in Japan, for example, offsetting Caribbean or Middle Eastern imports to the East Coast. Not only would the total tanker distance be less than an Alaska-East Coast route, but the shippers could reduce costs further by using tankers of foreign registry, rather than the domestic vessels required in the United States coastal trade. The importance of this proposal was probably exaggerated at the time, however. Phillips did not (and does not) control significant North Slope reserves. The proposal was not pressed nor endorsed by the companies that did have such reserves, and it was never seriously entertained by the Task Force.

Price relationships argued strongly in the past against the existence of plans to export Alaskan crude oil. Because of United States quota restrictions on oil imports, the prices of crude oil on the West Coast of the United States were until 1972 about $1.50 higher than landed costs of comparable Middle Eastern crudes in Japan, and U.S. Midwestern prices were on the order of two dollars higher. If these differentials continued, there would be little incentive to export Alaskan oil without the import-for-export allowance; it would clearly be worth while to transship any oil surplus in District V to the Gulf or East Coasts or even to the Midwest, rather than to export it.

Alternatives considered by the companies (but not actively prosecuted) for getting North Slope oil to Midwestern or Eastern U.S. markets included a tanker route around the Horn; a pipeline across Panama linking two tanker segments; reversing the direction of the Four Corners pipeline in order to carry crude oil from Southern California to Texas and thence to the Midwest; reversing the direction of the Transmountain Pipeline between Alberta and Puget Sound, then using the Interprovincial Pipeline to deliver crude oil to the Midwest; and construction of a new pipeline from Puget Sound to the Midwest along the Burlington Northern or Milwaukee Railroad right-of-way.

Although the prospect of significant crude oil surpluses on the West Coast of the United States in the late 1970's and early 1980's have diminished somewhat (but not completely), the rising world prices of oil and devaluation of the dollar have increased the comparative attractiveness of export markets. If crude oil prices in both markets (Japan and Southern California) are determined in the future by transportation costs from the Persian Gulf, so that landed prices per barrel in

Japan remain 25 to 50 cents lower than in California, this differential plus the 21-cent license fee announced in April 1973 (when the quota restrictions were removed) would seemingly more than offset the transportation cost advantage of shipping Alaska oil to Japan. But if the past two years' trends in exchange rates and world oil prices were to continue, North Slope oil would be marketable in Japan at considerably higher prices than on the West Coast of the United States by the time a Trans-Alaska pipeline could be on stream.

Three companies control more than 90 percent of the proved reserves of the Prudhoe Bay field, the largest in North America. This field, whose production will dominate West Coast oil supplies will be developed and produced as a single unit pursuant to state conservation law. The same companies will also own 82 percent of the Trans-Alaska pipeline, which is organized as an undivided interest joint venture. West Coast crude oil prices, the companies' profits and the state's revenues, and fuel prices for West Coast consumers, will all be affected powerfully by the amount of oil that the companies and the state permit to be delivered to District V markets. There is no assurance that all the oil which is "surplus" to the West Coast (and thereby "available for export") in the companies' eyes will be truly in excess from the standpoint of consumers, national security or national economic efficiency.

Because of uncertainty regarding the volume of District V crude oil production and the imponderable but almost surely enhanced commercial attractiveness of oil exports to Japan in future years, the Committee is of the view that even though it has had repeated assurances from the oil companies and the Administration that the former "have no intention" to export crude oil produced on Alaska's North Slope, there should nevertheless, be a statutory check upon such exports.

Section 114 of the Act expresses the Committee's concern that the companies that control the North Slope oil reserves might decide, on the basis of private commercial advantage, to make export sales or exchanges that result in net reduction of crude oil supplies available to the United States, or an increased dependence of the United States upon insecure foreign supplies.

The Committee did not believe that a categorical prohibition of oil exports would be wise, however. There might well be a situation in which export-for-import arrangements would be of benefit to both the United States and its trading partners. For example, the export to Japan of Alaskan crude oil surplus to west coast needs in exchange for Latin American or Eastern Hemisphere crude (which would otherwise have been transported to Japan) for the Northeast could, under some circumstances, be a better arrangement to bring the Northeast region additional crude oil supplies than either transcontinental pipelines or a tanker route around the Horn. A total prohibition might, in addition, encourage other countries to restrict exports to the United States, or cripple efforts to provide cooperation or sharing of restricted supplies among consuming countries.

Section 114 provides that any export arrangement be critically examined in light of the national interest to assure that a few pennies per barrel in private transportation expenses are not saved only at a great cost to the total security of national energy supplies. Issues that might be scrutinized in any such examination include whether any export at all is in the national interest, the duration of the export contract, the international consequences of diverting such exports to domestic use in an emergency, the availability of transport capacity to do so, and the net impact of any sale or exchange upon the United States balance of payments.

The provisions of the Section effectively place the burden upon an applicant for an export license to demonstrate that exports of North Slope crude oil are indeed in the national interest, and by requiring an express Presidential finding, compel an examination of that interest at the highest levels.

TITLE II—PIPELINES FOR ALASKA NORTH SLOPE OIL AND GAS

SEC. 201. (a) The Congress hereby finds—

(1) That facilitating the early delivery of the oil and gas available on Alaska's North Slope to domestic markets is in the national interest.

(2) That full development and delivery of Alaska's proved and potential oil and gas may best be attained by utilizing both maritime and overland transportation systems.

(3) That while a specific proposal for the transportation of Alaska's North Slope crude oil over a route that does not traverse any foreign country is at an advanced stage, and proposals for transportation of North Slope natural gas are currently being prepared, it is nevertheless in the long term national interest to initiate early negotiations with the Canadian Government to determine the feasibility of transporting North Slope crude oil on an overland route across Canadian territory.

(b) The Congress declares that it is the purpose of this title to authorize and request the President to initiate negotiations with the appropriate officials of the Government of Canada for the purposes set forth in sections 202 through 204.

SEC. 202. The President of the United States is authorized and requested, utilizing the services of the Secretary and the Secretary of State, to enter into negotiations with the appropriate officials of the Government of Canada to ascertain—

(a) the willingness of the Government of Canada to permit the construction of pipelines or other transportation systems across Canadian territory for the transport of natural gas and oil from Alaska's North Slope to markets in the United States;

(b) the need for intergovernmental understandings, agreements, or treaties to protect the interests of the Governments of Canada and the United States and any party or parties involved with the construction, operation, and maintenance of pipelines or other transportation systems for the transport of such natural gas or oil;

(c) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the respective energy requirements of the people of Canada and of the United States are adequately met; and

(d) the quantity of such oil and natural gas from the North Slope of Alaska for which the Government of Canada would guarantee transit.

SEC. 203. (a) If the President, on the basis of the negotiations authorized and requested in section 202, determines—

(1) that the Canadian Government is willing to entertain an application or applications leading to development of a transportation system for the movement of Alaska crude oil to markets in the United States; and

(2) that no technically competent and financially responsible private entity or entities have made and are actively pursuing such an application with the Canadian Government;

the President is authorized and requested to direct the appropriate Federal departments and agencies to initiate and undertake, or to collaborate with appropriate Canadian governmental agencies and responsible private entities in such studies, negotiations, engineering design, and consultations as are necessary to the preparation of an application to the Canadian Government and to enter into specific negotiations concerning the authorization of construction, certifcation, and regulation of such a transportation system.

SEC. 204. The Secretary shall, within one year of the effective date of this Act, report to the Committees on Interior and Insular Affairs of the House and Senate regarding the actions taken and progress achieved under this title, together with his recommendations for further action.

SEC. 205. This title shall not be construed to reflect a determination of the Congress regarding the relative merits of alternative transportation systems for North Slope crude oil or regarding the merits or legality of a grant by the Secretary of a right-of-way to construct a crude oil pipeline within Alaska from the vicinity of Prudhoe Bay to Valdez, nor to prohibit such a grant, nor to require that the Secretary in the execution of any of his statutory duties await the results of the negotiations with the Canadian Government provided for in this title before making such a grant.

SEC. 206. Such funds are hereby authorized to be appropriated as are necessary to implement the provisions of this title.

III. MAJOR ISSUES

1. ALTERNATIVE TRANSPORTATION ROUTES FOR ALASKA NORTH SLOPE PETROLEUM

In hearings before this Committee on S. 1081 and other pending bills no witness seriously proposed that it would be in the national interest to postpone the development of Alaska Arctic oil and gas indefinitely. The relative lack of controversy over this issue is in contrast to previous hearings before this and other committees, and reflects rapidly changing public perceptions of the nation's energy needs.

There is now an obvious and growing deficiency in domestic production of crude oil and natural gas, leading to a rapidly increasing dependence upon insecure Eastern Hemisphere imports. Moreover, the prices of imported oil make it no longer the bargain it appeared several years ago. With passage of the Clean Air Act, the low sulfur crude oil that can be produced from the Prudhoe Bay field has become significantly more valuable. Meanwhile, the risk of environmental damage from development of North Slope oil and its transportation to markets in the "Lower 48" has been substantially lessened as a result of the stricter environmental stipulations, redundant safety systems, contingency planning and better engineering imposed upon the proposed Trans-Alaska pipeline. Finally, until passage of the Alaska Native Claims Settlement Act, many citizens feared—with some justification—that unchecked commercial development might leave the nation without unspoiled scenery, outdoor recreation areas or wilderness in the vast and heretofore remote territory of Northern and Central Alaska. This apprehension was mitigated by the provisions in the native claims settlement act that at least 80 million acres of land in Alaska will be considered by the Congress for incorporation into new wilderness areas, wild and scenic rivers, national forests, national parks and national wildlife ranges.

Although there now seems to be a broad consensus that Alaska North Slope oil and gas should be developed rapidly, there is the route of its transportation. Serious consideration has been given in the past to the use of icebreaking oil tankers, submarine barges, railroads (a proposition recently revived and advocated by the Government of British Columbia), and even aircraft. The principal controversy today, however, is between advocates of (1) a 48-inch oil pipeline to be constructed from the North Slope to Valdez, Alaska, where the oil would be loaded onto tankers for transportation to ports on the west coast, and (2) a similar 48-inch pipeline overland through Canada to the vicinity of Edmonton, where it would join with existing pipelines (whose throughput capacity would have to be increased) in order to deliver the crude oil to the Midwestern United States and possibly to the Pacific Northwest as well.

The precise route of the so-called Trans-Alaska pipeline has been set out in the proposal of the Alyeska Pipeline Service Company to the Department of the Interior; the route of the so-called TransCanada's *pipeline* is far less certain. Routes considered to the Canadian border are (1) east along the Arctic Coast (through the Arctic National Wildlife Range), (2) south through the Brooks Range and east along the southern edge of that range toward the headwaters of the Porcupine River, and (3) south to the vicinity of Fairbanks, and then southeast up the Tanana River. Through Canada, a route up the Mackenzie River has been most often discussed, but an alternative generally following the Alaska Highway is also under consideration.

Advocates of the Trans-Alaska pipeline include the oil companies with reserves in the Prudhoe Bay field, industry and trade associations, the Alaska and National Administrations, and (apparently) most Alaskans. Those favoring the Canadian alternative include conservation organizations, commercial fisherman groups, state officials and Members of Congress from the Midwest, academicians and Canadian interests.

Apart from the right-of-way width limitation contained in Section 28 of the Mineral Leasing Act of 1920, the principal legal issue in the Federal courts has been whether or not the Interior Department, in evaluating the Alyeska right-of-way application, has given sufficient consideration to its environmental, economic and national security effects relative to an overland pipeline through Canada.

During the Committee's examination of right-of-way policy and proposals for transportation of North Slope oil, the main points of controversy regarding the competing transportation systems have been the following:

(1) *Environmental Impact*—Proponents of the Canadian pipeline contended that its environmetnal risks are less serious than those of the Trans-Atlantic route. They emphasize the latter's crossing of an active earthquake belt, the danger of marine pollution stemming from the ocean leg of the oil transportation system, and the possible reduction of environmental damage if oil and gas pipelines from the North Slope were confined to the common corridor rather than two or more routes. Advocates of the Alyeska proposal maintain that there are some aspects in which Trans-Canada oil pipeline would be more damaging or more hazardous to the environment, for example, the very length of the pipeline, the number of miles it would cross the zone of discontinuous permafrost, and the number of major river crossings.

(2) *Markets*—A second point of contention is whether or not the West Coast of the United States (PAD District V) will be able to absorb all the crude oil that would be shipped there upon completion of the Trans-Alaska pipeline. A surplus of crude oil on the West Coast of the United States would have to be marketed east of the Rockies with considerably greater transportation expense or else exported. Advocates of the Alyeska project now acknowledge that the pipeline would have created a crude oil surplus on the West Coast if it had been completed in 1972 or 1973 as originally anticipated. The present throughput schedule, however, is not expected to be sufficient to meet all of the District's petroleum demands unless major new reserves are discovered and developed offshore from California or in the Gulf of Alaska. Accordingly, the likelihood of major new oil discoveries in Southern Alaska or off the California coast and the desirability of exporting Alaska oil to other countries during an era of domestic shortages are both among the critical issues of controversy. (See "2. Exports of Alaskan Oil, below.)

The relative dependency of the two regions (the West Coast and the rest of the United States) upon imports from insecure sources is also a point at issue. The likelihood of additional production from new West Coast areas other than the North Slope is critical to this debate. Since Alaskan oil will at the margin be backing out Middle Eastern oil in either market, however, the principal effect of the choice of routes upon the total level of import dependency would be related to the time at which deliveries of North Slope oil began.

(3) *Economic Benefits*—Supporters of the Canadian pipeline proposal point to the fact that crude oil prices are higher in the upper Midwest than in California, and offer transportation cost calculations indicating that the "netback" value of North Slope oil would be greater if it were delivered to Chicago than to Los Angeles. They conclude, therefore, that the oil companies, the State of Alaska (in terms of the value of its royalties and production taxes) and the national economic welfare would all be served best by the Trans-Canada pipeline. The general assumptions of this argument were accepted by the Interior Department in its *Economic and Security Analysis of the Trans-Alaska Pipeline*. But the Interior Department pointed out, and the independent proponents of this argument acknowledge, that such economic benefits would be more or less wiped out by the discounting of future benefits, if a Trans-Canada pipeline would take two or more years longer to construct than a Trans-Alaska pipeline. Some supporters of the Trans-Alaska pipeline now dispute the earlier estimates both of the relative construction costs for the two pipelines (and thereby crude oil transportation costs) and the expected future price differentials between the Midwest and the West Coast; they assert that the netback value of the oil will actually be higher if it is delivered to western markets.

(4) *Ownership and Control*—Supporters of the Trans-Alaska pipeline point out that a pipeline across Canada would be regulated by the Canadian government, and that statements of Canadian officials indicate that a controlling equity in such a pipeline would have to be held by Canadian citizens. In addition, oil pipelines in Canada must generally be operated as common carriers; this requirement might result in the backing out of Alaskan oil to make room for oil produced in the vicinity of the pipeline in Canada. In addition, Canada's new controls over oil and gas exports raises the possibility that Alaskan oil destined for U.S. markets could in an emergency be diverted to Canadian customers, leaving the United States short of those supplies.

Advocates of the Canadian pipeline reply, however, that there are now no known Canadian reserves in the Arctic whose production could displace Alaskan oil carried by a Trans-Canada pipeline, and that the pipeline's throughput capacity could be increased by "looping" or other means well in advance of the appearance of any excess supply. They argue, moreover, that to the extent that the existence of a pipeline through Canada from Alaska to the Midwest does encourage the exploration and development of Canadian Arctic resources, any oil exported to the United States via that pipeline is a benefit to United States interests because it would displace oil from less secure foreign sources. The notion that Canada might divert oil of United States origin to her own uses is discounted, both because, in that instance, the United States could simply cease shipping the oil, and because the United States holds a comparable Canadian hostage; most of eastern Canada's own crude oil supply enters that country through pipelines across the State of Maine.

(5) *Other Issues*—Other issues raised in the debate have included the economic and scheduling relationship between alternative pipelines to carry Prudhoe Bay crude oil and the pipelines for the natural gas that will be produced in association with it; the problems of financing a longer pipeline; the respective impact of the two pipelines on the U.S. balance of payments; the relative physical security of the two routes; the employment, economic and inflationary effects of construction within Alaska; and the comparative impacts upon competition and market power.

The Committee on Interior and Insular Affairs did not regard any one of the foregoing arguments or any group of them as conclusive in favor of either of the competing pipeline proposals. In some areas of debate the preponderance of evidence or analysis seems to favor one side or another, but no area of controversy, however, is without ambiguous or speculative elements. Even the most expert assessments made today are likely to be modified by new information that will become available or by unforeseen changes in circumstances occurring before either pipeline could be completed. Much information can be obtained only in the course of construction.

Any assessment based solely upon the foregoing considerations regarding the relative merits of the two pipeline routes clearly must depend heavily upon subjective judgment. There is, however, one consideration in favor of the Trans-Alaska pipeline that the Committee found compelling. This consideration was the additional delay and uncertainty associated with the Trans-Canada pipeline. Regardless whether the 1969 decision of the owner companies in favor of an all-Alaska route was the wisest or the most consistent with the national interest at that time, and regardless whether the Administration's early commitment in favor of that route was made on the basis of adequate information and analysis, *the Committee determined that the Trans-Alaska pipeline is now clearly preferable, because it could be on stream two to six years earlier than a comparable overload pipeline across Canada.*

The necessary business organization, financial arrangements, engineering design and logistical preparations for the Alyeska project have been completed, so that construction could begin as soon as a right-of-way is granted, while *none* of these necessary preparations has been accomplished for a Trans-Canada route. These tasks are expected to take about two years, quite apart from the legal, political and administrative hurdles that must be crossed before construction of a Canadian pipeline would be authorized. In addition to the delays that could be normally anticipated at each of these steps, a number of them suggest the possibility of indefinite delays or even the project's ultimate impossibility.

In the absence of a complex treaty enabling construction and operation of an international pipeline as a unitary enterprise, the interested private parties would have to organize a separate consortium or business organization on each side of the border for financing, building and operating the two segments of the pipeline, and resolve the complicated relationships between them. Discussions would have to be conducted with, and applications submitted to, several Canadian agencies and the final plan would have to be submitted to the Federal Cabinet. Before approval could be granted numerous modifications and perhaps corporate reorganizations would be necessary. The project would run gauntlets of domestic Canadian opposition, and of attempts to influence the shape of the project by such interests as northern Indians and Eskimos, environmentalists, Canadian economic nationalists, and provincial interests. The prospects of ultimate approval by the Cabinet might well be jeopardized by the minority status in Parliament of the Government's party.

A new pipeline route through Canada would, of course, require a new environmental impact statement and public hearings in the United States and involves the possibility of a new round of litigation.

Any assessment today of the time required for approval of a Trans-Canada pipeline project or of the probability of its ultimate approval in any form is purely speculative. *It is, moreover, doubtful whether further study could contribute to the accuracy of such speculations.* The seriousness of the obstacles at each organizational, financial and political step are testable only by an actual attempt to get approval for a specific proposal, and no such proposal exists today.

The listing of difficulties and uncertainties involved in getting approval for construction of a Canadian pipeline should not obscure the remaining difficulties and uncertainties facing the Trans-Alaska project: continuing litigation based upon National Environmental Policy Act requirements; litigation between the owner companies and the State of Alaska over a right-of-way across state-owned land and regarding state taxation and regulation; the possible vulnerability of the project under antitrust laws; and coastal zone legislation and regulation, which might conceivably affect the ability to land Alaska oil at West Coast ports.

Except for uncertainties regarding terminals in Washington and California, however, all the real or potential problems of law or political controversy facing the Trans-Alaska pipeline also face its Trans-Canada counterpart. In assessing the probable completion date of the latter project, the time required to resolve these problems must be added to both the additional time necessary for route selection, design, and logistical preparations, and the time involved in obtaining Canadian government approval. Moreover, to the remaining uncertainty arising from United States and Alaskan law and politics, which affect both pipeline proposals, must be added the uncertainty stemming from Canadian law and politics, and from the complexities of the international relationship.

In light of the existence of significant uncertainties which are unique to each of the two routes, it is arguable that the interested companies and the Federal government should have devoted substantial effort to investigations and preparations leading to development of more than one transportation system. The Committee believes that such a two-option strategy was and is warranted, not only because of uncertainty, but because of the high probability that two or more pipelines will ultimately be required to transport Arctic crude oil.

To a limited degree, the companies operating on the North Slope have in fact seriously explored alternatives to the Trans-Alaska pipeline. Humble Oil and Refining Company (now Exxon) converted the *Manhattan* into an icebreaking tanker for an experimental journey through the Northwest Passage to Prudhoe Bay and return, while the companies with major interests in North Slope reserves joined to conduct the Mackenzie Valley Pipeline Study, which concluded in 1972 that a Trans-Canada oil pipeline would be physically and financially feasible, and environmentally acceptable.

There has, however, been no actual route selection or engineering design leading to a specific Trans-Canada pipeline proposal. The companies have not formed an organization to design or build a pipeline nor have they initiated discussions with Canadian government agencies leading to a right-of-way application. There seem to be several reasons for their failure to move ahead on both alternatives. First, the companies, the Interior Department and the State of Alaska have tended from the beginning to underestimate the engineering, environmental, legal and political difficulties of their preferred route. Also, the advocates of an all-Alaska pipeline seem to have feared that serious consideration of a Canadian route would, by giving it additional credibility as a potential alternative, undermine their effort to get early approval of the Alyeska right-of-way application. Finally, exploration of the Canadian alternative beyond the present feasibility study (which cost about $7 million) requires selection of a specific route, which in turn necessitates even more costly on-the-ground surveys, including extensive core drilling.

Route selection, engineering design, and preparation of an environmental impact statement would involve tens—perhaps hundreds—of million of dollars. In the past these costly activities might have been conducted in stages after, or at worst, simultaneously with, application for and receipt of the necessary governmental permits, but both United States and Canadian policy now require these steps to be substantially completed before applications will even be considered. The companies cannot privately justify the major expense that would be necessary to prepare an application for the permits required to build a Canadian pipeline, if it were only to serve as a hedge against the possibility they would not be permitted to complete the Trans-Alaska pipeline. Hesitation based upon financial prudence has been reinforced by the fear that any such preparation would be used as political ammunition against the pending Alyeska application (as the Mackenzie Valley Study is indeed now being used).

It is likely, however, that Arctic crude oil resources will be much greater than indicated by present proved reserves estimates. Development of these resources will justify and require more than one 48-inch pipeline within a decade, and argues in favor of an early planning and organizational effort to build two pipelines. The probable future reserve additions, however, have so far played no part in corporate planning for transportation of North Slope oil. The 9.6 billion barrels of proved reserves currently estimated for the Prudhoe Bay field barely exceeds the minimum required for the throughput guarantees necessary to finance a single 48-inch pipeline; it certainly cannot be used as security for two such pipelines.

Proved reserves as estimated by the American Petroleum Institute are an exceedingly restricted concept. There is little question that the reserve estimate for the Prudhoe Bay field will grow substantially, as both exploratory and development drilling delineate the field more completely, and as increased crude oil prices and improved methods make more complete recovery of the discovered oil-in-place commercially feasible. Typically, these two kinds of adjustments ("extensions" and "revisions," respectively) increase the proved reserves estimates for a newly discovered oil field by a factor of three to ten over its lifetime. Moreover, North Slope oil production will not be limited to the Prudhoe Bay field; giant oil fields are seldom found alone, and only a tiny proportion of the Arctic Slope's favorable geology has been explored geophysically, much less tested by the drill. It is worth noting that the Committee is currently considering measures to authorize the exploration and development of the 26 million acre Naval Petroleum Reserve, whose boundary is a few miles west of the Prudhoe Bay field.

The excellent prospects for an early expansion of North Slope oil and gas reserves sufficient to justify a second pipeline will not be realized until the industry is reasonably confident that a first pipeline will in fact be built. Throughput guarantees adequate to finance that pipeline are possible on the basis of present reserve figures, so that there is little justification for costly outlays on development drilling beyond the level (already surpassed) that could be accommodated by the Alyeska pipeline's planned initial throughput of 600,000 barrels per day (recently reported to have been increased to 1,200,000 barrels). Exploration on adjacent lands already under lease is also at a low ebb, and it is understandable that the State of Alaska, the Interior Department, and Alaska Native groups would postpone additional lease sales to a time when industry interest—and bonus bids—would be higher. A revival of intensive exploration effort depends above all upon the commencemnet of pipeline construction.

In weighing these manifold considerations, the Committee concluded that it would be a mistake to view the Trans-Alaska pipeline and Trans-Canada pipelines as competitors, except with respect to which of them could actually be completed first. Title II of S. 1081 authorizes the President to undertake negotiations with Canada and other actions leading toward construction of a crude oil pipeline across Canada from Northern Alaska to the Midwest, and it expresses the Committee's judgment that:

1. Federal planning for transportation systems to deliver Arctic crude oil should take account of the likelihood of greatly increased reserves in the Prudhoe Bay field, on other State, Federal, and Native-owned lands in northern Alaska, from Naval Petroleum Reserve No. 4, and from Northwestern Canada.

2. Two or more pipelines for crude oil from Arctic Alaska, or from Alaska and Arctic Canada together, serving different market areas in the United States (and Canada) will be feasible, desirable and necessary in the foreseeable future.

3. Completion of the first crude oil pipeline from Prudhoe Bay is urgently in the national interest, and construction should begin as soon as there is assurance its construction and operation will be environmentally sound.

4. The Trans-Alaska pipeline proposed by the Alyeska group ought to have priority in time, because of the overwhelming probability that it could be completed two to six years sooner than a Trans-Canada pipeline. The Trans-Alaska project is at a far more advanced stage of preparation and avoids the many uncertainties involved in organizing, financing and obtaining approval of an international pipeline.

5. Nevertheless, the very likelihood of extended delays in approval and construction of a Trans-Canada pipeline dictates that concrete efforts leading toward construction of such a pipeline should be started now. This beginning ought to be made notwithstanding the present insufficiency of proved reserves to provide private justification for a second oil pipeline, and without prejudice to the Alyeska proposal.

6. In order to protect both United States and Canadian interests in this multi-billion dollar project, and in order to minimize future international conflict and misunderstanding regarding its operation and regulation, detailed and explicit intergovernmental understandings, and perhaps a treaty, are necessary regarding ownership, financing, regulation and taxation.

7. It is possible, prior to the development of proved reserve figures adequate to support the private financing of two pipelines, that no competent private entity will take responsibility for the preparations prerequisite to submitting necessary applications to Canadian governmental agencies. In such an instance, appropriate agencies of the United States government should accept this responsibility.

CHARLES SAWYER COMMENTS ON WATERGATE

Mr. TAFT. Mr. President, one of the wisest senior statesmen of any political party today is the Honorable Charles Sawyer, who served as Secretary of Commerce under President Truman. While he is a lifelong Democrat, it has been my good fortune to have had his sound comments and good advice over a number of years on many questions of national concern and to have benefited greatly from them.

In a letter to the Cincinnati Enquirer of June 13, Charles Sawyer has offered some worthwhile comments and good advice for all of us, Republican, Democrat, and independent alike. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

A Democrat on Watergate

(By Charles Sawyer)

To the Editor: I am a Democrat, I have participated in and observed politics for a long time. I am a realist, I hope, and perhaps even a cynic with reference to politics. As a Democrat I am happy and relieved that my party is not involved in the so-called Watergate matter. I am, moreover, quite willing to admit that Democrats at various times and places have been guilty of irregularities or even crimes—some of which have been made public.

I am moved to suggest that the persons in both parties who are, to the point of nausea, undertaking to display their self-righteous indignation, should be exposed for what they are—either completely dishonest in their proclamation of virtue, or so ignorant of what goes on in politics that they are not entitled to be heard. I believe many of my fellow Democrats, and probably many Republicans, despise the self-righteous politicians who are trying to capitalize on the misfortunes of Richard Nixon.

In all the years that I have watched politics, I have never seen a campaign as mean and indefensible as the effort headed by the New York Times, the Washington Post and most of the television news media to crucify Richard Nixon.

I have said many times (not always in jest) that Republicans are stupid politically. In no case has my theory been more completely vindicated than in Watergate. The one thing properly chargeable to President Nixon is that, as a seasoned politician, he permitted his campaign for re-election to be run by men who were not politicians, who knew nothing about politics, and not one of whom had ever been elected to public office. One would have thought that such a mistake would not be made by Mr. Nixon. But we all make mistakes, and he is like the rest of us in that regard.

The publicity which this matter has received is completely out of hand. Rarely does anyone undertake to analyze the motives behind this episode. None of the men involved made this burglary attempt in order to benefit himself personally. They did not get in to steal money. They went in apparently impelled by some unexplained motive—at least so far unexplained adequately—which, however mistaken, did not involve any personal benefit. The whole episode is inexplicable. It was wholly unnecessary, and badly conceived.

One question which has occurred to me but has not, so far as I know, ever been answered is: What part was played in this affair by the concern about Castro? Why did the men in the Committee to Re-elect the President think it was of any importance or would be helpful to involve the Cuban nationals in Mr. Nixon's campaign.

This, of course, is merely one of many things which have not as yet been explained. My own feeling is that the episode has been overworked and the Senate committee has contributed to no result of any benefit to the American people. In fact, this monotonous piling up of second-and third-hand hearsay evidence has already dragged on far too long.

I do not agree with many things which President Nixon says and does, but I believe he is not stupid. That is why I believe he had nothing to do with the Wategate effort.

Personally, I am sick of the Watergate publicity. I believe the average American is sick of it, too. It is being exploited by publicity-seekers in both parties and, in particular, by the enemies of the President. In fairness to my own party, I believe that most of our leaders have been restrained and fair. I would include Sen. George McGovern (D-S.D.) in this group. I would not, however, include Sen. William Fulbright (D-Ark.), who suggested that the President and vice president should resign. He knows that this will not happen. President Nixon is not a quitter. He rather welcomes than avoids a fight.

Not only will President Nixon not resign, but why, in Heaven's name, should Mr. Agnew resign? It has never been charged or intimated that he had the slightest connection with Watergate. If Fulbright and others in both parties are so anxious to ditch Mr. Nixon, why don't they do what is called for by the U.S. Constitution—impeach him? That course is open to them. It is not a course which I, as a Democrat, recommend. Jim Farley recently pointed out the folly of any such action, but it can be tried.

I, of course, do not condone for one minute the things which were done by the Nixon committee. Those who have committed crimes should be punished. Let this be our sole objective.

I am moved to make one further comment. As I have watched the developing and mounting volume of attack on and criticism of President Nixon. I have tried to think of what other man there is in public life today, in either party, who could have taken the punishment which he has taken day after day, week after week and month after month, from the news media and television, and still retain, as he has done, his sanity, his ability to function (involving a constructive readjustment of his own staff), and his determination to ride out this storm. In my judgment, most prominent Washington officeholders would have caved in under the pressures to which he has been subjected.

When the lawyer for James McCord, who is trying desperately to save himself, says that his own client is a liar, and McCord's second lawyer states that their objective now is to "go after the President," should not the sensible and bored voters of this country tell them all to close the show, and let those who may have committed wrong be tried by the efforts of the man appointed by the President—a Democrat, Archibald Cox—to punish whatever wrongdoing has been perpetrated?

ALASKAN OIL

Mr. BAYH. Mr. President, one of the unfortunate charges which has been made during the ongoing debate on how we can best bring Alaskan oil to the United States is that those who oppose the Alaskan land-sea delivery route are obstructionists who are delaying use of the oil.

I want to reiterate that while I am opposed to granting wider rights-of-way across Alaskan public lands at this time, I am extremely anxious to expedite delivery of Alaskan oil and gas. The Mondale-Bayh amendment, which my able colleague from Minnesota and I will be offering to S. 1081, need not—contrary to charges—delay delivery of these fuels.

Rather, it will postpone for only 1 year a congressional decision on whether the oil should be transported by the Alaskan land-sea route or an all-land trans-Canadian route. That congressional decision, which can be reached 1 year from now, could permit construction to go ahead sooner than S. 1081 which will lead to further litigation that could take up to 2 years.

I have recently seen an article by Jay S. Hammond, former president of the Alaskan State Senate, which appeared in the April 25 edition of the Anchorage Daily News. Mr. Hammond, unlike some of his fellow Alaskans, understands why there has been a delay in delivery of Alaskan oil and I request unanimous consent to include his candid article in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Preservationists and the Pipeline

(By Jay S. Hammond)

Most Alaskans agree that "preservationists" have stymied the pipeline. Question is, which preservationists: those who would preserve the environment at the expense of exploitation or those who would preserve exploitation at the expense of the environment.

To blame environmentalists for all pipeline problems is like blaming pregnancy on the midwife. In each instance the accused simply held up the heels and smacked into squalling public presence the product of others.

It wasn't environmentalists who refused to investigate pipeline alternatives. Rather, they pointed out that such was required by the National Environmental Policy Act. Nor was it environmentalists who ignored statutory right-of-way limitations. On the contrary. They warned of this violation in ample time to attempt remedial action.

But then who wants to listen to a bunch of little old ladies in tennis shoes; crackpots less concerned with the buck than the biota?

Reluctant to acknowledge our own errors, we've made environmental "preservationists" the target of our frustrations. It's time we lifted our sights a notch to level in on those other "preservationists" who first fouled things up: those who would preserve all the exploitive, damn the torpedoes, industrial * * * conduct "business as usual" they tried to break the law of the land. It back-fired.

Let's be honest about it. We handed pipeline opponents a double-barreled shotgun. Cocked and primed. Remarkable how often secret weapons of the Sierra Club come cased in Chamber of Commerce charcoal gray.

While preservationists of each persuasion have compounded pipeline problems, let's not forget that the prime culprits are those exploitive preservationists who failed to heed, much less comprehend, danger signals long evident. Instead they chose to ridicule or berate any who attempted to point them out. By so doing they provided the nutrients serving to metamorphose that little old lady in tennis shoes into Jack the Giant Killer.

Years ago when statutory right-of-way violations were cited by environmentalists they were bemusedly ignored. After all, other pipelines had been built with rights-of-way exceeding legal limits. Who'd notice one more?

Years ago while in the State Senate we urged that comparative economic and environmental analyses of pipeline alternatives including routes through Canada, be undertaken. Any the least familiar with NEPA recognized such analyses were required if for no other reason than to accumulate data upon which to base grounds for rejecting Canadian routes.

You'd have thought we'd shrieked an obscenity in church! Editorial pages shrilled abuse at any who would support what was obviously "a preservationist plot" designed to prohibit any oil development whatsoever.

One might suppose those who championed the TAPS route as both environmentally and economically superior would be the first to demand factual comparative analyses if they believed their own propaganda. After all, such could but bolster their case. Curiously, despite this motivation plus the obvious legal obligation to analyze alternatives, proponents of the TAPS route vehemently fought efforts to promotive evaluation. On the other hand, TAPS opponents pleaded for its accomplishment.

While some senators acknowledged need for comparison of pipeline alternatives, most were scared clean out of their togas by vitriolic opposition to the suggestion spewing from some editorial pages. In penance for having allowed such an outrage to reach the floor, the legislature hastily drew up a resolution demanding immediate issuance of a permit to build a pipeline from Prudhoe Bay to Valdez. It passed overwhelmingly.

Since the final environmental impact statement had not yet emerged, it is questionable if this action went far to persuade others that Alaskans were as concerned with environment as with short-term economics. But then, so what? In their abysmal ignorance many "outsiders" are unaware that any Alaskan can give an in-depth, comparative analysis of pipeline alternatives without the meddling interference or ridiculous delays inherent in a professional, government study.

As a matter of fact, many professional Alaskans had already not only attested to the complete adequacy of the first environmental impact statement draft but had also made public their own environmental comparisons of pipeline alternatives. All, save one, concluded the TAPS route was clearly preferable. These professionals included the governor, the commissioners of economic development, highways, and public works, the attorney general and some newspaper editors.

The only professional, government official to make rude noises suggesting the draft statement was something less than sacred writ was the commissioner of fish and game, Wally Norenberg (rather, the ex-commissioner of fish and game). Segments of the press and several politicians chastised him for his audacity. This was unfortunate. To the concerned, his testimony alone served to support contentions that we in Alaska intended to "do things right." It seemed unwise to suggest publicly that this might not be true.

Both the right-of-way and pipeline alternative bombshells might have been defused long ago. Had we pulled our heads from the sand we might have detected the ticking. Instead we ignored the two prime threats to early construction despite, incredibly, early pronouncments by TAPs opponents that they intended to use them to block the project.

Failure to make adequate comparative analyses of alternative routes was a major reason why the first environmental impact statement draft was sent back to the drawing board. Alleged failure of the final draft yet to provide such analysis is the basis for lawsuits still pending. Two high court decisions have already supported the environmentalist's charges of rights-of-way violations.

Some have speculated that I, having been abused by the press for suggesting it, might draw some embittered satisfaction from the fact that failure to evaluate adequately pipeline alternatives through Canada proved the key issue upon which the pipeline has high-centered. By no means. A low pain threshold for the insufferable who crow "I told you so" plus a sobering awareness of my own inadequacies force me instead to accept part of the blame.

As a member of the Alaska Legislature during those days when meaningful action might have been taken to assure that all legal obligations be met to clear the way for a pipeline, I was incapable of persuading my collegues, though I perhaps had more inside information than most which demonstrated the need for action.

Had I the eloquence of Joe Josephson, the persuasion of a John Rader, the presence of a John Butrovich, the dedication of a C. R. Lewis, the energies of a Wally Hickel, I might have succeeded; provided, of course, that I could have withstood the editorial onslaught of preservationist extremists who termed "preposterous" the suggestion that pipeline alternatives must be evaluated.

Mr. BAYH. Another article, this one appearing in the Anchorage Daily News on June 4, was addressed to the substantial public relations campaign now being waged by those favoring the Alaskan land-sea delivery system. This article deals with the lack of candor in this public relations campaign and is well worth the attention of the Senate. I request unanimous consent to also include this article in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BENDING THE PIPELINE STORY

(By Jim Kowalsky)

The Alaska Pipeline Education Committee has sent its advocates into the lower states. Their mission is to convince those ignorant people about the real pipeline issues, and that the trans-Alaska pipeline is the best method for bringing North Slope oil into market.

One cannot help but notice Lt. Gov. Red Boucher's antics on the podium as he beat the drum to sell Alaska. He told the crowds that Alaska has all kinds of national parks and wilderness areas. If he really cared enough to look, he'd discover Alaska has only one national park—and that it, Mt. McKinley National Park, is only a remnant of a complete biosystem. And the wilderness areas—none exist on mainland Alaska. Only slightly more than 50,000 acres of tiny offshore Alaska islands are currently under statutory protection of the National Wilderness System.

Boucher has not told the truth about Alaska to those ignorant folk below.

And who among the committee, in its travels to tell the unwashed, has presented the urgency of our southeastern fishermen and of the danger to our coastal marine resources presented by the great question mark known as the marine tanker route?

Who told of the state-of-the-art of marine oil spill prevention and cleanup? Who talked about the tanker spill in Cold Bay in March? More than 200,000 gallons of fuel oil from the ruptured tanks of Stanford's grounded Hillyer Brown slopped into the estuary. Pure luck prevailed and the spilled oil evaporated; only luck, chance, not the efforts of those on the scene who tried to implement the National Oil Spill Contingency Plan in 40-knot winds, prevented a major disaster.

Who told how 450 commercial fishermen of Cordova are in court, fighting the marine tanker route because of the great prolonged threat it poses to their livelihood? Who hung their heads in shame when they spent the money from Alaskan pockets to lobby against the very lifeline of Alaska's own commercial fishermen?

Who explained the hazards of northern Gulf of Alaska storms which generate the second roughest seas in the world? And that there isn't even basic base-line data available for Prince William Sound, the fisheries-rich inner oil tanker passage for North Slope crude?

Who even remembered the marine tanker route when he told how safe the pipeline would be? Who showed how any one of the Canadian alternative routes uses a safe pipeline and none of the dangerous marine tankers?

What about the migrating caribou we're told will cross the pipeline? Who pointed out that the simulated pipeline-caribou crossing study sponsored by British Petroleum, Atlantic Richfield, and the Interior Department (but now being withheld from public release in a timely delaying game) demonstrates that the majority of the caribou have chosen not to cross the barrier—and no final engineering solutions are in sight?

When they stressed the "energy crisis", did they talk about Valdez, the shortcut from the North Slope to Tokyo? Or how 19,000 barrels per day of Alaska Cook Inlet petroleum products are already being sold to Japanese interests? Or how the Nixon administration opposes a ban on oil export to Japan?

This is the Watergate era. Mass baloney peddling and the manipulation of public thought through the great repetition of the "operational statements" with appropriate information missing are the names of the game. But the public and the Congress are growing wary.

The Alaska Pipeline Education Committee and other proponents of the production of North Slope crude should openly discuss the many weaknesses as well as the strengths, of the project. They have not.

SENATORIAL VALOR—SENATOR BROCK

Mr. PERCY. Mr. President, each of us has had the opportunity to observe examples of individual courage in our public and private lives. It is a characteristic we treasure most highly, and one deserving of special note when it is demonstrated in our daily lives.

I rise today to pay tribute to a Member of this body, the distinguished junior Senator from Tennessee (Mr. BROCK), who yesterday gave a demonstration of true grit that would make John Wayne envious.

During the Percy-Brock softball game last evening, our colleague was on second base and one of his teammates was on first. A ground ball was hit in the direction of shortstop and the third baseman for the "Percy Kewshuns" moved to his left to cut it off.

En route, he collided with the distinguished Senator from Tennessee, who flipped in the air and landed on his right arm. In obvious pain, Senator BROCK returned to the bench, and provided moral support for his team for one more inning before departing for the hospital to have a cast put on his broken elbow. Rallying behind their fallen leader, the Brock forces went on to a stunning 9 to 7 victory.

Senator BROCK, seemingly undaunted, went directly from the hospital to the postgame party, where he displayed the grace under pressure that has come to be understood as a definition of courage. But I am told that Senator BROCK's letter-signing and handshaking will be reduced to an absolute minimum for the next 2 months, an almost unimaginable burden for a politician who is chairman of the Republican Senatorial Campaign

Committee. There is, I am told, subliminal glee among the ranks of the Democratic Senatorial Campaign Committee.

Mr. President, it is the sheerest coincidence that the member of my team who collided with Senator BROCK is in training to be an orthopedic surgeon. I reject the suggestion that he was trying to drum up business.

I sincerely regret that I was unable to attend the game myself. But Shakespeare has written that "the better part of valor is discretion," and my wife had arranged a dinner party at my home.

I hope that by the time of the 1974 rematch, the Brock softball team will again have the services of its star pitcher. And in the meantime, I wish to offer my best wishes for a speedy recovery to BILL BROCK. The Senator from Tennessee is a great Senator and a good sport.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine morning business is closed.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The PRESIDING OFFICER (Mr. NUNN). Under the previous order the Senate will resume the consideration of the pending business, S. 1248, which the clerk will report.

The bill was read by title as follows:

> A bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE), on which the yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I am ready to vote on this amendment right now, at the present moment 12:22 p.m. I am ready to enter into a unanimous-consent agreement to vote on it at 1 p.m., 2 p.m., or at any time today. I think we have had adequate debate on this measure, not only yesterday, but we have had debate on an almost identical proposal in the month of April. The country is prepared for action now to stop inflation, decisive action. I cannot understand why there is opposition to coming to a vote right now on this measure. I do hope we can agree to some kind of unanimous-consent agreement. There are going to be rollcalls this afternoon that have been scheduled. We have a vote scheduled for 3 p.m. At that time there will be at least one vote and it may be followed by another vote. We have a vote scheduled for 4:30 p.m. That will be a yea-and-nay vote. I would be delighted to have a vote on this proposal of mine any time during the day.

As far as I am concerned, I have spoken enough, and I think those who have supported my amendment think they have spoken enough. We have heard no opposition to the amendment. A similar resolution was passed by the Democratic caucus unanimously. The Republicans had a similar vote the other day, I think yesterday; not on my proposal, certainly not on mine, but whether or not we should have decisive action to stop inflation with some kind of control better than phase III. I understand that passed by a vote of better than 2-to-1 in the Republican caucus. I hope we can come to a vote shortly or permit the matter to be voted on now.

Mr. President, I yield the floor.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INOUYE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT OF INTERNATIONAL TRAVEL ACT OF 1961

Mr. INOUYE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1747.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill (S. 1747) by title, as follows:

> A bill (S. 1747) to amend the International Travel Act of 1961 with respect to fees and charges for travel exhibits and publications and authorizations of appropriations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

Mr. PROXMIRE. Mr. President, reserving the right to object, I understand this bill will take only a couple of minutes, because it is noncontroversial and has been cleared by the leadership on both sides. Is that correct?

Mr. INOUYE. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I ask unanimous consent that time for consideration of this measure be limited to 3 minutes.

Mr. GRIFFIN. Will the Senator make that request 5 minutes?

Mr. ROBERT C. BYRD. Five minutes.

The PRESIDING OFFICER. Is there objection? There must be a unanimous consent to waive rule XII.

Mr. INOUYE. Mr. President, I so request.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment to strike out all after the enacting clause and insert:

> That the first sentence of section 6 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows: "For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated $30,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976."

Mr. PROXMIRE. Mr. President, I understand this proposal would increase the authorization for the U.S. Travel Office. Is that correct?

Mr. INOUYE. Travel services.

Mr. PROXMIRE. And last year the amount authorized was $15 million. The committee originally proposed that the amount be increased, when it came out of the committee, to $30 million. The amount has been modified—we discussed this matter yesterday with the Senator from Hawaii and the Senator from Washington—so that the increase would be to $22.5 million, an increase of $7.5 million.

Mr. INOUYE. The Senator is correct.

Mr. PROXMIRE. I think that is a substantial improvement. Although I am inclined to object to large percentage increases of this kind, the Senator from Hawaii properly pointed out that this is an authorization, not an appropriation, and there will be an opportunity for the Appropriations Committee to consider it and perhaps reduce it further if that seems wise. Under those circumstances I do not object, but I do feel it is a mistake for us to pass large increases in expenditures for any projects, no matter how attractive, at a time when we are concerned with inflation and the increase in our balance of payments. Under those circumstances, however, I will not object to it.

Mr. INOUYE. I thank the Senator.

Mr. President, I call up my amendment to the committee amendment, which is at the desk.

The PRESIDING OFFICER. The amendment of the Senator from Hawaii will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 2, line 23, and page 3, line 1, strike out "$30,000,000" and insert in lieu thereof "$22,500,000".

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. INOUYE. I yield.

Mr. GRIFFIN. It sounds to me as if this is a reduction in the authorization proposed by this amendment, rather than an increase. Is that correct?

Mr. INOUYE. Last year the authorization was for $15 million. After the hearings which were held a few weeks ago, the subcommittee recommended $30 million. This has been reduced to $22.5 million.

Mr. GRIFFIN. Am I correct that the principal or primary purpose of this legislation is to help our balance-of-payments situation?

Mr. INOUYE. The Senator is correct. The Senator is well aware that last year the people of the United States spent slightly over $6 billion abroad for visiting and travel. In return, foreign visitors spent approximately $3 billion in the United States, a difference of about $3 billion. We are hoping that with this small authorization and appropriation we can increase the amount of spending by foreigners in the United States, to lessen the weight of the dollar imbalance.

Mr. GRIFFIN. Mr. President, I want to say, as one who recently visited some of the European countries in connection with the visit of seven members of the Commerce Committee made to the Soviet Union, that I came back with the strong impression that the United States should be doing a great deal more than we have in the past to take advantage of the opportunities that we have to attract foreign visitors to the United States. Compared with what many other countries are doing, our promotional efforts are very meager.

I think the Senator from Hawaii is performing an outstanding service in providing leadership in this particular area, and I certainly wholeheartedly agree with the action that is being taken here to increase the investment that we are making over the expenditures made last year. This is an investment which will pay rich dividends in terms of the balance-of-payments situation.

Mr. INOUYE. I would believe the repayment would be at least a hundredfold.

Mr. GRIFFIN. I thank the Senator. I am very glad to support the amendment.

Mr. PROXMIRE. Mr. President, before the bill passes, let me just say there is much to be said for action that will help our balance of payments, but I think we recognize that this is something that will probably take effect over a period of time. Second, economists differ on the question of the balance of payments. Balance of trade is important, they say. But many people feel that the balance of payments is a reason for proceeding with action that has a long term effect. That just is not justified. For example, not too long ago, the Chancellor of the Exchequer of the British Government was in this country, and he was asked why Britain had no serious balance-of-payments problem in the 19th century. His answer was, "Because we did not have balance-of-payments statistics in the 19th century." This balance-of-payments chestnut is one of the confused, arcane, exotic reasons given by people when they do not have good reason for it. Nevertheless, I shall not object to the passage of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Hawaii to the committee amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 1747) was passed, as follows:

S. 1747

An act to amend the International Travel Act of 1961 with respect to authorizations of appropriations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended to read as follows: "For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated $22,500,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976."

The title was amended so as to read: "A bill to amend the International Travel Act of 1961 with respect to authorizations of appropriations."

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The Senate resumed the consideration of the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, the request I am about to make has been cleared with the assistant Republican leader, the majority leader, and the distinguished Senator from Wisconsin (Mr. PROXMIRE), the author of the pending amendment.

I ask unanimous consent that at 1:30 p.m. today the pending amendment by Mr. PROXMIRE be temporarily laid aside, for the purpose only of following the distinguished Senator from Massachusetts (Mr. BROOKE) to propose an amendment, on which there be a time limitation of 30 minutes, to be divided as follows: 20 minutes under the control of the offerer of the amendment (Mr. BROOKE) and 10 minutes under the control of the majority leader (Mr. MANSFIELD), the vote thereon to occur at 2 o'clock, with the further understanding that the Senate then go into executive session upon the disposition of the Brooke amendment, rather than at 2 p.m., as previously ordered.

Mr. GOLDWATER. Mr. President, reserving the right to object——

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. ROBERT C. BYRD. I yield.

Mr. PROXMIRE. Normally, I would object to this with some vigor and vehemence, but I do want to accommodate the leadership, No. 1; and, No. 2, I am convinced that this amendment of mine would be delayed, and there would be no way that I could get to a vote before 2 o'clock, if I did not agree. So as far as I am concerned, I shall not object.

Mr. GOLDWATER. Mr. President, reserving the right to object, and I shall not object, can the Senator inform us what the nature of the amendment is, what it pertains to?

Mr. ROBERT C. BYRD. Perhaps the distinguished assistant Republican leader can do that. I am not aware of its nature.

Mr. GRIFFIN. Mr. President, the Brooke amendment is amendment No. 219, which is printed and on the table.

Mr. GOLDWATER. I thank the Senator. I did not know it was printed.

Mr. GRIFFIN. Yes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, as I understand it, the pending business before the Senate is the amendment I offered on wage and price stabilization.

The PRESIDING OFFICER. The Senator is correct.

Mr. PROXMIRE. Mr. President, this is a very peculiar situation. I have finished talking on the amendment. I am now ready to vote. The opposition does not seem to want to dispute the amendment.

As I understand it, there seems to be very strong support in the Democratic and Republican caucuses for this amendment or some similar action. I cannot see why we cannot come to a vote or why someone cannot tell me what is wrong with my proposal.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. At last, yes.

Mr. GOLDWATER. Mr. President, I did not intend to speak on this. However, as long as the Senator has invited me to make some remarks about what I think is wrong with his proposal, I shall be very happy to do so.

Mr. President, I have opposed not only legislative action, but I have also opposed Presidential action, because in the whole history of economics—and this goes back to the laws of Babylon—I think under the laws of Hammurabi—this was tried. We have never been able to make it work.

The major reason why phase I seemed to work was that it had a phychological effect on the American people who felt that we had a President who was willing to take a step that many people disagreed with—including, I believe, the President himself. For quite a few months thereafter it even succeeded.

I would be enthusiastically in favor of this proposal if I thought it could work. However, a large segment of the American public, those in the field of labor and also a certain segment in the business community, are opposed to it.

My apprehension about this is not merely because of what it will not do in controlling wages and prices, because recent history will tell us that when we begin to show failure, we have a tendency to say that maybe we are not controlling enough. We tend to say, "Let us apply it to rents." When that does not work, we will say, "Let's include profits and interest rates, and so forth."

My feeling, basically, is that once we impose wage, price, and rent controls, or any control, over the so-called free economy—which I must admit is not as free as people think—we will ultimately wind up with the complete domination of the market system by the Government, even to the point of telling a man, "You can't manufacture your product in this city because we need to have it manufactured in a city that is hundreds of miles away." Or a manufacturer might be told, "You are not going to be allowed to make this particular item because it will upset the whole balance we have created, or have tried to create, through legislative and executive fiat."

So my opposition, I might say to my friend, the Senator from Wisconsin—and he might say it is an academic opposition—I think is borne out by history. The greatest productivity mankind has ever achieved has been in the days since the industrial revolution in America up to the time that the Government started to meddle in the whole structure of what is a quasi-free economy.

We had the greatest growth and the greatest productivity. We came closer to solving the problems of the poor. We have contributed more money in the form of taxes to distribute the wealth and take care of people who were sick, and we have provided for education.

I am afraid that if we take this step, either by the adoption of this amendment or by any proclamation the President might make if he talks on the subject tonight, we will just add more trouble to what we already have.

I am rather enthralled in listening to some Senators who feel that the military budget is causing inflation. I know that the Senator from Wisconsin does not do that. However, I do hear some of our colleagues blame the high military budget for inflation.

Inflation in this country can come from several sources. However, inflation, particularly the inflation we have had for many, many years, has been caused by overspending at the Federal level, whether it is military, health, education, and welfare, or our own salaries and costs in operating any part of a program. This is the reason why we have inflation.

If this body does not show some signs of responsibility and being willing to make reductions where reductions can be made, so that we will come closer to spending within our limits, we are not going to stop inflation. There is no way in which we can do it.

We have another problem that I might address myself to in this respect, because it is often overlooked. We have now had two devaluations of the dollar, one of them formal. As to the American dollar overseas, I think there are now about $95 billion American dollars in the hands of governments, banks, corporations, and individuals around the world. Those dollars from abroad are now buying 10 percent more in our own country than they would have brought before the evaluation. By the same token, our dollar will buy 10 percent less when we travel overseas.

We find in our food marketplaces that we have the ability to overproduce, which I think is a blessing. We now find that foreign countries are coming in and buying up our beef and pork and buying things that our housewives would normally go to the marketplace to buy. They are willing to pay 10 percent above the market price. This will be a continuing problem for Americans until we can get all of that $95 billion in American dollars back.

So again due to actions of the Congress, we have gotten ourselves in a position where the Senator from Wisconsin—who is a knowledgeable man in economics, and I respect him—or the President with his advisors—for whom I also have great respect—feels that we must now take a rather dangerous and frightening step towards control.

I have explained the problem as well as I can. If the Senator from Wisconsin has any questions, I would be happy to answer them.

Mr. PROXMIRE. Mr. President, I greatly respect the views of the Senator from Arizona. He is not only sincere, but he is extraordinarily able in this field as he is in many others.

I think he is absolutely right that one of the big elements in causing inflation is overspending by the Federal Government. There is no question that we have had a huge deficit at the end of the current calendar year coming June 30 about 2 weeks from now. This was at a time when we already had a surging economy. That was an alarming thing. We also had a mammoth increase in the Federal money supply. The Federal Reserve increased the money supply—the biggest dollar increase in our history by far.

Those two elements together were important in inflating prices. Then the Senator mentioned another one: We have had two devaluations, which have had a direct effect on prices. Chairman Arthur Burns estimated the inflationary effect of devaluation as several billion dollars in added prices for the American people. Because of devaluation everything we buy from abroad costs more, competition from abroad is less effective and, therefore, automobile prices, steel prices, and so on, go up. So these are also elements in increasing prices.

Moreover, the timing of the move from phase II to phase III was a tragic blunder. One could argue that it is the control system itself that causes a surge in prices whenever it is eased or dropped. But I submit the timing of phase III was very bad. It came within a few days after the wholesale price index was released which showed that in December we had the biggest increase in wholesale prices in 20 years. It was then when we moved to phase III that prices began to go up so sharply, the dollar began to drop precipitously abroad, and the conviction grew on the part of people abroad and in this country that we just did not mean business about inflation. And the stock market reflected that.

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. PROXMIRE. Just one more point. I would just like to say that I would agree that permanent controls are a mistake. I would like to get rid of controls; they are an interference with the mobility of resources; they are an interference with efficiency. They are wrong; but I think there is a time and a place for these things, and we are now in a situation where we need decisive, effective, dramatic action by the Government of the United States.

I think is it clear that the overwhleming majority of the people, whether the labor leaders agree with this or not, the overwhelming majority of all the people, whether they are on fixed incomes or otherwise, business people, working people, and others, want the Government to act. This is one kind of action that can be understood, and it is a kind of action that can have an effect.

It is vital that during the period of the freeze and thereafter, the Government take advantage of the time the freeze gives to provide a more competitive system than we have now, and to reduce the kind of interference that we have with the free flow of goods from abroad. There are also a number of things that can be done in the way of increasing the skills and training of people during this period. That is the reason why I think we have to have a temporary, brief, abbreviated period of freeze, followed by a control system, and I would agree with the Senator from Arizona, let us get rid of all controls as fast as we can consistent with stopping inflation.

Mr. GOLDWATER. Mr. President, I wish it were possible for me to agree, but it is like saying you can be a little bit prejudiced, if the Senator knows what I mean. I am afraid that once we have a freeze of 90 days, and let us say it works—and it well can work—it will be almost impossible to get the Government out of the control business; and I know that basically the Senator from Wisconsin feels as I do.

I might comment about this overseas attitude. I was at the Paris air show a few days ago—in fact, I just put into the RECORD a report which I submitted to the President.

One of the things that I heard most from my business and military friends in Europe was, "When are you going to get going? When are you going to start acting like world leaders again?"

I knew that they were reflecting on the possibility that we might take some action in the economic field. They were also very much opposed to the import tax that we now impose on foreign made airplanes, and I have recommended to the President that we abolish that 5-percent tax. I believe in competition.

I had hoped that when the President stopped phase II the labor leaders and business leaders of this country would recognize their great responsibility. But I am sorry to say that neither did. We not only had instant demand for wage increases, we also had instant price increases. I do not know what has happened to the leadership of labor and business in this country. Frankly, I think they probably share the responsibility for the cause as much as we do, although not to the same extent or by the same avenue.

I would hope that the leaders of labor and business could say, "Now, even though it is going to be a hardship, we are not going to ask for any wage increases unless they can be tied to productivity increases."

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. Yes.

Mr. PROXMIRE. It seems to me that this is why decisive action of a presidential nature is called for now. We have a situation in which, for the last 5 months, we have had the sharpest increase in wholesale industrial prices, as well as foods, that we have had in many years, perhaps ever in peacetime—an enormous increase. That increase in wholesale prices foreshadows an increase in consumer prices, probably, for the next 6 months or so.

Under these circumstances, labor feels it has already had its wage increases eroded to the point where its real income, corrected for inflation, is less now than it was in December; and under such circumstances, I think that the opposition that organized labor has to my amendment—and it is very virulent and very strong and deeply felt—is the best indication that I know of that organized labor is determined now to make up for the fact that it has lost ground in the last few months. The unions are going to ask for settlements, I think, in the area of 10, 12, or 15 percent, and this can lead to nothing but very serious inflation for a long time, because of the fact that they are asking for long pacts that call for not 1 year, but 2 or 3 years.

That is why I think this is of the greatest importance. It is unfortunate; I, too, wish we could adopt the Goldwater approach, or the Friedman approach of no controls. That makes all the sense in the world to me: Over the long pull, the abolition of controls. But in view of the prospects for the next few months, this amendment is called for.

Mr. GOLDWATER. Mr. President, just to conclude the colloquy, as the Senator may know, I attended college only 1 year, but I shall never forget it, because it was the year 1928–29. I had a professor of psychology who was of Austrian ancestry, and I remember his getting away from psychology to discuss the woes of Austria at that time, in 1928, when the Austrian mark was one of the leading currencies of the world, and Austria itself was a great leader in economics and politics in the world.

Austria was at that time engaged in precisely the same kind of action that we are engaged in today—deficit spending and a welfare state that had outgrown its bounds.

I can remember the professor saying that, if Austria did not change its ways, it would collapse. By golly, along about the last of 1928, the Credit Anstalt collapsed, and that started the world depression. We did not get out of that depression until World War II came along.

I can sense the same thing occurring in the United States today that this professor could sense in Austria a way back in 1928.

I am not prophesying any depression, but I can foresee a great deal of trouble. It may be that I am wrong. It may be that what the Senator is proposing, or what the President may propose tonight, is precisely what the country needs to get us out of the economic doldrums that we are in.

The matter of price increases is bothersome. I went out to buy a head of lettuce last night, and it cost me 72 cents to buy it. My wife is coming home tonight, and I am not going to tell her about it; otherwise, she might faint. But these are the things caused by inflation. It gets back to precisely what the Senator is trying to get at. The men in the labor union might be making 50 percent or 80 percent more than they were making 5 or 10 years ago, yet they are not able to live as well as they were living then, because they are paying a lot more for what they are buying.

As I say, I wish that I could support the Senator. If I had even a hunch that his proposal would work in the long run, I would. But my hunches run the other way.

I appreciate very much the Senator's allowing me to explain my position.

I said yesterday that if he were to ask unanimous consent for a vote, I would oppose it. I shall not oppose it now. I will be here to vote.

Mr. PROXMIRE. Very good. I hope that the other 98 Members of the Senate will agree with the distinguished Senator from Arizona and myself that this would be a good time to vote on the question of my amendment, that we can come to a vote, as I am ready to vote and hope that we can vote. Thus, I hope that the Chair will put the question and that we can proceed.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NUNN). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

Mr. COOK. Mr. President, the distinguished Senator from Wisconsin has proposed the imposition of a freeze on wages and prices for a period of 90 days. I acknowledge the Senator's great expertise in this area and his sincere desire to find a resolution to this Nation's economic problems. I think every Member of this body shares his concern. However, the emotion that often evolves in regard to a crisis situation often leads to a knee-jerk reaction that can aggravate rather than correct any certain problem. As the distinguished Senator realizes, the economy of a nation as large as the United States is a vast and complex mechanism. Any attempt to combat an adverse economic trend must be thoroughly and critically examined for its long-range as well as short-range implications.

The American economy has fought a serious inflationary trend for over 2 years. We have now exhausted three varying programs, and have succeeded in only magnifying the existing problem, while worsening the financial burdens of America's citizens. As you know, mine was one of only two votes cast in opposition to the extension of phase III. I felt then, as I do now, that we must commit ourselves to a comprehensive long-range program which will not only ease the intensity of inflationary pressures, but will also be geared to allowing market forces to achieve ultimate economic balance. No matter how long we freeze wages and prices, market forces continue to play a predominant role. Unless we devise a program which will utilize market forces to combat inflation, instead of suppressing the laws of supply and demand, no action by the Congress or the executive branch can possibly provide the long-term solution to our problems.

I, therefore, must oppose the Proxmire amendment, not because I am opposed to halting inflation, but rather because a 90-day freeze is ill timed, ill advised, and would only serve to delay the need for a more comprehensive approach. This I believe is the only rational and effective approach to solving our national economic problems.

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Texas (Mr. TOWER), I ask unanimous consent that a member of the staff of the Committee on Banking, Housing and Urban Affairs, Mr. Michael Burns, have the privilege of the floor during the debate on the Proxmire amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I send to the desk an amendment to the Proxmire amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 2, after line 18, insert the following new subsection (d) and renumber the subsequent subparagraphs accordingly:

"(d) The ceiling on wages required under subsection (a) shall not be applicable to any wage increase which percentage wise is equal to or less than the percentage increase in the cost of living during the twelve month period immediately preceding the effective date of such wage increase.

Mr. GRIFFIN. Mr. President, yesterday, the distinguished Senator from South Dakota (Mr. McGOVERN) called attention to an amendment which he intends to offer to the Proxmire amendment. The amendment I offer now is a modification of the language suggested by the Senator from South Dakota.

The language of the amendment of the Senator from South Dakota refers to the increase in the cost of living since January 11, 1973. The language of the amendment I have offered refers to the percentage increase in the cost of living during the last 12 months. The only purpose of the change is to have an average percentage which would reflect the trend over a little longer period of time, taking into account the fact that the May cost of living increase figure is not yet available.

I do think there is considerable justification, however, in the general argument made by the Senator from South Dakota that workers should not be expected to be held to a ceiling which would be less than the increase in the cost of living. I think that if wage increases negotiated or otherwise granted could be held to the percentage which reflected the increase in the cost of living, that would certainly be as much of the burden as we could expect the workingman to bear.

While I do not generally support the amendment of the Senator from Wisconsin, because I believe the 90-day across-the-board freeze he suggests is too inflexible, I would prefer at this time controls which would be more selective.

I do not know whether the Senator from South Dakota is aware of the amendment I have proposed. He might wish to have something to say about it and pending that possibility, and to give us a chance to call his office, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, the modified amendment suggested by the Senator from Michigan (Mr. GRIFFIN) does have a great deal of merit. As I said to the Senator from South Dakota (Mr. McGOVERN) when we discussed his amendment, I agree wholeheartedly that what has been happening has been the erosion of real wage income.

I think a couple of points should be made. The Griffin or McGovern amendment would only take effect during the 90-days period. Certainly, that is negotiable, so far as I am concerned I am willing to consider reduction of the period of the freeze; and therefore, reduce the period of wage restraint to only a few days.

Second, as I understand the amendment now offered by the Senator from Michigan, it would result in annual guidelines being put into effect during the 90-day period of a 5.1-percent increase during the year. That would mean an increase during the 3-month period of less than 1.3 percent.

One of the objections that occurs to me particularly is that the overwhelming majority of the people will not have a wage increase during any one 3-month period. Usually, wages are negotiated not for a year, but for 3 years. So only a small fraction of people would be affected. This is one of the reasons why there might be a shorter freeze, recognizing that in the control period following the price freeze there could be flexible action by the President and Congress.

We should recognize that because of inflation there has been an erosion of real wages in the last 3 months, and that we cannot have an effective price control system without having a wage-freeze system too. It is just not only unfair; it is unworkable, uneconomical, and completely unsound.

But I do think that the Senator from Michigan has suggested something that I would be happy to consider. His proposal is more moderate than the proposal offered by the Senator from South Dakota, which would put into effect a 10-percent annual guideline. The Senator from Michigan proposes less than a 5.5-percent guideline. So I think the proposal of the Senator from Michigan is something well worth considering.

I would hope that we could come to a vote on that amendment and on my amendment. So I ask the majority leader if he would propose a unanimous-consent agreement on my amendment.

As I say, I will be delighted to accept any kind of limitation on time, with a vote at 2 o'clock today, 3 o'clock, 4:30, or following the Morris nomination. I think the country wants action now. I think Members of the Senate have heard enough about this matter and that they are ready to vote on the proposal, either yes or no.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. I agree with all the distinguished Senator from Wisconsin has just said. I noted with interest the result of an informal poll taken among Republican Senators yesterday which indicates the feeling that something should be done is rather widespread. It is my further understanding that the President intends to deliver a message to the American people tonight at 8:30 on radio and television relative to what he proposes should be done.

However, there will be a vote at 2 o'clock on the Brooke amendment; there will be a vote at 3 o'clock on the motion to reconsider, carried over from yesterday; there will be a vote at not later than 4:30 p.m. on the nomination of Mr. Morris.

Mr. President, I ask unanimous consent at this time that immediately following the vote on the Morris nomination there be a vote on the pending amendment.

Mr. COTTON. Mr. President, reserving the right to object, will the distinguished majority leader yield for a question?

Mr. MANSFIELD. Yes, indeed.

Mr. COTTON. I heard the colloquy last night concerning the various unanimous-consent agreements that were made. It seems to me that the opportunity for debate on the Morris nomination is being squeezed gradually until we may be pressed for time.

I would like to ask the majority leader a question. Under his request, which I do not intend to object to, exactly how much time would that leave us to discuss the Morris nomination?

Mr. MANSFIELD. It would depend on a number of factors, which I am unable to define at the present time.

Fifteen minutes on the Brooke amendment at 2 o'clock, for which unanimous consent already has been granted. It will take 15 minutes to vote on the motion to reconsider. If that carries, we will dispose of the question. If it does not, there probably will be another vote right away. The Morris nomination will take 15 minutes. So that would knock it down to a maximum of 45 minutes, if everything went according to plan. There will be another 45 minutes, an hour and a half, 2 hours.

But I wish to assure the distinguished senior Senator from New Hampshire that if it were a question of time the joint leadership would be willing to grant additional time.

Mr. COTTON. This Senator, and I know several other Senators, want time to speak on the Morris nomination. Would it be possible if we were getting pressed for time, to defer that 4:30 vote until 4:45 or 5 p.m.?

Mr. MANSFIELD. Yes, indeed. As far as the Senator from Montana is concerned, and I am sure I can speak for the distinguished minority leader, that could be possible and it should be possible.

Mr. GRIFFIN. Mr. President, reserving the right to object to the unanimous-consent request propounded by the distinguished majority leader, I will be frank about it. I do not believe we should vote on the Proxmire amendment today. I say this in view of the fact that the President is expected this evening to make an announcement, and then on tomorrow and ensuing days we would have the benefit of knowing what the administration intends to do in this area.

Beyond that I think the pending amendment would be of considerable interest to the Senate. In effect, it carves out an exception to the Proxmire amendment, so far as wages are concerned.

I know it is not without some controversy, and not too many Senators are aware that this particular amendment is pending. I think it would be unfair and unjust to the rest of the Senate if I were to agree to the unanimous-consent agreement. So for those reasons and also frankly to indicate I do not think we should vote on the Proxmire amendment today, I respectfully object.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NUNN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 219

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate amendment No. 219, by the Senator from Massachusetts.

The legislative clerk read the amendments (No. 219) as follows:

On page 8, line 10, immediately after "available" insert "for any period or periods exceeding a total of ninety days in any fiscal year".

On page 8, line 10, immediately after "However," insert "no reimbursement shall be required to be made under this section (1) if the Secretary of State finds and promptly reports to the Congress that the best interests of the Department of State would be served thereby, or (2)".

On page 8, beginning in line 16, immediately after "available" strike out the comma and all that follows through and including line 18 and insert in lieu thereof a period.

Mr. BROOKE. Mr. President, I yield myself such time as I may need.

I offer this amendment to section 10 of S. 1248 in order to provide the Secretary of State with sufficient flexibility to assign Foreign Service personnel to other agencies of Government, on a nonreimbursable basis if necessary, when it is in the overall interest of the State Department and the United States to do so. I have sought, at the same time, to fulfill the general intent of the Foreign Relations Committee of requiring intelligent adherence to proper accounting procedures for the detailing of personnel between the State Department and other agencies.

Normally when an employee of one Government agency is assigned to another, the receiving agency should bear the cost. This principle is a sound one. However, rigid application of it in all situations would tend to foreclose the proper discretionary exercise of managerial prerogatives. In the case of the State Department it could actually have a harmful effect on the formulation and conduct of our foreign policy.

It is not difficult to visualize that the assigning of a State Department officer to another agency for a tour of a year or two would give that officer, and hence our Foreign Service as a whole, an extra dimension of knowledge and experience which would be an important asset in future years. If such assignments can be arranged on a reimbursable or reciprocal basis, such should be done. But, if the so-called nonreimbursable detail is the only way it can be done and it is in our basic interest to do so, we should not foreclose this option for the Secretary of State by enacting overly restrictive provisions.

There is another aspect of this issue that concerns many individuals. In this Chamber we hear repeated complaints about the erosion of the influence of the Secretary of State over the conduct of our foreign affairs. One important factor that has caused this is the often dilatory recognition that today's problems, be they military or commercial, problems of energy or problems of environment, increasingly cut across agency boundaries. No Federal Government agency is today an island. The policies of one must be formulated and executed with an adequate understanding of those of the others. This is crucially important in regards to the State Department meeting its overall obligation to promote the coordination of the efforts of all agencies in the foreign affairs area.

In addition, it is natural that agencies other than the State Department will seek to influence our foreign policy in pursuit of their legislative mandates. Using the "detailed" Foreign Service officer as a conduit of information back to the State Department, they can exert their influence in a more intelligent and perceptive manner than would otherwise be the case.

It is also essential that the Secretary of State has a means to bring the influence and views of the Department of State to bear on the activities of other agencies. I know of no way that this can be more effectively achieved than by the placement of Department of State officers from time to time in these agencies. Our activities abroad will be more sensible and more effective as a result.

Mr. President, to insure that these positive effects continue to accrue to the benefit of the United States, I urge the Senate to adopt the amendment to section 10 of S. 1248 that I have placed before this body.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I am filling in for the distinguished chairman of the Foreign Relations Committee. I have 10 minutes on this side. The distinguished Senator from Massachusetts has 20 minutes.

I suggest the absence of a quorum with the time to be taken out of my time, not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield myself such time as I have within the remaining 6 minutes.

Mr. President, I think it should be brought out that this is the kind of an amendment on which there are differences which really could have and should have been settled in conference rather than brought up in the form of an amendment on the floor. And I think if the present amendment is defeated that it will still be settled in conference in a way which I hope would be mutually satisfactory. There is no great to-do about this. No foreign policy is being shaken. No foundations are being cracked.

There is a way to get on with the Senate and the Congress which, I would hope, some of these departments downtown would begin to comprehend a little better and a little more fully in a spirit of comity and understanding and cooperation.

I would point out that the State Department is a very busy and a most important department in the Government. It also operates on the smallest budget. But it has the greatest responsibility. It has no pipeline to fall back on, as the foreign aid program has. It has no pipeline to fall back on as is the case in the Defense Department and all of its many ramifications. It gets by on what is allocated to it by the Congress. And, in my opinion, the Congress has been most parsimonious insofar as the funding of the State Department's activities are concerned. I want to reiterate that it is the most important department of the Government. And the Government is fortunate to have heading that department as Secretary of State, a man of the caliber, integrity, patriotism, and dedication as we have in the person of William Rogers, a man who, in my opinion, has been underrated throughout the past 3 or 4 years, overshadowed perhaps from time to time, but basically one of the best Secretaries of State this Republic has ever had.

Mr. President, the committee adopted a provision without objection, unanimously, which would require reimbursement for salaries paid to State Department personnel detailed to other agencies, except in the case of personnel involved in specific exchange arrangements with other agencies, such as the USIA or AID.

In my opinion these are agencies which we could well do without or trim down considerably. However, one of them gets many, many times what the State Department gets in the way of appropriations and the other is gradually trying to creep up to the State Department level.

This was prompted by the current situation where the State Department has employees on loan to such agencies as the Council on Environmental Quality, the Commission on White House Fellows, the Office of Emergency Preparedness—and so on. The committee does not object to other agencies using the talents of State Department personnel on a temporary basis. All the provision approved by the committee requires is that their services be paid for by the borrowing agency.

What could be fairer than that. And remember, this is the most important Department in the Government, getting by far the least amount of money.

The letter sent to Members of the Senate by the Senator from Massachusetts (Mr. BROOKE) concerning his amendment made the point that approval of the committee's position might jeopardize the training of State Department personnel in agencies "such as Commerce, Labor, and Treasury, for which State Department officers perform support activities overseas." The agency might be unwilling to pay for the salary of the detailed State employee, he argued.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I yield 2 additional minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, the Commerce Department gets lots more in the way of appropriations than does the State Department. The Labor Department gets lots more in the way of appropriations than does the State Department. The Treasury Department gets much more in the way of appropriations than does the State Department.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MANSFIELD. Yes, indeed.

Mr. BROOKE. Mr. President, everything the distinguished majority leader is saying is correct with the exception of the fact that the Department of Agriculture or the Commerce Department may not be interested in having State Department personnel come into their departments and work with them on a reimbursable basis. In many instances the benefit is solely to the State Department, not to the Department of Agriculture. Sometimes there is mutual benefit. But sometimes the benefit is only to be derived by the State Department itself.

In that instance, the Secretary of State—and I certainly share the distinguished majority leader's high esteem for Secretary of State Rogers—should have the flexibility to send personnel to the Commerce Department, the Department of Agriculture, or other agencies on a nonreimbursable basis.

There is no evidence that this practice of nonreimbursable detailing has been abused by the State Department.

I think that the committee has, unfortunately, put restrictions upon the State Department which the State Department cannot bear and still perform its functions properly.

Mr. MANSFIELD. Mr. President, may I say to the distinguished Senator from Massachusetts that he has a point. However, I must disagree with him, because according to the latest list of State Department personnel detailed on a nonreimbursable basis, all of those detailed are working in offices attached to the White House, except one person who is detailed to the Vice President's office. The list of 18 assigned on this basis is on page 37 in the report on this bill.

But, as of December 31 of last year—the latest list available to us—many State employees were on reimbursed detail to the regular departments and agencies—26 to Commerce, 4 to HEW, 4 to Justice, 1 to Labor, 3 to Treasury, and so on—189 in all.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BROOKE. Mr. President, I yield 2 additional minutes to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the entire list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

State personnel on detail to other agencies as of Dec. 31, 1972

Reimbursable details	189
AID	28
Army	1
Commerce	26
Export-Import Bank	1
HEW	4
Interior	1
Justice	4
Labor	1
Peace Corps	1
Treasury	3
ACDA	36
USIA	15
NSC	5
HUD	1
American Revolution Bicentennial Commision	3
White House	1
OMB	4
Office of Economic Opportunity	17
Office of Emergency Planning	2
Council on Environmental Quality	2
Environmental Protection Agency	2
CENTO	3
IBWC	1
NATO	16
OECD	7
SEATO	3
Inter-American Foundation	1
Non-reimbursable details	32
Total details	221

State personnel on reimbursable detail to other agencies as of December 31, 1972

Agency, Name, Position title, and Grade:

AID

Adams, E. Avery, Jr., Admin. Officer, 0-2.

Bird, H. Reid, Consular Officer, 0-3.

Chang, Walter F., Comm/Records, Supr., RU-6.

Cook, Philip R., Jr., Int'l Relations Officer, 0-3.

Fimbres, Rudy V., Political Officer, 0-3.

Finney, John D., Jr., Political Officer, 0-5.

Folger, John D., Political Officer, 0-5.

Graham, Hilton L., Int'l Relations Officer, 0-6.

Goeser, James R., Political Officer, 0-6.

Graham, Hilton L., Int'l Relations Officer, 0-6.

Kilday, Lowell C., Political Officer, 0-3.

Krug, Wm. A., Jr., Politcal Officer, 0-7.

Landeau, Elizabeth N., Int'l Relations Officer, 0-3.

Manhard, Philip W., Political Officer, 0-2.

Martin, Edwin M., Program Director, R-1.

Matthews, Gary L., Political Officer, 0-4.

McLean, Joseph G., Consular Officer, 0-6.

North, Jerrold M., Political Officer, 0-5.

Ohmans, John L., Lab/Pol. Officer, 0-2.

Quinn, Kenneth M., Political Officer, 0-5.

Ramsey, Douglas K., Political Officer, 0-5.

Stanley, Clifton C., Jr., Int'l Relations Officer, 0-6.

Swett, Herbert D., Int'l Relations Officer, 0-3.

Train, Marilyn Ann, Political Officer, 0-7.

Walkenshaw, Robert L., Lab/Pol. Officer, 0-2.

Watson, Douglas K., Admin. Officer, 0-5.

Wolfe, Geoffrey E., Political Officer, 0-6.

Wollam, Park F., Program Director, 0-2.

Wygant, Michael G., Political Officer, 0-5.

ARMY

Whiting, John D., Pol. Officer, 0-4.

COMMERCE

Allen, Morris, Trade Prom. Off., 0-2.

Alvarez, Raymond J., Econ/Comm. Off., 0-4.

Birch, John A., Program Director, O-1.

Cahell, Harry A., Econ/Comm. Off., 0-3.

Cecchini, Leo F., Jr., Econ/Comm. Off., 0-5.

Christensen, David P. N., Econ/Comm. Off., 0-4.

Christiano, Jos. F., Econ/Comm. Off., 0-3.

Crafts, Donald E., Econ/Comm. Off., 0-5.

Dawson, William, Trade Prom. Off., 0-4.

Dornheim, Arthur R., Econ/Comm. Off., 0-3.

Ferchak, John R., Econ/Comm. Off., 0-4.

Garrett, Johnson, Econ/Comm. Off., R-1.

Gwynn, Robert P., Econ/Comm. Off., 0-4.

Lombardi, Raymond B., Econ/Comm. Off., 0-5.

Maikin, Bruce, Econ/Comm. Off. 0-6.

Nehmer, Stanley, Econ/Comm. Off., R-1.

O'Connor, Patrick T., Econ/Comm. Off., 0-4.

Prinderille, Chas T., Jr., Econ/Comm. Off., 0-4.

Rankin, Edward J., Econ/Comm. Off., 0-4.

Riley, Wilson A., Jr., Econ/Comm. Off., 0-5.

Robb, James L., Econ/Comm. Off., 0-6.

Smith, Richard J., Int'l Econ., 0-4.

Stahlman, John W., Econ/Comm. Off., 0-5.

Sullivan, John J., Econ/Comm. Off., 0-4.

Wisgerhof, Paul R., Econ/Comm. Off., 0-6.

Yaukey, Raymond S., Econ/Comm. Off., 0-4.

EXPORT-IMPORT BANK

Dietz, George J., Program Director, R-1.

HEW

D'Angelo, Luciano, Consular Off., R-4.

Kaplan, George R., Pol. Officer, 0-3.

Metzner, Clifton F., Jr., Physical Sci. Off., R-3.

Wiesender, Margaret, Consular Off., S-1.

INTERIOR

Carpenter, Stanley S., Program Director, O-1.

JUSTICE

Howe, Bruce T., Protocol Specialist, S-1.

McClintic, Stephen H., Political Officer, O-3.

Rosenthal, Edward B., Political Officer, O-4.

Slutz, Robert F., Jr., Political Officer, O-3.

LABOR

Seip, Peter A., Int'l Relations Officer, O-2.

PEACE CORPS

DeJarnette, Edmund T., Admin. Officer, O-4.

TREASURY

Barnard, Robert J., Political Officer, O-3.

Bowen, A. Dane, Jr., Int'l Relations Officer, O-3.

Hanna, Ian M., Science Linguist, GS-13.

ACDA

Anderson, Sidney D., Admin. Officer, R-3.

Brown, Charles F., Int'l Relations Officer, O-4.

Brunner, Margret, Secretary, S-6.

Christopher, Albert M., Special Assistant, R-1.

Cooper, Martin W., Political Officer, O-6.

Creecy, Richard B. L., Political Officer, R-3.

Durham, Richard L., Phy. Sci. Officer, R-2.

Farley, Philip J., Dep. Dir.-ACDA, O-1.

Givan, Walker, Political Officer, O-2.

Gookin, Richard J., Political Officer, GS-13.

Gralnek, Maurice N., Political Officer, O-5.

Grobel, Olaf, Political Officer, O-4.

Jaeger, George W., Political Officer, O-3.

Jones, Clyde L., Comm. & Records Asst., S-7.

Kalicki, Jan H., Pol./Mil. Aff. Officer, O-7.

Kirk, Roger, Political Officer, O-2.

Klebenov, Eugene, Political Officer, O-4.

Leach, Jas. A. S., Political Officer, O-6.

Leonard, Jas. F., Asst. Director, O-1.

Lindstrom, Ralph E., Int. Rel. Officer, O-2.

Linebaugh, J. David, Pol. Officer, O-1.

Long, Paul J., Phy. Sci. Officer, R-2.

Martin, Joseph, Jr., Pol. Officer, R-1.

Mayhew, Philip R., Pol. Officer, O-4.

Mendelsohn, Jack W., Pol. Officer, O-4.

Menter, Sanford, Program Director, O-2.

Moen, Harlan G., Pol. Officer, O-4.

Molander, Roger C., Phy. Sci. Officer, R-3.

Neidle, Alan F., Pol. Officer, R-2.

Richards, Ira B., Jr., Pol. Officer, R-1.

Salisbury, Wm. R., Pol. Officer, O-5.

Semler, Peter, Pol. Officer, O-3.

Shinn, Wm. T., Jr., Pol. Officer, O-4.

Straus, Ulrich A., Pol. Officer, O-3.

Veale, Wm. C., Pol. Officer, O-7.

Weir, William D., Oper. Research Off. ACDA, R-3.

USIA

Anderegg, John A., Pol. Officer, O-4.

Armacost, Michael H., For. Aff. Analyst, R-3.

Brement, Marshall, Pol. Officer, O-3.

Brown, Richard G., Pol. Officer, O-4.

Capp, Jean T., Edu. & Cul. Off., R-6.

Gray, Victor, S., Jr., Pol. Officer, O-5.

Grey, Robt. T., Jr., Pol. Officer, O-4.

Heck Ernestine S., Pol. Officer, O-6.

Jenkins, Kempton B., Program Director, O-2.

Kelly, Bernice M., Personnel Off., O-4.

Murphy, Edward G., Pol. Officer, O-4.

Ramsay, Walter G., Pol. Officer, O-4.

St. Denis, John H., Security Off., S-3.

Turpin, William N., Int'l. Rel. Off., O-2.

Westmoreland, James O., Pol. Officer, O-4.

NSC

Hackett, James T., Political Officer, 0-4.

Hershberger, Eileen M., Secretary, GS-8.

Marshall, Mildred M., Secretary, GS-9.

Rodgers, Jeanne R., Secretary, S-7.

Rondon, Fernando E., Political Officer, 0-4.

HUD

Jones, Ellis O. III, Int'l Relations Officer, 0-4.

ARBC

Blue, Wm. L., Program Director, 0-1.

Kirby, Elizabeth J., Secretary, S-5.

Scribner, Edith, Secretary, S-5.

WHITE HOUSE

Weiss, Walter F., Political Officer, 0-4.

OMB

Bentley, Robert B., Political Officer, 0-5.

Breidenbach, Wm. E., Int'l Relations Officer, 0-4.

Carlueci, Frank C., Program Director, 0-1.

Weniger, Earl D., Econ/Comm Officer, 0-7.

OEO

Barfield, John D., Consular Officer, 0-3.

Boudreau, Wm. J., Admin. Officer, 0-4.

Courtenaye, Richard H., Principal Off. Prog., 0-3.

Falzone, James R., Admin. Officer, 0-4.

Hawkins, Genta A., Political Officer, 0-6.

Heflin, Martin G., Econ/Comm Officer, 0-4.

Herr, Donald F., Pol. Officer, 0-5.

Hoffman, Herbert A., Pol. Officer, 0-5.

Keller, Kenneth C., Consular Officer, 0-4.

Lawton, Frederick H., Pol. Officer, 0-4.

Pardon, Raymond J., Pol. Officer, 0-6.

Peck, Robert A., Pol. Officer, 0-4.

Schell, Barbara, Consular Officer, 0-5.

Simmons, John F. Jr., Econ/Comm. Off., 0–5.
Snow, Denman T. II, Admin. Officer, 0–5.
Warner, Norman E., Pol. Officer, 0–3.
Whilden, Stephen H., Pol. Officer, 0–5.

OEP

Morin, Laurent E., Econ/Comm. Off., 0–2.
Toner, Albert P., For. Aff. Analyst, R–2.

CEQ

Hayne, William A., Econ/Comm. Off., 0–2.
Perry, Jack R., Pol. Officer, 0–3.

EPA

Mansfield, Wm. H. III, Pol. Officer, 0–3.
Walker, Wm. G., Pol. Officer, 0–4.

CENTO

Burgess, Harrison W., Pol. Officer, 0–3.
Farrior, John M., Pol. Officer, 0–2.
McCormick, Francis P., Admin. Officer, 0–3.

IBWC

Sacksteder, Frederick H. Jr., Pol. Officer, 0–3.

NATO

Abidian, John V., Security Officer, S–1.
Andrews, Geo. R., Pol. Officer, O–3.
Blinn, Leslie F., Audio-Vis. Off., S–2.
Bragdon, Merritt C., Jr., Int'l. Economist, O–4.
Feidt, Wm. E., Gen., Engineer, R–2.
Hoofnagle, James G., Admin. Officer, R–1.
Kelly, Giles M., Info. Officer, S–1.
Korach, Eugene G., Office Director, R–1.
Kunzig, Louis A., Jr., Admin. Officer, R–2.
MacCracken, John G., Pol. Officer, O–3.
Maresca, John J., Pol. Officer, O–5.
O'Donnell, John F., Jr., Admin. Officer, O–3.
Port, Arthur T., Program Director, R–1.
Seim, Harvey B., Phy. Sci. Officer, R–1.
Spielman, Herbert, Pol. Officer, O–3.
Stark, George W., Auditor, R–3.

OECD

Christian, David E., Lab/Pol. Officer, R–1.
Hayward, Beresford L., Econ/Comm. Off., R–3.
Mallett, Guy C., Jr., Econ./Comm. Off., O–2.
Orski, C. Kenneth, Phy. Sci. Off., R–2.
Roderick, Hilliard,, Phy. Sci. Off., R–1.
Timmons, Benson E. L., III, Program Director, R–1.
West, James, Info. Officer, R–2.

SEATO

DeBald, LeRoy E., Jr., Pol. Officer, O–4.
Langhaug, David B., Admin. Officer, O–5.
Midthun, Kermit G., Pol. Officer, O–3.

IAF

Tragen, Irving G., Country Director, O–1.

State personnel on non-reimbursable detail to other agencies as of December 31, 1972

Agency, name, position title, and grade:

COMMERCE (1)

Bell, James P., Jr., O–7.

DEFENSE (1)

Cook, Eiler R., Political, O–3.

Executive Office of the President:

WHITE HOUSE OFFICE (3)

Jenkins, Karen, Administrative, O–4.
Melencamp, Noble M., Consular, O–2.
Smith, Michael B., Consular, O–3.

NATIONAL SECURITY COUNCIL (8)

Adams, Alvin P., Jr., O–5.
Bushnell, John A., Economic, O–3.
Davis, Florence Jeanne, GS–16.
Froebe, John A., Jr., Pol/Econ., O–4.
Holdridge, John H., O–1.
Linton, E. Mark, O–6.
Negroponte, John D., O–4.
Sonnefeldt, Helmut, O–1.

OFFICE OF EMERGENCY PREPAREDNESS (1)

Meyers, Howard, O–1.

OFFICE OF SCIENCE AND TECHNOLOGY (1)

Neuriter, Norman P., Sci. Attache, R–2.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS (1)

Propps, Herbert F., O–1.

COUNCIL ON ENVIRONMENTAL QUALITY (2)

Hadsoll, Francis, O–4.
Janin, Henry, Consular, O–5.

COUNCIL ON INT'L ECONOMIC POLICY (5)

Bider, Lorice M., S–5.
Hinton, Deane R., Economic, O–1.
Keating, Dwight N., R–2.
Morris, Robert J., Econ/Comm., O–3.
Weiss, Gus W., Jr., R–1.

PRESIDENT'S FOREIGN INTELLIGENCE ADVISORY BOARD (1)

Zayac, Mildred, M., Secretary, S–4.

INTERIOR (1)

Crawford, Franklin J., Administrative, O–3.

LABOR (1)

Reichard, Hugh, Labor, O–2.

USIA (1)

Riley, Dominick J., Admin/Security, R–4.

OFFICE OF THE VICE-PRESIDENT (1)

Reynders, Thomas R., O–5.

BOARDS, COMMITTEES AND COMMISSIONS

CABINET COMMITTEE FOR SPANISH SPEAKING PEOPLE (1)

Rodriguez, Antonio F., R–1.

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWSHIPS (1)

Gidley, Carol, GS–9.

CONFERENCE ON INDUSTRIAL WORLD AHEAD (1)

Krason, William S., Econ/Comm., O–2.

NAT'L FOUNDATION OF ARTS & HUMANITIES (1)

Perlmutter, Jerone H., R–2.

Other agencies' personnel on reimbursable detail to State as of December 31, 1972

Agency, name, and grade:

USIA (31)

Aggrey, O. Rudolph, FSIO–1.
Arndt, Richard Tallmadge, FSIO–3.
Banks, Dolly Virginia, FSS–5.
Bell, Brian, FSIO–2.
Brown, Daniel, FSR–2.
Brown, Michael D., FSIO–3.
Curran, Robert Theodore, FSIO–2.
Fordney, Ben Fuller, FSIO–3.
Hartry, Theodore G., FSIO–3.
Inman, Jerry L., FSIO–3.
Jacoby, Peter H., FSIO–3.
Kramer, Wilford, FSIO–2.
Lewis, Mark B., FSIO–1.
Logan, Frenise A., FSIO–4.
MacDonald, Robert W., FSR–4.
Madison, Herbert C., FSIO–4.
Mason, Frederick G., FSR–4.
McDonald, John F., FSIO–4.
Meyers, Robert S., FSIO–4.
Morad, James L., FSIO–3.
Mowindel, John W., FSIO–1.
Phillips, J. Paul, FSIO–2.
Pope, James M., GS–14.
Porter, George W., FSIO–3.
Powell, W. Clinton, FSIO–3.
Richmond, Yale W., FSIO–2.
Savage, Edward J., FSIO–2.
Smith, Glenn Lee, FSIO–1.
Tenny, Francis B., FSIO–2.
Turner, W. Fitzhugh, FSIO–3.
Vogelgesang, Sandra L., FSIO–5.

AID (9)

Fullmer, Robert G., FSR–3.
Kitchen, Robert W., FSR–1.
Lindahl, Emil G., FSR–2.
Long, Edna E., FSS–4.
O'Brien, B. Audra, FSS–5.
Poulin, Roger J., FSR–4.
Smith, Robert S., FSR–1.
St. Lawrence, Joseph Leo, FSR–1.
Wilhelm, John K., FSR–3.

Other agencies' personnel on nonreimbursable detail to State as of December 31, 1972

Agency, name, and grade:

USIA (4)

Dowling, Brian, FSLR–5.
Karch, John J., FSIO–2.
Muir, Hugh, FSIO–4.
Zirkin, Abraham, FSIO–2.

AID (2)

Burk, Monroe, FSR–2.
Stein, Theodore, GS–13.

Mr. MANSFIELD. Mr. President, I find it difficult to believe that the White House offices are the only areas in the Government which cannot afford to pay the State Department for the services of personnel they borrow.

The proposed amendment would, in effect, gut the committee amendment by allowing the Secretary of State general waiver authority. Perhaps a case can be made for giving the Department a bit more flexibility—that is something which could be discussed in conference and I think worked out favorably—and, if so, the problem can be worked out on that basis when the conference meets. But I cannot support giving the Secretary complete discretion in whether or not to require reimbursement, because his department is being treated parsimoniously enough, as I have tried to indicate.

Do Senators think he would really say "no" to a White House request for the loan of some State personnel without having to pay for them—when he had complete waiver authority that allowed him to say "yes"? In effect, this makes the committee's action null and void; and I think what the committee did unanimously and what this amendment would negate is to uphold the hand of the Secretary of State, to give him flexibility and authority, and to indicate the Senate's confidence in this man who has conducted himself so well and with such integrity and dedication.

I thank the distinguished Senator for yielding me this part of his time.

Mr. BROOKE. Mr. President, I think it is well to point out at this time that we are not, under this amendment, giving the Secretary of State unlimited authority in this area. We are saying that if the Secretary finds and promptly reports to Congress that the best interests of the Department of State would be served thereby, then no reimbursement shall be required to be made under this section.

The Secretary of State must report to Congress any instance in which he finds that the best interests of the Department of State would be served by nonreimbursable detailing. In addition—and I think this ought to be included in the RECORD—the nonreimbursed detailing of State Department personnel in 1971, the number of individuals detailed per year on the average was only 32. In 1972 the total was only 30. In 1973 there were an estimated 23. For a total of 3 years, we are talking about only 85 persons detailed on a nonreimbursable basis.

This does not indicate that the State Department has abused its flexibility at all. This indicates the discrepancy latitude that the State Department needs in the proper functioning of the exercise of its duties. The Department derives the benefit. And I think it also is clear that while the distinguished majority leader has mentioned one detail to the White House, there have also been other details to the President's Foreign Intelligence Advisory Board, the Commission on White House Fellowships, the National

Security Council, the Office of Emergency Preparedness, the Office of Science and Technology, the Office of the Special Representative of Trade Negotiations, the Office of Environmental Quality, and one in the Office of the Vice President.

Again I want to make the point, Mr. President, that many of these agencies are also working on tight budgets, and if it was in their best interests to have State Department personnel assigned to them for a particular period of time on a nonreimbursible basis, then, of course, they might do so.

Mr. MANSFIELD. Mr. President, will the Senator yield right there?

Mr. BROOKE. I yield.

Mr. MANSFIELD. I do not think there would be any difficulty in reaching an agreement in conference on a certain period of time by which transfers could be accomplished on a reasonable basis. I am quite certain that it was the intent of the committee that that particular aspect of these words be taken into consideration, and I am sure that something will be done if the committee is upheld to bring about a meeting of the minds in conference which will be satisfactory.

Mr. BROOKE. Mr. President, I am certainly pleased to hear that from the distinguished majority leader, because actually this amendment provides any period or periods exceeding a total of 90 days in any fiscal year, which is certainly a reasonable period of time will come under the reimbursable clause. If it goes beyond that, then of course the Secretary would have to make his case by reporting to Congress that in his opinion that nonreimbursable detail is in the best interests of the State Department and the United States, and therefore it should be upon a nonreimbursable basis.

I do not see anything in this amendment which would be harmful, certainly, not only to the State Department but to any other department or agency in the Federal Government.

I believe that we ought not to shackle the Secretary of State with restrictions that do not allow him any flexibility at all to assign personnel on a nonreimbursable basis when he believes that it is in the best interests of the State Department and the United States, and when the head of the receiving agency or department believes that it is not solely in the interests of that particular department or agency of the Federal Government.

I do not think that we have something here, as the distinguished majority leader has said, that is of great magnitude, but I do think it is important that the Secretary of State have this flexibility.

Mr. COTTON. Mr. President, will the Senator yield me half a minute of his time?

Mr. BROOKE. I yield.

Mr. COTTON. I would like to suggest to the distinguished Senator from Massachusetts that there is one way in which the State Department can relieve itself of some of its financial obligations so as to have more latitude.

The distinguished Senator from Washington (Mr. MAGNUSON) and I, jointly, have labored, in bill after bill over a period of years, to bring back into the Department of Commerce the commercial attachés who were taken over by the State Department some years ago. My own brother-in-law was a commercial attaché and spent his whole life in that service.

Frankly, I think the trade relations of our country; the promotion of its foreign trade; and our balance of payments would be much benefited if our trade representatives were under the Department of Commerce, and not simply adjuncts to the State Department.

I would hope we will have a chance to bring this about. I think the amendment of the Senator from Massachusetts is a first step which might lead to that. I suggest he consider it.

Mr. BROOKE. Mr. President, I shall certainly do so. I am very grateful to the distinguished Senator from New Hampshire for his contribution.

Mr. President, I ask unanimous consent that the statement of the Senator from Hawaii (Mr. FONG) in support of this amendment be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR FONG

I support the amendment of the distinguished Senator from Massachusetts (Mr. BROOKE) because I believe that the Committee's amendment as prescribed by Section 10 of the bill would substantially curtail the opportunities that are most useful to the broader development of the Foreign Service Officer Corps and to the close cooperation and smooth functioning of interdepartmental activities in foreign affairs.

The Committee's amendment would make it very difficult for the Secretary of State to exercise flexibility in detailing Foreign Service Officers to non-reimbursable assignments with other departments and agencies—even in cases where the benefit to the Service in training and experience might far outweigh the cost.

The Foreign Service Act of 1946 gives the Secretary of State the authority to detail Foreign Service Officers to other departments, at his discretion, when it serves the broader interest of the U.S. Government. It provides the Secretary with the option of sharing experienced foreign affairs personnel with other departments that have a legitimate but specialized interest in a particular aspect of our relations with foreign countries.

In addition, such practices provide the Secretary with the opportunity to train his personnel through such assignments in the specialized functions of other departments. To limit the mobility of Foreign Service Officers in this respect would not only be shortsighted, but also would constitute a failure on our part to recognize the interdependence of a growing number of federal agencies in foreign affairs.

Foreign Service Officers have served with distinction in such agencies as the Department of Interior on matters related to the Micronesian Treaty negotiations, at the Council on Environmental Quality on international environmental affairs, at the Office of the Special Representative for Trade Negotiations, and in other governmental agencies. Their expertise in foreign affairs have allowed them to make positive contributions to the various agencies' efforts to promote the best interests of our country.

Although I accept the general principle that details to other departments should be reimbursed, I believe that a little flexibility in this matter would be in the best interest of the Foreign Service. Senator Brooke's amendment to the Committee's amendment is, in my opinion, a reasonable and sound compromise. It will permit non-reimbursable details of up to 90 days. In addition, it will give the Secretary of State discretionary authority to permit longer non-reimbursable details in cases where he finds that the training and experience involved would be of sufficient benefit to the Service to merit the cost involved.

I believe that the Secretary of State should continue to have reasonable discretion and flexibility in these departmental determinations and therefore urge my colleagues to support the Brooke amendment.

Mr. BROOKE. Mr. President, I think I have said all that I need say on this subject. I appreciate the opportunity to have discussed it with the distinguished majority leader. I do not think we are too far apart. We both agree that there should be some flexibility given to the Secretary of State.

My only purpose in offering the amendment is to enable the Secretary of State to assign personnel to various agencies and departments of the Government when, in his opinion, to do so would be beneficial to the State Department and to the United States.

In those cases, by his having to report to Congress, I think we have congressional control, and I think we will be performing a service to our foreign policy if we grant him this flexibility.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. NUNN). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts (Mr. BROOKE). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is necessarily absent to attend the funeral of a friend.

The Senator from Oklahoma (Mr. BELLMON), the Senator from New Jersey (Mr. CASE), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The result was announced—yeas 44, nays 51, as follows:

[No. 194 Leg.]

YEAS—44

Aiken
Allen
Baker
Beall
Bennett
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Hatfield
Helms
Hruska
Humphrey
Jackson
Javits
Mathias
McClure
McIntyre
Packwood
Percy
Proxmire
Roth
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—51

Abourezk
Bayh
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Chiles
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Fulbright
Gravel
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Inouye
Johnston
Kennedy
Long
Magnuson
Mansfield
McClellan
McGee
McGovern
Metcalf
Mondale
Montoya

Moss
Muskie
Nelson
Nunn
Pastore
Pearson
Pell
Randolph
Ribicoff
Sparkman
Stevenson
Symington
Talmadge
Tunney
Williams

NOT VOTING—5

Bartlett
Bellmon
Case
Saxbe
Stennis

So Mr. BROOKE's amendment (No. 219) was rejected.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION—FEDERAL POWER COMMISSION

The PRESIDING OFFICER. Under the previous order, the Senate will go into executive session to resume debate on the nomination of Mr. Robert H. Morris to be a member of the Federal Power Commission.

Mr. MAGNUSON. Mr. President, as I understand it, the matter before the Senate is the nomination of Robert H. Morris to be a member of the Federal Power Commission for a term which expires on June 22.

The PRESIDING OFFICER. That is correct.

Mr. MAGNUSON. We are going to vote on this matter about 4:30 or earlier, if we can. In the meantime, there will be a vote on last night's matter on a motion to reconsider.

I will proceed at this time with a statement I have on the nomination, and I want to tell the Members of the Senate that it is my intention after the vote to make a motion to recommit the nomination to the Committee on Commerce. I hope I can give effective reasons why. I hope the Senate will vote for the motion.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. COTTON. May I ask who has control of the time?

Mr. MAGNUSON. I presume that the Senator from New Hampshire and I will have control.

The PRESIDING OFFICER. That is correct. The Senator from Washington and the Senator from New Hampshire control the time.

Mr. COTTON. Earlier, I had a colloquy with the distinguished majority leader, pointing out that we may be squeezed a little for time. I hope, therefore, that we may get an extension of time, if we need it. As a result, the vote might not come promptly at 4:30. For example, I want 10 minutes—possibly 15—and I know others want time. The majority leader assured us that if we found ourselves pressed, he would give us a little leeway.

Mr. MAGNUSON. I am sure that can be done. I do not think we need to take too much time on either side of this question.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. STEVENS. Is there controlled time at this point?

The PRESIDING OFFICER. Under the previous order the time for voting on the nomination is 4:30, and the time for a vote upon a motion to reconsider has been set for 3 p.m. The time is under the control of the two Senators previously mentioned, the Senator from Washington and the Senator from New Hampshire.

Mr. STEVENS. I thank the Chair.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the following staff members of the Committee on Commerce be permitted the privilege of the floor during the consideration of the nomination: Michael Pertschuk, Art Pankopf, Mal Sterrett, Ed Merlis, and Henry Lippek.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. TUNNEY. Mr. President, I ask unanimous consent that a member of my staff, Mr. Dan Jaffe, may have the privilege of the floor during the consideration of the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, I should like to designate the Senator from Alaska, who has been present at all the hearings and has done most of the work on this nomination to control the time on this side.

Mr. MAGNUSON. Mr. President, I have stated previously that I would oppose the nomination of Robert H. Morris, not because of any doubts—and I want this clearly understood—regarding his integrity or the purpose with which he might approach the service on the Federal Power Commission. In the hearings, of course, he assured us that he would try to be fair about all these matters, and that is natural for most nominees.

I have had long experience in this matter with nominees to the independent agencies. I say there is a certain philosophy that is imbedded in many nominees as a result of their backgrounds that is pretty hard to shake when real tough decisions have to be made.

The opposition to Mr. Morris stems from the fact that the Senate is again asked to accept, for an independent regulatory agency with vast powers over an industry which affects vital national interests, yet one more nominee whose professional career has been dedicated to the furtherance of the private interests of that industry.

For 15 years, Mr. Morris has represented Standard Oil Co. of California. From 1956 to 1964 he spent about one-third of his time on Standard oil matters. For the 7 years from 1964 to 1971 he devoted approximately two-thirds of his time to the Standard Oil Co., focusing on natural gas matters involving the Federal Power Commission as well as nonregulatory gas problems. He played an active role in judicial appeals by Standard Oil of Federal Power Commission decisions. The views of the client should not be ascribed to a lawyer in all cases, but here the relationship between Mr. Morris and Standard Oil was not a casual or isolated one—instead it spanned nearly the entire professional career of Mr. Morris.

Has Mr. Morris shed his industry views which he argued so long and so ably? If this were an appointment to a Commission peopled with members of demonstrated commitment to the public interest, it might be appropriate to afford Mr. Morris the benefit of the doubt.

This is not a case of suggesting that industry should not be represented or that there should not be industry-oriented people on the Federal Power Commission; rather, it is one of whether all five of them should be industry oriented. I think any Senator here would say that four members now are industry oriented. That is no secret and everybody knows that.

But, in this case, no single member of the Federal Power Commission now serving has a previous record which demonstrated active concern for consumers affected by the impact of Federal Power Commission decisions.

The public is legitimately skeptical toward regulatory agencies whose important positions are assumed from the industries to be regulated. If public confidence is to be restored in the fair dealing and integrity of government during these troubled times, there would seem to be no better way to begin than with conflict-of-interest-free appointments to Federal offices.

The Senate should serve notice on the President that it expects revision of his criteria for the selection of nominees to all regulatory agencies. Now, more than ever, the Senate should not be asked to confirm appointments to regulatory agencies which appear to have been designed as rewards for politically supportive industries or other special interest groups. Instead the Senate should be asked to confirm nominees who have demonstrated competence and commitment to the public interest.

I am sure the President could find at least one such person for the Federal Power Commission who could meet that criteria.

But in addition to these factors a number of events have occurred since the Commerce Committee held hearings on Mr. Morris' nomination. It is important that any nominee to the FPC be closely questioned on the following matters:

The President, in his energy message proposed to deregulate the wellhead price of new natural gas, gas newly dedicated to interstate markets and the continuing production of natural gas from *expired* contracts. Because of the enormous impact that *such legislation* would have on consumers and the economy, it is important that the committee closely question FPC nominees regarding this proposal.

On May 30 the FPC approved in the Belco case a 73-percent increase in the wellhead price of natural gas. This price was "negotiated" between two subsidiaries of the same corporate parent. Authoritative and uncontroverted evidence showed that no competitive market forces were operative, that no obligation was imposed to reinvest additional revenues on further exploration and development, and that profits to the applicant would be as high as 50 percent. Yet the FPC approved the rate requested by the producer without any benefits or safeguards to protect the consumer.

This case is also highly significant because the Commission majority angrily rebuked FPC staff witnesses for expressing views on the competitive structure of the natural gas industry, thereby raising serious questions about the future independence of the staff.

The FPC has been granting enormous price increases to natural gas producers on the basis of claimed shortages of reserves. Yet on June 6 the Justice Department filed suit to enforce subpenas for company records issued by the Federal Trade Commission. The evidence suggests the possibility that gas producers are underreporting reserves in an effort to increase prices in possible violations of the antitrust laws. This is where the Federal Trade Commission comes in.

A further cloud was placed on the validity of the FPC's rush to increase natural gas prices by reports in Sunday's Washington Post that confidential papers purporting to document the size of natural gas reserves were ordered to be destroyed. That seems to be par for the course around here. This information supported the FPC's national gas survey which indicated reserves to be almost 10 percent lower than the industry itself had estimated.

The lower the reserves the more consumers must pay for natural gas. This attempted document destruction intensifies growing skepticism about the claimed gas shortage.

All of these major developments occurred after the Commerce Committee considered the Morris nomination. In fact, we had no idea, when we got through with the hearings, that the Federal Power Commission would rush to increase rates by 73 percent. We knew they had conducted hearings, but we never thought they would approve the producer's proposal. I guess they had some difficulty, because they attempted to scrap some of the backup papers, but they did not succeed.

They also highlight the imperative need to have on the Commission a member to represent consumers, who have a multibillion dollar stake in FPC decisions. In light of his industry background, Mr. Morris should be closely questioned regarding these events to determine his views.

Therefore, I shall move that the nomination of Robert H. Morris be recommitted to the Commerce Committee for further consideration.

Another factor is involved which should be called to the attention of the Senate. It is a matter of procedure. This is why I think the Senate should consider the nomination carefully. Mr. Morris' name was sent up here at the end of January. Some 4 or 5 months of the unexpired term remained.

The term expires on June 22, which is 9 days from now, so that we will be voting to confirm the nomination of the man for 9 days. The oil and gas industry may like someone there for 9 days, but the nomination of Mr. Morris, or whichever nomination the President sends up, will have to come up again in 9 days.

In view of all these factors, it seems to me we ought to recommit the nomination to the Commerce Committee, wait the 9 days, and then see whose nomination is sent to the Senate. If it is that of Mr. Morris, we will have a chance to examine into all the matters that have transpired since the hearings and since the nomination.

So there is a practical question involved. I do not think the Senate wants to go through this procedure again in 9 days. I think we ought to recommit the nomination. This is no reflection on Mr. Morris. He did not participate in these matters, but he is going to have to give his views if his name is submitted again and the nomination is confirmed. This is something the committee is going to have to take a look at with respect to the nominee for the fifth place on the Federal Power Commission. I also want to examine another matter. I might want to bring some of the members of the Federal Power Commission up before the committee.

Here is a practice I do not quite understand. The Federal Power Commission asked the gas producers involved to send them a confidential information backing up their case on the whole matter of the gas shortage or the gas crisis. This is the first time I have ever heard of taking a survey on confidential information. That should have been made public. If the companies did not want to send anything, that is all right. They do not have to, unless they have a case.

Can anyone here imagine a commission downtown, an arm of Congress, working on the theory that it is going to decide cases on confidential information that is available only to themselves? If this is a public agency working in the public interest, all this information should have been made public.

A question that should be asked is whether or not a new commission is going to stop that kind of practice. When one goes before the other commissions, he has to stand up and present his case publicly, and all the briefs are presented publicly. Here they have confidential information. I do not know what it contained. Maybe it had something to do with the shredding. I do not know.

I do not know how many people in this country realize that when we talk about gas rates, or the adjustment of power rates up or down, if it amounts to 1 cent in a given case, that involves hundreds of millions of dollars. It is that sensitive.

So this is a pretty serious matter, and I think, for the sake of 9 days, the Senate ought to sustain those of us who want to recommit the nomination to the Commerce Committee.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. MAGNUSON. Yes. I yield the floor.

Mr. MOSS. Mr. President, I support——

The PRESIDING OFFICER. Who yields time?

Mr. MOSS. Will the Senator from Washington yield me some time? I am told that we are operating under controlled time.

Mr. MAGNUSON. Mr. President, I yield the Senator some time.

If we should get to the point where we need more time on either side, we can ask unanimous consent to do that.

Mr. COTTON. Mr. President, I hope that is so, because a statement has been made that I want to comment on a bit. I hope we are not going to be pressed for time on this matter.

Mr. MAGNUSON. I will join the Senator, but I hope that by 5 o'clock we will have a vote.

The PRESIDING OFFICER. Does the Senator from Washington yield time to the Senator from Utah?

Mr. MAGNUSON. Yes, I yield such time to the Senator from Utah as he may need.

Mr. MOSS. Mr. President, I rise to support the announced intention of the chairman of the Commerce Committee to recommit the nomination of Robert Morris to the Commerce Committee to permit further examination of the applicant, if his name is, indeed, submitted back after the 9-day interval that the chairman has mentioned, or if we have the nomination of any other person that is sent up as a nominee for the Federal Power Commission.

I would like to stress what the chairman has said about the very sensitive nature of this matter. We are, indeed, having some problems in energy production, sometimes called the energy crisis. Of that there is not much doubt. But even more pointed, it seems to me, we are going through an inflationary cycle that is likely to take off like a rocket, the way prices are going up, and one of the most sensitive spots in that escalation of prices is in the cost of fuel, gas, and electricity, which are matters under the jurisdiction of the Federal Power Commission.

The chairman of the committee cited instances in which there have been increases of 73 percent. In my own area, the distributing gas company that sells gas at retail just had an application for a price granted to a supplier in an adjoining State, one from which they were drawing gas that was simply running out of the wellhead into the lines and to the consumer, which amounted to an increase of 264 percent in one jump, and which was approved by the Federal Power Commission. This is the sort of thing that gives me great concern.

Mr. Morris, it has been said, is a very competent man. He is an able lawyer and he is a man who has worked a great deal in the field of oil and gas matters. Standard Oil of California has retained his services for some 15 years. And that is exactly the problem. If the nomination of Mr. Morris is confirmed, he would be asked to decide on issues for which he was an advocate over those 15 years. There is nothing wrong with representing these policies, but there should be members on the Federal Power Commission who bring to the Commission the balance it needs to judge these matters in an objective manner. Mr. Morris would be the fifth member of the Federal Power Commission to expound the producers' point of view.

I think it has been traditional, and if it has not been traditional, certainly it ought to be traditional, that on a regulatory Commission like the Federal Power Commission we should have what could be called a consumer representative, somebody whose interests have lain in the field of protecting the consumers who are concerned about the end price, and not concerned solely with the problems of the companies being regulated. They have their problems. They are entitled to be represented by people who represent their point of view.

It is my view, after looking at the Federal Power Commission, that we would have, if the nomination of Mr. Morris were confirmed for 9 days, five members on the Commission whose background and interest lay with those who are producing the gas and electricity that are being regulated by the Federal Power Commission, rather than with the consumer.

Mr. COTTON. Mr. President, will the Senator yield for a question?

Mr. MOSS. Yes, I am glad to yield for a question.

Mr. COTTON. Mr. President, right at that point when the Senator from Utah (Mr. Moss) implies that all of the present members on the Federal Power Commission are "anticonsumer," I would like to ask him if he by any chance has read the dissenting opinion of Chairman Nassikas in the Belco Petroleum Co. case?

Mr. MOSS. I did read that.

Mr. COTTON. Has the Senator from Utah (Mr. Moss) read the dissenting opinion of Chairman Nassikas in the matter George Mitchell, an opinion handed down in February, 1973?

Mr. MOSS. I am not sure that I read that.

Mr. COTTON. Has the Senator from Utah (Mr. Moss) read the dissenting opinion of Chairman Nassikas in the Panhandle decision?

Mr. MOSS. Yes.

Mr. COTTON. Has the Senator from Utah (Mr. Moss) read the dissenting opinion of the Chairman of the Federal Power Commission and, I believe, Commissioner Moody, in the Tennessee Pipeline Co. rate case?

Mr. MOSS. I am not sure on that.

Mr. COTTON. Has the Senator from Utah (Mr. Moss) read the dissenting opinion of Chairman Nassikas in the Distrigas case? In each of those rate cases the Chairman of the FPC wrote a vigorous dissenting opinion against increases approved by the majority. And, I can say this because the Chairman of the FPC comes from my home State. In a sense he has been a political opponent because he is a liberal Republican and I am supposed to be a conservative one. But, when the Senator from Utah (Mr. Moss) says to me that on this particular Commission, if we confirm the present nominee, we will have five members all lined up for the companies and all, against the consumers, I must take vigorous exception. I do not want to suggest that the Senator is talking without full knowledge. However, an examination of the last several decisions of the Federal Power Commission would not do him a bit of harm.

Mr. MOSS. I thank my friend for his comments on that. I am perfectly well aware that the Chairman of the Federal Power Commission. Mr. Nassikas, was counsel for a gas company before he came on the Commission.

Mr. COTTON. On the contrary, Mr. Nassikas, represented the State of New Hampshire against the utilities.

Mr. MOSS. Prior to that he was a representative of a utility company. I commend him because his sense of justice was shocked to the point that even he had to dissent from the other Commissioners on some of the rate cases they had before them. It was not a matter of political orientation.

I point out that one of the Democratic Commissioners represented the Pennzoil United before he came on the Commission. This was a case in which former Commissioner Carver, whose place Mr. Morris is nominated to fill, benefited Pennzoil United by his decision when Carver was on the Federal Power Commission. However, without getting into the specific cases, I think it is perfectly fair and obvious to say that members of the Commission who sit now are oriented in experience and background and do not generally depart from the ranks of the producers of energy regulated by the Power Commission.

Mr. Morris, the man whom we are talking about, represented Standard Oil of California. And, undoubtedly, if he is confirmed and completes his term, he will go back to representing Standard Oil of California. And Standard Oil of California has been pegged as one of the villains in this situation.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. MOSS. Mr. President, I yield for a question.

Mr. STEVENS. Mr. President, I will make a speech later. However, I would like to ask a question at this time. It seems to me that the Senator from Utah (Mr. Moss) referred to Mr. Morris as being a representative of Standard Oil of California. Does the Senator draw any conclusion from the fact that Mr. Morris was an employee of Pillsbury, Madison & Sutro, a very distinguished law firm of California? The Senator stated that he was counsel for Standard Oil of California. It is my understanding of what I heard that he was an employee. He was not part of management. He was not a partner. He was an attorney for a very large law firm.

Mr. Morris handled matters assigned to him by the law firm, and some of those matters involved oil companies.

Mr. MOSS. The Senator is not entirely incorrect. He was assigned to be counsel for Standard Oil of California. He represented them for years and his staff was their staff during that period of time.

I recognize very perfectly well the representation feature of a lawyer and know where the particular emphasis lies.

I am trying to say that his orientation has always been on the side of the producer that he has been paid to defend. It is perfectly honorable that that be so. Nevertheless, that is a fact.

Mr. MAGNUSON. Mr. President, we have a little time problem here.

I ask unanimous consent that this time not be taken out of our time. If they are going to ask questions back and forth, I want the time attributed to the other side so that we will not use all our time.

Mr. STEVENS. Mr. President, I believe we earlier had the assurance of the distinguished majority leader that if we ran out of time, we would get a little extra time. I think that my good friend, the Senator from California (Mr. TUNNEY) wants to enter into this debate also.

I appreciate what the chairman has to say. And I would not have any objection to the time for questions being charged against our side.

The Senator from Utah will recall that he asked Mr. Morris the question, "Do you think you could respect the consumer's point of view since your association has been with industry?"

Mr. Morris said, "I think I do."

The Senator from Utah did not follow up that question. What is the consumer's point of view? Is it the point of view which favors the production of Algerian natural gas and regulates the price of gas from Alaska? Is it the point of view of a person who tells us, "You can get gas cheaply today, but you will pay a lot for it tomorrow"? Maybe it is a point of view urging delivery to the consumer for the longest time possible the cheapest gas available. That is not the consumer's point of view that the Senator is describing.

Mr. MAGNUSON. Mr. President, does the Standard Oil of California ever have that point of view?

Mr. STEVENS. That is the point of view of Mr. Morris.

Mr. MOSS. Mr. President, the consumer's point of view is not represented by the high price of flowing gas at the wellhead going up all the time on which a profit is being made and suddenly dumping that on the consumer.

That is the kind of opinion that does represent the anticonsumer bias in the power cases.

That is what I am worried about.

All we request is that the consumer be furnished with a product to use at the cheapest possible price that gives an adequate return to the producer and assures that he can continue.

I know, because I have sat through weeks and months and years of hearings that they say that if we put the price up high enough, they will punch holes in the ground all over the country and we will have a lot of gas. I do not see that happening. I do see the prices jumping. However, I do not see them punching any more holes in the ground.

I know that there has to be enough return so that the companies will continue to produce oil and gas.

But it does not have to flow into the point where millions and billions of dollars are being taken from little householders to fatten the purses and pockets of the great corporations in this field.

Mr. STEVENS. Mr. President, I say to my friend from Utah that when we see the day that we make a deal with Siberia to bring gas over here, there will not be any regulation of wellhead prices in Siberia.

I will tell you what happened in Algeria. After America went in and developed the industry there, the industry was nationalized. We pay more than the price of natural gas if the Algerian gas industry had not been developed by American companies.

We are begging producers in Canada to let us import natural gas at a price of a dollar per thousand cubic feet—a price set 100 years ago, and that is less than the price in Algeria, Siberia, and Russia for natural gas.

Are we going to continue to export jobs in this country in order to get natural gas, or are we going to have farsighted people talking about the consumer interest and complaining because today the price is going up?

This man has impressed me as being capable of doing that. This man is a Democrat. He is endorsed by the Sierra Club. He was employed by a law firm in San Francisco until he went into his own law practice, and he has had no relationship with any oil company that I know of. To my knowledge, he has never been on the payroll of an oil company.

He answered the questions in the Senate Commerce Committee very frankly. I say to other Senators again that when they say this man does not represent the consumer interests, they beg the question, because I think those who do not want to confirm his nomination have to say exactly what is the consumer interest and what represents the lowest price which would make certain the availability of gas.

Mr. MOSS. Mr. President, for tomorrow and into the future, it is the price today: tomorrow, next month, and down the line. I assure my friend from Alaska that if Siberian gas comes in here at $2 a thousand cubic feet, or whatever price, it is not going to sell, because heating gas, cooking gas, and pipeline gas will not be that price, hopefully, into the foreseeable future. There is a reserve that can keep it there, and besides, we are now on the threshold, I hope, of developing other sources of supply, such as gasification of coal, gasification of oil shale or tar sands, increased nuclear energy sources, and so on. All of these things are going to relieve so much of the pressure being on gas alone. But in the meantime, if we are going to strangle our people with the excessive inflation that is coming on now, under these rulings, there will not be much sense in going into that extra research. We will be up to the point where we will have to buy Siberian gas and Algerian gas.

I simply say that we have to have somebody who sits there with his eye on the welfare of the little guy who has to buy the gas, the person that has to pay for it out on the end of the line.

If gas doubles in price, as it has in some places now, and goes up again, those people suffer from that loss of a very necessary element in the cost of living in this country, and from the fact that this man Morris, whom we now are talking about confirming for 9 days, does not represent the consumer point of view.

So I think what we should do is have his nomination recommitted, have him be reexamined, and at the end of the 9 days, if his name is resubmitted, reexamine it then and make a judgment on it. As the Chairman pointed out, many things have occurred since Mr. Morris' name was sent up. We ought to be able to ask some questions about some of these things that are going on, some of the decisions mentioned by the Senator from New Hampshire, and some of the dissent. We ought to see what his point of view is in those matters. I would like to know it, and I do not believe at this time that I could vote to confirm his nomination of an up-or-down basis if that were the question. But certainly I am convinced that on a motion to recommit, I shall vote to recommit, so we can go back and have that opportunity to examine him.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield to the distinguished ranking minority member of the committee, the Senator from New Hampshire (Mr. COTTON), so much time as he may desire. But before yielding, I hope he will not object if I ask unanimous consent to have printed in the RECORD at this point title 16, section 792, which creates the Federal Power Commission.

There being no objection, the statute was ordered to be printed in the RECORD, as follows:

CHAPTER 12.—FEDERAL REGULATION AND DEVELOPMENT OF POWER

§ 792. Federal Power Commission; creation; number; appointment; term; qualifications; vacancies; quorum; chairman; salary; place of holding sessions

A commission is created and established, to be known as the Federal Power Commission (hereinafter referred to as the "commission") which shall be composed of five commissioners who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman and shall be the principal executive officer of the commission. Each chairman, when so designated, shall act as such until the expiration of his term of office.

The commissioners first appointed under this section, as amended, shall continue in office for terms of one, two, three, four, and five years, respectively, from June 23, 1930, the term of each to be designated by the President at the time of nomination. Their successors shall be appointed each for a term of five years from the date of the expiration of the term for which his predecessor was appointed and until his successor is appointed and has qualified, except that he shall not so continue to serve beyond the expiration of the next session of Congress subsequent to the expiration of said fixed term of office, and except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term. Not more than three of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any licensee or to any person, firm, association, or corporation engaged in the generation, transmission, distribution, or sale of power, or owning stock or bonds thereof, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold the office of commissioner. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. Three members of the commission shall constitute a quorum for the transaction of business, and the commission shall have an official seal of which judicial notice shall be taken. The commission shall annually elect a vice chairman to act in case of the absence or disability of the chairman or in case of a vacancy in the office of chairman.

Each commissioner shall receive basic compensation at the rate of $15,000 per annum, together with necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law, while away from the seat of government upon official business.

The principal office of the commission shall be in the District of Columbia, where its general sessions shall be held; but whenever the convenience of the public or of the parties may be promoted or delay or expense prevent thereby, the commission may hold special sessions in any part of the United States. As amended July 12, 1960, Pub.L. 86-619, § 1, 74 Stat. 407.

Mr. STEVENS. That section points out, Mr. President, that each Commissioner is appointed for a term of 5 years from the date of the expiration of the term for which his predecessor was appointed, and until his successor is appointed and has qualified, except that he shall not continue to serve beyond the expiration of the next session of the Congress subsequent to the expiration of the fixed term of office.

So we are not talking about 9 days. This man, if confirmed, will be able to serve until the end of the next session of Congress. The President has that long to send someone's name up here, and I am informed reliably that if the Senate confirms the nomination of Mr. Morris, his name will, in due course, be sent up as the nominee for the full term. But we are not talking about 9 days, and I think it is misleading to say that we are. We are talking about at least until the next session of Congress.

Mr. MAGNUSON. Does the Senator mean that the President of the United States has told him, or the people down there, that they are going to leave this office vacant until then?

Mr. STEVENS. No, I do not mean that.

Mr. MAGNUSON. On the 22d his term is up.

Mr. STEVENS. If we do not confirm him, that is another matter.

Mr. MAGNUSON. Does the Senator mean they are going to hold it up and keep him there? That is a new one on me.

Mr. STEVENS. No. Mr. President, I find myself in the strange situation of supporting a Democrat for a non-Democrat vacancy, a man who is endorsed and supported by people I do not support. But I think he is qualified, and I am saying that if his nomination is confirmed, he will not serve for just 9 days, as the Senator from Utah implies.

Mr. MAGNUSON. How long will he serve?

Mr. STEVENS. He will serve until the end of the next session of Congress, whether we confirm his nomination for the full term of 5 years or not.

Mr. MAGNUSON. That means the job is vacant.

Mr. STEVENS. Oh, no. He can serve until the end of the next session of Congress.

Mr. MAGNUSON. Is it not the duty of the President of the United States, when a term expires, to send up the name of a nominee, so that he will not sit there for a year and a half? Are they going to keep him under cover down there?

Mr. STEVENS. The Senator assumes there will be a vacancy. I do not.

Mr. MAGNUSON. Of course, it could go on forever, with no one ever sent up.

Mr. STEVENS. Mr. President, I yield to the Senator from New Hampshire.

Mr. COTTON. Mr. President, I would like to inquire, how much time has been used by the opponents of this nominee and how much time has been used by the Senator from Alaska (Mr. STEVENS) in favor of it?

The PRESIDING OFFICER. Thirty-five minutes by the opponents, and about 6 minutes by the proponents.

Mr. COTTON. And, we are, at 3 o'clock, to vote on another matter?

The PRESIDING OFFICER. The Senator is correct.

Mr. COTTON. Mr. President, I would like to be recognized after we have voted, and then go on from there.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that that request be granted.

The PRESIDING OFFICER. Without objection, the Senator from New Hampshire will be recognized after the vote.

Mr. HART. Mr. President, if that is the case, I would like to suggest one aspect which should be considered and this can be done before the vote at 3 o'clock.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Will the Senator from Washington yield me 2 minutes?

Mr. MAGNUSON. I yield 2 minutes to the Senator from Michigan.

Mr. HART. So that Senators will understand, I voted against advising and consenting to this nomination in the committee, and filed separate views, along with the Senator from Utah. But before we get fogged up further about how long this term will last and what is a consumer point of view, let us not lose sight of something which, if we have not learned it now, we never will, Watergate being the most recent reminder. This Federal Power Commission is going to have to render decisions in highly sensitive areas that will please no one.

The PRESIDING OFFICER (Mr. MCCLURE). The hour of 3 p.m. has arrived, and under the previous order——

LEGISLATIVE SESSION—DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The Senate resumed the consideration of the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

Mr. PELL. Mr. President, I have a profound affection and regard for the people of Portugal, having spent some of the happiest months of my life in that country. My respect for Portugal and her glorious history and for the quality and caliber of her people is of the highest order. Should the Senate decide that this agreement with Portugal must be submitted to the Senate for its approval, that action should under no circumstances be interpreted as an affront to the Portuguese people. Nor, in my view, should such an action be considered as casting doubt on the desirability of the agreement with Portugal.

The question before the Senate is simply whether the Senate should insist on its right to review and act on significant international agreements with any nation. And it is for that reason alone, and without judging the merits of the agreement with Portugal, that I will vote to require submission of the agreement to the Senate.

In voting to require submission of the agreement to the Senate, I am voting to support the authority and the responsibility given the Senate by the Constitution to give its advise and consent to agreements between the United States and other nations. If the Senate is to fulfill that constitutional responsibility, I believe we must insist on the right of the Senate to review such significant agreements as the agreement with Portugal.

I would emphasize, however, that in supporting the right of the Senate to review this agreement, I am in no way opposing the substance of the agreement with Portugal. The agreement may indeed be a good agreement, in the best interests of our country and of Portugal. It is, however, an agreement involving the commitment of substantial funds by the United States, and it involves the stationing of U.S. forces outside of the United States. Both of these are important decisions that cannot and should not be made by the executive branch of the Government without the concurrence of the Senate.

The PRESIDING OFFICER (Mr. MCCLURE). Under the previous order, the hour of 3 p.m. having arrived, the Senate will resume the consideration of legislative business and proceed to vote on the motion to reconsider the vote by which the Sparkman amendment, to strike the section that would require the Azores Base agreement to be submitted to the Senate as a treaty for its advice and consent, was rejected.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Georgia (Mr. TALMADGE) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BARTLETT) is necessarily absent to attend the funeral of a friend.

The Senator from Oklahoma (Mr. BELLMON), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting, the Senator from Oklahoma (Mr. BARTLETT) would vote "yea."

The result was announced—yeas 45, nays 50, as follows:

[No. 195 Leg.]

YEAS—45

Aiken
Allen
Baker
Beall
Bennett
Brock
Buckley
Byrd,
  Harry F., Jr.
Cannon
Cook
Cotton
Curtis
Dole
Domenici
Dominick
Eastland
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
Jackson
Johnston
Long
McClellan
McClure
McGee
McIntyre
Montoya
Nunn
Percy
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Taft
Thurmond
Tower
Weicker
Young

NAYS—50

Abourezk
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Church
Clark
Cranston
Eagleton
Ervin
Fulbright
Gravel
Hart
Hartke
Haskell
Hatfield
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Javits
Kennedy
Magnuson
Mansfield
Mathias
McGovern
Metcalf
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Stevenson
Symington
Tunney
Williams

NOT VOTING—5

Bartlett
Bellmon
Saxbe
Stennis
Talmadge

So the motion to reconsider was rejected.

EXECUTIVE SESSION—FEDERAL POWER COMMISSION

The VICE PRESIDENT. Under the previous order, the Senate will now return to executive session, to resume consideration of the nomination of Robert H. Morris to be a member of the Federal Power Commission. The vote on the Morris nomination is to occur no later than 4:30 p.m.

Who yields time?

Mr. STEVENS. Mr. President, I yield to the Senator from New Hampshire (Mr. COTTON) such time as he may need in connection with the Morris nomination.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. HELMS). The Senate will be in order.

The Senator from New Hampshire is recognized.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. MAGNUSON. I was hoping that the Senator from Michigan could finish his statement first. He was in the middle of it.

Mr. STEVENS. If the Senator from Michigan wishes to continue, it is perfectly all right.

Mr. COTTON. Mr. President, I should like to inquire, before the Senator from Michigan (Mr. HART) continues, how much time remians on each side.

Mr. MAGNUSON. The Senator from Michigan would like 2 more minutes.

Mr. COTTON. I am perfectly willing for him to have his 2 more minutes.

Mr. PASTORE. Mr. President, there is

a lot of conversation going on, and we cannot hear the speakers. All we get is a murmur.

Mr. COTTON. I will yield to the Senator from Michigan (Mr. HART).

Mr. HART. I am grateful. I can complete my point in only 1 more minute.

Surely, we have learned that one item that government, public business, is short on is credibility. I am suggesting that this nominee could be the wisest, most resourceful public utility lawyer in America. And when he goes on the Power Commission, he might be the most objective and discerning propublic voice. But that Commission is going to have to come up with decisions that will displease enormous segments of the community in this country, and we hope the public will believe that such decisions are compelled because of overriding public necessity. We are going to have an extremely tough job selling it if the voice we put on now has been the voice of Standard of California for the last 10 or 15 years.

Maybe the White House does not understand credibility yet, but we should, and that is really why we should reject this nominee up and down, not just send his nomination back to committee.

I ask unanimous consent to have printed in the RECORD a statement on the nomination, an article published in the Washington Post, and a copy of my letter to John N. Nassikas, Chairman of FPC, requesting cooperation with the subcommittee's investigation.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR HART

In discussing the nomination of Mr. Robert H. Morris to the Federal Power Commission, it might be well to outline what we are *not* and what we are debating.

We are not discussing Mr. Morris' integrity or ability.

We are debating the importance of having persons with varied backgrounds on the Commission.

We are *not* debating the President's right to nominate a commissioner.

We are discussing the proper role of Congress in determining the make-up of a regulatory commission.

We are *not* arguing that industry-oriented nominees be banned from the Commission.

We are contending that the addition of a nominee with a background of concern for consumer interests would increase the credibility of the Commission as it tackles complex and important problems in the years ahead.

Let me deal with each set of "are nots" and "ares," mindful that much of what I will say was discussed May 21, when the Senate considered the nomination of William Springer to the same Commission.

From 1956 to 1971, Mr. Morris, by his own estimate, devoted between one-third and two-thirds of his professional career to the Standard Oil Company of California. His practice included considerable work on natural gas problems, involving Federal Power Commission decisions as well as non-regulatory questions.

The fact that the oil company retained Mr. Morris for so many years testifies to his competence as an attorney.

However, in light of the fact that the other four members, or most of the Commission can be described as "industry oriented," the question becomes not one of judging Mr. Morris' ability, but one of attempting to bring some balance of orientations to the Commission.

Few would argue, I trust, that the issues before the Federal Power Commission are the sole concern of energy-producing companies. Certainly environmentalists and consumers have strong interests in the decisions the Commission reaches.

The question of balance then transcends the question of ability and suggests a vote against confirmation of Mr. Morris.

Under our present system, no one denies the right of the President to nominate individuals to regulatory agencies, but we should not forget that regulatory agencies were established by Congress to do the tasks Congress was ill-equipped to do itself.

That fact makes it possible to differentiate between a President's nomination to a cabinet post and his nomination to a regulatory post.

While in general I believe a President should have his choices in the cabinet, that freedom should not extend to an agency which is, at least in part, an extension of Congress. The make-up of such commissions should reflect to some degree the various views represented in Congress.

To argue that for too long Congress has ignored this fact does not persuade me we should continue to forfeit this responsibility.

To the contrary, a reasoned vote against Mr. Morris' confirmation is affirmation of accepting our proper responsibility.

And finally, while industry interests should have a full airing before any regulatory agency, can anyone really blame the public for being skeptical about such agencies manned by representatives drawn from the industries they are supposed to control? Or their lawyers? I think not, and increased credibility is a quality all branches of government could use these days.

Looking ahead, the Federal Power Commission will be considering complex problems. It will be making decisions which will have wide effect, which will have no chance of pleasing everyone.

I can think of no better way to help increase the degree of public acceptance which will greet these decisions than to name a consumer-oriented person to the Commission. Certainly we ought not name one who has served as lawyer to the industry.

Perhaps if there had been better balance on the present Commission, if there had been a consumer's clear voice among its members, the recent decision to increase the well head price of gas by 70 percent (a 29 cent boost) might have been modified or, at least, received with less skepticism.

Again, the reason for skepticism is clear, as pointed out in a recent article in the *Washington Post*:

"A 30 cent increase in the interstate price of natural gas would hand over to the major producers $6.6 billion in annual gas billings. This would pay nearly the full cost of all exploration for both oil and gas that the industry estimated in a national petroleum council study is needed to expand production to 1985. Another way of looking at it is a 30 cent boost in gas prices would increase the value of potential domestic reserves conservatively estimated at 1,000 trillion cubic feet by $300 billion."

In considering the points I have made, it might be well to reprint what President Franklin Roosevelt stated in 1932:

"The regulating commission, my friends, must be a tribune of the people, putting its engineering, its accounting and its legal resources into the breach for the purpose of getting the facts and doing justice to both the consumers and investers in public utilities. This means, when the duty is properly exercised, positive and active protection of the people against private greed."

It is my position, then, that the public will have greater confidence in the Commission's ability to meet that charge if the Senate approves a nominee more oriented toward consumer interests than the background of the present nominee suggests he has been.

The Senate should reject the nomination of Mr. Morris.

Mr. President, the question of credibility and the need for a consumer-oriented member of the Commission were reemphasized this weekend with the report in Sunday's Washington Post of attempts by Commission personnel to destroy "papers purporting to document the shortage of natural gas."

Once again, this incident, if reported accurately, in no way reflects upon the integrity of Mr. Morris.

However, the material in question relates to the increase in the price of gas at the wellhead that the Commission recently approved.

Reports of efforts to destroy such material can only create widespread doubt as to the validity of that decision.

For that reason, I have instructed the staff of the Senate Antitrust Subcommittee to conduct a full investigation of the report and of the use and disposition of material relating to the question of a shortage of natural gas.

Perhaps, the investigation will prove the story inaccurate or the attempted destruction justified—and perhaps not.

Whatever the result, the fact an investigation was warranted supports the position of those who say the vacant seat on the Commission should go to a recognized representative of consumer interests.

Such a person might be more sensitive to the importance of making such material public rather than "inoperative."

Or, such a member might have given credibility to the decision to destroy the material if that decision were indeed justified.

Again, I urge the Senate to vote against the confirmation of Mr. Morris.

[From the Washington Post, June 10, 1973]

FPC OFFICIAL ORDERED GAS DATA BURNED

(By Morton Mintz)

A Federal Power Commission official ordered the FPC's security officer to destroy confidential papers purporting to document the shortage of natural gas, it was learned yesterday.

The destruction aborted because the commission lacked an incinerator in its new quarters and because an incinerator at a military installation was out of order, the agency's executive director, Webster P. Maxson, told a reporter.

FPC Chairman John N. Nassikas condemned the attempted destruction as "a direct violation" of commission regulations.

Nassikas and Maxson said the papers, most of which had been torn in half, now have been reassembled with Scotch tape.

Nassikas said he discovered the destruction as a result of a letter from Sen. Phillip A. Hart (D-Mich.) on May 18. Hart, chairman of the Senate Antitrust subcommittee, said he wanted not only the detailed information in the papers, but all commission records regarding their "disposition."

The FPC aide principally involved in the attempted destruction was identified by the FPC as Lawrence R. Mangen, an assistant to Thomas R. Joyce, chief of the agency's Bureau of Natural Gas.

Nassikas said he strongly doubted that Joyce had instructed Mangen to burn the papers but had ordered an investigation by Joyce and Maxson that is not yet complete.

Mangen himself, in a phone interview, said that Joyce had directed him "not to answer any questions about this, and I just follow orders." Joyce refused to comment.

Mangen was in charge of validating estimates of gas reserves for a controversial FPC study completed last month. The study indicated reserves to be lower, by 9 per cent, than the industry itself had estimated. The lower the reserves, the higher the prices consumers will pay.

Federal Trade Commission investigators, who are making an independent survey, doubt the accuracy of the FPC report.

The attempted document destruction is expected to intensify growing skepticism on Capitol Hill about the claimed gas shortage and about the claimed shortages of gasoline and fuel oil, as well.

The episode may also have an adverse effect on the plea President Nixon made, in his energy message April 18, for legislation to deregulate the price of new natural gas at the wellhead. His argument is that exploration and development will be stimulated by abolishing regulation, which relates prices to production costs.

More immediately, the episode could affect Mr. Nixon's sharply contested nomination of Robert H. Morris of San Francisco for the only vacant seat on the FPC.

The Senate is scheduled to take up the nomination Monday, with the outcome in doubt. Morris, during most of his career as a lawyer, represented Standard Oil of California in FPC natural gas proceedings. Critics of the nomination protest that if the Senate confirms him none of the five members of the commission would represent consumers, who have multibillion-dollar stakes in FPC decisions.

The papers involved in the attempted destruction were the replies of 79 gas producers to an FPC questionnaire about uncommitted reserves available for sale.

The agency announced last Feb. 22 that a compilation of the replies showed a 26 per cent decline in the reserves between the end of 1969 and mid-1972.

Sen. Hart, in an initial letter a few days later, asked Nassikas to provide the Antitrust Subcommittee specific information on what the 79 producers had reported to the FPC. The data "could represent a significant breakthrough in the quest for reliable and verifiable natural gas reserve estimates," Hart said.

The reply came not from Nassikas but from Joyce. He said he could not supply the information as requested—"in its dis-aggregated form"—under the Natural Gas Act.

However, FPC executive director Maxson said yesterday that "I wouldn't think" the gas law could be used to deny the information to Congress. A former commission chairman, Lee C. White, said flatly that Joyce was wrong. Any congressional committee denied such information "ought to subpoena it," White said.

Joyce also claimed to Hart that the information had to be kept confidential under the Freedom of Information Act. But his boss, Maxson, who helped draft that law, said it "doesn't apply to Congress." Joyce refused to say how he had come to conclude either law applied.

The FPC's Office of Economics was also concerned by the agency's February announcement of a drop in reserves, because it was preparing to fight an effort by three producers—Belco Petroleum, Texaco and Tenneco—to win FPC approval for a 73 per cent increase in the wellhead price of natural gas.

The effort succeeded by a 2-to-1 vote on May 30. The majority commissioners were Albert B. Brooke Jr. and Rush Moody Jr. Chairman Nassikas dissented.

The economists were accumulating evidence that the industry was noncompetitive and, consequently, that its prices would not be entrusted to market forces. This view was formally adopted by the agency staff two days after Mr. Nixon's energy message, although it was contrary to the President's position that the industry is competitively structured.

Reliable sources said that the Office of Economics asked the Bureau of Natural Gas for data on the reserves held by the top four and top eight producers but was turned down by its sister unit.

The bureau said the information had been supplied by the producers under an order promising to preserve it as confidential. But the bureau also claimed that the data had been destroyed, the sources said.

Surprised, Haskell P. Wald, director of the Office of Economics, checked with bureau chief Joyce, who said an error had been made—the data had not been burned. Wald, like Joyce, refused to comment.

Joyce, however, agreed to supply the requested data without naming the companies, a task that took from the end of February to the end of March, the sources said. The data showed that four firms accounted for more than 60 per cent of the reserves in the continental United States.

However, the economists found what the sources called "significant and obvious" discrepancies, some of them internal, in the data supplied by the bureau.

The economists requested clarification from the bureau in early April, only to be told by Mangen, Joyce's assistant, that the materials supplied by producers had been destroyed after the four- and eight-firm concentration ratios had been extracted from them.

Actually, Mangen, who was the legal custodian of the documents, did not take them to the FPC security officer, George Brent Vivian, until April 24 or 25, the sources said. Mangen questioned about this, said he thought the date was "earlier." Vivian refused to comment.

Mangen asked Vivian to burn the documents, but he balked because his assignment was to destroy only those papers relating to national security, the sources said. However, they said, Mangen persuaded or directed Vivian with the argument that the papers were highly sensitive and coveted by numerous persons.

Vivian was reported to have held the documents for about a week, until early in May, and then put them in burn bags after tearing each page.

According to the sources, Vivian, in the second week of May—about the time the FPC was moving to its new quarters—went to the military installation, where he found the incinerator broken. He returned the burn bags to his safe.

On May 18, Sen. Hart, in a second letter to Nassikas, requested the FPC chairman to appear before the subcommittee, which is investigating the origins of the energy crisis, and to bring along the detailed information from the 79 producers requested originally in March.

"Unfortunately," Hart noted, his original request had been rejected by Thomas Joyce. The senator implied that he rejected as fallacious Joyce's invocation of the Natural Gas and Freedom of Information acts.

Yesterday, Nassikas said the Hart letter led him immediately to order Joyce and Maxson to investigate if the papers had been destroyed.

Nassikas said commission rules require that such papers be "maintained in a confidential status." Former Chairman White said he had never heard of a precedent for destruction of such documents, an act he termed "bizarre."

Maxson said Nassikas told him, "You run as fast as you can to Brent Vivian to find out what happened." He also spoke of "a staff bungle," saying Mangen claimed to have understood that the producers had been given an option either to have the papers returned or destroyed.

Late last month, Mangen, checking with Vivian, learned that the torn papers were still in the safe. Mangen and Joyce then retrieved them from the burn bags, where they reportedly were kept with national security materials, and taped them back together on desks and the floor of Joyce's office, the sources said.

Will Nassikas turn over all of the requested data to the Hart subcommittee when he appears to testify in about two weeks.

Nassikas declined to give a clear answer, telling a reporter only that he intends to provide "a full analytical study," and will be "responsive" to the senator's request.

June 11, 1973.

Hon. John N. Nassikas,
Chairman, Federal Power Commission,
Washington, D.C.

Dear Mr. Chairman: The Sunday edition of the Washington Post reported the attempted destruction apparently by high ranking Commission personnel of company-by-company data provided by 79 large natural gas producers respecting total uncommitted natural gas reserves available for sale in mid-1972.

You will recall that on March 7, 1973, you were requested to provide a substantial amount of such data to the Subcommittee in connection with its investigation of the nature and extent of competition and concentration of control of natural gas reserves within the natural gas producing industry. That letter also requested you to make such material available to the Federal Trade Commission in connection with its investigation of the accuracy and reliability of aggregated natural gas reserves as reported by the American Gas Association.

Mr. Thomas Joyce of your staff responded, declining to provide the requested information and citing for support the Freedom of Information Act and the confidentiality section of the Natural Gas Act. You were then requested by the Subcommittee to appear with such material at hearings scheduled for June 6 and 7, later postponed to June 26.

If the newspaper report is correct, the attempted destruction of such material alone raises serious questions respecting propriety, motivation, as well as efficacy of FPC regulation. The on-again-off-again nature of the attempted destruction which apparently prevented use of such data by the Commission's Office of Economics in testimony opposing a 73 percent increase in natural gas prices at the wellhead (which the Commission approved last week), raises even more serious questions. The report of the attempted incineration in light of two requests outstanding by this Subcommittee for the material dictates the need for a full exploration and explanation of all events relating to the use and disposition of this data and a full public accounting by all responsible.

Therefore, I have instructed the staff of the Subcommittee to commence an immediate investigation, to interview privately all FPC personnel and members, and to examine all documents and files necessary or appropriate to ascertain all facts bearing on this question.

Your cooperation and your full assistance to the staff will be greatly appreciated.

Sincerely,

Philip A. Hart, *Chairman.*

Mr. COTTON. Mr. President, I now would like to renew my inquiry. We have conducted the debate on this nomination in installments. We had various unanimous consent agreements last night. This is a very important matter. There have been some statements made on the floor of the Senate that need to be analyzed most carefully.

I would like to know how much time each side has used and how much time each side has remaining.

The PRESIDING OFFICER. The Senator is advised that the vote is to be at

4:30 p.m. The proponents have used 10 minutes and the opponents 36 minutes. We will compute the time of each side if the Senator will suspend for just a moment.

The proponents have 48 minutes remaining and the opponents have 22 minutes remaining.

Mr. COTTON. Mr. President, I hope the Senator will yield to me 10 minutes, and if necessary, maybe 15.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. COTTON. Mr. President, there are two points that should be made in the Senate on the question of this nomination. In fact, a third point has been added. There has been talk about, if confirmed, whether he will serve 9 days until June 22; or whether, if confirmed by the Senate today, it would be until the end of the next session. I took it upon myself to communicate with certain people while we were voting on this other matter.

Mr. LONG. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COTTON. Mr. President, I think I can honestly report to the Senate that the White House shares the concern of Members of the Senate, and all others, who are deeply interested in one of the most complex problems confronting our country today—the matter of energy.

Thus, concerning this nomination, there is a natural desire to know how, if confirmed, this nominee new to the Commission will perform and in what spirit he will approach our energy problem.

It is my understanding that, after a reasonable time, the name of this nominee, if confirmed, or the name of someone else, will be submitted for a full 5-year term. There is no intention whatsoever on the part of the administration to get him confirmed today, then, hang on; and wait to the end of the session. I think I can give that assurance. And, I agree thoroughly with my chairman, the distinguished Senator from Washington (Mr. MAGNUSON), that that is as it should be.

There are two points here that I want to mention as rapidly and as forcefully as I know how. The first point is that it has thus far been assumed by those who oppose the nomination of Mr. Robert Morris to be a member of the Federal Power Commission that we already have on that Power Commission four prejudiced men—four men who have no idea of the consumer's interest. And, that if we add Mr. Morris, since the law firm he was employed by represented an oil company, we are going to have a fifth prejudiced man.

Now, first, I have something to say about the present Commission. I have been waiting for some time to say this. Men of good faith and good will with expert background are required as regulators today to establish policies and programs to avert a deepening and pervasive energy crisis, particularly in natural gas supply.

The Federal Power Commission was created by Congress, and under the terms of its creation, its first duty was and now is to represent consumer interests. But, its duty to protect the consumer had a two-fold aspect. First, it is to try to obtain power—gas, oil, energy for the consumer—at as low a rate as possible; but, second, and no less important, to try to see to it that the supply of these sources of energy will be available to the consumer.

The courts have repeatedly reaffirmed this intent of the Congress. I will not take time to quote excerpts from such opinions, but I ask unanimous consent that they may be printed in the RECORD at this point.

There being no objection, the opinions were ordered to be printed in the RECORD, as follows:

OPINIONS

In *F.P.C.* v. *Hope Natural Gas Co.*, 320 U.S. 591 (1943), the Supreme Court expressly held that the provisions of the Natural Gas Act "were plainly designed to protect the consumer interests against exploitation at the hands of private natural gas companies." (320 U.S. at 612) In order to carry out this mandate, the Commission "was given broad powers of regulation." (*Id.* at 611.

In *Atlantic Refining Company* v. *P.S.C. of New York (Catco)*, 360 U.S. 378 (1959), the court stated that "The purpose of the Natural Gas Act was to underwrite just and reasonable rates to the consumers of natural gas . . . The Act was so framed as to afford consumers a complete, permanent and effective bond of protection from excessive rates and charges." *Id.* at 388. Furthermore, as the District of Columbia Circuit has stated "the Commission must always relate factors to the pirmary aim of the [Natural Gas] Act to guard the consumer against execessive rates." *City of Detroit* v. *F.P.C.*, 230 F. 2d 810, 817 (CADC, 1955).

Almost twenty-five years after the *Hope Natural Gas* decision, the Supreme Court reiterated the scope of the FPC's jurisdictional mandate and the weight of its exercise of that responsibility:

> . . . Congress has entrusted the regulation of the natural gas industry to the informed judgment of the Commission, and not to the preference of reivewing court. A presumption of validity therefore attaches to each exercise of the Commission's expertise, and those who would overturn the Commission's judgment undertake "the heavy burden of making a convincing showing that it is invalid because it is unjust and unreasonable in its consequences." *F.P.C.* v *Hope Natural Gas Co., supra*, at 602 . . . [the Commisison] must be free, within the limitations imposed by pertinent constitutional and statutory commands, to devise methods of regulation capable of equitably reconciling diverse and conflicting interests. *Permian Basin Area Rate Cases*, 390 U.S. 747, 767 (1968).

Mr. COTTON. Thus, Mr. President on two occasions the U.S. Supreme Court has in no uncertain terms defined the powers and the duties of the Federal Power Commission. They are there to protect the consumer.

The Chairman of the Federal Power Commission comes from the State of New Hampshire. I have known him rather intimately for at least a quarter of a century. As a matter of fact, wishing for some Washington experience, he took leave of absence from his firm and came down and served for a time as minority counsel on the Committee on Commerce.

Now, John Nassikas has been represented again and again in the press and has been represented, I am sure with sincerity, again and again in this Chamber as a man who is not consumer minded. Let me give Senators a bit of history. He has always been liberal, so much so that in earlier years he certainly belonged to a different wing of the Republican Party in New Hampshire than that of which I have always been a member.

The Senator from Utah (Mr. Moss) talked about his representing a utility. I believe on one occasion, his law firm, which is one of the largest in our State, did represent a utility. But, John Nassikas also has assisted the attorney general of the State of New Hampshire. He was assigned the job of going before the Public Utility Commission in New Hampshire and opposing the electric utilities from increasing rates. And, as a matter of fact, representing the State, he prevented such utilities from getting the full increase they were asking. Then, later, because of that experience the Governor of New Hampshire named him, after he had ceased to be connected with the attorney general, as counsel to represent the consumers in the State of New Hampshire. Again, it was to oppose petitions of the public utilities for advancing rates.

Now, Senators have heard of FPC's decision in the Belco Petroleum Corp. case. I believe it was referred to by the Senator from Wisconsin (Mr. PROXMIRE) on June 11 in this body. At that time, the Senator from Wisconsin commented that "the Commission permitted a 73-percent increase in wellhead rates to go into effect which resulted in a 48-percent return on equity for the producer."

But, what the Senator from Wisconsin neglected to mention, and what the Senator from Utah (Mr. Moss) neglected to mention a few moments ago in this Chamber is that the Chairman of the FPC, John Nassikas, dissented vigorously from the decision of the majority of the Commission, Commissioners Brooke and Moody. And, it was from Chairman Nassikas' dissenting opinion that the Senator from Wisconsin drew the citation of a 73-percent increase. In that dissent Chairman Nassikas said:

> The majority asserts that cost evidence through 1971 supports a 73 percent increase in the price to 45¢.

Mr. Nassikas further stated:

> Based upon the evidence in this record, we cannot reconcile a 45¢ per Mcf price in 1973 with a 26¢ price in 1971, which latter rate was affirmed on the basis of cost evidence in 1969.

Therefore, Mr. Nassikas insisted in his dissenting opinion that the rate should be 35 cents, not 45 cents.

Mr. President, I shall not take the time of the Senate, but I want to make the record clear in justice to the Chairman of the Federal Power Commission.

He also dissented, in the so-called George Mitchell case, from the majority against a rate increase of 67 percent to a single producer, noting the following:

> The majority decision casts this Commission adrift from its regulatory moorings under the guise of special relief to Mitchell to improve Natural Gas Pipeline's gas supply. The majority decision is tantamount to deregulation of flowing gas prices in violation of the Natural Gas Act. Only Congress—not this Commission—has this power.

It also is interesting that in the rehearing applications filed in that opinion the American Public Gas Association, Congressman Torbert H. Macdonald, and Congressman Sidney R. Yates, two of the most able men with whom I served in the other body—both liberals and men who can be found always fighting for the consumer—adopted virtually all of the arguments advanced by the Chairman of the Federal Power Commission in his dissent.

I shall not go into further detail, Mr. President, but I ask unanimous consent to put a list of several cases in the Record as a part of my speech at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Speech by Mr. Cotton

Chairman Nassikas has, on numerous occasions, dissented to the majority's wishes at the Federal Power Commission, in order to protect the consumer, and I will only mention a few here:

1. In the so-called *Belco* proceedings,[1] Chairman Nassikas wrote a vigorous dissent to the majority's approval of a 73 percent increase in rates to three gas producers in the offshore South Louisiana area.

2. In the matter of *George Mitchell*,[2] Chairman Nassikas strongly dissented to the majority's approval of a rate increase of 67 percent to a single producer. There, Chairman Nassikas stated:

"The majority decision casts this Commission adrift from its regulatory moorings under the guise of special relief to Mitchell to improve Natural Gas Pipeline's gas supply. The majority decision is tantamount to deregulation of flowing gas prices in violation of the Natural Gas Act. Only Congress—not this Commission—has this power."

It is interesting that in the rehearing applications filed of that opinion, the American Public Gas Association, Congressman Torbert H. Macdonald and Congressman Sidney R. Yates adopted virtually all the arguments posed by the Chairman in his dissent.

3. In the *Panhandle* decision,[3] Chairman Nassikas, while concurring in a decision which would generate additional capital to a pipeline subsidiary for sorely needed exploration and development, sought additional protective conditions so that the pipeline's customers would not be required to pay anything more than the lowest reasonable cost for additional gas supplies.

4. In a rate case involving *Tennessee Gas Pipeline Company*,[4] Chairman Nassikas and Commissioner Rush Moody, Jr. vigorously dissented to the approval of a $94 million rate increase. As a matter of fact, the senior Senator from Michigan (Mr. Hart) applauded the Chairman's willingness to dissent in this case (see letter of June 2, 1972, attached).

5. In the first major importation of liquefied natural gas, the *Distrigas* decision,[5] Chairman Nassikas dissented to the majority's failure to assert comprehensive jurisdiction and argued that the consumer would not be protected by the failure to regulate the price for that import.

June 2, 1972.

Hon. John N. Nassikas,
Chairman,
Federal Power Commission,
Washington, D.C.

Dear Mr. Chairman: The staff has recently brought to my attention the dissent of Commissioner Moody and yourself in *Tennessee Gas Pipeline Company*, Dockets RP71–6, RP 71–57 and RP72–1, May 19, 1972. Your dissent underscores why millions of Americans have a basic mistrust of government regulation. I wholeheartedly agree with you that the administrative process displayed in that decision is not what was envisioned when the Congress created the FPC.

In the past, I have written to express my deep concern over actions taken by the FPC. My concern in whose instances was no different than the concern expressed in your dissent. I applaud your willingness to so forcefully speak out, and I urge that the very proof you seek in this case be sought in every proceeding.

If you have any specific legislative suggestions in mind to implement the desire expressed in footnote 4, that the staff and the dissenting commissioners be granted a right to seek rehearing and appellate review, I would be happy to consider them.

Sincerely,

Philip A. Hart,
Chairman.

Mr. COTTON. Mr. President, in all of these decisions we find the Chairman of the Commission, and in one case another present member of the Commission, arrayed vigorously, firmly, and definitely on the side of the consumer.

Attached to material already inserted in the Record is a letter from my distinguished friend, who is always so fair, the Senator from Michigan (Mr. Hart) commending Mr. Nassikas. I also have a letter to Chairman Nassikas from the Sentor from Wisconsin (Mr. Proxmire), dated June 30, 1972, commending Chairman Nassikas for the "FPC's proconsumer decision in the El Paso case."

The full text of the letter from the Senator from Wisconsin (Mr. Proxmire) follows:

June 30, 1972.

Hon. John N. Nassikas,
Chairman, Federal Power Commission,
Washington, D.C.

Dear John: I'd like to extend my congratulations for the FPC's proconsumer decision in the El Paso case.

By prohibiting high priced imported liquified natural gas from being averaged into everyone's gas prices you have saved the average consumers literally millions of dollars. Requiring the consumers of this high priced LNG to pay its full incremental cost makes far more sense to me in both economic and social terms than requiring the average consumer to subsidize the users of LNG.

Again, congratulations on making the right decision.

Sincerely,

William Proxmire,
U.S. Senator.

In the light of these facts, I simply want to make as a first point that it is a lot of poppycock to stand up here and make the broad assertion that we have on the Federal Power Commission a bunch of corporation lawyers who are predominantly looking out for oil and gas companies, and who are not for the consumer. Nothing could be more contrary to the facts.

Mr. President, if one is to appoint a man to handle the very difficult and complex job of fixing rates at a time when we are in the worst situation in our history on the matter of producing energy, such as gas and oil, he ordinarily appoints a successful man.

That successful man, if he has practiced law, very likely has represented, on one side or the other, clients involving every subject upon which he is going to serve.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. COTTON. Mr. President, I ask for 5 minutes more.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator is granted 5 minutes more.

Mr. COTTON. Mr. President, do we want an ignoramus? Do we want to have appointed some lawyer who never had a client? Of course not. We should appoint men who know their jobs and who know their profession. We should appoint men who know what the Federal Power Commission was created for.

Now, as for Mr. Morris, it is said that he is a corporation lawyer. Well, he undoubtedly is, was, or has been a corporation lawyer. One of the clients of the law firm which employed him was an oil company. Undoubtedly, he represented that oil company, a part of the time at least, as an employee of the law firm.

But, he also has represented—and I checked this—he also has represented indigent criminal clients. Over the course of the past year and one-half he has represented individual clients in resolving property tax problems in California. From 1968 to 1970 this terrible Mr. Morris worked in a citizens' advisory committee to a joint legislative committee to the California Legislature, devising laws for open-space conservation of agricultural lands.

Mr. Morris and his family have been members of the Sierra Club for about 10 years, and members of the Audubon Society for about 5 years.

He has contributed to and has been active in various organizations interested in preserving the environment.

What is so horrible about this man? I listened to his evidence before the committee, and I thought he was open. He met every question frankly. I was favorably impressed with him. I would trust him.

If Senators want to turn Mr. Morris down and appoint some jackleg lawyer who never had a client, let them go ahead and reject the nomination. If they want a commission composed of that kind of lawyer, if they want the administration of some of the most difficult problems that have ever come before a commission handled by such lawyers, let them do so. Let them go ahead and turn Mr. Morris down and bring in somebody right out of law school. Or, someone who never went to law school, some innocent, fresh intellect who has to start from the beginning; who does not know much about the matter; who does not know how to deal fairly with consumers, or with the supply of energy in this country; and someone who knows as much as a hen knows about God.

If Senators want to have ignorance on the Commission, let them go ahead and have it.

I shall add just this thought. So long as I have felt that a nominee of the President of the United States was competent, honest, and possessed of integrity and sincerity, I have voted for the confirmation of his nomination. I have done so regardless of whether I thought he might be of the same political philosophy as I. In this case, Mr. Morris is a Democrat. I further understand he is a liberal Democrat.

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[1] Opinion No. 659, May 30, 1973.

[2] Opinion No. 649, February 21, 1973.

[3] Opinion No. 626, September 20, 1972.

[4] Opinion No. 619, May 19, 1972.

[5] Opinion No. 613, March 9, 1972.

Mr. President, I voted seven times to confirm nominations of Supreme Ccurt Justices made by the President of the United States. In each instance, their political philosophy was completely different from mine. But in all seven cases I was satisfied that they were men of competence, ability, sincerity, and integrity. One of them, Justice White, has happily surprised me. I think he has become one of the fairest and best balanced justices we have had on the bench. In other words, Mr. President, one can never tell when he is going to find someone, for example, who has been a corporation lawyer but who shows himself to be keenly sensitive to the such matters as the consumer's interest like Mr. Morris.

Mr. President, we have here a nominee who was questioned at length by our committee. As far as I could ascertain, he faced up to the questions he was asked in a manner that was full, frank, and fair. He is a man of established success in his profession. He is a man who interested himself in the protection and conservation of our environment. He is a man who is not only a Democrat, but is also said to be a liberal Democrat. He is nominated to fill a Democratic seat on the Federal Power Commission.

In all fairness, I can see no reason why the Senate should refuse to confirm his nomination.

Mr. STEVENS. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-two minutes, and 27 minutes to the proponents.

Mr. STEVENS. Mr. President, I yield 10 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 10 minutes.

Mr. TUNNEY. Mr. President, the nomination of Robert H. Morris to the Federal Power Commission has come under intense scrutiny, but probably few groups have examined his qualifications as closely as the Sierra Club. In a letter from its Washington representative, the Sierra Club stressed:

> Mr. Morris seems to have a good knowledge of the inequities of our present energy pricing system and a strong commitment to rectify it, in order to achieve better resource allocation, better energy conservation, and more protection for the environment.

The endorsement of the Sierra Club concludes that—

> Mr. Morris would seem to be a fair-minded member of the Federal Power Commission, an agency which we feel unfortunately has all too often in the past served mainly industrial interests.

I, too, have had an opportunity to examine Mr. Morris, privately in my office, to discuss with him his attitude regarding the prices of petroleum products, natural gas, and other matters relating to the activities of the FPC; and I also questioned him in open hearings in the committee.

I, too, support his nomination to the Federal Power Commission.

I am supporting him because I am convinced he is abundantly qualified to serve with distinction on this important body. I have carefully questioned Mr. Morris in several lengthy meetings in my office, and I am convinced of his candor and his integrity. He is knowledgeable and experienced on matters that come before the FPC. Finally, he is a man of independence and impartiality.

Hearings on his nomination before the Commerce Committee and my own extensive conversations with him brought out his opposition to the President's policy on deregulation of natural gas, a position supported by many consumer groups. I have extensively checked his background with members of the bar and concerned Californians, and I am convinced Mr. Morris, as a Federal Power Commissioner, would place sound public policy above any special interests.

He would not submerge the public interest to the interests of industry. Nor would be blindly and automatically decide every issue in favor of consumers in the event such decisions would work unfair hardship on power producers.

I believe that Mr. Morris is a man who is knowledgeable and experienced on matters that come before the Federal Power Commission. He is a man of great integrity. And I think he is going to be extremely important. I think that if one will look at the record of Mr. Morris prior to the time he was nominated to this position, one will find a person who has a great deal of innate intelligence.

Mr. Morris is a graduate of Yale University and Columbia University, where he received his law degree in 1956.

For the next 15 years, he was employed by the prestigious San Francisco law firm, Pillsbury, Madison, and Sutro, handling a variety of matters for a cross-section of the firm's clients and establishing an outstanding reputation in legal circles.

Part of his time with the firm was devoted to the legal affairs of Standard Oil Co. of California, including some of the company's FPC matters.

I think it is very likely that should Mr. Morris be rejected for this position, he will not get the Standard Oil Co. of California business, as suggested by the Senator from Utah, because his former law firm is the firm that represents Standard Oil of California.

Mr. Morris in both his professional and personal life has been a supporter of consumer-conservation interests. His association with Standard Oil has been cited frequently by opponents of his nomination as an indication that he would side with industry as an FPC member.

I point out that he handled many problems for his law firm.

Advocacy of a client's interests is more than the right of members of the legal profession; it is their duty. I believe the Senate would be establishing a highly dangerous precedent if it were to disqualify lawyers from public service on the basis of professional advocacy.

I do not know how many lawyers there are in the Senate. I dare say it is more than one-third. If any of us are not responsive to the interests of our clients, we do not deserve to be here. I think that to use that argument against Mr. Morris is something that does not really deserve to be credited by fair-minded people, not only lawyers but nonlawyers as well.

Mr. Morris has an excellent conservation record.

Were I convinced that Mr. Morris personally places industry interests above those of consumers, I could not support his nomination. Nor could I support him were it not for one fact that he has the endorsement of important environmental and conservation groups.

The Sierra Club, whose battles on behalf of environmental protectiion and conservation have been effective and highly respected, was quite emphatic about its support, and I read the club's letter at this point in the RECORD:

> DEAR SENATOR TUNNEY: Thank you for your inquiry to us regarding the Sierra Club's views on the nomination of Mr. Robert Morris to the Federal Power Commission. We join with many other environmental groups in feeling that the membership of the Federal Power Commission is extremely important to those who are concerned about the protection of our environment. And we share the feelings of others who have expressed the critical need to have members of the Commission who are receptive to environmental-consumer interests.
>
> Since receiving your inquiry, we have had a chance to examine Mr. Morris' views on a subject of critical importance, the future of energy use and demand and the need for a sound energy conservation policy. Based upon statements which he has made since he was nominated to the Commission, it seems to us that Mr. Morris is in a position to render fair and balanced judgments on issues which are before the Commission. (We have not at this time had the opportunity to examine statements made by him prior to such nomination.)
>
> Mr. Morris seems to have a good knowledge of the inequities of our present energy pricing system, and a strong commitment to rectify it, in order to achieve better resource allocation, better energy conservation, and more protection for the environment. His statements speak out strongly against the lack of efficiency of present energy consumption systems, and eloquently in favor of strong attention to relatively non-polluting sources of energy, such as solar power.
>
> Based upon all the foregoing, it is our conclusion that Mr. Morris would seem to be a fair-mined member of the Federal Power Commission, an agency which we feel unfortunately has all too often in the past served mainly industrial interests.
>
> Very truly yours,
>
> BROCK EVANS,
> *Washington Representative.*

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. TUNNEY. I yield.

Mr. TOWER. Mr. President, I believe that Mr. Morris is in opposition to the administration proposition on deregulation of natural gas.

Mr. TUNNEY. The Senator from Texas is correct in that. He made the statement before the committee that he did not believe in deregulating it. And when the President announced his decision to formulate such a policy, Mr. Morris spoke out and was quoted in the press as being opposed to it.

I spoke to him personally about his remarks quoted in the press. He affirmed that he was opposed to the President's policy of deregulation of natural gas.

Mr. MAGNUSON. Mr. President, will

the Senator yield for a question on my time?

Mr. TUNNEY. On the Senator's time?

Mr. MAGNUSON. Yes.

Mr. TUNNEY. I yield.

Mr. MAGNUSON. Mr. President, it does not mean anything to say that no lawyer necessarily reflects the views of his clients. I have defended murder cases. And I do not think that I have reflected the views of the persons involved.

I point out that in this case it was only one client involved, Standard Oil. He did not have many other clients. He represented them for years. That is perfectly legitimate. He was probably one of the best they have ever had.

I do not know if he has been active in the Sierra Club. He has been like I have been. However, I am a little more active than when I am around the Senate. We send in $3 a year, or I believe it is $10 a year now. I do not know if he goes to Sierra Club meetings, but he told me that he gets their pamphlets.

I have belonged to the Sierra Club. That is beside the point. He was an attorney for Standard Oil all these years.

I do not see how he could be active in the Sierra Club; he was too busy representing them. They had too many gas interests, and he had too much to do. And he was a good attorney.

I do not know; if Mr. Morris comes back and I can ask him more questions after all these happenings, I do not know how I would vote. I have an open mind about it.

We are not asking to turn him down; we are merely asking for 9 days to recommit his nomination to the committee. On the 22d the term is up anyway.

I do not see anything wrong with that. It is no reflection on him at all. He is a good corporate gas and oil lawyer; that is all there is to it. He is one of the best.

Someone has said he is a Democrat. I do not know about that. The Senator would know better than I. He has probably voted for him.

Mr. TUNNEY. I do not know whether he did or not.

Mr. MAGNUSON. All right. But that is no reflection on him. The question here is whether we want to have this nomination recommitted and go over it. In 9 days the term is up.

Mr. TUNNEY. But, as my distinguished chairman knows, if we vote to recommit Mr. Morris' nomination, we are in effect putting a nail into his coffin. I think we have to assume that a rejection of him now would mean he would never be a Commissioner of the FPC.

I would just like to make one correction on the record. Mr. Morris said in open hearings that for the first 7 years he spent with his law firm, only one-third of his time was spent on Standard Oil business, and that the last third of his career he spent two-thirds of his time. But he was doing a lot of other things as well.

I know how it is. I worked for a large firm at one time, too, a 100-man firm, and I performed the duties assigned by the senior partners.

Maybe one reason Mr. Morris did not become a partner in that firm was that he was uncomfortable representing Standard Oil. He was pretty well known. I have talked with judges in California who have had the opportunity to see him before a court, and they say he has outstanding talent and is a man of unquestioned integrity.

Mr. MAGNUSON. Oh, there is no question about that. But if he was uncomfortable, then he was uncomfortable for a long, long time.

Mr. TUNNEY. But he was making his living as a lawyer, and I feel that no lawyer ought to have the views of his clients visited upon his own head.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. PASTORE. The Senator has remarked that if we recommit this nomination, that would be hammering a nail in his coffin.

I hope we can be a little bit pragmatic about this. As has already been pointed out, this nomination will run out within several days. I dare say a lot of favorable things have come to light about Mr. Morris since his nomination was reported out of the committee, that were not known by the members of the committee during the time that the nomination was being considered by them. I am sure that many of the doubts could be resolved if this nomination for the full term were again to come before the committee, where we could go into the matter more thoroughly.

Of course, if it is true that all he was was a clerk in the office——

Mr. TUNNEY. He was not a clerk. He is a lawyer.

Mr. PASTORE. Yes; he was a lawyer who ended up with a net worth of $3 million. He is no little clerk.

Mr. TUNNEY. He has a rich wife?

Mr. PASTORE. He has a rich wife?

Mr. TUNNEY. Yes.

Mr. PASTORE. Well, then, maybe he is a good man. He can pick out a wife as well as he can pick out a law firm and pick out an appointment to the FPC.

Mr. TUNNEY. Mr. President, we had hearings on this nomination on March 19. Here we are in June. I think the man deserves a decision one way or the other, up or down. He has indicated to me and to others that he has made a great personal financial sacrifice by being kept on the boiler waiting to see if his nomination is going to be approved or not approved, and I do not think that is fair to the man. I think we ought to give him a chance now.

Mr. PASTORE. I only want to state to my esteemed colleague from California that as to this idea of up or down, I suggest he does not want an up-or-down vote if he is going to lose it today. He really does not want that; he is not on the floor here to lose, he is here to win. The question is, if the nomination goes back to the committee, whether the process will be ameliorated. If the Senator feels he has it anyway, he ought to insist upon a vote; but, on the other hand, if confirmation is in doubt at the present moment, I would like to hear a little more about him. A lot of things have taken place in the last few weeks; we have been talking about the price of gasoline, and how it is going to skyrocket; we have been talking about certain investigations being made under the antitrust laws with reference to some of the big oil companies. A lot of things have happened in the last several weeks, and I think, myself, we would be better off to let the nomination go back to the committee, and let us take a look at it, not for the purpose of killing it but to take another look at it.

Mr. TUNNEY. Mr. President, if the Senator had made that speech a couple of weeks ago when we considered the nomination of Mr. Springer, who has a record of over 20 years in the House of Representatives that was anticonsumer in the extreme, according to the consumer groups that rate such voting records, I think it would have been a fairer proposition.

Mr. Morris has, as I have indicated, a record which is supported by the Sierra Club insofar as conservation is concerned; he has been opposed to the President's decision as far as deregulation of the price of gas at the wellhead is concerned; he is a person who, in the hearings, came through as a man of integrity who wants to represent consumer interests. From my conversations with him, I have been convinced he wants to represent consumer interests, and I can assure you I would not be up here arguing for his nomination if I did not think he did want to represent consumer interests, but I can only say that Mr. Springer's nomination was passed through the Senate in record time, apparently because he was a Member of the House of Representatives in the past; but he had a terrible consumer record.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. STEVENS. I yield myself 10 minutes.

Mr. President, I find myself in the strange position of supporting the nomination of Mr. Morris. I do not know him personally; I only met him at the hearings. I did attend the hearings, and as a matter of fact we continued those hearings for additional questions from some of the members to be directed to Mr. Morris. I thought he conducted himself in a most admirable fashion, even though I disagreed with him on many things.

For instance, I am a coauthor of a bill to deregulate the wellhead price of gas. I firmly believe that deregulation is one of the answers to the gas shortage. Mr. Morris was categorical about that. The Senator from Utah (Mr. Moss) asked him:

> Are you advocating deregulation of the wellhead price of natural gas?

Mr. Morris said:

> No. No, I am saying that one of the problems that the commission has today is the fact the unregulated market exists side by side with the regulated market, and I would say that if we are able to revise the pricing standard under the Natural Gas Act as it exists today so that we have got a more stable and farseeing pricing standard than we now have, then we could and should have effective regulation for both inter- and intrastate gas. We should expand jurisdiction in that case.

He certainly does not agree with me there. On the other hand, I found that he was a very able man, and one who had been associated with a very distinguished law firm in the West. I want to comment a little bit about that, too.

Mr. Morris was asked:

> Could you describe to the Committee the nature of the work that you performed for Standard Oil of California?

Mr. President, could we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. STEVENS. Mr. Morris said:

> Yes. So far as it is pertinent to natural gas, my work for Standard on natural gas matters was really exclusively—it took place in the last seven years of my practice with Pillsbury, Madison and Sutro. It consisted of two things, natural gas problems in general which did not have to do with regulatory problems, and then regulatory matters before the Federal Power Commission.
>
> My role in the regulatory matters was indirect or vicarious. Standard had on retainer, an expert Washington firm that did all of the filings with the Commission, the prosecution of cases before the Commission, and the prosecution of appeals, from Commission orders.

In other words, here was a man who was a member of a very large law firm. He was with the firm some 14 years, and in the last 7 years took cases on assignment from partners who directed the assignments, I assume, that involved Standard Oil. He was not Standard Oil's attorney. He was an employee of Pillsbury, Madison & Sutro.

I find it difficult to envision an action of the Senate rejecting this man. That is what the Senate will be doing, let us not kid ourselves. If we recommit this nomination to the committee, Mr. Morris is rejected. I think any Senator would be kidding himself to think that the nomination will be sent back to committee for additional study and then after the President sends up Mr. Morris' nomination for another 5-year term, he will be rubberstamped and sent back to the Senate without debate.

As a practical matter, in case the Senator from California (Mr. TUNNEY) does not understand it, he should understand that the answer he has given to the Senator from Texas concerning Mr. Morris' point of view will get him the opposition of the Senator from Texas, because Mr. Morris is suggesting that if he were a member of the Commission he would advocate intrastate regulation of gas in Texas, and anyone should know what that means to a Texan.

As a practical matter, this nomination is now before us. If Mr. Morris is recommitted, his nomination will not come back to the Senate. There is no question about that. I assume that the Senator from California agrees.

We are defending this nomination now. Certainly, if it gets back to the committee, the attacks that will be made will be redundant, but he will be attacked.

Mr. TUNNEY. I could not agree more with the Senator, but I would like to point out two reasons why I gave the answers that I did, and the way I did. One is, it was a truthful answer, and the second is, we should dispel some of the notions developed apparently on this side of the aisle, that Mr. Morris is a captive of the oil industry. He is not a captive of the oil industry in any way, shape, or form.

I think that the remark the Senator from Alaska made is most pertinent and is an indication of the Senator's fairmindedness.

Mr. STEVENS. I have no fear about this man in terms of his being a member of the Federal Power Commission. He has demonstrated his ability. He resigned from Pillsbury, Madison & Sutro in September of 1971 without any thought of being appointed to the Federal Power Commission and went into practice for himself.

I have represented many people. I have been a district attorney and was in the active practice of law for 20 years. As my good friend from South Carolina (Mr. HOLLINGS) says, perhaps I am a country lawyer in comparison with other Senators in this Chamber, but I do not want anyone here to assume that the viewpoints I represented on behalf of the people who came to me for advice and sought legal representation by me are my personal points of view. That would be the most unfair thing to come out of the assertions made against Mr. Morris—the fact that because he was a good advocate and did a good job when he was in the practice of law, that he is responsible for the positions that he advocated on behalf of his clients in defense of their positions.

Mr. President, all of us on the Commerce Committee, opponents and supporters alike, agree that Mr. Morris has an excellent academic record, a record of success as a lawyer and a knowledge of Federal Power Commission regulation. Since those are agreed facts, I would not belabor them.

Suffice it to say that Mr. Morris graduated with honors from Taft School, Yale University, and Columbia University Law School. He was then hired by one of the most prestigious law firms on the west coast, Pillsbury, Madison & Sutro, where he practiced law for 15 years. In September 1971 he established his own private law practice which also is a success.

In short, he is able, successful, and uniquely qualified by background and experience to be a Federal Power Commissioner. I believe I can safely say that the entire Commerce Committee agrees that he possesses all of the necessary intellectual and moral qualifications, experience, and expertise.

The sole area of opposition to this nomination arises from the fact that while with Pillsbury, Madison & Sutro, Mr. Morris performed legal work for that firm's principal client, Standard Oil Co. of California. I do not view that as a disqualifying fact, but as a plus. First, it is a measure of his success that the law firm entrusted to him the natural gas work of its major client, both regulatory and nonregulatory. Second, it supports the fact that this nominee comes before us with an exceptionally thorough understanding of energy problems and Federal Power Commission regulation. There is no denying the fact that his experience in representing Standard did equip him with precisely the expertise which we should look for in a Federal Power Commissioner.

Mr. Morris realized that some would jump to the conclusion that because he had represented an oil company he was a proindustry man, invested with a set of industry biases. In conversation with staff counsel to the committee, he expressed the hope that the committee would cross-examine him thoroughly about his views on any and all energy issues of interest to its members. He did his best to give us his views so that we could reasonably decide on the facts whether or not he was a proindustry man. His answers to lengthy questioning of him at the hearing make it clear that he is not. He is an independent person who forms his personal opinions rationally from the facts and without an advocate's leanings toward either the industry or the consumer.

Mr. Morris got the trial of his views which he desired. For nearly an entire afternoon he was questioned by members of the Commerce Committee. Mr. Morris' candid, reasonable answers proved that the nominee is not to be considered a proindustry advocate.

On the issue of whether Mr. Morris could represent a consumer's point of view on the Commission, the following testimony appears in the hearing record:

> Senator Moss. Do you think that the interests of the consumer should be represented within the FPC?
>
> Mr. MORRIS. Yes, definitely.
>
> Senator Moss. Would you think that you could represent the consumer's point of view, since your position has been with the industry?
>
> Mr. MORRIS. I think I do, but I don't think it is easy to say today what is the consumer point of view.
>
> Senator Moss. Would you favor the establishment of a consumer protection agency with a consumer's council that could become a party to FPC proceedings?
>
> Mr. MORRIS. Yes, certainly. If the staff of the Commission and the consumer groups that are organized are considered ineffective, I would say yes, some sort of supplement.
>
> Senator Moss. That is one of the proposals before this Congress, to have a consumer protection agency, and that function would be to go into proceedings and represent the consumer, and as far as you are concerned, that seems all right?
>
> Mr. MORRIS. That is all right.
>
> Senator TUNNEY. How do you answer the argument that is made that at least one member of the FPC should be consumer oriented, and with your appointment, Mr. Springer's appointment, there will not be such a man on the Commission, and therefore, you ought not to be confirmed?
>
> Mr. MORRIS. I have no answer to that. I really have no answer to that question. As I say, I do think that the old labels of proconsumer and pro-industry are probably outmoded because there is a complete reshifting of the forces and groups that are for and against increases in energy prices, and I really do not—in terms of today's world, I think the old labels are really kind of outmoded.

It simply does not follow because a lawyer has represented an oil company he is a biased proindustry man. This is precisely the question which was examined at the confirmation hearing and which was, I believe, decided in the nominee's favor—whether Mr. Morris had adopted his former client's views or had maintained his own independent views.

As a matter of fact, on this very point during the course of the committee's hearing held last March, I made the following observation:

> I feel constrained to remember people like Brandeis and Frankfurter and Black and Warren, people who said that if their previous careers would have been an indication of what they would have done when they got to the Supreme Court, they never would have gotten there.
>
> I find no problem with the fact that a man has spent his legal career in representing a portion of the industry. It seems to me that that would be a qualification to be on the Federal Power Commission at this time when we are trying to find out what has gone wrong with 20 to 30 years of overprotectionism which has left us in the situation where we have a short supply of energy, the shortest in the history of the United States.

The case for the nominee is clear. There are four qualifications for this position; the nominee is to be:

First, a Democrat;

Second, an expert in energy matters;

Third, a west coast citizen; and

Fourth, a lawyer.

Mr. Morris meets all of those qualifications with flying colors. He is a genuine, liberal, San Francisco Democrat, not a token Democrat. His expertise on energy questions is exceptional. One thing the hearing clearly proved is that he is most knowledgeable about the industries and issues before the Federal Power Commission. He is from California and he is a lawyer, not just any lawyer, but a successful one who possesses the necessary legal knowledge of the regulating process to be an effective and responsible commissioner.

There is agreement that Mr. Morris is highly qualified. Opposition thus is based solely upon insistence that a known "consumer advocate" must be selected to fill this position in order to give the Commission a so-called balance.

I attended most of his hearing. I know that he is nobody's advocate, neither industry nor consumer.

Let me sum up why I support Mr. Morris. His nomination was reported favorably by the full 18-member Senate Commerce Committee on April 16, with only 3 members filing an express dissent. The vote of the committee is entitled to heavy weight. Mr. Morris was supported by an overwhelming majority. From the standpoint of personal qualities and relevant expertise, he is—as the committee agrees without dissent—well qualified. He is supported by the distinguished junior Senator from his State (Mr. TUNNEY), the Senator in the best position to check into his background, independence, fairness, and support by the liberal Democratic circles to which he belongs. By all reasonable standards previously known and now emerging in this body for confirmation of nominees, Robert Morris is a very qualified nominee who deserves your "aye" vote.

Mr. PASTORE. Mr. President, will the Senator from Alaska yield at that point?

Mr. STEVENS. I yield.

Mr. PASTORE. I want to make my position very clear, and have it understood that I want the record made clear, that if I vote to recommit this nomination, I am not voting to kill the nomination. I want that to be made very, very clear.

Some indications have been raised—and I have been very much impressed with the favorable remarks made on his behalf by the Senator from California (Mr. TUNNEY), for whom I have a lot of affection, admiration, and respect—but I think myself that if the nomination did go back and we could resolve some of the difficulties, we could clear the air with reference to the nomination.

I do not know this man personally. I do not question his integrity. I do not question his ability. But the big question has been raised here, is the credibility of the people of the country who will have to suffer, possibly, in the near future—and we all know that that is going to come to pass, that is, higher prices for gas, for gasoline, and for home heating fuels—when a decision is made to raise those rates, will the people of this country have confidence that it was an impartial decision that was made in the public interest?

Mr. STEVENS. I am very glad the Senator from Rhode Island mentioned that, because that is why I am here. I went to John Nassikas—I happened to have some young people in Alaska who were qualified for the position—and I asked Mr. Nassikas, in connection with this vacancy, "What are the qualifications for such a person, insofar as you are concerned right now?" He told me, someone who understands the California situation, that he had to be a Democrat, and he wanted a lawyer—one whom he could trust.

I am confident that John Nassikas was the one who wanted this man. I come from a gas-producing State and in time it will be "the" gas-producing State.

Mr. PASTORE. Mr. President, will the Senator yield at that point? That is the first time I have heard that. That is the point.

Mr. STEVENS. We were all at the hearings.

Mr. PASTORE. Mr. Nassikas was not at the hearings. The Senator is telling us that now.

Mr. STEVENS. I am saying, about my private conversation with Mr. Nassikas, that I believe that he wanted a lawyer on the FPC who would be fairminded, balanced, and that he would have to be a Democrat. And Mr. Nassikas has decided that he should be from California, so that eliminated my people. So what we have come up with is a person from the State of California who, I think, is qualified. I say that despite the fact that he does not agree with me on many matters. The one thing we will do, to kill his nomination, and I am telling you that it will kill his nomination, is to send him back to the committee, because he will not come back. He has got 6 days. If confirmed today, he can serve to the end of the next session of Congress without having another name sent up.

Mr. PASTORE. All I can say in that regard is, talk for yourself, John.

Mr. MOSS. Mr. President, will the Senator from Alaska yield?

Mr. STEVENS. I yield.

Mr. MOSS. Mr. President, it has been suggested that Mr. Morris has the endorsement of important consumer groups. Let us test this proposition. In a letter dated June 6 Ms. Erma Angevine, executive director of the Consumer Federation of America, the largest and most influential consumer organization in the United States expressed deep disappointment over the nomination of Mr. Morris. This organization represents more than 200 consumer-oriented groups throughout the Nation.

The PRESIDING OFFICER (Mr. HELMS). The time of the Senator from Alaska has expired.

Mr. STEVENS. Mr. President, I thought I was yielding to the Senator from Utah only for a question.

Mr. MOSS. Mr. President, I yield myself 5 minutes. I thought the Senator from Alaska had finished. I am sorry if I imposed upon him.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. MOSS. Mr. President, California consumer organizations have strenuously opposed Mr. Morris. The San Francisco Consumer Action, Consumer's Cooperatives of Berkeley, The Farmer Consumer Reporter Associates, and the California Consumer Federation all urged that Mr. Morris be defeated.

Representative Ken Cory, chairman of the Joint Committee on Public Domain of the California Legislature stated in a telegram that:

> It would be totally irresponsible to place an individual with Mr. Morris' background on the Federal Power Commission.

So universal is consumer opposition that Ms. Angevine indicated in a letter to me on June 8:

> In fact we do not know of any consumer organization supporting Mr. Morris' nomination.

Mr. Lee White, former Chairman of the Federal Power Commission, and Chairman of the Energy Policy Task Force in which hundreds of public interest organizations participate, stated it is important for the Senate to defeat Morris to prevent a total anticonsumer stance by the Commission.

Mr. TUNNEY. May I ask the Senator, did they give any background information on why they were taking this position?

Mr. MOSS. Lee White indicated that.

Mr. TUNNEY. That is the most preposterous statement I have ever heard. There is no background information on it. I talked to Mr. Morris. I wonder whether Mr. White has ever talked to Mr. Morris?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. TUNNEY. Excuse me.

Mr. MOSS. I believe that he has talked to Mr. Morris. Mr. Lee White, as the Senator from California well knows, was the Chairman of the Federal Power Commission. He is an able lawyer and has been working in the city and has served as counsel to the President at the White House. He is a man who is active now. I listen to Lee White when he says anything about the Federal Power Commission because he was, I think, one of the best Chairmen we ever had on that Commission. He is consumer oriented in his views. He said that as he assessed the abilities and the background of Mr. Morris. Of course that is his opinion. I do not know what kind of evidence to bring, but I am willing to take the opinion of Lee White and I think I have the right to assert it here on the floor of the Senate.

Mr. TUNNEY. Of course, the Senator does. May I ask him a question?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. MOSS. I yield to the Senator from California for a question.

Mr. TUNNEY. Then Mr. Lee White was aware of Mr. Morris' answer to the Senator's question on the committee—

> Senator Moss. Would you favor the establishment of a consumer protection agency with a consumer's counsel to become a party to FPC proceedings?
>
> Mr. Morris. Yes, certainly. If the staff of the Commission and the consumer groups that are organized are considered ineffective, I would say yes, some sort of supplement.

Mr. MOSS. I do not know whether he is aware of that, but I want to bring before the Senate in this discussion the opinions of many who are in the consumer field who have great apprehensions or total outright opposition about the appointment of Mr. Morris.

Ralph Nader urged the Senate "to defeat the nomination and make it clear to the President that you will only accept a person who can be counted on to serve the consumer rather than the special industry interests on the Federal Power Commission."

In addition, I have received dozens of letters in opposition to Mr. Morris. Such an outpouring of public indignation over a Federal Power Commission nominee is unprecedented.

Responding to an inquiry from the Senator from California, the Sierra Club indicated that "Mr. Morris would seem to be a fairminded member of the Federal Power Commission." But the Sierra Club pointed out that this assessment was reached solely on the basis of Mr. Morris' environmental statements since his nomination. Needless to say, such statements must be examined in the context of Mr. Morris' background of service to the oil and gas industry.

Let me revert to what I said at the beginning. I believe Mr. Morris to be an honorable and intelligent man. I do not condemn him in any way as an individual. I point out the fact that his background indicates that he will be stamped at least with the aura of being an advocate of the producers of power, the ones who are to be regulated by the Commission.

The consumers do not have a representative, in my point of view, on that Commission. The consumers are apprehensive. They think the Power Commission is there to protect the consumers at the same time they permit the producers to produce and earn a profit. But this is a balance, and I think the balance will be upset if we have five who are all producers.

The PRESIDING OFFICER. The Senator's time is expired.

Mr. TUNNEY. Mr. President, will the Senator from Alaska yield me 2 minutes?

Mr. STEVENS. It is my understanding that we have 7 minutes remaining.

The PRESIDING OFFICER. The proponents have 7 minutes and the opponents have 12 minutes.

Mr. TUNNEY. I point out to the Senate that I received a letter from the president of the California Public Utilities Commission, which regulates the rates and service of more than 1,500 privately owned utilities and transportation companies in California. Mr. Sturgeon sent me a telegram the other day, which reads as follows:

> Senator Tunney: The nomination of Robert Morris of San Francisco to the Federal Power Commission is a matter of considerable importance to California, and I believe it would be unfortunate for consumers of this state if this nomination were defeated. There is at the present time no commissioner of the FPC from California or from any other state on the west coast. There is a great need for such a person on the FPC because of California's heavy reliance on natural gas, both as a residential and industrial source of energy, and because of the fact that California's gas supply problems are somewhat unique and are quite different from those of eastern and midwestern states. I am favorably impressed with the abilities of Mr. Morris to provide this perspective and to serve generally in the capacity as FPC Commissioner. I respectfully urge your vigorous efforts on his behalf.
>
> Vernon L. Sturgeon,
> *President,*
> *California Public Utilities Commission.*

I agree with what was said earlier by the Senator from New Hampshire, that we need a person on the FPC who is intelligent, No. 1, a person who has had experience in matters before the FPC; a person who has integrity, and a person who is going to be representative of consumer interests. I find it terrible to tar an attorney with the views of his clients. I cannot imagine any lawyer in this Chamber doing it.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. MAGNUSON. Mr. President, we are supposed to vote at 4:30, but we did say that if someone else wanted to talk, it might be agreeable with the majority leader to extend this matter a short period of time.

I want to yield such time as he needs to the Senator from South Carolina; and if the Senator from Alaska has not had a chance to talk on this matter, I would join in extending the time to allow him to finish his speech.

Mr. STEVENS. We will be happy to await the remarks of the Senator from South Carolina.

Mr. MAGNUSON. I yield to the Senator from South Carolina.

Mr. HOLLINGS. I thank the chairman.

Mr. President, in rising to oppose the nomination of Robert H. Morris to the Federal Power Commission, I wish to note that I do not question the nominee's competence in the area of oil and gas law. There was nothing in the record to indicate incompetence or lack of integrity. As a consequence, it is only after considerable deliberation that I find it necessary to vote in opposition to his confirmation.

As has been pointed out, for the past 15 years Mr. Morris has represented Standard Oil Co. of California. From 1956 to 1964 he spent about one-third of his time on Standard Oil matters. For the 7 years between 1964 and 1971 he devoted approximately two-thirds of his time to the Standard Oil Co., focusing on natural gas matters involving the Federal Power Commission as well as nonregulatory gas problems. During this period he also played an active role in judicial appeals by Standard Oil involving Federal Power Commission decisions. The views of a client should not be ascribed to a lawyer in all cases, but here the relationship between Mr. Morris and Standard Oil was not a casual or isolated one—instead it spanned virtually his entire professional career.

In my mind this nomination represents the "last clear chance" for the U.S. Senate and for the American gas consumer. The obvious support by present members of the Commission for the industry which they are charged with regulating has repeatedly been indicated. Their statements, coupled with the decision of May 30, 1973, involving Belco Petroleum, strongly indicate that the Commission has abandoned the consumer. To confirm Mr. Morris, who has served the same industry interests for the greater part of his career, would only serve to further solidify this apparent FPC bias. To vest this agency with such unanimity of view subverts the very purpose of regulation.

In the Belco case, the Commission approved a 73-percent rate increase. This amounts to a 48-percent return on equity and was approved without a foundation in cost to the producer and without a commitment by the producer that the additional revenues would be devoted to further exploration and development activities. I am the first to agree that we need fair prices—set at a level adequate to elicit the necessary supplies, but this fact does not justify a price so high as to be only the empty promise of regulatory protection.

Regulatory commissions derive their power and authority directly from Congress. Hence, as Members of Congress, we would be remiss in our duties if we did not oversee regulatory activities to insure that they continue to serve the objectives we have set. The philosophy and background of the nominees confirmed by the Senate as Federal Power Commissioners is of overriding importance in effectuating or in frustrating these objectives. The Federal Power Commission was established with a strong mandate to protect the consumer from market powers of the energy industry. The Commission must assume the responsibility of assuring adequate supplies of energy at the lowest reasonable price to the consumer.

If it is to achieve this goal, it must have members who will look with critical objectivity at the requests of industry. If public confidence is to be restored in the fair dealing of Government during these troubled times, there would seem to be no better way to begin than with conflict-of-interest-free appointments to the Federal Power Commission.

Therefore, I urge rejection of Mr. Morris' nomination.

Mr. President, I ask unanimous consent to have printed in the Record an editorial published in the Washington Post of June 7, 1973.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

THE WRONG MAN FOR THE FPC

Regulatory agencies frequently fall captive to the industries that they are supposed to regulate. But even by the regrettable standards of that tradition, the present state of of the Federal Power Commission is extraordinary. The chairman is a New Hampshire lawyer who, in his private practice, was counsel to a gas utility. One member is a lawyer from a Texas firm that specializes in representing gas and oil interests. Two other members are Republicans from Capitol Hill, one of them a retired Illinois congressman and the second a senator's former administrative assistant. Among the four there is none who can properly be called a critic of the industry, or a spokesman for its customers.

The fifth seat on the commission is vacant. Last December the President nominated Robert H. Morris, a San Francisco lawyer who has spent much of his career representing Standard Oil of California. Several senators have carried on a long delaying action against confirmation of Mr. Morris. But now his nomination is about to come to the Senate floor. The question is not whether the industry's view deserves representation within the FPC. It is whether any other view is to be represented. Mr. Morris' integrity and competence are not in question. But at a time when public confidence in the federal government is not high, the Senate would make a grievous error in awarding still another seat on the FPC to a lawyer who, in his private career, spoke for the oil and gas industry.

That industry might usefully ask itself whether its own interests are really served by this crude tactic of excluding all dissent from the commission. Over the next several years, the federal government is going to have to make a series of hard decisions regarding prices and taxation of gas and oil. These decisions will be political. They will reflect voters' impressions as to whether they are being treated fairly. It is something of an understatement to say that currently the oil and gas industry does not enjoy any great degree of public trust and affection. The industry might consider whether anyone will put much credence in the findings and rulings of an FPC dominated by lawyers who, before coming to Washington, worked for the gas and oil companies. The senators ought not have much trouble answering that question. The proper course for the Senate is to reject Mr. Morris' nomination.

Mr. HOLLINGS. Mr. President, I will try to emphasize the very brief, cogent, and wise statement of the distinguished Senator from Michigan (Mr. HART). He got right to the point.

We are not trying Mr. Morris, I say to the Senator from California. Mr. Morris just cannot qualify. Why can he not qualify? For the simple reason that he put down right there, on the record: Standard Oil of California. It is not a matter of whether he is going to be killed or whether we are going to put a nail in his coffin.

I am not asking for delay. I am asking for credibility in this energy crisis. The President does not have it. We found that out when we passed, with only 12 dissenting votes, of S. 70 the Council on Energy Policy. Why? Because the President has continually shifted responsibility for energy policymaking within the executive branch. In November of last year, he appointed a Deputy Assistant Secretary for Energy in the Interior Department, while at the same time saying that James Atkins, Director of the State Department's Office of Fuels and Energy, would represent him on energy matters. Then he changed his mind in January and said, "No, I'm going to have Secretary Butz as my counselor on natural resources," and he was going to be the energy man. By February he changed that and said, "No, I have an energy committee made up of George Shultz, Henry Kissinger and John Ehrlichman."

After that, the Energy Committee hired a man who worked 7 weeks and delivered to us this so-called, high level, message on energy calling for deregulation. I cannot give too much credibility in this instance to the distinguished President of this country, and he causes me to be a little leery when at the same time he calls for deregulation, he is arm in arm with his best friend, the former distinguished Governor of Texas, John Connally, who has represented nothing but oil companies. We all know the facts: Come to my ranch and we will have a party, we will raise funds, and in the midst of all this, asking for deregulation.

What we do have to look at with reference to deregulation?

It is not like arguing that Mr. Morris is to be an adviser to the President. If Mr. Morris had been nominated to be an adviser to the President, I would have no objection. The President of the United States deserves the benefit of the advisers he wants, and honest ones. I believe Mr. Morris is honest, and I would welcome a chance to vote for him for a Cabinet post or whatever it might be.

But the one thing we are tied into here is the record that has been made.

I wish the distinguished Senator from New Hampshire were here and that we could get these speeches for him to see. Mr. Brooke and Mr. Moody have made speeches favoring deregulation, and of course Mr. Springer voted for deregulation as a House Member.

As a last clear chance, what we want is just that, a chance—not an oil company lawyer; anything but. I think Mr. Morris is qualified for almost any job in this country, save one, and that is, at this particular point in time to be a member of the Power Commission. This is the last clear chance for the consumer.

With Senator MAGNUSON and Senator JACKSON, we have held many hearings on energy, and from them we learned that the large oil companies in the United States own 72 percent of the natural gas reserves, 50 percent of the uranium, 25 percent of the coal. I have located industries galore in my home State; and if I go to one company for a gas rate, I find I am going to the same one for coal and the same one for electric; the same company all around. I think they are too interlocking, and they are almost in violation of the antitrust laws at the present time.

We know that in Great Britain, 4 years ago, the oil producers came to what they call the British Gas Council, and said, "We're going to have to do some offshore drilling, but we have to be guaranteed a 50-cent rate." The Council in Great Britain refused that, and instead the government said they would start drilling gas on their own. What did the oil companies do? They immediately came back to the Council and said, "Oh, no, we do not need 50 cents; we'll compromise on 28." And they have been operating at that 28 cents.

Where did that idea come from. The distinguished senior Senator from West Virginia (Mr. RANDOLPH) commenced a study on this, and we extended the idea in our debate on the Energy Council bill.

What I am telling Senators here is that if there is to be a price increase, and apparently there will be, it has to be an increase, as the Senator from Michigan stated, that has credibility.

This crowd has no credibility. They are given a 15-percent return on gas but they get 40 percent on oil. They do not put the money into exploration. That is why we do not have a credible program. They do not really develop domestic reserves in the United States even if they have more money. Then, on the contrary, in the Belco case, the Commission finds in May they are entitled to a 73-percent increase, which amounts to a 48-percent return on equity.

Mr. President, that is the situation we have. We have to look at this energy crisis. We must develop an energy policy and then we must try to administer it within Congress—Congress has the power to regulate. And the Power Commission is an arm of Congress, not an adviser to the President.

It is said that oil company lawyers are not responsible for their clients' views. I have represented murder clients and that certainly does not mean that I believe in murder.

But Morris is not the issue. He cannot qualify. He cannot change his record of Standard Oil, I do not care how many Sierra Clubs he joins, or how many $3 fees he pays.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. HOLLINGS. I yield.

Mr. TUNNEY. Did the Senator vote for Mr. Springer?

Mr. HOLLINGS. Yes, I did, and at that time I said that on the last clear chance I was not going to let Mr. Morris go by. I thought we could balance off.

I thank the distinguished chairman for yielding.

Mr. STEVENS. Mr. President, what the Senator is saying is that we want on the Federal Power Commission people who have had no experience at all. Apparently they would be happy if we would take someone from the consumer advocacy area and put him on the Federal Power Commission, and everyone else is not supposed to represent the consumer. I do not understand it.

The real problem about this, in my opinion, and we will get into this later in this session, is that what they are advocating is what has been advocated from the other side of the aisle for 40 years. This is really a test as to whether we can take someone who is independent and give him the facts and have him tell the American consumer tough decisions have to be made. We are going to tell him, "You have to stop consuming gas for utilities and any kind of industrial facility and leave it for the consumer in residential homes." Who will do that? Will it be a consumer advocate who says he can do that? You will have to start paying twice as much for that gas.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. TOWER. Not twice as much, but three times as much. The Washington Post, and that could hardly be accused of being a reactionary rag, editorialized in favor of deregulation because they are now making gas out of naptha. It is costing $1.25. I hope people in the East realize what will happen if they decrease the price of gas. We will use the gas in Texas, Louisiana, and Arkansas where it is produced, and you can buy it in Algeria at $1.45.

Mr. STEVENS. Or pay $2 for it from Siberia.

Mr. President, I sit here as a person from a gas-producing State and listen to comments about prices and regulations. We are in the worst situation with respect to gas. Senators ought to get the message, and the message is that things have happened in the past that have not been good. It is time for new direction in the Federal Power Commission. We are offering that new sense of direction with this nominee from the State of California, who is an able man. This is the last chance the Senate may have to vote for him.

I can assure Senators, after the statement of the Senator from South Carolina saying they will never vote for him, his name will not be sent back again. The Senator from South Carolina does not think this is going back to the committee for more evidence. There is no more evidence Senators would listen to.

Apparently it is thought that a man from a large oil company cannot represent the public interest—not the consumer interest and not the oil industry, but the public interest, involved in the protection of this country so far as supply and the pricing of natural gas is concerned. That is where Senators who believe that are wrong.

If this is sent back to committee Senators who vote for that to be done will doing a great disservice because they will be missing the opportunity to get a bright young lawyer on this Commission when he is in the prime of his life and when he is willing to take on this task.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MOSS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. MOSS. Mr. President, I will just be a minute or 2 and then we will get to the vote.

The Senator from California was quoting Vernon Sturgeon, who was president of the California Public Utility Commission. I submit he is hardly a witness to have in favor of the candidacy of Mr. Morris. Since he has been president of the PUC in California, the Supreme Court at least 10 times threw out PUC's decisions, including environmental and antitrust matters in cases decided by the PUC favorably for Pacific Gas & Electric. These included a $300 million telephone rate increase and a $1 billion overcharge by the telephone company due to normalization, the process by which the phone company collected Federal and State taxes in excess of those levied by the Federal and State governments and kept the $1 billion in over charges.

Mr. President, I think the case has been well made that the nomination of Mr. Morris should be recommitted and that is the motion of the Senator from Washington, the chairman of the Committee on Commerce. I intend to vote for the motion to recommit. I yield back the remainder of the time.

Mr. STEVENSON. Mr. President, on May 21 I reluctantly voted against the confirmation of William Springer of Illinois to the Federal Power Commission. The issue was not William Springer, but the philosophy of appointees to the regulatory agencies. I voted against a nominee whose record gave every indication of upholding industry's interests over the consumer's interest in matters before the FPC. I will continue to vote against such nominees.

Today I shall vote for the confirmation of Robert Morris to the FPC. As with Mr. Springer, the issue is not the character or integrity of the nominee. They are both beyond reproach.

Like Mr. Springer, Mr. Morris has been characterized as proindustry—and therefore anticonsumer. Mr. Morris is characterized as such because of his work as an attorney in a large law firm which represented Standard Oil of California. That work included some work before the FPC. As a good lawyer, he put his client's best foot forward, and in some instances that meant opposing FPC policies and decisions. It cannot be inferred that because he represented Standard as a lawyer he was opposed to the consumer's interests. To draw that conclusion is to find him guilty by association and suggest that lawyers cannot represent industrial clients and later serve the public. Congressman Springer's proindustry record was made, not as a lawyer, but as a public servant. It was clear from Mr. Springer's voting record that he consistently took industry's views for his own.

We ought not to look to the clients of Mr. Morris' large law firm, but to the testimony he gave before the Commerce Committee. From this testimony and conversations I have had with Mr. Morris, I conclude that Mr. Morris is not "proindustry" and "anticonsumer." The opposite is more likely. Mr. Morris intends to be his own man and vote in the public's interest as he sees it.

On the key issue of the deregulation of the wellhead price of natural gas, Mr. Morris clearly indicated that he was not an advocate of deregulation. He said that cost-based pricing of the interstate sale of natural gas had been a failure in the past. He also said that:

> If we are able to revise the pricing standard under the Natural Gas Act as it exists today so that we have got a more stable and farseeing pricing standard than we now have, then we could and should have effective regulation for both inter- and intrastate gas.

He opposed deregulation because there was and is no effective competition in the energy industry.

To quote Mr. Morris further on this issue, he stated:

> All I am trying to say is that I think five years ago we thought of price very myopically, and at that point in time a pro-industry or a pro-consumer label meant something, because the only job that regulation was attempting to do then was to save pennies per month or dollars per month or millions of dollars per year for consumers. Price was thought of only in terms of price savings.
>
> I think the lesson we are beginning to learn out of our shortage is that price has other facets to it.
>
> Promotion of energy efficiency, environmental protection, depression of demand. It is a resource-allocated matter. I think it is very difficult to say what a pro-industry or a pro-consumer view is any more, because the parties who were traditionally considered pro-consumer in the past are beginning to say that prices must go up.

Mr. Morris stated his belief that the standard as to price in the present law was "too vague," and that as long as no change is made in the statute "regulatory policies are going to change every time you get a change in the makeup of the Commission." He said it was up to Congress to make the change by substituting a "new set of words"—to choose a specific standard rather than relying on a vague term which may have worked for most utilities but not in gas production.

I do not believe this viewpoint is anticonsumer or proindustry. In fact, it seems to me a rather farsighted view that reconciles both the consumer's viewpoint and the need for an effective long-range energy policy.

Mr. Morris said he had no objection to the creation of a Consumer Protection Agency, that he favored legislation directing the FPC to make continuous independent studies of reserves and production of natural gas and that he favored experimenting with an inverted natural gas rate structure—one in which the larger natural gas consumers in industry paid more per unit of natural gas the more they used, rather than less. In addition to favoring an inverted rate structure, he favored other conservation-oriented measures. His nomination is supported by organizations unassociated with "industry," such as the Sierra Club.

The record before the Commerce Committee indicates that Mr. Morris would be an able commissioner. It would be ironic if the Senate approved Mr. Springer, whose public record gives every indication of upholding industry over the consumer's interests, and then in the name of consumer welfare disapproved Mr. Morris who views reflect a keen commitment to consumer welfare.

It is said that "credibility" is the issue. And no doubt Mr. Morris' law firm's representation of Standard Oil raises doubts in the minds of some about his capacity for impartiality on the FPC. But I must balance that real concern against my abhorrence of guilt by association. He deserves to be considered on his merits. We ought to weigh the character of the man and his opinions on the issues which will come before the FPC—and not reject him because of a former client. Given a chance, I have no doubt he would fast establish his credibility as a dedicated and able servant of the public on the FPC.

I urge the Senate to vote against recommitting Mr. Morris' nomination to the Commerce Committee. Mr. Morris had a full and fair hearing before the Commerce Committee almost 3 months ago, and he acquitted himself well. He deserves an up or down vote.

Mr. BAYH. Mr. President, I have determined to oppose the nomination of Robert Morris to the Federal Power Commission because of a deep conviction that our regulatory commissions can best serve the public if they are composed of a broad spectrum of opinion and backgrounds.

Nothing has been brought forth to cast doubt on the integrity of Mr. Morris. Indeed, my opposition to his confirmation is not a reflection on his ability or honesty. Rather it is a reflection on the broader issue of how regulatory commissions should be structured and how Commissioners should be selected.

It is in this context that the words of the distinguished chairman of the Commerce Committee (Mr. Magnuson) are so appropriate. Quoting from the chairman's additional views in the committee report on the nomination:

> The public would have more confidence in a Commission whose membership reflected independence and commitment to the public interest.

Without impugning Mr. Morris' motives or integrity, the public would fairly be skeptical of the open-mindedness of a Commissioner who served ably as counsel to Standard Oil of California for 15 years in matters where the public interest could be vastly different than that of Standard Oil.

Since there are many able persons who could serve on the FPC whose prior experience would not engender public skepticism, I am satisfied that Senate should make clear its desire to have a nominee who would definitely bring balance to a Commission which is heavily represented by Commissioners sympathetic to industry interests. The public has a right, to which we should be sensitive, to expect the FPC, and all regulatory bodies, to have a reasonable balance so that the public interest can be adequately served.

Mr. MAGNUSON. Mr. President, I made the preliminary motion to recommit, and I make it now.

I move that the nomination of Robert Morris be recommitted to the Committee on Commerce for appropriate reference.

The PRESIDING OFFICER. The question is on the motion of the Senator from Washington to recommit.

Mr. MAGNUSON. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the senior Senator from South Carolina (Mr. Thurmond). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from New Hampshire (Mr. McIntyre) is necessarily absent.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bartlett) is necessarily absent to attend the funeral of a friend.

The Senator from Oklahoma (Mr. Bellmon), the Senator from South Carolina (Mr. Thurmond), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The pair of the Senator from South Carolina (Mr. Thurmond) has been previously announced.

The result was announced—yeas 51, nays 42, as follows:

[No. 196 Ex.]

YEAS—51

Abourezk
Bayh
Bennett
Bentsen
Bible
Biden
Burdick
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Dole
Eagleton
Ervin
Fannin
Hansen
Hart
Hartke
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Johnston
Kennedy
Magnuson
Mansfield
McGee
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pastore
Proxmire
Ribicoff
Schweiker
Symington
Talmadge
Tower
Weicker
Williams

NAYS—42

Aiken
Allen
Baker
Beall
Brock
Brooke
Buckley
Byrd, Harry F., Jr.
Cook
Cotton
Curtis
Domenici
Dominick
Eastland
Fong
Fulbright
Goldwater
Gravel
Griffin
Gurney
Hatfield
Helms
Hruska
Long
Mathias
McClellan
McClure
Nunn
Packwood
Pearson
Percy
Randolph
Roth
Scott, Pa.
Scott, Va.
Sparkman
Stafford
Stevens
Stevenson
Taft
Tunney
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for.

NOT VOTING—6

Bartlett
Bellmon
McIntyre
Saxbe
Stennis
Thurmond

So the motion to recommit the nomination was agreed to.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 5293. An act to authorize additional appropriations to carry out the Peace Corps Act, and for other purposes; and

H.R. 5610. An act to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

The enrolled bills were subsequently signed by the Vice President.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The Senate resumed the consideration of the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Michigan (Mr. Griffin).

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes tonight. However, I should like to have the attention of the distinguished Senator from Texas (Mr. Tower), so that I may propound a unanimous-consent request based on the amendment pertaining to foreign bases, to be offered by the Senator from Texas.

I ask unanimous consent that there be a limitation of 1 hour on the amendment, to be equally divided between the mover of the amendment and the manager of the bill or his designee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. What does the amendment do?

Mr. MANSFIELD. It is the so-called forward bases agreement by which, before an agreement is entered into, the proposal must first come to Congress.

Mr. GOLDWATER. I shall have to object.

Mr. MANSFIELD. It is immaterial to me, I may say to the Senator from Arizona.

Mr. GOLDWATER. I might explain my objection. I was told by the chairman of the committee that the war powers bill was, in effect, not to be considered in connection with the pending bill. But we are actually doing so amendment by amendment.

Mr. MANSFIELD. The war powers bill will be considered *separately*, because it has been reported unanimously.

Mr. GOLDWATER. I so understand.

Mr. MANSFIELD. That bill will stand on its own feet.

Mr. GOLDWATER. But we have already agreed to one part of it.

Mr. MANSFIELD. May I suggest that the distinguished Senator from Arizona consult with the distinguished Senator from Texas (Mr. Tower) to find out just what are the possibilities of agreeing to a limitation?

Mr. TOWER. I shall be delighted to consult with the Senator from Arizona.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I have been informed that my unanimous consent request was granted before the distinguished Senator from Arizona rose to ask his question.

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. I ask unanimous consent that the order granting my request be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I believe that if we extended the time of the agreement, there would be no objection.

Mr. MANSFIELD. Mr. President, I will then change the request from 1 hour to 2 hours, on the same basis.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, is there a provision for amendments to amendments?

Mr. TOWER. The agreement will be in the usual form, I suppose—30 minutes on amendments to amendments, debatable motions, or appeals.

Mr. MANSFIELD. With 30 minutes on amendments, motions, or appeals, and 2 hours on the amendment itself, the time to be equally divided between the manager of the bill and the sponsor of the amendment, the distinguished senior Senator from Texas, under the normal procedure.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate just once today?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats. The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as S. 907, a bill to authorize an appropriation of $150,000 to assist in financing the Arctic winter games, is called up and made the pending business before the Senate, there be a time limitation thereon of 1 hour, to be equally divided between and controlled by the Senator from Alaska (Mr. STEVENS) and the distinguished majority leader or his designee; that time on any amendment, debatable motion or appeal be limited to 30 minutes, with the exception of an amendment by the distinguished Senator from Wisconsin (Mr. PROXMIRE), on which there be a time limitation of 1 hour, the agreement to be in the usual form.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, the Senator from Alaska (Mr. STEVENS), of course, has a very strong interest in this bill. There is a problem that, because of commitments, he will not be able to be here on Friday. So, it would be his hope, and with the support of the leadership on this side of the aisle, that the bill would not be brought up before Monday next so that he could be here to participate in the debate.

Mr. ROBERT C. BYRD. May I say in response to the distinguished assistant Republican leader that the leadership on this side of the aisle will have that in mind and will certainly want to accommodate the Senator. He is the author of the bill and the Senator who will manage it on the floor. I think that the leadership on this side of the aisle is prepared to say that the bill will not be brought up until Monday.

Mr. GRIFFIN. I thank the distinguished majority whip for those assurances, and I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I am not absolutely sure that it can be brought up on Monday, but, as I understand it, it will not be before Monday.

UNANIMOUS-CONSENT AGREEMENT—S. 797

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that, at such time as S. 797 is called up and made the pending question before the Senate, there be a time limitation on the bill of 1 hour, to be equally divided between and controlled by the distinguished Senator from Maryland (Mr. BEALL) and the distinguished majority leader or his designee; that time on any amendment, debatable motion, or appeal be limited to 30 minutes, with the exception of an amendment by the distinguished Senator from Wisconsin (Mr. PROXMIRE) on which there be a time limitation of 1 hour, the agreement to be in the usual form.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I do not object, I want to indicate that I have had the opportunity now to ascertain that the ranking member of the Commerce Committee, the distinguished Senator from New Hampshire (Mr. COTTON), is in agreement with this, and the Senator who is most directly interested and concerned, the distinguished Senator from Maryland (Mr. BEALL), is now in the Chamber and, as I understand it, the arrangement is agreeable to him; so I withdraw my reservation.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVISION OF ORDER FOR SENATORS TO SPEAK TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, on tomorrow, the order previously entered for the recognition of Senators be slightly revised; that after the two leaders or their designees have been recognized under the standing order, the following Senators be recognized, each for not to exceed 15 minutes, and in the order stated.

Senators CURTIS, HANSEN, GRIFFIN, HUMPHREY, and ROBERT C. BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS, S. 1248, TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of routine morning business, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow will be as follows:

The Senate will convene at 11 a.m.

After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order listed: Mr. CURTIS, Mr. HANSEN, Mr. GRIFFIN, Mr. HUMPHREY, and Mr. ROBERT C. BYRD.

There will then be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The Senate will then resume the consideration of the unfinished business, S. 1248, the bill authorizing appropriations for the State Department.

At the time the Senate returns to the consideration of the unfinished business tomorrow, the pending question will be on the adoption of amendment No. 222 by Mr. GRIFFIN to amendment No. 218 by Mr. PROXMIRE.

There will be yea-and-nay votes tomorrow, and at sometime during the afternoon it is likely that a vote will occur on the amendment by Mr. TOWER, on which there is a time limitation of 2 hours. Senators are alerted to the fact, I repeat, that probably there will be several yea-and-nay votes tomorrow.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 5:16 p.m., the Senate adjourned until tomorrow Thursday, June 14, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 13, 1973:

AMBASSADORS

John Hugh Crimmins, of Maryland, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brazil.

Ernest V. Siracusa, of California, a Foreign Service Officer of Class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Uruguay.

THE JUDICIARY

William H. Webster, of Missouri, to be a U.S. circuit judge, eighth circuit vice Marion C. Matthes, retiring.

John F. Nangle, of Missouri, to be a U.S. district judge for the eastern district of Missouri vice William H. Webster.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 13, 1973:

DEPARTMENT OF COMMERCE

John K. Tabor, of Pennsylvania, to be Under Secretary of Commerce.

Tilton H. Dobbin, of Maryland, to be an Assistant Secretary of Commerce.

U.S. COAST GUARD

The following named officers of the Coast Guard for promotion to the grade of rear admiral:

Glen O. Thompson
John B. Hayes
Julian E. Johansen
Robert H. Scarborough
Abe H. Siemens

Harold James Barneson, Jr., of the U.S. Coast Guard Reserve, for promotion to the grade of rear admiral.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

EXTENSIONS OF REMARKS

LOUISIANA IS READY FOR THE SUPERPORT

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TREEN. Mr. Speaker, as a sponsor of H.R. 7501, an administration-supported bill which would facilitate the construction of deep sea ports, I am pleased to see the leadership which is coming from my State of Louisiana in the development of the superport.

In recent articles by Mr. Sam Hanna, of the New Orleans' States-Item, and Mr. Paul Atkinson of the New Orleans Times-Picayune, the question of a Louisiana superport is discussed.

Mr. Speaker, I believe these articles illustrate that with a total effort a solution to the problems surrounding the superport can be found; and that academicians, environmentalists, business leaders, as well as local and national political figures can work together harmoniously. However, it is now the time for Congress to act, so that superport proposals, like that of Louisiana, can become a reality. As a member of the Merchant Marine and Fisheries Committee, one of the three House committees with jurisdiction over this question, I will do all I can to make the superport a reality.

In my continuing effort to inform my colleagues of superport developments I am inserting in the CONGRESSIONAL RECORD some recent articles on this subject for their benefit:

[From the New Orleans Times-Picayune, Mar. 31, 1973]

OIL PORT IS URGED BY INDUSTRY GROUP—$278 MILLION PROJECT WOULD BE BUILT OFFSHORE LOUISIANA

(By Paul Atkinson)

A corporation representing 13 major oil companies Friday asked the Louisiana Superport Authority to consider adoption of its proposal to build a $278 million offshore oil port as the first stage of the planned Louisiana superport.

William B. Read, president of the oil industry group (known as Louisiana Offshore Oil Port Inc.—LOOP) said the port would utilize up to five floating single-point mooring buoys (SPMs) constructed in Gulf of Mexico Waters 21 miles south of Bayou Lafourche.

He said all offshore works would be situated in about 110 feet of water.

Superport Authority chairman Andrew Martin said the proposal will be taken under advisement.

Before approval can be given to the LOOP proposal, the Superport Authority must make an environmental impact study which is now underway. During the meeting at The Rivergate, authority executive director P. J. Mills said that a $50,000 economic impact study is also to be undertaken immediately.

Mills said $20,000 will be put up by the Louisiana Science Foundation; $22,000 by LOOP; and the remaining $8,000 by the Superport Task Force. Gulf South Research Institute and Kaiser Engineers will make the study.

For the first time, Read unveiled current thinking of the combine of oil companies. He said they will have onshore storage on a portion of 1,600 acres leased near the mouth of Bayou Lafourche in Lafourche Parish.

The tank farm would be connected by another 80-mile pipeline to the St. James terminal of the Capline, one of the world's largest crude oil pipelines.

Capline, with a potentially daily capacity of 1.2 million barrels of crude oil, serves refineries throughout the Midwest, as far north as Chicago, Ill.

During a news conference after his presentation, Read readily admitted that location of the 80-mile pipeline could have an effect on the environment.

He said a 60-foot-wide canal six to eight feet deep will be needed to service the large diameter pipeline. He said the pipeline would be larger than 48 feet wide.

"Probably half of the 80-mile distance will be serviced by a canal," said Read. "There are existing canals that we are considering using."

"It is one of the critical phases of our project, this picking out the pipeline location to minimize its effect on the estuarine area."

Read said his group is working with the Louisiana State University Center for Wetland Resources to select the best site that will do the least environmental damage.

Read said the facility is being designed to handle tankers of up to 500,000 deadweight tons.

Initially, the terminal would be able to pass on 1.7 million barrels of crude per day, an amount he said is comparable to the daily production of the thousands of producing wells offshore Louisiana. Ultimately the proposed terminal would have a throughput capacity of more than 4 million barrels a day, or almost 25 percent of the entire Nation's daily oil consumption.

Read said LOOP would like to begin construction of the terminal in mid-1974 and anticipate limited operation by mid-1976.

Utilization of the SPM system offshore Louisiana is proposed because it has proven sound in more than 100 locations around the world, he said, many of which have wind and current conditions similiar to those in the Gulf of Mexico.

Read estimated that using the SPM system, the offshore port will be able to operate 90 percent of the time in weather conditions generally found in the Gulf of Mexico.

"Because of their design, SPMs are less vulnerable to hurricane damage," said Read. "They allow quick reaction on the part of unloading supertankers to threatening weather. In the event of a collision with the SPM, a tanker will simply ride over the floating buoy with a little likelihood of serious damage to either."

Speaking of onshore storage Read said the tank farm complex would be designed to handle a number of different kinds of crude oil and may ultimately be capable of storing 50 million barrels of oil.

"The proposed location of the tank farm complex was selected from among a number of alternatives, the most important consideration being its potential impact on coastal wetlands environment," Read told the authority.

"The existence of firm sand foundation in much of the area will allow minimal land fill, and thus minimal construction impact. The facility avoids existing oyster leases, and is in an area of general development that includes roads sufficient to meet operating needs."

The LOOP timetable calls for a permit application by September, 1973, and possible approval by spring of 1974.

Member companies of LOOP are Ashland Oil Inc., Chevron Pipe Line Co., Exxon Pipe Line Co., Marathon Oil Co., Murphy Oil Corp., Shell Oil Co., Tenneco Oil Co., Texaco, Inc., Toronto Pipe Line Co., Union Oil Co. of California, Clark Oil and Refining Corp., Standard Oil Co. of Ohio and Texas Eastern Transmission Corp.

The pipeline connecting LOOP storage to Capline would not be owned by LOOP but by a number of LOOP's shareholder companies, Read said.

Read said LOOP has a $2.5 million budget for the planning phase.

Mills, fielding a question at the press conference, hinted strongly that the Superport Authority will eventually adopt LOOP's proposal as part of its superport plan. He got into it indirectly in response to what would happen if the authority didn't adopt the LOOP idea.

"Should this authority not adopt LOOP's proposal as the first phase of its operation, then an entirely different picture would be presented," he said. "I don't at this time envision that being the case assuming the proposal that has been submitted satisfied the various environmental assessments to which we will test it prior to the authority's action."

Mills revealed that LOOP is not the only organization seeking an offshore port.

"There have been international terminal firms contacting us showing interest," he said. "I can't give you their names though."

[From the New Orleans States-Item, Apr. 19, 1973]

Immediate Construction of Louisiana Superport Is Urged in LSU Study

(By Sam A. Hanna)

Washington.—A Louisiana State University research team, working with Commerce Department support, says work should start immediately on a superport to handle giant tankers in the Gulf of Mexico south of New Orleans.

Starting now, the report said, the port could be ready by 1978 to handle massive imports of oil and gas for Louisiana refineries faced by growing shortage of raw materials.

The team outlined a stringent list of measures to protect the Gulf of Mexico and the Louisiana wetlands, including prompt clean-up measures if spills occur, strict navigational controls and constant monitoring of the unloading operations.

Urgency of the construction is demonstrated by the fact that blueprints are already being drawn for giant American tankers too large to enter any existing U.S. port, the team stated.

The LSU researchers, funded by a sea grant from the Commerce Department and money from the privately supported Louisiana Superport Task Force, recommended a location in waters at least 100 feet deep between the mouth of Bayou Lafourche and the Southwest Pass of the Mississippi River.

The port would be capable of receiving ships with a minimum deadweight tonnage of 200,000 and drafts up to 90 feet. This would accommodate all but a few of the giant tankers expected to be in service during this century.

The research team, working at the University's Center for Wetland Resources at Baton Rouge, said only one such facility should be built off Louisiana and the port should be designed so that it could later handle other commodities.

The cost for a platform structure limited to unloading oil and gas into pipelines was estimated at from $20 million to $60 million. The price tag on a port handling dry bulk commodities as well starts at $300 million.

Private interests have already indicated a willingness to finance the Louisiana superport, but government agencies have delayed approval. The President's energy report recommended increased port facilities as a short-term answer to the nation's growing fuel shortage.

Two environmental dangers were described by the research team: the disruption of wetland areas by on-shore pipelines and pumping stations and the possibility of oil spills at sea.

The techniques used by civil defense agencies during hurricane protection could be adapted to prevent oil spills from spreading, the report said. This involves immediate containment and rapid clean-up of the oil.

Some form of protection should be provided along all the passes of the port area, the team said. These should prevent oil from reaching the estuaries but should not interfere with sea life migrations either during construction or when no emergency exists.

The report also called for intensive research on such matters as how oil spills drift, the prevailing weather in the area, locations of spawning grounds and the effects of oil on marsh grass and microbes.

There are 50 deep-draft ports elsewhere in the world, the report said, but none in the U.S., where the normal limit is about 45 feet—enough to handle ships up to 80,000 tons deadweight. Only Long Beach and Los Angeles harbors in California and Puget Sound in Washington can handle ships of 100,000 tons.

Meanwhile, the tremendous economy of shipping oil in giant ships is spurring construction of ever-larger giants. The Japanese are operating a 373,000 DWT tanker and construction has started on a 477,000 DWT vessel. By 1980, the first million ton ship is scheduled for launching. Most of the largest tankers to be built before the year 2,000 however, are expected to be less than half that large.

The sea grant program, operated by the Commerce Department's National Atmospheric and Oceanic Administration, also has supported similar studies at Texas A&M University, the University of Delaware, Massachusetts Institute of Technology and the State University of New York.

Louisiana Superport Construction Supported by Wildlife Group

The Water Control Projects Committee of the Louisiana Wildlife Federation passed four resolutions during the group's 34th annual convention here Saturday, including one to support the construction of a superport in Louisiana.

The committee passed the resolution in support of the superport with the stipulation that construction would result in no environmental damages to the state's offshore waters.

Committee secretary Carl Fontenot of Lake Charles said he felt Louisiana was the proper location for a superport. "I believe a superport would eliminate the need for the widening of ship channels in the state that could eventually cause more environmental damage than the construction of the port," he said.

A second resolution was passed asking for the U.S. Corps of Engineers to hold public hearings before plans are carried out for the widening and deepening of the Intercoastal Canal. It was brought out at the meeting that the corps was making plans for improving the canal without any regard to environmental studies.

In a separate resolution, the committee also voted that the engineers be asked to hold a public meeting concerning the Lafourche auxiliary channel and jump waterway projects near Houma.

Chairman of the committee, Rick Bryan of Alexandria, said the project could damage two state game management areas with the intrusion of salt water into fresh water channels. He said over 10,000 acres of public marsh land would be flooded with salt water and that the water supply of Houma would also be affected.

A fourth resolution by the Ouachita Wildlife Unit was also passed, asking that a study be made concerning the cleaning of Black Bayou Lake near Monroe. It was pointed out that Black Bayou was almost completely taken over by moss.

NSU Gets Oil Port Study Grant

An offshore environmental assessment study of the proposed Louisiana Offshore Oil Port Terminal has been commissioned by LOOP, Inc., with the Nichols College Foundation.

A contract was signed Friday noon between officials of LOOP, Inc. and the Nicholls College Foundation. The Nicholls State portion of the total LOOP study is estimated to cost in excess of $300,000. LOOP, Inc. is a group of 13 major oil and pipeline transportation companies formed to build an offshore oil terminal to receive super tankers.

Signing the contracts were Donald Peltier of Thibodaux, president of the College Foundation, and William Read, president of LOOP, Inc. Representing Read today at signing ceremonies in the office of Dr. Vernon Galliano is Ken Ring of LOOP.

According to Galliano, president of Nicholls State University, the research project will involve a one-year assessment of the environmental and ecological factors at the proposed offshore oil port site and the pipeline corridors from the port to the shore.

Dr. Alva Harris, head of the Marine Biology program at Nicholls State will be in charge of the research team. The NSU professor of biology explained that the study will account for the marine life and chemical and physical parameters found at the port site and in the shore-to-port pipeline corridor, in addition to recording meteorological data.

Wayne Davies, director of government and community relations for LOOP, said the study must be completed by May 5, 1974. Seven professors from NSU and two full-time research assistants will be working directly on the study.

The 12-month contract is for $210,000, but Davies said that if the cost of the study exceeds that amount, LOOP could provide more funds.

In addition to the $210,000 LOOP has leased from Cheramie Marsh Buggies Inc. of Cut Off a 60-foot shrimp boat "The Robert Frank" which has been converted into a marine testing facility for use by the NSU research team.

The team will be studying the area about 10 miles wide and 25 miles long near Grand Isle Black 46.

Davis added that most of the equipment bought with the $210,000 will remain with NSU after the study is completed.

The research team will consist of members of the Nicholls State University departments of biology and chemistry. Initial steps in the research work already have begun. Following the tabulation of ocean plant and animal life and the sampling of bottom sediment and water columns for chemical data, the research team will assist in projecting the effects of the port construction and pipeline on the Gulf's environment.

The composite reports will be used by LOOP, Inc. in their application to state and federal granting agencies for permission to build the oil port. The proposed port site is approximately 20 miles offshore southeast of the mouth of Bayou Lafourche.

The LOOP terminal will be the first of its type operation in the waters of the continental United States. The port will receive oil from super tankers now in operation in other ports of the world.

"The large oil tankers of the past," Dr. Harris reported, "were approximately 600 feet in length. The super tankers are 1,300 to 1,400 feet long and can hold 35 times the capacity of the old tankers." Dr. Harris added that the super tankers "can hold over 540,000 deadweight tons and draw 90 feet of water." The LOOP terminal site is located in 110 feet of water.

In pointing to the selection of Nicholls State as the research unit for the offshore study, Galliano noted that the university received a special $100,000 budgetary supplement for the Marine Biology program during the 1972–73 fiscal year from the Louisiana legislature.

"These funds, received with the help of

area legislators," Galliano said, "enabled us to build marine sciences laboratory at Port Fouchon near the mouth of Bayou Lafourche. This building coupled with an expansion of our Marine Biology Program allows Nicholls State to meet the research demands of the LOOP study."

CAMBODIA: PRELUDE OR EPILOG?

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WHALEN. Mr. Speaker, one of the most thoughtful assessments of the Cambodia problem which I have read appeared in the May 11, 1973 issue of National Review. Author James Burnham concludes that the bombings of Cambodia serve as epilog to U.S. involvement in Southeast Asia. I believe my colleagues will find the entire text of Mr. Burnham's article of interest, and I insert it for their consideration:

THE PROTRACTED CONFLICT

(By James Burnham)

Mr. Nixon's operations in Indochina during the past six weeks suggest he may be suffering from an ailment to which successful politicians are prone: believing one's own rhetoric. The January ceasefire agreement, as I have had past occasion to point out, signaled the failure of the U.S. mission in Indochina. In essence it amounted to a protocol for American military disengagement from Vietnam. On this, since it was what both sides wanted, there was a meeting of minds. And the disengagement, which included the release of American POWs in correlation with the withdrawal of American troops, was carried out just about on schedule.

Concerning everything else there had been no genuine meeting of minds. Disengagement apart, the other matters referred to were what the fighting had been about all these years. Since the fighting had been inconclusive, these matters naturally couldn't be settled just by writing a lengthy text. Apart from the sections dealing directly with the disengagement and prisoners' return, the agreement is ambiguous, unrealistic, and unworkable. And in any event it is not working.

Interestingly enough, when the Administration spokesmen seek to justify the renewed bombing of Cambodia or Laos, the episodic suspension of mine removal, or the threat of no future aid to Hanoi, they refer not to any specific clauses of the written agreement but to secret "understandings" that Henry Kissinger is now alleged to have reached with Le Duc Tho, although when presenting the text of the agreement to newsmen and the world, Kissinger thrice denied the existence of any secret understandings.

When boiled down to its essence, the agreement is a narrow, uninspiring, and in truth humiliating document. It is hardly surprising that the President covered it with a good deal of rhetorical sauce in serving it up to the citizens and voters. We had won, we heard, "peace with honor," and had taken a big stride toward "lasting peace." We had honored our commitment, our men would be coming home "with heads high," etc.

What has been happening in Indochina since the signing of the agreement is what anyone who had made a correct assessment of its meaning expected to happen. But to those who believed the agreement really did signify peace and the fulfillment of the basic American commitment—i.e., defeat of the Communist struggle to take power in all Indochina—what the Communists throughout Indochina have been doing is a "violation" of the ceasefire and a sabotage of peace that merit punishment.

Moreover, what has been happening tends to clarify the true meaning of the agreement, and thus to prick the inflated rhetoric with which the President surrounded it.

BOMBING AS PANACEA

Therefore the bombers over Cambodia, and a few now and then over Laos. The rhetoric demands them. There is no need for the bombers in order to carry out the essence of the agreement—the U.S. military withdrawal and the POW release. That has already been accomplished, and the bombings only risk re-engagement and a new lot of POWs. There is no serious military point in the bombings. In the Cambodian conditions the military efficiency of B–52s is minimal if not negative, and will have no long-term effect on the chaotic political situation on the ground. It will be unable, specifically, to salvage the Lon Nol government. But for Mr. Nixon to have "done nothing" about the Communist moves toward power in Cambodia would have exposed the emptiness of his rhetoric—to himself first of all. Mr. Nixon is not yet willing to face the simple Vietnam reality, and to ask us to face it with him: to accept the fact that we failed in our Indochina mission, and pulled out.

Is the Cambodian bombing, then, a prelude to more general military re-entry? I don't think so; I think the Cambodia bombing serves as epilogue, not preclude—a bitter and futile lashing out by the retreating tiger. Given a little time, reality takes precedence over rhetoric. Some sort of political formula will be found, probably fairly soon, that will serve as an excuse to leash the bombers. The President has announced that he will be making his Grand Tour of Western Europe this autumn. He is not going to visit London, Paris, Bonn, and Rome while his B–52s are carpet-bombing Indochina.

Cambodia doesn't have any sort of coherent political structure anyway, so there is opportunity for improvisation. What Mr. Nixon wants is a breather: a chance to say the fighting has died down and from now on you local people will have to take over. He is pressing for some sort of political arrangement, however temporary, that could be called, as in Laos, a "'coalition," and thus not "Communist rule imposed by force."

And now Prince Norodom Sihanouk has popped back onstage. Granted the limited range of Mr. Nixon's options, it is not excluded that he might settle for Sihanouk. In his journey this spring to Cambodia and Hanoi, Sihanouk rounded up support from the Communists in the field and from the North Vietnamese. Pham Van Dong greeted him as "head of state, the holder of the legality, authenticity, and continuity of the Cambodian state." Peking has given him a home in exile and consistent political support, and Chou En-lai was at the airport April 10 to welcome him back.

Sihanouk is not a Communist, and cleverly described himself in his broadcast message to Cambodia from Hanoi as "internationally the authentic representative of independent, non-aligned, and anti-imperialist Cambodia with territorial integrity." Thus a restored Sihanouk government in Cambodia might be an acceptable face-saver for nearly everyone. Moscow, which recognizes the Lon Nol government and has been cool to Sihanouk in exile, might not be overly enthusiastic to see a Peking client installed in Phnom Penh. Under the circumstances, this might seem an added recommendation from Washington's perspective.

THE KILLING CONTINUES IN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BIAGGI. Mr. Speaker, early last year I had occasion to visit the strife-torn community of Newry in Northern Ireland. I witnessed firsthand the climate of fear in which so many Irish citizens are living, and was shocked and saddened by the fact that the prospect for an end to the almost random terrorism was nowhere in sight.

Unfortunately, a full 16 months later, the same atmosphere of civil war and cold-blooded execution still exists in Northern Ireland. An article which appeared in today's New York Times—and which I would like to insert in the RECORD—further documents the reign of terror which is decimating the Belfast population, both Catholic and Protestant. In this latest incident, six more innocent citizens were killed in the explosion of a concealed bomb, and 33 others were wounded.

Mr. Speaker, the American people and its representatives must not make the mistake of allowing themselves to be lulled into apathy by the attitude that the Irish dispute is an ocean away and not our affair at all. We have the responsibility to contribute to an ultimate settlement of the Irish issue by both keeping totally aware of the situation and bringing international pressure to bear on the combatants whenever possible.

The Times article reads as follows:

ULSTER BLAST KILLS SIX AS VIOLENCE SPREADS TO A UNIVERSITY TOWN

BELFAST, NORTHERN IRELAND, June 12.—Six persons, four of them women, were killed today and 33 were injured by an explosion of a 100-pound bomb in a busy shopping street in a town 50 miles north of Belfast.

It was the heaviest loss of life from a terrorist bomb for more than a year and the first major attack in Coleraine, a predominantly Protestant university town of 15,000 people, which has been almost untouched by the four years of violence.

Eighteen of the injured were hospitalized, three of them children and one a baby, four of the injured were said to be in a serious condition.

Two bomb warnings were telephoned to the police. The first bomb exploded in a car showroom after the area had been cleared. But the anonymous caller gave the wrong location for the second bomb, and as the police hustled people away from the area the car-bomb exploded outside a bar 200 yards away.

One theory is that the bombers, who hijacked one of the two cars used in the attacks, found the route to the chosen location blocked and, with the bomb primed and ticking away, panicked and fled.

I.R.A. SUSPECTED

Security forces believe the bombs were planted by the provisional wing of the Irish Republican Army, perhaps in retaliation for a blast at a Roman Catholic school a month ago, which broke Coleraine's long spell of peace.

But the attack is regarded in political circles as part of the wider I.R.A. campaign to polarize the two communities in Northern Ireland in advance of elections June 28 for the new Northern Ireland Assembly, so that hard-line Protestant and Catholic candidates will be returned.

The British have decreed that the assembly members must agree to shape power between Protestants and Catholics before March, 1974, and the I.R.A. may be calculating that if the assembly collapses the British will begin withdrawing their troops.

The latest provocation comes after two nights of shooting by Protestant gunmen in Belfast, which resulted in the death of a Protestant bus driver caught in terrorist crossfire and the wounding of at least six civilians claimed by British Army marksmen.

More than 100 shots, most of them from automatic weapons, were fired at troops in the Protestant Shankill area last night, but attempts to draw the army into a trap failed and by early morning the streets were cleared.

BEATING THE GUN LAW

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GAYDOS. Mr. Speaker, in 1968, Ohio adopted a gun control law requiring the registration of certain types of weapons and the posting of bonds by the owners of some of them.

The law, according to Ohio's adjutant general, Col. William D. Haines, has not worked out entirely as its sponsors expected. For instance, Colonel Haines' office has disclosed, the Associated Press says, that only 177 of the known 3,000 machineguns owned by Ohioans have been reported.

The 3,000 figure is a sound one for that many Ohio-owned machineguns have been listed under the Federal law, hundreds as war trophies brought home by servicemen. But Ohio police officials, the Associated Press adds, estimate the total of such guns in their State at three times that many. So the Federal law has been only a little better obeyed than the Ohio statute.

What does this Ohio experience mean to the Nation at large? It gives validity, in my opinion, to the stand taken by sportsmen's groups in my State of Pennsylvania and elsewhere that gun registration legislation does not help solve the crime problem—that, indeed, it is useless as a deterrent and as a control means, the reasons given for it by its advocates.

Such legislation does not automatically bring about the registration of all specified weapons, but only those held by the meticulously law-abiding citizens. The criminals do not report their guns and so the result is that the good citizen, under these control measures, is restricted in his right to bear arms while the lawbreaker is not. Thus the law-abider is placed more at the mercy of the armed thug.

The issue, therefore, is whether we want to further confuse the crime problem by resorting to false solutions, or whether we want to get at its true sources and attempt to correct them. One major source, shown consistently by crime statistics, is court leniency with criminals, a practice which has seen the crime rate rise almost in direct ratio to the easy sentences handed down.

What we need—and this need is becoming clearer every day—is tougher courts and less coddling of the criminal element by judges who have allowed themselves to be caught up in the flimsy, damaging, and now discredited theories of would-be penal reformers. Gun registration in itself is no answer to this grave matter. The Ohio test shows it.

CAN ACTING DIRECTORS ACT?

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 12, 1973

Mr. LEHMAN. Mr. Speaker, several weeks ago I requested the Library of Congress to investigate whether or not acting directors of agencies and departments have any legal authority to act in an official capacity after 30 days.

In light of U.S. District Court Judge William B. Jones' decision yesterday regarding Acting Director Howard J. Phillips, I believe that the text of the Library of Congress study may be of interest to my colleagues. The text of that study follows:

APPOINTMENT OF ACTING OFFICIALS WHILE THE SENATE IS IN SESSION

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C.

The framers of the Constitution gave proper attention to the problem of filling offices which might become vacant during a time when the Senate was not in session. The pertinent provision of the Constitution; Article II, section 2, paragraph 3 reads as follows:

"The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

The significant word in the above grant of power has come to be "happen." Attorneys General, from the earliest days, have interpreted this word to mean "happen to exist" and usage has secured this interpretation. Historically, there have been many controversies surrounding "recess appointments." While the rules governing such appointments are at least reasonably explicit and have been subjected to judicial interpretation, Presidents have proven to be rather inventive in circumventing these rules.

The problem of temporary appointments does not end, however, with "recess appointments." What is the legal status of ad-interim, or temporary, appointments made by the President while the Senate is in session and capable of conducting advice and consent proceedings?

In an opinion issued in 1832, the Attorney General stated: "It is the intention of the Constitution that the offices created by law, and necessary to carry on the operations of the government, should always be full, or, at all events, that the vacancy should not be a protracted one." 2 Ops. Att'y Gen. 527 (1832).

While the right of the President to fill vacancies with temporary or acting officials has never been seriously challenged, Congress has placed several statutory restrictions on this power. The most notable Congressional effort to restrict Presidential discretion was the Vacancies Act of 1868. (15 Stat. 168, 169). This short statute was passed with little public interest or legislative debate during the period when Congress was involved in challenging the first President Johnson. The objective clearly was to prevent the incumbent President from appointing Cabinet officers who could function indefinitely without Senatorial confirmation. As originally passed, the power of the President to appoint ad-interim officers was limited to 10 days. This restriction was altered to read 30 days by the Act of February 6, 1891. (26 Stat. 733).

The revelant sections of Title 5 of the U.S. Code read as follows:

"No. 3345. Details; to office of head of Executive or military department

"When the head of an Executive department or military department dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the officer until a successor is appointed or the absence or sickness stops. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 425.)"

"No. 3346. Details; to subordinate offices

"When an officer of a bureau of an Executive department or military department, whose appointment is not vested in the head of the department, dies, resigns, or is sick or absent, his first assistant, unless otherwise directed by the President under section 3347 of this title, shall perform the duties of the offices until a successor is appointed or the absence or sickness stops. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

"No. 3347. Details; Presidential authority

"Instead of a detail under section 3345 or 3346 of this title, the President may direct the head of another Executive department or military department or another officer of an Executive department or military department, whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the office until a successor is appointed or the absence or sickness stops. This section does not apply to a vacancy in the office of Attorney General. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

"No. 3348. Details; limited in time

"A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

"No. 3349. Details; to fill vacancies; restrictions

"A temporary appointment, designation, or assignment of one officer to perform the duties of another under section 3345 or 3346 of this title may not be made otherwise than as provided by those sections, except to fill a vacancy occurring during a recess of the Senate. (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 426.)"

These sections of Title 5 have not been subjected to judicial interpretation. Nor are the opinions by the Attorney General directly related to the problem of ad-interim appointments lasting more than 30 days during which time the President has not submitted a name to the Senate for confirmation although the latter body has been in session.[1] The Comptroller General, however, in response to a recent query by a Senator as to his interpretation of the above mentioned sections stated:

"It is clear that sections 3345 through 3349 were intended to preclude the extended fill-

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Footnote at end of article.

ing of an office subject to Senate confirmation without submission of a nomination to the Senate. Cont. Gen. Op. B-150136, p. 4 (February 22, 1973)."

The recent examples of temporary appointments extending 30 days, such as those of Ramsey Clark who served as Acting Attorney General from September 21, 1966 until his confirmation by the Senate on March 2, 1967; Richard Kleindienst, who served as Acting Attorney General from February 15, 1972 to June 8, 1972; and L. Patrick Gray, designated Acting Director of the Federal Bureau of Investigation May 3, 1972, nominated by the President February 20, 1973, and his name withdrawn April 17, 1973, appear to have been governed by a "gentleman's agreement" that the prolonged "acting" status was not a subterfuge to avoid confirmation proceedings. Indeed, the number of officials who serve in an ad-interim or temporary capacity for more than 30 days has probably increased in the last four years due, some observers believe, to the longer time Congress takes to make confirmations. A brief survey of nominations submitted but not yet acted upon, May 21, 1973, indicates that a number of nominations have been pending in the Senate for some period, one at least since January 11, 1973. In some cases these pending nominees are already performing in an ad-interim or acting capacity. The question must therefore be settled in each instance whether the individual who is performing in an ad-interim capacity for over 30 days is doing so because the President has not submitted a nomination, or because the Senate has not acted upon a nomination submitted by the President within the prescribed 30 days.

Notwithstanding the implication that actions taken beyond the 30 day limit might be under a cloud of suspicion, there has never been a concerted effort to limit the authority of the officials serving in an ad-interim capacity. As a practical matter, their actions have enjoyed the same legal force as those of confirmed and commissioned officers.

In a recent order and opinion handed down by the United States District Court, the Acting Director of the Office of Economic Opportunity was enjoined from terminating the OEO agency and community action programs in particular. (American Federation of Government Employees v. Phillips, Civil Action No. 371-73, Civil Action No. 375-73, Civil Action No. 379-73, April 11, 1973). In the plaintiff's brief it was argued that the defendant, Howard Phillips, Acting Director of OEO, had been functioning in an unlawful manner in direct violation of the process for filling vacancies provided in statute which allows for a maximum of 30 days for a temporary appointment before the individual must be confirmed, or at least have his name submitted to the Senate as an indication of good faith.

"By reason of his unlawful appointment as Acting Director, defendant Phillips has exercised powers and performed duties which were not authorized by law; in the exercise of power unlawfully conferred upon him, he continues to promulgate policies and to perform acts which have resulted and will continue to result, unless he is enjoined from so doing by the Court, in the dissolution of OEO and its consequent loss of employment to members of the plaintiff and the class whose rights plaintiff herein asserts."

Phillips was designated as Acting Director on January 31, 1973, and his name has not been submitted for confirmation as of May 21, 1973.

The defendant's brief argued that the OEO is not an Executive nor military department as defined by 5 U.S. Code 101, 102 and hence the Vacancies Act does not apply. The defendants further argue that only the "Director" of OEO is required to be confirmed, and the President appointed Phillips as "Acting Director" rather than "Director," hence the requirement for Senate confirmation does not apply. The authority for such an appointment is found under the "implied power of the President to appoint temporary officials within the Executive branch." The brief cites as authority 6 Ops. Att'y Gen. 357, 365 (1854).

While the issues revolving around the problem of ad-interim appointments made while the Senate is in session were clearly joined in the briefs of both the plaintiff and defendant, the judge did not base his ruling on the question of the legality or illegality of the appointment of Howard Phillips as Acting Director of OEO. There was no discussion of the status of Phillips' appointment in the order. Therefore, we are still without firm judicial guidelines in the field of appointment of acting officials in the Executive Branch.

In conclusion:

1. There is a statutory requirement that temporary appointment of one individual, whether a civilian or an officer of the United States, to perform the duties of an officer who is absent or ill, whether such appointment be to head an Executive or military department, or to a subordinate position such as a bureau chief, shall be for a period not in excess of 30 days. (See 5 U.S. Code, 3345, 3346, 3347, 3348, 3349.)

2. It will probably require an act of Congress to clarify the intent of 5 U.S. Code 3348 which reads: "A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 30 days." Does the 30 day limit include both the time required by the President to determine whether or not to submit the name for the permanent position and the time consumed by the Senate in the confirmation proceedings? Or, does the limit apply only to the period permitted the President to submit a name to the Senate? If the intent of Congress is reflected in the former interpretation, then a relatively large number of acting appointments have exceeded the 30 day limit and the appointees have therefore been serving in apparent violation of the statute. If the latter interpretation is correct, however, then the number of infractions have been few. The significant fact at this point is that the statute as presently written is vague and has not been substantially clarified either by the courts or by the opinions of the Attorney General.

3. Historically, Presidents have not abused their power to appoint temporary officials nor have they used this power as a subterfuge to avoid the Senate confirmation process.

4. The recent judicial order requiring the Acting Director of the OEO to continue to fund statutory based activities is silent on the question of whether Mr. Phillips' appointment as Acting Director of the agency for a period in excess of 30 days requires Senate confirmation for his actions to have legal standing.

FOOTNOTE

[1] The 30 day limit in Section 3348 on such "acting" powers has been held applicable to a position filled both by the succession authority of Sections 3345 and 3346 and the "detailing" authority of Section 3347. 32 Op. Att'y Gen. 139, 141 (1920). In speaking to an Acting Secretary of State who had exceeded this limit: "In the absence of a specific case it is difficult to suggest what course you and the other officers of the department should take pending the confirmation of Mr. Colby's nomination.

It is probably safer to say that you should not take actions in any case out of which legal rights might arise which would be subject to review by the courts." It is proper to note in this instance that the opinion referred to a situation in which the 30 day limit expired after the President had submitted a name but before the Senate had completed confirmation proceedings.

CALIFORNIA FLYING

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WALDIE. Mr. Speaker, it has recently been brought to my attention that a large and unfair disparity exists between regulations for boating and general aviation. It seems to me, considering the accident rates for the two fields, that the safety standards should be comparable. In addition, inequities such as the proposed "gasoline excise tax" should not be allowed to exist. I believe that the attention of Congress should be directed to these inequities. I urge all Members to read carefully the case of general aviation presented in the May 1973 issue of California Flying, a monthly magazine for California pilots:

WHY?

In the past two years, expressions such as "too much government control", have become commonplace within the General Aviation ranks. The FAA's Cost Allocation Study proposals, "Recovery" of administrative costs, Airspace use restrictions; new and stiffer pilot qualification requirements and demands for more and more expensive avionics are among those things which have spawned such expressions. Just how much government control over General Aviation does exist becomes graphically evident when the restrictions, requirements and costs are compared with boating. It is important during this comparison between boating and flying to remember that both modes of transportation fall under the Department of Transportation. Boating is placed by the DOT under the direction and control of the Coast Guard and flying under the direction and control of the FAA.

Perhaps the first comparison between boating and flying which becomes apparent can be found in the Coast Guard's sponsorship of boating safety advertising. Television features which show the most common causes of boating accidents and mishaps are broadcast across the nation during the spring and summer months in an effort to reduce the number of boating incidents which involve the Coast Guard with private boaters.

Production and broadcasting of such features are obviously motivated by a high accident rate in the boating field. While General Aviation's accident rate is nothing to be proud of, the promotion of boating safety in ways designed to reach the general population presents a strong suggestion that boating too is plagued with the accident problems which have put GA in such disfavor.

Because flying holds some sort of romantic and adventuresome air in the public's mind, airplane accidents are prone to receive wide news coverage. Should two Piper Cubs collide in flight, injuring or killing two people, the public quickly hears about it. But let two boats collide on some small river or lake in a remote corner of the nation, injuring a half dozen people, you'd be lucky to find it reported by any of the media save that most local to the boating accidents. Boats just don't have the news value that airplanes have; which is one reason why the public is so aware of airplane accidents. While boating accidents happen regularly, as suggested by the boating safety programs sponsored by the Coast Guard, the public is more acutely aware of aviation accidents.

To bring aviation accidents under control, the FAA (acting in behalf of the DOT), has determined to impose higher standards of qualifications for the issuance of pilots' licenses, along with frequent proficiency checks of already licensed pilots to assure that skill and knowledge is maintained. It has stiffened the standards for flying schools to maintain; establish stiff physical demands for pilots to meet; governs the quality and frequency of airplane maintenance; has specified the standards for electronic equipment installed in airplanes (as well as the technicians who are permitted to install, repair and maintain such equipment); and firmly governs the airspace in which airplanes fly. Added to all of this are the financial requirements for the aviator to pay for all these governing factors as well as the airspace and airports he must use.

When these requirements are put under the microscope and compared with requirements imposed upon the boat owner or operator, it is apparent that a terrible injustice to the aviator is perpetrated. The first, and perhaps most glaring injustice, may be seen in the qualifications required of the boatman vs. aviator. Anyone, regardless of his age or physical condition; regardless of his experience or the condition of his boat; regardless of the weather conditions or the time of day or night; whether he is alone or carrying a full capacity of passengers, may start up a boat and drive away with it if he has the key to it and is not violating the boat's ownership rights to do so. And he is not required to receive any special training in advance or hold any particular license to do so. Furthermore, he has no mandatory requirements to meet as to the condition of his boat, or for any specific maintenance to be performed on it.

Unlike the aviator, the boatman is free to use the waterways of the nation and its navigation systems and harbors without the need to concern himself over paying to the government "user costs" or "administrative costs." He pays the local and state sales tax on his boat, and perhaps a county property tax each year, and he is through paying afterwards. Unlike the airplane owner, he has no concern or worry about paying an annual relicensing fee or being required to overhaul his engine after a specific number of running hours. And whether he enjoys good health or suffers from a heart condition, he has no physical requirements or medical examination to meet. By comparison, he enjoys that rare privilege of freedom from governmental interference which only existed in aviation for a brief period following Wilbur Wright's first flight at Kittyhawk.

An ironic contrast which further highlights the degree of government control persistently being imposed upon General Aviation is found in the Federal Government's "aviation gasoline tax", which has no equivalent in the boating field. Under the FAA's Cost Allocation Study proposal, an additional four cents per gallon federal tax is being considered for aviation gasoline, with a provision that this figure will increase under a policy of "gradualism" upwards to a yet undetermined figure. Earlier proposals had set the eventual figure at somewhere near $1 per gallon, and this would only be the federal government's tax; not the basic cost of the gasoline or the various other state and local taxes. Yet the boat owner or operator continues to enjoy a gasoline cost even less than that of an automobile owner, since he does not have to pay state and federal road and bridge taxes in his gasoline expenses.

Essentially, the gasoline used by the boat owner is the same as that used by the private airplane owner, except for the small quantity of lead which is found in the gasoline sold at marinas. It is a common practice for seaplanes to refuel at the same pumps used by boats at Marinas. The difference in gasoline costs enjoyed by the boat owner which the aviator does not enjoy is the result of FAA control over the aviator not found in the Coast Guard control over the boatman. Yet, immediately over each of these agencies, the Department of Transportation continues to place more and more burdens upon the private pilot while at the same time remaining totally aloof to the fact that the boating field has shown for decades that such quantities of control and government is not necessary.

The weight of government control over General Aviation today is suffocating it. The future shows no promise of relief. Many experts feel that the proposed FAA Cost Allocation Study and Administrative Operating Costs fees will eventually bring an end to General Aviation. One must seriously wonder if this is not the real intent, the objective, if you will, behind the increased governmental control General Aviation has been subjected to so aggressively these past few years. If it is, then Bill Ottley, executive director of the National Pilots Association was right when he said, "Perhaps General Aviation is like a Super Nova, the giant star that reaches its brightest just before going dark forever."

THE PROBLEM OF OVERCLASSIFICATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FRENZEL. Mr. Speaker, yesterday, I introduced House Joint Resolution 613 calling for the creation of a joint committee on security classification. Actually, I have mostly stolen the good work of the gentleman from New York (Mr. ADDABBO) and made only slight changes in his resolution. I must commend him for his good work in this field and for being the first to produce a concrete reaction to the concern that many Members have about overclassification.

My first preference is that we not create another joint committee. However, since I think it will be an incentive for a standing committee of original jurisdiction to take a look at this subject, I cheerfully introduce this resolution. Joint, special and select committees seem to me to be more suited to political purposes than to legislative results. The problem of overclassification is one that needs legislation, not rhetoric.

The slight changes from Mr. ADDABBO's original creation both occur in section 3. One requires that procedures to be studied must be explicitly contrary to public welfare. The second substitutes a negotiation with the executive branch instead of allowing public disclosure of material which has been determined by the joint committee to have been classified without merit. These changes are made simply to provide a less volatile vehicle for reform of the present classification mess, if the House decides that a joint committee is the best way to do it.

Again, Mr. Speaker, my personal preference is to have the matter handled, and promptly so, by a regular standing committee.

THE REGIONAL MEDICAL PROGRAM

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STUCKEY. Mr. Speaker, anyone who saw the "Harry Reasoner Report" on ABC last Saturday night might argue with the administration's notion that programs such as the regional medical program, hospital construction and modernization, community health centers and public health training have either outlived their usefulness or are wasteful.

The nationally televised program was about the regional medical program in particular and focused on the small rural community of Rochelle in Wilcox County in south-central Georgia.

The closest doctor to Rochelle is 25 miles. He might as well be 250 miles away for the many residents without transportation. Moreover, in an emergency situation, and Rochelle has had its share, 25 miles can make the difference between life and death.

In April 1972, a health access station was opened in Rochelle. Sears, Roebuck & Co. donated the building; the city obligated itself for maintenance and accepted a small charge per visit from patients who could pay. The salaries for the three nurses staffing the station and the station's phones were provided by the Georgia regional medical program.

The regional medical program with its local base has enabled Rochelle to obtain at long last basic care for the sick, something many Americans take for granted. When speaking of budgetary priorities, we are talking about a top priority. Rural health is not a luxury or a convenience, not a wasteful, giveaway program. It cannot stand on its own feet initially, nor can it be supported by already over-burdened State and local budgets, even with revenue sharing. It is filling a gap that would otherwise be wide open.

The bill to extend existing authorizations for the Public Health Service Act is now on the President's desk awaiting his signature and I hope he will soon move affirmatively.

As I wrote the President last February when I learned that he wanted to terminate the Regional Medical program when it expires in June:

> The least the Administration's budget should provide in the realm of social services is minimum health care for those Americans who because of where they live are outside this nation's health care structure.

THE ENERGY CRISIS

HON. WILLIAM H. HUDNUT III

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HUDNUT. Mr. Speaker, America is facing a serious energy crisis. For the first time in this Nation's history, there is a very real danger that we are entering a period of insufficient fuel supplies to meet our economic and social needs. And, quite justifiably, there is rising concern among my constituents in Indiana that they may awaken some day soon and find gasoline unavailable for their cars, diesel fuel for their farm equipment, or heating oil for their homes.

Throughout the late winter and spring and now into the summer, if there is one topic of conversation with "the man in the street" in my district which has consumed more of my time and attention than any other, it is the anticipated shortage of fuel. I return to my district at least once a week, and it is a rare weekend when I do not talk with at least half a dozen persons or groups about their apprehension regarding short supplies of fuel oil, gasoline, liquid propane gas, and natural gas.

And of course, they want to know what their Congressman is going to do about it. Gasoline stations are cutting down to a maximum of 10 gallons a customer. The local Citizens Gas Co., has announced it will take no new customers. The LP people are saying that next November when crop drying time comes, they will be some 80 million gallons short. Independent suppliers complain that they are being forced out of business because they cannot get the fuel to meet their contractual obligations: One man who came in to talk with me about his problems said that next winter, he will not be able to fulfill his contracts with 5,000 homes, 30 churches, and the Goodwill Industries—and what, he asks, is going to happen then?

A couple of fine young black businessmen who have made a good start in the fuel business, with minority enterprise assistance, tell me now they are going out of business because they cannot get the fuel oil they need to compete with larger major suppliers. Representatives of a local refinery come all the way to Washington to tell me their concerns about Mideast oil, sweet and sour crude, sulfur content, refining capacity, et cetera. And local TV stations are running programs on the energy crisis.

If people cannot take their vacations this summer, or if power shortages force reductions in air conditioning, it will be bad enough; but if, come winter, people cannot heat their homes, America is going to be in the middle of a severe crisis the proportions of which I shudder to contemplate.

We, in Congress, have a heavy responsibility thrust upon us. We must see that our fears do not become reality. And we have no time to waste looking for a scapegoat to blame for the energy shortfall. Instead, we must devote our efforts to solving the energy supply dilemma as quickly as possible. And we must take steps to see that we do not find ourselves short of domestic energy in the future.

A few years back, one of the popular phrases heard in Washington was the "domino theory." As used then, it applied to international politics, where the fall of one government would inevitably lead to the fall of another.

Today, we are faced with another "domino" problem—that of energy supplies. And it is not a problem of some remote and foreign land. And it is no longer a theory in the United States that what affects one energy source inevitably affects another.

Let me give an example of the energy "dominoes" at work:

For many years now, the Federal Power Commission has set the wellhead price of natural gas—and it has been set well below the marketplace value. Consequently, there has been an unnaturally increased demand for natural gas. But the price the consumers were paying for gas did not allow for a sufficient return to investors that would encourage them to look for new reserves. The result was predictable: A gas shortage was created.

Many electric utilities switched from coal to natural gas in the 1960's and 1970's, when it became apparent that nuclear power would not be available as scheduled, and that coal was being "outlawed" for its high-sulfur content. But when the prospects for curtailment of natural gas supplies arose, these same utilities turned first to residual oil and, later, to distillate for energy. Distillates are, of course, home heating oils and diesel fuels.

In fact, in 1967 the Nation's electric utilities used only 434,000 barrels of residual oil a day—at 42 gallons to the barrel—and 8,000 barrels of distillate. Just 5 years later, their demand for residual oil had risen to 1.2 billion barrels daily, and their use of distillate had risen to 186,000 barrels a day.

But the energy domino problem does not stop there.

To give you some idea of what this means, the amount of distillate used daily by electric utilities is equal to approximately 80 percent of distillate used by America's railroads each day; or about 41 percent of the distillate used by all the diesel trucks in the country daily; or 129 percent of the distillate used each day by farm equipment. And, as the public utilities use more distillate, less is available for other critical needs—needs which cannot be served by alternate fuels.

Once more, however, the problem of the energy dominoes does not stop there. To meet the rising demand for distillate fuels, the Nation's 250 refineries set new records in production, and we were able to get through the past winter with a minimal number of local shortages.

But the massive effort to produce distillate had an adverse effect on the production of gasoline. Even though America's refineries set a new record for gasoline production, too, during the first 4 months of this year, they simply could not keep up with growing demand by motorists. They had to draw upon already short stocks of gasoline. As a result, unless there is a general belt-tightening in the use of gasoline this summer, the 1973 vacation season will witness some gasoline shortages at the service station pumps. Another domino down.

I do not have to tell the few farmers in Marion County, or in the rest of Indiana for that matter, what a shortage of fuel might mean. And I do not have to tell a factory worker in Indianapolis what will happen if his employer is unable to get the fuel necessary to keep plant machinery running. But I do have to tell them—as my colleagues in Congress must tell their constituents—what we are doing to stop the energy dominoes from tumbling. And I do have to tell them what we must do to restore the energy dominoes that have toppled over.

There are a number of bills before Congress concerning the emergency allocation of fuels. These are designed to replace the voluntary system of fuels allocation presently being encouraged by the administration with a mandatory allotment system. For our part, we must give these bills careful study, and determine beforehand—to the extent possible—both their immediate and long-term effect, should they become law. Congress must act speedily but not hastily. It could be disastrous to delay action too long.

There are, however, a number of other actions which we should begin considering now to meet the energy problems of the near, medium, and long-term. To meet the immediate needs, for example.

First. The States must be encouraged to take full advantage of the flexibility built into the Clean Air Act of 1970. That act provides for a 2-year extension to States where necessary technology or alternatives are not available soon enough to permit compliance with the act. Moving too swiftly to enforce secondary standards will result in banning the use of millions of tons of coal. This, in turn, could cause an additional demand for as much as 1.6 million barrels of oil a day by 1985.

Second, At the same time, in the interest of both fuel savings and safety, we should consider ways by which we can encourage reducing speed on our superhighways. It is estimated that a reduction in highway speed from 60 to 50 miles per hour could result in as much as 11-percent fuel saving.

Third, The Congress must take steps to speed up efforts to complete and place on-stream nuclear power plants, taking into account, of course, environmental considerations.

Fourth. And Congress must lead the way in establishing programs to educate the American people in more efficient uses of energy—in business, government, agriculture, and homes.

As for actions we should take to help meet the energy demands of the next 10 years, the medium term, Congress must:

First. Do everything it can to encourage the development of our potential energy resources. And, for the next decade or decade and a half, that means encouraging the search for and development of new oil and natural gas reserves here in the United States—both on land and under our Outer Continental Shelf.

And, again, this must be done in a manner consistent with environmental requirements.

Second. We should move quickly with legislation to allow an increase in the field price of natural gas, so as to encourage additional investment in the high-risk search for this clean burning fuel and thereby help assure a continuing supply.

Third. We should act favorably on well conceived proposals to permit the construction of offshore terminal facilities essential to the accommodation of the very large tankers needed to transport more economically and with far less chance of pollution the huge volumes of oil this Nation will need to import to meet consumer demands in the coming years.

Fourth. And we should begin work immediately to develop a realistic pricing program that will balance the need to control inflation with the equally important need to encourage the development of sufficient domestic energy supplies.

Fifth. We should act immediately to determine the best method of delivering the oil resources on Alaska's North Slope to the increasingly oil-thirsty United States. In this connection, I have joined a number of my colleagues in sponsoring a bill—H.R. 8477—which would direct the Comptroller General to make a crash 6-month study to determine whether the Canadian or Alaskan pipeline is the best method of delivery. In arriving at a recommendation, the study would weigh equally national security, economic cost, and environmental factors. The study may show that over the long run we will need both lines to transport oil and gas from Alaska. One thing is certain, the country desperately needs the 10 billion barrels of oil and 26 trillion cubic feet of natural gas discovered there in 1968.

And for the long term—10 years or more from now, but which require a start today:

First. The Congress should support research and development programs into nonconventional energy sources—solar, oil shale, coal gasification, and all other possible sources—while encouraging and expediting private development of systems to convert synthetic fuels into oil and gas.

Second. And we should encourage the development of mass transit, because in many urban areas mass transit is clearly essential to the public good—as part of a balanced transportation system.

What has been suggested here is not a simple nor quick solution to our energy problems. There is no simplistic answer. It is going to take hard work. And it is going to take sacrifice.

Our country has reached its position in the world through a combination of unique American ingenuity and a seemingly endless quantity of "cheap" energy. At least, we thought it was cheap. But it is becoming increasingly obvious that we have not been paying the full cost of energy.

Today, with the available energy reserves running dangerously low, we are coming to realize that if there had been greater incentives to encourage the search and research needed for additional energy reserves—we might not be in our present predicament. No, it is going to take all of our ingenuity to get us back to a position of reasonably adequate domestic energy supplies.

But the mistakes of the past can be corrected. We can improve our energy supplies; we can develop new energy sources; and we can meet the national, social, and economic goals of this great country. But it is going to take the cooperation of industry, of government, and—most importantly—of the people of the United States.

We must modify some of our habits, consume energy more sparingly, and use the energy we have more efficiently. Congress must take the lead in making these goals a reality.

EULOGY FOR TOM BRAUN

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. SNYDER. Mr. Speaker, last Thursday, June 7, I inserted here in the Record a resolution praising Mayor Tom Braun of the city of Villa Hills, Ky. The people in our area were truly sorry to see Tom's selfless public career cut short by his illness. Ironically, on that same day, Tom Braun died—a victim of cancer. Those who admired his dedication as a public servant admired even more his qualities as a man, as a human being.

We shall miss Tom.

Below appears the editorial eulogy for Tom which appeared in the Kentucky Post of June 9.

Tom Braun, Mayor

Calm courage in hopeless circumstances is a quality men have admired in other men for centuries. The English call it the stiff upper lip. The armed forces reserve their highest awards for it.

Tom Braun, the mayor of Villa Hills, who died Thursday after a protracted battle with cancer, won't get any medals. He fought the disease that killed him with his strongest weapons, fortitude, faith and humor.

Braun, who was the first chief executive of this 10-year-old community refused to let his infirmity get in the way of city business. He missed only three council meetings and maintained his interest to the end.

He could make others, who were seriously concerned over his condition, laugh and thus relieve their pain, though he could not relieve his own.

One acquaintance had injured his leg and came limping up to Tom, who, by this time was confined to a wheel chair.

"Dammit," the mayor said, "I started something and now everyone wants to get into the act!"

No, Tom Braun won't get any medals for his nerve and determination; but a grateful community has found a way to express its love and gratitude to its mayor and friend.

The two knothole fields named for him will keep his memory alive as long as kids enjoy baseball in Villa Hills.

And among his many friends Tom Braun will be remembered as long as men admire other men who carry on in the face of personal adversity.

MANISTEE, MICH., DEPRIVED OF VITAL COAST GUARD SERVICES

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. VANDER JAGT. Mr. Speaker, in my judgment the Coast Guard has made a serious misjudgment in disestablishing its Manistee, Mich., Station and others on the Great Lakes, as an economy measure. The Manistee station has increased rather than decreased in importance throughout the last decade. Many thousands of recreational boaters and sport fishermen use this port throughout a steadily lengthening boating season. Coast Guard resources on Lake Michigan generally were already inadequate prior to these disestablishments, and I believe that the agency will be unable to fulfill its responsibility of assuring the safety of the boating public if the cuts are sustained.

Despite my repeated objections, the closing of the Manistee Station also has resulted in the deactivation of the fog signal at that port. In the event of sudden fog such as arises rather commonly on the lake, boaters will be without directional guidance. The Coast Guard has indicated to me that consideration is being given to reactivation of the fog signal, but I urge the agency once again to reconsider the station closing and fog signal deactivation. The potential for a boating tragedy in these waters is extremely disturbing.

The June 1973 issue of Michigan Out-of-Doors, the monthly journal of the Michigan United Conservation Clubs, contains an article by associate editor Bill Gardiner which describes a recent episode on Lake Michigan involving inadequate Coast Guard protection. A 25-foot cruiser was heading north from South Haven to its home port of Frankfort when it struck a portion of a 2 by 4 log, penetrating the hull and causing severe leaking. The persons on board, not knowing that the Manistee Station had been closed, tried to reach it by radio. They received no response from Manistee or other stations in the vicinity, namely the Ludington and Frankfort stations which the Coast Guard claims will be able to meet the needs in this region. Finally their call was picked up by the Sturgeon Bay, Wis., Coast Guard station, which in turn notified the Ludington and Frankfort stations of the emergency. Three hours later, at about 10:30 p.m. on a darkened Lake Michigan, the first rescue boat arrived. However, its pumps could not be started. Fortunately the second rescue boat arrived soon thereafter, and its pump was in working order. A rescue helicopter which had been dispatched to the scene arrived during the pumping operation, but had to leave almost immediately because of low fuel. Finally, after considerable confusion, the vessel was towed to port, arriving in Manistee at about midnight.

Because of the timeliness of this report, I include it in the Record at this point. Mr. Speaker, I have urged the

Appropritaions Committee to provide funds for the reopening of the Manistee Station and other vital Great Lakes Coast Guard facilities. I have also suggested an alternative source of savings in the Coast Guard budget that would more than offset this essential public service. I renew my request for a responsive action on the part of the Coast Guard. The article follows:

OUTDOOR OUTLOOK

(By Bill Gardiner)

If you get into trouble while boating on the Great Lakes, to whom do you turn for assistance?

In the past it's been the U.S. Coast Guard, but recent developments have left a big void in the service they can provide to aid boaters in trouble on these big waters in the future.

This year six Michigan stations have been closed—Keweenaw, Beaver Island, Harbor Beach, Munising, South Haven and Manistee. Money seems to be the prime reason for the cutbacks.

What might well be a prelude to what will happen in the future because of this void in services, happened just last month when a boat, on which I had been fishing out of South Haven, ran into trouble while returning to its home port of Frankfort. And although no lives or property were lost, it was only because of luck.

Mike Bradley, captain of the Sea Joy, a 25-foot Chris Craft cruiser out of Frankfort, had piloted his boat to South Haven to take part in the annual "Fishing Safari" put on by charter captains and the South Haven Chamber of Commerce for members of the news media and the sport fishing industry. Following the activities he set out with companion Del Parsons, who was skippering his boat "The Tadpolly," for the run up the coast.

Bradley was approaching Manistee, about three miles off shore in choppy water, when the boat broke over a wave and struck a floating object—he now believes it was a piece of 2 x 4—in the water. The force of the impact knocked a hole in the plywood hull of his boat and it began taking water.

Bradley and Alex Kozma of Crystal Lake, who was making the trip with Bradley, immediately started the bilge pumps and then put out a call to the Manistee Coast Guard. Of course, neither was aware that the station had been closed.

They finally received an answer from the station at Sturgeon Bay, Wis. that it would notify the stations at Ludington and Frankfort. Both stations dispatched craft to the aid of the crippled boat and a helicopter was sent to the scene. The time was about 7:30 p.m.

About 45 minutes later, as the Sea Joy limped toward Manistee, enough water had come through the hole to drown the engine. Bradley then called The Tadpolly over and was taken in tow.

While the bilge pumps were working at full force off the battery, they could not keep up with the inrushing water that was getting deeper in the bottom of the boat as time went by. But at 8:15 p.m., while still a half mile south of Manistee and about 200 yards off shore, the engines in Parsons' boat, a 30-foot Chris Craft, fouled and quit. This left the two boats adrift. To stop from crashing in on the beach both boats anchored.

They waited from 8:15 to 10:30 p.m. until the first Coast Guard boat arrived. However, the Ludington boat couldn't start the engine on its emergency pump. The Frankfort boat arrived five minutes later and its pumps did work.

After pumping the Sea Joy, it was taken in tow by the Ludington boat. They were about half way to Manistee before Bradley finally got their attention and informed them that they had left The Tadpolly behind. The Frankfort boat then returned and took it in tow. Oh yes, the helicopter arrived on the scene during the pumpout process, but had to return immediately because it was running low on fuel.

It was midnight before the Sea Joy was finally lifted out of the water at Solberg's Boat Yard in Manistee. All was safe, the boats, skippers, crew and all.

But the question is, what is a life worth? The Coast Guard doesn't think it's worth $208,000. That's the amount it took to operate the South Haven and Manistee stations last year—areas where thousands of boaters flock during the spring, summer and fall to fish for coho, chinook, brown, steelhead and lake trout.

It appears that if any boater gets into trouble out of these ports—there were 275 search and rescue requests during the last three years at both stations, 129 at Manistee and 146 at South Haven—they'll just have to tough it out until a boat from further away can come to their rescue. That is, if they can wait that long. Bradley and Parsons were lucky. I sure hope the next ones in trouble are just as lucky.

POST CARD REGISTRATION BILL

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FRENZEL. Mr. Speaker, the Senate has passed S. 352, the post card registration bill. I commend that body's interest in increasing voter opportunity and participation but, in my judgment, the Senate hearings were insufficient to develop reasonable information on this complicated subject.

The House Elections Subcommittee will hold hearings on this issue on June 27 and 28. I certainly hope that the House will not commit the same error that the Senate did; that is, to embrace an appealing idea without careful scrutiny.

Specifically, Mr. Speaker, the Senate committee heard mostly from people who do not supervise registration procedures. The Senate committee's long list of witnesses contained only three people who are active in State and local registration affairs.

I did not see any predictions on the percentage of people who might be attracted to register and vote under the post card system. There seemed to be no consideration of alternative systems, such as mobile deputy registrars, which might be more effective than a post card system.

Proponents on the Senate side did not seem terribly interested in the cost of the programs, yet sources within the Department of Commerce, which is saddled against its will with some of the administration of such a program, have hinted at costs of up to $500 million. There was no cost estimate for monitoring the system against possible violations. There was little mention of fraud possibilities and procedures to defend against fraud.

In short, Mr. Speaker, the Senate may have a good idea, but it certainly did not look into the problem very closely. We should compensate for that mistake, and give this subject the closest possible scrutiny. Particularly we should hear from those local officials who must administer the program proposed for them. We do not need to hear from Governors; we need to hear from county auditors, from secretaries of state who carry registration responsibilities, and most of all from the municipal clerks who actually do the work. In addition, we should insist that the GAO furnish studies of voter and registration fraud which it is either conducting or contemplating.

Mr. Speaker, every Member of this Congress wants to be sure that our systems allow the greatest number of Americans to participate by voting in our processes of government. We all want to remove registration and voting barriers. However, we do not want to adopt programs that merely sound attractive. The Senate has given us a good example of how not to proceed on this subject. I hope we will observe the usual House style instead.

LEE HAMILTON'S JUNE 13, 1973, WASHINGTON REPORT CONCERNING THE NATION'S HEALTH CARE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my June 13, 1973, Washington report concerning the Nation's health care:

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT

Few problems of social policy are more difficult than the appropriate federal role in providing quality health care for a nation of 210 million.

At present the federal role in health care primarily involves helping the poor obtain medical services, distributing medical resources evenly, and checking the current rise in medical care prices.

Medicaid, the federal government's major program to improve access to medical care for the poor, Medicare, the government's largest health care effort, and private health insurance cover a substantial part of the nation's medical bills. However it is still true that one's health and his chances of getting good medical care in this country depend more than we would wish on who he is, how much he has, and where he lives.

In reference to the uneven availability of medical resources in the United States, the federal government has initiated several programs to improve the distribution of medical manpower by awarding federal contracts to areas short in medical resources, making available scholarships for students who agree to serve in manpower-short areas, encouraging medical schools to admit students from low-income backgrounds, and providing health professionals directly to shortage areas.

The federal government is also working to put the lid on the rising cost of health care through price controls. However, the feasibility of controls is open to serious question because of the gargantuan machinery necessary to enforce them, and because the controls can be easily bypassed.

Even with these efforts, the health care system in the United States is showing signs of stress with spiraling costs, short resources and heavy demand. It appears to be on the brink of fundamental change, and it seems that alterations are inevitable.

One proposal before the Congress would encourage the growth of Health Maintenance Organizations (HMO's), health care groups which agree to provide comprehensive medical services for a defined population in exchange for a fixed annual payment for each member. The President supports this concept, and both houses of Congress have passed HMO bills.

Theoretically, at least, HMO's should have a beneficial cost-reducing effect since there is an incentive for an HMO to prevent illness and keep its members healthy. HMO's would increase competition, and they can lower costs by pooling resources and using manpower more efficiently.

However, our experience with HMO's is limited and we should not draw quick conclusions. One of the more serious problems HMO's present is whether they contain incentives to downgrade the quality of remedial care, since they can increase their income by reducing the quality of the treatment of illness. With the President supporting legislation to encourage HMO's, and both houses of Congress having already approved such legislation, it is likely that this new approach to the delivery of medical care will be tried at least in an experimental way.

National health insurance is a second major proposal before the Congress. The President proposes a legally specified minimum package of insurance benefits which all employers would be required to provide their employees, and a federally financed health insurance program for those not employed and not able to afford coverage on their own. A second major approach, the Kennedy-Griffith health insurance proposal, would provide universal and relatively comprehensive coverage for all Americans, financed with payroll taxes and federal treasury funds and administered by the government.

Other approaches include catastrophic illness insurance, and a plan to extend income tax credits to individuals for the purchase of private health insurance, in conjunction with government paid insurance premiums for the poor.

A consensus among Americans as to what kind of health care system is best simply does not exist at this time, especially on the major issues of health insurance. There is a genuine concern that the federal government must provide real remedies to present weaknesses in the health care system without locking the system into patterns and costs that might turn out to be no better than what we already have.

In my view, the central task of federal health insurance is to center on two groups: the poor, who cannot afford to meet even the normal costs of adequate health care, and middle income families, who can handle normal medical bills but face severe financial crisis if they incur abnormally high medical expenses.

Any health care financing system we adopt should be within our ability to pay for it, must insure that no citizen who needs medical care is denied access to it because of high costs, and should provide checks on the escalation of the price of health care and excessive use of services.

HONOR AMERICA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. PATTEN. Mr. Speaker, tomorrow, the people of our Nation shall celebrate, once again, Flag Day. Soon, we shall enjoy Independence Day. Certainly, we recognize these holidays every year; however, this year will be something special. This year we celebrate with the knowledge that for the first time in the past decade, we can enjoy July 4 and Flag Day during peacetime, and I urge every citizen to honor America during a 21-day salute to the flag by appreciating the blessings of freedom.

Our flag is the symbol of our freedom as a Nation, and we should be proud of what it stands for—the freedoms that inspire us. Over 32 years ago, President Franklin D. Roosevelt expressed them as the free nations of the world were fighting not only for freedom, but for survival against unbelievable tyranny. Freedom of speech and expression. Freedom of worship. Freedom from want. Freedom from fear. These four freedoms still endure, and always will.

Under the American way of life, every person has the right to make his own decision. Imagine what kind of life it would be if you could not choose your job; if you could not strike, or quit; if you could not decide for yourself where to live, or even more important, where to worship.

Of course, we still face problems—some of which are very serious. Yet, progress is always being made, even though problems remain. But our greatest legacy is hope, and the goal that every real patriot strives and works for is a goal we will reach someday—the goal of "liberty and justice for all." I know we will reach it some day, because man's love for freedom is the greatest love of all.

IMPROVEMENT OF CONDITIONS AT SCHOOLS FOR THE MENTALLY RETARDED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BIAGGI. Mr. Speaker, last year I visited several schools for the mentally retarded in New York, including the Willowbrook State School, to focus public attention on the deplorable conditions existing in those institutions. In October of last year, a Federal team, empaneled at my request, issued their report on the terrible conditions thus reinforcing my own findings. The New York State Supreme Court recently issued a decision in the case I filed on behalf of one of the patients at Willowbrook. That decision ordered the State to provide adequate care and treatment for the patients at the school.

And just yesterday, a report was issued by the New York State Controller Arthur Levitt calling for improvement of conditions at the Willowbrook State School.

The facts are known. We have seen the dreadful neglect, the cramped conditions, the lack of trained help at these institutions. Over and over again public panels and public agencies spotlight the deplorable treatment of the mentally ill and retarded.

It is about time that something positive was done to improve the situation permanently, rather than spending more money and more time investigating over and over the same problems we already know exist.

It is about time that State agencies begin to work together to effect an immediate and noticeable change for the better at our mental institutions. Over a year has gone by since I first went to Willowbrook and despite the public outcry then and since, little if anything has been done.

Since the Federal Government provides large portions of the funds for State mental health programs, it is about time it took an active role in forcing the States to meet basic standards for the care and treatment of the mentally ill and retarded.

To focus attention on the latest of these reports on conditions in New York's mental institutions, I am including in the RECORD at the end of my remarks the article from today's New York Times describing the findings of the New York State controller. I would remind my colleagues that the conditions described here are not unique to either Willowbrook or New York State's other mental institutions. These same inhuman conditions can be found in virtually every mental health facility in the United States.

The article follows:

LEVITT SAYS WILLOWBROOK NEEDS AN OVERHAUL OF ITS PRACTICES

(By Alphonso A. Narvaez)

State Comptroller Arthur Levitt reported yesterday that long-term improvement in living conditions for patients at the Williowbrook State School for mental defectives would require "both a long and short-range overhaul of administrative practices and continued monitoring of progress by the Department of Mental Hygiene."

In a report of an audit of Building 20, a dormitory at the Staten Island facility that the Controller described as a "microcosm of all that is wrong" at the institution, he noted that there was a great need for supervision of employes. He said that during surprise visits in July and August last year some wards were found to be unattended and one employe was seen reading a newspaper while another was asleep.

LACK OF ORGANIZATION

The Controller noted that during one visit patients in an entire ward were found nude because of an asserted lack of clothing, although in another ward there were four bags of pants that were not being used. He added that while conditions improved somewhat at the time an audit team made frequent visits to the institution to identify and correct conditions in one of the 27 dormitories, a visit a month later showed that "signs of adverse hygienic conditions had started to reappear and there was evidence of retrogression in the building's rehabilitation."

The report said that the building's supervisor remained in his office most of the time and that "his evident lack of organization and inability to properly supervise the employes contributed to the ineffective performance."

The audit team also found the following:

Written assignments were not given to the employes, and employe productivity was questionable.

Unauthorized leaves and lateness on the part of employes was a continuing problem, placing additional burdens on other employes and lessening service to the patients.

The general absence of discipline for these occurrences further aggravated the conditions, the report said.

Fire and safety laws were not being adhered to with the door to the fire equipment jammed shut and keys to locked doors not readily available, three blind patients were housed in a second-floor ward of the building and one of them fell out an open second-story window injuring himself. The window had been unscreened for washing.

Thirty-four windows were broken, five toilet bowls were missing, and controls on sinks and water fountains were broken.

The laundry system was "greatly disorganized," the report said, and "while employe indifference and poor supervision were major reasons for many patients not being dressed in Building 20, we identified * * * unorganized laundry distribution-collection system which contributed to the problem."

INSPECTIONS HELPED

The report noted that because of increased visits and inspections of the particular building "we saw a vast improvement in the condition of the building and the care of residents."

An official at Willowbrook said that conditions had been "drastically improved, I hope" since the audit team visited the school.

Harry Eliazarian, deputy director for institutional administration, said that the number of patients in building 20 had been reduced from 251 at the time of the audit to 212—still above the 188-patient capacity of the building—and that the number of patients in the entire facility had been sharply cut.

He added that employes were being more closely supervised.

RONALD VANDIVER IS HONORED FOR JOURNALISM ACCOMPLISHMENTS

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. CARTER. Mr. Speaker, I have the distinct pleasure to share with my colleagues in the House an article on Mr. Ronald Vandiver, which appeared in the Lincoln County, Ky., Post for May 8, 1973.

I commend young Ronald for his fine record of accomplishment. His ability is in great demand in this age of technology, when the call for a diversity of talent rings clearer day by day:

RONALD VANDIVER IS HONORED FOR JOURNALISM ACCOMPLISHMENTS

The Sigma Delta Chi "award of merit" was given to Ronald Vandiver for his accomplishments in journalism as business manager of the University of Kentucky Yearbook, the "Kentuckian". The award was presented April 3 at a banquet at the Springs Motel sponsored by the Department of Journalism and the undergraduate chapter of Sigma Delta Chi.

Vandiver attended Sue Bennett College where he was editor of the college newspaper. A graduate of Crab Orchard High School, he was sports editor of the school newspaper.

At the University of Kentucky Vandiver worked on the school newspaper, the "Kentucky Kernel", as an advertising representative before becoming business manager of the "Kentuckian".

After graduation, Vandiver plans to work in an advertising division of John Deere in Moline, Illinois.

Vandiver is the son of James and Madise Vandiver of Crab Orchard.

TAYLOR WHITE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BURTON. Mr. Speaker, after 33 years of distinguished service with the San Francisco Post Office, Taylor White, a fine man and a devoted public servant, will retire.

Taylor White has served as administrative assistant to Postmaster Lim P. Lee and chief, Employee Services, Office of Personnel in San Francisco.

Taylor White will be honored by his colleagues in the Postal Service and by those he has diligently served in various capacities in community service programs at a party in his honor on July 7, 1973.

Taylor White has been a dedicated employee of the Postal Service and a compassionate and concerned human being. I should like to add my personal commendation for his outstanding job and my best wishes for him and for his family in the years ahead.

Postmaster Lim P. Lee will present him with a commendation which I would like to place in the RECORD and share with my colleagues:

COMMENDATION FOR TAYLOR WHITE

You entered the Postal Service November 16, 1940.

Concern for your fellowmen has never been shown to a higher degree than when you participated in what was the first Manpower Development Training Act (MDTA) Program developed in the San Francisco Post Office. You helped to nuture this program and assisted in its growth until it became a strong viable program. Your cooperation with the Department and other offices was instrumental in the introduction of additional programs: the Concentrated Employment Program (C.E.P.) and the Job Opportunity Program (J.O.P.). All these programs were structured to give employment to those in need. Your dedication, personal sacrifice and many volunteer hours devoted to your fellowmen greatly encouraged them to qualify for reliable, gainful employment.

You were selected by Regional Director, Mr. Ken Dyal, to serve as Equal Employment Opportunity Counselor because of your concern for the equality of all people. You acted as a focal point to assist in identifying and solving many problems related to equal employment in the San Francisco Post Office for all minority groups. You resolved many complaints of discrimination and other problems within the area of your assignment. You continue to devote much of your time to the Equal Employment Opportunity program by acting as the liaison for committees and other interested groups.

You have worked long and hard to help develop meaningful programs within the San Francisco Post Office; programs that have proven successful and are now operational nationally. Another such program is the Program for Alcoholic Recovery which started as a pilot program in the San Francisco office. You were appointed by Postmaster Lim P. Lee, to co-ordinate the pilot project. The program was a success and you were called on by the Post Office Department to assist in establishing P.A.R. in many Post Offices throughout the county such as Boston, Mass., Chicago Ill., Cleveland Ohio, to name a few.

Because of success of the program in San Francisco, the Post Office Department decided other programs were advantageous to them; the unemployed school dropout and others that qualified under an educational work program were a valid approach to the growing problems of youth. Department Team Members interviewed you and gathered facts you had collected to assist them in developing the program.

On Jan 6, 1970, you were called back to Washington DC. to the press conference where Postmaster General Blount announced the establishment of the Postal Academy in six cities; San Francisco being one of them.

You were appointed coordinator by the Postmaster, Lim P. Lee, of this program along with the other programs to which you were dedicated.

You have received many awards and commendations in your years as a servant of the people.

PROPOSED AMENDMENTS TO H.R. 8619—THE AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATION BILL, 1974

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. DINGELL. Mr. Speaker, on Friday we are scheduled to consider H.R. *8619*, the "agriculture-environmental and consumer protection appropriation bill, 1974." Title III of this bill provides funds for the Council on Environmental Quality and the Environmental Protection Agency.

At the outset, I want to say that the Appropriations Committee has done an outstanding job in carefully reviewing and, in proper places, pruning the budget of these agencies. For example, I fully concur with the committee's view, expressed in its report—an advance copy of which was generously provided to me by my distinguished and able colleague from Mississippi (Mr. WHITTEN)—that EPA's priorities appear muddled when it scrimps on the solid waste, water quality, and Great Lakes programs, but wants to spend over $6 million in fiscal year 1974 for a bloated staff of 133 people in public affairs. This is nearly three times the sum appropriated for this function last year. The committee states that "too much emphasis may be placed on promoting the image of the agency and not enough attention paid to the function of informing the public," and recommends a $2 million cut from EPA's public affairs budget request, in order "to provide for a smaller, more effective staff." This cut will still enable EPA to issue such worthwhile documents as EPA's "Citizens' Bulletin" and "Citizen Suits Under the Clean Air Act," and to inform the public.

But there are several matters which give me great concern.

First, the committee has, quite properly, recommended an appropriation of $5 million for the preparation by EPA of environmental impact statements. The committee's report states that this includes a sum of $250,000 to hire 14 more persons to help other agencies, such as the Corps of Engineers, the Soil Conservation Service, and TVA, in the planning stages of various environmentally sound projects. But I find, first, that, in one respect, the bill does not go as far as the committee wants and, therefore, does not achieve the committee's very worthwhile purpose, and second, that, in another, it goes well beyond existing statutes by adding a new duty not now authorized or required by law.

Let me discuss my first objection. The committee states that, with this increase and new "procedure," the committee "would expect" EPA "to reduce the formal review process—of impact statements prepared, not by EPA, but by other agencies—from months down to days." I respectfully disagree.

The plain language of the bill specifies that all of the $5 million shall be available "for the preparation" only of environmental impact statements by EPA. None of this sum is available for EPA's "review" of the statements of other Federal agencies. I think it should be. Indeed, I think more should be available for this purpose, because I share the committee's view that EPA, in carrying out its statutory responsibility under NEPA and section 309(a) of the Clean Air Act of reviewing such statements, may be taking too long and may unwittingly be undermining NEPA. My subcommittee is currently conducting an investigation into this very problem. My suggested amendments which is set forth below should remedy this and achieve the committee's purpose, although it does not provide any more money than that provided by the committee.

Turning now to my second objection, the bill adds a new duty to EPA's long list of responsibilities—a duty which is not now authorized by any act of Congress. Under the reported bill, EPA, in addition to preparing an impact statement, must also prepare another "statement" setting forth the economic and technical "considerations" associated with the proposed action as specified in section 102(2)(B) of NEPA.

But let us look at section 102(2)(B) of NEPA. It does not require such a separate statement, nor does it require that such "considerations" be "specified" in any such statement or in the impact statement itself. It merely directs that all Federal agencies shall—

> (B) identify and develop methods and procedures in consultation with the Council on Environmental Quality established by title II of this Act, which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

Thus, Congress, by this section, now requires that all agencies give, as they should, the same treatment to "unquantified environmental amenities and values—in decisionmaking" as they do to "economic and technical considerations." The committee's amendment would not only require a new statement, but would also change NEPA and give a higher priority to "economic and technical" considerations than to "environmental" amenities and values. This is not for the Appropriations Committee to decide. It is under the jurisdiction of our committee.

We intend to offer an amendment to meet the above two objections.

My amendment is as follows:

> Strike on page 31 beginning on line 4 through 12, inclusive, of the Committee reported bill, and substitute therein the following:
>
> For an amount to provide for the preparation of Environmental Impact Statements, as required by section 102(2)(C) of the National Environmental Policy Act of 1969, on all proposed actions by the Environmental Protection Agency, and for the review of such statements of other agencies, as required by such Act and by section 309(a) of the Clean Air Act, as amended, $5,000,000.

Second, I am concerned about two new legislative provisions in the bill.

One would appropriate $5 million to EPA and direct that this sum be used by EPA to enter into a contract with the National Academy of Sciences for the NAS to study and evaluate EPA, its programs, accomplishments, and failures. The committee's report concludes that the NAS should conduct this study, because the NAS "has a reputation for technical competence and complete objectivity." The report then proceeds to list the items that the NAS must study, such as the "degree to which environmental regulations" mandated by Congress "have contributed or will contribute to" the energy crisis, and the "benefits and hazards to humans" of pesticides. EPA then must provide "periodic reports" on the progress of the NAS study.

This is legislative oversight which is the responsibility of the Congress, not the NAS. It will lead to obvious conflicts and jealousies between these two agencies which must deal with each other almost daily on other matters. Can you imagine EPA, which must oversee the contract, being objective in providing reports prepared by NAS that are critical of EPA? Can you imagine that the NAS will be objective when its criticism of EPA may hurt its chances for getting a much desired EPA grant or contract? I cannot. Incidentally, NAS now holds nine EPA contracts totalling several millions. Such a study is bound to be a whitewash. It is a waste of money. I urge its rejection.

We intend to offer the following amendment:

> Strike on page 32, beginning on line 20 through line 2, inclusive, on page 33.

I also object to the proviso on page 33 of the bill. The bill authorizes transfers of not more than 7 percent of one appropriation to another, but the proviso would specify that this normal transfer authority "shall not be available" to EPA "to comply with or enforce any" congressionally established "deadline or due date."

In explaining this discriminatory provision, the committee contends that "many" of these statutory deadlines are "arbitrary" and are "forcing" EPA to "make unsound decisions or to take ill-conceived actions."

I do not share the committee's view that the congressional deadlines are "arbitrary." Nor do I agree that they have caused EPA to make "unsound" decisions. The deadlines merely required action. The deadlines do not preclude EPA from exercising its discretion and authority responsibly.

Congress voted for these deadlines because of years of frustration over the lax administration of the Clean Air Act and the Federal Water Pollution Control Act. We had passed these laws in the fifties and sixties with open-ended mandates to abate and control pollution. By the seventies, it was obvious that little had been achieved and the public was aroused. We have now substantially revised these laws and set deadlines. For the first time, we are getting action. If we are not satisfied with that action, then we should change the law. But do not preclude EPA from using available funds to carry out the mandates of Congress.

Moreover this proviso is discriminatory. For example, it would allow EPA to transfer up to 7 percent of its appropriations for the solid wastes program to its public affairs office for any publicity gimmick, not authorized by Congress, to promote the agency's image. But it does not allow the same latitude to EPA to carry out the mandates established by Congress.

Again, if you disagree with the deadlines, change them. But do not give the executive branch a chance to seize upon and use our failure to provide funds as an excuse to the Congress, the courts, and the public for failing to comply with these deadlines. We urge that this proviso be deleted.

My amendment is:

> On page 33, line 14, change the colon to a period, and strike all thereafter through the period on line 17.

My colleagues, Representatives, and I urge your support for these amendments.

RANGEL INTRODUCES "THE CHEMICAL WARFARE PREVENTION ACT OF 1973" AND "THE HERBICIDE EXPORT CONTROL ACT OF 1973"

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RANGEL. Mr. Speaker, with optimism and a great deal of hope, I have recently submitted two pieces of legislation designed to limit the exportation and ultimate use of chemicals in warfare.

The Chemical Warfare Prevention Act of 1973 that I have introduced with 18 cosponsors will ban the exportation of all herbicides to Portugal and the Republic of South Africa. These two nations are presently using herbicides purchased from the United States in the perpetration of chemical warfare against citizens in Angola and Mozambique.

The Herbicide Export Control Act of 1973, with 19 cosponsors, will halt all exportation of 2,4,5-T herbicide, a substance with little agricultural value and devastating potential for destruction.

Warfare is, obviously, a brutal and hideous experience. But when weapons, such as herbicides, are employed that destroy not only the enemy but also the land, the air and children as yet unborn, then it is time to put an end, now and forever, to the use of these weapons.

It is in this light that I place faith in my colleagues to see to it that these dangerous and deadly chemicals are controlled. It is to this goal that my proposals are aimed.

FRANCIS SCOTT KEY AND A TRUMAN ANECDOTE

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BYRON. Mr. Speaker, recently Judge Edward S. Delaplaine, one of western Maryland's most distinguished citizens and historians, wrote an article in the Frederick News concerning President Truman and Francis Scott Key. It is an interesting historical anecdote that I would like to share with my colleagues. The article follows:

EARLY TRUMAN QUOTE OF HERODOTUS DISPROVED BY FRANCIS SCOTT KEY

(By Judge Edward S. Delaplaine)

It was at the meeting of the Maryland Historical Society in Baltimore on March 27, 1945 that I met Harry S. Truman, then Vice President of the United States.

Senator George L. Radcliffe, President of the Society, who had been a colleague of Truman in the Senate for ten years, had invited him to speak at the Maryland Day meeting of the Society.

Vice President Truman took as the subject of his address "Maryland and Tolerance." At the outset he said, "The Free State of Maryland has a glorious history, which must be carefully preserved to inspire other Americans to revere the past and to face boldly the future. Of all the Thirteen Original States, Maryland stood out as a real champion of tolerance and freedom."

Mr. Truman was speaking only sixteen days before he would be called upon to assume the office of President. Mr. Truman read his speech in a low voice. When about halfway through it, he took occasion to quote Herodotus as saying in effect that, "the man and the event hardly ever arrive at the same place at the same time, but a good historian always takes care of that discrepancy."

I was intrigued by his quotation because of the fact that it certainly did not apply to Francis Scott Key and the amazing concatenation of events that resulted in the writing of the "Star Spangled Banner." I was especially interested in it because just at that time I was preparing an address on that subject, "Francis Scott Key and the National Anthem."

It seemed strange to me that the question which fascinated me more than any other part of the Vice President's speech did not appear in the formal text of the speech. Moreover, it seemed doubly strange that I was unable to find the quotation in any book of proverbs in my library.

Accordingly, less than 48 hours after I heard the Vice President's address I sent him a letter asking if he would give me the exact words attributed to the Greek historian as I wanted to be sure of quoting the historian and the Vice President correctly.

The Vice President replied promptly. On April 2, 1945 he wrote me as follows:

"In regard to the quotation attributed to Herodotus, he is said to have made the statement that the man and the event hardly ever arrive at the same place at the same time, but that a good historian always took care of that discrepancy. As you know, Herodotus was not particularly noted for his accuracy or his facts, but a lot of his stories are most interesting reading."

The address I was writing on "Francis Scott Key and the National Anthem" was scheduled to be delivered at a banquet of the Columbia Historical Society in the ballroom of the Mayflower Hotel, Thursday evening, April 12, 1945. I arrived in Washington at about noon on that day. A few minutes later I was greeted by a friend from Frederick, Mrs. Mary Snyder Beatty, who told me that she had just heard a report that President Roosevelt was dead. Several minutes later a man with newspaper extras announced the death of the President at Warm Springs, Georgia.

Death had come to one of the world's most famous men. The Nation's Capital was gripped in mourning. While a number of meetings in the city were called off, the tickets for the banquet of the Columbia Historical Society had all been sold, and inasmuch as the program was of a patriotic nature, it was decided to proceed with the event.

It was just about the time of the banquet when Harry S Truman came to the White House to take the oath of office as President, and within an hour or two I was introduced for my address. In closing my address I used the following words:

"While there may be objections to the American anthem from time to time for one reason or another, the fact remains that it has symbolized the aspirations of the people for freedom, and the lawyer from Georgetown (Francis Scott Key) played an important part in welding the patriotic spirit. Several weeks ago, in an address before the Maryland Historical Society in Baltimore, Vice President Harry S Truman, who has just taken the oath of office as President of the United States, attributed to Herodotus the statement that "the man and the event hardly ever arrive at the same place at the same time, but a good historian always takes care of the discrepancy." But the statement attributed to Herodotus does not apply in the case of Francis Scott Key and the National Anthem."

After Mr. Truman had completed his service as President, I sent a copy of my address, and I mentioned that I was probably the first person to quote him in an address at any public meeting in the United States after he was sworn in as President.

YOUTH CONSERVATION CORPS

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HANNA. Mr. Speaker, last week I joined several of my colleagues in cosponsoring H.R. 8434, a bill to expand and make permanent the Youth Conservation Corps. I have supported the YCC program since its beginning. It provides young people between the ages of 15 and 18 with an opportunity for meaningful summer employment. They work up to 3 months in caring for and improving our public lands. For some of these young people it is their first exposure to life outside an urban environment. For others, it is the beginning of a career devoted to protecting our natural resources.

The pilot YCC program has demonstrated its success. With little publicity, there were 120,000 inquiries for 3,300 openings last summer. It is apparent that this program appeals strongly to our young people. Plans to expand the program should go forward with all possible speed. I strongly urge my colleagues to support H.R. 8434.

"WE SHOULD NOT BE AFRAID OF CHANGE"

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ROBISON of New York. Mr. Speaker, Gov. Nelson A. Rockefeller spoke at the National Governor's Conference held at Lake Tahoe, Nev., on June 4.

Governor Rockefeller spoke forthrightly, as is his custom, about change and the American reaction to it. His point, "we should not be afraid of change," is one that needs emphasis in a time where some people are beginning to despair because of a seeming lack of national capacity to deal with the changes that have already taken place.

With his characteristic vigor and determination, Governor Rockefeller has launched, with Presidential encouragement, a study to be conducted by a "National Commission on the Future of America."

The work of this Commission, along with the efforts of the National Commission on Water Quality, also headed by Governor Rockefeller, will surely make invaluable contributions to our national life. For that reason, I would like to share with the House excerpts from the remarks made by Governor Rockefeller at the National Governors Conference.

EXCERPTS OF REMARKS BY GOV. NELSON A. ROCKEFELLER

We live in a world of fantastic, accelerating change. The question is whether we will shape the forces of change—or be overwhelmed by them?

Frankly, we are not responding sufficiently to the changes altering our society. The institutions that we count on to fulfill human needs and human aspirations—whether governmental or private, whether domestic or international—have lagged behind the realities.

We have got to have the courage to accept that we are entering a new era in a world that is radically changing. We should not be afraid of change that is shaped to meet emerging needs.

This has been the tradition of our country. For instance, a major American turning point occurred in 1913, when the 16th Amendment was adopted—the Federal income tax. Some years later, the Depression came along, presenting the country with desperate human needs. We had a great President, an activist President, Franklin D. Roosevelt, who had bold and imaginative ideas for attacking the tragic problems of that period. The social initiatives of the New Deal, the human financial requirements of World War II, the booming post-war economy, and the fantastic capacity of the Federal income tax to generate revenues, all led to an enormous concentration of power and resources in Washington.

At the same time, a related social phenomenon was going on. It started over 100 years before, when the industrial revolution launched a migration of Americans from the farm to the city. A second wave occurred in our time with the industrialization of agriculture in the south and in tropical Caribbean islands, such as Puerto Rico. The result has been another influx into urban areas, this time of rural people with little education or training and few cultural advantages. At the same time, there has been an accelerating exodus of middle-class families from the city to the suburbs.

These forces have produced great shifts in the socio-economic structure of the United States. They have meant growing power and resources in Washington and they have meant growing problems in urban areas and, consequently, problems for our state and local governments.

The Federal government has tried to help ease these problems through a vast proliferation of Federal grant-in-aid programs. Today, there are over 1,000 of these categorical grant programs. But these grants require state and local governments enrich and improve their existing programs and put up additional funds to match the Federal grants regardless of the existing levels of these programs, or other more pressing local needs. In addition there are Legislative and Administrative regulations which further restrict state and local initiatives and flexibility. All of this has led to over-spending and increasing rigidity at all levels of government, and unfortunately less responsiveness to individual human needs. The net result has been that first local governments ran out of money, then state governments did, and now the Federal government is facing staggering deficits.

Along with these serious financial problems, we also face deep moral and social problems generated by rapid change. Welfare, for example, began as a compassionate effort to give relief to people out of work in the depths of the national depression. Today, welfare administration is so lax in certain areas that an unconscionable number of people are taking a free ride on the government and on the taxpayer. This situation is further contributing to the growing cynicism and disillusionment that people feel toward government. In New York State we have been trying to meet this problem with the appointment of an Inspector General of Welfare who has created a whole new climate in welfare administration—a climate favorable to the taxpayer and unhealthy for frauds.

Unfortunately at the same time a basic and indispensable institution in American life has fallen victim to change—namely our system of criminal justice. One of these changes is the widespread emergence of hard drug addiction—and the crime epidemic it has spawned. The courts are over-crowded with auto accident cases, housing violations and other cases growing out of the complexities of our modern society. As a result our criminal justice system is not coping effectively with their responsibilities to the people. The court calendars have become terribly overloaded. Clearing these calendars seems to take priority over meting out justice. Prosecutors bargain with defendants to plead guilty to a lesser charge in order to avoid hearings. But that's not genuine justice nor does it protect the innocent public from the criminals who prey on their lives and property. What we have is a revolving door justice system. The pushers, robbers and muggers are back on the street almost before the police officer is back on his beat. Of over 26,000 arrests for narcotics offenses in a recent year in New York City, only 418 resulted in actual prison terms.

In New York, we have committed over $1 billion to the treatment of addicts, but it didn't deter the pushers. So this year, I came out with a tough program to deter the pushing of hard drugs.

This is the kind of basic change I fought for this year and which the Legislature approved—despite enormous pressures on the lawmakers to dodge the problem.

The rush of technology is another force in this flood of change. It has had enormous impact on our physical environment.

In 1965 in New York State, we had a $1.5 billion Pure Waters Bond Issue. Last fall, another $1.15 billion Environmental Bond Issue was passed. But now due to a shortage of Federal funds the cleaning up of our waters is still moving slowly.

Another major problem that is rapidly emerging in this nation is a critical energy shortage. As an illustration, the United States is today importing 27 per cent of its oil needs, Japan 90 per cent, and Europe 56 per cent. The major source of oil imports is the Arab world.

This increasing dependence on imports and the vulnerability of the supply mean less control over our own destiny. It means continued foreign exchange problems. In fact, we face an estimated balance of payments deficit of $25 billion by 1985. And, it means growing international security problems.

Naturally the desirable solution to this growing energy crisis lies in developing new sources of fossil fuels at home and a greatly accelerated construction program of atomic power plants. Of course this involves an enormously complex and challenging reconciliation of our environmental goals with our energy needs. However, I feel both can be accomplished with imagination and patience.

All these problems resulting from the rapid rate of growth and change can be met by realistically facing all the facts and their implications, and then by reconciling the differences. In this way we can develop an intelligent course that reflects the best interests of all.

What we need is a clearer sense of national purpose based on the emerging realities of the world in which we live. For the past two years, in my annual messages to the State Legislature, I have discussed these problems and the need for radical changes in the structure, and the division of responsibilities within our Federal system. State funds were appropriated, and I set up a study group to determine where we as a state should be moving in this fast changing modern world.

Last year, President Nixon took an interest in this approach. Early this year, he asked if the state commission could be expanded into a national commission on the future of America in its third cnetury. I agreed.

I am now in the process of enlarging the scope of the commission. The commission will grapple with the future problems not only of America in the third century, but explore where the world is going—how we can work with people of the rest of the world in our best common interest.

The commission will:

1. Review the fundamental philosophical and moral considerations as to the nature of man and his institutions the impact of his natural and man-made environment and the development of goals to improve the quality of life of mankind.

2. It will project present trends in the United States and other major nations and areas of the world to the years 1976 and 1989. These projections would include political, economic, social and military developments and the problems they would create if nothing were done to shape these emerging forces.

3. The commission will evaluate the impact of these problems on our security and our political, economic and social life, and the Judeo-Christian moral and ethical values on which this country was founded.

4. In the light of these findings, it will be possible to develop alternative conceptual approaches necessary to deal with these emerging forces. From this we can develop a clearer sense of national purpose for the United States, both at home and abroad.

5. Within the framework of this clearer sense of national purpose, it will then be possible to develop new concepts relating to the structure of our Federal system and our domestic and international institutions.

6. Only then we as a nation make a realistic reappraisal and reshape specific policies and programs to make them more effective in meeting human needs.

All of these steps will be undertaken with the view of making the recommendations useful as soon as possible and with special reference to the 200th Anniversary of American Freedom in 1976 and 200th Anniversary of American Freedom in 1976 and 200th Anniversary of the United States Constitution in 1989.

What we Americans must do is build on our unique heritage—make it relevant to today's and tomorrow's realities—so that we can carry forward this magnificent 200-year experiment in human freedom dedicated to individual dignity and equality of opportunity for all into its third century.

There is one other National Study Commission which could have a major impact on our thinking and approach to the fundamental problems facing us at home. This is the National Commission on water quality which was established by the Congress in the Federal Water Pollution Control Act Amendments of 1972.

This calls for the creation of a 15-member Commission to undertake ". . . a full and complete investigation and study of all of the technological aspects of achieving and all aspects of the total economic, social, and environmental effects of achieving or not achieving the effluent limitations and goals set forth for 1983. . . ."

This bi-partisan Commission is composed of five Senators, five Representatives and five Presidential appointees. I am one of the Presidential appointees and was elected Chairman of the Commission.

We have 2½ years to make the studies and recommendations, and an authorization of $15 million for the work of the study.

This problem is of major importance to us as Governors because we are the ones who are supposed to carry out the goal set by Congress of the complete elimination of the discharge of all pollutants into any navigable waters by 1985, anywhere in the United States.

This Commission was created because Congress realized that, at present, the government is not organized to project and clearly foresee the full implications of legislation as far-reaching as this. We must therefore develop the methods and techniques to understand more fully the means of effectively dealing with emerging problems in the context of our overall responsibilities.

The Commission intends to develop a close working relationship with the states.

Following this meeting, I will write each Governor giving him background on the Commission and asking the Governor to designate a liaison officer with whom the Commission can work.

The states will be able to provide enormously valuable data and advice on which the Commission can base its decisions.

The Commission plans to hold hearings throughout the country and we hope that many Governors will appear.

At the Governors' Conference a year hence, we will be at a midway point in the study and it may be that we will have an interim report for the Governors.

LIVING IN NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RANGEL. Mr. Speaker, in a recent newsletter to my constituents, I asked my fellow New Yorkers to express to me the areas of public policy that most concerned and interested them. While the letters are still coming in, the area most expressed has been housing.

The housing situation in my home city of New York is indeed depressing, and the hope that many of us had that Federal subsidy housing programs would help to meet this problem has been crushed by President Nixon's freeze. The effect of the housing freeze in New York City is apparent from a recent New York Post article entitled "Housing: Money Is the Key."

[From the New York Post, May 10, 1973]

Housing: Money Is the Key

(By Joseph Kahn)

Q. What is the city's housing picture?

A. In a word, bleak, certainly for new construction.

Q. What are the facts?

A. This is the year of the big freeze and left out in the cold is 90 per cent of the city's population—our low and moderate-income families. According to Housing and Development Administrator Andrew Kerr, only 9000 units of new construction for low income families, will be underway this year and none thereafter because of the federal subsidy freeze. And with 15,000 units a year abandoned, another 13,000 demolished, there isn't much to cheer about.

On the other hand, for the middle and upper income wage-earners ($20,000 a year and over for a family of four, comprising 10 per cent of apartment dwellers) the housing supply is increasing substantially. Last year, 7000 fully private units and 20,000 under the city's partial tax exemption program were started and in the very near future there will be a surplus of such units.

There is another discouraging factor lower income groups must face. The state's almost two-year-old vacancy decontrol law, which decontrols an apartment when it is vacated, has snatched 144,000 units out of the rent range of poorer families. With rent increases on the average up 90 per cent, the city administration and tenant organizations have joined forces and are now attempting to get the Legislature to repeal the law.

Q. If new construction is a lost cause for the near future, what about rehabilitation?

A. Officials agree the major task is to maintain existing rent-controlled housing for lower income families and to work for a reversal of the federal freeze so the 35,000 units already approved by the federal government and in the pipeline can get built.

Despite mounting criticism of the Maximum Base Rent system, which gives a landlord who keeps his building in good shape a 7½ percent increase yearly until a computer-set increase is reached, Rent Commissioner Nathan Leventhal is convinced it is a sensible and feasible program and it will eventually work out to the advantage of both tenants and landlords.

There were 400,000 violations removed by landlords in order to qualify for raises under the MBR program. In addition, the city has expanded code enforcement, the emergency repair program, the housing repair and maintenance project, and has improved the complaint bureau. Last year, 500,000 violations were listed in response to almost 500,000 calls from tenants and many were corrected.

The City Council, under tenant pressure, is repealing MBR, but the measure will probably be challenged in the courts on the ground the action violates a state law forbidding local interference on rent control. The tenants claim that many landlords are not propertly maintaining their buildings with MBR funds allocated for the purpose.

The city also has broadened its receivership program, which allows a takeover of abandoned buildings where tenants remain and use rents for repairs and maintenance. There are 114 buildings in the program with another 200 expected this year.

In addition, the reorganized Municipal Loan rehabilitation program has been expanded and the city is now attempting to get banks and lending institutions to participate, both to increase the leverage of city money and to protect their own investments in various communities.

A new co-op conversion program which allows tenant-ownership of buildings in low or moderate income areas, is going ahead and looks very promising. Finally, the city is pushing legislation to enable speed-up of existing programs, including taking title to a building after one year of tax arrears instead of the present three years. Also, new bills would allow rehabilitation loans for one and two family homes (restricted to multiple dwellings now) and permit the conversion of unused ground-floor commercial space for apartment use.

Q. What's happening with Mitchell-Lama, the city's major tool for housing middle income families?

A. Last year new construction under the tax-abatement program reached an all-time high, with starts of over 6,400 units. Many of the projects had the federal Section 236 subsidy mortgages attached which cuts interest from about 7 per cent to 1 per cent, thus reducing rents from $90 a room a month to approximately $40.

But, with the federal freeze, it is unlikely there'll be much Section 236 money around.

Q. How are the existing projects doing?

A. Unfortunately, not too well. They are still the biggest bargain in town, but many of them are having money troubles and face rent increases. Operational and financing costs are going up and some buildings have fallen into arrears. Others are in the red because they are not collecting surcharges from residents over the income limits.

The HDA found in a survey of 300 tenants that 38 per cent were under-reporting their incomes. Surcharges are important because one-half goes into the building's operating fund and helps alleviate rent increases, The other half is used to subsidize elderly tenants.

To verify incomes, the HDA asked tenants for permission to automatically inspect their city tax returns, but a City Council bill last month said no. The agency, however, may continue to demand income verification on an individual basis, and, of course, may take legal and administrative action against housing companies which do not comply with surcharge regulations.

The city administration has proposed in its legislative package in Albany several benefits to Mitchell-Lama buildings: 1. Tenants whose incomes rise more than 50 per cent above admissions levels, now required to leave, be allowed to stay if they continue to pay proportionate surcharges. 2. Tenants be allowed to deduct, when computing gross income, all medical expenses above 3 per cent of gross income. 3. The age of eligibility for a subsidy be reduced from 65 to 62 and the maximum income requirement be cut to $4500 from $5000.

Q. Is there a chance of any money for housing coming into the city? What about revenue sharing and President Nixon's community development program?

A. The city has received about $300-million from revenue-sharing, but not a dime goes for housing. It has been allocated for capital projects. As for Nixon's community development block programs, even by his own schedule, they can only start by July 1, 1974.

Kerr says the funds, which will be below the total the city is now receiving under categorical grants can only be spent on acquiring land and not to build housing.

Most of the city's rehabilitation efforts come out of city monies, specifically from the city's debt incurring capacity and the capital budget. Involved primarily are the Municipal Loan, co-op conversion, and the Mini-Loan programs which are self-sustaining, and for this reason, the city can commit unlimited amounts of money.

Over the next few years, the city's rehabilitation programs will be aimed at selfsustaining projects. The city's Housing Development Corp. also has subtantial debt incurring capacity; however, it too cannot provide the interest subsidies necessary to build housing to serve the low and moderate income families.

The city also has proposed to the Legislature a local FHA-type mortgage insurance agency for rehabilitation in slum areas. An initial capital of $7.5 million would insure up to $450 million worth of mortgages.

Q. Can private builders do more?

A. Sure, but without subsidies, they can't rent what they build. They are overstocked with upper-income apartments and are playing a waiting game. But there are some who are doing something. The impetus has been the city's partial tax abatement program. To qualify, owners must rent new units at 15 percent below comparable market rents and put them under rent stabilization for 10 years. The city is seeking renewal of this legislation in Albany this year.

The city also has a new zoning provision which permits the construction of three-family houses instead of two-family ones. It is anticipated at least 10,000 units will be started in the next two years.

Q. Is relocation a problem?

A. Yes, and city housing officials say it has gotten worse under vacancy decontrol. But the need for relocation units will drop to some extent due to the federal freeze on subsidies for urban renewal developments which will have to be cancelled. This means instead of relocating families, the city will have to maintain the run-down buildings on the renewal sites.

At the same time, emergency relocation work continues for families who are forced to move because of fires and to make way for public improvements such as schools and police stations. Relocating large families is still very difficult, and will become worse as new public housing comes to a virtual halt.

Q. What can be done about the demolition of basically sound rehabilitable housing?

A. It is crucial that the city limit as much as possible the demolition of existing low and moderate income units. Last year in Manhattan, 4400 units were torn down for new construction, rehabilitation and conversion of units at higher rents. The city now closely scrutinizes requests for evictions to make sure there is no harassment of tenants and that the new construction is marketable. In cases where certificates of eviction were not granted, the courts have sustained the city.

Q. Will the new housing court help code enforcement?

A. Yes, even with several defects in the law, by taking housing violations out of the Criminal Court, it is expected the backlog of 700,000 violations will be disposed of faster and with better results. In the past, landlords were only fined about $13 per case on the average after months of delay. Now, fines can go up to $100 per violation for each day it exists.

The city's housing officials also point out that state funding is inadequate to provide for cyclical inspections of buildings. Instead of providing 50 per cent of enforcement cost, the state is only contributing one-third.

Q. Is there no solution to the housing crisis? What can be done?

A. The key to decent living quarters is money. Everybody knows it, but the question is where is it to come from. HDA head Andrew Kerr says the money is in Washington, but it is not being used for housing!

"The Federal Housing and Urban Development budget was cut in half, from $4-billion to $2-billion, while the Defense budget was increased. It may seem a tired refrain, but the priorities are simply wrong."

Obviously, the President must be convinced. Two years ago, it was suggested a massive public works construction program be started which would produce 500,000 units a year. Minority workers could be recruited for the work, and in this way not only would housing be built, but unemployment would vanish.

In the meantime, while the vacancy rate remains low in the city and apathy continues in Washington and new construction for the lower income families remains a dream, the city must put all of its resources and ingenuity into preserving its existing housing.

YEAR OF AGONY FOR LITHUANIA—1972

HON. ROBERT J. HUBER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HUBER. Mr. Speaker, the yearning for freedom is difficult to suppress and nowhere is this more true than in Soviet-occupied Lithuania. One is reminded of a fire that starts deep in a coal mine and no matter how much water is poured down the mine shafts, the fire smoulders and smoulders only to break out somewhere else. This is what happened in Lithuania last year, where freedom has been suppressed for many years since the Red army reentered Lithuania in 1944.

In March of 1972, a blow was struck against religious repression in Lithuania. Over 17,000 Lithuanians signed a petition and sent it to the Secretary General of the United Nations to be relayed to Communist Party Secretary Brezhnev. The United Nations, in its eternal coma, or perhaps one should say selective deafness, has taken no action on the petition.

In May of 1972, serious rioting broke out, initially triggered by the tragic self-immolation of Romas Kalanta, who burned himself in protest to continued Soviet oppression. It is interesting to note that Romas Kalanta came from a Communist family—so the indoctrination he received must have failed.

The next Thursday, the day of the funeral for Kalanta, the rioting started, which resulted in hundreds of arrests and several deaths. Property damage was great and several policemen died as well as several rioters.

In July of 1972, there were anti-Soviet demonstrations at the International Handball Championships, held from June 11 to 18 in Vilnius. About 150 persons were arrested for displays of anti-Soviet attitudes by various means.

Sometimes we tend to forget the yearnings of the people behind the Iron Curtain for freedom, because they are not covered by our television networks every day. But these people live daily with tyranny and have very few rights of citizenship, if any, as we define such things in the free world and we should not forget this, nor should we allow our imminent guest Chairman Brezhnev to forget it either.

THE NORTHEAST RAILROAD CRISIS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ROBISON of New York. Mr. Speaker, the critical financial condition of the major railroads of the Northeast is a matter of great concern to the country. The situation here is growing critical, and demands the early attention of this body. I commend to my colleagues the following article by John E. Coones, in the Wall Street Journal, June 12, 1973. As Mr. Coones notes, the liquidation of several of the major lines in the Northeast is in the offing. The continuing operation of these lines is essential to the economic well-being of the region and of the country as a whole. House Concurrent Resolution 240, which I have cosponsored, expresses as the sense of the Congress, a concern that the pending dissolution of these lines be delayed until adequate examination of the situation by the Congress can be made, and suitable measures taken. Some of the solutions to the problem proposed thus far are outlined by Mr. Coones:

THE NORTHEAST'S BIG RAILROAD MUDDLE

(By John E. Cooney)

In his "Watergate speech," President Nixon said he was turning his attention from the scandal to "the larger duties of this office." One of the more pressing problems the President may have had in mind—and one not much more appetizing than the Watergate disclosures—is consideration of what role the federal government will play in determining the fate of the nation's largest, and brokest, railroad, the Penn Central Transportation Co.

Since the rail unit of the Penn Central Co. filed for reorganization in June 1970, Congress, except when confronted by emergency situations such as a crippling rail strike or critical funding needs, has deftly avoided the issue of the big sick railroad and her sister carriers in the Northeast. And the Nixon administration has long said it doesn't want to spend any more money to help pull the railroads out of their troubles. Meanwhile, the Northeast has proven such a sorry place for business that now five other Class 1 carriers operating there as well as several smaller ones are also in bankruptcy. The Penn Central alone has lost $1.5 billion over the past three years and its estate has shrunk by $500 million to $800 million.

Today, both the Penn Central's trustees and its reorganization court say liquidation is in the offing, possibly this summer, unless legislation is passed swiftly to revitalize the railroad. Several other Northeast carriers—the Lehigh Valley and the Jersey Central—have already asked for cessation of major lines, and the Lehigh Valley wants to set a date for termination of all its rail operations. Naturally the Penn Central, which handles more than a million tons of freight daily, is of greater importance than the other roads. And how it is treated in Washington may determine the fate of the other Northeast railroads as well.

SPELLING OUT PLANS

In light of these circumstances, what can Congress do? There have been a number of suggestions recently in the form of reports and plans dealing with the plight of the Northeast roads. And, as a result, some of the many directions the railroad can travel—ranging from nationalization to attempts to keep the Penn Central and the other bankrupt carriers in the hands of private industry—are being spelled out.

To date, five of the reports presented are of more interest than the others because of their sources and the amount of detail they involve. Two have been proffered by government agencies, the Department of Transportation and the Interstate Commerce Commission. Two others came from Senators Vance Hartke and Brock Adams. And the last is from the desk of Frank E. Barnett, chairman and chief executive officer of the healthy Union Pacific Railroad.

The basic concern of each is the creation of a sensible rail system in the Northeast Corridor—primarily the channel between Boston and Washington—that recognizes the needs of all 14 railroads serving the area, whether they are bankrupt or not. The plans also concern themselves with the best way in which to rehabilitate the often outmoded rail plant in the region. And, however warily approached, each in its own way talks of the ticklish over-manning problem that has haunted railroads, especially the Penn Central, in recent years.

The threads of agreement running through the five reports are these: Rail service in the Northeast is essential to the nation's well-being. Overcapacity is a critical problem in the area and perhaps one-third to one-half of rail facilities must be dropped. The bankruptcy laws under which the ailing roads are being administered are out of date and can't get the railroads back to profitability. And Congress must shoulder the onus of how essential rail service is to be maintained.

The means to such similar ends, however, differ vastly. At issue is the amount of federal funding involved (estimates for returning the Penn Central to profitability range up to $1 billion or better). The type of federal intervention to take place is also open to dispute. And none of the plans squarely confront the labor issue.

Some highlights of the reports:

—The ICC report, which has the backing of the Penn Central's trustees because it calls for massive federal aid, innovatively suggests a 1% transportation tax plus grants in aid to upgrade rail property. The tax would apply to "all for hire, domestic surface transportation property." The ICC also suggests the joint use, leasing, sale and merger of track rights and plant for railroads in the Northeast. This property unification effort would be accompanied by the elimination of duplicate and parallel lines.

—The DOT report, unlike the ICC proposal, seeks no federal financing for rehabilitation and improvement of equipment. The report outlines a new non-profit, private corporation that would be charged with creating one or more new rail systems from the lines of the six bankrupt railroads. Under this system, the non-bankrupt roads wouldn't be considered part of the package. Thus, the Northeast could wind up with three or four major competing systems.

—The Union Pacific plan advocates the organization of a "government-sponsored but rail-industry-owned Federal National Railways Association" that would fund the Northeast's railroads and provide for restructuring the track system and plant rehabilitation. The funding would come from private investment sources and be guaranteed by a government-owned organization, called the "Railroad Reconstruction and Finance Corp." that would in turn be backed by the U.S. Treasury Department. The directors of the FNRA would be drawn from the federal government, shippers, labor and the rail industry.

—The Hartke plan simply calls for the federal acquisition of the Northeast's bankrupt railroads as well as the acquisition of lines of the non-bankrupt carriers. This form of nationalization also calls for substantial federal funding for plant rehabilitation and for subsidies to prevent abandonment of service that is deemed "essential."

The Adams plan would set up a semi-public corporation to run "essential" freight service. It could sell common stock, obtain government-guaranteed loans or sell the government preferred stock. The DOT would designate the essential rail service, subject to ICC review and congressional approval, but the corporation would decide which of the parallel tracks to use. The corporation would revert to totally private ownership when any money advanced by the government was paid back. Any nonessential freight operations would be operated on subsidy from shippers (in the form of higher rates), communities and the federal government, a suggestion also found in the ICC report.

Also there is always the possibility that the Penn Central would be allowed to lapse into liquidation this summer, thereby negating the need for any reorganization plans at all. John P. Fullam, the federal judge who is overseeing the Penn Central's reorganization, has raised the point of how long the estate can erode without infringing upon the constitutional rights of the railroad's 23,000 creditors. Indeed, he says the railroad can't continue operating beyond Oct. 1 in its present condition. And he set a July 2 deadline for the Penn Central to file definitive plans for either the reorganization of the carrier or the "liquidation or other disposition of the enterprise."

But the likelihood of Congress allowing the railroad to lapse into liquidation isn't very strong. For one, the railroad simply can't shut down. It has been estimated that if the Penn Central stopped running, national productivity would be cut by 3% and unemployment in the nation would be boosted by 60% due to the rippling effect on other businesses.

That means the road must be kept running while the court gropes for an "orderly liquidation" which would see a graceful transition from the Penn Central's method of operation to another—as yet ill defined—way of continuing service. Such action could take years. And no matter what happens, it is clear that a number of problems facing the Northeast rail industry will have to be confronted as well.

SOME SHORTCOMINGS

All of which points to some of the shortcomings of the reports that have been issued. There is, for example, general agreement that manpower should be trimmed. But none of the proposals grapples with the controversial issue other than hazy talk of "protective arrangements," federal subsidies or financing surplus labor through loans or bond sales.

Of the Penn Central's 80,107 employes, some 74,000 of them are covered by union contracts. It isn't likely that the unions—which the Penn Central asserts still carry considerable muscle in Washington—would stand idly by and watch their ranks be decimated by liquidation or legislation.

The vehemence of such opposition can be witnessed by the United Transportation Union's fierce resistance to the Penn Central trustees' recent attempt to phase out some 5,700 of the 23,000 jobs the UTU holds with the railroad. The trustees' try at introducing a "crew consist rule" last February resulted in a one-day strike that ended only after Congress clamped a 90-day moratorium on such action. Now the railroad says it won't make another attempt at putting the work rule into effect because it might not be able to sustain another strike.

There is also the question of what must constitute the future rail system in the Northeast. Both the ICC and the DOT indicate they feel that they each should be allowed to determine what it should be.

Then there is the problem of untangling the railroad's intricate web of leased lines and determining what to do about the lines' bondholders. The Penn Central has agreements—some dating back to the last century—with 37 lease lines. Such leases account for 53% of the railroad's 20,000 route miles, ranging from the mile-long Central Railroad Co. of Indianapolis to the Philadelphia, Baltimore and Washington Railroad that operates 2,277 miles of track. Just trying to figure out who gets what while unraveling these lease line contracts could take years.

What also has to be determined before any plan is enacted is how much funding Congress is going to work with, which will be the ultimate determinant of the course the Penn Central and other rails follow. A number of observers feel the administration will be forced to loosen its purse strings, but how much money will go to the rails no one really knows at this point. The administration now talks of $40 million "seed money" to get the DOT plan off the ground.

No matter what happens, though, two factors are certain. One is that the Penn Central won't remain as it is much longer. And the second is that the rail issue, especially the part played by the Penn Central, will remain around for years to come.

A LIKELY PROSPECT

What will most likely happen this summer is that a legislative package will be passed that will call for either the ICC or the DOT, or a new federal rail agency, to draft a rail system in the Northeast. A moratorium would be called on any liquidation proceedings by the reorganization court for a year until such a master plan has been drawn up. And provision would be made for interim short-term funding to be made available to the railroads at times of critical need.

Besides identifying once and for all what is essential service for the area, the rail planers would determine whether the Penn Central should be split into two or more healthy railroads as well as which lines—if not all—are going to need federal subsidies or higher rates by shippers.

Unfortunately, however, the fly in the ointment remains the labor problem. It has been estimated that it could cost several billion dollars to buy out the labor contracts for the Penn Central alone, a prospect Congress isn't about to consider. And no one has come up with a concrete suggestion on how to handle the overmanning situation. This one issue may prove unresolvable and thereby hinder any master plan and legislation designed to cope with the Northeast rail problem.

IN MOURNFUL COMMEMORATION OF THE MANMADE FAMINE IN THE UKRAINE—1933-34

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STEELE. Mr. Speaker, 40 years ago, the Government of the Ukrainian Soviet Socialist Republic, acting upon instructions from the Kremlin, instituted a law preventing the Ukrainian people from harvesting their wheat from the fields or taking grain from State warehouses. The penalty for breaking this law was execution on sight. In addition, the Soviet Government dispatched agents and troops to the Ukraine to forcibly confiscate all grain and food caches. While thousands in the villages died of starvation, thousands more fled to the cities in search of food. They died on the streets of Kharkiv, Kiev, Odessa, and other cities of the Ukraine. Thus began the infamous political famine in the Ukraine.

Today we commemorate the 40th anniversary of the 7 million Ukrainian men, women, and children who died from mass starvation and hunger which has gone down as one of the most staggering acts of genocide in history. Such was the price the Ukrainians paid for valiantly resisting forcible collectivization.

The Ukrainian Congress Committee of America—UCCA—founded in 1940, is a strong advocate of freedom and independence for the Ukraine. Their dedicated work for the preservation of freedom at home and the establishment of liberty in the Ukraine and other captive nations has been outstanding. A recent statement released by the Hartford, Conn., branch of the UCCA stated:

> The memory of this famine remains a bitter one for Ukrainians because the reasons for it were entirely political. By orders of the USSR government, the entire 1932–1933 harvest was confiscated and shipped out of the Ukraine. Peasants' homes were searched and hidden food caches taken. No food from outside the Ukraine was permitted to reach the populace and millions of innocent people died. The purpose of this so-called "agricultural experiment" was a social and political genocide. The USSR government sought to destroy the base of Ukrainian society and thereby permit collectivization of agricultural lands. To complete their destruction, thousands of wealthier peasants and intellectuals were forcibly deported to Northern Siberia. The people of Ukraine, although subjected to continued russification programs, have a proud cultural heritage which they are struggling to maintain. . . .

In addition, Mr. Speaker, I submit the following excerpt from an article published by the Norwich Bulletin on January 21, 1973. This is a quote of Myron Techlowec, president of the Norwich branch of the Ukrainian Congress Committee of America:

> Today, Ukraine more than ever is a colony of Communist Russia, a land of inhuman persecution and economic exploitation. Ukraine's entire history of Soviet domination is a ghastly record in inhumanity, outright persecution and genocide, and violations of human rights on a scale not known in mankind's history. Russia's leadership under Stalin and through the years to Brezhnev-Kosygin, marked Ukraine for physical destruction and denationalization.
>
> During Moscow's 50-year rule over Ukraine, literally millions of Ukrainians have been annihilated by man-made famines, deportations and outright executions. The main target of Moscow's fury are young Ukrainian intellectuals—poets, writers, literary critics, playwrights, professors and students who are charged with "anti-Soviet propaganda and agitation," though, in fact, these people profess loyalty to the Soviet state, but fight against its abuses, violations and police rule.
>
> Both the Ukrainian Orthodox Church and the Ukrainian Catholic Church have been ruthlessly destroyed and their faithful members incorporated into the Kremlin-controlled Russian Orthodox Church. All aspects of Ukrainian life are rigidly controlled and directed by Moscow: The Academy of Sciences, all scientific and research institutions, universities, publications, the press, various organizations, trade unions, and so forth.
>
> Both the President of the United States of America and the U.S. Congress have expressed their concern over Ukraine by enacting the Captive Nations Week Resolu-

tion in 1959, whereby the Ukraine is enumerated with 21 other Non-Russian captive nations in the USSR.

"Today, . . . the 47 million people of the Ukrainian Nation still cherish and nurture the ideas of freedom and liberty and the restoration of the Ukraine to its rightful status in the family of free nations. The freedom loving people of Ukraine have not accepted Soviet Russian domination and have been fighting for the reestablishment of their independence by all means at their disposal."

Despite the outward trappings of sovereignty and independence of the Ukrainian Soviet Socialist Republic, the Ukraine today remains a "captive and submerged nation."

Political change is accelerating throughout the world, however, and it may well be that future changes will again give the Ukrainian people the opportunity for self-determination. In addition to pressing the Soviet Union to observe the principle of self-determination, our objective should be to do all we can to encourage the Ukrainian people, through recognition, communication, and moral support, to maintain their national spirit, national identity, and national will until that time arrives.

In the past, we in Congress have viewed with grave concern and spoken out in behalf of Soviet Jews, Baptists, Lithuanians, Estonians, Latvians, and other oppressed minorities within the Soviet Union who suffer cultural, religious, and political injustices. It is, indeed, appropriate, Mr. Speaker, that we now focus our attention and concern on the Ukraine and her people, in commemoration of the 7 million men, women, and children who died 40 years ago, courageously resisting the demands of their Soviet oppressors. Let us not forget the manmade famine of the Ukraine and let us rededicate ourselves to the principle and goal of freedom and self-determination for all peoples.

THE HONORABLE FLORENCE FINNEY

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. McKINNEY. Mr. Speaker, the Connecticut General Assembly recently concluded what some have characterized as one of its most productive legislative sessions. There is little doubt, however, that one of its finest acts came last Tuesday when the senate elected the Honorable Florence D. Finney, of Greenwich, as its president pro tempore.

Mrs. Finney, a young and vigorous 70, is currently completing her 25th year in the State legislature. Since her election in 1948 to the State house of representatives, Mrs. Finney has served three consecutive house terms and is now in her 10th consecutive Senate term.

Mr. Speaker, she has never lost an election and incredibly, she has never missed a general assembly session day, even though this record has meant driving more than 160 miles a day from her Greenwich home to the State capitol in Hartford.

One of the first maxims I learned on being elected to the State house of representatives was "When Florence speaks, you listen." This admonition is seriously adhered to by all and I can tell you from personal experience of the almost magical hush which falls over the senate chamber when the lady from the 36th senatorial district rises to speak.

In my mind, her ability to gain this unanimity of attention is the result of two very sound attitudes: Respect for her years of experience and a desire to learn from the wisdom she imparts.

I know of no instance when Florence Finney asked anything for herself. Her only interest, apart from her family, has been the betterment of her beloved Connecticut and the service she has given the people of Greenwich and Stamford. Her dedication to the legislative process knows no bounds and I would say is unmatched in anyone's memory.

Characteristically, on her election as president pro tempore, she told her colleagues in the senate, "Whether I succeed will depend on you."

Mr. Speaker, I can tell you that the people of Connecticut's 36th district will continue to be well served, but most assuredly, I can guarantee that the Connecticut State Senate will be well guided.

JOHN B. NEWMAN: OUTSTANDING CITIZEN

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STEELE. Mr. Speaker, each year the Northern Middlesex, Conn., Chamber of Commerce honors one citizen as the area's outstanding citizen of the year. I take great pleasure in recognizing John B. Newman of Portland, president of Hazen's Inc., as this year's outstanding citizen.

"Breck," as his friends call him, has contributed his great energy and talent to the area for many years. Graduating with honors from Wesleyan in 1938, Breck went on to Morse Business College in Hartford, where he completed courses in the management development institute.

Breck's service to the community and his intense interest in people has made him an asset to Middlesex County. This "outstanding citizen" is a past commander of the Middletown Power Squadron, charter member of the Middletown Jaycees, a member and former trustee of the First Church of Christ, Congregational, in Middletown, and a past president of the Middletown University Club.

In addition, Breck is a past president of the Middletown United Fund, and general campaign fund chairman. In 1967 he was the recipient of the United Fund's Community Service Award. Presently, he is on the board of directors and secretary of the Middlesex Memorial Hospital, as well as being chairman of the hospital development council.

Breck Newman rounds out this splendid record of community service as a member of the board of directors of the Middletown Savings Bank, the Rockfall Corp., and a member of the Middletown Advisory Board of the Hartford National Bank.

Mr. Newman will be honored by the Middlesex Chamber of Commerce at their 78th annual banquet on Monday, June 18, 1973. Gov. Thomas J. Meskill will be the keynote speaker at this event.

Mr. Speaker, it comes as no surprise to me that such an outstanding person who has done so much for his community and State should be honored in this way. Breck Newman is the epitomy of the citizen in action, unselfishly giving his time, talent, and energies to the cause of community service. It is with great honor that I salute John "Breck" Newman as the 1973 Northern Middlesex Chamber of Commerce Outstanding Citizen.

INSURANCE, NOT PUNISHMENT

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. NELSEN. Mr. Speaker, Mr. Gordon Williams, who is chairman of the Minnesota Health Care Committee, recently brought to my attention an editorial from the Minneapolis Tribune. He felt that the editorial would be worth sharing with my colleagues, and so I ask that it be inserted in the RECORD.

This subject is one that has been bandied about in the Congress for some time now, but I suspect that the 93d will be the Congress to finally address the problem. At present, I am cosponsoring two bills that take somewhat different approaches to the question of Federal assistance in the provision of health care, and I believe it is important that all viewpoints be heard before we proceed.

I am sure, Mr. Speaker, that all of us will want to give considerable thought to how we proceed in each of these areas and the costs theywill incur.

The editorial follows:

INSURANCE, NOT PUNISHMENT

The Health Insurance Institute, in its publication Health Insurance News, reports a trend in the industry that indicates that the term "health insurance" means a lot more than it used to.

Many group health-insurance policies, the institute reports, have been extended to cover treatment of mental illness, alcoholism, drug addiction, births out of wedlock and venereal disease, and to provide for abortions, vasectomies and other operations and procedures.

Many of these things have not previously been covered by insurance companies on the basis that in most cases they were "self-inficted" problems. But at the same time those companies provided benefits in maternity cases, which are hardly less self-inflicted than the other physical conditions.

This broadened coverage represents, presumably, a certain combination of consumer demand and actuarial reality. But it also seems to represent a willingness by insurance companies to accommodate to changes in social attitudes. Mental illness has lost much of its stigma, and alcoholism and drug addiction are increasingly being looked upon as health rather than moral problems. Venereal disease, abortion and illegitimate births may be seen by some as physical manifestations of moral failures, but insurance companies, like doctors, are not selling character reformation but help for people with problems.

We hope that society is moving away from the belief that those who go through physical suffering and financial strain due to their or their dependents' social transgressions are only getting their just punishment.

THE WATERGATE HEARINGS WILL WE GET THE WHOLE TRUTH?

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. HEINZ. Mr. Speaker, I rise to bring to the attention of the House two thoughtful, and it seems to me, complementary recent discussions of the Senate Watergate hearings.

The first, an article by Mr. Walter Pincus entitled "The Unasked Questions" in the June 12 edition of the Washington Post, is critical of the depth and degree to which the Ervin committee has gone in questioning preliminary witnesses like Mrs. Sally Harmony and Mr. Herbert L. Porter, and their failure to call Mr. Robert Reisner as a witness.

Mr. Speaker, it is my personal opinion that the bugging of the Watergate headquarters of the Democratic National Committee was an arrogant, criminal subversion of the American electoral system. Under the supervision of special prosecutor Archibald Cox, those responsible for this incident should be prosecuted to the full extent of the law.

Since it is of paramount importance that we act to assure a thorough, forceful investigation of every aspect of the Watergate incident, including the subsequent cover-up efforts, I believe the Ervin committee should not forgo any opportunity to develop facts and the testimony of witnesses which can be used to set the stage for further questions to be asked of major witnesses.

As Mr. Pincus' article indicates, Mrs. Harmony had information which could possibly have led to the discovery of others, superiors of Gordon Liddy, who had knowledge of the wiretapping prior to June 17. She might have had information on the the cover-up itself, but in both of these areas the committee refrained from questioning her in depth. Mr. Pincus suggests that the committee recall her to ask her more specific questions.

The writer also argues that Mr. Robert Reisner, Magruder's former administrative assistant, would have been a witness competent to testify about "Gemstone" material, intelligence information allegedly given to John Mitchell. Reisner may have been able to describe events within the reelection committee during the first 4 weeks after the break-in.

Similarly, Herbert L. Porter might be questioned on the destruction of records that allegedly took place in the week after the Watergate arrest. The article also suggests that Mr. Porter be questioned in more detail about how he first learned of the Watergate arrests, since this information could be used in questioning principal witnesses during later hearings.

Mr. Pincus provides a valuable service in emphasizing that it is vital, during the first weeks of the committee's hearings, that all the facts of this complicated episode be established. As the hearings progress, important or possibly significant testimony should not be overlooked in the haste with which witnesses are necessarily called.

The text of Mr. Pincus' article follows:

THE UNASKED QUESTIONS

(By Walter Pincus)

Debate over continuing the televised Watergate hearings of Sen. Sam Ervin's investigating committee has focused primarily on two issues: the sessions are dragging with too much detail from secondary figures boring the public; and the extensive publicity given the revelations might prevent successful future prosecutions.

I would like to suggest an altogether different danger posed by the conduct of the first three weeks of public questioning—the committee is not questioning *enough*. Through haste or lack of preparation, it is missing its chance to lay a firm factual base against which the senators will then be able to question the principals from the White House and the Nixon re-election committee. Almost from the first day after the arrests at the Watergate, when campaign manager John Mitchell misled the public on James W. McCord's employment with the campaign, webs of lies have been draped over the affair. The Ervin committee has the chance—and the responsibility—to establish the facts. However, in the hearings to date, aimed at detailing the Watergate break-in, the background and the coverup that followed, the senators and their counsel have missed opportunities to develop facts that will be needed later on to sort out exactly what happened.

One major failure was in the questioning of Mrs. Sally Harmony, secretary to convicted conspirator G. Gordon Liddy. Mrs. Harmony retyped the taped telephone logs along with other intelligence information under the code name "Gemstone." On several occasions Liddy dictated such reports to her, which she took down in her shorthand notebook and later retyped. Once she received a telephone log directly from McCord. After the affair was over and a bill for the "Gemstone" stationery arrived, she asked Deputy Campaign Director Jeb S. Magruder about it and he told her to destroy it. In short Mrs. Harmony had information which would start a trail to others, above Liddy, with regard to pre-June 17 knowledge of wiretapping. She also had to have information on any cover-up, if just in the manner in which *she* was questioned and how she responded. She told the senators that as of June 18, she knew she was involved in something illegal. What happened next?

The committee failed to press Mrs. Harmony in any of these key areas. Liddy was suspect within the re-election committee from the start. Was Mrs. Harmony ever questioned by Nixon committee officials or their lawyers? What did she tell them? She was questioned by the FBI, although after she destroyed her records. What did she tell them? It was brought out that she had appeared before the grand jury, though no senator asked her the dates of those appearances. They were important. For Mrs. Harmony apparently never talked about what she had done for Liddy before the Watergate trial since she never appeared as a witness.

She did testify that in a conversation with Liddy, her former boss told her to tell the truth. Apparently she either did not or never was asked about "Gemstone" and related matters. Why? Perhaps her memory of them did not come back until recently. What happened, who has she talked to in the past months that led to her new, but still somewhat limited, disclosures? The committee ought to get her back to clear up these questions.

In Robert Reisner, Magruder's former administrative assistant, the committee had a cooperative witness with a good memory for facts. Reisner told of putting "Gemstone" material in folders destined for John Mitchell. But he was never asked if he knew whether that material ever came back to Magruder—in short whether Mitchell kept the documents. Reisner also said copies of material sent to Mitchell normally went to H. R. Haldeman at the White House. He never was specifically asked whether copies of "Gemstone" material, known to be sensitive, were also sent to the White House.

Reisner disclosed he was never questioned on his knowledge of "Gemstone" material until March 30, after the Watergate trial was over and McCords' letter to Judge John Sirica raised questions of perjury. At that time, it was an Ervin committee investigator who came to him, not anyone from the Nixon committee or the U.S. Attorney's office. Reisner thus would have been a good witness to describe what happened within the Nixon committee and particularly Magruder's office during the first weeks after the break-in. He was not asked.

Herbert L. Porter, the Nixon committee's director of scheduling who disclosed to the committee last week he perjured himself, will return to testify today. Last week he told how Magruder approached him to lie to the federal investigators "11 or 12 days" after the break-in or around June 28. Porter's story should be reviewed in detail because, as earlier testimony showed, attempts were being made to have Nixon Treasurer Hugh Sloan Jr. change his testimony on the same subject as late as July 13. Porter also should be asked about his statements to the Nixon committee lawyers, the FBI, the federal prosecutors and the grand jury. Particularly, he should be queried on how deep the questioning went on his phony story, in an attempt to see if any or all these investigators were willing to accept it at face value.

Porter also should be questioned on the destruction of records that—although denied—appears to have taken place in the week after the Watergate arrests. Reisner testified he "consolidated" sensitive files and delivered them to Magruder who selected those to be destroyed. Sloan on June 23 finished up his summary of cash disbursements and contributions, gave one copy to Finance Chairman Maurice Stans and destroyed all the backup material. Mrs. Harmony went through Liddy's files on June 28 and destroyed those that had his handwriting on them. What, if anything, was destroyed in Porter's area?

Finally Porter should be questioned in more detail about how he first heard about the Watergate arrests. He briefly described Magruder in California looking for a "secure" phone at 8:30 a.m., June 17, to take a call from Liddy. What happened the rest of that day in Los Angeles where, along with Magruder you had Mitchell and his two assistants, Fred LaRue and Robert Mardian. The next day, according to Porter, Magruder was said to have "spent the whole morning on the telephone with Key Biscayne." That should be developed. The President was in Key Biscayne that day and most certainly questions were being asked and answers given on the Watergate operation. Who did he talk to? Whatever Porter can tell about what went on that day and in the days that followed would be invaluable to any close questioning of the principals in the days to come.

All this is not to say the committee is on the wrong track or off to a particularly bad start. The first days of any investigative hearing are difficult—techniques and styles must be worked out, a pace must be established.

The easy witnesses are coming to an end and a good deal of important information has been needlessly passed over. One solution for this initial problem might be for the senators to divide up specific areas—one concentrate on pursuing what went on the week after the break-in, another going after what each witness did, who he talked to in the period following McCord's letter of March 24. Such a program would have the added effect of eliminating the scattershot questioning that has ensued with each witness after a basic story had been told.

Mr. Speaker, while I sincerely hope the Senate Wategate Committee will improve its efforts to discover all the truth, I believe it is also important to point out that the pursuit of truth requires the establishment of facts, as opposed to hearsay or inuendo that may sometimes have the appearance of factual evidence.

In this connection, I also include the text of Monday's address by Vice President AGNEW to the National Association of Attorneys General. His enumeration of the legal safeguards for the establishment of evidence—or more simply, facts—seems particulary relevant as the Watergate hearings move into a most crucial stage with the imminent appearance of Jeb Magruder and John Dean.

If any casual conduct of the Senate Watergate hearings results in something less than the establishment of the truth and the attainment of a high standard of justice, then the people, in whose name these hearings are pursued, will not have been well served.

Vice President AGNEW's address follows:

ADDRESS BY THE VICE PRESIDENT OF THE UNITED STATES TO THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL, ST. LOUIS, MO., JUNE 11, 1973

The Scripture tells us, "To every thing there is a season." The season of summer, in television, usually brings little but reruns and unknowns in place of regular stars. But this summer it's different. Somewhere on your TV dial, morning, noon, and night for the next several weeks or even months, you will be able to find a gripping drama—the Senate investigation of that web of crimes and controversies that has come to be known as Watergate.

Let me say at the outset that as entertainment these hearings have undeniable audience appeal. And I do not doubt that they are sincerely motivated as to legislative fact-finding and public education. But the point which many people have now begun to question is whether this is the right time for the Senate hearings to be going forward.

One of the Senate's most respected elder statesmen, Sam Ervin of North Carolina, the eminent constitutionalist and civil libertarian who heads the Watergate Committee, was asked not long ago if the hearings might not jeopardize the judicial proceedings—a point that Special Prosecutor Cox himself has now publicly raised.

The Senator answered, and I quote, "It is much more important for the American people to find out the truth about the Watergate case than to send one or two people to jail."

This statement brings us to the heart of the current concern over whether prosecutors and juries or Senators and network TV crews should be in the lead on this Watergate investigation. Let's probe a little further into the implications of the thinking of my esteemed friend, Chairman Ervin.

Getting the truth out into the open, he says, is more important than just jailing people. I could not agree more. Jailing the convicted criminal is only one part of what justice is all about. Justice in its deepest meaning involves the assurance that we live in a society where the individual is truly free; the confidence that we are ruled by a government of laws, not of men; and the demonstrated proof that innocence and guilt alike are rewarded or punished as they deserve.

There can be no justice without public trust, and there can be no trust without a systematic and thorough airing of the whole truth about affairs that concern us all.

I cannot agree, however, with the suggestion that determining the truth and convicting the guilty are two entirely separate processes, one for the Congress to pursue and the other for the courts. The truth itself is what a court relies upon in deciding whether to convict or acquit a defendant. And because human freedom, fortune, reputation, and in some cases life itself hang in the balance with the making of that decision, our judicial system has developed the most careful procedures that exist anywhere in our whole society for testing and verifying, checking and double-checking, the truth about what men did or did not do and why.

Justice Felix Frankfurter once wrote, ". . . the history of liberty has largely been the history of the observance of procedural safeguards."

How very pertinent his observation is to us as the Watergate story unfolds. What is critically lacking, as the Senate Select Committee does its best to ferret out the truth, is a rigorous set of procedural safeguards.

Lacking such safeguards, the Committee, I am sad to say, can hardly hope to find the truth and can hardly fail to muddy the waters of justice beyond redemption.

Some people have argued that rules of evidence and guarantees of due process don't matter so much in the Ervin hearings because nobody is really on trial up there. The mission of the hearings, this argument runs, is purely one of information gathering. But Chairman Ervin himself has suggested otherwise. "My colleagues and I are determined," he said on the day the hearings began, "to uncover all the relevant facts . . . and to spare no one, whatever his station in life may be."

To me, ladies and gentlemen, that phrase "spare no one" sounds very much like an adversary process, a trial situation. There is no escaping the fact that the hearings have a Perry Masonish impact. The indefatigable camera will paint both heroes and villains in lurid and indelible colors before the public's very eyes in the course of these proceedings. This is essentially what is known in politics as a "beauty contest" and the attractiveness and presence of the participants may be more important than the content of the testimony. Particularly disturbing are the compliments to some witnesses and the stony silence accorded others at the close of their testimony.

There is no question whatever that some men despite their innocence will be ruined by all this, even though I am sure that the Senate intended nothing of the kind when it commissioned this investigation.

That is why it ought to concern all of us that in at least seven basic ways, the orderly procedures by which facts are elicited and verified in a court of law are lacking each morning when Senator Ervin's gavel comes down and the Senate's trial of the Nixon Administration before the court of public opinion resumes. These departures from the rules of fair play—rules fundamental in Anglo-American jurisprudence—occur not by the malice of any individual or the design of any faction, but simply by the nature of a legislative hearing as compared to a courtroom proceeding. But they are no less troubling to fairminded observers for that reason.

Let's examine these seven missing safeguards:

1. *In the Senate hearing, there is no absolute right of cross examination afforded the persons accused or named by a witness.*

Thus there is no opportunity to test the accuracy and veracity of a hostile witness. The right of cross examination is a basic right in a judicial trial. This right is particularly important when a witness himself stands accused or already convicted and hence has a motive to implicate others to mitigate his own offense or to exonerate himself. To get at the truth, it is vitally important that each individual not only have an opportunity to present his own version of the facts, but that he also submit to vigorous cross examination by those opposite him in the adversary proceedings.

2. *In the Senate hearing, the right of persons accused or named in testimony before the Committee to be represented by counsel is severely abridged.*

The defendant's right to rerpesentation by counsel in a criminal trial is guaranteed by the Constitution itself. At the Senate hearings, in contrast, witnesses may have counsel at their side for advice only; their lawyers can take no active part in the colloquy among Committee, staff and witnesses.

3. *In the Senate hearing, there is no firm guarantee of an opportunity for persons accused or named by a witness to rebut that testimony by calling other witnesses or introducing other evidence; there is not even a formal assurance that the accused person himself will have a chance to testify.*

The right to rebut testimony is fundamental to a fair trial, and yet is being observed in only the most casual way in the Watergate hearings. James McCord, for instance, made a number of charges against his former attorney, Gerald Alch. Mr. Alch had not been scheduled as a witness, and it is unclear whether the Committee ever would have called him had he not happened to be immediately available and demanded a chance to speak. Thus we might never have heard Mr. Alch contradict Mr. McCord—and the public might never have known that James McCord has possibly perjured himself before the Committee.

4. *In the Senate hearings, there is no guarantee of an opportunity for persons accused or named by a witness to introduce evidence which tends to impeach the accuser's credibility by establishing bias or interest on the part of the person making the accusation.*

Such an opportunity is available in every judicial trial and should also be guaranteed in the Watergate hearings, especially when we are dealing with people whose jail sentences may depend in large measure on what they tell the Committee.

5. *In the Senate hearing, unlike a trial, the witness is permitted to introduce hearsay evidence.*

Even though the Chairman has in good faith repeatedly emphasized that hearsay testimony is not receivable as truth, it is difficult for tens of millions of viewers to disregard what they have just heard.

As Justice Jackson said in an opinion on the 1949 case of *Krulewitch v. U.S.*, "The naive assumption that prejudicial effects can be overcome by instructions to the jury . . .

all practicing lawyers know to be unmitigated fiction . . ."

In the Watergate hearings, the witness is not only permitted to give hearsay but positively encouraged to do so. When a witness testifies to what some third party told him, he frequently is then asked to elaborate on details of the hearsay statement and pressed to say whether his informant mentioned still other persons. The effect of such lines of questioning is to strengthen the public's erroneous impression that the rumor and hearsay can be considered as reliable evidence.

6. *In the Watergate hearings, the witness is permitted to testify as to his inferences, his impressions, even his speculations.*

In a judicial trial, such so-called opinion testimony is totally inadmissible as evidence. Guilt or innocence, truth or falsehood, are determined in a court by facts, not guesswork.

In contrast, who can forget the May 23rd dialogue between Senator Montoya and witness John Caulfield on the alleged offer of Executive clemency to James McCord:

Q. "Now, you mentioned that Mr. Dean had instructed you to say that it comes from way up at the top."

A. "Yes, sir."

Q. "What did you conceive that to be at the time?"

A. "Well, sir, in my mind I believed that he was talking about the President."

Later in the same appearance, Mr. Caulfield said that he had never had any conversations with the President with regard to Executive clemency and that Mr. Dean had never specifically said the alleged offer came from the President.

Thus we were left only with Mr. Caulfield's personal opinion—an opinion that would never have been permitted in a court of law because its truth can't be tested.

The stark differences between the Watergate hearings and our basic concepts of justice came screaming out that night when the Washington Star's banner headline announced "Felt Nixon Knew, Caulfield Says."

The next day, The New York Times carried a similar banner on an inside page "Caulfield Asserts He Believes President Authorized Clemency Offer to McCord."

By any standard, this kind of thing can only be termed a gross perversion of justice.

7. *The last among the missing procedural safeguards is the prohibition against cameras.*

The reason that cameras are banned from most judicial trials is that they introduce an emotional and dramatic factor which gets in the way of a deliberate, dispassionate pursuit of truth. The court can too easily become a theater.

In a judicial trial, the public are only spectators. In the Watergate hearings, however, the American people have been cast as the ultimate jury by Senator Ervin and his colleagues; and television for better or worse thus becomes an indispensable vehicle for interjecting the people into the process of judgment. Moreover, the audible sighs, snickers or groans of the people in the hearing room are dramatically relayed to the millions of TV viewers, thus potentially affecting the way they receive the information.

Television's incandescent presence in the hearing room has additional damaging effects. It tends to complicate the search for truth by making both witnesses and Committee players on a spotlighted national stage, and it tends to impede the search for justice by creating a swelling flood of prejudicial publicity that could make it virtually impossible to select an impartial jury when and if new indictments are returned in the Watergate case.

Thus even if the Senate hearings succeed in reliably establishing the guilt of some individuals in the Watergate case, they will probably do so at the expense of ultimate conviction of those persons in court. And this is bound to leave the American people with an ugly resentment at the spectacle of wrongdoers going scotfree.

For those who have done no wrong—and experience would lead us to assume that they far outnumber any who have—the prospect of justice is bleaker still. Irreparable harm may well be done to the good name of the innocent by accusations leveled in televised hearings and never conclusively refuted in a court of law, the only institution in our system whose exoneration of an accused person is definitive and final.

In listing these seven deficiencies in the procedures of the Senate Watergate hearings, I do not mean to imply that the Ervin committee is proceeding in a haphazard or disorderly fashion. Far from it. They have a carefully drawn and published set of rules to guide their investigation. Even where those rules may seem to approximate judicial fairness, however, a closer reading reveals that they are not ironclad guarantees of due process after all for their application is left to the committee's discretion.

It is easy to understand the urgency which many attach to seeing the Ervin hearings go forward, since the judicial process was at first stalemated by the silence of many key figures, and then later shadowed by the lingering concern that the Administration was essentially investigating itself, without an independent figure leading the prosecution.

But now those conditions no longer prevail. One major witness after another is coming forward to tell what he knows, and a Special Prosecutor of impeccable integrity has taken command.

There is no denying that a judicial trial sometimes falls well short of airing all the circumstances and ramifications surrounding a crime or controversy, particularly when guilty pleas are entered as they were in the first Watergate trial last January. The courts can't do it all. What a court can do, however, with far greater precision and fairness than any legislative committee, is to establish the central facts of individual culpability—the task that now stands first on the Nation's Watergate agenda.

Instead, one is now left with the feeling that hearings which began on the premise that it is more important to bring out the truth than to jail people may wind up blocking the imprisonment of some who are guilty, smearing the reputation of many who are innocent, and leaving the truth itself very much in doubt.

Many have therefore suggested that it would be helpful if this unavoidably loose process—so harmful to so many and potentially so injurious to our country in ways even reaching far beyond our shores—could at least be deferred until the Special Prosecutor has a chance to develop his case, as Mr. Cox himself has urged.

In all likelihood, however, the hearings will proceed despite the reservations I have voiced. The Senate has every right to exercise its constitutional prerogatives, and appears intent on doing so. On that presumption, there are several points I hope the Nation will bear in mind over the weeks to come.

First, let's all understand that a great deal of what we see and hear in these hearings would be indignantly ruled out of any court of law in the United States.

Second, let's be conscious as we watch and listen that probably a considerable number of very fine people, entirely innocent of any wrongdoing whatever, could come out of this un-judicial proceeding tragically besmirched, terribly humiliated, and irretrievably injured—and therefore let us strive to suspend our judgments until all the facts are in; and let us remember the ancient injunction that every man among us is deemed innocent until proven guilty beyond reasonable doubt.

Third, I would hope that my good friends and old sparring mates in the Nation's press will consider that circumstances have changed dramatically in the last several months. From a situation where the news media—to their great credit—were one of the principal forces pushing for full disclosure, we have now moved into a situation where excessive haste to print the spectacular may actually frustrate the processes of truth and justice.

The journalism profession never tires of telling us that it is a public service institution, not merely a profit-making enterprise. The weeks and months ahead will put that contention to an acid test by challenging reporters and editors to think twice about those sensational leaked-source stories that might boost circulation but which could also malign the innocent and help to acquit the guilty.

Finally, let everyone understand that as I have here extolled the virtues of our court system, I no less subscribe to the immense value of the Congressional investigative process—a process which I regard as one of the essential pillars of sound government in our system. What I have said here is not directed in anyway to the weakening of that essential feature of the legislaitve process. Nor is it meant to impugn in the slightest the sincerity or objectivity of any member of the investigating committee, for each of whom I have only the highest respect.

I have simply endeavored to express my earnest personal belief that in this particular circumstance, as the court proceedings struggle toward justice and as the Senate hearings reach in their way todard truth, it does appear that the latter can hardly fail to injure the former—and I feel that every American citizen should understand that.

Justice Banjamin Cardozo, one of the great American jurists of this century, left us a wise reminder when he wrote, "Justice is not to be taken by storm. She is to be wooed by slow advances."

The storm of public indignation aroused by this sordid Watergate affair is an understandable reaction, and a healthy one. But the raw and undisciplined forces of such a storm cannot by themselves achieve justice, as Cardozo warned. Those forces must be harnessed by the instincts of fair play that are so basic to our society, and they must be channeled through the established institutions best equipped for the difficult dual task of protecting the rights of the individual and enforcing the law of the land.

This will not be the shortest or easiest way for America to untangle the tragedy of Watergate and repair the damage done—but beyond a doubt it is the safest wisest way. I ask all of you, as dedicated servants of the rule of law, to join with me in working for this goal.

FEDERAL ELECTIONS COMMISSION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FRENZEL. Mr. Speaker, yesterday I introduced H.R. 8589, a bill which would create a Federal Elections Commission. The bill is the exact duplicate of S. 1094 authored by the distinguished Minority Leader in the Senate (Mr. Scott).

In this form, the Federal Elections Commission is given very strong powers. The FEC may initiate, prosecute, defend, and appeal any court action. In other respects, it is not unusual, calling for six members, of which no more than three can be from the same party, appointed by the President upon advice and consent of the Senate and serving 6-year staggered terms. Like most FEC suggestions, this one grants subpoena power.

The principal difference between this suggestion and others lies in the strong prosecution powers. The case has been well made by representatives of the GAO and others that the Justice Department is not always completely free to prosecute in election situations. The granting of prosecution powers to the Federal Elections Commission is, in my judgment, about the only way to restore the confidence of the American people that we are serious about our election laws. Prosecution powers need only be a backup, but they must be available.

Of all the Watergate lessons, to me one of the most important centers on swift, impartial enforcement of election laws. Of the numerous suggestions, many of which are meritorious, for improving our election laws, I think the record will show that prosecution and enforcement is most needed.

RESOLUTION IN OPPOSITION TO A GRANT OF AMNESTY

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. MIZELL. Mr. Speaker, the General Assembly of North Carolina has passed a strong joint resolution in opposition to a grant of amnesty to those who illegally avoided induction into the U.S. armed services or who deserted.

I hold a similar strong opposition to the granting of amnesty, as do a large number of my colleagues, and I believe they will be interested in the resolution passed by the North Carolina Legislature.

The resolution follows:

RESOLUTION 32—HOUSE JOINT RESOLUTION 385

A joint resolution in opposition to a grant of amnesty to those who illegally avoided induction into the United States Armed Services or who deserted

Whereas, there has been much discussion of a grant of amnesty or freedom from prosecution to those who through desertion and otherwise willfully failed to fulfill their military obligations to the United States; and

Whereas, any such wholesale grant of amnesty to those who illegally avoided service in the United States Armed Forces or deserted therefrom would make a mockery of the sacrifices of the millions of Americans who did their duty, assumed their responsibilities in time of conflict, and suffered or died in time of conflict; and

Whereas, cases involving desertion or illegal flight to avoid induction into the Armed Forces may presently be tried in the courts of this country where each particular case may be heard on its merits and be dealt with appropriately and based upon the facts of the particular case; Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. The General Assembly of North Carolina expresses its strong opposition to the grant of amnesty or freedom from prosecution to those who have in our recent time of conflict either illegally avoided induction into the United States Armed Forces or who have deserted therefrom.

SEC. 2. The Secretary of State is hereby directed to prepare and deliver certified copies of this resolution to the President of the United States and to all Congressmen and the Governor and United States Senators of the State of North Carolina.

SEC. 3. This resolution shall become effective upon its ratification.

WHY AMERICANS DO NOT ADOPT MORE WAR ORPHANS

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mrs. MINK. Mr. Speaker, in recent weeks there have been several articles in national magazines discussing the plight of war orphans, particularly Vietnamese war orphans. In the June 10 issue of Parade magazine, an article entitled "Why Americans Don't Adopt More War Orphans" details the attempts of families to adopt war-orphaned children from Vietnam.

These families attest to the frustration and long periods of waiting that mark the current adoption procedures. It was as one mother said:

> One step forward and ten steps back.

These families were, at least, able to adopt these children. Many, many American families have not been so fortunate.

The Parade article points out that fewer than 600 orphaned Vietnamese children have been adopted by American families. Six hundred children is an extraordinarily small number when contrasted with the thousands of Vietnamese war orphans. The estimates of children fathered by American servicemen and often abandoned by their Vietnamese mothers runs as high as 200,000.

The situation is compounded by despair and tragedy. American families longing to adopt these children have seen their hopes become mired in endless paperwork and inexplicable delays while the children themselves are struggling to stay alive.

Congress is in a position to alleviate a great deal of human suffering both here and among innocent young war victims in Vietnam. I have introduced legislation, H.R. 3159, which would facilitate the adoption of war orphans of Vietnamese-American parentage by issuing special immigrant visas. These special immigrant visas would permit these Vietnamese-American orphans to enter the United States while awaiting adoption. The visas would facilitate adoption and safeguard the health of these children who are terribly vulnerable to the ravages of disease, discrimination, and inadequate care.

I urge the Members to read the following story of three families who have given loving homes to sick and war-shocked children. There is no need for these to be isolated cases.

The article follows:

WHY AMERICANS DON'T ADOPT MORE WAR ORPHANS

Eighteen months ago the future for little Lisa Ryan was grim. She was a war waif in South Vietnam, a hungry, dazed infant with no parents or relatives to look after her. The orphanage she had been sent to was, at best, inadequate. But today she's a happy, healthy 3-year-old American girl living in Saugerties, N.Y., the adopted daughter of Chris and Joe Ryan.

Chad Johnston, a 9-month-old boy, is similarly fortunate. He was born in Bangladesh in the wake of the war between that country and West Pakistan. He, too, has been adopted—by Daniel and Barbara Johnston who live in the small farming community of Topeka, Ind.

Sadly, Lisa and Chad are exceptional cases. Despite a widespread belief that many Asian war orphans are available for adoption by American families, only a relative few have reached the United States. The reasons are many, but the hard facts are that of the thousands of South Vietnamese children made homeless in 12 years of war, fewer than 600 have been adopted by American parents. And only 11 children from Bangladesh have found homes in the United States. Governmental restrictions—especially in South Vietnam—red tape, agonizing delays, all these things stand in the way of American families who wish to adopt.

Yet for those who have had the tenacity and good fortune to be able to adopt an Asian orphan, the rewards are beyond price—happiness for the child and the adoptive parents alike.

The Ryans, for example, have two sons of their own, Michael and Ricky. But watching television accounts of Vietnam gave Chris Ryan an overwhelming sense of sympathy and responsibility. "I saw such sad little faces," she says. "My heart just went out to them."

Lisa arrived from Vietnam with an ear infection and her muscles weakened from lack of protein. But she's perfectly healthy now, Chris reports, and has a passion for peanut butter and jelly sandwiches.

HAPPY EXPERIENCE

The Ryans' experience with Lisa was such a happy one that the family adopted another Vietnamese orphan, 1-year-old Kim.

"We're bringing up our kids as four normal equal children," says Joe Ryan, who is an IBM engineer. "The girls aren't unique—they just happen to have been born in Vietnam."

"We're learning as much as we can about their country," adds his wife. "We want to be able to tell the girls about Vietnam when they're older. Maybe one day the whole family can take a trip there."

Other families who have adopted Vietnamese are equally pleased. Michael and Fran Suhay of Hawthorne, N.Y., have adopted two boys, Peter, now 3½, and Michael, 2.

"Both were undersized and they had tremendous bellies, from malnutrition," Suhay recalls. But both have become strong and sturdy on their new diets. Still, curious reminders of their war-stained past keep cropping up. "The day after they arrived," Mrs. Suhay recalls, "Mike dropped a piece of bread from his high chair. Peter raced to scoop it up." Michael, who is younger, seems to remember less than Peter, who still flinches at loud noises.

Although their adopted child comes from Bangladesh, the Johnston family of Topeka shares the kind of happiness felt by the Ryans and the Suhays. "When we went to the airport to pick up Chad," Daniel Johnston recalls, "I was as thrilled and excited as I was when I went to the hospital to see my newborn daughters."

The Johnstons have two daughters of their own, aged 4½ and 2, but they had wanted a boy as well and had long talked of adopting one. "I don't believe that you have to conceive and bear a child to love him," says Barbara Johnston, "especially when there are so many children in the world without homes."

ANY ONE WILL DO

Early in 1972 the Johnstons started the adoption proceedings by appearing before the county welfare board. The social worker there asked whether they would consider adopting a Mexican, American Indian or Korean child. "I said, 'Fine, I'll take any of them'." Mrs. Johnston recalls.

After that the family was put in touch with the Holt Adoption Program, Inc., which is located in Eugene, Oreg. The Johnstons were under the assumption that they were being considered to adopt a Korean child. They filled out an application, and a long period of investigation began. County social workers made several visits to survey their home and family situation. There were endless questions—some of them pointed. Mrs. Johnston remembers on quite clearly: "How would you react if one of your girls came home from school and told you that their little brother had been called a 'Chink'?"

Apparently, the response was satisfactory, because sometime later the Johnstons' application was approved. Then came a surprise: Would they be willing to accept an infant from Bangladesh, rather than Korea?

"We did have some qualms," admits Johnston, "not about nationality, but about color." Rural Indiana is still virtually all-white, and Johnston was worried about what reaction people would have to a dark-skinned adopted child. But the Johnstons put their worries aside and said they'd be delighted to accept their new Bangladesh son.

"Actually, people have stared and whispered a few times," says Johnston. "We see people looking at Chad and then at his sisters when we walk by. I can understand their shock. But we accept such things in stride."

Despite those first stares, the neighbors have quickly accepted Chad as one of the "Johnston kids," along with his sisters Kelly Jo and Erin Michele. And last Easter Sunday, Chad Daniel Johnston was baptized at the local United Methodist Chuch.

While many other American parents or childless couples would like to experience the happiness that adoption can bring, the availability of Asian war waifs is severely limited.

NO MORE ORPHANS

In Bangladesh, for example, there are simply no more orphans available. The Holt program has withdrawn its team from Dacca, the capital city, after placing 11 orphans in American homes. Some authorities theorize that early reports of thousands of abandoned babies—resulting from the rapes of Bengali women by Pakistani soldiers—were somewhat in error. Other experts believe that many such women had abortions, or killed their babies after birth. And in many cases the mothers refused to give their children up for adoption, or preferred that they be placed with local families.

The situation in Vietnam is drastically different. There, countless children are homeless and undernourished. Nearly 25,000 crowd the country's understaffed orphanages, where care is often minimal. Thousands of others shift for themselves in the city streets. It is not known how many children were fathered by American GI's, but some estimates run as high as 200,000.

Yet adoptions of these children are also severely limited. The Saigon Government has placed strict rules and complicated procedures on adoptions. Chris Ryan recalls that she was virtually ready to give up in despair before she was allowed to adopt Lisa. "Everywhere we turned," she says, "we took one step forward and 10 steps back."

The Travelers Aid-International Social Service of America, a group that has kept close watch on the situation, says that part of the trouble comes from the fact that more than half of the children living in orphanages aren't technically orphans, since at least one parent is living. Also, the group says, the Vietnamese "extended family tradition" keeps many children from being put up for adoption. Grandparents and other relatives will frequently take the child.

HOW TO HELP

Maureen O'Brien, public relations director of the group, says that parents who are anxious to adopt Asian waifs may have much better luck adopting a Korean child. Nearly 20 years after the cease-fire, that country still has a high rate of child abandonment, and last year some 1600 Korean children were adopted by American parents.

Miss O'Brien and other authorities agree that any real improvement in the plight of Vietnam's children will have to take place within that war-torn country. Currently less than one percent of the government's budget goes to child welfare, making outside help essential to relieve starvation and other distress. And many experts believe that the U.S. Government itself has a special responsibility to the countless Vietnamese children for whom the war has not yet ended.

POW HONORED

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ST GERMAIN. Mr. Speaker, at a Memorial Day dinner the people of Woonsocket, R.I., honored Marine Sgt. Dennis A. Tellier, former prisoner of war.

It was a happy occasion and an opportunity for the citizens of our community to pay tribute to a man that we are proud of and regard as an inspiration.

I would like to include here for the benefit of my colleagues the text of the keynote speech of the evening delivered by Brig. Gen. Edwin H. Simmons, USMC. It is a straight-forward talk about the Vietnam war—an unvarnished account that faces the grim costs in American lives and heartbreak. It does not justify the war or argue its merits, but it does defend and honor those Americans who fought in Vietnam.

There are no high-sounding flights of traditional Memorial Day rhetoric. It is a sober, honest, and plain talk that ends on a note of hope. It put into words my own thoughts and, I believe, the thoughts of most Americans.

I am also including an article from the Woonsocket Call by Leonard Edgerly which gives an account of the evening:

MEMORIAL DAY REMARKS

(By Brig. Gen. Edwin H. Simmons, USMC)

Distinguished guests; ladies and gentlemen, I am honored to have been asked to participate with you in this Memorial Day observance.

Memorial Day is, I think, perhaps our most solemn national holiday.

It is a time for remembrance and reflection.

This year Memorial Day has a special significance.

Our troops have been withdrawn from South Vietnam.

Combat, for American ground forces, has ended.

Our prisoners-of-war have been returned.

Still, the war in Indo China, despite the cease-fires and the peace negotiations, is obviously not over.

American air power continues to be used in Laos and Cambodia.

So we cannot yet say that we are completely out of the war.

It has been the longest, and in many ways the most difficult, war in our history.

The advisory phase began in 1954.

Combat involving American ground forces began in 1965.

That was over eight years ago.

It has been a controversial war.

The purposes have seemed vague.

The costs have been enormous.

And they are costs that cannot be measured simply in terms of men and treasure.

We must also include in the reckoning what the war has cost the United States in terms of what it has done to our people and to our institutions.

Yes, I think we would all agree that it has been a costly and controversial war.

Opinion—both world opinion and opinion here at home—has been widely divided, not only on the merits of the war, but also on the manner in which it was fought.

Through the years that the war went on these opinions hardened.

They entered like wedges into our society, splitting us apart.

I am not going to argue the merits of the war.

I am not going to try to justify the conduct of the war.

I will, however, defend and honor those who fought this war; just as I will defend and honor those who fought this nation's wars of the past.

We know of men who have found this war so hateful that they deserted their country's service and went to Canada or Sweden or elsewhere.

I suppose there were many individual reasons or rationalizations for these desertions and evasions.

For some, perhaps, it was an honest act of conscience.

For others, I suspect it was, if not an act of cowardice, at least an act of self-interest and self-protection.

But I don't know these men nor do I pretend to understand fully their motives.

The men I know are the millions of young Americans—soldiers, sailors, airmen, Marines—who served their country honorably and well.

As of a few days ago, American losses in the Vietnam War stood at:

38,454 dead from hostile causes.

153,312 wounded and hospitalized.

Another 150,341 wounded but hospital care not required.

1,121 missing in action.

649 returned prisoners of war.

In terms of casualties it has been for the United States:

A war almost twice the size of the Korean War.

A war, in fact, almost as large as World War I.

But I don't think that I have to read lists of statistics to convince this audience that wars cost lives and cause heartbreak.

You know this.

You have chosen to honor tonight one of the casualties of the Indo China war, a young Marine, Sergeant Dennis Tellier, who was taken prisoner, who suffered greatly, and who now, happily, has returned.

It happens that Sergeant Tellier is a Marine.

He could just as well have been an airman, a soldier, or sailor.

I am sure that in honoring him you also

are honoring, and have in your thoughts, all of those other young Americans who were casualties of the war—the dead, the missing in action, the wounded, the maimed, and the mutilated.

And I am equally sure that in the back of your minds there is the question: Was it worth it?

Was it worth all this pain and suffering?

I don't know.

That's the answer I must give.

I don't know.

I do know, however, that I am not ready to accept the charge that there is something basically wrong with America, that our government and our society are intrinsically evil.

I am willing to accept that nations make mistakes just as people make mistakes.

And I will agree that there are real and pressing problems facing us: political corruption, crime, drug abuse, racial conflict, inflation, the decay of our cities, pockets of poverty. The list goes on.

But I think we will find solutions to these problems.

The United States has survived and prospered for almost 200 years.

I think we will continue to survive and prosper.

But to do so requires a re-dedication to the fundamental principles and institutions that form the foundations of our great republic.

These principles and institutions have served us well.

I happen to believe, and I hope you agree, that this country of ours, this American way of life, is worth preserving, and is worth fighting for.

Ex-POW Tellier Honored as Memorial Day Symbol

(By Leonard S. Edgerly)

Marine Sgt. Dennis A. Tellier, Woonsocket's former Vietnam prisoner of war, was honored last night as an individual and as a Memorial Day symbol.

The occasion was a banquet in Brother Adelard Arena, where about 800 persons heard federal, state and local dignitaries take note of Sgt. Tellier's nearly four years of captivity in Vietnam.

Bishop Louis E. Gelineau, who soon left to administer confirmation in St. Joseph's Church, set the tone for the evening in his invocation.

"We thank Sgt. Tellier and all whom he represents," the bishop said.

The 23-year-old Marine sergeant acknowledged each plaudit with a shy grin as he sat at the head table with his parents, Mr. and Mrs. Aram J. Tellier of 301 Elm St., and his sister, Mrs. Dennis Ross.

Among the 70 dignitaries at the two-tier head table—the largest ever served in Rhode Island by the Central Falls caterers—were Congressman and Mrs. Fernand J. St Germain, Gov. and Mrs. Philip W. Noel, Mayor and Mrs. John A. Cummings and Brig. Gen. Edwin H. Simmons, director of historical programs for the Marine Corps.

Behind the head table was draped a huge American flag measuring 40 feet by 20 feet, obtained from the Quonset Naval Base by Congressman St Germain.

The banquet followed by three days Sgt. Tellier's trip to the White House for a POW reception by President Nixon.

"I thanked him very much for bringing me home," Tellier said last night of his brief talk with the president. "But he didn't want to take credit for it."

"You got yourself home," Nixon told the Woonsocket resident.

Tellier who did not make a speech at the banquet, appeared to greatly enjoy the testimonial: "It's wonderful, really," he said.

He was given a 35-second standing ovation upon his introduction by Dave Russell, general manager of Radio Station WWON, who served as master of ceremonies.

Congressman St Germain in his remarks thanked John R. Dionne, general chairman, for organizing the banquet, saying that Dionne "heads up everything that's a success in the Woonsocket area."

St Germain continued by calling Tellier one of the greatest citizens Woonsocket has ever had.

"He went through a great deal, and yet he came home humble and shy," the congressman said. "In his humble and shy way, he inspires all of us."

"The United States of America, the state of Rhode Island and each and every citizen of the city of Woonsocket are not only proud but we are inspired by the example you have set for us, and we are grateful for what you have done for our country," St Germain told the former POW.

Governor Noel presented Tellier with an official citation.

"We are honoring a man who symbolizes the great American tradition of loyalty and service to our country that our men and women have established and maintained over the years," Noel declared.

"Through him we are able to honor all our servicemen and women living and dead for their great service and devotion," he added.

The governor also presented Tellier with a "Pride Pin," an innovation by Project Rhode Island and the Rhode Island Chamber of Commerce.

"We're proud of you, and we know you're proud of Rhode Island," Noel said as he gave the pin to Tellier.

Mayor Cummings in his speech said, "I think Dennis, not knowing it, has become a symbol of the aspirations of this country."

And he pointed out the other sacrifices that have been made by American servicemen.

"It's fitting to pause and remember the men of Vietnam and the men of other wars, the men that lay in Veterans Administration hospitals in this country . . . so we can have this salute," the mayor told the gathering.

General Simmons, the keynote speaker, noted that "Still the war in Indochina . . . is obviously not over. American air power continues to be used in Laos and Cambodia."

His voice echoed through the silent arena as he listed the grim statistics of the war: 38,454 killed in action, 300,653 wounded, 1,121 still missing in action and 649 returned POWs.

"Was it worth it? Was it worth all this pain and suffering?" he asked, only to add the following reply:

"I don't know—that's the answer I must give."

The general said he is willing to accept the concept that nations, like individuals, make mistakes, and he said there are many problems facing America, including political corruption, drugs, crime and poverty.

He called for a "rededication to the fundamental principles and institutions that form the foundation of our great republic."

But in spite of the doubts he betrayed concerning the Vietnam conflict, General Simmons concluded on a positive note.

"This country, this American way of life of ours, is worth preserving—yes—is worth fighting for," he declared.

Army M. Sgt. Donat J. Gouin of Central Falls, a former POW who met Tellier during imprisonment, attended the banquet and received a standing ovation.

During the sustained applause, the two men exchanged comradely waves across the room.

Several special awards were presented to Tellier after the speaking program, including a plaque from the United Veterans Council.

Louis A. Lamontagne, president of the council, gave Tellier the plaque on behalf of the city's 11 veterans' organizations represented by the council.

Lamontagne announced that Tellier is to become a member of Harnois-Barnabe-Arel Post, Amvets.

Peter Lizotte of 53 Champlain St., Blackstone, gave Tellier a package of about 12 POW bracelets bearing Tellier's name. Lizotte had collected the bracelets from persons who had worn them during Tellier's imprisonment.

Mick Edwards of radio station WNRI presented the former POW with a copy of the record "Tie a Yellow Ribbon 'Round the Old Oak Tree."

The record, which tells the story of a prisoner returning home, led Edwards to start a welcome-home tribute of yellow ribbons throughout the Woonsocket area for Tellier.

He said he had called Tony Orlando, who made the record, for an appearance at the banquet, but Orlando's group, Dawn, had a prior commitment.

State Sen. Paul A. Fontaine, D-Dist. 32, gave the former POW a copy of a Senate resolution congratulating Tellier for "his fine patriotic posture and meritorious behavior during his long and arduous confinement as a prisoner of war."

Arthur F. Lajoie presented Mrs. Tellier with flowers on behalf of the Military Order of the Purple Heart.

Dionne surprised Tellier with a framed color portrait photograph of the sergeant taken several weeks ago in what had been described as a session for the program picture.

Measuring 30 by 36 inches, the portrait shows Tellier standing in a study in dress uniform.

After a benediction by the Rev. Henry J. Robitaille, pastor of St. Ann's Church, Sonny Dionne and his group struck up the "Yellow Ribbon" song, and dancing began. Wayne Ise from Warwick provided vocal arrangements.

As Tellier greeted fellow residents in a receiving line, Congressman St Germain commented that "It's not the usual banquet crowd."

"These are really the people of Woonsocket, who are proud of him," St Germain declared.

And M. Sgt. Gouin provided an out-of-towner's outlook on the festivities.

"It was really a beautiful night for Dennis" he said.

ENERGY CRISIS

HON. CLEM ROGERS McSPADDEN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. McSPADDEN. Mr. Speaker, with all due respect, I must strongly decry the administration's proposal to hike the tax on gasoline as a means of helping ease the fuel shortage.

This is a foolish and shortsighted suggestion. A 3-, 5-, or 10-cent tax per gallon of gas would not ease the shortage of fuel one jigger. Furthermore, it would hurt those least able to pay for it, the workingman who has got to get to work each and every day to keep the Nation's productivity going.

A raise in the gasoline tax would further add to the spiral of rising prices and soaring inflation. Americans are a mobile people; they are going to travel and they are going to travel mostly by automobile. They have got to travel in these days.

We simply must face the facts: We are in an energy crisis and it is going to be with us for 10 or 15 years before we can solve the problem. We have got to go forward with a crash program of developing our known oil reserves and exploring for new ones. The Alaskan pipeline must be built. The oil has been there for 5 years and not a drop delivered. New refineries must be built that are compatible with the environmentalists' suggestions, but we must realize the needs of the people of America must take precedence over concern for purple martins. Thank you, Mr. Chairman.

THE BRAVE MEN OF SKYLAB

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. FUQUA. Mr. Speaker, circling above the earth, a drama is being enacted by three brave men—the men of Skylab.

A mission which we once thought we might have to cancel because of mishaps during launch can now be carried to a successful fruition because of our astronauts and the dedicated crew making up our space effort. All of them are due our appreciation.

When the heat shield was ripped away from the Skylab and the solar power wing that was not ripped away became jammed, men flying in space improvised and in a dramatic sky walk made the necessary repairs.

It goes to show once again how important manned space flights can be. If this had been purely a mechanical flight, all would have been lost.

Much is going to be learned about our universe from the Skylab program. It is a new and exciting adventure, one which could well prove more productive scientifically than the flights to the Moon.

But whatever success we may eventually attain, we will always have a very special debt of gratitude to three brave men—Charles Conrad, Joseph Kerwin, and Paul Weitz—along with that magnificent crew of men and women supporting their activities on the ground.

I would like to have reprinted here editorials from the Chicago Tribune and the Philadelphia Inquirer noting their accomplishments. The editorials are as follows:

[From the Chicago Tribune, June 11, 1973]

THE BRAVE MEN OF SKYLAB

They behaved with such matter-of-fact competence, tinged with homely humor and flashes of exasperation when things refused to go right, that one almost overlooked the fact that this was an act of incredible sustained bravery.

Two astronauts worked for nearly four hours outside the protecting shield of their space station, struggling—with eventual success—to right the wrongs that were keeping their craft from functioning well. In doing so, they placed their lives in jeopardy each fraction of a second they spent "outside" in space. Life inside a spacecraft can be perilous enough.

Capt. Charles Conrad, Jr. and Comdr. Joseph P. Kerwin are typical of our surprising new breed of spacemen who repeatedly lay their lives on the line and do so with a seeming casualness which awes us groundlings.

The present Skylab mission has called for courage in its fullest measure. For one thing, its expected long duration may have unpredictable effects on the physical chemistry of the three men on the expedition. For another, a series of mechanical failures has made special demands on the men's ingenuity.

Astronauts Conrad and Kerwin proved themselves handymen, master grade, when they assembled a long pole, attached a cutting device to the end of it, and managed with difficulty to snip an aluminum strap. This permitted a stuck solar-power wing to extend itself into working position. Solar energy will now be converted into electricity to give the Skylab more abundant power. Their patience, courage, and American genius for making things work have greatly improved the chances of success for their mission.

The thought of their undergoing such major danger so far from home was a poignant one, and we rejoice that they passed thru a time of peril without mishap and with triumph.

[From the Philadelphia Inquirer, June 9, 1973]

SKYLAB HANDYMEN DO IT AGAIN

In space, as on earth, perfection is an elusive goal. And up there, as down here, it's when things go wrong that man is put to his sternest test.

The Skylab astronauts—Charles Conrad, Joseph Kerwin and Paul Weitz—have met that test superbly time and again. For the second time in as many weeks they have undertaken successfully a complex repair assignment, improvising as they worked and using makeshift tools.

Their latest exploit required great courage and stamina as well as cool heads and steady hands. A solar panel outside the Skylab had to be unjammed to eliminate severe loss of power and save the mission. The only way to get to the malfunctioning part was to climb out of the spacecraft.

Astronauts Conrad and Kerwin did just that—working four hours under difficult and perilous conditions, tugging and pulling and cutting to unwedge an aluminum strap that had twisted around the panel and prevented it from assuming normal position.

The matter-of-fact manner in which the Skylab crew has confronted and overcome one emergency after another does not obscure the fact, which they well know, that one serious mistake or careless act could bring instant catastrophe in a hostile environment.

In space, at least, the jack-of-all-trades who can work with his hands has not gone out of style.

DR. DAVID M. STUDEBAKER, OF OHIO, HONORED

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BROWN of Ohio. Mr. Speaker, recently the Ohio Optometric Association elected a new president to lead that organization for the coming year. I was pleased to note that the newly elected president is from the Seventh Ohio District and I want to take this opportunity to extend my congratulations and best wishes to Dr. David M. Studebaker of Springfield, Ohio. I also wish to commend the Ohio Optometric Association for its wise choice.

A graduate of the Ohio State University College of Optometry, Dr. Studebaker has illustrated his deep concern for the condition of vision in the State of Ohio through his years of service in various capacities, beyond the boundaries of his practice. He has been the president of the trustee board of the Ohio Lions Eye Research Foundation and past president of the Springfield Lions Club.

His concern for the community has not been limited to vision care as Dr. Studebaker has served on the Clark County Red Cross Executive Board, on the Springfield Urban League, and on the Springfield Chamber of Commerce. He is also a past president of the Clark County Parent-Teachers Association Council and the Clark County Cancer Society.

The quality and the availability of health care are issues of great importance to the Nation and I am certain that under Dr. Studebaker's leadership, the Ohio Optometric Association will continue to meet its responsibilities to our citizens.

LITHUANIAN INDEPENDENCE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. LENT. Mr. Speaker, the United States has taken an active lead in this decade of international agreements and improved understanding between all nations of the world. Although we are on the verge of a lasting peace in the world, let us not forget the unresolved legacies of the Second World War.

This month marks the 33d anniversary of the forceful annexation of the peace-loving people of Lithuania, Latvia, and Estonia by the Soviet Union in June 1940. This was followed by the mass deportation of over 150,000 Baltic people to Siberian labor camps in an effort to break the spirit of these fiercely independent people and crush any possible resistance for all time. This effort was a failure. The Lithuanians rebelled against this forced oppression and succeeded in establishing a free, independent government which was overrun by the Nazis a scant 6 weeks later. The end of the war brought only the reinstitution of Soviet dominance over every aspect of their lives.

The brave people of the Baltic States have never lost their determination to resist their captors. I draw your attention to the fact that over 30,000 freedom fighters have made the supreme sacrifice to restore freedom and self-determination between 1940 and 1952 alone. The combined populations of the Baltic nations of Lithuania, Latvia, and Estonia have been depleted by a full one-fourth since those tragic days of June 1940 through deportation and resettlement programs of the Soviet Union and there is no end in sight.

The 89th Congress passed by unanimous vote of both the House and the Senate House Concurrent Resolution 416 to request the President of the United States to urge certain actions in behalf of Lithuania, Latvia, and Estonia before the United Nations and other international forums and to bring the force of world opinion to bear on behalf of the restoration of rights to the Balts. I call for your support for the spirit of this resolution and your attention to the plight of Lithuania, Latvia, and Estonia on behalf of the well over 1 million Baltic people in the United States. I am proud to insert the full text of this resolution in the RECORD at this point:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

AWARD FOR "HOME NEWS"

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. PATTEN. Mr. Speaker, I note today that a great honor has come to a newspaper in my district—the Home News—located in New Brunswick, N.J. The newspaper has been selected to receive an honorable mention award in the 1973 Alfred P. Sloan Awards for distinguished public service to highway safety.

The Home News is very deserving of this award. The honor underscores this newspaper's continuing efforts to improve safety on the Nation's highways. It has encouraged vigor and innovation in the development of public service programs and activities aimed at the reduction of traffic accidents, injuries, and fatalities.

Mr. Hugh Boyd, the publisher of the Home News, is to be commended and held in the highest regard for his constant fight for the saving of lives—he has put the people's interest before all else.

I am proud to have the Home News in my district. There are too few papers of this quality in the country, who put integrity, interest in the public, and most of all, interest in people's safety ahead of expediency.

ECONOMIC CONSIDERATIONS SET LAW ENFORCEMENT CRITERIA IN DISTRICT OF COLUMBIA

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RARICK. Mr. Speaker, the District of Columbia Police are apparently using economic considerations to determine which laws they will enforce.

According to reports, law enforcement personnel were under orders from "hip" higherups not to harass drug users at the recent rock concert held in Robert F. Kennedy Stadium, because of the valuable revenue that is produced by these patrons of the arts.

A healthy baseball season, attracting a million paying fans will not produce enough revenue to even pay off interest on the $19.8 million in outstanding revenue bonds. So officials are interested in other events that are profitable, and are concerned that "hassling" by police enforcing drug laws may "turn off" some of the customers.

A single rock concert produces a daily revenue of upward of $62,000, according to administrators of the expensive stadium. Since the facility is in use only 82 days a year, officials seem to desire to make hay while the grass is green—even if the grass is illegal.

I include the following news clippings in the RECORD:

NEW MORALITY AT RFK CONCERTS: POLICE TURN BLIND EYE TO GRASS

The choice between money and morals has landed on the District's doorstep, as the debris is cleared away after two successive open air concerts at RFK stadium.

The question is simple—whether to continue taking in the badly needed revenue for the stadium from such events—and turn a blind eye to violations of marijuana laws, or to crack down severely on both the youthful "smokers" and the income at once.

Police, who have been fairly pragmatic about the situation so far, are concerned. And the Armory Board, which administers the stadium, is beginning to have some doubts about the revenue-rich concerts because of drug use.

Capt. Charles Light, commander of the narcotics division, said his men do not harass patrons at the concerts, "especially when we are talking about one reefer."

But, he added, after last weekend's festivities which saw nine concertgoers charged with narcotics violations, "We're not going to let them blow smoke in our faces and get away with it."

Adds Capt. Joseph Mazor of the Metropolitan Police Departments special operations division, who attended last weekend's concerts with 65 of his uniformed men, "Pot parties will not be condoned"—although he said he wouldn't call the two-day rock concert such a thing.

Mazor said, however, that things did get so out of hand that several officers suffered "minor cuts and bruises and one had his thumb broken."

Kenneth Hopkins, assistant director of the Armory Board, said, "One arrest is enough to cause us to re-evaluate this whole thing."

He said, "We know this sort of thing (drug use) happens and we don't condone it. Although the board has not had time to meet on this matter, I'm sure this weekend's arrests will affect future shows."

Therein lies the dilemma: The stadium is financially anemic. Even with the anticipated arrival next year of the National League's San Diego Padres, a season with 1 million paying customers wouldn't yield the city enough revenue to pay the interest on $19.8 million in outstanding revenue bonds, according to J. C. Turner, chairman of the Armory Board.

The stadium now is in use only 82 days a year, he said.

A week ago, Turner reflected that nothing is quite so remunerative to the city as a rock concert.

"Do you realize we recently made $62,000 from just one rock concert in one night," he said.

Few events draw as well, he said.

The concert goers of course, are aware of the sensitive situation.

At one of the recent concerts, an exuberant voice bellowed out of a loudspeaker:

"We know the mod squad is out there—but if you arrest one of us, you've got to take us all."

PHANTOM JETS TO SAUDI ARABIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. BIAGGI. Mr. Speaker, I wish to state quite clearly that I am strongly opposed to the administration's plan to sell nearly 30 F-4 Phantom fighter jets to Saudi Arabia. Under the guise of providing weapons for Saudi Arabia's defenses, the Nixon administration is attempting to bribe the often fickle oil-rich nation to continue its flow of the much-needed crude to the United States.

This plan represents a serious escalation of the arms race in the Middle East. The Nixon administration has exercised restraint in its sale of Phantoms to Israel arguing that to sell Israel as many planes as she wanted would only escalate the arms race. Now, however, we find this administration providing offensive weapons to Israel's enemies.

The State Department assurances that these planes are only for the defense of Saudi Arabia are ludicrous. First, there is no way to enforce a guarantee against the transfer of the planes to, say, Egypt, which is what Libya did with the Mirage jets purchased from France a short while ago. France, too, had a "guarantee" against transfer. Second, Saudi Arabia maintains as part of its public policy that it is engaged in a "holy war" against Israel. This certainly makes her a belligerent nation against Israel. Third, and most importantly, in an all-out war in the Middle East—exactly what we are trying to prevent—these jets will most assuredly be used against Israel.

The Soviet Union is doing a fine job of keeping the Arab states amply supplied with the latest weaponry to fight their so-called "holy war" against Israel. They are doing a far better job, I might add, fanning the fires of war in the Middle East than this country is doing in helping Israel maintain a balance of power there and eventually bring about a lasting peace.

Therefore, I see no reason for this country to add to the weapons stockpile of the Arab States with a sale of close to 30 Phantom jets. I have joined with many of my colleagues in signing a letter to the President protesting this action. I urge my other colleagues to join with me in signing the letter circulated by the gentleman from New York (Mr. PODELL) and in speaking out against this ill-conceived plan here on the floor of the House.

We all hope for peace in the Middle East and are working toward it through the diplomatic channels available to this country. To enter into offensive arms agreements with the Arab states will only jeopardize any chance of peace we may now have.

THIRTY-THIRD ANNIVERSARY OF SOVIET ANNEXATION OF LITHUANIA

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GREEN of Pennsylvania. Mr. Speaker, 33 years ago June 15, the tiny nation of Lithuania was forcibly annexed by the Soviet Union. This is a sad anniversary, but it is one that should be observed. For not only is it a day of sorrow and reflection for Lithuanian-Americans and Lithuanians throughout the world, but it is a day that should live in infamy among all freedom loving people.

The Lithuanian people are such a people, and they have continually struggled, since that infamous day in 1940, to reject the oppressive Communist system foisted upon them. From 1944 to 1952 they struggled against the Soviet military might through protracted guerilla warfare, at a cost of over 50,000 Lithuanian lives. Since that time, this tiny nation has withstood a massive program of depopulation, during which hundreds of thousands were "deported" to Russia and Siberia.

But the grit of this courageous people is not easily subjugated. Still they struggle to protest and reject the denials of religious, political, and human rights. They continue to risk and sacrifice their lives in order to attain that which is inalienable to all men.

Perhaps the most dramatic protest took place in May of 1972 when a Lithuanian youth burned himself alive to protest Soviet oppression. His sacrifice was followed by massive demonstrations and two additional self-immolations. This is tragic proof that the Lithuanian nation continues to strive for national independence and to reject Russification.

This struggle is one close to the hearts of all Americans, for it is vividly reminiscent of our struggle for freedom almost 200 years ago. And our history of revolution demands a continued commitment to freedom.

The era in which we live places new challenges before that commitment. It is an era that promises to be the most meaningful in history, because global peace may be attainable. America's commitment to this peace is deeply rooted in its tradition as a people, but it is no more deeply rooted than the commitment to freedom demanded by our history of revolution.

We must be true to both these traditions. It is imperative that we continue, indeed redouble, our quest for world peace. But it is equally imperative that we continue our commitment to freedom. We must not turn our backs on the freedom loving people of the world who continue to struggle against oppression.

We must continue our steadfast policy toward the Baltic States. Our refusal to recognize their annexation is promotive of the cause of freedom. It encourages the Lithuanian people, and reinforces their determination to seek national independence. Our mournful commemoration of that annexation—on its June 15 anniversary—can have the same effect.

For this reason, and because of my admiration for Lithuanian courage and grit, I pay tribute to that struggle. I congratulate these brave people for their steadfastness. And I urge them to carry on, for freedom loving Americans—and freedom loving people throughout the world—believe in their struggle.

THE ENERGY SITUATION AND TEXAS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TEAGUE of Texas. Mr. Speaker, Texas Electric Service Co. of Fort Worth developed some time ago, a fuel diversification plan which reduced their dependency on natural gas and oil. This long range plan will assure their customers all the electric energy they will need.

Under leave to extend my remarks in the RECORD, I include a pamphlet which was recently circulated by the Texas Electric Service Co. in which they outline the present energy crisis and their answer to it:

Energy is the lifeblood of our Nation.

With only 6% of the world's population, we account for one-third of its energy consumption.

Our productivity, our standard of living and our quality of life are all dependent on the use of some form of energy.

Lately, much has been said and written about the energy situation. Many call it a national "crisis."

The basic problem is that reserves of fossil fuels—natural gas, oil and coal—are declining. At the same time our need for them and for electricity is rapidly increasing.

Experts predict that by 1985:

Our Nation's demand for natural gas will double. Based on present trends and technology, we will have a deficit of more than 28.5 billion cubic feet daily.

Our Nation's deficit in domestic oil supplies will increase from 3 million to more than 15 million barrels a day. We will have to import over 50% of our total supply to provide for our needs.

Our Nation's vast coal reserves will not provide a solution because mining, transportation and environmental problems are restricting the use of this fuel supply.

Our Nation will be depending on nuclear energy for almost one-third of our electric power generation.

This energy situation directly affects Texas Electric's planning, construction and operations as we meet the growing needs of our customers—needs that have more than doubled in the last 10 years and are expected to double again during the next decade.

More power will be needed to provide jobs, for schools and hospitals and to help people raise their standard of living. And, new needs like recycling of resources—metal, glass and paper—will require greater amounts of electric energy, as will other environmental uses: sewage processing, water treatment, and air filtration.

Texas Electric will have enough electricity to meet these future needs even though supplies of traditional fuels are becoming increasingly difficult to obtain and more expensive.

Our present power system includes seven gas-fired plants that are also capable of burning oil on a standby basis. Although we have long-term fuel contracts for these seven plants, the number of additional gas/oil plants we can build is limited.

To diversify our fuel sources and to reduce our dependence on natural gas and oil we have acquired over several decades long-range supplies of East Texas lignite. We have joined with Dallas Power & Light and Texas Power & Light in construction of a lignite-fired plant near Fairfield. Two units are now in operation at this site that have added 1,150,000 kw of generating capability. Through extensive land reclamation and efficient pollution control measures, we have solved the problems usually associated with the use of coal.

Two other lignite plants are under construction near Mt. Pleasant and near Henderson.

Lignite plants require an investment about one and one-half times that for comparable gas-fired plants—but they do put us in a favorable fuel position. By 1978, about one-third of our electric energy will come from lignite plants.

And, even with these plants and the fuel reserves to operate them for the life of the units, we will by the early 1980's need to further diversify to still another dependable source of energy: nuclear fuel.

Plans to build a nuclear plant have been announced by Texas Electric, Dallas Power & Light and Texas Power & Light. The plant will be called the Comanche Peak Steam Electric Station. It will be located about 45 miles southwest of Fort Worth near Glen Rose, and it will have two units which will generate 1,150,000 kilowatts each. The first unit is scheduled to be in operation in 1980; the second unit in 1982.

We have the benefit of many years of experience in commercial nuclear generation of electricity which began in the United States in 1957. In more than 150 "reactor-years" of operation there has not been a single injury due to a nuclear related problem. There are today more than 30 nuclear plants operating in the U.S., with more than 130 either under construction or for which reactors have been ordered.

While nuclear power plants will assure enough electricity to meet our customers increased needs in the 1980's, and will further reduce our use of natural gas and oil, they will cost more than three times as much as gas-fueled units to build.

Looking further ahead, we know that the uranium used to fuel nuclear reactors, while in good supply for many years to come, is also not unlimited.

Therefore, Texas Electric, along with 200 other investor-owned utilities, is helping to support the development of the "breeder" reactor, which, in addition to producing power for electricity, will produce more fuel than it consumes.

We're also involved in the search for new energy sources. The Texas Tokamak project at the University of Texas at Austin is a step in obtaining energy from ordinary seawater. We have supported this research for more than 15 years.

We are participating with others in research on the more novel energy sources, such as solar energy (energy from the sun); geothermal energy (tapping the energy sources within the earth); and magnetohydrodynamics (the direct conversion of heat energy into electric energy). However, experts do not agree that all of these sources can become commercially practical. If the technology can be developed, most believe it will be at east 25 years before any of them might pay a significant role in the production of electric power.

In summary, Texas Electric Service Company will have an adequate supply of electricity in the future. Assuring this supply requires diversification of fuel sources by building lignite and nuclear plants.

The development of nuclear power is essential because it is a proved, reliable and practical fuel source that is capable of meeting the needs for added generation in the 1980's. Beyond this, we are, through research, working to develop other new fuel sources so that our customers can continue to have the electricity they will need in the future.

HONORING BOSTON BROADCASTERS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. MOAKLEY. Mr. Speaker, there is a growing concern in our country for increased media responsiveness to current social issues. Three individuals from the Boston area have recently been honored for such efforts.

John F. Crohan, vice president and general manager of WCOP and WCOP–FM radio in Boston has received the "Distinguished Award" given by the New England Broadcasting Association. In making the presentation, Jack Connors, president of the NEBA said:

> Mr. Crohan has earned this award for his continuous and outstanding service to the broadcasting community.

Mr. Crohan is a past president of both the New England Broadcaster Group and the Massachusetts Broadcaster's Association. He presently serves as the media chairman of the Boston Community Media Council, a group which strives to establish better ties between the minority communities and the broadcast and media business.

Rex Trailer and Bill O'Brien of Boston's WMZ–TV have been cited by the Muscular Dystrophy Associations of America, Inc., for their efforts on its behalf, specifically through their promotions of the "carnivals against dystrophy" project. I would like to insert into the Record at this time a letter from Mr. Robert Ross, executive director, Muscular Dystrophy Associations of America, honoring their valuable contributions to this cause:

May 10, 1973.

Hon. John J. Moakley,
JFK Federal Building,
Boston, Mass.

Dear Congressman Moakley: For the past several years, MDAA has been the fastest growing voluntary health organization in America, thanks to our success in communicating the urgency of the Association's needs and goals to the public. This ever-growing awareness of our mission can be principally credited to the fact that an increasing number of TV stations across the nation have rallied in support of our cause—and none more effectively than Boston's WBZ–TV through the efforts of Rex Trailer and Bill O'Brien.

Both Rex and Bill have wholeheartedly dedicated themselves to the welfare of victims of crippling neuromuscular diseases, lending vital support to this Association's efforts through their promotion of our Carnivals Against Dystrophy project. They and WBZ–TV have educated and inspired their young viewers who, in turn, are helping to better the lives of the patients we serve in Boston and throughout the nation.

In 1972, youngsters across the country, inspired by TV personalities promoting Carnivals, held 39,543 of the backyard extravaganzas, raising more than $1.1 million to aid victims of dystrophy and related diseases. Of this total, over $71,000 was raised in the WBZ–TV viewing area by more than 2,100 Carnivals promoted by Rex and Bill.

Wholeheartedly endorsed by parents, educators, and members of the clergy, "Carnivals" is a unique project whereby the hosts of popular TV shows invite young viewers to write for free Carnival kits which explain how funds can be raised to help children afflicted with muscular dystrophy. The kits contain all elements needed to produce a fun-filled Carnival—which the youngsters run in their own backyards. There are many benefits to the children who participate: they learn how to organize and set up a relatively complex project, how to cope with responsibilities and needs outside their daily lives, and how to meet the challenge of managing a small business of their own—an undertaking to which they bring all the energy and enthusiasm of childhood.

The greatest benefit children derive from Carnivals is their intense identification with those for whom the events are conducted—other children who, because their bodies have been weakened by crippling disease, cannot take an active part in such projects.

The strong commitment to public service which characterizes the careers of Rex Trailer and Bill O'Brien and WBZ–TV's programming policies afforded youngsters in the Boston area much encouragement, as well as the opportunity to become involved in the most important issue of their day: the fight to save this nation's most precious asset—its vital human resources.

Sincerely yours,

Robert Ross,
Executive Director.

I am pleased to share this record of public service with my colleagues. The achievements of these outstanding professionals are both a tribute to the broadcasting industry and the American people.

FOUR 1¼-CAR FAMILIES

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GUDE. Mr. Speaker, the problems of commuting plus the current shortages of gasoline have stimulated many to think in terms of mass transit and carpools. The Bill newspaper in Montgomery County highlighted some of the results in its June 7 issue. The following story, from the Bill, indicates some of the benefits of carpools for the individuals involved as well as for our metropolitan area and the Nation:

Four Families Own 1¼ Cars

Four Montgomery County families are one-and-a fourth car families as the result of an unusual carpool.

Anthony Cole, who works at the World Bank, and Michael Brimble, John McLenaghan, and Timothy Cole, all at the International Monetary Fund, are joint owners of a '66 Chevrolet that they use to commute from their homes in Montgomery County to their jobs in Washington.

By splitting the expenses of commuting instead of operating a second family car, the four carpoolers are saving money, using less gasoline, and contributing less to air pollution.

"We drive about twenty miles each day and use about ten gallons of gasoline per week," says Tim Cole. "We can drive for three years on the same amount of gasoline that four individual commuters would use in one year."

He estimates that it costs each of the four commuters about $4 per week for transportation, and that includes automobile registration, insurance, repairs, gasoline, and parking (which is subsidized by one of the employers).

Asked about the inconveniences of carpooling instead of driving their own cars, Cole says that it takes the driver only ten or fifteen minutes more each way to pick up the three others. He also explains that the carpool leaves Washington promptly at 6 p.m. If one of the commuters needs to remain in the city longer, he makes his own transportation arrangements.

Cole says that the arrangement works particularly well for his group because the jobs of all four men require frequent travel. "It is a great savings for us not to have to own a second car that would often be just sitting in the garage."

He also notes the importance of finding a congenial group for such a carpool. "We are all good friends," he says. "When someone leaves the pool, we are very careful to find a replacement that is congenial and willing to cooperate."

RONCALLO LAUDS CONTRIBUTION OF PRIVATE SCHOOLS IN PUBLIC INTEREST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GILMAN. Mr. Speaker, I wish to call the attention of my colleagues to a speech delivered by the Honorable Angelo Roncallo on June 9, 1973, at the commencement exercises of St. Paul's Cathedral High School in Garden City, Long Island, N.Y.

In his speech Congressman Roncallo has made an erudite plea for the continuance of private education within our free society and the necessity for the Federal Government's assistance with this continuance.

On April 19, 1973, Congressman Roncallo joined me in sponsoring H.R. 7258, a measure allowing income tax credit to parents of children attending nonpublic schools. If adopted, this proposal will aid the perpetuation of our private, nonprofit schools.

Congressman Roncallo's speech follows. I am certain that my colleagues in the Congress will read with interest the reasonable and thoughtful support for private education delivered by the gentleman from New York.

The text of speech follows:

The Role and Contribution of Private Schools

Some of the best education exhibited in the United States takes place in our private schools. In the words of the President's Panel on Non-Public Education, "We believe in private schools, in their variety and diversity as alternatives to state-run schools. Until public schools can offer wider alternatives, it is not only legal but right that non-public options be available. Whether these non-public schools be rich or poor, traditional or experimental, boarding or day, church-related or not, they have been, are, and should continue to be important parts of the varied American Education scene." Survival of the private school has become a big issue for more and more educators and legislators.

What is the reason for continuance of private schools? Our nation has great confidence in variety, diversity, and individual choice. I see private education not as a divisive force or as a threat to public schools, but rather as in a partnership with public schools, and as necessary tools of pluralism in American Education.

By definition, private schools are typically institutions independent from political control and support, owned and operated by trustees, but in turn operating in the public interest.

Private schools perform a public function and represent an undeniably important national educational resource. Actually, the term "independent" rather than private is probably a more accurate description of this type of school, showing its unaffiliated character.

These independent schools have the most ideal conditions from which a perfect education can be molded. First of all, one can establish an educational philosophy and build on it, shaping the environment so that is supportive of the philosophy. Secondly, selectivity of student population can help avoid the necessity to sink to the lowest common denominator so tragically common in the public schools. Finally, the curriculum, the school calendar and class size can be controlled for the benefit of the individual student within the framework of the guiding philosophy. Parents can therefore correctly surmise that their children will receive more training in the moral values the parents themselves espouse. As it is a parent's duty to help guide his child through the younger years, it is his privilege to choose the proper educational means to support this guidance. We all want perfect schools with individualized instruction and outstanding teachers, and we are more apt to find these qualities in schools such as St. Paul's.

The survival of private schools may not seem critical for the survival of civilization, but their importance for pluralism in education remains. President Nixon once noted that "private schools provide a diversity which our education system would otherwise lack". Private schools spur competition with the public schools—"through which educational innovations come, both systems benefit, and progress results".

A private school cannot function unless it has the commitment and support of many people. On the other hand, the private school must exhibit its worth before earning the support of the people. This sounds like the age old question of the chicken or the egg and which comes first.

Well, are private schools in the public interest? I say yes. This nation has always supported the ideal of individual choice, and private schools provide that very necessary individual choice in the education of our youth. Private schools are rooted and sustained by this principle. The most prized quality of the private school is its individuality.

Each school is unique, and this uniqueness gives rise to the wide range of options available to the public. We might group private schools for convenience into four categories. Many schools are church operated and reflect the moral and religious values of their sponsors. Some are just short of being church schools in that the principles of a founder-denomination remain strong, even though the school is more or less free from church control and its programs are nonsectarian. Other schools are thoroughly secular, though steeped in the traditions that have made this country great. Still others stress relevancy to the present in their teaching methods and are highly permissive in terms of student dress and speech.

Addressing a conference of the National Association of Independent Schools, former U.S. Commissioner of Education Harold Howe told the administrators of the nation's most well-known private schools that they should stop thinking of themselves as "servants of a specialized clientele". He suggested that private schools should think of themselves as community resources with special responsibilities for helping to solve local and national educational problems. He recommended that independent schools form alliances with the community and with the public schools. Actually, many private schools have already taken significant steps in that direction. Some of the older more established boarding schools are assuming obligations which would have appalled the trustees and headmasters of a previous generation. Some private school administrators are now working with the agencies of public education, a once unthinkable thing. However, at the same time, private schools are always wary of entanglement and try to preserve the special qualities which derive precisely from the fact that each school is free to guide its own ship in the direction it sees fit without having to justify its policies, practices, or finances to any public authorities.

Now let me ask you this: if private schools cease to exist what would the consequences be? Just a year ago, President Nixon stated that he was irrevocably committed to two propositions. First of all, America needs her private schools. Secondly, private schools need help and therefore we must find ways to provide that help. The President was likewise concerned with the increased cost burden on public schools caused by the closing of private schools. He estimated in his message that if most or all private schools ceased to function or turned public, the added burden on public funds by the end of the 1970's would exceed 9 billion dollars per year in operations and facilities. Public schools least able to accommodate the influx of students might possibly be the hardest hit by the number of transfers. Municipalities already heavily burdened with rising taxes for projected educational needs, would be confronted with demands for even higher tax rates to sustain public schools. Social costs might even range higher than economic ones. That is to say, in urban areas impact would be felt in housing patterns, unemployment rates and racial stability. Currently private school enrollments are concentrated in eight urbanized and industrialized States, including of course, New York. These states are already burdened with high costs for public services and would certainly face financial crisis, should private school students shift into the public school domain.

In the twenty largest cities nearly two out of five school age children are enrolled in private schools. In New York City, for example, a recent count of private school students encompassed nearly one-quarter of the total enrollment.

Support of private education is therefore very much in the public interest, financially as well as philosophically, but private schools show little inclination to seek direct public aid because they fear their independence would be jeopardized. There are, however, numerous federal programs some administered through State agencies that indirectly benefit private schools such as NDEA equipment loans. Private schools are assured of public commitment. The only question now is what the best framework for that aid would be.

With this in mind, I have co-sponsored with my distinguished colleague Ben Gilman in the House of Representatives a bill to provide income tax credits of up to $400 per child for tuition at a private non-profit elementary or secondary school. That is $400 right off the top of your taxes and represents a just means to encourage freedom of choice without Federal control and without violating the separation of church and state.

In a recent Gallup poll, the American public was asked the following question. "As you know there is talk about taking open land and building new cities in this country. If such communities are built, should there be parochial and private schools in addition to public schcools?" 72% of the people responded that they would like to see private education facilities in the new cities. Public policy favors continuance of private schools. I think this poll is a pretty good indication of the commitment and confidence the American people have in private schools. I believe that private schools will fulfill their destiny and maintain their diversity for the good of the American people.

A DEPLETION CLASSIFICATION FOR TRONA

HON. TENO RONCALIO

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RONCALIO of Wyoming. Mr. Speaker, the purpose of the legislation I introduce today is to continue to allow percentage depletion based upon the value of soda ash extracted from trona. The amendment does not extend the existing cutoff point or increase the amount of percentage depletion miners of trona would be entitled to. Miners of trona have always been allowed depletion based on the value of soda ash extracted from trona. The Treasury Department has specifically allowed this treatment for over 15 years and will allow it through 1970.

This amendment merely codifies and restates the intent of Congress when it added trona to the list of depletable minerals in 1947. This intent was clarified by the Senate Finance Committee in a 1951 committee report and again, this time by the Treasury Department itself, in 1959 when the Congress was then considering enactment of detailed depletion rules which became part of the law in 1960 and which is known as the Gore amendment.

This amendment is vital to the health of the trona industry in Wyoming and simply prevents the harmful effects that would occur in that industry, and to all of southwest Wyoming, if the Treasury Department were allowed to follow its announced intent to attempt to administratively change the rules for the future. In short, the State of Wyoming would be adversely affected very severely if this administrative attempt to override the clear intent of Congress, and the basis upon which the industry is based, if the years and years of uncertainty created by the resulting litigation were allowed to occur.

For the benefit of those who may not be familiar with the trona industry in Wyoming, it might be well to briefly recount the history of trona mining in Wyoming. It is a short history and a history of a truly growth industry. The type of industry that should be encouraged, or at the very least one that should not be hamstrung by unfounded change in administrative policy.

In the late 1940's, southwest Wyoming in the area around Rock Springs was dying. It was an area that had grown and prospered as a result of the coal mining industry, but then faced economic disaster as a result of the conversion by railroads from coal to diesel. Fortunately, about this same time, one company became interested in a report, routinely made to the Department of Interior by a company prospecting for gas, that showed in a core sample that a strata of trona existed about 1500 feet underground. One company followed up on this report and shortly thereafter sought to determine if this natural deposit of soda ash could be economically recovered. This first experimental shaft was started in 1947, the same year Congress with a view of encouraging this embryonic industry, added trona to the list of depletable minerals.

There was never any question in anyone's mind that the sole purpose for the investment then being made was to tap this natural resource for its natural soda ash content and, as explained above, Congress in 1951 reaffirmed that this was its intent when it had earlier authorized percentage depletion for trona.

The first plant became operational in 1952. To say that the soda ash industry in southwest Wyoming has been a growth industry is an understatement. From the first investment by one miner in 1952 with a capacity to extract 300,000 tons of soda ash per year, the industry has grown to where it is now comprised of several mining companies with 1972 production estimated to be about 4,250,000 tons per year. That works out to a growth rate of about 1,400 percent over a 20-year period.

Most important, however, the soda ash industry completely reversed the economic fortunes of southwest Wyoming. It has turned an area that faced economic disaster from the death of an old industry into the biggest job and investment growth area in the State.

From zero jobs about 20 years ago, the Wyoming soda ash industry now conservatively supports about 12,000 people in the immediate area. On top of that, there are now almost 1,000 construction workers in Sweetwater County directly involved in construction of expanded soda ash facilities. When completed, these facilities will in turn result in a substantial increase in jobs. Well over $100 million of investment is involved, with an effect that spreads throughout the country. This is certainly not the type of industry that should be choked by an uncertainty that could be created by extended litigation over the validity of a bureaucratic decision to try to change the rules upon which the industry is based.

In the past, the Wyoming soda ash industry as it grew from nothing to its present status has primarily concentrated on the domestic market. However, as the industry now moves into a more mature stage, it has turned its attention toward ways and means of entering the export market. Since the Wyoming deposit represents the only natural deposit of soda ash known to exist, it is potentially in a unique position to compete in the world markets for soda ash. However, price competition in world markets is extremely competitive and foreign sources of manmade soda ash, although higher cost, do have the advantage of being closer to the potential foreign customers and the benefit of the resulting freight savings. Nevertheless, Wyoming soda ash producers now believe that their basic cost benefits approximate their transportation liabilities and that they are on the verge of being able to effectively compete in foreign markets. However, this balance is very thin and a change in the depletion rules, or even the threat of such a change, will swing the scale back in favor of foreign producers and rob the United States of a probable new and valuable export to help solve the adverse balance-of-payments position of this country and create many additional jobs in the trona industry. The offshore market is just now beginning to be tapped by Wyoming soda ash producers and represents a $750 million a year potential, almost 10 times the value of present production.

To summarize, this amendment does not extend or increase the amount of percentage depletion this industry has always received. It simply restates and reaffirms this treatment. It will continue to create jobs in what has been a truly growth industry. It will aid in the fight to correct our balance-of-payments difficulties. And, finally, it will prevent all these benefits from being thwarted by the uncertainty caused by an administrative effort by the Treasury Department to override the intent of Congress and attempt to change the rules for the future.

WATERGATE SCANDAL

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. ASPIN. Mr. Speaker, there is no more important public issue before the country today than Watergate scandal and what action the President should take.

My distinguished colleague from Wisconsin (Mr. REUSS) has called for the resignation of the President and Vice President and the formation of a nonpartisan new administration headed by our distinguished Speaker of the House, Mr. ALBERT.

Mr. REUSS outlines his views in a recent Op-Ed page piece which appeared in the New York Times. A contrary view of the Watergate scandal is offered by our distinguished colleague from Arizona (Mr. RHODES).

In view of the importance of the Watergate scandal and the need to restore the faith in the American Government I commend these two articles for my colleagues' careful consideration:

SOME PERSPECTIVE ON WATERGATE

(By JOHN J. RHODES)

WASHINGTON.—It began slowly and built into a crescendo which has consumed the attention of virtually everyone in Washington and millions of Americans around the country. At first, it was dismissed as a petty burglary, an isolated incident. Now, it is a raging controversy which has threatened to paralyze the normal machinery of Government.

I am referring to Watergate—the illegal entry last fall of seven individuals, among them employes of the Committee for the Re-Election of the President, into the headquarters of the Democratic National Committee. This incident has blossomed into a full-scale scandal, complete with charges and countercharges. And as the President himself admitted, "The inevitable result of these charges has been to raise serious questions about the integrity of the White House itself."

Of course, the only responsible position to take, regardless of party affiliation, is unequivocally to reject the attitude which led to the Watergate break-in. Over the past several weeks, many leading Republicans in the Congress and around the country have urged an immediate and full investigation of the facts. The 1972 Democratic Presidential candidate, Senator George McGovern, has publicly stated, "Republicans have been among the most effective voices calling for full disclosure of all the facts."

Watergate must be resolved without delay. Far too much time has been spent on this senseless crime at the expense of the normal business of Government. That has been, in my judgment, the real tragedy of Watergate: It has distracted us from many of the important issues which face our country. We must get on with the vital work before us.

Watergate must be resolved, but it must also be placed in some sort of a realistic perspective. Watergate was, as the President has said, "a series of illegal acts and bad judgments by a number of individuals." This should not mean condemnation of the political system. "It was the system," the President said, "that has brought the facts to light and that will bring the guilty to justice." I, for one, believe this.

All those who had anything to do with Watergate—regardless of their position—must be fully prosecuted and, if found guilty, punished as required by law. Future generations must know that we cannot condone this type of senseless and reprehensible activity.

The process is now under way which will result in full disclosure if it is scrupulously followed. We must see to it that this process proceeds unhampered. But now we must move on to other matters—vital matters of great importance to our people and to the world, whose consideration cannot longer be postponed.

Politics is full of good and honest men and women. For every person in the Republican organization who had anything to do with Watergate, there were literally thousands who worked tirelessly and honestly to re-elect the President and elect Republican candidates. No one party holds a monopoly on integrity, no entire party should be penalized by the actions of one group of individuals. There has never been any allegation that the Republican National Committee or any of its functionaries were involved in any way in Watergate.

Similarly, there is no evidence at this point to directly implicate President Nixon in the series of Watergate wrongdoings. In lieu of evidence, it is unfair to condemn the President, or his entire Administration. As Senator William Proxmire recently asked on the floor of the Senate: "Does not the President have the same simple right that every other American has to be innocent until proven guilty?"

I am proud to be a Republican because I believe in the principles of the Republican party. One of these principles was handed down by Abraham Lincoln, the first Republican President. President Lincoln said over a hundred years ago: "Let the people know the facts and the country will be saved."

The facts of Watergate will be displayed to the people of America. And America, once again, will have been saved, by the good judgment of an informed people.

AN ALTERNATIVE

(By HENRY S. REUSS)

WASHINGTON.—It is not necessary to give credence to the hearsay of John Dean and James McCord to conclude that the Administration is badly wounded. Even if we assume its elected leadership to have been entirely unaware of the illicit activities and of the subsequent cover-up, Mr. Nixon and Mr. Agnew must bear the responsibility for the actions of their Administration—for the men chosen to administer, and for its moral tone.

Is it possible for the Administration to exercise effective leadership through the remainder of its term?

The two former Cabinet members to whom Mr. Nixon was closest stand indicted for perjury, conspiracy to defraud the Government, and conspiracy to obstruct justice. His two closest personal staff members are nervously awaiting the action of a grand jury, and his former White House counsel is desperately bargaining for immunity. His top White House and campaign staff have been deeply implicated.

Public confidence in the Administration could not be expected to continue under those conditions, and it has not.

Mr. Nixon has been hurt in Congress, where members of his own party are beginning to regard association with him as a liability rather than an asset. Thirty-five Republicans provided the margin by which the House struck funds for the Cambodia bombing. The Republican membership of the previously hawkish Senate Appropriations Committee has voted unanimously to deny funds for all military activities in Laos as well as Cambodia.

We can operate under a damaged Presidency for a short time. We did so briefly under Warren Harding and Lyndon Johnson. But we cannot afford to do so for three-and-a-half years. What is to be done?

On the one hand, we can continue with our damaged President. We can watch the alienation between the American people and their Government increase, and we can abandon real hope for a vigorous attack on our pressing national problems before 1977.

On the other hand, there is impeachment—which would bring the business of Government to a halt for months or perhaps years, and which would be immensely divisive and destructive whether Mr. Nixon retained or lost his office.

Neither choice is satisfactory. But there may be a way out. It is not available at the option of the Congress or of the people. The decision lies entirely in the hands of Mr. Nixon and Mr. Agnew.

A 1792 law provides for the "resignation of the office of President or Vice President . . . delivered into the office of the Secretary of State." If Mr. Nixon and Mr. Agnew were to conclude that they were fully responsible for their Administration and that their Administration has been compromised, the option of resignation—in no way an admission of personal fault—is available.

It would follow the precedent of the Administration's own Attorney General. While not personally implicated, Mr. Kleindienst felt his close association with many who were made his resignation in the national interest. He did not lose stature as a result.

Under the Succession Act of 1947, the Speaker of the House is next in line. Carl Albert, a man of unquestioned integrity, is also a Democrat, and the Democrats lost the 1972 election.

But, as part of the resignation procedure, the successor administration could draw the sting of partisanship by agreeing to conduct a bipartisan coalition of national unity for the next three and one-half years. This could include:

The naming by the new President, and the confirmation by the Congress, under the 25th Amendment, of a Republican as Vice President, selected by the Republican party under its chosen procedures;

Appointment of leading Republicans to roughly half the Cabinet posts;

All appointments, from ambassadorships on down, on the basis of merit rather than patronage, to be monitored by an advisory committee of Republicans;

Republicans, in and out of Congress, to participate in policy-making at all stages.

With the end of the Indochina war in sight, and with both parties on familiar terms with modern economics, the differences between the two parties are not so deep as to shake apart a coalition for the next three and one-half years. Indeed, a clean break with the past, and an era of goodwill under a bipartisan government, may be what we need in any case. Then, in 1976, after needed reforms have been made, we could celebrate our bicentennial by returning to political competition.

At the moment, Mr. Nixon and Mr. Agnew are preparing to battle it out. In the national interest as well as their own, they might consider an alternative.

NEW FOREST TECHNOLOGY—A PARTIAL ANSWER TO THE LUMBER CRISIS

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WYMAN. Mr. Speaker, the lumber prices that we face in this country today are intolerable. We must find a solution to this problem and soon if legislative action is to have any meaningful effect.

Various proposals have been advanced to deal with the situation, including possible embargoes on the export of logs and lumber. But nearly all who have considered this problem agree that such action is only a shortrun solution. The long-range solution to this sad state of affairs lies in better forest management and technology. This was highlighted in a recent article in the Christian Science Monitor discussing the advances in technological research in the forest products industry.

There are valuable points raised in this article which I include in the RECORD at this point.

U.S. TIMBER SHORTAGE BUILDS, WITH IMPORTS ALREADY 25 PERCENT

(By John W. Forssen)

MILWAUKEE.—The United States faces an end-of-the-century timber shortage which could rise as high as 20 billion board feet, according to the most urgent projections. That's enough lumber to build some 2 million five-room houses.

For a nation which is already importing 25 percent of its housing and construction lumber, is experiencing balance-of-payment deficits on the world market, and is on the threshold of a minerals' and energy shortage which makes the use of substitute materials impractical, research for solutions is no small matter.

One place that search is being conducted is the Forest Products Laboratory in Madison, Wis. And the results which this research unit of the U.S. Forest Service has produced thus far promise to reshape the lumber and construction industries in the years ahead.

Although broad statistics must remain imprecise, researchers there estimate that the volume of waste generated in American consumption of wood products each year is something between 9 and 11 billion cubic feet.

WASTE MEASURED

More precisely, however, they have measured the difference between the volume of wood in a standing tree and the volume of lumber which the tree will ultimately produce.

Under current operating conditions, they have found that about 50 percent of the tree is left in the forest as logging debris at that time of harvest; and, as the log is processed into sawn lumber, as much as 50 percent of that volume may be left on the milling floor as edging scraps and sawdust.

Disregarding harvesting wastes for the moment, laboratory researchers have developed computerized sawing techniques which could increase the present lumber yield in each log by at least 10 percent.

Labeled "best opening face" by its developers, this process involves the addition of a computer device to existing sawmill equipment, which eliminates the imprecision of human judgment in solving the geometric problem of cutting square board from round logs. The computer has the ability not only to sense the size and shape of each log but simultaneously to determine the cutting pattern which will produce the greatest yield of products.

NEW METHODS DEVISED

Another development, nicknamed EGAR for edge, glue and rip, could increase the product yield by as much as 15 percent.

In this process, boards are cut to desired thickness and then glued into panels which can later be sawn to specification. This eliminates much of the waste created by sawing dimension lumber directly from the log; and, because defects such as knots can be redistributed in the gluing process, a greater volume of high-quality lumber can be produced than when defects must be accepted in a random fashion.

One of the most exciting developments, however, is a product known as presslam. Like EGAR this process relies on adhesives but, rather than struggling with the problem of extracting squares from circles, presslam has incorporated the shape of the log into its own design.

In this respect, it is like plywood in that it peels the log on a rotary lathe rather than sawing it. The plies are then glued into panels of desired thickness (unlike plywood, however, the grains of each ply are parallel), which may later be sawn into dimension lumber.

Under test conditions, presslam has not only proved itself equivalent to sawn lumber; it has increased the product yield in each log from an average of 45 percent to 70 percent.

NONPOLLUTING PULP MILL?

In other developments at the laboratory, work is progressing on a non-polluting wood pulping process for paper manufacture, the production of structural lumber from woodchips—and even paper—and, most recently, a process to separate plastic films from waste paper in commercial recycling operations.

Altogether, laboratory researchers believe that if presently available technology were applied, the product yield from current harvesting levels could be increased by as much as 400 percent. That represents two-and-one-half times the volume of product demand which is expected to produce a timber shortage at the end of this century.

Laboratory director Herbert O. Fleishcher cautions, however, that "we are not proposing a cataclysmic change in industry practices.

"As important as the research, itself, is the delicate task of balancing technological advance with the capacity of our social and economic systems to accept change with minimal disruption."

AMENDING FOREIGN ECONOMIC AID

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. WHALEN. Mr. Speaker, last month I joined Congressman Zablocki and 21 other members of the House Foreign Affairs Committee in sponsoring H.R. 8258. Our proposal amends the Foreign Assistance Act of 1961 by revising our economic aid program. On Monday of this week the Washington Post editorialized on our legislation. I take this opportunity to bring this appraisal of our bill to the attention of all our colleagues:

[From the Washington Post, June 11, 1973]

A Promising Aid Proposal in the House

The lengthy travails of American foreign aid have made clear to its supporters the need to make aid at once more effective for its recipients and more attractive to its donors. Pessimists have doubted that these twin goals could either be served adequately, or even combined at all. A bipartisan majority of the House Foreign Affairs Committee, however, has now produced a well-considered and promising proposal meant to do both. Introduced by Rep. Clement Zablocki (D-Wis.), the proposal is intended to strengthen and enlarge the overall economic aid programs and to do so in a way calculated to enhance the prospects of the proposal's passage in Congress. The first without the second is, of course, useless.

So, to satisfy those who have rightfully demanded that aid do more to improve the quality of the lives of the poor, the new proposal would take the same $1 billion which the administration asks for economic assistance and seek to focus the money more sharply on "human-oriented" needs in population control, agriculture, health and the like. Not every development economist agrees that the poorest of the poor can thus be helped but the approach unquestionably has considerable moral and political merit. Big capital-eating projects such as dams would be left, to an even greater extent than they already are, to the international development agencies.

Then, to satisfy those whose main interest in aid is that it expand American exports, an "export development credit fund" would be established to subsidize another $1 billion a year in easy-term exports to the lowest-income countries. The interest subsidies, costing $40 million, would be funded from repayments of earlier aid loans; repayments now run at $400 million. By training aid on "people not projects" and by hitching to the aid wagon those Americans desiring to help their own economy as well as Americans desiring to help the world's poor, the House sponsors hope to surmount the political obstacles to aid which have grown so high in recent years. To convey the relationship of interdependence which the new proposal reflects and advances, the name of the administering agency would be changed from "Agency for International Development" to "Mutual Development and Cooperation Agency."

It is satisfying to report that, in his department's first formal response, Secretary of State William Rogers Tuesday welcomed the House committee's "thoughtful and positive approach" and noted correctly that AID had itself been moving along similar lines. Mr. Rogers also pronounced himself "especially pleased at the committee's reaffirmation of the central role of the Department of State in over-all guidance of U.S. development policies." Whether the other elements of the government, particularly the White House, will be equally pleased remains to be seen. On that question of bureaucratic politics, a good part of the fate of the House initiative probably hangs. To imagine that any program so multi-dimensional and so worn and frayed as aid can be considered only on its merits is, alas, fantasy.

Nor can the question of congressional politics be ignored. Not every committee of the Congress will rejoice to see the House Foreign Affairs Committee setting up and overseeing a program in what would be for it the new field of direct export promotion. (Foreign aid has always had a heavy aspect of indirect export promotion.) On these grounds, the sooner that Foreign Affairs chairman Thomas E. Morgan (D-Pa.) eases from his current posture of benign aloofness, as one observer calls it, to active sponsorship, the better.

The other big question which will shape the fate of the new economic aid proposal is its political relationship to the equally controversial question of military aid. The administration put the two together in a single package. Predictably the Senate split off the military items—these include general security assistance and grant military aid for Cambodia. Indochina reconstruction funds are also in the administration bill. In welcoming the House economic aid proposal, it was plainly one of Mr. Rogers' purposes to cultivate support for the other items in that bill. Some supporters of the House proposal favor the other items, some don't. A difficult and protracted negotiation is no doubt in store. Whenever and however it ends, we would hope that both Congress and the administration would keep high in mind the prospect for responsible engagement in the world, which the House aid initiative holds out.

KEEP THE F–111 IN PRODUCTION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TEAGUE of Texas. Mr. Speaker, it is historically true that, after every one of our wars, America, from a military point of view, has invariably gone back to sleep. We are not by nature a warlike people and we are sometimes over-eager to indulge in the euphoria that comes with a cessation of hostilities.

This disregard for military matters between wars has meant that when we prepared for battle we had to begin almost from scratch. Because of our magnificent industrial capability we have usually been able to meet the military demands on time—but only just on time.

I am not at all sure that if another crisis comes—God forbid—that we would have enough time to prepare ourselves to meet it. Events and the paraphernalia of war move far more swiftly than they ever did before.

The Pentagon, Mr. Speaker, in a wave of virtuous cost-cutting, has decided to cut off production of the fabulous bomber, the F–111.

I consider this to be a vast, and potentially fatal, mistake.

I must admit at the outset that I am more than a little prejudiced. We make the F–111 in my district, in Fort Worth, Tex. We have thousands of Texans employed in this industry and if the Air Forces stick to their determination not to buy any more F–111's after 1974, the unemployment rate in Fort Worth is going to be pretty brutal. I have an obligation and a privilege to fight for full employment among my constituents.

But my concern goes a whole lot further and a whole lot deeper than that.

The F–111 is, in my opinion and in the opinion of many people far more expert than I, the greatest bomber ever devised by man.

It received a lot of bad publicity during its development period, but in actual warfare it has been nothing short of magnificent. It has proved itself to possess capabilities no other airplane in the inventory can match.

In Vietnam the plane flew more than 4,000 sorties and dropped 74,000 bombs. Its loss rate was fantastically low, somewhat less than 15/100 of 1 percent. And, despite the complexity of its manufacture, its reliability record was near-perfect.

A plane that can fly at extremely high speeds, at night, relying only on radar, only 200 feet above ground through treacherous mountain passes—unload its bombs—and fly back again unscathed, is a plane to cherish, not to abandon. And the F–111's performed this feat time after time again.

Mr. Speaker, the move now is to cut out funding for the B–1 program. If this move is successful, then the F–111 will be the only bomber in our inventory. Are we so assured of permanent peace that we can afford to cut off production of the only bomber in our inventory?

I think not, Mr. Speaker, and I feel and hope that the vast majority of the Members of this body agree with me in this.

I insert in the Record an article entitled "F–111's Gain New Respect", by Orr Kelly, which appeared in the Washington Star, on May 6, 1973 at this point:

F–111's Gain New Respect

(By Orr Kelly)

The blue runway lights of the Royal Thai Air Base at Takhli slide past and drop away behind as the F111 rises into the inky blackness of the tropic night.

In the left seat, the pilot is intent on his instruments as he adjusts the speed, altitude and sweep of the wings.

To his right, the weapons control officer checks navigation and target information.

They are alone in the sky—no tankers, no fighter escort, no electronics-loaded planes to blank out the enemy radars—on this typical mission of the most controversial plane in the Air Force inventory.

Conceived more than a decade ago by Robert S. McNamara as the single plane of the future for Air Force and Navy, the F111 has been battered by congressional inquiry, plagued by cost increases and bedeviled by structural problems. In the spring of 1968, the planes went into combat briefly but were withdrawn after three successive crashes.

Finally, in September of last year, 48 F111s were sent to Takhli and, within 27 hours after leaving their home base in Nevada, began their first true full-scale test in combat.

The test—in the sense of attacks against targets in Cambodia—still continues. But in the strikes against fiercely defended targets in the heart of North Vietnam, the F111 belied its questionable history with a remarkably low loss rate, precise bombing accuracy and a near-perfect reliability record.

As the F111 flies toward its target carrying as many as 24 500-pound bombs, it operates at the speed and altitude that gives it the best range.

But, as it reaches the edges of the North Vietnamese air defense radar network, the pilot makes one last call on his radio and then switches off every device that might betray the plane's presence except for its powerful radar.

The nose goes down and the speed rises close to the speed of sound. The terrain-following radar gropes ahead and automatically maneuvers the plane at about 200 feet above the ground.

Col. William R. Nelson, commander of the 474th Tactical Fighter Wing, gave this description recently to a group of test pilots:

"Although the TFR (terrain-following radar) automatically flies you over the hills, the crew primarily concentrated on trying to fly around them so we could stay as low as possible and escape enemy coordination. . . .

"The right seater is looking at his radar and continually telling the left seater what he sees out front. The left seater is monitoring all his normal instruments plus monitoring the TFR scope which shows him what type of terrain he is approaching.

"There is a lot of mental pressure," Nelson said later in an interview. "You don't just run around close to the ground at night and relax."

As the plane streaks in toward the target, there is evidence the enemy radar men and gunners know there is a plane in the area. But they cannot find it because of its low altitude and high speed.

"When the bombs drop, they know you're there," Nelson said. "The small-arms fire looks like a lot of lightning bugs down there.

"When someone shoots at you at night, I guarantee you see it," he added. "I tended to duck my head."

As the bombs fall away, the pilot swings back the wings and heads for home, following a careful escape route plotted the night before in a six-hour planning session.

In the period between late September when the first F111s went into combat until the Laos cease-fire five and a half months later, the planes flew more than 4,000 sorties—some of them paving the way for the B52s in heavily defended areas of Hanoi—and dropped 74,000 bombs, Nelson said.

In that period, six planes and 12 men went down. Two crewmen were captured—one of them after 12 days of hide-and-seek with the North Vietnamese—and returned home safely in the prisoner exchange. No one knows why the planes went down although the two crewmen who came home said they thought they had been hit by a lucky marksman with a rifle—a "Golden B-B."

Nelson, who flew 39 missions without taking a single hit, said the loss rate was surprisingly low—.15 percent. In their missions against the Hanoi-Haiphong area, the high-flying B52s had a 2 percent loss rate.

"If I had to go back to Hanoi and drop bombs tomorrow I'd go in an F111," Nelson said.

The reliability record of the planes in combat was also remarkably good, he said. Of the 48 planes, more than 30 were in the air each night. In the first couple of weeks, Nelson said, the planes developed a minor problem in bomb-release mechanism—the one thing they did not use regularly in training—but not a single mission was aborted for that reason.

The F111s are still flying missions against targets in less heavily defended areas of Cambodia. Nelson said crews from other F111 units—both tactical and fighter-bomber and strategic bomber—have been flying combat missions with his wing to build up combat experience.

A study is now being made to determine the safest way to attack targets in a highly-defended area like Hanoi.

Nelson said he is confident they will find the method pioneered by the F111s—fast, at night and on the deck—is the best way to go.

NEED TO KEY VETERANS' PENSIONS TO SOCIAL SECURITY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. YOUNG of Florida. Mr. Speaker, yesterday the Subcommittee on Compensation and Pension of the House Veterans Affairs Committee held hearings on a number of bills dealing with the veterans' pension system.

I have introduced three such bills, H.R. 1305, 1306, and 2686, all of which express my deep concern over the cuts in veterans' pensions resulting from the social security increases enacted by the Congress last year. I applaud the decision of the committee to hold hearings on this vital subject, and hope that the House will be able to take early action on a bill to remedy the current injustice.

Following is the testimony I presented to the committee on behalf of these bills:

TESTIMONY OF C. W. BILL YOUNG OF FLORIDA, BEFORE THE SUBCOMMITTEE ON COMPENSATION AND PENSION, VETERANS AFFAIRS COMMITTEE JUNE 12, 1973

Mr. Chairman, I would like to express my strong personal support for three bills which you have before you today. I introduced H.R. 1305 and H.R. 1306, and I cosponsored H.R. 2686. Each of these measures has a common goal which I feel is of utmost importance to all veterans—protection against reductions in veterans pensions brought about by last year's 20% increase in social security benefits.

Nearly 74,000 veterans live in the Sixth Congressional District of Florida, which I have the honor of representing. Many of these men, and many widows and dependents of veterans, are living under conditions of great economic hardship; any further reduction in their very limited incomes literally means food from their mouths and the loss of vitally needed medicines. I do not feel that men who have served their country without hesitation in time of national emergency should be subjected to reductions in already small incomes because of our failure to remedy legislative inequities in overlapping benefits programs.

I can do no better than to let my constituents speak with their own voices on how the Social Security increase has affected their lives. I quote from but two of the hundreds of letters I have received since the VA reduced pension and disability benefits on January 1 of this year.

"I am almost 75 years of age and a diabetic. My wife is in poor health and has been for over seven years. Our *only* income is social security plus the Vets pension. I received notice yesterday my pension has been cut from $97.98 to $85.26 per month. True, this is only $12.72 per month cut, but let me tell you it hurts us an awful lot, as our health problems require so much extra cash. Living costs have *not* gone down. . . . The 20% S.S. raise was to help us meet the inflationary price on essentials, but when there is no law protecting our Veterans pension, what good is the raise when a slice is taken from the pension?"

"I am a veteran 80 years of age, of WWI. Last year my VA pension was $67.76 per month. I received notice today that beginning January 1, 1973 my pension would be reduced to $42.86 per month due to a 20% increase in my Social Security, which amounted to $35.00 per month. The 20% increase was for everybody but the Veteran. This cut in pension reduces my SS increase to $10 per month instead of $35.00."

Mr. Chairman, I cannot believe that when the Congress passed the social security increase, it intended to deprive these elderly men and their dependents of the pensions they earned by service in the armed forces of this country. The Senate did attempt to remedy this miscarriage of justice toward the end of the last Congress, but the bill unfortunately died in the pre-election rush to adjournment. We must, therefore, take up this problem immediately, and it should be a top priority of this Committee and the core around which any amendments to the veterans pension system are built.

I have a particular concern for veterans of World War I and their dependents, since these people are all of advanced age and therefore very limited in their financial resources. If they attempt to live on their pensions, they are kept well below the poverty level. If they have other sources of income, such as social security or railroad retirement benefits, their income rises above the statutory limitation and their pension is reduced or eliminated altogether. Either way they lose—and they are restricted to incomes which are well below the poverty level anywhere in the country.

Age brings special hardships to World War I veterans and their families. The labor market is, for all intents and purposes, closed to them. Other pension systems, such as social security and railroad retirement, have their own built-in limitations. And the health problems associated with advanced age are such that much of the monthly income may go for health care costs that are not covered by Medicare or other insurance programs. Again, quoting from one of my constituents, I cite one instance of hundreds:

"I have been disabled since 1965 with emphysema and find it hard to make ends meet as my wife is not yet eligible for Social Security or Medicare. Our medical expenses last year were $698.00 which we managed to pay out of our own pocket. Social Security and the Veterans pension are our only source of income."

H.R. 1305, the World War I Pension Act of

1973, would remedy some of the hardships confronting World War I veterans and their families. This bill provides increased pensions for these veterans and their dependents, and exempts from determination of their annual income the benefits received from other sources, such as social security and railroad retirement. My bill also establishes a separate pension system for non-service connected disabilities and a priority system of hospital and medical care. Thus, the World War I Pension Act, which I first introduced in the 92nd Congress, would go a long way toward easing the plight of these elderly veterans and their dependents.

H.R. 1306 hits directly at the impact of the social security increase on veterans pensions by amending title 38 of the United States Code to provide that one-half of any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title. Passage of this legislation would eliminate such instances as the man who received a $37.00 increase in social security—and because of it lost a $42 non-service connected VA disability pension. Or the veteran whose social security was increased by 20% and whose veterans pension was subsequently decreased by 25%.

An alternative means of dealing with this same problem is contained in H.R. 2686, which I cosponsored along with 49 other Members of the House. H.R. 2686 would raise by $600 the limit on income which a veteran can earn without losing his pension. It would also increase the benefit formula for computing veterans pensions. The pension base for a veteran with no dependents would be increased from $130 to $148 monthly; for a veteran with one or more dependents from $140 to $158 monthly; for a widow with no child from $87 to $93 monthly; and for a widow with one or more dependents from $104 to $110 monthly.

Under the Social Security Amendments of 1972, the special minimum benefit established for individuals with 20 years of social security coverage would be $85.00. Thus, a veteran with no dependents and 20 years coverage under social security could receive a combined income of $233 per month, or $2,796 annually, if H.R. 2686 were approved. I suggest to this Committee that $2,796 is not, by any stretch of the imagination, an excessive annual income.

The House has already taken action to bring railroad retirement benefits into coordination with social security benefits. I sincerely hope that this Committee and the House as a whole will take similar action with regard to veterans pension benefits, taking into special account the individuals affected. If the Federal Government can spend billions of dollars on programs to aid every "disadvantaged" group in this country, it can certainly afford to spend the few hundred million dollars we owe in conscience and in fact to men who have answered their country's call in time of war.

A TRUE CELEBRATION OF POSTAL EMPLOYEES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mrs. SCHROEDER. Mr. Speaker, I would like to insert in the RECORD information regarding the $332,985 spent by the Postal Service on activities during the recent celebration of Postal Week. These activities included a "Special Report to Postal People," a souvenir memento of commemorative stamps sent to postal employees, and a filmstrip presentation which has been distributed to elementary schools. Postmaster Klassen says that these items were developed as a part of a program to improve communications with postal employees and to improve understanding of their services.

I was contacted by some postal employees who expressed concern about the way this money was spent. These employees have pride in the job they do. They are as concerned as the rest of us that we we can get men to the Moon faster than we can get letters delivered in some parts of the United States. They do not want money spent to deliver propaganda to themselves or others when there are such crying needs for service improvements.

These people are the backbone of the Postal Service and do deserve recognition. But they understand, if the bureaucracy does not, that providing limited funds for needed services is the best way the Postal Service could honor them. The correspondence follows:

MAY 2, 1973.

Hon. E. T. KLASSEN,
Postmaster General,
U.S. Postal Service,
Washington, D.C.

DEAR MR. KLASSEN: It has come to my attention that the Postal Service has mailed to each of its employees an 8 page "Special Report" on Postal Week and a sheet depicting the 10 stamps issued in honor of this Week. In addition, the Postal Service has produced a film strip which has been distributed to 70,000 schools and most postmasters, also as a part of Postal Week activities.

A number of postal employees have contacted me expressing their concern over the cost of producing and distributing these items at a time when service is being cut in the name of economy. I share this concern and would like your office to provide me with the cost of both the production and distribution of the items mentioned.

I look forward to your early reply.

Sincerely,

PATRICIA SCHROEDER,
Congresswoman.

THE POSTMASTER GENERAL,
Washington, D.C., May 14, 1973.

Hon. PATRICIA SCHROEDER,
House of Representatives,
Washington, D.C.

DEAR MRS. SCHROEDER: Thank you for your letter of May 2, 1973, with regard to a "Special Report" on Postal Week, a souvenir memento sent to postal employees and a film strip presentation which has been distributed to elementary schools.

All three items were developed and distributed as a part of our continuing program to improve communications with our employees and to improve public understanding of the services they provide. Postal Week, April 29–May 5, was designated as a time to take stock of the challenges which must be met jointly by postal people and the millions of citizens throughout America who depend upon the mail.

As a part of Postal Week, a set of 10 commemorative stamps was issued honoring postal employees. Souvenir mementos of these stamps were distributed to all postal employees and retirees in recognition of their service to the American public. Nine-hundred-five thousand mementos were printed at an average unit cost of 10.7 cents.

Although the envelopes were inadvertently marked "Air Mail," Postal Service Headquarters provided instructions at the point of origin and to each Region to distribute these by surface transportation. Trucks—not airplanes—carried the mementos from the printer to mail distribution centers throughout the country and then to post offices. Those addressed to Puerto Rico and a portion of those addressed to Hawaii and Alaska were the only ones which received airmail service.

Mailing was under the postal frank, and the mementos were handled as first-class mail. The attributable mailing cost was about eight cents each.

The newsletter, "A Special Report to Postal People," went to all employees. It was designed to provide advance information to them on the various customer programs and other plans for Postal Week. Six-hundred-fifty thousand were printed at an average unit cost of less than three cents. These were distributed under the postal frank as first-class mail, with attributable costs of 2.5 cents each.

A filmstrip entitled "90 Billion Raindrops" was developed and distributed at an average unit cost of $1.60. Eighty thousand copies of the filmstrip package were produced for distribution to all elementary schools in the country with more than 100 students. It has been well received by educators as a valuable instructional tool, as well as informative material in the area of career development.

In summary, the items discussed involved the following cost:

Souvenir mementos	$96, 835
Attributable mailing cost	72, 400
Special report	19, 500
Attributable mailing cost	16, 250
Filmstrip	128, 000
Total	332, 985

Postal Week has evoked hundreds of newspaper articles and other comment in cities and towns throughout the country. Thousands of people have visited their local post offices. Activities of this kind contribute to a better understanding of the problems and aspirations of the Postal Service at a time when such understanding can be particularly helpful.

This is our way of saying "thank you" to the postal employees who operate the system. I infer from questions asked of me during my appearance at the House hearings, that the morale of postal workers is a concern of the Members of the Committee. We realize morale is never as high as one could wish, nor is there any one thing that will cause it to rise. The activity you ask about is one type of communication we feel will be helpful in improving morale.

Improving service doesn't depend just on spending more money. Service has improved substantially from the low of the Christmas period, and we are applying whatever funds can contribute to still additional improvement. We did not feel compelled to forego the worthwhile Postal Week activity that was generally desired and appreciated in order to make investments in service beyond those already being made.

Sincerely,

E. T. KLASSEN.

THE PORTUGUESE AND BRAZILIAN COMMUNITIES OF NEW JERSEY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RODINO. Mr. Speaker, we often speak of the beauty and richness of our ethnic traditions and of the need for us to preserve and perpetuate this most cherished legacy. Day by day, this special and unique epic continues. Immigrants with the same courage and spirit of our early founders come to our shores filled with dreams of building new lives and raising families under the peace and prosperity of the U.S. flag. Daily, they undergo resocialization, learning the ways of this new American society, studying the language, slowly becoming an active and vital part of our democratic process, yet always striving to maintain and pass down the history and customs of their former homeland and people.

On June 8, 9, and 10, the citizens of the Portuguese and Brazilian ancestry in the State of New Jersey and the United Portuguese-speaking community of New Jersey convened for their first State convention in my home town of Newark. Their purposes, goals, and discussions were geared toward establishing a full and meaningful understanding of the needs of their particular community in America and of the ways in which they can help one another to reach this objective. These meetings were not merely philosophical musings. Their topics involved people—our people—and the realities of the situations they must deal with and the challenges they must face now that they have settled in America. How to provide these men and women with a simple, effective, and long-lasting mechanism for their involvement in community affairs, especially for matters related to other ethnics and connected with civic and educational activities? How to give this community a sense of direction, a feeling of importance, a basis for responsible leadership? Questions were shared, ideas exchanged, and plans discussed all asking, What can the Portuguese community do for the newly arrived immigrant?

How to help him find employment, legal assistance, and a bridge over the cultural shock and the language barrier? How to raise children in a way that they understand what it means to be young and Portuguese, and to develop deep feelings for the holidays, customs and traditions of their culture and heritage. And lastly, how these traditions, skills, and developments can be coordinated and translated into meaningful contributions here in America. Workshops centered discussion on the drug problem, the bilingual program in Newark, the importance of learning one's own trade, guidance in starting one's own business. At the conclusion of these 3 days, the following resolution was adopted:

Whereas, Said Convention has been successful in every way;

Whereas, The People of Portuguese and Brazilian Extraction have contributed richly to the history and culture of this City, State, Nation and of the World; and

Whereas, The People of Portuguese and Brazilian Extraction have contributed to the industrial, economic, political and cultural heritage of this country; and

Whereas, A need has been acknowledged for immediately establishing an organization to assist these People in adjusting to life in the United States of America, to provide legitimate means for participation and representation in the democratic process governing this country; and

Whereas, It has been recommended the creation of a supreme policymaking institution—to be known as "The State Community Council"—for holding final responsibility in major community actions.

This Council is to be comprised of official representation from each of its integrating committees; added to official representation from each of the Community's legally constituted associations, clubs, and churches in the State of New Jersey; and assisted by members of the Portuguese Press, Radio, and Television;

Now, therefore, be it resolved, That this Convention express its sincere appreciation and heartfelt gratitude to the following entities:

The Sport Club Portuguese, Inc., of Newark, N.J., for having generously made available its facilities to the Convention;

The Portuguese Instructive Social Club, Inc., of Elizabeth, N.J., for having cooperated fully and unconditionally with the Convention;

The Portuguese Press, Radio, and Television media, for its support and generous contributions;

Be it further resolved, That we thank each and every person, entity and group that made available facilities and receptions to the hundreds of concerned citizens who comprise the Organizing Committee for a United Portuguese Community in New Jersey;

Be it further resolved, That the Second Annual Convention of the Portuguese-speaking Community of the State of New Jersey be held in the City of Elizabeth, State of New Jersey, on June 7, 8, and 9, 1974; and lastly,

Be it further resolved, That this Resolution be officially spread upon the minutes of the Convention and copies hereof be sent to all concerned.

Know all men by these presents, That the undersigned, President "pro-tempore" of the Coordinating and Public Relations Committee, does hereby certify that the foregoing Resolution was adopted at the First Annual State Convention of the Portuguese-speaking Community of the State of New Jersey, in Newark, N.J., on June 10, 1973.

JOAO CARLOS RENDEIRO.

Tomorrow, our Nation celebrates Flag Day. I would like to take this opportunity to commend the United Portuguese Community Council for their most successful convention and for the high purposes that have been established at this most memorable meeting. I was happy to send this council a flag which has flown over our Capitol Building, for I am sure that the raising of that flag shall signal both the commitment of the Portuguese immigrant to his or her new country and the desire of this community to contribute to the strength and progress of the United States.

COMPUTERIZED QUESTIONNAIRE RESULTS REFLECT STRONG VIEWS OF CONGRESSMAN McCLORY'S CONSTITUENTS

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. McCLORY. Mr. Speaker, the results of my biennial questionnaire have now been fully tabulated, and I am pleased to report to my colleagues and to my constituents as well as to others who receive the CONGRESSIONAL RECORD the final numerical and comparative results on the questions propounded in this year's survey.

Mr. Speaker, initially, I should report that more than 150,000 questionnaires were circulated among the residents of the 13th Congressional District, comprising major areas of Kane, Lake, and McHenry Counties, Ill.

While the questionnaire provided opportunities for both husbands and wives to respond, it was my primary intention to assure that both would have the opportunity to express their views on the 12 critical issues in the questionnaire. I should add that there was no special interest in seeking to distinguish between the views of male and female constituents. Let me hasten to add that the responses of men and women were surprisingly similar on most of the major issues.

Mr. Speaker, a difference between men and women constituents was indicated on that question which related to the mandatory death penalty in certain types of Federal cases where 83 percent of the men support such a law, in contrast to 77 percent of the women who take such hardline position. A total of 46 percent of the men would grant to teenagers and farmworkers exceptions from minimum wage legislation, in contrast to 39 percent of the women who favor such a differential. Men, also, were slightly more favorable to relaxing environmental standards in order to meet increased energy requirements, with 64 percent of the men favoring this position, in contrast to 59 percent of the women.

Mr. Speaker, there were several issues upon which the citizens of Illinois' 13th Congressional District responded with unmistakable majorities. I have mentioned already the large majority—80 percent—who favor a mandatory death penalty in certain Federal cases. Even more striking is the high percentage of those who feel that adult welfare recipients should be required to work. On that question which reads, "Do you believe that adults who receive welfare benefits should be required to work if they are able to do so?" an almost unanimous 95 percent responded with a decisive "Yes."

Two other related questions evinced a solid district position on issues which may come before this Congress. On the question of amnesty, there was an 85-percent opposition to any law which would permit individuals who violated the draft law to now receive amnesty. On the critical question of economic aid to North Vietnam, 85 percent turned a decided thumbs down on any such program.

Mr. Speaker, in addition to circularizing the adult citizens of the 13th Congressional District, I submitted similar questionnaires to the students of nine high schools located throughout the 13th District. In general, I must conclude that the students' points of view on the major issues closely paralleled those of the adult citizens. Still, this is a generalization that also has its exceptions. One exception was on the question of a mandatory death penalty in certain Federal cases. Only 53 percent of our high school students favored such legislative action, in contrast to 80 percent of the adults who favored the death penalty. This 27 percentage point differential is greater than appeared on any of the other questions.

On question 6, which asked whether highway trust funds should be used to improve urban public transportation systems, high school students, particularly in Waukegan and Elgin, were most favorable with 73 percent of the Elgin Larkin students supporting such use of highway trust funds, and 73 percent of the Waukegan High School students taking a similar view. Young and adult citizens alike lined up in strong support of legislation to deal with strikes that threaten national transportation and communications facilities, with 80 percent or more of both young and older citizens favoring stronger national laws.

A wholly anticipated result occurred with respect to the question relating to tax credits for parents of children who attend private or parochial schools. Students at Marian High School in Woodstock and St. Edwards High School in Elgin, both Catholic affiliated, favored such tax advantages by a ratio of 97 and 98 percent, respectively. Conversely, the public high schools took a contrary view, with only about one-third of the students at Crystal Lake and Mundelein High Schools supporting such a tax credit program of aid to parochial and private schools. Slightly less than one-half of the adults responded favoraby on this question.

Mr. Speaker, on the issue of a proposed constitutional amendment to prohibit the busing of school children on the basis of race, a solid majority among the adult voters favored such a constitutional change. Even among high school students, 58 percent responded affirmatively.

Mr. Speaker, the computerized system which was employed in conducting this year's poll of my constituents is probably the most advanced that has ever been used in a congressional office. In addition to the carefully prepared computer card questionnaire, there were 48 separate answers which were possible on each card, with combinations of answers numbering in the thousands. In order to tabulate the responses of all of those who responded to the questionnaire, it was necessary to prepare a complicated computer program involving 127 steps. Let me add that when the computer card tabulation was completely programmed, it was communicated to a computer facility of General Electric Co. in Cleveland, Ohio.

Mr. Speaker, last Thursday, a portable computer terminal was set up in my office and connected by telephone with the General Electric computer in Cleveland. Then, in the space of less than 3 minutes, the entire results of more than 40,000 constituent responses were tabulated accurately and completely on a printout, from which this report has been prepared.

Mr. Speaker, notwithstanding this extremely modern system for polling my constituents and the record response which I received, I should note that 3 percent of the cards returned were marked in pencil or returned unmarked, with the result that the computer did not tabulate the results. Another approximately 2 percent of the cards were bent or multilated in such a way that the computer equipment would not accept the cards and the results on those, too, were lost. One questionnaire card was returned with all 48 holes punched, representing both a yes-and-no response to all 12 questions by both husband and wife. The card bore the notation: "We were confused." The computer rejected this response.

This represents a 95-percent return of all of those who were sufficiently interested to mark the computer cards in this survey. The wisdom of including men and women on the same questionnaire is evidenced by the fact that 80 percent of the returns reflected the votes of husbands and wives, or male and female members of the same household. Only 7 percent of the responses came from women only, and only 8 percent from men only.

Mr. Speaker, while the detailed responses which I received are broken down into individual counties, the following table shows only the districtwide results, including the numerical totals and the respective percentages on each of the 12 issues covered in this year's questionnaire. Following the computerized questionnaire responses, I am including a tabulation of the survey conducted in nine of the high schools in my district from which some comparisons and individual analyses may be made:

Tabulation of Responses to Congressman McClory's Questionnaire to His Constituents

1. Should the President have the authority to establish a ceiling on Federal spending in the event Congress does not exercise that authority?

2. Do you favor amnesty for individuals who evaded military service in violation of the draft law?

3. Should our government participate in an economic assistance program which would include North Vietnam after all POW's and MIA's are returned or accounted for?

4. Should Congress enact a mandatory death penalty for certain crimes such as murder of a Federal official, skyjacking and kidnapping for ransom?

5. Should a Constitutional Amendment be adopted to prohibit the assignment (busing) of public school children on the basis of race?

6. Should money from the Highway Trust Fund be used to improve urban public transportation systems?

Question	1	2	3	4	5	6
Totals:						
Responding	38, 914	39, 731	39, 628	34, 599	39, 692	39, 451
Voting no	10, 034	33, 410	33, 871	6, 932	10, 366	20, 519
Voting yes	28, 880	6, 321	5, 757	27, 667	29, 326	18, 932
Percent yes	74	16	15	80	74	48

7. Would you favor stronger laws to deal with strikes that threaten our national transportation and communications facilities?

8. Do you believe that adults who receive welfare benefits should be required to work if they are able to do so?

9. Do you favor a law that would prohibit the issuance of food stamps or welfare payments to families of striking workers?

10. Would you support a program of tax credits to parents or guardians of children who attend private or parochial schools?

11. In Federal minimum wage legislation, should exceptions be made for teenagers and farm workers?

12. Should environmental standards be modified in order to meet increased energy requirements?

Question	7	8	9	10	11	12
Totals:						
Responding	39, 475	39, 907	37, 343	40, 052	39, 460	39, 137
Voting no	9, 419	1, 987	12, 508	22, 317	22, 647	15, 095
Voting yes	30, 056	37, 920	24, 835	17, 735	16, 813	24, 042
Percent yes	76	95	67	44	43	61

ANALYSIS OF HIGH SCHOOL RESPONSES, ALL VOTES 'YES' ARE IN PERCENTAGES

Question	1	2	3	4	5	6	7	8	9	10	11	12
Antioch High School—Sample base of 217 students voting yes	70	27	25	65	59	66	79	39	45	38	27	60
Crystal Lake High School—Sample base of 119 students voting yes	73	37	27	47	53	68	68	86	45	32	30	63
Elgin Larkin High School—Sample base of 165 students voting yes	63	62	50	41	66	78	51	86	38	43	38	62
Grant High School (Fox Lake)—Sample base of 142 students voting yes	80	26	29	51	50	69	73	87	39	43	33	65
Marian Central High School (Woodstock)—Sample base of 93 students voting yes	53	34	32	47	57	60	82	99	47	97	24	68

Question	1	2	3	4	5	6	7	8	9	10	11	12
Mundelein High School—Sample base of 117 students voting yes	81	25	22	69	63	66	67	90	52	32	26	59
Saint Edward's High School (Elgin)—Sample base of 103 students (except as noted):												
Responses	103	91	98	96	93	103	102	102	81	96	94	81
Voting yes	79	46	39	50	60	65	65	90	63	88	27	57
Waukegan High School (East)—Sample base of 384 students voting yes	63	53	30	47	54	73	50	89	38	34	23	60
Zion-Benton High School—Sample base of 368 students voting yes	73	32	40	61	62	63	69	81	43	47	48	52
Total High School results—Sample base of 1,708 students voting yes	70	39	34	53	58	68	65	81	43	44	31	60

PROTECT SCHOOL NUTRITION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. LEHMAN. Mr. Speaker, as a former chairman of the Dade County School Board, I am deeply concerned about the maintenance of good child nutrition programs in our schools.

There are three issues of major importance in this area where action by the Congress can guarantee the continuance of proper nutritional programs for our children.

NO EDUCATION REVENUE SHARING

The special education revenue-sharing program as proposed by the President intends to absorb National School Lunch Act funds—section 4, nonfood assistance and State administrative expense—and end the earmarking of these funds specifically for child nutrition programs.

Leaving the designation of these funds to the discretion of State and local communities, as would take place under revenue sharing, would place child nutrition programs in great jeopardy.

The establishment and maintenance of school feeding programs should be a national policy and not left to the discretion of local governments who may desire to buy some hard-cover textbooks or audio-visual equipment rather than feed hungry children.

There are food service programs in effect today which would simply not be able to survive without section 4 funds.

Therefore, it is of utmost importance to oppose the President's special revenue-sharing proposal for education.

INCREASE THE REIMBURSEMENT RATE

Also of major concern is the need to increase school lunch reimbursement rates from 8 to 12 cents.

School food service programs are faced with a need to increase salaries to comply with minimum wage requirements.

It is anticipated that wholesale prices of the foods that are purchased, when adequate supplies are available, will greatly exceed fiscal year 1973 prices.

Therefore, if the sale price of lunches is to be kept low enough so that the majority of pupils can afford to buy lunch at school, then section 4 rates should be increased to a minimum average of 12 cents per lunch served.

NO SNACK FOODS AT SCHOOL

The purpose of school nutrition programs is to maintain and improve the health and nutrition education of school children.

Allowing easy access to snack foods during school hours tempts children to eat the snack foods instead of a nutritious lunch.

I have introduced H.R. 7815 which would seek to remove this temptation.

I wish at this point to insert into the RECORD a copy of H.R. 7815 and a position statement of the American School Food Service Association which explains in detail the need to limit the availability of snack foods:

H.R. 7815

A bill to amend the National School Lunch Act, as amended, to assure that the school food service program is maintained as a nutrition service to children in public and private schools, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. After the first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) delete the following sentence "Such regulations shall not prohibit the sale of competitive food in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools."

SEC. 2. The Child Nutrition Act is further amended by adding at the end thereof a new section as follows:

"SEC. 318. (a) The Secretary shall make cash grants to the education department or comparable agency of each State for the purpose of providing funds to local school districts and private nonprofit school systems to enable schoolchildren within each State to participate in programs which increase their knowledge of the nutritional value of foods and the relationship of nutrition to health.

"(b) In order to carry out the program provided for under subsection (a) there are authorized to be appropriated such sums as the Congress deems appropriate. These funds shall be apportioned among the States according to the number of people in that State in proportion to the number of people in all the States; however, no State shall receive less than 1 per centum of any funds appropriated by the Congress.

"(c) In the event that a State education or comparable agency is unable to distribute funds provided under this section to private nonprofit schools, the Secretary shall disburse these funds directly to such school systems in proportion of the total enrollment in these schools to the total enrollment in all schools in the State, and the Secretary shall withhold these funds from the total apportionment allotted to the State agency.

"(d) The Secretary shall withhold not less than 1 per centum of any funds appropriated under this section and shall expend these funds to carry out research and development projects relevant to the purpose of this section, particularly to develop materials and techniques for the innovative presentation of nutritional information."

POSITION STATEMENT OF THE AMERICAN SCHOOL FOOD SERVICE ASSOCIATION ON FOOD SERVED IN CHILD NUTRITION PROGRAMS

The purpose of school nutrition programs "is to maintain and improve the health and nutrition education of school children."[1]

American School Food Service Association with its 60,000 members is committed to the concept that food[2] served at school shall contribute to the development of sound nutritional habits and to the daily food needs of children. School foodservice programs must be concerned with the child[3] by (1) providing a learning opportunity; (2) providing adequate nutrients; and (3) helping him build a positive self-image.

1. The school foodservice program has a responsibility to fulfill its role as an educational laboratory where the child learns to make wise food choices. There is little evidence that man has any instinct to guide his food choices in order to meet his nutritional needs. Food likes are learned experiences influenced by the home, peer group and school. School foodservice should offer a wide range of opportunities to help the child know and like a variety of foods that make a significant contrbution to his daily nutrient requirements.

2. School meals should be adequate in kind and quantity[4] of food to provide a significant proportion of a child's recommended dietary allowance.[5] The school foodservice program must be responsive to changing life styles and educational programs. Basic nutritional needs vary little. Only the quantity of food varies with age and activity.

3. The school foodservice program is concerned with human dignity and the child's self-image. Where additional foods are offered for sale, the child without money may suffer embarrassment. The anonymity of the child receiving a free or reduced price meal will be lost when he is identified by his lack of extra money for purchase of additional food.

All foods available in the school during the school day should be under the management and control of the school foodservice department and proceeds therefrom should accrue to the school foodservice account. Only foods that make a significant contribution to the child's daily nutritional needs should be available in school or other child feeding centers; any additional foods made available in schools other than elementary should not be in lieu of a meal.

OPPOSITION TO SECTION 7 OF P.L. 92-433 (H.R. 14896)

In light of these beliefs, the American School Food Service Association is opposed to Section 7 of PL 92-433.[6] This section of the law permits the sale of any food item to any child at any location at any time. It undermines the intent of the National School Lunch Act, which has as its purpose "to safeguard the health and well-being of the nation's children."

During the '60's there was increasing evidence that malnutrition was a factor common to the affluent as well as to the economi-

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Footnotes at end of article.

cally needy. The report from the Ten State Nutrition Survey states that "adolescents between the ages of 10 and 16 years had the highest prevalence of unsatisfactory nutritional status. . . . In adolescents it was found that between-meal snacks of high carbohydrate food such as candies, soft drinks and pastries were associated with the development of dental caries. . . . School lunch programs were a substantial portion of the total nutrient intake of many school children." [8]

The need for a sound nutrition program for all children is evident, and yet the basic policy of school foodservice programs is threatened by Section 7 of PL 92–433. If there is a choice between non-nutritious and balanced meals, many children without nutrition education will choose the former.

There is need for a national nutrition policy to assure a sound school nutrition program as a right of every child.[9] Such a policy would serve as a guide for evaluating legislative proposals affecting the nutritional health of children.

Section 7, which reverses the policy basic to sound school nutrition, was enacted without benefit of adequate public hearings. There should have been opportunity for testimony by those who are concerned with the child's nutritional well-being.

New legislation is needed immediately to restore and augment the quality of child nutrition programs.

FOOTNOTES

[1] American School Foodservice Association Bylaws, Article II, Number 1, 1970.

[2] The term "food" as used in this statement includes everything liquid or solid that is consumed.

[3] The term "child" is used to cover all ages from 0 to 18.

[4] "Quantity of food" refers to the caloric intake or energy value.

[5] Lunch should provide at least ⅓ of the child's Recommended Dietary Allowance for his age/sex group; breakfast should provide at least ¼ to ⅓ of the child's Recommended Dietary Allowance.

[6] PL 92–433; Section 7. After the first sentence of Section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) add the following new sentence: "Such regulations shall not prohibit the sale of competitive foods in foodservice facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools."

[7] National School Act of 1946, as amended; purpose.

[8] Ten State Nutrition Survey, 1968–70.

[9] White House Conference Report on Food, Nutrition and Health.

I want to note here the invaluable assistance in pinpointing the problems of school nutrition by Mrs. Janet Shinn, director of the food and nutrition service for the Dade County public schools.

Mrs. Shinn and I both share a strong concern that good child nutrition programs must be maintained.

SUPPORT THE NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mrs. MINK. Mr. Speaker, I ask the Members of the House today to give their wholehearted support to a renewed and expanded commitment to the National Endowment for the Arts and Humanities. The arts and humanities form an integral part of what we, as a people and a nation, are and wish to become. H.R. 3926 is requesting an authorization of $145 million without illusions that it can save all of our theater groups or support all of our opera and ballet companies or aid all of our talented musicians, actors, filmmakers, scholars, and writers. The intent of this legislation is not to subsidize but to vitalize, to provide a spark and a substantial sense of commitment, which will create an atmosphere of support and encouragement.

We know that great achievements in the arts and humanities were rarely isolated moments or the products of isolated individuals—they were eras of unusual achievement, when artists and scholars and the communities that supported them seemed to draw inspiration and sustenance from one another.

Community support has always been a critical ingredient in creative achievement and that is, essentially, what we hope to contribute. Those of us who have been in Washington for sometime have noted its vigorous cultural growth and the deepening belief in itself as a national center for American culture. There is a virtually palpable air of creativity and life to this city: one achievement sparks another.

The work of the endowments here and elsewhere has laid the groundwork. There is the American Film Institute's work in preserving our film heritage and training and assisting future generations of film artists. American film is a dynamic art and yet by its very nature it is a complex and very expensive art form whose sheer costs would deter individuals from developing their talents.

I am hopeful of seeing even greater support for ethnic and regional projects. Without endowment interest and support, the simple lack of money may well condense our diverse and far flung cultural experience to the isolated pleasures of upper class residents of large metropolitan centers. The work of the endowments insures that our many, many resources are tapped and that the expression of our multifaceted talents is the property of all our people—whether they live in New York City or Wailuku, Maui.

The President requested $145 million to meet the needs of the National Endowments for the Arts and Humanities. This is the amount H.R. 3926 proposes to authorize. Frankly, I can think of few other investments in our people, in our Nation, and its continued vitality, which give a greater assurance of lasting rewards and satisfactions. This money is intended as an impetus to greater American achievements in the arts and humanities; the impact of our commitment will not be limited to those receiving direct grants. We hope to nurture—to share in the nurturing of the American spirit and its creative expression.

I urge you to approve H.R. 3926. The extension of the national endowments at an authorization level of $145 million for fiscal year 1974 and levels to be determined by Congress for fiscal year 1975 and fiscal year 1976 gives us flexibility as well as the opportunity to expand a vigorous and valuable program.

We are discussing a program which is fundamentally and vitally involved in the life of our Nation. We are talking about a purpose and understanding of life on which our Nation was built. We are talking about human expression and shared humanity. We are talking about American culture: its past, its present, its future, and its continuing diversity.

I would like to stress, as strongly as possible, that the endowments themselves have been and shall continue to be a means of perpetuating the richness of American life and the tenacity of her ideals. I urge you to consider this legislation with a full awareness of its import. I urge you to approve H.R. 3926.

THE ENERGY CRISIS AND THE ROLE OF THE OIL INDUSTRY

HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RIEGLE. Mr. Speaker, I would like to insert for the RECORD the following testimony which I presented on Monday, June 11, 1973, before the Senate Antitrust and Monopoly Subcommittee:

STATEMENT OF REPRESENTATIVE DONALD W. RIEGLE, JR.

Mr. Chairman: I want to thank you for the opportunity to appear before your Committee today, and express my appreciation for your leadership in investigating the competitive aspects of the energy crisis.

I appear here today to express my deep concern about the oil and gas shortage plaguing our country—and to encourage the Committee to explore *all* aspects of this situation. Clearly the public interest demands a complete search for the truth, and legislative recommendations which can solve this problem.

Representing an auto-producing district—and a constituency that depends substantially on automotive travel—I am convinced that the public interest requires adequate availability of petroleum products at fair and reasonable prices.

Let me say at the outset that I believe oil and gas products have come to assume a public importance here in America equal to electric power requirements. We presently subject electric power companies to public service regulation in order to prevent monopolistic abuse—and to insure adequate supply at fair prices.

Historically the oil industry in the United States had functioned as a part of the private enterprise sector, largely free of government regulation. Increasingly I am coming to the view that the unregulated market practices of the oil industry may actually be harming the public interest. If that is so, then strong legislative remedies are in order. And while all the facts are not yet known, I would urge that we not rule out the possibility that domestic oil companies may have to come under direct government regulation as to price structure and allowable rates of return.

Let me emphasize that I am not advocating such a step at this time; I would prefer to see a market environment within the oil industry that is genuinely competitive and that can establish a supply/price structure that will properly service the public interest.

If, however, the basic structure of the industry, possible monopolistic practices, corporate inefficiencies and waste, private greed, or other factors have combined to place the needs of our people and our country in jeopardy—then direct government intervention and regulation may be unavoidable.

The failure of the oil industry to produce an adequate supply of oil and gas products at this time has already created much public anxiety and injury. The American people have been inconvenienced, required to pay sharply higher prices for gas—and threatened with the prospect of inadequate home heating fuel and fuel products required by schools, police departments, and other vital units of government. Yet only a year ago, the major oil companies were objecting to increased importation of foreign oil products, assuring us that domestic refineries could adequately meet the needs of our people. Those assurances have proven worthless. We should establish whether these apparent gross errors of judgment were due to industry incompetence or outright misrepresentation.

I am also deeply disturbed at what almost seems to be the deliberate destruction of the independent oil dealer structure across our country. Effective price competition within the oil industry already has been badly damaged—and I find that an ominous development that harms the public interest. This has developed into a serious problem in Michigan, and I am glad to note that the Michigan Independent Oil Dealers will testify before you later today on this subject.

In examining these issues, I believe we must seek 1) an immediate improvement in the present situation—and 2) a competent longer range plan which is fair and workable. Such a plan must necessarily take into account new environmental standards, the obvious need for greater refinery capacity, accelerated discovery and development of needed energy sources, lower distribution costs, and thoughtful conservation of fuel, among other things.

In the short run I would specifically urge a mandatory pro-rata allocation system, so that equity is assured among dealers and users—and I am encouraged by Senate passage last week of the Fuel Allocation Act.

Finally, Mr. Chairman, I would urge the Committee to give special investigative attention to certain specific questions that are both complex and sensitive.

First, to what extent has the recent international cartel arrangement served to create or worsen our domestic oil problem here in America? Have new monopolistic relationships come into being, and if so, are domestic oil companies involved? Did former Texas Governor John Connally participate in negotiating these new arrangements, and if so, does his recent appointment by President Nixon create any conflict of interest with respect to matters of oil policy?

Second, can we more precisely establish the feasibility of various energy options for meeting our future energy needs in order that we might reach rational and wise judgments on such immediate matters as the proposed Alaskan pipeline and proposals to accelerate off-shore oil development?

Third, does any evidence exist to show collusion among the major oil companies to promote an oil scarcity in order to limit competition, secure monopolistic profits, or gain additional governmental concessions? It would be my feeling, Mr. Chairman, that any evidence along this line should prompt us to prepare new legislation which would provide criminal penalties—both fines and imprisonment—for anyone endeavoring to artificially restrict the supply of oil and gas—contriving the appearance of scarcity—or conspiring to reduce competition.

Fourth, are recent gas price increases simply the pass-through of higher manufacturing costs—or do they represent an increase in profit margins? I note for example that the profits of Exxon have mushroomed by a startling 42%—comparing first quarter results in 1972 versus first quarter 1973. Other major oil companies are also showing a spectacular rise in profits.

Fifth, I am deeply disturbed by news reports yesterday, alleging that officials of the Federal Power Commission sought to destroy confidential papers related to the shortage of natural gas. If these reports are accurate—it raises a serious question as to whether the FPC, as now constituted, is an adequate governmental regulator. If not, does it then impose upon the Congress the need to consider the possible creation of a tough, new independent regulation mechanism within government?

Finally, I would like to express my strongest opposition to the possible 5 cent a gallon national gas tax that has been suggested as a way to reduce gasoline consumption. A regressive tax of this kind would work a particular hardship on people with low incomes who must use auto transportation. While we should properly consider ways to reduce unnecessary gasoline consumption—a tax of this kind would fall with unequal weight on those people who cannot afford to pay higher prices.

Mr. Chairman, I thank the Committee for this opportunity to appear, and I wish you well in your continuing investigative efforts.

WHAT IS COMMUNISM—CHAPTER III

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. PRICE of Texas. Mr. Speaker, I am pleased with the reaction thus far to the series of analytical statements on communism which I have initiated in the CONGRESSIONAL RECORD. Comments and questions I have received reinforce my belief that there is a need for as well as an interest in this type of study. We need to understand communism because it is a powerful force at work. But we need to understand real rather than imagined communism—there is simply no room for the innuendoes, the clichés, and the stereotypes that have surrounded this subject. That is the purpose of this series—and this chapter shall deal with communism and the role of the State.

The basic premise of communism is that all forces and aspects of the society—political, social, cultural, et cetera—are directly affected by the means of production—the economic base. The economic system is regarded by Marx as the foundation of the society, and it is then the force which directly determines the nature of the other elements of the society which are referred to as the "superstructure." The State is regarded as being a part of that superstructure.

Marx believed that the State is not a natural institution and that it was nonexistent in man's earliest type of society based upon the tribe. This society was communal and nonclass in nature, and functioned in the context of the family relationship.

Gradually, as the tribe grew, certain individuals gained unto themselves increasing influence and position within the tribe, together with an accumulation of property for private use. Gradually tribal life gave way to a feudal system—a change in the means of production—which resulted in the creation of the State. Thus, the State developed in society only after the communal nonclass primitive society had given way to an owner-class within the society, which set up and used the State to protect its private property from both the peasant class and the ambition of other neighboring ruling owner-classes.

The State cannot be regarded as a power imposed on society from without; rather, it is a product of society at a particular stage of development; it is the admission that this society has involved itself in irreconcilable antagonisms and self-contradictions. To keep the society from upheaval and to protect the class distinctions, a power apparently standing above the society becomes necessary to keep the society within the bounds of order.

Because the State—the superstructure—is affected by the economic base, it follows that the economically ruling class must also become the politically ruling class. In capitalism, which evolved from feudalism—land ownership gave way to ownership of machinery and capital—the role of the State as a servant of the bourgeoisie, the capitalists, is to oppress the great proletarian mass, the workers.

Since all of history, according to Marx, is the story of class struggles and since changes in the superstructure are directly dependent upon changes in the means of production, and since the State in the capitalist system must of necessity oppress the great proletarian majority, and since the law of the dialectic—as interpreted by Marx—decrees the inevitability of communism, therefore it becomes necessary for the proletariat to seize the means of production and to establish a new superstructure. To guard against the return of capitalist oppression, as imposed by the State, a new "dictatorship of the proletariat" must be created. However, this is interpreted by Marx to be a temporary, transitional phase, for gradually the State, which is evil, must wither away leaving the perfect, classless, and static society. Since the means of production, economic base, determines the superstructure—including the State—the new classless society of workers precludes the need for the State since the class struggle and the contradictory forces of capitalism have been abolished.

The next chapter of this series will deal with the politics of systemic transformation, that is, the need for violent or nonviolent revolution.

THE GAS TAX BALLOONS

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. GAYDOS. Mr. Speaker, I serve notice now that I am unalterably opposed to any increase in the Federal gasoline tax, the trial balloons for which the

Nixon administration has sent soaring higher than a superhighway "Exxon" sign.

William E. Simon, Deputy Secretary of the Treasury and Chairman of the Oil Policy Committee, is one of the balloon hoisters. He says the President "in the very near future" could ask Congress for a boost of from 1 to 10 cents above the present 4-cent-per-gallon levy.

Treasury Secretary George P. Shultz admits that such a request is under consideration. Meanwhile, the proverbial "informed sources" are being quoted by newsmen as predicting the hike contemplated as 5 cents. Such a sharp boost, they add, would increase Federal revenues to a budget-balancing degree, reduce gasoline consumption as motorists economize, and help ease the air pollution problem.

The contradiction of how a tax increase could bring billions into the Treasury while, at the same time, causing a noticeable decline in gasoline usage is not resolved in these reports. Surely less gasoline consumption would mean less picked up by the Federal Government from its increased tax rate.

Regardless, I am against this or any other measure which would heap a new cost burden on the American people at a time when most of them are struggling to keep up with the increased cost of food and other necessities. Our job is not to punish them further, but to do something about easing the load upon them by bringing about the governmental economies which cry out for attention and by adopting whatever controls are needed to get inflation under control.

An increase in the gasoline levy would hit hardest the low- and middle-income groups who are less able to afford it. A dollar a tank more means little to the rich. But it could be an extremely punishing item in the budget of the great majority of Americans—those, in fact, to whom the automobile is of major importance in their daily pursuits and in their recreation. They make up the motoring public. The wealthy ride the airlines.

As with others in this Congress, I have become weary of the contention that the inflation and Federal deficit problems are matters which demand the imposition of more taxes. This theory is invalid. What these problems do require is less waste in Government, a cut in the flow of gift dollars abroad, an economic leadership acutely aware of the plight of our people, and an end to the absurd notion that, somehow, we can spend ourselves into a lasting prosperity.

I am against a gasoline tax increase, or any other proposal which would make it tougher for the average American to get along.

TEXAS A. & M. UNIVERSITY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. TEAGUE of Texas. Mr. Speaker, it is a poor alumnus member who does not take advantage of every opportunity to "blow his horn" about his alma mater; and I am going to take this privilege of inserting into the RECORD, an article on Texas A. & M. University which appeared in the March 25 edition of the Dallas Morning News:

ESTABLISHED IN 1876—TEXAS A. & M. SERVES NATION

Texas A&M University (TAMU) has served the state and nation for nearly a century as a leader in teaching, research and extension education.

Established in 1876 as Texas' first public institution of higher education, TAMU has carried out its traditional land grant role while expanding into a variety of new fields. Its oceanographic and other marine-related activities, for example, led to the university's designation in 1971 as one of the first four Sea Grant Colleges in the United States.

As a Sea Grant College, Texas A&M has a mandate to provide leadership in developing the nation's marine resources.

The College Station campus is in the middle of an $80 million building program to accommodate its growing student body, faculty and expanding curriculum.

TAMU's 16,156 fall enrollment included 3,392 graduate students, giving the institution the state's largest percentage of full-time graduate students in comparison to total enrollment.

TAMU is continually attracting more students of high academic standing, with almost two-thirds of the entering freshmen ranking in the top quarter on their high school graduating class and approximately 90 percent are in the top half. More than 100 National Merit Scholarship recipients are currently enrolled.

Keeping pace with enrollment, the faculty has increased 50 per cent within the past five years. The university now has nearly 1,200 faculty members, two-thirds holding doctoral degrees.

TAMU's annual volume of research totals more than $30 million, making it a leader in the Southwest. The main campus includes more than 150 research laboratories for hundreds of individual projects. Among the facilities are the Southwest's largest cyclotron and one of the nation's busiest research nuclear reactors.

TAMU has 11 colleges, double the number of five years ago. They are the Colleges of Engineering, Agriculture, Business Administration, Liberal Arts, Science, Education, Architecture and Environmental Design, Moody College of Marine Sciences and Maritime Resources, Geosciences, Veterinary Medicine and the Graduate College.

Together, the college offers undergraduate degrees in more than 70 different fields and 105 degree options on the graduate level.

TAMU, with campuses at both College Station and Galveston, is part of The Texas A&M University System. The system includes Prairie View A&M College, Tarleton State College. Texas Forest Service, Texas Agricultural Experiment Station, Texas Agricultural Extension Service, Texas Engineering Extension Service, Texas Engineering Experiment Station and Texas Transportation Institute.

The major building program includes the $10-million Zachry Engineering Center and educational television facility completed last spring. Current projects are a 15-story oceanography-meteorology building, eight-story classroom-office building with two-story classroom annex, auditorium-continuing education complex, expanded Memorial Student Center, student health center, athletic dormitory and additional housing for married students.

Coeds are living on the campus for the first time this year after completion of a modern 1,000-student dormitories and commons complex. Once an all-male, military oriented school, TAMU now is fully coeducational, with 2,712 coeds enrolled.

Participation in the Corps of Cadets is strictly voluntary, yet TAMU still produces more new ROTC-trained officers each year than any other university in the nation. This year's Corps has approximately 2,650 cadets, including a new Marine Corps-oriented Naval ROTC program joining the Army and Air Force ROTC training at College Station.

GREAT SOCIETY SOCIAL PROGRAMS VIEWED AS COUNTERPRODUCTIVE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. CRANE. Mr. Speaker, I would like to commend to my colleagues' attention a most perceptive contribution to a symposium on "Nixon, the Great Society and the Future of Social Policy" in the May 1973 issue of Commentary by Dr. Edward C. Banfield. Now professor of Public Policy Analysis at the University of Pennsylvania, Dr. Banfield for many years held a chair of political science at Harvard University where he published, among other words, the Unheavenly City.

This eminent student of urban affairs and social policy points out that most of the social welfare programs of the 1960's—OEO, Community Action, Head Start, Vista, and so forth—have been ineffective or counterproductive. Many have done much more harm than good.

I should like to include his informative essay in my extension of remarks:

NIXON, THE GREAT SOCIETY, AND THE FUTURE OF SOCIAL POLICY

The Great Society was a Great Cornucopia overflowing with all sorts of goodies: civil-rights laws, the Office of Economic Opportunity (a cornucopia within a cornucopia), Model Cities (another cornucopia), manpower-training programs, compensatory-education programs, and so on—hundreds of items, altogether. Their diversity resists any one-word verdict.

Many millions of dollars were spent monitoring and evaluating, but the products of these efforts are of little value for the present purpose. The evaluations are mostly of bits and pieces of certain programs—Community Action in some cities and from certain standpoints, for example. So far as I am aware, not a single program has been evaluated systematically and in detail. That would be impossible in most cases because of the vague and contradictory nature of the goals. Model Cities, for example, was intended to concentrate resources in order to make a "substantial impact" on poor neighborhoods, to improve decision-making procedures in the offices of mayors and city managers, and (among other things) to foster coordination, innovation, and institutional change. No one had, or has, any way of knowing exactly what was meant by such words and, apart from that, there was, and is, no way of judging how much of one goal (say, innovation) ought to have been sacrificed in order to secure more in terms of another (say, coordination).

It must be remembered, too, that much of what is associated in the public mind with the Great Society had long been in existence. When Secretary George Romney called the Federal Housing Administration programs "a $100-billion-dollar mistake" he was not referring to those of the Great Society: the national housing goal was set by Congress in

1949 and even at that time the principal housing programs were a decade old.

Despite these considerations, I believe it is possible to separate out the Great Society programs and pass judgment upon them collectively. The Great Society had two general goals. The more widely publicized was that of bringing incomes up to what came to be called the poverty line. The other, which was more important from the standpoint of most of the professionals who participated in the design of the programs, was to bring "culturally deprived" persons into the "mainstream." The chronically poor, especially the young among them, were to be given training in schools and work places so that they could get steady, high-paying jobs; their civil rights were to be protected and extended; and they were to be provided with better health, housing, and recreational facilities—all with "maximum feasible participation" on their part. This, it was thought, would reduce frustration and "alienation" and engender self-confidence, self-respect, and a healthy desire for political and economic independence.

Judged against these goals, almost all of the Great Society programs (the exceptions that I have in mind are the civil-rights laws) range from unsuccessful to counter productive.

The number of the poor did, it is true, decline by one-fourth between 1965 and 1970. Without any doubt the Great Society programs accounted for some of this (OEO alone spent nearly $10 billion) but the Social Security program established by the New Deal accounted for more (mostly old people whose incomes had not been much below the line to begin with) and there were others—no one seems to know how many—whose increase of income was due to the natural growth of the economy. Indeed, on the whole poverty seems to have decreased at a *slower* rate in the 1960's than before. Robert J. Lampmann, in his valuable *Ends and Means of Reducing Income Poverty* (Markham, 1971), reports that the percentage of the total population in low-income status fell from 26 in 1947 to 19 in 1957 and to 12 in 1967. The principal factors affecting the rate of movement out of poverty are not the good intentions of legislators or the generosity of taxpayers: rather they are changes in the composition of the population, in occupations (especially farm versus non-farm), and in the size of the gross national product. According to Lampman and other economists, it is reasonable to expect that by 1980 no one will be below the existing poverty line. This would be the case no doubt even if the War on Poverty had never been declared.

There has also been progress toward the other goal of the Great Society programs—that of bringing the "culturally deprived" into the "mainstream." But here again most of it is not attributable to the programs. The income return to blacks who finished school in recent years is now about equal to that of whites; this has encouraged young blacks to want—and to get—somewhat more schooling than do whites of the same ability as measured by test performance. The Great Society's civil-rights laws deserve some of the credit for these developments, but surely the fundamental fact of the situation (accounting, among other things, for the passage of the laws) is that there has been a dramatic decline in white bigotry and insensitivity since the Second World War, resulting in vastly improved employment opportunities for the "culturally deprived" and making it possible for the motivated among them to find their way into the "mainstream." There is no evidence, so far as I have been able to discover, that the Community Action and other Great Society programs designed to stimulate upward mobility have succeeded in doing so. Where motivation developed it may have done so in spite of these programs rather than because of them. There is no doubt but that the injection of many billions of dollars of public funds benefited the black communities. The people who gained most, however, were middle class, not "culturally deprived."

That compensatory education programs have not worked and probably cannot be made to work is a conclusion now widely accepted even among those who expected most from them. Robert Levine, OEO's director of research in the Johnson administration, has written (in *The Poor Ye Need Not Have with You*, MIT Press, 1970) that in general ". . . the evaluation of educational programs shows that very little is known about what [will work] and even throws doubt on the importance of anything that might work. . . ." Much of the same has been said by others with respect to delinquency control, manpower training, community action, coordination, and most of the other programs. Indeed, in a paper presented in March at the annual meeting of the Southwestern Political Science Association, Professor Robert J. Leonard of the University of Evansville showed that anti-poverty expenditures (OEO, VISTA, Community Action, and Head Start) in 1968 had *no effect* on poverty, education, employment, and crime in the cities to which they went so far as could be judged by such crude but plausible measures as proportion of employed males per capita before and after.

Whatever judgment one makes as to the benefits of these programs, one must face the fact of their costs. These have been, and are still, very large. It has been estimated (by Charles Schultze and his collaborators of the Brookings Institution in *Setting National Priorities: The 1973 Budget*) that federal expenditures on the major Great Society programs increased from $1.7 billion in fiscal 1963 to $35.7 billion in fiscal 1973.

These money costs are far exceeded, in my judgment, by many other, more or less intangible costs, especially the following: the multiplication of categorical-grant programs beyond the capacity of the executive branch to administer them, with the result being delay, confusion, waste and corruption, and the "elbowing aside" (as the President recently put it) of state and local governments and of the private sector and their further decline in vigor and capacity; the raising of expectations to unreasonable levels leading to widespread disappointment and frustration and, on the part of quite a few, to the conclusion that this is a "sick" society "not worth saving"; the use of public funds in some cities to underwrite the "leadership" of known criminals, revolutionaries, and mountebanks who exploited—and in some instances terrorized and ultimately destroyed neighborhoods and institutions over which they were enabled to gain control (for a case in point, see the account of the destruction of the Woodlawn area of Chicago in the Winter 1973 issue of the *Public Interest*); and, finally, the cooptation of most of the young potential leaders of the poor neighborhoods and their subsequent neutralization and, in many instances, demoralization.

It was not for lack of money that the Great Society programs failed. Some of the principal efforts—Model Cities, for example—had more of it than they could spend. Others spent prodigally without measurable achievement. Federal aid to public schools, for example, increased from $19 to $52 billion in the 1960's, but the test scores of pupils, which had previously been rising, declined. (However, it should be remembered that in this decade the schools were holding more low-achieving pupils for longer periods: presumably they had some success with a considerable number of them.)

If an "income" (as opposed to "services") strategy means giving money to people rather than to governments, it is doubtful whether—except perhaps in the very long run—it would have succeeded any better in changing the style of life of those whose handicap was not simply, or even primarily, lack of income—that is, the "culturally deprived." In my opinion, putting millions more on welfare (which is what the "income strategy" seems to mean in practice) would permanently seal a great many people off from the world of work. I agree with the authors of *Work in America* (MIT Press, 1973) that "the key to reducing familial dependency on the government lies in the opportunity [I would add also the disposition to accept the opportunity] for the central provider to work full-time at a living wage."

It is a virtue of the "services strategy" that the conspicuous failure of a "service" makes it politically vulnerable. Not so with the "income strategy"; whatever ill effects that produced would probably pass unnoticed or, in any event, not be charged against it. Politically it would be unassailable. Thus we have recently been told by Joel Handley that the theory that "if enough people get on welfare it will be politically untenable to treat them as 'undeserving' . . ." is "both brilliant and humane" (*Reforming the Poor*, Basic Books, 1972).

(2) President Nixon no doubt wishes that Americans would do more for themselves and expect less to be done for them by government. Nevertheless I do not think that he is in the least likely to lead a "counterrevolution" against the trend of social policy. He knows, better perhaps than any man alive, that it is an indispensable condition of the working of the American political system that it offer strong incentives to all sorts of interests to press for advantages (not always "selfish" ones of course) and that incentives exist only as there is expectation of at least partial and occasional successes. He knows, therefore, that unwise and even outrageous measures must frequently be adopted, and that if it were otherwise (if, say, Congress were somehow made "responsible") the result would be to deprive the system of the energy that makes it work. That he is himself a very strenuous exerter of influence is evidence that he knows how to act effectively within the system, not that he wants to change it.

Although he may deplore it, the President must also be fully aware that the volume of demands placed upon the government is bound to increase. As Americans become more affluent, schooled, and leisured they discover (and also invent) more and more "social problems" which (they fondly suppose) can be "solved" if the government "really cares" (that is, if it passes enough laws, hires enough officials, and spends enough money). That one whose business it is to come to terms with reality, and who has shown himself to be extraordinarily adept at this business, will lead a "counterrevolution" against so conspicuous a feature of reality seems most unlikely. The President is a politician, not a preacher. His task and talent are for making things work, not for changing them.

The view that I am taking is in no way contradicted by the current budget proposals. The President is trying to curb inflation, avoid increases in taxes, get rid of programs that almost everyone knows have not worked, consolidate others for better administration, and turn responsibility for a wide range of matters back to the states and cities. Even if his budget contained no new initiatives (in fact it contains several major ones), it could not reasonably be taken as a portent of "counterrevolution."

The President's efforts to shift responsibilities to the states and local governments might perhaps be judged "counterrevolutionary" if he were leaving it to them to finance the programs. But this is not what he is doing. The fact is—although one would never guess it from the howls of mayors and governors—that the 1974 budget proposes to give state and local government more federal aid than they received this year (to make the figures comparable one must take into account that in 1974 public assistance for the aged, blind, and disabled will go to them directly rather than via grants to the states) and about four and one-half times what they received a decade ago. And this although state and local governments are presently enjoying an aggregate revenue surplus which, if they do not lower their tax rates, is expected to reach some $13 billion in 1975.

I see revenue sharing and the New Federalism in general as a sort of domestic Vietnamization strategy under which Washington will provide the "villagers" with material resources and technical advice while allowing them to fight the "war" in their own way. This is not necessarily a strategy for winding down the "war." It may merely represent a facing of the fact, obvious in the Johnson administration but not faced by it, that federal programs have become too many and too complex to be administered from Washington. Another possibility—I find this more probable, although I do not suppose that it is the President's wish—is that the new strategy is preparatory to an escalation of the "war" and the opening of vast new fronts (health seems to be the most likely one now that education and welfare are both stalemated).

(3) In my judgment a sound program in the area of social policy would involve a radical devolution of federal activities to state and local government and, beyond that, of many public ones to competitive markets. Such a program is, however, incompatible with the nature of our political system, which is energized by the pressures that interests exert to get things from government. Since I believe that despite its evident faults this political system is vastly better than any practical alternative, I am in the awkward position of having to conclude that a sound program is really unsound. When constituents begin asking politicians, "What have you *un*done for me lately?" the situation will improve.

SUPREME COURT'S HISTORIC DECISION

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. LEHMAN. Mr. Speaker, yesterday the Supreme Court handed down what I believe will be regarded as a historic decision.

In Strunk against United States, the Court unanimously affirmed the right to a speedy trial. The trial of Mr. Strunk was delayed for 10 months, and in regard to this, Chief Justice Burger, speaking for the Court, stated—

> The speedy trial guarantee recognizes that a prolonged delay may subject the accused to an emotional stress that can be presumed to result in the ordinary person from uncertainties in the prospect of facing public trial or of receiving a sentence longer than, or consecutive to, the one he is presently serving—uncertainties that a prompt trial removes.

Recognizing the great interest of my colleagues in this issue, I insert herewith the text of the Court's opinion:

(NOTE.—Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U.S 321, 337.)

[Supreme Court of the United States No. 72-5521. Argued April 24, 1973.—Decided June 11, 1973]

Syllabus

(Certiorari to the United States Court of Appeals for the Seventh Circuit)

Petitioner was convicted of a federal offense and was sentenced to a term of five years, to run concurrently with a sentence of one to three years that he was serving pursuant to a state-court conviction. Before trial, the District Court denied his motion to dismiss the federal charge on the ground that he had been denied a speedy trial. The Court of Appeals reversed, holding that he had been denied a speedy trial, but that the "extreme" remedy of dismissal of the charges was not warranted. The case was remanded to the District Court to reduce the sentence by 259 days to compensate for the unnecessary delay that had occurred between the return of the indictment and petitioner's arraignment. The Government did not file a cross-petition for certiorari challenging the finding of denial of a speedy trial. *Held:* In the case, the only question for review is the propriety of the remedy fashioned by the Court of Appeals. In light of the policies underlying the right to a speedy trial, dismissal must remain, as noted in *Barker* v. *Wingo,* 407 U.S. 514, 522, "the only possible remedy" for deprivation of this constitutional right. Pp. 2–6.

467 F. 2d 969, reversed and remanded.

Burger, C. J. delivered the opinion for a unanimous Court.

(NOTICE.—This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D.C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.)

[Supreme Court of the United States—No. 72-5521—June 11, 1973]

CLARENCE EUGENE STRUNK, PETITIONER v. UNITED STATES

On Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit.

Mr. CHIEF JUSTICE BURGER delivered the opinion of the Court.

Petitioner was found guilty in United States District Court of transporting a stolen automobile from Wisconsin to Illinois in violation of 18 U.S.C. § 2312 and was sentenced to a term of five years. The five-year sentence was to run concurrently with a sentence of one to three years that petitioner was then serving in the Nebraska Penitentiary pursuant to a conviction in the courts of that State.

Prior to trial, the District Court denied a motion to dismiss the federal charge in which petitioner argued that he had been denied his right to a speedy trial. At trial, petitioner called no witnesses and did not take the stand; the jury returned a verdict of guilty. The Court of Appeals reversed the District Court, holding that petitioner had in fact been denied a speedy trial. However, the court went on to hold that the "extreme" remedy of dismissal of the charges was not warranted; the case was remanded to the District Court to reduce petitioner's sentence to the extent of the 259 days in order to compensate for the unnecessary delay which had occurred between return of the indictment and petitioner's arraignment.

I

Certiorari was granted on petitioner's claim that once a judicial determination has been made that an accused has been denied a speedy trial, the only remedy available to the court is "to reverse the conviction, vacate the sentence and dismiss the indictment." No cross-petition was filed by the Government to review the determination of the Court of Appeals that the defendant had been denied a speedy trial. The Government acknowledges that in its present posture, the case presents a novel and unresolved issue, not controlled by any prior decisions of this Court.

The Court of Appeals stated that the 10-month delay which occurred was "unusual and call[ed] for explanation as well as justification." The Government responded that petitioner had, after receiving the proper warnings, freely admitted his guilt to an FBI agent while incarcerated in the Nebraska Penitentiary, and had stated that he intended to demand a speedy trial under Rule 20 of the Federal Rules of Criminal Procedure. The Government claimed that it had postponed prosecution because of petitioner's reference to Rule 20, and consequently, that a large portion of the delay which ensued was attributable to petitioner. The Court of Appeals regarded this explanation as tenuous; it also rejected the lack of staff personnel in the United States Attorney's Office as a justification for the delay. The entire course of events from the time of arrest through the Court of Appeals plainly placed the Government on notice that the speedy trial issue was being preserved by the accused and would be pressed, as indeed it has been.

On this record, it seems clear that petitioner was responsible for a large part of the 10-month delay which occurred and that petitioner neither showed nor claimed that the preparation of his defense was prejudiced by reason of the delay. It may also well be correct that the United States Attorney was understaffed due to insufficient appropriations and, consequently was unable to provide an organization capable of dealing with the rising caseload in his office especially with respect to criminal cases. Unintentional delays such as overcrowded courts or understaffed prosecutors are among the factors to be weighed less heavily than intentional delay, calculated to hamper the defense, in determining whether the Sixth Amendment has been violated but, as we noted in *Barker* v. *Wingo,* 407 U.S. 514, 531, they must.

"Nevertheless . . . be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant."

This served to reaffirm what the Court held earlier in *Dickey* v. *Florida,* 398 U.S. 30, 37–38 (1970).

"Although a great many accused persons seek to put off the confrontation as long as possible the right to a prompt inquiry into criminal charges is fundamental and the duty of the charging authority is to provide a prompt trial." [Footnote omitted.] [1]

However, in the absence of a cross-petition for certiorari, questioning the holding that petitioner was denied a speedy trial, the only question properly before us for review is the propriety of the remedy fashioned by the Court of Appeals. Whether in some circumstances and as to some questions the Court might deal with an issue in the setting of constitutional claims, absent its being raised by cross-petition, we need not resolve. Suffice it that in the circumstances presented here in which the speedy trial issue has been pressed by the accused from the time of arrest forward and resolved in his favor, we are not disposed to examine the issue since we must assume the Government deliberately elected to allow the case to be resolved on the issue raised by the petition for certiorari.

II

Turning to the remaining question of the power of the Court of Appeals to fashion what it appeared to consider as a "practical" remedy we note that the court clearly perceived that the accused had an interest in being tried promptly, even though he was confined in a penitentiary for an unrelated charge. Under these circumstances:

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[1] American Bar Assn. Project on Standards for Criminal Justice. Speedy Trial (approved draft), at 27–28 (hereafter "ABA, Speedy Trial").

"The possibility that the defendant already in prison might receive a sentence at least partially concurrent with the one he is serving may be forever lost if trial of the pending charge is postponed [Footnote omitted.]" *Smith* v. *Hooey*, 390 C. S. 374, 378.

The Court of Appeals went on to state:

"The remedy for a violation of this constitutional right has traditionally been the dismissal of the indictment or the vacation of the sentence. Perhaps the severity of that remedy has caused courts to be extremely hesitant in finding a failure to afford a speedy trial. Be that as it may, we know of no reason why less drastic relief may not be granted in appropriate cases. Here no question is raised about the sufficiency of evidence showing defendant's guilt, and, as we have said, he makes no claim of having been prejudiced in presenting his defense. In these circumstances, the vacation of the sentence and a dismissal of the indictment would seem inappropriate. Rather, we think the proper remedy is to remand the case to the district court with direction to enter an order instructing the Attorney General to credit the defendant with the period of time elapsing between the return of the indictment and the date of the arraignment. FED. R. CRIM. P. 35 provides that the district court may correct an illegal sentence at any time. We choose to treat the sentence here imposed as illegal to the extent of the delay we have characterized as unreasonable."

It is correct, as the Court of Appeals noted, that *Barker* prescribes "flexible" standards based on practical considerations. However, that aspect of the holding in *Barker* was directed at the process of determining *whether* a denial of speedy trial had occurred; it did not deal with the remedy for denial of this right. By definition such denial is unlike some of the other guarantees of the Sixth Amendment. For example, failure to afford a public trial, an impartial jury, notice of charges, or compulsory service can ordinarily be cured by providing those guaranteed rights in a new trial. The speedy trial guarantee recognizes that a prolonged delay may subject the accused to an emotional stress that can be presumed to result in the ordinary person from uncertainties in the prospect of facing public trial or of receiving a sentence longer than, or consecutive to, the one he is presently serving—uncertainties that a prompt trial removes. *Smith* v. *Hooey*, 393 U.S., at 379; *United States* v. *Ewell*, 383 U.S. 116, 120. We recognize, as the Court did in *Smith* v. *Hooey*, that the stress from a delayed trial may be less on a prisoner already confined, whose family ties and employment has been interrupted,[2] but other factors such as the prospect of rehabilitation may also be affected adversely. The remedy chosen by the Court of Appeals does not deal with these difficulties.

The Government's reliance on *Barker* to support the remedy fashioned by the Court of Appeals is further undermined when we examine the Court's opinion in that case as a whole. It is true that *Barker* described dismissal of an indictment for denial of a speedy trial as an "unsatisfactorily severe remedy." Indeed, in practice, "it means that a defendant who may be guilty of a serious crime will go free, without having been tried." 407 U.S., at 522. But such severe remedies are not unique in the application of constitutional standards. In light of the policies which underlie the right to a speedy trial, dismissal must remain, as *Barker* noted, "the only possible remedy." *Ibid.*

Given the unchallenged determination that petitioner was denied a speedy trial,[3] the judgment of conviction must be set aside; the case is therefore remanded to the Court of Appeals to direct the District Court to set aside the judgment, vacate the sentence, and dismiss the indictment.

Reversed and remanded.

CAPE COD AND CAMBODIA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. STUDDS. Mr. Speaker, on May 7, 1973, I joined three of my colleagues from the Commonwealth of Massachusetts in filing suit in Boston's Federal District Court to test the constitutionality of President Nixon's continued bombing of Cambodia. We are now waiting for the Government attorneys to respond to this suit. The basic question is: can a President of the United States violate the Constitution and several statutes passed by the Congress and signed by the President himself?

This constitutional question has not escaped the attention of the people we represent. At this point in the RECORD I would like to submit a three-part radio editorial aired by Mr. Francis Broadhurst on the Broadhurst Report, May 15, 16, and 17 on radio station WQRC, Hyannis, Mass.:

BROADHURST REPORT

PART I

The Watergate, like the plague, has become so overwhelming, has so many individuals involved, and is so shocking in all of its aspects that its very prominence has forced other issues into the background. It is really a pity because this sordid caper (which I, like many others, once considered to be a third rate burglary) has successfully overshadowed another issue which should be attracting much more attention and much more serious commentary than it has to date.

This issue is, of course, the issue of the power of the presidency versus the power of Congress—the Executive Branch versus the Legislative Branch of our tri-partite form of constitutional government. More specifically, I am referring to the move four Massachusetts Congressmen, including our own Congressman, Gerry E. Studds, to have the Federal Courts issue a judicial declaration that the actions of the Nixon Administration in carrying out bombing activities in Cambodia are violative of the Federal Constitution.

If this case is accepted by the Federal Judiciary and is actually described by the courts, it will be one of the most momentious landmarks in Constitutional Law since the Republic was founded. There is much at stake and, quite frankly, I am surprised that there has not been a spate of commentary in the press regarding the case.

I would like to explore with you some of the ramifications of the constitutional issue as I see them on a series of reports starting with a briefing on the actual suit filed in Federal District Court, Boston, on May 7th.

At the time of this writing, the battle lines of the current conflict of wills and constitutional authority between the President and the Congress over the bombing in Cambodia have been drawn on two fronts: (1) in the Congress and (2) in the Courts.

The issue is as clear cut as it is complicated: "Does President Nixon, as argued by Secretary of State Rogers and Secretary of Defense Elliot Richardson, have the authority to continue bombing Cambodia without the express consent of Congress?"

Or, to put it another way, can Congress, after more than three decades of abdicating its war making authorities to the Executive, claim that Nixon is in violation of the Constitution as argued by the four Massachusetts Congressmen?

In the Congress, the majority of the House of Representatives have already voted to stop funding the air war in Cambodia; and by the looks of things, a similar vote may be forthcoming from the other chamber—the Senate.

If, through Congressional action, President Nixon's conduct of bombing raids in Cambodia is brought to a halt through a cut off of funds, the issue will be resolved only temporarily, as I see it. However, if the suit entered in Boston before Federal District Court Justice Joseph Tauro is carried all the way through to a final judgment by the Federal Supreme Court, the issue will be fully and permanently resolved one way or the other. And the judgement of the United States Supreme Court—either in support of the plaintiffs or against them—in this case, will certainly be one of the most important to be delivered in the history of the Republic.

I would like to go through the bill of complaint filed last week. It was inserted in the Congressional Record the day after it was filed in Boston. It appears as an extension of remarks by the Honorable Robert F. Drinan of Massachusetts in the House of Representatives.

"On May 7th, 1973," said Drinan, "I, together with three of my colleagues and an active-duty service man filed suit in the Federal District Court in Boston, against the President, the Secretary of Defense, and the Secretary of the Air Force. "In the suit," said the Jesuit Scholar turned politician, "I, together with Congressmen John J. Moakley, Gerry E. Studds, and Michael Harrington and Airman First Class James H. Tayden (of Bedford), seek a judicial declaration that the actions of the Nixon Administration are in violation of Article I. section 8. clause 11 of the Constitution of the United State, various congressional enactments, the Paris Accords, and principles of International Law."

I would interject here that one should only seriously concern oneself with the first two allegations—(1) that the President's actions in continuing the bombing of Cambodia are in violation of Article I, section 8, clause 11 of the Federal Constitution; and (2) various congressional enactments.

As far as violations of the Paris Accords are concerned, constant violations of them by the North Vietnamese have effectively made them a dead letter, As far as there being any violations of the principles of international law, that would be hard to prove. I think a man as well founded in the law as Fr. Drinan (who headed Boston College Law School for so long) might agree that "International Law" is almost as nebulous and unenforceable as "natural law" and perhaps as impossible to define.

The important concerns are the alleged violations of the Constitution and Congressional enactments. It is hopefully here that the issue will be decided, not on the latter allegations which, while rooted in a certain amount of idealism, really amount—for all practical considerations—to moralistic breastbeating.

Under the bill of complaint, the nature of the action is described thusly: "The plaintiffs seek a determination that the aerial combat operations currently being conducted in Cambodia by military personnel under the direction of the defendants are in violation of domestic and international law.

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[2] It can also be said that an accused released pending trial often has little or no interest in being tried quickly; but this, standing alone, does not alter the prosecutor's obligation to see to it that the case is brought on for trial. The desires or convenience of individuals cannot be controlling. The public interest in a broad sense, as well as the constitutional guarantee, command prompt disposition of criminal charges.

[3] ABA, Speedy Trial, at 40–41.

It is, as is further described, a civil action seeking declaratory judgment . . . adjudging these operations to be specifically in violation of the laws and further adjudicating that the Nixon Administration "may not engage in any such future activities in Cambodia or elsewhere in Indo-China without specific Congressional authorization; and then only to the extent and in a manner permitted by International Law."

The plaintiffs are listed and described as "Congressional Plaintiffs" who allege that they have been deprived of their Constitutional Right and obligation to participate with other members of Congress in deciding where American forces are to be committed to combat. In addition, they allege that as "Congressional Plaintiffs" they are entitled to a determination as to the legality of the defendants' actions complained of (in the suit) under their Constitutional duty to determine whether a resolution of impeachmen is called for.

Airman Hayden is in the suit on grounds that the actions of the Nixon Administration in Cambodia "may deprive him of life or liberty without due process of the law" among other things.

At this time tomorrow, I would continue this exposition of the suit by Congressmen Drinan, Studds, Moakley and Harrington by discussing in detail the defendants and the reasons why they are the defendants along with the incidents at issue as alleged by the Congressional Plaintiffs and the airman.

I would point out at this time that Judge Tauro, as of this writing, has under advisement arguments by the plaintiffs which he required of them to show cause to the court why it should take jurisdiction in this matter.

However, the court has served notice on the parties named in the suit that it has been entered. A pretrial hearing must be held and then the lengthy, time consuming legal process would begin.

Until tomorrow at this time, when I will continue discussion of Drinan et al—vs Nixon et al, Congress vs the Executive.

PART II

A major constitutional issue is being all but lost in the outfall of the Watergate scandal. The issue is whether or not the President has usurped the constitutional perogatives of Congress in conducting bombing operations in Cambodia. As I stated in part one of this series of reports, the battle between the Congress and the Presidency has been joined on two fronts—in the Congress itself where the House has already voted to choke off all funds for bombing in Cambodia and where the Senate is making ominous rumblings in preparation for a similar vote; and in the Court where four of our Massachusetts Congressmen, including Congressman Gerry Studds of the 12th District, are seeking to have the Courts declare the President in violation of the Constitution.

On the face of it, some might charge that this latter action is frivilous; that it is merely one more liberal effort to antagonize and harrass President Nixon.

Because I have been such a strong supporter of Nixon over the years, I wish—in a way—that the action were a frivolous one. However, since I have been a supporter of the Constitution more than of any individual President, I must admit to a strong desire to have this constitutional issue resolved formally and finally by the Judiciary.

It is something which I feel has long been needed. As a college student during the brief reign of John Kennedy as President, I argued vehemently that his commitment of combat troops to Indochina was a gross violation of the Constitution, Article I, Section 8, Clause 11. Later, as a reporter during the Kennedy-Johnson Years, I was even more convinced that the issue should have been resolved by judicial decision.

It is ironic that my conservative-constitutionalist arguments against liberal Presidents should now be adopted by a liberal coterie of Congressmen against a more conservative President than we have had for many decades. . . .

The Federal District Court in Boston has yet to accept jurisdiction in the far reaching suit of four "Congressional plaintiffs" against President Nixon, Secretary of Defense Elliot Richardson and Secretary of the Air Force, Robert Seamans Jr. The Congressmen, of course, are Jesuit Law School Dean turned politician, Robert Drinan; peace advocate Gerry Studds, John Joseph Moakley of South Boston and Michael Harrington of Salem.

An Airmen First Class, James Hayden of Bedford, is the fifth petitioner in the case.

However, unless the Congress successfully halts the Cambodian bombing by the U.S. Air Force through parliamentary means, thus rendering the law suit moot, it seems probable that the court will hear the case. Once a decision is made—either for the Plaintiff Congressmen and against the President (or vice versa)—the losers will most certainly attempt to have the issue finally decided by the Federal Supreme Court.

While the four Congressmen have, as is usual in any legal action gone after a decision from several approaches, only two, I would hope, will seriously be considered by the courts. They are the allegations that (1) the president is in violation of the Constitution which specifically, under Article I, section 8, reserves to Congress the power to declare war; and (2) that the president and his administration are acting in violation of various congressional enactments.

The allegations that the Administration has violated the Paris Accords and International Law, as far as I can see, are vague at best. And if a ruling should be made on these points, I fear the real constitutional issue might be avoided by the court.

The real meat of the Drinan case is contained, I would say, in the plaintiff's contention that the president oversteps himself in stating that he has the authority to continue U.S. Air combat operations in Cambodia despite the Constitution which confers the exclusive power to authorize war upon the Congress.

The affidavit filed with the bill of complaints more specificaly alludes to constitutional rights and powers of Congress. In that affidavit, counsel for the petitioners, Peter Weiss of New York, states that "the courts have already ruled in *Mitchell versus Laird*, that the Congressional Plaintiffs have a duty under the Constitution to consider whether the defendants, in continuing the hostilities (are committing) high crimes and misdemeanors so as to justify an impeachment of the individual defendants pursuant to the Constitution."

Atty. Weiss, to further buttress the efficacy of the plaintiffs' cause, cites another doctrine enunciated in *Massachusetts v. Laird* which states that "questions concerning the legality of 'Presidential' wars are justiciable and that, in a situation where the executive branch is clearly opposed, a court 'might well' hold that the Constitution has been breached."

The Massachusetts Congressmen are of the opinion today that "whatever Congressional authorization may have existed at one point for American military operations in Indochina became inoperative with the signing of the Paris accords last January. . . ."

Since that time, the four allege, "Congress not only has failed to condone, expressly or implicitly, the resumption of bombing in Cambodia on February 16, but has repeatedly declared its firm disapproval of any military operations in Cambodia. . . ." They cite the so called Mansfield Amendment which declared that it be "the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all U.S. military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government and an accounting for all Americans missing in action who have been held by or known to such government or such forces." . . . And they further argue that military appropriations bills also contain the Fulbright Proviso which pretty much says the same thing as the Mansfield Amendment.

Unfortunately, a great deal of bending and stretching can be applied to interpretations of both the Mansfield Amendment and the Fulbright Proviso and most of the rest of the Congressional Acts cited by the petitioners. This is so, primarily because the Congress has assiduously avoided any positive, unequivocal stand on the matter in all of its enactments up until very, very recently. This constitutional cowardice on the part of Congress will certainly be detrimental to the Congressional Plaintiffs in a court action. Congress, in ducking its responsibilities, has showed more form than substance.

Weiss goes on further in behalf of the Plaintiff Congressman with some rhetoric which is surely designed to please peace advocates and idealists, but just as surely is destined to come to nothing because it is effectively meaningless, albeit, high minded.

"Regardless of the legality or illegality of the current U.S. military operations in Cambodia under the Constitution and the Paris Accords," Weiss avers, "the manner in which such operations are being conducted is in violation of the body of international law condemning the mass destruction of the lives and property of innocent civilians, including the Nuremburg Principles and the applicable provisions of the Hague and Geneva conventions."

This is pure Drinan as much as it is pure drivel because, idealistic and altruistic as it sounds, there is effectively no body of international law which is obeyed by any nation which chooses to ignore it and the Nuremberg Principles are not much better than the high minded principles of the Inquisition, the moralistic witch hangings and witch burnings of England and Salem, not to mention the various other "justifiable" purges which have followed revolution, counter-revolution, and victory by any force driven by its zeal to find scapegoats and then to justify their elimination on moralistic grounds.

No. There is, in my opinion, only one real issue which ought to be decided by the courts in this case and that is whether or not the military activities being conducted in Cambodia under the direction of the defendants constitute a usurpation of the Constitution which vests power to declare war solely with the Congress.

I will conclude my comments on this issue when I return at the same time tomorrow.

PART III

Well, we have gone through a series of two reports thus far one the case of Congressmen Drinan, Studds, Moakley and Harrington versus President Nixon, Secretary of Defense Richardson and Secretary of the Air Force Seamans. In those reports we discussed at length the various aspects of the suit which I believe is today one of the most important issues abroad in the land. It is a headlong conflict between the powers of the Congress and the Presidency; and if the Congressional Plaintiffs are successful, the Federal Supreme Court will finally be forced to decide for all time the issue of who really has the authority to declare and authorize war. . . .

For a long time in this country there has been a steady erosion of power from the Congress to the Presidency. So complete has this erosion been that since World War II this nation has twice been forced into unpopular and expensive wars—in Korea and in Indochina—without regard to the Constitution which reserves to Congress exclusively the power to declare war.

Both these wars and the current crises in Cambodia which is being challenged in the case of Drinan and the others versus the Nixon Administration have been entered into by this nation through presidential action—"Executive Agreement".

The justification for such a shift of responsibility from Congress to the Presidency did not originate with the Administration of Franklin Roosevelt, but it was certainly well developed into a working philosophy at that time.

In order to speed things up and to avoid having to seek two thirds majority approval by the Congress of many treaties necessary to conduct foreign policy during that critical period of our history, Roosevelt and Secretary of State Cordell Hull first sought to bypass Congress altogether by issuing a series of purely executive agreements which were not submitted to Congress. Then they developed an understanding with Congressional leaders who had become alarmed at this naked attempt to subvert the Constitution.

The understanding reached was a compromise which has since been the basis for further subversion of the spirit of the Constitution. Senate and House leaders decided that they should rely upon the use of "joint resolution" which requires only a majority vote, not a two thirds vote, to give Congressional approval to Executive actions.

This use of Executive agreement and Joint Resolution during the presidencies of Truman, Eisenhower, Kennedy, Johnson and now Nixon has become the "legal" (if one can call it that) modus operandi to engage us in war without seeking an actual Declaration of War by Congress. It was an effective way of getting around Article 1, Section 8, clause eleven of the Constitution which today is the section which the four Congressmen claim has been violated by President Nixon in continuing the war in Cambodia.

I have long felt that the issue should have been tested in the Supreme Court to see if (1) the President had the right to usurp the powers of Congress and (2) to see if the Congress has the right to duck its responsibilities for convenience sake even though such action made a mockery of the Constitution.

No one in the Congress seemed willing up to this point to seriously challenge this strange set of circumstances. Max Lerner, one of the nation's more liberal news columnists, pointed out recently that it has been the more liberal elements in the Congress who have worked assiduously over the years to shore up the powers of the presidency at the expense of the Congress. And now, wrote Lerner, now that these same Congressmen and Senators find themselves diametrically opposed to the man in the White House, they want to change this "unbalance of power" which they created and they find themselves unequipped to do it.

For the last six years, at least, growing dissatisfaction with our military involvement in Indo-China has brought about a shift in thinking among Congressman and growing agitation for a restoration of Congressional power which the liberals had so generously been handing over to the Executive Branch for three decades. At one time, it was the lonely voice of the conservative which sounded the call for a redress of the Constitutional balance of power. And now, thanks to the 1968 and 1972 elections and the unpopularity of President Nixon among the liberals, the latter have raised their voices for a restoration of Constitutional Government.

When I first heard of the Federal Court action filed by Congressmen Drinan, Gerry Studds and the others. I reacted with the thought that the courts are not the proper arena for Congress to fight this battle. My reasoning was that the Congress should not ask the courts to pull its chestnuts out of the fire but should, finally, reassert itself through legislative action to put the brakes on the war making powers of the President. I even went back to the Federalist Papers of Hamilton and Madison to dust off the argument that there is great danger inherent in seeking to align two parts of our tripartite system of government against the other. There is a danger in this if, somehow, for any extended length of time, two branches of our government were to ally against the other. Obviously an alliance of Congress and the Judiciary against the Presidency can render the Executive Branch powerless, just as an alliance of the Executive Branch and the Judiciary against the Congress would effectively diminish the authorities of the Legislative Branch. And certainly, an attack on the Judicial Branch by a strongly allied Executive and Congressional juggernaut would soon cripple the courts.

But after some serious reflection, one recognizes that this is not the case in this issue. And if the critical question of Congressional vs Presidential power to make war or peace in Cambodia is resolved in the halls of the Congress, the only thing that will be decided is the single issue whether or not the President has the right to conduct military operations in this single instance.

It looks as if both the House and the Senate are in fact, going to cut off direct funds for bombing operations and to seek, through legislation, to prevent the President from transferring funds from other parts of the budget.

If the issue being forced in the courts by the Congressional Plaintiffs reaches adjudication by the Supreme Court, on the other hand, the questions will be resolved for all time.

For this reason, I must support this course of action. Congress, in reaction to President Nixon, can curtail his activities. But what happens after Nixon when a more liberal president beloved by liberal elements in the Congress decides once again to declare war supported only by the flimsy justification of resolutions like the "Tonkin Gulf Resolution"? We are right back to where we started. And a subservient Congress such as we have had for three decades now would once again become the tool of a super powerful chief executive.

No. I would hope that the case of *Drinan et al vs. Nixon et al.* will be decided finally by the Supreme Court and be decided on the basis of the Constitutional question of who has the right to declare and authorize war. Such a determination has become a necessity. The question is not—or rather *should* not be—should *President Nixon's* powers be curtailed. The real issue is: Should the power of the *Presidency* be curtailed and should the Constitutional balance be restored? This cannot be determined by Congressional Action. It can only be determined now by the Supreme Court.

I believe the Constitution has been subverted. I believe it was subverted a long time ago—before Nixon. I believe it was done with the willing consent of a Congress more eager to centralize power in the hands of the President than it was in exercising the responsibilities which should be exercised by the Congress.

It is, as I said before, a pity that "The Watergate" has overshadowed the *Case of Drinan, Studds et al. vs. Nixon et al.* For surely in this case we have one of the most important issues to be decided in the history of our Republic.

CLARENCE M. KELLEY NOMINEE FOR DIRECTOR, FBI

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. RANDALL. Mr. Speaker, in the Washington Post last Saturday, June 9, on the editorial page, was a story entitled, "Mr. Nixon's FBI Nominee: A Profile." It bore a Kansas City, Mo., dateline written by Harry Jones, Jr., who is an investigative reporter for the Kansas City Star.

Before I proceed to comment upon this very well written article, may I first pay tribute to the long and successful career of the reporter who wrote this article and who is known throughout the Kansas City area as a painstaking, thorough investigative reporter. When Harry Jones, Jr., takes the time to investigate the activities of any person or group, he proceeds upon the old cliché that any job worth doing is worth doing well.

Over the long years that he has worked at police headquarters in Kansas City, and covering the city hall and in some instances the court house, he has been known as a hard-hitting reporter, fearless and unafraid; but as a long-time resident of the metropolitan area of Kansas City, it is my belief that he is also regarded as a fair reporter who writes objectively and without prejudice.

I mention the foregoing only as a preface in sharing with my colleagues the appraisal he has made of Chief Kelley, President Nixon's choice for Director of of the FBI.

Harry Jones, Jr., does about as well in his description of Chief Kelley in about one-half dozen words when he says, "He is a man's man, a cop's cop."

Harry Jone's description of Chief Kelley as a square-jawed, ruggedly handsome man would seem to make it difficult to believe that Chief Kelley is 61 years old. He has held his age well and appears to be a much younger man than the number of his birthdays indicates.

In the article written by a reporter who has been close to the city hall for many years, the philosophy of Chief Kelley so far as wrongdoing by those officers under his command is concerned is divided into two categories. First, those who make erors of the heart and second, those who make errors of the mind. Back in 1969 when Chief Kelley was speaking to a police recruit class, he described errors of the heart as acceptance of a bribe. He said he could not abide a thief and could not abide a liar, because these things go to the very center of a man's character. He warned he would treat such errors with severity.

On the other hand, he said errors of the mind are simply mistakes of judgment. These kinds of errors will result in some criticism and particularly if such mistakes accumulate, but they are of a very different category from errors of the heart. Once Chief Kelley had drawn this distinction between the two types of misconduct by his officers, he stood ready to staunchly defend those officers whose mistakes were of the mind rather than of the heart and took the blame himself for his steadfast defense of these lesser kinds of mistakes.

If there is criticism leveled against Chief Kelley during his confirmation hearings, it could be because of race relations. After the rioting in April 1968 following the assassination of Dr. Martin Luther King. At that time some black leaders called for his resignation. But, it is noteworthy that they did not long persist in their demand, because the bulk of whites in Kansas City applauded what they regarded as firmness by his department.

May I add personally that from informal and private discussions with some of the black leaders, though they did not admit it publicly, they agreed that though Chief Kelley had been firm, he had also been fair.

Mr. Speaker, it is my prediction that Chief Kelley, the President's nominee, will be confirmed after Senate hearings. I further predict that although Mr. Kelley will have a hard man to follow, our last permanent Director, J. Edgar Hoover, he will have the respect of all of his men. He will maintain his long reputation for professionalism. He has been a no nonsense law man. This will continue to earn for him the great respect of all of those in his Department. It is also my prediction that Chief Kelley will be accepted by those outside of the Bureau equally as well as his great predecessor.

I read into the RECORD at this time the article by Harry Jones, Jr., investigative reporter for the Kansas City Star as it appeared in the Washington Post Saturday, June 9, entitled, "Mr. Nixon's FBI Nominee: A Profile":

MR. NIXON'S FBI NOMINEE: A PROFILE

KANSAS CITY, Mo.—If Clarence M. Kelley, President Nixon's choice for FBI Director, receives any flack before the Senate Judiciary Committee, it probably will be over his Kansas City Police Department's record in race relations in the 12 years Kelley has been its chief of police.

In other respects, the 61-year-old ex-FBI agent has been virtually free of criticism. He is generally regarded by most Kansas Citians as incorruptible, resistive to political pressures, innovative, warm but strong in personal relationships, possessing a good sense of humor, self-disciplined and as lacking in vanity as any public official around, he is a man's man, a cop's cop.

His resignation has been demanded by persons of influence only once—immediately after the rioting in April 1968, following the assassination of Dr. Martin Luther King Jr. Several black community leaders called for his resignation while passions were still high, for six blacks had been killed. They did not persist in the demand long, however, and the great bulk of whites in the city applauded what they regarded as the firmness his department had employed.

A five-member commission appointed by Kansas City's former mayor, Ilus W. Davis, a liberal Democrat, to investigate the cause and nature of the disorder, gave Kelley a clean bill of health personally while mildly scolding the police for some of the incidents. Kelley himself acknowledged that mistakes had been made, but generally praised the police force for their performance. Only a few of the policemen had stood out as inexcusably inept, or over-reactive.

Thursday, as various Kansas Citians of both races were interviewed about Kelley's nomination, black leaders were generally cool or hostile in their remarks, while whites were almost universally laudatory or, in the case of some of the stronger liberals, silent.

Kelley's basic problem in race relations has been that while he has tried to be responsive to the many legitimate black complaints, he has been fearful of displaying what he feels might be interpreted as weakness by his predominantly white police force. Their morale has been extremely important to him.

Kansas City's population is about 20 per cent black. Its police force consists of only 99 blacks out of a total of 1,300. Three blacks are captains, nine are sergeants. As low a ratio as this is, it is considerably better than it was when Kelley became chief and he has tried strenuously to recruit blacks.

Kelley has acknowledged an awareness of the dangers of having rednecks in the police ranks and over the years has quietly tried to weed them out and reassign them to nonsensitive duties. But Kansas City's police force is recruited mainly from high school graduates in the city and nearby rural areas. Eliminating or isolating all the racially-prejudiced police in town is as difficult as solving a Mafia murder.

The square-jawed, ruggedly handsome Kelley is a native Kansas Citian whose boyhood in Kansas City's east side, as he has recalled it, was normal, middle-class and a little dull. He finished in the upper third of high school class and hit .300 as an outfielder in an advanced amateur league until his inability to hit curve balls persuaded him to drop baseball. He was graduated from the University of Kansas in 1936 and what was then the University of Kansas City Law School in 1940. He joined the FBI a few months after graduation.

He was appointed chief of police in Kansas City in 1961 at a time when the police department there was trying to recover from a series of demoralizing near-scandals in which five high-ranking officers had been indicted by a county grand jury. One under indictment was the former chief. None of the indictments resulted in convictions, but Kelley's first chore was to restore public confidence in the police department and the police officers' sense of self-esteem.

Confronted with several high-ranking oldliners who would have preferred a chief up from the ranks (for varying reasons), he slowly reorganized the department in such a way that the undesirables found themselves with less and less authority while those he thought he could trust were gaining more and more responsibilities.

Except for the discovery of a five-man police burglary ring in 1963, the department has remained scandal-free the 12 years Kelley has been chief. Meanwhile, he has managed to show a flair for innovation in police science and technology.

"It borders on heresy to say that maybe police have never really been adequately attuned to the times or suitably administered," he told the fourth annual seminar of the law enforcement assistance administration in May of last year. "I firmly believe that people in police fields have not recognized adequately that change is occurring around them at an unprecedented rate."

This was no idle remark. He has demonstrated in a variety of ways that the police must adapt to new technology. He instituted the first day-and-night helicopter patrol for any major city in the country in 1968. The same year he computerized the department so that policemen could receive almost instant information in the field and would respond more quickly on police calls. He established a metro squad that brought Kansas City police equipment and technology into investigations of major crimes anywhere in the six-county, two-state metropolitan area. He hammered away at improving police-community relations first with store-fronts in tension areas. Then, when those didn't work, stationing community relations officers in all the police stations to respond when needed.

He has displayed sternness with wrongdoers on the department but has fallen under criticism periodically by defending too staunchly, in the opinion of critics, those officers whose mistakes were, to his thinking, of the mind rather than the heart. He told a police recruit class in 1969:

"I want to warn you that we will have two ways of looking at any problem you may get into as officers. One type of problem is one which involves anything such as acceptance of a bribe or other matters of great moral turpitude. This is a matter of the heart, something you do knowingly. I cannot abide a thief. I cannot abide a liar. These are the errors of the heart, which go to the center of a man's character. Such errors will be severely judged.

"There are also errors of the mind, mistakes of judgment. For those you will be criticized. If such errors accumulate, you will run into serious trouble. Such errors are in a different category, however . . ."

Ideologically, Kelley is more conservative than he is liberal, but his sensitivity to problems of minorities and the blacks especially has noticeably improved over the years. Politically he could declare himself Democratic or Republican and few Kansas Citians would be surprised whichever he picked.

"I don't believe in such activities as police roundups or vigilantes," he said in an interview in 1963. "I do subscribe to the theory that society has to place some restrictions on the police. The police, after all, constantly are depriving people of liberty. But the pendulum can swing too far the other way. There is no question that police activity can be hampered by a too-severe interpretation of constitutional rights. Sometimes this has made the job difficult."

How will he compare with J. Edgar Hoover, a man he often had spoken admiringly of and for whom he worked for 21 years? If his style in Kansas City does not change, he will probably be less aloof, less the martinet without losing the respect of his men, just as eager to maintain professionalism in the ranks and far better liked by outsiders.

HAS THE COLD WAR A FUTURE?

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 13, 1973

Mr. DERWINSKI. Mr. Speaker, it is essential that the public opinion in the United States focus upon the realistic situation which presently exists between the United States and the Government of the Soviet Union.

Mr. Brezhnev's visit next week will properly be highlighted by an extensive news coverage. The purpose of the visit and the United States and Soviet Union relationship must be carefully analyzed.

One analysis, I believe should be of great significance is an article in the Alternative, May issue, authored in part by Robert L. Pfaltzgraff, Jr., who is a professor of law and diplomacy at Tufts University and a member of the Foreign Policy Research Institute in Philadelphia. The article follows:

HAS THE COLD WAR A FUTURE?

(Robert L. Pfaltzgraff, Jr.)

It is a widely accepted proposition that the United States and the Soviet Union have entered a new phase in their relations, and that the fierce competition and hostility of the Cold War have given way to an era of detente, cooperation, and negotiation. The evidence marshalled in support of this "new wisdom" is impressive: a series of arms control accords between the two superpowers, the apparent interest of the Soviet Union in the dampening of tension in Europe and elsewhere, and, in the Moscow Summit Conference of 1972, agreement by the United States and the Soviet Union to a Declaration of Principles calling for "peaceful coexistence" and the development of "normal relations based on the principles of sovereignty, equality, noninterference in internal affairs and mutual advantage."

Basic to the thesis that the Cold War has ended is the assumption that the bipolar world of U.S.-Soviet confrontation has been replaced by an international system in which Moscow and Washington find broadening areas of harmony of interest, or at least the possibility of accommodation. To be sure, the world of the 1970s differs in several important respects from the world of the 1950s or even the 1960s. In recent years, both the United States and thhe Soviet Union have faced disintegrative forces in their alliance systems, and the Sino-Soviet alliance of the 1950s has been replaced by deeply-rooted animosity between Peking and Moscow. In Europe and Japan, major new centers of economic power have been built on the ruins of World War II.

Over the past decade, both the Soviet Union and the United States have acquired vast, highly advanced weapons systems of mass destruction; additional powers—Britain, France, and China—have built national nuclear capabilities and many other states now have the technological know-how to produce such weapons. In certain categories of strategic systems, (i.e., launch vehicles, throw-weight, and warhead size) the Soviet Union has achieved a *quantitative* lead over the United States, although the United States retains an advantage in numbers of warheads, deliverable megatonnage, missile accuracy, and new technology, for example in MIRV. As symbolized in the Strategic Arms Limitation Accords of 1972, the Soviet Union has achieved strategic "parity" with the United States. From its position as a clearly inferior power in the 1950s and 1960s, the Soviet Union of the 1970s, with a rapidly expanding modern navy, casts the shadow of its influence into regions of the globe from which Soviet power was historically excluded. At the same time, the United States has entered a period of greater preoccupation with domestic affairs and intense introspection and doubt about the premises which shaped its global policies and interests during the past generation.

In this changed world of the 1970s, the United States and the Soviet Union *have* entered a new period in their relations. If they have found common interest in limited arms control agreements and in negotiations on other issues, Washington and Moscow continue, nevertheless, to compete for influence in Europe and Asia, as well as in the Middle East. Just as the United States seeks to strengthen its links with Peking, the Soviet Union makes a concerted effort to build new relationships with the West European allies of the United States, notably the German Federal Republic. Moreover, the Soviet Union seeks to outflank China by developing new relationships with countries of the Asian rimland, and especially India. The Soviet Union has strengthened its naval presence in the Pacific and Indian Oceans, and Moscow has embarked on a diplomacy designed to enhance Soviet influence around the southern periphery of China and to seek, over time, a new relationship with Japan.

In Europe, the Soviet Union has altered its tactics rather than its overall strategy. As a result of adroit diplomacy in recent years toward the German Federal Republic, the Soviet Union has achieved one of its long-held goals: international recognition of the postwar frontiers of East-Central Europe and the international acceptance of the German Democratic Republic. The *gradual* disengagement of American military power and the neutralization or "Finlandization" of Western Europe remains a Soviet goal. Moscow seeks to avoid any abrupt change in the American relationship which might lead the Europeans to political unity or a major defense effort and the formation of a European nuclear force. The eventual neutralization of Western Europe would ease the Soviet task of communist control in East-Central Europe and strengthen Moscow in its confrontation with China over the next decade. Parenthetically, in this respect, Peking and Moscow interests in Western Europe are opposed: China favors a strong U.S. military presence and a unified Western Europe in order to divert Soviet power from the long Sino-Soviet frontier. Thus, in Western Europe the basic interests of the United States and Soviet Union remain divergent. While the Soviet Union strives to become the dominant power in Europe, the United States seeks to build a partnership with Western Europe capable of developing greater unity and providing more adequately for its own defense.

Over the next decade, American and Soviet interests are likely to continue to diverge in other parts of the globe, for example, in the Middle East. While the Egyptian expulsion of Soviet advisers and technicians in 1972 may have pointed up the limits of Soviet influence in the Arab world, Moscow retains extensive ties with other Arab states, including Iraq and Syria and even Egypt. For the Soviet Union, the importance of the Middle East will grow. Moscow and Washington will continue to seek to prevent tensions in the area from escalating to a direct confrontation between the superpowers. Yet, this may become progressively more difficult either as a result of the growing western dependence on Middle East oil or the continuation of conflict between a strengthened, modernizing Arab world, supported by the Soviet Union, and Israel, backed ultimately by the United States, fighting to retain all or some of the occupied territories acquired in the June 1967 war to achieve "secure boundaries."

Even now, the world demand for oil has enhanced the importance of the Middle East to the West, and, perhaps to a lesser extent, to the Soviet Union. As a result of rapidly rising energy needs, three of the major world power centers—the United States, Western Europe, and Japan—will become more heavily dependent on Middle East oil. Hence the importance to the United States, Western Europe, and Japan, of restricting Soviet influence in the Middle East will increase.

Fundamental to the U.S.-Soviet relationship in the 1970s is the Sino-Soviet conflict. So long as this conflict persists, both Moscow and Peking will seek to prevent each other from strengthening its ties with Washington at the other's expense. This has already conferred upon the United States considerable leverage in its dealings both with the Soviet Union and China. It made possible, together with the Soviet need for U.S. wheat and technology. President Nixon's visit to Moscow in May, 1972, just after the mining of North Vietnamese waters and the intensification of bombing. Conversely, the persistence of the rift makes it possible for the United States to develop with the Soviet Union and China a less hostile relationship than either communist state can develop with the other.

It follows, then, that a major improvement in Sino-Soviet relations would threaten much of the basis for an improved U.S.-Soviet relationship, and in fact would place in jeopardy the structure of an international system based either on a triangular relationship between Moscow, Peking, and Washington or a more multipolar system including as principal actors Western Europe and Japan. The future prospects for an improvement in Soviet-American relations then depend upon the course of Sino-Soviet relations after Breshnev and Mao, both of whom can be expected to depart from the leadership scene before the end of this decade. It also depends upon the continued willingness of the Soviet Union to forego the use of force, nuclear or conventional, to destroy China's nuclear capability before it is adequate to provide a credible second strike against the Soviet Union.

In sum, only if the United States were prepared to redefine its national interests to exclude all regions beyond North America and to acquiesce in a clearly inferior strategic posture *vis-a-vis* the Soviet Union (a prescription that not even some of the severest critics of U.S. globalism have advocated), the prospect for continued U.S.-Soviet competition looms large. Both sides will strive for technological breakthroughs designed to enhance the deterrent value of their strategic forces. Both, for their own reasons, will attempt to exacerbate the tensions within each other's alliance systems and form new relationships with allies of the other. Both will seek to preserve and extend their influence in the Middle East and in other areas of the Third World deemed vital to security. Both will continue to have different, and even divergent conceptions of "peace," differences in the principles for organizing their domestic societies, and differing conceptions of national interest underlying their respective foreign policies. If this is not the "Cold War" of the decade after World War II, it is nevertheless a far more complex form of competition whose outcome will shape the international system as well as the role of the United States in the remaining decades of this century.

SENATE—*Thursday, June 14, 1973*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of all power and might, the Maker and Ruler of men and nations, we thank Thee once more for all the sacred sentiments which cluster about the flag of the United States. For all heroes and statesmen who have followed it in the past and brought us to this hour, we give Thee thanks. May our flag be to all the world a sign of service and sacrifice, of justice and brotherhood, of peace and good will. Give us zeal to follow the truth and power to assert what is right. In this moment of history unite our broken, separated, contentious people around this ensign of brotherhood and freedom. May the flag float in majestic silence over the hosts of this land in war and in peace, in turbulence and in tranquility, in adversity, and prosperity as a visible symbol of hope for men everywhere. And may the Nation which lifts high this flag ever remain a nation whose God is the Lord.

In the name of the Great Redeemer, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 13, 1973, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Graham A. Martin, of North Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 193, 194, 197, 198, 199, and through to and including 204.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WOODSY OWL

The bill (S. 1585) to prevent the unauthorized manufacture and use of the character "Woodsy Owl," and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture may, under such arrangements and terms and conditions as he deems suitable, establish and collect use or royalty fees for the manufacture, reproduction, or use of the character and name "Woodsy Owl" and the associated slogan, "Give a Hoot, Don't Pollute", originated by the Forest Service, United States Department of Agriculture, as a symbol for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

Sec. 2. The Secretary of Agriculture shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering the "Woodsy Owl" campaign.

Sec. 3. As used in this Act, the name or character "Woodsy Owl" means the representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan "Give a Hoot, Don't Pollute", which was originated by the Forest Service, United States Department of Agriculture, as a symbol and slogan for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

Sec. 4. Chapter 33 of title 18 of the United States Code is amended by adding after section 711 a new section to be designated section 711a, as follows:

"§ 711a. 'Woodsy Owl' character, slogan, or name

"As used in this section, the name or character 'Woodsy Owl' means the representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan 'Give a Hoot, Don't Pollute', which was originated by the Forest Service, United States Department of Agriculture, as a symbol and slogan for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

"Whoever, except as authorized under rules and regulations issued by the Secretary of Agriculture, knowingly manufactures, reproduces, or uses the character 'Woodsy Owl', the associated slogan, 'Give a Hoot, Don't Pollute', the name 'Woodsy Owl', or facsimiles or simulations of such character, slogan, or name in such a manner as suggests the character 'Woodsy Owl' shall be fined not more than $250 or imprisoned not more than six months, or both.

"A violation of this section may be enjoined at the suit of the Attorney General upon complaint by the Secretary of Agriculture."

Sec. 5. The analysis of chapter 33 immediately preceding section 701 of title 18 of the United States Code is amended by adding at the end thereof:

"711a. 'Woodsy Owl' character, slogan, or name.".

AMENDMENT OF REQUIREMENT FOR THREE-JUDGE COURT IN CERTAIN CASES

The Senate proceeded to consider the bill (S. 271) to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes.

Mr. HRUSKA. Mr. President, I take this occasion to speak in support of S. 271, a bill to amend the requirement for a three-judge court in certain instances, which was introduced by the distinguished chairman of the Subcommittee on Improvements in Judiciary Machinery, Mr. Burdick. As the ranking Republican on the subcommittee, I welcomed the opportunity to cosponsor this measure and now associate myself with the views of my friend from North Dakota with regard to the bill as reported.

The subject bill would eliminate the requirement of a three-judge court in cases seeking to enjoin the enforcement of State or Federal laws on the grounds of unconstitutionality. The requirement would be retained, however, when required by act of Congress or in a case involving congressional reapportionment or the reapportionment of any statewide legislative body. The bill also clarifies the operations of three-judge panels in those instances where the procedure is retained and guarantees the right of State intervention in suits seeking to enjoin a State law on the ground of unconstitutionality.

Our Federal judicial system is today experiencing a virtual explosion of litigation. It is, therefore, essential that the Congress do all that is prudent to refine and streamline the operations of our courts so as to facilitate the notion that for every wrong there will exist a remedy which can be pursued with deliberate haste. The elimination of the three-judge court requirement in certain anachronistic situations as envisioned by S. 271 is one positive innovation that pursues this goal.

This bill has the support of the Chief Justice, the "Freund Committee," and the judicial conference.

I strongly urge my colleagues to support the pending bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2281 of title 28, United States Code, is repealed.

Sec. 2. That section 2282 of title 28, United States Code, is repealed.

Sec. 3. That section 2284 of title 28, United States Code, is amended to read as follows:

"§ 2284. Three-judge court; when required; composition; procedure

"(a) A district court of three judges shall be convened when otherwise required by Act of Congress, or when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.

"(b) In any action required to be heard and determined by a district court of three judges under subsection (a) of this section, the composition and procedure of the court shall be as follows:

"(1) Upon the filing of a request for three judges, the judge to whom the request is presented shall, unless he determines that three judges are not required, immediately notify the chief judge of the circuit, who shall designate two other judges, at least one of whom shall be a circuit judge. The judges so designated, and the judge to whom the request was presented, shall serve as members of the court to hear and determine the action or proceeding.

"(2) If the action is against a State, or officer or agency thereof, at least five days' notice of hearing of the action shall be given by registered or certified mail to the Governor and attorney general of the State. The hearing shall be given precedence and held at the earliest practicable day.

"(3) A single judge may conduct all proceedings except the trial, and enter all orders permitted by the rules of civil procedures except as provided in this subsection. He may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted, which order, unless previously revoked by the district judge, shall remain in force only until the hearing and determination by the district court of three judges of an application for a preliminary injunction. A single judge shall not appoint a master, or order a reference, or hear and determine any application for a preliminary or permanent injunction or motion to vacate such an injunction, or enter judgment on the merits. Any action of a single judge may be reviewed by the full court at any time before final judgment."

Sec. 4. The analysis of chapter 155 of title 28, United States Code, is amended to read as follows:

"Sec.
"2281. Repealed.
"2282. Repealed.
"2283. Stay of State court proceedings.
"2284. Three judge district court; when required; composition; procedure."

Sec. 5. (a) Section 2403 of title 28, United States Code, is amended—

(1) by inserting the subsection "(a)" immediately before "In" and

(2) by adding at the end thereof the following new subsection:

"(b) In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the Attorney General of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality."

(b) The catchline to section 2403 of title 28, United States Code, is amended to read as follows:

"§ 2403. Intervention by United States or a State; constitutional question"

Sec. 6. Item 2403 of the analysis of chapter 161, of title 28, United States Code, is amended to read as follows:

"2403. Intervention by United States or a State; constitutional question."

Sec. 7. This Act shall not apply to any action commenced on or before the date of enactment.

AUTHORIZATION FOR ADDITIONAL PRINTING

The concurrent resolution (S. Con. Res. 29) authorizing the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972 was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Select Committee on Presidential Campaign Activities not to exceed five thousand additional copies of all parts of its hearings on illegal, improper, or unethical activities during the Presidential election of 1972.

Sec. 2. The authorization conferred by section 1 of this concurrent resolution shall terminate on February 28, 1974.

EULOGIES TO THE LATE HARRY S TRUMAN

The concurrent resolution (H. Con. Res. 110) providing for the printing, as a House document, of the eulogies and encomiums to the late President of the United States, Harry S Truman was considered and agreed to.

COMPILATION OF THE SOCIAL SECURITY LAWS

The concurrent resolution (H. Con. Res. 200) providing for the printing of the compilation of the social security laws was considered and agreed to.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON COMMERCE

The Senate proceeded to consider the resolution (S. Res. 108) authorizing additional expenditures by the Committee on Commerce for inquiries and investigations, which had been reported from the Committee on Rules and Administration with an amendment, to strike out all after the word "Resolved" and insert:

That section 2 of Senate Resolution 45, Ninety-third Congress, agreed to March 15, 1973, is amended by striking out "$10,000" and inserting in lieu thereof "$40,000".

The amendment was agreed to.

The resolution, as amended was agreed to.

The title was amended, so as to read: "Resolution increasing the limitation on expenditures by the Committee on Commerce for the procurement of consultants."

THE CAPITOL

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 132) providing for the printing as a House document of a revised edition of "The Capitol," which had been reported from the Committee on Rules and Administration with amendments in line 5, after the word "that," strike out "four hundred and seventy-two" and insert "five hundred and seventy-five;" and, in line 8, after the word "of," where it appears the second time, strike out "Representatives" and insert "Representatives, one hundred and three thousand copies shall be for the use of the Senate,".

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

RESOLUTION PASSED OVER

The resolution, Senate Resolution 67, calling on the President to promote negotiations for a comprehensive Test Ban Treaty was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The resolution will be passed over.

GRATUITY

The resolution (S. Res. 127) to pay a gratuity to Josephine S. Ellis, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Josephine S. Ellis, mother of Joyce S. Ellis, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY

The resolution (S. Res. 126) to pay a gratuity to Jocile D. Johnson, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Jocile D. Johnson, stepdaughter of Earl P. Agnor, an employee of the Senate at the time of his death, a sum equal to eight months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THE PRESIDENT'S ADDRESS ON INFLATION CONTROLS

Mr. GRIFFIN. Mr. President, last night the President of the United States, in a nationwide radio and television address, announced positive and decisive steps to deal with the problem of inflation. I know that everyone in the country, even those who may disagree with the President, hopes that these steps and the phase IV controls, which are to be developed in the next 60 days, will be effective in meeting the challenge of inflation.

Mr. President, I ask unanimous consent that the President's address be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Remarks of the President on the Nation's Economy on Nationwide Radio and Television

Good evening.

I want to talk to you tonight about some strong actions that I have ordered today with regard to the American economy—actions which will be important to you in terms of the wages you earn and the prices you pay.

But first, since we have been hearing so much about what is wrong with our economy over the past few months, let us look at some of the things that are right about the American economy. We can be proud that the American is by far the freest, the strongest, and the most productive economy in the world. It gives us the highest standard of living in the world. We are in the middle of one of the biggest, strongest booms in our history. More Americans have jobs today than ever before. The average worker is earning more today than ever before. Your income buys more today than ever before.

In August, 1971, I announced the New Economic Policy. Since then, the Nation's output has increased by a phenomenal 11½ percent—a more rapid growth than in any comparable period in the last 21 years. Four and a half million new civilian jobs have been created and that is more than in any comparable period in our whole history. At the same time, real per capita disposable income—that means what you have left to spend after taxes and after inflation—has risen by 7½ percent in that period. This means that, in terms of what your money will actually buy, in the past year and a half your annual income has increased by the equivalent of four weeks' pay. Now, when we consider these facts, we can see that in terms of jobs, of income, of growth, we are enjoying one of the best periods in our history.

We have every reason to be optimistic about the future. But there is one great problem that rightly concerns every one of us and that is, as you know, rising prices, and especially rising food prices. By the end of last year, we had brought the rate of inflation in the United States down to three and four-tenths percent. That gives us the best record in 1972 of any industrial country in the world. But now prices are going up at unacceptably high rates.

The greatest part of this increase is due to rising food prices. This has been caused in large measure by increased demand at home and abroad, by crop failures abroad and as many people in various areas of the country know, by some of the worst weather for crops and livestock that we have ever experienced. But whatever the reasons, every American family is confronted with a real and pressing problem of higher prices. And I have decided that the time has come to take strong and effective action to deal with that problem.

Effective immediately, therefore, I am ordering a freeze on prices. This freeze will hold prices at levels no higher than those charged during the first eight days of June. It will cover all prices paid by consumers. The only prices not covered will be those of unprocessed agricultural products at the farm levels, and rents.

Wages, interest and dividends will remain under their present control systems during the freeze. Now, the reason I decided not to freeze wages is that the wage settlements reached under the rules of Phase III have not been a significant cause of the increase in prices. And as long as wage settlements continue to be responsible and non-inflationary, a wage freeze will not be imposed.

The freeze will last for a maximum of 60 days. This time will be used to develop and put into place a new and more effective system of controls which will follow the freeze. This new Phase IV of controls will be designed to contain the forces that have sent prices so rapidly upward in the past few months. It will involve tighter standards, more mandatory compliance procedures than under Phase III. It will recognize the need for wages and prices to be treated consistently with one another.

In addition to food prices, I have received reports from various parts of the country of many instances of sharp increases in the price of gasoline. And therefore, I have specifically directed the Cost of Living Council to develop new Phase IV measures that will stabilize both the prices at the retail level of food and the price of gasoline at your service station.

In announcing these actions, there is one point I want to emphasize to every one of you listening tonight. The Phase IV that follows the freeze will not be designed to get us permanently into a controlled economy. On the contrary, it will be designed as a better way to get us out of a controlled economy, to return as quickly as possible to the free market system.

We are not going to put the American economy into a straitjacket. We are not going to control the boom in a way that would lead to abuse. We are not going to follow the advice of those who have proposed actions that would lead inevitably to a permanent system of price and wage controls, and also rationing.

Such actions would bring good headlines tomorrow, and bad headaches six months from now for every American family in terms of rationing, black markets, and eventually a recession that would mean more unemployment.

It is your prosperity that is at stake. It is your job that is at stake.

The actions I have directed today are designed to deal with the rise in the cost of living without jeopardizing your prosperity or your job.

Because the key to curbing food prices lies in increasing supplies, I am not freezing the price of unprocessed agricultural products at the farm level. This would reduce supplies instead of increasing them. It would eventually result in even higher prices for the foods you buy at the supermarket.

Beginning in 1972, we embarked on a comprehensive new program for increasing food supplies. Among many other measures, this has included opening up 40 million more acres for crop production. In the months ahead, as these new crops are harvested, they will help hold prices down. But unfortunately this is not yet helping in terms of the prices you pay at the supermarket today or the prices you will be paying tomorrow.

One of the major reasons for the rise in food prices at home is that there is now an unprecedented demand abroad for the products of America's farms. Over the long run, increased food exports will be a vital factor in raising farm income, in improving our balance of payments, in supporting America's position of leadership in the world. In the short term, however, when we have shortages and sharply rising prices of food here at home, I have made this basic decision: In allocating the products of America's farms between markets abroad and those in the United States, we must put the American consumer first.

Therefore, I have decided that a new system for export controls on food products is needed—a system designed to hold the price of animal feedstuffs and other grains in the American market to levels that will make it possible to produce meat and eggs and milk at prices you can afford.

I shall ask the Congress, on an urgent basis, to give me the new and more flexible authority needed to impose such a system. In exercising such authority, this will be my policy: We will keep the export commitments we have made as a nation. We shall also consult with other countries to seek their cooperation in resolving the worldwide problem of rising food prices. But we will not let foreign sales price meat and eggs off the American table.

I have also taken another action today to stop the rise in the cost of living. I have ordered the Internal Revenue Service to begin immediately a thoroughgoing audit of the books of companies that have raised their prices more than 1½ percent above the January ceiling.

The purpose of the audit will be to find out whether these increases were justified by rising costs. If they were not, the prices will be rolled back.

The battle against inflation is everybody's business. I have told you what the Administration will do. There is also a vital role for the Congress, as I explained to the Congressional leaders just a few moments ago.

The most important single thing the Congress can do in holding down the cost of living is to hold down the cost of government. For my part, I shall continue to veto spending bills that we cannot afford, no matter how noble sounding their names may be. If these budget-busters become law, the money would come out of your pocket—in higher prices, higher taxes, or both.

There are several specific recommendations I have already made to the Congress that will be important in holding down prices in the future. I again urge quick action on all of these proposals.

Congress should give the President authority to reduce tariffs in selected cases in order to increase supplies of scarce goods and thereby hold down their prices. This action will help on such scarce items as meat, plywood and zinc. And in particular, the tariff we now have on imported meat should be removed.

Congress should provide authority to dispose of more surplus commodities now held in Government stockpiles.

Congress should let us go ahead quickly with the Alaska pipeline so that we can combat the shortage of oil and gasoline we otherwise will have. I will also soon send to the Congress a major new set of proposals on energy, spelling out new actions I believe are necessary to help us meet our energy needs and thereby lessen pressures on fuel prices.

In its consideration of new farm legislation, it is vital that the Congress put high production ahead of high prices, so that farm prosperity will not be at the cost of higher prices for the consumer. If the Congress sends me a farm bill, or any other bill, that I consider inflationary, I shall veto that bill.

Beyond what the Administration can do, beyond what the Congress can do, there is a great deal you can do. The next 60 days can decide the question of whether we shall have a continuing inflation that leads to a recession or whether we deal responsibly with our present problems and so go forward with a vigorous prosperity and a swift return to a free market.

You can help, by giving your Senators and Congressmen your support when they make the difficult decisions to hold back on unnecessary Government spending.

You can help, by saying no to those who would impose a permanent system of controls on this great, productive economy of ours which is the wonder of the world.

Let there be no mistake: If our economy is to remain dynamic, we must never slip into the temptation of imagining that in the long run, controls can substitute for a free economy or permit us to escape the need for discipline in fiscal and monetary policy. We must not let controls become a narcotic—we must not become addicted.

There are all sorts of seemingly simple gimmicks that would give the appearance or offer the promise of controlling inflation, but that would carry a dangerous risk of bringing on a recession, and that would not be effective in controlling inflation. Rigid, permanent controls always look better on paper than they do in practice.

We must never go down that road which would lead us to economic disaster.

We have a great deal to be thankful for as Americans tonight. We are the best-clothed, best-fed, best-housed people in the world; we are the envy of every nation in that respect.

This year, for the first time in 12 years, we are at peace in Vietnam and our courageous prisoners of war have returned to their homes. This year, for the first time in a generation, no American is being drafted into the Armed Forces. This year, we find our prospects brighter than at any time in the modern era for a lasting peace and for the abundant prosperity such a peace can make possible.

Next Monday, I will meet at the summit here in Washington with General Secretary Brezhnev of the Soviet Union. Based on the months of preparatory work that has been done for this meeting, and based on the extensive consultation and correspondence we have had, much of it quite recently, I can confidently predict tonight that out of our meetings will come major new progress toward reducing both the burden of arms and the danger of war; and toward a better and more rewarding relationship between the world's two most powerful nations.

Today in America, we have a magnificent opportunity. We hold the future—our future—in our hands. By standing together, by working together, by joining in bold yet sensible policies to meet our temporary problems without sacrificing our lasting strengths, we can achieve what America has not had since President Eisenhower was in this office: full prosperity without war and without inflation. This is a great goal, and working together, we can and we will achieve that goal.

Thank you and good evening.

Mr. MANSFIELD. Mr. President, I wish to join in the remarks just made by the distinguished acting minority leader. I am pleased that the President has, in effect, given a shock treatment in announcing what he intends to do. I hope that the psychological as well as the practical effect will be what we all hope for, because it is high time that something be done in a matter of this nature to cope with the inflationary trend. I hope that that will be the result.

I commend the President for talking to the Nation yesterday and laying his views before the people for consideration.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Nebraska (Mr. Curtis) is recognized for not to exceed 15 minutes.

THE PRESIDENT AND THE WATERGATE SCANDAL

Mr. CURTIS. Mr. President, it is my purpose today to talk about the Watergate affair. I am doing this on my own initiative. I am doing it because my sense of justice compels me to speak out.

I would not defend the people who are responsible and who took part in Watergate. I do think that it is being vastly overplayed. It was wrong but it should not be blown out of proportion. It was a stupid act and in violation of law. It does not constitute a betrayal of our country, nor a pilfering of the Treasury. No elected official was involved.

The Watergate scandal has been a cross to bear for President Richard Nixon, and he is totally innocent of any wrongdoing. He did not plot it. He did not condone it, and the facts were withheld from him for too long after it happened. Our President is an honest and honorable man. I believe in him, and I want the whole world to know it.

President Nixon on the 30th day of April 1973, made a clear-cut statement in reference to Watergate. In making this report to the Nation he said that he had found himself accused of involvement in activities he had never heard of until he read about them in the newspapers. I wish to quote verbatim from what the President said:

> 1. I had no prior knowledge of the Watergate operation.
>
> 2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
>
> 3. At no time did I authorize any offer of Executive clemency for the Watergate defendants, nor did I know of any such offer.
>
> 4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
>
> 5. At no time did I attempt, nor did I authorize others to attempt, to implicate the CIA in the Watergate matter.
>
> 6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
>
> 7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics. I have specifically stated that Executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate, and those guilty of any illegal actions brought to justice.

The President spoke in plain and unmistakable language; yet, in spite of this forthright statement, the nitpickers and a few publicity-seeking politicians want to place him on the grill. There are those who were unable to "get Nixon" last November and they want to do it now.

Watergate has brought into being a determined and militant coalition, whose object is not justice but rather to get Nixon. These include: First, the Nixon-haters; second, a group of politico-sadists, of the type who enjoyed their efforts to destroy L. B. J. over the war issue; third, a small segment of newsmen who prefer political propaganda over objective reporting; fourth, a few extreme partisans whose sense of justice is numbered by their desire for political gain; and fifth, those politicians who are willing to exploit any issue for personal publicity.

We are however, a government of law. Stability of the Government and ordinary justice demand that the judicial processes and the rules of evidence be faithfully followed. Hearsay, rumor, gossip, partial truths, innuendos, suspicions, and imaginations buoyed by self-interest have no place in the American system of justice, and to indulge in such is not in the public interest. We must not lose sight of the fact that evidence to be relied upon must be sworn to under oath and be admissible in a court of law.

Anyone who follows the news on Watergate is fully aware of the fact that the public is being fed much that must be classified as hearsay, rumor, gossip, partial truths, innuendos, suspicions, and imaginations buoyed by self-interest. To give credence to these busybodies will make a mockery of justice.

The offer of immunity to a wrongdoer who has violated the law may place before him a greater temptation than he can bear. To dangle before a law violator the promise that he may go scot-free if he involves someone else can be an obstruction of justice as wrong in its consequences as any conspiracy to obstruct justice which is perpetrated by actual law violators themselves.

The Federal statute dealing with the granting of immunity was enacted for the purpose of dealing with organized crime. It is my opinion that it has no place in proceedings with matters such as the Watergate affair.

The immunity statute was submitted to Congress as an aid to combat organized crime. That was the purpose for which Congress enacted the statute. Its use should be confined to matters involved in organized crime. It was enacted as a part of the Organized Crime Control Act of 1970. The statement of findings and purpose contained in the act says—

> It is the purpose of this Act to seek the eradication of organized crime in the United States by strengthening the legal tools in the evidence-gathering process.

The committee report confirms the fact that this immunity statute was intended to deal with organized crime. The report says:

> Under Federal law, the case-by-case limitation on the power to grant immunity has, however, constituted a major impediment to the effective investigation of organized crime.

It is quite significant that when President Nixon sent his message to Congress on April 23, 1969, on the subject of organized crime, he said:

> With this new law, Government should be better able to gather evidence to strike at the leadership of organized crime and not just the rank and file.

Mr. President, I believe that the Senate could at this time do well to look at the record of the senior Senator from Arkansas, the Honorable John McClellan, who has perhaps conducted more investigations than any other person in the history of the Senate. Senator McClellan, as chairman of the Select Committee on Labor-Management Relations and as chairman of the Subcommittee of Government Operations on Permanent Investigations, has built an impressive record. His investigations were fair. He always cooperated with the minority members of his committee, and the list of wrongdoers exposed by the McClellan investigations who have ended up behind bars is a long and impressive one.

It was my privilege to serve under Chairman McClellan on both of the above-mentioned committees. During the years that I served there, the committees did not use a system of granting immunity, yet those investigations were very successful. The procedure of offering immunity to witnesses who themselves are violators of the law is a most dangerous procedure. The success over many years of the McClellan committees without using immunity as a weapon proves that for good investigators, it is not necessary.

The facts will show that Chairman McClellan has conducted investigations involving 106 subjects, 3,204 witnesses, lasting 805 days and consuming 2,729 hours. Yet in only one instance did Chairman McClellan use the immunity statute. With the exception of this one instance, the chairman or the committee members never had hearing witnesses who had previously been granted immunity. I wish to tell you about that one investigation where immunity was used. In 1971, during 19 days of hearings ranging from June 8 through August 4, the Senate Permanent Subcommittee on Investigations did utilize the provisions of title II of the Organized Crime Control Act of 1970 and sought from the U.S.

District Court for the District of Columbia an order, in effect, of immunity for five potential witnesses. The court did issue the order.

What do you suppose was the subject of that investigation where Chairman McCLELLAN used the immunity statute? The subject was "organized crime and stolen securities."

When those hearings opened in April 1972, Senator McCLELLAN said:

> The immunity provisions of the Organized Crime Control Act of 1970 were fundamental to the success of the hearings of the Senate Permanent Subcommittee on Investigations in 1971, during the investigation of the role of organized crime in the field of stolen securities.

The American people have a sense of justice and a sense of fair play. When all the facts are known, they will not approve the using of a legal weapon intended for organized crime in an investigation such as the Watergate.

Another thing which stands out in my memory in the work of the McClellan committees is that those committees always cooperated with the courts and with the prosecutors. The McClellan committees did not make it a practice to go ahead when the facts were presented showing that the material involved and the personalities involved were in the process of being tried, or about to be tried, in a criminal court. It is true that the Congress and the courts are coordinate branches and neither one can order the other around. Yet it is important that we cooperate and that we so conduct ourselves as not to hinder the mission that either branch of the Government has to perform.

Mr. President, I am familiar with another investigation which presents quite a contrast to the Watergate affair, including a contrast in the amount of attention given the two incidents by the newspapers. I refer to the Bobby Baker case conducted by the Senate Committee on Rules and Administration. As the ranking minority member of that committee, I was involved in the investigation from beginning to end and I am familiar with the facts.

Bobby Baker was the fair-haired boy of some of the people then around here. He operated by using the name of the majority leader, Lyndon Johnson, whose title later became Vice President and then President. Bobby Baker came to Washington as a page boy. In his first financial statement he claimed a net worth of $11,000. Not too many years later, he filed a financial report in which he said his net worth was $2,300,000. It was accumulated wrongfully under the very dome of the Capitol.

The Baker case was investigated by the Senate Rules Committee. There were six Democrats on that committee and three Republicans. Some of the Democrats indulged in coverups—blocking the investigation, refusing to call witnesses, and doing everything possible to prevent the truth from coming out. We needed the testimony of a White House official whose name was Walter Jenkins. Sworn testimony concerning these unlawful transactions involved him and we needed his testimony. We never did get it. That is the record of a Democratic-controlled Senate—to refuse to call one witness who is an employee of the White House. For months and months every effort to call Walter Jenkins was voted down by a straight party vote. Finally, we succeeded in getting him subpoenaed. He did not appear—instead two psychiatrists appeared. They testified behind closed doors. Those of us on the minority side questioned those psychiatrists for 1 full day. Those doctors contended that to call Walter Jenkins would cause his death, yet at the very same time he was attending inaugural functions, traveling to the Caribbean islands, and playing golf.

Mr. President, after the psychiatrists finished their testimony and the cross-examination was over, a motion was made by me that we call Walter Jenkins to testify. It was voted down by a straight party vote. I then made a motion that the testimony of these two psychiatrists be made public so that the public would know of their testimony and the reasons why the Democrats voted against calling Walter Jenkins. That motion was defeated on a straight party vote. Thus the publishing of the testimony of the two psychiatrists and the taking of the testimony of Walter Jenkins have been blocked to this very day.

We had a number of fights on the Senate floor over the Bobby Baker case. There were some Democrats who were determined that it should be a total cover-up. Their efforts to cover-up exceeded anything that had ever happened before or has happened since.

The Bobby Baker case had been brought to light by that diligent and stalwart Senator from Delaware, The Honorable John Williams, yet Democrats on the committee actually prepared a committee report, expecting to ram it through the committee, which made John Williams the villain, branded his allegations as unworthy of belief, and which utterly distorted the facts. It was John Williams alone who smoked them out on that phony report, and as a result it was never issued. There has never been a cover-up and a falsification of the facts on such a large scale as was carried out in this Bobby Baker case.

There was nothing original about the Watergate happenings. It was not the first time that files have been searched around Washington. At the height of the Bobby Baker investigation, a telephone call came to my residence one night. I was not home. The caller stated his purpose in calling was to get the word to Senator CURTIS that the files in the Pentagon were being gone through at night in an effort to get critical and damaging information on Don Reynolds, an important witness. The caller further said that it was being done in an effort to find something that would prove that Don Reynolds was an unstable person and not worthy of belief. Since I was not there, the caller was asked to make his report also to Senator John Williams.

The Billie Sol Estes investigation was another classic. Much could be said about it. The employee of the Department of Agriculture who first took a position against Billie Sol Estes was found dead, having been shot several times in the back. Yet there was a coroner's verdict that he died by suicide. Billie Sol Estes had a long record of accumulating vast sums of money by reason of favoritism and unlawful acts on the part of employees and officials of the Department of Agriculture.

The distinguished Senator from South Dakota, Karl Mundt, and I were very much involved in the investigation. The information came to us that the Department of Agriculture was dispatching a crew of men to search various warehouses to go back in the records to the time when Senator Mundt and I first came to Congress on January 3, 1939, to examine every letter we had written to the Department of Agriculture to see if we had ever made an inappropriate request.

An investigation was made and it was found that these files were examined for that purpose. The Department admitted they never found anything damaging concerning either Senator Mundt or myself. I do not allege that that search was made at night or that there was an unlawful entry, but I do allege that the taxpayers' money was used for the search in an effort to dig up facts to protect the guilty and smear the innocent.

I think that in the interest of justice the time has come for us to take a realistic view of the Watergate case and a realistic view of all the efforts to smear the President.

I have been in a few political campaigns myself. In all my political campaigns there were things that happened which I did not know about. Yet the responsibilties that I have with my job and the size of my campaign are so insignificant compared to that of the President. Less than 1 percent of the population of the United States lives in Nebraska—about seven-tenths of 1 percent, I believe. My job is many times less important. The President of the United States must carry the burdens of our foreign policy. President Nixon was involved in winding down a war that he did not start and getting our prisoners home. He was involved in all of our foreign policy matters around the globe. He was taking bold and decisive action relating to the future peace of the world and the economic prosperity of our country.

I would like to call the attention of the Senate to some of the world happenings that were taking place at the time of Watergate and in the months that followed; 1972 and the early months of 1973 were historic times. The President of the United States was involved in many things of worldwide importance. It was in late February 1972 that President Nixon visited the People's Republic of China. Millions of Americans watched his performance on television. The preparation and the planning and the work that went into that trip for his superb presentation were all-absorbing.

Another very historic trip was when President Nixon visited the U.S.S.R. for talks with its leaders. Documents were signed on such diverse topics as environmental protection, public health, cooperation in science and technology, limitation of anti-ballistic-missile systems and strategic defense arms. The meeting ended with the signing of a joint declaration and communique. This trip was in the last part of May, but just prior thereto the President found it necessary to make the decision to mine North Vietnam's ports in an effort to bring the war to a close.

There were troubles bobbing up all over the world that demanded the attention of the President. They ranged all the way from fishing boat problems to the tragic deaths at the Olympics.

At the very time of the Watergate break-in, President Echeverria of Mexico was making his first official visit to Washington for talks with President Nixon and other officials. This visiting President addressed the Congress and his discussions with the President involved narcotics, migrant workers, and the waters of the Colorado River.

Early in July, President Nixon announced a huge sale of wheat and feed grains to the U.S.S.R., and by September the announcement was made by the People's Republic of China of buying a huge amount of wheat and airplanes.

All during this time President Nixon was pursuing his quest for peace, with the countless conferences and the dispatching of Dr. Kissinger here and there. Peace would seem near and then more trouble would arise. The President had to assume the responsibility of ordering bombing just as the Christmas season was approaching in 1972. This was a tough soul-searching and lonely decision for the President, but the returned POW's have told how important it proved to be.

Anyone who knows the President knows that his one consuming passion was the establishing of peace. I dare say he had it on his mind all of his waking hours, and it was on January 23, 1973, that he could make a happy announcement. The cease-fire went into effect on January 28. All during these months of 1972 and 1973 there were constant problems that needed ironing out with the Congress, not the least of which were the many amendments, resolutions, and actions taken to restrict and oppose the President's actions in Vietnam.

The President kept pressing on, and on Monday, February 12, the first prisoners of war were released and 27 of our boys returned home. More POW's were released on February 18, and again on March 4, and again on March 5. Four hundred ninety-nine prisoners were released on March 8 and 799 on March 9. The Communists would delay the release of prisoners, and on March 12, this country had to announce that its troop withdrawals were being halted. The next day and the following day more prisoners were released. Additional prisoners were released on March 16 and again on March 22 and March 27. It was not until March 29 that the final POW's were released.

Few people will ever know the burdens that have been carried by Richard Nixon. He has been a peacemaker in the Middle East with considerable success. All during his years and months in bringing the Vietnam war to a close, he was hammered by his critics, insulted by some, and on several occasions angry citizens marched on Washington. It is no wonder that such a man had to trust his campaign to subordinates.

Patriots everywhere have been thrilled at the return of our prisoners of war from Southeast Asia. It has been an inspiration to citizens of all ages to see these dedicated men who have given so much not only return to this country, but to hear them express their love of country and their willingness to serve and sacrifice for the United States of America. It is a striking and emphatic example of greatness in our time.

Every time I read about the return of a single POW, or I viewed his return on the television, I was moved to say a prayer of thanksgiving for President Richard Nixon, President. Nixon came into office after on unpopular war, which he did not start, had dragged along for 7 or 8 years with no end in sight. The temptation and the pressures were there to forsake all principle and to abandon these brave prisoners of war by walking away from Vietnam and taking the easy way out. We are grateful to President Nixon for ending the war. We are grateful to him for bringing an honorable peace. We are grateful to him for the return of our prisoners of war. We are grateful to him for his continuing efforts in behalf of our men missing in action. We are grateful to President Nixon for maintaining the good name of the United States of America. We shudder to think what would be our situation if President Nixon's most extreme war critics had determined our national policy.

For one thing, our prisoners of war would be rotting in confinement in Southeast Asia.

Mr. President, we are grateful, and thousands—yes, millions—of people all over the land are grateful for the fact that for the first time in 20 years young men are not having to answer the draft calls, because we have had a successful peacemaker in the White House.

Is this any time to throw rocks at this great and good man, to join in a smear and in an effort to "get" the President, when there is not one word of sworn statement involved here?

President Nixon will go down in history as a great and courageous leader long after all of his critics have been forgotten.

It is regrettable that the committee to investigate the Presidential campaign is not investigating all recent Presidential campaigns, because some interesting facts concerning voting and counting irregularities could be presented in reference to the election of each of our last three Democrat Presidents.

Mr. President, I ask unanimous consent to include at the conclusion of my remarks an article by Kevin Phillips entitled, "Let He Who Has Never Stolen An Election Cast the First Stone."

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **CURTIS**. Mr. President, I believe in President Richard Nixon. I respect his honesty and his honor and for that reason I rely upon his statement of noninvolvement or knowledge of the Watergate happening. I believe that those who wittingly, or unwittingly, are aiding and abetting that coalition who are out to get Nixon are doing a disservice not only to a good and great man, but to the United States of America.

EXHIBIT 1

LET HE WHO HAS NEVER STOLEN AN ELECTION CAST THE FIRST STONE

(By Kevin Phillips)

We hear it said by Democratic politicians, especially those in range of television cameras, that the Watergate episode is an unspeakable and unprecedented attempt to destroy our political process.

Hypocritical hyperbole like this is one reason that people beyond Washington, while properly disgusted, are not yet decisively influenced by the sabotage affair. Talk about the "menace of Watergatism" comes cheaply from a party whose last three presidents of the United States owe pivotal career success to clear-cut election fraud.

Few journalists describing the current imbroglio have bothered to remember the attacks on the political process mounted by the aides and allies of Harry S. Truman, John F. Kennedy, and Lyndon B. Johnson.

Truman could never have become president if he had not scraped victory out of the 1934 Missouri Senate primary with the help of 50,000 fraudulent votes from Boss Tom Pendergast's Kansas City machine.

LBJ needed kindred help in the 1948 Texas Senate primary: With most of the vote counted, he was trailing, and then—presto—stuffed ballots arrived from Box 13 in the town of Alice.

As for John Kennedy, his 1960 election won by just 110,000 votes, was marked by major fraud in the close states of Illinois, Texas, and Missouri. The New York Herald Tribune ran a postelection series documenting this chicanery until requested to stop by the defeated GOP nominee—Richard Nixon, it happens—who did not want to see the presidency of the United States dragged through the courts in election-fraud cases.

Therefore, to balance the indefatigable press coverage of the Watergate, it might be useful to review the way in which the last three Democratic presidents seem to have climbed to their august circumstances via stolen elections. What greater demeaning could there be of the political process . . . surely not sending a squad of stumblefoots to bug the Democratic National Committee?

Eleven years before he became president, Harry Truman first sought federal office in the 1934 Missouri Democratic Senate primary. Before running, according to his daughter Margaret's recent book, HST asked his mentor, Kansas City Boss Tom Pendergast, to commit him 98 per cent support from the county machine.

Come primary day, he did even better, almost 99 per cent—137,529 votes for Truman, 1,525 for his opponent, enough for a narrow, statewide victory.

A few years later, Pendergast was hauled into federal court, and his army of 50,000 Jackson County Democratic floaters, gravestones, and ghost voters was demobilized. But not before it had launched a future president on his way. When HST asked for 98 per cent backing in the 1934 primary, he knew what he was requesting.

After John F. Kennedy's hairbreadth victory in 1960, New York Herald Tribune reporter Earl Mazo began a series on Democratic fraud in the key states of Illinois, Texas, and Missouri.

Without questionable Democratic success in those states, Kennedy would have been defeated, the Republican nominee Richard Nixon would have been the narrow victor.

Mazo claimed that in Texas, where the

Democratic margin was 46,000 "a minimum of 100,000 votes officially tallied for the Kennedy-Johnson ticket were simply nonexistent."

In Chicago, he reported that irregularities were documented by "mountains of affidavits by poll watchers and disgruntled voters."

Thanks to those irregularities, Kennedy carried Illinois by 8,000 votes. In 1968, when the state went for Richard Nixon by 235,000 votes, columnist Murray Kempton wryly observed that there must be something in Mayor Richard Daley's code that prevented him from stealing the presidency from the same man twice.

And then there was Lyndon B. Johnson. His link to fraud—aside from any 1960 role—came in Texas' tightly fought 1948 Democratic Senate primary. With most of the votes counted, LBJ trailed. Then came Box 13 from the town of Alice.

Here's the description from Harvey Katz's 1972 book, "Shadow on the Alamo": "The ballots in the delayed box were weighted heavily in Johnson's favor, and he emerged the winner. Later investigation revealed that 203 ballots had been added to Box 13 after the polls closed. All but one of those ballots were for Lyndon Johnson."

Johnson won the election by only 87 votes. He later tried to appoint the Washington attorney who handled the election case, Abe Fortas, as chief justice of the United States.

None of this can excuse the Watergate venture—and the President will make a grave political mistake if he does not root out its foolish perpetrators.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against the time allotted to the distinguished assistant Republican leader.

The PRESIDING OFFICER (Mr. HASKELL). Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I am authorized by the distinguished assistant Republican leader to ask unanimous consent that as much time as the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) may need be transferred from the time of the Senator from Michigan (Mr. GRIFFIN) to the Senator from Virginia without prejudice to the Senator from Minnesota (Mr. HUMPHREY) whose order is next in line.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENERAL HAIG IN THE WHITE HOUSE

Mr. HARRY F. BYRD, JR. Mr. President, to some, President Nixon can do nothing right; everything he does is wrong in the eyes of the liberal press and many liberal Congressmen. They even want to determine who his personal assistants shall be.

Some seek to make much out of the fact that the President has chosen Gen. Alexander Haig as his Administrative Assistant in the White House—and that General Haig has chosen a retired Army officer as his assistant.

General Haig, at 48, is a four-star general and Deputy Chief of Staff of the Army. President Nixon has come to rely heavily on the managerial talents of General Haig to run the White House, and the general agreed to retire from the Army to be in a position to devote full time to the President.

Yet he has been condemned by some who seem to feel that a person with a military background should not hold an important position at the White House.

The anti-Nixon people seem to me to be going to extremes.

The President—any President—has a most difficult job. He is entitled to select as his key subordinates those in whom he has confidence and with whom he can work in harmony.

I can see no reason that a retired military officer should be prevented from serving the President in a civilian capacity. President Eisenhower chose Maj. Gen. Wilton B. Persons as his top White House administrator. President Roosevelt utilized Maj. Gen. Edwin A "Pat" Watson, a Virginian, in a position roughly comparable to that of General Haig.

In addition, President Roosevelt had Adm. William D. Leahy as one of his top advisers, and President Truman relied heavily on Gen. George C. Marshall and used him in various civilian positions, although the Leahy and Marshall examples are not exact parallels to General Haig.

Despite the views of some Congressmen and some newspapers, I feel that the military profession is an honorable one and that it has among its members men of dedication and ability whose services can and should be utilized by the President if he feels in need of such capabilities.

I might say that the Senate of the United States is using the capabilities of an able and outstanding and dedicated former career Army officer, Col. Stan Kimmitt, as Secretary to the Democratic majority in the Senate.

With General Haig's retirement from the Army, one would think that the carping and criticism would cease. But not so. There seems to be so much antimilitary sentiment and anti-Nixon sentiment among certain groups that nothing will please them.

Fairminded Americans are not likely to react favorably to this kind of attack on the military and on the President.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to that of the distinguished minority whip.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Minnesota is recognized for 15 minutes.

AGRICULTURE FACES A CRISIS

Mr. HUMPHREY. Mr. President, on the date of June 1, 1973, I wrote a letter to the Secretary of Agriculture, Hon Earl Butz, addressing myself to several matters that are of great concern to the American economy. In that letter, I made recommendations that I hoped the Department would carry out as rapidly as possible.

First of all, I suggested an intensive and continuing monitoring of the commodity markets. "The speculation that is taking place on commodities in recent weeks," I said, "is not healthy, and I respectfully urge the Department to look into any possibility of market manipulation."

The Department of Agriculture has been very reluctant to oversee what appears to be a considerable amount of speculative activity in the commodity markets due to scarce supplies and the uncertain forecasts as to crop conditions for this year.

In the meantime, the user of those commodities is paying an exorbitant price, and the whole agricultural price structure is in disarray.

Second, I noted in my letter to the Secretary of Agriculture that he had called attention to the possible shortage of storage facilities for the upcoming crop. The Secretary made mention of this in a meeting at Des Moines, Iowa, about 2 weeks ago. I, therefore, suggested to the Secretary of Agriculture that the Department undertake at once a nationwide survey of storage capacity, in order to determine what storage will be available for the 1973 crops and what additional storage, if any, will be necessary. I asked that such a survey be instituted as rapidly as possible because the crops are now coming in from the fields of Texas, Oklahoma, and the southern areas of our country.

If there is a shortage of storage space, it will not only be the farmers who will suffer; it will also be the urban dwellers, who will have their food prices go right through the ceiling.

Mr. President, I am going to speak day after day in the Senate until someone gets with it. Food prices are going up and up and up, and will continue to go up until the Government of the United States quits playing the numbers game with crop predictions, because food prices are related to several factors: the availability of storage, the availability of credit, the availability of transport, and the availability of fuel, as each of those items relates to the agricultural economy, and no amount of public addresses or radio or television speeches such as the President made last night is going to alleviate the problem.

I know what will happen: One of these

days there will be a headline as big as for a declaration of war in the Washington Post or the New York Times about skyrocketing food prices. They always come in on the slow freight. Is it not about time the Government and the media began to tell the American people the truth about what is happening in the food-producing areas of this country?

What is happening is as evident as the nose on your face: The inability of farmers to get transportation to move a crop, the inability of farmers to have adequate storage to store a crop, the unwillingness of the terminal operators to extend credit to country elevators so that the farmers can have the credit to move their crop, and the lack of adequate fuel supplies for tractors for the planting, the plowing, the harvesting, the transport, and the drying of crops.

If there is any one subject that I feel some competence in, it is this area, and I am shocked to find that the Department of Agriculture continues to relate its statistical information to last year, which has no relationship to the facts of this year.

So I have asked the Secretary of Agriculture to take a look at the commodity market speculation. Some people are making a windfall and other people are being taken to the cleaners. I have asked the Secretary of Agriculture to look at the storage capacity, because without storage capacity we are going to be in trouble, and the time to do it is now. In fact, it should have been done months ago.

Third, I said in my letter to the Secretary of Agriculture that the fuel shortage will inevitably affect the producers of food and fiber either at the time of planting, at harvest, or, in the instance of corn and soybeans, for drying facilities. There simply must be a firm and mandatory fuel allocation program that places agriculture in the highest priority.

I then reminded the Secretary that in his Des Moines statement, he emphasized the transportation difficulties. I suggested to the Secretary, therefore, that he present to the committees of Congress as rapidly as possible his assessment of the boxcar and hopper car shortage, and any proposals the Secretary or the Department might have to remedy that situation.

Mr. President, I want again to sound the alarm that as surely as we are gathered in this Senate session today, unless there are definite decisions made in this Government relating to the availability of fuel supplies for the agricultural sector, we are going to have a terrible crisis in food supply for the consumers of the Nation. We are not going to be able to fulfill our export requirements. If there is a continued shortage of hopper cars and boxcars, we are not going to be able to move our crop. If there is a shortage of diesel fuel, we are not going to have fuel for the locomotives to move the crop. If there is a shortage of storage space, the terminal operators who extend credit to country elevators for the purpose of limited storage of the crop as it is being harvested will not make that credit available.

There are a number of factors that go into the complex integrated structure of the agricultural economy, and all of those factors are being ignored or at least being given a back-of-the-hand treatment. We have got to have some decisions in the Government.

Today is the final day of the hearings before the Oil Policy Committee, and I want to say again on the floor of the Senate that unless we have mandatory fuel allocations for agriculture at a priority level, the American people are going to have an increase in food prices that no amount of price control can affect, because you cannot make food out of price controls.

Food comes out of production from the soil. It comes from beef cattle and from pigs. And today the American farmer is selling suckling pigs. The American farmer is getting rid of his cattle. The American farmer is facing a difficult time in the marketing of his crops, and we are going to have more and more trouble and higher and higher prices.

So today, on this 14th day of June, I place in this RECORD my prediction that unless action is taken to provide fuel allocation, to provide credit, to assure transport, and to assure adequate storage, the beef prices, the egg prices, the poultry prices, the vegetable prices, the potato prices, and the prices of every commodity that the housewife and the American family need will go up and up and up, and Mr. Nixon's price control program will have no effect; because what good does it do to have price controls if you have no food, or if you have an inadequate supply? We will have black-marketing and profiteering, and the answer to the problem is not merely to tell the farmers to produce—they are going to produce, with 40 million more acres in production—but to have a structure that makes possible the processing and the transportation of that production.

THE LATEST NIXON "FREEZE"

Mr. President, last night the President announced changes in his economic program. This new action comes on top of what we call phase III which, from the beginning, was a disaster, a mistake, untimely, and, regrettably, a very costly error.

Since 1969, the American economy has been subject to flip-flop, to program changes of the Nixon administration. Inflation has run rampant. Unemployment has jumped to its highest levels in a decade. Interest rates are at their highest levels in 100 years. Trade deficits are at their highest level since 1883.

We have seen the cost of living going up week after week. Controls have been imposed. They have been removed and they have been reimposed. There has been a series of phases and freezes and promises and propaganda. In short, there has been no consistent economic stabilization program. None has been forthcoming from the administration. As a result, the American working family over the past 4½ years has suffered under the weight of a Nixon inflation tax, double the devaluation of the dollar, at least officially two devaluations, and a third as a result of speculation, and an unprecedented drop in the past 6 months of the real wage purchasing power of the American worker.

Last evening, the President said that the American worker had more income to spend than any time since the past 7 years. Well, Mr. President, the amount of money one has is not so important. What is important is what does that money buy? The American dollar overseas buys less. The American dollar at home buys less. It is now worth 77 cents in terms of 1967 purchasing power. Regardless of what the President may have said in his radio and television address last night, the purchasing power of the weekly paycheck American workers now buys less than it bought in the same period of 1972.

People on fixed incomes, pensioners, those on social security, the poor, the low-income groups in this country, all have suffered an unbearable burden.

President Nixon says he does not want any tax increase. Well, Mr. President, the fact is that we have had a tax increase on the working families of this country—what has been happening to the rents they have to pay, to the cost of the homes they would like to buy, to the interest rates they will have to pay, and on the food prices they are now paying, as well as all the other items. This is the Nixon inflation tax and, might I add that it is not food prices only that have been going up, but nonindustrial prices as well; lumber up 30 percent; petroleum products up 20 percent, just to name a few. I have been saying, as chairman of the Consumer Economics Subcommittee of the Joint Economic Committee for better than 6 months that phase III was not working. Dr. Stein, the Chairman of the Council of Economic Advisers, comes before the committee, week after week, and he tells us all is well. He looks us right in the eye and says that the program is a success. He tells us that the administration will be able to hold inflation at an annual rate of 2½ percent.

Mr. President, that is sheer, unadulterated, nonsense. Last night, the President of the United States had to openly admit that it was.

I was interested in noting that the President finally discovered what every American family has known for a long time, that gasoline prices have gone up. Anyone who buys gasoline for his car knows that, unless he fills up his gas tank with Government gasoline.

The President says that food prices are going up. I should say that they are. Rents have been going up, too, I might add, which are not going to a part of the new controls.

Dividends are also going up. Corporate profits have gone up, after taxes, 32 percent. At the very time that wages of average working men and women are being held down, prices have gone up. Executive salaries are up 13½ percent. I repeat, corporate profits after taxes on the average are up 32 percent.

Is it any wonder that the economy is out of balance?

Is it any wonder that people are upset?

However, I do want to say to the President that I was pleased, at long last—delayed as it was—that the price freeze was put into effect on certain commodities for 60 days. That is long overdue.

I was also happy to hear that the President says they will look into some possibilities of a rollback. That is long overdue, too.

But, I want to make it equally clear that the message of last evening still does not lay out for us a program. What it amounts to is a temporary pain reliever in certain areas. We will still have the headache but maybe we will not have a backache. Some parts will be controlled temporarily but other parts will not be.

The President's message also saw fit, once again, to pit the country against Congress. What happened? The President of the United States said, "You have got to watch that Congress. They are spenders. If Congress does not quit spending, we cannot control inflation." The President is looking for a scapegoat.

Well, Mr. President, may I say to the President that this Senate adopted a spending ceiling lower than what the President asked for. We will appropriate less than what he asked for, but we will have an argument about what it is we will appropriate.

He wants to appropriate more money for the military. He wants to appropriate more money for military assistance, and for foreign assistance. Congress thinks it should appropriate less in those areas and begin to take care of the American people.

What else did the President say last night?

The straw man he sets up to manipulate his political lines is like a Don Quixote of the 20th century. He says that there are Members of Congress who want permanent controls. I have heard no Member of Congress asking for permanent controls. What we have asked for are timely controls before things become uncontrollable. Every Member of Congress that has ever made a study of the economic situation knows that controls are not the answer, that they only provide a time frame in which to work out some answers.

President Nixon saw fit, once again, to talk about our prisoners of war. What that had to do with prices, I do not know.

He saw fit, once more, to slap Congress around as if Congress were the wastrels and the spenders. He saw fit to accuse Congress of wanting permanent controls, which he knows is not true.

What the President did not see fit to do was to recognize, when he repealed phase II and moved into phase III, that he was putting the economy in trouble, that the dollar was again in trouble, that the international financiers had lost confidence in our economy, that the working man has had his wages eroded, that the pensioners have suffered under inflation, and that our economy is out of balance.

I hope and pray that we can find some way to get our ship of state back on an even keel, but that will not come about by just accusing. That will not come about by providing halfway measures.

The PRESIDING OFFICER (Mr. CLARK). The time of the Senator from Minnesota has expired.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the letter I wrote to Secretary Butz on June 1, and an article published in the press relating to an analysis of the President's economic message be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 1, 1973.

The Honorable EARL L. BUTZ,
Secretary of Agriculture, Department of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: I have read with considerable interest your statement in Des Moines on Thursday, May 30. I am prompted to make four recommendations which I hope the Department will carry out forthwith.

1. An intensive and continuing monitoring of the commodity markets. The speculation that is taking place on commodities in recent weeks is not healthy, and I respectfully urge the Department to look into any possibility of market manipulation.

2. You mentioned the possibility of the shortage of storage facilities for the upcoming crop. I therefore recommend that the Department undertake at once a nationwide survey of the storage capacity in order to determine what storage will be available for the 1973 crops. I would further recommend on the completion of the survey that the Department take whatever action is necessary, including recommendations to the Congress, to assure adequate storage capacity.

3. The fuel shortage inevitably will affect the producers of food and fiber either at a time of planting, at harvest, or in the instance of corn and soybeans for drying facilities. There simply must be a firm and mandatory fuel allocation for agriculture.

4. In your Des Moines statement you emphasize the transportation difficulties. Therefore, I recommend that you present to the appropriate committees of the Congress as rapidly as possible your assessment of the boxcar and hopper car shortage and any proposals that you have to remedy that shortage.

It is vitally important that action on these matters be undertaken at once.

I await your reply.

Sincerely,

HUBERT H. HUMPHREY.

PRESIDENT'S NEW PRICE FREEZE: A DESPERATE DOSE OF OLD MEDICINE

(By Edward Cowan)

WASHINGTON, June 13.—In clamping a 60-day freeze on virtually all prices, President Nixon appears to be recycling the same anti-inflation medicine he prescribed for the economy in August, 1971.

Now as then, there is a note of desperation to the President's action—perhaps even greater now because Mr. Nixon is turning to more controls although he and his advisers have repeatedly said they are trying to steer toward a less regulated economy.

Exactly six weeks ago, Mr. Nixon argued at length against a freeze. It "would cause shortages," he said.

How then, do the President and his advisers explain a freeze? What do they expect it to accomplish?

"A freeze provides a kind of shock treatment reducing inflationary expectations," the White House said in the background material distributed tonight. "Second, it will provide the time necessary to consult with labor, management and consumer representatives on the shape of the post-freeze program."

Those were also the reasons Mr. Nixon imposed a 90-day freeze on prices and wages on Aug. 15, 1971. It gave his Administration time to devise the regulations of Phase 2, which began Nov. 14, 1971, and ended Jan. 11, 1973. Combined with other measures, it also signalled with stunning impact a determination to curb inflation and reinvigorate a sluggish economy.

Even Democrats and skeptics acknowledged that Phase 2 had been effective to some extent—that it had slowed the rate of wage and price inflation.

Obviously, however, that does not mean that Phase 4—to start at the end of the new 60-day freeze—will work. Conditions are different.

In 1971, there was a good deal of unused productive capacity in the economy. Now there is relatively little slack in manufacturing or in agriculture.

The Administration is counting on the restraining effect of a tightening credit policy and a Federal budget that is moving from large deficit to balance to curb the upward trend of domestic demand.

Meanwhile, foreign demand has proved to be a far greater inflationary force than the Administration expected it to be six months ago. One reason is that two devaluations of the dollar, in December, 1971, and in February-March, 1973, plus its further depreciation in foreign exchange trading, have made United States goods much cheaper for foreigners.

CUTS IN EXPORTS URGED

Washington cannot tell foreigners not to buy, but it can tell Americans not to export commodities needed at home, especially fiber and food. So, Mr. Nixon, who expressed anew tonight his abhorrence of controls—"We must not let controls become a narcotic and we must not become addicted"—is asking Congress for authority to restrict exports.

Among the crops experiencing strong export demand have been wheat, rice, barley, corn and soybeans. The huge Soviet wheat deal of 1972 lifted expected exports for the 1972–73 shipping year to 1.15 billion bushels, or 48 per cent of the total stock available.

George P. Shultz, Secretary of the Treasury and chairman of the Cost of Living Council, was asked tonight in the East Room of the White House whether Phase 3 had been a failure.

Mr. Shultz chuckled and replied that "everyone thinks that Phase 3 was a failure, so let's not argue about that." He added that some good things could be said about Phase 3, but clearly he was not disposed to make too much of them.

From its inception on Jan. 11, Phase 3 has failed to command much respect. The principal criticism from the outset was that the Administration had moved prematurely, before the fires of inflation had been extinguished. Moreover, there was doubt that business would voluntarily comply with standards that had been mandatory under Phase 2.

Phase 3, which began with mandatory pricing rules, such as getting prior approval for increases, continued only for the food, health and construction sectors. The rest of the economy was supposed to practice what Mr. Nixon first called "voluntary cooperation," a phrase Secretary Shultz later changed to the more emphatic "self-administration."

By the end of March, the Administration had reluctantly added a rule to regulate pricing by the 23 biggest oil companies. On March 29 it slapped ceilings on wholesale and retail meat prices.

Early in May, in a further tacit admission that Phase 3 was not proving effective, the Administration reintroduced a limited form of prior approval for price increases by some 600 corporations with sales of $250-million a year or more.

The Cost of Living Council was also faulted for failing to roll back excessive Phase 3 price increases. The council issued its first Phase 3 challenge to an increase, for zinc, only yesterday.

One reason the Administration was eager to change from Phase 2 to Phase 3 was its desire to re-enlist the formal support of organized labor for the economic stabilization program. Four of five labor members quit the old Pay Board in April, 1972, during Phase 2. Labor felt strongly that mandatory pay guidelines made a mockery of collective bargaining.

This part of the Administration's strategy appears to have been more successful, George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, and other labor leaders continue to sit on the labor-management advisory committee of the Cost of Living Council.

More important from an economic viewpoint, the largest contracts signed so far this year—in the railroad, electrical equipment, longshore, rubber, construction and apparel fields—are regarded by many analysts as moderate in comparison to the large wage increases negotiated in 1970–71 before the August, 1971, freeze.

Officially, farm prices are exempt from the 60-day freeze. However, Washington is trying to sit on them indirectly by putting ceilings on what may be charged by processors, wholesalers and retailers.

Price increases not in effect by June 8, even if announced prospectively, may not be put into effect under the terms of the Executive order.

Strictly speaking, "freeze" is a misnomer for Mr. Nixon's action. As the White House took pains to point out, sellers are free to reduce prices. However, a traditional argument against ceilings is that "the ceiling becomes the floor"—an argument that has been heard more than once during the life of this Administration.

Consumers presumably will find in the President's action some respite, if temporary, from inflation. Employers who must put wage increases into effect in the next few weeks and who had counted on compensatory price increases may find the situation onerous. So will any companies that get caught in the intensified price-controls enforcement effort the President promised.

Mr. Shultz and John T. Dunlop, director of the Cost of Living Council, have said repeatedly that the trouble with a freeze is that it does not solve anything. Except to the extent that it alters inflationary psychology, it deals with symptoms, not causes.

For two months, then, Mr. Nixon's cure for inflation presumably will work—or appear to work. However, the second time around a freeze is likely to be less effective in dispelling inflationary psychology than it was when novel.

That would appear to put more of a burden on controls—of prices and, if Congress acquiesces, of exports. Mr. Nixon said again tonight that he was against "rigid, permanent" controls. As someone else said, the long run is a succession of short runs.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) is now recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield back the balance of my time.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Is there further morning business?

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The above order was subsequently modified to provide for the Senate to convene at 11 a.m. tomorrow.)

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized under the standing order tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD, from the Committee on Rules and Administration, with amendments:

S. 343. A bill to designate the Tuesday next after the first Monday in October as the day for Federal elections (Rept. No. 93–217).

By Mr. LONG, from the Committee on Finance, with an amendment:

S. 1636. A bill to amend the International Economic Policy Act of 1972 (Rept. No. 93–218), by unanimous consent; and the Committee on Foreign Relations authorized to report by June 22, 1973.

Mr. LONG. Mr. President, I ask unanimous consent to file a committee report on S. 1636, and ask that the Committee on Foreign Relations have until the end of next week to report on this same bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

S. 1435. A bill to provide an elected Mayor and City Council for the District of Columbia, and for other purposes (Rept. No. 93–219).

By Mr. ROBERT C. BYRD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

S. 440. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress (Rept. No. 93–220), together with supplemental views.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. TOWER, from the Committee on Armed Services:

Arthur I. Mendolia, of Delaware, to be an Assistant Secretary of Defense.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. GOLDWATER, from the Committee on Armed Services:

Terence E. McClary, of Massachusetts, to be an Assistant Secretary of Defense.

The above nomination was reported with the recommendation that the nomination be confirmed, subject to the nominees commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. SCOTT of Virginia, from the Committee on Armed Services:

Charles E. Odegaard, of Washington, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences;

Joseph D. Matarazzo, of Oregon, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences; and

Alfred A. Marquez, of California, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences.

By Mr. HARRY F. BYRD, JR., from the Committee on Armed Services:

Malcolm R. Currie of California, to be Director of Defense Research and Engineering.

The above nomination was reported with recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. THURMOND, from the Committee on Armed Services:

Jack L. Bowers, of California, to be an Assitant Secretary of the Navy.

The above nomination was reported with the recommendation that the nomination be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

Mr. THURMOND. Mr. President, as in executive session, from the Committee on Armed Services, I report favorably the nomination of Brig. Gen. Edward R. Fry for appointment in the Reserve of the Air Force—Air National Guard—to be major general and Samuel Jaskilka and sundry other officers for permanent appointments in the Marine Corps in the grades of brigadier general and major general, and ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, in addition, there are 2,645 for appointment or promotion in the Marine Corps, Navy, and Air Force all in the grade of colonel and below. Since these names have already appeared in the CONGRESSIONAL

Record, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Samuel Jaskilka, and sundry other officers, for permanent appointment in the Marine Corps;

Richard Mulberry, and sundry other officers, for permanent appointment in the Marine Corps Reserve;

Steven A. Klein, and sundry other midshipmen (Naval Academy), for permanent assignment in the Navy;

Richard L. Frymire, for appointment in the Reserve of the Air Force;

Leslie D. Abram, and sundry other officers, for appointment in the Regular Air Force; and

George B. Aaron, and sundry other officers, for promotion in the U.S. Air Force.

By Mr. CHURCH, from the Committee on Foreign Relations:

Kenneth B. Keating, of New York, to be Ambassador Extraordinary and Plenipotentiary to Israel.

The above nominations were reported with the recommendation that the nominations be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. LONG, from the Committee on Finance:

James S. Dwight, Jr., of California, to be Administrator of the Social and Rehabilitation Service;

William A. Morrill, of Virginia, to be an Assistant Secretary of Health, Education, and Welfare;

Lewis M. Helm, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare; and

George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission.

The above nominations were reported with the recommendation that they be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HATFIELD:

S. 1996. A bill to authorize programs to restore the quality and productivity of the Nation's forest lands; to provide forestry incentives to encourage better forest resource management by non-Federal forest landowners; to expand and strengthen forest related research, education and technical assistance; to establish a special receipts account as the source of additional investment capital needed to improve forest resource management on Federal lands; to establish an advisory board to provide advice and counsel on forestry; to enhance the quality of environmental resources; and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. MOSS:

S. 1997. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development on a demonstration basis of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. SCHWEIKER:

S. 1998. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. HUMPHREY (for himself and Mr. Mondale):

S. 1999. A bill to confer pensionable status on veterans involved in the Brownsville, Tex., incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs. Referred to the Committee on Veterans' Affairs.

By Mr. STEVENS:

S. 2000. A bill for the relief of Maria Refugio Tafolla de Eakes. Referred to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 2001. A bill to redesignate the Alamogordo Dam and Reservoir, New Mexico, as Sumner Dam and Lake Sumner, respectively. Referred to the Committee on Interior and Insular Affairs.

By Mr. TOWER (for himself and Mr. Sparkman):

S. 2002. A bill to further amend the Economic Stabilization Act of 1970, as amended, to authorize the President to prohibit or curtail the exportation of articles, commodities, or products from the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. PERCY (for himself, Mr. Ribicoff, and Mr. Javits):

S. 2003. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes. Referred to the Committee on Government Operations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 1996. A bill to authorize programs to restore the quality and productivity of the Nation's forest lands; to provide forestry incentives to encourage better forest resource management by non-Federal forest landowners; to expand and strengthen forest related research, education and technical assistance; to establish a special receipts account as the source of additional investment capital needed to improve forest resource management on Federal lands; to establish an advisory board to provide advice and counsel on forestry; to enhance the quality of environmental resources; and for other purposes. Referred to the Committee on Agriculture and Forestry.

AMERICAN FORESTRY ACT OF 1973

Mr. HATFIELD. Mr. President, today I introduce a revised bill which is premised upon the fact that the Nation's forest lands are one of its most valuable resource heritages, benefiting present and future generations of American people. It proposes that all forest lands in the United States, both public and private, be managed at levels which will provide for the economic well-being, security, the general health and welfare of a growing Nation living within a desirable environment.

On January 27, 1971, I introduced a bill which I believed would overcome some very serious and mounting problems in National Forestry. Subsequently, public hearings on the bill were held in Atlanta, Syracuse, Portland, and Washington, D.C. The testimony made it quite clear that a comprehensive approach to realine forestry programs was needed and that the 1971 bill should be revised. After much careful study and analysis of this bill, the American Forestry Act of 1973 was prepared.

The 1973 bill provides for intensified and diversified forest management—intensified in terms of providing increased timber supplies so as to meet the Nation's growing necessities; diversified in terms of multiple use and environmental contributions of forest resources that are so essential and desired by our society. The bill includes expanded and strengthened programs in research, education and technical assistance, and also an advisory board to provide professional advice and counsel on forest resources.

Forestry incentives for private lands are proposed on a graduated scale basis to motivate participation by over 4 million small nonindustrial woodland owners who control some 300 million acres of some of the Nation's finest forest-producing lands. Federal forest management will be upgraded also by providing a special receipts account to furnish additional funding which is necessary for more intensive sustained yield management, more esthetic and amenities through balanced multiple use management, and the general enhancement of environmental quality.

The American Forestry Act of 1973 is urgent national legislation. Homes are not being built because of severe shortages in timber supplies. Short supplies also have resulted in violent upward adjustments in lumber and plywood prices since termination of phase II price controls last January, and even though seasonal fluctuations in price occur and new economic controls may be imposed, the only real and lasting solution is increased productivity. Former Forestry Chief Edward P. Cliff has repeatedly stated that production of softwoods, the homebuilding material, can be doubled.

At the same time, we are not building needed recreational facilities, reforesting denuded lands, protecting wildlife habitat and watersheds, enhancing environmental quality, or taking the many other essential steps which the American people rightfully expect, and which must be a critical component of any proper forest management program.

At a later time, cosponsors will be added to this bill.

Mr. President, the American Forestry Act of 1973 responds to the demands by the American people—now and in the future. From hearings and public reaction, the bill has been revised in several crucial ways to fully protect environmental values while enhancing the use and productivity of our forests. I am hopeful that the 93d Congress will act promptly and favorably upon this proposal.

By Mr. MOSS:

S. 1997. A bill to authorize the Secretary of Housing and Urban Development to encourage and assist in the development on a demonstration basis of

several carefully planned projects to meet the special health-care and related needs of elderly persons in a campus-type setting. Referred to the Committee on Banking, Housing and Urban Affairs.

CAMPUSES FOR THE ELDERLY

Mr. MOSS. Mr. President, I introduce, for appropriate reference, a bill to authorize the Secretary of the Department of Housing and Urban Development to encourage and assist in the development, on a demonstration basis, of several carefully planned projects to meet the special health care and related needs of elderly persons in a campus-type setting.

This bill sets up a design contest for comprehensive health care and housing projects which I call "campuses for the elderly," and authorizes the Secretary of Housing and Urban Development to choose the three best entries for funding.

Each design must include:

Skilled nursing facility (as defined by Medicaid-Medicare regs.) for 120 people;

Congregate living facilities—housing with central dining for those who cannot or do not want to cook their own meals—as defined in the 1970 Housing Act—for at least 100 people;

A rest home with nursing supervision for 100 people;

Apartment living—regular apartment units such as those built under section 202 of the Housing Act—for 100 or more; and

A community center which could be used by residents of the campus and to provide services to the outside community of the elderly.

I stress that these demonstration projects must provide much more than housing, they must provide services as well. These services should be made available to the general community on an outreach basis as well as to the prospective tenants of the facility. Some of the services which might be provided include: home delivered meals, employment, transportation, home care services, counseling, legal and notary assistance, and telephone reassurance in addition to health care.

Perhaps some thought might be given to providing an outreach clinic or diagnostic center in conjunction with the senior center to give elders in the community an alternative to the hospital emergency room where many go for care after office hours. The campus should provide or be close to shopping facilities. Appropriate recreation such as a theater, swimming pool, gym, bowling alley should be available. There should be generous meeting rooms and common areas.

In short this "campus" should be designed to meet the total needs of the elderly in one self-contained unit. Residential and nursing units should be designed for the elderly with consideration of their special needs.

My bill calls upon private enterprise to develop innovative approaches. Following the "Operation Breakthrough" example, the best projects will receive funding in the form of interest subsidy payments with mortgage amounts as determined by the Secretary.

These completed projects would be evaluated by a nine-man committee of which three shall be Members of the Congress appointed jointly by the President of the Senate and the Speaker of the House. Six members of the committee will be appointed by the Secretary of HUD of which three shall be members of the medical profession and three shall be administrators of health care facilities. This committee shall have a life of 6 months and is limited to a total expenditure of $70,000. The committee shall prepare a report to the Congress on the effectiveness of the new "campuses" and their suitability to meeting the needs of the elderly.

There are some interesting examples of the campus concept springing up across the Nation. One such example is at Syracuse University, where a project being built on the college campus is providing an excellent opportunity for the elderly to make use of the university's facilities. Likewise the students benefit from their association with older Americans.

In Philadelphia, the Philadelphia Geriatric Center has purchased several row-houses which have been rehabilitated to house several elderly with appropriate supportive and medical services to form its own campus.

Paul de Preaux, administrator of the Avery Nursing Home and Church Homes, Inc., Hartford, Conn., has been the strongest proponent of the idea promoted by this bill. The facilities of Church Homes, Inc., now come very close to implementing this campus concept. To Paul de Preaux, the "campus" is the answer to the fragmentation of care which marks our present system. When individuals become ill they are removed from their homes to the hospital. With different needs they are placed in a nursing home. As their needs change they are returned home, or back to the hospital. With each move there is an inevitable shock and trauma. Some of this shock and trauma can be eliminated if an individual is given a sense of continuity. In a campus setting he could move from residential housing to the nursing home and back again and still be in touch with friends, and continue to be invested with a sense of community and belonging.

Other advocates of the elderly, such as Mrs. Daphne Krause, executive director of the Minneapolis Age and Opportunity Center, have seen the wisdom of the campus concept. Mrs. Krause is endeavoring to build such a facility in Minneapolis to go along with the services she already provides through MAO. I share her belief that we must address the problems of the elderly in their totality rather than looking at them in isolation.

This bill—as S. 2935—received favorable response in the last Congress. I hope it is possible to have the new measure enacted swiftly this session.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a February 24, 1970, article which tells of the success of the Syracuse University project.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMPUS WITH A FADING GENERATION GAP

(By Judy Klemesrud)

SYRACUSE.—Some students at Syracuse University are finding they can trust—and actually be friends with—people over 30. And in this case the people are way over 30. In fact, their average age is 70.3.

They all live within a few yards of each other in a futuristic-looking new housing complex, known around the campus at "St. Mary's" because a cemetery by that name once stood there.

"We really have a lot in common," Alan Graham, a bearded blond, 20-year-old zoology student from Wilmington, Del., said Sunday afternoon during a George Washington's birthday party attended by 300 students and old people.

"NATURAL ALLIES"

"Neither of us has much money," he went on, "and it's not supposed to be right for either of us to have sex. They have trouble getting jobs, and so do we. They've been rejected by their sons and daughters, and we're feeling some of this rejection by society and our parents.

"When you get right down to it," he said, "we're natural allies."

The housing complex, which has been occupied for about a year, is located on the western edge of the campus, in the heart of Syracuse's black ghetto. It is composed of four buildings

¶A public housing project for the elderly called Toomey-Abbot Towers, a 24-story building housing 400 people who are 62 or over.

¶Boland Hall, a university dormitory housing 300 undergraduate women on eight floors.

¶Brewtser Hall, a 12-story dormitory housing 450 undergraduate men.

¶Brockway Hall, a three-story student services center where both the young and the old gather to use such facilities as a library, snack bar, bookstore and cafeteria.

And in between the four buildings is a large concrete patio area with benches, where the two age groups can meet and mingle in warm weather.

"It's unique; as far as we know there's nothing like it in the country," said Thomas Carlsen, assistant dean of the School of Social Work. "We view it, frankly, as a built-in laboratory."

He was not exaggerating. The School of Social Work has assigned two full-time staffers to the housing project, and in the last six months projects and programs for the young and old have sprung up like daffodils in the spring. Terms like "intergenerational coalition" are being bandied about, and students are writing papers ("Life After Death—or Death After Life?") inspired by their visits with the elderly.

And it's all with the blessings of the Syracuse Housing Authority, whose executive director, William McGarry, has given the School of Social Work carte blanche as far as programs for the aging are concerned.

Does he think the elderly will feel like guinea pigs?

"Maybe so," he replied in his office directly across the street from Toomey-Abbot Towers. "But being guinea pigs means they're getting attention, and that's the one thing they need."

ID CARDS LIKE STUDENTS

The latest joint adventure—the George Washington's birthday party—was the best attended so far. There was a reason: The old people were presented with special identification cards that entitled them to use all Syracuse University facilities, and to pay the same discount prices that students pay.

The card was designed by John E. Spencer, a 68-year-old resident of Toomey-Abbott Towers whose wife, Marjorie, works as a volunteer in the student library in Brockway Hall.

"He hates old people, and I'm not so crazy about them, either," Mrs. Spencer said shortly before the party. "When you get with older people, there's nothing to do. So many of them just think about the past."

The students and the elderly also get together for a Sunday night dinner program and a Wednesday night free movie. They mingle at concerts and plays in Brockway Hall and at religious services in Toomey-Abbott Towers.

"One thing this does is break down stereotypes on both sides," said Bruce Thompson, 24, the School of Social Work employe assigned to the housing project. "Our people find out that all young kids aren't necessarily pot heads. And the students learn that a woman who looks like an old crank may be an interesting person."

Another program in the works is called "Adoptive Grandparents," and through it a student would "adopt" an older person for the school year. It is the brainchild of Dr. Philip Steckler, who runs a day care branch of the Syracuse Psychiatric Hospital in Toomey-Abbott Towers.

STUDENT VOLUNTEERS

Several students are responsible for distributing Government surplus foods to the elderly. Others have volunteered to clean apartments and do other household chores for the old people in exchange for such services as ironed shirts or shortened skirts.

"This is one place where there's no generation gap," said Mrs. Zoa Newcomb, a 65-year-old widow, as she played bridge with three men students Sunday afternoon in Brockway Hall. "You're not a young person or an old person at the bridge table—you're just a bridge player."

The "St. Mary's" complex grew out of a compromise between the city and the university in the early 1960's. Both parties had been locked in a dispute over which should use the land for housing. (The remains in the cemetery had been moved to another graveyard.)

The dispute was quickly solved when a third party, the Veterans Administration, entered the picture saying it wanted the land for a new wing for one of its buildings. The city and the university compromised: half the land would be used for housing the elderly; the other half for housing students.

Not all of the residents have been excited about mixing with another generation. Some apathetic students refer to Toomey-Abbott Towers as "Wrinkly World." And some of the elderly—especially a group of older men—call out "dirty beatnik" whenever a bearded student strolls by.

But for the most part, the experiment seems to be working.

"Sometimes you just need somebody older to talk to," said Kathleen Maleszyk, 21, of Lynn, Mass., a pert brunette who is a senior in aerospace engineering. "They can give us advice with wisdom—something that kids our age cannot."

By Mr. SCHWEIKER:

S. 1998. A bill to amend the Community Mental Health Centers Act to provide for the extension thereof, and for other purposes. Referred to the Committee on Labor and Public Welfare.

Mr. SCHWEIKER. Mr. President, the authority contained in the Community Mental Health Centers Act for the continuation of this program and the funding of new community mental health centers expires June 30, 1973. The administration has not sought extension of that authority and is seeking funds in its budget request for fiscal year 1974 only to complete its commitment to existing centers. Thus, no new centers will receive any Federal support.

Although the Senate has already passed a bill which included an extension of this authority for 1 year without substantive change, I introduce today the Community Mental Health Centers Extension Act of 1973 which makes major changes in the program by amendments to the Community Mental Health Centers Act. The bill will extend the program for 3 years, change construction grants to facility grants for renovation or acquisition of existing facilities, and provide funding for operating costs in lieu of staffing grants. Also, the measure strengthens the requirement for evaluation of programs both by HEW and the centers themselves.

Although the bill retains the current provisions of the act making a distinction in the Federal share of moneys to centers in poverty areas, it would begin such Federal share at a higher level, and at a significantly lower level, and require that the additional funds for a center serving a poverty area be used for the poverty population being served in that area. I am confident that the Congress will decide to not only continue the community mental health centers program but to expand it, make funds available for initiating new centers and new services within existing centers, and assure a monitoring of the performance of federally supported centers to insure their responsiveness to community needs and national goals relating to community mental health care. This bill can be the basis for such a decision.

Mr. President, the community mental health center is a health services delivery system already federally funded in nearly 500 communities in which approximately 35 percent of the Nation's population lives. It embodies many of the attributes held in highest regard by the administration. Yet, the administration proposes to discontinue further Federal support. In my judgment this would be a serious mistake.

The community mental health center system stresses comprehensiveness by including within a single system all of the related services available to serve the population for which it is responsible. The services contained in the system are coordinated in a manner which enables a patient to move freely and easily from one service to another as needed without the duplication of effort and cost present when services are unrelated and uncoordinated. The program is designed to serve the total population of its designated geographic area. The funds allocated go almost entirely into services for the persons in need. Very little money is used for the support of a bureaucracy.

A noteworthy characteristic is the high degree of local responsibility with the controls and direction provided by local volunteer boards.

The community mental health centers program, which was to be initiated in each catchment or population area with Federal funding on a diminishing basis has moved steadily toward ultimate support by State and local government and private sources. Only about 30 percent of the money invested annually in operating the community mental health center program now comes from Federal funds. Forty-four percent comes from local and State government; 20 percent comes from patient fees and forms of insurance.

The program is not one which was developed and put together hastily in response to a crisis, but evolved out of 10 years of thoughtful deliberations with extensive community planning at State and local levels. The planning process was initiated during the Eisenhower administration, the crucial legislation was adopted during the Kennedy administration, and the program has had the continued support of each administration since.

The system is designed to be compatible with any proposed comprehensive plan for total health care delivery and thus might be joined as an already operating component. For example, the Senate-passed HMO bill, S. 14, provides for mental health services utilizing existing community mental health centers on a priority basis. Despite commonly held false assumptions, mental health services are demonstrably insurable within a plan of National Health Insurance.

Community mental health centers encourage community care with a minimum of institutional confinement which means that to the extent possible, the patient is responsible for the fulfillment of his own treatment plan while continuing as a self-reliant, tax-paying member of the community. These centers have already played a major role in the reduction of State hospital census by a dramatic 36 percent in the last 5 years, in closing a number of State hospitals in several States and in making a sharp reduction in the amount of funds expended in the construction of new institutions.

The center system places major attention on the development of a preventive approach with better and more efficient utilization of limited professional manpower. It has been suggested that the program was intended to be a demonstration and because it has been demonstrated to be successful and effective it should therefore be picked up by funding from other sources. The problem lies in the definition of "demonstration." It is clear that those who wrote the original legislation did not intend that Federal support would continue undiminished and forever. Funding grants were to be for a term of 8 years and provision was made for diminishing Federal participation during that 8-year period.

Thus, Federal funding was to serve a pump priming purpose. It was also to demonstrate to each community the merits of the program and the capability of each community to pick up gradually the financing of its own center. Congress set as its goal that a mental health center should be established in as many catchment areas as necessary to serve the total population of the country. It was not the intent of Congress when the initial legislation was enacted to assist a few favored communities to have centers and then to leave to chance the spread of the program elsewhere.

It has also been suggested that the program will be funded through national health insurance. Unfortunately, national health insurance does not yet exist nor does it seem imminent. In addition, it must be recognized that even if national health insurance supports continuation of an existing community mental health center, it would not, as a fee-for-service mechanism, provide the funding for consultation services, which are a major component of the preventive function. Nor would insurance provide funding for the initiation of new and needed centers where they no not already exist. Futhermore, there unfortunately remains some uncertainty at this time whether mental health coverage will be included in national health insurance legislation.

Can the program be supported and centers be initiated through revenue sharing? Without debating what may prove to be the eventual virtues of the revenue-sharing approach to Federal participation in local programs, there seems to be a disregard for reality in proposing this solution. There is no evidence that revenue sharing will be so effective immediately that each of the many programs which apparently are expected to derive their support from this source will each receive its equitable and essential share without interruption of service and irreparable damage.

Neither can anyone be confident about the prospects of equitable consideration in the intense competition which will take place not only between established programs but also with those which may be devised in response to State and local pressures. Doubts arise concerning revenue sharing as a solution because of the tendency on the part of State and local governments to use the funds shared with them for one-time capital expenditures rather than for programs involving long-term financial commitments. Then, there are indications that all the programs which are supposedly to be supported by revenue sharing are going to have to be financed with what appears to be less dollars than are currently available through present funding arrangements.

It has been pointed out that the Federal grant program for community health centers has resulted in an inequitable distribution of services with certain States and communities receiving a disproportionate amount of the funds available. It is true that some States were better prepared to move ahead than others and have attained more rapid and complete coverage of the population of their States. It hardly makes sense, however, that those States which have been confronted with greater difficulty in getting underway should be deprived of assistance simply because the funds have been inequitably distributed up to now. To take such a position is to perpetuate the inequity.

Mr. President, there are valid reasons why there should be a continuation of the Federal presence in a program to resolve the general and far-reaching problem of mental illness. Mental illness in its various manifestations is so pervasive in breadth and impact that the Nation cannot afford to let an aggressive program become merely a matter of State option.

I am deeply concerned about an approach to financing which does not provide for a continuing Federal regulating relationship. Though a substantial part of center funding may come from other sources and though program control and management may be local, uniform standards of practice and performance established by the Federal Government are highly desirable.

Historically, the care of the mentally ill has represented such a heavy burden on the resources of State government that the picture was one of shocking neglect. It was not until the Federal Government took positive action to correct the appalling situation that conditions began to change and hope at last arose for the future. There is inadequate evidence that the States are yet able to accept again full responsilbility for this health problem, which is unique in terms of the number of persons affected and the range of services required. To force State government to assume too soon the entire burden which many States carried so badly in the past is to risk a return to the scandalous waste of human resources from which our Nation has just now begun to emerge.

Mr. President, my proposal makes several basic recommendations which are consistent, I believe, with administration goals and realistic in terms of the future of the community mental health center program and its development to meet the goals the Congress initially set for it:

First, that Federal funding continue for the purpose of assuring the initiation of a community mental health center in each of the 1,500 catchment areas required to encompass the total national population. Presently, there are 493 centers federally funded and a small number financed in other ways. This means there are at least 900 catchment areas for which centers must still be planned and initial funding secured. Continued Federal participation should at least make available an initial 8-year staffing grant for the support of a properly designed and approved mental health center in every catchment area still unserved by such a center. June 30, 1980, should be regarded as the target date for comprehensive national coverage with initiation staffing grants.

Second, that a ceiling be placed on the amount which can be allocated to any one center in order to avoid giving undue advantage to those having unusual grant-writing skills and in order to provide for an equitable distribution of available dollars to all catchment areas.

Third, that there be a continuation of preferential funding for centers serving poverty areas with the requirement that the additional dollars allocated to such preferential funding be used for the provision of services to the poverty population.

And finally, that long-term funding beyond the initial 8-year grant period be available to finance consultation and other preventive services not normally reimbursable from other sources. Preferential funding should also be available to support such services in poverty populations.

Mr. President, I ask that the bill and a section-by-section analysis of it be printed at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 1998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Community Mental Health Centers Extension Act of 1973".

FINDINGS

SEC. 2. (a) The Congress hereby finds that—

(1) community care is the most effective and humane form of care for the majority of mentally-ill and mentally-retarded individuals;

(2) there is currently a shortage and maldistribution of quality community mental health care resources in the United States;

(3) the federally funded community mental health centers have had a major impact on the improvement of care by: fostering coordination and cooperation between various agencies resulting in a decrease in overlapping services and more efficient utilization of available resources, bringing comprehensive community care to all in need within a specific geographic area regardless of ability to pay, and by developing a system of care which insures continuity of care for all patients.

(b) The Congress further declares that the obligation for insuring the expansion of the community mental health center concept in the United States and the provision of comprehensive community care to all in need, rests with the Federal Government, and declares further that Federal funds should continue to be made available for the purposes of initiating new community mental health centers and new services within existing centers, and for the monitoring of the performance of all federally-funded centers to insure their responsiveness to community needs and national goals relating to community mental health care.

AMENDMENTS TO THE COMMUNITY MENTAL HEALTH CENTERS ACT

SEC. 3. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended to read as follows:

"SEC. 201. There are authorized to be appropriated for grants for facilities of public and other nonprofit community mental health centers under this title $15,000,000 for the fiscal year ending June 30, 1973; $15,000,000 for the fiscal year ending June 30, 1975; and $15,000,000 for the fiscal year ending June 30, 1976."

(b) (1) Section 202 (b) of such Act is amended by striking in the first sentence the words "a project for the construction of a community mental health center" and inserting in lieu thereof "acquisition and renovation of a community mental health center facility".

(2) The second sentence of such section is amended by striking the words "construction of the center" and inserting in lieu thereof the words "the center facility".

(c) Section 204(a) (4) of such Act is amended by striking the words "construction of community mental health centers" and inserting in lieu thereof the words "acquisition and renovation of community mental health center facilities".

(d) Section 204(a) (8) of such Act is amended by striking the word "construction" and inserting in lieu thereof "facility".

(e) Section 205(a) of such Act is amended by striking the word "construction" and inserting in lieu thereof the words "the acquisition or renovation of a community mental health center facility".

(f) Section 205(a) (4) of such Act is

amended by striking the words "construction of the".

(g) The third sentence of section 205(a) is amended by striking the words "of the cost of construction".

(m) Section 207 of such Act is amended to read as follows:

"SEC. 207. No grant may be made under any provision of the Public Health Service Act for any fiscal year for any project described in this title unless the Secretary determines that funds are not available under this title to make a grant for such project."

(i) The title of Part A, of such Act is amended to read "PART A—GRANTS FOR FACILITIES".

SEC. 4. (a) The heading for part B of the Community Mental Health Centers Act is amended to read as follows:

"PART B—GRANTS FOR PORTION OF THE COSTS OF OPERATION OF CENTERS"

(b) (1) Section 220(a) of such Act is amended by striking the words "compensation of professional and technical personnel for the initial operation" and by inserting in lieu thereof the words "compensation for operational costs for the operation of new community mental health centers or of new services in community mental health centers".

(2) Section 220(a) of such Act is further amended by adding at the end thereof immediately before the period the words "such as services for children and the elderly".

(3) Section 220(b) of such Act is amended to read as follows:

"(b) (1) Grants under this section for costs for any center may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of eight years after such first day; and except as provided in paragraph (2), such grants with respect to any center may not exceed 70 per centum of such costs for the first year after such first day, 60 per centum of such costs for the second year after such first day, 50 per centum of such costs for the third year after such first day, 40 per centum of such costs for the fourth year after such first day, 30 per centum of such costs for the fifth year after such first day, 20 per centum of such costs for the sixth year after such first day, 15 per centum of such costs for the seventh year after such first day, and 10 per centum of such costs for the eighth year after such first day.

"(2) In the case of any center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for such costs may not exceed 90 per centum of such costs for the first year after such first day, 80 per centum of such costs for the second year after such first day, 70 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, 25 per centum of such costs for the sixth year after such first day, 15 per centum of such costs for the seventh year after such first day, and 10 per centum of such costs for the eighth year after such first day.

(c) Section 221(a) of such Act is amended by—

(1) striking the word "and" at the end of paragraph (4);

(2) striking the period at the end of paragraph (5) and inserting in lieu thereof a semicolon; and

(3) by adding after paragraph (5) the following new paragraphs:

"(6) the services to be provided by the center are made available to any health maintenance organization serving residents within the catchment area for such center;

"(7) such center has made adequate arrangements to secure all available third party payments for its services;

"(8) such center has established an evaluation program, either directly or by contract;

"(9) such center has a program whereby it screens, and where practicable, provides treatment for, persons within its catchment area who may otherwise be admitted to a State mental hospital; and

"(10) such center has a program for the followup care of persons within its catchment area who are discharged from a State mental hospital."

(d) Section 221(b) is repealed.

(e) Section 221(c) is redesignated as section 221(b) and is further amended by striking the word "and" after "1974" and by inserting before the period at the end thereof the following: "and $20,000,000 for the fiscal year ending June 30, 1976".

(f) Section 221 is further amended by adding at the end thereof the following new subsections:

"(c) Where an application for a grant under this part for a community mental health center is made, such application may not be approved unless the application provides or is supported by assurances that the applicant—

"(1) will provide in that fiscal year, either directly or through affiliation agreements, a program of comprehensive specialized services for the mental health of children. Such services must provide a full range of diagnostic, treatment, liaison and followup services (as prescribed by the Secretary) for all children and their families in the area in need of such services; and

"(2) will make available consultation and education for personnel of all schools, probation departments, and other community agencies serving children in such area;

"(d) If an application for a grant under this part for a community mental health center is made, such application may not be approved unless such application provides or is supported by assurances that the applicant—

"(1) will provide in that fiscal year, either directly or through affiliation agreements, a program of comprehensive specialized services for the mental health care of the elderly. Such services must provide a full range of diagnostic, treatment, liaison and follow-up services (as prescribed by the Secretary) for all elderly persons residing in the area in need of such services; and

"(2) will make available consultation and education for personnel of other community agencies serving the aged in such area;

"(e) (1) Where the Secretary determines that it is feasible for an applicant to provide a program for the prevention and treatment of alcoholism or drug abuse in the area to be served by the applicant and that the need for such a program is of a magnitude that would warrant the provision of such a program by the center, an application for assistance under this part may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the applicant will provide either directly or through affiliation with other public or private non-profit agencies such programs in such fiscal year; or

"(2) Where the Secretary determines that it is feasible for the applicant to assist the Federal government in treatment and rehabilitation programs for alcoholics and drug abusers in the area to be served by the applicant, an application for assistance under this part may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the government under which agreements the center may be used (to the maximum extent practicable) in the treatment and rehabilitation programs provided by such departments or agencies.

"(f) Any community mental health center which has received approval but not the funding of its application for assistance under this Act prior to June 30, 1973, shall be given a priority with regard to assistance applied for after such date under the provisions of this part."

(g) Section 224(a) of such Act is amended to read as follows:

"SEC. 224. (a) There are hereby authorized to be appropriated to enable the Secretary to make grants to community mental health centers to cover a portion of the costs of operating expenses, under the provisions of this part, $90,000,000 for the fiscal year ending June 30, 1974; $100,000,000 for the fiscal year ending June 30, 1975; and $110,000,000 for the fiscal year ending June 30, 1976. For the fiscal year 1974, and succeeding fiscal years, there are hereby authorized to be appropriated such sums as may be necessary to make grants to such centers which have previously received a grant under this part and are eligible for such a grant for the year for which sums are being appropriated under this sentence.

(h) Section 224 of such Act is further amended by adding at the end thereof the following new subsections:

"(c) No less than 1 per centum of the amount appropriated pursuant to subsection (a) for any fiscal year shall be available to the Secretary for evaluation of programs authorized under this Act. Each community mental health center shall spend no less than 1 per centum of a grant received under subsection (a) for evaluation of its programs' effectiveness in serving the needs of its catchment area community, and reviewing the services provided by the center.

"(d) Except for Community Mental Health Centers which have received assistance under this part prior to June 30, 1973 (for which the level of assistance shall remain unchanged), assistance under this part—

"(2) to centers serving a rural or urban poverty area shall not exceed the lesser of (A) the product of the number of persons served by such center multiplied by $21 or (B) $2,500,000; or

"(2) to centers serving a rural or urban poverty area shall not exceed the lesser of (A) the product of the number of persons served by such center multiplied by $28 or (B) $3,300,000.

"(e) In making grants to community mental health centers under subsection (d) (2) of this section, the Secretary shall require assurances that such funds shall be equitably used to serve such poverty area.".

(i) Part B of such Act is further amended by adding at the end thereof the following new sections:

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

"SEC. 225. (a) The Secretary shall, beginning in the ninth year after the first year after a grant has been made under this title, make grants to Community Mental Health Centers for the costs of consultation services not to exceed—

"(1) 10 per centum of the total operating costs of such center divided by the number of years the center has been in operation in a nonpoverty area, and

"(2) 20 per centum of the total operating costs of such center divided by the number of years the center has been in operation in an urban or rural poverty area.

"(b) There are autholzed to be appropriated to carry out the purposes of this section such sums as may be necessary."

PROTECTION OF PERSONAL RIGHTS OF ALCOHOLICS, NARCOTIC ADDICTS, AND OTHER PERSONS WITH DRUG ABUSE AND DRUG DEPENDENCE PROBLEMS

"SEC. 226. In making grants to carry out the purposes of this part, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research which is carried out (in whole or in part) with funds provided from appropriations under this part unless such individual explicitly agrees to become a subject of such research.

"APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

"SEC. 227. Grants made under this title for the cost of acquisition and renovation of facilities and for the cost of compensation for operational costs may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act. Grants under section 221(c) of this title for such costs may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism.".

REPEAL

SEC. 5. Parts C, D, E, and F of the Community Mental Health Centers Act are repealed.

SECTION-BY-SECTION ANALYSIS OF THE COMMUNITY MENTAL HEALTH CENTERS EXTENSION ACT OF 1973

FINDINGS OF CONGRESS

Section 2(a) is a declaration of Congressional findings regarding community mental health care:

(1) community care is the most effective and humane form of care for the majority of mentally-ill and mentally-retarded individuals;

(2) there is currently a shortage and maldistribution of quality community mental health care resources in the United States;

(3) the federally funded community mental health centers have had a major impact on the improvement of care by: fostering coordination and cooperation between various agencies resulting in a decrease in overlapping services and more efficient utilization of available resources, bringing comprehensive community care to all in need within a specific geographic area regardless of ability to pay, and by developing a system of care which ensures continuity of care for all patients.

Section 2(b) is a further declaration of Congress that the obligation for ensuring the expansion of the community mental health center concept in the United States and the provision of comprehensive community care to all in need, rests with the Federal Government, and further, that Federal funds should continue to be made available for the purpose of initiating new community mental health centers and new services within existing centers, and for the monitoring of the performance of all federally-funded centers to ensure their responsiveness to community needs and national goals relating to community mental health care.

AMENDMENTS TO THE COMMUNITY MENTAL HEALTH CENTERS ACT

Authorizations for Community Mental Health Center Facilities

Section 3(a) extends the authorizations for grants for community mental health center facilities through June 30, 1976. (Present authority expires June 30, 1973). The level of authorization for each year is $15,000,000.

Grants for Acquisition and Renovation

Section 3(b) changes the grants for *construction* of centers to grants for *"acquisition and renovation"* of community mental health center facilities.

Grants for Operational Costs of Centers

Section 4(a) changes the title of Part B of the Community Mental Health Centers Act from "Grants for Initial Cost of Professional and Technical Personnel of Centers" to "Grants for Portion of the Costs of Operation of Centers".

Section 4(b)(1) makes various technical changes to establish the new program of grants for "compensation of operational costs" of centers.

Services for Children and the Elderly

Section 4(b)(2) states that grants for "operation of the centers" may be used for services for children and the elderly. (This Act would repeal the present grant program for children's mental health services.)

Changes in Matching Formula for Operational Grants

Section 4(b)(3) revises the maximum Federal matching available to any center for operational grants. The awarding of a grant would still incur a Federal obligation for a period of eight years. The following changes in the Federal matching formula would be made:

[In percent]

	Nonpoverty grants		Poverty grants	
	Present law	Proposed change	Present law	Proposed change
1st year	75	70	90	90
2d year	75	60	90	80
3d year	60	50	80	70
4th year	45	40	75	60
5th year	30	30	75	45
6th year	30	20	70	25
7th year	30	15	70	15
8th year	30	10	70	10

Additional Requirements for Operational Grants

Section 4(c) adds certain new requirements for those centers receiving operational grants:

(1) the services to be provided by the center must be made available to any health maintenance organization serving residents within the catchment area for the center;

(2) the center must have made adequate arrangements to secure all available third party payments for its services;

(3) the center must have established an evaluation program, either directly or by contract;

(4) the center must have a program whereby it screens, and where practicable, provides treatment for, persons within its catchment area who may otherwise be admitted to a State mental hospital; and

(5) the center must have a program for the follow-up care of persons within its catchment area who are discharged from a State mental hospital.

Section 4(d) is a technical amendment which repeals a section relating to expiration of authority on June 30, 1973.

Programs for drug addicts and other persons with Drug Abuse problems

Section 4(e) authorizes $20,000,000 for FY 1976 to aid those centers which are required to provide:

(1) a treatment and rehabilitation program for drug addicts and other persons with drug abuse problems or (2) assistance to the Federal government in treatment and rehabilitation programs to persons in the area served by the center. (Authorizations for this purpose were provided through FY 1975 by P.L. 92-255.)

Section 4(f) adds the following new provisions to the Community Mental Health Centers Act:

Mental Health Services for children and the elderly

Applicants for operational grants must assure that comprehensive specialized services will be provided for both children and the elderly. The applicant must also assure the availability of consultation and education to personnel of other community agencies serving children and the elderly.

Services for alcoholics and drug abusers

Applicants for operational grants must provide assurance that, when determined necessary, the center will (1) provide a program for the prevention and treatment of alcoholism or drug abuse or (2) assist the Federal government in treatment and rehabilitation programs for alcoholics and drug abusers.

Priority of approved applications for grants

Any community mental health center which has an approved but unfunded staffing application prior to June 30, 1973, will be given priority when applying for a grant for operational costs.

Authorizations for grants and operating expenses

Section 4(g) authorizes the following amounts to be appropriated for grants to centers to cover a portion of the costs of operating expenses:

Fiscal year 1974	$90,000,000
Fiscal year 1975	100,000,000
Fiscal year 1976	110,000,000

Such sums as are necessary are authorized to satisfy the eight year commitment to centers which have received a grant for operational expenses.

Section 4(h) adds the following new provisions:

Evaluation programs

No less than one percent of the amount appropriated for grants for operational expenses shall be available for evaluation of programs authorized by the Community Mental Health Centers Act. (Present law provides that the Secretary may use not more than one percent of the appropriations under any provision of the Community Mental Health Centers Act for evaluation.) In addition, each community is required to spend no less than one percent of a grant for operational expenses for evaluation of its programs' effectiveness in serving the needs of its catchment area community, and reviewing the services provided by the center.

Capitation formula for operational grants

The amount of the grants for operational expenses—

(1) to centers not serving a rural or urban poverty area shall not exceed the lesser of (a) the product of the number of persons served by such center multiplied by $21 or (b) $2,500,000; or

(2) to centers serving a rural or urban poverty area shall not exceed the lesser of (a) the product of the number of persons served by such center multiplied by $28 or (b) $3,300,000. *However,* the level of assistance for community mental health centers which received staffing assistance prior to June 30, 1973, shall remain unchanged.

Equitable use of funds

When making grants to centers in poverty areas, the Secretary is to require assurances that the funds will be used equitably to serve the poverty area.

Section 4(i) adds the following new provisions

Consultation and education services

Beginning in the ninth year after a grant has been made under the Community Mental Health Centers Act, the Secretary is to make grants to community mental health centers for the costs of consultation not to exceed—

(1) 10 percent of the total operating costs of such center divided by the number of years the center has been in operation in a nonpoverty area, and

(2) 20 percent of the total operating costs of such center divided by the number of years the center has been in operation in an urban poverty area. Such sums as are necessary to carry out these provisions are authorized.

(Present law, Section 264 of the CMHC Act authorizes $5,000 for the fiscal years 1971 through 1973 for consultation grants and such sums as necessary for continuation grants.)

Protection of personal rights of alcoholics, narcotic addicts, and other persons with drug abuse and drug dependence problems

The Secretary is to take such steps as necessary in making grants for operational expenses, to assure that no individual shall be made the subject of any research which is carried out with funds provided from appropriations for operational grants unless such individual explicitly agrees to become a subject of research.

Approval by National Advisory Mental Health Council

Grants made for the cost of acquisition and renovation of facilities and for operational expenses may be made only upon recommendation of the National Advisory Mental Health Council established by the Public Health Service Act. Where centers are required to provide services for alcoholics, grants may be made only upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism. (These provisions are presently contained in the Community Mental Health Centers Act.)

Repeal of certain sections

Section 5 repeals the following parts of the Community Mental Health Centers Act:

Part C—Alcoholism.

Part D—Narcotic Addiction, Drug Abuse, and Drug Dependence Prevention and Rehabilitation.

Part E—General Provisions.

Part F—Mental Health of Children.

By Mr. HUMPHREY (for himself and Mr. MONDALE):

S. 1999. A bill to confer pensionable status on veterans involved in the Brownsville, Texas incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs. Referred to the Committee on Veterans' Affairs.

BROWNSVILLE INCIDENT SURVIVORS AND FAMILIES

Mr. HUMPHREY. Mr. President, I introduce today a bill to provide just compensation for the Brownsville incident survivors and families.

In this day of disillusionment with our institutions, we in government have a duty to demonstrate that we can admit an error and can correct a terrible wrong.

The wrong I am talking about is the so-called Brownsville incident, a shocking and flagrant case of injustice.

The incident, as you are aware, stemmed from a shooting in the border town of Brownsville, Tex., on a hot, steamy night in August, 1906. Five of 20 soldiers of the all-black 25th Infantry Regiment stationed outside the town were said to be involved in the disturbance. Without, according to them, a hearing, President Theodore Roosevelt summarily removed from the Army all 167 soldiers of the regiment in Brownsville based upon their failure to inform on the alleged guilt of the actual participants in the disturbance.

These men were punished for a crime for which they were never formally charged, never formally tried, and never convicted. Not only were they summarily removed from the Army, but they, and I quote from the orders, were also "forever debarred from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the government."

On September 22, 1972—66 years after this shocking decision—mainly through congressional pressure, the Secretary of the Army cleared the soldiers' records and termed their removal a gross injustice. Yet, in clearing the soldiers' records, the Army specifically stated that—

> No back pay, allowances, benefits or privileges shall accrue by reason of the issuance of this order to any heirs or descendents.

This is not justice. In my opinion, justice demands that the survivors and the surviving families of this tragic incident be awarded the past benefits to which they would have been entitled if they had not been dismissed.

I believe justice also requires that these men and their families be provided reasonable compensation for the economic deprivation and personal suffering that they undoubtedly have been made to endure through the discharge without honor.

I have personal knowledge of the deprivation suffered by one of the Brownsville veterans. He is 87-year-old Dorsie Willis, a constituent of mine from Minneapolis, Minn. I had the privilege of meeting with Mr. Willis today, and heard firsthand from him about the Brownsville incident. Mr. Willis is a fine, outstanding citizen. He is well respected in Minnesota. Yet, his life is a poignant example of the irrepable harm done to him because of this tragic Army decision 67 years ago. Mr. Willis told me he had wanted to stay in the Army, make it his career, but because of his unjust discharge he has been forced to spend his life shining shoes in a bank building in Minneapolis, being unable to find other work.

Mr. President, it is reasonable to assume that, in nearly every other case, this unjustified action by the Department of the Army and the President destroyed for these men and their families the hope and opportunity of a better life.

This Nation owes these men and their families an apology in fact and deed, not just in words.

Since last fall I have been in touch with Congressman HAWKINS—whom I thank and congratulate for his leadership in this matter—Congressman FRASER, Senator VANCE HARTKE, chairman of the Senate Veterans' Affairs Committee, Senator MONDALE, and others, to seek just compensation for Mr. Willis and the other survivors and families.

My bill provides pension benefits to the many of these men who undoubtedly would have been entitled to them in varying degrees had they not been improperly separated from the military service.

In addition, it provides a reasonable sum in compensation for mental pain and suffering, and the many social hardships which the discharge without honor undoubtedly caused these men and their families.

The legislation would provide for, first, a lump sum payment of $40,000 as compensation for each surviving veteran and/or his surviving immediate family members as a group and, second, the past benefits to which they would have been entitled based upon mandated qualification under the veterans' benefits and pension laws.

Some concern is expressed that this legislative approach would establish an undesirable precedent. A Veterans Administration report argues that such a bill would set unfortunate precedents and would be "discriminatory" in favor of the Brownsville soldiers and against other veterans.

I disagree with this. The Brownsville incident is a unique case of mass punishment. Even the Department of the Army has admitted to that. Further, in my opinion, even if one assumes that the bill does set a precedent, if such a tragic case were ever to reoccur, the Government would be just as obligated in that case, as in this, to provide a legal remedy. So, if this does establish a precedent, it's a highly desirable one.

In my opinion this bill provides a remedy that approaches adequacy, and even this compensation doesn't compensate these people for the grievous injustices which resulted from Government action through no fault of their own. It was the Government that injured these men, and it is up to the Government to correct that injustice.

It has been contended that there may be adequate administrative remedies already authorized under existing law. Section 1552 of Title 10, United States Code, does provide the Secretary of the Army authority, acting through a Civilian Board for the Correction of Military Records, to correct records and rectify errors, where, in the Secretary's judgment, he deems it necessary to remove an injustice. It also grants him authority to pay claims for loss of military related pay and allowance.

But the Secretary's authority does not extend to benefits under laws administered by the Veterans' Administration.

To receive the benefits of section 1552 a claimant must file a request within 3 years after the error or injustice is discovered. The Secretary may, however, excuse failure to file during this period if such action would serve the ends of justice.

The administrative remedy provided by section 1552 is fraught with uncertainty.

The Secretary has no authority, for example, to compensate anyone for mental pain and suffering, social hardships associated with loss of reputation or other damages not related to military status; and, as I have previously stated, he has no jurisdiction over the payment of veterans' pensions and other similar benefits within the jurisdiction of this committee and the Veterans' Administration. Further, to prosecute a claim under section 1552, a person would need legal assistance, and the time required to process a claim might take as long as 18 months or 2 years within the Department of the Army. Consideration also has to be given to the fact that the claimant has the burden of proving his claim, and in this case, there may be serious difficulties encountered in establishing the facts, finding the records, obtaining witnesses and the like. Even if all of these difficulties are overcome, no one can say whether or not the Secretary will approve the claim. He could, for example, take the position that the claim was not filed in a timely manner.

In that event, an appeal could be taken through the Federal courts. This, of course, would also be time consuming, expensive, and no one can say whether or not it would be successful.

Even if all of these pitfalls were overcome and a claim were successfully prosecuted, the amount of recovery would be pitifully small. For example, if Dorsie Willis were to recover pay and allowances for the balance of his 4 years enlistment—3 years—he would receive the paltry sum of $540, not including interest. This is because privates in the Army received only $15 per month in pay and allowances prior to 1922.

In summary, there is nothing covered by section 1552 which would provide even the minimum compensation proposed in my bill. No remedy exists under existing law for loss of veterans' pensions, mental suffering, humiliation, loss of employment and the innumerable other indignities and hardships which were the fate of the Brownsville soldiers as a result of the Government's arbitrary and socking action.

For these reasons, I will be urging the House and Senate Veterans' Affairs Committees to consider and favorably report this legislation as soon as possible.

We have received this morning a copy of a report from the Secretary of the Army which endorses, in general, compensation for the surviving members of the Brownsville incident or their widows, through legislation. Such legislation, the Army suggests, would provide for payment from appropriations currently available to the Department of Defense for military retired pay.

I will be looking into this possibility carefully, but this suggestion does not appear to provide an adequate and just resolution of this matter.

I strongly believe this bill I have introduced today or comparable action are needed to make sure that the victims of this shameful chapter of American history and their families receive compensation for the years of economic hardship, denial of opportunity, and personal anguish they have endured.

By Mr. DOMENICI:

S. 2001. A bill to redesignate the Alamogordo Dam and Reservoir, N. Mex., as Sumner Dam and Lake Sumner, respectively. Referred to the Committee on Interior and Insular Affairs.

Mr. DOMENICI. Mr. President, today, I am introducing a bill designed to change the name of Alamogordo Lake near Fort Sumner, N. Mex., to Lake Sumner. Our action is needed on this matter because Federal funds were used in constructing the dam and reservoir. I believe our passing this bill would eliminate a great deal of confusion that has resulted from that lake being named Alamogordo while there is a town 160 miles away that is also named Alamogordo. I have heard of numerous instances in which fishermen have driven to Alamogordo—the town—to fish in Alamogordo Lake, only to find they were 160 miles from their destination. I ask that we pass favorably on this measure to rename Lake Alamogordo to Lake Sumner and Alamogordo Dam to Sumner Dam.

By Mr. TOWER (for himself and Mr. SPARKMAN):

S. 2002. A bill to further amend the Economic Stabilization Act of 1970, as amended, to authorize the President to prohibit or curtail the exportation of articles, commodities or products from the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. TOWER. Mr. President, I introduce for Senator SPARKMAN and myself a bill to further amend the Economic Stabilization Act of 1970, as amended, to authorize the President to prohibit or curtail the exportation of articles, commodities or products from the United States, and for other purposes. I ask unanimous consent that the bill and an explanatory statement concerning the bill be printed in the RECORD at this point.

There being no objection, the text of the bill and the explanatory statement were ordered to be printed in the RECORD, as follows:

S. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 203 of the Economic Stabilization Act of 1970, as amended, is further amended by adding at the end thereof the following new subsection:

"(k) Notwithstanding any other provision of law, the President is authorized by orders and regulations, whenever he determines such action to be appropriate to stabilize prices, rents, wages and salaries, to prohibit or curtail in such manner and upon such conditions as he deems appropriate for such purposes, the exportation from the United States, its territories and possessions, of any articles, commodities or products. In prescribing orders and regulations under this subsection, the President may allocate exports, amounts or quotas on such basis as he determines to be in the national interest, including allocation on a country, regional, or other geographical basis so as to prevent undue distortion of world trade."

STATEMENT OF PURPOSE AND NEED

The unrestrained exportation of certain articles, commodities, and products can lead to disruption of the Economic Stabilization Program that was initially established on August 15, 1971, by President Nixon under the Economic Stabilization Act of 1970. Legislative authority is needed to expressly allow the President to combat such disruptive exports. Specifically, the legislation would authorize the President by orders and regulations, whenever he determines such action to be appropriate to stabilize prices, rents, wages and salaries, to prohibit or curtail in such manner and upon such conditions as he deems appropriate for such purposes, the exportation from the United States, its territories and possessions, of any articles, commodities or products. In prescribing orders and regulations under the legislation, the President may allocate exports, amounts or quotas on such basis as he determines to be in the national interest, including allocation on a country, regional or other geographical basis so as to prevent undue distortion of world trade. The duration of this authority to prohibit or curtail exports would conincide with that of the Economic Stabilization Program, i.e., it would expire at midnight, April 30, 1974.

Mr. TOWER. Mr. President, I would like to announce that hearings by the Committee on Banking, Housing and Urban Affairs on this bill will commence at 10 a.m. on June 25, 1973, in room 5302, Dirksen Building. Anyone wishing to testify or present a statement on his matter should contact Mr. Reginald Barnes at 202-225-7391, room 5300, Dirksen Building, Washington, D.C.

This is legislation that the President called for in his television address last evening, designed to allow him to develop his phase IV and provide for vigorous supplies for domestic consumption when the occasion demands that exports be curtailed.

By Mr. PERCY (for himself, Mr. RIBICOFF, and Mr. JAVITS).

S. 2003. A bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government, and for other purposes. Referred to the Committee on Government Operations.

EXTENSION OF REORGANIZATION ACT

Mr. PERCY. Mr. President, I introduce for appropriate reference a bill to extend the period within which the President may transmit to the Congress plans for the reorganization of agencies of the executive branch of the Government.

The Office of Management and Budget, on behalf of the administration, has transmitted to the Congress a bill to extend the Reorganization Act for 4 years, until April 1, 1977.

My bill would also extend the act for 4 years, but would add a significant new provision that would give the Congress an opportunity to examine and comment on a proposed reorganization plan 30 days prior to its formal submission. By airing a proposed reorganization plan in advance, both the executive and legislative branches would become aware of any potential problems posed by the plan, and appropriate modifications could be made by the Executive before the plan was submitted formally. As has been the practice under the Reorganization Act, no amendments could be made to the plan once it was formally transmitted.

I believe that this change in procedure, permitting the Congress 30 days advance notice and consultation, is needed to strengthen congressional consideration of reorganization plans. I am assured that the administration will support this change.

I do not believe that any further strengthening of Congress role in the reorganization plan process is either necessary or desirable. The value of the traditional resolution-of-disapproval procedure is that reorganizations, which are managerial but not substantive in nature can be handled expeditiously without doing violence either to congressional prerogatives or to the separation of powers concept.

I am recommending that the act be extended for 4 years instead of the customary 2 years, because I believe that basic reorganization procedure has proven to be effective over time. Since 1949, 93 reorganization plans have been submitted of which 73 have been accepted, 19 rejected, and 1 nullified.

I am pleased that the distinguished chairman of the Subcommittee on Reorganization, Research, and International Organizations (Mr. Ribicoff) has joined me as principal cosponsor of this bill.

Mr. President, the bill has four major provisions. It would:

First. Extend the Reorganization Act for 4 years, until April 1, 1977.

Second. Add a requirement, as I have mentioned, for advance notice to Congress 30 days prior to formal submission of a plan, to allow time for consultation and modification.

Third. Delete the restriction in present law that only one plan may be transmitted in any 30-day period. This limitation causes scheduling difficulties for the executive branch and is made unnecessary by the new advance notification provision.

Fourth. Delete the provision of present law that requires a showing and an itemization of savings resulting from each reorganization. This requirement has led to expectations that dollar savings would be the principal accomplishment of reorganization actions. Experience has shown that the greatest benefits have been more effective and efficient Government, and better service to the public, rather than significant dollar savings.

Mr. President, I believe that renewal of the reorganization authority is needed, and I urge prompt enactment of this bill. I ask unanimous consent that the bill be printed in the Record at this point.

The PRESIDING OFFICER. Without objection it is so ordered.

S. 2003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 903 (b) of title 5, United States Code, is amended to read as follows:

"(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function."

(b) Section 903 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) In order to provide an opportunity to receive and consider proposed modifications and amendments, the President shall send to the President of the Senate and the Speaker of the House of Representatives, not less than thirty days prior to transmittal of a plan, notice of the proposed reorganization and shall include a statement of the purposes and substance of the proposed reorganization."

(c) Section 905 (b) of title 5, United States Code, is amended by striking out "April 1, 1973" and inserting in lieu thereof "April 1, 1977".

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 557

At the request of Mr. Schweiker, the Senator from Pennsylvania (Mr. Scott) was added as a cosponsor of S. 557, to provide that U.S. Flag Day shall be a legal public holiday.

S. 973

At the request of Mr. Hollings, the Senator from Alaska (Mr. Stevens) was added as a cosponsor of S. 973, to amend section 2414 of title 28, United States Code, to provide for the recovery of attorney's fees and expenses in certain actions brought by or against the United States.

S. 1006

At the request of Mr. Dominick, the Senator from Texas (Mr. Tower) was added as a cosponsor of S. 1006, to amend the Public Health Service Act to extend the provisions of section 601 thereof, and for other purposes.

S. 1349

At the request of Mr. Church (for Mr. Abourezk) the Senator from Illinois (Mr. Stevenson) was added as a cosponsor of S. 1349, to require the Secretary of Agriculture to carry out all rural housing programs of the Farmers Home Administration.

S. 1483

At the request of Mr. Inouye, the Senator from Oklahoma (Mr. Bellmon) was added as a cosponsor of S. 1483, to amend the Export Trade Act.

S. 1637

At the request of Mr. Bayh, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of S. 1637, to discourage the use of painful devices in the trapping of animals and birds.

S. 1828

At the request of Mr. Robert C. Byrd, the Senator from Wyoming (Mr. McGee) was added as a cosponsor of S. 1828, requiring confirmation by the Senator of the Mine Enforcement and Safety Administrator.

S. 1844

At the request of Mr. Church (for Mr. Abourezk) the Senator from Tennessee (Mr. Baker), the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Bible), the Senator from Missouri (Mr. Eagleton), the Senator from North Carolina (Mr. Ervin), the Senator from Hawaii (Mr. Fong), the Senator from Kentucky (Mr. Huddleston), the Senator from Minnesota (Mr. Humphrey), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Minnesota (Mr. Mondale), the Senator from Illinois (Mr. Stevenson), the Senator from California (Mr. Tunney), and the Senator from New Jersey (Mr. Williams) were added as cosponsors of S. 1844, to provide for the establishment of an American Folklife Center in the Library of Congress.

S. 1868

At the request of Mr. Humphrey, the Senator from Connecticut (Mr. Ribicoff) was added as a cosponsor to S. 1868 a bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community.

S. 1870

At the request of Mr. Beall, the Senator from Maryland (Mr. Mathias) was added as a cosponsor of S. 1870, to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcasting station shall be issued for a term of not to exceed 5 years.

SENATE JOINT RESOLUTION 121

At the request of Mr. Goldwater, the Senator from New Mexico (Mr. Domenici) was added as a cosponsor of Senate Joint Resolution 121, authorizing the President to proclaim September 28, 1973 as "National Indian Day."

SENATE CONCURRENT RESOLUTION 31—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS AGAINST INCREASES IN THE PRICE OF NATURAL GAS

(Referred to the Committee on Commerce.)

Mr. MOSS. Mr. President, the President's energy message called for an end to the system under which the FPC, through its regulatory process, sets ceiling prices based on the costs of production, but the staff of FPC challenged this premise. While it is essential that we step up exploration and development of gas reserves, I am not convinced that simply increasing the price will have that effect. Private investments in exploration and development did not increase substantially with the last price raise. We have an obligation to the consumer that his cost of living not increase without something in return for his money.

We are all aware of the energy crisis and of shortages developing this summer all across the land, but the FPC approval of increases of 73 percent above previously determined ceilings is intolerable in light of the uncertainty now existing and the lack of available factual data. We need a moratorium on any price increase above the price of natural gas in effect on June 1, 1973, until such time as studies now in progress are completed.

I am, therefore, submitting a concurrent resolution holding the price of natural gas at ceilings in effect on June 1, 1973, until January 1, 1974, when ongoing studies will have been completed.

We have an obligation to the consumer that we cannot shirk.

The concurrent resolution reads as follows:

S. Con. Res. 31

Resolved by the Senate (the House of Representatives concurring),

Whereas the price of natural gas directly affects the cost of living incurred by all American citizens; and

Whereas the Federal Power Commission is required by the Natural Gas Act to prescribe just and reasonable rates on the basis of cost for natural gas; and

Whereas the Supreme Court has declared

that the Federal Power Commission is obliged to "afford consumers a complete permanent and effective bond of protection from excessive rates and charges"; and

Whereas the Federal Power Commission has recently approved selective increases of 73 percent above previously determined area rate ceilings in the price of natural gas, resulting in an estimated rate of return of 27.5 percent, almost doubling the previously established reasonable rate of return, and adding a severe economic burden on a large number of consumers; and

Whereas the legitimacy of such increases is challenged as tantamount to "deregulation" of producer rates in contravention of law; and

Whereas the Congress has under active review the question of whether or not a legitimate shortage in the available supply of natural gas exists whether or not such shortage is price induced or price curative; and

Whereas the Federal Trade Commission has a similar study in progress; and

Whereas the results of these studies and inquiries are essential to determining what shall constitute just and reasonable prices and rates of return: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that, inasmuch as there is at present inadequate information as to the available supply of natural gas, and since such needed information will become available by January 1, 1974, that, prior to January 1, 1974, it will be contrary to the public interest for the Federal Power Commission to permit increases in the price of natural gas above the administratively determined area rate ceilings in effect on June 1, 1973, provided that the Commission may prior to January 1, 1974, consider and approve petitions for special relief from such rates, pursuant to Section 154109(f) of the Commissioner's regulations in instances where, based on evidentiary record the Commission finds such relief to be cost justified.

GRANTS OF RIGHTS-OF-WAY ACROSS CERTAIN FEDERAL LANDS—AMENDMENTS

AMENDMENT NO. 224

(Ordered to be printed, and to lie on the table.)

Mr. HASKELL. Mr. President, the court's decision in the case of the Wilderness Society et al. against Rogers C. B. Morton, et al., gives the Congress an opportunity to make a decision as to the most desirable way to transport the North Slope oil from Alaska to the lower 48 States.

The North Slope oil is a national resource and represents approximately one-fifth of our Nation's proven resources. The recent fuel shortages which have plagued our Nation are ample evidence that we must determine the best use of this resource for the Nation as a whole.

Two basic routes have been proposed—one a trans-Alaska route, the other a trans-Canada route. S. 1081, if adopted, without amendment, would represent a decision by the Senate to transport the oil over the trans-Alaska route.

A careful look at the events which have brought us thus far reveals the following:

First. No independent agency has assessed the relative economic benefits and liabilities of the two routes.

Second. No independent agency has assessed the relative environmental benefits and risks of the two routes.

Third. No independent agency has ever examined the oil needs of the lower 48 States on a regional basis to determine where the oil can best be used.

Fourth. No independent agency has ever conducted official negotiations with the Canadian Government to determine if a trans-Canada route would be desirable or acceptable.

Mr. President, the Senate of the United States is being asked to put its seal of approval on a decision—made by the oil companies—as to the transportation route for this oil. The importance and magnitude of the oil resource obligates Congress to secure the basic information and make the decision.

I am not suggesting that we should delay the delivery of the North Slope oil to the oil hungry regions in the lower 48 States. In fact I believe the course set forth in the amendment I am submitting today to S. 1081 will result in a faster go-ahead than is possible without the amendment.

The pipeline has been subject to agonizing delays in the courts of the United States. The first mention of the 25-foot width limitation for rights-of-way across Federal lands, for example, came in a conclusion of law from the U.S. District Court over 3 years ago—April 28, 1970.

If the Congress accepts its responsibility to make this vital decision the court delays would be eliminated. Since the Congress would be making the decision the procedural requirements of the National Environmental Policy Act which must be followed by administrative agencies and departments would not apply. If we pass S. 1081 in its present form, litigation will unquestionably be renewed and will continue to delay the delivery of this oil.

Those who favor the trans-Alaska route should favor my amendment. If they are confident their route is in the best interest of the Nation as a whole and can withstand careful scrutiny they should join in the amendment. Similarly those who favor the trans-Canada route would have an opportunity to prove their case.

Right now we do not have the information on which to make a decision. This is admitted in the Department of the Interior's environmental impact statement on the trans-Alaska route which states:

> Data does not exist to definitely state the relative efficiencies of TAPS (Trans-Alaska Pipeline System) and MacKenzie Valley Pipeline System.

We have an obligation to secure the information and to make a decision.

I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 224

Beginning on page 32, line 14 strike through page 35, line 23, and insert in lieu thereof the following:

TITLE II—DELIVERY OF NORTH SLOPE OIL FROM ALASKA

SEC. 201. (a) The Congress hereby finds that facilitating the early delivery of oil resources available on the North Slope of Alaska to domestic markets in the 48 coterminous states is in the national interest.

(b) The Congress declares that it is the purpose of this title to secure information necessary to determine the most desirable route over which to transport that oil and to provide for a decision by the Congress based on that information as to which route shall be followed.

SEC. 202. (a) Notwithstanding any other provision of this Act, the Secretary may not grant or issue a right-of-way to transport oil by pipeline from the North Slope of Alaska to the Alaskan coast for a twelve complete month period after the enactment of this Act.

(b) (1) The Comptroller General of the United States shall study the economic aspects of delivery of oil from the North Slope of Alaska (i) by pipeline to the Alaskan coast and by tanker fleet south to any other port of the United States, and (ii) by pipeline to the border between the State of Alaska and Canada, then through Canada to the forty-eight coterminous States.

(2) The Director of the National Science Foundation, wherever possible in cooperation with governmental agencies, universities or research institutions in Canada, shall study the environmental aspects of delivery oil from the North Slope of Alaska (i) by pipeline to the Alaskan coast and by tanker fleet south to any other port of the United States, and (ii) by pipeline to the border between the State of Alaska and Canada, then through Canada to the forty-eight coterminous States.

(3) The Comptroller General and the Director shall each report to the Congress the results of his study no later than nine months from the date of enactment of this Act.

(c) (1) The President of the United States is authorized and requested, utilizing the services of the Secretary and the Secretary of State, to enter into negotiations with the appropriate officials of the Government of Canada to ascertain within nine months of the date of enactment of this Act the feasibility of construction, operation, and maintenance of pipelines or other transportation systems across Canadian territory for the transport of oil from Alaska's North Slope to markets in the coterminous forty-eight States.

(2) For purposes of determining such feasibility and as a result of the negotiations authorized under clause (2), the President, within nine months of the date of enactment of this Act, shall submit to the Congress his findings on:

(A) the estimated feasible date for commencement and completion of such pipelines or other transportation systems;

(B) the quantity of oil from the North Slope of Alaska for which the Government of Canada would guarantee transit;

(C) the willingness of the Government of Canada to permit the construction of such pipelines or other transportation systems;

(D) the need for understandings, agreements or treaties to protect the interests of the Governments of Canada and the United States and any party involved with construction, operation, and maintenance of such pipelines or other transportation systems;

(E) the possible ownership and financing of the Canadian sector of such pipelines or other transportation systems;

(F) the desirability of undertaking joint studies and investigations designed to insure protection of the environment, reduce legal and regulatory uncertainty, and insure that the energy requirements of the people of Canada and of the United States are adequately met; and

(G) any other negotations which he may deem relevant to the national interests of the Governments of Canada and the United States.

(d) (1) Within three months of the submission of the reports of the President, the

Comptroller General of the United States, and the Director of the National Science Foundation, or prior to one year from the date of enactment of this Act, whichever is earlier, Congress shall, upon consideration of those studies, enact legislation directing the Secretary of the Interior to issue a certain right-of-way or certain rights-of-way for the transportation of crude oil from the North Slope of Alaska to the coast of Alaska for further transit to the ports of the coterminous forty-eight States and/or to the border between the States of Alaska and Canada, for further transit to the southern border of Canada and to markets in the forty-eight coterminous States.

(e) Should Congress fail to act within the period established in subsection (d), the Secretary may then proceed to issue what ever rights-of-way, and take whatever further actions he may deem necessary to effect the transportation of oil from the North Slope of Alaska.

SEC. 202. Such funds are hereby authorized to be appropriated as are necessary to implement the provisions of this title.

AMENDMENT NO. 226

(Ordered to be printed, and to lie on the table.)

AN AMENDMENT TO S. 1081 TO SPEED CONSTRUCTION OF THE TRANS-ALASKA PIPELINE

Mr. GRAVEL. Mr. President, the Senate will be faced shortly with a choice that goes to the very roots of the constitutional authority and prerogatives of this body. We will be asked to act decisively and forthrightly on an issue of great national importance and need. If we choose not to act, we will pass the decision making over to another branch of Government, with an inevitable delay that can be extremely hurtful to the United States.

The issue is the trans-Alaska pipeline, and the need of this Nation for the oil products it will supply.

The choice is embodied in two legislative proposals that are now before it. One bill was reported earlier this week by the Senate Interior Committee. This, the Jackson bill, is a good bill. The problem is that it does not go far enough.

The other proposal is an amendment to the Jackson bill that I am submitting now to S. 1081. This amendment enables the Senate to put an end to the considerable delay that has effected this vital project.

My amendment would have the Congress find that the environmental requirements applicable to the project have been fulfilled.

This major omission from the Jackson bill is a severe shortcoming. It is to remedy this that I am introducing my amendment today. I intend to offer it for debate and a vote.

This country is confronted with a crisis of supply in its most precious resource, energy. The warning signs have been appearing with urgency for the last year. Schools and factories were closed, because there was no fuel to heat them. Gasoline shortages are occurring, with dire consequences to some and inconvenience to others. Generally, the impact and scope of the crisis have not been fully realized. It has been understated, not exaggerated.

There is another troubling side to this crisis that threatens the world economic posture of this Nation. As our dependency on imported oil grows, so does our balance of payments deficit. This has produced two recent dollar devaluations. Some believe we are on the verge of a third such devaluation, either de facto or declared.

While there is no total panacea immediately available, there is a shortrun remedy that will reduce the crisis. We must exploit to the fullest our domestic oil resources. This will relieve the shortages and at the same time stem the outflow of dollars from this country.

I have likened the crisis to a hemorrhage, with the oil from Alaska's North Slope being a tourniquet we refuse to employ. Our reluctance to use the means at hand to help meet our problems is ironic. At the same time, we suffer inconvenience and a weakening of the dollar, we have found every excuse imaginable to avoid using what is immediately available to relieve our suffering.

I hope that the Senate will depart from this and act decisively to employ the tourniquet. The legislation I am introducing is a vehicle to give a prompt go-ahead for construction of the trans-Alaska pipeline, which in turn will relieve our Nation's crisis.

Let us be clear on this point. The Jackson bill will not provide for construction of the trans-Alaska pipeline. It will only clear up a narrow technicality and defer the major decision to the Courts. The issue has been in the courts for too long already. The United States cannot afford to wait for the year and one-half or 2 years that the courts will take to reach a final decision.

I support the Jackson bill for what it does. Congress must approve it or we will not be able to keep up the delivery of oil in this country. But, the Congress must also act promptly to bring new sources of oil on line. It must act to build the trans-Alaska pipeline.

There are two roadblocks to construction of the trans-Alaska pipeline. The Court of Appeals in February of this year, ruled that the permits for construction right of way, issued by the Secretary of the Interior, did not comply with the law. The justices cited the 1920 Mineral Leasing Act that allows a width of 25 feet on either side of the pipe, plus the pipe itself. This would allow only 54 feet for the Alaska pipeline. No one argues that this is sufficient to build any pipeline anywhere, let alone in Alaska.

In practice, the Interior Department had issued special land use permits for other pipelines that needed additional width for construction. It was this practice that was ruled invalid, affecting the Alaska pipeline directly, and indirectly threatening every other pipeline in the Nation that crosses public land.

The court, in a unanimous opinion, said it could no nothing further with the pipeline until Congress changed the law. This the Jackson bill will do.

The other roadblock is the sufficiency of the environmental impact statement, prepared by the Interior Department under the requirements of the National Environmental Policy Act of 1969. The Court of Appeals ruled in a close 4-to-3 decision, that it could not decide the sufficiency of the impact statement until Congress amended the Mineral Leasing Act. The three justices dissenting on this, felt the court should have instead ruled that the statement was sufficient.

My amendment to the Jackson bill will remove both roadblocks to construction. Congress will in fact be ruling that the environmental statement is sufficient, and will be amending the law to provide for a realistically wide pipeline corridor.

My amendment does not overturn the National Environmental Policy Act. Instead, it substitutes the judgment of the Congress for that of the courts in determining the sufficiency of the impact statement.

I would not want to overturn NEPA. I cosponsored that bill in 1969, and voted for it. I have great respect for it, believing it to be one of the landmarks for enlightened legislation.

Just as this amendment does not overturn NEPA, neither does it exempt the trans-Alaska pipeline from the law. It would be tardy for us to do that now anyway, since the statement has been completed.

Let me stress this point: The Congress, in adopting my amendment, is simply saying that the terms of the NEPA law have been fulfilled; the impact statement demanded by NEPA is sufficient under the terms of that act.

The statement is sufficient. I am convinced that the protective measures and devices built into the plans for the pipeline will give full protection to Alaska's environment and wildlife. With the possible exception of the space program, no engineering project has ever been examined more exhaustively than the pipeline.

The impact statement itself is the result of 2 years study by the Interior Department that cost $9 million. An additional $350 million was spent by the Aleyeska Pipeline Service Co. on engineering and environmental studies. The State of Alaska, several Federal agencies and at least a dozen universities and research institutions were involved in investigating all facets of the project. The total expenditure is in excess of $400 million.

A cursory examination of the six volume impact statement will show the overriding concern for protecting the environment of Alaska. I urge my colleagues to study the report. I know that such effort will remove whatever doubts you may have about its adequacy.

There are some who say that the Congress lacks the authority to act on the question of the pipeline's environmental impact statement. Others say that it is not proper for the Congress to make the decision, that it is the responsibility of the courts.

To both groups I note that no one doubts the authority of the Congress to act on corrective legislation or to substitute its judgment for that of the courts regarding legislation it has passed into law. In fact, much of the legislation we deal with falls into this category. There are clear instances of settlements, notably the Alaska land claims, which were arbitrated by the Congress entirely, not by the courts.

In reality, the question can be decided

either by the Congress or the courts. If we make the decision, the courts will be relieved of the responsibility. If we defer, then the courts will be compelled to make the decision. Both of us have the authority to make the decision. Our decision will have the same validity as the court's decision.

This fact is recognized by some opponents of the trans-Alaska pipeline. They would have the Congress authorize a study comparing the trans-Alaska pipeline and one through Canada. Congress would, on the basis of the report, authorize the construction of one line or the other. The Congress would in effect be ruling on the environmental impact of each line, substituting its decision for that of the courts.

While I have serious reservations about this proposal, they rest in the merits of building either one pipeline or the other, not in the authority of Congress to make the decision. I agree with them that Congress could make such a decision. But I would hope they recognize that if Congress can make the decision under their proposal, it can also do so under mine.

Moreover, I would invite their support for my amendment. The North Slope of Alaska has sufficient oil to support two pipelines, one through Canada, the other through Alaska.

The Jackson bill with my amendment would give the immediate go-ahead for the Alaska line and at the same time start the lengthy process toward construction of another pipeline through Canada.

The main point is that the urgency of the Nation's energy crisis demands that the Congress apply its decisionmaking authority in this area. It would be much easier for us to do only what we have to do—clear up the technical right of way problems and let the court handle the rest. Circumstances demand that we not pass the buck.

I believe that the constituents of all of us in this Chamber will demand the same. As energy shortages worsen this summer and as the international strain on the dollar increases, they will demand that we take direct action to meet their needs. They will feel we have abdicated our responsibility if we refer a decision on the trans-Alaska pipeline to the courts.

What happens if the Jackson bill passes without my amendment? A final bill will clear the Congress and be signed into law probably some time in October of this year. The matter would then be taken up by the Court of Appeals. The Appeals Court justices may return it to the district court for further action before ruling on it themselves. An appeal to the Supreme Court is a certainty.

This process will take at least 1½ years. Two years or more is reasonable. Only then could construction of the pipeline begin.

What happens if my amendment to the Jackson bill is adopted? The amended bill would be signed into law in October of this year. Construction of the trans-Alaska pipeline could then begin sooner than the Jackson bill, without the amendment, would allow.

The bottom line is that the Alaska pipeline will be built some 2 years sooner with my amendment than without it. What does that 2 years mean?

Each day that goes by, delaying construction puts off by 1 day the time when oil flows through the pipeline. That will initially be at the rate of 600,000 barrels a day. When the pipeline gets up to full capacity, it will carry 2 million barrels of oil a day. My amendment will mean that we will have that 2 years sooner.

We are currently using 16.6 million barrels of petroleum products each day, 6.6 million of which are imported. We cannot afford to postpone by 2 years the time when we can offset that with North Slope oil. The pipeline will supply one-eighth of our total daily consumption. It will supply one-third of our imports. We need that oil today. We cannot postpone it 2 years.

Each day that goes by increases our balance-of-payments deficit through our purchase of foreign oil. Supplying one-third of our current imports domestically will significantly reduce the more than $10 million per day that is added to our balance-of-payments deficit.

We in the Senate should be trying to do everything in our power to hasten the day when North Slope oil can meet our needs. We should be taking every opportunity to get the pipeline built promptly.

This amendment supplies such an opportunity.

I ask unanimous consent that the full text of my amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 226

At the end of the bill, add the following new title:

TITLE III—CONGRESSIONAL FINDING AND DETERMINATION

SEC. 301. The Congress finds, declares, and deems that, notwithstanding any other provision of this Act, the statement prepared by the Secretary of the Interior pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 with respect to the granting of a right-of-way permit for the trans-Alaska pipeline is in compliance with, and meets all the requirements of, such Act, and is sufficient for the purpose of granting any rights-of-way under this Act or any other law for purposes set forth in section 101(a) of this Act as the Secretary of the Interior determines necessary for the construction, operation, and maintenance of the trans-Alaska pipeline, including rights-of-way, leases, licenses, or permits for purposes ancillary, complementary, or necessary to such construction, operation, or maintenance (such as access, communications, and the transportation of personnel, material, equipment, and supplies).

BUDGET CONTROL ACT OF 1973—AMENDMENTS

AMENDMENT NO. 225

(Ordered to be printed, and referred to the Committee on Government Operations.)

Mr. BENTSEN. Mr. President, today I rise to submit an amendment to S. 1641, the Budget Control Act of 1973. As I have stated previously, I believe the Joint Study Committee on Budget Control has produced a generally sound and reasonable set of recommendations for reform of the budget process. I am pleased to be a cosponsor of that measure.

However, one basic purpose of congressional budget reform should be to provide for systematic congressional determination of the surplus or deficit necessary to meet the congressional responsibility under the Employment Act of 1946 of promoting "maximum employment, production, and purchasing power." There is presently no such systematic determination.

The proposed budget committees to be created under S. 1641 would have the authority to review economic conditions, but they would not be required to do so. There is no requirement that the staff of the proposed budget committees include fiscal economists capable of evaluating the economic outlook. Those committees and afterward the Congress as a whole would consider the surplus or deficit as part of a concurrent resolution which would include controversial decisions as to spending priorities. There would be time limits on the committees and later limits on the floor debate of this resolution. It seems quite probable that consideration would focus almost exclusively on the question of priorities and that the proper level of surplus or deficit would not receive the attention it deserves.

I believe the best way to provide for systematic congressional consideration of fiscal policy would be to require adoption of a separate resolution relating only to the desired size of the budget surplus or deficit. Since such fiscal policy expertise as Congress presently possesses is located at the Joint Economic Committee and since that committee is required by the Employment Act of 1946 to review fiscal policy, it seems only logical that the Joint Economic Committee should be empowered to report out the resolution on surplus or deficit. My amendment would so provide. And it would also provide that a vote be taken upon that resolution before the budget committees report out spending levels for the various departments and programs.

This would allow the Congress to focus on the issue of what level of budget surplus or deficit is appropriate in light of our Nation's economic condition and to do before we become involved in the consideration of individual spending programs. I believe such an approach is good management and that it is good economics as well.

Mr. President, I ask that my amendment be printed in full in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 225

Renumber parts 2 through 7 of title I as parts 3 through 8, respectively, and on page 8, after line 21, insert the following:

PART 2—DETERMINATION OF APPROPRIATE BUDGET SURPLUS OR DEFICIT

SEC. 116. CONCURRENT RESOLUTION ESTABLISHING APPROPRIATE LEVEL OF SURPLUS OR DEFICIT.

(a) Action to be Completed by February 15.—On or before February 1 of each year, the members of the Joint Economic Committee who are Members of the Senate shall report to the Senate, and the members of such Committee who are Members of the House of Representatives shall report to the House, a concurrent resolution setting forth, for the fiscal year beginning on July 1 of that year, the amount of the surplus, or the amount of the deficit, in the budget which is appropriate in the light of economic conditions and such other factors as may be relevant. On or before February 15 of each year, the Congress shall complete action on one of the concurrent resolutions reported pursuant to the preceding sentence.

(b) Action Must Precede Consideration of Budget Resolution.—It shall not be in order in either the Senate or the House of Representatives to consider the concurrent resolution on the budget referred to in section 121(a) for any fiscal year prior to the adoption of the concurrent resolution referred to in subsection (a) of this section for that fiscal year.

Sec. 117. Reaffirmation or Revision of Appropriate Level of Surplus or Deficit.

(a) Mid-Year Action.—As soon as practicable after July 1 of each year, the members of the Joint Economic Committee who are Members of the Senate shall report to the Senate, and the members of such Committee who are members of the House of Representatives shall report to the House, a concurrent resolution which reaffirms or revises the concurrent resolution referred to in section 116(a) for the fiscal year which begins on July 1 of that year. Not later than 15 days after the concurrent resolutions referred to in the preceding sentence for a fiscal year have been reported in both Houses, the Congress shall complete action on one of such concurrent resolutions.

(b) Action Must Precede Consideration of Reaffirmation or Revision of Congressional Budget.—It shall not be in order in either the Senate or the House of Representatives to consider the concurrent resolution referred to in section 122 for any fiscal year prior to the adoption of the concurrent resolution referred to in subsection (a) of this section for that fiscal year.

Sec. 118. Rules for Consideration of Concurrent Resolutions.

(a) Reference of Resolutions to Committee.—All concurrent resolutions on budget surplus or deficit shall be referred to the Joint Economic Committee by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(b) Procedure After Report of Committee; Debate.—

(1) When a concurrent resolution on budget surplus or deficit has been reported, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the concurrent resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate on any concurrent resolution on budget surplus or deficit, and all amendments thereto, shall be limited to not more than 10 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the concurrent resolution is not in order, and it is not in order to move to reconsider the vote by which the concurrent resolution is agreed to or disagreed to.

(c) Procedure After Passage by One House.—If, prior to the passage by one House of a concurrent resolution on budget surplus or deficit of that House, that House receives from the other House a concurrent resolution on budget surplus or deficit of such other House, then—

(1) the procedure with respect to the concurrent resolution of the first House shall be the same as if no concurrent resolution from the other House had been received; but

(2) on any vote on final passage of the concurrent resolution of the first House the concurrent resolution from the other House shall be automatically substituted.

(d) Action on Conference Reports.—Debate in either House on the conference report on any concurrent resolution on budget surplus or deficit shall be limited to not more than 5 hours, which shall be divided equally between the majority and minority parties. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

(e) Decisions Without Debate on Motion To Postpone or Proceed.—

(1) Motions to postpone, made with respect to the consideration of any concurrent resolution on budget surplus or deficit, and motions to proceed to the consideration of other business, shall be decided without debate.

(2) Appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives or the Senate, as the case may be, to the procedure relating to any concurrent resolution on budget surplus or deficit shall be decided without debate.

(f) Concurrent Resolution on Budget Surplus or Deficit.—For purposes of this section, the term "concurrent resolution on budget surplus or deficit" means—

(1) a concurrent resolution setting forth the appropriate level of surplus or deficit, as provided in section 116(a), and

(2) a concurrent resolution reaffirming or revising the appropriate level of surplus or deficit as provided in section 117 (a).

Sec. 119. Legislative Jurisdiction of Joint Economic Committee.

Section 5 of the Employment Act of 1946 (15 U.S.C. 1024) is amended by adding at the end thereof the following new subsection:

"(g) The joint committee shall have jurisdiction to consider and report concurrent resolutions on budget surplus or deficit as conferred by part 2 of title I of the Budget Control Act of 1973."

On page 5, strike out lines 22 through 25.

On page 6, line 1, strike out "(d)" and insert "(c)".

On page 6, line 6, strike out "(e)" and insert "(d)".

On page 6, lines 9 and 10 ,strike out "(c), and (d)" and insert "and (c)".

On page 7, strike out lines 4 through 7.

On page 7, line 8, strike out "(D)" and insert "(C)".

On page 9, strike out lines 14 through 17.

On page 9, line 18, strike out "(4)" and insert "(3)".

On page 9, line 22, strike out "(5)" and insert "(4)".

On page 10, line 13, strike out "(4)" and insert "(3)".

On page 17, strike out lines 15 and 16 and insert "that set forth as the appropriate amount of deficit or surplus for the fiscal year in the concurrent resolution on budget surplus or deficit adopted pursuant to section 117,".

On page 19, line 9, strike out "in such resolution" and insert "in the concurrent resolution adopted pursuant to section 117".

On page 38, line 16, strike out "or 5" and insert "5, or 6".

On page 39, line 4, strike out "and 4" and insert "4, and 5".

ESTABLISHMENT OF A FEDERAL FINANCING BANK—AMENDMENTS

AMENDMENT NO. 227

(Ordered to be printed, and to lie on the table.)

SUBMISSION OF AN AMENDMENT REQUIRING THE PRESIDENT TO NOTIFY CONGRESS OF ECONOMIC CHANGES

Mr. McGOVERN. Mr. President, all of us were encouraged by the President's economic message last night. Most of the actions he has taken are right. And although many of us were disappointed that he did not put controls on interest rates, rents, profits and dividends, I think that the 60-day freeze on prices—with exemption for raw agricultural products—was the essential step at this time. It is the only way to halt the runaway inflation we have seen over the last few months.

But none of us should be deceived into thinking that this step will completely resolve the problem of inflation. The pressures for higher prices are still there and, according to the available economic evidence, they will increase in the coming months.

As Hobart Rowen points out in an article in this morning's Washington Post, inflation is a many-sided problem which will be with us for some time. I ask unanimous consent that a copy of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Controlling Runaway Inflation Worldwide

(By Hobart Rowen)

Inflation is a worldwide bugaboo and the most discouraging fact about it is that almost no one sees it coming under control. European government officials to whom I talked in the past two weeks are only slightly less pessimistic than businessmen about getting some kind of a grip on rising prices.

Businessmen and bankers, for the most part, think that today's social pressures lead to "over-full employment." That's another way of saying that some of them believe that inflation will steadily erode the value of money until another worldwide, full-fledged depression takes over. Some think that this will happen by 1975.

American officials tend to be more optimistic. Better than any other big industrial power, the United States has been able at times to mobilize a degree of anti-inflation control. Phase I and Phase II of the 1971–72 Nixon program, for example, were successful in reversing an inflationary course for a year and a half.

A new effort is now under way, and it remains to be seen what effort a jazzed-up controls program, with some supplements from more traditional pressures, will do.

But everybody seems to agree that wage-price policies, or "incomes policies," as they are called in Europe, are useful only in helping to dampen inflationary expectations.

That's why Phase III has been a disaster. Whatever the administration now says was intended, Phase III was taken as evidence that the Nixon administration had lost the will or ability to continue the fight against inflation.

In part, this helps to account for the uneasiness in the rest of the world. If the U.S. after a good record in 1971–72, was unable or unwilling to contain inflation, how could it be brought under control elsewhere?

During the past 12 months, according to the latest report of the Organization for Economic Cooperation and Development, inflation has accelerated in all member countries. Consumer prices rose by 8.0 per cent in Europe in the year ended in April, despite a new controls program in Great Britain, and other restrictive measures elsewhere. The record is worse than the average in some of the biggest countries.

Two-thirds of the recent European inflation is due, as in the United States, to soaring food prices—caused in Europe not only by rising consumer demand, but by out-of-date agricultural policies driven through by the powerful farm interests.

European agricultural policies are designed to protect the farm structure of 100 years ago, in a Europe which pretends that it can become a modern third force in the world. The price of this is a shockingly high retail grocery bill paid by the average householder in Europe.

The major nations of Europe, including France, West Germany and Britain, aren't likely to achieve their much sought-after role of influence in the world, singly or collectively, until they abandon their archaic Common Agricultural Policy (CAP).

Take the embarrassing CAP program for butter, which has created a surplus of 400,000 tons by paying farmers $2,232 a ton (twice the world price). Then, to get rid of half of it, the managers of the Common Agricultural Policy sold butter to Russia at only $420 a ton. The contempt of the average European consumer for governmental policy which produces a fiasco like that is easy to understand.

But apart from food, monetary and fiscal policy in Europe and in most other countries have been fueling a continued inflation. There is plenty of money around (I am not suggesting that it is well or evenly distributed), and it is being spent as inflationary expectations multiply.

The pessimists in Europe fear that the spending binge will eventually result in a boom-bust cycle, because governments have neither the courage nor the ability to tackle the problem. They suggest that it leads to a vicious cycle in which the price inflation is undermining the confidence in currencies, which simply drives prices even higher.

"In spite of, or because of official statements," said former Common Market vice president Raymond Barre, "people are convinced that the international value of currencies will tend to change frequently, if not continuously. The gold fever, the rise in the prices of basic commodities, of real estate, of paintings, the systematic search for capital gains, are the main symptoms of a generalized monetary incredulity . . ."

There are some in Europe who think that the world had better get used to living with an annual rate of about 8 per cent inflation, "adjusting" to it by higher taxes, higher interest rates, and controls policies. But many others think that this ultimately would dry up private investment and reduce yields on stocks.

Increasingly, as a recent OECD report observed, there has been more "internationalization" of the problem of inflation, in that an individual country's anti-inflationary efforts get overwhelmed by international developments. But not only are there no signs of real competence to deal with inflation on a national level (witness the fiasco of Phase III here and the inadequacy of Phase II in Britain) there are even fewer signs of international cooperation to deal with the problem. And certainly the conventional wisdom of some bankers—a depression is no answer at all.

Mr. McGOVERN. Mr. President, inflation will remain with us until we are able to solve the underlying causes of inflation. And as the President indicated last night, the present freeze solves nothing. It is a band-aid solution to the pressures which arose under the ill advised phase III program. It only means that when it ends, the pent-up pressures will explode in a new round of inflation—unless the President uses the next 60 days to develop a new and, for the first time, a truly effective economic program. Whether inflation will come under control in the long run will be determined by how we use the time the President has bought with his temporary freeze.

So while I generally support the actions he announced last night, I think it is important to note that the need for them resulted from his inaction after a premature end to the phase II controls. Had his course last January been more moderate, we would not face this crisis now.

I also think that the mistakes of phase III might have been avoided had the President chosen to consult with Members of Congress. But the present language of the Economic Stabilization Act does not require him to consult with anyone. We, the Congress, have abdicated almost all power over economic policy to him. In effect, we have become silent partners in his errors.

I believe we now owe it to the President and the country to reassert our responsibilities, particularly in this time of doubt about Government in general and the executive branch in particular. If the President is to govern effectively, he must seek the cooperation of the Congress. And if he is unwilling to do so, we should require that we assume a greater share of responsibility for economic policies. For the Congress to abandon its responsibility in economic matters and then criticize the President when things go wrong may be good politics, but it is bad government.

So, Mr. President, I send to the desk an amendment on behalf of myself and the distinguished majority leader (Mr. MANSFIELD) and ask unanimous consent that it be printed, which, if adopted, would require the President to give Congress 15 days' advance notice of any major action under the Economic Stabilization Act. The President could no longer present the Congress and the country with a fait accompli, as he did last January. The Congress would have the opportunity to correct mistakes before they are made—and the obligation to share the blame if the program does not work. In defense of the President, we must note that while many of us expressed misgivings, few of us—and few economists—fully foresaw what a disaster phase III would be.

Now let us return to a more balanced economic policy; let us restore the joint decisionmaking our Constitution ordains and our constituents have a right to expect.

In conclusion, Mr. President, let me say that the distinguished majority leader and I recognize the problem that prenotification of a major change in economic policy may cause—that certain companies or unions may try to exploit the period between the time the President sends a special message to Congress and the time the new program comes into effect. Therefore, our amendment also provides that the President may declare that any actions inconsistent with his proposed program taken during that period will be null and void. For example, a company which then raised its prices would be on notice that it was subject to a rollback unless the Congress overruled the President. I cannot imagine any corporation foolhardy enough to wager that the Congress would do so; the economic risks would be too high.

Of course, this provision of our amendment would not effect the current freeze in which prices will remain frozen until phase IV is determined.

The PRESIDING OFFICER. The amendment will be received and, without objection, will be printed in the RECORD.

The text of the amendment is as follows:

AMENDMENT No. 227

At the end thereof add the following new section:

The Economic Stabilization Act is hereby amended by adding at the end thereof the following new section:

The President shall notify the Congress by special message of the substance of any major action he proposes to take under this Act 15 days in advance of the date on which he proposes to take such action. The special message may provide that any action taken by private individuals or entities which is inconsistent with the President's proposed action shall be of no force and effect.

AMENDMENT NO. 228

(Ordered to be printed, and to lie on the table.)

Mr. HUMPHREY submitted an amendment, intended to be proposed by him, to Senate bill 925, supra.

AMENDMENT OF EXPORT ADMINISTRATION ACT OF 1969—AMENDMENT

AMENDMENT NO. 229

(Ordered to be printed, and to lie on the table.)

Mr. STEVENS. Mr. President, I submit an amendment to S. 1033, the bill to amend the Export Act to control the export of timber from the United States. My amendment is a straightforward one. It will add a new subsection 203(e) to exempt Alaska from the limitations on the export of softwood logs and softwood lumber set forth in that section.

Alaska is in a quite different position from States in the lower 48. States in the lower 48 have domestic processors in need of raw timber and domestic markets readily available. Alaska has no such processors able to compete with domestic processors in the lower 48. The high cost of processing in Alaska plus transportation costs would price Alaskan timber out of the market.

Foreign nations, particularly Japan, have entered into substantial contracts with Alaskan mills for softwood lumber. Round logs and cants are competitive abroad, even including transportation costs from Alaska.

To require that Alaskan timber exports be limited under section 303 would destroy the Alaskan timber industry.

Because the purpose of this legislation is to assist American timber processors, Alaska must be exempt. My staff and I have discussed this amendment with the staffs of other interested Northwest Senators. I am aware of no opposition to this amendment. I urge the Senate to consider the Alaskan situation during debate on S. 1033.

I ask unanimous consent that the amendment be printed in the RECORD at this point.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 329

On page 12, between lines 3 and 4 insert a new subsection (e) as follows:

"(e) This section shall not apply to Alaska."

NOTICE OF HEARINGS ON EXECUTIVES C, D, F, H, AND I

Mr. PELL. Mr. President, I wish to announce that the Subcommittee on Oceans and International Environment has rescheduled from June 13 to June 20, 1973, its public hearings on the following agreements: The Convention on the Prevention of Marine Pollution by Dumping of Wastes (Ex. C, 93–1); The amendments to the International Convention on Load Lines (Ex. D, 93–1); The Convention Concerning the Protection of the World Cultural and Natural Heritage (Ex. F, 93–1); The Convention on International Trade in Endangered Species of Wild Fauna and Flora (Ex. H, 93–1); and six amendments to the Convention for the Safety of Life at Sea, 1960 (Ex. I, 93–1).

The hearings will be held in room 4221, in the Dirksen Senate Office Building, beginning at 9:30 a.m. At that time, the subcommittee expects to hear executive branch witnesses and other interested individuals.

Persons wishing to testify should notify the subcommittee.

NOTICE OF HEARINGS ON THE USE OF DRUGS BY ATHLETES

Mr. BAYH. Mr. President, I wish to announce that the Subcommittee on Juvenile Delinquency of the Committee on the Judiciary is beginning hearings on the proper and improper use of drugs by athletes, particularly in college, high school, and amateur sports.

The hearings are scheduled for June 18 and 25, 1973, at 10 a.m., in room 2228, Dirksen Senate Office Building. The following witnesses have been scheduled to testify on June 18: several athletes; representative of the American Medical Association's committee on the medical aspects of sports; Walter Byers, executive director, National Collegiate Athletic Association; Otho Davis, executive director, National Athletic Trainers Association; Dr. Lawrence Golding, Kent State University; and Clifford Fagan, executive director, National Federation of State High School Athletics. Witnesses scheduled to testify on June 25 are: George Killiam, executive director, National Junior College Athletic Association; Daniel F. Hanley, International Olympic Committee Medical Commission, Bowdoin College; and A. O. Duer, executive director, National Association of Intercollegiate Athletics.

Any person wishing to submit a statement for the record should notify Mathea Falco, staff director and chief counsel of the subcommittee at 225–2951.

ADDITIONAL STATEMENTS

PROUD SALUTE TO THE FLAG OF THE UNITED STATES

Mr. NUNN. June, Mr. President, has two splendid anniversaries that I wish to call attention to. The 14th is our National Flag Day, and the 30th an anniversary of an illustrious Southern lady, Helen Dortch Longstreet, whose lovely portrait hangs in the Georgia State Library. The portrait was presented to Georgia by patriotic Americans, accepted by Governor Ellis Arnall, and unveiled on June 30, 1947, with much patriotic fanfare in the presence of many outstanding dignitaries.

This noted woman, daughter of Col. James Speed Dortch, a distinguished member of the Georgia bar, was married to the famous Confederate commander, Gen. James Longstreet, at an impressive ceremony in the executive mansion in Atlanta on September 8, 1897. The marriage was of short duration, however, as the general died in early 1904.

As a gifted, patriotic widow who loved her country above all things, she carved a special place for herself, along with some significant causes for which she stood, in the annals of our history books. She is remembered as a pioneer newspaper woman, leading political campaigns that "made" Governors for Georgia; battling for woman suffrage; countless endeavors for establishment of the Georgia Women's State College in Milledgeville, Ga. She was the first woman to hold office in the State government—a position in the Georgia State Library—later holding several Federal positions of honor and trust.

In World War II this dedicated woman served 2 years on the assembly line in the Georgia division of the Bell Aircraft plant, helping to build B–29's. Although small and frail in physique, she never missed a day during this "tenure of office" and frequently declared:

> I will quit only when the last battle flag has been furled on land and sea.

Atlanta newspapers, commenting about her service, said:

> No wonder the Japs surrendered.

Helen Dortch Longstreet was a member of various organizations including the National League of American Pen Women, Inc., chartered in 1897, the year of her marriage to General Longstreet. The league includes artists, writers, music composers, with a membership of about 6 thousand, functioning in many branches throughout the United States. The league was very dear to her and she was among the most respected and beloved members. Whenever possible she attended its national biennial conventions and in 1950, aged and in ill health, registered for participation in the convention convening in Washington, D.C., declaring to her associates that she had "missions to perform." Like the general with whom she had shared a few years in a cherished marriage, she carefully planned her maneuvers. During an important business session of the convention she asked for time on the floor, and when it was granted moved that the National League of American Pen Women approve and pass a resolution—she then presented—declaring the league against communism. Many delegates sprang to their feet to second the motion and it was then passed unanimously, a splendid tribute to its sponsor.

A second mission was accomplished on the closing night of the convention, the last ever attended by this illustrious member. She stood beside the national president at the head table and presented a beautiful rotary trophy—the Helen Longstreet Silver Flag Cup—to the first fortunate contestant to win it in the league's national contest for the best salute to the flag of the United States. The trophy was the gift of Mrs. Longstreet given, she confided to intimate friends, at considerable personal sacrifice.

Poems submitted in the contest without any identification were judged by a jury of three great Americans—not Pen Women—in Denver, Colo. The beautiful flag cup, honoring our Stars and Stripes, was won by a blue-blooded Kentuckian, Mattie Richards Tyler, a noted poet in Washington who has held several high offices in the national league, having served as president of the District of Columbia branch, and as State president for the District of Columbia. She was for many years an associate editor of Blue Moon Poetry magazine, and is lifetime poet laureate of Beta Sigma Omicron.

Patriotism, Mr. President, is timeless but it seems to me we need a rallying spirit amid the whirlwind of national debates, rocked by the earthquake of today's dislocations. I feel very deeply that the services rendered by Helen Dortch Longstreet, and Mattie Richards Tyler, and their burning love of country gives added luster to the Stars and Stripes as we glory in the gleaming beauty of our revered flag in this June 1973.

Miss Tyler's sparkling poem has had many honors. Its kindling power of pure patriotism is such that I feel it will remind Americans everywhere just how great, and how constant, our reverence should be. In this spirit I ask unanimous consent that "A Proud Salute to the Flag of the United States" be here included as a part of my remarks.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

PROUD SALUTE TO THE FLAG OF THE UNITED STATES

I stand at Proud Salute
Before your Stars and Stripes,
The stainless symbols of a free and independent nation.

I stand at Proud Salute as I remember
How you were given birth!
The blood and tears that marked our Revolution;
The travail of our people and their valor;
The sacrifices made; the lives laid down,
In this and later wars—
That we might live in freedom and in peace.

I stand at Proud Salute as I remember
The beauty stretching far beneath your banner:
The fields and meadows, valleys, mountains, forests;
The brooks, the waterfalls, and winding rivers;
The farms and orchards, towns and growing cities,
The homes of all our people—great or lowly.
I stand in awe of our tremendous power,
Of our resources rich beyond our dreaming,
The genius and the talents of our nation,
The useful hands and understanding hearts.

I stand at Proud Salute as I remember
That each white star, upon your field of blue,
Bears witness to a loyal State of our United States.

I stand at Proud Salute as I remember
That you are mine:
My Flag to love and cherish,
To live beneath in peace or war, in sickness or in health;
My Flag to die for, if the need arises—
And not to count the dying as in vain.

I stand at Proud Salute
Before your Stars and Stripes; and standing here,
I render unto God my gratitude
For this fair land wherein you long have waved;
And to my thanks, I add my heartfelt prayer
That He, who led the pilgrims to these shores,
Will ever bless and shield The Flag I love.

MATTIE RICHARDS TYLER.

PRESSURES ON FOOD PRICES

Mr. DOLE. Mr. President, an article from the June 11 Wall Street Journal tells an ominous, disturbing story which should be of immediate concern to every Member of the Senate, regardless of the size, economic characteristics, or location of his State.

Food prices affect every American and the economists, farmers, and other students of the subject realize that those prices are determined by the interaction of many complex, sensitive forces. But I am concerned that some of those who advocate radical action of one sort or another with regard to various factors in the food price equation often may do so without a real appreciation for the unforseen effects these actions may have.

This Wall Street Journal article, briefly and with forceful clarity gives an insight into the many factors and numerous questions which will be involved in the determination of food prices in the coming months. It merits the detailed consideration of every concerned legislator, housewife, and food consumer, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COST OF EATING: SOARING GRAIN PRICES SEEN BRAKING OUTPUT OF MEAT, MILK, BREAD

(By Norman H. Fisher and John A. Prestbo)

Fast-rising prices for grains and livestock feed are threatening to brake sharply the output of meat, milk and eggs. This could lead to such gloomy possibilities as much higher food prices, potential shortages and severe economic strains for major segments of the agricultural and food industries.

"We've got a world-wide food panic on our hands," declares R. H. Uhlmann, president of Standard Milling Co. in Kansas City, "and unless something is done we're going to have shortages in this country."

Iowa Gov. Robert Ray predicted on nationwide television last week that "a meat crisis" could develop in 60 to 90 days. He blamed the controls imposed in early April on wholesale and retail prices of red meat. "With the freeze on these prices, farmers are squeamish about producing more," the Governor said.

Bread bakers also are caught between zooming costs and a government ceiling on prices for bread and other baked goods. "We didn't think the situation could get any worse, but it has," says Robert Grant, chairman of the executive committee of American Bakeries, one of the biggest in the country. "If prices stay as high as they are or go higher, a big segment of the baking industry will go out of business."

A GOVERNMENTAL DILEMMA

Some Congressmen are calling for a freeze on all wages and prices, including those of foodstuffs that were exempt from earlier controls, restrictions on commodity exports and other severe measures. The Nixon administration has indicated stiffer economic controls of some sort will be imposed soon.

Clamping on food and farm prices controls poses a dilemma for administration officials. If farmers, bakers and others are allowed to pass along their higher costs, retail food prices could skyrocket further from their already high levels and spark bitter consumer protests. But if they aren't allowed to pass along higher costs, production could fall and retail prices would be up anyway. If exports are curtailed, foreign trade and balance of payments deficits would worsen considerably, further imperiling the value of the dollar.

But trying to wait out the problem hasn't worked very well, either. The government index of feedstuff prices, which account for 75% of the cost of producing meat, milk and eggs, has risen 30% in the past two weeks and is nearly four times higher than it was a year ago. The index of feed grain prices, including corn, has jumped nearly 20% in the past two weeks and is nearly double the year-ago level. The price of wheat in Kansas City has climbed 25% since May 1 and is about 85% higher than in June 1972.

Much of the impetus for these booming prices comes from overseas, where droughts and other calamities reduced grain and food production last year. It's too early to tell how world-wide production will fare this year, but foreign governments aren't taking any chances and are buying as much as they can from the U.S.

STOCKING UP ABROAD

"Some foreigners seem to think the U.S. might impose export controls, so they're buying ahead as much as they can," says one grain-industry executive. Others contend that U.S. and foreign speculators have pushed prices higher than they should be.

Whatever the reasons, high-priced grains and feedstuffs are beginning to crimp the production of food in this country:

Beef production is still running about 3% below a year ago, even though experts earlier had figured output would have increased by now. Cattlemen are expanding the nation's beef herd, and meat economists were expecting production to gain 3%–5% over 1972 by the end of this year. Now, says an official of a cattle feeding trade group, "there are indications beef output may only match last year." Some feedlot operators, pressed by high costs, say they may begin to feed their cattle to lighter weights.

Pork production had been predicted to rise 6% to 8% this year, but now a 2% to 3% gain is more likely, experts say. So far this year, pork production is 5% lower than a year ago. Livestock market sources say some farmers are so disgruntled with rising feed costs that they're sending their pregnant sows to market for slaughter instead of having them farrow.

Broiler chicken production is running 2% to 3% below a year ago. If costs don't decline soon, says an official of the Broiler Marketing Association in Jackson, Miss., "we could see a substantial cutback in broiler production in the next few weeks." Based on current feeds costs and broiler prices, some chicken farmers could be losing as much as three to four cents a pound.

Egg output is down about 6% from a year ago, and some egg farmers are cutting back on the number of layers they feed. For instance, Perry McCrane of Bowen-McCrane Inc., a Tifton, Ga., firm, says he has 10% fewer hens in production now than a year ago. W. W. Taylor, who keeps 130,000 laying hens near Eastman, Ga., predicts that because of the flock cutbacks, retail prices may be $1 a dozen by November.

There was concern several months ago about a possible milk surplus, but now milk production is running 2% below a year ago and some experts think shortages could develop in parts of the South this summer. Milk prices have gone up an average of 8% so far this year, but feed costs have risen more, causing many dairy farmers to sell their cows for beef and quit. "We're now seeing an accelerated liquidation" of dairy farms, says George L. Mehren, general manager of Associated Milk Producers Inc., a huge San Antonio-based dairy cooperative.

More than 50 independent bakers have gone out of business in the past eight months because of high costs and a ceiling on bread prices, says George Rosenthal, president of Fink Baking Co. in Long Island City, N.Y., and a spokesman for the baking industry. The price of flour jumped 18% during May alone, and prices are increasing for such other ingredients as sugar, caraway seeds, sesame seeds and raisins. In fact, raisins have more than doubled in price, and many bakers have stopped making raisin bread and other items containing them.

Mr. Grant of American Bakeries said his company asked the Cost of Living Council about two weeks ago for permission to raise the price of raisin bread. The council denied the request.

"They said if you feel you must make raisin bread, then absorb the higher costs," Mr. Grant recalls. "Well, the world will get along without raisin bread, but the point is the controllers have gone beyond the law. What they should have done is let us raise prices to compensate for higher costs, and then if people didn't think raisin bread was worth it they could make the choice not to buy it rather than some bureaucrats."

Some relief for bakers is in sight as Congress moves toward taking off the "bread tax" of 75 cents that millers must pay for every bushel of wheat they grind into flour for domestic use. This would lower flour prices, but probably not enough to offset all the increase of recent months. "Bakers would still be bleeding to death, but at a slower rate," says J. Allen Mactier, president of ConAgra Inc., a diversified milling firm based in Omaha.

Mr. Mactier and many other food-industry executives are upset with what they think is gross government disregard for their problems. "It's shocking, but the authorities in power in Washington don't know what's going on," Mr. Mactier says. "The government is all wrapped up with Watergate, letting domestic problems go to hell."

Adds Mr. Grant of American Bakeries: "We are telling the controllers about all the bakeries going out of business, and they told us in effect that we've got some excess capacity in the baking industry that will be shook out by the controls and then those of us who are left will be better off. That may be true, but I daresay it's not the job of the government to run a lot of little bakers out of business."

The government has been holding firm for a couple of reasons. For one, officials don't want to upset the foreign trade leverage gained from agricultural exports, even though shipments of grains, animal feeds and meat itself are further straining domestic supplies. Of the 10% rise in retail food prices predicted for this year by the Agriculture Department, about 1.5% is the result of increased exports. Purchases by the Soviet Union, which touched off the price spiral last summer, are likely to be somewhat smaller this year because of better growing weather in Russia. (See story on page 22.)

The Nixon administration has indicated it wants to adopt a free trade policy regarding farm products—eliminating U.S. import barriers against foreign produce in exchange for other countries removing theirs. A study on the impact of such a move indicates the U.S. would do a lot of overseas business in grains, livestock feed and poultry but would lose out to foreign competition in dairy, sheep and peanuts.

Second, government economists are still counting on increased farm production this year to help bring down food prices. More than 40 million acres were brought out of retirement, and farmers are trying to put them into production. But cool, wet weather has delayed plantings of such key crops as corn to the point that yields might be lowered significantly.

Based on current conditions, the 1973 wheat crop would be 13% bigger than last year, corn 3% larger and soybeans 17% greater. If harvests are that bountiful, and if exports aren't any bigger than presently expected, farm economists say, prices of grain and meat probably will decline.

But there are some ifs on the negative side, too: If the weather turns bad during the summer and fall, or if the fuel shortage worsens during the critical harvest period, or if crop failures abroad strengthen foreign demand, this year's crops will be smaller than needed, and prices would stay high.

"I think meat rationing is inevitable within six months if 1973 crops are poor," Mr. Mactier of ConAgra says.

CIVIL SERVICE RETIREMENT

Mr. MOSS. Mr. President, I am happy to report that last week the Senate Post Office and Civil Service Committee held hearings on several bills that would improve the Civil Service Retirement System.

For a number of years now, one of my main concerns has been the financial plight of many of the older Civil Service retirees. In 1969, the Congress passed legislation that brought more generous retirement benefits for Federal employees who retired after October 20 of that year, but unfortunately, previous retirees were left out in the cold. So in the last Congress and the present one, I have introduced bills that would provide some measure of justice to these older retired civil servants.

Two of these bills were under consideration in last week's hearings, and at that time I made a statement stressing the great importance of enacting these bills as quickly as possible. I ask unanimous consent that this statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Frank E. Moss

SUBJECT: CIVIL SERVICE RETIREMENT

Mr. Chairman: I am very pleased that you have called hearings on these three bills to provide greater equity in our Civil Service Retirement system. I am also pleased that Mr. Arthur L. Sparks of the National Association of Retired Federal Employees will be testifying today. Mr. Sparks and the members of his organization have been tremendously effective in representing retired Federal workers, and those of us on the Committee owe them a large vote of thanks for the job they do. The bills we are considering—two of which I have introduced—would provide some measure of assistance to one group of senior American citizens who are now in the midst of a financial crisis.

In these days of skyrocketing prices, many Americans are being put under a financial squeeze, but Federal workers who retired prior to three years ago face financial problems that are particularly acute. Their retirement income is fixed by outmoded formulas, and they have seen the value of this income steadily eroded by inflation. The primary purpose of the legislation we are discussing here this morning is simply to alleviate the financial burden on the older civil service annuitants and to bring them into a more equitable position compared with more recent retirees.

In 1969, when the Congress passed legislation that replaced the high five year salary formula with the high three year formula, retirement benefits were significantly improved for those Federal employees who retired after the date of enactment. One of the reasons given for confining the increase to future retirees was that the measure would put the Federal government in a more competitive position in the labor market. Unfortunately, however, this reasoning meant that those who retired prior to the date of enactment were given the short end of the stick.

Allow me to cite one example, Mr. Chairman, of the great discrepancy that exists today in the benefits given to recent retirees compared to the benefits given to those who retired prior to October 20, 1969. A GS-7 who retired on December 31, 1961, with 30 years of service has a base annuity of $3,015 under the present retirement system. An employee who retired on December 31, 1971, however the same amount of service, would receive $5,094—a difference of more than $2,000 per year for Federal employees who served the same amount of time and who performed the same job for the government.

I note, Mr. Chairman, that S. 1866 and S. 626 are quite similar. Unlike S. 626, your bill would not apply to retirees who are receiving Social Security, and provides for an increase of $20 per month while mine provides for an increase of $25. I believe that it might make sense to exclude those receiving Social Security, for their financial position is not as acute as other retirees. This limitation would also increase the chances of passage, which is an important consideration. We must act as soon as possible to help older civil service retirees, for there are more than 140,000 who are receiving less than $85 a month in civil service retirement.

The situation is indeed acute, and it is distressing that the Nixon Administration has not seen fit to support this legislation. In essence, they argue that there is no point in improving the position of civil servants who have already retired because they are no longer needed by the government. The Administration's argument is no more than cruel non-sequitur. The purpose of this legislation is basic, simple fairness. The purpose is to provide one group of government servants some portion of what they are entitled to.

A CRISIS NOT OF ENERGY BUT OF MONEY-CHANGERS

Mr. DOMINICK. Mr. President, as I have observed the unfolding problems of our energy crisis, I again see the need for open discussion by all people who are concerned about insuring our own survival as a great nation. For too long, I believe, segments of our Nation have looked with distrust at each other instead of exploring common grounds for discussion and activity. Too many have unwisely concluded that "environmentalists" could not have a meaningful dialog with those who would seek to use our natural resources. What was and is needed are solutions to preserving exploitation of our resources.

Many of us are becoming aware of the vast implications of "energy." The problems besetting us range from agriculture to the environment to foreign trade. The time is now for common solutions rather than personal biases. Previously I have pointed out the problems besetting our agriculture communities because of "energy" and I today point to another facet of the "crisis"—our trade picture.

Trade is an especially timely topic because of the trade legislation which will be discussed and debated in the months to come. Today, oil is the largest single item moving in international trade. Certainly, there is no reason to doubt that it will remain in that position in the years to come. We now face a monumental fixed cash flow out of this country in the foreseeable future. At the same time, it is worth noting the paramount roles that energy-consuming countries play in world trade.

Recently an article appeared in the New York Times reviewing some of our problems with energy and trade. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, March 22, 1973]

A Crisis Not of Energy But of Money-Changers

(By J. T. Claiborne, Jr.)

We are no longer energy-rich. We have become energy-poor, and until we solve our energy shortage, the world's currency managers will distrust the dollar—even when our inflation rate is below that of other nations. They see that we have a new and progressing malignancy that plagues our hopes and even our treadmill efforts.

A measure of our new vulnerability are the projections by Ford, Bacon & Davis Inc., that we will need to import $14 billion of oil and gas by 1975; $30 billion by 1980 and $54 billion by 1985. Until a few months ago, that import rate was $5 billion. It is now over $7 billion, about the same as our over-all trade deficit, which is already intolerable.

The projections are fantasies. Long before 1985, such import needs would bankrupt America, eliminating us as a customer. Our only realistic alternatives are: (a) promptly developing our indigenous reserves of fossil fuel, (b) violently forcing our will on the Arabs, who own two-thirds of the world's developed oil, or (c) collapsing our economy and living standards to Spartan levels.

Of the three alternatives, only the self-improvement one is acceptable. It is also attainable. We have more than enough undeveloped oil, gas and coal. Make that useful and we could be reasonably independent and affluent until, as we must, we have economically and amply harnessed the energy of uranium, the sun, the tides and the heat in the earth's depths.

Unlike China, which is largely a human energy society, we have long been both liberated and straitjacketed by an economy which is totally dependent upon growing quantities of mechanical energy, 75 per cent of it coming from petroleum and natural gas. Western Europe, Israel and Japan are equally dependent. Our joint enthrallment to the Arabs is now stringent and obvious to our potential enemies.

America is uniquely vulnerable. Foreigners now hold over seventy billion of our dollars, at least half of which are a nervous glut. Moreover, our people regard it as an inalienable right to receive ever-rising wages and salaries that are always substantially above those paid elsewhere. That bounty would not have been possible without our uniquely abundant and cheap mechanical energy. Stripped of that advantage, and possibly forced to import half or more of our energy needs, we must begin to compete, man to man, in a fierce arena. The money-changers fear the social and political implications of that ugly transition.

We can eliminate our economic cancer. Fortunately, simply giving convincing evidence that we will immediately attack this problem aggressively and wisely could significantly moderate the attitudes of the money-changers and the Arabs even though adequate, concrete results might not be achievable for seven or more years. Until we are validly dedicated, our negotiating strength, and that of our friends, will degrade at a shocking rate.

The wisdom we shall need to avoid economic disaster will entail some bitter choices. It will demand a far greater willingness to compromise on that sacred cow, "tax reform," and such truly sacrosanct issues as Alaska's pristine beauty and the purity of the air we breathe. Unless we now compromise sensibly, the rigors of economic contraction could, before 1975, politically force roughshod abuses on our environment. The ecologists' trading stance, now strong, is in grave danger.

Remember, we must convince savvy, cynical money-changers. They will only question our political sophistication. That type always looks for the Achilles heel. For more than a dozen years we have persisted on a self-destructive political course even though our energy crisis was an obvious threat. We have been naive.

The Federal Power Commission artificially stimulated consumption of natural gas with regulated prices that also discouraged exploration and development. While nature was forcing prospectors to drill deeper, costlier wells in the most hostile places, "tax reformers" sharply reduced the incentive for such endeavors. They used the large Alaskan discoveries as their excuse and then well-meaning but uncompromising ecologists blocked the shipment of this oil. Amateur fears stopped the building of atomic energy plants.

We have neglected our heritage by disbanding to caterwaul ideological opposites instead of jointly seeking our common good. It is high time we exercised enough political maturity to save our economy and make the dollar creditable. We need to be rescued by serious students. The dilettantes are clobbering us.

LITTLE JIMMY DICKENS APPRECIATION DAY

Mr. ROBERT C. BYRD. Mr. President, on June 17, West Virginia will honor one of the finest country singers in America when it celebrates "Little Jimmy Dickens' Appreciation Day."

Jimmy Dickens was born in Bolt, W. Va., the youngest of 12 children, and made his show business debut in 1939 on radio station WJLS in my hometown of Beckley.

This country music artist became almost instantly popular wherever he performed. After appearing on WJLS, he went on to WIBC in Indianapolis and then to WLW in Cincinnati. He sang with Roy Acuff and became a regular at the Grand Old Opry.

As a testament to his popularity, it is worth noting that Little Jimmy Dickens was the first country music artist to completely circle the globe on a performing tour.

He achieved star status in the competitive field of country music through hard work—and through love of his work; and it is fitting that this West Virginian who has made significant contributions to his chosen field should be cited with a day in his honor.

I congratulate Little Jimmy Dickens for using his talents to bring pleasure to millions of country music fans, and I commend radio station WRDS, South Charleston, W. Va., for organizing such a richly deserved appreciation day.

PERILS OF THE PIPELINE

Mr. DOMINICK. Mr. President, 5 years ago 25 percent of the total present U.S. domestic proved reserves of oil was discovered on Alaska's North Slope. At that time, the term "energy crisis" was not a common household phrase. At that time, studies were performed to determine the best transportation system to deliver that oil to the United States. Those studies included the possibilities of a pipeline through Alaska and Canada to Chicago as well as delivery by ice breaking tankers through a northwest passage to the east coast. These alternatives were determined to be less desirable than the construction of a pipeline through Alaska to seaport for shipment to the west coast. Now it is 5 years later; the construction of that pipeline has not begun, and the term "energy crisis" has become part of the vocabulary of all of us. I believe the time has come for all of us to reach agreement to get the pipeline underway without delay.

I have, for some time, watched with regret the development of polarized attitudes upon the part of some of our citizens. It is a polarization in which some people involved in the "environmental movement" and some "business leaders" are mutually excluding themselves from each other. Such a situation cannot be tolerated; for all of us, environmentalists, industrialists, businessmen, all share ultimately a common need to do what is best for all. To do so requires communications.

Whether they choose to acknowledge their contribution or not, those who have expressed environmental criticisms of the Alaskan pipeline have aided in promoting careful study and planning that has gone into the work on this line. The hazards of the Alaskan pipeline have been researched and reviewed through careful studies costing in the millions. New and stringent design criteria have been developed and in fact ecology has played a major role as a criterion for construction. I know of no project which has consumed as much "energy" from men's minds in order to produce energy.

Now again we see a move developing to further delay the construction of the pipeline while studies are completed to determine the feasibility of constructing a line across Canada. To those who wonder about Canada's reaction to the MacKenzie Valley line, I quote from an article appearing in the New York Times by Robert Bendiner, "MacKenzie Pipe Dream?":

> Reflecting the economic nationalism which runs through Canadian politics these days, the New Democratic party, by whose grace Mr. Trudeau's Liberal minority now governs, opposes the project on the formal ground that not enough research has been done and on the informal ground that it is not prepared to support something just because it might serve the interests of the United States, much less those of some oil companies.
>
> Financial and economic objections run through all of the country's major parties. Donald S. MacDonald, the Minister of Mines, Energy and Resources, who leans toward the project, indicates that his Government would expect the oil pipeline to be at least 51 per cent Canadian-owned. But the job of raising that kind of money—at present costs, some $8 billion—would be forbidding if not impossible. And if it were raised, there are fears that it would tie a large part of the country's savings to the energy needs of the United States.

Mr. President, the Alaskan pipeline question is not only an environmental question. It is a question which transcends fields from economy to foreign relations. I submit that we know that the oil will come to the United States by pipe—a delivery system to which many environmentalists do not object. Our energy problems call for immediate solutions. The expectations are that our energy problems are going to get worse and if so we will need additional oil from the Alaskan and Canadian reserves. I do not reject the Canadian idea at all but I do say let us get on with the job and build the Alaskan line while we are negotiating with Canada on another line.

Amongst Colorado newspapers which have editorially endorsed the project, the Rocky Mountain News and the Denver Post indicated their support on March 4, 1973, and February 22, 1973, respectively. I ask unanimous consent that those editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Perils of the Pipeline

The Nixon administration deserves high marks for its persistent efforts to pipe oil out of northern Alaska to an ice-free tanker port at Valdez oil pipeline.

Interior Secretary Rogers C. B. Morton says he'll ask Congress and the Supreme Court to remove all roadblocks this year for the 789-mile pipeline.

Congress will be asked to amend a 1920 law that severely restricts pipeline right-of-way on public lands.

The Supreme Court will be asked to decide, once and for all, whether the pipeline plan meets environmental standards.

This may sound like a fairly simple process. But the pipeline project has taken so much flak from courts, conservationists and congressmen in the past four years that nothing is simple any more.

The most perilous thing about the pipeline is getting it approved. The dangers (real or imagined) of operating it seem inconsequential compared to that.

To argue, as some wildlife lovers do, that the line should go through Canada is not very convincing. Even more fish and caribou would be disturbed by the Canadian route than by the much shorter Alaskan route.

The primary consideration is that the nation needs Alaskan oil. Every barrel piped from Prudhoe Bay will be one less barrel we have to import from the unstable Middle East.

That alone should be enough to prod Congress and the Supreme Court into the prompt action that Secretary Morton suggests.

Alaska Pipeline Should be Built

The Nixon administration has met with key senators to discuss ending the legal blockade of the trans-Alaska oil pipeline. Chances appear good that a bill will be introduced soon to lift that blockade.

Such action is necessary. Of all the steps that can be taken quickly to add to the nation's oil supply in time of growing shortage the Alaska pipeline is one of the most logical.

The Alaska North Slope is a sure source of oil. Its reserve—at least 10 billion barrels—is not great in the overall U.S. picture. But it is a substantial resource and one that should be tapped. And considering the 1972 balance of payments deficit, imports of foreign crude—while essential—are not the easy alternative they once were.

We were, therefore, disappointed with the U.S. Appeals Court ruling earlier this month. The court barred the pipeline because it said the line could not be built under rules spelled out in the 1920 Mineral Leasing Act.

But since the court has ruled as it has—saying the 1920 law restricts public land right-of-way for pipelines to 25 feet width—there is a sure recourse in Congress.

The 789-mile line running south to Alaska's ice-free ports would be 48 inches in diameter, far larger than anything contemplated in 1920. The project obviously needs much more access than the 25-foot limit allows.

So the law should be changed.

The Department of the Interior study of this project, released a year ago, makes the basic case for the pipeline in strong fashion. It concedes that there will be environmental damages. But it also outlines safeguards that can be insisted on as part of the pipeline authorization.

As to the alternative pipeline route proposed through Canada, it must be recognized that Canada is by no means ready for a firm decision on a cooperative venture.

In any case, the environmental argument is diffuse. A decision against the Alaska pipeline might only increase the pressure to tackle northwest Colorado for oil shale. Or it might mean increased dependence on coal alternatives to petroleum.

Meanwhile, the noose of shortages is being tightened.

With construction time reckoned in years for projects to supplement our energy sources, it is clear that we can't delay. Giving early approval to the Alaska pipeline is required. We think Congress should act.

DELAWARE LEGISLATURE SUPPORTS SOIL CONSERVATION SERVICE

Mr. ROTH. Mr. President, the Senate will soon be asked to consider the appropriations bill for the Department of Agriculture in fiscal year 1974. The General Assembly of the State of Delaware has gone on record as supporting an appropriation for the Soil Conservation Service in an amount at least equal to its appropriation in fiscal year 1973.

In order that my colleagues may have the benefit of the General Assembly's views, I ask unanimous consent that the text of House Concurrent Resolution 7 appear in the Record at the conclusion of my remarks.

There being no objection, the text of the resolution was ordered to be printed in the Record, as follows:

House Concurrent Resolution No. 7

Memorializing and urging the Congress of the United States to make an appropriation to the Soil Conservation Service in the 1974 fiscal year budget in an amount at least equal to the appropriation in the 1973 fiscal year budget and urging the Delaware congressional delegation to give their support to the appropriation of funds to the Soil Conservation Service at the 1973 fiscal year level

Whereas, the preservation of the soil, water, forests, and wildlife of Delaware and of this nation is necessary; and

Whereas, we believe the preservation of these resources is the responsibility of all people; and

Whereas, farmers and other landowners, through conservation practices, have made Delaware a more beautiful State for both rural and urban people to enjoy; and

Whereas, soil loss, previously recognized as detrimental to the production of agricultural crops, is now recognized as a major pollutant of rivers, lakes, and streams; and

Whereas, control of erosion, sediment production, and runoff containing fertilizer and pesticide residues are of such significance that greater control is in the public interest; and

Whereas, the Agricultural Conservation Program, providing incentives to landowners for rural environmental improvement of private lands, has been eliminated; and

Whereas, the technical services program, providing services to farmers and other landowners through the local Soil and Water Conservation Districts, have been curtailed by impoundment of funds appropriated to the Soil Conservation Service; and

Whereas, further reductions in both funds and services for programs affecting whole communities and watersheds are proposed in the 1974 fiscal year budget of the Soil Conservation Service; and

Whereas, major reductions are proposed for both the Watershed Program and the Resource Conservation and Development Program, two programs having areawide impacts on resource protection and development in Delaware; and

Whereas, the Department of Natural Resources and Environmental Control has budgeted its activities to meet its obligations toward planning, staffing, and funding based on mutual efforts of local, county, state, and federal areas of cooperation as stated in work plans and other articles of agreement,

Now, therefore:

Be it resolved by the House of Representatives of the 127th General Assembly of the State of Delaware, the Senate concurring therein, that the Congress of the United States is respectfully urged to make an appropriation to the Soil Conservation Service in the 1974 fiscal year budget in an amount at least equal to the appropriation in the 1973 fiscal year budget; and

Be it further resolved that Delaware Senators William V. Roth, Jr. and Joseph R. Biden, Jr., and the State Representative in Congress, Pierre S. duPont, IV, are urged to give their wholehearted support to the appropriation of funds at the 1973 fiscal year level to the Soil Conservation Service; and

Be it further resolved that the Secretary of State be directed to transmit duly attested copies of this Resolution to the President of the United States; to the Vice President of the United States; to the Speaker of the House of Representatives; to the Chairmen of the Senate and House Committees on Agriculture; to the Chairmen of the Senate and House Committees on Appropriations; to the Secretary of Agriculture; and to the Delaware Congressional Delegation.

BALANCED NATIONAL GROWTH AND ENVIRONMENT

Mr. HUMPHREY. Mr. President, on June 9 the Washington Post published an excellent article by Dr. Oliver Jones, executive vice president of the Mortgage Bankers Association, entitled "Growth and Environment: It's Time for a Balance." This article reinforces my firm conviction that policies and programs developed to alleviate national problems must be delicately balanced. The costs and benefits of alternative policies must be carefully analyzed as decisions are made if the greatest public benefit is to be derived.

The growing complexity and increasingly close relationships between individuals, institutions, and systems of all kinds, in America today, make the Nation's problems difficult to clearly define and even harder to alleviate.

I believe that our national policymaking processes must be updated to reflect these changes in our society.

I ask unanimous consent that Dr. Jones' article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

An Economist Expounds: Growth and Environment: It Is Time for a Balance

(By Oliver H. Jones)

The gasoline shortage forecast for the summer months promises to be more than an inconvenience for vacationers. The private citizen will be personally involved in a collision between economic growth and the limited supply of natural resources.

So far, most citizens have been immune to ecological warnings. People are often bored with the disaster lobby—the broadcasters of gloom-and-doom. A person tells himself, "Things will work out; they always have." By the end of this summer we all may realize that we are part of the problem and that the solution will not only affect the size and power of the cars we drive but also the use of public transportation, housing and community arrangements, availability of jobs, and even our standard of living.

A gasoline shortage may be the first step in creating an aroused citizenry and, thereby, a govenment that is responsive to the questions posed by economic growth: "Can the economy continue to grow in a sterile environment?" . . . "Can the population survive in a poluted environment?"

Neither of these extremes can succeed as governmental policy. The militant protectors of the environment may manage to stop the construction of an atomic power plant, slow down off-shore oil drilling and enforce anti-pollution devices to be installed on automobilies. In so doing, they reduce the availability of employment and of products demanded and required by a growing population.

Birth control devices may be essential to resolving the basic issue of famine in India and resolving the broader issues of growth versus exploitation of the natural environment in the United States. But the results may not be effective for a generation or more. Meanwhile, the population of the United States will require more products and more jobs—not less—over the next three decades. We will not be satisfied by reduced investment in productive capacity, by an unwillingness to use available alternatives, and certainly not by fewer job opportunities. And we will not accept a reduced standard of living.

The trade-off is not between clean air and increased costs of producing goods, but between clean air and jobs. Although the growth and no-growth proponents are clearly on a collision course, the result need not be an economy that is stagnated by a lack of jobs and investment opportunities or a populace that is surrounded by stagnant air and water.

Growth for growth's sake, long a fetish, must be examined from new and imaginative directions if we are to find a workable middle ground. Smaller cars and greater use of public transportation will save gasoline; reduce air pollution, and reduce the risk of oil spills on ocean beaches. But this does nothing to solve the problem of providing increased energy needs to heat, cool and light a growing number of homes and business installations. It does nothing to reduce the crowding of individuals in larger and larger cities. It does little to alleviate growing traffic problems.

To a degree, some individuals have already made a choice by moving from crowded cities to smaller towns. This would do much to relieve the concentration of the population and the concentration of pollutants that accompany it. But this voluntary migration cannot become large enough to reverse the threatened ecological breakdown unless jobs are also provided in the smaller towns.

Sweden is experimenting with incentives to encourage the relocation of industry away from major cities, including the relocation of entire departments of the government. U.S. industry has relocated outside major cities in suburban areas where labor and housing are already available.

Having to face the collision with the environment, this nation is fortunate in two ways. It has the physical resources and the technology needed to adjust to a new and probably a greatly improved living environment. Now we need the imagination and the will to do the job.

By way of imagination, we might consider how much could be accomplished by using modern communication systems to transport ideas, thoughts and instructions. Our major cities are places where people meet to work together, transact business, be entertained and find education. But are daily face-to-face meeting needed? Modern communication systems could be used to create networks between cities and satellite towns. Millions of people could live in smaller towns and work in offices, attend schools and watch shows—all of which are tied directly to the large city as the continuing source of culture and center of government, finance and education. Even housing would be clustered or combined in high-rise apartments to reduce traffic and pollutant problems.

This may suggest a picture of the world of tomorrow, unattainable and impracticable. However, the alternatives of unrestrained economic growth or no-growth are far less practicable and far less acceptable. It is time to consider the unattainable with the same degree of national will that created atomic power and placed men on the moon.

Perhaps, then, the summer's inconvenience will start us on the path to creating a new world where growth and the environment are again in balance.

(Dr. Oliver H. Jones, an economist and author, is executive vice president of the Mortgage Bankers Association. He reports his personal views on housing, finance and their political implications on these pages from time to time.)

REMARKS OF SENATOR BARRY GOLDWATER AT AIR FORCE ACADEMY COMMENCEMENT ON JUNE 6, 1973

Mr. THURMOND. Mr. President, an inspirational and instructive address was delivered to the Air Force Academy Class of 1973 at commencement services by my distinguished colleague, Senator Barry Goldwater, Republican of Arizona, on June 6.

While these remarks were primarily for men who have already committed their lives to the defense of our Nation, I wish every graduate in this great country could have heard these words. In them the Senator issued an eloquent call to stewardship as a citizen which applies to all graduates, not just those committed to wear the military uniform. He espoused those attributes which made this country great—honor, discipline, patriotism, self-respect, self-confidence and self-denial.

Mr. President, Senator Goldwater knows what has made America the most outstanding Nation in the world. He sees, however, some eroding of our institutions which have heretofore preserved the strength of these United States. He has challenged the Air Force Academy Cadets to provide the leadership this country so desperately needs for the future. He also expressed the belief, which I share, that our young men and women, military and civilian, will appreciate and preserve the values which have brought through our Government more freedom, blessings and responsibility than that experienced by any previous people in world history.

Mr. President, I ask unanimous consent that this speech by Senator Goldwater be printed in the Record.

There being no objection, the speech was ordered to be printed in the Record, as follows:

Speech by Senator Barry Goldwater

General Ryan, General Clark, distinguished guests, gentlemen of class of 1973: It is not easy, it may even be impossible for me to describe to you my feelings and my thoughts as I stand here beneath the backbone of America, the Rockies, speaking to the future backbone of the United States Air Force.

The only manner in which I can address this class is to draw upon experience which I think is the duty of those who have passed youth. "What is past is prologue, study the past." This is carved upon the steps of the National Archives building in Washington and the older you get the more you are going to realize how true that statement is. Study the past. A study of it will show what has made America great and an application of the understanding will continue to keep America great. Any deviation from the established pattern will lead us into the chaos experienced by every government before us whose people forgot the source of their strength.

Our basic strength stems from the fact that two hundred years ago we recognized that "we are endowed by our Creator with certain inalienable rights and among these are life, liberty and the pursuit of happiness." If we still believe that, and we must, then the words of an author unknown to me can supply the best advice I can give you in the serving of your country, the serving of your family, the serving of yourselves. And this man wrote:

"I do not choose to be a common man, it is my right to be uncommon if I can. I seek opportunity, not security. I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk to dream and to build, to fall and to succeed. I refuse to barter incentive for a dole. I prefer the challenges of life to the guaranteed existence, the thrill of fulfillment to the safe calm of Utopia. I will not trade freedom for beneficence nor my dignity for a handout. I will never cower before any master nor bend to any threat. It is my heritage to stand erect, proud and unafraid, to think and to act for myself, to enjoy the benefits of my creations and to face the world boldly and say: 'This I have done; all this is what it means to be an American.' "

Common men, I might say, have never been leaders; and we have too many common men in our country today and too few leaders. In fact, I just returned from the Paris Air Show a few days ago and there it was my pleasure to visit again with people I have come to know since the early days of World War II; people from every country who were asking me, where has the leadership of the United States gone? Why are you giving up in the fields of technology? Why is the man in uniform being so defiled by the press of the nation? What are you going to do about the problems you find yourselves in around the world? My answer to them was, yes, we have suffered, suffered for a long time through a lack of enough leadership, but I told them this:

"I have faith in the young men graduating this week from our academies who will supply the military leadership for our country in the years ahead."

I say this, gentlemen, because you are not common men, nor have the great leaders who have preceded you been common men. The uncommon man is a patriot; he has self-respect, he has discipline and he has self-confidence. Now, without these basic possessions, you can never become good leaders because from these stem morale without which no organization, be it business, academic, military, or political can perform or even survive. The acquisitions of these attributes have come to you through birth, guidance by your family, your church and through the guidance of this institution. Now, your job is to hold on to those ingredients and put them to work.

The failure to possess all of those qualities or even part of them caused us to enter a war without the will to win it and caused us international humiliation because the war has never been won.

Had these attributes I've mentioned been possessed by the civilian leaders when the Vietnam War was opened, this country would have emerged victorious in a very short time. It is the spirit which we bring to the battle that makes the decision and it is *morale* that wins the victory. The members of our Air Force who maintain patriotism, self-respect, discipline and self-confidence are the leaders who truly lead and the leaders who bring victory.

Let me cite one example out of hundreds that come to my mind to try to illustrate what I am talking about. The last gasp of the Luftwaffe was carried out on the morning of January 1st, 1945, as they had begun a very intensive program of strafing and bombing out allied airfields in France, Belgium and Holland, in which they destroyed many of our aircraft. And during the rather peaceful period just before that, the 352nd Fighter Group was flying escort missions for our bombers. They were also flying early morning patrols and were having marked success in strafing and attacking the Luftwaffe. However, orders came down, that on January the 1st, the group was to be concentrated on bomber escort, and the Group Commander, Colonel Jim Mayden, an old friend of mine, and his Operations Officer, a young Lt. Colonel, felt that this would be wrong, for at least part of the aircraft should be used to continue attacking the Luftwaffe.

Now, even though the order had come down from above, both Colonel Mayden and his Operations Officer carried their arguments right to the top of the command and after much discussion, they were allowed to fly a small portion of their planes on patrol. The fact that the persistency, the discipline and the self-confidence of these two young men resulted in the smashing of the Luftwaffe attack efforts has become one of the classics of the war, the Battle of Asch. And, who do you think that Operations Officer was? He became one of our ranking Aces. He is now General J. C. Meyer, Commander of the Strategic Air Command. I don't tell you this story to urge you to be disrespectful or to disregard orders coming down. I use it to point out that there are times when the decisions of your superiors can be discussed with them, always in a respectful way with the idea that you might change their minds or might alter their plans so as to incorporate things which discipline has taught you to be correct. A leader must lead; I will never forget an evening in my life when I attended a critique being conducted by General Patton on the deserts of my State in Southern Arizona, a critique after his day's drill, by a man I consider one of the great leaders of World War II. He stood in front of his men that night and he held up a china plate and on it was a long, wet noodle and he was trying to push it from the bottom. It was obvious that it couldn't be done, so he grasped the noodle at the other end and said, "Gentlemen, to lead, you must pull the noodle." I have never seen a better explanation of leadership; I won't use some of the language he used in explaining it either. I've never forgotten that example because to be a leader you have to prepare yourself, not just to be in front, but to be worthy to be there, able to be there and sufficiently trained to do a good job.

Now, in closing, let me urge one thing upon you that I have learned through my life as a civilian, a politician and a military man. You must have morale, you must have it yourself and you must instill it in the men under you, and you do this by having patriotism, self-respect, discipline and self-confidence, and let me add one more ingredient, a very important one, a keen understanding of the men under you and with you and a respect for them. And let me tell you something, you're never going anyplace without some good Sergeants.

As you leave these halls, leave with the American dedicated to the defense of our country in the air, from all enemies, foreign and domestic. And remember that what you were taught here about honor will more and more become the keystone of life dedicated to a country founded in honor, even if some of our people today seem to scoff at the idea today.

For example, we see a man who stole classified documents from the Pentagon and sold them being made into a hero. I would suggest that instead of the paper which bought those items being awarded the Pulitzer Prize, it should have been given along with the thief, the Benedict Arnold Award. Let me tell you, the honor system will be here and at the other academies a long time, honesty will not die.

We see the Office of the Presidency today being attacked and I am not defending those men who should be attacked, but the effort seems to be not just to get the captain of the ship, but to sink the ship as well.

Let me tell you something that you're going to learn, and these detractors of America will have to realize, this form of government we have is as tough as granite and it has withstood attack after attack on its Presidents, beginning with Washington and including all but a few. We have survived, we will survive, our Commander-in-Chief will not resign, nor will he be impeached. Our government is too strong because the people, two hundred and five million of them, are basically honest people.

Gentlemen, as you leave here today, you're going to be leaving a very close part of your life. But, you're going to be entering the service of your country and I always remember the admonition of my old grandfather, born in Poland, who never could speak good English, he said," Every man owes something for the space he occupies. Occupy your space with pride and with discipline. Occupy it knowing you're a member of one of the great branches of military service. Occupy it knowing that as long as you stay honorable, as long as you have respect for yourself and your country and your God, nothing can stop you."

I wish you well. Thank you.

TAX THE LITTLE GUY FOR HIS GAS AND LET THE GIANT OIL COMPANIES REAP HUGE PROFITS SEEMS TO BE NIXON ADMINISTRATION APPROACH TO FUEL SHORTAGE

Mr. CHURCH. Mr. President, I was shocked when the trial balloon began floating out from Washington that the Nixon administration had found a way to conserve gasoline, by raising the gasoline tax by as much as 5 or 10 cents a gallon.

I want to help shoot down this particular trial balloon right now. I have no intention of supporting gigantic tax increases which penalize the consumer of gasoline. I will not support proposals to increase the tax on gasoline and ignore the fundamental need of a strong program to put a stop to inflation.

It seems incredible to me that at a time the major oil companies are showing gigantic profits, this administration talks about taxing the ordinary guy who needs the car to get to work, to take his children to school, and to shop for groceries.

The administration should get on with the job of implementing a strong program to assure that scarce fuel supplies are equitably allocated. Congress is giving the necessary tools to the President. He should use them rather than sending out feelers to see if it would be feasible to soak already hard-pressed taxpayers for more of their dollars.

Mr. President, I ask unanimous consent that a recent article appearing in "U.S. Oil Week" describing the profit rates of major oil companies, together with a recent editorial from the Idaho Daily Statesman of Boise, Idaho, entitled "No to Gas Tax Increase," appear in the RECORD.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

MAJORS REAP SHORTAGE GAINS

Major oil company profits zoomed ahead in the first quarter as shortages allowed them to charge prices beyond their wildest dreams.

Exxon, the world's largest oil company typically has posted gains from above 3% to 7%, but now its profit has jumped 43% to $508 million.

Only a few of the small refiners took it on the chin as they couldn't get the crude to make out the way their big competitors have.

Here are the ones so far reported:

Net income:	Percent gain
Amerada Hess, $36,706,000	+25
American Petrofina, $4,735,000	+105
Amoco, $121,100,000	+21
Apco, $889,000	−47
Ashland,[1] $38,500,000	+25
Arco, $50,300,000	+52
Citgo, $34,400,000	+17.4
Conoco, $47,500,000	+11.5
Crown, $302,938	+34
Exxon, $508,000,000	+43
Gulf, $165,000,000	+18.7
Marathon, $24,165,000	+49.6
Mobil, $155,800,000	+10
Murphy, $1,900,000	−1.6
Occidental $8,934,000	+58
Pennzoil, $19,624,000	+24
Phillips, $43,448,000	+22
Shell, $80,200,000	+49
Skelly, $9,961,000	+2.5
Std. (Calif.), $152,800,000	+24
Std. (Ohio), $17,500,000	+48.3
Sun, $49,000,000	+40
Tenneco, $53,413,000	+14.4
Texaco, $264,016,000	+14.8

[1] 1st fiscal half.

Source: U.S. Oil Week, April 30, 1973.

[From the Idaho Statesman, June 1, 1973]

NO TO GAS TAX INCREASE

Pressures are growing for some dramatic action to curb inflation. One of the suggestions is an increase in the four-cent federal gasoline tax, perhaps to as much as 10 cents a gallon.

A gas tax boost offers some important benefits, but it also has serious drawbacks. It is a tax that strikes hardest at people least able to pay. And it would contribute to increased costs for many products.

The theory behind the gas tax proposal is that it would 1) reduce consumption of limited gasoline supplies 2) raise several billion dollars 3) wipe out a projected federal deficit, and 4) cool the economy and curb inflationary pressures.

There are other ways to accomplish those objectives.

Conservation of gasoline is a desirable goal. The U.S. cannot continue to increase its gas consumption without drawing heavily on imports from the Middle East. In the long run there isn't enough oil in the world to match the possible growth of our appetite for it.

So government should begin taking steps to discourage consumption. It would be fairer to tax autos on the basis of weight and horsepower than to raise the tax on gasoline. Reduced speed limits would help.

More than $1 billion a year could be raised by eliminating the depletion allowance which favors the oil industry. That cost might be passed on to consumers in the price of oil, but oil prices have already risen and the oil companies are reaping big profits.

If inflation can't be curbed by natural forces, a return to tighter wage and price controls is an option. Both Rep. Wilbur Mills, chairman of the House Ways and Means Committee, and Senate Majority leader Mike Mansfield are advocating that step.

Controlling inflation by raising interest rates and raising taxes is the method that hurts the consumer the most.

Idaho's economy is heavily dependent upon auto transportation. A five-cent increase in the gasoline tax would be a severe jolt, particularly to people of lower and middle incomes who must commute to work.

Gasoline prices are moving up anyway, without a tax increase. Some people are forecasting a price of $1 a gallon or more. Before gasoline reaches that level, the government would have to step in and put a lid on. If supplies are short, a rationing system would be required.

We must move as rapidly as possible to policies which conserve gasoline. While that transition is in progress, however, the economy must be protected from excessive prices for gasoline.

TESTIMONY ON PROBLEMS AND INADEQUACIES OF FEDERAL DISASTER ASSISTANCE EFFORT

Mr. BAKER. Mr. President, on Tuesday of this week the junior Senator from

New Mexico, Mr. Domenici, testified before the Housing and Urban Affairs Subcommittee, which is presently considering several disaster assistance proposals.

Senator Domenici serves as the ranking minority member of the Public Works Disaster Relief Subcommittee and has just attended a series of field hearings on the Federal Government's response in major disasters. From these hearings the subcommittee has been able to get an oversite of Federal disaster activities. Senator Domenici's statement is an excellent summary of many of the problems and inadequacies of the existing Federal disaster assistance effort, and I thought it would be of interest to other members of the Senate concerned about this program. I ask unanimous consent that Senator Domenici's statement be printed in the Record along with a recent article from the Wall Street Journal and the statement of Mr. Amory Houghton, Jr., chairman of the Board of Corning Glass Works, before the Disaster Relief Subcommittee in Elmira, N.Y., on June 1 of this year.

There being no objection, the material was ordered to be printed in the Record, as follows:

STATEMENT OF SENATOR PETE V. DOMENICI

Mr. Chairman, members of the Subcommittee, I want to thank you for the opportunity of appearing before you today to discuss federal disaster assistance programs. I have become involved in this area of Federal activity through my work on the Public Works Disaster Relief Subcommittee. The Public Works Committee developed the basic comprehensive disaster relief program now operating—the Disaster Relief Act of 1970 (Public Law 91–606). This law was designed to create a permanent structure and procedure by which the Federal Government could respond quickly and effectively to natural catastrophes. Public Law 606 has been in effect for three years and has been utilized in over 70 major disasters.

I think there is wide agreement that the authorities and mechanisms set up in Public Law 606 work as far as they go. Some changes will be necessary in the law and in present program administration, but basically we have a sound program of assistance.

Through a series of field hearings earlier this year, our Subcommittee has been able to get a total picture of what is involved when a disaster strikes from the early warnings and evacuation efforts to the long term rebuilding activities. While we focused on the implementation of Public Law 91–606, the hearings covered all federal programs which come into play in a disaster either under PL–606 or under other authorities. From the experience I gained in these hearings, I believe there is need for a comprehensive, coordinated disaster assistance program which will place as much emphasis on the prevention and mitigation of disasters and the long-term permanent rebuilding as is now placed on the extension of relief to individuals and communities. A comprehensive policy on disaster assistance would necessarily involve the jurisdiction of more than one committee. I would hope, therefore, that all committees involved could work together in the development of a truly comprehensive disaster program.

The Public Works Disaster Relief Subcommittee was reconstituted this year to review the comprehensive disaster legislation required under PL 92–385, to conduct an evaluation of the adequacy and effectiveness of the 1970 Act and to make recommendations, as may be necessary, to improve the law.

The Subcommittee has just completed seven days of disaster aftermath field hearings which included Biloxi, Mississippi, Rapid City, South Dakota, Wilkes-Barre, Pennsylvania, and Elmira-Corning, New York. All of these areas in recent years have been ravaged by natural calamities. Biloxi, you will remember, was struck by Hurricane Camille in 1969 and, at that time, represented the most costly single natural disaster ever. Rapid City was devastated by floods around this time last year. Wilkes-Barre and Elmira-Corning were among the worst hit areas during tropical storm Agnes. Storm Agnes, by the way, is now considered the most destructive natural disaster in the history of this country. According to the Office of Emergency Preparedness, Agnes required the largest federal relief effort in the agency's history.

There was strong objection by witnesses to the placing of Federal relief in the Department of Housing and Urban Development. There is fear that the disaster program will be downgraded, that it will lose the stature and authority now derived from being located in the President's office and reporting directly to him.

There is fear that once in a line Department, it may be more difficult to coordinate peer agencies as effectively as is now done by the Office of Emergency Preparedness. Witnesses were concerned that the federal disaster program would lose its flexibility and responsiveness. I am concerned that the expertise developed by the Office of Emergency Preparedness over the years in administering this law may be lost. The ability to respond firmly and in a knowledgeable manner saves lives and expedites recovery. It appears that no equivalent expertise exists in any State agency at this time and until a change in the operation of the disaster relief program is enacted, it is imperative that the Federal government retain the capability to respond. It may be that some of the poorer, less populous states may never develop this capability and a Federal standby will always be necessary. The relocation of the Office of Emergency Preparedness was authorized with little opposition earlier this year by the first reorganization plan. I believe we must monitor this move very carefully, based on the testimony received in the hearings. If it should appear necessary—and I think it may be—I would hope that a Federal disaster coordinating officer under the President be reestablished. From what I have seen in our hearings—the chaos, helplessness and paralysis that follows a disaster—I cannot over emphasize the need for an effective federal coordinator.

There is no clear delineation of phases in a disaster. The actions or inactions of any one period are important in what comes later. For discussion purposes, however, reference can be made to an emergency phase, which includes evacuation and emergency services; to a restoration and recovery phase, and to a long-term permanent recovery phase. These last two phases are intimately related and restoration projects undertaken in phase two have a lasting impact on longer range redevelopment.

PL 91–606 authorizes recovery and restoration projects under the coordination of the designated Federal Coordinating Officer. The law provides, for example, for the reconstruction, repair and replacement of streets, public buildings and public facilities to their preflood condition. The local comunity and State identify the damaged facility, a hospital say, and OEP will finance the repair of the hospital to its preflood status out of the President's disaster fund.

Such projects sometimes take from three to five years to complete and are a part of the long-term rebuilding of an area. Past major disasters which hit Biloxi, Mississippi; Buffalo Creek, West Virginia; Rapid City, South Dakota; Wilkes-Barre, Pennsylvania and New York have so destroyed whole communities as to require Federal help for rebuilding far beyond the scope contemplated and provided in Public Law 91–606. This development has led us to the third phase, the permanent long-term rebuilding period. The rebuilding provides a splendid opportunity not only to restore communities but to improve these areas beyond what they were before the disaster. Other than for the limited authorizations in the Disaster Relief Act, there are no comprehensive plans or programs for this period. The most critical testimony our subcommittee received related to the federal activity in this period and it is evident that this phase of a comprehensive disaster program has been overlooked in legislation and deserves our attention.

At the present time States and communities, trying to rebuild after a disaster, have had to turn to the separate Federal categorical aid programs which happen to be on the books and available at the time. These programs were not designed for disaster situations, and their numerous, time-consuming requirements and regulations are more frustrating when imposed on the already beleaguered communities digging out from a disaster.

Our hearing record is replete with examples of problems caused by this fragmented approach applicable to phases II and III. Many communities, almost a year after the disaster, have not been able to complete the necessary papers and receive approval of their projects. During our hearing on June 1 of this year in Elmira, New York, HUD announced approval of one urban renewal project nearly one full year after the disaster; a similar project for a nearby community is still in the works. One year after the disaster, about 3,000 families are still living in trailers provided as temporary housing in Corning, Wilkes-Barre and Rapid City.

The application of the various programs often overlap, creating problems and inequities none could foresee. In some areas individuals receiving SBA home loans have gone back and repaired or rebuilt in the flood plain, thus limiting the city's efforts to zone and restrict building in this critical area. Approval of urban renewal projects comes after much of the rebuilding has already taken place and some of the properties improved with SBA loans are now designated for acquisition under urban renewal.

In Pennsylvania, some individuals lucky enough to live in the urban renewal area will be paid pre-flood value for their houses while others, perhaps with more damage and need but outside the urban renewal boundaries, must rely on loans and a grant to rebuild or repair.

An article appearing in the June 8 Wall Street Journal illustrates the problem of overlapping programs and duplication of benefits and I ask that it be included in the Record after my remarks. While the family in the story was helped by this maze of programs, the reverse is as often true.

Public Law 606 includes a mechanism to trigger Federal emergency and relief activities. There is question, however, on how best to define the end of a disaster and to define the Federal role and responsibility in the post-emergency period. It is legitimate to question whether the long term phase should be considered part of the "disaster" requiring the same type of organization and direct Federal involvement we have during the actual emergency. One witness in New York urged that the atmosphere of "crisis" which applies to the initial stages of an emergency be continued into phase three. Such a philosophy may be necessary to prevent the delays in rebuilding which occur when the Federal agencies revert to business as usual.

There are different ways of dealing with this fundamental question of the post-emergency period. Many persons favor block grants, permitting the greatest degree of flexibility in planning and development, rather than replacement on a project-by-project basis as now provided in PL 606. This latter approach tends to freeze ineffective and inefficient projects into place. Block grants might give communities the opportunity of renewing their physical and economic base. The question arises over the mechanism for carrying out such a program. Some witnesses supported an agency similar to the Office of Emergency Preparedness, possibly with expanded powers, in the Office of the President, to continue coordination and direction of Federal activities on the scene through redevelopment. Other witnesses indicated that such a procedure would create too much unnecessary federal control. During the hearing in New York, I requested State officials to report on what it would take in terms of additional authorities, manpower, programs and money to carry out the Administration's proposals in S. 1840 for State administration of block grants. This question arose during the field hearings but I intend to solicit similar analyses from the States to get some idea of when and how States would implement such a program.

Under the present mode of operation, the Federal Regional Councils, along with a State and local counterpart, act as the program coordinators in phase III, but this has not been wholly successful. I believe that if we choose to continue the approach of using categorical aid programs, it will require some amendments to the various program or Departmental authorities to establish special "disaster regulations and policies" to cut red tape and expedite delivery of programs basic to the needs of any communities but particularly necessary to devastated communities trying to rebuild the whole range of basic services such as housing, medical care, and transportation.

Consideration should also be given to financing for long term development. As it is now, regular monies will have to be taken from other programs and projects, which may have equal merit, to fund the projects in the disaster area. Also, most Federal programs require that total costs be committed against the annual appropriation, severely restricting the monies available for regular projects. Such a special fund would not be caught in changing priorities, program freezes or cutbacks which have hampered current redevelopment. This is particularly true in the area of housing.

Another piece of legislation before the Banking Committee which will affect the present approach to rebuilding is the urban block grant proposal similar to the one passed by the Senate last year. The blocking of these authorities and the pass through of funds is important as it covers the HUD programs, outside of housing, most widely used by disaster communities.

Mr. Amory Houghton, Jr., Chairman of the Board of Corning Glass Works, testified during our New York hearings and I request that his statement also be included in the record after my remarks. Mr. Houghton made several recommendations which may be of interest to your Committee, particularly his discussion of the problems of medium-size businesses damaged by a disaster. Mr. Houghton pointed out that these businesses, an estimated 140,000 such firms employing around 200 to 300 people, usually cannot afford flood insurance at market rates but the coverage they receive under the federally sponsored program is not adequate. He recommended that subsidized coverage be raised to $500,000 and that unsubsidized coverage be raised to $1 million.

I want to add a few words about insurance. I believe an insurance program should be an integral part of any comprehensive disaster policy, and eventually will supplant disaster loans as the primary means of providing relief. When you look at some of the statistics from tropical storm Agnes, however, there is serious question as to when or if insurance will be a viable alternative for many people. Estimated damage from Agnes is $2.5 billion but ony $5 million in losses was payable under the National Flood Insurance program. In Wilkes-Barre only two flood insurance policies were in effect at the time of the disaster, but over 14,000 homes were damaged by the floods.

I understand that participation in the program has increased dramatically since Agnes and in light of the flooding already begun this year. More than 2,200 communities are now eligible for the program, 230,000 policies have been sold and $15 million in claims has been paid so far this year. But I would like to point out that during this same period SBA has made over 200,000 disaster loans for about $1.5 billion. Much of the new insurance coverage is being sold in areas which were devastated last year. We must make certain that the program is so designed and operated that if another Agnes were to strike these areas five or twenty years from now we would find the insurance coverage working and providing adequate relief.

While I support every effort to extend the program, I do not want to imply that I am for coverage without any qualifications. I support the land use management provisions of existing law. Through flood plain management and building codes we can hope to minimize food losses in the future and I endorse the concept in the proposed amendments to the National Flood Insurance Program which would cut off Federal building funds to communities after 1975. I only wonder if we should postpone the deadline that long. It may prove necessary in some especially hazardous areas to require both insurance and land use controls. With a stronger mandate for flood plain management, there could be increased Federal help to meet the requirements.

This could be done through subsidies and higher coverage limits under the insurance program. Or, perhaps, there could be special Federal building loans, carried out through the regular agencies, to facilitate implementation of a flood plain management program. The proposed amendments now before your subcommittee are addressed to several of the problems which have restricted the use of the insurance program and I am sure you are more aware than I of the changes required to encourage the use of the program while meeting the program objectives. I only want to lend my support to legislation extending the program to more communities and homeowners and which will make the scope of the insurance broad enough to provide adequate coverage.

I have only mentioned a few of the problems involved in writing and implementing a comprehensive disaster program. The Senate needs to consider the problems of a disaster as a whole and the entire range of programs—from prevention and mitigation of damages through redevelopment—necessary for a comprehensive approach. This effort will necessarily cross jurisdictional lines but I am hopeful the committees can work together, sharing their experiences and expertise on different program components, and can agree on a permanent, adequate and equitable disaster program. I pledge my cooperation to this effort. I believe it is something we must do.

[From the Wall Street Journal, June 8, 1973]

After the Deluge: The Great Flood of 1972 Is Far From Forgotten in Rapid City, S. Dak.—Devastation Is Still Evident Despite Boom in Business; "A Mental Health Crisis"

Rapid City, S. Dak.—One evening not long ago, Wayne Ward noticed dark thunderclouds hovering over the rocky, spruce-topped Black Hills that dominate this city's horizon. Suddenly, he felt apprehensive. For the gray twilight was reminiscent of the evening—just a year ago tomorrow—when the rain-swollen Rapid Creek overflowed its banks in one of the most destructive floods in U.S. history.

During that flood, the Ward's home was swept off its foundations, nearly all their belongings were buried under tons of mud, and they themselves escaped drowning by about 10 minutes. "Rain bothered me for a little while after that," Mr. Ward acknowledges today. "I think it bothered everyone. But we're all right now. After all, we were lucky."

That they were. In all, 237 people died after 14 inches of rain fell on the hills and collapsed an earthen dam. Four others have never been accounted for and are presumed dead. And in terms of nonhuman loss, some 770 houses and 565 mobile homes were destroyed, with property damage being figured at more than $100 million.

Certainly, Rapid City wasn't the nation's only disaster area last year. Tropical Storm Agnes inundated large sections of seven Eastern States. Waste waters from a coal mine crumbled a makeshift dam in Buffalo Creek, W.Va., and caused widespread flooding. In all, floods killed more than 500 persons in 1972, left 7,400 families with completely destroyed homes and damaged nearly some $3.5 billion in property.

A GRIM DISTINCTION

No single city in the nation, however, was harder hit by a flood last year than Rapid City. In fact, more lives were lost than in any U.S. flood in more than 40 years. How does a locale adjust to such a calamity? Do the mental traumas and physical scars induced by the violence persist indefinitely? Or do they recede along with the floods waters? The answers to these questions are provided—at least in part—by a look at Rapid City and some of its residents one year after their natural disaster.

Like any story involving the efforts of a multitude of human beings, the Rapid City story is a study in contrasts. Take the positive side first: From many outward appearances, Rapid City in one short year has bounced back. Business has been bolstered by infusions of low-interest federal loans. People at motels and tourist attractions like neighboring Mt. Rushmore say they expect that this year's vacation season will more than make up for last year's 25% slump in business—despite fears of a summer gasoline shortage that could discourage vacationers. Construction is booming to the point that one home builder says, "business has never been better. The flood was the best thing ever to happen here."

But was it? For despite the business euphoria, serious problems remain in Rapid City. Health officials say mental disorders have increased sharply. Hundreds of people still live in the shattered flood plain, where ruined houses and dead trees serve as a grim reminder of last year's disaster and where, Mayor Donald Barnett points out, "there's nothing to guarantee there won't be another flood." (The Army Corps of Engineers rejected the idea of building a series of flood-control dams as too costly.) Several hundred others continue living in cramped, depressing, crime-ridden trailer courts that were hastily set up for the emergency, progress in moving the trailer dwellers to permanent homes has been slower than anticipated.

A TYPICAL FAMILY

Rapid City residents, of course, live lives that fall between the two extremes of boom and bust. Typical of this group is the Ward family: Wayne Ward, a 30-year-old high school physical education teacher and basketball coach at the South Dakota School of Mines and Technology, his 29-year-old wife, Julie, who operates a children's ballet and tap dancing school; their daughter, Jeanna, 10, and son, Troy, three years old.

The Wards lost nearly everything in last year's flood. Their split-level home, situated along a once-tranquil trout-filled stream and surrounded by stately elms and colorful flower gardens, was smashed into thousands of pieces as it was swept across a nearby golf course. Only a few weeks before the disaster, a Realtor had offered them $40,000—$10,000 profit—for the three-year-old house, but "we couldn't part with it," Julie Ward says. "It was our dream house." But only a few items were salvaged: some stainless-steel dinnerware, two silhouette plaques of the children, a doll and a set of golf clubs from the trunk of Wayne's wrecked car.

When the flood came, Wayne and Julie barely had time to link arms and struggle through knee-deep water to higher ground; the children had gone to their grandparents' house for the night. But if physical safety was the only matter of moment that night, the next day brought the grim realization that the flood waters had left behind a residue of financial problems. The house and its contents were gone, but the Wards still owed $21,000 on their mortgage and $500 more on newly purchased furniture. And of their possessions, only their two cars were covered by insurance.

FLOOD INSURANCE

Federally sponsored flood insurance had been offered in Rapid City about a year before, but Wayne hadn't heard about it. However, "even if I had, I wouldn't have bought any," he says. "We couldn't afford it." Most other flood victims had apparently felt the same way. Before the flood, only 29 flood-insurance policies had been sold in Rapid City. (Business has picked up since; 72 policies have been sold.)

Their lack of insurance, however, didn't mean complete disaster for the Wards. Aided by low-interest government loans, tax refunds, urban-renewal payments and charity, they figure their new monthly payments will about match those of pre-flood days—even though they will be paying for both the destroyed house and the new one that they're building in the foothills. However, now it will take seven years longer for them to be mortgage-free.

Financially, the Wards have taken advantage of:

A $55,000 loan from the Small Business Administration at an annual interest rate of 1%. The loan, of which $5,000 has been forgiven by the SBA, is enabling the Wards to pay off the balance of their 25-year, 7¾% mortgage and build a new home at the same time.

Special legislation that has provided for a refund of all federal taxes that the Wards paid in the last three years ($3,500).

Another $1,400 from the Red Cross and allotments from private donations to a disaster relief fund for clothing, bedding, furniture, cooking utensils and an iron. ("One of the first things I bought were cowboy boots," Wayne says. "In this part of the country you need them.")

$15,500 for "relocation expenses" from the city's federally sponsored urban renewal program.

$6,000 from urban renewal for the lot on Northbrook Street where their destroyed house was located; the lot will become part of the first fairway of a public golf course.

Excluding the $50,000 loan, the total of all these grants comes to $31,400. The family's estimated uninsured losses amounted to some $35,000. But with the combined cash from the loan and the grants, the Wards, all things considered, have emerged from the flood in a healthy financial position. No price tag, of course, can cover the family's mental anguish; nor can these statistics include the jarring losses of sentimentally valued possessions.

Money, however, was in short supply immediately after the disaster, and Wayne took a $2-an-hour summer job as a stockboy for a plumbing wholesaler. "I sure was looking forward to that vacation," he says, "but we didn't have much cash on hand. Everything we had went into the house, and that's gone."

Housing was the Ward's most serious problem after the flood. They moved in with Julie's parents while awaiting assignment to a 12-foot-by-48-foot trailer provided by the Department of Housing and Urban Development. But then fearing a shortage of trailers, HUD told the Wards it would pay their rent on a house for one year if a house could be found. Few homes were available, but Julie's father bought one in September and rented it to his daughter and son-in-law. (Julie was much relieved by this turn of events. Having begun her married life in a trailer, she hated the idea of returning to one. "It would have been like the last 11 years never happened," she explains.)

Unlike the Wards, some of their neighbors discovered that the flood had wrought only minor property damage. But even those whose houses survived are being forced by the city to move out of the dangerous 600-acre flood plain. (The area is slated to become a park within five years) "We're paying liberal prices for the land and what's left of any houses," Mayor Barnett says.

Perhaps so. But some feel the prices aren't always fair. For example, Mrs. Edin Smolik, who was able to clean the eight-foot-deep mud out of her basement and temporarily stay on, says she can't duplicate her house elsewhere for what she has been offered. What's more, she says there are wide—and unfair—discrepancies among the prices offered her neighbors. "The man down the street got $97,500 for a concrete slab ranch house that's one-third garage," she says indignantly. "His neighbor got only $40,000 for a much better house." She adds: "They used to be good friends."

By some standards, Mr. Smolik is lucky. About 200 families haven't received a cent from the urban-renewal programs because the programs are available only in Rapid City and not in the flood-torn areas outside the city limits. "They're the ones who have really been hurt," says a local disaster official. And while there is talk of annexing some of the areas—like Dark Canyon, Cliffside and Jackson Park—to Rapid City so that they'll become eligible for aid, the residents aren't optimistic. "We feel we're the forgotten ones," says Mrs. Stanley Burnor of Dark Canyon. "We don't get our hopes up anymore because we can't stand any more disappointment."

VANDALISM AND BURGLARIES

Others feel forgotten, too. About half of the 777 families who were relocated in trailers remain in their emergency housing, and the experience hasn't been pleasant for most of them.

Tensions in the cramped muddy courts have exploded into frequent fistfights. Vandalism and burglaries have prompted many trailer dwellers to chain large, fierce dogs outside their doors.

"We made a lot of mistakes," acknowledges Lewis Young, assistant director of the emergency-housing program. "We threw everyone together, rich and poor. It just didn't work out."

This chaotic situation, however, did have a silver lining of sorts. It "encouraged people to move out a lot quicker than they might have otherwise," Mr. Young says. Still, he adds, all those in trailers were originally scheduled to be moved out by sometime this September, but it currently appears that this is an unrealistic cutoff. About 50 poor Indian families, Mr. Young says, will have to wait until public housing is built—and construction hasn't even begun yet.

The topic of construction is a major source of irritation for many Rapid City residents. "We're all a little upset that the builders are taking advantage," says one flood victim. "There are a lot of shenanigans going on."

This view is widely held. But Donald L. Knecht, an owner of one of the city's two major home-building concerns, says that construction costs, while soaring, have increased no more than the national average. Builders aren't taking advantage of anyone in Rapid City, Mr. Knecht asserts. The problem, he says, is that "everyone wants to get up into the hills," and, as a result, land prices in desirable areas have jumped as much as 30%. (The Wards, for example, paid $7,000 for their new lot, which was selling for $1,500 less before the area started filling with flood refugees.)

DEVASTATED LANDSCAPE

Mr. Knecht figures that Rapid City builders will have more work than they can handle until well into 1974. But despite this boom, the area still shows many signs of the disaster. For example, the Canyon Lake area, where the broken earthen dam released torrents of water, looks like a battlefield. Dying trees lean toward the ground, their bottom bark stripped away. Weeds have replaced manicured lawns. Gaping holes pit residential streets. Ten-foot mounds of mud, studded with rocks, tree limbs and broken boards, stand guard over the swift creek waters. Dozens of smashed houses, some with only three walls, dot the landscape. Those that are to be torn down are marked with large black "X"'s; others will be sold at public auction to anyone who wants to move them.

But over and above the physical scars left by the flood is the mental anguish. Children, the elderly and the poor (mainly Indians) have suffered the most mental damage, health officials say. Children play "flood" together, setting up rules on who will "die" and who won't. Other examples: A welfare mother continues to claim aid for a drowned child whose death she can't accept; a gray-haired widow, fearing another flood, carries her few remaining possessions with her at all times in a plastic bag.

"There are thousands of people who need psychological help but aren't getting any," says Sister M. Sarto Rogers, director of St. John's McNamara Hospital. There psychiatrists from Denver have each visited Rapid City once a week since the flood, she says, but it hasn't been enough. A study prepared in February for the National Institute of Mental Health notes sharp increases in alcoholism, anxiety, depression and other emotional problems since last June. The city, the study said, is "facing a mental health crisis."

The Ward family, however, seems to be coping well. True, Julie Ward still gets "Shivery feelings" every once in a while. "It just comes over me all of a sudden thinking about it," she says. "I break out in a cold sweat." And Jeanna Ward didn't speak a word in school for six weeks after the deluge. But today, Wayne Ward says, they have put their problems behind them." It doesn't pay to dwell on them," he says. "Everybody's been real good to us, and we're going to be fine."

Can a similar natural disaster wreak such havoc in the Rapid City of the future? Mayor Barnett expressed a few thoughts on this subject in last month's issue of Nation's Cities magazine. "Our upstream warning system was very weak," he said, "and it will be reestablished and a brand new one installed." In addition, he said, "you've got to . . . be aware and recognize that many people, even though you've got a warning system, will ignore it.

"So what you've got to look at then is your land use along a creek or a river which has the potential for flooding."

Rapid City has looked, and, with official persuasion, its residents are abandoning the river and creek areas for the foothills. It has been, all in all, a costly lesson indeed.

Testimony by Amory Houghton Jr.

Mr. Chairman and members of the Committee:

I am Amory Houghton Jr., chairman of the board of Corning Glass Works. Our headquarters are in Corning, New York, a community which suffered severe flood damage from Hurricane Agnes.

Corning Glass Works is the principal employer in the Corning area, providing jobs for some 7,700 persons. Of our 10 manufacturing plants in this valley, eight suffered substantial flood damage, as did our administrative headquarters, the Corning Glass Center, and The Corning Museum of Glass.

Approximately 30% of our employes' families were affected by the flood. Many of them were completely wiped out of their homes.

I appreciate this opportunity to give you my views on our federal disaster laws and how they served us in the aftermath of Hurricane Agnes.

Hopefully, I express the views of the overwhelming majority of this area's flood victims when I tell you that the response by the federal government to the critical needs of our citizens was extraordinary—and by that I mean extraordinary in the finest sense.

The President declared the existence of a major disaster on June 27—four days after the flood. The OEP had arrived on the scene the day before and was already in business—headed by Tom Casey, an able, competent and energetic administrator. He did a magnificent job in coordinating the federal presence here. I cannot begin to cite every public and private agency that provided help, but I must single out the Office of Emergency Preparedness, the Department of Housing and Urban Development, and the Small Business Administration for their exceptional effort.

It is not in our nature to ask for handouts or to rely on others. But the magnitude of this disaster required help on a scale only the federal government could provide. We are deeply grateful for its assistance, and we are grateful, too, for the action by the Congress in easing the financial strain on the individual citizen through prompt passage of the Agnes Recovery Act.

I know you have received hundreds of suggestions concerning improvements that could be made, such as better early warning and communications systems. As a result, I won't attempt to touch upon each aspect of disaster response and recovery. However, based upon my own experiences of the past year, I would direct your attention to three primary concerns:

I. DISASTER AID A FEDERAL MATTER

First, disaster recovery should, in my opinion, continue to be a responsibility of the *federal* government. I cannot emphasize that too strongly: a powerful federal agency geared to action is a must. We are making rapid recovery in this valley from Hurricane Agnes, but I'm convinced that without the presence of the OEP and federal help in the early months our story would have been entirely different. This in no way downgrades the response and responsibility of the state governments. Disaster organizations at the state level must also be retained and strengthened. But they should be supportive to, and coordinated with, a central federal disaster agency.

After all, a proper response to these kinds of tragedies requires special talents, special experts, people with experience in other disasters. In the calendar year 1972, there were 48 Presidentially declared disasters nationwide—yet only one in New York State. The federal government has a power and expertise to respond that no one else has.

Also, only the federal government can *plan* effectively for the enormous recovery effort that of necessity follows widespread destruction—particularly when such disasters encompass several states at the same time.

II. COORDINATION OF SHORT- AND LONG-RANGE NEEDS

My second point concerns the necessity for federal laws to recognize that the short and long term effects of any disaster be treated as one.

I am referring here in particular to the housing problem.

In the Corning-Elmira area alone, more than 8,000 families were displaced from their homes by the flood. Within three months, HUD had brought in approximately 3,600 mobile homes, and virtually evey affected family had been housed. Some 850 homes were either carried away by the flood waters, or were so badly damaged that they had to be demolished.

We have on our hands now, gentlemen, what I would unreservedly say is a critical—let me repeat, *critical*—housing shortage.

The temporary mobile homes have been occupied for almost a year. The residents of these mobile homes are being urged by the government to move out.

But the sad fact is there is simply nowhere to go. Adequate and sufficient housing doesn't exist. Our state and local authorities have moved with all possible speed in applying for federally-subsidized housing and Urban Renewal projects. Some of these applications have been approved, and we're delighted with them. But many others are yet to be acted upon.

In the Corning-Elmira area, for example, the state Urban Development Corporation, local housing authorities, and local redevelopment agencies have submitted 16 applications to the federal government, asking for approximately 1,300 new housing units. As of mid-May, 8 applications had been approved, for 952 units. But that leaves 399 families without homes, particularly the elderly and those with modest incomes.

I cite these figures not to criticize in any way, believe me, but to illustrate and underscore an Achilles' heel in existing disaster legislation—that being the absence of any provisions to assist in the phasing out of short-term emergency housing, and to coordinate the provisions for long-term permanent housing.

The same expertise that is devoted to supplying short-term mobile housing quickly in a disaster area can and should be applied with equal urgency to help provide permanent housing for disaster victims who cannot otherwise obtain housing because of limited means.

The single most pressing need in the Southern Tier today is housing—due principally to the flood.

So if I may be presumptuous, may I urge you, gentlemen, to include in new disaster legislation provisions for the long-term as well as the emergency housing, and, furthermore, provisions for expediting disaster-related Urban Renewal projects.

III. STRONG CORPORATE RESPONSE

Third and finally, I believe a strong business response to a disaster is essential to a rapid community recovery—particularly in the psychology of a community. If one knows his job is there and not washed away, as was his house, he at least can begin with an element of confidence to look to the future.

Areas struck by Hurricane Agnes have recovered at varying speeds. While I have no formal data to support this, I suspect you would find that where business recovered quickly, so did the community.

I do not know about firms in other states, but I do know that Corning Glass Works began recalling people for work Monday, June 26, three days after the flood—to shovel mud and debris, to restore vital services, and to dismantle and clean production equipment.

The following day—Tuesday, June 27—we assured our people and the community that—contrary to widespread rumor—Corning Glass Works would indeed remain, would rebuild, and, in fact, add to its facilities here.

There is no reason for you to know this, but being highly subjective I will tell you that the strength not in word but in fact of Corning Glass Works is its people. Possibly the reason some of us work as hard as we do stems from a unique relationship we have to each other. And everyone's reaction under the pressure of the day was outstanding.

Two of our plants were back in operation within 10 days. By August 1—five weeks later—virtually all of our manufacturing facilities were back in operation.

Furthermore, the Corning Glass Center—important economically because of the substantial tourist business it attracts—was reopened also by August 1.

Today, the total employment of Corning Glass Works in this area is almost 900 persons higher than when the flood occurred—a gain of nearly 13%.

To respond to a disaster, business must have the *ability*, the financial resources to carry on. And it is here, Mr. Chairman, where in my opinion a flaw exists in the present disaster insurance provisions.

Let's look at this in terms of the size of the business—the retail business employing perhaps 10 or 15 persons, and the medium-sized business, with 50 to two or three hundred. These are the businesses that are least able to recover from a major uninsured disaster.

Present disaster laws provide for insurance that would cover the very small firm, although the limits are probably too low. However, the Administration has recently proposed higher limits, and if enacted probably would be sufficient to meet the insurance needs for these necessary small businesses.

But what about the medium-sized businesses—the factory with, say, 200 employes. In such businesses the owners may not be able to afford to purchase disaster insurance privately at prevailing rates. The limits on federally subsidized insurance simply are not adequate to begin to cover a major catastrophe.

Under present law, the only recourse such a business has is to obtain a government loan—at rates of interest up to a maximum of 5%. For many businesses, such loans are not economically feasible. Hence, the business might be unable to reopen its doors. Several hundred jobs are lost. And a restored home is of limited value if the job that supported the family is gone.

There are more than 130,000 such medium-sized businesses in this country. Today they stand unprotected against disasters such as flood and earthquake. I would hope that this could be corrected. I am no insurance expert, but perhaps it might be done by raising the limits on federally subsidized insurance—but this means moving substantially beyond the new proposals. I would suggest that these limits might be raised to one-half million dollars for subsidized coverage, and to one million dollars for total coverage—these limits to apply independently to nonresidential structures and to nonresidential contents.

Gentlemen, that concludes my testimony. I thank you for the opportunity to appear here—and particularly on behalf of my fellow citizens of this valley I thank you for your continued interest. In a circumstance such as this it is only when the government and citizens work hand in hand that hope and rebirth can emerge from shock and despair.

SENATOR HUMPHREY ASKS RELEASE OF IMPROVED OIL PRICE INDEX

Mr. HUMPHREY. Mr. President, as chairman of the Subcommittee on Consumer Economics, I strongly question the accuracy of Government price statistics and I urge the immediate publication of the Bureau of Labor Statistics' improved wholesale price indexes for refined petroleum products.

The published wholesale price indexes for many industrial products—including oil products—are based at present on inadequate and unrepresentative information. Yet these indexes are usually taken as gospel by Congress, the press, and the public. Now that rising prices are public enemy No. 1 and Government is intervening more and more in the marketplace, we need the very best price information we can get.

We face an especially confusing situation with respect to oil. The major sellers are under mandatory price controls. Yet the wholesale price index went up by 7.1 percent in April and 4.7 percent in May. Meanwhile I have received consistent reports of recent wholesale price increases of between 25 and 50 percent for oil products in my State of Minnesota. This confusion is eroding public confidence in the controls. The fact is that without valid price indexes it is impossible to tell what is going on.

The Bureau of Labor Statistics already has compiled a great deal of data for improved wholesale price indexes for refined oil products. Almost a quarter million dollars has gone into this work. For some reason, however, its publication has been delayed for many months, and no new publication date has been set.

I have written to Secretary of Labor Peter J. Brennan to inquire why the new improved indexes should not be incorporated immediately into the regular monthly BLS wholesale price release.

I ask unanimous consent that the text of my letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 13, 1973.

Hon. PETER J. BRENNAN,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: It has come to my attention that the wholesale price indices for oil products, presently published by the Bureau of Labor Statistics, are based on Platt's Oilgram and are poor indicators of actual price movements across the oil industry. I understand, however, that the Bureau—with substantial budget support from the Office of Emergency Preparedness—has been working for about two years to construct an accurate set of price data based on oil company submissions and that publication of new indices from these data initially was scheduled to begin in late 1972. I assume that by now these indices must be nearly ready.

Given the present *urgent* need for accurate data on price behavior in this critical industry, the BLS could make a great contribution to the knowledge of Congress and the public by making available the results of this work. As Chairman of the Subcommittee on Consumer Economics of the Joint Economic Committee, I should like to inquire into the following matters:

1. When will the BLS begin publishing its "special purpose refined petroleum prices and price indices" based on the data it has been collecting from the companies since July 1972?

2. Why should BLS not begin *now* to publish the new index *at least for the national level* on the ground that it is greatly superior to what is currently published?

3. If the delay in publication is based on deficient industry coverage, what proportion of the industry (in terms of sales volume) is now reporting some or all requested data? What proportion has refused to provide data? What reasons are given for refusal? What proportion is required to report before the BLS will publish its indices at least for the national level? What fraction of a regional sample must report to permit publication of regional indices? How did the BLS arrive at these standards?

4. What are you doing to obtain cooperation from presently non-cooperating companies? Could you expect any companies that now refuse to report to change their positions if publication went forward?

I would appreciate your replies to these questions at your earliest convenience, but at any rate by about June 20.

Sincerely,

HUBERT H. HUMPHREY,
Chairman, Subcommittee on Consumer Economics.

AGRICULTURE AND CONSUMER PROTECTION ACT OF 1973

Mr. PERCY. Mr. President, it was a very lonely position I found myself in last Friday when I was one of nine Senators to vote against final passage of the Agriculture and Consumer Protection Act of 1973.

I did vote against the bill as I felt it would be too costly to the Treasury and to the U.S. taxpayer as well as drive up consumer prices for food. At that time I inserted material in the RECORD showing how passage of the bill might drive up the cost of farm programs to $10 billion a year by the fifth year of the bill. I also inserted a letter from Secretary of Agriculture Butz outlining objections to the legislation.

I am most pleased now that the President has agreed with the assessment of the farm bill that the nine of us had last Friday. In his statement on the economy last night the President said:

> In its consideration of new farm legislation, it is vital that the Congress put high production ahead of high prices, so that farm prosperity will not be at the cost of higher prices for the consumer. If the Congress sends me a farm bill, or any other bill, that I consider inflationary, I shall veto such a bill.

Mr. President, I commend this statement by the President and hope that the House of Representatives will pass a farm bill that is less costly to the taxpayer, fairer to the consumer, and that I can then support when a final compromise bill is sent back to the Senate from conference.

REORGANIZATION PLAN NO. 2

Mr. MOSS. Mr. President, today I want to announce publicly that I am pleased the Senate has not chosen to turn down Reorganization Plan No. 2, a drug-abuse reorganization plan, submitted by the President to the Congress on March 28, 1973. Last Thursday, the House of Representatives paved the way for implementation of the President's plan by defeating a resolution to reject the reorganization plan. Because of action by the House, and lack of action by the Senate, the drug reorganization plan will go into effect on July 1.

In the past, I have generally favored tightening and streamlining Government agencies. Reorganization Plan No. 2 will accomplish this through the creation of a single enforcement agency to control domestic and international drug traffic and production. The new agency will be known as the Drug Enforcement Administration. It will be in the Justice Department.

President Nixon's statement, when he sent the plan to Congress, is indicative of the need for a new approach to handling the problems created by drug abuse in the United States. He said:

> Right now the Federal government is fighting the war on drug abuse under a distinct handicap, for its efforts are those of a loosely confederated alliance facing a resourceful, elusive, worldwide enemy. Certainly the coldblooded underworld networks that tunnel narcotics from suppliers all over the world are no respectors of the bureaucratic dividing lines that now complicate our anti-drug efforts.

To those who fear what may happen when this plan goes into effect, I want to emphasize that the Congress can closely observe the implementtaion of the reorganization plan. If any weak spots should appear, then Congress can and will rectify them. In addition, the Senate has the responsibility to give some direction to the reorganization plan through its confirmation power. Because the Administrator and his top deputy are both subject to Senate confirmation, the Senate can insure that the nominees are capable of coordinating the efforts of the drug enforcement agency.

To summarize, for too long we have had a fragmented approach to the narcotics problem. Reorganization Plan No. 2 provides a solution to the problem by establishing a cohesive, well-managed organization. Federal drug law enforcement will be streamlined. Direction will be given in the fight against the insidious forces associated with illegal drug distribution. Overall Federal drug law enforcement strategy, program implementation, and evaluation will result from this plan.

Thus, I am happy that the House and Senate have not chosen to prevent Reorganization Plan No. 2 from going into effect on July 1.

ATTACK ON MILITARY JUSTICE SYSTEM

Mr. THURMOND. Mr. President, a thorough and enlightening article reference the current attack on the military justice system appeared in the June issue of the Armed Forces Journal.

Authored by Robert D. Heinl, Jr. of the North American Newspaper Alliance, this article clearly documents the unprecedented attack on our military justice system.

Also of concern to me is the report of the task force on the administration of military justice, submitted to the Secretary of Defense in November of 1972. The recommendations of this task force, if implemented, will in my opinion adversely affect the armed services.

Mr. President, these matters are of the gravest concern, for without a sound military justice system the future health of our Armed Forces could be seriously jeopardized.

Extraordinary steps, maybe even a constitutional amendment, may be required to preserve the military justice system from the attacks of the courts, activist lawyers and antimilitary reformers.

Mr. President, I ask unanimous consent that the article by Colonel Heinl, entitled "Military Justice Under Attack" be printed in the Record at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From Armed Forces Journal, June 1973]

Military Justice Under Attack

(By Col. Robert D. Heinl, Jr.)

Law, order, and the day-to-day discipline of the Armed Forces are being dangerously undermined if not subverted under the cumulative impact of a wide-range though little-noticed series of legal challengers brought mainly by radical lawyers and consistently substained by libertarian civilian courts.

Originating in the 1950s but only hitting stride within the past five years, unquestionably as a side-effect of the Vietnam War, a general Constitutional offensive against the traditionally separate preserve of military justice and its distinct rules and laws is now being vigorously pushed through the U.S. courts with results that many experienced soldiers feel may cripple or certainly threaten military discipline as it has existed until now. The central thrust of the attack, which, service lawyers say, is being principally mounted by the American Civil Liberties Union (ACLU), by the National Lawyers' Guild, and by the NAACP, is to impose literal application of the libertarian and egalitarian provisions of the Constitution upon the Armed Forces which, in their nature as institutions, cannot tolerate or coexist with libertarianism or egalitarianism.

What judicial interference, primarily by piecemeal decisions on the part of well-intended civilian judges, has been doing to clobber the good order and discipline of the Armed Services can best be appreciated by a sampling of court actions concerning military cases during the past five years.

In 1969, on the technicality (overturning two centuries of past precedents) that courts-martial should not try soldiers for "civilian" offenses, the U.S. Supreme Court released Stephen J. Borys, a convicted officer (12 counts of sodomy, rape and burglary) from 30 years in Leavenworth, gave him $50,000 back pay and forced the Army to take him back into uniform as a captain.

Another soldier-rapist, James F. O'Callahan, doing 10 years hard labor, not only won his freedom on the same technicality (in a controversial decision by Supreme Court Justice William O. Douglas) but lent his name, also in 1969, to a case which, as stated in a powerful dissent by Justice John M. Harlan, "Has thrown (military) law into a demoralizing state of uncertainty.

Just last month, Dr. Howard B. Levy, the Army doctor-draftee who, in 1967, openly called on black soldiers not to fight in Vietnam and told Fort Jackson, C.C. trainees, "Special Forces personnel are liars and thieves and murderers of women and children," has had his court-martial conviction and three-year prison sentence overturned by the Third Circuit U.S. Court of Appeals on the grounds that the centuries-old military offense of conduct unbecoming an officer and a gentleman now has no meaning or legality

Another stinging upset to the Army's attempts to keep its house in order was the 1970 New York decision by U.S. Judge Charles H. Tenney requiring that former Pvt. Andrew D. Stapp, an admitted soldier-Communist-fund-raiser for subversive organizations on the Attorney General's list and author of "Up Against the Brass," a grossly seditious anti-Army book, be given an honorable discharge with veterans' benefits instead of the undesirable discharge with which the Army drummed him out of its ranks.

Two seditious soldiers who sought in 1968 at the height of the war to subvert the allegiance and discipline of their comrades at Ford Ord, Calif., by plastering the post with anti-war leaflets and trying to organize an enlisted men's protest union, had their three-year prison sentences revoked with restoration of back pay and honorable discharges by a 1972 Washington, D.C., decision by U.S. Judge Aubrey F. Robinson, on the singular grounds that their acts were neither prejudicial to discipline nor disloyal.

Despite long-standing Anglo-Saxon traditions that seek to separate the military from politics and vice versa, the U.S. District Court in Providence, R.I., last October required the U.S. Navy, over strong objections, to open its Quonset operating base to heavily anti-war and anti-military speeches and electioneering obviously prejudicial to discipline, on the part of splinter Presidential candidate, Dr. Benjamin Spock.

Similarly, in distant San Antonio, Texas, on the technicality that one part of Fort Sam Houston was normally open to the public, the Supreme Court last year required the commander to open his entire vast installation to militant activist distribution of anti-war leaflets and other seditious propaganda aimed against the discipline and loyalty of the Army.

The uniform of the U.S. Services has been long protected by a law prohibiting its unauthorized wearing or its wearing in any way so as to discredit the Armed Forces, but this protection for the badges of a soldier's honor was struck down in 1970 by the Supreme Court, which released a Houston, Texas, anti-war militant who had joined in a nationally coordinated series of guerrilla-theater skits in front of induction centers, wearing an Army uniform in defiance of the law.

The time-hallowed all-hands religious observances each Sunday at West Point and Annapolis and the Air Academy, were finally struck down in 1972 by the same Supreme Court which had outlawed prayer and Bible readings in public schools.

In another Federal Court intervention, U.S. District Judge Charles L. Brieant, Jr., last summer enjoined the Superintendent of West Point from the normal procedure (as old as the Academy itself) of automatically discharging a misbehaving cadet who had exceeded the permissible number of demerits in the 1971–'72 academic year. Instead, with later support from the Second Circuit Court of Appeals, the judge in effect required West Point to hold a legalistic trial on each such case.

With applause from the ACLU, which has been an active party in nearly all lawsuits attacking honor codes and discipline of the Service academies, Federal District Judge Lloyd F. McMahon last December compelled the Air Force Academy to surrender administrative data covering separations of cadets from the Academy, to the New York University Law Review's editors, with the avowed purpose of research for further anti-Academy litigation.

Using an elaborate network of straw plaintiffs, a Berkeley, Cal., antiwar front group whose lawyer refuses to disclose the source of funds to pay the heavy costs involved, has, with the support of findings from U.S. District and Appeals Courts in Washington, D.C., currently brought to the Supreme Court a constitutional suit intended to exclude over a hundred members of Congress from the military reserve.

Although the Navy has been trying with might and main simply to begin the trial of an anti-war saboteur, Patrick D. Chenoweth, who allegedly disabled the turbines of the aircraft carrier *USS Ranger* nearly a year ago, a succession of blocking decisions on procedural technicalities, two by U.S. District Court judges in San Francisco, and two by the Ninth Circuit Court of Appeals, have prevented a court-martial from even hearing the case although charges were preferred in August 1972.

Interference in the administrative processes of the Services to the point of outright disruption has long been a specialty of controversial anti-military Supreme Court Justice Douglas. In September 1968, although then Chief Justice Earl Warren had already denied the petition, Douglas nonetheless issued an order blocking the deployment to Vietnam of an entire Army Reserve unit, the 1002D Supply Company, on an abstract question as to whether the draft was legal.

In December 1971, Douglas compelled the Navy to cancel transfer of a Naval junior lieutenant—a fundamental interference in the right of a Service to move its officers—on the grounds that his orders to Alaska somehow conflicted with his 1st Amendment rights to free expression (on the subject of the Vietnam War). A year later, in 1972, Douglas struck again, this time halting all draft inductions in seven counties of Southern California, in response to an ACLU action seeking to prevent the drafting of seven war protesters.

The administration and internal regulations of prisons, disciplinary barracks and stockades of the Army and Air Force are currently under attack in the U.S. District Court, Washignton, D.C., by National Prison Project, an ACLU front group which is suing to end mail censorship, to relax controls on contraband, and vitiate other normal prison disciplinary practices and restrictions.

OFFENDERS FREED

Just last month, Los Angeles U.S. District Judge David Williams arbitrarily directed immediate release of over 1,500 convicted Navy and Marine offenders in brigs throughout the world (not just in his own judicial district) because informal summary-court procedure specifically enacted by Congress to deal with minor cases eliminates both defense and prosecuting lawyers. Even the California Ninth Circuit Court of Appeals, often given to anti-military rulings, has temporarily stayed Judge Williams' sweeping order, which the Navy, of course, plans to appeal.

In a March 1973 decision with even more harmful consequences, retired Supreme Court Justice Tom C. Clark, father of anti-war activist Ramsey Clark, ruling for a special panel of the Washington, D.C., Circuit Court of Appeals, struck down as "unconstitutional" the so-called catchall "General Articles" of the Uniform Code of Military Justice, which were framed by John Adams (who also helped frame the Constitution) and unanimously enacted by the Continental Congress, which included every other framer of the Constitution.

Flying in the face of the obvious fact that any private knows the difference between behavior and misbehavior, and between discipline and indiscipline, Clark ruled that the historic charge of "Conduct to the prejudice of good order and discipline"—one of the military's most important disciplinary tools—is somehow, after two centuries on the books, no longer a punishable offense in the Armed Forces.

In some ways the most extreme if not contradictory civilian judicial decision in a matter going to the heart of Military Service is the ruling, in January this year, by U.S. District Judge W. Arthur Garrity in

Boston, granting to certain conscientious objectors the same veterans' benefits as those earned under fire or in long years of torture and bondage in the grim prisons of Hanoi.

Taking an all too willing lead from the U.S. Courts in hamstringing service discipline, administration and standards of behavior, the U.S. Court of Military Appeals top (civilian-manned) appellate court in the military legal system, has vented such bizarre rulings as the following: (1) That it is no offense for a commissioned officer to cheat on gambling debts by writing $7,000 worth of rubber checks; (2) That brig and stockade yardbirds can curse and threaten to kill guards "without showing disrespect"; (3) That a Vietnam private who "fragged" a live grenade into a hut where four sergeants were sleeping should go free because after conviction and an 80-year sentence, his defense counsel did not introduce character-witnesses; (4) That a soldier who ran around nude in a headquarters office after refusing to don his Army uniform was innocent of any wrongdoing; and (5) That two confessed drug-running soldiers caught redhanded in an air terminal with a load of narcotics should be freed because they had been searched "without probable cause" even though a trained drug-sniffing dog had ferreted out their contraband.

COMMAND ASPECTS

While the foregoing samples—and they are only samples—of recent and increasing civilian judicial interposition in and frequent nullification of time-honored military practices are superficially diverse, they nevertheless present certain common aspects which bode little good for discipline (and therefore the effective functioning) of the Armed Forces.

Aside from the dead hand of egalistic technicality which releases overwhelmingly guilty rapists like Borys and O'Callahan, or frees murderous soldier "fraggers" for lack of character witnesses, nearly every instance of judicial obstruction, harassment, or interference in the military sphere is aimed at impeding the right and ability of commanders to control their own men and their own ships or installations. Yet the unfettered right of commanding officers to command—in the full sense of the word—is the keystone of the military system and is the only way in which soldiers can be disciplined so as to face death without hesitation when so ordered. Thus the legalization and, if you will, the "lawyerization" of the military system interposes lawyers and such-like civilian third parties (including courts and judges) with no military status or responsibility, into the machinery in such a way as to impede and weaken the necessary and necessarily autocratic and paternal authority of the commander.

Justices Douglas and Clark, for example, will never be called to account if soldiers mutiny, quibble, shirk discipline, refuse duty, disobey, or commit any number of other offenses which can bring down an Army more surely than enemy bullets. Yet the decisions of these learned justices, and of others cited here, can be predicted to produce just such effects. It is no matter, libertarians argue, the principles of the Constitution override any such practicalities as to whether an Army refuses to fight (as U.S. units repeatedly did in Vietnam), or whether ships of the U.S. Navy are wracked by mutiny, affray and sabotage that go unpunished. We can afford to sink the Armed Forces, they say, rather than sacrifice an iota of Constitutional writ.

Yet those who sincerely hold the above view (as distinct from radical lawyers whom senior commanders and service legal experts believe are widely manipulating the Constitution as a tool to dismantle or subvert Armed Forces discipline) fail to face the fact that free societies need bodies like armies and police forces which, precisely in order to protect and preserve the larger free society, must themselves be authoritarian and governed by different rules than the free-and-easy individualism and egalitarianism of the Bill of Rights.

One dominant reality is that, as social organisms, military forces necessarily differ from civilian society in structure, in special values, in codes, in standards of behavior, and in stringent enforcement of all the foregoing. From this reality, obvious enough, stems the fact that military law includes a whole body of crimes and offenses that do not constitute crimes on the outside. Cowardice, desertion, disrespect, sleeping on watch, mutiny—every one is and must be a grave crime in the scale of military values, yet none is known to the law of civilians. These and similar offenses are proscribed in the soldier's code because they strike at the heart of an Armed Force's ability to perform (and win) in battle, which is of course the overriding purpose for having Armed Forces.

Nothing save deeply inculcated discipline can drive soldiers or Marines to cross a fire-swept beach, storm a pillbox, or advance into the next house in street-fighting. There is another reason for the absolute and severe nature of military discipline, which the judges are today busily undermining, that few civilians and even some soldiers do not remember. The purposeful severity of the Military Disciplinary System that the U.S. (and other) Armed Forces have today arose toward the end of the 17th century, and flowered in the 18th, as part of a general trend toward the civilization of warfare. At that time, undisciplined armies and bands of lawless soldiery were the scourge of Europe, and the hanging provost-marshals and stern field courts-martial that came into being in the 18th century were directly related to widespread public desire to eliminate or curb the My Lais of that day—the atrocities, looting, rape and other wanton if not outrageous behavior on the part of uncontrollable soldiers. Great commanders such as Lord St. Vincent and the Duke of Wellington (or our own Winfield Scott) who hanged and flogged their fleets and armies into discipline were in fact civilizing and limiting war and its effects.

The durability of the precedents created in the 18th century, before the U.S. came into existence (and which were unhesitatingly adopted by George Washington and John Adams on the simple practicalities they well understood), is illustrated by the fact that, only since the 1950s has the sound, old Military Justice System come under judge-made bombardment.

COURTS ABSTAINED

Until then, the civilian courts, by long usage, carefully abstained from the realm of military law except in the special case of *habeas corpus* actions based on traditionally precise and narrowly defined grounds, such as lack of jurisdiction, denial of due process, or prosecution where an offense had not been specified. The long-standing (and practical) view taken by earlier U.S. courts of the necessities of military discipline was expressed in the 1890s by a Supreme Court justice who bluntly ruled, "The Army is not a debating society," an obvious truth which, if heeded by today's libertarian judges, would sharply reduce the amount of judicial meddling in the internal affairs of the Services.

Yet, from the foregoing exemplary expression of judicial restraint, only 60 years ushered in an era of ever-increasing wide-open litigious tampering with the systems and concepts underlying military justice. Beginning about 20 years ago, no aspect of military law, however hallowed in precedent or, for that matter, by Congressional enactment (such as today's Uniform Code of Military Justice), has been safe or sacred. One powerful and immediate illustration of the consequences lawyerized tampering with and erosion of a system empirically shaped on long experience to produce given, necessary results, can be found in the pandemic of barracks and shipboard theft that has been sweeping the Armed Forces for the past several years.

While theft as a military problem has not received the publicity accorded to race and drugs, it is an evil of truly monumental consequences and proportions not only intrinsically, but because the presence and operations of thieves is lethal to morale and mutual confidence in groups (like rifle squads, submarine crews, etc.) which must depend absolutely on each other to survive. The commander of one of the best combat divisions in the Armed Forces has said privately that barracks theft has been his top problem and worse for morale than even race or drugs. In corroboration, this reporter, when visiting Fort Bragg, N.C., two years ago, found theft so prevalent in the elite airborne units garrisoned there that, in order to foil barracks junky thieves, soldiers had to strip sheets and blankets and pillows from their bunks every day and lock them up until nightfall.

The cause of these awful conditions, which are recurring throughout the U.S. Armed Forces nearly everywhere in the world, goes directly back to a bitterly divided 1957 decision in the U.S. Court of Military Appeals, which struck down as unconstitutional a long-standing military rule that the unvarying punishment for theft, however slight, must be instant Dishonorable Discharge from the Service. Until that time, the expressed policy of the President (promulgated to the Services) and of every Service Secretary going back time out of mind, was stated in the words of one ruling by the Secretary of the Navy, "There is no place in the Service for a thief."

FERGUSON'S RULING

On November 15, 1957, in what military lawyers consider one of his most aberrant among many odd decisions, Former Judge Homer Ferguson, onetime Michigan Senator, killed the automatic discharge penalty for military thieves and thus, in the opinion of those who have had to live with the consequences, all but forced the Services to retain rather than drum out turpitudinous rotten apples.

The Armed Services today, as on so many other fronts, are beleaguered by courts, activist lawyers, antimilitary "reformers" whose idea is to reform the military out of existence, or simply by wooly-headed people who, like J. M. Keynes on one occasion, said that, of course England needed an Army, but it should always be weak. Thus, when military lawyers and judges-advocate general are asked what remedies they see to offset ever-increasing judicial interference in their system and operations, they are pessimistic. Today, for example, the main concern of the Services is simply to stand off the far-out proposals of Indiana Democratic Sen. Birch Bayh, who, with loud support of the Congressional Black Caucus, National Lawyers' Guild, ACLU, NAACP and a comparable menagery of other anti-military vested interests, is pushing legislation which would virtually dismantle the military justice machinery as it now stands.

The Black Caucus goes one step further: it has openly called for complete abolition of all military tribunals and trial of military personnel only in the civilians courts and only for offenses recognized in civil law. Other lawyers standing clear of the fray and realistically aware of the need for effective and functionally distinct military justice agree that the main requirement is some kind of legal "fence" or clear boundary between Military Law and Courts and their intrusive civilian counterparts.

Some lawyers gloomily speculate that only a Constitutional amendment (like the existing Constitutional exemption of the Armed

Forces from the jury process) can legitimize essential differences which do and should exist between Military and Civilian Justice. In the present temper of the country, Congress included, such a Constitutional amendment to the benefit of the Armed Forces would, unfortunately, be impossible even to imagine.

HIGH COURT SOLUTION

Other lawyers say that a Supreme Court decision clearly placing the Military Justice System under and within the Executive Branch (Article 1 of the Constitution) and as clearly separating it from the Judicial Branch (Article 3) would provide the fencing necessary to prevent the continual damaging spillovers of piecemeal judicial meddling that have been described. Until such explicit protection can be understood as vitally necessary to the effectiveness of Military Forces, and these forces are in turn, recognized as essential to public freedom and national survival, the common defense and Armed Services are going to be hobbled, harassed, impeded, sabotaged and vexed in doing what they must do for the sake of all of us.

PHILLIPS' OUSTER

Mr. WILLIAMS. Mr. President, on June 11, U.S. District Court Judge William B. Jones rendered a decision which may very well go down in the annals of constitutional litigation as a landmark.

The legal issue, simply put, was whether or not the President could circumvent the advise-and-consent provision of the U.S. Constitution—article II, section 2—by refusing to submit temporary appointees to the confirmation process. The court ruled that the President's power to appoint is clearly subject to the Senate's right to exercise its scrutiny over such individuals, unless the Congress shall otherwise dictate.

As a direct result of a lawsuit entered into by myself and three colleagues, the distinguished Senator from Rhode Island (Mr. PELL), the distinguished Senator from Minnesota (Mr. MONDALE), and the distinguished Senator from Maine (Mr. HATHAWAY), the court declared that the President's appointment of Mr. Howard Phillips as Acting Director of the Office of Economic Oportunity was null and void on the basis that Mr. Phillips' name was never submitted for consideration to the Senate.

As chairman of the Labor and Public Welfare Committee, which has legislative jurisdiction over OEO, I have watched with growing alarm the arrogance with which Mr. Phillips has carried out the dismantling and destruction of that agency. As each day went by, it became obvious that the President was not going to submit Mr. Phillips' name to the committee for consideration. The combination of these two actions—the deliberate abuse of senatorial prerogatives, and the cavalier destruction of so many worthwhile social and economic programs, clearly could not go unheeded.

It was this framework of urgency which prompted my colleagues and me to seek this admittedly extraordinary remedy of judicial removal. I think Judge Jones' decision declaring the appointment void, and enjoining the incumbent from any further official duties, will go a long way toward re-establishing congressional prerogatives which unfortunately have been subject to attack during the past few years.

Furthermore, the removal of Mr. Phillips from office coming just 2 months after having had the same court declare his dismantling efforts to be illegal, is a ringing endorsement of the fact that the Congress must continue to play a key role in the important task of reorganizing our priorities, so that human and domestic needs will be our first consideration.

Because of the great significance of the decision, which I am sure that many Members of the Senate will wish to read, I hereby ask unanimous consent that the full text of the decision and court order be printed in the RECORD.

There being no objection, the decision and court order were ordered to be printed in the RECORD, as follows:

[U.S. District Court for the District of Columbia, Civil Action No. 490–73]

SENATOR HARRISON A. WILLIAMS, JR., SENATOR CLAIBORNE PELL, SENATOR WALTER F. MONDALE, AND SENATOR WILLIAM D. HATHAWAY, PLAINTIFFS v. HOWARD J. PHILLIPS, ACTING DIRECTOR, OFFICE OF ECONOMIC OPPORTUNITY, DEFENDANT

ORDER

This matter having come before the Court on the plaintiffs' motion for summary judgment and the defendant's motion to dismiss, and the Court having considered the memoranda filed in support of and in opposition to those motions, and having heard argument of counsel, and for the reasons stated in the Opinion filed in this case,

It is, this 11th day of June, 1973,

Ordered That the motion of the plaintiffs for summary judgment be and the same is hereby granted;

Further ordered That the motion of the defendant to dismiss be and the same is hereby denied;

Further ordered, adjudged and declared That the defendant Howard J. Phillips is serving unlawfully and illegally in his position as Acting Director of the Office of Economic Opportunity in that he has been exercising the powers of Director of that Office but he has not been appointed Director of that Office by the President and confirmed by the Senate as required by 42 U.S.C. § 2941(a) (1970), and that his unlawful service has continued from January 29, 1973, to the present date; and

Further Ordered That the defendant Howard J. Phillips is enjoined from taking any action as Acting Director of the Office of Economic Opportunity.

WILLIAM B. JONES,
Judge.

OPINION

This action is brought by four United States Senators to remove the defendant, Howard J. Phillips from his position as Acting Director of the Office of Economic Opportunity [OEO] because he has not been appointed by the President, and confirmed by the Senate, as Director of OEO, as is required by 42 U.S.C. § 2941(a) (1970). The plaintiffs, Senators Harrison A. Williams, Jr., Claiborne Pell, Walter F. Mondale, and William D. Hathaway are all members of the Senate Labor and Public Welfare Committee, with Senator Williams serving as Chairman of that Committee, which has legislative jurisdiction over OEO. Jurisdiction is based on the federal question statute, 28 U.S.C. § 1331(a) (1970). The case is now before the Court on the plaintiffs' motion for summary judgment[1] and the defendant's motion to dismiss for failure to meet the jurisdictional amount of $10,000, for lack of standing, and for failure to state a claim upon which relief may be granted. For the reasons set forth below, the Court finds no merit to the jurisdictional defenses of the defendant, and holds that the defendant is not serving validly in office and enjoins him from taking any action as Acting Director of OEO.

The defendant urges that the plaintiffs have failed to show that their complaint meets the jurisdictional amount of $10,000 required by 28 U.S.C. § 1331(a) (1970). In support of this argument the defendant contends that the injury alleged by the plaintiffs in their complaint, the denial of their opportunity to consider the defendant's qualifications for the position of Director of OEO (Complaint ¶ 10), is not measurable in dollars and cents and thus cannot meet the jurisdictional amount. *McGaw* v. *Farrow*, 472 F.2d 952 (4th Cir. 1973); *Goldsmith* v. *Sutherland*, 426 F.2d 1395 (6th Cir.), *cert. denied*, 400 U.S. 960 (1970). The plaintiffs, however, do not disagree with the $10,000 requirement, but assert they have met the test.

In cases in which purely injunctive relief is sought, the amount in controversy may be measured either by the value of the relief sought by the plaintiff or the cost of enforcing that right to the defendant. *Tatum* v. *Laird*, 144 U.S. App. D.C., 72, 444 F.2d 947 (1971), *rev'd on other grounds*, 408 U.S. 1 (1972) (dictum); *Hedberg* v. *State Farm Mutual Automobile Insurance Co.*, 350 F.2d 924 (8th Cir. 1965) (dictum). Although the Supreme Court has not spoken definitively on the issue, *Flast* v. *Cohen*, 392 U.S. 83, 103 (1968), in discussing standing, noted that "the challenged program involves a substantial expenditure of federal tax funds," without reference to the value of the plaintiff's claim. In this case, the plaintiffs challenge the legal right of the defendant to administer a program with an appropriation of over $790 million dollars for fiscal 1973. Pub. L. No. 2–607, ch. 4, 86 Stat. 1503. Under these circumstances, the plaintiffs are found to have met the $10,000 requirement.[2]

The plaintiffs have brought this action in their capacity as United States Senators who are entitled to pass upon the qualifications of the Director of OEO in the confirmation process, both as members of the Labor and Public Welfare Committee and as members of the Senate as a whole (Complaint ¶ 10). The defendant challenges the standing of the plaintiffs to bring the action in that context because their interest as legislators in the subject matter of the controversy allegedly is not an injury in fact within the terms of *Sierra Club* v. *Morton*, 405 U.S. 727, 734–35 (1972). The Court holds that the plaintiffs have the requisite standing.

Six days after this suit was filed the Court of Appeals for the District of Columbia decided *Mitchell* v. *Laird*, —— U.S. App. D.C. ——, —— F.2d ——, No. 71–1510 (March 20, 1973). In affirming the dismissal by the District Court of a suit brought by 13 members of the House of Representatives to enjoin the war in Indo-China, the Court of Appeals decided that the plaintiffs did have standing to assert that claim. The Court held that assuming that the war was illegal, that declaration would bear upon the duties of the plaintiffs as members of the House to impeach the defendants as well as their duties to consider and act on appropriations bills, or other legislative matters, such as raising an army, or the enactment of other civil or criminal legislation. In this case, a declaration that the defendant is unlawfully serving in office would bear upon the plaintiffs' duties to consider appropriations for OEO, or other legislative matters affecting OEO or the position of OEO Director. Moreover, the service by the defendant as Acting Director of OEO, rather than Director, does not remove the direct injury to the plaintiffs' alleged right to pass on the individual nom-

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Footnotes at end of article.

inated to be Director. The injury is aggravated, if anything, because the Acting Director is performing the duties of the Director without the advice and consent which the plaintiffs would have been able to assert over an individual whose name had been submitted to the Senate for confirmation. Having rejected these jurisdictional defenses, the Court now turns to the merits of the case.

The Economic Opportunity Act of 1964, the substantive legislation creating OEO, requires that OEO "shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate." 42 U.S.C. § 2941(a) (1970). In addition, the Deputy Director and five Assistant Directors are all to be appointed by the President with Senate confirmation. *Id.*

It is undisputed that the defendant Phillips was appointed Acting Director of OEO on January 31, 1973, by the President.[3] On that same date, Phillip V. Sanchez, then OEO Director, in anticipation of the acceptance of his resignation, signed a delegation of his powers to the defendant pending the appointment of Sanchez's successor.[4] Phillips had been serving as an OEO Associate Director for Program Review, a post not subject to Senate confirmation. The defendant's name has not been submitted to the Senate for its advice and consent on an appointment as Director of OEO.[5] No provision is made anywhere in the Economic Opportunity Act of 1964, as amended, for the appointment of an Acting Director. From these undisputed facts it is urged that the defendant is illegally serving in office.

Article II, section 2, of the United States Constitution, provides that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint . . . all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: But the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

"The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session."

Thus, the plaintiffs argue, the Constitution dictates that all federal officers not otherwise provided for in the Constitution shall be nominated by the President and appointed with the advice and consent of the Senate except as the Congress may otherwise provide by law for that power in the President or others. The OEO director is an officer of the United States and the Congress has not provided specifically for the position to be filled in any manner other than the nomination and confirmation process described in Article II. The plaintiffs would, however, find the authority to fill the vacancy created by Sanchez's resignation in the general law dealing with the filling of vacancies in office by the President (the Vacancies Act of 1868, as amended, 5 U.S.C. §§ 3345–49 (1970)).[6] But the plantiffs assert that because the terms of that Act limit the term of appointments under it to 30 days, 5 U.S.C. § 3348, the defendant Phillips has been serving unlawfully in office since March 3, 1973, 30 days after his January 31, 1973, appointment as Acting Director.

The defendant counters with two different arguments: first, that the President has the constitutional power to appoint officers of the United States without Senate confirmation deriving from his obligation under Article II, section 3, to "take Care that the Laws be faithfully executed;" and, second, that the Vacancies Act is inapplicable on its face to the Director of OEO and thus was not required to be followed, as it was not, in this case. Because the main thrust of the defendant's argument has gone to the inapplicability of the Vacancies Act, that argument will be treated first.

The basic argument is that because the Vacancies Act on its face is applicable only to Executive and military departments, the office of Director of OEO is not subject to its strictures because OEO is not an Executive or military department as those terms are defined in 5 U.S.C. §§ 101 and 102 (1970).[7] Certainly it is true that OEO is not an Executive or military department as those terms are defined. OEO is what section 104 of title 5 defines as an independent establishment—one in the Executive branch other than, with enumerated exceptions, an Executive or military department. But the facial inapplicability of the Vacancies Act to the appointment in question does not establish the legality of the appointment. The question remains, by what authority does the defendant serve in office if he was not appointed pursuant to the Vacancies Act.

The constitutional provision governing the appointment of federal officials is clear in its mandate. Unless Congress has vested the power of appointment of an officer in the President, the Courts, or a Department head, he may be appointed only with the advice and consent of the Senate, unless that body is in recess. Although no clear case interpreting this provision has arisen, there are several sources which favor that interpretation.

In *Ex parte Siebold*, 100 U.S. 371 (1880), the Court upheld the validity of an Act of Congress authorizing the appointment of supervisors of elections by circuit courts of the United States notwithstanding the claim that the duties of the supervisors were executive in character. The Court recognized that under Article II, section 2, of the Constitution, Congress had the power to vest by law the appointment of inferior officers of the federal government in the President alone, in the Courts, or in the heads of Departments. And it declared, with respect to the appointment of the supervisors, that "as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress." *Id.* at 397–98. *See also United States* v. *Eaton*, 169 U.S. 331, 343 (1898).

Two opinions of the Attorney General contain similar language indicating that the President must obtain the advice and consent of the Senate on all appointments of officers of the United States[8] whose appointments have not been otherwise vested by Congress in the President, the Courts, or a Department head. In early 1885, a question arose as to whether the President or the Secretary of the Treasury had the power to appoint the assistant collector at the port of New York. Congress had provided previously that the office be filled by the Secretary. In the revision of the statutes, however, the provision was omitted and thus repealed, so that the office of assistant collector remained but without any statutory provision on the manner in which it was to be filled. The Attorney General advised the President that in the absence of any statutory provision, the power of appointment lay in the President with the advice and consent of the Senate as set forth in Article II, section 2, of the Constitution. 18 Op. Att'y Gen. 98 (1885).

Similarly, in 1886 the question was who should appoint the chief examiner of the Civil Service Commission. The act creating the position did not specify who had that power. The Attorney General reasoned that because the chief examiner of the commission would be an officer of the United States established by law, the power to fill the position would rest in the President subject to Senate confirmation. 18 Op. Att'y Gen. 409 (1886).

Ex parte Siebold, supra, and the opinions of the Attorney General give strong indication that in the absence or repeal of a statute vesting an appointment outside the nomination and confirmation process, that process is the exclusive means for appointing federal officers.

The defendant, however, would answer the question of by what authority he does serve in office by finding in the President a direct constitutional power to appoint officers temporarily without restriction to Executive branch positions outside the Executive and military departments. This argument is premised on the words of Article II, section 3, of the Constitution, which obligate the President to "take Care that the Laws be faithfully executed." In support of that proposition two opinions of the Attorney General are cited. Neither supports the finding of such a temporary appointive power.

The first opinion, 6 Op. Att'y Gen. 357 (1854), concerned the appointment of Navy pursers in the "distant service." Two acts of Congress created a new requirement that all Navy pursers be appointed by the President by and with the advice and consent of the Senate except those in the emergency circumstance of "distant service." The Attorney General concluded that these two acts gave the President the power to issue regulations concerning such appointments in the "distant service," independently of the power to issue regulations for the Navy granted the President by a third act. He did not conclude, as the defendant asserts, that the President has the inherent authority to make temporary appointments to all positions requiring nomination and confirmation.

The second opinion of the Attorney General cited by the defendant, 25 Op. Att'y Gen. 258 (1904), dealt with the power of the President to fill vacancies temporarily while the Senate was not in session by assigning one officer to perform the duties of another. The opinion concluded that the President had both the constitutional power and the statutory authority temporarily to fill a vacancy occurring during a Senate recess. The opinion was not directed to the appointment during a Senate session, as here, of one who was not an officer to hold the position and, as in the previous opinion, was addressed to an emergency situation.

Whatever the merits of the argument finding an interim appointment power in the President may be, it is clear from the defendant's own citation of authority that that power, if it exists at all, exists only in emergency situations. No claim has been made that the appointment of Phillips was necessitated by any emergency situation and the Court finds that there was none, and thus expresses no view on the existence or scope of such a power.

Several constitutional problems are presented by a temporary appointive power of the President as interpreted by the defendant. If the President has an inherent (or more properly, derivative) power to make temporary appointments of federal officers under his obligation to faithfully execute the laws, then the Vacancies Act would be unconstitutional. If the President has a constitutional power to make temporary appointments, then Congress cannot limit the exercise of that power as it has through the Act. But the defendant himself claims the power to temporary appointment only for those officers not covered by the Vacancies Act. For this Court to hold that the President has the constitutional authority to appoint temporary officers only if they are not covered by the Vacancies Act or similar legislation, see *infra*, would place a strange construction indeed on a constitutional power.

Moreover, a Presidential power to appoint officers temporarily in the face of statutes

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Footnotes at end of article.

requiring their appointment to be confirmed by the Senate, such as is required for the OEO director by 42 U.S.C. § 2941(a) (1970),[9] would avoid the nomination and confirmation process of officers in its entirety. Constitutional provisions cannot be given such an interpretation.

The plaintiffs urge that the Vacancies Act be held to apply to all Executive agency temporary appointments, as was the original Congressional intent.[10] This construction would avoid a potential constitutional conflict between the requirement that all officers be nominated by the President and confirmed by the Senate in the absence of contrary legislation, and the possible emergency power of the President to make temporary appointments argued for by the defendant. The position urged by the plaintiffs is unsound.[11]

The codification of title 5 of the United States Code in 1966, Pub. L. No. 89–554, 80 Stat. 378, which contains the Vacancies Act, was enacted into law two years after the passage of the Economic Opportunity Act of 1964, Pub. L. No. 88–452 Stat. 519. The definition in 5 U.S.C. § 101, note 7, *supra*, of Executive department as used in the vacancies Act did not include OEO. The Congress has amended section 101 twice since the codification and has not included OEO on either occasion.[12] Thus it cannot be assumed that Congress failed to include OEO in the terms of the Vacancies Act by mere oversight and that Congress intends that the Act cover the OEO Director. The more reasonable interpretation is that Congress intended to foreclose the possibility of the Executive making a temporary appointment of the OEO Director.

Congress has shown through legislation other than the Vacancies Act that it knows how to provide for an acting administrator of Executive agencies not contained within the Executive departments. The Administrator of Veterans' Affairs, the head of the Veterans' Administration, is nominated by the President and confirmed by the Senate. 38 U.S.C. § 210(a) (1970). Section 210(d) of that title provides for the appointment of a Deputy Administrator by the Administrator, and further that:

"The Deputy Administrator shall perform such functions as the Administrator shall delegate and, unless the President shall designate another officer of the Government, shall be Acting Administrator of Veterans' Affairs during the absence or disability of the Administrator or in the event of a vacancy in the Office of Administrator."

Section 210(d) was added by Pub. L. No. 89–361, 80 Stat. 29, only six months prior to the codification of the Vacancies Act of title 5.

The Comptroller General, the head of the General Accounting Office, and the Deputy Comptroller General, are appointed by the President by and with the advice and consent of the Senate. 31 U.S.C. § 42 (Supp. I, 1971). In the event of the absence or incapacity of the Comptroller General, or during a vacancy in that office, the Deputy Comptroller General shall act as Comptroller General. *Id.* In addition to this method of temporarily filling vacancies, the Congress has provided in 31 U.S.C. § 43a (1970) that:

"The Comptroller General shall designate an employee of the General Accounting Office to act as Comptroller General during the absence or incapacity of the Comptroller General and the Assistant Comptroller General [now called the Deputy Comptroller], or during a vacancy in both of such offices."

In these statutes the Congress has provided a detailed ordering of authority in the event of a vacancy, and thus must it be presumed to know how to provide for that contingency outside the Vacancies Act.[13] The defendant contends in his post argument memorandum that these statutes are a Congressional recognition of the President's inherent temporary power of appointment. But Article II, section 2, *supra*, clearly vests all appointments in the President subject to the advice and consent of the Senate, unless the Congress vests that power elsewhere by law. The vacancies statutes cited are clear examples of the vesting by the Congress of an appointive power in the President or Department head alone that would not otherwise exist. Congress has merely exercised the power conferred upon it by the Constitution.

Thus the failure of the Congress to provide legislation for an acting director must be regarded as intentional. The Court holds that in the absence of such legislation or legislation vesting a temporary power of appointment in the President, the constitutional process of nomination and confirmation must be followed.[14] Therefore, the Court finds that the defendant Phillips was not appointed lawfully to his post as Acting Director of OEO. An injunction will issue to restrain him from taking any actions as Acting Director of OEO.

JUNE 11, 1973.

WILLIAM B. JONES,
Judge.

FOOTNOTES

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[1] This case was filed on March 14, 1973, eight days prior to the scheduled hearing on the cross-motions for summary judgment in Local 2677, A.F.G.E. v. Phillips, ——— F. Supp. ———, (D.D.C. 1973), in which actions taken by the defendant Phillips to terminate certain OEO functions were enjoined as unlawful. Because the issue of the validity of Phillips' service in office was raised in that case, the plaintiffs in this case sought leave to file their motion for summary judgment so that it could be consolidated for hearing at the same time. Fed. R. Civ. P. 56(a) precludes the filing of a motion for summary judgment by the plaintiff until 20 days have elapsed from the time the complaint is filed unless the defendant files a motion for summary judgment within that time, and the plaintiffs' motion was not permitted to be filed. Their points and authorities were allowed to be filed as an amicus brief at the time of the oral hearing in *Local 2677, supra.* No decision on the legality of the defendant Phillips' service in office was rendered in *Local 2677*, and the motion for summary judgment was filed in this case on April 12, 1973, one day after the decision in *Local 2677.*

[2] The plaintiffs may be found to have met the requirement in several other ways. From the time of filing suit until the end of the current fiscal year, the defendant would collect over $10,000 in salary, which he would not be entitled to if he were serving unlawfully in office.

Cases seeking injunctive relief in the first amendment area have also liberally construed the jurisdictional amount requirement. *E.g.*, Spock v. David, 469 F. 2d 1047 (3d Cir. 1972). The plaintiffs here are arguably protecting a first amendment right to comment on the nomination of an OEO Director, as well as their right to pass on nominations of executive officers under Art. II, § 2 of the Constitution.

Finally, in valuing the rights of the plaintiffs, the words of Chief Judge Lumbard in Bivens v. Six Unknown Named Agents, 409 F. 2d 718, 723 (2d Cir. 1969), *rev'd on other grounds*, 403 U.S. 388 (1971) are relevant:

"Few more unseemly sights for a democratic country operating under a system of limited governmental power can be imagined than the specter of its courts standing powerless to prevent a clear transgression by the government of a constitutional right of a person with standing to assert it."

[3] 9 Weekly Comp. of Pres. Docs. 122 (1973). Although the defendant was appointed Acting Director of OEO on January 31, 1973, it would appear that he took action as Acting Director as early as January 29, 1973. The defendant issued on January 29 a memorandum regarding the "termination of section 221 [Community Action Agency] funding." That plan was enjoined by this Court in Local 2677, A.F.G.E. v. Phillips, —— F. Supp. —— (D.D.C. 1973). Therefore the relief granted by the Court, *infra*, will date from January 29, 1973, rather than the putative appointment date of January 31, 1973.

[4] The delegation is item 1 of exhibit B to the Court's request for filing of OEO delegations of authority.

[5] Plaintiffs' Statement of Material Facts as to Which There Is No Dispute, No. 3. This statement was controverted by the defendant only as being irrelevant.

[6] Briefly, the Vacancies Act provides that when the head of an Executive or military department, or an officer of a bureau of an Executive or military department whose appointment is not vested in the department head, dies, resigns, or is sick or absent, his first assistant performs his duties until a successor is appointed or the absence or illness stops. The President may direct that another department head or officer subject to Senate confirmation may perform those duties instead of the first assistant. A vacancy caused by death or resignation can be filled through these provisions for 30 days. The Act provides that it is the exclusive method for filling vacancies covered by the Act except those occurring during a Senate recess.

[7] The Executive departments are the 11 Cabinet departments. The military departments are the Army, Navy and Air Force.

[8] The Director of OEO is undoubtedly an officer of the United States because of the provision requiring Senate confirmation. He is not a mere agent or employee who is not an officer and whose employment may be outside the confirmation process. *See* United States v. Hartwell, 73 U.S. (6 Wall.) 385 (1867); Burnap v. United States, 252 U.S. 512 (1920).

[9] For the defendant to claim, as is done at p. 9 of the Points and Authorities in Support of Defendant's Motion to Dismiss and in Opposition to Plaintiffs' Motion for Summary Judgment, that 42 U.S.C. § 2941(a) is inapplicable to the present case because the President appointed him Acting Director rather than Director is without merit. The appointment and confirmation process of Article II, section 2, of the Constitution cannot be so evaded.

[10] Statements on the Senate floor by Senator Trumbell, the principal Senate sponsor of the Act, indicate that it was to apply to all vacancies in the Executive branch requiring confirmation. 39 Cong. Globe S1163–64 (1868).

[11] It would appear that the defendant would not be validly serving in office even if the Vacancies Act were held to be applicable to OEO. The defendant has not succeeded to his post through either 5 U.S.C. § 3345 or 3346 because he concededly was not the first assistant to former Director Sanchez at the time of the appointment. No basis for the temporary appointment is found in § 3347 because the defendant admittedly was not an official whose appointment had been confirmed by the Senate. Finally, S. 3349 is inapplicable because the Senate was in session on January 31, 1973, the date of the appointment.

[12] Pub. L. No. 89–670, § 10(b), 80 Stat. 948, added the Department of Housing and Urban Development and the Department of Transportation to the definition of Executive department. Pub. L. No. 91–375, § 6(c)(1), 84 Stat. 775, deleted the Post Office Department from that definition when it was made an independent corporation.

[13] In addition to the provisions for vacancies discussed in the text, there are several others, including some in which both the

chief and deputy are appointed by the President by and with the consent of the Senate. The following list is not intended to be exhaustive, but merely illustrative: General Services Administration 41 U.S.C. §§ 751(b) and (c) (1970); Small Business Administration, 15 U.S.C. § 633(b) (1970); Environmental Protection Agency, Reorganization Plan No. 3 of 1970, §§ 1(b) and (c), eff. Dec. 2, 1970, 84 Stat. 2086 (42 U.S.C. § 4321 note (1970)); Office of Telecommunications Policy, Reorganization Plan No. 1 of 1970, § 3, eff. Apr. 20, 1970, 84 Stat. 2083 (47 U.S.C. § 305 note (1970)); Action, the agency which administers Vista, the Peace Corps, and similar programs, Reorganization Plan No. 1 of 1971, §§ 1(b) and (c), eff. July 1, 1971, 85 Stat. 819 (42 U.S.C. § 2941 note (Supp. I, 1971)). The defendant urges at note 3 of his post argument memorandum that because the Executive proposed the above cited reorganization plans pursuant to the Reorganization Act of 1949, as amended, 5 U.S.C. §§ 901, *et seq.* (1970), those vacancy provisions were issued by the Executive rather than the Congress as part of the President's inherent temporary power of appointment. But the Reorganization Act gives those plans the effect of statutory law only upon action or inaction by the Congress, 5 U.S.C. § 906(a), and thus the mere proposal of the plan by the President is ineffective without Congressional approval. This in effect recognizes the absence of an inherent temporary power of appointment in the Executive.

[14] The wisdom of the nomination and confirmation process, even in the light of the President's Executive powers, was pointed out by Alexander Hamilton in The Federalist No. 76. In answering critics of the Constitution who felt that the President should have the sole authority to appoint federal officials, Hamilton pointed out that the nomination and confirmation process did vest the power of choice in the President because "no man could be appointed but on his previous nomination, [and] every man who might be appointed would be, in fact, his choice." *Id.* at 89 (Tudor Pub. Co. ed. 1947). Hamilton pointed out further that the Senate would be reluctant to overrule nominations frequently because they could not be certain that any subsquent nominee would be one to their liking. Finally, he noted that the confirmation requirement would check the possible evil of vesting the appointment power solely in the President:

"To what purpose then require the co-operation of the Senate? I answer, that the necessity of their concurrence would have a powerful, though, in general, a silent operation. It would be an excellent check upon a spirit of favoritism in the President, and would tend greatly to prevent the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view of popularity. In addition to this, it would be an efficacious source of stability in the administraion." *Id.* at 89.

SOME WISE AND SOUND ADVICE FOR HIGH SCHOOL AND COLLEGE GRADUATES

Mr. THURMOND. Mr. President, a very good newspaper article which appeared on the editorial page of the Greenville News of Greenville, S.C., was recently called to my attention. It was written by Dr. John Wood Robison, the senior minister of Buncombe Street Methodist Church in Greenville. The article contains wise and sound advice for high school and college graduates.

I believe my colleagues will read it with great interest. Mr. President, I ask unanimous consent that the article entitled "To the Graduate," which appeared in the Greenville News, June 9, 1973, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO THE GRADUATE

(By Dr. John Wood Robison)

(NOTE.—The writer is senior minister of Buncombe Street Methodist Church in Greenville.)

Throughout our land, these days, thousands of young men and women are graduating from our high schools and colleges. Perhaps the one identical question running through the mind of each one is, "Where do I go from here?"

Some of you young people may be like the absent-minded professor traveling on the train, who was asked by the conductor for his ticket. After a fruitless search, the ticket could not be found. The kind conductor finally told the man to give it to him when he found it. The puzzled professor answered, "Thank you, but I have to have that ticket to know where I'm going."

In these confused and unsettled days you may wish that you could buy a ticket that would tell you where you are going. Unfortunately, you can't. Yours will be more like the situation of the pilot who had clearance to land his flak-packed bomber, and upon attempting to lower his landing gear, found that it was jammed. After his men had bailed out he asked the officer in the tower, "Shall I attempt a landing or abandon the plane?"

The crisp reply came at once: "You are on your own."

God has given you a free will and you must make choices. You are going to have to make more decisions than you ever have made before. Why not set up a few markers that might help to guide you?

T. F. Adams suggests several principles which might help. The first is: Accept yourself as you are. Accept your limitations as well as your talents. Don't feel sorry for yourself. Some may have more brains or talent than you, but God is going to hold you responsible for them. Do the best you can with what you have to do with—which leads to the second thing:

Better yourself. It may take long, hard hours to master the skills necessary for your job or profession. Then your knowledge must be kept sharp by continuing to learn all your life. Remember, there are still frontiers to conquer.

Next, consecrate yourself. If you want to achieve, let your life have a central loyalty and a controlling purpose. William James said, "The great use of life is to spend it for something that outlasts it."

Then, of course, you must discipline yourself. You can live on the lowest, vilest level or you can discipline yourself to live on the highest.

Last, but not least important—enjoy yourself. Christ said that He came to bring abundant life. Live yours to the fullest!

Where do you go from here? The choice is yours. You are on your own!

THE GENOCIDE TREATY AND THE RIGHT TO LIFE

Mr. PROXMIRE. Mr. President, as we approach the 197th anniversary of our Nation's independence, it is fitting that we pause to reflect upon those self-evident truths which our forefathers so nobly proclaimed. Since 1776 the belief in the inalienable right of all men to life, liberty, and the pursuit of happiness have guided the course of this Nation and the decisions of this body. Whether waging war, making peace, or passing vital legislation, the U.S. Senate has ever strived to uphold these rights for the citizens of this country and the peoples of the world.

We are presently faced with a decision which concerns the most basic, yet the most crucial of these rights—the right to life. The history of our race is marred by terrible incidents of the violation of this precept. The murder of 2 million Armenians in Turkey, the annihilation of more than 6 million Jews at the hands of the Nazis, the recent slaughter of more than 100,000 tribesmen in Burundi give shocking testimony to the existence of genocide in the world. The extermination of millions of human beings simply because they belonged to a particular national, ethnical, racial, or religious group is a crime which contradicts the most basic foundations of this country, and which cries for condemnation.

In 1946 the United Nations recognized this fact by declaring that genocide should be treated as an international crime, and in 1948 it unanimously approved a treaty to that effect. The following year President Truman referred the treaty to the Senate with these important words:

> America has long been a symbol of freedom and democratic progress to peoples less favored than we have been . . . and we must maintain their belief in us by our policies and acts.

For more than 25 years this treaty has languished in these Chambers. I urge Senators to renew their commitment to the right to life, to restore the faith of the world in our belief in that right by ratifying the Genocide Treaty.

INTERROGATION OF GOVERNMENT OFFICIALS ON SENATE FLOOR

Mr. MONDALE. Mr. President, recently I introduced Senate Resolution 123, to provide for a question period during which Cabinet officers and heads of executive agencies would be requested to answer, on the Senate floor, questions from Members of this body.

I believe that establishment of such a procedure in the Senate rules is vitally important if we are to reestablish the ability of Congress, Cabinet officers, and the people to be fully informed on key policy decisions as they are made. In this regard, I commend a recent editorial from the St. Paul Pioneer Press, which I believe expresses well the importance of our adopting this procedure.

Mr. President, I ask unanimous consent that the St. Paul Pioneer-Press editorial be printed in the RECORD at the conclusion of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVIVING CABINET PRESTIGE

There is merit in Sen. Walter Mondale's proposal for "question and report" periods during Senate sessions at which Cabinet officers and heads of major federal agencies would be asked to discuss policies and programs. Such appearances would be made a regular part of Senate procedures.

The plan represents a congressional response to the over-centralized power structure of the Nixon Administration, under which authority over all branches of the Executive Department has been concentrated in the White House staff.

Mondale said: "By making Cabinet officers and agency heads more accountable to the people—through the Congress—we will enable the balance of power to shift away from a White House staff of a few unelected and unresponsive men, and reassert the proper role of the Congress and the Cabinet. The events surrounding the Watergate affair have revealed the dangers inherent in the ability of a few men on the White House staff . . . to control policy."

In recent Democratic and Republican administrations alike, the tradition of relying on Cabinet members as presidential advisers with major responsibilities for government policy has been eroded. The country would be well served by a turn toward this older concept. Better communication between the Legislative and Executive Departments, and greater knowledge for the public regarding Administration policies, would be encouraged by such procedures as Mondale suggests.

LEGAL SERVICES

Mr. MATHIAS. Mr. President, I have today, together with other Members of the Maryland delegation in the Congress, met with a number of Maryland citizens who are concerned with the present status and future prospects of community action agencies and related programs designed to help people cope with the complex conditions of life.

Some of the material relating to legal services is of such general interest that I ask unanimous consent to print it in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 14, 1973.

Hon. CHARLES McC. MATHIAS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: The ability of the State of Maryland to provide legal services in civil cases for its thousands of indigent citizens is rapidly approaching the crisis point. Unless immediate action is taken, legal services will not be available to the poor in the 23 counties of Maryland, and services to the poor of Baltimore City will be drastically curtailed. The resultant withdrawal of representation will seriously impair the operation of the Court, cause detriment to the rights of litigants currently represented, and seriously damage the confidence of the general public in the principle of Equal Justice under the law.

This serious state of affairs is brought about by the Amendments to the Social Security Act contained in the Revenue Sharing Act (State and Local Fiscal Assistance Act of 1972) and by HEW regulations, published in the Federal Register on May 1, 1973. These regulations, which are to take effect on July 1, 1973, will make HEW funding unavailable to the Maryland Judicare program, which relies entirely on HEW funds, and to the Legal Aid Bureau, which realizes 60% of its funds from this source. Enclosed herewith is a statement of the combined effects of the law and regulations referred to above, along with a report on the status of bills affecting Maryland Legal Services, the Legal Aid Bureau's analysis of the proposed Legal Services Corporation Act, and letters in support of the Maryland Legal Services Program written by members of the Maryland Judiciary and the appropriate Bar Associations in Maryland.

We earnestly request the assistance of the Maryland Congressional Delegation in our attempt to make the principle of equal justice under the law a reality for the poor of this state.

Sincerely,
ROGER GARFINK,
President, Legal Aid Bureau, Inc.
MICHAEL MCWILLIAMS,
Chairman, Legal Services Committee, Maryland State Bar Association.

STATUS OF BILLS AFFECTING MARYLAND LEGAL SERVICES

S. 1220 has had rather extensive hearings and is currently in the Senate Finance Committee. The bill in general freezes HEW Social Services Regulations as of January 1, 1973 for some purposes. It will be necessary to amend legal services into the bill in order to continue Maryland Legal Services Program.

The Debt Ceiling Bill has been reported out of the House Ways and Means Committee and will be acted upon by the House very soon. The Senate Finance Committee has already voted unanimously to add an amendment to the Debt Ceiling Bill that would postpone the effective date of the HEW regulations on social services from July 1, 1973 to January 1, 1974.

H.R. 5628, which would repeal the requirement that 90% of the recipients of HEW Social Services be welfare recipients, is currently in the House Ways and Means Committee. No hearings have been conducted nor, to our knowledge, have hearings been scheduled.

The National Legal Services Corporation Act, H.R. 7824, has been reported out by the House Education and Labor Committee. While we have many reservations about the Committee version, ws support the Committee version, since it is quite possible that if the bill is opened significantly to amendment, a majority of the amendments added will likely be unfavorable to legal services. Some attempts will be made to improve this bill in the Senate and we support those attempts. (If we are to have such a restructed Legal Services Corporation, it is imperative that the funding level of the Corporation be reasonable and proper. There has been some suggestion that the funding level will be $71.5 million, the same as the current funding level for OEO Legal Services. This would in effect be less than we have now, since it is our understanding that some of the future monies have already been spent, inflation is increasing at a rapid rate, and additional administrative costs may be generated. Additionally, if HEW Legal Services is not continued, it would seem appropriate to have the Legal Services Corporation fund those programs now funded by HEW Legal Services.)

BACKGROUND STATEMENT ON HEW LEGAL SERVICES FUNDING PROBLEM

Since 1968 under the Social Security Act, HEW has paid States 75% of the costs of a wide range of social services provided primarily to actual, former and potential recipients of public assistance programs such as Aid to Families with Dependent Children and Aid to the Aged, Blind or Disabled. This is commonly known as the HEW Title IVA program (although other titles of the Social Security Act are also included). Regulations promulgated and administered by the Social and Rehabilitation Service enumerated a wide range of mandatory and optional services eligible for these HEW matching ($3 for $1) funds. Among the optional services was legal services (see, e.g., 45 CFR Part 220.51 (c)(4)). This funding was open-ended until the 1972 amendments to the Social Security Act (tacked on to the State and Local Fiscal Assistance Act of 1972) incorporated a $2.5 billion ceiling.

For the most part States have provided traditional social services—child care, day care, counselling, foster care—under the Title IVA program. Only 3 States—Maryland, Pennsylvania and Georgia—have developed significant statewide legal services programs. These programs are partnership efforts between the bar associations and the State welfare departments. They are founded upon a recognition that the poor need and deserve legal services; in the most fundamental sense because of our commitment to the rule of law and to the principle of equal justice under the law, but also because, in the most practical sense, the poor so often in their everyday family problems and transactions with landlords, merchants and institutions, need legal assistance just to keep their lives from falling apart. By preserving family relationships and by protecting the rights of poor people in their dealings with creditors and institutions, legal services save the State from bearing, in additional welfare costs, the damage done by the absence of legal representation.

With the availability of Title IVA funds for legal services, the Bar in Maryland and the State Department of Employment and Social Services stepped to the forefront. The State provided $275,000 as local share which was added to $140,000 of United Fund money provided to the Legal Aid Bureau, enabling the SDESS to obtain approximately $1.2 million in HEW funds. These funds made possible expansion of the services of the Legal Aid Bureau and the development of a statewide judicare program. Under the judicare program some 700 lawyers have agreed to participate and have handled 10,000 individual cases throughout the State. The bench and bar have become thoroughly involved and committed, witnessed by the strong efforts the State Bar Association, the City Bar Association, Chief Judges Murphy and Sweeney and other bar groups are making with us to save this program from its impending cut-off. Needless to say such a cut-off would deprive thousands of recipients of equal access to our legal system. It would also cause a grave crisis in the administration of civil justice in our State. The most immediate impact would be confusion, if not chaos, as literally thousands of low-income clients would be left without counsel in the middle of litigation or other legal matters, causing great prejudice to the rights of these persons, as well as probably irreparable harm to the administration of the courts.

Under recent HEW regulations published in the Federal Register of May 1, 1973, which are scheduled to become effective on July 1, 1973, legal services are effectively removed as an option for the States. Under these regulations, legal services are restricted to services to obtain or maintain employment. Both the regulations and current law (Public Law 92–512) further restrict services to welfare applicants or recipients only. Since employment problems for this category of the poor are miniscule, these regulations in combination with Public Law 92–512 sound the death knell for the Maryland judicare program, and curtail severely the ability of the Legal Aid Bureau to provide services for its thousands of clients. Under the current law and proposed regulations, the working poor, those receiving veterans benefits, social security benefits and the unemployed are ineligible for services under either the judicare program or in those Legal Aid offices funded by HEW monies. This situation creates one of the disincentives to work that we are hearing more about recently and is extremely unfair to the working poor.

The Legal Aid Bureau which relies on HEW funds for 60% of its operating costs will be forced to close its offices in Anne Arundel, Harford and Carroll Counties, and at least two of its neighborhood offices in Baltimore City. The net effect will be the removal of all legal services for the indigent in all twenty-three of the counties of Maryland, and a serious reduction of services in Baltimore City.

Some significant efforts to alleviate this result are currently being made in Congress. S. 1220 would freeze some aspects of the HEW regulations on Social Services Programs as they existed on January 1, 1973. Legal Services is not one of the aspects in the original bill that would be frozen as of January 1, but efforts are currently being made to amend legal services into the bill. While on the same lines, as an interim measure, efforts are being made to postpone the effective date of the regulations from July 1, 1973 to January 1, 1974. It is our understanding that this is being done through the Senate Finance Committee by Senators Long and Mondale. The amendment will be attached to the Debt Ceiling Bill.

In the House of Representatives, efforts are being made to change the requirement that 90% of the recipients of services funded by HEW social service programs be welfare recipients. What appeared at the time to be an effective way to limit the programs to the people that need them the most has turned out to be an administrative nightmare which contains numerous disincentives to work. A bill sponsored by Congressman Ogden Reid, with numerous co-sponsors, H.R. 5628, would do away completely with the 90–10 requirements.

If these Congressional efforts are not successful, legal services will not be available to indigents in any of the twenty-three counties of Maryland, and legal services to the poor will be drastically reduced in Baltimore City. Legal services for the poor in the State of Maryland has reached the point where vigorous action must be taken, or thousands of poor people in great need of the protections of the law will have no one to assist them.

Legal Aid Bureau Analysis of Proposed Legal Services Corporation Act

The Baltimore Legal Aid Bureau supports the concept of a separate Legal Services Corporation, as do all the other responsible persons and agencies attempting to deal with the problem of the delivery of legal services—national and state bar associations, the Nixon Administration and Senator Mondale, the leading congressional advocate of legal services. Such a structure is long overdue, and should not have been postponed until the proposed dismantling of OEO.

While agreeing with the general purposes of the Legal Services Corporation Act as introduced by the Administration, the Legal Aid Bureau is opposed to a number of sections of the proposed bill. What follows is a brief discussion of the reasons for opposing those sections.

No funding level is suggested in the Act. In our judgment the funding level is crucial, and something that must be directly dealt with in the Act or through the Appropriations Bill. For the Corporation would seem to be taking the place of both the OEO legal services program and the HEW Legal Services Program. HEW Secretary Caspar Weinberger said as much at a recent Senate hearing on changes in HEW regulations that would in effect end the HEW Legal Services Program. The Secretary said that all legal services should be delivered through the Legal Services Corporation Act. Funding for legal services is provided for in the HEW Appropriations bill, since HEW is to be responsible for legal services during the transition from OEO to the Corporation. Funding in that bill is set at $71.5 million, an amount exactly equal to the current funding of OEO Legal Services and excluding completely the $5 million that currently goes to Legal Services through HEW. This is an extremely crucial problem for Maryland since Maryland is one of the three states that currently receives legal services money through HEW. The $5 million currently in HEW Legal Services must not be "lost" in the transition.

Many of our clients are juveniles. Section 7(b)(c) of the House Education and Labor Committee version limits the representation of juveniles to those situations where the juvenile's parent consents, or court approval is secured or pursuant to criteria issued by the board of the Corporation. These restrictions are unnecessary and perhaps run counter to the Canons of Professional Ethics. For a parent's interest and the juvenile's interest may be in conflict. It is not necessary, to our knowledge, for a lawyer to seek court approval to represent a client in any other context. Additionally, the Corporation by regulation should not have any more power to issue regulations concerning this attorney-client relationship than it does to issue regulations concerning any other such relationship.

The Committee version places restrictions upon legislative advocacy and administrative advocacy through Section 6(d)(4) and Section 7(a)(5). We do not believe that there is any appropriate reason to prohibit legal services attorneys from representing their clients before the Legislature and before Administrative Agencies in the same manner that private attorneys represent their clients before those bodies and those agencies. Legal services attorneys should be restricted in these activities only by the Canons of Ethics and Code of Professional Responsibility. In fact, it is extremely contradictory to say to poor citizens that you should bring your grievances before your government, yet we will be denying you the legal assistance that is often crucial to the airing of these grievances. Over the past few years we have had lawyers dealing with legislative bills and administrative actions in a most professional and most effective manner.

In summary, the Legal Aid Bureau supports wholeheartedly the concept of a Legal Services Corporation. We have significant reservations about some provisions of the original Administration bill and of the House Committee version. However, we recognize the political realities of the situation and are hopeful that the bill as finally enacted will satisfy all the conflicting interests involved, including our own.

HUNGER STRIKE OF SOVIET SCIENTISTS DENIED EMIGRATION

Mr. JACKSON. Mr. President, virtually every day we are confronted with chilling new evidence of the continuing human tragedy of people who can neither tolerate nor be tolerated by the Soviet Government but are denied their fundamental human right to emigrate to a nation which would welcome them.

Seven Soviet Jewish scientists are now in the fifth day of a hunger strike in Moscow undertaken in desperate protest against "the principle of human beings as property, as manifested in our forcible detainment in the U.S.S.R."

One of these scientists, Prof. Mark Azbel, has been in telephone contact with Prof. Edward Stern of the University of Washington, in connection with an invitation extended by the university's department of physics to spend part or all of the 1973–74 academic year as visiting faculty.

Professor Azbel was head of the department of electron theory of metals at the Landau Institute of Theoretical Physics in Moscow until he was forced to resign his post and forfeit his salary as a consequence of requesting permission to emigrate to Israel last fall. His book on "The Electron Theory of Metals" is now being withdrawn from Soviet libraries and his writings have been banned from Soviet scientific journals. With the Soviet authorities effectively depriving Dr. Azbel of his professional existence in the Soviet Union or anywhere else, the threat is now to his human existence. Dr. Azbel's 12-year-old son was given permission to emigrate on March 27 and is now safely in Israel. On May 21, Dr. Azbel and his wife were notified that their own visa applications had been rejected.

Mr. President, in telephone conversations on June 8 and June 11, Professor Azbel read to Professor Stern two statements which I would like to share with my colleagues. One is an open letter from Professor Azbel to the scientists of the world, and the other is a statement by the seven scientists on entering into their hunger strike.

Mr. President, I would like to call attention in particular to a sentence in the joint statement expressing the scientist's fear that "for all we know this new kind of serfdom may be sanctified silently by many political leaders of the world." I am proud that the Congress of the United States is not silent and that 77 Senators and more than 275 Representatives have taken a strong stand by cosponsoring the East-West Trade and Freedom of Emigration amendment.

I ask unanimous consent that these two appeals be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Open Letter From Professor Mark Azbel

JUNE 8, 1973.

To the scientists of the world:

I address to you my colleagues, Bardeen and Schrieffer, Dyson and Ziman, Peierls and Fawcett, Kittel, Dresselhauss, Mattis, Pippard and Chambers. I address to all the scientists who are not indifferent to the fate of their friends in science. I address to all the scientists who are human beings and not the two hand computers.

For 20 years I was engaged in science in the Soviet Union. I want to live the rest of my life in Israel. My 12-year-old son is already there. He got his permission on March 27, and yet I am not allowed to leave the USSR. I am not accused, as many others are, of being involved in the secret activities, possibly because of the topics of about 100 of my papers which were published in the Scientific magazines all over the world and which were submitted to these magazines from the well-known institute. I happen to be guilty just in being the doctor of science who must not be useful anywhere outside the USSR, and I am condemned to be separated from my son and to be forcibly detained in the USSR.

I do not know who passed this sentence on me. I do not know for how long it will act. I cannot even appeal against it. I have not got any written sentence. It was told to me only orally and only by the irresponsible visa official, the only secret court of our time who announces the most essential judgment in the life of the Jew who wants to live in Israel—without any law, any lawyers, any defenders, any publicity and even without any written sentence. Will the world accept such a bible of inquisition customs, such absence of any control, such arbitrariness? Are the scientists and their societies so weak as to allow the scientific degree to become the stamp of state property? Will the lawyers and their international organizations be silent? I cannot be silent. I appeal! Scientists over the world help me! I can never get rid of my doctor's thesis. Does it mean I shall never see my son in Israel?

MARK AZBEL.
Professor, Doctor of Science.

STATEMENT OF SEVEN SOVIET JEWISH SCIENTISTS

JUNE 11, 1973.

For sometime past, officials of the Soviet Ministry of the Interior have established a practice of frankly explaining to scientists and specialists trying to leave for Israel that the reason for their detainment in the USSR is their professional qualifications. Pretense about secrecy is more and more often shed nowadays and motives of state interests and one's value as a specialist prevails. Thus, simultaneously with the suspension of the use of the education tax, it becomes all the more apparent that we are enslaved without the right of redemption. As most of the specialists lose their jobs when they apply for an exit visa, the state interest involved in our detainment is simply the right of the state to dispose of our fate at will. The fact that one of our colleagues, Yevgeny Levich, has been recently drafted arbitrarily as a soldier shows that the scope of our possible "usefulness" to the state is quite unlimited. For all we know this new kind of serfdom may be sanctified silently by many political leaders of the world. Relying, therefore, mostly upon ourselves, we intend to prove that we belong to nobody but ourselves. Being considered state property, we prefer, as a matter of principle and provided all other ways are exhausted, to destroy this property rather than recognize that anybody is entitled to our souls and bodies. As a first step we declare beginning the 10th of June a hunger strike of indefinite duration in protest against the principle of human beings as property, as manifested in our forcible detainment in the USSR. The place of the hunger strike is in Moscow.

Professor Mark Azbel, Physicist, age 41; Dr. Victor Brailovsky, Cybernetist, age 37; Professor Moses Ghiterman, Physicist, age 42; Master of Science Anatoly Libdober, Mathematician, age 24; Dr. Alexander Luntz, Mathematician, age 49; Dr. Vladimer Roginsky, Physicist, age 33; Professor Alexander Voronel, Physicist, age 42.

THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, I would like to share with my colleagues some of the many letters I recently received from companies which supply natural gas to consumers in the Midwest and Northeast. The message these letters carry is that prompt approval should be given to authorize the construction of the trans-Alaskan pipeline so that the vast oil and natural gas reserves of Prudhoe Bay can, as soon as possible, assist in solving the Nation's energy crisis. These letters emphasize that the energy shortage has now reached the point where sectionalism must be set aside in favor of the action necessary to protect the interests of our entire country.

It is interesting to note the tremendous support for the TAPS in the Midwestern part of the United States. Leaders in the Midwest who are supplying energy to keep that section of our Nation going emphasize that immediate construction of TAPS is of critical importance to their area.

Mr. President, I especially commend these letters to those Members of Congress from the Midwest who prefer to delay the Alaska pipeline hoping for a trans-Canadian oil pipeline. It is ironic, Mr. President, that although leaders in the energy fields in the Midwest seek immediate construction of the Alaska pipeline, some of their elected representatives in the Congress believe they know more about the issue than their constituents who work daily in the energy field.

I ask unanimous consent that three of the recent letters I received advocating TAPS be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WISCONSIN FUEL AND LIGHT CO.,
Manitowoc, Wisc., June 4, 1973.

Senator TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: Thank you for your letter of May 24, 1973 concerning the Trans-Alaska oil pipeline. For the reasons discussed below we wholeheartedly support legislation to authorize the construction of that pipeline through Alaska.

Our company is a natural gas distribution company serving the principal cities and villages in Manitowoc and Marathon Counties, Wisconsin. Our sole supplier of natural gas is Michigan Wisconsin Pipe Line Company, a wholly owned subsidiary of the American Natural Gas Company. Because of Michigan Wisconsin's foresight in obtaining gas reserves and underground storage our company is still able to attach additional space heating customers, but it has been necessary for us to restrict the attachment of new large boiler fuel loads since July of 1971. The shortage of oil and propane in Wisconsin is even more acute than the shortage of natural gas as evidenced by the appointment May 31 by Governor Lucey of a State Agency Energy Committee and the statement attributed to Governor Lucey that there will be gasoline shortages this summer and that Wisconsin home owners will face a serious shortage of No. 2 fuel oil and propane gas this fall and winter.

Michigan Wisconsin Pipe Line Company was one of the organizers of the Northwest Project-Gas Arctic Study Group which is expecting to file an application this year to construct a 48 inch natural gas transmission line from the Prudhoe Bay area of Alaska and the Mackenzie Delta River area of Northwest Canada to a point on the United States Canadian border and to then distribute that natural gas to the Midwestern United States. Most or all of the gas and oil producers in the Alaskan-Canadian Northwest area are participating in this project as are all of the natural gas transmission companies presently serving the Midwestern United States. The line is proposed to be a common carrier and is absolutely essential if natural gas deliveries in the Midwestern United States are to be expanded or even continued at their present levels.

All parties involved unanimously agree that this gas pipeline cannot be constructed simultaneously with a Trans-Canadian oil line. The natural gas reserves in the Prudhoe Bay area are all associated with oil and none of those gas reserves can be produced until a means is provided for marketing the Prudhoe Bay oil. The Mackenzie River gas reserves in themselves are not sufficient to support the construction of the 48 inch Trans-Canadian gas line which will cost approximately $5 billion. It is, therefore, an unavoidable fact that locating the initial oil line through Canada would delay the introduction of Alaskan-Canadian gas to the Midwestern United States by the 5 to 7 years required to construct a Trans-Canadian oil line. It is, therefore, our firm conviction that the economy of the Midwestern United States absolutely requires the immediate authorization of the Trans-Alaskan route for the oil line from Prudhoe Bay to the Southern coast of Alaska.

There is one important reason why the proposed oil line should be built through Alaska rather than Canada, which I have not seen publicized. That is the desirability of routing that line through United States territory. While our relations with Canada have been cooperative for many years, nevertheless the Canadian government has very properly clearly stated that it is primarily interested in protecting the interests of Canadian citizens. Canada has permitted the export of natural gas only to the extent that it is surplus to the needs of Canada, and has clearly stated that it will insist upon a price for that gas which is as high as possible. If Alaskan oil is marketed through Canada the Canadian government will have the sole right to determine the volume of oil which is marketed and the price that is charged for its transportation through Canada. Marketing Alaskan oil through Southern Alaska will avoid that Canadian control. Additionally, the Trans-Alaskan oil line could quite possibly eventually be used for marketing oil from Northwestern Canada, which would give the United States considerable bargaining power with Canada on the marketing of Alaskan gas.

I think it is most unfortunate that a number of Senators and Representatives from the Midwest are opposing the Alaskan route for the oil line on the grounds that an all-Canadian oil line would benefit the Midwestern United States. Several years study have convinced me that exactly the opposite is true since it would delay construction of the gas line for 5 to 7 years. The transportation of oil is much more flexible than that of natural gas, and I am convinced that prompt authorization of the Alaskan route for the oil line and transportation of that oil to any portion of the United States would be of much greater benefit to the Midwestern United States than the delays which would be certain to result from an attempt to force construction of the oil line through Canada. Additionally, I think that the energy shortage in the United States has now reached the point where sectionalism must be set aside in favor of the action necessary to protect the interests of our entire country.

I have given a number of public talks on this subject over the last two years and have found my audiences unanimously in favor of prompt authorization of the Alaskan route for the Prudhoe Bay oil and the Canadian route for the Prudhoe Bay gas.

I am sending a copy of this letter to the Senators and members of Congress who represent our service area with the sincere hope that they will support legislation to permit the long delayed construction of the oil pipeline from Prudhoe Bay to a Southern Alaskan port and thereby facilitate the construction of the Trans-Canadian gas line. Both lines are urgently needed by consumers in our service area.

Sincerely,
HARRY K. WRENCH, Jr.,
President.

BATTLE CREEK GAS CO.,
Battle Creek, Mich., June 4, 1973.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR STEVENS: That the U.S. is facing a critical energy shortage, especially in the natural gas sector, is not news to you.

However, to us in the distribution industry on the front lines facing the consumer—both domestic and industrial—we hear and read reports that makes us wonder.

Specifically, I am referring to S–1565 which calls for a nine-months study of a Trans-Canada pipeline route. S–1565 then requires a statutory delay of a minimum of 11 months before construction work is to be undertaken. The gas industry has spent 25 million dollars on studies of routes, ecology, and economics. The oil and gas is needed now, not five years from now. If construction began today as I write this letter, it would be three to four years before the people and industries of Battle Creek could look forward to this company furnishing gas for heating of old and new homes or expansion of existing industrial production using gas energy.

The writer is well aware that you are under the guns of the well-intentioned but sometimes fanatical environmentalists who fail to place in a balanced equation the factor of the tremendous environmental benefits adequate natural gas supplies will bring to major metropolitan areas in the form of acceptable air pollution levels. This one factor alone should be considered equal to the disturbance of some Arctic wilderness life. Human life is in the balance, too!

In one major city during 1970, electric generating plants fired by coal and high sulfur oil emitted to the air 133,000 tons of SO_2 while selling 18.5 trillion BTUs of energy. During the same period, the major gas company emitted 44 tons of SO_2—due mainly to the warning agent for safety purposes—while selling 184 trillion BTUs of energy. This is a pollution ratio of 30,000 to 1. Think of it!

I do not wish to burden you or your staff with reams of data, statistics, or arguments. I only wish you to see the point of view from our side of the fence and consider them in your deliberation when voting on S-1565, which the writer believes is just another stumbling block on the road of eliminating the imbalance between supply and need to keep our country in the forefront of industrial nations of the world.

The writer certainly would support favorable Senate action on the Trans-Alaska pipeline as a vital necessity to alleviate the energy shortage in the Lower 48 states.

Most sincerely,

D. M. ECKMAN,
President.

[MAILGRAM]

INTERSTATE POWER,
Dubuque, Iowa.

Senator TED STEVENS,
Senate Office Building,
Capitol Hill, D.C.:

We wholeheartedly support the proposal of building the Trans-Alaska Pipeline now. Our customers in the Midwest cannot help but benefit by the quantities of oil and gas being brought to the lower 48 States.

R. W. STEELE,
President.

ROSE MATZKIN—ALWAYS ON THE GO

Mr. RIBICOFF. Mr. President, the New Haven Register recently published a most informative profile on the current president of Hadassah, Mrs. Rose Matzkin. This article not only enumerates Rose Matzkin's varied activities as president but reflects her personal commitment to helping others.

Mrs. Matzkin, who resides in Waterbury, Conn., heads up one of the largest women's organizations in the world, with more than 300,000 members, including 10,000 in Connecticut. This organization's valuable contributions and good works are today legendary. The world-renowned Hadassah Medical Center in Jerusalem is only one of the many worthwhile activities of this dedicated and energetic woman.

Rose Matzkin's own personal contributions to Hadassah are known and appreciated beyond the confines of her own organization. Connecticut has reason to be proud of Rose Matzkin and I wish her continued success in her many worthwhile endeavors.

I ask unanimous consent that the text of the article "Rose Matzkin Is Always on the Go as Hadassah's Head" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ROSE MATZKIN IS ALWAYS ON THE GO AS HADASSAH'S HEAD

(By Ruth G. Clouse)

The first non-New Yorker to serve as national president of Hadassah out of 15 leaders of the Women's Zionist Organization of America is a former New Havener and a graduate of Hillhouse High School, Mrs. Max N. Matzkin, the former Rose Cohen of Pendleton Street.

Her term of office comes at a time of great pride for Israel, which celebrates beginning at sundown tonight and continuing Monday the 25th anniversary of the nation. Mrs. Matzkin, just back from Israel, will attend the 25th anniversary ceremony and reception of the American Zionist Federation tonight in Philharmonic Hall at Lincoln Center, New York City, at which Ambassador to the U.S. Simcha Dinitz will be the guest of honor.

LIVES IN WATERBURY

The tall, blue-eyed president, whose ranch style home is at 157 Southwind Road, Waterbury, only a stone's throw from Post Junior College, has a studio apartment on First Avenue in New York. She is able to scoot over to the national headquarters at 65 E. 52nd St. to administer one of the largest women's organizations in the world.

Hadassah has chapters in 50 states and Puerto Rico with a membership of 325,000. The New Haven Chapter with a membership of over 1800 is one of 1400 chapters and groups. Twelve have 5,000 or more members.

Rose Matzkin gives credit where it is due. "I couldn't have thought of taking the job without the complete cooperation of my husband," she says. It was he, an oral surgeon, who insisted that she accept the nomination when it was proferred.

Dr. Matzkin, like many dentists, does not work on Wednesdays, so he is able to drive to New York in 1¾ hours and join his wife. She returns Thursday evenings, and Rose has the weekend at home, returning to New York Sunday night or early Monday morning.

It helps that their son, Dr. Michael C. Matzkin, is an oral surgeon, too, in practice with his father. He is affiliated with Waterbury, St. Mary's, St. Raphael's and Harlem Hospitals. He has two daughters, 3 and 6 months.

A daughter, Mrs. Barry Lavine, lives in Philadelphia, and has a 13-year-old daughter, Joan.

DATES AFIELD

It is far from a Waterbury to New York routine for the Matzkins, however. Those are almost the exceptional weeks. Rose Matzkin's calendar is dotted with dates far afield. Her trips back and forth to Israel are as common as the average suburban housewife's jaunts into town.

She has been to Israel three times so far this year. Her latest, last month, was highlighted by the dedication in Israel of a grove of trees given by the Connecticut Region in honor of her election to the national leadership. Her granddaughter, Miss Joan Lavine, planted the first tree. With her also were her husband, son-in-law and daughter.

Before leaving Israel she met with the Minister of Communication, Shimon Peres, for the issuing of the new stamps with a picture of the Chagall windows which are in the Hadassah Synagogue at the Medical Center at Ein Karem, Jerusalem.

Before going to Israel, she had been to England for meetings of the British Zionist Federation.

Last week she was in western Pennsylvania for a regional meeting, and this week she will be in Washington for a series of conferences.

NATIONAL CONVENTION

In August she will be in Denver for the national convention. She was elected last year to her high office. While election is for a one-year term, it is customary to continue for four.

Presiding at innumerable meetings comes easily for Rose Matzkin. In high school she was interested in speech and dramatics. In spite of the tight schedule, she has a serenity which gives her an easy platform presence. Whether she is in the presence of Golda Meir or Pat Nixon, with both of whom she has been photographed, she is as at ease as if she was serving coffee in the living room of her home, located only a few minutes from Naugatuck.

Walls of the Matzkin home are marked by modern paintings, including a number by John Massimino of this city, a teacher at Paier School of Art.

Long shelves along one end of the living room hold books, art objects from many lands, and elephants by the scores. "No political significance is indicated," she avers. "It just happens that my husband has been collecting them for years. They come from all over and are of every imaginable material. It's fun to have one object to look for wherever you are."

When Rose Cohen graduated from Hillhouse and went to the New Haven Normal School it was the deepest of the depression. Her first job was teaching in Lisbon (Conn., that is.) She also taught speech and dramatics under the WPA in West Haven.

Her father, Louis Cohen, who lived on Roydon Road, is retired from business and moved to Florida, where her brother, David, and brother-in-law and sister, Dr. and Mrs. Harold Rosenberg, live.

Rose joined Hadassah inconspicuously as a member of a study group of the Waterbury Chapter. Soon she was president of the overall chapter and then regional president. There are 10,000 women in the Connecticut Region, of which Mrs. Sidney Cohen of Manchester is president.

In 1955, Rose Matzkin began her career in the big time. She became a member of the national board at the Chicago convention of that year, becoming first a member-at-large. The next year she was American affairs chairman, then headed the tourism department, wills and bequests, and Zionist affairs.

Next came her leadership of Hadassah's Youth Aliyah program. Through this youth immigration movement, to which Hadassah is the largest contributor in the world, Hadassah has helped resettle and rehabilitate in Israel over 140,000 Jewish youths from 80 lands. Hadassah's founder, Henrietta Szold, was the first director of Youth Aliyah (wave of immigration) which cares for 12,000 wards annually at over 270 youth villages and all-day centers.

Rose Matzkin is on the board of governors of Hebrew University and sits on the board of the Hebrew University-Hadassah Medical School.

Sixty-one years ago, Hadassah was started by an American Jewish scholar, educator, writer and pioneer Zionist, Henrietta Szold of Baltimore. It evolved from a study group, and education is still a large part of the program, says Rose Matzkin.

Its first project, begun one year after it was founded, was a modest mother and child station in the Old City of Jerusalem. From this has come the internationally known Hadassah Medical Organization based, since

1961, in the Hadassah-Hebrew University Medical Center, Ein Karem, Jerusalem, to which are being added rebuilt and expanded facilities on Mt. Scopus, Hadassah's first "hill of healing."

The work being done at the Medical Center in Ein Karem is impressive by any standard. It includes the Rothschild-Hadassah-University Hospital, Rosensohn Outpatient Clinics, Henrietta Szold-Hadassah School of Nursing, Hebrew University-Hadassah Medical School, Adolf and Felicia Leon-Hadassah Mother and Child Pavilion, Hebrew University-Hadassah School of Dentistry, founded by Alpha Omega; John F. Kennedy Building, a reception and information center; Harry and Reva Lindenbaum-Hadassah Nurses Residence, the synagogue with the Chagall windows, and an administration building and schools of Pharmacy, Occupational Therapy and Public Health and Social Medicine.

Throughout the Medical Center and on Mt. Scopus, which was returned to the Jews after a 19-year interlude, following the Six-Day War, there are facilities for all disciplines.

Nor are these medical services the only programs about which Rose Matzkin must be knowledgeable. In addition to the American affairs program, Jewish education, and youth activities in this country, there are also, a land reclamation program, Youth Aliyah, and education services. By means of the latter, a newly created Hadassah Comprehensive High School/Seligsberg-Brandeis has resulted from a merger of boys' and girls' vocational high schools. Rose also attended the graduation last December of the first class from the new Hadassah Community College, held in conjunction with the dedication of the college cultural and social center.

So vast a program and so many travel demands are enough to turn anyone's hair gray over night. There is a sprinkling of gray in her smartly coiffed hair, but there are no signs that the task has given Rose Matzkin anything but happiness.

When she was a young girl living in New Haven, world leadership was probably far from her dreams. Without the apparent nervous drive which characterizes so many in high places, she is succeeding in bridging the distance between this country and Israel at a time of unparalled pressures.

DR. HAROLD J. WINSTON SELECTED AS PRESIDENT OF THE TENNESSEE OPTOMETRIC ASSOCIATION

Mr. BAKER. Mr. President, Dr. Harold J. Winston of Knoxville, Tenn., has recently been selected by his fellow optometrists of the Tennessee Optometric Association as their president for the 1973–74 term. The new president brings years of experience in community service as well as in his professions to this new position.

Dr. Winston has served as president of the Volunteer Lions Club, Junior Chamber of Commerce, Temple Beth El, Arnstein Jewish Community Center, B'nai B'rith, Knox Highway Safety Council. In the interests of ever elevating the standards of his profession, he has served as president of the Eastern Tennessee Optometric Association and as the chairman of the Optometric Extension Program Study Group. He is a member of the Tennessee Academy of Optometry, the American Optometric Association, a board member of the Southern Council of Optometrists. He also is a member of the Knox Chamber of Commerce.

He has managed no slight feat, these days, in inspiring the career choices of three of his four children. One is an optometrist, in practice with his father. Another is an optician and a third is a student at Southern College of Optometry, his alma mater.

The Tennessee Optometric Association has contributed greatly to the State of Tennessee in its pursuit of quality vision care for all. During the presidency of Dr. Winston, I am sure that the TOA will continue to achieve its goals and high standards.

AMBASSADOR HARRIMAN CALLS FOR TEST BAN DISCUSSIONS DURING BREZHNEV SUMMIT

Mr. MONDALE. Mr. President, the visit next week of Soviet General Secretary Brezhnev will hopefully be an opportunity for the President to take a major new initiative toward a comprehensive ban of the testing of nuclear weapons.

I wish to call to the attention of my colleagues a timely article by former Ambassador W. Averell Harriman, our principal negotiator of the Partial Test-Ban Treaty in 1963, entitled "The Right Time, the Right Place," which appeared in the New York Times on Sunday, June 10. Ambassador Harriman writes:

> The time is opportune for President Nixon to announce the suspension of all nuclear testing as long as the Soviet Union shows similar restraint, coupled with a proposal for immediate negotiations for a comprehensive nuclear test ban including underground testing.

As one of 32 cosponsors of Senate Resolution 67, which proposes that the President announce the immediate suspension of all underground nuclear testing to remain in effect as long as the Soviet Union similarly abstains, and which urges the President to set forth a new proposal to the Soviet Government for a permanent treaty to ban all nuclear tests, I applaud Ambassador Harriman's recommendation that the President "take advantage" of the summit meeting to begin discussions on this "vital subject."

Ambassador Harriman concludes:

> An announcement by President Nixon and Secretary Brezhnev of an agreement for moratorium in testing pending prompt negotiations for a comprehensive test-ban treaty would give new reassurance to the people of the United States and throughout the world that another important step was being taken to reduce the dangers of nuclear disaster and further the cause of peace.

Mr. President, I ask unanimous consent that Ambassador Harriman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE RIGHT TIME, THE RIGHT PLACE

(By W. Averell Harriman)

WASHINGTON.—The forthcoming visit of Secretary Brezhnev gives President Nixon a unique opportunity for another important initiative in the control of nuclear weapons. The time is opportune for President Nixon to announce the suspension of all nuclear testing as long as the Soviet Union shows similar restraint, coupled with a proposal for immediate negotiations for a comprehensive nuclear test ban including underground testing. Ten years ago President Kennedy took a similar initiative which resulted in agreement within seven weeks on the partial test-ban treaty.

This treaty included a pledge to continue negotiations to ban all nuclear testing. This pledge was reaffirmed in the nonproliferation treaty negotiated under President Johnson and ratified by President Nixon. Thus three Administrations have undertaken this commitment and so have the Soviet leaders of the last decade as well.

Other countries of the world take this commitment of ours serious. It is doubtful that we can be successful in persuading certain potential nuclear powers to consider seriously adhering to the nonproliferation treaty as long as we continue extensive underground tests.

For many years—since 1958, in fact—it has been generally accepted that the comprehensive test ban would be in our national interest. The reason given for our inability to reach agreement on a comprehensive test ban has been our inability to obtain Soviet agreement on on-site inspection, once thought necessary to detect violation by clandestine underground testing. Whatever the merits of such a reason ten to fifteen years ago, it is not, in the judgment of experts, valid today.

There are two major reasons for the change. The first results from the continued advances in the field of detection and identification of underground nuclear tests by seismic means and other national means of detection.

Our national capabilities have advanced to a point where the risks of danger to U.S. security interests by clandestine Soviet underground tests is very limited. Any test that might escape detection and identification would be quite small, a relatively small fraction of the Hiroshima bomb and of relatively little importance in its possible effect on the strategic balance. Even with respect to tests of this size, there is sufficient uncertainty so that a potential evader could never be sure that any individual test would not be detected and identified.

The second reason results from the SALT agreements which provide that compliance will be verified by each side by national technical means, that neither side will interfere with the others national means of verification, and that a standing commission will be established to consider any suspected violation of the agreement. These provisions assure protection to our satellite photography and provide a forum for immediate consideration of any suspicious activity. While one can always point to a possible residue of uncertainty, the risks of undetected violation in the very low-yield range have been reduced to a point where they are far outweighed by the gains from such a treaty by the elimination of tests in the higher-yield range and in contributing in other important ways to our security.

A resolution is now before the Senate, with the support of 34 Senators from both parties, which proposes first, that the President announce the immediate suspension of all underground nuclear testing to remain in effect as long as the Soviet Union similarly abstrains, and second, urges the President to set forth promptly a new proposal to the Soviet Government for a permanent treaty to ban all nuclear tests. All other nations would, of course, be asked to join such a treaty.

It seems fitting that President Nixon

should follow this advice and take advantage of the Brezhnev visit to initiate discussions on this vital subject.

If we are prepared to abandon the controversial subject of on-site inspection, there are no insurmountable difficulties to overcome, providing both sides are prepared to enter such an agreement at this time. Of course, there are, in this country, those who still demand on-site inspection but the preponderance of scientific judgment appears to be that the risks of concealed evasion are limited and the advantages far outweigh any risk.

The SALT agreements impose quantitative restrictions on nuclear weapons but do not curb qualitative improvements. The SALT II discussions now commencing may in time result in further limitations. In the meanwhile, a comprehensive test ban is the most immediate way to further reduce the dangerous and costly nuclear arms race. With the will on both sides it could be achieved promptly.

An announcement by President Nixon and Secretary Brezhnev of an agreement for moratorium in testing pending prompt negotiations for a comprehensive test-ban treaty would give new reassurance to the people of the United States and throughout the world that another important step was being taken to reduce the dangers of nuclear disaster and further the cause of peace.

A CONCERT FOR THE NAVAJOS

Mr. DOMENICI. Mr. President, a setting of rugged mountains, cactus plants, small mud houses and desert air would at first thought seem to be quite an extraordinary backdrop for a cultural event. Especially when the audience is composed primarily of children—and Indian children at that. But on second thought, the picture is breathtaking. Can you envision the music of a professional symphonic orchestra rising in a setting of majestic rock formations, set against clear desert sky amidst desert flowers and sagebrush? It is indeed picturesque. And it is a picture that was captured recently in my beautiful State of New Mexico. Here in the East, we often take for granted the availability of opera performances, concerts and stage productions. But in New Mexico, especially in areas outside the main population centers, many residents have never had the opportunity to attend a live cultural event—at least, not until an innovative conductor recently decided to take such a performance to the people. The conductor and music director of the Albuquerque Symphony Orchestra, Mr. Yoshimi Takeda, took his orchestra to the Navajo Indian Reservation a month ago. The orchestra performed for the Indian students on the reservation a concert of "Music from around the world." They played a prelude from the opera, Lohengrin, by Wagner, they played music from Hungary by Brahms, a Spanish dance by de Falla, as well as music from Japan, Russia and Italy. Not only were the children able to hear a live symphony orchestra, but they also experienced types of music they had never heard before. The beauty of New Mexico, coupled with the beauty of our excellent symphony orchestra, was truly a breathtaking spectacle. I would like to commend Mr. Takeda and all of the many New Mexicans who contributed to the success of this 2 day concert tour and I would like to encourage more such performances in the future. I ask unanimous consent that two newspaper articles concerning these concerts be printed along with my statement in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Albuquerque Tribune, May 10, 1973]

SYMPHONY MAKES HIT WITH NAVAJOS

(By Urith Lucas)

CROWNPOINT.—The Albuquerque Symphony Orchestra ensembles played on the Navajo Reservation today.

And the concert-sized ASO performed Wednesday night at Fort Wingate High School Auditorium. Earlier the full orchestra played at Crownpoint Indian Boarding School.

These musical meanderings were a dream come true.

For ASO Conductor Yoshimi Takeda it was a chance to enlarge the musical circle of his fine orchestra.

For many youngsters it was their first time to hear a live orchestra.

Folded, twisted and majestic rock formations, a bright blue sky dotted with fleecy white clouds made the two-day trip an unforgettable one for orchestra members.

The strong, warm sun beamed down on a land now freshening with green grass and desert flowers fed by the winter's rain and snow.

In most schools, the children were Navajo with glossy black, neatly combed hair. From the youngest to the eldest, they sat in courteous silence but their warm, brown velvet eyes sparkled at some pleasant sounds.

Some of the little girls held tiny hands over their ears in anticipation of the clang of the cymbals.

The children gave special applause to Darrel Moore, 14, who played a movement from Diro's Concerto for Accordion and Orchestra.

The trip across the Continental Divide into Navajoland was made possible from a matching funds grant from the National Endowment for the Arts in Washington, D.C., a federal agency.

Mrs. William Dolde, president of the ASO board of Directors, helped make the visit possible.

There were 41 members of the ASO on the trip. Egan Fellig was concertmaster for the tour.

At Fort Wingate, Mr. Takeda was welcomed by Bruce Footracer, the school's band director. Mr. Footracer, a full-blooded Navajo, is a graduate of Gallup High School. He is proud that he could return to his native home to teach after finishing his musical training at North Arizona University at Flagstaff.

The class of 1972 and the industrial arts students at Fort Wingate High gave a statue of Shush—Navajo for bear—with the inscription:

"Dedicated to Wingate students.
May they walk in beauty."

For the youngsters at the schools, listening to the ASO music was a sound of beauty.

The music was varied. There was Rossini's overture to "Barber of Seville," Goulds American Salute, Brahms Hungarian Dance No. 6, Strauss' "Tales From the Vienna Woods," the Japanese "Woodcutters Song by Koyama."

The orchestra closed with Rodgers and Hammersteins familiar selections from "Sound of Music."

Jeanne Grealish discussed the music played at the Crownpoint School.

Other areas visited were at Gallup, Chuska, Sanostee, St. Michael's Mission School, Ganado. Children from surrounding schools came in by bus to hear the nearest program.

The first day's visit also included Church Rock Elementary, Indian Hills Elementary, Sunnyside Elementary, Roosevelt Elementary and Red Rock.

[From the Albuquerque Journal, May 10, 1973]

CITY ORCHESTRA GIVES NAVAJOS MUSICAL TREAT

(By Jim Largo)

CROWNPOINT.—Albuquerque Symphony Orchestra conductor Yoshimi Takeda swung his baton up with his right hand to stress the string section, before looking to the bleachers, where a student audience from the Navajo country sat.

About 1000 young dark eyes were focused on him. Takeda, obviously pleased, smiled and continued leading the music in a concert at Crownpoint Boarding School gymnasium Wednesday morning.

About 400 students, mostly Navajos, from Crownpoint, Pueblo Pintado, Standing Rock, Lake Valley and local residents listened to the 40-member orchestra play "music around the world" in eight numbers.

The orchestra arrived earlier in two blue and silver buses. The chartered buses passed below pointed orange mesas and parked in front of the green buildings of the BIA Crownpoint Boarding School.

The members then walked into the gymnasium with instrument luggage and delighted the audience by setting up and tuning the instruments. The crowd seemed impressed with the brass section.

When the orchestra was ready, Sam Hamilton, principal of the school, introduced the narrator, Miss Jean Grealish, who also serves as the traveling representative for the orchestra.

Miss Grealish introduced the orchestra by saying, "Maybe some of you have never seen an orchestra before." She said the dictionary definition of an orchestra was not enough. "A symphony orchestra is a company of performers who play various instruments in symphonies. That's what you see before you."

Miss Grealish then told the students, "We will take you on a trip a round the world." The orchestra then played eight numbers including the "American Salute," "Hungarian Dance No. 6," "Spanish Dance No. 1," "Tales From the Vienna Woods," "Russian Sailors' Dance," "Japanese Woodcutter's Song," and "Sound of Music."

Miss Grealish explained each number to the students, ranging in age from 6 to about 13. Before the playing of "Tales From the Vienna Woods," Miss Grealish said: "Try to imagine in your mind what J. Strauss had in mind when he wrote this piece."

Students appeared attentive to the music, but more so to the method of how various instruments were being played. One student, pointing to an instrument, said, "That's a harp."

Two boys appeared attracted to the drummer, who did a chattering roll on the drums. The boys tried to imitate him and said, "He made it pretty good."

One girl sat bent over, with her hands on her chin and elbows on her knees. As the string section played, she appeared lost in imagination. When the orchestra stopped, she clapped loudly.

As the music ended, Miss Grealish told the students, "We want to thank you for being such a wonderful audience. We hope you will let us come back."

An orcehstra member Debbie McVeety,

said "they were a very good audience, especially on this side," pointing to the south bleachers.

Sherryl Martinez, a student at Crownpoint, said she liked the way the drummer played. She also said she liked the music.

A sixth grade teacher, Mrs. Gay Hargrove, said, "I thoroughly enjoyed it. I would like to see the concert come more often. I think the more exposure they (students) get, the more they can identify with. A lot of it is strange to them."

"The kids were tremendous," Takeda said. "I could tell. They were a great audience. I could tell. We should do more."

And, Principal Hamilton, said, "We really would like them to come back."

The orchestra is on a tour through the Navajo Reservation, a tour made possible by the National Endowment of the Arts and Humanities, a government agency, which decided to expose small communities to city orchestral music.

The 40-member orchestra went to Ft. Wingate during the afternoon and played for the boarding school, Wednesday evening at 8 p.m. The tour will continue today at St. Michael's Mission School, Chuska boarding school and Sanostee boarding school, all on the Navajo Reservation. The band will return this evening.

FEDERAL PROPERTY TAX ROLE

Mr. MUSKIE. Mr. President, it has long been the conventional wisdom that the property tax is solely the responsibility of State and local governments, and that the Federal Government has no role whatsoever in this field. Nationwide the property tax constitutes over 75 percent of all local government tax revenues. Consequently, the administration of this tax has been and continues to be primarily a function of local governmental units, with the State exercising supervisory powers.

Today, this basic assumption is being challenged. Though the consensus is still that the ultimate responsibility for administration of the tax lies with State and local units of government, it is becoming increasingly clear that some greater effort is needed in order to reform and strengthen the credibility and fairness of this most important source of revenue.

Extensive research by the Advisory Commission on Intergovernmental Relations has provided ample documentation that the property tax burden is highly regressive—too often—falling most heavily on those who can least afford to pay it.

A study conducted by the Senate Subcommittee on Intergovernmental Relations has demonstrated clearly that by and large, the States have not acted to eliminate the most inefficient and arbitrary aspects of the property tax structure.

Taken together, this body of evidence points to a growing need for a limited Federal involvement in the property tax field. To the extent that the property tax burden is distributed inequitably, the Federal commitment to alleviate poverty is undermined. To the extent that the property tax is administered inefficiently and arbitrarily, the credibility of all Government revenue-raising mechanisms is weakened.

In the face of this growing case for Federal involvement, the National Governors' Conference, at its annual meeting last week, voted to endorse the concept of a limited Federal role in the field of property tax relief and reform.

Noting that "improvements in State and local policies and procedures surrounding use of the property tax are critical if administration of the tax is to be fair, equitable and effective," the conference adopted a resolution which recognizes a legitimate Federal interest in property tax relief, and a proper, though limited, Federal role in promoting property tax reform.

I have introduced legislation in the Senate—S. 1255—which would promote just such a cooperative effort, and so I welcome the action taken by the Nation's Governors.

I ask unanimous consent that the text of this resolution adopted by the National Governors' Conference be printed in the RECORD.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, Jtah, June 7, 1973.

HON. EDMUND S. MUSKIE,
U.S. Senate,
Washington, D.C.

DEAR ED: Thanks very much for your letter on S. 1255 to provide Federal incentives for state property tax relief and reform.

As you know, the issue of property tax relief and reform came before my National Governors' Conference Committee on Executive Management and Fiscal Affairs. This policy affirms that the administration of the property tax is and should remain the responsibility of state and local governments. However, the policy (1) recognizes the Federal interest in limiting the adverse impact of a property tax in certain classes of excessively burdened tax payers, and (2) states that Federal incentives promoting better assessment administration and encouraging states to assume greater responsibility for property tax matters are desirable. Enclosed is the policy statement adopted by the Annual Meeting and a brief background report.

I share your view that state activity in property tax relief and reform is a very difficult and important task. It is my hope that states will take appropriate initiatives with minimum Federal intervention.

Relative to S. 1255, the Committee was in general agreement that your legislation mandates an appropriate, indirect Federal role in property taxation.

Sincerely,

CALVIN L. RAMPTON,
Governor.

NATIONAL GOVERNORS CONFERENCE 1973–74—POLICY STATEMENT OF EXECUTIVE MANAGEMENT AND FISCAL AFFAIRS COMMITTEE

PROPERTY TAX RELIEF AND REFORM

In 1963 the Advisory Commission on Intergovernmental Relations completed a major report on the status of property tax administration at state and local levels. The report included twenty-nine recommendations aimed at clearly identifying state responsibilities in the property tax field and providing a basis for improved state and local performance in administering this important tax.

Since August 1971, when the California Supreme Court rendered its landmark decision in *Serrano vs. Priest,* the property tax as used to finance public education has been the subject of increasing attention and analysis. While the Serrano and Rodriquez school finance cases did not deal directly with the constitutionality of the property tax, they gave rise to increasing scrutiny of state and local administration of the tax.

During 1972 and 1973 major studies of the property tax have been carried out by the Advisory Commission on Intergovernmental Relations, the Education Commission of the States, and the Sub-Committee on Intergovernmental Relations of the U.S. Senate. All three reports deal with two major components of the tax—the manner in which it is administered, and relief from excessive burden created by the tax on certain categories of low income property owners.

The ACIR study was undertaken upon request of the President, and examined issues aimed at defining the appropriate federal role in achieving property tax relief, reform of property tax administration, and relieving intra-state fiscal disparities in financing education. The Commission concluded that federal role in any of the three areas was neither necessary nor desirable.

In reaching its conclusions, the Commission underscored its belief that these areas are state responsibilities and that federal entry into the field would be detrimental to the federal system. In evaluating the advisability of a federal role, two rigorous criteria were applied:

(1) The problem that precipitated the demand for federal intervention stems from a head-on conflict—a serious under cutting of a major federal program objective by policies of most states; and

(2) The intergovernmental conflict can be resolved only by Federal government action.

ACIR explicitly rejected proposals for even modest federal programs to assist States in providing limited property tax relief for low-income home owners and renters, and to encourage improved administration of the property tax.

The study carried out by the Education Commission of the States did not deal with the federal role, but did conclude that provisions for relief from excessive burden and current administrative practices are in need of major attention by the States.

Finally, a report prepared for the Senate Sub-Committee on Intergovernmental Relations found a need for major improvement in both assessment practices and relief mechanisms. The report, based upon a survey questionnaire mailed to each Governor, has resulted in the introduction of federal legislation which would offer assistance to States which make major strides in reforming their property tax systems.

The National Governors' Conference does not have policy in this important and controversial area. In view of increasing interest and debate surrounding the property tax, it is appropriate that the Conference consider the adoption of a new policy statement on property tax reform and relief.

PROPOSED POLICY POSITION

The National Governors' Conference notes increasing interest in the issue of property tax reform and relief. Studies and recommendations of the Advisory Commission on Intergovernment Relations, the Education Commission of the States, and the Sub-Committee of Intergovernmental Relations of the U.S. Senate underscore the importance of action aimed at strengthening and at the same time improving public acceptance of this important revenue device.

The Conference believes that the administration of the property tax is and should remain the responsibility of the States and their local governments.

However, the Conference recognizes the federal interest in limiting the adverse impact of the property tax on certain classes of excessively burdened taxpayers. But we believe that a federal effort in this area should avoid requirements for arbitrary national uniformity in use, impact and/or administration since such requirements would be an undesirable federal intrusion.

We further believe that federal incentives which would promote better assessment administration, or encourage the States to assume greater responsibility for property tax matters are desirable.

Therefore, the Conference supports a federal program to assist States in alleviating the regressivity of their property tax systems, and calls upon Congress to explore means by which the States may be encouraged to assume greater responsibility with respect to more equitable administration of property tax assessments and appeals.

The Conference further calls upon all States to review the policies and procedures which guide use of the property tax by all taxing jurisdictions within each State. Such a review should focus at a minimum upon:

(1) policies, practices, and standards of assessment and general administration.

(2) devices used to provide relief to certain classes of property taxpayers.

(3) identification of state and local programs financed by the property tax which would more equitably be financed by other sources of revenue.

(4) identification and measurement of the property tax base that has been eroded by exemption.

(5) alternate remedies for appealing assessments and adjustment of excessive assessments.

Improvements in state and local policies and procedures surrounding use of the property tax are critical if administration of the tax is to be fair, equitable, and effective.

PUBLIC LANDS WHICH POSSESS IMPORTANT MULTIPLE USE VALUES SHOULD BE INCLUDED WITHIN THE NATIONAL FOREST SYSTEM

Mr. STEVENS. Mr. President, I have received a resolution adopted by the Alaska Society of Professional Engineers. This urges the Joint Federal-State Land Use Planning Commission to recommend to the Secretary of the Interior that public lands which possess important multiple use values should be included within the National Forest system. A number of groups in Alaska have passed resolutions on the same subject.

The Alaska Society of Professional Engineers has a great deal of expertise and interest in this area and, I believe, represents the views of a large number of Alaskans. For this reason, I commend it to the attention of my colleagues and request unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Alaska Native Claims Settlement Act of 1971 provides for the distribution of land ownership within the State of Alaska; and

Whereas, the Secretary of Interior is charged with the responsibility of recommending land use allocations of approximately 80 million acres of conservation system (d)(2) lands, in Alaska by the end of 1973; and

Whereas, these allocations will be made to conservation agencies, namely the U.S. Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service, or the Wild and Scenic River System for management; and

Whereas, multiple use of resources provides for optimum social and economic benefits in the form of employment opportunities and raw materials necessary to support and improve the quality of life; and

Whereas, of the four conservation agencies, only the National Forest System has Congressional direction to practice multiple use management; and

Whereas, the professional engineers of the State of Alaska are concerned with land use and are generally charged with the design of developments which may prove to be feasible within the State of Alaska; and

Whereas, the Society of Professional Engineers believe the engineering profession, in concert with other professional disciplines, can design developments, in compliance with the National Environmental Policy Act of 1969, which utilize natural resources without destroying the recreational and environmental values of these (d)(2) lands, now therefore

Be it resolved that the Alaska Society of Professional Engineers urge that the Joint Federal-State Land Use Planning Commission and the Secretary of the Interior recommend to Congress that those (d)(2) lands possessing important multiple use values be included within the National Forest System; and

Be it further resolved that this resolution be presented by the Society's President of his designee at the Public Hearing to be conducted by the Joint Federal-State Land Use Planning Commission in Anchorage on April 23-24, 1973 and that copies be transmitted to Governor Egan, Secretary of Interior Morton, and Alaska's congressional delegation, Senators Stevens and Gravel and Representative Young.

DECISION OF THE DEFENSE DEPARTMENT TO CLOSE TWO MAJOR NAVY INSTALLATIONS IN THE STATE OF RHODE ISLAND

Mr. PELL. Mr. President, several times in the past 2 months I have taken the floor to protest the wrong and outrageous decision of the Defense Department to close two major Navy installations in my State of Rhode Island. Rhode Island and the U.S. Navy have shared in a partnership for national defense since the earliest days of our Nation and I believe it is reprehensible that one party to that partnership, the Navy, should unilaterally and without consultation or advance notice simply and brutally announce that the partnership is now dissolved.

We in Rhode Island have still not given up all hope of reversing or altering this decision. But if it must be, then we will all work together to ease the dreadful economic consequences as much as is possible.

The Navy, however, seems determined to add insult to injury. Several weeks ago the Navy announced that it intended to use an ocean area just a few miles off the coast of Newport—and just a few miles from the soon-to-be empty U.S. Naval Station at Newport—as a dumping ground for 2,800,000 cubic yards of polluted muck, silt, and sludge from the Thames River and Groton Harbor in adjacent Connecticut.

This decision, too, Mr. President, is an outrageous and wrong one. Fortunately our Federal laws and regulations regarding the environment offer more protection to the rights of States than do the laws regarding the location of military installations.

For this dumping project the Navy was required to produce an environmental impact statement, even though it did not have to produce an economic impact statement for its proposal to close the Navy bases. For the dumping project the Navy was required to seek comments from a variety of Federal and State agencies involved, even though the Navy faced no such requirements for its base closings proposal. And, finally, the Navy was required to hold public hearings on the dumping plan, even though no such hearings were ever even considered on the base closings plan.

One of the hearings was scheduled for tonight at the University of Rhode Island. However, it has been indefinitely postponed while the Navy considers a variety of factors in regard to this dumping plan.

I cannot help but believe that this period of possible reconsideration by the Navy also results from the vehemence of the reaction from within my own State.

The day of the announcement, one prominent Newport area fisherman was quoted as saying about the muck:

> Connecticut doesn't want it, Massachusetts doesn't want it, New York doesn't want it. Why should we have to take it? It ruins the trap fishing, trawling areas, lobster fishing. It affects the whole fishing business.

This statement typifies the reaction of thousands of our Rhode Island citizens. Mr. President, I ask unanimous consent at this point that resolutions adopted by the City Council of Newport, R.I., and the Town Council of Middletown, R.I., protesting this dumping plan, be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, those of us who believe that an area of open ocean 4.6 nautical miles southeast of Brenton Light—an area heavily used for fishing, for boating, even for the America's Cup races—should not be ecologically destroyed by this polluted muck, do not say that the dredging project should be abandoned. I realize the importance to our national security that the *Trident* class of nuclear submarines be developed speedily and I am pleased that much of the work will be done at Groton with its large number of Rhode Island workers. We realize that the river and the harbor must be dredged to accommodate the submarine.

But there are certainly far more appropriate dumping sites than a much-used section of ocean so close to my State. The able director of natural resources in Rhode Island, Dennis J. Murphy, and a noted marine biologist at the University of Rhode Island, Dr. Saul B. Saila, have both suggested that the Navy use an old ammunition dumping site 50 miles south of Narragansett Bay for the sludge. I strongly urge the Navy to give this suggestion the most serious consideration. I also urge the Navy to reconsider a number of other alternate dumping sites identified in its draft environmental impact statement.

That statement, Mr. President, makes it very clear indeed what the environmental impact of this dumping will be:

> Ocean spoil disposal may disrupt and alter irreversibly the ecosystem of the dump site, possibly resulting in alterations of the ecosystem of a much larger ocean area.

The statement admits that the muck to be dredged contains high percentages of coliform bacteria, heavy metals, grease and oil and other pathogens. In other words, this muck is seriously polluted. And the statement concedes that this polluted muck would have an extremely adverse effect on finfish, shellfish and particularly on the tiny organisms that form a key element in the life and food cycle of ocean existence.

Mr. President, as I observed earlier, I consider this decision outrageous and wrong and I shall oppose it as forcefully as I can. I hope that the Navy's period of reconsideration will result in the abandoning of the plan to dump this muck off Rhode Island and the adoption of a new plan to dispose of this material elsewhere.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

EXHIBIT 1

RESOLUTION OF THE COUNCIL, NO. 83-73

Whereas, the Navy Department has plans to dredge the Thames River in the State of Connecticut and dump the sludge to an ocean site off the shores of Newport; and

Whereas, this project would be most detrimental to commercial fishermen and lobstermen already harassed by Russian trawlers and foreign competition and would have an unfavorable impact on the environment, and contribute even more to rising prices in the fish and lobster market. Now, Therefore, Be It

Resolved: That the Council of the City of Newport vehemently protest this project and authorizes the City Manager or his designee to present the City of Newport's objections to this project at a hearing to be held June 14, 1973, at the University of Rhode Island.

TOWN OF MIDDLETOWN—RESOLUTION OF THE COUNCIL

Whereas: The Council of the Town of Middletown has been apprised that the Navy plans to dump 2.8 million cubic yards of sludge from a Connecticut dredging project at an ocean site off the shores of Aquidneck Island, and

Whereas: it has been sugested that ecological effects of the project are uncertain and that ocean disposal may disrupt and alter irreversibly the ecosystem of the dump site, possible resulting in the alteration of the ecosystem of a much larger ocean area and could result in very seriously affecting the activities of marine life, Now, Therefore Be It

Resolved: the Council of the Town of Middletown protests this dumping project and further requests that no work begin until the dangers of dumping have been analyzed and assessed and, if the dangers are real and serious, the Navy select another site for disposal of sludge, Be It Further

Resolved: that certified copies of this resolution, signed by the Honorable Robert M. Silva, President of the Town Council, be transmitted to members of the Rhode Island Congressional Delegation for such action as they deem appropriate.

AMERICAN FISHERIES IN TRANSITION

Mr. STEVENS. Mr. President, because seafood is increasingly in demand by consumers all over the United States the numerous conditions affecting its continued availability at reasonable prices are of national concern.

The actions, policies, and plans of our Federal Government are critical to the health of our fisheries industry. In view of this I call your attention to an address reflective of the administration's position on fisheries delivered in Los Angeles on May 11, 1973, before the National Fisheries Institute by Dr. Robert M. White, Administrator, National Oceanic and Atmospheric Administration.

Mr. President, I ask uanimous consent to have Dr. White's presentation, "American Fisheries in Transition," printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

AMERICAN FISHERIES IN TRANSITION

I am honored to accept this magnificent crystal sculpture as a tribute to President Nixon from the National Fisheries Institute. He deeply appreciated his designation as "Man of the Year" by the NFI at a time when food availability has become a matter of general national attention. He asks that I convey to you the contents of a message which he has communicated to President Peterson and members of the National Fisheries Institute.

"The men and women of our nation's fisheries make a tremendous contribution to the health, welfare and enjoyment of our people by providing nutritious and tasty fish for their consumption. The National Fisheries Institute, representing a broad segment of the industry, is to be congratulated on the outstanding manner in which it serves both the industry and the public.

"Our fisheries deserve the best possible efforts of the federal government in protecting their interest, both internationally and domestically, and in preserving a precious resource. My Administration fully intends to continue its programs in this direction.

"We are pressing for passage by the Congress of the High Seas Conservation Act which will provide needed statutory authority to manage fisheries resources. I urge your wholehearted support of this important legislation.

"The honor you confer on me by naming me your Man of the Year is one that I cherish as a token of the special cooperation between the Executive Branch and the private sector in serving the well-being of our citizens. I regret that I cannot be with you on this occasion, but I am pleased that Dr. Robert White will be there to receive this prestigious honor on my behalf. May it be a successful and pleasant evening for all who attend."

The President's statement provides a perspective from which we in the Commerce Department and you in industry can assess the issues which today confront all segments of our national fishing industry—to ask whether the direction being taken by the government is one within which the industry can thrive as well as serve the nation.

I would like to touch on three major issues:

First: the conservation and management of our fish resources.

Second: the establishment of Federal policies that can foster the health and growth of the industry.

Lastly, insuring that quality products are available to the consumer at reasonable prices.

Let's take a look at the most fundamental question—that of the resource itself. In broadest terms, we are at a point of transition in the development and management of the world's fisheries resources.

There are disquieting signs. The concept of limitless resources, which induced many nations to increase their fleets enormously, has been proven a myth. The nations of the world today have the technological capacity to imperil many of the world's fishery resources, and for some species have already done so. We are now fishing many at maximum capacity and we are beginning to impinge upon the total limits of the ocean's productivity.

This is how the numbers add up. The world catch from the sea has increased by 350 percent since World War II. At the present time the world harvest in the oceans is 70 million metric tons and although there is disagreement as to the maximum possible harvest from the world's oceans, many experts believe the harvest can rise very little past 100 million tons on a sustained basis. Given the fishing effort of the nations of the world and its projected growth, we should reach this perilous outer boundary, where fishing capacity and fisheries resources are equal, sometime in the early 1980's. Until now the principal growth in the catch has been achieved by increasing the catch of familiar species. Most of them are being fished at their maximum sustainable yield, and in many cases beyond that limit.

This situation clearly calls for Federal policies that will insure the conservation of stocks and secure an adequate supply of fish. The problems we need to solve are both institutional and technical.

Our institutions for management of our fisheries, with a few notable exceptions, have failed to provide a structure for the preservation of resources and encouragement to our private enterprise system. Our management systems suffer from the deficiencies of overlapping jurisdiction, international mechanisms which fail to recognize the realities, and in some cases a total lack of adequate management authority. We need to do much better—and soon. We need to create management systems which will not only assure sustained availability of fish but an equitable, encouraging commercial climate. Such systems require cooperation between our states, between the states and the Federal government, between the Federal government and other nations, and between these government institutions and the industry which must operate within these management systems. Our policies must cope with short-term realities while laying a foundation for longer-term needs.

Enormous difficulties stand in our way. Creation of such systems will require wisdom, ingenuity, dedication and unselfishness. They will require that we all work closely together. Nobody likes the restraints that fisheries management inevitably brings—but the alternatives are worse—

gradual destruction of our fisheries and a further decline in the industry.

Do I appear pessimistic? I am not. I do not believe we will let it happen.

It is true that in the short-term we can expect our policies to provide only for partial help. But I am optimistic about the long-term outlook. Indeed, as I look back over the developments of the past several decades and forward to the next two I am led to believe that the fishing industry is undergoing a major transition from a bleak period for many segments to one in which all parts can be important, self-sustaining, economically vital forces. Rising world demand for protein foods, coupled with the fact that we are beginning to press on the limits of the world's total food output guarantee this outcome—but only if we manage wisely.

Let's look at some of the things that we are attempting to do. Our foremost goal is to secure appropriate national and international control of the common resource. Without effective control, management is weak—it is the lowest common denominator of competitive interests. As all of you know, our long-range approach is to secure international agreement on the jurisdiction and control over global marine fisheries resources through the United Nations Law of the Sea deliberations which finally start in New York this year. The position of your government is simple and firm. We seek coastal nation control over coastal species, coupled with a coastal nation preference to the fish, based on that country's capacity to harvest. We seek control by coastal nations of anadromous species and we seek international control over the species that are highly pelagic, such as tuna. Attainment of these objectives even under the best of circumstances is some years off. What about the interim?

We are moving immediately within our existing authorities to create a new state/Federal management program targeted for specific species within the territorial seas and the contiguous zone, and beyond. This program is now underway and we have under preparation management programs for the lobster, the surf clam, and the Dungeness crab, and we expect soon to look at other species. Our present authorities do not allow us to do the job fully. As a first step to securing adequate authority for both the state/Federal management program and international management efforts, President Nixon has this year submitted his High Seas Fisheries Conservation Act. He highlighted the importance of the act in his environmental message. Ladies and gentlemen it has taken six years to get this act up to the Hill for consideration. We cannot afford the luxury of more time.

The President, in submitting this legislation to the Congress, pointed out that fishing off our coasts is now only partially regulated, and that the U.S. has inadequate legislative authority to regulate its fishermen in these areas.

It is our strong hope that the Institute and its members after study of this bill, will agree that it is essential. We recognize that not all will agree with every provision of the bill. We hope for the sake of our fisheries and the industry that whatever modifications result from the political process of its deliberation on the bill, there will emerge a strong bill which provides the essential base for building rational fisheries management systems.

Problems however don't wait. And we are moving as best we can through present international bodies for managing fisheries to gain our ends. Because we regard the present situation as critical we are taking an increasingly firm attitude. We are insisting on meaningful conservation measures and a fair deal for Americans. We are all painfully aware of the dissatisfaction of our fishermen with the weakness and dilatory nature of many international fisheries commissions. We in the Federal Government have also been dissatisfied, and we are making our views known. We are working with all of these commissions to attain as many of our objectives as possible within the arrangements open to us today. These new attitudes are bringing results. The past two or three years have seen progress in, for example, the International Commission for the Northwest Atlantic Fisheries, in the establishment of both total and country quotas for all commercially important species.

However, we are not satisfied that country quotas for individual species, even in accordance with maximum sustainable yield concepts for particular species, are really conserving the resource. We have now begun to explore total effort controls in addition to catch controls.

We are also beginning to realize that the conservation problem is more complex—that it may be necessary to reduce individual species catches now fished beyond maximum sustainable yield if we are to preserve other species taken in large amounts as incidental catches.

Our drive to establish wise management programs cannot succeed unless we also foster scientific research and assessment efforts to provide the information base on which these policies depend. It is fundamental that we have adequate data on fish population dynamics, assessment of stocks, information on the effects of pollution upon fish, and so forth. We intend to insure that this nation has the scientific and technological base of knowledge vital to the development and prosecution of management policies.

In addition to these institutional measures, there are some technological avenues available to us for increasing the supply of products which should be more fully examined. For example, we must start developing fisheries and markets for latent stocks not presently widely used in the U.S. Many of these resources offer an excellent opportunity for expanded domestic and export sales. We in the National Oceanic and Atmospheric Administration believe this is an area for increased Federal attention. We have begun programs of resource assessment and research into new harvesting techniques, as well as new processing and handling technology.

Because of the special situation in New England and the need to provide immediately a much broader resource base for that part of the industry, we have taken steps to establish a special program for the development of latent resources there. It may serve as a model for larger programs.

When one talks about expanding the resource base available to us, one must consider the potential of mariculture. Although we have a long way to go in developing the science and technology of mariculture, there's no question in our minds that over the long term, it offers great hope for the controlled production of many different kinds of fish and shellfish. Initially they will be those of high economic value, but as we learn the technology of mass production of marine organisms, we may be able increasingly to move to those of lower value. It is clear to us, for example that the scientific understanding and the technology are now emerging for the mass artificial culture of salmon in pens, as is now being demonstrated in Puget Sound, and for the mass production of shrimp as well as shellfish. It is in this kind of new science and technology that the Federal Government can begin to make investments in collaboration with industry and the universities, which will enable private industry to move ahead by itself.

In NOAA we are making increasing investments in mariculture, through our Sea Grant Program and through our National Marine Fisheries Service. Today our Sea Grant Program maintains some 45 different aquaculture projects. Our National Marine Fisheries Service is devoting increasing attention to some of the associated basic scientific and engineering problems of aquaculture. We believe that the Federal government must go beyond the scientific demonstration that a species can be reared, and must begin to move into the engineering, technological, and economic areas to pave the way for industry.

What about other federal actions aimed at the health of the industry? I think we might first ask what is its pulse today? Today about 44 percent of the world's catch of edible seafood is consumed fresh. This is a significant reduction over the past quarter century when about 57 percent of the world's catch was consumed in fresh form.

The technology of preservation has had a great impact. First, it has permitted a considerable expansion of international trade. Twenty-five years ago only 20 percent of the world catch entered foreign trade. Today it has risen to 37 percent of the total catch, and as one might expect, the United States has become the largest single export market in the world. According to the latest available figures on total world fish trade it was at a level of 3.2 billion dollars in 1970. The United States accounted for about 1.1 billion dollars, or about ⅓ of the total world trade. While the United States is not the largest consumer of fish (total consumption in Japan is triple that of the U.S.), the United States is the largest importer in the world. Indeed, last year we ran a trade deficit in fisheries products of 1.3 billion dollars, a not insignificant contribution to the total national trade deficit.

But our expanding world trade has not been all bad for the American consumer. Indeed, he has benefitted greatly in some ways. It has provided him with a much greater choice. Without the availability of foreign products, we would not have an industry which last year produced nearly 2 pounds of fish sticks and fish portions for every man, woman and child in the United States. Because of such trade we have been able to expand our consumption well beyond the limits of some of our own domestic resources, as in lobsters, shrimp and tuna.

The growth of the processed fisheries industry has indeed been remarkable. These products have gone from $600 million at the end of World War II to over $2 billion last year, and the value of canned products doubled during this period. However, the fresh and frozen packaged fishery products have shown the greatest growth. They were valued at only $153 million 25 years ago; production now tops $900 million. Fresh and frozen products accounted for 25 percent of production after the war; today they account for about half.

It has been to no small degree through the efforts of members of the National Fisheries Institute that our consumers have had a growing variety of convenience seafood products available. Fish sticks and portions, for example, did not come into existence until 20 years ago; our annual production today is nearly 400 million pounds.

Breaded shrimp production has grown to 100 million pounds, and breaded fillets, either raw or cooked, have greatly simplified the housewives' and working mothers' chores. TV dinners, stuffed flounders, crab cakes, seafood cocktails and many other products have come onto the market in a relatively few years. The industry now finds itself in a race for supplies.

In our latest issue of *Fisheries of the United States*, the first copies of which we are pleased to be able to distribute at this convention, you will find some revealing statistics. For example, last year per capita consumption of edible seafood in the United States jumped to 12.2 pounds, tying the record high set in 1927. People increasingly like seafood, they find much of it reasonably priced. Never has it had such a favorable national image, and we must keep it that way. We cannot allow fish to lose its attractiveness to the consumer. It should be available, and marketed, for every taste and every price. We must not price fish out of the reach of the people. It is a time for restraint, and for pricing policies based on the conviction that a fair deal to the consumer today will mean a fair deal from the consumer tomorrow.

Fiscal restraint is very important. And it is related to the broad problem of our National economy, which also affects what NOAA is doing in fisheries. We are seeing a great deal of fiscal restraint in the Federal Government these days—restraint designed to dampen the causes of inflation and avoid even heavier tax burdens. The greatest economic danger the nation now faces is the danger of living beyond its means. President Nixon has very forcefully expounded his views on the need to hold Federal spending in check as one of the principal ways in which we can avoid tax increases and provide for a sound economy. He is deeply convinced that a Federal budget higher than $250 billion, which he has proposed for 1973, and $268 billion which he has proposed for 1974, would clearly be out of line with the need to rein in our economy.

The President's new budget, now before the Congress, is very carefully balanced. Almost half of the budget is dedicated to human needs. Defense spending is down to 30 percent of the total budget. Even with the spending constraints placed on the budget by the President, it remains the highest level of Federal spending in our history. It is hardly a pinchpenny program. Inevitably, some worthwhile Federal efforts are being eliminated or reduced. President Nixon has frankly said only recently "No Federal programs, no matter how attractive they may be individually, can have a higher priority than the protection of the purchasing power of all of the people." The President, in short, is convinced that this nation must not live above its means and that your dollars are more fruitfully situated in your pocket than in Washington, where so many have gone for so long. The alternative to his budget is a tax increase and perhaps additional inflation, a cogent argument for economy. I know that the members of the Institute support this effort to keep Federal spending down, and I know you will make your views heard in support of the President's program.

The National Oceanic and Atmospheric Administration has, as a result of the national effort to hold spending in check, had to forego a number of programs which it considers worthwhile.

We do not believe, however, that any program vital to the maintenance of a vigorous and healthy fishing industry has been sacrificed. We shall have to go more slowly, make the best possible use of the resources which we have, and seek to be responsive to the highest priority needs of the industry and the resource.

Within the context of economic constraints, we are keenly aware of our obligation to assist you across a spectrum of activities important to your operations.

Let's take the matter of markets: There is considerable debate about the extent to which the government should venture into the area of domestic marketing. In spite of differences of view, we place significant emphasis upon marketing activities for domestic purposes, especially to alleviate supply/demand balances, and to begin to establish markets for under-utilized species.

However, I believe there is little disagreement on the role of the Federal Government in increasing export markets. With the growing demand for fisheries products around the world, even some of the traditionally self-sufficient countries such as Japan, are, on balance, becoming net importers. Given the resources off our coasts, many of which are of great interest to foreign nations, but at the moment of little domestic interest, we believe the development of export markets can represent a fine way of beginning to redress the present trade deficit and provide a substantial boost to many segments of our domestic industry. There are indications that with even a moderate effort, we can expand these markets. The recent devaluation of the dollar means industry and government should explore export possibilities even further, and we intend to do so.

We believe that the Federal Government has an important obligation in exploring and developing new harvesting and processing technologies to a point where they can be taken over by industry and used for routine production.

We believe that our technology ought to be focused on those areas not presently being otherwise developed, especially where success can make a substantial difference in the type of catch, economy of production, or some other key pressure point.

Let me repeat that it is important that we begin to emphasize those technologies that will enable us to develop and market latent resources, as we begin to press upon the limits of production of more accepted fish. New technology should allow us to use many more species than we presently do, and to make better use of those now utilized.

In the future we will approach a point where we cannot allow any of the edible flesh to be wasted.

The Institute has performed a valuable function in connection with the development of the new flesh separation technology. Last year, in cooperation with the National Marine Fisheries Service, it called together government researchers, industry, and equipment manufacturers to discuss the current state of the art and to make sure that industry was informed of the potential of this new technology.

There are many areas where government and industry can work fruitfully together. For example, let us join to scrap some of the sales-killing names with which the industry is burdened. Croaker, rattail, and dogfish can provide delicious food, but they suffer the curse of ungraceful names—an automatic turn-off at the fish counter. We in NOAA are prepared to work with you and with other Federal agencies on this effort.

Another such area deals with microconstituents in fish. About two years ago, with the inception of the mercury scare, NOAA commenced a long-range program to assess microconstituents in all fisheries products used in this country. In addition to analyzing for mercury, we have commenced a program to look at all of the heavy metals and many organic compounds.

If we had had such baseline information assembled before the emotional reactions to mercury in fish, we would have been able to tell the nation that much of that mercury is natural, does not come from man's contamination, and has always been there—a result of natural processes in the sea's food chain. We could have explained that mercury problems can be effectively managed, once one understands their nature. We could have been ready to manage mercury problems as we do with the halibut along the Pacific coast, and we would have prevented much of the upset that occurred.

Equally important is the need for NOAA to assume a watchdog role on the environmental impact upon our fisheries resources of man's activities. Under authorities of both the Fish and Wildlife Coordination Act and the National Environmental Policy Act we are daily reviewing any activities which might hurt our fisheries resources. We are identifying possible impacts and insuring that they be taken into account in public decision making. NOAA is most active in this process. Last year we reviewed over 1,000 applications for their environmental impact.

These are a few of the ways in which we believe that the Federal Government can assist the industry in meeting its problems. We are prepared to approach our task in a flexible manner. Our programs were instituted in response to needs. They can be changed to meet emerging problems; and it is our intention to make sure that our agency is always responsive.

For the past few moments I have dwelt upon NOAA's obligations to, and its relationships with, our nation's fisheries. NOAA is equally committed to serving the American consumer.

What does the consumer want from the fisheries of America?

Basically, high quality products at a sensible price. (I recognize that there may be several shades of opinion as to what constitutes a sensible price.)

The rapidity with which freshly caught fish loses quality is proverbial. Fortunately, the state of our technology of preservation and distribution is such that we are in a good position to protect that precious asset called quality. I should like to see this technology enhanced to the point where objective tests are developed and uniformly used to measure accurately and consistently the quality of fishery products. I urge you to spare no effort—on the boat, at dockside, in the plant and in the store—to continue to merit the trust of our consumers, and I have every conviction that those efforts will be made.

As you all know, we have a voluntary Government inspection program for fishery products. Unfortunately, no more than 10 percent of the fishery products passing to the consumer today are subjected to even this voluntary test. A total of only 350 million pounds of fish were subject to this inspection out of a total of 2½ billions which are consumed per year by American citizens. While this does not seem like much, the amount under inspection has grown substantially over the past ten years, when only 200 million pounds of fish were inspected.

Until a mandatory fish inspection system exists, we shall do the best we can in extending our voluntary inspection program. Unfortunately, we are not able to keep up with the growing demands for providing U.S. Government inspection services. Because we must keep down the number of people on the Federal payroll, we are not able to add people to our staffs. However, we can still do much to extend our inspection services.

One innovation is the concept of the inspected quality control program that can be used by approved plants. We are urging all of industry to consider the installation of programs that can meet standards being established by our National Marine Fisheries Service. We will be pleased to work with you in developing such a quality control plan for your plant. The benefits from this system can be many. With an approved plan it is not necessary for an inspector to be in the plant during the entire time of the operation. This means our force could cover many more plants than it can today. On your part, it means that your costs of inspection could be reduced significantly. I am pleased to tell you that the first plant to operate under this system is here in the Los Angeles area.

Although the ultimate responsibility for quality rests with industry, another area where Government can be of assistance is in developing product standards. New products that will be coming from our underutilized resources will have a much more orderly development if they are produced according to standard. Standards cannot be developed overnight. They require a great amount of research and in this process of conducting the research we welcome cooperation with the industry.

We should also make a more positive effort to cooperate with States and foreign governments in any programs of standards and inspection. We are, as you may know, actively involved in developing, in cooperation with industry, international Codex standards for fish and fishery products. So far, as a part of the WHO-FAO Codex Alimentarious Commission, standards have been developed for canned salmon, frozen gutted Pacific salmon, canned shrimp, frozen fillets of cod and haddock, and frozen fillets of ocean perch. Standards are in preparation for frozen fillets of flatfish, hake, cod, haddock, and ocean perch blocks, frozen shrimp and a number of other products. An effective way in which your institute can cooperate is through the formation of commodity technical committees to provide advice based upon your experience.

We have much to do. Many problems confront us. They will require immense effort, and a capacity to look beyond tomorrow. None of it will be easy.

In the tasks ahead—and I know this to be President Nixon's wish—NOAA stands ready to help in every possible way. I confidently expect that we shall indeed be equal to our tasks.

A CRUEL PUNISHMENT FOR PROFESSOR LEVICH

Mr. CRANSTON. Mr. President, on previous occasions I have drawn the attention of the Senate to the case of Prof. Benjamin Levich, a distinguished electrochemist seeking to emigrate from the Soviet Union.

Sadly, a new form of repression—an especially cruel one—has fallen upon this unfortunate man whose only "crime" was applying for a visa to Israel. His son, Evgeny, who suffers from serious medical problems and who had been under treatment at the Moscow Cancer Dispensary, has apparently been kidnaped and sent to Siberia. He is cut off from any kind of communication with his family.

I appeal to my colleagues to do what they can to help secure the release of the Levich family from the repression and intimidation that surrounds them, so that they may begin a new life in Israel. I ask unanimous consent that a letter from Professor Levich, dated May 25, 1973, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER

To the President of the American National Academy of Sciences, Dr. Philip Handler;
To the President of the Royal Society, Dr. Alan Hodgkin;
To all the National Academies of Sciences;
To the universities which have honoured me by inviting me as a visiting Professor;
To all those scientists who are concerned about my fate.

DEAR COLLEAGUES AND FRIENDS: You have already shown deep concern about my family's and my own fate, for which concern I am very grateful. That is why I am sure that this appeal of mine will be heard by you as well. At present, I am asking for more than your support; help me save my son. More than fifteen months have passed since I and my family applied for exit visas to Israel. Since then we have gone through all kinds of harassment and hardship. We have been suffering various persecutions, as is known to many of you. You may be aware that, on May 8th, a meeting of the Chemical Department of the Academy of Sciences was held, with the question of my expulsion from the Academy being discussed. I was officially alleged to damage this country by my "unworthy behaviour". This however, turned out to be not sufficient; for my son, Evgeny Levich, 25, an astro-physicist, Doctor of Sciences, was seized on May 16 in the street while on the way to the hospital, where he was sent by military authorities for a medical examination.

As has been officially confirmed, instead of being admitted to this hospital, Evgeny Levich was drafted as a private without any medical examination whatsoever. That same day he was taken away to Eastern Siberia. There is now some information * about his being sent out to a military unit, located on the shores of the Arctic Ocean, with extremely hard conditions of service. He is cut off from any kind of communication with us. Meanwhile, Evgeny Levich is seriously ill. According to medical data available, he has been suffering from ulcerous colitis and multiple diverticulosis of the bowels. Moreover, and this is the worst, a tumour was recently found in his rectum. Its nature is not not yet known, since the examination being performed by the Moscow Cancer Dispensary was interrupted because of the events described above. It is quite obvious to anyone that Evgeny is seriously ill and that his detention in such hard conditions creates a menacing situation.

Dear Colleagues and Friends, the very life of a young man is at stake and this is caused only by the fact that my family and I have dared to express an intention to realize the most fundamental of human liberties, the liberty to choose the country of residence. I have appealed to my colleagues, foreign and soviet scientists of high rank, for help. I have appealed to the high authorities of this country. All my requests to observe principles of humanism and legality have been in vain.

I believe that it is within your possibilities to convince the top authorities of this country that the cruel, inhuman actions described above, should not be put up with in a civilized society, and can hardly contribute to the development of mutual understanding and friendly co-operation between the world's scientific community and that of the USSR. I appeal to you to use all your influence possible in order to save the life of a young scientist.

Prof. BENJAMIN LEVICH.

Moscow, *May 25, 1973.*

MOSS DEPLORES LABOR DEPARTMENT ATTEMPT TO SUBVERT WILL OF CONGRESS

Mr. MOSS. Mr. President, yesterday an official representative of the regional office of the Labor Department visited the Clearfield Job Corps Center in Utah and ordered the operators of that center to begin shipping corpsmen away from the Clearfield Center to other conservation centers. The orders were verbal and not written. The urgency to immediately dismantle Job Corps centers is an obvious move to splinter the program beyond repair before the proper Appropriations Committees of Congress can signify their intention as to the future of the Job Corps program.

Mr. President, this is the second blow which has staggered the Job Corps program in 2 days. The administration announced Tuesday a vast sweeping reduction of regional Job Corps centers throughout the country. The Clearfield Center in Utah is to be dropped from 1,320 students per year to 670. The administration has scheduled similar cuts throughout the country. Congress has previously spoken on this subject, and it clearly has shown a desire to continue the Job Corps program. Any attempt to cut that program back must go through the normal legislative process and be approved by cuts in appropriations. This has not happened, and I doubt that it will.

It is, therefore, arbitrary and capricious for the administration to propose such a reduction and then on the next day attempt to implement this cut in the most insensitive and heartless manner possible. The officials of the Clearfield center were instructed to transfer corpsmen immediately and when asked how this should be accomplished to protect best the corpsmen involved, they were told by the regional office official that "I don't care how you do it, just do it."

This procedure is a violation of the contract presently existing between the Labor Department and the Clearfield center and is an obvious attempt to bypass the due process of normal legislative consideration. If reductions are indeed approved, they should be accomplished by attrition and careful reassignment—not by hasty action taken to outflank the will of Congress.

Apparently the shockwaves that have traveled through the Nixon administration have not yet made sense to officials in the Labor Department. Apparently they are still operating under a procedure of bending laws, acting in a high-handed and arbitrary fashion, and appearing to believe they can get away with anything when acting under the umbrella of the executive branch of the Government.

Congress will determine whether or

Footnote by Prof. D. B. Spalding, Imperial College, London SW7 who received the above message by telephone from Moscow:

* It is now known that Evgeny has been sent to Tiksi, in the Arctic. No place more remote and severe could have been chosen. Together with the extraordinary manner of Evgeny's apprehension (the trick order to report to a hospital; the kidnapping on the street; the instant transportation to Siberia) this choice demonstrates at once the punitive, furtive and illegal nature of the operation. Telegrams to Mr. Brezhnev, with copies to the President of the Academy of Sciences of the USSR, are the best means of protest.

not the Job Corps program is reduced, not some officials located somewhere in the Labor Department. And if the administration attempts to subvert the will of Congress, we will have to go to court to enforce that will.

There is strong indication that the Labor Department has paid little attention to cost effectiveness of different Job Corps Centers or to the overall impact on the Job Corps program that proposed cuts would have. The Job Corps Center at Clearfield is a useful case to examine. It has achieved a remarkable level of success. Since 1966, 17,000 corpsmen of all U.S. ethnic and geographical backgrounds have participated in the Clearfield program. Over 70 percent of the graduates of this program returned to school, received jobs or entered military service. The Northwest Accreditation Commission has given its stamp of approval to the high school degree program and the GED program operated by the center. Eighty percent of the students who have enrolled in the high school degree program completed it successfully. One thousand three hundred and ninety have received a GED certificate.

Congress must not stand idly by while arbitrary actions of the executive branch are proposed. I pledge to fight the cutbacks proposed by the Labor Department in this program and vigorously protest any attempts to splinter this program before Congress has a chance to work its will.

THE TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, the Seattle First National Bank has published a special May 1973, report on the trans-Alaska pipeline. This report indicates the reasons that the trans-Alaska pipeline must be built now. It discusses the alternatives.

In any event, whether a trans-Alaska or a trans-Canada route is built, Congress must amend section 28 of the Mineral Leasing Act of 1920. S. 1081 will do this.

This statement details the time difference for the construction of a trans-Alaska pipeline and a trans-Canada route. It estimates that it would be 10 years before the first oil would be delivered to Chicago were a trans-Canada pipeline built. It also states that a trans-Alaska route would be considerably cheaper. Finally, it discusses the environmental problems of a Canadian route. I ask unanimous consent that this special report entitled "Is There an Alternate" be printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

Is There an Alternate?

The legal dispute involving the issuance of a pipeline right-of-way for the trans-Alaska pipeline continues. The Court of Appeals for the District of Columbia on February 9, 1973 reversed a lower court and ordered that the injunction on the issuance of the right-of-way permit be continued. The Court of Appeals ruled that the proposed right-of-way would be in violation of the Mineral Leasing Act of 1920 and that no consideration of any of the other issues could take place until this violation was cleared. As a consequence, the Appeals Court made no ruling on whether or not the Secretary of Interior had complied with the National Environmental Policy Act. Congress would have to amend the 1920 Mineral Leasing Act to correct the right-of-way width limitations to clear the way for the consideration of the environmental issues.

CONSIDER ALTERNATIVES

Congress is now reviewing the entire project in terms of alternate routes, environmental questions and of course, amendment to the Mineral Leasing Act. The question of alternative routes brings renewed focus on the possibility of a trans-Canadian pipeline rather than a trans-Alaska pipeline. Recently, testimony has been introduced in both the House and the Senate on this vital question. It appears appropriate to discuss whether the trans-Canadian pipeline is a viable alternate to the trans-Alaska pipeline. The discussion of this issue should concentrate on a number of the interrelating factors: time, cost of construction, oil value in terms of comparisons of Middle Eastern oil and mid-Western values versus West Coast, National and State of Alaska economic aspects, and of course, environmental concerns.

The trans-Canadian pipeline represents a proposal for the construction of a 48 inch pipeline from Prudhoe Bay south through the Brooks Range in the Richardson Mountains then to the MacKenzie River Valley and south to Edmonston, Alberta. From there it has been assumed in previous discussions that the oil would then connect with the existing pipeline grid for delivery into the Mid-West and Chicago markets. The existing pipeline system from Edmonston south is running at near capacity and additional line construction would have to take place for delivery of oil into the Chicago market. On this basis, the trans-Canadian pipeline represents some 3,200 miles from Prudhoe Bay to Chicago. No specific route has been set at this time, nor has an individual construction entity been established. Full authority from the Canadian Government has not been granted; however, some survey work has taken place. Gas line routing has been the subject of more extensive work than has been done for a hot crude line.

TIME ESTIMATES

Using a June 1, 1973 date for consideration for the two lines, the trans-Alaska pipeline could conceivably be in a construction phase assuming favorable consideration of the existing legislative and judicial processes by June of 1974. Construction would take three years for the system to be completed and oil delivered to the users on the West Coast of the United States. Delivery date would then be June, 1977. If the decision were made to establish a trans-Canadian pipeline on June 1, 1973 it would be ten years before oil would be ready for delivery into the Mid-West market. June, 1984 as opposed to June, 1977. The assumptions that establish a nine to ten year completion time involve comparisons with work efforts that have taken place in the trans-Alaska system.

Item 1

The route has not been firmly established through Canada at this time. The 789 mile proposed Trans-Alaska Pipeline System (TAPS) has required over three years to complete the route analysis, mile-by-mile design and negotiate with the various construction and equipment suppliers. It appears to be a natural assumption that equally thorough analysis for the much longer Canadian route will take at least as long if not longer to complete. The Canadian Government will be as concerned as its U.S. counterpart about environmental impact for the entire route including the area in the U.S. as well as through Canada. No negotiations have as yet been undertaken with provincial governments or with other Canadian authorities in regard to specific land use or treaty arrangements between the two countries for this project. The assumption is that these negotiations would run concurrent with the three year period required for the final determination of route and mile-by-mile design.

Item 2

An ownership organization must be established similar to the Alyeska Pipeline Services Company and its participating companies. The financing of this project would have to be evaluated and established in alignment with the agreements made between the U.S. Federal Government and the Canadian Governments.

Item 3

An issue that long delayed consideration of the TAPS system was the Alaska Native Claims Issue. Canadian natives are now bringing a pressure to support discussion involving aboriginal land claims in the Canadian territories. This issue has not been specifically approached by the Canadian Government. It must be resolved before actual construction and right-of-way negotiations take place. It is assumed that this issue would be determined during the design period, but it too could present a problem that would result in continued delay.

Item 4

Physical construction time for the Alaska pipeline is scheduled at three years. The northern segments of the Canadian pipeline involve comparable construction difficulty and the northern areas are twice that of the Alaskan pipeline. The lower areas from Edmonton south on through the U.S. do cover less difficult and less costly terrain. It is difficult to assume, however, that this pipeline, that is more than four times the entire length of the Alaskan line, could be built in less than five to six years. Current estimates indicate that there is not sufficient labor and equipment of the skill and standards required to accelerate construction time. Scheduled below is a bar-graph covering pertinent sections of consideration that lead to the ten year oil delivery schedule for a Canadian pipeline. Physical construction costs are an immediate point of comparison. Information prepared by Standard Oil Company of Ohio indicates a $7.2 billion cost to deliver oil through Canada to a Chicago terminal. This compares with a $5.2 billion cost of delivery of oil through a trans-Alaska pipeline to Valdez and to a Los Angeles port, via U.S. flag tankers. These two total capital cost figures include interest during construction and working capital requirements. This cost figure also includes the consideration of a 4 per cent per year escalation in the Canadian pipeline cost due to an assumed delay in construction of three years. This is consistent with the previous discussion in section 1 where design and right-of-way acquisition were assumed to take an additional three years. The 4 per cent escalation figure has been consistent with experience of cost escalation on the trans-Alaska system. Some cost comparisons between the two pipelines carry costs only to Edmonton. The cost comparison under discussion continues delivery with the construction of a new pipeline grid from Edmonton south to Chicago. As mentioned previously, the existing capabilities in the mid-continent pipeline grids are not sufficient to handle an additional flow of 1.2 million barrels per day, let alone a proposed capacity of 2 million barrels per day. An important, but unanswered question relates to the capability of the Canadian and U.S. interested parties in the oil industry in their ability to finance a $7.2 billion project.

Scheduled in Figure 2 are comparative cost break downs for the two pipelines using an initial base line figure for the Alyeska pipeline as the common cost figure for the northern section of the Canadian line.

COST PER BARREL

The per barrel cost of delivered oil through these two alternate systems is possibly the most important factor. The summary analysis in Figure 3 based on 2 million barrels per day throughput shows the relative advantage of the Alaska pipeline including the tanker system in terms of cost per barrel. In terms of need, the West Coast and the Mid-West are both short of oil. Imports from the Persian Gulf are flowing into the Mid-West at the present time. By 1978 the West Coast will be equally as short and in a position to absorb the entire production of the North Slope. It has been argued as well that the flow of North Slope oil into the Mid-West would significantly reduce oil costs in that area. In view of the overall U.S. crude oil deficiency, crude oil values will be set by the much greater volume of off-shore imports coming into the U.S. rather than an adjustment based on North Slope crude deliveries. The value of oil in the Mid-West will be adjusted by the equivalent of transportation costs from the Gulf Coast. On this basis Mid-West crude will consistently have a higher value than West Coast crude. The comparisons in the schedules do not include or consider this higher value of crude in Chicago. In addition, no compensation to Canada for the right-of-way use is reflected. Such compensations could become a major issue and cost of operation of a Canadian line.

FIGURE 2

TRANS-ALASKA LINE

	Millions of dollars: Cost per mile	Millions of dollars: Total[1]
I. Prudhoe Bay to Valdez (790 mi)	$4.02	$3,300
II. Terminal facilities		300
III. Tankers		1,600
Total		5,200

TRANS-CANADIAN LINE

	Cost per mile	Total[1]
I. Prudhoe Bay to Fort Simpson (1,100 mi)	$4.53	$4,980
II. Fort Simpson to Edmonton (600 mi)	1.56	935
III. Edmonton to U.S. border (768 mi)	.86	660
IV. Border to Chicago (789 mi)	.84	665
Total		7,240

[1] Figures include interest and escalation of 4 percent.

Source: Figures from Alyeska Pipeline Services Co.; Standard Oil Co. of Ohio.

FIGURE 3

THROUGHPUT COST PER BARREL

[Based on 2,000,000 barrels per day—20 years]

Transportation cost	Alaska line	Canadian line
Capital cost/ discounted barrel	$0.824	$1.157
Operating cost:		
Tanker	.220	
Pipeline	.090	.350
Total	.310	.350
Total, cost per barrel	1.134	1.507

NET ADVANTAGE OF TRANS-ALASKA PIPELINE RELATIVE TO TRANS-CANADIAN PIPELINE—2.0 MILLION BARRELS/DAY

Prudhoe Bay to Chicago via Canada	$1.507
Prudhoe Bay to Los Angeles	1.134
Cost Advantage TAPS	0.373
Less Cost to Transport oil U.S. Gulf to Chicago	$0.281
Net advantage Alaska Pipeline for crude delivery to Los Angeles and Chicago	0.092

(1) Information from Standard Oil Company of Ohio.

ENVIRONMENTALLY SPEAKING

Much has been said about environmental superiority of the trans-Canadian pipeline. Environmental characteristics of both lines are comparable. Permafrost must be crossed, rivers and wildlife habitats are involved. Potential seismic areas are also subjects of consideration. The assumption in the time delay discussion was that the trans-Canadian pipeline would be designed with the same analysis and mile-by-mile design criteria as established for the trans-Alaska pipeline. The environmental concerns should be evaluated on the basis of the net effect on the environment assuming that the best technological capability has been used to overcome the hazards as encountered. The same consideration for both lines would lead to the following areas for net consideration.

1. The trans-Alaska pipeline would necessarily involve the utilization of tankers for the continuance of its delivery system to actual user areas. Tankers are not involved in the trans-Canadian pipeline. Trans-Alaska pipeline emphasizes a new tanker program involving segregated ballast systems, sophisticated navigational equipment, U.S. flag tankers and strict controls. The Canadian route, although not using tankers direct, would not eliminate tanker traffic from the West Coast and would also allow, unless other steps are immediately taken, utilization of off-shore foreign tankers that are not subject to the strict controls that would be applied to U.S. flag carriers. It can be argued that the trans-Alaska pipeline would have a beneficial effect on marine activity on the West Coast and could be the incentive for improved maritime activity on a world wide basis.

2. The trans-Canadian route travels twice as much permafrost area as the TAPS line and due to its four times greater length necessarily covers wider areas for river crossings and animal habitat dislocation. Assuming equal care in design and construction of both systems, the trans-Canadian line would be environmentally inferior to the TAPS system only on the basis of its longer route.

3. Part of the environmental advantage attributed to the trans-Canadian route is the aspect of a common corridor for both a hot oil and a cold gas line. The Canadian Government has, as a result of early interest in the gas line, specified that there will be only one gas and one crude oil line in the north. These lines to be constructed within a corridor yet to be defined. If the common corridor is assumed to mean a common right-of-way with both lines being put into the same construction area at the same time, significant advantages would accrue. Given the cost of a combined gas and oil line estimated to be in excess of $12–$13 billion, it is difficult to project that both lines could be constructed and financed at the same time. Previously discussed limitations on construction equipment and labor availability dictate that the lines be done at different times. Joint use of haul roads, construction camps, etc. would accrue, even though the lines were built in different areas. Also, it should be considered that areas that would be appropriate for a cold gas line could be inappropriate for an oil line and vice-versa. A required wider corridor and double right-of-way would lessen the environmental advantage.

In the discussion of the time difference for effective delivery of oil between the two lines, nothing was said about the effect of the delay. Assuming the nine to ten year delay as scheduled for the Canadian pipeline, significant areas must be considered.

1. Oil delivered from the North Slope will reduce our dependence on foreign imports of oil. Valuing foreign crude oil at $3.50 per barrel, and assuming a 2 million barrel per day production, North Slope crude will reduce balance of payments outflow by approximately $2.5 billion on an annual basis. In view of the current pressures on the U.S. dollar, it has to be assumed that there would be a substantial benefit in the earlier production of North Slope oil and gas.

2. The current world wide and U.S. energy shortage has placed emphasis on new exploration for both oil and gas. Particular emphasis is placed here in the United States on the establishment of domestic sources. As a result in the delay in being able to bring North Slope oil to market, exploration activity in Alaska has virtually stopped. No change in this is anticipated until suitable means have been established to bring Alaskan Arctic oil to market. The trans-Canadian pipeline with its built-in delivery delay would reasonably be expected to delay the renewal of exploration activity as well. Alaska with its vast sedimentary basins is a prime area for petroleum exploration.

3. The Mid-West is currently extremely short of refining capacity. If a decision were made to build the trans-Canadian pipeline, additional refineries could be built in anticipation of delivery of North Slope crude. Sufficient time would be available to build these refineries but in the period until North Slope delivery, no additional crude would be available in the Mid-West. Crude currently is available only through the existing pipeline grid from the Gulf Coast and additional capacity would have to be built to increase crude oil flows in the Mid-West. A line built to serve the Mid-West for a short period may be only of limited value in the future. Producers in the area would be faced with much uncertainty as to their investments and their planning to meet Mid-West supply problems.

4. The economic interest of the State of Alaska is certainly an important factor. Although in 1969 Alaska received $900 million in oil lease proceeds, these funds will not last forever. Alaska, as an emerging state, is steadily increasing its budget as it improves the delivery of state services to its population and assumes from the Federal Government responsibility for activities consistent with those of the other 50 states. The budgetary levels and projections for the state are based on the development of its natural resources as a source of revenue, principally oil production. At the present time, no return is being made from North Slope oil reservoirs nor is any additional exploration taking place within the state to develop additional and continuing resource revenue. A delay to 1984 in the generation of revenues from the North Slope would have a serious affect on the economy of the State of Alaska.

SUMMARY

In summary this analysis indicates that the trans-Alaska pipeline is the superior route for early delivery of North Slope oil to the U.S. markets. The effects of a continued delay would not be felt. The international balance of payments situation would be improved at an earlier date. The overall economic interest would be best served by delivery of oil at its lowest cost base, i.e., to the West Coast and an immediate and more permanent solution to the Mid-West energy shortages could take place. Economic disruption within the State of Alaska would also be minimized. Marine transportation problems could be significantly improved on the West Coast, and finally, there is no real significant environmental superiority for either line assuming comparable design standards are maintained for each.

PERMIT IN 1974?

What is necessary then to move forward with the construction with the trans-Alaska pipeline? The first step is the removal of the injunction on the Secretary of Interior for the issuance of the permit. To accomplish this, a change in the Mineral Leasing Act of 1920 must be made. The right-of-way of limitation of 50 feet is not sufficient to build the trans-Alaska pipeline or any other large, modern pipeline. Legislation is now in both the House and Senate to amend the Mineral Leasing Act to allow larger right-of-ways under the administration of the Secretary of Interior to enable modern construction techniques to be utilized for the construction of major pipelines throughout the United States.

If assumed that this legislation can be passed before the end of this session of Congress, the following is a suggested timetable. Legislation would probably he released from Congress late in the session which would bring us to September 1, as an effective date for the re-submission of the request to lift the injunction at the district court level. The technical exception of violation of the Mineral Leasing Act would no longer be involved and the issue would only be compliance with the National Environmental Policy Act and the adequacy of the environmental impact statement. Indications were made in the Court of Appeals, although they declined to consider in full the environmental issues, that there were several areas that could strengthen in the environmental impact statement.

During the balance of the summer the impact statement could be reviewed and areas strengthened in line with new information that is being developed. These re-reviewed areas would have to be submitted to the appropriate governmental agencies for their reconsideration. By September the entire statement and the request would be ready to resubmit to the district court. Although the District Court had originally ruled that the impact statement and the methods of administration by the Secretary of Interior were adequate, it is anticipated that the court would again take a reasonable length of time to review the entire issue. A decision could be anticipated by the middle of October or early November. Regardless of the decision, it would be appealed to the District Court of Appeals possibly by early December. It would appear reasonable for this court to take three to four months before handing down its decision. It is hoped that the decision would be timely enough that the possible consideration by the Supreme Court could be made and that court hand down its ruling before the summer recess. On this basis, mid-year 1974 would be the earliest that the Secretary of Interior could issue a right-of-way permit. Mobilization could begin promptly as continued delay in the project has enabled the oil companies to have their construction planning in a state of readiness. Although an earlier construction date and right-of-way permit would be pleasing to a number of parties, it is difficult to assume that this major project can move through the maze of both legislative and judicial activity any faster than the schedule proposed.

SENATOR RANDOLPH BELIEVES, IN THE FINAL ANALYSIS—PRIVATE INDUSTRY MUST BE ALLOWED FLEXIBILITY TO MEET OUR ENERGY DEMANDS

Mr. RANDOLPH. Mr. President, in recognition of energy supply shortages, last week, the Senate passed S. 1570, legislation establishing a mandatory allocation program in the event of a national energy crisis. This week, the administration is conducting hearings on its Voluntary Allocation program.

Unfortunately, neither of these programs will provide additional gallons of crude oil refined products for consumers. "Instead," as C. Howard Hardesty, Jr., the executive vice president of Continental Oil Co., told the Oil Policy Committee, on Tuesday, "allocations merely serve to spread the illness around. Our real challenge, therefore, is to find the solutions which will make allocations unnecessary." For, as long as allocation exists this means that there are energy supply shortages that are limiting our country's economic growth and constraining our economic viability.

Looking to the future, any long-term strategy to achieve adequate energy supplies must rely on the traditional societal institutions that have served us well. In the final analysis, this means that we ultimately must continue to rely on industry and the marketplace for our energy supplies and, in turn, for the allocation of available supplies.

To some degree, however, the marketplace has contributed, in part, to the present shortages. However, the major factor, in recent years, has been various Government actions. In an effort to reduce inflation, the supposed "free-market mechanism" has been constrained by price controls. As a consequence, industry is frequently unable to pass on to the marketplace the legitimate costs of doing business. For example, we should consider the increased prices for imported crude oil. What is frequently forgotten when implementing domestic price controls is that there are no price controls in the world market.

At a time when world energy prices are higher than in the United States, the only supplies available in sufficient quantities to meet current demands for gasoline and fuel oil are in Europe. However, the prices there are higher than in the United States. Therefore, if we are to acquire these foreign supplies, their market values must be reflected in U.S. consumer costs. These legitimate expenses for assuring energy supplies must be recoverable by industry.

Assurances are needed that actual increased costs associated with crude oil and refined products can flow through to the marketplace. Until this is possible, some existing refineries, rather than operate at a loss, may operate at less than capacity, and new refinery capacity needed to meet future growth in the demand for energy may not become a reality.

In effect, by Government action a market environment has arisen that is inadequate for stimulation of the investments required to avert the emerging shortages. Until it is fully recognized that increased energy supplies only can be achieved by increased investments by industry, we are deceiving ourselves.

Our country's leaders, and the American consumer, must recognize that, in the future, stable energy supplies will cost more than in the past. By continuing to ignore the fact that other countries are willing to pay more than us for limited international energy supplies, we are mortgaging this country's security and freedom, as well as our position as a world power.

In order to strengthen the security of our energy supplies, it is the obligation of Government to provide guidance for the operation of our traditional energy supply institutions. Federal officials, however, individually or corporately, would begin to function as industry's board of directors. There is every reason to believe that the options available for securing essential energy supplies would be reduced.

As agents of the American consumer, it is the responsibility of our national leaders and Government officials to assume a progressive and reasonable stance, particularly at this critical time. Unfortunately, some of our national leaders are taking a short-term, reactionary position, alleging, without evidence, that the emerging energy crisis is a conspiracy to drive up prices, to eliminate competitors, and to weaken environmental regulations. However, the accusatory act itself provides credence to the allegation. The consequence is a polarization of the affected parties, inhibiting the formulation of effective solutions to our supply shortages. In the final analysis, a disservice is done to our Nation—to the consuming public.

There may be companies who choose to take advantage of our current scarcity of energy supplies. We must not lose sight of the fact, however, that the shortages are there and industry must be encouraged to meet consumer demands. Statements that imply it is fictitious or concocted are causing confusion at a time when a public commitment is needed to positive programs. The energy crisis is here.

THE PUBLIC VIEW OF THE SPACE PROGRAM AND THE SHUTTLE

Mr. MOSS. Mr. President, later this month the Senate will consider the fiscal year 1974 NASA authorization bill reported by the Committee on Aeronautical and Space Sciences. As my colleagues prepare to address themselves to the Nation's space program, many, I am sure, will hear the opinion that the space program and the Space Shuttle are largely unknown quantities in the public view, that there remains neither support nor educated interest in this Nation's space program.

The dramatic come-back achieved with the Skylab mission has done much to again capture the attention and imagination of the American people. Skylab has done much to rekindle the kind of thoughtful public discussion of NASA's plans and programs so essential to the effective functioning of our representative democracy. Media coverage and editorial opinions have looked even beyond the tribulations and promise of the Skylab to rejuvenate public awareness of how much we have achieved with our investment in imagination and what may be the vistas of the future.

All this means that great scrutiny will be applied to our actions here in the Congress as we pass on the future of the space program. One piece disseminated to the public is a commentary broadcast across the Nation over stations affiliated with the Mutual Broadcasting System.

The commentary by Charles A. King draws some vivid contrasts between the past, present, and future of the Nation's space program and is based, in part, on hearings held before my committee this year. Mr. King holds up a mirror to us to relate—

> The controversy (that) still swirls within Congressional chambers over NASA's next major endeavor—the Space Shuttle. Hearings by the Senate Committee on Aeronautical and Space Sciences—still echoed warm debate over the value of the program and more seriously, the question of authorizations and appropriations for the space agency in fiscal year 1974.

The commentary goes on to lay out the major arguments of both the opponents and proponents of the Space Shuttle before contrasting this debate with some larger realities that the public should consider:

> One thing that has been forgotten is the fact that the NASA program is and has been successful—this in spite of the fact that the program has been cut and cut to the point where Cape Kennedy almost became a ghost area and in some areas of the nation—men of science have been reduced to waiting on tables and driving instead of riding in limousines and cabs because their contributions were ignored in an effort to save the necessary dollars.
>
> If NASA has made a major mistake—it has been in taking little time through public relations to educate the public as to the benefits of the space missions and science to date.
>
> This nation is first in the world with what we have accomplished through our space program—and it is always some consolation to warmly note that the men who were on the moon and the men now flying an extended mission around the earth were and are Americans.

Mr. President, I would suggest to my colleagues that this commentary is just one piece of evidence that NASA and the space program are very much in the public eye. The range of testimony received by my committee from organized labor, scientists, and other members further attests to this fact. I commend the broadcast commentary to the attention of my colleagues and ask unanimous consent that a transcript be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

> MUTUAL BROADCASTING SYSTEM, INC.,
> *New York, N.Y., May 31, 1973.*
>
> (By Charles A. King)
>
> As this particular commentary is being heard via tape—I'm in a press plane some two hundred and thirty miles under the Skylab Two, firmly attached to Skylab One circling the earth some 235 miles above those we have left behind.
>
> This is about high enough for me—as the plane heads for Iceland and the press crew will follow the summit talks President Nixon plans with Premier Pompideau on Thursday and Friday.
>
> Having just returned from Cape Kennedy, Florida—two remembrances still linger. First—the flight of the Skylab Two as the three Americans blasted into space—the trio on a known but uncertain mission—a house call on an ailing space station 235 miles above the earth.
>
> The second—the sudden apathy at Cape Kennedy; not by those who are responsible for our leadership in space—but where 100,000 might have watched a manned launch to the moon just months ago—now it was old hat; this was just science and in spite of the fact that three men were involved and their lives were on the line—only about 20,000 were on hand as the men blasted into the heavens with the mission twofold. First—to repair the damage and next if successful—to find out how long man could sustain himself in the heavens.
>
> Even now—as the three men circle the earth in less than ideal conditions—the controversy still swirls within Congressional chambers over NASA's next major endeavor—the space shuttle. Hearings conducted by the Senate Committee on Aeronautical and Space Sciences as recently as last month still echoed warm debate over the value of the program and more seriously, the question of authorizations and appropriations for the space agency in fiscal 1974.
>
> The House has approved an over three billion dollar budget for NASA and even ignored an amendment that would have cut $500,000,000 earmarked for the space shuttle.
>
> NASA is asking for $475 million for shuttle development alone in 1974 and that request could rise to one billion before the shuttle is even off the ground.
>
> Those in favor of the shuttle say it is essential if the United States is to retain its lead in space activities, and the reusable laboratory and certain launching components will eventually result in huge savings.
>
> On the other hand—others say the shuttle is not economical, its introduction is premature and it will deeply cut into other less glamorous but essential scientific activities.
>
> There is really no question in the minds of those conversant with the subject as to the importance of the shuttle and Dr. Jack Schmitt, the geologist aboard the Apollo Seventeen mission called it the beginning of an "era of imagination." He said he himself envisioned the shuttle as a stepping stone to an orbiting educational facility for students of all nationalities and disciplines.
>
> Others have said that the shuttle is akin to General Motors ceasing to build its present models and retooling to construct a steam-powered automobile.
>
> There is also the argument that the project would give birth to international cooperation although nobody is ready to say what the Russians are planning along shuttle lines. Most certainly they are having problems with present space projects.
>
> The question is sometimes asked—"Why does NASA so covet the shuttle project." The answer comes that the shuttle will ultimately save billions of dollars in launch costs and to would supply a means of repairing, refurbishing, re-using and launching satellites.
>
> Administrator James Fletcher says that the cost-benefit ratio is not the crucial factor. It is rather "the capability the shuttle would give people to work quickly and routinely in space."
>
> There are some loud and indignant voices in the Congress who would have us close up the whole NASA program and pour the money into social schemes. Congresswoman Bella Abzug, for instance, when she is not out to impeach a President at least twice every twelve months, holds no love for the space program. Other voices are strong in defense as some are in criticism.
>
> One thing that has been forgotten is the fact that the NASA program is and has been successful—this in spite of the fact that the program has been cut and cut to the point where Cape Kennedy almost became a ghost area and in some areas of the nation—men of science have been reduced to waiting on tables and driving instead of riding in limousines and cabs because there contributions were ignored in an effort to save the necessary dollars.
>
> In spite of all of the headaches—NASA through its administration in manned flights has created what must be the proudest and most efficient of all federal agencies.
>
> To be most practical, there are irrelevant, motivations that favor the space shuttle. During the time of peak development through 1977—as many as 50,000 new jobs will be created.
>
> Senator Barry Goldwater has said that he sees no other source of jobs for young men and women.
>
> The President has spoken of the space shuttle as the "lift of a driving dream" and he sides with those in the Congress who want to see it accomplished.
>
> If NASA has made a major mistake—it has been in taking little time through public relations to educate the public as to the benefits of the space missions and science to date. It is only because most do not know that which has been benefited from space science and space exploration that the critics outnumber those who favor further space exploration.
>
> This nation is first in the world with what we have accomplished through our space program—and it is always some consolation to warmly note that the men who were on the moon and the men now flying an extended mission around the earth were and are Americans.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, S. 1248, which will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

The PRESIDING OFFICER. The pending question is on the adoption of amendment No. 222, by the Senator from Michigan, to amendment No. 218, by the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the announcement by President Nixon last night of a freeze on all prices for up to 60 days, to be followed by a tougher, more comprehensive and more vigorous phase IV program, is good news. But it is of vital importance that the President's deeds match his words.

The freeze and the tougher followup program that he has called for are what we have been calling for in Congress for a long time. In early April, I offered an amendment which called for a 90-day freeze. Sixty days may be better.

At any rate, I have made it very clear that we invited the President to step in and do this himself. The President could do it better. He could announce it one day, as he did last night, and it would go into effect the next day, as it does today. If we in Congress do it, we have to debate it for days here, it has to be debated in the House, and then we have to have a conference. Meanwhile, what happens to prices? We have rollbacks after the bill is enacted. The whole action is far less efficient and can be an administrative nightmare.

So the President has taken the right first step. Whether or not this will do the job, whether it will break the back of inflation and permit us to drop all controls at a reasonably early time, depends on 2 fundamental actions by this Government.

First, phase IV must indeed be a nononsense, vigorously-enforced, tough program. The President is doing just the right thing in sharply expanding enforcement personnel and making a prompt start in reviewing the sharp price increase since January 10, which seem obviously to have violated the phase III guidelines.

I do not know how anybody can look at what has happened to prices since January 10 without realizing that the guidelines must have been violated wholesale, and the President has indicated that the reason for determining the violation is to require a rollback. This could mean that the consumers of this country will be saved billions of dollars, if the President follows through with his commitment.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. HUMPHREY. One thing that worries me, even though I support the rollback idea, if the facts justify it, is that the consumer who bought the goods at a high price cannot get a refund.

Mr. PROXMIRE. That is true.

Mr. HUMPHREY. How does one come back and say, "I bought a shirt and lost my sales slip, but I paid $9 for it and it ought to be $8.50, so give me 50 cents"?

Mr. PROXMIRE. The Senator is correct, but I think he and I and everybody else will be better served if prices are rolled back so that they will be lower.

Mr. HUMPHREY. Absolutely.

Mr. PROXMIRE. And if subsequently we can buy at a lower price. We cannot reclaim what we have lost in the last 5 or 6 months. Nothing can be done about that, in most cases.

Mr. HUMPHREY. What has disturbed me about this—the Senator from Wisconsin has been in the forefront of the battle against inflation, and we are indebted to him—is that in all the hearings we have held before the Joint Economic Committee and the appropriate subcommittees, we have had Dr. Stein and others who just look at us cold-eyed and tell us that everything is going according to plan.

I had Dr. Stein before the Consumer Economic Subcommittee 10 days ago. He told me they were going to a 2.5 percent goal of inflation this year.

I said, "No matter what kind of mathematics you use, that is impossible."

He looked at me and said, "It is still our goal. It is still a probability."

Mr. President, when we get that kind of economic advice, we wake up to find that the President's program has been a failure. Holding to phase III was untimely. The Senator from Wisconsin has been saying so. He has been saying that phase III was a failure. Business Week said so. The Wall Street Journal said so. The top economists of the country have said so. One of President Nixon's own former advisers made a blistering statement awhile ago.

All the criticism by the Nixon administration has been nothing but cheap shots at the anti-inflation program. I, like the Senator from Wisconsin, am grateful for what the President said last night, but I cannot help saying, "My gracious! Why did we have to wait so long?"

Mr. CHURCH. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CHURCH. Is it possible that the good doctor may not have meant in his determination to achieve a 2.5-percent goal that the cost of living, overall, would go up 2.5 percent this year?

Mr. HUMPHREY. I had not really explored that possibility. Maybe it was my mathematics. Maybe it was not multiplication but was addition.

Mr. PROXMIRE. Of course, the Senator from Minnesota is correct. It is unfortunate that the President did not act sooner. He should have acted sooner. It is unfortunate that on January 10 he made that fateful decision to go into phase III. I think it was an incredible action. What happened to prices, most economists say, is attributable largely to the dismal failure of phase III.

Mr. HUMPHREY. I thank the Senator from Wisconsin for pointing this out, at a time when the President's Council of Economic Advisers came before us. I can understand the administration saying, "These are Democrats; therefore, they are partisan." But some of the main economic writers in America, some of the finest in the world, have been saying for months, particularly since February, that phase III is a failure; it has resulted in the greatest distortions in the economy.

Mr. President, I protest the profiteering that has taken place. There has been too much profiteering. Many corporations have deliberately raised their prices. Some people feel that with a limitation of 1½ percent, there has been a gross violation. Everybody knows it. Is it any wonder that people think that corporations can get by with almost anything?

Mr. PROXMIRE. I thank the Senator from Minnesota.

Mr. President, as I have said, phase IV must indeed be a no nonsense, vigorously enforced, tough program. The President is doing just the right thing in expanding enforcement personnel and making a prompt start in reviewing the sharp price increases since January 10 which seem to have obviously violated the phase III guidelines.

It is good news for the consumer that the President has said that if price increases are found to be in violation of phase III regulations since January 10, 1973, the last day of phase II, they will be rolled back. If the President can get effective action, this could roll back prices sharply.

The second essential action the Government must take if this new anti-inflation program is to work is to use the vital 60-day period and the control period to follow to reduce the long-term inflationary features of our economy, and here the President's program is not adequate.

This is the time to move forcefully on antitrust, to begin an intensive program of training the unskilled unemployed so they can increase our supply of skilled workers which in some areas is in short supply. This period is the time to eliminate import restrictions that prevent the price reducing impact of foreign competition.

Mr. President, because this period beginning right now today is so vital, I am pushing for hearings in both the Senate Banking Committee and the Joint Economic Committee on the shape phase IV should take and action on legislation on the President's program. I hope both these hearings can take place promptly.

Mr. President, last night there were certain indications that the President's Phase IV program, that is, the program following the freeze, has not been determined; that it will be determined based on consultation with management, labor, Congress, and others. So we in Congress will have a chance to say something about what kind of program we should have. Above all it must be effective and tough as necessary so we can hold down prices and achieve a reasonable goal or modest and limited price increases, if any.

Our Joint Economic Committee is already working with the General Accounting Office to see if it would be feasible for them to make a study of phase II—to determine in what respects it worked well and in what respects it worked badly, and especially what lessons we can learn from phase II which we can apply in phase IV, and in moving out of phase IV to a system of no controls without serious inflation. We failed dismally to accomplish that when phase II was terminated. Phase III was a disaster. We should learn from that mistake. We hope the General Accounting Office study, the hearings of the Joint Economic Committee and the advice of the best economists in and out of Government can point the way.

That was suggested to our Joint Economic Committee by Ralph Nader and it makes a lot of sense. Phase II is over. We can study it as a historical development and we can learn a great deal from it. While some say it worked well, it could have worked better. Prices were rising at the end of phase II. With this knowledge we can have a far more effective system in phase IV and to know when we can move out of price controls to a free economy.

We hope to have hearings which will bring in not only the top economists in Government, but some of the top economists from outside Government.

As I understand it, the pending amendment is the Griffin amendment to the Proxmire amendment. I do think the amendment we proposed has some advantages over the President's proposal. But as I said, one of the principal purposes of the amendment was to do our best to persuade the President to act. He has acted and, while I criticized his proposal in some respects, he has done the right thing. For that reason I ask unanimous consent to withdraw my amendment. The yeas and nays already have been ordered so I understand I need unanimous consent.

Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) on his decision to withdraw his amendment. As he has very appropriately pointed out, the objective to which his amendment addressed itself has in considerable measure been realized now by virtue of the action taken by the administration and announced last evening by the President.

I also congratulate the distinguished senior Senator from Wisconsin on having introduced and fought for the amendment. The amendment addressed itself to the No. 1 problem that confronts the American people, and it did much to force the administration to take the action last night in executing a 60-day freeze on prices. The American people have been greatly benefited by virtue of the introduction of the amendment by the senior Senator from Wisconsin. Repeatedly he has stood on the floor of the Senate and called the attention of the administration to the necessity for action. He has pointed out, time and again, that phase III was a colossal failure and that strong action was long overdue.

He also addressed himself to this matter in recent days in a conference of Democrats in the Senate, and as a result of that action the conference went on record passing a resolution introduced by the able senior Senator from Wisconsin, joined in by the junior Senator from Minnesota (Mr. MONDALE), which directed action by the administration along the lines that the amendment, which has just been withdrawn, would have required. So, that I think that while the Senator has withdrawn his amendment, he achieved his purpose and accomplished his objective in large measure.

The administration should not have needed this pressure from the Senator and from the Congress. The American housewife has known for a long time that phase III was not working. The Senator is one of the foremost scholars and experts in the Senate, insofar as I am concerned, with respect to the economy, by virtue of his training and background, by virtue of his membership on the Committee on Banking and Currency, and by virtue of his membership on and vice chairmanship of the Joint Economic Committee. I think his proposal would have been better if it had been fully implemented by the administration.

Like the Senator from Wisconsin, however, I think the administration should be given credit for at least doing something, even though belatedly, about the Nation's No. 1 problem. And like the Senator from Wisconsin, I do not think that we should quibble on this or that or whether it is a 60-day or 90-day freeze. I also join him in hoping that the administration will come forward with an effective phase IV follow-on.

I have great personal esteem for the President of the United States. I recognize his many problems. I have tried to support him where I could, and I will continue to do so. But I deplore his reference to the Congress, as of last night, with respect to "budget busting" legislation. Of course, every housewife knows that the greatest budget buster was the premature lifting by the administration of phase II controls several months ago.

I congratulated the President in August 1971 when he applied the 90-day freeze, and I congratulated him on the phase II follow-on. I think that phase II was working well, and it is just inconceivable to me to comprehend the reasoning by which phase II was lifted 5 months ago. I said in March that lifting phase II was a mistake. Other Senators have said that it was a mistake. Every housewife has known it was a mistake by simply taking a look at her growing grocery bills. Certainly for the President to have referred to budget-busting bills in Congress was obviously an effort to shift the blame for rising food prices away from his administration.

The greatest budget-busting event that has occurred during the past year was the lifting of phase II controls prematurely by this administration. The housewives of America know that that action was a colossal mistake.

As to the President's reference in his nationwide telecast to vetoing budget-busting legislation, may I say that the present freeze and a phase IV follow-on would not have been necessary had the premature action of the administration in lifting the phase II controls in January been vetoed. That was the veto that would have meant something to the pocketbooks of every American worker and every American housewife. That was where the veto ought to have been applied. So any attempt now by the administration pot to point the finger at the congressional kettle and say the kettle is black, ought to fall on deaf ears.

As I have said on previous occasions, there is enough blame to go around. Mr. President, the success of the administration's action is going to depend upon the cooperation of everyone, including the Members of Congress, and I feel that the President will have that cooperation. It will also depend upon the content of the follow-on phase IV, and I shall await with interest, as will my colleagues, to see what constitutes the makeup of phase IV.

I hope that the administration will act with firmness and with decisiveness, where in recent months it has shown only hesitation and indecisiveness. The "stick in the closet" was a joke.

I certainly want to express my support of the President's decision to institute rollbacks where major companies have raised prices without due justification. I think that companies which have taken unfair advantage of the opportunity to raise prices without proper justification have been unjustly enriched, and they ought not be allowed to get away with it. The President is to be commended for his action concerning such rollbacks.

Again I want to personally commend the Senator from Wisconsin for the magnificent leadership which he has demonstrated in this matter; and for the pressure that he himself has applied, by virtue of the leverage of his amendment, on the administration to get it to act. He can take satisfaction in withdrawing the amendment, because, as I have stated, its purpose has been in considerable measure accomplished.

Mr. PROXMIRE. Mr. President, if the Senator from West Virginia will yield, I want to thank him from the bottom of my heart. Frankly, I was only able to press the amendment and the resolution in the caucus, along with the Senator from Minnesota (Mr. MONDALE), with the encouragement of the leadership. The Senator from West Virginia (Mr. ROBERT C. BYRD) was most helpful in this respect at all times.

I must comment, because I cannot resist it at this time, with respect to President Nixon's reference to the budget-busting Congress. I have just finished a hearing in which we had the Secretary of Commerce appear to testify on the Government's statistical programs. We were able to show the Secretary of Commerce that his agency gets out, at the taxpayers' expense, a statistical announcement, which is very good and very helpful, but it is followed at the same time the statistical announcement is made with a pitch saying, "President Nixon believes in holding down spending. Unless we can keep the budget-busting Congress from breaking through the budget, you are going to have a tax increase of 15 percent."

Aside from the fact that this is the rawest kind of partisanship, at the expense of the taxpayer, it is untrue, because the Senate has gone on record, by an overwhelming, bipartisan vote, with only some six or seven dissenters out of 100 Members of the Senate—8 to 1 or 10 to 1—in favor of a spending ceiling lower than the President has proposed.

We have different priorities than the President. Perhaps the President is right and we are wrong. Perhaps we are right and the President is wrong. We wish to spend less, by and large, with many exceptions, perhaps in the Defense area, perhaps in the space area. The President wishes to spend less in the health, education, and welfare area.

But, as I have said, that is a matter of priorities. It is not a matter of busting the budget. It would be just as true if a Senator got on the radio or on television and said, "We have got to stop the President from his reckless spending," because we agree that there should be a ceiling at about the level of $268 billion.

Not only does the President persist in making the false charge—he said it last night—but an agency within the Department of Commerce, subsidized by the taxpayers, supported by the taxpayers, sends out material at the expense of the taxpayers and it says, "We must assist the President to keep the spendthrift Congress from imposing a 15-percent tax increase."

So I am delighted that the Senator from Minnesota, and especially the Senator from West Virginia, have made these statements. Again I want to thank the Senator from West Virginia for his gracious remarks.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CHURCH. Mr. President, Senators in this body during the course of their service become known for the special contributions they make in particular fields, and I think the distinguished Senator from Wisconsin has established a great reputation as one of the foremost authorities in the Senate on the economic condition of the country.

I want to join with the distinguished assistant majority leader in commending him for his initiative in this instance and for the many other times in the past in which he has pointed out the great deficiencies of the administration's economic program, which is written plainly for all to see in the spiraling cost of living. Once again, through his great service, he has prodded the administration into action, and I congratulate him for it.

Mr. PROXMIRE. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield once again?

Mr. PROXMIRE. I yield.

Mr. ROBERT C. BYRD. Mr. President, may I say also that the Senator from Wisconsin has not been partisan in his efforts. Time and time again during previous administrations, some of which were Democratic, the Senator from Wisconsin never hesitated to stand on his feet and call to the attention of the Senate and the people of the country and the administration when he thought a particular administration was right and when he thought it was wrong. He has consistently steered an evenhanded, courageous, middle course in various administrations, but his eye has always been where his heart is, and that is on doing the right thing regardless of which political party is in power—the right thing for the people and the country.

Mr. PROXMIRE. I thank the Senator from West Virginia.

Mr. TOWER. Mr. President, I think I would be remiss if I did not say something about the Presidential action in instituting a price freeze to try to arrest the current inflation. The President has been pretty roundly criticized for having ended phase II, but it should be understood that phase II did actually result in some anomalies and distortions in the economy.

I think most of us who believe in a market regulated economy believe that Government controls should be only a last resort; that we should always allow the economy to function with as much freedom as possible.

The President has been criticized for waiting so long, but what he was trying to do was to see if the regulation of the marketplace would not be adequate, along with minimal Government controls, and, too, what was recognized was the fact that what we are in a demand-pull inflation rather than a cost-push inflation. We have to be careful how we deal with a demand-pull situation or we can exacerbate the very thing that results in a demand-pull situation, and that is a short supply of goods and services, inadequate to soak up the excess buying power.

Generally, the theory is, let the price of a high demand commodity or good or service go sufficiently high that it encourages expanded production in that area and then stabilizes the price.

So I think that there were some important considerations that had to be kept in mind on the part of the President and his economic advisers when they finally devised this means of trying to deal with the inflation.

I might note that by no means were all of the economic advisers who surrounded the President in total agreement. And that might be expected. What the President then must do is to listen to a number of people and get the best advice and information that he can and then act on that basis.

What should be understood about this worldwide inflation and this worldwide demand-pull inflation is that regardless of what one does to the domestic economy of the United States, he cannot alter the fact that the world operates on a market-regulated economy. European inflation is at a higher rate than that of the United States. Americans spend roughly only 16 percent of their consumable income for food. That is less than has ever been true in our history. It is less than is spent in that manner in any other country in the world.

But the Europeans and the Japanese with their affluence are willing to pay high prices for food. They are willing to pay a high percentage of their consumable income for food. The result has been a worldwide demand-pull situation. And we cannot alter that. So we have to deal very carefully with controls because we could, in effect, encourage short supply.

Of course, the President has asked, along with his controls—and I think wisely so—for some flexibility in dealing with export commodities and foodstuffs.

I intend to introduce this authorizing legislation today and hopefully the Committee on Banking, Housing and Urban Affairs will give it early consideration.

I think that because the President did not act precipitously, as many had urged him to do, he has probably acted wisely. And I think that now, rather than carp at him in Congress, we should give phase IV a chance to work.

QUORUM CALL

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CLARK). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON PROPOSED GRIFFIN AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the distinguished assistant Republican leader calls up an amendment which he proposes to offer to the pending measure, there be a time limitation thereon of 1 hour to be equally divided between the offeror of the amendment, the distinguished Senator from Michigan (Mr. GRIFFIN), and the distinguished Senator from Idaho (Mr. CHURCH), the acting manager of the bill; and that the time on any amendment to the amendment, debatable motion, or appeal in relation thereto be limited to 30 minutes to be equally divided in accordance with the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On pages 6 and 7, strike out Section 8 in its entirety, and renumber the following sections accordingly.

The PRESIDING OFFICER. There is a time limitation of 2 hours on the amendment.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

I offer this amendment out of my objection to the inclusion of section 8 in S. 1248.

Mr. President, certainly, we all wish to maintain the Senate's constitutional responsibility in foreign affairs. Certainly, each of us supports the principle of opposing further inroads by the executive branch into this body's important responsibility of ratification of treaties. However, it is my firm belief that the issue of executive agreements concerning military bases overseas does not constitute such an inroad. Our Government has made no political or defense commitments in the commission of these agreements. They are exactly as labeled, agreements arrived at between friendly countries with full recognition by the participating parties that institution of any provisions cannot precede congressional authorization and appropriation.

Obviously, it is the purpose of section 8 to defend a constitutional principle and I wish to make it clear that it is not that principle to which I am opposed. I maintain that it is the case at hand which is inappropriate and that the real effect of section 8 would not be a desirable one.

If legislation along the lines of section 8 were grounded upon a constitutional requirement, it would be constitutionally immaterial if a majority of both Houses enacts legislation to effectuate the purposes of those executive agreements. If not so grounded, however, and I submit that they are not, such bills are in essence attempts to amend the Constitution without following the procedures laid down in the Constitution for constitutional amendments and hence legally incompetent to alter the powers of the Congress. Moreover, since one Congress cannot bind a later Congress by internal rules—indeed, it cannot bind subsequent action by the same Congress—such bills if enacted could generate, rather than dispel, controversy.

What, for example, would be the legal status of an "executive agreement" which is submitted to the Senate for advice and consent pursuant to legislation such as section 8 of S. 1248 and which fails to obtain an affirmative two-thirds vote in the Senate, if the Congress thereafter by majority vote nevertheless enacts the authorizations and appropriations needed to implement the agreement?

Mr. President, I hope that the arguments we will raise today against the inclusion of section 8 will be carefully considered by my colleagues. There are a multitude of reasons why section 8 should be stricken. And I can conceive of nothing but mischief and trouble coming from the enactment of section 8. It is my hope that the inclusion of section 8 will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield to the Senator from New Jersey such time as he may require.

Mr. CASE. Mr. President, I thank the Senator from Idaho.

Mr. President, I do not know exactly how much time the Senator from Texas thinks might require on his part and on the part of those supporting his amendment. Does the Senator have any judgment on the matter?

Mr. TOWER. Mr. President, if the Senator will yield to me on my own time, we have 2 hours on the amendment. However, I doubt if that time will all be used. I do not think I can say at the moment as to a revision of the time agreement. I would be glad, however, to agree to one later on. I think there are an even half dozen Senators on this side who want to speak to the amendment.

Mr. CASE. Maybe I can proceed now as the Senator did, and then see what other Senators have to say.

Mr. TOWER. That would be all right.

Mr. CASE. The reason I ask the question is that I have an engagement with the Senator from Arkansas on a very important matter in the Appropriations Committee at 1:30 p.m. I did not know whether we might be through by then.

Mr. TOWER. I think it is altogether possible.

Mr. CASE. Mr. President, the Senate will soon vote on the amendment by the Senator from Texas (Mr. TOWER) which would strike section 8 from the State Department authorization bill. Section 8 was originally introduced by me in April 1972, as S. 3637, and it was added to the State Department authorization bill by the Foreign Relations Committee last month.

Furthermore, this legislation twice passed the Senate last year, and it would, indeed, be unfortunate if the Senate backtracked now and declared it was no longer interested in stopping the Executive's abuse of executive agreements.

If enacted, this section would block funds for future executive agreements that provide for the establishment of U.S. military bases abroad, unless those agreements were submitted to the Senate as treaties for advice and consent. The same procedure would also apply to executive agreements which renewed military base agreements. It should be emphasized that section 8 would not apply to any of our past agreements with foreign countries but only to new agreements.

This section is intended to reaffirm the constitutional principle that our system of checks and balances requires important international agreements to be approved by the Senate as treaties. The executive branch should not be able to skirt this explicit requirement simply by calling a pact with a foreign country an executive agreement.

The practice has become increasingly common under the last six administrations for important arrangements with foreign countries to be settled by executive agreements while treaties are used mainly in relatively unimportant matters. I would remind the Senate that in 1 week last year we voted on six treaties which dealt with, among other things, plant protection, extradition from Argentina, and the taking of evidence abroad in civil or commercial matters. There was not a dissenting vote to any of the six treaties, so one can assume that there was not too much controversy surrounding them.

I have no objection to the Senate being asked to approve matters of this sort because they fall within our constitutional responsibility. What I object to is that we are not normally called upon to give our advice and consent to more important agreements with foreign countries. This not only contravenes the Constitution but it contravenes the commonsense requirement that important decisions affecting our country's security should be shared by both the executive branch and the people's representatives in Congress. We do not have to look very far back in our history to see what happens when the Executive decides to involve the country in extensive commitments overseas with hardly a bow to the Congress.

All I can say about this past practice of Executive usurpation of foreign affairs decisions is: It's just no way to run a democracy.

If we in the Senate are serious about reasserting senatorial participation in foreign affairs, we have no choice but to specify clearly that executive agreements can no longer be used to settle matters which are vital to our national security. The stationing of American troops overseas certainly falls into this category. It can involve the United States in serious commitments overseas, and these commitments can ultimately lead to war.

During the last few years, we have been learning more and more about our Nation's commitments overseas. The Symington Foreign Relations Subcommittee on U.S. Security Agreements and Commitments Abroad made an extensive study of the foreign policy implications of the United States' foreign military installations. To quote that subcommittee's 1970 report:

> Overseas bases, the presence of elements of United States Armed Forces, joint planning, joint exercises, or extensive military assistance programs represent to host governments more valid assurances of United States commitment than any treaty or agreement. Furthermore, any or all of the above instances of United States military presence all but guarantee some involvement by the United States in the internal affairs of the host government.
>
> In November 1968 the then Chairman of the Joint Chiefs of Staff, General Earle Wheeler, in a statement delivered in Madrid to representatives of the Spanish General Staff, formulated better than any statement by the Subcommittee the concept being discussed here. At that time General Wheeler said, in a statement previously cleared by both the State and Defense Departments, that the presence of United States troops on Spanish soil represented a stronger security guarantee than anything written on paper.

I would remind the Senate that the Spanish base agreement was concluded as an executive agreement and not a treaty.

American military bases abroad demand closer scrutiny. The Senate has the constitutional power and duty to exercise this scrutiny, but heretofore we have abnegated our responsibility. The Senate now has an opportunity to take back this responsibility that the Constitution so clearly delineates.

However, it should be realized that there is no way the Senate can compel the Executive to submit certain agreements as treaties. On the other hand, the Senate does not have to vote funds to implement any agreement entered into unilaterally by the Executive which should have been in treaty form. Thus, section 8 uses the Congress ultimate weapon, the power of the purse, to insure that our constitutional role is preserved. If agreements on foreign military bases are not submitted as treaties, no money will be forthcoming to pay for their costs.

Most of us at one time or another have deplored the lack of senatorial participation in foreign policy matters, especially after having just discovered some new arrangement in which our Government was secretly participating. If section 8 is written into law, we shall again become full partners in a vital part of American foreign policy. Of course, this would entail a great responsibility for the Senate, but it is one which the Constitution places on us. Not only must we accept this responsibility, but we must insist on having it.

Mr. President, of all of the provisions in the bill having long-range and permanent importance, this section 8 may be the most important of all. It passed the Senate on two occasions last year, and I am certainly hopeful that the Senate will not backtrack this time.

Section 8 represents the majority position in the Foreign Relations Committee that legislation is needed to put on a constitutional basis the Senate's working arrangements with the Executive for the proper conduct of our foreign policy. The Executive must have the necessary freedom it needs to negotiate agreements and to carry out operations on a day-to-day basis, while the Senate must reassert the principle which the authors of the Constitution so wisely inserted that treaties should be made with the advice and consent of the Senate.

The question of what is a treaty we can debate now and we have debated it over the years. I know of no hard and fast rule that can be applied. I know of no tenet that can be drawn down from the skies and automatically placed on top of an agreement to determine whether it is a treaty or an executive agreement.

Certain things seem clear. Above all, it seems to me that the matter of the importance of the agreement is paramount. And there can be no more important agreement, I believe, than one which relates to the stationing of armed military forces of the United States in foreign nations.

It may be just a small force, or it may be a larger one, but whatever the size of the force, it has a potential for creating situations in which armed conflicts may very well result; and it seems to me, Mr. President, that the way for us to attempt to reconcile the roles of the Executive and the Congress in this matter, where they are in conflict, is to prevent situations from arising, at least on the initiative of the Executive alone, which may give rise to armed conflict.

The President, in the view of some, should have the authority to move the Armed Forces of the United States at will all over the world, in any numbers. I have heard the view expressed by some of our colleagues that this is an attribute of the President's role as Commander in Chief of the Armed Forces.

I do not suppose I could disagree with anything more than I do with that suggestion. I do not say that the President has no authority in this regard, but I do say that the stationing of U.S. troops abroad on a permanent basis in foreign military installations is the kind of thing which ought not to be done without the approval of the Senate.

I repeat, the way to prevent conflicts between the President and the Congress from arising as to the proper role of each in the division of authority on the warmaking powers is to prevent situations from arising from which war may result on the initiative of one or the other.

At this time, Mr. President, I understand that my colleague, the acting manager of the bill (Mr. CHURCH), has a remark or two that he would like to make. I am very happy, indeed, to yield to him, for the time being at least, for that purpose.

Mr. CHURCH. Mr. President, I thank the Senator very much, but I would prefer to withhold my remarks until the conclusion of the debate, and then summarize the position that the committee has taken with respect to this particular provision of the bill.

Mr. CASE. Does the Senator from Texas wish to proceed, then?

Mr. TOWER. Mr. President, I yield the Senator from Arizona such time as he may require.

Mr. GOLDWATER. I thank my good friend from Texas.

Mr. President, what we are going through here is a procedure that is not too obvious to most of the Members. I can well understand and in fact sympathize with the feelings of Members of this body and the other body and with American citizens who have some feeling that the power of war should not be vested in the President as the Constitution has vested it. This investiture, by the way, has been recognized throughout nearly the 200 years of the history of our Republic. I find much confusion on the subject, mostly because very little study has been given to it. Consequently, the average citizen firmly believes that only Congress can take this country to war, when that is not true at all.

Congress can declare war, and out of the nearly 200 times that the arms of this Nation have been called up, they have declared war five times—including twice in one war. However, while Congress can declare war every 15 minutes, only the President of the United States can call out the troops.

An attempt is being made, through language in the bill we are discussing today—and have been discussing and will be discussing—at reduction of the power of the President in war. I realize that the committee has virtually unanimously voted out a bill that will cover war powers of the Executive, and that we will have an opportunity to discuss that matter and vote on it later. But I find, in studying the bill that is before us today, even though the war powers bill will be brought up separately, that there are many restrictions on executive action put in the State Department bill which would accomplish most of what is wanted in the bill to reduce the power of the President.

For example, it would prohibit any funds for further U.S. military operations of any kind in all of Indochina.

Second, it would prohibit American troops from being stationed at any new foreign military bases unless the Senate approves the agreement, and even prohibit extending any existing base agreement without the Senate's approval.

Third, it would cut off funds for the State Department, USIA, AID, or the Disarmament Agency if one of these agencies fails to furnish any kind of document, paper, or report in its custody sought by a congressional committee, excluding only direct communications with the President himself. This covers internal working documents from ongoing negotiations and all cables from U.S. Ambassadors to the Secretary of State, as examples of the secretive materials the committee would reach.

Fourth, there is language which would stop all U.S. contributions to SEATO after June 30, 1974.

Now, I cannot find fault with using any weapons it has at hand in an effort to improve the will of this body—Congress, the Executive, and the people. But, as I have said in testimony before the committee, and have said repeatedly on this floor, understanding as I do the very sincere and convinced feeling that we do have the power of war in this body, I argue that the way to reach that change is not through legislative fiat but by submitting an amendment to the Constitution to the people of the United States, who would vote on it.

I daresay, before we change the power of the President in war, this procedure will have to be followed. I cannot conceive of a President's approving any bill that would question his constitutional authority. He cannot question a constitutional amendment. He can oppose it and so state it. But this, I suggest to my friends who believe that Congress either controls war or should control war is the proper way to go about it.

While I would not vote for such an amendment, I would do everything in my power to see that such a constitutional amendment is brought before the American people.

Now, Mr. President, I support the amendment offered by the Senator from Texas (Mr. TOWER) to strike section 8 of the bill, which would prohibit the expenditure of any funds to carry out any agreement providing for the stationing of American troops overseas unless the agreement is submitted to the Senate for its advice and consent. The amendment is claimed to reaffirm a constitutional principle that important international agreements must be approved by the Senate as treaties.

Mr. President, I will repeat today what I discussed during debate over the Azores Agreement, that the Constitution has never been interpreted in this manner. As this body knows, executive agreements are nothing new. In fact, during the first 50 years of government under the Constitution, the President entered into at least 27 international agreements without obtaining the consent of the Senate. This figure increased to 238 executive agreements in the second half-century under the Constitution and 917 during the third 50-year period of our existence as a Republic. During the modern period, beginning with 1946, over 5,500 executive agreements have been made by the President and there never has been any judicial decision which held that a single one of these agreements was invalid.

On the other hand, Mr. President, the U.S. Supreme Court has given specific recognition to the conclusion of international agreements by the President without the approval of the Senate on several occasions.

In one of these cases, *United States* v. *Pink*, 315 U.S. 203, 230 (1942), the Supreme Court endorsed a study of executive agreements by the great international law scholar, John Bassett Moore, which enumerated numerous examples of purely executive agreements which Presidents had reached throughout history on a wide range of topics, having far-reaching importance. The Court referred to this listing as correctly describing—

> The historic conception of the powers and responsibilities of the President in the conduct of foreign affairs.

Mr. President, Prof. Myres McDougal, who is likely the prominent contemporary scholar in the field of foreign affairs under the Constitution, wrote to me on January 12 of this year:

> It seems to me that our usage during the past twenty-five years strongly confirms that the President's independent powers over foreign affairs include a competence to make *important* agreements of substantial duration. Certainly, our experience as a nation in an increasingly dangerous world indicates that it is indispensable that he have such a competence. (Emphasis added.)

Mr. President, I wish it to be understood exactly how far the scope of section 8 would reach. If this provision had been in effect during the 1940's, President Roosevelt could not have sent American troops and ships under his own authority, as he did, to occupy a number of points at military bases granted us on British soil along their possessions in the western Atlantic. In April of 1941, after the German invasion of Denmark, the U.S. Army could not have occupied Greenland under an executive agreement with the local authorities.

Nor, in July of 1941, could U.S. troops have occupied Iceland or, in November, Dutch Guiana under executive agreements with the local authorities. There certainly was no assurance at that time that the Senate would have approved each of these agreements in the form of a treaty and, indeed, I doubt that there was time to argue the case and await senatorial deliberations on which course America should follow.

Mr. President, never in the history of the United States has the Congress passed any statute faintly resembling the restrictions of section 8. The President has always been recognized as possessing the power to send troops and arms to such parts of the world as he determines necessary in the interest of American security. I recognize that there does exist among some, what a former Secretary of State has called "a virus of disbelief in danger and recoil from meeting it" which leads some to believe that our country can cripple its military arm and unilaterally induce a world peace into being. Oddly, it takes a citizen from a totalitarian society to expose the results of this kind of policy.

Alexander Solzhenitsyn wrote the following in his acceptance statement upon his award of the 1970 Nobel Prize for literature:

> The spirit of Munich has by no means retreated into the past: It was not merely a brief episode. I even venture to say that the spirit of Munich prevails in the 20th Century. The timid civilized world has found nothing with which to oppose the onslaught of a sudden revival of barefaced barbarity, other than concessions and smiles. The spirit of Munich is a sickness of the will of successful people; it is the daily condition of those who have given themselves up to the thirst after prosperity at any price, to material well-being as the chief goal of earthly existence. Such people—and there are many in today's world—elect passivity and retreat, just so as their accustomed life might drag on a bit longer, just so as not to step over the threshold of hardship today—and tomorrow you'll see, it will all be all right.

Mr. President, I think that history will show us that the failure to face up always results in evil.

Before I sit down, I want to make perfectly clear that my main quarrel with the proponents of this language and the proponents of other language in the bill is not with their desire. We may find, on study, that there is too much power in the President's hands in today's modern world.

My argument is that it cannot be done legislative-wise. If it is accomplished legislative-wise, it will be doomed to defeat by veto or by being overridden by the court, who could decide against it, because clearly, not in the mind of this layman, but in the opinion of nearly every expert with whom I have discussed the matter, including Secretaries of State and top legal experts from both sides of the aisle, it is unconstitutional.

I hope that the amendment of the Senator from Texas will prevail, and I also hope that amendments that will be offered to strike or to limit language found elsewhere in the bill will likewise succeed.

I thank the distinguished Senator from Texas for yielding me this time.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

I thank my distinguished friend from Arizona, a man who has great insight into matter of this kind.

Mr. President, the current President of the United States is the most diplomatically astute President we have had in modern times. He is sophisticated in international matters. The highest achievements of this administration have been in the field of diplomacy.

Last November, the American people gave his foreign policy an overwhelming stamp of approval. The President was mandated by the people of this country to implement that policy.

Now what we are doing in Congress is trying to inhibit the President in the implementation of that policy. We are, I think, running contrary to the mandate that the overwhelming majority of the American people gave him. Infinite mischief is possible in pursuance of section 8.

The distinguished Senator from Arizona has noted that in a time of tension or in a time of imminent hostilities, the President might be paralyzed when he should be acting.

The Senator from Arizona has documented his case with all the things we could not have done at the beginning of World War II had section 8 been in effect at that time.

These executive agreements do not make policy. They just establish options for the use of military installations or options for placing military installations in various parts of the world. It is up to Congress to exercise the ultimate option, through the process of authorization and appropriation.

Do not hamstring the President by requiring him, every time he wants to get an option on the use of a base somewhere in the world, to conclude a treaty and bring it back here and go through lengthy hearings, which would inevitably become involved in the questions of policy and even face a possible filibuster. This certainly is no way to do business. Heads of state of other countries, when they read section 8, are going to question our capacity to lead.

It seems to me that a number of acts committed by this Congress, not wittingly but actually, are calculated to reduce the ability of the United States to act as the only free superpower in the world in providing the only hope for a world in which people can aspire to self-determination and have some reasonable hope of realizing that aspiration.

So I implore the Senate today to delete section 8. As I have said, these executive agreements do not make policy. Executive agreements do not even make the final determination as to how these installations abroad would be used. That must go through the Committee on Armed Services, action on the Senate floor, the Appropriations Committee, action on the Senate floor, and similar action in the House. So there certainly is a great deal of the congressional decisionmaking process that goes into the use of these installations.

I hope the Senate today will strike section 8, so that our President will not be further shackled—a man whose achievements in the field of international affairs have been notable, a man whose policies the people of the United States trust, whether some of us in Congress trust them or not. He certainly received a ringing mandate from the general citizenry of this country last year. Now we should let him carry it out.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield such additional time to the distinguished Senator from New Jersey as he may require.

Mr. CASE. Mr. President, I have only a couple of things to say. One is the very simple proposition that I just cannot accept the idea that to permit Congress to exercise its constitutional authority in the war-making area is going to weaken this country. There are times when Congress may be more belligerent than the President, as there are times, perhaps, when the President is more belligerent than Congress.

I think the point really is that the Founding Fathers intended—and I think wisely intended—that there should have to be a concurrence between the executive branch and Congress before the military might of the United States moved into action.

This does not trouble me one bit. I do not think foreign countries are going to regard the United States as weak or incapable of leading because we insist on the one essential difference between our form of government and the form of government that applied almost universally up to the time of our Nation: the separation of powers among our three branches of government.

The one thing that the Founding Fathers intended to do—and deliberately intended to do and did, in my opinion—in the Constitution, in respect of the Presidency, was to insure that the royal prerogative to declare war and make war should not be placed in the hands of the President of the United States. They made this very clear. It is perfectly true that on many occasions, Presidents have moved the American military forces around the world. It is perfectly true that Abraham Lincoln, when he was a Member of the House, took one view about the authority of the President in this regard and another view when he became President. This is not strange, and I do not think it is inexplicable. I think the position of Lincoln is a consistent one, if we find the key, and I think the key is this: that the rule ought to be the rule of the Constitution.

Exceptions have to be made by Presidents, and the President has to take the chance that his action in such exceptional circumstances will be ratified, but that does not mean we should change the rules. I think this is the only way we can really work out a relationship between the President and Congress for working purposes in this area.

It seems to me that when we singled out the establishment and the renewal of military bases abroad as a criterion for determining whether an agreement should be brought to the Senate for advice and consent as a treaty, we did a very right and wise thing. There are other areas, of course, and other kinds of agreements that ought to be considered as treaties; and we expressly say in the legislative history of this provision that by picking out military bases, we do not intend to suggest that this is the only subject on which agreements with foreign countries should be considered as treaties.

This is peculiarly appropriate, it seems to me. It is not intended to damage the President in his action in emergencies. It is intended to prevent him from creating situations in which Congress would be disabled from performing its constitutional responsibility so far as the warmaking power is concerned. This seems to me to be clear.

It is almost inconceivable to me that the establishment of a military base would be of such an emergency nature that it ought to be done on very short notice. But if that were so, then the President—any President—would have to take such action as he deemed proper. Of course, we agree with that. And he would take that action. But he would take it on his own risk of being repudiated or supported by the Senate, and it would not be something that in the ordinary course of the exercise of Presidential authority he had the right to do.

Mr. President, I have no more to say at the moment.

Mr. GOLDWATER. Mr. President, will the Senator from Texas yield to me, so that I may reply to the Senator from New Jersey?

Mr. TOWER. I am delighted to yield.

Prior to yielding, I would like to say that Executive agreements are regarded as *constitutional*. They have been so held by the Supreme Court of the United States, and time and again they have been honored by Congress. So there is nothing unconstitutional about an Executive agreement.

Mr. President, I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, in answer to the distinguished Senator from New Jersey I would like to point out a little history. Under the Continental Congress the power to make war was with the Congress; also the power to declare war. But Washington had such a disastrous, almost totally disastrous experience under congressional meddling near the end of the Revolution that we came very close to losing it. Consequently, when the Founding Fathers met to outline the Constitution they specifically gave to the President the power to make war, under the condition of his being Commander in Chief, and gave the power to declare war to Congress.

Now, declaring war and making war are two different things. We do not have the power to make war in this body. The Constitution never so intended. Oh, yes, we can control it. We could disband the Army, the Navy, the Air Force, the Marines, and so forth; we could cut off funds, as we are attempting to do in a certain instance; we could so promulgate regulations which we are required to prepare that it would make the conduct of war almost impossible. But I point out that this is the basic, fundamental point of disagreement: the Congress of the United States in no way under the Constitution has the power to go to war; only the President can do it.

There is argument as to whether there have been 190 or 200 different instances in the history of this country when the President has called out force, and only five times has Congress declared war—six if one wants to include the Gulf of Tonkin, and I have never looked upon it as such.

The distinguished Senator from New Jersey rightly pointed out what Abraham Lincoln almost did. I might remind my friend that the President can do this: He can put on 5 stars or 10 stars and march forth to battle. I think he would be out of his head if he did so. We nearly had that experience, and thank the Lord we did not.

I am convinced it would be healthy and wise for this argument to be extended, for the people in the media to come to some understanding of it and present to the American people just what it is we are talking about when we talk about the ability, the power to go to war or to declare war. I have argued this point time and time again. I find no disagreement with the commander in chief concept, even among those who feel that Congress does have the right to go to war.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I am happy to yield.

Mr. TOWER. Is not the primary function of the possession of military force to give you the diplomatic bargaining power that you need to bring about agreements among nations?

Mr. GOLDWATER. There never has been a student of warfare in my studies that has not made the basic agreement that the possession of force and the willingness to use force and the recognition of both of these by any potential enemy has kept peace in the world. It is only when we have refused to realize—whether we like it or not, and I do not like it, but I recognize it—that force and the willingness to use it is recognized and respected by enemies. When we steer away from that concept, we get into trouble.

I am convinced we never would have had World War II if the United States had been substantially powerful, which it was not, and had she shown a willingness to use that power. This is the history of war and diplomacy, it is what we talk about when we go to Paris to talk to Hanoi, or when Brezhnev comes here to talk to the President, who has the muscle to make it work.

Mr. TOWER. Mr. President, would not the Senator agree that a shrinking from the use of military power can very often be more dangerous than committing military force? I think particularly of the 1930's, with respect to which the Senator brought up World War II. At that time, France and Great Britain were perfectly capable of keeping Hitler from entering the Rhineland, but they did not, and we had World War II.

Mr. GOLDWATER. I might add, in conclusion, that what bothers me about Congress ever having this power is that Congress is not what we call a continuing body. Ordinarily, we like to think of ourselves as such. But Congress changes every 2 years. Sometimes it changes very radically; so what might be a foreign policy subscribed to by the Senate or the House this year, 2 years from now might not represent that policy at all. But we do have a President elected for 4 years whose foreign policy is constant, and Congress only acts to back him up.

I agree with the Senator from New Jersey as to the right to advise and consent. I think that is proper. I think in most cases we do that. But a time comes at the approach of possible hostilities, such as we witnessed in World War II and, to some extent, in Korea, when prompt Presidential action is needed, while Congress might take weeks or a month to debate whether or not the war was in a strategic location, during which time would be of importance to us, and the whole conflict might be lost.

Mr. TOWER. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

Mr. BUCKLEY. Mr. President, I not only support the amendment, but I ask that my name be added as a cosponsor of it.

I believe the amendment points to the extreme importance of such a proposal. It is one which is needed if we are to obtain the kind of businesslike approach to the implementation of the power of the President, on which the effective discharge of our responsibility depends, as the distinguished Senator from Texas pointed out in his opening statement.

There is nothing in our current procedure which is contrary to the Constitution of the United States, nothing that is derogatory to the full discharge by Congress of its own responsibility.

As the Senator pointed out, in most instances executive agreements are entered into pursuant to negotiation by the President.

Mr. TOWER. Mr. President, will the Senator yield for a moment so I may ask for the yeas and nays?

Mr. BUCKLEY. I yield.

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a request?

Mr. BUCKLEY. I yield.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that it now be in order to ask for the yeas and nays on my amendment, which will be offered.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Is there a sufficient second for the yeas and nays?

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, the distinguished Senator from Texas has pointed out that, by and large, these executive agreements are entered into pursuant to treaties that have been given full approval by the Senate and also that the Congress has always had, through the authorization and appropriation mechanism, the power to, in effect, nullify the effectiveness of these agreements by throttling off the flow of the funds required to sustain these bases.

But he also pointed out something that we must constantly remind ourselves of in these days when the spirit of detente has done so much to cloud our vision of the realities of the world in which we live today, and in which we will continue to live until such time as effective mechanisms are agreed to for the containment of aggression and the reduction of armaments; it is a fact that there are times when we must be capable of acting rapidly. There are times when the President must exercise his responsibility as Commander in Chief to establish bases, to mobilize and deploy American forces, in order to prevent the possibility of an outbreak of serious hostilities.

We have seen such power invoked in the case of crises such as the Six-Day War in the Middle East. We will see such occasions in the future.

I believe that if we take the world view—and I submit the United States has no option but to continue to take that world view—we cannot handcuff the President, whoever he may be, we cannot handcuff the Commander in Chief, whoever he may be, by stripping him of the power in the ordinary course of executive business to implement our foreign policy in an effective and flexible manner.

I therefore urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 5 minutes to the distinguished Senator from Maryland (Mr. BEALL).

Mr. BEALL. Mr. President, I rise in support of the amendment offered by the Senator from Texas and agree wholeheartedly with arguments in support of striking section 8 from S. 1428.

Base agreements per se do not commit the United States to station its forces anywhere. It should be further emphasized that even construction of such bases cannot be begun unless or until Congress has authorized that construction and has appropriated funds with which to build. I suggest that this legislative control alone would be sufficient to assure acceptance of any congressional mandate. Without belaboring the issue, it is also a fact that Congress has the additional prerogative of funding, not only construction, but also and most importantly, operation of these bases. Without congressional approval, such military facilities as may be called for in executive agreements cannot be constructed, operated, maintained, or staffed.

In view of these facts, then, I ask my distinguished colleagues whether or not these are effective and constitutionally appointed controls on executive agreements involving military bases abroad. I submit that they are, and that they are not only effective but sufficient, and therefore I strongly question the necessity of instituting superfluous legislation.

I am also sure that my colleagues on the Armed Services and Appropriations Committees could readily demonstrate that these agreements are subject to full congressional scrutiny and that, by means of the actions taken by those committees, Congress does indeed meaningfully and thoroughly participate in the conduct of foreign relations and national security affairs. Section 8 of S. 1248 is not needed for exercising congressional jurisdiction over the military affairs aspects of such agreements.

Moreover, may I remind my colleagues that insofar as a particular base agreement might involve the furnishing of foreign assistance as a quid pro quo, the implementation of such an agreement would not only be dependent upon congressional authorization and appropriation of the construction that might be required, of the equipment to be procured for installation or deployment at the base, plus operation and maintenance costs, but also upon congressional authorization and appropriation of the foreign assistance. Such an agreement would, therefore, be subject to review and control by the Committees on Foreign Affairs, Foreign Relations, the Armed Services Committees of both Houses, and the House and Senate Appropriations Committees.

In summary, then, I reiterate that these agreements do not commit the United States to construct any bases, the United States would not be in default of any international obligation if the Congress rejected the President's request for authorization and funds, and the Congress is in no way obligated to approve these requests. In view of this obvious evidence of congressional prerogative to control the establishment of military bases overseas, it seems to me that the matter of these bases is not the proper vehicle for addressing the balance between the executive and legislative branches, and I would urge my colleagues most earnestly to help defeat inclusion of section 8 in this bill.

I yield back the remainder of my time to the manager of the bill on this side.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I yield to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) such time as he may require in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I support the committee's position on this matter. I recognize it is very difficult to delineate as to which agreement should be in the form of a treaty and which could be made appropriately by an executive agreement, but it seems to me there have been too many major matters which have been handled as executive agreements. The Senate has been bypassed too many times, in my judgment, on major matters, and I have particular reference to the agreements which have been made with Spain.

I happen to be a strong supporter of the Spanish bases. I think they are important to us. I think they are important to Free Europe. I think they are important to the North Atlantic Treaty Organization, although Spain is not a member of that organization; but I feel that the agreements with Spain should have been submitted to the Senate in the form of a treaty rather than being put into effect as a result of an executive agreement.

As I read section 8 as it comes from the Foreign Relations Committee, I interpret it to mean that it applies to major military installations. If the language is considered somewhat broad, that could be worked out in conference. But so far as my interpretation is concerned, it applies to major, and is intended to apply to major, installations throughout the world, and major military commitments.

Mr. CHURCH. Mr. President, if the Senator will yield, may I just say to the Senator that his construction of the amendment is correct. That was the intent of the committee in drafting the language, and if it is necessary in conference to perfect the language to make that clear, I am sure such effort would have the full support of the Senate conferees.

Mr. HARRY F. BYRD, JR. Mr. President, I thank the Senator from Idaho.

Mr. President, with that understanding, I feel that this would be an appropriate provision for the Senate to enact. If something similar to this is not agreed to, I think we will continue to find that the Senate's role in foreign policy will be continually diminished.

I am glad today to support the committee's position and to oppose the amendment offered by the distinguished and able Senator from Texas (Mr. TOWER).

Mr. CHURCH. Mr. President, I thank the Senator from Virginia for the remarks he has made in support of the provision in the bill that would be stricken by the adoption of the pending amendment.

Mr. President, I yield myself such time as I may require. I do not intend to be long. Then the Senate can soon come to a vote on this issue.

Mr. President, the issue posed by the amendment of the Senator from Texas (Mr. TOWER) is very simple: "Does the Senate believe that agreements with foreign countries for establishing or continuing U.S. military bases abroad should be subject to approval by the Senate and not arranged solely by appointees in the executive branch?" In recent years the Senate has consistently said "yes" to that question, reaffirming the right of the Senate to participate in the decision-making process where major military bases abroad are concerned.

The amendment of the Senator from

Texas would have the Senate reverse that record.

The presence of American troops on foreign soil represents a formidable unwritten commitment by the United States to intervene to protect our men, our facilities, and the interests of the country where they are located.

I find it very difficult to believe that this proposition should not now be evident in light of our ordeal in Southeast Asia, where again and again the presence of American troops and American bases was used by the Executive as an excuse for prolonging our involvement in the war.

The distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) referred to the case of Spain. I recall in that connection that General Earle Wheeler, then Chairman of the Joint Chiefs of Staff, assured Spanish officials in 1968 that the presence of American forces on Spanish soil represented a stronger security guarantee than anything written on paper. In effect, he said, it is better than a treaty for us to have the troops on Spanish soil. So I think we ought not to give serious attention to the argument that locating major American bases abroad constitutes no commitment on the part of the United States or is not a policy matter. Several Senators have urged that argument in support of the pending amendment.

Three years ago, by a vote of 70–16, the Senate passed the national commitments resolution which states:

> *Resolved*, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

On December 11, 1970, in recognition of the practical validity of General Wheeler's statement with reference to our troops in Spain constituting a de facto commitment on the part of the United States to the defense of Spain, the Senate passed a resolution stating that the Spanish bases agreement was not to be construed as a national commitment to come to Spain's defense. A majority of the members of the Foreign Relations Committee made it clear that, in their opinion, the agreement should have been submitted as a treaty. On March 3, 1972, the Senate passed a resolution, by a vote of 50 to 6, urging that the Azores base agreement be submitted as a treaty. That plea was ignored.

In order to implement on a general basis the principle involved in these resolutions, last year the committee approved a provision, offered by Senator CASE, in both military aid bills which required that future military base agreements, such as those with Spain and Portugal, be submitted to the Senate for approval. No effort was made in the Senate to elimiate this provision from those bills, which is indicative of the strong support in this body for the principle at stake.

Only yesterday the Senate voted to uphold, in the case of the Azores base agreement, the principle involved here. To adopt this amendment would reject a long and undeviating series of votes by the Senate that these matters should be handled as treaties. I hope the Senate is not so inconsistent in its view of its responsibilities as to overturn those many votes.

There is no question that the drafters of the Constitution intended that all major agreements with foreign countries be treaties, subject to Senate approval. They would not have accepted the proposition that the executive branch has the option simply to call an important commitment an executive agreement and put it in effect without the participation of the Senate, where major understandings with foreign nations are concerned. This device of executive agreement, is a way to circumvent the Constitution of the United States, as the distinguished Senator from Virginia has so well pointed out.

Yet, it has become the current practice, increasingly, and it is in direct conflict with the system of checks and balances that the Founding Fathers so carefully wrote into the Constitution. Unless we are willing to insist upon our right to exercise constitutional powers that were vested in this body, then I am afraid that we will see our power continue to slip away.

Certainly there is no other branch of government that is going to undertake the responsibility of preserving the prerogatives of Congress, if Congress itself is unwilling to stand up and insist upon the exercise of its own power.

In recent years the Committee on Foreign Relations has devoted much study to the problem of how to restore Congress and, in particular, the Senate's proper role in the making of foreign policy. The committee believes that this provision, which the Senator from Texas and those who support him would strike from the bill, represents a significant step in the restoration process.

To give Senators some indication of the underlying problem, I point out that last year 282 executive agreements were entered into by the President. Only one of those, the interim arms limitation agreement with the Soviet Union, was submitted to Congress for approval. In that same year only 21 treaties were entered into, as compared to these 282 executive agreements, many of which related to matters of major importance to the United States. Listen to what some of those 21 treaties were all about:

> Convention on Taking of Evidence Abroad in Civil or Commercial Matters, signed at The Hague on July 27, 1970.
>
> Partial Revision of the Radio Regulations and Final Protocol, dated at Geneva on July 17, 1971.
>
> Convention Establishing an International Organization of Legal Metrology, signed at Paris on October 12, 1955, as amended.
>
> International Convention on Tonnage Measurement of Ships, signed for the United States at London on June 23, 1969.
>
> Agreement between the Government of the United States of America and the Government of the Federative Republic of Brazil, concerning shrimp, signed at Brasilia on May 9, 1972.
>
> Convention between the Government of the United States of America and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction, and their Environment, signed at Tokyo on March 4, 1972.

Mr. President, without meaning to denigrate the subject matter of these particular treaties, it is obvious that as compared to major understandings reached between the United States and foreign governments, these treaties are comparatively insignificant. Yet these are the kinds of agreements that are entered into in treaty form and brought to the Senate of the United States for approval, while the major agreements, including the establishment of large American military bases on foreign soil, concerning which the United States might either be drawn into war by virtue of the presence of our troops abroad, or see a war prolonged as we have in the case of Southeast Asia—such agreements are not brought to the Senate at all.

Surely that was not intended by the Founding Fathers. Surely that was not what was meant when it was expressly provided in the Constitution that treaties would be entered into only by and with the advice and consent of the Senate.

So we would hope that the Senate would consider a military base agreement calling for the stationing of thousands of American servicemen on foreign soil as worthy of the Senate's attention as an agreement concerning the tonnage measurement of ships or an understanding with Brazil concerning shrimp.

All this provision requires is that the Senate be allowed to pass on these important agreements which tie us to the interests of foreign countries. Our country should not become entangled in such serious obligations as those incurred through stationing our forces at bases abroad without the approval of the legislative branch, and through it, the American people.

I hope that the amendment will be rejected.

I ask unanimous consent that pertinent information concerning U.S. military bases abroad be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. OVERSEAS MILITARY FACILITIES AND BASES

[Supplied by Department of State]

At the end of Fiscal Year 1972, DOD had 1,963 installations and properties being used by the U.S. Forces in the territories, possessions and foreign countries. This number refers to all properties used by the U.S. Forces, including the minor parcels used for air base navigational aids, small areas used for radio relay sites, etc. As such, this total number of properties is not truly a reflection of the installations used by our forces overseas. Also of interest, the total number of installations and properties used by the U.S.

forces overseas has been reduced by over 15 percent during the past several years.

Primary installations used by U.S. Forces in the territories, possessions, and foreign countries number 321, excluding those in Southeast Asia. Of the 321, 25 installations are located in the territories and possessions. These 321 are considered the most important installations used by the U.S. Forces to support overseas missions. A list is attached. This list excludes South Vietnam and Thailand. As of April 1973, there were no U.S. military bases in South Vietnam, and U.S. forces were tenant on seven Thai airbases and one port complex in Thailand. The port complex is at Sattahip; the airbases are at U Tapao, Udorn, Ubon, Takhli, Nakhon Phanom, Nam Phong, and Khorat.

SELECTED MILITARY INSTALLATIONS OR ACTIVITIES OUTSIDE THE 50 STATES

Country and military department	Name of installation	Nearest city or location
Azores: Air Force	Lajes Field	Lajes.
Belgium: Army	Chievres Air Base	Mons.
Bermuda: Navy	Naval Air Station	St. George.
Canada:		
Navy	Naval Facility	Argentia, Newfoundland.
Air Force	Goose Air Base	St. Anthony.
Canal Zone:		
Army	Fort Amador	Balboa.
	Quarry Heights	Do.
	Fort Clayton	Do.
	Fort Kobbe	Do.
	Fort Davis	Cristobal.
	Fort Gulick	Do.
	Fort Sherman	Do.
Navy	Naval Communications Station	Balboa.
	Naval Ship Repair Facility	Panama.
	Naval Station	Rodman.
Air Force	Albrook Air Force Base	Balboa.
	Howard Air Force Base	Do.
Crete: Air Force	Iraklion Air Station	Gournes.
Cuba: Navy	Naval Base Complex	Guantanamo Bay.
Ethiopia: Navy	Communications Station	Asmara.
Germany:		
Army:		
Army training center	Pond Barracks	Amberg.
	South Camp Vilseck	Vilseck.
	East Camp Grafenwoehr	Grafenwoehr.
	Hohenfels Training Complex	Hohenfels.
	Camp Gates	Marktredwitz.
	Camp Pitman	Weiden.
Berlin area	Andrews Barracks	Berlin-Lichterfeld.
	U.S. Army Hospital	Berlin-Steglitz.
	McNair Barracks	Berlin-Lichterfeld.
	Turner Barracks	Berlin.
	U.S. HQ Compound	Berlin-Dahlem.
Bremerhaven area	Bremerhaven Complex	Bremerhaven.
Franconia: Wurzburg area	Emery Barracks	Wurzburg.
	Fraulenberg Kaserne	Do.
	Hindenburg Barracks	Do.
	Leighton Barracks	Do.
Aschaffenburg area	Fiori Barracks	Aschaffenburg.
	Graves Barracks	Do.
	Jaeger Barracks	Do.
	Ready Barracks	Do.
	Smith Barracks	Do.
Kitzingen area	Larson Barracks	Kitzingen.
	Harvey Barracks	Do.
Schweinfurt area	Conn Barracks	Schweinfurt.
	Ledward Barracks	Do.
Wertheim area	Penden Barracks	Wertheim.
Bad Kissingen area	Daley Barracks	Bad Kissingen.
Hesse: Giessen area	Ayers Kaserne	Kirchgoens.
	Schloss Kaserne	Butzbach.
	Ray Barracks	Friedberg.
	Pendleton Barracks	Giessen.
	General Depot	Do.
	Rivers Barracks	Do.
North Baden:		
Heidelberg area	Campbell Barracks	Heidelberg.
	U.S. Army Hospital	Do.
	Patton Barracks	Do.
	Tompkins Barracks	Schwetzingen.
Karlsruhe area	Neureut Kaserne	Neureut.
	Ordnance Depot	Germersheim.
	Rheinland Kaserne	Ettingen.
	Smiley Barracks	Karlsruhe.
Mannheim area	Coleman Barracks	Mannheim.
	Funari Barracks	Do.
	Gendarmerie Kaserne	Do.
	Hammond Barracks	Do.
	Turley Barracks	Do.
	Spinelli Barracks	Do.
	Ordnance Support Depot	Do.
	Sullivan Barracks	Do.
	Taylor Barracks	Do.
Worms area	Taukkuneu Barracks	Worms.
	De La Police Kaserne	Do.
North Bavaria:		
Nuernberg area	U.S. Army Hospital	Nuernberg.
	Merrell Barracks	Do.
	Johnson Barracks	Fuerth.
	Montieth Barracks	Do.
	Darby Kaserne	Do.
	O'Brien Barracks	Schwabach.
	Pinder Barracks	Zirndorf.
Ansbach area	Barton Barracks	Ansbach.
	Bleidorn Kaserne	Do.
	Hindenburg Kaserne	Do.
	EES Depot	Katterbach.
	Storch Barracks	Illesheim.
Hamberg area	Muna Storage Area	Bamberg.
	Warner Barracks I–II–III	Do.
	Harris Barracks	Coburg.
Bayrouth area	Christenen Barracks	Bayreuth.
	Scheem Kaserne	Do.
Erlangen area	Ferris Barracks	Erlangen.
	Herzo Base	Herzogenaurach.
Regensburg area	Pioneer Kaserne	Regensburg.
North Wuerttemberg:		
Stuttgart area	Boeblingen Ordnance Plant	Boeblingen.
	Panzer Kaserne	Do.
	Coffey Barracks	Ludwigsburg.
	Flak Kaserne	Do.
	Valdez Barracks	Do.
	Krabbenloch Kaserno	Do.
	Grenadier Kaserne	Zuffenhausen.
	U.S. Army Hospital	Bad Camistatt.
	Kelley Barracks	Moehringen.
	Ludendroff Kaserne	Kornweastheim.
	Wilkins Barracks	Do.
	Patch Barracks	Vaihingen.
	Robinson Barracks	Stuttgart.
	Wallace and McGee Barracks	Do.
Goeppingen area	Bismark Kaserne	Schwaebisch-Gmuend.
	Hardt Kaserne	Do.
	Equipment Maintenance Plant	Do.
	Cooke Barracks	Goeppingen.
Heilbronn area	Badenerhof Kaserne	Heilbronn.
	Wharton Barracks	Do.
	Ordnance Area	Siegelshach.
Schwaebisch Hall area	Dolan Barracks	Hessental.
	McKee Barracks	Crailsheim.
Palatinate:		
Kaiserslautern area	Ammunition Depot	Kriegsfeld.
	do	Miesau.
	General Depot	Kaiserslautern.
	Kleber Kaserne	Do.
	Equipment Maintenance Center	Do.
	Rhine Ordnance Barracks	Do.
	Panzer Kaserne	Do.
	Daenner Kaserne	Do.
	Kapaun Barracks	Do.
	U.S. Army General Hospital	Landstuhl.
	Medical Depot	Einsiedlerhuf.
	Pulaski Barracks	Do.
Pirmasens area	U.S. Army Hospital	Muenchweiler.
	Ordnance Depot	Dahn.
	General Depot	Pirmasens.
	Husterhoch Kaserne	Do.
	Kruezberg Kaserne	Zweibruecken.
Rhineland:		
Bad Kreuznach area	Des Gouttes Kaserne	Bad Kreuznach.
	U.S. Army Hospital	Do.
	Rose Barracks	Do.
	Anderson Barracks	Dexheim.
	De La Marne Kaserne	Bingen.
Baumholder area	Smith Barracks	Baumholder.
	Faulenberg Kaserne	Do.
	U.S. Army Hospital	Do.
	Stassburg Kaserne	Idar-Oberstein.
	U.S. Army Hospital Neubruecke	Hoppstaedten.
	General Depot	Nahbollenback.
Mainz/Weisbaden area	U.S. Army Airfield	Finthen.
	Lee Barracks	Gonsenheim.
	McCully Barracks	Wackernheim.
	Dragoner Kaserne	Mainz.
	Ordnance Depot	Do.
	Hindenburg Kaserne	Biebrich
	Camp Pieri	Weisbaden.
South Bavaria:		
Augsburg area	Gablinger Kaserne	Augsburg.
	Flak Kaserne	Do.
	Reese Barracks	Do.
	Sheridan Kaserne	Do.
	Troop Housing Area	Memmingen.
Bad Toelz area	Flint Kaserne	Bad Toelz.
Berchtesgaden area	Camp Area Stauggas	Berchtesgaden.
	Strub Kaserne	Do.
Garmisch area	Hawkins Barracks	Oberammergau.
	Sheridan Barracks	Garmisch.
Munich area	Eastman Barracks	Dachau.
	Max II Kaserne	Munich.
	McGraw Kaserne	Do.
	U.S. Army Hospital	Do.
Ulm area	Nelson Barracks	Neu-Ulm.
	Wiley Barracks	Do.
Taunus:		
Frankfurt	Drake Barracks	Frankfurt.
	Gibbs Barracks	Do.
	Gutieut Barracks	Do.
	U.S. Army Hospital	Do.
	I. G. Farben Complex	Do.
	McNair Barracks	Frankfurt-Hoech.
	Michael Barracks	Do.
	Ordnance Facilities	Roedelheim.
	Camp King	Oberursel.
Darmstadt	Cambral Fritsch Kaserne	Darmstadt.
	Ernst Ludwig Kaserne	Do.
	Hale Area	Do.
	Kelley Barracks	Do.
	Kaserne Babenhausen	Babenhausen.
	Ordnance Plant	Ober-Ramstad.
	Ammunition Depot	Muenster.
Volksberg:		
Hanau	Armstrong Barracks	Buedingen.
	Coleman Barracks	Gelnhausen.
	Grossauheim Kaserne	Grossauheim.

Country and military department	Name of installation	Nearest city or location
	Argonner Kaserne	Do.
	Francois Kaserne	Hanau.
	Hessen Homburg Barracks	Do.
	Hutier Barracks	Do.
	Pioneer Kaserne	Do.
	Wolfgang Kaserne	Do.
	Yorkhof Kaserne	Do.
	Fliegerhorst Kaserne	Do.
Fulda	Camp Wildflecken	Wildflecken.
	Downs Barracks	Fulda.
	McPhesters Barracks	Bad Hersfeld.
Air Force (10)	Bitburg Air Base	Bitburg.
	Echterdingen Air Base	Stuttgart.
	Hahn Air Base	Hahn.
	Lindsey Air Station	Weisbaden.
	Weisbaden Air Base	Do.
	Ramstein Air Base	Landstuhl.
	Rhein Main Air Base	Frankfurt.
	Spangdahlem Air Base	Spangdahlem.
	Tempelholf Airport	Berlin.
	Zweibrucken Air Base	Zweibrucken.
Greece (2):		
Navy (1)	Naval Communications Station	Nea Makri.
Air Force (1)	Athenai Airport	Athenai.
Greenland (1): Air Force	Sondrestrom Air Base	Holsteinberg.
	Thule Air Base	Thule.
Iceland (1): Navy	Naval Station	Keflavik.
Italy (7):		
Army (2)	Camp Ederle	Vincenza.
	Camp Darby	Livorna.
Navy (4)	Naval Air Facility	Sigonella, Sicily.
	Naval Hospital	Naples.
	Naval Support Activity	Do.
	Naval Air Facility	Do.
Air Force (1)	Aviano Air Base	Roveredo In Piano.
Japan (31):		
Army (19)	Camp Asaka	Asaka.
	Camp Zama	Sagamihara.
	Camp Fuchinobe	Do.
	Sagami General Depot	Do.
	Akizuki Ammunition Depot	Eta Jima.
	Hiro Ammunition Depot	Hiro-Machi.
	Tama Ammunition Depot	Tokyo.
	U.S. Army Depot	Tokorozawa.
	Yamada Ammunition Storage Annex	Kokora-Shi.
	Camp Kue	Koza, Okinawa.
	Camp Sukiran	Do.
	Camp Sausone	Do.
	Chibana Ordnance Ammunition Depot	Koza City, Okinawa.
	Site Hanza	Naha, Okinawa.
	Machinato Area	Do.
	Naha POL Facilities	Do.
	Port	Do.
	Futema Annex	Do.
	Ordnance Ammunition Depot	Henoro, Okinawa.
Navy (7)	Marine Corps Air Station	Iwakuni.
	Naval Fleet Activity	Sasebo.
	Naval Fleet Activity Complex	Yokosuka.
	Ikego Ammunition Depot	Zushi City.
	Oppama Ammunition Area	Kanagawa-Ken.
	Marine Corps Air Facility	Futema, Okinawa.
	Marine Corps Camp Butler	Tengan, Okinawa.
Air Force (5)	Fuchu Air Station	Tokyo.
	Misawa Air Station	Missawa.
	Yokota Air Base	Fussa-Machi.
	Kadena Air Base	Koza, Okinawa.
	Naha Air Station	Naha, Okinawa.
Korea (30):		
Army (28)	Camp Ames	Taejon.
	Camp Carroll	Waegwan.
	Taegu POL Facility	Do.
	Camp Casey	Tongduchon-Ni.
	Camp Hovey	Do.
	Camp Henry	Taegu.
	Camp Walker	Taego City.
	Camp Howard	Song Hwan Myon
	Camp Howze	Kumchon-Ni.
	Camp Humphreys	Pyong Tack.
	Camp Jerome E. Sears	Uijong-Bu.
	Camp Red Cloud	Do.
	Camp Stanley	Do.
	Tobong-San Ammunition Center	Do.
	Camp Long	Won Ju City.
	Camp Randall E. Coiner	Seoul.
	Camp William H. Colbern	Do.
	Yongsan Reservation	Do.
	Yongsan South	Do.
	Camp Tyler	Bupyong.
	Grant	Do.
	Hayes	Do.
	Hialeah	Pusan.
	Supply Point 48	Do.
	Pohang POL Depot	Pohang.
	SASP II	Anyang-Up.
	Wolmi-Do	Inchon.
	Yuma	Do.
Air Force (2)	Kunsan Air Base	Kunsan.
	Osan Air Base	Song Tan.
Marianas (8):		
Navy (7)	Naval Magazine	Guam.
	Naval Station	Do.
	Naval Supply Depot	Do.
	Naval Air Station	Agana.
	Naval Hospital	Do.
	Naval Ship Repair Facility	Do.
	Naval Communications Station	Fiuegeyan.
Air Force (1)	Andersen Air Force Base	Agana.
Midway (1): Navy	Naval Station	Midway.
Morocco (2): Navy	Naval Communications Station	Sidi Yahia.
	Naval Activity	Kenitra.
Netherlands (1): Air Force	Soesterberg Air Base	Soesterberg.
Philippines (6):		
Navy (5)	Naval Communications Station	San Miguel.
	Naval Air Station	Cubi Point.
	Naval Station	Subic Bay.
	Naval Supply Depot	Do.
	Naval Ship Repair Facility	Do.
Air Force (1)	Clark Air Base	Angeles.
Puerto Rico (3):		
Navy (2)	Naval Communications Station	San Juan.
	Naval Station	Roosevelt Roads.
Air Force (1)	Ramey Air Base	Aguadilla.
Spain (5):		
Navy (3)	Naval Station	Rota.
	Naval Communications Station	Do.
	Nava Fuel Depot	Do.
Air Force (2)	Torrejon Air Base	Torrejon De Ardoz.
	Zaragoza Air Base	Zaragoza.
Taiwan (3):		
Navy (1)	Naval Support Activity	Taipei.
Air Force (2)	Ching Chuan Kang Air Base	Pu Tzu Chien.
	Taipei Air Station	Taipei.
Turkey (3): Air Force	Incirlick Air Base	Incirlick.
	Karamursel Communications Station	Karamursel.
	Ankara Air Station	Ankara.
United Kingdom (10): Navy (4).	Naval Support Activity	London.
	Naval Communications Station	Londonderry, Ireland
	Communications Station	Edzell, Scotland.
	Naval Activity	Greenock, Scotland.
Air Force (6)	RAF Alconbury	Alconbury.
	RAF Bentwaters	Woodbridge.
	RAF Woodbridge	Do.
	RAF Lakenheath	Lakenhealth.
	RAF Mildenhall	Mildenhall.
	RAF Upper Heyford	Upper Heyford.
Wake Island (1): Air Force	Air Facility	Wake Island.

Note: Total, 321—Army, 233; Navy, 45; Air Force, 43.

TABLE 6.—*Department of Defense Fiscal Year 1973 Estimated Annual Operating Costs of Maintaining U.S. Military Forces in Foreign Countries and Areas*

	Millions
South Vietnam	$583
Thailand	731
Japan	446
Philippines	287
Ryukyu Islands	455
Korea	626
Taiwan	134
Forces Afloat-West Pacific	359
Forces Afloat-Western Europe	218
Belgium	25
Cyprus	2
France	1
Germany	2,740
Greece	43
Greenland	6
Iceland	39
Italy	141
Netherlands	22
Portugal (including Azores)	30
Spain	128
Turkey	$90
United Kingdom	276
Forces Afloat-Near East/South Asia	8
Ethiopia	14
Iran	7
Saudi Arabia	2
Forces Afloat-Other Pacific	74
Australia	9
New Zealand	1
Forces Afloat-South America	1
Brazil	2
Canada	32
Other	121
Total	7,653

NOTES

Excludes U.S. territories and special locations, i.e., Alaska, Hawaii, Guam, Canal Zone, Cuba, Puerto Rico, etc.

Department of Defense accounting records are not maintained to reflect total U.S. costs on an area basis. Operating costs for fiscal year 1972, therefore, were estimated by using appropriate factors. Included are the costs of all military and civilian personnel located overseas and the cost of operating and maintaining facilities overseas. These estimates do not include indirect logistic and administrative costs for support from outside of the country, nor do they include major procurement or military construction costs.

Includes estimates for Jan. 1, 1973 pay raise.

(Tables 7 and 8 are classified and in the committee files.)

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time, but I would simply like to point out that an executive agreement giving us the option to have a military installation in a foreign country is not an authorization for stationing anyone abroad. Not one member of the armed services of the United States is stationed abroad unless it has been authorized that he be there and the money for that purpose appropriated by the Congress of the United States.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. CHURCH. Mr. President, I am prepared to yield back the remainder of my time also, except to say to the Senator from Texas in response to his final remark that I think he knows, and experience has borne out, that once the President of the United States enters into an executive agreement committing the United States to the establishment of a military base on foreign soil, we are then told in Congress that we are obligated by virtue of that agreement to furnish the money necessary to keep the commitment. Therefore, I reject the argument of the Senator from Texas, and I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ABOUREZK). All remaining time having been yielded back——

Mr. TOWER. Mr. President, I have not yielded back my time yet.

Mr. CHURCH. Then I withhold yielding back my time, Mr. President.

Mr. TOWER. I would observe, Mr. President, that maintaining a military installation abroad is something we do as a concomitant of our agreements with other countries such as the North Atlantic Treaty Organization and SEATO. If there are those in this body who would wish to renege on our treaty commitments and withdraw the American presence in this world, let us propose that right here in the Senate and deal with the idea on its merits, and not try the back door approach of trying to hamstring the administration and the armed services in maintaining military bases abroad to contribute not only to the defense of our friends, but to the defense of the United States as well.

It is an eternal verity that it is incumbent upon a nation to maintain its defense perimeter as far from its own shores as possible and as close to any potential enemy's shore as possible.

That is what we do with our bases. We are serving the defense of the United States.

Mr. CHURCH. Mr. President, just one final remark. It is quite wrong, and related in no way to the facts of the case, to suggest that this provision in the bill is a backhanded way to undercut commitments that the United States has made by way of treaty. We have many bases, sadly, on foreign soil unconnected with any treaty. The Spanish base is a good example. We have no treaty by which the United States undertakes to defend Spain. We are told by the State Department that there is no commitment at all on our part to defend Spain, but we have major bases in Spain which were put there by executive agreements, and we have the authority of no less a personage than General Wheeler, when Chairman of the Joint Chiefs of Staff, to the effect that the agreement stationing troops in Spain was a better and more reliable commitment to the defense of Spain than any formal treaty we could enter into.

So I say let us get back to the Constitution, and insist that executive agreements of such major importance as those which establish American military bases on foreign soil be brought in treaty form to the Senate for ratification.

I hope that the amendment will be rejected.

OVERSEAS BASE AGREEMENTS

Mr. DOLE. Mr. President, I wish to discuss a matter which is of serious concern to me and which if the basic issues are understood and their underlying connotations recognized, should equally disturb anyone who is concerned with the conduct of our foreign and national defense policies. I am referring to the section of S. 1248 which stipulates that no overseas base agreements may be made without the prior consent of the Senate.

The central premise of section 8, which contains this restrictive provision, is that the constitutionally mandated balance between the Congress and the President has been eroded by Presidential usurpation, that Congress does not currently play any meaningful role with respect to such agreements, and that "forceful action" is required to restore congressional prerogatives.

It is my firm belief that advocates of this view are mistaken. I am convinced, Mr. President, that, regarding this particular matter, the congressional "issue" is completely groundless. There is no constitutional confrontation between the Congress and the executive branch, because Congress already plays a meaningful role concerning such executive agreements. If my colleagues were to review the issue thoroughly, they would recognize their current participation and thereby recognize the empty controversy surrounding section 8.

These executive agreements are already subjected to intense congressional scrutiny. Between 1946 and 1972, of the 5,590 executive agreements concluded, only 64 were concluded solely on the basis of the President's constitutional authority, and further, only a small percentage of that number related to national security matters. As a case in point, Congress has to provide authorization for executive agreements concerning foreign aid for such agreements obligate the United States only to the extent that Congress authorizes and appropriates funds for these purposes. I would remind my colleagues that insofar as agreements involving executive branch commitments for future year funds are concerned, they are routinely and expressly conditioned upon the continued existence of congressional appropriations. I stress here, too, that Congress is in no way committed to provide these funds.

The point I am trying to make, Mr. President, is that with respect to agreements for military bases overseas, the Congress plays no less significant a role than it does in the case of foreign aid. These base agreements do not require the United States to maintain its troops abroad or even to utilize a particular facility. They are merely options for the use of real estate, implementation of which depends wholly upon congressional sanction.

I hope this discussion has been helpful in putting this argument into perspective and the Senate will realize, with respect to military base agreements, the prerogatives of the legislative branch have neither been violated nor abused or are they threatened with violation and abuse, I would urge support of an amendment striking section 8 from S. 1248.

Mr. TOWER. I yield back the balance of my time.

The PRESIDING OFFICER. All time having been yielded back——

Mr. TOWER. Mr. President, I wonder whether we could withhold that and let me suggest the absence of a quorum with the time to be charged equally against both sides.

The PRESIDING OFFICER. The Senator may do that, even though all time has been yielded back.

Mr. TOWER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Texas (Mr. TOWER).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE), and the Senator from Arkansas (Mr. FULBRIGHT) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Ohio (Mr. TAFT) is absent on official committee business.

The result was announced—yeas 28, nays 58, as follows:

[No. 197 Leg.]

YEAS—28

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Buckley
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
McClure
Scott, Pa.
Scott, Va.
Stafford
Stevens
Thurmond
Tower
Young

NAYS—58

Abourezk
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Gravel
Hart
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Packwood
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stevenson
Symington
Talmadge
Tunney
Weicker
Williams

NOT VOTING—14

Bellmon
Cook
Cotton
Fulbright
Hartke
Hatfield
Johnston
McGee
McIntyre
Pastore
Saxbe
Sparkman
Stennis
Taft

So Mr. TOWER's amendment was rejected.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CASE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. BARTLETT) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H.R. 4682) to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile.

The enrolled bill was subsequently signed by the President pro tempore.

HOUSE BILL REFERRED

The bill (H.R. 8410) to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Finance.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

The Senate continued with the consideration of the bill (S. 1248) to authorize appropriations for the Department of State, and for other purposes.

Mr. GRIFFIN. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. BARTLETT). The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 8, strike everything beginning with line 22 up to and including line 6 on page 10. (Sec. 11 of the Bill), and renumber the succeeding sections accordingly.

The PRESIDING OFFICER. Is this the amendment of the Senator from Michigan on which there is 1 hour?

Mr. GRIFFIN. It is.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I invite the attention of the Senate to the provisions of sections 11 of the bill, beginning at the bottom of page 8, and running over to page 9. This language was inserted in the committee and it represents, I suggest, a very drastic and inappropriate approach to the problem of executive privilege. I question whether this should be adopted in a cavalier manner, as it would be in the absence of my motion to strike and some debate on it.

Mr. President, this provision should be carefully examined because it raises constitutional questions which are troubling. It raises serious questions about the appropriations process that should be of particular concern to the members of the Committee on Appropriations.

I understand that under the circumstances which prevail there is considerable temptation for Senators to try to think up imaginative ways to subject the executive branch to the will of Congress. As much as many of my colleagues, I share the feeling that a better balance between the two branches is needed, particularly in the field of foreign relations.

Mr. CHURCH. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. GRIFFIN. Mr. President, as much as anyone else in this body, I reject the assertions made earlier this year by a former Attorney General concerning the extent and scope of executive privilege, but the answer to what we may regard as errors on the part of the other branch is no reason for us to commit a serious error ourselves. We should have careful and responsible deliberations on the issue of executive privilege.

Mr. President, the existing law provides that with respect to foreign aid, information of the types referred to in section 11 shall be provided to the Congress, unless the President certifies in writing that there is reason not to provide such information and sets forth his reasons for not furnishing the information.

To be sure, perhaps it is possible and constitutional to go further than that, but I do not believe we should legislate in the manner provided and prescribed in section 11 without careful consideration. To me this clearly precipitates a constitutional confrontation between the executive and the legislative branch, and I do not believe on very sound and reasonable grounds. I believe it would be well to remind ourselves at this point that the Founding Fathers established the executive branch and the legislative branch as two separate and coequal branches. The Constitution does not specify one branch shall be subordinate to others, but this legislation, as spelled out in section 11, purports, in effect, to subordinate the executive branch of government.

I think it goes too far. I think we would lose in this constitutional confrontation and even more serious is the fact that we would be doing violence to the appropriations process.

Members of the Senate should take a good look at the language of this sentence. It states that if any committee of Congress having jurisdiction over the Department of State, the USIA, the Agency for International Development, the U.S. Arms Control and Disarmament Agency, ACTION, or the Overseas Private Investment Corporation makes a request for any document, and requested information is not furnished within 35 days, funds of that agency are automatically cut off.

It is a very novel and interesting way to approach the problem but it certainly does undercut the appropriations process. It means that a majority of those on the Committee on Foreign Relations, whenever they are in disagreement with appropriations for one of these agencies, could conceivably direct an inappropriate request for information to the agency, and if it were not provided in 35 days, funds for that agency would be cut off. It seems to me this is overkill of the worst kind in the matter of dealing with executive privilege. It also would place in the hands of some bureaucrat in the agency who might be neglectful the responsibility for having funds for the organization cutoff.

The only exception in section 11 is provided for beginning on line 17 of page 9 relating to a communication directed by the President himself to a particular office or employee of such department. That, in effect, recognizes there is some executive privilege, but it attempts to limit it to a communication in which the President himself is a party.

I do not know. There are some Members of the Senate who might not agree to that definition of executive privilege, but I think we are taking a broad and important step when we seek in legislation of this kind to define the scope of executive privilege.

In 1948, President Truman directed that security and loyalty information could not be made available to persons outside the executive branch. President Eisenhower directed the nondisclosure of information, conversations, or communications between high U.S. and foreign officials, the disclosure of which would adversely affect the willingness of foreign officials to engage in the exchange of views.

I am not at all sure that communications and information of that kind are not properly a matter of executive privilege, even though it does not involve a communication by the President himself. Yet, by adopting this section, he would set up a situation where the funds of an agency automatically would be cut off if within 35 days any information of any kind were not furnished.

I realize the frustration of Members of the Senate who want to do something about the situation that now exists. But I remind them there are three subcommittees of the Senate which at the present time are holding hearings on the subject of executive privilege, and seeking to develop legislation of a broad and general nature which would define the extent of executive privilege. As I understand it there is a subcommittee headed by the Senator from Massachusetts (Mr. KENNEDY), another subcommittee headed by the Senator from North Carolina (Mr. ERVIN), and a subcommittee chaired by our colleague from Maine (Mr. MUSKIE); and that on the 26th of this month these three subcommittees will hear testimony by Attorney General Richardson on this matter of executive privilege. These committees are deliberating with a view of developing legislation in a responsible way on the scope of executive privilege. I think they are going about it in the right way.

For the Committee on Foreign Relations to write language of this kind in a bill, and have it sail through with most Senators not knowing it is in the bill, is the wrong way to deal with a most serious and basic constitutional issue. Realizing the responsibility that is ours, I hope the Senate will support this amendment and strike the language from the bill.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, first of all I wish to commend the distinguished Senator from Michigan for the restrained and well-reasoned manner in which he presented the case in opposition to this provision in the pending bill. I would, however, hasten to say that the committee did not insert this provision in the bill hastily or without having given the matter careful consideration.

Indeed, it is only after a long series of what can only be regarded as provocations, the refusal on the part of agencies over which the committee has jurisdiction to furnish the committee information that it felt indispensable if it was to discharge its responsibility, that we finally came to the action that is represented by section 11 of the bill, which appears in the text of the bill under the caption, "Access to Information."

First of all, let me point out that the committee does not attempt to settle this general question for the whole of the Congress. This provision is limited simply to agencies over which the committee itself exercises jurisdiction. The committee seeks to solve its problem within the scope of the committee's own responsibilities, and goes no further.

If the amendment offered by the Senator from Michigan were to be adopted, it would strike the whole section that appears under the caption, "Access to Information," and it would thus leave the Foreign Relations Committee in the same untenable position it is in now concerning access to material in the hands of the executive branch.

All that we seek is the necessary information that we feel we must have in order to legislate, in order to bring to the Senate recommendations that we feel are worthy of the confidence of this body as a whole.

There is no new or novel policy consideration here. Congress in the past, specifically when it established the General Accounting Office, sought to give that office, as an arm of the Congress, authority to secure from the other, the executive branch of Government the necessary and relevant information that it needed. The provision of the law as it relates to the basic authority of the GAO to access to records in government agencies is contained in section 313 of the Budget and Accounting Act of 1921, and it reads as follows:

> All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them, and the Comptroller General or any of his assistants or employees, when duly authorized by him, shall for the purpose of securing such information have access to and the authority to examine any books, documents, papers, or records of any such department or establishment.

What we sought to do for the General Accounting Office, we ought to at least do for ourselves. Yet the GAO tells us in this report that it cannot get the information, despite this provision of the law; and the weakness in the existing law is that there is no penalty, there is no way to enforce the provision, against the executive agencies of Government which simply refuse to divulge the information requested.

The same is true of the Foreign Relations Committee. The same is true of any other committee of the Senate or of the House of Representatives. The same is true of the entire Congress. We cannot get the information we want if the executive decides not to give it to us. And we are a long, long way from exactly defining the extent and scope of "executive privilege."

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. CHURCH. Yes, I am happy to yield to the distinguished Senator from Minnesota.

Mr. HUMPHREY. I just want to add to what the distinguished Senator from Idaho is saying so appropriately here on this matter that not only is he correct in terms of the inability of the committee, in this instance the Foreign Relations Committee, to receive certain documents and information it requests in its legitimate function as a legislative committee, but under the Reorganization Act of 1970, which requires the Comptroller General, the Director of the Office of Budget and Management, and the Secretary of the Treasury to get together in terms of providing a system of information gathering, collection of that information, collating of the information, indexing, and the computerizing of that information, the executive branch has not been willing to agree with the Comptroller General to accomplish this purpose. In fact, 39 U.S. Senators have signed a letter relating to this matter, asking the Office of Management and Budget to perform the duties under the law of 1970.

I only add this as an extra element of the refusal of cooperation on the part of executive officers.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a brief comment?

Mr. CHURCH. On the Senator's time.

Mr. GRIFFIN. On my time.

I agree with the Senator that there is a need for some action to be taken. But I should like to have Senators look at what we are doing in this section and consider whether it is an appropriate way for us to deal with the problem.

Mr. HUMPHREY. Mr. President, if the Senator will permit this one other observation: This part, as the Senator from Michigan knows—he is a member of the Committee on Foreign Relations—was a matter of long discussion, not only one time, but months back. Really, it is a result of experience—a frustrating experience.

I think this is the only way we can get at it. It is not a question of getting even; it is a question of whether the committee will get the information it needs, because time after time the committee has been told that we do not understand the facts; time after time we have been told that we do not understand what this is all about.

This attitude is characteristic not only of this administration; it has been characteristic over a few years for certain departments of the Government who have a lack of faith in the legislative branch, and are unwilling to share and unwilling to cooperate.

Mr. CHURCH. I thank the Senator from Minnesota very much, because his remarks have been most helpful.

Under the provision adopted by the committee, without any opposition, as I recall, an appropriate congressional committee or the General Accounting Office could ask for documents or materials from the foreign affairs agencies, and if the material requested were not finished within 35 days, funds for the agency would be cut off. Under this provision, the President can still refuse to provide the document requested, but only within proper constitutional limits, which we undertake to spell out within the language of the section itself.

As it is now, the President can say, "No," and that is that.

Twice within the last 2 years the President has refused requests for information by the Committee on Foreign Relations by claiming "executive privilege," a claim without any constitutional foundation. The committee did not ask for private communications between the President and his officials or for potentially embarrassing material that would be made public. The committee asked, in the first case, for the Pentagon's 5-year plans for the foreign military aid program so that it could appraise foreign aid requests in a long-range context. The President denied the information to the committee, saying:

> The President has the responsibility not to make available any information and material which would impair the orderly function of the executive branch of the Government.

Mr. President, I am sure that the people in the White House consider that the Ervin committee impairs the "orderly function of the executive branch." Do Senators think that is a justification for calling off the investigation?

In the second instance, the committee asked for the USIA's country program memoranda, which the USIA said were designed to show how the USIA's operations in a country were integrated with overall U.S. objectives—in other words how the USIA fitted into overall U.S. policy picture. The President claimed "executive privilege" again on the grounds that to release the country program memoranda would "impair the orderly function of the executive branch." I ask unanimous consent that the texts of both of those decisions, as well as information concerning problems the General Accounting Office has encountered in this area, be printed in the Record after my remarks.

The PRESIDING OFFICER (Mr. Bartlett). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHURCH. Mr. President, can any Member of this body justify denying this type of material to Congress?

Under the present situation Congress gets its information from executive branch agencies at the sufference of the President. If he chooses to say that a document Congress has asked for is an "internal working paper," that is that. The legislative branch now allows the executive branch to write the rules—and enforce them also—on what information Congress can and cannot obtain in the course of carrying out its responsibilities. That is ridiculous. The President can, if he chooses, greatly handicap any congressional investigation of an executive branch agency simply by claiming executive privilege on any documents requested.

All of the arguments raised by the executive branch on issues of this sort have the underlying assumption that Congress is irresponsible and cannot be trusted with information. I not only resent that assumption, but I also reject it. There are far more self-serving leaks out of the executive branch in a day than there are out of Congress in a month. If one wants proof of that, all he has to do is read the papers.

At last there are signs of life in this body. I think we are making a beginning. We are beginning to act like Senators again. And that is the reason that the committee has inserted this provision in the pending bill. It is but another step toward restoring the integrity of the Congress as a coequal branch of the Government of the United States under the Constitution.

For these reasons, Mr. President, I do hope that the Senate will reject the amendment offered by the Senator from Michigan (Mr. Griffin).

Mr. President, I reserve the remainder of my time, if I have any.

Exhibit 1

The White House,
Washington, March 15, 1972.

Memorandum for the Secretary of State, the Director, U.S. Information Agency

As you know, by a memorandum of August 30, 1971 to the Secretary of State and the Secretary of Defense, I directed "not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions." In that memorandum, I fully explained why I considered that the disclosure of such internal working papers to the Congress would not be in the public interest.

I have now been informed that the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee have requested basic planning documents submitted by the country field teams to the United States Information Agency and the Agency for International Development, and other similar papers. These documents include all USIA Country Program Memoranda and the AID fiscal year 1973 Country Field Submission for Cambodia, which are prepared in the field for the benefit of the agencies and the Department of State and contain recommendations for the future.

Due to these new requests for documents of a similar nature to those covered by my August 30, 1971 directive, I hereby reiterate the position of this Administration so that there can be no misunderstanding on this point.

My memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, set forth our basic policy which is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise.

In accordance with the procedures established in my memorandum of March 24, 1969, I have conducted an inquiry with regard to the Congressional requests brought to my attention in this instance. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee and the House Foreign Operations and Government Information Subcommittee do not, insofar as they deal with future years, reflect any approved program of this Administration, but only proposals that are under consideration. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department heads, and thereafter to me.

I repeat my deep concern, shared by my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

Due to these facts and considerations, it is my determination that these documents fall within the conceptual scope of my directive of August 30, 1971 and that their disclosure to the Congress would also, as in that instance, not be in the public interest.

I, therefore, direct you not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions.

I have again noted that you and your respective Department and Agency have already provided much information and have offered to provide additional information including planning material and factors relating to our foreign assistance programs and international information activities. In implementing my general policy to provide the fullest possible information to the Congress, I will expect you and the other Heads of Departments and Agencies to continue to make available to the Congress all information relating to the foreign assistance program and international information activities not inconsistent with this directive.

Richard Nixon.

Comptroller General of the
United States,
Washington, D.C., March 20, 1972.

Hon J. W. Fulbright,
Chairman, Committee on Foreign Relations,
U.S. Senate.

Dear Mr. Chairman: We have your letter of March 17, 1972, requesting our views by March 20 as to how the President's memorandum of March 15, 1972, to the Secretary of State and the Director, United States Information Agency, may affect the General Accounting Office's capacity to carry out its responsibilities to the Congress for investigations involving the two programs to which it relates.

The President's memorandum directs the Secretary of State and the Director, United States Information Agency" . . . not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions."

One of the most important duties of the General Accounting Office is to make independent reviews of agency programs and to report to the Congress on the economy and effectiveness with which Federal departments and agencies carry out programs authorized by the Congress. Our responsibilities are not limited to financial transactions but cover both the efficiency and effectiveness of agency programs. This was clearly established by the Congress when it enacted section 312 of the Budget and Accounting Act, 1921, and was reiterated by Congress when it enacted the Accounting and Auditing Act of 1950 and section 204(a) of the Legislative Reorganization Act of 1970. The Congress in establishing the General Accounting Office recognized that the Office would need to have full access to the records of the Federal agencies, and provided the basic authority in section 313 of the Budget and Accounting Act, 1921 (31 U.S.C. 54):

"All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment."

Such access to documents and records is an essential ingredient of our broad responsibility to review and evaluate, to draw conclusions, and to report to the Congress on the results of Government programs and activities.

Any action by the executive agencies to withhold information or documents from GAO as a result of the President's directive of March 15, 1972, would impair our capability to carry out the responsibilities of the Office. The degree of such impairment will hinge on the interpretations and resultant actions taken within the executive agencies concerned.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Mr. ELMER B. STAATS,
Comptroller General, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: In preparing for consideration of the legislation to authorize appropriations for the United States Information Agency, the Committee requested from the Agency copies of its Country Program Memoranda, whose purpose, as described in an Agency publication, are ". . . to integrate country planning with resource usage, analyze the country situation and define USIS capability to help achieve U.S. foreign policy objectives. The Committee also requested copies of Agency "Planning Papers" which were described as ". . . detailing program plans and resource usage in the worldwide programs and support services."

On March 15 the President directed the Secretary of State and the Director of the United States Information Agency ". . . not to make available to the Congress any internal working documents concerning the foreign assistance program or international information activities, which would disclose tentative planning data, such as is found in the Country Program Memoranda and the Country Field Submissions, and which are not approved positions." I enclose a copy of this memorandum for your information.

As you can see, the scope of this directive is quite broad, and, in my opinion, could seriously impair Congress' ability to exercise effective oversight over the foreign assistance and international information programs which, aside from their foreign policy aspects, account for billions of dollars in government spending each year. In considering the implications of this decision and possible remedies to correct the access to information problem, it would be helpful to the Committee to have your views as to how this directive may affect the General Accounting Office's capacity to carry out its responsibilities to the Congress for investigations involving these two programs. I would appreciate having your comments on this matter by 10:00 A.M. on Monday, March 20, if at all possible in view of the fact that the Director of the U.S. Information Agency is scheduled to testify before the Committee on that date.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE SECRETARY OF DEFENSE,
Washington, D.C., August 31, 1971.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: With reference to your letter of August 6th, the President has directed the Secretary of State and me not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions.

Enclosed is the President's memorandum, dated August 30, 1971.

Sincerely,

MELVIN R. LAIRD.

THE WHITE HOUSE,
Washington, D.C., August 30, 1971.

MEMORANDUM FOR THE SECRETARY OF STATE AND THE SECRETARY OF DEFENSE

It has been brought to my attention that the Senate Foreign Relations Committee has requested various internal working papers and planning data of the Executive Branch relating to the Military Assistance Program.

As you know, the policy of this Administration, as directed in my memorandum for the Heads of Executive Departments and Agencies, dated March 24, 1969, is to comply to the fullest extent possible with Congressional requests for information. In pursuance of this policy, the Executive Departments and Agencies have provided to the Congress an unprecedented volume of information. In addition, Administration witnesses have appeared almost continuously before appropriate Committees of the Congress to present pertinent facts and information to satisfy Congressional needs in its oversight function and to present the views of the Administration on proposed legislation.

The precedents on separation of powers established by my predecessors from first to last clearly demonstrate, however, that the President has the responsibility not to make available any information and material which would impair the orderly function of the Executive Branch of the Government, since to do so would not be in the public interest. As indicated in my memorandum of March 24, 1969, this Administration will invoke Executive Privilege to withhold information only in the most compelling circumstances and only after a rigorous inquiry into the actual need for its exercise. I have accordingly conducted such an inquiry with regard to the Congressional requests brought to my attention in this instance.

The Senate Foreign Relations Committee has requested "direct access to the Executive Branch's basic planning data on Military Assistance" for future years and the several internal staff papers containing such data. The basic planning data and the various internal staff papers requested by the Senate Foreign Relations Committee do not, insofar as they deal with future years, reflect any approved program of this Administration, for no approved program for Military Assistance beyond the current fiscal year exists. Furthermore, the basic planning data requested reflect only tentative intermediate staff level thinking, which is but one step in the process of preparing recommendations to the Department Heads, and thereafter to me, for one-year programs to be approved for the ensuing budget year.

I am concerned, as have been my predecessors, that unless privacy of preliminary exchange of views between personnel of the Executive Branch can be maintained, the full frank and healthy expression of opinion which is essential for the successful administration of Government would be muted.

I have determined, therefore, that it would not be in the public interest to provide to the Congress the basic planning data on military assistance as requested by the Chairman of the Senate Foreign Relations Committee in his letters of July 28 and August 6, 1971, to the Secretary of Defense.

I, therefore, direct you not to make available to the Congress any internal working documents which would disclose tentative planning data on future years of the military assistance program which are not approved Executive Branch positions.

I have noted that you and your respective Departments have provided much information and have offered to provide additional information including planning material and factors relating to the military assistance program to the Senate Foreign Relations Committee. These planning materials and factors will enable the Congress to consider current year approved programs in light of considerations bearing on the future which can now be foreseen. In accordance with my general policy to provide the fullest possible information to the Congress, I will expect you and the Secretaries of other Executive Departments to continue to make available to that Committee all information relating to the military assistance program not inconsistent with this letter.

RICHARD NIXON.

STATEMENT BY SENATOR J. W. FULBRIGHT ON THE RELEASE OF A REPORT BY THE GENERAL ACCOUNTING OFFICE ON ITS PROBLEM ON ACCESS TO INFORMATION

Early this year the Committee on Foreign Relations asked the General Accounting Office to compile a list of recent instances where it had been denied access to information on matters involving government programs abroad. Of the eight overseas reviews cited in the report, five were conducted at the request of the Committee and three were initiated by GAO.

As to the GAO's basic right to access to Executive Branch materials the report stated:

"We believe the Budget and Accounting Act of 1921, as reinforced by recent expressions of intent by congressional committees, leaves no doubt but that Congress and GAO are expected to have access to all records, documents, or papers necessary to effectively evaluate the various programs of the Executive Branch."

The report listed the following types of information which the GAO considered necessary to carry out its responsibilities to Congress which "have not been provided promptly or refused outright."

1. future planning information and documents, both formal and informal;

2. internal working papers and staff recommendations relating to programs planned or in process;

3. negotiation documents, papers, memorandums, and working papers, before, during and after negotiations, regardless of whether or not the information is considered sensitive;

4. management reports including recommendations or conclusions reached, whether approved or unapproved by higher authority, field trip reports, observations, and records of conversations pertinent to the matters under review;

5. access to records, documents or papers originated or directly related to foreign gov-

ernments but in the possession of United States agencies, when they relate to programs in which the United States has a direct interest; and

6. access to all United States supported bases and installations regardless of the geographical location.

The report emphasizes that outright denials of information are rare but that delays and referrals of requests to "higher authority" which result in "de facto denial of records" is the standard tactic. "Normally the regulations and directives (regarding GAO access to information)," the report said, "do not state that GAO cannot be furnished the information, but rather that their personnel in the field cannot furnish the information unless authorization is received from higher authority; this normally means officials of the Departments in Washington."

As an example, the report cited a directive of the U.S. European Command Headquarters listing material which chiefs of military aid missions could not release to the GAO without "approval from higher authority." Prominent on the list was "The Military Assistance Five-Year Plan for a particular country . . .", the type of plan which the Department of Defense recently told the Committee did not exist.

The report contains the following example of the delaying tactics used by the Departments of State and Defense:

"In connection with our current review of utilization of excess defense articles in MAP, we requested a country-to-country agreement between the United States and Australia on March 31, 1971. The agreement involves the overseas procurement transaction for the acquistion of trucks and trailers in Australia for delivery to Cambodia. The purpose for the request was to enable us to ascertain why the arrangement was made in lieu of alternatives available and whether, in fact, the agreement was a form of consideration to the Australian Government for their participation in the support of our efforts in Vietnam.

"We first made our request for the agreement to the Department of State on March 31, 1971. On the same date the Department of State informed us that the agreement was dated March 4, 1971, and that they believed the document was unclassified but that our request should be channeled to the Department of Defense, rather than to them. Upon addressing our request to the Department of Defense on April 6, 1971, they referred us back to the State Department because State clearance was necessary for release of the agreement. The Department of State advised us on the same day that they were unable to release the document until they acquired clearance from the Australian Government through the Australian Embassy. On April 14, 1971, the State Department advised us that the Department of Defense had sought this clearance from the Embassy, however, on the same date, we received a denial from the Department of Defense on any such communication with the Australian Embassy. On April 15, 1971, the State Department informed us that the Department of Defense had received the Australian Government's clearance but that the Department of Defense must first present a written request for State Department clearance. On the same date, April 15, the Department of Defense told us the Australian clearance was still pending. Four days later, the Department of Defense told us that more internal coordination was necessary before a release was possible. In a follow-up concerning the status of our request, on April 28, 1971, the Department of Defense official whom we had contacted stated he had forgotten our request.

"Finally, on May 5, 1971, DOD provided the agreement as requested. The agreement provided to GAO was classified although the agreement on file in the legal section of DOD was not so classified. In our opinion, the material included in the agreement does not appear to be of such a nature that the interests of the United States would be adversely affected if its contents were released to the public."

I believe the GAO has rendered a significant service to Congress and the general public in bringing together these examples of how Executive Branch agencies have hampered its effectiveness in insuring that the public's tax monies are spent as Congress intended. The report shows that Congress' watching on the Treasury has been defanged in investigating programs involving the expenditure of hundreds of millions of dollars. The legislative process is a travesty as long as Congres votes in the dark on these vast foreign programs. Congress should not appropriate the public's money without having adequate information on which to base its decisions. Congress must act to end this arrogance by the Executive Branch. Passage of my bill, S. 1125, laying down guidelines for Congressional access to Executive Branch personnel and information, would be a good first step and I am pleased that the GAO has given it such a strong endorsement.

Comptroller General of
the United States,
Washington, D.C., September 10, 1971.

Hon. J. William Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: On February 25, 1971, you wrote to our Office concerning executive branch denial of access to records. You pointed out that in recent years the Committee has been denied access to many documents and other materials and that such denials preclude effective legislative oversight of executive branch performance.

The basis for the executive branch denial of information to the Congress is the constitutional doctrine of separation of powers which is interpreted by the executive branch as granting it a privilege to withhold information where such action is deemed necessary in the best interest of the country.

You ask that our Office analyze the matter and furnish a compilation of summaries of all significant instances in recent years when we have been denied access to executive branch records or materials. You also ask that we submit our legislative recommendations to insure that the Congress cannot be denied access to executive branch documents unless the President exercises executive privilege.

As evidenced by the enclosed compilation and by recent testimony of officials of our Office, insofar as GAO is concerned, absolute denial by the executive branch of access to records has in recent years been quite rare. For example in testifying on your bill S. 1125, 92d Congress, before the Subcommittee on Separation of Powers of the Senate Judiciary Committee, copy enclosed, the Deputy Comptroller General on July 28, 1971, characterized our current problems on access as being those of frustrations and delays in carrying out our statutory responsibilities rather than those attending outright refusal of access on claims of executive privilege.

With regard to legislative recommendations, the Deputy Comptroller General stated in that testimony that the enactment of S. 1125 should result in a freer flow of information to the Congress and its committees except in those cases where the President himself has decided that disclosure shall be precluded on the ground of executive privilege. Specifically, he stated that, under the procedures contemplated by the bill, if the privilege is to be exercised by the President there should be no delays in the hearing processes and if the privilege is not to be claimed there is no basis remaining that we can see which would justify failure to testify. We therefore feel that the enactment of S. 1125 should go a long way to reduce the problems of access to records by the Congress and its committees, and, aside from endorsement of S. 1125 we have no recommendations to make concerning this aspect of the problem.

With regard to the delays that hinder effective performance of the duties of our Office, we feel that your Amendment No. 343 to S. 1125 of July 29, 1971, would help avoid these delays and we are unable to fashion legislative recommendations which we feel would be more salutary than the language of your amendment.

This amendment would impose a sanction along the lines of that now providing for a cut off of foreign assistance funds under section 634(c) of the Foreign Assistance Act of 1961, 22 U.S.C. 2394(c). Specifically, the amendment would provide that upon a determination by the General Accounting Office that any information requested of the executive branch by a committee or subcommittee of the Congress or the General Accounting Office has not been made available within sixty days after the request has been received and if during such period the President has not signed a statement invoking executive privilege, no funds made available to the agency involved shall be obligated or expended commencing on the seventieth day after such request is received by such agency unless and until such information is made available or the President invokes executive privilege with respect to such information. In addition to helping to alleviate the problems that we have had in delays in obtaining access to information your amendment would also assist the Congress and its committees in day-by-day operations which require information, independent of the hearing processes.

It is hoped that this letter and its enclosure will assist the Committee in its consideration of this very important problem. We would of course be pleased to further assist the Committee in any way that we can.

Sincerely yours,

R. F. Keller,
Acting Comptroller General of the United States.

Compilation of GAO Access to Records Problems Encountered in Making Audits of Foreign Operations and Assistance Programs

In response to the request of the Chairman, Senate Foreign Relations Committe of February 25, 1971, we have made an analysis of the access to records problem, including a compilation of specific instances where the General Accounting Office (GAO) has been denied access or delayed in obtaining access to Executive Branch records or materials during recent years.

We have cited examples of denials of information and delaying or hindering actions that have taken place during eight overseas reviews conducted by GAO's International Division during approximately the last two years. Five of the reviews were conducted at the request of your Committee and the remaining three were initiated by GAO.

We believe the Budget and Accounting Act of 1921, as reinforced by recent expressions of intent by congressional committees, leaves no doubt but that Congress and GAO are expected to have access to all records, documents, or papers necessary to effectively evaluate the various programs of the Executive Branch.

However, the Departments of State and Defense have in many instances taken the position that certain information is not releasable to GAO and the Congress. Information has been denied our auditors both in the field and at the Washington level and in certain cases, information has been supplied only after time consuming reviews by successively higher organizational levels within the Departments. The time-consuming processes employed by the Departments in many cases have hampered our auditors in the discharge of their duties to the point that audit teams in the interest of our economical use of manpower resources had to be withdrawn from the audit site prior to a decision being made by the Departments as to whether our request to examine documents would be approved or denied. In other cases, information was provided on a piecemeal basis and certain documents were withheld which would have provided the continuity of Departmental actions necessary in our evaluation of the overall program under review.

In our opinion, the delays result in a de facto denial of records which should be made available in accordance with our legislative authority and the intent of Congress.

Following is a list of types of information that we believe are necessary in the conduct of an audit but have not been provided in a timely manner or refused outright:

1. Future planning information and documents, both formal and informal;

2. Internal working papers and staff recommendations relating to programs planned or in process;

3. Negotiation documents, papers, memorandums, and working papers, before, during and after negotiations, regardless of whether or not the information is considered sensitive;

4. Management reports including recommendations or conclusions reached, whether approved or unapproved by higher authority, field trip reports, observations, and records of conversations pertinent to the matters under review;

5. Access to records, documents or papers originated or directly related to foreign governments but in the possession of United States agencies, when they relate to programs in which the United States has a direct interest; and

6. Access to all United States supported bases and installations regardless of the geographical location.

Following is a discussion of GAO's authority under the Budget and Accounting Act of 1921, and the Foreign Assistance Act of 1961; Department of State and Department of Defense (DOD) and their various organizational elements, regulations, directives, or messages on GAO's right of access to information; and examples of denials and delays of information by the Departments of State and Defense.

GENERAL ACCOUNTING OFFICE AUTHORITY

The position of GAO is that full and complete access to all records pertaining to the subject matter of an audit or review is required. This is required in order that GAO can fully carry out its duties and responsibilities. The intent of the various laws assigning authority and responsibility to the GAO is clear on this point. This policy does not admit the propriety of any restrictions on GAO's legal authority other than that specifically contained in law. The right of generally unrestricted access to needed records is not only based on laws enacted by the Congress but is inherent in the nature of the duties and responsibilities of the GAO.

The basic authority governing GAO's access to records of Government agencies is contained in section 313 of the Budget and Accounting Act, 1921, (31 U.S.C. 54) as follows:

"All departments and establishments shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General or any of his assistants or employees, when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment * * *"

The more important factors underlying the laws and GAO's policy of insisting on generally unrestricted access to pertinent records of agencies and contractors in making GAO audits and reviews are summarized below:

1. The making of an adequate, independent, and objective examination contemplates obtaining a comprehensive understanding of all important factors underlying the decisions and actions of the agency or contractor management relating to the subject of GAO examinations.

2. Enlightened management direction and execution of a program must necessarily consider the opinions, conclusions, and recommendations of individuals directly engaged in programs that are an essential and integral part of operations; knowledge of this type is just as important in making an independent review as it is in making the basic management decisions.

3. Withholding information could permit concealment of adverse conditions by responsible officials. The denial of information developed in an internal review to higher authority, or any other official properly concerned, hampers the external review and independent consideration of the effectiveness and efficiency of the activities, and necessitates a duplication of effort and increased costs.

4. Internal reviews on behalf of agency management are highly desirable. Such reviews represent one of the methods by which management can keep informed of how large and complex activities are being carried out. Management should take vigorous corrective action on any deficiencies disclosed. However, the effectiveness of a program of self-evaluation and management improvement is not dependent upon restricting the information developed to the individuals or departmental level responsible for the activity under examination. Such information is of great importance to higher administrative levels of review having a legitimate interest or concern in the subject. The effectiveness with which internal review activities are carried out and the effectiveness with which corrective action is implemented is clearly of interest and concern to the GAO in the performance of its statutory responsibilities and reporting to the Congress.

5. There is no basis in law or logic for a distinction between factual information and internal opinions, conclusions, and recommendations insofar as our authority and need for information is concerned. A sharp distinction between these categories is not only difficult to make but physical segregation of them is impractical.

6. The disclosure to the GAO of frankly stated internal opinions, conclusions, and recommendations is not contrary to the public interest. The system of management control which results in such internal communications should be properly conceived, administered, and dedicated to efficient and effective operations rather than oriented toward a defense of possible criticism. Under these circumstances, the requirement of disclosure should tend to improve the caliber of the internal opinions, conclusions, and recommendations rather than impair their usefulness to the management because of softened criticism, avoidance of doubtful matter, and general restraint.

7. All books, documents, papers, and other records relating to the costs borne by the United States are records relating directly to the financial interest of the United States. Such records are not limited to formal agreements or contracts and the supporting data, but include all underlying data concerning the need, utilization, and disposition of funds which afford the basis for or are involved in any way with the incurrence of costs by the United States. Pertinent records may include, but are not limited to records in support of (a) future plans and programs, (b) internal working papers, observations and trip reports of advisers and (c) evaluations, recommendations and conclusions of internal evaluation groups.

A remedy bearing on our access to records of Government agencies is contained in section 634c of the Foreign Assistance Act of 1961, as amended. Section 634c states that:

"None of the funds made available pursuant to the provisions of this Act shall be used to carry out any provision of this Act in any country or with respect to any project or activity, after the expiration of the thirty-five-day period which begins on the date the General Accounting Office or any committee of the Congress charged with considering legislation, appropriations or expenditures under this Act, has delivered to the office of the head of any agency carrying out such provision, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody or control relating to the administration of such provision in such country or with respect to such project or activity, unless and until there has been furnished to the General Accounting Office, or to such committee, as the case may be, (1) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested, or (2) a certification by the President that he has forbidden the furnishing thereof pursuant to request and his reason for so doing."

The above section applies only to funds appropriated under the Foreign Assistance Act; it is not applicable to the military service appropriations.

DEPARTMENT OF DEFENSE AND DEPARTMENT OF STATE RESTRICTIVE REGULATIONS

Both the Departments of Defense and State and their various organizational elements recognize GAO's rights to documents, records and papers as contained in the Budget and Accounting Act of 1921, but at the same time the Departments have directed that certain types of information not be furnished to GAO. Normally these regulations or directives and implementing messages do not state that GAO cannot be furnished the information, but rather that their personnel in the field can not furnish the information unless authorization is received from higher authority; this normally means officials of the Departments in Washington.

Following are pertinent excerpts from regulations, directives, and implementing messages of the Departments of State and Defense and their various organization elements restricting GAO's right to records.

DEPARTMENT OF DEFENSE

The Department of Defense's basic policy guidance on cooperation with GAO and access to records is contained in DOD Directive Number 7650.1, dated July 9, 1958. Although the directive was not agreed to by us, it sets forth the working arrangement under which we have operated. That directive contains three categories of information that DOD considers to be essentially nonreleasable to GAO—those are (1) budgets for future years' programs, (2) reports of non-Department of Defense agencies, and (3) reports of Inspector General and criminal investigation organizations.

However, in some cases implementing messages from DOD and regulations by the military services and major commands have placed additional restrictions on GAO's access to records. The restrictions vary somewhat among the military services and commands. We believe the following two illustrations demonstrate the restrictions imposed by DOD on access to records necessary for GAO to make effective evaluation of DOD programs.

1. U.S. European Command Headquarters, Directive Number 50-5 dated June 18, 1971:

The appendix to the above directive contains a listing of documents and categories of information which the chiefs of Military Assistance Advisory Groups and missions may not release to GAO without approval from higher authority. They are as follows:

(a) Recommended changes to force objectives.

(b) Host country replies to NATO questionnaires and related MAAG analyses.

(c) Information relating essentially to military or international planning considerations and pertaining to matters of strategy, such as war plans or memorandums leading to the formulation of such plans.

(d) The Military Assistance Five-Year Plan for a particular country except data included in the military assistance program which has been initially justified before the Congress.

(e) The quantity and projected delivery of items and services included in a specific fiscal year military assistance program prior to the initial justification of the program before the Congress.

(f) Operational status reports concerning tactical effectiveness of host country forces. (Factual data, such as personnel strengths and allowances and equipment inventories and allowances, may be extracted from these reports and furnished the GAO in response to a specific request for such data from the GAO.) Note: This restriction excludes combat capability ratings assigned by chiefs of Air Force sections of the MAAGs.

(g) Reports of the Inspector General, Foreign Assistance, Department of State.

(h) USEUCOM command Inspection reports (Factual data specifically related to the area of the GAO audit may be extracted from these reports and furnished in response to a specific request for such data from the GAO).

(i) Documents related to intelligence collection and analysis.

(j) Host country documents, reports, and data.

2. Joint State-Agency for International Development-Defense Message dated December 18, 1970:

This message, which was drafted by DOD, was directed to the American Embassies in Bangkok, Manila, Saigon, and Seoul, and the Pacific Command in Hawaii. It stated, missions and commands should not, without specific Washington authority, allow GAO personnel to consult or otherwise have access to the following:

(a) Documents relating to war plans, future military assistance service funded or U.S. military operations budgets and planning data.

(b) Confidential correspondence exchanged between heads of State.

(c) Presidential memoranda.

(d) Reports of the Inspector General.

(e) Performance Evaluation Reports.

(f) Internal executive branch working papers and memoranda.

(g) Telegrams, memoranda or other documents revealing sensitive information about the conduct of United States negotiations with participating countries or South Vietnam.

(h) Other material which the Ambassador or major military component commanders consider may be sensitive and could, if revealed, have a serious adverse effect on the conduct of United States Government relations with the participating countries or with other countries or might otherwise prejudice the national interests of the United States.

The message also contained a statement that GAO representatives will have no need to consult participating country or Government of Vietnam officials or agencies for purposes of present review since such contacts could have adverse consequences.

In reviewing the military service regulations it is interesting to note that the military service regulations were revised between July and September 1970 which allows GAO access to planning estimates for specific programs. This revision, however, has not been incorporated in DOD regulations and implementing instructions.

DEPARTMENT OF STATE

The Department of State's basic overall policy guidance for making documents available to GAO is contained in their Foreign Affairs Manual, (FAM), Volume 4, Section 934. The FAM quotes the pertinent part of section 313 of the Budget and Accounting Act, and states it is the State Department's policy to cooperate by making available to GAO representatives their documents.

However, the FAM further states that Department of State approval is to be obtained first when in the opinion of the ambassador or bureau head any document requested by GAO is of such significance that:

1. Its disclosure would seriously impair relations between the United States and other countries in the conduct of foreign affairs, or otherwise prejudice the best interests of the United States.

2. It is a document directed to the President, the National Security Council, or a similar White House board.

3. It is a document relating to formulation of sensitive substantive policy (as distinguished from a statement of or implementation of policy).

4. It is a document that is generally restricted, such as personnel security files, records relating to citizenship of individuals, Foreign Service inspectors' reports, visa records, intelligence and investigative records, and classified material of other agencies except in accordance with the applicable regulations and consent of the originating agency.

In a November 17, 1970, message from the Department of State to all diplomatic and consular posts, the State Department restated their guidance on the release of information and documents to GAO. The message emphasized that while GAO has a statutory basis for requesting information and access to documents, the President at the same time, enjoys the historic privilege of withholding certain information the disclosure of which would be incompatible with the public interest.

The message enumerated the restrictions on GAO's access to records as contained in the FAM and also stated that sensitive information about the conduct of United States negotiations with foreign countries may come within the category of information restricted to GAO. The message also stated that should GAO representatives indicate an intention to approach the host government, they should be discouraged from doing so, unless contrary guidance is received from the State Department.

In a letter dated December 16, 1970, the Comptroller General requested the Secretary of State to rescind the additional restrictions placed on GAO's access to records as contained in the November 17, 1970, message from the Department of State. The Comptroller General noted in his letter that the new instructions would compound the problems that GAO has been experiencing in obtaining access to records pertinent to our reviews. A copy of the Comptroller General's letter was also forwarded to the Assistant to the President for National Security Affairs on December 19, 1970, in view of the fact that the Secretary of State's message was cleared by the White House prior to release.

On January 22, 1971, the State Department replied to the Comptroller General that it was not the intention of the State Department to issue more restrictive regulations regarding GAO's request in the field for access to documents, but rather to remind their overseas locations of the existing procedures as contained in the FAM on access to sensitive documents.

At the request of the Comptroller General, the State Department informed all diplomatic and consular posts on February 16, 1971, that it was not the intention of the November 17, 1970, message to impose additional restrictions on GAO's access to records.

The Assistant to the President for National Security Affairs replied on February 27, 1971, to the Comptroller's letter of December 19, 1970, and stated that the policy of the Administration remains one of the fullest cooperation with the Congress and with the GAO. The letter, however, noted that in regard to the requirement for United States missions in the field to refer sensitive decisions back to Washington, that this seems a reasonable administrative procedure, and that it remains incumbent upon the departments to assure that such referrals are handled with dispatch here in Washington.

Based upon the delays that occurred in GAO's gaining access to records during our reviews, we believe that the implementing restrictions of November 17, 1970, to the FAM did in effect result in additional restrictions on GAO's access to records. Examples are included in the following section.

EXAMPLES OF DELAYS AND DENIALS OF INFORMATION BY THE DEPARTMENTS OF DEFENSE AND STATE

The Departments by their regulations, directives, and implementing messages have established hierarchic systems which have seriously restricted their field organizations in responding to requests for certain types of information. In many instances, after long delays occasioned by the referral of GAO requests to Washington, the information requested was received. However, by that time our field auditors were no longer at the site and were not in a position to properly evaluate the information in conjunction with other material at the site and could not readily obtain the views of the personnel most familiar with the information.

In addition to these delaying tactics, which hindered an effective timely evaluation of United States programs overseas, we were also denied other pertinent and significant information needed to properly carry out our statutory responsibilities. In one instance we were denied the right to conduct a review, while in two other instances we were denied the right to visit United States supported military bases in Vietnam.

Shown below are a few examples of the denials and delaying tactics encountered by GAO during eight overseas reviews conducted during the last two years.

DEPARTMENTS OF DEFENSE AND STATE REFUSAL TO ALLOW GAO TO VISIT U.S.-SUPPORTED BASES IN VIETNAM

The Departments of Defense and State have denied permission to GAO to visit the Thai and Korean camps in Vietnam. Our reasons for requesting the visits were to observe the large amount of United States equipment and supplies provided to the Thai and Korean troops and to talk with United States military liaison personnel stationed at the camps as to their duties and responsibilities. An additional reason for our requests to visit the camps was the fact that we had observed during a visit to the Thai Overseas Replacement Training Center in Thailand on September 18, 1970, what appeared to be large amounts of excess equipment.

On September 21, 1970, we verbally requested permission from the Commander, U.S. Military Assistance Command, Vietnam, to visit Camp Bearcat, location of the Thai contingent. We were informed by the Commander on September 23, 1970, that the visit would not be authorized without prior clearance from higher headquarters and that our request should be submitted in writing which we did on September 25, 1970. While our request stated that we did not intend to talk to any Thai personnel during the visit to the camp, nevertheless, United States military officials in Vietnam, with concurrence of United States Embassy officials in

Bangkok and Saigon, denied us permission to visit the installation at that time without clearance from higher authority. The reason cited for denying our request was that GAO should have no need to consult host country officials or agencies and that such contacts could have adverse consequences.

The Department of State sent a message dated November 17, 1970, to all of its diplomatic and consular posts which provided guidance to the posts for handling GAO examinations. Among other things, the guidance stated that GAO representatives should be discouraged from consulting host country officials or agencies, unless contrary guidance was received from the Department. A joint State-Agency for International Development-Defense message, dated December 18, 1970, reaffirmed this guidance. (See page 10).

The Comptroller General, in a letter to the Secretary of State, dated December 16, 1970, pointed out that GAO has regularly made visits to host government installations to see how assistance financed by the United States is being used. He stated that such inspections are essential if GAO is to carry out its responsibilities for evaluating the effectiveness and improving the management of United States programs. He further stated that any contacts GAO might have with host country officials are arranged through United States country team channels, and that we know of no problem that has arisen as a result of this phase of our reviews.

On February 5, 1971, our office in Saigon requested permission from the Commander, U.S. Military Assistance Command, Vietnam, to visit the Korean Base Camp at Qui Nhon, Vietnam. As with the Thai base camp request, our office stated that we did not intend to contact Korean personnel or review Korean records, but that we wished to make some visual observations of the condition and utilization of United States provided facilities and equipment. However, on March 6, 1971, a message from the Secretary of Defense to Commander in Chief, Pacific (CINCPAC) stated that the requested GAO visit was disapproved, and that GAO should be satisfied to interview United States military liaison personnel at some U.S. facility, other than Qui Nhon.

Contrary to DOD's opinion, the proposal was not satisfactory for purposes of auditing. It would not enable us to make a first hand observation of the existence, condition, and utilization of United States property provided the Korean forces for their use. We believe that the disapprovals of our requests to visit the Thai and Korean base camps in Vietnam were not justified. Furthermore, the disapprovals effectively prevented GAO from exercising its statutory responsibilities.

REFUSAL OF THE STATE DEPARTMENT TO ALLOW GAO TO CONDUCT AN OVERSEAS REVIEW

In March 1971, 13 months after GAO informed the United States Embassy in Germany that we planned to conduct a review of United States occupation costs in Berlin, we were informed by the Department of State that we would not be permitted to do so.

Our proposed review was designed to assure ourselves and the Congress that the United States occupation costs in Berlin which are properly chargeable to the Federal Republic of Germany are in fact borne by them, and that U.S. Government financial interests are being properly protected. Accordingly, in February 1970, we informed the United States Embassy in Germany and U.S. Army officials of our plan to review the United States occupation costs in Berlin. At the time, U.S. Army officials interposed no objections to our examination of their records and processes. However, a United States Embassy official expressed a reservation that the basic audit agreement on Berlin did not permit an independent review by any of the powers' supreme audit organizations. In our discussion with Embassy and Department of State officials, we emphasized that our review would be limited solely to United States occupation costs and would be based on records available in the United States agencies.

In our attempt to resolve the issue, an official of our Office, in May 1970, formally requested that the Department of State authorize access to the pertinent records so that we could proceed with our review. In June 1970, we were advised by the Deputy Under Secretary for Administration and the Assistant Secretary for European Affairs, Department of State, that we could anticipate a reply to our request soon. After we had pressed for an answer over a period of nine months through letters, telephone calls, and meetings, we were officially advised in March 1971 that access was denied.

In denying us access, the response by the Department of State made no reference to invoking executive privilege; the Department of State does not have authority to deny us the right to examine the records or to conduct the review.

The General Accounting Office has the authority and responsibility to audit United States records relating to expenditures and receipts of the United States. Refusal on the part of the Department of State to permit our staff to review the necessary records concerning occupation costs in Berlin precludes us from carrying out our responsibility for audits as provided by the Congress under Section 305 of the Budget and Accounting Act, 1921. This section states that:

"All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office."

Thus, the right of the General Accounting Office to unrestricted access to pertinent records is not only based on laws enacted by the Congress but is also inherent in the nature of the duties and resopnsibilities assigned by the Congress to the General Accounting Office.

In the latter part of April 1971, we reported this matter to eight committees of the Congress as well as to the Secretary of State. Following issuance of the report, the Chairman, Senate Committee on Foreign Relations addressed a letter to the Secretary of State requesting an explanation of the matter. As of June 1971 GAO has not been advised of a Department of State response.

MANAGEMENT REPORTS, TRIP REPORTS, AND SO-CALLED INTERNAL WORKING PAPERS DENIED TO GAO

The GAO during its review and evaluation of United States programs, whenever possible, utilizes the various reports prepared by Executive Branch personnel to avoid duplication of effort, and to ascertain the degree of internal management control exercised by Executive Branch personnel over the various programs involving United States expenditures.

The denial of these reports to GAO, including the recommendations and conclusions reached by personnel preparing the reports, seriously hinders the GAO from being responsive to Congressional requests in a timely manner, and results in duplication of effort and expenditure. Following are a few examples of this type of information denied to GAO.

Management reports

In connection with our review of the administration of the military assistance training program, we requested access to CINCPAC Personnel Evaluation Group reports for Korea, Thailand, and China. These Performance Evaluation Group reports are a product of a CINCPAC evaluation group responsible for evaluating the effectiveness of the Military Assistance Program and the various military assistance organizations in the Pacific Command. Therefore, in order for us to ascertain any program weaknesses and duplications of effort, the reports prepared by this internal management group were essential.

In March 1969 CINCPAC denied us access to the evaluation reports for Korea. We made a formal request to the Secretary of Defense for reports pertaining to Korea, Thailand, and China. Four months after our request, the Secretary of Defense, in a letter dated August 4, 1969, informed us that the reports were not releasable at that time. The Secretary of Defense gave approval on November 25, 1969, for CINCPAC to furnish briefings on the "salient training facts" in the evaluation reports. On December 16, 1969, our Far East Branch received a CINCPAC briefing covering the Military Assistance Program training data reportedly contained in the 1969 reports for Korea, China, and Thailand. We advised the DOD personnel briefing us that the general information provided in the briefing was of little value to us in performing our review due to lack of detailed data. We were told that CINCPAC policies and instructions prevented the release of necessary portions of the evaluation reports involving opinions, evaluations, and future planning data.

Trip reports

In connection with our review of the use of Department of Defense excess defense articles in military assistance activities, we were denied access to official trip reports by DOD officials in Greece. The reason for our request was that trip reports, in addition to the factual matters contained in the reports, also contained opinions, observations, and recommendations submitted by subordinates making field inspections. Unless we receive access to the factual information and related interpretations we are inhibited in identifying problem areas.

Because of this need, our European Branch representatives requested copies of the Army advisors' trip reports on March 8, 1971. On March 11, 1971, the Joint United States Military Advisory Group, Greece, agreed to try and extract for our use, certain portions of the trip reports. Headquarters, U.S. European Command Directive 50–5 permits the release of trip reports after opinions, observations and recommendations, which do not represent final actions, have been removed. However, on March 19, 1971, on the basis of a cable received from the Department of Defense providing guidance on GAO access, the Joint United States Military Advisory Group, Greece, informed us that they would not provide any portion of the trip reports that we had requested.

Contents of the DOD cable which established this guidance for the Joint United States Military Advisory Group, Greece, was not made available to us.

Internal working papers

In connection with our review of United States assistance to Thailand in consideration of their deployment of forces to Vietnam, the Departments of Defense and State have refused us access to a document outlining the criteria for payments to the Thai Government. The document is referred to as the "Scope" document. It is our understanding that this document sets forth the financial framework within which the United States and Thailand operate and the specific commitments and activities the United States engages in relative to support to Thai troops participating in the Free World Military Assistance Program in Vietnam.

The Department of Defense refused us access to the Scope document on the basis that it was an internal working agreement, and the Department of State on the basis that the document did not originate with them.

The Scope document according to information provided to us in Thailand, has been used by a United States Committee in Thailand to evaluate claims for reimbursement submitted by the Thai Government in connection with their forces serving in Vietnam. In our opinion we must know the criteria used by the Committee as established in the Scope document if we are to determine that the Committee is properly evaluating the Thai claims.

We first requested the Scope document from military officials in Thailand on July 21, 1970. On August 11, 1970, our on-site auditors were informed by the Military Assistance Command, Thailand, that decision on release of the Scope document has been referred to higher authority. We were also informed verbally that the United States Embassy in Bangkok was objecting to the release of the document. We contacted State Department officials on August 26, 1970, and they stated they had the document, but that since it was a DOD document they could not release it to us.

On September 1, 1970, we verbally requested that DOD furnish us a copy of the Scope document and on September 9, 1970, we made the request in writing. In reply to our request DOD on November 4, 1970, stated the following:

"The Scope document is a draft internal working agreement between the United States and the Royal Thai Government (RTG) concerning reimbursement rates and procedures, which is still under negotiation. Therefore, since it has no official status, the "Scope" document is not considered suitable for release to the GAO."

In our opinion the Scope document was clearly a working document needed in our review and should have been made available to us. It is interesting to point out that the DOD refusal as quoted above was classified when initially transmitted to us by DOD, and was not declassified until we specifically requested DOD to declassify the statement.

PERTINENT PLANNING DATA NOT PROVIDED TO GAO

GAO, in its reviews of overseas programs, very often needs to know the future planning information of the Departments of Defense and State to properly evaluate the effectiveness of current programs. This planning data often shows the justification or rationale for current programs, and the planned methods or programs to solve deficiencies or shortfalls.

For example, during our review of the use of DOD excess defense articles in Greece, which began in Greece on February 17, 1971, we requested data used by the Joint United States Military Advisory Group in programming excess material for Greece under the Military Assistance Program. Some of the data requested included Military Assistance Program force objectives, annual future year planning data, equipment authorization documents, and assets and delivery data to support requirements. The information requested was required in order to properly validate the basis upon which the requirements for excess materials were computed and to evaluate the utilization of the material by the recipient country.

GAO was subsequently denied the requested planning data although some consolidated requirements and asset data was provided. The accuracy of the limited data provided could not be verified because Military Assistance Program supported listings and equipment authorization documents were not made available.

Due to restricted access, the GAO field team suspended its review efforts in Greece on March 27, 1971, pending resolution of the access problems. At the time of its departure from Greece, 24 written requests for information which had been submitted by the staff to the Joint United States Military Advisory Group, Greece, were still unanswered.

The termination of the work in Greece was followed by a series of discussions and correspondence between the GAO field staff and the U.S. European Command in an attempt to reach an agreement on the access problem. The GAO staff in Washington also requested the assistance of the office of the Assistant Secretary of Defense for International Security Affairs. Throughout these discussions, the withholding of information from GAO was defended by DOD officials primarily because it was (1) closely related to Joint Chiefs of Staff objectives which were not releasable to GAO, (2) host country developed data which could be released only with country concurrence, or (3) North Atlantic Treaty Organization information not releasable by the joint United States Military Advisory Group, Greece.

On May 5, 1971, an understanding was reached as to the additional information which would be made available to GAO in both Greece and Turkey. The extent of the additional information to be released was not acceptable to GAO, since it represented abstracted data which could not be verified against source documentation. Moreover, the release of much of the supporting data for requirements computations which was to be provided, remained subject to the approval of the host countries, and under the ground rules established by the U.S. European Command, virtually no evaluative data would be made available. However, in order to obtain as much information as possible on the use of excess material, the GAO field staff returned to Greece on May 24, 1971, to resume the review work which had been suspended almost two months earlier.

At the request of the Chairman, Senate Committee on Foreign Relations, GAO, in January 1969, undertook a major review of the Military Assistance Training Program in ten countries, including China and Thailand. In the initial phases of the review GAO had a number of problems in obtaining information necessary for the review. As a result, the Chairman, Senate Committee on Foreign Relations, in a letter to the Secretary of Defense, dated May 21, 1969, requested that the Secretary of Defense insure that GAO be given access to planning information and all other pertinent information.

On June 26, 1969, the Secretary of Defense replied to Chairman Fulbright's letter of May 21, 1969. The Secretary of Defense stated that the formal Five Year Plan for the Military Assistance Program had not, in the past, been made available to GAO or to the Chairman, House Committee on Foreign Affairs, because the Plan is regarded as a staff study, an entirely tentative planning document at the staff level, and is usually extensively adjusted when the size of the budget submission is decided on by the President. The Secretary of Defense also stated that he, in order to fully cooperate with the Committee, would have DOD officials give detailed briefings on the Plan, as it relates to training, to anyone designated by Senator Fulbright.

On August 4, 1969, the Secretary of Defense sent a message to the Unified Commands, stating that GAO could be briefed on the Military Assistance Program five-year training program, comprising for the most part five-year dollar projections. The message further stated that this guidance was based on the Secretary of Defense reply to Senator Fulbright's May 1969 inquiry as to the release of information to GAO.

In a message dated September 21, 1969, CINCPAC informed the Secretary of Defense that the GAO representatives in China and Thailand had requested access to the Military Assistance Program Planning Reference Books for those countries. The messages stated that CINCPAC, in accordance with DOD guidance, would advise CINCPAC representatives in those countries to provide narratives of the books, provided that extensive editing would not be required to eliminate future planning information. The message concluded by requesting that the Secretary of Defense formally refuse GAO's request for the books because only the Secretary of Defense could properly do so, in accordance with a DOD directive.

On September 26, 1969, the Secretary of Defense advised CINCPAC that the guidance furnished on August 4, 1969, still applied, and that if GAO representatives requested additional future planning information beyond that authorized, the request should be made to DOD through GAO in Washington, since only the Secretary of Defense can deny such a request.

A month later, October 27, 1969, the Military Assistance Command, Thailand, received approval from CINCPAC to release edited versions of the Military Assistance Program planning books.

In our opinion, receipt of information which has been edited and then provided GAO in briefings does not provide the substantive in-depth information required for our evaluative purposes. We believe that the unexpurgated versions of narrative sections of the plan should be made available to us so that we can review and analyze the reasoning and justification of actions taken or proposed with background data that DOD had reference to on making their judgments and decisions.

In our review of military assistance to the Republic of China in 1970, we were denied access by the DOD to a military air defense study for the island of Taiwan (as well as the Joint Strategic Objectives Plan for the Republic of China). We were told by DOD that the two documents contained contingency war plans as well as future year planning and were internal management working documents; therefore, they could not be released to us. This denial inhibited our evaluation of the integration, coordination, and contribution of DOD's planning to the achievement of overall United States objectives.

DELAYING TACTICS OF THE DEPARTMENTS OF DEFENSE AND STATE

The Departments of Defense and State have instructed their field personnel not to provide sensitive information to our field auditors, but to refer the request to Washington. The Departments in their guidance provided examples of some categories of information, such as negotiation documents, and agreements with foreign governments which are to be considered sensitive, but the decision on the classification of documents as sensitive in respect to non-releasability to GAO apparently rests with appropriate responsible officials in the field. As a result of this guidance, our auditors have been unable to obtain needed information when requested. Documents classified as sensitive have been subject to many levels of reviews, and often before a decision was reached in Washington many months elapsed and our field auditors had left the field site when a decision to release the information had finally been reached. For instance:

In early 1970, we undertook a review of the U.S. assistance to the Philippine Government in support of the Philippine Civic Action Group at the request of the Chairman, Subcommittee on U.S. Security Agreements and Commitments Abroad, Committee on Foreign Relations, U.S. Senate. The Departments of State and Defense delayed our work on this assignment to the extent that we had to curtail the scope of our review and qualify our report to the Chairman.

Members of our staff were required to wait for periods of two weeks to two months to look at some documents they had requested and frequently the documents proved to be of little value for our purposes. We were also restricted by ground rules established unilaterally by the Departments that effectively limited our review in the field to the Departments' very narrow interpretation of what it judged to be the scope of our review. This was perhaps the most restrictive limitation placed on our work, and it completely frustrated our attempts to review assistance to the Philippines that was not funded in the military functions appropriations.

Our audit staff members in the field were advised that documents which they requested that were releasable to us under the restrictions of the so-called ground rules had to be dispatched to Washington for Departmental clearance. By early May 1970, only four of 12 documents which were requested by our staff members on January 28, 1970, had been released to them in Manila.

In our review involving United States assistance to Thailand, our Far East Branch requested on July 30, 1970, certain adjutant general documents and message logs from the Military Assistance Command, Thailand. The message logs were requested in order to identify documents, records, or messages pertinent to our review. The Military Assistance Command advised us in the latter part of August 1970, that it had been necessary to request guidance from higher authority as to releasability of the information and suggested that GAO, also, contact such authority at the Washington, D.C., level. Following their suggestion, we addressed our request to the Department of Defense in Washington on September 9, 1970. We learned that following our request in August, the Military Assistance Command officials had referred our request to the Embassy in Bangkok, who in turn referred the request to the State Department on August 31, 1970. The Department had informed the Embassy in Bangkok that they had no basic objection to the release of the logs; however, since they had not seen the logs, the Embassy would have to decide as to whether to release the logs. In a letter dated November 4, 1970 to GAO the Department of Defense stated that their decision was that access to the logs was authorized, provided the contents were releasable in accordance with existing guidance. However, by this point in time, the GAO audit staff had left the audit site where the logs were located. Thus, the purpose in examining the logs was as effectively defeated by the delays encountered as if an outright denial by the Departments had been made initially.

In connection with Thailand's involvement with free world forces in Vietnam, we requested information from the Department of the Army on October 6, 1970, concerning the computations by which they had arrived at certain amounts shown in quarterly reports to the Congress. This request was made in order that we might evaluate the validity and accuracy of the amounts shown in the quarterly reports submitted by the Department of Defense to the Congress. Although this information was prepared by October 23, 1970, it was not released until March 19, 1971. In a similar request for data made on October 12, 1970, the response was not furnished until March 25, 1971, even though we had made repeated attempts to elicit the information:

"In connection with our current review of utilization of excess defense articles in MAP, we requested a country-to-country agreement between the United States and Australia on March 31, 1971. The agreement involves the overseas procurement transaction for the acquisition of trucks and trailers in Australia for delivery to Cambodia. The purpose for the request was to enable us to ascertain why the arrangement was made in lieu of alternatives available and whether, in fact, the agreement was a form of consideration to the Australian Government for their participation in the support of our efforts in Vietnam.

"We first made our request for the agreement to the Department of State on March 31, 1971. On the same date the Department of State informed us that the agreement was dated March 4, 1971, and that they believed the document was unclassified but that our request should be channeled to the Department of Defense, rather than to them. Upon addressing our request to the Department of Defense on April 6, 1971, they referred us back to the State Department because State clearance was necessary for release of the agreement. The Department of State advised us on the same day that they were unable to release the document until they acquired clearance from the Australian Government through the Australian Embassy. On April 14, 1971, the State Department advised us that the Department of Defense had sought this clearance from the Embassy, however, on the same date, we received a denial from the Department of Defense of any such communication with the Australian Embassy. On April 15, 1971, the State Department informed us that the Department of Defense had received the Australian Government's clearance but that the Department of Defense must first present a written request for State Department clearance. On the same date, April 15, the Department of Defense told us the Australian clearance was still pending. Four days later, the Department of Defense told us that more internal coordination was necessary before a release was possible. In a follow-up concerning the status of our request, on April 28. 1971, the Department of Defense official whom we had contacted stated he had forgotten our request.

"Finally, on May 5, 1971, DOD provided the agreement as requested. The agreement provided to GAO was classified although the agreement on file in the legal section of DOD was not so classified. In our opinion, the material included in the agreement does not appear to be of such a nature that the interests of the United States would be adversely affected if its contents were released to the public."

During our review of financial and material assistance provided to the Thai Government by the United States, our Far East Branch representatives requested, on July 21 and July 28, 1970, sixteen messages from the Military Assistance Command, Thailand, that were not received until January 27, 1971. The messages were originated by the Commanders, United States Military Assistance Commands, Thailand and Vietnam, the Secretary of Defense, the Department of the Army, and the Joint Chiefs of Staff during the latter part of 1967 and early 1968. Each of these messages was vital to our effective evaluation of United States assistance to the Thai government. Their contents dealt with pertinent areas of our review, such as a HAWK missile system which the United States agreed to provide to the Thais, training and equipping of Thai forces, U.S. support related to a Thai Army Division and its deployment to South Vietnam, and the possibilities of further Thai contributions to free world forces in Vietnam.

As of August 28, 1970, the messages had not been received or made available for our review. Military Assistance Command, Thailand officials advised us that they had requested guidance from higher authority as to the releasability of the messages, and suggested we contact such authority at the Washington, D.C., level.

On September 9, 1970, we readdressed our request for the messages to the Department of Defense. Nearly two months later, on November 4, 1970, DOD responded, advising us that only two of the subject messages had been located. DOD stated that the two messages had been authorized to be released to our Far East representatives.

Finally, on January 27, 1971, DOD provided copies of the 16 requested messages. We believe that the 6-month delay, before we finally obtained all of the messages, was inexcusably long and seriously impeded our review.

On December 11, 1970, our representatives in Korea requested from the Provisional Military Assistance Advisory Group, Korea, the Provisional Military Assistance Advisory Group, Korea Military Assistance Plan Fact Book for 1969 Defense Ministers Conference. Since our representatives in Korea did not receive the document, a similar request was addressed to the Department of Defense in Washington on January 26, 1971. On January 29, 1971, our representatives in Korea were formally informed that the subject request had been referred to higher authority for determination as to releasability.

The document was provided to us in Washington on April 9, 1971, by the Department of Defense. Due to the delay of approximately four months involved in our acquisition of the document and the fact that our representatives had departed from the audit site by the time of receipt, we were denied the opportunity to analyze and discuss the material with appropriate host country officials.

Some Committee Requests for Information Which Were Denied by the Executive Branch

I. STATE DEPARTMENT	REASON FOR DECLINING
1. Copy of National Security Council Study on Brazil (Senator Church's subcommittee meeting May 11, 1971).	"The document concerned was an internal working paper for the use of the Executive Branch." (Abshire letter, June 28, 1971.)
2. Text of messages from U.S. posts in East and West Pakistan (requested at Committee meeting April 30, 1971).	Supplying "internal working papers" would not "safeguard the efficiency, the integrity and the independence of the Department and of its individual officers in the decision making and policy recommending process." (Letter from Rogers, July 6, 1971.)
3. GAO request for information regarding U.S. occupation costs in Berlin.	"We must always bear in mind that in particular situations of General Accounting Office examination, review and audit could cause serious misunderstanding abroad." (Hillenbrand letter to GAO, March 8, 1971.)
4. Report by Sir Robert Thompson on the situation in Vietnam (requested December 3, 1970).	Report "was prepared for the President personally." (Abshire letter, February 12, 1971.)
II. DEFENSE DEPARTMENT	REASON FOR DECLINING
1. Monthly Report on Certain Operations in Laos and Cambodia (requested Jan. 27, 1971, April 20, 1971).	"Not be appropriate to discuss or disclose" this type of information "outside the Executive Branch." (Letter from Nutter, April 10, 1971; additional denial May 5, 1971.)
2. Internal defense plans for foreign governments which are prepared by the U.S. (Sept. 29, 1969).	"Viewed as tentative planning documents the release of which outside the Executive Branch could risk adverse reactions by the governments concerned." (Letter from Richard A. Ware, Dec. 18, 1969.)
3. Details on U.S. air operations in Cambodia (Letters—June 23, 1970, Sept. 24, 1970).	"Operational procedures and methods involving the risk of life or safety of military personnel [are] not to be disseminated outside the Executive Branch. . . ." (Letter from Dennis Doolin, Sept. 24, 1970.)

Department of State,
Washington, D.C., July 28, 1972.
Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: Thank you for your letter of June 30 regarding provision to the Committee of the reports prepared by the Bureau of Intelligence and Research.

As Mr. Ray S. Cline said in his response to questions from the Committee during the authorization hearings on March 10, 1972, neither INR nor the Department of State has unilateral authority to distribute to the Committee all of the intelligence produced by the Intelligence Community. INR's points of guidance for distribution of its products are consistent with the responsibility of the Director of Central Intelligence for the protection of sensitive intelligence sources and methods imposed upon him under the National Security Act of 1947.

Also, INR has a responsibility to the Department and the Executive Branch to handle its reports related to sensitive matters of policy in the process of formulation in such a way as to protect and not handicap the decision-making process. I regret, therefore, that we are unable to commit ourselves to provide a comprehensive listing of all studies prepared by the Bureau.

However, while obliged to keep the above considerations in mind, INR is making every effort to provide the Committee with the maximum possible amount of information and has increased the flow of its intelligence reporting.

As I am sure you know, we have recently begun sending INR Intelligence Notes to the Committee on Foreign Relations and Foreign Affairs. These reports, in addition to the longer-range, more detailed Research Studies and External Research Studies the Committees previously received, provide brief analytical comments on current situations related to our foreign policy. Arrangements have been made to deliver these reports to the Committees in a timely fashion.

I regret that we cannot be completely responsive to your request, but assure you that we will continue our efforts to maximize the flow of intelligence material to the Committee.

Sincerely yours,
David M. Abshire,
Assistant Secretary for Congressional Relations.

June 30, 1972.

Hon. William P. Rogers,
Secretary of State,
Washington, D.C.

Dear Mr. Secretary: The Committee appreciates receiving copies of selected research studies prepared by the Department of State's Bureau of Intelligence and Research. It occurs to me that there may be other studies which the Committee has not received which would also be of interest to us. I would appreciate, therefore, your asking the Bureau to provide the Committee with a list of all types of studies being prepared by them together with the titles of all studies produced this year.

Sincerely yours,
J. W. Fulbright,
Chairman.

Office of the Secretary of Defense,
Washington, D.C., January 24, 1973.
Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in answer to your letter regarding "a Pentagon study relative to the capacity of Taiwan to defend against amphibious assault. . . ." The "study" referred to in the Jack Anderson column of March 4, 1972 is not in the files of the Defense Department. However, we have located an internal working document which in some ways resembles the information published in Mr. Anderson's column.

Since the document is an internal working level paper prepared some years ago and has never received any approval or implementation in the department, its use would serve no purpose.

We regret the inordinate delay in replying to your request.

Sincerely,
Rady A. Johnson,
Assistant to the Secretary for Legislative Affairs.

Memorandum

To All Members of the Foreign Relations Committee.

From Carl Marcy, Chairman.

In view of the Committee's continuing problems in obtaining access to documents and materials from the Executive Branch, I think you will be interested in the attached exchange of correspondence between the Chairman and the Department of State.

U.S. Senate,
Washington, D.C., May 1, 1971.
Hon. John N. Irwin II,
Under Secretary of State,
Washington, D.C.

Dear Mr. Secretary: In the absence of Secretary Rogers, I address this letter to you and ask that the reply come from you or the Secretary.

Mr. Van Hollen, Deputy Assistant Secretary of State for Near Eastern and South Asian Affairs, has doubtless informed you of his Executive Session meeting with the Committee on Foreign Relations of Friday, April 30.

During the course of the discussion, Mr. Van Hollen made it clear that he was under instructions not to make available or to read to the Committee from any reports or communications related to the situation in Pakistan. He also confirmed that from time to time on a selective basis classified documents, telegrams, and similar materials have been made available to the Committee or to selected Members (in the Committee's opinion, when it has served the Department's purposes.).

The Committee would like to have a full, forthright, unequivocal statement of departmental policy with respect to the kinds of information which it will make available to this Committee or to any Member thereof, and to the circumstances under which such information will be made available or denied. This statement of policy should also make it clear whether under any circumstances such information is made available to any non-governmental officials including consultants, advisors, members of advisory commissions, scholars, and the like. In order to determine its future course of action, the Committee feels strongly that it must have such a statement on an urgent basis.

Sincerely yours,
J. W. Fulbright,
Chairman.

The Secretary of State,
Washington, D.C., July 6, 1971.
Hon. J. W. Fulbright,
Chairman, Committee on Foreign Relations, U.S. Senate.

Dear Mr. Chairman: I understand and I am sympathetic with your need for a full flow of information from the Department of State. It is the President's wish and my intention to accommodate the needs of your Committee to the greatest extent possible and consistent with the practical needs of confidentiality in the conduct of our foreign relations.

It is because of our awareness of your needs that I will continue to make every effort to respond to requests for information and will re-examine our procedures in this regard. I have tried to provide the best informed officials of the Department to testify in both public and executive sessions. Since December 1, I have appeared three times in Executive Session, and three times in Open Session before your Committee. I have made responsible and informed officials available to the Committee as a whole, to individual members and to members of the staff to provide information at our disposal. I have supplemented such oral communication with many letters and reports prepared especially for the Committee at its request. The situation reports on Greece and on East Pakistan are two examples. I have called back Ambassadors and other senior officials to meet with the Committee whenever that has been feasible. Officers returning for leave and reassignment, most recently Consul General Blood, have also appeared before the Committee.

In such ways, I have tried to make available to the Committee, its members and its staff the most complete and the most comprehensive account of developments and policies in our foreign relations.

It has seemed to me best to provide information by one of these methods rather than to supply copies of field reports and internal memoranda concerned with policy in the process of formulation, or other internal working papers that have been prepared for Executive Branch use. This is to safeguard the efficiency, the integrity and the independence of the Department and of its individual officers in the decision-making and policy recommending process.

I hope that you will understand the need for confidentiality as an element of this process. It is important that officers reporting from the field and making recommendations in Washington should feel free to give me their candid views, whether or not they agree with policy at the time, and to know that such views will not be widely circulated.

We certainly do not intend for this practice to have the effect of denying to the Committee the substance of the information contained in classified material. We hope that the Department will be able to provide very complete information by one of the methods presently employed.

It is with these considerations as guidance that we weigh specific requests for classified documents. Our rule has been to comply whenever feasible. It was on this basis that we provided classified documents during the Committee's inquiry into United States commitments to other countries.

As a result of the President's initiative in January of this year, the subject of classification of documents has been under review within the Department. We are re-examining our policies and procedures concerning classification, declassification and handling of documents governed by Executive Order 10501. I hope that these efforts will lead to a more expeditious exchange of information between the Congress and the agencies and departments of the executive branch.

I am anxious to cooperate with you in other ways to improve the regular provision of information. You may recall that I spoke of this when I met with your Committee on May 14. I suggested, by way of example, that we begin regular private briefings on current developments by the regional Assistant Secretaries for the full Committee or for regional Subcommittees, if that would be preferable. We are also reviewing whether additional documents analyzing international developments from our Intelligence and Research Bureau may be made available.

The provision of classified information to non-governmental officials such as consultants, advisors, members of advisory panels, scholars and the like is somewhat different. Here the Department's policy is to make classified information available to the extent and of the kind required for them to carry out their functions in accordance with their individual authorizations and security clearances. It is, of course, the policy of the Department to declassify classified materials for scholarly use to the greatest extent possible consistent with the effective conduct of our foreign relations. As I indicated earlier, these procedures are also under review.

I hope that you will find this statement responsive to your inquiry.

Sincerely,

WILLIAM P. ROGERS.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I yield myself such time as I may consume.

Mr. President, the distinguished Senator from Idaho says that there are no new or novel policy questions involved in section 11. However, I suggest most respectfully that there are, for this section confers upon the Foreign Relations Committee as a committee, not the Senate or the Congress, the power to precipitate an automatic cutoff of funds.

I think that is very important and novel policy consideration.

I can understand the frustration of the Foreign Affairs Committee in particular instances, and the Senator from Idaho has referred to a couple of times when requests have been made and the information sought was not furnished. However, this question is not limited to those particular kinds of situations. It refers to any document, paper, communication, audit, review, finding, recommendation, report or other material of any kind.

If we are talking about coequal branches of the Government, I wonder if we would extend that kind of reasoning and approach in the direction of the judicial branch of the Government. Members of the Supreme Court of the United States, as I understand it, meet regularly in executive sessions and discuss the cases and decide who is going to write the opinions and make certain decisions with regard to the cases before them.

Would it be reasonable, for example, for Congress to demand the minutes of the Supreme Court meetings? I have never heard anyone suggest that. However, it would be just as logical to do so as it would be to say that we are entitled to access to every single bit of information, communication, or otherwise within the executive branch of the Government. Certainly for the orderly function of the executive branch of the Government, the officers and employees of the executive branch of the Government have to be candid with one another in submitting evaluations. There must be some degree of confidentiality. And that line is a very difficult line to draw. It ought to be better delineated than it is now.

I suggest that this is surely not the way to go about it. The only thing I ask is that the Senate proceed in an orderly way.

Mr. President, I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, once again I rise in a way to protest what is going on, though I realize it will do no good.

The pending bill, the State Department Authorization Act, seeks to cut the war powers of the President. We ought to get a bill passed that is proper to put on the Calendar later. However, any committee chairman can use any muscle he finds in the rulebook.

In 1926 the Supreme Court held that—

> The plan of government desired by the Framers of the Constitution . . . could never have been intended to leave to Congress unlimited discretion to vary fundamentally the operation of the great independent executive branch of government and thus most seriously to weaken it. *Myers* v. *United States,,* 272 U.S. 52, 127.

Yet, this is exactly what the Senate Foreign Relations Committee proposes to do in section 11 of the pending bill.

This provision would require that the Department of State and other foreign affairs agencies must furnish any document, paper, report, or other material in its custody or control upon request from committees of Congress, or the funds for that agency would be cut off. Only direct communications with the President would be exempted. This provision is allegedly necessary to fulfill the congressional power of legislative inquiry.

Mr. President, what this provision does is to say that the executive branch has no separate entity. It directs that whatever is of the Executive belongs to the Congress.

It makes no matter that these documents may be the personal security file on some individual whose right of privacy is at stake, nor that Congress may be inquiring into the internal working papers of the Government, such as the recommendations, advice, or suggestions that one government employee might pass on to his superiors about a question of policy. Why the Foreign Relations Committee has actually gone so far in this provision that it collides with the objections of the American Civil Liberties Union—and that takes a little doing—whose general counsel testified that Congress should not be able to obtain personal dossiers or to question an employee on these kinds of internal deliberations.

In addition, under section 11 any committee of Congress attempting to run foreign negotiations could demand all working documents accompanying an ongoing international conference. Section 11 would even cover communications between U.S. Ambassadors abroad and the Secretary of State. It would include information furnished to the Government from foreign embassy sources, who may have furnished our officials with material having significant insight into some third nation's position on a policy matter and who would thus be highly embarrassed should this fact become known.

In other words, section 11 denies the existence of any right of the Executive branch to keep information confidential from Congress except for communications to and from the President himself.

Mr. President, I disagree strongly with this view. I believe and always have that there are some areas within the operations of government, particularly in the sphere of foreign and military policy, that the Executive may withhold when he determines that disclosure of particular matters would be harmful to the national interest. In the words of Justice Stewart and Justice White, concurring in a recent decision:

> It is elementary that the successful conduct of international diplomacy and the maintenance of an effective national defense require both confidentiality and secrecy. Other nations can hardly deal with this Nation in an atmosphere of mutual trust unless they can be assured that their confidences will be kept. And within our own executive departments, the development of considered and intelligent international policies would be impossible if those charged with their formulation could not communicate with each other freely, frankly, and in confidence. In the area of basic national defense the frequent need for absolute secrecy is, of course, self-evident. *New York Times v. United States,* 403 U.S. 713, 728 (1971).

I might add, Mr. President, that where the security of the Nation is at stake, secrecy with respect to highly sensitive papers and deliberations of this sort would affect not Congress alone, but all but a minuscule number of the employees and officials of the executive branch itself.

Also, I believe it is essential the President should have the undivided counsel of his advisors, who must be free to give candid opinions without feeling that they will be second guessed immediately thereafter by Congress or the press. Certainly, the Executive must also be able to withhold information which might relate to pending investigative files that are a part of ongoing court litigation preparation.

All the above categories of information are in my opinion areas where executive privilege is firmly rooted both in historical precedence and in principle. In fact, these areas are analogous to the same sort of confidentiality which Senators and Representatives may expect from their assistants, and judges from their law clerks. Furthermore, there is a clear similarity between executive privilege and congressional committees which meet in closed session to mark up certain bills, of judges of the Supreme Court and other appellate courts who meet in closed session to decide on the outcome of particular cases.

The truth is, Mr. President, any independent branch of the Government must be able to withhold, at least for a limited period of time, a narrow scope of information which involves the very integrity of the decisionmaking process for that branch, where the right of personal privacy applies, or where the basic national defense is at stake. These powers are implicit in the creation of our divided form of government, with the executive, legislative, and judicial responsibilities going into three great and separate branches. Congress cannot violate this division by legislating its own definitions of the boundaries between the three branches.

Mr. President, another thing we should understand is that the Presidency generally operates in a spirit of good cooperation with Congress in which most documents and testimony sought are given by each department and agency. Even a leading critic of executive privilege, Prof. Raoul Berger, who has published a voluminous study of the subject, concedes that:

> Over the years the vast bulk of congressional requests for information have met with compliance.

Historically, this is true. For example, a recent Library of Congress study on the usage of executive privilege, which was printed in the Congressional Record of June 20, 1972, disclosed that between 1961 and 1972, there were only 27 instances on which Presidents Kennedy, Johnson, and Nixon combined had withheld records or witnesses from congressional committees. It may interest my colleagues to know that President Johnson used the privilege 3 times, President Nixon 11 times, and President Kennedy 13 times.

Now this does not seem earthshaking to me and I cannot for the life of me see why the Senate would get so upset about this situation that it would propose shutting off the entire funds for a department's or agency's operation out of pique at not receiving information on so few occasions.

Furthermore, I must warn my colleagues that there are no judicial cases which uphold the proposition that Congress can compel the production of documents or testimony by officials of the executive branch. This is the conclusion of a Library of Congress legal memorandum, dated June 7, 1971, and I believe it is shared by most commentators in the field.

On the other hand, in the case of United States against Reynolds, the Supreme Court has recognized the authority of the executive branch to withhold information from the compulsory process of the courts in the interests of national security—345 U.S. 1, 10 (1953). There is no reason why this holding is not equally applicable to the compulsory process of Congress.

In fact, the Supreme Court has expressly remarked that the scope of the congressional power of inquiry "is not without limitations." More specifically, the Court has said Congress—

> Cannot inquire into matters which are within the exclusive province of one of the other branches of the Government. . . . [It cannot] supplant the Executive in what exclusively belongs to the Executive. *Barenblatt v. United States*, 360 U.S. 109, 111, 112 (1959).

Moreover, Mr. President, there is no statutory precedent for the kind of disclosure which section 11 seeks to require. Contrary to the statement contained in the report of the Committee on Foreign Relations, a 1789 Act of Congress creating the original Department of the Treasury does not stand as a precedent for requiring the furnishing of any information which the executive branch determines should be kept confidential.

It is true that this statute includes a provision stating that it—

> Shall be the duty of the Secretary of the Treasury * * * to make reports, and give information to either branch of the legislature in person or in writing (as he may be required)—

The debate on this measure, however, makes it absolutely clear the provision was not aimed at dragging information out of the Executive, but rather that it was drafted by Alexander Hamilton, who anticipated that he could thereby provide advice at will to Congress.

The report of the Foreign Relations Committee contains a partial quotation from Representative Roger Sherman which might indicate otherwise if one did not know that this has been taken totally out of context and given a tortured construction. The full weight of the legislative debate on the Treasury Act of 1789, as articulated by speaker after speaker, proves that the Members of the First Congress gave no thought to the statute as covering information which the Secretary would not choose to communicate, but had in mind only information which the Secretary would furnish voluntarily or indeed might thrust upon them.

The Members of the First Congress, including Roger Sherman, feared the Secretary of the Treasury might, by proposing plans of revenue to Congress, abridge the privilege of the House to originate all bills for raising revenue. The entire thrust of the debate was over the broad scope of authority given to the Secretary, not to any requirement on his part to furnish information against his will. The Members wanted to restraint the advice which Hamilton could give and they attempted to do this, in effect, by providing that he should give only such information as he may be required and no more.

Professor Berger, who testified on Executive privilege at a 1971 hearing of Congress, explained that—

> Hamilton really wanted to be in a position to intrude, to offer his advice. He wanted to have a pipeline into the Congress, so he could come in and advise the Congress about financial matters . . . The provision for a call for information was merely designed to bar Hamilton's unsought intrusions.

To which, I might add, Mr. President, that Hamilton, the first Secretary of the Treasury, was quoted by Jefferson as construing this same act as not making him—

> Subject as to be obliged to produce all papers [Congress] might call for.

The writings of Thomas Jefferson 190 (Ford ed., 1892). From this, Mr. President, it is quite clear that the act of 1789 was not conceived as imposing any requirement on the Secretary, but was feared to establish a matter of right for the Secretary to intrude his plans and advice on Congress.

Mr. President, in order to leave no question about the interpretation which Congress gave to this statute, I ask unanimous consent that the proceedings in the House of Representatives on the original Treasury Department Act be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Bartlett). Without objection, it is so ordered.

(See exhibit 1.)

Mr. GOLDWATER. In summary, Mr. President, there is no precedent, constitutional, statutory, or judicial, which supports section 11, and I strongly recommend that we strike the provision entirely.

Exhibit 1

[From Vol. I—Gales and Seaton's History of the Debates and Proceedings in the Congress of the United States, pages 615–631 (1834 edition)]

Proceedings in the House of Representatives, Thursday, June 25, 1789

TREASURY DEPARTMENT

The House then resolved itself into a Committee of the whole on the bill for establishing the Treasury Department, Mr. Trumbull in the chair. The second clause being under consideration.

Mr. Page objected to the words making it the duty of the Secretary to "digest and report plans for the improvement and management of the revenue, and the support of the public credit;" observing that it might be well enough to enjoin upon him the duty of making out and preparing estimates; but to go any further would be a dangerous innovation upon the constitutional privilege of this House; it would create an undue influence within these walls, because members might be led, by the deference commonly paid to men of abilities, who give an opinion in a case they have thoroughly studied, to support the minister's plan, even against their own judgment. Nor would the mischief stop here; it would establish a precedent which might be extended, until we admitted all the ministers of the Government on the floor, to explain and support the plans they have digested and reported: thus laying a foundation for an aristocracy or a detestable monarchy.

Mr. Tucker.—The objection made by the gentleman near me is, undoubtedly, well founded. I think it proper to strike out all the words alluded to, because the following are sufficient to answer every valuable purpose, namely, "to prepare and report estimates of the public revenue and public expenditures." If we authorize him to prepare and report plans, it will create an interference of the executive with the legislative powers; it will abridge the particular privilege of this House; for the constitution expressly declared, that all bills for raising revenue shall originate in the House of Representatives. How can the business originate in this House, if we have it reported to us by the Minister of Finance? All the information that can be required, may be called for, without adopting a clause that may undermine the authority of this House, and the security of the people. The constitution has pointed out the proper method of communication between the executive and legislative departments; it is made the duty of the President to give, from time to time, information to Congress of the state of the Union, and to recommend to their consideration such measures as he shall judge necessary and expedient. If revenue plans are to be prepared and reported to Congress, here is the proper person to do it; he is responsible to the people for what he recommends, and will be more cautious that any other person to whom a less degree of responsibility is attached. Under this clause, you give the Secretary of the Treasury a right to obtrude upon you plans, not only undigested, but even improper to be taken up.

I hope the House is not already weary of executing and sustaining the powers vested in them by the constitution; and yet it would argue that we thought ourselves less adequate to determine than any individual what burthens our constituents are equal to bear. This is not answering the high expectations that were formed of our exertions for the general good, or of our vigilance in guarding our own and the people's rights. In short, Mr. Chairman, I can never agree to have money bills originated and forced upon this House by a man destitute of legislative authority, while the constitution gives such power solely to the House of Representatives; for this reason, I cheerfully second the motion for striking out the words.

Mr. Benson.—If the proposed amendment prevail, the bill will be nearly nugatory. The most important service that can be rendered by a gentleman who is at the head of the Department of Finance, is that of digesting and reporting plans for the improvement of the revenue, and supporting public credit; and, for my part, I shall despair of ever seeing your revenue improved, or the national credit supported, unless the business is submitted into the hands of an able individual. I thought this subject was well understoood, from the debate on the original motion. It was then insisted upon by an honorable gentleman, Mr. Gerry, who opposed the appointment of a Secretary of the Treasury, that his important duties ought to be "to consider of the means of improving the revenue, and introducing economy into the expenditures, and to recommend general systems of revenue." Now, what more than this is required by the clause?

For my part, I am at a loss to see how the privilege of the House is infringed. Can any of the Secretary's plans be called bills? Will they be reported in such a form even? But admitting they were, they do not become bills, unless they are sanctioned by the House; much less is the danger that they will pass into laws without full examination by both Houses and the President. From this view of the subject, so far is the clause from appearing dangerous, that I believe it discovers itself to be not only perfectly safe, but essentially necessary; and without it is retained, the great object of the bill will be defeated.

Mr. Goodhue.—We certainly carry our dignity to the extreme, when we refuse to receive information from any but ourselves. It must be admitted, that the Secretary of the Treasury will, from the nature of his office, be better acquainted with the subject of improving the revenue or curtailing expense, than any other person; if he is thus capable of affording useful information, shall we reckon it hazardous to receive it? For my part, when I want to attain a particular object, *I never* shut my ears against information likely to enable me to secure it.

Mr. Page.—I can never consent to establish, by law, this interference of an executive officer in business of legislation; it may be well enough in an absolute monarchy, for a minister to come to a Parliament with his plans in his hands, and order them to be enregistered or enacted; but this practice does not obtain even in a limited monarchy like Britain. The minister there, who introduces his plans, must be a member of the House of Commons. The man would be treated with indignation, who should attempt in that country to bring his schemes before Parliament in any other way. Now, why we, in the free republic of the United States, should introduce such a novelty in legislation, I am at a loss to conceive. The constitution expressly delegates to us the business of the revenue; our constituents have confidence in us, because they suppose us acquainted with their circumstances; they expect, in consequence of this knowledge, we will not attempt to load them with injudicious or oppressive taxes; but they have no such security, if we are blindly to follow perhaps an unskilful minister. It does not answer me, Mr. Chairman, to say the House has a right of deliberating and deciding upon these plans, because we may be told, if you prune away this part or that part of the system, you destroy its efficiency. Therefore we must act with caution; we must either take or reject the whole; but if we reject the whole, sir, we are to depend upon ourselves for a substitute. How are we to form one? For my part, I should not despair, that the united wisdom of this House could procure one; but if we are to do this in the second instance, why cannot we attempt it in the first? I have no objection to our calling upon this or any other officer for information; but it is certainly improper to have him authorized by law to intrude upon us whatever he may think proper. I presume, sir, it is not supposed by the worthy gentleman from New York (Mr. Benson) that we shall be at a loss to conceive what information would be useful or proper for us to require, that we must have this officer to present us with what he chooses. When the President requires an opinion of him, the constitution demands him to give it; so under the law, let him send his opinion in here, when it is asked for. If any further power is given him, it will come to this at last: we, like the Parliament of Paris, shall meet to register what he dictates. Either these reports of the Secretary are to have weight, or they are not; if they are to have weight, the House acts under a foreign influence, which is altogether improper and impolitic; if they are to have no weight, we impose a useless duty upon the officer, and such as is no mark of our wisdom.

Mr. Ames hoped the subject might be treated with candor and liberality; he supposed the objections were made on those principles, and therefore required a serious answer. The worthy gentleman who first expressed his aversion to the clause seemed to be apprehensive that the power of reporting plans by the Secretary would be improper, because it appeared to him to interfere with the legislative duty of the House, which the House ought not to relinquish.

Whenever it is a question, Mr. Speaker, said he, whether this House ought, or ought not, to establish offices to exercise a part of the power of either branch of the Government, there are two points which I take into consideration, in order to lead my mind to a just decision; first, whether the proposed disposition is useful; and, second, whether it can be safely guarded from abuse. Now I take it, sir, that the House, by their order for bringing in a bill to establish the Treasury Department in this way, have determined the point of utility; or, have they erred in adopting that opinion, I will slightly make an inquiry. How does it tend to general utility? The Secretary is presumed to acquire the best knowledge of the subject of finance of any member of the community. Now, if this House is to act on the best knowledge of circumstances, it seems to follow logically, that the House must obtain evidence from that officers; the best way of doing this will be publicly from the officer himself, by making it his duty to furnish us with it. It will not be denied, sir, that this officer will be better acquainted with his business than other people can be. It lies within his department, to have a comprehensive view of the state of the public revenues and expenditures. He will, by his superintending power over the collection, be able to discover abuses, if any, in that department, and to form the most eligible plan to remedy or prevent the evil. From his information respecting money transactions, he may be able to point out the best mode for supporting the public credit; indeed, these seem to me to be the great objects of his appointment.

It is, perhaps, a misfortune incident to public assemblies, that from their nature they are more incompetent to a complete investigation of accounts than a few individuals; perhaps in a Government so extended, and replete with variety in its mode of expenditure as this, the subject may be more perplexing than in countries of smaller extent, and less variety of objects to guard. The science of accounts is at best but an abstruse and dry study; it is scarcely to be understood but by an unwearied assiduity for a long time; how then can a public body, elected annually, and in session for a few months, undertake the arduous task with a full prospect of success? If our plans are formed upon these incomplete investigations, we can expect little improvement; for I venture to say, that our knowledge will be far inferior to that of an individual, like the present officer. Hence I contend, sir, that the Secretary is a useful and invaluable part of the Government.

I would not have it understood that I am against an inquiry being made into this subject at every session of the Legislature. I think such a practice highly salutary, but I would not trust to a hasty, or perhaps injudicious examination of a business of this magnitude; on the contrary, I would take every precaution in ascertaining the foundation upon which our revenues are to stand.

If we consider the present situation of our finances, owing to a variety of causes, we shall no doubt perceive a great, although unavoidable confusion throughout the whole scene; it presents to the imagination a deep, dark, and dreary chaos; impossible to be reduced to order without the mind of the architect is clear and capacious, and his power commensurate to the occasion; he must not be the flitting creature of a day, he must have time given him competent for the successful exercise of his authority. It is with an intention to let a little sunshine into the business that the present arrangement is proposed; I hope it may be successful, nor do I doubt the event. I am confident our funds are equal to the demand, if they are properly brought into operation; but a bad administration of the finances will prove our greatest evil.

But is our proposed arrangement safe? Are the guards sufficient to prevent abuse? I am perfectly satisfied it can be made so, and hope the united exertions of both Houses will effect it. How is the power complained of by the honorable gentleman over the way (Mr. Page and Mr. Tucker) unsafe? We are told, the plans reported may have an undue influence. Upon what ground is this opinion rested? Do the gentlemen apprehend the facts will be fallaciously stated? If so, I would ask, cannot they be detected? If facts are faithfully stated, and the deductions are fair, no doubt the plan will be patronized; and will the gentleman say that it ought not? I believe there is little danger of imposition, for a person in this situation would hardly run the risk of detection, in a case where detection might be easy by an examination of the books and vouchers, and his reputation be destroyed.

What improper influence could a plan reported openly and officially have on the mind of any member, more than if the scheme and information were given privately at the Secretary's office?

Nor, Mr. Chairman, do I approve what the gentlemen say with respect to calling on the Secretary for information; it will be no mark of inattention or neglect, if he take time to consider the questions you propound; but if you make it his duty to furnish you plans of information on the improvement of the revenue and support of public credit, and he neglect to perform it, his conduct or capacity is virtually impeached. This will be furnishing an additional check.

It has been complained of as a novelty; but, let me ask gentlemen, if it is not to an institution of a similar kind that the management of the finances of Britain is the envy of the world? It is true, the Chancellor of the Exchequer is a member of the House that has the sole right of originating money bills; but is that a reason why we should not have the information which can be obtained from our officer, who possesses the means of acquiring equally important and useful knowledge? The nation, as well as the Parliament of Britain, holds a check over the Chancellor: if his budget contains false calculations, they are corrected; if he attempts impositions, or even unpopular measures, his administration becomes odious, and he is removed. Have we more reason to fear than they? Have we less responsibility or security in our arrangement of the Treasury department? If we have, let us improve it, but not abridge it of its safest and most useful power. I hope the committee will refuse their approbation of the present motion.

Mr. Livermore.—I shall vote for striking out the clause, because I conceive it essentially necessary so to do. The power of originating money bills within these walls, I look upon as a sacred deposit which we may neither violate nor divest ourselves of, although at first view it may appear of little importance who shall form a plan for the improvement of the revenue. Although every information tending to effect this great object may be gratefully received by this House, yet it behooves us to consider to what this clause may lead, and where it may terminate. Might it not, by construction, be said, that the Secretary of the Treasury has the sole right of digesting and reporting plans for the improvement of the revenue? This construction may appear a little extraordinary, but it is not more so than some constructions heretofore put upon other words; but however extraordinary it may be, it may take place, and I think the best way to avoid it, will be to leave out the words altogether. It is certainly improper that any person, not expressly entrusted by our constituents with the privilege of taking their money, should direct the quantum and the manner in which to take it.

But if there is not the danger I have mentioned, of giving power exclusively to this officer, I would ask gentlemen, and I submit it to their candor to say, whether it must not have a tendency to render the minds of the members indifferent on the subject, if the business is to be arranged and conducted by another, who, we are told, is better capable of understanding it than ourselves? Certainly, we shall hardly think it worth while to trouble our heads about the business. How far this will disappoint the object of our election, may be plainly seen. For my part, I think the power too great to be entrusted in any hands but those of the representatives of the people, where the constitution has deposited it, unless it be to a committee specially appointed by the House for that purpose.

Some allusions, Mr. Chairman, have been made with respect to the origin of this power. Gentlemen have intimated that it was copied from the powers vested in the First Lord of the Treasury. I am not of this opinion. I rather believe the committee, in searching for precedents, have turned to the former appointment of a Superintendent of Finance under the late Confederation, and, having discovered this enumerated among his powers, have copied it into the bill, not adverting to the different circumstances of the present and former Congress; for to them alone was not confined the power of originating revenue plans. Besides, it might be safe in them, because they possessed the legislative and executive power; they could abolish his plans and his office together, if they thought proper; but we are restrained by a Senate, and the negative of the President. We have no power over him, therefore we ought to be cautious of putting dangerous powers into his hands.

Mr. SEDGWICK.—If the principle prevails for curtailing this part of the Secretary's duty, we shall lose the advantages which the proposed system was intended to acquire. The improvement and management of the revenue is a subject that must be investigated by a man of abilities and indefatigable industry, if we mean to have our business advantageously done. If honorable gentlemen will for a moment consider the peculiar circumstances of this country, the means of information attainable by the individual members of this House, and compare them with the object they have to pursue, they will plainly perceive the necessity of calling to their aid the advantages resulting from an establishment like the one contemplated in the bill; if they weigh these circumstances carefully, their objections, I trust, will vanish. Coming, Mr. Chairman, as we do, from different parts of the Union, from States where the objects of revenue are different, where the circumstances and views of the people are different, and in a great degree local, it appears to me that no one member can be so fortunate as to possess the extensive knowledge attainable by this officer. Another circumstance induces me to draw the same conclusion. We shall find systems adopted to defeat the collection of the revenue, but it will be impossible for any of us to become so well acquainted with these machinations as to defeat their object; but from the advantageous position we give the Secretary of the Treasury, and the multifarious objects of his attention, he may watch over and detect their plans; he will have a better capacity to propose a remedy than any member of the Legislature.

I do not apprehend any undue influence operating on the members of this House, because I am persuaded there will ever prevail an independent and indignant spirit within the walls of Congress, hostile to every venal attempt. Nor do I believe it possible to color, with a semblance of justice, either false or base measures against the public welfare; the wisdom of this House can never be thought so meanly of. I trust a majority will always be found wise and virtuous enough to resist being made the tools of a corrupt administration. I, therefore, with confidence, approve the object of the clause.

I will mention one other circumstance, of no inconsiderable force, in favor of the bill. Coming, as I said we do, from districts with different ideas, perhaps different objects to pursue, much time will necessarily be consumed before a current is found in which the mind of the majority will run; and even then, gentlemen will not be certain they have procured all the information that could be obtained. It appears, therefore, to me, from the reason and nature of things, to be our duty, as wise legislators, to form such a reservoir for information as will supply us with what is necessary and useful at all times.

Mr. BOUDINOT.—A proper jealousy for the liberty of the people is commendable in those who are appointed and sworn to be its faithful guardians; but when this spirit is carried so far as to lose sight of its object, and instead of leading to avoid, urges on to the precipice of ruin, we ought to be careful how we receive its impressions. So far is the present measure from being injurious to liberty, that it is consistent with the true interest and prosperity of the community. Are gentlemen apprehensive we shall be led by this officer to adopt plans we should otherwise reject? For my part, I have a better opinion of the penetration of the representation of the people than to dread any such visionary phantom.

Let us consider whether this power is essentially necessary to the Government. I take it to be conceded by the gentlemen, that it is absolutely so. They say they are willing to receive the information because it may be serviceable, but do not choose to have it communicated in this way. If the Secretary of the Treasury is the proper person to give the information, I can see no other mode of obtaining it that would be so useful. Do gentlemen mean that he shall give it piecemeal, by way of question and answer? This will tend more to mislead than to inform us. If we would judge upon any subject, it would be better to have it in one clear and complete view, than to inspect it by detachments; we should lose the great whole in the minutiae, and, instead of a system, should present our constituents with a structure composed of discordant parts, counteracting and defeating the operation of each other's properties.

Make your officer responsible, and the presumption is, that plans and information are properly digested; but if he can secrete himself behind the curtain, he might create a noxious influence, and not be answerable for the information he gives. I conceive this great principle of responsibility to be essentially necessary to secure the public welfare: make it his duty to study the subject well, and put the means in his power; we can then draw from him all the information he has acquired, and apply it to its proper use. Without such an officer, our plans will be ineffectual and inconsistent. I have seen too much the want of a like officer in the State Legislatures, not to make me very desirous of adopting the present plan. It has been said, that the members coming from the different parts of the Union are the most proper persons to give information. I deny the principle. There are no persons in the Government to whom we could look with less propriety for information on this subject than to the members of this House. We are called from the pursuit of our different occupations, and come without the least preparation to bring forward a subject that requires a great degree of assiduous application to understand; add to this the locality of our ideas, which is too commonly the case, and we shall appear not very fit to answer the end of our appointment. Witness the difficulty and embarrassments with which we have hitherto been surrounded. If we had the subject digested and prepared, we should determine with ease on its fitness, its combination, and its principles, and might supply omissions or defects without hazard; and this in half the time we could frame a system, if left to reduce the chaos into order.

Mr. HARTLEY rose to express his sentiments, as he did on every occasion, with diffidence in his own abilities; but he looked upon the clause as both unsafe and inconsistent with the constitution. He thought the gentleman last up proved too much by his arguments; he proved that the House of Representatives was, in fact, unnecessary and useless; that one person could be a better judge of the means to improve and manage the revenue, and support the national credit, than the whole body of Congress. This kind of doctrine, Mr. Chairman, is indelicate in a republic, and strikes at the root of all legislation founded upon the great democratic principle of representation. It is true, mistakes, and very injurious ones, have been made on the subject of finance by some State Legislatures; but I would rather submit to this evil, than, by my voice, establish tenets subversive of the liberties of my country.

Notwithstanding what I have said, I am clearly of opinion it is necessary and useful to take measures for obtaining other information than what members can acquire in their characters as citizens; therefore, I am in favor of the present bill; but I think these words too strong. If it was modified so as to oblige him to have his plans ready for this House when they are asked for, I should be satisfied; but to establish a legal right in an officer to obtrude his sentiments perpetually on this body, is disagreeable, and it is dangerous, inasmuch as the right is conveyed in words of doubtful import, and conveying powers exclusively vested by the constitution in this House.

One gentleman (Mr. AMES) has said, that the Secretary would be responsible for the plans he introduces. Very true; but how are we to detect the impositions they contain; for, he says, we require more time and leisure to make the scrutiny than falls to our lot, so that it does not afford the degree of responsibility which his observations supposed.

Mr. GERRY expresed himself in favor of the object of the clause; that was, to get all the information possible for the purpose of improving the revenue, because he thought this information would be much required, if he judged from the load of public debt, and the present inability of the people to contribute largely toward its reduction.

He could not help observing, however, the great degree of importance they were giving this, and the other executive officers. If the doctrine of having prime and great ministers of state was once well established, he did not doubt but we should soon see them distinguished by a green or red ribbon, or other insignia of court favor and patronage. He wished gentlemen were aware of what consequences these things lead to, that they might exert a greater degree of caution.

The practice of Parliament in Britain is first to determine the sum they will grant, and then refer the subject to a Committee of Ways and Means; this might be a proper mode to be pursued in this House.

Do gentlemen, said he, consider the importance of the power they give the officer by the clause? Is it not part of our legislative authority? And does not the constitution expressly declare that the House solely shall exercise the power of originating revenue bills? Now, what is meant by reporting plans? It surely includes the idea of originating money bills, that is, a bill for improving the revenue, or, in other words, for bringing revenue into the treasury. For if he is to report plans, they ought to be reported in a proper form, and complete. This is giving an indirect voice in legislative business to an executive officer. If this be not the meaning of the clause, let gentleman say what is, and to what extent it shall go; but if my construction is true, we are giving up the most essential privilege vested in us by the constitution. But what does this signify? The officer is responsible, and we are secure. This responsibility is made an argument in favor of every extension of power. I should be glad to understand the term. Gentlemen say the Secretary of the Treasury is responsible for the information he gives the House—in what manner does this responsibility act? Suppose he reports a plan for improving the revenue, by a tax which he thinks judicious, and one that will be agreeable to the people of the United States; but he happens to be deceived in his opinion, that his tax is obnoxious, and excites a popular clamor against the minister—what is the advantage of his responsibility? Nothing. Few men deserve punishment for the error of opinion; all that could be done would be to repeal the law, and be more cautious in future in depending implicitly on the judgment of a man who had led us into an impolite measure. Suppose the revenue should fall short of his estimate, is he responsible for the balance? This will be carrying the idea further than any Government hitherto has done. What then is the officer to be responsible for, which should induce the House to vest in him such extraordinary powers?

It was well observed by the honorable gentleman over the way (Mr. Page), that when his bill or plan is before the House, we must take or reject the whole; for if the individual members are so uninformed on the subject as they have been represented, it will be next to presumption to prepare an alteration; we should be told it was his duty officially to present plans, and our duty officially to pass them; that he is better informed than any other man, nay, better than the collective wisdom of the country. But this argument goes further still, and it may be justly asked, what occasion is there for a session of Congress? It incumbers the nation with a heavy expense, without rendering it any service. For, if we can neither alter nor improve the Secretary's plans, we can only consume our time to no avail. Under these circumstances, it will be patriotic to lay down our authority and vest it in the great minister we have established.

Mr. Lawrence.—I do not see consequences so dangerous as some gentlemen seem to apprehend; nor did they appear to them, I believe, when the subject was last under consideration. I recollect, Mr. Chairman, that some difficulty was made about establishing this office, because it was feared we could not find men of sufficient abilities to fill it. The duties were then properly deemed of a high and important nature, and enumerated as those proposed in the bill. It was supposed by an honorable gentleman, that the powers here expressed might be lodged in a board, because an individual was incompetent to undertake the whole. But now we have the wonderful sagacity of discovering, that if an individual is appointed, he will have capacity to form plans for improving the revenue in such an advantageous manner, as to supersede the necessity of having the represenatives of the people consulted on the business; he will not only perform the usual duties of a Treasury Board, but be adequate to all purposes of legislation. I appeal to the gentleman for his usual candor on this occasion, which will assure us that he has wiredrawn his arguments.

I hope, sir, if we give this power to an individual, we shall have judgment enough to discover whether his plans are consistent with the public happiness and prosperity; and while we exercise this judgment, there can be no cause to apprehend the chimerical effects portrayed by the gentleman last up.

It is said to be giving him the power of legislation. Do we give him the power of deciding what shall be law? While we retain this power, he may give us all the information possible, but can never be said to participate in legislative business; he has no control whatever over this House. I see no danger, but a great deal of benefit, arising from the clause; by making it his duty to study the subject, we may reasonably expect information.

How is it said, that the power of reporting plans for the improvement of the revenue, is the power of originating money bills? The constitution declares that power to be vested solely in this House. Now, will gentlemen say a money bill is originated by an individual member if he brings it forward? It cannot be originated, in my opinion, until the sense of the House is declared; much less can a plan for the improvement of the revenue be said to be a money bill.

Mr. Gerry admitted that he gave it as his opinion, that it was not an easy thing to find a proper person for conducting the finances in this country; there were but few in Europe who possessed abilities equal to the undertaking. He said before, that he knew but one in America, and believed there were not many to be found. These were his sentiments then, and he had made no discoveries since that warranted a change of opinion. But perhaps the advocates of the bill are acquainted with a gentleman fit for the business; if they are, it is more than he pretended to be, unless, as he said before, it was an honorable member of the Senate, who had made more progress in acquiring a knowledge of this difficult science, than any other person he had heard of.

He would not proceed on this subject, because the House had determined to appoint such an officer, and thereby put an end to the debate. By that vote, they supposed they could find a man equal to the task; he hoped they might, but he was really apprehensive of a disappointment, when he considered the confused and embarrassed state of our public debts and accounts; however, he submitted to the voice of his country.

The gentleman last up, said he, did me the honor of noticing what I said on a former occasion; but I appeal to himself whether my words were conveyed in the language of the bill. Did I advise any thing like this? Has not the gentleman sagacity enough to discover that my arguments went no further than this, that he was the proper person to give information respecting the public revenues and expenses, the mode of collecting, and the probable remedy for abuses?

But certainly, this House contains more information relative to the proper means of supporting the national credit, and how far our constituents are capable of sustaining an increase of taxes, or which mode of assessment would yield most satisfaction. Yet gentlemen propose to give the power of advising the House, in all these cases, to the Secretary of the Treasury. It was always my opinion, that the representative body, from their sense of feeling, was a better judge of taxation than any individual, however great his sagacity, or extensive his means of information.

The gentleman says, we only give him power to give information; that is what I wish, but the clause goes further. Is digesting and reporting plans merely giving information? These plans will have to undergo the consideration of the House, I grant; but they must have some influence coming from such high authority, and if they have this in any degree whatever, it is subversive of the principles laid down in the constitution.

The gentleman says, a bill is not originated until it has obtained the sense of the House; what is it then? The bill now under consideration has not obtained the sense of the House, yet I believe that gentleman himself conceives it to be a bill; he uses the term when he is speaking of it, and will hardly deny that it has originated. I think, sir, whenever the House order a committee to bring in a bill, or give leave to a member to read one in his place, that by that order they originate the bill; and here it is that I am apprehensive of a diminution of our privilege. By this law you give the Secretary the right of digesting and reporting all plans, which is but another word for bills, for the management and improvement of the revenue, and supporting public credit. To what an extent these last words may reach, I shall not pretend to say; but certainly they may include the operations of more departments than one. If the clause will bear the construction I have mentioned, it is altogether unwarrantable. I said, I differed from the gentleman with respect to the origin of bills, but perhaps this phrase may be applicable to a bill on its passage; all bills, from the time they are admitted before the House, may be said to be on their passage; but they are originated, as I take it, at their introduction.

Mr. Fitzsimons was not certain that he understood the objections which were made against the clause; but if he did, it was a jealousy arising from the power given the Secretary to report plans of revenue to the House. No gentleman, he believed, had objected to his preparing a plan, and giving it in when it was called for. If this were the case, perhaps harmony might be restored to the committee by changing the word report into prepare; he would therefore move that amendment, in order to try the sense of the House.

Mr. Madison.—After hearing and weighing the various observations of gentlemen, I am at a loss to see where the danger lies. These are precisely the words used by the former Congress, on two occasions, one in 1783, the other in a subsequent ordinance, which established the Revenue Board. The same power was also annexed to the office of Superintendent of Finance, but I never yet heard that any inconvenience or danger was experienced from the regulation; perhaps, if the power had been more fully and frequently exercised, it might have contributed more to the public good.

There is a small probability, though it is but small, that an officer may derive a weight from this circumstance, and have some degree of influence upon the deliberations of the Legislature; but compare the danger likely to result from this clause, with the danger and inconvenience of not having well-formed and digested plans, and we shall find infinitely more to apprehend. Inconsistent, unproductive, and expensive schemes, will be more injurious to our constituents than the undue influence which the well-digested plans of a well-informed officer can have. From a bad administration of the Government, more detriment will arise than from any other source. The want of information has occasioned much incovenience and unnecessary burdens under some of the State

Governments. Let it be our care to avoid those rocks and shoals in our political voyage, which have injured, and nearly proved fatal to, many of our contemporary navigators.

A gentleman has asked, what is meant by responsibility? I will answer him. There will be responsibility in point of reputation, at least a responsibility to the public opinion with respect to his abilities; and supposing there is no personal responsibility, yet we know that men of talents and ability take as much care for the preservation of their reputation as any other species of property of which they are possessed. If a superior degree of wisdom is expected to be displayed by them, they take pains to give proofs that they possess it in the most unequivocal manner; this of itself will ensure us no small degree of exertion.

With respect to originating money bills, the House has the sole right to do it; but if the power of reporting plans can be construed to imply the power of originating revenue bills, the constitution is inconsistent with itself, in giving the President authority to recommend such measures as he may think expedient or necessary; but the construction is too unnatural to require further investigation.

I have admitted there is a small probability of a small inconvenience, but I do not think it any more an argument against the clause, than it would be an argument against having windows in a house, that it is possible the wind and the rain may get in through the crevices.

Mr. LIVERMORE expressed an apprehension that the clause originated from a clause in an ordinance of the former Congress; he found now he was not mistaken; but he wished gentlemen to distinguish, in the manner he had attempted to do, between properties of this Congress and that, from which they might discover the impropriety of adopting it.

He thought gentleman had sufficiently extolled the excellence of this office, and its advantages. He remembered that the grant of this power to the officer who formerly presided at the head of the finances, had produced some morsels of this kind; the five per cent, impost, a poll tax, and a land tax, if his memory served him right, were submitted; how far these were likely to meet the approbation of the Union, he did not say; but certainly one of them would meet few patrons. From this specimen, he did not form so favorable an opinion as some gentlemen expressed of the revenue plans, prepared, digested, and reported by a Secretary of the Treasury.

Mr. PAGE added, that the late Congress were obliged to submit their plans to the State Legislatures; consequently, there was less danger of undue influence. As this was his principal fear, he would vote against every thing like giving him authority to bring his plans before the House.

Mr. LIVERMORE declared the amendment proposed by Mr. FITZSIMONS unsatisfactory, and by no means removing the ground of complaint.

Mr. TUCKER likewise objected to the amendment, because its effect would be precisely the same with the words standing in the bill. Why, said he, should the Secretary be directed to prepare plans, unless it is intended that the House should regularly call for them? The views of the gentleman are to have a uniformity in the system of finance; but how can this be effected, without the plans are always brought before us? Whatever the House shall presume to do on independent principles, may break in upon the Secretary's system, or make him vary his propositions, in order to accommodate them to what we have done. If we must adopt plans for the sake of uniformity, we must adopt them at all times, or lose our object.

However useful it may be to obtain information from this officer, I am by no means for making it a matter of right in him to intrude his advice. I admit, information may at all times be acceptable, but I think advice should never come but when required. Are we to be advised on all occasions, because we don't know when to require it? Are the members of this House incapable of asking for assistance when they want it? Why have we not affronted the other branches of the Government, as well as this House? Why have we not said that the Secretary of Foreign Affairs should prepare and digest plans for the formation of treaties, and report them to the President and Senate, who are exclusively to manage that concern? The cases are exactly similar; but we did not choose to offer them such an indignity. If it is right in one instance, it is equally so in every other. We ought to have given the Secretary at War an opportunity of exercising his ingenuity, in devising plans of fortifications to strengthen our shores and harbors; we ought, in every case, where we have to decide, appoint officers with the same view to aid our deliberations, and, in fine, to perform the whole duties for which we were elected.

Mr. HARTLEY expressed himself satisfied with the amendment proposed by Mr. FITZSIMONS.

Mr. STONE was not afraid of giving the officer the power of reporting plans, because he was sure Congress would, in every case, decide upon their own judgment. A future Congress would not pay such a deference, even to their predecessors, as to follow in their footsteps, unless they were convinced of the good policy of their measures. He thought, if the House wanted to make use of the information acquired by the Secretary, they ought to give him notice of their intention; consequently, something of this kind was proper in the bill.

Mr. SHERMAN thought the principle held up by the clause, was absolutely necessary to be received. It was of such a nature as to force itself upon them; therefore it was in vain to attempt to elude it by subterfuge. It was owing to the great ablities of a financier, that France had been able to make the exertions we were witnesses of a few years ago, without embarrassing the nation. This able man, after considerably improving the national revenue, was displaced; but such was the importance of the officer, that he has been restored again.

The honorable gentleman, said he, from South Carolina, (Mr. TUCKER) has asked why we did not make a similar provision in the case of the Departments of Foreign Affairs, and of War, to assist the President. If he had consulted the constitution, he would have found it unnecessary, because it is there made the duty of the heads of departments to answer the inquiries of the President in writing. It is the proper business of this House to originate revenue laws; but as we want information to act upon, we must procure it where it is to be had, consequently we must get it out of this officer, and the best way of doing so, must be by making it his duty to bring it forward.

I do not contend for a word; if the spirit of the clause is retained, I am satisfied.

Mr. BALDWIN.—I do not see what we are guarding against by striking out the words, unless gentlemen mean to go so far as to introduce a prohibitory clause, and declare that the Secretary of the Treasury shall be restrained from digesting or preparing plans for the improvement of the revenue. If there is any evil in having him attend to this branch of the business, I cannot see how to avoid it. Suppose the officer is a bad man, and there are others like him in this House, (for this must be what the gentlemen are afraid of;) and suppose he has prepared a scheme for speculation, which he hopes to get adopted by making dupes of the honest part; how are you to hinder it from being brought forward? Cannot his friends introduce it as their own, by making and seconding a motion for that purpose? Will you restrain him from having access to the members out of doors? And cannot he infuse his dangerous and specious arguments and information into them as well in the closet, as by a public and official communication? But, Mr. Chairman, can this House, or if it can, will it, prevent any of their constituents from bringing before them plans for the relief of grievances or oppressions? Every individual of the community can bring business before us by petition, memorial, or remonstrance, provided it be done in a decent manner. How then do you propose to restrain the Secretary of the Treasury?

I think the clause is very well as it stands, and shall therefore be against the amendment.

Mr. PAGE's motion for striking out the clause being put and negatived:

The question on Mr. FITZSIMON's motion to amend the bill, by striking out the word report, and inserting prepare, was taken and carried by a great majority.

After which the House adjourned.

Mr. CHURCH. Mr. President, how much time remains to me on the amendment?

The PRESIDING OFFICER. Sixteen minutes remain to the Senator from Idaho.

Mr. CHURCH. Mr. President, I yield myself such additional time as I may require.

I can understand why a president, a king, an emperor, or a sultan would want to do all within his power to enfeeble the legislature. If there has been one historic contest through the years, about which all of us know through our study of government, it is the eternal struggle between the legislature and the executive, regardless of the form of government. If a government is sufficiently free to have a legislature at all, then such a struggle inevitably occurs.

Much of the history of England and its acquisition of freedom has to do with the struggle between the House of Commons and the prerogatives of the British King.

Thus, I can understand why the Executive and those who speak for him would want to enfeeble Congress, but I cannot understand why Members of Congress insist so on reducing the effectiveness of the legislative branch by adopting so completely the arguments put forward by the Executive.

I can only think of the three monkeys, one who covers his eyes, another who covers his ears, and another who covers his mouth—"See no evil, hear no evil, speak no evil."

I am certain that the ideal state of affairs as viewed from the top, by those who act for and speak for the Executive, would be to reduce the Congress ultimately to that condition, where the Congress would not see, would not hear, and would not speak if it were adverse to the interests of the Executive.

Really, all the provision seeks to do is to use the power that Congress already has, the one power that still resides in this body—namely, the power of the purse—in order to force the executive branch to divulge to the Congress information we need if we are not to be blinded by a lack of information.

Now on the question that the Senator from Arizona speaks to, that of Executive privilege, there is no reference in the Constitution of the United States to Executive privilege. It is true that over the years, out of a spirit of comity, Congress came to observe that there was a certain area within which the Executive should be privileged—and I have no argument with that, as it was construed responsibly through the years—but the Executive's conception of its privilege today bears no relationship to the historic origin of that particular concept.

Originally, Congress held that the President should be entitled to the privilege of communication with members of his staff, with his own appointees, just as a lawyer has privileged communication with a client and as a doctor has privileged communication with his patient. It was acknowledged that the President should have the right to assert executive privilege if the information deals with a private communication between the President and those who act for him, or conversations that take place between them.

But, today, Mr. President, the Executive claims that executive privilege covers everything. Any time some agent of the President, no matter how low down the bureaucratic ladder he may be, decides that he, for some reason, does not want to give information to Congress, that department invokes executive privilege. We sit up here and do not do a thing about it; or, when we try, we are told that we are being naughty.

Well, the committee has tried. After having been refused information to which we had every right, we are trying now to use the power that is left in Congress to force the Executive to give us that information.

The Senator from Arizona says we might request information that would do grave damage to the country. We might ask for something that, in the interests of the Nation, we ought not have because it is so delicate, it is so secret, it is so sensitive. Well, if our kind of government is going to work, there has to be some confidence in discretion and in judgment. There has to be some comity. It cannot be just a one-way street in which all the powers are at 1600 Pennsylvania Avenue.

I would think that those of us who serve in Congress would at least consider that the committees of Congress would use their power in a responsible way.

If the time comes when a committee exceeds the bounds of discretion in insisting upon information from the executive branch, then is the time for the Senate to act. We have no such case before us now. All the abuses of discretion have been on the part of the executive branch. Otherwise, we would not have to bring this provision to the floor of the Senate to try to force the executive to give us information we need in the very area of our responsibility.

So I hope that the Senate will finally begin to assert some of its own prerogatives and be not so excessively concerned with what the executive branch tells us are the prerogatives of the Presidency. We have our rights, too, under the Constitution, if we assert them.

I have no fear that if this provision remains in the bill it ever will become a problem for Congress because the Committee on Foreign Relations has abused its discretion under the language of the bill. If that ever were to happen, then there would be time enough for the Senate to reconsider it.

Mr. GOLDWATER. Mr. President, will the Senator from Michigan yield?

Mr. GRIFFIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. GRIFFIN. I yield 2 minutes to the Senator from Arizona.

Mr. GOLDWATER. I ask the Senator if he can furnish a list of the requests which have been turned down.

Mr. CHURCH. I will be happy to furnish additional examples. As a matter of fact, I have already referred to two requests on which the President claimed executive privilege and other problems encountered by the GAO. They are already a part of the record. I will be glad to add other specific examples.

Mr. GOLDWATER. Only 27 times has Congress been denied this information in 13 years. I do not look on that as calamitous.

For example, when a written request is made for the furnishing of any document, paper, communication, audit, review, finding, recommendation, report, or other material in its custody, I think that is asking for trouble.

I do not have to remind a member of the Committee on Foreign Relations that the revelations by a man named Ellsberg caused embarrassment between our country and another country because those revelations divulged third party operations on which we have to depend. These are the areas.

I do not think any committee, regardless of whether it is the Foreign Relations Committee or the Armed Services Committee, has any right to get information from the executive branch if the executive branch feels that that information is secret and they so regard it.

I might suggest that if you cannot get information from the Department of State, you might try the New York Times. They have some pretty good taps.

Mr. CHURCH. That is the position to which Congress has been reduced by virtue of arguments such as those just made by the Senator from Arizona: Look to the New York Times for your information, if you cannot get it from the executive branch.

Mr. President, let there be no misunderstanding. This provision in the bill has nothing to do with secrecy. It does not say that we are entitled to take secret information and make it public. It just says that we are entitled to the information if we think it is required. We will keep it secret.

The Ellsberg case was not a case of a Member of Congress divulging to the public secret information. It was the case of a man who worked for the Pentagon and who got so sick of the policy that he could not take it any longer and his conscience could not take it any longer. I make no argument for or against him here. But it was not a Member of Congress.

All I am speaking of and for is the right of Congress to the information it needs under the Constitution to discharge its legislative duties responsibly. If we are not going to ask for it and insist upon it, we ought to close up shop.

Mr. GOLDWATER. In closing, this is just another case of where the Foreign Relations Committee is trying, by running around the barn, to get legislation they would have a difficult time getting were it offered under its true name, which is an attack upon the powers of the President.

I hope the Members of this body will support the amendment to knock out section 11. I think that section is very dangerous—not that I do not trust the members of the Foreign Relations Committee; but it seems that material from our committees—I do not care whether it is the Foreign Relations Committee or the Armed Services Committee or what—has a way of leaking out to the public through favored members of the press. I just do not have the faith and trust in people handling this type of material, which can have a decided effect on whether this country can stay at peace and help keep the world at peace.

Mr. CHURCH. Mr. President, I find the final argument of the Senator from Arizona unconvincing. The principal case he cited is one involving an employee of the Pentagon. Would he want the Pentagon deprived of information because some of its employees cannot be trusted? That is the logical conclusion.

I think the New York Times reveals far more instances of leaks from the executive branch revealing secret information than any leaks that have occurred in Congress. I think the record of Congress compares very favorably with that of the executive branch in this regard.

One final comment. The Senator has referred to 27 instances and said that these constitute the only times Presidents have refused to give Congress information it requested. I must point out that the 27 instances are cases where the President, himself, invoked executive privilege; but there are hundreds of cases, thousands of cases, in which executive departments, as distinguished from the President, have undertaken to refuse information, utilizing the general language that it was inconvenient to the executive branch or contrary to policies of the executive branch, or some other such excuse. Therefore, the figure "27" has no relevancy in this debate.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from New York (Mr. McGee) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I further announce that, if present and voting, the Senator from Florida (Mr. Chiles), the Senator from Arkansas (Mr. Fulbright), and the Senator from Rhode Island (Mr. Pastore) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Kentucky (Mr. Cook), the Senators from Oregon (Mr. Hatfield and Mr. Packwood) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from New Hampshire (Mr. Cotton) is absent because of illness in his family.

The Senator from Ohio (Mr. Taft) is absent on official committee business.

If present and voting, the Senator from Oregon (Mr. Packwood) would vote "nay."

The result was announced—yeas 33, nays 51, as follows:

[No. 198 Leg.]

YEAS—33

Aiken
Allen
Baker
Bartlett
Beall
Bennett
Brock
Buckley
Curtis
Dole
Domenici
Dominick
Fannin
Fong
Goldwater
Griffin
Gurney
Hansen
Helms
Hruska
McClellan
Montoya
Pearson
Percy
Roth
Scott, Pa.
Scott, Va.
Stafford
Stevens
Talmadge
Thurmond
Tower
Young

NAYS—51

Abourezk
Bayh
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Eagleton
Eastland
Ervin
Gravel
Hart
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClure
McGovern
Metcalf
Mondale
Moss
Muskie
Nelson
Nunn
Pell
Proxmire
Randolph
Ribicoff
Schweiker
Stevenson
Symington
Tunney
Weicker
Williams

NOT VOTING—16

Bellmon
Chiles
Cook
Cotton
Fulbright
Hartke
Hatfield
Johnston
McGee
McIntyre
Packwood
Pastore
Saxbe
Sparkman
Stennis
Taft

So Mr. Griffin's amendment was rejected.

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUDDLESTON. Mr. President, one of the items in S. 1248, the Department of State Authorization Act of 1973, relates to the upcoming round of trade negotiations which will begin later this year in Geneva under the auspices of the General Agreement on Tariffs and Trade.

These trade negotiations will be one of the most important matters in which our Nation is involved during the year. International trade is a fact of life. It is fundamental to the continued provision of a multitude of raw and manufactured products needed and desired by peoples in various nations throughout the world.

The impending trade negotiations are, however, of particular significance to our Nation at this time. They come at a time when we are faced with the need to import additional energy resources. They come at a time when our balance of trade and our balance of payments are in disequilibrium. They come at a time when they must, to an extent, be linked to questions regarding the role the United States should play in the world at-large and the relationships it is to have both with those nations which have traditionally been called its friends and those who have been called its adversaries.

They also, however, come at a time when they offer the potential of expanded markets abroad. In the field of agriculture, this is particularly true. The American farmer is the most efficient farmer in the world. He is capable of producing large amounts of wheat, feed grains, and cotton, at competitive prices, providing the products of other nations are not unrealistically subsidized. He is capable of producing additional foods at a lower cost than paid by consumers in many parts of the world. He is, however, hampered in too many cases by restrictive actions by nations abroad. It is to those restrictive, nontariff policies that the upcoming trade negotiations must address themselves in detail.

It has almost become a cliche to say that the Kennedy Round of trade negotiations failed to do agriculture justice. U.S. farm products simply did not receive the attention which they deserved. Thus, at this time, when this Senate is authorizing special and additional funds for the upcoming trade negotiations, I believe it is important to reemphasize the necessity for the farmer to be adequately and well represented this time around.

Furthermore, in addition to seeing that agriculture is fairly and adequately represented at the negotiations, we must also seek to see that the results of those negotiations are fair and adequate.

I am well aware that trade is a two-way street. I want it to remain a two-way street—but I also want to insure that traffic moves both ways.

It is, perhaps, easiest to demonstrate the importance of two-way traffic by looking at some specifics of the trade situation. The Kentucky League of Women Voters, earlier this year, released a report relating to the effect of exports and imports on the State of Kentucky.

This report indicates that, in 1969, $437 million worth of goods were exported from the State. This included $345 million in manufactured goods and $92 million in agricultural commodities. Five commodities accounted for the major portion of Kentucky's exports: chemical and allied products, nonelectrical machinery, tobacco products, transportation equipment, and electrical machinery.

Agricultural commodities were of special significance in that they provided one-tenth of all Kentucky farm income for that year. Tobacco was the principal export crop, accounting for about half of all agricultural exports from the State. A second important crop—and one which should prove increasingly important in the future—was soybeans.

At the same time, the report pointed out that a Kentucky citizen may awaken to a Sony clock-radio, drink coffee from Brazil, eat cereal with bananas and sugar from Central America, read a newspaper printed on newsprint from Canada, wear a suit containing wool from Australia, and drive a Volkswagen to work.

Thus, the two-way aspects of the street become obvious. Our Nation's overall interests and the interests of many individual citizens are involved. The scheduled trade negotiations offer great promise, but we must at the same time take the necessary steps to guarantee that we will get a fair deal for all our manufactures and for all our farmers who were not so lucky in the previous round. While these issues will be debated in more detail as trade legislation is considered in the Congress, it is incumbent upon us all to examine the various aspects of trade and their effects upon our States and citizens.

Mr. President, I ask unanimous consent that excerpts from the report of the Kentucky League of Women Voters be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

Kentucky in the World Market

Kentucky's economy benefits from world trade through export of manufactured products, agricultural commodities and minerals, employment directly connected with exporting in industry, transportation, mining and farming, and indirectly through jobs generated by export trade in other industries and services. Importing also accounts for jobs in Kentucky. Kentucky's consumers and manufacturers benefit from world trade through imports—raw materials for manufacturers and manufactured products and agricultural products for consumers. Kentucky's citizens benefit from world trade, also, as a part of the overall picture in which world trade helps to create harmony among nations and enhances the chances for peace around the world. The life of every person in Kentucky is affected by world trade every day in some way.

EXPORTS

The economy of Kentucky was boosted by an estimated $437 million dollars in 1969 from exports to foreign markets, as shown by statistics from the U.S. Department of Commerce, Export Origin Series, compiled every three years. Manufactured goods were valued at $345 million in 1969 and agricultural commodities at $92 million in 1969–70.

For a more realistic picture, the Department of Commerce points out that the state's economy benefits from goods produced not only for direct shipment to foreign countries, but also for ultimate export through other states. This applies particularly to industries whose products require further processing or constitute components and parts for assembly into machinery or transport equipment. To avoid duplication in reporting, the finished products delivered abroad by exporters are credited at their full value to the state responsible for the final manufacturing process.

Kentucky's export trade in manufactures

almost doubled in value in the period of 1960–69. The five most important manufactured exports from Kentucky, those with export value of $35 million or more, include chemicals and allied products, non-electrical machinery, tobacco products, transport equipment and electrical machinery.

A substantial part of Kentucky's manufactured products for export has always been produced in the industrial center of Louisville, with more than seventy-two firms located there with export business. Increasingly, communities throughout the state are benefiting from plants in their localities whose business includes exporting. The northern Kentucky area of Boone, Campbell and Kenton counties list twenty-one; Lexington, ten; Frankfort, ten; Bowling Green, six; Paducah, Hopkinsville, Winchester, Ashland and Georgetown all have at least four industries with export business, and at least forty-two other communities in Kentucky are credited with having at least one manufacturing plant with export business.

In agricultural commodities, more than fourteen agricultural products raised in Kentucky are exported. One-tenth of Kentucky farmers' income is from foreign sales. In 1969–70, the estimated value of $92 million, more than double the level at the start of the decade. Tobacco is the main export crop, accounting for nearly half of Kentucky's total farm exports in 1970. Soybeans grown in western Kentucky is the next most important crop for export and promises to increase in value as the world demand is strong, the supply short, and the price high. Feed grains also is a significant export commodity.

Kentucky's foreign sales of bituminous coal fell from $34 million in 1966 to an estimated $10 million in 1969. Exceptionally cold weather in Europe in 1966 had boosted the foreign demand for coal. Most of Kentucky's coal for export is mined in the eastern part of the state.

Dairy exports virtually disappeared during the decade, falling from $6.6 million to $0.1 million in 1969–70.

In fishery exports, Kentucky exported an estimated $65,000 of non-edible shells in 1969, a three-fourths decline from 1966.

IMPORTS

Trade is a two-way street and the other side is imports. If we sell abroad, we must expect to buy abroad. A Kentucky citizen may awaken to a Sony clock-radio, drink coffee from Brazil, eat cereal with bananas and sugar from Central America, read a newspaper printed on newsprint from Canada, wear a suit containing wool from Australia, and drive a Volkswagen to work. The same story could be told in England, Germany, France and many other countries, where the clock-radio and automobile might well be tagged "Made in the USA", but the coffee, bananas, sugar and wool would not bear that tag.

Many imports are products not produced at all in the United States, or not in sufficient quantities to satisfy our needs. This would include thirty-one of the forty minerals needed by manufacturers in Kentucky and the nation, as well as significant quantities of other basic industrial raw materials. Household appliances, tools, and machinery manufactured in Kentucky require many imported materials. Three-fourths of our newsprint is imported and a great amount of oil. Coffee, tea, bananas, cocoa, and spices must all be supplied by other countries, and our domestic supply of sugar, fish, canned meat and even fresh fruits and vegetables in off-seasons must be supplemented by importing.

Other products are imported which benefit consumers in Kentucky and the United States by offering a widened choice of goods at competitive prices. Imported textiles and shoes are of particular benefit to families of lower incomes because they are available at lower prices than many domestic products in these categories. By 1970, imports accounted for twelve percent of the textile goods and apparel sold in the U.S. and thirty percent of shoes. Some interesting figures in imports show that foreign markets now supply fifty percent of the U.S. market in cameras, black and white television sets, and sporting goods. The percentage is even higher in some specific items such as baseball gloves, motorcycles, radios, portable tape recorders, microscopes, 35 mm still cameras, tennis rackets, wigs and umbrellas.

The dollar value of U.S. imports grew from $23 billion in 1961 to $65 billion in 1971. This figure includes raw materials and products we cannot produce. Imports exceeded exports in 1971 by $2 billion, the first trade deficit in the United States in nearly a century.

STATE OF KENTUCKY ESTIMATED EXPORTS OF MANUFACTURED PRODUCTS

[In millions of dollars]

Industry group	1969	1966	1963	1960	Percent change		Percent of U.S. exports
					1966 to 1969	1960 to 1969	
Total	345.4	299.5	200.5	179.9	15	92	1.2
Chemicals and allied products	66.2	59.3	44.5	46.0	12	44	2.2
Nonelectrical machinery	58.9	75.2	42.2	29.7	22	98	1.0
Transport equipment	(53–68)	(36–41)	12.1	11.7	(1)	(1)	(1)
Tobacco products	43.6	28.9	35.7	44.5	51	2	6.5
Electrical machinery	34.5	33.1	(10–25)	(1)	4	(1)	1.4
Food and kindred products	15.5	16.0	24.1	12.3	3	26	.7
Fabricated metal products	14.1	15.1	6.6	6.3	7	124	1.2
Stone, clay, glass products	10.8	5.4	4.5	4.5	100	140	3.2
Primary metal products	(10–25)	(5–10)	(1–5)	(1)	(1)	(1)	(1)
Lumber and wood products	(5.10)	(1–5)	2.5	1.8	(1)	(1)	(1)
Textile-mill products	(1–5)	(1–5)	.7	.7	(1)	(1)	(1)
Apparel and related products	(1–5)	(1–5)	2.4	2.0	(1)	(1)	(1)
Paper and allied products	(1–5)	(1–5)	2.3	1.8	(1)	(1)	(1)
Printing and publishing	(1–5)	(1–5)	.4	(0–1)	(1)	(1)	(1)
Rubber and plastic products	(1–5)	(1–5)	(1–5)	(1)	(1)	(1)	(1)
Leather and leather products	(1–5)	(0–1)	.4	(.1)			
Instruments and related products	(1–5)	(1–5)	.6	(1)			
Miscellaneous manufactures and ordnance	(1–5)	(1–5)	2.3	(1)			
Furniture and fixtures	(.1)	(0–1)	0.4	(.1)			
Petroleum and coal products							
Undistributed by industry group	101.8	66.5	18.7	18.6			

[1] Comparable data not available; not applicable.

Source: Survey of the Origin of Exports by Manufacturing Establishments, 1969.

AGRICULTURE PRODUCTS EXPORTED FROM KENTUCKY

[In millions of dollars]

	1970	1971
Tobacco	45.0	36.4
Soybeans	13.0	16.8
Total feed grains	11.6	5.0
Lard and tallow	1.8	5.8
Protein meal	3.8	5.1
Wheat and flour	3.7	4.9
Meats and meat products	1.7	3.2
Soybean oil	1.7	3.2
Hides and skins	1.1	.3
Dairy products	.1	.2
Cotton	.2	.2
Fruits and fruit preparations		.2
Poultry products		.1
Vegetables	.2	.1
Other	8.5	6.9
Total	92.4	91.1

Note: Total U.S. agricultural exports: 1970, $6,646,000,000; 1971, $7,752,000,000.

Source: Foreign Agricultural Trade of the United States.

Mr. CASE. Mr. President, I am extremely pleased to know that such a clear majority of the Senate favors the Case-Church amendment that no effort has been made to strike it from the State Department authorization bill.

This amendment would cut off all funds for continued American participation in the Indochina War, without specific congressional authorization.

It is a measure whose time has obviously come.

Both Houses of Congress have, in recent weeks, voted to cut off funds for the bombing of Cambodia and Laos. In the Senate, the margin was overwhelming. In the House, a clear majority has supported this position.

What is more, the majority of the American people now are opposed to continued American fighting in Indochina. The latest Gallup poll shows that by a 57 percent to 29 percent margin, the public is opposed to the bombing of Cambodia; that by 59 percent to 26 percent, the public thinks that the bombing will lead to the reinvolvement of American troops in Indochina; and that by 76 percent to 13 percent, the public believes that "further military action in Southeast Asia should require a vote of approval by Congress." It is this last set of figures which is especially significant for us today because it shows that the American people by an overwhelming margin support the principle that Senator CHURCH and I advocate—that continued American participation in the war should be contingent on congressional approval.

Now that all American troops have been withdrawn from Indochina and the Tonkin Gulf resolution has been repealed, there is no legal justification for American military forces to be fighting in that part of the world. That is a constitutional fact, for only the Congress has the power to declare war. The President does not have this power, nor should he have. But our system of checks and balances has gotten out of whack in recent years. Formulations like "presidential war" and "secret war" have been introduced into our vocabularies. The time has come for us to relegate these phrases to the history books, to remove them from current usage.

The Congress has been derelict in the past in letting the Executive usurp foreign policy and warmaking powers which rightfully belong to the Congress. We have ourselves to blame for our failure to live up to our constitutional responsibilities. There is no point in reliving the past. What is encouraging about the present is that the views of a majority of the Congress and a majority of the American people have changed. There is a general recognition that Congress must participate in vital issues affecting our national security. We see this on many fronts. In the next months, Congress will almost certainly pass a bill defining and limiting the President's powers to make war. I am hopeful that my own proposals to limit Presidential abuses of executive agreements will also be successful.

The experience of the United States in Indochina has been the catalyst for many of us in the reassertion of congressional responsibility in the foreign policy field. So it is appropriate that with the passage of Case-Church, the Senate will be indicating that we are indeed serious in reestablishing Congress constitutionally mandated role in this area.

I have heard reports that the President might veto legislation containing a fund cutoff for the war. I can only hope that this will not occur. The United States should not—it must not—participate in a war that the majority of the Congress and the American people oppose.

If a case can be made for continued U.S. military actions in Indochina—and in the present circumstances I do not believe that it can be—then the President should come to Congress with such a request. Congress will listen carefully and then express its will.

But without specific congressional approval, the President is without authority to commit U.S. forces to combat in Indochina.

By upholding the Case-Church amendment today, the Senate will make clear its determination that no more Government funds shall be expended to pay for a war which is being waged in violation of the Constitution.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, if our constitutional processes were in proper working order there would be no need to consider a prohibition on the expenditure of funds for the conduct of U.S. military operations in Indochina. The fact that 42 Members of this body have found it necessary to propose—and many more to vote for—such a law is indicative of the extent to which our constitutional processes have been corrupted during the course of the war in Indochina.

The burden of argument concerning this proposal should rest solely upon the executive branch. Properly speaking, the administration should today be defending a bill to authorize the President to bomb Cambodia and to resume bombing the other Indochina countries at his discretion.

In order to defend and justify such a proposal, the administration's supporters should have to demonstrate that the civil war in Cambodia constitutes a threat to the security of this country, that the collapse of the Lon Nol government would jeopardize our vital national interests, or that bombing Cambodia will insure peace and stability in Indochina. I doubt that any Member of this body would be prepared to defend such propositions and I find it significant that no Member has offered an affirmative proposal to grant the President the unlimited authority which he has arrogated to himself.

If a proposal were made to vest in the President complete discretion to order the resumption of bombing in Laos, South Vietnam and North Vietnam, the proponents of such a measure would have the task of persuading their colleagues to disavow their constitutional authority to declare war. Furthermore, they would be required to argue, in the face of the tragic experience of the last 10 years, that the executive branch should be given unlimited authority to commit U.S. forces in Southeast Asia in any way it saw fit.

Rather than seeking authority to continue bombing in Cambodia and taking upon itself the burden of justifying its actions, the administration asserts, in effect, that it can continue bombing until and unless the Congress prohibits it. Moreover, recent statements by the then Secretary of Defense Elliot Richardson seem to indicate that the administration may seek to continue bombing, even if the Congress declares itself against such action.

As evidenced by recent votes in the Senate, the administration's arguments on these same issues in connection with the Eagleton amendment to the supplemental appropriation bill were far from persuasive. We were told then, and doubtless will be told again, that reaffirmation of the Congress authority over the use of our Armed Forces will tie the hands of our negotiators. What this argument portends is that the administration is prepared to continue indefinitely the use of U.S. forces to sustain the present Governments of South Vietnam, Cambodia and Laos, pending the completion of negotiations that may be neither consummated nor kept, if signed.

It is apparent from the fact that the Canadian Government has decided to withdraw its representatives from the ICCS and from our recognition of the necessity to enter into another agreement, "phase 2" "Peace with honor," in Paris, that the cease-fire is in grave trouble. The reason why the cease-fire is threatened is because the agreement did not resolve the underlying political issues which have kept Indochina in turmoil ever since the end of World War II. We must ask ourselves, at this late date, after having finally extricated our ground forces from Southeast Asia and our prisoners of war from North Vietnamese prisons, whether there is any reason to believe that more bombing, which will mean more casualties and more prisoners, will bring about a stable peace.

In announcing the Vietnam cease-fire in January, the administration made much of the claim that it had succeeded in dealing with military issues separately from political issues, and that our forces and prisoners would be totally extricated without the compromise of the administration's policy purposes. The fact that the administation's supporters argue today in behalf of continued bombing reveals how much was left unsettled by the January cease-fire.

What that agreement did seem to promise, and indeed what the American people were told it would accomplish, was an end to direct American military involvement in Indochina. Unfortunately, this has not yet come to pass. American planes are still bombing Cambodia, American lives are still being lost, and hundreds of millions of dollars are still being spent. Unless the President's vast concept of his own authority—which permits him to believe that he alone can decide to prosecute war in Cambodia—is circumscribed through the reassertion of congressional authority, there will be nothing to prevent him from returning our forces to action in or over Laos, South Vietnam or North Vietnam.

By acting to cut off all funds for continued American military involvement anywhere in Indochina without prior congressional approval, we can insure that this will not happen and, in so doing, act to restore a proper constitutional balance to the Government.

PROGRAM

Mr. SCOTT of Pennsylvania. Mr. President, I rise to ask the distinguished majority leader what the program is for the rest of the day and the rest of the week.

ORDER FOR CONSIDERATION OF S. 268, LAND-USE POLICY

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished Republican leader, first I ask unanimous consent that at the conclusion of the business today, there be laid before us S. 268, a bill to establish a national land-use policy, so that it will be the pending business tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, at the conclusion of the pending business, it is the intention of the joint leadership to take up Calendar 188, S. 797, a bill in which the distinguished Senator from Maryland (Mr. BEALL) is interested, and on which there is a time limitation.

On Friday we will take up Calendar No. 191, S. 1413, a bill by the distinguished Senator from New York (Mr. JAVITS).

On either today or Friday, depending on developments, we will take up Calendar 205, H.R. 7357. We need clearance from the Republican side before that can be done, but at least consideration is being given to it at the moment.

It is the intention of the leadership next week to put into effect the two-track system of legislation, and on the first track, and beginning on Monday, will be Calendar No. 159, S. 925, and at an appropriate time, Calendar No. 164, S. 907.

It is anticipated that on Wednesday we will take up the NASA authorization bill.

From there on out, we are going to have to play it by ear.

Mr. SCOTT of Pennsylvania. I thank the distinguished majority leader.

LEAVE OF ABSENCE

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that on Friday next, I may have leave of absence on official business.

Mr. MANSFIELD. Mr. President, I make the same request.

May I say on behalf of both of us, as long as the Senator from Pennsylvania mentioned it, if there are any votes on any amendments, go right ahead and have them, even though we are not here.

Mr. SCOTT of Pennsylvania. I did not mean to encourage the distinguished majority leader to that extent.

The PRESIDING OFFICER. Is there objection to the requests of the Senator from Pennsylvania and the Senator from Montana? Without objection, it is so ordered.

DEPARTMENT OF STATE APPROPRIATIONS AUTHORIZATION ACT OF 1973

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 190, H.R. 7645, to authorize appropriations for the Department of State, and for other purposes.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read the bill by title, as follows:

> A bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. CHURCH. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 7645 be stricken, and that the provisions of S. 1248, as amended by the Senate, be substituted therefor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I ask unanimous consent that the order for the yeas and nays on S. 1248 may now be vacated and applied instead to H.R. 7645.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 7645) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Louisiana (Mr. JOHNSTON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), the Senator from South Dakota (Mr. ABOUREZK), the Senator from California (Mr. TUNNEY), and the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from South Dakota (Mr. ABOUREZK), the Senator from Florida (Mr. CHILES), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from California (Mr. TUNNEY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Kentucky (Mr. COOK), the Senators from Oregon (Mr. HATFIELD and Mr. PACKARD), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

The Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Ohio (Mr. TAFT) is absent on official committee business.

If present and voting, the Senator from Kentucky (Mr. COOK) and the Senator from Oregon (Mr. HATFIELD) would each vote "yea."

The result was announced—yeas 67, nays 15, as follows:

[No. 199 Leg.]

YEAS—67

Aiken
Allen
Baker
Bayh
Beall
Bentsen
Bible
Biden
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Clark
Cranston
Domenici
Eagleton
Eastland
Ervin
Fong
Gravel
Griffin
Gurney
Hart
Haskell
Hathaway
Hollings
Huddleston
Hughes
Humphrey
Inouye
Jackson
Javits
Kennedy
Long
Magnuson
Mansfield
Mathias
McClellan
McGovern
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Nunn
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott, Pa.
Scott, Va.
Stafford
Stevens
Stevenson
Symington
Talmadge
Weicker
Williams
Young

NAYS—15

Bartlett
Bennett
Brock
Buckley
Curtis
Dole
Dominick
Fannin
Goldwater
Hansen
Helms
Hruska
McClure
Thurmond
Tower

NOT VOTING—18

Abourezk
Bellmon
Chiles
Cook
Cotton
Fulbright
Hartke
Hatfield
Johnston
McGee
McIntyre
Packwood
Pastore
Saxbe
Sparkman
Stennis
Taft
Tunney

So the bill (H.R. 7645) was passed.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHURCH. I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendment to H.R. 7645.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. PELL, Mr. AIKEN, Mr. CASE, and Mr. JAVITS conferees on the part of the Senate.

Mr. CHURCH. I move that S. 1248 be indefinitely postponed.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I should like to commend Members on both sides of the aisle for a rewarding and productive week's work. Thanks to the cooperation and efforts of all hands we have been able to complete a number of important measures.

In addition to the major bill covering State Department authorizations, we have passed measures on territorial franchising, the national wheat marketing quota, stockpile disposal, international travel exhibits, and agreed to conference reports on the Peace Corps authorization and foreign service buildings authorization.

In connection with the discussion and debate on the State Department authorization, I wish especially to express my thanks to the distinguished Chairman of the Foreign Relations Committee, the Senator from Arkansas (Mr. FULBRIGHT) for his management of this measure. We are indebted as well to the number of other Senators who contributed their thoughtful and strongly felt views on this very important issue. The Senate can be proud of the thorough, yet expeditious, manner in which this bill reached final passage. I extend my gratitude to the Senator from Alabama (Mr. SPARKMAN), the Senator from Vermont (Mr. AIKEN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Michigan (Mr. GRIFFIN), the Senator from Texas (Mr. TOWER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Minnesota (Mr. HUMPHREY) and all others who contributed to the excellent bipartisan effort on this bill.

In addition to the aforementioned measures, the Senate this week, in a very important vote, decided to recommit the nomination of Mr. Morris to be a member of the Federal Power Commission. I wish to thank the Senator from Washington (Mr. MAGNUSON) for his invaluable contribution to the debate on and for the contribution that his entire Committee on Commerce made toward enlightening the Senate about this nomination.

Once again I should like to thank all Members for their attention to this week's work, and reiterate my appreciation for the excellent spirit of cooperation evidenced here.

Mr. CHURCH. Mr. President, I call the attention of the Senate to the fact that the bill just passed contains the most sweeping prohibition against the use of funds for further American involvement in warfare in Indochina of any legislation that has yet passed this body. That provision, the Case-Church amendment, appears as section 13 of the bill, and reads as follows:

> Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended to finance the involvement of United States military forces in hostilities in or over or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia, unless specifically authorized hereafter by the Congress. Notwithstanding any other provision of law, upon enactment of this Act, no funds heretofore or hereafter appropriated may be obligated or expended for the purpose of providing assistance of any kind, directly or indirectly, to or on behalf of North Vietnam, unless specifically authorized hereafter by the Congress.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, anounced that the House had agreed to the concurrent resolution (S. Con. Res. 27) to observe a period of 21 days to honor America, with an amendment, in which it requested the concurrence of the Senate.

HIGH-SPEED TRANSPORTATION SYSTEMS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 188, S. 797.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (S. 797) to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such systems if such study demonstrates their feasibility.

The PRESIDING OFFICER (Mr. BARTLETT). Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 3, after line 9, insert:

> (d) There is authorized to be appropriated for purposes of this section a sum not to exceed $300,000.

And on page 4, after line 2, strike out:

> SEC. 4. There are authorized to be appropriated such amounts as are necessary to carry out the provisions of this Act.

So as to make the bill read:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Bicentennial Advanced Technology Transportation System Demonstration Act".
>
> SEC. 2. (a) For the purpose of providing the millions of citizens of the United States and foreign nations who will visit the National Capital area during the Bicentennial of American Independence celebration with a pleasant, efficient, and unique way of seeing the historic cities and sights of such area and providing practical demonstrations of technologically advanced transportation systems which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow, the Secretary of Transportation is hereby authorized and directed to make an investigation and study for the purposes of determining the feasibility, social advisability, environmental impact, and economic practicability of (1) a tracked air-cushioned vehicle or other high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, with appropriate intermediate stops, and (2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.
>
> (b) In conducting such investigation and study, the Secretary—
>
> (1) shall consult with appropriate Federal, State, local, and District of Columbia agencies; and
>
> (2) may enter into contracts or other agreements with public or private agencies, institutions, organizations, corporations, or individuals wthout regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).
>
> (c) The Secretary shall report the results of such investigation and study, together with his recommendations, to the President and the Congress no later than nine months after the enactment of this Act
>
> (d) There is authorized to be appropriated for purposes of this section a sum not to exceed $300,000.
>
> SEC. 3. If after carrying out the investigation and study pursuant to section 2, the Secretary of Transportation recommends the establishment of either the transportation system described in subsection (a) (1) or (a) (2) of such section or both such systems, he may, to the extent funds are appropriated for the purpose of this section, enter into such contracts and other arrangements as necessary for the construction and operation of such system or systems, except that the system described in such subsection (a) (1) may not be constructed unless the State of Maryland furnishes the necessary rights-of-way, to the extent such rights-of-way are presently owned by such State within existing highway alinements or acquired by such State with funds authorized under this Act and determined usable for such system by the Secretary of Transportation.

Mr. BEALL. Mr. President, how much time do I have?

The PRESIDING OFFICER. One hour on the bill, 30 minutes on each amendment except one by the Senator from Wisconsin (Mr. PROXMIRE), on which there is a time limitation of 1 hour.

Mr. BEALL. Mr. President, for the edification of my colleagues, I do not expect to use anywhere near the 1 hour on the bill, and I would expect that I would not use the major portion of my time on the amendment to be offered by the Senator from Wisconsin.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays on the amendment which will be proposed by the Senator from Wisconsin (Mr. PROXMIRE) to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEALL. Mr. President, I urge favorable action by the Senate on S. 797, the Bicentennial Advanced Technology Transportation System Demonstration Act.

This measure is reported to the Senate with the unanimous recommendations of the Senate Commerce Committee. The legislation was introduced by me on February 7, 1973 and was cosponsored by Senators CASE, CRANSTON, DOMINICK, EAGLETON, FANNIN, GOLDWATER, GRAVEL, HATFIELD, HUMPHREY, JAVITS, MATHIAS, METCALF, RANDOLPH, and SCOTT of Pennsylvania.

This proposal has two basic purposes. First, it will provide the millions of visitors who are expected to visit the National Capital area during the Nation's 200th birthday with an exciting and efficient way of seeing this historic region. Secondly, the proposal will provide in the Nation's Capital area during the Bicentennial observation, a practical demonstration of an advanced transportation system that will provide maximum visibility to transportation innovation and provide the impetus for the development and deployment of new approaches in high-speed land and water transportation in the country.

S. 797 authorizes and directs the Secretary of Transportation to undertake an investigation and study of the feasibility of first, a high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Md., with appropriate stops and, second, a high-speed marine transportation system between the Baltimore-Annapolis area of Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.

The feasibility study is to be completed no later than 9 months after the enactment of the legislation and will determine the feasibility, social advisability, economic practicability and environmental impact of the proposed water and ground transportation system. During the investigation and study, the Secretary is expected to consult with the appropriate State and local governments.

For the purposes of carrying out the feasibility study, the bill authorizes not to exceed $300,000. After the completion of the study, the Secretary is required to report the results of the study to the President and the Congress and he may recommend the establishment of either the ground or water system, or both. If the Secretary recommends the establishment of either segment of this transportation system, or both, he is further authorized, to the extent that Congress appropriates funds, to enter into arrangements for the construction of the land or water vehicle, or both. This procedure is necessary if we are to save time and have the project in place by the Bicentennial. I believe that the prerogatives of the Congress are adequately protected as we will have a second look at the project when we examine the report and recommendations of the Secretary and a final say on whether the project will proceed through the appropriations process.

With respect to the ground segment of the proposal there is a further requirement that the State of Maryland furnish the necessary rights-of-way, to the extent such rights-of-way are presently owned by Maryland within existing highway alinement or required by such State with funds authorized under this act and determined usable for such system by the Secretary of Transportation. The Secretary would also be free to arrange cooperation with any private system which may be set up to provide service on the same routes.

This proposal originated with the AFL–CIO Maritine Committee. I particularly want to express thanks to Mr. Hoyt Haddock and Mr. Joseph Salzano for their work with the AFL–CIO Maritime Committee and for their help in advancing this innovative proposal.

S. 797 is substantially similar to S. 4023, which was introduced in the previous Congress and which was the subject of a full day of hearings by the Senate Commerce Committee on December 7, 1972. During this hearing, the committee heard testimony from Congressman LARRY HOGAN of Maryland, the Federal Railroad Administration of the Department of Transportation, the Department of Navy, the State of Maryland, the AFL–CIO Maritime Committee, and representatives of various industries active in the high-speed land and water transportation fields. The hearings demonstrated strong support for the proposal and there was agreement that it was technologically feasible to have this futuristic transportation system in place for the Bicentennial.

While no position was taken by the administration, Mr. Milton Klein, Associate Administrator for Research Development and Demonstration of the Federal Railroad Administration did indicate the project was technologically feasible and pointed out the importance of developing high-speed ground transportation system as follows:

> We view the area of high-speed ground transportation as very important to our Nation's growing transportation demands. It is a mode that was relatively neglected for sometime. Yet, it is a mode which offers great promise in alleviating growing congestion in other modes and is very attractive from environmental and land-use standpoints. And, like other transportation advances in the past, it could well provide new opportunities for our future economic and social development . . . Certainly we do look to a demonstration program at some point for these systems. We believe in general that a demonstration is very important before such a system will go into widespread use, that it is necessary to go through a demonstration step.

The witnesses, however, did emphasize that time was of the essence. Because of the time problem, it is imperative that Congress move quickly to enact this measure and also that the Department of Transportation thereafter move with dispatch to implement the legislation.

I want to emphasize that the bill says up to 9 months for the completion of the study. Nine months, then, is the maximum time allowed.

We believe that the Department can and should complete the study in a shorter period.

We have given the Department the flexibility and needed authority to move quickly on this study. The Department of Transportation is authorized by this legislation to enter into agreements and contracts without regard to the usual prohibitions on advancement of public moneys and without regard to the provisions requiring advertisement of bids on Government contracts. As the committee's report states:

> These provisions are in accord with the intent of the Committee that the Secretary should move as rapidly as possible in completing the study, in order to insure that the system, if constructed, will be fully operational and reliable in time for the Bicentennial.

Mr. President, during the last summer the Washington area on a number of occasions suffered under a blanket of pollution. Fortunately, to the great relief of the area's residents, nature came to our rescue and the pollution was pushed away.

In addition, traffic congestion continues to plague our citizens as they inch their way to work each day. This year, in addition to the pollution and traffic congestion problems, we are also faced with a growing energy problem, necessitating that we conserve our energy resources.

All of these problems serve to underscore the desperate need to accelerate the country's search for alternatives and better methods of moving citizens, particularly in the population centers of our Nation.

Also, in 3 years the Nation will celebrate its 200th birthday. During this Bicentennial observation over 40 million visitors are expected to come to the Nation's Capital area. As I stated when I introduced this bill in the Senate:

> I believe the Bicentennial events and the transportation needs of the Nation combine to give us a unique opportunity to create a transportation showplace that will provide the many visitors to the Capital area with an exciting means of seeing the historical cities and sights of the region, as well as the opportunity to provide a practical demonstration of a technologically advanced intermodal transportation system which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow.

As a member of the Commerce Committee that has been wrestling with the Northeast railroad problem in general and the Penn Central in particular, I can say there is considerable contrast between what transportation is and transportation should be. This proposal gives us the opportunity to look to the future and to advance technology in the transportation field, while we are looking back and observing our Bicentennial.

I urge enactment of this measure.

I ask unanimous consent that excerpts from the report of the Commerce Committee be printed in the RECORD.

There being no objection, the excerpts from the report were ordered to be printed in the RECORD, as follows:

BRIEF DESCRIPTION

S. 797 directs the Secretary of Transportation to conduct an investigation and study of the feasibility of two integrated high speed transportation demonstration projects for use in conjunction with the Bicentennial celebration.

One system would be comprised of a high-speed ground transportation demonstration project, such as a tracked air-cushioned vehicle, which would operate between metropolitan Washington, District of Columbia, and Annapolis, Maryland, with appropriate intermediate stops.

The second system the Secretary is directed to study is a high-speed marine transportation system which would operate between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia. The marine transportation system under study would make use of new concepts in high speed marine transportation, such as the surface effect vessel, vessels utilizing hydrofoils, or hovercraft.

Upon completion of the investigation and study the Secretary could recommend the establishment of the first system comprising of a high-speed ground transportation demonstration project; the second system of high-speed marine transportation; or both such systems. Also, the Secretary may, to the extent funds are appropriated, enter into arrangements for the construction of such system or systems, except that the high-speed ground transportation system may not be constructed unless the State of Maryland furnishes the necessary rights-of-way, to the extent presently owned or after acquired pursuant to the provisions of the act and determined usable for such a system by the Secretary. The Secretary would also be free to arrange cooperation with any private system which may be set up to provide service on the same routes.

BACKGROUND AND NEED

S. 797 was introduced on February 7, 1973 by Senator Beall, and was cosponsored by Senators Case, Cranston, Dominick, Eagleton, Fannin, Goldwater, Gravel, Hatfield, Humphrey, Javits, Mathias, Metcalf, Randolph, and Scott of Pennsylvania.

Except for technical changes, S. 797, as introduced, was identical to S. 4023, which was proposed by Senator Beall in the 92d Congress and which was the subject of a full day of hearings by the Surface Transportation Subcommittee of the Commerce Committee on December 7, 1972. Testimony at this hearing was received from Congressman Larry Hogan of Maryland, and witnesses representing the Federal Railroad Administration of the Department of Transportation, the Department of the Navy, the State of Maryland, the AFL–CIO Maritime Committee, and representatives of various industries active in the high-speed land and water transportation fields. During the hearing, strong support was given to the proposal and there was agreement that construction of the proposed transportation system would be technologically feasible in time for the Bicentennial. Although no position was taken by the Administration on the merits of the legislation, Administration witnesses did describe to the Committee the state of the art, their present efforts in high-speed transportation, and concurred that the project was technologically feasible.

In introducing S. 797, Senator Beall stated:

". . . the bicentennial event and the transportation needs of the Nation combine to give us a unique opportunity to create a transportation showplace that will provide the many visitors to the Capital area with an exciting means of seeing the historical cities and sights of the region, as well as the opportunity to provide a practical demonstration of a technological advanced intermodal transportation system which will attract national and international attention and recognition and demonstrate to the world that the Unied States will continue its leadership in the world of tomorrow."

There are a number of new transportation systems under study and development by the Federal Government and by private enterprise. S. 797 will provide an opportunity to develop an actual demonstration of a high speed, intermodal transportation system.

Mr. Milton Klein, Associate Administrator for Research, Development and Demonstrations of the Federal Railroad Administration, during his testimony in hearings on this proposal pointed out the potential importance of developing high speed ground transportation systems:

"We view the area of high-speed ground transportation as very important to our Nation's growing transportation demands. It is a mode that was relatively neglected for some time. Yet, it is a mode which offers great promise in alleviating growing congestion in other modes and is very attractive from environmental and land-use standpoints. And, like other transportation advances in the past, it could well provide new opportunities for our future economic and social development . . .

"Certainly we do look to a demonstration program at some point for these systems. We believe in general that a demonstration is very important before such a system will go into widespread use, that it is necessary to go through a demonstration step."

The system to be studied by the Secretary may also help provide a focus for the Bicentennial celebration. Transportation exhibits and demonstration projects have played an important and valuable role in exhibitions of the past, such as the Seattle World's Fair of 1962. If the system contemplated in S. 797 is constructed, it could also provide the millions of visitors who are expected to visit the National Capital area during the Bicentennial with an exciting and efficient way of seeing this historical region. A practical demonstration of an advanced transportation system during the Bicentennial events in the Nation's Capital area will provide maximum visibility to transportation innovation and provide the impetus for the development and deployment of new approaches in high speed land and water transportation in the Nation. The problems of pollution, traffic congestion and energy conservation underscore the need for the development of new approaches in transportation.

PURPOSE AND EXPLANATION OF THE BILL

The purpose of S. 797 is to provide for a comprehensive investigation and study by the Secretary of Transportation of the feasibility and desirability of constructing either or both high-speed demonstration projects for use as part of the Bicentennial celebration. Subject to the Secretary's recommendation, and to the extent funds are appropriated, the Secretary would be authorized to enter into arrangements for the construction of such system or systems.

An integral part of the study mandated by the bill would consider questions of social advisability, environmental impact, and economic practicability of the systems under consideration. When determining feasibility, the Secretary would be required to look at the relevant time constraints which are necessarily involved in trying to set up any such system for the Bicentennial. Since a major purpose of the demonstration project would be to transport and expose Bicentennial visitors to new transportation concepts, it is anticipated that the Secretary would not recommend any project as "feasible" if a reliable operational system could not be constructed in time for the Bicentennial.

In studying the social advisability and environmental impact of the proposed project, the Secretary should give consideration to such items as possible growth plans resulting from construction of such a system in the communities served by it, the effect on competing transportation modes, and whether or not such a system could more profitably be placed at some other location. The high speed ground system is not expected to come into downtown Washington. Rather, it is contemplated that the high speed land vehicle will join with the Washington Metropolitan area mass transit system at an appropriate subway station. A number of witnesses during the hearing on the proposal urged the New Carrollton station as the appropriate location. The study should give careful consideration to the New Carrollton site, as well as other locations. By not coming into downtown Washington, the demonstration system will not only avoid difficult and costly condemnation problems, but also save considerable funds.

It is anticipated that the determination of environmental impact would be done in much the same manner as an environmental impact statement under the National Environmental Policy Act. Since the Secretary will be required to file such an impact statement if the project goes ahead, a thorough consideration of environmental factors at an early stage will avoid duplicative work in the environmental area and assist the Secretary in preparing and filing the environmental impact statement.

The Secretary's determination of economic practicability should examine not only the degree to which such a system can become operationally self-sustaining through user fees, but also to the extent to which, if any, the government might be reimbursed for part or all of the capital costs resulting from construction of the demonstration project. The Committee is especially concerned that the construction of this system does not lead to the need for continual operational subsidies. The study, therefore, should carefully assess the "post-Bicentennial" market for the system's economic viability after the rather special market which will be produced by the millions of visitors during the Bicentennial and after it has ended.

The bill specifically provides, in paragraph 1 of subsection (b) of section 2, that the Secretary of Transportation shall, in conducting the study, consult with appropriate Federal, State, local and District of Columbia agencies. Paragraph 2 of the same subsection gives the Secretary authority to enter into contracts or other agreements with public or private agencies, institutions, organizations, corporations, or individuals. This provision was included to ensure that the Secretary would have complete freedom in arranging for the study and investigation. For example, the Secretary may want to enter into an agreement with a private group operating high speed marine service as described in section 2 to assure that any such private group will cooperate with governmental efforts to establish a coordinated demonstration system.

The freedom of the Secretary to enter into contracts is further enhanced by the provisions contained in paragraph 2 of subsection (b) of section 2 which specifies that the Secretary may enter into contracts "without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)." This authorization will allow the Secretary to enter into agreements and contracts without regard to the usual prohibition on advancement of public monies, and without regard to the provisions requiring advertisements of bids on government contracts. These provisions are in accord with the intent of the Committee that the Secretary should move as rapidly as possible in completing the study, in order to insure that the system, if constructed, could be fully operational and reliable in time for the Bicentennial.

If the Secretary recommends the establishment of either high speed transportation system, the Committee expects that the Secretary will also submit with his report an estimate of the cost of carrying out his recommendations.

Also, it should be noted that there is a specific limitation contained in Section 3 which prohibits the construction of the high speed ground demonstration system described in subsection (a)(1) of section 2 if the State of Maryland does not furnish the certain right of way under its control. Secretary Hughes, representing the State of Maryland at the hearings on this proposal, indicated the willingness of Maryland to make such rights-of-way available.

COMMITTEE AMENDMENTS

The Committee amended the bill to delete section 4 which provided for an "open-ended" appropriation authorization (i.e., "such amounts as are necessary") and added a new subsection (d) to section 2 authorizing an appropriation of not to exceed $300,000 for the feasibility study provided for in that section. This appropriation authorization for the feasibility study provided for in section 2 is not to be construed as a limitation upon any subsequent funds sought to be appropriated by the Secretary after carrying out the requisite investigation and study.

Rather, the Committee felt that the Secretary's report required pursuant to section 2(c) should include within the recommendations an estimate of the cost of constructing such system or systems as he, the Secretary, might recommend. And, that since such cost would be predicated upon the Secretary's report and recommendations it would be impracticable for the Committee at this time to authorize the appropriation of a specific sum for construction. Accordingly, the Committee, recognizing the need for expeditious action if the Secretary's report does recommend moving forward with either or both systems, provided the Secretary with permissive authority to proceed to the extent that funds are appropriated, affording the Congress to examine both the Secretary's report with his recommendations and any resulting funding request during the appropriation process.

COST

Pursuant to Section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost of the study authorized by this Act will be no more than $300,000. The cost of a completed system, if it is to be built, would be dependent upon the results of the investigation and study by the Secretary of Transportation and his recommendations, including cost estimates based thereon. Therefore, it is impracticable for the Committee to estimate any such cost at this time. The Committee knows of no cost estimate by any Federal agency which varies with this estimate.

CHANGES IN EXISTING LAW

The enactment of this bill would not change any existing law.

AGENCY COMMENTS

On February 21, 1973, comments on S. 797 were requested from the Interstate Commerce Commission and the Department of Transportation. However, no comments have been received.

Mr. BEALL. Mr. President, I ask unanimous consent that in addition to Joseph Carter, Tom Allison, and Malcolm Sterrett of the Commerce Committee staff be permitted the privilege of the floor during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT of Virginia. Mr. President, will the Senator from Maryland yield?

Mr. BEALL. I yield.

Mr. SCOTT of Virginia. Mr. President, I should like to commend the distinguished Senator from Maryland for sponsoring this bill especially since it includes consideration of transportation to and from part of historic Virginia—the Yorktown and the Williamsburg areas.

Let me comment briefly on the question of timing, the Bicentennial year of 1976 is almost upon us. It is only 2½ years away. I am quite aware that an amendment will be offered to require an authorization of plans that are developed by the Department of Transportation. I would hope that that would not be adopted, because if the Department of Transportation should use the 9 months for study of feasibility, even if this bill were immediately passed, we would only have about 1¾ years left to put these projects into operation by the first of the year 1976. I believe Congress, by passing this authorization, and then through the appropriation process, first, by appropriating for the study, and second, by appropriating funds to carry out the plans made by the Department of Transportation, would be giving its stamp of approval. I believe we should be doing more planning toward our Bicentennial year.

I even have a bill under which the Government would establish a national park in Fredericksburg, at Ferry Farm, George Washington's boyhood home. Congress has not yet seen fit to adopt this. But, it is another example of the action we should take.

We will be celebrating the 200th birthday of our Nation in just 3 years. I think this measure is a step in the right direction, and I compliment the distinguished Senator for proposing this bill. I hope the Senate sees fit to adopt it.

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. BEALL. I am happy to yield to my distinguished colleague.

I thank the Senator from Virginia for his very generous remarks in support of this measure.

Mr. MATHIAS. Mr. President, I rise in support of this bill. I can think of very few proposals which have been brought before the Senate which, in a single package, address themselves to so many of the problems we have today.

I do not suppose there is any question that is asked of public officials in the United States more often at this moment than, "What are you doing about the gasoline problem? What are you doing about the transportation problem? What are you doing about making it easier for people to get from their homes to their jobs?" They are told that gasoline prices will have to go up because of the rising international cost of petroleum, because of the lack of refinery capacity, because of crowded highways, and because of the other complex conditions of life. This is a bill that addresses itself to that particular problem.

At the same time, people will say, "What are you doing that is new and different in the way of transportation?" This bill has within it the concept of a new and innovative approach to transportation on an experimental basis, and I think it is important for that reason.

Third, there is widespread questioning about the progress we are making as a nation toward some meaningful commemoration of the National Bicentennial, and this bill proposes a practical answer to that question.

So I commend my distinguished colleague from Maryland for his foresight in introducing this measure, and I am very happy and proud to be a cosponsor of it.

It seems to me that high-speed ground transportation, particularly in the National Capital area, is of critical importance. We have been told for the last 10 or 15 years that the great cities of America are going to be strangled by the increasing growth of traffic on our streets and on our approach highways.

I, for one, can say that I have witnessed this happening. When I first came to Congress 12 years ago, I was able to commute from my home in Frederick, Md., about 50 miles away; but after the first 5 years, the gradual growth of traffic increased the time that was required for that trip, so that it no longer became a practical way to live. So I have gradually experienced this strangulation. I know that the time is certainly here, if not past, for doing something practical and urgent about high-speed ground transportation systems.

With the gasoline problem, with the possibility of rationing staring us in the face, with the inevitability of higher prices for gasoline, I think public interest should be at an all-time high in finding some alternatives to moving rapidly, efficiently, and economically from one point to another, particularly within and between metropolitan areas.

Some may question the concept of high-speed marine transportation, but of course this is not novel in other parts of the world. Outside of Geneva, Switzerland, for example, it is commonplace to see people get on a hydrofoil ferry and in a matter of a few minutes go from one side of that very large lake to the other, uniting metropolitan communities, with a very modest cost and with very little expenditure of time.

The Bicentennial, it seems to me, is a concept of importance which is included in this bill. I can think of nothing more futile or nothing more useless than for this great Republic to commemorate its 200th anniversary simply by firing a few guns in the air and people putting on white wigs and Revolutionary uniforms. I am sure we will have some of that—and perhaps some of that could be enjoyable—it seems to me that to do that alone would make a mockery of our commemoration.

What we need to do is to indicate that the Republic, after 200 years, is still vital and living, is still moving forward, is still advancing the quality of life. Any innovative ideas that can be advanced as a part of the Bicentennial celebration are exactly in line with my views of what needs to be done, and this bill includes such ideas.

So I am happy to support the bill, and I again commend my colleague for its introduction.

Mr. BEALL. I thank the Senator for his support of the proposal. His comments are always eloquent and his contributions and support were important in advancing this proposal.

The Senator's comments about the use of hydrofoil water transportation in other parts of the world brought to mind a recent trip some of us took behind the Iron Curtain. On our way to Moscow, we spent one night in Copenhagen, Denmark, where there was a hydrofoil vessel that left Copenhagen, I believe, on the hour and went back and forth to Sweden. It was operating very profitably, carrying thousands of people daily between those two countries.

Later in the trip, I noted a hydrofoil traveling on the Danube River between Budapest, Hungary, and Vienna; and this, too, carries many people on a regular schedule. It just shows the potential of this form of high-speed water transportation.

I think the Senator's observation is very pertinent, and I thank him for his remarks.

Also, I have been informed by the staff that there is a hydrofoil that runs between Hong Kong and Macao, for which one has to get a reservation a week in advance. This shows the interest and potential for this form of transportation. We have not taken advantage of it, and I think the time is here when we should.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BEALL. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 3, beginning with line 12, strike out all through line 2 on page 4.

Mr. PROXMIRE. Mr. President, the bill before the Senate is one that may be worthy, and I hope I can vote for it on final passage.

I have no objection to the main thrust of the bill. I do have very serious objection, however, to how this would mandate us to spend as much as $300 million without adequate consideration by Congress.

Mr. President, before proceeding further, I ask unanimous consent that my staff assistant, Tom van der Voort may be allowed on the floor during the debate and also during the rollcall.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Also, I wish to correct the information sheet that is on the desk of each Senator. Where it refers to S. 4023, which was the number last year, it should refer to S. 797.

The act itself would authorize the appropriation of up to $300,000 for an investigation and study by the Secretary of Transportation of a high-speed ground transportation system in combination with a high-speed marine system. The ground system would run between Washington and Annapolis, Md. The marine system would run between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.

Not only would the legislation authorize a study, and here is where I express my reservations, it would also authorize the construction of such a system—at a cost of hundreds of millions of dollars—if the Secretary of Transportation recommended a land system combined with a water system, or either system separately, as a result of the study.

Mr. President, this is the part of the bill by amendment would strike, for reasons I shall explain in some detail. But first let us focus on the justification for this excessive haste. Why must we authorize in this legislation a study and then go on to authorize the construction of the system under study before the study itself has even been started?

Apparently the only rational answer is that the system is meant to provide, and I quote from the bill:

> The millions of citizens of the United States and foreign nations who will visit the National Capital area during the Bicentennial of American Independence celebration with a pleasant, efficient, and unique way of seeing the historic cities and sights of such area and [provide] practical demonstrations of technologically advanced transportation systems which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow.

Now this is a mighty tall order, with or without the construction authorization contained in section 3 of this bill. If this legislation passed both Houses today and was signed by the President tomorrow with the funds being appropriated for the study next week we would have between 2½ years and 3½ years to conduct the feasibility study and finish construction of a highly advanced system to transport the millions of citizens that will be visiting the Washington area in the Bicentennial year of 1976.

Mr. President, one of the most consistent developments I have seen in the 15 years I have been here is not only that these projects cost far more than they are supposed to, but also that they are uniformly late. I have yet to see any program come in early and most are very late indeed not months late but years late.

Six months ago hearings were held on this legislation. At that time a number of witnesses emphasized the difficulty of setting up such a system, especially on anything more than a pilot basis, in the short time remaining before the Bicentennial. I emphasize that this was 6 months ago.

Milton Klein, Associate Administrator for Research Development, and Demonstrations, Federal Railroad Administration, Department of Transportation, had this to say when Senator BEALL asked him about the possibility of having a high-speed ground transportation system in operation in time for the Bicentennial:

> I think, Mr. Chairman, that it is technically feasible to be ready. But the controlling factor in my mind would be the time it takes really to build the infrastructure, the route, the guideway, and of course how quickly one can get started. It is a tight time scale in any event.

A Department of the Navy witness, in discussing a marine system had this to say:

> I believe the technological base is adequately established in U.S. industry for passenger-carrying, high-speed marine vehicles in the size range of 50 to 200 tons displacement; but time is very short, as other witnesses have noted this morning, to achieve a realistic capability in hand by 1976.

I remind my colleagues, again, that this testimony was given 6 months ago.

How about the testimony of witnesses who would be providing the hardware and expertise—the contractors who might be expected to profit from this proposal. As might be expected, they were somewhat more sanguine, but even here certain witnesses expressed serious doubts about the possibility of setting this system up in time for the Bicentennial. Rear Admiral Ralph K. James, USN retired, a private marine consultant, said it would take an effort similar to those efforts associated with Manhattan Project—the atomic bomb project—or the development of the Polaris submarine. Do my colleagues here today really want to commit themselves to that kind of an effort in the absence of a feasibility study?

After all, this is a project that could be useful and which might be shown to be feasible, but it is not as if this country were fighting for its life in a war.

Mr. Tobias of aerospace and marine systems group testified that:

> It would take about 3 years to perform the design and complete the construction and trials of the first ship. This means that the detail design and construction contract award must be made by mid-1973.

This is clearly impossible. Testimony from Bell Aerospace said 2½ years would be required for the delivery of a marine vehicle. Others put delivery time at 2 years. But we have yet to authorize a feasibility study.

In conclusion, a close look at the 6-month-old hearing record convinces me, and should convince other Senators, that there is no hope of finishing this project in time for the Bicentennial. This is particularly true if we are to have a system that would transport millions of Americans and foreign visitors safely, quickly, and at moderate operating expense. It just is not in the books for 1976.

But even if there were a chance that a feasibility study could be completed and a system constructed in less than 3 years there are several other compelling reasons for having the results of the feasibility study in hand before authorizing the construction of such a system.

Why can we not rely on the appropriations process to handle this question of approving final construction many ask?

I think that will be the main point made by my good friend from Maryland. There are two answers to this question. First construction could be started without the necessity for going through the traditional appropriations process. Using the justification of the need for speed to have the system ready for the Bicentennial, the Secretary of Transportation could simply decide to reprogram funds already appropriated. This would avoid the necessity for full congressional approval. Only the concurrence of the chairmen of the House and Senate Transportation Appropriations Subcommittees would be needed. Once these initial funds were committed the Congress would be locked in. The argument would be made that funds already committed would be down the drain if we did not continue with the system.

Even if funding is provided only through the normal appropriations process, this program would only be one item among dozens. It just would not receive the scrutiny that a major initiative of this sort should receive.

That is why we have an authorization process and an appropriation process. Having served 10 years on the Committee on Appropriations and with great pride in the effort that members of the Committee on Appropriations make and that the staff makes, there is serious question that the Committee on Appropriations should be asked to assume this kind of responsibility. One of the difficulties on the Committee on Appropriations is that we will have one staff man for an appropriation bill that is as much as $20 billion. I handle appropriations for housing, urban affairs, space, veterans, and independent agencies. That is a $20 billion matter.

I have one staff man. The Transportation Subcommittee is in the same difficult position. To expect the Appropriations Committee to do the kind of hard, tough work that would provide the basis for a reasoned decision on this $300 million project being proposed here, and many other projects, and to expect them to move ahead without an authorization, is asking too much and putting us in a situation where we have to proceed without the kind of knowledge that Congress ought to have before we spend the public's money.

Let us look at some of the questions that would be raised by the initiation of this project—questions that should be answered before we authorize construction, questions that can only be answered through a feasibility study.

There is the question of the rights of way for the ground transportation system. During the hearings John B. Buchram, Jr., Vice Chairman of the Washington Suburban Transit Commission, put it this way:

> Again, the proposal for a high-speed system between urban areas is one which I find most attractive. But I wish to state that

> there may be troubles in finding an appropriate alignment for such a system through the urban area in Washington to an agreed upon terminus within the city.

There are also the questions surrounding the marine transportation route. Admiral Halvorson raised the following points to be taken into consideration in the feasibility study:

> The study should take into account, among other things, the hydrographic aspects of these waterways, and the added requirements for safe navigation at high speeds. Similarly the design of terminal facilities and logistics support requirements will have to be established.

Hydrographically speaking, any of these ships that travel at 50, 60, 70, or 80 knots in a restricted waterway have to have both onboard the ship, and on the shoreline, good navigation facilities in order to be safe.

Frankly I do not see how the Congress can begin to have an appreciation of the complexity and the cost of this project in the absence of a good feasibility study. The cost could be as high as $300 million. I think it could be a great deal more. Yet if we fail to strike section three, as my amendment would do, we would be authorizing this huge and complex program on the basis of 1 day of hearings which appear to have been attended by only one Senator—I have the hearing record here; Senator BEALL was the only Senator who was there—and a committee report of less than 6½ pages.

Then we impose on the Appropriations Committee the responsibility for proceeding on this $300 million project without an opportunity to have an authorization which would inform them as to whether or not, on the basis of the judgment of our colleagues in the Senate, we should move ahead.

Not only is the record very scanty. It includes no administration comments on the proposal. Comments were requested from the Interstate Commerce Commission and the Department of Transportation, but none were received.

They would move ahead with an authorization, in effect, of $300 million without knowing what the administration and the experts in our Government think about it.

How can we authorize a project that could cost hundreds of millions of dollars in the absence of a feasibility study with a scanty hearing record, compelling evidence that the project will be costly and too time-consuming to complete in time for the Bicentennial, and, finally, in the absence of any hint as to how the administration feels about the proposal?

Many sins are committed in the name of the Bicentennial. This has been used as an alibi for all kinds of spending. I do not know how we can justify moving ahead with this project, which will cost many times the entire income of the country in 1776, and say this action is in honor of the geniuses who founded our Republic. I think the best thing we can do in honoring our forefathers who founded our Republic is reduce spending. I am sure if those men had the opportunity to pass on many of these projects, arts and humanities and public works of this kind, justified in their name, they would say, "One favor you could do, if you want to keep the kind of Republic we founded and the kind of democracy we would like to see, and that is hold down spending, and not justify it in our name."

I hope my colleagues will join me in acting responsibly by striking section 3 of this legislation and waiting until we have a good feasibility study before making a final decision on construction.

Mr. BEALL. Mr. President, I appreciate the remarks of the Senator from Wisconsin, who always expresses a legitimate concern about the cost of various projects that come to our attention and also the procedures we use in supporting these projects.

Before going to my main comments, I notice the Senator ended his remarks by saying what he thought our Founding Fathers would have done had this question come up in 1776. I suggest that those men had an exploring spirit and were men who took risks in, for example, scaling the Appalachian mountains and finding a new gateway to the West, because they were interested in opening up new lines of communication. We may never have found Wisconsin if it had not been for them.

Mr. PROXMIRE. Mr. President, if the Senator will yield, I agree wholeheartedly that they might very well have proceeded with this project, but they would have done so deliberately. They would not have done so on the basis of undue haste of action and then pursued it in the Appropriations Committee and acted without an authorization.

Mr. BEALL. They always acted deliberately, and I hope we act that way. They established our Constitution and established our form of government with a fair amount of haste, but they did it expeditiously and with safeguards. Be that as it may, they were creative and inventive people and anxious to establish new modes of transportation and they took great risks for the benefit of the whole populous. I think we are acting deliberately, but in recognition of the real time problems acknowledged by Senator PROXMIRE. The committee had only one hearing but that hearing was a thorough one which lasted all day long. An examination of the hearing record will demonstrate the comprehensiveness of those hearings. We asked all the tough questions. It is an excellent hearing record.

I think that what we are doing here is something that has to be done, and that is to develop new methods of ground and water transportation, because one of the great problems we have is to move great numbers of people, at high speed.

Getting to the point raised by the Senator from Wisconsin in his amendment that would strike section 3, I agree that this is a different procedure than we generally use in our procedures around here, but I suggest to the Senator that since time is of the essence, that is the reason why we are using this procedure. I think it is advisable that we use the Bicentennial, if at all possible, to demonstrate this kind of project.

What we are proposing is that the Congress authorize a feasibility study and if the study demonstrates the project's feasibility, the Department of Transportation would then be required to make a recommendation to the Congress, that it is a worthwhile project and we should move ahead. If it is a worthwhile project, they would come back, through the appropriation process, to get the funds to proceed with the construction.

I would suggest to the Senator that, under those circumstances, this is an adequate amount of caution and safeguards. I would suggest that time is of the essence. I would suggest also that world expositions have served in the past as catalyst enabling us to telescope time to get a worthwhile project accomplished.

Mr. PROXMIRE. Mr. President, if the Senator will yield, we might be able to abbreviate the debate, and perhaps I will withdraw the amendment, if the Senator will agree to this proposition.

Mr. BEALL. I am always interested in listening to propositions.

Mr. PROXMIRE. As I understand it, the Senator's whole argument for speed, the whole reason why we do not have an authorization for a feasibility study to be made, is that the Senator feels very strongly this project should be made available for the Bicentennial. It should not go through the authorization process, which will delay it further and will give it much less chance for having this system available before the Bicentennial. Is that correct?

Mr. BEALL. That is correct.

Mr. PROXMIRE. Would the Senator accept an amendment with this language? I will read the amendment and then explain it. On page 3, line 16, after the word "systems," insert the words "and finds that the system or systems can be completed by July 4, 1976."

If the Senate will adopt this amendment I will then withdraw my amendment that I previously offered to strike the section that would short circuit the authorizing process.

And there will be no question that the project can proceed provided the Secretary of Transportation finds it is possible to make this facility available by July 4, 1976, in time for the Bicentennial.

If the Senator will accept that amendment, I will withdraw my amendment after having asked unanimous consent to void the yeas and nays and the bill can then be passed immediately.

Mr. BEALL. Mr. President, the Senator says system or systems. The intention of the amendment, I hope, and I will accept the amendment if such is the case, that if either the water or ground segments are feasible we could proceed. The amendment would not wipe out the entire project if both the water and ground system could not be completed, but one could.

Mr. PROXMIRE. It would not. What I am saying is that either the ground or water transportation part will be feasible, one or the other.

Mr. BEALL. Mr. President, I think that amendment would be acceptable. Let me read from the report on the legislation where we say in the report that it is anticipated that the Secretary would not recommend any project as "feasible" if a reliable operational system could not be constructed in time for the Bicentennial.

We say that on page 5, at the bottom of the first paragraph.

Mr. PROXMIRE. Then there is no objection to accepting my amendment.

Mr. BEALL. Not at all. I will accept the amendment.

Mr. PROXMIRE. Mr. President, is this amendment in order while my amendment is pending? Could I offer this amendment to the other amendment or do I have to take down my amendment first?

Let me do it in this way. Mr. President, I ask unanimous consent that the pending amendment may be temporarily laid aside.

The PRESIDING OFFICER. Is that for the purpose of taking up another amendment?

Mr. PROXMIRE. That is for the purpose of taking up another amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 3, line 16, after "systems," insert the words "and finds that the system or systems can be completed by July 4, 1976."

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. BEALL. Mr. President, I yield back the remainder of my time.

Mr. PROXMIRE. Mr. President, I ask for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (putting the question).

The amendment was agreed to.

Mr. PROXMIRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BEALL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PROXMIRE. Mr. President, I congratulate the distinguished Senator from Maryland.

Mr. President, I ask unanimous consent that my other amendment be withdrawn.

Mr. President, let me explain this to the distinguished chairman of the Appropriations Committee, since he has an interest in this matter, too.

I have just agreed with the Senator from Maryland that if he would accept my amendment, I would withdraw my other amendment. That has now been done. We have written it into law. If the Secretary of Transportation finds that either a marine or ground system of transportation is feasible and can be constructed fully by July 4, 1976, he may go ahead and recommend that particular but only that particular system. In other words if the Secretary of Transportation finds that the marine system can be completed by July 4, 1976, the appropriations can go forward for that marine system but not for the ground system without an authorization. The ground system could proceed only if the Secretary of Transportation finds that particular system could be completed by July 4, 1976.

I am convinced that there is no way the Secretary of Transportation can tell us for sure that either system is going to be awarded and ready to use by July 4, 1976. So I am convinced the system will have to approve authorization. The Senator from Maryland disagrees.

Mr. McCLELLAN. Mr. President, is the Senator authorizing the Secretary of Transportation to make a commitment that would bind the Congress to spend the money on his judgment of what is feasible?

Mr. PROXMIRE. We are only authorizing the Secretary of Transportation to make a feasibility study. It is then up to the Congress to appropriate the money.

Mr. McCLELLAN. Mr. President, does he have the authority to draw up a contract and obligate the Congress?

Mr. PROXMIRE. No. I raised the point that he might request authority to reprogram funds. However, that would be up to the House and Senate Appropriation Subcommittee chairman to approve, as I understand it. Certainly the Secretary would not request reprograming unless he could assure completion of work on the system by July 4, 1976.

Mr. McCLELLAN. This is a pretty bad practice. What is the unanimous-consent request?

The PRESIDING OFFICER. The unanimous-consent request is to withdraw his amendment.

Mr. McCLELLAN. That would be all right.

Mr. PROXMIRE. Mr. President, I thank the Senator from Arkansas.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 797) was ordered to be engrossed for a third reading and was read the third time.

Mr. BEALL. Mr. President, I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the majority leader, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is, Shall the bill pass?

The bill (S. 797) was passed, as follows:

S. 797

An act to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such system if such study demonstrates their feasibility.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bicentennial Advanced Technology Transportation System Demonstration Act".

SEC. 2 (a) For the purpose of providing the millions of citizens of the United States and foreign nations who will visit the National Capital area during the Bicentennial of American Independence celebration with a pleasant, efficient, and unique way such area and providing practical demon- of seeing the historic cities and sights of strations of technologically advanced transportation systems which will attract national and international attention and recognition and demonstrate to the world that the United States will continue its leadership in the world of tomorrow, the Secretary of Transportation is hereby authorized and directed to make an investigation and study for the purposes of determining the feasibility, social advisability, environmental impact, and economic practicability of (1) a tracked air-cushioned vehicle or other high-speed ground transportation system between Washington, District of Columbia, and Annapolis, Maryland, with appropriate intermediate stops, and (2) a surface effect vessel or other high-speed marine transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia.

(b) In conducting such investigation and study, the Secretary—

(1) shall consult with appropriate Federal, State, local, and District of Columbia agencies; and

(2) may enter into contracts or other agreements with public or private agencies, institutions, organizations, corporations, or individuals without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

(c) The Secretary shall report the results of such investigation and study together with his recommendations, to the President and the Congress no later than nine months after the enactment of this Act.

(d) There is authorized to be appropriated for purposes of this section a sum not to exceed $300,000.

SEC. 3. If after carrying out the investigation and study pursuant to section 2, the Secretary of Transportation recommends the establishment of either the transportation system described in subsection (a)(1) or (a)(2) of such section or both such systems, and finds that the system or systems can be completed by July 4, 1976, he may, to the extent funds are appropriated for the purpose of this section, enter into such contracts and other arrangements as necessary for the construction and operation of such system or systems, except that the system described in such subsection (a)(1) may not be constructed unless the State of Maryland furnishes the necessary rights-of-way, to the extent such rights-of-way are presently owned by such State within existing highway alinements or acquired by such State with funds authorized under this Act and determined usable for such system by the Secretary of Transportation.

Mr. BEALL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, the amendment of the distinguished Senator from Wisconsin (Mr. PROXMIRE) having been withdrawn and the order for the yeas and nays having fallen with the withdrawal of that amendment, there will be no more yea-and-nay votes today.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAND USE POLICY AND PLANNING ASSISTANCE ACT

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate S. 268, which the clerk will report.

The assistant legislative clerk read as follows:

Calendar No. 186 (S. 268) a bill to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The Senate proceeded to consider the bill, which had been reported by the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Land Use Policy and Planning Assistance Act".

TITLE I—FINDINGS, POLICY, AND PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that there is a national interest in a more efficient system of land use planning and decisionmaking and that the rapid and continued growth of the Nation's population, expanding urban development, proliferating transportation systems, large-scale industrial and economic growth, conflicts in patterns of land use, fragmentation of governmental entities exercising land use planning powers, and the increased size, scale, and impact of private actions have created a situation in which land use management decisions of wide public concern often are being made on the basis of expediency, tradition, short-term economic considerations, and other factors which too frequently are unrelated or contradictory to sound environmental, economic, and social land use considerations.

(b) The Congress finds that the task of land use planning and management is made more difficult by the lack of understanding of, and the failure to assess, the land use impacts inherent in most public and private programs and activities.

(c) The Congress finds that adequate data and information on land use and systematic methods of collection, classification, and utilization thereof are either lacking or not readily available to public and private land use decisionmakers.

(d) The Congress finds that a failure to conduct competent land use planning has, on occasion, resulted in delay, litigation, and cancellation of proposed significant development, thereby too often wasting human and economic resources, creating a threat to public services, and invoking decisions to locate activities in areas of least public and political resistance, but without regard to sound environmental, economic, and social land use considerations.

(e) The Congress finds that significant land use decisions are being made without adequate opportunity for property owners, users of the land, and the public to be informed about the alternatives to such decisions or to meaningfully participate in such decisions.

(f) The Congress finds that many Federal agencies conduct or assist activities which have a substantial impact on the use of land, location of population and economic growth, and the quality of the environment, and which, because of the lack of consistent land use policies, often result in needless, undesirable, and costly conflicts between Federal agencies and among Federal, State, and local governments, thereby subsidizing undesirable and costly patterns of development.

(g) The Congress finds that, while the primary responsibility and constitutional authority for land use planning and management of non-Federal lands rests with State and local government, the manner in which this responsibility is exercised has a tremendous influence upon the utility, the value, and the future of the public domain, the national parks, forests, seashores, lakeshores, recreation and wilderness areas, wildlife refuges, and other Federal lands; and that the failure to plan or, in some cases, the existence of poor or ineffective planning at the State and local levels poses serious problems.

(h) The Congress finds that intelligent land use planning and management can and should be a singularly important process for preserving and enhancing the environment, encouraging beneficial economic development, and maintaining conditions capable of improving the quality of life.

STATEMENT OF POLICY AND PURPOSE

SEC. 102. (a) To promote the general welfare and to provide full and wise application of the resources of the Federal Government in strengthening the environmental, recreational, economic, and social well-being of the people of the United States, the Congress, recognizing that the Nation's land is its most valuable national resource and that the maximum benefit to all from this resource can be achieved only with the development and implementation of sound and coordinated land use policies, declares that it is the continuing policy of the Federal Government to cooperate with and render assistance to State and local governments in the development and implementation of the policies which will govern the wise and balanced use of the Nation's land resource.

(b) It is the purpose of this Act to—

(1) encourage and assist the several States to more effectively exercise their constitutional responsibilities for the planning and management of their land base through the development and implementation of State land use programs;

(2) establish a grant-in-aid program to assist State and local governments and agencies to hire and train the personnel, collect and analyze the data, and establish the institutions and procedures necessary to develop and implement State land use programs;

(3) establish a grant-in-aid program to encourage cooperation among the States concerning land use planning and management in interstate regions;

(4) establish a grant-in-aid program to assist Indian tribes to develop land use programs for reservation and other tribal lands and to coordinate such programs with the planning and management of Federal and non-Federal lands adjacent to reservation and other tribal lands;

(5) establish the authority and responsibility of the Executive Office of the President to issue guidelines to implement this Act and of the Secretary of the Interior to administer the grant-in-aid and other programs established under this Act, to review, with the heads of other Federal agencies, statewide land use planning processes and State land use programs for conformity to the provisions of this Act, and to assist in the coordination of activities of Federal agencies with State land use programs;

(6) develop and maintain sound policies and coordination procedures with respect to federally conducted and federally assisted projects on non-Federal lands having land use implications;

(7) facilitate increased coordination in the administration of Federal programs and in the planning and management of Federal lands and adjacent non-Federal lands;

(8) provide for meaningful participation of property owners, users of the land, and the public in land use planning and management;

(9) provide for research on and training in land use planning and management;

(10) promote the development of systematic methods for the exchange of data and information pertinent to land use decisionmaking among all levels of government and the public; and

(11) study the feasibility and possible substance of national land use policies which might be enacted by Congress.

TITLE II—PROGRAMS OF ASSISTANCE TO THE STATES

PART A—STATEWIDE LAND USE PLANNING PROCESSES AND STATE LAND USE PROGRAMS

GRANTS TO STATES

SEC. 201. (a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to make annual grants to each State to assist each State in developing and administering a State land use program meeting the requirements set forth in this Act.

(b) Prior to making the first grant to each State during the three complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that such grant will be used in a manner to meet satisfactorily the requirements for a statewide land use planning process set forth in section 202. Prior to making any further grants during such period, it shall be determined in accordance with the procedures provided in section 306 that the State is adequately and expeditiously proceeding to meet the requirements of section 202.

(c) Prior to making any further grants after the three complete fiscal year period following the enactment of this Act and before the end of the five complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that the State has met and continues to meet the requirements of section 202 and is adequately and expeditiously proceeding to develop a State land use program to meet the requirements of sections 203, 204, 402, and 505.

(d) Prior to making any further grants after the five complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that the State has met and continues to meet the requirements of sections 203, 204, 402, and 505.

(e) Each State receiving grants pursuant to this part A during the five complete fiscal year period following enactment of this Act shall submit, not later than one year after the date of award of each grant, a report on work completed and scheduled toward the development of a State land use program to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306. For grants made after such period, the State shall submit its State land use program not later than one year after the date of award of each grant to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306: *Provided,* That if no grant is requested by or active in any State after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days thereafter to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306: *And provided further,* That, should no grant be requested by or active in any State during any two complete fiscal year periods after five fiscal years from the date of enactment of this Act, such State shall submit its State land use program within ninety days from completion of such period to the Secretary for determination of State eligibility or ineligibility for grants pursuant to this part A in accordance with the procedures provided in section 306.

STATEWIDE LAND USE PLANNING PROCESSES

SEC. 202. (a) As a condition of continued eligibility of any State for grants pursuant to this part A after the three complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided in section 306 that the State has developed an adequate statewide land use planning process, which process shall include—

(1) the preparation and continuing revision of a statewide inventory of the land and natural resources of the State;

(2) the compilation and continuing revision of data, on a statewide basis, related to population densities and trends, economic characteristics and projections, environmental conditions and trends, and directions and extent of urban and rural growth;

(3) projections of the nature, quantity, and compatibility of land needed and suitable for recreation, parks, and open space; scientific and educational purposes; protection of areas of critical environmental concern; conservation and preservation of natural resources; agriculture, mineral development, and forestry; industry and commerce, including the development, generation, and transmission of energy; solid waste management and resource recovery; transportation; urban development, including the revitalization of existing communities, the development of new towns, and the economic diversification of existing communities which possess a narrow economic base; rural development, taking into consideration future demands for and limitations upon products of the land; and health, educational, and other State and local governmental services; such projections to include consideration of multiple-use siting of facilities and activities;

(4) the preparation and continuing revision of an inventory of environmental, geological, and physical conditions (including soil types) which influence the desirability of various uses of land;

(5) the monitoring of land use data periodically to determine changes in land usage, the comparison of such changes to State and local land use plans, programs, and projections, and the reporting of the findings to the affected local governments, State agencies, and Federal agencies by request;

(6) the preparation and continuing revision of an inventory of State, local government, and private needs and priorities concerning the use of Federal lands within the State;

(7) the preparation and continuing revision of an inventory of public and private institutional and financial resources, including citizen public interest organizations, available for land use planning and management within the State and of State and local programs and activities which have a land use impact of more than local concern;

(8) the establishment of methods for identifying large-scale development and development of public facilities or utilities of regional benefit, and inventorying and designating areas of critical environmental concern, areas which are suitable for key facilities, and areas which are, or may be, impacted by key facilities, which methods shall provide for an appeals process for any interested party as defined by State law or regulation concerning the designation or deletion of any land or facility in or from such areas when such areas are designated other than by State law;

(9) the provision, where appropriate, of technical assistance for, and training programs for State and local agency personnel concerned with, the development and implementation of State and local land use programs;

(10) the establishment of arrangements for the exchange of land use planning information and data among State agencies and local governments, with the Federal Government, among the several States and interstate agencies, and with the public;

(11) the establishment of a process for public education concerning land use planning and management and other land use related activities;

(12) the participation of the public, property owners, users of the land, and the appropriate officials or representatives of local governments in the statewide planning process and in the formulation of definitions, guidelines, rules, and regulations for the administration of the statewide planning process, such participation, except in any proceedings of the State legislature, to include public hearings with adequate public notice;

(13) the consideration of, and consultation with the relevant States on, the interstate aspects of land use issues of more than local concern; and

(14) the consideration of the impacts of State programs and activities, land use policies, and the State land use program to be developed pursuant to this Act on the local property tax base and revenues and on rights of private property owners.

(b) In the determination of an adequate statewide land use process of any State, it shall be confirmed in accordance with the procedures provided in section 306 that the State has an eligible State land use planning agency established by the Governor of such State or by law, which agency shall—

(1) have primary authority and responsibility for the development and administration of a State land use program provided for in sections 203, 204, 402, and 505;

(2) have a competent and adequate interdisciplinary professional and technical staff and, whenever appropriate, engage the services of special consultants;

(3) give priority to the development of an adequate data base for a statewide land use planning process using data available from existing sources wherever feasible;

(4) coordinate its activities with the planning activities of all State agencies undertaking federally financed or assisted planning programs insofar as such programs relate to land use; the regulatory activities of all State agencies enforcing air, water, noise, or other pollution standards; all other relevant planning activities of State agencies; flood plain zoning plans approved by the Secretary of the Army pursuant to the Flood Control Act of 1960 (74 Stat. 488), as amended; in a coastal State as defined by the Coastal Zone Management Act of 1972 (86 Stat. 1280), the State planning activities pursuant to such Act; the planning activities of areawide agencies designed pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262–3), as amended; the planning activities of local governments; the planning activities of Federal agencies; and the planning activities of Indian tribes pursuant to title V;

(5) have authority to make available to the public promptly upon request land use data and information, studies, reports, and records of hearings; and

(6) be advised by an intergovernmental advisory council which shall be composed of a representative number of chief elected officials of general purpose local governments in urban and nonurban areas selected by the the statewide association or associations representing such governments. One member, by majority vote of the members, shall be chosen chairman. The advisory council shall, among other things, comment on all State guidelines, rules, and regulations to be promulgated pursuant to this Act, participate in the development of the statewide land use planning process and State land use program, and may make formal comments on annual reports which the agency may prepare and submit to it, which reports may detail all activities within the State conducted by the State government and local governments pursuant to or in conformity with this Act.

(c) To minimize administrative inefficiencies, each State may designate the planning agency participating in programs pursuant to section 701 of the Housing Act of 1954, as amended, and, where such State is a coastal State, the planning agency participating in programs pursuant to the Coastal Zone Management Act of 1972, as the eligible State land use planning agency required by subsection (b) of this section. Where such a designation cannot be made within the three fiscal year period following the enactment of this Act, early consolidation of the responsibilities of the two or three agencies in a single planning agency is encouraged.

(d)(1) In the determination of an adequate statewide land use planning process of any State, it shall be determined in accordance with the procedures provided in section 306 that the State has established a program to regulate land sales or development projects (hereinafter referred to as "projects" or "project") as defined in subsection 601(1).

(2) Such program shall include:

(A) a procedure for identification of projects subject to such program;

(B) a procedure for consideration of each proposal project which procedure affords adequate notice to all affected State and local governments and assures that the developer provides to such governments the following—

(i) a map of the project setting forth the proposed lot lines and the improvements which the developer proposes to make, and a schedule of completion of all such improvements and sales of such lots;

(ii) a showing of financial capability of the developer, or the posting of a performance bond by the developer, sufficient to insure that such schedule and the requirements of this subsection will be met; and

(iii) a statement of the potential effects of the proposed project in sufficient detail to establish whether the development meets the criteria in clause (2)(D) of this subsection;

(C) State review of the proposed project including (i) an evaluation of the consistency of the proposed project with the statewide land use planning process and the State land use program, once approved pursuant to this Act; (ii) an analysis of the proposed project as it relates to the criteria in clauses (2)(D) of this section; (iii) comments on the local and regional need for the proposed project; and (iv) specific recommendations concerning whether the proposed project should or should not proceed;

(D) a method of implementation of the program which shall insure that—

(i) the financial capability of the developer is established as provided for in clause (2) (B) (ii) of this subsection;

(ii) the project will not exceed the capacity of existing systems for water and power supply, waste water collection and treatment, and waste disposal, unless expansion of the relevant systems to meet the requirements of the proposed development is planned and approved, and sufficient financing for the construction of the expanded systems is available;

(iii) the project will not cause unreasonable soil erosion;

(iv) the project is not located in areas which constitute an undue risk to public health and safety, which may include flood plains and areas of high seismicity and unstable soils, all such areas as defined by the State;

(v) the effects on the scenic or natural beauty or the natural environment are taken into consideration;

(vi) open space possessing valuable potential for public recreation is taken into consideration, such open space may include beaches, shorelines, and wild areas;

(vii) the project will not place an unreasonable burden on the ability of the State and local governments to provide municipal or other public services, including transportation, education, and police and fire protection;

(viii) the project will be developed within the time schedule submitted by the developer or within an alternative schedule necessary to insure that the project will meet the other criteria above; and

(ix) the project is consistent with local land use plans regulations, and controls and with the State land use program, once approved pursuant to this Act.

(3) The method of implementation of clause 2(D) of this subsection shall meet the requirements of section 203(c) and shall include procedures for issuance of cease and desist orders and other appropriate remedies for violations of this subsection or the provisions of State law or regulations enacted or promulgated pursuant to this subsection.

STATE LAND USE PROGRAMS

Sec. 203. (a) As a condition of continued eligibility of any State for grants pursuant to this Act after the five complete fiscal year period following the enactment of this Act, it shall be determined in accordance with the procedures provided for in section 306 that the State has developed an adequate State land use program, which program shall include—

(1) an adequate statewide land use planning process as provided in section 202 of this Act;

(2) a statement of State land use policies and objectives;

(3) methods of implementation for—

(A) exercising control over the use and development of land in areas of critical environmental concern to assure that such use and development will not substantially impair the historic, cultural, scientific, or esthetic values or natural systems or processes within fragile or historic lands; that loss or reduction of long range continuity and the concomitant endangering of future water, food, and fiber requirements within renewable resource lands are minimized or eliminated; and that unreasonable dangers to life and property within natural hazard lands are minimized or eliminated;

(B) exercising control over the use of land within areas which are or may be impacted by key facilities, including the site location and the location of major improvement and major access features of key facilities;

(C) assuring that local regulations do not arbitrarily or capriciously restrict or exclude development of public facilities or utilities of regional benefit;

(D) influencing the location of new communities and controlling the use of land around new communities;

(E) controlling proposed large-scale development of more than local significance in its impact upon the environment;

(F) assuring that any source of air, water, noise, or other pollution pertaining to the areas and developmental activities listed in this clause (1) will not be located where it will result in a violation of any applicable air, water, noise, or other pollution standard or implementation plan;

(G) assuring that all State and local agency programs and services which significantly affect land use are not inconsistent with the State land use program;

(H) periodically revising and updating the State land use program to meet changing conditions;

(I) assuring, except in any proceedings of the State legislature, the participation of appropriate officials or representatives of local governments, property owners, users of the land, and the public in the development of, subsequent revisions in, the implementation of, and the formulation of guidelines, rules, and regulations concerning, the State land use program; and

(J) including, with respect to coastal States to which the Coastal Zone Management Act of 1972 (86 Stat. 1280) is applicable, an adequate method for the coordination of the State land use program with the State's management program approved pursuant to such Act. Such method shall include the consolidation of the State's management program and the State land use program into a single program for the purposes of annual submission to the Secretary of the Interior for determination of eligibility for grants pursuant to part A of title II of this Act and to the Secretary of Commerce for determination of eligibility for grants pursuant to section 306 of the Coastal Zone Management Act of 1972.

(b) Wherever possible, selection of methods of implementation of clause (3) of subsection (a) shall be made so as to encourage the employment of land use controls by general purpose local governments.

(c) The methods of implementation of clause (3) of subsection (a) shall include either one or a combination of the two following general techniques—

(1) implementation by general purpose local governments pursuant to criteria and standards established by the State, such implementation to be subject to State administrative review with State authority to disapprove such implementation wherever it fails to meet such criteria and guidelines; and

(2) direct State land use planning and regulation.

(d) Any method of implementation employed by the State shall include the authority of the State to prevent arbitrary and capricious restriction or prohibition of development of public facilities or utilities of regional benefit, and to prohibit the use of land within areas which, under the State land use program, have been designated as areas of critical environmental concern, areas which are or may be impacted by key facilities, or areas which are presently or potentially subject to large-scale development, large-scale subdivisions, and land sales or development projects, which use is inconsistent with the requirements of the State land use program as they pertain to areas of critical environmental concern, key facilities, large-scale development, large-scale subdivisions, and land sales or development projects.

(e) Any method of implementation employed by the State shall include an appeals process for the resolution of, among other matters, conflicts over any decision or action of a local government for any area or use under the State land use program and over any decision or action by the Governor or State land use planning agency in the development of, or pursuant to, the State land use program.

(f) Nothing in this Act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located.

Sec. 204. As a further condition of continued eligibility of a State for grants pursuant to this Act after the five complete fiscal year period following the enactment of this Act, in accordance with the procedures provided in section 306, it shall be determined, upon review of the State land use program, that—

(1) in designating areas of critical environmental concern, the State has not excluded any areas of critical environmental concern which are of more than statewide significance. Within three years from the date of enactment of this Act, and thereafter as he deems appropriate, the Secretary shall, after affording opportunity for public comment, submit to each State a description of areas within such State which are of more than statewide concern: Provided, That any new areas included in any new submission after the first submission made by the Secretary shall not be subject to review pursuant to this clause (1) until two years from the date of such new submission.

(2) the State is demonstrating good faith efforts to implement, and, in the case of successive grants, the State is continuing to demonstrate good faith efforts to implement the purposes, policies, and requirements of its State land use program. For the purposes of this subsection, the inability of a State to take any State action the purpose of which is to implement its State land use program, or any portion thereof, because such action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not be construed as failure by the State to demonstrate good faith efforts to implement the purposes, policies, and requirements of its State land use program;

(3) State laws, regulations, and criteria affecting the State land use program and the areas, uses, and activities listed in section 203 are in accordance with the requirements of this Act;

(4) the State land use program has been reviewed and approved by the Governor;

(5) the State has coordinated its State land use program with the planning activities and programs of its State agencies, the Federal Government, and local governments as provided for in this Act, with the land use programs for reservation and other tribal lands as provided in title V, and with the planning processes and land use programs of other States and local governments within such States with respect to lands and waters in interstate areas; and

(6) the State is participating in the programs established pursuant to section 701 of the Housing Act of 1954 (68 Stat. 590, 640), as amended, and, where such State is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280), the programs established pursuant to that Act.

PART B—INTERSTATE COORDINATION

GRANTS TO STATES

Sec. 205. (a) The States are authorized and encouraged to coordinate State and local land use planning, policies, and programs concerning, to study land use in, to conduct land use planning for, or to implement land use policies in, interstate areas. The States may conduct such coordination, study, planning, or implementation through existing interstate entities where the authority of such entities permits; or, subject to the approval of Congress by the adoption of an appropriate Act, Congress hereby authorizes two or more States to negotiate interstate compacts, with such terms and conditions, including the establishment of such public entities, as to such States seem reasonable or appropriate, for the purpose of such coordination, study, planning, or implementation: *Provided,* That such entities or compacts shall provide for an opportunity for participation for coordination purposes of Federal and local governments and agencies as well as property owners, users of the land, and the public.

(b) The Secretary is authorized to make annual grants to the States for the purpose of such coordination, study, planning, or implementation.

STUDY OF INTERSTATE AGENCIES

SEC. 206. The Advisory Commission on Intergovernmental Relations shall conduct a review of federally established or authorized interstate agencies, including, but not limited to, river basin commissions, regional development agencies, and interstate compact commissions, and prepare recommendations for revision of organizational structures and improvement of procedures for the purpose of improving land use planning, policies, and programs and the implementation thereof in interstate areas. The Advisory Commission on Intergovernmental Relations shall report to the Congress the results of its review conducted under this section, together with its recommendations, not later than two fiscal years after the date of enactment of this Act. Such recommendations may include proposals for either the establishment of new entities or the use of existing entities composed of representatives of two or more States: *Provided, however,* That such entities and the procedures thereof, so recommended, provide for an opportunity for participation in the coordination process by Federal, State, and local governments and agencies as well as property owners, users of the land, and the public.

PART C—FEDERAL ACTIONS IN STATES FOUND ELIGIBLE OR INELIGIBLE FOR GRANTS

CONSISTENCY OF FEDERAL ACTIONS WITH STATE LAND USE PROGRAMS

SEC. 207. (a) Federal programs, projects, and activities on non-Federal lands significantly affecting land use, including but not limited to grant, loan, or guarantee programs, such as mortgage and rent subsidy programs and water and sewer facility construction programs, shall be consistent with State land use programs which conform to the provisions of this Act, except in cases of overriding national interest, as determined by the President. Procedures provided for in subsection (b) of this section and regulations issued by the Office of Management and Budget pursuant to the criteria specified in section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 1262–3), as amended, and title IV of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 1103–4), together with such additional procedures as the Office of Management and Budget may determine are necessary and appropriate to carry out the purposes of this Act, shall be utilized in the determination of whether such Federal programs, projects, and activities are consistent with the State land use programs.

(b) Any State or local government submitting an application for Federal assistance for any program, project, or activity having significant land use implications in an area or for a use subject to a State land use program in a State found eligible for grants pursuant to this Act shall transmit to the relevant Federal agency the views of the State land use planning agency and/or the Governor and, in the case of an application of a local government, the views of such local government and the relevant areawide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1968 and/or title IV of the Intergovernmental Cooperation Act of 1968, as to the consistency of such activity with the State land use program: *Provided,* That, if a local government certifies that a plan or description of an activity for which application is made by the local government has lain before the State land use planning agency and/or the Governor for a period of sixty days without indication of the views of the State land use planning agency and/or the Governor, the application need not be accompanied by such views.

(c) Federal agencies conducting or assisting public works activities in areas not subject to a State land use program in a State found eligible for grants pursuant to part A of title II shall, to the extent practicable, conduct such activities in such a manner as to minimize any adverse impact on the environment resulting from decisions concerning land use.

FEDERAL ACTIONS IN THE ABSENCE OF STATE ELIGIBILITY

SEC. 208. (a) The Secretary shall have authority to terminate any financial assistance extended to a State under part A of title II and part E of title III and withdraw his determination of grant eligibility whenever, in accordance with section 306, the statewide land use planning process or the State land use program of such State is determined not to meet the requirements of this Act.

(b) Where any major Federal action significantly affecting the use of non-Federal lands is proposed after five fiscal years from the date of enactment of this Act in a State which has not been found eligible for grants pursuant to part A of title II, the responsible Federal agency shall hold a public hearing, with adequate public notice, in such State at least one hundred and eighty days in advance of the proposed action, concerning the effect of the action on land use, taking into account the relevant considerations set out in sections 202, 203, 204, 402, and 505 of this Act, and shall make findings which shall be submitted for review and comment by the Secretary, and, where appropriate, by the Secretary of Housing and Urban Development. Such findings of the responsible Federal agency and comments of the Secretary and, where appropriate, the Secretary of Housing and Urban Development shall be made part of the detailed statement required by section 102(2)(C) of the National Environmental Policy Act of 1969 (83 Stat. 852, 853). This subsection shall be subject to exception where the President determines that the interests of the United States so require.

TITLE III—ADMINISTRATION OF LAND USE POLICY

PART A—GUIDELINES, RULES AND REGULATIONS

GUIDELINES

SEC. 301. The Executive Office of the President shall issue guidelines to the Federal agencies and the States to assist them in carrying out the requirements of this Act. The Executive Office shall submit proposed guidelines or any subsequent revisions therein to the Secretary, the Interagency Advisory Board on Land Use Policy established pursuant to section 305, the heads of agencies represented on the Board, and representatives of State and local governments, and shall consider their comments prior to formal issuance of such guidelines.

ADMINISTRATIVE RULES AND REGULATIONS

SEC. 302. The Secretary, after appropriate consultation with representatives of the States and, where appropriate, representatives of local governments, and upon the advice of the Board and the heads of Federal agencies represented on the Board, shall promulgate rules and regulations, and make any subsequent revisions thereto, to implement the guidelines formulated pursuant to section 301 and to administer this Act, except with respect to subsection (f) of section 306 of this Act.

PUBLIC PARTICIPATION

SEC. 303. An opportunity shall be afforded to the public for public hearings, with adequate public notice, on guidelines proposed pursuant to section 301 and rules and regulations proposed pursuant to section 302 prior to their final promulgation or subsequent revision.

PART B—ADMINISTRATION OF PROGRAMS

OFFICE OF LAND USE POLICY ADMINISTRATION

SEC. 304. (a) There is hereby established in the Department of the Interior the Office of Land Use Policy Administration (hereinafter referred to as the "Office").

(b) The Office shall have a director who shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5315), and such other officers and employees as may be required. The Director shall have such duties and responsibilities as the Secretary may assign.

(c) The Secretary, acting through the Office, shall—

(1) maintain a continuing study and analysis of the land resources of the United States and their use;

(2) maintain a continuing study and analysis of the methods adopted by the State and local governments to implement the requirements of this Act;

(3) cooperate with the States in the development of standard methods and classifications for the collection of land use data and in the establishment of effective procedures for the exchange and dissemination of land use data;

(4) develop and maintain a Federal Land Use Information and Data Center, with such regional branches as the Secretary may deem appropriate, which shall have available to it in a form which will enable the dissemination thereof to users of the Center—

(A) the results of the studies required in clauses (a) and (b) of this section and clauses (5) through (9) of section 305(c);

(B) plans for federally initiated and federally assisted activities which directly and significantly affect or have an impact upon land use patterns;

(C) to the extent practicable and appropriate, the plans and programs of State and local governments and private enterprises which have more than local significance for land use planning and management;

(D) statistical data and information on past, present, and projected land use patterns which are of more than local significance;

(E) studies pertaining to techniques and methods for the procurement, analysis, and evaluation of data and information relating to land use planning and management; and

(F) such other information pertaining to land use planning and management as the Director deems appropriate;

(5) make the information available to the Data Center accessible to Federal, regional, State, and local agencies conducting or concerned with land use planning and management and to the public;

(6) consult with other officials of the Federal Government responsible for the administration of Federal land use planning assistance programs to States, local governments, and other eligible public entities in order to coordinate such programs;

(7) administer the grant-in-aid and other programs established pursuant to this Act; and

(8) provide administrative support for the Interagency Advisory Board on Land Use policy established under section 305 of this Act.

INTERAGENCY ADVISORY BOARD ON LAND USE POLICY

SEC. 305. (a) The Secretary is authorized and directed to establish an Interagency Advisory Board on Land Use Policy (hereinafter referred to as the "Board").

(b) The Board shall be composed of:

(1) The Director of the Office of Land Use Policy Administration, who shall serve as Chairman;

(2) representatives of the Department of Agriculture; Commerce; Defense; Health, Education, and Welfare; Housing and Urban Development; Transportation; and Treasury; the Atomic Energy Commission; the Environmental Protection Agency; the Council on Environmental Quality; the Council of Economic Advisers; and the Office of Management and Budget, appointed by the respective heads thereof;

(3) representatives of such other Federal agencies, appointed by the respective heads thereof, as the Secretary may request to participate when matters affecting their responsibilities are under consideration.

(c) The Board shall meet regularly at such times as the Chairman may direct and—

(1) shall provide the Secretary with information and advice concerning the relationship of policies, programs, and activities established or performed pursuant to this Act to the programs of the agencies represented on the Board;

(2) shall render advice, pursuant to sections 301 and 302, to the Executive Office of the President and the Secretary concerning proposed guidelines, rules, and regulations for the implementation of the provisions of this Act;

(3) shall assist the Secretary and the agencies represented on the Board in the coordination of the review of statewide land use planning processes and State land use programs;

(4) shall provide advice on such land use policy matters as the Secretary may refer to the Board for its consideration;

(5) shall maintain a continuing study of the impact on land use of Federal programs including, but not limited to, land management activities; construction programs; grant, loan, and guarantee programs; and tax policies;

(6) shall conduct a study, and report within two years to the President and the Congress the results thereof, of means to reduce the number of, delays in obtaining, and conflicting requirements for, permits, licenses, and other governmental decisions which serve as prerequisites to proposed development activities, with particular emphasis on such permits, licenses, and decisions as are associated with Federal programs;

(7) may conduct, or make a grant or contract, pursuant to section 308, for, a study to determine the feasibility of developing a raw land price index comparable to the Consumer Price Index;

(8) shall conduct, or make a grant or contract, pursuant to section 308, for, a study of environmental, social, and economic impacts, and the forecasting of such impacts, of public actions, including construction activities; grant, loan, or subsidy programs; zoning and other land management activities; and tax policies. Particular emphasis should be given to the impacts of various local assessment practices and other Federal, State, and local tax policies, and the effects of land use controls on the rights of private property owners;

(9) shall conduct, or make a grant or contract, pursuant to section 308, for, a study of the impact of current land and construction financing processes on land use patterns; and

(10) shall provide reports on land use policy matters which may be referred to the Board by the heads of Federal agencies through their respective representatives on the Board.

(d) Each agency representative on the Board shall have a career position within his agency of not lower than GS-15 and shall not be assigned any duties which are unrelated to the administration of land use planning and policy, except temporary housekeeping or training duties. Each representative shall—

(1) represent his agency on the Board;

(2) assist in the coordination and preparation within his agency of comments on (i) guidelines, rules, and regulations proposed for promulgation pursuant to sections 301 and 302, and (ii) statewide land use planning processes and State land use programs;

(3) assist in the dissemination of land use planning and policy information and in the implementation within his agency of policies and procedures developed pursuant to this Act; and

(4) perform such other duties regarding the administration of land use planning and policy as the head of his agency may direct.

(e) The Board shall have as advisory members two representatives each from State governments and local governments and one representative each from regional interstate and intrastate public entities which have land use planning and management responsibilities. Such advisory members shall be selected by a majority vote of the Board and shall each serve for a two-year period.

PART C—FEDERAL REVIEW AND DETERMINATION OF GRANT ELIGIBILITY

SEC. 306. (a) During the five complete fiscal year period following the enactment of this Act, the Secretary, before making a grant to any State pursuant to this Act, shall consult with the heads of all Federal agencies represented on the Board and with the Board pursuant to subsection (c) of section 305 of this Act, and shall consider their views and recommendations.

(b) After the five fiscal year period following the enactment of this Act—

(1) the Secretary, before making a grant to any State pursuant to part A of title II, shall submit the State land use program of such State to the heads of all Federal agencies represented on the Board and to the Board pursuant to subsection (c) of section 305 of this Act. The Secretary shall review the comments of each agency head which are submitted to him by such agency head no later than thirty days after submission of the State land use program to such agency head by the Secretary; and

(2) the Secretary shall not make a grant to any State pursuant to part A of title II until he has ascertained that the Administrator of the Environmental Protection Agency is satisfied that the State land use program of such State is not compatible with the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution which fall within the jurisdiction of the Administrator, and that those portions of the State land use program which will effect any change in land use within the next annual review period are in compliance with the standards, criteria emission or effluent limitations, monitoring requirements, or implementation plans required by such laws. The Administrator shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days of submission of the State land use program by him by the Secretary.

(c) The Secretary may not make any grant to any State pursuant to part A of title II unless he has been informed by the Secretary of Housing and Urban development that he is satisfied that (1) the statewide land use planning process or State land use program of such State with respect to which the grant is to be made meets the requirements of this Act insofar as they pertain to large-scale development, large-scale subdivisions, and the urban development of lands impacted by key facilities, and (2), pursuant to section 204 (6), the State is participating in programs established pursuant to section 701 of the Housing Act of 1954, as amended. The Secretary of Housing and Urban Development shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days after the statewide land use planning process or State land use program has been submitted to him by the Secretary.

(d) The Secretary, in accordance with the procedures provided in subsections (a), (b), and (c) of this section, shall determine a State eligible or ineligible for a grant pursuant of this Act not later than six months following receipt for review of the application of the State for its first grant, a report of the State on its previous grant, or the State land use program of the State as provided in section 201.

(e) A State may revise at any time its State land use program: *Provided*, That such revision does not render the State land use program inconsistent with the requirements of this Act: *Provided further*, That any significant revision shall be made only following a public hearing with adequate public notice: *And provided further*, That any significant revision is reported to the Secretary. The Secretary shall make a temporary determination, prior to the full review of the State land use program pursuant to this section, of whether such revision would render the State land use program inadequate for purposes of complying with the requirements of this Act, and shall inform the State, in writing, of his determination.

(f)(1) In the event the Secretary, in accordance with the procedures provided in this section, determines that a State is ineligible for grants pursuant to part A of title II or, having found a State eligible for such grants, subsequently determines that grounds exist for withdrawal for such eligibility, he shall notify the President, who shall order the establishment of an ad hoc hearing board (hereinafter referred to as "hearing board"), the membership of which shall consist of:

(A) one knowledgeable, impartial Federal official who is not an official of an agency listed in clauses (1) through (3) of subsection (b) of section 306, selected by the President within thirty days after notification by the Secretary;

(B) the Governor of a State, which is not the State for which grant eligibility is in question and which does not have a particular interest in whether grant eligibility or ineligibility is determined, selected by the National Governors' Conference within thirty days after notification by the Secretary, or, within ten days thereafter, such alternate person as the Governor may designate; and

(C) one knowledgeable, impartial private citizen, selected by the other two members: *Provided*, That if the other two members cannot agree upon a third member within twenty days after the appointment of the second member to be appointed, the third member shall be selected by the National Center for Dispute Settlement within twenty days thereafter.

(2) The Secretary shall specify in detail, in writing, to the hearing board the reasons for which a State should be considered ineligible, or for which the eligibility of a State for grants should be withdrawn pursuant to this Act. The hearing board shall hold such hearings and receive such evidence as it deems necessary. The hearing board shall then determine whether a finding of ineligibility would be reasonable, and set forth in detail, in writing, the reasons for its determination. If the hearing board determines that ineligibility would be unreasonable, the Secretary shall find the State eligible for grants pursuant to this Act. If the hearing board concurs in the finding of ineligibility or withdrawal of eligibility, the Secretary shall find the State ineligible for grants pursuant to this Act. The Board shall make a determination of eligibility or ineligibility within ninety days of its appointment.

(3) Members of hearings boards who are

not regular full-time officers or employees of the United States shall, while carrying out their duties as members, be entitled to receive compensation at a rate fixed by the President, but not exceeding $150 per diem, including traveltime, and, while away from their homes or regular places of business, they may be allowed travel expenses, including pier diem in lieu of subsistence as authorized by law for persons intermittently employed in Government service. Expenses shall be charged to the account of the Executive Office of the President.

(4) Administrative support for hearing boards shall be provided by the Executive Office of the President.

(5) The President may issue such regulations as may be necessary to carry out the provisions of this subsection.

(g) In the consideration of eligibility or ineligibility before the Board, the Secretary shall carry the burden of proof to establish ineligibility under the following standards:

(1) in the case of ineligibility based upon the requirements of sections 402, 505, and 601 (i), (j), (k), and (l), the State has failed to make a good faith effort to comply with the requirements of, and reasonable regulations established pursuant to, this Act;

(2) in the case of ineligibility based upon the requirements of subsections 204(1), the Secretary's determination of the national interest is reasonable and the State has failed to comply with the requirements of this Act;

(3) in the case of ineligibility based upon any other grounds, the State has failed to comply with the requirements of, and reasonable regulations established pursuant to, this Act.

(h) As a condition of continued eligibility for grants pursuant to this Act, nothing in this Act shall be construed to require a State to take, or prohibit a State from taking, any action or adopting any law, rule, or regulation the implementation of which would require compensation from the State to a private property owner under the terms of the fourteenth amendment to the United States Constitution. The standard of review concerning any question arising under this subsection shall be that contained in subsection (g) (3) of this section.

PART D—STUDY, RECOMMENDATION, AND CONGRESSIONAL CONSIDERATION OF LAND USE POLICIES

SEC. 307. Pursuant to section 102(a), the following procedures concerning the study, recommendation, and congressional consideration of land use policies shall be followed:

(a) Each State submitting an annual report under section 201(e) during the period of three complete fiscal years following the enactment of this Act shall include in such report—

(1) comments in regard to the desirability of establishing national land use policies pertaining to any of the subjects listed in subsection (b) of this section, and suggestions concerning the substance of such policies as might be established;

(2) comments in regard to any proposed national land use policies which have been recommended by the Council on Environmental Quality pursuant to subsection (c) of this section;

(3) such additional suggestions for national land use policies as it deems appropriate; and

(4) such separate comments on the matters described in this subsection as may be made by its intergovernmental advisory council established pursuant to section 202(b) (6).

(b) As part of the process of determining the desirability of developing national land use policies and the substance of such policies, if appropriate, consideration shall be given to the need for policies which—

(1) insure that all demands upon the land—economic, social, and environmental—are fully considered in land use planning;

(2) give preference to long-term interests of the people of the State and Nation and insure public participation as the best means to ascertain such interests;

(3) insure the protection of the quality of the environment and provide access to a wide range of environmental amenities for all persons;

(4) encourage the preservation of a diversity of environments, including man-made, working and living environments, and natural environments with diverse forms of wildlife and flora;

(5) protect open space for public use or appreciation and as a means of shaping and guiding urban growth;

(6) give preference to development which is most consistent with control of air, water, noise, and other pollution and prevention of damage to the natural environment;

(7) insure that development is consistent with the provision of urban services, including education; water, sewer, and solid waste facilities; transportation; and police and fire protection;

(8) insure the timely siting of development, including key facilities as defined in section 601, necessary to meet national or regional social or economic requirements;

(9) encourage the conservation and wise use of energy and other natural resources and insure the supply of such resources to meet demonstrable demand based upon such conservation and use;

(10) preserve the sustained yield quality of renewable resource lands as defined in section 601;

(11) preserve and protect fragile and historic lands as defined in section 601; and

(12) protect life and property in natural hazard lands as defined in section 601.

(c) The Council on Environmental Quality shall review the desirability of national land use policies in regard to the items listed in subsection (b) and in regard to such other subjects as it deems appropriate. At the end of the first full fiscal year following the enactment of this Act, the Council shall submit to the Board a Land Use Policy Report containing such specific recommendations as it may deem appropriate for the establishment of national land use policies. The Board shall review the Land Use Policy Report, the reports of the States under section 201(e), the suggestions of Board members and the public, through public hearings with adequate public notice. Before the end of the third full fiscal year following the enactment of this Act, the Board shall recommend to the Congress such legislation as it may deem appropriate or necessary to establish national land use policies.

PART E—TRAINING AND RESEARCH GRANTS AND CONTRACTS

SEC. 308. (a) The Secretary is authorized to make grants to public and private nonprofit institutions of higher education to assist in establishing or carrying out comprehensive research on and training in land use planning and management. Such grants shall be used to conduct or encourage research and investigations into the theoretical and practical problems of land use planning and management, and to provide for the training of persons to carry on further research or to obtain employment in private or public organizations which are concerned with land use planning and management. Such research and investigations may include, but are not limited to, methodologies for State land use planning, land use impact forecasting methodologies, the design of statewide land resource information systems, and land use data handling methodologies. In making such grants, the Secretary shall give preference to institutions of higher education which—

(1) have a nucleus of administrative, professional, scientific, technical, and other personnel capable of carrying out such research and training;

(2) have authority to employ additional personnel or make contracts and other financial arrangements with other research and training facilities; and

(3) make available to the public all data, publications, studies, reports, and other information which result from such research and training, except information relating to matters described in section 552(b) (4) of title 5, United States Code.

(b) The Secretary is authorized to contract with public nonprofit institutions or private firms to conduct applied research on problems of land use planning and management.

(c) The Secretary is authorized to conduct or contract for the provision of training programs for personnel employed in land use planning and management agencies. Such training programs may consist of support for conferences, short courses, and fellowships for advanced training in public or private nonprofit institutions of higher education offering graduate study in fields having application to land use planning and management.

TITLE IV—FEDERAL-STATE COORDINATION AND COOPERATION IN THE PLANNING AND MANAGEMENT OF FEDERAL AND ADJACENT NON-FEDERAL LANDS

PLANNING AND MANAGEMENT OF FEDERAL LANDS

SEC. 401. (a) All agencies of the Federal Government charged with responsibility for the management of Federal lands shall consider State land use programs prepared pursuant to this Act and State, local government, and private needs and requirements as related to the Federal lands, and shall coordinate the land use inventory, planning, and management activities on or for Federal lands with State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands to the extent such coordination is not inconsistent with paramount national policies, programs, and interests.

(b) For the purposes of this section, any agency proposing any new program, policy, rule, or regulation relating to Federal lands shall publish a draft statement and a final statement concerning the consistency of the program, policy, rule, or regulation with State and local land use planning and management, and where inconsistent, the reasons for such inconsistency, forty-five days and fifteen days, respectively, prior to the establishment of such program or policy or the promulgation of such rule or regulation, and, except where otherwise provided by law, shall conduct a public hearing, with adequate public notice, on such program, policy, rule, or regulation prior to the publication of the final statement.

STATE LAND USE PROGRAMS

SEC. 402. (a) As a condition of continued eligibility of any State for grants pursuant to this Act, after the five complete fiscal year period following the enactment of this Act, the Secretary shall have determined that—

(1) the State land use program developed pursuant to sections 203 and 204 of this Act includes methods for insuring that Federal lands within the State, including, but not limited to, units of the national park system, wilderness areas, and game and wildlife refuges, are not significantly damaged or degraded as a result of inconsistent land use patterns in the same immediate geographical region; and

(2) the State has demonstrated good faith efforts to implement such methods in accordance with clause (3) of section 204.

(b) The procedures for determination of grant eligibility provided for in section 306 shall apply to this section.

AD HOC FEDERAL-STATE JOINT COMMITTEES

SEC. 403. (a) The Secretary, at his discretion or upon the request of the Governor of any State involved, shall establish an Ad Hoc Federal-State Joint Committee or Committees (hereinafter referred to as "joint committee" or "committees") to review and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from the various policies and legal requirements governing the planning and management of Federal lands and of adjacent non-Federal lands. Each joint committee shall include representatives of the Federal agencies having jurisdiction over the Federal lands involved, representatives of the private landowners involved, representatives of affected user groups, including recreation and conservation interests, and officials of affected State agencies and units of local government. Prior to appointing representatives of private landowners and user groups and officials of local governments, the Secretary shall consult with the Governor or Governors of the affected State or States and with other appropriate officials of the affected State or States and local governments. The Governor of each State shall appoint the officials of the affected agencies of his State who shall serve on the joint committee.

(b) Each joint committee shall terminate at the end of two years from the date of its establishment: *Provided, however,* That each such committee shall be continued for one additional two-year term at the direction of the Secretary or upon the request of the Governor of any State involved.

(c) Each member of a joint committee may be compensated at the rate of $100 for each day he is engaged in the actual performance of duties vested in his joint committee. Each member shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently: *Provided, however,* That no compensation except travel and expenses in addition to regular salary shall be paid to any full-time Federal or State officials.

(d) Each joint committee shall have available to it the services of an executive secretary, professional staff, and such clerical assistance as the Secretary determines is necessary. The executive secretary shall serve as staff to the joint committee or committees and shall be responsible for carrying out the administrative work of the joint committee or committees.

(e) The specific duties of any joint committee shall be assigned by the Secretary, in his discretion or upon the request of the Governor of any State involved, and may include—

(1) conducting a study of, and making recommendations to the Secretary concerning methods for resolving, general problems with and conflicts between land use inventory, planning, and management activities on or for Federal lands and State and local land use inventory, planning, and management activities on or for adjacent non-Federal lands, including, where relevant, the State land use programs developed pursuant to this Act;

(2) investigating specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands and making recommendations to the Secretary concerning their resolutions;

(3) assisting the States and the Office of Land Use Policy Administration in the development of systematic and uniform methods among the States and between the States and the Federal Government for collecting, compiling, exchanging, and utilizing land use data and information; and

(4) advising the Secretary, during his review of State land use programs, of opportunities for reducing potential conflicts and improving coordination in the planning and management of Federal lands and of adjacent non-Federal lands.

(f) Upon receipt of the recommendations of a joint committee upon a problem or conflict pursuant to subsection (e) of this section, the Secretary shall—

(1) where he has legal authority, take any appropriate and necessary action to resolve such problem or conflict; or

(2) where he does not have jurisdiction over or authority concerning the Federal lands which are involved in the problem or conflict, work with the appropriate Federal agency or agencies to develop a proposal designed to resolve the problem or conflict and to enhance cooperation and coordination in the planning and management of Federal lands and of adjacent non-Federal lands; or

(3) if he determines that the legal authority to resolve such problems or conflicts is lacking in the executive branch, recommend enactment of appropriate legislation to the Congress.

(g) In taking or recommending action pursuant to the recommendations of a joint committee, the Secretary shall give careful consideration to the purposes of this Act and not resolve any problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands in a manner contrary to the requirements of the laws governing the Federal lands involved.

BIENNIAL REPORT ON FEDERAL-STATE COORDINATION

SEC. 404. The Secretary shall report biennially to the President and the Congress concerning—

(a) problems in and methods for coordination of planning and management of Federal lands and planning and management of adjacent non-Federal lands, together with recommendations to improve such coordination;

(b) the resolution of specific conflicts between the planning and management of Federal lands and of adjacent non-Federal lands; and

(c) at the request of the Governor of any State involved, any unresolved problem with or conflict between the planning and management of Federal lands and of adjacent non-Federal lands, together with any recommendations the Secretary and the Governor or Governors may have for resolution of such problem or conflict.

PUBLIC PARTICIPATION

SEC. 405. (a) Prior to the making of recommendations on any problem or conflict pursuant to subsection (e) of section 403, each joint committee shall conduct a public hearing or provide an opportunity for such a hearing in the State on such problem or conflict, with adequate public notice, allowing full participation of representatives of Federal, State, and local governments and members of the public. Should no hearing be held, the joint committee shall solicit, with adequate public notice, the views of all affected parties and the public and submit a summary of such views, together with its recommendations, to the Secretary.

(b) Prior to the making of recommendations or the taking of actions pursuant to subsection (f) of section 403, the Secretary shall review in full the relevant hearing record or, where none exists, the summary of views of affected parties prepared pursuant to subsection (a) of this section, and may, in his discretion, hold further public hearings with adequate public notice.

AGENCY ASSISTANCE

SEC. 406. Upon request of a joint committee, the head of any Federal department or agency or federally established or authorized interstate agency is authorized: (i) to furnish to the joint committee, to the extent permitted by law and within the limits of available funds, such information as may be necessary for carrying out the functions of the joint committee and as may be available to or procurable by such department, agency, or interstate agency; and (ii) to detail to temporary duty with the joint committee, on a reimbursable basis, such personnel within his administrative jurisdiction as the joint committee may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

TITLE V—LAND USE PROGRAMS FOR RESERVATION AND OTHER TRIBAL LANDS

GRANTS TO INDIAN TRIBES

SEC. 501. The Secretary is authorized to make annual grants to any Indian tribe to assist such tribe in developing and administering a land use program for reservation and other tribal lands of such tribe.

LAND USE PLANNING PROCESSES FOR RESERVATION AND OTHER TRIBAL LANDS

SEC. 502. (a) Prior to making any grant pursuant to this title to any Indian tribe, the Secretary shall first be satisfied that the tribe intends to expend such funds for the development of a land use planning process for the reservation and other tribal lands of such tribe.

(b) The land use planning process shall include—

(1) the preparation of an inventory of the reservation and other tribal lands and their natural resources and the nature, quantity, and compatibility of such land and resources required to meet economic, social, and environmental needs;

(2) the establishment of methods for identifying areas of critical environmental concern; areas which are, or may be, impacted by key facilities; and any areas suitable for potential large scale development;

(3) the establishment of arrangements for the exchange of data and information pertinent to land use planning with the Federal Government, the State agencies in the State or States in which the reservation and other tribal lands involved are situated, and neighboring local governments;

(4) the dissemination of information to and the assurance of participation of reservation residents and tribal members in the development of the land use planning process; and

(5) the hiring of competent professional and technical personnel and, whenever appropriate, the use of special consultants.

LAND USE PROGRAMS FOR RESERVATION AND OTHER TRIBAL LANDS

SEC. 503. (a) Prior to making any grant pursuant to this title to any Indian tribe after the five complete fiscal year period following the first grant to such tribe, the Secretary shall first be satisfied that—

(1) the tribe has established an adequate land use planning process as provided for in section 502 hereof;

(2) has developed, or is in the course of developing, a land use program for the reservation and other tribal lands of such tribe, which program shall include methods for—

(A) assuring control over large-scale development, development of public facilities or utilities of regional benefit, land sales or development projects, and use and development in areas of critical environmental concern and areas impacted by key facilities;

(B) assuring dissemination of information to and participation of reservation residents and tribal members in the development and implementation of the land use program; and

(C) coordinating, pursuant to section 505, the land use program with any State land use program approved pursuant to this Act and with the use of Federal lands adjacent to the reservation and other tribal lands;

(3) in designating areas of critical en-

vironmental concern, the Indian tribe has not excluded any areas of critical environmental concern which are of more than tribal and statewide concern; and

(4) the Indian tribe is demonstrating good faith efforts to complete the land use program, and, upon completion thereof, is demonstrating good faith efforts to implement the purposes, policies, and provisions of such program. For the purposes of this clause (4), the inability of an Indian tribe to take any action the purpose of which is to implement the land use program, or any portion thereof, because such action is enjoined by the issuance of an injunction by any court of competent jurisdiction shall not be construed as failure by the tribe to demonstrate good faith efforts to implement the purposes, policies, and provisions of the land use program.

(b) In the implementation of its land use program, the governing body of each Indian tribe is hereby authorized to enact zoning ordinances or otherwise to regulate the use of the reservation and other tribal lands of such tribe, subject to the approval of the Secretary.

DEFINITIONS

Sec. 504. The definitions of "areas of critical environmental concern", "key facilities", and "large scale development" provided in section 601 shall be applicable to the same terms contained in sections 502(b)(2) and 503(a)(2)(A), except that, for the purposes of sections 502(b)(2) and 503(a)(2)(A) the following substitution of words shall be made within such definitions: (i) "reservation and other tribal lands" for "non-Federal lands", and (ii) "Indian tribe" or "tribal", whichever is appropriate, for "State".

COORDINATION WITH STATE LAND USE PROGRAMS AND FEDERAL LANDS PLANNING

Sec. 505. (a) To the extent that the laws governing the management of the Federal lands permit, all agencies of the Federal Government charged with responsibility for the management of Federal lands adjacent to reservation and other tribal lands subject to a land use program of a tribe which is eligible for financial assistance pursuant to this title shall control the use of such Federal lands so as to insure that such use is consistent with such land use program.

(b) All State and local government agencies with authority to control the use of non-Federal lands adjacent to reservation and other tribal lands subject to a land use program of a tribe which is eligible for financial assistance pursuant to this title control the use of such non-Federal lands so as to insure that such use is consistent with such land use program. The requirement of this subsection shall serve as a further condition of eligibility of any State for grants pursuant to part A of title II after the five complete fiscal year period following the enactment of this Act.

(c) The land use program prepared by any Indian tribe pursuant to this title shall provide for control of the use of that portion of the reservation and other tribal lands which is adjacent to the exterior boundaries of the reservation and other tribal lands so as to insure that such use is consistent with the use of Federal lands adjacent to the reservation and other tribal lands and the use of any non-Federal lands which are subject to a State land use program approved pursuant to this Act and are adjacent to the reservation and other tribal lands. If no land use program is prepared after the five complete fiscal year period following the first grant to any such Indian tribe, the tribe shall assume interim control of that portion of the reservation and other tribal lands which is adjacent to the exterior boundaries of the reservation and other tribal lands so as to fulfill the requirement of this subsection. The requirement of this subsection shall serve as a further condition of eligibility of any Indian tribe for grants pursuant to this title after the five complete fiscal year period following the first grant to such tribe.

CONFLICTS RESOLUTION

Sec. 506. Any State, Indian tribe, or the Secretary at the direction of any Indian tribe, or Federal agency with Federal land management responsibilities, which believes that the requirements of section 505 have not been met and has jurisdiction over any portion of the particular lands involved, may institute a civil action in the district court of the United States in the jurisdiction of which the lands involved are located for a restraining order or injunction or other appropriate remedy to enforce the provisions of section 505.

TRIBAL REPORTING REQUIREMENTS

Sec. 507. (a) Any Indian tribe which is receiving or has received a grant purcuant to this title shall report at the end of each fiscal year to the Secretary, in a manner prescribed by him, on activities undertaken by the tribe pursuant to or under this title.

(b) Upon completion of a land use program, the relevant Indian tribe shall submit such program annually with the report required in subsection (a) hereof.

REPORT OF THE SECRETARY

Sec. 508. The Secretary shall report annually to the President and the Congress on all actions taken in furtherance of this title and on the impacts of all other programs or services to or on behalf of Indians on the ability of Indian tribes to fulfill the requirements of this title.

ANNOUNCEMENT OF PROGRAM

Sec. 509. Within one year of the enactment of this Act, the Secretary shall make known the benefits of this title to all Indian tribes. The Secretary shall make every effort to insure that the provisions of this title are fully understood by such tribes. The Secretary may fulfill the requirements of this section by contract with any nonprofit educational or service organization. On entering into such contract or contracts, the Secretary shall give preference to such organizations the primary responsibility of which is service to Indians or education on subjects of Indian concern.

TITLE VI—GENERAL

DEFINITIONS

Sec. 601. For the purposes of this Act—

(a) "Secretary" means the Secretary of the Interior.

(b) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(c) "General purpose local government" means any general purpose unit of local government as defined by the Bureau of Census and any regional, intergovernmental, or other public entity which is deemed by the Governor to have authority to conduct land use planning on a general rather than a strictly functional basis.

(d) "Local government" means any "general purpose local government" as defined in subsection (c) hereof or any regional combination thereof, or, where appropriate, any other public agency which has land use planning authority.

(e) "Federal lands" means any land owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except reservation and other tribal lands as defined in subsection (g) hereof.

(f) "Non-Federal lands" means all lands which are not "Federal lands" as defined in subsection (e) hereof, reservation and other tribal lands as defined in subsection (g) hereof of this section and are not held by the Federal Government in trust for the benefits of Indians, Aleuts, and Eskimos.

(g) "Reservation and other tribal lands" means all lands within the exterior boundaries of any Indian reservation, notwithstanding the issuance of any patent, and including rights-of-way, and all lands held in trust for or supervised by any Indian tribe as defined in subsection (h) hereof.

(h) "Indian tribe" means any Indian tribe, band, group, or community having a governing body recognized by the Secretary.

(i) "Areas of critical environmental concern" means areas as defined and designated by the State on non-Federal lands where uncontrolled or incompatible development could result in damage to the environment, life or property, or the long term public interest which is of more than local significance. Such areas, subject to State definition of their extent, shall include—

(1) "Fragile or historic lands" where uncontrolled or incompatible development could result in irreversible damage to important historic, cultural, scientific, or esthetic values or natural systems which are of more than local significance, such lands to include shorelands of rivers, lakes, and streams; rare or valuable ecosystems and geological formations; significant wildlife habitats; and unique scenic or historic areas;

(2) "Natural hazard lands" where uncontrolled or incompatible development could unreasonably endanger life and property, such lands to include flood plains and areas frequently subject to weather disasters, areas of unstable geological, ice, or snow formations, and areas with high seismic or volcanic activity;

(3) "Renewable resource lands" where uncontrolled or incompatible development which results in the loss or reduction of continued long-range productivity could endanger future water, food, and fiber requirements of more than local concern, such lands to include watershed lands, aquifers and aquifer recharge areas, significant agricultural and grazing lands, and forest lands; and

(4) such additional areas as the State determines to be of critical environmental concern.

(j) "Key facilities" means—

(1) public facilities, as determined by the State, on non-Federal lands which tend to induce development and urbanization of more than local impact, including but not limited to—

(A) any major airport designed to serve as a terminal for regularly scheduled air passenger service or one of State concern;

(B) major interchanges between the Interstate Highway System and frontage access streets or highways; major interchanges between other limited access highways and frontage access streets or highways;

(C) major frontage access streets and highways, both of State concern; and

(D) major recreational lands and facilities;

(2) major facilities on non-Federal lands for the development, generation, and transmission of energy.

(k) "Large scale development" means private development on non-Federal lands which, because of its magnitude or the magnitude of its effect on the surrounding environment, is likely to present issues of more than local significance in the judgment of the State. In determining what constitutes "large scale development" the State should consider, among other things, the amount of pedestrian or vehicular traffic likely to be generated; the number of persons likely to be present; the potential for creating environmental problems such as air, water, or noise pollution; the size of the site to be occupied; and the likelihood that additional or subsidiary development will be generated.

(l) "Land sales or development projects", "projects", or "project" means any of the activities set forth in clauses (1) through (3) below which occur ten miles or more beyond the boundaries of any standard metropolitan statistical area or of any other general purpose local government certified by the Governor as possessing the capability and authority to regulate such activities:

(1) the partitioning or dividing into fifty or more lots for sale or resale primarily for housing purposes within a period of ten years of any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer;

(2) the construction or improvement primarily for housing purposes of fifty or more units within a period of ten years on any tract of land, or tracts of land in the same vicinity, owned or controlled by any developer, including the construction of detached dwellings, town houses, apartments, and trailer parks, and adjacent uses and facilities, whatever their form of ownership or occupancy; and

(3) such other projects as may be designated by the State.

(m) "Developer" means any person or persons who directly or indirectly, through any formal or informal combination or aggregation, own or control a tract or tracts of land for which such person or persons propose a "project" as defined in subsection (l) hereof.

(n) "Person" includes any individual, partnership, corporation, association, unincorporated organization, trust, estate, or any other legal or commercial entity, except Federal, State, or local government agencies.

BIENNIAL REPORT OF THE SECRETARY

SEC. 602. The Secretary, with the assistance of the Office and the Board, shall report biennially to the President and the Congress on land resources, uses of land, and current and emerging problems of land use. Such report shall also contain the results of the studies required pursuant to clauses (1) and (2) of section 304(c) and clauses (5) through (9) of section 305(c), and an evaluation of the effectiveness of each State program in meeting the purposes of this Act.

UTILIZATION OF PERSONNEL

SEC. 603. Upon the request of the Secretary, the head of any Federal agency is authorized: (i) to furnish to the Office such information as may be necessary for carrying out the functions of the Office and as may be available to or procurable by such agency, and (ii) to detail to temporary duty with the Office, on a reimbursable basis, such personnel within his administrative jurisdiction as the Office may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

TECHNICAL ASSISTANCE

SEC. 604. The Office may provide, directly or through contracts, grants, or other arrangements technical assistance to any State or Indian tribe found eligible for grants pursuant to this Act to assist such State or tribe in the performance of its functions under this Act.

HEARINGS AND RECORDS

SEC. 605. (a) For the purpose of carrying out the provisions of this Act, the Director with the concurrence of the Secretary may hold such hearings, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of the proceedings and reports thereon as he deems advisable.

(b) The Director is authorized to administer oaths when he determines that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of the Office shall be made available for public inspection during ordinary office hours.

ALLOTMENTS

SEC. 606. (a) Annual grants pursuant to part A of title II, to States found eligible for financial assistance pursuant to this Act shall be made in amounts not to exceed 90 per centum of the estimated cost of developing the State land use programs for the five complete fiscal year period following the enactment of this Act and amounts not to exceed 66⅔ per centum of the estimated cost of administering the State land use programs for the next three fiscal years.

(b) Annual grants pursuant to part B of title II shall be made in amounts not to exceed 90 per centum of the cost of coordinating State and local land use planning, policies, and programs concerning, studying land use in, conducting land use planning for, or implementing land use policies in, interstate areas.

(c) Grants pursuant to title II shall be allocated to the States on the basis of regulations of the Secretary, which regulations shall take into account the amount and nature of each State's land resource base, population, pressures resulting from growth, land ownership patterns, extent of areas of critical environmental concern, financial need, and other relevant factors.

(d) Any grant pursuant to title II shall increase, and not replace, State funds presently available for State land use planning and management activities. Any grant made pursuant to this Act shall be in addition to, and may be used jointly with, grants or other funds available for land use planning, programs, surveys, data collection, or management under other federally assisted programs.

(e) Annual grants to Indian tribes pursuant to title V shall be made in amounts of not to exceed 100 per centum of the estimated cost of developing and implementing land use programs for reservation and other tribal lands.

(f) When a State possesses a State land use program approved pursuant to this Act and utilizes general purpose local governments for implementation of such program pursuant to section 203 (b) and (c) (1), the State shall allocate a portion of its grant funds pursuant to part A of title II to the general purpose local governments in proportion to the degree of implementation responsibility which they possess.

(g) No funds granted pursuant to this Act may be expended for the acquisition of any interest in real property.

FINANCIAL RECORDS

SEC. 607. (a) Each recipient of a grant pursuant to this Act shall make reports and evaluations in such form, at such times, and containing such information concerning the status, disposition, and application of Federal funds and the operation of the statewide land use planning process or State land use program as the Secretary may require by regulations published in the Federal Register, and shall keep and make available such records as may be required by the Secretary for the verification of such reports and evaluations.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of a recipient of a grant pursuant to this Act which are pertinent to the determination that funds granted pursuant to this Act are used in accordance with this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 608. (a) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States not more than $10,000,000 each fiscal year to carry out the purposes of this Act.

(b) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to the States not more than $15,000,000 each fiscal year to carry out the purposes of section 205 of this Act.

(c) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary $2,000,000 each fiscal year to carry out the purposes of section 308 of this Act.

(d) For the eight complete fiscal year period following the enactment of this Act, there are authorized to be appropriated to the Secretary for grants to Indian tribes not more than $10,000,000 each fiscal year to carry out the purposes of title V of this Act.

(e) For each of the five full fiscal years following the enactment of this Act, there are authorized to be appropriated $10,000,000 to the Secretary to be used exclusively for the administration of this Act. After the end of the fourth fiscal year after the enactment of this Act, the Secretary shall review the programs established by this Act and shall submit to Congress his assessment thereof and such recommendations for amendments to the Act as he deems proper and appropriate.

FUNDING FORMULA: COASTAL ZONE MANAGEMENT ACT AND THIS ACT

SEC. 609. (a) All funds appropriated each fiscal year pursuant to the Coastal Zone Management Act of 1972 (86 Stat. 1280) and this Act shall be fully apportioned for obligation by the Secretary of Commerce and the Secretary of the Interior, respectively.

(b) All funds appropriated each fiscal year for grants to the States pursuant to part A of title II of this Act and sections 305 and 306 of the Coastal Zone Management Act of 1972 shall be combined and shall be available to be drawn upon for obligation by the Secretary and the Secretary of Commerce, respectively, in the same ratio as the funds appropriated that fiscal year pursuant to the authorization provided in section 608(a) of this Act bear to funds appropriated that fiscal year pursuant to the authorization provided in section 315(a)(1) and (2) of the Coastal Zone Management Act of 1972.

EXPENDITURE OF FUNDS: COASTAL ZONE MANAGEMENT ACT AND THIS ACT

SEC. 610. (a) Any State which is a coastal State as defined in section 304 of the Coastal Zone Management Act of 1972 (86 Stat. 1280) and which has been found ineligible for grants pursuant to section 305 or 306 of that Act shall not expend any funds received under grants pursuant to part A of title II of this Act for land use planning and management in, or administration of the State's management program for, the coastal zone as defined in section 304 of that Act.

(b) The Coastal Zone Management Act of 1972 (86 Stat. 1280) is hereby amended by—

(1) adding, at the end of section 315, a new section 316, as follows:

"SEC. 316. Any coastal State which has been found ineligible for grants pursuant to part A of title II of the Land Use Policy and Planning Assistance Act shall not expend any funds received under grants pursuant to section 305 or 306 of this Act for land use planning and management in, or implementation of a State land use program as provided for in that Act, for areas other than those defined by such coastal State as within its coastal zone."; and

(2) striking subsection (g) of section 307.

EFFECT ON EXISTING LAWS

SEC. 611. Nothing in this Act shall be construed—

(a) to expand or diminish Federal, interstate or State jurisdiction, responsibility, or rights in the field of land and water resources planning, development or control; to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States, a State, or a region and the Federal Government; to limit the authority of Congress to authorize and fund projects;

(b) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as new authority or responsibilities have been added by the provisions of this Act;

(c) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies which are authorized to develop or participate in the development of land and water resources or to exercise licensing or regulatory functions in relation thereto; or to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board and the United States operating entity or entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico;

(d) as superseding, repealing, or conflicting with the Coastal Zone Management Act of 1972 (86 Stat. 1280);

(e) as granting to the Federal Government any of the constitutional or statutory authority now possessed by State and local governments to zone non-Federal lands;

(f) as authorizing or requiring the termination of any existing trust responsibility of the United States with respect to the Indian people;

(g) to delay or otherwise limit the adoption and vigorous enforcement by any State of standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans which are no less stringent than the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by the Federal Water Pollution Control Act, the Clean Air Act, or other Federal laws controlling pollution; and

(h) to adopt any Federal policy or requirement which would prohibit or delay States or local governments from adopting or enforcing any law or regulation which results in control to a degree greater than required by this Act of land use in any area over which the State or local government exercises jurisdiction.

SANCTIONS AGAINST RHODESIA

Mr. HARRY F. BYRD, JR. Mr. President, on June 7, in New York City, Ambassador John Scali, U.S. Representative to the United Nations, delivered an address. This address was published in the CONGRESSIONAL RECORD of Wednesday, June 13, at the request of the distinguished senior Senator from Wyoming (Mr. MCGEE).

The address of Ambassador Scali dealt with the United Nations. It was delivered before an audience of persons interested in the world organization. I have read this address carefully. With the exception of two or three paragraphs, it is a speech that I could comfortably have delivered myself.

Mr. Scali in the course of his remarks stated that as a newly returned young war correspondent, he got back to the United States about the time that the United Nations was formed in San Francisco in 1945.

I had a similar experience as a young naval officer. I returned from Okinawa to San Francisco at the time the United Nations Conference there was in progress. So both of us developed an early interest in this world organization—an interest that both of us have kept through the years.

Then Mr. Scali says:

> It is a truism to say that the world community, and particularly the American people, have been disappointed in the achievements of the United Nations thus far.

I concur in that view. I must say that I have been disappointed in the achievements of the United Nations, just as Ambassador Scali indicates that he has been disappointed.

Overall, I think it is a good speech. It is a careful, well-written address, and very sincere. The aspect of it with which I do not agree consists of only two paragraphs—with the rest of the speech I am in full agreement—wherein Ambassador Scali attacks the Congress of the United States because of legislation which the Congress passed 2 years ago.

The legislation under attack by Ambassador Scali permits the importation of chrome from Rhodesia under certain conditions, and in so doing it sets aside the embargo placed on trade with Rhodesia insofar as the importation of chrome is concerned.

Mr. Scali is careless with his facts. He says:

> At that time, nearly two years ago, Congress passed legislation making it impossible——

I am reading from his speech——

> for the executive branch to prevent importation of chrome and other strategic commodities from Rhodesia, as required by the Security Council.

Mr. Scali is not factually correct. He is incorrect. The legislation did not make it impossible for the executive branch to prevent importation from Rhodesia.

What the legislation did say—and I would suggest that Ambassador Scali get a copy of it and read it—is that the importation of chrome from a Free World country cannot be prohibited if that same strategic material is being imported from a Communist-dominated country, in this case Russia.

So if the President of the United States does not want to have chrome imported from Rhodesia, he can stop the importation of chrome from Russia. In that case, the law which Congress passed would not be effective. So there is a way, if the President of the United States so desires, that the importation of this strategic material from Rhodesia can be prevented.

That is a relatively minor point. That is not the reason why I am calling attention to Ambassador Scali's speech today, I think he ought to get his facts straight.

But that is not the principal reason I am taking the floor. The reason I am taking the floor today is this: He says that the action of the Security Council of the United Nations is legally binding on the United States. He condemns Congress for doing what he says is in open violation of international law. Let us see first what is this open violation of international law.

Congress taking note of the embargo put on trade with Rhodesia, and noting that the bulk of the world's chrome supply is in Rhodesia, and noting as a result of the embargo the United States was forced to rely on Communist Russia for a majority of its chrome imports, passed legislation which states that the President cannot prohibit the importation of strategic material from a non-Communist country if the same material is being imported from a Communist country.

Yet the Ambassador to the United Nations says that Congress acted illegally. He is wrong. Our Ambassador to the United Nations, Mr. John Scali, says that the position of the Security Council in regard to the embargo on trade with Rhodesia "is legally binding on the United States." Nonsense.

Has Congress abdicated its right to pass laws for the benefit of the people of America, and given that right to the United Nations in New York? Ambassador Scali thinks so. But the Senator from Virginia does not think so.

I know an effort will be made again to repeal what Congress passed 2 years ago. There are Members of Congress who take the same view as does Ambassador Scali—that whatever the world organization in New York says, whatever the Security Council says, is binding on the United States. I disagree.

Mr. Scali, in the earlier part of his speech—and, as I say, I am in agreement with virtually all of his speech except for two paragraphs—says, speaking of the United Nations, that—

> We did not create an instant world government. Instead, what we put in place was an international forum.

He says that we do not have a world government; we have an international forum; and that that international forum can dictate to Congress; and if Congress goes contrary to action taken by the Security Council, it is going contrary to something that is legally binding on the United States. I submit that Mr. Scali is just as wrong as he can be.

Mr. LONG. Mr. President, will the Senator from Virginia yield?

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, it was my privilege to serve for at least one brief period as a delegate to the United Nations. I came away with this conclusion: That the sooner we in Congress, and the American people, recognize the United Nations to be exactly what everybody else on God's green Earth believes it to be, the better off everybody, including ourselves, will be. What the United Nations really is, is clearly a debating society. To pretend that it is something else is to mislead oneself.

People generally follow what the United Nations recommends if they find it to their advantage, otherwise they ignore it. When the United Nations recommends that people do somethng, they will be prevailed upon to do it, even though they may not be inclined to do so, because the United States might offer them the advantage of a trade concession or offer to do something that they want us to do in other respects. But the idea that the United Nations has this great power to move the world in one direction or the other is not shared by the rest of the world. They use it only when they find it to their advantage to use it for their own interests.

The United States, I suppose, is the only nation on Earth that permits the United Nations, this international debating society, to use the United States. My only regret is that I was not permitted to vote to decline to finance any more activities of the United Nations. So, I should like to make it clear that my vote in the State Department appropriation bill we just passed today was dictated by other things that were in the bill. If it had been purely a $200 million appropriation for the United Nations, I would have said it was not worth $2, that if we were interested in seeing something going on, we could find something more interesting than the United Nations and we should go somewhere else.

If Mr. Scali thinks that the other nations of the world respect a resolution of the Security Council of the United Nations or of the General Assembly as being international law binding on them, I would invite him to go around the world and find out how many nations do regard it as being international law binding upon them. I think that he will find this organization has more respect in the United States—which pays most of its expenses, provides it with a home, and sponsored the idea to begin with—than anywhere else on earth.

Any respect the United Nations enjoys among the American people has declined drastically year by year to the point where I would think its impotence, its effectiveness, and its ability to do that for which it was organized in the first instance has declined to the point where a lot of us, who had such high hopes, now feel we would be better off if we dissolved that outfit and put something else in to take its place, to do that which the United Nations was organized to do to begin with.

But in spite the efforts of those who did not agree with the objectives of the United Nations, such as the Communist blocs, which prevented that organization from being what it could have been, which many of us hoped that it would be, we joined in seeking to promote peace, in working together for the good of the world, and to strengthen world government rather than to undermine and destroy it. So that the purpose of the United Nations has been so completely negated by those who did not share that desire, it has probably become as much of an impediment to achieving what it was organized to do as it has been an asset for that purpose.

So, if Mr. Scali has not become aware of what the United Nations really is, what the rest of the world knows it to be, I would invite him to take a trip around the world and find out for himself whether the other nations of the world regard a United Nations resolution as being international law binding on them.

Mr. HARRY F. BYRD, JR. Yes, and I would be interested, too, to know how many Members of the Congress of the United States feel that their votes are bound by what the United Nations Security Council does, and how many Members of the Congress of the United States feel that they cannot pass legislation here, affecting the United States of America and the inhabitants thereof, if such legislation goes counter to something that the United Nations Security Council in New York has dictated.

Mr. LONG. Mr. President, it was my experience that much of the time we spent at the United Nations was a very frustrating experience and could have been much better spent somewhere else. I would think that Mr. Scali would be well advised to spend some of his time reading the speech of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.). He would find it to be a far better investment of his time and energy than in observing and entering into the activities that occur at the United Nations.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Louisiana for his comments. In connection with his comments, let me say that the United Nations has changed a great deal since 1945 when it was first organized. At that time, there were 51 members, all of whom had a long record of government—in many cases self-government, but in any case a long record of government.

Now there are 132 nations who are members, and few of the new ones have any record of government. There is very little education in those nations. They are small, which is no fault of theirs, of course, but in many cases they lack the experience with government even to govern themselves effectively. Many of them, however, are not only telling the world how to govern itself, but are telling the United States how to govern itself.

Yet our Ambassador to the United Nations, who is supposed to represent the laws of the United States, says that the U.S. Congress is acting illegally, that we are bound—the Senator from Louisiana, the Senator from West Virginia, the Senator from Oklahoma, the Senator from Virginia—by some action that the Security Council in New York takes.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Virginia yield to me, since he has referred to me?

Mr. HARRY F. BYRD, JR. I am happy to yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. When I was elected to this body, and each time I have been reelected, I have had to take an oath upon entering the office of U.S. Senator to uphold and defend the Constitution of the United States. I did that gladly and willingly and I would not have it any other way. But I have never yet taken an oath to uphold a constitution of the United Nations. That has not been required of me. I am not so sure that I would take such an oath.

I am not wholly against the United Nations. I think it has done some good. But I am not in agreement with many of its actions. It is a weak vessel. But, that is not the point.

My first allegiance is to the United States of America. On the other hand, my allegiance—if I have any—to the United Nations is somewhere way, way, way down the line.

Now, insofar as U.N. sanctions against Rhodesia are concerned, I should like to ask the distinguished senior Senator from Virginia whether he believes Rhodesia, in any way, constitutes a threat to the peace and security of the world.

Mr. HARRY F. BYRD, JR. By no stretch of anyone's imagination do I see how it could possibly be construed as a threat to the peace of the world.

Mr. ROBERT C. BYRD. Has Rhodesia, in any of its actions that the distinguished Senator from Virginia can remember, offended or threatened the security of the United States of America? Has it taken any action with respect to trade with the United States or against the good name of the United States that would be offensive to this country?

Mr. HARRY F. BYRD, JR. Not to my knowledge.

Mr. ROBERT C. BYRD. Are there any United Nations sanctions against trading with the Soviet Union—a country which is feared by much of the free world and which on many occasions has threatened the peace and security of other countries, including our own?

Mr. HARRY F. BYRD, JR. There are no sanctions against trading with the Soviet Union. There were no sanctions against trading with North Vietnam at the time North Vietnam was killing 50,000 Americans and wounding 300,000 others.

Mr. ROBERT C. BYRD. Are there any United Nations sanctions against trading with the People's Republic of China—a government which contributed to the killing of Americans and allies in Vietnam?

Mr. HARRY F. BYRD, JR. There are no sanctions whatsoever.

Mr. ROBERT C. BYRD. Then why are there sanctions against trading with Rhodesia?

Mr. HARRY F. BYRD, JR. I cannot understand why there should be. The principal reason seems to be that Rhodesia is seeking to do what the United States did almost 200 years ago; namely, to declare her independence from Great Britain. Whether she should be a part of Great Britain or independent of Great Britain, I do not think is for us in the Senate of the United States to say. Whatever she wants to do is all right with me, or whatever they want to do between them is all right with me.

But I do not want to see our country institute sanctions against another country because that country seeks her independence from the same country from which we sought our independence in 1776.

Mr. ROBERT C. BYRD. Does the Senator feel that the United States has been largely persuaded in this venture by virtue of its allegiance to and warm friendship with Great Britain?

Mr. HARRY F. BYRD, JR. Certainly, our delegates to the United Nations followed closely the recommendations, the suggestions, and the views of Great Britain.

Mr. ROBERT C. BYRD. Did our friends in Great Britain apply sanctions against trading with North Vietnam during the years North Vietnam was killing American fighting men in South Vietnam?

Mr. HARRY F. BYRD, JR. No, Great Britain did not apply sanctions against North Vietnam. More than that, Great Britain permitted ships flying her flag to carry cargo to North Vietnam at a time when the United States was heavily engaged in military activity in that area.

Mr. ROBERT C. BYRD. In other words Great Britain had no compunctions against trading with our enemy at a time when our enemy was killing American fighting men. But, at the same time, we went along with Great Britain in applying sanctions against a little country that was not killing American fighting men, a country with which we were not and are not at war, and a country that did not then and does not now constitute a threat to the peace and security of our own country or of Great Britain or of the world. Is that a fair statement to make?

Mr. HARRY F. BYRD, JR. I think that is a very fair statement, a perfectly fair statement.

Mr. ROBERT C. BYRD. May I say to the distinguished senior Senator from Virginia that he does not stand alone in this matter, although he has been alone in taking the floor here from time to time to speak on the subject. I have been willing just to listen, because I felt that I could learn. But I assure him that I stand with him in this matter; and if the votes of the Senate upon several occasions are to be taken as any indication of the overall sentiment of the Senate, he knows that he has considerable company here with him. I hope he will continue to take the position he is taking. I, for one, will continue to stand by his side on this issue.

Mr. HARRY F. BYRD, JR. I am very grateful to my close friend, the Senator from West Virginia. There is no one with whom I would rather stand side by side than the able and distinguished Senator from West Virginia (Mr. ROBERT C. BYRD). I am grateful for his remarks.

The point that the able Senator from West Virginia raised, as to whether Rhodesia constitutes a threat to world peace, gets to the heart of the problem that the Security Council of the United Nations had to face when the decision was made to apply sanctions. Under the United Nations Charter, the only lawful right the Security Council has to demand sanctions is to make a case that a particular country is a threat to world peace.

How can anyone say that this small, landlocked country—with a very small defense force—can constitute a threat to world peace? It shows the hypocrisy of this whole thing.

I have never been to Rhodesia. I do not know many Rhodesians, I have no personal interest in this matter at all. But, as a matter of principle, I became interested in this matter in 1966 and 1967.

I think it is absolutely outrageous for this great country, the United States, to apply sanctions against a peaceful, little country which by no stretch of the imagination can be construed as a threat to world peace.

To show further the hyprocrisy, it was just 2 weeks ago that the American Ambassador to the United Nations and the British representative to the United Nations vetoed in the Security Council an effort to apply sanctions to South Africa and to Portugal.

South Africa has for herself, and Portugal has for her colonies, a similar philosophy of government, one might say, insofar as the handling of certain problems in those countries is concerned, as does Rhodesia. Yet, sanctions were not applied against South Africa or Portugal, because the American and British representatives vetoed that proposal.

If our Ambassador vetoed the proposal to declare sanctions against South Africa, which he did, and if he vetoed the proposal to declare sanctions against Portugal—the Portuguese colonies of Angola and Mozambique have the racial elements that are subject to laws similar to those in Rhodesia—then, to my mind, it clearly comes down to the fact that the only reason there are sanctions against Rhodesia is that Rhodesia is trying to get her independence from Great Britain, and the United States is helping to prevent that from being done.

I think that is a matter to be determined by Great Britain and Rhodesia, a matter to be worked out between themselves.

What I am deeply concerned about is that the American Ambassador to the United Nations, Mr. John Scali, says:

> The action of the Security Council is legally binding on the United States.

He calls on Congress to change the law so that we will conform ourselves to the action taken by the Security Council of the United Nations in regard to sanctions against Rhodesia. Well, I sort of hope that issue will come up.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. Did I correctly understand the Senator to say that the actions by the Security Council of the United Nations are legally binding upon the Congress of the United States?

Mr. HARRY F. BYRD, JR. In reply, let me read a sentence from the speech by Ambassador Scali:

> At that time, the Congress voted legislation making it impossible for the Executive Branch to prevent imports of chrome and other strategic commodities from Rhodesia as required by the Security Council, a decision which the United States voted and which is legally binding on the United States.

Mr. ROBERT C. BYRD. Notwithstanding the action of Congress to the contrary?

Mr. HARRY F. BYRD, JR. Notwithstanding the action of Congress, the ambassador representing the United States says that our laws must be subordinated to the decrees of the United Nations Security Council.

Mr. ROBERT C. BYRD. This should come as an eye-opener to all Members of Congress.

Mr. HARRY F. BYRD, JR. I would think so.

Mr. ROBERT C. BYRD. Even those Members of Congress who may in this particular instance disagree with the position of the able senior Senator from Virginia with respect to the importation of chromium ore.

Mr. HARRY F. BYRD, JR. Yes.

Mr. ROBERT C. BYRD. Even though they may disagree with him on that question. I wonder how many Members of Congress would swallow this doctrine that the action of the U.N. Security Council is binding on the United States, notwithstanding the action of the Federal legislature to the contrary. That is a pretty far-reaching doctrine, in my estimation.

Mr. HARRY F. BYRD, JR. What the Ambassador to the United Nations says is more far-reaching than the question of whether chrome should be imported from Rhodesia; much more important than whether there should be sanctions. He is hitting at the heart of the legislative system of the United States.

Mr. ROBERT C. BYRD. Is he not refuting what he said earlier, if I understand what the Senator read earlier—and I have great respect for Mr. Scali. I do not want the Record to misrepresent me in this respect, but I understood the able senior Senator from Virginia to say earlier that in reading the statement by Mr. Scali——

Mr. HARRY F. BYRD, JR. Perhaps this was the statement:

> We can see now clearly that we did not create an instant world government.

Mr. ROBERT C. BYRD. Right. Is not Mr. Scali in another part of his statement refuting what he said in that statement?

Mr. HARRY F. BYRD, JR. That is right.

Mr. ROBERT C. BYRD. He said we did not create an instant world government, but now he is saying in another part of his statement that the actions of the United Nations are superior to the actions of the U.S. Congress to the contrary; and therefore, insofar as the United States is concerned, it is in essence, a member of a world government that is supreme to the Government of the United States, as one of the components of that world government.

Mr. HARRY F. BYRD, JR. Yes. That is what he is arguing in the latter part of his speech. In the first part he stated:

> We can see now clearly that we did not create an instant world government. Instead, what we put in place was an international forum.

Mr. ROBERT C. BYRD. How, then, can the decisions of a mere international forum be superior to the contrary actions of the duly constituted Federal legislature of one of the participants—to wit, the United States—in that international forum?

Mr. HARRY F. BYRD, JR. To me, it cannot, I would think regardless of how a Member of the Senate or Member of the House might stand on the question of sanctions against Rhodesia on the importation of chrome, it seems to me that all of us must stand foursquare for the principle that we cannot be bound in our deliberations here by what might be done by the Security Council of the United States in the city of New York.

If we get to the point that Ambassador Scali is arguing, I am not sure I want to remain a Member of this body, as fine a body as it is, and as fine a group of men as it is. I am going to vote for the best interests of the people of the United States. As the Senator from West Virginia said, he took an oath to uphold the Constitution of the United States and his obligation is to the United States and the people of the States.

Mr. Scali pointed out that the United States has not created a world government. Ambassador Scali makes that clear in his own statement. If we have not gone into a world government, how can an international forum, as he calls it, decree laws for the United States and dictate to the Congress of the United States what is and what is not legally binding on it?

I know a lot of people in Congress want to give more power to the President, whoever he might be; many people in Congress want to give more power to the United Nations; and some in Congress are not particularly concerned how they use their responsibility and they are perfectly willing to give away the prerogatives and let someone else assume the responsibility.

However, how many Members of the Senate and how many Members of the House of Representatives agree with Ambassador Scali that if the Security Council votes a certain action, that that action is binding on the Congress of the United States? I would like to see a rollcall on that, if there is any way to bring it about. I just do not believe that the men who are sitting in this Chamber and the men sitting in the Chamber across the hall, the vast majority of them, are going to subordinate their own judgment and their own convictions, and their own responsibilities to represent the people who sent them here, and that they are going to abdicate that responsibility to a group in New York City.

Mr. ROBERT C. BYRD. Mr. President, may I say that once the American people realize that that kind of understanding is abroad, then there will be even less support for the United Nations than there is now.

Mr. HARRY F. BYRD, JR. Yes. I think the Senator from West Virginia is correct in that appraisal and I personally would not like to see less support for the United Nations. I think it has a role to play.

Mr. ROBERT C. BYRD. Mr. President, I wish to associate myself with the Senator's statement also in that regard.

Mr. HARRY F. BYRD, JR. I think it has a role to play, but I do not think it is being helped when the American Ambassador makes such a speech. Most of the speech is good, as I said in my opening remarks. I could have delivered that speech very comfortably if he had left out those two paragraphs saying that the Security Council can dictate decisions to the Congress of the United States. I do not believe that people of this country would stand for any such proposal as that. I believe he would be rendering a greater service to this world organization and one which I felt a rapport with, when I came from Okinawa, in 1945, when it was formed. He would be helping that organization if he would carry out the laws of the Congress of the United States and explain to his colleagues in New York in the Security Council and the General Assembly of the United Nations that this is a free country and that we have not turned over the prerogatives of the United States to the United Nations.

LEAVE OF ABSENCE

Mr. BEALL. Mr. President, I ask unanimous consent that the Senator from Illinois (Mr. PERCY) be granted leave of absence from the Senate on official business for Friday, June 15.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL MONDAY, JUNE 18, 1973, AT 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 11 o'clock Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements limited therein to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from the State of Virginia (Mr. HARRY F. BYRD, JR.) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW AND FOR CONSIDERATION OF S. 1413

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate S. 1413, a bill which has been cleared on both sides of the aisle, and that the unfinished business remain in a temporarily laid-aside status until the disposition of S. 1413 or until the close of business tomorrow, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. The way that request was phrased may seem to indicate that S. 1413 is a controversial measure, which it is not, but I feel it necessary, in so asking that the unfinished business be laid aside, to phrase the request in such manner.

AUTHORITY FOR COMMITTEE ON COMMERCE TO HAVE UNTIL MIDNIGHT TONIGHT TO FILE A REPORT ON H.R. 7200

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce may have until midnight tonight to file a report on H.R. 7200.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I might state that I was asked to do this by the very distinguished Senator from Maine (Mr. HATHAWAY), who now presides over the Senate with a degree of diligence, skill, and efficiency as rare as a day in June.

I had almost forgotten to do so. I beg the indulgence of the Chair.

A SUMMARY OF CHAMBER PROCEEDINGS

Mr. METCALF. Mr. President, the Joint Committee on Congressional Operations has been conducting a pilot study of summarizing the Chamber proceedings of Congress. We have been reporting activities here in the Senate since May 29.

Because of the interest that has been demonstrated by Members of the Senate, I ask unanimous consent that the study be continued for 2 additional weeks and that two members of the staff of the Joint Committee on Congressional Operations be allowed the privilege of the floor until our report has been prepared and until the Committee on Rules and Administration has had time and opportunity to give it consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will meet at 11 a.m.

After two leaders or their designees have been recognized under the standing order, the distinguished senior Senator from Virginia (Mr. HARRY F. BYRD, JR.) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate S. 1413, a bill to increase the authorization for fiscal year 1974 for the committee for purchase of products and services of the blind and other severely handicapped.

Upon the disposition of that measure, it is the present intention of the leadership to get consent to take up H.R. 7357, an act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children, and for other purposes. It is not anticipated that that bill will take much time. It is not considered to be controversial.

Upon the disposition of that measure and any other calendar measures which may have been cleared for action or for unanimous consent by that time, the Senate will proceed to the consideration of the then unfinished business, it now being the pending business, S. 268, the National Land-Use Policy bill.

Opening statements will be made upon that measure tomorrow. Amendments, of course, may be called up, and yea-and-nay votes could possibly occur on tomorrow.

Looking down the road a bit, Mr. President, in accordance with the distinguished majority leader's statement earlier today, it may be well to recapitulate what may be ahead of the Senate with respect to its schedule for next week. This is a bare-bones prognostication, but it will at least give some indication of what is in the offing.

On Monday, in accordance again with the statement by the distinguished majority leader, the Senate will begin to operate from time to time on a double track system. For example, the land-use bill may be temporarily laid aside on Monday, thus opening up the first track to S. 907, the Arctic Winter Games bill, on which there is a time limitation. It is the present intention of the leadership to try to proceed in precisely that manner up to that point.

Also on Monday the Senate may, on a first-track basis proceed to take up S. 925, the Federal Financing Bank bill. Or it may instead take up S. 470, to amend the Investment Company Act and Investment Advisors Act. Yea-and-nay votes will occur on Monday.

Another possible first-track item for Tuesday or Wednesday is S. 1125, which deals with alcoholic abuse and alcoholism.

As to Tuesday, June 19, action will continue on the land-use bill. Senators will keep in mind the possible double-track procedure mentioned above for Tuesday.

It is quite likely, as I view the schedule at this point, that most of Tuesday will be taken up with amendments to the land-use bill. Hopefully, that bill will be completed on Tuesday. Yea-and-nay votes will occur on Tuesday.

As to Wednesday, the leadership will call up the NASA authorization bill. Yea-and-nay votes will occur thereon. Hopefully, the land-use bill will have been completed on Tuesday, but if it is still hanging around, it will remain as the unfinished business.

As to Thursday and Friday of next week, any uncompleted measures among those which I have already enumerated will be continued to their completion.

Additionally, S. 1443, a bill to authorize the furnishing of defense articles and services to foreign countries and international organizations, can come up. Other measures will also be cleared for action by then. Hence, yea-and-nay votes can be expected on Thursday and Friday.

Of course, the foregoing sequence of measures may have to be altered from time to time, depending upon the floor situation, but this listing is for the convenience of Senators that they may anticipate a busy week ahead with yea-and-nay votes expected daily.

Mr. President, perhaps this is as good a time as any to state also that the Senate may have to operate on Saturdays if the situation becomes necessary prior to the July 4th holiday. I am not saying that the Senate definitely will be in session on Saturdays, but I am constrained to indicate that there is a possibility of Saturday sessions, if necessary to complete the Senate's work and have the calendar in excellent shape by the time the Independence holiday arrives.

During the month of July we are going to have a glut of appropriations bills. The House, I anticipate, will act on at least a half dozen of the regular appropriations bills during the remainder of the month of June. This would mean that during July there would be several appropriations bills cleared for Senate floor action. So, Saturday sessions are a very distinct possibility during the month of July.

The same can be said for September, keeping in mind that there is an August recess in the offing.

Mr. President, that about wraps up the program for the week ahead, as far as now can be seen.

ADJOURNMENT TO 11 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and at 5:42 p.m., the Senate adjourned until tomorrow, Friday, June 15, 1973, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 14, 1973:

DEPARTMENT OF COMMERCE

Sidney L. Jones, of Michigan, to be an Assistant Secretary of Commerce, vice Harold C. Passer, resigned.

DEPARTMENT OF LABOR

Julius Shiskin, of Maryland, to be Commissioner of Labor Statistics, U.S. Department of Labor, for a term of 4 years, vice Geoffrey H. Moore, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate June 14, 1973:

DEPARTMENT OF STATE

Graham A. Martin, of North Carolina, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vietnam.

(The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE OF REPRESENTATIVES—*Thursday, June 14, 1973*

The House met at 12 o'clock noon.

The Reverend S. W. Easty, Jr., St. Andrew's By-the-Sea Protestant Episcopal Church, Nags Head, N.C., offered the following prayer:

O Almighty God, as we commemorate today the symbol of our unity expressed in our beloved Stars and Stripes, may we ever recall to heart and mind the struggles, sufferings, and strengths, that forged the union of our States into one great nation under God. Grant that we may rediscover and renew the integrity, honesty, and truth, that provided inspiration for past leaders of our land and produced the precious gift of freedom which is so fragile in our world. Help us, O Lord, in this moment of prayer, to revive an awareness of Thy presence in our every action and thought, that we may be reminded of the source of our strength as we serve God and country, through Jesus Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4682. An act to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1747. An act to amend the International Travel Act of 1961 with respect to authorizations of appropriations.

THE REVEREND S. W. EASTY, JR.

Mr. WHITEHURST. Mr. Speaker, I am pleased today to present to the House the

Reverend S. W. Easty, Jr., rector of St. Andrew's-By-the-Sea Episcopal Church in Nags Head, N.C.

Father Easty, who offered the prayer in the House today, has been a friend of mine for a number of years, dating back to the period when he was pastor of the Church of the Epiphany in Norfolk, Va. He is a man of many interests and talents. Besides being a splendid professional photographer, he is a knowledgeable racing car buff, and one can often find him on Memorial Day in Indianapolis, talking to drivers and mechanics in the pit areas at the Indy 500.

So it is a great pleasure for me to welcome him to the House of Representatives on this special day, and it is with particular pride that I present him to this body.

CALL OF THE HOUSE

Mr. ROGERS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. NATCHER. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 220]

Anderson, Calif.
Ashbrook
Ashley
Badillo
Bolling
Burke, Calif.
Burlison, Mo.
Chisholm
Clark
Clay
Crane
Daniels, Dominick V.
Davis, Ga.
Diggs
Edwards, Calif.
Erlenborn
Esch
Fisher
Fraser
Hanna
Harsha
Hébert
Heckler, Mass.
Hollfield
Jarman
Johnson, Pa.
Jones, N.C.
Leggett
Litton
Mathis, Ga.
Mills, Ark.
Moorhead, Pa.
Nedzi
Rees
Reid
Rodino
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Rousselot
Roybal
Runnels
Ruppe
Sandman
Sisk
Steelman
Stokes
Stuckey
Teague, Tex.
Waldie
Wiggins
Wilson, Bob

The SPEAKER. On this rollcall 381 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair requests all Members and all employees who are in the Chamber to be seated and to refrain from conversation during the ceremonies which are about to begin.

RECESS

The SPEAKER. Pursuant to the order of the House of March 8, 1973, the Chair declares the House in recess for the purpose of observing and commemorating Flag Day.

Accordingly (at 12 o'clock and 18 minutes p.m.) the House stood in recess subject to the call of the Chair.

FLAG DAY

During the recess the following proceedings took place in honor of the United States Flag, the Speaker of the House of Representatives presiding.

FLAG DAY PROGRAM, U.S. HOUSE OF REPRESENTATIVES, JUNE 14, 1973

The United States Navy Band and the United States Navy Sea Chanters entered the door to the left of the Speaker and took the positions assigned to them.

The honored guests, Mr. Bob Hope, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and S. Sgt. Gary J. Guggenberger entered the door to the right of the Speaker and took the positions assigned to them. Mr. Bob Hope and S. Sgt. Gary J. Guggenberger were seated at the desk in front of the Speaker's rostrum.

The United States Navy Band (conducted by Lt. (j.g.) Paul D. Clemens, United States Navy) presented *Grand Old Flag*.

The Doorkeeper (Honorable William M. Miller) announced the Flag of the United States.

[Applause, the Members rising.]

The United States Navy Band and United States Navy Sea Chanters presented *God Bless America*.

The Flag was carried into the Chamber by Colorbearer, and a Guard from each of the branches of the Armed Forces: Sgt. George H. Anderson, 3rd Infantry, Ft. Myer, Virginia; L./Cpl. Bobby D. McPherson, Guard Company, Marine Barracks; Sn. Timothy Dearden, Ceremonial Guard, USN; S. Sgt. Thomas A. Slavotinek, USAF Honor Guard, Bolling Air Force Base; BM3 Ricky B. Sorrells, USCG Honor Guard, Washington Radio Station, Alexandria, Virginia.

The Color Guard saluted the Speaker, faced about, and saluted the House.

The Flag was posted and the Members were seated.

The SPEAKER. The Chair recognizes the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Speaker, at this time I should like to present to you the Honorable PETER KYROS, Congressman from the State of Maine, and a member of the Flag Day Committee.

Mr. KYROS. Thank you, Mr. Speaker.

This afternoon, ladies and gentlemen, it is my distinct pleasure to introduce to you S. Sgt. Gary J. Guggenburger of Cold Springs, Minn., who has come from Fitzsimmons General Hospital in Denver to lead us in the Pledge of Allegiance.

Drafted into the Army in February 1968, Sergeant Guggenburger was assigned to the 352d Transportation Battalion in the Republic of Vietnam. Only 11 months later, while driving in a resupply convoy, his battalion was ambushed and overrun by a superior enemy force. During the battle that ensued Sergeant Guggenburger's vehicle was struck by enemy fire. He was last seen lying at the side of the road, firing his weapon at the enemy.

That was on January 14, 1969. For the next 49 months, he remained in a North Vietnamese prison camp, until his release last February.

This afternoon—Flag Day, 1973—we are aware of how privileged we are to have Sergeant Guggenburger as our guest. We are proud to have him with us. We are lucky to have him with us.

And so, to lead us in the Pledge of Allegiance, I present to you, with affection and profound respect, Staff Sergeant Gary J. Guggenburger.

[Applause, the Members and guests rising.]

Staff Sergeant GUGGENBURGER. Mr. Speaker, I should like to thank the Congressmen for asking me to come here today. It is a great honor. I say thank you.

[Applause, the Members and guests rising.]

The Members and guests, led by POW S. Sgt. Gary J. Guggenburger (Minnesota) recited the *Pledge of Allegiance to the Flag*.

Mr. NICHOLS. At this time I should like to recognize the Honorable WILLIAM H. HUDNUT III, a Member of Congress from the great State of Indiana, and a member of the Flag Day Committee, who will give our invocation.

Mr. HUDNUT. O God our Father, we are gathered in this Flag Day ceremony to express our gratitude to Thee for all that our Star-Spangled Banner symbolizes, and to recommit ourselves to making these symbols more real and meaningful parts of our national life.

For the drum beats of history held mute in her folds, we thank Thee, Lord.

For the roll call of heroes—from the mountains to the prairies, from the bayous to the oceans, from the ghettos to the suburbs, from the red clay of Georgia to the snowy caps of Alaska, from the rock-ribbed coast of New England to the sun bleached shores of Hawaii—who have marched with loyalty and courage under her colors down the hallowed corridors of American history, from Valley Forge to Omaha Beach, from Bull Run to Iwo Jima, from the forests of Germany to the rice paddies of Korea, and the prison camps of Vietnam, we thank Thee, Lord.

For the ideals and hopes enshrined in her star-studded field, and for the dreams and aspirations she betokens of a better future and a better way of life, where there will be more justice, more brotherhood, more peace, more liberty, and more equality built into the sinews of the human community, we thank Thee, Lord.

O God, we want to live out our days under Thee and make our's truly a nation "under God". Save us from the idolatry of making a god of our particular country or creed or party or race or way of life or point of view. Remind us of your transcendent sovereignty before which the nations rise and fall, and your beneficent providence under which they keep their rendezvous with destiny.

Where we are wrong, correct us; where we are weak, strengthen us; where we are corrupt, purify us; where we are divided, reconcile us; and where we are right, confirm us.

And grant, O most merciful Father, that in our day and generation, we may achieve something worthy to be remembered, so that when we pass the Flag on to our own children, they will receive it with pride, and we will be able to rest from our labors secure in the knowledge that we have built constructively if not completely, and served faithfully if not perfectly. And to you be the glory and the praise, now and forever, world without end. Amen.

Mr. NICHOLS. Mr. Speaker, I have the honor of presenting another distinguished guest for this occasion, the Honorable JACK F. KEMP, Congressman from the State of New York, and a member of the Flag Day Committee.

Mr. KEMP. Mr. Speaker, it is a great honor today, Flag Day 1973, to have with us a great American, Mr. Bob Hope and his lovely wife Delores.

We in the House of Representatives are not just paying tribute to Bob Hope the great comedian, television, and film personality, but to Bob Hope the humanitarian—the man who has for 31 years, and millions of miles, entertained our servicemen around the world and stood up for America here at home.

But as significant as this day is, it is made even more significant by the fact that we meet here today in freedom and at peace.

To the global utopian who longs for a perfect world it is not enough. But to those who understand that we live in a less than perfect world, we see beneath the troubled surface waters of the Earth, the deeper tides of peace.

A young American President not so many years ago, said that we should be willing to pay any price for the survival of freedom. Though the price is sometimes high, it is never so costly as the loss of it. So, Bob, we honor you today for your devotion to that goal and for your lifelong dedication to this flag and the peace and freedom for which it stands.

Bob Hope, thanks for the memories.

[Applause, the Members and guests rising.]

Mr. BOB HOPE. Mr. Speaker, Congressman JACK KEMP, distinguished Members of Congress, Joint Chiefs of the Military, and ladies and gentlemen:

I don't have to tell you that this is a great moment for me. I am very thrilled to be here in these beautiful Halls of Congress. It is about the highest a comedian can go.

This has to rank with any honor that I have ever had in my lifetime. It is just the greatest feeling in the world to share Flag Day with the Representatives of Americans who have been chosen to guide them and move this Nation forward.

At first I thought I was getting this honor for paying my taxes. Then I thought I was getting it for leaving the country so often.

Maybe you don't know what a lucky man I consider myself to be. God gave me a certain ability to make people laugh, but America gave me the chance to do it.

[Applause.]

In no other country in the world does free speech pay so well.

[Laughter.]

I've had a great life. I've lived off the fat of the land, and I have the evidence right here in front of me.

[Laughter.]

This freedom of speech is precious, and the least we can do is treat it with respect. An awful lot of men have made the sacrifice so that you and I can enjoy the luxury of freedom in every way.

When we can't laugh a lot at ourselves and love a lot, and leave a lot in the way of a national humorous heritage to our youngsters, then we're not leaving very much of anything for the next generation to bounce around and run with.

Every Flag Day I do something a lot of people save for November and Thanksgiving Day; I say a quiet prayer of thanks that this Nation is enduring and that there are so many wonderful people, young and old, rich and poor, children of all ages, who haven't yet, won't now, and never intend to give up on America or Americans.

This Flag has the power to take more than 200 million of us, with all our differences, and make us one people.

The Flag is the glory of our Founding Fathers and of every generation of Americans for almost 200 years. On the battlefields, on the sea, in the air, it has inspired millions to give their all to insure freedom for everyone.

And the Flag still inspires us today. I understand each of you has sent a Flag from the Capitol to fly over a city hall, a school, a church, or synagogue to enable every American to say, "That's my Flag and I love it," and every American can look up to the Flag and reach for the stars.

Some social critics are saying there's a loss of confidence by the people in the Federal Government, and they are predicting terrible things on the horizon for this nation and its citizens. They are forgetting something that unfortunately we remember only once a year or so—the American Flag. Color it red, white and blue—and symbolic.

You sometimes might want to color it red, white, black and blue, it takes such a pounding from its enemies and unfriendly friends, but it takes that pounding and keeps coming back stronger than ever. I often wonder why our Founding Fathers chose the colors, red, white and blue. Maybe red for Rhode Island sunsets, white for a field of South Carolina cotton, and blue for the magic of the sky over Oklahoma.

That Flag waved long, hard, and bravely when World War I marched into our midst. It was never stronger or more right than in defense of humanity's right to live when it waved throughout the universe during the Second World War.

The Korean conflict found Americans and their Flag rallying around a little Asian nation—and again, it was not a pretty war; no war is.

Vietnam caused a lot of serious wounds in the United States fabric of togetherness. But again, due to a lot of coordination of fine Americans, it came out of a dark and mystic tunnel, and we found the Flag still there.

Yearn with me for the time when proof of our Flag's presence no longer will be the rocket's red glare or the bombs bursting in air, but just a family like yours and mine on a picnic somewhere sitting on the grass on a day like this, silently aware of the best thing that ever happened to cloth—the American Flag.

We saw a wonderful demonstration of what love for country is when the prisoners of war came home. It was truly inspirational seeing so many returning veterans stand and salute the Flag. What astounds me is the fact that these prisoners had more faith in our country while they were in prison than a lot of us Americans who are walking around here free. [Applause.]

And they brought a Flag home with them, one they had made while they were in the Hanoi Hilton, a small Flag but a powerful force of hope for those great Americans.

You really cannot describe what the Flag means.

We try with words, music and song and salutes, and these are fine. Yet how do you put into words the feelings of goosepimples when the Flag is being raised or goes marching by? You can only stand in reverence and offer a silent prayer of thanks that the Flag still waves for you and me and for all Americans. And long may it wave. Thank you.

[Applause, the Members and guests rising.]

The United States Navy Band and United States Navy Sea Chanters (Narrator—PO1c. Ed Glenn) presented *I Am the Nation*.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. NICHOLS. Mr. Speaker, at this time I would certainly be remiss if I failed to recognize Bob's lovely wife in the Executive Gallery, Mrs. Dolores Hope.

Will you stand, please, Dolores.

[Applause, the Members and guests rising.]

Mr. NICHOLS. Mr. Speaker, distinguished guests, ladies and gentlemen, during the long night of September 14, 1814, Francis Scott Key wrote these immortal words:

> Oh, say, does that Star-Spangled Banner yet wave o'er the land of the free and the home of the brave?

In times of crisis this has been a recurring question in the hearts and minds of Americans throughout the history of this Nation. Thankfully in every national crisis the answer has been "yes"—this grand Flag has continued to wave o'er the land of the free and the home of the brave. It was "yes" during the bleak days at Valley Forge—It was "yes" as Key watched the bombardment at Fort McHenry, it was "yes" at the Argonne Forest, it was "yes" at Pearl Harbor and it was "yes" at the Hanoi Hilton.

Brave hands have raised it above the regions of ice in the Arctic Seas and have set it up on the mountains of the West and set it proudly on the Moon.

How many heroes its folds have covered in death—how many have lived for it—how many others have died for it. It has been the pledge of freedom, of justice and of order. Tyrants only have hated it, and the enemies of mankind alone have trampled it to the Earth. All who want truth and righteousness, love and salute it.

During the grim moments in our Nation's history, our Flag has always been a source of inspiration. Why is this? After all, the Flag is only cloth—red, white and blue threads woven together into thirteen stripes, alternating red and white and fifty white stars on a blue field.

But, to the great majority of Americans, the flag is much more than this. It should remind us of everything that is good about this great Nation—our freedom, our individuality, and our unity. It represents in essence our whole way of life—our rich history is embroidered into every star and stripe on that grand banner, from the 13 original colonies represented in the stripes to the fifty States symbolized by the stars, which are united together into one Nation.

Despite elements of anti-American sentiment in some parts of the world, the American flag is still an emblem of strength, honor, benevolence, and freedom to millions of people throughout the world. It was American military might and economic assistance that insured a rapid recovery in Western Europe following World War II. Most Americans are aware that the Nation symbolized by this flag has been the most important force for international peace and stability since the end of World War II.

Our flag has had its share of detractors in recent years. We have all seen film clips of some of our so-called citizens burning the American flag—the symbol of our great Nation. While these flag burners were demonstrating their disloyalty to this country, American prisoners of war were being beaten and tortured by their North Vietnamese captors. One Navy officer whom I talked with several weeks ago, Lt. Comdr. Mike Christian, was seriously injured by the Communists after he sewed an American Flag on the shirt of another POW.

Another prisoner of war, Lt. Comdr. John McCain, has stated:

> I had a lot of time to think over there and came to the conclusion that one of the most important things in life—along with a man's family—is to make some contribution to his country.

We have room in this country for but one flag—the Stars and Stripes. We have room for but one loyalty—loyalty to the United States of America.

As long as we have loyal young Americans like Lt. Cmdrs. Mike Christian and John McClain who are willing to stand up for our flag, this great symbol of freedom will continue to wave o'er the land of the free and the home of the brave.

The Members and guests rose and sang the *Star-Spangled Banner* (first verse) accompanied by the United States Navy Band and the United States Navy Sea Chanters.

The colors were retired from the Chamber, the United States Navy Band playing the National Anthem.

The United States Navy Band and United States Navy Sea Chanters retired from the Chamber.

The honored guests retired from the Chamber.

At 12 o'clock and 57 minutes p.m., the proceedings in honor of the United States flag were concluded.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 30 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

FLAG DAY

Mr. GILMAN. Mr. Speaker, this being Flag Day, it is fitting that all citizens pause and reflect on what our flag means to us.

Too often sincere emotion is overcome by sentimentality and our words may take on a hollow sound.

Recently, I was mailed a flag essay written by one of my constituents, the Reverend Monsignor George A. Rosso, pastor, St. Thomas of Canterbury Church, Cornwall-on-Hudson, N.Y., whose statement on the flag is as genuine and sincere an expression of patriotism as I have ever seen.

I respectfully request that this meaningful tribute to the flag and the people for whom it stands be made part of the RECORD for the edification of all who see it.

ON THE RED, WHITE, AND BLUE

(By Rev. Msgr. George A. Rosso)

I guess I am an incorrigible patriot. Every time I see the flag going up the staff and hear the National Anthem I choke up a bit. I suppose it might be called an emotional weakness but, if this is so, I rather like it. It gives me a warm feeling and a sense of gratitude to Almighty God that among all the many gifts He has given me, not the least, is being able to call America my native land.

When I see that flag I am reminded of many things. I remember going into battle once in the South Pacific against the Japanese and seeing and hearing that lovely symbol snapping. There is no other word, in the strong wind of the ocean. I have seen it laid on many and many a casket and had the privilege of folding it and handing it to the next of kin and saying that this was but a small reminder of the debt America owed to one of her dead sons. I have seen pictures of it being hauled down in defeat before the caves of Corregidor in the Philippines.

I saw it waving from the Missouri in Tokyo Bay. I have seen it lazily floating on homes and public buildings on the Fourth of July. I have seen literally thousands of tiny flags on tiny staffs sprouting from the graves in National Cemeteries on Decoration Day. I have seen those who would destroy it, carry the flag in parades and shout defiance to law and order under its protection.

I have seen it caricatured in Communistic paintings, spat upon and trampled and burned by mad mobs in South America, and our own country. I have marched with it in parades, gave it tribute as it went by in the safe hands of our beloved Marines. Watched it folded ceremoniously by Bluejackets as the last ray of the sun faded into twilight.

I have watched it climb slowly up the flagpole at the Rose Bowl Game as massed bands played the Star Spangled Banner which is why I am sitting down at this moment writing this. It is my Flag and my Country, and in all my travels over the world I have never found a more beautiful flag or a better country. And if this is chauvinism, then call me a chauvinist.

I remember a long, long time ago when I was serving with the United States Marines as a young "make-ye-learn" Chaplain, there was an old Battle Scarred Marine with whom I came in contact and he seemed to take a liking to me. His name was Lieutenant Colonel Joseph Swinnerton; "Smoky Joe" as he was known in the Corps. He had a face like five miles of bad road, and a voice an octave lower than a basso profundo. Yet he was the epitome of kindness and understanding despite his looks and his voice.

On more than one occasion I went to him for advice and it was always good, something I would use all the years of my life in the service. One day I went to pay my respects to the Colonel and his lady as Navy protocol required. I was received most graciously and the three of us sat in his living room in San Diego and engaged in lively conversation. The radio was playing in the background softly and I was enjoying the visit immensely when all of a sudden Smokey Joe stood up at attention right in the middle of the conversation.

I gasped in astonishment and wonder. It was then, in the sudden silence, that I became aware that a band was playing the Star Spangled Banner over the radio. Joe stood there like a ramrod until the last note died away and then sat down quietly. He looked at me. There was a, well, shy look, I suppose you would call it, in his face as he explained that it was an old habit with him, and he never sat during the National Anthem, no matter where he was. I have never forgotten that visit and oftime, even to this day. I am tempted and oftimes do the same thing in the privacy of my home.

That was, as I say a long time ago, and he was not a young man then. I suppose by this time Smokey Joe has gone to his reward. If he has, then I say, God rest your soul Joe and thanks for the lesson that Sunday afternoon in San Diego.

GEORGE A. ROSSO,
Pastor, St. Thomas of Canterbury Church, Cornwall-on-Hudson, N.Y.

Mr. JOHNSON of California. Mr. Speaker, our Nation was born in the chaos of crisis—it is not, however, a Nation which thrives on crises but it survives them. The many crises which our Nation has survived include intense domestic unrest, culminating in a civil war and numerous civil disturbances, severe economic upheaval, including numerous periods of inflation and recession as well as one extended depression, and, finally, we have survived many external or international conflicts. These crises are not what make our country great—it is our ability to overcome them, which often is understated. On the one hand, we are great because we avoid most potential crises. On the other hand, we remain a strong viable nation because we are able to cope with those few crises which necessity causes us to confront.

I am reminded on this Flag Day of when Francis Scott Key composed our National Anthem. As our then young Republic was confronted by one of its first and most trying crises, Mr. Key, out of love for and faith in our great Nation, put his innermost feelings to verse. As the day broke Mr. Key was caught in the rapture of the first sights of a tattered Old Glory flying majestically on the horizon. Mr. Key did not express his exasperation at the tatters in the flag, rather, he expressed his pride that our Flag had survived. He knew, as we all too often need to be reminded in these contemporary times of crisis, that tatters can be mended.

I, like Francis Scott Key, am glad to be American, not only because of what America is and was but, moreover, because of what we can make her. There are tatters in our flag—we cannot shrink from the task of mending those tatters.

In my opinion, patriotic holidays have, in altogether too many instances, been misinterpreted. There are those who say that they are a time to reflect on the injustice in America. There are those who say that they are a time to reflect on the justice in America. Allow me to interject that they are a time to confront the injustices in America with the justice which America represents. Poverty, inadequate health services, assistance for the aged, the infringement on freedoms, and so forth cannot be ignored on this day or any other. Likewise, our efforts to cope with these difficult problems should not be whisked aside simply because they are accompanied by human error.

Let us, today on Flag Day, join with the likes of Francis Scott Key. The land and laws, which our flag symbolizes, are not flawless, there are tatters, but these are not reasons to give up; they are, rather, a signal to all of America to stand up and face the challenge of making a better America, for ourselves as well as posterity.

Mr. WAGGONNER. Mr. Speaker, June 14, Flag Day, marks a red-letter date for all Americans, but unfortunately its significance is all too often lost on many persons for whom it is simply another day in a very busy week. I would like to pause briefly to reflect and comment on the importance of Flag Day to our Republic.

We read much today about a "crisis in the national psyche." As our mass society hurtles toward the 21st century, fragmentation and isolation are becoming more and more noticeable factors of divisiveness in America. The violent catharsis of the past few years is ample proof that America is accelerating rapidly and changing quickly—but still leading. There is no question as to whether or not to continue forward. Rather, the challenge is to take control of our own development and to steer our course with surer judgment and clearer foresight than before—thus continuing our leadership and guaranteeing a preeminent place in the world to our grandchildren. During periods of quickened social and cultural evolution, the importance of symbols of national life in providing coherence and stability cannot be overemphasized. A few bits of red, white, and blue cloth in themselves are not too meaningful, but when sewn into the Stars and Stripes, all Americans should recognize a source of pride and a unifying force behind which our Nation can aline.

Flag Day is a designated official time for us to become very aware, very conscious of the tenets of equality and justice on which the Republic was originally founded. It is a time to recall our accomplishments and to dwell on our possibilities. Today is the day for all Americans to drop differences, join hands, and rejoice in our basic oneness. No American should despair, as some seem to do, in that we are not perfect. America is not perfect, but she is the best and most free place for the most people the world has ever known—and she is becoming better all the time. On this occasion of Flag Day, may we as a Congress, and we as a nation, reaffirm the precepts of our forefathers, embellish them for our youth, and rededicate ourselves in a new spirit of togetherness to the solving of our problems and the leading of the world.

Mr. CRONIN. Mr. Speaker, June 14 is U.S. Flag Day, a day reserved for Americans to honor their national flag and all it represents: liberty, justice, freedom, and the pursuit of happiness. It is a day that gives Americans the opportunity to pause and consider the ideals of the Declaration of Independence and the U.S. Constitution that have endured, along with the flag, for nearly two hundred years. It is a day to renew the beliefs and tenets of basic human rights and the individual freedoms expounded by our Founding Fathers in these documents. It is a day to strengthen our national commitment to democracy and representative government, and to bolster our confidence in our national capacity to perpetuate these principles. The American flag symbolizes our American heritage and traditions, at home and overseas, and its day should be observed with respect and reflection upon not only what the flag represents in our past, but what it will mean to future generations.

Mr. SIKES. Mr. Speaker, June 14 is Flag Day, an honored day in our Nation's annals and one which should be appropriately observed by every American. It also marks the beginning of the Honor America program, a 21-day period which is intended to encourage the citizens of our country to demonstrate their love and respect for America. It is, indeed, an appropriate time to promote America and unity among Americans; to encourage a massive expression of appreciation for the blessings and strength of our country. The Honor America program will extend until July 4.

This year will mark the first peacetime observance of Flag Day and Independence Day in more than a decade. Every American should take part in this program by displaying the flag, honoring it, and giving thanks for the blessing of freedom and liberty which has been so dearly purchased for us all by the brave men and women who have worn the uniform of their country, and by those who have served in civilian pursuits essential to the security and well-being of our country.

All too often, too many of us are prone to talk only of those things which we see wrong about America. It is time to see, and discuss, and uphold the things which are right about America. The noble goals set forth nearly 200 years ago by the founders of the Republic are with us still. It is time for reaffirmation of our beliefs in them and of our determination to uphold them. It is worthy to note that our Constitution does not suggest the United States has to be a perfect Nation. In the preamble it is stated that our objective is to form a more perfect Union.

Instead of standing idly by while others attempt to prevent the playing of our national anthem at public events, or to prevent prayer in the schools, or even to outlaw the recitation of the Pledge of Allegiance, let those who believe in America speak up for America. Faith in America is also an affirmation of faith in God, because this country was founded in part on the tenets of religion. Let us state again and again those who have warped this country's greatness and tolerance to their own selfish purposes do not speak for America. This is still a great land of opportunity for all the people who seek opportunity. A commitment of the American people to historic ideals is needed. All of this is part of the fight for America, the kind of America in which we grew up and which we love, for its greatness, and its traditions, and its opportunity.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT EXTENSION

Mr. BRADEMAS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3926) to extend the National Foundation on the Arts and the Humanities Act.

The SPEAKER. The question is on the motion offered by the gentleman from Indiana.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 3926, with Mr. Young of Texas in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the committee rose on yesterday, the gentleman from Indiana (Mr. Brademas) had 17 minutes remaining, and the gentleman from Minnesota (Mr. Quie) had 26 minutes remaining.

Mr. ESHLEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. Peyser).

Mr. DAVIS of Wisconsin. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. A quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 221]

Abzug
Anderson,
  Calif.
Ashbrook
Badillo
Baker
Blackburn
Brown, Mich.
Burke, Calif.
Chisholm
Clark
Daniels,
  Dominick V.
Danielson
Davis, Ga.
Dingell
Edwards, Calif.
Erlenborn
Esch
Fisher
Foley
Frelinghuysen
Gubser
Hanna
Harsha
Hawkins
Hébert
Heckler, Mass.
Howard
Johnson, Pa.
Jones, N.C.
Kluczynski
Kuykendall
Litton
Lujan
McKinney
Mathis, Ga.
Mills, Ark.
Moorhead, Pa.
Murphy, N.Y.
Nedzi
Owens
Patman
Podell
Powell, Ohio

Rees
Roncalio, Wyo.
Rooney, N.Y.
Rosenthal
Roybal
Ruppe
St Germain
Sandman
Shuster
Sikes
Sisk
Smith, Iowa
Steelman
Teague, Tex.
Waldie
White
Widnall
Wiggins
Wilson, Charles, Tex.
Wright

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. YOUNG of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 3926, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 370 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order of no quorum was made, the Chair had recognized the gentleman from New York (Mr. PEYSER) for 5 minutes.

Mr. PEYSER. Mr. Chairman, I think it is particularly appropriate on Flag Day that we should be discussing the future of the arts and humanities in this country. I see in this vote on the arts and humanities and the Bicentennial, which happens to be part of this program, a vote of confidence in the past and in the future of the United States of America. I see this as an expression to the world that we in Congress, both in the Senate and in the House of Representatives, are willing to extend ourselves in order that our own people can know more of their great heritage and more of our culture.

We spend billions of dollars in fighting crime and in trying to break the poverty cycle that so many of our people are trapped in today. The relatively few millions that we will be spending on the arts and the humanities I believe can do more to motivate the people out of their poverty cycle and can do more to lead our young people away from crime than any comparative expenditure that we can make.

To move some of our people, particularly our young people away from the unfortunate subcultures that they have gone into, we must show them the real culture of America. I know of nothing that brings people together with a better feeling than great artists, writers, and performing groups expressing themselves before the public.

Some people feel we are talking about only a small segment of our people that has any interest in the arts and the humanities. I have heard people say this is just for the rich. This is a ridiculous statement. Overwhelming majorities of the American people in every economic sector would like to be able to take an active role in the arts, and in the humanities of our country.

We will hear, I am sure, later about the need for savings. I certainly support the need for savings and fiscal responsibility, but I also support the real need for the better things in life that we can give our people through this program.

If I may quote an Old Testament saying, "Man does not live by bread alone." I think that is very true, and certainly true in relation to this bill.

Therefore, I urge that we support, enthusiastically support this legislation to further the goals of the arts and humanities in our country. I can think of no better or more worthy cause to support nor a better action than we can take today than to overwhelmingly pass this bill, as the Senate has previously done.

Mr. ESHLEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, testimony before the Committee has convinced me that both endowments are doing an outstanding job. Programs which were begun on a limited basis several years ago have proved their worth. The stimulus of small amounts of Federal money has resulted in a tremendous surge of interest and participation in the arts and humanities across the Nation. In the arts and artists endowment alone, for every $1 of Federal money spent, $3 or $4 is being raised to match it.

Despite the small size and relatively short life of the endowments, each has won acclaim and strong support from public and private leadership as well as from grassroots citizenry across the country, because each is doing the quality job which Congress demanded.

Over the short years of the life of the Arts Endowment, it has provided assistance to a wide range of artists and art institutions. But it did not try to do everything all at once. With a good sense of priorities, it first assured the continued existence and capacity of our major cultural institutions to provide employment for artists and service to the public. The endowment has also helped preserve and strengthen hundreds of such institutions in communities throughout the country—theater groups, orchestras, museums and the like.

It has specifically helped all types of arts institutions extend their services to much broader audiences, extending the hours or the weeks of operation, taking performances and exhibitions into the parks, the streets, schools, churches, offices and factories—making the arts a part of the daily life of the people. This was the intent of Congress which was impressed upon the endowment, and such activities will be expanded in the new year.

A great many endowment grants which by name appear to benefit a symphony orchestra, or a theater, or dance company, or a museum, in fact provide funds specifically for performances or other activities in disadvantaged urban or rural areas, in hospitals, prisons, and other places where people need but lack the sustenance of the arts.

Stimulated by decentralization of arts exposure of national touring companies, cities and towns in every part of the country are sprouting their own companies and strengthening those already in operation. Thus more people are becoming not just audiences, but direct participants in the arts. And our total culture is enriched by this broadening of the base of participation. This, again, was the intention of Congress in writing this legislation, and the endowments have pledged to redouble their commitment in this area.

The Humanities Endowment, at the insistence of the committee, in 1970 also broadened its base of citizen participation and will expand these programs in fiscal 1974.

Dr. Ronald Berman, Chairman of the National Endowment for the Humanities, in testimony before the committee, said that he was proudest of NEH programs which worked toward the dissemination of humanistic works among our people. This NEH division of public programs—at $28 million the largest item in their proposed budget—makes possible projects in adult education at local museums, on campuses, in historical societies and libraries. It also allows for education at home by means of television—a series of fine historical films is currently being seen on public television. It has also been possible to bring both the old "Civilization" television series by Kenneth Clark—as well as a new series on painting—to hundreds of communities, and literally millions of viewers at virtually minimal cost.

Dr. Berman testified:

> Our interest is not esoteric, but to bring our knowledge resources to bear on the conduct of national life and the rational setting of goals . . . to enhance the national capacity for anticipating and understanding problems by applying value judgments rooted in history, philosophy and ethics.

Through the NEH State-based programs, $160,000 will be made available to each State, to set up statewide forums to discuss important public issues. This was first begun on a small, pilot program and should be in place in all 50 States by the end of fiscal 1974.

This program has great potential for citizen participation and enlightenment. Historians, philosophers, and other humanists will share their knowledge and insights in these forum sessions with their fellow citizens from every walk of life, addressing critical problems of the State and Nation.

Another program of great potential is the newspaper 20-lecture series which will begin this September, to make available to the general public, in 150 newspapers across the country, the best in scholarly thinking in the history of the country. The course will also be available for college credit, if the reader wants it.

The NEH is commissioning a television series of historical films—looking toward the Bicentennial—of great artistic merit and historic significance. There will be one on the Adams family, on George Washington, on Jefferson. Scholarly works are being prepared on other important 18th century figures. Plans are in the works to write scholarly histories of each State, each county.

The thrust of the two endowments has been to extend the arts and humanistic knowledge beyond the relatively small groups of people who, because of their own private financial resources, have always been able to enjoy the art and culture of our society.

Without the NEH, the New York Public Library would have closed the doors to some of its collections; without the NEH, valuable archives would not have been restored from the ravages of Hurricane

Agnes; without NEH, the biography of the Wright Brothers and Lorraine Hansberry would not have been on the Nation's television screens; without the NEH we would scarcely have begun to examine the ethical implications of advances in biomedical science and technology; without the NEH we would still be without authoritative editions of our great 19th century American authors, without new collections of the letters and papers of our Founding Fathers; without the NEH we may never, as a nation, compile the histories of our States, and, without the NEH, the understanding of our origins, our growth, and our purposes as a nation, is never likely to grow, nor will the Nation's Bicentennial be an occasion worthy of note.

The work of the National Endowment for the Arts is perhaps better known than the Humanities. Both are to me of equal importance in tapping the creative potential of our people, and the bringing of culturally enriching programs to those who are not located in the cultural centers of this country.

In my own State of Minnesota, for example, the fine Guthrie Theatre, with the stimulus of a $50,000 NEA grant, was able to make a six-State tour early this year, with John Steinbeck's "Of Mice and Men." The tour cost over $200,000 and the players traveled to areas which never had seen live theater. An article in the Minneapolis Tribune said that—

> It was a 15-city, 57-performance tour . . . Nearly 60,000 people saw the company perform, give classes, hold seminars . . . fewer than a third of those people had ever seen the Guthrie Theatre before . . .

Our people have felt a growing gap between the rising demand for the arts and the highly restricted means and opportunities for meeting that demand. They have seen even our most successful and famous orchestras, theaters, opera and dance companies, museums and other cultural institutions, in economic trouble, many operating on the verge of bankruptcy. They have seen actors, musicians, painters, sculptors, poets, dancers, and other talented artists out of work or working at the margins of economic existence. They have seen poor youngsters with great talent unable to gain training, experience, and creative opportunities, while others of equal talent turn away from such opportunities because they know that even successful artists often have a hard time supporting their families.

The National Endowment for the Arts was created by an Act of Congress to provide the focal point of leadership in responding to this broadly felt need for strengthening the arts in America. I believe that Miss Nancy Hanks, Chairman of the National Endowment for the Arts, has done a remarkable job in obtaining State and private matching funds for the relatively small Federal amounts involved.

Decentralization of the arts activity is not only bringing art into remote and disadvantaged areas of the country, it is also generating the flow of creative art forms coming out of such areas. Folk music and crafts of all kinds, springing from proud regional or ethnic tradition deep in our Nation's history, are being rediscovered, brought back into the life of our communities, and preserved for future generations. The cultural traditions of Appalachia, the American Indian, Black Americans, Spanish-speaking communities, and the host of national and ethnic groups which have made up our great country, are a part of the agenda for the NEA.

Artists in every field are taking up residence in schools, developing colleges, and other institutions where they can involve others directly in the creative process. Most Members are familiar with the artists in the schools program. My own State of Minnesota has had great success with this program, and the relatively small amount of Federal seed money has generated matching amounts of like or greater amounts in many areas.

This is one of the most exciting aspects of funding these programs, for we are finding that Federal stimulus money has been generating private contributions and an ever-increasing willingness on the part of the States to appropriate matching money, as well.

Ms. Molly LaBerge, director, St. Paul Council on the Arts and Sciences, testified before our committee on March 8:

> The Endowment gave a grant of $5,000 to the Minnesota poets in the school program to keep us alive while we found major funding. As a result of that, we raised $34,000 to match that $5,000. So if you need an example of seed money from the Endowment making possible a large amount of local money, that is a good one . . .

The artists in the schools program has met with great success everywhere and the schools are clamoring for it. The NEA has budgeted $3 million for fiscal 1974 for expansion of this program. It puts professional poets, artists, dancers, filmmakers, sculptors, et cetera, into public schools for a minimum of 1 week. As Ms. LaBerge said:

> We figure in Minnesota we will reach over 10,000 young people with the poetry program, alone, and many hundreds of teachers in the schools.

Witnesses also testified that these programs tap the creative potential of many heretofore unreachable young people. In the 1972–73 school year, with the help of additional funds from the Office of Education and the Bureau of Indian Affairs, the visual arts component alone of this program involved 325 artists, craftsmen, and sculptors working directly in 525 schools with more than 7,500 teachers and nearly 175,000 students. The poetry component of the artists in the schools' program involves some 1,200 poets, many of them working with youngsters in extremely disadvantaged areas whose response to the individual attention afforded by the poet's presence is heartwarming.

Every State and the five special jurisdictions are included in the artists in the schools program. This nationwide involvement is an important barometer of both the need for the work being done and its acceptance by local educator groups who work closely with the State arts agencies.

I have encouraged the growth of this program, knowing its value to the youngsters and schools of this Nation—it is in only 2,700 of America's schools, but will be greatly expanded this coming year if funds are authorized.

Currently, two Minneapolis-based companies, the Minnesota Dance Theatre and the Guild of Performing Arts, are performing in Minnesota and in five of our neighboring areas—another example of the regional creativity which has given Minnesota strength in the arts in the Midwest.

The Minnesota Orchestra has been the great pride of our State for about three-quarters of a century, and has been led by some of the world's greatest conductors—among them Eugene Ormandy, the late Dmitri Mitropoulos, Antal Dorati, and our present musical director, Stanislav Skrowaczevski. The orchestra has been assisted by the Arts Endowment for a 4-year period to make tours into four neighboring States—Wisconsin, North and South Dakota, and Iowa—in addition to expanding its touring capabilities within our own great State of Minnesota. The opportunity to hear this orchestra, undoubtedly one of the finest in the country, is an experience of musical fulfillment in many of the smaller towns in my part of the country. No recording and no television presentation can possibly create the same magic that an audience feels when hundreds of people come together to share a common experience and a common love for great music played by a great musical ensemble.

Another program which has been assisted for several years by the arts endowment is Young Audiences. This organization has affiliated chapters throughout the Nation, and brings the experience of live music and dance, performed by top quality professional groups, into schools in 34 States. Young Audiences receives financial aid not only from the Arts Endowment, but from other public and private philanthropic organizations, major foundations, the business community, the music performance trust funds, and individual contributors. The program epitomizes the cooperation of these groups with the Federal Government in making valuable educational tools more broadly available.

One of the first—of the expanding regional programs—is the Artrain. It began in Michigan; its purpose to tour rural and out of the way cities which do not often enjoy the advantages of seeing great works of art. An endowment grant of $50,000 generated $680,000 for the six-car program of art work and educational film and other projects. The train is touring in the Rocky Mountain region now, and will move to the Southeastern part of the United States next year. Programs such as this will expand if authorized and appropriated amounts are increased next year.

Why, you might ask, is it important for the Federal Government to encourage the arts—the writers—the historians? I have just re-read the 1970 Nobel Lecture in Literature by the great Russian author, Aleksandr Solzhenitsyn. He wrote about the value to mankind of the creative writer in a way which had validity to me, and I should like to share excerpts of that speech with you. His words, I believe, have a bearing on our need as a nation to support the creative artists—and the humanists—in our midst. Solzhenitsyn maintained that creative artists can be a powerful force in bringing mankind together, and I for one believe his words should be heeded by this Congress.

Excerpts from Aleksandr Solzhenitsyn's Nobel Lecture:

> "Imperceptibly, suddenly, mankind has become one—hopefully one and dangerously one—so that the concussions and inflammations of one of its parts are almost instantaneously passed on to others . . . not yet through possession of a common native language, but surpassing all barriers, through international broadcasting and print.

He then moves on, describing how the different scales of values throughout the world have caused such misunderstanding and violence—revealing his own pain over the incarceration and institutionalizing of dissenters in his native land. He goes on:

> But for the whole of mankind, compressed into a single lump, such mutual incomprehension (because of differing scales of values), presents the threat of imminent and violent destruction. One world, one mankind cannot exist in the face of six, four or even two scales of values; we shall be torn apart by this disparity of rhythm, this disparity of vibrations.

Who will, then, coordinate these value scales, and how, Solzhenitsyn asks?

> Who might succeed in impressing upon a bigoted, stubborn human creature the distant joy and grief of others an understanding of dimensions and deceptions which he himself has never experienced? Propaganda, constraints, scientific proof—all are useless.
>
> But, fortunately, there does exist such a means in our world. That means is art. That means is literature.

Solzhenitsyn maintains that—

> They can perform a miracle: they can overcome man's detrimental peculiarity of learning only from personal experience so that the experience of other people passes him by in vain.
>
> From man to man, as he completes his brief spell on earth, art transfers the whole weight of an unfamiliar, life-long experience with all its burdens, its colors, its sap of life; it recreates in the flesh an unknown experience and allows us to possess it as our own. . . .
>
> They (art, literature) possess a wonderful ability; beyond distinctions of language, custom, social structure, they can convey the life experience of one whole nation to another . . .
>
> Literature conveys irrefutable, condensed experience in yet another invaluable direction: namely, from generation to generation. Thus it becomes the living memory of the nation. Thus it preserves and kindles within itself the flame of her spent history, in a form which is safe from deformation and slander. In this way literature, together with language, protects the soul of the nation.
>
> Our twentieth century has proved to be more cruel than preceding centuries, and the first fifty years have not erased all its horrors. Our world is rent asunder by those same old cave age emotions of greed, envy, lack of control, mutual hostility which have picked up in passing respectable pseudonyms like class struggle, racial conflict, struggle of the masses, trade union disputes. The primeval refusal to accept a compromise has been turned into a theoretical principle and is considered the virtue of orthodoxy. . . ."

He is critical of our dependence on scientists. He says:

> It would seem that the appearance of the contemporary world rests solely in the hands of the scientists; all mankind's technical steps are determined by them. It would seem that it is precisely on the international goodwill of scientists, and not of politicians, that the direction of the world should depend.
>
> All the more so since the example of the few shows how much could be achieved were they all to pull together. But no: scientists have not manifested any clear attempt to become an important and independently active force of mankind.

He speaks harshly as well of the role of writers in allowing violence and terror to reign and says they are as culpable.

But, finally, he says that he personally was saved by the writers of the world, who came to his defense and in this, he says, there is hope.

> Thus, I have understood and felt that world literature is no longer an abstract anthology, nor a generalization invented by literary historians; it is rather a certain common body and common spirit, a living heartfelt unity reflecting the growing unity of mankind.
>
> Mankind's sole salvation lies in everyone making everything his business; in the people of the East being vitally concerned with what is thought in the West, the people of the West vitally concerned with what goes on in the East. And literature, one of the most sensitive, responsive, instruments possessed by the human creature, has been one of the first to adopt, assimilate, to catch hold of this feeling of a growing unity of mankind.
>
> I believe that world literature has it in its power to help mankind . . . to see itself as it really is, notwithstanding the indoctrinations of prejudiced people and parties. World literature has it in its power to convey condensed experience from one land to another so that we might cease to be split and dazzled, that the different scales of values might be made to agree, and one nation learn correctly and concisely the true history of another with such strength and recognition and painful awareness as it had itself experienced the same, and thus might it be spared from repeating the same cruel mistakes.

Solzhenitsyn, has, I believe, made his readers in America share the agony of his own and his country's suffering in such books as "A Day in the Life of Ivan Denisovitch," and, a more important work, "The First Circle."

In "The First Circle," particularly, he has shown us something of the glory and the indomitability of the human spirit under heavy oppression and, thereby, to me he illustrates the oneness of man in his striving to be free, to be creative.

This is what our gifted artists, poets, playwrights, authors, musicians are also about. With Solzhenitsyn, I, too, believe that our creative artists have a vital role to play in helping to show mankind the way to oneness, brotherhood, and peace with those whose value systems are different from ours.

Another insight shared by Solzhenitsyn and most of us in this quote:

> Literature (art) conveys . . . condensed experience . . . from generation to generation . . . thus it becomes the living memory of the nation. Thus it preserves and kindles within itself the flame of her spent history . . . literature, together with language, protects the soul of the nation . . .

The increases in the endowment funds, $32.5 million for each, to my mind will be spent to "preserve and kindle the flame of our spent history"

For these additional funds are for the Bicentennial and are, I believe, vitally necessary expenditures in a time of great spiritual upheaval in our Nation.

I believe that we need to rekindle faith in ourselves and look back to our ideological roots. We need to read about, to see films about, the leading figures of the days of our revolution. This is what the endowments will be doing and encouraging.

We need to read again the words of Sam and John Adams, of Paine, of Madison, of Franklin, Jefferson.

We need to listen to stirring music which is yet to be composed, to view drama which will reawaken our sense of pride and purpose and hope in our country's history and future. And perhaps in our restudy of history, which the endowments will encourage and support, perhaps we will be given the insight to understand the struggles of those in the world's underdeveloped countries toward freedom and independence and see in it something akin to our own struggle.

To me the Bicentennial thrust of the endowments is justification enough for spending this additional money. $55 million which is roughly the increase, is very little money compared to the multibillions we spend on science and technology.

Our country needs to hope again. To feel pride again in itself and in its democratic mission and vision for the rest of the world. I believe that this bill will be part of restoring that hope, faith, and pride in ourselves. And, rather than viewing the expenditures as uncalled for in a time of budget constraints, I would urge you to view it as an investment. An investment which will be returned in dividends many times over throughout all the United States by the outpouring of creative efforts in the arts and humanities by a large segment of our population.

INCREASES IN AUTHORIZATIONS

I have suggested to you something of my feeling of why we should increase the authorizations for this program, that the $55 million additional which the administration is asking will go for Bicentenial thrusts. And I have suggested the responsible manner in which both endowments will fund the programs—within guidelines of a criteria of excellence. The endowments started with low funding in 1966—$5 million—and have moved forward cautiously in spending taxpayers money. In 1967 we appropriated $10 million; in 1968 $10.9 million; in 1969 $12.7 million; then $16.3 million in 1970; $57.7 million in 1972 and $76.4 million in 1973. There have been dramatic increases in these programs since the advent of the Republican administration. Some mistakes were made in the early days, and the committee moved to make sure mistakes would not be repeated—the emphasis is on excellence.

And compared with other nations, the U.S. Government has a long way to go in matching in Federal contributions to the arts. The President has requested $72.5 million for the Arts Endowment in fiscal 1974, not quite double the fiscal 1973 amount. Canada, with nearly 22 million people, spent $26.5 million in 1972 compared to our $29.7 million. Great Britain, with some 54 million people spent $66 million. And West Germany with 55 million people, spent $134 million.

There is a group called the Partnership for the Arts, a private organization of citizens, which is asking us to increase support for the Arts Endowment of $200 million by 1976, the year of our Bicentennial, or roughly $1 per head. We spend roughly 40 cents per person. Compare this with West Germany: $2.42 per capita; Austria $2 per capita; Sweden $2; Canada $1.40; Israel $1.34; and Great Britain $1.23.

The $55 million increase over the 1973 budget reflects plans and programs for the 1976 Bicentennial; $30 million for the Arts and $25 million for the Humanities. The Humanities budget reflects that $28 million will go into public programs, some of which I have mentioned: television films on the Founding Fathers; scholarly works on 18th century men and women; histories of States and counties, etc.

NEH will be spending $20 million for its division of education, working through the colleges and universities. The division of research—$14 million—fosters scholarly investigation and creativity, and the division of fellowships—$10 million—provides for the training of people in the humanities.

For the National Endowment for the Arts national programs, we authorized $54 million. For State programs $11 million.

We require that Federal funds from the NEA be matched on a dollar-for-dollar basis. The States, for the most part, have done well. We were told during committee hearings that they have been averaging $3 to $4—either privately or publicly raised—for every Federal dollar contributed.

The fact that more State legislatures are moving to appropriate increasing amounts for these arts programs is a good indicator of strength in the States, and speaks well for the efforts of the endowments in stimulating these vitally needed cultural programs within and between the States.

Both endowments have been swamped with applications for funds and have had to turn down outstanding projects for lack of money. These pressures for funding will increase as we approach the Bicentennial. Attached is a table from each of the endowments, listing the number of applications, those highly rated by their panels of experts, those which have been funded and the total left unfunded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

FISCAL YEAR 1973 APPLICATIONS REVIEWED BY NATIONAL COUNCIL THROUGH FEBRUARY 1973

Division	Applications	Number highly rated	Number approved	Gap
Research	373	174	116	58
Education	409	134	99	35
Fellowships	3,092	1,478	662	816
Youth grants	239	58	31	27
Total	4,113	1,844	908	936

With the year only two-thirds over, therefore—and with more applications yet to come—an additional $46 million is already necessary in just these programs if all the top-rated applications were to be funded. In view of the pressing current need for a deeper and richer understanding of our past, the present, and our possible future, it is especially disturbing to realize that more than half of our most highly regarded institutions and individuals who seek the endowment's assistance are being refused for lack of funds.

NATIONAL ENDOWMENT FOR THE ARTS—REQUESTS VERSUS GRANTS

Despite the fact that the endowment is forced to discourage thousands of artists and arts groups from even applying formally for assistance, formal applications to NEA still far exceed its ability to help. For example, the 1973 figures below do not include the nearly 800 written requests for assistance—not to mention phone inquiries—received in the past 4 months which never reached the application stage:

	Number of formal applications	Grants		Amounts requested in formal applications	Granted	
		Number	Percent		Amount	Percent
1970	1,383	711	51	$25,765,000	$12,903,000	20
1971	2,076	699	34	54,957,000	17,337,000	32
1972	4,216	1,543	37	82,432,000	32,220,000	39
1973 as of May	5,486	1,591	29	90,022,000	33,195,000	37

Projecting the 4 months/800 to 12 months/2,400, takes the 1973 total alone up to nearly 8,000 formal and preliminary written requests for assistance, of which NEA can assist less than one-fourth.

Some have asked us why authorizations have been increased when some programs for the poor are proposed to be cut. May I point out that in 1970 the total budget authority for the Department of Health, Education, and Welfare was $58,312,873,000; in 1971 it was $65,828,801,000. In 1972 it was $75,708,334,000; in 1973 $87,859,096,000—estimated—and in 1974 $101,879,729,000. This includes trust funds and lending authority.

Total spending for human resources programs has not been reduced; We have reduced defense expenditures from 45 cents of the Federal dollar to 30 cents; and increased human resources programs from 32 cents to 47 cents.

Many of those who are criticizing the rise in authorizations for arts and humanities were the same who in 1969 were critical of this administration, expressing fear that the budget for this program would be cut because, they said, the Republicans did not have any interest in arts and humanities. I have already pointed out the dramatic increases in the past few years. From $5 million in 1966 to $12.7 million in 1969. Since 1970, the budgets have roughly doubled: $16.3 million in 1970; $28.6 million in 1971; $57.7 million in 1972 and $76.4 million in 1973.

Many of our colleagues do not want to authorize $145 million for fiscal 1974. There are others who want a dramatic increase. For instance, the Senate passed a measure which has a total authorization of $840 million: $160 million in 1974; $280 million in fiscal 1975 and $400 million in fiscal 1976.

H.R. 3926 is in line with the administration request. It is a compromise between two extremes on this issue. Some might say that there should be some limitation on 1975 and 1976. However, you should recognize that when the Education and Labor Committee comes to this House with wording "such sums as Congress may appropriate"—now this is a very great step forward.

Usually, our committee holds out false hopes with authorizations which are way beyond that which can be funded. In H.R. 3926 we have made a case for full funding, and we will leave it to the judgment of this body in the coming fiscal years for the amounts which should be appropriated.

Our committee did not agree entirely with the administration on language in this bill. We made changes, with special emphasis on the role of the States, to strengthen the States.

To add to the encouragement of the Arts Endowment program to strengthen and stimulate individual States' arts programs, we increased the amount of money which each State will receive to $200,000. And to assure that each State receives $200,000 in fiscal 1975 and 1976, we require that no less than 20 percent of total appropriations for the endowment for the arts shall be made available for State programs carried on under section 5(g). Of that 20 percent, 75 percent will be divided equally among the States and 25 percent will go to regional programs and exemplary State programs.

The Arts Endowment says that—

> Only at the $72.5 million fiscal 1974 level can the Arts Endowment make major headway in developing State and regional activity.
>
> This is essential to strengthen the development of local community groups and provide increased opportunities for participation of individuals in all geographic regions.
>
> The Endowment plans to encourage this through increasing the bloc grants to all the State Arts Agencies, plus providing additional funds to assist their administrative development and to further special quality State agency projects throughout the Endowment program areas.

We have added language to the bill which stipulates that the national advisory panels, which are responsible for making judgments on the expenditure of grant money, shall have broad geographic representation. We want to make sure that talented persons from across the country will be represented on the panels to insure that the interests of the less heavily populated States are considered in making grants.

We have stressed the need for greater development of regional programs. These are now at the beginning stages, and the arts endowment will provide technical assistance to the States to bring more into being.

We have stipulated that a limit of $250,000 be placed on renovation and that construction money will be available only for unusual circumstances. We have set a limit of 10 percent of appropriations on what the chairman of each endowment may spend on chairman's grants.

We have, I believe, produced a sound bill, one which continues the stimulus of Federal aid in the various States. It is important that such a Federal stimulus be continued. I believe we used good judgment in changes which we felt were necessary to make the programs work better, and I am convinced that this time the Education and Labor Committee comes to the House with good, conservative authorization figures. You should support our efforts as future encouragement to this Committee to follow the same pattern on legislation which will follow.

This is a year in which Congress must weigh national priorities carefully to assure that the programs we authorize are focused on the real and urgent needs of our people. I believe that, in the very deepest sense, enriching the quality of life through preservation and advancement of our cultural heritage meets the test of relevance and priority which we must apply.

Mr. BRADEMAS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. LEHMAN), a member of the committee.

Mr. LEHMAN. Mr. Chairman, I rise in support of H.R. 3926 which I cosponsored with Mr. BRADEMAS to extend the National Foundation on the Arts and Humanities Act.

The arts and humanities enrich all of our lives. They influence every phase of our activities.

Exposure to the arts gives people experience in new ways of looking at their world. The arts broaden a person's outlook and provide a means for self-expression.

Today, many countries which lack our riches are spending far more per person in support of the arts. The increases in this bill for funds to aid the Arts and the Humanities Act merely to catch up to a level more suitable to our position as the leading industrial nation in the world.

The Saturday Review of April 22, 1972, notes the spending of other countries in their arts programs. Israel with its massive defense burden spends $1.34 per person. In Western Europe, the now-prosperous nation of West Germany spends $2.40 per person. Compare this to the $0.15 per person spent by the United States.

The passage of this bill is of special importance to the citizens of Florida.

From the National Endowment for the Arts, alone, Florida will receive almost $370,000 in Federal funds this year. The increased funds provided in this bill should add at least $100,000 more to that figure.

Recipients of aid from the National Endowment for the Humanities will also receive increased assistance totaling in the hundreds of thousands of dollars.

Many fine organizations and groups in southern Florida are recipients of this aid. The Miami Philharmonic Orchestra has fulfilled a cultural need in Dade County for many years. The Miami Opera Guild sponsors a comprehensive operatic and musical program for Dade and Broward counties each season. The University of Miami School of Music is one of the outstanding music schools in the country with programs available for the enjoyment of the entire community. Since its inception, Miami-Dade Community College has offered a community-wide cultural arts and music program. And the list also includes many smaller groups which benefit from this Federal aid program.

The bill before us today would greatly increase the Federal contribution in support of these and other programs. Southern Florida in particular has needs which could finally be realized with an increase in available Federal assistance.

I am speaking specifically of greater Federal funding for the visual arts. In the contemporary world of art, the visual arts encompass a great many areas; not only painting and sculpture, but photography, graphics and even architecture and civic planning. All over this country there are people working to create what can be called an entire art environment.

Miami has long needed a centrally located municipal fine arts museum. The increased Federal funds which this bill will provide could possibly give important assistance to establishing this facility.

Mr. Chairman, this bill to extend and increase the funding for the National Foundation on the Arts and the Humanities is important not only to southern Florida, but to the Nation. I strongly support its passage.

Mr. Chairman, I include in the RECORD a letter from Joan Lehman to the Florida delegation.

> MIAMI, FLA.,
> *May 7, 1973.*
>
> DEAR CONGRESSMAN: May I introduce myself. I am the wife of Congressman William Lehman who represents the 13th District from Dade County Florida. Also, through many years of work, I have developed a career as a metal sculptor and am known quite widely because of my work.
>
> I would like to urge you to vote for extension of the National Foundation on the Arts and the Humanities.
>
> With our concern today for helping the unfortunate people of our country with education, it is also very necessary to enrich our American life with art which gives riches of life. In all the history of our civilization, this has proved a necessary part to life and growth.
>
> Sincerely,
>
> JOAN LEHMAN.

Mr. BRADEMAS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. ANDREWS), a member of the committee.

Mr. ANDREWS of North Carolina. Mr. Chairman, I should like to reiterate my further support for the bill, and ask the distinguished chairman of the subcommittee, Mr. BRADEMAS, to yield for a question.

Mr. BRADEMAS. I am pleased to yield for a question.

Mr. ANDREWS of North Carolina. Mr. Chairman, may I ask the gentleman from Indiana (Mr. BRADEMAS) are the university presses throughout the Nation provided for in the bill under consideration?

Mr. BRADEMAS. Mr. Chairman, I would say to my friend, the gentleman from North Carolina (Mr. ANDREWS) that although there is no specific provision for university presses in the bill under consideration, that we have discussed their problems at length with the distinguished gentleman from North Carolina (Mr. FOUNTAIN) who is most concerned with the well-being of our university presses. In the committee report, on page 19, under the hearing, "Historic Documents," there is a quotation from a letter to the subcommittee from Dr. Ronald Berman, the Chairman of the National Endowment for the Humanities, outlining endowment support, through the National Historical Publications Commission, for the editing and publication of historic documents.

It would be my own hope that the National Humanities Endowment and the National Historical Publications Commission will agree that the university presses of the country should play a vigorous and constructive role in the editing and publishing of historic documents.

Mr. ANDREWS of North Carolina. That is the gentleman's understanding, then, of the meaning of the subcommittee's presentation?

Mr. BRADEMAS. The gentleman is correct.

Mr. Chairman, I should at this point, stress the intent of the committee with reference to another of the issues surrounding the extension of this act.

I refer, Mr. Chairman, to the testimony before the committee of both Endowment Chairmen, stressing the anticipated involvement of the Endowments with the Bicentennial celebration.

As my colleagues may know, considerable concern was raised, by me and other members of the committee during the hearings, that such involvement might lead to the use of the Endowments' funds for purposes unrelated to their major work, and might indeed lead to partisan consideration in the making of grants. The committee was particularly concerned that the addition of a criterion that preference be given to Bicentennial-related applications could adversely affect the quality of the artistic and scholarly work supported by the Endowments.

I should tell my colleagues, Mr. Chairman, that each Chairman gave assurances that no changes in grantmaking procedures, with respect to quality would occur.

In this regard, I cite a letter from the Chairman of the National Endowment for the Arts, Mrs. Nancy Hanks, to the ranking minority member of the committee. Said Mrs. Hanks:

> There will be no special "earmarking" within the Endowment that would force any applicant into dreaming up Bicentennial programs;
>
> All applications which reflect a Bicentennial relationship will be treated in exactly the same manner as those which do not, i.e., they will be reviewed by the appropriate professional staff, the appropriate Panel, and by the National Council;
>
> We cannot stress too strongly the Council's commitment to the potential for making a long-range contribution to the nation's cultural life, for avoiding razzle-dazzle one-shot activities, for bringing the highest level of quality and citizen involvement possible to all Americans—quality and involvement which will continue long after the 1976 festivities have ended.

Based on commitments such as these, Mr. Chairman, the committee did not choose to restrict the Endowments' involvement with the Bicentennial celebration, but I want to assure my colleagues that I intend to closely follow the Endowments' programs in the next few years to insure no changes with respect to quality, or political involvement, occur.

Mr. ESHLEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I wish to speak in support of H.R. 3926, a bill to reauthorize the National Foundation on the Arts and the Humanities.

I am both impressed and heartened by the scope and diversity of efforts supported by the National Endowment for the Arts under the direction of Nancy Hanks with the very limited funds available to them. I believe the endowment has written a proud record of large achievement with small resources.

The wide variety of well chosen projects can be illustrated by looking at southern California. In this area, the endowment provided critical assistance to such important institutions as the Los Angeles Philharmonic, and the Los Angeles County Museum, and has made it possible for them to reach out and serve a much wider audience, including especially young people and those who have not had access to such cultural enrichment in the past.

This wider availability of the arts is being served even more broadly by a splendid film showing the Los Angeles Philharmonic preparing for and then presenting a performance of Ravel's stirring "Bolero." This extremely valuable insight into the creation and the meaning of great works of art was made possible by a unique partnership between the National Endowment for the Arts, the Corporation for Public Broadcasting and the American Federation of Musicians local in Los Angeles. The film is now being aired throughout the country for millions who have never had the opportunity to see and hear the Los Angeles Philharmonic at work.

Another great cultural resource located in southern California is of course the film industry. A uniquely American art form has grown up here and has been a major influence not only throughout America but around the world. However, the wealth of outstanding entertainment produced over many years is being lost to us and future generations as old film deteriorates. The National Endowment is providing funds to the American Film Institute for the costly process of preserving these films, and for other projects which assure continued availability of our unique film heritage, as well as the continuing development of our national film art and industry.

Mr. Chairman, the national significance of such major projects is more than matched by the cumulative effects of hundreds of local projects aided by the Endowment for the Arts—projects which give recognition and support to high-quality, artistic achievement, and enhance the quality of life for individuals and entire communities.

In southern California, as in other parts of the country, Endowment grants are helping to expand involvement and participation in the arts to include thousands of people, and whole communities who have lacked opportunity for such involvement in the past. Concerts and exhibits in both inner city and outlying communities are only part of the picture—but a new and promising part. Even more encouraging is the growth of projects such as the Inner City Cultural Center of Los Angeles, the Studio Watts Workshop, and the Mechicano Art Center which are providing a wide range of direct and high-quality arts experience for disadvantaged young people and our great minority communities with help from the Endowment.

A fine editorial in yesterday's Los Angeles Times makes the point most eloquently, concluding with this important thought:

> Beyond the intrinsic value of these programs, however, is something more important. That is the commitment of the federal government, however modest the amount, to the arts and the humanities. It is recognition that this is not just a nation of science and technology even though, perhaps inevitably, science and technology receive more generous federal subsidy. It underscores the importance of the arts and the humanities to the quality of American society.

I include the full text of the editorial into the RECORD:

SUPPORT FOR THE ARTS AND HUMANITIES

> President Nixon has given strong leadership to the rapid expansion of federal support for the arts and the humanities. He has proposed almost doubling the funding in the coming fiscal year. His proposal is a good one. It deserves the support of the House of Representatives when it comes to a vote Wednesday.
>
> The two programs were initiated on a modest scale by President Johnson seven years ago. They remain, in relation to the rest of the federal budget, modest in amount. But useful.
>
> There are two administering agencies, the National Endowment for the Arts and the National Endowment for the Humanities. In the current fiscal year, each received $38.5 million. Mr. Nixon has proposed increasing the money for each to $72.5 million next year.
>
> His proposal still recognizes that the federal government cannot and should not become the major source of funds in these areas. On the contrary, the arts and humanities remain dependent on local government and private sources for their support.
>
> But the availability of federal money has already become an important element in both the arts and the humanities, stimulating innovation and experimentation, broadening public involvement, making possible new programs that otherwise would go untried, rescuing others, like the New York Public Library, that are caught in financial crises.
>
> The arts program is surprisingly varied, including community-based programs for minority groups, touring dance companies, opera, graphic design for the federal agencies, with about one-third of the support going to the states for their special programs. The fastest-growing program is strictly behind the scenes—helping museums improve the storage of priceless works of art, adding fire protection, air conditioning and security.
>
> In the humanities, a general effort has been made to involve all Americans, not just scholars, in more serious consideration of the humanities. Teachers, but also journalists and lawyers, have been given fellowships. A $600,000 grant to KCET in Los Angeles financed the humanities film forum. State-based humanities programs are being organized to bring scholars and other citizens together to consider such critical issues as the role of law in American society.
>
> Beyond the intrinsic value of these programs, however, is something more important. That is the commitment of the federal government, however modest the amount, to the arts and the humanities. It is recognition that this is not just a nation of science and technology even though, perhaps inevitably, science and technology receive more generous federal subsidy. It underscores the importance of the arts and the humanities to the quality of American society.

Mr. Chairman, the programs of the National Endowment for the Arts speak directly and effectively to some of the most vital needs for enhancing the quality of life in America today. I think we are all in agreement that when we look upon the history of countries throughout the world, the outstanding thing that we can point to and that we can discuss is its culture, and certainly we would like to enhance the culture of this country for generations to come.

Mr. ESHLEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, at a time when we are debating amendments under the 5-minute rule, the gentleman from New York (Mr.

KEMP) will offer an amendment which I support, which will reduce the authorization for the Arts and Humanities Foundation from the level in the committee reported bill of $145 million to $80 million, or the same level as in fiscal year 1973.

I must say I think on balance the work of this Foundation has been helpful but I think at some point in time it is important to step back and assess whether or not in our list of priorities it is legitimate or appropriate to increase the authorization for this program by almost 80 percent.

On balance, in my judgment, in the list of priorities it is simply not appropriate at this point in our history and it is for that reason that I will support the amendment to be offered by the gentleman from New York.

Mr. GROSS. Will the gentleman yield?

Mr. STEIGER of Wisconsin. There is one other reason I want to mention, and then I will be delighted to yield to the distinguished gentleman from Iowa.

When we are looking at the two bills, that is, the one reported by the other body and this one, the level of authorization in the other body's bill is $160 million. The way to hold down the level to be reported to the President when it gets there is to cut this one back so that we have some opportunity to negotiate with the other body without finding ourselves in a position of accepting a level of authorization that is simply too high.

I now yield to the gentleman from Iowa.

Mr. GROSS. I thank the gentleman for yielding.

I should like to ask the gentleman from Indiana (Mr. BRADEMAS) a question concerning the bill. Am I correctly informed that the travel expenses for the so-called arts and humanities experts is substantially increased in this bill? In other words, there is an increase to $852,000 from $502,500. Could that possibly be true?

Mr. BRADEMAS. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I will be glad to yield to the gentleman from Indiana.

Mr. BRADEMAS. If I may say so, in view of the fact that, if there is an increased authorization for the activities under the two endowments, there would be required increased activity on the part of the several expert advisers on the panel.

Mr. GROSS. And the travel expenses for the staff will be in the amount of $467,900 or almost $468,000, up from $282,700 last year?

Mr. BRADEMAS. I am sure my friend from Iowa would want to applaud our efforts to reach the smaller communities of our country with the programs contained in this legislation.

Mr. GROSS. There is no assurance that it will reach the smaller communities, but it is assured that this will be probably one of the most traveled staff known to Congress under the terms of this increase.

I thank the gentleman for yielding.

Mr. STEIGER of Wisconsin. I thank the gentleman from Iowa for his interest.

Mr. ESHLEMAN. Mr. Chairman, I yield such time as he may use to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I hope my colleagues will join me in giving full support to this bill authorizing funds for the National Foundation on the Arts and Humanities for fiscal year 1974.

This legislation will allow this country to continue developing its cultural offerings not just to the rich, but extending cultural education and opportunities to the disadvantaged, as well.

Certainly this is a goal which deserves its fair share of Federal support. I understand that much of the controversy over this legislation is the question of whether it is legitimate in a fiscally tight year to increase from $80 to $145 million the authorization for Arts and Humanities. As a Republican and as a fiscally conscious Representative, I can say this is a legitimate expenditure.

The reason we see such an increase in the level of funding is that the program is just developing, having only been in existence a few years. Thus, it is difficult to compare its level of increases with programs that are well-established and whose needs are relatively stable, rather than growing.

Figured out on a per-person basis, this authorization comes to about 63 cents per U.S. citizen in fiscal year 1974. Compare this with $1.40 spent for each Canadian and $2.40 for each West German citizen. This country must watch its budget closely, but let us not forget that this is the richest country in the world—surely we can afford 63 cents per individual to raise the cultural level of our Nation.

It boils down, as always, to a question of priorities, and I would put this way above several programs for which this country is spending far more money.

I am sure we have all heard time and again from constituents who have visited European nations and come back wondering, "Why can we not provide our citizens with the same type of cultural opportunities? Why can we not buy theater or concert tickets at reasonable rates? Why can we not have more groups active in the art field?"

Surely this country can afford some modest assistance program like the one proposed today to help struggling cultural institutions and groups manage to keep up with rising costs without pricing admission tickets or costs of art objects way above the heads of most citizens.

I have also received comments from teachers in schools involved in this program asking that it be continued—pointing out that without such assistance, the school could not possibly offer the level of cultural education it considers adequate. Again, looking at priorities, I feel we can afford this expenditure. And obviously so does the President, who has shown great leadership in cutting the budget where he deemed it necessary, but requested this full $145 million for the arts and humanities. To me, this says a great deal.

I hope my colleagues will find that this country can afford this authorization for the cultural advancement of our citizens. I believe the National Foundation on Arts and Humanities has done a fine job in its short life span and would like to see its role continued and expanded.

Mr. BRADEMAS. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. GIAIMO).

Mr. GIAIMO. Mr. Chairman, I rise in support of this legislation.

I want to commend the full committee and the subcommittee, led by the distinguished gentleman from Indiana (Mr. BRADEMAS) for what I think has been heroic work in this field for many years.

I recall the days years ago when I had the privilege of serving on this committee and we were dreaming about this kind of legislation. At long last the United States has made a great effort in the area of the arts and humanities.

I believe, as I then did, that the great nations will be remembered more by their contributions to the arts and humanities than by perhaps anything else.

It has taken the United States a long, long time to adopt this attitude, but at long last we are moving in that direction.

It is a pleasure to see this legislation which, in my opinion, authorizes substantial increases for the arts and the humanities, and it behooves us to see that they are expended in a way which will nurture the arts and humanities and which will benefit the culture of the land and the people as a whole.

There are some items which concern me, however. I am delighted that the committee has made reference to some of them in its report. I would like to stress them here today with the gentleman from Indiana (Mr. BRADEMAS) because I know he shares the same concerns—at least in some of these areas.

As we know, most of the professional artists in this Nation are represented by cultural unions, and yet I am concerned that the members of the National Council on the Arts and the National Council on the Humanities, all of whom are appointed by the President and none of whom need confirmation by the Senate, constitute in my opinion, the development of an insular type of council. For example, I am told that for some three or four years there has been no individual among the 26 Arts Council members who could represent the unions in this field. The unions that represent the artists. Is that correct?

Mr. BRADEMAS. Mr. Chairman, if the gentleman will yield, I share the concern the gentleman has raised. I might interject, Mr. Chairman, I am very grateful for the leadership the gentleman has given to these programs over the years, both as a member of the Committee on Education and Labor and as a member of the Committee on Appropriations.

I share the concern of the gentleman from Connecticut about the problems of representation on the Advisory Council. I am glad to advise the gentleman that in our committee report we took specific notice of this problem, on page 7. We noted that the committee received testimony and correspondence indicating that the membership of the National Arts Council and the several advisory panels on the endowments, are not representative in that the constituency, to which the gentleman from Connecticut refers, labor unions representing performers, are not represented.

We went ahead to point out that while we did not require such representation in the bill, nor did we specify quotas for any constituencies, that we did want to stress that, in order for the Council to be genuinely representative of the arts, it should be aware of all relevant viewpoints. We added that we hope any imbalance presently existing on the Council will be corrected when nominations are next considered for the Council.

Mr. GIAIMO. Not only the Council, but as I understand it many of the panels which represent about 185 people have few if any of them. Is that correct?

Mr. BRADEMAS. That is correct.

And in the next sentence, on the same page of the report to which I have made reference, we made that same point.

Mr. GIAIMO. Another area of concern to me, and I am sure the committee is also familiar with this, is that the authorizing legislation for the Arts Endowment since its inception has included a provision that forbids the Endowment to give grants to organizations that do not provide basic prevailing standards for the income, safety and health of their artists as determined by the Department of Labor. This provision was fairly well enforced in the early years.

In 1961, after I had expressed deep concern about various activities which seemed to undermine artists' salaries and welfare, my distinguished colleague from New Jersey (Mr. THOMPSON) exercised great leadership in his subcommittee's subsequent investigation of these activities. The subcommittee's findings led to the legislation creating the Arts Endowment. At that time, the artists' health, safety, and economic well-being were at the forefront of our thoughts. However, in recent years, programs involving so-called avant-garde, experimental theaters, choruses and so forth—that have not at times met the minimal standards set by the Labor Department—have been granted funds. When called on, the Endowment has procrastinated and generally avoided doing anything to correct this. As a result, this has become a serious matter, especially now that we are asking for increases in funding and the programs for the arts and humanities are well on their way. A too lax attitude in this area would subvert the original congressional intent to insure better conditions for our country's artists. I think this should be curtailed.

Again I note that it has been referred to in the committee report, but I would like to hear the comments of the gentleman from Indiana as to how it is proposed to correct this situation.

Mr. BRADEMAS. The committee came to the same conclusion as the gentleman from Connecticut reached with respect to the question of labor standards. Although we did not recommend changes in the bill on this matter, the reason we did not do so is that we believe the language in the bill is adequate in the protection it provides. And we believe the existing language requires the endowment to follow the procedures that are mandated by the law.

I would join the gentleman from Connecticut in urging that the endowment be much more vigorous in following the intent of Congress.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRADEMAS. I yield 3 additional minutes to the gentleman from Connecticut.

Mr. GIAIMO. I thank the gentleman for his response. I do want to comment on several other areas of concern to me which I believe the committee should consider, as I am sure they will, in the future as they maintain oversight of this legislation. One is that some reference has been made to geographic representation concerning the Arts Endowment. I believe this could become dangerous, because I think we have to use the artists as we find them and disseminate the best of the arts throughout the land. Certainly, those who are employed and who are used in the arts as performers come from all over the United States and in that way we can get a better quality of art performance which should be made available throughout the country. But if we try to get geographical representation in the expenditure of these moneys we are going to find that we will be spending much money frivolously, because in some areas there will not be a professional or near-professional type of performance, and that will not improve the culture opportunities of the land.

There is another matter of concern to me, and that is that we are always faced with the question of whether or not we are funding too much in this area. I certainly do not think we are. I commend the committee for adequate funding, as it has now.

Another area of concern, however, is that Congress, which has given away so much of its power to the Executive, should consider at some point in the future appointive procedures for the Councils on the Arts and Humanities. In my opinion, this legislation was a creature of the Congress more than of the Executive in its inception many years ago. We have given away the powers of appointment on our regulatory boards and on many of the other boards which we have created throughout the decade.

I would hope this committee could study the possibility of perhaps the President appointing some Council members and the Congress others.

Mr. BRADEMAS. Mr. Chairman, I want to thank the gentleman for his suggestion and simply say that, in my judgment, it is a most constructive one. I would hope that next year we might hold hearings on the desirability of giving Congress a voice in the appointments to the Councils.

Mr. GIAIMO. If we are ever to regain our congressional prerogatives, I believe we have to approach and attack this on the broad-base front, and I think we can. I see no reason why Congress could not participate in the selection and designation of Council members.

Mr. BRADEMAS. If the gentleman will yield, I think he has made several most constructive observations.

Mr. GIAIMO. I thank the gentleman from Indiana for his cooperation.

Mr. BRADEMAS. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, the Federal Advisory Committee Act of last year says that Advisory Committee meetings shall be open to the public unless it is determined that a meeting is concerned with matters that are exempt from mandatory disclosure under the Freedom of Information Act.

I have been disturbed to find out that in spite of that language, Advisory Committees to the National Endowment for the Arts and the National Endowment for the Humanities have been holding nothing but closed meetings, completely closed meetings, on grounds that the only thing they are doing is reviewing grant applications. I, frankly, doubt that. Even the Public Media Advisory Panel to the National Endowment for the Arts held a closed meeting on May 30. The notice was not filed with the Federal Register until 15 minutes before the meeting began, and, hence, it was not published until the day after the meeting took place.

Yesterday I passed this information along to the gentleman from Indiana, and I am pleased to say that I have been advised this morning by the Endowment for the Humanities that at least two of their panels, the one on science and the new one on ethics and human values, will hold public sessions for everything that is not a review of a grant application. I have also been told by the people involved that the arts group will also try to cooperate in meeting statutory requirements on this in the future.

Under those circumstances I will support this bill, but I want it known that my attitude on appropriations in future years on this measure will be determined in large part by the degree to which the National Endowment for the Arts and Humanities abides by the spirit as well as the letter of the law. I do not think it should just be congressional committees who are required to hold open sessions.

Mr. BRADEMAS. Mr. Chairman, I yield myself 1 minute.

I take this time only to commend the gentleman from Wisconsin for his very constructive observations. He has already observed that he has been able to induce some constructive response.

Mr. ESHLEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I appreciate the gentleman yielding.

Mr. Chairman, if one were to follow the Biblical injunction of tying together where one's treasure is and where one's heart is, one would be truly deeply concerned in looking at our national budget. I am not talking about a specific discussion of individual programs, because I have been strongly supportive of reducing spending in a number of areas. I've voted for a number of cuts in military spending and a series of other programs. But let us just take it on balance at this time and ask what really is America's interest, what are we interested in. Let us, too, simplistically break it down into the scientific field and the arts and humanities field of concentration and—thinking of spending of treasure, are we interested in what is embodied in the arts and humanities?

Let us see these figures in balance against each other. The balance is an appalling one because we have on the one hand scientific research and development expenditures for the last year which approximated $17 billion. Set off against that we have arts and humanities expenditures which approximated $80 million. We set a balance of $17 billion off against $80 million.

If we look at the foundations which have been created by the Congress, on the one hand we have the National Science Foundation and on the other hand the National Foundation for the Arts and Humanities, and we can see what sort of comparison we have. The National Science Foundation expenditures are approximately $600 million and the Arts and Humanities are approximately $80 million.

What we are talking about therefore is not what we may say about how deeply concerned we are in what happens in given programs in the fields of arts and humanities or in the scientific field, but what we are saying is through the actions of this Congress we are setting up comparable figures which if some stranger were to appear upon the scene and just look at the budget figures and try to make some determination of what America is basically interested in and what Congress feels we ought to be concentrating our treasure on, the figures are approximately $600 million in the field of science versus $80 million in the field of the arts and humanities.

We have seen we have $80 million, and if we look back over the record we can see how that has grown. We have since 1966 seen the figures for the various arts and humanities grow from $5 million to approximately $80 million last year. This has enabled us to do a great many things. We have seen basic research and creativity stimulated and advanced. We have seen our best young performers and scholars encouraged and developed. We have seen institutions which preserve and transmit cultural wealth extended and strengthened. Probably more than anything else we have seen the best results of humanistic and artistic achievements brought in an unprecedented way to ever larger numbers of the American public.

So, we have made strides in this particular area. Each of us is most familiar with the situation in his or her respective State.

In my own State of Oregon, for example, a vigorous State-based program in the Humanities has been established encouraging direct involvement of the general public in the serious discussion of public policy issues in a humanistic context and from a humanistic perspective.

In Oregon we are deeply concerned with the uses to which the land, our most valuable natural asset, is being put. With the assistance of a grant from the National Endowment for the Humanities, the citizens of Oregon have become engaged in a statewide examination of man's relationship to the land. This examination is not being conducted by ecologists, planners, scientists and technicians, but rather by groups of citizens and professional humanists who are concerned to discover and to understand the ways in which man has related to the land throughout history and in differing cultures. The intent of this effort is not to solve the current and urgent question of land use in Oregon, but rather to equip the citizenry with the perspective and the understanding necessary to the informed voter if he is to address himself to these questions as a responsible citizen.

Yet another grant illustrates, I believe, the way in which the National Endowments for the Arts and Humanities extend humanistic understanding among the general public—in this case young people in the elementary and secondary schools. For some years the Oregon Shakespearean Festival has been a major cultural resource in the Northwest. The Endowments have provided support for a project whereby teachers in the schools of Oregon, Washington and northern California were assisted in developing in their students an appreciation of theatre as a dramatic as well as literary form. Study guides were prepared and teams of actors and teachers toured the area conducting workshop training sessions for teachers in the schools. In this way, large numbers of teachers and a much larger number of students benefited directly from the resources of the Oregon Shakespearean Festival which might otherwise not have been accessible to them.

Such programs fulfill the earliest intent of Congress in creating the National Foundation—namely, that the best understanding, and indeed, the best solution of the problems which we face be secured through the careful exploration of our cultural origins, our history, our literature, our art and our systems of value.

Yet we must acknowledge that even today Federal support for the arts and humanities remains a small and almost negligible fraction of the support provided for science and technology. The increased funding which the present bill entails only very slightly redresses that imbalance, but it does insure that over the next 3 years a continuing and intensified effort will be made to develop the deepest roots of our culture and to extend a deeper understanding of those roots to ever greater numbers of the American public.

I would urge the Members of this body to see how much we have done, not only in the sense of what it has accomplished—and that is significant—but what yet remains to be done. We should see what it is that we have put in treasure into this field, balanced off against the scientific, and we should not make any attempt to reduce the $145 million called for by this particular bill. This is, at best, an inadequate amount.

Mr. Chairman, I would urge the strong support of this legislation as it stands before us.

Mr. ESHLEMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I rise in support of H.R. 3926, the National Foundation for the Arts and Humanities Amendments of 1973, and urge my colleagues to lend their support to this important legislation, and to oppose any amendment which would weaken its provisions or reduce the funding proposed.

The increased funding for the National Endowment for the Arts and for the twin Endowment for the Humanities over the years from their relatively humble beginnings has made it possible for the endowments to accomplish their objectives with commendable success. The National Endowment for the Arts has worked very effectively toward its congressional mandate of encouraging the highest quality while making the arts more widely available. The National Endowment for the Humanities has acted with energy and imagination to provide leadership to the institutions and professions in the humanities;

Expand traditional concepts and contingencies of the humanities in order to obtain greater participation in them by the American public; and

Direct the attention of persons and institutions involved in the humanities to questions of pressing social concern.

In fiscal year 1973, the Iowa Arts Council received $127,250 of section 5(g) funds from the National Endowment for the Arts. It has made excellent use of these Federal funds and the $185,617 appropriated by the State of Iowa.

As a long-time supporter and past president of the Sioux City Symphony Orchestra Association, I am especially proud of the council's "Orchestra Student Audience Program," whereby the council helped 10 community orchestras throughout Iowa by matching the amount of ticket costs for elementary, secondary and college students to attend their concerts. Under the plan, students pay only half the adult price and the council's grants to the 10 orchestras made up the other half. Through this total payment of $6,042.50 to orchestras at Fort Dodge and Sioux City in my Sixth Congressional District and to eight other leading community orchestras throughout Iowa, not only were these orchestras given needed financial assistance but also many boys and girls saw and heard live orchestras for the first time, many of them to become interested in becoming musicians themselves and all of them broadening their horizons.

Iowa Arts Council grants made it possible for the Iowa State University choral group, the Cardinal Keynotes, to tour reformatories and prisons in Iowa. Another grant enabled Iowans to learn more about the music of the black culture through the Fajilawa Seminar tours. Council grants to the Iowa Educational Broadcasting Network financed funds for three television specials on the arts in Iowa which were shown on educational television and also made available in film and tape forms where ETV does not yet reach.

The Iowa artists in the schools program of the Iowa Arts Council has been especially outstanding. Four special grants from the National Endowment made it possible for the council to place a visual artist, Ray Frederick, at Fort Dodge High School for a year; to send a national dance company to Waterloo, Iowa for 6 weeks to work with teachers and students, demonstrating how academics can be taught through movement; to finance filmmaking programs at an elementary school in Red Oak and at the high school in Osceola; and to provide recognized writers for a period of 3 to 5 days on each high school campus at Lawton-Bronson and at Estherville, both in the Sixth District, and at Keokuk, Maquoketa, and Charles City. The proposed increase in funding will enable this program to provide even greater benefit to the growing generation and to future cultural patrons.

Also in the Sixth District of Iowa, council grants helped finance, together with local funding, a program on the Indian and the arts sponsored by the LeMars Arts Council; the Morningside trio workshop at Morningside College, Sioux City; the tour of Iowa landscapes: Graphic and photographic under the auspices of Morningside College; artists demonstration workshops at Morningside College; art classes in the toymakers art at Sanford Museum in Cherokee; a joint workshop and concert of the Sioux City Symphony and the Sioux County Orchestra at Northwestern College, Orange City; and participation by art councils, colleges, and schools throughout northwest Iowa in the many touring groups and workshops made available by the Iowa Arts Council, including the famed Stradivari Quartet of the University of Iowa which so many of us have enjoyed in concerts at the Corcoran Auditorium here in Washington.

Iowa has one of the highest percentages of population aged 65 or older. It is therefore particularly fitting that the Iowa Arts Council this year provided assistance to the Iowa State Commission on the Aging for a senior citizen arts festival, an event which proved highly successful and which I hope will be repeated yearly. We have an immense reservoir of training, experience, and talent in older Americans—upon retirement they have increased time to devote to these talents, to their crafts and hobbies. The Federal, State and local programs in the arts should take particular cognizance of their needs and their potentialities.

The efforts of the Iowa Arts Council, of its advisory committees, of the many local arts groups and many individuals engaged in this great undertaking has resulted in great progress in Iowa. This progress is easily observed in the rising quality of arts proposals submitted to the council for consideration and in the wider appreciation of excellence. Iowa's college and university towns have always promoted the arts vigorously, but the programs made possible by the grants of the National Endowment for the Arts, matched by State grants through the Iowa Arts Council, have made Iowa's nonacademic communities of all sizes increasingly concerned with the arts and involved with them as participants and audience.

Iowans and Iowa are alive to cultural experience, from the best of the traditional to the latest avant-garde wave. I am sure this is true in every other State benefiting from participation in programs for the arts with National Endowment for the Arts assistance. As Julie McDonald, chairman of the Iowa Arts Council, said in the council's biennium report:

> It's a good time to be at work in the arts; an exciting time, a fulfilling time when Iowa has every hope of high yields in cultivating the spirit of man through the arts. Let us hurry to the harvest and plant anew.

In the same report, Iowa's Gov. Robert D. Ray commended the Iowa Art's Council for its purposes and achievements in:

> Helping to bring to Iowans the plays, recitals, concerts, exhibits, and discussions which in total monitor the inexorable advance of our culture. This is truly one of the important works being done anywhere, simply because the arts is one of the most positive human forces operating in society today. I agree with the affectionately remembered American who said that art and encouragement of art are political in the profoundest sense—not as weapons in a struggle, but as an instrument of understanding which binds together all who share man's faith.

All Iowans have good reason to be very proud of the Iowa Arts Council and of its very capable and distinguished officers: Chairman Mrs. Julie McDonald of Davenport, Vice Chairman Donald Maiwurm, an ardent, hard-working supporter of the arts in Fort Dodge in the Sixth Congressional District, and Executive Director Jack E. Olds. I want to acknowledge the outstanding leadership in the Arts provided by the following dedicated Northwest Iowans whom I have the honor to represent: Mrs. Kathryn Graham, Sioux City; Frank Summerside, Westmar College, LeMars; Mrs. Lois Bliesman, Denison; and Dr. Don Koser, Cherokee, all of whom have served or are serving as members of the Iowa Arts Council. Lyle Fisher, Sioux City, member of the Council's Theatre Advisory Committee; Willis Schellberg, Forest City, member of the Advisory Committee on Architecture; and David Albert, William F. Turner, Stanley W. Evans and William F. Turner, Sioux City, and Lee Bliesman, Denison, all of whom have been active members of the Iowa Arts Council's Advisory Committee on Business and the Arts.

The seed sowed by the twin endowment, the National Endowment for the Humanities, has fallen on fertile ground in Iowa. Although it took longer to germinate, it has taken root and is rapidly growing at a pace which may in time excel that of the arts.

From an initial experimental base of six State humanities committees in 1971, the National Endowment for the Humanities State-based program has grown State by State to 42 State committees, with plans to be in all 50 States and territories by the end of 1973. This highly focused program's attempt to make the humanities more accessible to the adult citizens of Iowa and to the rest of the country has been one the most valuable ventures undertaken by the endowment.

As representatives of the public in our respective districts, we are all cognizant of the sense of unease in our local communities with the way public issues are discussed, with the stridency and the immediate taking of sides so prevalent in public forums, and the unavailability of a systematic public format through which the average citizen can participate in public dialog, beyond voting and reacting to media presentations and surface interpretations of public concerns.

The National Endowment for the Humanities' State-based program may be just what we have been looking for to begin to overcome these widespread problems of our times. The various State committees for the humanities regrant funds received from the National Endowment, to local organizations and institutions to encourage the historian, the philosopher, the scholar in literature and linguistics to participate with local communities in public forums and town meetings, in seminars and in conferences, and in the media—in an effort to create a broad context for understanding of our most pressing problems, problems which cannot be resolved on technical or scientific bases alone.

The National Endowment for the Humanities provided a $10,000 planning grant in fiscal year 1971 to Dean Robert F. Ray of the University of Iowa, whose Iowa Committee for Public Programs in the Humanities designed a State-based program for the humanities. The Iowa Board for Public Programs in the Humanities was appointed by Governor Ray with Dean Ray as chairman, and the endowment provided the board with a $157,290 operations grant in fiscal year 1972.

Dean Ray, head of the Division of Extension and University Services for the University of Iowa, has continued to serve as chairman of the Iowa board, with Philip L. Shively serving as executive secretary. The board chose as its theme "Awareness of Human Needs on the Eve of American Century III." After assessing grassroots needs, the board made grants to local communities throughout Iowa to discuss the important and timely topic of the aging in our society. The Decorah Humanities Committee is conducting public discussion sessions throughout the community with the help of its grant, with the topic of social attitudes toward the elderly. These sessions involve historians, writers, and as many as 500 local citizens, reaching a significant cross section of the adults of the Decorah community.

Another board grant to Kirkwood Community College in Cedar Rapids will enable holding a 2-day symposium on public policies affecting the aging. The symposium will be broadcast on local television at a later date, thus greatly expanding the audience reached. Regional forums on "Awareness of Human Needs" were held during the fall of 1972 at Wartburg College, Waverly; at Iowa Wesleyan College, Mount Pleasant; at Southwestern Community College, Creston; at the public school in Oakland; and in Northwest Iowa, at Morningside College, Sioux City, and at Buena Vista College, Storm Lake.

"Family Survival" was the specific topic for the very successful regional forums held at Morningside College and at Buena Vista College. Under the chairmanship of Dr. Raymond S. Nelson, dean of humanities at Morningside College and member of the Iowa Board for Public Programs in the Humanities, the northwest Iowa regional planning committee included as members Mrs. Margaret Midland, Cherokee; Lloyd M. Reid, and Kermit Smith, Fort Dodge; Ronald Dubberly, Leo Frommelt, Thomas Geelan, and Roger Iverson, Sioux City; Jim Nuss, John P. Williams, Leonard J. Martz, Jr., Mrs. O. D. Trudo, Lester E. Williams, and Wyatt S. Yon, Jr., Storm Lake; W. John Johnson, Jr., Spencer; John Stapert, and George DeVries, Orange City; and M. H. Patterson, Estherville.

I commend the dedicated efforts of these northwest Iowans in getting this valuable program underway in my home district, and I wish to take special note of the fine work and achievements of the two northwest Iowa members of the Iowa Board for Public Programs in the Humanities, Dean Raymond S. Nelson and Mrs. Robert E. Gleeson, both of Sioux City.

Direct grants to groups and individuals within Iowa also have been made, in addition to the grants to the Iowa Board. The Endowment has provided substantial support for the University of Iowa's "Ancient Iowa Film Series," under which the university is producing a series of eight documentary films describing prehistoric cultures and Iowa's historic frontiers. Two films in the series were completed prior to Endowment funding. According to the project director, Dr. Marshall McKusick, State archeologist and associate professor of Anthropology at the university, the films will be used in almost all of the 1,200 elementary schools in Iowa, reaching 25,000 schoolchildren a year and providing them with their first introduction to the humanities.

Another direct grant by the endowment, recently renewed, has provided support for the University of Iowa's Afro-American studies program, financing minority group Ph. D. candidates in Afro-American studies and bringing specialists to the university for short courses and lectures. A direct grant to Coe College has supported a 3-year planning project for the revitalization of the humanities within its curriculum. The National Endowment has financed the six-part series written and narrated by Kenneth Clark, "Pioneers of Modern Painting," and the showing of this remarkable film throughout Iowa as well as other States. The endowment has also made it possible for various Iowa colleges and schools to view the much heralded Civilisation film series produced by British Broadcasting Corporation's Kenneth Clark. Earlier, Cherokee, Iowa civic leader Mrs. Margaret Midland and others in the community held the "National Humanity Series" at Cherokee with the assistance of an endowment grant. The endowment's grants to Iowans and Iowa institutions for younger humanist fellowships, junior college teacher fellowships, senior fellowships, education programs, research programs, and youth grants in the humanities have made it possible for Iowans to pursue studies and research in the humanities, with particular stress in problems of Iowa.

I am sure that the demonstrated success of the programs of the National Endowment for the Arts under the very capable and efficient chairmanship of Nancy Hanks, and of the programs of the National Endowment for the Humanities under the equally commendable chairmanship of Ronald Berman, has not been unique to Iowa, and that the increases in Federal funding requested by President Nixon and voted by the Congress for the National Foundation on the Arts and the Humanities have brought similar benefits throughout this great country. The Foundation and its twin endowments have proved their worth over and over again, making it a distinct pleasure for me to invite my colleagues to join me in voting for H.R. 3926.

Mr. BRADEMAS. Mr. Chairman, I yield myself 1 minute.

I believe the reasons for support of the bill before us, Mr. Chairman, and of the level of authorization which it contains, have been forcefully put by such remarks as we have heard from the gentleman from Iowa (Mr. MAYNE), the gentleman from California (Mr. GOLDWATER), the gentleman from Minnesota (Mr. QUIE), and even yesterday the gentleman from Washington (Mr. MEEDS), and the gentleman from Idaho (Mr. HANSEN) all speaking of the valuable and constructive impact of these programs in their States.

To reiterate, Mr. Chairman, the bill before us contains the amount of money which has been requested by President Nixon and the administration. The bill enjoys widespread support in our committee and I hope it will enjoy similar bipartisan support here in the House.

Mr. Chairman, I have no further requests for time.

Mr. BEVILL. Mr. Chairman, I hereby salute the work of the National Foundation for the Arts and the Humanities. I stand in support of efforts to expand its growth and lend a hand to extend the valuable work of the Foundation.

In the realm of Arts and Humanities the United States has taken a "great leap forward" with the creation of a National Foundation for the Arts and Humanities.

In the last generation, science took a great leap forward and through well-deserved government support and encouragement science gained preeminence in our national personality. As a nation marked by this continuance of technological and scientific advancement we must now direct our concern more vigorously to the development of our culture.

I think Members of Congress can take credit where credit is due for initiating and creating the National Foundation, begun as an independent Federal Government agency in the executive branch of Government in 1965. As critics have said, the Foundation seemed in its beginnings to have such vague purposes—it seemed vague and perhaps properly so because there is no precise formula telling one how to paint a masterpiece or how to write a great play.

Thus, there seemed to be no precise formula for spurring and encouraging the arts. The purpose of the Foundation was to give new breath to the cultural climate of this country.

For many years the Federal Government ignored any suggestion that it had any responsibility for the country's art endeavors, and it was not too many years ago that people ridiculed others for proposing to create a council that would simply advise the National Government in its relationship to the arts. Although legislation to commit Federal support for the arts was placed before every Congress since 1955, the House of Representatives remained unconvinced of the need of such support until 1964.

The goals cited by the late President Johnson when he signed the bill in 1965 are admirable ones. The United States, he said, should be able to build a national theater, to start national opera and ballet companies, and in his mind it was most fitting that the movies, our Nation's particular contribution to the arts be recognized by the creation of the American Film Institute. At the time President Johnson signed this National Foundation Act he also remarked that—

> It may well be that the passage of this legislation, modest as it is will help secure for this Congress a sure and honored place in the story of the advance of our civilization.

As I know you are well aware, the National Foundation for the Arts and Humanities acts as an "umbrella" covering its two component parts, the Endowment for the Arts and the Endowment for the Humanities. These two endowments are advised in turn by the National Council of the Arts and the National Council on Humanities respectively.

To consider first the Endowment for the humanities, it has become one of the world's largest clearinghouses for intellectual affairs. To focus on projects in the humanities for a moment, the endowment has made great strides in starting State-based humanities programs in 40 States and in a matter of a short span of time, perhaps by the end of 1973 will encompass all 50 States with programs. Youth grants in the humanities is an up and coming project to encourage our school youth to design seriously disciplined work in humanities. To mention just a few more worthwhile projects, there are film-TV grants, museum grants, and Jefferson lectures. The Endowment will of course be making extra allowances for programs allied with the Bicentennial as the time approaches. Under the auspices of the Endowment, a humanities film forum has begun in which the Public Broadcasting Service provides the American public with access to films which this year include Richard III, Hamlet, Rise of Louis XIV, and Andersonville Trial to name a few.

To give you a for instance of the importance of the Endowment to each State, in my State of Alabama, in fiscal 1972, the education programs funded by the endowment included projects at Alabama State, Tuskegee Institute, and the University of Alabama to the tune of $82,294.

Our new program specifically aimed at assisting professionally directed community based arts programs is called Expansion Arts. The Endowment has also revised the architecture programs now called Architecture plus Environmental Arts. Likewise, the Endowment has made great strides in fellowship programs for filmmakers through the American Film Institute and in fellowships for singers through the National Opera Institute. Artists-in-Schools program is another exciting innovation and I can see much evidence of its success in the Alabama schools.

According to Nancy Hanks, chairman of the National Endowment for the Arts, for the first time in history both major political parties have recognized the role of the arts in our national life by including positive strong planks in support of the arts in their convention platforms for the last election. Culture has in this case transcended partisan politics.

In spite of this positive outlook, an article in Saturday Review, April 1972, indicates that our Government spends less per capita—approximately 15 cents per person—than almost any major nation in the Western World. For example, in comparison, West Germany spent $2.42 per capita, Austria $2, Sweden $2, Canada $1.40, Israel $1.34, and Great Britain $1.23.

We should expand our support of the arts and humanities and certainly the Foundation for the Arts and Humanities is the best tool we have to stimulate the widest range of artistic and scholarly expression.

As Thomas Jefferson once said:

> Our wisdom will grow with our power. It is safer to have a whole people respectably enlightened than a few in a high state of science and the many in the ignorance.

It is only through our support of the two endowments and that secure umbrella of the National Foundation for the Arts and Humanities that we can revitalize the best in our traditions and bring humanistic and artistic achievement.

Mr. Chairman, I urge my colleagues to vote for H.R. 3926 to extend the National Foundation on the Arts and Humanities and to authorize $145 million for fiscal 1974.

Thank you.

Ms. ABZUG. Mr. Chairman, today H.R. 3926 authorizing a 3-year extension of the National Foundation on the Arts and Humanities Act, comes up for a vote in the House of Representatives. Unfortunately, the House authorization version is less than either the corresponding measure passed by the Senate or the amount requested by the President. The point has been made that in a country of 230 million people, even the proposed Federal allowance of $72.5 million for the arts will come to about 32 cents a head, compared with the $1.40 put up by each Canadian and the $2.40 by each West German.

However, the passage of H.R. 3926 by the House represents another significant step in Federal support of the basic creative expression of any civilization—its performing arts.

New York is the cultural capital of the world. Among its attractions are Lincoln Center for the Performing Arts which houses the New York Philharmonic and the Metropolitan Opera, Broadway's legitimate theater district, off-Broadway theater, Carnegie Hall, New York's City Center, Juilliard School of Music, the Metropolitan Museum of Art, the New York City and Joffrey Ballet Co. New York City has nurtured one of the most exciting theaters in the Nation—Joseph Papp's Public Theater and his free summer Shakespeare adaptations presented in the borough parks of New York City.

Increased Federal support of the arts and humanities is crucial to increased free and low-cost cultural activities. Music, theater, dance, opera, film, and museums must be made accessible to all Americans, regardless of income. Steps must be taken to remedy the high rate of unemployment common to those involved in the arts. Typical of the job situation is the unemployment rate among actors. Theodore Bickel, president of the Actor's Equity Association indicated in testimony before the Committee on Education and Labor that 75 percent of Actor's Equity members earn less than $2,500 annually, well below the national poverty level.

In expressing my support for this bill I want to commend Ms. Nancy Hanks, who heads the National Endowment for the Arts and whose fine leadership has long been its mainspring.

A letter to my office from a New York sculptor expressed his thoughts candidly:

> Think what would happen to this society if artists were supported in their work by public assistance programs. Public buildings could be beautiful instead of eyesores. Works of art could be on display in citizens' houses. Movies and museums could be free. Our parks could be adorned with sculpture.

I fully support programs of Federal assistance to the arts and humanities, and look forward to the day when, in John F. Kennedy's words, America "will reward achievement in the arts as we reward achievement in business or statecraft."

Mrs. MINK. Mr. Chairman, I ask the Members of the House today to give their wholehearted support to a renewed and expanded commitment to the National Endowment for the Arts and Humanities. The arts and humanities form an integral part of what we, as a people and a nation, are and wish to become. H.R. 3926 is requesting an authorization of $145 million without illusions that it can save all of our theater groups or support all of our opera and ballet companies or aid all of our talented musicians, actors, filmmakers, scholars, and writers. The intent of this legislation is not to subsidize but to vitalize, to provide a spark and a substantial sense of commitment, which will create an atmosphere of support and encouragement.

We know that great achievements in the arts and humanities were rarely isolated moments or the products of isolated individuals—they were eras of unusual achievement, when artists and scholars and the communities that supported them seemed to draw inspiration and sustenance from one another.

Community support has always been a critical ingredient in creative achievement and that is, essentially, what we hope to contribute. Those of us who have been in Washington for sometime have noted its vigorous cultural growth and the deepening belief in itself as a national center for American culture. There is a virtually palpable air of creativity and life to this city: one achievement sparks another.

The work of the endowments here and elsewhere has laid the groundwork. There is the American Film Institute's work in preserving our film heritage and training and assisting future generations of film artists. American film is a dynamic art and yet by its very nature it is a complex and very expensive art form whose sheer costs would deter individuals from developing their talents.

I am hopeful of seeing even greater support for ethnic and regional projects. Without endowment interest and support, the simple lack of money may well condense our diverse and farflung cultural experience to the isolated pleasures of upper class residents of large metropolitan centers. The work of the endowments insures that our many, many resources are tapped and that the expression of our multifaceted talents is the property of all our people—whether they live in New York City or Wailuku, Maui.

The President requested $145 million to meet the needs of the National Endowments for the Arts and Humanities. This is the amount H.R. 3926 proposes to authorize. Frankly, I can think of few other investments in our people, in our Nation and its continued vitality, which give a greater assurance of lasting rewards and satisfactions. This money is intended as an impetus to greater American achievements in the arts and humanities; the impact of our commitment will not be limited to those receiving direct grants. We hope to nurture—to share in the nurturing of the American spirit and its creative expression.

I urge you to approve H.R. 3926. The extension of the national endowments at an authorization level of $145 million for fiscal year 1974 and levels to be determined by Congress for fiscal year 1975 and fiscal year 1976 gives us flexibility as well as the opportunity to expand a vigorous and valuable program.

We are discussing a program which is fundamentally and vitally involved in the life of our Nation. We are talking about a purpose and understanding of life on which our Nation was built. We are talking about human expression and shared humanity. We are talking about American culture: its past, its present, its future, and its continuing diversity.

I would like to stress, as strongly as possible, that the endowments themselves have been and shall continue to be a means of perpetuating the richness of American life and the tenacity of her ideals. I urge you to consider this legislation with a full awareness of its import. I urge you to approve H.R. 3926.

Mrs. HOLT. Mr. Chairman, the encouragement of artistic and other cultural achievements is certainly within the role of the Government. There is no question that the country that advances materially without corresponding cultural progress will remain a deprived nation.

We have excellent programs which assist the arts and humanities in the State of Maryland and in my home counties of Anne Arundel and Prince Georges. The Maryland Arts Council under the direction of Mr. James Backas and the Anne Arundel Arts Association under the direction of Laura Brown and Jeanette Stanford and the arts division of the recreation bureau of Prince Georges County have amply demonstrated their worth to the community

Today I reluctantly, find myself in a position where I must vote for the Kemp amendment which reduces the authorizations for the National Foundation of the Arts and Humanities. I cannot support this bill as it was reported out of committee because I feel that it is fiscally irresponsible to increase program authorizations by 80 percent during a time when we are trying to hold down Government spending. The other body's authorization was $160 million for fiscal year 1974.

President Nixon urged "the most important single thing the Congress can do in holding down the cost of living is to hold down the cost of government."

Congress must accept this challenge.

Mr. WYLIE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred sixteen Members are present, a quorum.

Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 3926

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Foundation on the Arts and Humanities Amendments of 1973".

AMENDMENTS TO THE NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965

SEC. 2. (a) The National Foundation on the Arts and the Humanities Act of 1965 is amended in the following respects:

(1) Clause (7) of section 2 of such Act is amended by striking out all that appears after "a National Foundation on the Arts and the Humanities" and inserting in lieu thereof a period.

(2) Subsection (d) of section 3 of such Act is amended by striking out ", purchase, renovation, or construction" and inserting in lieu thereof "or purchase", and by adding at the end thereof the following new sentence: "Such term also includes—

"(1) the renovation of facilities if the amount of the expenditure of Federal funds for such purpose in the case of any project does not exceed $250,000; and

"(2) the construction of facilities of such construction is for demonstration purposes or under unusual circumstances where there is no other manner in which to accomplish an artistic purpose.".

(3)(A) That part of subsection (c) of section 5 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) In clauses (1) and (2) of such subsection (c) such Act is amended by striking out "productions" each time it appears and inserting in lieu thereof "projects and productions"; and, in clause (3) of such subsection, such Act is amended by striking out "projects" and inserting in lieu thereof "projects and productions".

(C) Clause (5) of such subsection (c) is amended by striking out "and planning in the arts" and inserting in lieu thereof ", planning, and publications relating to the purposes of this subsection".

(4)(A) Paragraph (1) of subsection (g) of section 5 of such Act is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) That part of paragraph (2) which precedes clause (A) of such subsection (g) is amended (i) by striking out "such assistance" and inserting in lieu thereof "assistance under this subsection" and (ii) by striking out "prior to the first day of such fiscal year" and inserting in lieu thereof "at such time as shall be specified by the Chairman".

(C) Clause (B) of paragraph (2) of such subsection (g) is amended by striking out "except that in the case of the first fiscal year in which the State is allotted funds after the enactment of this Act, a plan may provide that not to exceed $25,000 of such funds may be expended to conduct a study to plan the development of a State agency in the State and to establish such an agency;".

(D) Such subsection (g) is amended by striking out paragraphs (3) and (4) and inserting in lieu thereof the following:

"(3) Of the sums available to carry out this subsection for any fiscal year, 75 per centum shall be allotted among the States which have plans approved by the Chairman, in equal amounts, except that each State shall be allotted at least $200,000. If the sums so appropriated are insufficient to make such allotments in full, the sums so appropriated shall be allotted among the States in equal amounts. Any sums remaining after making the allotments provided for in the preceding sentence shall be available to the Chairman for making grants to such States and to regional groups.

"(4)(A) Amounts made available for any fiscal year under this subsection shall be used to pay not more than 50 per centum of the total cost of any project or production described in paragraph (1), except that of the amounts granted a State from funds made available under the third sentence of paragraph (3) an amount not exceeding 20 per centum of the State's allotment under the first sentence of paragraph (3) may be used, at the discretion of the Chairman, to pay up to 100 per centum of such costs of projects and productions if such projects and productions would otherwise be unavailable to the residents of that State, but only if the State has utilized the full amount of its allotment under the first sentence of paragraph (3).

"(B) Any amount allotted to a State under the first sentence of paragraph (3) for any fiscal year which is not granted to the State prior to sixty days prior to the end of the fiscal year for which such sums are appropriated shall be available for making grants to regional groups.

"(C) Funds made available under this subsection shall not be used to supplant non-Federal funds.".

(D) Paragraph (5) of such subsection (g) is amended by inserting after "allotted" the following: "or made available".

(E) Subsection (j) of section 5 of such Act is amended by striking out "; 5 U.S.C. 133z-15".

(5) Subsection (f) of section 6 of such Act is amended in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$20,000"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided,* That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (A) of paragraph (1) of section 11(a).".

(6)(A) That part of subsection (c) of section 7 of such Act which precedes clause (1) is amended by striking out "the Federal Council on the Arts and the Humanities and".

(B) Clause (2) of such subsection is amended by adding at the end thereof the following: "any loans made by the Endowment shall be made in accordance with terms and conditions approved by the Secretary of the Treasury;".

(7) Subsection (f) of section 8 of such Act is amended, in the third sentence thereof—

(A) by striking out "$10,000" and inserting in lieu thereof "$20,000,"; and

(B) by striking out the period at the end thereof and inserting in lieu thereof the following: ": *Provided,* That the terms of any such delegation of authority shall not permit obligations for expenditure of funds under such delegation for any fiscal year which exceed an amount equal to 10 per centum of the sums appropriated for that fiscal year pursuant to subparagraph (B) of paragraph (1) of section 11(a).".

(8) The first sentence of section 9(b) of such Act is amended to read as follows:

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, the Chairman of the National Endowment for the Humanities, the United States Commissioner of Education, the Secretary of the Smithsonian Institution, the Director of the National Science Foundation, the Librarian of Congress, the Director of the National Gallery of Art, the Chairman of the Commission of Fine Arts, the Archivist of the United States, the Commissioner, Public Buildings Service, General Services Administration, a member designated by the Secretary of State, and a member designated by the Secretary of the Interior.".

(9) Clause (2) of subsection (a) of section 10 of such Act is amended by inserting after "purposes of the gift" the following: ", except that a Chairman may receive a gift without a recommendation from the Council to provide support for any application or project which can be approved without Council recommendation under the provisions of sections 6(f) and 8(f), and may receive a gift of $15,000, or less, without Council recommendation in the event the Council fails to provide such recommendation within a reasonable period of time".

(10) Clause (4) of subsection (a) of section 10 is amended by deleting the semicolon at the end thereof and by inserting in lieu thereof the following: ": *Provided, however,* That any advisory panel appointed to review or make recommendations with respect to the approval of applications or projects for funding shall have broad geographic representation;".

(11) Section 11 of such Act is amended by striking out subsections (a) and (b) and inserting in lieu of the following:

"SEC. 11. (a)(1) There is authorized to be appropriated to the National Endowment for the Arts for the fiscal year ending June 30, 1974, the sum of $54,000,000 to carry out section 5(c), $11,000,000 to carry out section 5(g), and an amount equal to the total amounts reecived by such Endowment during such year under section 10(a)(2), but not to exceed $7,500,000. For the fiscal years ending June 30, 1975, and June 30, 1976, there is authorized to be appropriated to the National Endowment for the Arts such sums as may be neecssary to carry out section 5(c) and 5(g), and an amount equal to the total amounts received by such Endowment during each such year under section 10(a)(2). Not less than 20 per centum of the funds appropriated under the preceding sentence may be used only to carry out section 5(g).

"(2) There is authorized to be appropriated to the National Endowment for the Humanities to carry out section 7(c) the sum of $65,000,000 for the fiscal year ending June 30, 1974, and such sums as may be necessary for each of the two succeeding fiscal years. There is also authorized to be appropriated to such Endowment for each such year an amount equal to the total amounts received by such endowment under section 10(a)(2) during such year, except that the amount so appropriated shall not exceed $7,500,000 for the fiscal year ending June 30, 1974.

"(b)(1) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for obligation and expenditure until expended.

"(2) In order to afford adequate notice to interested persons of available assistance under this Act, appropriations authorized under subsection (a) are authorized to be included in the measure making appropriations for the fiscal year preceding the fiscal year for which such appropriations become available for obligation.".

(12) Sections 13 and 14 of such Act are repealed.

(b) The amendments made by subsection (a) shall be effective on and after July 1, 1973.

Mr. BRADEMAS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT OFFERED BY MR. KEMP

Mr. KEMP. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEMP: Page 11, line 9, strike out "$54,000,000" and insert in lieu thereof "$28,625,000"; line 10, strike out "$11,000,000" and insert in lieu thereof "$6,875,000"; line 13, strike out "$7,000"; line 24, strike out $65,000,000" and insert in lieu thereof "$35,500,000"; and on page 12, line 5, strike out "$7,500,000" and insert in lieu thereof "$5,000,000".

Mr. KEMP. Mr. Chairman, this amendment would simply maintain Federal support for the National Foundation on the Arts and the Humanities at the current funding level, which is approximately $81 million.

I think it is ironic, to say the least, to be considering an 80-percent increase, on the heels of the President's address to the Nation last night. The freeze that he asked for in phase IV is a dramatic reminder that the economy and Government spending continue to be our No. 1 problem.

If our economic stability is so imperiled that the President is prompted to abandon, even temporarily, our productive and traditional free market philosophy in order to freeze prices, an unprecedented action in peacetime, then surely we have long since passed the point at which the growth of Government spending should have been frozen. The 93d Congress needs a spending stabilization program to supplement the President's economic stabilization program.

Mr. Chairman, the President admonished us not to use controls as narcotics, because, he said, the risk of addiction is too great. I think we in the Congress have already become addicted to compulsive spending. The programs offered are too attractive, and we cannot say, "No." Like any addiction, the withdrawal symptoms are painful. But it is a discomfort that we can and must live with to help restore our system's health and stability.

Paying lip service to budgetary reform and fiscal discipline is not sufficient. Every authorization on the floor of this House and every appropriation which comes before us must be challenged. Every proposed expenditure should be similarly probed, dissected and analyzed, and our approval should be reserved for only those measures which withstand the most strenuous challenge.

Mr. Chairman, I have no quarrel with the commitment to promote the arts and humanities, or with the Government's rightful role in that commitment. In western New York, we are fortunate to benefit from many fine programs that are funded by the Foundation. The Buffalo Philharmonic, in particular, is a special source of pride to us. I think that all of us in the Buffalo area have a keen appreciation for the Federal support which the Philharmonic has received. Government assistance for the Buffalo Philharmonic matches the amount given the New York Philharmonic, and has been responsible, to a large extent, for enabling the Buffalo Philharmonic to tour the country. Western New Yorkers are proud to have the opportunity to share their treasure with the rest of the country. The Albright-Knox Museum in Buffalo is another oustanding example of the excellent use to which these funds can be put. Moreover, endowment grants have given valuable assistance to the Research Foundation of State University of New York, the Polish Cultural Foundation Concerts, the Buffalo Museum of Science, Buffalo State College, the Studio Arena Theatre and the Williamsville Group to support Alvin Ailey Dance Company performances.

I do not think we even need debate that Federal support for the arts and humanities is essential.

I am primarily concerned with the effect of this authorization on the total budget. I see no profit in approving programs that will compel us, if we honor the authorization, to make appropriations that are excessive, that lead to more borrowing, erode the dollar's value, and thus increase inflation.

It also makes our determination to exercise fiscal discipline and fiscal restraint meaningless.

Mr. Chairman, I am hopeful that this Congress will adopt a spending ceiling. I am certain that when we succeed in doing so, we will be forced to make some very difficult and painful priority judgments. There are other programs with equal merit. There are other services of Government just as valuable that we are not increasing, because an increase would simply exceed the limits of our current resources. Recognizing the need to exercise restraint, we substantially reduced funding levels for older Americans, vocational rehabilitation and other important programs.

Now, the arts and humanities are not—I repeat—are not withering on the vine. The Internal Revenue Service estimates that the amount spent for arts and humanities, through the provision of tax deductions for individual contributions is about $2½ billion or $12 per person in the United States, far more than in any other nation in the world. It is estimated that as much as $1 billion a year in tax receipts which would otherwise come to the Government now go as a subsidy to arts and humanities.

Mr. Chairman, I support and encourage that private approach, as well as the Government approach. Proponents of the committee bill will point to the very modest proportion of the total expenditures in the arts and humanities which government support represents. Committee estimates indicate that nonfederal sources contribute annually, at a minimum, over $3.4 billion to the humanities alone, and this is as it should be. It insures that decisions and judgments will be kept in private rather than in Government hands. I would have the most serious reservations about allowing this power to seep away from the private sector.

In those instances where the Government does play a role in the decision-making process, we should be diligent in insuring the high quality of the programs selected for support. I think the committee was wise to limit authority for "chairman's grants" under section 5(c) and 7(c), of the committee bill, to 10 percent of the amount of the program.

However, Mr. Chairman, I am concerned that the committee saw fit to increase the size of these grants to $20,000. I would prefer a limit to their authority of $10,000 or less for those grants which may be made without prior approval of the councils of the Endowment for the Arts and the Endowment for the Humanities.

Since its inception, funds for the Foundation on the Arts and Humanities have grown from $22 million to $80 million in 1973.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. Mr. Chairman, this is a growth rate of roughly $20 million a year. At a time when public pressure and the demands of our economy for fiscal restraint are at a peak, I cannot personally support a $65 million increase.

Trite as it sounds, if there was ever a time for reexamining our spending priorities, it is now. While preservation of our cultural heritage and encouragement of our creative development are extremely important not only to our country but to those of us in Buffalo and Erie County, N.Y., they cannot overshadow other basic and vital human needs, and certainly not at a time when the administration feels it is necessary to administer shock treatment in order to emphasize the serious threat of inflation.

I will reiterate that there are many fine programs being funded in my area in western New York, which I enumerated earlier. But the worst thing that I can do as a representative of my district, I believe, is to allow this country's fiscal situation to deteriorate any further. The worst thing I can do as a representative of the people is to allow the bankruptcy of this country to come about. I will not stand by in doing that and urge support of my amendment.

Mr. HUBER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Michigan.

Mr. HUBER. Mr. Chairman, I would like to commend the gentleman on his statement and be associated with his remarks.

After last night's television address by the President where he said that he wanted to cut all unnecessary programs and expenditures, I think this is a good place to start.

Mr. KEMP. I appreciate the gentleman's comments.

Mr. REID. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from New York (Mr. KEMP).

I find it somewhat interesting to see at the outset of this debate that the gentleman from Buffalo is taking a position in opposition to the President, who strongly supports this increase and indeed Nancy Hanks, also of New York, who has done an outstanding job in developing this critically needed and vitally important program.

Let me say to the gentleman from New York, also, that if he would take a look at the figures of the Buffalo symphony, he would find it is in a deficit operation in terms of operating expenses, and it is critically needed there.

Mr. KEMP. Will the gentleman yield?

Mr. REID. Not at this point. Let me make four quick points, and I will be happy to yield.

First, there has been a very interesting and revealing study made of the State of New York by the American Council for the Arts in Education. The results have been compiled by the National Research Center for the Arts. Specifically, this survey points out a majority of New York State residents have a decidedly positive outlook toward the arts and favor increased cultural facilities in their communities; moreover, it stresses strong support for additional arts funds comes from blue collar workers, among others.

Let us take a look at exactly what we are doing. I remember in the days when the arts only got $2.5 million, but here we are increasing Federal funds for the arts from $38.2 million to $72.5 million. That sounds like a lot. However, let me call your attention to one very simple figure. The $72.5 million represents only 32 cents per person nationally. If you were living in Canada, you would be spending $1.40; if you were living in West Germany, it would be $2.40 per person; and if you were in Vienna, one of the great artistic centers of the world, people spend $5.50 for the arts. Yet in the most affluent nation in the world we are starting to haggle about spending 32 cents per person.

For those concerned about the artists, let me point out that three out of four artists in the professional theater today are without jobs—55 percent of equity members lack jobs.

In terms of operating costs, in the Metropolitan Opera—an entity of cultural merit which I am sure everyone in this House believes has great value to our country and to the cultural world—the box office income covers only 47 percent of the operating costs.

The same is true of dance and orchestras, and in the State of New York the operating deficit in terms of box office sales is on the order of $70 million. Major and metropolitan orchestras have a shortfall of about $40 million, or almost 50 percent.

This is true of the Metropolitan Opera, the Museum of Modern Art, the Buffalo Symphony, and all kinds of museums and artistic endeavors. We are not doing what we should for our working artists, or for residences for artists, or studios with good light, and when we look at the case of the humanities we are still spending a fraction of what we should spend.

A few years ago we were spending $5 million on the humanities, and $15 billion on the sciences. What we are really saying is that the future of our country depends on the cultural quality of our life, and try to cut back one program that has been a distinct success, that is supported by a majority of Americans, is essential to our cultural well-being and, indeed, to our national decisions, would be very, very foolish in my judgment, and it would be a travesty to our commitment to artistic endeavor and to the humanities.

I say to the Members today that to haggle over 32 cents is a very unwise decision to take. As regards the State of New York, I think it is essential not only for purely cultural reasons, but also for the economic benefits provided the communities by these Federal funds. In Buffalo, for instance, I am certain that the Buffalo Philharmonic attracts tourists, visitors, and increases business in restaurants and other businesses. Further, I would note that 35,000 jobs in New York State are directly related to the nonprofit arts.

I believe the bill should be strongly supported and the amendment soundly defeated.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. REID. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman yielding. Mr. Chairman, I mentioned in my remarks that I am a private and public supporter of the Buffalo Philharmonic. I recognize the trouble they are in. But, I think, in this country, tremendous contributions are made for the arts and humanities, by indirect Government subsidy via tax deduction provisions. Contribution made in this way enable us to spend $12 per person nationally on the arts and humanities. Therefore, I think it is unfair to equate us with West Germany, with $1 per person, or Sweden with $2 per person. The amounts this country has contributed are substantially more than any other country in the world.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. REID was allowed to proceed for 1 additional minute.)

Mr. REID. I have asked for this time in order to answer the gentleman from New York (Mr. KEMP).

Mr. KEMP. If the gentleman will yield further, we are not gutting the program, we are continuing it, at the present funding level.

At a time of extraordinary economic conditions, in which we have had the imposition of a freeze during peacetime, I find that I cannot support an 80-percent increase. I would add further to the gentleman from New York that the worst thing we could do to the Buffalo Philharmonic is to allow this country to go into bankruptcy.

Mr. REID. I appreciate the comments of the gentleman, but the Buffalo Philharmonic, whose operating deficit is around $700,000, or 45 percent, needs this program very badly. So, I believe, does Buffalo. The U.S. Government spends only a fraction of that spent by other nations in the world for the arts. If we would readjust our priorities we would find more than enough to help the arts and the humanities in this country, and to significantly improve the quality of our lives and the character of our civilization.

Mr. Chairman, I hope the amendment is defeated.

Mr. CRANE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from New York (Mr. KEMP).

Mr. Chairman, I have listened to the eloquent arguments pro and con in behalf of the Endowment, and must say I was greatly impressed by the defense of this expenditure at so minimal a level as 32 cents per capita, mentioned by my good friend, the gentleman from New York (Mr. REID).

An examination of some of the specific programs gives anyone pause who is inclined to support the amendment of the gentleman from New York (Mr. KEMP). Let me enumerate some of these grand programs.

I think that virtually any one of the Members would have great difficulty going back to their district and saying, "Yes, I voted against spending $31,912 to Aldo Bernardo and Bernard Huppe of the State University of New York at Binghamton to microfilm the principal archives of the Island of Malta."

That is one of those indispensable programs that I think all of us who are worried about the arts and the humanities must recognize the importance of.

Another program involved giving $75,000 to the Dallas Public Library to help workers, housewives, and businessmen follow their own courses of study for college credit.

Surely we all believe in education.

Forty-five thousand dollars went to the Japan Society and Michael Hoffman of New York to develop a program for providing a central promotion, distribution, and billing organization for small publishers and literary magazines.

Columbia University got $42,790 for

a new program to improve the quality of literary translation.

Our own Chicago Historical Society got $8,000 to survey its costume collection.

I think in addition to this we have got to recognize the merit of some of the youth grant funds that were distributed under this program last year. For example, $3,992 went to Stephen B. Wright of Los Angeles for a study of high school student racial stereotypes, obviously another one of those indispensable programs; $6,252 to Glenn H. Jordan of Sacramento for a study of the Black Holiness Church; $8,079 to Joan W. Cove of Potomac, Md., for a historical study of Toby Town, Md.

I think all of us, notwithstanding the fact that most of us do not come from Maryland, can appreciate that unique program.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from California.

Mr. KETCHUM. I thank the gentleman for yielding. I wonder if somewhere in that list the gentleman was just enumerating he found any allowance for Buck Owens, Merle Haggert, or Grand Ole Opry?

Mr. CRANE. Unfortunately, I looked through the bill, and I could not find that kind of commitment. The gentleman raises a very significant point.

Mr. KETCHUM. I thank the gentleman for yielding.

Mr. CRANE. Frankly, I think it is horrifying. Historically, under a free market of economy, we have subsidized the arts and humanities by casting these little green backed ballots in the marketplace. We have done that in the area of country and western music. They are not down here seeking to have us bail them out.

Socialist Michael Harrington, not to be confused with the gentleman from Massachusetts (Mr. HARRINGTON) in his book, "The Other America?" discusses the congressional practice of creating programs that represent socialism for the rich and free enterprise for the poor. I do not think there is any more classic illustration of that than in this particular program.

Let me go on with other cultural education programs: $52,050 was paid to Desmond Clark of the University of California for a study of early man in the Dordogne Valley of France; $30,000 to Arthur Puotinen of Suomi College of Hancock, Mich., for Finnish folklore and social change in the Great Lakes mining region.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to my colleague, the gentleman from Iowa.

Mr. GROSS. I thank the gentleman.

Somebody here by the name of Ms. Nancy Hanks is listed in the report. I do not know whether Ms. means Miss or Mrs.

Mr. CRANE. Master of science, I suppose.

Mr. GROSS. I do not know, but as her contribution, she says:

> We cannot stress too strongly the Council's commitment to the potential for making a long-range contribution to the Nation's cultural life, for avoiding razzle-dazzle one-shot activities, * * *

I do not know what this means exactly, and I would like to have someone explain it.

Mr. CRANE. I cannot explain it either.

The Illinois share of the total national tax burden is 6.49 percent. Our share of funds under this program is 1.8 percent. It strikes me we are paying out between $3 and $4 in Illinois to get a dollar back under this program. A program of this nature is positively injurious to the arts and humanities in my State of Illinois. Amongst other things, I think it is questionable in its initial premises, but reason dictates in our present economic circumstance, support for the amendment of the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at a time when many federally supported programs are experiencing cutbacks and reductions in the levels of funding, it may be difficult to appreciate the importance of increased support for the National Foundation for the Arts and Humanities. Yet I would urge that such support is essential, especially at a time when reductions are being made elsewhere.

We find ourselves, in fact, at a time when the government and, indeed, the entire country, are engaged in a review of the way in which public moneys can best be expended in support of public needs. I would urge that such a review cannot be well undertaken without at the same time insuring that these needs and issues be understood in light of our past and in light of the values which have guided our development as a people over the past two centuries.

The efforts of the national endowments to make our heritage a living reality and a source of guidance have been substantive and remarkably effective in recent years. Increasingly, the National Endowment for the Humanities has addressed itself to the need to extend to the entire Nation a richer understanding of our origins, our purposes, and the values by which we seek to determine the best course of action.

To restrict or to deny the development of such efforts or the informed and serious-minded exploration of such questions would be shortsighted at any time in our history; it would be especially misguided at a time when we are together engaged in reconsidering priorities and the strategies by which our shared objectives are to be reached. The National Foundation for the Arts and Humanities alone among all Federal agencies is charged with the responsibility to advance such understanding among the general public. Without the support recommended for the foundation, this effort will not only be impaired, the achievement to date will itself be placed in jeopardy.

Mr. Chairman, I find myself in the very awkward position of opposing an amendment offered by my colleague, the gentleman from New York (Mr. KEMP). I know that in his remarks he has stated some figures were procured from the Internal Revenue. As a former Revenue agent I can assure the gentleman it is almost impossible to get the correct figures about what are not donations or contributions as to specific organizations and allowed as a tax deductible item. Charities are all combined but there is no separation of any figures the Internal Revenue can present that will be authentic. I am sure the gentleman has some figures from the Internal Revenue.

Another point the gentleman was very much disturbed about is the budget. I am sure the gentleman from New York is a strong supporter of the administration and the administration favors this legislation as the program has done a great deal for this country and as related by other speakers. The increases and comparisons with other countries, we find ourselves in the 34-cent bracket as compared to $1.40. The President in his judgment felt that $80 million was not sufficient so he asked an increase to $145 million.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I have great affection for my colleague from the city of Buffalo. We have worked together on many projects in the past and hopefully we will work together in the future for our communities.

What I was alluding to in my remarks about the estimates of the IRS was that in a public statement given in the other body by the distinguished Senator from Wisconsin, Mr. PROXMIRE made the following statement:

> While only the most rudimentary estimates are available publicly, close to $15 billion a year is given to charitable groups, which contributions to literature, museums, educational foundations, libraries, galleries, orchestras, and so forth, probably amount to $2 billion to $2.5 billion.

I was not trying to suggest it was given just to the Buffalo Philharmonic.

I appreciate the gentleman's remarks and I just wanted to answer on that one point. I was not talking about only the Buffalo Philharmonic.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, the gentleman from New York (Mr. KEMP) referred to a remark made by a gentleman from Wisconsin in the other body in respect to this matter. I might point out with reference to the colloquy and the statement made, that officials in the Arts Endowment were also somewhat surprised and inquired where this figure came from, and the IRS officials said they did not know.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, that may be so. I do not think they know a great deal at times over there anyway, but it is obvious this country supports in many different ways charities ranging from hospitals to orchestras, and I am sure the figure is closer to $15 billion than zero as suggested by the chairman of the subcommittee.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. Dulski was allowed to proceed for 1 additional minute.)

Mr. DULSKI. Mr. Chairman, I would like to point out one institution in Buffalo, the Buffalo Fine Arts Academy has $3,000, and there is another, the Buffalo Fine Arts Academy for $8,500, and the Buffalo Historical Society for $10,000, and the Buffalo Society of Natural Sciences has $3,125, and the Buffalo State College Alumni Foundation has $5,000.

They are all receiving these funds, and they are in dire need of funds. People from Buffalo were in my office this afternoon asking for this legislation and to oppose any cuts from the bill.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DULSKI. I yield to the gentleman from New York (Mr. Kemp).

Mr. KEMP. Mr. Chairman, I too fight to uphold the Philharmonic and the art museum in Buffalo. I am only suggesting that we have the program, but in view of the extraordinary freeze put on last night by the President, the Congress should act in the spirit of that freeze.

Mr. DULSKI. We have given the President sufficient power. He waited all this time and yesterday he invoked a 60-day freeze. Much too late. I hope the amendment is defeated.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, over the years I have learned, I suspect as others have, that when one is not an expert on the subject matter, one should do one of two things: Not speak; or if one does speak, speak for a very limited period of time.

I am going to violate the first recommendation and will try to limit my remarks under the second.

I confess that I have no expertise in the field of the arts, and I use that in the broadest sense. However, I must confess that in more recent years I have more thoroughly enjoyed the arts in its widest ramifications. I suspect that that has been true because I have had an opportunity at the local level in my home town to have greater and more exposure to the arts.

We have a fine civic theater, and the attendance at their various performances over the years has zoomed upward. I have been privileged to see more there in recent years than I ever did in the past, and with much more appreciation.

We have had a fine museum in Grand Rapids, but the attendance at that museum, primarily by school children as well as others, has increased significantly. I think that is a wholesome sign.

We have had a fine art museum. We have a great tradition of furniture, and certain related areas of art and design, and I am glad to report that public support for this part of our community has gone upwards substantially.

We have an outstanding community symphony orchestra. I cannot judge whether everything that is put on or exhibited by these various local operations is the best—or whether it is real good—but I can tell you that there is a growing public interest in these fields and that is most important.

Rather than restrict them, I think we ought to gamble a little extra investment and probably expand the operation. Let me say—and this is a confession—when this program started, I think 6 years ago, I did not support it.

However, we were fortunate in Grand Rapids, Mich., to get an award for a joint venture between the city of Grand Rapids, or its citizens, and the Federal Government. As we developed our urban development area downtown with a new county administration-city hall, three new bank buildings, a new Federal building, and a number of other attractive facilities of what was once a rundown part of the community, we purchased what is called "a Calder."

At the time I did not know what a Calder was. I doubt if many people here do today. It was somewhat shocking to a lot of our people out home. I must say that I did not really understand, and I do not today, what Mr. Calder was trying to tell us, but I can assure the Members that Calder in the center of the city, in an urban redevelopment area, has really helped to regenerate a city, and particularly a part of it. The Federal arts and humanities program was a participant and it was a good investment both locally and federally.

I praise the people who had the foresight to undertake this program, just as I praise the people who convinced the arts and humanities people down here that they ought to get a Federal grant for a children's theater. As a result of that grant we have a fine children's theater program in the city of Grand Rapids. The response has been overwhelming.

Instead of an opponent, as I was, of the program at its inception, I am a supporter.

I must say that this relatively small increase—I say "relatively," and one can get different interpretations of the amount—in my judgment is a worthwhile investment.

Therefore, in support of a first-class head of this agency, Nancy Hanks, who in my judgment has done a fine job, I am an enthusiastic supporter of the bill as it came from the committee. I regretfully oppose the amendment of my good friend from New York.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

Mr. Chairman, I rise in reluctant opposition to the Kemp-Steiger amendment to reduce the authorization for the National Foundation on the Arts and Humanities. My reluctance is based on my strong desire to maintain closer and more reasonable controls on Federal spending. It is therefore difficult for me to resist an amendment which seeks to reduce a spending increase of 80 percent over the past fiscal year.

Every Member of this body realizes that few programs ever receive these kinds of increases, and none receive them very long. But there are a couple of reasons why I shall vote against the amendment.

In the first place, a national program in the arts field cannot really be national in scope if it does not have a reasonable financial base. I do not suggest that we do away with this program, or any other underfinanced program. But in some respects, it is almost better to have no program than to tease possible recipients into believing we are operating a good program and then provide little funding. In my judgment the expanded authorization is necessary to maintain a national program. At current levels there is simply not enough money to encourage participation in the arts with adequate geographical distribution. Reductions will simply mean reduced participation, particularly in the smaller areas where the needs are greatest.

Second, Mr. Chairman, I am persuaded that the arts have never received adequate Federal interest and encouragement. I would like to see Federal participation expanded to a level which would show real Federal interest in the arts. The extra dimensions added to the lives of the American people by the incentive grants of the National Foundation is something I cannot describe because those dimensions are lacking in my education and experience. I feel that lack and wish there had been more opportunities in the arts in the past.

My opposition to this amendment does not mean that the Government should take a dominant role in the arts of this country. I hope its role will always be supportive and minor. I expect, and strongly desire, that the arts will be privately and/or locally supported rather than funded by massive appropriations from Washington. I do not want Washington arts decisions imposed on the general public. That is one of the reasons why I support the foundation because it responds to local needs rather than determining them.

In America we have used tax deductibility to allow private citizens to manage our arts programs. I want to see that principle maintained. For this reason I will probably be concurring in future Kemp-Steiger amendments. But for now I think we have not demonstrated enough encouragement and incentive at the Federal level, and I urge that the Kemp-Steiger amendment be defeated.

Mrs. BOGGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, at this time of concern about congressional prerogatives and budgetary priorities, it is especially important that we support H.R. 3926 as reported by the committee.

The National Endowments on the Arts and on the Humanities have so well and ably and with such fiscal responsibility carried out the congressional intent in the purpose of this legislation, which was "to complement, assist, and add to programs for the advancement of the humanities and the arts by local, State, regional, and private agencies and their organizations," that they have earned the respect of both the Congress and the executive branch.

In the committee bill there is no discrepancy between the two branches on either priorities or the amount budgeted, and this is true because the arts can do so much for us all, and we are being asked to do little in relation to the benefits, tangible and intangible, that will reach out and touch all Americans now and for generations to come.

This is a matter we must not treat lightly, if we believe as we say we do, and as we reaffirmed in this Chamber at noon today, with our Flag Day exercises, in the limitless potential of the human mind and spirit.

Louisiana is a State with a long, rich, proud and diverse cultural heritage. Because of this, the citizens in our State have been aware of the activities of the National Endowment for the Arts since its inception. We were so pleased to be able to greet the members of the National Council early in 1968, at their national meeting in New Orleans. And so much has happened since then. With the growth of the arts endowment, its steadily increasing resources and excellent leadership have begun to make a major impact on the lives of millions of Americans.

In Louisiana alone the endowment has helped to make possible an amazing variety of activities in cities and towns and farmlands all over the State. We now have professional artists working in our schools. We have any number of jazz projects from Houma to Baton Rouge to New Orleans, including public school workshops and concerts, as well as oral histories of some of our great old jazz musicians.

We have dance companies touring in Lake Charles, Natchitoches, Hammond, Lafayette. We have the New Orleans and Shreveport Orchestras commissioning new works, performing community concerts, and touring their regions.

Mr. Chairman, we have the Free Southern Theater bringing timely and meaningful experiences to people in guild halls, fields, and community centers. We have seen our State arts council, the Louisiana Council for Music and Performing Arts, of which I am a member, assisted in a wide variety of programs. The New Orleans Museum of Art, whose new wings were dedicated by Hale in 1971, was aided in presenting a special exhibition on "The Art of the North American Indian and the North American Indian in Art."

We have a number of photography fellowships in the State, and we have assistance to the Council of the Arts for children in New Orleans, which will enable 3,000 youngsters, disadvantaged by economic or physical handicaps, through the ages of 4 to 18, to have professional artist-teachers working with them and developing their skills, perception, and, most of all, their sense of self.

Mr. Chairman, we have heard it said that the arts are for the elite, but that is certainly not true, as one can see from what is happening in my State. We have been told that the arts is a priority only for the educated, but that again is simply not supported by the evidence I see all around me.

It has been suggested that it is inappropriate to increase the arts program by $72.5 million when social programs are being held or reduced, but the arts endowment's programs play an integral part in the social and economic betterment of people, bringing benefits to all, and enriching so many lives for so small an investment.

Some "doubting Thomases" say that no agency can handle growth at such an accelerated rate, but the arts endowment has handled growth, particularly in the past few years.

The CHAIRMAN. The time of the gentlewoman from Louisiana (Mrs. BOGGS) has expired.

(By unanimous consent, Mrs. BOGGS was allowed to proceed for 1 additional minute.)

Mrs. BOGGS. Mr. Chairman, under the leadership of Nancy Hanks and Ronald Berman, yet it has never lost its personal touch nor its ability to serve its wonderfully diverse constituency. So impressed have been the businessmen of our State that they have sponsored for 2 consecutive years the National Conference of Business and the Arts in New Orleans.

Mr. Chairman, I have tremendous respect for the gentleman from Iowa, who is the most faithful watchful guardian of this House, but I would like to assure him that the letter he quoted from Nancy Hanks about our bicentennial celebration was only to say that the ongoing arts programs that would be really essential to the betterment of the understanding of our 200th birthday would have the respect of our council and not the programs that may pop up at the last minute to be endowed by the council.

So, Mr. Chairman, I urge my colleagues to join me today in voting for the bill, as reported out of the committee, thereby making it possible for the National Endowment for the Arts to continue its fine work and to expand its important programs.

Mrs. GREEN of Oregon. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have no quarrel with the statements that have been made on the floor of the House today by those who would oppose the amendment. That is, I would have no quarrel if we had unlimited funds.

I do not think there would be a person in this House who, if our funds were unlimited, would not vote to double or quadruple the money to the arts and humanities. Certainly it is true that man does not live by bread alone.

But, Mr. Chairman, when this administration is recommending sharp cuts in other very essential areas and is, in fact, taking the bread itself away, I suggest that we had better look at our priorities.

I do not understand the logic of this administration in saying that we will double the amount for the arts and humanities, or almost double it, and that we will cut mental health training $10 million below last year's level.

Arts and humanities are very nice as previous speakers have said, but I suggest for the person who is mentally ill that mental health centers and mental health personnel and other programs might be even more important.

Medical facilities construction—the administration recommends that be cut by $200 million. Disease control research grants, cut $2 million; project grants cut $2 million. They do not recommend we double the funding for them, but rather, let us cut it below last year's expenditures. Preventive health services, which are pretty basic to any American person, and nutritional and chronic diseases, the administration recommends that we cut $3.5 million below last year's appropriation. Dental research to be cut $2 million; arthritis and digestive diseases of the National Institutes of Health cut $6 million.

Mr. Chairman, I could go down the list; program after program after program where this administration and this Congress are not funding programs to the level of last year. Then should we ask ourselves in terms of priorities is the arts and humanities endowment the one and only program in the Federal budget to be increased by 80 percent? If so why? Is it more important than health programs? More important than education? More important than cancer research? Are the arts and humanities more important than leaving libraries open and making books available to people who want them? Why cut library resources back so we can double last years funding on arts and humanities.

Yesterday we talked about the national deficit, about the Congress setting a budget ceiling. Are you going to be willing to double the amount of money over last year for all of these other programs? Will Congress double last year's level of funding in nurses training, in training of doctors and dentists, in research, in heart disease and stroke? Will we double last year's level of funding for all environmental programs? Will we double last year's level of funding for clean air and the water quality act? Are you willing to double last year's level of funding for impact aid, for education for the disadvantaged, for the physically and mentally handicapped? Surely these programs are as important, at least, as the endowment for the humanities.

And if we double the level of funding for all, where does that place the national budget, the national deficit?

Let me turn to a second point. In the endowment for the humanities there is a fellowship program. These, to the best of my knowledge, start at $12,000. What are these fellowships for? For history, for psychology, for sociology, for English. Everyone knows we have a surplus of Ph. D.'s in these disciplines. We have Ph. D.'s, in these fields I have just mentioned, out on the streets looking for jobs. Yet under the committee's recommendation for the humanities the fellowships in those areas where there is a surplus would be doubled. Yet in health personnel, where there is a shortage and where we do not have enough nurses and doctors and other health personnel in those and allied fields, the administration is recommending that we cut the new starting fellowships down to zero. Can anyone explain the logic of doubling fellowships in the areas where we have a surplus and cutting the fellowships in the health fields where we have a shortage—cutting them below last year's level? This is a question of priorities.

This is the basic issue that confronts us.

It is not because anybody is opposed to the arts and humanities; heaven knows that. My district and my State and other States of the Union have all benefited, especially by the Endowment for the Arts—and to some extent by the Endowment for the Humanities. But that is not the issue. The gentleman from New York is not recommending a cut. He is recommending that we do not increase the funds over last year's spending by 80 percent.

May I suggest this, also. I have been on the Committee on Education and Labor when we went to conference with the Senate, and we have ended up with the Senate figures, and in this case that may involve $400 million and not $145 million or $165 million.

May I remind my colleagues, also, that the Foundation for the Humanities financed a great poem a year or so ago. I believe one of our colleagues called our attention to it, and the person who wrote this great poem received $750 from the Endowment for the Humanities. That poem consisted of one word: Light. That was the only word in the poem. They had so much money they gave that person $750 for making that great contribution.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. Green of Oregon was allowed to proceed for 2 additional minutes.)

Mrs. GREEN of Oregon. I suggest that a foundation that has money so that it can give $750 away for a one-word poem has too much money already and they had better start looking at their own priorities as to whom they are going to finance and to what extent.

But it is not because of that one particular poem that I would support the amendment which the gentleman from New York (Mr. Kemp) is offering. I support that amendment because I think that we must decide what our priorities are. If we have unlimited funds then, yes, let us go ahead and double the funding for all health programs, for all education programs, for all programs for the elderly; but if we are going to have a budget ceiling established in the Congress, if we are going to cut other basic programs, nutritional services for children, programs for health personnel, programs to clean up our environment, then I cannot for the life of me understand how we can almost double this program. Neither do I understand how the constituents in our home districts could agree to these kind of priorities. I know how the majority of my constituents would vote. They would say education, basic health programs, programs for the elderly, programs to clean up the environment should be increased, and yes, keep the endowment for the arts and humanities but not with a 100-percent increase.

Mr. STEIGER of Wisconsin. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to my colleague, the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate the gentlewoman from Oregon yielding to me. I want to commend the gentlewoman for the statement she has made.

It seems to me that the basic issue we are faced with is essentially the one the gentlewoman from Oregon has portrayed for us, and that is how do we determine our priorities? Let me go to one that the gentlewoman mentioned. I am concerned in terms of the district that I represent where we do not have the large symphonies, and the large art museums, but do have outstanding community organization and institutions for arts and humanities, and that is the library program, which is being very substantially reduced.

The kinds of programs which have received large sums take place in Boston, and New York, and other large cities where they are enjoyed by the people in those communities, but they do not benefit to the same extent the people in smaller areas. But the one program that does is the library program. And I am talking about not just the large city libraries, it is those small libraries that I think we have to take care of. I believe it is important that we decide how best we can allocate with the limited resources we have the best possible benefits to all of our people in this country.

I believe that the gentlewoman from Oregon has been on target in her comments, and again I commend the gentlewoman for her statement.

Mr. PEYSER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from New York (Mr. Kemp).

Mr. Chairman, I must say that I find it difficult to rise, particularly in opposition to the gentlewoman from Oregon (Mrs. Green) whom I have learned to respect and admire in our sessions while working together on the Committee on Education and Labor for the past several years.

However, I must take complete exception to what the gentlewoman has said, and what has been said in support of the amendment.

It seems that one of the arguments that have been extended is that we should not be putting money into this program because it appears as though we are not supporting adequately our senior citizens program, and that we are not adequately supporting the vocational rehabilitation and other programs. I happen to support those other programs as well. But one of the things we should remember is that this program of the Endowment of the Arts and Humanities reaches out to these very people we have been talking about. This program, if we were to talk to the senior citizens groups, we would find that they are taking advantage more and more of these programs that are supported by the arts and humanities, and the vocational rehabilitation programs that are using these programs to help rehabilitate their people. I think that you would find that this is one of the most inexpensive ways of offering support to the very things that we have been talking about.

I have heard a comment that was something to the effect that the rural areas were not being reached. There is nothing that could be further from the truth than that. The rural areas are being reached in this country by this program.

One of the problems is, as one of the Members said, that a dance group is getting money, and it is based in New York, and that benefits New York, and becomes New York money.

Let me say that that dance group travels all over the country. It goes into these small towns, goes into places that have never had the opportunity of seeing this type of program before.

The poet in schools program that primarily reaches out into the rural areas has been a tremendous success. Literally thousands and thousands of young children in small communities who have never had the opportunity of hearing and working with a poet, with a writer, with someone who is skilled in the arts, are really finding new horizons opening up to them. I think this is tremendous. We have done so little in this country for the arts and humanities, right now we are finally moving forward. I hope that we are not going to stop on the grounds that this increase is just too much of a percentage increase.

We did not have enough in the program to start with. Now we are getting some money in there that is going to reach the children, the people who are disadvantaged, all economic levels. This is not a rich man's bill.

Just 2 weeks ago in New York City a concert was given in the park with 70,000 people. It was interesting to note on the police report that not one crime took place in Central Park with 70,000 people there. It does not happen often in Central Park, unfortunately. The program of the arts and humanities is one that is going to be a motivating force for good. It is a way of letting people see a new world for people who have never seen it before.

I hope we are going to support this bill to the fullest, and that we will defeat this amendment.

Incidentally, I am sure the Members are aware that Senator Proxmire, who has been mentioned here earlier, offered an amendment to cut this program, and, if I am correct, it was defeated in the Senate by a vote of 75 to 14, which was an overwhelming defeat. I hope we do as well right here.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate the gentleman yielding. Is it not true, however, that HEW appropriates other dollars for the arts humanities in many other ways, so this is not an end-in-all bill itself? The arts and humanities receive money from other appropriations, so if a person wanted to vote to keep the funding of the authorization at the same level as fiscal year 1973 he would not be denying these children this fine musical training, as the gentleman has implied? It would merely mean there would be no inflationary increases.

Mr. PEYSER. No, I do not agree with

that. I do not agree with that at all. There is no other area that has reached out either to the same population or in the same way as this particular program. Congress in its wisdom enacted this program.

Mr. ESHLEMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I will not take the full 5 minutes. I rise in opposition to this amendment. On the surface it is always popular to cut a program such as this. I would once again remind the House this is not a budget-breaking authorization. The bill passed by the other body was budget-breaking. The bill that first started in this House in committee was budget-breaking, but this is the one bill that is within the budget authorization figure.

Most of the increase from this year, for the 1974 fiscal year over the 1973 fiscal year, is for the Bicentennial in the making of films and television programs. In other words, it will not be consumed entirely next year. I submit to the Members that I would guess that close to 200 million people in this country will view those films and those TV programs in 1976.

Mr. KEMP. Mr. Chairman, will the gentleman yield for a question?

Mr. ESHLEMAN. If I can answer the question, I will yield to the gentleman from New York.

Mr. KEMP. I appreciate the gentleman's yielding.

I have great respect for my colleague, the gentleman from Pennsylvania. He serves on the same Committee on Education and Labor as I do.

Our distinguished colleague, the gentlewoman from Oregon (Mrs. GREEN), mentioned that the bill passed by the Senate has in it for fiscal year 1976 a total of $400 million. The gentleman is aware, having served on the Committee on Education and Labor, of what happens when our committee goes to conference with the Senate. Does the gentleman think that the House will prevail or the Senate will prevail?

Mr. ESHLEMAN. I do not mean to be facetious with this answer to the gentleman from New York, but if the right House Members get on that conference committee, we will not concede, or the conference committee could last the balance of the year.

Mr. MEEDS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not intend to take the full 5 minutes, but I should like to make two points very quickly. First of all, we have heard a lot about priorities. I think I have some of the same priorities as some of the people who spoke earlier about cuts in libraries, health, education, research, and a number of other areas, but I should like to point out that we are talking today about congressional priorities. These are our priorities. We are not talking about the budget. We are not talking about what the President has recommended in terms of cuts. We are talking about what we in the Congress are going to do. I think if we fail to make the arts and humanities, one of the priorities of this Congress, we will have lost a golden opportunity to establish this Congress as an effective Congress.

The second point I would like to make is that when we talk about cutting, as the gentleman's amendment would, $65 million from this program, that is not the end of it. I would like to point out that for every dollar that we appropriate for this program we induce the raising and expenditure of $5 additional from States and private organizations. So while we may be discussing here a $65 million cut in the arts and humanities, in terms of what this will do in America we are talking about a slash of $325 million in the arts and humanities.

Mr. Chairman, I suggest that we cannot afford that kind of cut in programs which very badly need some priorities in this country.

Mr. REID. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from New York.

Mr. REID. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, there has been some mention of the Buffalo Symphony in this debate. I think it is important because it is one of the great orchestras in America and it is widely supported in the Buffalo area and throughout New York. The Buffalo Symphony budget is $1.6 million currently. Of this there is a deficit of $720,000. That has to be made up from sources other than box office.

Fortunately this legislation in the past has provided $97,300 in terms of the funds that help meet the deficit, but even with that amount the Buffalo Symphony faces a deficit in excess of $600,000. I think this is illustrative of the problems facing our orchestras and operas and dance companies across the country and it is a valid reason why this amendment should be defeated.

Mr. MEEDS. Indeed it is an excellent illustration, but Mr. Chairman, I think while this is an excellent illustration it is totally impossible to measure the value and the motivation this program provides for a youth who, being subjected to this program becomes a fine violinist.

Mr. Chairman, I think it would be totally penny wise and pound foolish to limit our priorities so that we cannot extend that kind of help to the human needs. We have heard a great deal about human needs. I think this program enriches human needs. I think we need to continue it.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. MEEDS. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate the gentleman yielding.

I would say to my friends, the gentlemen from Washington and New York, and all others who are concerned about the Buffalo Symphony, that I share their precise concern. The Buffalo Symphony is $700,000 in debt and it is receiving $97,000. Does the gentleman suggest that the National Foundation for the Arts and Humanities is going to make up the deficit? Obviously they are not.

Mr. MEEDS. I am suggesting if everyone who is reporting contributions to the arts and humanities was really making the contributions we would probably not need this bill, but obviously that is not happening.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, last night President Nixon spoke on television and for the edification of the minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), and others in the House who support this outrageous spending bill I would like to read specifically what the President had to say on this subject—not on the particular subject of this bill but on the subject of spending. He said:

> The battle against inflation is everybody's business. I have told you what the Administration will do. There is also a vital role for the Congress. The most important single thing the Congress can do in holding down the cost of living is to hold down the cost of government. For my part, I shall continue to veto spending bills that we cannot afford, no matter how noble sounding their names.

This bill qualifies on both counts, both as to "noble sounding names" and for a veto. Either President Nixon means what he said last night or he does not.

Mr. Chairman, I should like to read a few examples of what goes on under this program. I do not know what specific grants these do-gooders have made or will make with the money being thrown at them here today, but I can give you a few examples of how the taxpayers' dollars went down the drain in 1972 in this boondoggle.

The humanity bureaucrats have spent money for "a pilot program on Religious Studies for Alabama Public School Teachers". I thought religion in the public schools was banned.

They paid for something called a "Study of Family Structure on the Overland Trail," and another study of "Early Man in the Dordogne Valley of France."

There was a study of "Medieval Philosophy," a study of "The Black Holiness Church," and something titled "Filmic Portrait of Frostburg, Md."

One fellow got a grant to study the "History of Religion" and I suspect anyone can go to any library and find a history of religion—any library in the country.

A woman in Iowa got a grant for a "History of Music," and I bet anyone can find a history of music in any library.

A man in Baltimore received a grant to study "Ancient Archaeology." The spenders also subsidized a conference on civil engineering and provided money for "Cultural Enrichment in a University Museum of Anthropology," whatever that is.

One man got money for a project called "Cinema Studies." Another was subsidized to make an "Interdisciplinary Approach to the Study of Cinema."

They also paid for a "Current Digest of the Soviet Press," as if the CIA was not already spending plenty of money on that project.

A man at Kent State University got $20,000 for a "Program of Study and Research in Peaceful Change." Another college student was paid to make a study of "American Munitions Industry in the Post-Civil War Period."

One woman was paid to do "Japanese Studies," and a footnote to the grant explains that she "is an American citizen residing in Japan," which apparently is all that is needed to qualify for a handout.

These humanists—I believe that is what they call themselves—spent $27,600 on the Summer Institute on Roman Law and $20,767 on the Summer Institute on Roman Culture.

They paid the Chicano Film Institute more than $25,000 to make a movie on "The History of San Francisco." Earthquakes and all, I suppose.

Former Postmaster General and onetime Ambassador to Poland, John A. Gronouski, is currently dean of the Lyndon Baines Johnson School of Public Affairs at the University of Texas, and his background evidently qualified him for $140,940 grant to operate a State-wide bicentennial program. I do not recall that he was especially distinguished as a mail handler, but he did manage to find out how the gravy train operates.

The University of Arizona got more than $66,000 for a project entitled "Progress in Arizona: The State's Crucial Issues." Apparently, nobody in the State knows what they are now.

The Ohio State University Research Foundation received $47,000 to study or explain, or something, the Social Relevance of the Afro-American Experience.

The University of North Carolina got $30,000 for a project which is called, believe it or not, "A Multimedia Presentation to Recollect the Experience of the Great Depression and the New Deal."

(By unanimous consent Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. Mr. Chairman, I suggest with respect to the great depression and the New Deal, that those recollections are better left unrecollected.

The list goes on and on, perhaps to infinity for all I know. The tragic part of all this is that every dime spent on these projects had to be borrowed and future generations, the alleged beneficiaries of this latter day WPA arts program, will have to pay the enormous bill.

I support the amendment of the gentleman from New York (Mr. KEMP) even though his attempt to hold this wasteful spending to approximately the amount expended this year, does not cut deep enough.

Only yesterday did the majority in the House approve an extension of the Federal debt ceiling and I repeat that only last night did President Nixon call on Congress to help stop inflation by cutting expenditures. If the President had not approved the doubling of this authorization, the amendment of the gentleman from New York probably would not have been offered.

Unless the gentleman's amendment is adopted, this bill may well provide a clear test of whether the President means what he says and says what he means.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, like all members of the Committee, I always look forward with great interest to hearing my beloved friend from Iowa speak, and listening to him recite the litany of outrages that, in his view, have been committed by those responsible for these programs.

I also recall, Mr. Chairman, earlier this afternoon listening with great interest, and considerable edification, to the recitation of achievements that have been made possible in the State of Iowa, a listing that was recited by another able gentleman from Iowa (Mr. MAYNE).

I listened with great interest to the gentleman from California (Mr. GOLDWATER) tell us of the impact for good of these programs in the inner city of Los Angeles. Yesterday I listened to the gentleman from Idaho (Mr. HANSEN), tell us of the positive contribution made by the Arts and Humanities programs in his great State; and I listened to the three gentlemen from New York (Mr. PEYSER, Mr. DULSKI, and Mr. REID) tell us of what these programs have meant in their State.

Let me also, Mr. Chairman, pay tribute to the distinguished gentlelady from Louisiana (Mrs. BOGGS) for her most eloquent and thoughtful statement on behalf of these programs, and their enormous value to the people of her State.

One could go on and on, on both sides of the aisle, listening to a recitation of what great good has been accomplished, under these programs, which some years ago were the object of scorn and ridicule and derision, but which now have come to command the support of a majority of both Republicans and Democrats, in both bodies of the Congress, and of every President of the United States, Democrat and Republican, since the program became law.

PUBLIC SUPPORT OF THE ARTS

Perhaps Mr. Chairman, the extraordinary support for artistic and cultural programs is best exemplified by an important new study just released by the National Research Center of the Arts, an affiliate of Louis Harris and Associates. This study of 1,531 New York City residents shows a real thirst for far wider access to a variety of cultural activities.

The study shows:

People showed a greater preference for first class theater and arts and crafts workshops, than they did for sports stadiums;

The public strongly favors their children developing skills and participating in the arts at all levels;

The public wants more arts courses offered as part of the central school curriculum;

One-quarter of the respondents expressed a desire to learn how to play a musical instrument while others wish they could paint, draw or sculpt.

I, too, listened to the speech of the President of the United States last night, and I recall what the President said in warning of the danger of his vetoing spending bills we could not afford.

But the President went on with another sentence, which my good friend from Iowa did not mention. He warned about budget busters becoming law. But Mr. Chairman, the bill under consideration today is not a budget buster. The bill under consideration today contains the amounts of money recommended by the President of the United States.

I listened with great interest to, and I was powerfully moved by, the eloquent words, obviously spoken from the heart, by the distinguished minority leader, the gentleman from Michigan (Mr. GERALD R. FORD), who said he had not, when he was first afforded the opportunity to vote on these programs, supported them. But now, having observed the impact for good of these programs in his own home community, he was going to support the recommendation of the President of the United States.

The able minority leader went on to remark, and I made a note of what he said, that this was a relatively small increase.

Oh, I know, in percentage terms it seems like a lot, but look at it in dollar amounts. In dollars it does not amount to very much, because we are talking about an increase of less than $70 million, to be divided between the Arts Endowment and the Humanities Endowment.

Mr. Chairman, at the moment our Government spends less per capita on the arts—just 18 cents—than almost any major nation in the Western world. A recent survey showed per capita outlay in other countries running this way:

West Germany	$2.42
Austria	2.00
Sweden	2.00
Canada	1.40
Israel	1.34
Great Britain	1.23

In fiscal year 1974 if full funding—$145 million—is achieved, our per capita investment in the arts would be 35 cents.

Mr. Chairman, thus we see that compared to other Western countries, our support for the arts is not impressive at all.

DEMANDS FOR PROGRAMS

Mr. Chairman, the demands for programs funded by the endowments have increased rapidly. Arts endowment applications have increased from 1,383 in fiscal 1970 to 7,000 in fiscal 1973—a fivefold increase. The endowment was able to approve only 1,800 of the applications. Far from being excessive, therefore, the authorized funding for the arts in a realistic estimate in the needs in this area.

Mr. Chairman, in the area of the humanities, only 908 of the 4,113 applications received by the humanities endowment could be funded—22 percent of the total.

I recall a letter from our distinguished former colleague on the other side of the aisle, now Governor of West Virginia, Gov. Arch Moore. He told us that he is seeking an increase in the State arts appropriation in the State of West Virginia of 200 percent, indicating thereby his confidence in the importance of these programs to the lives of the people of his State.

I think of a letter I have received from Mr. Biemiller of the AFL–CIO, commenting on how much these programs mean to working people, and a letter from Mr. Brickfield, of the American Association of Retired Persons, remarking on how much the arts and humanities programs mean to enriching the lives of the elderly.

Mr. Chairman, let me say just a word about the importance of the arts in our cities. As a December 1972 article in the Economist stated—

> The arts are being seen increasingly as an answer to some of America's urban ills.

The article went on to note that the arts makes cities more attractive, counter the flight to the suburbs, break the isolation of the ghettos and ethnic groups, and involve young people in community activities.

Indeed, Mr. Chairman, I should tell my colleagues that Robert Hooks, of the District of Columbia Black Repertory Co. on March 14 of this year told my subcommittee:

> I can guarantee you that our tuition-free workshop training program has been responsible for providing positive outlets for delinquents, high school drop outs, drug addicts, potential criminals, etc.

Mr. Chairman, I also refer to a letter I received from the principal of an overwhelmingly black school in the city of Chicago in which he talks about the importance of these programs to the children of his school. And I have a letter, as well, from Stansfield Turner, the president of the Naval War College, and I will quote from the letter, in view of our conversation about priorities.

He said in his letter to me as follows:

> It has been my view that an understanding of the humanities is just as vital to national defense as is comprehension of the many technical fields in which we are involved.

Now, Mr. Chairman, I am a strong supporter, as my colleagues are aware, of adequate funding for health, for dealing with problems of the handicapped, for dealing with the problems of education.

But when we are talking about the arts and the humanities, we are not talking about the frills we are talking about the meaning of our culture, which was the central theme of our flag ceremony here this morning. We are talking, as our speakers did this morning, about the meaning of the heritage of this country.

Mr. Chairman, the arts and humanities are not marginal activities to be supported out of some vague sense of responsibility. They should and must be supported because they are essential in their own right and essential, as well, to the "quality of American life."

For as President Nixon noted in his March 1973 state of the Union report on human resources:

> Renewed faith in ourselves also arises from a deeper understanding of who we are, where we have come from and where we are going . . . an understanding to which the Arts and Humanities can make a great contribution.

Mr. Chairman, that is what the arts and humanities are all about, and I hope this amendment is defeated.

Mr. LOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as a first term Member of this body, I never cease to be inspired as well as bewildered by the actions that take place here in this Congress. Already today I was inspired by the Flag Day ceremonies, and I was inspired, as usual, by the distinguished gentleman from Iowa. I was inspired by what a good job obviously the Buffalo Symphony has been doing. But there are 49 other States involved in this bill.

Mr. Chairman, I am really bewildered that we as first-term Members, after having been asked to cut back the funding for programs like older Americans and vocational rehabilitation and the Economic Development Act and the rural programs that mean so much to my State and my districts and to a lot of other areas in this country, are now asked to double this particular program.

Maybe I have not been here long enough to consider $80 million very much money, but to me it is a great deal of money. I have heard that this program may only cost 32 cents, another program 3 cents, and $1.50 for another one, but they all add up to a lot of money.

Mr. Chairman, I know the people of my district, after having checked on the programs which are being carried out by this particular bill, would not support doubling the funding at this time.

Mr. Chairman, I shall vote in support of this amendment.

Mr. HUNT. Mr. Chairman, will the gentleman from Mississippi (Mr. LOTT) yield?

Mr. LOTT. I yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I wish to associate myself with the remarks of my colleague, the gentleman from Mississippi (Mr. LOTT). This cutting back and restraining of funds has been something that has been talked about many times, and then when I come in today and find out that we started out with about $2½ million several years ago, and we are now up to $80 million, and in 3 years up to $400 million, then I cannot reconcile myself to it.

Mr. Chairman, I have a letter today from HEW telling me that we cannot get $15 million in the State of New Jersey to finance psychiatric and mental disturbance centers which are needed so very badly.

Do I have to go out in Central Park and meet some strange individual beating on Tom-Toms in order to get an inspiration? What I want to see is something that is done sensibly with the money so that we can get some value out of it, something that is good for all citizens not just for people going around the park in tippy-toe shoes or having grants given to them at the University of Maryland in order to find out what is wrong in the State of Arizona.

Mr. Chairman, I thank the gentleman for his contribution, and I wish to urge the Members that we should vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KEMP).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KEMP. Mr. Chairman, on that I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 141, noes 248, not voting 44, as follows:

[Roll No. 222]

AYES—141

Abdnor
Alexander
Archer
Arends
Armstrong
Baker
Beard
Bennett
Blackburn
Bray
Breaux
Brinkley
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Camp
Casey, Tex.
Cederberg
Chamberlain
Clancy
Clark
Clawson, Del
Cochran
Collins, Tex.
Conable
Conlan
Coughlin
Crane
Daniel, Dan
Daniel, Robert W., Jr.
Delaney
Dennis
Derwinski
Dickinson
Downing
du Pont
Duncan
Forsythe
Fountain
Froehlich
Ginn
Goodling
Green, Oreg.
Gross
Grover
Gunter
Haley
Hammerschmidt
Hanrahan
Hébert
Hinshaw
Hogan
Holt
Hosmer
Huber
Hudnut
Hunt
Hutchinson
Ichord
Johnson, Colo.
Kemp
Ketchum
Landgrebe
Latta
Lott
Lujan
McCollister
McEwen
McSpadden
Madigan
Mallary
Maraziti
Martin, Nebr.
Martin, N.C.
Mathias, Calif.
Michel
Milford
Miller
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Murphy, Ill.
Myers
Nelsen
O'Brien
Parris
Passman
Pettis
Poage
Powell, Ohio
Price, Tex.
Quillen
Randall
Rarick
Regula
Rhodes
Rinaldo
Roberts
Robinson, Va.
Roush
Rousselot
Ruth
Ryan
Sarasin
Satterfield
Saylor
Scherle
Schneebeli
Shipley
Shuster
Snyder
Spence
Steed
Steiger, Ariz.
Steiger, Wis.
Stuckey
Symms
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Thomson, Wis.
Thornton
Towell, Nev.
Treen
Ullman
Waggonner
Wampler
Whitehurst
Wilson, Charles, Tex.
Winn
Wydler
Wylie
Wyman
Young, Fla.
Young, S.C.
Zion

NOES—248

Abzug
Adams
Addabbo
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Chappell
Chisholm
Clausen, Don H.
Clay
Cleveland
Cohen
Collier
Collins, Ill.
Conte
Conyers
Corman
Cotter
Cronin
Culver
Davis, Ga.
Davis, S.C.
de la Garza
Dellenback
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
Eckhardt
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Gubser
Gude
Guyer
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hays
Hechler, W. Va.
Heinz
Helstoski
Henderson
Hicks
Hillis
Holifield
Holtzman
Horton
Howard
Hungate
Jarman

Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
King
Kluczynski
Koch
Kyros
Landrum
Leggett
Lehman
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McKay
McKinney
Macdonald
Madden
Mahon
Mailliard
Mann
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Mollohan
Morgan
Mosher
Moss
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patten
Pepper
Perkins
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Reid
Reuss
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roy
Runnels
St Germain
Sarbanes
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steele
Stephens
Stokes
Stratton
Stubblefield
Studds
Sullivan
Symington
Talcott
Thompson, N.J.
Thone
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Ware
Whalen
White
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wright
Wyatt
Yates
Yatron
Young, Alaska
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NOT VOTING—44

Anderson, Calif.
Ashbrook
Aspin
Badillo
Bafalis
Bell
Burke, Calif.
Daniels, Dominick V.
Danielson
Davis, Wis.
Dent
Devine
Edwards, Calif.
Erlenborn
Esch
Fisher
Hanna
Harsha
Hastings
Hawkins
Heckler, Mass.
Johnson, Pa.
Jones, N.C.
Kuykendall
Litton
Mathis, Ga.
Mills, Ark.
Mizell
Moorhead, Pa.
Nedzi
Patman
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Roybal
Ruppe
Sandman
Sikes
Sisk
Steelman
Teague, Tex.
Waldie
Whitten
Wiggins

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 11, lines 13, 14, 15, 16, 17, 18 and 19, strike out the language which reads as follows: "For the fiscal years ending June 30, 1975, and June 30, 1976, there is authorized to be appropriated to the National Endowment for the Arts such sums as may be necessary to carry out section 5(c) and 5(g), and an amount equal to the total amounts received by such Endowment during each such year under section 10(a)(2)," "And on page 11, line 25, and page 12, line 1, strike the following language: "and such sums as may be necessary for each of the two succeeding fiscal years."

Mr. GROSS. Mr. Chairman, the amendment I have offered is not at all complicated. This bill is wide open as to spending for the fiscal years 1975 and 1976. It is completely open end. The sky is the limit. The Senate has passed a bill, as I understand it, to provide for $400 million in 1976 and $300 million in 1975. Unless this amendment is adopted, somewhere between zero and $400 million would be the price tag on this bill in 1976 and somewhere between zero and $300 million in 1975.

I have no hope that this amendment will be adopted. I doubt very much there is that much sense of fiscal responsibility left in the House that it put a limit on the amount of money that can be spent in 1975 and 1976, even though there is not a soul here today who has the slightest knowledge of what the financial situation of this Government will be in either of those years.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. HOSMER. Mr. Chairman, will the gentleman state what his amendment does precisely?

Mr. GROSS. It strikes the open end provisions for 1975 and 1976.

Mr. HOSMER. Does it authorize any figure?

Mr. GROSS. No; the bill provides no limit whatever for those 2 fiscal years.

Mr. HOSMER. In effect it reduces this to a 1-year authorization?

Mr. GROSS. My amendment would reduce this to a 1-year authorization, which unfortunately it is almost double the spending for this purpose over the current fiscal year. It would make the committee come back next year to justify the spending for this purpose.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from California.

Mr. ROUSSELOT. Once again I know there is a great deal of restlessness and everyone wants to get on with it, but the point is the President tried to make the point last night that we ought to quit engaging in budget busting. The gentleman is trying to prevent this from becoming budget busting in future years.

Mr. GROSS. Hopefully, yes. I do not know what the budget will be in future fiscal years. I am amazed that President Nixon, having imposed cutoffs and cutbacks on many other domestic programs, including agriculture, would put his stamp of approval on the expenditure of $145 million on this program in the next fiscal year. The $145 million is almost double the amount spent this year and this is a program that could be wiped out altogether and less than 1 percent of the population of this country would know that it had disappeared.

The budget this year permitted doubling of this expenditure over the last fiscal year, the expenditure for this purpose.

The arts and humanities have gone in 7 years from $5 million in 1966 to the present $145 million. If this remains openended, it could be $300 million in 1975 and $400 million in 1976.

Mr. ROUSSELOT. Mr. Chairman, I compliment the gentleman. I know that the other body tops everything we do, and I am sure this will be a constructive amendment.

Mr. GROSS. The House Labor and Education Committee knows few limits in the spending of money and you better believe that the sky will be the limit with this boondoggle if there are no restraints.

Mr. SCHERLE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to my colleague from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I wonder if my colleague can tell me why the Arts and Humanities appears to be such a sacred cow. It is the only piece of legislation we have which carries a 100-percent increase over last year. Yet, by the same token, we have cut back on housing, on veterans hospitals, on the EPA, on education, on regional medical centers; you name it all the way down the list.

All of a sudden, this bill surfaces carrying the prestige of the administration. I wonder what there is in this bill that perhaps some of us might have missed.

Mr. GROSS. I cannot read the minds of some people, including the President. The gentleman will have to employ a mindreader or someone who has some power of clairvoyance.

Mr. SCHERLE. Mr. Chairman, if I am not mistaken, I heard someone earlier state that a $1 expenditure will generate a $5 additional expenditure. On permanent conservation programs which were terminated, the farmers pay 70 percent and the Government 30 percent, they thought that was inflationary. Fiscal responsibility? Not with this bill.

Mr. GROSS. This is one of the most open-ended authorization bills I have ever seen. If Members of the House are opposed to wide-open authorization spending bills here is your opportunity to prove it by voting for my amendment.

Mr. QUIE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I urge the Members to vote against this amendment for this reason: If the Members will think about the Committee on Education and Labor, they will remember that we have usually put authorizations in subsequent years way beyond that which could be appropriated. It was held up as a goal for everybody to shoot at; and resulted in harassment of the Committee on Appropriations.

What our committee did this time was to say, "We authorize such sums as may be necessary." The Members do not feel, do they, that the Committee on Appropriations is going to let this get out of hand? Not a chance. We are going to have a tough enough struggle to get $145 million for this coming year from the Committee on Appropriations. What we need to do is to authorize this for a period of time, not 1 year at a time.

The Members know what has happened to programs when the agencies do not know what is going to happen to them. How can they plan? We need to let the endowments plan, plan through 1976, the year of the Bicentennial. At that time we will take another look at it and see how much money ought to be in the arts and humanities program. We need authorizations for this length of time.

I think we need to have adequate authorizations, because the programs of arts and humanities are probably more important in our Bicentennial than anything else. When we look at this program, remember that we are talking about the quality of our national life. We have not done enough in America through Federal funding what many of us feel we should have done in this area.

When the program began, there were reservations, as the gentleman from Michigan (Mr. Gerald R. Ford), our minority leader, indicated. I had those reservations. I opposed some parts of the program. These have been corrected. I think we have a good program now, one that we can feel confident about.

Therefore, I urge the Members to vote down this amendment. Look back at some of the things the gentleman from Iowa mentioned, such as the great depression. During the depression I heard, as a child, scoffing at the artists who were painting murals on public buildings. People thought they were a bunch of loafers, painting on buildings and working in this area. Now, as we look back on it, we are proud of what they have done. We saw what some young people, some kids, learned from WPA artists. They learned to be good artists who have led to enhancing the quality of life in America.

A good part of Endowment programs, I believe, will enable us to look at our past from the time of its beginning in 1776, down through the years of this tremendous experiment in democracy. We can build on that strength from the arts and humanities program, and I should like to note at this point some of the plans of the National Endowment for the Humanities for the celebration of our Bicentennial.

State-based programs: In addition to the approximately $160,000 which is available to each State for the support of community-developed programs in which the resources of the humanities are used to inform dialog on issues of local public policy, each State will in 1974 be eligible to receive $40,000 for the planning and testing of pilot programs related to the Bicentennial, in preparation for completely Bicentennial-oriented public programs in the State during the Bicentennial year.

Film-TV program: $6 million will be devoted to the production for public television of major series related to the Bicentennial era. These will include the already started series: On America in the world of the 18th century, a major biographical series on George Washington, a major series on the Adams family, a device to explore the unfolding of America through the generations of the Adams family; as well as a number of short series on Bicentennial themes, important figures like Jefferson and Hamilton, major events like Valley Forge and the Revolutionary War west of the Hudson, and significant themes like equality, democratic government. In addition the endowment will be supporting the adaptation and serialization on television of major works of American literature and drama which display fundamental aspects of the American character and the American experience.

Museum grants: Approximately $1.7 million will be spent in the coming year for the development of programs in museums throughout the country relating their own exhibits to the Nation's history and developing public educational programs around them. Significant among these will be the major program to send combination museum-and-debate programs which, aided by physical exhibits, will recreate for audiences in various parts of the country the spirit and action of the time of the Revolution.

National Humanities Series: The National Humanities Series, which sends teams of scholars and actors into small communities nationwide, will spend approximately $1 million on historical programs or comments on American life.

Great issues in the American experience: $1 million will be reserved to provide grants to large urban areas for the mounting of communitywide projects around major themes suggested by the great Bicentennial documents, the Preamble to the Constitution, the Revolution and minority experiences, the Revolution—episodes and crises, the Republic, freedom and responsibility. These will seek to reach over a million people in each of five major metropolitan areas through communitywide forums and discussions and the use of local media.

College and school curricula: $3 million will be reserved to support teachers and students in high schools and colleges who plan to develop new American studies curricula, encouraging exploration of their local or national history and developing such study into new American history curricula which will have lasting impact on our educational system. A further $700,000 will be reserved for a series of institutes and visiting professorships at the university level to revitalize traditional approaches to the study of American independence and its implications.

Fellowships for America's future: While many scholars and teachers seek fellowships to study American history and subjects which will be of unusual interest during the Bicentennial period, the endowment proposes to reserve something over a quarter of a million dollars specifically to support a small number of fellows in the study of America's future—that is, the relationship of the Nation's past principles and ideals to the demands of the modern world, modern technological advances and modern politics.

Research and editing: During the Bicentennial period the endowment will give priority funding at the level of about $3 million to projects of serious scholarly research in the Bicentennial period and to the continued editing of publication of the 19th-century American classics and the papers of the Founding Fathers.

Bicentennial conferences: $500,000 is reserved to underwrite the initial expenses of a number of major international conferences of scholars and public figures to be held in this country in the Bicentennial year. These will include conferences representing the disciplines of the humanities—philosophy, history, et cetera—as well as special conferences drawing international scholars to the consideration of the implications of the events of America in 1776 for the rest of the world and the continuing relationships between the culture of this country and others.

State guides and histories: In fiscal year 1974 the endowment will initiate the preparation of an historical guide to each State for interest in the Bicentennial year. At the same time it will begin, in honor of the Bicentennial, the refurbishing of archives in every State as an initial step toward the preparation of complete, fully documented and authoritative histories of the Union. $2.5 million is reserved for these two activities in fiscal year 1974.

Courses by the media: Following the introduction of "Courses by Newspaper" this year the endowment in fiscal year 1974 will reserve $750,000 for development of a course, to be published by newspaper and available as a means of acquiring university credit, on the American Revolution. At the same time the endowment will also support the development of televised multidisciplinary experimental courses on early American history.

Bicentennial youth debate: The endowment will inaugurate a national debate to encourage high school and college students to research and argue again the issues which were precursers of the Declaration of Independence. $3 million will be reserved in fiscal year 1974 to start competitive debates on the local, State, and regional levels which will culminate, by the usual process of elimination, in a final national debate between two sets of winning teams, to be broadcast over public television during 1976.

Bicentennial youth grants: Special funding of $200,000 is reserved in 1974 for projects by young people—in or out of school—dealing specifically with research on national and local history of the revolutionary period, on the historical development of local institutions since the Revolution, or concerning philosophical ideas and issues associated with the Revolution.

The strength we gain from this restudy of our ideological roots will let us go into the next century a lot more united as a people, I believe.

We need these programs just as much as we need brick and mortar programs.

Mr. BRADEMAS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Indiana.

Mr. BRADEMAS. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Minnesota.

I want to reiterate that the administration has requested a 3-year bill, even as we here have. I, too, hope the amendment will be rejected.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Iowa.

Mr. GROSS. If the gentleman knows what the Appropriations Committee is going to do, why did he not put their figures in this bill?

Mr. QUIE. I do not know what the Appropriations Committee is going to do. We do not have any idea, really, what amount of money they ought to be appropriating in 1975 and 1976.

The gentleman from Iowa does not know. The gentleman from Indiana does not know. The administration does not know. Nobody does.

We want the program authorized. In 1975 and 1976 the administration will develop its program and will come up with budget recommendations. The administration will go to the Appropriations Committee with that, and the people we have elected to that Appropriations Committee will consider the matter and make their best judgment and present it to this body.

Mr. GROSS. Why not leave it to the Appropriations Committee to set the spending figure for this year?

Mr. QUIE. The reason for this year is that the administration has said $145 million is the amount they think we ought to appropriate for fiscal 1974. We agreed with that.

Many members of our committee wanted a higher figure than that, feeling that $145 million was not enough.

We decided to stick with the administration. The administration put the budget in balance. We may not agree with them completely on the budget that has been presented, and we have an opportunity to change that, but we do not want to sceond-guess them on the authorization bill.

Mr. GROSS. Does the gentleman mean to say that the Nixon administration controls the Appropriations Committee?

Mr. QUIE. No, it does not. The administration and a majority of the Committee on Education and Labor made a wise decision at $145 million.

As I have said, some feel they want less than that, as is evident by the amendments, but by the same token Members ought to know that some wanted more. Those individuals agreed to go along with the $145 million. Therefore, I believe this body ought to as well.

Mr. DERWINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I had walked into the Chamber blindfolded and if I had not known the voice of the previous speaker I would have sworn that I was listening to an approved spokesman for the administration position, which is clearly the case, but then I would have wondered what was going on in a Congress which is supposed to be reasserting its rights and prerogatives.

Here is a limitation presented by the gentleman from Iowa, a limitation of an authorization to 1 year. He would have an authorization for 1 year, which would mean that the Congress would get another look at the program 1 year from now.

If we are ever going to assert any balance against the executive branch, as so many Members wish to do these days, we shall have to do it on items like this, and not just on one or two foreign policy items.

I believe the gentleman from Iowa has an amendment which carries a practical effect. I believe it is an amendment which deserves support, because it maintains in the hands of the Congress an annual authorization.

It strikes me as being very amusing to hear a tremendous, flamboyant, almost emotional argument for an unlimited authorization at a time when it seems the mood in Washington is, "Let us get our hands on this bureaucracy, let us get our hands on the executive branch."

I say to those Members who have been saying that the Congress has to reassert itself that they should support the Gross amendment.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from New York.

Mr. CAREY of New York. I believe we have to know the facts with respect to arts and humanities and how long they need in terms of leadtime to prepare American history.

I am supporting the bill, and I am against the amendment, for this is a chance for us to have an opportunity for history to write itself correctly.

It will take at least until 1975 for a playwright now working on it to come up with an explanation of how the full employment budget is saving the American economy through unemployment.

The playwright is already working on his play; Lewis Carroll is producing his great work, "Alice in Wonderland," and he is coming out with a new one for 1975.

Mr. DERWINSKI. Mr. Chairman, that sounds like an argument for the Gross amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUNT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 235, not voting 52, as follows:

[Roll No. 223]

AYES—146

Abdnor
Alexander
Archer
Arends
Armstrong
Baker
Beard
Bennett
Blackburn
Bray
Breaux
Brinkley
Broyhill, Va.
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Camp
Casey, Tex.
Clancy
Clausen, Don H.
Clawson, Del
Cochran
Collier
Collins, Tex.
Conlan
Conyers
Crane
Daniel, Dan
de la Garza
Delaney
Dennis
Derwinski
Downing
Duncan
Evins, Tenn.
Frey
Froehlich
Gilman
Ginn
Goodling
Green, Oreg.
Griffiths
Gross
Grover
Gunter
Guyer
Haley
Hammerschmidt
Hanrahan
Hays
Henderson
Hicks
Hinshaw
Hogan
Holt
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Colo.
Kemp
Ketchum
King
Landgrebe
Latta
Lott
Lujan
McCollister
McEwen
McSpadden
Mallary
Maraziti
Martin, Nebr.
Mathias, Calif.
Michel
Milford
Miller
Mitchell, N.Y.
Montgomery
Moorhead, Calif.
Mosher
Murphy, Ill.
Myers
Nelsen
O'Brien
Parris
Passman
Pike
Poage
Powell, Ohio
Price, Tex.
Quillen
Randall
Rarick
Regula
Rhodes
Roberts
Robinson, Va.
Rogers
Rousselot
Runnels
Ruth
Ryan
Satterfield
Saylor
Scherle
Schneebeli
Sebelius
Shipley
Shoup
Shuster
Skubitz
Snyder
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Stubblefield
Stuckey
Taylor, Mo.
Taylor, N.C.
Thomson, Wis.
Towell, Nev.
Treen
Waggonner
Walsh
Wampler
Whitehurst
Widnall
Williams
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wydler
Wylie
Wyman
Young, Alaska
Young, Fla.
Young, S.C.
Zion
Zwach

NOES—235

Abzug
Adams
Addabbo
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Corman
Cotter
Coughlin
Cronin
Culver
Davis, S.C.
Dellenback
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Drinan
Dulski
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Gubser
Gude
Hamilton
Hanley
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hechler, W. Va.
Heinz
Helstoski
Hillis
Holifield
Holtzman
Horton
Hosmer
Howard
Johnson, Calif.
Jones, Ala.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kluczynski
Koch
Kyros
Leggett
Lehman
Lent
Long, La.
Long, Md.
McClory
McCloskey
McCormack
McDade
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mann
Martin, N.C.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Moakley
Mollohan
Morgan
Moss
Murphy, N.Y.
Natcher
Nichols
Nix
Obey
O'Hara
O'Neill
Owens
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Rangel
Rees
Reid
Reuss
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
St Germain
Sarasin
Sarbanes
Schroeder
Seiberling
Shriver
Slack
Smith, Iowa
Smith, N.Y.
Staggers
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stephens
Stokes
Studds
Sullivan
Symington
Talcott
Teague, Calif.
Thompson, N.J.
Thone
Thornton
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Ware
Whalen
White
Wilson, Bob
Wolff
Wright
Wyatt
Yates
Yatron
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki

NOT VOTING—52

Anderson, Calif.
Ashbrook
Aspin
Badillo
Bafalis
Bell
Burke, Calif.
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
Dent
Devine
Dickinson
Edwards, Calif.
Erlenborn
Esch
Fisher
Hanna
Harsha
Hastings
Hawkins
Hébert
Heckler, Mass.
Johnson, Pa.
Jones, N.C.
Kuykendall
Landrum
Litton
Macdonald
Mailliard
Mathis, Ga.

Mills, Ark.
Mizell
Moorhead, Pa.
Nedzi
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Roybal
Ruppe
Sandman
Sikes
Sisk
Steelman
Stratton
Symms
Teague, Tex.
Waldie
Whitten
Wiggins

So the amendment was rejected.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. Hosmer: Page 11, line 16 strike out "such sums as may be necessary" and insert "$54,000,000 each year".
>
> And at page 11, line 25, strike out "Such sums as may be necessary" and insert "$65,000,000".

Mr. HOSMER. Mr. Chairman, the bill as now before us authorizes $145 million for the year 1974, but such sums as may be necessary for 1975 and 1976. When the Kemp amendment came up, I voted to cut back the amount of the authorization, believing economic conditions warrant it. However, the majority of this House seems to feel that $145 million is the proper authorization for this year. So, I will go along with that. It also feels that there should not be a bill brought out that limits the authorization to just 1 year, as would have been done by the amendment offered by the gentleman from Iowa (Mr. Gross).

The amendment I offer simply does this: It takes the $145 million authorization for 1974 and specifies authorizations the same amount for 1975 and 1976. Therefore, for these subsequent years we come up with a definite authorization, rather than an indefinite and open-ended authorization of such sums as may be necessary. It appears to me that many of those who voted against the Gross amendment did want some kind of a limitation, but they did not want to go back into this every-year authorization business.

What I am offering to the Members is an amount that the majority believed to be reasonable for 1974 as an amount which appears to me to be reasonable for 1975 and 1976. If subsequently the House wished to raise this amount, it could do so next year or the year after. But if it wished not to reexamine this proposition during the next 3 years, there still would be a definite and reasonable and adequate amount authorized; namely, $145 million. It would avoid the possibility of the other body running wild on appropriations, a danger the gentleman from Iowa (Mr. Gross) pointed out.

I suggest the wisdom of putting a definite amount on the authorization rather than retaining the ambiguous language, "such sums as may be necessary."

Mr. Chairman, I urge acceptance of my amendment and yield back the balance of my time.

Mr. BRADEMAS. Mr. Chairman, I rise in opposition to the amendment.

I call the attention of the committee to the letter contained in the report from Miss Hanks in response to a request on the part of the committee for an estimate of the funding needs of the National Arts Endowment for 1975 and 1976. In her letter Miss Hanks points out that the endowment is not able to submit specific figures because the budgeting process for the fiscal year 1975 will begin in July if the appropriations levels for the fiscal year 1974 have been set by that time. She goes on to point out:

> The budgeting process at the Endowment is lengthy and involved because we believe it essential to take into account the needs of the various fields and the requirements of the public. We do this through extensive consultation with individuals and with the Endowment's panels and of course with the National Council on the Arts.

So, Mr. Chairman, it seems to me it would be most unwise for us to reject the posture which the committee recommends and which is recommended as well by the administration; namely, that of providing in the second and third years of the bill such sums as the Congress may deem necessary.

For that reason I hope very much the amendment will be rejected.

Mr. ESHLEMAN. Mr. Chairman, I rise in opposition to the amendment for the reasons that have been previously given on the floor of the House this afternoon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. Hosmer).

The amendment was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Young of Texas, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having under consideration the bill (H.R. 3926) to extend the National Foundation on the Arts and the Humanities Act, pursuant to House Resolution 432, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. KEMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 309, nays 63, not voting 61, as follows:

[Roll No. 224]

YEAS—309

Abdnor
Abzug
Adams
Addabbo
Alexander
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashley
Baker
Barrett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Buchanan
Burke, Fla.
Burke, Mass.
Burton
Butler
Carey, N.Y.
Carney, Ohio
Carter
Cederberg
Chamberlain
Chisholm
Clark
Clay
Cleveland
Cochran
Cohen
Collier
Collins, Ill.
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Denholm
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Gaydos
Gettys
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Guyer
Haley
Hamilton
Hammerschmidt
Hanley
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harvey
Hays
Hechler, W. Va.
Heinz
Helstoski
Hicks
Hillis
Holifield
Holtzman
Horton
Hosmer
Howard
Hudnut
Hungate
Jarman
Johnson, Calif.
Johnson, Colo.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
King
Kluczynski
Koch
Kyros
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McFall
McKay
McKinney
Madden
Madigan
Mahon
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Minshall, Ohio
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Patman
Patten
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Preyer
Price, Ill.
Pritchard
Quie
Railsback
Randall
Rangel
Rees
Regula
Reid
Reuss
Rhodes
Rinaldo
Robison, N.Y.
Rodino
Roe
Rogers
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Runnels
Ryan
St Germain
Sarasin
Sarbanes
Schneebeli
Schroeder
Sebelius
Seiberling
Shoup
Shriver
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Spence
Stanton, J. William
Stanton, James V.
Steele
Steiger, Wis.
Stephens
Stokes
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Teague, Calif.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Veysey
Vigorito
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zwach

NAYS—63

Archer
Armstrong
Beard
Bennett
Blackburn
Broyhill, Va.
Burgener
Burleson, Tex.
Burlison, Mo.
Byron
Camp
Casey, Tex.
Clancy
Clawson, Del
Collins, Tex.
Crane
Daniel, Dan
Dennis
Derwinski
Froehlich
Goodling
Gross
Grover
Henderson

Hinshaw
Hogan
Holt
Huber
Hunt
Hutchinson
Ichord
Ketchum
Landgrebe
McEwen
Martin, Nebr.
Michel
Milford
Miller
Montgomery
Myers
Passman
Poage
Powell, Ohio
Price, Tex.
Quillen
Rarick
Roberts
Robinson, Va.
Rousselot
Ruth
Satterfield
Saylor
Scherle
Shipley
Shuster
Snyder
Steed
Steiger, Ariz.
Taylor, Mo.
Treen
Waggonner
Young, S.C.
Zion

NOT VOTING—61

Anderson, Calif.
Anderson, Ill.
Ashbrook
Aspin
Badillo
Bafalis
Bell
Burke, Calif.
Chappell
Clausen, Don H.
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
Dent
Devine
Dickinson
Edwards, Calif.
Erlenborn
Esch
Fisher
Fuqua
Giaimo
Gunter
Hanna
Harsha
Hastings
Hawkins
Hébert
Heckler, Mass.
Johnson, Pa.
Kuykendall
Landrum
Litton
McSpadden
Macdonald
Mailliard
Mathis, Ga.
Mills, Ark.
Mizell
Moorhead, Pa.
Nedzi
Pepper
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Roybal
Ruppe
Sandman
Sikes
Sisk
Staggers
Stark
Steelman
Stratton
Symms
Teague, Tex.
Waldie
Whitten
Wiggins

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Mathis of Georgia.

Mr. Teague of Texas with Mr. Anderson of Illinois.

Mr. Dent with Mr. Mizell.

Mr. Staggers with Mr. Ashbrook.

Mr. Stark with Mr. Whitten.

Mr. Giaimo with Mr. Kuykendall.

Mr. Gunter with Mr. Hastings.

Mr. Esch with Mr. Chappell.

Mr. Dominick V. Daniels with Mr. Devine.

Mr. Davis of Georgia with Mr. Davis of Wisconsin.

Mr. Edwards of California with Mr. Bafalis.

Mr. Hébert with Mr. Dickinson.

Mr. Hawkins with Mr. Fisher.

Mr. Riegle with Mr. Bell.

Mr. Nedzi with Mr. Ruppe.

Mr. Anderson of California with Mr. Don H. Clausen.

Mr. Danielson with Mr. Symms.

Mr. Fuqua with Mr. Robert W. Daniel, Jr.

Mr. Roybal with Mr. Johnson of Pennsylvania.

Mr. Sikes with Mr. Harsha.

Mr. Pepper with Mr. Erlenborn.

Mr. Steelman with Mr. Wiggins.

Mr. Litton with Mr. Aspin.

Mr. Sisk with Mr. Badillo.

Mr. Hanna with Mr. Landrum.

Mrs. Burke of California with Mr. Macdonald.

Mr. Roncalio of Wyoming with Mr. Waldie.

Mrs. Heckler of Massachusetts with Mr. Mailliard.

Mr. McSpadden with Mr. Moorhead of Pennsylvania.

Mr. Stratton with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of House Resolution 432, the Committee on Education and Labor is discharged from the further consideration of the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. BRADEMAS

Mr. BRADEMAS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

> Mr. BRADEMAS moves to strike out all after the enacting clause of S. 795 and to insert in lieu thereof the provisions contained in H.R. 3926, as passed.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3926) was laid on the table.

GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time for the purpose of making an announcement concerning the program for the remainder of the day.

We will go forward with H.R. 8152, law enforcement assistance amendments, hoping that the rule will be adopted and then the chairman of the committee will take up the bill for general debate. We anticipate that we will go under the 5-minute rule on the bill on Monday next.

The program for tomorrow will be the agriculture-environmental-consumer protection appropriations for fiscal year 1974.

REQUEST THAT HOUSE CONVENE AT 11 A.M. TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow morning.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. MICHEL. Mr. Speaker, reserving the right to object, the Speaker has been very kind to have told all of us that we were going to have Friday sessions during the month of June. We have prepared for that. However, some of us have had some problems. Personally I will be out in my district tomorrow, and I know we are having the agriculture appropriation bill called up. It is not for that purpose, but there are a number of other Members who have made some significant commitments for tomorrow morning. Since it was agreed that we would meet on Friday, we knew we would have a whole day of work on Friday, but I see no reason why we should have to come in early. Therefore, I regretfully have to object to the request.

The SPEAKER. Objection is heard.

PERSONAL STATEMENT

Mr. BAKER. Mr. Speaker, on rollcall No. 211, on Mr. STEIGER of Wisconsin's amendment to H.R. 77 on June 12, the RECORD indicates that I did not vote. I was present and I did vote "aye". However, the machine did not record it. I submit this for the purpose of showing I was present and that I did vote "aye."

LAW ENFORCEMENT ASSISTANCE AMENDMENTS

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 436 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 436

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8152) to amend title I of the omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes, and all points of order against section 1 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio (Mr. LATTA), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 436 provides for an open rule with 2 hours of general debate on H.R. 8152, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968.

> All points of order against section 1 of the bill for failure to comply with the provisions of clause 4, rule XXI of the Rules of the House of Representatives to prohibiting appropriations in a legislative bill—are waived.

The bill replaces the present system of LEAA administration with an Administrator and a Deputy Administrator. The bill strongly indicates the intention of the Congress that moneys expended under the act address all aspects of the criminal justice system.

H.R. 8152 retains Federal responsibility for administering the program and for assisting the States in comprehensive planning. Approval of State plans is retained as a condition precedent to funding. The bill also reduces the State-local cash-matching-fund requirement to

10 percent, and requires that all planning meetings be open to the public.

Mr. Speaker, the purpose of H.R. 8152 is to make a variety of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701 et seq.), that established the Federal law enforcement assistance program. Most importantly, the bill would authorize appropriations for the next 2 fiscal years for the Law Enforcement Assistance Administration—LEAA—created by the 1968 act as a financial and technical partner for State and local governments in reducing crime and improving the Nation's criminal justice system.

The committee believes the changes in existing law represented by H.R. 8152, as amended, are major steps forward in the fight against crime. Most importantly, the new language addresses those deficiencies that have most severely hampered aspects of LEAA performances in the past.

The bill eliminates the unwieldy "troika" system of LEAA administration, and replaces it with a single Administrator and a Deputy Administrator appointed by the President with the advice and consent of the Senate.

Also in this regard, the committee has broadened the definition of law enforcement and criminal justice to include prosecutorial and defender services. The purpose of rehabilitating criminals as well as simply detecting and apprehending them is added to the purpose of the act.

Mr. Speaker, I urge adoption of House Resolution 436 in order that we may discuss and debate H.R. 8152.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 436 provides for the consideration of H.R. 8152, the law enforcement assistance amendments. This is an open rule with 2 hours of general debate. The rule also contains a provision that waives all points of order against section 1 of the bill for failure to comply with the provisions of clause 4, rule XXI. This deals with appropriations in a legislative bill.

The purpose of H.R. 8152 is to make a number of amendments to title I of the Omnibus Crime Control and Safe Streets Act of 1968, that established the Federal law enforcement assistance program. In addition, the bill authorizes appropriations for the next 2 fiscal years for the Law Enforcement Assistance Administration—LEAA. The total cost of the bill is $2 billion; $1 billion for fiscal year 1974 and $1 billion for fiscal year 1975.

Mr. Speaker, I urge the adoption of this rule so that the House may work its will on this legislation. Hopefully the House will defeat the bill.

Mr. MADDEN. Mr. Speaker, I have no requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. Rodino).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8152, with Mr. Rostenkowski in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. Rodino) will be recognized for 1 hour, and the gentleman from Michigan (Mr. Hutchinson) will be recognized for 1 hour.

The Chair recognizes the gentleman from New Jersey (Mr. Rodino).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. RODINO. Mr. Chairman, the House today, in considering the bill, H.R. 8152, addresses as vital an area of concern as any it will consider this Congress. The incidence of crime in a free nation, and the operation of that nation's criminal justice system truly measure the strength of a free society.

In 1967, the President's Commission on Law Enforcement and Administration of Justice told us what every American knew too well:

> There is crime in America, more than ever reported, far more than ever is solved, far too much for the health of the Nation.

But the Crime Commission told us something else as well:

> America can control crime if it will . . . It must welcome new ideas and risk new actions. It must resist those who point to scape goats, who use facile slogans about crime by habit or for selfish ends. It must recognize that the government of a free society is obliged not only to act effectively but fairly. It must seek knowledge and admit mistakes.

In 1968, partially in response to the report of the President's Commission, the Congress passed the Omnibus Crime Control and Safe Streets Act, a comprehensive Federal program to assist the States and localities in reducing crime and improving the Nation's criminal justice system. Approximately $2 billion has been expended pursuant to that legislation, administered by the Law Enforcement Assistance Aministration—LEAA—established within the Department of Justice by title I of the 1968 legislation.

The initial 5-year authorization for the LEAA program expires on June 30 of this year. Beginning on March 15, Subcommittee No. 5 of the Committee on the Judiciary held 9 full days of hearings on legislation to extend the program. The subcommittee's hearing record comprises 1,000 pages, and is a thorough review of LEAA's achievements and failures to date. Testimony was received from the Attorney General, from Members of Congress, from Governors and mayors, and from representatives of every aspect of law enforcement and criminal justice.

Subsequent to those hearings, the subcommittee met for more than a solid week of markup sessions to produce H.R. 8152, drafted as an amended title I of the existing act, in large part retaining the basic features of that act.

On May 31, the full committee acted favorably on the bill with several amendments. The work of the committee was, at this and at all times throughout this process, greatly assisted by the numerous contributions and wisdom of our distinguished ranking minority member, Mr. Hutchinson of Michigan, and by a truly bipartisan commitment to reducing crime and improving our Nation's criminal justice system.

It is the committee's belief that the necessary changes it has made to the 1968 act are major steps forward in the fight against crime. LEAA is authorized appropriations not to exceed $1 billion for each of the next 2 fiscal years. Equally important, the committee believes it has by this bill addressed, and in large part remedied, those areas of LEAA performance that have been most deficient in the past.

The unwieldy "troika" system of LEAA administration is eliminated and replaced by a single Administrator and Deputy Administrator appointed by the President with the advice and consent of the Senate.

The bill makes more emphatic, by numerous new provisions including language adding the words "and criminal justice" to the words "law enforcement" wherever they appear throughout the act, the intention of the Congress that moneys expended under this act address all aspects of the criminal justice system—not merely the police function, though assistance to police remains an important feature of the bill. In addition, the committee has added to the purposes of the act the goal of rehabilitating criminals as well as simply detecting and apprehending them.

Importantly, Mr. Chairman, the committee did not agree to proposals that would have converted this program into a simple "no strings attached" revenue sharing program. In so doing it has retained Federal responsibility for administering the program and for assisting the States in comprehensive planning.

LEAA approval of annual State plans for the use of this money is retained as a condition precedent to funding each State, and LEAA is made more accountable in the performance of this function.

At the same time, new provisions—while assuring appropriate time for meaningful consideration—address the serious problems that have delayed the disbursement of these moneys to the States and localities in the past. LEAA is mandated to review State plans within 90 days of submission, and in turn the States are directed to insure the establishment of procedures that will expedite the flow of their funds to the units of general local government.

It is in these latter regards that I believe this legislation will most greatly enhance the fight against crime. Too often in the past, the Congress has appropriated these desperately needed moneys only to have the States and localities experience frustrating delays in receiving their funds from both the Federal and State levels. In many cases, these delays have left funds undisbursed to the units of general local government over a period of 2 or more fiscal years. Diligent enforcement of the new provisions should result in a faster fund flow, more consistent with the real needs in these areas.

Mr. Chairman, the committee believes its bill fairly addresses the needs of all our localities, the needs of our Nation's cities where much of our crime occurs. We have retained the "variable pass-through" formula which, as a national average, assures that about 70 percent of a State's bloc grant must be passed on to units of general local government. The bill also retains the requirement that 40 percent of a State's planning moneys be passed through to localities to insure their input into the planning process, and increases the minimum planning grant to each State from $100,000 to $200,000. It provides, as in the past, that before a State plan can be approved, it must assure an "allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity."

Other provisions of the bill provide funding incentives for localities that coordinate law enforcement and criminal justice activities with other localities, even where such coordination is achieved over a bistate region.

The complicated matching requirements under the act, the requirements calling for a non-Federal share of the funding, which have traditionally fallen most harshly on the localities, are simplified and made more realistic. All State and local match is reduced to a 10-percent cash match, and the State share of the local match is increased to an aggregate 50 percent. All so-called "soft-match" or noncash match requirements are eliminated, ending what the committee believes are only causes for imaginative bookkeeping by recipients and nightmarish monitoring problems for LEAA.

The committee bill has also removed the limitations on the use of grant moneys to compensate law enforcement and criminal justice personnel other than police. In this regard, States and localities are given greater flexibility in meeting their anticrime needs as they themselves perceive them.

Very importantly, Mr. Chairman, this bill makes the operation of the LEAA program more widely accountable at both its planning and operative stages. The planning process is opened up by new provisions calling for open public meetings when final action is taken on fund applications, and by new provisions mandating the Governor to include on the State planning agency representatives of citizen, professional, and community organizations.

At the operative level, State plans themselves must provide for fund accounting, audit, monitoring, and evaluation procedures necessary to assure fiscal control and proper management of funds. In addition, ongoing programs and projects must maintain the data and information necessary to allow the National Institute of Law Enforcement and Criminal Justice to perform its broadened evaluation role. In this regard, the Institute is directed to evaluate programs and projects funded by the act and to include a summary of its evaluations in an annual report to the Congress, the President, and the State Planning Agencies.

The Institute is also given a strengthened role in developing training programs and serving as a clearinghouse to stimulate research and reform.

Part E of the act, the special section added in 1970 to assure adequate attention to corrections is retained, as is LEEP, the law enforcement education program, strengthened to keep pace with the rise in the cost of living.

The bill also provides that LEAA may make grants from its 15-percent discretionary funds to private nonprofit organizations. Many important programs relating to law enforcement and criminal justice involve more than one State or locality or are national in scope. Such programs cannot be appropriately funded by a single State. Nonetheless, present law requires that LEAA grants be awarded to units of State and local government with the result that a State planning agency must be willing to accept the administrative burden of serving as the conduit for funding to nonprofit organizations which are qualified to operate the multi-State programs. The addition of nonprofit organizations to the list of those entities entitled to receive LEAA funds would eliminate the cumbersome administrative arrangement currently employed and relieve State Planning Agencies of the unwarranted burden of administering grants to nonprofit organizations for programs which may have little direct relationship to the "host" State. The addition of nonprofit organizations is intended to facilitate the funding of programs operated by organizations such as, but by no means limited to: The National District Attorneys Association, the National Association of Attorneys General, the American Bar Association, the YMCA, and the Urban League. It is not the intention of the committee that private "nonprofit organization" in this context be construed to mean neighborhood, community patrol activities.

For the first time the act itself contains provisions protecting civil rights and civil liberties. In addition to deleting prohibitions against conditioning a grant on the adoption by an applicant of a quota system or other program to achieve racial balance, the bill reiterates the antidiscrimination requirements of title VI of the Civil Rights Act of 1964, but also prohibits discrimination on the basis of sex. The bill strengthens the ban on discrimination by making clear that the fund cutoff provisions of section 509 of the act and of title VI of the Civil Rights Act of 1964 both apply, and that appropriate civil actions may be filed by the administration, and that "pattern and practice" suits may be filed by the Attorney General. The bill would also add provisions guaranteeing the right to privacy with regard to research and statistical data gathered under the act.

In conclusion, Mr. Chairman, it is my belief that the Nation's bipartisan commitment to reducing crime and upgrading our criminal justice system is well served by H.R. 8152. I urge its adoption by the full House.

Mrs. GRASSO. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Thirty-eight Members are present, not a quorum. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 225]

Adams
Anderson, Calif.
Anderson, Ill.
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Barrett
Bell
Biester
Bingham
Blatnik
Boland
Bowen
Broomfield
Broyhill, Va.
Burke, Calif.
Carey, N.Y.
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Collier
Collins, Tex.
Coughlin
Crane
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, Wis.
Delaney
Dent
Devine
Dickinson
Diggs
Edwards, Calif.
Erlenborn
Esch
Evins, Tenn.
Fisher
Ford, Gerald R.
Ford, William D.
Fraser
Fuqua
Giaimo
Gilman
Gunter
Hanna
Hansen, Wash.
Harsha
Hastings
Hawkins
Hébert
Heckler, Mass.
Holifield
Holt
Huber
Hunt
Jarman
Johnson, Pa.
King
Kluczynski
Kuykendall
Landrum
Lehman
Litton
McDade
McFall
McKinney
McSpadden
Macdonald
Mailliard
Martin, Nebr.
Mathis, Ga.
Meeds
Mills, Ark.
Mitchell, N.Y.
Mizell
Moakley
Moorhead, Calif.
Moorhead, Pa.
Nedzi
Nichols
Nix
O'Hara
O'Neill
Patman
Pepper
Peyser
Powell, Ohio
Pritchard
Railsback
Rangel
Reid
Riegle
Roncalio, Wyo.
Rooney, N.Y.
Rooney, Pa.
Roybal
Ruppe
Sandman
Schneebeli
Schroeder
Seiberling
Sikes
Sisk
Staggers
Stark
Steed
Steelman
Stratton
Symms
Talcott
Teague, Tex.
Thompson, N.J.
Tiernan
Waldie
Whalen
Whitten
Widnall
Wiggins
Williams
Yatron

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MATSUNAGA) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill H.R. 8152, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, when 306 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the Committee rose, the gentleman from New Jersey (Mr. RODINO) had concluded his remarks and had consumed 18 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is the intention of the Committee on the Judiciary to simply conclude general debate on this LEAA bill this evening and not go into the 5-minute rule at all. I would yield to the distinguished chairman of the committee (Mr. RODINO) for a verification of that situation.

Mr. RODINO. Mr. Chairman, that is entirely correct. I should like to point out to the Members of the House we are under time pressure, so to speak, as authorization for LEAA expires on June 30, and I would hope the House would be indulgent in at least allowing general debate to proceed.

Mr. HUTCHINSON. Mr. Chairman, I rise in support of H.R. 8152, a bill to extend the life of the Law Enforcement Assistance Administration for 2 years. This legislation is a matter of some urgency because LEAA otherwise expires at the end of this month.

Five years ago we embarked on still another program of Federal aid-law enforcement assistance. Like all Federal aid programs this one has grown, and the bill we now consider authorizes $1 billion for fiscal 1974 and another $1 billion for fiscal 1975. But the billion-dollar authorization contained in H.R. 8152 for fiscal 1974 compares with $1¾ billion authorized for fiscal 1973—a sizable reduction.

From 1960 to 1968 the Nation's crime rate doubled. Now, the great volume of crimes are violations of State laws. Most of those accused of crime are charged with violation of State law. They are apprehended by State or local police. They are arraigned before State judges. They are tried in State courts and before State juries. Upon conviction they are sent to State penitentiaries or jails, or placed on probation in the State system. They are paroled to State parole officers. The whole system of criminal justice is overwhelmingly within the jurisdiction of the States.

The Federal role is properly only one of assistance to the States. In the Safe Streets Act of 1968, Congress set out to provide financial assistance. The Federal purpose was to encourage the States and their local subdivisions to improve their law enforcement techniques.

At the outset there was much ground work to do. Generous funding in the beginning would have been wasteful.

Thus appropriations for fiscal year 1969 were $63 million; for 1970: $268 million; for 1971: $529 million; for 1972: $699 million; and for this fiscal year: $855 million. A sum of $891 million is requested for fiscal year 1974.

In the meantime during calendar year 1969 the crime rate rose 11 percent; in 1970, 11 percent; and in 1971, 6 percent. But in 1972 the crime rate actually decreased by 3 percent. And in our Nation's largest cities, the crime rate dropped even more dramatically. In cities exceeding 100,000 in population, the crime rate dropped 7 percent; in cities exceeding 250,000 in population, the crime rate dropped 8 percent; in cities exceeding 1 million in population, it dropped 12 percent.

The skyrocketing crime rate has finally been brought back to Earth.

I believe that LEAA deserves some credit for this. It has had its share of problems, but I believe that its deficiencies have been, or are about to be, worked out. It has stimulated improvements in law enforcement and criminal justice. At long last there are agencies in every State organized to plan a rational attack against crime. Just a few years ago the various elements were disparate, independent, and isolated; now they are beginning to come together. Now police, courts, and corrections are talking to each other. Local governments are cooperating and combining law enforcement and criminal justice functions. And that is an accomplishment that cannot be overemphasized.

That result has been achieved through State leadership, which is the key to meeting the problem of crime. The Federal Government is too far removed from the locus of crime to assume control of the problem. And if it did, we would witness the unwanted specter of a national police force and all its inherent dangers. At the other end of the governmental spectrum, the units of local government often do not bear responsibility for all aspects of the law enforcement and criminal justice system. Moreover, a great many of the units of local government are operationally too small: crime is not contained exclusively within their boundaries, and the multiplicity of local government breeds fragmentation and inefficiency.

Thus the States emerge as the entity capable of meeting the crime problem and as the entity responsible for meeting it. They alone can make a truly comprehensive attack on crime; they alone can mold into a cohesive whole previously isolated components of the system.

State leadership is evidenced by the State planning agencies that have been established pursuant to the Omnibus Crime Control and Safe Streets Act of 1968. But in praising these planning agencies I do not mean to pit the States against their political subdivisions. For it is all too often forgotten that these planning agencies that act on behalf of the State are truly local in their composition. Sixty percent of the Board members of the State planning agencies represent local interests. This, I believe, accounts for the success of the State planning agencies. Their existence is a vehicle whereby representatives of local governments help fashion a statewide comprehensive plan to meet the needs of the people residing in the State. If it is claimed that a certain locality did not get a "fair share" of the funds, it should be noted that those funds went to other units of local government and were channeled there by representatives of local governments.

However, it is argued that the funds are not channeled to major urban areas of a State where there is likely to be the most crime. This claim may once have been sound. It no longer is. Congress acted in 1970 to require adequate assistance for high-crime urban areas. The result is that last year these areas which had 49 percent of the population and 70 percent of the crime in their respective States received 71.3 percent of the money made available to all units of local government.

H.R. 8152 as reported makes many amendments to present law. However, to its credit the bill preserves the basic structure of the LEAA program. The amendments are designed to perfect the present program, and most of them, in my opinion, would do so.

The bill encourages LEAA to give greater scrutiny to State comprehensive plans to insure that these plans actually work to improve the quality of law enforcement and criminal justice. In turn, the States are required to offer extra funds or to withhold funds from local governments to encourage them to coordinate or combine law enforcement and criminal justice functions or activities. These "funding incentives" will be made available out of funds required to be passed through to local governments under section 303(a)(2). A similar provision in section 306(a) requires that LEAA use discretionary funds to encourage coordination in an interstate context. It is intended that such grants be made primarily to adjacent jurisdictions in different States that suffer a common crime problem which might be appreciably alleviated by coordinating law enforcement and criminal justice functions or activities.

Another amendment made by H.R. 8152 would simplify the matching requirements. Presently, all recipients of LEAA funds—with the exception of the relatively minor categorical-grant programs in part D of the act—must match the Federal dollars by meeting some of the expenses of a program or project on their own. If my memory serves me correctly, Congress never intended that the match be anything but money. Indeed, it was Federal money that was being matched. But somehow an administrative decision was made to accept what is called a "soft match," or noncash match. Once the practice was permitted, it became difficult to go back entirely to a "hard match," or cash match. So in 1970 Congress changed the matching ratio from 60 percent Federal, 40 percent non-Federal to 75 percent Federal, 25 percent non-Federal but further specifically required that 40 percent of the 25 percent part C block grant match be in cash.

This compromise in principle was financially easier for recipients to accept but was administratively more burdensome. For now we have two kinds of match. And more important, a soft match can be manufactured by clever bookkeeping. For a State or local government can add costs to a program or project which it has already paid or would pay in any case. Then it becomes the task of LEAA to check compliance, and this takes time and effort.

The purposes of requiring a match for Federal funds were: First, to insure State and local legislative oversight and thus guarantee some State and local political control over federally assisted programs; second, to bring into play the State and local fiscal controls to minimize the chances of waste; and third, to underscore the responsibility on the part of State and local government to fight crime. None of these purposes is served by a soft match. Instead, it fosters imaginative bookkeeping and produces administrative burdens.

H.R. 8152 would put an end to the soft match. Wherever a match is required, it would become a 10-percent hard match—except for part C construction programs and projects which would remain at 50 percent but would become all hard match.

So desirable did it seem to eliminate soft match and transfer to a hard match requirement that H.R. 8152 would make this change with regard to unobligated funds made available prior to July 1, 1973. It should be made clear that funds "not obligated" are those not awarded or committed by the State or local governments. If the State or local government has contracted for a project or has effectively awarded the funds to one of its agencies, the funds are, for purposes of section 523, considered as "obligated."

If a program or project is in operation but not completed, it is not intended that the new matching requirements be applied to the remainder, even though under accounting practices the governmental unit may not be as yet obligated to pay. Likewise, it should be clear that if a State has awarded funds to a unit of local government and the unit has not, in turn, further obligated the funds by award or contract, the funds are not obligated and the new matching requirements would apply. In other words, the fact that the funds in the hands of a unit of local government came through the State does not of itself change the result that would otherwise obtain.

Another amendment, section 524, protects the implied confidentiality of data identifiable to specific individuals that has been gathered for research or statistical purposes. The provision is analogous to that governing data similarly supplied to the Census Bureau. Data gathered for such research or statistical purposes may be used only for the purposes obtained.

Two other amendments were designed to speed the flow of funds to recipients. These amendments are in my opinion either counterproductive or "harmless error." The first amendment would require that LEAA approve or disapprove, in whole or in part, State plans within 90 days. Testimony before the committee indicated that there was no existing problem for States in obtaining a prompt response from LEAA upon the submission of a plan. Current guidelines require a response within 30 days, and I believe that it is generally adhered to. Thus this amendment is "harmless error" unless it is construed to authorize delays short of 90 days in responding to submissions of State plans.

The second attempt to force a swifter flow of funds was addressed to a different juncture. This amendment would require that the States adopt procedures to pass on applications by local governments within 60 days. In committee, it was asked whether this would impose an unreasonable burden on the States since not all applications are simultaneously submitted and thus it would not be possible for the States to fulfill their mandate to establish priorities and formulate plans. It was then determined that the "procedures" the States could adopt would embrace the establishment of a deadline for the submission of applications and from which the 60 days would run. This should be emphasized because it means to me that the "60 days" may be much longer than 60 days on the calendar.

Even so, a 60-day period between the deadline for submitting applications and the date by which applications must be approved or disapproved is not a long time for those States that formulate their plans on the basis of applications from local governments. Since the amendment would compel such States to develop their plans while they are deciding on applications, those States might find it easier to formulate plans before local governments have an opportunity to express themselves. I doubt that this is the purpose of the amendment, but it may be the result. One solution may be "procedures" to require "phantom" applications to be made before the plan is developed so that the "real" applications can be submitted after the plan is developed. But there we are again—with more redtape.

Other amendments are made by the reported bill which in my opinion fall into the class of "harmful error." These are described in the additional views of the minority members of the committee which appear beginning on page 37 of the report. They are three in number:

First, the failure to preserve intact the present limitations on the use of LEAA funds to pay the salaries of regular personnel;

Second, the requirement that every SPA and every regional planning unit include representatives of citizen, professional, and community organizations; and

Third, the addition to the list of eligible grantees of discretionary funds of "private nonprofit organizations."

I am informed that amendments will be offered to cure these defects in due course, and I urge their adoption.

I recognize that the hour is late and that the matters discussed are highly technical and may, therefore, have not been very entertaining to listen to. But let me assure the Members of this body that I would not have taken the time were it not important to establish a legislative history that evidences our intent in acting on this legislation. I thank the Members for their indulgence.

Mr. SEIBERLING. Mr. Chairman, I support the committee's bill. If adopted, it will, in my opinion, be a substantial improvement over the present law. The provisions for speeding up the approval of State plans and grant applications at both the Federal and State levels, if they are followed in practice, could eliminate one of the most serious problems that has existed in the administration of the law up to the present time, namely the excessive delays in getting LEAA funds down to local law enforcement and criminal justice personnel, where most of the efforts against crime necessarily must be made.

The bill's provisions for expediting the flow of funds, and for strengthening the oversight role of the Judiciary Committee, have made it possible for the bill also to eliminate some of the rigidities in the present law. This will permit greater flexibility in administration both at the Federal and State levels. The bill also provides for a better balanced program by making explicit the intent of the Congress to improve not only the effectiveness of the Nation's police forces but the entire criminal justice system. In addition, the bill makes provision for open meetings, and for citizen and community participation and strengthens protections for civil rights and the right of privacy.

The chairman and members of the committee are certainly deserving of commendation for these achievements. This is not to say that further improvements are not possible. In fact, I believe one other major change in the present law would be highly desirable.

It is important that we have all possible assurance that the funds authorized by this bill will in fact do something significant about the Nation's crime problem. It is the Nation's problem because even though most crimes are local in character, the problem of crime is national in its impact.

That is why the Congress in 1968 passed the Omnibus Crime Control and Safe Streets Act, of which the Law Enforcement Assistance Act is a part. Now what do we find 5 years later, after having appropriated over $2½ billion under this act?

We find that the Nation's crime rate has gone up 29 percent since 1968 and that the rate of violent crime has gone up even faster increasing 39 percent between 1968 and 1972. Last year, violent crimes hit an alltime high.

In the light of these depressing statistics, we certainly have a duty to ask ourselves, when we are considering extending the law enforcement assistance program, whether the taxpayers are getting maximum value from this expenditure of their money.

If there is one outstanding weakness in the existing program it is that it contains no assurance that the States will put their share of law enforcement assistance money to work where it will have the maximum effect in the fight against crime. Obviously, the bulk of this money should go to the law enforcement agencies in the places where the bulk of the crime is.

And where is most of the Nation's crime? Not in the rural areas and small urban centers but in the large cities and their suburbs, where roughly one-half of the Nation's population lives and where the vast majority of the crimes are committed. FBI statistics show that the 155 cities which have a population above 100,000 have 60.8 percent of the violent crime, including 50.4 percent of the rapes, 54.6 percent of the murders, and 73.2 percent of the robberies. A list of these cities is printed at the end of the committee's report on the bill.

The committee's bill, like the present law, requires that the major part of law enforcement assistance fund allocated to each State be passed on to local units of government. In the committee, I offered amendments, which were not adopted, that would have refined this to require the State to pass on a guaranteed minimum bloc grant of these funds to each metropolitan county with a crime rate above the State average which has a population above 350,000 or which contains a city above 100,000. In determining the amount of the grant, the high crime area's population would be given a weight of one and the crime rate would be given a weight of two. This would not mean that the State could not grant more than this minimum, but at least the high crime areas would be guaranteed no less.

Under the amendments, the funds would be received and distributed by existing regional planning agencies or by a new agency, if the majority of the local governments desired one. This would end the wasteful, costly and inefficient method in the present law, whereby the local governments must process each grant application through multilayered regional, State, and national bureaucratic levels. It would substitute one single level, the regional planning unit, controlled by and responsive to the local governments. The only condition would be that the local unit submit a plan to the State showing how it intends to use the funds. If the central city and the suburbs were unable to agree on a plan, the Governor could authorize the city to constitute itself a separate planning unit within the high crime urban area.

I would like to emphasize that the amendments would not deprive the State of its ability to allocate any law enforcement assistance funds other than those earmarked for high crime urban areas. Furthermore, the amendments would permit the Governor of each State to depart from the stated formula with respect to any particular high crime urban area if he found that the formula would create an imbalance in the distribution of law enforcement assistance funds in the State.

Mr. Chairman, over the last 2 years Congressman James V. Stanton and I have written mayors and law enforcement officials in cities all across the country to ask whether they believed they were receiving an appropriate share of Federal law enforcement assistance funds. Even though many of them were reluctant to speak out, for obvious reasons, the replies we did receive fill 130 pages of fine print in the Judiciary Subcommittee record of hearings on this bill. Overwhelmingly, these mayors and city managers and police chiefs indicated that large metropolitan areas were being drastically shortchanged and the money was instead being broadcast over their States, with very little regard for the degree of crime in the various areas of the State. I wish time permitted me to read some of their comments. Those interested will find them on pages 736 through 865 of the subcommittee's printed hearing record.

Obviously, it is no accident that the National League of Cities and the U.S. Conference of Mayors this year specifically recommended major changes in the law along the lines of the amendments offered to the committee.

We must not tolerate a "pork barrel" approach by any State in distributing law enforcement assistance funds to local communities. The struggle against crime and violence and for criminal justice is too desperate, the funds too meager in proportion to the task, to allow the bulk of them to be sent anywhere except where the crime is or to allow them to be used in any but the most efficient way.

Mr. Chairman, believing my amendments which failed in committee would have provided much needed assurance that the law enforcement assistance funds would be used with maximum effectiveness, I had considered offering a version of them on the floor. However, because of their technical nature, they are ill-adapted for consideration except in committee. Since the other body has yet to act on this bill, there remains the possibility that such amendments will be considered there.

Accordingly, I ask only that the amendments be printed in the Record following these remarks, in order that all Members may have the opportunity of considering them in the event some such proposal should eventually come before the House again.

Let me add that, in the absence of such amendments, it becomes all the more important that the funding authorization in the bill not be extended to cover any period longer than the 2 years set forth in the bill. This period will put both the Law Enforcement Assistance Administration and the State planning agencies on notice that the Judiciary Committee will be performig a close oversight of their actions to assure that all funds appropriated under the bill are actually distributed to the areas of greatest need.

The amendments follow:

Amendment (No. 1) to H.R. 8152, as Reported Offered by Mr. Seiberling

Page 15, line 8, strike out "and".

Page 16, line 8, strike out the period and insert in lieu thereof: "; and".

Page 16, immediately after line 8, insert the following:

"(13) provide that all cities above 100,000 population, all counties, and all other consenting units of general local government, but not less than a majority of all units of general local government, in each high crime urban area within such State shall participate in a regional planning unit which shall (A) assist in the development of the comprehensive State plan, (B) take receipts from the State planning agency of all Federal funds granted under this part for use in such high crime urban area, and (C) assist in coordinating all law enforcement and criminal justice efforts within such high crime urban area which are in whole or in part assisted by Federal funds under this title. A regional planning unit will qualify under this paragraph even if it represents units of general local government outside the high crime urban area or performs functions for a larger geographical area or that relate to activities other than law enforcement and criminal justice.

Notwithstandnig the foregoing provisions of this subsection, if the chief executive of the State finds that any city with a population above 100,000 in any specific high crime urban area is unable to reach a consensus with the other participants in the regional planning unit as to a plan for submission under subsection 303 (d), he/she may authorize such city to form a separate regional planning unit for purposes of this title, which shall take receipts from the State planning agency of that proportion of the Federal funds granted under this part for use in such high crime urban area that such city would receive if it were a separate high crime urban area.

Amendment (No. 2) to H.R. 8152, as Reported Offered by Mr. Seiberling

Page 17, immediately after line 14, insert the following new subsection:

"(d) No plan shall be approved unless there is made available in the form of an annual bloc grant under such plan to every regional planning unit which has been established under section 303(a) (13) for a high crime urban area in the State and which has submitted a plan to the State planning agency for the use of the funds made available under this subsection, that percent of the funds required to be made available to the units of general local government under section 303 (a) (2) which is computed as follows:

"(1) Compute the percentage of the population of the State represented by the population of such high crime urban area, according to the most recent available decennial census.

"(2) Add to the percentage so computed two times the percentage of all reported crime in the State represented by the greater of (A) all reported crime in such high crime urban area or (B) all reported crime in all cities with a population above 100,000 in such high crime urban area, as determined by the most recent uniform crime report published by the Federal Bureau of Investigation.

"(3) Divide the sum obtained under paragraph (2) by three.

Notwithstanding the foregoing provisions of this subsection, the State plan may vary from the foregoing formula with respect to any specific high crime urban area, if the chief executive of the State publicly declares that following such formula in such case would create an imbalance of law enforcement and criminal justice funds distribution in the State. Should the chief executive issue such a declaration, it shall be incumbent upon him/her working with the State Planning Agency, to otherwise assure that substantial funds made available to the State under this part are directed to the high crime urban area in the form of bloc grants as provided in section 303(a) (13). The State planning agency may also direct into a high crime urban area, in accordance with needs as determined by the State planning agency, funds available under this part, in addition to those that the high crime urban area would receive under the formula set forth in this subsection.

Amendment (No. 3) to H.R. 8152, as Reported Offered by Mr. Seiberling

Page 50, immediately after line 14, insert the following new subsection:

"(n) The term 'high crime urban area' means:

"(1) any city with a population above 100,000, together with any county having such a city or cities within its boundaries;

"(2) any city with a population above 100,000 which has jurisdiction over all normal county criminal justice functions; or

"(3) any county with a population above 350,000;

if the share of the total state reported crime within such city or county is equal to or greater than the share of the total state population.

Mr. SCHERLE. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Mr. RODINO. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MATSUNAGA) having resumed the Chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 8152) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice and for other purposes, had come to no resolution thereon.

PERSONAL ANNOUNCEMENT

Mr. DENNIS. Mr. Speaker, on June 7, 1973, I requested, and was granted, official leave of absence due to illness in my family. As a result of my absence, I am recorded as not voting on rollcalls 194 and 195.

As a matter of record, I would like to state at this time that had I been present in the House Chamber on June 7, I would have voted "nay" on House Resolution 382, to disapprove Reorganization Plan No. 2 (rollcall 194); and "yea" on H.R. 7645, Department of State Authorization Act of 1973 (rollcall 195).

PRESIDENT NIXON'S TALK ON THE ECONOMY

(Mr. MOSS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MOSS. Mr. Speaker, last night the American people, with expectations high, were treated to a classical Nixon performance. It took the form of a lecture and lockerroom peptalk on the tragic state of our economy.

"Those who proposed actions that would lead inevitably to a permanent system of price and wage controls," were not, we were told, to lead us. We were also told that we would not, "put the American economy in a straitjacket." Further, we were told, "we are not going to control the boom in a way that would lead to a bust."

What then would we do? We would all do our part. Had not we been fortunate that ours was an economy, "by far the freest, strongest, and the most productive economy in the whole world." And then we were informed that we would have phase IV to deal with the problem of shortages brought on by increased demand, both here and abroad. These new phase IV controls, we are told, will control such forces.

We were not told a number of other things, however. The President did not tell us that phase III was a disaster, largely because of its conception and implementation from the top. He failed to inform his preempted audience that he ignored all warnings on ending phase II too soon and over the faults in phase III. Such warnings came from all sides and from every economic literature in the Nation, with a handful of exceptions. He failed to claim credit for the consequences of his 6-month delay in imposing new controls, while America paid the major economic price for the inevitable consequences of his past actions.

He failed to make mention of the unwise grain deals with Russia at domestic expense in order for him to make short-lived political gains. Now higher prices for bread tell the sad tale, even if he did not choose to do so last night.

The same is true of higher milk, lumber, and oil and gas prices, as well as in a number of other strategic areas where consumers pay more because of preferential treatment by Government of a number of industries with heavy power concentrations.

Lettuce at 69 cents a head and hamburger at prices steak used to sell for tell their own story. Interest rates and housing costs tell the same tale.

Instead, last night the President pulled the same moth-eaten rabbit out of the same scruffy hat. He set up straw men and waved ghostly threats, mainly, of his own creation. But he never named names, informing us of our true foes.

Saddest of all, nothing he said reassures us that he better understands the economic problems and fundamental rules of economics than when he ordered an end to phase II. His on-the-job economic education and training continues at national expense.

As President he should be listened to, but such advice as he has need not necessarily be accepted as gospel. There must be better answers at hand for the average working person. Or better instructors in economics. Certainly lockerroom exhortations and peptalks will not solve or alleviate any of our present self-inflicted difficulties.

BREZHNEV'S VISIT—WHAT COST TO AMERICAN SECURITY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, in a few days, Leonid Brezhnev will be here in Washington, D.C., to meet with and probably to announce various agreements with President Nixon. Where has all the attention and debate been that should mark this occasion? It has been strangely absent.

Absent is the concern that should be given to this visit.

Absent are the questions that must be raised.

Absent is the concern over the deteriorating U.S. national security position vis-a-vis the Soviet Union.

The little discussion which has been taking place has largely been on the glories of détente. On how the Soviet Union allegedly is turning away from confrontation to negotiation, and on how it is turning to the West to negotiate agreements to lessen tensions. President Nixon, in his foreign policy report to the Congress, speaks of "a new era in international relations."

What is the new era of which the President speaks? What does it mean for the United States? What does it mean for our national security? What does it portend for the future?

First, let us determine what is new about the present era of United States-Soviet relations. Is it attributable to new internal policies in the Soviet Union? Perhaps, the Soviet Union is treating its own citizens better? Perhaps, there is actually an opening up of Soviet society?

Let us take a look at the treatment of Soviet Jews. This has received much attention in the West. Recently, there have been reports of the unofficial ending of the exit tax and a general loosening of restrictions on the Jews. However, less publicized reports speak of increasing repression since Nixon's visit to the Soviet Union.

In an earlier speech, I have discussed the testimony of Mr. Avraham Shifrin, a Russian Jew now residing in Israel. He points out that—

> There are millions of prisoners in the concentration camps and prisons of the Soviet Union today; that the camps—far from having disappeared—number into the thousands; and that the conditions are just as bestial as they were in the days of Stalin.

Moiseev, a 20-year-old, was a Christian in the Soviet Army. He was placed in iceboxes and in rubber suits into which air was pumped terribly compressing his chest. On July 17, 1972, his family was given him in a coffin and told he had died accidentally. The coffin was opened. Moiseev had been stabbed six times in the heart and had his skull fractured.

In Latvia, Fricis Menderes who is 84 years old and former Chairman of the Social-Democratic Party was sentenced to 5 years of imprisonment.

In August, September, and November, a number of Buddhists were arrested—including Donatus Buthus, Aleksander Zeleznov, Vladimir Montlevich, and Yuriy Lavrov. They were confined to a psychiatric hospital.

General Grigorenko protested against the "trials" of Sinyavsky and Daniel, of Vladimir Bukovsky, and Yuri Galanskov and Alexander Ginzburg. May 7, 1969, he was arrested and has spent more than 4 years since then in various KGB prisons and mental institutions.

Andrei Amalrik, the author of "Will the Soviet Union Survive Until 1984," was tried and found guilty in 1970 for "disseminating falsehoods derogatory to the Soviet state and social system." His 3-year term in a so-called labor camp or, more accurately, concentration camp was up May 21, 1973. He has not been released. Instead he is still being held and being investigated for new charges, under the same law, for which he was convicted in 1970. The only place he could have "disseminated falsehoods" since his arrest in 1969 is in that concentration camp where he has been a prisoner.

These and thousands of other examples conclusively show there is no loosening in the internal situation of the Soviet Union.

Perhaps then, the Soviet Union has changed in that it no longer seeks worldwide domination and the overthrow of the United States. Perhaps, this is where the U.S. efforts at détente are being matched.

The Soviet Navy is building more ships and expanding its activities. Its Navy can now be found in all the oceans, the Mediterranean, Caribbean, and the Persian Gulf—to mention a few areas. Norman Polmar, the American editor of Jane's Fighting Ships, states:

> Almost every year of the past decade has seen more Soviet ships at sea, farther from the Soviet homeland, and at sea for longer periods of time. In conjunction with this extension of blue-water operations has been the increased use of overseas ports and facilities, open-sea anchorages where Soviet ships cannot easily use foreign bases, and the development of the techniques as well as the equipment needed for deploying ships at sea (such as afloat support of ships and underway replenishment).

The Soviet Navy is obviously furthering Soviet goals at the expense of American interests throughout the world.

The Institute for the Study of Conflict, based in London has just issued a report which concludes that the total Soviet domination of Cuba gives the Soviet Union a conveniently located and increasingly useful base from which trade, educational propaganda and revolutionary movements can be promoted throughout South and Central America and the Caribbean. Additionally, the Institute points to the construction of a nuclear-submarine base at Cienfuegos, "the use of which greatly increases the effective capacity of the Soviet Navy in the Atlantic."

The Soviets realize the importance of oil to both the West and Japan. Their pressures have been increasing in the important Persian Gulf area.

In the Helsinki discussions on mutual force reductions — MBFR — the Soviets have shown that they are still trying to destroy NATO and the Western alliance by engaging in secret, bilateral talks with Germany and France. In the words of Walter Laqueur of the Institute of Contemporary History—

> Soviet intentions vis-a-vis Western Europe are no secret. The Russians feel that the stalemate which has prevailed since 1949 is now out of date, and since the balance of power in Europe has changed in their favor, they hope gradually to achieve a much greater say in West European affairs.

What this means is simple. The Soviet Union is still attempting to gain control of Western Europe. Their goals have not changed.

Soviet military power is increasing. The Soviet presence throughout the world is increasing. Evidence of any Soviet turning from its expansion is slight, if not nonexistent.

The Economist of May 26, 1973, gives the following analysis:

> West Germany has accepted the Oder-Neisse frontier and, for the foreseeable future, the division of Germany; east Germany is gaining international recognition; western grain (to say nothing of EEC butter) is already relieving Russia's food shortage; western finance and technology are coming along to ease its more general economic difficulties. And all this has been achieved without any Soviet concessions on any really crucial points. Russia's grip on eastern Europe, its huge military apparatus, and its defences against penetration by disturbing ideas are still intact. And it is still entirely possible that the result of encouraging people to think that detente has already arrived will be a one-sided measure of disarmament by the west and therefore a shift in the whole balance of European power.

One of the major bases for this supposed detente is the Soviet need to buy Western agricultural products and, more importantly, technology. The Soviet grain deal, the sale of machinery, the building of the Kama River truck plant, all are examples of this Soviet need.

The benefits of the wheat deal to the American farmer, the consumer, or taxpayer are increasingly open to doubt. Estimates state the American taxpayer gave more than $300 million of his tax dollars to subsidize the Soviet purchase. CBS News has stated the cost to American consumers has been another $300 million in increased prices. The American farmer sold at low prices and the higher prices cut the subsidy available to a number of southwestern farmers.

Additionally, this whole deal was financed by the Commodity Credit Corporation under the Department of Agriculture. The interest rate was 6⅛ percent. This rate is less than that at which the U.S. Government can borrow money. American businessmen must borrow at much higher rates commercially.

The wheat sale was a good deal—for the Soviets. This deal has been one of the praised fruits of détente.

In SALT I, the United States agreed to 1,618 Soviet land-based ICBM's to our 1,054 and 62 Soviet Polaris-type submarines to our 44. This resulted in the "Jackson Amendment" to prohibit future concessions which would result in an even greater American weakness compared to the Soviet Union.

Now, my colleague, Congressman Spence, has given information that President Nixon may give more dangerous SALT concessions to Brezhnev during his visit here. These include limiting the U.S. multiple warhead missile programs—the Minuteman III, the Air Force's land-based ICBM, the Navy's Poseidon, and the not yet deployed Trident submarine-launched missile. What concessions, if any, that the Soviet Union may make are unknown.

Too often, the Soviet Union has proceeded on the assumption that what was theirs was theirs and what was ours was negotiable. Too often, American Presidents have allowed them to get away with this.

U.S. policy toward the Soviet Union is being built on the assumption that it is necessary to stabilize the Soviet Union and its leadership. By such stabilization, the hope is that Soviets will understand that their true interests lie in peace and good relations with other states.

Through trade, arms agreements, and other negotiations, the Nixon administration hopes to change the Soviet Union. Leonid Brezhnev and the Soviet Union, in turn, want and desperately need Western technology and help. They need credits in the billions of dollars for purchases and technology to exploit their resources.

The Soviets know that an advanced technological industrial base is necessary for military strength. They are depending upon the West, and particularly the United States to help provide them with that base. Their economy continues to fail. Their military power continues to grow. Their goals have not changed.

In conclusion, I quote one who knows the Soviet Union and communism well:

> The spirit of Munich has by no means retreated into the past . . . the spirit of Munich is dominant in the twentieth century. The intimidated civilized world has found nothing to oppose the onslaught of a suddenly resurgent fang-bearing barbarism, except concessions and smiles.

The words are those of Alexander Solzhenitsyn.

The United States can no longer afford to misunderstand the Soviet menace. Dreams of a happier world if we only give the Soviet Union what they desire are foolishness. The issue is the continuing existence of free men in the United States and the world. Let us not further compromise our position, our integrity, and our freedom. If we do, the whole world loses.

A SAD ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. Gerald R. Ford) is recognized for 5 minutes.

Mr. GERALD R. FORD. Mr. Speaker, today I join with others of my colleagues in commemorating a sad anniversary. It is now 33 years since the Soviets invaded Lithuania, Latvia, and Estonia and seized them by force of arms.

The United States and other freedom-loving nations of the world stood by while this tragedy occurred. We can take comfort only in the fact that the United States has never recognized the forcible annexation of Lithuania and the other Baltic States into the Soviet Union.

Now we stand on the threshold of a new era of peace. We are beginning talks that promise to build a foundation for improved relations between the United States and the Soviet Union. But what of the Baltic States?

Lithuania fell under the yoke of Soviet dictatorship on June 15, 1940. Are we now to forget that act of infamy? Nay, it must never be acceded to by the Lithuanians themselves or by any of the freedom-loving people of the earth. It is a horrible injustice which must one day be put right.

Today I voice my continuing support for the just efforts of Lithuanians everywhere to reestablish their country as an independent state and to free their homeland from Russian control.

It is my view that any man who is dedicated to the principles of freedom and justice and informs himself of the manner in which the Soviet Union subjugated the Lithuanian people cannot help but be their ally in a persistent struggle to free them.

I am not surprised that Lithuanians consider themselves betrayed by the agreement entered into February 11, 1945, at Yalta by President Franklin D. Roosevelt, Prime Minister Winston Churchill, and Joseph Stalin. There is no question that the Yalta Agreement appeared to seal the fate of all of the nations of Central and Eastern Europe.

The Government of the United States had clearly closed its eyes to aggression by the Soviet Union after fighting a bloody war to cleanse the world of aggression by Nazi Germany and Japan.

Yet it is a fact of historic importance that the United States has never recognized the validity of the Russian occupation of the Baltic nations. And in this there is hope for Lithuanians, Latvians, and Estonians—and for the entire world. It means that the concept of freedom still lives—that it can never be extinguished by force of arms or the brutal suppression of a people. It means that there must come a time when the forces of freedom will rally to turn back the forces of darkness and oppression. Let us today look to the future and pledge that we will never rest until the Baltic States are once again free and independent.

FEDERAL ATTACK ON RISING RENTS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FORSYTHE), is recognized for 5 minutes.

Mr. FORSYTHE. Mr. Speaker, the rapidly rising cost of living is of concern to all of us. Wholesale prices soared at an annual rate of 24 percent last month. Retail prices have kept pace. We are experiencing the highest rate of inflation in 20 years.

In the coming weeks I will be addressing the question of soaring food costs, the price of shoes, and the spiralling cost of lumber which is having a significant impact on the price of new housing. Today, however, I would like to address the question of rising apartment rental fees.

Rent stabilization was born out of efforts to control rampant inflation in the rental housing industry. However, as phase 1 evolved into phase 2, I became concerned by the apparent fact that the benefits and burdens of the President's program were not being shared equally. Inflation in the rental housing industry was not being curbed, it was being institutionalized by the average transaction rule. Throughout the phase 2 period, I urged the adoption of a clear and consistent rent formula such as one that confines rent increases to a level commensurate with the landlord's fixed expenses. Unfortunately, my protestations fell on deaf ears.

With the lifting of even these controls, we have witnessed what can only be characterized as money grab by certain landlords. In recent weeks, numerous complaints from residents of my district has revealed recent rent increases ranging up to 40 percent. Increases of this magnitude are clearly above the level that can be tolerated by the average tenant.

When landlords were free to pass along the vast bulk, if not all of their fixed expenses under phase II, it is questionable whether these same landlords can now justify increases of the current magnitude. Many tenants now facing these large levies received one or more increases under phase II. And I will not belabor the obvious and frequently tragic dilemma of Americans living on fixed incomes. What is happening to these individuals often amounts to nothing less than a confiscation of the recently approved rise in social security payments. Nor will I dwell on the situation of the worker who receives a rent increase of 10 to 40 percent on the same day that his employer is explaining to him the 5.5 percent wage guideline. Under the phase III and coming phase IV program, our goal must be the equality of sacrifice, not the sacrifice of equality.

I believe the President erred in not including rents in the present 60-day freeze. For an apartment dweller, rent is usually the largest item in the family budget. Too many landlords are insisting on pursuing an inflationary policy. The situation in many cities in the Northeast corridor encourages this situation as these cities have extremely concentrated populations and low apartment vacancy rates. In my district, many areas have vacancy rates well below the national average. During the past several weeks, I and a number of my colleagues have received complaints from individual tenants, and tenants associations cataloging large rent increases in San Francisco, Long Beach, Los Angeles, Seattle, Denver, Phoenix, Austin, Pittsburgh, Philadelphia, Baltimore, and Boston.

While I do not have the resources to conduct a national survey I am disturbed by the extent of the problem and by the lack of recognition of the problem in the President's statement. While rent increases are not a serious problem in every population center, I am disturbed that the justification for the present inaction is analogous to efforts to explain to a drowning man that his problem is not a serious one because the average depth of the river in which he is drowning is only 6 inches. The President has the authority to assist our drowning tenants and I believe he was remiss in not using it.

I am not advocating national rent controls for we must not create inequities of our own by painting all landlords with one brush. Not all landlords are pursuing an inflationary policy. However, in those areas where we have extremely low apartment vacancy rates and soaring apartment rental fees, I believe serious consideration should be given to a system of local controls. This is a matter best resolved at the local level. However, where local authorities are unwilling or unable because of constitutional restrictions to afford necessary protection to tenants, I believe the Federal Government should during the next 60 days investigate the mechanism for providing that relief. Any mechanism that is tied to vacancy rates however, should not be tied to an amorphous national vacancy rate. The historic local vacancy average would be a better gage of the nature and extent of the problem.

I have today written the President urging that he freeze rents for 60 days and undertake a comprehensive study of the problem to insure that necessary relief is provided in those areas where the problem is severe.

Mr. Speaker, we cannot, indeed we must not, turn a deaf ear to the problems confronting America's tenants.

GENOCIDE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DERWINSKI) is recognized for 10 minutes.

Mr. DERWINSKI. Mr. Speaker, today, June 14, is the anniversary of one of the most tragic episodes in history, the deportation from their lands of the Estonians, Latvians, and Lithuanians by the Soviet Russian military authorities.

May I remind the Members of this tragic episode, 32 years ago, on June 14, 1941, when the Soviet Union began to execute its policy of genocide in the Baltic nations. These three small republics, Estonia, Latvia, and Lithuania, had been annexed to the huge Soviet Empire a year earlier. Tens of thousands of the Baltic people were killed and about a million were deported to Siberia and other areas.

During the following 4 years, the Baltic lands formed part of the battleground as the erstwhile allies, the National Socialists of Germany and the Communists of Russia, fought against each other. Those Estonians, Latvians, and Lithuanians who remained were terrorized by whichever of these vicious forces happened to be in the ascendancy. The final defeat and elimination of the Nazis left the Communists in undisputed and complete control.

While some of the Baltic peoples still reside in their ancient homelands, others have been replaced by Russians from other sections of the Soviet Union and still others have been scattered to other parts of the world. Many Estonians, Latvians, and Lithuanians have, during the past three decades, begun life anew in free America. As loyal and industrious citizens they have made important and lasting contributions to their adopted country.

In the fall of 1971, it was my privilege to serve at the United Nations as a member of the U.S. delegation. During the discussion of the subject of the right of peoples to self-determination, I raised the question of Soviet control over the Baltic States. May I briefly restate my points I made at that time:

> The Baltic States—Lithuania, Latvia, and Estonia—represent a special case in point. They have been physically annexed by the Soviet Union and forcibly incorporated into the cluster of its "Socialist Republics." So far as the Communists are concerned, Lithuania, Latvia, and Estonia have ceased to exist as separate entities entitled to their own national identity and independence. These views are not shared by the United States, nor by numerous other countries. To this day, the United States accords diplomatic recognition to the representatives of the last legitimate governments of the three Baltic States.
>
> Large numbers of Baltic peoples were transferred to the Soviet interior after 1940. There are indications that as many as 60,000 Estonians and 25,000 Latvians, and probably more Lithuanians, were deported or killed during the first Soviet occupation of the Baltic States in 1940–41. The largest deportation occurred on the eve of the German

invasion. After the war several waves of deportations were conducted particularly from Lithuania, and chiefly in connection with the collectivization drives in the Baltic States.

Comparison of Soviet data on peasants in Latvia for the period from early 1947 to May 1949, shows that some 36,000 families or about 150,000 individuals were eliminated from the rolls during the period. Making allowance for migration to cities, it appears that over 100,000 Latvian peasants were deported to the interior. The figure for Lithuania may be assumed to be still higher. The Baltic peoples were evidently resettled in various regions of Siberia, as well as in the north.

Mr. Speaker, I trust that the Members of the House will keep in mind the legitimate aspirations of the Baltic peoples to independence and the right to again reside in their historic lands.

It is necessary, Mr. Speaker, that we continue to recognize the right of the Baltic States to self-determination. I believe it is absolutely necessary for the policy of the United States to continue to be that of nonrecognition of the Soviet incorporation of Lithuania, Latvia, and Estonia. I make this pointed reference on the eve of the visit to the United States of the Soviet leader, Leonid Brezhnev.

UNCERTAINTY BREEDS OPPORTUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CRANE) is recognized for 5 minutes.

Mr. CRANE. Mr. Speaker, most Members of this Chamber are quite familiar with the Institute on Comparative Political and Economic Systems at Georgetown University. Select students of this nationally renowned institute, chosen from over 90 universities and colleges across the country, hold coveted internships in our offices, and we are very proud to have them. The truly unique tripartite program of specialized instruction, experiential internship, and expert lectures in the Nation's Capitol is sponsored by the Charles Edison Memorial Youth Fund, headed by its president, George H. C. Lawrence of New York.

One of the institutions of higher learning participating in the program is the University of Alabama in Huntsville. Led by Dr. Benjamin Graves, president of U.A.H., the university recently invited the director of the institute, Dr. Lev E. Dobriansky, who is also a professor of economics at Georgetown, to deliver the commencement address. Titled "Uncertainty Breeds Opportunity," the address was given on May 27 and contains a number of vital perspectives posited in a global framework which I believe would profitably interest every thinking American, young and old alike, for the period of danger and opportunity ahead.

Mr. Speaker, I include Dr. Dobriansky's address at this point:

UNCERTAINTY BREEDS OPPORTUNITY

(Commencement address, University of Alabama, Huntsville, by Dr. Lev E. Dobriansky)

President Graves, Colleagues in Academia, Graduates of the Class of '73, their Parents, Spouses, and Friends, it is truly heartwarming for me to be back at this forward-looking university, and I deem it a profound privilege to be given this honored opportunity to address you on this glorious occasion of your achievement and boundless promise. At the very outset let me state that by sheer experience, if anything else, I sympathetically share your immediate feelings and perhaps impatient anxiety regarding the typical commencement address, replete with high-sounding platitudes, endless exhortations, and a medley of advice and taboos, whether politically-slanted or otherwise, that border on a mini-lecture. Sit back and relax, for this will be short, concentrated, and hopefully in a common sense rapport directed at each one of you individually as concerns your personal uncertainties and outlook within the framework of the changing world you and I are tremendously fortunate to live in.

On different campuses several decades ago a number of us here sat in much the same setting as you do now, being conferred with our degrees and listening with varying attentiveness to the themes of the day. One cannot help but recall the theme of opportunity in the 30's when the heavy costs and ravages of the Great Depression engulfed many of us. The normal reaction was opportunity for what—to be unemployed? Soon thereafter the same theme was sounded by many a commencement speaker when World War II itself had already commenced. Opportunity for what—to be killed?

Yet, despite the skepticism and deep uncertainty that gripped our hearts and minds then, we were rationally compelled to allow for the realistic opportunities and demands that called for the non-recurrence ever of another Great Depression and for the prevention of another world war with all of its incalculable human costs. Each of us in his and her own way had to meaningfully relate these overriding demands and the inevitable opportunities generated by them to his and her existence and its potential fulfillment, involving such fundamental ingredients of productive and self-realizing life as basic values, knowledge, wisdom, and the will to translate each into concrete action and doing. Becoming involved, striving for peace, seeking justice and freedom were processes of expanding democratic existence long before us and will certainly continue far beyond you.

If cumulative human experience teaches anything, it undoubtedly teaches that uncertainty breeds opportunity. Amidst certain constants of objective reality and the human form, the world has always been in constant change, too. In our times the tempo of change has so increased that all too many become blind to the constants of being. Being and becoming, stabilitas and mobilitas, the one and the many are age-old philosophical problems that confront us in all their diverse ramifications as they had our forebears. The search for balances and harmony between the two in each set will inescapably be your search as educated men and women, a search for answers to the problems of being yourself, knowing yourself, and being able to live with yourself in a changing world not unlike that of the 14th century. Change means uncertainty, but uncertainty in turn breeds opportunity. Dum Vivimus Vivamus—"While We Live, Let Us Live"—but how?

THE SHIFTING GLOBAL PATTERN

The personalist answer to this question you will find only in your ceaseless reconciliations within the being of yourself, your soul/conscience and your body, and between yourself and your immediate and seemingly remote forms of community, extending from the family unit, through the Nation, and outward to the global environment of mankind itself. Uncertainty, the coefficient of life's contingency, cloaks each of these spheres, but resident within each is the wonderment of indefinite opportunity, more so today than ever before. On the broadest level, what might seem remote to you—as Vietnam several years ago seemed to most of our countrymen—may impinge upon your life far more than events in your more immediate community. Thus for yourself and your loved ones, in our age of the contracting world community, of the old consuming problem of war and peace, there can be no rational escape from your spiritual and physical involvement in the uncertainties, the opportunities, and the fortunes and tragedies of the world community.

In all of its multiple spheres, the global pattern is a steadily shifting one, a promising one, and a very challenging one. In its external and internal dimensions, even with points of fixity and constancy, this sweeping change is witnessed in space exploration, oceanography, communications and transportation, economics and politics, not to mention numerous other spheres of human activity. Here, in Huntsville, it would be foolhardy for me to emphasize and elaborate on the past and certainly future uncertainties and opportunities of space exploration. The very symbol of this truth stands skyward here, and despite transient, short-run fluctuations in ways of resource allocation, inputs and outputs, our national penetration of space remains open-end. So with the opportunities in oceanography, with all the imaginable goods and bads that this development can bring, the creative talents and adventure of man have scarcely tapped the potentialities of this field of endeavor.

Periods of thoughtful contemplation and quiet reflection, so abundant and rich in medieval times of social stabilitas, have become increasingly scarce in our times of accelerated mobilitas. Yet when you can seize such precious moments and cast your disciplined reflections globally, not to say nationally and locally, you will find that most of the problems, frictions and warfare are human in origin and character. Vietnam, the Mideast, the Sino-Russian rivalry, the despotic totalitarianism in the Soviet Union, the uncertainties surrounding NATO and a host of other wide-ramifying problems can without an iota of simplism be reduced to the human denominator and all of its systemic arrangements. In your time these and other globally-studded problems—along with uncertainty and opportunity—will inevitably come closer home to you. Because if this is "the nuclear age," it is also an age of punctuated revolution in transportation and communications. Direct telephone calls to the Far East, short time travel across the oceans, the impending possibility of direct TV transmission into the sets of adversary states—these and more marvels of modern technology cannot but bind men and nations closer to each other, for better or for worse, but unquestionably with fruitful uncertainty and productive opportunities.

One does not have to be a Marxist by persuasion to appreciate these material formations and foundations for a more interdependent humanity. In fact, though it may not be popular in these days to observe this, the threads of America's Manifest Destiny are being woven in these formations for the good of mankind in terms of better living standards, extended longevity, improved medical and health care, and some measure of popular democratization and personal freedom. With a $1.2 trillion G.N.P., we're still the strongest and most healthy national economic unit in the world, and though the control of inflation continues to be our foremost problem, our technology and know-how continue to be sought by all, including the Soviet Union and practically every state in the communist world. Creativity in technology, managerial know-how, skillful input-output planning, an enspirited work ethic subject to change and improvement constantly are the basic ingredients that have made our Nation the most powerful and free in the world, and are the very basic forces that can constructively contribute to the existence of the other segments of mankind. Coupled with all this is the remarkable fact that virtually every one of these segments is ancestrally represented in the composition of our population.

The brazen misuse of such terms as "American imperialism," "capitalist exploitation" and the like cannot obfuscate the material and cultural contributions of this destiny. Here, too, uncertainties prevail with balance of payments problems, recurring currency crises, international monetary reform, economic regionalism, the threat of trade warfare, and dangers in East-West trade, but again here, too, boundless opportunities prevail equally for our enterprising firms, labor, agriculture and capital. These many uncertainties are reflected almost daily in our stock markets, but opportunities are also sought and estimated by buyers who purchase from the more bearish among us. The relatively recent development of multinational corporations is in itself a tangible and material guarantor against any myopic resurgence of outdated isolationism and one of the many transmission belts for international economic interdependence and integration. "Go West, young man" was heard in the yesteryear of the pioneering development of our economy; "Go about the world young man and woman" is the fitting expression for you in this pioneering development of the free world economy.

PEOPLES ARE THE FIRST ASSET

Whether in the economic, political, cultural and other spheres of our expansive activity, let us always bear in mind that the first asset is peoples, our contacts with them, our knowledge and appreciative understanding of them, and our harmonious relations with them. This is prerequisite to all else if the bonds and cement of prolific interdependence are to be durable. In the process of our own cosmopolitan development, for much of the non-communist world the old "ugly American" is a thing of the past. But one is somewhat uncertain, though the opportunity is great, about the possible resurgence of American ugliness in contacts with the peoples which have been called the captive nations in the communist world, from the Danube to the Pacific. Here, too, despite the uncertainties, the opportunity for thriving knowledge, restructured conceptions, and an understanding quintessential to world peace and eventual freedom is the most challenging and engaging.

Aside from its political aspects, as denoted by such terms as "mutual accommodation," "detente," "coexistence" and others in the President's recent state of the world message to Congress, it is generally agreed that what has been defined as "a period of negotiation, not confrontation" is in essence a dynamic and changing one of the confrontation of negotiation. The aim of the thrust made is "to create a vested interest in mutual restraint," and its motivation is to realize a freer flow of men, women, goods and ideas between the two political worlds. Whether this will be possible in the scope hoped for, only the future will tell.

Objectively, it should be noted, however, that long before current concepts of "power multipolarity" and "interdependency" emerged, Moscow itself was advocating for its own purposes and objectives such things as "peaceful coexistence," liberalized trade, cultural exchanges, an all-European security conference, reduction of forces in Europe, and forms of disarmament and arms restriction. In a real sense, then, there is nothing new in any of this except the dynamic, pragmatic push for negotiations on these and less important matters, challenging Moscow, and to some extent Peiping, to prove by action where their words are.

Regardless of our doubts and uncertainties about this course of action—and they may be many—objectively it cannot be doubted that the approach is fraught with the opportunity of overcoming any ugliness in our knowledge and contacts with the numerous nations and peoples that exist both in the Soviet Union and the Peoples' Republic of China. The first asset of real, human opportunity cannot be too strongly emphasized. When one hears or reads, even in the highest places of our government and other institutions, about "250 million Russians" in the Soviet Union, he cannot but wonder about our past processes of formal education. The enormous opportunity of greater access permitted by Moscow would be for you and others to know and learn not only about the Russian nation but also about the many non-Russian nations and peoples who constitute actually close to 50% of the USSR population, but really more. Lithuanians, Ukrainians, Georgians, Azerbaijani, Turkestani and others would make up your new vocabulary whether in trade, government or general cultural activity, and inevitably in the larger interests of world peace and broadened freedom, your understanding of their condition, aspirations, and hopes would be deepened It makes no sense to deal in other assets when the first asset of peoples is least understood.

In opening our relations with mainland China the very same opportunity may be given to know in cultural and economic terms not only the roughly 670 million Chinese but also about 60 million Manchus, Mongolians, East Turkestani, Tibetans and others in this additional multinational state. In advancing and pushing toward these new frontiers of popular American knowledge and understanding, your contributions could not but have a salutary impact on the need for growing interdependency among nations and in the primary interests of our own national security. The multinational states of the Soviet Union and Red China have for too long remained as closed societies, and we have really nothing to lose and everything to gain in our attempts to pry open these societies so that the great opportunity of exchange and contact can be broadened with the numerous nations and peoples within them.

Of course, in these dynamic and changeful approaches prudent realism demands that while we pursue these fundamental opportunities amidst rampant uncertainty, at all times we must keep our guard up and our defensive strength intact. Just to pose one problem to you in the form of a question. On the matter of expanding trade with the Soviet Union, estimated to rise to a level of about $2 billion in the next three years, the price for Moscow's acquisition of much-needed grains and technology has been our honorable ground withdrawal from Vietnam. The question is how tall a price will we be caused to pay as Moscow, our chief adversary, bolsters its sagging economy at little cost to its continued military build-up, which today is the largest in the world, and to all sorts of intrigues and entanglements in diverse portions of the Free World? Again you are faced with considerable uncertainty but with equal opportunity.

THE FULL CIRCUIT

Not too long ago we heard much of the generation gap. There are many ways this phrase can be interpreted, but there is surely no gap as concerns the fundamental continuity of basic problems and issues, uncertainties and opportunities, that faces both you and me. The Great Depression and World War II highlighted the period before the chronological gap; the fight against inflation, the inverse of deflation and depression, and the outbreak of another and more tragic world war highlighted it after and now, but the fundamental continuity remains almost in the nature of a full circuit.

At our Institute on Comparative Political and Economic Systems in Georgetown University it has been a rewarding experience to maintain in part-summer residence selected students from this university. What they have been exposed to is partially what I have endeavored to convey today, with obvious stress on comparative systems and the peoples they embrace. Education by contrast, correcting and appreciating our own by analyzing others, is the main spirit of the institute. By further exposing these students in internships in Congress, executive agencies, and capital-based institutions, the criteria that it is not only what you gain in knowledge but more so how to use it and that a substantial difference exists between knowledge and wisdom are also underscored. The Charles Edison Memorial Youth Fund, which supports this institute, is confident that the supplementary role it plays in supporting your students and others contributes to the cultivation of young men and women for constructive leadership in our Nation. We are proud to have them.

To you graduates of the 1973 Class, and of course to your spouses, I extend my heartiest congratulations and best wishes for your most successful careers and happy lifetimes according to the values your consciences dictate. And because continuity of a filial nature made this possible, I warmly congratulate also your parents for their basic contributions to this achievement. For they have experienced and know, as indeed you will, that uncertainty does breed opportunity. God Speed to you all.

DISASTER PREVENTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 10 minutes.

Mr. WALSH. Mr. Speaker, the present Disaster Relief Act provides funds for the repair of damaged property through loans from the Small Business Administration and the Farmers Home Administration.

There are, however, many people who would prefer to use the funds which they obtain from these two administrations to prevent future damage from winds and water instead of simple restoration. Repairing the damage will not prevent further disaster.

Many times the cost of prevention is less than restoration. It makes a great deal of sense to me that if a property owner wishes to prevent future losses rather than restore present damage he ought to be allowed to do so.

For this reason, I am today introducing legislation to amend the Disaster Relief Act of 1970 to permit the proceeds of loans to be used to construct protective measures for the prevention of future damage. The administrator of the appropriate agency, SBA or FHA, would determine whether or not the damage is of the type that could be repeated.

In addition, the administrator would determine whether all or part of the loan funds could be used for this purpose.

Mr. Speaker, I feel this amendment would not only allow a property owner to prevent future tragedy, but would necessarily reduce future Federal expenditures as well. By preventing the damage from recurring, future reliance on Federal disaster assistance would be reduced thus freeing the funds for other purposes.

I urge speedy consideration of this proposal and solicit the support of my colleagues on both sides of the aisle.

FOOD STAMPS CAUSE JOB ABSENTEEISM IN MUSKINGUM COUNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER. Mr. Speaker, since the food stamp program was permanently established in 1964 its scope has expanded at an incredible rate. In 1965 the program cost $35 million and covered 632,000 recipients. Today we are spending $2.2 billion and 12½ million people are participating. Over the years criticism has been leveled at the program because its loose administration has contributed to abuses and violations, especially with respect to eligibility determinations.

Some progress is being made toward the implementation of quality control, but we have to better guarantee that only the needy are served by the program. The intent of the program is to improve the nutrition levels of low-income families. If the program is not oriented to those truly in need, it will provide those who can help themselves with a strong disincentive for self-sufficiency and productivity, and may thereby jeopardize the program for those who are needy.

A good example of this potential impact is contained in an article by Mr. Robert Wolf which recently appeared in the Zanesville, Ohio, Times Recorder. The newspaper survey describes a disturbing effect food stamps are having on employment attendance in Muskingum County, Ohio. I wish to bring the article to the House's attention:

FOOD STAMP PROGRAM HERE A CAUSE OF HIGH JOB ABSENTEEISM

(By Robert Wolf)

The food stamp program in Muskingum County is apparently contributing to the highest rate of absenteeism at area industries in recorded history.

This is among a number of conclusions reached after an extensive month-long survey of area industries conducted by The Times Recorder. The survey provided evidence that able-bodied men in the Zanesville area have apparently artificially swelled the rolls of residents legitimately receiving food stamps by calling in sick to area industries (up to 25 per cent of the time) in order to keep their earnings sufficiently low to make them eligible for food stamps.

Business leaders reported that they have only recently become aware of a pattern in the absentee rate for some men; that is, some men are apparently calling in sick virtually the same number of days each month and are consistently refusing time and one-half overtime, at least in some instances, industry leaders are convinced, due to the worker's fear of becoming ineligible for food stamp benefits.

A president of one area manufacturing company reported that he knew of eight employees in his firm who were engaged in such behavior and suspected at least six more. He further cited a number of instances where these employes approached him with such comments, as "after all, why should I work in all this dirt, when I can just relax and get food stamp benefits?"

Another president reported that he was fairly certain that between 10 and 15 of his employes were abusing the food stamp program and reported incidents of being laughed at when asking employes to stop such behavior.

Still a third industrialist reported that his absentee rate had reached "alarming proportions," at least in part due to the desire to obtain food stamp benefits. This corporate executive, as well as others throughout the area, indicated that strong remedial action had to be taken before there was any further impact on corporate productivity.

A number of executives did say that due to the high rate of absenteeism they were already cutting back on the number of orders and jobs they were accepting and in some cases had allowed their inventories to fall dangerously low in anticipation of further problems.

None of the industry leaders, however, was willing to be quoted directly, for fear of employe job reactions.

The food stamp program began in Zanesville on March 1, 1967. During its first year of operation, 5,806 food stamp cards were issued. In 1972, 24,122 cards were issued, an increase of almost five-fold, and over $1.1 million was paid out in the food stamp program last year.

The amount that a family in this state receives in bonus food stamps is determined by the family's gross income, minus a household size factor, cost of utilities, and medical expenses. Once this figure is obtained, 30 per cent of it is calculated to go for shelter expenses. If shelter expenses exceed 30 per cent of the figure, then everything in excess of the 30 per cent amount is further deducted from the adjusted income figure.

Thus, for a family of five, the final adjusted income figure must not exceed $440 a month. If the figure falls below this, then the family is entitled to receive a certain amount of bonus food stamps, allotted in varying amounts depending on how far below the $440 figure the family falls.

Under the food stamp program, an individual or family must pay a certain amount in order to receive the bonus food stamps. Thus, if this hypothetical family of five had a final adjusted monthly income of $400, $40 below the maximum allowable, it would receive food stamps worth $132 for every $102 it paid.

However, it is the method by which the local welfare agency, under state direction, determines the gross monthly wage, which has enraged some area businessmen. Under the present system, all any person has to show the welfare bureau is the stub from his check, indicating his earnings for the month. Although the stub says how many hours the employe did work that month, it nowhere indicates how many hours he should have worked or if he had worked a full month and the normally highly desirable overtime which most employes are able to obtain.

Welfare department officials have candidly admitted that no check of this second figure is required by state law or directive, and thus none is taken. Thus welfare officials say privately that although they believe such abuses are infrequent, they are indeed possible under the present system.

However, the TR study indicates that the abuses may be more extensive than welfare officials believe. Statistics obtained from those companies willing to provide data, indicates that at least 50 men and their families are likely involved in Muskingum County alone, and the true number is probably higher.

Projecting this number throughout the state, it is reasonable to assume that statewide such abuses reach into the thousands. Under present state welfare regulations, however, none of these abuses is detectable, nor are they technically illegal.

Although many of the men reportedly abusing the food stamp program are low paid, generally unskilled employes, receiving the $1.60 an hour minimum wage or thereabouts, some of these abusing the program were reported to be skilled men in a wide range of industries, receiving between $3 and $4 an hour. In a few instances the men were reported to be earning over $4 an hour.

Curiously, despite all the expressed concern about these abuses, few industry leaders have made a serious attempt to correct the situation by either firing those employes who they believe are involved or by supplying the names of the employes to the local welfare agency.

One of the company presidents explained the rationale for this behavior this way: "None of the company presidents in this area are, or wish to become martyrs. We know that once we start pointing fingers at people and start singling people out we are opening ourselves up to a situation which we are not prepared to deal with. You might say, that until someone else comes in and clears up this situation our motto will be 'discretion is the better part of valor.'"

AGRICULTURAL EXPORT CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE), is recognized for 10 minutes.

Mr. STEELE. Mr. Speaker, today I am introducing legislation that would require potential exporters of essential agricultural commodities to obtain licenses from the Secretary of Commerce. The present inflationary spiral makes the passage of this legislation of utmost importance and urgency.

In recent weeks we have witnessed an acute shortage in the domestic supply of essential feed grains, particularly soybeans and soybean meal. The result has been runaway prices of these commodities in the marketplace, and continually higher prices for food products. We can no longer continue to export grains at our present rate—30 percent higher than last year. The continued export of these commodities is seriously diminishing our domestic supplies. Speculation in the commodities market in the sale of futures contracts runs rampant. Grain prices have soared to their highest level in years, as have food prices.

In a June 2 editorial, the Washington Post made this point quite clear:

> Foreign sales have drawn down our customary feed and grain stocks drastically. The current bidding appears to reflect a frantic scramble among traders who fear that we may actually run out of some commodities before the new harvest is coming in. But the harvests are not necessarily going to help much. In the case of wheat the summer harvest has already begun, and it looks as though it will be a record. Still the price keeps rising, and the futures markets show that the professional brokers expect it to stay at present levels right through next spring.
>
> The panic in the grain markets is partly owed to the curious fact that no one knows, from day to day, what part of current American stocks of future harvest have already been sold for export. The trading companies operate in a tradition of great secrecy. It may well turn out, in time, that some of the wild bidding of recent days was based on rumors of foreign purchases that are un-

founded. Conversely, if the traders are in the process of selling abroad more than the country can prudently afford, the government and the public need to know about it before the final commitments rather than afterward.

In short, Mr. Speaker, there is a need for export control regulation. This fact has been recognized by President Nixon. In his statement last night announcing the price freeze, the President said he will seek new authority from Congress to curtail exports, particularly of grains and other feeds and foods, in instances in which he determines that foreign demand is driving up U.S. prices.

Mr. Speaker, the legislation I have introduced today is designed to provide the needed authority and a workable mechanism to curtail agricultural exports when such action is deemed to be in the national interest.

To this end, my legislation, which has been 2 months in preparation, requires potential exporters of agricultural commodities to obtain a license from the Secretary of Commerce. In the application for this license, the potential exporter would have to provide a full description of the kind and amount of the commodity involved and the time period over which he proposes to export it. Upon receiving such an application, the Secretary of Commerce would transmit it to the Secretary of Agriculture, who would analyze the current condition of the domestic economy as it relates to this product. Specifically, he would be required to determine the impact that exporting the stipulated quantity of the commodity would have on the economy. He would also have to consider the effect it would have on the domestic price and supply of the commodity in question.

Within 20 days of receipt of this application, the Secretary of Agriculture would submit a detailed report to the Secretary of Commerce containing this economic analysis, and a recommendation as to whether the license should be granted. Not later than 10 days after receiving such a report, the Secretary of Commerce would be required either to grant or deny the license. If the license were denied, the individual could not export the commodity.

Mr. Speaker, such licensing requirements, together with the issuance of a Federal impact statement describing the probable effects on the economy of proposed exports, would keep a watchful eye on the domestic supply of essential agricultural commodities. The passage of this legislation is essential if we are to bring equitable stability to the farmer and agricultural producer, as well as fair food prices to the consumer.

ESSAY ON FLAG DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. MILLS) is recognized for 5 minutes.

Mr. MILLS of Arkansas. Mr. Speaker, earlier this year I received a very thoughtful letter from a constituent of mine who made available to me his essay on the flag and explained to me why he wrote it.

I could spend considerable time detailing for you the history of his essay but the letter written to me by Mr. Edward G. Fries of Hensley, Ark., speaks for itself and I would like to include it and the essay written by Mr. Fries in the RECORD at this point:

This was written by me aboard the Liberty Ship on April 12, 1945, after a Japanese suicide Kamakazi tried to sink the S.S. *Walter Colton* in Buckner Bay, Okinawa. It came over and strafed our ship, shooting three holes through our Flag; one shell cut the lanyard and I saw our Flag falling. I ran over and retrieved it and folded it up. Our Gun Crew shot the plane into the deep six.

I was given a Combat Bar Citation by the U.S. Maritime Commission. This was after the third plane we shot down.

Somebody came in and asked me for a rag to wipe oil and grease from their hand as he pointed to the Flag and said, "That is only just a piece of cloth." That made me angry, so I sat down and wrote this essay.

Mr. EDWARD G. FRIES.

HENSLEY, ARK.

ITS JUST A PIECE OF CLOTH—I AM THE FLAG

Yes! That is all it is, just a Piece of Cloth.

But when a little puff of breeze comes along, it stirs, and comes to life and flutters and snaps in the wind, all Red, White and Blue! It is then, you realize that there is no other Piece of Cloth could be quite like it.

When you stop to really think about it, it is then you really realize that you have your whole life wrapped up in it, the time you spend with your family, the meals you eat, the kind of things your boys and girls learn at school. The strange and wonderful thoughts you get in Church on Sundays.

And those Stars in it, make you feel just as free as the stars in the wide deep of night. Did you ever see the myriad of stars on a clear dark night, far out at sea? And those broad Red Stripes. They are "Bars of Blood to any would be dictator, who would try to change our way of life".

Just a Piece of Cloth that is all it is, but until you make it real you must put your whole soul and life into it, to give it a true meaning, only then it becomes a symbol of Liberty and Freedom and Decency and Fair Dealing for every one.

Yes, it is just a Piece of Cloth, but to make it real, we must breath life into it, and watch it flutter in the empyrean sunshine of freedom, then fill your lungs with clean-air, stand erect and salute it, as it passes by.

Only then, we make it stand for everything we believe in and respect. Only then we will refuse to live without it. For many brave men have died for it, for their God and country.

[© 1973 by E. G. Fries]

CHILD ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BIAGGI) is recognized for 10 minutes.

Mr. BIAGGI. Mr. Speaker, I have introduced this session a bill entitled the "National Child Abuse Prevention Act of 1973" (H.R. 5914). This legislation climaxes 5 years of work in the field of child abuse and neglect and represents a complete revision and updating of the measure I introduced during my first term in Congress.

The National Child Abuse Prevention Act, which now has the support of 40 Members of this body, offers to the States $60 million in grants over a period of 3 years. Any State wishing to qualify for a portion of these funds must submit to the Secretary of HEW a comprehensive plan for child abuse treatment and prevention which includes:

Adequate reporting laws—either on the books or pending in the legislature—which meet the standards specified in this bill;

Programs designed to train professionals in the appropriate techniques of child abuse treatment and prevention;

Public education projects which would serve to inform citizens of the high incidence of child abuse and neglect as well as indicating the procedures for reporting suspected cases of maltreatment to the appropriate social service and law enforcement officials;

The establishment of a central registry to coordinate on a statewide level all information relating to convictions and other court actions within that jurisdiction.

The bill also creates a National Child Abuse Data Bank within HEW. This central agency will receive and evaluate confidential reports from every State in the Nation, with a view toward determining the actual incidence of abuse and neglect throughout the country and those trends in treatment and prevention which would serve as a rational basis for developing program standards and criteria in the future.

Mr. Speaker, I have recently received certain studies and analyses in the area of child abuse legislation from one of this country's foremost experts in the field—Dr. Ray E. Helfer. I would like to submit for my colleagues' attention a position paper prepared by Dr. Helfer in March of this year.

I feel that this document will make a significant contribution to the current debate on how we can provide adequate treatment and care for the innocent victims of child maltreatment, and what means we can devise to prevent the spread of this regrettable practice.

The document follows:

CHILD ABUSE AND NEGLECT

(By Ray E. Helfer, M.D., Associate Professor Department of Human Development Michigan State University, East Lansing, Mich.)

The experience and research of the last ten years brought forth an in-depth understanding of the causes of child abuse and neglect. This, in turn, has led to the development of therapeutic models which have been shown to be both effective and efficient. At the present time, however, only a small fraction of the 50,000–60,000 children who are abused and neglected annually in the United States have access to a family oriented treatment program which have been shown to be successful.

Taking into consideration that the number of reports of suspected child abuse increases by 20–30% annually (some cities have noted a much greater rise than this), the next ten years will bring forth, unless some changes are made in the accessibility of effective prevention and treatment programs, the following minimum estimates:

1.5 million cases of suspected child abuse and neglect, 50,000 deaths, 300,000 permannently injured children (most of whom will be brain damaged), 1 million potential parents who will rear their children in the same manner in which they were reared.

MAJOR PROBLEM

The single, most important problem that must be resolved within the next decade is:

"To bring our present-day knowledge of the cause, prevention, and treatment of child abuse and neglect to the masses".

The current system of providing services to the abused child and his family can *never* be successful. The masses will not be helped because:

1. A single disciplinary program (i.e. a Department of Social Services) cannot resolve a multi-disciplinary problem.

Social Service workers around the country are expected (indeed often forced) to make legal, medical and psychiatric decisions for which they are not trained; to act as law enforcement officers and judges; and to provide long-term treatment for which they have no time.

2. Most, if not all, of the services provided by the Departments of Social Service are after-the-fact services.

A recent survey of 50 Protective Service workers from various parts of this country indicated that less than 20% worked in departments where the development of preventive programs and services were possible.

3. Protective Service programs are not state administered, rather they are run by autonomous or semi-automonous county units.

Even with the utmost cooperation from all the disciplines within a given community, a minimum of two years is required to develop a coordinated multi-disciplinary child abuse and neglect program. If the three medical schools in Michigan were to make available a pediatrician to spend one-third of his time as a consultant to the 86 counties in the state, it would require 15 years to develop a coordinated child abuse and neglect program in every county. Considering that the half-life of Protective Service workers is a year and a half and three years for Protective Service supervisors, in addition to a change in directors of Social Services, judges, law enforcement officers and prosecuting attorneys each three to four years, a state-wide program for child abuse and neglect can never be accomplished under a system which requires the rediscovering of the wheel in each separate county unit.

COMPONENTS FOR A SUCCESSFUL CHILD ABUSE AND NEGLECT SERVICE PROGRAM

A successful child abuse/neglect service program must have the following:

1. *State administered using federal guidelines.*

Regional and city programs are more than likely to be necessary and feasible as long as they are directly responsible to an overall state program.

2. *Multi-disciplinary in make up.*

Since states do not have, under their present structure, multi-discipinary departments, the child abuse/neglect programs will probably require a restructuring of the present vertical single-disciplinary departments in order to develop some type of horizontal multi-disciplinary units.

3. *A two-way, state-wide registry* for all cases which will be part of a national registry system and make use of a *national reporting document*.

4. Contain three distinct, but interrelated, segments which are as follows:

a. *A diagnostic and evaluation unit.* (This is an expansion and augmentation of our currently operating Protective Service system.)

This diagnostic and evaluation unit must have two distinct roles, i.e. early recognition program and acute care program. The various disciplines which make up the unit would be required to make recommendations to a panel consisting of a social worker, lawyer, and physician (which is the expansion of the present social service arm of the probate or juvenile court). This panel would be required to review each case, make a determination about disposition, which may or may not incorporate the courts, but must incorporate a long-term treatment and follow-up plan.

b. *An educational and training unit.* (This is an expansion of the present community educational programs, community colleges, local universities, etc., and should be an arm of the National Training Center in Denver.)

This educational and training unit must have at least three ongoing programs which would be short-term training for workers in any of the disciplines; involved family rearing and child development courses for parents and general public relations for the overall program.

c. Long-term treatment development unit. (This is an expanded role of present state and private services currently available in almost all areas.)

This long-term treatment development unit would be required to coordinate in a consortium of multiple therapeutic programs, such as parents aides, day care, crisis nurseries, therapeutic foster homes, Parents Anonymous, group therapy, etc. This group would develop and help initiate but not be expected to operate these multiple programs since this would be the responsibility of the individual group or agency involved.

5. *A state reporting law* which must contain the following components:

a. A requirement *to report all* suspected cases of abuse and neglect.

b. A clear, nationally accepted, definition of abuse and neglect.

c. Define who is required to report.

d. Require that the report be made both by phone and in writing.

e. Define penalties for not reporting.

f. Protect the individual reporting from libel suits.

g. Provide for a state registry which is part of the national system and uses a standardized reporting form.

h. Require photographs and/or movies to be taken of all suspected cases.

i. Define one state-administered, multidisciplinary program which is responsible for receiving and acting upon each report.

j. Define the steps taken by this program after receiving the report.

k. Provide for immediate removal privilege on a 24-hour basis in case of emergency.

l. Require legal representation for all, including the state's program, the parents, and the child.

6. State and federal funds for implementing the program.

7. *A self-assessment and evaluation program* which is carried out on ongoing basis throughout the state.

Penalties must be imposed upon those regions or communities not complying with minimal standards established by the state program under the federal guidelines.

AMBASSADOR SCALI AND THE RHODESIAN CHROME AMENTMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, our new Ambassador to the United Nations, John Scali, is demonstrating a very constructive attitude regarding the responsibility of the United States, as a member of the United Nations, to adhere to sanctions voted by the Security Council. He knows that when the United Nations Participation Act came into force in 1945, our country committed itself to live faithfully by the Charter of the United Nations, and to accept decisions of the Security Council in certain specified situations. The same is true of every other member of the United Nations. But in the case of the United States and other permanent members of the Security Council, the veto power made certain that we would not be bound to do something that we felt seriously jeopardized our own interests or the world interest as we view it.

Congress enacted the U.N. Participation Act by a considerable majority, and the President of the United States was thereby obligated to carry out the provisions of that act as mandated by Congress. When President Johnson ordered U.S. compliance with Security Council sanctions against the minority regime of Ian Smith in Southern Rhodesia, his action was entirely consistent with the provisions of the U.N. Participation Act. Moreover, the sanctions program had been supported by U.S. representatives of the United Nations who cooperated closely with our ally, the United Kingdom, in achieving agreement on sanctions in the Security Council.

Sanctions against Southern Rhodesia were viewed by the U.S. Government as the best feasible means to bring about a peaceful change toward majority rule in that British colony. Our policymakers saw nothing inimical to U.S. interests in the sanctions program, but rather, that such a program would be consistent with the longstanding U.S. policy of progress in international relations through nonviolence.

The Nixon administration, upon assuming office in 1969, adopted as its own the previous administration's policy of supporting sanctions, but for reasons still not made clear, did not see fit to defend that policy when it was challenged in Congress in 1971. We know the results of the administration's acquiesence—the Rhodesian Chrome Amendment to the Defense Procurement Act of 1971 which allows importation of strategic materials such as chrome and nickel from Southern Rhodesia in violation of U.N. sanctions.

Mr. Speaker, whether or not the sanctions program is working effectively, one thing is crystal clear: the United States is in open violation of a treaty obligation it accepted, with congressional concurrence, in the U.N. Participation Act. This is the point Ambassador Scali made last week in a public speech in New York. He simply pointed out that the Security Council decision on Rhodesian sanctions "is legally binding on the United States," and that the Rhodesian Chrome Amendment "placed the United States in open violation of international law." For the U.S. Ambassador to the U.N. to ignore these two facts would be a dereliction of his responsibility as our representative. Indeed, he must not only state and defend the position of the United States at the United Nations, but also call to the attention of our Government and people the legal and moral responsibilities of this country as a member of the United Nations.

The question is not whether the U.N. can "dictate" what laws the U.S. Congress can or cannot pass, but rather whether the United States is going to live up to its international treaty obligations; that is, whether or not our country is going to recognize international law as a basis for world order. If Congress or the administration is to take the attitude that, as a matter of course, we can go back on our word, given solemnly in international treaties, then there can hardly be a better guarantee for international chaos in place of the peaceful and prosperous order we all favor.

I quote two paragraphs from Ambassador Scali's New York speech in which he deals with the problem of U.S. violation of U.N. sanctions against Southern Rhodesia:

> I have respectfully invited the Congress of the United States to reconsider the amendment to the Defense Appropriation Act which two years ago placed the United States in open violation of international law. At that time the Congress voted legislation making it impossible for the Executive Branch to prevent imports of chrome and other strategic commodities from Rhodesia as required by the Security Council, a decision which the United States voted and which is legally binding on the United States.
>
> The evidence is mounting that this amendment not only damages America's image and reputation as a law-abiding nation, but that it has net economic disadvantages as well. The United Nations Association has itself made public studies suggesting that the amendment's repeal would be advantageous from the point of view of our economic health, of increasing employment, and of the national security. I would urge you, leaders in American business and labor, to acquaint yourselves with this issue and to address it.

In asking Congress to reconsider the Rhodesian chrome amendment. Ambassador Scali is making a commendable initiative in constructive leadership entirely commensurate with the responsibilities of his position. All who favor world peace through law should be encouraged by his forthrightness—a quality for which he is widely noted. I urge all Members of Congress to reflect upon what the Ambassador has said in light of the large body of new evidence that the Rhodesian chrome amendment not only places our country in violation of international law but contributes nothing to our national security and is damaging to our economic health.

NIXONOMICS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, one again, Richard Nixon has had to go before the American people and admit the failure of his economic policies. His claim "You never had it so good" will not convince the people of this country who suffer from the ever shrinking dollar as they watch prices soar out of sight.

Last month we had the largest increase in the cost of living in 15 years, led by those raw agricultural products that Mr. Nixon still refuses to control. Couple this with no controls on rents, interests or dividends and we will find the American consumer worse off now than when Mr. Nixon started on his economic misadventures 22 months ago.

The fact is that the President cannot be trusted with discretion in handling the economy, and Congress should act at once to exercise its own authority in this area.

THE UNIFORMED SERVICES SPECIAL PAY ACT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 10 minutes.

Mr. LEGGETT. Mr. Speaker, the adoption of the all-volunteer concept in the U.S. armed services has presented the military with some novel problems and difficulties, including the maintenance of an adequate supply of competent health professionals. It is vital that in our desire to move from the draft to the volunteer army we do not neglect the demands for a decent military health care delivery system in this country.

Today, I have introduced, along with six of my colleagues, a bill that will insure the maintenance of the high quality of health care that the military has grown to expect. This bill, The Uniformed Services Special Pay Act of 1973, faces the problem of obtaining the requisite specialized manpower. The Army and, consequently, the other branches of the services have been relying solely on the so-called doctors' draft to furnish health personnel as needed. The Department of Defense has recognized that there will be difficulties in maintaining health personnel for the military. To surmount these difficulties, DOD has recommended an extension of the special pay provisions for 2 years.

My bill goes beyond the DOD extension; it revises and extends special pay and bonus payments until 1977. These considerations affect critical specialty areas—physicians, dentists, optometrists and veterinarians—serving all three branches of the service. The recently released study done by the Brookings Institution for the Senate Committee on Armed Services expects that a manpower problem could develop in the area of health professionals. The study calls the supply of such personnel "traditionally" one of the most difficult problems confronting the services—even under draft conditions, and the draft has been terminated.

We must consider the health professional supply on two accounts. Comprehensive high-quality health care must be one of the benefits available to the all-volunteer military services. On the other hand, health professionals must realize enough inducements of one type or another to compensate for the differences in pay in comparison with the private practitioner. Allowances in special pay and bonuses do alleviate the differences to some extent and must be continued to insure the continued service of present personnel, as well as recruitment of new health personnel.

Almost daily we in Congress must consider one aspect of health care or another. Naturally the armed services are involved and concerned in this aspect of their well-being. Surely we cannot afford to skimp in this vital area.

In relying on the volunteer concept, it is hoped that all involved, including the health care professionals, will be highly motivated in serving in the armed services and will be career-oriented. Other factors will be influential in winning health professionals to the armed services—aspects such as the ability to practice at their highest level of training. We cannot attack those problems in this particular bill. But special pay, coupled with bonus pay, will be a significant first step in securing and retaining competent physicians, dentists, optometrists, and veterinarians, all of whom have contributed greatly to the Armed Forces health program and are a crucial factor in providing a comprehensive health plan for the all-volunteer concept.

A divisive inequity would develop should special pay not be enacted. Those health personnel already serving in the Armed Forces would continue to receive special pay. New, incoming health personnel would not—for the same skills, the same educational background, the same performance.

As the all-volunteer armed services becomes a reality, we must do everything to insure its success. As a part of that effort, we are obligated to extend these special pay and bonus considerations for physicians, dentists, optometrists, and veterinarians. These critical health professionals must be encouraged to enlist and to remain in the services. The health care of the armed services is of vital and essential concern to this Nation and all measures to support this program must be implemented.

ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 15 minutes.

Mr. STAGGERS. Mr. Speaker, we are all aware of the increasingly serious national problem which has been given the name of the "energy crisis." The darkened hallways and garages of our own office buildings early this week served as a faint reminder for us of the inconveniences, and even hardships, being faced by the American public at large. The fuel oil shortage of last winter, with children being kept home from school because of dark and unheated classrooms, has now been replaced by the summer gasoline shortage, with our citizens reliving the gas rationing days of World War II.

Now it is beginning to become apparent that the American citizen is going to be asked to sustain a heavy increase in his cost of living as a result of this situation. In a recent decision, the Federal Power Commission authorized some producers of natural gas to increase their prices by 73 percent; this represents an estimated rate of return for those companies of 27.5 percent. The Commission has under consideration a new national pricing policy which gives every indication of imposing a similar increase in the price of natural gas on a nationwide basis.

Part of the justification for this, of course, has been the contention that there exists a great scarcity in our natural gas reserves, and that higher prices must be allowed in order to allow for increased exploration costs to find new reserves. And yet, the Federal Power Commission has not tied the 73-percent price increase to any agreement by the producers to undertake intensified exploration. On the contrary, two of the three companies authorized to increase their prices specifically refused to commit themselves to reinvestment of their increased profits in future exploration and development.

As if this in itself was not sufficient to raise serious questions as to the legitimacy of increasing the cost of living, we have recently become aware that the available reserves of natural gas may have been seriously understated. The Federal Trade Commission and its staff is to be commended for their efforts to find out the true state of affairs. Unfortunately, the inquiry of the Commission has been delayed by the failure of some gas producers to honor the Agency's subpenas which sought to obtain substantiation for the scarcity of natural gas which the industry has assured us exists. A few days ago, the Justice Department went to court to enforce the FTC's subpenas, and we may hope that in the coming months a clearer picture of our available reserves of natural gas will begin to emerge.

In recent days we have also heard charges that attempts were made by somebody at the Federal Power Commission to destroy data which the Agency had obtained from the gas producers and which could shed a great deal of light on the present situation. I do not wish to prejudge the facts in that particular situation, Mr. Speaker, but I think that it is time that we in the Congress have done with the regulatory agencies—set up as arms of this Congress—withholding information from the Congress, the collective representative of the public with whose business these agencies are entrusted. But that is a larger issue which we are working on in our Investigations Subcommittee at the present time.

In the meantime, we are faced with the prospect of an increase in the price of natural gas which, based on the Federal Power Commission's recent action in the so-called Belco case, may almost double the wellhead price. Unless some action is taken, this price increase will be accomplished before present inquiries into the existence of a legitimate natural gas scarcity have been completed.

Mr. Speaker, I think it is time for a moratorium. We need an appropriate breathing spell to enable the true facts to be examined. I am, therefore, introducing a concurrent resolution expressing the sense of this Congress that prior to January 1974 it would not be in the public interest for the Federal Power Commission to permit increases in the price of natural gas above the administratively determined area rate ceilings in effect on June 1, 1973. This will still permit the producing companies to realize a return of approximately 15 percent, and will give the American people some hope that their cost of living will not be arbitrarily increased before all the relevant facts are known.

FORMER AMBASSADOR GALBRAITH ADDRESSES GRADUATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 10 minutes.

Mr. O'NEILL. Mr. Speaker, former Ambassador John Kenneth Galbraith, Paul M. Warburg Professor of Economics at Harvard University, has delivered an excellent address at the University of Maryland at Baltimore Commencement in Baltimore on June 1, 1973, and I would like to share it with my colleagues:

ADDRESS BY JOHN KENNETH GALBRAITH

Commencement season has come, and all across this green and lovely land a terrible thing is happening. Orators by the hundred are talking about Watergate. All are delving for the deeper meaning of this event. There has been no speechmaking like it since Teapot Dome. And in the innocent and blessed days of Harding, Coolidge and Albert Bacon Fall there was no oratory like it then. Already it has caused an unprecedented series of tornadoes in Arkansas and six inches of rain in one small town in South Carolina. The worst effects may be still to come.

Some of this oratory comes from political larcenists who have not yet been caught. Some is by amateurs of the political art who were never tested by the requisite temptation. That is my situation. Some is by deeply pious men, fraudulent of heart but lucid of speech and imposing of mien, whose crime is in drawing morals that are based on no detectable moral insight.

Among the few who will be silent this year, I read alas, is the Reverend Billy Graham. Not since Richelieu, perhaps not since Friar Tuck has so saintly a man had such access to secular leadership. He prayed, counselled, enjoined, and look what they went and did. So next week the Reverend Mr. Graham is launching a major crusade—in Korea. Clearly this is not his season in the United States.

On Watergate I will spare you. Or, almost, for I have two thoughts. It is plain now, that in this country, we have a ruthless capacity for coming to terms with power. It operated on F.D.R. in 1937 when he sought to enlarge the Court just after he carried all states but two against Alf Landon. It operated against Lyndon Johnson, again in the wake of a landslide, when he launched our arrogant adventure in Vietnam. Now it has operated against Richard Nixon whose unlicensed aggression was here at home, he being a man who has always been more troubled by domestic hobgoblins than those of foreign origin. And, as with Johnson, the response to power has operated with double force against the pikemen and the housecarls. Let us not deplore this process.

But let us allow it to function without sadism. I would not plead for leniency for those who try to escape punishment by perjury or by silence or by perfervid appeals to national security or who, in the elegant language of the higher Washington bureaucracy, try to "gut it out." Nor can one ask compassion for Cabinet officers who are untroubled by transactions that can only be made in hundred dollar bills or—one thinks of the former Attorney General—never, when in office, showed the slightest trace of compassion themselves. But let us not believe that the life of everyone associated with this remarkable business must be destroyed. Men are, indeed, caught in webs that are not of their own making. For a long time in Washington, too long no doubt, men have stood at attention when talking to the White House on the telephone. The deterrent effect of the present events, which is what we want, will be great. Henceforth the first men hired in any election campaign will be the accountants. In any future campaign anyone who suggests behavior inappropriate to an election in the Epworth League will be put off the plane, quite possibly at a high altitude.

Meanwhile let us begin to spare some thought for problems with which, whatever happens to the Waterbuggers, we need desperately to concern ourselves.

The most urgent of these is economics. This is a time of appalling economic mismanagement. We have heard much in these last months of failed burglars; we have heard far too little of failed economists. And Mr. Nixon's economists, upright scholars though they are, are the same kind of underachievers. They began the year with a moderately well designed system of controls; it had reduced substantially the rate of inflation. Because the policy was working the Administration economists decided that it should be abandoned. The logic of this will long be pondered, as often happens with actions devoid of logic of any kind. People reacted rationally to the weakening of the controls; they concluded that their dollars would soon be worth less and proceeded to spend them at an unprecedented rate. In consequence inflation is again at a record rate; if there are signs of abatement, they are only in the speeches of Mr. Shultz and Mr. Stein. Business expansion is also at a rate that cannot be sustained. Business profits are also rising exorbitantly. So are executive salaries. Unions, however, are being asked to ask their members to exercise restraint.

Inflation remains an unfair and damaging thing. Not everyone's income keeps pace with rising living costs. The result is a heavy and arbitrary tax on those who can least afford it. And the longer inflation continues the harder it is to arrest it—the harder it will be, specifically, to persuade the unions that a serious effort will be made to restrain prices and living costs and accord fair treatment to profits and the salaries of the brass. And the harder it will be also to slow down the expansion without producing a serious slump. With economics as with alcohol the excesses of one period must be paid for in the travail of the next. I earlier mentioned the Nineteen Twenties. This is the worst period of economic mismanagement since Calvin Coolidge and with the difference that the sainted son of the Green Mountains did not try.

The primary blame lies with the Administration. But the economics profession has also a good deal for which to answer. In the last thirty years the nation has spent in prodigal fashion for economic research and education. Nearly all of this outlay has been devoted to winning an understanding of how the economy should be managed. The present mismanagement shows how little this outlay has accomplished. We should expect something better after all these years and all this effort, even from an intellectually retarded Administration. There is a parallel in medicine. It would not be possible for doctors to escape responsibility for a major outbreak of yaws, beriberi or athlete's foot merely because it occurred under the Nixon Administration.

One reason the Administration loosened the controls is that economic pedagogy has not yet accepted controls. We have a heavy vested—and commercial—interest in the accepted wisdom of the textbooks. Unfortunately, where strong unions that (as in housing) set the prices for weak firms or where they negotiate with strong corporations that have the power to pass the costs of settlements along to the public, the orthodox monetary and fiscal policies, however comfortable, no longer suffice. They do not suffice because the corporations and the unions have wounded, irretrievably, the market through which they work. And no priesthood, however refined its incantations, can resurrect that market. There is, I may say, no market priesthood higher than that possessed by Mr. Nixon.

A sensible policy requires a prompt return to firm controls. Needed also is a responsible fiscal policy. Three years ago the President, in a historic declaration, announced his conversion to the economics of John Maynard Keynes. It was not a radical step; Lord Keynes had been safely dead for more than twenty years. The President's apostasy, the economic counterpart of the pilgrimage to Peking, occurred at about the moment that Keynes had become obsolete. And now, alas, we have learned that it was only a fifty percent conversion—an arrested movement toward modernization that, in some respects, was worse than none at all.

The President showed himself willing to reduce taxes to expand output and employment. That, indubitably, is half the Keynesian prescription. But only half. The other half requires willingness, when occasion arises, to increase taxes to dampen inflation. Here the President's conversion is incomplete. Where inflation is the problem, one hears not of tax increases, only of the need to cut civilian spending.

By all available evidence we need a tax increase now. It should be on the upper or free-spending brackets in the personal income tax—perhaps beginning at $15,000 or $20,000. We need it, also, both for reasons of restraint and reasons of equity, on corporate profits. The special credit on business investment should also be repealed. We should not be subsidizing a level of investment that cannot be sustained—however much Wilbur Mills may disagree. And the excise tax on automobiles should, of course, be restored. Economic management is bad in the aggregate. It is also bad in detail. No detail is more bizarre than the runaway boom in automobile production at a time when there is no clear certainty that, for the goliaths we build, there will be enough gas.

For the sake of technical completeness one must also urge control and some tightening of lending for business investment and consumer purchases. This—monetary policy—is, however, the most uncertain of all the instruments of economic control. That is why it sustains such avid and quasi-mystical discussion. And it is also the most inequitable of remedies. It falls with especial weight on those businesses that, by their nature, depend on borrowed money. And, in a broad sense, it favors the rich man in relation to the poor, for, it can be established logically, that the man who lends money tends usually to have more of it than the man to whom he lends.

Any action to arrest inflation involves risk of recession—although, if combined with effective controls, the risk can be considerably reduced. As noted, there is always a penalty for allowing things to get out of hand. A recession, in turn, means that men will be out of work, and, as Coolidge, who keeps recurring in this narrative, thoughtfully observed, when men are out of work, unemployment results. The proper action is not to continue inflation and risk an even greater bust; rather it is to have ready an adequate program of public service jobs that can be directed specifically to the communities affected. Such a program, sufficient in scale and energetically pursued, is an essential supplement to effective overall or macroeconomic management. We need it, indeed, for the unemployment we now have.

There is a certain charm in the whole Watergate affair—and undeniably, also, in talking about it. As compared with the hideous crises of recent years, there is no bombing, no mines, no death, no great waste of public funds and only the gentlemanly theft for which the SEC, not the police, are called in. I refuse to think that we were in danger of fascism, or even much repressed.

The burglars we have seen on television, had they invaded our privacy, would almost certainly have got the wrong house. The political trials showed bad intention but they all failed—and a considerable number of people, most recently my friend Dan Ellsberg, acquired in consequence a voice and influence that would not otherwise have been possible. Encouraged by their experience—so I trust—more people are now voicing more outrageous ideas with less fear than ever before in my lifetime. The actors that Watergate has brought before our eyes are especially splendid—one rejoices in the not three but four M's—Mitchell, Mitchell, McCord and Magruder. What a fine public relations firm that will one day be! All of us who have had any past association with the Democratic Party are enchanted at seeing John Connally called from deep in the heart of the fiscal thickets of Texas to become the symbol of moral rejuvenation and fiscal purity in the White House, available one day a week. With all other compassionate people I have sympathy for the President and hope he will be found guiltless. But even in his troubles there are grounds for satisfaction—a silver lining, a hopeful thought. How much better it is that so guiltless and trusting a man—one so indifferent to his subordinates' behavior, to what is going on around him—should be President of the United States and not the Director of the Bureau of Printing and Engraving.

So it was painful for me to have to talk about economics—as it was painful for you to have to listen. But I would draw your attention, as also that of the President were it available, to a recent Gallup poll. It showed that far more people are aroused about living costs than by the revelations at the Watergate. And given the bungling of economic policy and its consequences this sense of priority is sound. Thus my plea for renewed attention to economics. Incompetent as opposed to well conducted burglary has much to commend it. But we cannot have an economic policy that suggests that odd managerial skills of Mr. E. Howard Hunt.

POSSESSION OF HOLY CROWN OF ST. STEPHEN

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, I rise today to join several of my colleagues in offering a concurrent resolution to express the sense of the Congress that the U.S. Government retain protective possession of the Holy Crown of St. Stephen, symbol of Hungarian sovereignty. I am most appreciative of my colleague, Mr. Hogan, of Maryland, for initiating discussion on this topic, an area in which I am deeply interested.

It somewhat surprises me that this subject must even come up, since 1945 the United States has held this sacred symbol in trust until such time as Hungary was again a free and democratic nation. To return this emblem would violate the trust and thwart the hopes of millions of Hungarian nationals as well as Americans of Hungarian descent who yearn for their homeland to be free once again.

Mr. Speaker, every year the Members of this body commemorate and protest the enslavement of millions of people behind the Iron Curtain through a vehicle known as Captive Nations Week. This week of speeches is the one effort taken by an arm of the U.S. Government which voices support and hope for the people of Eastern Europe and their desire to break the chains of Soviet oppression. And so, Mr. Speaker, while I am shocked that we must even debate this topic of the return of the Holy Crown of St. Stephen, I welcome it as a golden opportunity for the Congress to go beyond a mere vocalization of support. We have before us the opportunity to really demonstrate that we do care about the destiny of several million human beings.

The President of the United States has made a valiant effort to strengthen and mend the ties between our country and the nations of the Communist bloc. Most of us commend his moves in this direction, ones that surely represent steps toward understanding and peace. But the Congress of the United States must go on record to notify the President that as valuable as peace and understanding between nations is, breaking the spirit of people who envision freedom for their children is too high a price to pay.

Mr. Speaker, I urge the adoption of House Concurrent Resolution 250.

WILLIAM C. SULLIVAN'S REMARKS CONCERNING THE LATE J. EDGAR HOOVER

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, several weeks ago I joined several of my colleagues in strong criticism of remarks attributed to former FBI agent, William C. Sullivan, as it related to the late J. Edgar Hoover.

Mr. Sullivan has communicated with me about this and in all fairness and in the interest of accuracy I am submitting a copy of his letter for the Record.

June 12, 1973.

Hon. Samuel L. Devine,
House of Representatives,
Washington, D.C.

Dear Congressman Devine: In the recent past, there have been attributed to me in the press, some remarks which do not at all accurately reflect my evaluation of the late J. Edgar Hoover. What I do think of Mr. Hoover is as follows:

First, I worked for this man thirty years in a number of different capacities. It was thoroughly enjoyable and I know of no finer group of people in this Nation than the employees of the FBI with whom I was associated continuously for three decades.

Second, the quality of these people gives one an excellent insight into Mr. Hoover. He had set the highest of standards for himself and, therefore, his recruitment programs resulted in the hiring of the kind of men and women who reflected his own values, principles and ideals.

Third, under Mr. Hoover's leadership, the FBI as we all know it, became highly respected throughout the Nation. He gave to this organization the best of his mind, his heart and his spirit. We who worked under him benefited from this greatly.

Fourth, Mr. Hoover was a man with a sense of mission in life and dedicated to the preservation of our Nation. He did not spare himself, and when I last saw him in 1971 he was still vigorous, thinking sharply and just as interested in maintaining his high standards of conduct as when he was young. We did have some major policy differences. These were official differences and did not detract from the high regard in which I held this man for so many years. His superior ability, industry, intelligence and personality set him apart from most men. Many of us in the Bureau used to say, "We will not soon see his kind again." I believe this to be true. The record he established will stand the test of time.

Sincerely,

WILLIAM C. SULLIVAN.

PRESIDENT'S MESSAGE ON INFLATION

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, the strong actions taken by the President to fight inflation will be welcomed by consumers, and his appeal for cooperation from the Congress should be promptly heeded. In view of the President's announced intention to ask for legislation to implement his economic program, I place in the RECORD at this point the text of President Nixon's address to the Nation last night and, in addition, the Executive order he issued yesterday, and a brief fact sheet issued by the White House summarizing the present controls and price freeze:

REMARKS OF THE PRESIDENT ON THE NATION'S ECONOMY ON NATIONWIDE RADIO AND TELEVISION

THE OVAL OFFICE

Good evening.

I want to talk to you tonight about some strong actions that I have ordered today with regard to the American economy—actions which will be important to you in terms of the wages you earn and the prices you pay.

But first, since we have been hearing so much about what is wrong with our economy over the past few months, let us look at some of the things that are right about the American economy. We can be proud that the American economy is by far the freest, the strongest, and the most productive economy in the world. It gives us the highest standard of living in the world. We are in the middle of one of the biggest, strongest booms in our history. More Americans have jobs today than ever before. The average worker is earning more today than ever before. Your income buys more today than ever before.

In August, 1971, I announced the New Economic Policy. Since then, the Nation's output has increased by a phenomenal 11½-percent—a more rapid growth than in any comparable period in the last 21 years. Four and a half million new civilian jobs have been created and that is more than in any comparable period in our whole history. At the same time, real per capita disposable income—that means what you have left to spend after taxes and after inflation—has risen by 7½ percent in that period. This means that, in terms of what your money will actually buy, in the past year and a half your annual income has increased by the equivalent of four weeks' pay. Now, when we consider these facts, we can see that in terms of jobs, of income, of growth, we are enjoying one of the best periods in our history.

We have every reason to be optimistic about the future. But there is one great problem that rightly concerns every one of us and that is, as you know, rising prices, and especially rising food prices. By the end of last year, we had brought the rate of inflation in the United States down to three and four-tenths percent. That gives us the best record in 1972 of any industrial country in the world. But now prices are going up at unacceptably high rates.

The greatest part of this increase is due to rising food prices. This has been caused in large measure by increased demand at home and abroad, by crop failures abroad and as many people in various areas of the country know, by some of the worst weather for crops and livestock that we have ever experienced. But whatever the reasons, every American family is confronted with a real and pressing problem of higher prices. And I have decided that the time has come to take strong and effective action to deal with that problem.

Effective immediately, therefore, I am ordering a freeze on prices. This freeze will hold prices at levels no higher than those charged during the first eight days of June. It will cover all prices paid by consumers. The only prices not covered will be those of unprocessed agricultural products at the farm levels, and rents.

Wages, interest and dividends will remain under their present control systems during the freeze. Now, the reason I decided not to freeze wages is that the wage settlements reached under the rules of Phase III have not been a significant cause of the increase in prices. And as long as wage settlements continue to be responsible and non-inflationary, a wage freeze will not be imposed.

The freeze will last for a maximum of 60 days. This time will be used to develop and put into place a new and more effective system of controls which will follow the freeze. This new Phase IV of controls will be designed to contain the forces that have sent prices so rapidly upward in the past few months. It will involve tighter standards, more mandatory compliance procedures than under Phase III. It will recognize the need for wages and prices to be treated consistently with one another.

In addition to food prices, I have received reports from various parts of the country of many instances of sharp increases in the price of gasoline. And therefore, I have specifically directed the Cost of Living Council to develop new Phase IV measures that will stabilize both the prices at the retail level of food and the price of gasoline at your service station.

In announcing these actions, there is one point I want to emphasize to every one of you listening tonight. The Phase IV that follows the freeze will not be designed to get us permanently into a controlled economy. On the contrary, it will be designed as a better way to get us out of a controlled economy, to return as quickly as possible to the free market system.

We are not going to put the American economy into a straitjacket. We are not going to control the boom in a way that would lead to abuse. We are not going to follow the advice of those who have proposed actions that would lead inevitably to a permanent system of price and wage controls, and also rationing.

Such actions would bring good headlines tomorrow, and bad headaches six months from now for every American family in terms of rationing, black markets, and eventually a recession that would mean more unemployment.

It is your prospertity that is at stake. It is your job that is at stake.

The actions I have directed today are designed to deal with the rise in the cost of living without jeopardizing your prosperity or your job.

Because the key to curbing food prices lies in increasing supplies, I am not freezing the price of unprocessed agricultural products at the farm level. This would reduce supplies instead of increasing them. It would eventually result in even higher prices for the foods you buy at the supermarket.

Beginning in 1972, we embarked on a comprehensive new program for increasing food supplies. Among many other measures, this has included opening up 40 million more acres for crop production. In the months ahead, as these new crops are harvested, they will help hold prices down. But unfortunately this is not yet helping in terms of the prices you pay at the supermarket today or the prices you will be paying tomorrow.

One of the major reasons for the rise in food prices at home is that there is now an unprecedented demand abroad for the products of America's farms. Over the long run, increased food exports will be a vital factor in raising farm income, in improving our balance of payments, in supporting America's position of leadership in the world. In the short term, however, when we have shortages and sharply rising prices of food here at home, I have made this basic decision: In allocating the products of America's farms between markets abroad and those in the United States, we must put the American consumer first.

Therefore, I have decided that a new system for export controls on food products is needed—a system designed to hold the price of animal feedstuffs and other grains in the American market to levels that will make it possible to produce meat and eggs and milk at prices you can afford.

I shall ask the Congress, on an urgent basis, to give me the new and more flexible authority needed to impose such a system. In exercising such authority, this will be my policy: We shall keep the export commitments we have made as a nation. We shall also consult with other countries to seek their cooperation in resolving the worldwide problem of rising food prices. But we will not let foreign sales price meat and eggs off the American table.

I have also taken another action today to stop the rise in the cost of living. I have ordered the Internal Revenue Service to begin immediately a thoroughgoing audit of the books of companies that have raised their prices more than 1½ percent above the January ceiling.

The purpose of the audit will be to find out whether these increases were justified by rising costs. If they were not, the prices will be rolled back.

The battle against inflation is everybody's business. I have told you what the Administration will do. There is also a vital role for the Congress, as I explained to the Congressional leaders just a few moments ago.

The most important single thing the Congress can do in holding down the cost of living is to hold down the cost of government. For my part, I shall continue to veto spending bills that we cannot afford, no matter how noble sounding their names may be. If these budget-busters become law, the money would come out of your pocket—in higher prices, higher taxes, or both.

There are several specific recommendations I have already made to the Congress that will be important in holding down prices in the future. I again urge quick action on all of these proposals.

Congress should give the President authority to reduce tariffs in selected cases in order to increase supplies of scarce goods and thereby hold down their prices. This action will help on such scarce items as meat, plywood and zinc. And in particular, the tariff we now have on imported meat should be removed.

Congress should provide authority to dispose of more surplus commodities now held in Government stockpiles.

Congress should let us go ahead quickly with the Alaska pipeline so that we can combat the shortage of oil and gasoline we otherwise will have. I will also soon send to the Congress a major new set of proposals on energy, spelling out new actions I believe are necessary to help us meet our energy needs and thereby lessen pressures on fuel prices.

In its consideration of new farm legislation, it is vital that the Congress put high production ahead of high prices, so that farm prosperity will not be at the cost of higher prices for the consumer. If the Congress sends me a farm bill, or any other bill, that I consider inflationary, I shall veto that bill.

Beyond what the Administration can do, beyond what the Congress can do, there is a great deal you can do. The next 60 days can decide the question of whether we shall have a continuing inflation that leads to a recession or whether we deal responsibly with our present problems and so go forward with a vigorous prosperity and a swift return to a free market.

You can help, by giving your Senators and Congressmen your support when they make the difficult decisions to hold back on unnecessary Government spending.

You can help, by saying no to those who would impose a permanent system of controls on this great, productive economy of ours which is the wonder of the world.

Let there be no mistake: If our economy is to remain dynamic, we must never slip into the temptation of imagining that in the long run, controls can substitute for a free economy or permit us to escape the need for discipline in fiscal and monetary policy. We must not let controls become a narcotic—we must not become addicted.

There are all sorts of seemingly simple gimmicks that would give the appearance or offer the promise of controlling inflation, but that would carry a dangerous risk of bringing on a recession, and that would not be effective in controlling inflation. Rigid, permanent controls always look better on paper than they do in practice.

We must never go down that road which would lead us to economic disaster.

We have a great deal to be thankful for as Americans tonight. We are the best-clothed, best-fed, best-housed people in the world; we are the envy of every nation in that respect. This year, for the first time in 12 years, we are at peace in Vietnam and our courageous prisoners of war have returned to their homes. This year, for the first time in a generation, no American is being drafted into the Armed Forces. This year, we find our prospects brighter than at any time in the modern era for a lasting peace and for the abundant prosperity such a peace can make possible.

Next Monday, I will meet at the summit here in Washington with General Secretary Brezhnev of the Soviet Union. Based on the months of preparatory work that has been done for this meeting, and based on the extensive consultation and correspondence we have had, much of it quite recently, I can confidently predict tonight that out of our meetings will come major new progress toward reducing both the burden of arms and the danger of war; and toward a better and more rewarding relationship between the world's two most powerful nations.

Today in America, we have a magnificent opportunity. We hold the future—our future—in our hands. By standing together, by working together, by joining in bold yet sensible policies to meet our temporary problems without sacrificing our lasting strengths, we can achieve what America has not had since President Eisenhower was in this office: full prosperity without war and without inflation. This is a great goal, and working together, we can and will achieve that goal.

Thank you and good evening.

EXECUTIVE ORDER: FURTHER PROVIDING FOR THE STABILIZATION OF THE ECONOMY

On January 11, 1973 I issued Executive Order 11695 which provided for establishment of Phase III of the Economic Stabilization Program. On April 30, 1973 the Congress enacted, and I signed into law, amendments to the Economic Stabilization Act of 1970 which extended for one year, until April 30, 1974, the legislative authority for carrying out the Economic Stabilization Program.

During Phase III, labor and management have contributed to our stabilization efforts through responsible collective bargaining. The American people look to labor and management to continue their constructive and cooperative contributions. Price behavior under Phase III has not been satisfactory, however. I have therefore determined to impose a comprehensive freeze for a maximum period of 60 days on the prices of all commodities and services offered for sale except the prices charged for raw agricultural products. I have determined that this action is necessary to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade and protect the purchasing power of the dollar, all in the context of sound fiscal management and effective monetary policies.

Now, therefore, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. Effective 9:00 p.m., e.s.t., June 13, 1973, no seller may charge to any class of purchaser and no purchaser may pay a price for any commodity or service which exceeds the freeze price charged for the same or a similar commodity or service in transactions with the same class of purchaser during the freeze base period. This order shall be effective for a maximum period of 60 days from the date hereof, until 11:59 p.m., e.s.t., August 12, 1973. It is not unlawful to charge or pay a price less than the freeze price and lower prices are encouraged.

SEC. 2. Each seller shall prepare a list of freeze prices for all commodities and services which he sells and shall maintain a copy of that list available for public inspection, during normal business hours, at each place of business where such commodities or services are offered for sale. In addition, the calculations and supporting data upon which the list is based shall be maintained by the seller at the location where the pricing decisions reflected on the list are ordinarily made and shall be made available on request to representatives of the Economic Stabilization Program.

SEC. 3. The provisions of this order shall not extend to the prices charged for raw agricultural products. The prices of processed agricultural products, however, are subject to the provisions of this order. For those agricultural products which are sold for ultimate consumption in their original unprocessed form, this provision applies after the first sale.

SEC. 4. The provisions of this order do not extend to (a) wages and salaries, which continue to be subject to the program established pursuant to Executive Order 11695; (b) interest and dividends, which continue to be subject to the program established by the Committee on Interest and Dividends and (c) rents which continue to be subject to controls only to the limited extent provided in Executive Order 11695.

SEC. 5. The Cost of Living Council shall develop and recommend to the President policies, mechanisms and procedures to achieve and maintain stability of prices and costs in a growing economy after the expiration of this freeze. To this end, it shall consult with representatives of agriculture, industry, labor, consumers and the public.

SEC. 6(a). Executive Order 11695 continues to remain in full force and effect and the authority conferred by and pursuant to this order shall be in addition to the authority conferred by or pursuant to Executive Order 11695 including authority to grant exceptions and exemptions under appropriate standards issued pursuant to regulations.

(b) All powers and duties delegated to the Chairman of the Cost of Living Council by Executive Order 11695 for the purpose of carrying out the provisions of that order are hereby delegated to the Chairman of the Cost of Living Council for the purpose of carrying out the provisions of this order.

SEC. 7. Whoever willfully violates this order or any order or regulation continued or issued under authority of this order shall be subject to a fine of not more than $5,000 for each violation. Whoever violates this order or any order or regulation continued or issued under authority of this order shall be subject to a civil penalty of not more than $2,500 for each such violation.

SEC. 8. For purposes of this Executive Order, the following definitions apply:

"Freeze price" means the highest price at or above which at least 10 percent of the commodities or services concerned were priced by the seller in transactions with the class of purchaser concerned during the freeze base period. In computing the freeze price, a seller may not exclude any temporary special sale, deal or allowance in effect during the freeze base period.

"Class of purchaser" means all those purchasers to whom a seller has charged a comparable price for comparable commodities or services during the freeze base period pursuant to customary price differentials between those purchasers and other purchasers.

"Freeze base period" means

(a) the period June 1 to June 8, 1973; or

(b) in the case of a seller who had no transactions during that period, the nearest preceding seven-day period in which he had a transaction.

"Transaction" means an arms length sale between unrelated persons and is considered to occur at the time of shipment in the case of commodities and the time of performance in the case of services.

RICHARD NIXON.

THE WHITE HOUSE, *June 13, 1973.*

ECONOMIC PROGRAM FACT SHEET

FREEZE PERIOD CONTROLS

1. A ceiling is placed on prices at a level not to exceed the base period level: the highest price at which substantial transactions occurred in the period June 1–8.
2. Unprocessed agricultural products at the farm level are exempt.
3. Wages are not frozen but remain under the Phase III control system. We recognize that the exclusion of wages from the freeze is possible only if the freeze is short.
4. Rents are not covered.
5. Interest and dividends remain under the jurisdiction of CID on a voluntary basis.
6. The freeze is to be a maximum of 60 days duration.
7. A profit sweep will be conducted during the freeze and prices will be reduced to levels permitted by existing Phase III rules where they are found to be above these levels. These reduced prices will be the maximum permitted during the freeze.
8. The freeze will be administered by the COLC with increased assistance from IRS.

LICENSING OF AGRICULTURAL EXPORTS

1. All exporters must notify the Secretary of Commerce by June 20 of orders for export of grains, soybeans and products thereof on their books as of this date (June 13, 1973).
2. Weekly thereafter exporters must notify the Secretary of Commerce of export orders for above commodities received after this date.
3. Steps will be taken to reduce Government-supported exports of foods.
4. Congress is asked to amend the Economic Stabilization Act to authorize the

President to limit exports where necessary to effectuate the purposes of the Act, under conditions less restrictive than in the Export Administration Act.

5. The export control authority will be used if necessary to restrain exports sufficiently to bring domestic prices of feed down to levels consistent with the present prices of meats and other animal products.

THE POST-FREEZE CONTROLS PROGRAM

1. The purpose of the post-freeze program (Phase IV) is to yield lower rates of inflation than we had during Phase III. One purpose of the freeze is to give time for consultation and for the development of a more effective, temporary, system of controls.

2. Information obtained from the reports to be received on the first quarter's operations under Phase III will be helpful in judging the points of adequacy or deficiency in the Phase III system.

3. Phase IV will require more prenotificants, tighter standards, a wider spread of mandatory controls, and a larger administrative staff than we had with Phase III.

4. The Cost of Living Council will develop regulations for food prices in Phase IV which in conjunction with actions on exports will stabilize the retail price of food.

5. The Cost of Living Council will develop regulations to stabilize the retail price of gasoline.

6. Phase IV will recognize the need for consistent treatment of wages and prices.

7. Every effort will be made to provide more specific information on the nature of the Phase IV system in about 30 days.

8. It is a primary objective of the Administration to manage Phase IV and other aspects of economic policy so as to permit early termination of controls.

RESULTS OF OPINION POLL

(Mr. BROYHILL of North Carolina asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of North Carolina. Mr. Speaker, at this time I would like to present the results of my 11th annual public opinion poll conducted over the last several months in the 10th Congressional District of North Carolina. This questionnaire was distributed to every household in the district, and I am pleased to say that the response this year was enthusiastic; nearly 14,000 of my constituents responded to the poll—an increase of more than 1,500 over my survey of 1972.

Ranging from economic issues to amnesty and Presidential prerogatives, this year's poll consisted of 12 questions and was designed to cover subjects foremost in the minds of the American public and the Congress. Each questionnaire provided for a separate response from both husband and wife, as there is sometimes a difference of opinion within families.

Question 6, concerning a mandatory death penalty for certain specific Federal crimes, that is, kidnapping, assassination, and skyjacking—elicited the most decisive response. The affirmative reply was overwhelming: 88.6 percent of the men polled and 85.8 percent of the women, favored a mandatory death penalty for the perpetrators of serious Federal crimes involving murder or endangering human life. It is clear to me that my constituents in the 10th District consider these crimes to be quite serious and want such criminals to be dealt with accordingly.

Several other questions drew an almost equally resounding response. Questions 2, 3, and 4 concerned themselves with foreign policy. Almost 3 out of every 4 of my constituents responding to the poll favored a requirement of congressional approval for the commitment of American troops abroad for any period exceeding 30 days. Even more decisive was the response to the question of aid to North Vietnam and amnesty for draft evaders: 76.4 percent of the men and 78.8 percent of the women respondents opposed a foreign aid program for the reconstruction of Indochina, including North Vietnam. Similarly, both men and women, 79.6 percent and 75.6 percent, respectively, opposed amnesty for those who left the country to evade the draft.

In contrast to the decisive reaction elicited by these issues, the question of Presidential power to withhold congressionally appropriated moneys—No. 10—drew the least decisive response. In addition to being the least decisively answered question in the poll, it also proved to be the only question upon which the men and women respondents differed. Slightly over half of the men—51.1 percent—felt that the President should have the power to withhold funds appropriated by Congress. Nearly the same percentage of women—52.1 percent—felt that the President should not have this power.

I found that the questions evoking the most decisive reactions also drew the greatest numerical response. The question concerning aid to Indochina, for example, elicited a total of 7,314 opinions, giving it the greatest numerical response from the men. In turn, the question drawing the greatest number of responses from the women dealt with amnesty; 6,759 women voiced an opinion on this issue.

Set against the high return given to what might be called the "gut" issues; for example, amnesty, the death penalty, aid to North Vietnam—questions 12 and 7 elicited the smallest number of responses. Question 12, on whether or not a news reporter should have the right to refuse to reveal a news source to a court or grand jury in a criminal case, was replied to the least number of times by the men—6,469. The women gave the lowest numerical response—6,384—to question 7, which dealt with revenue sharing. Perhaps this smaller response to questions of this sort indicates a lesser understanding of the issues.

Another interesting inclination indicated by my constituents' responses was that husbands and wives tend to hold basically the same views on the issues. Despite this tendency to agree, however, there was, naturally, always a degree of overall difference in the percentages.

The views indicated in this poll have proved quite informative and helpful to me, as have the polls of the previous 10 years, and I would like to thank my constituents in the 10th District for their time and interest in responding.

The detailed results of the poll are as follows:

	His		Hers	
	Yes	No	Yes	No
1. Do you favor a phaseout of farm controls and farm subsidy programs?	75.6	24.4	73.1	26.9
2. Should congressional approval be required for the commitment of U.S. troops abroad for more than 30 days?	72.4	27.6	74.7	25.3
3. Do you favor U.S. participation with other nations in a foreign aid program for the reconstruction of Indochina, including North Vietnam?	23.6	76.4	21.2	78.8
4. Would you favor amnesty for those who left the country to evade the draft, with the requirement that they participate in some alternative Government service?	20.4	79.6	24.4	75.6
5. Would you favor a national no-fault automobile insurance plan instead of continuing State options to enact such plans?	69.7	30.3	69.1	30.9
6. Would you favor a mandatory death penalty for certain specific Federal crimes such as kidnaping, assassination, and skyjacking?	88.6	11.4	85.8	14.2
7. Should Federal revenue-sharing funds replace Federal-aid programs such as housing, hospital construction, and water and sewer assistance	68.1	31.9	65.1	34.9
8. Would you favor a return to mandatory wage and price controls	64.9	35.1	67.8	32.2
9. Should the States be allowed to use some moneys from the Federal highway trust fund (gasoline taxes) to finance mass transit systems	56.1	43.9	57.9	42.1
10. Should the President have the power to withhold moneys that have been appropriated by Congress	51.1	48.9	47.9	52.1
11. Do you favor an increase in the minimum wage to $2 per hour effective Jan. 1, 1974, and to $2.20 per hour effective Jan. 1, 1975	63.4	36.6	65.3	34.7
12. Do you believe a news reporter should have the right to refuse to reveal a news source to a court or grand jury in a criminal case	42.3	57.7	48.2	51.8

DEATH OF CONGRESSWOMAN MARGARET HECKLER'S FATHER

(Mr. CONTE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. CONTE. Mr. Speaker, it is my sad duty to report to the House the death of the beloved father of my colleague from Massachusetts (Mrs. HECKLER).

The Congresswoman's father—John O'Shaughnessy—passed away in his sleep last evening at the age of 86.

I take this opportunity to explain Mrs. HECKLER's absence from Congress today. I am sure all of us extend our deepest sympathies.

GENERAL LEAVE

Mr. MEZVINSKY. Mr. Speaker, I ask unanimous consent that all Members be permitted to revise and extend their remarks on the Flag Day ceremonies conducted today in the House of Representatives.

The SPEAKER pro tempore (Mr.

Matsunaga). Is there objection to the request of the gentleman from Iowa?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Thompson of New Jersey, for the period from June 18, until June 30, 1973, on account of official business.

Mr. Landgrebe, for June 18, 19, 20, on account of he will be in Germany visiting military installations.

Mrs. Burke of California (at the request of Mr. McFall), for today through Monday June 18, on account of official business.

Mr. Danielson (at the request of Mr. McFall), from 5 p.m. today and June 15, on account of family illness.

Mrs. Heckler of Massachusetts (at the request of Mr. Conte) for the remainder of this week, on account of the death of her father.

Mr. Mailliard (at the request of Mr. Gerald R. Ford), for June 15, account of official business.

Mr. Pepper (at the request of Mr. O'Neill), from 4:30 today and June 15, on account of official business.

Mr. Symms (at the request of Mr. Gerald R. Ford), from 4 p.m. today and balance of week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Spence) and to revise and extend their remarks and include extraneous matter:)

Mr. Gerald R. Ford, for 5 minutes, today.

Mr. Forsythe, for 5 minutes, today.

Mr. Derwinski, for 10 minutes, today.

Mr. Crane, for 5 minutes, today.

Mr. Walsh, for 10 minutes, today.

Mr. Miller, for 5 minutes, today.

Mr. Steele, for 10 minutes, today.

(The following Members (at the request of Mr. Mezvinsky) to revise and extend their remarks and include extraneous matter:)

Mr. Mills of Arkansas, for 5 minutes, today.

Mr. Biaggi, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Dent, for 5 minutes, today.

Mr. Fraser, for 5 minutes, today.

Ms. Abzug, for 10 minutes, today.

Mr. Leggett, for 10 minutes, today.

Mr. Staggers, for 15 minutes, today.

Mr. O'Neill, for 10 minutes, today.

Mr. Vanik, for 5 minutes, on June 15.

Mr. Fraser, for 5 minutes, on June 15.

Mr. Fauntroy, for 5 minutes, on June 18.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Madden to revise and extend his remarks and insert a newspaper article.

Mr. Seiberling to revise and extend his remarks and to include extraneous matter on the Law Enforcement Assistance Act extension.

(The following Members (at the request of Mr. Spence), and to include extraneous matter:)

Mr. Hunt in two instances.

Mr. Steiger of Wisconsin in two instances.

Mr. Derwinski in two instances.

Mr. Wydler.

Mr. Steele in two instances.

Mr. Carter.

Mr. Young of Florida in five instances.

Mr. Whitehurst.

Mr. Bob Wilson.

Mr. Wyman in two instances.

Mrs. Holt.

Mr. Froehlich.

Mr. Rousselot.

Mr. Arends.

Mr. Kemp in two instances.

Mr. Myers.

Mr. Broyhill of Virginia.

Mr. Veysey.

Mr. Gilman.

Mr. Schneebeli.

Mr. Miller in four instances.

Mr. Hillis.

Mr. Abdnor.

Mr. Dennis.

(The following Members (at the request of Mr. Mezvinski), and to include extraneous matter:)

Mr. Patten in three instances.

Mr. Podell.

Mrs. Griffiths.

Mr. Rarick in three instances.

Mr. Gonzalez in three instances.

Mr. Murphy of New York.

Mr. William D. Ford in two instances.

Mr. Clay.

Mr. Cotter.

Mr. Obey in three instances.

Mr. Dingell in three instances.

Mr. Howard.

Mr. Koch in three instances.

Mr. Burlison of Missouri.

Mr. McFall.

Mr. Van Deerlin.

Mr. Biaggi.

Mr. Annunzio in 10 instances.

Mr. Fulton in two instances.

Mr. Edwards of California.

Mr. Ichord.

Mr. Dent.

Mr. Dorn in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1747. An act to amend the International Travel Act of 1961 with respect to authorizations of appropriations; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4682. An act to provide for the immediate disposal of certain abaca and sisal cordage fiber now held in the national stockpile.

ADJOURNMENT

Mr. MEZVINSKY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 19 minutes p.m.), the House adjourned until tomorrow, Friday, June 15, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1031. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of July 12, 1943, as amended, to authorize the Secretary of Agriculture to transfer to the Department's working capital fund, without reimbursement, and to capitalize in the fund at fair and reasonable values, such equipment and other assets as he may determine, and for other purposes; to the Committee on Agriculture.

1032. A letter from the Assistant Secretary of State for Congressional Relations, transmitting the texts of International Labor Recommendations No. 136, concerning special youth employment and training schemes for development purposes, and No. 138, concerning seafarers' welfare at sea and in port (H. Doc. No. 93–114); to the Committee on Foreign Affairs and ordered to be printed.

1033. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to provide for the restructuring of the rail system in the Northeast, and for other purposes; to the Committee on Interstate and Foreign Commerce.

1034. A letter from the Acting Secretary of Transportation, transmitting corrected copies of the previously submitted draft "Northeast Railroad Restructuring Act of 1973" and sectional analysis; to the Committee on Interstate and Foreign Commerce.

1035. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to amend the Social Security Act to improve the program of payments for Old-Age, Survivors, and Disability Insurance and the program of grants to States for aid to families with dependent children; to the Committee on Ways and Means.

Received from the Comptroller General

1036. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Overseas Private Investment Corporation for fiscal year 1972, pursuant to 31 U.S.C. 841 (H. Doc. No. 93–115); to the Committee on Government Operations and ordered to be printed.

1037. A letter from the Comptroller General of the United States, transmitting a report on some problems in contracting for federally assisted child-care service; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TEAGUE of Texas: Committee on Science and Astronautics. H.R. 8510. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; (Rept. No. 93–284). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on Education and Labor. H.R. 5157. A bill to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on Canton Island; (Rept. No. 93–279). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE of Illinois: Joint Committee on Atomic Energy. H.R. 8662. A bill to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; (Rept. No. 93–280). Referred to the Committee of the Whole House on the State of the Union.

Mr. DORN: Committee on Veterans' Administration. H.R. 3733. A bill to authorize the American Battle Monuments Commission to assume control of overseas war memorials erected by private persons and non-Federal and foreign agencies and to demolish such war memorials in certain instances; (Rept. No. 93–281). Referred to the Committee of the Whole House on the State of the Union.

Mr. STRATTON: Committee on Armed Services. H.R. 8537. A bill to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes; with amendment (Rept. No. 93–282). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STRATTON: Committee on Armed Services. H.R. 1717. A bill to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy retired, to the grade of admiral on the retired list; (Rept. No. 93–283). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG (for herself, Mr. Addabbo, Mr. Badillo, Mr. Biaggi, Mr. Bingham, Mr. Brasco, Mr. Carey of New York, Ms. Chisholm, Ms. Holtzman, Mr. Koch, Mr. Murphy of New York, Mr. Podell, Mr. Rangel, Mr. Rosenthal, and Mr. Wolff):

H.R. 8674. A bill to facilitate the completion of the New York Harbor Collection and Removal of Drift project; to the Committee on Public Works.

By Mr. BENITEZ (for himself, Mr. Pike, Mr. Leggett, Mr. Badillo, and Mr. de Lugo):

H.R. 8675. A bill to authorize the appropriation of such funds as may be necessary to effectuate the transfer of all naval weapons range activities from the island of Culebra to the islands of Desecheo and Monito not later than July 1, 1975; to the Committee on Armed Services.

By Mr. CHAMBERLAIN (for himself, Mr. Brown of Michigan, Mr. Cederberg, Mr. Esch, Mrs. Griffiths, Mr. Hutchinson, and Mr. Vander Jagt):

H.R. 8676. A bill to repeal the filled cheese regulatory provisions of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. CLAY (for himself and Mr. Perkins):

H.R. 8677. A bill to guarantee the right of employees to organize and bargain collectively which safeguards the public interest and promotes the free and unobstructed flow of commerce; to the Committee on Education and Labor.

By Mr. CRONIN:

H.R. 8678. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FORSYTHE:

H.R. 8679. A bill relating to the dutiable status of fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats and sheep (except lambs) and beef prepared in air-tight containers and beef prepared whether fresh chilled or frozen and lamb or mutton prepared or preserved; to the Committee on Ways and Means.

H.R. 8680. A bill to repeal the statutory authority to impose quotas on certain imported meat and meat products; to the Committee on Ways and Means.

By Mr. FROEHLICH:

H.R. 8681. A bill to provide that respect for an individual's right not to participate in abortions contrary to that individual's conscience be a requirement for hospital eligibility for Federal financial assistance; to the Committee on Interstate and Foreign Commerce.

H.R. 8682. A bill to exercise the power of the Congress to enforce the 14th amendment by defining certain 14th amendment rights, and to limit the jurisdiction of certain Federal courts with respect to certain cases involving the validity of State laws concerning abortion; to the Committee on the Judiciary.

H.R. 8683. A bill to amend title XIX of the Social Security Act to prohibit medicaid payments for abortions except in cases of medical necessity; to the Committee on Ways and Means.

By Mrs. GRASSO:

H.R. 8684. A bill to amend title 38, United States Code, in order to permit certain veterans up to 15 months of educational assistance for the purpose of pursuing retraining or refresher courses; to the Committee on Veterans' Affairs.

By Mr. HASTINGS (for himself and Mr. Frey):

H.R. 8685. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mrs. HOLT:

H.R. 8686. A bill to amend title 5, United States Code, to include as creditable service for civil service retirement purposes service as an enrollee of the Civilian Conservation Corps, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. LEGGETT (for himself, Mr. Brinkley, Mr. Dellums, Mr. Fuqua, Mr. Mitchell of New York, Mr. Bob Wilson, and Mr. Charles H. Wilson of California):

H.R. 8687. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. MILLS of Arkansas:

H.R. 8688. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of that act; to the Committee on Ways and Means.

By Mr. PARRIS:

H.R. 8689. A bill to amend title IV of the Small Business Investment Act of 1958 (Public Law 85–699) for the purpose of creating industrial mortgage insurance, and for other purposes; to the Committee on Banking and Currency.

H.R. 8690. A bill to amend section 1033 of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. PEYSER:

H.R. 8691. A bill to provide Federal assistance for programs of consumers' nutritional education; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 8692. A bill to increase the membership of the Advisory Commission on Intergovernmental Relations by two members who shall be elected town or township officials; to the Committee on Government Operation.

H.R. 8693. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. RONCALLO of New York:

H.R. 8694. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 8695. A bill to amend section 1903 of the Social Security Act to remove limits on payments for skilled nursing homes and intermediate care facilities; to the Committee on Ways and Means.

By Mr. STEELE:

H.R. 8696. A bill to amend the Export Administration Act of 1969, to impose certain restrictions upon the exportation of agricultural commodities; to the Committee on Banking and Currency.

By Mr. BOB WILSON:

H.R. 8697. A bill to amend the Tariff Act of 1930 so as to exempt private vessels and aircraft entering or departing from the United States at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees, and for other purposes; to the Committee on Ways and Means.

By Mr. BAKER:

H.R. 8698. A bill to amend the National Labor Relations Act to achieve certain reforms, and for other purposes; to the Committee on Education and Labor.

By Mr. DON H. CLAUSEN:

H.R. 8699. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

H.R. 8700. A bill to amend the Internal Revenue Code of 1954 to relieve employers of 50 or less employees from the requirement of paying or depositing certain employment taxes more often than once each quarter; to the Committee on Ways and Means.

By Mr. COLLINS of Texas:

H.R. 8701. A bill to authorize financial assistance for service, employment, and redevelopment (SER) centers; to the Committee on Education and Labor.

By Mr. CONABLE:

H.R. 8702. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mr. DORN (by request):

H.R. 8703. A bill to amend chapter 17, title 38, United States Code, to provide hospital care and medical services abroad to an alien, who was never an American citizen for any service-connected disability incurred while serving in the Armed Forces of the United States; to the Committee on Veterans' Affairs.

By Mr. FASCELL:

H.R. 8704. A bill to amend title 28, United States Code, to provide more effectively for bilingual proceedings in certain district courts of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 8705. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 8706. A bill to assure to all first offenders the restoration of their Federal civil rights after the completion of their sentence; to the Committee on the Judiciary.

By Mr. GIBBONS (for himself, Mr. Haley, Mr. Young of Florida, Mr. Bennett, Mr. Bafalis, Mr. Burke of Florida, Mr. Chappell, Mr. Fascell, Mr. Fuqua, Mr. Gunter, Mr. Lehman, Mr. Pepper, Mr. Rogers, and Mr. Frey):

H.R. 8707. A bill to establish in the State of Florida the Egmont Key National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mrs. HECKLER of Massachusetts:

H.R. 8708. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK (for himself, Mr. Mailliard, and Mr. Burton).

H.R. 8709. A bill to authorize the striking of medals in commemoration in the 100th anniversary of the cable car in San Francisco; to the Committee on Banking and Currency.

By Mr. VEYSEY (for himself, Mr. Bell, Mr. Blackburn, Mrs. Chisholm, Mr. Del Clawson, Mr. Cleveland, Mr. Conlan, Mr. Frenzel, Mr. Hechler of West Virginia, Mr. Hosmer, Mr. Ketchum, Mr. Lent, Mr. McCloskey, Mr. Pettis, Mr. Pike, Mr. Railsback, Mr. Rees, and Mr. Wyatt):

H.R. 8710. A bill to provide reduced retirement benefits for Members of Congress who remain in office after attaining 70 years of age; to the Committee on Post Office and Civil Service.

By Mr. WALSH:

H.R. 8711. A bill to amend the Disaster Relief Act of 1970 to permit the proceeds of certain loans to be used to construct protective measures for the prevention of future damage; to the Committee on Public Works.

By Mr. BROYHILL of Virginia:

H.J. Res. 617. Joint resolution proposing an amendment to the Constitution of the United States granting representation in the Congress to the District of Columbia; to the Committee on the Judiciary.

By Mr. STAGGERS (for himself and Mr. Macdonald):

H. Con. Res. 252. Concurrent resolution expressing the sense of Congress that the price of natural gas should not be permitted to be increased prior to January 1974, in certain cases; to the Committee on Interstate and Foreign Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

250. By the SPEAKER: A memorial of the Legislature of the State of Louisiana, relative to highway safety; to the Committee on Public Works.

251. Also, memorial of the Legislature of the State of Louisiana, relative to the capital gains treatment of timber; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARTER:

H.R. 8712. A bill to authorize the President to appoint Vice Adm. Hyman G. Rickover, U.S. Navy retired, to the grade of admiral on the retired list; to the Committee on Armed Services.

By Mr. ROONEY of Pennsylvania:

H.R. 8713. A bill for the relief of Renoru Nishimura; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

RESERVE AND GUARD SHORTAGES

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, June 14, 1973

Mr. THURMOND. Mr. President, if our Nation is to survive in a peacetime environment, we must maintain a strong Reserve and Guard.

The fact that such an accomplishment will not be easy is illustrated by a recent article in the Christian Science Monitor, entitled "Reserve, Guard Enlistments Lagging." This article points out that shortages in the Guard and Reserve presently total some 50,000 personnel. In my view, these shortages will grow during the approaching fiscal year.

Mr. President, this article, by Dana Adams Schmidt, deserves the attention of the Congress and the Nation. I ask unanimous consent that it be printed in the Extension of Remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Christian Science Monitor, June 9, 1973]

AVOID-THE-DRAFT INCENTIVE GONE—RESERVE, GUARD ENLISTMENTS LAGGING

(By Dana Adams Schmidt)

WASHINGTON.—The U.S. National Guard and reserves are uncomfortably short on manpower—despite efforts to replace their lost attraction as a draft alternative.

A report issued recently by the manpower division of the Pentagon stated that the shortages in the guard and reserve have stabilized at about 50,000 men. Their statutory strength is 976,559. It anticipated slightly larger losses in the final quarter of fiscal '73 and greater losses in fiscal 1974 unless recruitment is intensified.

NO ONE WAITING

For many years the guard and reserves had waiting lists of men who wanted to join to avoid the draft. Seventy percent of their recruits were draft motivated. Now they have to work to win recruits.

J. M. Roche, former chairman of the board of General Motors Corporation, who for the past year served as chairman of the National Committee for Employers' Support of the National Guard and Reserves, has announced that 50 state governors and nearly 13,000 employers have signed statements supporting the guard and reserves. These employers account for more than 25 million employees or about 31 percent of the total U.S. work force.

But in spite of everything he and his executive committee of 20 leaders of labor and industry could do "to improve the environment" for the guard and the reserves, he said, "unfortunately this has not been reflected in manning increases. A year ago our strengths were below mandated levels, they are still below and the projections for the balance of this fiscal year are that strength will be even lower."

Mr. Roche reported with pride that he recently won statements of support from George Meany of the AFL-CIO and Postmaster General Elmer T. Klassen as well as Mayor Walter E. Washington of the District of Columbia.

A report prepared for the Senate Committee on Armed Services by Martin Binkin and John D. Johnston of the Brookings Institution has pointed out that the guard and the reserves would have made a much poorer showing during the fiscal year just ending had it not been for two government programs.

PROGRAMS THAT HELPED

First, Army personnel were permitted an early discharge if they agreed to serve in an Army Reserve unit for one year.

Second, a policy was established permitting selective-service registrants who already had been ordered to report for induction to enlist instead in the selected reserve.

The Brookings Institution suggested that the guard and reserve might resort to a number of devices to increase the number of recruits before they turned to payment of special bonuses.

The Uniformed Special Pay Act of 1973 would authorize enlistment bonuses up to $1,100 for six years for individuals with no prior military experience or $2,200 for reenlistments. It is estimated that these payments would cost $85 million in fiscal 1974, $107 million for fiscal 1975 and $139 million in fiscal '76.

OPTIONS OPEN

Instead, the study recommends that recruiting officers seek more women, nonwhites, and more individuals scoring in the lower mental groups.

It suggested that the guard and reserves also devote more attention to re-enlisting men who have dropped out of the armed services because they can be used without additional training or costs.

In addition, they urged that a study be made to determine if the existing aim of maintaining the guard and reseve at 30 percent of total strength of the armed services could not be lowered.

In the opinion of the Brookings report some categories of reservists could be eliminated.

ON-BOARD STATUS

The following is a table showing the authorized strengths and status of the various reserve units:

Reserve components	Authorized strength fiscal year 1973	Shortage or surplus
Army National Guard	402, 300	15, 600(−)
Army Reserves	261, 300	26, 100(−)
Naval Reserves	129, 000	2, 800(+)
Marine Corps Reserves	45, 000	5, 900(−)
Air National Guard	87, 600	2, 400(+)
Air Force Reserve	51, 300	6, 700( )

READING AND WRITING

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. DORN. Mr. Speaker, the following article appeared in the Greenville News, Greenville, S.C., on June 11. Mr. Gordon L. Smith points out an urgent need in education throughout the country:

ADMINISTRATOR SAYS STUDENTS ARE NOT LEARNING TO WRITE

Do students know any more about the art of writing at age 17 than at age nine?

Gordon L. Smith, associate superintendent for educational development for Greenville County School District, says "We are not doing as well as many think we ought to in terms of the basic skills.

"I'm including here the communications and computation skills—that is reading, writing and the fundamental processes of mathematics."

An article by Dr. Benjamin Fine, an education writer, notes that surveys indicate serious problems for American schools in the communications skills, with students unable to write at acceptable standards.

Smith explained that Fine centered his article on data from the National Assessment Test of the Educational Project, a national test given in every curriculum area over a two or three-year period.

"It is a random sampling that involves about 90,000 students selected at random. The tests are designed to show what a student can do and what he has learned."

Smith observed that according to the information, "there is a very, very bad state of affairs in the nation in terms of what students can do in the basic mechanics of writing."

Noting that the sample tests involved several groups, including 9, 13 and 17 year-old students, Smith said "the national findings are indicative of our situation here.

"We haven't emphasized expository writing in general in our schools as we should have in the last 10 years.

"This has come about because there have been several schools of thought in the language arts area which have advanced different points of view," he said.

Smith said the linguistics approach, "which seemed not to place stress on proper writing and traditional methods, was one of the newer points of view that caught on in schools around the country.

"Another factor is that there has been a great deal of emphasis in recent years in having students write about their experiences, along with the creative aspects of writing.

"Emphasis was on the content and not on writing properly. I think this has had something to do with the situation," he continued.

He also blamed the "popularity" of multiple choice questions for the problem, noting that "many tests are given using multiple choice type questions almost exclusively."

Multiple choice tests give students very little opportunity to express themselves, he said. "They do not write, they just mark the appropriate response."

Advocating a return to the essay, Smith said "I feel the essay is very important, although it can be overdone of course." He said the essay helps students organize their thinking.

"This has a lot to do with writing correctly, because if a student is not thinking in an organized way, I doubt if what he writes is going to come out that way."

Predicting increasing use of more traditional methods, he said "I'm glad to see the idea of writing paragraphs and essays is coming back, because this is the area where we have had reduced emphasis."

The associate superintendent said, however. "We have to remember that teaching composition is hard, massive work for the teacher. She has to do two or three things that require a great deal of her time."

He declared that teachers who teach composition have to correct hundreds of papers, marking them so students will know when they have made an error, and using a plan so that the student can understand his errors.

He pointed out that teachers at the high school level must read, mark and score from 140 to 150 papers and expressed hope that the time will soon come when financial conditions will permit reduction in their teaching load.

Smith said that the school district is "looking at" the problem of student writing deficiencies in elementary and high schools and developing plans to improve the situation.

The district has several major programs now going on in verbal skills, including "Open Highways," a reading readiness program which touches 6,000 to 7,000 children, and the Alpha Program.

"Since these programs affect reading abilities of children, there should be definite improvement in writing skills."

Another weapon in the attack on writing deficiencies is said to be the fact that all elementary schools now have libraries that are well stocked with books.

In addition, the district has a supplementary book depository so that students have an opportunity to read widely. "Provisions for access to books will also have their impact."

Finally, Smith said one of the most important moves made by the district has been development of a language arts curriculum guide, used all the way from kindergarten through 12th grade.

The guide has clearly defined writing objectives and composition activities for every grade level.

Five workshops on composition have been sponsored by the district this year for teachers and some of the country's best consultants have been used to conduct them.

Smith said others will be other workshops during the 1973–74 school year "and some will focus on helping students come to terms with the English language."

NATIONAL INDIAN DAY—WHY?

HON. PETE V. DOMENICI

OF NEW MEXICO

IN THE SENATE OF THE UNITED STATES

Thursday, June 14, 1973

Mr. DOMENICI. Mr. President, my distinguished colleagues, the two Senators from my neighboring State of Arizona, have introduced a joint resolution calling upon the President to proclaim September 28, 1973, as National Indian Day. Numerous holidays have been named in our country in recognition of various groups of citizens. I believe it is especially appropriate that we pass this resolution to recognize the first Americans with a national holiday, holding appropriate celebrations and activities in their honor throughout the land.

The American Indians have made important and permanent contributions to the cultural and social history of this Nation, and these fine citizens are assuming a greater role than ever in the economic life of our country. The Federal Government has become increasingly more responsive to the needs and hopes of our Indian citizens. And by helping them to become stronger, we are also contributing to the strength and diversity of our great land.

The Indian people of America have contributed greatly to the success of America. And they will continue to contribute to the fulfillment of their dreams and the dreams of all of us—prosperity for our Nation, education for our children, and freedom to fulfill our own destinies. We are a country of diverse groups. The Indian people are extremely important to enriching this diversity. I believe that by recognizing this special group of citizens, we will bring national recognition to their heritage and to their place in the strength of America.

As a Senator from a State that has a significant Indian population, I would like to ask that we pass this resolution as a gesture of recognition and support of our fine Indian citizens. I ask my colleagues to join me in supporting this resolution to proclaim September 28 as National Indian Day.

UNEMPLOYMENT AND THE MINIMUM WAGE

HON. LESLIE C. ARENDS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. ARENDS. Mr. Speaker, last week the House passed H.R. 7935, the Minimum Wage Bill. Under leave to extend my remarks in the RECORD, I wish to call the attention of my colleagues to the following editorial which appeared in the June 10 edition of the Chicago Tribune. It provides much food for serious thought:

RAISING THE MINIMUM WAGE

If any member of Congress were to tell his constituents that the House had enacted a bill designed to encourage unemployment, particularly among the poor and teen-agers, the voters would wonder why they elected him in the first place and might suggest he take a sanity test.

Yet that is what the House has done by its own overwhelming approval of a bill to raise the minimum wage to $2.20 an hour within a year and to extend coverage to 6 million workers not now covered by the law, including about a million household workers.

Moreover, at a time when prices appear to be running wild, it seems incongruous that our lawmakers should contribute to a new round of wage-price inflation by talking about reimposing a 90-day price freeze and at the same time voting a wage increase. They would be more credible if they held down run-away spending.

Experience with the increasing minimum wage has shown that it helps the least those it is designed to help the most, namely workers with little or no experience. How many employers will hire a teen-ager at $2.20 an hour when they can hire an adult at the same wage? Yet teen-agers, particularly blacks, are victims of the highest rate of unemployment.

The House had an opportunity to make

a significant contribution to lowering teenage unemployment by providing a lower minimum wage for persons under 18, but this amendment was rejected. Would it not have been better to have teen-agers working at $1.60 an hour than to have them unemployed at the $2.20 minimum they will not get?

One interesting aspect of extending coverage to household workers was that Rep. John H. Dent (R. Pa.) was so anxious to win approval that he proposed to make wages paid to domestic help tax deductible. Fortunately, he did not succeed. This would simply have passed the cost of higher household wages to the taxpayers in general.

We have no doubt that the Senate will concur with its brethen on the other side of Capitol Hill on raising the minimum wage. A similar bill was passed by the upper chamber last year. But once, just once, we wish the Senate members would forget their political aspirations and remove the proinflation and antiemployment aspects of the minimum wage proposal. The country needs a lesser, not greater inflationary bias in the economy.

PROPOSED AMENDMENT TO H.R. 8619—THE AGRICULTURE-ENVIRONMENTAL AND CONSUMER PROTECTION APPROPRIATION BILL OF 1974

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. DINGELL. Mr. Speaker, on June 15, the House is scheduled to consider H.R. 8619, the agriculture-environmental and consumer protection appropriations bill, 1974.

My colleagues know that my distinguished friends, Congressmen Moss of California and SAYLOR of Pennsylvania, and I plan to offer amendments to title III of that bill concerning the programs and activities of the Environmental Protection Agency. Our amendments and a discussion of them appear in the RECORD of June 13, 1973 at page 19520.

There is one other matter in title III which gives me great concern.

The committee has increased the President's fiscal year 1974 budget request for the National Industrial Pollution Control Council by $1 million, from $323,000 to $1,323,000. I think this is an outrageous increase at a time when the President is berating Congress for "unnecessary spending."

The Council was established on April 9, 1970, pursuant to Executive order (3 C.F.R. 915).

The Council is composed of about 60 persons all of whom are executives of some of the Nation's biggest polluters. It has a staff of 13 persons. No less than 5 of these persons, according to the President's budget document—page 1001—are GS-15's with a salary range of $25,583 to $33,260.

The Council was not created by Congress and lacks any statutory basis. The President's Executive order which established the Council referred only to "the authority vested in me as President of the United States." Although the Executive order also states that it is issued "in furtherance of the purpose and policy" of the National Environmental Policy Act of 1969, there is nothing in NEPA which provides any statutory basis for the Council. I believe that none exists.

I believe that the proposed appropriation item plainly violates section 673 of title 31 of the United States Code. This section specifically forbids the use of any—

> Public moneys, or of any appropriation made by Congress for payment of compensation or expenses of any . . . council . . . or other similar body, or . . . or for expenses in connection with any work or the results of any work . . . of any . . . council . . . or other similar body, unless the creation of the same shall be or shall have been authorized by law . . .

As I have noted, the Council is not authorized by law.

Since this proposed appropriation for the Council violates the law, I urge that the entire item be deleted.

I am particularly disturbed by the committee's recommendation to add $1 million to the President's budget for the Council to—

> Conduct a study of the effect of environmental requirements on the competitive position of American business.

This is a function of the Commerce Department, not a bunch of industrialists.

The committee is asking these industrialists to study the effect of environmental requirements on themselves. These industrial polluters are then expected to provide by February 1, 1974, a complete report "to the committee." With such an obvious conflict of interest, the report would surely be totally biased.

If this type of study is needed, let a Government agency, like the Commerce Department, do it where we can at least hope that there will be some modicum of objectivity.

Moreover, the committee's action, in assigning new duties to the Council, violates the spirit and intent of the Federal Advisory Committee Act of 1972 (Public Law 92-463), if not the law itself. Section 9(b) of that act specifies that advisory committees, such as this Council, "shall be utilized solely for advisory functions." Surely the study that the committee wants is beyond the scope of that law.

My amendment is as follows:

On page 34, strike all on lines 19 through 23, inclusive.

I urge your support for this amendment.

ANNIVERSARY OF THE TAKEOVER OF LITHUANIA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. PATTEN. Mr. Speaker, June 15 commemorates the 33d anniversary of the Soviet takeover of Lithuania. On this date, in 1940, the Russian nation subjugated the Baltic States of Estonia, Latvia, and Lithuania under the disguise of creating a new and higher type of social entity—the Soviet peoples.

This demonstration of "the great friendship" and the "insoluble union" of the Soviet peoples is in fact a glorification of the Russian nation and the relegation of other nations to a subsidiary or inferior status.

The history of the Baltic people has been one largely of turmoil and turbulence. Their dream has always been for independence but, unfortunately, this dream has been sadly short-lived. In June of 1940, the Red army achieved its long-awaited goal of the occupation of Lithuania, and under the gun of the Red army and Soviet terror, mock elections were organized in which only candidates approved by the occupier were permitted.

An appeal written by a Lithuanian in 1955, Liudvikas Simutis, illustrates the plight of the Baltic people only too well. It explains why the Lithuanian people have fought so tenaciously for their freedom. He writes:

> I understand that I, having come out with a gun against the Soviet government, had to be arrested . . . and kept a certain time in prison; however, I do not understand why I was being starved in prison and why I was degraded in various ways. Besides, at this time, when the struggle is over, when we have been subdued, my presence in prison is becoming useless.

Mr. Speaker, thousands of Lithuanians must now live under Soviet rule. The hopes and prayers of free people throughout the world are with the Lithuanians who want to return to the freedom that they once enjoyed. In continuing to look resolutely toward a free and independent existence, the Lithuanian people both in the United States and abroad have established a firm foundation for the hope of free men everywhere that the goal of Lithuanian national self-determination will soon be realized.

SECRETARY CALLAWAY AND THE END OF THE DRAFT

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. STEIGER of Wisconsin. Mr. Speaker, the new Secretary of the Army, Howard H. "Bo" Callaway, has already won praise for his forthright stand on the question of equal opportunity in the Armed Forces. The enthusiasm he has brought to his new task will be an important factor in strengthening the professionalism of the Army.

I was particularly pleased to read of his stand on the all-volunteer force. In contrast to those who seek to undercut the modernization program, the Secretary makes his point quite clearly:

> The All-Volunteer Army is going to work because we are going to make it work.
>
> * * * * *
>
> (We will succeed) by continually developing programs throughout the Army so that instead of being an irritant, a man's job in the Army is a part of his life that's meaningful.
>
> You can't fool a young person today, and that's the basis we'll have to use.

That attitude of confidence is bound to enhance the ability of the Army to attract and retain a high caliber force. Secretary Callaway recently expressed these and other views in an interview in the Atlanta Journal-Constitution, which I insert in the RECORD at this point:

CALLAWAY AIM: NEW RESPECT FOR ARMY

(By Bob Fort)

WASHINGTON.—Georgia's Howard H. "Bo" Callaway inherited a multiplicity of problems when he became secretary of the Army a couple of weeks ago, but it doesn't seem to bother him too much.

More than likely, it has something to do with his frame of mind in accepting President Nixon's appointment to the highest post in the Army. For, when it was suggested to him that he might be stepping into one of the toughest jobs in Washington, Callaway quickly corrected the suggestion a bit and called it "the most exciting job."

Sitting casually in his plush, spacious Pentagon office late in the afternoon with several hours of work still left, Callaway spoke with resolve when the problems were laid before him and he was asked what he, as Army secretary, planned to do about them:

"The all-volunteer Army is going to work because we're going to make it work."

"We'd like more money . . . But I don't think that's the biggest need right now."

"When we win back the respect of Americans for the Army, it's bound to be an exciting time."

"The Army's got to get more sophisticated. The world's getting more sophisticated."

"You have to try a little bit of everything. If it doesn't work, abandon it and go on."

"I want to go out and talk to commanders myself. I want to talk to the enlisted men myself."

"Drugs? Sure, it's a problem, but it's part of that same problem we've talked about—there's more permissiveness in America."

"The things that disturb so many people who say discipline is breaking down don't even involve discipline."

As he reels out answers like this to questions that might call for lengthy Pentagon position papers, it becomes apparent that Secretary Callaway is doing his homework and knows what the problems are.

If he has a dominating conviction about his new job, it is likely the conviction that President Nixon knows what he wants in the way of military defense, and, in the case of the Army, it is the secretary's job to see that it is done.

The subject preoccupying most of Callaway's time and energy in the months just ahead will be the all-volunteer Army concept. It is clearly the Nixon administration's program—formulated largely to ward off discontent among young people over the Selective Service System, and heightened by public furor over the unpopular U.S. engagement in Indochina.

The overriding danger in the all-volunteer force is frequently sounded by its sharpest critics—many of them seasoned old military men—who fear the force will become overburdened with misfits from civilian life who are there for the money. For, after all, as a result of the drive toward an all-volunteer force and elimination of the draft, a basic private-grade trainee now makes three times what he made a couple of years ago.

While Callaway admits frankly that he doesn't know where the ultimate answer lies, his desire is to see a cross-section of Americans represented in the volunteer Army.

"My goal will be to pretty much have a cross-section of America (in the Army)," said the former Republican national committeeman from Georgia, also a one-time gubernatorial candidate and former congressman.

"If you've got that, you've got an Army that the people of America trust."

But how do you do this? "By continually developing programs throughout the Army," suggests Callaway, "so that instead of being an irritant, a man's job in the Army is a part of his life that's meaningful.

"You can't fool a young person today, and that's the basis we'll have to use."

The question that develops as a consequence of trimming down the Army into an elite volunteer force is what would happen if the United States suddenly found itself involved in an all-out engagement on some battlefield and had to muster additional strength rapidly. After making the volunteer Army work, that, Callaway acknowledges, is his second major problem.

His first approach to the problem is the establishment of an Army that is quick-reacting in nature, that relies on sophisticated methods like helicopters and that gets the job done without a lot of excess fat getting in the way.

"I can't look down the road and tell what the particular needs might be," the secretary said, "but if we do the kind of job we need to do, yes, we'll have a more efficient Army; and yes, an Army that gets the job done with a smaller number of men.

"We're going to have to cut out needless tasks, and get down to business. The Army's got to be more sophisticated. The world's getting more sophisticated."

Callaway, an infantry officer in the Korean conflict, readily agrees with those who predict that the United States most likely has fought its last war in which massive ground contact—utilizing the "foot soldier"—is predominant.

Because of new systems being developed and reliance on mechanization, "our Army wouldn't be prepared to do that," Callaway said. "It would take a couple of years perhaps for mobilization. We need quick-reacting, quick-striking force.

"I can't foresee a situation where we will have to move in great numbers of soldiers."

With this initial restructuring of the Army accomplished, Callaway then turns his attention toward the main back-up force—the Army Reserve and the Army National Guard.

Quite frankly, he warns, "if we don't solve the reserve components problem, we're not going to make the volunteer Army work."

Because the reserves would be the chief reinforcement, yet must entice young men to volunteer on a part-time basis with this pending possibility. Callaway sees the reserve program as more of a problem than the active Army.

"When you're talking to an 18-year-old about a six-year obligation (currently required in the reserve), it's pretty hard." Callaway said.

"I want to experiment, pretty soon with a three-year commitment. And, of course, in the reserves the same thing applies as in the active Army—you've got to make a man's job important and meaningful to him."

Current proposals before Congress for new benefits to reservists are on shaky ground, because some critics feel too much money would be spent on re-enlistment bonuses, Veterans Administration payments and other new fringe benefits for part-time reservists. Callaway feels confident the best of the proposals will make it through, and has a couple of extra ideas that won't cost the government directly.

They concern the involvement of private industry in support of the reserve program, and several civilian-military boards are working in these areas right now.

Two relatively easy steps recommended by Callaway are payment of a differential between what an employe makes while attending two weeks of summer training each year and what his civilian salary would be and granting of extra leave time by employers so that, as many reservists complain, they would not have to use vacation time to fulfill their reserve obligations.

"This is one of the toughest areas in the volunteer Army program," Callaway said, "and it's going to have to work for the volunteer Army to work."

On the subject of discipline and morale—which many see as the major threat to a ready Army—Callaway tends to see the critics frequently as exaggerating their claims, or at least criticizing the wrong things.

But he flatly contends that as long as the American society moves toward more permissiveness—not necessarily with a negative tone, but involving more trust of young people—the Army's trend will have to follow to an extent.

"The Army is part of America," the secretary said, "and there's more permissiveness than 18 or 20 years ago." This doesn't mean that Callaway intends to let privates run the Army.

"The Army's overriding mission is to have an Army ready for combat. In today's Army, there is no compromise with that point.

"But look at it this way. There are some old veterans out there seeing that there is no reveille every morning after a man is out of basic training, and they might think this means discipline is declining.

"But if you're there (in the Army) as a mature adult, we just want you there for training or duty on time. If a man is not there on time, and we relax and say that's not important, that's a breakdown in discipline.

"Or take beer in barracks. There's been a lot of criticism of this type of thing. But if a soldier is a mature adult, this type of thing doesn't constitute a breakdown in discipline.

"If (a soldier) becomes drunk and disorderly, then that's a breakdown in discipline.

"The things that disturb so many people don't even involve discipline," Callaway said.

The new secretary views the drug problem with concern over its developing in the first place, but optimism that the worst is over and the problem won't plague the Army forever.

"Sure, it's a problem, but it's part of that same problem we've talked about—there's more permissiveness in America," he said.

Callaway said he feels the Southeast Asian war contributed in large part to the drug problem, coupled with "a lot of indifference among commanders" a lot of whom felt they didn't have time or inclination to deal with the problem when a war was going on.

"But that's a whole lot better now," said Callaway. "The volunteer Army is helping this problem a lot, and we're far better off than we were say six months ago."

While the drug problem originated in the main in Indochina, transfers and changing tours of duty have focused it in Europe, where Callaway says "the most severe problems" exist today.

"I want to go out and talk to commanders myself. I want to talk to the enlisted men myself, and see where we can solve this problem," he said.

"If a man is in the Army as a volunteer and with a purpose, the drug problem shouldn't be too bad any more. We can solve it.

"But if we can't solve an individual's problem, we'd just have to separate him from the Army."

Callaway is convinced—and as he confers with four-star generals who must call the signals eventually through the chain of command, he emphasizes—that the Army is facing the dilemma of having to win renewed public support in the post-Vietnam era.

While the bombing in Indochina goes on and American negotiators continue their struggle to make President Nixon's peace agreement work, the Army for all practiced purposes is disengaged from Southeast Asia. And now, says the Army secretary, is a time for winning back respect and support for the military.

"We're going in the right direction," he said, "as we win back the support of the American people. That's my main concern—winning back respect in the post-Vietnam era.

"If we do this, it's bound to be an exciting time for the Army."

On the subject of discipline and morale—which many see as the major threat to a ready Army—Callaway tends to see the critics frequently as exaggering their claims, or at least critcizing the wrong things.

But he flatly contends that as long as the American society moves toward more permissiveness—not necessarily with a negative tone, but involving more trust of young people, there will be certain abuses.

BADLY NEEDED VETERANS LEGISLATION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. WYMAN. Mr. Speaker, I was very pleased to learn that the Subcommittee on Compensation and Pension of the Committee on Veterans Affairs chaired by the distinguished gentleman from Texas (Mr. TEAGUE) is beginning hearings on a bill that I introduced together with several other Members. This bill, Mr. Speaker, is deserving of every Member's careful attention and favorable consideration. Basically, its aim is to protect veterans and their families from losing all or part of their veterans pensions as a result of the recent 20-percent social security increase.

Under present law, eligibility for VA pensions is based on income ceilings which include social security benefits. This necessarily means that when there is an increase in social security rates, the veteran, whose income is pushed above a certain level, may see his pension dwindle away.

We are all aware, that this provision strikes hardest at those who can least afford it, namely, our senior citizens. We should remember that many of those who would be benefited by the bill are veterans of the First World War whose average age is over 75 years. To these elderly veterans, and to their colleagues who fought in other conflicts, any income loss would be an extremely hard blow. This is especially true in these times of high inflation.

This bill would raise by $600 the ceiling on income which a veteran could earn without losing his pension. It would also increase the formula for computing veterans benefits. For a veteran with no dependents, the base will be increased from $130 to $148 monthly; for a veteran with a dependent from $148 to $158 monthly; for a widow with no children from $87 to $93 monthly; and for a widow with a child from $104 to $110 monthly.

The truth of the matter is that social security should not be counted in computing veterans benefits. These are two different sources of retirement income for our senior citizens. They are very much like separate pensions from two different companies. They should not be played off one against the other.

Mr. Speaker, I hope that the Veterans Committee will act quickly and favorably on this measure, and urge all Members support when it reaches the floor for a vote.

LITHUANIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. CRANE. Mr. Speaker, June 15 marks the 33d anniversary of the forcible annexation of Lithuania into the Soviet Union in 1940. It is an unhappy anniversay, and the post-World War II history of Lithuania bears grim testimony to the continuing fight of a proud people to maintain their own national integrity.

Many Americans have forgotten the brutal manner in which the Soviet Union, in September 1939, moved troops into the Baltic Republics of Lithuania, Latvia, and Estonia.

The independence of Lithuania was terminated on June 15, 1940, when an army of occupation of 140,000 men was sent by the Soviet Union into that country. With the support of this occupying force, the Soviets staged mock elections, in which only one slate of Moscow-sponsored candidates was permitted. In this manner, subverting the will of the Lithuanian people, the Soviet Union formally annexed Lithuania.

The Communist leadership has attempted in every way to destroy the Lithuanian language, culture, and religion. In an article in the Lithuanian Quarterly, Dr. Jonas Puzinas points out that—

> Wherever one turns in Lithuania nowadays, one runs constantly into un-Lithuanian things. Quite a number of Lithuanian schools were given names of various communists. The University of Vilnius, the oldest university in East-Central Europe (established 1579) has been named after Vincas Kapsukas, although the Lithuanian communist had nothing whatever to do with science or education. Many villages that had ancient names for centuries now have been renamed after the Russian and Lithuanian communists.

In their effort to destroy the Lithuanian nationality, notes Dr. Puzinas:

> The Soviet Russians, wishing to have the eastern regions of Lithuania in a kind of mixed stage, push the Poles who dwell in these regions as well as Polonized Lithuanians and Byelorussians into better paying positions. The latter are appointed to various local positions. In such linguistically mixed areas, the imported Russian colonists find it easier to establish themselves. The same method is used in the Klaipeda-Memel region.

The Lithuanian people have shown their hostility to Soviet rule, and have paid a heavy price for such opposition. On June 22, 1941, the Lithuanian people revolted against the Soviet occupation and control and proclaimed the reestablishment of an independent state. This effort cost the Lithuanians almost 12,000 casualties. The Provisional Government, proclaimed by the leaders of the revolt, was disbanded as Lithuania was occupied by the German armies on the march into the Soviet Union.

From 1945, when the Soviet Union reimposed its rule, until approximately 1953 an armed patriotic resistance movement waged a war against the Communists with approximately 50,000 Lithuanian patriots losing their lives. The Soviet leaders, in an effort to eliminate the national resistance, deported about every sixth Lithuanian to the distant parts of the Soviet Union or to concentration camps, where a large number of them died to the harsh conditions, starvation, and executions.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the Communist regime. The protests of the Lithuanian people against the denial of the right of national self-determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr to Soviet oppression. This act triggered widespread demonstrations in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. As we now prepare for a summit meeting with the Communist leadership of the Soviet Union it is essential that we not misunderstand their intentions. The grip they have upon the satellite nations of Eastern Europe is as tight as ever. The Berlin Wall remains, and repression is mounting within the Soviet Union itself. As long as the Soviet Union maintains its control of countries such as Lithuania, against the will of its people, it is difficult to believe that its world view has in any significant manner been altered.

We must continue to demand that all peoples be given the right to self-determination. The people of Lithuania have not been forgotten, and at this time it is important that we rededicate ourselves to the goal of Lithuanian freedom and independence.

ELECTION OF MISSOURI OPTOMETRIC ASSOCIATION PRESIDENT

HON. BILL D. BURLISON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. BURLISON of Missouri. Mr. Speaker, my constituent, Dr. Walker J.

Long has recently been elected president of the Missouri Optometric Association. I would like to congratulate him on this honor and commend the association for its foresight in selecting such an outstanding leader.

Dr. Long has shown concern for the profession of optometry and the cause of vision through his assumption of activities in the Missouri Optometric Association and the Southeastern Missouri Optometric Society. He has contributed to the community interests at large through service and holding offices for the Junior Chamber of Commerce, the Poplar Bluff Lions Club, the Three River Shrine Club, the Osage Boy Scout District, the U.S. Savings Bond Committee for Butler County, board member of the United Fund and Cerebral Palsy, and president of the Missouri Welfare League. He was elected as city alderman of Poplar Bluff for 2 years.

This MOA president has received numerous awards and citations for his outstanding service. United Cerebral Palsy awarded him the citation for humanitarian service and outstanding cooperation in 1957. He was honored as an outstanding citizen by the United Fund in 1968. He was named honorary trustee for the Southeast Missouri Council of Boy Scouts of America.

The Missouri Optometric Association has made numerous contributions to the State of Missouri in the cause of better vision care and greater appreciation of the gift of vision. Surely during Dr. Long's tenure as president, the MOA will continue to expand upon its work in the State.

MELROSE CIVITAN CLUB NINTH GRADE CITIZENS OF THE YEAR

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. FULTON. Mr. Speaker, this morning I was privileged to breakfast with as fine a group of young men and women as any in America.

They were brought to the Nation's Capital by the Melrose Civitan Club of Nashville, Tenn., as winners or participants in that organization's ninth grade citizen of the year program. Winners are chosen from the various schools in our community on the basis essay competition and other criteria in which they outline and demonstrate their understanding and comprehension of public service and civic responsibility.

The competition is keen and the winners are truely superlative, each an outstanding young man or woman.

Those who made the trip this year include:

Janet Baker, W. A. Bass.
Sarrie Barnes, Bellevue.
Dorothy Pigg, T.P.S.
Eric Boswell, Apollo.
Debbie Britt, Meigs.
Elizabeth Downing, Moore Jr.
Sharon Glaser, St. Cecilia.
Lisa Jenkins, Goodlettsville.
Orville Kronk, Goodpasture.
Darlene McEwen, West Jr.
Mitzi Martinez, Rose Park.
Sherie Miller, Ewing Park.
Paul Osborne, McMurray.
William Utley Smith, Montgomery Bell Academy.
Donnie Webb, Neelys Bend.
James Thomas, Litton.
Kathy Aydclott, Hendersonville.
Diane L. Webb, Bellevue.

Mr. Speaker, it is genuinely a privilege and honor to meet and associate with a group of young citizens such as this. They are to be commended for their achievement and the Melrose Civitan is to be particularly commended for their sponsorship of this very worthwhile program.

TAMPA-ST. PETERSBURG AREA LEADS NATION IN JOB GROWTH

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. YOUNG of Florida. Mr. Speaker, while a realtively high unemployment rate is an inevitable consequence of ending our involvement in the Vietnam war, I am pleased to announce the Tampa-St. Petersburg area of Florida, part of which I have the honor of representing in Congress, leads the Nation in employment.

The following article, which appeared in the June 9 issue of the Tampa Tribune, reports that the Tampa-St. Petersburg area has now topped the Nation in growth of nonfarm wage and salary employment over the past 5 years, with an average growth rate of 37.7 percent, as compared to the national average increase of 10.5 percent. Hopefully, as our economy adjusts to peacetime conditions, the unemployment rate will drop off so that all areas of our country will be able to experience the job growth rate now enjoyed in my district and other areas of the State of Florida.

Here, for the consideration of my colleagues, is the text of the Tampa Tribune article:

37.7 PERCENT—BAY AREA TOPS NATION IN JOB GROWTH

(By Daniel Ruth)

The Tampa-St. Ptersburg area has been ranked first in the nation in growth of nonfarm wage and salary employment over the past five years, according to the U.S. Department of Labor.

The total average for growth is 37.7 per cent, according to Brunswick A. Bagdon, southeastern regional director of the department's Bureau of Labor Statistics. The national average increase is 10.5 per cent, Bagdon said.

Bagdon broke down some of the more prominent employment areas to better explain why the Tampa-St. Petersburg area holds the top spot.

Between 1967 and 1972, Bagdon said, construction employment rose 71.7 per cent; banking, insurance and real estate jobs jumped 52 per cent; restaurant employment grew 49.2 per cent; labor trades saw an increase of 33 per cent and government employment rose 28 per cent.

In 1967 there were 258,000 nonfarm workers in the Tampa-St. Petersburg area. By 1972 that figure had risen to 34,000, reflecting a percentage change of 37.2 per cent.

Miami, ranking second behind Tampa-St. Petersburg, showed an increase of 33.5 per cent over the last five years.

There, growth in the employment market went from 416,000 in 1967 to a 1972 figure of 556,000.

However, Miami took the lead in manufacturing job increases with a gain of 26.9 per cent. Denver was second with 19.0 per cent, and Tampa ranked third with a 17.7 per cent increase.

Last year, Tampa-St. Petersburg had an increase of 9.4 per cent from the 1971 figure for nonfarm employment as the labor force grew from 323,000 to 354,000.

Miami in that same period experienced a 7.1 per cent growth increase. Miami's employment for that year went from 519,000 to 556,000.

In the manufacturing field, Miami led the nation with a 9.3 per cent increase. Last year, 83,000 were employed as opposed to 76,000 the year before.

Tampa-St. Petersburg experienced a shift of 6.3 per cent when 55,000 were counted in manufacturing-related jobs. In 1971 the figure was 52,000.

Dr. G. Hartley Mellish, an economist at the University of South Florida, said he felt a major cause of the employment increase was tourism.

He said the growth of motels, restaurants and tourist attractions has been great.

Melish said that with the increase in tourism, the demand for more facilities also is generated. This in turn creates more jobs. People then have more money, and thus they demand more ways to spend it, creating more jobs, he said.

"Growth is a characteristic in the state of Florida," said Bagdon from his office in Atlanta, Ga., ". . . and it has been for many years."

The statistics released by the Labor Department show a decrease in employment in northern job markets such as New York, St. Louis, and Boston.

"Because of the aging of the core of the city, business and industry start relocating," said Bagdon. He said that urban problems such as decay, taxes and crime have contributed to the migration south.

Mellish agreed, saying that the northern economy is "stagnate." He said the Florida climate is an inducement to come south, even if it means a reduction in salary.

Bagdon said that much of the Florida work force making Tampa-St. Petersburg number one is made up of retired persons. These people, Bagdon said, cannot meet the standard of living on their current incomes imposed through pensions and Social Security.

PUBLIC EMPLOYEES RELATIONS ACT OF 1973

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. CLAY. Mr. Speaker, today, Congressman CARL PERKINS, chairman of Education and Labor Committee and myself are introducing the Public Employees Relations Act of 1973. It is similar to legislation which I introduced along with some 90 Members of the House of Representatives during the 92d Congress. This bill would guarantee and protect the rights of employees over terms and conditions of employment. It has been endorsed by the Coalition of American

Public Employees, the coalition formed last March includes the National Education Association, the Federation of State, County and Municipal Employees, and the International Association of Fire Fighters. This coalition represents over 4 million public employees. Joining me this morning in this press conference are Jerry Wurf, president of AFSCME, Howard McClennan, president of IAFF, and Terry Herndon, executive secretary of the National Education Association.

This legislation would create an impartial Federal agency to set minimum standards for assuring full and free bargaining between employers and employees in State and local government. It would provide the machinery needed to head off conflict and resolve differences with a minimum of disruption. It would impose upon both employers and employee groups certain basic responsibilities toward the public to assure that labor-management relations are conducted in a responsible manner.

The absence of Federal law and the inadequacy of State and local legislation has resulted in strife and unrest in many jurisdictions. Hearings held by the Special Subcommittee on Labor of the U.S. House of Representatives last year on public employee labor relations pointed up the need for Federal action to protect the rights of public employees and to minimize friction in public employee labor relations.

State and local government employment is one of the fastest growing sectors of our economy. There are over 80,000 units of State and local governments in the United States.

Unionization among public employees is proportionately greater than in private industry. More than 3 million employees of government and public institutions are organized in unions and unionlike associations. Unionization in the public sector is an accomplished fact and union growth is accelerating.

In light of these facts, the declared labor relations policy of the United States with respect to State and local government employees must be changed accordingly. It demands a change in the thinking that public workers are somehow different and less entitled to certain basic rights than their counterparts in business and industry.

I include the following:

SUMMARY OF MAJOR PROVISIONS OF PROPOSED COLLECTIVE BARGAINING STATUTE

The major provisions contained in the proposed statute are as follows:

1. The statute would regulate the employment relationship between certain public employers (*i.e.*, States, territories, and possessions of the United States and the political subdivisions thereof) and their employees.

2. Administration of the statute would be by an impartial agency consisting of five members appointed by the President with the approval of the Senate. The Commission's principal office would be in the District of Columbia, but it would be able to establish state and regional offices.

3. The Commission would be responsible for interpreting, applying and enforcing the provisions of the statute, including the determination of all questions relating to employee representation, and would employ an Executive Director and such other persons as would be required for it to carry out its functions. A General Counsel for the Commission would be appointed by the President with the approval of the Senate.

4. Each employer would bargain over terms and conditions of employment and other matters of mutual concern relating thereto exclusively with the employee organization that represented a majority of the employees in an appropriate unit.

5. An employee organization would be recognized as the exclusive representative if it was able to demonstrate its majority support through appropriate evidence. An election would be held if the Commission concluded that other forms of evidence were not adequate to demonstrate majority support or if there were competing claims from two or more employee organizations.

6. Supervisors and non-supervisors would be required to have separate bargaining units, except in the case of firefighters, public safety officers and educational employees. In regard to firefighters, supervisors and non-supervisors could be included in the same unit and in regard to public safety officers and educational employees, they could be included in the same unit if a majority of the employees in each category desired such inclusion. Professionals and non-professionals would be required to have separate bargaining units unless a majority of the employees in each category desired inclusion in a single unit.

7. All members of the bargaining unit who were not members of the recognized organization would be required, as a condition of continued employment, to pay to such organization an amount equal to the dues and assessments charged members.

8. An employer and a recognized organization would be permitted to enter into an agreement pursuant to which all members of the bargaining unit would be required, as a condition of continued employment, to become members of the recognized organization.

9. Impasses in bargaining would be resolved as follows:

(a) A mediator would be appointed by the Federal Mediation and Conciliation Service and would meet with the parties in an effort to effect a mutually acceptable agreement;

(b) If the mediator were not successful in resolving the dispute within a specified number of days after his appointment, a fact-finder with power to make findings of fact and to recommend terms of settlement would be selected by the parties, or if they were unable to agree upon a mutually acceptable person, would be appointed by the Federal Mediation and Conciliation Service. The recognized organization would decide whether the recommendations of the fact-finder are to be binding or only advisory.

10. If the recommendations are to be binding, the recognized organization would be prohibited from engaging in a strike. If they are to be only advisory, the organization would be permitted to strike and the strike would be enjoinable only to the extent that it posed a clear and present danger to the public health or safety, or if the organization had not attempted to utilize the impasse procedures provided in the statute.

11. An employer and a recognized organization would be permitted to substitute their own impasse procedures for those provided in the statute.

12. Disputes involving the interpretation or application of the provisions of negotiated agreements could be submitted to binding arbitration pursuant to procedures set forth in such agreements or, in the absence of such procedures, could be submitted by either party to binding arbitration pursuant to the rules of the Commission.

13. It would be unlawful for an employer to:

(a) impose reprisals or discriminate against an employee for exercising the rights guaranteed by the statute;

(b) dominate or interfere with the formation or administration of an employee organization;

(c) encourage or discourage membership in an employee organization by discriminating in regard to hire tenure, or other terms and conditions of employment;

(d) fail to bargain in good faith with a recognized organization; or

(e) deny an employee organization a place to meet, access to work areas, or the use of bulletin boards, mailboxes, and other communication media, or refuse to deduct membership dues for an employee organization, and, conversely, once an organization had been recognized as the exclusive representative, it would be unlawful for an employer to grant those rights to any other employee organization.

14. It would be unlawful for an employee organization to:

(a) attempt to cause an employer to commit an act prohibited by Section 13 above;

(b) restrain or coerce an employee in the exercise of the rights guaranteed by the statute or an employer in the selection of its bargaining representatives; or

(c) fail to bargain in good faith if it has been recognized as the exclusive representative.

15. A charge that an act prohibited by Section 13 or Section 14 above had been committed could be filed with the Commission and the Commission would be empowered to take appropriate steps to deal with the matter.

16. If any state, territory or possession established statutory procedures for regulating employer-employee relations that were substantially equivalent to those provided in this statute, it would be permitted to operate under its own statute.

BALTIC NATIONS: THE UNRESOLVED LEGACIES

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. BROYHILL of Virginia. Mr. Speaker, Lithuanian-Americans and Lithuanians throughout the world will observe the 33d sad anniversary of the forcible annexation of their native land into the Soviet Union on June 15.

In commemoration of this important anniversary, the President of the Lithuanian-American Community of the U.S.A., Inc., has forwarded to me a copy of an information sheet concerning the long struggle pressed ceaselessly by Lithuanians everywhere for a solution to the unresolved legacies of the Second World War which have resulted in denial of the rights of the people of Lithuania and the other Baltic nations to determine their own destinies. As I believe this information would be of interest to all who read this RECORD, and who seek to encourage those who continue this fight against oppression, I insert it in full at this point in the RECORD:

BALTIC NATIONS: THE UNRESOLVED LEGACIES

Today, the United States stands on the threshold of the most meaningful and potentially rewarding era in the history of mankind. For the first time in the last fifty years, global peace is attainable. However, global peace is only the first great objective of our nation, we must also seek the attainment of freedom and justice for all oppressed nations. For even if the countries of the world cease hostilities toward one another, the unresolved legacies of the Second World War must be confronted; the status of the Baltic Nations must be once and for all—equitably resolved. Furthermore, let us not be fooled that world peace can be attained by offering the inalienable rights of the people of Lithuania and the other Baltic Nations upon the altar of appeasement.

The Lithuanian people have continuously struggled to reject the oppressive communist system from Lithuanian soil ever since the forcible annexation into the Soviet Union on June 15, 1940.

The post-war history of Lithuania bears grim testimony of this rejection of forcible incorporation. From 1944 to 1952, anti-Soviet partisans struggled for freedom against the Soviet military occupation in protracted guerrilla warfare at a cost of over fifty thousand Lithuanian lives. During Stalin's era, over one-sixth of the Lithuanian people were deported to Russia and Siberia in an effort to depopulate and subjugate the Lithuanian Nation. To demonstrate the extent of this depopulation in comparison to the United States, it would mean the elimination of all the people from the thirty largest cities in this country.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the communist regime. The protests of the Lithuanian people against the denial of the right of national self-determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered wide-spread demonstrations in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and the other Baltic States into the Soviet Union. This steadfast policy of the United States gives succor to the Lithuanian people and reinforces their determination to await national independence while it also discourages the Soviet policies of Russification and effective absorption of Lithuania, Latvia and Estonia into the Soviet Union.

The 89th U.S. Congress during its second session was explicit in its determination to forestall any Russification and absorption of the Baltic States by the Soviet Union when it adopted House Concurring Resolution 416, which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations and other international forums. The European Security Conference is such an international forum. We ask your support in urging the United States delegates to openly state the U.S. policy of non-recognition and raise the Baltic question directly as Congress has specified.

YOUNG AMERICANS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. HUNT. Mr. Speaker, recently I had the opportunity to participate in flag-raising ceremonies at the Glenview School in Haddon Heights, N.J. I was involved as it was my pleasure to furnish the school with a flag which had flown over the Capitol.

I just want to say Mr. Speaker, that I was deeply moved by the show of patriotism displayed on this very special day. All the students expressed a very deep, loyal interest in their country and its heritage. This great feeling for their country also transcends to their other classes as well, and I should like to include for the RECORD a vocabulary lesson the students formulated using the words "Red, white and blue":

R—Representation of the People.
E—Election by the People.
D—Democracy for the People.
W—Within our country there are those who care for the welfare of others.
H—Honor and Respect.
I—Independence.
T—Trust.
E—Equal Rights for All.
B—Bravery.
L—Love, of God and Country.
U—United.
E—Education for All.

The above lesson was prepared by the students of Mrs. Fran Kings' reading class. It is a fine tribute to our flag and our country, by equally fine sixth graders.

TEXAS INSTRUMENTS INC. PROGRESS BUILDS AMERICA

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. COLLINS of Texas. Mr. Speaker, the financial success of business is the cornerstone of building our country in a progressive way. The other day a discussion developed as to what comes first in building prosperity. Is it Government? Is it labor? Or, is it business?

Take, for example, the largest business in my district, Texas Instruments Inc. It is essential that they stay busy and continue to make a profit so that labor will be gainfully employed at their plant. Every working man and woman in their company has an interest in Texas Instruments making a profit so that he or she will have a good job and a secure future.

Let me give you some facts on how important it is to the Government for Texas Instruments to be prosperous. In 1972, Texas Instruments paid its stockholders about $9 million in dividends. In the same year it remitted in excess of $50 million in taxes of all types including employee withholding for Federal, State, and local governments. This means that for every dollar in dividends a Texas Instruments shareholder received, government received over $5.50.

Furthermore, the shareholder paid income taxes on the dollars he received and his estate will pay estate tax on the value of the stock when he dies.

Texas Instruments had total sales in 1972 of more than $940 million—about 30 percent of which were from foreign operations.

Total net profit before provision for income taxes was over $84 million. Texas Instruments is a highly progressive technological company. Their aggressive management necessitate retention of most of their earnings. This reinvested cash funds the total technical effort for research, new product and process development, mechanization design and the technical support of manufacturing and marketing. In 1972 expenditures for technological development totaled $154 million in this company leaving them $84 million in profits before taxes.

The foreign operation is interesting and healthy. One out of every seven of the Texas Instruments jobs in the United States exists so as to serve the company's foreign operations. Texas Instruments is successfully ahead of foreign competition because of this policy of meeting the aggresive competition with technological development. This is living proof of the wisdom of retention of earnings for future growth.

Prosperity for our Nation begins when we have prosperity for our industries.

Every worker in Texas knows the importance of keeping the plant open and keeping the business going. We want Texas Instruments to continue to reinvest earnings to provide the technological improvements for growth tomorow. The men and women throughout the company know how important it is for all of us to concentrate on keeping business healthy and keeping retained earnings working.

I sometimes wonder whether bureaucrats in Washington fully understand that government took $5.50 in taxes for every dollar that the stockholders received in dividends. These taxes came through the hard work of the people who built this business. The business prosperity is the base of taxes.

So when you go to bed tonight add a word of prayer and thanks for U.S. industry. Back in Texas we are proud and appreciative of Texas Instruments and every other fine company in Texas that provide the jobs for neighbors and by operating profitably pay the taxes that support our Government.

MEDGAR EVERS AND THE McGEE BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. RANGEL. Mr. Speaker, when we think of Medgar Evers and his violent death 10 years ago, we must think of the future. Evers always comprehended and accepted the danger of his succumbing to violence. He knew that the struggle for human liberty and freedom would have to continue when he was gone. He would want us to remember and honor him, today, simply by continuing the good fight that he fought for civil rights.

Such a fight has just been waged in the U.S. Senate. A bill (S. 352) that will greatly improve and open up our system of voter registration has passed the Senate and is now before the House. The bill, originally introduced by Senator McGee, is something that Medgar Evers would have approved, supported, and worked for. In the days ahead, let the Members of this body consider the bill and thougthfully consider the life and death of Medgar Evers.

An interesting article was written by Bayard Rustin, the executive director of the A. Philip Randolph Institute, entitled "Remembering Medger Evers." I now submit the article for the collective attention of my colleagues.

The article follows:

Remembering Medgar Evers

(By Bayard Rustin)

Medgar Evers was a quiet, unassuming man who avoided the glare of publicity. Yet his character was unforgettable. Fearless without bravado, he was devoted to organizing blacks in a forbidding hate impelled state that systematically snuffed out any potential of black leadership. When he died by an assassin's bullet ten years ago this June 12, Evers and a handful of home grown activists had already set in motion a movement that was to have a transforming influence on the political landscape of the South and, particularly Mississippi.

Evers succeeded because his faith was firmly rooted in principle. Although having experienced from both the ugliness of race hatred and having witnessed mindless, officially-sanctioned brutality, Evers pressed ahead, nourished by a belief in integration, civil rights, the ultimate importance of the vote, and the moral as well as the strategic necessity of non-violence.

As Mississippi Field Secretary for NAACP, Evers was coordinating a voter registration drive when he was shot down in front of his home in Jackson. Voter registration campaigns had already cost the lives of at least three Mississippi Negroes—the Rev. George W. Lee, Lamar Smith and Herbert Lee—and would result in other deaths.

It is tragic that martyrdom was required to spur an embarrassed government into writing an end to the legal foundation of segregation. But the 1964 Omnibus Civil Rights Act, the Voting Rights Act, and other landmark civil rights bills were not simply the consequences of national chagrin; they stand as a tribute to the common struggle of black people, to the ideals which motivated men like Medgar Evers.

In the early 1960's less than five percent of black Mississippians were registered; today two out of every three are registered. And instead of the scattered handful of a decade ago, nearly 150 blacks hold public office in that state.

If this progress suggests a fitting memorial to Medgar Evers, there are other, less encouraging developments that remind us of a continuing agenda which, unless completed, leaves Ever's vision unfulfilled.

Blacks still find the way to the polling place impeded, not as some would have it, by apathy and alienation, but by baffling administrative procedures, uncooperative officials, and discriminatory laws. Capable, qualified blacks are kept from public office by gerrymandering. Those who in an earlier era said "Never" now resort to more subtle tactics to thwart black political participation.

A disturbing aspect of all this is the attitude of the federal government. One of the Nixon Administration's first acts was a transparent effort to weaken the Voting Rights Act; when the Senate refused to accede, the Justice Department simply adopted a policy of looking the other way as southern states built, piece by piece, a mosaic of obstruction.

In the last decade, when Medgar Evers was organizing a strong NAACP in a state too fearful to support any Negro institutions, oppressed blacks had no other recourse save the boycott, sit-in, or other tactics of protest.

Now the picket line has been replaced by the ballot box, and the uncompleted agenda can only be resolved through political action. The Senate right now is considering a bill that would establish a simplified national voter registration system, putting an end to the outright bias that flourishes in the South while reforming the archaic procedures that inhibit voting in the non-South. This measure, introduced by Sen. Gale McGee, has won widespread support because, like so many issues initially raised by the civil rights movement, it is all-embracing, cutting across racial boundaries to enhance the freedom of all people. And, again like many of the original civil rights issues, it is opposed by a determined minority—those who fear the increasing political power of black people and those who, while disclaiming prejudice, believe voting to be a privilege rather than a right.

Today, on the anniversary of Medgar Evers death, there is no need for sentimentality; more positive action would be appropriate. The adoption of the McGee bill, for example, would clearly demonstrate America's faith in the principle of equal political participation while it would also serve as a profound tribute to those who died for the vote.

NEW YORK HARBOR COLLECTION AND REMOVAL OF DRIFT PROJECT

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Ms. ABZUG. Mr. Speaker, today I, and 14 of my colleagues from New York City, have introduced legislation, H.R. 8674, to direct the Chief of Engineers to carry out immediately the New York Harbor Collection and Removal of Drift project.

This bill permits the corps to remove sunken and abandoned vessels, submerged debris, and disintegrating waterfront structures, many of whose owners are unknown. The damage caused to public and private shipping well exceeds $5 million annually. Despite its budget pressures, the city of New York has spent more than $12 million over the last 8 years removing deteriorated piers and other debris from New York Harbor.

The cosponsors of this legislation are: Joseph P. Addabbo, Herman Badillo, Mario Biaggi, Jonathan B. Bingham, Frank J. Brasco, Hugh L. Carey, Shirley Chisholm, Elizabeth Holtzman, Edward I. Koch, John M. Murphy, Bertram L. Podell, Charles B. Rangel, Benjamin S. Rosenthal, and Lester L. Wolff.

The text of the bill follows:

H.R. 8674

A bill to facilitate the completion of the New York Harbor Collection and Removal of Drift Project

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the New York Harbor Collection and Removal of Drift Project is hereby modified in accordance with the "Survey Report on Review of Project, New York Harbor Collection and Removal of Drift," dated June 1968, revised March 1969 and April 1971, on file in the Office, Chief of Engineers. Notwithstanding any other provision of law, the Secretary of the Army, acting through the Chief of Engineers, shall immediately carry out such project, and all funds hereafter appropriated for such project shall be immediately available for such purposes.

AMERICAN FLAG—SYMBOL OF UNITY AND FREEDOM ON FLAG DAY

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. YOUNG of Florida. Mr. Speaker, I rise to speak in honor of Flag Day and to urge my fellow Americans and colleagues to display the American flag all during this week, which has been declared Flag Week by Presidential proclamation.

The importance of the American flag as a symbol of freedom and unity has never before been so strong. I draw my colleagues' attention to the fact that the item most precious and symbolic to our POW's was the small American flag which they had painstakingly made despite constant surveillance and torture by their North Vietnamese captors.

The loyalty and dedication of these men to the flag was such that it served as a unifying force during their imprisonment and a symbol of their rejoicing at freedom. They smuggled this flag out of the prison camp of Hanoi, and held it up for the world to see as an expression of their undying belief in this country and its freedoms.

These POW's have set us a standard of respect for the flag which we can only hope to match. I suggest to my colleagues that one step in this direction would be the enactment of legislation making Flag Day a legal national holiday, and the provision of special Federal protections for our national symbol of unity.

Mr. Speaker, I have introduced three bills to protect and elevate the status of the American flag.

H.R. 1298 would make desecration of the American flag a Federal crime punishable by a fine of up to $1,000 and a prison sentence of up to a year. I feel this is a very small price to pay for such outrageous desecration of our flag as we have witnessed too many times right here in Washington. Our flag is the symbol of freedom so precious to Americans and should be exalted and respected—not used as a target for revolutionary destruction.

H.R. 1299 would provide further protection for our American flag by making treasonable the display of the flag of any country or revolutionary group which is openly hostile to the United States or holds U.S. citizens prisoners of war.

Finally, I have introduced H.R. 1300, a bill to legally establish Flag Day so that Americans will have June 14 of each year for direct contemplation of the flag and the national freedoms for which it stands. We have many national holidays celebrating symbolic points in our past, but we do not have a single day set aside for expressions of respect for the flag of our great country and its constitutional principles of freedom and justice.

Generations of Americans have revered the flag, saluted it, fought and died for it. On this special day, I stand before the House to express my deep respect and veneration for this great symbol of our national unity and freedom.

SELLOUT OF AMERICAN JOBS

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. DENT. Mr. Speaker, today I am putting into the RECORD evidence of the biggest drive ever put on in the history of this country to raise money in order to perpetrate the present international trade sell-out of American jobs and industry by continuing the Kennedy round agreements as revised by the Nixon round proposal.

A casual compilation of the scale of contributions demanded by the American Importers Association from import agents, retailers, brokers, bankers, insurance companies, and steamship lines shows flat fees of $150 to $450, ranging from the number of employees of custom brokers at $175 to $450 for attorneys concerned with imports and international trade. Banks, steamship lines, and insurance companies' fees are $1,000.

In the accompanying letter and the schedule of payments, Kurt Orban, president of the American Importers Association, let it be clearly known, by underscoring, that the rates being charged were strictly minimums and the drive can only be successful if everyone contributes a great deal of money.

The expressed purpose is to remove any surcharges on imports and to kill labor's drive to protect American jobs by allowing imports to come in without any quotas. The attached schedule and letter to members represent minimum figures. If a general response is made to this unusual and unbelievable fund raising appeal, in order to thwart any action by the Congress of the United States, it will represent the greatest amount ever put together to control congressional action on a particular bill.

Proper committees of the House should look into this matter and advise the proper agencies.

Based upon import value reported by the Department of Commerce, contributions from importers who are also exporters, with a minimum of dollars being counted for custom brokers, attorneys, ships, banks, and insurance companies, would bring better than $8,333,280.

Import totals for 1972 are as follows: $55,555,200,000—fifty-five billion, five hundred fifty-five million, two hundred thousand dollars. These are figures from the Department of Commerce dated June 14, 1973. Based on the minimum assessment of $150 per $1,000,000—$1 million—of volume imports, the charges being paid by importers is $8,333,280. By adding agents, ships, insurance agencies, brokers, attorneys, and bankers, the slush fund to control the Congress will amount to a minimum of many millions of dollars since 1971.

This can easily be the "floodgate" scandal of the importer in the Nixon proposed trade bill fight.

AMERICAN IMPORTERS ASSOCIATION,
New York, N.Y.

To: AIA members: AIA needs your dollars now. To Oppose Labor's New Protectionist Bill in Congress and the Surcharge.

If Organized Labor has its way there will be quotas on all imports on a *category-by-category, country-by-country* basis equal to the average imports for 1965–69. Each year the quotas will be changed up or down to keep the import penetration of the U.S. market at the 1965–69 level. There will be no offset for reduced imports of products which decline due to market factors.

AIA has begun a vigorous campaign on behalf of all its members to oppose this bill now before Congress; and to seek immediate termination of the surcharge. But, AIA's actions are limited by the amount of money collected so far.

One month ago, AIA asked for contributions. Many members have sent in their share of the money needed, and AIA thanks them for their quick action. However, there are many more members who have not sent in their checks.

We urge all members who have not contributed yet to do so as quickly as possible. Please read the accompanying schedule of contributions. These are the recommended *minimums*.

The threats to your livelihood are real. They are here now. Action must be taken to oppose them now. It takes a great deal of money—but if everyone contributes his share—we may be able to obtain an earlier rescission of the surcharge and stall Labor's drive for quotas.

Please send in your check today.

Sincerely,

KURT ORBAN, *President*.

SUGGESTED SCALE FOR CONTRIBUTIONS

Importers (incl. agents, retailers, central purchasing offices)

Dollar volume of imports (in millions)

Contributions

Under $1	$150
1–5	350
5–10	550
10–15	750
15–20	950
20–25	1,150
25–30	1,350
30–40	1,550
40–50	1,750
50–60	1,950
60–70	2,150
70–80	2,350
Over 80	2,550

CUSTOMS BROKERS

Based on number of persons handling imports in the entire company, including branches in other cities:

Employees	*Contributions*
1–10	$150
11–20	200
21–30	250
31–40	300
41–50	350
51–60	400
Over 60	450

ATTORNEYS

Based on number of attorneys directly concerned with imports and international trade:

Attorneys	*Contributions*
1	$175
2	225
3	275
4	325
5	375
6	425
Over 6	475

Banks, steamship lines, insurance companies, $1,000.

ADAM SMITH AND PHASES I, II, III, AND IV

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. ROUSSELOT. Mr. Speaker, the long-awaited Presidential response to the failure of phases I through III is beginning to take shape. The President has just announced that for 60 days "wage and price controls" will be replaced by "price controls." Industry will apparently be expected to absorb the increasing cost of labor against profits. The economic distortions which inevitably result from economic controls will continue to accumulate, and to make it even more difficult for the Nation to return to a free economy.

As we prepare to enter phase IV, it is important to recall the statement which Dr. C. Jackson Grayson, Jr. made in the March 5, 1973 issue of U.S. News & World Report in response to a question about what impressed him most about the American business system during his position as Chairman of the Price Commission during its 15-month existence:

> That the operation of our price system—the free-market system—is the best possible allocator of resources. It is far better than any control system ever could be. Controls can work—and they did work—over the short run. But in the long run, they never can substitute for the price mechanism as a way to get goods and services where they are needed.

On June 5, 1973, supporters of the free market celebrated the 250th birthday of Adam Smith, whose classic work "The Wealth of Nations," published in 1776, articulated the folly of the notion that Government bureaucrats could allocate a nation's resources better than the free market.

The Pasadena Star-News commemorated Adam Smith's birthday with an excellent editorial, "Adam Smith and Phase III," which appeared in its June 1, 1973 edition. I should like to call this most timely column to the attention of my colleagues.

ADAM SMITH AND PHASE III

Suppose a long-lost book by Adam Smith was found and it advocated government control over a national economy. That would be a switch comparable to the turnabout in America's economic outlook—from something approaching euphoria at the beginning of this year to a feeling of impending disaster among a growing number of analysts today.

Smith, the father of classical capitalist theory, was born June 5 in Scotland 250 years ago. He would be nonplussed to learn that the American economy was founded on the ideas contained in his book, Wealth of Nations. For one thing, Smith felt it was the "highest impertinence and presumption" for any government to meddle in the economy beyond preventing force and fraud.

Phase I of the New Economic Policy—the freeze on wages and prices imposed Aug. 15, 1971—would have shocked him. And the subsequent Phase II era of economic controls would have left him sadly shaking his head. Phase III—the attempt to decontrol—would have pleased Smith more but its apparent failure would plunge him once again into a slough of despondence.

Governments, Smith wrote, "are themselves always and without any exception the greatest spendthrifts in the society. Let them look well after their own expense and they may trust private people with theirs." With a piled-up national debt of $473 billion and budgetary deficits totaling $65 billion in the past three years, America is bearing out Smith's grumbling observation.

Smith's laissez-faire ideas are still the ideal of modern-day capitalism—or at least one main school of it. Another school takes as its mentor the more recent British economist John Maynard Keynes. Lord Keynes, in his book General Theory (1935) argued that governments could manage their economies to achieve high employment and stable prices.

The U.S., of course, has flirted with the Keynesian theory for several decades, but practicing it out of balance from the total scheme as Keynes devised. Great effort has gone into government spending to manage the economy, both in times of depression and in better times. But there is another aspect to Keynes' postulate: restraint on spending and paying off debts during time of boom and inflation. And that has never been tried in the U.S.

Nevertheless, the Star-News for years has been saying that total management of an economy as large as that of the United States is impossible and most efforts in that direction are counterproductive.

Theories aside, economics has become the most important concern of all governments. Other issues, notes one Wall Street observer, play their roles only when they are not overshadowed by an economic issue. And applies even to the Watergate scandal.

Right now, the administration is involved in a particularly tricky bit of management—trying to slow down an economic boom and rampaging inflation without sending the economy into another recession. Wildred Lewis Jr., chief economist for the National Planning Association, has said the transition "is perhaps the most complex that fiscal and monetary managers are ever called upon to perform."

It is hard to tell where the government is finding the confidence to try it. "Our batting average is precisely .000," said Arthur M. Okun, a chairman of President Johnson's Council of Economic Advisers. "We either shut the economy down too soon or let it go too long." The administration's present strategy appears to be continue spending cutbacks and reimpose controls on wages and prices as necessary.

Smith would be appalled. Controls have already been reimposed on about 600 major companies and ceilings have been placed on the price of meat, lumber and petroleum. If controls and spending restraint fail to calm down the economy, there is always another Keynesian device at hand—a tax increase. If that happens, Smith's troubled ghost would disclaim any further responsibility for the American economy.

UNDERSTANDING CONGRESS

HON. WILLIAM R. COTTER

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. COTTER. Mr. Speaker, an award winning publication, Know Your Congress will be the keystone of a new and much-needed educational and public relations program which will seek to strengthen and sustain our democratic and representative form of government.

A better understanding of Congress by our own people is essential to the future of America. This service is dedicated to creating a wider appreciation and understanding of the vital work of the Congress of the United States.

Our schools and colleges teach civics, yet these teachings are not always reflected in an alert, informed electorate that understands Congress and our Government.

Entree, Inc., will launch an intensive educational and public relations program for our Congress that is designed to bring home to every American who visits our Nation's Capitol, the realization that our representative, democratic, republican form of government is the best in the world.

This nonpartisan program should help every American to recognize his responsibility to understand and support and guide our Congress in its work, and to help Members of our great Senate and House of Representatives to honor that sacred trust.

I commend this organization for its very fine efforts and I know my colleagues share with me the hope for its success in this endeavor.

THE NEED FOR A NATIONAL TRANSPORTATION POLICY STATEMENT FROM THE DEPARTMENT OF TRANSPORTATION IS HIGHLIGHTED IN SPEECH

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. McFALL. Mr. Speaker, during the recent Memorial Day recess our distinguished colleague from Washington (Mr. Adams) delivered an address to the Association of Local Transport Airlines—ALTA—meeting in my State of California at the Stanford Court, San Francisco, May 23–24.

The address treats a subject of universal interest to the Members of this House; namely, the failure of the Federal Government to develop a meaningful statement on a national transportation policy.

The importance of developing transportation policy was emphasized in the first committee report on transportation appropriations nearly 6 years ago. Transportation policy has not received the attention it should have received during the past 6 years, and we have no tangible results to indicate that proper attention is presently being given to this matter. In my opinion, we can no longer afford to concentrate solely on transportation projects at the expense of transportation policy.

The address further discusses the continuation of air services to small communities and the direct relation of treatment of Federal subsidy.

Due to the great interest of all small communities to receive air transportation and the excellent treatment that this problem receives in the address, I wish to include in the Record Mr. Adams' complete address:

The Position of Local Transport Airlines in a New American Transportation System

(By Congressman Brock Adams)

I. THE PAST—NO NATIONAL TRANSPORTATION POLICY

It is a pleasure to be here with you today in San Francisco, and frankly, it is a pleasure to be able to discuss the aviation industry today rather than dealing with the moment to moment crisis caused by the bankruptcy of most of the major railroads in the Northeast part of the United States.

During the last three years, many of us in Congress have seen the growing need for an overall transportation policy for the United States that deals effectively with trying to create an intermodal system that will meet the needs of a modern America. For many years, we in Congress have been demanding a national transportation policy statement from DOT. This has not been forthcoming. I suspect this is because the many conflicting interests of shippers, labor, the competing transportation modes, as well as the philosophical conflict between Congress and the Administration in many areas has produced an institutional paralysis. This has been made worse in the last several years because of certain fiscal and monetary theories of the Council of Economic Advisors and the Office of Management and Budget.

The result has been that we have developed the aviation industry in one compartment, motor vehicular traffic in another compartment, the water carriers in a third compartment and my recent experience is that we have probably not developed the railroad industry at all.

This has been harmful to all concerned because we now have most people in America transporting themselves by private automobile and more and more transporting their goods by private carriage. This has created enormous environmental and energy problems as well as increased urbanization which could only have been prevented by a viable public transportation system which could maintain our smaller communities, and allow a dispersion of people rather than increasing concentration which has occurred. Isn't it better that we now lay aside our differences and conserve our energy resources to preserve the environment.

II. TOWARD A NEW TRANSPORTATION POLICY

Regardless of what you and I may say or think about past transportation policies there is going to be a new system. The present public transportation system of railroads, water carriers, motor vehicles, and airplanes competing violently with one another for a market that is restricted because the American public is turning to private transportation is rapidly reaching a point of ultimate crisis. Whether we like it or not the Congress is going to be forced to help reorganize this system. The troubles of the public transportation system through such things as cost outrunning revenues in your limited markets, the eminent collapse of a major portion of the railroad system in the Northeast and the Midwest, and the ever present problem of lack of expansion of all transport carriers because of their inability to earn a profit will mean an economic disaster in this nation. When gas supplies begin to dry up the individual motorists and private shippers will begin to turn to public transportation and it simply won't be there.

Is it so difficult to establish a National Transportation Policy? I don't think so. For example, a very simple statement might be as follows:

"The nation's transportation policy should be directed toward creating and maintaining a privately owned and operated intermodal interstate system regulated by the federal government in the public interest. The regulations should be uniform for all modes and the degree of regulation should vary with the degree of monopolization existing at any particular point in the system. The Government regulations will thus take into account the importance of both transportation and shipping units in a particular market with competition allowed to set individual prices above cost where neither shippers nor the industry have power to control the market and otherwise the rates will all be set publicly by Governmental regulation."

As you can see from this, I believe that the nation's transportation system is more like a public utility than some kind of Adam Smith free-market economy. This is where I differ with the economists and budget people in the Executive Branch.

When a geographic area in the United States is cut off from transportation of persons and freight at a fair rate, that community will surely die from economic strangulation. If rates and routes are not fair then it will be placed at such a competitive disadvantage that it will most surely lose its industry and become smaller and more depressed and its young people will leave.

I believe that the failure of the federal government to adopt a national transportation plan and spend public resources on helping to preserve the vital arteries of commerce is the primary cause of the massive urbanization that has taken place in the past 30 years. People must go where there are jobs and jobs can only exist where industry can function. This means that people and goods must be transported to that industry. As we have failed to follow a definite plan on maintaining and improving transportation to our smaller communities we have allowed them to wither away and have caused a concentration of people in megalopolis-type centers.

III. POSITION OF THE LOCAL TRANSPORTATION AIRLINES IN THE DEVELOPMENT OF THIS POLICY

Twenty-five years ago the federal plan to expand the aviation industry was one of the bright spots in the American Transportation industry. It was a deliberate attempt by the federal government to provide a means for assuring that people from smaller communities would remain in the mainstream of America. It was successful at first, but starting in the late '60's the lack of sufficient subsidy payments began a slow strangulation. The subsidy fell $120 million short of the demonstrated needs in the period 1966–1971 and during this time the local service carriers sustained losses in excess of $170 million. This meant that the program of connecting smaller cities with the rest of the nation was dealt a staggering blow. We all know that this has forced many of the carriers out of business or into mergers with the result that there was a reduction in service in these areas.

This led many of us to seek new solutions such as the Airport and Airway Development Act of 1970 and to a series of actions to provide a sufficient subsidy to continue service to the smaller communities. I have been disheartened by the failure of the Administration to support these efforts. I don't believe there has been a proper evaluation of how public tax money should be spent. For example, we have just finished working on the Airport and Airways Development Act which includes abolishment of the Head Tax. We are engaged in a mighty struggle with the Administration over the amount of money that should be spent from the Trust Fund (collected from users and not general revenues) to maintain the airport and airways of the United States. Because the Congress voted the spending of $312.5 million for the major airports and $37.5 million for general aviation airports last year rather than a total of $280 million requested by the Administration, the President vetoed the bill. As of this month, we have come back with another bill which will recommend abolishing the Head Tax and total expenditures of $310 million as opposed to the Administration's request for $280 million, thus we are now quarreling about $30 million. Next, in the subsidy fights of 1971 we tried for $70 million but obtained only $59 million so we were quarrelling about $11 million and then we were requested to tack $26 million into a supplemental appropriation bill which passed the House on April 12th to even bring the subsidy payments close to the figure necessary to continue local service. You can see that the total amount of money I have mentioned is less than $100 million. Yet this last month the Administration requested power to reprogram funds to revalue currency and continue bombing in Southeast Asia in a war we have not declared—in the amount of $430 million. This involves less than 6 months of military activities (which to date means 300,000 250 pound bombs). It simply seems to me that we should use such revenues to provide vital public service.

I think it appropriate for me to express some personal views about some subjects which are currently of significant importance to you, namely, *Federal subsidy* and *service to small communities*.

You sometimes speak of the Federal subsidy as public service revenues. This is most appropriate. The real reason the subsidy is paid is to make possible airline service to communities where the traffic is not sufficient to make the service economically self-supporting.

You people in the local service industry are providing an important and useful service to many small communities. The health of these communities is important to us as a nation and they provide an opportunity to help stem the unfortunate flow of population to great urban centers. You are doing a good job and deserve to be paid for it under the Federal Aviation Act with a decent rate of return. That's what the Federal subsidy is for. It is not a handout—it is payment for service to our country which has been determined to be of value. You should not be in the position of providing this needed service without adequate return on your investment, and you should not have to defend accepting Federal pay for performing it. Billions are spent annually by the Federal Government for everything from space systems to pencils and paper, and each of the suppliers of the product or service expects to, and does, receive a price for that product or service, including a profit or return. The service to small communities furnished by your carriers is as much a Government obligation as the other things I mentioned. While you provide it, you should be paid for it and should not be subjected to criticism or a squeeze when you accept the pay or subsidy for that service.

Through the years, these public service revenues have been indispensable to the survival and growth of air service to the communities you serve. Subsidy is a much smaller proportion of the industry's operating revenue than it used to be, having gone down from 75% of the total in 1947 to 7% of the total in 1972. This is one of the most significant aspects of your success story. This 7% of your revenues is still indispensable. The service to your smaller cities and towns could not long survive without it. Let none of us minimize its importance.

I think we all recognize that the $170 million in losses suffered by the local service carriers in the years 1967 through 1971 brought them to the brink of disaster. Fortunately, there has been a turnaround. In 1972, the industry actually made a profit. It was a very modest profit, considering the size and nature of the business, but at least it was a profit. Now, we should take the necessary steps to make sure that this fortunate trend continues and grows. This is essential if the carriers are to be able to attract the capital necessary to meet their obligations. It would be most unfortunate indeed if the modest recovery which the carriers have achieved were to be nipped in the bud by short-sighted policies.

I believe the local transport airlines can continue service to the smaller communities of America and we should not be involved with reducing this transportation but with increasing it so that we can reduce urbanization for the benefit of us all. In doing this we must examine what you can do with your equipment and what should be done about your commuter service and alternatives to the cities who lack service. This can be done first by examining the role of the communities and second by determining the role of the federal government in providing service by other modes of transportation.

IV. COMMUTER CARRIERS—A FOURTH LEVEL OF SERVICE?

I know that when John Jarman, the Chairman of the House Transportation and Aeronautics Subcommittee addressed you in May of 1972, he asked you a question as to what should be the relationship between the commuter carriers and the local service carriers in supplementing and complementing air transportation to smaller communities. We are still faced with this question and your representatives such as General Adams and your fine staff in Washington, D.C., as well as the representatives of the energetic groups which represent the commuter carriers have talked with us about this problem. At the present time, the Congress has not started action because of the matters pending before the Congress' regulatory arm, the CAB.

Realistically we must face the fact that local service carriers have now expanded their route structures and increased the size and regularity of their service to a point that service to many communities is becoming prohibitively expensive both for the local service carrier and for the federal subsidization program and yet the communities have no assurance of better service. I know there are differences within your industry as there were within the commuter industry as to what the relationship of the carriers to the rest of industry, both trunk and local service, should be. The mere fact of their existence and growing size is clear evidence that there is a market for the smaller company using lighter and less equipment into the smaller cities. You are now faced with the problem of whether the commuter feeds your service or competes with you just as the trunk lines face an identical problem with you. I don't think anybody is going to be able to completely have his cake and eat it too in this aviation market.

Where the traffic is not sufficient to make local transport service self-supporting or at least self-supporting within minimum federal funding there must be a system for substitute service. On the other hand, I do not see how commuter carriers can expect to receive certification and route and schedule publication into such cities without some obligation of providing regular service. I would hope that your representatives and those of the commuter carriers in making their presentation to the CAB will keep these points in mind and we all expect that if a satisfactory solution is not found those of us in Congress who deal directly with such problems will have to establish a statutory system.

There seems to be a phobia at the CAB against the idea of certificating *commuter carriers on a subsidy eligible basis*. I cannot understand why this should be the case. Having before it the truly magnificent success story of the local service carriers, I do not see why the Board and its staff should be so dead set against repeating the experience. Where is the courage and the vision of the 40's? Is it not possible that we could have, and should have, generations of air carriers—and that as one generation of carriers matures and moves on to fields of greater service, it should be succeeded by another generation? If there are small cities where the commuter carriers can do a better job than the local service carriers, and with less subsidy, should this possibility be stifled by refusing to provide subsidy support? I believce these are fair questions. I believe the CAB should look at them with a most sympathetic interest.

I sometimes fear that the Board is not looking at these questions with a sympathetic interest. I sometimes fear that the Board feels it is to be constrained by ground rules or policies laid down somewhere else. If this be the case, I would remind the Board of the independent posture it is obligated to maintain under the law.

To put it frankly, the Board is not subject in these matters to the directions of the Office of Management and Budget. I hope they will keep this in mind.

V. OTHER ALTERNATIVE MODES OF PRESENTATION

As I have previously stated transportation is a vital service in America similar to public utilities, supplying water, power, and disposal of sewage.

With this in mind, I believe we must accept the fact that the Federal Government must prevent a complete collapse of rail service in the United States and be prepared to supply alternative service in congested areas. I do not believe the Government should nationalize but instead should use some of the regulatory experience you have gained in supplying service to smaller communities in trying to be certain that both regular commuters and others can move into our cities while maintaining a system that assures that all parts of the country have available bulk transportation of vital commodities. This is important also to your future because if we allow our smaller communities to die you will see your markets vanish.

The U.S. Government has been involved in maintaining national transportation since the beginning of the Republic with the construction of canals for water carriers, the granting of rights of way to railroads, the creation of a national super-highway system. I think we should continue our efforts to expand a privately owned and operated regulated intermodal transportation system. We need your help and advice in doing this.

In conclusion, I want to pay my respects to my many friends here in your fine organization, and in particular to your executive director, General Joe Adams, who I understand is going into at least partial retirement. It is appropriate to say that he has rendered outstanding public service in his relationship with ALTA. We hope that the years ahead for him and his lovely wife, Margaret, will be happy and rewarding.

It has been a pleasure to be here with you today.

LITHUANIAN INDEPENDENCE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. MURPHY of New York. Mr. Speaker, Friday, June 15, marks the anniversary of the Soviet take over of Lithuania. The takeover which occurred in June 1940, followed a period of more than two decades of independence. During these years of independence the Lithuanians developed their own unique political, economic, and cultural life, which has contributed to the formation of a distinct Lithuanian national spirit. The Lithuanian people cherish their national heritage and are proud of their folklore and customs. Under the Soviet regime ideology has replaced folklore and Lithuanian nationalism has been subjugated to the larger power of communism. For this reason the Lithuanian people do not regard the Soviet occupation as legally or morally binding.

The struggle the Lithuanian people are waging to regain the independence they once possessed is admirable. This struggle is far-reaching in its effects on the life and thought of the Lithuanian people. A brief enumeration of the actions the Lithuanian people have engaged in over the years toward the goal of self-determination includes:

First. The revolt against Soviet rule in 1941;

Second. The guerrilla war between 1944 and 1953;

Third. Extensive demonstrations during the upheavals in Eastern Europe in 1956;

Fourth. The protests by many prominent clergy and laymen against religious persecution; and

Fifth. Self-immolations and demonstrations of 1972 in protest against national subjugation.

These struggles have illuminated the heroism of men like Liuduikas Simutis, a member of the Freedom Struggle Movement of Lithuania who led the guerrilla movement of 1944 and of Romas Kalanta who, on May 14, 1972, set fire to himself and died for, "The Freedom of Lithuania." But, more importantly, they have shown the world that the Lithuanian independence movement is supported by a great number of people whose courage and determination is not captured in the limelight of heroism but who, nevertheless are the mainstay of the movement.

I am sure that the freedom-loving people of the world can sympathize with the plight of the Lithuanian people. No country should be forced to subjugate its own language, religion, and culture to the brute force of imperialism. The American people understand the importance of the right to self-determination. They have fought many battles both with guns and ink to make this right a reality. For the American people self-determination has become a way of life and not merely a cherished dream. I sincerely urge the American people to support the Lithuanian people in their struggle to achieve the independence they so dearly desire.

ANIMALS IN TRANSIT ARE NOT BAGGAGE: PROTECTION IS NEEDED

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. WHITEHURST. Mr. Speaker, I have introduced a bill, H.R. 1264, to amend the Federal law regarding the care and treatment of animals including increasing the protection of animals in transit.

The handling of cargo by our common carriers, specifically the airlines, is not a subject likely to be in the forefront of one's attention unless you have had a recent experience with them. Several most unpleasant experiences have been brought to my attention regarding the shipment of animals by air.

The efficiency of air shipment is not called in to question. By and large it is fast and gets the cargo to its destination on time. Unforeseen delays en route present no prbolems for the cargo itself. The degree of care given to particular shipment's can vary according to the strength of the container. These statements, while true for inanimate cargo, become points for major consideration when handling animate cargo and are the hub around which changes must be made.

Missed or canceled flights are seldom more than inconveniences to human passengers, but to animals they can mean death.

That is a strong statement. But all too often it is unfortunately true. The hazards an animal faces when shipped by air can be more than it can take. Starvation, dehydration, being mangled, crushed, and bruised, asphyxiation, and heat prostration are all potential dangers which can result in death. Airline employees and cargo handlers are not required to check on the condition of animals in shipment, and it should not be expected by the animal owner.

As much of this traffic involves interstate commerce, and the need for regulation and guidelines is so very apparent, I have introduced H.R. 1264 as a first step to correct inhumane treatment of animals in shipment. The bill has been cosponsored by 21 of my colleagues, and has been referred to the Committee on Agriculture.

The summer months are upon us, the most dangerous period to ship animals, and yet an unwary public will needlessly suffer a significant number of animal deaths. Some of these deaths could be avoided if certain precautions were known and observed. A pamphlet published by the Humane Society of the United States, a leading organization in the humane effort, outlines the preventive steps to be taken in shipping an animal and reveals the real dangers involved as obtained from actual cases. I urge my colleagues to read it, and ask that it be printed at this point in the RECORD. The article follows:

SPECIAL REPORT ON SHIPPING ANIMALS BY AIR

(By the Humane Society of the United States)

Freddie's tail thumped against the side of his carrying case as an airline attendant placed him on a loading cart in preparation for his trip to Chicago. As the best dog of a New Hampshire dachshund kennel, Freddie represented the kennel owner's hopes for recognition at a Great Lakes dachshund show.

At Chicago's Midway Airport, following a stop in Detroit, Freddie's owner waited impatiently for him to be brought to the baggage claim area. Long after the luggage and other animals had been claimed, Freddie's case appeared.

As a porter lifted the case off the conveyor belt, he exclaimed, "This dog's dead, lady! He stinks!"

Freddie's face and body and the sides of the case were streaked with dried blood. The grill on the door had been torn out by the frantic dog.

"To describe what went through my head at that moment is impossible," Freddie's owner said later. "I love all my dogs, but this one was special to me. There was a rapport between us that I had never before had with an animal."

Her sorrow was temporarily allayed as she realized that Freddie was still breathing, although slightly. But by the time she had located an airline employee and been sent by taxi to a veterinarian's office, the hint of life was gone.

Examination of the dogs body indicated he had apparently died from injuries sustained when his case slammed from one bulkhead of the plane to the other. The owner's grief was compounded by the knowledge that Freddie's life could have been saved if an airline employee had checked him as soon as the plane landed—or better yet, during the stop at Detroit—and obtained immediate medical assistance.

Unfortunately, this was not an isolated incident. The Humane Society of the United States has received many reports of similar tragedies involving pets, as well as animals destined for pet shops and laboratories. The danger of shipping animals on airplanes, whether as passenger baggage, air express (through independent companies such as REA), or air freight (through the airlines), has become so serious that *Consumer Reports* in March 1973 warned pet owners of the high risks involved.

Air Line Pilot, the magazine of the Air Line Pilots Assn., pinpointed the problem by stating that animals are treated like cargo, not living creatures.

To an airline cargo handler, a box full of mice or a cage of monkeys is just another item that must be lifted and placed somewhere else for movement out of his jurisdiction, the magazine's editor concluded in a recent issue.

Careless handling resulted in the loss of two pet cats to a Washington, D.C., woman. When the portable kennel containing the cats fell off a cart at Washington's National Airport, both cats escaped. One was immediately run over and killed by an airport vehicle, and the other ran away and has never been found.

The shifting of freight and negligence of airline employees that resulted in Freddie's death are only two of the numerous threats to the health and safety of animals. Other major ones are:

Inadequate air supply in baggage compartments;

Lack of temperature control in baggage compartments;

Delays and cancellations of flights and bumping of animals for other cargo, during which animals are usually ignored in a warehouse;

Improper caging and crating by shippers;

Acceptance by carriers of animals in poor health; and

Failure of owners or consignees to claim animals quickly upon arrival.

The efforts of The Humane Society and other animal welfare groups to obtain better circumstances for flying animals have been badly hindered by the absence of federal regulations requiring airlines to handle animals humanely. Without such regulations, HSUS sees little hope for protecting animals during air shipments.

"Airlines have no obligation to give food, water, exercise, or periodic inspections to animals, regardless of the length of flight," pointed out HSUS Chief Investigator Frank J. McMahon.

He said the problem is complicated by the fact that many air express employees are paid by commission and are therefore, willing to accept anything, regardless of the condition of either the animal or the shipping crate.

Most airline recreational personnel are as ignorant about methods and conditions for transporting animals as the general public. A recent check of major airlines in Washington, D.C., revealed that most personnel had no idea how animals are shipped. One airline and an REA office assured an HSUS inquirer that animals are always shipped in compartments separate from other cargo, which is seldom the case.

Many animal owners have been misled when told that baggage compartments are "pressurized," which is almost always true. What airline representatives fail to say is that on most planes the air supply to baggage compartments is turned off during flight and there is little or no temperature control.

The reason for shutting off air to baggage compartments in flight is valid—the shortage of oxygen is bound to extinguish any fire that might break out. But the air in the compartment at take-off is not adequate for an animal during a long flight and sometimes results in death by suffocation.

Perhaps the highest rate of mortality occurs in mid-summer, when animals often die from excessive heat in sealed baggage compartments or in un-air-conditioned warehouses. But lack of temperature control is a threat through the year. A purser for an international airline told HSUS that a minimum-maximum thermometer he placed in a baggage compartment of a plane on which he was working recorded temperatures ranging from 104° on the ground to 0° in flight. During winter flights, it is not uncommon to find water in animals' bowls frozen solid.

If airlines are going to accept animal shipments as a source of income, they must provide conditions that will ensure their good health and safety. Airlines complain about the high rate of claims they receive for loss or injury to animals, yet they fail to understand that an improvement in flying conditions would reduce their claim rate. (According to *Consumer Reports,* American Airlines receives 461% more claims for animals than regular cargo.) Recognizing the high risks involved, Braniff, Northwest, Air Canada, and many smaller airlines refuse to accept liability for the loss, injury, or death of passengers' pets in the baggage compartments.

The most obvious change that needs to be made is the provision of a separate compartment for animals only, in which there is an adequate air supply and temperature control. In many planes, this would necessitate the partitioning of existing space. In others, it would mean reserving one of the existing cargo spaces for the exclusive use of animals.

Missed or cancelled flights are seldom more than inconveniences to human passengers, but to animals they can mean death.

A naval officer's boxer died following shipment from Germany to Kansas, after the dog was unexplainably routed from Chicago to Houston before going to Kansas. The shipment took four days instead of the promised 40 hours. Death three days later was attributed to complications from extreme constipation.

A pet shop owner in Hagerstown, Md., became alarmed when a shipment of tropical fish from Florida did not arrive on a Friday afternoon plane. Upon investigation, he learned that the flight had been cancelled because of a snowstorm and that the fish would remain at Baltimore's Friendship Airport until Monday. After driving to Baltimore, he discovered the boxes, clearly marked "Keep Warm," in a cold warehouse, where many of the fish were already dead or dying.

Like hundreds of others, these people learned the hard way that the only means of ensuring the safety of animals in flight is to check on them every step of the way. And it isn't enough to take an information clerk's word that the animal has left or arrived on schedule. It is necessary to insist that someone check in person and report back.

"You simply can't count on airline employees to check animals on their own initiative," McMahon said. "The airline isn't required to do it, and the employees aren't paid to do it."

At John F. Kennedy International Airport in New York, animals are checked and cared for by the staff of a New York humane society. Similar operations are conducted in Philadelphia, Boston, and at Washington, D.C.'s National Airport. At these airports, animals are at least being cared for while they are on the ground. But hundreds of other airports have no provisions whatsoever.

While HSUS applauds these projects, it believes the only solution to the problem is federal legislation that will require the carriers to do the job.

"This is one area where commercial interests have a clear-cut responsibility," McMahon said. "Humane societies have far too many other demands on their time and money to do a job that profitmaking companies should be doing."

Even the simplest need for an animal, an adequate carrying case or shipping crate, is frequently ignored. Spend a few hours at an air express animal receiving station and you'll see dozens of crates that are too small, with inadequate ventilation, or too flimsy to withstand weight of other freight stacked on top of it.

On a recent visit to the Washington (D.C.) Humane Society's Animalport at National Airport, an HSUS investigator found that a weimaraner had chewed his way out of a clothes trunk that had been inadequately converted to a shipping case. A mixed beagle was found in a plywood case so small that he had to double up during transit. The top of a cardboard box filled with quail had been broken open, giving them an opportunity to escape.

"The cruelest situations I've observed have involved puppies coming from the puppy mills of Kansas, Iowa, and Nebraska and hunting dogs from the Ozarks," said Washington Animalport Director Fay Brisk.

Puppy mills, so labeled because of their mass production of puppies for the nation's pet shops, commonly ship puppies in crates similar to those used for lettuce, two animals per crate. The crates are so flimsy that they can be easily smashed.

Many of these puppies appear to be ill, and hunting dogs are often emaciated, infested with parasites, or suffering from distemper, Miss Brisk said.

Miss Brisk was so angry about the poor condition of a hunting dog that passed through the animalport recently that she called the veterinarian who had signed the health certificate attached to the crate. The veterinarian said he was required by state law to certify only that the dog had no diseases that could be transmitted to humans. He had not been paid to certify the health of the animal beyond that, he said.

Volunteers at the animalport have seen enough sick animals pass through the facility to convince them that many shippers send animals with full knowledge of sickness.

"When you look on an animal as merely a commercial commodity, you're concerned only about getting your money, not about the welfare of the animal," Miss Brisk said.

One of the most inexcusable sources of cruelty is failure of consignees or addressees to claim animals quickly upon arrival. This is especially true of C.O.D. shipments. Many recipients seem oblivious to the fact that it is living creatures they are receiving. Furthermore, it is not uncommon for commercial consignees to refuse shipments if the animals are in poor condition or overdue.

A West Virginia pet shop owner refused to accept a C.O.D. shipment of 14 puppies from a Nebraska puppy mill after it arrived too late for Christmas sales. Before the puppies were returned to the shipper, three of them—two poodles and a doberman pinscher—had died.

Unfortunately, animals are too often treated like just another piece of baggage, no more valuable than a suitcase or a mail sack. Several airlines and air express companies have taken steps to change this sad situation. But the progress is much too slow. The Humane Society has concluded that shippers and handlers will provide human conditions and treatment only when forced to do so. It appears that the enactment of federal regulations is the only answer.

THEY NEED YOUR HELP!

1. If you have ever had an animal killed or injured during air shipment, send the details to HSUS.

2. Visit the air express terminal at your closest airport to observe how animals are handled. You'll need to make advance arrangements with REA or whatever company operates the terminal.

3. If conditions are bad, arrange for a reporter and photographer to visit the terminal with you. Give the reporter a copy of this report.

4. Notify your Congressman and Senators that you are concerned about this problem. Tell them that S399 (Weicker, R-Conn.) and H.R. 1264 (Whitehurst, R-Va.) offer a start by requiring the U.S. Dept. of Agriculture to regulate airports and other terminal facilities.

5. Send a contribution to HSUS to help in its drive to stop this cruelty. Your financial support, in any amount, is needed to solve this problem.

IF YOU MUST SEND YOUR PET BY AIR

1. Have the airline give you specific information on the conditions under which the animal will be transported. Is there an adequate air supply? In summer or winter, especially, make sure there is adequate temperature control. If a stop or change of planes is necessary, who will be responsible for making sure the animal is cared for? If you can't obtain specific information and assurances, find another airline.

(NOTE.—A few airlines permit passengers to carry pets in the passenger cabin, if they are in a carrier that will fit under the seat. Check ahead of time, and find out if a reservation is necessary.)

2. Avoid shipping animals in mid-summer, especially during mid-day hours.

3. Make sure your pet is in good health. Have him checked by a veterinarian, and have the vet sign a health certificate. Consult him on the advisability of tranquilizing the animal.

4. Obtain an adequate carrier, either from a pet shop or the airlines. Make sure it is large enough for the animal to stand in and sturdy enough to withstand the weight of baggage that might be stacked on top of it. It should have ample openings for air at two (opposite) ends. Let your pet get used to it before the day of the flight.

5. Cover the bottom with some kind of absorbent material. Shredded newspapers will do, if nothing else is available.

6. If the animal will be in transit for more than a few hours, put a small bowl of water (preferably anchored to the side) in the carrier.

7. Don't give him food or water for a few hours before traveling, to avoid indigestion.

8. Ask the airline to provide "escort service" to the plane during loading, in order to observe your pet being loaded.

9. Check on the animal every step of the way.

DOLLARS BEFORE CONSCIENCE AND LOGIC

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. BRASCO. Mr. Speaker, the Government of the United States has announced its intentions of selling a number of Phantom jet fighter bombers to Saudi Arabia and quite possibly to Kuwait. Such a course is unwise, and in the long run will not bring any meaningful gain to our country.

Our Government feels that it has legitimate, logical geopolitical reasons for such a policy of arms sales to the Persian Gulf states. Nevertheless, the type of equipment envisioned as making up a significant portion of the deal is what should give us pause. It is one thing to supply ordinary conventional arms to these nations. It is another to send them large quantities of offensive weapons which can provide the spark in the Middle East powder magazine.

Among Arab extremists, there is no room for words such as logic, reason, patience or restraint. Putting the finest attack aircraft in the world within their reach is courting the regional upheaval that will inevitably take place.

It is virtually inevitable that this equipment will find its way at the least into the hands of Egypt, which has maintained a constant barrage of shrill invective at Israel, replete with bloodcurdling threats of a resumption of hostilities. Israel, taking such threats at face value, for she must, can only grimly prepare for the worst. Now, the United States is about to step in with a material contribution that can only add to the chances for conflict.

The British, after clamping down their grip of empire on the area, vacated the Persian Gulf several years ago. Iraq eyes small but rich Kuwait voraciously, and would simply overrun that state by force if given half the chance. With Soviet arms, the Iraquis would be able to mount such an offensive if the opportunity should present itself.

Saudi Arabia, with more oil wealth and space than people, confronts a radical regime in South Yemen and a variety of other challenges involving tribal hatred and radical politics.

Simultaneously, many of these states squat over the world's largest known oil and gas reserves, with concessions yielding enormous wealth controlled by western oil operations. Western interests require that oil. Further, peddling arms to the Arabs at first class rates means that more than a few of those oil dollars will come back home to stay, rather than swell Arab coffers further for speculations on the European money markets.

Iran now gets American Phantoms. Yet this is a non-Arab state which maintains cordial relations with Israel.

Meanwhile, it is suggested that if we do not sell the Arab Phantoms, the French will peddle Mirages. The French, I submit, would sell any weapon to any person if only they had the cash to pay for it. In any event, this argument is specious, because the French will sell them arms anyway.

Since 1956, the United States has been selling arms to Saudi Arabia, mainly for suppression of internal rebellion. Yet the Phantom is an offensive weapons system, posing a significant threat in the wrong hands to the security of our only reliable ally in the area—Israel.

Israel, the State Department may be amazed to discover, is not at war with the Saudis. In fact, Israel's strength has prevented inevitable Egyptian moves against Saudi Arabia and her oil.

Unfortunately, the Saudis are busily engaged in a one-sided religious war against the Jewish state, because it is there. That country still challenges Israel's right to use the Straits of Tiran and has a frontier only a few miles from Israel's far southern port of Eilat and Israel's major oil pipeline.

Sale of Phantoms to Saudi Arabia could place the means to start a major war into the hands of those who might start such a conflict without regard for the consequences.

Our sale of Phantoms to Israel in late 1968 had wide national and congressional support. It provided Israel with desperately needed deterrent capacity. These aircraft allowed Israel to defeat Egypt's war of attrition, opening the way to the present prevailing cease fire and truce. In Israel's case, Phantoms meant survival.

It is quite the opposite with the Persian Gulf States, which require conventional arms for their own defense, but not a tremendous capacity to make offensive war far from their own borders. With Phantoms, the Saudis could blitz Israel's cities and strangle Israel's marine lifeline through the Straits of Aqaba and the Red Sea. The balance of strength, so delicate there today, would be knocked out of kilter, and the chances of conflict would increase. Such an unhappy event could only harm the United States.

A few trusting souls reply to these criticisms with the comment that recipient countries will promise not to transfer the Phantoms to Egypt or any other country. End use certificates will no doubt accompany sale of such equipment, limiting transfer as a condition of sale and delivery.

American arms were sent to Iraq in the fifties over similar protests. When the rules of that nation were overthrown by a radical group which turned to Russia, our own weapons were used against American interests.

In 1966, we assured Israel that new American tanks sent to Jordan would never be used against her. We all remember what happened in the 6-Day War.

Egypt has been collecting weapons from all areas in recent months. This is an open secret. She ignores entreaties, including those from Israel, and raves about a new war. The French sold Mirages to Libya, saying they would not be transferred to Egypt. Now many of these jets are on Egyptian flight lines, awaiting the next round.

Saudi oil money subsidizes the terrorists, including perhaps those who murdered the American diplomats in Khartoum. Who would interfere if the Saudis allowed Egyptian pilots, masquerading as Saudis, to train in Phantoms and fly them to Egypt? And what about a coup in tiny Kuwait, which will barely have place to park the Phantoms if we send a few too many?

The more arms the Arabs get, the faster chances for negotiations to make peace shrink. If the Arabs think they have a chance in a war, they will leap at the chance to gain success. We all know what will happen. Many will die. Hatreds will be exacerbated and we will be further behind than ever in the search for some lasting agreements there.

For these very substantial reasons, backed by historical fact, the United States should not allow sale of Phantoms to Saudi Arabia and Kuwait.

THE FATHER MARQUETTE TRICENTENNIAL CELEBRATION

HON. HAROLD V. FROEHLICH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. FROEHLICH. Mr. Speaker, the President of the United States, under the authorization of House Joint Resolution 533, has proclaimed Sunday, June 17, a day to commemorate the opening of the Upper Missisippi River by Father Jacques Marquette and Louis Jolliet in 1673. As a member of the Father Marquette Tercentenary Commission, which was established by the 89th Congress in 1965, I welcome this opportunity to draw national attention to the significant historical achievements of these great explorers.

Three hundred years ago, Father Marquette and Louis Jolliet arrived at Prairie du Chien, Wis., becoming the first white men to enter the Upper Mississippi Valley. Their journey from St. Ignace, Mich., had been undertaken to explore western North America and to establish likely spots for missions and posts among the Illinois Indians.

Jacques Marquette was born in Laon, France, in 1637. As a young man, Marquette applied for admission to the Society of Jesus and was ordained in 1666. During the same year, he was granted permission to do missionary work in New France, where he arrived September 20.

Father Marquette was principally interested in evangelizing among the Indian tribes of the interior. After 2 years of preparatory work, he joined Father Allouez' Ottawa mission at Sainte-Marie-du-Sault.

Later he was sent to the mission of La Pointe du Saint-Esprit on Lake Superior. At this northern outpost, Marquette encountered a young Illinois brave who indicated that other Europeans might inhabit the area south of his own Illinois people, along the Mississippi River. This encounter marked the beginning of Marquette's dream to explore the northern regions of the great river that no white man had ever seen.

In the meantime, tribal differences between the Sioux and the Ottawa and Huron forced Marquette to move his newly converted Christians out of the Superior area. He finally established a new mission at St. Ignace, Mich., near Mackinac Island.

In late 1672, Louis Jolliet, a young explorer and prosperous fur trader, arrived in St. Ignace with orders to find and explore the Mississippi River. Jolliet also brought the welcome news that Marquette had been commissioned to join him on this historic voyage.

Marquette and Jolliet left St. Ignace on May 17, 1673, with five other men in two bark canoes. One month later, they arrived at Prairie du Chien.

We would be mistaken to claim that these courageous Frenchmen actually discovered the Mississippi, for in fact, the river was known to native Americans for hundreds of years.

However, it is of great importance that Father Marquette and Louis Jolliet opened the tremendous areas along the Upper Mississippi for future generations to settle and develop. Americans have shared in the fruits of that development for 300 years.

Before Father Marquette left the territory of the Illinois, he promised to return to continue his religious teaching. Two years later, he fulfilled that promise. Marquette conducted his last religious ceremonies among the Illinois. He died on the return voyage to St. Ignace on May 18, at the age of 37.

Mr. Speaker, I am pleased to report that the Father Marquette Tercentenary Commission has played a dynamic role in commemorating the activities of Father Marquette and in bringing the importance of his life and work to the people of the Midwest. The success of this Commission can rightfully be attributed to Mr. J. C. Windham, of Milwaukee, Wis., who has served tirelessly as its chairman, and to the generous financial assistance of the Pabst Brewing Co.

The Commission was established in 1965, "to develop and execute suitable plans for the celebration of the 300th Anniversary of the advent and subsequent history of Father Jacques Marquette" in North America.

The Commission has been operating since 1968 and will conclude its activities at the end of this year. During this time, it has undertaken a number of commendable projects.

A commemorative symphony was commissioned as a lasting expression of the dignity of Father Marquette's life and endeavors. We have sponsored the issuance of a commemorative medal and a commemorative postage stamp. In April 1968, the Commission cosponsored a symposium entitled "The Commitment of Religion to the Advancement of Man." Later that year, an official biography of Father Marquette was published by Joseph P. Donnelly, S.J., of Marquette University. Presently, the Commission is helping to establish a National Memorial to Father Marquette at St. Ignace. Various State committees have been formed and a number of small memorials have been placed along the route of Marquette's voyage.

One event sponsored by a number of midwestern States which has drawn much attention from the public and the press, is the reenactment of Marquette and Jolliet's 2,900-mile voyage. Eight contemporary voyageurs left St. Ignace on May 17 and will arrive this Sunday at the junction of the Wisconsin and Mississippi Rivers, where Marquette first encountered the great river he was seeking. From there, they will continue down the Mississippi to the mouth of the Arkansas River and they will return via the Illinois waterway.

More important than the reenactment itself, is the opportunity it affords us to contemplate the significance of Father Marquette's activities, which in part shaped the history of Wisconsin and America's heartland.

Father Marquette had a deep commitment to the belief that religion can advance man beyond the retrictions of his physical environment and can provide the inner strength to solve his most severe problems. Indeed, it was Marquette's commitment to religion and his fellow man that motivated his grueling journey.

In subsequent years, our forefathers found that their commitment to God strengthened their dedication and helped them to attain the system of free government we all cherish. It is this very commitment which makes our accomplishments meaningful today.

I find it significant that Father Marquette was a Frenchman, that his friends were Indians, and that his work was not limited by nationality or color. We from the Midwest know that the success of our Nation today is a partial result of the innumerable contributions of native Americans and immigrants from around the world.

Marquette's life exemplifies our ideals of selflessness, friendship, and equality among people. While we have tried to uphold these principles of justice and equality, and our success has been considerable, his example can help us to rededicate ourselves to the principles that no man deserves privilege at the expense of others, and all men deserve freedom and justice as long as they accept the corresponding responsibilities.

A casual glance at Father Marquette's journal reveals the natural beauty he found in the Midwest. Marquette was the first white man to travel the Fox-Wisconsin waterway. His impeccable descriptions of the area and people he encountered served as an invaluable resource to later explorers and settlers.

The Fox River runs through the heart of the area I represent today. In 300 years it has undergone tremendous changes. On the same spot that Marquette described as inhabited by great flocks of duck and teal, stands the bustling Great Lake port city of Green Bay with a metropolitan population of over 150,000 people. Farther upriver, where Marquette noted the swiftness of the rapids, stands a group of communities known as the Fox Cities, whose life once depended on the resources of this river. In the years following Marquette, the Fox River has provided transportation, water power and recreation to thousands of our residents.

During the past years, we have become increasingly aware of the changes man has brought to this land. In some cases, we have made mistakes and surely our environment has suffered, but together we are seeking to strike the balance between human progress and natural preservation which will save the environment Marquette so admired.

Mr. Speaker, on this 300th anniversary of the opening of the upper Mississippi River, we have much to commemorate. The rugged individualism and spiritual dedication of Father Marquette have been an inspiration to our people and our Nation. His activities opened the Midwest to the development we are still experiencing today. Indeed, his work contributed notably to our history and helped to shape our heritage. Father Marquette's life exemplifies the boundless ability of man to accomplish his objectives.

The Father Marquette Tercentenary Commission has done much to commemorate this great man's work, but, perhaps, the continuing development and progress of the area he opened to the world 300 years ago is the real living commemoration to Father Marquette's life.

WOMEN AND SOCIAL SECURITY

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mrs. GRIFFITHS. Mr. Speaker, repeatedly, I have called attention to inequities in our social security law against married working women. A wife who works, upon retirement, is permitted to draw on her own working record or that of her husband's, whichever is greater. In most cases, a woman draws on the account of her husband, since usually his earnings as a worker have been greater. This means that she draws as a wife. She is collecting a wife's benefit, the benefit she would have been entitled to draw even though she never worked a day in her life. But, more significantly, it means she is not receiving benefits in proportion to the taxes she paid into social security as a worker.

To illustrate the injustice or incredibility of the situation, I would like now to insert into the RECORD a reply received from the Social Security Administration in response to an inquiry of mine on behalf of a constituent, Mrs. Vivian Keane. Mr. Keane has been a widow since 1939. Following her husband's death, Mrs. Keane went to work and continued working for 34 years. Under social security, she is credited with total earnings of over $30,000 in the 13 highest years of earnings. She is entitled to $128 monthly payable on her own work record. On her husband's work record, however, she is entitled to $145.40 averaged over a 27-month period between January 1937, through March 1939. Mrs. Keane, therefore, draws a widow's benefit, the benefit she would have collected if she never worked outside her home.

This case shows well that the social security system fails to consider the amount paid into the fund. It does not pay on the amount you paid into the fund. It replaces earnings. The instant case is a far-out example of its inequities. Mrs. Keane's husband paid into social security for 2 years and 3 months and Mrs. Keane will draw more as his widow than she would on her own record, despite the fact she paid for 34 years. This case also points to the terrible injustices of the salaries paid women. It is unbelievable that a man's job before World War II paid more than his widow's job after World War II, Korea, Vietnam, and inflation.

A bill I have introduced in the House, H.R. 1507, not only would help Mrs. Keane but married working couples in general. My bill would permit married working couples to combine their social security credits and draw higher benefits based on those combined earnings credits. It would insure, for example, that when a husband and wife both work to collect social security that they receive at least as high a benefit as the couple with the same earnings in which only the husband works.

The letter follows:

JUNE 5, 1973.

Hon. MARTHA W. GRIFFITHS,
House of Representatives,
Washington, D.C.

DEAR MRS. GRIFFITHS: This is in further reference to your letter dated May 2, 1973 to Mr. Arthur E. Hess, Acting Commissioner of Social Security, concerning the monthly social security benefits payable to Mrs. Keane.

Social security benefits are figured based on the worker's average earnings, figured over a specified period as required by law and depending on the year of attainment of retirement age or date of death.

Under the rules applicable at the time of Mr. Keane's death on April 20, 1939, the benefit rate on his account was established based on total earnings of $5968.44 averaged over a 27-month period for January 1937 through March 1939. The primary insurance amount based on the above earnings was established as $156.40.

Under the present law, the number of years to be used in determining the amount of Mrs. Keane's benefit is figured by counting the years starting 1937 or 1951, whichever is more advantageous, up to the year of attainment of retirement age less 5 low or no earnings years. Based on Mrs. Keane's year of birth of 1907 and attainment or retirement age of 62 in 1969, her benefit was required to be figured based on an average of 13 years of earnings (1951 through 1968 less 5). Mrs. Keane had higher earnings starting 1951 and consequently a starting point of 1951 using fewer years was more advantageous.

Total earnings of $30,174.65 in the 13 highest years of earnings credited to Mrs. Keane's record, result in an average monthly amount of $193 and a primary insurance amount of $150.90. (The average monthly amount based on Mr. Keane's earnings is $221).

Effective January 1973, widow's benefits are figured based on 100 percent rather than 82½ percent of the deceased spouse's primary insurance amount. However, the amount payable is required to be reduced for any months of entitlement prior to age 65.

In reviewing our records, it was found that an increase in the amount of the widow's benefit payable to Mrs. Keane is due. Her benefit as a widow has been increased from $10.60 to $17.40 effective January 1973 to give credit for months in which she was not entitled to widow's benefits due to receipt of higher benefits on her own record. A check for $34 will be issued to Mrs. Keane shortly representing payment of the increase in rate for January through May 1973.

Mrs. Keane is now entitled to a combined monthly rate of $145.40 consisting of $128 payable on her own record and $17.40 on her husband's record. Starting with the June 1973 benefit, to be issued about July 3, checks will be at the increased rate of $145.40 less $6.30 Medicare premium, or $139.10. This is the correct amount payable to Mrs. Keane on her and her late husband's record.

Sincerely yours,

JULIUS BERMAN,
Regional Representative, Retirement and Survivors Insurance.

PHASE-OUT OF BIOMEDICAL RESEARCH

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. ROSENTHAL. Mr. Speaker, biomedical research is one of the most important branches of research conducted here in the United States or anywhere in the world. One of my constituents, Dr. Bernard F. Erlanger, professor of microbiology at Columbia University has some very serious criticisms of several recent changes made by NIH in the method of supporting biomedical research. These criticisms include the "phasing out" of training grants and the formation of large block grants which may stifle the creative efforts of individual researchers.

In order that my colleagues may benefit from Dr. Erlanger's incisive analysis of this problem I insert at this point in the RECORD his letters to me along with two articles from Biomedical News of May 1973, which describe some of the changes he opposes:

COLLEGE OF PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY,
New York, N.Y., June 4, 1973.

Hon. BENJAMIN S. ROSENTHAL,
House of Representatives,
Washington, D.C.

DEAR BEN: In my January 15th letter to you, I criticized some policy decisions of the Nixon administration with respect to federal support of young scientists. I pointed out to you that the administration's decision to "phase out" training grants would be a serious blow to medical research. I refer you to the above letter for the reasons for my alarm.

It seems now, that a new policy is being implemented with respect to support of biological research that can only result in the stifling of the independent researcher (especially the young one) through the establishment of a complex, unwieldly, centralized government bureaucracy that will have as its aim the control of the direction of biological research.

During the past 15–20 years, biomedical research in the United States has expanded and progressed in a way unknown heretofore in other countries of the Western world. As a result, this country replaced such countries as Germany, England and France as the center for biological research and training. These enormous strides were made possible by a highly original program which had three major components: (1) the individual grant system; (2) pre-doctoral and post-doctoral training system; and (3) the peer review system. These three parts of our program (which I will describe in some detail below) replaced the more traditional system developed in Europe, whereby biological research was in the hands of a relatively few established scientists, who had associations with industry and government.

Individual Grant System—In this system, basic research was initiated by individual scientists, who submitted to the granting agency a proposal in which was given a description of the aims of the proposal, a statement concerning the progress of prior research in the field, a detailed description of the manner in which the aims were to be pursued, including the backgound of the investigator, the facilities available for the work, the experience of the investigator, in the field and a detailed budget of requirements. This proposal was submitted to the granting agency, after passing through the administration of the university or establishment in which the investigator worked. Signatures were obtained from the departmental chairman and the individual who administered research funding for the institution. Anyone could submit a grant; the function of the administration was simply to see that the proposal was satisfactory in form.

Pre-doctoral and Post-doctoral Training System—Departments or divisions of universities and institutions were encouraged to submit proposals for the training of pre-doctoral and post-doctoral individuals in specified fields of science; e.g. biochemistry, microbiology, molecular biology, immunology, etc. Details of the program and of the participants in the program were given in this grant proposal, as well as its overall aims. Detailed budget information was also presented. Usually, requests were made for the payment of tuition and a small stipend to trainees; the stipend was determined according to the rules of the National Institutes of Health. This program made it possible to encourage young people to train for biological research rather than more lucrative professions and was especially helpful to those young people with limited financial means.

The Peer Review System—The above two types of grants were reviewed by a procedure which we call the peer review system. In this procedure, study sections were formed which were composed of scientists who were not members of the NIH but who were garnered from universities and institutions throughout the country, and paid only for the time that they spent reviewing applications. They were the most knowledgeable people in the fields to be examined and they served specified terms. They were not allowed to be present when proposals were reviewed from institutions with which they were connected. Proposals were rated by these study groups according to their scientific content and feasibility and not according to any priorities passed down from above.

The program as described was extremely successful mainly because it enabled young people to enter biomedical science and to obtain money for funding their research without making it necessary for them to relinquish any of their independence, i.e. to curry favors from higher-ups. They were on their own and they were judged according to their abilities. With respect to the training of young people, it was not necessary for them to be wealthy or have connections, but only that they be worthy of support. The result was the training of a young cadre of biomedical researchers, some of whom have won Nobel Prizes during this interval.

During the same time, the system existent in Europe was (and is) one heavily permeated with politics and except for a handful of institutions, stagnating. Goals were set and grants were awarded by old line scientists and professors who had connections with those in government who were distributing money. The most flagrant example of this was Lysenko in the Soviet Union, but similar situations still exist in Germany, France and Italy (but not in England). Progressive European scientists have been agitating for a change toward a form of support similar to what we have in the U.S. They have pointed to us as an example of how to get research done. This has been so particularly in Italy and in France. They have been, on the whole, unsuccessful because of the power of the scientific establishment, which had accrued over a period of more than a century.

We are faced now with the destruction of all of the three components of our highly successful system, i.e. the individual grant system, the training grant program and the peer review system. This is not something that will happen in the future, it is already an accomplished fact. Our program is now in a shambles. Support of individual research grants has dropped precipitously. Now the major source of money is in contracts. I refer you to the attached photocopies. Decisions are made by NIH scientists, many of them lacking much experience in research. The study sections are being "phased out." The "project officers" determine the aims of the contracts and to whom they are being awarded. Attempts will be made to award large contracts, to be divided up into small ones by contract managers. We are constructing a political bureaucracy holding the purse strings of scientific research and attempting to dictate the goals and the way to attain these goals.

Progress in science requires creative acts. Creative acts are carried out by individuals and certainly cannot be dictated from above. (You are familiar with the First Circle by Solzhenitsyn.) If the plans of the present administration are not stopped now, irreparable damage will be done to biomedical research (which *includes* cancer research), and to our universities. It is for this reason that I am writing you this letter.

Sincerely,

BERNARD F. ERLANGER, Ph. D.,
Professor of Microbiology.

COLLEGE OF PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY,
New York, N.Y., January 15, 1973.

Congressman BENJAMIN ROSENTHAL,
Washington, D.C.

DEAR BEN: During the last 15 years, this country has surged forward to leadership in the biological and medical sciences. Responsibility for this progress has rested almost solely on the availability of funds from the National Science Foundation and the National Institutes of Health, in particular, the latter. The types of funds fall into several categories: There are the funds given to universities and medical schools for the construction of facilities for the practice and teaching of medicine and for research. A second category consists of funds given to individual responsible investigators for research. A third consists of funds given to various departments in medical schools and universities for the training of young people for the Ph.D. degree in the biological and medical sciences. The money for the last two categories is distributed by a system that included judgment of applications by a committee of scientific peers and subsequent distribution of these funds by a council consisting of scientists, as well as other members of the National Institutes of Health.

The result of this system and of the generous funding thereof has been a striking advance of science, due, to a large extent, to the training of many young scientists and to their contributions to medical science. Indeed, some of these young people have already received Nobel prizes for their efforts. The young people who have been trained, in general, have found their way into the teaching staffs of university-affiliated medical schools, where they are teaching medical and graduate students, and participating in medical research.

When the war in Vietnam started in earnest, that is, when we started to bomb during Johnson's time, funds began to be diverted from National Institutes of Health programs. In subsequent years, less funds became available in all categories of support. Meanwhile, the public clamor for better medical care and for more doctors became greater, not less. Logically, responsive and responsible government policies should have called for an increase in the training of people who staff the medical schools where, traditionally, the basic sciences were taught by people with Ph. D. degrees in the biological sciences.

Instead, it has now become a policy of the administration to insist that anyone who goes to graduate school to obtain a Ph. D. degree should be willing to borrow money to do so or to find the money in some way. Funds for training grants have been slashed to the point where it is obvious that the administration intends to do away with them and in fact, reports are now circulating that this decision has already been made. The administration apparently does not appreciate the fact that even prior to the initiation of the NIH training grants and other programs for the furtherance of biological research, the core of biological science professors and teachers was derived from individuals who have trained under the G.I. Bill after World War II. (I, for example, am one of those who received his Ph. D. under that program.) Prior to that time, major research in the biological sciences was carried out mainly in Europe or by European trained scientists whom Hitler had short-sightedly driven to this country. In a word then, the surge in biological sciences in this country began with the G.I. Bill; its advance was further catalyzed by federal funding, in particular, by the National Institutes of Health.

A continutaion of the philosophy of this administration will mean a serious decline in our health research efforts. I say that this will occur despite any of the glamorous, politically-inspired crash programs, such as the latest one on cancer. Without the continuous training of young people, medical research will stagnate.

I could write more, and there are more things I would like to discuss with you. However, I think that, if it is at all possible, a meeting with you would be most helpful. Science has become a national (and political) issue and men of politics must help to see that responsible policies are adopted.

With kindest regards,

BERNARD F. ERLANGER, Ph. D.,
Professor of Microbiology.

NIH PLANS VAST CONTRACT NETWORK, SEEKS HEART/LUNG PROJECT OFFICERS

(By Harry L. Tennant)

An assortment of vast contractual networks similar to the Defense Department's systems management plan.

The lumping of grants and contracts into a single division.

A meticulous search for able project officers to handle increased contract authority.

These are just a few of the progressive developments affecting one or the other of two top National Institutes of Health units which fared better than the other institutes in President Nixon's 1973 and 1974 fiscal year budgets.

Perhaps the most spectacular development to date stems from the National Cancer Institute's plan for harnessing the contractual procedure to handle an expected $200 million in contracts for fiscal 1974, according to Mr. Calvin B. Baldwin Jr., executive officer, NCI.

The budget ceiling has to some degree accelerated the "network" concept. NCI has a number of areas where seven, eight, or nine contractors are all performing similar work. The agency at present has about 671 active contracts.

"What we are looking at," explained Carl Fretts, chief of the research contracts branch at NCI, "is the possibility of establishing networks of these contracts, then having an outside contractor assist us in management of these networks. The important factor is that we retain the significant decision-making responsibility."

NCI explains its approach as follows: A manager could be set up—somewhat as a prime contractor. He would let contracts to subcontractors. A contract could be let to this manager, but he would not have a contractual relationship with the rest of the network. He would merely serve as an arm for NCI's project officer.

NCI says there would be a number of these networks—20 or 25. Any contractor brought into this kind of management role with NCI would be selected strictly on a competitive basis. There would be no "inside track" to getting a contract. All would be advertised through the Department of Commerce Business Daily. The advantage of this approach would be that instead of having, for instance, 98 contracts, it would be necessary to have only perhaps eight or nine.

Although the network approach has been under discussion for several years, this is the first time it would actually be used in the biomedical field. NCI would, of course, need NIH approval on contracts over $500,000, which the latter is expected to give.

NCI heads identify these negotiated contract plans as prime contract arrangements, system manager, or system coordinator. All are aimed, in part, at bringing about more efficiency as expeditiously as possible.

The budget ceiling has thrown some severe obstacles in the path of both NCI and the National Heart and Lung Institute (NHLI), particularly in the area of locating project officers, the individuals charged with the daily or continuous scientist-to-scientist contact with the outside contractor.

Heart and Lung, for instance, will have in the neighborhood of $55 to $60 million to contract out for the next 12 months after June 30. Some 335 contracts were negotiated in the most recently completed fiscal year. Of these, 102 were new contracts with the remainder renewals. Some 40 project officers steered the biomedical course for these contracts. A number were full time, while others divided their duties.

NHLI, in reorganizing last year, came up with some ideas on what might be called a "but-in" approach. The institute could "stretch" people throughout the agency. This concept, which also figures at NCI, has given rise to serious concern among biological groups deeply involved in research. They feel the institutes may be "robbing" other laboratories of capable researchers. Both institutes insist, however, that these laboratory people would come from low-priority research work. At any rate, it is obvious that both are concerned with finding proper project officers.

"It shouldn't be too hard to find people at this period of time when there is some reduction in parts of the federal government, including areas of biomedical research," according to Lyman Moore, NHLI executive officer. "Not everybody in the departments being cut can do the work, but some may be able to fit in," he said.

Should the two institutes convince those in the higher echelons that outside help must be sought, the senior project officers would be paid in the neighborhood of $20,000 to $25,000. Added compensation would come if the project officer has a doctorate.

NCI Director Dr. Frank J. Rauscher recently held a meeting of all personnel. He was seeking individuals who may desire to enter the contract field, full- or part-time. Since then, some responses have been favorable. However, outside sources have expressed some concern over the effect this would have on the careers of the researchers. The Heart and Lung people have been seeking project officers, but have operated mainly on a person-to-person basis.

A single system for grants and contracts also has been under discussion for some time in various areas of NIH. This one instrument approach was dealt with at length in the recent Cooper Report.

Only a few months ago the Heart and Lung Institute in its reorganization put into its program a division including both grants and contracts.

Mr. Moore also brought out that the advising council to the Heart and Lung Institute is becoming more interested in the contract area, although the council does not approve contracts, only grants.

"We are moving in Heart and Lung to involve our council members in our contract program and get their advice on the programming of clinical trials, etc. We give them information on our contracts, what contracts we have, what we are finding, and where we think the thrust ought to be in the entire period ahead." Mr. Moore said.

Both institutes elaborated on the step-by-step activity under the contracts. Heart and Lung, for instance, emphasizes the "best effort" feature of its contracts. This calls for the best efforts where the contractor is doing purely exploratory work, or perhaps something approaching basic research. Progress reports are required. If the work appears to be going slowly. Heart and Lung looks into the performance.

Other types of work call for specific results by target dates, such as developing prototypes or developing experimental devices the institute wishes to test.

Penalty clauses are closely followed. The government, of course, can terminate a contract any time it wishes. If the work is unsatisfactory, the contract will not be renewed. Both Heart and Lung and NCI have dropped contractors.

NCI just finished an exhaustive study designed to make certain that the institute gets all the reports called for under its contract. "We came out 100 percent positive," Mr. Fretts said.

Termination-for-default clauses are individual in every NCI contract, as are termination-for-convenience clauses.

Perhaps, while considering the subject of efficiency in performing the work under a contract, top NIH officials are looking toward the future. The wish, for instance, to avoid the rough row some Defense Department contracts have been through where "overruns," "C5As," and other such areas have kept DOD busy with Capitol Hill. It could well be that in a decade or so, after major progress has been made on cancer control and on heart and lung diseases, some congressional committees may wish to know why it took so much money to perform this work. NIH is making sure the contracts are fully geared toward objective and not aimed at bailing an industry out of its fiscal troubles.

Health Institutes Endorse Centers in Grant Studies

Biomedical team research will continue and more of it will be done at forthcoming centers to be spread across the country.

The National Institutes of Health favor the interdisciplinary team approach of larger grants and promoted the idea of centers to medical educators attending a conference in Washington sponsored by the American Association of Medical Colleges (AAMC). The meeting dealt with how such specialized centers will affect academic health centers.

More than 60 centers are projected by three NIH institutes. The speculation is that other NIH institutes will someday offer centers in other areas of research.

But some see the center grant as a more directed type of research which may make inroads into medical school autonomy and into smaller research grants that are investigator-initiated.

Within the next year, about 12 comprehensive cancer centers will receive infusions of funds from the National Cancer Institute. NCI expects a total of 30 "core" comprehensive centers where initial research results also will be applied clinically.

The National Heart and Lung Institute eventually will award 15 centers for heart research and 15 for lung study. But the $5 million for each is not yet available.

An unspecified number of diabetes and endocrinology centers (reportedly two) will be started within the next year or two by the National Institute of Arthritis, Metabolism, and Digestive Diseases.

The record shows NIH that it gets more of what it wants from two types of larger grants, program project and center grants, than from individual-initiated research grants. Results of larger grants more closely approximate NIH goals and are more immediately relevant.

Thus the shift in emphasis has been toward larger grants with teams of researchers attacking targeted research areas such as cancer and heart, lung, and blood diseases.

Larger grants focus on a common objective, one which is somewhat broader for center grants.

The "core" comprehensive center that NCI wants involves more restricted funding than just a center grant. Additional support for the center is derived from many other sources. Institutions desiring cancer centers must demonstrate support by donations of land or buildings or partial payment of staff salaries.

Over a recent five-year period, NIH has shifted its emphasis toward larger grants away from individual-initiated grants. During fiscal years 1967–72, larger grants increased by 92 percent compared to an increase of only 15 percent for traditional research grants. Inflation was 26 percent.

Another pattern emerged: research grants tended to age faster than larger grants. After the first year, money for research grants in their subsequent years decreased rapidly, but levels remained about the same annually for larger grants. This was interpreted to mean that individual researchers wind up their projects early and go on to others, according to Dr. Thomas Kennedy, Jr., of NIH. He spoke of purging the unproductive and expanding the productive and noted that "centers turn over."

Whether centers will be an integral part of medical schools or only peripheral to the medical school evoked such problems as:

Will medical schools give us some autonomy for more stable support?

Will there be dissension if some medical school faculty are involved in centers and others are not?

How will center grants affect the young investigators?

One speaker mentioned rotating medical school faculty at centers while another noted that local faculty were almost entirely excluded from his center-type institute. He spoke of prestigious, specialized centers comparable to European post-doctoral institutes of pure research.

Others emphasized that centers should be flexible, that no single model would fit all institutions.

RUSSELL TRAIN ON THE ENERGY CRISIS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. OWENS. Mr. Speaker, the country faces the serious challenge of an energy crisis. Blame for such a crisis is being placed by some upon environmentalists, who, they say, are effectively blocking efforts to alleviate the problem. The Honorable Russell E. Train, Chairman of the Council on Environmental Quality, in his remarks to the Washington Rotary Club on June 13, 1973, disagrees with these accusations. In his words:

> There is a current tendency to make the environment the whipping boy for our energy problems.

Mr. Train presents several instances of ecologists being blamed for the crisis, when in reality, the cause is a combination of mostly nonecological factors.

He also offers several viable suggestions for conserving energy, which I believe would be of great importance to every American family. Because of this belief, I include the entire text of his speech in the RECORD to permit its widespread reading.

The speech follows:

REMARKS BY THE HONORABLE RUSSELL E. TRAIN

Our current energy problem is complex and closely related to a wide variety of forces. Prominent among these forces is, of course, the question of environmental quality; but prices, technology, regulatory requirements, international relations, and national security considerations are also integral parts of the problem. There are some who simplistically blame the strong concern over environmental quality as the cause of our energy problems. This assertion is simply not true. I emphasize this point because there is a current tendency to make the environment the whipping boy for our energy problems.

A recent issue of a national news magazine quoted the chief executive of a major international oil company as identifying environmentalists as the major culprits in blocking new generating facilities and new refinery capacity. In my opinion, such statements obscure the facts, confuse the issues, and can only serve to delay effective solution of our energy problems.

Similarly, a spate of advertising has tried to convince the public that auto emission standards are the cause of major reductions in gasoline mileage. However, according to a study conducted by the Environmental Protection Agency, greater weight, automatic transmissions and air conditioners are more important causes of increased fuel consumption than pollution controls. Data from more than 2,000 1973 model cars show that fuel economy loss (in miles per gallon) due to pollution control systems is less than eight percent as compared to uncontrolled vehicles. By comparison, the fuel economy loss due to air conditioning averages about nine percent, and can run as high as 20 percent on a hot day in urban traffic. In addition, the fuel loss from an automatic transmission is about six percent.

EPA's engineers attribute much of the decrease in gas mileage to increases in vehicle weight. Their investigation found that over the years, new vehicles having the same model designation have become heavier. For example, the Chevrolet Impala weighed 4,000 pounds in 1958, but weighs 5,500 pounds now. And as the weight of the car has gone up, its gas efficiency has dropped. The study found that a change of only 500 pounds in the weight of 1973 vehicles—from 3,000 to 3,500—can lower the mileage from an average of 16.2 miles per gallon to 14.0 miles per gallon—a decrease in fuel economy of nearly 14 percent. A thousand pound increase in weight, from 3,000 to 4,000 pounds, could lower gas mileage from 16.2 miles per gallon to 11.2 miles per gallon—a decrease of 30 percent. The plain fact is that we need to both reduce automobile emissions and improve automobile fuel economy.

Environmental factors also have been cited as a major reason for nuclear power plant delays. However, data from the Atomic Energy Commission does not support this allegation. According to the AEC, the National Environmental Policy Act review process is not the controlling factor in bringing a nuclear power plant into operation. The major requisite for licensing a plant is its readiness for fuel loading. And AEC data submitted to the Council in March indicate that final environmental impact statements were available, on the average, 8.2 months prior to the scheduled fuel loading.

And while environmentalists are blamed for power plant siting delays, it should be remembered that it has been nearly two and one half years since the President first submitted to Congress a "Power Plant Siting" bill. Should his most recent submission, the "Electric Facilities Siting Act of 1973," be enacted, the review and approval process for siting new plants would be simplified while giving the public earlier notice and a larger role in the decisions over power needs and how and where to meet them. And although some spokesmen for the power industry publicly lament the difficulties in getting new plants approved, the National Association of Electric Companies' position before the Congress has been that no new legislation is needed. If this legislation had been enacted, we might be two years closer to the institutional arrangements necessary to deal with some of our crucial energy problems.

Environmentalists have also been charged with hindering the construction of new petroleum refineries. Although some companies have been refused sites for new refineries, by and large the oil industry has been most reluctant to commit large sums to new refinery construction because of past uncertainty about government policies, such as oil import policies, and because of a severe shortage of cash from current company earnings. In addition, for the large international oil companies, extreme uncertainty as to their situation in the Middle East vis-a-vis the Organization of Petroleum Exporting Countries has created a wait-and-see attitude. Now that one of these uncertainties—the curbs on crude oil imports—has been removed, and oil company profits have improved, a number of oil companies have announced plans for expansion of existing refineries.

But the same uncertainties that hindered construction of new refineries and contributed to the shortage of distillate fuel oil this past winter, are now factors in the projected gasoline shortage this summer. Various oil companies spent large sums to advertise that they knew these shortages were coming. They blamed environmentalists. I would add a few points that were omitted from those advertisements.

Operating under conditions of uncertainty, the oil industry quite properly has turned to management science techniques—computers—to assist them in maximizing profit. According to the computers, the level of fuel oil inventory for the 1972–73 heating season did not need to be maintained at the same high level as the previous year. This made sense in terms of profits because gasoline is a more profitable product to manufacture and sell than heating oil. Unfortunately, the weather did not cooperate, and the cold snap which occurred early in the winter, after a cool, rainy autumn, unsettled the optimum production schedules, and set the stage for the supply dislocations experienced early in 1973.

It must be pointed out as well that through the first half of 1972, the U.S. refineries were not operating at peak capacity. Hopefully, now that the crude oil import restrictions have been removed, refinery production can be kept running at higher levels.

Having gotten all that off my chest, I would be less than candid not to admit that environmental awareness has brought about changes in the types of fuels we use and the conditions under which they can be used. Public concern over surface mining, land use, air pollution, wildlife, and offshore drilling has in some cases delayed the use of some energy sources. These delays, however, have been part of a national effort to greatly improve measures to protect the environment.

Let us not permit our current concerns over energy supply to obscure the fact that the environmental costs of energy production are likewise very real. The high levels of lung cancer and respiratory disease, such as emphysema, in areas with high levels of air pollution is a fact, not emotional imagining. Nor is the D.C. Health Department's recent warning about dangerous carbon monoxide levels at several city intersections environmental emotionalism. An official was quoted as saying that the department has considered putting signs up that read: "Warning: This Area May Be Hazardous to Your Health." The areas cited were the corners of 16th and 17th and K Streets, 13th and F Streets, Connecticut Avenue and Ordway Street, Logan Circle and Good Hope Road, S.E., between 13th and 14th Streets. This warning was followed by the year's first area-wide pollution alert Monday. Our energy problems are serious and they are real. Our environmental concerns are likewise serious and they too are real. We need balance and restraint—by both environmentalists and industry—as we pursue both objectives as matters of high priority national interest. Confrontation can only lead to polarization and irrational responses from all sides. We need to keep the problems in proper perspective. Above all, we need full disclosure of all the facts and the broadest possible public understanding of the issues.

Traditionally, our attitude toward energy has centered on more: more coal, more oil, and more gas to meet the needs of a growing nation. But unless we take steps to conserve our energy resources, we will exhaust supplies, even from new sources, in a relatively short time. There are many areas where we can start to work for energy conservation.

The General Services Administration, for instance, is constructing a new Federal office building in Manchester, New Hampshire, using advanced energy conservation techniques, with a goal of reducing energy use by 20 percent over typical buildings of the same size. The National Bureau of Standards is evaluating energy use in a full-size house as a means to develop analytical techniques for predicting energy use for new dwellings. These programs will assist the Federal government, architects and contractors to design and construct energy-efficient buildings. Current engineering and design of buildings is often outrageously wasteful of energy.

During the past two years, the President has twice directed the Department of Housing and Urban Development (HUD) to upgrade insulation standards in single and multi-family residences financed by the Federal Housing Administration. These revisions can cut heat losses by one-third in new homes, thus conserving energy in the residential sector.

Transportation offers many opportunities for saving energy. Transportation uses about 25 percent of the Nation's energy and energy efficiences of various passenger transporting modes vary greatly. The fastest form of transportation, the airplane, is also the one that uses the most energy per passenger mile. On the ground the automobile uses much more energy per passenger mile than buses or trains. While the automobile will not be replaced as man's favorite transportation mode, at least it should be possible to shift to smaller, lighter cars. With the fuel economy characteristics of present small cars, about 22 miles per gallon instead of the current average for all cars of less than 14 miles per gallon, the annual fuel savings could be enormous. In my opinion, it is imperative that our society shift its preference to smaller cars.

In addition to our use of smaller cars, perhaps by providing alternative forms of transportation, we can induce people to leave their cars at home during peak travel hours. I am hopeful that the up-coming Senate-House Conference on the use of the Highway Trust Fund for mass transit will result in more emphasis on mass transit solutions to urban transportation problems.

The President also has directed the Department of Commerce to work with the Council on Environmental Quality, and the Environmental Protection Agency, to develop a voluntary system of energy efficiency labels for major home appliances, and automobiles, and automobile accessories. These labels will not only provide data on energy use but, most importantly, a rating comparing the product's efficiency to similar products.

In the industrial sector, there are significant opportunities for energy conservation—in plant and process design, and even in the choice of feedstock materials. For example, in many cases significant amounts of energy can be conserved by using secondary materials in place of virgin feedstocks. In the paper industry, the energy consumption to produce pulp from recycled fiber is 70 percent less than the energy required using virgin wood pulp. Similar figures for the steel industry show a 74 percent savings in energy when scrap is used to produce steel instead of virgin iron ore. I believe we should explore aggressively the development of incentives, including tax incentives, to encourage greater recycling.

These proposals, for government, for industry, and for consumers, represent only a beginning in our efforts to conserve energy. By and large, however, they all represent measures which are difficult to implement in the short run. But there are conservation measures which can help us deal with the immediate energy problems we face—for example, the gasoline shortages projected for this summer. Driving slower, forming car pools, riding bikes, making greater use of public transportation and practicing the ancient art of walking are but a few examples of immediate ways to conserve energy.

The so-called "energy crisis" stems from the economic forces and complexity of the energy industry, from the difficulty in planning for our voracious energy appetite, from the need to satisfy social values—other than those that depend on energy, and from a failure to address our growing energy problems earlier. To blame this "crisis" solely on an increased concern over environmental quality would be a grave failure to face the problem honestly and squarely.

It seems to me that the best way to deal with the difficulties presented by our current energy position is to completely reorient our thinking about energy. In the short run, we are looking for increased energy supplies. But in the long run, we must increasingly shift our efforts from simply *finding more energy* supplies to concerning ourselves with *how to use energy* to best meet our many needs.

A TRIBUTE TO RABBI ISAAC KLEIN FOR SERVICE TO HIS GOD AND COUNTRY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. KEMP. Mr. Speaker, 20 years ago, the congregation of Temple Emanu-El, in Buffalo, N.Y., conferred lifetime tenure to its rabbi before he had completed a year of spiritual leadership.

This act of faith by the synagogue's elders dramatized their conviction that they had found the man to enrich their lives and that of their community.

Rabbi Isaac Klein has exceeded the expectations and confidence of the elders.

This coming Sunday, June 17, members of his congregation, community leaders, and others will honor him as a prelude to his August 31 retirement from his pulpit before immersing himself in a new career as a scholar.

While his inspirational prayers and thoughtful sermons will be missed by members of his congregation, all of us in western New York will continue to benefit from his experienced guidance and advice as he pursues his new studies in suburban Getzville.

Rabbi Klein was born in Hungary and emigrated to the United States as a teenager. He received his bachelor of arts degree from City College of New York City, his master of arts in philosophy and education from the University of Massachusetts, his doctorate in Roman law, Semitics, and ancient history from Harvard and graduated as rabbi, summa cum laude from the Jewish Theological Seminary in 1934. In 1937, he was awarded a special degree in Jewish law.

Rabbi Klein will continue to serve as an associate professor of Jewish law at the Theological Seminary and as a member of the Committee of Jewish Law and Standards until 1977.

He first served the Kodimoh Congregation in Springfield, Mass., an assignment which was interrupted by World War II. During that conflict, he spent 4 years as an Army chaplain. As a result of that experience, he has authored a book entitled "The Anguish and the Ecstasy of the Jewish Chaplain; Memoirs of the War Years" which is scheduled to be published in the near future.

Rabbi Klein served with the 9th Bomber Division in Europe from 1942 to 1946, earned six battle stars and, after the war, was assigned as a brigadier general, by President Truman, to assist Jewish refugees and as an adviser to the U.S. high commissioner in Germany.

Upon completion of that military service, Rabbi Klein accepted the spiritual leadership at Temple Emanu-El which, in 1968, merged with Temple Beth David Ner Israel under the new name of Temple Sharrey Zedek.

Mr. Speaker, Rabbi Klein's contributions to his community have been outstanding.

These include his dedication to Jewish youth groups, study sessions for adults, and evening discussions at the University of Buffalo for western New York residents of all faiths.

And it was through the efforts of Rabbi Klein and Mrs. Klein that the Kadimah Jewish Day School was established.

During summers, he taught at the seminary. In 1956, Federal officials sent him to his native Hungary to help evacuate Jewish refugees fleeing invading Soviet forces.

In the early 1960's, he was signally honored by being elected to two terms as president of the Rabbinical Association of America.

Among his goals as a scholar are the pending publication of a guide for Jewish practice for that faith's conservative movement and the editing of a collection of stories and illustrations from past sermons. Still another task is the preparation of a volume of answers to questions concerning Jewish law, a subject which has brought him national recognition.

A gift from Rabbi Klein which I treasure is the book, "Israel, a Personal History," written by David Ben-Gurion, tracing the historic rebirth of Israel, a great and independent nation in the original Promised Land. Rabbi Klein presented me with this inspiring work, which he personally autographed, following a memorable afternoon we shared together on January 11, 1972.

Mr. Speaker, I find it appropriate that Rabbi Klein will be honored on Father's Day. He has been a father to thousands in our community in spiritual, intellectual, and practical ways. All of us look forward to this continuing relationship in the years ahead.

ANNOUNCEMENT OF HEARINGS ON H.R. 3490 AND H.R. 5323

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the House Judiciary Commitee will hold hearings on H.R. 3490, to amend section 40b of the Bankruptcy Act (11 U.S.C. 68(b)) to remove the restriction on change of salary of full-time referees, and H.R. 5323, to amend the Bankruptcy Act of 1898, as amended, to permit the Judicial Conference of the United States to change salaries of referees in bankruptcy more often than once in any 2 years.

The hearings will begin on Friday, June 22, 1973, at 10 a.m., in Room 2226, Rayburn House Office Building.

The subcommittee will hear testimony from Mr. Rowland F. Kirks, Director, Administrative Office of the U.S. Courts; and Mr. W. Homer Drake, president, National Conference of Referees in Bankruptcy.

Those wishing to testify or to submit

statements for the record should address their requests to the Committee on the Judiciary, U.S. House of Representatives, Washington, D.C. 20515.

YURI GALANSKOV—AN OBITUARY FROM CAPTIVITY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. ICHORD. Mr. Speaker, in the present era of détente between the free world and the Communist world, there is a tendency on the part of some to forget or simply overlook all of the sound, historic reasons for our antipathy to the tyranny of communism.

Lest we forget, it is important that those of us who are free listen carefully and heed the cries of those who are not free. To do less is to adopt an attitude of cruel cynicism that may well lead to the loss of our own dedication to freedom's cause.

Fortunately, despite the ruthless and seemingly absolute control Communist states exercise over their victims, there are enough men and women of courage and imagination within such countries to get word to the non-Communist world about the unending struggle for freedom that is being waged.

The latest example amounts to a real newsbeat for the newspaper, the Rising Tide, published by the Freedom Leadership Foundation here in Washington, D.C. This foundation is a nonprofit, educational organization dedicated to advancing the cause of freedom.

In the foundation's May 21 edition of the Rising Tide is an obituary prepared and smuggled to the West by a group of political prisoners of Soviet concentration camps in Mordovia and the Urals who were closest to the late Soviet intellectual Yuri Galanskov. Galanskov, the man who helped in the defense of Russian writers Daniel and Sinyavsky and who was one of the publishers of the underground magazine "Phoenix" which has been published irregularly in recent years inside the Soviet Union, died at the age of 33 on November 4, 1972, in the Mordovia concentration camp after a long period of imprisonment, torture, and other brutalities resulting from his resistance to suppression of intellectuals.

The obituary by Galanskov's fellow inmates—printed in English for the first time by the Rising Tide—tells more eloquently than any words I can possibly muster what an abomination totalitarian communism is to the minds and bodies of men of intellect and creative spirit who want to be free. It is one of the most moving in memoriams I have ever read, and I insert it at this point in the RECORD, so all of my colleagues can have the benefit of hearing this message, this appeal, this cry from those valiant but apparently lost ones who languish in the concentration camps of the Soviet Union today.

The article follows:

YURI GALANSKOV—AN OBITUARY FROM CAPTIVITY

(The obituary, written by Yuri Galanskov's fellow prisoners, was recently obtained through underground channels in the Soviet Union. Galanskov, a dissident intellectual, died in a Soviet prison last November (see the March 26 Rising Tide for details) This is its first publication in English. We are very honored to have been given this document by Professor Constantin Boldyreff. He has stipulated that it may be reproduced and distributed widely with attribution given to the Rising Tide)

Yuri Timofeyevich Galanskov is dead. He passed away on November 4, 1972. Our hearts are overfilled with grief and anger. Not the usual grief of the bereaved, not the usual anger, for this was not simply a death. This was a death bearing all signs of political assassination.

Yuri Galanskov was not shot from behind a corner, nor was he pushed out of a window, or poisoned. This murder was perpetrated gradually, step by step. He was done away with by means of systematic persecution and unjust sentencing, by slanderous reports of agents-provocateurs and the cruelties of the camp regime. Little by little they were destroying him—murdering, murdering, murdering! And so he died under the indifferent knife of a camp-hospital surgeon in Mordovia.

Yuri Galanskov was a man of resolute character and original cast of mind, teeming with new ideas. But the most admirable trait of his, perhaps, was his acute sense of civic conscience. Before his arrest he took part in pacifist demonstrations, he fought persistently for the right of the intelligentsia to create freely, he assembled the materials in defense of Sinyavsky and Daniel, and was one of the publishers of the illegal magazine "Phoenix." His personal example inspired many people. His courageous behavior during the investigation and in court attracted the attention of a great variety of his fellow-citizens and won him their sympathy and respect. The letters in Galanskov's defense bearing the signatures of hundreds of intellectuals are widely known.

The prison bars, the camp fences with their multiple rows of barbed-wire and the watchtowers bristling with guns could not suppress the voice of his civic conscience. It continued to resound, getting ever stronger, ever more frightening for his tormentors and persecutors, those who wage war against their own people. In spite of his illness—which caused him so much suffering—his inability to take the camp food, his insomnia caused by the pains, unbearable in their unrelenting habitualness, Yuri Timofeyevich Galanskov fought the best he could, demanding the observance of the rights of political prisoners and the guarantee of creative and political freedom for his conmates and the citizens at large.

To this cause he has dedicated his whole being. He struggled by means of hunger strikes, by writing appeals, by setting personal example. And this terrified the unwieldy, thick-skinned, and soulless machine of arbitrariness and oppression. These qualities endeared him to the prisoners. His responsiveness and kindness, his readiness to share anyone's sorrow, inspired trust and attracted to him all the people he met in the camp "zones."

Galanskov died at the age of 33, in full bloom of his political and literary talents. He also wrote poetry. In one of his poems he speaks of the "blood-stained lips of 'justice.'" It is the lips of such perverse justice that have now touched the author himself. He couldn't be torn away from them—so the blood of still another fighter cries out to all of us:

Brothers! All of you who struggle together with us for liberation from the sticky yoke of lawlessness, for the abolition of the unprecedented thraldom; all of you who fight a lone battle; all of you who hear our appeal today, wherever you may be in the world: Raise your voices in defense of those who die in jails and concentration camps for our common freedom—yours and ours, and in defense of those who suffocate spiritually in the stifling atmosphere of day-to-day putrefactive propaganda.

Let us render homage to our late friend Yuri T. Galanskov who will always live in our memories as a symbol of conscience and duty. Let us multiply our ranks and continue his struggle!

We address ourselves to all citizens of Russia and the entire world with a request to observe a minute of silence in memory of Yuri Galanskov. And may this minute of silence also serve as an oath of allegiance to our common hopes and aspirations! Time has come to shake off our criminal indifference and to understand that only united can we—in the interest of common good—win freedom for the peoples of Russia!

May the fond memory of Yuri T. Galanskov live with us forever.

THE WALKER FOXHOUND

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. CARTER. Mr. Speaker, bourbon whisky, beautiful women, fine horseflesh, and good foxhounds are among the most treasured possessions of many Kentuckians.

The Bluegrass State has long been known as the Mecca of the fox hunting world. Along with contributing the Walker and Trigg hounds, the Commonwealth has also served as the site for the annual convention of the National Fox Hunters Association. Each year, the members of this association would gather along the cool veranda of the celebrated Crab Orchard Springs Resort Hotel to swap yarns, compare bloodlines, and boast of matching their coursing skills against the cunning Reynard.

It is my honor to represent Lancaster, Ky., home of the Walker foxhound, in the 93d Congress, and it is my pleasure to share with my colleagues in the House an article upon the history of this most celebrated hound, as it appeared in the Garrard County News recently:

THE WALKER HOUND

A PACK OF FOXHOUNDS IS A WONDROUS THING

A pack of fox hounds in full cry is a wondrous thing to hear. Those who have never thrilled to its music have missed something that is as American as apple pie and for many years was a way of life for most of rural Kentucky, where two of the top three strains of the American Foxhounds were developed. Perhaps the most famous of these is Garrard County's own Walker hound. The other was bred by Colonel Haiden C. Trigg of Barren County, who skillfully combined the Walker blood with that of the July hounds of Georgia, a favorite in the deep South.

The first pack of foxhounds of consequence to be brought to this country arrived in 1650, the property of Robert Brooke who settled in Maryland and who is recognized as the first American Master of Foxhounds. Soon Maryland and Virginia were the focal points of this type of hunting. Washington said he spent the happiest years of his life fox hunting. Thomas Walker, who led the way to Kentucky through Cumberland Gap, Lord Fairfax, Thomas Jefferson and others were among the ranks of early American foxhunters. In 1785 Lafayette sent Washington some French Stag hounds which didn't adapt too well but they were crossed in and proved their worth by increasing the size of the English breed then in use. In the 1830's more French hounds and some Irish hounds were imported, the Irish blood being particularly fast but lacking in melodious voice. From these three sources, England, France and Ireland, came the blood that has formed the American foxhound.

Maryland and Virginia hunters began the practice of following the hounds from horseback in the pattern of the English chase. The vast majority of Kentucky hunters however ran their hounds for sport as they do today. They let the hounds run the fox until the end, that is until the hounds caught him, ran him to ground which was usually the case, or lost him through sheer exhaustion.

It was this type of hunter who was the purist. Often a man loaded his pack into the back of a wagon or less frequently put them on a train and hauled them to the next county or state for a run with another dedicated foxhunter. The hunt was usually started at night and while the pack was drawing—in foxhunting patience, looking for a trail—they hitched their horses, built a good fire and settled down to listen to the chase, every man knowing the voice of each of his dogs and his position in the chase. In this way they got to know the great hounds, exchanged blood lines and the element of competition which inevitably resulted formed the basis of the field trials.

One of the profound events which changed the course of foxhound breeding was the importation of the English red fox. His first recorded release is in Talbot County, Maryland in 1738 but he was no doubt brought several times before to Virginia. Earlier the native gray fox provided all the activity and it didn't take a good fast hound too long to run him to earth. The red proved a different story. He could be chased all night, seldom went to earth and it took a mighty lot of hound to catch him. Also the red seemed to enjoy the chase as much as the pack and their masters.

It was the need for a faster hound that started the Walker strain. John W. Walker of Garrard County and George W. Maupin of Madison, neighbors and devotees of the chase spent many hunting hours together with their packs, which came of the same breeding of native Virginia and Kentucky stock of the day.

Two events started the men on their way to foxhound immortality. In 1852 Tom Harris, a neighbor and friend of Maupin drove some live stock through to the southern market. Coming home through the Tennessee Mountains he heard a pack of hounds running a deer and headed his way.

After a few minutes the deer crossed in front of him. Harris quickly got off his horse and when the hounds came by he grabbed a young dog, put a string around his neck and was soon Kentucky bound. He gave the dog to Maupin who tried him out and was so impressed he sent two of his sons to Tennessee to see if there was any more like the young hound which he had named Tennessee Lead. They found some that resembled him but in no other way. Lead was "a medium sized black dog with thin hair, a small tan spot over each eye and no brush on his tail. He had a clear short mouth, plenty of fox sense, plenty of speed—in fact he had all the qualifications necessary for a high class, dead game foxhound."

About this time Walker, Maupin and several other hunters bought two hounds from the famous Bucclenech Kennels in England. One was a bitch, Marth in whelp when she left England and the other was Rifler. After landing in New York they came by rail to Cincinnati, then to Richmond by stage where they were greeted by a large anxious contingent of fox hunters, who set up a fox hunt that night in the Garrard County knobs and initiated Rifler into the Order of Kentucky Foxhunters. Rifler though having been confined to a crate for over two weeks, demonstrated to his new owners that he was a real fox dog and they never had to change their opinion. It was these three newcomers, with the best of the old packs that were the real foundation stock and which started Walker and Maupin on their way.

In 1945 Woods Walker, grandson of John W. published a very charming little book he called "Walker's Hounds" and amplified the title with "Their Origins and Development". In it you can go on hunts with the Walkers and others to the Garrard County Knob country and listen to the running of all the great ones of the Walker packs from Tennessee Lead and the great Rifler to ones whelped in 1920's.

There was Bloomer whom W. S. Walker brought from Maryland in 1890. He was a big good looking black and tan with ring neck and coarse hair, a good hunter with a beautiful mouth, plenty of speed, a good bottom and feet, in fact an all round fox dog but as a sire none of the pups proved successful. Bloomer also had another distinction. He was the worst glutton ever a member of the Walker pack. He would eat anything and if he found a full slop bucket or a dead carcass before the fox was started, it was goodbye Bloomer!

There was the great Spotted Top L235, whelped in 1867, whom W.S. Walker paid G.W. Maupin $100.00, the first hound ever recorded for that much money in the Walker record books. Top was considered as having no superior and few equals in his day. He was a very successful sire and probably there is not a Walker hound today that does not trace to him in one or more lines.

Sharp L233, whelped in 1880 had every qualification of a real foxhound but his ability to drive a fox on a dark rainy night in heavy brush was outstanding and ever equalled by few others. His full sister, Blk. Minny, L294, was a medium sized beautifully made hound, with a clear soft very musical voice with tireless bottom though not so fast until after midnight when she really turned on. She was deathly afraid of thunder and at the first loud crack Minny hunted her master instead of the fox. The door to Mr. Walker's room was always opened to her to come in during a thunderstorm.

Red Mack No. 11 was whelped in 1883 and the Walkers considered him along with Black Joe the smartest and best dog they ever owned. During Mack's time there was a good running fox on Fall Lick Creek which the Walker's hunted regularly. The fox usually ran all night and regularly holed the next morning at the "Mixed Spring." One night the race went off as usual ending after sun up and every one thought the fox had holed at the Mixed Spring. The hunters blew the horn and in about an hour all the pack had come in but Mack. After waiting a while Mr. Walker started to the hole to get him but he soon met Mack coming in a trot, not a bit abashed at keeping them all waiting. The next two hunts the Mixed Spring fox was not to be started. A few days after that Mr. Walker happened by the area and a farmer who lived in sight of the fox hole called and told him a strange story. He said he was in his yard and saw the pack come over the hill and down to the hole with Mack with the front dogs. "It never entered my head," the farmer said, "but that the fox had gone in as he always did and the dogs, all but Mack thought the same thing."

Mack paid no attention to the horn nor when the pack left but continued to investigate an ever widening circle around the hold. The farmer after watching him a while started in his house. "Just at this time," he continued, "I heard a shuffling noise in a pile of rails that were stood up on end, tepee fashion within 30 feet of the fox hole and the next thing I know a fox squalled. Before I could get to him Mack had a dead fox. Now, Mr. Ed, I want you to tell me three things: First, why the fox didn't go in the hole, second, how Mack knew he didn't go in; and third, why the other dogs didn't know it as well as Mack?"

There was Bragg No. 17, a big raw boned black, white and tan with a good nose and a short coarse mouth with which he was a little too free whenever he was feeling good. If the pack was split between two foxes and the one Bragg was chasing holed, while the other hounds came in he always joined the other pack in their run.

Scrape No. 30 was whelped in 1890. He was a small black, white and tan, very ordinary looking. A tireless hunter with good nose and mouth, though not extra fast, he was dead game. He was sold to a man in Texas but later gotten back for breeding purposes. Scrape perhaps set a record when on the same day he was bred to three outstanding matrons and sired 27 pups, all good and some of them extra good.

In the 1890's the Walkers imported new English blood with the fox hound Striver. Out of the first litter by Vanarsdall's Sal they got Big Strive No. 65 and Pearl Strive who were undefeated on the bench but proved unsuccessful as hunters, Pearl not at all and Strive who did alright if the race didn't last too long. He didn't come out because he was tired or sore but apparently to keeping from reaching that state.

Tiger No. 187, was a big handsome, coarse haired hound. He had a light flag to his tail and carried it well. He had a short rough mouth, not used so much when trailing but all that was necessary when running. He was fast, had a good bottom, game and true as steel and thoroughly broken to foxhunting and once proved he was a good wolf hunter. Mr. Walker had him at a Texas ranch at which place the cowboys had a favorite wolf hunter named Jockey. A hunt was planned and the cowboys could not find any takers of their bets on Jockey. Mr. Walker knew Tige had never smelled a wolf and was so thoroughly broken to fox that he doubted the dog would ever run one.

The track was soon found and when Tige discovered it was no fox they were trailing he immediately lost interest but Walker encouraged him and in a few seconds Tige woke up to the fact he was to run a wolf, and went to work in earnest. Walker then passed the word to Tige's backers to take all bets but by this time it was apparent the Kentucky hound was in the chase and their enthusiasm failed. Near the end the wolf doubled back to where the spectators were and all got to see that while he had not run off from the Texas hounds he had carried the track over Jockey just as easily as over the others.

His mouth, speed endurance and gameness nothing could have been improved. He had no speed craze yet he carried the track with the best of them and after running eight to ten hours, was just as fast. If he was running in the pack that holed first he was sure to join the others in a short while. His last race was in the fall of 1923 when Woods Walker sat alone and listened to him run the entire night. Shortly after this Walker went to the Tennessee State Hunt and on his return he learned Cork had died in the kennel without a struggle. He was also famous as a sire and had a larger percentage of pups from good to extra good than any hound of his time.

War Cry, No. 51, black, white and tan, bred by Jim Hayden, and owned by the Walker Kennel was whelped June 1921 and was by Big Stride No. 500 out of Ella No. 1090. He was not quite a year old when they bought him and was wild and scary and after he was turned loose in the kennels wouldn't let anyone touch him for days. Even after he was a broken fox dog he was very selective in who handled him. War Cry was a natural fox hound, had a big coarse squally mouth which he never used at the wrong place. He was a good hunter, fast trailer, with unusually good judgment in handling a track and was so game few others could stand more punishment than he. He sprained one of his ankles when he was young and it was always enlarged which cut his speed some. He was a consistent, uniform sire producing many extra good foxhounds. Mated with Mandy Lee No. 2741 he produced a number of great champions.

These are just a few of the hounds Woods Walkers tells of in his very entertaining book. Among others were Trooper II who when he joined the Walker pack was a good hunter. He became a boon companion of Black Joe and shortly afterwards decided it was not necessary for both of them to work so hard. Consequently he would just quit hunting and stand and listen for Joe to strike. Then he would run over a cliff if necessary to get to him and work as hard and as long as Joe or any of the other hounds.

There was Riley who lost his sight but insisted on going out with the pack. He could not run with them but managed to keep after them and would finally join them at the hold.

There were the great Walker matrons—Lill Walker No. 125, Marie who though unregistered won the All Age Championship at Crab Orchard in 1919 and Minny Lear No. 481 and Bird Catcher No. 419 both whelped by blind Riley out of Jenny. There was also another bitch named Lill who while her sisters made good matrons she was never bred. She was a good hunter, with plenty of speed but too mouthy and for that reason her blood was not entered into the Walker line.

Nearby Crab Orchard Springs was for many years the annual meeting place of the National Fox Hunters Association and the presence and fame of the Walker Kennels must have been a large factor in the continued success of the conventions there.

BILL TO REINSTATE VITAL SOCIAL SERVICE PROGRAMS

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. BOB WILSON. Mr. Speaker, I have introduced a bill to reinstate vital social service programs for the aged and disabled. These programs were severely limited by the Revenue Sharing Act passed by the Congress last year. My bill would repeal a provision in the act that says 90 percent of federally funded social service programs must be directed at those on welfare. This means that important services for the elderly and the disabled who are not on welfare will suffer from a lack of funds. These programs include meals-on-wheels to provide this group with one hot meal a day, homemaker aides to help them several hours a week with household problems, transportation for shopping and medication, and other services so desperately needed by the elderly and disabled in order to live a life of independence and dignity. I can't believe Congress intended to force these people to go on welfare. The provision I seek to eliminate was hastily added to the act with almost no debate in the Congress. It was a mistake and Congress should correct it.

ON THE PERSECUTION BY SYRIA AND IRAQ OF ITS JEWISH MINORITIES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. KOCH. Mr. Speaker, it has been called to my attention by the American Jewish Committee that the plight of the Iraqi and Syrian Jews has not improved. The governments of these two nations continue to do violence and discriminate against the minority of Jews who presently reside in these countries.

It is imperative that Congress take some action concerning this injustice. I appeal to members of the House Committee on Foreign Affairs and to all Members of Congress to adopt House Concurrent Resolution 127 which expresses the outrage of Congress over the persecution by the Syrian and Iraqi Governments of their Jewish populations.

At this time, I would like to insert into the Record the text of a statement adopted by the American Jewish Committee. The statement indicates the hardships as well as the outright murders of individual families. It further describes the Nazi-like tactics of the Syrian and Iraqi police forces in dealing with this select minority of people:

THE AMERICAN JEWISH COMMITTEE STATEMENT ON THE PLIGHT OF JEWS IN IRAQ AND SYRIA

The latest reports of the arrest and apparent officially sanctioned murder of Jewish families in Iraq is only the most recent chapter in the tragic history of the Jewish communities in Iraq and Syria. In these countries the governments themselves through arbitrary arrests, brutal torture, and restrictions on employment, education and freedom of movement have reduced the Jewish communities to a state of perpetual fear.

The plight of the 4,500 to 5,000 Syrian Jews is made all the more intolerable by the total ban on emigration or travel abroad, even for medical treatment or reunion with relatives in countries far from the Middle East. At least five Jewish men are still being held without trial in Syrian prison for allegedly attempting to leave Syria or aiding other Jews to do so.

The Syrian secret police maintain strict surveillance over the Jews in Damascus, Aleppo, and Qamishli and enforce a nightly curfew and restrictions on travel outside the Jewish quarter. The secret police recently warned the Jewish community against any new demonstrations protesting their harassment and have threatened that if the Jews dare to speak out, "we will adopt the methods of our Iraqi neighbors who have found a way of getting rid of Jews secretly."

In Iraq the mercurial shifts in government policy toward the Jews are compounded by the contradictory actions of various ministries and police agencies. Following widespread international protests over the hanging of 11 Jews in 1969, a gradual improvement was noted and the worst forms of persecution stopped. At first only elderly and sick Jews were permitted to emigrate but in 1971 exit permits became easier to obtain and official notices were posted inviting Jews to apply for passports. However, various discriminatory measures continued in force. Jews are forbidden to sell their property and those who leave the country and do not return within three months are deprived of their citizenship and their property is confiscated. Despite these restrictions, the great majority of the 2,500 Jews remaining in Iraq decided to leave while they still could. By Fall 1972 it was estimated that only some 500 to 600 Jews were left in Iraq.

A new wave of persecution began in September 1972 with the murder in his home of Abraham Sayegh, a prominent Jewish merchant. In the following months, some 20 additional well-known Jews were picked up by secret police agents. Relatives and international bodies appealing to governmental agencies in Iraq were told either that the officials knew nothing about the missing individuals or that they had "fled" the country. Since similar tactics were employed by the Iraqis in the case of Jews who were secretly killed in prison in 1969 and 1970, it is feared that the missing Jews were abducted and killed by elements of the secret police looking to profit from the confiscation of their property, or by officials eager to persuade the remaining Jewish families to leave the country and abandon their homes. Up to this moment, none of their relatives and friends in Iraq or outside the country have heard from any of the persons who have disappeared. Meanwhile, notices have appeared in the Iraq papers announcing the auction of their properties.

The Iraqis now appear to have begun the systematic killing of selected Jews without even the pretense of a trial. At the end of April 1973 accounts were received of the murder of Mr. and Mrs. Reuven Kashkush, their two sons, Fuad and Samir, and their daughter Joyce, all of whom were shot to death in their home by secret police when they reportedly refused to go for "interrogation." Mr. Kashkush's brother and sister-in-law were among the Jews picked up some months earlier and not heard from since. Dr. Violet Toeg, one of the last Jewish doctors in Iraq, and her mother were also reportedly found shot to death in her home; the fate of her husband and four young children is not known. At the beginning of May word was received of the arrest and presumed death of yet another Jewish family in Baghdad; Yehura Sayegh Tweg, a prominent goldsmith and his two sisters, Aliza and Rahma. This is believed to be the first time in Iraqi history that the authorities have sanctioned the killing of women and children.

Despite private appeals by foreign diplomats and internationally prominent figures, the Iraqi government has refused to lift the veil of secrecy shrouding the fate of its miniscule Jewish minority. We must not be silent while the blood of our innocent brethren is shed. We call upon our government to redouble its efforts, both directly and through all possible diplomatic channels, to alleviate the plight of these helpless victims of oppression. Simple decency requires that the Secretary-General of the United Nations and persons of good will everywhere speak out vigorously to demand that these atrocities be stopped and that the basic human rights of the oppressed Jewish minorities of Iraq and Syria be restored.

SECRETARY OF TREASURY RESPONDS TO QUESTIONS ON TRADE REFORM ACT OF 1973

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. VANIK. Mr. Speaker, on May 3, I addressed a letter to the Secretary of the Treasury concerning a number of questions about the extent of powers and authorities contained in H.R. 6767, the Trade Reform Act of 1973. I have received a detailed response to these inquiries dated June 11, and, because of the importance of this legislation to the entire economy and to every Member of this Congress, I would like to enter this correspondence in the RECORD at this point.

The letter provides several important clarifications. For example, in title V of H.R. 6767, most-favored-nation status can be extended to certain nations. The extension of this status is reviewable after 3 years. But if, in the meantime, that nation were to join in a multilateral trade agreement—such as GATT—then that Nation's Most Favored Nation status would not be subject to the same review procedure. In addition, it appears from the answer to question number nine that the Department does not feel that European value added taxes—generally applied in the country of origin and generally rebated when the product is exported—should be subject to the provisions of the antidumping acts. It would be my hope that the Ways and Means Committee will provide that such value added taxes—which provide some degree of export incentive—would be included within antidumping and countervailing duty provisions of the new trade bill.

The letters follow:

HOUSE OF REPRESENTATIVES,
Washington, D.C., May 3, 1973.

Hon. GEORGE P. SHULTZ,
Secretary of the Treasury, Department of the Treasury, Fifteenth Street and Pennsylvania Avenue, Washington, D.C.

DEAR MR. SECRETARY: Prior to your testimony before the House Ways and Means Committee on the President's trade legislation, I would appreciate it if you could provide me with data and answers to the following additional questions so that these issues may be explored more fully during the hearings. If this data cannot be supplied in time for your oral presentation, I would request that it be entered into the hearing record for the information of the Committee during the executive sessions on H.R. 6767.

(1) What is the tariff revenue of the United States by major categories of items and by foreign source of imports. Has the Department any estimate of the amount of revenue which will be lost to the Treasury over the five year period of the Trade Reform Act due to reductions in duties?

(2) In terms of provisions of limited application, I was interested to read of a 1932 act which provided (19 U.S.C. 144a) special duty exemptions for art objects shown at Rockefeller Center in New York City, and then re-exported. Are similar provisions available, say, for the Cleveland Art Museum? Is this special provision still applicable and used? If so, why cannot other art and cultural centers use it?

(3) With respect to Section 407 relating to Most Favored Nation status, there is reference in the explanation to the section as follows:

However, certain sections in this Act and prior Acts permit deviations from the most-favored-nation principle. For example, certain nontariff barrier agreements authorized under Section 103 could apply only to signatories, and generalized tariff preferences granted under Title VI apply only to beneficiary developing countries.

Could the Department please supply the Committee with a complete list of those "special relationships" which provide more than Most-Favored-Nation treatment between the United States and foreign nations (e.g. the Canadian-American Automotive Parts Agreement).

(4) Under Section 405, Authority to suspend import barriers to restrain inflation, subparagraph (e) states that no action taken under this section shall remain in effect for more than one year unless specifically authorized by law. How does this relate, legally and practically, to an item such as the President's authority to suspend the Meat Import Quota law and the restrictions developed under it? In other words, under the provisions of the Quota law, the President, because of domestic meat shortages, has now suspended the quotas and restrictions for *one and a half years*. Would Section 405(e) prevent such action for more than *one year*, unless supported by Congressional action—or would the existing suspension authority in the Meat Import Quota Law prevail in a case such as this?

(5) Under Section 504, relating to the extension of Most-Favored-Nation Treatment, there appears to be a possible discrepancy in terms of the length of time for which MFN may be extended. For example, in Section 502 (b) (1), it states that initial MFN agreement is to be for three years subject to three year renewals. But in Section 504 it appears that we may extend MFN to any country which has joined in a multilateral trade agreement (GATT) to which the United States is also a party (subject to the Congressional veto procedure). Unless suspended by the President, it appears that this MFN status gained through mutual membership in an organization such as GATT could be extended indefinitely, without reference to the three year review provisions. Is this interpretation of these sections correct?

In Section 604 (a) (5) it provides that in considering which countries to designate as beneficiary developing countries, the President shall take into consideration a number of factors, including,

"Whether or not such country has nationalized, expropriated or seized ownership or control of property owned by a United States citizen, or any corporation, partnership or association not less than 50 percent beneficially owned by citizens of the United States without provision for the payment of prompt, adequate and effective comparison."

At the present time, what countries would be "affected" by this consideration?

In Section 606, definitions are given for the terms "country," "developed country," and "major developed country." Could you please provide a list by name of country of each of the Nations and the "definitional category" into which they would presently fall.

Thank you for your assistance in this matter.

Sincerely yours,
CHARLES A. VANIK,
Member of Congress.

SECRETARY OF THE TREASURY,
Washington, D.C., June 11, 1973.

Hon. CHARLES A. VANIK,
Congress of the United States, House of Representatives, Washington, D.C.

DEAR MR. VANIK: In further reply to your letter of May 3, the data and answers to your questions relating to the trade bill follow. The information is in the same order as requested in your letter.

(1) Last year, our total revenue from duties on imports was approximately $3.1 billion. Of this, $2 billion comprised duties on imports from developed countries and another $1 billion was accounted for by imports from the developing countries. Imports from Communist areas in Europe and Asia yielded duties of about $38 million.

Attached are tables listing (1) more specific data on U.S. tariff revenues by foreign source of imports, and (2) calculated tariff revenues by product category.

(2) To my knowledge, the Treasury Department has not prepared an estimate of potential tariff revenue losses due to negotiated duty reductions. Any attempt to do so would depend upon a wide range of assumptions as to the kind of agreements we are likely to reach, and would therefore be of very limited value. Our experience with duty reductions negotiated in the Kennedy Round and previous rounds of trade negotiations indicates that the stimulation of world trade will far outweigh any reductions in tariff revenues, so that net revenues will increase rather than decrease.

(3) 19 U.S.C. 144(a) is still in effect but is seldom utilized. The provision is not applicable to other art and cultural centers which may wish to import foreign exhibits of arts, sciences or industry. However, art of cultural centers in other areas of the United States may obtain similar customs treatment under the Trade Fair Act of 1959, 19 U.S.C. SS. 1751–1756 which permits entry under bond of any article for the purpose of exhibition at a trade fair so designated by the Secretary of Commerce. In addition, original works of art, such as paintings, engravings, sculptures or mosaics, may be imported duty free. (U.S. Tariff schedule).

(4) There are three primary areas in which the United States has agreed to give better than most-favored nation treatment to the imports of certain foreign countries. Under the Canadian-American Automotive Products Agreement, implemented pursuant to the Automotive Products Trade Act, the United States permits the importation of certain automotive products from Canada on a duty-free basis. Secondly, pursuant to Headnote 3(a) of the Tariff Schedules of the United States, the articles imported from the insular possessions of the United States, which do not contain foreign materials equal to more than 50 percent of their total value, are exempted from duties providing they come directly from the territory of such possessions. Such insular possessions include the Virgin Islands, Guam, Wake Island, and American Samoa. Finally, under the Trade Agreement with the Republic of the Philippines, and the corresponding U.S. legislation, the United States allows the importation of specified Philippine articles at rates more preferential than the MFN rate.

(5) The limitation contained in section 405, which states that no action taken under the section shall remain in effect for more than one year, is applicable only to actions taken under that section. It would have no effect upon existing authority contained in any other provision of law, such as the meat import quota law.

(6) The extension of an MFN rate to a country which has joined in a multilateral trade agreement pursuant to section 504(a) (2) of the Trade Reform Act would not be subject to the three-year review provisions of section 502(b) (1) of the trade bill. The original extension of such MFN treatment to a country joining a multilateral trade agreement would be subject to the Congressional veto procedure. There would, however, be no three-year review procedure in the case of such country providing that it remain a

member of the multilateral agreement. Of course, the President's authority to withdraw MFN treatment under section 504(c) of the Administration's trade bill would apply as well to the imports of a country which became a party to a multilateral trade agreement.

(7) In designating countries as beneficiary developing countries, the President is required to take into account certain factors under Section 604(a), as you have noted. It is impossible to determine whether or not such conditions would exist at the time that Title VI goes into effect. However, at the present time no determination has been made under Section 620(e) of the Foreign Assistance Act—from which this provision is taken. Therefore it cannot be said that at the present time such provision would apply to any country.

(8) We have referred your question on what countries fall within the categories of "country", "developed country" and "major developed country," as specified in Section 606, to the Department of State. The State Department has been instrumental in drafting this section and would therefore be better able to answer your questions on this matter.

(9) You have also asked the Department of State whether the proposed amendments to sections 203 and 204 of the Antidumping Act (19 U.S.C. 162 and 163), dealing with the treatment of tax rebates or remissions in the calculation of purchase price or exporter's sales price, would have any effect upon the various value added taxes employed by many Western European countries. The State Department has referred this question to us for reply. The sections of the Antidumping Act in question presently provide for the adding back to purchase price or exporter's sales price of rebated or remitted taxes imposed "upon the manufacturer, producer, or seller, in respect to the manufacture, production, or sale of the merchandise . . ." The proposed amendments would allow the "adding back of such rebated or remitted taxes only if they are "imposed . . . directly upon the exported merchandise or components thereof . . ." When value added taxes are imposed directly upon the exported merchandise, or components thereof, such rebated taxes will be added. If it were to be determined in a particular instance that such taxes are not directly imposed upon the merchandise or its components, whatever portion that is not so directly imposed will not be added to purchase price or exporter's sale price. This would tend to create or increase the size of any possible dumping margins.

I hope this information will be of assistance to you.

Sincerely yours,

George P. Shultz.

The 1972 Imports for Consumption Calculated Duties

[In millions of dollars]

Source and value of duty:	
Canada	214.0
Japan	737.2
Western Europe, total	1032.6
(U.K.)	(169.0)
(EEC)	(595.9)
(Other W. Europe)	(267.7)
Australia, N.Z., S. Africa	54.9
Developed countries, total	2038.7
L.A. Reps. and other W. Hemisphere	271.0
Other countries in Asia and Africa	770.8
Developing countries, total	1041.8
Communist areas (Europe and Asia)	37.7
Unidentified countries	5.5
Total, all areas	3123.7

(Note.—The data for "calculated duty" represent the estimated import duties collected under rates established by the Tariff Act of 1930 as amended by the Tariff Classification Act of 1962, Public Laws, and Presidential Proclamations. These estimates do not necessarily reflect the actual amounts of duty paid; they may, for instance, be somewhat overstated as a result of the inclusion in the calculation of some U.S. products returned after processing or assembly abroad which are eligible for duty-free consideration under TSUS 806.30 and 807).

Source: U.S. Department of Commerce, "Highlights of Exports and Imports" (December 1972) Table I–4.

The 1972 calculated tariff revenues by product category

[In millions of dollars]

Agricultural	$323.2
Nonagricultural	2,800.5
Total	3,123.7
Food and live animals	251.4
Beverages and tobacco	117.7
Crude materials—Inedible (hides, lumber, fibers, etc.)	33.2
Petroleum and products	136.9
Animal and vegetable oil and fats	16.2
Chemicals	108.2
Manufactured goods (paper, textiles, iron, steel, etc.)	759.4
Machinery and transport equipment	641.7
Miscellaneous manufactured (clothing, footwear, toys, watches, instruments)	995.1
Commodities and transactions not classified according to kind (e.g. shipments under 251)	63.8
	3,123.7

Source: U.S. Department of Commerce "Highlights of Exports and Imports" FT 990 (December 1972) Table I–3.

BACKYARD GARDENING

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. DORN. Mr. Speaker, it is estimated that several million more gardens are being planted this year than in previous years. A resolution passed the Congress last year urging "Victory Gardens" for the purpose of fighting inflation and food shortages. The attention of the entire Nation is now focused on gardening for recreation, health, and as a positive way to combat high food prices.

Mr. Speaker, I commend to the attention of my colleagues and the people of our country the following editorial which appeared in the Greenville News on Sunday, June 10, 1973:

Backyard Gardening

Rising produce prices in grocery stores are promoting backyard gardens all over the country. One wholesale seed dealer is quoted as saying his company has had the biggest increase in sales of garden seeds since the victory gardens during World War II.

These gardens will pay dividends far beyond the grocery counters if they are continued. There is something uplifting about stirring the soil, planting seeds and watching Nature perform one of her most amazing miracles—taking wholesome foods from Mother Earth and passing them along to the dinner table.

Sermons no end could be preached on the subject of the benefits of gardening. Dorothy Frances Gurnery summed them up in her God's Garden: "One is nearer God's heart in a garden than anywhere else on earth."

PMA'S MEDICARE DRUG PROPOSAL IS NO PROPOSAL AT ALL

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. OBEY. Mr. Speaker, it looks as if the drug industry wants to write a blank check to itself, drawn on the Treasury of the United States.

The background is that there is broad support in Congress for legislation to provide out-of-the-hospital prescription drug coverage under medicare for those who suffer from the most common or life-threatening chronic diseases of the elderly. My bill (H.R. 878) is cosponsored by 110 other Members, while in the other body a companion bill (S. 174) introduced by Senators Joseph Montoya, Russell Long, and Abraham Ribicoff has 29 additional cosponsors.

This maintenance drug coverage would target the medicare dollar toward patients with chronic diseases who need drugs on a continuing basis for a lengthy time. The legislation sets up a formulary committee to select the specific drugs to be covered and requires a $1 copayment by the medicare patient for each prescription. Ordinarily, $1 would be the full cost to the medicare patient, and he would not have to pay monthly premiums, keep records, or file claims.

Evidently the drug industry finds this legislation a bitter pill to swallow, for it is readying a counterproposal. The May bulletin of the Pharmaceutical Manufacturers Association outlines it in a report on a panel discussion held at PMA's annual meeting. The participants were the associations' five division directors, including Bruce J. Brennan, vice president and general counsel, and the moderator was PMA President C. Joseph Stetler.

This is the lead paragraph of the report:

> The pharmaceutical industry and the PMA navigated successfully through a legislative and regulatory thicket during the past year, and the Association's docket of activities now in progress is designed to anticipate needs of the industry and the public before problems arise.

Later, the report says:

> On another legislative front, PMA has initiated action along with the National Asso-

ciation of Retail Druggists and the American Medical Association on a proposal for Medicare outpatient drug benefits. Bruce Brennan described the program, which would be voluntary, in response to a question. Under the proposal, he said, Medicare recipients would pay a monthly premium of about $5 and a copayment of $1 on each prescription.

There will be no formulary and there will be first dollar coverage; that is, no deductible is anticipated, Brennan explained. The program would cover all prescription drugs, and prices would be based on usual or customary charges. Brennan said that the proposal should be introduced before the end of June.

Mr. Speaker, the PMA opposes the formulary concept embodied in H.R. 878, and now wishes to make its opposition explicit in the form of rival legislation. I suggest that the PMA proposal outlined above—a voluntary program, with a monthly premium of about $5 and no formulary—is really no proposal at all.

It is nothing more than a cleverly cosmetic request to the Congress to gloss over the two major questions involved in a medicare drug benefit: How to provide life-sustaining prescription drugs to elderly citizens who cannot afford them; and how to avoid socking the Government for high-priced drugs when safe and effective versions of those drugs are available at moderate prices.

U.N. ENVIRONMENT PROGRAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. FRASER. Mr. Speaker, during the May 15 floor debate on the United Nations Environment Program Participation Act of 1973, several Members of the House expressed concern that other countries were not contributing a fair share to the fund and that, therefore, the United States contribution should be less than the $40 million requested by the President for the $100 million fund. Actually, even at that time the pledges already made by other countries were substantial, amounting to an aggregate of $41 million from 10 countries with strong indications that there was considerably more to come from other countries.

Since that time I have been informed by the State Department that the pledges from other countries have increased to the point that the present aggregate figure is now about $53.4 million, ranging from $4,750 from small countries such as Botswana and Malta to $10.6 million from the Federal Republic of Germany. Together with the $40 million authorized by the House for the U.S. contribution, the total pledged by all countries is now about $93.4 million, only $6.6 million short of the total of $100 million which was set at the Stockholm Conference on the Human Environment last year and approved by the United Nations General Assembly last fall. Also we understand that the other contributors have agreed to make more than $6.7 million of their pledges available to the fund in calendar year 1973. Thus, it appears clear that a number of other states are contributing their fair share to the operation and, in point of fact, many of the resources for 1973 may come, to a significant degree, from contributions made by others.

It should be emphasized that money contributed by the United States to the United Nations environment program is not foreign aid in the sense of economic development assistance. Although for administrative and procedural reasons the administration has placed the appropriations request for the United Nations environment program in the foreign assistance appropriations package, this money is to be used for rich and poor countries alike in worldwide programs of ecological improvement. The United States with its vast problems of environmental decay is one of the direct beneficiaries of the United Nations environment program.

The list of pledges and contributions made by other nations is as follows:

Contributions made by other nations

Australia	$2,500,000
Botswana	4,750
Canada	5,000,000
Denmark	1,600,000
Finland	150,000
France	6,500,000
Federal Republic of Germany	10,600,000
Iceland	4,750
Italy	2,000,000
Japan	10,000,000
Malta	4,750
Netherlands	1,500,000
New Zealand	320,000
Norway	2,000,000
Sweden	5,000,000
Switzerland	1,500,000
United Kingdom	4,800,000

CITY MAN GETS NATIONAL FATHER OF THE YEAR HONOR

HON. HERMAN T. SCHNEEBELI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. SCHNEEBELI. Mr. Speaker, last week, a young man from my district, whose courage in the face of illness should be an example to us all, was named national Multiple Sclerosis Father of the Year and was honored at a ceremony at the White House by Mrs. Nixon. The young man, Mr. H. Ridge Canaday of Williamsport, Pa., was stricken by multiple sclerosis in 1966 during a tour of duty in the Navy. Today, Mr. Canaday is active in public relations for local multiple sclerosis chapters. In the future, he plans to start a tutoring program in his home. The story of Ridge Canaday's rising above handicap shows courage and determination which should be honored and respected in this day and age. The text of an article that appeared in the June 6, 1973, Williamsport Sun-Gazette follows:

CITY MAN GETS NATIONAL FATHER OF YEAR HONOR

H. Ridge Canaday, 30, of 308 Louisa Street, was named national Multiple Sclerosis Father of the Year.

In conjunction with this award, Canaday was honored at a ceremony at the White House with Mrs. Richard M. Nixon as hostess.

Canaday was chosen father of the year by the 11-county, north central chapter of the national Multiple Sclerosis Society. Out of all local chapter fathers of the year, Canaday was chosen as the father "most epitomizing the plight of the stricken young adult through his courage and leadership."

Mrs. Mary Ell Ruffner, an Arizona housewife, was chosen mother of the year.

A graduate of Lycoming College, Canaday contracted the disease in 1966 while in jet flight training with the Navy, after he had logged 200 hours of training. After a tour of duty with the Navy, Canaday returned to this city to earn his teacher certification. Due to slurred speech after several hours of talking, Canaday could not pursue the teaching.

Prior to leaving for Washington, he was hospitalized at the Rehabilitation Center of the Williamsport Hospital for concentrated physical therapy and hydrotherapy. Canaday returns to the center for several weeks every six months for extensive therapy.

While at Lycoming, he was active in wrestling. He was a track star in high school in Long Island, N.Y. Although he resigned from his last job with the Lycoming-Clinton Commission for Community Action (STEP) in November, 1971. Canaday has remained active in public relations for the local multiple sclerosis chapters.

He is treasurer of the Navy League, city, and is a choir member at Immanuel United Church of Christ.

He is married to the former Florence (Floss) Miller, who also attended the White House ceremony. They have one son, Ted, 4.

Future plans for Canaday include transforming his home into a wheel-chair-home and starting a tutoring program there.

THE NEW DAVID AND FRIEDA MISHAN CENTER IN BROOKLYN, N.Y.

HON. BERTRAM L. PODELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. PODELL. Mr. Speaker, on Sunday, June 3, I was proud to participate in a groundbreaking ceremony for the new Youth Center of Congregation Shaare Zion at 2030 Ocean Parkway in Brooklyn.

This Youth Center, named for David and Frieda Mishan, is a milestone in the life of the Flatbush community. We have heard the laments and jeremiads of how our neighborhoods are falling apart. Everywhere we turn it seems that urban blight has taken another neighborhood. And yet, in the heart of a city that too many commentators have written off as a total loss, we see the resurgence of community life with this new center.

The group of people who have banded together to carry out this project are unique in many respects. They are almost all Jews of Syrian descent. This is a group that is small in numbers, but great in their devotion to family life and to the Torah. They are an asset to any community, and I am proud to be their Representative in Congress. As this new center testifies, they are a stabilizing presence in the Brooklyn community.

Indeed, I hope that their influence will spread city-wide. With the success of this youth center, perhaps residents of other neighborhoods in New York will realize that there is so much that they can do to make their little areas uniquely their own, with a particular style of living unique to each neighborhood. For it is only in this way that we can hope to see New York City maintain its greatness.

The Syrian Jewish community, under the able joint leadership of Rabbi Jacob Kassin and Rabbi Abraham B. Hecht, has long been renowned for its devotion to the way of life set forth in the Torah.

Under the guidance of these two learned men, the new youth center will be a place where children can come to learn the great body of Jewish law, so that the traditions and values of our people may be perpetuated for future generations.

But the services to be offered at the youth center are not limited to those of the intellect. There will also be a gymnasium, a swimming pool and other recreational facilities, so that the children of the community and their parents will no longer have to travel long distances for amusement and exercise.

This center epitomizes the hope for the future of our cities. Rabbis Hecht, and Kassin, Mr. Abe Cohen, the president of the congregation, the major benefactors, Mr. and Mrs. David Mishan, Mr. Max Haddad, chairman of the fund raising committee, and the community they lead, are investing in the future of Flatbush, of Brooklyn, and of the city of New York. They are making an invaluable contribution to the growth of their community. By building this multifaceted facility, they are greatly improving the quality of life in New York.

I was happy to have participated in the ground-breaking ceremony, and I am proud to represent these fine people in the Congress.

REGULATORY AGENCIES CAN RUIN ECONOMY

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. VEYSEY. Mr. Speaker, I rise to point out several unique and I believe, highly significant aspects of the appropriations legislation for agriculture, environment, and consumer protection which we will consider here tomorrow.

The bill, as reported by the Committee on Appropriations, singles out for special attention four areas of environmental related concern which have long been ignored.

First, it points out the potential dangers in handing wholesale powers to regulatory agencies funded by this legislation.

A section of the committee report entitled "Regulatory Agencies Can Ruin the Economy," spells out how the economy could be completely immobilized if we were to implement the full power of several different Government agencies at one time—for example, the Environmental Protection Agency, the Food and Drug Administration, and the new Consumer Product Safety Commission.

Were these three agencies simultaneously implemented with the full powers which Congress has given them, the effect could be disastrous.

Mr. Speaker, it is vital that we maintain an acute awareness of this potential as we continue the very necessary steps to preserve the environment and protect the consumer.

Second, the committee report brings to light some highly questionable decisions which have been handed down by the regulatory agencies and which we in this body have encouraged both directly and indirectly. Decisions have often been promulgated by emotion and by political expediency—rather than founded and developed on a basis of fact.

Especially noteworthy are the regulation of DDT and DES, where we allowed emotional pleas from well-intentioned but ill-informed environmental and consumer-oriented groups to stampede the regulatory agencies and the Congress.

When we banned DDT, we forced upon the farmer, the farmworker, and ultimately the consumer, a rash of deadly pesticides—lethal substitutes for the comparatively mild DDT.

In fact, according to the U.S. Department of Agriculture, when the record is set straight, DDT turns out to be the least toxic insect control of all. No doubt many lives have been lost because of these ill-considered changes.

Mr. Speaker, I submit the following table from the USDA Extension Service, which is also included in the committee report on this legislation. It graphically details the amount of DDT and each of its substitutes necessary to induce acute illness in rats.

COMPARATIVE ACUTE ORAL TOXICITY FOR RATS OF VARIOUS CHEMICALS[1]

[LD_{50}(mg/kg)]

Chemical	Males	Females
DDT	217.0	
Methyl parathion	14.0	24.0
Guthion	13.0	11.0
Azodrin	17.0	20.0
Lannaie (methomyl)	(24.0)	
Ethion	65.0	27.0
EPN	36.0	7.7
Trithion (methyl)	98.0	120.0
Di-Syston (disulfoton)	6.8	2.3
Demeton	6.2	2.5
Biorin	21.0	16.0
Endrin	18.0	7.5
Monitor	15.6	18.0
Thimet (phorate)	2.3	1.1
Phosphamiden	24.0	24.0
Thiodan (Endosulfan)	43.0	18.0
Parathion	13.0	3.8
Temik (aldicarb)	.8	.8

[1] Source: Extension Service, U.S. Department of Agriculture.

Mr. Speaker, the scientific justification for banning di-ethyl stilbesterol—DES—is also questionable. According to the Acting Commissioner of the Food and Drug Administration, a study based on beef liver which contains 2 parts per billion DES, shows that a person would have to consume 5 million pounds of beef liver annually for 50 years to equal the intake of DES contained in one treatment of a medically prescribed day-after oral contraceptive.

The Commissioner also offers us the following examples of other materials which have been banned. These are contained in a letter written to the committee on May 17, 1973.

> *Cyclamate.*—A 12 oz. bottle of soft-drink may have contained from ¼ to 1 gram of sodium cyclamate. An adult would have had to drink from 138 to 552 12 oz. bottles of soft-drink a day to get an amount comparable to that causing effects in mice and rats.
>
> *Oil of Calamus.*—In order to get an amount comparable to that which caused effects in rats, a person would have to drink 250 quarts of vermouth per day.
>
> *Safrole.*—A person would have to drink 613 12 oz. bottles of root beer flavored soft-drink or eat 220 pounds of hard candy per day to get an amount comparable to that which caused effects in rats.
>
> *1,2 - Dihywro - 2,2,4 - trimethylquinoline: polymerized.*—A plasticizer used in packaging material. If all foods in the diet were to be packaged in this material, a person would have to eat 300,000 times the average daily diet to get an amount comparable to that which caused effects in rats.
>
> *4,4'Methylenebis (2 - chloroanaline).* — A plastic curing agent used in food contact surfaces. If all foods in the diet were exposed to this material, a person would have to eat 100,000 times the average daily diet to get an amount comparable to that which caused effects in rats.

These examples and countless others like them show dramatically how abstract scientific studies can create monstrous distortions of the truth, when translated into real-life equivalents. They also show the almost desperate need for a massive dose of common sense in our decisionmaking.

A third special emphasis of the committee report consists of immediate actions to help insure that future decisions will have the benefit of more common sense, as well as a sound scientific and economic basis.

They are:

First, $200,000 for a study of the scientific basis of the Delaney Clause.

Second, the provision of such sums as may be needed to enable the Consumer Product Safety Commission to set up an economic analysis capability.

Third, an appropriation of $5,000,000 to develop environmental and economic impact statements on every action taken by the Environmental Protection Agency.

Fourth, another $5,000,000 appropriated to the National Academy of Sciences for a complete review, analysis, and evaluation of the EPA, and

Fifth, a $1,000,000 appropriation to the National Industrial Pollution Control Council to analyse the effects of environmental regulations and requirements on the competitive position of American business.

Finally, Mr. Speaker, the committee points out to us the great economic damages that have resulted and continue to result from regulatory agencies stumbling over each other and failing to resolve jurisdictional problems.

In many cases, these problems have caused costly delay in the introduction of seriously needed new beneficial products.

This problem has been especially acute in agriculture, where important new protections for the Nation's food supply are helplessly tied up because two agencies . . . the EPA and the FDA cannot decide which one has the jurisdiction. This situation is deplorable, and it must be alleviated, Mr. Speaker.

Recent developments in the EPA's search for the right smog control program are especially unsettling.

After the committee report was prepared, the EPA has determined that the 90-percent reduction in automotive emissions of oxides of nitrogen mandated by Congress in the Clean Air Act of 1970—and since championed by the environmental movement, is not correct at all.

The method of measurement contemplated by the 90-percent reduction law were misleading, according to the EPA, and the Agency will make a new set of recommendations to Congress next September.

Mr. Speaker, I submit that one of the most important jobs ahead of us is to help prevent recurrences of these mistakes.

LITHUANHIA—STILL OCCUPIED

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. HUNT. Mr. Speaker, 33 years ago on June 15, 1940, the Soviet Union, through force, annexed Lithuania. For 33 years, Lithuanians have continuously struggled to reject Communist oppression. By doing so they have not only sought global peace, but have worked for the attainment of freedom and justice for all oppressed nations of the world.

It is particularly important Mr. Speaker, to bring this situation into focus at this time as Chairman Brezhnev will be visiting with the President shortly and we should not be lulled into complacency. Although the factors for peace in the world are probably greater than they have ever been in 50 years, untold millions are still living under the specter of communism—against their will.

When we talk of peace Mr. Speaker, we should talk of peace with freedom—for those who desire it. That is the only true peace and the only way to insure that those who died for freedom, shall not have done so in vain.

To this very day, Lithuanians are risking and sacrificing their lives in defiance of the communist regime. The protests of the Lithuanian people against the denial of the right of national self determination, continued religious and political persecutions, and the violation of human rights by the Soviet Union reached tragic heights on May 14, 1972, when a Lithuanian youth, Romas Kalanta, burned himself in Kaunas as a martyr in protest to Soviet oppression. This act triggered widespread demonstration in the area and was culminated by two other self-immolations. Such dramatic events demonstrate that the Lithuanian people have not acquiesced to the Soviet occupation, but rather are still striving for freedom and independence.

THE 32D ANNIVERSARY OF THE ANNEXATION OF LITHUANIA

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. WILLIAM D. FORD. Mr. Speaker, on this the 32d anniversary of the forcible annexation of Lithuania into the Soviet Union, it is appropriate for all Americans to recognize the bravery and determination of the Lithuanian people.

Ever since the occupation of June 15, 1940, the Baltic peoples have continued to resist the oppressive Communist system. The repression to which these brave people have been subjected and the hardships which they have borne for so many years are a great concern to citizens of free countries throughout the world.

Mr. Speaker, today I join with my colleagues in the House of Representatives in commemorating this sad anniversary and reaffirming our support for the people of the Baltic States. In calling attention to the plight of these people today, we are reasserting our fervent hope that freedom and independence will one day become a reality for the Baltic peoples.

IN SUPPORT OF THE PRESIDENT'S SPEECH

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mrs. HOLT. Mr. Speaker, I rise today to commend the President for his actions taken last night to reduce the inflationary trend which has developed since the lifting of phase III economic controls. In retrospect I think we all realize that these controls were prematurely removed. The spiraling cost of living, especially food prices, have been a continuing matter of concern for all of us in the House of Representatives. My office has been inundated with calls and letters which describe the plight of constituents who are attempting to make ends meet while living on a fixed or low income; even those in the middle income bracket, have been caught in this economic squeeze.

The 60-day freeze on prices instituted last night was a positive timely step toward the solution of our economic problems. However, it is important to keep in mind that this is only a temporary holding action. The stabilization of our economy over the long run will be achieved by a balancing of economic forces not by a bureaucratizing of supply and demand. The Government, through legislative and executive action, can play a role in balancing these forces but it will never successfully eliminate them.

I would also at this time like to commend the American workingman for his efforts to comply with voluntary wage guidelines. The administration has correctly pointed out that wages were not a major contributor to the recent accelerated rise in prices. This spirit of cooperation displayed by labor should not pass unnoticed.

It is my hope that during the upcoming 60-day limbo period the administration will work with the Congress to develop a sound plan for economic stability; a plan which will result in the gradual elimination of all mandatory controls without casting the country into a period of uncontrolled inflation or an economic depression.

SENATE REJECTS FPC NOMINEE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. HOWARD. Mr. Speaker, I would like to commend those Senators who voted yesterday to reject the nomination of Robert H. Morris as the fifth commissioner of the Federal Power Commission. In this close, 49–44 vote some hope was lent to the prospect of selecting a commissioner who would be responsive to consumer interests.

Although I have no doubt that Mr. Morris is a fine and capable attorney, the decision of the FPC on May 30, 1973, in the Belco opinion caused great concern as to the pro-industry outlook of the Commission.

I am confident that there is no overt effort on the part of the FPC to slight consumer interests. Nonetheless, the selection of a pro-consumer nominee would act as a reassurance that the most thorough, complete, and objective analysis would be undertaken before additional price increases are approved. I would further hope that the administration would take due note of this Senate action and refrain from further selection of industry-oriented appointees to regulatory agencies.

As the cries of the "energy crisis" become louder, we must be all the more steadfast in insuring that the interests of the consumer are not short-ended, for it is he who will be most affected by our actions. It is hardly progress if by ending the shortage, people are no longer without fuel for want of supply, but rather because they can't afford the price of heat.

In a message to the Congress and the Nation several months ago, President Nixon suggested that people "ask not what their country can do for them, but what they can do for themselves." I suggest that this comment was addressed to the oil and gas industry as well. The necessity for the balancing of interests in light of present fuel shortages may be evident, but this in no way implies that this balancing is to take only from the consumer and give solely to industry.

I am, further, submitting for the RECORD, an article in today's Washington Post concerning this Senate action:

SENATE REJECTS FPC NOMINEE

(By Mary Russell)

The Senate yesterday rejected, 49 to 44, President Nixon's nomination of Robert H. Morris, a San Francisco lawyer who represented Standard Oil of California, to be a member of the Federal Power Commission.

The vote came on a motion to recommit the nomination to the Commerce Committee, a move that effectively kills it.

Veteran Hill staffers say they cannot remember a regulatory agency nominee ever being turned down on the Senate floor before, though several nominations have died because of committee inaction.

The vote was a considerable blow to the Nixon administration, as Senators opposed to the nomination made clear they did not oppose Morris personally but were fed up with industry-oriented appointees to regulatory agencies.

Commerce Committee Chairman Warren G. Magnuson (D-Wash.) said, "The opposition to Mr. Morris stems from the fact that the Senate is again asked to accept, for an independent regulatory agency with vast powers over an industry which affects vital national interests, yet one more nominee whose professional career has been dedicated to the furtherance of the private interests of that industry."

Morris represented Standard Oil of California for 15 years, the last 7 on natural gas matters involving the Federal Power Commission.

Before the vote, Magnuson urged the Senate to "serve notice on the President that it expects revision of his criteria for the selection of nominees to all regulatory agencies."

He said the Senate should not be expected to confirm appointments "which appear to have been designed as rewards for politically supportive industries or other special interest groups."

Other factors that led to a demise of the Morris nomination include a recent decision by the FPC to approve a 73 per cent increase of the well head price of natural gas. Consumer groups have expressed outrage at the decision.

In addition, a report in last Sunday's Washington Post revealed an attempted destruction by an FPC staffer of documents from producers detailing the extent of their natural gas reserves.

The administration, on the grounds that there is a shortage of natural gas contributing to the energy crisis, has asked for deregulation of the gas. The FPC will be considering the question soon.

Ironically, it was Morris's position on the deregulation of gas, as stated by Sen. John Tunney (D-Calif.) in answer to a question by Sen. John Tower (R-Texas), that may have lost Morris the nomination. Tunney, backing the nominee, said Morris was opposed to deregulation, and five conservative senators from gas and oil producing states voted for recommital.

Sen. Philip A. Hart (D-Mich.) tied Watergate and issues of credibility to the nomination, saying it would be hard for the FPC to look credible increasing gas prices if all the commissioners were producer-oriented. "Maybe the White House doesn't understand credibility yet, but we should," Hart said.

It would be possible for the White House to resubmit Morris's name for nomination to the FPC, but no one seriously expects that to happen. Tunney said Morris, whose nomination has been pending since February, had "lost a lot of money" by turning down cases in the expectation of going on the FPC.

Magnuson said the White House has not indicated whether it would send up a more pro-consumer nominee, but said the White House has been consulting with the committee more often on agency nominations.

A Commerce Committee staff member said the White House has given Magnuson assurances that the seat of Mary Gardiner Jones, generally thought to be a proconsumer member of the Federal Trade Commission, will be filled by a pro-consumer appointee when her term is up in September.

INDEPENDENCE FOR LITHUANIA

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. MOAKLEY. Mr. Speaker, the inalienable right of self-determination is one of the firm beliefs upon which this Nation is founded. It is therefore both fitting and proper that on this day, the 33d anniversary of the Soviet takeover of Lithuania, we call attention to the valiant spirit of the Lithuanian people.

It is a tribute to their determination that their noble struggle continues to this day. The Lithuanian people, independent in only 22 of the last 156 years, have a sense of patriotism and loyalty to their homeland that has been rarely matched in history.

During 1972 there were many manifestations of their hunger for independence: the self-immolation of Romas Kalanta, the massive street demonstrations by students and workers, and a petition signed by 17,000 Roman Catholics calling the attention of United Nations Secretary-General Kurt Waldheim to the Soviet persecution of their faith.

These signs of activity should not go unnoticed. The United States, as a leader of world democracy, must continue to lend moral support to those who have not yet attained their freedom.

It is with great emotion that the people of Massachusetts recall the events of June 15, 1940, and it is with a sense of hopeful anticipation that we look forward to an age of freedom for the people of Lithuania.

OPERATION DRIVER EXCELLENCE

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. MYERS. Mr. Speaker, on May 12, 1973, in my home district at Terre Haute, Ind., teenage safe driving champions from throughout the United States competed for top honors as the National Teenage Safe Driver. The competition took place at the Indiana State University Modern Driver Education Center at the famous Wabash Valley Fairgrounds. The National Driver Excellence competition took place on the 4-acre multiple car driving range at the ISU center under the supervision of its Director Dr. Walter Gray. Dr. Gray was ably assisted by the Amvets National D.E. Committee: Chester Ovesen, Massachusetts; Frank Wolfe, Kentucky; James T. Smith, Tennessee, and Kenneth J. Martin, Pennsylvania.

Amvets—American Veterans of World War II, Korea, and Vietnam—and the Dodge Corp are partners in this noble cause, driver excellence. These two groups long ago recognized a need to foster good driving, and to promote highway safety; thus, was born the annual teenage driver excellence competition.

Amvets National Commander Joseph Sanson was represented by National Vice Commander Thomas J. McDonough. The Dodge Corp was represented by Mr. Ray Skillington, assistant general sales manager, Dodge Division, Chrysler Corp. Also featured was Joe Higgins, the famous TV sheriff. The Indiana Department of Amvets assisted in the preparation of the course.

The D.E. program, as it is now known, is a constructive test involving skillful driving and a comprehensive understanding of the rules of the road. Speed or race track driving are not part of this competition—only excellent driving brings you to this unique national competition.

In order to compete for the national prizes, the competitor must go through a series of competitions and become the No. 1 safe driver of his State. He or she must be anxious to be a good driver, and must have taken driver education sponsored in the school.

Dodge and Amvets have created a program which emphasizes the need for skillful drivers and recognizes the most skillful. From high schools throughout the country, students in driver education are selected to participate in State finals. Each State winner, accompanied by a chaperone of his or her choice, is awarded a weekend trip to the city of the national finals. A three phase program: Written test, driving skills, highway safety is conducted under strict supervision. The winner who emerges from the stiff competition receives a new Dodge car, accompanied with a scholarship and a trophy. Four runners-up are selected and each are awarded trophies and scholarships. No participant is neglected, they all receive a handsome D.E. jacket, a white hat, plaque, and other gifts.

As in past years, the contest brings together in competition, the top high school driver education graduates from throughout the United States. Their automobile handling abilities, traffic driving expertise, emergency vehicle control and motoring law and driving theory are truly tested.

The awards are presented at an awards dinner. The guest speaker, G. Landon Feazell, Director for Safety Policy, Department of Defense, during his address said to the teenage drivers:

> You will find that winning such a contest is not a single moment of recognition and glory. It sets you apart from others as an expert, someone to look up to, to copy, to go to for information and advice. You have mastered the mechanics and formed an attitude toward driver excellence which means driving safely. But you will not have completed the challenge until you induce others to follow your leadership—and continue to promote safe driving when you go back home.

He went on to say:

> As the outstanding young drivers in your states, you will not only be looked up to for your accomplishments but you will also be expected to be a model in your home area. You will talk to many young people as you influence their driving habits and perhaps cause them to want to follow in your footsteps.

Mr. Speaker, I was impressed when I first heard of the D. E. program, but when I learned of the caliber of the participants and the noble objectives, I felt it deserved the attention of Congress, because here is concrete evidence of our citizens endeavoring on their own to overcome a serious national problem, traffic safety.

Indeed, Amvets and Dodge, "partners in traffic safety" deserve our recognition for fostering such a constructive program. The driver excellent program emphasizes the need for skillful and safe drivers, and through the driver education courses sponsored in schools, young drivers receive valuable knowledge and learn skillful and safe driving habits.

I am proud that Amvets and Dodge chose Indiana to conduct their competition, and prouder still that the ISU driving range was used for this event; it is a tribute to those in Indiana who pioneered the course, that the course was used for so noble an event.

The winner of the 1973 competition was Ronald Parrish of Trinity, N.C. By virtue of doing everything right, Ronald became the Nation's top teenage safety driver. The victory won for him a new Dodge automobile, a $1,000 scholarship, and a trophy. In second place was Bruce Robinson, Newport News, Va. Because of his outstanding achievement he was awarded a $1,000 scholorship and a trophy. Daryl L. Doman of Augusta, Ga., came in third, and his driving acumen netted him a $1,000 scholarship. Driver No. 4 was Scott R. Vinci of Manchester, Conn.; his efforts brought him a $500 scholarship. Steven Nahrup of Florissant, Mo., was fifth in the competition and he won a $500 scholorship. Each of the other national finalists received trophies and citations indicating their participation in this national event.

It pleases me to present to you and this body the list of competitors in State alphabetical order:

California, Edward Lambert, Sacramento; Connecticut, Scott R. Vinci, Manchester; District of Columbia, William Smith, Washington; Florida, Jerry Rose, Orlando; Georgia, Daryl L. Doman, Augusta; Illinois, Jeff Johnstone, Urbana; Indiana, Bob Key, Princeton; Iowa, Tom Ray Milius, Denver; Kansas, Paula Jean McQuitty, Olathe; Kentucky, David E. Greer, Fairdale; Louisiana, Anthony H. Lotz, New Orleans; Maine, Michael F. Harrison, Yarmouth; Maryland, Douglas Alex Cheney, Hagerstown; Massachusetts, Steven Giller, Malden.

Michigan, Russell J. Bolitho, Kentwood; Minnesota, Jim Connell, Minneapolis; Missouri, Steven Edward Nahrup, Florissant; New Jersey, Keith Zarnosky, Blackwood; New York, Cynthia Kolis, Cheektowaga; North Carolina, Ronald Parrish, Trinity; Ohio, Nancy Kistler, Newton Falls; Oregon, Martin M. Klos, Klamath Falls; Pennsylvania; James M. Quinn, Branchdale; Rhode Island, Susan Robin, Woonsocket; South Carolina, Edward Janas, Charleston; South Dakota, Bruce Hendrickson, Belle Fourche; Tennessee, Chris Everett Beckham, Powell; Texas, Brian Goonan, Temple; Virginia, Bruce Robinson, Newport News; Washington, Craig Ericksen, Puyallup; Wisconsin, Peter Mueller, Two Rivers.

The D.E. contest is timed to inspire the importance of improved skills involved in current day to day driving situations. To reach the national finals every student driver had to win his state contest. The final competition, the national competition in Indiana, consisted of a written examination, a closed course driving event, driving under actual conditions, and two tests involving handling a vehicle in emergency situations, as well as the driver's use of the safety equipment present in the car.

Mr. Speaker, I am confident, from the reports I have received, that all who attended and those who participated in the annual Operation "Drive Excellence" competition have received a clearer understanding of safety practices and driving techniques. To me, such a contest is a worthwhile project, and therefore, I urge that AMVETS and Dodge continue their partnership in this unique effort, Operation, "Driver Excellence" competition.

TEMPLE BETH EL OF CEDARHURST, N.Y., CELEBRATES GOLDEN ANNIVERSARY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. WYDLER. Mr. Speaker, recently Temple Beth El located in Cedarhurst, in the Fifth Congressional District of New York which I represent in Congress, celebrated 50 years of preeminence in Jewish life and leadership in the community. This notable and noteworthy event deserves the attention of the Members of the House and I wish to set forth the history of this outstanding temple.

> TEMPLE BETH EL—50 YEARS OF PREEMINENCE IN JEWISH LIFE AND LEADERSHIP IN THE COMMUNITY—A HISTORY
>
> Fifty years ago, a small group met under the most trying circumstances, to form a conservative congregation. The birth of Beth El took place in a firehouse, not the best place to worship, but with the hope that this spark of commitment would develop into a real flame of growth.
>
> The infancy was nursed along by many dedicated pioneers who have left a rich legacy of devotion to duty and buoyancy of spirit.
>
> The first concern of our founders was the building of a proper Temple in which to worship the Almighty. The first structure was built in 1924, only one year after the founding of the congregation. It was a struggle from the outset with the burden of a large mortgage and small income. Often there were loans made by the few trustees, to pay the salaries of a small staff.
>
> The infant developed and grew and thought was given to the education and servicing of our children and youth. A Hebrew School and Sunday School were started and a large room divided by folding screens provided the classroom space.
>
> Enthusiasm mounted among the trustees and membership, and determination was apparent to make Beth El the leading congregation in Long Island.
>
> The war years and the infamous period of the Hitler regime caused serious problems. However, on December 9th, 1933, a dedication dinner was held for a new addition to our physical plant. Again, enthusiasm in the community mounted and the young folks were attracted to our doors. A Senior League and Junior League were organized consisting of a fine group of young men and women. Things began to hum and Beth El focused its sights on the future.
>
> The year 1936, the Bar Mitzvah year of Beth El was a great occasion. It marked the election of a rabbi who was destined to become one of the most significant forces in Judaism, not only in our Temple, but throughout Jewish communities all over the world, Rabbi Edward T. Sandrow became the spiritual leader of Temple Beth El and started

his dynamic and forceful guidance and was responsible for Beth El's rise to preeminence among all the congregations. He fathered many innovations and developed many new programs and activities. The Nursery School, the Temple Youth Program, the Couples Club, the Adult Education programs and many others, ad infinitum. Rabbi Sandrow became a vital leader in the conservative movement in America. He helped to foster creative trends, forge and formulate new ideas. He brought to Beth El dedication and learning, vitality and meaning into Jewish tradition. He has served with distinction in almost every prestigious Jewish organization and has brought renown to Temple Beth El through his leadership of major rabbinic national and international organizations.

In that year, the Men's Club and the Sisterhood were organized and grew rapidly in its program and in its activities.

In 1952, a new school and Youth Center was completed containing large classrooms, playrooms, youth activity lounge, etc., for the rapidly expanding membership. The schools, from Nursery through High School achieved accreditation and an enviable reputation.

Eight years later in 1960, Beth El completed a magnificent new building containing a center synagogue, meeting rooms for adults and for youth activities, additional classrooms and a beautiful ballroom. A few years later a separate building was purchased to house the rapidly expanding nursery school.

In 1970, additional renovations were completed; beautifying and refurbishing the Sanctuary, making the Kiddush areas contiguous with the Sanctuary, providing new office space, providing areas for parking and generally beautifying the entire Beth El campus.

So Beth El grew, from strength to strength and tonight, celebrates the commencement of the next half century of service to the membership and to the community. These, will surely be known as the "Golden Years" of Temple Beth El.

FLAG DAY

HON. RICHARD H. FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. FULTON. Mr. Speaker, when our country is in the midst of troubling conflicts, we rarely take enough time to remember and honor the principles for which we stand. However, this Flag Day provides us with an appropriate time to celebrate those principles as expressed through the symbol of our flag.

Almost 200 years ago, the Stars and Stripes were chosen to represent the United States. Although it has been modified, the basic pattern has been sustained through nearly all of this country's history. Through the years, the flag has come to represent not only our goals, but our lasting and meaningful commitment to those goals, and our success in maintaining them over countless obstacles.

Because the red, white, and blue of the flag has become such an everyday sight, we frequently forget the great meaning behind it which has inspired songwriters and poets to glorify it as the U.S. symbol of liberty. Today, we remember that the flag must never be reduced to the commonplace. Instead, we should always be aware that it serves as the reminder of our great past, the representation of our present deeds, and the symbol of the goals which we hope to achieve in the future.

THE MASONIC HISTORY OF HARRY S TRUMAN

HON. WM. J. RANDALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. RANDALL. Mr. Speaker, once again as we attempt to assemble the most important entries for the memorial volume of President Truman, I resurveyed the spring, 1973, issue of the Freemason, being the official publication of the Grand Lodge of the A.F. and A.M. of Missouri.

On page 40 of that issue appears what could be regarded as a sort of Masonic autobiography. It consists of an article, "My Masonic History," by Harry S Truman. The article is preceded by an editor's note that points out that this material was written by former President Truman for and at the request of Bro. and Gen. Harry H. Vaughan. It was discovered at the library among the papers Vaughan presented to the library to assist researchers in the study of the life of the 33d President of the United States.

While the title of this article would seem to indicate that it was concerned only with Masonic history, in truth and in fact the account contains a wealth of personal history which, so far as I know, had never before been published; for example, the date of 1906 is shown to be the year Mr. Truman quit his job at the Union National Bank in Kansas City to move to the farm at Grandview. Then there is the interesting account of how on the day when a man came to his cousin's farm to look at some livestock he noted the visitor was wearing a pin with a square and compass with a big G in the center. The young Truman immediately expressed interest in the pin and forthwith expressed a desire to join the fraternity. This was back in January of 1909.

Mr. Speaker, there is a wealth of Masonic history in the article I have referred to. There are two or three quotations which deserve emphasis. One is the statement by Mr. Truman when he said that as an active Mason who had served in various offices of the lodge including deputy grand lecturer, he found that being a ritualist, as he put it, "inspired me to read a great deal of history."

The other statement which revealed not only how much he loved his fraternity but also how much he valued the lessons he had learned from Masonic ritual was his conclusion that his Masonic work was, as he put it, "helpful in teaching me to get along with people."

Mr. Speaker, I read into the RECORD at this time the article written by the former President of the United States, Harry S Truman, as follows:

MY MASONIC HISTORY

(By Harry S Truman)

(EDITOR'S NOTE.—Former President Truman wrote the following for his friend and aide, Bro. and Gen. Harry H. Vaughan. It was discovered at the Truman Library among the papers Vaughan presented to the library to assist reseachers in the study of the life of the 33rd President of the United States.)

THE PETITION

In 1906 I quit my job in the Union National Bank in Kansas City and moved to the farm at Grandview. It consisted of 600 acres and belonged to my grandmother, Harriett Louise Young. She was a wonderful woman.

My uncle, Harrison Young, an old bachelor, had been running the farm since 1893, when my grandfather died. He wanted to go back to town and so arrangements were made for our family to take over.

My father, brother, and I ran the place for ten or 12 years.

I had always been interested in becoming a member of the Masonic lodge. One day a cousin of my mother's who lived on a farm east of us came over to look at some livestock. He was wearing a square and compass with a big G in the center. I told him of my interest and desire to join.

This incident happened in January, 1909 or December, 1908. Mamma's cousin came back in a few days with an application for membership in Belton Lodge No. 450 at Belton, Missouri. The initiation fee was $20.00, half of which went with the application. I signed up and gave my second cousin a check for $10.00.

INITIATED

On February 9, 1909 I was initiated, passed in two weeks and on March 9, 1909 received the third degree and after passing all examinations became a full-fledged member of Belton Lodge No. 450, A.F. & A.M. of Missouri.

About a month after, the Grand Lecturer, James R. McLachian came to Belton for a three-day lodge of instruction. I attended all three days and accompanied the Grand Lecturer to Holden and St. Joseph becoming almost letter perfect in the ritual in all the stations.

In the fall of 1909 I was appointed a Deacon and in the fall of 1910 elected Junior Warden. I decided to organize a lodge at Grandview about this time.

The Masonic law required 20 signatures to a petition for dispensation to be presented to the Grand Master.

MASTER GRANDVIEW U.D.

The Grand Lodge met in St. Louis in September, 1910 and I presented the petition to the Grand Master in the spring of 1910.

It was favorably acted upon and a dispensation was issued by the Grand Master with me as Master of Grandview Lodge, U.D. When the Grand Lodge met in the fall I was present and a charter was issued to Grandview Lodge No. 618.

The Deputy Grand Master Leon Thalman organized and put the lodge to work in 1911. I was elected its first Master and then its Secretary. I was again elected Master in 1916 and was Master when the war came along in 1917. While I was overseas the lodge hall burned with all the records and the charter.

DDGM–DDGL

When I came home from the war I kept up my interest in Masonic affairs becoming known as a ritualist and in 1924 I was appointed Deputy Grand Master and Deputy Grand Lecturer for the 59th District which was Jackson County outside Kansas City.

I held instruction courses in every lodge in the district in each year and held a general course of instruction for all lodges in the district with the Grand Lecturer present.

These meetings were most helpful and instructive and gave the members a chance to become better acquainted. It was also an opportunity to impress upon the membership the great lessons taught in the Old and New Testaments.

GRAND LODGE LINE

In 1930 William R. Gentry was Grand Master. He was a prominent lawyer in St. Louis and a working Republican in politics. I was Presiding Judge of the County Court of Jackson County and an organization Democrat. Mr. Gentry appointed me to the first step in the Grand Lodge line. This meant that eventually with no mishaps I'd be Grand Master.

Some partisan Republicans in St. Louis tried to head me off when I came to the first elective office but they failed as they did every year after that until I became the Grand Master of Missouri in September 1940.

In the meantime I have been elected to the United States Senate in 1934. I was having the first of my life for reelection in 1940. My political friends were in trouble and the Governor of the state who held his office because I had been for him was trying to unseat me. So the same old St. Louis clique that tried to head me off in the Grand Lodge at the first elective office, tried again when I came up for Grand Master. They failed and I'm sure they are now sorry they tried to discredit me, because there are very few Grand Lodges that have had a President of the Greatest Republic in the history of the world as a Past Grand Master.

HONORS

When I became President in 1945, the Scottish Rite wanted me, of course, for the 33rd degree. I had been entitled to it for five years but the old man who was Sovereign Grand Commander was from Kentucky and a violent anti-new dealer. So I wasn't asked. But I didn't act the snob and tell the old man where to go when he did come around because I wanted to top off my Masonic career with the 33rd degree.

WHAT IT MEANT

My Masonic career has been helpful in teaching me to get along with people, has caused me to become more familiar with the Bible and inspired me to read a great deal of history.

FOR THE RECORD

—Petitioned Belton Lodge No. 450, December 21, 1908. Elected to receive the degrees by initiation February 9, 1909 and received first degree same date; Passed to degree of Fellowcraft March 9, and Raised to Sublime degree of Master Mason, March 18, 1909.

—June 6 and June 13, 1911, Truman signed minutes of Belton Lodge as acting Secretary and on the 13th also was listed as acting Master with his brother J. Vivian Truman as acting Junior Deacon.

—In 1911, Truman and several other brethren withdrew from Belton Lodge to establish Grandview Lodge No. 618 at Grandview. He was Master under dispensation and charter Master. He later served Grandview Lodge as Secretary and frequently was Organist. He was serving again as Master when he left for military service in 1917.

—Petitioned Scottish Rite bodies, Valley of Kansas City, November 11, 1911 and received 4–14 degrees January 24, 1912. Completed the 15–32 degrees March 27, 30, 31 of 1917.

—Charter member with sister Mary Jane Truman of Grandview Chapter No. 365, Order of Eastern Star, and was first Worthy Patron of the chapter, He also served several years as the chapter organist.

—Petitioned Kansas City's Orient Chapter No. 102, Royal Arch Masons, and received the degrees November 11 and 15, 1919.

—Petitioned and received degrees of Shekinah Council No. 24, Royal and Select Masters, Kansas City, December 8, 1919.

—Petitioned and received the orders in Palestine Commandery No. 17, Knights Templar of Independence, June 7 and 15, 1923. This was the Commandery of his father-in-law, David W. Wallace, who was Grand Commander of the Grand Commandery, K.T. of Missouri in 1891–92.

—Became a member of Ararat Shrine Temple, Kansas City, April 2, 1917. Served as Orator, Marshal and Second Ceremonial Master before resigning from the line in 1934 following election to U.S. Senate.

—Appointed District Deputy Grand Master and District Deputy Grand Lecturer of the ten lodges in the 59th Masonic District in 1925 and served both offices until September of 1930.

—Appointed Grand Pursuivant in the advancing Grand Lodge line at the 110th annual communication of Grand Lodge held in Kansas City's Ivanhoe Temple, September 30–October 2, 1930.

—Made a Royal Jester, Kansas City Court No. 54, Royal Order of Jesters, December 18, 1931.

—Elected and installed Grand Master, September 24–25, 1940, during the 120th annual communication of Grand Lodge, held in St. Louis.

—Initiated Kallipolis Grotto, Mystic Order, Veiled Prophets of Enchanted Realm, Washington, D.C., May 27, 1943.

—First President of United States Coroneted honorary 33° of Scottish Rite, Southern Jurisdiction, October 19, 1945.

—Installed a member of Mary Conclave No. 5, Red Cross of Constantine, Kansas City, December 26, 1945, at next door home of lifelong friend and neighbor, Nathanial D. Jackson in Independence.

—September, 1947, made an emeritus member, Northern Supreme Council, Scottish Rite.

Past Grand Master Truman received his 50-year pin from the Grand Lodge of Missouri in ceremonies at Kansas City's Ivanhoe Temple on March 18, 1959. It was a tiled meeting in the auditorium and a capacity audience of more than 2,000 Masons was in attendance.

He also was a 50-year, plus, member of the Scottish Rite, the York Rite's Chapter of Royal Arch Masons, the Council of Royal and Select Masters. Ararat Shrine, and would have been eligible this June 15 for the same honor in the Knights Templar.

A member of the National Sojourners, Truman for a number of years was a member of the Committee on Cooperation with the various Grand Lodges.

Truman also was the Grand Representative of South Carolina to Missouri for a number of years and later the Grand Representative of Scotland and Israel.

While President he was Honorary Grand Master of the Order of DeMolay and Chairman of the Welfare Advisory Committee of the Masonic Service Association.

He was an Honorary Past Grand Master of Tennessee and Honorary Member of the Grand Lodge of Kentucky.

While in the White House and afterward in retirement, Truman received numerous Masonic awards and commissions from throughout the world. Space does not allow a complete listing.

A Washington correspondent wrote in a book called *The Missouri Compromise*, that the White House under President Truman "settled down to the pleasant atmosphere of a small town hotel. Many of the boys in the press room were won over to this friendly democratic man. He treated the correspondents like fellow Masons."

THE MEANINGS OF TRUTH—A COMMENCEMENT SPEECH BY JOHN CHANCELLOR

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. ROSENTHAL. Mr. Speaker, I would like to offer this commencement speech by John Chancellor as something all of my colleagues should read. It is a very incisive and articulate statement on the sad state of truth in government. His suggestion is that we return to the use of truthful language—that distortions, euphemisms, and half-truths become inoperative.

Mr. Chancellor means what he says and says what he means. All of us should attempt to do likewise.

I insert his commencement address at this point in the RECORD:

COMMENCEMENT ADDRESS BY JOHN CHANCELLOR

I want to talk to you today about the truth, and about saying what you mean. It seems to me that one of the problems we face is that the truth has fallen into disrepair, in our language and in our politics. There's a case to be made for the truth, and I'd like to make that case today.

My text this morning is something written two thousand five hundred years ago by the great Chinese philosopher, Confucius. What he wrote then serves as a concise history of the past ten years in this country.

It begins, "If language is not correct, then what is said is not meant. If what is said is not meant, then what ought to be done remains undone. If this remains undone, then morals and art deteriorate. If morals and art deteriorate, justice will go astray. If justice goes astray, the people will stand about in helpless confusion. Hence, there must be no arbitrariness in what is said. That matters above everything."

Let's go back and take that from the beginning. "If language is not correct, then what is said is not meant." I remember the election of 1964, when President Johnson said he wasn't going to send American boys to fight in an Asian war—and before long there were hundreds of thousands of American boys in Viet Nam. In that case, surely, what he said was not what he meant. And it's a sad commentary on life in this country that too many Americans will respond, "Well, Lyndon Johnson was a politician, and who believes politicians?" What we have done, it seems to me, or what's been done to us, is that we have moved from a healthy skepticism about politicians to un unhealthy cynicism about them.

Confucius writes: "If what is said is not meant, then what ought to be done remains undone." Let's examine that. The Viet Nam war became a national tragedy because what ought to have been done was not done; the people weren't told what the experts knew—that it was likely to be a long and bloody conflict. What ought to have been done was to tell the people that, to bring them into the process of decision-making. (But then, of course, we might not have gone to war at all.)

Confucius argues that "if what ought to be done is not done, then morals and art deteriorate. I know some of us along about 1967 thought that morals and art were deteriorating. There were problems with drugs; there was a revolt among the young as far as lifestyles were concerned. We had acid rock, suddenly we had long hair, and a lot of the young people in this country seemed to be in a kind of frenzy. So I think we can say that there was a deterioration in morals and art. Confucius writes that "if morals and art deteriorate, justice will go astray." And he's right, justice did go astray. We got the weathermen and the Panthers and the police and the national guard and Kent State and the Justice Department and the demonstrators—there wasn't much justice in the land in the late sixties.

Confucius writes that "if justice goes astray, the people will stand about in helpless confusion." He's right about that, too. They did stand about in helpless confusion, adults and young people alike. And he concludes by insisting that there must be no arbitrariness in what is said—he says this matters above everything. So what Confucius did two thousand five hundred years ago was to write a pretty accurate history of what's happened to us in the last eight or ten years.

And it's a fair description of what's going on now, at very high levels in the American government. There is ample evidence that much of what's been told to us, what's being said to us, is not what is meant. There is ample evidence that what ought to have been said was not done; that justice had certainly gone astray, and, never before have the American people stood about in such helpless confusion. It is the worst presidential tragedy in the history of this country.

And I remind you that it was preceded by another tragic presidency: Lyndon Johnson chose not to run for another term because he was afraid of what it would do to the country.

The tragedy of Lyndon Johnson and the tragedy of Richard Nixon are in no way comparable, but it seems to me that both tragedies have in common a single flaw of great importance; Confucius would call it not saying what you really mean. Lyndon Johnson did that because he thought it would serve a national purpose, as well as serving him politically.

Richard Nixon did that, apparently, because of the same set of reasons. Policy and politics are always entwined in the minds of Presidents.

In Mr. Nixon's case, we are told that the President "misspoke himself"; that a whole catalogue of official White House statements are "inoperative"; while present and former high officials of this administration are contradicting each other and telling conflicting stories almost every day. Where is truth, in this atmosphere? Where was truth last year? Where will it be next year?

It is my belief that one of the things we've got to do in cleaning up this mess is to return to a simple appreciation of the virtue of truthfulness. And not only in the White House (although, perhaps, most importantly there).

We Americans have drifted into a use of language in government that is defeating us. Tho often, we don't say what we mean. The Pentagon has got to stop calling tear gas a "benevolent incapacitator"; we've got to rid the language of things like "protective reaction", and start using plain words again. Welfare is a plain word, but because we twist the language it almost became workfare. Charity might have been a more honest word. The Congress is guilty: a lot of its business is done behind closed doors and under the cloak of ambiguous language.

In one of the executive departments this year, bureaucrats were trying to change the meaning of the word "poverty". Changing the meaning of the word won't fill the bellies of hungry children, but it might make the world appear more comfortable to those with full bellies.

We have allowed ourselves to say too many things which we don't mean to say—or, perhaps, don't want to say. We have come to accept evasive and fraudulent language in almost every area of our lives. I don't need to mention advertising and government and politics, where what is said is too often not what is meant.

In too many cases, the words freedom, justice and equality mean one thing to one group of Americans, and something else to another group.

There is a crisis of confidence in the United States. We have learned to live with and to accept things we don't believe. Do we believe the car company when it says it can't meet a pollution deadline? Do we believe a manufacturer who says he can't clean up a dirty river? Do we believe the label on the box which reads "supergiant size"? Do we believe the salesman who says the product will last. A lot of us don't believe, but we have become accustomed to not believing, and that's the heart of the crisis.

The medicine we need is plain words honestly spoken. We need to start saying what we mean to say.

Young people, in my view, are reacting to these untruths: I think there's a reason for blue denim, natural foods, backpacking and country music. I think a lot of young people are turning to simpler things because they sense that something isn't right. In one way, that's turning away from the real world. (Millionaire singers from Nashville will not, in the end, ease the soul; nor will well-to-do young people dressed as share-croppers.) But these trends may be in the right direction, if they will lead people to speak to each other with honesty and truthfulness.

This is the message I have today for you graduates. You were first told to be truthful when you were little, along with being told to wash your hands. You learned as adolescents that the truth can sometimes hurt, and that untruth can lead to even greater hurt. And you grew up a bit. Now I ask you to think what America would be like if we all stuck to the truth—about ourselves, about our country and its actions at home and abroad, about the things we sell and the things we buy.

That would be a real revolution. And I think we ought to try. We've got to start rebuilding our faith in ourselves in the wake of the catastrophe of the Watergate scandals; and truth should be the basic building-block of that renovation of confidence. We've been given a lot of talk about government of the people, about "open administrations", and we have a right to demand that our leaders tell us the truth. But we have, therefore, an obligation to tell the truth ourselves.

My guess is that part of the trouble we're in now is because your elders have allowed themselves to be flattered by untruths, comforted by untruths, seduced by untruths, which took us, and some of our leaders, away from reality. They knew the dangers of that in China 25-hundred years ago, and we know it today.

A free society and a decent life begin with the truth, and I today wish you both freedom and decency—and a little bit of luck. It'll be all yours in a few years.

AMENDMENT TO LEAA BILL

HON. DAVID W. DENNIS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. DENNIS. Mr. Speaker, under the 5-minute rule on the LEAA bill, I will offer an amendment to committee amendment No. 3 which, if adopted, will make committee amendment No. 3 read as follows:

> Not more than one-third of any grant made under this section may be expended for the compensation of police *and other regular law enforcement and criminal justice personnel.* The amount of any grant expended for the compensation of such personnel shall not exceed the amount of State or local funds made available to increase such compensation. The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstrtion or other short-term programs.

The effect of my amendment would be to add the language and other regular law enforcement and criminal justice personnel to the committee amendment so as to preserve the present limitations on the use of LEAA funds for salaries of all regular law enforcement and criminal justice personnel.

PRAISE FOR THE POSTAL SERVICE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 14, 1973

Mr. BRAY. Mr. Speaker, yes, there is such a thing. The following letter appeared in the May 20, 1973, Indianapolis Star; the Postal Service gets its bricks, but how about a bouquet?:

POST OFFICE OK WITH A MAILER

To the Editor of The Star:

As far as I am concerned, the greatest bargain in today's way of living, is the postage stamp. The service we get is truly beyond belief.

Recently I mailed a parcel post package to a friend in Oregon, adding "Special Delivery" to it. It was mailed about two o'clock on Monday at the Broad Ripple Post Office and arrived in Corvallis, Oregon early the next afternoon.

This is no exception, for I correspond several times a week via air mail to Oregon and my letters invariably arrive the next day, or the third day, and I receive letters from Oregon in the same length of time.

I write regularly to our daughter in college at North Manchester, Indiana. I place my letters in our mail box and our daughter receives them the next day in her mail box.

I would especially like to express appreciation to our mail carrier, Mr. Harold Marburger, to the Nora and Carmel postoffice employes and to Postmaster Boswell.

These people do, in my opinion, a remarkable job. They are always courteous, always helpful, and I am grateful to them.

LORRAINE V. FILIPOW.